

**ACTS
OF THE
GENERAL ASSEMBLY**



2016 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2016 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 13, 2016

Adjourned sine die Friday, March 11, 2016

Reconvened Wednesday, April 20, 2016

Adjourned sine die Wednesday, April 20, 2016

VOLUME I

CHAPTERS 1-640

COMMONWEALTH OF VIRGINIA
RICHMOND
2016

Compiled by the Clerk's Office

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ACTS OF THE GENERAL ASSEMBLY

2016 REGULAR SESSION

CHAPTER 1

An Act to amend and reenact §§ 38.2-3406.1, 38.2-3431, and 38.2-3551 of the Code of Virginia, relating to health benefits plans; large employers and small employers.

[H 58]

Approved January 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-3406.1, 38.2-3431, and 38.2-3551 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-3406.1. Application of requirements that policies offered by small employers include state-mandated health benefits.

A. As used in this section:

"Eligible individual" means an individual who is employed by a small employer and has satisfied applicable waiting period requirements.

"Health insurance coverage" means benefits consisting of coverage for costs of medical care, whether directly, through insurance or reimbursement, or otherwise, and including items and services paid for as medical care under a group policy of accident and sickness insurance, hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract, which coverage is subject to this title or is provided under a plan regulated under the Employee Retirement Income Security Act of 1974.

"Health insurer" means any insurance company that issues accident and sickness insurance policies providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis, a corporation that provides accident and sickness subscription contracts, or any health maintenance organization that provides a health care plan that provides, arranges for, pays for, or reimburses any part of the cost of any health care services, that is licensed to engage in such business in the Commonwealth, and that is subject to the laws of the Commonwealth that regulate insurance within the meaning of § 514(b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1144 (b)(2)).

"Small employer" means, with respect to a calendar year and a plan year, an employer located in the Commonwealth that employed an average of at least one but not more than 50 eligible individuals on business days during the preceding calendar year and who employs at least one eligible individual on the date a policy under this section becomes effective.

~~Effective January 1, 2016, "small employer" means, with respect to a calendar year and a plan year, an employer located in the Commonwealth that employed an average of at least one but not more than 100 employees on business days during the preceding calendar year and who employs at least one employee on the date a policy under this section becomes effective.~~

"State-mandated health benefit" means coverage required under this title or other laws of the Commonwealth to be provided in a policy of accident and sickness insurance or a contract for a health-related condition that (i) includes coverage for specific health care services or benefits; (ii) places limitations or restrictions on deductibles, coinsurance, copayments, or any annual or lifetime maximum benefit amounts; or (iii) includes a specific category of licensed health care practitioners from whom an insured is entitled to receive care. "State-mandated health benefit" includes, without limitation, any coverage, or the offering of coverage, of a benefit or provider pursuant to §§ 38.2-3407.5 through 38.2-3407.6:1, 38.2-3407.9:01, 38.2-3407.9:02, 38.2-3407.11 through 38.2-3407.11:3, 38.2-3407.16, 38.2-3408, 38.2-3411 through 38.2-3414.1, 38.2-3418 through 38.2-3418.14, or § 38.2-4221. For purposes of this article, "state-mandated health benefit" does not include a benefit that is mandated by federal law.

B. Notwithstanding any statute, rule, or regulation to the contrary, and for the purposes of this section, a group accident and sickness insurance policy providing hospital, medical and surgical, or major medical coverage on an expense-incurred basis; a group accident and sickness subscription contract providing health insurance coverage for eligible individuals; and a health care plan that provides, arranges for, pays for, or reimburses any part of the cost of any health care services that is offered, sold, or issued by a health insurer to a small employer:

1. Shall not be required to include coverage, or the offer of coverage, for any state-mandated health benefit, except for:

a. Coverage for mammograms pursuant to § 38.2-3418.1;

b. Coverage for pap smears pursuant to § 38.2-3418.1:2;

c. Coverage for PSA testing pursuant to § 38.2-3418.7; and

d. Coverage for colorectal cancer screening pursuant to § 38.2-3418.7:1.

2. May include any, or none, of the state-mandated health benefits not otherwise noted in subdivision B 1 as the health insurer and the small employer shall agree.

Notwithstanding any provision of this section to the contrary, if any plan authorized by this section includes and offers health care services covered by the plan that may be legally rendered by a health care provider listed in § 38.2-3408, that plan shall allow for the reimbursement of such covered services when rendered by such provider. Unless otherwise provided in this section, this provision shall not require any benefit be provided as a covered service.

C. Any application and any enrollment form used in connection with coverage under this section shall prominently disclose that the policy, contract, or evidence of coverage is not required to provide state-mandated health benefits, shall prominently disclose any and all state-mandated health benefits that the policy, subscription contract, or evidence of coverage does not provide, and shall clearly describe all eligibility requirements.

D. A policy form, subscription contract, or evidence of coverage issued under this section to a small employer shall prominently disclose any and all state-mandated health benefits that the policy, subscription contract, or evidence of coverage does not provide. Such disclosure shall also be included in certificate forms or other evidences of coverage furnished to each participant. Health insurers proposing to issue forms providing coverage under this section shall clearly disclose the intended purposes for such policies, contracts, or evidences of coverage when submitting the forms to the Commission for approval in accordance with § 38.2-316.

E. The Commission shall adopt any regulations necessary to implement this section.

F. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

§ 38.2-3431. Application of article; definitions.

A. This article applies to group health plans and to health insurance issuers offering group health insurance coverage, and individual policies offered to employees of small employers.

Each insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical and surgical or major medical coverage on an expense incurred basis, each corporation providing individual or group accident and sickness subscription contracts, and each health maintenance organization or multiple employer welfare arrangement providing health care plans for health care services that offers individual or group coverage to the small employer market in this Commonwealth shall be subject to the provisions of this article. Any issuer of individual coverage to employees of a small employer shall be subject to the provisions of this article if any of the following conditions are met:

1. Any portion of the premiums or benefits is paid by or on behalf of the employer;
2. The eligible employee or dependent is reimbursed, whether through wage adjustments or otherwise, by or on behalf of the employer for any portion of the premium;
3. The employer has permitted payroll deduction for the covered individual and any portion of the premium is paid by the employer, provided that the health insurance issuer providing individual coverage under such circumstances shall be registered as a health insurance issuer in the small group market under this article, and shall have offered small employer group insurance to the employer in the manner required under this article; or
4. The health benefit plan is treated by the employer or any of the covered individuals as part of a plan or program for the purpose of § 106, 125, or 162 of the United States Internal Revenue Code.

B. For the purposes of this article:

"Actuarial certification" means a written statement by a member of the American Academy of Actuaries or other individual acceptable to the Commission that a health insurance issuer is in compliance with the provisions of this article based upon the person's examination, including a review of the appropriate records and of the actuarial assumptions and methods used by the health insurance issuer in establishing premium rates for applicable insurance coverage.

"Affiliation period" means a period which, under the terms of the health insurance coverage offered by a health maintenance organization, must expire before the health insurance coverage becomes effective. The health maintenance organization is not required to provide health care services or benefits during such period and no premium shall be charged to the participant or beneficiary for any coverage during the period.

1. Such period shall begin on the enrollment date.
2. An affiliation period under a plan shall run concurrently with any waiting period under the plan.

"Beneficiary" has the meaning given such term under section 3(8) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (8)).

"Bona fide association" means, with respect to health insurance coverage offered in this Commonwealth, an association which:

1. Has been actively in existence for at least five years;
2. Has been formed and maintained in good faith for purposes other than obtaining insurance;
3. Does not condition membership in the association on any health status-related factor relating to an individual (including an employee of an employer or a dependent of an employee);
4. Makes health insurance coverage offered through the association available to all members regardless of any health status-related factor relating to such members (or individuals eligible for coverage through a member);
5. Does not make health insurance coverage offered through the association available other than in connection with a member of the association; and
6. Meets such additional requirements as may be imposed under the laws of this Commonwealth.

"Certification" means a written certification of the period of creditable coverage of an individual under a group health plan and coverage provided by a health insurance issuer offering group health insurance coverage and the coverage if any

under such COBRA continuation provision, and the waiting period if any and affiliation period if applicable imposed with respect to the individual for any coverage under such plan.

"Church plan" has the meaning given such term under section 3(33) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (33)).

"COBRA continuation provision" means any of the following:

1. Section 4980B of the Internal Revenue Code of 1986 (26 U.S.C. § 4980B), other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines;

2. Part 6 of subtitle B of Title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1161 et seq.), other than section 609 of such Act; or

3. Title XXII of P.L. 104-191.

"Creditable coverage" means with respect to an individual, coverage of the individual under any of the following:

1. A group health plan;

2. Health insurance coverage;

3. Part A or B of Title XVIII of the Social Security Act (42 U.S.C. § 1395c or § 1395);

4. Title XIX of the Social Security Act (42 U.S.C. § 1396 et seq.), other than coverage consisting solely of benefits under section 1928;

5. Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.);

6. A medical care program of the Indian Health Service or of a tribal organization;

7. A state health benefits risk pool;

8. A health plan offered under Chapter 89 of Title 5, United States Code (5 U.S.C. § 8901 et seq.);

9. A public health plan (as defined in federal regulations);

10. A health benefit plan under section 5 (e) of the Peace Corps Act (22 U.S.C. § 2504(e)); or

11. Individual health insurance coverage.

Such term does not include coverage consisting solely of coverage of excepted benefits.

"Dependent" means the spouse or child of an eligible employee, subject to the applicable terms of the policy, contract or plan covering the eligible employee.

"Eligible employee" means an employee who works for a small group employer on a full-time basis, has a normal work week of 30 or more hours, has satisfied applicable waiting period requirements, and is not a part-time, temporary or substitute employee. At the employer's sole discretion, the eligibility criterion may be broadened to include part-time employees.

"Eligible individual" means such an individual in relation to the employer as shall be determined:

1. In accordance with the terms of such plan;

2. As provided by the health insurance issuer under rules of the health insurance issuer which are uniformly applicable to employers in the group market; and

3. In accordance with all applicable law of this Commonwealth governing such issuer and such market.

"Employee" has the meaning given such term under section 3(6) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (6)).

"Employer" has the meaning given such term under section 3(5) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (5)), except that such term shall include only employers of two or more employees.

"Enrollment date" means, with respect to an eligible individual covered under a group health plan or health insurance coverage, the date of enrollment of the eligible individual in the plan or coverage or, if earlier, the first day of the waiting period for such enrollment.

"Excepted benefits" means benefits under one or more (or any combination thereof) of the following:

1. Benefits not subject to requirements of this article:

a. Coverage only for accident, or disability income insurance, or any combination thereof;

b. Coverage issued as a supplement to liability insurance;

c. Liability insurance, including general liability insurance and automobile liability insurance;

d. Workers' compensation or similar insurance;

e. Medical expense and loss of income benefits;

f. Credit-only insurance;

g. Coverage for on-site medical clinics; and

h. Other similar insurance coverage, specified in regulations, under which benefits for medical care are secondary or incidental to other insurance benefits.

2. Benefits not subject to requirements of this article if offered separately:

a. Limited scope dental or vision benefits;

b. Benefits for long-term care, nursing home care, home health care, community-based care, or any combination thereof; and

c. Such other similar, limited benefits as are specified in regulations.

3. Benefits not subject to requirements of this article if offered as independent, noncoordinated benefits:

a. Coverage only for a specified disease or illness; and

b. Hospital indemnity or other fixed indemnity insurance.

4. Benefits not subject to requirements of this article if offered as separate insurance policy:

a. Medicare supplemental health insurance (as defined under section 1882 (g)(1) of the Social Security Act (42 U.S.C. § 1395ss (g)(1));

b. Coverage supplemental to the coverage provided under Chapter 55 of Title 10, United States Code (10 U.S.C. § 1071 et seq.); and

c. Similar supplemental coverage provided to coverage under a group health plan.

"Federal governmental plan" means a governmental plan established or maintained for its employees by the government of the United States or by an agency or instrumentality of such government.

"Governmental plan" has the meaning given such term under section 3(32) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (32)) and any federal governmental plan.

"Group health insurance coverage" means in connection with a group health plan, health insurance coverage offered in connection with such plan.

"Group health plan" means an employee welfare benefit plan (as defined in section 3 (1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (1)), to the extent that the plan provides medical care and including items and services paid for as medical care to employees or their dependents (as defined under the terms of the plan) directly or through insurance, reimbursement, or otherwise.

"Health benefit plan" means any accident and health insurance policy or certificate, health services plan contract, health maintenance organization subscriber contract, plan provided by a MEWA or plan provided by another benefit arrangement. "Health benefit plan" does not mean accident only, credit, or disability insurance; coverage of Medicare services or federal employee health plans, pursuant to contracts with the United States government; Medicare supplement or long-term care insurance; Medicaid coverage; dental only or vision only insurance; specified disease insurance; hospital confinement indemnity coverage; limited benefit health coverage; coverage issued as a supplement to liability insurance; insurance arising out of a workers' compensation or similar law; automobile medical payment insurance; medical expense and loss of income benefits; or insurance under which benefits are payable with or without regard to fault and that is statutorily required to be contained in any liability insurance policy or equivalent self-insurance.

"Health insurance coverage" means benefits consisting of medical care (provided directly, through insurance or reimbursement, or otherwise and including items and services paid for as medical care) under any hospital or medical service policy or certificate, hospital or medical service plan contract, or health maintenance organization contract offered by a health insurance issuer.

"Health insurance issuer" means an insurance company, or insurance organization (including a health maintenance organization) which is licensed to engage in the business of insurance in this Commonwealth and which is subject to the laws of this Commonwealth which regulate insurance within the meaning of section 514 (b)(2) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1144 (b)(2)). Such term does not include a group health plan.

"Health maintenance organization" means:

1. A federally qualified health maintenance organization;
2. An organization recognized under the laws of this Commonwealth as a health maintenance organization; or
3. A similar organization regulated under the laws of this Commonwealth for solvency in the same manner and to the same extent as such a health maintenance organization.

"Health status-related factor" means the following in relation to the individual or a dependent eligible for coverage under a group health plan or health insurance coverage offered by a health insurance issuer:

1. Health status;
2. Medical condition (including both physical and mental illnesses);
3. Claims experience;
4. Receipt of health care;
5. Medical history;
6. Genetic information;
7. Evidence of insurability (including conditions arising out of acts of domestic violence); or
8. Disability.

"Individual health insurance coverage" means health insurance coverage offered to individuals in the individual market, but does not include coverage defined as excepted benefits. Individual health insurance coverage does not include short-term limited duration coverage.

"Individual market" means the market for health insurance coverage offered to individuals other than in connection with a group health plan.

"Large employer" means, in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least 51 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year. ~~Effective January 1, 2016, "large employer" means, in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least 101 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.~~

"Large group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a large employer.

"Late enrollee" means, with respect to coverage under a group health plan or health insurance coverage provided by a health insurance issuer, a participant or beneficiary who enrolls under the plan other than during:

1. The first period in which the individual is eligible to enroll under the plan; or
2. A special enrollment period as required pursuant to subsections J through M of § 38.2-3432.3.

"Medical care" means amounts paid for:

1. The diagnosis, cure, mitigation, treatment, or prevention of disease, or amounts paid for the purpose of affecting any structure or function of the body;
2. Transportation primarily for and essential to medical care referred to in subdivision 1; and
3. Insurance covering medical care referred to in subdivisions 1 and 2.

"Network plan" means health insurance coverage of a health insurance issuer under which the financing and delivery of medical care (including items and services paid for as medical care) are provided, in whole or in part, through a defined set of providers under contract with the health insurance issuer.

"Nonfederal governmental plan" means a governmental plan that is not a federal governmental plan.

"Participant" has the meaning given such term under section 3(7) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (7)).

"Placed for adoption," or "placement" or "being placed" for adoption, in connection with any placement for adoption of a child with any person, means the assumption and retention by such person of a legal obligation for total or partial support of such child in anticipation of adoption of such child. The child's placement with such person terminates upon the termination of such legal obligation.

"Plan sponsor" has the meaning given such term under section 3(16)(B) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. § 1002 (16)(B)).

"Preexisting condition exclusion" means, with respect to coverage, a limitation or exclusion of benefits relating to a condition based on the fact that the condition was present before the date of enrollment for such coverage, whether or not any medical advice, diagnosis, care, or treatment was recommended or received before such date. Genetic information shall not be treated as a preexisting condition in the absence of a diagnosis of the condition related to such information.

"Premium" means all moneys paid by an employer and eligible employees as a condition of coverage from a health insurance issuer, including fees and other contributions associated with the health benefit plan.

"Rating period" means the 12-month period for which premium rates are determined by a health insurance issuer and are assumed to be in effect.

"Service area" means a broad geographic area of the Commonwealth in which a health insurance issuer sells or has sold insurance policies on or before January 1994, or upon its subsequent authorization to do business in Virginia.

"Small employer" means in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 50 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year. ~~Effective January 1, 2016, "small employer" means in connection with a group health plan or health insurance coverage with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 100 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.~~

"Small group market" means the health insurance market under which individuals obtain health insurance coverage (directly or through any arrangement) on behalf of themselves (and their dependents) through a group health plan maintained by a small employer.

"State" means each of the several states, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands.

"Waiting period" means, with respect to a group health plan or health insurance coverage provided by a health insurance issuer and an individual who is a potential participant or beneficiary in the plan, the period that must pass with respect to the individual before the individual is eligible to be covered for benefits under the terms of the plan. If an employee or dependent enrolls during a special enrollment period pursuant to subsections J through M of § 38.2-3432.3 or as a late enrollee, any period before such enrollment is not a waiting period.

C. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

§ 38.2-3551. Definitions.

A. As used in this article:

"Eligible dependent" means an individual who may be covered as a dependent under a group health policy or policies and who is eligible, as determined by a small employer health group cooperative, for coverage as a dependent of an eligible employee under a group health policy or policies issued to or through such small employer health group cooperative.

"Eligible employee" means an employee who works for a small employer on a full-time basis, has a normal work week of 30 or more hours, has satisfied applicable waiting period requirements, and is not a part-time, temporary, or substitute employee.

"Employer-member" means a small employer participating in a small employer health group cooperative.

"Group health policy" or "policy" means a group insurance policy providing hospital, medical and surgical or major medical coverage on an expense-incurred basis, a group accident and sickness insurance policy or subscription contract, and a group health care plan for health care services or limited health care services provided by a health maintenance organization. For the purposes of this article, a group health policy or policy shall also mean a policy or plan provided by a dental or optometric services plan, dental plan organization, and a health maintenance organization offering limited health care services as defined in § 38.2-4300.

"Health insurance issuer" or "issuer" means a company authorized to issue coverage under Article 3 (§ 38.2-3521.1 et seq.) of Chapter 35, Chapter 42 (§ 38.2-4200 et seq.), Chapter 43 (§ 38.2-4300 et seq.), Chapter 45 (§ 38.2-4500 et seq.), or Chapter 61 (§ 38.2-6100 et seq.) of this title.

"Health status-related factor" means the following in relation to the individual or a dependent eligible for coverage under a group health plan or health insurance coverage offered by a health insurance issuer:

1. Health status;
2. Medical condition, including both physical and mental illnesses;
3. Claims experience;
4. Receipt of health care;
5. Medical history;
6. Genetic information;
7. Evidence of insurability, including conditions arising out of acts of domestic violence; or
8. Disability.

"Service area" means the geographic area within which a health insurance issuer is authorized to sell a group health policy or policies.

"Small employer" means, in connection with a group health policy with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 50 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year. ~~Effective January 1, 2016, "small employer" means, in connection with a group health policy with respect to a calendar year and a plan year, an employer who employed an average of at least one but not more than 100 employees on business days during the preceding calendar year and who employs at least one employee on the first day of the plan year.~~

"Small employer health group cooperative" or "cooperative" means an entity authorized by its employer-members to negotiate with health insurance issuers on their behalf as to the terms, including premium rates, under which a group health policy or policies may be issued, providing coverage for the eligible employees of such employer-members and their eligible dependents.

B. The provisions of this section shall not apply in any instance in which the provisions of this section are inconsistent or in conflict with a provision of Article 6 (§ 38.2-3438 et seq.) of Chapter 34.

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

CHAPTER 2

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

[H 402]

Approved February 5, 2016

Be it enacted by the General Assembly of Virginia:

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

§ 58.1-301. Conformity to Internal Revenue Code.

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

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on December 31, ~~2014~~ 2015, except for:

1. The special depreciation allowance for certain property provided for under §§ 168(k), 168(l), 168(m), 1400L, and 1400N of the Internal Revenue Code;
2. The carry-back of certain net operating losses for five years under § 172(b)(1)(H) of the Internal Revenue Code;
3. The original issue discount on applicable high yield discount obligations under § 163(e)(5)(F) of the Internal Revenue Code;

4. The deferral of certain income under § 108(i) of the Internal Revenue Code. For Virginia income tax purposes, income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument" (as defined under § 108(i) of the Internal Revenue Code) reacquired in the taxable year shall be fully included in the taxpayer's Virginia taxable income for the taxable year, unless the taxpayer elects to include such income in the taxpayer's Virginia taxable income ratably over a three-taxable-year period beginning with taxable year 2009 for transactions completed in taxable year 2009, or over a three-taxable-year period beginning with taxable year 2010 for transactions completed in

taxable year 2010 on or before April 21, 2010. For purposes of such election, all other provisions of § 108(i) of the Internal Revenue Code shall apply mutatis mutandis. No other deferral shall be allowed for income from the discharge of indebtedness in connection with the reacquisition of an "applicable debt instrument"; *and*

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

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

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

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

CHAPTER 3

An Act to amend and reenact § 56-585.1 of the Code of Virginia, relating to electric utility ratemaking; recovery of costs of facilities.

[H 1220]

Approved February 12, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 56-585.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-585.1. Generation, distribution, and transmission rates after capped rates terminate or expire.

A. During the first six months of 2009, the Commission shall, after notice and opportunity for hearing, initiate proceedings to review the rates, terms and conditions for the provision of generation, distribution and transmission services of each investor-owned incumbent electric utility. Such proceedings shall be governed by the provisions of Chapter 10 (§ 56-232 et seq.), except as modified herein. In such proceedings the Commission shall determine fair rates of return on common equity applicable to the generation and distribution services of the utility. In so doing, the Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility, nor shall the Commission set such return more than 300 basis points higher than such average. The peer group of the utility shall be determined in the manner prescribed in subdivision 2 b. The Commission may increase or decrease such combined rate of return by up to 100 basis points based on the generating plant performance, customer service, and operating efficiency of a utility, as compared to nationally recognized standards determined by the Commission to be appropriate for such purposes. In such a proceeding, the Commission shall determine the rates that the utility may charge until such rates are adjusted. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points below the combined rate of return as so determined, it shall be authorized to order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such combined rate of return. If the Commission finds that the utility's combined rate of return on common equity is more than 50 basis points above the combined rate of return as so determined, it shall be authorized either (i) to order reductions to the utility's rates it finds appropriate, provided that the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than the fair rates of return on common equity applicable to the generation and distribution services; or (ii) to direct that 60 percent of the amount of the utility's earnings that were more than 50 basis points above the fair combined rate of return for calendar year 2008 be credited to customers' bills, in which event such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order and be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates. Commencing in 2011, the Commission, after notice and opportunity for hearing, shall conduct biennial reviews of the rates, terms and conditions for the provision of generation, distribution and transmission services by each investor-owned incumbent electric utility, subject to the following provisions:

1. Rates, terms and conditions for each service shall be reviewed separately on an unbundled basis, and such reviews shall be conducted in a single, combined proceeding. The first such review shall utilize the two successive 12-month test periods ending December 31, 2010. However, the Commission may, in its discretion, elect to stagger its biennial reviews of utilities by utilizing the two successive 12-month test periods ending December 31, 2010, for a Phase I Utility, and utilizing the two successive 12-month test periods ending December 31, 2011, for a Phase II Utility, with subsequent proceedings

utilizing the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted. For purposes of this section, a Phase I Utility is an investor-owned incumbent electric utility that was, as of July 1, 1999, not bound by a rate case settlement adopted by the Commission that extended in its application beyond January 1, 2002, and a Phase II Utility is an investor-owned incumbent electric utility that was bound by such a settlement.

2. Subject to the provisions of subdivision 6, fair rates of return on common equity applicable separately to the generation and distribution services of such utility, and for the two such services combined, shall be determined by the Commission during each such biennial review, as follows:

a. The Commission may use any methodology to determine such return it finds consistent with the public interest, but such return shall not be set lower than the average of the returns on common equity reported to the Securities and Exchange Commission for the three most recent annual periods for which such data are available by not less than a majority, selected by the Commission as specified in subdivision 2 b, of other investor-owned electric utilities in the peer group of the utility subject to such biennial review, nor shall the Commission set such return more than 300 basis points higher than such average.

b. In selecting such majority of peer group investor-owned electric utilities, the Commission shall first remove from such group the two utilities within such group that have the lowest reported returns of the group, as well as the two utilities within such group that have the highest reported returns of the group, and the Commission shall then select a majority of the utilities remaining in such peer group. In its final order regarding such biennial review, the Commission shall identify the utilities in such peer group it selected for the calculation of such limitation. For purposes of this subdivision, an investor-owned electric utility shall be deemed part of such peer group if (i) its principal operations are conducted in the southeastern United States east of the Mississippi River in either the states of West Virginia or Kentucky or in those states south of Virginia, excluding the state of Tennessee, (ii) it is a vertically-integrated electric utility providing generation, transmission and distribution services whose facilities and operations are subject to state public utility regulation in the state where its principal operations are conducted, (iii) it had a long-term bond rating assigned by Moody's Investors Service of at least Baa at the end of the most recent test period subject to such biennial review, and (iv) it is not an affiliate of the utility subject to such biennial review.

c. The Commission may, consistent with its precedent for incumbent electric utilities prior to the enactment of Chapters 888 and 933 of the Acts of Assembly of 2007, increase or decrease the utility's combined rate of return based on the Commission's consideration of the utility's performance.

d. In any Current Proceeding, the Commission shall determine whether the Current Return has increased, on a percentage basis, above the Initial Return by more than the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. If so, the Commission may conduct an additional analysis of whether it is in the public interest to utilize such Current Return for the Current Proceeding then pending. A finding of whether the Current Return justifies such additional analysis shall be made without regard to any enhanced rate of return on common equity awarded pursuant to the provisions of subdivision 6. Such additional analysis shall include, but not be limited to, a consideration of overall economic conditions, the level of interest rates and cost of capital with respect to business and industry, in general, as well as electric utilities, the current level of inflation and the utility's cost of goods and services, the effect on the utility's ability to provide adequate service and to attract capital if less than the Current Return were utilized for the Current Proceeding then pending, and such other factors as the Commission may deem relevant. If, as a result of such analysis, the Commission finds that use of the Current Return for the Current Proceeding then pending would not be in the public interest, then the lower limit imposed by subdivision 2 a on the return to be determined by the Commission for such utility shall be calculated, for that Current Proceeding only, by increasing the Initial Return by a percentage at least equal to the increase, expressed as a percentage, in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, since the date on which the Commission determined the Initial Return. For purposes of this subdivision:

"Current Proceeding" means any proceeding conducted under any provisions of this subsection that require or authorize the Commission to determine a fair combined rate of return on common equity for a utility and that will be concluded after the date on which the Commission determined the Initial Return for such utility.

"Current Return" means the minimum fair combined rate of return on common equity required for any Current Proceeding by the limitation regarding a utility's peer group specified in subdivision 2 a.

"Initial Return" means the fair combined rate of return on common equity determined for such utility by the Commission on the first occasion after July 1, 2009, under any provision of this subsection pursuant to the provisions of subdivision 2 a.

e. In addition to other considerations, in setting the return on equity within the range allowed by this section, the Commission shall strive to maintain costs of retail electric energy that are cost competitive with costs of retail electric energy provided by the other peer group investor-owned electric utilities.

f. The determination of such returns shall be made by the Commission on a stand-alone basis, and specifically without regard to any return on common equity or other matters determined with regard to facilities described in subdivision 6.

g. If the combined rate of return on common equity earned by the generation and distribution services is no more than 50 basis points above or below the return as so determined or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, such return is no more than 70 basis points above or below the return as so determined, such combined return shall not be considered either excessive or insufficient, respectively. However, for any test period commencing after December 31, 2012, for a Phase II Utility, and after December 31, 2013, for a Phase I Utility, if the utility has, during the test period or periods under review, earned below the return as so determined, whether or not such combined return is within 70 basis points of the return as so determined, the utility may petition the Commission for approval of an increase in rates in accordance with the provisions of subdivision 8 a as if it had earned more than 70 basis points below a fair combined rate of return, and such proceeding shall otherwise be conducted in accordance with the provisions of this section.

h. Any amount of a utility's earnings directed by the Commission to be credited to customers' bills pursuant to this section shall not be considered for the purpose of determining the utility's earnings in any subsequent biennial review.

3. Each such utility shall make a biennial filing by March 31 of every other year, beginning in 2011, consisting of the schedules contained in the Commission's rules governing utility rate increase applications; however, if the Commission elects to stagger the dates of the biennial reviews of utilities as provided in subdivision 1, then each Phase I Utility shall commence biennial filings in 2011 and each Phase II Utility shall commence biennial filings in 2012. Such filing shall encompass the two successive 12-month test periods ending December 31 immediately preceding the year in which such proceeding is conducted, and in every such case the filing for each year shall be identified separately and shall be segregated from any other year encompassed by the filing. If the Commission determines that rates should be revised or credits be applied to customers' bills pursuant to subdivision 8 or 9, any rate adjustment clauses previously implemented pursuant to subdivision 5 or those related to facilities utilizing simple-cycle combustion turbines described in subdivision 6, shall be combined with the utility's costs, revenues and investments until the amounts that are the subject of such rate adjustment clauses are fully recovered. The Commission shall combine such clauses with the utility's costs, revenues and investments only after it makes its initial determination with regard to necessary rate revisions or credits to customers' bills, and the amounts thereof, but after such clauses are combined as herein specified, they shall thereafter be considered part of the utility's costs, revenues, and investments for the purposes of future biennial review proceedings. A Phase I Utility shall delay for one year the filing of its biennial review from March 31, 2013, to March 31, 2014, and shall not defer on its books for future recovery any costs incurred during calendar year 2011, other than as provided in subdivision 7 or § 56-249.6, and its subsequent biennial filing shall be made by March 31, 2016, and every two years thereafter.

4. The following costs incurred by the utility shall be deemed reasonable and prudent: (i) costs for transmission services provided to the utility by the regional transmission entity of which the utility is a member, as determined under applicable rates, terms and conditions approved by the Federal Energy Regulatory Commission, and (ii) costs charged to the utility that are associated with demand response programs approved by the Federal Energy Regulatory Commission and administered by the regional transmission entity of which the utility is a member. Upon petition of a utility at any time after the expiration or termination of capped rates, but not more than once in any 12-month period, the Commission shall approve a rate adjustment clause under which such costs, including, without limitation, costs for transmission service, charges for new and existing transmission facilities, administrative charges, and ancillary service charges designed to recover transmission costs, shall be recovered on a timely and current basis from customers. Retail rates to recover these costs shall be designed using the appropriate billing determinants in the retail rate schedules.

5. A utility may at any time, after the expiration or termination of capped rates, but not more than once in any 12-month period, petition the Commission for approval of one or more rate adjustment clauses for the timely and current recovery from customers of the following costs:

a. Incremental costs described in clause (vi) of subsection B of § 56-582 incurred between July 1, 2004, and the expiration or termination of capped rates, if such utility is, as of July 1, 2007, deferring such costs consistent with an order of the Commission entered under clause (vi) of subsection B of § 56-582. The Commission shall approve such a petition allowing the recovery of such costs that comply with the requirements of clause (vi) of subsection B of § 56-582;

b. Projected and actual costs for the utility to design and operate fair and effective peak-shaving programs. The Commission shall approve such a petition if it finds that the program is in the public interest; provided that the Commission shall allow the recovery of such costs as it finds are reasonable;

c. Projected and actual costs for the utility to design, implement, and operate energy efficiency programs, including a margin to be recovered on operating expenses, which margin for the purposes of this section shall be equal to the general rate of return on common equity determined as described in subdivision 2. The Commission shall only approve such a petition if it finds that the program is in the public interest. As part of such cost recovery, the Commission, if requested by the utility, shall allow for the recovery of revenue reductions related to energy efficiency programs. The Commission shall only allow such recovery to the extent that the Commission determines such revenue has not been recovered through margins from incremental off-system sales as defined in § 56-249.6 that are directly attributable to energy efficiency programs.

None of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, shall be assigned to any customer that has a verifiable history of having used more than 10 megawatts of demand from a single meter of delivery. Nor shall any of the costs of new energy efficiency programs of an electric utility, including recovery of revenue reductions, be incurred by any large general service customer as defined herein that has notified the

utility of non-participation in such energy efficiency program or programs. A large general service customer is a customer that has a verifiable history of having used more than 500 kilowatts of demand from a single meter of delivery. Non-participation in energy efficiency programs shall be allowed by the Commission if the large general service customer has, at the customer's own expense, implemented energy efficiency programs that have produced or will produce measured and verified results consistent with industry standards and other regulatory criteria stated in this section. The Commission shall, no later than November 15, 2009, promulgate rules and regulations to accommodate the process under which such large general service customers shall file notice for such an exemption and (i) establish the administrative procedures by which eligible customers will notify the utility and (ii) define the standard criteria that must be satisfied by an applicant in order to notify the utility. In promulgating such rules and regulations, the Commission may also specify the timing as to when a utility shall accept and act on such notice, taking into consideration the utility's integrated resource planning process as well as its administration of energy efficiency programs that are approved for cost recovery by the Commission. The notice of non-participation by a large general service customer, to be given by March 1 of a given year, shall be for the duration of the service life of the customer's energy efficiency program. The Commission on its own motion may initiate steps necessary to verify such non-participants' achievement of energy efficiency if the Commission has a body of evidence that the non-participant has knowingly misrepresented its energy efficiency achievement. A utility shall not charge such large general service customer, as defined by the Commission, for the costs of installing energy efficiency equipment beyond what is required to provide electric service and meter such service on the customer's premises if the customer provides, at the customer's expense, equivalent energy efficiency equipment. In all relevant proceedings pursuant to this section, the Commission shall take into consideration the goals of economic development, energy efficiency and environmental protection in the Commonwealth;

d. Projected and actual costs of participation in a renewable energy portfolio standard program pursuant to § 56-585.2 that are not recoverable under subdivision 6. The Commission shall approve such a petition allowing the recovery of such costs as are provided for in a program approved pursuant to § 56-585.2;

e. Projected and actual costs of projects that the Commission finds to be necessary to comply with state or federal environmental laws or regulations applicable to generation facilities used to serve the utility's native load obligations. The Commission shall approve such a petition if it finds that such costs are necessary to comply with such environmental laws or regulations; and

f. Projected and actual costs, not currently in rates, for the utility to design, implement, and operate programs approved by the Commission that accelerate the vegetation management of distribution rights-of-way. No costs shall be allocated to or recovered from customers that are served within the large general service rate classes for a Phase II Utility or that are served at subtransmission or transmission voltage, or take delivery at a substation served from subtransmission or transmission voltage, for a Phase I Utility.

The Commission shall have the authority to determine the duration or amortization period for any adjustment clause approved under this subdivision.

6. To ensure the generation and delivery of a reliable and adequate supply of electricity, to meet the utility's projected native load obligations and to promote economic development, a utility may at any time, after the expiration or termination of capped rates, petition the Commission for approval of a rate adjustment clause for recovery on a timely and current basis from customers of the costs of (i) a coal-fueled generation facility that utilizes Virginia coal and is located in the coalfield region of the Commonwealth, as described in § 15.2-6002, regardless of whether such facility is located within or without the utility's service territory, (ii) one or more other generation facilities, (iii) one or more major unit modifications of generation facilities, or (iv) one or more new underground facilities to replace one or more existing overhead distribution facilities of 69 kilovolts or less located within the Commonwealth; however, subject to the provisions of the following sentence, the utility shall not file a petition under clause (iv) more often than annually and, in such petition, shall not seek any annual incremental increase in the level of investments associated with such a petition that exceeds five percent of such utility's distribution rate base, as such rate base was determined for the most recently ended 12-month test period in the utility's latest biennial review proceeding conducted pursuant to subdivision 3 and concluded by final order of the Commission prior to the date of filing of such petition under clause (iv). In all proceedings regarding petitions filed under clause (iv), the level of investments approved for recovery in such proceedings shall be in addition to, and not in lieu of, levels of investments previously approved for recovery in prior proceedings under clause (iv). Such a petition concerning facilities described in clause (ii) that utilize nuclear power, facilities described in clause (ii) that are coal-fueled and will be built by a Phase I Utility, or facilities described in clause (i) may also be filed before the expiration or termination of capped rates. A utility that constructs or purchases any such generation facility, or purchases any facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, shall have the right to recover the costs of the facility, as accrued against income, through its rates, including projected construction work in progress, and any associated allowance for funds used during construction, planning, development and construction or acquisition costs, life-cycle costs, costs related to assessing the feasibility of potential sites for new underground facilities, and costs of infrastructure associated therewith, plus, as an incentive to undertake such projects, an enhanced rate of return on common equity calculated as specified below; however, in determining the amounts recoverable under a rate adjustment clause for new underground facilities, the Commission shall not consider, or increase or reduce such amounts recoverable because of (a) the operation and maintenance costs attributable to either the overhead distribution facilities being replaced or the new

underground facilities or (b) any other costs attributable to the overhead distribution facilities being replaced. Notwithstanding the preceding sentence, the costs described in clauses (a) and (b) thereof shall remain eligible for recovery from customers through the utility's base rates for distribution service. A utility filing a petition for approval to construct or purchase a facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses may propose a rate adjustment clause based on a market index in lieu of a cost of service model for such facility. A utility seeking approval to construct or purchase a generating facility shall demonstrate that it has considered and weighed alternative options, including third-party market alternatives, in its selection process. The costs of the facility, other than return on projected construction work in progress and allowance for funds used during construction, shall not be recovered prior to the date a facility constructed by the utility and described in clause (i), (ii), or (iii) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service. Such enhanced rate of return on common equity shall be applied to allowance for funds used during construction and to construction work in progress during the construction phase of the facility and shall thereafter be applied to the entire facility during the first portion of the service life of the facility. The first portion of the service life shall be as specified in the table below; however, the Commission shall determine the duration of the first portion of the service life of any facility, within the range specified in the table below, which determination shall be consistent with the public interest and shall reflect the Commission's determinations regarding how critical the facility may be in meeting the energy needs of the citizens of the Commonwealth and the risks involved in the development of the facility. After the first portion of the service life of the facility is concluded, the utility's general rate of return shall be applied to such facility for the remainder of its service life. As used herein, the service life of the facility shall be deemed to begin on the date a facility constructed by the utility and described in clause (i), (ii), or (iii) begins commercial operation, the date the utility becomes the owner of a purchased generation facility consisting of at least one megawatt of generating capacity using energy derived from sunlight and located in the Commonwealth and that utilizes goods or services sourced, in whole or in part, from one or more Virginia businesses, or the date new underground facilities are classified by the utility as plant in service, and such service life shall be deemed equal in years to the life of that facility as used to calculate the utility's depreciation expense. Such enhanced rate of return on common equity shall be calculated by adding the basis points specified in the table below to the utility's general rate of return, and such enhanced rate of return shall apply only to the facility that is the subject of such rate adjustment clause. Allowance for funds used during construction shall be calculated for any such facility utilizing the utility's actual capital structure and overall cost of capital, including an enhanced rate of return on common equity as determined pursuant to this subdivision, until such construction work in progress is included in rates. The construction of any facility described in clause (i) is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. The construction or purchase by a utility of one or more generation facilities with at least one megawatt of generating capacity, and with an aggregate rated capacity that does not exceed 500 megawatts, that use energy derived from sunlight and are located in the Commonwealth, regardless of whether any of such facilities are located within or without the utility's service territory, is in the public interest, and in determining whether to approve such facility, the Commission shall liberally construe the provisions of this title. A utility may enter into short-term or long-term power purchase contracts for the power derived from sunlight generated by such generation facility prior to purchasing the generation facility. In determining whether to approve petitions for rate adjustment clauses for new underground facilities, and in determining the level of costs to be recovered thereunder, the Commission shall liberally construe the provisions of this title and shall give due consideration to the public policy goals of increased electric service reliability and reduced outage times associated with the replacement of existing overhead distribution facilities with new underground facilities. The basis points to be added to the utility's general rate of return to calculate the enhanced rate of return on common equity, and the first portion of that facility's service life to which such enhanced rate of return shall be applied, shall vary by type of facility, as specified in the following table:

Type of Generation Facility	Basis Points	First Portion of Service Life
Nuclear-powered	200	Between 12 and 25 years
Carbon capture compatible, clean-coal powered	200	Between 10 and 20 years
Renewable powered, other than landfill gas powered	200	Between 5 and 15 years
Coalbed methane gas powered	150	Between 5 and 15 years
Landfill gas powered	200	Between 5 and 15 years
Conventional coal or combined-cycle combustion turbine	100	Between 10 and 20 years

For generating facilities other than those utilizing nuclear power or those utilizing energy derived from offshore wind, as of July 1, 2013, only those facilities as to which a rate adjustment clause under this subdivision has been previously approved by the Commission, or as to which a petition for approval of such rate adjustment clause was filed with the

Commission, on or before January 1, 2013, shall be entitled to the enhanced rate of return on common equity as specified in the above table during the construction phase of the facility and the approved first portion of its service life.

For generating facilities within the Commonwealth utilizing nuclear power or those utilizing energy derived from offshore wind projects located in waters off the Commonwealth's Atlantic shoreline, such facilities shall continue to be eligible for an enhanced rate of return on common equity during the construction phase of the facility and the approved first portion of its service life of between 12 and 25 years in the case of a facility utilizing nuclear power and for a service life of between 5 and 15 years in the case of a facility utilizing energy derived from offshore wind, provided, however, that, as of July 1, 2013, the enhanced return for such facilities shall be 100 basis points, which shall be added to the utility's general rate of return as determined under subdivision 2. Thirty percent of all costs of such a facility utilizing nuclear power that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014. Thirty percent of all costs of such a facility utilizing energy derived from offshore wind that the utility incurred between July 1, 2007, and December 31, 2013, and all of such costs incurred after December 31, 2013, may be deferred by the utility and recovered through a rate adjustment clause under this subdivision at such time as the Commission provides in an order approving such a rate adjustment clause. The remaining 70 percent of all costs of such a facility that the utility incurred between July 1, 2007, and December 31, 2013, shall not be deferred for recovery through a rate adjustment clause under this subdivision; however, such remaining 70 percent of all costs shall be recovered ratably through existing base rates as determined by the Commission in the test periods under review in the utility's next biennial review filed after July 1, 2014.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new nuclear generation facility or facilities are in the public interest.

In connection with planning to meet forecasted demand for electric generation supply and assure the adequate and sufficient reliability of service, consistent with § 56-598, planning and development activities for a new utility-owned and utility-operated generating facility or facilities utilizing energy derived from sunlight with an aggregate capacity of 500 megawatts, or from offshore wind, are in the public interest.

Neither generation facilities described in clause (ii) that utilize simple-cycle combustion turbines nor new underground facilities shall receive an enhanced rate of return on common equity as described herein, but instead shall receive the utility's general rate of return during the construction phase of the facility and, thereafter, for the entire service life of the facility. No rate adjustment clause for new underground facilities shall allocate costs to, or provide for the recovery of costs from, customers that are served within the large power service rate class for a Phase I Utility and the large general service rate classes for a Phase II Utility. New underground facilities are hereby declared to be ordinary extensions or improvements in the usual course of business under the provisions of § 56-265.2.

As used in this subdivision, a generation facility is (1) "coalbed methane gas powered" if the facility is fired at least 50 percent by coalbed methane gas, as such term is defined in § 45.1-361.1, produced from wells located in the Commonwealth, and (2) "landfill gas powered" if the facility is fired by methane or other combustible gas produced by the anaerobic digestion or decomposition of biodegradable materials in a solid waste management facility licensed by the Waste Management Board. A landfill gas powered facility includes, in addition to the generation facility itself, the equipment used in collecting, drying, treating, and compressing the landfill gas and in transmitting the landfill gas from the solid waste management facility where it is collected to the generation facility where it is combusted.

For purposes of this subdivision, "general rate of return" means the fair combined rate of return on common equity as it is determined by the Commission from time to time for such utility pursuant to subdivision 2. In any proceeding under this subdivision conducted prior to the conclusion of the first biennial review for such utility, the Commission shall determine a general rate of return for such utility in the same manner as it would in a biennial review proceeding.

Notwithstanding any other provision of this subdivision, if the Commission finds during the biennial review conducted for a Phase II Utility in 2018 that such utility has not filed applications for all necessary federal and state regulatory approvals to construct one or more nuclear-powered or coal-fueled generation facilities that would add a total capacity of at least 1500 megawatts to the amount of the utility's generating resources as such resources existed on July 1, 2007, or that, if all such approvals have been received, that the utility has not made reasonable and good faith efforts to construct one or more such facilities that will provide such additional total capacity within a reasonable time after obtaining such approvals, then the Commission, if it finds it in the public interest, may reduce on a prospective basis any enhanced rate of return on common equity previously applied to any such facility to no less than the general rate of return for such utility and may apply no less than the utility's general rate of return to any such facility for which the utility seeks approval in the future under this subdivision.

7. Any petition filed pursuant to subdivision 4, 5, or 6 shall be considered by the Commission on a stand-alone basis without regard to the other costs, revenues, investments, or earnings of the utility. Any costs incurred by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such

petition and that are related to subdivision 5 a, or that are related to facilities and projects described in clause (i) of subdivision 6, or that are related to new underground facilities described in clause (iv) of subdivision 6, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Except as otherwise provided in subdivision 6, any costs prudently incurred on or after July 1, 2007, by a utility prior to the filing of such petition, or during the consideration thereof by the Commission, that are proposed for recovery in such petition and that are related to facilities and projects described in clause (ii) of subdivision 6 that utilize nuclear power, or coal-fueled facilities and projects described in clause (ii) of subdivision 6 if such coal-fueled facilities will be built by a Phase I Utility, shall be deferred on the books and records of the utility until the Commission's final order in the matter, or until the implementation of any applicable approved rate adjustment clauses, whichever is later. Any costs prudently incurred after the expiration or termination of capped rates related to other matters described in subdivision 4, 5, or 6 shall be deferred beginning only upon the expiration or termination of capped rates, provided, however, that no provision of this act shall affect the rights of any parties with respect to the rulings of the Federal Energy Regulatory Commission in PJM Interconnection LLC and Virginia Electric and Power Company, 109 F.E.R.C. P 61,012 (2004). A utility shall establish a regulatory asset for regulatory accounting and ratemaking purposes under which it shall defer its operation and maintenance costs incurred in connection with (i) the refueling of any nuclear-powered generating plant and (ii) other work at such plant normally performed during a refueling outage. The utility shall amortize such deferred costs over the refueling cycle, but in no case more than 18 months, beginning with the month in which such plant resumes operation after such refueling. The refueling cycle shall be the applicable period of time between planned refueling outages for such plant. As of January 1, 2014, such amortized costs are a component of base rates, recoverable in base rates only ratably over the refueling cycle rather than when such outages occur, and are the only nuclear refueling costs recoverable in base rates. This provision shall apply to any nuclear-powered generating plant refueling outage commencing after December 31, 2013, and the Commission shall treat the deferred and amortized costs of such regulatory asset as part of the utility's costs for the purpose of proceedings conducted (a) with respect to biennial filings under subdivision 3 made on and after July 1, 2014, and (b) pursuant to § 56-245 or the Commission's rules governing utility rate increase applications as provided in subsection B. This provision shall not be deemed to change or reset base rates.

The Commission's final order regarding any petition filed pursuant to subdivision 4, 5, or 6 shall be entered not more than three months, eight months, and nine months, respectively, after the date of filing of such petition. If such petition is approved, the order shall direct that the applicable rate adjustment clause be applied to customers' bills not more than 60 days after the date of the order, or upon the expiration or termination of capped rates, whichever is later.

8. In any biennial review proceeding, the following utility generation and distribution costs not proposed for recovery under any other subdivision of this subsection, as recorded per books by the utility for financial reporting purposes and accrued against income, shall be attributed to the test periods under review: costs associated with asset impairments related to early retirement determinations made by the utility prior to December 31, 2012, for utility generation plant; costs associated with severe weather events; and costs associated with natural disasters. Such costs shall be deemed to have been recovered from customers through rates for generation and distribution services in effect during the test periods under review unless such costs, individually or in the aggregate, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, result in the utility's earned return on its generation and distribution services for the combined test periods under review to fall more than 50 basis points below the fair combined rate of return authorized under subdivision 2 for such periods or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to fall more than 70 basis points below the fair combined rate of return authorized under subdivision 2 for such periods. In such cases, the Commission shall, in such biennial review proceeding, authorize deferred recovery of such costs and allow the utility to amortize and recover such deferred costs over future periods as determined by the Commission. The aggregate amount of such deferred costs shall not exceed an amount that would, together with the utility's other costs, revenues, and investments to be recovered through rates for generation and distribution services, cause the utility's earned return on its generation and distribution services to exceed the fair rate of return authorized under subdivision 2, less 50 basis points, for the combined test periods under review or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, to exceed the fair rate of return authorized under subdivision 2 less 70 basis points. Nothing in this section shall limit the Commission's authority, pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2, following the review of combined test period earnings of the utility in a biennial review, for normalization of nonrecurring test period costs and annualized adjustments for future costs, in determining any appropriate increase or decrease in the utility's rates for generation and distribution services pursuant to subdivision 8 a or 8 c.

If the Commission determines as a result of such biennial review that:

a. The utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points below a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points below a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall order increases to the utility's rates necessary to provide the opportunity to fully recover the costs of providing the utility's services and to earn not less than such fair combined rate of return, using the most recently ended

12-month test period as the basis for determining the amount of the rate increase necessary. However, the Commission may not order such rate increase unless it finds that the resulting rates are necessary to provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on both its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate increase under the standards of this sentence, and the amount thereof;

b. The utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9, direct that 60 percent of the amount of such earnings that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, that 70 percent of the amount of such earnings that were more than 70 basis points, above such fair combined rate of return for the test period or periods under review, considered as a whole, shall be credited to customers' bills. Any such credits shall be amortized over a period of six to 12 months, as determined at the discretion of the Commission, following the effective date of the Commission's order, and shall be allocated among customer classes such that the relationship between the specific customer class rates of return to the overall target rate of return will have the same relationship as the last approved allocation of revenues used to design base rates; or

c. Such biennial review is the second consecutive biennial review in which the utility has, during the test period or test periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matter determined with respect to facilities described in subdivision 6, the Commission shall, subject to the provisions of subdivision 9 and in addition to the actions authorized in subdivision b, also order reductions to the utility's rates it finds appropriate. However, the Commission may not order such rate reduction unless it finds that the resulting rates will provide the utility with the opportunity to fully recover its costs of providing its services and to earn not less than a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, using the most recently ended 12-month test period as the basis for determining the permissibility of any rate reduction under the standards of this sentence, and the amount thereof.

The Commission's final order regarding such biennial review shall be entered not more than eight months after the date of filing, and any revisions in rates or credits so ordered shall take effect not more than 60 days after the date of the order. The fair combined rate of return on common equity determined pursuant to subdivision 2 in such biennial review shall apply, for purposes of reviewing the utility's earnings on its rates for generation and distribution services, to the entire two successive 12-month test periods ending December 31 immediately preceding the year of the utility's subsequent biennial review filing under subdivision 3.

9. If, as a result of a biennial review required under this subsection and conducted with respect to any test period or periods under review ending later than December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, under review ending later than December 31, 2010, for a Phase I Utility, or December 31, 2011, for a Phase II Utility), the Commission finds, with respect to such test period or periods considered as a whole, that (i) any utility has, during the test period or periods under review, considered as a whole, earned more than 50 basis points above a fair combined rate of return on its generation and distribution services or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points above a fair combined rate of return on its generation and distribution services, as determined in subdivision 2, without regard to any return on common equity or other matters determined with respect to facilities described in subdivision 6, and (ii) the total aggregate regulated rates of such utility at the end of the most recently-ended 12-month test period exceeded the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the United States Department of Labor, compounded annually, when compared to the total aggregate regulated rates of such utility as determined pursuant to the biennial review conducted for the base period, the Commission shall, unless it finds that such action is not in the public interest or that the provisions of subdivisions 8 b and c are more consistent with the public interest, direct that any or all earnings for such test period or periods under review, considered as a whole that were more than 50 basis points, or, for any test period commencing after December 31, 2012, for a Phase II Utility and after December 31, 2013, for a Phase I Utility, more than 70 basis points, above such fair combined rate of return shall be credited to customers' bills, in lieu of the provisions of subdivisions 8 b and c. Any such credits shall be amortized and allocated among customer classes in the manner provided by subdivision 8 b. For purposes of this subdivision:

"Base period" means (i) the test period ending December 31, 2010 (or, if the Commission has elected to stagger its biennial reviews of utilities as provided in subdivision 1, the test period ending December 31, 2010, for a Phase I Utility, or

December 31, 2011, for a Phase II Utility), or (ii) the most recent test period with respect to which credits have been applied to customers' bills under the provisions of this subdivision, whichever is later.

"Total aggregate regulated rates" shall include: (i) fuel tariffs approved pursuant to § 56-249.6, except for any increases in fuel tariffs deferred by the Commission for recovery in periods after December 31, 2010, pursuant to the provisions of clause (ii) of subsection C of § 56-249.6; (ii) rate adjustment clauses implemented pursuant to subdivision 4 or 5; (iii) revisions to the utility's rates pursuant to subdivision 8 a; (iv) revisions to the utility's rates pursuant to the Commission's rules governing utility rate increase applications, as permitted by subsection B, occurring after July 1, 2009; and (v) base rates in effect as of July 1, 2009.

10. For purposes of this section, the Commission shall regulate the rates, terms and conditions of any utility subject to this section on a stand-alone basis utilizing the actual end-of-test period capital structure and cost of capital of such utility, unless the Commission finds that the debt to equity ratio of such capital structure is unreasonable for such utility, in which case the Commission may utilize a debt to equity ratio that it finds to be reasonable for such utility in determining any rate adjustment pursuant to subdivisions 8 a and c, and without regard to the cost of capital, capital structure, revenues, expenses or investments of any other entity with which such utility may be affiliated. In particular, and without limitation, the Commission shall determine the federal and state income tax costs for any such utility that is part of a publicly traded, consolidated group as follows: (i) such utility's apportioned state income tax costs shall be calculated according to the applicable statutory rate, as if the utility had not filed a consolidated return with its affiliates, and (ii) such utility's federal income tax costs shall be calculated according to the applicable federal income tax rate and shall exclude any consolidated tax liability or benefit adjustments originating from any taxable income or loss of its affiliates.

B. Nothing in this section shall preclude an investor-owned incumbent electric utility from applying for an increase in rates pursuant to § 56-245 or the Commission's rules governing utility rate increase applications; however, in any such filing, a fair rate of return on common equity shall be determined pursuant to subdivision A 2. Nothing in this section shall preclude such utility's recovery of fuel and purchased power costs as provided in § 56-249.6.

C. Except as otherwise provided in this section, the Commission shall exercise authority over the rates, terms and conditions of investor-owned incumbent electric utilities for the provision of generation, transmission and distribution services to retail customers in the Commonwealth pursuant to the provisions of Chapter 10 (§ 56-232 et seq.), including specifically § 56-235.2.

D. The Commission may determine, during any proceeding authorized or required by this section, the reasonableness or prudence of any cost incurred or projected to be incurred, by a utility in connection with the subject of the proceeding. A determination of the Commission regarding the reasonableness or prudence of any such cost shall be consistent with the Commission's authority to determine the reasonableness or prudence of costs in proceedings pursuant to the provisions of Chapter 10 (§ 56-232 et seq.). In determining the reasonableness or prudence of a utility providing energy and capacity to its customers from renewable energy resources, the Commission shall consider the extent to which such renewable energy resources, whether utility-owned or by contract, further the objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and shall also consider whether the costs of such resources is likely to result in unreasonable increases in rates paid by consumers.

E. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section.

2. That the provisions of this act are declaratory of existing law.

3. That the provisions of this act shall apply to any petition or application filed before the State Corporation Commission on or after July 1, 2015.

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

CHAPTER 4

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

[H 31]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:

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

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

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

- a. Be in a type size authorized under § 38.2-311;
- b. State the date, which shall not be less than 45 days after the delivery or mailing of the notice of cancellation or refusal to renew, on which such cancellation or refusal to renew shall become effective, except that such effective date may not be less than 15 days from the date of mailing or delivery when the policy is being cancelled or not renewed for failure of the insured to discharge when due any of its obligations in connection with the payment of premium for the policy;
- c. State the specific reason or reasons of the insurer for cancellation or refusal to renew;
- d. Advise the first named insured of its right to request in writing, within 15 days of the receipt of the notice, that the Commissioner of Insurance review the action of the insurer; and
- e. In the case of a policy of motor vehicle insurance, inform the first named insured of the possible availability of other insurance which may be obtained through its agent, through another insurer, or through the Virginia Automobile Insurance Plan.

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

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

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

C. No reduction in coverage for personal injury or property damage liability initiated by an insurer and no insurer-initiated increase in the premium greater than 25 percent of (i) a policy of insurance defined in § 38.2-117 or 38.2-118 insuring a business entity; (ii) a policy of insurance that includes as a part thereof insurance defined in § 38.2-117 or 38.2-118 insuring a business entity; (iii) a policy of motor vehicle insurance against legal liability of the insured as defined in § 38.2-124 insuring a business entity; or (iv) a policy of miscellaneous casualty insurance as defined in subsection B of § 38.2-111 insuring a business entity, and which in the case of a reduction in coverage is subject to § 38.2-1912, shall be effective unless the insurer delivers or mails to the first named insured at the address shown on the policy, or delivers electronically to the address provided by the first named insured, a written notice of such reduction in coverage or premium increase not later than 45 days prior to the effective date of same. The increase in premium shall be the difference between the renewal premium and the premium charged by the insurer at the effective date of the expiring policy. Such notice shall:

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

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

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

1. The insurer, after written demand, has not received, within 45 days after such demand has been mailed or delivered to the first named insured at the address shown on the policy, or delivered electronically to the address provided by the first named insured, sufficient information from the named insured to provide the required notice;
2. Such notice is waived in writing by the named insured;
3. The insurer delivers or mails to the first named insured a renewal policy or a renewal offer not less than 45 days prior to the effective date of the policy or, in the case of a medical malpractice insurance policy, not less than 90 days prior to the effective date of the policy;

4. The policy is issued to a large commercial risk as defined in subsection C of § 38.2-1903.1 but excluding policies of medical malpractice insurance; or

5. The policy is retrospectively rated, where the premium is adjusted at the end of the policy period to reflect the risk's actual loss experience.

F. No written notice of cancellation, refusal to renew, reduction in coverage, or increase in premium that is mailed or delivered electronically by an insurer to a first named insured in accordance with this section shall be effective unless *the insurer complies with the applicable provisions of subdivisions 1 through 4:*

1. *If the notice is mailed, proof of mailing a notice of cancellation, refusal to renew, reduction in coverage, or increase in premium shall be obtained using one of the following methods that demonstrates the date that the notice was sent to the first named insured at the address stated in the policy or to such insured's last known address:*

a. ~~It~~ The notice is sent by ~~registered or certified~~:

(1) Registered mail;

(2) Certified mail; or ~~any~~

(3) Any other similar first-class mail tracking method ~~that is~~ used or approved by the United States Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing); or

b. *The notice is sent by another method of mailing for which a certificate of mailing is obtained from the United States Postal Service at the time the notice is accepted for mailing. A certificate of mailing from the United States Postal Service does not include a certificate of bulk mailing.*

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

~~2.~~ ~~The~~ 3. *If the notice is mailed, the insurer retains a copy of the notice of cancellation, refusal to renew, reduction in coverage, or increase in premium for at least one year from the date such action was effective. If the notice is mailed, proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation, refusal to renew, reduction in coverage, or increase in premium is effective.*

~~3.~~ 4. a. If the terms of a policy of motor vehicle insurance insuring a business entity require the notice of cancellation, refusal to renew, reduction in coverage, or increase in premium to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by this subsection. If the notices sent to the first named insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. ~~The registered, certified or regular mail postal receipt and the copy of the notices required by this subsection shall be retained by the insurer for at least one year from the date of termination~~ *Proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation, refusal to renew, reduction in coverage, or increase in premium is effective.*

b. Notwithstanding the provisions of subdivision ~~3~~ 4 a, if the terms of the policy require the notice of cancellation, refusal to renew, reduction in coverage, or increase in premium to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically, provided that the insurer and lienholder agree upon the specifics for transmittal and ~~acknowledgment~~ *acknowledgment* of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

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

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

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

I. Within 15 days of receipt of the notice of cancellation, refusal to renew, reduction in coverage, or increase in premium, the named insured shall be entitled to request in writing to the Commissioner that he review the action of the insurer. Upon receipt of the request, the Commissioner shall promptly begin a review to determine whether the insurer's

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

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

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

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

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

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

A. No written notice of cancellation or refusal to renew a policy written to insure owner-occupied dwellings shall be effective when mailed or delivered electronically by an insurer unless *the insurer complies with the applicable provisions of subdivisions 1, 2, and 3:*

1. *If the notice is mailed, proof of mailing a notice of cancellation or refusal to renew shall be obtained using one of the following methods that demonstrates the date that the notice was sent to the named insured at the address stated in the policy or to the named insured's last known address:*

a. ~~The notice is sent by registered or certified:~~

(1) Registered mail;

(2) Certified mail; or ~~any~~

(3) Any other similar first-class mail tracking method that is used or approved by the United States Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing); or

b. *The notice is sent by another method of mailing for which a certificate of mailing is obtained from the United States Postal Service at the time the notice is accepted for mailing. A certificate of mailing from the United States Postal Service does not include a certificate of bulk mailing.*

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

~~3. If the notice is mailed, the insurer retains a copy of the notice of cancellation or refusal to renew for at least one year from the date such action was effective. If the notice is mailed, proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation or nonrenewal notice is effective.~~

~~3. [Repealed.]~~

B. This section shall not apply to policies written through the Virginia Property Insurance Association or any other residual market facility established pursuant to Chapter 27 (§ 38.2-2700 et seq.) of this title.

C. 1. If the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by subsection A of this section. If the notices sent to the insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. ~~The registered, certified or regular mail postal receipt and copy of the notices required by this section shall be retained by the insurer for at least one year from the date of termination~~ *Proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation or nonrenewal notice is effective.*

2. Notwithstanding the provisions of subdivision € 1, if the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically, provided that the insurer and lienholder agree upon the specifics for transmittal and ~~acknowledgement~~ *acknowledgment* of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

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

§ 38.2-2208. Notices of cancellation of or refusal to renew motor vehicle insurance policies.

A. No written notice of cancellation or refusal to renew that is mailed or delivered electronically by an insurer to an insured in accordance with the provisions of a motor vehicle insurance policy shall be effective unless *the insurer complies with the applicable provisions of subdivisions 1, 2, and 3:*

1. *If the notice is mailed, proof of mailing a notice of cancellation or refusal to renew shall be obtained using one of the following methods that demonstrates the date that the notice was sent to the named insured at the address stated in the policy or to the named insured's last known address:*

a. ~~¶~~ *The notice is sent by registered or certified:*

(1) Registered mail;

(2) Certified mail; or ~~any~~

(3) Any other similar first-class mail tracking method ~~that is~~ used or approved by the United States Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing); or

b. *The notice is sent by another method of mailing for which a certificate of mailing is obtained from the United States Postal Service at the time the notice is accepted for mailing. A certificate of mailing from the United States Postal Service does not include a certificate of bulk mailing.*

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

~~2.~~ *The 3. If the notice is mailed, the insurer retains a copy of the notice of cancellation or refusal to renew for at least one year from the date such action was effective. If the notice is mailed, proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation or nonrenewal notice is effective.*

~~3. [Repealed.]~~

B. 1. If the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by subsection A ~~of this section~~. If the notices sent to the insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. ~~The registered, certified or regular mail postal receipt and the copy of the notices required by this section shall be retained by the insurer for at least one year from the date of termination. Proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation or nonrenewal notice is effective.~~

2. Notwithstanding the provisions of subdivision B 1, if the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically, provided that the insurer and lienholder agree upon the specifics for transmittal and ~~acknowledgement~~ *acknowledgment* of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

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

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

CHAPTER 5

An Act to amend and reenact § 3.2-1905 of the Code of Virginia, relating to the excise tax on peanuts.

[S 1]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-1905 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-1905. Levy of excise tax.

~~An excise tax of 15 cents (\$0.15) per 100 pounds is levied on all peanuts grown in and sold in the Commonwealth for processing. Beginning July 1, 2010, and ending July 1, 2016 2021, such an excise tax shall be levied at a rate of \$0.30 per 100 pounds on all peanuts grown in and sold in the Commonwealth for processing. Peanuts shall not be subject to the tax after the tax has been paid once.~~

CHAPTER 6

An Act to amend and reenact § 3.2-105 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 10.1-1105.1, relating to the century forest program.

[S 252]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-105 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 10.1-1105.1 as follows:

§ 3.2-105. Century farm program.

The Commissioner shall establish a century farm program to honor farm families in the Commonwealth whose property has been in the same family for 100 years or more. In order to be eligible for recognition under the program, a farm shall: (i) have been owned by the same family for at least 100 consecutive years; (ii) be lived on, or actually farmed, by a ~~descendent~~ descendant of the original owners; and (iii) gross more than \$2,500 annually from the sale of farm products. ~~At the discretion of the Commissioner, a farm that does not gross more than \$2,500 annually but is being used for a bona fide silvicultural purpose may be recognized under the program.~~

§ 10.1-1105.1. Century forest program.

The State Forester shall establish and administer a century forest program to honor families in the Commonwealth whose property has been in the same family for 100 years or more and includes at least 20 contiguous acres of managed forest. In order to be eligible for recognition under the program, a property shall (i) have been owned by the same family for at least 100 consecutive years; (ii) be lived on, or actually managed by, a descendant of the original owners; and (iii) have a documented history of timber harvests or forest management activities.

CHAPTER 7

An Act to amend and reenact §§ 28.2-226 and 28.2-530 of the Code of Virginia, relating to recreational oyster harvest.

[S 284]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 28.2-226 and 28.2-530 of the Code of Virginia are amended and reenacted as follows:

§ 28.2-226. Exemptions from licensing requirements.

The following activities are exempt from the licensing requirements of this subtitle:

1. Except as otherwise provided by regulation, taking by dip net, hand line, or two crab pots, as much as one bushel of hard crabs and two dozen peeler crabs in any one day for personal use only.

2. Taking a maximum of one bushel of oysters in any one day for personal use, when taken by hand or with ordinary tongs *during the legally prescribed oyster season on public oyster grounds open for harvest or unleased bottom open for harvest.*

3. Taking a maximum of 250 clams in any one day for personal use, when taken by hand or with ordinary tongs.

4. Using one tank or float no greater than four feet in width and eight feet in length for shedding crabs for personal use.

§ 28.2-530. Taking oysters or loading on vessel on Sunday or at night; penalty.

A. It shall be unlawful for any person to take oysters, from either public or private grounds, on Sunday or between sunset and sunrise; nor shall any person load any vessel or boat for such purpose with any oysters from any of the waters of the Commonwealth on Sunday or between sunset and sunrise.

B. Shucking oysters taken from the public grounds other than from designated seed areas may be unloaded on shore at packinghouses or loaded on trucks or motor vehicles one-half hour after sunset and one-half hour before sunrise. Those oysters which have been inspected by an officer and purchased by the packer or planter, and the oysters owned by the packer or planter, may be unloaded at any time except Sunday within the discretion of the packer.

C. The provisions of subsection A ~~of this section~~ shall not apply to (i) the taking or catching, by hand during the prescribed hours of daylight on Sunday *during the legally prescribed public oyster harvest season on public oyster grounds open for harvest or unleased bottom open for harvest*, of not more than one bushel of oysters for personal use or (ii) the taking or catching of cultured oysters during the prescribed hours of daylight on Sunday. The presence, on board a boat or other vehicle being used during any Sunday harvesting, except as part of ~~a~~ *an* oyster aquaculture operation, of any gear normally associated with the harvesting of oysters other than by hand is prima facie evidence of a violation of the provisions of this section.

A violation of this section is a Class 3 misdemeanor.

CHAPTER 8

An Act to amend the Code of Virginia by adding a section numbered 62.1-44.19:21.1, relating to sediment reduction credits for MS4s.

[S 292]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 62.1-44.19:21.1 as follows:****§ 62.1-44.19:21.1. Sediment credit use by regulated MS4s.**

A. Subject to the conditions and limitations of subsections B, C, and D, an MS4 permittee may acquire and use sediment credits for purposes of compliance with any waste load allocations established by total maximum daily loads for the Chesapeake Bay or its tidal tributaries applied in an MS4 permit issued pursuant to § 62.1-44.15:25, where such credit use is part of an integrated compliance plan for the MS4 permittee to address such nutrient and sediment total maximum daily loads.

B. Such method of compliance may be approved by the Department following review of an integrated compliance plan submitted by the permittee that includes the use of sediment credits. The permittee may use such credits for compliance purposes only if (i) the credits are generated and applied for purposes of compliance for the same calendar year; (ii) the credits are acquired no later than June 1 immediately following the calendar year to which the credits are applied; (iii) no later than June 1 immediately following the calendar year to which credits are applied, the permittee certifies on a form supplied by the Department that he has acquired sufficient credits to satisfy his compliance obligations; (iv) the credits are generated in the same tributary; (v) the sediment credits are not associated with phosphorus credits used for compliance with stormwater nonpoint nutrient runoff water quality criteria established pursuant to § 62.1-44.15:28; and (vi) the credits are derived from (a) implementation of best management practices in a defined area outside of an MS4 service area, in which case the necessary baseline sediment reduction for such defined area shall be achieved prior to the permittee's use of additional reductions as credit, or (b) a point source waste load allocation established by the Chesapeake Bay total maximum daily load, in which case the credit is the difference between the waste load allocation specified as an annual mass load and any lower monitored annual mass load that is discharged as certified on a form supplied by the Department.

C. This section shall not be construed to limit or otherwise affect the authority of the Board to establish and enforce more stringent water quality-based effluent limitations in permits where those limitations are necessary to protect local water quality. The exchange or acquisition of credits pursuant to this article shall not affect any requirement to comply with such local water quality-based limitations.

D. The Board may adopt regulations for the purpose of establishing procedures for the certification of nonpoint source sediment credits used pursuant to subsection B. The Board's administration of this section and its adoption of any such regulations shall be consistent wherever appropriate with the standards and procedures established pursuant to § 62.1-44.19:20 for certification of nonpoint source nutrient credits, including, without limitation, the opportunity for public notification, the retirement of credits, sediment baseline attainment as a condition on generation and use of nonpoint source sediment credits, financial assurance requirements, and requirements for inspection or auditing by the Department.

E. For the purposes of this section, "sediment credit" means a sediment or total suspended solids reduction that is expressed in pounds delivered to tidal waters within the Chesapeake Bay Watershed.

CHAPTER 9

An Act to amend and reenact § 28.2-1207 of the Code of Virginia, relating to beach restoration; expedited permit.

[S 307]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 28.2-1207 of the Code of Virginia is amended and reenacted as follows:****§ 28.2-1207. Authority to approve permits for encroachment on subaqueous beds; notice.**

A. Any application for a permit to trespass upon or over or encroach upon subaqueous beds which are the Commonwealth's property may be approved by the Commissioner or his authorized representative if the application meets the requirements of §§ 28.2-1205 and 28.2-1206 and the following criteria are satisfied:

1. The total value of the project does not exceed \$500,000;
2. The application is not protested by any citizen or objected to by any state agency; and
3. The project for which the permit is sought will not require any other permit from the Commission.

B. If the permit application is for a shore erosion control project recommended by the soil and water conservation district in which the project is to be located and the criteria listed in subsection A of this section are satisfied, the Commission may, after giving notice of the application to the Virginia Institute of Marine Science, approve the application without giving notice to or awaiting the approval of any other state agency.

C. The Commission shall, in conjunction with affected state and federal agencies, develop an expedited process for issuing general permits for activities that are intended to improve water quality such as bioengineered streambank projects and livestock stream crossings, and for activities required during emergencies in which a determination has been made that there is a threat to public or private property, or to the health and safety of the public. The development of the general permit shall be exempt from Article 2 (§ ~~2.2-4007~~ 2.2-4006 et seq.) of the Administrative Process Act.

D. *The Commission shall, in conjunction with affected state and federal agencies, develop an expedited process for issuing a permit for emergency activities intended to restore sand to any publicly owned beach damaged by sand erosion. Such erosion shall have been caused by a discrete, identifiable weather event or sequence of events that threatened public or private property or public health and safety and was the subject of a declaration of emergency by the Governor or the governing body of the locality in which the project is located. The development of the permit shall be exempt from Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.*

CHAPTER 10

An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to hunting on Sunday; rails.

[S 344]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-521. Unlawful to hunt, trap, possess, sell, or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm, or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) *any person who hunts or kills raccoons*, which may be hunted until 2:00 a.m. on Sunday mornings; (ii) any person who hunts or kills *birds in the family Rallidae or waterfowl*, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm, or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens, or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow, or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow, or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing ~~them~~ *it*. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs, or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours, and the Board may

adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture, or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers, (ii) the manufacture or sale of implements, including, ~~but not limited to,~~ tools or utensils, made from legally harvested deer skeletal parts, including antlers, or (iii) the possession of shed antlers.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including, ~~but not limited to,~~ subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, ~~which~~ that is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport, and distribute donated or unclaimed meat to the hungry; may pay a processing fee in order to obtain such meat. Such ~~fees~~ fee shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code; that is (a) organized to support wildlife habitat conservation and (b) approved by the Department; shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian, who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state, or the U.S. government, may possess, offer for sale, or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws, and bones.

"Verification" as used in this section shall include, ~~but is not limited to,~~ (i) ~~showing display of~~ a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

CHAPTER 11

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 1 of Title 3.2 a section numbered 3.2-108.1, relating to Virginia Pollinator Protection Strategy.

[S 356]

Approved February 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 1 of Title 3.2 a section numbered 3.2-108.1 as follows:

§ 3.2-108.1. Virginia Pollinator Protection Strategy.

A. *The Department shall develop and maintain a Virginia Pollinator Protection Strategy (the Strategy) to (i) promote the health of and mitigate the risks to all pollinator species and (ii) ensure a robust agriculture economy and apiary industry for honeybees and other managed pollinators.*

B. *In developing the Strategy, the Department shall seek the assistance of the Department of Conservation and Recreation, the Department of Game and Inland Fisheries, and the Department of Environmental Quality and shall establish a stakeholder group composed of representatives of affected groups, including beekeepers, agricultural producers, commercial pesticide applicators, private pesticide applicators, pesticide manufacturers, retailers, lawn and turf service providers, agribusiness and farmer organizations, conservation interests, Virginia Polytechnic Institute and State University, Virginia State University, and the Virginia Cooperative Extension.*

C. *The Strategy shall include a plan for the protection of managed pollinators that provides voluntary best management practices for pesticide users, beekeepers, and landowners and agricultural producers. The protection plan shall support:*

1. *Communication between beekeepers and applicators;*
2. *Reduction of the risk to pollinators from pesticides;*
3. *Increases in pollinator habitat;*
4. *Maintenance of existing compliance with state pesticide use requirements;*
5. *Identification of needs for further research to promote robust agriculture and apiary industries; and*
6. *Identification of additional opportunities for education and outreach on pollinators.*

2. That the Department of Agriculture and Consumer Services shall, no later than July 1, 2017, provide an interim report on the Virginia Pollinator Protection Strategy (the Strategy) to the Senate Committee on Agriculture, Conservation and Natural Resources, the House Committee on Agriculture, Chesapeake and Natural Resources, and the Board of Agriculture and Consumer Services (the Board) and shall, upon completion of the Strategy but not later than July 1, 2018, report on the Strategy to those committees and the Board.

CHAPTER 12

An Act to provide for the submission to the voters of a proposed amendment to the Constitution of Virginia adding to Article I a section numbered 11-A, relating to the right to work.

[H 4]

Approved February 24, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2016, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend the Constitution of Virginia by adding to Article I a section numbered 11-A as follows:

ARTICLE I
BILL OF RIGHTS

Section 11-A. Right to work.

Any agreement or combination between any employer and any labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

§ 2. The ballot shall contain the following question:

"Question: Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2017.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 13

An Act to amend and reenact §§ 24.2-106, 24.2-111, 24.2-114, and 24.2-411 of the Code of Virginia, relating to general registrars and members of electoral boards; annual training; office closures.

[H 88]

Approved February 24, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-106, 24.2-111, 24.2-114, and 24.2-411 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-106. Appointment and terms; vacancies; chairman and secretary; certain prohibitions; training.

There shall be in each county and city an electoral board composed of three members who shall be appointed by a majority of the circuit judges of the judicial circuit for the county or city. If a majority of the judges cannot agree, the senior judge shall make the appointment. Any vacancy occurring on a board shall be filled by the same authority for the unexpired term. In the event of the temporary absence, or disability that precludes the performance of the duties, of one or more members that prevents attaining a quorum, the senior judge, for good cause, may appoint, on a meeting to meeting basis, a temporary member to the electoral board. The temporary appointee must be eligible for appointment and to the extent practicable maintain representation of political parties under § 24.2-106. The clerk of the circuit court shall send to the State Board a copy of each order making an appointment to an electoral board.

In the appointment of the electoral board, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. Two electoral board members shall be of the political party that cast the highest number of votes for Governor at that election. When the Governor was not elected as the candidate of a political party, representation shall be given to each of the political parties having the highest and next highest number of members of the General Assembly at the time of the appointment and two board members shall be of the political party having the highest number of members in the General Assembly. The political party entitled to the appointment shall make and file recommendations with the judges for the appointment not later than January 15 of the year of an appointment to a full term or, in the case of an appointment to fill a vacancy, within 30 days of the date of death or notice of resignation of the member being replaced. Its recommendations shall contain the names of at least three qualified voters of the county or city for each appointment. The judges shall promptly make such appointment (i) after receipt of the political party's recommendation or (ii) after January 15 for a full term or after the 30-day period expires for a vacancy appointment, whichever of the events described in clause (i) or (ii) first occurs.

The circuit judges of the judicial circuit for the county or city shall not appoint to the electoral board (i) any person who is the spouse of an electoral board member or the general registrar for the county or city, (ii) any person, or the spouse of any person, who is the parent, grandparent, sibling, child, or grandchild of an electoral board member or the general registrar of the county or city, or (iii) any person who is ineligible to serve under the provisions of this section.

Electoral board members shall serve three-year terms and be appointed to staggered terms, one term to expire at midnight on the last day of February each year. No three-year term shall be shortened to comply with the political party representation requirements of this section.

The board shall elect one of its members as chairman and another as secretary. The chairman and the secretary shall represent different political parties, unless the representative of the second-ranked political party declines in writing to accept the unfilled office. At any time that the secretary is incapacitated in such a way that makes it impossible for the secretary to carry out the duties of the position, the board may designate one of its other members as acting secretary. Any such designation shall be made in an open meeting and recorded in the minutes of the board.

The secretary of the electoral board shall immediately notify the State Board of any change in the membership or officers of the electoral board and shall keep the Board informed of the name, residence and mailing addresses, and home and business telephone numbers of each electoral board member.

No member of an electoral board shall be eligible to offer for or hold an office to be filled in whole or in part by qualified voters of his jurisdiction. If a member resigns to offer for or hold such office, the vacancy shall be filled as provided in this section.

No member of an electoral board shall be the spouse, grandparent, parent, sibling, child, or grandchild, or the spouse of a grandparent, parent, sibling, child, or grandchild, of a candidate for or holder of an elective office filled in whole or in part by any voters within the jurisdiction of the electoral board.

No member of an electoral board shall serve as the chairman of a state, local or district level political party committee or as a paid worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the jurisdiction of the electoral board.

~~At least one~~ Each member of the electoral board shall attend an annual training program provided by the State Board *during the first year of his appointment and the first year of any subsequent reappointment.*

§ 24.2-111. Compensation and expenses of general registrars.

The General Assembly shall establish a compensation plan in the general appropriation act for the general registrars. The governing body for the county or city of each general registrar shall pay compensation in accordance with the plan and be reimbursed annually as authorized in the act. The governing body shall be required to provide benefits to the general and assistant registrars and staff as provided to other employees of the locality, and shall be authorized to supplement the salary of the general registrar to the extent provided in the act.

Each locality shall pay the reasonable expenses of the general registrar, including reimbursement for mileage at the rate payable to members of the General Assembly. In case of a dispute, the State Board shall approve or disapprove the reimbursement. Reasonable expenses include, but are not limited to, costs for: (i) an adequately trained registrar's staff, including training in the use of computers and other technology to the extent provided to other local employees with similar job responsibilities, and reasonable costs for the general registrar ~~or at least one member of the registrar's staff~~ to attend the annual training offered by the State Board; (ii) adequate training for officers of election; (iii) conducting elections as required by this title; and (iv) voter education.

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia.

16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of elections for the locality in which he serves.

19. Attend, ~~or designate one member of his staff to attend,~~ an annual training program provided by the State Board. *A general registrar may designate one member of his staff to attend such training program if he is unable to attend because of a personal or family emergency.*

§ 24.2-411. Office of the general registrar.

Each local governing body shall furnish the general registrar with a clearly marked and suitable office which shall be the principal office for voter registration. The office shall be owned or leased by the city or county, or by the state for the location of Department of Motor Vehicles facilities, adequately furnished, and located within the city or within the county or a city in which the county courthouse is located. The governing body shall provide property damage liability and bodily injury liability coverage for the office and shall furnish the general registrar with necessary postage, stationery, equipment, and office supplies. The telephone number shall be listed in the local telephone directory separately or under the local governmental listing under the designation "Voter Registration."

No private business enterprise shall be conducted in the general registrar's office.

The general registrar's office in counties with a population under 10,000 and in cities with a population under 7,500 shall be open a minimum of three days each week and additional days as required by the general appropriation act. The general registrar's office in all other counties and cities shall be open a minimum of five days each week. The specific days of normal service each week for general registrars shall be determined by the Commissioner of Elections.

Additional hours, if any, that the general registrar's office is open for voter registration may be determined and set by the general registrar or the electoral board.

The general registrar may close the office of the general registrar (i) for off-site training purposes for no more than four consecutive or cumulative days each year, provided that notice of the closure is posted on the official website of the county or city and in no fewer than two public places at least 72 hours before such closure, and (ii) quarterly to provide training in the office for a period not to exceed four hours without providing notice. However, no closure permitted by clause (i) or clause (ii) shall occur (a) within the seven days immediately preceding and immediately following an election, (b) during the period for absentee voting required by subsection A of § 24.2-701, (c) on the final registration day pursuant to § 24.2-414, or (d) on a deadline specified in the Campaign Finance Disclosure Act of 2006 (§ 24.2-945 et seq.).

CHAPTER 14

An Act to amend and reenact § 24.2-808 of the Code of Virginia, relating to contests of election for certain elections; service of process.

[H 105]

Approved February 24, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-808 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-808. Time of filing and service of complaint; enlargement or amendment of complaint.

The contestant shall file his complaint in the clerk's office of the circuit court within ~~thirty~~ 30 days following the date of the election in the case of a general election, and within ~~ten~~ 10 days following the date of the election in case of a primary election or special election held on a date other than that of a general election. A copy of the complaint shall be served by the contestant as provided under § 8.01-296 on each contestee; otherwise the complaint shall not be valid. *For a contest conducted pursuant to § 24.2-806, the copy of the complaint shall be served by the contestant on each contestee within 30 days following the date of the election in the case of a general election and within 10 days following the date of the election in the case of a primary or special election held on a date other than that of a general election.*

No enlargement or amendment of the complaint, except as to form, shall be permitted save by leave of court as provided in Rule 1:8 of the Rules of the Supreme Court of Virginia.

CHAPTER 15

An Act to amend and reenact § 24.2-604 of the Code of Virginia, relating to election day program; permitted activities of participants.

[H 205]

Approved February 24, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-604 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.

A. During the times the polls are open and ballots are being counted, it shall be unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this

section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

E. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or D shall be guilty of a Class 1 misdemeanor.

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and K.

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. A local electoral board, and its general registrar, may conduct a special election day program for high school students, selected by the electoral board in cooperation with high school authorities, in one or more polling places designated by the electoral board, other than a central absentee voter precinct. The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. *Each student shall receive, from a person designated by the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages.* Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election *and may assist in the arrangement of the voting equipment, furniture, and other materials for the conduct of the election,* but shall not ~~handle or touch ballots, voting machines, or any other official election materials, or~~ enter any voting booth. *Election pages may, at the direction and under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots prior to the opening of the polls, but shall not handle or touch ballots in any other circumstance.*

I. A local electoral board may authorize in writing the presence of additional neutral observers as it deems appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A

and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

J. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.

K. The provisions of subsections A and D shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

CHAPTER 16

An Act to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee ballots; electronic transmission by general registrar.

[H 456]

Approved February 24, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-706 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house

number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate or other evidence of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. ~~The~~ *If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available, shall send by but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the website of the Department of Elections. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program.* The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

CHAPTER 17

An Act to provide for the submission to the voters of a proposed amendment to the Constitution of Virginia adding in Article X a section numbered 6-B, relating to real property tax exemptions.

Approved February 24, 2016

[H 865]

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2016, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend the Constitution of Virginia by adding in Article X a section numbered 6-B as follows:

ARTICLE X
TAXATION AND FINANCE

Section 6-B. Property tax exemptions for spouses of certain emergency services providers.

Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may provide for a local option to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, who occupies the real property as his or her principal place of residence. The exemption under this section shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in the line of duty prior to the effective date of this section, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel.

§ 2. The ballot shall contain the following question:

"Question: Shall the Constitution of Virginia be amended to allow the General Assembly to provide an option to the localities to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, where the surviving spouse occupies the real property as his or her principal place of residence and has not remarried?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2017.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 18

An Act to amend and reenact §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-117, 24.2-216, 24.2-310, 24.2-406, 24.2-511, 24.2-527, 24.2-604, 24.2-604.1, 24.2-609, 24.2-610, 24.2-612, 24.2-614, 24.2-616 through 24.2-620, 24.2-627, 24.2-631 through 24.2-639, 24.2-641, 24.2-642, 24.2-647, 24.2-659, 24.2-668, 24.2-683, 24.2-684, and 24.2-712 of the Code of Virginia, relating to local electoral boards; reassigning certain duties related to elections administration; technical amendments to terminology.

[H 1145]

Approved February 24, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-117, 24.2-216, 24.2-310, 24.2-406, 24.2-511, 24.2-527, 24.2-604, 24.2-604.1, 24.2-609, 24.2-610, 24.2-612, 24.2-614, 24.2-616 through 24.2-620, 24.2-627, 24.2-631 through 24.2-639, 24.2-641, 24.2-642, 24.2-647, 24.2-659, 24.2-668, 24.2-683, 24.2-684, and 24.2-712 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office.

"Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the

nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

§ 24.2-115. Appointment, qualifications, and terms of officers of election.

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed. *The general registrar shall prepare and submit to the electoral board a plan to ensure that adequate numbers of trained officers of election are available to serve in each election.*

Not less than three competent citizens shall be appointed for each precinct. However, a precinct having more than 4,000 registered voters shall have not less than five officers of election serving for a presidential election, and the electoral board shall appoint additional officers as needed to satisfy this requirement. Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an even number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

The electoral board shall ~~designate~~ *ensure that* one officer is designated as the chief officer of election and one officer is designated as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct. Notwithstanding any other provision of this section, where representatives for one or both of the two political parties having the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, ~~the electoral board may designate~~ *citizens who do not represent either of those two political parties may be designated* as the chief officer and the assistant chief officer ~~citizens who do not represent any political party~~. In such case, the ~~electoral board~~ *general registrar* shall provide notice to representatives of both parties at least 10 days prior to the election that ~~it~~ *he* intends to use nonaffiliated officers so that each party shall have the opportunity to provide additional nominations. The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall ~~instruct~~ *ensure that* each chief officer and assistant *is instructed* in his duties not less than three nor more than 30 days before each election. Each ~~electoral board may instruct each~~ officer of election *may be instructed* in his duties at an appropriate time or times before each November general election, and ~~shall conduct~~ training of the officers of election ~~consistent~~ *shall be conducted consistently* with the standards set by the State Board pursuant to

subsection B of § 24.2-103. Each electoral board shall *ensure that the general registrar* certify to the State Board that such training of all officers of election has been conducted every four years.

Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed or as required by law.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board *or the general registrar* shall inform the political parties of ~~its~~ *the decision of the electoral board* to make such appointments and the party shall file its nominations with the secretary of the electoral board *or the general registrar* within five business days.

The secretary of the electoral board *or general registrar* shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary of the electoral board *or the general registrar* shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary of the electoral board *or the general registrar* shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

§ 24.2-115.1. Officers of election; hours of service.

The electoral board *or general registrar* may provide that the officers of election for one or more precincts may be assigned to work all or a portion of the time that the precinct is open on election day or reassigned to another precinct for the remaining portion of election day, as needed. Any officer of election assisting with the closing of the precinct and reporting the results of the votes at the precinct shall be required to report to the precinct at least one hour prior to the closing of the precinct. However, the chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, shall be on duty at all times. The electoral board *or general registrar* may provide for the administration of the oath of office provided for in § 24.2-120 and the oath required in § 24.2-611 to be kept with the pollbook at times convenient for officers of election assigned to work only a portion of the time that the precinct is open on election day.

§ 24.2-117. Request for removal of officer of election.

A candidate may require the removal of an officer of election for the election in which he is a candidate by a request in writing, filed at least seven days before the election with the electoral board appointing the officer, on the grounds that the officer is the spouse, parent, grandparent, sibling, child, or grandchild of an opposing candidate. A member of the electoral board may also request the removal of an officer of election whom he knows to be the spouse, parent, grandparent, sibling, child, or grandchild of a candidate in the election by a request in writing, filed at least seven days before the election with the electoral board. ~~The~~ *Upon receipt of a timely written request pursuant to this section, the electoral board may appoint shall ensure that a substitute who shall hold office and is appointed to serve for that election.*

§ 24.2-216. Filling vacancies in the General Assembly.

When a vacancy occurs in the membership of the General Assembly during the recess of the General Assembly or when a member-elect to the next General Assembly dies, resigns, or becomes legally incapacitated to hold office prior to its meeting, the Governor shall issue a writ of election to fill the vacancy. If the vacancy occurs during the session of the General Assembly, the Speaker of the House of Delegates or the President pro tempore of the Senate, as the case may be, shall issue the writ unless the respective house by rule or resolution shall provide otherwise. Upon receipt of written notification by a member or member-elect of his resignation as of a stated date, the Governor, Speaker, or President Pro Tempore, as the case may be, may immediately issue the writ to call the election. The member's or member-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election.

The writ shall be directed to the secretaries of the electoral boards *and the general registrars* of the respective counties and cities composing the district for which the election is to be held.

Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general or special election at which it is to be called is scheduled within 75 days of the end of the term of the office to be filled.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the ~~electoral board~~ *general registrar* to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board *or the general registrar* shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The ~~electoral board~~ *general registrar* shall provide notice to the voters appropriate to the circumstances of the emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

§ 24.2-406. Lists of persons voting at elections.

A. The Department of Elections shall furnish, at a reasonable price, lists of persons who voted at any primary, special, or general election held in the four preceding years to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of the public or a nonprofit organization seeking to promote voter participation and registration by means of a communication or mailing without intimidation or pressure exerted on the recipient, for that purpose only. Such lists shall be furnished to no one else and shall be used only for campaign and political purposes and for reporting to constituents. Unless such lists are not available due to a pending recount or election contest, the ~~electoral board~~ *general registrar* shall submit the list of persons who voted to the Department of Elections within 14 days after each election. The ~~electoral boards~~ *general registrars* of localities using nonelectronic pollbooks shall submit the list of persons who voted to the Department of Elections within seven days after the pollbooks are released from the possession of the clerk of court. The Department of Elections shall make available such lists no later than seven days after receiving them from the ~~electoral board~~ *general registrar*.

B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

§ 24.2-511. Party chairman or official to certify candidates to State Board and secretary of electoral board; failure to certify.

A. The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the State Board not later than five days after the last day for nominations to be made. The State Board shall notify the ~~secretaries of every electoral board~~ *general registrars* of the names of the candidates to appear on the ballot for such offices.

B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the ~~secretary or secretaries of the electoral boards~~ *general registrars* of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made. Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.

C. In the case of a nomination for any office to be filled by a special election, the party chairman shall certify the name of any candidate (i) by the deadline to nominate the candidate or (ii) not later than five days after the deadline if it is a special election held at the second November election after the vacancy occurred.

D. No further notice of candidacy or petition shall be required of a candidate once the party chairman has certified his name to the State Board.

E. In no case shall the individual who is a candidate for an office be the person who certifies the name of the party candidate for that same office. In such case the party shall designate an alternate official to certify its candidate.

§ 24.2-527. Chairman or official to furnish State Board and local electoral boards with names of candidates and certify petition signature requirements met.

A. It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the State Board, and to furnish the name of any candidate for any other office to the State Board and to the ~~electoral boards~~ *general registrars* charged with the duty of preparing and printing the primary ballots. In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the State Board shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each chairman shall comply with the provisions of this section not less than 70 days before the primary.

B. In no case shall the individual who is a candidate for an office be the person who certifies the names of candidates for a primary for that same office. In such case the party shall designate an alternate official to certify the candidates.

§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.

A. During the times the polls are open and ballots are being counted, it shall be unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board *or general registrar*. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling

place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

E. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or D shall be guilty of a Class 1 misdemeanor.

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and K.

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board *or general registrar* has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board *or general registrar* and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. ~~A~~ The local electoral board, ~~and~~ *or* its general registrar, may conduct a special election day program for high school students; ~~selected by the electoral board in cooperation with high school authorities;~~ in one or more polling places designated by the electoral board *or the general registrar*, other than a central absentee voter precinct. *Such students shall be selected by the electoral board or the general registrar in cooperation with high school authorities.* The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election, but shall not handle or touch ballots, voting machines, or any other official election materials, or enter any voting booth.

I. A local electoral board *or general registrar* may authorize in writing the presence of additional neutral observers as ~~it deems~~ *may be deemed* appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

J. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.

K. The provisions of subsections A and D shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

§ 24.2-604.1. Signs for special entrances to polling places.

The electoral board *or the general registrar* shall provide and have posted outside each polling place appropriate signs to direct people with disabilities and elderly persons to any special entrance designed for their use.

§ 24.2-609. Voting booths.

Each electoral board *or general registrar* shall provide at each polling place in ~~its~~ *the* county or city one or more voting booths. At least one booth shall be an enclosure which permits the voter to vote by printed ballot in secret and is equipped with a writing surface, operative writing implements, and adequate lighting. Enclosures for voting equipment shall provide for voting in secret and be adequately lighted. "Voting booth" includes enclosures for voting printed ballots and for voting equipment.

§ 24.2-610. Materials at polling places.

A. The State Board shall provide copies of this title to each *member of the electoral board boards and to each general registrar* for each precinct in ~~its~~ the county or city. The ~~electoral board~~ *general registrar* shall furnish a copy of this title to each precinct for the use of the officers of election on election day.

B. Pursuant to subdivision A 7 of § 24.2-404, the State Board shall transmit to the ~~general registrar~~ *general registrar* of each county and city pollbooks for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.

C. The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election.

§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for accuracy; when ballots printed; number required.

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each ~~electoral board~~ *general registrar* shall forward to the Department of Elections a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each ~~electoral board~~ *general registrar* shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the ~~electoral board~~ *general registrar* shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the ~~electoral board~~ *general registrar* of the accuracy of the list. The failure of any ~~electoral board~~ *general registrar* to send the list to the Department of Elections for verification shall not invalidate any election.

Each ~~electoral board~~ *general registrar* shall have printed the number of ballots ~~it~~ *he* determines will be sufficient to conduct the election. *Such determination shall be subject to the approval by the electoral board.*

Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise provide one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the Department of Elections shall execute the statement required by § 24.2-616. The Department of Elections shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate ~~electoral boards~~ *general registrars* pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board *or the general registrar* shall affix ~~its~~ *the* seal of the electoral board. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the Department of Elections shall specifically direct.

The ~~electoral board~~ *general registrar* shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the ~~electoral board~~ *general registrar* shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each ~~electoral board~~ *general registrar* shall report to the Department of Elections, in writing on a form approved by the Department of Elections, whether ~~it~~ *he* has complied with the applicable deadline.

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.

The ~~electoral boards~~ *general registrar* shall send to the Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any ~~local electoral board~~ *general registrar* is not sufficient, it may direct the ~~local board~~ *general registrar* to order the printing of a reasonable number of additional ballots.

§ 24.2-614. Preparation and form of presidential election ballots.

As soon as practicable after the seventy-fourth day before the presidential election, the State Board shall certify to the ~~secretary~~ *general registrar* of each county and city ~~electoral board~~ the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each ~~electoral board~~ *general registrar* shall have the official ballot printed at least ~~forty five~~ 45 days preceding the election.

The ballot shall contain the name of each political party and the party group name, if any, specified by the persons naming electors by petition pursuant to § 24.2-543. Below the party name in parentheses, the ballot shall contain the words "Electors for _____, President and _____, Vice President" with the blanks filled in with the names of the candidates for President and Vice President for whom the candidates for electors are expected to vote in the Electoral College. A printed square shall precede the name of each political party or party designation.

Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board; and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.

§ 24.2-616. Duties of printer; statement; penalty.

The printer contracting with or employed by the electoral board *or general registrar* to print the ballots shall sign a statement before the work is commenced agreeing, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he will print the number of ballots requested by the electoral board *or the general registrar* in accordance with ~~its~~ *the instructions given by the electoral board or the general registrar*; that he will print, and permit to be printed, directly or indirectly, no more than that number; that he will at once destroy all imperfect and perfect impressions other than those required to be delivered to the ~~electoral board~~ *general registrar*; that as soon as such number of ballots is printed he will distribute the type, if any, used for such work; and that he will not communicate to anyone, in any manner, the size, style, or contents of such ballots.

A similar statement shall be required of any employee or other person engaged in the work.

§ 24.2-617. Representative of electoral board to be present at printing; custody of ballots; electoral board may disclose contents, style, and size.

The electoral board *or general registrar* shall designate one person to be continuously present in the room in which the ballots are printed from the start to the end of the work and ensure that the undertakings of the printer's statement are complied with strictly. For the discharge of this duty the person, other than a board member, shall receive at least ~~twenty dollars~~ *\$20* per day.

As soon as the ballots are printed they shall be securely wrapped and sealed, and the designated person shall assure their delivery to the ~~electoral board~~ *general registrar*, allowing no one to examine them until delivery.

The designated person shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has faithfully performed his duties, that the printer has complied with the requirements of law, and that only the requested number of ballots have been printed and are being delivered to the ~~electoral board~~ *general registrar*.

This section shall not be construed to prohibit any electoral board *or general registrar* from publishing or otherwise disclosing the contents, style, and size of ballots, which information electoral boards *or general registrars* are authorized to publish or otherwise disclose.

§ 24.2-618. Delivery of ballots to electoral board; checking and recording number.

~~The~~ *A member of the electoral board or the general registrar, or an employee of the board or general registrar designated by the electoral board or the general registrar, shall designate one of its members or employees or the general or an assistant registrar to receive the ballots after they are printed. The member of the board or other such designated person and shall certify the number of ballots received. This certificate shall be filed with the minutes of the board other materials for the election.*

§ 24.2-619. Sealing ballots.

~~The~~ *A member of the electoral board or the general registrar, or some other person designated by the electoral board or the general registrar, shall designate one of its members or some other person to cause the seal of the board to be affixed in his presence to every ballot printed as provided in this chapter. The seal shall be on the side reverse from that on which the names of the candidates appear. The seal may be affixed on the ballot either mechanically or manually. The member of the board, general registrar, or other person designated shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that the seal of the electoral board was affixed to the ballots in his presence in the manner prescribed by law, setting forth the name of every person taking part in the affixing of the seal, and stating that he has faithfully performed his duties. His statement shall be filed with the minutes of the board. For his services in causing the seal to be affixed to the ballots, the person designated, other than a board member *or general registrar*, shall receive at least ~~twenty dollars~~ *\$20* per day.*

Any person, ~~other than the secretary of the board,~~ designated to ~~attend to the stamping of~~ *affix the seal to* the ballots, shall return the seal to the secretary as soon as the ~~stamping of affixing of the seal to~~ the ballots is completed.

Every person taking part in affixing the seal to the ballots or in placing the ballots in packages shall give his statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has faithfully performed his duties and that he will not divulge to anyone the contents of the ballots or any part thereof. These statements shall be filed with ~~the secretary of the board and retained with~~ the minutes of the board.

§ 24.2-620. Dividing ballots into packages for each precinct; delivery of absentee ballots.

The electoral board *or general registrar* shall cause to be made, in the presence of at least one member of the board, ~~or an employee of the board or the general or an assistant registrar designated by a designee of the board,~~ one or more packages of ballots for each precinct in the election district. Each package shall contain a number of ballots determined by the board *or general registrar*. Each of these packages shall be securely sealed in the presence of a member of the board or such designated person so that the ballots shall be invisible, and so that the packages cannot be readily opened without detection. On each of the packages shall be endorsed the name of the precinct for which it is intended and the number of ballots therein contained. Thereafter the packages designated for each precinct shall be delivered to the ~~secretary of the board~~ *general registrar* and remain in his exclusive possession until delivered by him, or by ~~another~~ *a* board member, ~~a designee of the board employee, the general or an assistant registrar designated by the board,~~ to the officers of election of each precinct as provided in § 24.2-621.

~~The electoral board shall have~~ *There shall be* sufficient ballots for those offering to vote absentee delivered to the general registrar ~~and secretary of the electoral board~~ by the deadline stated in § 24.2-612. Any such ballots remaining unused at the close of the polls on election day shall be sent by the general registrar ~~and the secretary of the electoral board~~ to the clerk of the circuit court of the county or city.

§ 24.2-627. Electronic voting or counting machines; number required.

A. The governing body of any county or city that adopts for use at elections direct recording electronic machines shall provide for each precinct at least the following number of voting machines:

In each precinct having not more than 750 registered voters, 1;

In each precinct having more than 750 but not more than 1,500 registered voters, 2;

In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;

In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;

In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;

In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;

In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

B. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.

C. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting or counting machines ~~it determines~~ *is determined by the board and the general registrar to be* appropriate for each precinct, notwithstanding the provisions of subsections A and B.

D. For purposes of applying this section, ~~an electoral board~~ *a general registrar* may exclude persons voting absentee in ~~its~~ *his* calculations, and if ~~it~~ *he* does so, ~~the electoral board~~ shall send to the Department a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct ~~the local board~~ *general registrar* to use more voting systems.

§ 24.2-631. Experimental use of voting systems and ballots prior to approval of the system.

The State Board is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the Board (i) that have established central absentee voter election districts and (ii) whose electoral board ~~submits~~ *and general registrar submit* to the Board for approval a plan for the use of such system and ballots. The Board is also authorized to approve the experimental use of voting or counting systems and ballots in one or more precincts in any county or city whose electoral board ~~submits~~ *and general registrar submit* to the Board for approval a plan for such use. The use of such systems and ballots at an election shall be valid for all purposes.

§ 24.2-632. Voting equipment custodians.

A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board *and general registrar* shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. With the approval of the State Board, the electoral board *or general registrar* may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment. The voting equipment custodians shall instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating and delivering of the equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly and faithfully and be informed of and subject to the misdemeanor and felony penalties provided in §§ 24.2-1009 and 24.2-1010.

The final testing of the equipment prior to each election shall be done in the presence of an electoral board member ~~or~~ *a representative of the electoral board, or the general registrar*. The electoral board *or general registrar* may authorize a representative to be present at the final testing only if it is impracticable for a board member *or general registrar* to attend, and such representative shall in no case be the custodian or a vendor or contractor technician who was responsible for programming the ballot software, electronic activation devices, or electronic data storage media.

B. Notwithstanding the provisions of subsection A, the local electoral board *or general registrar* may assign a board member *or an assistant registrar* to serve as a custodian without pay for such service. The board member *or assistant registrar* serving as custodian shall be fully competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. Whenever the presence of an electoral board member *or general registrar* and custodian is required by the provisions of this title, the same person shall not serve in both capacities.

§ 24.2-633. Notice of final testing of voting system; sealing equipment.

Before the final testing of voting or counting machines for any election, the ~~electoral board~~ *general registrar* shall mail written notice (i) to the chairman of the local committee of each political party, or (ii) in a primary election, to the chairman of the local committee of the political party holding the primary, or (iii) in a city or town council election in which no candidate is a party nominee and which is held when no other election having party nominees is being conducted, to the candidates.

The notice shall state the time and place where the machine will be tested and state that the political party or candidate receiving the notice may have one representative present while the equipment is tested.

At the time stated in the notice, the representatives, if present, shall be afforded an opportunity to see that the equipment is in proper condition for use at the election. When a machine has been so examined by the representatives, it shall be sealed with a numbered seal in their presence, or if the machine cannot be sealed with a numbered seal, it shall be locked with a key. The representatives shall certify for each machine the number registered on the protective counter and the number on the seal. When no party or candidate representative is present, the custodian shall seal the machine as prescribed in this section in the presence of a member of the electoral board ~~or its representative~~, *the general registrar, or a designee of the electoral board or general registrar.*

§ 24.2-634. Locking and securing after preparation.

When voting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the ~~electoral board~~ *general registrar* and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the ~~electoral board~~ *general registrar* shall provide ample protection against tampering with or damage to the equipment.

§ 24.2-635. Demonstration of equipment.

In each county, city, or town in which voting or counting equipment is to be used, the electoral board *or general registrar* may designate times and places for the exhibition of equipment containing sample ballots, showing the title of offices to be filled, and, so far as practicable, the names of the candidates to be voted for at the next election for the purpose of informing voters who request instruction on the use of the equipment. No equipment shall be used for such instruction after being prepared and sealed for use in any election. During exhibitions, the counting mechanism, if any, of the equipment may be concealed from view.

§ 24.2-636. Instruction as to use of equipment.

No fewer than three nor more than ~~thirty~~ 30 days before each election, the electoral board *or general registrar* shall instruct, or cause to be instructed, on the use of the equipment and his duties in connection therewith, each officer of election appointed to serve in the election who has not previously been so instructed. The board *or the general registrar* shall not permit any person to serve as an officer who is not fully trained to conduct an election properly with the equipment. This section shall not be construed to prevent the appointment of a person as an officer of election to fill a vacancy in an emergency.

§ 24.2-637. Furniture and equipment to be at polling places.

Before the time to open the polls, each electoral board shall ~~have~~ *ensure that the general registrar has* the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000), and otherwise in good and proper order for use at the election.

The ~~board~~ *general registrar* shall have the custody of such equipment, furniture, and materials when not in use at an election and shall maintain the equipment in accurate working order and in proper repair.

§ 24.2-638. Voting equipment to be in plain view; officers and others not permitted to see actual voting; unlocking counter compartment of equipment, etc.

During the election, the exterior of the voting equipment and every part of the polling place shall be in plain view of the officers of election.

No voting or counting machines shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657. However, an electronic voting machine that is so constructed as to be easily portable may be taken outside the polling place pursuant to subsection A of § 24.2-649 and to assist a voter age 65 or older or physically disabled so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties or, in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649; and (iii) there remain sufficient officers of election in the polling place to meet legal requirements. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that secrecy of the ballot is maintained in accordance with guidance from the State Board, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results. If a polling place fails to record the information required in the previous sentence, or it is later proven that the information recorded was intentionally falsified, the local electoral board *or general registrar* shall dismiss at a minimum the chief

officer or the assistant chief officer, or both, as appropriate, and shall dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth. In the case of an emergency that makes a polling place unusable or inaccessible, voting or counting machines may be removed to an alternative polling place pursuant to the provisions of subsection D of § 24.2-310.

The equipment shall be placed at least four feet from any table where an officer of election is working or seated. The officers of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to observe how a voter votes or has voted.

One of the officers shall inspect the face of the voting machine after each voter has cast his vote and verify that the ballots on the face of the machine are in their proper places and that the machine has not been damaged. During an election, the door or other covering of the counter compartment of the voting or counting machine shall not be unlocked or open or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the officers of election and attached to the statement of results. No person shall be permitted in or about the polling place except the voting equipment custodian, vendor, or contractor technicians and other persons authorized by this title.

§ 24.2-639. Duties of officers of election.

The officers of election of each precinct at which voting or counting machines are used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. The officers shall post at least two instruction cards for direct recording electronic machines conspicuously within the polling place.

The keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board *or general registrar* in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The equipment shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting.

Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, if such representatives are available. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

If any counter, other than a protective or private counter, on a ballot scanner or direct recording electronic machine is found not to register zero, the officers of election shall immediately notify the ~~electoral board~~ *general registrar*, who shall, if possible, substitute a machine in good working order; that has been prepared and tested pursuant to § 24.2-634. No ballot scanner or direct recording electronic machine shall be used if any counter, other than a protective or private counter, is found not to register zero.

§ 24.2-641. Sample ballot.

The electoral board *or general registrar* shall provide for each precinct in which any voting or counting machines are used; two sample ballots, which shall be arranged as a diagram of the front of the voting or counting machine as it will appear with the official ballot for voting on election day. Such sample ballots shall be posted for public inspection at each polling place during the day of election.

§ 24.2-642. Inoperative equipment.

A. When any voting or counting machine becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify the electoral board *or general registrar*. If possible, the electoral board *or general registrar* shall dispatch a qualified technician to the polling place to repair the inoperative machine. All repairs shall be made in the presence of two officers of election representing the two political parties or, in the case of a primary election for only one party, two officers representing that party. If the machine cannot be repaired on site, the ~~electoral board~~ *general registrar* shall, if possible, substitute a machine in good order for the inoperative machine and at the close of the polls the record of both machines shall be taken and the votes shown on their counters shall be added together in ascertaining the results of the election.

No voting or counting machines, including inoperative machines, shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657 except as explicitly provided pursuant to the provisions of this title.

No voting or counting machine that has become inoperative and contains votes may be removed from the polling place while the polls are open and votes are being ascertained. If the officers of election are unable to ascertain the results from the inoperative machine after the polls close in order to add its results to the results from the other machines in that precinct, the officers of election shall lock and seal the machine without removing the memory card, cartridge, or data storage medium and deliver the machine to either the clerk of court or registrar's office as provided for in § 24.2-659. On the day following the election, the electoral board shall meet and ascertain the results from the inoperative machine in accordance with the procedures prescribed by the machine's manufacturer and add the results to the results for the precinct to which the machine was assigned.

Nothing in this subsection shall prohibit the removal of an inoperative machine from a precinct prior to the opening of the polls or the first vote being cast on that machine. Any machine so removed shall be placed in the custody of an authorized custodian, technician, *general registrar*, or electoral board representative. If the inoperative machine can be repaired, it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an authorized custodian, technician, *general registrar*, or electoral board representative. The officers of election shall then open the machine pursuant to § 24.2-639.

B. In any precinct that uses a ballot that can be read without the use of the ballot scanner machine, if the ballot scanner machine becomes inoperative and there is no other available scanner, the uncounted ballots shall be placed in a ballot container or compartment that is used exclusively for uncounted ballots. If an operative scanner is available in the polling place after the polls have closed, such uncounted ballots shall be removed from the container and fed into the scanner, one at a time, by an officer of election in the presence of all persons who may be lawfully present at that time but before the votes are determined pursuant to § 24.2-657. If such a scanner is not available, the ballots may be counted manually or as directed by the electoral board.

C. An officer of election may have copies of the official paper ballot reprinted or reproduced by photographic, electronic, or mechanical processes for use at the election if (i) the inoperative machine cannot be repaired in time to continue using it at the election, (ii) a substitute machine is needed to conduct the election but is not available for use, (iii) the supply of official printed ballots that can be cast without use of the inoperative machine is not adequate, and (iv) the local electoral board approves the reprinting or reproducing of the official paper ballot. The voted ballot copies may be received by the officers of election and placed in the ballot container and counted with the votes registered on the voting or counting machines, and the result shall be declared the same as though no machine has been inoperative. The voted ballot copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned with the statement of results and with a certificate setting forth how and why the same were voted. The officer of election who had the ballot copies made shall provide a written statement of the number of copies made, signed by him and subject to felony penalties for making false statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

§ 24.2-647. Voting systems; demonstration on election day.

The ~~electoral board~~ *general registrar* shall provide at each polling place on election day, for the voting system in use, a model of or materials displaying a portion of its ballot face. The model or materials shall be located on the table of one of the officers or in some other place accessible to the voters. An officer of election shall instruct any voter who requests instruction before voting on the proper manner of voting. The officer may direct the voter's attention to sample ballots so that the voter may become familiar with the location of questions and names of offices and candidates.

For ballot scanner machines, an officer of election, using a demonstration ballot and machine, shall show each voter who requests, immediately on entry to the polling place, the manner in which the ballot is to be voted.

If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two of the officers from different political parties shall give such instructions to him, but no officer shall in any manner request or seek to persuade or induce any such voter to vote for or against any particular ticket, candidate, or question. After giving such instructions and before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot in secret.

§ 24.2-659. Locking voting and counting machines after election and delivering keys to clerk; printed returns as evidence.

A. If the voting or counting machine is secured by the use of equipment keys, after the officers of election lock and seal each machine, the equipment keys shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election. If the voting or counting machines are secured by the use of equipment keys or electronic activation devices that are not specific to a particular machine, after the officers of election lock and seal each machine, the equipment keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

If the voting or counting machine is secured by removal of the data storage device used in that election, the officers shall remove the data storage device and proceed to lock and seal each machine. The data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the clerk who shall release them to the ~~electoral board~~ *general registrar* upon request or at the expiration of the time specified by this section.

If the voting or counting machine provides for the creation of a separate master electronic back-up on a data storage device that combines the data for all of the voting or counting machines in a given precinct, that data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The data storage device for the individual machines may remain sealed in its individual machine until the expiration of the time specified by this section. The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the ~~electoral board~~ *general registrar* upon request or at the expiration of the time specified by this section.

The voting and counting machines shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. The machines shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board, or the electoral board *or general registrar* at the direction of the State Board, in order to ensure the accuracy of the returns. In the event that machines are examined under clause (ii) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board ~~or~~ local electoral board, *or general registrar* shall provide such parties and candidates reasonable advance notice of the examination.

When recounts occur in precincts using direct recording electronic machines with printed return sheets, the printed return sheets delivered to the clerk may be used as the official evidence of the results.

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys to the ~~electoral board~~ *general registrar*.

B. The local electoral board *or general registrar* may direct that the officers of election and custodians, in lieu of conveying the sealed equipment keys to the clerk of the circuit court as provided in subsection A, shall convey them to the principal office of the general registrar on the night of the election. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon of the day following the ascertainment of the results of the election by the electoral board.

§ 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to clerk or general registrar.

A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets in the envelopes provided by the State Board. The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.

The clerk shall retain custody of the pollbooks, paper ballots, and other elections materials until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks, paper ballots, and other elections materials may be needed as evidence and there is no proceeding pending. The clerk shall (i) secure all pollbooks, paper ballots and other election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (iv) upon the initiation of a recount, certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

After that time the clerk shall deliver the pollbooks to the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board as directed by § 24.2-114 for voting credit purposes. After the pollbooks are returned by the State Board, the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.

B. The local electoral board *or general registrar* may direct that the officers of election, in lieu of conveying the materials to the clerk of the circuit court as provided in subsection A ~~of this section~~, shall convey the materials to the principal office of the general registrar on the night of the election or the morning following the election as the board directs. The general registrar shall secure and retain the materials in his office and shall convey to the clerk of the court, by noon of the day following the ascertainment of the results of the election by the electoral board, all of the election materials. The general registrar shall retain for public inspection one copy of the statement of results.

C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required

by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, provided that the records for the election have been transferred or printed according to the instructions of the State Board.

§ 24.2-683. Writ for special election to fill a vacancy.

Whenever the Governor, Speaker of the House, President pro tempore of the Senate, or either house of the General Assembly orders a special election, he, or the person designated to act for the house, shall issue a writ of election designating the office to be filled at the election and the time to hold the election. He shall transmit the writ to the secretary of the electoral board *and the general registrar* of each county or city in which the election is to be held. Each ~~secretary~~ *general registrar* shall post a copy of the writ on the official website for the county or city or at not less than 10 public places or have notice of the election published once in a newspaper of general circulation in his jurisdiction at least 10 days before the election. If the special election is held in more than one county or city, the ~~secretaries~~ *general registrars* may act jointly to have the notice published once before the election in the affected jurisdictions.

Whenever a special election is ordered to fill a vacancy otherwise than under the preceding paragraph, the officer ordering the election shall issue his writ of election at the time the vacancy occurs, designating the office to be filled at the election and the time and place to hold the election. He shall direct and transmit the writ to the secretary of the electoral board *and the general registrar* of each county or city in which the election is to be held. The ~~secretary~~ *general registrar*, or ~~secretaries~~ *general registrars* if the election will be held in more than one county or city, shall proceed to cause public notice to be given of the election in the same manner as is required in the preceding paragraph.

A copy of any order calling a special election to fill a vacancy shall be sent immediately to the State Board.

§ 24.2-684. How referendum elections called and held, and the results ascertained and certified.

Notwithstanding any other provision of any law or charter to the contrary, the provisions of this section shall govern all referenda.

No referendum shall be placed on the ballot unless specifically authorized by statute or by charter.

Whenever any question is to be submitted to the voters of any county, city, town, or other local subdivision, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot in plain English as that term is defined in § 24.2-687. The order shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for the referendum if the request is found to be in proper order. The court order shall set the date for the referendum in conformity with the requirements of § 24.2-682.

A copy of the court order calling a referendum shall be sent immediately to the State Board by the clerk of the court in which the order was issued.

The ballot shall be prepared by the appropriate ~~electoral board~~ *general registrar* and distributed to the appropriate precincts. On the day fixed for the referendum, the regular election officers shall open the polls and take the sense of the qualified voters of the county, city, town, or other local subdivision, as the case may be, on the question so submitted. The ballots for use at any such election shall be printed to state the question as follows:

"(Here state briefly the question submitted)

Yes

No"

The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections. The results shall be certified by the secretary of the appropriate electoral board to the State Board, to the court ordering the election, and to such other authority as may be proper to accomplish the purpose of the election.

§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the Department of Elections and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board *and general registrar*.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the general registrar on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate or other evidence of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of machine-readable ballots, the ballot container may be opened and the absentee ballots may be inserted in the counting machines prior to the closing of the polls in accordance with procedures prescribed by the Department of Elections, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board *or general registrar* may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The general registrar may provide that the central absentee voter precinct will open after 6:00 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

CHAPTER 19

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

[S 545]

Approved February 24, 2016

Be it enacted by the General Assembly of Virginia:

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

§ 58.1-301. Conformity to Internal Revenue Code.

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

B. Any reference in this chapter to the laws of the United States relating to federal income taxes shall mean the provisions of the Internal Revenue Code of 1954, and amendments thereto, and other provisions of the laws of the United States relating to federal income taxes, as they existed on December 31, ~~2014~~ 2015, except for:

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

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

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

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

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

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

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

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

CHAPTER 20

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; mixed beverage licenses; performing arts facilities.

[H 226]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility, (ii) a nonprofit corporation or association

chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a*

capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

16. A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, ~~or 15~~, or 16 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 21

An Act to amend and reenact §§ 4.1-103, as it is currently effective and as it shall become effective, 4.1-104, and 4.1-119, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to alcoholic beverage control; purchase and sale of products.

[H 323]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-103, as it is currently effective and as it shall become effective, 4.1-104, and 4.1-119, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 4.1-103. (Effective until July 1, 2018) General powers of Board.

The Board shall have the power to:

1. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;
2. Buy and sell any mixers;
3. *Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printed matter), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);*
4. Control the possession, sale, transportation and delivery of alcoholic beverages;
- ~~4.~~ 5. Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;
- ~~5.~~ 6. Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;
- ~~6.~~ 7. Lease, occupy and improve any land or building required for the purposes of this title;
- ~~7.~~ 8. Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;
- ~~8.~~ 9. Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;
- ~~9.~~ 10. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;
- ~~10.~~ 11. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;
- ~~11.~~ 12. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and make summary decisions, subject to final decision by the Board, on application of any party aggrieved;
- ~~12.~~ 13. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;
- ~~13.~~ 14. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111 of this chapter;

~~44- 15.~~ Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

~~45- 16.~~ Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

~~46- 17.~~ Maintain actions to enjoin common nuisances as defined in § 4.1-317;

~~47- 18.~~ Establish minimum food sale requirements for all retail licensees; and

~~48- 19.~~ Do all acts necessary or advisable to carry out the purposes of this title.

§ 4.1-103. (Effective July 1, 2018) General powers of Board.

The Board shall have the power to:

1. Sue and be sued, implead and be impleaded, and complain and defend in all courts;

2. Adopt, use, and alter at will a common seal;

3. Fix, alter, charge, and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by the Authority for the purpose of providing for the payment of the expenses of the Authority;

4. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this title, including agreements with any person or federal agency;

5. Employ, at its discretion, consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary and fix their compensation to be payable from funds made available to the Authority. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) of Title 2.2;

6. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state and any municipality, county, or other political subdivision thereof or from any other source aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law, and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

7. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed;

8. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;

9. Develop policies and procedures generally applicable to the procurement of goods, services, and construction, based upon competitive principles;

10. Develop policies and procedures consistent with Article 4 (§ 2.2-4347 et seq.) of Chapter 43 of Title 2.2;

11. Buy, import and sell alcoholic beverages other than beer and wine not produced by farm wineries, and to have alcoholic beverages other than beer and wine not produced by farm wineries in its possession for sale;

12. Buy and sell any mixers;

13. *Buy and sell products licensed by the Virginia Tourism Corporation that are within international trademark classes 16 (paper goods and printer matters), 18 (leather goods), 21 (housewares and glass), and 25 (clothing);*

14. Control the possession, sale, transportation and delivery of alcoholic beverages;

~~44- 15.~~ Determine, subject to § 4.1-121, the localities within which government stores shall be established or operated and the location of such stores;

~~45- 16.~~ Maintain warehouses for alcoholic beverages and control the storage and delivery of alcoholic beverages to and from such warehouses;

~~46- 17.~~ Acquire, purchase, hold, use, lease, or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority; lease as lessee any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board; lease as lessor to any person any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board; sell, transfer, or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board; and occupy and improve any land or building required for the purposes of this title;

~~47- 18.~~ Purchase or otherwise acquire title to any land or building required for the purposes of this title and sell and convey the same by proper deed, with the consent of the Governor;

~~48- 19.~~ Purchase, lease or acquire the use of, by any manner, any plant or equipment which may be considered necessary or useful in carrying into effect the purposes of this title, including rectifying, blending and processing plants. The Board may purchase, build, lease, and operate distilleries and manufacture alcoholic beverages;

~~19-~~ 20. Determine the nature, form and capacity of all containers used for holding alcoholic beverages to be kept or sold under this title, and prescribe the form and content of all labels and seals to be placed thereon; however, no container sold in or shipped into the Commonwealth shall include powdered or crystalline alcohol;

~~20-~~ 21. Appoint every agent and employee required for its operations; require any or all of them to give bonds payable to the Commonwealth in such penalty as shall be fixed by the Board; and engage the services of experts and professionals;

~~21-~~ 22. Hold and conduct hearings; issue subpoenas requiring the attendance of witnesses and the production of records, memoranda, papers and other documents before the Board or any agent of the Board; and administer oaths and take testimony thereunder. The Board may authorize any Board member or agent of the Board to hold and conduct hearings, issue subpoenas, administer oaths and take testimony thereunder, and make summary decisions, subject to final decision by the Board, on application of any party aggrieved;

~~22-~~ 23. Make a reasonable charge for preparing and furnishing statistical information and compilations to persons other than (i) officials, including court and police officials, of the Commonwealth and of its subdivisions if the information requested is for official use and (ii) persons who have a personal or legal interest in obtaining the information requested if such information is not to be used for commercial or trade purposes;

~~23-~~ 24. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) and § 4.1-111;

~~24-~~ 25. Grant, suspend, and revoke licenses for the manufacture, bottling, distribution, importation, and sale of alcoholic beverages;

~~25-~~ 26. Assess and collect civil penalties and civil charges for violations of this title and Board regulations;

~~26-~~ 27. Maintain actions to enjoin common nuisances as defined in § 4.1-317;

~~27-~~ 28. Establish minimum food sale requirements for all retail licensees;

~~28-~~ 29. Review and approve any proposed legislative or regulatory changes suggested by the Chief Executive Officer as the Board deems appropriate;

~~29-~~ 30. Report quarterly to the Secretary of Public Safety and Homeland Security on the law-enforcement activities undertaken to enforce the provisions of this title; and

~~30-~~ 31. Do all acts necessary or advisable to carry out the purposes of this title.

§ 4.1-104. Purchases by the Board.

The purchasing of alcoholic beverages and mixers, products used in connection with distilled spirits intended for resale, *or products licensed by the Virginia Tourism Corporation as specified in § 4.1-103 intended for resale*, the making of leases, and the purchasing of real estate by the Board under the provisions of this title are exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 4.1-119. (Effective until July 1, 2018) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, ~~and~~ products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, *and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103* in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers.

D. Alcoholic beverages at government stores shall be sold by employees of the Board, who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Board and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, and the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a brewery or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine, or one-half ounce of spirits; and (iii) no more than four total samples of alcoholic beverage products shall be given or sold to any person per day. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as a mixed beverage.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Board shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Board, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Board shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

§ 4.1-119. (Effective July 1, 2018) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain, and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, ~~and~~ products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, *and products licensed by the Virginia Tourism Corporation as specified in § 4.1-103* in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, and the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a brewery or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine, or one-half ounce of spirits; and (iii) no more than four total samples of alcoholic beverage products shall be given or sold to any person per day. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as a mixed beverage.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

CHAPTER 22

An Act to amend and reenact § 63.2-1701 of the Code of Virginia, relating to licensure of adult day care centers; Programs of All-Inclusive Care for the Elderly programs exempt.

[H 435]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1701 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1701. Licenses required; issuance, expiration, and renewal; maximum number of residents, participants or children; posting of licenses.

A. Every person who constitutes, or who operates or maintains, an assisted living facility, adult day care center, or child welfare agency shall obtain the appropriate license from the Commissioner, which may be renewed. *However, no license shall be required for an adult day care center that provides services only to individuals enrolled in a Programs of All-Inclusive Care for the Elderly program operated in accordance with an agreement between the provider, the Department of Medical Assistance Services and the Centers for Medicare and Medicaid Services.* The Commissioner, upon request, shall consult with, advise, and assist any person interested in securing and maintaining any such license. Each application for a license shall be made to the Commissioner, in such form as he may prescribe. It shall contain the name and address of the applicant; and, if the applicant is an association, partnership, limited liability company, or corporation, the names and addresses of its officers and agents. The application shall also contain a description of the activities proposed to be engaged in and the facilities and services to be employed, together with other pertinent information as the Commissioner may require.

B. The licenses shall be issued on forms prescribed by the Commissioner. Any two or more licenses may be issued for concurrent operation of more than one assisted living facility, adult day care center, or child welfare agency, but each license shall be issued upon a separate form. Each license and renewals thereof for an assisted living facility, adult day care center, or child welfare agency may be issued for periods of up to three successive years, unless sooner revoked or surrendered. Licenses issued to child day centers under this chapter shall have a duration of two years from date of issuance.

C. The length of each license or renewal thereof for an assisted living facility shall be based on the judgment of the Commissioner regarding the compliance history of the facility and the extent to which it meets or exceeds state licensing standards. ~~Based on~~ *On the basis of* this judgment, the Commissioner may issue licenses or renewals thereof for periods of six months, one year, two years, or three years.

D. The Commissioner may extend or shorten the duration of licensure periods for a child welfare agency whenever, in his sole discretion, it is administratively necessary to redistribute the workload for greater efficiency in staff utilization.

E. Each license shall indicate the maximum number of persons who may be cared for in the assisted living facility, adult day care center, or child welfare agency for which it is issued.

F. The license and any other documents required by the Commissioner shall be posted in a conspicuous place on the licensed premises.

G. Every person issued a license that has not been suspended or revoked shall renew such license prior to its expiration.

CHAPTER 23

An Act to amend and reenact § 63.2-703 of the Code of Virginia and to repeal § 63.2-619 of the Code of Virginia, relating to obsolete reporting requirements.

[H 559]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-703 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-703. Faith-based and community initiatives; responsibilities of Department.

A. The General Assembly finds that faith-based, volunteer, private and community organizations make significant contributions to the welfare of our society and constitute an underutilized and underrepresented reservoir of assistance for social programs, and special efforts to increase utilization of faith-based, volunteer, private and community organizations will enhance the Commonwealth's ability to carry out human welfare programs. To carry out these initiatives, the Department of Social Services shall have the following responsibilities:

1. Lead and facilitate meetings as necessary, with faith-based, volunteer, private and community organizations for the purpose of sharing information to help carry out human welfare programs in Virginia;

2. Encourage conferences and meetings at the community level for faith-based, volunteer, private and community organizations, as needed;

3. Provide procurement and funding information to faith-based, volunteer, private and community organizations, as needed;

4. Provide information regarding faith-based and community initiatives and other information the Department may deem appropriate, to faith-based, volunteer, private and community organizations, and other state agencies whose missions may be enhanced by increased awareness of such initiatives and information;

5. Encourage the development and maintenance of a statewide network of local liaisons to assist in the dissemination of information and assistance;

6. Develop a statewide list of available faith-based, volunteer, private and community organizations. Such statewide list shall be made available to the public through the Department's website;

7. Obtain information concerning faith-based, volunteer, private and community organizations in other states;

8. Coordinate offers of assistance from faith-based organizations during natural disasters; *and*

9. ~~Make regular reports to the Governor and General Assembly on the fulfillment of the Department's responsibilities related to faith-based and community initiatives; and~~

~~10. Perform such other duties as the Department deems appropriate.~~

B. Nothing in this section shall imply or be inferred to mean that additional federal or state funds will be available for these purposes or that contractual preferences will be given to such organizations other than past or potential performance standards utilized under the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

2. That § 63.2-619 of the Code of Virginia is repealed.

CHAPTER 24

An Act to amend and reenact § 4.1-235 of the Code of Virginia, relating to alcoholic beverage control; distribution of liter tax on cider produced by farm wineries.

[H 654]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

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

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

A. The Board shall collect the state taxes levied pursuant to §§ 4.1-213 and 4.1-234 as follows:

1. Collection shall be from the purchaser at the time of or prior to sale, except as to sales made to wholesale wine licensees. Wholesale wine licensees shall collect the taxes at the time of or prior to sale to retail licensees, and shall remit

such taxes monthly to the Board, along with such reports as may be required by the Board, at the time and in the manner prescribed by the Board.

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

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

B. The amount of tax collected under this section during each quarter shall, within 50 days after the close of such quarter, be certified to the Comptroller by the Board and shall be transferred by him from the special fund described in § 4.1-116 to the general fund of the state treasury. The Board shall, not later than June 20 of every year, estimate the yield of the state tax on sales imposed by §§ 4.1-213 and 4.1-234 for the quarter ending June 30 and certify the amount of such estimate to the Comptroller, whereupon the Comptroller shall, before the end of the month, transfer the amount of such estimate from the special fund described in § 4.1-116 to the general fund of the state treasury, subject to such adjustment on account of an overestimate or underestimate as may be indicated within 50 days after the close of the quarter ending on June 30.

Forty-four percent of the amount derived from the liter tax levied pursuant to §§ ~~4.1-234~~ 4.1-213 and 4.1-234 shall be transferred to the general fund and paid to the several counties, cities, and towns of the Commonwealth in proportion to their respective populations, and is appropriated for such purpose.

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

The portion of wine liter tax *and cider markup* collected pursuant to §§ 4.1-213 and 4.1-234 that is attributable to the sale of wine *and cider* produced by a farm winery shall be deposited in the Virginia Wine Promotion Fund established pursuant to § 3.2-3005.

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

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

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

CHAPTER 25

An Act to amend and reenact § 63.2-900.1 of the Code of Virginia, relating to kinship foster care; waiver of foster home approval standards.

[H 674]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-900.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-900.1. Kinship foster care.

A. The local board shall, in accordance with regulations adopted by the Board, determine whether the child has a relative who is eligible to become a kinship foster parent.

B. Kinship foster care placements pursuant to this section shall be subject to all requirements of, and shall be eligible for all services related to, foster care placement contained in this chapter. ~~However, the Commissioner may grant a variance from the requirements of this chapter pursuant to 42 U.S.C. § 671 (a)(10) and allow the placement of a child in with a kinship foster care provider when he determines that (i) the requirement would impose a substantial hardship on the kinship foster care provider and (ii) the variance would not adversely affect the safety and well-being of the child to be placed in an arrangement for kinship care as defined in § 63.2-100 or with the kinship foster care provider. Variances Subject to approval by the Commissioner, a local board may grant a waiver of the Board's standards for foster home approval, set forth in regulations, that are not related to safety. Waivers granted pursuant to this subsection shall be considered and, if appropriate, granted on a case-by-case basis and shall include consideration of the unique needs of each child to be placed. Upon request by a local board, the Commissioner shall review the local board's decision and reasoning to grant a waiver and shall verify that the foster home approval standard being waived is not related to safety. The approval or disapproval by the Commissioner of the local board's waiver shall not be considered a case decision as defined in § 2.2-4001.~~

C. The kinship foster parent shall be eligible to receive payment at the full foster care rate for the care of the child.

D. A child placed in kinship foster care pursuant to this section shall not be removed from the physical custody of the kinship foster parent, provided the child has been living with the kinship foster parent for six consecutive months and the

placement continues to meet approval standards for foster care, unless (i) the kinship foster parent consents to the removal; (ii) removal is agreed upon at a family partnership meeting as defined by the Department; (iii) removal is ordered by a court of competent jurisdiction; or (iv) removal is warranted pursuant to § 63.2-1517.

CHAPTER 26

An Act to amend and reenact § 4.1-201 of the Code of Virginia, relating to alcoholic beverage control; corkage fee for beer and cider.

[H 706]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-201 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-201. Conduct not prohibited by this title; limitation.

A. Nothing in this title or any Board regulation adopted pursuant thereto shall prohibit:

1. Any club licensed under this chapter from keeping for consumption by its members any alcoholic beverages lawfully acquired by such members, provided the alcoholic beverages are not sold, dispensed or given away in violation of this title.

2. Any person from having grain, fruit or fruit products and any other substance, when grown or lawfully produced by him, distilled by any distillery licensee, and selling the distilled alcoholic beverages to the Board or selling or shipping them to any person outside of the Commonwealth in accordance with Board regulations. However, no alcoholic beverages so distilled shall be withdrawn from the place where distilled except in accordance with Board regulations.

3. Any person licensed to manufacture and sell, or either, in the Commonwealth or elsewhere, alcoholic beverages other than wine or beer, from soliciting and taking orders from the Board for such alcoholic beverages.

4. The receipt by a person operating a licensed brewery of deliveries and shipments of beer in closed containers or the sale, delivery or shipment of such beer, in accordance with Board regulations to (i) persons licensed to sell beer at wholesale, (ii) persons licensed to sell beer at retail for the purpose of resale only as provided in subdivision B 4 of § 4.1-216, (iii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iv) persons outside the Commonwealth for resale outside the Commonwealth.

5. The granting of any retail license to a brewery, distillery, or winery licensee, or to an applicant for such license, or to a lessee of such person, a wholly owned subsidiary of such person, or its lessee, provided the places of business or establishments for which the retail licenses are desired are located upon the premises occupied or to be occupied by such distillery, winery, or brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary.

6. The receipt by a distillery licensee of deliveries and shipments of alcoholic beverages, other than wine and beer, in closed containers from other distilleries, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

7. The receipt by a farm winery or winery licensee of deliveries and shipments of wine in closed containers from other wineries or farm wineries located inside or outside the Commonwealth, or the receipt by a winery licensee or farm winery licensee of deliveries and shipments of spirits distilled from fruit or fruit juices in closed containers from distilleries located inside or outside the Commonwealth to be used only for the fortification of wine produced by the licensee in accordance with Board regulations, or the sale, delivery or shipment of such wine, in accordance with Board regulations, to persons licensed to sell wine at wholesale for the purpose of resale, and to persons outside the Commonwealth for resale outside the Commonwealth.

8. The receipt by a fruit distillery licensee of deliveries and shipments of alcoholic beverages made from fruit or fruit juices in closed containers from other fruit distilleries owned by such licensee, or the sale, delivery or shipment of such alcoholic beverages, in accordance with Board regulations, to persons outside of the Commonwealth for resale outside of the Commonwealth.

9. Any farm winery or winery licensee from shipping or delivering its wine in closed containers to another farm winery or winery licensee for the purpose of additional bottling in accordance with Board regulations and the return of the wine so bottled to the manufacturing farm winery or winery licensee.

10. Any farm winery or winery licensee from selling and shipping or delivering its wine in closed containers to another farm winery or winery licensee, the wine so sold and shipped or delivered to be used by the receiving licensee in the manufacture of wine. Any wine received under this subsection shall be deemed an agricultural product produced in the Commonwealth for the purposes of § 4.1-219, to the extent it is produced from fresh fruits or agricultural products grown or produced in the Commonwealth. The selling licensee shall provide to the receiving licensee, and both shall maintain complete and accurate records of, the source of the fresh fruits or agricultural products used to produce the wine so transferred.

11. Any retail on-premises beer licensee, his agent or employee, from giving a sample of beer to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, or retail on-premises wine or beer licensee, his agent or employee, from giving a sample of wine or beer to persons to whom alcoholic beverages may be lawfully sold for

on-premises consumption, or any mixed beverage licensee, his agent or employee, from giving a sample of wine, beer, or spirits to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption. Samples of wine shall not exceed two ounces, samples of beer shall not exceed four ounces, and samples of spirits shall not exceed one-half ounce. No more than two product samples shall be given to any person per visit.

12. Any manufacturer, including any vendor authorized by any such manufacturer, whether or not licensed in the Commonwealth, from selling service items bearing alcoholic brand references to on-premises retail licensees or prohibit any such retail licensee from displaying the service items on the premises of his licensed establishment. Each such retail licensee purchasing such service items shall retain a copy of the evidence of his payment to the manufacturer or authorized vendor for a period of not less than two years from the date of each sale of the service items. As used in this subdivision, "service items" mean articles of tangible personal property normally used by the employees of on-premises retail licensees to serve alcoholic beverages to customers including, but not limited to, glasses, napkins, buckets, and coasters.

13. Any employee of an alcoholic beverage wholesaler or manufacturer, whether or not licensed in the Commonwealth, from distributing to retail licensees and their employees novelties and specialties, including wearing apparel, having a wholesale value of \$10 or less and that bear alcoholic beverage advertising. Such items may be distributed to retail licensees in quantities equal to the number of employees of the retail establishment present at the time the items are delivered. Thereafter, such employees may wear or display the items on the licensed premises.

14. Any (i) retail on-premises wine or beer licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of wines or beers consisting of samples of not more than five different wines or beers and (ii) mixed beverage licensee, his agent or employee from offering for sale or selling for one price to any person to whom alcoholic beverages may be lawfully sold a flight of distilled spirits consisting of samples of not more than five different spirits products.

15. Any restaurant licensed under this chapter from permitting the consumption of lawfully acquired wine, beer, or cider by bona fide customers on the premises in all areas and locations covered by the license, *provided that (i) all such wine, beer, or cider shall have been acquired by the customer from a retailer licensed to sell such alcoholic beverages and (ii) no such wine, beer, or cider shall be brought onto the licensed premises by the customer except in sealed, nonresealable bottles or cans.* The licensee may charge a corkage fee to such customer for the wine, beer, or cider so consumed; however, the licensee shall not charge any other fee to such customer.

16. Any winery, farm winery, wine importer, or wine wholesaler licensee from providing to adult customers of licensed retail establishments information about wine being consumed on such premises.

B. No deliveries or shipments of alcoholic beverages to persons outside the Commonwealth for resale outside the Commonwealth shall be made into any state the laws of which prohibit the consignee from receiving or selling the same.

CHAPTER 27

An Act to amend and reenact §§ 51.5-41, 51.5-120, 51.5-163, 51.5-164, and 51.5-172 through 51.5-176 of the Code of Virginia and to repeal § 51.5-165 of the Code of Virginia, relating to federal Rehabilitation Act and Older Americans Act.

[H 740]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.5-41, 51.5-120, 51.5-163, 51.5-164, and 51.5-172 through 51.5-176 of the Code of Virginia are amended and reenacted as follows:

§ 51.5-41. Discrimination against otherwise qualified persons with disabilities by employers prohibited.

A. No employer shall discriminate in employment or promotion practices against an otherwise qualified person with a disability solely because of such disability. For the purposes of this section, an "otherwise qualified person with a disability" means a person qualified to perform the duties of a particular job or position and whose disability is unrelated to the person's ability to perform such duties or position or is unrelated to the person's qualifications for employment or promotion.

B. It is the policy of the Commonwealth that persons with disabilities shall be employed in the state service, the service of the political subdivisions of the Commonwealth, in the public schools, and in all other employment supported in whole or in part by public funds on the same terms and conditions as other persons unless it is shown that the particular disability prevents the performance of the work involved.

C. An employer shall make reasonable accommodation to the known physical and mental impairments of an otherwise qualified person with a disability, if necessary to assist such person in performing a particular job, unless the employer can demonstrate that the accommodation would impose an undue burden on the employer. For the purposes of this section, "mental impairment" does not include active alcoholism or current drug addiction and does not include any mental impairment, disease, or defect that has been successfully asserted by an individual as a defense to any criminal charge.

1. In determining whether an accommodation would constitute an undue burden upon the employer, the following shall be considered:

- a. Hardship on the conduct of the employer's business, considering the nature of the employer's operation, including composition and structure of the employer's work force;
- b. Size of the facility where employment occurs;

c. The nature and cost of the accommodations needed, taking into account alternate sources of funding or technical assistance included under §§ ~~51.5-165~~ and 51.5-173;

d. The possibility that the same accommodations may be used by other prospective employees;

e. Safety and health considerations of the person with a disability, other employees, and the public.

2. Notwithstanding the foregoing, any accommodation that would exceed \$500 in cost shall be rebuttably presumed to impose an undue burden upon any employer with fewer than 50 employees.

3. The employer has the right to choose among equally effective accommodations.

4. Nothing in this section shall require accommodations when the authority to make such accommodations is precluded under the terms of a lease or otherwise prohibited by statute, ordinance, or other regulation.

5. Building modifications made for the purposes of such reasonable accommodation may be made without requiring the remainder of the existing building to comply with the requirements of the Uniform Statewide Building Code.

D. Nothing in this section shall prohibit an employer from refusing to hire or promote, from disciplining, transferring, or discharging or taking any other personnel action pertaining to an applicant or an employee who, because of his disability, is unable to adequately perform his duties, or cannot perform such duties in a manner which would not endanger his health or safety or the health or safety of others. Nothing in this section shall subject an employer to any legal liability resulting from the refusal to employ or promote or from the discharge, transfer, discipline of, or the taking of any other personnel action pertaining to a person with a disability who, because of his disability, is unable to adequately perform his duties, or cannot perform such duties in a manner that would not endanger his health or safety or the health or safety of others.

E. Nothing in this section shall be construed as altering the provisions of the Virginia Minimum Wage Act (§ 40.1-28.8 et seq.).

F. This section shall not apply to employers covered by the federal Rehabilitation Act of 1973.

G. No employer who has hired any person because of the requirements of this section shall be liable for any alleged negligence in such hiring.

§ 51.5-120. Cooperation of Department with other state departments.

A. The Department shall collaborate with the Department of Behavioral Health and Developmental Services in activities related to licensing providers of (i) services under the Individual and Families Developmental Disabilities Support Waiver, (ii) services under the Brain Injury Waiver, and (iii) residential services for individuals with brain injuries as defined in § 37.2-403. These activities include involving advocacy and consumer groups who represent persons with developmental disabilities or brain injuries in the regulatory process; training the Department of Behavioral Health and Developmental Services, local human rights committees, and the State Human Rights Committee on the unique needs and preferences of individuals with developmental disabilities or brain injuries; assisting in the development of regulatory requirements for such providers; and providing technical assistance in the regulatory process and in performing annual inspections and complaint investigations.

B. The Department shall collaborate with the Department of Social Services in activities related to the planning and provision of adult services pursuant to Article 4 (§ 51.5-144 et seq.), adult protective services pursuant to Article 5 (§ 51.5-148), and auxiliary grants pursuant to Article 9 (§ 51.5-159 et seq.).

C. *The Department shall enter into cooperative agreements with the Department of Behavioral Health and Developmental Services, the Department of Medical Assistance Services, the Virginia Community College System, public institutions of higher education, and the Department of Education to identify the responsibilities of each public entity relating to the provision of vocational rehabilitation services as required by the federal Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.), as amended.*

§ 51.5-163. Centers for independent living.

A. Services provided through grants or contracts with centers for independent living pursuant to this article shall include:

1. Advocacy;

2. Peer counseling;

3. Independent living skills training; ~~and~~

4. Information and referral; ~~and~~

5. *Services that (i) facilitate the transition of individuals with significant disabilities from nursing homes and other institutions to home and community-based residences with the requisite supports and services, (ii) provide assistance to individuals with significant disabilities who are at risk of entering institutions so that the individuals may remain in the community, and (iii) facilitate the transition of youth with significant disabilities, who were eligible for individualized education programs under § 614(d) of the Individuals with Disabilities Education Act or who have completed their secondary education, to post-secondary life.*

Services may include other services deemed necessary by the local consumer base.

B. Centers for independent living funded in whole or in part by the Department shall be staffed by persons with disabilities who are trained in the philosophy of independent living. The majority of management staff shall include persons with disabilities.

§ 51.5-164. Statewide Independent Living Council created.

The Statewide Independent Living Council is hereby created to ~~plan, together with the Department, activities carried out under~~ *develop and sign the Statewide Plan for Independent Living in accordance with Title VII of the federal*

Rehabilitation Act of 1973 (29 U.S.C. § 796 et seq.) and to ~~provide advice to the Department regarding such~~ *perform other activities as provided in such Act.* Membership and duties shall be constructed according to federal provisions. The Department shall provide staff support for the Council.

§ 51.5-172. Individualized plan for employment.

A written individualized plan for employment for each recipient of vocational rehabilitation services provided or funded by the Department, in whole or in part, shall be developed ~~within a reasonable time and as soon as possible, but not later than 90 days after the due date of the determination of eligibility, unless an extension is agreed to by the client, his parents or guardian, if appropriate, and the Department.~~ *The plan shall be agreed to and signed by the client, his parents or guardian, if appropriate, and a qualified vocational rehabilitation counselor employed by the Department. When the Department is operating under an order of selection, the plan shall be developed and implemented for individuals meeting the Department's order of selection criteria.* The plan shall be reviewed at least annually by the client, his parents or guardian, if appropriate, and the qualified vocational rehabilitation counselor.

§ 51.5-173. Services for individuals.

A. Vocational rehabilitation services provided by the Department shall address comprehensively the individual needs of each client to the maximum extent possible with resources available to the Department, through the following:

1. An assessment for determining eligibility and vocational needs by qualified personnel, including, if appropriate, an assessment by personnel skilled in rehabilitation technology;
2. Counseling and guidance, including information and support services to assist an individual in exercising informed choice, and referral necessary to help applicants or clients to secure needed services from other agencies;
3. Diagnosis and treatment of physical or mental impairments, including:
 - a. Corrective surgery or therapeutic treatment necessary to correct or substantially modify a physical or mental condition that constitutes a substantial impediment to employment, but that is of such a nature that correction or modification may reasonably be expected to eliminate or reduce such impediment to employment within a reasonable length of time;
 - b. Necessary hospitalization in connection with surgery or treatment;
 - c. Prosthetic and orthotic devices;
 - d. Eyeglasses and visual services as prescribed by qualified personnel who meet state licensure laws and who are selected by the client;
 - e. Special services including transplantation and dialysis, artificial kidneys, and supplies necessary for the treatment of clients with end-stage renal disease; and
 - f. Diagnosis and treatment for mental and emotional disorders by qualified personnel who meet state licensure laws;
4. Vocational and other training services, including the provision of personal and vocational-adjustment services, books, tools, and other training materials, except that no training services provided at institutions of higher education shall be paid for with funds under this article unless maximum efforts have been made to secure grant assistance in whole or part from other funding sources;
5. Maintenance for additional costs incurred while participating in an assessment for determining eligibility and vocational rehabilitation needs or while receiving services under an individualized plan for employment;
6. Transportation, including adequate training in the use of public transportation vehicles and systems that is provided in connection with the provision of any other services described in this section and needed by the client to achieve an employment outcome;
7. Services to members of a client's family when such services are necessary to assist the client to achieve an employment outcome;
8. Interpreter services provided by qualified personnel for clients who are deaf or hard of hearing and reader services for clients determined to be blind, after an examination by qualified personnel who meet state licensure laws;
9. Rehabilitation technology, including telecommunications and sensory and other technological aids and devices;
10. Job-related services, including job search and assistance, job retention services, follow-up services, and follow-along services;
11. Specific post-employment services necessary to assist the client to retain, regain, or advance in employment;
12. Occupational licenses, tools, equipment, and initial stocks and supplies;
13. On-the-job or other related personal assistance services provided while a client is receiving other services described in this section;
14. Supported employment services which include providing a rehabilitation or other human services agency staff person to assist in job placement, job site training, and job follow-through for the disabled employee;
15. Technical assistance and other consultation services to conduct market analyses, develop business plans, and otherwise provide resources, to the extent such resources are authorized to be provided through the statewide workforce investment system, to eligible clients pursuing self-employment or telecommuting or establishing a small business operation as an employment outcome; ~~and~~
16. Transition services for students with disabilities that facilitate the *transition from school to post-secondary life, such as the achievement of the an employment outcome identified in the individualized plan for employment in competitive integrated employment or pre-employment transition services;*

17. Customized employment for an individual with a significant disability in a competitive integrated setting that is based on the strengths, needs, interests, and abilities of the individual and the business needs of the employer; and

18. Encouragement of qualified individuals who are eligible to receive services to pursue advanced training in the fields of science, technology, engineering, mathematics (including computer science fields), medicine, law, or business.

B. Written standards shall be established by the Commissioner detailing the scope and nature of each vocational rehabilitation service authorized herein, the conditions, criteria and procedures under which each service may be provided, and the use of entitlements and other benefits to access these services, when appropriate.

C. In providing the foregoing services, the Department shall determine whether comparable services and benefits are available under any other program unless such a determination would interrupt or delay the progress of the client toward achieving the employment outcome identified in the individualized plan for employment, an immediate job placement, or the provision of such service to any client at extreme medical risk.

§ 51.5-174. Services for groups.

Vocational rehabilitation services provided by the Department for the benefit of groups shall include, to the maximum extent possible with the resources available to the Department:

1. The establishment, development, or improvement of community rehabilitation programs, *which shall be used to provide services under this section that promote integration into the community and prepare individuals with disabilities for competitive integrated employment, including supported employment and customized employment;*

2. ~~The provision of other services that promise to contribute significantly to rehabilitation of a group of clients but that are not directly related to the individualized plan for employment of any one client~~ *Transition services to youth with disabilities and students with disabilities, for which a vocational rehabilitation counselor works in concert with educational agencies, providers of job training programs, providers of services under the Medicaid program pursuant to Title XIX of the federal Social Security Act (42 U.S.C. § 1396 et seq.), entities designated by the Department to provide services for individuals with developmental disabilities, centers for independent living, housing and transportation authorities, workforce development systems, businesses, and employers;*

3. The use of telecommunications systems, including telephone, television, satellite, radio, and other similar systems that have the potential for substantially improving delivery methods of activities described in this section and developing appropriate programming to meet the particular needs of individuals with disabilities;

4. Technical assistance ~~and support services~~ to businesses that are ~~not subject to Title I of the Americans With Disabilities Act of 1990 (42 U.S.C. § 12111 et seq.)~~ *seeking to employ individuals with disabilities; and*

5. ~~Consultative~~ *Consultation* and technical assistance services to assist *state and local* educational agencies in planning for the transition of students with disabilities from school to ~~post-school activities~~ *post-secondary life*, including employment;

6. *The establishment, development, or improvement of assistive technology demonstration, loan, reutilization, or financing programs in coordination with activities authorized by the Assistive Technology Act of 1968 (29 U.S.C. § 3001 et seq.) to promote access to assistive technology for individuals with disabilities and employers; and*

7. *Support, including tuition where appropriate, for advanced training in the fields of science, technology, engineering, mathematics (including computer science fields), medicine, law, or business, consistent with the requirements in § 103 of the federal Rehabilitation Act of 1973 (29 U.S.C. § 701 et seq.).*

§ 51.5-175. Case closure in extended employment.

~~When any part of the written individualized plan for employment of a client of the Department includes services in a community rehabilitation program (CRP); that portion of the plan shall be developed jointly with the rehabilitation counselor, a qualified staff member of the CRP, and the client, and, when appropriate, his parents or guardian. Factors to be considered shall include, but not be limited to, proposed activities, activity schedule, and the impact of the activity on the welfare of the client, the client's family, and his community.~~

~~When a case is closed upon a client's placement in extended employment in a CRP community rehabilitation program or any other employment under § 14(c) of the Fair Labor Standards Act (29 U.S.C. § 214(c)), the case shall be reviewed by the Department, with the cooperation of the CRP, within 12 months of case closure semiannually for two years after the start of employment, and annually thereafter, to determine the interests, priorities, and needs of the individual with respect to competitive integrated employment or training for competitive employment.~~

§ 51.5-176. Participation by clients in cost of services.

The Commissioner shall adopt written standards for determining the extent to which clients shall be responsible for the cost of vocational rehabilitation services provided or funded by the Department. However, the provision of the following services by the Department shall not be conditioned on the client's or applicant's ability to pay for the cost of those services: (i) evaluation of rehabilitation potential, except for vocational services other than those of a diagnostic nature which are provided under an ~~extended~~ evaluation of rehabilitation potential; (ii) counseling, guidance, and referral services; and (iii) placement and follow-up. The Department shall maximize financial participation of persons receiving services and shall maximize reimbursement from responsible ~~third party~~ *third-party* payors.

2. That § 51.5-165 of the Code of Virginia is repealed.

CHAPTER 28

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; annual mixed beverage performing arts facility license.

[H 755]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:****§ 4.1-210. Mixed beverages licenses.**

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensees to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's

duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Waynesboro, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a total capacity in excess of 550 patrons; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or private or special events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.*

16. A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and mixed beverage caterer

pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, ~~or~~ 15, or 16 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 29

An Act to amend and reenact §§ 20-60.5, 46.2-320.1, 63.2-527, 63.2-1900, 63.2-1903, 63.2-1916, 63.2-1917, 63.2-1921, 63.2-1923, 63.2-1924, 63.2-1925, 63.2-1929, 63.2-1930, 63.2-1933, 63.2-1937, and 63.2-1942 of the Code of Virginia, relating to the Department of Social Services; electronic notices.

[H 1026]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-60.5, 46.2-320.1, 63.2-527, 63.2-1900, 63.2-1903, 63.2-1916, 63.2-1917, 63.2-1921, 63.2-1923, 63.2-1924, 63.2-1925, 63.2-1929, 63.2-1930, 63.2-1933, 63.2-1937, and 63.2-1942 of the Code of Virginia are amended and reenacted as follows:

§ 20-60.5. Support payment provisions; how paid.

A. 1. Unless otherwise directed by the Committee on District Courts, in all cases in which payment of a support obligation arising under an order or decree entered prior to October 1, 1985, is made by the obligor through the office of a clerk of court, the clerk shall notify the payee and the obligor that the obligor will be directed to pay future support payments to the Department of Social Services as of the date provided in the notice.

In cases transferred from the courts to the Department of Social Services on or after October 1, 1985, the payee shall be deemed as having executed an authorization to seek or enforce a support obligation with the Department's Division of Child Support Enforcement unless the payee specifically indicates that the Division's services are not desired.

2. Unless otherwise directed by the Department of Social Services, the notice of change in payment shall be served or sent by certified mail, return receipt requested, and shall contain (i) the name of the payee and, if different in whole or in part, the names of the persons to whom an obligation of support is owed by the obligor, (ii) the name of the obligor, (iii) the amount of the periodic support payment, the due dates of such payments and any arrearages, (iv) the beginning date for sending payments to the Department of Social Services, and (v) the date by which the payee and obligor shall notify the Department of Social Services of the election to (a) have the Department of Social Services collect and disburse support payments together with forms and instructions for applying for such services or (b) have support payment made by the obligor directly to the payee. A copy of the notice also shall be transmitted to the Department of Social Services.

3. Unless otherwise directed by the Committee on District Courts, if both the obligor and the payee request in writing to the Department of Social Services that all support payments be made by the obligor directly to the payee, then the Department of Social Services shall so notify the court and the court shall enter an order to such effect. In the event an election is taken pursuant to subdivision 2 (v) (a), the notice of election shall have the same force and effect as an order of the court.

4. The above provisions shall also apply to payroll deductions made pursuant to § 20-79.1, except that only the payee and the employer shall receive such notice.

5. The change in payment provision required by subsection A shall be initiated by October 1, 1985, unless a different date is mutually agreed to by the Department of Social Services and the Committee on District Courts as to individual courts.

B. Unless a different date is mutually agreed to by the Department of Social Services and the Committee on District Courts, all orders or decrees for support entered on or after October 1, 1985, shall direct that payment be made only to the payee unless one of the parties objects, in which case the order or decree shall direct that payment be made to or through the Department of Social Services.

C. The Department of Social Services shall promptly pay to the payee all support payments collected by it which have been ordered by a court to be paid to or through the Department. The Department shall pay interest to the payee when such interest amount exceeds ~~five dollars~~ \$5 on a support payment as provided in § 63.2-1951.

D. If the Department of Social Services enters into a contract with a public or private entity for the processing of support payments, then, except as provided in subsection E, and notwithstanding any other provision of this section:

1. The Department shall notify the affected court of the existence of such contract and how payments are contractually required to be made to such contractors; and

2. The affected court shall include in all support orders (i) how payments are required to be made to such contractors and (ii) that payments are to be made in such manner until different payment instructions are mailed to the person making payments by the court or by the Department.

E. An employer of 10,000 persons or more shall not be required to make payments other than by combined single payment to the Department's central office in Richmond without the express written consent of the employer, unless the order is from a support enforcement agency outside the Commonwealth.

F. Upon any obligee's application for public assistance benefits or child support services, the Department of Social Services may change the payee to the Department so that payment is sent to the Department at its address as contained in the notice of change as described in this subsection. Upon the obligee's request that support services no longer be provided, the Department may change the payee to the obligee so that payment is sent to the obligee at the address provided by the obligee as contained in the notice of change as described in this subsection. Notice of such change shall be served on the obligor by certified mail, return receipt requested, *by electronic means*, or in accordance with Chapter 8 (§ 8.01-285 et seq.) or Chapter 9 (§ 8.01-328 et seq.) of Title 8.01. The change described in the notice shall be effective as to all payments paid on or after the date that notice was served regardless of when such payments were due. Return of service shall be made to the Department of Social Services at the location described in the notice. Upon obtaining service of the notice on the obligor, the Department of Social Services shall transmit a copy of such notice together with a copy of the proof of service to the court having jurisdiction for enforcement of the order and to the custodial parent.

§ 46.2-320.1. Other grounds for suspension; nonpayment of child support.

A. The Commissioner may enter into an agreement with the Department of Social Services whereby the Department may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings. A suspension or refusal to renew authorized pursuant to this section shall not be effective until 30 days after service on the delinquent obligor of notice of intent to suspend or refusal to renew. The notice of intent shall be served on the obligor by the Department of Social Services (a) by certified mail, return receipt requested, *or by electronic means*, sent to the obligor's last known addresses as shown in the records of the Department or the Department of Social Services; or (b) pursuant to § 8.01-296, or service may be waived by the obligor in accordance with procedures established by the Department of Social Services. The obligor shall be entitled to a judicial hearing if a request for a hearing is made, in writing, to the Department of Social Services within 10 days from service of the notice of intent. Upon receipt of the request for a hearing, the Department of Social Services shall petition the court that entered or is enforcing the order, requesting a hearing on the proposed suspension or refusal to renew. The court shall authorize the suspension or refusal to renew only if it finds that the obligor's noncompliance with the child support order was willful. Upon a showing by the Department of Social Services that the obligor is delinquent in the payment of child support by 90 days or more or in an amount of \$5,000 or more, the burden of proving that the delinquency was not willful shall rest upon the obligor. The Department shall not suspend or refuse to renew the driver's license until a final determination is made by the court.

B. At any time after service of a notice of intent, the person may petition the juvenile and domestic relations district court in the jurisdiction where he resides for the issuance of a restricted license to be used if the suspension or refusal to renew becomes effective. Upon such petition and a finding of good cause, the court may provide that such person be issued a restricted permit to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. A restricted license issued pursuant to this subsection shall not permit any person to operate a commercial motor vehicle as defined in § 46.2-341.4. The court shall order the surrender of the person's license to operate a motor vehicle, to be disposed of in accordance with the provisions of § 46.2-398, and shall forward to the Commissioner a copy of its order entered pursuant to this subsection. The order shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a permit is issued as is reasonably necessary to identify him.

C. The Department shall not renew a driver's license or terminate a license suspension imposed pursuant to this section until it has received from the Department of Social Services a certification that the person has (i) paid the delinquency in full; (ii) reached an agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed 10 years, and at least one payment representing at least five percent of the total delinquency or \$600, whichever is greater, has been made pursuant to the agreement; (iii) complied with a subpoena, summons, or warrant relating to a paternity or child support proceeding; or (iv) completed or is successfully participating in an intensive case monitoring program for child support as ordered by a juvenile and domestic relations district court or as administered by the Department of Social Services. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by clause (i) or (ii) is made.

D. If a person who has entered into an agreement with the Department of Social Services pursuant to clause (ii) of subsection C fails to comply with the requirements of the agreement, the Department of Social Services shall notify the Department of the person's noncompliance and the Department shall suspend or refuse to renew the driver's license of the person until it has received from the Department of Social Services a certification that the person has paid the delinquency in full or has entered into a subsequent agreement with the Department of Social Services to satisfy the delinquency within a period not to exceed seven years and has made at least one payment of \$1,200 or five percent of the total delinquency, whichever is greater, pursuant to the agreement. If the person fails to comply with the terms of a subsequent agreement reached with the Department of Social Services pursuant to this section, without further notice to the person as provided in the subsequent agreement, the Department of Social Services shall notify the Department of the person's noncompliance, and the Department shall suspend or refuse to renew the driver's license of the person. A person who has failed to comply with the terms of a second or subsequent agreement pursuant to this subsection may be granted a new agreement with the

Department of Social Services if the person has made at least one payment of \$1,800 or five percent of the total delinquency, whichever is greater, and agrees to a repayment schedule of not more than seven years. Upon receipt of certification from the Department of Social Services of the person's satisfaction of these conditions, the Department shall issue a driver's license to the person or reinstate the person's driver's license. Certification by the Department of Social Services shall be made by electronic or telephonic communication and shall be made on the same work day that payment required by this subsection is made.

§ 63.2-527. Notice of earned income tax credit.

The Department shall provide notice regarding the availability of the federal earned income tax credit authorized in § 32 of the Internal Revenue Code and the state earned income tax credit authorized in subdivision B 2 of § 58.1-339.8 to all recipients of Temporary Assistance for Needy Families pursuant to Chapter 6 (§ 63.2-600 et seq.), food stamps pursuant to § 63.2-801, or medical assistance pursuant to § 32.1-325 who had earned income in the prior tax year based on information available through the Virginia Employment Commission and, according to information made available by the Virginia Department of Taxation, either did not file federal or state income taxes or filed taxes and did not claim the federal or state earned income tax credit. Notice shall be ~~mailed~~ *distributed* to recipients annually and shall include information on the qualifying income levels, the amount of credit available, the process for applying for the credit, and the availability of assistance in applying for the credit.

§ 63.2-1900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administrative order" or "administrative support order" means a noncourt-ordered legally enforceable support obligation having the force and effect of a support order established by the court.

"Assignment of rights" means the legal procedure whereby an individual assigns support rights to the Commonwealth on behalf of a dependent child or spouse and dependent child.

"Authorization to seek or enforce a support obligation" means a signed authorization to the Commonwealth to seek or enforce support on behalf of a dependent child or a spouse and dependent child or on behalf of a person deemed to have submitted an application by operation of law.

"Cash medical support" means the proportional amount the court or the Department shall order both parents to pay toward reasonable and necessary unreimbursed medical or dental expenses pursuant to subsection D of § 20-108.2.

"Court order" means any judgment or order of any court having jurisdiction to order payment of support or an order of a court of comparable jurisdiction of another state ordering payment of a set or determinable amount of support moneys.

"Custodial parent" means the natural or adoptive parent with whom the child resides; a stepparent or other person who has physical custody of the child and with whom the child resides; or a local board that has legal custody of a child in foster care.

"Debt" means the total unpaid support obligation established by court order, administrative process or by the payment of public assistance and owed by a noncustodial parent to either the Commonwealth or to his dependent(s).

"Department-sponsored health care coverage" means any health care coverage that the Department may make available through a private contractor for children receiving child support services from the Department.

"Dependent child" means any person who meets the eligibility criteria set forth in § 63.2-602, whose support rights have been assigned or whose authorization to seek or enforce a support obligation has been given to the Commonwealth and whose support is required by Titles 16.1 and 20.

"Electronic means" means service of a required notice by the Department through its secure online child support portal to any person who has agreed to accept service through the portal and has created a user account. The portal shall record and maintain the date and time service is accepted by the user.

"Employee" means any individual receiving income.

"Employer" means the source of any income.

"Financial institution" means a depository institution, an institution-affiliated party, any federal credit union or state credit union including an institution-affiliated party of such a credit union, and any benefit association, insurance company, safe deposit company, money market mutual fund, or similar entity authorized to do business in this Commonwealth.

"Financial records" includes, but is not limited to, records held by employers showing income, profit sharing contributions and benefits paid or payable and records held by financial institutions, broker-dealers and other institutions and entities showing bank accounts, IRA and separate contributions, gross winnings, dividends, interest, distributive share, stocks, bonds, agricultural subsidies, royalties, prizes and awards held for or due and payable to a responsible person.

"Foreign support order" means any order issued outside of the Commonwealth by a court or tribunal as defined in § 20-88.32.

"Health care coverage" means any plan providing hospital, medical or surgical care coverage for dependent children provided such coverage is available and can be obtained by a parent, parents, or a parent's spouse at a reasonable cost.

"Income" means any periodic form of payment due an individual from any source and shall include, but not be limited to, income from salaries, wages, commissions, royalties, bonuses, dividends, severance pay, payments pursuant to a pension or retirement program, interest, trust income, annuities, capital gains, social security benefits, workers' compensation benefits, unemployment insurance benefits, disability insurance benefits, veterans' benefits, spousal support, net rental income, gifts, prizes or awards.

"Mistake of fact" means an error in the identity of the payor or the amount of current support or arrearage.

"Net income" means that income remaining after the following deductions have been taken from gross income: federal income tax, state income tax, federal income compensation act benefits, any union dues where collection thereof is required under federal law, and any other amounts required by law.

"Noncustodial parent" means a responsible person who is or may be obligated under Virginia law for support of a dependent child or child's caretaker.

"Obligee" means (i) an individual to whom a duty of support is or is alleged to be owed or in whose favor a support order has been issued or a judgment determining parentage has been rendered, (ii) a state or political subdivision to which the rights under a duty of support or support order have been assigned or that has independent claims based on financial assistance provided to an individual obligee, or (iii) an individual seeking a judgment determining parentage of the individual's child.

"Obligor" means an individual, or the estate of a decedent, who (i) owes or is alleged to owe a duty of support, (ii) is alleged but has not been adjudicated to be a parent of a child, or (iii) is liable under a support order.

"Payee" means any person to whom spousal or child support is to be paid.

"Reasonable cost" pertaining to health care coverage for dependent children means available, in an amount not to exceed five percent of the parents' combined gross income, and accessible through employers, unions or other groups, or Department-sponsored health care coverage, without regard to service delivery mechanism; unless the court deems otherwise in the best interests of the child or by agreement of the parties.

§ 63.2-1903. Authority to issue certain orders; civil penalty.

A. In the absence of a court order, the Department shall have the authority to issue orders directing the payment of child, and child and spousal support and, if available at reasonable cost as defined in § 63.2-1900, to require a provision for health care coverage, including Department-sponsored health care coverage, or cash medical support, or both, for dependent children of the parents, which shall include the requirements specified for employers pursuant to subdivision A 5 of § 20-79.3. The Department shall have the authority to make available Department-sponsored health care coverage for children receiving child support services from the Department. If health care coverage is unavailable at a reasonable cost, as defined in § 63.2-1900, or inaccessible to either parent, the Department shall refer the dependent children to the Family Access to Medical Insurance Security plan pursuant to § 32.1-351. However, prior to referring the dependent children to the Family Access to Medical Insurance Security plan, the Department shall confirm that neither parent has access to health care coverage at a reasonable cost for the dependent children. If a child is enrolled in Department-sponsored health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of § 20-108.2. ~~Liability for child support shall be determined retroactively for the period measured from the date the order directing payment is delivered to the sheriff or process server for service upon the obligor.~~

In ordering the payment of child support, the Department shall set such support at the amount resulting from computation pursuant to the guideline set out in § 20-108.2, subject to the provisions of § 63.2-1918.

B. When a payee, as defined in § 63.2-1900, no longer has physical custody of a child, the Department shall have the authority to redirect child support payments to a custodial parent who has physical custody of the child when an assignment of rights has been made to the Department or an application for services has been made by such custodial parent with the Division of Child Support Enforcement.

C. The Department shall have the authority, upon notice from the Department of Medical Assistance Services, to use any existing enforcement mechanisms provided by this chapter to collect the wages, salary, or other employment income or to withhold amounts from state tax refunds of any obligor who has not used payments received from a third party to reimburse, as appropriate, either the other parent of such child or the provider of such services, to the extent necessary to reimburse the Department of Medical Assistance Services.

D. The Department may order the obligor and payee to notify each other or the Department upon request of current gross income as defined in § 20-108.2 and any other pertinent information which may affect child support amounts. For good cause shown, the Department may order that such information be provided to the Department and made available to the parties for inspection in lieu of the parties' providing such information directly to each other. The Department shall record the social security number of each party or control number issued to a party by the Department of Motor Vehicles pursuant to § 46.2-342 in the Department's file of the case.

E. The Department shall develop procedures governing the method and timing of periodic review and adjustment of child support orders established or enforced or both pursuant to Title IV-D of the Social Security Act, as amended. If there is an assignment under Title IV-A of the Social Security Act or at the request of either parent subject to the order, the Department shall initiate a review of such order every three years without requiring proof or showing of a change in circumstances, and shall initiate appropriate action to adjust such order in accordance with the provisions of § 20-108.2 and subject to the provisions of § 63.2-1918.

F. In order to provide essential information for whatever establishment or enforcement actions are necessary for the collection of child support, the Commissioner, the Director of the Division of Child Support Enforcement and district managers of Division of Child Support Enforcement offices shall have the right to (i) subpoena financial records of, or other information relating to, the noncustodial parent and obligee from any person, firm, corporation, association, or political subdivision or department of the Commonwealth and (ii) summons the noncustodial parent and obligee to appear in the Division's offices. The Commissioner, Director and district managers may also subpoena copies of state and federal income tax returns. The district managers shall be trained in the correct use of the subpoena process prior to exercising subpoena

authority. A civil penalty not to exceed \$1,000 may be assessed by the Commissioner for a failure to respond to a subpoena issued pursuant to this subsection.

G. In the absence of a court order, the Department may establish an administrative support order on an out-of-state obligor pursuant to subdivision A 8 or A 9 of § 8.01-328.1 or 20-88.35. The Department may also take action to enforce an administrative or court order on an out-of-state obligor. Service of such actions shall be in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329; or by certified mail, return receipt requested, or *electronic means* in accordance with § 63.2-1917.

H. If a support order has been issued in another state but the obligor, the obligee, and the child now live in the Commonwealth, the Department may (i) enforce the order without registration, using all enforcement remedies available under this chapter and (ii) register the order in the appropriate tribunal of the Commonwealth for enforcement or modification.

§ 63.2-1916. Notice of administrative support order; contents; hearing; modification.

The Commissioner may proceed against a noncustodial parent whose support debt has accrued or is accruing based upon subrogation to, assignment of, or authorization to enforce a support obligation. Such obligation may be created by a court order for support of a child or child and spouse or decree of divorce ordering support of a child or child and spouse. In the absence of such a court order or decree of divorce, the Commissioner may, pursuant to this chapter, proceed against a person whose support debt has accrued or is accruing based upon payment of public assistance or who has a responsibility for the support of any dependent child or children and their custodial parent. The administrative support order shall also provide that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the parent seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first. The Commissioner shall initiate proceedings by issuing notice containing the administrative support order which shall become effective unless timely contested. The notice shall be served upon the debtor (a) in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329 or (b) by certified mail, return receipt requested, or by *electronic means*, or the debtor may accept service by signing a formal waiver. A copy of the notice shall be ~~sent~~ *provided* to the obligee ~~by first-class mail~~. The notice shall include the following:

1. A statement of the support debt or obligation accrued or accruing and the basis and authority under which the assessment of the debt or obligation was made. The initial administrative support order shall be effective on the date of service and the first monthly payment shall be due on the first of the month following the date of service and the first of each month thereafter. A modified administrative support order shall be effective the date that notice of the review is served on the nonrequesting party, and the first monthly payment shall be due on the first day of the month following the date of such service and on the first day of each month thereafter. In addition, an amount shall be assessed for the partial month between the effective date of the order and the date that the first monthly payment is due. The assessment for the initial partial month shall be prorated from the effective date through the end of that month, based on the current monthly obligation. All payments are to be credited to current support obligations first, with any payment in excess of the current obligation applied to arrearages, if any;

2. A statement of the name, date of birth, and last four digits of the social security number of the child or children for whom support is being sought;

3. A statement that support shall continue to be paid for any child over the age of 18 who is (i) a full-time high school student, (ii) not self-supporting, and (iii) living in the home of the party seeking or receiving child support, until such child reaches the age of 19 or graduates from high school, whichever comes first;

4. A demand for immediate payment of the support debt or obligation or, in the alternative, a demand that the debtor file an answer with the Commissioner within 10 days of the date of service of the notice stating his defenses to liability;

5. If known, the full name, date of birth, and last four digits of the social security number of each parent of the child; however, when a protective order has been issued or the Department otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, only the name of the party at risk shall be included in the order;

6. A statement that if no answer is made on or before 10 days from the date of service of the notice, the administrative support order shall be final and enforceable, and the support debt shall be assessed and determined subject to computation, and is subject to collection action;

7. A statement that the debtor may be subject to mandatory withholding of income, the interception of state or federal tax refunds, interception of payments due to the debtor from the Commonwealth, notification of arrearage information to consumer reporting agencies, passport denial or suspension, or incarceration and that the debtor's property will be subject to lien and foreclosure, distraint, seizure and sale, an order to withhold and deliver, or withholding of income;

8. A statement that the parents shall keep the Department informed regarding access to health insurance coverage and health insurance policy information and a statement that health care coverage shall be required for the parents' dependent children if available at reasonable cost as defined in § 63.2-1900, or pursuant to subsection A of § 63.2-1903. If a child is enrolled in Department-sponsored health care coverage, the Department shall collect the cost of the coverage pursuant to subsection E of § 20-108.2;

9. A statement of each party's right to appeal and the procedures applicable to appeals from the decision of the Commissioner;

10. A statement that the obligor's income shall be immediately withheld to comply with this order unless the obligee, or the Department, if the obligee is receiving public assistance, and obligor agree to an alternative arrangement;

11. A statement that any determination of a support obligation under this section creates a judgment by operation of law and as such is entitled to full faith and credit in any other state or jurisdiction;

12. A statement that each party shall give the Department written notice of any change in his address, *including email address*, or phone number, *including cell phone number*, within 30 days;

13. A statement that each party shall keep the Department informed of the name, telephone number and address of his current employer;

14. A statement that if any arrearages for child support, including interest or fees, exist at the time the youngest child included in the order emancipates, payments shall continue in the total amount due (current support plus amount applied toward arrearages) at the time of emancipation until all arrearages are paid;

15. A statement that a petition may be filed for suspension of any license, certificate, registration, or other authorization to engage in a profession, trade, business, occupation, or recreational activity issued by the Commonwealth to a parent as provided in § 63.2-1937 upon a delinquency for a period of 90 days or more or in amount of \$5,000 or more. The order shall indicate whether either or both parents currently hold such an authorization and, if so, the type of authorization held;

16. A statement that the Department of Motor Vehicles may suspend or refuse to renew the driver's license of any person upon receipt of notice from the Department of Social Services that the person (i) is delinquent in the payment of child support by 90 days or in an amount of \$5,000 or more or (ii) has failed to comply with a subpoena, summons, or warrant relating to paternity or child support proceedings; and

17. A statement that on and after July 1, 1994, the Department of Social Services, as provided in § 63.2-1921 and in accordance with § 20-108.2, may initiate a review of the amount of support ordered by any court.

If no answer is received by the Commissioner within 10 days of the date of service or acceptance, the administrative support order shall be effective as provided in the notice. The Commissioner may initiate collection procedures pursuant to this chapter, Chapter 11 (§ 16.1-226 et seq.) of Title 16.1 or Title 20. The debtor and the obligee have 10 days from the date of receipt of the notice to file an answer with the Commissioner to exercise the right to an administrative hearing.

Any changes in the amount of the administrative order must be made pursuant to this section. In no event shall an administrative hearing alter or amend the amount or terms of any court order for support or decree of divorce ordering support. No *administrative* support order may be retroactively modified, but may be modified ~~with respect to any period during which there is a pending petition for modification in any court, but only~~ from the date that notice of the review has been served on the nonrequesting party. Notice of ~~the each~~ review shall be served ~~for each review on the nonrequesting party~~ (1) in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329, ~~or~~ (2) by certified mail, ~~with proof of actual receipt by the addressee return receipt requested, or~~ (3) by *electronic means*, or (4) by the nonrequesting party executing a waiver. The existence of an administrative order shall not preclude either an obligor or obligee from commencing appropriate proceedings in a juvenile and domestic relations district court or a circuit court.

§ 63.2-1917. When delivery of notice to party at last known address may be deemed sufficient.

In any subsequent child support enforcement proceeding between the parties, upon sufficient showing that diligent effort was made to ascertain the location of a party, that party may be served with any required notice by delivery of the written notice to that party's residential or business address as filed with the court pursuant to § 20-60.3 or the Department, or if changed, as shown in the records of the Department or the court *or by electronic means as defined in § 63.2-1900*. However, any person served with notice as provided in this section may challenge, in a subsequent judicial proceeding, an order entered based upon such service on the grounds that he did not receive the notice and enforcement of the order would constitute manifest injustice.

§ 63.2-1921. Authority to initiate reviews of certain orders.

A. The Department may, pursuant to this chapter and in accordance with § 20-108.2, initiate a review of the amount of support ordered by any court. If a material change in circumstances has occurred, the Department shall report its findings and a proposed modified order to the court which entered the order or the court having current jurisdiction. Notice of ~~the each~~ review shall be served ~~for each review on both parties~~ *the nonrequesting party* (i) in accordance with the provisions of §§ 8.01-296, 8.01-327, or § 8.01-329, ~~or~~ (ii) by certified mail, ~~with proof of actual receipt by the addressee return receipt requested, or~~ (iii) by *electronic means*, or (iv) by the nonrequesting party executing a waiver. Either party may request a hearing on the proposed modified order by filing a request with such court within ~~thirty~~ 30 days of receipt of notice by the requesting party. Unless a hearing is requested within the time limits, no hearing shall be required and the court shall enter the modified order, which shall be effective from the date that notice of such review was served on the nonrequesting party. The court shall modify any prior court order, or schedule a hearing on its motion and so notify the parties and the Department. If a hearing is held, the Department shall have the burden of proof.

B. However, if the order being reviewed by the Department deviated from the guidelines, when entered, based on one or more of the deviating factors set out in § 20-108.1 and the Department determines that there has been a material change in circumstances, the procedure set forth in subsection A shall not apply and the Department shall schedule a hearing with the court which entered the order or the court having current jurisdiction.

C. A material change in circumstances shall be deemed to have occurred if the difference between the existing child support award and the amount which would result from application of the guidelines is at least ~~ten~~ 10 percent of the existing child support award but not less than ~~twenty-five dollars~~ \$25 per month.

§ 63.2-1923. Immediate withholding from income; exception; notices required.

A. Every administrative support order directing a noncustodial parent to pay child or child and spousal support shall provide for immediate income withholding from the noncustodial parent's income as defined in § 63.2-1900 of an amount for current support plus an amount to be applied toward liquidation of arrearages, if any, unless the obligor and the Department, on behalf of the obligee, agree to a written alternative payment arrangement, or good cause is shown. Good cause shall be based upon a written determination that, and explanation by the Department of why, implementing immediate withholding would not be in the best interests of the child. The total amount withheld shall not exceed the maximum amount permitted under § 34-29.

B. The order shall include, but not be limited to, notice (i) of the amount that will be withheld, (ii) that the withholding applies to any current or subsequent period of employment, (iii) of the right to contest whether a duty of support is owed and the information specified in the administrative order is correct, (iv) that a written request to appeal the withholding shall be made to the Department within 10 days of receipt of the notice, and (v) of the actions that will be taken by the Department if an appeal is noted, which shall include the opportunity to present his objections to the administrative hearing officer at a hearing held pursuant to § 63.2-1942. Upon service of the order on the employer by first-class or certified mail, *by electronic means*, or *by service in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329*, the employer shall deliver the order to the noncustodial parent. ~~A copy shall be sent by first-class mail to the obligee.~~

C. The noncustodial parent's employer shall be issued by first-class or certified mail or by electronic means, including facsimile transmission, an administrative order for withholding of income which shall conform to § 20-79.3. The rights and responsibilities of an employer with respect to such orders are set out in § 20-79.3.

D. Administrative orders for withholding from income shall be promptly terminated or modified by the Department when (i) the obligation to support has been satisfied and arrearages have been paid, (ii) the whereabouts of the child or child and custodial parent become unknown, or (iii) modification is appropriate because of a change in the amount of the obligation.

§ 63.2-1924. Withholding from income; default of administrative or judicial support order; notices required; priorities; orders from other states.

A. As part of every administrative support order directing a noncustodial parent to pay child or child and spousal support or by separate order at any time thereafter, provision shall be made for withholding from the income of the noncustodial parent the amount of the withholding order plus an amount to be applied toward liquidation of arrearages if the noncustodial parent fails to make payments in an amount equal to the support payable for one month. The total amount withheld shall not exceed the maximum amount permitted under § 34-29.

B. Upon default of an administrative or judicial support order, the Department shall serve notice on the noncustodial ~~parent~~ *parent's employer* of the delinquency in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329 or by certified mail or electronic means, including facsimile transmission, for delivery to the noncustodial parent. ~~The obligee shall also be sent a copy of such notice.~~ The notice shall inform the noncustodial parent (i) of the amount that will be withheld, (ii) that the withholding applies to any current or subsequent period of employment, (iii) of the right to contest but that the only basis for contesting the withholding is a mistake of fact, (iv) that a written request to contest the withholding must be made to the Department within 10 days of receipt of the notice, (v) of the actions that will be taken by the Department if a request to contest is noted, which shall include the opportunity to present his objections, which shall be limited to a mistake of fact, to the administrative hearing officer at a hearing held pursuant to § 63.2-1942, (vi) that a determination on the contest will be made no later than 45 days from the date of service of such notice, and (vii) that payment of overdue support upon receipt of the required notice shall not be a bar to the implementation of withholding. ~~Upon service of the notice on the employer for delivery to the obligor, a copy shall be sent by first-class mail to the obligee.~~

C. The noncustodial parent's employer shall be issued by first-class or certified mail or by electronic means, including facsimile transmission, an administrative order for withholding of income that shall conform to § 20-79.3. The rights and responsibilities of an employer with respect to such orders are set out in § 20-79.3.

D. The Department shall have the authority in the issuance of an administrative order under § 20-79.3, based on an existing court order, to convert the terms of payment to conform with the obligor's pay period interval. The Department shall utilize the conversion formula established by the Committee on District Courts.

E. Administrative orders for withholding from income shall be promptly terminated or modified by the Department when (i) the obligation to support has been satisfied and arrearages have been paid, (ii) the whereabouts of the child or child and custodial parent become unknown, or (iii) modification is appropriate because of a change in the amount of the obligation.

F. If a court of competent jurisdiction or the agency operating pursuant to an approved state plan under Sections 452 and 454 of the Social Security Act, as amended, in any state, territory of the United States or the District of Columbia has ordered a person to pay child or child and spousal support, upon notice and hearing as provided in this section, the Department shall issue an order, conforming to § 20-79.3, to the noncustodial parent's employer in this Commonwealth to withhold from the income of the noncustodial parent pursuant to a foreign support order in the same manner as provided in this section for administrative orders originating in this Commonwealth. Similar orders of the Department may be enforced in a similar manner in such other state, territory or district.

§ 63.2-1925. Certain amount of income that may be withheld by lien or order.

Whenever a support lien, order to withhold and deliver property or order for withholding of income is served upon any person, firm, corporation, association, political subdivision or department of this Commonwealth asserting a support debt

against income and there is any such income in the possession of such person, then that person shall withhold from the disposable income as defined in § 63.2-100 (i) the amount stated in the lien, the order to withhold and deliver property, or the order for withholding of income; or (ii) the maximum amount permitted under § 34-29, whichever is less. The order shall show the maximum percentage of disposable income which may be withheld pursuant to § 34-29. The lien or order to withhold and deliver shall continue to operate and require such person, firm, corporation, association, political subdivision, or department of this Commonwealth to withhold the nonexempt portion of income at each succeeding income disbursement interval until the entire amount of the support debt stated in the lien has been withheld. The order for withholding of income continues until further notice by first-class or certified mail, return receipt requested, *or by electronic means* from the Department is received by the employer.

§ 63.2-1929. Orders to withhold and to deliver property of debtor; issuance and service; contents; right to appeal; answer; effect; delivery of property; bond to release; fee; exemptions.

A. After notice containing an administrative support order has been served or service has been waived or accepted, an opportunity for a hearing has been exhausted and a copy of the order furnished as provided for in § 63.2-1916, or whenever a court order for child or child and spousal support has been entered, the Commissioner is authorized to issue to any person, firm, corporation, association, political subdivision or department of the Commonwealth, orders to withhold and to deliver property of any kind including, but not restricted to, income of the debtor, when the Commissioner has reason to believe that there is in the possession of such person, firm, corporation, association, political subdivision or department of the Commonwealth, property that is due, owing, or belonging to such debtor. The orders to withhold and to deliver shall take priority over all other debts and creditors under state law of such debtor including the proceeds or anticipated proceeds of a personal injury or wrongful death award or settlement except that the Department's lien shall be inferior to those liens created under § 8.01-66.2 or § 8.01-66.9, any statutory right of subrogation accruing to a health insurance provider, and the lien of the attorney representing the injured person in the personal injury or wrongful death action. However, orders to withhold and to deliver shall not take priority with respect to a prior payroll deduction or income withholding order pursuant to §§ 20-79.1, 20-79.2, 63.2-1923 or § 63.2-1924. The Department shall have the sole authority to negotiate settlement of its liens. Settlement of the Department's support liens does not affect the remaining support arrearages.

B. The order to withhold shall also be served upon the debtor within a reasonable time thereafter, and shall state the amount of the support debt accrued. The order shall state in summary the terms of §§ 63.2-1925 and 63.2-1930 and shall be served in the manner prescribed for the service of a warrant in a civil action ~~or~~ by certified mail, return receipt requested, *or by electronic means*. The order to withhold shall advise the debtor that this order has been issued to cause the property of the debtor to be taken to satisfy the debt and advise of property that may be exempted from this order. The order shall also advise the debtor of a right to appeal such order based upon a mistake of fact and that if no appeal is made within ~~ten~~ 10 days of being served, his property is subject to be taken.

C. If the debtor believes such property is exempt from this debt, within 10 days of the date of service of the order to withhold, the debtor may file an appeal to the Commissioner stating any exemptions that may be applicable. If the Commissioner receives a timely appeal, a hearing shall be promptly scheduled before a hearing officer upon reasonable notice to the obligee. The Commissioner may delegate authority to conduct the hearing to a duly qualified hearing officer who shall consider the debtor's appeal. Action by the Commissioner under the provisions of this chapter to collect such support debt shall be valid and enforceable during the pendency of any appeal.

The decision of the hearing officer shall be in writing and shall set forth the debtor's rights to appeal an adverse decision of the hearing officer pursuant to § 63.2-1943. The decision shall be served upon the debtor in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329 ~~or~~ mailed to the debtor at his last known address by certified mail, return receipt requested, *or provided by electronic means* or service may be waived. A copy of such decision shall also be ~~mailed~~ *provided* to the obligee. Such decision shall establish whether the debtor's property is exempt under state or federal laws and regulations.

D. Any person, firm, corporation, association, political subdivision or department of the Commonwealth upon whom service has been made is hereby required to answer such order to withhold within 10 days, exclusive of the day of service, under oath and in writing, and shall file true answers to the matters inquired of therein. In the event there is in the possession of any such person, firm, corporation, association, political subdivision or department of the Commonwealth, any property that may be subject to the claim of the Department, such property shall be withheld immediately upon receipt of the order to withhold, together with any additional property received by such person, firm, corporation, association, political subdivision, or department of the Commonwealth valued up to the amount of the order until receipt of an order to deliver or release. The property shall be delivered to the Commissioner upon receipt of an order to deliver; however, distribution of the property shall not be made during pendency of all appeals. Where money is due and owing under any contract of employment, express or implied, or is held by any person, firm, corporation, or association, political subdivision or department of the Commonwealth subject to withdrawal by the debtor, such money shall be delivered by remittance payable to the order of the Treasurer of Virginia. The person, firm, corporation, political subdivision or department of the Commonwealth herein specified shall be entitled to receive from such debtor a fee of \$5 for each answer or remittance on account of such debtor. The foregoing is subject to the exemptions contained in §§ 63.2-1925 and 63.2-1933.

E. Delivery to the Commissioner shall serve as full acquittance and the Commonwealth warrants and represents that it shall defend and hold harmless for such actions persons delivering money or property to the Commissioner pursuant to this chapter.

F. An order issued to an employer for withholding from the earnings of an employee pursuant to this section shall conform to § 20-79.3. The rights and obligations of an employer with respect to the order are set out in § 20-79.3.

§ 63.2-1930. Civil liability upon failure to comply with lien, order, etc.

Should any person, firm, corporation, association, political subdivision or department of this Commonwealth fail to answer an order to withhold and deliver within the time prescribed herein, or fail or refuse to deliver property pursuant to said order, or after actual notice of filing of a support lien, pay over, release, sell, transfer, or convey real or personal property subject to a support lien to or for the benefit of the debtor or any other person, or fail or refuse to surrender upon demand property distrained under § 63.2-1933 or fail or refuse to honor a voluntary assignment of wages under § 63.2-1945 presented by the Commissioner, such person, firm, corporation, association, political subdivision or department of this Commonwealth shall be liable to the Department in an amount equal to 100 percent of the value of the debt which is the basis of the lien, order to withhold and deliver, distraint, or an income withholding order or voluntary assignment of wages. A noncustodial parent's employer issued an income withholding order by first-class mail or *electronic means* pursuant to § 63.2-1923 or § 63.2-1924 shall not be liable to the Department unless the Department shows that such employer had actual notice of the withholding order.

§ 63.2-1933. Distraint, seizure and sale of property subject to liens.

Whenever a support lien has been filed pursuant to § 63.2-1927, the Commissioner may collect the support debt stated in such lien by distraint, seizure and sale of the property subject to such lien. The Commissioner shall give notice *by certified mail, return receipt requested, or electronic means* to the debtor and *by certified mail, return receipt requested, to any person known to have or claim an interest therein of the general description of the property to be sold and the time and place of sale of such property.* ~~Such notice shall be given to such persons by certified mail, return receipt requested.~~ A notice specifying the property to be sold shall be posted in at least two public places in the jurisdiction wherein the distraint has been made. The time of sale shall not be less than ~~ten~~ 10 nor more than ~~twenty~~ 20 days from the date of posting of such notices. Such sale shall be conducted by the Commissioner, who shall proceed to sell such property by parcel or by lot at a public auction, and who may set a minimum reasonable price to include the expenses of making a levy and of advertising the sale, and if the amount bid for such property at the sale is not equal to the price so fixed, the Commissioner may declare such property to be purchased by the Department for such price, or may conduct another sale of such property pursuant to the provisions of this section. In the event of sale, the debtor's account shall be credited with the amount for which the property has been sold. Property acquired by the Department as herein prescribed may be sold by the Commissioner at public or private sale, and the amount realized shall be placed in the state general fund to the credit of the Department. In all cases of sale, as aforesaid, the Commissioner shall issue a bill of sale or a deed to the purchaser and such bill of sale or deed shall be prima facie evidence of the right of the Commissioner to make such sale and conclusive evidence of the regularity of his proceeding in making the sale and shall transfer to the purchaser all right, title, and interest of the debtor in such property. The proceeds of any such sale, except in those cases wherein the property has been acquired by the Department, shall be first applied by the Commissioner to reimbursement of the costs of distraint and the sale, and thereafter in satisfaction of the delinquent account. Any excess which shall thereafter remain in the hands of the Commissioner shall be refunded to the debtor. Sums so refundable to a debtor may be subject to seizure or distraint by any taxing authority of the Commonwealth or its political subdivisions or by the Commissioner for new sums due and owing subsequent to the subject proceeding. Except as specifically provided in this chapter, there shall be exempt from attachment, distraint, seizure, execution and sale under this chapter such property as is exempt therefrom under the laws of this Commonwealth.

§ 63.2-1937. Applications for occupational or other license to include social security or control number; suspension upon delinquency; procedure.

Every initial application for or application for renewal of a license, certificate, registration or other authorization to engage in a business, trade, profession or occupation issued by the Commonwealth pursuant to Titles 22.1, 38.2, 46.2 or 54.1 or any other provision of law shall require that the applicant provide his social security number or a control number issued by the Department of Motor Vehicles pursuant to § 46.2-342.

Upon ~~thirty~~ 30 days' notice to an obligor who (i) has failed to comply with a subpoena, summons or warrant relating to paternity or child support proceedings or (ii) is alleged to be delinquent in the payment of child support by a period of ~~ninety~~ 90 days or more or for \$5,000 or more, an obligee or the Department on behalf of an obligee, may petition either the court that entered or the court that is enforcing the order for child support for an order suspending any license, certificate, registration or other authorization to engage in a business, trade, profession or occupation, or recreational activity issued to the obligor by the Commonwealth pursuant to Titles 22.1, 29.1, 38.2, 46.2 or 54.1 or any other provision of law. The notice shall be sent *in accordance with the provisions of § 8.01-296, 8.01-327, or 8.01-329*, by certified mail, with proof of actual receipt, or *by electronic means*. The notice shall specify that (a) the obligor has ~~thirty~~ 30 days from the date of receipt to comply with the subpoena, summons or warrant or pay the delinquency or to reach an agreement with the obligee or the Department to pay the delinquency and (b) if compliance is not forthcoming or payment is not made or an agreement cannot be reached within that time, a petition will be filed seeking suspension of any license, certificate, registration or other authorization to engage in a business, trade, profession or occupation, or recreational license issued by the Commonwealth to the obligor.

The court shall not suspend a license, certificate, registration or authorization upon finding that an alternate remedy is available to the obligee or the Department that is likely to result in collection of the delinquency. Further, the court may refuse to order the suspension upon finding that (1) suspension would result in irreparable harm to the obligor or employees

of the obligor or would not result in collection of the delinquency or (2) the obligor has made a demonstrated, good faith effort to reach an agreement with the obligee or the Department.

If the court finds that the obligor is delinquent in the payment of child support by ~~ninety~~ 90 days or more or in an amount of \$5,000 or more and holds a license, certificate, registration or other authority to engage in a business, trade, profession or occupation or recreational activity issued by the Commonwealth, it shall order suspension. The order shall require the obligor to surrender any license, certificate, registration or other such authorization to the issuing entity within ~~ninety~~ 90 days of the date on which the order is entered. If at any time after entry of the order the obligor (A) pays the delinquency or (B) reaches an agreement with the obligee or the Department to satisfy the delinquency within a period not to exceed ~~ten~~ 10 years and makes at least one payment, representing at least five percent of the total delinquency or \$500, whichever is greater, pursuant to the agreement, or (C) complies with the subpoena, summons or warrant or reaches an agreement with the Department with respect to the subpoena, summons or warrant, upon proof of payment or certification of the compliance or agreement, the court shall order reinstatement. Payment shall be proved by certified copy of the payment record issued by the Department or notarized statement of payment signed by the obligee. No fee shall be charged to a person who obtains reinstatement of a license, certificate, registration or authorization pursuant to this section.

§ 63.2-1942. Administrative hearing on notice of debt; withholdings; orders to withhold and deliver property to debtor; set-off debt collection.

The Commissioner may delegate authority to conduct any administrative hearing pursuant to this chapter to a duly qualified hearing officer. The hearing shall be held upon reasonable notice to the obligee and the debtor. In no event shall such hearing officer be legally competent to render a decision as to the validity of a court order or a defense of nonpaternity. A decision of the hearing officer shall be in writing and shall set forth the debtor's and payee's rights to appeal the decision of the hearing officer to the appropriate circuit or juvenile and domestic relations district court. The decision shall be served upon the debtor in accordance with the provisions of §§ 8.01-296, 8.01-327 or § 8.01-329 ~~or~~ mailed to the debtor at his last known address by certified mail, return receipt requested, *or provided by electronic means*, or the debtor may waive service of the decision at the time of the decision. A copy of such decision shall also be ~~mailed~~ *provided* to the obligee. Such decision shall establish the liability of the debtor, if any, and the validity of the administrative action taken.

Action by the Commissioner under the provisions of this chapter to collect such support debt shall be valid and enforceable during the pendency of any appeal. The Commissioner may file and serve liens pursuant to §§ 63.2-1927 and 63.2-1928 during the pendency of the hearing or thereafter, whether or not appealed. Further action under § 63.2-1929 may be taken prior to any hearing or appeal. If the decision is in favor of the debtor, all money collected during the pendency of the appeal shall be returned to the debtor in accordance with procedures adopted by the Board.

CHAPTER 30

An Act to amend and reenact §§ 64.2-2011 and 64.2-2014 of the Code of Virginia, relating to guardianship appointments, modifications, and terminations; notice to the Department of Medical Assistance Services.

[H 1266]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-2011 and 64.2-2014 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-2011. Qualification of guardian or conservator; clerk to record order and issue certificate; reliance on certificate.

A. A guardian or conservator appointed in the court order shall qualify before the clerk upon the following:

1. Subscribing to an oath promising to faithfully perform the duties of the office in accordance with all provisions of this chapter;
2. Posting of bond, but no surety shall be required on the bond of the guardian, and the conservator's bond may be with or without surety, as ordered by the court; and
3. Acceptance in writing by the guardian or conservator of any educational materials provided by the court.

B. Upon qualification, the clerk shall issue to the guardian or conservator a certificate with a copy of the order appended thereto. The clerk shall record the order in the same manner as a power of attorney would be recorded and shall, in addition to the requirements of § 64.2-2014, provide a copy of the order to the commissioner of accounts. It shall be the duty of a conservator having the power to sell real estate to record the order in the office of the clerk of any jurisdiction where the respondent owns real property. If the order appoints a guardian, the clerk shall promptly forward a copy of the order to the local department of social services in the jurisdiction where the respondent then resides *and to the Department of Medical Assistance Services*.

C. A conservator shall have all powers granted pursuant to § 64.2-2021 as are necessary and proper for the performance of his duties in accordance with this chapter, subject to the limitations that are prescribed in the order. The powers granted to a guardian shall only be those powers enumerated in the court order.

D. Any individual or entity conducting business in good faith with a guardian or conservator who presents a currently effective certificate of qualification may presume that the guardian or conservator is properly authorized to act as to any

matter or transaction, except to the extent of any limitations upon the fiduciary's powers contained in the court's order of appointment.

§ 64.2-2014. Clerk to index findings of incapacity or restoration; notice of findings.

A. A copy of the court's findings that a person is incapacitated or has been restored to capacity, or a copy of any order appointing a conservator or guardian pursuant to § 64.2-2115, shall be filed by the judge with the clerk of the circuit court for the county or city where the hearing took place as soon as practicable, but no later than the close of business on the next business day following the completion of the hearing. The clerk shall properly index the findings in the index to deed books by reference to the order book and page whereon the order is spread and shall immediately notify the Commissioner of Behavioral Health and Developmental Services in accordance with § 64.2-2028, the commissioner of accounts in order to ensure compliance by a conservator with the duties imposed pursuant to §§ 64.2-2021, 64.2-2022, 64.2-2023, and 64.2-2026, and the Commissioner of Elections with the information required by § 24.2-410. If a guardian is appointed, the clerk shall forward a copy of the court order to the local department of social services of the jurisdiction where the person then resides *and to the Department of Medical Assistance Services*. If a guardianship is terminated or otherwise modified, the clerk shall forward a copy of the court order to the local department of social services to which the original order of appointment was forwarded ~~and, if different,~~ to the local department of social services in the jurisdiction where the person then resides, *if different from the department to which the original order was forwarded, and to the Department of Medical Assistance Services*.

B. The clerk shall, as soon as practicable, but no later than the close of business on the following business day, certify and forward upon receipt to the Central Criminal Records Exchange, on a form provided by the Exchange, a copy of any order adjudicating a person incapacitated under this article, any order appointing a conservator or guardian pursuant to § 64.2-2115, and any order of restoration of capacity under § 64.2-2012. Except as provided in subdivision A 1 of § 19.2-389, the copy of the form and the order shall be kept confidential in a separate file and used only to determine a person's eligibility to possess, purchase, or transfer a firearm.

CHAPTER 31

An Act to amend and reenact §§ 64.2-2001 and 64.2-2009 of the Code of Virginia, relating to guardianship and conservatorship petitions; respondents who are under the age of 18.

[H 1267]

Approved February 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-2001 and 64.2-2009 of the Code of Virginia are amended and reenacted as follows:

§ 64.2-2001. Filing of petition; jurisdiction; instructions to be provided.

A. A petition for the appointment of a guardian or conservator shall be filed with the circuit court of the county or city in which the respondent is a resident or is located or in which the respondent resided immediately prior to becoming a patient, voluntarily or involuntarily, in a hospital, including a hospital licensed by the Department of Health pursuant to § 32.1-123, or a resident in a nursing facility or nursing home, convalescent home, assisted living facility as defined in § 63.2-100, or any other similar institution or, if the petition is for the appointment of a conservator for a nonresident with property in the state, in the city or county in which the respondent's property is located.

B. Article 2 (§ 64.2-2105 et seq.) of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act provides the exclusive jurisdictional basis for a court of the Commonwealth to appoint a guardian or conservator for an adult.

C. Where the petition is brought by a parent or guardian of a respondent who is under the age of 18, or by any other person and there is no living parent or guardian of a respondent who is under the age of 18, the petition may be filed no earlier than six months prior to the respondent's eighteenth birthday. *Where such a petition is brought, a court may enter an order appointing the parent or guardian of the respondent, or other person if there is no living parent or guardian, as guardian or conservator prior to the respondent's eighteenth birthday. Such order shall specify whether it takes effect immediately upon entry or on the respondent's eighteenth birthday.* Where the petition is brought by any other person and there is a living parent or guardian of a respondent who is under the age of 18, the petition may be filed no earlier than the respondent's eighteenth birthday.

D. Instructions regarding the duties, powers, and liabilities of guardians and conservators shall be provided to each clerk of court by the Office of the Executive Secretary of the Supreme Court, and the clerk shall provide such information to each guardian and conservator upon notice of appointment.

E. The circuit court in which the proceeding is first commenced may order a transfer of venue if it would be in the best interest of the respondent.

§ 64.2-2009. Court order of appointment; limited guardianships and conservatorships.

A. The court's order appointing a guardian or conservator shall (i) state the nature and extent of the person's incapacity; (ii) define the powers and duties of the guardian or conservator so as to permit the incapacitated person to care for himself and manage property to the extent he is capable; (iii) specify whether the appointment of a guardian or conservator is limited to a specified length of time, as the court in its discretion may determine; (iv) specify the legal disabilities, if any, of

the person in connection with the finding of incapacity, including but not limited to mental competency for purposes of Article II, Section 1 of the Constitution of Virginia or Title 24.2; (v) include any limitations deemed appropriate following consideration of the factors specified in § 64.2-2007; ~~and~~ (vi) set the bond of the guardian and the bond and surety, if any, of the conservator; *and* (vii) *where a petition is brought prior to the incapacitated person's eighteenth birthday, pursuant to subsection C of § 64.2-2001, whether the order shall take effect immediately upon entry or on the incapacitated person's eighteenth birthday.*

B. The court may appoint a limited guardian for an incapacitated person who is capable of addressing some of the essential requirements for his care for the limited purpose of medical decision making, decisions about place of residency, or other specific decisions regarding his personal affairs. The court may appoint a limited conservator for an incapacitated person who is capable of managing some of his property and financial affairs for limited purposes that are specified in the order.

C. Unless the guardian has a professional relationship with the incapacitated person or is employed by or affiliated with a facility where the person resides, the court's order may authorize the guardian to consent to the admission of the person to a facility pursuant to § 37.2-805.1, upon finding by clear and convincing evidence that (i) the person has severe and persistent mental illness that significantly impairs the person's capacity to exercise judgment or self-control, as confirmed by the evaluation of a licensed psychiatrist; (ii) such condition is unlikely to improve in the foreseeable future; and (iii) the guardian has formulated a plan for providing ongoing treatment of the person's illness in the least restrictive setting suitable for the person's condition.

D. A guardian need not be appointed for a person who has appointed an agent under an advance directive executed in accordance with the provisions of Article 8 (§ 54.1-2981 et seq.) of Chapter 29 of Title 54.1, unless the court determines that the agent is not acting in accordance with the wishes of the principal or there is a need for decision making outside the purview of the advance directive.

A conservator need not be appointed for a person (i) who has appointed an agent under a durable power of attorney, unless the court determines pursuant to the Uniform Power of Attorney Act (§ 64.2-1600 et seq.) that the agent is not acting in the best interests of the principal or there is a need for decision making outside the purview of the durable power of attorney or (ii) whose only or major source of income is from the Social Security Administration or other government program and who has a representative payee.

CHAPTER 32

An Act to amend and reenact § 2.2-2237 of the Code of Virginia, relating to the Virginia Economic Development Partnership Authority; powers; employment of attorneys.

[H 321]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2237 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2237. Powers of Authority.

The Authority is granted all powers necessary or convenient for the carrying out of its statutory purposes, including, but not limited to, the power to:

1. Sue and be sued, implead and be impleaded, complain and defend in all courts;
2. Adopt, use, and alter at will a common seal;
3. Acquire, purchase, hold, use, lease or otherwise dispose of any property, real, personal or mixed, tangible or intangible, or any interest therein necessary or desirable for carrying out the purposes of the Authority, and to lease as lessee, any property, real, personal or mixed, tangible or intangible, or any interest therein, at such annual rental and on such terms and conditions as may be determined by the Board and to lease as lessor to any person, any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired by the Authority, whether wholly or partially completed, at such annual rental and on such terms and conditions as may be determined by the Board and to sell, transfer or convey any property, real, personal or mixed, tangible or intangible, or any interest therein, at any time acquired or held by the Authority on such terms and conditions as may be determined by the Board, provided that the terms of any conveyance or lease of real property shall be subject to the prior written approval of the Governor;

4. Fix, alter, charge and collect rates, rentals, fees, and other charges for the use of property of, the sale of products of, or services rendered by the Authority at rates to be determined by it for the purpose of providing for the payment of the expenses of the Authority;

5. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties, the furtherance of its purposes, and the execution of its powers under this article, including agreements with any person or federal agency;

6. Employ, at its discretion, consultants, researchers, *attorneys*, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available to the Authority. The Authority may hire employees within and without the Commonwealth and the United States without regard to whether such employees are citizens of the

Commonwealth. Legal services for the Authority shall be provided by the Attorney General in accordance with Chapter 5 (§ 2.2-500 et seq.) ~~of this title;~~

7. Receive and accept from any federal or private agency, foundation, corporation, association or person, grants or other aid to be expended in accomplishing the objectives of the Authority, and receive and accept from the Commonwealth or any state, and any municipality, county or other political subdivision thereof or from any other source, aid or contributions of either money, property, or other things of value, to be held, used, and applied only for the purposes for which such grants and contributions may be made. All federal moneys accepted under this section shall be accepted and expended by the Authority upon such terms and conditions as are prescribed by the United States and as are consistent with state law; and all state moneys accepted under this section shall be expended by the Authority upon such terms and conditions as are prescribed by the Commonwealth;

8. Render advice and assistance and to provide services to state agencies, local and regional economic development entities, private firms, and other persons providing services or facilities for economic development in Virginia;

9. Develop, undertake, and provide programs, alone or in conjunction with any person, for economic research, industrial development research, and all other research that might lead to improvements in economic development in Virginia;

10. Adopt, alter, and repeal bylaws, rules, and regulations governing the manner in which its business shall be transacted and the manner in which the powers of the Authority shall be exercised and its duties performed;

11. Do all acts and things necessary or convenient to carry out the powers granted to it by law, and perform any act or carry out any function not inconsistent with state law that may be useful in carrying out the provisions of this article; and

12. Administer any program established under the Virginia Jobs Investment Program described in § 2.2-2240.3.

CHAPTER 33

An Act to amend and reenact § 54.1-119 of the Code of Virginia, relating to professional and occupational licenses; temporary licenses for spouses of military service members.

[H 405]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-119 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-119. Expediting the issuance of licenses, etc., to spouses of military service members; issuance of temporary licenses, etc.

A. Notwithstanding any other law to the contrary and unless an applicant is found by the board to have engaged in any act that would constitute grounds for disciplinary action, a regulatory board within the Department of Professional and Occupational Regulation or the Department of Health Professions or any other board named in this title shall expedite the issuance of a license, permit, certificate, or other document, however styled or denominated, required for the practice of any business, profession, or occupation in the Commonwealth to an applicant whose application has been deemed complete by the board and (i) who holds the same or similar license, permit, certificate, or other document required for the practice of any business, profession, or occupation issued by another jurisdiction; (ii) whose spouse is the subject of a military transfer to the Commonwealth; and (iii) who ~~left employment to accompany~~ *accompanies* the applicant's spouse to Virginia, if, in the opinion of the board, the requirements for the issuance of the license, permit, certificate, or other document in such other jurisdiction are substantially equivalent to those required in the Commonwealth.

B. If a board is unable to (i) complete the review of the documentation provided by the applicant or (ii) make a final determination regarding substantial equivalency within 20 days of the receipt of a completed application, the board shall issue a temporary license, permit, or certificate, provided the applicant otherwise meets the qualifications set out in subsection A. Any temporary license, permit, or certification issued pursuant to this subsection shall be limited for a period not to exceed ~~six~~ 12 months and shall authorize the applicant to engage in the profession or occupation while the board completes its review of the documentation provided by the applicant or the applicant completes any specific requirements that may be required in Virginia that were not required in the jurisdiction in which the applicant holds the license, permit, or certificate.

C. The provisions of this section shall apply regardless of whether a regulatory board has entered into a reciprocal agreement with the other jurisdiction pursuant to subsection B of § 54.1-103.

D. Any regulatory board may require the applicant to provide documentation it deems necessary to make a determination of substantial equivalency.

CHAPTER 34

An Act to amend and reenact §§ 58.1-609.1 and 58.1-2259 of the Code of Virginia, relating to refunds of fuels taxes paid by certain nonprofit entities organized with a principal purpose of providing hunger relief services or food to the needy.

[H 23]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-609.1 and 58.1-2259 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-609.1. Governmental and commodities exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. *a.* Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

b. Fuels transactions upon which a fuel tax is refunded pursuant to subdivision A 22 of § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Effective until July 1, 2017) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the three-day period that begins each year on the first Friday in August and ends at 11:59 p.m. on the following Sunday.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been

designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

19. On or after July 1, 2015, but before January 1, 2019, gold, silver, or platinum bullion whose sales price exceeds \$1,000. Each piece of gold, silver, or platinum need not exceed \$1,000, provided that the sales price of one entire transaction of such pieces exceeds \$1,000. "Gold, silver, or platinum bullion" means gold, silver, or platinum, and any combination thereof, that has gone through a refining process and is in a state or condition such that its value depends on its mass and purity and not on its form, numismatic value, or other value. Gold, silver, or platinum bullion may contain other metals or substances, provided that the other substances by themselves have minimal value compared with the value of the gold, silver, or platinum. "Gold, silver, or platinum bullion" does not include jewelry or works of art.

§ 58.1-2259. Fuel uses eligible for refund of taxes paid for motor fuels.

A. A refund of the tax paid for the purchase of fuel in quantities of five gallons or more at any time shall be granted in accordance with the provisions of § 58.1-2261 to any person who establishes to the satisfaction of the Commissioner that such person has paid the tax levied pursuant to this chapter upon any fuel:

1. Sold and delivered to a governmental entity for its exclusive use;
2. Used by a governmental entity, provided persons operating under contract with a governmental entity shall not be eligible for such refund;
3. Sold and delivered to an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft;
4. Used by an organization described in subdivision 2 of § 58.1-2226 or subdivision 2 of § 58.1-2250 for its exclusive use in the operation of an aircraft, provided persons operating under contract with such an organization shall not be eligible for such refund;
5. Purchased by a licensed exporter and subsequently transported and delivered by such licensed exporter to another state for sales or use outside the boundaries of the Commonwealth if the tax applicable in the destination state has been paid, provided a refund shall not be granted pursuant to this section on any fuel which is transported and delivered outside of the Commonwealth in the fuel supply tank of a highway vehicle or an aircraft;
6. Used by any person performing transportation under contract or lease with any transportation district for use in a highway vehicle controlled by a transportation district created under the Transportation District Act of 1964 (§ 33.2-1900 et seq.) and used in providing transit service by the transportation district by contract or lease, provided the refund shall be paid to the person performing such transportation;
7. Used by any private, nonprofit agency on aging, designated by the Department for Aging and Rehabilitative Services, providing transportation services to citizens in highway vehicles owned, operated or under contract with such agency;
8. Used in operating or propelling highway vehicles owned by a nonprofit organization that provides specialized transportation to various locations for elderly or disabled individuals to secure essential services and to participate in community life according to the individual's interest and abilities;
9. Used in operating or propelling buses owned and operated by a county or the school board thereof while being used to transport children to and from public school or from school to and from educational or athletic activities;
10. Used by buses owned or solely used by a private, nonprofit, nonreligious school while being used to transport children to and from such school or from such school to and from educational or athletic activities;
11. Used by any county or city school board or any private, nonprofit, nonreligious school contracting with a private carrier to transport children to and from public schools or any private, nonprofit, nonreligious school, provided the tax shall be refunded to the private carrier performing such transportation;
12. Used in operating or propelling the equipment of volunteer firefighting companies and of volunteer emergency medical services agencies within the Commonwealth used actually and necessarily for firefighting and emergency medical services purposes;
13. Used in operating or propelling motor equipment belonging to counties, cities and towns, if actually used in public activities;
14. Used for a purpose other than in operating or propelling highway vehicles, watercraft or aircraft;
15. Used off-highway in self-propelled equipment manufactured for a specific off-road purpose, which is used on a job site and the movement of which on any highway is incidental to the purpose for which it was designed and manufactured;
16. Proven to be lost by accident, including the accidental mixing of (i) dyed diesel fuel with tax-paid motor fuel, (ii) gasoline with diesel fuel, or (iii) undyed diesel fuel with dyed kerosene, but excluding fuel lost through personal negligence or theft;
17. Used in operating or propelling vehicles used solely for racing other vehicles on a racetrack;
18. Used in operating or propelling unlicensed highway vehicles and other unlicensed equipment used exclusively for agricultural or horticultural purposes on lands owned or leased by the owner or lessee of such vehicles and not operated on or over any highway for any purpose other than to move it in the manner and for the purpose mentioned. The amount of refund shall be equal to the amount of the taxes paid less one-half cent per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to the credit of the Virginia Agricultural Foundation Fund;

19. Used in operating or propelling commercial watercraft. The amount of refund shall be equal to the amount of the taxes paid less one and one-half cents per gallon on such fuel so used which shall be paid by the Commissioner into the state treasury to be credited as provided in subsection D of § 58.1-2289. If any applicant so requests, the Commissioner shall pay into the state treasury, to the credit of the Game Protection Fund, the entire tax paid by such applicant for the purposes specified in subsection D of § 58.1-2289. If any applicant who is an operator of commercial watercraft so requests, the Commissioner shall pay into the state treasury, to the credit of the Marine Fishing Improvement Fund, the entire tax paid by such applicant for the purposes specified in § 28.2-208;

20. Used in operating stationary engines, or pumping or mixing equipment on a highway vehicle if the fuel used to operate such equipment is stored in an auxiliary tank separate from the fuel tank used to propel the highway vehicle, and the highway vehicle is mechanically incapable of self-propulsion while fuel is being used from the auxiliary tank; ~~or~~

21. Used in operating or propelling recreational and pleasure watercraft; *or*

22. *Used in operating or propelling highway vehicles owned by any entity that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, as amended or renumbered, and organized with a principal purpose of providing hunger relief services or food to the needy, if such vehicle is used solely for the purpose of providing hunger relief services or food to the needy.*

B. 1. Any person purchasing fuel for consumption in a solid waste compacting or ready-mix concrete highway vehicle, or a bulk feed delivery truck, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 35 percent of the tax paid on such fuel. For purposes of this section, a "bulk feed delivery truck" means bulk animal feed delivery trucks utilizing power take-off (PTO) driven auger or air feed discharge systems for off-road deliveries of animal feed.

2. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of the tax paid on such fuel.

C. Any person purchasing any fuel on which tax imposed pursuant to this chapter has been paid may apply for a refund of the tax if such fuel was consumed by a highway vehicle used in operating an urban or suburban bus line or a taxicab service. This refund also applies to a common carrier of passengers which has been issued a certificate pursuant to § 46.2-2075 or 46.2-2099.4 providing regular route service over the highways of the Commonwealth. No refund shall be granted unless the majority of the passengers using such bus line, taxicab service or common carrier of passengers do so for travel of a distance of not more than 40 miles, one way, in a single day between their place of abode and their place of employment, shopping areas or schools.

If the applicant for a refund is a taxicab service, he shall hold a valid permit from the Department to engage in the business of a taxicab service. No applicant shall be denied a refund by reason of the fee arrangement between the holder of the permit and the driver or drivers, if all other conditions of this section have been met.

Under no circumstances shall a refund be granted more than once for the same fuel. The amount of refund under this subsection shall be equal to the amount of the taxes paid, except refunds granted on the tax paid on fuel used by a taxicab service shall be in an amount equal to the tax paid less \$0.01 per gallon on the fuel used.

Any refunds made under this subsection shall be deducted from the urban highway funds allocated to the highway construction district, pursuant to Article 5 (§ 33.2-351 et seq.) of Chapter 3 of Title 33.2, in which the recipient has its principal place of business.

Except as otherwise provided in this chapter, all provisions of law applicable to the refund of fuel taxes by the Commissioner generally shall apply to the refunds authorized by this subsection. Any county having withdrawn its roads from the secondary system of state highways under provisions of § 11 of Chapter 415 of the Acts of 1932 shall receive its proportionate share of such special funds as is now provided by law with respect to other fuel tax receipts.

D. Any person purchasing fuel for consumption in a vehicle designed or permanently adapted solely and exclusively for bulk spreading or spraying of agricultural liming materials, chemicals, or fertilizer, where the vehicle's equipment is mechanically or hydraulically driven by an internal combustion engine that propels the vehicle, is entitled to a refund in an amount equal to 55 percent of the tax paid on such fuel.

E. Any person purchasing diesel fuel used in operating or propelling a passenger car, a pickup or panel truck, or a truck having a gross vehicle weight rating of 10,000 pounds or less is entitled to a refund of a portion of the taxes paid in an amount equal to the difference between the rate of tax on diesel fuel and the rate of tax on gasoline and gasohol pursuant to § 58.1-2217. For purposes of this subsection, "passenger car," "pickup or panel truck," and "truck" shall have the meaning given in § 46.2-100. Notwithstanding any other provision of law, diesel fuel used in a vehicle upon which the fuels tax has been refunded pursuant to this subsection shall be exempt from the tax imposed under Chapter 6 (§ 58.1-600 et seq.).

F. Refunds resulting from any fuel shipments diverted from Virginia shall be based on the amount of tax paid for the fuel less discounts allowed by § 58.1-2233.

G. Any person who is required to be licensed under this chapter and is applying for a refund shall not be eligible for such refund if the applicant was not licensed at the time the refundable transaction was conducted.

CHAPTER 35

An Act to amend the Code of Virginia by adding in Article 5 of Chapter 36 of Title 58.1 a section numbered 58.1-3667, relating to the effective date of the tax exemption for property certified as tax exempt by a state or local authority.

[H 80]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 5 of Chapter 36 of Title 58.1 a section numbered 58.1-3667 as follows:

§ 58.1-3667. Effective date of property tax exemption for certified property.

Except as otherwise explicitly provided under this article, as to any real or personal property, machinery, equipment, facilities, devices, or real estate improvements required to be certified by a state or local certifying authority for tax exemption under this article, once the required certification is made such property shall be deemed exempt as of the date the property is placed in service. Nothing in this section shall be interpreted or construed as extending any limitations period under law for applying for correction of an assessment or otherwise appealing an assessment.

The provisions of this section shall not apply to § 58.1-3664.

CHAPTER 36

An Act to amend and reenact § 2.2-2415 of the Code of Virginia, relating to the Treasury Board; meetings.

[H 529]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2415 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2415. Treasury Board membership; chairman; quorum; reimbursement for expenses.

A. The Treasury Board (the "Board") is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of seven members to be appointed as follows: four members to be appointed by the Governor, subject to confirmation by the General Assembly, who shall serve at the pleasure of the Governor; the State Treasurer, the Comptroller, and the Tax Commissioner. The members appointed by the Governor should have a background and experience in financial management and investments. The State Treasurer, the Comptroller, and the Tax Commissioner shall serve terms coincident with their terms of office. Vacancies shall be filled in the manner of the original appointment.

B. The State Treasurer shall act as the chairman, and the Board shall elect a secretary who need not be a member of the Board. The Board shall have regularly scheduled meetings at least ~~monthly~~, *six times per year* and shall keep a regular and sufficient set of books, which include a record of all of their proceedings and any action taken by them with respect to any funds which by any provision of law are required to be administered by the Treasury Board. Four members of the Board shall constitute a quorum.

C. Members of the Board appointed by the Governor shall receive ~~compensation, including~~ *reimbursement* for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2813.

CHAPTER 37

An Act to amend and reenact § 58.1-811, as it is currently effective and as it may become effective, of the Code of Virginia and to repeal § 58.1-806 of the Code of Virginia, relating to recordation tax; exemption.

[H 596]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-811, as it is currently effective and as it may become effective, of the Code of Virginia is amended and reenacted as follows:

§ 58.1-811. (Contingent expiration date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company; provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company; provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;

13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a deed of trust conveying property to secure the payment of money or the performance of an obligation, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; ~~or~~

14. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means;

15. *When it is a deed of partition, or any combination of deeds simultaneously executed and having the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or*

16. *When it is a deed transferring property pursuant to a decree of divorce or of separate maintenance or pursuant to a written instrument incident to such divorce or separation.*

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision; or

5. Securing a loan made by an organization described in subdivision A 14.

C. The tax imposed by § 58.1-802 and the fee imposed by § 58.1-802.2 shall not apply to any:

1. Transaction described in subdivisions A 6 through 13, 15, and 16;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under § 58.1-802.2; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.2, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

§ 58.1-811. (Contingent effective date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company; provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company; provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;

13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a deed of trust conveying property to secure the payment of money or the performance of an obligation, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; ~~or~~

14. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such

land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means;

15. Pursuant to any deed of partition, or any combination of deeds simultaneously executed and having the effect of a deed of partition, among joint tenants, tenants in common, or coparceners; or

16. Pursuant to any deed transferring property pursuant to a decree of divorce or of separate maintenance or pursuant to a written instrument incident to such divorce or separation.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;

2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;

3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;

4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision; or

5. Securing a loan made by an organization described in subdivision A 14.

C. The tax imposed by § 58.1-802 shall not apply to any:

1. Transaction described in subdivisions A 6 through 13, 15, and 16;

2. Instrument or writing given to secure a debt;

3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;

4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district or other political subdivision thereof;

5. Conveyance of real estate to the Commonwealth or any county, city, town, district or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

2. That § 58.1-806 of the Code of Virginia is repealed.

CHAPTER 38

An Act to amend and reenact § 58.1-3374 of the Code of Virginia, relating to real property tax; boards of equalization.

[H 1170]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3374 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3374. Qualifications of members; vacancies.

Except as provided in § 58.1-3371 or 58.1-3373, every board of equalization shall be composed of not less than three members nor more than five members *or the number of local election districts in the locality, whichever is greater*. In addition to such regular members, at the request of the local governing body, the circuit court for any locality shall appoint one alternate member in the case of a ~~three-member~~ board *with less than five members*, and two alternate members in the

case of a ~~five-member~~ board *with five or more members*. The qualifications, terms and compensation of alternate members shall be the same as those of regular members. A regular member when he knows he will be absent from or will have to abstain from any proceeding at a meeting shall notify the chairman of the board of equalization at least 24 hours prior to the meeting of such fact. The chairman may select an alternate to serve in the absent or abstaining member's place and the records of the board shall so note. Such alternate member may vote on any proceeding in which a regular member is absent or abstains.

All members of every board of equalization, including alternate members, shall be residents, a majority of whom shall be freeholders, in the county or city for which they are to serve and shall be selected from the citizens of the county or city. Appointments to the board of equalization shall be broadly representative of the community. Thirty percent of the members of the board shall be commercial or residential real estate appraisers, other real estate professionals, builders, developers, or legal or financial professionals, and at least one such member shall sit in all cases involving commercial, industrial or multi-family residential property, unless waived by the taxpayer. No member of the board of assessors shall be eligible for appointment to the board of equalization for the same reassessment. In order to be eligible for appointment, each prospective member of such board shall attend and participate in the basic course of instruction given by the Department of Taxation under § 58.1-206. In addition, at least once in every four years of service on a board of equalization, each member of a board of equalization shall take continuing education instruction provided by the Tax Commissioner pursuant to § 58.1-206. Any vacancy occurring on any board of equalization shall be filled for the unexpired term by the authority making the original appointment.

On any board or panel thereof considering appeals of commercial or multi-family residential property in a locality with a population exceeding 100,000, 30 percent of the members of such board or panel shall be commercial or multi-family residential real estate appraisers who are licensed and certified by the Virginia Real Estate Appraiser Board to serve as general real estate appraisers, other commercial or multi-family real estate professionals or licensed commercial or multi-family real estate brokers, builders, developers, active or retired members of the Virginia State Bar, or other legal or financial professionals whose area of practice requires or required knowledge of the valuation of property, real estate transactions, building costs, accounting, finance, or statistics. For the purposes of this section, commercial or multi-family residential property shall be defined as any property that is either operated as or zoned for use as commercial, industrial or multi-family residential rental property.

CHAPTER 39

An Act to amend and reenact §§ 2.2-4019 and 2.2-4020 of the Code of Virginia, relating to the Administrative Process Act; contents of notices for case proceedings.

[H 462]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4019 and 2.2-4020 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-4019. Informal fact finding proceedings.

A. Agencies shall ascertain the fact basis for their decisions of cases through informal conference or consultation proceedings unless the named party and the agency consent to waive such a conference or proceeding to go directly to a formal hearing. Such conference-consultation procedures shall include rights of parties to the case to (i) have reasonable notice thereof, *which notice shall include contact information consisting of the name, telephone number, and government email address of the person designated by the agency to answer questions or otherwise assist a named party*; (ii) appear in person or by counsel or other qualified representative before the agency or its subordinates, or before a hearing officer for the informal presentation of factual data, argument, or proof in connection with any case; (iii) have notice of any contrary fact basis or information in the possession of the agency that can be relied upon in making an adverse decision; (iv) receive a prompt decision of any application for a license, benefit, or renewal thereof; and (v) be informed, briefly and generally in writing, of the factual or procedural basis for an adverse decision in any case.

B. Agencies may, in their case decisions, rely upon public data, documents or information only when the agencies have provided all parties with advance notice of an intent to consider such public data, documents or information. This requirement shall not apply to an agency's reliance on case law and administrative precedent.

§ 2.2-4020. Formal hearings; litigated issues.

A. The agency shall afford opportunity for the formal taking of evidence upon relevant fact issues in any case in which the basic laws provide expressly for decisions upon or after hearing and may do so in any case to the extent that informal procedures under § 2.2-4019 have not been had or have failed to dispose of a case by consent.

B. Parties to formal proceedings shall be given reasonable notice of the (i) time, place, and nature thereof; (ii) basic law under which the agency contemplates its possible exercise of authority; ~~and~~; (iii) matters of fact and law asserted or questioned by the agency; *and (iv) contact information consisting of the name, telephone number, and government email address of the person designated by the agency to respond to questions or otherwise assist a named party*. Applicants for licenses, rights, benefits, or renewals thereof have the burden of approaching the agency concerned without such prior

notice but they shall be similarly informed thereafter in the further course of the proceedings whether pursuant to this section or to § 2.2-4019.

C. In all such formal proceedings the parties shall be entitled to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made with dispatch. The burden of proof shall be upon the proponent or applicant. The presiding officers at the proceedings may (i) administer oaths and affirmations, (ii) receive probative evidence, exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, rebuttal, or cross-examination, rule upon offers of proof, and oversee a verbatim recording of the evidence, (iii) hold conferences for the settlement or simplification of issues by consent, (iv) dispose of procedural requests, and (v) regulate and expedite the course of the hearing. Where a hearing officer presides, or where a subordinate designated for that purpose presides in hearings specified in subsection F of § 2.2-4024, he shall recommend findings and a decision unless the agency shall by its procedural regulations provide for the making of findings and an initial decision by the presiding officers subject to review and reconsideration by the agency on appeal to it as of right or on its own motion. The agency shall give deference to findings by the presiding officer explicitly based on the demeanor of witnesses.

D. Prior to the recommendations or decisions of subordinates, the parties concerned shall be given opportunity, on request, to submit in writing for the record (i) proposed findings and conclusions and (ii) statements of reasons therefor. In all cases, on request, opportunity shall be afforded for oral argument (i) to hearing officers or subordinate presiding officers, as the case may be, in all cases in which they make such recommendations or decisions or (ii) to the agency in cases in which it makes the original decision without such prior recommendation and otherwise as it may permit in its discretion or provide by general rule. Where hearing officers or subordinate presiding officers, as the case may be, make recommendations or decisions, the agency shall receive and act on exceptions thereto.

E. All decisions or recommended decisions shall be served upon the parties, become a part of the record, and briefly state or recommend the findings, conclusions, reasons, or basis therefor upon the evidence presented by the record and relevant to the basic law under which the agency is operating together with the appropriate order, license, grant of benefits, sanction, relief, or denial thereof.

CHAPTER 40

An Act to amend and reenact § 51.5-150 of the Code of Virginia, to amend the Code of Virginia by adding sections numbered 51.5-149.1 and 51.5-149.2, and to repeal §§ 2.2-2411 and 2.2-2412 of the Code of Virginia, relating to Public Guardian and Conservator Advisory Board.

[H 816]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-150 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding sections numbered 51.5-149.1 and 51.5-149.2 as follows:

§ 51.5-149.1. Public Guardian and Conservator Advisory Board; purpose; membership; terms.

A. The Public Guardian and Conservator Advisory Board (the Board) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The purpose of the Board shall be to report to and advise the Commissioner on the means for effectuating the purposes of this article and shall assist in the coordination and management of the local and regional programs appointed to act as public guardians and conservators pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2.

B. The Board shall consist of no more than 15 members who shall be appointed by the Governor as follows: one representative of the Virginia Association of Area Agencies on Aging; one representative of the Virginia State Bar; one active or retired circuit court judge upon recommendation of the Chief Justice of the Supreme Court; one representative of ARC of Virginia; one representative of the National Alliance on Mental Illness of Virginia; one representative of the Virginia League of Social Service Executives; one representative of the Virginia Association of Community Services Boards; the Commissioner of Social Services or his designee; the Commissioner of Behavioral Health and Developmental Services or his designee; and one person who is a member of the Commonwealth Council on Aging and such other individuals who may be qualified to assist in the duties of the Board, who may include a representative of the Commonwealth's designated protection and advocacy system.

C. The Commissioners of Social Services and Behavioral Health and Developmental Services, or their designees, and the representative of the Commonwealth Council on Aging shall serve terms coincident with their terms of office or, in the case of designees, the term of the Commissioner. Of the other members of the Board, five of the appointees shall serve for four-year terms and the remainder shall serve for three-year terms. No member shall serve more than two successive terms. A vacancy occurring other than by expiration of term shall be filled for the unexpired term.

D. Each year, the Board shall elect a chairman and a vice-chairman from among its members. Five members of the Board shall constitute a quorum.

E. Members shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2823.

§ 51.5-149.2. Powers and duties of the Board.

The Board shall have the power and duty to:

1. *Assist in the coordination and management of the local and regional programs appointed to act as public guardians and conservators pursuant to Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;*
2. *Provide advice and counsel on the provision of high-quality guardianship service and avoidance of conflicts of interest;*
3. *Promote the mobilization of activities and resources of public and private sector entities to effectuate the purposes of this article;*
4. *Make recommendations regarding appropriate legislative and executive actions, including, but not limited to, recommendations governing alternatives for local programs to follow upon repeal of the authority granted to the courts pursuant to § 64.2-2015 to appoint the sheriff as guardian or conservator when the maximum staff-to-client ratio of the local program is met or exceeded; and*
5. *Submit to the Department by October of each odd-numbered year a report regarding the activities and recommendations of the Board, to be posted on the Department's website.*

§ 51.5-150. Powers and duties of the Department with respect to public guardian and conservator program.

A. The Department shall fund from appropriations received for such purpose a statewide system of local or regional public guardian and conservator programs.

B. The Department shall:

1. Make and enter into all contracts necessary or incidental to the performance of its duties and in furtherance of the purposes as specified in this article in conformance with the Public Procurement Act (§ 2.2-4300 et seq.);
 2. Contract with local or regional public or private entities to provide services as guardians and conservators operating as local or regional Virginia public guardian and conservator programs in those cases in which a court, pursuant to §§ 64.2-2010 and 64.2-2015, determines that a person is eligible to have a public guardian or conservator appointed;
 3. Adopt reasonable regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) as appropriate to implement, administer, and manage the state and local or regional programs authorized by this article, including, but not limited to, the adoption of:
 - a. Minimum training and experience requirements for volunteers and professional staff of the local and regional programs;
 - b. An ideal range of staff to client ratios for the programs, and adoption of procedures to be followed whenever a local or regional program falls below or exceeds the ideal range of staff to client ratios, which shall include, but not be limited to, procedures to ensure that services shall continue to be available to those in need and that appropriate notice is given to the courts, sheriffs, where appropriate, and the Department;
 - c. Procedures governing disqualification of any program falling below or exceeding the ideal range of staff to client ratios, which shall include a process for evaluating any program that has exceeded the ratio to assess the effects falling below or exceeding the ideal range of ratios has, had, or is having upon the program and upon the incapacitated persons served by the program.
- The regulations shall require that evaluations occur no less frequently than every six months and shall continue until the staff to client ratio returns to within the ideal range; and
- d. Person-centered practice procedures that shall:
 - (1) Focus on the preferences and needs of the individual receiving public guardianship services; and
 - (2) Empower and support the individual receiving public guardianship services, to the extent feasible, in defining the direction for his life and promoting self-determination and community involvement.
 4. Establish procedures and administrative guidelines to ensure the separation of local or regional Virginia public guardian and conservator programs from any other guardian or conservator program operated by the entity with whom the Department contracts, specifically addressing the need for separation in programs that may be fee-generating;
 5. Establish recordkeeping and accounting procedures to ensure that each local or regional program (i) maintains confidential, accurate, and up-to-date records of the personal and property matters over which it has control for each incapacitated person for whom it is appointed guardian or conservator and (ii) files with the Department an account of all public and private funds received;
 6. Establish criteria for the conduct of and filing with the Department and as otherwise required by law: values history surveys, annual decisional accounting and assessment reports, the care plan designed for the incapacitated person, and such other information as the Department may by regulation require;
 7. Establish criteria to be used by the local and regional programs in setting priorities with regard to services to be provided;
 8. Take such other actions as are necessary to ensure coordinated services and a reasonable review of all local and regional programs;

9. Maintain statistical data on the programs and report such data to the General Assembly on or before January 1 of each even-numbered year as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents regarding the status of the Virginia Public Guardian and Conservator Program and the developing trends with regard to the need for guardians, conservators, and other types of surrogate decision-making services. Such statistical data shall be posted on the Department's website. In addition, the Department shall enter into a

contract with an appropriate research entity with expertise in gerontology, disabilities, and public administration to conduct an evaluation of local public guardian and conservator programs from funds specifically appropriated and allocated for this purpose, and the evaluator shall provide a report with recommendations to the Department and to the Public Guardian and Conservator Advisory Board established pursuant to § ~~2.2-2411~~ 51.5-149.1. Trends identified in the report shall be presented to the General Assembly. The Department shall request such a report from an appropriate research entity every four years, provided the General Assembly appropriates funds for that purpose; and

10. Recommend appropriate legislative or executive actions.

C. Nothing in this article shall prohibit the Department from contracting pursuant to subdivision B 2 with an entity that may also provide privately funded surrogate decision-making services, including guardian and conservator services funded with fees generated by the estates of incapacitated persons, provided such private programs are administered by the contracting entity entirely separately from the local or regional Virginia public guardian and conservator programs, in conformity with regulations established by the Department in that respect.

D. In accordance with the Public Procurement Act (§ 2.2-4300 et seq.) and recommendations of the Public Guardian and Conservator Advisory Board, the Department may contract with a not-for-profit private entity that does not provide services to incapacitated persons as guardian or conservator to administer the program, and, if it does, the term "Department" when used in this article shall refer to the contract administrator.

2. That §§ 2.2-2411 and 2.2-2412 of the Code of Virginia are repealed.

CHAPTER 41

An Act authorizing benefits to certain conservation police officers.

[H 315]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *Any conservation police officer who (i) has at least 20 years of service as a conservation police officer, (ii) was a full-time sworn conservation police officer immediately prior to January 1, 2016, and (iii) was transitioned to a civilian position on January 1, 2016, by the Department of Game and Inland Fisheries shall be considered a retired law-enforcement officer for the purposes of §§ 9.1-1000, 18.2-308, 18.2-308.03, and 59.1-148.3.*

CHAPTER 42

An Act to amend the Code of Virginia by adding a section numbered 4.1-225.1, relating to alcoholic beverage control; summary suspension of license in emergency circumstances.

[H 322]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 4.1-225.1 as follows:

§ 4.1-225.1. Summary suspension in emergency circumstances; grounds; notice and hearing.

A. *Notwithstanding any provisions to the contrary in Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act or § 4.1-227 or 4.1-229, the Board may summarily suspend any license or permit if it has reasonable cause to believe that an act of violence resulting in death or serious bodily injury, or a recurrence of such acts, has occurred on (i) the licensed premises, (ii) any premises immediately adjacent to the licensed premises that is owned or leased by the licensee, or (iii) any portion of public property immediately adjacent to the licensed premises, and the Board finds that there exists a continuing threat to public safety and that summary suspension of the license or permit is justified to protect the health, safety, or welfare of the public.*

B. *Prior to issuing an order of suspension pursuant to this section, special agents of the Board shall conduct an initial investigation and submit all findings to the Secretary of the Board within 48 hours of any such act of violence. If the Board determines suspension is warranted, it shall immediately notify the licensee of its intention to temporarily suspend his license pending the outcome of a formal investigation. Such temporary suspension shall remain effective for a minimum of 48 hours. After the 48-hour period, the licensee may petition the Board for a restricted license pending the results of the formal investigation and proceedings for disciplinary review. If the Board determines that a restricted license is warranted, the Board shall have discretion to impose appropriate restrictions based on the facts presented.*

C. *Upon a determination to temporarily suspend a license, the Board shall immediately commence a formal investigation. The formal investigation shall be completed within 10 days of its commencement and the findings reported immediately to the Secretary of the Board. If, following the formal investigation, the Secretary of the Board determines that suspension of the license is warranted, a hearing shall be held within five days of the completion of the formal investigation. A decision shall be rendered within 10 days of conclusion of the hearing. If a decision is not rendered within 10 days of the conclusion of the hearing, the order of suspension shall be vacated and the license reinstated. Any appeal by the licensee*

shall be filed within 10 days of the decision and heard by the Board within 20 days of the decision. The Board shall render a decision on the appeal within 10 days of the conclusion of the appeal hearing.

D. Service of any order of suspension issued pursuant to this section shall be made by a special agent of the Board in person and by certified mail to the licensee. The order of suspension shall take effect immediately upon service.

E. This section shall not apply to (i) temporary licenses granted under § 4.1-211 or temporary permits granted under § 4.1-212, either of which may be revoked summarily in accordance with § 4.1-211, or (ii) licenses granted pursuant to subdivision 2 or 3 of § 4.1-207 or subdivision 4 or 5 of § 4.1-208.

CHAPTER 43

An Act to amend and reenact § 10.1-2211 of the Code of Virginia, relating to Cedar Hill Cemetery gravesites.

[H 1066]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-2211 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-2211. Disbursement of funds appropriated for caring for Confederate cemeteries and graves.

A. At the direction of the Director, the Comptroller of the Commonwealth is instructed and empowered to draw annual warrants upon the State Treasurer from any sums that may be provided in the general appropriation act, in favor of the treasurers of the Confederate memorial associations and chapters of the United Daughters of the Confederacy set forth in subsection B of this section. Such sums shall be expended by the associations and organizations for the routine maintenance of their respective Confederate cemeteries and graves and for the graves of Confederate soldiers and sailors not otherwise cared for in other cemeteries, and in erecting and caring for markers, memorials, and monuments to the memory of such soldiers and sailors. All such associations and organizations, through their proper officers, are required after July 1 of each year to submit to the Director a certified statement that the funds appropriated to the association or organization in the preceding fiscal year were or will be expended for the routine maintenance of cemeteries specified in this section and the graves of Confederate soldiers and sailors and in erecting and caring for markers, memorials and monuments to the memory of such soldiers and sailors. An association or organization failing to comply with any of the requirements of this section shall be prohibited from receiving moneys allocated under this section for all subsequent fiscal years until the association or organization fully complies with the requirements.

B. Allocation of appropriations made pursuant to this section shall be based on the number of graves, monuments and markers as set forth opposite the association's or organization's name, or as documented by each association or organization multiplied by the rate of \$5 or the average actual cost of routine maintenance, whichever is greater, for each grave, monument or marker in the care of a Confederate memorial association or chapter of the United Daughters of the Confederacy. For the purposes of this section the "average actual cost of care" shall be determined by the Department in a biennial survey of at least four properly maintained cemeteries, each located in a different geographical region of the Commonwealth.

IN THE COUNTIES OF:	NUMBER:
Accomack	
Robert E. Lee Chapter, U.D.C., Belle Haven	10
Albemarle	
Albemarle Chapter, U.D.C.	50
Mountain Plain Cemetery, Crozet	15
Mt. Zion United Methodist Church, Esmont	10
Scottsville Chapter, U.D.C.	40
Westerly Chapel Cemetery, Free Union	15
Amelia	
Grub Hill Church	10
Appomattox	
Appomattox Chapter, U.D.C.	50
Augusta	
Augusta Stone Presbyterian Church Cemetery	40
Salem Lutheran Church Cemetery	37
Trinity Lutheran Church Cemetery	13

Botetourt	
Fairview Cemetery Association, Inc.	20
Glade Creek Cemetery Corporation	10
Buchanan	
Ratliff	30
Carroll	
Floyd Webb Cemetery	16
Robinson Cemetery	10
Worrell Cemetery	10
Charles City County	
Salem Church Cemetery	35
Chesterfield	
Ettrick Cemetery	47
Skinquarter Baptist Church Cemetery	15
Craig	
Archibald A. Caldwell Cemetery	4
Culpeper	
Culpeper Chapter, U.D.C.	10
Dinwiddie	
Dinwiddie Confederate Memorial Association	15
Fairfax	
Fairfax Chapter, U.D.C.	15
Robert E. Lee Chapter No. 56	36
Fauquier	
Black Horse Chapter, U.D.C.	10
Marshall Cemetery	10
Piedmont Chapter, U.D.C.	10
Upperville Methodist Church Cemetery	10
Floyd	
Floyd County Confederate Memorial Association	20
Southward Cemetery	10
Giles	
McComas Chapter, U.D.C.	15
Goochland	
Goochland Chapter, U.D.C.	15
Grayson	
A. B. Cox Cemetery	10
Atkins Memorial Cemetery	10
Bethel Church Cemetery	10
Bridlecreek Cemetery	10
Camet B. Cox Cemetery	10
Comer's Rock Cemetery	10
Cox's Chapel	10
Fellowship Baptist Cemetery	10
Fries Ridge Cemetery	10
Forest Cemetery	10
Fox Creek Cemetery	10

Funk Cemetery	10
Gold Hill Cemetery	10
Grubbs Chapel Cemetery	10
Hale Cemetery	15
Hines Branch Cemetery	10
Independence Cemetery	10
Jerusalem Methodist Episcopal Church Cemetery	10
Lebanon Cemetery	10
Liberty Hill Cemetery	15
Long Branch Cemetery	10
McKenzie Cemetery	10
New Hope Cemetery	10
Oak Grove Cemetery	10
Potato Creek Cemetery	10
Pugh Cemetery	10
Rhudy Cemetery	10
Round Meadows Cemetery	10
Rugby Cemetery	10
Saddle Creek Cemetery	10
Sawyers Family Cemetery	10
Spring Valley Cemetery	10
Whitetop Cemetery	10
Greene	
Gentry Methodist Church Cemetery	10
Halifax	
Grace Churchyard, Inc., Seaton	3
Halifax Chapter, U.D.C.	20
St. John's Episcopal Church	31
Hanover	
Hanover Chapter, U.D.C.	20
Henrico	
Emmanuel Episcopal Church at Brook Hill	86
Isle of Wight	
Isle of Wight Chapter, U.D.C.	20
Lee	
Light Horse Harry Lee Chapter, U.D.C.	100
Ely Cemetery	30
Loudoun	
Ebenezer Cemetery	15
Lakeview Cemetery, Hamilton	15
Lee Chapter No. 179	10
Leesburg Union Cemetery	15
Sharon Cemetery, Middleburg	20
Louisa	
Oakland Cemetery	70
Lunenburg	
Sons of the Confederate Veterans Old Free State Camp #1746	141

Madison	
Madison Chapter, U.D.C.	10
Mecklenburg	
Boydton Chapter, U.D.C.	10
Armistead-Goode Chapter, U.D.C.	10
Montgomery	
Doctor Harvey Black Chapter, U.D.C.	10
White Cemetery, Inc.	10
Nelson	
Nelson County Confederate Memorial Association	10
Nottoway	
Confederate Memorial Board	15
Orange	
Maplewood Cemetery, Gordonsville	696
Preddys Creek Cemetery	10
13th Virginia Regiment Chapter, U.D.C.	30
Patrick	
Confederate Memorial Association	40
Pittsylvania	
Pittsylvania County Historical Society	30
Powhatan	
Huguenot Springs Cemetery	130
Prince Edward	
Farmville Chapter, U.D.C.	50
Prince George	
City Point Chapter, U.D.C., for use at Old Town Cemetery	20
Pulaski	
Pulaski Chapter, U.D.C.	10
Roanoke	
Southern Cross Chapter, U.D.C.	10
Old Tombstone Cemetery	20
Rockbridge	
New Monmouth Presbyterian Church	80
New Providence Presbyterian Church	98
Rockingham	
Cedar Grove Cemetery	68
Cooks Creek Presbyterian Church Cemetery	39
Singers Glen Cemetery	19
St. Johns Lutheran Cemetery	10
Scott	
Prospect Community Cemetery	20
McKenney-Carter Cemetery Association	20
Confederate Memorial Branch, Wolfe Cemetery Association, Yuma	15
Estill Memorial Cemetery Association	35
Lawson Confederate Memorial Cemetery	10
Mount Pleasant Cemetery	20
Salling Memorial, Slant	20

Rollins Cemetery	10
Daugherty Cemetery	20
Nickelsville Baptist Church Cemetery	20
Shenandoah	
New Market Confederate Memorial Association	40
Stover Camp Chapter, U.D.C.	10
Mt. Jackson-Old Soldier Cemetery	100
Smyth	
Aspenvale Cemetery	10
Blue Springs Cemetery, Sugar Grove	10
Centenary Cemetery	10
Chatham Hill Cemetery	10
Greenwood Cemetery	10
Holston Chapter, U.D.C.	20
Keesling Cemetery, Rural Retreat	10
Middle Fork Cemetery	10
Morgan Cemetery, Sugar Grove	10
Mt. Carmel Cemetery	20
Mountain View Cemetery, Chilhowie	10
Mt. Zion Cemetery	10
Pleasant Hill Cemetery, Groseclose	12
Ridgedale Cemetery, Rich Valley	10
Riverside Cemetery in Rich Valley	10
Round Hill Cemetery	20
Slemp Cemetery, Sugar Grove	10
St. James Cemetery, Chilhowie	10
South Fork Baptist Cemetery	10
Steffey Cemetery, Groseclose	10
Wassum Cemetery, Atkins	10
Zion Methodist Cemetery, Rich Valley	14
Riverside Cemetery on South Fork	10
Royal Oak Cemetery	10
St. Clair's Bottom Cemetery, Chilhowie	10
Sulphur Springs Cemetery	10
Southampton	
Southampton Chapter, U.D.C.	40
Spotsylvania	
Ladies Confederate Memorial Association	749
Surry	
General William Mahone Chapter, U.D.C.	40
Tazewell	
Maplewood Cemetery	20
Hankins Cemetery	20
Warren	
Warren Rifles Chapter, U.D.C.	25
Washington	
Anna Stonewall Jackson Chapter, U.D.C.	20

Emory and Henry Cemetery	203
Greendale Cemetery	20
Warren Cemetery	20
Wise	
Big Stone Gap Chapter, U.D.C.	20
Wythe	
Asbury Cemetery, Rural Retreat	10
Fairview Cemetery, Rural Retreat	10
Galilee Christian Church Cemetery	10
Grubbs Cemetery	10
Kemberling Cemetery	10
Marvin Cemetery	30
Mt. Ephraim Cemetery	10
Mount Mitchell Cemetery	10
Mountain View Cemetery	46
Murphysville Cemetery	10
St. John's Cemetery	10
St. Mary's Cemetery	10
St. Paul's Cemetery	14
St. Peter's Lutheran Church Cemetery	12
Speedwell Methodist Cemetery	10
Wythe-Gray Chapter, U.D.C.	20
Zion Cemetery	10
York	
Bethel Memorial Association	20
IN THE CITIES OF:	
Alexandria	
Old Dominion Rifles Confederate Memorial Association	98
Old Presbyterian Meeting House	62
Bristol	
Bristol Confederate Memorial Association	60
Charlottesville	
Effort Baptist Church	10
Clifton Forge	
Julia Jackson Chapter, U.D.C.	15
Chesapeake	
Norfolk County Grays Chapter 2535, U.D.C.	8
Covington	
Alleghany Chapter, U.D.C.	30
Danville	
Eliza Johns Chapter, U.D.C.	201
Fredericksburg	
Fredericksburg Cemetery	310
Fredericksburg Confederate Memorial Association	200
Hampton	
Hampton Chapter, U.D.C.	60

Harrisonburg	
Turner Ashby Chapter, U.D.C.	60
Woodbine Cemetery	140
Lexington	
Rockbridge Chapter, U.D.C.	126
Lynchburg	
Lynchburg Confederate Memorial Association	30
Manassas	
Ladies Confederate Memorial Association of Manassas	15
Martinsville	
Mildred Lee Chapter, U.D.C.	10
Newport News	
Bethel Chapter, U.D.C.	50
Norfolk	
Hope Maury Chapter, U.D.C.	10
Pickett-Buchanan Chapter, U.D.C.	20
Petersburg	
Petersburg Chapter, U.D.C., for Prince George County	15
Ladies Memorial Association of Petersburg	140
Portsmouth	
Ladies Confederate Memorial Association	15
Portsmouth Cedar Grove Cemetery	407
Radford	
New River Gray's Chapter, U.D.C.	15
Radford Chapter, U.D.C.	15
Richmond	
Centennial Chapter, U.D.C.	20
Elliott Grays Chapter, U.D.C.	15
Janet Randolph Chapter, U.D.C.	15
Lee Chapter, U.D.C.	20
Sons of Confederate Veterans — Virginia Division	2294
Richmond-Stonewall Jackson Chapter, U.D.C.	110
Roanoke	
Roanoke Chapter, U.D.C.	40
William Watts Chapter, U.D.C.	40
Salem	
Southern Cross Chapter, U.D.C.	271
Staunton	
Confederate Section, Thornrose Cemetery	600
<i>Suffolk</i>	
<i>Cedar Hill Cemetery</i>	197
Vinton	
Major Wm. F. Graves Chapter, U.D.C.	40
Williamsburg	
Williamsburg Chapter, U.D.C.	125
Winchester	
Stonewall Confederate Memorial Association	2112

C. In addition to funds that may be provided pursuant to subsection B, any of the Confederate memorial associations and chapters of the United Daughters of the Confederacy set forth in subsection B may apply to the Director for grants to perform extraordinary maintenance, renovation, repair or reconstruction of any of their respective Confederate cemeteries and graves and for the graves of Confederate soldiers and sailors. These grants shall be made from any appropriation made available by the General Assembly for such purpose. In making such grants, the Director shall give full consideration to the assistance available from the United States Department of Veterans Affairs, or other agencies, except in those instances where such assistance is deemed by the Director to be detrimental to the historical, artistic or architectural significance of the site.

D. Local matching funds shall not be required for grants made pursuant to this section.

CHAPTER 44

An Act to amend the Code of Virginia by adding a section numbered 54.1-4201.2, relating to firearms shows; voluntary background checks; penalties.

[S 715]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-4201.2 as follows:

§ 54.1-4201.2. Firearm transactions by persons other than dealers; voluntary background checks.

A. The Department of State Police shall be available at every firearms show held in the Commonwealth to make determinations in accordance with the procedures set out in § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.

Unless otherwise required by state or federal law, any party involved in the transaction may decide whether or not to have such a determination made.

The Department of State Police may charge a reasonable fee for the determination.

B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the Department of State Police with adequate space, at no charge, to conduct such prohibition determinations. The promoter shall ensure that a notice that such determinations are available is prominently displayed at the show.

C. No person who sells or transfers a firearm at a firearms show after receiving a determination from the Department of State Police that the purchaser or transferee is not prohibited by state or federal law from possessing a firearm shall be liable for selling or transferring a firearm to such person.

D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply, mutatis mutandis, to the provisions of this section.

2. That the provisions of this act shall become effective only if approval is received from the U.S. Department of Justice for the Department of State Police to implement the policies and procedures set out in this act.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 45

An Act to amend the Code of Virginia by adding a section numbered 54.1-4201.2, relating to firearms shows; voluntary background checks; penalties.

[H 1386]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-4201.2 as follows:

§ 54.1-4201.2. Firearm transactions by persons other than dealers; voluntary background checks.

A. The Department of State Police shall be available at every firearms show held in the Commonwealth to make determinations in accordance with the procedures set out in § 18.2-308.2:2 of whether a prospective purchaser or transferee is prohibited under state or federal law from possessing a firearm. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police.

Unless otherwise required by state or federal law, any party involved in the transaction may decide whether or not to have such a determination made.

The Department of State Police may charge a reasonable fee for the determination.

B. The promoter, as defined in § 54.1-4201.1, shall give the Department of State Police notice of the time and location of a firearms show at least 30 days prior to the show. The promoter shall provide the Department of State Police with adequate space, at no charge, to conduct such prohibition determinations. The promoter shall ensure that a notice that such determinations are available is prominently displayed at the show.

C. No person who sells or transfers a firearm at a firearms show after receiving a determination from the Department of State Police that the purchaser or transferee is not prohibited by state or federal law from possessing a firearm shall be liable for selling or transferring a firearm to such person.

D. The provisions of § 18.2-308.2:2, including definitions, procedures, and prohibitions, shall apply, mutatis mutandis, to the provisions of this section.

2. That the provisions of this act shall become effective only if approval is received from the U.S. Department of Justice for the Department of State Police to implement the policies and procedures set out in this act.

3. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 46

An Act to amend and reenact § 18.2-308.014 of the Code of Virginia, relating to out-of-state concealed handgun permits; photo identification.

[S 610]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.014 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.014. Reciprocity.

A. A valid concealed handgun or concealed weapon permit or license issued by another state shall authorize the holder of such permit or license who is at least 21 years of age to carry a concealed handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day, and *if available*; (ii) ~~except for the age of the permit or license holder and the type of weapon authorized to be carried, the requirements and qualifications of that state's law are adequate to prevent possession of a permit or license by persons who would be denied a permit in the Commonwealth under this article. The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General determine whether states meet the requirements and qualifications of this subsection, (b) maintain a registry of such states on the Virginia Criminal Information Network (VCIN), and (c) make the registry available to law enforcement officers for investigative purposes~~ *the permit or license holder carries a photo identification issued by a government agency of any state or by the U.S. Department of Defense or U.S. Department of State and displays the permit or license and such identification upon demand by a law-enforcement officer; and (iii) the permit or license holder has not previously had a Virginia concealed handgun permit revoked.* The Superintendent of the State Police, ~~in consultation with the Attorney General, may also~~ shall enter into agreements for reciprocal recognition with ~~any state qualifying for recognition under this subsection~~ *such other states that require an agreement to be in place before such state will recognize a Virginia concealed handgun permit as valid in such state. The Attorney General shall provide the Superintendent with any legal assistance or advice necessary for the Superintendent to perform his duties set forth in this subsection. If the Superintendent determines that another state requires that an agreement for reciprocal recognition be executed by the Attorney General or otherwise formally approved by the Attorney General as a condition of such other state's entering into an agreement for reciprocal recognition, the Attorney General shall (a) execute such agreement or otherwise formally approve such agreement and (b) return to the Superintendent the executed agreement or, in a form deemed acceptable by such other state, documentation of his formal approval of such agreement within 30 days after the Superintendent notifies the Attorney General, in writing, that he is required to execute or otherwise formally approve such agreement.*

B. ~~A valid concealed handgun permit issued by Maryland shall be valid in the Commonwealth, provided (i) the holder of the permit is licensed in Maryland to perform duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth, and (ii) the holder of the permit is 21 years of age or older.~~

C. For the purposes of participation in concealed handgun reciprocity agreements with other jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty law-enforcement officer in the

Commonwealth who is exempt from obtaining a concealed handgun permit under this article shall be deemed a concealed handgun permit.

2. That within 60 days of the effective date of this act, the Superintendent of State Police shall enter into agreements for reciprocal recognition of concealed handgun permits or licenses with states where such agreements were in existence as of December 1, 2015, as required by the provisions of this act.

CHAPTER 47

An Act to amend and reenact § 18.2-308.014 of the Code of Virginia, relating to out-of-state concealed handgun permits; photo identification.

[H 1163]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.014 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.014. Reciprocity.

A. A valid concealed handgun or concealed weapon permit or license issued by another state shall authorize the holder of such permit or license who is at least 21 years of age to carry a concealed handgun in the Commonwealth, provided (i) the issuing authority provides the means for instantaneous verification of the validity of all such permits or licenses issued within that state, accessible 24 hours a day; ~~and if available; (ii) except for the age of the permit or license holder and the type of weapon authorized to be carried, the requirements and qualifications of that state's law are adequate to prevent possession of a permit or license by persons who would be denied a permit in the Commonwealth under this article. The Superintendent of State Police shall (a) in consultation with the Office of the Attorney General determine whether states meet the requirements and qualifications of this subsection; (b) maintain a registry of such states on the Virginia Criminal Information Network (VCIN); and (c) make the registry available to law enforcement officers for investigative purposes the permit or license holder carries a photo identification issued by a government agency of any state or by the U.S. Department of Defense or U.S. Department of State and displays the permit or license and such identification upon demand by a law-enforcement officer; and (iii) the permit or license holder has not previously had a Virginia concealed handgun permit revoked.~~ The Superintendent of the State Police; ~~in consultation with the Attorney General; may also shall~~ enter into agreements for reciprocal recognition with ~~any state qualifying for recognition under this subsection~~ such other states that require an agreement to be in place before such state will recognize a Virginia concealed handgun permit as valid in such state. The Attorney General shall provide the Superintendent with any legal assistance or advice necessary for the Superintendent to perform his duties set forth in this subsection. If the Superintendent determines that another state requires that an agreement for reciprocal recognition be executed by the Attorney General or otherwise formally approved by the Attorney General as a condition of such other state's entering into an agreement for reciprocal recognition, the Attorney General shall (a) execute such agreement or otherwise formally approve such agreement and (b) return to the Superintendent the executed agreement or, in a form deemed acceptable by such other state, documentation of his formal approval of such agreement within 30 days after the Superintendent notifies the Attorney General, in writing, that he is required to execute or otherwise formally approve such agreement.

B. ~~A valid concealed handgun permit issued by Maryland shall be valid in the Commonwealth, provided (i) the holder of the permit is licensed in Maryland to perform duties substantially similar to those performed by Virginia branch pilots licensed pursuant to Chapter 9 (§ 54.1-900 et seq.) of Title 54.1 and is performing such duties while in the Commonwealth; and (ii) the holder of the permit is 21 years of age or older.~~

~~C. For the purposes of participation in concealed handgun reciprocity agreements with other jurisdictions, the official government-issued law-enforcement identification card issued to an active-duty law-enforcement officer in the Commonwealth who is exempt from obtaining a concealed handgun permit under this article shall be deemed a concealed handgun permit.~~

2. That within 60 days of the effective date of this act, the Superintendent of State Police shall enter into agreements for reciprocal recognition of concealed handgun permits or licenses with states where such agreements were in existence as of December 1, 2015, as required by the provisions of this act.

CHAPTER 48

An Act to amend and reenact §§ 18.2-308.09, 18.2-308.1:4, and 18.2-308.2:3 of the Code of Virginia, relating to protective orders; possession of firearms.

[H 1391]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.09, 18.2-308.1:4, and 18.2-308.2:3 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.
2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.
3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.
4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.
5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, *possessing*, or transporting a firearm.
6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.
7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.
8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.
9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.
10. An alien other than an alien lawfully admitted for permanent residence in the United States.
11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.
12. An individual who is a fugitive from justice.
13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.
14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.
15. An individual who has been convicted of stalking.
16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions."
17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.
18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.
19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.
20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection E of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to

subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this ~~section~~ subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of selling or transferring any such firearm to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this subsection is a Class 6 felony.

§ 18.2-308.2:3. Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties.

A. No person, corporation, or proprietorship licensed as a firearms dealer pursuant to 18 U.S.C. § 921 et seq. shall employ any person to act as a seller, whether full-time or part-time, permanent, temporary, paid or unpaid, for the transfer of firearms under § 18.2-308.2:2, if such employee would be prohibited from possessing a firearm under §§ § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, subsection B of § 18.2-308.1:4, or § 18.2-308.2; or § 18.2-308.2:01 or is an illegal alien, or is prohibited from purchasing or transporting a firearm pursuant to subsection A of § 18.2-308.1:4 or § 18.2-308.1:5.

B. Prior to permitting an applicant to begin employment, the dealer shall obtain a written statement or affirmation from the applicant that he is not disqualified from possessing a firearm and shall submit the applicant's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

C. Prior to August 1, 2000, the dealer shall obtain written statements or affirmations from persons employed before July 1, 2000, to act as a seller under § 18.2-308.2:2 that they are not disqualified from possessing a firearm. Within five working days of the employee's next birthday, after August 1, 2000, the dealer shall submit the employee's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the request.

C1. In lieu of submitting fingerprints pursuant to this section, any dealer holding a valid federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) may submit a sworn and notarized affidavit to the Department of State Police on a form provided by the Department, stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was issued by the ATF. The affidavit may also contain the names of any employees that have been subjected to a record check and approved by the ATF. This exemption shall apply regardless of whether the FFL was issued in the name of the dealer or in the name of the business. The affidavit shall contain the valid FFL number, state the name of each person requesting the exemption, together with each person's identifying information, including their social security number and the following statement: "I hereby swear, under the penalty of perjury, that as a condition of obtaining a federal firearms license, each person requesting an exemption in this affidavit has been subjected to a fingerprint identification check by the Bureau of Alcohol, Tobacco and Firearms and the Bureau of Alcohol, Tobacco and Firearms subsequently determined that each person satisfied the requirements of 18 U.S.C. § 921 et seq. I understand that any person convicted of making a false statement in this affidavit is guilty of a Class 5 felony and that in addition to any other penalties imposed by law, a conviction under this section shall result in the forfeiture of my federal firearms license."

D. The Department of State Police, upon receipt of an individual's record or notification that no record exists, shall submit an eligibility report to the requesting dealer within 30 days of the applicant beginning his duties for new employees or within 30 days of the applicant's birthday for a person employed prior to July 1, 2000.

E. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the dealer shall not be disseminated except as provided in this section.

F. The applicant shall bear the cost of obtaining the criminal history record unless the dealer, at his option, decides to pay such cost.

G. Upon receipt of the request for a criminal history record information check, the State Police shall establish a unique number for that firearm seller. Beginning September 1, 2001, the firearm seller's signature, firearm seller's number and the dealer's identification number shall be on all firearm transaction forms. The State Police shall void the firearm seller's number when a disqualifying record is discovered. The State Police may suspend a firearm seller's identification number upon the arrest of the firearm seller for a potentially disqualifying crime.

H. This section shall not restrict the transfer of a firearm at any place other than at a dealership or at any event required to be registered as a gun show.

I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2, shall be guilty of a Class 2 misdemeanor.

J. Any person willfully and intentionally making a materially false statement on the personal descriptive information required in this section shall be guilty of a Class 5 felony. Any person who offers for transfer any firearm in violation of this section shall be guilty of a Class 1 misdemeanor. Any dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of this section shall be guilty of a Class 1 misdemeanor.

K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee of a firearm lawfully transferred pursuant to this section.

L. The provisions of this section requiring a seller's background check shall not apply to a licensed dealer.

M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in subdivision C 1 shall be guilty of a Class 5 felony.

N. For purposes of this section:

"Dealer" means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Place of business" means any place or premises where a dealer may lawfully transfer firearms.

"Seller" means for the purpose of any single sale of a firearm any person who is a dealer or an agent of a dealer, who may lawfully transfer firearms and who actually performs the criminal background check in accordance with the provisions of § 18.2-308.2:2.

"Transfer" means any act performed with intent to sell, rent, barter, trade or otherwise transfer ownership or permanent possession of a firearm at the place of business of a dealer.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 49

An Act to amend and reenact §§ 18.2-308.09, 18.2-308.1:4, and 18.2-308.2:3 of the Code of Virginia, relating to protective orders; possession of firearms.

[S 49]

Approved February 26, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.09, 18.2-308.1:4, and 18.2-308.2:3 of the Code of Virginia are amended and reenacted as follows: § 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing, *possessing*, or transporting a firearm.

6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the

United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions."

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.1:4. Purchase or transportation of firearm by persons subject to protective orders; penalties.

A. It is unlawful for any person who is subject to (i) a protective order entered pursuant to § 16.1-253.1, 16.1-253.4, 16.1-278.2, 16.1-279.1, 19.2-152.8, 19.2-152.9, or 19.2-152.10; (ii) an order issued pursuant to subsection B of § 20-103; (iii) an order entered pursuant to subsection E of § 18.2-60.3; (iv) a preliminary protective order entered pursuant to subsection F of § 16.1-253 where a petition alleging abuse or neglect has been filed; or (v) an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to those cited in clauses (i), (ii), (iii), or (iv) to purchase or transport any firearm while the order is in effect. Any person with a concealed handgun permit shall be prohibited from carrying any concealed firearm, and shall surrender his permit to the court entering the order, for the duration of any protective order referred to herein. A violation of this ~~section~~ subsection is a Class 1 misdemeanor.

B. In addition to the prohibition set forth in subsection A, it is unlawful for any person who is subject to a protective order entered pursuant to § 16.1-279.1 or an order issued by a tribunal of another state, the United States or any of its territories, possessions, or commonwealths, or the District of Columbia pursuant to a statute that is substantially similar to § 16.1-279.1 to knowingly possess any firearm while the order is in effect, provided that for a period of 24 hours after being served with a protective order in accordance with subsection C of § 16.1-279.1 such person may continue to possess and, notwithstanding the provisions of subsection A, transport any firearm possessed by such person at the time of service for the purposes of selling or transferring any such firearm to any person who is not otherwise prohibited by law from possessing such firearm. A violation of this subsection is a Class 6 felony.

§ 18.2-308.2:3. Criminal background check required for employees of a gun dealer to transfer firearms; exemptions; penalties.

A. No person, corporation, or proprietorship licensed as a firearms dealer pursuant to 18 U.S.C. § 921 et seq. shall employ any person to act as a seller, whether full-time or part-time, permanent, temporary, paid or unpaid, for the transfer of firearms under § 18.2-308.2:2, if such employee would be prohibited from possessing a firearm under §§ § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3, *subsection B of § 18.2-308.1:4, or § 18.2-308.2, or § 18.2-308.2:01* or is an illegal alien, or is prohibited from purchasing or transporting a firearm pursuant to *subsection A of § 18.2-308.1:4 or § 18.2-308.1:5.*

B. Prior to permitting an applicant to begin employment, the dealer shall obtain a written statement or affirmation from the applicant that he is not disqualified from possessing a firearm and shall submit the applicant's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant.

C. Prior to August 1, 2000, the dealer shall obtain written statements or affirmations from persons employed before July 1, 2000, to act as a seller under § 18.2-308.2:2 that they are not disqualified from possessing a firearm. Within five working days of the employee's next birthday, after August 1, 2000, the dealer shall submit the employee's fingerprints and personal descriptive information to the Central Criminal Records Exchange to be forwarded to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the request.

C1. In lieu of submitting fingerprints pursuant to this section, any dealer holding a valid federal firearms license (FFL) issued by the Bureau of Alcohol, Tobacco and Firearms (ATF) may submit a sworn and notarized affidavit to the Department of State Police on a form provided by the Department, stating that the dealer has been subjected to a record check prior to the issuance and that the FFL was issued by the ATF. The affidavit may also contain the names of any employees that have been subjected to a record check and approved by the ATF. This exemption shall apply regardless of whether the FFL was issued in the name of the dealer or in the name of the business. The affidavit shall contain the valid FFL number, state the name of each person requesting the exemption, together with each person's identifying information, including their social security number and the following statement: "I hereby swear, under the penalty of perjury, that as a condition of obtaining a federal firearms license, each person requesting an exemption in this affidavit has been subjected to a fingerprint identification check by the Bureau of Alcohol, Tobacco and Firearms and the Bureau of Alcohol, Tobacco and Firearms subsequently determined that each person satisfied the requirements of 18 U.S.C. § 921 et seq. I understand that any person convicted of making a false statement in this affidavit is guilty of a Class 5 felony and that in addition to any other penalties imposed by law, a conviction under this section shall result in the forfeiture of my federal firearms license."

D. The Department of State Police, upon receipt of an individual's record or notification that no record exists, shall submit an eligibility report to the requesting dealer within 30 days of the applicant beginning his duties for new employees or within 30 days of the applicant's birthday for a person employed prior to July 1, 2000.

E. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the dealer shall not be disseminated except as provided in this section.

F. The applicant shall bear the cost of obtaining the criminal history record unless the dealer, at his option, decides to pay such cost.

G. Upon receipt of the request for a criminal history record information check, the State Police shall establish a unique number for that firearm seller. Beginning September 1, 2001, the firearm seller's signature, firearm seller's number and the dealer's identification number shall be on all firearm transaction forms. The State Police shall void the firearm seller's number when a disqualifying record is discovered. The State Police may suspend a firearm seller's identification number upon the arrest of the firearm seller for a potentially disqualifying crime.

H. This section shall not restrict the transfer of a firearm at any place other than at a dealership or at any event required to be registered as a gun show.

I. Any person who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized by this section and § 18.2-308.2:2, shall be guilty of a Class 2 misdemeanor.

J. Any person willfully and intentionally making a materially false statement on the personal descriptive information required in this section shall be guilty of a Class 5 felony. Any person who offers for transfer any firearm in violation of this section shall be guilty of a Class 1 misdemeanor. Any dealer who willfully and knowingly employs or permits a person to act as a firearm seller in violation of this section shall be guilty of a Class 1 misdemeanor.

K. There is no civil liability for any seller for the actions of any purchaser or subsequent transferee of a firearm lawfully transferred pursuant to this section.

L. The provisions of this section requiring a seller's background check shall not apply to a licensed dealer.

M. Any person who willfully and intentionally makes a false statement in the affidavit as set out in subdivision C 1 shall be guilty of a Class 5 felony.

N. For purposes of this section:

"Dealer" means any person, corporation or proprietorship licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Place of business" means any place or premises where a dealer may lawfully transfer firearms.

"Seller" means for the purpose of any single sale of a firearm any person who is a dealer or an agent of a dealer, who may lawfully transfer firearms and who actually performs the criminal background check in accordance with the provisions of § 18.2-308.2:2.

"Transfer" means any act performed with intent to sell, rent, barter, trade or otherwise transfer ownership or permanent possession of a firearm at the place of business of a dealer.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 50

An Act to amend and reenact § 58.1-339.6 of the Code of Virginia, relating to the expiration of the political candidate contribution tax credit.

[H 22]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-339.6 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-339.6. Political candidate contribution tax credit.

For taxable years beginning on and after January 1, 2000, *but before January 1, 2017*, any individual shall be entitled to a credit against the tax levied pursuant to § 58.1-320 of an amount equal to ~~forty~~ *fifty* percent of the amount contributed by the taxpayer to a candidate, as defined in § 24.2-101, in one or more primary, special, or general elections for local or state office held in the Commonwealth in the taxable year in which the contributions are made. The amount of the credit shall not exceed ~~twenty-five dollars~~ \$25 for an individual taxpayer or ~~fifty dollars~~ \$50 for taxpayers filing a joint return.

CHAPTER 51

An Act to amend and reenact § 58.1-3819 of the Code of Virginia, relating to transient occupancy tax; Frederick County.

[H 182]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3819 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3819. Transient occupancy tax.

A. Any county, by duly adopted ordinance, may levy a transient occupancy tax on hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms rented out for continuous occupancy for fewer than 30 consecutive days. Such tax shall be in such amount and on such terms as the governing body may, by ordinance, prescribe. Such tax shall not exceed two percent of the amount of charge for the occupancy of any room or space occupied; however, Accomack County, Albemarle County, Alleghany County, Amherst County, Augusta County, Bedford County, Bland County, Botetourt County, Brunswick County, Campbell County, Carroll County, Carrol County, Craig County, Cumberland County, Dickenson County, Dinwiddie County, Floyd County, Franklin County, *Frederick County*, Giles County, Gloucester County, Grayson County, Greene County, Greensville County, Halifax County, Highland County, Isle of Wight County, James City County, King George County, Loudoun County, Madison County, Mecklenburg County, Montgomery County, Nelson County, Northampton County, Page County, Patrick County, Prince Edward County, Prince George County, Prince William County, Pulaski County, Rockbridge County, Russell County, Smyth County, Spotsylvania County, Stafford County, Tazewell County, Washington County, Wise County, Wythe County, and York County may levy a transient occupancy tax not to exceed five percent, and any excess over two percent shall be designated and spent solely for tourism and travel, marketing of tourism or initiatives that, as determined after consultation with the local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality. If any locality has enacted an additional transient occupancy tax pursuant to subsection C of § 58.1-3823, then the governing body of the locality shall be deemed to have complied with the requirement that it consult with local tourism industry organizations, including lodging properties. If there are no local tourism industry organizations in the locality, the governing body shall hold a public hearing prior to making any determination relating to how to attract travelers to the locality and generate tourism revenues in the locality.

B. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days in hotels, motels, boarding houses, travel campgrounds, and other facilities offering guest rooms. In addition, that portion of any tax imposed hereunder in excess of two percent shall not apply to travel campgrounds in Stafford County.

C. Nothing herein contained shall affect any authority heretofore granted to any county, city or town to levy such a transient occupancy tax. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, *mutatis mutandis*.

D. Any county, city or town that requires local hotel and motel businesses, or any class thereof, to collect, account for and remit to such locality a local tax imposed on the consumer may allow such businesses a commission for such service in

the form of a deduction from the tax remitted. Such commission shall be provided for by ordinance, which shall set the rate thereof at no less than three percent and not to exceed five percent of the amount of tax due and accounted for. No commission shall be allowed if the amount due was delinquent.

E. All transient occupancy tax collections shall be deemed to be held in trust for the county, city or town imposing the tax.

CHAPTER 52

An Act to amend and reenact § 58.1-3823 of the Code of Virginia, relating to transient occupancy tax; Bedford County.

[H 1194]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3823 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3823. Additional transient occupancy tax for certain counties.

A. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Hanover County, Chesterfield County and Henrico County may impose:

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. 1. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, the Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.

a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee

of the Greater Williamsburg Chamber and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.

In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.

If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.

3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed-upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities shall mutually agree.

4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.

For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

D. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Bedford County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

The revenues collected from the additional tax shall be designated and spent solely for tourism and travel; marketing of tourism; or initiatives that, as determined after consultation with local tourism industry organizations, including representatives of lodging properties located in the county, attract travelers to the locality, increase occupancy at lodging properties, and generate tourism revenues in the locality.

E. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

CHAPTER 53

An Act to amend and reenact § 2.2-1502.1 of the Code of Virginia, relating to school efficiency reviews; scope and costs.

[S 502]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1502.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1502.1. School efficiency review program.

A. From such funds as may be appropriated or otherwise received for such purpose, and upon written request by a local school board or the division superintendent, the Director shall initiate a review of the relevant school division's central operations. Such review shall *identify best practices followed by the division that may be shared with other divisions statewide*, examine noninstructional expenditures, and identify opportunities to improve operational efficiencies and reduce costs for the division ~~and. The review shall include but not be limited to~~ examinations of (i) ~~overhead~~ *divisional administration*, (ii) human resources, (iii) ~~procurement~~ *educational service delivery costs*, (iv) facilities use and management, (v) financial management, (vi) transportation, (vii) technology ~~planning management~~, and (viii) ~~energy management~~ *food services*. Such review shall not address the effectiveness of the educational services being delivered by the division *and shall not constitute a division-level academic review as required by § 22.1-253.13:3.*

B. ~~School divisions shall pay 25 percent of the cost of the school efficiency review in the fiscal year immediately following the completion of the final school efficiency review report. Additionally, commencing with reviews completed in fiscal year 2007, partial recovery of the cost of individual reviews shall be made in the fiscal year beginning not less than 12 months and not more than 24 months following the release of a final efficiency review report for an individual school division. Such additional recovery may occur if the affected school division superintendent or superintendent's designee has not certified that at least half the recommendations have been initiated or at least half of the equivalent savings of such efficiency review have been realized. Lacking such certification the school division shall reimburse the state for 25 percent of the cost of the school efficiency review. Such reimbursement shall be paid into the general fund of the state treasury. The Department of Planning and Budget shall provide the format for such certification.~~

☞ All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide assistance as the Director may request.

CHAPTER 54

An Act to seek an exemption from the federal reformulated gasoline program for gasoline sold by a marina for marine use.

[S 557]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Environmental Quality be directed to seek from the U.S. Environmental Protection Agency (EPA) an exemption from the federal reformulated gasoline (RFG) program for the sale by a qualifying marina of conventional, ethanol-free gasoline. A qualifying marina shall be one that sells gasoline exclusively to the marine recreational or commercial trade. No ethanol-free gasoline sold by such marina shall be used in any road vehicle.*

CHAPTER 55

An Act to amend and reenact §§ 38.2-2619 and 38.2-2622 of the Code of Virginia, relating to home service contract providers.

[H 304]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. **That §§ 38.2-2619 and 38.2-2622 of the Code of Virginia are amended and reenacted as follows:**

§ 38.2-2619. Requirements for doing business.

A. A provider may, but is not required to, appoint an administrator or other designee to be responsible for any or all of the administration of home service contracts and compliance with this article.

B. Home service contracts shall not be issued, sold, or offered for sale in this Commonwealth unless the provider has:

1. Provided a receipt for, or other written evidence of, the purchase of the home service contract to the contract holder; and
2. Provided a copy of the home service contract to the home service contract holder within a reasonable period of time from the date of purchase.

C. Each provider of home service contracts sold in this Commonwealth shall first obtain a license by filing with the Commission their name, full corporate address, telephone number, and contact person and designate a person in this Commonwealth for service of process. Each provider shall pay to the Commission a *nonrefundable application fee in the amount of \$1,000 upon initial licensure and every two years thereafter \$500. Said* The filing need only be updated by written notification to the Commission if material changes occur in the information on file. All fees paid into the State Treasury pursuant to this subsection shall be ~~deposited in accordance with~~ credited to the "Bureau of Insurance Special Fund – State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400. *A license issued any time prior to July 1, 2017, shall expire on June 30, 2017, unless renewed as set forth in this section. Beginning with the July 1, 2017, renewal and each year thereafter, a licensed home service contract provider shall remit a renewal application form and nonrefundable renewal fee in the amount of \$500 in the manner and form prescribed by the Commission. A home service contract provider's license expiring on June 30 may be renewed on July 1 for a one-year period ending on June 30 of the following year if the required renewal application and nonrefundable renewal fee have been received.*

D. No license shall be issued to any home service contract provider unless the applicant:

1. If a resident partnership, limited liability company, or corporation, has recorded the existence of the partnership, limited liability company or corporation pursuant to law, or if a nonresident partnership, limited liability company or corporation, has furnished proof of its authority to transact business in Virginia;

2. Maintains a net worth in an amount not less than ~~20%~~ 20 percent of the ~~premiums~~ provider fees charged on its contracts currently in force; however, the minimum required net worth shall be not less than \$100,000, and the maximum required net worth shall be that amount required of insurers under the provisions of Article 5 (§ 38.2-1024 et seq.) of Chapter 10 of Title 38.2;

3. Places on deposit with the State Treasurer a financial security deposit of the type allowed pursuant to Chapter 45 (§ 2.2-4500 et seq.) of Title 2.2. The deposit shall have a value of at least ~~5%~~ five percent of the gross consideration received on the sale of the home service contract for all home service contracts issued and in force *in the Commonwealth*, but not less than \$25,000 or more than \$250,000. The Treasurer is authorized to defray expenses associated with the deposit in accordance with § 38.2-1057; and

4. Has filed any financial statement and any reports, certificates, or other documents as the Commission deems necessary to secure a full and accurate knowledge of its affairs and financial condition.

E. *The Commission may, after notice and opportunity to be heard, refuse to issue a license to a home service contract provider if such provider does not provide documentation to support, to the Commission's satisfaction, that the provider's financial condition, method of operation, and manner of doing business enable the provider to meet its obligations to all contract holders and that the provider has otherwise complied with all the requirements of law.*

F. In order to assure the faithful performance of a provider's obligations to its contract holders, each provider shall be responsible for complying with any one of the following requirements:

1. Insure all home service contracts under a reimbursement insurance policy issued by an insurer licensed, registered, or otherwise authorized to do business in the Commonwealth, and such insurer either:

a. At the time the reimbursement insurance policy is filed with the Commission, and continuously thereafter, (i) maintains surplus as to policyholders of at least \$15 million and (ii) annually files copies of the insurer's audited financial statements, its National Association of Insurance Commissioners Annual Statement, and the actuarial certification required by and filed in the insurer's state of domicile; or

b. At the time the reimbursement insurance policy is filed with the Commission, and continuously thereafter, (i) maintains surplus as to policyholders of less than \$15 million but at least equal to \$10 million, (ii) demonstrates to the satisfaction of the Commission that the company maintains a ratio of net written premiums, wherever written, to surplus as to policyholders of not greater than 3 to 1, and (iii) annually files copies of the insurer's audited financial statements, its National Association of Insurance Commissioners Annual Statement, and the actuarial certification required by and filed in the insurer's state of domicile;

2. Maintain a funded reserve account sufficient to provide for its obligations under its contracts issued and outstanding in this Commonwealth. The reserves shall not be less than ~~40%~~ 40 percent of gross consideration received, ~~less claims paid,~~ on the sale of the home service contract for all in-force contracts. *The reserves shall be calculated by taking the gross consideration received on the sale of the home service contract for all in-force contracts, less claims paid, and multiplying the remainder by 40 percent.* This reserve account shall be certified by the company along with reasonable documentation thereof. The reserve account shall be subject to examination and review by the Commission; or

3. Maintain with its parent company a net worth or stockholders' equity of at least \$100 million and upon request, provide the Commission with a copy of the provider's parent company's most recent Form 10-K or similar document filed with the federal Securities and Exchange Commission within the last calendar year, or if the company does not file with the federal Securities and Exchange Commission, a copy of the company's audited financial statements, which shows a net worth of the provider's parent company of at least \$100 million. If the provider's parent company's federal Securities and Exchange Commission filing or financial statements are filed to meet the provider's financial stability requirement, then the parent company shall agree to guarantee the obligations of the provider relating to home service contracts sold by the provider in this Commonwealth.

~~F.~~ G. Except for the requirements specified in subsections D and ~~E~~ above F, no other financial security requirements shall be required by the Commission for home service contract providers.

~~G.~~ H. Home service contracts shall require the provider to permit the home service contract holder to return the home service contract within 20 days of the date the home service contract was mailed to the home service contract holder or within 10 days of delivery if the home service contract is delivered to the home service contract holder at the time of sale or within a longer time period permitted under the home service contract. Upon return of the home service contract to the provider within the applicable time period, if no claim has been made under the home service contract prior to its return to the provider, the home service contract is void and the provider shall refund to the home service contract holder, or credit the account of the home service contract holder, with the full purchase price of the home service contract. The right to void the home service contract provided in this subsection is not transferable and shall apply only to the original home service contract purchaser and only if no claim has been made prior to its return to the provider. A ~~40%~~ 10 percent penalty per month shall be added to a refund that is not paid or credited within 45 days after return of the home service contract to the provider.

~~H.~~ I. Providers shall be subject to the provisions of Chapter 25 (§ 58.1-2500 et seq.) of Title 58.1. Provider fees collected on home service contracts shall be subject to premium taxes of two and one-fourth percent of such provider fees. The premium taxes paid by providers pursuant to this subsection shall be in lieu of all other state and local license fees or license taxes and state income taxes of the provider. Premiums for reimbursement insurance policies shall be subject to applicable premium taxes.

~~I.~~ J. Except for the licensing requirements in subsection C, providers and related home service contract sellers, administrators, and other persons marketing, selling, or offering to sell home service contracts are exempt from any licensing requirements of the Commonwealth.

~~J.~~ K. The marketing, sale, offering for sale, issuance, making, proposing to make and administration of home service contracts by providers and related home service contract sellers, administrators, and other persons shall be exempt from all other provisions of this title.

§ 38.2-2622. Financial statements.

~~On or before March 1 of each year, each home service contract provider shall file with the Commission its annual financial statement, in the form prescribed by the Commission.~~ On or before June 1 of each year, each home service contract provider shall file with the Commission audited financial statements ~~in a manner prescribed by the Commission~~ prepared in

accordance with generally accepted accounting principles. The Commission may request supplemental financial information to ensure a home service contract provider's financial stability.

Investments shall be subject to the provisions of Chapter 14 (§ 38.2-1400 et seq.) of this title.

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

CHAPTER 56

An Act to amend and reenact § 58.1-3823 of the Code of Virginia, relating to transient occupancy tax; Botetourt County.

[H 328]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3823 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3823. Additional transient occupancy tax for certain counties.

A. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Hanover County, Chesterfield County and Henrico County may impose:

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. 1. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, the Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.

a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee

of the Greater Williamsburg Chamber and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.

In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.

If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.

3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed-upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities shall mutually agree.

4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.

For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

D. *In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through 58.1-3822, Botetourt County may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.*

The revenue generated and collected from the two percent tax rate increase shall be designated and expended solely for advertising the Roanoke metropolitan area as an overnight tourist destination by members of the Roanoke Valley Convention and Visitors Bureau. For purposes of this subsection, "advertising the Roanoke metropolitan area as an overnight tourism destination" means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay.

E. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

CHAPTER 57

An Act to amend and reenact § 22.1-176.1 of the Code of Virginia, relating to local school boards; transportation agreements with nonpublic schools.

[S 250]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-176.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-176.1. Agreements to provide transportation for nonpublic school pupils.

Local school boards may enter into agreements with nonpublic schools within the school division to provide student transportation to and from such schools *and school field trips* under such terms and conditions as the local school boards deem appropriate and responsible. Such terms may include, ~~but are not limited to,~~ arrangements relating to cost-sharing, fees, insurance, and liability.

CHAPTER 58

An Act to require the Board of Education to consider certain alternative assessments for students who are English language learners.

[S 538]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Education shall consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments.

CHAPTER 59

An Act to amend and reenact § 3.2-5904 of the Code of Virginia, relating to control of black vultures.

[S 37]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-5904 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-5904. Authority of the Commissioner; coyotes; black vultures.

The Commissioner may enter into agreements with local and state agencies, or other persons for the control of coyotes, *black vultures* (*Coragyps atratus*), and other wildlife that pose a danger to agricultural animals. The Commissioner shall enter into an agreement with the federal government to ~~reestablish~~ *establish and maintain* the Virginia Cooperative ~~Coyote Damage Control Wildlife Damage Management~~ Program.

CHAPTER 60

An Act to amend and reenact § 3.2-6556 of the Code of Virginia, relating to animal control officers; training.

[S 651]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6556 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6556. Training of animal control officers.

A. Every locality employing animal control officers shall require that every animal control officer and deputy animal control officer completes the following training:

1. ~~Within two years from the date of hire, a~~ A basic animal control course that has been approved by the State Veterinarian. The basic animal control course shall include training in recognizing suspected child abuse and neglect and information on how complaints may be filed and shall be approved and implemented. *Any animal control officer hired on or after July 1, 1998, and before July 1, 2017, shall complete the basic animal control course within two years from the date of hire. Any animal control officer hired on or after July 1, 2017, shall complete the basic animal control course within one year from the date of hire or within two years if the officer is attending a law-enforcement academy; and*

2. Every three years, additional training approved by the State Veterinarian, 15 hours of which shall be training in animal control and protection.

The State Veterinarian shall develop criteria to be used in approving training courses and shall provide an opportunity for public comment on proposed criteria before the final criteria are adopted.

Subdivision 1 shall not apply to animal control officers or deputy animal control officers hired before July 1, 1998. The State Veterinarian may grant exemptions from the requirements of subdivision 1 to animal control officers hired on or after July 1, 1998, based on the animal control officer's previous training.

The State Veterinarian shall work to ensure the availability of these training courses through regional criminal justice training academies or other entities as approved by him. Based on information provided by authorized training entities, the State Veterinarian shall maintain the training records for all animal control officers for the purpose of documenting and ensuring that they are in compliance with this subsection.

B. Upon cause shown by a locality, the State Veterinarian may grant additional time during which the training required by subsection A may be completed by an animal control officer for the locality.

C. Any animal control officer that fails to complete the training required by subsection A shall be removed from office, unless the State Veterinarian has granted additional time as provided in subsection B.

CHAPTER 61

An Act to amend and reenact §§ 3.2-4113 and 3.2-4117 of the Code of Virginia, relating to the production of industrial hemp.

[S 691]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4113 and 3.2-4117 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-4113. Production of industrial hemp lawful.

A. It is lawful for a person licensed pursuant to § 3.2-4115 or 3.2-4117 to cultivate, produce, or otherwise grow industrial hemp in the Commonwealth for ~~the any lawful purpose of research as part of the industrial hemp research program,~~ *including the manufacture of industrial hemp products or scientific, agricultural, or other research related to other lawful applications for industrial hemp.* No person licensed pursuant to § 3.2-4115 or 3.2-4117 shall be prosecuted

under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for ~~(i) the possession or cultivation of industrial hemp plant material or seeds as part of the industrial hemp research program or (ii) the, or manufacture of industrial hemp plant material and seeds or industrial hemp products as part of the industrial hemp research program.~~ In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act, ~~Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1,~~ it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or regulation. If any part of this chapter conflicts with a provision of federal law relating to industrial hemp that has been adopted in Virginia under this chapter, the federal provision shall control to the extent of the conflict.

C. No person shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the involuntary growth of industrial hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower or a grower licensed pursuant to § 3.2-4117.

§ 3.2-4117. Additional industrial hemp licenses.

A. The Board may adopt regulations as necessary to license persons to grow industrial hemp in the Commonwealth for any lawful purpose.

B. ~~The~~ *Notwithstanding the provisions of §§ 3.2-4115 and 3.2-4116, the Commissioner may shall* establish a program of licensure *and renewal*, including the establishment of any fees *not to exceed \$250*, to allow a person to grow industrial hemp in the Commonwealth for any lawful purpose. *Valid applications shall be granted licensure within 90 days of receipt of the application. The Commissioner shall accept license applications throughout the year. Licenses shall be valid for four years from the date of the issuance of the license.*

~~C. Subsections A and B shall only be allowed subject to the authorization of industrial hemp growth and production in the United States under applicable federal laws relating to industrial hemp.~~

CHAPTER 62

An Act to amend and reenact §§ 29.1-401 and 29.1-521 of the Code of Virginia, relating to sale of furs and animal parts; adoption of regulations.

[S 152]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 29.1-401 and 29.1-521 of the Code of Virginia are amended and reenacted as follows:

§ 29.1-401. Exemptions as to fur permits.

A. A permit shall not be required of any hunter or trapper to possess or dispose of the hides, furs or pelts of wild animals legally shot or caught by him nor of any person lawfully engaging in the business of fur farming to possess or to dispose of the hides, furs or pelts of wild animals raised by him.

B. A permit shall not be required of any Virginia resident who is a member of an American Indian tribe recognized by the Commonwealth or a member of a federally recognized American Indian tribe to buy and possess the hides, furs, pelts or skeletal parts of legally obtained wild animals, except bear as prohibited in § 29.1-536, when such items are to be used as part of traditional American Indian religious practices. Resale of items obtained under this section is prohibited.

C. The Board may adopt regulations providing further exemptions to the permit requirement.

§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) raccoons, which may be hunted until 2:00 a.m. on Sunday mornings; (ii) any person who hunts or kills waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without

a nocked arrow or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers; (ii) the manufacture or sale of implements, including, but not limited to, tools or utensils, made from legally harvested deer skeletal parts, including antlers; ~~or~~; (iii) the possession of shed antlers; or (iv) the possession, manufacture, or sale of other parts or implements authorized by regulations adopted by the Board.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including, but not limited to, subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport and distribute donated or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, that is (a) organized to support wildlife habitat conservation and (b) approved by the Department, shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian, who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state or the U.S. government, may possess, offer for sale or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws and bones.

"Verification" as used in this section shall include, but is not limited to, (i) showing a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

CHAPTER 63

An Act to amend and reenact § 29.1-301 of the Code of Virginia, relating to free fishing days.

[S 349]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-301. Exemptions from license requirements.

A. No license shall be required of landowners, their spouses, their children and grandchildren and the spouses of such children and grandchildren, or the landowner's parents, resident or nonresident, to hunt, trap and fish within the boundaries

of their own lands and inland waters or while within such boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters.

B. No license shall be required of any stockholder owning 50 percent or more of the stock of any domestic corporation owning land in this Commonwealth, his or her spouse and children and minor grandchildren, resident or nonresident, to hunt, trap and fish within the boundaries of lands and inland waters owned by the domestic corporation.

C. No license shall be required of bona fide tenants, renters or lessees to hunt, trap or fish within the boundaries of the lands or waters on which they reside or while within such boundaries or upon any private permanent extension therefrom, to fish in any abutting public waters if such individuals have the written consent of the landlord upon their person. A guest of the owner of a private fish pond shall not be required to have a fishing license to fish in such pond.

D. No license shall be required of resident persons under 16 years old to fish.

D1. No license shall be required of resident persons under 12 years old to hunt, provided such person is accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license as described in subsection B of § 29.1-300.1.

E. No license shall be required of a resident person 65 years of age or over to hunt or trap on private property in the county or city in which he resides. An annual license at a fee of \$1 shall be required of a resident person 65 years of age or older to fish in any inland waters of the Commonwealth, which shall be in addition to a license to fish for trout as specified in subsection B of § 29.1-310 or a special lifetime trout fishing license as specified in § 29.1-302.4. A resident 65 years of age or older may, upon proof of age satisfactory to the Department and the payment of a \$1 fee, apply for and receive from any authorized agent of the Department a nontransferable annual license permitting such person to hunt or an annual license permitting such person to trap in all cities and counties of the Commonwealth. Any lifetime license issued pursuant to this article prior to July 1, 1988, shall remain valid for the lifetime of the person to whom it was issued. Any license issued pursuant to this section includes any damage stamp required pursuant to Article 3 (§ 29.1-352 et seq.) of this chapter.

F. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310, shall be required of nonresident persons under 12 years of age when accompanied by a person possessing a valid license to fish in Virginia.

G. No license shall be required to trap rabbits with box traps.

H. No license shall be required of resident persons under 16 years of age to trap when accompanied by any person 18 years of age or older who possesses a valid state license to trap in this Commonwealth.

I. No license to hunt, trap or fish shall be required of any Indian who habitually resides on an Indian reservation or of a member of the Virginia recognized tribes who resides in the Commonwealth; however, such Indian must have on his person an identification card or paper signed by the chief of his tribe, a valid tribal identification card, written confirmation through a central tribal registry, or certification from a tribal office. Such card, paper, confirmation, or certification shall set forth that the person named is an actual resident upon such reservation or member of the recognized tribes in the Commonwealth, and such card, paper, confirmation or certification shall create a presumption of residence, which may be rebutted by proof of actual residence elsewhere.

J. No license to fish shall be required of legally blind persons.

K. No fishing license shall be required in any inland waters of the Commonwealth, ~~except those stocked with trout by the Department or other public body,~~ on free fishing days. The Board shall designate no more than three free fishing days in any calendar year.

L. No license to fish, except for trout as provided in § 29.1-302.4 or subsection B of § 29.1-310, in Laurel Lake and Beaver Pond at Breaks Interstate Park shall be required of a resident of the State of Kentucky who (i) possesses a valid license to fish in Kentucky or (ii) is exempt under Kentucky law from the requirement of possessing a valid fishing license.

M. No license to fish, except for trout as provided in subsection B of § 29.1-310, shall be required of a member of the armed forces of the United States, on active duty, who is a resident of the Commonwealth while such person is on official leave, provided that person presents a copy of his leave papers upon request.

N. No license to hunt or fish shall be required of any person who is not hunting or fishing but is aiding a disabled person to hunt or fish when such disabled person possesses a valid Virginia hunting or fishing license under § 29.1-302, 29.1-302.1, or 29.1-302.2.

CHAPTER 64

An Act to amend and reenact § 29.1-528 of the Code of Virginia, relating to hunting of coyotes; county or city ordinances.

[S 367]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-528 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-528. Board to develop model ordinances for hunting with firearms; counties or cities may adopt.

A. The Board shall ~~promulgate~~ *adopt* regulations establishing model ordinances for hunting with firearms that may be adopted by counties or cities. Such model ordinances ~~developed by the Board shall address such items as, but are not limited to, including~~ *firearm calibers; type of firearm (e.g., including rifle, shotgun, or muzzleloader); and, type of ammunition; and the hunting of groundhogs or coyotes.*

B. The governing body of any county or city may, by ordinance, (i) prohibit hunting in such county or city with a shotgun loaded with slugs, or with a rifle of a caliber larger than .22 rimfire; ~~However, such ordinance may;~~ (ii) permit the hunting of groundhogs with a rifle of a caliber larger than .22 rimfire between March 1 and August 31; ~~Such ordinance may also;~~ (iii) permit the use of muzzle-loading rifles during the prescribed open seasons for the hunting of game species; ~~Any such ordinance may also;~~ (iv) specify permissible ~~type types~~ of ammunition to be used for ~~such hunting in the county or city;~~ or (v) ~~permit the hunting of coyotes with a rifle of a caliber larger than .22 rimfire.~~

~~B-~~ C. No such ordinance shall be enforceable unless the governing body notifies the Director by registered mail prior to May 1 of the year in which the ordinance is to take effect.

~~C-~~ D. In adopting an ordinance pursuant to the provisions of this section, the governing body of any county or city may provide that any person who violates the provisions of the ordinance ~~shall be~~ is guilty of a Class 3 misdemeanor.

CHAPTER 65

An Act to amend and reenact § 28.2-400.2 of the Code of Virginia and to repeal the third enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, as amended by Chapters 104 and 133 of the Acts of Assembly of 2014, relating to management of the menhaden fishery.

[S 529]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-400.2 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-400.2. Total allowable landings for menhaden.

A. Except as provided for in subsections B, C, and D, the total allowable landings for menhaden shall be ~~44,272.84~~ 158,700.12 metric tons per year. ~~However, if the Atlantic States Marine Fisheries Commission acts between May 1, 2015, and December 31, 2015, to increase the total allowable landings for menhaden, the Governor may implement the revised quota by proclamation.~~

B. If the total allowable landings specified in subsection A are exceeded in any year, the total allowable landings for the subsequent year will be reduced by the amount of the overage. Such overage shall be deducted from the sector of the menhaden fishery that exceeded the allocation specified in § 28.2-400.3.

C. The Commissioner may request a transfer of menhaden landings from any other state that is a member of the Atlantic States Marine Fisheries Commission. If the Commonwealth receives a transfer of menhaden in any year from another state, the total allowable landings for only that year shall increase by the amount of transferred landings. The Commissioner may transfer menhaden to another state only if there are unused landings after December 15.

D. Any portion of the one percent of the coast-wide total allowable catch set aside by the Atlantic States Marine Fisheries Commission for episodic events that is unused as of September 1 of any year shall be returned to Virginia and other states according to allocation guidelines established by the Atlantic States Marine Fisheries Commission. Any such return of this portion of the coast-wide total allowable catch to Virginia shall increase the total allowable landings for that year.

2. That the third enactments of Chapters 59 and 760 of the Acts of Assembly of 2013, as amended by Chapters 104 and 133 of the Acts of Assembly of 2014, are repealed.

CHAPTER 66

An Act to amend and reenact § 62.1-44.15:52 of the Code of Virginia, relating to erosion and sediment control; stormwater management.

[S 598]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.15:52 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.15:52. Virginia Erosion and Sediment Control Program.

A. The Board shall develop a program and adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) for the effective control of soil erosion, sediment deposition, and nonagricultural runoff that shall be met in any control program to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. Stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or § 62.1-44.15:54 or 62.1-44.15:65. Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one-year, 24-hour storm; and

(iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirement for natural or man-made channels as defined in regulations promulgated pursuant to § 62.1-44.15:54 or 62.1-44.15:65. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities (a) are in accordance with the grandfathering or time limits on applicability of approved design criteria provisions of the Virginia Stormwater Management Program (VSMP) ~~Permit Regulations or exempt~~, in which case the flow rate capacity and velocity requirements of this subsection shall apply, or (b) are exempt pursuant to subdivision C 7 of § 62.1-44.15:34.

The regulations shall:

1. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including, but not limited to, data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

2. Include such survey of lands and waters as may be deemed appropriate by the Board or required by any applicable law to identify areas, including multijurisdictional and watershed areas, with critical erosion and sediment problems; and

3. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of erosion and sediment resulting from land-disturbing activities.

B. The Board shall provide technical assistance and advice to, and conduct and supervise educational programs for VESCP authorities.

C. The Board shall adopt regulations establishing minimum standards of effectiveness of erosion and sediment control programs, and criteria and procedures for reviewing and evaluating the effectiveness of VESCPs. In developing minimum standards for program effectiveness, the Board shall consider information and standards on which the regulations promulgated pursuant to subsection A are based.

D. The Board shall approve VESCP authorities and shall periodically conduct a comprehensive program compliance review and evaluation to ensure that all VESCPs operating under the jurisdiction of this article meet minimum standards of effectiveness in controlling soil erosion, sediment deposition, and nonagricultural runoff. The Department shall develop a schedule for conducting periodic reviews and evaluations of the effectiveness of VESCPs unless otherwise directed by the Board. Such reviews where applicable shall be coordinated with those being implemented in accordance with the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations and the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and associated regulations. The Department may also conduct a comprehensive or partial program compliance review and evaluation of a VESCP at a greater frequency than the standard schedule.

E. The Board shall issue certificates of competence concerning the content, application, and intent of specified subject areas of this article and accompanying regulations, including program administration, plan review, and project inspection, to personnel of program authorities and to any other persons who have completed training programs or in other ways demonstrated adequate knowledge. The Department shall administer education and training programs for specified subject areas of this article and accompanying regulations, and is authorized to charge persons attending such programs reasonable fees to cover the costs of administering the programs. Such education and training programs shall also contain expanded components to address plan review and project inspection elements of the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations in accordance with § 62.1-44.15:30.

F. Department personnel conducting inspections pursuant to this article shall hold a certificate of competence as provided in subsection E.

CHAPTER 67

An Act to direct the Marine Resources Commission to monitor efforts of the U.S. Department of the Interior; Assateague Island National Seashore; jurisdiction.

[S 643]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Marine Resources Commission (the Commission) shall monitor any effort by the U.S. Department of the Interior to expand federal jurisdiction regarding fishing or shellfish harvesting in the waters adjoining the Assateague Island National Seashore. The Commission shall seek to preserve the right and ability of Virginia watermen to use such waters.*

CHAPTER 68

An Act to amend and reenact §§ 10.1-2500, 15.2-2403.3, 62.1-44.3, 62.1-44.5, 62.1-44.15, 62.1-44.15:24, 62.1-44.15:25, 62.1-44.15:27, 62.1-44.15:28, 62.1-44.15:29, 62.1-44.15:30, 62.1-44.15:31, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:35, 62.1-44.15:37, 62.1-44.15:39, 62.1-44.15:40, 62.1-44.15:41, 62.1-44.15:46, 62.1-44.15:48 through 62.1-44.15:55, 62.1-44.15:57, 62.1-44.15:58, 62.1-44.15:60, 62.1-44.15:62 through 62.1-44.15:65, 62.1-44.15:69, 62.1-44.15:74, 62.1-44.19:22, 62.1-44.22, 62.1-44.23, 62.1-44.25, 62.1-44.26, 62.1-44.29, 62.1-44.31, and 62.1-44.32 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 62.1-44.15:25.1, 62.1-44.15:27.1, 62.1-44.15:29.1, and 62.1-44.15:51.1; and to repeal §§ 62.1-44.15:26, 62.1-44.15:32, 62.1-44.15:36, 62.1-44.15:38, 62.1-44.15:42 through 62.1-44.15:45, 62.1-44.15:47, 62.1-44.15:56, 62.1-44.15:61, and 62.1-44.15:71 of the Code of Virginia, relating to State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act.

[S 673]

Approved February 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-2500, 15.2-2403.3, 62.1-44.3, 62.1-44.5, 62.1-44.15, 62.1-44.15:24, 62.1-44.15:25, 62.1-44.15:27, 62.1-44.15:28, 62.1-44.15:29, 62.1-44.15:30, 62.1-44.15:31, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:35, 62.1-44.15:37, 62.1-44.15:39, 62.1-44.15:40, 62.1-44.15:41, 62.1-44.15:46, 62.1-44.15:48 through 62.1-44.15:55, 62.1-44.15:57, 62.1-44.15:58, 62.1-44.15:60, 62.1-44.15:62 through 62.1-44.15:65, 62.1-44.15:69, 62.1-44.15:74, 62.1-44.19:22, 62.1-44.22, 62.1-44.23, 62.1-44.25, 62.1-44.26, 62.1-44.29, 62.1-44.31, and 62.1-44.32 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 62.1-44.15:25.1, 62.1-44.15:27.1, 62.1-44.15:29.1, and 62.1-44.15:51.1 as follows:

§ 10.1-2500. Virginia Environmental Emergency Response Fund established.

A. There is hereby established the Virginia Environmental Emergency Response Fund, hereafter referred to as the Fund, to be used (i) for the purpose of emergency response to environmental pollution incidents and for the development and implementation of corrective actions for pollution incidents, other than pollution incidents addressed through the Virginia Underground Petroleum Storage Tank Fund, as described in § 62.1-44.34:11 of the State Water Control Laws; (ii) to conduct assessments of potential sources of toxic contamination in accordance with the policy developed pursuant to § 62.1-44.19:10; and (iii) to assist small businesses for the purposes described in § 10.1-1197.3.

B. The Fund shall be a nonlapsing revolving fund consisting of grants, general funds, and other such moneys as appropriated by the General Assembly, and moneys received by the State Treasurer for:

1. Noncompliance penalties assessed pursuant to § 10.1-1311, civil penalties assessed pursuant to subsection B of § 10.1-1316, and civil charges assessed pursuant to subsection C of § 10.1-1316.

2. Civil penalties assessed pursuant to subsection C of § 10.1-1418.1, civil penalties assessed pursuant to subsections A and E of § 10.1-1455, and civil charges assessed pursuant to subsection F of § 10.1-1455.

3. Civil charges assessed pursuant to subdivision ~~84~~ (8d) of § 62.1-44.15 and civil penalties assessed pursuant to subsection (a) of § 62.1-44.32, excluding assessments made for violations of Article 2.3 (§ 62.1-44.15:24 et seq.), 2.4 (§ 62.1-44.15:51 et seq.), 2.5 (§ 62.1-44.15:67 et seq.), 9 (§ 62.1-44.34:8 et seq.), or 10 (§ 62.1-44.34:10 et seq.); of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles.

4. Civil penalties and civil charges assessed pursuant to § 62.1-270.

5. Civil penalties assessed pursuant to subsection A of § 62.1-252 and civil charges assessed pursuant to subsection B of § 62.1-252.

6. Civil penalties assessed in conjunction with special orders by the Director pursuant to § 10.1-1186 and by the Waste Management Board pursuant to subsection G of § 10.1-1455.

§ 15.2-2403.3. Stormwater service districts; allocation of revenues.

Any town located within a stormwater service district created pursuant to this chapter shall be entitled to any revenues collected within the town pursuant to subdivision 6 of § 15.2-2403, subject to the limitations set forth therein, so long as the town maintains its own ~~MS4 permit issued pursuant to § 62.1-44.15:26~~ municipal separate storm sewer system (MS4) permit issued by the State Water Control Board or maintains its own stormwater service district.

§ 62.1-44.3. Definitions.

Unless a different meaning is required by the context, the following terms as used in this chapter shall have the meanings hereinafter respectively ascribed to them:

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife resources and habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural uses, electric power generation, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Certificate" means any certificate or permit issued by the Board.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Establishment" means any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal-processing operations, quarry, oil refinery, boat, vessel, and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

"Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil or rock.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resources.

"Land-disturbance approval" means an approval allowing a land-disturbing activity to commence issued by (i) a Virginia Erosion and Stormwater Management Program authority after the requirements of § 62.1-44.15:34 have been met or (ii) a Virginia Erosion and Sediment Control Program authority after the requirements of § 62.1-44.15:55 have been met.

"The law" or "this law" means the law contained in this chapter as now existing or hereafter amended.

"Member" means a member of the Board.

"Municipal separate storm sewer" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is:

1. Owned or operated by a federal entity, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including a special district under state law such as a sewer district, flood control district, drainage district or similar entity, or a designated and approved management agency under § 208 of the federal Clean Water Act (33 U.S.C. § 1251 et seq.) that discharges to surface waters;

2. Designed or used for collecting or conveying stormwater;

3. Not a combined sewer; and

4. Not part of a publicly owned treatment works.

"Normal agricultural activities" means those activities defined as an agricultural operation in § 3.2-300 and any activity that is conducted as part of or in furtherance of such agricultural operation but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Normal silvicultural activities" means any silvicultural activity as defined in § 10.1-1181.1 and any activity that is conducted as part of or in furtherance of such silvicultural activity but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters.

"Owner" means the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities and any public or private institution, corporation, association, firm, or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation, or any other legal entity.

"Policies" means policies established under subdivisions (3a) and (3b) of § 62.1-44.15.

"Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution" for the terms and purposes of this chapter.

"Pretreatment requirements" means any requirements arising under the Board's pretreatment regulations including the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the owner of a publicly owned treatment works; or any reporting requirements imposed by the owner of a publicly owned treatment works or by the regulations of the Board.

"Pretreatment standards" means any standards of performance or other requirements imposed by regulation of the Board upon an industrial user of a publicly owned treatment works.

"Reclaimed water" means water resulting from the treatment of domestic, municipal, or industrial wastewater that is suitable for a direct beneficial or controlled use that would not otherwise occur. Specifically excluded from this definition is "gray water."

"Reclamation" means the treatment of domestic, municipal, or industrial wastewater or sewage to produce reclaimed water for a direct beneficial or controlled use that would not otherwise occur.

"Regulation" means a regulation issued under *subdivision (10) of § 62.1-44.15* ~~(10)~~.

"Reuse" means the use of reclaimed water for a direct beneficial use or a controlled use that is in accordance with the requirements of the Board.

"Rule" means a rule adopted by the Board to regulate the procedure of the Board pursuant to *subdivision (7) of § 62.1-44.15* ~~(7)~~.

"Ruling" means a ruling issued under *subdivision (9) of § 62.1-44.15* ~~(9)~~.

"Sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

"Sewage treatment works" or "treatment works" means any device or system used in the storage, treatment, disposal, or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power, and other equipment, and appurtenances, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluent resulting from such treatment. These terms shall not include onsite sewage systems or alternative discharging sewage systems.

"Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal.

"Special order" means a special order issued under subdivisions (8a), (8b), and (8c) of § 62.1-44.15.

"Standards" means standards established under subdivisions (3a) and (3b) of § 62.1-44.15.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

§ 62.1-44.5. Prohibition of waste discharges or other quality alterations of state waters except as authorized by permit; notification required.

A. Except in compliance with a certificate, *land-disturbance approval*, or permit issued by the Board or other entity authorized by the Board to issue a certificate, *land-disturbance approval*, or permit pursuant to this chapter, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;
3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses; ~~or~~
4. On and after October 1, 2001, conduct the following activities in a wetland:
 - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
 - b. Filling or dumping;
 - c. Permanent flooding or impounding; or
 - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions; ~~or~~
5. Discharge stormwater into state waters from Municipal Separate Storm Sewer Systems or land disturbing activities.

B. Any person in violation of the provisions of subsection A who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes, or any noxious or deleterious substance into or upon state waters or (ii) a discharge that may reasonably be expected to enter state waters shall, upon learning of the discharge, promptly notify, but in no case later than 24 hours the Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services appointed pursuant to § 44-146.19 for the political subdivision reasonably expected to be affected by the discharge. Written notice to the Director of the Department of Environmental Quality shall follow initial notice within the time frame specified by the federal Clean Water Act.

§ 62.1-44.15. Powers and duties; civil penalties.

It shall be the duty of the Board and it shall have the authority:

- (1) [Repealed.]
- (2) To study and investigate all problems concerned with the quality of state waters and to make reports and recommendations.
 - (2a) To study and investigate methods, procedures, devices, appliances, and technologies that could assist in water conservation or water consumption reduction.
 - (2b) To coordinate its efforts toward water conservation with other persons or groups, within or without the Commonwealth.

(2c) To make reports concerning, and formulate recommendations based upon, any such water conservation studies to ensure that present and future water needs of the citizens of the Commonwealth are met.

(3a) To establish such standards of quality and policies for any state waters consistent with the general policy set forth in this chapter, and to modify, amend, or cancel any such standards or policies established and to take all appropriate steps to prevent quality alteration contrary to the public interest or to standards or policies thus established, except that a description of provisions of any proposed standard or policy adopted by regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the standard or policy are most properly referable. The Board shall, from time to time, but at least once every three years, hold public hearings pursuant to § 2.2-4007.01 but, upon the request of an affected person or upon its own motion, hold hearings pursuant to § 2.2-4009, for the purpose of reviewing the standards of quality, and, as appropriate, adopting, modifying, or canceling such standards. Whenever the Board considers the adoption, modification, amendment, or cancellation of any standard, it shall give due consideration to, among other factors, the economic and social costs and benefits which can reasonably be expected to obtain as a consequence of the standards as adopted, modified, amended, or cancelled. The Board shall also give due consideration to the public health standards issued by the Virginia Department of Health with respect to issues of public health policy and protection. If the Board does not follow the public health standards of the Virginia Department of Health, the Board's reason for any deviation shall be made in writing and published for any and all concerned parties.

(3b) Except as provided in subdivision (3a), such standards and policies are to be adopted or modified, amended, or cancelled in the manner provided by the Administrative Process Act (§ 2.2-4000 et seq.).

(4) To conduct or have conducted scientific experiments, investigations, studies, and research to discover methods for maintaining water quality consistent with the purposes of this chapter. To this end the Board may cooperate with any public or private agency in the conduct of such experiments, investigations, and research and may receive in behalf of the Commonwealth any moneys that any such agency may contribute as its share of the cost under any such cooperative agreement. Such moneys shall be used only for the purposes for which they are contributed and any balance remaining after the conclusion of the experiments, investigations, studies, and research, shall be returned to the contributors.

(5) To issue, revoke, or amend certificates *and land-disturbance approvals* under prescribed conditions for: (a) the discharge of sewage, *stormwater*, industrial wastes, and other wastes into or adjacent to state waters; (b) the alteration otherwise of the physical, chemical, or biological properties of state waters; (c) excavation in a wetland; or (d) on and after October 1, 2001, the conduct of the following activities in a wetland: (i) new activities to cause draining that significantly alters or degrades existing wetland acreage or functions, (ii) filling or dumping, (iii) permanent flooding or impounding, or (iv) new activities that cause significant alteration or degradation of existing wetland acreage or functions. However, to the extent allowed by federal law, any person holding a certificate issued by the Board that is intending to upgrade the permitted facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved energy efficiency, reduction in the amount of nutrients discharged, and improved water quality shall not be required to obtain a new, modified, or amended permit. The permit holder shall provide the demonstration anticipated by this subdivision to the Department no later than 30 days prior to commencing construction.

(5a) All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollution Discharge Elimination System permit shall not exceed five years. The term of a Virginia Water Protection Permit shall be based upon the projected duration of the project, the length of any required monitoring, or other project operations or permit conditions; however, the term shall not exceed 15 years. The term of a Virginia Pollution Abatement permit shall not exceed 10 years, except that the term of a Virginia Pollution Abatement permit for confined animal feeding operations shall be 10 years. The Department of Environmental Quality shall inspect all facilities for which a Virginia Pollution Abatement permit has been issued to ensure compliance with statutory, regulatory, and permit requirements. Department personnel performing inspections of confined animal feeding operations shall be certified under the voluntary nutrient management training and certification program established in § 10.1-104.2. The term of a certificate issued by the Board shall not be extended by modification beyond the maximum duration and the certificate shall expire at the end of the term unless an application for a new permit has been timely filed as required by the regulations of the Board and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

(5b) Any certificate *or land-disturbance approval* issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The owner has violated any regulation or order of the Board, any condition of a certificate *or land-disturbance approval*, any provision of this chapter, or any order of a court, where such violation results in a release of harmful substances into the environment ~~or~~, poses a substantial threat of release of harmful substances into the environment, *causes unreasonable property degradation*, or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which, in the opinion of the Board, demonstrates the owner's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The owner has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a certificate *or land-disturbance approval*, or in any other report or document required under this law or under the regulations of the Board;

3. The activity for which the certificate *or land-disturbance approval* was issued endangers human health or the environment *or causes unreasonable property degradation* and can be regulated to acceptable levels *or practices* by amendment or revocation of the certificate *or land-disturbance approval*; or

4. There exists a material change in the basis on which the *certificate, land-disturbance approval, or permit* was issued that requires either a temporary or a permanent reduction or elimination of any discharge *or land-disturbing activity* controlled by the certificate, *land-disturbance approval, or permit* necessary to protect human health or the environment *or stop or prevent unreasonable degradation of property*.

(5c) Any certificate issued by the Board under this chapter relating to dredging projects governed under Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 may be conditioned upon a demonstration of financial responsibility for the completion of compensatory mitigation requirements. Financial responsibility may be demonstrated by a letter of credit, a certificate of deposit, or a performance bond executed in a form approved by the Board. If the U.S. Army Corps of Engineers requires demonstration of financial responsibility for the completion of compensatory mitigation required for a particular project, then the mechanism and amount approved by the U.S. Army Corps of Engineers shall be used to meet this requirement.

(6) To make investigations and inspections, to ensure compliance with *the conditions* of any certificates, *land-disturbance approvals*, standards, policies, rules, regulations, rulings, and ~~special orders~~ *which that* it may adopt, issue, or establish, and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance. In recognition of §§ 32.1-164 and 62.1-44.18, the Board and the State Department of Health shall enter into a memorandum of understanding establishing a common format to consolidate and simplify inspections of sewage treatment plants and coordinate the scheduling of the inspections. The new format shall ensure that all sewage treatment plants are inspected at appropriate intervals in order to protect water quality and public health and at the same time avoid any unnecessary administrative burden on those being inspected.

(7) To adopt rules governing the procedure of the Board with respect to: (a) hearings; (b) the filing of reports; (c) the issuance of certificates and ~~special orders~~; and (d) all other matters relating to procedure; and to amend or cancel any rule adopted. Public notice of every rule adopted under this section shall be by such means as the Board may prescribe.

(8a) Except as otherwise provided in ~~Articles 2.4 (§ 62.1-44.15:51 et seq.) and 2.5 (§ 62.1-44.15:67 et seq.)~~ *subdivision (19) and Article 2.3 (§ 62.1-44.15:24 et seq.),* to issue special orders to owners ~~(i), including owners as defined in § 62.1-44.15:24,~~ who (i) are permitting or causing the pollution, as defined by § 62.1-44.3, of state waters *or the unreasonable degradation of property* to cease and desist from such pollution *or degradation*, (ii) ~~who~~ have failed to construct facilities in accordance with final approved plans and specifications to construct such facilities in accordance with final approved plans and specifications, (iii) ~~who~~ have violated the terms and provisions of a certificate *or land-disturbance approval* issued by the Board to comply with such terms and provisions, (iv) ~~who~~ have failed to comply with a directive from the Board to comply with such directive, (v) ~~who~~ have contravened duly adopted and promulgated water quality standards and policies to cease and desist from such contravention and to comply with such water quality standards and policies, (vi) ~~who~~ have violated the terms and provisions of a pretreatment permit issued by the Board or by the owner of a publicly owned treatment works to comply with such terms and provisions, or (vii) ~~who~~ have contravened any applicable pretreatment standard or requirement to comply with such standard or requirement; and also to issue such orders to require any owner to comply with the provisions of this chapter and any decision of the Board. Except as otherwise provided by a separate article, orders issued pursuant to this ~~subsection~~ *subdivision* may include civil penalties of up to \$32,500 per violation, not to exceed \$100,000 per order. The Board may assess penalties under this ~~subsection~~ *subdivision* if (a) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site, (b) such violations have not been resolved by demonstration that there was no violation, by an order issued by the Board or the Director, or by other means, (c) at least 130 days have passed since the issuance of the first notice of alleged violation, and (d) there is a finding that such violations have occurred after a hearing conducted in accordance with subdivision (8b). The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The Board shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this ~~subsection~~ *subdivision*. The issuance of a notice of alleged violation by the Department shall not be considered a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact finding from the Department on whether or not a violation has occurred, and nothing in this section shall preclude an owner from seeking such a determination. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), except that civil penalties assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or Article 11 (§ 62.1-44.34:14 et seq.) shall be paid into the Virginia Petroleum Storage Tank Fund in accordance with § 62.1-44.34:11, and except that civil penalties assessed for violations of *subdivision (19) or Article 2.3 (§ 62.1-44.15:24 et seq.)* shall be paid into the *Stormwater Local Assistance Fund* in accordance with ~~the provisions of § 62.1-44.15:48~~ *62.1-44.15:29.1*.

(8b) Such special orders are to be issued only after a hearing before a hearing officer appointed by the Supreme Court in accordance with § 2.2-4020 or, if requested by the person, before a quorum of the Board with at least 30 days' notice to the affected owners, of the time, place, and purpose thereof, and they shall become effective not less than 15 days after

service as provided in § 62.1-44.12; provided that if the Board finds that any such owner is grossly affecting or presents an imminent and substantial danger to (i) the public health, safety, or welfare, or the health of animals, fish, or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural, or other reasonable uses, it may issue, without advance notice or hearing, an emergency special order directing the owner to cease such pollution or discharge immediately, and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof to the owner, to affirm, modify, amend, or cancel such emergency special order. If an owner who has been issued such a special order or an emergency special order is not complying with the terms thereof, the Board may proceed in accordance with § 62.1-44.23, and where the order is based on a finding of an imminent and substantial danger, the court shall issue an injunction compelling compliance with the emergency special order pending a hearing by the Board. If an emergency special order requires cessation of a discharge, the Board shall provide an opportunity for a hearing within 48 hours of the issuance of the injunction.

(8c) The provisions of this section notwithstanding, the Board may proceed directly under § 62.1-44.32 for any past violation or violations of any provision of this chapter or any regulation duly promulgated hereunder.

(8d) ~~With~~ *Except as otherwise provided in subdivision (19), subdivision 2 of § 62.1-44.15:25, or § 62.1-44.15:63, with the consent of any owner who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any condition of a certificate, land-disturbance approval, or permit, or any provision of this chapter, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums not to exceed the limit specified in subsection (a) of § 62.1-44.32* ~~(a)~~. Such civil charges shall be instead of any appropriate civil penalty which could be imposed under *subsection (a) of § 62.1-44.32* ~~(a)~~ and shall not be subject to the provisions of § 2.2-514. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), excluding civil charges assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or 10 (§ 62.1-44.34:10 et seq.) of Chapter 3.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles, or civil charges assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.); *or 2.5 (§ 62.1-44.15:67 et seq.)*; or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under ~~that article~~ *Article 2.3 or 2.5.*

The amendments to this section adopted by the 1976 Session of the General Assembly shall not be construed as limiting or expanding any cause of action or any other remedy possessed by the Board prior to the effective date of said amendments.

(8e) The Board shall develop and provide an opportunity for public comment on guidelines and procedures that contain specific criteria for calculating the appropriate penalty for each violation based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty.

(8f) Before issuing a special order under subdivision (8a) or by consent under (8d), with or without an assessment of a civil penalty, to an owner of a sewerage system requiring corrective action to prevent or minimize overflows of sewage from such system, the Board shall provide public notice of and reasonable opportunity to comment on the proposed order. Any such order under subdivision (8d) may impose civil penalties in amounts up to the maximum amount authorized in § 309(g) of the Clean Water Act. Any person who comments on the proposed order shall be given notice of any hearing to be held on the terms of the order. In any hearing held, such person shall have a reasonable opportunity to be heard and to present evidence. If no hearing is held before issuance of an order under subdivision (8d), any person who commented on the proposed order may file a petition, within 30 days after the issuance of such order, requesting the Board to set aside such order and provide a formal hearing thereon. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Board shall immediately set aside the order, provide a formal hearing, and make such petitioner a party. If the Board denies the petition, the Board shall provide notice to the petitioner and make available to the public the reasons for such denial, and the petitioner shall have the right to judicial review of such decision under § 62.1-44.29 if he meets the requirements thereof.

(9) To make such rulings under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 as may be required upon requests or applications to the Board, the owner or owners affected to be notified by certified mail as soon as practicable after the Board makes them and such rulings to become effective upon such notification.

(10) To adopt such regulations as it deems necessary to enforce the general *soil erosion control and stormwater management program* and water quality management program of the Board in all or part of the Commonwealth, except that a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable.

(11) To investigate any large-scale killing of fish.

(a) Whenever the Board shall determine that any owner, whether or not he shall have been issued a certificate for discharge of waste, has discharged sewage, industrial waste, or other waste into state waters in such quantity, concentration, or manner that fish are killed as a result thereof, it may effect such settlement with the owner as will cover the costs incurred by the Board and by the Department of Game and Inland Fisheries in investigating such killing of fish, plus the replacement value of the fish destroyed, or as it deems proper, and if no such settlement is reached within a reasonable time, the Board shall authorize its executive secretary to bring a civil action in the name of the Board to recover from the owner such costs and value, plus any court or other legal costs incurred in connection with such action.

(b) If the owner is a political subdivision of the Commonwealth, the action may be brought in any circuit court within the territory embraced by such political subdivision. If the owner is an establishment, as defined in this chapter, the action shall be brought in the circuit court of the city or the circuit court of the county in which such establishment is located. If the owner is an individual or group of individuals, the action shall be brought in the circuit court of the city or circuit court of the county in which such person or any of them reside.

(c) For the purposes of this subsection the State Water Control Board shall be deemed the owner of the fish killed and the proceedings shall be as though the State Water Control Board were the owner of the fish. The fact that the owner has or held a certificate issued under this chapter shall not be raised as a defense in bar to any such action.

(d) The proceeds of any recovery had under this subsection shall, when received by the Board, be applied, first, to reimburse the Board for any expenses incurred in investigating such killing of fish. The balance shall be paid to the Board of Game and Inland Fisheries to be used for the fisheries' management practices as in its judgment will best restore or replace the fisheries' values lost as a result of such discharge of waste, including, where appropriate, replacement of the fish killed with game fish or other appropriate species. Any such funds received are hereby appropriated for that purpose.

(e) Nothing in this subsection shall be construed in any way to limit or prevent any other action which is now authorized by law by the Board against any owner.

(f) Notwithstanding the foregoing, the provisions of this subsection shall not apply to any owner who adds or applies any chemicals or other substances that are recommended or approved by the State Department of Health to state waters in the course of processing or treating such waters for public water supply purposes, except where negligence is shown.

(12) To administer programs of financial assistance for planning, construction, operation, and maintenance of water quality control facilities for political subdivisions in the Commonwealth.

(13) To establish policies and programs for effective area-wide or basin-wide water quality control and management. The Board may develop comprehensive pollution abatement and water quality control plans on an area-wide or basin-wide basis. In conjunction with this, the Board, when considering proposals for waste treatment facilities, is to consider the feasibility of combined or joint treatment facilities and is to ensure that the approval of waste treatment facilities is in accordance with the water quality management and pollution control plan in the watershed or basin as a whole. In making such determinations, the Board is to seek the advice of local, regional, or state planning authorities.

(14) To establish requirements for the treatment of sewage, industrial wastes, and other wastes that are consistent with the purposes of this chapter; however, no treatment shall be less than secondary or its equivalent, unless the owner can demonstrate that a lesser degree of treatment is consistent with the purposes of this chapter.

(15) To promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into waters of the state. The requirements shall address various potential categories of reuse and may include general permits and provide for greater flexibility and less stringent requirements commensurate with the quality of the reclaimed water and its intended use. The requirements shall be developed in consultation with the Department of Health and other appropriate state agencies. This authority shall not be construed as conferring upon the Board any power or duty duplicative of those of the State Board of Health.

(16) To establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources. Regulatory programs shall be designed to achieve no net loss of existing wetland acreage and functions. Voluntary and incentive-based programs shall be developed to achieve a net resource gain in acreage and functions of wetlands. The Board shall seek and obtain advice and guidance from the Virginia Institute of Marine Science in implementing these policies and programs.

(17) To establish additional procedures for obtaining a Virginia Water Protection Permit pursuant to §§ 62.1-44.15:20 and 62.1-44.15:22 for a proposed water withdrawal involving the transfer of water resources between major river basins within the Commonwealth that may impact water basins in another state. Such additional procedures shall not apply to any water withdrawal in existence as of July 1, 2012, except where the expansion of such withdrawal requires a permit under §§ 62.1-44.15:20 and 62.1-44.15:22, in which event such additional procedures may apply to the extent of the expanded withdrawal only. The applicant shall provide as part of the application (i) an analysis of alternatives to such a transfer, (ii) a comprehensive analysis of the impacts that would occur in the source and receiving basins, (iii) a description of measures to mitigate any adverse impacts that may arise, (iv) a description of how notice shall be provided to interested parties, and (v) any other requirements that the Board may adopt that are consistent with the provisions of this section and §§ 62.1-44.15:20 and 62.1-44.15:22 or regulations adopted thereunder. This subdivision shall not be construed as limiting or expanding the Board's authority under §§ 62.1-44.15:20 and 62.1-44.15:22 to issue permits and impose conditions or limitations on the permitted activity.

(18) To be the lead agency for the Commonwealth's nonpoint source pollution management program, including coordination of the nonpoint source control elements of programs developed pursuant to certain state and federal laws, including § 319 of the federal Clean Water Act and § 6217 of the federal Coastal Zone Management Act. Further responsibilities include the adoption of regulations necessary to implement a nonpoint source pollution management program in the Commonwealth, the distribution of assigned funds, the identification and establishment of priorities to address nonpoint source related water quality problems, the administration of the Statewide Nonpoint Source Advisory Committee, and the development of a program for the prevention and control of soil erosion, sediment deposition, and nonagricultural runoff to conserve Virginia's natural resources.

(19) To review for compliance with the provisions of this chapter the Virginia Erosion and Stormwater Management Programs adopted by localities pursuant to § 62.1-44.15:27, the Virginia Erosion and Sediment Control Programs adopted by localities pursuant to subdivision B 3 of § 62.1-44.15:27, and the programs adopted by localities pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The Board shall develop and implement a schedule for conducting such program reviews as often as necessary but at least once every five years. Following the completion of a compliance review in which deficiencies are found, the Board shall establish a schedule for the locality to follow in correcting the deficiencies and bringing its program into compliance. If the locality fails to bring its program into compliance in accordance with the compliance schedule, then the Board is authorized to (i) issue a special order to any locality imposing a civil penalty not to exceed \$5,000 per violation with the maximum amount not to exceed \$50,000 per order for noncompliance with the state program, to be paid into the state treasury and deposited in the Stormwater Local Assistance Fund established in § 62.1-44.15:29.1 or (ii) with the consent of the locality, provide in an order issued against the locality for the payment of civil charges for violations in lieu of civil penalties, in specific sums not to exceed the limit stated in this subdivision. Such civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection (a) of § 62.1-44.32 and shall not be subject to the provisions of § 2.2-514. The Board shall not delegate to the Department its authority to issue special orders pursuant to clause (i). In lieu of issuing an order, the Board is authorized to take legal action against a locality pursuant to § 62.1-44.23 to ensure compliance.

Article 2.3.

Virginia Erosion and Stormwater Management Act (VESMA).

§ 62.1-44.15:24. Definitions.

As used in this article, unless the context requires a different meaning:

"Agreement in lieu of a ~~stormwater management~~ plan" means a contract between the VESMP authority or the Board acting as a VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a ~~VSMP~~ *this article* for the construction of a single-family ~~residence~~ *detached residential structure*; such contract may be executed by the ~~VSMP~~ VESMP authority in lieu of a soil erosion control and stormwater management plan or by the Board acting as a VSMP authority in lieu of a stormwater management plan.

~~"Chesapeake Bay Preservation Act land-disturbing activity" means a land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation provisions of this chapter.~~

"Applicant" means any person submitting a soil erosion control and stormwater management plan to a VESMP authority, or a stormwater management plan to the Board when it is serving as a VSMP authority, for approval in order to obtain authorization to commence a land-disturbing activity.

"CWA" means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-483, and P.L. 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or any shoreline where the erosion results from wave action or other coastal processes.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that ~~potentially changes~~ may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, or ~~excavation~~, except that the term shall not include those exemptions specified in § 62.1-44.15:34 ~~excavating, or filling of land.~~

"Land-disturbance approval" means the same as that term is defined in § 62.1-44.3.

"Municipal separate storm sewer" or "MS4" means a ~~conveyance or system of conveyances~~ otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:

1. Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;
2. Designed or used for collecting or conveying stormwater;
3. That is not a combined sewer; and
4. That is not part of a publicly owned treatment works the same as that term is defined in § 62.1-44.3.

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a state permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations,

and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

"Owner" means the same as that term is defined in § 62.1-44.3. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

"Permit" or "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of state VSMP general permit coverage has been provided where applicable a Virginia Pollutant Discharge Elimination System (VPDES) permit issued by the Board pursuant to § 62.1-44.15 for stormwater discharges from a land-disturbing activity or MS4.

"Permittee" means the person to which whom the permit or state permit is issued.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"State permit" means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations and this article and its attendant regulations.

"Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

"Soil Erosion Control and Stormwater Management plan" or "plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to this article.

"Stormwater," for the purposes of this article, means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of a VSMP.

"Subdivision" means the same as that term is defined in § 15.2-2201.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the Board that is established by a VESCP authority pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The VESCP shall include, where applicable, such items as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of Article 2.4 (§ 62.1-44.15:51 et seq.).

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means a locality that is approved by the Board to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.). Only a locality for which the Department administered a Virginia Stormwater Management Program as of July 1, 2017, is authorized to choose to operate a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.).

"Virginia Erosion and Stormwater Management Program" or "VESMP" means a program established by a VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of this article.

"Virginia Erosion and Stormwater Management Program authority" or "VESMP authority" means the Board or a locality approved by the Board to operate a Virginia Erosion and Stormwater Management Program. For state agency or federal entity land-disturbing activities and land-disturbing activities subject to approved standards and specifications, the Board shall serve as the VESMP authority.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority the Board pursuant to § 62.1-44.15:27.1 on behalf of a locality on or after July 1, 2014, to manage the quality and quantity of runoff resulting from any land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or more of land disturbance.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or the Department. An authority may include a locality; state entity, including the Department; federal entity; or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31, electric, natural gas, and telephone utility companies; interstate and intrastate natural gas pipeline companies; railroad companies; or authorities created pursuant to § 45.2-5102 when administering a VSMP on behalf of a locality that, pursuant to subdivision B 3 of § 62.1-44.15:27, has chosen not to adopt and administer a VESMP.

"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project *technical criteria*" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control nonpoint source pollution.

"Water quantity technical criteria" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

§ 62.1-44.15:25. Further powers and duties of the State Water Control Board.

In addition to other powers and duties conferred upon the Board by this chapter, it shall permit, regulate, and control soil erosion and stormwater runoff in the Commonwealth. The Board may issue, deny, revoke, terminate, or amend state stormwater individual permits or coverage issued under state general permits; adopt regulations; approve and periodically review Virginia Stormwater Management Programs and management programs developed in conjunction with a state municipal separate storm sewer permit; enforce the provisions of this article; and may otherwise act to ensure the general health, safety, and welfare of the citizens of the Commonwealth as well as protect the quality and quantity of state waters from the potential harm of unmanaged stormwater. The Board may and soil erosion. It shall be the duty of the Board and it shall have the authority to:

1. Issue, deny, amend, revoke, terminate, and enforce state permits for the control of stormwater discharges from Municipal Separate Storm Sewer Systems and land-disturbing activities.

2. Take administrative and legal actions to ensure compliance with the provisions of this article by any person subject to state or VSMP authority permit requirements under this article, and those entities with an approved Virginia Stormwater Management Program and management programs developed in conjunction with a state municipal separate storm sewer system permit, including the proper enforcement and implementation of, and continual compliance with, this article.

3. In accordance with procedures of the Administrative Process Act (§ 2-2-4000 et seq.), amend or revoke any state permit issued under this article on the following grounds or for good cause as may be provided by the regulations of the Board:

a. Any person subject to state permit requirements under this article has violated or failed, neglected, or refused to obey any order or regulation of the Board; any order, notice, or requirement of the Department; any condition of a state permit; any provision of this article; or any order of a court, where such violation results in the unreasonable degradation of properties, water quality, stream channels, and other natural resources; or the violation is representative of a pattern of serious or repeated violations; including the disregard for or inability to comply with applicable laws, regulations, permit conditions, orders, rules, or requirements;

b. Any person subject to state permit requirements under this article has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a state permit, or in any other report or document required under this law or under the regulations of the Board;

c. The activity for which the state permit was issued causes unreasonable degradation of properties, water quality, stream channels, and other natural resources; or

d. There exists a material change in the basis on which the state permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge or land-disturbing activity controlled by the state permit necessary to prevent unreasonable degradation of properties, water quality, stream channels, and other natural resources.

4. Cause investigations and inspections to ensure compliance with any state or VSMP authority permits, conditions, policies, rules, regulations, rulings, and orders which it may adopt, issue, or establish and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance.

5. In accordance with procedures of the Administrative Process Act (§ 2-2-4000 et seq.), adopt rules governing (i) hearings; (ii) the filing of reports; (iii) the issuance of permits and special orders; and (iv) all other matters relating to procedure; and amend or cancel any rule adopted.

6. Issue special orders to any person subject to state or VSMP authority permit requirements under this article (i) who is permitting or causing the unreasonable degradation of properties, water quality, stream channels, and other natural resources to cease and desist from such activities; (ii) who has failed to construct facilities in accordance with final approved plans and specifications to construct such facilities; (iii) who has violated the terms and provisions of a state or VSMP authority permit issued by the Board or VSMP authority to comply with the provisions of the state or VSMP authority permit, this article, and any decision of the VSMP authority, the Department, or the Board; or (iv) who has violated the terms of an order issued by the court, the VSMP authority, the Department, or the Board to comply with the

terms of such order, and also to issue orders to require any person subject to state or VSMP authority permit requirements under this article to comply with the provisions of this article and any decision of the Board.

Such special orders are to be issued in accordance with the procedures of the Administrative Process Act (§ 2.2-4000 et seq.) and shall become effective not less than 15 days after the date of mailing with confirmation of delivery of the notice to the last known address of any person subject to state or VSMP authority permit requirements under this article, provided that if the Board finds that any such person subject to state or VSMP authority permit requirements under this article is grossly affecting or presents an imminent and substantial danger to (i) the public health, safety, or welfare or the health of animals; fish, or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural, or other reasonable uses, it may issue, without advance notice or hearing, an emergency special order directing any person subject to state or VSMP authority permit requirements under this article to cease such pollution or discharge immediately, and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof to any person subject to state or VSMP authority permit requirements under this article, to affirm, modify, amend, or cancel such emergency special order. If any person subject to state or VSMP authority permit requirements under this article who has been issued such a special order or an emergency special order is not complying with the terms thereof, the Board may proceed in accordance with § 62.1-44.15:48, and where the order is based on a finding of an imminent and substantial danger, the court shall issue an injunction compelling compliance with the emergency special order pending a hearing by the Board. If an emergency special order requires cessation of a discharge, the recipient of the order may appeal its issuance to the circuit court of the jurisdiction wherein the discharge was alleged to have occurred *special orders pursuant to subdivision (8a) or (8b) of § 62.1-44.15 to any owner subject to requirements under this article, except that for any land-disturbing activity that disturbs an area measuring not less than 10,000 square feet but less than one acre in an area of a locality that is not designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and that is not part of a larger common plan of development or sale that disturbs one acre or more of land, such special orders may include civil penalties of up to \$5,000 per violation, not to exceed \$50,000 per order. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.*

The provisions of this section notwithstanding, the Board may proceed directly under § 62.1-44.15:48 or Article 5 (§ 62.1-44.20 et seq.) for any past violation or violations of any provision of this article or any regulation duly adopted hereunder.

2. With the consent of any person owner subject to state or VSMP authority permit requirements under this article who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the Department or VSMP authority, any condition of a state or VSMP authority permit, or any provision of this article, the Board may provide, in an order issued by the Board pursuant to subdivision (8d) of § 62.1-44.15 against such person owner, for the payment of civil charges for violations in specific sums. Such sums shall not to exceed the limit specified in subsection A subdivision A 1 or B 1, as applicable, of § 62.1-44.15:48. Such civil charges shall be collected in lieu of any appropriate civil penalty that could be imposed pursuant to subsection A of § 62.1-44.15:48 and shall not be subject to the provisions of § 2.2-514. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Stormwater Management Local Assistance Fund established pursuant to § 62.1-44.15:29 62.1-44.15:29.1.

§ 62.1-44.15:25.1. Additional local authority.

Any locality serving as a VESMP authority shall have the authority to:

1. Issue orders in accordance with the procedures of subdivision 10 a of § 15.2-2122 to any owner subject to the requirements of this article. Such orders may include civil penalties in specific sums not to exceed the limit specified in subdivision A 2 or B 2, as applicable, of § 62.1-44.15:48, and such civil penalties shall be paid into the treasury of the locality in accordance with subdivision A 2 of § 62.1-44.15:48. The provisions of this section notwithstanding, the locality may proceed directly under § 62.1-44.15:48 for any past violation or violations of any provision of this article or any ordinance duly adopted hereunder.

2. Issue consent orders with the consent of any person who has violated or failed, neglected, or refused to obey any ordinance adopted pursuant to the provisions of this article, any condition of a locality's land-disturbance approval, or any order of a locality serving as a VESMP authority. Such consent order may provide for the payment of civil charges not to exceed the limits specified in subdivision A 2 or B 2, as applicable, of § 62.1-44.15:48. Such civil charges shall be in lieu of any appropriate civil penalty that could be imposed under this article. Any civil charges collected shall be paid to the treasury of the locality in accordance with subdivision A 2 of § 62.1-44.15:48.

§ 62.1-44.15:27. Virginia Programs for Erosion Control and Stormwater Management.

A. Any locality that operates a regulated MS4 or that notifies the Department of its decision to participate in the establishment of a VSMP administers a Virginia Stormwater Management Program (VSMP) as of July 1, 2017, shall be required to adopt a VSMP for land-disturbing activities and administer a VESMP consistent with the provisions of this article according to a schedule set by the Department. Such schedule shall require implementation no later than July 1, 2014. Thereafter, the Department shall provide an annual schedule by which localities can submit applications to implement a VSMP. Localities subject to this subsection are authorized to coordinate plan review and inspections with other entities in accordance with subsection H. The Department shall operate a VSMP on behalf of any that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a

locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The VESMP shall be adopted according to a process established by the Department.

B. Any locality that does not operate a regulated MS4 and ~~that does not~~ for which the Department administers a VSMP as of July 1, 2017, shall choose one of the following options and shall notify the Department, of its choice according to a ~~schedule set process established by the Department, of its decision to participate in the establishment of a VSMP. A locality that decides not to establish a VSMP shall still comply:~~

1. ~~Adopt and administer a VESMP consistent with the requirements set forth in provisions of this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). A locality that is subject to the provisions of that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.);~~

2. ~~Adopt and administer a VESMP consistent with the provisions of this article that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), except that the Department shall provide the locality with review of the plan required by § 62.1-44.15:34 and provide a recommendation to the locality on the plan's compliance with the water quality and water quantity technical criteria; or~~

3. ~~Adopt and administer a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). For such a land-disturbing activity in a Chesapeake Bay Preservation Area, the VESCP authority also shall adopt requirements set forth in this article and attendant regulations as required to regulate Chesapeake Bay Preservation Act land-disturbing those activities in accordance with § §§ 62.1-44.15:28 and 62.1-44.15:34.~~

~~Notwithstanding any other provision of this subsection, any county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect, on a schedule set by the Department, to defer the implementation of the county's VSMP until no later than January 1, 2015. During this deferral period, when such county thus lacks the legal authority to operate a VSMP, the Department shall operate a VSMP on behalf of the county and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls. Any such county electing to defer the establishment of its VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.).~~

~~B. The Board shall administer a VSMP on behalf of each VESCP authority for any land-disturbing activity that (a) disturbs one acre or more of land or (b) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance.~~

~~C. Any town that is required to or elects to adopt and administer a VESMP or VESCP, as applicable, may choose one of the following options and shall notify the Department of its choice according to a process established by the Department:~~

1. ~~Any town, including a town that operates a regulated MS4, lying within a county that has adopted a VSMP in accordance with subsection A may decide, but shall not be required, may enter into an agreement with the county to become subject to the county's VSMP. Any VESMP. If a town lying lies within a the boundaries of more than one county, it may enter into an agreement with any of those counties that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect a VESMP.~~

2. ~~Any town that chooses not to adopt and administer a VESMP pursuant to subdivision B 3 and that lies within a county may enter into an agreement with the county to become subject to the county's VSMP according to the deferred schedule established in subsection A. During the county's deferral period, the Department shall operate a VSMP on behalf of the town and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls for the town as provided in subsection A VESMP or VESCP, as applicable. If a town lies within the boundaries of more than one county, the town shall be considered to be wholly within the county in which the larger portion of the town lies. Towns shall inform the Department of their decision according to a schedule established by the Department. Thereafter, the Department shall provide an annual schedule by which towns can submit applications to adopt a VSMP it may enter into an agreement with any of those counties.~~

~~3. Any town that is subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may enter into an agreement with a county pursuant to subdivision C 1 or 2 only if the county administers a VESMP for land-disturbing activities that disturb 2,500 square feet or more.~~

~~D. Any locality that chooses not to implement a VESMP pursuant to subdivision B 3 may notify the Department at any time that it has chosen to implement a VESMP pursuant to subdivision B 1 or 2. Any locality that chooses to implement a VESMP pursuant to subdivision B 2 may notify the Department at any time that it has chosen to implement a VESMP pursuant to subdivision B 1. A locality may petition the Board at any time for approval to change from fully administering a VESMP pursuant to subdivision B 1 to administering a VESMP in coordination with the Department pursuant to subdivision B 2 due to a significant change in economic conditions or other fiscal emergency in the locality. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall govern any appeal of the Board's decision.~~

E. In support of VSMP VESMP authorities, the Department shall:

1. Provide assistance grants to localities not currently operating a local stormwater management program to help the localities to establish their VSMP.

2. Provide ~~provide~~ technical assistance and training;

3. Provide qualified services in specified geographic areas to a VSMP to assist localities in the administration of components of their programs. The Department shall actively assist and general assistance to localities in the establishment and administration of their individual or regional programs and in the selection of a contractor or other entity that may provide support to the locality or regional support to several localities.

~~D. F. The Department shall develop a model ordinance for establishing a VSMP VESMP consistent with this article and its associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.~~

E. G. Each locality that administers an approved VSMP that operates a regulated MS4 or that chooses to administer a VESMP shall, by ordinance, establish a VSMP VESMP that shall be administered in conjunction with a local MS4 program and a local erosion and sediment control program if required pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) management program, if applicable, and which shall include the following:

1. Consistency Ordinances, policies, and technical materials consistent with regulations adopted in accordance with provisions of this article;

2. Requirements for land-disturbance approvals;

3. Requirements for plan review, inspection, and enforcement consistent with the requirements of this article, including provisions requiring periodic inspections of the installation of stormwater management measures. A VESMP authority may require monitoring and reports from the person responsible for meeting the permit conditions to ensure compliance with the permit and to determine whether the measures required in the permit provide effective stormwater management;

4. Provisions charging each applicant a reasonable fee to defray the cost of program administration for a regulated land-disturbing activity that does not require permit coverage. Such fee may be in addition to any fee charged pursuant to the statewide fee schedule established in accordance with subdivision 9 of § 62.1-44.15:28, although payment of fees may be consolidated in order to provide greater convenience and efficiency for those responsible for compliance with the program. A VESMP authority shall hold a public hearing prior to establishing such fees. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and the VESMP authority's expense involved;

5. Provisions for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and

~~3. 6. Provisions for the integration of the VSMP with local erosion and sediment control, coordination of the VESMP with flood insurance, flood plain management, and other programs requiring compliance prior to authorizing construction land disturbance in order to make the submission and approval of plans, issuance of permits land-disturbance approvals, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.~~

F. The Board may approve a state entity, including the Department, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 to operate a Virginia Stormwater Management Program consistent with the requirements of this article and its associated regulations and the VSMP authority's Department approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article.

G. The Board shall approve a VSMP when it deems a program consistent with this article and associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

H. A VSMP The Board shall approve a VESMP when it deems a program consistent with this article and associated regulations.

I. A VESMP authority may enter into agreements or contracts with the Department, soil and water conservation districts, adjacent localities, planning district commissions, or other public or private entities to carry out or assist with the responsibilities of this article plan review and inspections.

I. If a locality establishes a VSMP, it shall issue a consolidated stormwater management and erosion and sediment control permit that is consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). When available in accordance with subsection J, such permit, where applicable, shall also include a copy of or reference to state VSMP permit coverage authorization to discharge.

J. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP A VESMP authority shall then be required to obtain evidence of state VSMP permit coverage where it from the Department's online reporting system, where such coverage is required, prior to providing land-disturbance approval to begin land disturbance.

K. Any VSMP adopted pursuant to and consistent with this article shall be considered to meet the stormwater management requirements under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and attendant regulations;

and effective July 1, 2014, shall not be subject to local program review under the stormwater management provisions of the Chesapeake Bay Preservation Act.

~~E.~~ All VSMP authorities shall comply with the provisions of this article and the stormwater management provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and related regulations. The VSMP VESMP authority responsible for regulating the land-disturbing activity shall require compliance with the issued permit, permit its applicable ordinances and the conditions, of its land-disturbance approval and plan specifications. The state Board shall enforce state permits and require compliance with its applicable regulations, including when serving as a VSMP authority in a locality that chose not to adopt a VESMP in accordance with subdivision B 3.

§ 62.1-44.15:27.1. Virginia Stormwater Management Programs administered by the Board.

A. The Board shall administer a Virginia Stormwater Management Program (VSMP) on behalf of any locality that notifies the Department pursuant to subsection B of § 62.1-44.15:27 that it has chosen to not administer a VESMP as provided by subdivision B 3 of § 62.1-44.15:27. In such a locality:

1. The Board shall implement a VSMP in order to manage the quality and quantity of stormwater runoff resulting from any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance, as required by this article.

2. No person shall conduct a land-disturbing activity until he has obtained land-disturbance approval from the VESCP authority and, if required, submitted to the Department an application that includes a permit registration statement and stormwater management plan, and the Department has issued permit coverage.

B. The Board shall adopt regulations establishing specifications for the VSMP, including permit requirements and requirements for plan review, inspection, and enforcement that reflect the analogous stormwater management requirements for a VESMP set forth in applicable provisions of this article.

§ 62.1-44.15:28. Development of regulations.

~~A.~~ The Board is authorized to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met in any VESMP to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources, and that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs VESMPs. The regulations shall:

1. Establish standards and procedures for administering a VSMP VESMP;

2. Establish minimum design criteria for measures to control nonpoint source pollution and localized flooding, and incorporate the stormwater management regulations adopted pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), as they relate to the prevention of stream channel erosion standards of effectiveness of the VESMP and criteria and procedures for reviewing and evaluating its effectiveness. The minimum standards of program effectiveness established by the Board shall provide that (i) no soil erosion control and stormwater management plan shall be approved until it is reviewed by a plan reviewer certified pursuant to § 62.1-44.15:30, (ii) each inspection of a land-disturbing activity shall be conducted by an inspector certified pursuant to § 62.1-44.15:30, and (iii) each VESMP shall contain a program administrator, a plan reviewer, and an inspector, each of whom is certified pursuant to § 62.1-44.15:30 and all of whom may be the same person;

3. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

4. Include any survey of lands and waters as the Board deems appropriate or as any applicable law requires to identify areas, including multijurisdictional and watershed areas, with critical soil erosion and sediment problems;

5. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of soil erosion and sediment resulting from land-disturbing activities;

6. Establish water quality and water quantity technical criteria. These criteria shall be periodically modified as required in order to reflect current engineering methods;

~~3.~~ 7. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;

~~4.~~ 8. Require as a minimum the inclusion in VSMPs VESMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a VSMP VESMP authority shall grant land-disturbing activity land-disturbance approval, the conditions and processes under which such approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;

~~5.~~ 9. Establish by regulations a statewide permit a statewide fee schedule to cover all costs associated with the implementation of a VSMP VESMP related to land-disturbing activities of one acre or greater where permit coverage is required, and for land-disturbing activities where the Board serves as a VESMP authority or VSMP authority. Such fee attributes include the costs associated with plan review, VSMP permit registration statement review, permit issuance, state coverage permit coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for land-disturbing activities between 2,500 square feet and up to one acre in a land-disturbing activity that disturbs

2,500 square feet or more but less than one acre in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) localities. The fee schedule shall be governed by the following:

a. The revenue generated from the statewide stormwater permit fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a VSMP VESMP, no more than 30 percent of the total revenue generated by the statewide stormwater permit fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the VSMP VESMP authority;

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a VSMP VESMP; however, the fees shall be set at a level sufficient for the Department, the Board, and the VSMP VESMP to fully carry out their responsibilities under this article and its attendant regulations and local ordinances or standards and specifications where applicable. When establishing a VSMP, the VSMP VESMP, the VESMP authority shall assess the statewide fee fees pursuant to the schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision 5 a. A VSMP's VESMP's portion of the fees shall be used solely to carry out the VSMP's VESMP's responsibilities under this article and its attendant regulations, associated ordinances, or annual standards and specifications;

c. ~~Until July 1, 2014, the fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the Board, or where the Board has issued an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities for an entity for which it has approved annual standards and specifications, shall be \$750 for each large construction activity with sites or common plans of development equal to or greater than five acres and \$450 for each small construction activity with sites or common plans of development equal to or greater than one acre and less than five acres. On and after July 1, 2014, such fees shall only apply where coverage has been issued under the Board's General Permit for Discharges of Stormwater from Construction Activities to a state agency or federal entity for which it has approved annual standards and specifications. After establishment, such fees may be modified in the future through regulatory actions.~~

d. ~~Until July 1, 2014, the Department is authorized to assess a \$125 reinspection fee for each visit to a project site that was necessary to check on the status of project site items noted to be in noncompliance and documented as such on a prior project inspection.~~

e. In establishing the fee schedule under this subdivision, the Department shall ensure that the VSMP VESMP authority portion of the statewide permit fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a single family single-family detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the VSMP VESMP authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale;

f. d. When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;

6. ~~Establish statewide standards for stormwater management from land-disturbing activities of one acre or greater, except as specified otherwise within this article, and allow for the consolidation in the permit of a comprehensive approach to addressing stormwater management and erosion and sediment control, consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and this article. However, such standards shall also apply to land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;~~

7. ~~Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;~~

8. e. Notwithstanding the other provisions of this subdivision A 5 9, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide permit fee established pursuant to that this subdivision 9 shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;

9. 10. ~~Establish statewide standards for soil erosion control and stormwater management from land-disturbing activities;~~

11. ~~Establish a procedure by which a soil erosion control and stormwater management plan or stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;~~

12. Provide for reciprocity with programs in other states for the certification of proprietary best management practices;

10. 13. Require that VSMPs VESMPs maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the

contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition.

a. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that ~~provides for stormwater management~~ *shall be subject to the water quantity requirements that were in effect pursuant to this article prior to July 1, 2014, shall be deemed to* satisfy the conditions of this subsection if the practices are designed to (i) detain the water ~~quality~~ *volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project* and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition; ~~and. Any land-disturbing activity that complies with these requirements shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;~~

b. ~~Any stream restoration or relocation project that incorporates natural channel design concepts is not a man-made channel and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this article;~~

~~14-~~ 14. Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

~~12-~~ 15. Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

~~13-~~ 16. Establish procedures to be followed when a locality ~~that operates a VSMP wishes to transfer administration of the VSMP to the Department~~ *chooses to change the type of program it administers pursuant to subsection D of § 62.1-44.15:27;*

~~14-~~ 17. Establish a statewide permit fee schedule for stormwater management related to ~~municipal separate storm sewer system MS4~~ *permits*; and

~~15-~~ 18. Provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

~~B. The Board may integrate and consolidate components of the regulations implementing the Erosion and Sediment Control program and the Chesapeake Bay Preservation Area Designation and Management program with the regulations governing the Virginia Stormwater Management Program (VSMP) Permit program or repeal components so that these programs may be implemented in a consolidated manner that provides greater consistency, understanding, and efficiency for those regulated by and administering a VSMP.~~

§ 62.1-44.15:29. Virginia Stormwater Management Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Stormwater Management Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys collected by the Department pursuant to §§ § 62.1-44.15:28, ~~62.1-44.15:38, and 62.1-44.15:71~~ *and all civil penalties collected pursuant to § 62.1-44.19:22* shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out the Department's responsibilities under this article. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

An accounting of moneys received by and distributed from the Fund shall be kept by the State Comptroller.

§ 62.1-44.15:29.1. Stormwater Local Assistance Fund.

A. *The State Comptroller shall continue in the state treasury the Stormwater Local Assistance Fund (the Fund) established by Chapter 806 of the Acts of Assembly of 2013, which shall be administered by the Department. All civil penalties and civil charges collected by the Board pursuant to §§ § 62.1-44.15:25, 62.1-44.15:48, 62.1-44.15:63, and 62.1-44.15:74, subdivision (19) of § 62.1-44.15, and § 62.1-44.19:22 shall be paid into the state treasury and credited to the Fund, together with such other funds as may be made available to the Fund, which shall also receive bond proceeds from bonds authorized by the General Assembly, sums appropriated to it by the General Assembly, and other grants, gifts, and moneys as may be made available to it from any other source, public or private. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.*

B. *The purpose of the Fund is to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads. Moneys in the Fund shall be used to meet (i) obligations related to the Chesapeake Bay total maximum daily load (TMDL) requirements, (ii) requirements for local impaired stream TMDLs, (iii) water quality measures of the Chesapeake Bay Watershed Implementation Plan, and (iv) water quality requirements related to the permitting of small municipal separate storm sewer systems. The grants shall be used solely for stormwater capital projects, including*

(a) new stormwater best management practices, (b) stormwater best management practice retrofitting or maintenance, (c) stream restoration, (d) low-impact development projects, (e) buffer restoration, (f) pond retrofitting, and (g) wetlands restoration. Such grants shall be made in accordance with eligibility determinations made by the Department pursuant to criteria established by the Board.

C. Moneys in the Fund shall be used solely for the purpose set forth herein and disbursements from it shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

§ 62.1-44.15:30. Training and certification.

A. The Board shall issue ~~certificates of competence~~ *separate or combined certifications* concerning the ~~content and application of~~ specified subject areas of this article and ~~accompanying regulations~~, including program administration, plan review, and project inspection, to ~~personnel of VSMP authorities and to any other persons who have completed training programs or in other ways~~ demonstrated adequate knowledge to the satisfaction of the Board. ~~As part of~~ *The Board also shall issue a Responsible Land Disturber certificate to personnel and contractors who have demonstrated adequate knowledge to the satisfaction of the Board.*

B. ~~The Department shall administer education and training programs authorized pursuant to subsection E of § 62.1-44.15:52; the Department shall develop or certify expanded components to address program administration, plan review, and project inspection elements for specified subject areas of this article and attendant regulations. Reasonable and is authorized to charge persons attending such programs reasonable fees to cover the costs of these additional components may be charged administering the programs.~~

~~B. Effective July 1, 2014, personnel~~ C. Personnel of VSMP or VESMP authorities who are administering programs, reviewing plans, or conducting inspections pursuant to this ~~chapter~~ article shall hold a ~~certificate of competence certification in the appropriate subject area as provided in subsection A. This requirement shall not apply to third-party individuals who prepare and submit plans to a VESMP or VSMP authority.~~

D. ~~The Department shall establish procedures and requirements for issuance and periodic renewal of certifications.~~

E. Professionals registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 shall be deemed to have met the provisions of this section for the purposes of renewals of such certifications.

§ 62.1-44.15:31. Standards and specifications for state agencies, federal entities, and other specified entities.

A. ~~State entities, including the Department of Transportation, and for linear projects set out in subsection B, As an alternative to submitting soil erosion control and stormwater management plans for its land-disturbing activities pursuant to § 62.1-44.15:34, the Virginia Department of Transportation shall, and any other state agency or federal entity may, submit standards and specifications for its conduct of land-disturbing activities for Department of Environmental Quality approval. Approved standards and specifications shall be consistent with this article. The Department of Environmental Quality shall have 60 days after receipt in which to act on any standards and specifications submitted or resubmitted to it for approval.~~

B. ~~As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and federal entities, and authorities created pursuant to § 15.2-5102 may, annually submit a single set of standards and specifications for Department approval that describes describe how land-disturbing activities shall be conducted. Such standards and specifications shall be consistent with the requirements of this article and associated regulations, including the regulations governing the General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities and the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and associated regulations. Each project constructed in accordance with the requirements of this article, its attendant regulations, and where required standards and specifications shall obtain coverage issued under the state general permit prior to land disturbance. The standards may be submitted for the following types of projects:~~

1. Construction, installation, or maintenance of electric transmission and distribution lines, oil or gas transmission and distribution pipelines, communication utility lines, and water and sewer lines; and
2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

~~The Department shall have 60 days after receipt in which to act on any standards and specifications submitted or resubmitted to it for approval. A linear project not included in subdivision 1 or 2, or for which the owner chooses not to submit standards and specifications, shall comply with the requirements of the VESMP or the VESCP and VSMP, as appropriate, in any locality within which the project is located.~~

C. ~~As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34, any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted. The Department shall have 60 days after receipt in which to act on standards and specifications submitted to it or resubmitted to it for approval.~~

D. ~~All standards and specifications submitted to the Department shall be periodically updated according to a schedule to be established by the Department and shall be consistent with the requirements of this article. Approval of standards and~~

specifications by the Department does not relieve the owner or operator of the duty to comply with any other applicable local ordinances or regulations. Standards and specifications shall include:

1. Technical criteria to meet the requirements of this article and regulations developed under this article;
2. Provisions for the long-term responsibility and maintenance of any stormwater management control devices and other techniques specified to manage the quantity and quality of runoff;
3. Provisions for ~~erosion and sediment control and stormwater management program~~ administration; ~~of the standards and specifications program, project-specific plan design, plan review and plan approval, and construction inspection and enforcement compliance;~~
4. Provisions for ensuring that ~~responsible~~ personnel and contractors *assisting the owner in carrying out the land-disturbing activity obtain training or qualifications for soil erosion control and stormwater management as set forth in regulations adopted pursuant to this article;*
5. Provisions for ensuring that personnel implementing approved standards and specifications pursuant to this section obtain certifications or qualifications ~~for erosion and sediment control and stormwater management~~ comparable to those required for ~~local government~~ VESMP personnel pursuant to subsection C of § 62.1-44.15:30;
- ~~5-~~ 6. Implementation of a project tracking ~~and notification~~ system *that ensures notification to the Department of all land-disturbing activities covered under this article; and*
- ~~6-~~ 7. Requirements for documenting onsite changes as they occur to ensure compliance with the requirements of ~~the~~ this article.

B. Linear projects subject to annual standards and specifications include:

1. ~~Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and~~
2. ~~Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.~~

Linear projects not included in subdivisions 1 and 2 shall comply with the requirements of the local or state VSMP in the locality within which the project is located.

~~E. E.~~ The Department shall perform random site inspections or inspections in response to a complaint to ~~assure~~ ensure compliance with this article; ~~the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.); and regulations adopted thereunder. The Department may take enforcement actions in accordance with this article and related regulations.~~

~~F. F.~~ The Department shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section, *including standards and specifications review and approval, project inspections, and compliance. The Board may take enforcement actions in accordance with this article and related regulations.*

§ 62.1-44.15:33. Authorization for more stringent ordinances.

A. Localities that are ~~VSMP~~ serving as VESMP authorities are authorized to adopt more stringent *soil erosion control* or stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of ~~a~~ an MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address ~~TMDL~~ total maximum daily load requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held after giving due notice. *This process shall not be required when a VESMP authority chooses to reduce the threshold for regulating land-disturbing activities to a smaller area of disturbed land pursuant to § 62.1-44.15:34. However, this section shall not be construed to authorize a VESMP authority to impose a more stringent timeframe for land-disturbance review and approval than those provided in this article.*

B. Localities that are ~~VSMP~~ serving as VESMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such *stormwater management* ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a ~~VSMP~~ VESMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater

management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local *erosion and sediment control* or stormwater management program in existence before January 1, 2013, 2016, that contains more stringent provisions than this article shall be exempt from the requirements of this section if the locality chooses to retain such provisions when it becomes a VESMP authority. However, such provisions shall be reported to the Board at the time of submission of the locality's VSMP VESMP approval package.

§ 62.1-44.15:34. Regulated activities; submission and approval of a permit application; security for performance; exemptions.

A. A person shall not conduct any land-disturbing activity until (i) he has submitted a permit to the appropriate VESMP authority an application to the VSMP authority that includes a state VSMP permit registration statement, if such statement is required, and, after July 1, 2014, a required, a soil erosion control and stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSMP authority approval to begin land disturbance. A locality that is not a VSMP authority shall provide a general notice to applicants of the state permit coverage requirement and report all approvals pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) to begin land disturbance of one acre or greater to the Department at least monthly. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP authority shall be required to obtain evidence of state VSMP permit coverage where it is required prior to providing approval to begin land disturbance. The VSMP authority shall act on any permit plan, if required, and (ii) the VESMP authority has issued its land-disturbance approval. In addition, as a prerequisite to engaging in an approved land-disturbing activity, the name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 shall be submitted to the VESMP authority. Any VESMP authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure; however, if a violation occurs during the land-disturbing activity for the single-family detached residential structure, then the owner shall correct the violation and provide the name of the individual holding a Responsible Land Disturber certificate as provided by § 62.1-14:30. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided in this article.

1. A VESMP authority that is implementing its program pursuant to subsection A of § 62.1-44.15:27 or subdivision B 1 of § 62.1-44.15:27 shall determine the completeness of any application within 15 days after receipt, and shall act on any application within 60 days after it has been determined by the VSMP VESMP authority to be a complete application. The VSMP authority may either issue project VESMP authority shall issue either land-disturbance approval or denial and shall provide written rationale for the any denial. The VSMP authority shall act on any permit application that has been previously disapproved within 45 days after the application has been revised, resubmitted for approval, and deemed complete. Prior to issuance of any approval, the VSMP Prior to issuing a land-disturbance approval, a VESMP authority shall be required to obtain evidence of permit coverage when such coverage is required. The VESMP authority also shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.

2. A VESMP authority implementing its program in coordination with the Department pursuant to subdivision B 2 of § 62.1-44.15:27 shall determine the completeness of any application within 15 days after receipt, and shall act on any application within 60 days after it has been determined by the VESMP authority to be complete. The VESMP authority shall forward a soil erosion control and stormwater management plan to the Department for review within five days of receipt. If the plan is incomplete, the Department shall return the plan to the locality immediately and the application process shall

start over. If the plan is complete, the Department shall review it for compliance with the water quality and water quantity technical criteria and provide its recommendation to the VESMP authority. The VESMP authority shall either (i) issue the land-disturbance approval or (ii) issue a denial and provide a written rationale for the denial. In no case shall a locality have more than 60 days for its decision on an application after it has been determined to be complete. Prior to issuing a land-disturbance approval, a VESMP authority shall be required to obtain evidence of permit coverage when such coverage is required.

The VESMP authority also shall forward to the Department any resubmittal of a previously disapproved application within five days after receipt, and the VESMP authority shall determine whether the plan is complete within 15 days of its receipt of the plan. The Department shall review the plan for compliance with the water quality and water quantity technical criteria and provide its recommendation to the VESMP authority, and the VESMP authority shall act on the resubmitted application within 45 days after receipt.

3. When a state agency or federal entity submits a soil erosion control and stormwater management plan for a project, land disturbance shall not commence until the Board has reviewed and approved the plan and has issued permit coverage when it is required.

a. The Board shall not approve a soil erosion control and stormwater management plan submitted by a state agency or federal entity for a project involving a land-disturbing activity (i) in any locality that has not adopted a local program with more stringent ordinances than those of the state program or (ii) in multiple jurisdictions with separate local programs, unless the plan is consistent with the requirements of the state program.

b. The Board shall not approve a soil erosion control and stormwater management plan submitted by a state agency or federal entity for a project involving a land-disturbing activity in one locality with a local program with more stringent ordinances than those of the state program, unless the plan is consistent with the requirements of the local program.

c. If onsite changes occur, the state agency or federal entity shall submit an amended soil erosion control and stormwater management plan to the Department.

d. The state agency or federal entity responsible for the land-disturbing activity shall ensure compliance with the approved plan. As necessary, the Board shall provide project oversight and enforcement.

4. Prior to issuance of any land-disturbance approval, the VESMP authority may also require an applicant, excluding state agencies and federal entities, to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the VESMP authority, to ensure that measures could be taken by the VESMP authority at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions that may be required of him by the permit conditions comply with the conditions imposed by the VESMP authority as a result of his land-disturbing activity. If the VESMP authority takes such action upon such failure by the applicant, the VESMP authority may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the completion of the requirements of the permit VESMP authority's conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated. These requirements are in addition to all other provisions of law relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.

B. A Chesapeake Bay Preservation Act Land-Disturbing Activity shall be subject to coverage under the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities until July 1, 2014, at which time it shall no longer be considered a small construction activity but shall be then regulated under the requirements of this article. The VESMP authority may require changes to an approved soil erosion control and stormwater management plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or

2. Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the VESMP authority and the owner.

C. In order to prevent further erosion, a VESMP authority may require approval of a soil erosion control and stormwater management plan for any land identified as an erosion impact area by the VESMP authority.

D. A VESMP authority may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of the administrative procedures. Should adjacent VESMP authorities fail to reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.

E. The following requirements shall apply to land-disturbing activities in the Commonwealth:

1. Any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance may, in accordance with regulations adopted by the Board, be required to obtain permit coverage.

2. For a land-disturbing activity occurring in an area not designated as a Chesapeake Bay Preservation Area subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.):

a. Soil erosion control requirements and water quantity technical criteria adopted pursuant to this article shall apply to any activity that disturbs 10,000 square feet or more, although the locality may reduce this regulatory threshold to a smaller area of disturbed land. A plan addressing these requirements shall be submitted to the VESMP authority in

accordance with subsection A. This subdivision shall also apply to additions or modifications to existing single-family detached residential structures.

b. Soil erosion control requirements and water quantity and water quality technical criteria shall apply to any activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance, although the locality may reduce this regulatory threshold to a smaller area of disturbed land. A plan addressing these requirements shall be submitted to the VESMP authority in accordance with subsection A.

3. For a land-disturbing activity occurring in an area designated as a Chesapeake Bay Preservation Area subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.):

a. Soil erosion control and water quantity and water quality technical criteria shall apply to any land-disturbing activity that disturbs 2,500 square feet or more of land, other than a single-family detached residential structure. However, the governing body of any affected locality may reduce this regulatory threshold to a smaller area of disturbed land. A plan addressing these requirements shall be submitted to the VESMP authority in accordance with subsection A.

b. For land-disturbing activities for single-family detached residential structures, soil erosion control and water quantity technical criteria shall apply to any land-disturbing activity that disturbs 2,500 square feet or more of land, and the locality also may require compliance with the water quality technical criteria. A plan addressing these requirements shall be submitted to the VESMP authority in accordance with subsection A.

~~C~~ F. Notwithstanding any other provisions of this article, the following activities are ~~exempt~~, not required to comply with the requirements of this article unless otherwise required by federal law:

1. Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;

2. Installation, maintenance, or repair of any individual service connection;

3. Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;

4. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted ~~under the provisions of~~ pursuant to Title 45.1;

~~2~~ 6. Clearing of lands specifically for *bona fide* agricultural purposes ~~and~~; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; ~~or as additionally set forth by the Board in regulations, including~~; agricultural engineering operations ~~as follows~~, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; ~~however or as additionally set forth by the Board in regulations~~. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;

~~3~~ 7. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. However, localities subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may regulate these single-family residences where land disturbance exceeds 2,500 square feet;

~~4~~ 8. Land-disturbing activities that disturb less than one acre of land area except for land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, the governing body of any locality that administers a VESMP may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;

~~5~~ 7. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

8. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto;

9. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;

10. Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity; and

11. Discharges to a sanitary sewer or a combined sewer system; that are not from a land-disturbing activity.

G. Notwithstanding any other provision of this article, the following activities are required to comply with the soil erosion control requirements but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:

~~6. 1. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;~~

~~7. 2. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and~~

~~8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity; and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity~~

~~3. Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer system.~~

§ 62.1-44.15:35. Nutrient credit use and additional offsite options for construction activities.

A. As used in this section:

"Nutrient credit" or "credit" means a *type of offsite option that is a nutrient credit certified pursuant to Article 4.02 (§ 62.1-44.19:12 et seq.).*

"Offsite option" means an alternative available, away from the real property where land disturbance is occurring, to address water quality or water quantity technical criteria established pursuant to § 62.1-44.15:28.

"Tributary," within the Chesapeake Bay watershed, has the same meaning as in § 62.1-44.19:13. For areas outside of the Chesapeake Bay watershed, "tributary" includes the following watersheds: Albemarle Sound, Coastal; Atlantic Ocean, Coastal; Big Sandy; Chowan; Clinch-Powell; New Holston (Upper Tennessee); New River; Roanoke; and Yadkin.

"Virginia Stormwater Management Program Authority" or "VSMP authority" has the same meaning as in § 62.1-44.15:24 and includes, until July 1, 2014, any locality that has adopted a local stormwater management program.

~~B. A VSMP authority is authorized to allow compliance with stormwater nonpoint nutrient runoff water quality criteria established pursuant to § 62.1-44.15:28, in whole or in part, through the use of the applicant's acquisition of nutrient credits in the same tributary.~~

~~C. No applicant shall use nutrient credits to address water quantity control requirements. No applicant shall use nutrient credits or other offsite options. No offsite option shall be used in contravention of local water quality-based limitations (i) determined pursuant to subsection B of § 62.1-44.19:14, (ii) adopted pursuant to § 62.1-44.15:33 or other applicable authority, (iii) deemed necessary to protect public water supplies from demonstrated adverse nutrient impacts, or (iv) as otherwise may be established or approved by the Board. Where such a limitation exists, offsite options may be used provided that such options do not preclude or impair compliance with the local limitation.~~

~~D. A VSMP authority shall allow offsite options in accordance with subsection C. Unless prohibited by subsection B, a VESMP authority or a VSMP authority:~~

~~1. May allow the use of offsite options for compliance with water quality and water quantity technical criteria established pursuant to § 62.1-44.15:28, in whole or in part; and~~

~~2. Shall allow the use of nutrient credits for compliance with the water quality technical criteria when:~~

~~1. a. Less than five acres of land will be disturbed;~~

~~2. The postconstruction phosphorous control b. The phosphorous water quality reduction requirement is less than 10 pounds per year; or~~

~~3. The state permit applicant demonstrates c. It is demonstrated to the satisfaction of the VESMP or VSMP authority that (i) alternative site designs have been considered that may accommodate onsite best management practices, (ii) onsite best management practices have been considered in alternative site designs to the maximum extent practicable, (iii) appropriate onsite best management practices will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements water quality technical criteria cannot practicably be met onsite. For purposes of this subdivision, if an applicant demonstrates The requirements of clauses (i) through (iv) shall be deemed to have been met if it is demonstrated that onsite control of at least 75 percent of the required phosphorous nutrient reductions; the applicant shall be deemed to have met the requirements of clauses (i) through (iv) water quality reduction will be achieved.~~

~~E. Documentation of the applicant's acquisition of nutrient credits shall be provided to the VSMP authority and the Department in a certification from the credit provider documenting the number of phosphorus nutrient credits acquired and the associated ratio of nitrogen nutrient credits at the credit-generating entity. Until the effective date of regulations establishing application fees in accordance with § 62.1-44.19:20, the credit provider shall pay the Department a water quality enhancement fee equal to six percent of the amount paid by the applicant for the credits. Such fee shall be deposited into the Virginia Stormwater Management Fund established by § 62.1-44.15:29.~~

~~F. Nutrient credits used pursuant to subsection B shall be generated in the same or adjacent eight-digit hydrologic unit code as defined by the United States Geological Survey as the permitted site except as otherwise limited in subsection C. Nutrient credits outside the same or adjacent eight-digit hydrologic unit code may only be used if it is determined by the VSMP authority that no credits are available within the same or adjacent eight-digit hydrologic unit code when the VSMP~~

authority accepts the final site design. In such cases, and subject to other limitations imposed in this section, credits available within the same tributary may be used. In no case shall credits from another tributary be used.

~~G.~~ For that portion of a site's compliance with stormwater nonpoint nutrient runoff water quality criteria being obtained through nutrient credits, the applicant shall (i) comply with a 1:1 ratio of the nutrient credits to the site's remaining postdevelopment nonpoint nutrient runoff compliance requirement being met by credit use and (ii) use credits certified as perpetual credits pursuant to Article 4.02 (§ 62.1-44.19:12 et seq.).

~~H.~~ D. No VSMP or VESMP authority may grant an exception to, or waiver of, ~~postdevelopment~~ *post-development* nonpoint nutrient runoff compliance requirements unless offsite options have been considered and found not available.

~~I.~~ E. The VSMP or VESMP authority shall require that ~~nutrient credits and other~~ offsite options approved by the Department or applicable state board, ~~including locality pollutant loading pro rata share programs established pursuant to § 15.2-2243,~~ achieve the necessary ~~nutrient phosphorous water quality~~ reductions prior to the commencement of the applicant's land-disturbing activity. A pollutant loading pro rata share program established by a locality pursuant to § 15.2-2243 and approved by the Department or applicable state board prior to January 1, 2011, including those that may achieve nutrient reductions after the commencement of the land-disturbing activity, may continue to operate in the approved manner for a transition period ending July 1, 2014. ~~The applicant~~ *In the case of a phased project, the land disturber may acquire or achieve the offsite nutrient reductions prior to the commencement of each phase of the land-disturbing activity in an amount sufficient for each such phase. The land disturber shall have the right to select between the use of nutrient credits or other offsite options, except during the transition period in those localities to which the transition period applies. The locality may use funds collected for nutrient reductions pursuant to a locality pollutant loading pro rata share program under § 15.2-2243 for nutrient reductions in the same tributary within the same locality as the land-disturbing activity or for the acquisition of nutrient credits. In the case of a phased project, the applicant may acquire or achieve the offsite nutrient reductions prior to the commencement of each phase of the land-disturbing activity in an amount sufficient for each such phase.*

~~J.~~ Nutrient reductions obtained through nutrient credits shall be credited toward compliance with any nutrient allocation assigned to a municipal separate storm sewer system in a Virginia Stormwater Management Program Permit or Total Maximum Daily Load applicable to the location where the activity for which the nutrient credits are used takes place. ~~If the activity for which the nutrient credits are used does not discharge to a municipal separate storm sewer system, the nutrient reductions shall be credited toward compliance with the applicable nutrient allocation.~~

~~K.~~ F. With the consent of the land disturber, in resolving enforcement actions, the VESMP authority or the Board may include the use of offsite options to compensate for (i) nutrient control deficiencies occurring during the period of noncompliance and (ii) permanent nutrient control deficiencies.

~~G.~~ This section shall not be construed as limiting the authority established under § 15.2-2243; however, under any pollutant loading pro rata share program established thereunder, the subdivider or developer shall be given appropriate credit for nutrient reductions achieved through offsite options. The locality may use funds collected for nutrient reductions pursuant to a locality pollutant loading pro rata share program for nutrient reductions in the same tributary within the same locality as the land-disturbing activity, or for the acquisition of nutrient credits.

~~H.~~ Nutrient credits shall not be used to address water quantity technical criteria. Nutrient credits shall be generated in the same or adjacent fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, as the land-disturbing activity. If no credits are available within these subbasins when the VESMP or VSMP authority accepts the final site design, credits available within the same tributary may be used. The following requirements apply to the use of nutrient credits:

1. Documentation of the acquisition of nutrient credits shall be provided to the VESMP authority and the Department or the VSMP authority in a certification from the credit provider documenting the number of phosphorus nutrient credits acquired and the associated ratio of nitrogen nutrient credits at the credit-generating entity.

2. Until the effective date of regulations establishing application fees in accordance with § 62.1-44.19:20, the credit provider shall pay the Department a water quality enhancement fee equal to six percent of the amount paid for the credits. Such fee shall be deposited into the Virginia Stormwater Management Fund established by § 62.1-44.15:29.

3. For that portion of a site's compliance with water quality technical criteria being obtained through nutrient credits, the land disturber shall (i) comply with a 1:1 ratio of the nutrient credits to the site's remaining post-development nonpoint nutrient runoff compliance requirement being met by credit use and (ii) use credits certified as perpetual credits pursuant to Article 4.02 (§ 62.1-44.19:12 et seq.).

4. A VESMP or VSMP authority shall allow the full or partial substitution of perpetual nutrient credits for existing onsite nutrient controls when (i) the nutrient credits will compensate for 10 or fewer pounds of the annual phosphorous requirement associated with the original land-disturbing activity or (ii) existing onsite controls are not functioning as anticipated after reasonable attempts to comply with applicable maintenance agreements or requirements and the use of nutrient credits will account for the deficiency. Upon determination by the VESMP or VSMP authority that the conditions established by clause (i) or (ii) have been met, the party responsible for maintenance shall be released from maintenance obligations related to the onsite phosphorous controls for which the nutrient credits are substituted.

~~L.~~ To the extent available, with the consent of the applicant, the VSMP authority, the Board or the Department may include the use of nutrient credits or other offsite measures in resolving enforcement actions to compensate for (i) nutrient control deficiencies occurring during the period of noncompliance and (ii) permanent nutrient control deficiencies.

M. This section shall not be construed as limiting the authority established under § 15.2-2243; however, under any pollutant loading pro rata share program established thereunder, the subdivider or developer shall be given appropriate credit for nutrient reductions achieved through nutrient credits or other offsite options.

N. In order to properly account for allowed nonpoint nutrient offsite reductions, an applicant shall report to the Department, in accordance with Department procedures, information regarding all offsite reductions that have been authorized to meet stormwater postdevelopment nonpoint nutrient runoff compliance requirements.

O. An applicant or a permittee found to be in noncompliance with the requirements of this section shall be subject to the enforcement and penalty provisions of this article.

1. The use of nutrient credits to meet post-construction nutrient control requirements shall be accounted for in the implementation of total maximum daily loads and MS4 permits as specified in subdivisions 1, 2, and 3. In order to ensure that the nutrient reduction benefits of nutrient credits used to meet post-construction nutrient control requirements are attributed to the location of the land-disturbing activity where the credit is used, the following account method shall be used:

1. Chesapeake Bay TMDL.

a. Where nutrient credits are used to meet nutrient reduction requirements applicable to redevelopment projects, a 1:1 credit shall be applied toward MS4 compliance with the Chesapeake Bay TMDL waste load allocation or related MS4 permit requirement applicable to the MS4 service area, including the site of the land-disturbing activity, such that the nutrient reductions of redevelopment projects are counted as part of the MS4 nutrient reductions to the same extent as when land-disturbing activities use onsite measures to comply.

b. Where nutrient credits are used to meet post-construction requirements applicable to new development projects, the nutrient reduction benefits represented by such credits shall be attributed to the location of the land-disturbing activity where the credit is used to the same extent as when land-disturbing activities use onsite measures to comply.

c. A 1:1 credit shall be applied toward compliance by a locality that operates a regulated MS4 with its Chesapeake Bay TMDL waste load allocation or related MS4 permit requirement to the extent that nutrient credits are obtained by the MS4 jurisdiction from a nutrient credit-generating entity as defined in § 62.1-44.19:13 independent of or in excess of those required to meet the post-construction requirements.

2. Local nutrient-related TMDLs adopted prior to the land-disturbing activity.

a. Where nutrient credits are used to meet nutrient reduction requirements applicable to redevelopment projects, a 1:1 credit shall be applied toward MS4 compliance with any local TMDL waste load allocation or related MS4 permit requirement applicable to the MS4 service area, including the site of the land-disturbing activity, such that the nutrient reductions of redevelopment projects are counted as part of the MS4 nutrient reductions to the same extent as when land-disturbing activities use onsite measures to comply, provided the nutrient credits are generated upstream of where the land-disturbing activity discharges to the water body segment that is subject to the TMDL.

b. Where nutrient credits are used to meet post-construction requirements applicable to new development projects, the nutrient reduction benefits represented by such credits shall be attributed to the location of the land-disturbing activity where the credit is used to the same extent as when land-disturbing activities use onsite measures to comply, provided the nutrient credits are generated upstream of where the land-disturbing activity discharges to the water body segment that is subject to the TMDL.

c. A 1:1 credit shall be applied toward MS4 compliance with any local TMDL waste load allocation or related MS4 permit requirement to the extent that nutrient credits are obtained by the MS4 jurisdiction from a nutrient credit-generating entity as defined in § 62.1-44.19:13 independent of or in excess of those required to meet the post-construction requirements. However, such credits shall be generated upstream of where the land-disturbing activity discharges to the water body segment that is subject to the TMDL.

3. Future local nutrient-related TMDLs.

This subdivision applies only to areas where there has been a documented prior use of nutrient credits to meet nutrient control requirements in an MS4 service area that flows to or is upstream of a water body segment for which a nutrient-related TMDL is being developed. For a TMDL waste load allocation applicable to the MS4, the Board shall develop the TMDL waste load allocation with the nutrient reduction benefits represented by the nutrient credit use being attributed to the MS4, except when the Board determines during the TMDL development process that reasonable assurance of implementation cannot be provided for nonpoint source load allocations due to the nutrient reduction benefits being attributed in this manner. The Board shall have no obligation to account for nutrient reduction benefits in this manner if the MS4 does not provide the Board with adequate documentation of (i) the location of the land-disturbing activities, (ii) the number of nutrient credits, and (iii) the generation of the nutrient credits upstream of the site at which the land-disturbing activity discharges to the water body segment addressed by the TMDL. Such attribution shall not be interpreted as amending the requirement that the TMDL be established at a level necessary to meet the applicable water quality standard.

§ 62.1-44.15:37. Notices to comply and stop work orders.

A. The VSMP authority (i) shall provide for periodic inspections of the installation of stormwater management measures; (ii) may require monitoring and reports from the person responsible for meeting the permit conditions to ensure compliance with the permit and to determine whether the measures required in the permit provide effective stormwater management; and (iii) shall conduct such investigations and perform such other actions as are necessary to carry out the provisions of this article. If the VSMP authority, where authorized to enforce this article, or the Department When the

~~VESMP authority or the Board determines that there is a failure to comply with the permit conditions, notice shall be served upon the permittee or person responsible for carrying out the permit conditions or conditions of land-disturbance approval, or to obtain an approved plan, permit, or land-disturbance approval prior to commencing land-disturbing activities, the VESMP authority or the Board may serve a notice to comply upon the owner, permittee, or person conducting land-disturbing activities without an approved plan, permit, or approval. Such notice to comply shall be served by delivery by facsimile, email, or other technology; by mailing with confirmation of delivery to the address specified in the permit or land-disturbance application, if available, or in the land records of the locality; or by delivery at the site of the development activities to the agent or employee supervising such activities to a person previously identified to the VESMP authority by the permittee or owner. The notice to comply shall specify the measures needed to comply with the permit conditions and shall specify the or land-disturbance approval conditions, or shall identify the plan approval or permit or land-disturbance approval needed to comply with this article, and shall specify a reasonable time within which such measures shall be completed. In any instance in which a required permit or land-disturbance approval has not been obtained, the VESMP authority or the Board may require immediate compliance. In any other case, the VESMP authority or the Board may establish the time for compliance by taking into account the risk of damage to natural resources and other relevant factors. Notwithstanding any other provision in this subsection, a VESMP authority or the Board may count any days of noncompliance as days of violation should the VESMP authority or the Board take an enforcement action. The issuance of a notice to comply by the Board shall not be considered a case decision as defined in § 2.2-4001.~~

~~B. Upon failure to comply within the time specified; a stop work order may be issued in accordance with subsection B by the VSMP authority, where authorized to enforce this article, or by the Board; or the permit may be revoked by the VSMP authority, or the state permit may be revoked by the Board. The Board or the VSMP authority, where authorized to enforce this article, may pursue enforcement in accordance with § 62.1-44.15:48:~~

~~B. If a permittee fails to comply with a notice issued in accordance with subsection A within the time specified, the VSMP authority, where authorized to enforce this article, or the Department may issue an in a notice to comply issued in accordance with subsection A, a locality serving as the VESMP authority or the Board may issue a stop work order requiring the owner, permittee, person responsible for carrying out an approved plan, or person conducting the land-disturbing activities without an approved plan or required permit or land-disturbance approval to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits and approvals are obtained, and specified corrective measures have been completed. The VESMP authority or the Board shall lift the order immediately upon completion and approval of corrective action or upon obtaining an approved plan or any required permits or approvals.~~

~~Such orders shall be issued (i) in accordance with local procedures if issued by a locality serving as a VSMP authority or (ii) after a hearing held in accordance with the requirements C. When such an order is issued by the Board, it shall be issued in accordance with the procedures of the Administrative Process Act (§ 2.2-4000 et seq.) if issued by the Department. Such orders shall become effective upon service on the person in the manner set forth in subsection A. However, where the alleged noncompliance is causing or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, the locality serving as the VESMP authority or the Board may issue, without advance notice or procedures, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.~~

~~D. The owner, permittee, or person conducting a land-disturbing activity may appeal the issuance of any order to the circuit court of the jurisdiction wherein the violation was alleged to occur or other appropriate court.~~

~~E. An aggrieved owner of property sustaining pecuniary damage from soil erosion or sediment deposition resulting from a violation of an approved plan or required land-disturbance approval, or from the conduct of a land-disturbing activity commenced without an approved plan or required land-disturbance approval, may give written notice of an alleged violation to the locality serving as the VESMP authority and to the Board.~~

~~1. If the VESMP authority has not responded to the alleged violation in a manner that causes the violation to cease and abates the damage to the aggrieved owner's property within 30 days following receipt of the notice from the aggrieved owner, the aggrieved owner may request that the Board conduct an investigation and, if necessary, require the violator to stop the alleged violation and abate the damage to the property of the aggrieved owner.~~

~~2. Upon receipt of the request, the Board shall conduct an investigation of the aggrieved owner's complaint. If the Board's investigation of the complaint indicates that (i) there is a violation and the VESMP authority has not responded to the violation as required by the VESMP and (ii) the VESMP authority has not responded to the alleged violation in a manner that causes the violation to cease and abates the damage to the aggrieved owner's property within 30 days from receipt of the notice from the aggrieved owner, then the Board shall give written notice to the VESMP authority that the Board intends to issue an order pursuant to subdivision 3.~~

~~3. If the VESMP authority has not instituted action to stop the violation and abate the damage to the aggrieved owner's property within 10 days following receipt of the notice from the Board, the Board is authorized to issue an order requiring the owner, person responsible for carrying out an approved plan, or person conducting the land-disturbing activity without an approved plan or required land-disturbance approval to cease all land-disturbing activities until the violation of the plan~~

has ceased or an approved plan and required land-disturbance approval are obtained, as appropriate, and specified corrective measures have been completed. The Board also may immediately initiate a program review of the VESMP.

4. Such orders are to be issued in accordance with the procedures of the Administrative Process Act (§ 2.2-4000 et seq.) and they shall become effective upon service on the person by mailing, with confirmation of delivery, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the ~~VSM~~ authority or ~~Department~~ Board. Any subsequent identical mail or notice that is sent by the Board may be sent by regular mail. However, if the ~~VSM~~ authority or the ~~Department~~ Board finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site immediately and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.

5. If a person who has been issued an order or an emergency order is not complying with the terms thereof, the ~~VSM~~ authority or the ~~Department~~ Board may institute a proceeding in accordance with § 62.1-44.15:42 the appropriate circuit court for an injunction, mandamus, or other appropriate remedy compelling the person to comply with such order. Any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty in accordance with the provisions of § 62.1-44.15:48. Any civil penalties assessed by a court shall be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.

§ 62.1-44.15:39. Right of entry.

The ~~Department, the VSM~~ authority, where authorized to enforce this article, any duly authorized agent of the ~~Department or VSM~~ authority, or any locality that is the operator of a regulated municipal separate storm sewer system In addition to the Board's authority set forth in § 62.1-44.20, a locality serving as a VESMP authority or any duly authorized agent thereof may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article. For operators of localities that operate regulated municipal separate storm sewer systems, this authority shall apply only to those properties from which a discharge enters their municipal separate storm sewer systems.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, a ~~VSM~~ VESMP authority may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by the permit conditions associated with conditions imposed by the VESMP authority on a land-disturbing activity when a permittee an owner, after proper notice, has failed to take acceptable action within the time specified.

§ 62.1-44.15:40. Information to be furnished.

The Board, the Department, or the ~~VSM~~ authority, where authorized to enforce this article, may require every permit applicant, every permittee, or any person subject to state permit requirements under this article a locality serving as a VESMP authority may require every owner, including every applicant for a permit or land-disturbance approval, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this article. The Board or Department also may require any locality that is a VESMP authority to furnish when requested any information as may be required to accomplish the purposes of this article. Any personal information shall not be disclosed except to an appropriate official of the Board, Department, U.S. Environmental Protection Agency, or ~~VSM~~ VESMP authority or as may be authorized pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, disclosure of records of the Department, the Board, or the ~~VSM~~ VESMP authority relating to (i) active federal environmental enforcement actions that are considered confidential under federal law, (ii) enforcement strategies, including proposed sanctions for enforcement actions, and (iii) any secret formulae, secret processes, or secret methods other than effluent data used by any permittee owner or under that permittee's owner's direction is prohibited. Upon request, such enforcement records shall be disclosed after a proposed sanction resulting from the investigation has been determined by the ~~Department, the Board, or the VSM~~ locality serving as a VESMP authority. This section shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any land-disturbing activity that may have occurred, or similar documents.

§ 62.1-44.15:41. Liability of common interest communities.

A. Whenever a common interest community cedes responsibility for the maintenance, repair, and replacement of a stormwater management facility on its real property to the Commonwealth or political subdivision thereof, such common interest community shall be immune from civil liability in relation to such stormwater management facility. In order for the immunity established by this subsection to apply, (i) the common interest community must cede such responsibility by contract or other instrument executed by both parties and (ii) the Commonwealth or the governing body of the political subdivision shall have accepted the responsibility ceded by the common interest community in writing or by resolution. As used in this section, maintenance, repair, and replacement shall include, without limitation, cleaning of the facility, maintenance of adjacent grounds that are part of the facility, maintenance and replacement of fencing where the facility is fenced, and posting of signage indicating the identity of the governmental entity that maintains the facility. Acceptance or

approval of an easement, subdivision plat, site plan, or other plan of development shall not constitute the acceptance by the Commonwealth or the governing body of the political subdivision required to satisfy clause (ii). The immunity granted by this section shall not apply to actions or omissions by the common interest community constituting intentional or willful misconduct or gross negligence. For the purposes of this section, "common interest community" means the same as that term is defined in § 55-528.

~~B. Except as provided in subsection A, the fact that any permittee holds or has held a permit or state permit issued under this article shall not constitute a defense in any civil action involving private rights.~~

§ 62.1-44.15:46. Appeals.

~~Any permittee or party aggrieved by a state permit or (i) a permit or permit enforcement decision of the Department or Board under this article or (ii) a decision of the Board under this article concerning a land-disturbing activity in a locality subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), or any person who has participated, in person or by submittal of written comments, in the public comment process related to a final decision of the Department or Board under this article, whether such decision is affirmative or negative, is entitled to judicial review thereof in accordance with § 62.1-44.29. Appeals of other final decisions of the Board under this article shall be subject to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) if such person meets the standard for obtaining judicial review of a case or controversy pursuant to Article III of the Constitution of the United States. A person shall be deemed to meet such standard if (i) such person has suffered an actual or imminent injury that is an invasion of a legally protected interest and that is concrete and particularized; (ii) such injury is fairly traceable to the decision of the Department or the Board and not the result of the independent action of some third party not before the court; and (iii) such injury will likely be redressed by a favorable decision by the court.~~

~~The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to decisions rendered by localities. Appeals of decisions rendered by localities shall be conducted in accordance with local appeal procedures and shall include an opportunity for judicial review in the circuit court of the locality in which the land disturbance occurs or is proposed to occur. Unless otherwise provided by law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027, and the decisions of the circuit court shall be subject to review by the Court of Appeals, as in other cases under this article.~~

~~A final decision by a locality, when serving as a VESMP authority, shall be subject to judicial review, provided that an appeal is filed in the appropriate court within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in a land-disturbing activity.~~

§ 62.1-44.15:48. Penalties, injunctions, and other legal actions.

~~A. For a land-disturbing activity that disturbs 2,500 square feet or more of land in an area of a locality that is designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), or that disturbs one acre or more of land or is part of a larger common plan of development or sale that disturbs one acre or more of land anywhere else in the Commonwealth:~~

~~1. Any person who violates any applicable provision of this article or of any regulation, ordinance permit, or standard and specification adopted or approved by the Board hereunder, or who fails, neglects, or refuses to comply with any order of the Board, or a court, issued as herein provided, shall be subject to a civil penalty pursuant to § 62.1-44.32. The court shall direct that any penalty be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.~~

~~2. Any person who violates any applicable provision of this article, or any ordinance adopted pursuant to this article, including those adopted pursuant to the conditions of an MS4 permit, or any condition of a local land-disturbance approval, or who fails, neglects, or refuses to comply with any order of a VSMP authority authorized to enforce this article, the Department, the Board, locality serving as a VESMP authority or a court, issued as herein provided, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense. The Board shall adopt a regulation establishing a schedule of civil penalties to be utilized by the VSMP authority in enforcing the provisions of this article. The Board, Department, or VSMP authority may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court. Such civil penalties shall be paid into the treasury of the locality in which the violation occurred and are to be used solely for stormwater management capital projects, including (i) new stormwater best management practices; (ii) stormwater best management practice maintenance, inspection, or retrofitting; (iii) stream restoration; (iv) low-impact development projects; (v) buffer restoration; (vi) pond retrofitting; and (vii) wetlands restoration.~~

~~Where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.~~

~~B. For a land-disturbing activity that disturbs an area measuring not less than 10,000 square feet but less than one acre in an area that is not designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and is not part of a larger common plan of development or sale that disturbs one acre or more of land:~~

~~1. Any person who violates any applicable provision of this article or of any regulation or order of the Board issued pursuant to this article, or any condition of a land-disturbance approval issued by the Board, or fails to obtain a required land-disturbance approval, shall be subject to a civil penalty not to exceed \$5,000 for each violation with a limit of \$50,000 within the discretion of the court in a civil action initiated by the Board. Each day during which the violation is found to~~

have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$50,000. The court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.

2. Any locality serving as a VESMP authority shall adopt an ordinance providing that a violation of any ordinance or provision of its program adopted pursuant to this article, or any condition of a land-disturbance approval, shall be subject to a civil penalty. Such ordinance shall provide that any person who violates any applicable provision of this article or any ordinance or order of a locality issued pursuant to this article, or any condition of a land-disturbance approval issued by the locality, or fails to obtain a required land-disturbance approval, shall be subject to a civil penalty not to exceed \$5,000 for each violation with a limit of \$50,000 within the discretion of the court in a civil action initiated by the locality. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$50,000. Any civil penalties assessed by a court as a result of a summons issued by a locality as an approved VSMP authority shall be paid into the treasury of the locality wherein the land lies; except where the violator is the locality itself, or its agent. When the penalties are assessed by the court as a result of a summons issued by the Board or Department, or and used pursuant to subdivision A 2, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Virginia Stormwater Management Local Assistance Fund established pursuant to § 62.1-44.15:29. Such civil penalties paid into the treasury of the locality in which the violation occurred are to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct § 62.1-44.15:29.1.

B. Any person who willfully or negligently violates any provision of this article, any regulation or order of the Board, any order of a VSMP authority authorized to enforce this article or the Department, any ordinance of any locality approved as a VSMP authority, any condition of a permit or state permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$2,500 nor more than \$32,500, either or both. Any person who knowingly violates any provision of this article, any regulation or order of the Board, any order of the VSMP authority or the Department, any ordinance of any locality approved as a VSMP authority, any condition of a permit or state permit, or any order of a court issued as herein provided, or who knowingly makes any false statement in any form required to be submitted under this article or knowingly renders inaccurate any monitoring device or method required to be maintained under this article, shall be guilty of a felony punishable by a term of imprisonment of not less than one year nor more than three years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not less than \$5,000 nor more than \$50,000 for each violation. Any defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day of violation of each requirement shall constitute a separate offense.

C. Any person who knowingly violates any provision of this article, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not less than two years nor more than 15 years and a fine of not more than \$250,000, either or both. A defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine not exceeding the greater of \$1 million or an amount that is three times the economic benefit realized by the defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and imprisonment for any subsequent conviction of the same person under this subsection.

D. Violation of any provision of this article may also include the following sanctions:

1. The Board, Department, or the VSMP authority, where authorized to enforce this article,

C. The violation of any provision of this article may also result in the following sanctions:

1. The Board may seek an injunction, mandamus, or other appropriate remedy pursuant to § 62.1-44.23. A locality serving as a VESMP authority may apply to the appropriate court in any jurisdiction wherein the land lies to enjoin a violation or a threatened violation of the provisions of this article or of the local ordinance without the necessity of showing that an adequate remedy at law does not exist a local ordinance or order or the conditions of a local land-disturbance approval. Any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this article shall be subject, in the discretion of the court, to a civil penalty that shall be assessed and used in accordance with the provisions of subsection A or B, as applicable.

2. With the consent of any person who has violated or failed, neglected, or refused to obey any ordinance, any condition of a permit or state permit, any regulation or order of the Board, any order of the VSMP authority or the Department, or any provision of this article, the Board, Department, or VSMP authority may provide, in an order issued against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in this section. Such civil charges shall be instead of any appropriate civil penalty that could be imposed under this section. Any civil charges collected shall be paid to the locality or state treasury pursuant to subsection A. The Board or a locality serving as a VESMP authority may use the criminal provisions provided in § 62.1-44.32.

§ 62.1-44.15:49. Enforcement authority of MS4 localities.

A. Localities shall adopt a stormwater ordinance pursuant to the conditions of a MS4 permit that is consistent with this article and its associated regulations and that contains provisions including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities and shall include additional provisions

Each locality subject to an MS4 permit shall adopt an ordinance to implement a municipal separate storm sewer system management program that is consistent with this chapter and that contains provisions as required to comply with a state an MS4 permit. Such locality may utilize the civil penalty provisions in ~~subsection A subdivision A 2 of § 62.1-44.15:48, the injunctive authority as provided for in subdivision D + subsection C of § 62.1-44.15:48, and the civil charges as authorized in subdivision D 2 of § 62.1-44.15:48~~ § 62.1-44.15:25.1, and the criminal provisions in § 62.1-44.32, to enforce the ordinance. At the request of another MS4, the locality may apply the penalties provided for in this section to direct or indirect discharges to any MS4 located within its jurisdiction.

~~B. Any person who willfully and knowingly violates any provision of such an ordinance is guilty of a Class 1 misdemeanor.~~

~~C. The local ordinance authorized by this section shall remain in full force and effect until the locality has been approved as a VSMP authority.~~

§ 62.1-44.15:50. Cooperation with federal and state agencies.

~~A VSMP VESMP authority and the Department are authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities for stormwater management.~~

Article 2.4.

Erosion and Sediment Control Law for Localities Not Administering a Virginia Erosion and Stormwater Management Program.

§ 62.1-44.15:51. Definitions.

As used in this article, unless the context requires a different meaning:

"Agreement in lieu of a plan" means a contract between the ~~plan-approving~~ VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family ~~residence detached residential structure~~; this contract may be executed by the ~~plan-approving~~ VESCP authority in lieu of a formal site plan.

"Applicant" means any person submitting an erosion and sediment control plan for approval ~~or requesting the issuance of a permit, when required, authorizing in order to obtain authorization for~~ land-disturbing activities to commence.

"Certified inspector" means an employee or agent of a VESCP authority who (i) holds a ~~certificate of competence certification~~ from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified plan reviewer" means an employee or agent of a VESCP authority who (i) holds a ~~certificate of competence certification~~ from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer, architect, landscape architect, land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1, or professional soil scientist as defined in § 54.1-2200.

"Certified program administrator" means an employee or agent of a VESCP authority who (i) holds a ~~certificate of competence certification~~ from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

"Erosion and sediment control plan" or "plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"Erosion impact area" means an area of land *that is* not associated with a current land-disturbing activity but *is* subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

~~"Land-disturbing activity" "Land disturbance" or "land-disturbing activity" means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, or has the potential to change its runoff characteristics, including the clearing, grading, excavating, transporting, and filling of land; except that the term shall not include:~~

~~1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;~~

~~2. Individual service connections;~~

~~3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;~~

~~4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;~~

5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45-1;

6. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams; desilting basins; dikes; ponds; ditches; strip cropping; lister furrowing; contour cultivating; contour furrowing; land drainage; and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;

7. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;

8. Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams; desilting basins; dikes; ponds not required to comply with the provisions of the Dam Safety Act (§ 10.1-604 et seq.); ditches; strip cropping; lister furrowing; contour cultivating; contour furrowing; land drainage; and land irrigation;

9. Disturbed land areas of less than 10,000 square feet in size or 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations; however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;

10. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;

11. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and

12. Emergency work to protect life, limb, or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Owner" means *the same as provided in § 62.1-44.3. For a land-disturbing activity that is regulated under this article, "owner" also includes* the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a given storm condition at a particular location.

"Permittee" means the person to whom the local permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"Soil erosion" means *the movement of soil by wind or water into state waters or onto lands in the Commonwealth.*

"Town" means an incorporated town.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the Board that has been established by a VESCP authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, ~~permit requirements, annual standards and specifications,~~ policies and guidelines, technical materials, and requirements for plan review, inspection; ~~enforcement where authorized in this article,~~ and evaluation consistent with the requirements of this article ~~and its associated regulations.~~

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means ~~an authority~~ *a locality* approved by the Board to operate a Virginia Erosion and Sediment Control Program. ~~An authority may include a state entity, including the Department; a federal entity; a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102. A locality that has chosen not to establish a Virginia Erosion and Stormwater Management Program pursuant to subdivision B 3 of § 62.1-44.15:27 is required to become a VESCP authority in accordance with this article.~~

"Virginia Stormwater Management Program" or "VSMP" means a program established by the Board pursuant to § 62.1-44.15:27.1 on behalf of a locality on or after July 1, 2014, to manage the quality and quantity of runoff resulting from any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance.

"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.

§ 62.1-44.15:51.1. Applicability.

The requirements of this article shall apply in any locality that has chosen not to establish a Virginia Erosion and Stormwater Management Program (VESMP) pursuant to subdivision B 3 of § 62.1-44.15:27. Each such locality shall be required to adopt and administer a Board-approved VESCP.

§ 62.1-44.15:52. Virginia Erosion and Sediment Control Program.

A. The Board shall develop a program and adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) for the effective control of soil erosion, sediment deposition, and nonagricultural runoff that shall be met in any control program to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. Stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or § 62.1-44.15:54 or 62.1-44.15:65. Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water quality volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one-year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirement for natural or man-made channels as defined in regulations promulgated pursuant to § 62.1-44.15:54 or 62.1-44.15:65. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the Virginia Erosion and Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the Virginia Erosion and Stormwater Management Program (VESMP) Permit (VESMP) Regulations or exempt pursuant to subdivision G 2 of § 62.1-44.15:34.

The regulations shall:

1. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including, but not limited to, data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;
2. Include such survey of lands and waters as may be deemed appropriate by the Board or required by any applicable law to identify areas, including multijurisdictional and watershed areas, with critical erosion and sediment problems; and
3. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of erosion and sediment resulting from land-disturbing activities.

B. The Board shall provide technical assistance and advice to, and conduct and supervise educational programs for VESCP authorities.

C. The Board shall adopt regulations establishing minimum standards of effectiveness of erosion and sediment control programs, and criteria and procedures for reviewing and evaluating the effectiveness of VESCPs. In developing minimum standards for program effectiveness, the Board shall consider information and standards on which the regulations promulgated pursuant to subsection A are based.

D. The Board shall approve VESCP authorities and shall periodically conduct a comprehensive program compliance review and evaluation to ensure that all VESCPs operating under the jurisdiction of this article meet minimum standards of effectiveness in controlling soil erosion, sediment deposition, and nonagricultural runoff. The Department shall develop a schedule for conducting periodic reviews and evaluations of the effectiveness of VESCPs unless otherwise directed by the Board. Such reviews where applicable shall be coordinated with those being implemented in accordance with the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations and the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and associated regulations. The Department may also conduct a comprehensive or partial program compliance review and evaluation of a VESCP at a greater frequency than the standard schedule pursuant to subdivision (19) of § 62.1-44.15.

E. The Board shall issue certificates of competence certifications concerning the content, application, and intent of specified subject areas of this article and accompanying regulations, including program administration, plan review, and project inspection, to personnel of program authorities and to any other persons who have completed training programs or in other ways demonstrated adequate knowledge. The Department shall administer education and training programs for specified subject areas of this article and accompanying regulations, and is authorized to charge persons attending such programs reasonable fees to cover the costs of administering the programs. Such education and training programs shall also contain expanded components to address plan review and project inspection elements of the Virginia Erosion and Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations in accordance with § 62.1-44.15:30.

F. Department personnel conducting inspections pursuant to this article shall hold a certificate of competence certification as provided in subsection E.

§ 62.1-44.15:53. Certification of program personnel.

A. The minimum standards of VESCP effectiveness established by the Board pursuant to subsection C of § 62.1-44.15:52 shall provide that (i) an erosion and sediment control plan shall not be approved until it is reviewed by a certified plan reviewer; (ii) inspections of land-disturbing activities shall be conducted by a certified inspector; and (iii) a VESCP shall contain a certified program administrator, a certified plan reviewer, and a certified project inspector, who may be the same person.

B. Any person who holds a certificate of competence from the Board in the area of plan review, project inspection, or program administration that was attained prior to the adoption of the mandatory certification provisions of subsection A shall be deemed to satisfy the requirements of that area of certification.

C. Professionals registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in § 54.1-2200 shall be deemed to ~~satisfy the certification requirements~~ *have met the provisions of this section for the purposes of renewals of certifications.*

§ 62.1-44.15:54. Virginia Erosion and Sediment Control Program.

~~A. Counties and cities shall adopt and administer a VESCP.~~

~~Any town lying within a county that has adopted its own VESCP may adopt its own program or shall become subject to the county program. If a town lies within the boundaries of more than one county, the town shall be considered for the purposes of this article to be wholly within the county in which the larger portion of the town lies. Any locality that has chosen not to establish a Virginia Erosion and Stormwater Management Program (VESMP) pursuant to subdivision B 3 of § 62.1-44.15:27 shall administer a VESCP in accordance with this article; however, a town may enter into an agreement with a county to administer the town's VESCP pursuant to subsection C of § 62.1-44.15:27.~~

B. A VESCP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to assist with carrying out the provisions of this article, including the review and determination of adequacy of erosion and sediment control plans submitted for land-disturbing activities on a unit or units of land as well as for monitoring, reports, inspections, and enforcement ~~where authorized in this article~~, of such land-disturbing activities.

C. Any VESCP adopted by a county, city, or town shall be approved by the Board if it establishes by ordinance requirements that are consistent with this article and associated regulations.

D. Each approved VESCP operated by a county, city, or town shall include provisions for the ~~integration~~ *coordination* of the VESCP with ~~Virginia stormwater management~~, flood insurance, flood plain management, and other programs requiring compliance prior to authorizing a land-disturbing activity in order to make the submission and approval of plans, ~~issuance of permits~~, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.

E. ~~The Board may approve a state entity, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 to operate a VESCP consistent with the requirements of this article and its associated regulations and the VESCP authority's Department-approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article shall conduct compliance reviews of VESCPs in accordance with subdivision (19) of § 62.1-44.15. The Board or Department also may require any locality that is a VESCP authority to furnish when requested any information as may be required to accomplish the purposes of this article.~~

F. ~~Following completion of a compliance review of a VESCP in accordance with subsection D of § 62.1-44.15:52, the Department shall provide results and compliance recommendations to the Board in the form of a corrective action agreement if deficiencies are found; otherwise, the Board may find the program compliant. If a comprehensive or partial program compliance review conducted by the Department of a VESCP indicates that the VESCP authority has not administered, enforced where authorized to do so, or conducted its VESCP in a manner that satisfies the minimum standards of effectiveness established pursuant to subsection C of § 62.1-44.15:52, the Board shall establish a schedule for the VESCP authority to come into compliance. The Board shall provide a copy of its decision to the VESCP authority that specifies the deficiencies, actions needed to be taken, and the approved compliance schedule required to attain the minimum standard of effectiveness and shall include an offer to provide technical assistance to implement the corrective action. If the VESCP authority has not implemented the necessary compliance actions identified by the Board within 30 days following receipt of the corrective action agreement, or such additional period as is granted to complete the implementation of the corrective action, then the Board shall have the authority to (i) issue a special order to any VESCP, imposing a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation for noncompliance with the state program, to be paid into the state treasury and deposited in the Virginia Stormwater Management Fund established by § 62.1-44.15:29 or (ii) revoke its approval of the VESCP. The Administrative Process Act (§ 2.2-4000 et seq.) shall govern the activities and proceedings of the Board and the judicial review thereof.~~

~~In lieu of issuing a special order or revoking the program, the Board is authorized to take legal action against a VESCP to ensure compliance.~~

G. ~~If the Board revokes its approval of the VESCP of a county, city, or town, and the locality is in a district, the district, upon approval of the Board, shall adopt and administer a VESCP for the locality. To carry out its program, the district shall adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) consistent with this article and~~

associated regulations. The regulations may be revised from time to time as necessary. The program and regulations shall be available for public inspection at the principal office of the district.

H. If the Board (i) revokes its approval of a VESCP of a district, or of a county, city, or town not in a district, or (ii) finds that a local program consistent with this article and associated regulations has not been adopted by a district or a county, city, or town that is required to adopt and administer a VESCP, the Board shall find the VESCP authority provisional, and have the Department assist with the administration of the program until the Board finds the VESCP authority compliant with the requirements of this article and associated regulations. "Assisting with administration" includes but is not limited to the ability to review and comment on plans to the VESCP authority, to conduct inspections with the VESCP authority, and to conduct enforcement in accordance with this article and associated regulations.

I. If the Board revokes its approval of a state entity, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102, the Board shall find the VESCP authority provisional, and have the Department assist with the administration of the program until the Board finds the VESCP authority compliant with the requirements of this article and associated regulations. "Assisting with administration" includes the ability to review and comment on plans to the VESCP authority and to conduct inspections with the VESCP authority in accordance with this article and associated regulations.

J. F. Any VESCP authority that administers an erosion and sediment control program may charge applicants a reasonable fee to defray the cost of program administration. Such fee may be in addition to any fee charged for administration of a Virginia Stormwater Management Program, although payment of fees may be consolidated in order to provide greater convenience and efficiency for those responsible for compliance with the programs. A VESCP authority shall hold a public hearing prior to establishing a schedule of fees. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and the VESCP authority's expense involved.

K. The governing body of any county, city, or town, or a district board G. Any locality that is authorized to administer a VESCP, may adopt an ordinance or regulation where applicable providing that violations of any regulation or order of the Board, any provision of its program, any condition of a permit land-disturbance approval, or any provision of this article shall be subject to a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site shall not result in civil penalties that exceed a total of \$10,000. Adoption of such an ordinance providing that violations are subject to a civil penalty shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of § 62.1-44.15:63. The penalties set out in this subsection are also available to the Board in its enforcement actions.

§ 62.1-44.15:55. Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

A. Except as provided in § 62.1-44.15:56 for state agency and federal entity land-disturbing activities § 62.1-44.15:31 for a land-disturbing activity conducted by a state agency, federal entity, or other specified entity, no person shall engage in any land-disturbing activity until he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VESCP authority shall then be required to obtain evidence of Virginia Stormwater Management Program permit coverage where it is required prior to providing approval to begin land disturbance. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP, an erosion and sediment control plan may, at the request of one or all of the VESCP authorities, be submitted to the Department for review and approval rather than to each jurisdiction concerned. The Department may charge the jurisdictions requesting the review a fee sufficient to cover the cost associated with conducting the review. A VESCP may enter into an agreement with an adjacent VESCP regarding the administration of multijurisdictional projects whereby the jurisdiction that contains the greater portion of the project shall be responsible for all or part of the administrative procedures. Where Virginia Pollutant Discharge Elimination System permit coverage is required, a VESCP authority shall be required to obtain evidence of such coverage from the Department's online reporting system prior to approving the erosion and sediment control plan. A VESCP authority may enter into an agreement with an adjacent VESCP or VESMP authority regarding the administration of multijurisdictional projects specifying who shall be responsible for all or part of the administrative procedures. Should adjacent authorities fail to come to such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction. Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP authority.

B. The VESCP authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of this article and the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and shall comply with the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of competence to the VESCP authority, as provided

by § 62.1-44.15:52, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any VESCP authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of competence, as provided by § 62.1-44.15:52. Failure to provide the name of an individual holding a certificate of competence prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify the modifications, terms, and conditions that will permit approval of the plan. If no action is taken by the VESCP authority within the time specified in this subsection, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

C. The VESCP authority may require changes to an approved plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or
2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and associated regulations, are agreed to by the VESCP authority and the person responsible for carrying out the plan.

~~D. Electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and authorities created pursuant to § 15.2-5102 may, file general erosion and sediment control standards and specifications annually with the Department for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations where applicable. The specifications shall apply to:~~

- ~~1. Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and~~
- ~~2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of the railroad company.~~

~~The Department shall have 60 days in which to approve the standards and specifications. If no action is taken by the Department within 60 days, the standards and specifications shall be deemed approved. Individual approval of separate projects within subdivisions 1 and 2 is not necessary when approved specifications are followed. Projects not included in subdivisions 1 and 2 shall comply with the requirements of the appropriate VESCP. The Board shall have the authority to enforce approved specifications and charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.~~

~~E. Any person engaging, in more than one jurisdiction, in the creation and operation of a wetland mitigation or stream restoration bank or banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetlands mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control standards and specifications for wetland mitigation or stream restoration banks annually with the Department for review and approval consistent with guidelines established by the Board.~~

~~The Department shall have 60 days in which to approve the specifications. If no action is taken by the Department within 60 days, the specifications shall be deemed approved. Individual approval of separate projects under this subsection is not necessary when approved specifications are implemented through a project-specific erosion and sediment control plan. Projects not included in this subsection shall comply with the requirements of the appropriate local erosion and sediment control program. The Board shall have the authority to enforce approved specifications and charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance. Approval of general erosion and sediment control specifications by the Department does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.~~

~~F. D. In order to prevent further erosion, a VESCP authority may require approval of an erosion and sediment control plan for any land identified by the VESCP authority as an erosion impact area.~~

~~G. E. For the purposes of subsections A and B, when land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.~~

~~F. Notwithstanding any other provisions of this article, the following activities are not required to comply with the requirements of this article unless otherwise required by federal law:~~

- ~~1. Disturbance of a land area of less than 10,000 square feet in size or less than 2,500 square feet in an area designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). However, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;~~

2. *Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;*
3. *Installation, maintenance, or repair of any individual service connection;*
4. *Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;*
5. *Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;*
6. *Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1;*
7. *Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;*
8. *Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;*
9. *Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto;*
10. *Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity;*
11. *Discharges to a sanitary sewer or a combined sewer system that are not from a land-disturbing activity; and*
12. *Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.*

§ 62.1-44.15:57. Approved plan required for issuance of grading, building, or other permits; security for performance.

Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities regulated under this article shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan ~~and~~ certification that the plan will be followed, and, ~~upon the development of an online reporting system by the Department but no later than July 1, 2014,~~ evidence of Virginia ~~Stormwater Management Program~~ *Pollutant Discharge Elimination System* permit coverage where it is required. Prior to issuance of any permit, the agency may also require an applicant to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the agency, to ensure that measures could be taken by the agency at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action that may be required of him by the approved plan as a result of his land-disturbing activity. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation, which shall not exceed 25 percent of the estimated cost of the conservation action. If the agency takes such conservation action upon such failure by the permittee, the agency may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the achievement of adequate stabilization of the land-disturbing activity in any project or section thereof, the bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or section thereof. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

§ 62.1-44.15:58. Monitoring, reports, and inspections.

A. The VESCP authority (i) shall provide for periodic inspections of the land-disturbing activity and require that an individual holding a certificate of competence, as provided by § 62.1-44.15:52, ~~who~~ will be in charge of and responsible for carrying out the land-disturbing activity and (ii) may require monitoring and reports from the person responsible for carrying out the erosion and sediment control plan, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. However, any VESCP authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family ~~residence~~ *detached residential structure*. The owner, ~~permittee, or person responsible for carrying out the plan~~ shall be given notice of the inspection. ~~If the VESCP authority, where authorized to enforce this article, or the Department determines that there is a failure to comply with the plan following an inspection, notice shall be served upon the permittee or person~~

responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. When the VESCP authority or the Board determines that there is a failure to comply with the conditions of land-disturbance approval or to obtain an approved plan or a land-disturbance approval prior to commencing land-disturbing activity, the VESCP authority or the Board may serve a notice to comply upon the owner or person responsible for carrying out the land-disturbing activity. Such notice to comply shall be served by delivery by facsimile, e-mail, or other technology; by mailing with confirmation of delivery to the address specified in the plan or land-disturbance application, if available, or in the land records of the locality; or by delivery at the site to a person previously identified to the VESCP authority by the owner. The notice to comply shall specify the measures needed to comply with the plan land-disturbance approval conditions or shall identify the plan approval or land-disturbance approval needed to comply with this article and shall specify the a reasonable time within which such measures shall be completed. In any instance in which a required land-disturbance approval has not been obtained, the VESCP authority or the Board may require immediate compliance. In any other case, the VESCP authority or the Board may establish the time for compliance by taking into account the risk of damage to natural resources and other relevant factors. Notwithstanding any other provision in this subsection, a VESCP authority or the Board may count any days of noncompliance as days of violation should the VESCP authority or the Board take an enforcement action. The issuance of a notice to comply by the Board shall not be considered a case decision as defined in § 2.2-4001. Upon failure to comply within the time specified, the permit any plan approval or land-disturbance approval may be revoked and the VESCP authority, where authorized to enforce this article, the Department, or the Board may pursue enforcement as provided by § 62.1-44.15:63.

B. Notwithstanding the provisions of subsection A, a VESCP authority is authorized to enter into agreements or contracts with districts, adjacent localities, or other public or private entities to assist with the responsibilities of this article, including but not limited to the review and determination of adequacy of erosion and sediment control plans submitted for land-disturbing activities as well as monitoring, reports, inspections, and enforcement where an authority is granted such powers by this article.

C. Upon issuance of an inspection report denoting a violation of this section, or § 62.1-44.15:55 or 62.1-44.15:56, in conjunction with or subsequent to a notice to comply as specified in subsection A, a VESCP authority, where authorized to enforce this article, or the Department or the Board may issue an a stop work order requiring that all or part of the land-disturbing activities permitted on the site be stopped until the specified corrective measures have been taken or, if land-disturbing activities have commenced without an approved plan as provided in § 62.1-44.15:55, requiring that all of the land-disturbing activities be stopped until an approved plan or any required permits are is obtained. When such an order is issued by the Board, it shall be issued in accordance with the procedures of the Administrative Process Act (§ 2.2-4000 et seq.). Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved erosion and sediment control plan or any required permits, such an, such a stop work order may be issued whether or not the alleged violator has been issued a notice to comply as specified in subsection A. Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply. The order for noncompliance with a plan shall be served in the same manner as a notice to comply, and shall remain in effect for seven days from the date of service pending application by the VESCP authority, the Department Board, or alleged violator for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court. The stop work order for disturbance without an approved plan or permits shall be served upon the owner by mailing with confirmation of delivery to the address specified in the land records of the locality, shall be posted on the site where the disturbance is occurring, and shall remain in effect until such time as permits and plan approvals are secured, except in such situations where an agricultural exemption applies. If the alleged violator has not obtained an approved erosion and sediment control plan or any required permit within seven days from the date of service of the stop work order, the Department Board or the chief administrative officer or his designee on behalf of the VESCP authority may issue a subsequent order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved erosion and sediment control plan and any required permits have has been obtained. The subsequent order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the permit application plan or the land records of the locality in which the site is located. The owner may appeal the issuance of any order to the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court. Any person violating or failing, neglecting, or refusing to obey an order issued by the Department Board or the chief administrative officer or his designee on behalf of the VESCP authority may be compelled in a proceeding instituted in the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan or any required permits, the order shall immediately be lifted. Nothing in this section shall prevent the Department, the Board, or the chief administrative officer or his designee on behalf of the VESCP authority from taking any other action specified in § 62.1-44.15:63.

§ 62.1-44.15:60. Right of entry.

The Department, the VESCP authority, where authorized to enforce this article, In addition to the Board's authority set forth in § 62.1-44.20, a locality serving as a VESCP authority or any duly authorized agent of the Department or such VESCP authority thereof may, at reasonable times and under reasonable circumstances, enter any establishment or upon any

property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, a VESCP authority may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by the ~~permit conditions associated with conditions imposed by the VESCP authority on a land-disturbing activity when a permittee an owner~~, after proper notice, has failed to take acceptable action within the time specified.

§ 62.1-44.15:62. Judicial appeals.

A. A final decision by a county, city, or town, when serving as a VESCP authority under this article, shall be subject to judicial review, provided that an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

B. Final decisions of the Board, ~~Department, or district~~ shall be subject to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 62.1-44.15:63. Penalties, injunctions and other legal actions.

A. ~~Violators of § 62.1-44.15:55, 62.1-44.15:56, or 62.1-44.15:58 shall be guilty of a Class 4 misdemeanor.~~

~~B.~~ Any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the ~~Department or~~ VESCP authority, any condition of a ~~permit~~ *land-disturbance approval*, or any provision of this article or associated regulation shall, upon a finding of an appropriate court, be assessed a civil penalty. If a locality ~~or district~~ serving as a VESCP authority has adopted a uniform schedule of civil penalties as permitted by subsection ~~K G~~ of § 62.1-44.15:54, such assessment shall be in accordance with the schedule. The VESCP authority or the ~~Department Board~~ may issue a summons for collection of the civil penalty. In any trial for a scheduled violation, it shall be the burden of the ~~locality or Department Board or the VESCP authority~~ to show the liability of the violator by a preponderance of the evidence. ~~An admission or finding of liability shall not be a criminal conviction for any purpose.~~ Any civil penalties assessed by a court shall be paid into the treasury of the locality wherein the land lies, ~~except that where and are to be used solely for stormwater management capital projects, including (i) new stormwater best management practices; (ii) stormwater best management practice maintenance, inspection, or retrofitting; (iii) stream restoration; (iv) low-impact development projects; (v) buffer restoration; (vi) pond retrofitting; and (vii) wetlands restoration. Where the violator is the locality itself, or its agent, or where the Department Board is issuing the summons, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.~~

~~C.~~ B. The VESCP authority, the ~~Department Board~~, or the owner of property that has sustained damage or which is in imminent danger of being damaged may apply to the circuit court in any jurisdiction wherein the land lies or other appropriate court to enjoin a violation or a threatened violation under § 62.1-44.15:55, ~~62.1-44.15:56~~, or 62.1-44.15:58 without the necessity of showing that an adequate remedy at law does not exist; however, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the VESCP, the ~~Department Board~~, and the VESCP authority that a violation of the VESCP has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the VESCP, the ~~Department Board~~, nor the VESCP authority has taken corrective action within 15 days to eliminate the conditions that have caused, or create the probability of causing, damage to his property.

~~D.~~ C. In addition to any ~~criminal or~~ civil penalties provided under this article, any person who violates any provision of this article may be liable to the VESCP authority or the ~~Department Board~~, as appropriate, in a civil action for damages.

~~E.~~ D. Without limiting the remedies that may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the VESCP authority wherein the land lies or the ~~Department Board~~. Any civil penalties assessed by a court shall be paid into the treasury of the locality wherein the land lies, ~~except that where and used pursuant to requirements of subsection A. Where the violator is the locality itself, or its agent, or other VESCP authority, or where the penalties are assessed as the result of an enforcement action brought by the Department Board, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund (§ 62.1-44.15:29.1).~~

~~F.~~ E. With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the ~~Department or~~ VESCP authority, any condition of a ~~permit~~ *land-disturbance approval*, or any provision of this article or associated regulations, the Board, the Director, or VESCP authority may provide, in an order issued by the Board or VESCP authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection ~~E D~~. Such civil charges shall be instead of any appropriate civil penalty that could be imposed under subsection ~~B or E A or D~~.

~~G.~~ F. Upon request of a VESCP authority, the attorney for the Commonwealth shall take legal action to enforce the provisions of this article. Upon request of the Board, ~~the Department, or the district~~, the Attorney General shall take appropriate legal action on behalf of the Board, ~~the Department, or the district~~ to enforce the provisions of this article.

H. Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

§ 62.1-44.15:64. Stop work orders by Board; civil penalties.

A. An aggrieved owner of property sustaining pecuniary damage resulting from a violation of an approved erosion and sediment control plan or required ~~permit~~ *land-disturbance approval*, or from the conduct of land-disturbing activities commenced without an approved plan or required ~~permit~~ *land-disturbance approval*, may give written notice of the alleged violation to the VESCP authority and to the ~~Director~~ *Board*.

B. Upon receipt of the notice from the aggrieved owner and notification to the VESCP authority, the Director shall conduct an investigation of the aggrieved owner's complaint.

C. If the VESCP authority has not responded to the alleged violation in a manner that causes the violation to cease and abates the damage to the aggrieved owner's property within 30 days following receipt of the notice from the aggrieved owner, the aggrieved owner may request that the ~~Director~~ *Board* conduct an investigation and, if necessary, require the violator to stop the *alleged* violation and abate the damage to his property.

~~D. If (i) the Director's~~ *C. If the Board's* investigation of the complaint indicates that (i) the VESCP authority has not responded to the alleged violation as required by the VESCP, (ii) the VESCP authority has not responded to the alleged violation within 30 days from the date of the notice given pursuant to subsection A, and (iii) ~~the Director is requested by the aggrieved owner~~ *there is a violation and it is necessary* to require the violator to cease the violation *as requested by the aggrieved owner*, then the ~~Director~~ *Board* shall give written notice to the VESCP authority that the ~~Department~~ *Board* intends to issue an order pursuant to subsection E D.

~~E. D.~~ If the VESCP authority has not instituted action to stop the violation and abate the damage to the aggrieved owner's property within 10 days following receipt of the notice from the ~~Director, the Department Board, the Board~~ is authorized to issue an order requiring the owner, ~~permittee~~, person responsible for carrying out an approved erosion and sediment control plan, or person conducting the land-disturbing activities without an approved plan or required ~~permit~~ *land-disturbance approval* to cease all land-disturbing activities until the violation of the plan ~~or permit~~ has ceased or an approved plan and required ~~permits~~ *land-disturbance approval* are obtained, as appropriate, and specified corrective measures have been completed. The ~~Department~~ *Board* also may immediately initiate a program review of the VESCP.

~~F. E.~~ Such orders are to be issued ~~after a hearing held~~ in accordance with the ~~requirements~~ *procedures* of the Administrative Process Act (§ 2.2-4000 et seq.), and they shall become effective upon service on the person by mailing with confirmation of delivery, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the ~~Director~~ *Board*. Any subsequent identical mail or notice that is sent by the ~~Department~~ *Board* may be sent by regular mail. However, if the ~~Department~~ *Board* finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, it may issue, without advance notice or hearing, an emergency order directing such person to cease all land-disturbing activities on the site immediately and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.

~~G. F.~~ If a person who has been issued an order or emergency order is not complying with the terms thereof, the Board may institute a proceeding in the appropriate circuit court for an injunction, mandamus, or other appropriate remedy compelling the person to comply with such order.

~~H. G.~~ Any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to subsection G shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. Any civil penalties assessed by a court shall be paid into the state treasury *and deposited by the State Treasurer into the Stormwater Local Assistance Fund* (§ 62.1-44.15:29.1).

§ 62.1-44.15:65. Authorization for more stringent ordinances.

A. As part of a VESCP, a ~~district or~~ locality is authorized to adopt more stringent soil erosion and sediment control ~~regulations or~~ ordinances than those necessary to ensure compliance with the Board's regulations, provided that the more stringent ~~regulations or~~ ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of an MS4 ~~permit or~~ a locally adopted watershed management study and are determined by the ~~district or~~ locality to be necessary to prevent any further degradation to water resources, to address total maximum daily load requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ~~regulations or~~ ordinances, a public hearing is held after giving due notice. The VESCP authority shall report to the Board when more stringent ~~stormwater management regulations or erosion and sediment control~~ ordinances are determined to be necessary pursuant to this section. ~~However, this~~ *This process shall not be required when a VESCP authority chooses to reduce the threshold for regulating land-disturbing activities to a smaller area of disturbed land pursuant to § 62.1-44.15:55. This section shall not be construed to authorize any* ~~district or locality~~ *district or locality* VESCP authority to impose any more stringent ~~regulations for plan approval or permit issuance~~ *ordinances for land-disturbance review and approval* than those specified in §§ § 62.1-44.15:55 and 62.1-44.15:57.

B. Any provisions of an erosion and sediment control program in existence before July 1, 2012, that contains more stringent provisions than this article shall be exempt from the analysis requirements of subsection A.

§ 62.1-44.15:69. Powers and duties of the Board.

The Board is responsible for carrying out the purposes and provisions of this article and is authorized to:

1. Provide land use and development and water quality protection information and assistance to the various levels of local, regional, and state government within the Commonwealth.
2. Consult, advise, and coordinate with the Governor, the Secretary, the General Assembly, other state agencies, regional agencies, local governments, and federal agencies for the purpose of implementing this article.
3. Provide financial and technical assistance and advice to local governments and to regional and state agencies concerning aspects of land use and development and water quality protection pursuant to this article.
4. Promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).
5. Develop, promulgate, and keep current the criteria required by § 62.1-44.15:72.
6. Provide technical assistance and advice or other aid for the development, adoption, and implementation of local comprehensive plans, zoning ordinances, subdivision ordinances, and other land use and development and water quality protection measures utilizing criteria established by the Board to carry out the provisions of this article.
7. Develop procedures for use by local governments to designate Chesapeake Bay Preservation Areas in accordance with the criteria developed pursuant to § 62.1-44.15:72.
8. Ensure that local government comprehensive plans, zoning ordinances, and subdivision ordinances are in accordance with the provisions of this article. Determination of compliance shall be in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).
9. Make application for federal funds that may become available under federal acts and to transmit such funds when applicable to any appropriate person.
10. Take administrative and legal actions *pursuant to subdivision (19) of § 62.1-44.15* to ensure compliance by counties, cities, and towns with the provisions of this article including the proper enforcement and implementation of, and continual compliance with, this article.
11. Perform such other duties and responsibilities related to the use and development of land and the protection of water quality as the Secretary may assign.

§ 62.1-44.15:74. Local governments to designate Chesapeake Bay Preservation Areas; incorporate into local plans and ordinances; impose civil penalties.

A. Counties, cities, and towns in Tidewater Virginia shall use the criteria developed by the Board to determine the extent of the Chesapeake Bay Preservation Area within their jurisdictions. Designation of Chesapeake Bay Preservation Areas shall be accomplished by every county, city, and town in Tidewater Virginia not later than 12 months after adoption of criteria by the Board.

B. Counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters into each locality's comprehensive plan consistent with the provisions of this article.

C. All counties, cities, and towns in Tidewater Virginia shall have zoning ordinances that incorporate measures to protect the quality of state waters in the Chesapeake Bay Preservation Areas consistent with the provisions of this article. Zoning in Chesapeake Bay Preservation Areas shall comply with all criteria set forth in or established pursuant to § 62.1-44.15:72.

D. Counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into their subdivision ordinances consistent with the provisions of this article. Counties, cities, and towns in Tidewater Virginia shall ensure that all subdivisions developed pursuant to their subdivision ordinances comply with all criteria developed by the Board.

E. In addition to any other remedies which may be obtained under any local ordinance enacted to protect the quality of state waters in Chesapeake Bay Preservation Areas, counties, cities, and towns in Tidewater Virginia may incorporate the following penalties into their zoning, subdivision, or other ordinances:

1. Any person who (i) violates any provision of any such ordinance or (ii) violates or fails, neglects, or refuses to obey any local governmental body's or official's final notice, order, rule, regulation, or variance or permit condition authorized under such ordinance shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$5,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county, city, or town in which the violation occurred for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, in such a manner as the court may direct by order, except that where the violator is the county, city, or town itself, or its agent, the court shall direct the penalty to be paid into the state treasury *and deposited by the State Treasurer into the Stormwater Local Assistance Fund established by § 62.1-44.15:29.1*.

2. With the consent of any person who (i) violates any provision of any local ordinance related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey any local governmental body's or official's notice, order, rule, regulation, or variance or permit condition authorized under such ordinance, the local government may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Such civil charges shall be paid into the treasury of the county, city, or town in which the violation occurred for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, except that where the violator is the county, city, or town itself, or its agent, the civil charges shall be paid into the state treasury *and deposited by the State Treasurer into the*

Stormwater Local Assistance Fund established by § 62.1-44.15:29.1. Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision 1. Civil charges may be in addition to the cost of any restoration required or ordered by the local governmental body or official.

F. Localities that are subject to the provisions of this article may by ordinance adopt an appeal period for any person aggrieved by a decision of a board that has been established by the locality to hear cases regarding ordinances adopted pursuant to this article. The ordinance shall allow the aggrieved party a minimum of 30 days from the date of such decision to appeal the decision to the circuit court.

§ 62.1-44.19:22. Enforcement and penalties.

A. Transfer of certified nutrient credits by an operator of a nutrient credit-generating entity may be suspended by the Department until such time as the operator comes into compliance with this article and attendant regulations.

B. Any operator of a nutrient credit-generating entity who violates any provision of this article, or of any regulations adopted hereunder, shall be subject to a civil penalty not to exceed \$10,000 within the discretion of the court. The Department may issue a summons for collection of the civil penalty, and the action may be prosecuted in the appropriate circuit court. When the penalties are assessed by the court as a result of a summons issued by the Department, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the ~~Virginia Stormwater Management Local Assistance Fund established pursuant to § 62.1-44.15:29~~ *Stormwater Management Local Assistance Fund established pursuant to § 62.1-44.15:29.1.*

§ 62.1-44.22. Private actions.

The fact that any owner holds or has held a certificate or land-disturbance approval issued under this chapter shall not constitute a defense in any civil action involving private rights.

Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

§ 62.1-44.23. Enforcement by injunction, etc.

Any person violating or failing, neglecting or refusing to obey any rule, regulation, order, water quality standard, pretreatment standard, approved standard and specification, or requirement of or any provision of any certificate or land-disturbance approval issued by the Board, or by the owner of a publicly owned treatment works issued to an industrial user, or any provisions of this chapter, except as provided by a separate article, may be compelled in a proceeding instituted in any appropriate court by the Board to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

§ 62.1-44.25. Right to hearing.

Any owner under §§ Article 2.3 (§ 62.1-44.15:24 et seq.), Article 2.5 (§ 62.1-44.15:67 et seq.), or § 62.1-44.16, 62.1-44.17, and or 62.1-44.19 aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. In cases involving actions of the Board, such petition must be filed within ~~thirty~~ 30 days after notice of such action is mailed to such owner by certified mail.

§ 62.1-44.26. Hearings.

A. The formal hearings held by the Board under this chapter shall be conducted pursuant to § 2.2-4009 or 2.2-4020 and may be conducted by the Board itself at a regular or special meeting of the Board, or by at least one member of the Board designated by the chairman to conduct such hearings on behalf of the Board at any other time and place authorized by the Board.

B. A verbatim record of the proceedings of such hearings shall be taken and filed with the Board. Depositions may be taken and read as in actions at law.

C. The Board shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Board in the manner prescribed in § 2.2-4022. Witnesses who are subpoenaed shall receive the same fees and mileage as in civil actions.

§ 62.1-44.29. Judicial review.

Any owner aggrieved by or any person who has participated, in person or by submittal of written comments, in the public comment process related to a final decision of the Board under *subdivision (5), (8a), (8b), (8c), or (19) of § 62.1-44.15 (5); 62.1-44.15 (8a), (8b), and (8c); or § 62.1-44.15:20, 62.1-44.15:21, 62.1-44.15:22, 62.1-44.15:23, 62.1-44.16, 62.1-44.17, 62.1-44.19, or 62.1-44.25,* whether such decision is affirmative or negative, is entitled to judicial review thereof in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) if such person meets the standard for obtaining judicial review of a case or controversy pursuant to Article III of the United States Constitution. A person shall be deemed to meet such standard if (i) such person has suffered an actual or imminent injury which is an invasion of a legally protected interest and which is concrete and particularized; (ii) such injury is fairly traceable to the decision of the Board and not the result of the independent action of some third party not before the court; and (iii) such injury will likely be redressed by a favorable decision by the court.

§ 62.1-44.31. Violation of order or certificate or failure to cooperate with Board.

It shall be unlawful for any owner to fail to comply with any special order adopted by the Board, which has become final under the provisions of this chapter, or to fail to comply with a pretreatment condition incorporated into the permit issued to it by the owner of a publicly owned treatment works or to fail to comply with any pretreatment standard or

pretreatment requirement, or to discharge sewage, industrial waste or other waste in violation of any condition contained in a certificate *or land-disturbance approval* issued by the Board or in excess of the waste covered by such certificate *or land-disturbance approval*, or to fail or refuse to furnish information, plans, specifications or other data reasonably necessary and pertinent required by the Board under this chapter.

For the purpose of this section, the term "owner" shall mean, in addition to the definition contained in §§ 62.1-44.3 and 62.1-44.15:24, any responsible corporate officer so designated in the applicable discharge permit.

§ 62.1-44.32. Penalties.

(a) Except as otherwise provided in this chapter, any person who violates any provision of this chapter, or who fails, neglects, or refuses to comply with any *regulation, certificate, land-disturbance approval, or order* of the Board, or order of a court, issued as herein provided, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 (§ 10.1-2500 *et seq.*) of Title 10.1, excluding penalties assessed for violations of Article 2.3 (§ 62.1-44.15:24 *et seq.*), 2.4 (§ 62.1-44.15:51 *et seq.*), 2.5 (§ 62.1-44.15:67 *et seq.*), 9 (§ 62.1-44.34:8 *et seq.*), or 10 (§ 62.1-44.34:10 *et seq.*) of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles.

Such civil penalties may, in the discretion of the court assessing them, be directed to be paid into the treasury of the county, city, or town in which the violation occurred, to be used for the purpose of abating environmental pollution therein in such manner as the court may, by order, direct, except that where the owner in violation is such county, city, or town itself, or its agent, the court shall direct such penalty to be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 of Title 10.1, excluding penalties assessed for violations of Article 2.3, 2.4, 2.5, 9, or 10 of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles.

In the event that a county, city, or town, or its agent, is the owner, such county, city, or town, or its agent, may initiate a civil action against any user or users of a waste water treatment facility to recover that portion of any civil penalty imposed against the owner proximately resulting from the act or acts of such user or users in violation of any applicable federal, state, or local requirements.

(b) Except as otherwise provided in this chapter, any person who willfully or negligently violates (1) any provision of this chapter, any regulation or order of the Board, *or any condition of a certificate or land-disturbance approval of the Board*, (2) *any land-disturbance approval, ordinance, or order of a locality serving as a Virginia Erosion and Stormwater Management Program authority*, or (3) any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$2,500 nor more than \$32,500, either or both. Any person who knowingly violates (A) any provision of this chapter, any regulation or order of the Board, *or any condition of a certificate or land-disturbance approval of the Board*, (B) *any land-disturbance approval, ordinance, or order of a locality serving as a Virginia Erosion and Stormwater Management Program authority*, or (C) any order of a court issued as herein provided, or who knowingly makes any false statement in any form required to be submitted under this chapter or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, shall be guilty of a felony punishable by a term of imprisonment of not less than one year nor more than three years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not less than \$5,000 nor more than \$50,000 for each violation. Any defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day of violation of each requirement shall constitute a separate offense.

(c) Except as otherwise provided in this chapter, any person who knowingly violates any provision of this chapter, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not less than two years nor more than 15 years and a fine of not more than \$250,000, either or both. A defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine not exceeding the greater of \$1 million or an amount that is three times the economic benefit realized by the defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and imprisonment for any subsequent conviction of the same person under this subsection.

(d) Criminal prosecution under this section shall be commenced within three years of discovery of the offense, notwithstanding the limitations provided in any other statute.

2. That §§ 62.1-44.15:26, 62.1-44.15:32, 62.1-44.15:36, 62.1-44.15:38, 62.1-44.15:42 through 62.1-44.15:45, 62.1-44.15:47, 62.1-44.15:56, 62.1-44.15:61, and 62.1-44.15:71 of the Code of Virginia are repealed.

3. That any locality that operates a regulated municipal separate storm sewer system (MS4) and was required to adopt a Virginia Stormwater Management Program (VSMP) as of July 1, 2014, is authorized to continue to operate its Virginia Erosion and Sediment Control Program (VESCP) and its VSMP until the State Water Control Board approves its consolidated VESMP.

4. That any locality that does not operate a regulated MS4 and elected to adopt a VSMP is authorized to continue to operate its VESCP and its VSMP until the State Water Control Board approves its consolidated VESMP.

5. That any locality that does not operate a regulated MS4, did not elect to adopt a VSMP, and chooses to fully administer a VESMP pursuant to subdivision B 1 of § 62.1-44.15:27 of the Code of Virginia, as amended by this act,

is authorized to continue to operate its VESCP until the State Water Control Board approves its consolidated VESMP. For any such locality that does not, as of the effective date of this act, employ a person holding a certificate of competence in the area of stormwater management plan review, project inspection, or program administration, the Department of Environmental Quality (the Department) shall assist with those responsibilities until new training and certifications have been obtained according to a timeframe to be established by the Department.

6. That any locality that does not operate a regulated MS4, did not elect to adopt a VSMP, and chooses to administer a VESMP with the Department's assistance pursuant to subdivision B 2 of § 62.1-44.15:27 of the Code of Virginia, as amended by this act, is authorized to continue to operate its VESCP until the State Water Control Board approves its consolidated VESMP. For any such locality that, as of the effective date of this act, does not employ a person holding a certificate of competence in the area of stormwater management plan review, project inspection, or program administration, the Department shall assist with those responsibilities until new training and certifications have been obtained according to a timeframe to be established by the Department. The Department shall be responsible for stormwater management plan review in any such locality.

7. That any person who holds a valid separate, combined, or dual certificate of competence from the State Water Control Board in the area of erosion and sediment control plan review, project inspection, or program administration, or such a certificate in stormwater management plan review, project inspection, or program administration, shall retain such certification until the Department establishes new training and certifications and provides a schedule according to which such a person may meet the eligibility requirements for certification or recertification, as applicable. The State Water Control Board shall incorporate the valid certificates of competence into the new eligibility requirements for certification or recertification purposes as appropriate.

8. That the Department shall conduct an evaluation of fees related to the consolidated Virginia Erosion and Stormwater Management Program in order to determine whether the program can be funded adequately under the current fee structure. The Department shall conduct its evaluation based on revenues and resource needs from July 1, 2014, to June 30, 2016, and shall complete its assessment by September 1, 2016. Every VSMP authority and VESCP authority shall submit information to the Department by August 1, 2016, concerning its use of the fees that it received under the Virginia Stormwater Management Program and Virginia Erosion and Sediment Control Program between July 1, 2014, and June 30, 2016. The information shall be submitted on a form to be provided by the Department. The Department shall then convene a Stakeholders Advisory Group (SAG) to review the Department's evaluation and consider the need to establish revised fees to fund the consolidated VESMP and any other issues of concern regarding the Virginia Erosion and Stormwater Management Program. The Department shall report the results of its evaluation and the SAG's discussion to the Governor and the chairs of the Senate Finance Committee, the House Appropriations Committee, the Senate Agriculture, Conservation and Natural Resources Committee, and the House Agriculture, Chesapeake and Natural Resources Committee by the first day of the 2017 Regular Session.

9. That the State Water Control Board (the Board) shall adopt regulations to implement the requirements of this act. The adoption of such regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia. However, the Department shall (i) provide a Notice of Intended Regulatory Action, (ii) form a stakeholders advisory group, (iii) provide for a 60-day public comment period prior to the Board's adoption of the regulations, and (iv) provide the Board with a written summary of comments received and responses to comments prior to the Board's adoption of the regulations.

10. That the provisions of this act shall become effective July 1, 2017, or 30 days after the adoption by the State Water Control Board of the regulations required by the ninth enactment of this act, whichever occurs later.

CHAPTER 69

An Act to amend and reenact §§ 58.1-439.12:06, 58.1-439.12:09, 58.1-439.12:10, and 58.1-439.15 of the Code of Virginia, relating to extending the expiration dates of port-related tax credits.

[H 186]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.12:06, 58.1-439.12:09, 58.1-439.12:10, and 58.1-439.15 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.12:06. **International trade facility tax credit.**

A. As used in this section, unless the context requires a different meaning:

"Affiliated companies" means two or more companies related to each other so that (i) one company owns at least 80 percent of the voting power of the other or others or (ii) the same interest owns at least 80 percent of the voting power of two or more companies.

"Capital investment" means the amount properly chargeable to a capital account for improvements to rehabilitate or expand depreciable real property placed in service during the taxable year and the cost of machinery, tools, and equipment used in an international trade facility directly related to the movement of cargo. Capital investment includes expenditures

associated with any exterior, structural, mechanical, or electrical improvements necessary to expand or rehabilitate a building for commercial or industrial use and excavations, grading, paving, driveways, roads, sidewalks, landscaping, or other land improvements. For purposes of this section, machinery, tools, and equipment shall be deemed to include only that property placed in service by the international trade facility on and after January 1, 2011. Machinery, tools, and equipment excludes property (i) for which a credit under this section was previously granted; (ii) placed in service by the taxpayer, a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or by a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended; or (iii) previously in service in the Commonwealth that has a basis in the hands of the person acquiring it, determined in whole or in part by reference to the basis of such property in the hands of the person from whom acquired or § 1014(a) of the Internal Revenue Code, as amended.

"Capital investment" shall not include:

1. The cost of acquiring any real property or building;
2. The cost of furnishings;
3. Any expenditure associated with appraisal, architectural, engineering, or interior design fees;
4. Loan fees, points, or capitalized interest;
5. Legal, accounting, realtor, sales and marketing, or other professional fees;
6. Closing costs, permit fees, user fees, zoning fees, impact fees, and inspection fees;
7. Bids, insurance, signage, utilities, bonding, copying, rent loss, or temporary facilities costs incurred during construction;
8. Utility hook-up or access fees;
9. Outbuildings; or
10. The cost of any well or septic system.

"Credit year" means the first taxable year following the taxable year in which the international trade facility commenced or expanded its operations. A separate credit year and a three-year allowance shall exist for each distinct international trade facility of a single taxpayer.

"International trade facility" means a company that:

1. Is engaged in port-related activities, including, but not limited to, warehousing, distribution, freight forwarding and handling, and goods processing;
2. Uses maritime port facilities located in the Commonwealth; and
3. Transports at least five percent more cargo through maritime port facilities in the Commonwealth during the taxable year than was transported by the company through such facilities during the preceding taxable year.

"New, permanent full-time position" means a job of indefinite duration, created by the company after establishing or expanding an international trade facility in the Commonwealth, requiring a minimum of 35 hours of employment per week for each employee for the entire normal year of the company's operations, or a position of indefinite duration that requires a minimum of 35 hours of employment per week for each employee for the portion of the taxable year in which the employee was initially hired for, or transferred to, the international trade facility in the Commonwealth. Seasonal or temporary positions, or a job created when a job function is shifted from an existing location in the Commonwealth to the international trade facility, and positions in building and grounds maintenance, security, and other such positions that are ancillary to the principal activities performed by the employees at the international trade facility shall not qualify as new, permanent full-time positions.

"Normal year" means at least 48 weeks in a calendar year.

"Qualified full-time employee" means an employee filling a new, permanent full-time position in an international trade facility in the Commonwealth.

"Qualified trade activities" means the completed exportation or importation of at least (i) one International Organization for Standardization ocean container with a minimum 20-foot length, (ii) 16 tons of noncontainerized cargo, or (iii) one unit of roll-on/roll-off cargo through any publicly or privately owned cargo facility located within the Commonwealth through which cargo is transported. Export cargo must be loaded on a barge or ocean-going vessel and import cargo must be discharged from a barge or ocean-going vessel at such facility.

B. For taxable years beginning on and after January 1, 2011, but before January 1, ~~2017~~ 2022, a taxpayer satisfying the requirements of this section shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.). The amount of the credit earned pursuant to this section shall be equal to either (i) \$3,500 per qualified full-time employee that results from increased qualified trade activities by the taxpayer or (ii) an amount equal to two percent of the capital investment made by the taxpayer to facilitate the increased qualified trade activities. The election of which tax credit amount to claim shall be the responsibility of the taxpayer. Both tax credits shall not be claimed for the same activities that occur in a calendar year. The portion of the \$3,500 credit earned with respect to any qualified full-time employee who works in the Commonwealth for less than 12 full months during the credit year shall be determined by multiplying the credit amount by a fraction, the numerator of which is the number of full months such employee worked for the international trade facility in the Commonwealth during the credit year and the denominator of which is 12.

C. The Tax Commissioner shall issue tax credits under this section, and in no case shall the Tax Commissioner issue more than \$1,250,000 in tax credits pursuant to this section in any fiscal year of the Commonwealth. If the amount of tax credits requested under this section for any taxable year exceeds \$1,250,000, such credits shall be allocated proportionately among all qualified taxpayers. The Tax Commissioner shall not issue tax credits under this section subsequent to the

Commonwealth's fiscal year ending on June 30, ~~2017~~ 2022. The taxpayer shall not be allowed to claim any tax credit under this section unless it has applied to the Department for the tax credit and the Department has approved the credit. The Department shall determine the credit amount allowable for the taxable year and shall provide a written certification to the taxpayer, which certification shall report the amount of the tax credit approved by the Department. The taxpayer shall attach the certification to the applicable income tax return.

D. The amount of the credit allowed pursuant to this section shall not exceed 50 percent of the tax imposed for the taxable year. Any remaining credit amount may be carried forward for the next 10 taxable years. In the event a taxpayer who is subject to the limitation imposed pursuant to this subsection is allowed a different tax credit pursuant to another section of the Code, or has a credit carry forward from a preceding taxable year, such taxpayer shall be considered to have first utilized any credit that does not have a carry forward provision, and then any credit carried forward from a preceding taxable year, before using any of the credit allowed pursuant to this section.

E. No credit shall be earned for any employee (i) for whom a credit under this section was previously earned by a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended; (ii) who was previously employed in the same job function in Virginia by a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended; (iii) whose job function was previously performed at a different location in Virginia by an employee of the taxpayer, by a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or by a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended; or (iv) whose job function previously qualified for a credit under this section at a different major business facility, as defined in subsection C of § 58.1-439, on behalf of the taxpayer, by a related party as defined in § 267(b) of the Internal Revenue Code, as amended, or a trade or business under common control as defined in § 52(b) of the Internal Revenue Code, as amended.

F. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

G. For purposes of this section, two or more affiliated companies may elect to aggregate the number of jobs created for qualified full-time employees or the amounts of capital investments as the result of the establishment or expansion by the individual companies in order to qualify for the credit allowed herein.

H. Recapture of the credit amount, under the following circumstances, shall be accomplished by increasing the tax in any of the five years succeeding the taxable year in which a credit has been earned pursuant to this section if the number of qualified full-time employees falls below the average number of qualified full-time employees during the taxable year. The tax increase amount shall be determined by (i) recalculating the credit that would have been earned for the original taxable year using the decreased number of qualified full-time employees and (ii) subtracting the recalculated credit amount from the amount previously earned. In the event that the average number of qualified full-time employees employed at an international trade facility falls below the number employed by the taxpayer prior to claiming any credits pursuant to this section in any of the five taxable years succeeding the year in which the credits were earned, all credits earned with respect to the international trade facility shall be recaptured. No credit amount shall be recaptured more than once pursuant to this subsection. Any recapture pursuant to this subsection shall reduce credits earned but not yet allowed, and credits allowed but carried forward, before the taxpayer's tax liability is increased.

I. Notwithstanding the provisions of § 58.1-3, the Department of Taxation shall annually provide information to the Virginia Port Authority related to tax credits issued pursuant to this section.

J. The Tax Commissioner shall issue guidelines that are necessary and desirable to carry out the provisions of this section, including (i) the computation, carryover, and recapture of the credits provided under this section; (ii) the establishment of criteria for (a) international trade facilities, (b) qualified full-time employees at such facilities, and (c) capital investments; and (iii) the computation, carryover, recapture, and redemption of the credit by affiliated companies. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-439.12:09. Barge and rail usage tax credit.

A. As used in this section:

"International trade facility" means a company that:

1. Is doing business in the Commonwealth and engaged in port-related activities, including but not limited to warehousing, distribution, freight forwarding and handling, and goods processing;
2. Has the sole discretion and authority to move cargo originating or terminating in the Commonwealth;
3. Uses maritime port facilities located in the Commonwealth; and
4. Uses barges and rail systems to move cargo through port facilities in the Commonwealth rather than trucks or other motor vehicles on the Commonwealth's highways.

B. For taxable years beginning on and after January 1, 2011, but before January 1, ~~2017~~ 2022, a company that is an international trade facility shall be allowed a credit against the taxes imposed by Articles 2 (§ 58.1-320 et seq.), 6 (§ 58.1-360 et seq.), and 10 (§ 58.1-400 et seq.); Chapter 12 (§ 58.1-1200 et seq.); Article 1 (§ 58.1-2500 et seq.) of Chapter 25; or Article 2 (§ 58.1-2620 et seq.) of Chapter 26. The amount of the credit shall be \$25 per 20-foot equivalent unit (TEU), 16 tons of noncontainerized cargo, or one unit of roll-on/roll-off cargo moved by barge or rail rather than by trucks or other motor vehicles on the Commonwealth's highways.

C. The Tax Commissioner shall issue tax credits under this section, and in no case shall the Tax Commissioner issue more than \$500,000 in tax credits pursuant to this section in any fiscal year of the Commonwealth. In addition, the Tax Commissioner shall not issue tax credits under this section subsequent to the Commonwealth's fiscal year ending on June 30, ~~2017~~ 2022. The international trade facility shall not be allowed to claim any tax credit under this section unless it has applied to the Department for the tax credit and the Department has approved the credit. The Department shall determine the credit amount allowable for the year and shall provide a written certification to the international trade facility, which certification shall report the amount of the tax credit approved by the Department. The international trade facility shall attach the certification to the applicable tax return.

D. For purposes of this section, the amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

E. Any credit not usable for the taxable year may be carried over for the next five taxable years or until such credit is fully taken, whichever occurs first. The amount of the credit allowed pursuant to this section shall not exceed the tax imposed for such taxable year. No credit shall be carried back to a preceding taxable year. If a taxpayer that is subject to the tax limitation imposed pursuant to this subsection is allowed another credit pursuant to any other section of this Code or has a credit carryover from a preceding taxable year, such taxpayer shall be considered to have first utilized any credit allowed that does not have a carryover provision, and then any credit that is carried forward from a preceding taxable year, before using any credit allowed pursuant to this section.

F. Notwithstanding the provisions of § 58.1-3, the Department of Taxation shall annually provide information to the Virginia Port Authority related to tax credits issued pursuant to this section.

G. The Tax Commissioner shall issue guidelines that are necessary and desirable to carry out the provisions of this section, including (i) the computation and carryover of the credits provided under this section and (ii) the establishment of criteria for international trade facilities. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-439.12:10. Virginia port volume increase tax credit.

A. As used in this section, unless the context indicates otherwise:

"Agricultural entity" means a person engaged in growing or producing wheat, grains, fruits, nuts, crops; tobacco, nursery, or floral products; forestry products excluding raw wood fiber or wood fiber processed or manufactured for use as fuel for the generation of electricity; or seafood, meat, dairy, or poultry products.

"Base year port cargo volume" means the total amount of (i) net tons of noncontainerized cargo, (ii) TEUs of cargo, or (iii) units of roll-on/roll-off cargo actually transported by way of a waterborne ship or vehicle through a port facility during the period from (i) January 1, 2010, through December 31, 2010, for manufacturing-related entities or (ii) January 1, 2012, through December 31, 2012, for agricultural entities and mineral and gas entities. Base year port cargo volume must be at least 75 net tons of noncontainerized cargo, 10 loaded TEUs, or 10 units of roll-on/roll-off cargo for a taxpayer to be eligible for the credits provided in this section. For a taxpayer that does not ship that amount in the year ending December 31, 2010, or December 31, 2012, as applicable, including a taxpayer who locates in Virginia after such periods, its base cargo volume will be measured by the initial January 1 through December 31 calendar year in which it meets the requirements of 75 net tons of noncontainerized cargo, 10 loaded TEUs, or 10 units of roll-on/roll-off cargo. Base year port cargo volume must be recalculated each calendar year after the initial base year.

"Major facility" means a new facility to be located in Virginia that is projected to import or export cargo through a port in excess of 25,000 TEUs in its first calendar year.

"Manufacturing-related entity" means a person engaged in the manufacturing of goods or the distribution of manufactured goods.

"Mineral and gas entity" means a person engaged in severing minerals or gases from the earth.

"Port cargo volume" means the total amount of net tons of noncontainerized cargo, net units of roll-on/roll-off cargo, or containers measured in TEUs of cargo transported by way of a waterborne ship or vehicle through a port facility.

"Port facility" means any publicly or privately owned facility located within the Commonwealth through which cargo is transported by way of a waterborne ship or vehicle to or from destinations outside the Commonwealth and which handles cargo owned by third parties in addition to cargo owned by the port facility's owner.

"TEU" or "20-foot equivalent unit" means a volumetric measure based on the size of a container that is 20 feet long by eight feet wide by eight feet, six inches high.

B. 1. For taxable years beginning on and after January 1, 2011, but before January 1, ~~2017~~ 2022, a taxpayer that is an agricultural entity, manufacturing-related entity, or mineral and gas entity that uses port facilities in the Commonwealth and increases its port cargo volume at these facilities by a minimum of five percent in a single calendar year over its base year port cargo volume is eligible to claim a credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 in an amount determined by the Virginia Port Authority. The Virginia Port Authority may waive the requirement that port cargo volume be increased by a minimum of five percent over base year port cargo volume for any taxpayer that qualifies as a major facility.

2. Qualifying taxpayers that increase their port cargo volume by a minimum of five percent in a qualifying calendar year shall receive a \$50 credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 for each TEU, unit of roll-on/roll-off cargo, or 16 net tons of noncontainerized cargo, as applicable, above the base year port cargo volume. A

qualifying taxpayer that is a major facility as defined in this section shall receive a \$50 credit against the tax levied pursuant to §§ 58.1-320 and 58.1-400 for each TEU, unit of roll-on/roll-off cargo, or 16 net tons of noncontainerized cargo, as applicable, transported through a port facility during the major facility's first calendar year. A qualifying taxpayer may not receive more than \$250,000 for each calendar year except as provided for in subdivision C 2. The maximum amount of credits allowed for all qualifying taxpayers pursuant to this section shall not exceed \$3.2 million for each calendar year. The Virginia Port Authority shall allocate the credits pursuant to the provisions in subdivisions C 1 and C 2.

3. If the credit exceeds the taxpayer's tax liability for the taxable year, the excess amount may be carried forward and claimed against income taxes in the next five succeeding taxable years.

4. The credit may be claimed by the taxpayer as provided in subdivision 1 only if the taxpayer owns the cargo at the time the port facilities are used.

C. 1. For every year in which a taxpayer claims the credit, the taxpayer shall submit an application to the Virginia Port Authority by March 1 of the calendar year after the calendar year in which the increase in port cargo volume occurs. The taxpayer shall attach a schedule to the taxpayer's application to the Virginia Port Authority with the following information and any other information requested by the Virginia Port Authority or the Department:

a. A description of how the base year port cargo volume and the increase in port cargo volume were determined;

b. The amount of the base year port cargo volume;

c. The amount of the increase in port cargo volume for the taxable year stated both as a percentage increase and as a total increase in net tons of noncontainerized cargo, TEUs of cargo, and units of roll-on/roll-off cargo, as applicable, including information that demonstrates an increase in port cargo volume in excess of the minimum amount required to claim the tax credits pursuant to this section;

d. Any tax credit utilized by the taxpayer in prior years; and

e. The amount of tax credit carried over from prior years.

2. If on March 15 of each year the \$3.2 million amount of credit is not fully allocated among qualifying taxpayers, then those taxpayers who have been allocated a credit for the prior year shall be allowed a pro rata share of the remaining allocated credit up to \$3.2 million. If on March 15 of each year, the cumulative amount of tax credits requested by qualifying taxpayers for the prior year exceeds \$3.2 million, then the \$3.2 million in credits shall be prorated among the qualifying taxpayers who requested the credit.

3. The taxpayer shall claim the credit on its income tax return in a manner prescribed by the Department. The Department may require a copy of the certification form issued by the Virginia Port Authority be attached to the return or otherwise provided. Qualifying taxpayers may also claim the credit pursuant to § 58.1-439.12:09 for the same containers, noncontainerized cargo, or roll-on/roll-off units of cargo for which a credit is claimed under this section provided such taxpayer meets the applicable criteria set forth therein.

D. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such business entities.

§ 58.1-439.15. Technology Initiative in Tobacco-Dependent Localities Fund.

There is hereby created in the Department of the Treasury a special fund that shall be known as the Technology Initiative in Tobacco-Dependent Localities Fund (the Fund). The Fund shall be composed of those moneys deposited from the Tobacco Indemnification and Community Revitalization Fund as provided in § 3.2-3106. The Department of the Treasury shall administer and manage the Fund. Moneys in the Fund shall be made available to reimburse the general fund for providing tax credits under this article, including redeeming tax credits pursuant to § 58.1-439.14 and pursuant to ~~subsection 1 of § 58.1-439.12:06~~, and shall be used to reimburse the general fund for the administrative costs incurred by the Department of Taxation in implementing the provisions of this article. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. After all eligible tax credits have been claimed through all taxable years beginning before January 1, 2013, any moneys left in the Fund shall revert to the Tobacco Indemnification and Community Revitalization Fund.

CHAPTER 70

An Act to amend and reenact § 2.2-1502.1 of the Code of Virginia, relating to school efficiency reviews; scope and costs.

[H 557]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1502.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1502.1. School efficiency review program.

A. From such funds as may be appropriated or otherwise received for such purpose, and upon written request by a local school board or the division superintendent, the Director shall initiate a review of the relevant school division's central operations. Such review shall *identify best practices followed by the division that may be shared with other divisions statewide*, examine noninstructional expenditures, and identify opportunities to improve operational efficiencies and reduce

costs for the division ~~and. The review shall include but not be limited to~~ examinations of (i) ~~overhead divisional administration~~, (ii) human resources, (iii) ~~procurement educational service delivery costs~~, (iv) facilities use and management, (v) financial management, (vi) transportation, (vii) technology ~~planning management~~, and (viii) ~~energy management food services~~. Such review shall not address the effectiveness of the educational services being delivered by the division ~~and shall not constitute a division-level academic review as required by § 22.1-253.13:3.~~

B. School divisions shall pay 25 percent of the cost of the school efficiency review in the fiscal year immediately following the completion of the final school efficiency review report. Additionally, commencing with reviews completed in fiscal year 2007, partial recovery of the cost of individual reviews shall be made in the fiscal year beginning not less than 12 months and not more than 24 months following the release of a final efficiency review report for an individual school division. Such additional recovery may occur if the affected school division superintendent or superintendent's designee has not certified that at least half the recommendations have been initiated or at least half of the equivalent savings of such efficiency review have been realized. Lacking such certification the school division shall reimburse the state for 25 percent of the cost of the school efficiency review. Such reimbursement shall be paid into the general fund of the state treasury. The Department of Planning and Budget shall provide the format for such certification.

☞ All agencies, authorities, and institutions of the Commonwealth shall cooperate and provide assistance as the Director may request.

CHAPTER 71

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

[S 192]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

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

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

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

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

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

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

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

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

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

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

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

C. No reduction in coverage for personal injury or property damage liability initiated by an insurer and no insurer-initiated increase in the premium greater than 25 percent of (i) a policy of insurance defined in § 38.2-117 or

38.2-118 insuring a business entity; (ii) a policy of insurance that includes as a part thereof insurance defined in § 38.2-117 or 38.2-118 insuring a business entity; (iii) a policy of motor vehicle insurance against legal liability of the insured as defined in § 38.2-124 insuring a business entity; or (iv) a policy of miscellaneous casualty insurance as defined in subsection B of § 38.2-111 insuring a business entity, and which in the case of a reduction in coverage is subject to § 38.2-1912, shall be effective unless the insurer delivers or mails to the first named insured at the address shown on the policy, or delivers electronically to the address provided by the first named insured, a written notice of such reduction in coverage or premium increase not later than 45 days prior to the effective date of same. The increase in premium shall be the difference between the renewal premium and the premium charged by the insurer at the effective date of the expiring policy. Such notice shall:

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

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

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

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

F. No written notice of cancellation, refusal to renew, reduction in coverage, or increase in premium that is mailed or delivered electronically by an insurer to a first named insured in accordance with this section shall be effective unless *the insurer complies with the applicable provisions of subdivisions 1 through 4:*

1. If the notice is mailed, proof of mailing a notice of cancellation, refusal to renew, reduction in coverage, or increase in premium shall be obtained using one of the following methods that demonstrates the date that the notice was sent to the first named insured at the address stated in the policy or to such insured's last known address:

- a. ~~The notice is sent by registered or certified:~~
 - (1) Registered mail;
 - (2) Certified mail; or ~~any~~
 - (3) Any other similar first-class mail tracking method ~~that is~~ used or approved by the United States Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing); or
- b. *The notice is sent by another method of mailing for which a certificate of mailing is obtained from the United States Postal Service at the time the notice is accepted for mailing. A certificate of mailing from the United States Postal Service does not include a certificate of bulk mailing.*

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

~~2.~~ *3. If the notice is mailed, the insurer retains a copy of the notice of cancellation, refusal to renew, reduction in coverage, or increase in premium for at least one year from the date such action was effective. If the notice is mailed, proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation, refusal to renew, reduction in coverage, or increase in premium is effective.*

~~3.~~ *4. a. If the terms of a policy of motor vehicle insurance insuring a business entity require the notice of cancellation, refusal to renew, reduction in coverage, or increase in premium to be given to any lienholder, then the insurer shall mail*

such notice and retain a copy of the notice in the manner required by this subsection. If the notices sent to the first named insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. ~~The registered, certified or regular mail postal receipt and the copy of the notices required by this subsection shall be retained by the insurer for at least one year from the date of termination~~ *Proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation, refusal to renew, reduction in coverage, or increase in premium is effective.*

b. Notwithstanding the provisions of subdivision ~~3~~ 4 a, if the terms of the policy require the notice of cancellation, refusal to renew, reduction in coverage, or increase in premium to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically, provided that the insurer and lienholder agree upon the specifics for transmittal and ~~acknowledgement~~ *acknowledgment* of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

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

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

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

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

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

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

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

M. As used in this section, an "insurer-initiated increase in premium" means an increase in premium other than one resulting from changes in (i) coverage requested by the insured, (ii) policy limits requested by the insured, (iii) the insured's

operation or location that result in a change in the classification of the risk, or (iv) the rating exposures including, but not limited to, increases in payroll, receipts, square footage, number of automobiles insured, or number of employees.

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

A. No written notice of cancellation of or refusal to renew a policy written to insure owner-occupied dwellings shall be effective when mailed or delivered electronically by an insurer unless *the insurer complies with the applicable provisions of subdivisions 1, 2, and 3:*

1. *If the notice is mailed, proof of mailing a notice of cancellation or refusal to renew shall be obtained using one of the following methods that demonstrates the date that the notice was sent to the named insured at the address stated in the policy or to the named insured's last known address:*

a. ~~†~~ *The notice is sent by registered or certified:*

(1) Registered mail;

(2) Certified mail; or ~~any~~

(3) Any other similar first-class mail tracking method ~~that is~~ used or approved by the United States Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing); or

b. *The notice is sent by another method of mailing for which a certificate of mailing is obtained from the United States Postal Service at the time the notice is accepted for mailing. A certificate of mailing from the United States Postal Service does not include a certificate of bulk mailing.*

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

~~2.~~ *3. If the notice is mailed, the insurer retains a copy of the notice of cancellation or refusal to renew for at least one year from the date such action was effective. If the notice is mailed, proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation or nonrenewal notice is effective.*

~~3. [Repealed.]~~

B. This section shall not apply to policies written through the Virginia Property Insurance Association or any other residual market facility established pursuant to Chapter 27 (§ 38.2-2700 et seq.) of this title.

C. 1. *If the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by subsection A of this section. If the notices sent to the insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. ~~The registered, certified or regular mail postal receipt and copy of the notices required by this section shall be retained by the insurer for at least one year from the date of termination. Proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation or nonrenewal notice is effective.~~*

2. Notwithstanding the provisions of subdivision ~~1~~, if the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically, provided that the insurer and lienholder agree upon the specifics for transmittal and ~~acknowledgment~~ *acknowledgment* of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

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

§ 38.2-2208. Notices of cancellation of or refusal to renew motor vehicle insurance policies.

A. No written notice of cancellation or refusal to renew that is mailed or delivered electronically by an insurer to an insured in accordance with the provisions of a motor vehicle insurance policy shall be effective unless *the insurer complies with the applicable provisions of subdivisions 1, 2, and 3:*

1. *If the notice is mailed, proof of mailing a notice of cancellation or refusal to renew shall be obtained using one of the following methods that demonstrates the date that the notice was sent to the named insured at the address stated in the policy or to the named insured's last known address:*

a. ~~†~~ *The notice is sent by registered or certified:*

(1) Registered mail;

(2) Certified mail; or ~~any~~

(3) Any other similar first-class mail tracking method ~~that is~~ used or approved by the United States Postal Service, including Intelligent Mail barcode Tracing (IMb Tracing); or

b. *The notice is sent by another method of mailing for which a certificate of mailing is obtained from the United States Postal Service at the time the notice is accepted for mailing. A certificate of mailing from the United States Postal Service does not include a certificate of bulk mailing.*

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

~~2.~~ *3. If the notice is mailed, the insurer retains a copy of the notice of cancellation or refusal to renew for at least one year from the date such action was effective. If the notice is mailed, proof of mailing from the United States Postal*

Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation or nonrenewal notice is effective.

~~3. [Repealed.]~~

B. 1. If the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, then the insurer shall mail such notice and retain a copy of the notice in the manner required by subsection A of this section. If the notices sent to the insured and the lienholder are part of the same form, the insurer may retain a single copy of the notice. ~~The registered, certified or regular mail postal receipt and the copy of the notices required by this section shall be retained by the insurer for at least one year from the date of termination~~ *Proof of mailing from the United States Postal Service consistent with the mailing method utilized by the insurer shall be maintained for one year from the date the cancellation or nonrenewal notice is effective.*

2. Notwithstanding the provisions of subdivision B 1, if the terms of the policy require the notice of cancellation or refusal to renew to be given to any lienholder, the insurer and lienholder may agree by separate agreement that such notices may be transmitted electronically, provided that the insurer and lienholder agree upon the specifics for transmittal and ~~acknowledgement~~ *acknowledgment* of notification. Evidence of transmittal or receipt of the notification required by this subsection shall be retained by the insurer for at least one year from the date of termination.

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

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

CHAPTER 72

An Act to amend and reenact § 2.2-2415 of the Code of Virginia, relating to the Treasury Board; meetings.

[S 351]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2415 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2415. Treasury Board membership; chairman; quorum; reimbursement for expenses.

A. The Treasury Board (the "Board") is established as a policy board, within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of seven members to be appointed as follows: four members to be appointed by the Governor, subject to confirmation by the General Assembly, who shall serve at the pleasure of the Governor; the State Treasurer, the Comptroller, and the Tax Commissioner. The members appointed by the Governor should have a background and experience in financial management and investments. The State Treasurer, the Comptroller, and the Tax Commissioner shall serve terms coincident with their terms of office. Vacancies shall be filled in the manner of the original appointment.

B. The State Treasurer shall act as the chairman, and the Board shall elect a secretary who need not be a member of the Board. The Board shall have regularly scheduled meetings at least ~~monthly~~, *six times per year* and shall keep a regular and sufficient set of books, which include a record of all of their proceedings and any action taken by them with respect to any funds which by any provision of law are required to be administered by the Treasury Board. Four members of the Board shall constitute a quorum.

C. Members of the Board appointed by the Governor shall receive ~~compensation, including~~ *reimbursement* for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2813.

CHAPTER 73

An Act to require the Department of Health to convene a work group to establish policies and procedures for making anatomical gifts for the purpose of search and rescue dog training.

[H 202]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Health shall convene a work group of stakeholders, which shall include representatives of the Department of Health, the Department of Emergency Management, the State Anatomical Program, procurement organizations, and local search and rescue teams and organizations, to (i) identify and evaluate options for using human remains donated to search and rescue teams and organizations as anatomical gifts for the purpose of training dogs to find human remains during search and rescue operations and (ii) establish policies and procedures to govern the process of using anatomical gifts for such purpose. In conducting its work, the work group shall respect the sensitive nature of donation for donors and families of decedents and assure that all policies and procedures reflect and incorporate this understanding. The work group shall report its activities, findings, and recommendations to the General Assembly by December 1, 2016.

CHAPTER 74

An Act to amend and reenact § 54.1-2901 of the Code of Virginia, relating to active duty health care providers at public or private health care facilities; provision of health care services in accordance with duties.

[H 221]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2901 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2901. Exceptions and exemptions generally.**

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;

4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministration to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary license or certification by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military ~~orders~~ duties;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;
19. Any person from performing services in the lawful conduct of his particular profession or business under state law;
20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;
21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;
23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;
24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;
26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;
27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;
28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;
29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;
30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;
31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or
32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.
 - B. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife may practice without the requirement for physician supervision while participating in a pilot program approved by the Board of Health pursuant to § 32.1-11.5.

CHAPTER 75

An Act to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 18, consisting of a section numbered 32.1-371, relating to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

[H 222]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 18, consisting of a section numbered 32.1-371, as follows:

CHAPTER 18.

RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT.

§ 32.1-371. *Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.*

The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient-care-related activities, all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics. This compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This compact is designed to achieve the following purposes and objectives:

- 1. Increase public access to EMS personnel;*
- 2. Enhance the states' ability to protect the public's health and safety, especially patient safety;*
- 3. Encourage the cooperation of member states in the areas of EMS licensure and regulation;*
- 4. Support licensing of military members who are separating from an active duty tour and licensing of their spouses;*
- 5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action, and significant investigatory information;*
- 6. Promote compliance with the laws governing EMS personnel practice in each member state; and*
- 7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.*

SECTION 2. DEFINITIONS

In this compact:

A. "Advanced Emergency Medical Technician (AEMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means a voluntary, non-disciplinary substance abuse recovery program approved by a state EMS authority.

D. "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

E. "Commission" means the national administrative body of which all states that have enacted the compact are members.

F. "Emergency medical technician (EMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

G. "Home state" means a member state where an individual is licensed to practice emergency medical services.

H. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, or paramedic or at a level in between EMT and paramedic.

I. "Medical director" means a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

J. "Member state" means a state that has enacted this compact.

K. "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this compact.

L. "Paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

M. "Remote state" means a member state in which an individual is not licensed.

N. "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice.

O. "Rule" means a written statement by the interstate Commission promulgated pursuant to Section 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

P. "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant investigatory information" means:

1. Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. Investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means any state, commonwealth, district, or territory of the United States.

S. "State EMS authority" means the board, office, or other agency with the legislative mandate to license EMS personnel.

SECTION 3. HOME STATE LICENSURE

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

4. No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202 and submit documentation of such as promulgated in the rules of the Commission; and

5. Complies with the rules of the Commission.

SECTION 4. COMPACT PRIVILEGE TO PRACTICE

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3.

B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

1. Be at least 18 years of age;

2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the Commission.

D. Except as provided in Section 4 subsection C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action, it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked, the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;
2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;
3. The individual enters a remote state to provide patient care and/or transport within that remote state;
4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state;
5. Other conditions as determined by rules promulgated by the Commission.

SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the adverse actions provisions of Section 8.

SECTION 8. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state's EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE

A. The compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

1. The Commission is a body politic and an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings.

1. Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12.

5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

- a. Noncompliance of a member state with its obligations under the compact;
- b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law-enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
- j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

1. Establishing the fiscal year of the Commission;
2. Providing reasonable standards and procedures:
 - a. For the establishment and meetings of other committees; and
 - b. Governing any general or specific delegation of any authority or function of the Commission;
3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;
4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;
5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;
6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;
7. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations;
8. Publishing its bylaws and filing a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any;

9. Maintaining its financial records in accordance with the bylaws; and

10. Meeting and taking such actions as are consistent with the provisions of this compact and the bylaws.

D. The Commission shall have the following powers:

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of the same, provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property, real, personal, or mixed, provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees composed of members, state regulators, state legislators or their representatives, and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

12. To provide and receive information from, and cooperate with, law-enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

E. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

F. Qualified Immunity, Defense, and Indemnification.

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 11. COORDINATED DATABASE

A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the Commission, including:

1. Identifying information;
2. Licensure data;
3. Significant investigatory information;
4. Adverse actions against an individual's license;
5. An indicator that an individual's privilege to practice is restricted, suspended, or revoked;
6. Nonconfidential information related to alternative program participation;
7. Any denial of application for licensure and the reason(s) for such denial; and
8. Other information that may facilitate the administration of this compact, as determined by the rules of the Commission.

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

SECTION 12. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

1. On the website of the Commission; and
2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.

E. The Notice of Proposed Rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;
2. The text of the proposed rule or amendment and the reason for the proposed rule;
3. A request for comments on the proposed rule from any interested person; and
4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

1. At least twenty-five (25) persons;
2. A governmental subdivision or agency; or
3. An association having at least twenty-five (25) members.

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight.

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this compact, or promulgated rules.

B. Default, Technical Assistance, and Termination.

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the Commission shall:

- a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and/or any other action to be taken by the Commission; and
- b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated from the compact is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

C. Dispute Resolution.

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 15. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

2. That the provisions of this act shall expire on July 1, 2021, if the Recognition of EMS Personnel Licensure Interstate Compact has not become effective as a result of enactment of the compact into law by at least 10 member states by that date.

3. That the Emergency Medical Services Advisory Board shall review decisions of the Interstate Commission for Emergency Medical Services Personnel Practice established pursuant to this compact and, upon approval by the Interstate Commission for Emergency Medical Services Personnel Practice of any action that will have the result of increasing the cost to the Commonwealth of membership in the compact, may recommend to the General Assembly that the Commonwealth withdraw from the compact.

CHAPTER 76

An Act to amend and reenact § 54.1-2962 of the Code of Virginia, relating to division of fees among physicians.

[H 239]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2962 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2962. Division of fees among physicians prohibited.

A. No ~~surgeon or~~ physician licensed to practice medicine or osteopathy in the Commonwealth shall:

1. ~~Knowingly and willfully, directly or indirectly, share any professional fee charged for a surgical operation or medical services with a physician who brings, sends or recommends a patient to such surgeon for operation, or such physician for such medical received for the provision of health services, as defined in § 54.1-2410, to a patient with another physician licensed to practice medicine or osteopathy in the Commonwealth in return for such other physician's making a referral, as defined in § 54.1-2410, of such patient to the physician providing such health services; and no physician who brings, sends, or recommends any patient to a surgeon for a surgical operation or medical services shall accept from such surgeon or physician any portion of a fee charged for such operation or medical services or~~

2. Accept any portion of a professional fee paid to another physician licensed to practice medicine or osteopathy in the Commonwealth for the provision of health services, as defined in § 54.1-2410, to a patient in return for making a referral, as defined in § 54.1-2410, of such patient to the physician providing such health services.

B. This chapter shall not be construed as prohibiting (i) the members of any regularly organized partnership or group practice, as defined in § 54.1-2410, of ~~such surgeons or~~ physicians licensed to practice medicine or osteopathy in the Commonwealth from making any division of their total fees among themselves as they may determine or a group of ~~duly licensed practitioners of any branch or branches of the healing arts from~~ using their joint fees to defray their joint operating costs; (ii) arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) payments, business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C. § 1320a-7b(b)(3) if such payments, business arrangements, or payment practices involved an underlying payment source that was a federal health care program, as defined in 42 U.S.C. § 1320a-7b(f), regardless of whether the underlying payment source actually is a federal health care program or other bona fide payment source.

C. Any person violating the provisions of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

CHAPTER 77

An Act to amend and reenact § 54.1-2605 of the Code of Virginia, relating to assistant speech-language pathologists; duties.

[H 252]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2605 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2605. Practice of assistant speech-language pathologists.

A person who has met the qualifications prescribed by the Board may practice as an assistant speech-language pathologist in accordance with regulations of the Board and may perform limited duties ~~not that are~~ otherwise restricted to the practice of a speech-language pathologist under the supervision and direction of a licensed speech-language pathologist.

2. That the Board of Audiology and Speech-Language Pathology shall review the need for and impact of licensure or certification of assistant speech-language pathologists and report its findings to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by November 1, 2016.

CHAPTER 78

An Act to amend and reenact § 54.1-2708.3 of the Code of Virginia, relating to mobile dental clinics; exemption from registration requirements.

[H 310]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2708.3 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2708.3. Regulation of mobile dental clinics.

No person shall operate a mobile dental clinic or other portable dental operation without first registering such mobile dental clinic or other portable dental operation with the Board, except that *the following shall be exempt from such registration requirement: (i) mobile dental clinics or other portable dental operations operated by federal, state, or local government agencies or other entities identified by the Board in regulations shall be exempt from such registration requirement; (ii) mobile dental clinics operated by federally qualified health centers with a dental component that provides dental services via mobile model to adults and children within 30 miles of the federally qualified health center; (iii) mobile dental clinics operated by free health clinics or health safety net clinics that have been granted tax-exempt status pursuant to § 501(c)(3) of the Internal Revenue Code that provide dental services via mobile model to adults and children within 30 miles of the free health clinic or health safety net clinic; and (iv) mobile dental clinics that provide dental services via mobile model to individuals who are not ambulatory and who reside in long-term care facilities, assisted living facilities, adult care homes, or private homes.*

The Board shall promulgate regulations for mobile dental clinics and other portable dental operations to ensure that patient safety is protected, appropriate dental services are rendered, and needed follow-up care is provided. Such regulations shall include, but not be limited to, requirements for the registration of mobile dental clinics, locations where services may be provided, requirements for reporting by providers, and other requirements necessary to provide accountability for services rendered.

CHAPTER 79

An Act to require the Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services providers to provide emergency medical services across state lines.

[H 311]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Secretary of Health and Human Resources shall undertake efforts to establish collaborative agreements with other states, particularly those states that share a border with the Commonwealth, for the interstate recognition of certifications of emergency medical services providers for the purpose of allowing emergency medical services providers to enter into other states to provide emergency medical services and shall report to the General Assembly regarding the status of such efforts no later than November 1, 2016.*

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

CHAPTER 80

An Act to require the Department of Health to work with stakeholders to increase sharing of electronic health records.

[H 312]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Secretary of Health and Human Resources shall work with stakeholders, which shall include representatives of hospitals and other health care providers in the Commonwealth, to (i) evaluate interoperability of electronic health records systems among health systems and health care providers and the ability of health systems and health care providers to share patient records in electronic format and (ii) develop recommendations for improving the ability of health systems and health care providers to share electronic health records with the goal of ensuring that all health care providers in the Commonwealth are able to share electronic health information to reduce the cost of health care and improve the efficiency of health care services. The Secretary shall report his findings and recommendations to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health by December 1, 2016.*

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

CHAPTER 81

An Act to amend and reenact § 32.1-46 of the Code of Virginia, relating to administration of immunizations.

[H 313]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-46 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-46. Immunization of patients against certain diseases.

A. The parent, guardian or person standing in loco parentis of each child within this Commonwealth shall cause such child to be immunized in accordance with the Immunization Schedule developed and published by the Centers for Disease Control and Prevention (CDC), Advisory Committee on Immunization Practices (ACIP), the American Academy of Pediatrics (AAP), and the American Academy of Family Physicians (AAFP). The required immunizations for attendance at a public or private elementary, middle or secondary school, child care center, nursery school, family day care home or developmental center shall be those set forth in the State Board of Health Regulations for the Immunization of School Children. The Board's regulations shall at a minimum require:

1. A minimum of three properly spaced doses of hepatitis B vaccine (HepB).

2. A minimum of three or more properly spaced doses of diphtheria toxoid. One dose shall be administered on or after the fourth birthday.

3. A minimum of three or more properly spaced doses of tetanus toxoid. One dose shall be administered on or after the fourth birthday.

4. A minimum of three or more properly spaced doses of acellular pertussis vaccine. One dose shall be administered on or after the fourth birthday. A booster dose shall be administered prior to entry into the sixth grade.

5. Two or three primary doses of Haemophilus influenzae type b (Hib) vaccine, depending on the manufacturer, for children up to 60 months of age.

6. Two properly spaced doses of live attenuated measles (rubeola) vaccine. The first dose shall be administered at age 12 months or older.

7. One dose of live attenuated rubella vaccine shall be administered at age 12 months or older.

8. One dose of live attenuated mumps vaccine shall be administered at age 12 months or older.
 9. All children born on and after January 1, 1997, shall be required to have one dose of varicella vaccine on or after 12 months.

10. Three or more properly spaced doses of oral polio vaccine (OPV) or inactivated polio vaccine (IPV). One dose shall be administered on or after the fourth birthday. A fourth dose shall be required if the three dose primary series consisted of a combination of OPV and IPV.

11. One to four doses, dependent on age at first dose, of properly spaced pneumococcal conjugate (PCV) vaccine for children up to 60 months of age.

12. Three doses of properly spaced human papillomavirus (HPV) vaccine for females. The first dose shall be administered before the child enters the sixth grade.

The parent, guardian or person standing in loco parentis may have such child immunized by a physician ~~or~~ *physician assistant, nurse practitioner, registered nurse, or licensed practical nurse, or a pharmacist who administers pursuant to a valid prescription*, or may present the child to the appropriate local health department, which shall administer the vaccines required by the State Board of Health Regulations for the Immunization of School Children without charge to the parent of or person standing in loco parentis to the child if (i) the child is eligible for the Vaccines for Children Program or (ii) the child is eligible for coverages issued pursuant to Title XVIII of the Social Security Act, 42 U.S.C. § 1395 et seq. (Medicare), Title XIX of the Social Security Act, 42 U.S.C. § 1396 et seq. (Medicaid), Title XXI of the Social Security Act, 42 U.S.C. § 1397aa et seq. (CHIP), or 10 U.S.C. § 1071 et seq. (CHAMPUS). In all cases in which a child is covered by a health carrier, Medicare, Medicaid, CHIP, or CHAMPUS, the Department shall seek reimbursement from the health carrier, Medicare, Medicaid, CHIP, or CHAMPUS for all allowable costs associated with the provision of the vaccine. For the purposes of this section, the Department shall be deemed a participating provider with a managed care health insurance plan as defined in § 32.1-137.1.

B. A physician, *physician assistant, nurse practitioner, registered nurse, licensed practical nurse, pharmacist*, or local health department administering a vaccine required by this section shall provide to the person who presents the child for immunizations a certificate that shall state the diseases for which the child has been immunized, the numbers of doses given, the dates when administered and any further immunizations indicated.

C. The vaccines required by this section shall meet the standards prescribed in, and be administered in accordance with, regulations of the Board.

D. The provisions of this section shall not apply if:

1. The parent or guardian of the child objects thereto on the grounds that the administration of immunizing agents conflicts with his religious tenets or practices, unless an emergency or epidemic of disease has been declared by the Board;

2. The parent or guardian presents a statement from a physician licensed to practice medicine in Virginia, a licensed nurse practitioner, or a local health department that states that the physical condition of the child is such that the administration of one or more of the required immunizing agents would be detrimental to the health of the child; or

3. Because the human papillomavirus is not communicable in a school setting, a parent or guardian, at the parent's or guardian's sole discretion, may elect for the parent's or guardian's child not to receive the human papillomavirus vaccine, after having reviewed materials describing the link between the human papillomavirus and cervical cancer approved for such use by the Board.

E. For the purpose of protecting the public health by ensuring that each child receives age-appropriate immunizations, any physician, physician assistant, nurse practitioner, licensed institutional health care provider, local or district health department, the Virginia Immunization Information System, and the Department of Health may share immunization and patient locator information without parental authorization, including, but not limited to, the month, day, and year of each administered immunization; the patient's name, address, telephone number, birth date, and social security number; and the parents' names. The immunization information; the patient's name, address, telephone number, birth date, and social security number; and the parents' names shall be confidential and shall only be shared for the purposes set out in this subsection.

F. The State Board of Health shall review this section annually and make recommendations for revision by September 1 to the Governor, the General Assembly, and the Joint Commission on Health Care.

CHAPTER 82

An Act to amend and reenact § 54.1-2400 of the Code of Virginia, relating to continuing education requirements; volunteer health services.

[H 319]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2400 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2400. General powers and duties of health regulatory boards.

The general powers and duties of health regulatory boards shall be:

1. To establish the qualifications for registration, certification, licensure or the issuance of a multistate licensure privilege in accordance with the applicable law which are necessary to ensure competence and integrity to engage in the regulated professions.
2. To examine or cause to be examined applicants for certification or licensure. Unless otherwise required by law, examinations shall be administered in writing or shall be a demonstration of manual skills.
3. To register, certify, license or issue a multistate licensure privilege to qualified applicants as practitioners of the particular profession or professions regulated by such board.
4. To establish schedules for renewals of registration, certification, licensure, and the issuance of a multistate licensure privilege.
5. To levy and collect fees for application processing, examination, registration, certification or licensure or the issuance of a multistate licensure privilege and renewal that are sufficient to cover all expenses for the administration and operation of the Department of Health Professions, the Board of Health Professions and the health regulatory boards.
6. To promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) ~~which~~ *that* are reasonable and necessary to administer effectively the regulatory system, *which shall include provisions for the satisfaction of board-required continuing education for individuals registered, certified, licensed, or issued a multistate licensure privilege by a health regulatory board through delivery of health care services, without compensation, to low-income individuals receiving health services through a local health department or a free clinic organized in whole or primarily for the delivery of those health services.* Such regulations shall not conflict with the purposes and intent of this chapter or of Chapter 1 (§ 54.1-100 et seq.) and Chapter 25 (§ 54.1-2500 et seq.) ~~of this title.~~
7. To revoke, suspend, restrict, or refuse to issue or renew a registration, certificate, license or multistate licensure privilege which such board has authority to issue for causes enumerated in applicable law and regulations.
8. To appoint designees from their membership or immediate staff to coordinate with the Director and the Health Practitioners' Monitoring Program Committee and to implement, as is necessary, the provisions of Chapter 25.1 (§ 54.1-2515 et seq.) of this title. Each health regulatory board shall appoint one such designee.
9. To take appropriate disciplinary action for violations of applicable law and regulations, and to accept, in their discretion, the surrender of a license, certificate, registration or multistate licensure privilege in lieu of disciplinary action.
10. To appoint a special conference committee, composed of not less than two members of a health regulatory board or, when required for special conference committees of the Board of Medicine, not less than two members of the Board and one member of the relevant advisory board, or, when required for special conference committees of the Board of Nursing, not less than one member of the Board and one member of the relevant advisory board, to act in accordance with § 2.2-4019 upon receipt of information that a practitioner or permit holder of the appropriate board may be subject to disciplinary action or to consider an application for a license, certification, registration, permit or multistate licensure privilege in nursing. The special conference committee may (i) exonerate; (ii) reinstate; (iii) place the practitioner or permit holder on probation with such terms as it may deem appropriate; (iv) reprimand; (v) modify a previous order; (vi) impose a monetary penalty pursuant to § 54.1-2401, (vii) deny or grant an application for licensure, certification, registration, permit, or multistate licensure privilege; and (viii) issue a restricted license, certification, registration, permit or multistate licensure privilege subject to terms and conditions. The order of the special conference committee shall become final 30 days after service of the order unless a written request to the board for a hearing is received within such time. If service of the decision to a party is accomplished by mail, three days shall be added to the 30-day period. Upon receiving a timely written request for a hearing, the board or a panel of the board shall then proceed with a hearing as provided in § 2.2-4020, and the action of the committee shall be vacated. This subdivision shall not be construed to limit the authority of a board to delegate to an appropriately qualified agency subordinate, as defined in § 2.2-4001, the authority to conduct informal fact-finding proceedings in accordance with § 2.2-4019, upon receipt of information that a practitioner may be subject to a disciplinary action. The recommendation of such subordinate may be considered by a panel consisting of at least five board members, or, if a quorum of the board is less than five members, consisting of a quorum of the members, convened for the purpose of issuing a case decision. Criteria for the appointment of an agency subordinate shall be set forth in regulations adopted by the board.
11. To convene, at their discretion, a panel consisting of at least five board members or, if a quorum of the board is less than five members, consisting of a quorum of the members to conduct formal proceedings pursuant to § 2.2-4020, decide the case, and issue a final agency case decision. Any decision rendered by majority vote of such panel shall have the same effect as if made by the full board and shall be subject to court review in accordance with the Administrative Process Act. No member who participates in an informal proceeding conducted in accordance with § 2.2-4019 shall serve on a panel conducting formal proceedings pursuant to § 2.2-4020 to consider the same matter.
12. To issue inactive licenses or certificates and promulgate regulations to carry out such purpose. Such regulations shall include, but not be limited to, the qualifications, renewal fees, and conditions for reactivation of licenses or certificates.
13. To meet by telephone conference call to consider settlement proposals in matters pending before special conference committees convened pursuant to this section, or matters referred for formal proceedings pursuant to § 2.2-4020 to a health regulatory board or a panel of the board or to consider modifications of previously issued board orders when such considerations have been requested by either of the parties.

14. To request and accept from a certified, registered or licensed practitioner or person holding a multistate licensure privilege to practice nursing, in lieu of disciplinary action, a confidential consent agreement. A confidential consent agreement shall be subject to the confidentiality provisions of § 54.1-2400.2 and shall not be disclosed by a practitioner. A confidential consent agreement shall include findings of fact and may include an admission or a finding of a violation. A confidential consent agreement shall not be considered either a notice or order of any health regulatory board, but it may be considered by a board in future disciplinary proceedings. A confidential consent agreement shall be entered into only in cases involving minor misconduct where there is little or no injury to a patient or the public and little likelihood of repetition by the practitioner. A board shall not enter into a confidential consent agreement if there is probable cause to believe the practitioner has (i) demonstrated gross negligence or intentional misconduct in the care of patients or (ii) conducted his practice in such a manner as to be a danger to the health and welfare of his patients or the public. A certified, registered or licensed practitioner who has entered into two confidential consent agreements involving a standard of care violation, within the 10-year period immediately preceding a board's receipt of the most recent report or complaint being considered, shall receive public discipline for any subsequent violation within the 10-year period unless the board finds there are sufficient facts and circumstances to rebut the presumption that the disciplinary action be made public.

15. When a board has probable cause to believe a practitioner is unable to practice with reasonable skill and safety to patients because of excessive use of alcohol or drugs or physical or mental illness, the board, after preliminary investigation by an informal fact-finding proceeding, may direct that the practitioner submit to a mental or physical examination. Failure to submit to the examination shall constitute grounds for disciplinary action. Any practitioner affected by this subsection shall be afforded reasonable opportunity to demonstrate that he is competent to practice with reasonable skill and safety to patients. For the purposes of this subdivision, "practitioner" shall include any person holding a multistate licensure privilege to practice nursing.

2. That the provisions of this act shall become effective on January 1, 2017.

CHAPTER 83

An Act to amend and reenact §§ 54.1-3000, 54.1-3005, and 54.1-3013 of the Code of Virginia and to amend the Code of Virginia by adding in Article 2 of Chapter 30 of Title 54.1 a section numbered 54.1-3018.1, relating to registration of clinical nurse specialists.

[H 330]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3000, 54.1-3005, and 54.1-3013 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 2 of Chapter 30 of Title 54.1 a section numbered 54.1-3018.1 as follows:

§ 54.1-3000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Nursing.

"Certified nurse aide" means a person who meets the qualifications specified in this article and who is currently certified by the Board.

"Clinical nurse specialist" means ~~a person~~ *an advanced practice registered nurse who meets the requirements set forth in § 54.1-3018.1 and who is currently registered by the Board in addition to holding a license under the provisions of this chapter to practice professional nursing as defined in this section.* Such a person shall be recognized as being able to provide advanced services according to the specialized training received from a program ~~approved by~~ *satisfactory to* the Board, but shall not be entitled to perform any act that is not within the scope of practice of professional nursing.

"Certified massage therapist" means a person who meets the qualifications specified in this chapter and who is currently certified by the Board.

"Massage therapy" means the treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. The terms "massage therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic therapy, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Practical nurse" or "licensed practical nurse" means a person who is licensed or holds a multistate licensure privilege under the provisions of this chapter to practice practical nursing as defined in this section. Such a licensee shall be empowered to provide nursing services without compensation. The abbreviation "L.P.N." shall stand for such terms.

"Practical nursing" or "licensed practical nursing" means the performance for compensation of selected nursing acts in the care of individuals or groups who are ill, injured, or experiencing changes in normal health processes; in the maintenance of health; in the prevention of illness or disease; or, subject to such regulations as the Board may promulgate, in the teaching of those who are or will be nurse aides. Practical nursing or licensed practical nursing requires knowledge, judgment and skill in nursing procedures gained through prescribed education. Practical nursing or licensed practical

nursing is performed under the direction or supervision of a licensed medical practitioner, a professional nurse, registered nurse or registered professional nurse or other licensed health professional authorized by regulations of the Board.

"Practice of a nurse aide" or "nurse aide practice" means the performance of services requiring the education, training, and skills specified in this chapter for certification as a nurse aide. Such services are performed under the supervision of a dentist, physician, podiatrist, professional nurse, licensed practical nurse, or other licensed health care professional acting within the scope of the requirements of his profession.

"Professional nurse," "registered nurse" or "registered professional nurse" means a person who is licensed or holds a multistate licensure privilege under the provisions of this chapter to practice professional nursing as defined in this section. Such a licensee shall be empowered to provide professional services without compensation, to promote health and to teach health to individuals and groups. The abbreviation "R.N." shall stand for such terms.

"Professional nursing," "registered nursing" or "registered professional nursing" means the performance for compensation of any nursing acts in the observation, care and counsel of individuals or groups who are ill, injured or experiencing changes in normal health processes or the maintenance of health; in the prevention of illness or disease; in the supervision and teaching of those who are or will be involved in nursing care; in the delegation of selected nursing tasks and procedures to appropriately trained unlicensed persons as determined by the Board; or in the administration of medications and treatments as prescribed by any person authorized by law to prescribe such medications and treatment. Professional nursing, registered nursing and registered professional nursing require specialized education, judgment, and skill based upon knowledge and application of principles from the biological, physical, social, behavioral and nursing sciences.

§ 54.1-3005. Specific powers and duties of Board.

In addition to the general powers and duties conferred in this title, the Board shall have the following specific powers and duties:

1. To prescribe minimum standards and approve curricula for educational programs preparing persons for licensure or certification under this chapter;
2. To approve programs that meet the requirements of this chapter and of the Board;
3. To provide consultation service for educational programs as requested;
4. To provide for periodic surveys of educational programs;
5. To deny or withdraw approval from educational programs for failure to meet prescribed standards;
6. To provide consultation regarding nursing practice for institutions and agencies as requested and investigate illegal nursing practices;
7. To keep a record of all its proceedings;
8. To certify and maintain a registry of all certified nurse aides and to promulgate regulations consistent with federal law and regulation. The Board shall require all schools to demonstrate their compliance with § 54.1-3006.2 upon application for approval or reapproval, during an on-site visit, or in response to a complaint or a report of noncompliance. The Board may impose a fee pursuant to § 54.1-2401 for any violation thereof. Such regulations may include standards for the authority of licensed practical nurses to teach nurse aides;
- ~~9. To approve programs that entitle professional nurses to be registered as clinical nurse specialists and to prescribe minimum standards for such programs;~~
- ~~10.~~ To maintain a registry of clinical nurse specialists and to promulgate regulations governing clinical nurse specialists;
- ~~11.~~ 10. To certify and maintain a registry of all certified massage therapists and to promulgate regulations governing the criteria for certification as a massage therapist and the standards of professional conduct for certified massage therapists;
- ~~12.~~ 11. To promulgate regulations for the delegation of certain nursing tasks and procedures not involving assessment, evaluation or nursing judgment to an appropriately trained unlicensed person by and under the supervision of a registered nurse, who retains responsibility and accountability for such delegation;
- ~~13.~~ 12. To develop and revise as may be necessary, in coordination with the Boards of Medicine and Education, guidelines for the training of employees of a school board in the administration of insulin and glucagon for the purpose of assisting with routine insulin injections and providing emergency treatment for life-threatening hypoglycemia. The first set of such guidelines shall be finalized by September 1, 1999, and shall be made available to local school boards for a fee not to exceed the costs of publication;
- ~~14.~~ 13. To enter into the Nurse Licensure Compact as set forth in this chapter and to promulgate regulations for its implementation;
- ~~15.~~ 14. To collect, store and make available nursing workforce information regarding the various categories of nurses certified, licensed or registered pursuant to § 54.1-3012.1;
- ~~16.~~ 15. To expedite application processing, to the extent possible, for an applicant for licensure or certification by the Board upon submission of evidence that the applicant, who is licensed or certified in another state, is relocating to the Commonwealth pursuant to a spouse's official military orders;
- ~~17.~~ 16. To register medication aides and promulgate regulations governing the criteria for such registration and standards of conduct for medication aides;
- ~~18.~~ 17. To approve training programs for medication aides to include requirements for instructional personnel, curriculum, continuing education, and a competency evaluation;

~~19.~~ 18. To set guidelines for the collection of data by all approved nursing education programs and to compile this data in an annual report. The data shall include but not be limited to enrollment, graduation rate, attrition rate, and number of qualified applicants who are denied admission;

~~20.~~ 19. To develop, in consultation with the Board of Pharmacy, guidelines for the training of employees of child day programs as defined in § 63.2-100 and regulated by the State Board of Social Services in the administration of prescription drugs as defined in the Drug Control Act (§ 54.1-3400 et seq.). Such training programs shall be taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist;

~~21.~~ 20. In order to protect the privacy and security of health professionals licensed, registered or certified under this chapter, to promulgate regulations permitting use on identification badges of first name and first letter only of last name and appropriate title when practicing in hospital emergency departments, in psychiatric and mental health units and programs, or in health care facility units offering treatment for patients in custody of state or local law-enforcement agencies;

~~22.~~ 21. To revise, as may be necessary, guidelines for seizure management, in coordination with the Board of Medicine, including the list of rescue medications for students with epilepsy and other seizure disorders in the public schools. The revised guidelines shall be finalized and made available to the Board of Education by August 1, 2010. The guidelines shall then be posted on the Department of Education's website; and

~~23.~~ 22. To promulgate, together with the Board of Medicine, regulations governing the licensure of nurse practitioners pursuant to § 54.1-2957.

§ 54.1-3013. Approval of nursing education program.

An institution desiring to conduct a nursing education program to prepare professional or practical nurses ~~or clinical nurse specialists~~ shall apply to the Board and submit evidence that:

1. It is prepared to meet the minimum standards prescribed by the Board for either a professional nursing curriculum, ~~a clinical nurse specialist curriculum~~ or a practical nursing curriculum; and

2. It is prepared to meet such other standards as may be established by law or by the Board.

A survey of the institution and its entire nursing education program shall be made by the administrative officer or other authorized employee of the Board, who shall submit a written report of the survey to the Board. If, in the opinion of the Board, the requirements necessary for approval are met, it shall be approved as a nursing education program for professional or practical nurses ~~or clinical nurse specialists~~.

New nursing education programs shall not be established or conducted unless approved by the Board.

§ 54.1-3018.1. Registration of clinical nurse specialists.

The Board may register an applicant as a clinical nurse specialist if the applicant:

1. *Holds a valid license to practice professional nursing pursuant to this article; and*

2. *Has successfully completed a graduate-level clinical nurse specialist program within a regionally accredited college or university that meets all educational qualifications and standards established by national certification guidelines and holds a national clinical nurse specialist certification that prepares the professional nurse to deliver advanced nursing services.*

CHAPTER 84

An Act to amend and reenact § 32.1-162.18 of the Code of Virginia, relating to informed consent to experimental treatment; neurodegenerative diseases.

[H 337]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-162.18 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-162.18. Informed consent.

A. In order to conduct human research in this Commonwealth, informed consent must be obtained if the person who is to be the human subject is as follows: (i) capable of making an informed decision, then it shall be subscribed to in writing by the person and witnessed; (ii) incapable of making an informed decision, as defined in § 54.1-2982, at the time consent is required, then it shall be subscribed to in writing by the person's legally authorized representative and witnessed; or (iii) a minor otherwise capable of rendering informed consent, then it shall be subscribed to in writing by both the minor and his legally authorized representative. The giving of consent by a legally authorized representative shall be subject to the provisions of subsection B of this section. If two or more persons who qualify as legally authorized representatives and have equal decision-making priority under this chapter inform the principal investigator or attending physician that they disagree as to participation of the prospective subject in human research, the subject shall not be enrolled in the human research that is the subject of the consent. No informed consent form shall include any language through which the person who is to be the human subject waives or appears to waive any of his legal rights, including any release of any individual, institution, or agency or any agents thereof from liability for negligence.

Notwithstanding consent by a legally authorized representative, no person shall be forced to participate in any human research if the investigator conducting the human research knows that participation in the research is protested by the prospective subject. In the case of persons suffering from ~~organic brain diseases~~ *neurodegenerative diseases* causing

progressive deterioration of cognition for which there is no known cure or ~~medically accepted treatment~~, the implementation of experimental courses of therapeutic treatment, *including non-pharmacological treatment*, to which a legally authorized representative has given informed consent shall not constitute the use of force.

B. A legally authorized representative may not consent to nontherapeutic research unless it is determined by the human research committee that such nontherapeutic research will present no more than a minor increase over minimal risk to the human subject. A legally authorized representative may not consent to participation in human research on behalf of a prospective subject if the legally authorized representative knows, or upon reasonable inquiry ought to know, that any aspect of the human research protocol is contrary to the religious beliefs or basic values of the prospective subject, whether expressed orally or in writing. A legally authorized representative may not consent to participation in human research involving nontherapeutic sterilization, abortion, psychosurgery or admission for research purposes to a facility or hospital as defined in § 37.2-100.

C. Except as provided elsewhere in this chapter, no investigator may involve a human being as a subject in research covered by this chapter unless the investigator has obtained the legally effective informed consent of the subject or the subject's legally authorized representative. An investigator shall seek such consent only under circumstances that provide the prospective subject or the legally authorized representative sufficient opportunity to consider whether or not to participate and that minimize the possibility of coercion or undue influence.

D. The human research review committee may approve a consent procedure which omits or alters some or all of the basic elements of informed consent, or waives the requirement to obtain informed consent, if the committee finds and documents that (i) the research involves no more than minimal risk to the subjects; (ii) the omission, alteration or waiver will not adversely affect the rights and welfare of the subjects; (iii) the research could not practicably be performed without the omission, alteration or waiver; and (iv) after participation, the subjects are to be provided with additional pertinent information, whenever appropriate.

E. The human research review committee may waive the requirement that the investigator obtain written informed consent for some or all subjects, if the committee finds that the only record linking the subject and the research would be the consent document and the principal risk would be potential harm resulting from a breach of confidentiality. The committee may require the investigator to provide the subjects with a written statement explaining the research. Further, each subject shall be asked whether he wants documentation linking him to the research and the subject's wishes shall govern.

CHAPTER 85

An Act to amend and reenact § 32.1-127 of the Code of Virginia, relating to nursing homes; reimbursement of unexpended patient funds.

[H 343]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-127 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-127. Regulations.

A. The regulations promulgated by the Board to carry out the provisions of this article shall be in substantial conformity to the standards of health, hygiene, sanitation, construction and safety as established and recognized by medical and health care professionals and by specialists in matters of public health and safety, including health and safety standards established under provisions of Title XVIII and Title XIX of the Social Security Act, and to the provisions of Article 2 (§ 32.1-138 et seq.).

B. Such regulations:

1. Shall include minimum standards for (i) the construction and maintenance of hospitals, nursing homes and certified nursing facilities to ensure the environmental protection and the life safety of its patients, employees, and the public; (ii) the operation, staffing and equipping of hospitals, nursing homes and certified nursing facilities; (iii) qualifications and training of staff of hospitals, nursing homes and certified nursing facilities, except those professionals licensed or certified by the Department of Health Professions; (iv) conditions under which a hospital or nursing home may provide medical and nursing services to patients in their places of residence; and (v) policies related to infection prevention, disaster preparedness, and facility security of hospitals, nursing homes, and certified nursing facilities. For purposes of this paragraph, facilities in which five or more first trimester abortions per month are performed shall be classified as a category of "hospital";

2. Shall provide that at least one physician who is licensed to practice medicine in this Commonwealth shall be on call at all times, though not necessarily physically present on the premises, at each hospital which operates or holds itself out as operating an emergency service;

3. May classify hospitals and nursing homes by type of specialty or service and may provide for licensing hospitals and nursing homes by bed capacity and by type of specialty or service;

4. Shall also require that each hospital establish a protocol for organ donation, in compliance with federal law and the regulations of the Centers for Medicare and Medicaid Services (CMS), particularly 42 C.F.R. § 482.45. Each hospital shall have an agreement with an organ procurement organization designated in CMS regulations for routine contact, whereby the provider's designated organ procurement organization certified by CMS (i) is notified in a timely manner of all deaths or

imminent deaths of patients in the hospital and (ii) is authorized to determine the suitability of the decedent or patient for organ donation and, in the absence of a similar arrangement with any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks, the suitability for tissue and eye donation. The hospital shall also have an agreement with at least one tissue bank and at least one eye bank to cooperate in the retrieval, processing, preservation, storage, and distribution of tissues and eyes to ensure that all usable tissues and eyes are obtained from potential donors and to avoid interference with organ procurement. The protocol shall ensure that the hospital collaborates with the designated organ procurement organization to inform the family of each potential donor of the option to donate organs, tissues, or eyes or to decline to donate. The individual making contact with the family shall have completed a course in the methodology for approaching potential donor families and requesting organ or tissue donation that (a) is offered or approved by the organ procurement organization and designed in conjunction with the tissue and eye bank community and (b) encourages discretion and sensitivity according to the specific circumstances, views, and beliefs of the relevant family. In addition, the hospital shall work cooperatively with the designated organ procurement organization in educating the staff responsible for contacting the organ procurement organization's personnel on donation issues, the proper review of death records to improve identification of potential donors, and the proper procedures for maintaining potential donors while necessary testing and placement of potential donated organs, tissues, and eyes takes place. This process shall be followed, without exception, unless the family of the relevant decedent or patient has expressed opposition to organ donation, the chief administrative officer of the hospital or his designee knows of such opposition, and no donor card or other relevant document, such as an advance directive, can be found;

5. Shall require that each hospital that provides obstetrical services establish a protocol for admission or transfer of any pregnant woman who presents herself while in labor;

6. Shall also require that each licensed hospital develop and implement a protocol requiring written discharge plans for identified, substance-abusing, postpartum women and their infants. The protocol shall require that the discharge plan be discussed with the patient and that appropriate referrals for the mother and the infant be made and documented. Appropriate referrals may include, but need not be limited to, treatment services, comprehensive early intervention services for infants and toddlers with disabilities and their families pursuant to Part H of the Individuals with Disabilities Education Act, 20 U.S.C. § 1471 et seq., and family-oriented prevention services. The discharge planning process shall involve, to the extent possible, the father of the infant and any members of the patient's extended family who may participate in the follow-up care for the mother and the infant. Immediately upon identification, pursuant to § 54.1-2403.1, of any substance-abusing, postpartum woman, the hospital shall notify, subject to federal law restrictions, the community services board of the jurisdiction in which the woman resides to appoint a discharge plan manager. The community services board shall implement and manage the discharge plan;

7. Shall require that each nursing home and certified nursing facility fully disclose to the applicant for admission the home's or facility's admissions policies, including any preferences given;

8. Shall require that each licensed hospital establish a protocol relating to the rights and responsibilities of patients which shall include a process reasonably designed to inform patients of such rights and responsibilities. Such rights and responsibilities of patients, a copy of which shall be given to patients on admission, shall be consistent with applicable federal law and regulations of the Centers for Medicare and Medicaid Services;

9. Shall establish standards and maintain a process for designation of levels or categories of care in neonatal services according to an applicable national or state-developed evaluation system. Such standards may be differentiated for various levels or categories of care and may include, but need not be limited to, requirements for staffing credentials, staff/patient ratios, equipment, and medical protocols;

10. Shall require that each nursing home and certified nursing facility train all employees who are mandated to report adult abuse, neglect, or exploitation pursuant to § 63.2-1606 on such reporting procedures and the consequences for failing to make a required report;

11. Shall permit hospital personnel, as designated in medical staff bylaws, rules and regulations, or hospital policies and procedures, to accept emergency telephone and other verbal orders for medication or treatment for hospital patients from physicians, and other persons lawfully authorized by state statute to give patient orders, subject to a requirement that such verbal order be signed, within a reasonable period of time not to exceed 72 hours as specified in the hospital's medical staff bylaws, rules and regulations or hospital policies and procedures, by the person giving the order, or, when such person is not available within the period of time specified, co-signed by another physician or other person authorized to give the order;

12. Shall require, unless the vaccination is medically contraindicated or the resident declines the offer of the vaccination, that each certified nursing facility and nursing home provide or arrange for the administration to its residents of (i) an annual vaccination against influenza and (ii) a pneumococcal vaccination, in accordance with the most recent recommendations of the Advisory Committee on Immunization Practices of the Centers for Disease Control and Prevention;

13. Shall require that each nursing home and certified nursing facility register with the Department of State Police to receive notice of the registration or reregistration of any sex offender within the same or a contiguous zip code area in which the home or facility is located, pursuant to § 9.1-914;

14. Shall require that each nursing home and certified nursing facility ascertain, prior to admission, whether a potential patient is a registered sex offender, if the home or facility anticipates the potential patient will have a length of stay greater than three days or in fact stays longer than three days;

15. Shall require that each licensed hospital include in its visitation policy a provision allowing each adult patient to receive visits from any individual from whom the patient desires to receive visits, subject to other restrictions contained in the visitation policy including, but not limited to, those related to the patient's medical condition and the number of visitors permitted in the patient's room simultaneously;

16. Shall require that each nursing home and certified nursing facility shall, upon the request of the facility's family council, send notices and information about the family council mutually developed by the family council and the administration of the nursing home or certified nursing facility, and provided to the facility for such purpose, to the listed responsible party or a contact person of the resident's choice up to six times per year. Such notices may be included together with a monthly billing statement or other regular communication. Notices and information shall also be posted in a designated location within the nursing home or certified nursing facility;

17. Shall require that each nursing home and certified nursing facility maintain liability insurance coverage in a minimum amount of \$1 million, and professional liability coverage in an amount at least equal to the recovery limit set forth in § 8.01-581.15, to compensate patients or individuals for injuries and losses resulting from the negligent or criminal acts of the facility. Failure to maintain such minimum insurance shall result in revocation of the facility's license; ~~and~~

18. Shall require each hospital that provides obstetrical services to establish policies to follow when a stillbirth, as defined in § 32.1-69.1, occurs that meet the guidelines pertaining to counseling patients and their families and other aspects of managing stillbirths as may be specified by the Board in its regulations; *and*

19. *Shall require each nursing home to provide a full refund of any unexpended patient funds on deposit with the facility following the discharge or death of a patient, other than entrance-related fees paid to a continuing care provider as defined in § 38.2-4900, within 30 days of a written request for such funds by the discharged patient or, in the case of the death of a patient, the person administering the person's estate in accordance with the Virginia Small Estates Act (§ 64.2-600 et seq.).*

C. Upon obtaining the appropriate license, if applicable, licensed hospitals, nursing homes, and certified nursing facilities may operate adult day care centers.

D. All facilities licensed by the Board pursuant to this article which provide treatment or care for hemophiliacs and, in the course of such treatment, stock clotting factors, shall maintain records of all lot numbers or other unique identifiers for such clotting factors in order that, in the event the lot is found to be contaminated with an infectious agent, those hemophiliacs who have received units of this contaminated clotting factor may be apprised of this contamination. Facilities which have identified a lot which is known to be contaminated shall notify the recipient's attending physician and request that he notify the recipient of the contamination. If the physician is unavailable, the facility shall notify by mail, return receipt requested, each recipient who received treatment from a known contaminated lot at the individual's last known address.

CHAPTER 86

An Act to amend and reenact § 54.1-3303 of the Code of Virginia, relating to TPA-certified optometrists; prescription of certain Schedule II controlled substances.

[H 498]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3303 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3303. Prescriptions to be issued and drugs to be dispensed for medical or therapeutic purposes only.

A. A prescription for a controlled substance may be issued only by a practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine who is authorized to prescribe controlled substances, or by a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32. The prescription shall be issued for a medicinal or therapeutic purpose and may be issued only to persons or animals with whom the practitioner has a bona fide practitioner-patient relationship.

For purposes of this section, a bona fide practitioner-patient-pharmacist relationship is one in which a practitioner prescribes, and a pharmacist dispenses, controlled substances in good faith to his patient for a medicinal or therapeutic purpose within the course of his professional practice. In addition, a bona fide practitioner-patient relationship means that the practitioner shall (i) ensure that a medical or drug history is obtained; (ii) provide information to the patient about the benefits and risks of the drug being prescribed; (iii) perform or have performed an appropriate examination of the patient, either physically or by the use of instrumentation and diagnostic equipment through which images and medical records may be transmitted electronically; except for medical emergencies, the examination of the patient shall have been performed by the practitioner himself, within the group in which he practices, or by a consulting practitioner prior to issuing a prescription; and (iv) initiate additional interventions and follow-up care, if necessary, especially if a prescribed drug may have serious side effects.

For the purpose of prescribing a Schedule VI controlled substance to a patient via telemedicine services as defined in § 38.2-3418.16, a prescriber may establish a bona fide practitioner-patient relationship by an examination through face-to-face interactive, two-way, real-time communications services or store-and-forward technologies when all of the following conditions are met: (a) the patient has provided a medical history that is available for review by the prescriber; (b) the prescriber obtains an updated medical history at the time of prescribing; (c) the prescriber makes a diagnosis at the time of prescribing; (d) the prescriber conforms to the standard of care expected of in-person care as appropriate to the patient's age and presenting condition, including when the standard of care requires the use of diagnostic testing and performance of a physical examination, which may be carried out through the use of peripheral devices appropriate to the patient's condition; (e) the prescriber is actively licensed in the Commonwealth and authorized to prescribe; (f) if the patient is a member or enrollee of a health plan or carrier, the prescriber has been credentialed by the health plan or carrier as a participating provider and the diagnosing and prescribing meets the qualifications for reimbursement by the health plan or carrier pursuant to § 38.2-3418.16; and (g) upon request, the prescriber provides patient records in a timely manner in accordance with the provisions of § 32.1-127.1:03 and all other state and federal laws and regulations. Nothing in this paragraph shall permit a prescriber to establish a bona fide practitioner-patient relationship for the purpose of prescribing a Schedule VI controlled substance when the standard of care dictates that an in-person physical examination is necessary for diagnosis. Nothing in this paragraph shall apply to: (1) a prescriber providing on-call coverage per an agreement with another prescriber or his prescriber's professional entity or employer; (2) a prescriber consulting with another prescriber regarding a patient's care; or (3) orders of prescribers for hospital out-patients or in-patients.

Any practitioner who prescribes any controlled substance with the knowledge that the controlled substance will be used otherwise than medicinally or for therapeutic purposes shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the distribution or possession of controlled substances.

B. In order to determine whether a prescription that appears questionable to the pharmacist results from a bona fide practitioner-patient relationship, the pharmacist shall contact the prescribing practitioner or his agent and verify the identity of the patient and name and quantity of the drug prescribed. The person knowingly filling an invalid prescription shall be subject to the criminal penalties provided in § 18.2-248 for violations of the provisions of law relating to the sale, distribution or possession of controlled substances.

No prescription shall be filled unless there is a bona fide practitioner-patient-pharmacist relationship. A prescription not issued in the usual course of treatment or for authorized research is not a valid prescription.

C. Notwithstanding any provision of law to the contrary and consistent with recommendations of the Centers for Disease Control and Prevention or the Department of Health, a practitioner may prescribe Schedule VI antibiotics and antiviral agents to other persons in close contact with a diagnosed patient when (i) the practitioner meets all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, with the diagnosed patient; (ii) in the practitioner's professional judgment, the practitioner deems there is urgency to begin treatment to prevent the transmission of a communicable disease; (iii) the practitioner has met all requirements of a bona fide practitioner-patient relationship, as defined in subsection A, for the close contact except for the physical examination required in clause (iii) of subsection A; and (iv) when such emergency treatment is necessary to prevent imminent risk of death, life-threatening illness, or serious disability.

D. A pharmacist may dispense a controlled substance pursuant to a prescription of an out-of-state practitioner of medicine, osteopathy, podiatry, dentistry or veterinary medicine authorized to issue such prescription if the prescription complies with the requirements of this chapter and the Drug Control Act (§ 54.1-3400 et seq.).

E. A licensed nurse practitioner who is authorized to prescribe controlled substances pursuant to § 54.1-2957.01 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

F. A licensed physician assistant who is authorized to prescribe controlled substances pursuant to § 54.1-2952.1 may issue prescriptions or provide manufacturers' professional samples for controlled substances and devices as set forth in the Drug Control Act (§ 54.1-3400 et seq.) in good faith to his patient for a medicinal or therapeutic purpose within the scope of his professional practice.

G. A TPA-certified optometrist who is authorized to prescribe controlled substances pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 may issue prescriptions in good faith or provide manufacturers' professional samples to his patients for medicinal or therapeutic purposes within the scope of his professional practice for the drugs specified on the TPA-Formulary, established pursuant to § 54.1-3223, which shall be limited to (i) *analgesics included on Schedule II controlled substances as defined in § 54.1-3448 of the Drug Control Act (§ 54.1-3400 et seq.) consisting of hydrocodone in combination with acetaminophen*; (ii) oral analgesics included in Schedules III through VI, as defined in §§ 54.1-3450 and 54.1-3455 of the Drug Control Act (§ 54.1-3400 et seq.), which are appropriate to relieve ocular pain; ~~(iii)~~; (iii) other oral Schedule VI controlled substances, as defined in § 54.1-3455 of the Drug Control Act, appropriate to treat diseases and abnormal conditions of the human eye and its adnexa; ~~(iii)~~; (iv) topically applied Schedule VI drugs, as defined in § 54.1-3455 of the Drug Control Act; and ~~(iv)~~ (v) intramuscular administration of epinephrine for treatment of emergency cases of anaphylactic shock.

H. The requirement for a bona fide practitioner-patient relationship shall be deemed to be satisfied by a member or committee of a hospital's medical staff when approving a standing order or protocol for the administration of influenza vaccinations and pneumococcal vaccinations in a hospital in compliance with § 32.1-126.4.

CHAPTER 87

An Act to amend and reenact § 54.1-3026 of the Code of Virginia, relating to renewal of certification as a nurse aide.

[H 504]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3026 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3026. Renewal of certification.

Each certificate issued to practice as a nurse aide shall be renewed ~~biennially~~ *annually* upon payment of any specified fee. The nurse aide shall submit proof of compliance with any requirements of law and regulation concerning continued employment or competence as a condition of such renewal. The Board shall establish requirements for the renewal of certifications consistent with federal law.

CHAPTER 88

An Act to amend the Code of Virginia by adding a section numbered 54.1-3435.3:1, relating to registration of nonresident medical equipment suppliers.

[H 527]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-3435.3:1 as follows:

§ 54.1-3435.3:1. Registration of nonresident medical equipment suppliers; renewal; fee.

A. Any person located outside the Commonwealth other than a nonresident pharmacy registered pursuant to § 54.1-3434.1 that ships, mails, or delivers to a consumer in the Commonwealth any hypodermic syringes or needles, medicinal oxygen, Schedule VI controlled device, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, sterile water and saline for irrigation, or solutions for peritoneal dialysis pursuant to a lawful order of a prescriber shall be registered with the Board as a nonresident medical equipment supplier. Registration as a nonresident medical equipment supplier shall be renewed by March 1 of each year. Applicants for registration or renewal of a registration shall submit a fee specified by the Board in regulations at the time of registration or renewal. A nonresident medical equipment supplier registered in accordance with this section shall notify the Board within 30 days of any substantive change in the information previously submitted to the Board.

B. The nonresident medical equipment supplier shall at all times maintain a valid, unexpired license, permit, or registration in the state in which it is located, if required by the resident state, and shall furnish proof of such license, permit, or registration upon application for registration or renewal. If the resident state does not require a license, permit, or registration to engage in direct consumer supply of the medical equipment described in subsection A, the applicant shall furnish proof that it meets the minimum statutory and regulatory requirements for medical equipment suppliers in the Commonwealth.

C. Records of distribution of medical equipment described in subsection A into the Commonwealth shall be maintained in such a manner that they are readily retrievable from records of distribution into other jurisdictions and shall be provided to the Board, its authorized agent, or any agent designated by the Superintendent of State Police upon request within seven days of receipt of such request.

CHAPTER 89

An Act to amend and reenact § 54.1-3219 of the Code of Virginia, relating to optometrists; continuing education requirements.

[H 564]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3219 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3219. Continuing education.

A. As a prerequisite to renewal of a license or reinstatement of a license, each optometrist shall be required to ~~take annual courses~~ *complete 20 hours of continuing education* relating to optometry, as approved by the Board, *each year*. A licensee who completes more than 20 hours of continuing education in a year shall be allowed to carry forward up to 10

hours of continuing education for the next annual renewal cycle. The courses ~~may~~ shall include, but need not be limited to, the utilization and application of new techniques, scientific and clinical advances, and new achievements of research. The Board shall prescribe criteria for approval of courses of study ~~and credit hour requirements. However, the required number of credit hours shall not exceed sixteen in any one calendar year.~~ The Board may approve alternative courses upon timely application of any licensee. Fulfillment of education requirements shall be certified to the Board upon a form provided by the Board and shall be submitted by each licensed optometrist at the time he applies to the Board for the renewal of his license. The Board may waive individual requirements in cases of certified illness or undue hardship.

B. Of the 20 hours of continuing education relating to optometry required pursuant to subsection A:

1. At least 10 hours shall be obtained through real-time, interactive activities, including in-person or electronic presentations, provided that during the course of the presentation, the licensee and the lecturer may communicate with one another;

2. No more than two hours may consist of courses related to recordkeeping, including coding for diagnostic and treatment devices and procedures or the management of an optometry practice, provided that such courses are not primarily for the purpose of augmenting the licensee's income or promoting the sale of specific instruments or products; and

3. For TPA-certified optometrists, at least 10 hours shall be in the areas of ocular and general pharmacology, diagnosis and treatment of the human eye and its adnexa, including treatment with new pharmaceutical agents, or new or advanced clinical devices, techniques, modalities, or procedures.

C. Nothing in this subsection shall prevent or limit the authority of the Board to require additional hours or types of continuing education as part or in lieu of disciplinary action.

CHAPTER 90

An Act to amend and reenact §§ 32.1-163.1, 32.1-163.4, 32.1-163.5, 32.1-164.1:01, 32.1-176.5:2, and 32.1-248.3 of the Code of Virginia, relating to licensed onsite soil evaluators; terminology.

[H 566]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-163.1, 32.1-163.4, 32.1-163.5, 32.1-164.1:01, 32.1-176.5:2, and 32.1-248.3 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-163.1. Personal liability of sanitarians defined.

A sanitarian while acting within the scope of his employment in approving or denying applications for permits for onsite sewage disposal systems or while performing checks of or reviewing and approving field evaluations completed by ~~authorized~~ licensed onsite soil evaluators shall be subject to personal liability only for his gross negligence or intentional misconduct.

§ 32.1-163.4. Procedures for application backlogs; individuals approved to conduct evaluations for septic system or other onsite sewage system permit applications.

A. In any case where the local or district health department experiences a septic system or other onsite sewage system permit backlog of ~~fifteen~~ 15 working days from the application filing date, the Commissioner shall contract with ~~authorized~~ licensed onsite soil evaluators for the field evaluation of the backlogged application sites. The Department shall review these evaluations and may approve the permit applications upon finding that the evaluations are in compliance with the Board's regulations implementing this chapter. The Department shall not be required to do a field check of the evaluation prior to issuing the permit; however, the Department may conduct such field analyses as deemed necessary to protect the integrity of the Commonwealth's environment.

B. The Board, Commissioner, and Department of Health shall accept private evaluations for septic system or other onsite sewage system permit applications only from ~~authorized~~ licensed onsite soil evaluators.

C. The Board's regulations shall include a definition of backlog providing a set number or a percent of the received applications.

§ 32.1-163.5. Onsite sewage evaluations.

A. Notwithstanding other provisions of this chapter, for purposes of subdivision review, permit approval, and issuance of letters for residential development, the Board, Commissioner, and Department of Health shall accept private site evaluations and designs, in compliance with the Board's regulations for septic systems and other ~~on-site~~ onsite sewage systems, designed and certified by a licensed professional engineer, in consultation with an ~~authorized on-site~~ licensed onsite soil evaluator, or by ~~an authorized on-site~~ a licensed onsite soil evaluator. The evaluations and designs included within such submissions shall be certified as complying with the Board's regulations implementing this chapter.

B. The Department shall not be required to perform a field check of private evaluations and designs prior to issuing the requested letter, permit or approval; however, the Department may conduct such review of the work and field analysis as deemed necessary to protect the public health and integrity of the Commonwealth's environment. Within ~~fifteen~~ 15 working days from the date of written submission of a request for approval of a site evaluation and design for a single lot construction permit, and within ~~sixty~~ 60 days from the date of written submission of a request for approval of a site evaluation and design for multiple lot certification letters or subdivision review, the Department shall (i) issue the requested

letter, permit or approval or (ii) set forth in writing the specific reasons for denial. If the Department fails to take action to approve or disapprove the designs, evaluations, or subdivision reviews within the time specified herein, the designs, evaluations or subdivision reviews shall be deemed approved and the appropriate letter, permit or approval shall be issued. Notwithstanding any other provision of law or the provisions of any local ordinance, counties, cities and towns shall comply with the time limits set forth in this subsection.

C. Nothing in this section shall authorize anyone other than an individual licensed as a professional engineer pursuant to Chapter 4 (§ 54.1-400 et seq.) of Title 54.1 to engage in the practice of engineering.

D. The provisions of this section shall not apply to any locality that has entered into a contract with the Board of Health in accordance with Chapter 678 of the 1994 Acts of Assembly nor to a proprietary, pre-engineered septic system deemed by the Department to comply with the Board's regulations.

§ 32.1-164.1:01. Onsite Sewage Indemnification fund.

A. There is hereby created the Onsite Sewage Indemnification fund whose purpose is to receive moneys generated by a portion of the fees collected by the Department of Health pursuant to subsections C and E of § 32.1-164 and appropriated by the Commonwealth for the purpose of assisting any Virginia real property owner holding a valid permit to operate an onsite sewage system when such system or components thereof fail within three years of construction and such failure results from the negligence of the Department of Health. The fund may also be used, in the discretion of the Board, to support the program for training and recognition of ~~authorized~~ licensed onsite soil evaluators.

B. Ten dollars of each fee collected by the Department of Health pursuant to subsections C and E of § 32.1-164 shall be deposited by the Comptroller to this fund to be appropriated for the purposes of this section to the Department of Health by the General Assembly as it deems necessary.

C. The owner of an onsite sewage system that has been permitted by the Department of Health may cause, by filing a request for payment from the fund within one year from the date the system or components thereof failed, the Commissioner to review the circumstances of the onsite sewage system failure, if the onsite sewage system has failed within three years of construction. Upon the Commissioner's finding that the onsite sewage system was permitted by the Department and (i) the system or components thereof failed within three years of construction; (ii) that specific actions of the Department were negligent and that those actions caused the failure; and (iii) that the owner filed a request for payment from the fund within one year from the date the system or components thereof failed, the Commissioner shall, subject to the limitations stated herein, reimburse the owner for the reasonable cost of following the Board's regulations to repair or replace the failed onsite sewage system or components thereof.

D. Prior to receiving payment from the fund, the owner shall follow the requirements in the Board's regulations to repair or replace the failed onsite sewage system or components thereof.

E. The total amount an owner may receive in payment from the fund shall not exceed \$30,000. Only the costs of the system that failed or the costs of labor and equipment required to repair or replace the failed onsite sewage system or components thereof are reimbursable by the fund.

F. If the Commissioner finds that the system was permitted by the Department and has failed within three years of construction and that the failure resulted from faulty construction or other private party error, the Commissioner may assist the owner of the failed system in seeking redress from the system's builder or other private party.

G. Every request for payment from the fund shall be forever barred unless the owner has filed a complete application as required by the Department. The request shall be filed with the Commissioner within one year from the date that the onsite sewage system or components thereof first failed. However, if the owner was under a disability at the time the cause of action accrued, the tolling provisions of § 8.01-229 shall apply. The owner shall mail the request for payment from the fund via the United States Postal Service by certified mail, return receipt requested, addressed to the Commissioner.

In any action contesting the filing of the request for payment from the fund, the burden of proof shall be on the owner to establish mailing and receipt of the notice in conformity with this section. The signed receipt indicating delivery to the Commissioner, when admitted into evidence, shall be prima facie evidence of filing of the request for payment from the fund under this section. The request for payment from the fund shall be deemed to be timely filed if it is sent by certified mail, return receipt requested, and if the official receipt shows that the mailing was within the prescribed time limits.

Notwithstanding any provision of this article, the liability for any payment from the fund shall be conditioned upon the execution by the owner of a release approved by the Attorney General of all claims against the Commonwealth, its political subdivisions, agencies, and instrumentalities and against any officer or employee of the Commonwealth in connection with or arising out of the occurrence complained of.

H. The Commissioner and the Attorney General shall cooperatively develop an actuarially sound program and policy for identifying, evaluating, and processing requests for payment from the fund.

I. If the Commissioner refuses the request for payment from the fund, the owner may appeal the refusal to the State Health Department Sewage Handling and Disposal Appeal Review Board.

The Board may promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) for the administration of the fund consistent with this chapter.

In the event the fund is insufficient to meet requests for payment from the fund, this section and the creation of the fund shall not be construed to provide liability on the part of the Department or any of its personnel where no such liability existed prior to July 1, 1994.

§ 32.1-176.5:2. Prohibition on private well construction.

A. No private well shall be constructed within 50 feet of the property line with an adjacent property of three acres or larger that is used for an agricultural operation, as defined in § 3.2-300. The following shall be exempt: (i) the owner of the adjacent property that is used for an agricultural operation may grant written permission for construction within 50 feet of the property line; or (ii) certification that no other site on the property complies with the Board's regulations for the construction of a private well.

B. The Department shall accept private site evaluations and designs, in compliance with the Board's regulations for the construction of private wells, designed and certified by a licensed professional engineer, in consultation with ~~an authorized~~ *a licensed* onsite soil evaluator, or by ~~an authorized~~ *a licensed* onsite soil evaluator. The evaluations and designs included within such submissions shall be certified as complying with the Board's regulations implementing this chapter. The Department shall not be required to perform a field check of private evaluations and designs prior to issuing the requested letter, permit, or approval. However, the Department may conduct such review of the work and field analysis as deemed necessary to protect the public health, integrity of the Commonwealth's environment, and the provisions of this chapter.

C. The Department, prior to issuing a permit, shall require any owner applying for a permit to construct a private well pursuant to the exemptions in subsection A to submit documentation that affirms the well construction site complies with the provisions of this section.

§ 32.1-248.3. Environmental Health Education and Training Fund.

There is hereby created the Environmental Health Education and Training Fund, whose purpose is to receive moneys generated by the civil penalties collected by the Department pursuant to § 32.1-164 and appropriated by the Commonwealth for the purpose of supporting, training, educating, and recognizing public- and private-sector individuals in all areas of ~~Environmental Health~~ *environmental health*, including ~~Authorized Onsite Soil Evaluators~~ *licensed onsite soil evaluators* and Department employees. Civil penalties collected by the Department shall be deposited by the Comptroller to this fund to be appropriated for the purposes of this section to the Department by the General Assembly as it deems necessary. The fund may also be used, in the discretion of the Board, for research to improve public health and for protection of the environment.

CHAPTER 91

An Act to amend and reenact § 54.1-2731 of the Code of Virginia, relating to dietitians and nutritionists.

[H 574]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2731 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2731. Prohibited terms; penalty.

A. *As used in this section, "nutritional genomics" means the consideration of biochemical or genetic information to evaluate how genetics affect gene function and how genetic variation alters nutrient response, including the study of how dietary and other lifestyle choices influence the function of humans at the molecular, cellular, organismal, and populational levels.*

B. No person shall hold himself out to be or advertise or permit to be advertised that such person is a dietitian or nutritionist unless such person:

1. Has (i) received a baccalaureate or higher degree in nutritional sciences, community nutrition, public health nutrition, food and nutrition, dietetics, or human nutrition from a regionally accredited college or university and (ii) satisfactorily completed a program of supervised clinical experience approved by the Commission on Dietetic Registration of the ~~American Dietetic Association~~ *Academy of Nutrition and Dietetics*;

2. Has active registration through the Commission on Dietetic Registration of the ~~American Dietetic Association~~ *Academy of Nutrition and Dietetics*;

3. Has an active certificate of the ~~Certification~~ Board for *Certification of Nutrition Specialists* by the ~~Board of Nutrition Specialists~~ *as a Certified Nutrition Specialist*;

4. Has an active ~~accreditation by the Diplomats or Fellows~~ *certification as a Diplomate* of the American Clinical Board of Nutrition;

5. Has a current license or certificate as a dietitian or nutritionist issued by another state; or

6. Has the minimum requisite education, training and experience determined by the Board of Health Professions appropriate for such person to hold himself out to be, or advertise or allow himself to be advertised as, a dietitian or nutritionist.

The restrictions of this section apply to the use of the terms "dietitian" and "nutritionist" as used alone or in any combination with the terms "licensed," "certified," or "registered," as those terms also imply a minimum level of education, training and competence.

C. *Any person who meets the requirements set forth in subsection B who receives nutritional genomics testing information shall maintain such information in accordance with applicable federal and state law.*

D. *A person who does not meet the requirements of subsection B but who (i) has a baccalaureate degree with a major in food and nutrition or dietetics or has equivalent hours of food and nutrition coursework and (ii) has two years of work*

experience in nutrition or dietetics concurrent with or subsequent to completion of such degree may hold himself out as a dietitian or nutritionist, provided he is employed by or under contract to a government agency and practices solely within the scope of such employment.

~~B.~~ E. Any person who willfully violates the provisions of this section ~~shall be~~ is guilty of a Class 3 misdemeanor.

CHAPTER 92

An Act to repeal § 54.1-3214 of the Code of Virginia, relating to license to practice optometry; issuance without examination.

[H 579]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3214 of the Code of Virginia is repealed.

CHAPTER 93

An Act to amend and reenact §§ 54.1-2900 and 54.1-3000 of the Code of Virginia, relating to nurses; definitions.

[H 580]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2900 and 54.1-3000 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Acupuncturist" means an individual approved by the Board to practice acupuncture. This is limited to "licensed acupuncturist" which means an individual other than a doctor of medicine, osteopathy, chiropractic or podiatry who has successfully completed the requirements for licensure established by the Board (approved titles are limited to: Licensed Acupuncturist, Lic.Ac., and L.Ac.).

"Auricular acupuncture" means the subcutaneous insertion of sterile, disposable acupuncture needles in predetermined, bilateral locations in the outer ear when used exclusively and specifically in the context of a chemical dependency treatment program.

"Board" means the Board of Medicine.

"Certified nurse midwife" means an advanced practice registered nurse who is certified in the specialty of nurse midwifery and who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957.

"Certified registered nurse anesthetist" means an advanced practice registered nurse who is certified in the specialty of nurse anesthesia, who is jointly licensed by the Boards of Medicine and Nursing as a nurse practitioner pursuant to § 54.1-2957, and who practices under the supervision of a doctor of medicine, osteopathy, podiatry, or dentistry but is not subject to the practice agreement requirement described in § 54.1-2957.

"Genetic counselor" means a person licensed by the Board to engage in the practice of genetic counseling.

"Healing arts" means the arts and sciences dealing with the prevention, diagnosis, treatment and cure or alleviation of human physical or mental ailments, conditions, diseases, pain or infirmities.

"Medical malpractice judgment" means any final order of any court entering judgment against a licensee of the Board that arises out of any tort action or breach of contract action for personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Medical malpractice settlement" means any written agreement and release entered into by or on behalf of a licensee of the Board in response to a written claim for money damages that arises out of any personal injuries or wrongful death, based on health care or professional services rendered, or that should have been rendered, by a health care provider, to a patient.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Occupational therapy assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed occupational therapist to assist in the practice of occupational therapy.

"Patient care team" means a multidisciplinary team of health care providers actively functioning as a unit with the management and leadership of one or more patient care team physicians for the purpose of providing and delivering health care to a patient or group of patients.

"Patient care team physician" means a physician who is actively licensed to practice medicine in the Commonwealth, who regularly practices medicine in the Commonwealth, and who provides management and leadership in the care of patients as part of a patient care team.

"Physician assistant" means an individual who has met the requirements of the Board for licensure and who works under the supervision of a licensed doctor of medicine, osteopathy, or podiatry.

"Practice of acupuncture" means the stimulation of certain points on or near the surface of the body by the insertion of needles to prevent or modify the perception of pain or to normalize physiological functions, including pain control, for the treatment of certain ailments or conditions of the body and includes the techniques of electroacupuncture, cupping and moxibustion. The practice of acupuncture does not include the use of physical therapy, chiropractic, or osteopathic manipulative techniques; the use or prescribing of any drugs, medications, serums or vaccines; or the procedure of auricular acupuncture as exempted in § 54.1-2901 when used in the context of a chemical dependency treatment program for patients eligible for federal, state or local public funds by an employee of the program who is trained and approved by the National Acupuncture Detoxification Association or an equivalent certifying body.

"Practice of athletic training" means the prevention, recognition, evaluation, and treatment of injuries or conditions related to athletic or recreational activity that requires physical skill and utilizes strength, power, endurance, speed, flexibility, range of motion or agility or a substantially similar injury or condition resulting from occupational activity immediately upon the onset of such injury or condition; and subsequent treatment and rehabilitation of such injuries or conditions under the direction of the patient's physician or under the direction of any doctor of medicine, osteopathy, chiropractic, podiatry, or dentistry, while using heat, light, sound, cold, electricity, exercise or mechanical or other devices.

"Practice of behavior analysis" means the design, implementation, and evaluation of environmental modifications, using behavioral stimuli and consequences, to produce socially significant improvement in human behavior, including the use of direct observation, measurement, and functional analysis of the relationship between environment and behavior.

"Practice of chiropractic" means the adjustment of the 24 movable vertebrae of the spinal column, and assisting nature for the purpose of normalizing the transmission of nerve energy, but does not include the use of surgery, obstetrics, osteopathy or the administration or prescribing of any drugs, medicines, serums or vaccines.

"Practice of genetic counseling" means (i) obtaining and evaluating individual and family medical histories to assess the risk of genetic medical conditions and diseases in a patient, his offspring, and other family members; (ii) discussing the features, history, diagnosis, environmental factors, and risk management of genetic medical conditions and diseases; (iii) ordering genetic laboratory tests and other diagnostic studies necessary for genetic assessment; (iv) integrating the results with personal and family medical history to assess and communicate risk factors for genetic medical conditions and diseases; (v) evaluating the patient's and family's responses to the medical condition or risk of recurrence and providing client-centered counseling and anticipatory guidance; (vi) identifying and utilizing community resources that provide medical, educational, financial, and psychosocial support and advocacy; and (vii) providing written documentation of medical, genetic, and counseling information for families and health care professionals.

"Practice of medicine or osteopathic medicine" means the prevention, diagnosis and treatment of human physical or mental ailments, conditions, diseases, pain or infirmities by any means or method.

"Practice of occupational therapy" means the therapeutic use of occupations for habilitation and rehabilitation to enhance physical health, mental health, and cognitive functioning and includes the evaluation, analysis, assessment, and delivery of education and training in basic and instrumental activities of daily living; the design, fabrication, and application of orthoses (splints); the design, selection, and use of adaptive equipment and assistive technologies; therapeutic activities to enhance functional performance; vocational evaluation and training; and consultation concerning the adaptation of physical, sensory, and social environments.

"Practice of podiatry" means the prevention, diagnosis, treatment, and cure or alleviation of physical conditions, diseases, pain, or infirmities of the human foot and ankle, including the medical, mechanical and surgical treatment of the ailments of the human foot and ankle, but does not include amputation of the foot proximal to the transmetatarsal level through the metatarsal shafts. Amputations proximal to the metatarsal-phalangeal joints may only be performed in a hospital or ambulatory surgery facility accredited by an organization listed in § 54.1-2939. The practice includes the diagnosis and treatment of lower extremity ulcers; however, the treatment of severe lower extremity ulcers proximal to the foot and ankle may only be performed by appropriately trained, credentialed podiatrists in an approved hospital or ambulatory surgery center at which the podiatrist has privileges, as described in § 54.1-2939. The Board of Medicine shall determine whether a specific type of treatment of the foot and ankle is within the scope of practice of podiatry.

"Practice of radiologic technology" means the application of ionizing radiation to human beings for diagnostic or therapeutic purposes.

"Practice of respiratory care" means the (i) administration of pharmacological, diagnostic, and therapeutic agents related to respiratory care procedures necessary to implement a treatment, disease prevention, pulmonary rehabilitative, or diagnostic regimen prescribed by a practitioner of medicine or osteopathic medicine; (ii) transcription and implementation of the written or verbal orders of a practitioner of medicine or osteopathic medicine pertaining to the practice of respiratory care; (iii) observation and monitoring of signs and symptoms, general behavior, general physical response to respiratory care treatment and diagnostic testing, including determination of whether such signs, symptoms, reactions, behavior or general physical response exhibit abnormal characteristics; and (iv) implementation of respiratory care procedures, based on observed abnormalities, or appropriate reporting, referral, respiratory care protocols or changes in treatment pursuant to the written or verbal orders by a licensed practitioner of medicine or osteopathic medicine or the initiation of emergency procedures, pursuant to the Board's regulations or as otherwise authorized by law. The practice of respiratory care may be performed in any clinic, hospital, skilled nursing facility, private dwelling or other place deemed appropriate by the Board in accordance with the written or verbal order of a practitioner of medicine or osteopathic medicine, and shall be performed under qualified medical direction.

"Qualified medical direction" means, in the context of the practice of respiratory care, having readily accessible to the respiratory therapist a licensed practitioner of medicine or osteopathic medicine who has specialty training or experience in the management of acute and chronic respiratory disorders and who is responsible for the quality, safety, and appropriateness of the respiratory services provided by the respiratory therapist.

"Radiologic technologist" means an individual, other than a licensed doctor of medicine, osteopathy, podiatry, or chiropractic or a dentist licensed pursuant to Chapter 27 (§ 54.1-2700 et seq.), who (i) performs, may be called upon to perform, or is licensed to perform a comprehensive scope of diagnostic or therapeutic radiologic procedures employing ionizing radiation and (ii) is delegated or exercises responsibility for the operation of radiation-generating equipment, the shielding of patient and staff from unnecessary radiation, the appropriate exposure of radiographs, the administration of radioactive chemical compounds under the direction of an authorized user as specified by regulations of the Department of Health, or other procedures that contribute to any significant extent to the site or dosage of ionizing radiation to which a patient is exposed.

"Radiologic technologist, limited" means an individual, other than a licensed radiologic technologist, dental hygienist, or person who is otherwise authorized by the Board of Dentistry under Chapter 27 (§ 54.1-2700 et seq.) and the regulations pursuant thereto, who performs diagnostic radiographic procedures employing equipment that emits ionizing radiation that is limited to specific areas of the human body.

"Radiologist assistant" means an individual who has met the requirements of the Board for licensure as an advanced-level radiologic technologist and who, under the direct supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, is authorized to (i) assess and evaluate the physiological and psychological responsiveness of patients undergoing radiologic procedures; (ii) evaluate image quality, make initial observations, and communicate observations to the supervising radiologist; (iii) administer contrast media or other medications prescribed by the supervising radiologist; and (iv) perform, or assist the supervising radiologist to perform, any other procedure consistent with the guidelines adopted by the American College of Radiology, the American Society of Radiologic Technologists, and the American Registry of Radiologic Technologists.

"Respiratory care" means the practice of the allied health profession responsible for the direct and indirect services, including inhalation therapy and respiratory therapy, in the treatment, management, diagnostic testing, control, and care of patients with deficiencies and abnormalities associated with the cardiopulmonary system under qualified medical direction.

§ 54.1-3000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advanced practice registered nurse" means a registered nurse who has completed an advanced graduate-level education program in a specialty category of nursing and has passed a national certifying examination for that specialty.

"Board" means the Board of Nursing.

"Certified nurse aide" means a person who meets the qualifications specified in this article and who is currently certified by the Board.

"Clinical nurse specialist" means a person who is registered by the Board in addition to holding a license under the provisions of this chapter to practice professional nursing as defined in this section. Such a person shall be recognized as being able to provide advanced services according to the specialized training received from a program approved by the Board, but shall not be entitled to perform any act that is not within the scope of practice of professional nursing.

"Certified massage therapist" means a person who meets the qualifications specified in this chapter and who is currently certified by the Board.

"Massage therapy" means the treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. The terms "massage therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, chiropractic therapy, physical therapy, occupational therapy, acupuncture, or podiatry is required by law.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Practical nurse" or "licensed practical nurse" means a person who is licensed or holds a multistate licensure privilege under the provisions of this chapter to practice practical nursing as defined in this section. Such a licensee shall be empowered to provide nursing services without compensation. The abbreviation "L.P.N." shall stand for such terms.

"Practical nursing" or "licensed practical nursing" means the performance for compensation of selected nursing acts in the care of individuals or groups who are ill, injured, or experiencing changes in normal health processes; in the maintenance of health; in the prevention of illness or disease; or, subject to such regulations as the Board may promulgate, in the teaching of those who are or will be nurse aides. Practical nursing or licensed practical nursing requires knowledge, judgment and skill in nursing procedures gained through prescribed education. Practical nursing or licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a professional nurse, registered nurse or registered professional nurse or other licensed health professional authorized by regulations of the Board.

"Practice of a nurse aide" or "nurse aide practice" means the performance of services requiring the education, training, and skills specified in this chapter for certification as a nurse aide. Such services are performed under the supervision of a dentist, physician, podiatrist, professional nurse, licensed practical nurse, or other licensed health care professional acting within the scope of the requirements of his profession.

"Professional nurse," "registered nurse" or "registered professional nurse" means a person who is licensed or holds a multistate licensure privilege under the provisions of this chapter to practice professional nursing as defined in this section. Such a licensee shall be empowered to provide professional services without compensation, to promote health and to teach health to individuals and groups. The abbreviation "R.N." shall stand for such terms.

"Professional nursing," "registered nursing" or "registered professional nursing" means the performance for compensation of any nursing acts in the observation, care and counsel of individuals or groups who are ill, injured or experiencing changes in normal health processes or the maintenance of health; in the prevention of illness or disease; in the supervision and teaching of those who are or will be involved in nursing care; in the delegation of selected nursing tasks and procedures to appropriately trained unlicensed persons as determined by the Board; or in the administration of medications and treatments as prescribed by any person authorized by law to prescribe such medications and treatment. Professional nursing, registered nursing and registered professional nursing require specialized education, judgment, and skill based upon knowledge and application of principles from the biological, physical, social, behavioral and nursing sciences.

CHAPTER 94

An Act to amend and reenact § 37.2-304 of the Code of Virginia, relating to certification of peer providers.

[H 583]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-304 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.
 2. To employ the personnel required to carry out the purposes of this title.
 3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.
 4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.
 5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.
 6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.
 7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of critical incidents or deaths of individuals receiving services in facilities within 15 working days of the critical incident or death.
 8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.
 9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.
 10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.
 11. *To certify individuals as peer providers in accordance with regulations adopted by the Board.*
- Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

CHAPTER 95

An Act to amend the Code of Virginia by adding a section numbered 54.1-3411.2, relating to prescription drug disposal.

[H 629]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-3411.2 as follows:

§ 54.1-3411.2. Prescription drug disposal programs.

A. As used in this section:

"Authorized pharmacy disposal site" means a pharmacy that qualifies as a collection site pursuant to 21 C.F.R. § 1317.40.

"Pharmacy drug disposal program" means any voluntary drug disposal program located at or operated in accordance with state and federal law by a pharmacy.

B. A pharmacy may participate in a pharmacy drug disposal program in accordance with state and federal law regarding proper collection, storage, and destruction of prescription drugs, including controlled and noncontrolled substances. A pharmacy that chooses to participate in a pharmacy drug disposal program shall notify the Board, and the Board shall maintain a list of all pharmacies in the Commonwealth that have chosen to participate in a pharmacy drug disposal program on a website maintained by the Board.

C. No person that participates in a pharmacy drug disposal program shall be liable for any theft, robbery, or other criminal act related to its participation in the pharmacy drug disposal program nor shall such person be liable for acts of simple negligence in the collection, storage, or destruction of prescription drugs collected through such pharmacy drug disposal program, provided that the pharmacy practice site is acting in good faith and in accordance with applicable state and federal law and regulations.

CHAPTER 96

An Act to amend and reenact § 32.1-165 of the Code of Virginia, relating to State Health Commissioner; State Board of Health; approved sewage system or nonconforming system.

[H 648]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-165 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-165. Prior approval required before issuance of building permit; approved sewage system or nonconforming system.

A. No county, city, town, or employee thereof shall issue a permit for a building designed for human occupancy without the prior written authorization of the Commissioner or his agent. The Commissioner or his agent shall authorize the issuance of such permit upon his finding that safe, adequate, and proper sewage treatment is or will be made available to such building, or upon finding that the issuance of ~~said~~ such permit has been approved by the Review Board. "Safe, adequate, and proper" means a treatment works that complies with applicable regulations of the Board of Health that are in effect at the time of application.

B. The Commissioner shall develop an application and procedure for evaluating an installed treatment works and to determine whether to authorize issuance of a permit for a building designed for human occupancy.

C. Nothing in this section shall be construed to prevent the Commissioner or his agent from approving the use of a nonconforming treatment works, provided the treatment works was installed in accordance with the Board of Health's applicable regulations in effect at the time of its installation, is not failing, and is designed and constructed for the sewage flow and strength expected from the building.

D. Nothing in this section shall be construed to prevent an owner of real property from receiving a voluntary upgrade pursuant to § 32.1-164.1:3, or other permit, as a condition of approval as a nonconforming treatment works.

E. The Board, Commissioner, and Department may accept a certified evaluation from (i) a professional engineer licensed pursuant to Chapter 4 of Title 54.1; (ii) an onsite soil evaluator, onsite sewage system operator, or onsite sewage system installer licensed pursuant to Chapter 23 of Title 54.1; (iii) or other individual with an appropriate certification from the National Sanitation Foundation, or equivalent. The Department may perform an inspection of the certified evaluation but shall not be required to perform a field check prior to the issuance of the written authorization in subsection A.

CHAPTER 97

An Act to amend and reenact § 54.1-2972 of the Code of Virginia, relating to declaration of neurological death.

[H 652]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2972 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2972. When person deemed medically and legally dead; determination of death; nurses' or physician assistants' authority to pronounce death under certain circumstances.

A. A person shall be medically and legally dead if:

1. In the opinion of a physician duly authorized to practice medicine in ~~this~~ *the* Commonwealth, based on the ordinary standards of medical practice, there is the absence of spontaneous respiratory and spontaneous cardiac functions and, because of the disease or condition ~~which~~ *that* directly or indirectly caused these functions to cease, or because of the passage of time since these functions ceased, attempts at resuscitation would not, in the opinion of such physician, be successful in restoring spontaneous life-sustaining functions, and, in such event, death shall be deemed to have occurred at the time these functions ceased; or

2. In the opinion of a physician, who shall be duly licensed *to practice medicine in the Commonwealth* and a ~~specialist board-eligible or board-certified~~ in the field of neurology, neurosurgery, ~~electroencephalography~~, or critical care medicine, when based on the ordinary standards of medical practice, there is ~~the absence of brain stem reflexes, spontaneous brain functions and spontaneous respiratory functions~~ *irreversible cessation of all functions of the entire brain, including the brain stem*, and, in the opinion of such ~~specialist~~ *physician*, based on the ordinary standards of medical practice and considering the ~~absence of brain stem reflexes, spontaneous brain functions and spontaneous respiratory functions~~ *irreversible cessation of all functions of the entire brain, including the brain stem*, and the patient's medical record, further attempts at resuscitation or continued supportive maintenance would not be successful in restoring such ~~reflexes or spontaneous~~ functions, and, in such event, death shall be deemed to have occurred at the time when ~~these conditions first coincide~~ *all such functions have ceased*.

B. A registered nurse or a physician assistant who practices under the supervision of a physician may pronounce death if the following criteria are satisfied: (i) the nurse is employed by or the physician assistant works at (a) a home health organization as defined in § 32.1-162.7, (b) a hospice as defined in § 32.1-162.1, (c) a hospital or nursing home as defined in § 32.1-123, including state-operated hospitals for the purposes of this section, (d) the Department of Corrections, or (e) a continuing care retirement community registered with the State Corporation Commission pursuant to Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2; (ii) the nurse or physician assistant is directly involved in the care of the patient; (iii) the patient's death has occurred; (iv) the patient is under the care of a physician when his death occurs; (v) the patient's death has been anticipated; (vi) the physician is unable to be present within a reasonable period of time to determine death; and (vii) there is a valid Do Not Resuscitate Order pursuant to § 54.1-2987.1 for the patient who has died. The nurse or physician assistant shall inform the patient's attending and consulting physicians of his death as soon as practicable.

The nurse or physician assistant shall have the authority to pronounce death in accordance with such procedural regulations, if any, as may be promulgated by the Board of Medicine; however, if the circumstances of the death are not anticipated or the death requires an investigation by the Office of the Chief Medical Examiner, the nurse or physician assistant shall notify the Office of the Chief Medical Examiner of the death and the body shall not be released to the funeral director.

This subsection shall not authorize a nurse or physician assistant to determine the cause of death. Determination of cause of death shall continue to be the responsibility of the attending physician, except as provided in § 32.1-263. Further, this subsection shall not be construed to impose any obligation to carry out the functions of this subsection.

This subsection shall not relieve any registered nurse or physician assistant from any civil or criminal liability that might otherwise be incurred for failure to follow statutes or Board of Nursing or Board of Medicine regulations.

~~C. Death, as defined in subdivision A 2, shall be determined by a specialist in the field of neurology, neurosurgery, electroencephalography, or critical care medicine and recorded in the patient's medical record.~~

~~D.~~ The alternative definitions of death provided in subdivisions A 1 and A 2 may be utilized for all purposes in the Commonwealth, including the trial of civil and criminal cases.

CHAPTER 98

An Act to amend and reenact § 54.1-2523.1 of the Code of Virginia, relating to Prescription Monitoring Program; disclosure of information.

[H 657]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2523.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2523.1. Criteria for indicators of misuse; Director's authority to disclose information; intervention.

A. The Director shall develop, in consultation with an advisory panel *which shall include representatives of the Boards of Medicine and Pharmacy*, criteria for indicators of *unusual patterns of prescribing or dispensing of covered substances by prescribers or dispensers and misuse of covered substances by recipients* and a method for analysis of data collected by the Prescription Monitoring Program using the criteria for indicators of misuse *to identify unusual patterns of prescribing or dispensing of covered substances by individual prescribers or dispensers or potential misuse of a covered substance by a recipient.*

~~Upon the development of such criteria and data analysis,~~ B. *In cases in which analysis of data collected by the Prescription Monitoring Program using the criteria for indicators of misuse indicates an unusual pattern of prescribing or dispensing of a covered substance by an individual prescriber or dispenser or potential misuse of a covered substance by a recipient, the Director may, in addition to the discretionary disclosure of information pursuant to § 54.1-2523, disclose information using the criteria that indicates potential misuse by recipients of covered substances to (i) their specific prescribers:*

1. *Disclose information about the unusual prescribing or dispensing of a covered substance by an individual prescriber or dispenser to the Enforcement Division of the Department of Health Professions; or*

2. *Disclose information about the specific recipient to (i) the prescriber or prescribers who have prescribed a covered substance to the recipient for the purpose of intervention to prevent such misuse or abuse of such covered substance or (ii) an agent who has completed the Virginia State Police Drug Diversion School designated by the Superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department for the purpose of an investigation into possible drug diversion.*

CHAPTER 99

An Act to amend and reenact §§ 54.1-2956.12 and 54.1-2956.13 of the Code of Virginia, relating to registered surgical technologists; registered surgical assistants; registration deadline.

[H 738]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2956.12 and 54.1-2956.13 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2956.12. Registered surgical technologist; use of title; registration.

A. No person shall use or assume the title "registered surgical technologist" unless such person is registered with the Board.

B. The Board shall register as a registered surgical technologist any applicant who presents satisfactory evidence that he (i) holds a current credential as a certified surgical technologist from the National Board of Surgical Technology and Surgical Assisting or its successor, (ii) has successfully completed a surgical technologist training program during the person's service as a member of any branch of the armed forces of the United States, or (iii) has practiced as a surgical technologist at any time in the six months prior to July 1, 2014, provided he registers with the Board by ~~July 1, 2015~~ *December 31, 2016.*

§ 54.1-2956.13. Registered surgical assistant; use of title; registration.

A. No person shall use or assume the title "registered surgical assistant" unless such person is registered with the Board.

B. The Board shall register as a registered surgical assistant any applicant who presents satisfactory evidence that he (i) holds a current credential as a surgical assistant or surgical first assistant issued by the National Board of Surgical Technology and Surgical Assisting, the National Surgical Assistant Association, or the National Commission for Certification of Surgical Assistants or their successors, (ii) has successfully completed a surgical assistant training program during the person's service as a member of any branch of the armed forces of the United States, or (iii) has practiced as a surgical assistant at any time in the six months prior to July 1, 2014, provided he registers with the Board by ~~July 1, 2015~~ *December 31, 2016.*

CHAPTER 100

An Act to amend and reenact §§ 54.1-3806 and 54.1-3812.1 of the Code of Virginia, relating to veterinary technicians; supervision; reporting of animal cruelty.

[H 802]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3806 and 54.1-3812.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3806. Licensed veterinary technicians.

The Board may license a veterinary ~~technicians~~ *technician* to perform, ~~in the employ acts relating to the treatment or the maintenance of the health of any animal under the immediate and direct supervision~~ of a person licensed to practice veterinary medicine ~~and under his immediate and direct supervision and control, acts relating to maintenance of the health of or treatment of any animal. A person licensed as a veterinary technician may not receive compensation for such acts other than such salary as he may be paid by the employing~~ in the Commonwealth or a veterinarian who is employed by the United States or the Commonwealth while actually engaged in the performance of his official duties. No person licensed as a veterinary technician may perform surgery, diagnose, or prescribe medication for any animal.

§ 54.1-3812.1. Reporting of animal cruelty.

Any ~~veterinarian~~ *person regulated by the Board* who makes a report of suspected animal cruelty or who provides records or information related to a report of suspected cruelty or testifies in any judicial proceeding arising from such report, records, or information shall be immune from any civil or criminal liability or administrative penalty or sanction on account of such report, records, information, or testimony, unless such ~~veterinarian~~ *person* acted in bad faith or with malicious purpose.

CHAPTER 101

An Act to amend and reenact § 63.2-608 of the Code of Virginia, relating to Virginia Initiative for Employment Not Welfare: education and training programs.

[H 991]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-608 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-608. Virginia Initiative for Employment Not Welfare (VIEW).

A. The Department shall establish and administer the Virginia Initiative for Employment Not Welfare (VIEW) to reduce long-term dependence on welfare, ~~to~~ emphasize personal responsibility, and ~~to~~ enhance opportunities for personal initiative and self-sufficiency by promoting the value of work. The Department shall endeavor to develop placements for VIEW participants that will enable participants to develop job skills that are likely to result in independent employment and that take into consideration the proficiency, experience, skills, and prior training of a participant.

VIEW shall recognize clearly defined responsibilities and obligations on the part of public assistance recipients and shall include a written agreement of personal responsibility requiring parents to participate in work activities while receiving TANF, earned-income disregards to reduce disincentives to work, and a limit on TANF financial assistance.

VIEW shall require all able-bodied recipients of TANF who do not meet an exemption to participate in a work activity. VIEW shall require eligible TANF recipients to participate in unsubsidized, partially subsidized or fully subsidized employment or other allowable TANF work activity as defined by federal law and enter into an agreement of personal responsibility.

B. To the maximum extent permitted by federal law, and notwithstanding other provisions of Virginia law, the Department and local departments may, through applicable procurement laws and regulations, engage the services of public and private organizations to operate VIEW and to provide services incident to such operation.

C. All VIEW participants shall be under the direction and supervision of a case manager.

D. The Department shall ensure that participants are assigned to one of the following work activities within 90 days after the approval of TANF assistance:

1. Unsubsidized private-sector employment;
2. Subsidized employment, as follows:

a. The Department shall conduct a program in accordance with this section that shall be known as the Full Employment Program (FEP). FEP replaces TANF with subsidized employment. Persons not able to find unsubsidized employment who are otherwise eligible for TANF may participate in FEP unless exempted by this chapter. FEP shall assign participants to subsidized wage-paying private-sector jobs designed to increase the participants' self-sufficiency and improve their competitive position in the workforce.

b. Participants in FEP shall be placed in full-time employment when appropriate and shall be paid by the employer at an hourly rate not less than the federal or state minimum wage, whichever is higher. At no point shall a participant's spendable income received from wages and tax credits be less than the value of TANF received prior to the work placement.

c. Every employer subject to the Virginia unemployment insurance tax shall be eligible for assignment of FEP participants, but no employer shall be required to utilize such participants. Employers shall ensure that jobs made available to FEP participants are in conformity with § 3304(a)(5) of the Federal Unemployment Tax Act. FEP participants cannot be used to displace regular workers.

d. FEP employers shall:

- (i) Endeavor to make FEP placements positive learning and training experiences;
- (ii) Provide on-the-job training to the degree necessary for the participants to perform their duties;

(iii) Pay wages to participants at the same rate that they are paid to other employees performing the same type of work and having similar experience and employment tenure;

(iv) Provide sick leave, holiday and vacation benefits to participants to the same extent and on the same basis that they are provided to other employees performing the same type of work and having similar employment experience and tenure;

(v) Maintain health, safety and working conditions at or above levels generally acceptable in the industry and no less than those in which other employees perform the same type of work;

(vi) Provide workers' compensation coverage for participants;

(vii) Encourage volunteer mentors from among their other employees to assist participants in becoming oriented to work and the workplace; and

(viii) Sign an agreement with the local department outlining the employer requirements to participate in FEP. All agreements shall include notice of the employer's obligation to repay FEP reimbursements in the event the employer violates FEP rules.

e. As a condition of FEP participation, employers shall be prohibited from discriminating against any person, including program participants, on the basis of race, color, sex, national origin, religion, age, or disability;

3. Part-time or temporary employment;

4. Community work experience, as follows:

a. The Department and local departments shall work with other state, regional and local agencies and governments in developing job placements that serve a useful public purpose as provided in § 482(f) of the Social Security Act, as amended. Placements shall be selected to provide skills and serve a public function. VIEW participants shall not displace regular workers.

b. The number of hours per week for participants shall be determined by combining the total dollar amount of TANF and food stamps and dividing by the minimum wage with a maximum of a work week of 32 hours, of which up to 12 hours of employment-related education and training may substitute for work experience employment; or

5. Any other allowable TANF work activity as defined by federal law.

E. Notwithstanding the provisions of subsections A and D, if a local department determines that a VIEW participant is in need of job skills and would benefit from immediate job skills training, it may place the participant in a program preparing individuals for a high school equivalency examination approved by the Board of Education ~~or~~ a career and technical education program targeted at skills required for particular employment opportunities, *or an apprenticeship program developed by the local department in accordance with requirements established by the Department*. Eligible participants include those with problems related to obtaining and retaining employment, such as participants (i) with less than a high school education, (ii) whose reading or math skills are at or below the eighth grade level, (iii) who have not retained a job for a period of at least six months during the prior two years, or (iv) who are in a treatment program for a substance abuse problem or are receiving services through a family violence treatment program. The VIEW participant may continue in a high school equivalency examination preparation program ~~or~~ career and technical education program, *or apprenticeship program* for as long as the local department determines he is progressing satisfactorily and to the extent permitted by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (P.L. 104-193), as amended.

F. Participants may be reevaluated after a period determined by the local department and reassigned to another work component. In addition, the number of hours worked may be reduced by the local department so that a participant may complete additional training or education to further his employability.

G. Local departments shall be authorized to sanction parents up to the full amount of the TANF grant for noncompliance, unless good cause exists.

H. VIEW participants shall not be assigned to projects that require that they travel unreasonable distances from their homes or remain away from their homes overnight without their consent.

Any injury to a VIEW participant arising out of and in the course of community work experience shall be covered by the participant's existing Medicaid coverage. If a community work experience participant is unable to work due to such an accident, his status shall be reviewed to determine whether he is eligible for an exemption from the limitation on TANF financial assistance.

A community work experience participant who becomes incapacitated for 30 days or more shall be eligible for TANF financial assistance for the duration of the incapacity, if otherwise eligible.

The Board shall adopt regulations providing for the accrual of paid sick leave or other equivalent mechanism for community work experience participants.

CHAPTER 102

An Act to amend and reenact § 16.1-279.1 of the Code of Virginia, relating to extensions of protective orders in cases of family abuse.

[H 1056]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-279.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-279.1. Protective order in cases of family abuse.

A. In cases of family abuse, including any case involving an incarcerated or recently incarcerated respondent against whom a preliminary protective order has been issued pursuant to § 16.1-253.1, the court may issue a protective order to protect the health and safety of the petitioner and family or household members of the petitioner. A protective order issued under this section may include any one or more of the following conditions to be imposed on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the petitioner or family or household members of the petitioner as the court deems necessary for the health or safety of such persons;
3. Granting the petitioner possession of the residence occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property;
4. Enjoining the respondent from terminating any necessary utility service to the residence to which the petitioner was granted possession pursuant to subdivision 3 or, where appropriate, ordering the respondent to restore utility services to that residence;
5. Granting the petitioner temporary possession or use of a motor vehicle owned by the petitioner alone or jointly owned by the parties to the exclusion of the respondent and enjoining the respondent from terminating any insurance, registration, or taxes on the motor vehicle and directing the respondent to maintain the insurance, registration, and taxes, as appropriate; however, no such grant of possession or use shall affect title to the vehicle;
6. Requiring that the respondent provide suitable alternative housing for the petitioner and, if appropriate, any other family or household member and where appropriate, requiring the respondent to pay deposits to connect or restore necessary utility services in the alternative housing provided;
7. Ordering the respondent to participate in treatment, counseling or other programs as the court deems appropriate;
8. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500; and
9. Any other relief necessary for the protection of the petitioner and family or household members of the petitioner, including a provision for temporary custody or visitation of a minor child.

A1. If a protective order is issued pursuant to subsection A, the court may also issue a temporary child support order for the support of any children of the petitioner whom the respondent has a legal obligation to support. Such order shall terminate upon the determination of support pursuant to § 20-108.1.

B. The protective order may be issued for a specified period of time up to a maximum of two years. The protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Prior to the expiration of the protective order, a petitioner may file a written motion requesting a hearing to extend the order. Proceedings to extend a protective order shall be given precedence on the docket of the court. If the petitioner was a ~~member of the respondent's~~ family or household *member of the respondent* at the time the initial protective order was issued, the court may extend the protective order for a period not longer than two years to protect the health and safety of the petitioner or persons who are family or household members of the petitioner at the time the request for an extension is made. The extension of the protective order shall expire at 11:59 p.m. on the last day specified or at 11:59 p.m. on the last day of the two-year period if no date is specified. Nothing herein shall limit the number of extensions that may be requested or issued.

C. A copy of the protective order shall be served on the respondent and provided to the petitioner as soon as possible. The court, including a circuit court if the circuit court issued the order, shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court and shall forthwith forward the attested copy of the protective order containing any such identifying information to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court.

D. Except as otherwise provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

E. The court may assess costs and attorneys' fees against either party regardless of whether an order of protection has been issued as a result of a full hearing.

F. Any judgment, order or decree, whether permanent or temporary, issued by a court of appropriate jurisdiction in another state, the United States or any of its territories, possessions or Commonwealths, the District of Columbia or by any tribal court of appropriate jurisdiction for the purpose of preventing violent or threatening acts or harassment against or

contact or communication with or physical proximity to another person, including any of the conditions specified in subsection A, shall be accorded full faith and credit and enforced in the Commonwealth as if it were an order of the Commonwealth, provided reasonable notice and opportunity to be heard were given by the issuing jurisdiction to the person against whom the order is sought to be enforced sufficient to protect such person's due process rights and consistent with federal law. A person entitled to protection under such a foreign order may file the order in any juvenile and domestic relations district court by filing with the court an attested or exemplified copy of the order. Upon such a filing, the clerk shall forthwith forward an attested copy of the order to the primary law-enforcement agency responsible for service and entry of protective orders which shall, upon receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. Where practical, the court may transfer information electronically to the Virginia Criminal Information Network.

Upon inquiry by any law-enforcement agency of the Commonwealth, the clerk shall make a copy available of any foreign order filed with that court. A law-enforcement officer may, in the performance of his duties, rely upon a copy of a foreign protective order or other suitable evidence which has been provided to him by any source and may also rely upon the statement of any person protected by the order that the order remains in effect.

G. Either party may at any time file a written motion with the court requesting a hearing to dissolve or modify the order. Proceedings to dissolve or modify a protective order shall be given precedence on the docket of the court.

H. As used in this section:

"Copy" includes a facsimile copy; and

"Protective order" includes an initial, modified or extended protective order.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. No fee shall be charged for filing or serving any petition or order pursuant to this section.

CHAPTER 103

An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Drug Control Act; Schedule I drugs; addition of substances.

[H 1077]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3446 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alphacetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;
 Ethylmethylthiambutene;
 Etonitazene;
 Etoxadine;
 Furethidine;
 Hydroxypethidine;
 Ketobemidone;
 Levomoramide;
 Levophenacymorphan;
 Morpheridine;
 Noracymethadol;
 Norlevorphanol;
 Normethadone;
 Norpipanone;
 Phenadoxone;
 Phenampromide;
 Phenomorphan;
 Phenoperidine;
 Piritramide;
 Proheptazine;
 Properidine;
 Propiram;
 Racemoramide;
 Tilidine;
 Trimeperidine.

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;
 Acetyldihydrocodeine;
 Benzylmorphine;
 Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;
 Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphanol;
 Methyldesorphine;
 Methyldihydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myrophine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane; alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;
 3,4,5-trimethoxy amphetamine;
 Alpha-methyltryptamine (other name: AMT);
 Bufotenine;
 Diethyltryptamine;
 Dimethyltryptamine;
 4-methyl-2,5-dimethoxyamphetamine;
 2,5-dimethoxy-4-ethylamphetamine (DOET);
 2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);
 Ibogaine;
 5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);
 Lysergic acid diethylamide;
 Mescaline;
 Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo -b,d]pyran; Synhexyl);
 Peyote;
 N-ethyl-3-piperidyl benzilate;
 N-methyl-3-piperidyl benzilate;
 Psilocybin;
 Psilocyn;
 Salvinorin A;
 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);
 3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;
 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);
 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);
 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);
 1-1-(2-thienyl) Cyclohexyl]pyrrolidine (other name: TCPy);
 3,4-methylenedioxy-pyruvalerone (other name: MDPV);
 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 3,4-methylenedioxy-methcathinone (other name: methylone);
 Naphthylpyruvalerone (other name: naphyrone);
 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 Ethcathinone (other name: N-ethylcathinone);
 3,4-methylenedioxyethcathinone (other name: ethylone);
 Beta-keto-N-methyl-3,4-benzodioxolybutanamine (other name: butylone);
 N,N-dimethylcathinone (other name: metamfepramone);
 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 3-fluoromethcathinone (other name: 3-FMC);
 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
 4-Methylethcathinone (other name: 4-MEC);
 4-Ethylmethcathinone (other name: 4-EMC);

- N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 Alpha-methylamino-valerophenone (other name: Pentedrone);
 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe);
 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
 4-Fluoromethamphetamine (other name: 4-FMA);
 4-Fluoroamphetamine (other name: 4-FA);
 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);
 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
 (2-aminopropyl)benzofuran (other name: APB);
 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe);
 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe);
 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
 Benocyclidine (other names: BCP, BTCP);
 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
 4-bromomethcathinone (other name: 4-BMC);
 4-chloromethcathinone (other name: 4-CMC);
 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
 Alpha-Pyrrolidinoheptiophenone (other name: PV8).
4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
- Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
 Mecloqualone;
 Methaqualone;
 Etizolam.
5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:
- Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4, 5-dihydro-5-phenyl-2-oxazolamine);
 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
 Fenethylamine;
 Ethylamphetamine;
 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
 Methcathinone (some other names: 2-(methylamino)-propiofenone; alpha-(methylamino)-propiofenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine).
6. Any material, compound, mixture or preparation containing any quantity of the following substances:
- N-3-methyl-1-(2-phenethyl)-4-piperidyl-N-phenylpropanamide (other name: 3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers;
 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of isomers;

1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and salts of isomers;
 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:
 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine), alpha-methylfentanyl);

N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(1-methyl-2-2-thienyl)ethyl-4 piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;

N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts and salts of isomers;

N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;

N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

N-(3-methyl-1-(2-thienyl)ethyl-4-piperidyl]-N-phenylpropanamide (other name: 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

N-1-(2-thienyl) Methyl-4-piperidyl]-N-phenylpropanamide (other name: thienylfentanyl), its optical isomers, salts and salts of isomers;

N-phenyl-N-1-(2-thienyl)ethyl-4-piperidyl]-propanamide (other name: thiofentanyl), its optical isomers, salts and salts of isomers;

N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidyl]-propanamide (other name: para-fluorofentanyl), its optical isomers, salts and salts of isomers;

Acetyl fentanyl (other name: desmethyl fentanyl).

7. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl) Methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyloctan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);
 1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);
 1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);
 1-((N-methylpiperidin-2-yl) Methyl)-3-(1-naphthoyl)indole (other name: AM-1220);
 1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);
 1-[(N-methylpiperidin-2-yl) Methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);
 Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);
 1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);
 1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);
 1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);
 1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);
 N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);
 N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48);
 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 (8-quinoliny)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 (8-quinoliny)(1-(5-fluoropentyl) Indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
 (8-quinoliny)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);
 Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
 1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
 1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
 1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201).

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 104

An Act to amend and reenact § 54.1-2962 of the Code of Virginia, relating to division of fees among physicians.

[S 201]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2962 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2962. Division of fees among physicians prohibited.

A. No ~~surgeon or~~ physician licensed to practice medicine or osteopathy in the Commonwealth shall:

1. ~~Knowingly and willfully, directly or indirectly, share any professional fee charged for a surgical operation or medical services with a physician who brings, sends or recommends a patient to such surgeon for operation, or such physician for such medical received for the provision of health services, as defined in § 54.1-2410, to a patient with another physician licensed to practice medicine or osteopathy in the Commonwealth in return for such other physician's making a referral, as defined in § 54.1-2410, of such patient to the physician providing such health services; and no physician who brings, sends, or recommends any patient to a surgeon for a surgical operation or medical services shall accept from such surgeon or physician any portion of a fee charged for such operation or medical services or~~

2. ~~Accept any portion of a professional fee paid to another physician licensed to practice medicine or osteopathy in the Commonwealth for the provision of health services, as defined in § 54.1-2410, to a patient in return for making a referral, as defined in § 54.1-2410, of such patient to the physician providing such health services.~~

B. This chapter shall not be construed as prohibiting (i) the members of any regularly organized partnership or group practice, as defined in § 54.1-2410, of ~~such surgeons or~~ physicians licensed to practice medicine or osteopathy in the Commonwealth from making any division of their total fees among themselves as they may determine or a ~~group of duly licensed practitioners of any branch or branches of the healing arts from~~ using their joint fees to defray their joint operating

costs; (ii) arrangements permitted under the Practitioner Self-Referral Act (§ 54.1-2410 et seq.); or (iii) payments, business arrangements, or payment practices that would be permitted in accordance with 42 U.S.C. § 1320a-7b(b)(3) if such payments, business arrangements, or payment practices involved an underlying payment source that was a federal health care program, as defined in 42 U.S.C. § 1320a-7b(f), regardless of whether the underlying payment source actually is a federal health care program or other bona fide payment source.

C. Any person violating the provisions of this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

CHAPTER 105

An Act to amend and reenact §§ 54.1-2507, 54.1-2515, 54.1-2517, 54.1-3002, and 54.1-3503 of the Code of Virginia, relating to health regulatory boards; membership and terms.

[S 212]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2507, 54.1-2515, 54.1-2517, 54.1-3002, and 54.1-3503 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2507. Board of Health Professions; membership, appointments, and terms of office.

The Board of Health Professions shall consist of one member from each health regulatory board appointed by the Governor; and five members to be appointed by the Governor from the Commonwealth at large. No member of the Board of Health Professions who represents a health regulatory board shall serve as such after he ceases to be a member of a board. The members appointed by the Governor shall be subject to confirmation by the General Assembly and shall serve for four-year terms or terms concurrent with their terms as members of health regulatory boards, whichever is less.

§ 54.1-2515. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Committee" means the Health Practitioners' Monitoring Program Committee as described in § 54.1-2517.

"Contract" means a written agreement between a practitioner and the Committee providing the terms and conditions of program participation or a written agreement entered into by the Director for the implementation of monitoring services.

"Disciplinary action" means any proceeding which that may lead to a monetary penalty; or probation; or to a reprimand, restriction, revocation, suspension, denial, or other order relating to the license, certificate, registration, or multistate privilege of a health care practitioner issued by a health regulatory board.

"Impairment" means a physical or mental disability, including, but not limited to substance abuse, that substantially alters the ability of a practitioner to practice his profession with safety to his patients and the public.

"Practitioner" means any individual regulated by any health regulatory board listed in § 54.1-2503.

"Program" means the Health Practitioners' Monitoring Program established pursuant to § 54.1-2516.

§ 54.1-2517. Health Practitioners' Monitoring Program Committee; certain meetings, decisions to be excepted from the Freedom of Information Act; confidentiality of records; immunity from liability.

A. The Health Practitioners' Monitoring Program Committee shall consist of ~~seven~~ nine persons ~~who are appointed by the Director to advise and assist in the operation of the Program, of whom eight shall be licensed, certified, or registered practitioners appointed by the Director to advise and assist in the operation of the Program, and one shall be a citizen member. Of the members who are licensed, certified, or registered practitioners, at least one of whom shall be licensed to practice medicine or osteopathy in Virginia and who shall be engaged in active clinical practice, and at least one of whom shall be a registered nurse who shall be engaged in active practice. All members of the Committee, and all~~ shall be knowledgeable about impairment and rehabilitation, particularly as related to the monitoring of health care practitioners. The Health Practitioners' Monitoring Program Committee shall have the following powers and duties:

1. To determine, in accordance with the regulations, eligibility to enter into the Program;
2. To determine, in accordance with the regulations, those Program participants who are eligible for stayed disciplinary action;
3. To enter into written contracts with practitioners which may include, among other terms and conditions, withdrawal from practice or limitations on the scope of the practice for a period of time;
4. To report to the Director and the health regulatory boards as necessary on the status of applicants for and participants in the Program;
5. To report to the Director, at least annually, on the performance of the Program; and
6. To assist the Director in carrying out the provisions of this chapter.

B. Records of the ~~Health Practitioners' Monitoring Program~~ Program, to the extent such records identify individual practitioners in the ~~program~~ Program, shall be privileged and confidential, and shall not be disclosed consistent with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). Such records shall be used only in the exercise of the proper functions as set forth in this chapter and shall not be public records nor shall such records be subject to court order, except as provided in subdivision C 4 below, or be subject to discovery or introduction as evidence in any civil, criminal, or administrative proceedings except those conducted by a health regulatory board.

C. Notwithstanding the provisions of subsection B ~~above~~ and of subdivision 11 of § 2.2-3705.5, the Committee may disclose such records relative to an impaired practitioner only:

1. When disclosure of the information is essential to the monitoring needs of the impaired practitioner;
2. When release of the information has been authorized in writing by the impaired practitioner;
3. To a health regulatory board within the Department of Health Professions; or
4. When an order by a court of competent jurisdiction has been granted, upon a showing of good cause therefor, including the need to avert a substantial risk of death or serious bodily harm. In assessing good cause, the court shall weigh the public interest and the need for disclosure against the injury to the patient, to the physician-patient relationship, and to the treatment services. Upon the granting of such order, the court, in determining the extent to which any disclosure of all or any part of any record is necessary, shall impose appropriate protections against unauthorized disclosures.

D. Pursuant to subdivision A 24 of § 2.2-3711, the proceedings of the Committee which in any way pertain or refer to a specific practitioner who may be, or who is actually, impaired and who may be or is, by reason of such impairment, subject to disciplinary action by the relevant board shall be excluded from the requirements of the Freedom of Information Act (§ 2.2-3700 et seq.) and may be closed. Such proceedings shall be privileged and confidential.

E. The members of the Committee shall be immune from liability resulting from the exercise of the powers and duties of the Committee as provided in § 8.01-581.13.

§ 54.1-3002. Board of Nursing; membership; terms; meetings; quorum; administrative officer.

The Board of Nursing shall consist of ~~thirteen~~ 14 members as follows: ~~seven~~ eight registered nurses, at least ~~one~~ two of whom ~~is a~~ are licensed nurse ~~practitioner~~ practitioners; three licensed practical nurses; and three citizen members. The terms of office of the Board shall be four years.

The Board shall meet each January and shall elect from its membership a president, a vice-president, and a secretary. It may hold such other meetings as may be necessary to perform its duties. A majority of the Board including one of its officers shall constitute a quorum for the conduct of business at any meeting. Special meetings of the Board shall be called by the administrative officer upon written request of two members.

The Board shall have an administrative officer who shall be a registered nurse.

§ 54.1-3503. Board of Counseling.

The Board of Counseling shall regulate the practice of counseling, substance abuse treatment, and marriage and family therapy.

The Board shall consist of ~~44~~ 12 members to be appointed by the Governor, subject to confirmation by the General Assembly. ~~Twelve~~ Ten members shall be professionals licensed in ~~Virginia~~ the Commonwealth, who shall represent the various specialties recognized in the profession, and two shall be citizen members. Of the ~~42~~ 10 professional members, six shall be professional counselors, three shall be ~~clinical fellows of the American Association for Marriage and Family Therapy~~ licensed marriage and family therapists who have passed the examination for licensure as a marriage and family therapist, and ~~three~~ one shall be a licensed substance abuse treatment ~~practitioners~~ practitioner. ~~At least two members representing each specialty shall have been in active practice for at least four years.~~

The terms of the members of the Board shall be four years.

CHAPTER 106

An Act to amend and reenact § 30-329 of the Code of Virginia, relating to Autism Advisory Council; sunset.

[S 225]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 30-329 of the Code of Virginia is amended and reenacted as follows:

§ 30-329. (Expires July 1, 2016) Sunset.

This chapter shall expire on July 1, ~~2016~~ 2018.

CHAPTER 107

An Act to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 18, consisting of a section numbered 32.1-371, relating to the Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

[S 233]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 18, consisting of a section numbered 32.1-371, as follows:

CHAPTER 18.

RECOGNITION OF EMS PERSONNEL LICENSURE INTERSTATE COMPACT.

§ 32.1-371. Recognition of Emergency Medical Services Personnel Licensure Interstate Compact.

The Recognition of Emergency Medical Services Personnel Licensure Interstate Compact is hereby enacted into law and entered into with all jurisdictions legally joining therein in the form substantially as follows:

SECTION 1. PURPOSE

In order to protect the public through verification of competency and ensure accountability for patient-care-related activities, all states license emergency medical services (EMS) personnel, such as emergency medical technicians (EMTs), advanced EMTs, and paramedics. This compact is intended to facilitate the day-to-day movement of EMS personnel across state boundaries in the performance of their EMS duties as assigned by an appropriate authority and authorize state EMS offices to afford immediate legal recognition to EMS personnel licensed in a member state. This compact recognizes that states have a vested interest in protecting the public's health and safety through their licensing and regulation of EMS personnel and that such state regulation shared among the member states will best protect public health and safety. This compact is designed to achieve the following purposes and objectives:

- 1. Increase public access to EMS personnel;*
- 2. Enhance the states' ability to protect the public's health and safety, especially patient safety;*
- 3. Encourage the cooperation of member states in the areas of EMS licensure and regulation;*
- 4. Support licensing of military members who are separating from an active duty tour and licensing of their spouses;*
- 5. Facilitate the exchange of information between member states regarding EMS personnel licensure, adverse action, and significant investigatory information;*
- 6. Promote compliance with the laws governing EMS personnel practice in each member state; and*
- 7. Invest all member states with the authority to hold EMS personnel accountable through the mutual recognition of member state licenses.*

SECTION 2. DEFINITIONS

In this compact:

A. "Advanced Emergency Medical Technician (AEMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

B. "Adverse action" means any administrative, civil, equitable, or criminal action permitted by a state's laws which may be imposed against licensed EMS personnel by a state EMS authority or state court, including, but not limited to, actions against an individual's license such as revocation, suspension, probation, consent agreement, monitoring or other limitation or encumbrance on the individual's practice, letters of reprimand or admonition, fines, criminal convictions, and state court judgments enforcing adverse actions by the state EMS authority.

C. "Alternative program" means a voluntary, non-disciplinary substance abuse recovery program approved by a state EMS authority.

D. "Certification" means the successful verification of entry-level cognitive and psychomotor competency using a reliable, validated, and legally defensible examination.

E. "Commission" means the national administrative body of which all states that have enacted the compact are members.

F. "Emergency medical technician (EMT)" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

G. "Home state" means a member state where an individual is licensed to practice emergency medical services.

H. "License" means the authorization by a state for an individual to practice as an EMT, AEMT, or paramedic or at a level in between EMT and paramedic.

I. "Medical director" means a physician licensed in a member state who is accountable for the care delivered by EMS personnel.

J. "Member state" means a state that has enacted this compact.

K. "Privilege to practice" means an individual's authority to deliver emergency medical services in remote states as authorized under this compact.

L. "Paramedic" means an individual licensed with cognitive knowledge and a scope of practice that corresponds to that level in the National EMS Education Standards and National EMS Scope of Practice Model.

M. "Remote state" means a member state in which an individual is not licensed.

N. "Restricted" means the outcome of an adverse action that limits a license or the privilege to practice.

O. "Rule" means a written statement by the interstate Commission promulgated pursuant to Section 12 of this compact that is of general applicability; implements, interprets, or prescribes a policy or provision of the compact; or is an organizational, procedural, or practice requirement of the Commission and has the force and effect of statutory law in a member state and includes the amendment, repeal, or suspension of an existing rule.

P. "Scope of practice" means defined parameters of various duties or services that may be provided by an individual with specific credentials. Whether regulated by rule, statute, or court decision, it tends to represent the limits of services an individual may perform.

Q. "Significant investigatory information" means:

1. Investigative information that a state EMS authority, after a preliminary inquiry that includes notification and an opportunity to respond if required by state law, has reason to believe, if proved true, would result in the imposition of an adverse action on a license or privilege to practice; or

2. Investigative information that indicates that the individual represents an immediate threat to public health and safety regardless of whether the individual has been notified and had an opportunity to respond.

R. "State" means any state, commonwealth, district, or territory of the United States.

S. "State EMS authority" means the board, office, or other agency with the legislative mandate to license EMS personnel.

SECTION 3. HOME STATE LICENSURE

A. Any member state in which an individual holds a current license shall be deemed a home state for purposes of this compact.

B. Any member state may require an individual to obtain and retain a license to be authorized to practice in the member state under circumstances not authorized by the privilege to practice under the terms of this compact.

C. A home state's license authorizes an individual to practice in a remote state under the privilege to practice only if the home state:

1. Currently requires the use of the National Registry of Emergency Medical Technicians (NREMT) examination as a condition of issuing initial licenses at the EMT and paramedic levels;

2. Has a mechanism in place for receiving and investigating complaints about individuals;

3. Notifies the Commission, in compliance with the terms herein, of any adverse action or significant investigatory information regarding an individual;

4. No later than five years after activation of the compact, requires a criminal background check of all applicants for initial licensure, including the use of the results of fingerprint or other biometric data checks compliant with the requirements of the Federal Bureau of Investigation with the exception of federal employees who have suitability determination in accordance with 5 C.F.R. § 731.202 and submit documentation of such as promulgated in the rules of the Commission; and

5. Complies with the rules of the Commission.

SECTION 4. COMPACT PRIVILEGE TO PRACTICE

A. Member states shall recognize the privilege to practice of an individual licensed in another member state that is in conformance with Section 3.

B. To exercise the privilege to practice under the terms and provisions of this compact, an individual must:

1. Be at least 18 years of age;

2. Possess a current unrestricted license in a member state as an EMT, AEMT, paramedic, or state recognized and licensed level with a scope of practice and authority between EMT and paramedic; and

3. Practice under the supervision of a medical director.

C. An individual providing patient care in a remote state under the privilege to practice shall function within the scope of practice authorized by the home state unless and until modified by an appropriate authority in the remote state as may be defined in the rules of the Commission.

D. Except as provided in Section 4 subsection C, an individual practicing in a remote state will be subject to the remote state's authority and laws. A remote state may, in accordance with due process and that state's laws, restrict, suspend, or revoke an individual's privilege to practice in the remote state and may take any other necessary actions to protect the health and safety of its citizens. If a remote state takes action, it shall promptly notify the home state and the Commission.

E. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

F. If an individual's privilege to practice in any remote state is restricted, suspended, or revoked, the individual shall not be eligible to practice in any remote state until the individual's privilege to practice is restored.

SECTION 5. CONDITIONS OF PRACTICE IN A REMOTE STATE

An individual may practice in a remote state under a privilege to practice only in the performance of the individual's EMS duties as assigned by an appropriate authority, as defined in the rules of the Commission, and under the following circumstances:

1. The individual originates a patient transport in a home state and transports the patient to a remote state;

2. The individual originates in the home state and enters a remote state to pick up a patient and provide care and transport of the patient to the home state;

3. The individual enters a remote state to provide patient care and/or transport within that remote state;

4. The individual enters a remote state to pick up a patient and provide care and transport to a third member state;

5. Other conditions as determined by rules promulgated by the Commission.

SECTION 6. RELATIONSHIP TO EMERGENCY MANAGEMENT ASSISTANCE COMPACT

Upon a member state's governor's declaration of a state of emergency or disaster that activates the Emergency Management Assistance Compact (EMAC), all relevant terms and provisions of EMAC shall apply and to the extent any terms or provisions of this compact conflict with EMAC, the terms of EMAC shall prevail with respect to any individual practicing in the remote state in response to such declaration.

SECTION 7. VETERANS, SERVICE MEMBERS SEPARATING FROM ACTIVE DUTY MILITARY, AND THEIR SPOUSES

A. Member states shall consider a veteran, active military service member, and member of the National Guard and Reserves separating from an active duty tour, and a spouse thereof, who holds a current valid and unrestricted NREMT certification at or above the level of the state license being sought as satisfying the minimum training and examination requirements for such licensure.

B. Member states shall expedite the processing of licensure applications submitted by veterans, active military service members, and members of the National Guard and Reserves separating from an active duty tour, and their spouses.

C. All individuals functioning with a privilege to practice under this Section remain subject to the adverse actions provisions of Section 8.

SECTION 8. ADVERSE ACTIONS

A. A home state shall have exclusive power to impose adverse action against an individual's license issued by the home state.

B. If an individual's license in any home state is restricted or suspended, the individual shall not be eligible to practice in a remote state under the privilege to practice until the individual's home state license is restored.

1. All home state adverse action orders shall include a statement that the individual's compact privileges are inactive. The order may allow the individual to practice in remote states with prior written authorization from both the home state and remote state's EMS authority.

2. An individual currently subject to adverse action in the home state shall not practice in any remote state without prior written authorization from both the home state and remote state's EMS authority.

C. A member state shall report adverse actions and any occurrences that the individual's compact privileges are restricted, suspended, or revoked to the Commission in accordance with the rules of the Commission.

D. A remote state may take adverse action on an individual's privilege to practice within that state.

E. Any member state may take adverse action against an individual's privilege to practice in that state based on the factual findings of another member state, so long as each state follows its own procedures for imposing such adverse action.

F. A home state's EMS authority shall investigate and take appropriate action with respect to reported conduct in a remote state as it would if such conduct had occurred within the home state. In such cases, the home state's law shall control in determining the appropriate adverse action.

G. Nothing in this compact shall override a member state's decision that participation in an alternative program may be used in lieu of adverse action and that such participation shall remain nonpublic if required by the member state's laws. Member states must require individuals who enter any alternative programs to agree not to practice in any other member state during the term of the alternative program without prior authorization from such other member state.

SECTION 9. ADDITIONAL POWERS INVESTED IN A MEMBER STATE'S EMS AUTHORITY

A member state's EMS authority, in addition to any other powers granted under state law, is authorized under this compact to:

1. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses and the production of evidence. Subpoenas issued by a member state's EMS authority for the attendance and testimony of witnesses, and/or the production of evidence from another member state, shall be enforced in the remote state by any court of competent jurisdiction, according to that court's practice and procedure in considering subpoenas issued in its own proceedings. The issuing state's EMS authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state where the witnesses and/or evidence are located; and

2. Issue cease and desist orders to restrict, suspend, or revoke an individual's privilege to practice in the state.

SECTION 10. ESTABLISHMENT OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE

A. The compact states hereby create and establish a joint public agency known as the Interstate Commission for EMS Personnel Practice.

1. The Commission is a body politic and an instrumentality of the compact states.

2. Venue is proper and judicial proceedings by or against the Commission shall be brought solely and exclusively in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this compact shall be construed to be a waiver of sovereign immunity.

B. Membership, Voting, and Meetings.

1. Each member state shall have and be limited to one (1) delegate. The responsible official of the state EMS authority or his designee shall be the delegate to this compact for each member state. Any delegate may be removed or suspended from office as provided by the law of the state from which the delegate is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the member state in which the vacancy exists. In the event that more than one board, office, or other agency with the legislative mandate to license EMS personnel at and above the level of EMT exists, the governor of the state will determine which entity will be responsible for assigning the delegate.

2. Each delegate shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. A delegate shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for delegates' participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in Section 12.

5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

- a. Noncompliance of a member state with its obligations under the compact;
- b. The employment, compensation, discipline or other personnel matters, practices or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;
- c. Current, threatened, or reasonably anticipated litigation;
- d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;
- e. Accusing any person of a crime or formally censuring any person;
- f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;
- g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;
- h. Disclosure of investigatory records compiled for law-enforcement purposes;
- i. Disclosure of information related to any investigatory reports prepared by or on behalf of or for use of the Commission or other committee charged with responsibility of investigation or determination of compliance issues pursuant to the compact; or
- j. Matters specifically exempted from disclosure by federal or member state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the delegates, prescribe bylaws and/or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of the compact, including but not limited to:

1. Establishing the fiscal year of the Commission;
 2. Providing reasonable standards and procedures:
 - a. For the establishment and meetings of other committees; and
 - b. Governing any general or specific delegation of any authority or function of the Commission;
 3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the membership votes to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each member with no proxy votes allowed;
 4. Establishing the titles, duties and authority, and reasonable procedures for the election of the officers of the Commission;
 5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any member state, the bylaws shall exclusively govern the personnel policies and programs of the Commission;
 6. Promulgating a code of ethics to address permissible and prohibited activities of Commission members and employees;
 7. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of the compact after the payment and/or reserving of all of its debts and obligations;
 8. Publishing its bylaws and filing a copy thereof, and a copy of any amendment thereto, with the appropriate agency or officer in each of the member states, if any;
 9. Maintaining its financial records in accordance with the bylaws; and
 10. Meeting and taking such actions as are consistent with the provisions of this compact and the bylaws.
- D. The Commission shall have the following powers:
1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this compact. The rules shall have the force and effect of law and shall be binding in all member states;
 2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any state EMS authority or other regulatory body responsible for EMS personnel licensure to sue or be sued under applicable law shall not be affected;
 3. To purchase and maintain insurance and bonds;
 4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a member state;

5. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of the compact, and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

6. To accept any and all appropriate donations and grants of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of the same, provided that at all times the Commission shall strive to avoid any appearance of impropriety and/or conflict of interest;

7. To lease, purchase, accept appropriate gifts or donations of, or otherwise own, hold, improve, or use any property, real, personal, or mixed, provided that at all times the Commission shall strive to avoid any appearance of impropriety;

8. To sell convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, real, personal, or mixed;

9. To establish a budget and make expenditures;

10. To borrow money;

11. To appoint committees, including advisory committees composed of members, state regulators, state legislators or their representatives, and consumer representatives and such other interested persons as may be designated in this compact and the bylaws;

12. To provide and receive information from, and cooperate with, law-enforcement agencies;

13. To adopt and use an official seal; and

14. To perform such other functions as may be necessary or appropriate to achieve the purposes of this compact consistent with the state regulation of EMS personnel licensure and practice.

E. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may accept any and all appropriate revenue sources, donations, and grants of money, equipment, supplies, materials, and services.

3. The Commission may levy on and collect an annual assessment from each member state or impose fees on other parties to cover the cost of the operations and activities of the Commission and its staff, which must be in a total amount sufficient to cover its annual budget as approved each year for which revenue is not provided by other sources. The aggregate annual assessment amount shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule binding upon all member states.

4. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same; nor shall the Commission pledge the credit of any of the member states, except by and with the authority of the member state.

5. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

F. Qualified Immunity, Defense, and Indemnification.

1. The members, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties, or responsibilities, provided that nothing in this paragraph shall be construed to protect any such person from suit and/or liability for any damage, loss, injury, or liability caused by the intentional or willful or wanton misconduct of that person.

2. The Commission shall defend any member, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel, and provided further that the actual or alleged act, error, or omission did not result from that person's intentional or willful or wanton misconduct.

3. The Commission shall indemnify and hold harmless any member, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional or willful or wanton misconduct of that person.

SECTION 11. COORDINATED DATABASE

A. The Commission shall provide for the development and maintenance of a coordinated database and reporting system containing licensure, adverse action, and significant investigatory information on all licensed individuals in member states.

B. Notwithstanding any other provision of state law to the contrary, a member state shall submit a uniform data set to the coordinated database on all individuals to whom this compact is applicable as required by the rules of the Commission, including:

- 1. Identifying information;*
- 2. Licensure data;*
- 3. Significant investigatory information;*
- 4. Adverse actions against an individual's license;*
- 5. An indicator that an individual's privilege to practice is restricted, suspended, or revoked;*
- 6. Nonconfidential information related to alternative program participation;*
- 7. Any denial of application for licensure and the reason(s) for such denial; and*
- 8. Other information that may facilitate the administration of this compact, as determined by the rules of the Commission.*

C. The coordinated database administrator shall promptly notify all member states of any adverse action taken against, or significant investigative information on, any individual in a member state.

D. Member states contributing information to the coordinated database may designate information that may not be shared with the public without the express permission of the contributing state.

E. Any information submitted to the coordinated database that is subsequently required to be expunged by the laws of the member state contributing the information shall be removed from the coordinated database.

SECTION 12. RULEMAKING

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Section and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment.

B. If a majority of the legislatures of the member states rejects a rule, by enactment of a statute or resolution in the same manner used to adopt the compact, then such rule shall have no further force and effect in any member state.

C. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

D. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a Notice of Proposed Rulemaking:

- 1. On the website of the Commission; and*
- 2. On the website of each member state EMS authority or the publication in which each state would otherwise publish proposed rules.*

E. The Notice of Proposed Rulemaking shall include:

- 1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;*
- 2. The text of the proposed rule or amendment and the reason for the proposed rule;*
- 3. A request for comments on the proposed rule from any interested person; and*
- 4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and any written comments.*

F. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

G. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment if a hearing is requested by:

- 1. At least twenty-five (25) persons;*
- 2. A governmental subdivision or agency; or*
- 3. An association having at least twenty-five (25) members.*

H. If a hearing is held on the proposed rule or amendment, the Commission shall publish the place, time, and date of the scheduled public hearing.

1. All persons wishing to be heard at the hearing shall notify the executive director of the Commission or other designated member in writing of their desire to appear and testify at the hearing not less than five (5) business days before the scheduled date of the hearing.

2. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing.

3. No transcript of the hearing is required, unless a written request for a transcript is made, in which case the person requesting the transcript shall bear the cost of producing the transcript. A recording may be made in lieu of a transcript under the same terms and conditions as a transcript. This subsection shall not preclude the Commission from making a transcript or recording of the hearing if it so chooses.

4. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all members, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. If no written notice of intent to attend the public hearing by interested parties is received, the Commission may proceed with promulgation of the proposed rule without a public hearing.

L. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in the compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;
2. Prevent a loss of Commission or member state funds;
3. Meet a deadline for the promulgation of an administrative rule that is established by federal law or rule; or
4. Protect public health and safety.

M. The Commission or an authorized committee of the Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing and delivered to the chair of the Commission prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

SECTION 13. OVERSIGHT, DISPUTE RESOLUTION, AND ENFORCEMENT

A. Oversight.

1. The executive, legislative, and judicial branches of state government in each member state shall enforce this compact and take all actions necessary and appropriate to effectuate the compact's purposes and intent. The provisions of this compact and the rules promulgated hereunder shall have standing as statutory law.

2. All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact which may affect the powers, responsibilities, or actions of the Commission.

3. The Commission shall be entitled to receive service of process in any such proceeding and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process to the Commission shall render a judgment or order void as to the Commission, this compact, or promulgated rules.

B. Default, Technical Assistance, and Termination.

1. If the Commission determines that a member state has defaulted in the performance of its obligations or responsibilities under this compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other member states of the nature of the default, the proposed means of curing the default, and/or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state may be terminated from the compact upon an affirmative vote of a majority of the member states, and all rights, privileges, and benefits conferred by this compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in the compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor, the majority and minority leaders of the defaulting state's legislature, and each of the member states.

4. A state that has been terminated from the compact is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or that has been terminated from the compact, unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district where the Commission has its principal offices. The prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

C. Dispute Resolution.

1. Upon request by a member state, the Commission shall attempt to resolve disputes related to the compact that arise among member states and between member and nonmember states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes as appropriate.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this compact.

2. By majority vote, the Commission may initiate legal action in the United States District Court for the District of Columbia or the federal district where the Commission has its principal offices against a member state in default to enforce compliance with the provisions of the compact and its promulgated rules and bylaws. The relief sought may include both

injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing member shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

SECTION 14. DATE OF IMPLEMENTATION OF THE INTERSTATE COMMISSION FOR EMS PERSONNEL PRACTICE AND ASSOCIATED RULES, WITHDRAWAL, AND AMENDMENT

A. The compact shall come into effect on the date on which the compact statute is enacted into law in the tenth member state. The provisions, which become effective at that time, shall be limited to the powers granted to the Commission relating to assembly and the promulgation of rules. Thereafter, the Commission shall meet and exercise rulemaking powers necessary to the implementation and administration of the compact.

B. Any state that joins the compact subsequent to the Commission's initial adoption of the rules shall be subject to the rules as they exist on the date on which the compact becomes law in that state. Any rule that has been previously adopted by the Commission shall have the full force and effect of law on the day the compact becomes law in that state.

C. Any member state may withdraw from this compact by enacting a statute repealing the same.

1. A member state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

2. Withdrawal shall not affect the continuing requirement of the withdrawing state's EMS authority to comply with the investigative and adverse action reporting requirements of this act prior to the effective date of withdrawal.

D. Nothing contained in this compact shall be construed to invalidate or prevent any EMS personnel licensure agreement or other cooperative arrangement between a member state and a nonmember state that does not conflict with the provisions of this compact.

E. This compact may be amended by the member states. No amendment to this compact shall become effective and binding upon any member state until it is enacted into the laws of all member states.

SECTION 15. CONSTRUCTION AND SEVERABILITY

This compact shall be liberally construed so as to effectuate the purposes thereof. If this compact shall be held contrary to the constitution of any member state thereto, the compact shall remain in full force and effect as to the remaining member states. Nothing in this compact supersedes state law or rules related to licensure of EMS agencies.

2. That the provisions of this act shall expire on July 1, 2021, if the Recognition of EMS Personnel Licensure Interstate Compact has not become effective as a result of enactment of the compact into law by at least 10 member states by that date.

3. That the Emergency Medical Services Advisory Board shall review decisions of the Interstate Commission for Emergency Medical Services Personnel Practice established pursuant to this compact and, upon approval by the Interstate Commission for Emergency Medical Services Personnel Practice of any action that will have the result of increasing the cost to the Commonwealth of membership in the compact, may recommend to the General Assembly that the Commonwealth withdraw from the compact.

CHAPTER 108

An Act to amend the Code of Virginia by adding in Chapter 30 of Title 54.1 an article numbered 6.1, consisting of sections numbered 54.1-3040.1 through 54.1-3040.11, and to repeal Article 6 (§§ 54.1-3030 through 54.1-3040) of Chapter 30 of Title 54.1 of the Code of Virginia, relating to multistate licensure for nurses; Nurse Licensure Compact.

[S 265]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 30 of Title 54.1 an article numbered 6.1, consisting of sections numbered 54.1-3040.1 through 54.1-3040.11, as follows:

Article 6.1.

Nurse Licensure Compact.

§ 54.1-3040.1. Findings and declaration of purpose.

A. The party states find that:

1. The health and safety of the public are affected by the degree of compliance with and the effectiveness of enforcement activities related to state nurse licensure laws;

2. Violations of nurse licensure and other laws regulating the practice of nursing may result in injury or harm to the public;

3. The expanded mobility of nurses and the use of advanced communication technologies as part of our nation's health care delivery system require greater coordination and cooperation among states in the areas of nurse licensure and regulation;

4. New practice modalities and technology make compliance with individual state nurse licensure laws difficult and complex;

5. The current system of duplicative licensure for nurses practicing in multiple states is cumbersome and redundant for both nurses and states; and

6. Uniformity of nurse licensure requirements throughout the states promotes public safety and public health benefits.

B. The general purposes of this Compact are to:

1. Facilitate the states' responsibility to protect the public's health and safety;

2. Ensure and encourage the cooperation of party states in the areas of nurse licensure and regulation;

3. Facilitate the exchange of information between party states in the areas of nurse regulation, investigation, and adverse actions;

4. Promote compliance with the laws governing the practice of nursing in each jurisdiction;

5. Invest all party states with the authority to hold a nurse accountable for meeting all state practice laws in the state in which the patient is located at the time care is rendered through the mutual recognition of party state licenses;

6. Decrease redundancies in the consideration and issuance of nurse licenses; and

7. Provide opportunities for interstate practice by nurses who meet uniform licensure requirements.

§ 54.1-3040.2. Definitions.

As used in the Nurse Licensure Compact, unless the context requires a different meaning:

"Adverse action" means any administrative, civil, equitable or criminal action permitted by a state's laws which is imposed by a licensing board or other authority against a nurse, including actions against an individual's license or multistate licensure privilege such as revocation, suspension, probation, monitoring of the licensee, limitation on the licensee's practice, or any other encumbrance on licensure affecting a nurse's authorization to practice, including issuance of a cease and desist action.

"Alternative program" means a nondisciplinary monitoring program approved by a licensing board.

"Coordinated licensure information system" means an integrated process for collecting, storing, and sharing information on nurse licensure and enforcement activities related to nurse licensure laws that is administered by a nonprofit organization composed of and controlled by licensing boards.

"Current significant investigative information" means:

1. Investigative information that a licensing board, after a preliminary inquiry that includes notification and an opportunity for the nurse to respond, if required by state law, has reason to believe is not groundless and, if proved true, would indicate more than a minor infraction; or

2. Investigative information that indicates that the nurse represents an immediate threat to public health and safety regardless of whether the nurse has been notified and had an opportunity to respond.

"Encumbrance" means a revocation or suspension of, or any limitation on, the full and unrestricted practice of nursing imposed by a licensing board.

"Home state" means the party state which is the nurse's primary state of residence.

"Licensing board" means a party state's regulatory body responsible for issuing nurse licenses.

"Multistate license" means a license to practice as a registered or a licensed practical/vocational nurse (LPN/VN) issued by a home state licensing board that authorizes the licensed nurse to practice in all party states under a multistate licensure privilege.

"Multistate licensure privilege" means a legal authorization associated with a multistate license permitting the practice of nursing as either a registered nurse (RN) or LPN/VN in a remote state.

"Nurse" means RN or LPN/VN, as those terms are defined by each party state's practice laws.

"Party state" means any state that has adopted this Compact.

"Remote state" means a party state, other than the home state.

"Single-state license" means a nurse license issued by a party state that authorizes practice only within the issuing state and does not include a multistate licensure privilege to practice in any other party state.

"State" means a state, territory, or possession of the United States and the District of Columbia.

"State practice laws" means a party state's laws, rules, and regulations that govern the practice of nursing, define the scope of nursing practice, and create the methods and grounds for imposing discipline. "State practice laws" does not include requirements necessary to obtain and retain a license, except for qualifications or requirements of the home state.

§ 54.1-3040.3. General provisions and jurisdiction.

A. A multistate license to practice registered or licensed practical/vocational nursing issued by a home state to a resident in that state will be recognized by each party state as authorizing a nurse to practice as a registered nurse (RN) or as a licensed practical/vocational nurse (LPN/VN), under a multistate licensure privilege, in each party state.

B. A state must implement procedures for considering the criminal history records of applicants for initial multistate license or licensure by endorsement. Such procedures shall include the submission of fingerprints or other biometric-based information by applicants for the purpose of obtaining an applicant's criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records.

C. Each party state shall require the following for an applicant to obtain or retain a multistate license in the home state:

1. Meets the home state's qualifications for licensure or renewal of licensure, as well as all other applicable state laws;

2. Has (a) graduated or is eligible to graduate from a licensing board-approved RN or LPN/VN prelicensure education program or (b) graduated from a foreign RN or LPN/VN prelicensure education program that has been approved by the authorized accrediting body in the applicable country and has been verified by an independent credentials review agency to be comparable to a licensing board-approved prelicensure education program;

3. Has, if a graduate of a foreign prelicensure education program not taught in English or if English is not the individual's native language, successfully passed an English proficiency examination that includes the components of reading, speaking, writing, and listening;

4. Has successfully passed an NCLEX-RN® or NCLEX-PN® Examination or recognized predecessor, as applicable;

5. Is eligible for or holds an active, unencumbered license;

6. Has submitted, in connection with an application for initial licensure or licensure by endorsement, fingerprints or other biometric data for the purpose of obtaining criminal history record information from the Federal Bureau of Investigation and the agency responsible for retaining that state's criminal records;

7. Has not been convicted or found guilty, or has entered into an agreed disposition, of a felony offense under applicable state or federal criminal law;

8. Has not been convicted or found guilty, or has entered into an agreed disposition, of a misdemeanor offense related to the practice of nursing as determined on a case-by-case basis;

9. Is not currently enrolled in an alternative program;

10. Is subject to self-disclosure requirements regarding current participation in an alternative program; and

11. Has a valid United States social security number.

D. All party states shall be authorized, in accordance with existing state due process law, to take adverse action against a nurse's multistate licensure privilege, such as revocation, suspension, probation, or any other action that affects a nurse's authorization to practice under a multistate licensure privilege, including cease and desist actions. If a party state takes such action, it shall promptly notify the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the home state of any such actions by remote states.

E. A nurse practicing in a party state must comply with the state practice laws of the state in which the client is located at the time service is provided. The practice of nursing is not limited to patient care, but shall include all nursing practice as defined by the state practice laws of the party state in which the client is located. The practice of nursing in a party state under a multistate licensure privilege will subject a nurse to the jurisdiction of the licensing board, the courts, and the laws of the party state in which the client is located at the time service is provided.

F. Individuals not residing in a party state shall continue to be able to apply for a party state's single-state license as provided under the laws of each party state. However, the single-state license granted to these individuals will not be recognized as granting the privilege to practice nursing in any other party state. Nothing in this Compact shall affect the requirements established by a party state for the issuance of a single-state license.

G. Any nurse holding a home state multistate license, on the effective date of this Compact, may retain and renew the multistate license issued by the nurse's then-current home state, provided that:

1. A nurse who changes primary state of residence after this Compact's effective date must meet all applicable requirements of subsection C to obtain a multistate license from a new home state.

2. A nurse who fails to satisfy the multistate licensure requirements in subsection C due to a disqualifying event occurring after this Compact's effective date shall be ineligible to retain or renew a multistate license, and the nurse's multistate license shall be revoked or deactivated in accordance with applicable rules adopted by the Interstate Commission of Nurse Licensure Compact Administrators (Commission).

§ 54.1-3040.4. Applications for licensure in a party state.

A. Upon application for a multistate license, the licensing board in the issuing party state shall ascertain, through the coordinated licensure information system, whether the applicant has ever held, or is the holder of, a license issued by any other state, whether there are any encumbrances on any license or multistate licensure privilege held by the applicant, whether any adverse action has been taken against any license or multistate licensure privilege held by the applicant, and whether the applicant is currently participating in an alternative program.

B. A nurse may hold a multistate license issued by the home state in only one party state at a time.

C. If a nurse changes primary state of residence by moving between two party states, the nurse must apply for licensure in the new home state, and the multistate license issued by the prior home state will be deactivated in accordance with applicable rules adopted by the Commission.

1. The nurse may apply for licensure in advance of a change in primary state of residence.

2. A multistate license shall not be issued by the new home state until the nurse provides satisfactory evidence of a change in primary state of residence to the new home state and satisfies all applicable requirements to obtain a multistate license from the new home state.

D. If a nurse changes primary state of residence by moving from a party state to a non-party state, the multistate license issued by the prior home state will convert to a single-state license, valid only in the former home state.

§ 54.1-3040.5. Additional authorities invested in party state licensing boards.

A. In addition to the other powers conferred by state law, a licensing board shall have the authority to:

1. Take adverse action against a nurse's multistate licensure privilege to practice within that party state.

a. Only the home state shall have the power to take adverse action against a nurse's license issued by the home state.

b. For purposes of taking adverse action, the home state licensing board shall give the same priority and effect to reported conduct received from a remote state as it would if such conduct had occurred within the home state. In so doing, the home state shall apply its own state laws to determine appropriate action.

2. Issue cease and desist orders or impose an encumbrance on a nurse's authority to practice within that party state.

3. Complete any pending investigations of a nurse who changes primary state of residence during the course of such investigations. The licensing board shall also have the authority to take appropriate action(s) and shall promptly report the conclusions of such investigations to the administrator of the coordinated licensure information system. The administrator of the coordinated licensure information system shall promptly notify the new home state of any such actions.

4. Issue subpoenas for both hearings and investigations that require the attendance and testimony of witnesses, as well as the production of evidence. Subpoenas issued by a licensing board in a party state for the attendance and testimony of witnesses or the production of evidence from another party state shall be enforced in the latter state by any court of competent jurisdiction, according to the practice and procedure of that court applicable to subpoenas issued in proceedings pending before it. The issuing authority shall pay any witness fees, travel expenses, mileage, and other fees required by the service statutes of the state in which the witnesses or evidence are located.

5. Obtain and submit, for each nurse licensure applicant, fingerprint or other biometric-based information to the Federal Bureau of Investigation for criminal background checks, receive the results of the Federal Bureau of Investigation record search on criminal background checks, and use the results in making licensure decisions.

6. If otherwise permitted by state law, recover from the affected nurse the costs of investigations and disposition of cases resulting from any adverse action taken against that nurse.

7. Take adverse action based on the factual findings of the remote state, provided that the licensing board follows its own procedures for taking such adverse action.

B. If adverse action is taken by the home state against a nurse's multistate license, the nurse's multistate licensure privilege to practice in all other party states shall be deactivated until all encumbrances have been removed from the multistate license. All home state disciplinary orders that impose adverse action against a nurse's multistate license shall include a statement that the nurse's multistate licensure privilege is deactivated in all party states during the pendency of the order.

C. Nothing in this Compact shall override a party state's decision that participation in an alternative program may be used in lieu of adverse action. The home state licensing board shall deactivate the multistate licensure privilege under the multistate license of any nurse for the duration of the nurse's participation in an alternative program.

§ 54.1-3040.6. Coordinated licensure information system and exchange of information.

A. All party states shall participate in a coordinated licensure information system of all licensed registered nurses (RNs) and licensed practical/vocational nurses (LPNs/VNs). This system will include information on the licensure and disciplinary history of each nurse, as submitted by party states, to assist in the coordination of nurse licensure and enforcement efforts.

B. The Commission, in consultation with the administrator of the coordinated licensure information system, shall formulate necessary and proper procedures for the identification, collection, and exchange of information under this Compact.

C. All licensing boards shall promptly report to the coordinated licensure information system any adverse action, any current significant investigative information, denials of applications (with the reasons for such denials), and nurse participation in alternative programs known to the licensing board regardless of whether such participation is deemed nonpublic or confidential under state law.

D. Current significant investigative information and participation in nonpublic or confidential alternative programs shall be transmitted through the coordinated licensure information system only to party state licensing boards.

E. Notwithstanding any other provision of law, all party state licensing boards contributing information to the coordinated licensure information system may designate information that may not be shared with non-party states or disclosed to other entities or individuals without the express permission of the contributing state.

F. Any personally identifiable information obtained from the coordinated licensure information system by a party state licensing board shall not be shared with non-party states or disclosed to other entities or individuals except to the extent permitted by the laws of the party state contributing the information.

G. Any information contributed to the coordinated licensure information system that is subsequently required to be expunged by the laws of the party state contributing that information shall also be expunged from the coordinated licensure information system.

H. The Compact administrator of each party state shall furnish a uniform data set to the Compact administrator of each other party state, which shall include, at a minimum:

1. Identifying information;

2. Licensure data;

3. Information related to alternative program participation; and

4. Other information that may facilitate the administration of this Compact, as determined by Commission rules.

I. The Compact administrator of a party state shall provide all investigative documents and information requested by another party state.

§ 54.1-3040.7. Establishment of the Interstate Commission of Nurse Licensure Compact Administrators.

A. The party states hereby create and establish a joint public entity known as the Interstate Commission of Nurse Licensure Compact Administrators (Commission).

1. The Commission is an instrumentality of the party states.

2. Venue is proper, and judicial proceedings by or against the Commission shall be brought solely and exclusively, in a court of competent jurisdiction where the principal office of the Commission is located. The Commission may waive venue and jurisdictional defenses to the extent it adopts or consents to participate in alternative dispute resolution proceedings.

3. Nothing in this Compact shall be construed to be a waiver of sovereign immunity.

B. Membership, voting, and meetings.

1. Each party state shall have and be limited to one administrator. The head of the state licensing board or designee shall be the administrator of this Compact for each party state. Any administrator may be removed or suspended from office as provided by the law of the state from which the Administrator is appointed. Any vacancy occurring in the Commission shall be filled in accordance with the laws of the party state in which the vacancy exists.

2. Each administrator shall be entitled to one (1) vote with regard to the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission. An administrator shall vote in person or by such other means as provided in the bylaws. The bylaws may provide for an administrator's participation in meetings by telephone or other means of communication.

3. The Commission shall meet at least once during each calendar year. Additional meetings shall be held as set forth in the bylaws or rules of the commission.

4. All meetings shall be open to the public, and public notice of meetings shall be given in the same manner as required under the rulemaking provisions in § 54.1-3040.8.

5. The Commission may convene in a closed, nonpublic meeting if the Commission must discuss:

a. Noncompliance of a party state with its obligations under this Compact;

b. The employment, compensation, discipline, or other personnel matters, practices, or procedures related to specific employees or other matters related to the Commission's internal personnel practices and procedures;

c. Current, threatened, or reasonably anticipated litigation;

d. Negotiation of contracts for the purchase or sale of goods, services, or real estate;

e. Accusing any person of a crime or formally censuring any person;

f. Disclosure of trade secrets or commercial or financial information that is privileged or confidential;

g. Disclosure of information of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy;

h. Disclosure of investigatory records compiled for law-enforcement purposes;

i. Disclosure of information related to any reports prepared by or on behalf of the Commission for the purpose of investigation of compliance with this Compact; or

j. Matters specifically exempted from disclosure by federal or state statute.

6. If a meeting, or portion of a meeting, is closed pursuant to this provision, the Commission's legal counsel or designee shall certify that the meeting may be closed and shall reference each relevant exempting provision. The Commission shall keep minutes that fully and clearly describe all matters discussed in a meeting and shall provide a full and accurate summary of actions taken, and the reasons therefor, including a description of the views expressed. All documents considered in connection with an action shall be identified in such minutes. All minutes and documents of a closed meeting shall remain under seal, subject to release by a majority vote of the Commission or order of a court of competent jurisdiction.

C. The Commission shall, by a majority vote of the administrators, prescribe bylaws or rules to govern its conduct as may be necessary or appropriate to carry out the purposes and exercise the powers of this Compact, including but not limited to:

1. Establishing the fiscal year of the Commission;

2. Providing reasonable standards and procedures:

a. For the establishment and meetings of other committees; and

b. Governing any general or specific delegation of any authority or function of the Commission;

3. Providing reasonable procedures for calling and conducting meetings of the Commission, ensuring reasonable advance notice of all meetings, and providing an opportunity for attendance of such meetings by interested parties, with enumerated exceptions designed to protect the public's interest, the privacy of individuals, and proprietary information, including trade secrets. The Commission may meet in closed session only after a majority of the administrators vote to close a meeting in whole or in part. As soon as practicable, the Commission must make public a copy of the vote to close the meeting revealing the vote of each administrator, with no proxy votes allowed;

4. Establishing the titles, duties, and authority and reasonable procedures for the election of the officers of the Commission;

5. Providing reasonable standards and procedures for the establishment of the personnel policies and programs of the Commission. Notwithstanding any civil service or other similar laws of any party state, the bylaws shall exclusively govern the personnel policies and programs of the Commission; and

6. Providing a mechanism for winding up the operations of the Commission and the equitable disposition of any surplus funds that may exist after the termination of this Compact after the payment or reserving of all of its debts and obligations.

D. The Commission shall publish its bylaws and rules, and any amendments thereto, in a convenient form on the website of the Commission.

E. The Commission shall maintain its financial records in accordance with the bylaws.

F. The Commission shall meet and take such actions as are consistent with the provisions of this Compact and the bylaws.

G. The Commission shall have the following powers:

1. To promulgate uniform rules to facilitate and coordinate implementation and administration of this Compact. The rules shall have the force and effect of law and shall be binding in all party states;

2. To bring and prosecute legal proceedings or actions in the name of the Commission, provided that the standing of any licensing board to sue or be sued under applicable law shall not be affected;

3. To purchase and maintain insurance and bonds;

4. To borrow, accept, or contract for services of personnel, including, but not limited to, employees of a party state or nonprofit organizations;

5. To cooperate with other organizations that administer state compacts related to the regulation of nursing, including but not limited to sharing administrative or staff expenses, office space, or other resources;

6. To hire employees, elect or appoint officers, fix compensation, define duties, grant such individuals appropriate authority to carry out the purposes of this Compact and to establish the Commission's personnel policies and programs relating to conflicts of interest, qualifications of personnel, and other related personnel matters;

7. To accept any and all appropriate donations, grants, and gifts of money, equipment, supplies, materials, and services and to receive, utilize, and dispose of the same, provided that at all times the Commission shall avoid any appearance of impropriety or conflict of interest;

8. To lease, purchase, accept appropriate gifts or donations of, or otherwise to own, hold, improve, or use, any property, whether real, personal or mixed, provided that at all times the Commission shall avoid any appearance of impropriety;

9. To sell, convey, mortgage, pledge, lease, exchange, abandon, or otherwise dispose of any property, whether real, personal, or mixed;

10. To establish a budget and make expenditures;

11. To borrow money;

12. To appoint committees, including advisory committees comprised of administrators, state nursing regulators, state legislators or their representatives, and consumer representatives and other such interested persons;

13. To provide and receive information from, and to cooperate with, law-enforcement agencies;

14. To adopt and use an official seal; and

15. To perform such other functions as may be necessary or appropriate to achieve the purposes of this Compact consistent with the state regulation of nurse licensure and practice.

H. Financing of the Commission.

1. The Commission shall pay, or provide for the payment of, the reasonable expenses of its establishment, organization, and ongoing activities.

2. The Commission may also levy on and collect an annual assessment from each party state to cover the cost of its operations, activities, and staff in its annual budget as approved each year. The aggregate annual assessment amount, if any, shall be allocated based upon a formula to be determined by the Commission, which shall promulgate a rule that is binding upon all party states.

3. The Commission shall not incur obligations of any kind prior to securing the funds adequate to meet the same, nor shall the Commission pledge the credit of any of the party states, except by, and with the authority of, such party state.

4. The Commission shall keep accurate accounts of all receipts and disbursements. The receipts and disbursements of the Commission shall be subject to the audit and accounting procedures established under its bylaws. However, all receipts and disbursements of funds handled by the Commission shall be audited yearly by a certified or licensed public accountant, and the report of the audit shall be included in and become part of the annual report of the Commission.

I. Qualified immunity, defense, and indemnification.

1. The administrators, officers, executive director, employees, and representatives of the Commission shall be immune from suit and liability, either personally or in their official capacity, for any claim for damage to or loss of property or personal injury or other civil liability caused by or arising out of any actual or alleged act, error, or omission that occurred, or that the person against whom the claim is made had a reasonable basis for believing occurred, within the scope of Commission employment, duties or responsibilities, provided that nothing in this subdivision shall be construed to protect any such person from suit or liability for any damage, loss, injury, or liability caused by the intentional, willful, or wanton misconduct of that person.

2. The Commission shall defend any administrator, officer, executive director, employee, or representative of the Commission in any civil action seeking to impose liability arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that the person against whom the claim is made had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that nothing herein shall be construed to prohibit that person from retaining his or her own counsel and provided further that the actual or alleged act, error, or omission did not result from that person's intentional, willful, or wanton misconduct.

3. The Commission shall indemnify and hold harmless any administrator, officer, executive director, employee, or representative of the Commission for the amount of any settlement or judgment obtained against that person arising out of any actual or alleged act, error, or omission that occurred within the scope of Commission employment, duties, or responsibilities, or that such person had a reasonable basis for believing occurred within the scope of Commission employment, duties, or responsibilities, provided that the actual or alleged act, error, or omission did not result from the intentional, willful, or wanton misconduct of that person.

§ 54.1-3040.8. Rulemaking.

A. The Commission shall exercise its rulemaking powers pursuant to the criteria set forth in this Article and the rules adopted thereunder. Rules and amendments shall become binding as of the date specified in each rule or amendment and shall have the same force and effect as provisions of this Compact.

B. Rules or amendments to the rules shall be adopted at a regular or special meeting of the Commission.

C. Prior to promulgation and adoption of a final rule or rules by the Commission, and at least sixty (60) days in advance of the meeting at which the rule will be considered and voted upon, the Commission shall file a notice of proposed rulemaking:

1. On the website of the Commission; and

2. On the website of each licensing board or the publication in which each state would otherwise publish proposed rules.

D. The notice of proposed rulemaking shall include:

1. The proposed time, date, and location of the meeting in which the rule will be considered and voted upon;

2. The text of the proposed rule or amendment and the reason for the proposed rule;

3. A request for comments on the proposed rule from any interested person; and

4. The manner in which interested persons may submit notice to the Commission of their intention to attend the public hearing and submit any written comments.

E. Prior to adoption of a proposed rule, the Commission shall allow persons to submit written data, facts, opinions, and arguments, which shall be made available to the public.

F. The Commission shall grant an opportunity for a public hearing before it adopts a rule or amendment.

G. The Commission shall publish the place, time, and date of the scheduled public hearing.

1. Hearings shall be conducted in a manner providing each person who wishes to comment a fair and reasonable opportunity to comment orally or in writing. All hearings will be recorded, and a copy will be made available upon request.

2. Nothing in this section shall be construed as requiring a separate hearing on each rule. Rules may be grouped for the convenience of the Commission at hearings required by this section.

H. If no one appears at the public hearing, the Commission may proceed with promulgation of the proposed rule.

I. Following the scheduled hearing date, or by the close of business on the scheduled hearing date if the hearing was not held, the Commission shall consider all written and oral comments received.

J. The Commission shall, by majority vote of all administrators, take final action on the proposed rule and shall determine the effective date of the rule, if any, based on the rulemaking record and the full text of the rule.

K. Upon determination that an emergency exists, the Commission may consider and adopt an emergency rule without prior notice, opportunity for comment, or hearing, provided that the usual rulemaking procedures provided in this Compact and in this section shall be retroactively applied to the rule as soon as reasonably possible, in no event later than ninety (90) days after the effective date of the rule. For the purposes of this provision, an emergency rule is one that must be adopted immediately in order to:

1. Meet an imminent threat to public health, safety, or welfare;

2. Prevent a loss of Commission or party state funds; or

3. Meet a deadline for the promulgation of an administrative rule that is required by federal law or rule.

L. The Commission may direct revisions to a previously adopted rule or amendment for purposes of correcting typographical errors, errors in format, errors in consistency, or grammatical errors. Public notice of any revisions shall be posted on the website of the Commission. The revision shall be subject to challenge by any person for a period of thirty (30) days after posting. The revision may be challenged only on grounds that the revision results in a material change to a rule. A challenge shall be made in writing, and delivered to the Commission, prior to the end of the notice period. If no challenge is made, the revision will take effect without further action. If the revision is challenged, the revision may not take effect without the approval of the Commission.

§ 54.1-3040.9. Oversight, dispute resolution, and enforcement.

A. Oversight.

1. Each party state shall enforce this Compact and take all actions necessary and appropriate to effectuate this Compact's purposes and intent.

2. The Commission shall be entitled to receive service of process in any proceeding that may affect the powers, responsibilities, or actions of the Commission and shall have standing to intervene in such a proceeding for all purposes. Failure to provide service of process in such proceeding to the Commission shall render a judgment or order void as to the Commission, this Compact, or promulgated rules.

B. Default, technical assistance and termination.

1. If the Commission determines that a party state has defaulted in the performance of its obligations or responsibilities under this Compact or the promulgated rules, the Commission shall:

a. Provide written notice to the defaulting state and other party states of the nature of the default, the proposed means of curing the default, or any other action to be taken by the Commission; and

b. Provide remedial training and specific technical assistance regarding the default.

2. If a state in default fails to cure the default, the defaulting state's membership in this Compact may be terminated upon an affirmative vote of a majority of the administrators, and all rights, privileges, and benefits conferred by this Compact may be terminated on the effective date of termination. A cure of the default does not relieve the offending state of obligations or liabilities incurred during the period of default.

3. Termination of membership in this Compact shall be imposed only after all other means of securing compliance have been exhausted. Notice of intent to suspend or terminate shall be given by the Commission to the governor of the defaulting state and to the executive officer of the defaulting state's licensing board and to each of the party states.

4. A state whose membership in this Compact has been terminated is responsible for all assessments, obligations, and liabilities incurred through the effective date of termination, including obligations that extend beyond the effective date of termination.

5. The Commission shall not bear any costs related to a state that is found to be in default or whose membership in this Compact has been terminated unless agreed upon in writing between the Commission and the defaulting state.

6. The defaulting state may appeal the action of the Commission by petitioning the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices. The prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

C. Dispute resolution.

1. Upon request by a party state, the Commission shall attempt to resolve disputes related to the Compact that arise among party states and between party and non-party states.

2. The Commission shall promulgate a rule providing for both mediation and binding dispute resolution for disputes, as appropriate.

3. In the event the Commission cannot resolve disputes among party states arising under this Compact:

a. The party states may submit the issues in dispute to an arbitration panel, which will be comprised of individuals appointed by the Compact administrator in each of the affected party states and an individual mutually agreed upon by the Compact administrators of all the party states involved in the dispute.

b. The decision of a majority of the arbitrators shall be final and binding.

D. Enforcement.

1. The Commission, in the reasonable exercise of its discretion, shall enforce the provisions and rules of this Compact.

2. By majority vote, the Commission may initiate legal action in the U.S. District Court for the District of Columbia or the federal district in which the Commission has its principal offices against a party state that is in default to enforce compliance with the provisions of this Compact and its promulgated rules and bylaws. The relief sought may include both injunctive relief and damages. In the event judicial enforcement is necessary, the prevailing party shall be awarded all costs of such litigation, including reasonable attorney fees.

3. The remedies herein shall not be the exclusive remedies of the Commission. The Commission may pursue any other remedies available under federal or state law.

§ 54.1-3040.10. Effective date, withdrawal, and amendment.

A. This Compact shall become effective and binding on the earlier of the date of legislative enactment of this Compact into law by no less than twenty-six (26) states or December 31, 2018. All party states to this Compact that also were parties to the prior Nurse Licensure Compact (Prior Compact) superseded by this Compact shall be deemed to have withdrawn from said Prior Compact within six (6) months after the effective date of this Compact.

B. Each party state to this Compact shall continue to recognize a nurse's multistate licensure privilege to practice in that party state issued under the Prior Compact until such party state has withdrawn from the Prior Compact.

C. Any party state may withdraw from this Compact by enacting a statute repealing the same. A party state's withdrawal shall not take effect until six (6) months after enactment of the repealing statute.

D. A party state's withdrawal or termination shall not affect the continuing requirement of the withdrawing or terminated state's licensing board to report adverse actions and significant investigations occurring prior to the effective date of such withdrawal or termination.

E. Nothing contained in this Compact shall be construed to invalidate or prevent any nurse licensure agreement or other cooperative arrangement between a party state and a non-party state that is made in accordance with the other provisions of this Compact.

F. This Compact may be amended by the party states. No amendment to this Compact shall become effective and binding upon the party states unless and until it is enacted into the laws of all party states.

G. Representatives of non-party states to this Compact shall be invited to participate in the activities of the Commission, on a nonvoting basis, prior to the adoption of this Compact by all states.

§ 54.1-3040.11. Construction and severability.

This Compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this Compact shall be severable, and if any phrase, clause, sentence, or provision of this Compact is declared to be contrary to the constitution

of any party state or of the United States, or if the applicability thereof to any government, agency, person, or circumstance is held invalid, the validity of the remainder of this Compact and the applicability thereof to any government, agency, person, or circumstance shall not be affected thereby. If this Compact shall be held to be contrary to the constitution of any party state, this Compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the party state affected as to all severable matters.

2. That the provisions of the first enactment clause of this act shall become effective upon adoption of the Nurse Licensure Compact as set forth in the first enactment clause by 26 states or on December 31, 2018, whichever comes first.

3. That Article 6 (§§ 54.1-3030 through 54.1-3040) of Chapter 30 of Title 54.1 is repealed on the date the first enactment clause of this act becomes effective.

4. That the Virginia Nurses Association, on behalf of its constituency, may send a request to the Chairmen of the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health for reconsideration of the Nurse Licensure Compact by the General Assembly if the nurses of Virginia become dissatisfied with its provisions.

CHAPTER 109

An Act to amend and reenact § 54.1-3028.1 of the Code of Virginia, relating to nurse aide education programs.

[S 328]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3028.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3028.1. Nurse aide education programs.

Nurse aide education programs designed to prepare nurse aides for certification shall be a minimum of 120 clock hours in length. The curriculum of such programs shall include, ~~but not be limited to,~~ communication and interpersonal skills, safety and emergency procedures, personal care skills, *observational and reporting techniques*, appropriate clinical care of the aged and disabled, skills for basic restorative services, clients' rights, legal aspects of practice as a certified nurse aide, occupational health and safety measures, culturally sensitive care, and appropriate management of conflict. The Board shall promulgate regulations to implement the provisions of this section.

CHAPTER 110

An Act to amend and reenact § 63.2-2100 of the Code of Virginia, relating to Family and Children's Trust Fund; taxation.

[S 346]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-2100 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-2100. Family and Children's Trust Fund; public purpose; exempt from taxation.

A. There is hereby created ~~a~~ *the Family and Children's Trust Fund (the Trust Fund)*. ~~The purpose of the fund~~ *exercise of powers granted under this chapter shall be to provide in all respects for the benefit of the citizens of the Commonwealth and for the support and development of services for the prevention and treatment of child abuse and neglect and violence within families. This goal shall be achieved through public and private collaboration.*

B. The Trust Fund will be performing an essential governmental function in the exercise of the powers conferred upon it by this chapter. Gifts, contributions, grants, devises, and bequests, whether personal or real property, and the income therefrom, accepted by the Trust Fund, shall be deemed to be gifts to the Commonwealth, which shall be exempt from all state and local taxes, and shall be regarded as the property of the Commonwealth for the purposes of all tax laws.

CHAPTER 111

An Act to amend and reenact § 63.2-101 of the Code of Virginia, relating to Department of Social Services; providing access to the Department of Medical Assistance Services and certain other entities to public assistance information.

[S 455]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-101 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-101. Authority of Department to request and receive information from other agencies; use of information so obtained; provide access to information for medical assistance eligibility purposes.

A. The Department may request and shall receive from the records of all departments, boards, bureaus or other agencies of this Commonwealth and of other states such information as is necessary for the purpose of carrying out the provisions and programs of this title, and the same are authorized to provide such information; provided that, a written statement from the requesting party stating the reason for seeking such record is submitted and filed with the record sought. The Department may make such information available only to public officials and agencies of this Commonwealth, and other states, and political subdivisions of this Commonwealth and other states, where the request for information relates to administration of the various public assistance or social services programs.

B. *The Department shall provide, to the Department of Medical Assistance Services and to certain entities approved by the Board of Medical Assistance Services, access to information regarding a medical assistance applicant's receipt of public assistance from programs administered by the Department. Such access shall be limited to information necessary to determine an individual's eligibility for medical assistance services and to the extent specified in a memorandum of understanding between the Department and the Department of Medical Assistance Services.*

CHAPTER 112

An Act to amend and reenact § 54.1-3446 of the Code of Virginia, relating to Drug Control Act; Schedule I drugs; addition of substances.

[S 480]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3446 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3446. Schedule I.

The controlled substances listed in this section are included in Schedule I:

1. Any of the following opiates, including their isomers, esters, ethers, salts, and salts of isomers, esters, and ethers, unless specifically excepted, whenever the existence of these isomers, esters, ethers and salts is possible within the specific chemical designation:

Acetylmethadol;

Allylprodine;

Alphacetylmethadol (except levo-alpha-acetylmethadol, also known as levo-alpha-acetylmethadol, levomethadyl acetate, or LAAM);

Alphameprodine;

Alphamethadol;

Benzethidine;

Betacetylmethadol;

Betameprodine;

Betamethadol;

Betaprodine;

Clonitazene;

Dextromoramide;

Diampromide;

Diethylthiambutene;

Difenoxin;

Dimenoxadol;

Dimepheptanol;

Dimethylthiambutene;

Dioxaphetylbutyrate;

Dipipanone;

Ethylmethylthiambutene;

Etonitazene;

Etoxidine;

Furethidine;

Hydroxypethidine;

Ketobemidone;

Levomoramide;

Levophenacymorphan;

Morpheridine;

Noracymethadol;

Norlevorphanol;

Normethadone;

Norpipanone;

Phenadoxone;
 Phenampromide;
 Phenomorphan;
 Phenoperidine;
 Piritramide;
 Proheptazine;
 Properidine;
 Propiram;
 Racemoramide;
 Tilidine;
 Trimeperidine.

2. Any of the following opium derivatives, their salts, isomers and salts of isomers, unless specifically excepted, whenever the existence of these salts, isomers and salts of isomers is possible within the specific chemical designation:

Acetorphine;
 Acetyldihydrocodeine;
 Benzylmorphine;
 Codeine methylbromide;
 Codeine-N-Oxide;
 Cyprenorphine;
 Desomorphine;
 Dihydromorphine;
 Drotebanol;
 Etorphine;
 Heroin;
 Hydromorphanol;
 Methyldesorphine;
 Methyldihydromorphine;
 Morphine methylbromide;
 Morphine methylsulfonate;
 Morphine-N-Oxide;
 Myorphine;
 Nicocodeine;
 Nicomorphine;
 Normorphine;
 Pholcodine;
 Thebacon.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation, which contains any quantity of the following hallucinogenic substances, or which contains any of its salts, isomers, and salts of isomers, whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subdivision only, the term "isomer" includes the optical, position, and geometric isomers):

Alpha-ethyltryptamine (some trade or other names: Monase; a-ethyl-1H-indole-3-ethanamine; 3-2-aminobutyl] indole; a-ET; AET);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);

4-Bromo-2,5-dimethoxyphenethylamine (some trade or other names:
 2-4-bromo-2,5-dimethoxyphenyl]-1-aminoethane;alpha-desmethyl DOB; 2C-B; Nexus);

3,4-methylenedioxy amphetamine;

5-methoxy-3,4-methylenedioxy amphetamine;

3,4,5-trimethoxy amphetamine;

Alpha-methyltryptamine (other name: AMT);

Bufotenine;

Diethyltryptamine;

Dimethyltryptamine;

4-methyl-2,5-dimethoxyamphetamine;

2,5-dimethoxy-4-ethylamphetamine (DOET);

2,5-dimethoxy-4-(n)-propylthiophenethylamine (other name: 2C-T-7);

Ibogaine;

5-methoxy-N,N-diisopropyltryptamine (other name: 5-MeO-DIPT);

Lysergic acid diethylamide;

Mescaline;

Parahexyl (some trade or other names: 3-Hexyl-1-hydroxy-7, 8, 9, 10-tetrahydro-6, 6, 9-trimethyl-6H-dibenzo -b,d]pyran; Synhexyl);
 Peyote;
 N-ethyl-3-piperidyl benzilate;
 N-methyl-3-piperidyl benzilate;
 Psilocybin;
 Psilocyn;
 Salvinorin A;
 Tetrahydrocannabinols, except as present in marijuana and dronabinol in sesame oil and encapsulated in a soft gelatin capsule in a drug product approved by the U.S. Food and Drug Administration;
 Hashish oil (some trade or other names: hash oil; liquid marijuana; liquid hashish);
 2,5-dimethoxyamphetamine (some trade or other names: 2,5-dimethoxy-a-methylphenethylamine; 2,5-DMA);
 3,4-methylenedioxy-methamphetamine (MDMA), its optical, positional and geometric isomers, salts and salts of isomers;
 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4 (methylenedioxy)phenethylamine, N-ethyl MDA, MDE, MDEA);
 N-hydroxy-3,4-methylenedioxyamphetamine (some other names: N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenethylamine, and N-hydroxy MDA);
 4-bromo-2,5-dimethoxyamphetamine (some trade or other names: 4-bromo-2,5-dimethoxy-a-methylphenethylamine; 4-bromo-2,5-DMA);
 4-methoxyamphetamine (some trade or other names: 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA);
 Ethylamine analog of phencyclidine (some other names: N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl) ethylamine, N-(1-phenylcyclohexyl) ethylamine, cyclohexamine, PCE);
 Pyrrolidine analog of phencyclidine (some other names: 1-(1-phenylcyclohexyl) -pyrrolidine, PCPy, PHP);
 Thiophene analog of phencyclidine (some other names: 1-1-(2-thienyl) -cyclohexyl]-piperidine, 2-thienyl analog of phencyclidine, TPCP, TCP);
 1-1-(2-thienyl) Cyclohexyl]pyrrolidine (other name: TCPy);
 3,4-methylenedioxy-pyruvalerone (other name: MDPV);
 4-methylmethcathinone (other names: mephedrone, 4-MMC);
 3,4-methylenedioxy-methcathinone (other name: methylone);
 Naphthylpyruvalerone (other name: naphyrone);
 4-fluoromethcathinone (other name: flephedrone, 4-FMC);
 4-methoxymethcathinone (other names: methedrone; bk-PMMA);
 Ethcathinone (other name: N-ethylcathinone);
 3,4-methylenedioxyethcathinone (other name: ethylone);
 Beta-keto-N-methyl-3,4-benzodioxolybutanamine (other name: butylone);
 N,N-dimethylcathinone (other name: metamfepramone);
 Alpha-pyrrolidinopropiophenone (other name: alpha-PPP);
 4-methoxy-alpha-pyrrolidinopropiophenone (other name: MOPPP);
 3,4-methylenedioxy-alpha-pyrrolidinopropiophenone (other name: MDPPP);
 Alpha-pyrrolidinovalerophenone (other name: alpha-PVP);
 6,7-dihydro-5H-indeno-(5,6-d)-1,3-dioxol-6-amine (other name: MDAI);
 3-fluoromethcathinone (other name: 3-FMC);
 4-Ethyl-2,5-dimethoxyphenethylamine (other name: 2C-E);
 4-Iodo-2,5-dimethoxyphenethylamine (other name: 2C-I);
 4-Methylethcathinone (other name: 4-MEC);
 4-Ethylmethcathinone (other name: 4-EMC);
 N,N-diallyl-5-methoxytryptamine (other name: 5-MeO-DALT);
 Beta-keto-methylbenzodioxolylpentanamine (other name: Pentylone, bk-MBDP);
 Alpha-methylamino-butyrophenone (other name: Buphedrone);
 Alpha-methylamino-valerophenone (other name: Pentedrone);
 3,4-Dimethylmethcathinone (other name: 3,4-DMMC);
 4-methyl-alpha-pyrrolidinopropiophenone (other name: MPPP);
 4-Iodo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 25-I, 25I-NBOMe);
 Methoxetamine (other names: MXE, 3-MeO-2-Oxo-PCE);
 4-Fluoromethamphetamine (other name: 4-FMA);
 4-Fluoroamphetamine (other name: 4-FA);
 2-(2,5-Dimethoxy-4-methylphenyl)ethanamine (other name: 2C-D);
 2-(4-Chloro-2,5-dimethoxyphenyl)ethanamine (other name: 2C-C);
 2-[4-(Ethylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-2);

- 2-[4-(Isopropylthio)-2,5-dimethoxyphenyl]ethanamine (other name: 2C-T-4);
 2-(2,5-Dimethoxyphenyl)ethanamine (other name: 2C-H);
 2-(2,5-Dimethoxy-4-nitro-phenyl)ethanamine (other name: 2C-N);
 2-(2,5-Dimethoxy-4-(n)-propylphenyl)ethanamine (other name: 2C-P);
 (2-aminopropyl)benzofuran (other name: APB);
 (2-aminopropyl)-2,3-dihydrobenzofuran (other name: APDB);
 4-chloro-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-C-NBOMe, 25C-NBOMe);
 4-bromo-2,5-dimethoxy-N-[(2-methoxyphenyl)methyl]-benzeneethanamine (other names: 2C-B-NBOMe, 25B-NBOMe);
 Acetoxymethyltryptamine (other names: AcO-Psilocin, AcO-DMT, Psilacetin);
 Benocyclidine (other names: BCP, BTCP);
 Alpha-pyrrolidinobutiophenone (other name: alpha-PBP);
 3,4-methylenedioxy-N,N-dimethylcathinone (other names: Dimethylone, bk-MDDMA);
 4-bromomethcathinone (other name: 4-BMC);
 4-chloromethcathinone (other name: 4-CMC);
 4-Iodo-2,5-dimethoxy-N-[(2-hydroxyphenyl)methyl]-benzeneethanamine (other name: 25I-NBOH);
 Alpha-Pyrrolidinohexiophenone (other name: alpha-PHP);
 Alpha-Pyrrolidinoheptiophenone (other name: PV8).
4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a depressant effect on the central nervous system, including its salts, isomers and salts of isomers whenever the existence of such salts, isomers and salts of isomers is possible within the specific chemical designation:
- Gamma hydroxybutyric acid (some other names include GHB; gamma hydroxybutyrate; 4-hydroxybutyrate; 4-hydroxybutanoic acid; sodium oxybate; sodium oxybutyrate);
 Mecloqualone;
 Methaqualone;
 Etizolam.
5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers and salts of isomers:
- Aminorex (some trade or other names; aminoxaphen; 2-amino-5-phenyl-2-oxazoline; 4, 5-dihydro-5-phenyl-2-oxazolamine);
 N-Benzylpiperazine (some other names: BZP, 1-benzylpiperazine);
 Fenethylamine;
 Ethylamphetamine;
 Cathinone (some trade or other names: 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, norephedrone), and any plant material from which Cathinone may be derived;
 Methcathinone (some other names: 2-(methylamino)-propiophenone; alpha-(methylamino)-propiophenone; 2-(methylamino)-1-phenylpropan-1-one; alpha-N-methylaminopropiophenone; monomethylpropion; ephedrone; N-methylcathinone; methylcathinone; AL-464; AL-422; AL-463 and UR 1432);
 Cis-4-methylaminorex (other name: cis-4,5-dihydro-4-methyl-5-phenyl-2-oxazolamine);
 N,N-dimethylamphetamine (other names: N,N-alpha-trimethyl-benzeneethanamine, N,N-alpha-trimethylphenethylamine).
6. Any material, compound, mixture or preparation containing any quantity of the following substances:
- N-3-methyl-1-(2-phenethyl)-4-piperidyl]-N-phenylpropanamide (other name: 3-methylfentanyl), its optical and geometric isomers, salts, and salts of isomers;
 1-methyl-4-phenyl-4-propionoxypiperidine (other name: MPPP), its optical isomers, salts and salts of isomers;
 1-(2-phenylethyl)-4-phenyl-4-acetyloxypiperidine (other name: PEPAP), its optical isomers, salts and salts of isomers;
 N-1-(alpha-methyl-beta-phenyl) ethyl-4-piperidyl] propionanilide (other names:
 1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine, alpha-methylfentanyl);
 N-1-(1-methyl-2-phenethyl)-4-piperidyl]-N-phenylacetamide (other name: acetyl-alpha-methylfentanyl), its optical isomers, salts and salts of isomers;
 N-1-(1-methyl-2-(2-thienyl)ethyl)-4 piperidyl]-N-phenylpropanamide (other name: alpha-methylthiofentanyl), its optical isomers, salts and salts of isomers;
 N-1-benzyl-4-piperidyl]N-phenylpropanamide (other name: benzylfentanyl), its optical isomers, salts and salts of isomers;
 N-1-(2-hydroxy-2-phenyl) ethyl-4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxyfentanyl), its optical isomers, salts and salts of isomers;
 N-3-methyl-1-(2-hydroxy-2-phenethyl)4-piperidyl]-N-phenylpropanamide (other name: beta-hydroxy-3-methylfentanyl), its optical and geometric isomers, salts and salts of isomers;

N-(3-methyl-1-(2-thienyl)ethyl-4-piperidinyl)-N-phenylpropanamide (other name: 3-methylthiofentanyl), its optical and geometric isomers, salts and salts of isomers;

N-1-(2-thienyl) Methyl-4-piperidyl]-N-phenylpropanamide (other name: thienylfentanyl), its optical isomers, salts and salts of isomers;

N-phenyl-N-1-(2-thienyl)ethyl-4-piperidinyl]-propanamide (other name: thiofentanyl), its optical isomers, salts and salts of isomers;

N-(4-fluorophenyl)-N-1-(2-phenethyl)-4-piperidinyl]-propanamide (other name: para-fluorofentanyl), its optical isomers, salts and salts of isomers;

Acetyl fentanyl (other name: desmethyl fentanyl).

7. Any substance that contains one or more cannabimimetic agents or that contains their salts, isomers, and salts of isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation, and any preparation, mixture, or substance containing, or mixed or infused with, any detectable amount of one or more cannabimimetic agents.

a. "Cannabimimetic agents" includes any substance that is within any of the following structural classes:

2-(3-hydroxycyclohexyl)phenol with substitution at the 5-position of the phenolic ring by alkyl or alkenyl, whether or not substituted on the cyclohexyl ring to any extent;

3-(1-naphthoyl)indole or 1H-indol-3-yl-(1-naphthyl) Methane with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the naphthoyl or naphthyl ring to any extent;

3-(1-naphthoyl)pyrrole with substitution at the nitrogen atom of the pyrrole ring, whether or not further substituted in the pyrrole ring to any extent, whether or not substituted on the naphthoyl ring to any extent;

1-(1-naphthylmethyl)indene with substitution of the 3-position of the indene ring, whether or not further substituted in the indene ring to any extent, whether or not substituted on the naphthyl ring to any extent;

3-phenylacetylindole or 3-benzoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted in the indole ring to any extent, whether or not substituted on the phenyl ring to any extent;

3-cyclopropoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the cyclopropyl ring to any extent;

3-adamantoylindole with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent;

N-(adamantyl)-indole-3-carboxamide with substitution at the nitrogen atom of the indole ring, whether or not further substituted on the indole ring to any extent, whether or not substituted on the adamantyl ring to any extent; and

N-(adamantyl)-indazole-3-carboxamide with substitution at a nitrogen atom of the indazole ring, whether or not further substituted on the indazole ring to any extent, whether or not substituted on the adamantyl ring to any extent.

b. The term "cannabimimetic agents" includes:

5-(1,1-Dimethylheptyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497);

5-(1,1-Dimethylhexyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C6 homolog);

5-(1,1-Dimethyloctyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C8 homolog);

5-(1,1-Dimethylnonyl)-2-[3-hydroxycyclohexyl]-phenol (other name: CP 47,497 C9 homolog);

1-pentyl-3-(1-naphthoyl)indole (other names: JWH-018, AM-678);

1-butyl-3-(1-naphthoyl)indole (other name: JWH-073);

1-pentyl-3-(2-methoxyphenylacetyl)indole (other name: JWH-250);

1-hexyl-3-(naphthalen-1-oyl)indole (other name: JWH-019);

1-[2-(4-morpholinyl)ethyl]-3-(1-naphthoyl)indole (other name: JWH-200);

(6aR,10aR)-9-(hydroxymethyl)-6,6-dimethyl-3-(2-methyl-octan-2-yl)-6a,7,10,10a-tetrahydrobenzo[c]chromen-1-ol (other name: HU-210);

1-pentyl-3-(4-methoxy-1-naphthoyl)indole (other name: JWH-081);

1-pentyl-3-(4-methyl-1-naphthoyl)indole (other name: JWH-122);

1-pentyl-3-(2-chlorophenylacetyl)indole (other name: JWH-203);

1-pentyl-3-(4-ethyl-1-naphthoyl)indole (other name: JWH-210);

1-pentyl-3-(4-chloro-1-naphthoyl)indole (other name: JWH-398);

1-(5-fluoropentyl)-3-(2-iodobenzoyl)indole (other name: AM-694);

1-((N-methylpiperidin-2-yl) Methyl)-3-(1-naphthoyl)indole (other name: AM-1220);

1-(5-fluoropentyl)-3-(1-naphthoyl)indole (other name: AM-2201);

1-[(N-methylpiperidin-2-yl) Methyl]-3-(2-iodobenzoyl)indole (other name: AM-2233);

Pravadoline (4-methoxyphenyl)-[2-methyl-1-(2-(4-morpholinyl)ethyl)indol-3-yl]methanone (other name: WIN 48,098);

1-pentyl-3-(4-methoxybenzoyl)indole (other names: RCS-4, SR-19);

1-(2-cyclohexylethyl)-3-(2-methoxyphenylacetyl)indole (other names: RCS-8, SR-18);

1-pentyl-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: UR-144);

1-(5-fluoropentyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: XLR-11);

N-adamantyl-1-fluoropentylindole-3-carboxamide (other name: STS-135);

N-adamantyl-1-pentylindazole-3-carboxamide (other name: AKB48);
 1-pentyl-3-(1-adamantoyl)indole (other name: AB-001);
 (8-quinolinyl)(1-pentylindol-3-yl)carboxylate (other name: PB-22);
 (8-quinolinyl)(1-(5-fluoropentyl) Indol-3-yl)carboxylate (other name: 5-fluoro-PB-22);
 (8-quinolinyl)(1-cyclohexylmethyl-indol-3-yl)carboxylate (other name: BB-22);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: AB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(4-fluorobenzyl)indazole-3-carboxamide (other name: AB-FUBINACA);
 1-(5-fluoropentyl)-3-(1-naphthoyl)indazole (other name: THJ-2201);
 N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-pentylindazole-3-carboxamide (other name: ADB-PINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other name: AB-CHMINACA);
 N-(1-amino-3-methyl-1-oxobutan-2-yl)-1-(5-fluoropentyl)indazole-3-carboxamide (other name: 5-fluoro-AB-PINACA);
N-(1-amino-3,3-dimethyl-1-oxobutan-2-yl)-1-(cyclohexylmethyl)indazole-3-carboxamide (other names: ADB-CHMINACA, MAB-CHMINACA);
Methyl-2-(1-(5-fluoropentyl)-1H-indazole-3-carboxamido)-3-methylbutanoate (other name: 5-fluoro-AMB);
1-naphthalenyl 1-(5-fluoropentyl)-1H-indole-3-carboxylate (other name: NM-2201);
1-(4-fluorobenzyl)-3-(2,2,3,3-tetramethylcyclopropylmethanone)indole (other name: FUB-144);
1-(5-fluoropentyl)-3-(4-methyl-1-naphthoyl)indole (other name MAM-2201).

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 113

An Act to amend and reenact §§ 54.1-2522.1 and 54.1-2523.2 of the Code of Virginia, relating to Prescription Monitoring Program; requirements of prescribers of opioids.

[S 513]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2522.1 and 54.1-2523.2 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2522.1. Requirements of prescribers.

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to § 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

B. ~~Prescribers~~ A prescriber registered with the Prescription Monitoring Program or a person to whom he has delegated authority to access information in the possession of the Prescription Monitoring Program pursuant to § 54.1-2523.2 shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate opioids anticipated at the onset of treatment to last more than 90 14 consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.

C. ~~The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified benzodiazepines or opiates shall not be required to meet the provisions of subsection B. In addition, a A prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from pain management relating to dialysis or cancer treatments:~~

1. The opioid is prescribed to a patient currently receiving hospice or palliative care;
2. The opioid is prescribed to a patient as part of treatment for a surgical or invasive procedure and such prescription is not refillable;
3. The opioid is prescribed to a patient during an inpatient hospital admission or at discharge;
4. The opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy;
5. The Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or
6. The prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record.

§ 54.1-2523.2. Authority to access database.

Any prescriber or dispenser authorized to access the information in the possession of the Prescription Monitoring Program pursuant to this chapter may, pursuant to regulations promulgated by the Director to implement the provisions of this section, delegate such authority to ~~health care professionals~~ *individuals* who are *employed or engaged at the same facility and under the direct supervision of the prescriber or dispenser and (i) are licensed, registered, or certified by a health regulatory board under the Department of Health Professions or in another jurisdiction and or (ii) employed at the same facility and under the direct supervision of the prescriber or dispenser have routine access to confidential patient data and have signed a patient data confidentiality agreement.*

2. That the provisions of this act shall expire on July 1, 2019.

3. That the Director of the Department of Health Professions shall report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on utilization of the Prescription Monitoring Program and any impact on prescribing opioids.

CHAPTER 114

An Act to direct the Department of Medical Assistance Services to issue a Request for Proposal for statewide nonemergency medical transportation services.

[S 774]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Medical Assistance Services shall issue a Request for Proposal for statewide nonemergency medical transportation services as soon as reliable rate setting is available, in order to enter a new contract by July 1, 2017.

CHAPTER 115

An Act to amend the Code of Virginia by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.8, relating to permits for oversize vehicles.

[H 117]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.8 as follows:

§ 46.2-1149.8. Excess width permits for vehicles transporting watercraft.

The Commissioner shall issue a permit authorizing the operation of vehicles hauling boats or other watercraft that exceed a total outside width of 102 inches but do not exceed a total outside width of 108 inches upon application by the owner of such vehicle. Such permit shall authorize the operation of such vehicle on all unrestricted state and local highways. The annual fee for a permit issued pursuant to this section and the allocation of such fee shall be the same as provided for overweight permits in § 46.2-1140.1.

CHAPTER 116

An Act to authorize the shooting of feral hogs in False Cape State Park and Back Bay National Wildlife Refuge.

[H 137]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. That notwithstanding § 5.1-17 of the Code of Virginia, employees of the Department of Game and Inland Fisheries and employees of federal agencies whose responsibilities include fisheries and wildlife management, in the performance of such employees' official duties, may hunt or kill feral hogs in False Cape State Park and Back Bay National Wildlife Refuge from aircraft, with the permission of the landowner. However, no such activity shall occur during waterfowl season.

CHAPTER 117

An Act to amend and reenact § 33.2-1904 of the Code of Virginia, relating to the Northern Virginia Transportation Commission; membership.

[H 181]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1904 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1904. Northern Virginia Transportation District and Commission.

A. There is hereby created the Northern Virginia Transportation District (the District), comprising the Counties of Arlington, Fairfax, and Loudoun; the Cities of Alexandria, Falls Church, and Fairfax; and such other county or city contiguous to the District that agrees to join the District.

B. There is hereby established the Northern Virginia Transportation Commission (the Commission) as a transportation commission pursuant to this chapter. The Commission shall consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from Arlington County, ~~one~~ *two* nonlegislative citizen ~~member~~ *members* from Loudoun County, two nonlegislative citizen members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with voting privileges. If a county or city contiguous to the District agrees to join the District, such locality shall appoint one nonlegislative citizen member to the Commission. Members from the counties and cities shall be appointed from their respective governing bodies. The Commission shall also include four members of the House of Delegates appointed by the Speaker of the House of Delegates for terms coincident with their terms of office and two members of the Senate appointed by the Senate Committee on Rules for terms coincident with their terms of office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the Commission shall be residents of the localities composing the District. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

CHAPTER 118

An Act to designate the Route 301 bridge in Prince George County the "Trooper Nathan-Michael W. Smith Memorial Bridge."

[H 184]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Route 301 bridge in Prince George County at Exit 45 over Interstate 95 is hereby designated the "Trooper Nathan-Michael W. Smith Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

CHAPTER 119

An Act directing the Department of Conservation and Recreation to develop a plan establishing a fee structure for campsites and cabins at state parks.

[H 200]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Department of Conservation and Recreation shall develop a plan establishing a fee structure for the use of campsites and cabins in state parks, considering (i) seasonal usage, (ii) local and regional markets, (iii) travel trends, (iv) weather, (v) geographic location of a park, (vi) time of year, and (vii) other factors considered important by the Department. Based on such factors, the plan shall include recommendations for rental rates for campsites and cabins for (a) the general population and (b) persons 65 years of age and older. The plan shall be submitted to the House Committee on Agriculture, Chesapeake and Natural Resources and the Senate Committee on Agriculture, Conservation and Natural Resources no later than November 1, 2016.*

CHAPTER 120

An Act to repeal § 2.2-219 of the Code of Virginia, relating to development and implementation of tributary plans.

[H 208]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-219 of the Code of Virginia is repealed.

CHAPTER 121

An Act to amend and reenact §§ 29.1-103 and 29.1-521 of the Code of Virginia, relating to manufacture and sale of products made from wildlife parts.

[H 262]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 29.1-103 and 29.1-521 of the Code of Virginia are amended and reenacted as follows:****§ 29.1-103. Powers and duties of the Board.**

The Board is responsible for carrying out the purposes and provisions of this title and is authorized to:

1. Appoint the Director of the Department.
2. Acquire by purchase, lease, exchange, gift or otherwise, lands and waters in the Commonwealth and to establish buildings, structures, dams, lakes and ponds on such lands and waters. However, it is the policy of the Commonwealth that there shall be no net loss of those public lands managed by the Department that are available for hunting in Virginia.
3. Conduct operations for the preservation and propagation of game birds, game animals, fish and other wildlife in order to increase, replenish and restock the lands and inland waters of the Commonwealth.
4. Purchase, lease, or otherwise acquire lands and waters for game and fish refuges, preserves or public shooting and fishing, and establish such lands and waters under appropriate regulations.
5. Acquire by purchase, lease, or otherwise, lands and structures for use as public landings, wharves, or docks; to improve such lands and structures; and to control the use of all such public landings, wharves, or docks by regulation.
6. Acquire and introduce any new species of game birds, game animals, or fish on the lands and within the waters of the Commonwealth, with the authorization and cooperation of the local government for the locality where the introduction occurs.
7. Restock, replenish and increase any depleted native species of game birds, game animals, or fish.
8. Have educational matter pertaining to wildlife published and distributed.
9. Hold exhibits throughout the Commonwealth for the purpose of educating school children, agriculturists and other persons in the preservation and propagation of wildlife in the Commonwealth.
10. Control land owned by and under control of the Commonwealth in Back Bay, its tributaries and the North Landing River from the North Carolina line to North Landing Bridge. The Board shall regulate or prohibit by regulation any drilling, dredging or other operation designed to recover or obtain shells, minerals, or other substances in order to prevent practices and operations which would harm the area for fish and wildlife.
11. Exercise powers it may deem advisable for conserving, protecting, replenishing, propagating and increasing the supply of game birds, game animals, fish and other wildlife of the Commonwealth.
12. Adopt resolutions or regulations conferring upon the Director all such powers, authorities and duties as the Board possesses and deems necessary or proper to carry out the purposes of this title.
13. Administer and manage the Virginia Fish Passage Grant and Revolving Loan Fund pursuant to Article 1.1 (§ 29.1-101.2 et seq.) of Chapter 1.
14. Establish and collect admittance, parking, or other use fees at certain Department-owned facilities as determined by the Board. Any daily fee established by the Board shall not exceed \$3. Any annual fee established by the Board shall not exceed the cost of an annual state resident fishing license pursuant to subdivision A 2 of § 29.1-310, or an annual state resident hunting license pursuant to subdivision 2 of § 29.1-303.
15. Establish and collect a use fee through the issuance of an annual hunting stamp required to be obtained to hunt on private lands managed by the Department through a lease agreement or other similar memorandum of agreement. The annual hunting stamp shall be in addition to the required licenses to hunt, and the cost of such stamp shall be the same as the cost of the annual state resident hunting license in § 29.1-303.
16. Revise, as it deems appropriate, through the promulgation of regulations as prescribed in Article 1 (§ 29.1-500 et seq.), the fees charged for all hunting, fishing and trapping licenses authorized under Articles 1 (§ 29.1-300 et seq.) and 2 (§ 29.1-340 et seq.) of Chapter 3, notwithstanding any other provision of this title. Beginning July 1, 2004, and no more frequently than once every three years thereafter, such license fees for residents may be increased or decreased no more than \$5. Beginning July 1, 2007, and no more frequently than once every three years thereafter, the Board may increase or decrease license fees for nonresidents, authorized under Article 1 (§ 29.1-300 et seq.) of Chapter 3, no more than \$50.
17. Take such regulatory or other action as it may determine to be necessary to enable the Commonwealth to become a party to the Interstate Wildlife Violator Compact, as authorized in Article 2.1 (§ 29.1-530.5), and to implement the Compact in the Commonwealth. The promulgation of any regulations pursuant to this subdivision shall be as prescribed in Article 1 (§ 29.1-500 et seq.).
18. *Adopt regulations that allow any person who holds a valid license to hunt or trap to manufacture and sell products made from wildlife that he has lawfully taken, except where the Board determines that such manufacture or sale is detrimental to public health or sound wildlife management.*

§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) raccoons, which may be hunted until 2:00 a.m. on Sunday mornings; (ii) any person who hunts or kills waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit ~~the~~ (i) *the use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers; or using turkey feathers or toes for making tools or utensils or selling such tools or utensils;* (ii) the manufacture or sale of implements, including, but not limited to, tools or utensils, made from legally harvested deer skeletal parts, including antlers; or (iii) the possession of shed antlers.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including, ~~but not limited to,~~ subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport and distribute donated or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, that is (a) organized to support wildlife habitat conservation and (b) approved by the Department, shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian, who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state or the U.S. government, may possess, offer for sale or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws and bones.

"Verification" as used in this ~~section~~ subsection shall include, but is not limited to, (i) showing a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

2. That the provisions of this act amending § 29.1-521 of the Code of Virginia shall expire on July 1, 2017.

CHAPTER 122

An Act to amend and reenact § 46.2-1112 of the Code of Virginia, relating to length of vehicles.

[H 267]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1112 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1112. Length of vehicles, generally; special permits; vehicle combinations, etc., operating on certain highways; penalty.

~~Except for buses and motor homes, no~~ No motor vehicle longer than 40 feet shall be operated on any highway in the Commonwealth *except for buses and motor homes*. The actual length of any combination of vehicles, *including motor homes and buses*, coupled together including any load thereon shall not exceed a total of 65 feet. However, the length of a tractor truck semitrailer combination may exceed 65 feet in length, provided the semitrailer does not exceed 53 feet in length and the distance between the kingpin of the semitrailer and the rearmost axle or a point midway between the rear tandem axles does not exceed 41 feet. The Commissioner of Highways may impose restrictions on the operation of vehicles exceeding 65 feet in length on certain roads, based on a safety and engineering analysis. No bus or motor home longer than 45 feet shall be operated on any highway in the Commonwealth. No tolerance shall be allowed that exceeds 12 inches.

The Commissioner, however, when good cause is shown, may issue a special permit for combinations either in excess of 65 feet, including any load thereon, or where the object or objects to be carried cannot be moved otherwise. Such permits may also be issued by the Department when the total number of otherwise overdimensional loads of modular housing of no more than two units may be reduced by permitting the use of an overlength trailer not exceeding 54 feet. No permit shall be issued by the Commissioner until an engineering analysis of a proposed routing has been conducted by the Commissioner of Highways to assess the ability of the roadway to be traversed to sustain the vehicle's size.

No overall length restrictions, however, shall be imposed on any tractor truck semitrailer combinations drawing one trailer or any tractor truck semitrailer combinations when operated on any interstate highway or on any highway as designated by the Commonwealth Transportation Board. No such designation shall be made, however, until notice of any proposed designation has been provided by the Commissioner of Highways to the governing body of every locality wherein any highway affected by the proposed designation is located.

No individual semitrailer or trailer being drawn in a tractor truck semitrailer trailer combination, however, shall exceed 28 1/2 feet in length, and no semitrailer being operated in a tractor truck semitrailer combination shall exceed 48 feet in length, except when semitrailers have a distance of not more than 41 feet between the kingpin of the semitrailer and the rearmost axle or a point midway between the rear tandem axles, such semitrailer shall be allowed not more than 53 feet in length.

The length limitations on semitrailers and trailers in the foregoing provisions of this section shall be exclusive of safety and energy conservation devices, steps and handholds for entry and egress, rubber dock guards, flexible fender extensions, mudflaps, refrigeration units, and air compressors. The Commissioner of Highways shall designate reasonable access to terminals, facilities for food, fuel, repairs and rest. Household goods carriers and any tractor truck semitrailer combination in which the semitrailer has a length of no more than 28 1/2 feet shall not be denied reasonable access to points of loading and unloading, except as designated, based on safety considerations, by the Commissioner of Highways.

Any person operating a vehicle whose length is not in conformity with the provisions of this chapter on a two-lane highway where passing is permitted shall be guilty of a traffic infraction and fined \$250.

2. That the provisions of this act are declaratory of existing law.

CHAPTER 123

An Act to amend and reenact § 29.1-300.1 of the Code of Virginia, relating to incentives for completion of hunter education course.

[H 317]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-300.1 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-300.1. Certification of competence in hunter education; incentives.

A. Except as provided in subsection B ~~of this section~~ and §§ 29.1-300.4 and 29.1-305.2, no hunting license shall be issued to (i) a person who has never obtained a license to hunt in any state or country, or (ii) a person who is under the age of ~~sixteen~~ 16, unless such a person presents to the Board of Game and Inland Fisheries or one of its authorized license vendors, a certificate of completion in hunter education issued or authorized by the Board under the hunter education program, or proof that he holds the equivalent certificate obtained from an authorized agency or association of another state or country.

B. Although a resident under the age of ~~twelve~~ 12 is not required to obtain a license to hunt, any person under the age of ~~twelve~~ 12, or an individual on his behalf, may purchase a Virginia hunting license or a junior lifetime hunting license pursuant to § 29.1-302.1, without completing a hunter education program as required in subsection A ~~of this section~~, provided that no person under the age of ~~twelve~~ 12 shall hunt unless accompanied and directly supervised by an adult who has, on his person, a valid Virginia hunting license. The junior lifetime hunting license issued to an individual under the age of ~~twelve~~ 12 shall become invalid on the individual's twelfth birthday and remain invalid until certification of competence in hunter education is shown as provided in this section. A lifetime license, indicating the completion of hunter education or an equivalent certificate, shall be reissued at no cost when such proof is provided.

The adult shall be responsible for such supervision. For the purposes of this section, "adult" means the parent or legal guardian of the person under age ~~twelve~~ 12, or such person over the age of ~~eighteen~~ 18 designated by the parent or legal guardian.

"Accompanied and directly supervised" means that the adult is within sight of the person under the age of ~~twelve~~ 12.

C. This section shall not apply to persons while on horseback hunting foxes with hounds but without firearms.

D. *The Board may adopt regulations that provide incentives for successful completion of a hunter education course to hunters who are not required by law to complete such a course. The regulations may include such incentives as the Board deems appropriate.*

CHAPTER 124

An Act to amend and reenact § 28.2-1207 of the Code of Virginia, relating to beach restoration; expedited permit.

[H 327]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-1207 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-1207. Authority to approve permits for encroachment on subaqueous beds; notice.

A. Any application for a permit to trespass upon or over or encroach upon subaqueous beds which are the Commonwealth's property may be approved by the Commissioner or his authorized representative if the application meets the requirements of §§ 28.2-1205 and 28.2-1206 and the following criteria are satisfied:

1. The total value of the project does not exceed \$500,000;
2. The application is not protested by any citizen or objected to by any state agency; and
3. The project for which the permit is sought will not require any other permit from the Commission.

B. If the permit application is for a shore erosion control project recommended by the soil and water conservation district in which the project is to be located and the criteria listed in subsection A of this section are satisfied, the Commission may, after giving notice of the application to the Virginia Institute of Marine Science, approve the application without giving notice to or awaiting the approval of any other state agency.

C. The Commission shall, in conjunction with affected state and federal agencies, develop an expedited process for issuing general permits for activities that are intended to improve water quality such as bioengineered streambank projects and livestock stream crossings, and for activities required during emergencies in which a determination has been made that there is a threat to public or private property, or to the health and safety of the public. The development of the general permit shall be exempt from Article 2 (§ ~~2.2-4007~~ 2.2-4006 et seq.) of the Administrative Process Act.

D. *The Commission shall, in conjunction with affected state and federal agencies, develop an expedited process for issuing a permit for emergency activities intended to restore sand to any publicly owned beach damaged by sand erosion. Such erosion shall have been caused by a discrete, identifiable weather event or sequence of events that threatened public or private property or public health and safety and was the subject of a declaration of emergency by the Governor or the governing body of the locality in which the project is located. The development of the permit shall be exempt from Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act.*

CHAPTER 125

An Act to amend and reenact §§ 46.2-649.1:1 and 46.2-711 of the Code of Virginia, relating to license plates for emergency vehicles.

[H 374]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-649.1:1 and 46.2-711 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-649.1:1. Registration of vehicles owned and used by volunteer fire departments or volunteer, commercial, or private emergency medical services agencies.

Upon application therefor, the Commissioner shall register and issue permanent license plates without year or month decals for display on any (i) firefighting truck, trailer, and semitrailer on which firefighting apparatus is permanently attached when any such vehicle is owned or under exclusive control of a volunteer fire department ~~or~~; (ii) emergency medical services vehicle or other vehicle owned or used exclusively by a volunteer fire department or volunteer emergency medical services agency if any such vehicle is used exclusively as an emergency medical services vehicle and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle; *or* (iii) *emergency medical services vehicle owned or under exclusive control of a commercial or privately owned emergency medical services agency, as defined in § 32.1-111.1, if any such vehicle is not rented, leased, or lent to any private individual, firm, or corporation that is not another emergency medical services agency.* The equipment shall be painted a distinguishing color and conspicuously display in letters and figures not less than three inches in height the identity of the *emergency medical services agency*, volunteer fire department, or volunteer emergency medical services agency having control of its operation.

No fee shall be charged for any vehicle registration or license plate issuance under ~~this section clause (i) or (ii).~~ *The fees charged for vehicle registration under clause (iii) shall be as provided in § 46.2-694.*

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

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

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

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips, other than TNC partner vehicles as defined in § 46.2-2000 *and emergency medical services vehicles pursuant to clause (iii) of § 46.2-649.1:1;*

2. Taxicabs;

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

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

5. Applicants, other than TNC partners as defined in § 46.2-2000 *and emergency medical services vehicles pursuant to clause (iii) of § 46.2-649.1:1,* who operate motor vehicles as carriers for rent or hire;

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

7. Trailers and semitrailers.

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

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

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

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

CHAPTER 126

An Act to amend the Code of Virginia by adding a section numbered 62.1-44.19:21.1, relating to sediment reduction credits for MS4s.

[H 438]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 62.1-44.19:21.1 as follows:

§ 62.1-44.19:21.1. Sediment credit use by regulated MS4s.

A. *Subject to the conditions and limitations of subsections B, C, and D, an MS4 permittee may acquire and use sediment credits for purposes of compliance with any waste load allocations established by total maximum daily loads for the Chesapeake Bay or its tidal tributaries applied in an MS4 permit issued pursuant to § 62.1-44.15:25, where such credit use is part of an integrated compliance plan for the MS4 permittee to address such nutrient and sediment total maximum daily loads.*

B. Such method of compliance may be approved by the Department following review of an integrated compliance plan submitted by the permittee that includes the use of sediment credits. The permittee may use such credits for compliance purposes only if (i) the credits are generated and applied for purposes of compliance for the same calendar year; (ii) the credits are acquired no later than June 1 immediately following the calendar year to which the credits are applied; (iii) no later than June 1 immediately following the calendar year to which credits are applied, the permittee certifies on a form supplied by the Department that he has acquired sufficient credits to satisfy his compliance obligations; (iv) the credits are generated in the same tributary; (v) the sediment credits are not associated with phosphorus credits used for compliance with stormwater nonpoint nutrient runoff water quality criteria established pursuant to § 62.1-44.15:28; and (vi) the credits are derived from (a) implementation of best management practices in a defined area outside of an MS4 service area, in which case the necessary baseline sediment reduction for such defined area shall be achieved prior to the permittee's use of additional reductions as credit, or (b) a point source waste load allocation established by the Chesapeake Bay total maximum daily load, in which case the credit is the difference between the waste load allocation specified as an annual mass load and any lower monitored annual mass load that is discharged as certified on a form supplied by the Department.

C. This section shall not be construed to limit or otherwise affect the authority of the Board to establish and enforce more stringent water quality-based effluent limitations in permits where those limitations are necessary to protect local water quality. The exchange or acquisition of credits pursuant to this article shall not affect any requirement to comply with such local water quality-based limitations.

D. The Board may adopt regulations for the purpose of establishing procedures for the certification of nonpoint source sediment credits used pursuant to subsection B. The Board's administration of this section and its adoption of any such regulations shall be consistent wherever appropriate with the standards and procedures established pursuant to § 62.1-44.19:20 for certification of nonpoint source nutrient credits, including, without limitation, the opportunity for public notification, the retirement of credits, sediment baseline attainment as a condition on generation and use of nonpoint source sediment credits, financial assurance requirements, and requirements for inspection or auditing by the Department.

E. For the purposes of this section, "sediment credit" means a sediment or total suspended solids reduction that is expressed in pounds delivered to tidal waters within the Chesapeake Bay Watershed.

CHAPTER 127

An Act to amend and reenact § 62.1-44.118 of the Code of Virginia, relating to the impaired waters clean-up plan; annual progress report.

[H 440]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.118 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.118. Status reports on progress; legislative oversight.

The Secretary of Natural Resources shall submit the impaired waters clean-up plan as described in § 62.1-44.117 no later than January 1, 2007, to the House Committee on Agriculture, Chesapeake and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation and Natural Resources, and the Senate Committee on Finance. Thereafter, a progress report on the implementation of the plan shall be submitted ~~semiannually~~ *annually* to these committees of oversight. ~~Reports~~ The report shall be due on ~~May 1~~ and November 1 of each year. Water quality reporting requirements in subsection D of § 10.1-2127, subsection C of § 10.1-2128.1, and § 10.1-2134 shall be annually consolidated in the November 1 report. If there are questions as to the status of the clean-up effort, the chairman of any of these committees may convene his committee for the purpose of receiving testimony. The executive branch departments and the Secretary of Natural Resources may request a meeting of any of the committees to inform them as to the progress of the clean-up or to propose specific initiatives that may require legislative action.

CHAPTER 128

An Act to amend and reenact § 46.2-1158.01 of the Code of Virginia, relating to exceptions to motor vehicle inspection requirement.

[H 507]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1158.01 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1158.01. Exceptions to motor vehicle inspection requirement.

A. The following shall be exempt from inspection as required by § 46.2-1157:

1. Four-wheel vehicles weighing less than 500 pounds and having less than 6 horsepower;
2. Boat, utility, or travel trailers that are not equipped with brakes;
3. Antique motor vehicles or antique trailers as defined in § 46.2-100 and licensed pursuant to § 46.2-730;

4. Any motor vehicle, trailer, or semitrailer that is outside the Commonwealth at the time its inspection expires when operated by the most direct route to the owner's or operator's place of residence or the owner's legal place of business in the Commonwealth;

5. A truck, tractor truck, trailer, or semitrailer for which the period fixed for inspection has expired while the vehicle was outside the Commonwealth (i) from a point outside the Commonwealth to the place where such vehicle is kept or garaged within the Commonwealth or (ii) to a destination within the Commonwealth where such vehicle will be (a) unloaded within 24 hours of entering the Commonwealth, (b) inspected within such 24-hour period, and (c) operated, after being unloaded, only to an inspection station or to the place where it is kept or garaged within the Commonwealth;

6. New motor vehicles, new trailers, or new semitrailers ~~may be operated upon the highways of Virginia the Commonwealth~~ for the purpose of delivery from the place of manufacture to the dealer's or distributor's designated place of business or between places of business if such manufacturer, dealer, or distributor has more than one place of business; ~~without being inspected~~; dealers or distributors may take delivery and operate upon the highways of ~~Virginia the Commonwealth~~ new motor vehicles, new trailers, or new semitrailers from another dealer or distributor provided a motor vehicle, trailer, or semitrailer shall not be considered new if driven upon the highways for any purpose other than the delivery of the vehicle;

7. New motor vehicles, new trailers, or new semitrailers bearing a manufacturer's license ~~may be operated for test purposes by the manufacturer without an inspection~~;

8. Motor vehicles, trailers, or semitrailers ~~may be operated for test purposes by a certified inspector without an inspection sticker during the performance of an official inspection~~;

9. New motor vehicles, new trailers, or new semitrailers ~~may be operated upon the highways of Virginia the Commonwealth over the most direct route to a location for installation of a permanent body without being inspected~~;

10. Motor vehicles, trailers, or semitrailers purchased outside the Commonwealth ~~may be driven to the purchaser's place of residence or the dealer's or distributor's designated place of business without being inspected~~;

11. Prior to purchase from auto auctions ~~within the Commonwealth~~, motor vehicles, trailers, or semitrailers ~~may be operated upon the highways not to exceed a five-mile radius of such auction by prospective purchasers only for the purpose of road testing without being inspected~~; and motor vehicles, trailers, or semitrailers purchased from auto auctions ~~within the Commonwealth also may be operated upon the highways from such auction to (i) an official safety inspection station provided that (a) the inspection station is located between the auto auction and the purchaser's residence or place of business or within a five-mile radius of such residence or business and (b) the vehicle is taken to the inspection station on the same day the purchaser removes the vehicle from the auto auction or (ii) the purchaser's place of residence or business without being inspected~~;

12. Motor vehicles, trailers, or semitrailers, after the expiration of a period fixed for the inspection thereof, ~~may be operated over the most direct route between the place where such vehicle is kept or garaged and an official inspection station for the purpose of having the same inspected pursuant to a prior appointment with such station~~;

13. Any vehicle for transporting well-drilling machinery and mobile equipment as defined in § 46.2-700;

14. Motor vehicles being towed in a legal manner as exempted under § 46.2-1150;

15. Logtrailers as exempted under § 46.2-1159;

16. Motor vehicles designed or altered and used exclusively for racing or other exhibition purposes as exempted under § 46.2-1160;

17. Any tow dolly or converter gear as defined in § 46.2-1119;

18. A new motor vehicle, as defined in § 46.2-1500, that has been inspected in accordance with an inspection requirement of the manufacturer or distributor of the new motor vehicle by an employee who customarily performs such inspection on behalf of a motor vehicle dealer licensed pursuant to § 46.2-1508 ~~shall be deemed to have met the safety inspection requirements of the section without a separate safety inspection by an official inspection station~~. Such inspection shall be deemed to be the first inspection for the purpose of § 46.2-1158, and an inspection approval sticker furnished by the Department of State Police at the uniform price paid by all official inspection stations to the Department of State Police for an inspection approval sticker may be affixed to the vehicle as required by § 46.2-1163;

19. Mopeds;

20. Low-speed vehicles; and

21. Vehicles exempt from registration pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6.

B. The following shall be exempt from inspection as required by § 46.2-1157 provided (i) the commercial motor vehicle operates in interstate commerce; (ii) the commercial motor vehicle is found to meet the federal requirements for annual inspection through a self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program; (iii) the inspection has been determined by the Federal Motor Carrier Safety Administration to be comparable to or as effective as the requirements of 49 C.F.R. Part 396 § 396.3(a); and (iv) documentation of such determination as provided for in 49 C.F.R. Part 396 § 396.3(b) is available for review by law-enforcement officials to verify that the inspection is current:

1. Any commercial motor vehicle operating in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations;

2. Any trailer or semitrailer being operated in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations.

CHAPTER 129

An Act to amend and reenact § 33.2-214.1 of the Code of Virginia, relating to Commonwealth Transportation Board; criteria used to determine value of factors evaluated in statewide prioritization process for project selection.

[H 719]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-214.1 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-214.1. Statewide prioritization process for project selection.

A. The General Assembly declares it to be in the public interest that a prioritization process for projects funded by the Commonwealth Transportation Board be developed and implemented to improve the efficiency and effectiveness of the state's transportation system, transportation safety, transportation accessibility for people and freight, environmental quality, and economic development in the Commonwealth.

B. Subject to the limitations in subsection C, the Commonwealth Transportation Board shall develop, in accordance with federal transportation requirements, and in cooperation with metropolitan planning organizations wholly within the Commonwealth and with the Northern Virginia Transportation Authority, a statewide prioritization process for the use of funds allocated pursuant to §§ 33.2-358, 33.2-370, and 33.2-371 or apportioned pursuant to 23 U.S.C. § 104. Such prioritization process shall be used for the development of the Six-Year Improvement Program pursuant to § 33.2-214 and shall consider, at a minimum, highway, transit, rail, roadway, technology operational improvements, and transportation demand management strategies.

1. The prioritization process shall be based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, and environmental quality.

2. Prior to the analysis in subdivision 1, candidate projects and strategies shall be screened by the Commonwealth Transportation Board to determine whether they are consistent with the assessment of capacity needs for all for corridors of statewide significance, regional networks, and improvements to promote urban development areas established pursuant to § 15.2-2223.1, undertaken in the Statewide Transportation Plan in accordance with § 33.2-353.

3. The Commonwealth Transportation Board shall weight the factors used in subdivision 1 for each of the state's highway construction districts. The Commonwealth Transportation Board may assign different weights to the factors, within each highway construction district, based on the unique needs and qualities of each highway construction district.

4. The Commonwealth Transportation Board shall solicit input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders in its development of the prioritization process pursuant to this section. Further, the Board shall explicitly consider input provided by an applicable metropolitan planning organization or the Northern Virginia Transportation Authority when developing the weighting of factors pursuant to subdivision 3 for a metropolitan planning area with a population over 200,000 individuals.

C. The prioritization process developed under subsection B shall not apply to the following: projects or activities undertaken pursuant to § 33.2-352; projects funded by the Congestion Mitigation Air Quality funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(4) and state matching funds; projects funded by the Highway Safety Improvement Program funds apportioned to the state pursuant to 23 U.S.C. § 104(b)(3) and state matching funds; projects funded by the Transportation Alternatives funds set-aside pursuant to 23 U.S.C. § 213 and state matching funds; projects funded by the revenue-sharing program pursuant to § 33.2-357; and projects funded by federal programs established by the federal government after June 30, 2014, with specific rules that restrict the types of projects that may be funded, excluding restrictions on the location of projects with regard to highway functional classification. The Commonwealth Transportation Board may, at its discretion, develop a prioritization process for any of the funds covered by this subsection, subject to planning and funding requirements of federal law.

D. The Commonwealth Transportation Board shall make public, in an accessible format, the results of the screening and analysis of candidate projects and strategies under subsection B, including the weighting of factors *and the criteria used to determine the value of each factor*, ~~in a timely fashion~~ *no later than 30 days prior to a vote on such projects or strategies.*

CHAPTER 130

An Act to amend and reenact § 33.2-1907 of the Code of Virginia, relating to compensation for Northern Virginia Transportation Commission members who serve on the Washington Metropolitan Area Transit Authority.

[H 731]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1907 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1907. Members of transportation district commissions.

A. Any transportation district commission created pursuant to this chapter shall consist of the number of members the component governments shall agree upon, or as may otherwise be provided by law. The governing body of each participating county and city shall appoint from among its members the number of commissioners to which the county or city is entitled; however, for those commissions with powers as set forth in subsection A of § 33.2-1915, the governing body of each participating county or city is not limited to appointing commissioners from among its members. In addition, the governing body may appoint, from its number or otherwise, designated alternate members for those appointed to the commission who shall be able to exercise all of the powers and duties of a commission member when the regular member is absent from commission meetings. Each such appointee shall serve at the pleasure of the appointing body; however, no appointee to a commission with powers as set forth in subsection B of § 33.2-1915 may continue to serve when he is no longer a member of the appointing body. Each governing body shall inform the commission of its appointments to and removals from the commission by delivering to the commission a certified copy of the resolution making the appointment or causing the removal.

The Chairman of the Commonwealth Transportation Board, or his designee, shall be a member of each commission, ex officio with voting privileges. The Chairman of the Commonwealth Transportation Board may appoint an alternate member who may exercise all the powers and duties of the Chairman of the Commonwealth Transportation Board when neither the Chairman of the Commonwealth Transportation Board nor his designee is present at a commission meeting.

The Potomac and Rappahannock Transportation Commission shall also include two members of the House of Delegates and one member of the Senate from legislative districts located wholly or in part within the boundaries of the transportation district. The members of the House of Delegates shall be appointed by the Speaker of the House for terms coincident with their terms of office, and the member of the Senate shall be appointed by the Senate Committee on Rules for a term coincident with his term of office. The members of the General Assembly shall be eligible for reappointment for successive terms. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

The Transportation District Commission of Hampton Roads shall consist of one nonlegislative citizen member appointed by the Governor from each county and city embraced by the transportation district. However, for the gubernatorial appointments that will become effective July 1, 2016, three of the appointments shall be for initial terms of two years and three appointments shall be for terms of four years. Thereafter, all gubernatorial appointments shall be for terms of four years so as to stagger the terms of the gubernatorial appointees. The governing body of each such county or city may appoint either a member of its governing body or its county or city manager to serve as an ex officio member with voting privileges. Every such ex officio member shall be allowed to attend all meetings of the commission that other members may be required to attend. Vacancies shall be filled in the same manner as the original appointments.

~~B. Any~~ ~~The Secretary or his designee and any~~ ~~appointed member of the Northern Virginia Transportation Commission and the Secretary or his designee is~~ ~~are~~ authorized to serve as ~~a member~~ ~~members~~ of the board of directors of the Washington Metropolitan Area Transit Authority (§ 33.2-3100 et seq.) and while so serving the provisions of § 2.2-2800 shall not apply to such member. In appointing Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary or his designee as a principal member on the board of directors of WMATA. Any designee serving as the principal member must reside in a locality served by WMATA.

In selecting from its membership those members to serve on the board of directors of WMATA, the Northern Virginia Transportation Commission shall comply with the following requirements:

1. A board member shall not have been an employee of WMATA within one year of appointment to serve on the board of directors.

2. A board member shall have (i) experience in at least one of the fields of transit planning, transportation planning, or land use planning; transit or transportation management or other public sector management; engineering; finance; public safety; homeland security; human resources; or the law or (ii) knowledge of the region's transportation issues derived from working on regional transportation issue resolution.

3. A board member shall be a regular patron of the services provided by WMATA.

4. Board members shall serve a term of four years with a maximum of two consecutive terms. A board member's term or terms must coincide with his term on the body that appointed him to the Northern Virginia Transportation Commission. Any vacancy created if a board member cannot fulfill his term because his term on the appointing body has ended shall be filled for the unexpired term in the same manner as the member being replaced was appointed within 60 days of the vacancy. The initial appointments to a four-year term will be as follows: the Secretary, or his designee, for a term of four years; the second principal member for a term of three years; one alternate for a term of two years; and the remaining alternate for a term of one year. Thereafter, board members shall be appointed for terms of four years. Service on the WMATA board of directors prior to July 1, 2012, shall not be considered in determining length of service. Any person appointed to an initial one-year or two-year term, or appointed to an unexpired term in which two years or less is remaining, shall be eligible to serve two consecutive four-year terms after serving the initial or unexpired term.

5. Members may be removed from the board of directors of WMATA if they attend fewer than three-fourths of the meetings in a calendar year; if they are conflicted due to employment at WMATA; or if they are found to be in violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). If a board member is removed during a term, the vacancy shall be filled pursuant to the provisions of subdivision 4.

6. Each member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall file semiannual reports with the Secretary's office beginning July 1, 2012. The reports shall include (i) the dates of attendance at WMATA board meetings, (ii) any reasons for not attending a specific meeting, and (iii) dates and attendance at other WMATA-related public events.

7. *Each nonelected member of the Northern Virginia Transportation Commission appointed to the board of directors of WMATA shall be eligible to receive reasonable and necessary expenses and compensation pursuant to §§ 2.2-2813 and 2.2-2825 from the Northern Virginia Transportation Commission for attending meetings and for the performance of his official duties as a board member on that day.*

Any entity that provides compensation to a WMATA board member for his service on the WMATA board shall be required to submit on July 1 of each year to the Secretary the amount of that compensation. Such letter will remain on file with the Secretary's office and be available for public review.

C. When the Northern Virginia Transportation Commission and the Potomac and Rappahannock Transportation Commission enter into an agreement to operate a commuter railway, the agreement governing the creation of the railway shall provide that the Chairman of the Commonwealth Transportation Board or his designee shall have one vote on the oversight board for the railway. For each year in which the state contribution to the railway is greater than or equal to the highest contribution from an individual locality, the total annual subsidy as provided by the member localities used to determine vote weights shall be recalculated to include the Commonwealth contributing an amount equal to the highest contributing locality. The vote weights shall be recalculated to provide the Chairman of the Commonwealth Transportation Board or his designee the same weight as the highest contributing locality. The revised vote weights shall be used in determining the passage of motions before the oversight board.

CHAPTER 131

An Act to amend and reenact § 46.2-662 of the Code of Virginia, relating to vehicle registration.

[H 1032]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-662 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-662. Temporary exemption for new resident operating vehicle registered in another state or country.

A. A resident owner of any passenger car, pickup or panel truck, moped, autocycle, or motorcycle, other than those provided for in § 46.2-652, that has been duly registered for the current calendar year in another state or country and that at all times when operated in the Commonwealth displays the license plate or plates issued for the vehicle in the other state or country, may operate or permit the operation of the passenger car, pickup or panel truck, moped, autocycle, or motorcycle within or partly within the Commonwealth for the first 30 days of his residency in the Commonwealth without registering the passenger car, pickup or panel truck, moped, autocycle, or motorcycle or paying any fees to the Commonwealth.

B. In addition to any penalty authorized under this title, any locality may adopt an ordinance imposing a penalty of up to \$250 upon the resident owner of any motor vehicle that, following the end of the 30-day period provided in subsection A, is required to be registered in Virginia but has not been so registered. *The locality may impose the penalty upon the resident owner annually for as long as the motor vehicle remains unregistered in Virginia.* The ordinance shall set forth a reasonable method for assessing and collecting the penalty, whether by civil, criminal, or administrative process, and shall identify the employees or agents of the locality who are to execute such assessment and collection.

CHAPTER 132

An Act to amend and reenact §§ 4.1-119, as it is currently effective and as it shall become effective, and 4.1-215 of the Code of Virginia, relating to alcoholic beverage control; spirits tastings by distiller licensee.

[H 1350]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-119, as it is currently effective and as it shall become effective, and 4.1-215 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-119. (Effective until July 1, 2018) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers.

D. Alcoholic beverages at government stores shall be sold by employees of the Board, who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Board and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, ~~and at which~~ the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of *spirits*, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the *spirits*, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a *distillery*, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine, or one-half ounce of spirits, *unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits*; ~~and~~ (iii) no more than four total samples of alcoholic beverage products *or, in the case of spirits samples, no more than three ounces of spirits* shall be given or sold to any person per day; *and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer.* Nothing in this paragraph shall prohibit such agent from serving samples of spirits as *part of* a mixed beverage.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Board shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Board, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Board shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

§ 4.1-119. (Effective July 1, 2018) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the

United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, ~~and~~ at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of *spirits*, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the *spirits*, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a *distillery*, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine, or one-half ounce of spirits, *unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits*; ~~and~~ (iii) no more than four total samples of alcoholic beverage products *or, in the case of spirits samples, no more than three ounces of spirits* shall be given or sold to any person per day; *and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer.* Nothing in this paragraph shall prohibit such agent from serving samples of spirits as *part of a mixed beverage.*

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-215. Limitation on manufacturers, bottlers and wholesalers; exemptions.

A. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages shall be granted to any (i) manufacturer, bottler or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not; (ii) officer or director of any such manufacturer, bottler or wholesaler; (iii) partnership or corporation, where any partner or stockholder is an officer or director of any such manufacturer, bottler or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns or has interest in another subsidiary corporation which is a manufacturer, bottler or wholesaler of alcoholic beverages; or (v) manufacturer, bottler or wholesaler of alcoholic beverages who has a financial interest in a corporation which has a retail license as a result of a holding company, which owns or has an interest in such manufacturer,

bottler or wholesaler of alcoholic beverages. Nor shall such licenses be granted in any instances where such manufacturer, bottler or wholesaler and such retailer are under common control, by stock ownership or otherwise.

Notwithstanding any other provision of this title, a manufacturer of malt beverages or wine, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in § 4.1-209 upon application to the Board provided that such event is (a) at a place approved by the Board and (b) conducted for the purposes of featuring and educating the consuming public about malt beverage or wine products. Such manufacturer shall be limited to no more than four banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event.

Notwithstanding any other provision of this title, a manufacturer of distilled spirits, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in subdivision A 4 of § 4.1-210 upon application to the Board, provided that such event is (1) at a place approved by the Board and (2) conducted for the purposes of featuring and educating the consuming public about the manufacturer's spirits products. Such manufacturer shall be limited to no more than four banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event. Such banquet license shall authorize the manufacturer to give samples of spirits to any person to whom alcoholic beverages may be lawfully sold in designated areas at the special event, provided that (A) no single sample shall exceed one-half ounce per spirits product offered, *unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits*, and (B) no more than ~~four spirits products~~ *three ounces of spirits* may be offered to any patron. Nothing in this paragraph shall prohibit such manufacturer from serving such samples as *part of a mixed beverage*.

B. This section shall not apply to:

1. Corporations operating dining cars, buffet cars, club cars or boats;
2. Brewery, distillery, or winery licensees engaging in conduct authorized by subdivision A 5 of § 4.1-201;
3. Farm winery licensees engaging in conduct authorized by subdivision 5 of § 4.1-207;
4. Manufacturers, bottlers or wholesalers of alcoholic beverages who do not (i) sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license or banquet license as described in subsection A and (ii) require, by agreement or otherwise, such person to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers or wholesalers;
5. Wineries, farm wineries, or breweries engaging in conduct authorized by § 4.1-209.1 or 4.1-212.1; or
6. One out-of-state winery, not under common control or ownership with any other winery, that is under common ownership or control with one restaurant licensed to sell wine at retail in Virginia, so long as any wine produced by that winery is purchased from a Virginia wholesale wine licensee by the restaurant before it is offered for sale to consumers.

C. The General Assembly finds that it is necessary and proper to require a separation between manufacturing interests, wholesale interests and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages caused by overly aggressive marketing techniques. The exceptions established by this section to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly.

CHAPTER 133

An Act to amend and reenact §§ 46.2-649.1:1 and 46.2-711 of the Code of Virginia, relating to license plates for emergency vehicles.

[S 91]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-649.1:1 and 46.2-711 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-649.1:1. Registration of vehicles owned and used by volunteer fire departments or volunteer, commercial, or private emergency medical services agencies.

Upon application therefor, the Commissioner shall register and issue permanent license plates without year or month decals for display on any (i) firefighting truck, trailer, and semitrailer on which firefighting apparatus is permanently attached when any such vehicle is owned or under exclusive control of a volunteer fire department ~~or~~; (ii) emergency medical services vehicle or other vehicle owned or used exclusively by a volunteer fire department or volunteer emergency medical services agency if any such vehicle is used exclusively as an emergency medical services vehicle and is not rented, leased, or lent to any private individual, firm, or corporation, and no charge is made by the organization for the use of the vehicle; or (iii) *emergency medical services vehicle owned or under exclusive control of a commercial or privately owned emergency medical services agency, as defined in § 32.1-111.1, if any such vehicle is not rented, leased, or lent to any private individual, firm, or corporation that is not another emergency medical services agency.* The equipment shall be painted a distinguishing color and conspicuously display in letters and figures not less than three inches in height the identity of the *emergency medical services agency, volunteer fire department, or volunteer emergency medical services agency* having control of its operation.

No fee shall be charged for any vehicle registration or license plate issuance under ~~this section~~ clause (i) or (ii). The fees charged for vehicle registration under clause (iii) shall be as provided in § 46.2-694.

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

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

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

1. Passenger-carrying vehicles for rent or hire for the transportation of passengers for private trips, other than TNC partner vehicles as defined in § 46.2-2000 and emergency medical services vehicles pursuant to clause (iii) of § 46.2-649.1:1;

2. Taxicabs;

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

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

5. Applicants, other than TNC partners as defined in § 46.2-2000 and emergency medical services vehicles pursuant to clause (iii) of § 46.2-649.1:1, who operate motor vehicles as carriers for rent or hire;

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

7. Trailers and semitrailers.

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

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

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

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

CHAPTER 134

An Act to designate the Route 301 bridge in Prince George County the "Trooper Nathan-Michael W. Smith Memorial Bridge."

[S 107]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Route 301 bridge in Prince George County at Exit 45 over Interstate 95 is hereby designated the "Trooper Nathan-Michael W. Smith Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

CHAPTER 135

An Act to amend and reenact §§ 32.1-292.2, 46.2-342, and 46.2-345 of the Code of Virginia, relating to consent to organ donation.

[S 176]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-292.2, 46.2-342, and 46.2-345 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-292.2. The Virginia Donor Registry.

A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there is hereby established the Virginia Donor Registry (hereinafter referred to as the Registry), which shall be created, compiled, operated, maintained, and modified as necessary by the Virginia Transplant Council in accordance with the regulations of the Board of Health and the administration of the Department of Health. At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create, compile, operate, maintain or modify the Registry. Pertinent information on all Virginians who have indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical Gift Act

(§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry by the Virginia Transplant Council.

B. The Registry and all information therein shall be confidential and subject to access only by personnel of the Department of Health and designated organ procurement organizations, eye banks, and tissue banks, operating in or serving Virginia that are members of the Virginia Transplant Council, for the purpose of identifying and determining the suitability of a potential donor according to the provisions of subdivision B 4 of § 32.1-127 or subsection H G of § 46.2-342.

C. The purpose of the Registry shall include, but not be limited to:

1. Providing a means of recovering an anatomical gift for transplantation, therapy, education or research as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection H of § 46.2-342; and
2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ, eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or its members.

D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations necessary to create, compile, operate, maintain, modify as necessary, and administer the Virginia Donor Registry. The regulations shall include, but not be limited to:

1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or unique identifying number, and other pertinent identifying personal information;
2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols that are designed to identify and assess the effectiveness of mechanisms to promote and increase organ, eye, and tissue donation within the Commonwealth; and
3. Providing that any Virginian whose name has been placed in the registry may have his name deleted by filing an appropriate form with the Virginia Transplant Council or in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) or ~~subsection I of § 46.2-342.~~

§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;
 2. A photograph of the licensee;
 3. The licensee's full name, year, month, and date of birth;
 4. The licensee's address, subject to the provisions of subsection B of this section;
 5. A brief description of the licensee for the purpose of identification;
 6. A space for the signature of the licensee; and
 7. Any other information deemed necessary by the Commissioner for the administration of this title.
- No abbreviated names or nicknames shall be shown on any license.

B. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

D. The license shall be made of a material and in a form to be determined by the Commissioner.

E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may ~~designate~~ *indicate* his ~~willingness~~ *consent* to make an anatomical gift for transplantation, therapy, research, and education ~~as provided in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1 pursuant to § 32.1-291.5,~~ and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant ~~designates~~ *indicates* his ~~willingness~~ *consent* to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record. ~~H. The donor designation authorized in subsection G notation shall remain on the individual's license or card until he revokes his consent to make an anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license or card pursuant to this subsection shall be sufficient legal authority for the removal, following death, of~~

the subject's organs or tissues without additional authority from the donor, or his family or estate, *in accordance with the provisions of § 32.1-291.8*. ~~No family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate shall refuse to honor the donor designation or, in any way, seek to avoid honoring the donor designation.~~

~~I. The donor designation provided pursuant to subsection F may be rescinded by notifying the Department. In addition, the Department shall remove from the driver's license or identification card any donor designation made pursuant to subsection F; if, at the time the applicant renews or replaces the license or identification card, the applicant does not again designate his willingness to be a donor pursuant to subsection F.~~

~~J. H. A minor may make a donor designation pursuant to subsection F without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).~~

~~K. I. The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.~~

~~L. J. The Department shall collect all moneys contributed pursuant to subsection K I and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.~~

~~M. K. When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant (i) is an insulin-dependent diabetic, (ii) is hearing or speech impaired, or (iii) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17.~~

~~N. L. In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.~~

~~O. Notwithstanding the foregoing provisions of this section, the Department shall continue to use the uniform donor document, as formerly set forth in subsection F, for organ donation designation until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any such uniform donor document shall, when properly executed, remain valid and shall continue to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1.~~

~~P. M. The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.~~

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a special identification card to the person provided:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address;
2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;
3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and
4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original or renewal special identification card is \$5. The fee for the issuance of a duplicate or reissue of a special identification card is \$5. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the last day of the month of birth of the applicant in years in which the applicant attains an age exactly divisible by five. At no time shall any special identification card be issued for less than three nor more than seven years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday, thereafter the special identification card may be renewed on or before the last day of the month of birth of the applicant and shall be valid for five years, expiring in the next year in which the applicant's age is exactly divisible by five, except under the provisions of subsection B of § 46.2-328.1. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) he Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license may be surrendered for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department may promulgate regulations necessary for the effective implementation of the provisions of this section.

K. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

L. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.

M. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection ~~M~~ K of § 46.2-342.

CHAPTER 136

An Act to amend and reenact § 28.2-226.2 of the Code of Virginia, relating to crab pots; recreational gear license; turtle excluder device.

[S 283]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 28.2-226.2 of the Code of Virginia is amended and reenacted as follows:

§ 28.2-226.2. Commission to establish requirements for commercial gear licenses used for recreational purposes.

A. The Commission is authorized to establish the type and amount of commercial gear ~~which~~ that can be used for taking finfish and shellfish for recreational purposes. The license fees for use of recreational gear shall be the same as fees charged for the particular gear when used commercially.

B. The Commission shall not issue to any licensee a recreational gear license ~~which~~ that exceeds the following limitations:

1. One gill net up to 300 feet in length, \$7.50;

2. Up to 10 crab pots; ~~\$29~~ with turtle excluder devices, \$36; up to 10 crab pots without turtle excluder devices, \$46;
3. One crab trap or crab pound, \$5;
4. One crab scrape, \$16; or
5. Two eel pots, \$10.

C. All fees collected pursuant to this section shall be deposited in the state treasury and credited to the Virginia Marine Products Fund as established under § 3.2-2705.

D. The Commission may subsequently revise the cost of licenses pursuant to § 28.2-201.

CHAPTER 137

An Act to amend and reenact § 62.1-44.19:15 of the Code of Virginia, relating to the Chesapeake Bay Watershed Nutrient Credit Exchange Program.

[S 314]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.19:15 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.19:15. New or expanded facilities.

A. An owner or operator of a new or expanded facility shall comply with the applicable requirements of this section as a condition of the facility's coverage under the general permit.

1. An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued before July 1, 2005, that expands his facility to discharge 100,000 gallons or more per day, or an equivalent load directly into tidal waters, or 500,000 gallons or more per day, or an equivalent load, directly into nontidal waters shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset any increase in his delivered total nitrogen and delivered total phosphorus loads resulting from any expansion beyond his waste load allocations or permitted design capacity as of July 1, 2005, and will install state-of-the-art nutrient removal technology at the time of the expansion.

2. An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued before July 1, 2005, that expands his facility to discharge 100,000 gallons or more per day up to and including 499,999 gallons per day, or an equivalent load, directly into nontidal waters, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset any increase in his delivered total nitrogen and delivered total phosphorus loads resulting from any expansion beyond his permitted capacity as of July 1, 2005, and will install, at a minimum, biological nutrient removal technology at the time of the expansion.

3. An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued before July 1, 2005, that expands his facility to discharge 40,000 gallons or more per day up to and including 99,999 gallons per day, or an equivalent load, directly into tidal or nontidal waters, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset any increase in his delivered total nitrogen and delivered total phosphorus loads resulting from any expansion beyond his permitted capacity as of July 1, 2005.

4. An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued on or after July 1, 2005, to discharge 40,000 gallons or more per day, or an equivalent load, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset his delivered total nitrogen and delivered total phosphorus loads, and will install (i) at a minimum, biological nutrient removal technology at any facility authorized to discharge up to and including 99,999 gallons per day, or an equivalent load, directly into tidal and nontidal waters, or up to and including 499,999 gallons per day, or an equivalent load, to nontidal waters; and (ii) state-of-the-art nutrient removal technology at any facility authorized to discharge 100,000 gallons or more per day, or an equivalent load, directly into tidal waters, or 500,000 gallons or more per day, or an equivalent load, directly into nontidal waters.

5. An owner or operator of a facility treating domestic sewage authorized by a Virginia Pollutant Discharge Elimination System permit with a discharge greater than 1,000 gallons per day up to and including 39,999 gallons per day that has not commenced the discharge of pollutants prior to January 1, 2011, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset his delivered total nitrogen and delivered total phosphorus loads prior to commencing the discharge, except when the facility is for short-term temporary use only or when treatment of domestic sewage is not the primary purpose of the facility.

B. Waste load allocations required by this section to offset new or increased delivered total nitrogen and delivered total phosphorus loads shall be acquired in accordance with this subsection.

1. Such allocations may be acquired from one or a combination of the following:

a. Acquisition of all or a portion of the waste load allocations or point source nitrogen or point source phosphorus credits from one or more permitted facilities in the same tributary;

b. Acquisition of credits certified by the Board pursuant to § 62.1-44.19:20. Such best management practices shall achieve reductions beyond those already required by or funded under federal or state law, or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan, and shall be installed in the same tributary in which the new or expanded facility is located and included as conditions of the facility's individual Virginia Pollutant Discharge Elimination System permit;

- c. Acquisition of allocations purchased through the Nutrient Offset Fund established pursuant to § 10.1-2128.2; or
- d. Acquisition of allocations through such other means as may be approved by the Department on a case-by-case basis.

e. Acquisition of credits or allocations through the implementation of best management practices on lands owned or controlled by, or under contractual obligation with, the new or expanded facility that achieve reductions greater than those currently required by or funded under federal or state law, or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan, subject to the approval by the Board in accordance with standards and procedures that are consistent with those established in § 62.1-44.19:20. Any such best management practices shall be implemented on lands within the same tributary as the new or expanded facility, and any credits assigned by the Board based on those practices shall be subject to adjustment based on the relevant delivery factor, as defined in § 62.1-44.19:13.

2. Such allocations or credits shall be provided for a minimum period of five years with each registration under the general permit. This subdivision shall not preclude ~~the Board from adopting~~ longer-term or permanent ~~allocation requirements by regulation~~ allocations, except that such allocations are subject to modification by the Board where necessary to conform to the Chesapeake Bay TMDL.

3. The Board shall give priority to allocations or credits acquired in accordance with subdivisions 1 a, 1 b, and 1 d. The Board shall approve allocations acquired in accordance with subdivision 1 d only after the owner or operator has demonstrated that he has made a good faith effort to acquire sufficient allocations in accordance with subdivisions 1 a, 1 b, and 1 d and that such allocations are not reasonably available taking into account timing, cost, and other relevant factors.

4. Notwithstanding the priority provisions in subdivision 3, the Board may grant a waste load allocation in accordance with subdivision 1 d to an owner or operator of a facility authorized by a Virginia Pollution Abatement permit to land apply domestic sewage if (i) the Virginia Pollution Abatement permit was issued before July 1, 2005; (ii) the waste load allocation does not exceed such facility's permitted design capacity as of July 1, 2005; (iii) the waste treated by the existing facility is going to be treated and discharged pursuant to a Virginia Pollutant Discharge Elimination System permit for a new discharge; and (iv) the owner or operator installs state-of-the-art nutrient removal technology at such facility. Such facilities cannot generate credits or waste load allocations, based upon the removal of land application sites, that can be acquired by other permitted facilities to meet the requirements of this article.

C. Until such time as the Director finds that no allocations are reasonably available in an individual tributary, the general permit shall provide for the acquisition of allocations through payments into the Nutrient Offset Fund established in § 10.1-2128.2. Such payments shall be promptly applied by the Department to achieve equivalent point or nonpoint source reductions in the same tributary beyond those reductions already required by or funded under federal or state law or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan. The general permit shall base the cost of each pound of allocation on (i) the estimated cost of achieving a reduction of one pound of nitrogen or phosphorus at the facility that is securing the allocation, or comparable facility, for each pound of allocation acquired; or (ii) the average cost of reducing two pounds of nitrogen or phosphorus from nonpoint sources in the same tributary for each pound of allocation acquired, whichever is higher. Upon each reissuance of the general permit, the Board may adjust the cost of each pound of allocation based on current costs and cost estimates.

D. The acquisition of nutrient allocations or credits from animal waste-to-energy or animal waste reduction facilities, or the acquisition of such nutrient allocations or credits from entities acting on behalf of such facilities, shall be considered point source allocations or credits for all nutrient trading purposes and shall not be subject to any otherwise applicable nonpoint source trading ratio if the best management practice being used to generate such nutrient allocations or credits is a point source nutrient removal technology. Point source nutrient removal technology shall include animal waste gasification in which lab analysis of the animal waste reveals the concentration of nutrients in the animal waste being fed into the gasifier, and the fate of the nutrients during the animal waste gasification process, is known and documented using studies such as air emissions tests and ash analyses.

CHAPTER 138

An Act to designate the Interstate 66 bridge in Warren County the "Trooper Harry Lee Henderson Memorial Bridge."

[S 448]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Interstate 66 bridge in Warren County over Route 624 is hereby designated the "Trooper Harry Lee Henderson Memorial Bridge." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this bridge. This designation shall not affect any other designation heretofore or hereafter applied to this bridge.*

CHAPTER 139

An Act to amend and reenact § 33.2-209 of the Code of Virginia, relating to Request for Proposal for design-build projects.

[S 465]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-209 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-209. Construction and maintenance contracts and activities related to passenger and freight rail and public transportation.

A. The Board shall have the power and duty to let all contracts to be administered by the Department of Transportation or the Department of Rail and Public Transportation for the construction, maintenance, and improvement of the highways comprising systems of state highways and for all activities related to passenger and freight rail and public transportation in excess of \$5 million. The Commissioner of Highways has authority to let all Department of Transportation-administered contracts for highway construction, maintenance, and improvements up to \$5 million in value. The Director of the Department of Rail and Public Transportation has the authority to let contracts for passenger and freight rail and public transportation improvements up to \$5 million in value. The Commissioner of Highways is authorized to enter into agreements with localities, authorities, and transportation districts to administer projects and to allow those localities, authorities, and transportation districts to let contracts with no limit on contract value and without prior concurrence of the Commissioner of Highways or the Board for highway construction, maintenance, and improvements within their jurisdictions, in accordance with those provisions of this Code providing those localities, authorities, and transportation districts the ability to let such contracts. The Director of the Department of Rail and Public Transportation is authorized to enter into agreements with localities, authorities, and transportation districts to administer projects and to allow those localities, authorities, and transportation districts to let contracts with no limit on contract value and without prior concurrence of the Director of the Department of Rail and Public Transportation or the Board for passenger and freight rail and public transportation activities within their jurisdictions, in accordance with those provisions of this Code providing those localities, authorities, and transportation districts the ability to let such contracts. The Commissioner of Highways and the Director of the Department of Rail and Public Transportation shall report on their respective transportation contracting activities at least quarterly to the Board.

B. The Board may award contracts for the construction of transportation projects on a design-build basis. These contracts may be awarded after a written determination is made by the Commissioner of Highways or the Director of the Department of Rail and Public Transportation, pursuant to objective criteria previously adopted by the Board regarding the use of design-build, that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed. Such objective criteria shall include requirements for prequalification of contractors and competitive bidding processes. These contracts shall be of such size and scope to encourage maximum competition and participation by agency prequalified and otherwise qualified contractors. Such determination shall be retained for public inspection in the official records of the Department of Transportation or the Department of Rail and Public Transportation, as the case may be, and shall include a description of the nature and scope of the project and the reasons for the Commissioner's or the Director's determination that awarding a design-build contract will best serve the public interest. *A Request for Proposal for transportation projects to be delivered on a design-build basis pursuant to this section may allow for the submission and consideration of alternative technical concepts in accordance with the procedures set forth in such Request for Proposal.* The provisions of this section shall supersede contrary provisions of subsection D of § 2.2-4303 and § 2.2-4306.

For the purposes of this subsection, "alternative technical concepts" means proposed changes to agency-supplied base design configurations, project scope, design, or construction criteria that provide a solution that is equal to or better than the requirements in the Request for Proposal.

C. The Board may award contracts for the provision of equipment, materials, and supplies to be used in construction of transportation projects on a fixed-price basis. Any such contract may provide that the price to be paid for the provision of equipment, materials, and supplies to be furnished in connection with the projects shall not be increased but shall remain fixed until completion of the projects specified in the contracts. Material components of any such contract for annual and multiyear programs, including maintenance, may be fixed at the outset of the projects and until completion based on best achievable prices.

CHAPTER 140

An Act to amend and reenact § 4.1-235 of the Code of Virginia, relating to alcoholic beverage control; distribution of liter tax on cider produced by farm wineries.

[S 569]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

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

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

A. The Board shall collect the state taxes levied pursuant to §§ 4.1-213 and 4.1-234 as follows:

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

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

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

B. The amount of tax collected under this section during each quarter shall, within 50 days after the close of such quarter, be certified to the Comptroller by the Board and shall be transferred by him from the special fund described in § 4.1-116 to the general fund of the state treasury. The Board shall, not later than June 20 of every year, estimate the yield of the state tax on sales imposed by §§ 4.1-213 and 4.1-234 for the quarter ending June 30 and certify the amount of such estimate to the Comptroller, whereupon the Comptroller shall, before the end of the month, transfer the amount of such estimate from the special fund described in § 4.1-116 to the general fund of the state treasury, subject to such adjustment on account of an overestimate or underestimate as may be indicated within 50 days after the close of the quarter ending on June 30.

Forty-four percent of the amount derived from the liter tax levied pursuant to §§ 4.1-213 and 4.1-234 shall be transferred to the general fund and paid to the several counties, cities, and towns of the Commonwealth in proportion to their respective populations, and is appropriated for such purpose.

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

The portion of wine liter tax *and cider markup* collected pursuant to §§ 4.1-213 and 4.1-234 that is attributable to the sale of wine *and cider* produced by a farm winery shall be deposited in the Virginia Wine Promotion Fund established pursuant to § 3.2-3005.

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

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

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

CHAPTER 141

An Act to amend and reenact §§ 4.1-119, as it is currently effective and as it shall become effective, and 4.1-215 of the Code of Virginia, relating to alcoholic beverage control; spirits tastings by distiller licensee.

[S 536]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-119, as it is currently effective and as it shall become effective, and 4.1-215 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-119. (Effective until July 1, 2018) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers.

D. Alcoholic beverages at government stores shall be sold by employees of the Board, who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Board and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, ~~and~~ at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of *spirits*, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the *spirits*, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a *distillery*, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine, or one-half ounce of spirits, *unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits*; ~~and~~ (iii) no more than four total samples of alcoholic beverage products *or, in the case of spirits samples, no more than three ounces of spirits* shall be given or sold to any person per day; *and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer.* Nothing in this paragraph shall prohibit such agent from serving samples of spirits as *part of a mixed beverage.*

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Board shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Board, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Board shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

§ 4.1-119. (Effective July 1, 2018) Operation of government stores.

A. Subject to the requirements of §§ 4.1-121 and 4.1-122, the Board may establish, maintain and operate government stores for the sale of alcoholic beverages, other than beer and wine not produced by farm wineries, vermouth, mixers, and products used in connection with distilled spirits, including any garnish or garnishment applied to the rim of a glass of distilled spirits, as may be approved by the Board from time to time, in such counties, cities, and towns considered advisable by the Board. The Board may discontinue any such store.

B. With respect to the sale of wine produced by farm wineries, the Board may give preference to farm wineries that produce 2,500 cases or less of wine per year.

C. The Board shall fix the wholesale and retail prices at which the various classes, varieties and brands of alcoholic beverages and other Board-approved products that are sold in government stores. Differences in the cost of operating stores, and market competition and conditions may be reflected in the sale price of alcoholic beverages sold at government stores. The Board may sell alcoholic beverages to federal instrumentalities (i) authorized and operating under the laws of the

United States and regulations of the United States Department of Defense and (ii) located within the boundaries of federal enclaves or reservations over which the United States has acquired jurisdiction, at prices which may be greater or less than the wholesale price charged other authorized purchasers. Nothing in this subsection shall be construed to limit the authority of the Board to fix the retail price of alcoholic beverages sold at government stores, which retail price may include promotional, volume, or other discounts deemed appropriate by the Board.

D. Alcoholic beverages at government stores shall be sold by employees of the Authority who shall carry out the provisions of this title and Board regulations governing the operation of government stores and the sale of alcoholic beverages, except that the Board may appoint the holder of a distiller's license or its officers and employees as agents of the Board for the sale of spirits, manufactured by or for, or blended by such licensee on the licensed premises, at government stores established by the Board on the distiller's licensed premises.

Such agents shall sell the spirits in accordance with the provisions of this title, Board regulations, and the terms of the agency agreement between the Authority and the licensed distiller.

For the purposes of this subsection, "blended" means the receipt by a licensed distiller of deliveries and shipments of alcoholic beverages, other than wine and beer, in accordance with subdivision 6 of § 4.1-201 to be (i) additionally aged by the receiving distillery in order to increase the quality and flavor of such alcoholic beverages and (ii) bottled by the receiving distillery.

E. No Class 1 neutral grain spirit or alcohol, as defined by federal regulations, that is without distinctive character, aroma, taste or color shall be sold in government stores at a proof greater than 101 except upon permits issued by the Board for industrial, commercial, culinary, or medical use.

F. All alcoholic beverages sold in government stores, except for tasting samples pursuant to subsection G sold in government stores established by the Board on a distiller's licensed premises, shall be in closed containers, sealed and affixed with labels prescribed by the Board.

G. No alcoholic beverages shall be consumed in a government store by any person unless it is part of an organized tasting event conducted by (i) an employee of a manufacturer of distilled spirits or farm winery or (ii) an authorized representative of a manufacturer of distilled spirits or farm winery with a permit issued by the Board pursuant to subdivision A 15 of § 4.1-212, ~~and~~ at which the samples of alcoholic beverages provided to any consumer do not exceed the limits for spirits or wine set forth in subdivision A 5 of § 4.1-201.1. No sample may be consumed by any individual to whom alcoholic beverages may not lawfully be sold pursuant to § 4.1-304.

Notwithstanding the provision of this subsection to the contrary, an agent of the Board appointed pursuant to subsection D may give samples of *spirits*, beer, wine, or cider to persons to whom alcoholic beverages may be lawfully sold for on-premises consumption, provided that (i) the *spirits*, beer, wine, or cider samples are manufactured within the same licensed premises or on contiguous premises of such agent licensed as a *distillery*, brewery, or winery; (ii) no single sample shall exceed four ounces of beer, two ounces of wine, or one-half ounce of spirits, *unless served as a mixed beverage, in which case a single sample of spirits may contain up to one and one-half ounces of spirits*; ~~and~~ (iii) no more than four total samples of alcoholic beverage products *or, in the case of spirits samples, no more than three ounces of spirits* shall be given or sold to any person per day; *and (iv) in the case of spirits samples, a method is used to track the consumption of each consumer*. Nothing in this paragraph shall prohibit such agent from serving samples of spirits as *part of a mixed beverage*.

The Board shall establish guidelines governing tasting events conducted pursuant to this subsection.

H. With respect to purchases by licensees at government stores, the Authority shall (i) accept in payment for any purchase or series of purchases cash, electronic fund transfer, credit or debit card, or check payable to the Authority, in the exact amount of any such purchase or series of purchases and (ii) provide notice to licensees on Board policies relating to the assignment of government stores from which licensees may purchase products and any procedure for the licensee to elect to make purchases from an alternative government store.

I. With respect to purchases by consumers at government stores, the Authority shall accept cash in payment for any purchase or series of purchases. The Board may adopt regulations which provide for accepting a credit card or debit card as payment. Such regulations may provide for the collection, where appropriate, of related fees, penalties and service charges for the use of a credit card or debit card by any consumer.

J. Before the Authority implements any increase in the markup on distilled spirits or any change to the markup formula for distilled spirits pursuant to § 4.1-235 that would result in an increase in the retail price of distilled spirits sold to the public, the Authority shall (i) provide at least 45 days' public notice before such a price increase takes effect; (ii) provide the opportunity for submission of written comments regarding the proposed price increase; (iii) conduct a public meeting for the purpose of receiving verbal comment regarding the proposed price increase; and (iv) consider any written or verbal comments before implementing such a price increase.

§ 4.1-215. Limitation on manufacturers, bottlers and wholesalers; exemptions.

A. Unless exempted pursuant to subsection B, no retail license for the sale of alcoholic beverages shall be granted to any (i) manufacturer, bottler or wholesaler of alcoholic beverages, whether licensed in the Commonwealth or not; (ii) officer or director of any such manufacturer, bottler or wholesaler; (iii) partnership or corporation, where any partner or stockholder is an officer or director of any such manufacturer, bottler or wholesaler; (iv) corporation which is a subsidiary of a corporation which owns or has interest in another subsidiary corporation which is a manufacturer, bottler or wholesaler of alcoholic beverages; or (v) manufacturer, bottler or wholesaler of alcoholic beverages who has a financial interest in a corporation which has a retail license as a result of a holding company, which owns or has an interest in such manufacturer,

bottler or wholesaler of alcoholic beverages. Nor shall such licenses be granted in any instances where such manufacturer, bottler or wholesaler and such retailer are under common control, by stock ownership or otherwise.

Notwithstanding any other provision of this title, a manufacturer of malt beverages or wine, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in § 4.1-209 upon application to the Board provided that such event is (a) at a place approved by the Board and (b) conducted for the purposes of featuring and educating the consuming public about malt beverage or wine products. Such manufacturer shall be limited to no more than four banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event.

Notwithstanding any other provision of this title, a manufacturer of distilled spirits, whether licensed in the Commonwealth or not, may obtain a banquet license for a special event as provided in subdivision A 4 of § 4.1-210 upon application to the Board, provided that such event is (1) at a place approved by the Board and (2) conducted for the purposes of featuring and educating the consuming public about the manufacturer's spirits products. Such manufacturer shall be limited to no more than four banquet licenses for such special events per year. Where the event occurs on no more than three consecutive days, a manufacturer need only obtain one such license for the event. Such banquet license shall authorize the manufacturer to give samples of spirits to any person to whom alcoholic beverages may be lawfully sold in designated areas at the special event, provided that (A) no single sample shall exceed one-half ounce per spirits product offered, *unless served as a mixed beverage, in which case a single sample may contain up to one and one-half ounces of spirits*, and (B) no more than ~~four spirits products~~ *three ounces of spirits* may be offered to any patron. Nothing in this paragraph shall prohibit such manufacturer from serving such samples as *part of a mixed beverage*.

B. This section shall not apply to:

1. Corporations operating dining cars, buffet cars, club cars or boats;
2. Brewery, distillery, or winery licensees engaging in conduct authorized by subdivision A 5 of § 4.1-201;
3. Farm winery licensees engaging in conduct authorized by subdivision 5 of § 4.1-207;
4. Manufacturers, bottlers or wholesalers of alcoholic beverages who do not (i) sell or otherwise furnish, directly or indirectly, alcoholic beverages or other merchandise to persons holding a retail license or banquet license as described in subsection A and (ii) require, by agreement or otherwise, such person to exclude from sale at his establishment alcoholic beverages of other manufacturers, bottlers or wholesalers;

5. Wineries, farm wineries, or breweries engaging in conduct authorized by § 4.1-209.1 or 4.1-212.1; or

6. One out-of-state winery, not under common control or ownership with any other winery, that is under common ownership or control with one restaurant licensed to sell wine at retail in Virginia, so long as any wine produced by that winery is purchased from a Virginia wholesale wine licensee by the restaurant before it is offered for sale to consumers.

C. The General Assembly finds that it is necessary and proper to require a separation between manufacturing interests, wholesale interests and retail interests in the production and distribution of alcoholic beverages in order to prevent suppliers from dominating local markets through vertical integration and to prevent excessive sales of alcoholic beverages caused by overly aggressive marketing techniques. The exceptions established by this section to the general prohibition against tied interests shall be limited to their express terms so as not to undermine the general prohibition and shall therefore be construed accordingly.

CHAPTER 142

An Act to amend and reenact §§ 46.2-663 through 46.2-680 of the Code of Virginia, relating to exemptions from registration; technical changes.

[S 658]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-663 through 46.2-680 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-663. Backhoes.

No person shall be required to obtain the registration certificate, license plates, ~~and~~ *or* decals ~~for~~ *or to* pay a registration fee for any backhoe operated on any highway for a distance of no more than twenty miles from its operating base.

§ 46.2-664. Vehicles used for spraying fruit trees and other plants.

No person shall be required to obtain the registration certificate, license plates ~~and~~ *or* decals, ~~for~~ *or* pay a registration fee for any vehicle on which is securely attached a machine for spraying fruit trees and other plants of the owner or lessee of the truck.

§ 46.2-665. Vehicles used for agricultural or horticultural purposes.

A. No person shall be required to obtain the registration certificate, license plates ~~and~~ *or* decals, ~~for~~ *or* pay a registration fee for any motor vehicle, trailer, or semitrailer used exclusively for agricultural or horticultural purposes on lands owned or leased by the vehicle's owner.

B. This exemption shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers that are not operated on or over any public highway in the Commonwealth for any purpose other than:

1. Crossing a highway;
2. Operating along a highway for a distance of no more than 50 miles from one part of the owner's land to another, irrespective of whether the tracts adjoin;
3. Taking the vehicle or attached fixtures to and from a repair shop for repairs;
4. Taking another vehicle exempt from registration under any provision of §§ 46.2-664 through 46.2-668 or 46.2-672, or any part or subcomponent of such a vehicle, to or from a repair shop for repairs, including return trips;
5. Operating along a highway to and from a refuse disposal facility for the purpose of disposing of trash and garbage generated on a farm; or
6. Operating along a highway for a distance of no more than 50 miles for the purpose of obtaining supplies for agricultural or horticultural purposes, seeds, fertilizers, chemicals, or animal feed and returning.

§ 46.2-666. Vehicles used for seasonal transportation of farm produce and livestock.

No person shall be required to obtain the registration certificate, license plates, ~~and~~ *or* decals *for* or pay a registration fee prescribed for any motor vehicle, trailer, or semitrailer owned by the owner or lessee of a farm and used by him on a seasonal basis in transporting farm produce and livestock along public highways for a distance of no more than 50 miles including the distance to the nearest storage house, packing plant, or market. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers.

§ 46.2-667. Farm machinery and tractors.

No person shall be required to obtain the registration certificate, license plates ~~and~~ *or* decals, *for* or pay the prescribed fee for any farm machinery or tractor when operated on a highway (i) between one tract of land and another regardless of whether the land is owned by the same person or (ii) to and from a repair shop for repairs.

§ 46.2-668. Vehicles validly registered in other states and used in conjunction with harvesting operations.

A. No person shall be required to obtain the registration certificate, license plates ~~and~~ *or* decals, *for* or pay a registration fee for any motor vehicle, trailer, or semitrailer which is validly registered in another state and bears valid license plates issued by that state when the use of the vehicle has been contracted for by the owner or lessee of a farm as an incidental part of the harvesting of a crop from his farm. This exemption shall only be valid while the vehicle is engaged principally in transporting farm produce from the farm:

1. As an incidental part of harvesting operations;

2. Along a public highway for a distance of not more than 20 miles to a storage house, packing plant, market, or transportation terminal;

3. When the use is a seasonal operation; and

4. When the owner of the vehicle has secured from the Commissioner an exemption permit for each vehicle.

B. The Commissioner, upon receipt of an application certifying that a vehicle is entitled to the exemption set forth in this subsection and, if the vehicle is a qualified highway vehicle under § 58.1-2700, payment of \$150, shall issue an exemption permit on a form prescribed by him. The exemption permit shall be carried at all times by the operator of the vehicle for which it is issued or displayed in a conspicuous place on the vehicle. The exemption permit shall be valid for a period of 90 days from date of issue and shall be renewable by the procedure set forth in the foregoing provisions of this section.

§ 46.2-669. Tractors and similar vehicles owned by sawmill operators.

No person shall be required to obtain the registration certificate, license plates ~~and~~ *or* decals, *for* or pay a registration fee for any tractor, trailer, log cart, or similar vehicle owned by a sawmill operator when the vehicle is operated or moved:

1. Along a highway from one sawmill or sawmill site to another;

2. To or from a repair shop for repairs; or

3. Across a highway from one contiguous tract of land to another.

§ 46.2-670. Vehicles owned by farmers and used to transport certain wood products.

No person shall be required to obtain the registration certificate, license plates ~~and~~ *or* decals, *for* or pay a registration fee for any motor vehicle, trailer, or semitrailer owned by a farm owner when the vehicle is operated or moved along a highway for no more than twenty miles between a sawmill or sawmill site and his farm to transport sawdust, wood shavings, slab wood, and other wood wastes. The provisions of this section shall only apply to (i) pickup or panel trucks, (ii) sport utility vehicles, (iii) vehicles having a gross vehicle weight rating greater than 7,500 pounds, and (iv) trailers and semitrailers.

§ 46.2-671. Vehicles used at mines.

No person shall be required to obtain the registration certificate, license plates ~~and~~ *or* decals, *for* or pay a registration fee for any motor vehicle, trailer, or semitrailer used at mines when operated on the highway for no more than twenty miles between mines or to or from a repair shop for repairs.

§ 46.2-672. Certain vehicles transporting fertilizer, cotton, or peanuts.

No person shall be required to obtain the registration certificate, license plates ~~and~~ *or* decals, *for* or pay a registration fee for any motor vehicle or trailer, semitrailer, or fertilizer spreader drawn by a farm tractor used by a farmer, his tenant, agent or employee or a cotton ginner, peanut buyer, or fertilizer distributor to transport unginced cotton, peanuts, or fertilizer owned by the farmer, cotton ginner, peanut buyer, or fertilizer distributor from one farm to another, from farm to gin, from farm to dryer, from farm to market, or from fertilizer distributor to farm and on return to the distributor.

The provisions of this section shall not apply to vehicles operated on a for-hire basis.

§ 46.2-673. Return trips of exempted farm vehicles.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay a registration fee for any farm vehicle exempted from registration under the provisions of this article when that vehicle is:

1. Making a return trip from any marketplace;
2. Transporting back to a farm ordinary and essential food and other products for home and farm use; or
3. Transporting supplies to the farm.

§ 46.2-674. Vehicles used by commercial fishermen.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay a registration fee for any motor vehicle, trailer, boat trailer, or semitrailer, or any combination thereof not having a gross vehicle weight exceeding 12,000 pounds used by commercial fishermen, their agents, or employees for the purpose of:

1. Transporting boats or other equipment used in commercial fishing no more than 50 miles between his place of residence or business and the waters within the territorial limits of the Commonwealth or the adjacent marginal seas;
2. Any return trip to his place of residence or business; or
3. Transporting harvested seafood no more than 50 miles between the place where the seafood is first brought ashore and the transporter's place of business or the location of the seafood's first point of sale.

§ 46.2-675. Certain vehicles engaged in mining or quarrying operations; permit when such vehicle required to cross public highways.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals for or ~~to~~ pay a registration fee prescribed for any motor vehicle engaged in coal mining operations or other types of mining and quarrying operations, if the sole function of the motor vehicle is to haul coal from mine to tippel or to haul other mined or quarried products from mine or quarry to a processing plant. The owner of the vehicle, however, shall first obtain, without charge, a permit from the Commissioner of Highways in any case in which the motor vehicle is required to cross the public highways. The Commissioner of Highways shall not issue the permit unless he is satisfied that the owner of the motor vehicle has, at his own expense, strengthened the highway crossing so that it will adequately bear the load and has provided adequate signs, lights, or flagmen as may be required for the protection of the public. Any damage done to the highways as a result of this operation shall be repaired in a manner satisfactory to the Commissioner of Highways at the expense of the vehicle's owner.

§ 46.2-676. Registration certificate, license plates, or decals for any golf carts and utility vehicles; fees.

No person shall be required to obtain the registration ~~certificates~~ certificate, license plates, or decals, for or ~~to~~ pay any registration fee, for any golf cart or utility vehicle that either (i) is not operated on or over any public highway in the Commonwealth or (ii) is operated on or over a public highway as authorized by Article 13.1 (§ 46.2-916.1 et seq.) of Chapter 8 of this title.

§ 46.2-677. Self-propelled wheelchairs.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay any registration fee for any self-propelled wheelchair or self-propelled wheelchair conveyance provided it is:

1. Operated by a person who is capable of operating it properly and safely but who, by reason of physical disability, is otherwise unable to move about as a pedestrian; and
2. Not operated on a public highway in this Commonwealth except to the extent necessary to cross the highway.

§ 46.2-678. Forklift trucks.

A. No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay a registration fee for any forklift truck provided it is:

1. Operated by a person holding a valid Virginia driver's license;
2. Operated along or across highways only in traveling from one plant, factory, or job site to another by the most direct route;
3. Not carrying or transporting any object or person, other than the driver;
4. Displaying a slow-moving vehicle emblem in conformity with § 46.2-1081;
5. In compliance with requirements of the federal Occupational Safety and Health Administration;
6. Not operated on or along any limited access highway; and
7. Not operated for a distance of more than ten miles.

B. For the purposes of this section, "forklift truck" means a self-propelled machine used for hoisting and transporting heavy objects by means of steel fingers inserted under the load.

§ 46.2-679. Snowmobiles.

No person shall be required to obtain the registration certificate, license plates ~~and~~, or decals, for or pay a registration fee for any snowmobile.

§ 46.2-679.1. All-terrain vehicles.

No person shall be required to obtain the registration certificate, license plate ~~and~~, or decals, for or pay a registration fee for any all-terrain vehicle.

§ 46.2-679.2. Off-road motorcycles.

No person shall be required to obtain the registration certificate, license plate ~~and~~, or decals, for or pay a registration fee for any off-road motorcycle.

§ 46.2-680. Vehicles transporting oyster shells.

No person shall be required to obtain the registration ~~certificates~~ *certificate*, license plates ~~and, or~~ *and*, or decals; ~~for or to~~ pay ~~any~~ a registration fee for any motor vehicle properly registered in Maryland and used for the purpose of hauling oyster shells for a distance of less than three miles on a public highway of this Commonwealth to navigable waters to be further transported by water to Maryland.

CHAPTER 143

An Act to amend and reenact §§ 46.2-725 and 46.2-726 of the Code of Virginia, relating to special and personalized license plates; issuance to sex offenders.

[S 666]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-725 and 46.2-726 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-725. Special license plates, generally.

A. No series of special license plates shall be created or issued by the Commissioner or the Department except as authorized ~~in~~ *pursuant to* this article. No special license plates in any series not provided for ~~in~~ *pursuant to* this article and no registration decal for any such license plate shall be issued, reissued, or renewed on or after July 1, 1995. However, subject to the limitations contained in subdivisions 1 and 2 of subsection B of this section, the Commissioner may issue, when feasible, special license plates that are combinations of no more than two series of special license plates authorized ~~in~~ *pursuant to* this article and currently issued by the Department; in addition to the state registration fee, the fee for any such combination shall be equal to the sum of the fees for the two series plus the fee for reserved numbers and letters, if applicable. The provisions of subdivisions 1 and 2 of subsection B of this section shall not apply to special license plates that are combinations of two series of special license plates authorized ~~in~~ *pursuant to* this article and currently issued by the Department if one of the two combined designs, when feasible, incorporates or includes the international symbol of access.

B. Except as otherwise provided in this article:

1. No special license plates shall be considered for authorization by the General Assembly unless and until the individual, group, entity, organization, or other entity seeking the authorization of such special license plates shall have demonstrated to the satisfaction of the General Assembly that they meet the issuance requirements set forth in this subdivision. For the purposes of this article, each prepaid application shall be on a form prescribed by the Department and, excluding the vehicle registration fee, shall include the proposed or authorized fee for the issuance of the proposed or authorized special license plates and, if applicable, the annual fee for reserved numbers or letters prescribed under § 46.2-726. Once authorized by the General Assembly, no license plates provided for in this article shall be developed and issued by the Department until the Commissioner receives at least 450 prepaid applications therefor within 30 days of the effective date of the authorization associated with the applications. If the end of the 30-day period falls on a Saturday, Sunday, or holiday, the 30-day period shall end on the following business day.

2. No additional license plates shall be issued or reissued in any series that, after five or more years of issuance, has fewer than 200 active sets of plates. No such license plates shall be issued or reissued unless reauthorized by the General Assembly. Such reauthorized license plates shall remain subject to the provisions of this article.

3. The annual fee for the issuance of any license plates issued pursuant to this article shall be \$10 plus the prescribed fee for state license plates. Applications for all special license plates issued pursuant to this article shall be on forms prescribed by the Commissioner. All special license plates issued pursuant to this article shall be of designs prescribed by the Commissioner and shall bear unique letters and numerals, clearly distinguishable from any other license plate designs, and be readily identifiable by law-enforcement personnel.

No other state license plates shall be required on any vehicles bearing special license plates issued under the provisions of this article.

All fees collected by the Department under this article shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

C. The provisions of this article relating to registration fees shall apply only to those vehicles registered as passenger cars, motor homes, and pick-up or panel trucks, as defined in § 46.2-100. All other vehicle types registered with special license plates shall be subject to the appropriate special license plate fees, registration fees and other fees prescribed by law for such vehicle types.

D. For special license plates that generate revenues that are shared with entities other than the Department, hereinafter referred to as "revenue sharing special license plates," the General Assembly shall review all proposed revenue sharing special license plate authorizations to determine whether the revenues are to be shared with entities or organizations that (i) provide to the Commonwealth or its citizens a broad public service that is to be funded, in whole or in part, by the proposed revenue sharing special license plate authorization and (ii) are at least one of the following:

1. A nonprofit corporation as defined in § 501(c) (3) of the United States Internal Revenue Code;
2. An agency, board, commission, or other entity established or operated by the Commonwealth;
3. A political subdivision of the Commonwealth; or
4. An institution of higher education whose main campus is located in Virginia.

No revenue sharing special license plate authorization shall be approved if, as determined by the General Assembly, it does not meet the criteria set forth in this subsection.

E. No special license plates authorized pursuant to this article shall be issued to or renewed for any owner or co-owner of a vehicle who is registered pursuant to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.) if the design of such special license plates, including any logo, emblem, seal, or symbol therein, references children or children's programs or if any revenue-sharing provision authorized for such special license plates contributes, directly or indirectly, to any fund or program established for the benefit of children.

§ 46.2-726. License plates with reserved numbers or letters; fees.

The Commissioner may, in his discretion, reserve license plates with certain registration numbers or letters or combinations thereof for issuance to persons requesting license plates so numbered and lettered. *However, no such reserved license plates shall be issued to or renewed for any owner or co-owner of a vehicle who is registered pursuant to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.) if the requested registration numbers or letters or combination thereof could be read, interpreted, or understood to be a reference to children.*

License plates with reserved numbers or letters may be issued for and displayed on emergency medical services vehicles operated by emergency medical services agencies.

The annual fee or, in the case of permanent license plates for trailers and semitrailers, the one-time fee, for the issuance of any license plates with reserved numbers or letters shall be \$10 plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject to an additional fee beyond the prescribed fee for state license plates, the fee for such special license plates with reserved numbers or letters shall be \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

The annual fee for reissuing license plates with the same combination of letters and numbers as license plates that were previously issued but not renewed shall be \$10 plus the prescribed fee for state license plates. If those license plates are special license plates subject to an additional fee beyond the prescribed fee for state license plates, the fee shall be \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

CHAPTER 144

An Act to amend and reenact §§ 8.01-225 and 54.1-3408 of the Code of Virginia, relating to administration of drugs by certain school employees.

[H 314]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-225 and 54.1-3408 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-225. Persons rendering emergency care, obstetrical services exempt from liability.

A. Any person who:

1. In good faith, renders emergency care or assistance, without compensation, to any ill or injured person (i) at the scene of an accident, fire, or any life-threatening emergency; (ii) at a location for screening or stabilization of an emergency medical condition arising from an accident, fire, or any life-threatening emergency; or (iii) en route to any hospital, medical clinic, or doctor's office, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such care or assistance. For purposes of this subdivision, emergency care or assistance includes the forcible entry of a motor vehicle in order to remove an unattended minor at risk of serious bodily injury or death, provided the person has attempted to contact a law-enforcement officer, as defined in § 9.1-101, a firefighter, as defined in § 65.2-102, emergency medical services personnel, as defined in § 32.1-111.1, or an emergency 911 system, if feasible under the circumstances.

2. In the absence of gross negligence, renders emergency obstetrical care or assistance to a female in active labor who has not previously been cared for in connection with the pregnancy by such person or by another professionally associated with such person and whose medical records are not reasonably available to such person shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care or assistance. The immunity herein granted shall apply only to the emergency medical care provided.

3. In good faith and without compensation, including any emergency medical services provider who holds a valid certificate issued by the Commissioner of Health, administers epinephrine in an emergency to an individual shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if such person has reason to believe that the individual receiving the injection is suffering or is about to suffer a life-threatening anaphylactic reaction.

4. Provides assistance upon request of any police agency, fire department, emergency medical services agency, or governmental agency in the event of an accident or other emergency involving the use, handling, transportation, transmission, or storage of liquefied petroleum gas, liquefied natural gas, hazardous material, or hazardous waste as defined in § 10.1-1400 or regulations of the Virginia Waste Management Board shall not be liable for any civil damages resulting from any act of commission or omission on his part in the course of his rendering such assistance in good faith.

5. Is an emergency medical services provider possessing a valid certificate issued by authority of the State Board of Health who in good faith renders emergency care or assistance, whether in person or by telephone or other means of

communication, without compensation, to any injured or ill person, whether at the scene of an accident, fire, or any other place, or while transporting such injured or ill person to, from, or between any hospital, medical facility, medical clinic, doctor's office, or other similar or related medical facility, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but in no way limited to acts or omissions which involve violations of State Department of Health regulations or any other state regulations in the rendering of such emergency care or assistance.

6. In good faith and without compensation, renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures which have been approved by the State Board of Health to any sick or injured person, whether at the scene of a fire, an accident, or any other place, or while transporting such person to or from any hospital, clinic, doctor's office, or other medical facility, shall be deemed qualified to administer such emergency treatments and procedures and shall not be liable for acts or omissions resulting from the rendering of such emergency resuscitative treatments or procedures.

7. Operates an AED at the scene of an emergency, trains individuals to be operators of AEDs, or orders AEDs, shall be immune from civil liability for any personal injury that results from any act or omission in the use of an AED in an emergency where the person performing the defibrillation acts as an ordinary, reasonably prudent person would have acted under the same or similar circumstances, unless such personal injury results from gross negligence or willful or wanton misconduct of the person rendering such emergency care.

8. Maintains an AED located on real property owned or controlled by such person shall be immune from civil liability for any personal injury that results from any act or omission in the use in an emergency of an AED located on such property unless such personal injury results from gross negligence or willful or wanton misconduct of the person who maintains the AED or his agent or employee.

9. Is an employee of a school board or of a local health department approved by the local governing body to provide health services pursuant to § 22.1-274 who, while on school property or at a school-sponsored event, (i) renders emergency care or assistance to any sick or injured person; (ii) renders or administers emergency cardiopulmonary resuscitation (CPR); cardiac defibrillation, including, but not limited to, the use of an automated external defibrillator (AED); or other emergency life-sustaining or resuscitative treatments or procedures that have been approved by the State Board of Health to any sick or injured person; (iii) operates an AED, trains individuals to be operators of AEDs, or orders AEDs; or (iv) maintains an AED, shall not be liable for civil damages for ordinary negligence in acts or omissions on the part of such employee while engaged in the acts described in this subdivision.

10. Is a volunteer in good standing and certified to render emergency care by the National Ski Patrol System, Inc., who, in good faith and without compensation, renders emergency care or assistance to any injured or ill person, whether at the scene of a ski resort rescue, outdoor emergency rescue, or any other place or while transporting such injured or ill person to a place accessible for transfer to any available emergency medical system unit, or any resort owner voluntarily providing a ski patroller employed by him to engage in rescue or recovery work at a resort not owned or operated by him, shall not be liable for any civil damages for acts or omissions resulting from the rendering of such emergency care, treatment, or assistance, including but not limited to acts or omissions which involve violations of any state regulation or any standard of the National Ski Patrol System, Inc., in the rendering of such emergency care or assistance, unless such act or omission was the result of gross negligence or willful misconduct.

11. Is an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education and is authorized by a prescriber and trained in the administration of insulin and glucagon, who, upon the written request of the parents as defined in § 22.1-1, assists with the administration of insulin or administers glucagon to a student diagnosed as having diabetes who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered according to the child's medication schedule or such employee has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any such employee of a school board is covered by the immunity granted herein, the school board or school employing him shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

12. Is a school nurse, an employee of a school board, an employee of a local governing body, or an employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine and who provides, administers, or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

13. Is an employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or an employee of a private school that complies with the accreditation requirements set forth in § 22.1-19 and is accredited pursuant to § 22.1-19 and is accredited as administered by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a student believed in good faith to be having an anaphylactic reaction, or is the prescriber of the epinephrine, shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such

treatment. Whenever any employee is covered by the immunity granted in this subdivision, the school shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from such administration or assistance.

14. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of insulin and glucagon and who administers or assists with the administration of insulin or administers glucagon to a person diagnosed as having diabetes who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia in accordance with § 54.1-3408 shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if the insulin is administered in accordance with the prescriber's instructions or such person has reason to believe that the individual receiving the glucagon is suffering or is about to suffer life-threatening hypoglycemia. Whenever any employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person who provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services is covered by the immunity granted herein, the provider shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such insulin or glucagon treatment.

15. Is an employee of a provider licensed by the Department of Behavioral Health and Developmental Services, or provides services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services, who has been trained in the administration of epinephrine and who administers or assists in the administration of epinephrine to a person believed in good faith to be having an anaphylactic reaction in accordance with the prescriber's instructions shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment.

16. In good faith prescribes, dispenses, or administers naloxone or other opioid antagonist used for overdose reversal in an emergency to an individual who is believed to be experiencing or about to experience a life-threatening opiate overdose shall not be liable for any civil damages for ordinary negligence in acts or omissions resulting from the rendering of such treatment if acting in accordance with the provisions of subsection X of § 54.1-3408 or in his role as a member of an emergency medical services agency.

B. Any licensed physician serving without compensation as the operational medical director for an emergency medical services agency that holds a valid license as an emergency medical services agency issued by the Commissioner of Health shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency medical services in good faith by the personnel of such licensed agency unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any person serving without compensation as a dispatcher for any licensed public or nonprofit emergency medical services agency in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from the rendering of emergency services in good faith by the personnel of such licensed agency unless such act or omission was the result of such dispatcher's gross negligence or willful misconduct.

Any individual, certified by the State Office of Emergency Medical Services as an emergency medical services instructor and pursuant to a written agreement with such office, who, in good faith and in the performance of his duties, provides instruction to persons for certification or recertification as a certified basic life support or advanced life support emergency medical services provider shall not be liable for any civil damages for acts or omissions on his part directly relating to his activities on behalf of such office unless such act or omission was the result of such emergency medical services instructor's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a medical advisor to an E-911 system in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to establish protocols to be used by the personnel of the E-911 service, as defined in § 58.1-1730, when answering emergency calls unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician who directs the provision of emergency medical services, as authorized by the State Board of Health, through a communications device shall not be liable for any civil damages for any act or omission resulting from the rendering of such emergency medical services unless such act or omission was the result of such physician's gross negligence or willful misconduct.

Any licensed physician serving without compensation as a supervisor of an AED in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering medical advice in good faith to the owner of the AED relating to personnel training, local emergency medical services coordination, protocol approval, AED deployment strategies, and equipment maintenance plans and records unless such act or omission was the result of such physician's gross negligence or willful misconduct.

C. Any communications services provider, as defined in § 58.1-647, including mobile service, and any provider of Voice-over-Internet Protocol service, in the Commonwealth shall not be liable for any civil damages for any act or omission resulting from rendering such service with or without charge related to emergency calls unless such act or omission was the result of such service provider's gross negligence or willful misconduct.

Any volunteer engaging in rescue or recovery work at a mine, or any mine operator voluntarily providing personnel to engage in rescue or recovery work at a mine not owned or operated by such operator, shall not be liable for civil damages for acts or omissions resulting from the rendering of such rescue or recovery work in good faith unless such act or omission was the result of gross negligence or willful misconduct. For purposes of this subsection, "Voice-over-Internet Protocol

service" or "VoIP service" means any Internet protocol-enabled services utilizing a broadband connection, actually originating or terminating in Internet Protocol from either or both ends of a channel of communication offering real time, multidirectional voice functionality, including, but not limited to, services similar to traditional telephone service.

D. Nothing contained in this section shall be construed to provide immunity from liability arising out of the operation of a motor vehicle.

E. For the purposes of this section, "compensation" shall not be construed to include (i) the salaries of police, fire, or other public officials or personnel who render such emergency assistance; (ii) the salaries or wages of employees of a coal producer engaging in emergency medical services or first aid services pursuant to the provisions of § 45.1-161.38, 45.1-161.101, 45.1-161.199, or 45.1-161.263; (iii) complimentary lift tickets, food, lodging, or other gifts provided as a gratuity to volunteer members of the National Ski Patrol System, Inc., by any resort, group, or agency; (iv) the salary of any person who (a) owns an AED for the use at the scene of an emergency, (b) trains individuals, in courses approved by the Board of Health, to operate AEDs at the scene of emergencies, (c) orders AEDs for use at the scene of emergencies, or (d) operates an AED at the scene of an emergency; or (v) expenses reimbursed to any person providing care or assistance pursuant to this section.

For the purposes of this section, "emergency medical services provider" shall include a person licensed or certified as such or its equivalent by any other state when he is performing services that he is licensed or certified to perform by such other state in caring for a patient in transit in the Commonwealth, which care originated in such other state.

Further, the public shall be urged to receive training on how to use CPR and an AED in order to acquire the skills and confidence to respond to emergencies using both CPR and an AED.

§ 54.1-3408. Professional use by practitioners.

A. A practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine or a licensed nurse practitioner pursuant to § 54.1-2957.01, a licensed physician assistant pursuant to § 54.1-2952.1, or a TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32 shall only prescribe, dispense, or administer controlled substances in good faith for medicinal or therapeutic purposes within the course of his professional practice.

B. The prescribing practitioner's order may be on a written prescription or pursuant to an oral prescription as authorized by this chapter. The prescriber may administer drugs and devices, or he may cause drugs or devices to be administered by:

1. A nurse, physician assistant, or intern under his direction and supervision;

2. Persons trained to administer drugs and devices to patients in state-owned or state-operated hospitals or facilities licensed as hospitals by the Board of Health or psychiatric hospitals licensed by the Department of Behavioral Health and Developmental Services who administer drugs under the control and supervision of the prescriber or a pharmacist;

3. Emergency medical services personnel certified and authorized to administer drugs and devices pursuant to regulations of the Board of Health who act within the scope of such certification and pursuant to an oral or written order or standing protocol; or

4. A licensed respiratory therapist as defined in § 54.1-2954 who administers by inhalation controlled substances used in inhalation or respiratory therapy.

C. Pursuant to an oral or written order or standing protocol, the prescriber, who is authorized by state or federal law to possess and administer radiopharmaceuticals in the scope of his practice, may authorize a nuclear medicine technologist to administer, under his supervision, radiopharmaceuticals used in the diagnosis or treatment of disease.

D. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered nurses and licensed practical nurses to possess (i) epinephrine and oxygen for administration in treatment of emergency medical conditions and (ii) heparin and sterile normal saline to use for the maintenance of intravenous access lines.

Pursuant to the regulations of the Board of Health, certain emergency medical services technicians may possess and administer epinephrine in emergency cases of anaphylactic shock.

Pursuant to an order or standing protocol issued by the prescriber within the course of his professional practice, any school nurse, school board employee, employee of a local governing body, or employee of a local health department who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order or a standing protocol issued by the prescriber within the course of his professional practice, any employee of a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education, or any employee of a private school that ~~complies with the accreditation requirements set forth in~~ *is accredited pursuant to* § 22.1-19 ~~and is accredited~~ *as administered* by the Virginia Council for Private Education who is authorized by a prescriber and trained in the administration of epinephrine may possess and administer epinephrine.

Pursuant to an order issued by the prescriber within the course of his professional practice, an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services may possess and administer epinephrine, provided such person is authorized and trained in the administration of epinephrine.

Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize pharmacists to possess epinephrine and oxygen for administration in treatment of emergency medical conditions.

E. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed physical therapists to possess and administer topical corticosteroids, topical lidocaine, and any other Schedule VI topical drug.

F. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize licensed athletic trainers to possess and administer topical corticosteroids, topical lidocaine, or other Schedule VI topical drugs; oxygen for use in emergency situations; and epinephrine for use in emergency cases of anaphylactic shock.

G. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, and in accordance with policies and guidelines established by the Department of Health pursuant to § 32.1-50.2, such prescriber may authorize registered nurses or licensed practical nurses under the immediate and direct supervision of a registered nurse to possess and administer tuberculin purified protein derivative (PPD) in the absence of a prescriber. The Department of Health's policies and guidelines shall be consistent with applicable guidelines developed by the Centers for Disease Control and Prevention for preventing transmission of mycobacterium tuberculosis and shall be updated to incorporate any subsequently implemented standards of the Occupational Safety and Health Administration and the Department of Labor and Industry to the extent that they are inconsistent with the Department of Health's policies and guidelines. Such standing protocols shall explicitly describe the categories of persons to whom the tuberculin test is to be administered and shall provide for appropriate medical evaluation of those in whom the test is positive. The prescriber shall ensure that the nurse implementing such standing protocols has received adequate training in the practice and principles underlying tuberculin screening.

The Health Commissioner or his designee may authorize registered nurses, acting as agents of the Department of Health, to possess and administer, at the nurse's discretion, tuberculin purified protein derivative (PPD) to those persons in whom tuberculin skin testing is indicated based on protocols and policies established by the Department of Health.

H. Pursuant to a written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize, with the consent of the parents as defined in § 22.1-1, an employee of (i) a school board, (ii) a school for students with disabilities as defined in § 22.1-319 licensed by the Board of Education, or (iii) a private school accredited pursuant to § 22.1-19 as administered by the Virginia Council for Private Education who is trained in the administration of insulin and glucagon to assist with the administration of insulin or administer glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia. Such authorization shall only be effective when a licensed nurse, nurse practitioner, physician, or physician assistant is not present to perform the administration of the medication.

Pursuant to a written order issued by the prescriber within the course of his professional practice, such prescriber may authorize an employee of a provider licensed by the Department of Behavioral Health and Developmental Services or a person providing services pursuant to a contract with a provider licensed by the Department of Behavioral Health and Developmental Services to assist with the administration of insulin or to administer glucagon to a person diagnosed as having diabetes and who requires insulin injections or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia, provided such employee or person providing services has been trained in the administration of insulin and glucagon.

I. A prescriber may authorize, pursuant to a protocol approved by the Board of Nursing, the administration of vaccines to adults for immunization, when a practitioner with prescriptive authority is not physically present, by (i) licensed pharmacists, (ii) registered nurses, or (iii) licensed practical nurses under the immediate and direct supervision of a registered nurse. A prescriber acting on behalf of and in accordance with established protocols of the Department of Health may authorize the administration of vaccines to any person by a pharmacist, nurse, or designated emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health under the direction of an operational medical director when the prescriber is not physically present. The emergency medical services provider shall provide documentation of the vaccines to be recorded in the Virginia Immunization Information System.

J. A dentist may cause Schedule VI topical drugs to be administered under his direction and supervision by either a dental hygienist or by an authorized agent of the dentist.

Further, pursuant to a written order and in accordance with a standing protocol issued by the dentist in the course of his professional practice, a dentist may authorize a dental hygienist under his general supervision, as defined in § 54.1-2722, to possess and administer topical oral fluorides, topical oral anesthetics, topical and directly applied antimicrobial agents for treatment of periodontal pocket lesions, as well as any other Schedule VI topical drug approved by the Board of Dentistry.

In addition, a dentist may authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia.

K. Pursuant to an oral or written order or standing protocol issued by the prescriber within the course of his professional practice, such prescriber may authorize registered professional nurses certified as sexual assault nurse examiners-A (SANE-A) under his supervision and when he is not physically present to possess and administer preventive medications for victims of sexual assault as recommended by the Centers for Disease Control and Prevention.

L. This section shall not prevent the administration of drugs by a person who has satisfactorily completed a training program for this purpose approved by the Board of Nursing and who administers such drugs in accordance with a prescriber's instructions pertaining to dosage, frequency, and manner of administration, and in accordance with regulations promulgated by the Board of Pharmacy relating to security and record keeping, when the drugs administered would be

normally self-administered by (i) an individual receiving services in a program licensed by the Department of Behavioral Health and Developmental Services; (ii) a resident of the Virginia Rehabilitation Center for the Blind and Vision Impaired; (iii) a resident of a facility approved by the Board or Department of Juvenile Justice for the placement of children in need of services or delinquent or alleged delinquent youth; (iv) a program participant of an adult day-care center licensed by the Department of Social Services; (v) a resident of any facility authorized or operated by a state or local government whose primary purpose is not to provide health care services; (vi) a resident of a private children's residential facility, as defined in § 63.2-100 and licensed by the Department of Social Services, Department of Education, or Department of Behavioral Health and Developmental Services; or (vii) a student in a school for students with disabilities, as defined in § 22.1-319 and licensed by the Board of Education.

In addition, this section shall not prevent a person who has successfully completed a training program for the administration of drugs via percutaneous gastrostomy tube approved by the Board of Nursing and been evaluated by a registered nurse as having demonstrated competency in administration of drugs via percutaneous gastrostomy tube from administering drugs to a person receiving services from a program licensed by the Department of Behavioral Health and Developmental Services to such person via percutaneous gastrostomy tube. The continued competency of a person to administer drugs via percutaneous gastrostomy tube shall be evaluated semiannually by a registered nurse.

M. Medication aides registered by the Board of Nursing pursuant to Article 7 (§ 54.1-3041 et seq.) of Chapter 30 may administer drugs that would otherwise be self-administered to residents of any assisted living facility licensed by the Department of Social Services. A registered medication aide shall administer drugs pursuant to this section in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; in accordance with regulations promulgated by the Board of Pharmacy relating to security and recordkeeping; in accordance with the assisted living facility's Medication Management Plan; and in accordance with such other regulations governing their practice promulgated by the Board of Nursing.

N. In addition, this section shall not prevent the administration of drugs by a person who administers such drugs in accordance with a physician's instructions pertaining to dosage, frequency, and manner of administration and with written authorization of a parent, and in accordance with school board regulations relating to training, security and record keeping, when the drugs administered would be normally self-administered by a student of a Virginia public school. Training for such persons shall be accomplished through a program approved by the local school boards, in consultation with the local departments of health.

O. In addition, this section shall not prevent the administration of drugs by a person to (i) a child in a child day program as defined in § 63.2-100 and regulated by the State Board of Social Services or a local government pursuant to § 15.2-914, or (ii) a student ~~at~~ of a private school that ~~complies with the accreditation requirements set forth in~~ *is accredited pursuant to* § 22.1-19 ~~and is accredited as administered~~ by the Virginia Council for Private Education, provided such person (a) has satisfactorily completed a training program for this purpose approved by the Board of Nursing and taught by a registered nurse, licensed practical nurse, *nurse practitioner, physician assistant*, doctor of medicine or osteopathic medicine, or pharmacist; (b) has obtained written authorization from a parent or guardian; (c) administers drugs only to the child identified on the prescription label in accordance with the prescriber's instructions pertaining to dosage, frequency, and manner of administration; and (d) administers only those drugs that were dispensed from a pharmacy and maintained in the original, labeled container that would normally be self-administered by the child or student, or administered by a parent or guardian to the child or student.

P. In addition, this section shall not prevent the administration or dispensing of drugs and devices by persons if they are authorized by the State Health Commissioner in accordance with protocols established by the State Health Commissioner pursuant to § 32.1-42.1 when (i) the Governor has declared a disaster or a state of emergency or the United States Secretary of Health and Human Services has issued a declaration of an actual or potential bioterrorism incident or other actual or potential public health emergency; (ii) it is necessary to permit the provision of needed drugs or devices; and (iii) such persons have received the training necessary to safely administer or dispense the needed drugs or devices. Such persons shall administer or dispense all drugs or devices under the direction, control, and supervision of the State Health Commissioner.

Q. Nothing in this title shall prohibit the administration of normally self-administered drugs by unlicensed individuals to a person in his private residence.

R. This section shall not interfere with any prescriber issuing prescriptions in compliance with his authority and scope of practice and the provisions of this section to a Board agent for use pursuant to subsection G of § 18.2-258.1. Such prescriptions issued by such prescriber shall be deemed to be valid prescriptions.

S. Nothing in this title shall prevent or interfere with dialysis care technicians or dialysis patient care technicians who are certified by an organization approved by the Board of Health Professions or persons authorized for provisional practice pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.), in the ordinary course of their duties in a Medicare-certified renal dialysis facility, from administering heparin, topical needle site anesthetics, dialysis solutions, sterile normal saline solution, and blood volumizers, for the purpose of facilitating renal dialysis treatment, when such administration of medications occurs under the orders of a licensed physician, nurse practitioner, or physician assistant and under the immediate and direct supervision of a licensed registered nurse. Nothing in this chapter shall be construed to prohibit a patient care dialysis technician trainee from performing dialysis care as part of and within the scope of the clinical skills instruction segment of a

supervised dialysis technician training program, provided such trainee is identified as a "trainee" while working in a renal dialysis facility.

The dialysis care technician or dialysis patient care technician administering the medications shall have demonstrated competency as evidenced by holding current valid certification from an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.).

T. Persons who are otherwise authorized to administer controlled substances in hospitals shall be authorized to administer influenza or pneumococcal vaccines pursuant to § 32.1-126.4.

U. Pursuant to a specific order for a patient and under his direct and immediate supervision, a prescriber may authorize the administration of controlled substances by personnel who have been properly trained to assist a doctor of medicine or osteopathic medicine, provided the method does not include intravenous, intrathecal, or epidural administration and the prescriber remains responsible for such administration.

V. A physician assistant, nurse or a dental hygienist may possess and administer topical fluoride varnish to the teeth of children aged six months to three years pursuant to an oral or written order or a standing protocol issued by a doctor of medicine, osteopathic medicine, or dentistry that conforms to standards adopted by the Department of Health.

W. A prescriber, acting in accordance with guidelines developed pursuant to § 32.1-46.02, may authorize the administration of influenza vaccine to minors by a licensed pharmacist, registered nurse, licensed practical nurse under the direction and immediate supervision of a registered nurse, or emergency medical services provider who holds an advanced life support certificate issued by the Commissioner of Health when the prescriber is not physically present.

X. Notwithstanding the provisions of § 54.1-3303, pursuant to an oral, written, or standing order issued by a prescriber, and in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health, a pharmacist may dispense naloxone or other opioid antagonist used for overdose reversal and a person may possess and administer naloxone or other opioid antagonist used for overdose reversal to a person who is believed to be experiencing or about to experience a life-threatening opiate overdose. Law-enforcement officers as defined in § 9.1-101 and firefighters who have completed a training program may also possess and administer naloxone in accordance with protocols developed by the Board of Pharmacy in consultation with the Board of Medicine and the Department of Health.

CHAPTER 145

An Act to amend and reenact § 22.1-176.1 of the Code of Virginia, relating to local school boards; transportation agreements with nonpublic schools.

[H 353]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-176.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-176.1. Agreements to provide transportation for nonpublic school pupils.

Local school boards may enter into agreements with nonpublic schools within the school division to provide student transportation to and from such schools *and school field trips* under such terms and conditions as the local school boards deem appropriate and responsible. Such terms may include, ~~but are not limited to,~~ arrangements relating to cost-sharing, fees, insurance, and liability.

CHAPTER 146

An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to public schools; physical activity requirement.

[H 357]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General

Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
 - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
 - b. Career exploration opportunities in the middle school grades;
 - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and
 - d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.
7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.
8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical ~~fitness~~ *activity* available to all students *in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12 with a goal of at least 150 minutes per week on average during the regular school year.* Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, ~~or~~ (iii) *recess,* or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall ~~incorporate into its local wellness policy a goal for the implementation of~~ *implement* such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

2. That the provisions of this act shall become effective beginning with the 2018-2019 school year.

CHAPTER 147

An Act to amend and reenact § 22.1-354.6 of the Code of Virginia, relating to the Northern Neck-Middle Peninsula Public Education Consortium; regional boundaries and governing board.

[H 453]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-354.6 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-354.6. Northern Neck-Middle Peninsula Public Education Consortium created; region defined; governing board; membership; terms; compensation and expenses.

A. The Northern Neck-Middle Peninsula Public Education Consortium is hereby established as an independent local entity without political subdivision status and shall be referred to in this chapter as the Consortium. For the purposes of this chapter and the work of the Consortium, "Northern Neck-Middle Peninsula" ~~shall include~~ *includes* the Counties of Essex, Gloucester, King and Queen, *King George, King William*, Lancaster, Mathews, Middlesex, Northumberland, Richmond, and Westmoreland. The governing board of the Consortium shall consist of the school superintendents of the named localities, the ~~president or his designee~~ *President* of Rappahannock Community College *or his designee*, the Director of the Virginia Institute of Marine Science, and seven nonlegislative citizen members representing business, industry, and community interests in the region, four of whom shall be appointed by the Speaker of the House of Delegates and three of whom shall be appointed by the Senate Committee on Rules. The region's legislators, representing the *Third, Fourth, Sixth, and Twenty-eighth* Senatorial Districts and the *Ninety-seventh, Ninety-eighth, and Ninety-ninth* ~~and One-hundredth~~ House Districts, shall serve as nonvoting, advisory members of the board. Legislative members and members who serve by virtue of their office shall serve terms coincident with their terms of office. The nonlegislative citizen members shall serve terms of two years and may be reappointed for successive terms. The board may appoint additional nonvoting, advisory members to assist in the performance of its duties. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

B. No board members shall receive compensation or reimbursement for expenses incurred in the performance of their duties. The board shall elect a chairman and a vice-chairman from among its members and may provide such rules as it considers appropriate concerning its membership, quorum, and establishment of committees.

CHAPTER 148

An Act to require the Department of Education to review certain federal regulations and suggest revisions to its guidance documents on such regulations relating to students who have been treated for pediatric cancer.

[H 475]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. The Department of Education (Department) shall review regulations established pursuant to the federal Individuals with Disabilities Education Act (IDEA), 20 U.S.C. § 1400 et seq., and § 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. § 794, and suggest revisions to Department guidance documents on such federal regulations relating to a return to learn protocol for students who have been treated for pediatric cancer.

CHAPTER 149

An Act to amend and reenact § 23-38.87:17 of the Code of Virginia, relating to institutional six-year plans; report on economic development.

[H 515]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 23-38.87:17 of the Code of Virginia is amended and reenacted as follows:

§ 23-38.87:17. Institutional six-year plans.

A. The governing board of each public institution of higher education shall develop and adopt biennially and amend or affirm annually a six-year plan for the institution and shall submit that plan to the Council, *the General Assembly*, the Governor, and the ~~Chair~~ *Chairmen* of the House Committee on Appropriations, *the House Committee on Education*, *the Senate Committee on Education and Health*, and the Senate Committee on Finance no later than July 1 of each odd-numbered year, and shall submit amendments to or an affirmation of that plan no later than July 1 of each even-numbered year or at any other time permitted by the Governor or General Assembly *to the Council, the General Assembly, the Governor, and the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Education and Health, and the Senate Committee on Finance.* Each such plan and amendment to or affirmation of such plan shall include a report of the institution's active contributions to efforts to stimulate the economic development of the Commonwealth, the area in which the institution is located, and, for those institutions subject to a management agreement set forth in Article 3 (§ 23-38.91 *et seq.*) of Chapter 4.10, the areas that lag behind the Commonwealth in terms of income, employment, and other factors.

B. The Secretary of Finance, Secretary of Education, Director of the Department of Planning and Budget, Executive Director of the Council, Staff Director of the House Committee on Appropriations, and Staff Director of the Senate Committee on Finance, or their designees, shall review each institution's plan or amendments and provide comments to the institution on that plan by September 1 of the relevant year. Each institution shall respond to any such comments by October 1 of that year.

C. Each plan shall be structured in accordance with, and be consistent with, the purposes of this chapter set forth in § 23-38.87:10 and the criteria developed pursuant to § 23-38.87:20, and shall be in a form and manner prescribed by the Council, in consultation with the Secretary of Finance, Secretary of Education, Director of the Department of Planning and Budget, Executive Director of the Council, Staff Director of the House Committee on Appropriations, and Staff Director of the Senate Committee on Finance, or their designees.

D. Each plan shall address the institution's academic, financial, and enrollment plans, to include the number of Virginia and out-of-state students, for the six-year period and shall include:

1. Financial planning reflecting the institution's anticipated level of general fund, tuition, and other nongeneral fund support for each year of the next biennium. The plan also shall include the institution's anticipated annual tuition and educational and general fee charges required by (i) degree level and (ii) domiciliary status, as provided in § 23-38.87:18, and shall indicate the planned use of any projected increase in general fund, tuition, or other nongeneral fund revenues. The plan shall be based upon any assumptions provided by the Council, following consultation with the Department of Planning and Budget and the staffs of the House Committee on Appropriations and the Senate Committee on Finance, for funding related to state general fund support pursuant to §§ 23-38.87:13, 23-38.87:14, 23-38.87:15, and 23-38.87:16, and shall be aligned with the institution's six-year enrollment projections;

2. Plans for providing financial aid to help mitigate the impact of tuition and fee increases on low-income and middle-income students and their families as described in § 23-38.87:15, including the projected mix of grants and loans;

3. Degree conferral targets for Virginia undergraduate students;

4. Plans for optimal year-round use of the institution's facilities and instructional resources;

5. Plans for the development of an instructional resource sharing program with other institutions of higher education in the Commonwealth;

6. Plans with regard to any other incentives set forth in § 23-38.87:16 or to any other matters the institution deems appropriate; and

7. The identification of (i) new programs or initiatives including quality improvements and (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, as provided in subsection C of § 23-38.87:18.

E. In developing such plans, each public institution of higher education shall give consideration to potential future impacts of tuition increases on the Virginia College Savings Plan (§ 23-38.75 *et seq.*) and shall discuss such potential impacts with the Virginia College Savings Plan. The chief executive officer of the Virginia College Savings Plan shall provide to each institution the Plan's assumptions underlying the contract pricing of the program.

CHAPTER 150

An Act to amend the Code of Virginia by adding a section numbered 23-290.2, relating to the Jamestown-Yorktown Foundation; 400th anniversary of landmark events in Virginia's history; planning, coordination, and implementation.

[H 807]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-290.2 as follows:

§ 23-290.2. 400th anniversary of landmark events in Virginia's history; planning, coordination, and implementation.

A. All agencies and institutions of the Commonwealth shall, upon request, designate liaisons and provide assistance and advice to the Jamestown-Yorktown Foundation for the planning, coordination, and implementation of the 400th anniversary of landmark events in Virginia's history in 2019.

B. With the prior written approval of the Governor, the Jamestown-Yorktown Foundation may perform the following actions directly relating to the planning, coordination, and implementation of the 400th anniversary of landmark events in Virginia's history in 2019:

1. Solicit and accept donations of materials and services to defray expenses;
2. Retain all nongeneral funds from grants, donations, contributions, gifts, fees, sales, or other funds received, collected, or undertaken by the Jamestown-Yorktown Foundation for the 400th anniversary commemoration. Such nongeneral funds shall be retained and not reverted back to the general fund at the end of any fiscal year;
3. Procure, with the maximum delegated authority available to any executive branch agency or institution in the Commonwealth, any goods and services with which there are minimum procurement requirements associated;
4. Hire employees up to the Maximum Employment Level for the Foundation as provided in the general appropriations act, despite any potential suspension on hiring that may be mandated for the state agencies;
5. Receive assistance and advice from agencies and institutions of the Commonwealth without charge; and
6. Contact international, national, interstate, state, regional, and local elected and appointed officials.

2. That the provisions of this act shall expire on July 1, 2020.

CHAPTER 151

An Act to amend and reenact §§ 22.1-271.5 and 22.1-271.6 of the Code of Virginia, relating to local school divisions; "Return to Learn Protocol" for students who have suffered concussions or other head injuries.

[H 954]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-271.5 and 22.1-271.6 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-271.5. Guidelines and policies and procedures on concussions in student-athletes.

A. The Board of Education shall develop and distribute to each local school division guidelines on policies to inform and educate coaches, student-athletes, and their parents or guardians of the nature and risk of concussions, criteria for removal from and return to play, risks of not reporting the injury and continuing to play, and the effects of concussions on student-athletes' academic performance.

B. Each local school division shall develop policies and procedures regarding the identification and handling of suspected concussions in student-athletes. Such policies shall ~~require~~:

1. ~~Require~~ that in order to participate in any extracurricular physical activity, each student-athlete and the student-athlete's parent or guardian shall review, on an annual basis, information on concussions provided by the local school division. After having reviewed materials describing the short- and long-term health effects of concussions, each student-athlete and the student-athlete's parent or guardian shall sign a statement acknowledging receipt of such information, in a manner approved by the Board of Education; ~~and~~

2. ~~Require~~ a student-athlete suspected by that student-athlete's coach, athletic trainer, or team physician of sustaining a concussion or brain injury in a practice or game ~~shall~~ to be removed from the activity at that time. A student-athlete who has been removed from play, evaluated, and suspected to have a concussion or brain injury shall not return to play that same day nor until (i) evaluated by an appropriate licensed health care provider as determined by the Board of Education and (ii) in receipt of written clearance to return to play from such licensed health care provider.

The licensed health care provider evaluating student-athletes suspected of having a concussion or brain injury may be a volunteer; ~~and~~

3. Include a "Return to Learn Protocol" with the following requirements:

a. School personnel shall be alert to cognitive and academic issues that may be experienced by a student who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem solving; ~~and~~

b. School personnel shall accommodate the gradual return to full participation in academic activities of a student who has suffered a concussion or other head injury as appropriate, based on the recommendation of the student's licensed health care provider as to the appropriate amount of time that such student needs to be away from the classroom.

C. Each non-interscholastic youth sports program utilizing public school property shall either (i) establish policies and procedures regarding the identification and handling of suspected concussions in student-athletes, consistent with either the local school division's policies and procedures developed in compliance with this section or the Board's Guidelines for Policies on Concussions in Student-Athletes, or (ii) follow the local school division's policies and procedures as set forth in subsection B. In addition, local school divisions may provide the guidelines to organizations sponsoring athletic activity for student-athletes on school property. Local school divisions shall not be required to enforce compliance with such policies.

D. As used in this section, "non-interscholastic youth sports program" means a program organized for recreational athletic competition or recreational athletic instruction for youth.

§ 22.1-271.6. School division policies and procedures on concussions in students.

The Board of Education shall amend its guidelines for school division policies and procedures on concussions in student-athletes to include a "Return to Learn Protocol" with the following requirements:

1. School personnel shall be alert to cognitive and academic issues that may be experienced by a ~~student-athlete~~ *student* who has suffered a concussion or other head injury, including (i) difficulty with concentration, organization, and long-term and short-term memory; (ii) sensitivity to bright lights and sounds; and (iii) short-term problems with speech and language, reasoning, planning, and problem solving; and

2. School personnel shall accommodate the gradual return to full participation in academic activities ~~by of a student-athlete~~ *student* who has suffered a concussion or other head injury as appropriate, based on the recommendation of the ~~student-athlete's~~ *student's* licensed health care provider as to the appropriate amount of time that such ~~student-athlete~~ *student* needs to be away from the classroom.

CHAPTER 152

An Act to amend and reenact § 23-38.88 of the Code of Virginia, relating to restructured financial and operational authority for certain public institutions of higher education.

[H 1062]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 23-38.88 of the Code of Virginia is amended and reenacted as follows:

§ 23-38.88. Eligibility for restructured financial and administrative operational authority.

A. Public institutions of higher education shall be eligible for the following restructured financial and operational authority:

1. To dispose of their surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

2. To have the option, as provided in subsection C of § 2.2-1132 and pursuant to the conditions and provisions under such subsection, to contract with a building official of the locality in which construction is taking place and for such official to perform any inspection and certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) pursuant to subsection C of § 36-98.1;

3. For those public institutions of higher education that have in effect a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as set forth in the appropriation act, as provided in subsection C of § 2.2-1132, to enter into contracts for specific construction projects without the preliminary review and approval of the Division of Engineering and Buildings of the Department of General Services, provided such institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and utilize the general terms and conditions for those forms of procurement approved by the Division and the Office of the Attorney General;

4. To acquire easements as provided in subdivision 4 of § 2.2-1149;

5. To enter into an operating/income lease or capital lease pursuant to the conditions and provisions provided in subdivision 5 of § 2.2-1149;

6. To convey an easement pertaining to any property such institution owns or controls as provided in subsection C of § 2.2-1150;

7. In accordance with the conditions and provisions of subdivision C 2 of § 2.2-1153, to sell surplus real property valued at less than \$5 million, which is possessed and controlled by the institution;

8. For purposes of compliance with § 2.2-4310, to procure goods, services, and construction from a vendor that the institution has certified as a small, women-owned, and minority-owned business enterprise pursuant to the conditions and provisions provided in § 2.2-1609;

9. To be exempt from review of their budget request for information technology by the CIO as provided in subdivision A 4 of § 2.2-2007;

10. To be allowed to establish policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions provided in subsection E of § 2.2-2901;

11. To receive the financial benefits described under § 2.2-5005 pursuant to the conditions and provisions of such section;

12. To be exempt from reporting its purchases to the Secretary of Education, provided that all purchases, including sole source purchases, are placed through the Commonwealth's electronic procurement system using proper system codes for the methods of procurement;

13. To utilize as methods of procurement a fixed price, design-build or construction management contract notwithstanding the provisions of § 2.2-4306; and

14. The restructured financial and operational authority set forth in ~~Article~~ *Subchapter 2* (§ 23-38.90) and ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.).

No such authority shall be granted unless the institution meets the conditions set forth in this chapter.

B. The Board of Visitors of a public institution of higher education shall commit to the Governor and the General Assembly by August 1, 2005, through formal resolution adopted according to its own bylaws, to meeting the state goals specified below, and shall be responsible for ensuring that such goals are met, in addition to such other responsibilities as may be prescribed by law. Each such institution shall commit to the Governor and the General Assembly to:

1. Consistent with its institutional mission, provide access to higher education for all citizens throughout the Commonwealth, including underrepresented populations, and, consistent with subdivision 4 of § 23-9.6:1 and in accordance with anticipated demand analysis, meet enrollment projections and degree estimates as agreed upon with the State Council of Higher Education for Virginia. Each such institution shall bear a measure of responsibility for ensuring that the statewide demand for enrollment is met;

2. Consistent with § 23-38.87:17, ensure that higher education remains affordable, regardless of individual or family income, and through a periodic assessment, determine the impact of tuition and fee levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment of tuition and fees;

3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with its mission and assess regularly the extent to which the institution's curricula and degree programs address the Commonwealth's need for sufficient graduates in particular shortage areas, including specific academic disciplines, professions, and geographic regions;

4. Ensure that the institution's academic programs and course offerings maintain high academic standards, by undertaking a continuous review and improvement of academic programs, course availability, faculty productivity, and other relevant factors;

5. Improve student retention such that students progress from initial enrollment to a timely graduation, and that the number of degrees conferred increases as enrollment increases;

6. Consistent with its institutional mission, develop articulation, dual admissions, and guaranteed admissions agreements with all Virginia community colleges and offer dual enrollment programs in cooperation with high schools;

7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and the area in which the institution is located, and for those institutions subject to a management agreement set forth in ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.), in areas that lag the Commonwealth in terms of income, employment, and other factors;

8. Consistent with its institutional mission, increase the level of externally funded research conducted at the institution and facilitate the transfer of technology from university research centers to private sector companies;

9. Work actively and cooperatively with elementary and secondary school administrators, teachers, and students in public schools and school divisions to improve student achievement, upgrade the knowledge and skills of teachers, and strengthen leadership skills of school administrators;

10. Prepare a six-year financial plan consistent with § 23-38.87:17;

11. Conduct the institution's business affairs in a manner that maximizes operational efficiencies and economies for the institution, contributes to maximum efficiencies and economies of state government as a whole, and meets the financial and administrative management standards as specified by the Governor pursuant to § 2.2-5004 and included in the appropriation act that is in effect, which shall include best practices for electronic procurement and leveraged purchasing, information technology, real estate portfolio management, and diversity of suppliers through fair and reasonable consideration of small, women-owned, and minority-owned business enterprises; and

12. Seek to ensure the safety and security of the Commonwealth's students on college and university campuses.

Upon making such commitments to the Governor and the General Assembly by August 1, 2005, the public institution of higher education shall be allowed to exercise the restructured financial and operational authority set forth in subdivisions A 1 through A 13, subject to such conditions as may be provided under the enabling statutes granting the additional authority.

C. As provided in § 23-9.6:1.01, the State Council of Higher Education shall in consultation with the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, develop objective measures of educational-related performance and institutional performance benchmarks for such objective measures. At a minimum, the State Council shall develop such objective measures and institutional performance benchmarks for the goals and objectives set forth in subdivisions B 1 through B 10 and B 12. In addition, the Governor shall develop objective measures of financial and administrative management performance and related institutional performance benchmarks for the goals and objectives set forth in subdivision B 11.

As provided in subsection C of § 23-9.6:1.01, any public institution of higher education that has been certified during the fiscal year by the State Council of Higher Education for Virginia as meeting the institutional performance benchmarks in effect for the fiscal year as set forth in the general appropriation act shall be provided the financial benefits under § 2.2-5005. Such benefits shall first be provided as determined under such section. Objective criteria for measuring performance with regard to the state goals and objectives developed pursuant to subsection B, and benefits or consequences for meeting or not meeting those goals and objectives, shall be developed as provided in subdivision B 5 of § 23-38.87:20.

D. 1. The restructured financial and operational authority set forth in ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.) shall only be granted in accordance with the expressed terms of a management agreement between the public institution of higher education and the Commonwealth.

No restructured financial or operational authority set forth in ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.) shall be granted to a public institution of higher education unless such authority is expressly included in the management agreement. In addition, the only implied authority that shall be granted from entering into a management agreement is that implied authority that is actually necessary to carry out the expressed grant of restructured financial or operational authority. As a matter of law, the initial presumption shall be that any restructured financial or operational authority set forth in ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.) is not included in the management agreement. These requirements shall also apply to any other provision included in ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.).

2. No public institution of higher education shall enter into a management agreement unless:

a. (i) Its most current and unenhanced bond rating received from (a) Moody's Investors Service, Inc., (b) Standard & Poor's, Inc., or (c) Fitch Investor's Services, Inc. is at least AA- (i.e., AA minus) or its equivalent, provided that such bond rating has been received within the last three years of the date that the initial agreement is entered into or (ii) the institution has (a) participated in decentralization pilot programs in the areas of finance and capital outlay, (b) demonstrated management competency in those two areas as evidenced by a written certification from the Cabinet Secretary or Secretaries designated by the Governor, (c) received additional operational authority under a memorandum of understanding pursuant to § 23-38.90 in at least one functional area, and (d) demonstrated management competency in that area for a period of at least two years. In submitting "The Budget Bill" for calendar year 2005 pursuant to subsection A of § 2.2-1509, the Governor shall include criteria for determining whether or not an institution has demonstrated the management competency required by clause (ii);

b. An absolute two-thirds, or more, of the institution's governing body shall have voted in the affirmative for a resolution expressing the sense of the body that the institution is qualified to be, and should be, governed by the provisions of ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.), which resolution shall be included in the initial management agreement;

c. The institution agrees to reimburse the Commonwealth for any additional costs to the Commonwealth in providing health or other group insurance benefits to employees, and in undertaking any risk management program, that are attributable to the institution's exercise of any restructured financial or operational authority set forth in ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.). The institution's agreement to reimburse the Commonwealth for such additional costs shall be expressly included in each management agreement with the institution. The Secretary of Finance and the Secretary of Administration, in consultation with the Virginia Retirement System and the affected institutions, shall establish procedures for determining any amounts to be paid by each institution and a mechanism for transferring the appropriate amounts directly and solely to the programs whose costs have been affected.

In developing management agreements, public institutions of higher education shall give consideration to potential future impacts of tuition increases on the Virginia College Savings Plan (§ 23-38.75) and shall discuss such potential impacts with parties participating in development of such agreements. The chief executive officer of the Virginia College Savings Plan shall provide to the institution and such parties the Plan's assumptions underlying the contract pricing of the program; and

d. Before executing a management agreement with the Commonwealth that affects insurance or benefit programs administered by the Virginia Retirement System, the Governor shall transmit a draft of the relevant provisions to the Board of Trustees of the Virginia Retirement System, which shall review the relevant provisions in order to ensure compliance with the applicable provisions of Title 51.1, administrative policies and procedures and federal regulations governing retirement plans. The Board shall advise the Governor and appropriate Cabinet Secretaries of any conflicts.

3. Each initial management agreement with an institution shall remain in effect for a period of three years. Subsequent management agreements with the institution shall remain in effect for a period of five years.

If an existing agreement is not renewed or a new agreement executed prior to the expiration of the three-year or five-year term, as applicable, the existing agreement shall remain in effect on a provisional basis for a period not to exceed one year. If, after the expiration of the provisional one-year period, the management agreement has not been renewed or a new agreement executed, the institution shall no longer be granted any of the financial or operational authority set forth in ~~Article~~ *Subchapter 3* (§ 23-38.91 et seq.), unless and until such time as a new management agreement is entered into between the institution and the Commonwealth.

The Joint Legislative Audit and Review Commission, in cooperation with the Auditor of Public Accounts, shall conduct a review relating to the initial management agreement with each public institution of higher education. The review shall cover a period of at least the first 24 months from the effective date of the management agreement. The review shall include, but shall not be limited to, the degree of compliance with the expressed terms of the management agreement, the degree to which the institution has demonstrated its ability to manage successfully the administrative and financial operations of the institution without jeopardizing the financial integrity and stability of the institution, the degree to which the institution is meeting the objectives described in subsection B, and any related impact on students and employees of the institution from execution of the management agreement. The Joint Legislative Audit and Review Commission shall make a written report of its review no later than June 30 of the third year of the management agreement. The Joint Legislative Audit and Review Commission is authorized, but not required, to conduct a similar review of any management agreement entered into subsequent to the initial agreement.

4. The right and power by the Governor to void a management agreement shall be expressly included in each management agreement. The management agreement shall provide that if the Governor makes a written determination that a public institution of higher education that has entered into a management agreement with the Commonwealth is not in substantial compliance with the terms of the agreement or with the requirements of this chapter in general, (i) the Governor shall provide a copy of that written determination to the chairmen of the Board of Visitors or other governing body of the public institution of higher education and to the members of the General Assembly, and (ii) the institution shall develop and implement a plan of corrective action, satisfactory to the Governor, for purposes of coming into substantial compliance with the terms of the management agreement and with the requirements of this chapter, as soon as practicable, and shall provide a copy of such corrective action plan to the members of the General Assembly. If after a reasonable period of time after the corrective action plan has been implemented by the institution, the Governor determines that the institution is not yet in substantial compliance with the management agreement or the requirements of this chapter, the Governor may void the management agreement. Upon the Governor voiding a management agreement, the affected public institution of higher education shall not be allowed to exercise any restructured financial or operational authority pursuant to the provisions of ~~Article Subchapter 3~~ *Article Subchapter 3* (§ 23-38.91 et seq.) unless and until the institution enters into a subsequent management agreement with the Secretary or Secretaries designated by the Governor or the void management agreement is reinstated by the General Assembly.

5. A management agreement with a public institution of higher education shall not grant any of the restructured financial or operational authority set forth in ~~Article Subchapter 3~~ *Article Subchapter 3* (§ 23-38.91 et seq.) to the Virginia Cooperative Extension and Agricultural Experiment Station, the University of Virginia College at Wise, or the Virginia Institute of Marine Sciences or to an affiliated entity of the institution unless such intent, as well as the degree of the restructured financial or operational authority to be granted, is expressly included in the management agreement.

6. Following the execution of each management agreement with a public institution of higher education and submission of that management agreement to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health pursuant to § 23-38.97, the Governor shall include a recommendation for approval of the management agreement in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his gubernatorial amendments submitted pursuant to subsection E of § 2.2-1509 due by the December 20 that immediately follows the date of submission of the management agreement to such Committees. Following the General Assembly's consideration of whether to approve or disapprove the management agreement as recommended, if the management agreement is approved as part of the general appropriation act, it shall become effective on the effective date of such general appropriation act. However, no management agreement shall be entered into by a public institution of higher education and the Secretary or Secretaries designated by the Governor after November 15 of a calendar year.

E. A covered institution and the members of its governing body, officers, directors, employees, and agents shall be entitled to the same sovereign immunity to which they would be entitled if the institution were not governed by this chapter; provided further, that the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and its limitations on recoveries shall remain applicable with respect to institutions governed by this chapter.

CHAPTER 153

An Act to amend and reenact § 15.2-3108 of the Code of Virginia, relating to voluntary boundary agreements; GIS map.

[S 78]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-3108 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-3108. Petition and hearing; recordation of order; costs.

Within a reasonable time after a voluntary boundary agreement is adopted by the affected localities, each affected locality shall petition the circuit court for one of the affected localities to approve the boundary agreement. The petition shall set forth the facts pertaining to the desire to relocate or change the boundary line between the localities, and the petition shall include or have attached to it either (i) a plat depicting the change in the boundaries of the localities as agreed; (ii) a metes and bounds description of the new boundary line as agreed upon by the two localities; or (iii) regarding the boundary between the Counties of Louisa and Goochland *or between the County of Loudoun and any town therein*, a Geographic Information System (GIS) map depicting the change in the boundaries of the localities as agreed, having been established by Virginia State Plane Coordinates *System, South Zone or North Zone, as applicable*, meeting National Geodetic Survey standards. If the court finds that the procedures required by § 15.2-3107 have been complied with and that the petition is otherwise in proper order, the court shall enter an appropriate order establishing the new boundary. The order shall include a plat depicting the change in the boundaries of the locality, a metes and bounds description of the new boundary line of the locality, or, regarding the boundary between the Counties of Louisa and Goochland *or between the County of Loudoun and any town therein*, a GIS map depicting the change in the boundaries of the localities that includes the Virginia State Plane, South Zone ~~coordinates~~ *coordinates or North Zone coordinates, as applicable*, and that order shall be entered in the land records of the court and indexed in the names of the localities which were involved. Costs shall be awarded as the

court may determine. Whenever such an order is entered, a certified copy of the order shall be sent to the Secretary of the Commonwealth by the clerk of the court.

CHAPTER 154

An Act to amend and reenact §§ 7 and 8 of Chapter IV of Chapter 431 of the Acts of Assembly of 1950 and § 1 of Chapter XXV (A.1), as amended, of Chapter 454 of the Acts of Assembly of 1975, which provided a charter for the City of Hopewell, relating to affirmative council member votes required; Hopewell Regional Wastewater Treatment Facility Commission.

[S 103]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 7 and 8 of Chapter IV of Chapter 431 of the Acts of Assembly of 1950 and § 1, as amended, of Chapter XXV (A.1) of Chapter 454 of the Acts of Assembly of 1975 are amended and reenacted as follows:

Chapter IV. Council.

§ 7. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may by the affirmative vote of ~~four~~ five of its members pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rates to be charged for any public utilities shall be so passed.

§ 8. Legislative procedure. Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the City of Hopewell." No ordinance unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than one week apart, or the requirement of such reading has been dispensed with by the affirmative vote of ~~four~~ five of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least ~~three~~ four of the members. No member shall be excused from voting except on matters involving the consideration of his official conduct, or where his financial or personal interests are involved.

In authorizing the making of any public improvement, or the acquisition of real estate or any interest therein, or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenues or of the sale of bonds lawfully authorized), or authorizing the sale of any property or rights in property of the City of Hopewell, or granting any public utility, franchise, privilege, lease or right of any kind to use public property or easement of any description or any renewal, amendment or extension thereof, the council shall act only by ordinance; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incident thereto and providing for the carrying out of the purposes of such ordinance may, except as otherwise provided in this charter, be taken by resolution of the council.

Chapter XXV (A.1).

Hopewell ~~Regional Wastewater Treatment Facility~~ Water Renewal Commission.

§ 1. There shall be a regional wastewater treatment facility commission which shall be known as the Hopewell ~~Regional Wastewater Treatment Facility~~ Water Renewal Commission (hereinafter in this chapter referred to as the "Commission"), which shall act on behalf of the City of Hopewell as hereinafter provided, with respect to a regional wastewater treatment facility to be owned by the City of Hopewell to provide treatment for disposal of sanitary and industrial waste from the City of Hopewell and vicinity. The Commission shall consist of eight members who need not be residents of the city and who shall be appointed by a majority of city council. Five of such members shall be from nominees submitted by five manufacturers (each nominating with respect to one membership) which provide assistance in the planning and financing of the regional wastewater treatment facility or which are or will be users of said facility. Any vacancy in the appointive membership of the Commission, however occurring, shall be promptly filled by the city council for the unexpired term in the same manner and from the same source as the original appointment to the vacated position.

Council may provide for additional nominees to the Commission by manufacturers not involved in planning assistance as aforesaid who contract with the city to provide a capital contribution of four per centum or more of the original capital cost of the facility by increasing the Commission membership to provide for one nominee from each such manufacturer.

CHAPTER 155

An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to public schools; physical activity requirement.

[S 211]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.**

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external

defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
 - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
 - b. Career exploration opportunities in the middle school grades;
 - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision.

Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and

d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical ~~fitness~~ activity available to all students *in grades kindergarten through five consisting of at least 20 minutes per day or an average of 100 minutes per week during the regular school year and available to all students in grades six through 12* with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, ~~or~~ (iii) recess, or (iv) other programs and physical activities deemed appropriate by the local school board. Each local school board shall

incorporate into its local wellness policy a goal for the implementation of *implement* such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

2. That the provisions of this act shall become effective beginning with the 2018-2019 school year.

CHAPTER 156

An Act to amend and reenact § 1.2, as amended, of Chapter 646 of the Acts of Assembly of 1968, which provided a charter for the Town of Herndon in Fairfax County, relating to boundaries.

[S 280]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 1.2, as amended, of Chapter 646 of the Acts of Assembly of 1968 is amended and reenacted as follows:

§ 1.2. Boundaries.

The territory embraced within the Town of Herndon is that territory in the County of Fairfax, Virginia, established in chapter 376 of the Acts of Assembly of 1938, as amended by order entered in a voluntary boundary line adjustment case by the Circuit Court of Fairfax County, Virginia, on December 20, 1988, in "Board of Supervisors of Fairfax County and Town Council of Herndon," Law 85815, recorded in the Clerk's Office of the Circuit Court of Fairfax County, Virginia, on November 6, 1997, as instrument number 97-151937, Deed Book 10166, Page 1311, *and as further amended by order entered affirming a voluntary settlement agreement in a boundary line adjustment case by the Special Court sitting in the Circuit Court of Loudoun County, Virginia, on August 21, 2015, in "Town of Herndon, Virginia and the County of Loudoun, Virginia," recorded in the Clerk's Office of the Circuit Court of Loudoun County, Virginia, on October 7, 2015, as instrument number 20151007-0067932.*

CHAPTER 157

An Act to amend and reenact § 3.6, as amended, of Chapter 646 of the Acts of Assembly of 1968, which provided a charter for the Town of Herndon in Fairfax County, relating to powers of the mayor.

[S 281]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3.6, as amended, of Chapter 646 of the Acts of Assembly of 1968 is amended and reenacted as follows:

§ 3.6. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak and vote therein as members of the town council. He shall be recognized as the head of the town government for all ceremonial and military purposes. He shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. ~~In times of~~

public danger, or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen as may be necessary. He, or the person acting as mayor, may sign and deliver such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require or authorize.

CHAPTER 158

An Act to amend and reenact § 15.2-3201 of the Code of Virginia, relating to annexation.

[S 309]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-3201 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-3201. Temporary restrictions on granting of city charters, filing annexation notices, institutions of annexation proceedings, and county immunity proceedings.

Beginning January 1, 1987, and terminating on the first to occur of (i) July 1, ~~2018~~ 2024, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, 2012-2014, ~~and~~ 2014-2016, 2016-2018, 2018-2020, 2020-2022, and 2022-2024 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no city shall file against any county an annexation notice with the Commission on Local Government pursuant to § 15.2-2907, and no city shall institute an annexation court action against any county under any provision of this chapter except a city that filed an annexation notice before the Commission on Local Government prior to January 1, 1987. During the same period, with the exception of a charter for a proposed consolidated city, no city charter shall be granted or come into force and no suit or notice shall be filed to secure a city charter. However, the foregoing shall not prohibit the institution of nor require the stay of an annexation proceeding or the filing of an annexation notice for the purpose of implementing an annexation agreement, the extent, terms and conditions of which have been agreed upon by a county and city; nor shall the foregoing prohibit the institution of or require the stay of an annexation proceeding by a city which, prior to January 1, 1987, commenced a proceeding before the Commission on Local Government to review a proposed voluntary settlement pursuant to § 15.2-3400; nor shall the foregoing prohibit the institution of or require the stay of any annexation proceeding commenced pursuant to § 15.2-2907 or 15.2-3203, except that no such proceeding may be commenced by a city against any county, nor shall any city be a petitioner in any annexation proceeding instituted pursuant to § 15.2-3203.

Beginning January 1, 1988, and terminating on the first to occur of (i) July 1, ~~2018~~ 2024, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, 2012-2014, ~~and~~ 2014-2016, 2016-2018, 2018-2020, 2020-2022, and 2022-2024 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no county shall file a notice or petition pursuant to the provisions of Chapter 29 (§ 15.2-2900 et seq.) or Chapter 33 (§ 15.2-3300 et seq.) requesting total or partial immunity from city-initiated annexation and from the incorporation of new cities within its boundaries. However, the foregoing shall not prohibit the institution of nor require the stay of an immunity proceeding or the filing of an immunity notice for the purpose of implementing an immunity agreement, the extent, terms and conditions of which have been agreed upon by a county and city.

2. That the Commission on Local Government be directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2018. During its evaluation, the Commission shall consult with and seek input from the Virginia Municipal League, the Virginia Association of Counties, and the localities directly affected by the current annexation moratorium. All agencies of the Commonwealth shall provide assistance to the Commission for this evaluation upon request.

CHAPTER 159

An Act to amend and reenact § 58.1-3970.2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 15.2 a chapter numbered 75, consisting of sections numbered 15.2-7500 through 15.2-7512, relating to the Land Bank Entities Act.

[S 414]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3970.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 75, consisting of sections numbered 15.2-7500 through 15.2-7512, as follows:

CHAPTER 75.

LAND BANK ENTITIES ACT.

§ 15.2-7500. *Definitions.*

As used in this chapter, unless the context requires a different meaning:

"Act" means this chapter, the Land Bank Entities Act (§ 15.2-7500 et seq.).

"Authority" means any political subdivision, a body politic and corporate, created, organized, and operated pursuant to the provisions of the Act.

"Board of directors" or "board" means the board of directors of an authority or a corporation.

"Corporation" means any nonprofit, nonstock corporation created under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 and operated pursuant to the provisions of the Act.

"Existing nonprofit entity" means any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953.

"Land bank entity" means any authority, corporation, or existing nonprofit entity established or designated by a locality to carry out the purposes of the Act.

"Real property" means lands, structures, and any and all easements and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise, and any and all fixtures and improvements located thereon.

§ 15.2-7501. *Creation of land bank entities by localities.*

A. Subject to a public hearing held pursuant to § 15.2-7502, a locality may by ordinance, or two or more localities may by concurrent ordinances, create a land bank entity as either an authority or a corporation, under an appropriate name and title, for the purpose of assisting the locality to address vacant, abandoned, and tax delinquent properties. Other localities may join the authority or corporation as provided in the ordinance.

An authority created pursuant to the Act shall be created as a public body corporate and as a political subdivision of the Commonwealth. A corporation created pursuant to the Act shall be a nonprofit, nonstock corporation created under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1.

B. Each ordinance shall include the following:

1. The name of the authority or corporation and the address of its principal office;

2. The name of each locality creating the authority or corporation;

3. The purpose for which the authority or corporation is created; and

4. The names, addresses, and terms of office of the initial members of the board of directors of the authority or corporation.

§ 15.2-7502. *Public hearing required prior to creation or designation of a land bank entity.*

The governing body of a locality shall not adopt an ordinance creating a land bank entity pursuant to § 15.2-7501 or designating an existing nonprofit entity pursuant to § 15.2-7512 until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality. The notice shall specify the time and place of a hearing at which affected or interested persons may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. After the public hearing has been conducted pursuant to this section, the governing body shall be empowered to create a land bank entity or designate an existing nonprofit entity.

§ 15.2-7503. *Board of directors; qualifications; terms; vacancies; compensation and expenses.*

A. Each land bank entity created pursuant to the Act shall be governed by a board of not less than five members appointed by the governing body of the participating locality. When a land bank entity is created by two or more localities, the governing body of each locality shall appoint at least two members, one of whom may be a member of the governing body. After initial staggered terms, the term of all board members shall be four years. When one or more additional localities join an existing land bank entity, each of such participating localities shall be represented by not less than two members on the board. The first members shall be appointed immediately upon the admission of the locality into the land bank entity in the same manner as were the initial members of the land bank entity.

B. The board shall elect one of its members to serve as chairman and one of its members to serve as vice-chairman and shall elect a secretary and a treasurer who need not be members of the board. The offices of secretary and treasurer may be combined. A majority of the members of the board shall constitute a quorum, and the vote of a majority of such quorum shall be necessary for any action taken by the land bank entity. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the land bank entity.

C. The localities that created or thereafter join the land bank entity, by ordinance or concurrent ordinances, may provide for the payment of compensation to the members of the board and for the reimbursement to each member of the land bank entity the amount of his actual expenses necessarily incurred in the performance of that member's duties.

§ 15.2-7504. *Executive director; staff.*

The board may appoint an executive director, who shall be authorized to employ such staff as necessary to enable the land bank entity to perform its duties as set forth in the Act. The board is authorized to determine the duties of such staff and to fix salaries and compensation from such funds as may be received or appropriated.

The land bank entity may enter into contracts and agreements with a locality for staffing services to be provided to the land bank entity.

§ 15.2-7505. Financial interests of board members and employees prohibited.

A. No member of the board or employee of the land bank entity shall acquire any interest, direct or indirect, in real property of the land bank entity, in any real property to be acquired by the land bank entity, or in any real property to be acquired from the land bank entity.

B. No member of the board or employee of a land bank entity shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished to or used by a land bank entity.

C. The board may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and employees of the land bank entity.

§ 15.2-7506. Powers of land bank entity.

A. The land bank entity shall have the power to:

1. Adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
2. Sue and be sued in its own name and plead and be interpleaded in all civil actions, including actions to clear title to property of the land bank entity;
3. Adopt a seal and alter the same at its pleasure;
4. Borrow money from private lenders, localities, or the state or from federal government funds, as may be necessary, for the operation and work of the land bank entity;
5. Procure insurance or guarantees from the Commonwealth or federal government of the payments of any debts or parts thereof incurred by the land bank entity and pay premiums in connection therewith;
6. Enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers;
7. Enter into contracts and other instruments necessary, incidental, or convenient to the performance of functions by the land bank entity on behalf of localities or agencies or departments of localities or to the performance by localities or agencies or departments of localities of functions on behalf of the land bank entity;
8. Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank entity;
9. Procure insurance against losses in connection with the real property, assets, or activities of the land bank entity;
10. Invest funds of the land bank entity, at the discretion of the board, in instruments, obligations, securities, or real property determined proper by the board and name and use depositories for its funds;
11. Enter into contracts for the management of, the collection of rent from, or the sale of real property of the land bank entity;
12. Design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;
13. Fix, charge, and collect rents, fees, and charges for the use of real property of the land bank entity and for services provided by the land bank entity;
14. Grant or acquire a license, easement, lease, or option with respect to real property of the land bank entity;
15. Enter into partnerships, joint ventures, and other collaborative relationships with municipalities and other public and private entities for the ownership, management, development, and disposition of real property;
16. Accept grants and donations from any source, as may be necessary, for the operations of the land bank entity;
17. Accept real estate from any source, subject to the limitations and restrictions set out in § 15.2-7507;
18. Make loans or provide grants to carry out activities consistent with the purposes of the land bank entity; and
19. Do all other things necessary or convenient to achieve the objectives and purposes of the land bank entity or other laws that relate to the purposes and responsibility of the land bank entity.

B. The land bank entity shall neither possess nor exercise the power of eminent domain.

§ 15.2-7507. Acquisition of property.

A. The land bank entity may acquire real property or interests in real property by gift, devise, transfer, exchange, purchase, or otherwise on terms and conditions and in a manner the land bank entity considers proper.

B. In addition to the powers granted in subsection A, the land bank entity may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts, land contracts, and pursuant to the sale or other conveyance of real property under Article 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

C. The land bank entity may accept transfers or conveyances from a locality upon such terms and conditions as agreed to by the land bank entity and the locality. Notwithstanding any other law to the contrary, any locality may transfer or convey to the authority real property and interests in real property of the locality on such terms and conditions and according to such procedures as determined by the locality.

D. The land bank entity shall maintain all of its real property in accordance with the laws and ordinances of the jurisdiction in which the real property is located.

§ 15.2-7508. Disposition of property.

A. The land bank entity shall hold in its own name all real property acquired by the land bank entity regardless of the identity of the transferor of such property.

B. The land bank entity shall maintain and make available for public review and inspection an inventory of all real property held by the land bank entity.

C. The land bank entity shall determine and set forth in policies and procedures of its board the general terms and conditions for consideration to be received by the land bank entity for the transfer of real property and interests in real property, which consideration may take the form of monetary payments and secured financial obligations, covenants, and conditions related to the present and future use of the property; contractual commitments of the transferee; and such other forms of consideration as determined by the land bank entity to be in the best interest of the land bank entity.

D. The land bank entity may convey, exchange, sell, transfer, lease as lessee, grant, and release any and all interests in, upon, or to real property of the land bank entity.

E. A locality may, in its ordinance creating a land bank entity:

1. Establish a ranking of priorities for the use of real property conveyed by a land bank entity, including (i) use for purely public spaces and places; (ii) use for affordable housing; (iii) use for retail, commercial, or industrial activities; (iv) preservation or rehabilitation of historic properties within historic areas as defined in § 15.2-2201, and (v) such other uses and in such priority as determined by the participating locality;

2. Require that any particular form of disposition of real property, or any disposition of real property located within specified jurisdictions, be subject to specified voting and approval requirements of the board. Except and unless restricted or constrained in this manner, the board may delegate to officers and employees of the land bank entity the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the conveyance of real property by the land bank entity; and

3. Require that the acquisition, management, and disposition of any historic property as designated by the locality in accordance with § 15.2-2306 or within a historic area as defined in § 15.2-2201 be considered subject to the requirements of § 15.2-2306.

§ 15.2-7509. Financing of operations.

A. A land bank entity may receive funding through grants and loans from the locality or localities that created or are currently participating in the land bank entity, the Commonwealth, the federal government, and other public and private sources.

B. A land bank entity may receive and retain payments for (i) services rendered, (ii) rents and lease payments received, (iii) consideration for disposition of real and personal property, (iv) proceeds of insurance coverage for losses incurred, (v) income from investments, and (vi) any other asset and activity lawfully permitted to a land bank entity under the Act.

C. Up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity may be remitted to the land bank entity. Such allocation of property tax revenues shall commence with the first taxable year following the date of conveyance and continue for a period of up to 10 years.

§ 15.2-7510. Exemption from taxes or assessments.

The land bank entity is hereby declared to be performing a public function on behalf of the locality with respect to which the land bank entity is created and to be a public instrumentality of such locality. Accordingly, the land bank entity shall not be required to pay any taxes upon any property acquired or used by the land bank entity under the provisions of the Act.

§ 15.2-7511. Dissolution of land bank entity.

A. A land bank entity may be dissolved 60 calendar days after an affirmative resolution is approved by two-thirds of the membership of the board. Sixty calendar days' advance written notice of consideration of a resolution of dissolution shall be (i) given to all governing bodies that created or are currently participating in the land bank entity, (ii) published in a local newspaper of general circulation, and (iii) sent by certified mail to the trustee of any outstanding bonds of the land bank entity. Upon dissolution of the land bank entity, all real property, personal property, and other assets of the land bank entity shall become the assets of the locality or localities that created the land bank entity. In the event that two or more localities create or are participating in a land bank entity, the withdrawal of one or more participating localities shall not result in the dissolution of the land bank entity unless the intergovernmental agreement so provides and no participating locality desires to continue the existence of the land bank entity.

B. No land bank entity shall be dissolved unless all obligations and debts of such land bank entity have been lawfully satisfied or otherwise provided for.

§ 15.2-7512. Designation of existing nonprofit entities to carry out the functions of a land bank entity.

A. Subject to a public hearing held pursuant to § 15.2-7502, a locality may by ordinance designate an existing nonprofit entity and its governing board to carry out the functions of a land bank entity. The ordinance shall include a finding by the locality that the governance structure, articles of incorporation, charters, bylaws, and other corporate documents are sufficient to authorize the designated existing nonprofit entity to carry out the provisions of the Act.

B. An existing nonprofit entity designated pursuant to this section shall not be required to comply with the provisions of § 15.2-7503.

§ 58.1-3970.2. When delinquent taxes may be deemed paid in full.

A. For purposes of this section, "tax delinquent property" means any real property for which real property taxes are delinquent on December 31 following the second anniversary of the date on which such taxes have become due or, in the case of real property upon which is situated (i) any structure that has been condemned by the local building official pursuant

to applicable law or ordinance, (ii) any nuisance as that term is defined in § 15.2-900, (iii) any derelict building as that term is defined in § 15.2-907.1, or (iv) any property that has been declared to be blighted pursuant to § 36-49.1:1, for which real property taxes are delinquent on the first anniversary of the date on which such taxes have become due.

B. Any county, city, or town may deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax delinquent property and notify credit reporting agencies that such amounts are deemed paid in full, in exchange for conveyance of the property by the owner to a *land bank entity created pursuant to Chapter 75 (§ 15.2-7500 et seq.) of Title 15.2* or an organization that has been granted tax-exempt status under § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and that builds, renovates, or revitalizes affordable housing for low-income families.

CHAPTER 160

An Act to amend and reenact § 3.5 of Chapter 136 of the Acts of Assembly of 1988, as amended by Chapter 300 of the Acts of Assembly of 1999, which provided a charter for the Town of Dayton in the County of Rockingham, relating to election of council.

[S 451]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3.5 of Chapter 136 of the Acts of Assembly of 1988, as amended by Chapter 300 of the Acts of Assembly of 1999, is amended and reenacted as follows:

§ 3.5. Election of mayor and members of council.

The mayor and members of council shall be elected by the qualified voters of the town in the manner provided by law from the town at large. The council and mayor in office at the time of the adoption of this charter shall continue in office until the expiration of the terms for which they were elected or until their successors are elected and qualified. The term of office for members of the council shall be four years, and the term of office for the mayor shall be two years, or until their successors are elected and qualified. ~~Thus an election for four council members and the mayor shall be held in 2000, and an election for the remaining three council members and the mayor shall be held in 2002.~~ All elections of the mayor and council members shall take place on the Tuesday after the first Monday in November. Persons elected under this section shall take office on January 1 following their election.

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

CHAPTER 161

An Act to amend and reenact §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-516, 54.1-517.2, and 55-519 of the Code of Virginia and to repeal § 54.1-517.1 of the Code of Virginia, relating to the Virginia Board for Asbestos, Lead, and Home Inspectors; licensing of home inspectors.

[S 453]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-516, 54.1-517.2, and 55-519 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

~~"Certified home inspection" means any inspection of a residential building for compensation conducted by a certified home inspector. A certified home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A certified home inspection may be limited in scope as provided in a home inspection contract, provided such contract is not inconsistent with the provisions of this chapter or the regulations of the Board.~~

~~"Certified home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been certified by the Board.~~

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is performed as a part of a lead abatement. As used in this definition, "compensation" shall include the receipt of (i) pay for work performed, such as that paid to contractors and subcontractors; (ii) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (iii) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 14 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be ~~certified~~ *Virginia-licensed* home inspectors, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

§ 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;

3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;

5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in

lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;

7. Promulgate regulations for ~~certification~~ *the licensing* of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations ~~in whole or in part~~, the proper conduct of its examinations, the proper conduct of the home inspectors ~~certified~~ *licensed* by the Board, ~~the implementation of exemptions from certifications requirements~~, and the proper discharge of its duties; and

8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

§ 54.1-503. Licenses required.

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. *It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building.* It shall be unlawful for any ~~person~~ *individual* who is ~~not a certified home inspector pursuant to this chapter and who has not successfully completed the training module required by § 54.1-517.2~~ *does not possess a home inspector license with the new residential structure endorsement* to conduct a home inspection for compensation on any new residential structure. *For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.*

§ 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, ~~or~~ renovation contractor, *or home inspector* or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;

2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or

3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of; (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the ~~certification~~ license of a home inspector.

§ 54.1-517.2. Requirements for licensure.

A. The Board ~~may shall~~ issue a ~~certificate~~ license to practice as a ~~certified~~ home inspector in the Commonwealth to ~~any~~:

1. An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or

2. An applicant who has submitted satisfactory evidence that he has successfully:

~~1. a. Completed any~~ the educational requirements as required by the Board;

~~2. b. Completed any~~ the experience requirements as required by the Board; and

~~3. c. Passed any written or electronic~~ the examination offered or approved by the Board; and

4. (Effective July 1, 2016) If conducting inspections on new residential structures, completed.

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

~~The Board may issue a certificate to practice as a certified home inspector to any applicant who is a member of a national or state professional home inspectors association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants.~~

§ 55-519. Required disclosures.

A. With regard to transfers described in § 55-517, the owner of the residential real property shall furnish to a purchaser a residential property disclosure statement in a form provided by the Real Estate Board stating that the owner makes the following representations as to the real property:

1. The owner makes no representations with respect to the matters set forth and described at a website maintained by the Real Estate Board and that the purchaser is advised to consult this website for important information about the real property; and

2. The owner represents that there are no pending enforcement actions pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) that affect the safe, decent, sanitary living conditions of the property of which the owner has been notified in writing by the locality, except as disclosed on the disclosure statement, nor any pending violation of the local zoning ordinance that the violator has not abated or remedied under the zoning ordinance, within a time period set out in the written notice of violation from the locality or established by a court of competent jurisdiction, except as disclosed on the disclosure statement.

B. At the website referenced in subdivision A 1, the Real Estate Board shall include language providing notice to the purchaser that by delivering the residential property disclosure statement:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a ~~certified~~ home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of any local ordinance creating such district or any official map adopted by the locality depicting historic districts, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever due diligence they deem

necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property; and

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.

C. Any purchaser who is a party to a real estate purchase contract subject to this section may provide in such contract that the disclosures provided on the Real Estate Board website be printed off and provided to such purchaser.

2. That § 54.1-517.1 of the Code of Virginia is repealed.

3. That the provisions of this act shall become effective on July 1, 2017, except as otherwise provided in the fourth enactment of this act.

4. That the Virginia Board for Asbestos, Lead, and Home Inspectors shall promulgate regulations to implement the provisions of this act to be effective no later than July 1, 2017. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

CHAPTER 162

An Act to amend and reenact § 2, §§ 4, 8, and 12, as amended, and § 13 of Chapter 39 of the Acts of Assembly of 1936, which provided a charter for the Town of South Hill in Mecklenburg County, relating to boundaries, finance director, and town powers.

[S 653]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2, §§ 4, 8, and 12, as amended, and § 13 of Chapter 39 of the Acts of Assembly of 1936 are amended and reenacted as follows:

§ 2. The corporate limits of the Town of South Hill, Virginia, as heretofore established, are hereby re-established, *to include an area of approximately nine and three-tenths (9.3) square miles, as follows:*

~~Beginning at a point in the center of Mecklenburg Avenue, where it is crossed by the center of Main Street, and extending in every direction five-eighths of a mile, with such additional land as will make a circle one and a quarter miles in diameter, taking the intersection of the above named streets as a central point.~~

Beginning at a point in the center of the intersection of North Mecklenburg Avenue and Atlantic Street and extending north on North Mecklenburg Avenue for three and two-tenths (3.2) miles, west on West Atlantic Street for one and two-tenths (1.2) miles, east on East Atlantic Street for two and two-tenths (2.2) miles, southwesterly on West Danville Street for two and six-tenths (2.6) miles, and south on South Hill Avenue/Goodes Ferry Road for one and eight-tenths (1.8) miles. Additional boundary information is included in records on file in the office of the Clerk of the Circuit Court of Mecklenburg County.

§ 4. The government of the Town of South Hill shall be vested in a council composed of eight members of council elected from multi-member districts and a mayor elected at large. There are three districts: Election District I shall have two members, Election District II shall have three members, and Election District III shall have three members.

The method of election shall be by plurality vote and not by majority vote. Vacancies of members of council or mayor shall be filled in accordance with §§ 24.2-226 and 24.2-228 of the Code of Virginia for the unexpired term. Additional

officers of the town shall be a *town manager*, clerk, ~~treasurer~~, *finance director*, chief of police, and such other agent, attorney, police, and clerical assistance as may be required.

§ 8. The mayor shall be the chief executive of the town ~~and as such shall have full power over the police forces~~. He shall preside at all council meetings; he may discuss questions, present issues, and recommend measures, but shall vote only to break a tie. As the official head of the town the mayor shall exercise all the powers conferred by general laws upon mayors of towns, and not inconsistent with this charter. In times of emergency he may take personal charge of the police forces of the town and may deputize any of the citizens of the town to do police duty. He shall affix his name to papers and documents requiring the same, and perform such other duties not inconsistent with his office, as the council may direct, under the charter and the laws of Virginia. The council by majority vote shall elect a member of the council mayor pro tem, who shall act in the absence or inability of the mayor.

§ 12. The chief of police shall have control of the police force of the town under the jurisdiction of the ~~mayor and shall be hired and may be fired by the mayor~~; ~~he~~ *town manager*. *The chief of police* and the police officers of the town shall have the same powers and discharge the same duties as a constable of Mecklenburg ~~county~~ *County*, except ~~he~~ *they* shall serve civil process only on behalf of the town, and shall have like powers in a radius of two miles beyond the town, not in conflict with other authority. He shall perform all duties required of a chief of police and others not inconsistent with his office, or as directed by the council or ~~mayor~~ *town manager*.

§ 13. A lien shall exist upon all real estate within the corporate limits of the town, for taxes, levies and assessments, in favor of the town, holding thereon from the beginning of the year in which levied or assessed, and the procedure for the collection legally of such assessment and levies, and for selling or disposing of property to satisfy such liens for taxes and assessments, and for the redemption of the same, shall be in conformity with the State laws of Virginia, to the same extent and in the same effect as if the same were herein set out at length and completely and reference to the said laws of the State is hereby directed. And the said town shall have the benefit of all other and additional laws and remedies for collection of town taxes, levies and assessments, which now are or may hereafter be enacted or inaugurated for the collection of town assessments and levies, by the State of Virginia, including the right to institute and conduct chancery suits in the ~~circuit court~~ *Circuit Court* of Mecklenburg County, to enforce payment thereof.

CHAPTER 163

An Act to amend and reenact § 3-3, §§ 6-1, 6-11, and 6-12, as amended, § 6-3, and § 7-6, as amended, of Chapter 358 of the Acts of Assembly of 1958, which provided a charter for the Town of Tazewell in Tazewell County; to amend Chapter 358 of the Acts of Assembly of 1958 by adding in Article III sections numbered 3-31, 3-311, 3-32, 3-321, and 3-322; and to repeal §§ 5-2 and 5-32 of Chapter 358 of the Acts of Assembly of 1958, relating to vacancies in the office of mayor or council; planning commission; quorum.

[S 674]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3-3, §§ 6-1, 6-11, and 6-12, as amended, § 6-3, and § 7-6, as amended, of Chapter 358 of the Acts of Assembly of 1958 are amended and reenacted and that Chapter 358 of the Acts of Assembly of 1958 is amended by adding in Article III sections numbered 3-31, 3-311, 3-32, 3-321, and 3-322 as follows:

§ 3-3. Vacancies.

Vacancies in the *office of mayor or council*, whether occurring when the *mayor-elect* or a *councilman-elect* does not for any reason take office or after he begins his term, shall be filled for the unexpired term by a majority of the remaining members. ~~The present council shall continue in office until the expiration of the terms for which they were elected as set forth hereinbelow.~~

§ 3-31. *Interim appointment.* When a vacancy occurs in the council, the remaining members of the council, within 45 days of the council member position's becoming vacant, may appoint a qualified voter of the town to fill the vacancy. If a majority of the remaining members of the council cannot agree or do not act, a judge of the Circuit Court of Tazewell County may make the appointment. The person so appointed shall hold office only until the qualified voters of the town fill the vacancy by special election and the person so elected has qualified. Any person so appointed shall hold the councilman position the same as an elected person and shall exercise all powers of the elected office.

§ 3-311. When a vacancy occurs in the office of mayor, the council shall make an interim appointment to fill the vacancy as provided in § 3-31.

§ 3-32. *Election to fill vacancy.* Within 15 days of the occurrence of a vacancy in the office of mayor or on the council, the council shall petition the Circuit Court of Tazewell County to issue a writ of election to fill the vacancy by special election. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly, which shall be no later than the next general election in November, unless the vacancy occurs within 90 days of the next such general election, in which event it shall be held promptly but no later than the second such general election.

§ 3-321. Upon receipt of written notification from the mayor or councilman, or mayor-elect or councilman-elect, of his resignation of a stated date, the council may immediately petition the Circuit Court of Tazewell County to issue a writ of election, and the court may immediately issue the writ to call the election. The resignation of the mayor or councilman, or of

the mayor-elect or councilman-elect, shall not be revocable after the date stated by him for his resignation or after the 45th day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

§ 3-322. *The scheduling of a special election is subject to the following conditions: the election shall be held on a Tuesday; no such election shall be held within the 55 days prior to a general or primary election; no such election shall be held on the same day as a primary election, although such election may be held on the same day as a general election; no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled; and when an interim appointment to a vacancy in the council or in the office of mayor has been made by the council or by the remaining members of the council, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.*

§ 6-1. Power to adopt a comprehensive plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a comprehensive plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The ~~master~~ comprehensive plan may include but shall not be limited to the following:

§ 6-11. Town planning commission. There shall be a town planning commission consisting of eight members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with his term in the council. One member shall be the town manager, who shall be a nonvoting member, appointed for a term concurrent with his term in such capacity. There shall be six citizen members, who shall be qualified voters of the town appointed for a term of four years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. Members may be removed for malfeasance in office, and a member of the commission may be removed from office by the Town without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any ~~one month~~ 12-month period. Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation.

§ 6-12. Organization and expenditures of planning commission. The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for re-election, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. ~~Five~~ Four voting members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor.

§ 6-3. Subdivision control.

In order to provide for the orderly subdivision of land within the town and within two miles of the corporate limits thereof there is hereby conferred upon the town and the county in which the area outside the town but within two miles thereof is included, the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: the location, size and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the ~~master~~ comprehensive plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks and playgrounds, planting of shade trees and shrubs; naming and designation of streets and other public places; laying out and constructing sidewalks; procedure for making variations in such regulations and restrictions; requirements for plats and subdivisions and their size, scale, contents and other matters; the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines; the extent to which and the manner in which new streets shall be graded, graveled or otherwise improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents, may accept a bond, in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council, the actual construction and installation of such improvements and utilities within a period specified by the council or designated agents.

§ 7-6. Citation of act.

This act may for all purposes be referred to or cited as the Town of Tazewell Charter of 1958, as amended by the Acts of Assembly of 2014 and 2016.

2. That §§ 5-2 and 5-32 of Chapter 358 of the Acts of Assembly of 1958 are repealed.

CHAPTER 164

An Act to amend and reenact §§ 2.2-2609, 15.2-4903, 16.1-69.6, 17.1-506, 19.2-163.04, and 55-288.1 of the Code of Virginia, relating to references to the former City of Bedford.

[S 769]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2609, 15.2-4903, 16.1-69.6, 17.1-506, 19.2-163.04, and 55-288.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2609. Blue Ridge Regional Tourism Council; membership; meetings; Blue Ridge defined.

A. The Blue Ridge Regional Tourism Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The Council shall be composed of one representative of each of the destination marketing organizations (DMOs) located in the Blue Ridge region and the President of the Virginia Tourism Authority.

B. The Council shall elect a chairman and a vice-chairman from among its members. The Council shall meet at least four times a year at such dates and times as they determine.

C. For the purposes of this article, the "Blue Ridge" region shall include the Counties of Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Campbell, Craig, Floyd, Franklin, Giles, Highland, Montgomery, Nelson, Pulaski, Roanoke, Rockbridge, and Wythe and the Cities of ~~Bedford~~, Buena Vista, Covington, Lexington, Lynchburg, Radford, Roanoke, Salem, Staunton, and Waynesboro.

§ 15.2-4903. Creation of industrial development authorities.

A. The governing body of any locality in this Commonwealth is hereby authorized to create by ordinance a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter. Any such ordinance may limit the type and number of facilities that the authority may otherwise finance under this chapter, which ordinance of limitation may, from time to time, be amended. In the absence of any such limitation, an authority shall have all powers granted under this chapter.

B. The name of the authority shall be the Industrial Development Authority of _____ (the blank spaces to be filled in with the name of the locality which created the authority, including the proper designation thereof as a county, city or town).

C. Notwithstanding subsection B, for any authority authorized by this section, the name of the authority may be the Economic Development Authority of _____ (the blank space to be filled in with the name of the locality that created the authority), if the governing body of such locality so chooses.

D. The authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916 may be named the Economic Development Authority of Halifax, Virginia, or such other name as the governing bodies of the Town of South Boston and Halifax County shall choose in the concurrent resolutions creating such authority. ~~The authority jointly created by the City of Bedford and Bedford County pursuant to § 15.2-4916 may be named the Bedford Joint Economic Development Authority, or such other name as the governing bodies of the City of Bedford and Bedford County shall choose in the concurrent resolutions creating such authority.~~

§ 16.1-69.6. Establishment of districts.

On and after July 1, 1973, the Commonwealth shall be divided into districts encompassing all counties and cities in the Commonwealth to provide a basis for the sound and efficient administration of the courts not of record, as follows:

- (1) The City of Chesapeake shall constitute the first district.
- (2) The City of Virginia Beach shall constitute the second district.
- (2-A) The Counties of Accomack and Northampton shall constitute district two-A.
- (3) The City of Portsmouth shall constitute the third district.
- (4) The City of Norfolk shall constitute the fourth district.
- (5) The Cities of Franklin and Suffolk and the Counties of Isle of Wight and Southampton shall constitute the fifth district.
- (6) The Cities of Emporia and Hopewell and the Counties of Prince George, Surry, Sussex, Greensville and Brunswick shall constitute the sixth district.
- (7) The City of Newport News shall constitute the seventh district.
- (8) The City of Hampton shall constitute the eighth district.
- (9) The Cities of Williamsburg and Poquoson and the Counties of York, James City, Charles City, New Kent, Gloucester, Mathews, Middlesex, King William and King and Queen shall constitute the ninth district.
- (10) The Counties of Cumberland, Buckingham, Appomattox, Prince Edward, Charlotte, Lunenburg, Mecklenburg and Halifax shall constitute the tenth district.
- (11) The City of Petersburg and the Counties of Dinwiddie, Nottoway, Amelia and Powhatan shall constitute the eleventh district.
- (12) The City of Colonial Heights and the County of Chesterfield shall constitute the twelfth district.
- (13) The City of Richmond shall constitute the thirteenth district.
- (14) The County of Henrico shall constitute the fourteenth district.
- (15) The City of Fredericksburg and the Counties of King George, Stafford, Spotsylvania, Caroline, Hanover, Lancaster, Northumberland, Westmoreland, Richmond and Essex shall constitute the fifteenth district.
- (16) The City of Charlottesville and the Counties of Madison, Greene, Albemarle, Fluvanna, Goochland, Louisa, Orange and Culpeper shall constitute the sixteenth district.
- (17) The County of Arlington and the City of Falls Church shall constitute the seventeenth district.
- (18) The City of Alexandria shall constitute the eighteenth district.

- (19) The City of Fairfax and the County of Fairfax shall constitute the nineteenth district.
- (20) The Counties of Loudoun, Fauquier and Rappahannock shall constitute the twentieth district.
- (21) The City of Martinsville and the Counties of Patrick and Henry shall constitute the twenty-first district.
- (22) The City of Danville and the Counties of Pittsylvania and Franklin shall constitute the twenty-second district.
- (23) The Cities of Roanoke and Salem and the County of Roanoke shall constitute the twenty-third district.
- (24) The ~~Cities of Lynchburg and Bedford~~ and the Counties of Nelson, Amherst, Campbell and Bedford shall constitute the twenty-fourth district.
- (25) The Cities of Covington, Lexington, Staunton, Buena Vista, and Waynesboro and the Counties of Highland, Augusta, Rockbridge, Bath, Alleghany, Botetourt and Craig shall constitute the twenty-fifth district.
- (26) The Cities of Harrisonburg and Winchester and the Counties of Frederick, Clarke, Warren, Shenandoah, Page and Rockingham shall constitute the twenty-sixth district.
- (27) The Cities of Galax and Radford and the Counties of Pulaski, Wythe, Carroll, Montgomery, Floyd, Giles, Bland and Grayson shall constitute the twenty-seventh district.
- (28) The City of Bristol and the Counties of Smyth and Washington shall constitute the twenty-eighth district.
- (29) The Counties of Tazewell, Buchanan, Russell and Dickenson shall constitute the twenty-ninth district.
- (30) The City of Norton and the Counties of Wise, Scott and Lee shall constitute the thirtieth district.
- (31) The Cities of Manassas and Manassas Park, and the County of Prince William shall constitute the thirty-first district.

§ 17.1-506. Judicial circuits.

1. The City of Chesapeake shall constitute the first circuit.
2. The City of Virginia Beach and the Counties of Accomack and Northampton shall constitute the second circuit.
3. The City of Portsmouth shall constitute the third circuit.
4. The City of Norfolk shall constitute the fourth circuit.
5. The Cities of Franklin and Suffolk and the Counties of Isle of Wight and Southampton shall constitute the fifth circuit.
6. The Cities of Emporia and Hopewell and the Counties of Brunswick, Greensville, Prince George, Surry and Sussex shall constitute the sixth circuit.
7. The City of Newport News shall constitute the seventh circuit.
8. The City of Hampton shall constitute the eighth circuit.
9. The Cities of Poquoson and Williamsburg and the Counties of Charles City, Gloucester, James City, King and Queen, King William, Mathews, Middlesex, New Kent and York shall constitute the ninth circuit.
10. The Counties of Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg and Prince Edward shall constitute the tenth circuit.
11. The City of Petersburg and the Counties of Amelia, Dinwiddie, Nottoway and Powhatan shall constitute the eleventh circuit.
12. The City of Colonial Heights and the County of Chesterfield shall constitute the twelfth circuit.
13. The City of Richmond shall constitute the thirteenth circuit.
14. The County of Henrico shall constitute the fourteenth circuit.
15. The City of Fredericksburg and the Counties of Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford and Westmoreland shall constitute the fifteenth circuit.
16. The City of Charlottesville and the Counties of Albemarle, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison and Orange shall constitute the sixteenth circuit.
17. The County of Arlington and the City of Falls Church shall constitute the seventeenth circuit.
18. The City of Alexandria shall constitute the eighteenth circuit.
19. The City of Fairfax and the County of Fairfax shall constitute the nineteenth circuit.
20. The Counties of Fauquier, Loudoun and Rappahannock shall constitute the twentieth circuit.
21. The City of Martinsville and the Counties of Henry and Patrick shall constitute the twenty-first circuit.
22. The City of Danville and the Counties of Franklin and Pittsylvania shall constitute the twenty-second circuit.
23. The Cities of Roanoke and Salem and the County of Roanoke shall constitute the twenty-third circuit.
24. The ~~Cities of Bedford and~~ *City of Lynchburg* and the Counties of Amherst, Bedford, Campbell and Nelson shall constitute the twenty-fourth circuit.
25. The Cities of Buena Vista, Covington, Lexington, Staunton and Waynesboro and the Counties of Alleghany, Augusta, Bath, Botetourt, Craig, Highland and Rockbridge shall constitute the twenty-fifth circuit.
26. The Cities of Harrisonburg and Winchester and the Counties of Clarke, Frederick, Page, Rockingham, Shenandoah and Warren shall constitute the twenty-sixth circuit.
27. The Cities of Galax and Radford and the Counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski and Wythe shall constitute the twenty-seventh circuit.
28. The City of Bristol and the Counties of Smyth and Washington shall constitute the twenty-eighth circuit.
29. The Counties of Buchanan, Dickenson, Russell and Tazewell shall constitute the twenty-ninth circuit.
30. The City of Norton and the Counties of Lee, Scott and Wise shall constitute the thirtieth circuit.
31. The Cities of Manassas and Manassas Park and the County of Prince William shall constitute the thirty-first circuit.

§ 19.2-163.04. Public Defender offices.

Public defender offices are established in:

- a. The City of Virginia Beach;
- b. The City of Petersburg;
- c. The Cities of Buena Vista, Lexington, Staunton and Waynesboro and the Counties of Augusta and Rockbridge;
- d. The City of Roanoke;
- e. The City of Portsmouth;
- f. The City of Richmond;
- g. The Counties of Clarke, Frederick, Page, Shenandoah and Warren, and the City of Winchester;
- h. The City and County of Fairfax;
- i. The City of Alexandria;
- j. The City of Radford and the Counties of Bland, Pulaski and Wythe;
- k. The Counties of Fauquier, Loudoun and Rappahannock;
- l. The City of Suffolk;
- m. The City of Franklin and the Counties of Isle of Wight and Southampton;
- n. The ~~City of Bedford and the~~ County of Bedford;
- o. The City of Danville;
- p. The Counties of Halifax, Lunenburg and Mecklenburg;
- q. The City of Fredericksburg and the Counties of King George, Stafford and Spotsylvania;
- r. The City of Lynchburg;
- s. The City of Martinsville and the Counties of Henry and Patrick;
- t. The City of Charlottesville and the County of Albemarle;
- u. The City of Norfolk;
- v. The County of Arlington and the City of Falls Church;
- w. The City of Newport News;
- x. The City of Chesapeake; and
- y. The City of Hampton.

§ 55-288.1. North and South Zones.

For the purpose of the use of these systems, the Commonwealth is divided into a "North Zone" and a "South Zone."

The area now included in the following counties and cities shall constitute the North Zone: the Counties of Arlington, Augusta, Bath, Caroline, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, Highland, King George, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren and Westmoreland; and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Harrisonburg, Manassas, Manassas Park, Staunton, Waynesboro, and Winchester.

The area now included in the following counties and cities shall constitute the South Zone: the Counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Carroll, Charles City, Charlotte, Chesterfield, Craig, Cumberland, Dickenson, Dinwiddie, Essex, Floyd, Fluvanna, Franklin, Giles, Gloucester, Goochland, Grayson, Greensville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King William, Lancaster, Lee, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Pulaski, Richmond, Roanoke, Rockbridge, Russell, Scott, Smyth, Southampton, Surry, Sussex, Tazewell, Washington, Wise, Wythe, and York; and the Cities of ~~Bedford~~, Bristol, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Covington, Danville, Emporia, Franklin, Galax, Hampton, Hopewell, Lexington, Lynchburg, Martinsville, Newport News, Norfolk, Norton, Petersburg, Poquoson, Portsmouth, Radford, Richmond, Roanoke, Salem, Suffolk, Virginia Beach, and Williamsburg.

CHAPTER 165

An Act to amend and reenact § 3.2-1905 of the Code of Virginia, relating to the excise tax on peanuts.

[H 20]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 3.2-1905 of the Code of Virginia is amended and reenacted as follows:****§ 3.2-1905. Levy of excise tax.**

~~An excise tax of 15 cents (\$0.15) per 100 pounds is levied on all peanuts grown in and sold in the Commonwealth for processing. Beginning July 1, 2010, and ending July 1, 2016 2021, such an excise tax shall be levied at a rate of \$0.30 per 100 pounds on all peanuts grown in and sold in the Commonwealth for processing. Peanuts shall not be subject to the tax after the tax has been paid once.~~

CHAPTER 166

An Act to amend and reenact § 3.2-6402 of the Code of Virginia, relating to warning signs at agritourism locations.

[H 114]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6402 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6402. Notice required.

A. Every agritourism professional shall post and maintain signs that contain the ~~warning~~ notice specified in subsection B. The sign shall be placed in a clearly visible location at the entrance to the agritourism location and at the site of the agritourism activity. The ~~warning~~ notice shall consist of a sign in black letters, with each letter to be a minimum of one inch in height. Every written contract entered into by an agritourism professional for the providing of professional services, instruction, or the rental of equipment to a participant, whether or not the contract involves agritourism activities on or off the location or at the site of the agritourism activity, shall contain in clearly readable print the ~~warning~~ notice specified in subsection B.

B. The signs and contracts described in subsection A shall contain the following notice of ~~warning~~:

~~"WARNING: "WARNING" or "ATTENTION" followed by "Under Virginia law, there is no liability for an injury to or death of a participant in an agritourism activity conducted at this agritourism location if such injury or death results from the inherent risks of the agritourism activity. Inherent risks of agritourism activities include, among others, risks of injury inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or death. You are assuming the risk of participating in this agritourism activity."~~

C. Failure to comply with the requirements concerning ~~warning~~ signs and notices provided in this section shall prevent an agritourism professional from invoking the privileges of immunity provided by this chapter.

CHAPTER 167

An Act to amend and reenact § 3.2-1100 of the Code of Virginia, relating to diversion of commodity fund unexpended balances.

[H 115]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-1100 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-1100. Diversion of dedicated revenues.

A. The unexpended balances of the following special funds shall not be diverted or expended for any purpose other than each fund's intended purpose ~~unless authorized by a specific act of Assembly~~. The special funds are:

1. Apple Fund (§ 3.2-1206);
2. Peanut Fund (§ 3.2-1906);
3. Plant Pollination Fund (§ 3.2-2806);
4. Virginia Agricultural Foundation Fund (§ 3.2-2905);
5. Virginia Bright Flue-Cured Tobacco Promotion Fund (§ 3.2-2407);
6. Virginia Beef Industry Fund (§ 3.2-1305);
7. Virginia Corn Fund (§ 3.2-1411);
8. Virginia Cotton Fund (§ 3.2-1511);
9. Virginia Dark-Fired Tobacco Promotion Fund (§ 3.2-2407.1);
10. Virginia Egg Fund (§ 3.2-1605);
11. Virginia Horse Industry Promotion and Development Fund (§ 3.2-1704);
12. Virginia Marine Products Fund (§ 3.2-2705);
13. Virginia Milk Commission Assessments Fund (§ 3.2-3220);
14. Virginia Pork Industry Fund (§ 3.2-2005);
15. Virginia Potato Fund (§ 3.2-1810);
16. Virginia Sheep Industry Promotion and Development Fund (§ 3.2-2111);
17. Virginia Small Grains Fund (§ 3.2-2211);
18. Virginia Soybean Fund (§ 3.2-2311); and
19. Virginia Wine Promotion Fund (§ 3.2-3005).

B. No provision of this subtitle shall be construed to give any board the authority to expend funds for legislative or political activity.

CHAPTER 168

An Act to amend and reenact §§ 3.2-5703 and 3.2-5707 of the Code of Virginia, relating to service agencies and technicians; security seal and service technician certification qualifications.

[H 472]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 3.2-5703 and 3.2-5707 of the Code of Virginia are amended and reenacted as follows:****§ 3.2-5703. Registration of service agency.**

A. A service agency shall not operate in the Commonwealth without first obtaining registration issued annually by the Commissioner. The application for registration as a service agency or renewal of application shall be made in writing on a form ~~supplied~~ *approved* by the Commissioner.

B. Each application for registration or renewal shall contain:

1. The name of the service agency, including any fictitious names under which it intends to operate;
2. The principal business address of the service agency;
3. The name of every person functioning as a service technician in the Commonwealth who is in the employ of the service agency;
4. Documentation of verification pursuant to § 3.2-5706 of the weights or measures standards and calibrating equipment used or to be used by the service agency; ~~and~~
5. The fee required by § 3.2-5704; *and*
6. *Proof of a uniquely identifiable security seal for the service agency.*

~~B- C.~~ C. The Commissioner may deny, suspend, or revoke any registration or renewal if the application is incomplete, false, or fraudulent. It shall be a violation of this chapter for a person to submit to the Commissioner an application for registration or renewal that he knows to be false or fraudulent.

§ 3.2-5707. Certification of service technicians.

A. A person shall not be certified as a service technician unless the service technician is employed by a registered service agency. Every service technician shall obtain certification by the Commissioner before operating in the Commonwealth and shall renew the certification annually. The application for certification as a service technician or renewal shall be made in writing on a form ~~supplied~~ *approved* by the Commissioner.

B. Each application for certification or renewal thereof shall contain:

1. The full name of the applicant;
2. The name of the service agency employing the applicant;
3. The principal business address of the service agency that employs the service technician;
4. Presentation of *valid* proof of completion of a course of training related to weights and measures offered by the Commissioner, or, in the absence of a training course offered by the Commissioner, a training course approved by the Commissioner. Except as otherwise provided by regulation, ~~such training course~~ *proof of completion of a course of training shall be valid for a period of three years after the date of taking the course. The Commissioner shall not require each application for renewal of a service technician certification to contain a valid proof of completion of a course of training related to weights and measures unless such course is offered by the Commissioner in an electronic format that is available to the applicant online. The Commissioner shall not charge a fee to enroll in the Commissioner's course of training related to weights and measures required for renewal of a service technician certification;*
5. The fee required by § 3.2-5708; and
6. A declaration by the applicant that the applicant has the authority to be lawfully employed in the United States.

~~B- C.~~ C. The Commissioner may deny, suspend, or revoke any certification or renewal if the application for certification is incomplete, false, or fraudulent. It shall be a violation of this chapter for a person to submit to the Commissioner an application for certification or renewal that he knows to be false or fraudulent.

CHAPTER 169

An Act to amend and reenact § 3.2-303 of the Code of Virginia, relating to the Governor's Agriculture and Forestry Industries Development Fund; commercially harvested wild fish and shellfish.

[H 514]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 3.2-303 of the Code of Virginia is amended and reenacted as follows:****§ 3.2-303. Definitions.**

A. As used in this chapter, unless the context requires a different meaning:

"Agricultural products" means crops, livestock, and livestock products, including field crops, fruits, vegetables, horticultural specialties, cattle, sheep, hogs, goats, horses, poultry, fur-bearing animals, milk, eggs, aquaculture, *commercially harvested wild fish, commercially harvested wild shellfish*, and furs.

"Agriculture and forestry processing/value-added facilities" means any for-profit or nonprofit business that creates value-added agricultural or forestal products.

"Forestal products" means saw timber, pulpwood, posts, firewood, Christmas trees, and other tree and wood products for sale or for farm use.

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this chapter.

"Value-added agricultural or forestal products" means any agricultural or forestal product that (i) has undergone a change in physical state; (ii) was produced in a manner that enhances the value of the agricultural commodity or product; (iii) is physically segregated in a manner that results in the enhancement of the value of the agricultural or forestal product; (iv) is a source of renewable energy; or (v) is aggregated and marketed as a locally produced agricultural or forestal product.

CHAPTER 170

An Act to amend and reenact §§ 3.2-4113 and 3.2-4117 of the Code of Virginia, relating to the production of industrial hemp.

[H 699]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-4113 and 3.2-4117 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-4113. Production of industrial hemp lawful.

A. It is lawful for a person licensed pursuant to § 3.2-4115 *or 3.2-4117* to cultivate, produce, or otherwise grow industrial hemp in the Commonwealth for ~~the any lawful purpose of research as part of the industrial hemp research program, including the manufacture of industrial hemp products or scientific, agricultural, or other research related to other lawful applications for industrial hemp.~~ No person licensed pursuant to § 3.2-4115 *or 3.2-4117* shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for ~~(i) the possession of, cultivation of industrial hemp plant material or seeds as part of the industrial hemp research program or (ii) the, or manufacture of industrial hemp plant material and seeds or industrial hemp products as part of the industrial hemp research program.~~ In any complaint, information, or indictment, and in any action or proceeding brought for the enforcement of any provision of Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 or the Drug Control Act, ~~Chapter 34 (§ 54.1-3400 et seq.) of Title 54.1,~~ it shall not be necessary to negate any exception, excuse, proviso, or exemption contained in this chapter or the Drug Control Act, and the burden of proof of any such exception, excuse, proviso, or exemption shall be on the defendant.

B. Nothing in this chapter shall be construed to authorize any person to violate any federal law or regulation. If any part of this chapter conflicts with a provision of federal law relating to industrial hemp that has been adopted in Virginia under this chapter, the federal provision shall control to the extent of the conflict.

C. No person shall be prosecuted under § 18.2-247, 18.2-248, 18.2-248.01, 18.2-248.1, 18.2-250, or 18.2-250.1 for the involuntary growth of industrial hemp through the inadvertent natural spread of seeds or pollen as a result of proximity to a licensed grower *or a grower licensed pursuant to § 3.2-4117.*

§ 3.2-4117. Additional industrial hemp licenses.

A. The Board may adopt regulations as necessary to license persons to grow industrial hemp in the Commonwealth for any lawful purpose.

B. ~~The~~ *Notwithstanding the provisions of §§ 3.2-4115 and 3.2-4116, the Commissioner may shall* establish a program of licensure and renewal, including the establishment of any fees *not to exceed \$250*, to allow a person to grow industrial hemp in the Commonwealth for any lawful purpose. *Valid applications shall be granted licensure within 90 days of receipt of the application. The Commissioner shall accept license applications throughout the year. Licenses shall be valid for four years from the date of the issuance of the license.*

C. ~~Subsections A and B shall only be allowed subject to the authorization of industrial hemp growth and production in the United States under applicable federal laws relating to industrial hemp.~~

CHAPTER 171

An Act to amend and reenact §§ 3.2-800 and 3.2-802 of the Code of Virginia, relating to noxious weeds.

[H 734]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 3.2-800 and 3.2-802 of the Code of Virginia are amended and reenacted as follows:****§ 3.2-800. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Certificate" means a document issued or authorized by the Commissioner indicating that a regulated article is not contaminated with a noxious weed.

"Infested" means the establishment of a noxious weed or exposure to such weed, which would be reasonable cause to believe that establishment could occur.

"Move" means to ship, offer for shipment, receive for transportation, carry, or otherwise transport, move, or allow to be moved.

"Noxious weed" means any living plant, ~~not widely disseminated~~, or part thereof, declared by the Board through regulations under this chapter, to be detrimental to crops, surface waters, including lakes, or other desirable plants, livestock, land, or other property, or to be injurious to public health, *the environment*, or the economy, *except when in-state production of such living plant, or part thereof, is commercially viable or such living plant is commercially propagated in Virginia.*

"Permit" means a document issued or authorized by the Commissioner to provide for movement of regulated articles to restricted destinations for limited handling, utilization, processing, or for scientific purposes.

"Person" means the term as defined in § 1-230. The term also means any society.

"Quarantine" means a legal declaration by the Board that specifies: (i) the noxious weed; (ii) the articles to be regulated; (iii) conditions governing movement; and (iv) exemptions.

"Regulated article" means any article of any character as described in this chapter or in the quarantine carrying or capable of carrying a noxious weed against which this chapter or the quarantine is directed.

§ 3.2-802. Powers and duties of Board; quarantine.

A. The Board shall establish by regulation, after a public hearing, those weeds deemed to be noxious weeds not otherwise so declared by the terms of this chapter. *Prior to designating a living plant or part thereof as a noxious weed, the Board shall review the recommendations of an advisory committee established by the Commissioner to conduct a scientific risk assessment of the proposed plant. The assessment shall include the degree to which the plant is detrimental to crops; surface waters, including lakes; other desirable plants; livestock; land or other property; public health; the environment; and the economy. The advisory committee shall also include in its recommendations to the Board an analysis of the current and potential in-state commercial viability of the specific plant species and the economic impact on industries affected by the designation of the plant as a noxious weed.*

B. The Board may establish a statewide quarantine and adopt regulations pertaining to regulated articles and conditions governing movement, under which the Commissioner shall proceed to eradicate or suppress and prevent the dissemination of noxious weeds in the Commonwealth, and shall adopt other regulations as are necessary to carry out the purpose of this chapter. The Board may adopt regulations governing the movement of regulated articles entering the Commonwealth from without. Following the establishment of a quarantine, no person shall move any noxious weed or any regulated article described in the quarantine from any regulated area without a valid permit or certificate.

Subsequent to the declaration of a quarantine by the Board, the Commissioner shall limit the application of the regulations pertinent to such quarantine to the infested portion of the Commonwealth and appropriate environs, which would be known as the regulated area and may, without further hearing, extend the regulated area to include additional portions of the Commonwealth upon publication of a notice to that effect in a newspaper distributed in the extended area or by direct written notice to those concerned.

CHAPTER 172

An Act to amend and reenact § 3.2-6556 of the Code of Virginia, relating to animal control officers; training.

[H 1211]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 3.2-6556 of the Code of Virginia is amended and reenacted as follows:****§ 3.2-6556. Training of animal control officers.**

A. Every locality employing animal control officers shall require that every animal control officer and deputy animal control officer completes the following training:

1. ~~Within two years from the date of hire, a~~ A basic animal control course that has been approved by the State Veterinarian. The basic animal control course shall include training in recognizing suspected child abuse and neglect and information on how complaints may be filed and shall be approved and implemented. *Any animal control officer hired on or after July 1, 1998, and before July 1, 2017, shall complete the basic animal control course within two years from the date of hire. Any animal control officer hired on or after July 1, 2017, shall complete the basic animal control course within one year from the date of hire or within two years if the officer is attending a law enforcement academy; and*

2. Every three years, additional training approved by the State Veterinarian, 15 hours of which shall be training in animal control and protection.

The State Veterinarian shall develop criteria to be used in approving training courses and shall provide an opportunity for public comment on proposed criteria before the final criteria are adopted.

Subdivision 1 shall not apply to animal control officers or deputy animal control officers hired before July 1, 1998. The State Veterinarian may grant exemptions from the requirements of subdivision 1 to animal control officers hired on or after July 1, 1998, based on the animal control officer's previous training.

The State Veterinarian shall work to ensure the availability of these training courses through regional criminal justice training academies or other entities as approved by him. Based on information provided by authorized training entities, the State Veterinarian shall maintain the training records for all animal control officers for the purpose of documenting and ensuring that they are in compliance with this subsection.

B. Upon cause shown by a locality, the State Veterinarian may grant additional time during which the training required by subsection A may be completed by an animal control officer for the locality.

C. Any animal control officer that fails to complete the training required by subsection A shall be removed from office, unless the State Veterinarian has granted additional time as provided in subsection B.

CHAPTER 173

An Act to amend and reenact § 8.01-407 of the Code of Virginia, relating to attorney-issued summons; proof of payment to clerk's office.

[H 496]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-407 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-407. How summons for witness issued, and to whom directed; prior permission of court to summon certain officials and judges; attendance before commissioner of other state; attorney-issued summons.

A. A summons may be issued, directed as prescribed in § 8.01-292, commanding the officer to summon any person to attend on the day and at the place that such attendance is desired, to give evidence before a court, grand jury, arbitrators, magistrate, notary, or any commissioner or other person appointed by a court or acting under its process or authority in a judicial or quasi-judicial capacity. The summons may be issued by the clerk of the court if the attendance is desired at a court or in a proceeding pending in a court. The clerk shall not impose any time restrictions limiting the right to properly request a summons up to and including the date of the proceeding:

If attendance is desired before a commissioner in chancery or other commissioner of a court, the summons may be issued by the clerk of the court in which the matter is pending, or by such commissioner in chancery or other commissioner;

If attendance is desired before a notary or other officer taking a deposition, the summons may be issued by such notary or other officer at the instance of the attorney desiring the attendance of the person sought;

If attendance is sought before a grand jury, the summons may be issued by the attorney for the Commonwealth, or the clerk of the court, at the instance of the attorney for the Commonwealth.

Except as otherwise provided in this subsection, if attendance is desired in a civil proceeding pending in a court or at a deposition in connection with such proceeding, including medical malpractice review panels, and a claim before the Workers' Compensation Commission, a summons may be issued by an attorney-at-law who is an active member of the Virginia State Bar at the time of issuance, as an officer of the court. An attorney-issued summons shall be on a form approved by the Supreme Court, signed by the attorney and shall include the attorney's address. The summons and any transmittal sheet shall be deemed to be a pleading to which the provisions of § 8.01-271.1 shall apply. A copy of the summons and, if served by a sheriff, all service of process fees, shall be mailed or delivered to the clerk's office of the court in which the case is pending or the Workers' Compensation Commission, as applicable, on the day of issuance by the attorney. The law governing summonses issued by a clerk shall apply mutatis mutandis. When an attorney-at-law *who is an active member of the Virginia State Bar* transmits one or more attorney-issued subpoenas to a sheriff to be served in his jurisdiction, such subpoenas shall be accompanied by a transmittal sheet. The transmittal sheet, which may be in the form of a letter, shall contain for each subpoena: (i) the person to be served, (ii) the name of the city or county in which the subpoena is to be served, in parentheses, (iii) the style of the case in which the subpoena was issued, (iv) the court in which the case is pending, and (v) the amount of fees tendered or paid to each clerk in whose court the case is pending together with a photocopy of *either (a) the payment instrument and a photocopy of the letter sent to the clerk's office that accompanied such payment instrument or (b) the clerk's receipt.* If copies of the same transmittal sheet are used to send subpoenas to more

than one sheriff for service of process, then subpoenas shall be grouped by the jurisdiction in which they are to be served. For each person to be served, an original subpoena and copy thereof shall be included. If the attorney desires a return copy of the transmittal sheet as proof of receipt, he shall also enclose an additional copy of the transmittal sheet together with an envelope addressed to the attorney with sufficient first class postage affixed. Upon receipt of such transmittal, the transmittal sheet shall be date-stamped and, if the extra copy and above-described envelope are provided, the copy shall also be date-stamped and returned to the attorney-at-law in the above-described envelope.

However, when such transmittal does not comply with the provisions of this section, the sheriff may promptly return such transmittal if accompanied by a short description of such noncompliance. An attorney may not issue a summons in any of the following civil proceedings: ~~(i)~~ (a) habeas corpus under Article 3 (§ 8.01-654 et seq.) of Chapter 25 of this title, ~~(ii)~~ (b) delinquency or abuse and neglect proceedings under Article 3 (§ 16.1-241 et seq.) of Chapter 11 of Title 16.1, ~~(iii)~~ (c) civil forfeiture proceedings, ~~(iv)~~ (d) habitual offender proceedings under Article 9 (§ 46.2-351 et seq.) of Chapter 3 of Title 46.2, ~~(v)~~ (e) administrative license suspension pursuant to § 46.2-391.2, and ~~(vi)~~ (f) petition for writs of mandamus or prohibition in connection with criminal proceedings. A sheriff shall not be required to serve an attorney-issued subpoena that is not issued at least five business days prior to the date that attendance is desired.

In other cases, if attendance is desired, the summons may be issued by the clerk of the circuit court of the county or city in which the attendance is desired.

A summons shall express on whose behalf, and in what case or about what matter, the witness is to attend. Failure to respond to any such summons shall be punishable by the court in which the proceeding is pending as for contempt. When any subpoena is served less than five calendar days before appearance is required, the court may, after considering all of the circumstances, refuse to enforce the subpoena for lack of adequate notice. If any subpoena is served less than five calendar days before appearance is required upon any judicial officer generally incompetent to testify pursuant to § 19.2-271, such subpoena shall be without legal force or effect unless the subpoena has been issued by a judge.

B. No subpoena shall, without permission of the court first obtained, issue for the attendance of the Governor, Lieutenant Governor, or Attorney General of this Commonwealth, a judge of any court thereof; the President or Vice President of the United States; any member of the President's Cabinet; any ambassador or consul; or any military officer on active duty holding the rank of admiral or general.

C. This section shall be deemed to authorize a summons to compel attendance of a citizen of the Commonwealth before commissioners or other persons appointed by authority of another state when the summons requires the attendance of such witness at a place not out of his county or city.

CHAPTER 174

An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; procurement of information technology goods and services; contractor liability.

[S 150]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. *In the case of a proposal for information technology, as*

defined in § 2.2-2006, a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. The offeror shall state any exception to any liability provisions contained in the Request for Proposal in writing at the beginning of negotiations, and such exceptions shall be considered during negotiation. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

CHAPTER 175

An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; Request for Proposals for architectural or engineering services.

[S 169]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in

response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. *For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations.* At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable *and pursuant to contractual terms and conditions acceptable to the public body*, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

CHAPTER 176

An Act to amend and reenact § 15.2-1610 of the Code of Virginia, relating to sheriffs; standard vehicle markings.

[S 266]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1610 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1610. Standard uniforms and motor vehicle markings to be adopted by sheriffs.

A. Except as provided in § 15.2-1611, all uniforms used by sheriffs and their deputies and police officers under the direct control of a sheriff while in the performance of their duties shall (i) easily identify local law-enforcement officers to members of the public, (ii) be of a design and style approved by the sheriff of the locality, and (iii) be worn according to the policies established by the sheriff of the locality.

B. All marked motor vehicles used by sheriffs' offices shall be solid dark brown or, ~~with the concurrence of the local governing body and the local sheriff,~~ some other solid color, with a reflectorized gold, five-point star on each front side door. The lettering on such stars shall say "Sheriff's Office" or "Sheriff" in a half-circle above the Seal of the Commonwealth or the seal of the jurisdiction. The name of the county or city shall be placed in a half-circle below the Seal. The words "Sheriff's Office" or "Sheriff" shall be placed on the rear of the trunk.

C. All sheriffs' offices shall be in full compliance with specifications for uniforms and motor vehicle markings, if the sheriff prescribes that uniforms be worn and marked motor vehicles be utilized.

CHAPTER 177

An Act to amend and reenact § 8.01-343 of the Code of Virginia, relating to reappointment of jury commissioners.

[H 116]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-343 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-343. Appointment of jury commissioners.

The judge of each circuit court in which juries are impaneled shall, prior to the first day of July in each year, appoint for the next ensuing year ending on the following first day of July not less than two nor more than ~~fifteen~~ 15 persons as jury commissioners, who shall be competent to serve as jurors under the provisions of this chapter, and shall be citizens of intelligence, morality, and integrity. The judge of the circuit court of a county having the urban county executive form of government may appoint jury commissioners at any time prior to the first day of November in each year. Any one judge of the judicial circuit may make such appointment under this section. No practicing attorney-at-law, however, shall be appointed as a jury commissioner. Such appointment shall be certified by the judge to the clerk of the court for which the appointment is made, who shall enter the same on the civil order book of such court. ~~No~~ A jury commissioner shall be eligible ~~to for~~ reappointment ~~for at least three years after the expiration of the year for which he was appointed.~~ For the purpose of this section, the two divisions of the Circuit Court of the City of Richmond shall be deemed to be separate courts.

CHAPTER 178

An Act to amend and reenact §§ 8.01-676.1 and 8.01-682 of the Code of Virginia, relating to security for appeal.

[H 437]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-676.1 and 8.01-682 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-676.1. Security for appeal.

A. Security for costs of appeal of right to Court of Appeals. — A party filing a notice of an appeal of right to the Court of Appeals shall simultaneously file an appeal bond or irrevocable letter of credit in the penalty of \$500, or such sum as the trial court may require, subject to subsection E, conditioned upon paying all costs and fees incurred in the Court of Appeals and the Supreme Court if it takes cognizance of the claim. If the appellant wishes suspension of execution, the security shall also be conditioned and shall be in such sum as the trial court may require as provided in subsection C.

B. Security for costs on petition for appeal to Court of Appeals or Supreme Court. — An appellant whose petition for appeal is granted by the Court of Appeals or the Supreme Court shall (if he has not done so) within 15 days from the date of the Certificate of Appeal file an appeal bond or irrevocable letter of credit in the same penalty as provided in subsection A, conditioned on the payment of all damages, costs, and fees incurred in the Court of Appeals and in the Supreme Court.

C. Security for suspension of execution. — An appellant who wishes execution of the judgment or award from which an appeal is sought to be suspended during the appeal shall, subject to the provisions of subsection J, file ~~an appeal a~~ *suspending* bond or irrevocable letter of credit conditioned upon the performance or satisfaction of the judgment and payment of all damages incurred in consequence of such suspension, and except as provided in subsection D, execution shall be suspended upon the filing of such security and the timely prosecution of such appeal. Such security shall be continuing and additional security shall not be necessary except as to any additional amount which may be added or to any additional requirement which may be imposed by the courts.

D. Suspension of execution in decrees for support and custody; injunctions. — The court from which an appeal is sought may refuse to suspend the execution of decrees for support and custody, and may also refuse suspension when a judgment refuses, grants, modifies, or dissolves an injunction.

E. Increase or decrease in penalty or other modification of security. —

1. The trial court or commission may, upon the motion of any party (i) for good cause shown, modify the terms of the security for the appeal or of the security for the suspension of execution of a judgment and (ii) resolve any objection to the form or issuer of a bond or letter of credit at any time until the Court of Appeals or the Supreme Court acts upon any similar

motion. Any party aggrieved by the decision of the trial court or commission may request a review of such decision by the appellate court before which the case is pending.

2. The Court of Appeals or the Supreme Court, ~~when it considers a petition for appeal,~~ may order that the penalty or any other terms or requirements of the security for the appeal or of the security for the suspension of execution of a judgment be modified for good cause shown *(i) upon the motion of any party or (ii) if such request is made in the brief of any party filed in the Court of Appeals, or in the Petition for Appeal or the appellee's Brief in Opposition filed in the Supreme Court or the Court of Appeals.*

3. Affidavits and counter-affidavits may be filed by the parties containing facts pertinent to such request. Any increase or decrease in the amount of or other modification of the security so ordered shall be effected in the clerk's office of the trial court within 15 days of the order of *the trial court*, the Court of Appeals, or the Supreme Court.

4. If an increase so ordered is not effected within 15 days, the appeal shall be dismissed, in the case of the security required under subsection A or B, or the suspension of execution of a judgment shall be discontinued, in the case of the security required under subsection C. ~~Such increase or decrease in the penalty or other modification of the security may also be considered and ordered by the trial court for good cause shown, on motion of either party, at any time until the Court of Appeals or the Supreme Court acts upon any similar motion, and failure to increase such penalty as hereinabove provided shall also cause the appeal to be dismissed, in the case of the security required under subsection A, or the suspension of execution of a judgment to be discontinued, in the case of the security required under subsection C.~~

F. By whom executed. — Each bond filed shall be executed by a party or another on his behalf, and by surety approved by the clerk of the court from which appeal is sought, or by the clerk of the Supreme Court or the clerk of the Court of Appeals if the bond is ordered by such Court. Any letter of credit posted as security for an appeal shall be in a form acceptable to the clerk of the court from which appeal is sought, or by the clerk of the Supreme Court or the Court of Appeals if the security is ordered by such court. The letter of credit shall be from a bank incorporated or authorized to conduct banking business under the laws of this Commonwealth or authorized to do business in this Commonwealth under the banking laws of the United States, or a federally insured savings institution located in this Commonwealth.

G. Appeal from State Corporation Commission; security for costs. — When an appeal of right is entered from the State Corporation Commission to the Supreme Court, and no suspension of the order, judgment, or decree appealed from is requested, such appeal bond or letter of credit shall be filed when and in the amount required by the clerk of the Supreme Court, whose action shall be subject to review by the Supreme Court.

H. Appeal from State Corporation Commission; suspension. — Any judgment, order, or decree of the State Corporation Commission subject to appeal to the Supreme Court may be suspended by the Commission or by the Supreme Court pending decision of the appeal if the Commission or the Supreme Court deems such suspension necessary for the proper administration of justice but only upon the written application of an appellant after reasonable notice to all other parties in interest and the filing of a suspending bond or irrevocable letter of credit with such conditions, in such penalty, and with such surety thereon as the Commission or the Supreme Court may deem sufficient. But no surety shall be required if the appellant is any county, city or town of this Commonwealth, or the Commonwealth.

I. Forms of bonds; letters of credit; where filed. — The Clerk of the Supreme Court shall prescribe separate forms for ~~appeal~~ bonds, one for costs alone, one for suspension of execution, and one for both and a form for irrevocable letters of credit, to which the bond or bonds or irrevocable letters of credit given shall substantially conform. The forms for each bond and the letter of credit shall be published in the Rules of Court. It shall be sufficient if the bond or letter of credit, when executed as required, is filed with the trial court, clerk of the Virginia Workers' Compensation Commission, or the clerk of the State Corporation Commission, whichever is applicable, and no personal appearance in the trial court, Virginia Workers' Compensation Commission, or State Corporation Commission by the principal, the surety on the bond or the bank issuing the letter of credit shall be required as a condition precedent to its filing.

J. In any civil litigation under any legal theory, the amount of the ~~appeal~~ *suspending* bond or irrevocable letter of credit to be furnished during the pendency of all appeals or discretionary reviews of any judgment granting legal, equitable, or any other form of relief in order to stay the execution thereon during the entire course of appellate review by any courts shall be set in accordance with applicable laws or court rules, ~~except that~~ *and the amount of the suspending bond or irrevocable letter of credit shall include an amount equivalent to one year's interest calculated from the date of the notice of appeal in accordance with § 8.01-682. However, the total* ~~appeal~~ *suspending* bond or irrevocable letter of credit that is required of an appellant and all of its affiliates shall not exceed \$25 million, regardless of the value of the judgment.

~~J1. Any objection to or motion for modification of the form, amount, or issuer of any letter of credit or bond may be made to, and decided by, the Court of Appeals or the Supreme Court. Any objection to or motion for modification of the form, amount, or issuer of any letter of credit or bond may also be made to, and decided by, the court or commission whose decision is being appealed at any time until the Court of Appeals or the Supreme Court acts upon any similar motion.~~

K. Dissipation of assets. — If the appellee proves by a preponderance of the evidence that a party bringing an appeal, for whom the ~~appeal~~ *suspending* bond or irrevocable letter of credit requirement has been limited or waived ~~pursuant to subsection J,~~ is purposefully dissipating its assets or diverting assets outside the jurisdiction of the United States courts for the purpose of evading the judgment, the limitation or waiver ~~granted pursuant to subsection J~~ shall be rescinded and a court may require the appellant to post a *suspending* bond or irrevocable letter of credit in an amount up to the full amount of the judgment. Dissipation of assets shall not include those ongoing expenditures made from assets of the kind that the appellant made in the regular course of business prior to the judgment being appealed, such as the payment of stock dividends and

other financial incentives to the shareholders of publicly owned companies, continued participation in charitable and civic activities, and other expenditures consistent with the exercise of good business judgment.

L. For good cause shown, a court may otherwise waive the filing of ~~an appeal~~ a *suspending* bond or irrevocable letter of credit as to the damages in excess of, or other than, the compensatory damages. *Subject to the provisions of subsection K, the parties may agree to waive the requirement of a suspending bond or irrevocable letter of credit or agree to a suspending bond or irrevocable letter of credit in an amount less than the compensatory damages.*

M. Exemption. — When an appeal is proper to protect the estate of a decedent or person under disability, or to protect the interest of the Commonwealth or any county, city, or town of this Commonwealth, no security for appeal shall be required.

N. Indigents. — No person who is an indigent shall be required to post security for an appeal bond.

O. Virginia Workers' Compensation Commission. — No claimant who files an appeal from a final decision of the Virginia Workers' Compensation Commission with the Court of Appeals shall be required to post security for costs as provided in subsection A or B if such claimant has not returned to his employment or by reason of his disability is unemployed. Such claimant shall file an affidavit describing his disability and employment status with the Court of Appeals together with a motion to waive the filing of the security under subsection A or B.

P. Time for filing security for appeal. — The appeal bond or letter of credit prescribed in subsections A and B is not jurisdictional and the time for filing such security in cases before the Court of Appeals or the Supreme Court may be extended by a judge or justice of the court before which the case is pending on motion for good cause shown and to attain the ends of justice. *The effect of failing to perfect an appeal bond shall be governed by the Rules of Supreme Court of Virginia.*

Q. Consideration of appeal bond, *suspending bond*, or letter of credit by Court of Appeals or Supreme Court. — A determination on an issue affecting an appeal bond, *suspending bond*, or letter of credit in a case before the Court of Appeals or the Supreme Court may be considered by an individual judge of such court rather than by a panel of judges.

R. This section applies to injunction bonds required pursuant to § 8.01-631.

S. *In accordance with § 1-205, if the party required to post an appeal or suspending bond tenders such bond together with cash in the full amount required by this section to the clerk specified in this section, no surety shall be required.*

§ 8.01-682. What damages awarded appellee.

When any judgment is affirmed, damages shall be awarded to the appellee. When the judgment is for the payment of money, the damages shall be the interest to which the party is legally entitled, *as provided in § 6.2-302 or any other provision of law*, from the date of filing the notice of appeal until the date the appellate court issues its mandate. Such interest shall be computed upon the whole amount of the recovery, including interest and costs, and such damages shall be in satisfaction of all interest during such period of time. When the judgment is not for the payment of any money, except costs, the damages shall be such specific sum as the appellate court may deem reasonable, not being more than \$2,500 nor less than \$150.

CHAPTER 179

An Act to amend and reenact §§ 20-146.13 and 20-146.14 of the Code of Virginia, relating to the Uniform Child Custody Jurisdiction and Enforcement Act; exclusive, continuing jurisdiction.

[H 497]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-146.13 and 20-146.14 of the Code of Virginia are amended and reenacted as follows:

§ 20-146.13. Exclusive, continuing jurisdiction.

A. Except as otherwise provided in § 20-146.15, a court of ~~this the~~ the Commonwealth that has made a child custody determination consistent with § 20-146.12 or § 20-146.14 has exclusive, continuing jurisdiction as long as the child, ~~the child's parents~~ a parent of the child, or any person acting as a parent of the child ~~continue~~ continues to live in ~~this the~~ the Commonwealth.

B. A court of ~~this the~~ the Commonwealth that has made a child custody determination and does not have exclusive, continuing jurisdiction under this section may modify that determination only if it has jurisdiction to make an initial determination under § 20-146.12.

§ 20-146.14. Jurisdiction to modify determination.

Except as otherwise provided in § 20-146.15, a court of ~~this the~~ the Commonwealth may not modify a child custody determination made by a court of another state unless a court of ~~this the~~ the Commonwealth has jurisdiction to make an initial determination under subdivision A 1 or A 2 of § 20-146.12 and:

1. The court of the other state determines that it no longer has exclusive, continuing jurisdiction under § 20-146.13 or that a court of ~~this the~~ the Commonwealth would be a more convenient forum under § 20-146.18; or

2. A court of ~~this the~~ the Commonwealth or a court of the other state determines that neither a parent of the child, nor the child, ~~the child's parents~~, nor any person acting as a parent of the child presently ~~reside~~ resides in the other state.

CHAPTER 180

An Act to amend and reenact § 17.1-213 of the Code of Virginia, relating to retention of court records; violent felonies and acts of violence.

[H 624]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 17.1-213 of the Code of Virginia is amended and reenacted as follows:

§ 17.1-213. Disposition of papers in ended cases.

A. All case files for cases ended prior to January 1, 1913, shall be permanently maintained in hardcopy form, either in the locality served by the circuit court where such files originated or in The Library of Virginia in accordance with the provisions of § 42.1-86 and subsection C of § 42.1-87.

B. The following records for cases ending on or after January 1, 1913, shall be retained for 10 years after conclusion:

1. Conditional sales contracts;
2. Concealed weapons permit applications;
3. Minister appointments;
4. Petitions for appointment of trustee;
5. Name changes;
6. Nolle prosequi cases;

7. Civil actions that are voluntarily dismissed, including nonsuits, cases that are dismissed as settled and agreed, cases that are dismissed with or without prejudice, cases that are discontinued or dismissed under § 8.01-335, and district court appeals dismissed under § 16.1-113 prior to 1988;

8. Misdemeanor and traffic cases, except as provided in subdivision C 3, including those which were commenced on a felony charge but concluded as a misdemeanor;

9. Suits to enforce a lien;
10. Garnishments;

11. Executions except for those covered in § 8.01-484;

12. Miscellaneous oaths and qualifications, but only if the order or oath or qualification is spread in the appropriate order book; and

13. Civil cases pertaining to declarations of habitual offender status and full restoration of driving privileges.

C. All other records or cases ending on or after January 1, 1913, shall be retained subject to the following:

1. All civil case files to which subsection D does not pertain shall be retained 20 years from the court order date.

2. All criminal cases dismissed, including those not a true bill, acquittals, and not guilty verdicts, shall be retained 10 years from the court order date.

3. Except as otherwise provided in this subdivision, criminal case files involving a felony conviction and all criminal case files involving a misdemeanor conviction under § 16.1-253.2, 18.2-57.2, or 18.2-60.4 shall be retained (i) 20 years from the sentencing date or (ii) until the sentence term ends, whichever comes later. Case files involving a conviction for a sexually violent offense as defined in § 37.2-900, *a violent felony as defined in § 17.1-805, or an act of violence as defined in § 19.2-297.1* shall be retained (a) 50 years from the sentencing date or (b) until the sentence term ends, whichever comes later.

D. Under the provisions of subsections B and C, the entire file of any case deemed by the local clerk of court to have historical value, as defined in § 42.1-77, or genealogical or sensational significance shall be retained permanently as shall all cases in which the title to real estate is established, conveyed or condemned by an order or decree of the court. The final order for all cases in which the title to real estate is so affected shall include an appropriate notification thereof to the clerk.

E. Except as provided in subsection A, the clerk of a circuit court may cause (i) any or all papers or documents pertaining to civil and criminal cases; (ii) any unexecuted search warrants and affidavits for unexecuted search warrants, provided at least three years have passed since issued; (iii) any abstracts of judgments; and (iv) original wills, to be destroyed if such records, papers, documents, or wills no longer have administrative, fiscal, historical, or legal value to warrant continued retention, provided such records, papers, or documents have been microfilmed or converted to an electronic format. Such microfilm and microphotographic processes and equipment shall meet state archival microfilm standards pursuant to § 42.1-82, or such electronic format shall follow state electronic records guidelines, and such records, papers, or documents so converted shall be placed in conveniently accessible files and provisions made for examining and using same. The clerk shall further provide security negative copies of any such microfilmed materials for storage in The Library of Virginia.

CHAPTER 181

An Act to amend and reenact §§ 8.01-577, 8.01-581.014, 8.01-581.016, and 16.1-77 of the Code of Virginia, relating to jurisdiction of general district court; arbitration.

[H 641]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-577, 8.01-581.014, 8.01-581.016, and 16.1-77 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-577. Submission of controversy; agreement to arbitrate; condition precedent to action.

A. Persons desiring to end any controversy, whether there is a suit pending therefor or not, may submit the same to arbitration, and agree that such submission may be entered of record in any *circuit court or entered by order of any general district court*. Upon proof of such agreement out of court, or by consent of the parties given in court in person or by counsel, it shall be entered in the proceedings of such court. Thereupon a rule shall be made; that the parties shall submit to the award which shall be made in accordance with such agreement and the provisions of this chapter.

B. Neither party shall have the right to revoke an agreement to arbitrate except on a ground which would be good for revoking or annulling other agreements. Submission of any claim or controversy to arbitration pursuant to such agreement shall be a condition precedent to institution of suit or action thereon, and the agreement to arbitrate shall be enforceable, unless the agreement also provides that submission to arbitration shall not be a condition precedent to suit or action.

§ 8.01-581.014. Court; jurisdiction.

The term "court" means a *circuit court or general district court of this the Commonwealth* having jurisdiction over the subject matter of the controversy.

§ 8.01-581.016. Appeals.

An appeal may be taken from:

1. An order denying an application to compel arbitration made under § 8.01-581.02;
2. *An order by a general district court granting an application to compel arbitration;*
3. An order granting an application to stay arbitration made under subsection B of § 8.01-581.02;
- ~~3-4.~~ 4. An order confirming or denying an award;
- ~~4.~~ 5. An order modifying or correcting an award;
- ~~5-6.~~ 6. An order vacating an award without directing a rehearing; or
- ~~6-7.~~ 7. A judgment or decree entered pursuant to the provisions of this article.

The appeal shall be taken in the manner and to the same extent as from orders or judgments in a civil action.

§ 16.1-77. Civil jurisdiction of general district courts.

Except as provided in Article 5 (§ 16.1-122.1 et seq.) ~~of this chapter~~, each general district court shall have, within the limits of the territory it serves, civil jurisdiction as follows:

(1) Exclusive original jurisdiction of any claim to specific personal property or to any debt, fine or other money, or to damages for breach of contract or for injury done to property, real or personal, or for any injury to the person that would be recoverable by action at law or suit in equity, when the amount of such claim does not exceed \$4,500 exclusive of interest and any attorney's fees contracted for in the instrument, and concurrent jurisdiction with the circuit courts having jurisdiction in such territory of any such claim when the amount thereof exceeds \$4,500 but does not exceed \$25,000, exclusive of interest and any attorney's fees contracted for in the instrument. However, this \$25,000 limit shall not apply with respect to distress warrants under the provisions of § 55-230, cases involving liquidated damages for violations of vehicle weight limits pursuant to § 46.2-1135, nor cases involving forfeiture of a bond pursuant to § 19.2-143.

(2) Jurisdiction to try and decide attachment cases when the amount of the plaintiff's claim does not exceed \$25,000 exclusive of interest and any attorney's fees contracted for in the instrument.

(3) Jurisdiction of actions of unlawful entry or detainer as provided in Article 13 (§ 8.01-124 et seq.) of Chapter 3 of Title 8.01, and in Chapter 13 (§ 55-217 et seq.) of Title 55, and the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim or cross-claim in an unlawful detainer action that includes a claim for damages sustained or rent against any person obligated on the lease or guarantee of such lease.

(4) Except where otherwise specifically provided, all jurisdiction, power and authority over any civil action or proceeding conferred upon any general district court judge or magistrate under or by virtue of any provisions of the Code of ~~Virginia~~.

(5) Jurisdiction to try and decide suits in interpleader involving personal or real property where the amount of money or value of the property is not more than the maximum jurisdictional limits of the general district court. However, the maximum jurisdictional limits prescribed in subdivision (1) shall not apply to any claim, counter-claim, or cross-claim in an interpleader action that is limited to the disposition of an earnest money deposit pursuant to a real estate purchase contract. The action shall be brought in accordance with the procedures for interpleader as set forth in § 8.01-364. However, the general district court shall not have any power to issue injunctions. Actions in interpleader may be brought by either the stakeholder or any of the claimants. The initial pleading shall be either by motion for judgment, by warrant in debt, or by

other uniform court form established by the Supreme Court of Virginia. The initial pleading shall briefly set forth the circumstances of the claim and shall name as defendant all parties in interest who are not parties plaintiff.

(6) Jurisdiction to try and decide any cases pursuant to § 2.2-3713 of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) or § 2.2-3809 of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), for writs of mandamus or for injunctions.

(7) Concurrent jurisdiction with the circuit courts having jurisdiction in such territory to adjudicate habitual offenders pursuant to the provisions of Article 9 (§ 46.2-355.1 et seq.) of Chapter 3 of Title 46.2.

(8) Jurisdiction to try and decide cases alleging a civil violation described in § 18.2-76.

(9) Jurisdiction to try and decide any cases pursuant to § 55-79.80:2 of the Condominium Act (§ 55-79.39 et seq.) or § 55-513 of the Property Owners' Association Act (§ 55-508 et seq.).

(10) *Concurrent jurisdiction with the circuit courts to submit matters to arbitration pursuant to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01 where the amount in controversy is within the jurisdictional limits of the general district court. Any party that disagrees with an order by a general district court granting an application to compel arbitration may appeal such decision to the circuit court pursuant to § 8.01-581.016.*

CHAPTER 182

An Act to amend and reenact § 16.1-266.1 of the Code of Virginia, relating to appointed counsel for parents or guardians.

[H 671]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-266.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-266.1. Standards for attorneys appointed as guardians ad litem; list of qualified attorneys; attorneys appointed for parents or guardians.

A. On or before January 1, 1995, the Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, shall adopt standards for attorneys appointed as guardians ad litem pursuant to § 16.1-266. The standards shall, ~~in so far~~ *insofar* as practicable, take into consideration the following criteria: (i) license or permission to practice law in Virginia, (ii) current training in the roles, responsibilities and duties of guardian ad litem representation, (iii) familiarity with the court system and general background in juvenile law, and (iv) demonstrated proficiency in this area of the law.

B. The Judicial Council shall maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as guardians ad litem based upon the standards and shall make the names available to the courts. If no attorney who is on the list is reasonably available, a judge in his discretion, may appoint any discreet and competent attorney who is admitted to practice law in Virginia.

C. *Counsel appointed for a parent or guardian pursuant to subsection D of § 16.1-266 shall be selected from the list of attorneys who are qualified to serve as guardians ad litem. If no attorney who is on the list is reasonably available or appropriate considering the circumstances of the parent or case, a judge in his discretion may appoint any discreet and competent attorney who is admitted to practice law in Virginia.*

CHAPTER 183

An Act to amend and reenact § 38.2-510 of the Code of Virginia, relating to unfair claim settlement practices; appraisal of automobile repair costs.

[S 193]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-510 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-510. Unfair claim settlement practices.

A. No person shall commit or perform with such frequency as to indicate a general business practice any of the following:

1. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;
2. Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;
3. Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;
4. Refusing arbitrarily and unreasonably to pay claims;
5. Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;

6. Not attempting in good faith to make prompt, fair and equitable settlements of claims in which liability has become reasonably clear;

7. Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;

8. Attempting to settle claims for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application;

9. Attempting to settle claims on the basis of an application that was altered without notice to, or knowledge or consent of, the insured;

10. Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made;

11. Making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;

12. Delaying the investigation or payment of claims by requiring an insured, a claimant, or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, when both contain substantially the same information;

13. Failing to promptly settle claims where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage;

14. Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement;

15. Failing to comply with § 38.2-3407.15, or to perform any provider contract provision required by that section;

16. Payment to an insurer or its representative by a repair facility, or acceptance by an insurer or its representative from a repair facility, directly or indirectly, of any kickback, rebate, commission, thing of value, or other consideration in connection with such person's appraisal service; or

17. Making appraisals of the cost of repairing ~~an automobile~~ *a motor vehicle* that has been damaged as a result of a ~~collision covered loss~~ unless such appraisal is based upon a personal inspection by a representative of the repair facility or a representative of the insurer who is making the appraisal. *Notwithstanding the requirement that an appraisal be based upon a personal inspection, the repair facility or the insurer making the appraisal may prepare an initial, which may be the final, repair appraisal on a motor vehicle that has been damaged as a result of a covered loss either from the representative's personal inspection of the motor vehicle or from photographs, videos, or electronically transmitted digital imagery of the motor vehicle; however, no insurer may require an owner of a motor vehicle to submit photographs, videos, or electronically transmitted digital imagery as a condition of an appraisal. Supplemental repair estimates that become necessary after the repair work has been initiated due to discovery of additional damage to the motor vehicle may also be made from photographs, videos, or electronically transmitted digital imagery of the motor vehicle, provided that in the case of disputed repairs a personal inspection is required.*

B. No violation of this section shall of itself be deemed to create any cause of action in favor of any person other than the Commission; but nothing in this subsection shall impair the right of any person to seek redress at law or equity for any conduct for which action may be brought.

C. 1. No insurer shall prepare or use an estimate of the cost of automobile repairs based on the use of an after market part, as defined herein, unless:

The insurer discloses to the claimant in writing either on the estimate or in a separate document attached to the estimate the following information:

"THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AUTOMOBILE PARTS NOT MADE BY THE ORIGINAL MANUFACTURER. PARTS USED IN THE REPAIR OF YOUR VEHICLE BY OTHER THAN THE ORIGINAL MANUFACTURER ARE REQUIRED TO BE AT LEAST EQUAL IN LIKE KIND AND QUALITY IN TERMS OF FIT, QUALITY AND PERFORMANCE TO THE ORIGINAL MANUFACTURER PARTS THEY ARE REPLACING."

2. "After market part" as used in this section shall mean an automobile part which is not made by the original equipment manufacturer and which is a sheet metal or plastic part generally constituting the exterior of a motor vehicle, including inner and outer panels.

CHAPTER 184

An Act to amend and reenact § 2.2-3706 of the Code of Virginia, relating to the Virginia Freedom of Information Act; public access to noncriminal records.

Approved March 1, 2016

[S 727]

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3706 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3706. Disclosure of criminal records; limitations.

A. All public bodies engaged in criminal law-enforcement activities shall provide requested records in accordance with this chapter as follows:

1. Records required to be released:

a. Criminal incident information relating to felony offenses, which shall include:

- (1) A general description of the criminal activity reported;
- (2) The date the alleged crime was committed;
- (3) The general location where the alleged crime was committed;
- (4) The identity of the investigating officer or other point of contact; and
- (5) A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision a.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision a shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

b. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation; and

c. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest;

2. Discretionary releases. The following records are excluded from the provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

a. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision 1 a;

b. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23;

c. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;

d. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;

e. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;

f. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;

g. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;

h. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;

i. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made confidential by law;

j. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and

k. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913; and

3. Prohibited releases. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

B. Noncriminal records. ~~Records (i) required to be maintained by law-enforcement agencies pursuant to § 15.2-1722 or (ii) maintained by other public bodies engaged in criminal law-enforcement activities shall be subject to the provisions of~~

~~this chapter except that those~~ *Those* portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature may be withheld where the release of such information would jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a law-enforcement agency shall be governed by the provisions of subdivision A 2 i of this section and subdivision 1 of § 2.2-3705.1, as applicable.

C. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

D. Conflict resolution. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.

CHAPTER 185

An Act to amend and reenact § 47.1-2 of the Code of Virginia, relating to satisfaction of evidence of identity; United States Passport Book and United States Passport Card.

[H 189]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 47.1-2 of the Code of Virginia is amended and reenacted as follows:

§ 47.1-2. Definitions.

As used in this title, unless the context demands a different meaning:

~~"Acknowledgement"~~ *"Acknowledgment"* means a notarial act in which an individual at a single time and place (i) appears in person before the notary and presents a document; (ii) is personally known to the notary or identified by the notary through satisfactory evidence of identity; and (iii) indicates to the notary that the signature on the document was voluntarily affixed by the individual for the purposes stated within the document and, if applicable, that the individual had due authority to sign in a particular representative capacity.

"Affirmation" means a notarial act, or part thereof, that is legally equivalent to an oath and in which an individual at a single time and place (i) appears in person before the notary and presents a document; (ii) is personally known to the notary or identified by the notary through satisfactory evidence of identity; and (iii) makes a vow of truthfulness or fidelity on penalty of perjury.

"Commissioned notary public" means that the applicant has completed and submitted the registration forms along with the appropriate fee to the Secretary of the Commonwealth and the Secretary of the Commonwealth has determined that the applicant meets the qualifications to be a notary public and issues a notary commission and forwards same to the clerk of the circuit court, pursuant to this chapter.

"Copy certification" means a notarial act in which a notary (i) is presented with a document that is not a public record; (ii) copies or supervises the copying of the document using a photographic or electronic copying process; (iii) compares the document to the copy; and (iv) determines that the copy is accurate and complete.

"Credible witness" means an honest, reliable, and impartial person who personally knows an individual appearing before a notary and takes an oath or affirmation from the notary to confirm that individual's identity.

"Document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form, including a record as defined in the Uniform Electronic Transactions Act (§ 59.1-479 et seq.).

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic document" means information that is created, generated, sent, communicated, received, or stored by electronic means.

"Electronic notarial act" and *"electronic notarization"* mean an official act by a notary under § 47.1-12 or as otherwise authorized by law that involves electronic documents.

"Electronic notarial certificate" means the portion of a notarized electronic document that is completed by the notary public, bears the notary public's signature, title, commission expiration date, and other required information concerning the date and place of the electronic notarization, and states the facts attested to or certified by the notary public in a particular notarization.

"Electronic notary public" or *"electronic notary"* means a notary public who has been commissioned by the Secretary of the Commonwealth with the capability of performing electronic notarial acts under § 47.1-7.

"Electronic notary seal" or *"electronic seal"* means information within a notarized electronic document that confirms the notary's name, jurisdiction, and commission expiration date and generally corresponds to data in notary seals used on paper documents.

"Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with an electronic document and executed or adopted by a person with the intent to sign the document.

"Notarial act" or *"notarization"* means any official act performed by a notary under § 47.1-12 or 47.1-13 or as otherwise authorized by law.

"Notarial certificate" or "certificate" means the part of, or attachment to, a notarized document that is completed by the notary public, bears the notary public's signature, title, commission expiration date, notary registration number, and other required information concerning the date and place of the notarization and states the facts attested to or certified by the notary public in a particular notarization.

"Notary public" or "notary" means any person commissioned to perform official acts under the title, and includes an electronic notary except where expressly provided otherwise.

"Oath" shall include "affirmation."

"Official misconduct" means any violation of this title by a notary, whether committed knowingly, willfully, recklessly or negligently.

"Personal knowledge of identity" or "personally knows" means familiarity with an individual resulting from interactions with that individual over a period of time sufficient to dispel any reasonable uncertainty that the individual has the identity claimed.

"Principal" means (i) a person whose signature is notarized or (ii) a person, other than a credible witness, taking an oath or affirmation from the notary.

"Record of notarial acts" means a device for creating and preserving a chronological record of notarizations performed by a notary.

"Satisfactory evidence of identity" means identification of an individual based on (i) examination of one or more of the following *unexpired* documents bearing a photographic image of the individual's face and signature: a United States Passport Book, a United States Passport Card, a certificate of United States citizenship, a certificate of naturalization, ~~an unexpired~~ a foreign passport, an alien registration card with photograph, a state issued driver's license or a state issued identification card or a United States military card or (ii) the oath or affirmation of one credible witness unaffected by the document or transaction who is personally known to the notary and who personally knows the individual or of two credible witnesses unaffected by the document or transaction who each personally knows the individual and shows to the notary documentary identification as described in clause (i). In the case of an electronic notarization, "satisfactory evidence of identity" may be based on video and audio conference technology, in accordance with the standards for electronic video and audio communications set out in subdivisions B 1, B 2, and B 3 of § 19.2-3.1, that permits the notary to communicate with and identify the principal at the time of the notarial act, provided that such identification is confirmed by (a) personal knowledge, (b) an antecedent in-person identity proofing process in accordance with the specifications of the Federal Bridge Certification Authority, or (c) a valid digital certificate accessed by biometric data or by use of an interoperable Personal Identity Verification card that is designed, issued, and managed in accordance with the specifications published by the National Institute of Standards and Technology in Federal Information Processing Standards Publication 201-1, "Personal Identity Verification (PIV) of Federal Employees and Contractors," and supplements thereto or revisions thereof, including the specifications published by the Federal Chief Information Officers Council in "Personal Identity Verification Interoperability for Non-Federal Issuers."

"Seal" means a device for affixing on a paper document an image containing the notary's name and other information related to the notary's commission.

"Secretary" means the Secretary of the Commonwealth.

"State" includes any state, territory, or possession of the United States.

"Verification of fact" means a notarial act in which a notary reviews public or vital records to (i) ascertain or confirm facts regarding a person's identity, identifying attributes, or authorization to access a building, database, document, network, or physical site or (ii) validate an identity credential on which satisfactory evidence of identity may be based.

CHAPTER 186

An Act to amend and reenact § 64.2-719 of the Code of Virginia, relating to judicial creation of trusts.

[H 230]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-719 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-719. Methods of creating trust.

A. A trust may be created by:

1. Transfer of property to another person as trustee during the settlor's lifetime by the settlor or by the settlor's agent, acting in accordance with § 64.2-1612, under a power of attorney that expressly authorizes the agent to create a trust on the settlor's behalf; or by will or other disposition taking effect upon the settlor's death;
2. Declaration by the owner of property that the owner holds identifiable property as trustee;
3. Exercise of a power of appointment in favor of a trustee; or
4. A conservator acting in accordance with § 64.2-2023.

B. A circuit court, upon petition from an interested party, may create and establish a trust with such trustee and such terms as the court determines. In an order creating and establishing the trust, the court shall determine whether the trustee

shall have a duty to qualify in the clerk's office; post bond, with or without surety; or file an inventory and annual accounting with the commissioner of accounts as would apply to a testamentary trustee.

2. That the provisions of this act are declarative of existing law.

CHAPTER 187

An Act to amend and reenact §§ 55-41, 55-47.01, 64.2-300, 64.2-311, 64.2-317, 64.2-500, 64.2-502, 64.2-556, 64.2-632, 64.2-1805, and 64.2-2022 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of Title 64.2 an article numbered 1.1, consisting of sections numbered 64.2-308.1 through 64.2-308.17, relating to elective share of surviving spouse.

[H 231]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-41, 55-47.01, 64.2-300, 64.2-311, 64.2-317, 64.2-500, 64.2-502, 64.2-556, 64.2-632, 64.2-1805, and 64.2-2022 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 64.2 an article numbered 1.1, consisting of sections numbered 64.2-308.1 through 64.2-308.17, as follows:

§ 55-41. Conveyance from husband and wife; effect on right of wife or husband.

When a husband and his wife have signed and delivered a writing purporting to convey any estate, real or personal, such writing, whether admitted to record or not, shall (i) if delivered prior to January 1, 1991, operate to convey from the spouse her right of dower or his right of curtesy in the real estate embraced therein, and (ii) if delivered after December 31, 1990, operate to manifest the spouse's written consent or joinder, as contemplated in § 64.2-305 *or* 64.2-308.9 to the transfer embraced therein. In either case, the writing passes from such spouse and his or her representatives all right, title and interest of every nature which at the date of such writing he or she may have in any estate conveyed thereby as effectually as if he or she were at such date an unmarried person. If, in either case, the writing is a deed conveying a spouse's land, no covenant or warranty therein on behalf of the other spouse joining in the deed shall operate to bind him or her any further than to convey her or his interest in such land, unless it is expressly stated that such spouse enters into such covenant or warranty for the purpose of binding himself or herself personally.

§ 55-47.01. Equitable separate estates abolished.

The estate known as the equitable separate estate no longer exists and any language in any writing, whenever executed, which purports to convey real property to a person as an equitable separate estate has no legal or equitable significance after January 1, 1991, except as provided in § 64.2-301 *or* 64.2-308.2.

Article 1.

Elective Share of Surviving Spouse of Decedent Dying before January 1, 2017.

§ 64.2-300. Applicability; definitions.

A. The provisions of this article shall apply to determining the elective share of a surviving spouse for decedents dying before January 1, 2017.

B. As used in this article, the terms "estate" and "property" shall include insurance policies, retirement benefits exclusive of federal social security benefits, annuities, pension plans, deferred compensation arrangements, and employee benefit plans to the extent owned by, vested in, or subject to the control of the decedent on the date of his death or the date of an irrevocable transfer by him during his lifetime. All such insurance policies and other benefits are included in the terms "estate" and "property" notwithstanding the presence of language contained in any statute otherwise providing that neither they nor their proceeds shall be liable to attachment, garnishment, levy, execution, or other legal process or be seized, taken, appropriated, or applied by any legal or equitable process or operation of law or any other such similar language.

Article 1.1.

Elective Share of Surviving Spouse of Decedent Dying on or after January 1, 2017.

§ 64.2-308.1. Applicability; definitions.

A. The provisions of this article shall apply to determining the elective share of a surviving spouse for decedents dying on or after January 1, 2017.

B. As used in this article, unless the context requires a different meaning:

"Decedent's non-probate transfers to others" means the amounts that are included in the augmented estate under § 64.2-308.6.

"Fractional interest in property held in joint tenancy with the right of survivorship," whether the fractional interest is unilaterally severable or not, means the fraction, the numerator of which is one and the denominator of which, if the decedent was a joint tenant, is one plus the number of joint tenants who survive the decedent and which, if the decedent was not a joint tenant, is the number of joint tenants.

"Marriage," as it relates to a transfer by the decedent during marriage, means any marriage of the decedent to the decedent's surviving spouse.

"Non-adverse party" means a person who does not have a substantial beneficial interest in the trust or other property arrangement that would be adversely affected by the exercise or non-exercise of the power that he possesses respecting the

trust or other property arrangement. A person having a general power of appointment over property is deemed to have a beneficial interest in the property.

"Power" or "power of appointment" includes a power to designate the beneficiary of a beneficiary designation.

"Presently exercisable general power of appointment" means a power of appointment under which, at the time in question, the decedent, whether or not he then had the capacity to exercise the power, held a power to create a present or future interest in himself, his creditors, his estate, or creditors of his estate, and includes a power to revoke or invade the principal of a trust or other property arrangement.

"Property" includes values subject to a beneficiary designation.

"Right to income" includes a right to payments under a commercial or private annuity, an annuity trust, a unitrust, or a similar arrangement.

"Transfer," as it relates to a transfer by or of the decedent, includes (i) an exercise or release of a presently exercisable general power of appointment held by the decedent, (ii) a lapse at death of a presently exercisable general power of appointment held by the decedent, and (iii) an exercise, release, or lapse of a general power of appointment that the decedent created in himself and of a power described in subdivision 2 b of § 64.2-308.6 that the decedent conferred on a non-adverse party.

§ 64.2-308.2. Dower or curtesy abolished.

The interests of dower and curtesy are abolished. However, the abolition of dower and curtesy pursuant to this section shall not change or diminish the nature or right of (i) any dower or curtesy interest of a surviving spouse whose dower or curtesy vested prior to January 1, 1991, or (ii) a creditor or other interested third party in any real estate subject to a right of dower or curtesy.

The rights of all such parties, and the procedures for enforcing such rights, shall continue to be governed by the laws in force prior to January 1, 1991.

§ 64.2-308.3. Elective share amount; effect of election on statutory benefits; non-domiciliary.

A. The surviving spouse of a decedent who dies domiciled in this state has a right of election, under the limitations and conditions stated in this article, to take an elective-share amount equal to 50 percent of the value of the marital-property portion of the augmented estate.

B. If the right of election is exercised by or on behalf of the surviving spouse, the surviving spouse's homestead allowance, exempt property, and family allowance, if any, are not charged against but are in addition to the elective-share amount.

C. The right, if any, of the surviving spouse of a decedent who dies domiciled outside this state to take an elective share in property in this state is governed by the law of the decedent's domicile at death.

§ 64.2-308.4. Composition of the augmented estate; marital property portion.

A. Subject to § 64.2-308.9, the value of the augmented estate, to the extent provided in §§ 64.2-308.5, 64.2-308.6, 64.2-308.7, and 64.2-308.8, consists of the sum of the values of all property, whether real or personal, movable or immovable, tangible or intangible, wherever situated, that constitute:

1. The decedent's net probate estate;
2. The decedent's non-probate transfers to others;
3. The decedent's non-probate transfers to the surviving spouse; and
4. The surviving spouse's property and non-probate transfers to others.

B. The value of the marital-property portion of the augmented estate consists of the sum of the values of the four components of the augmented estate as determined under subsection A multiplied by the following percentage:

If the decedent and the spouse were married to each other: The percentage is:

Less than 1 year	3%
1 year but less than 2 years	6%
2 years but less than 3 years	12%
3 years but less than 4 years	18%
4 years but less than 5 years	24%
5 years but less than 6 years	30%
6 years but less than 7 years	36%
7 years but less than 8 years	42%
8 years but less than 9 years	48%
9 years but less than 10 years	54%
10 years but less than 11 years	60%
11 years but less than 12 years	68%
12 years but less than 13 years	76%
13 years but less than 14 years	84%
14 years but less than 15 years	92%
15 years or more	100%

§ 64.2-308.5. Decedent's net probate estate.

The value of the augmented estate includes the value of the decedent's probate estate, reduced by funeral and administration expenses (excluding federal or state transfer taxes), homestead allowance, family allowances, exempt property, and enforceable claims.

§ 64.2-308.6. Decedent's non-probate transfers to others.

The value of the augmented estate includes the value of the decedent's non-probate transfers to others, not included under § 64.2-308.5, of any of the following types, in the amount provided respectively for each type of transfer:

1. Property owned or owned in substance by the decedent immediately before death that passed outside probate at the decedent's death. Property included under this category consists of:

a. Property over which the decedent, alone, immediately before death, held a presently exercisable general power of appointment. The amount included is the value of the property subject to the power, to the extent the property passed at the decedent's death, by exercise, release, lapse, in default, or otherwise, to or for the benefit of any person other than the decedent's estate or surviving spouse.

b. The decedent's fractional interest in property held by the decedent in joint tenancy with the right of survivorship. The amount included is the value of the decedent's fractional interest, to the extent the fractional interest passed by right of survivorship at the decedent's death to a surviving joint tenant other than the decedent's surviving spouse.

c. The decedent's ownership interest in property or accounts held in Payable on Death or Transfer on Death designations or co-ownership registration with the right of survivorship. The amount included is the value of the decedent's ownership interest, to the extent the decedent's ownership interest passed at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse.

d. Proceeds of insurance, including accidental death benefits, on the life of the decedent, if the decedent owned the insurance policy immediately before death or if and to the extent the decedent alone and immediately before death held a presently exercisable general power of appointment over the policy or its proceeds. The amount included is the value of the proceeds, to the extent they were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse.

2. Property transferred in any of the following forms by the decedent during marriage:

a. Any irrevocable transfer in which the decedent retained the right to the possession or enjoyment of, or to the income from, the property if and to the extent the decedent's right terminated at or continued beyond the decedent's death. The amount included is the value of the fraction of the property to which the decedent's right related, to the extent the fraction of the property passed outside probate to or for the benefit of any person other than the decedent's estate or surviving spouse.

b. Any transfer in which the decedent created a power over income or property, exercisable by the decedent alone or in conjunction with any other person, or exercisable by a non-adverse party, to or for the benefit of the decedent, creditors of the decedent, the decedent's estate, or creditors of the decedent's estate. The amount included with respect to a power over property is the value of the property subject to the power, and the amount included with respect to a power over income is the value of the property that produces or produced the income, to the extent the power in either case was exercisable at the decedent's death to or for the benefit of any person other than the decedent's surviving spouse or to the extent the property passed at the decedent's death, by exercise, release, lapse, in default, or otherwise, to or for the benefit of any person other than the decedent's estate or surviving spouse. If the power is a power over both income and property and the preceding sentence produces different amounts, the amount included is the greater amount.

3. Property that passed during marriage and during the two-year period next preceding the decedent's death as a result of a transfer by the decedent if the transfer was of any of the following types:

a. Any property that passed as a result of the termination of a right or interest in, or power over, property that would have been included in the augmented estate under subdivision 1 a, b, or c, or under subdivision 2, if the right, interest, or power had not terminated until the decedent's death. The amount included is the value of the property that would have been included under those subdivisions if the property were valued at the time the right, interest, or power terminated, and is included only to the extent the property passed upon termination to or for the benefit of any person other than the decedent or the decedent's estate, spouse, or surviving spouse. As used in this subdivision, "termination," with respect to a right or interest in property, occurs when the right or interest terminated by the terms of the governing instrument or the decedent transferred or relinquished the right or interest, and, with respect to a power over property, occurs when the power terminated by exercise, release, lapse, default, or otherwise, but, with respect to a power described in subdivision 1 a, "termination" occurs when the power terminated by exercise or release, but not otherwise.

b. Any transfer of or relating to an insurance policy on the life of the decedent if the proceeds would have been included in the augmented estate under subdivision 1 d had the transfer not occurred. The amount included is the value of the insurance proceeds to the extent the proceeds were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse.

c. Any transfer of property, to the extent not otherwise included in the augmented estate, made to or for the benefit of a person other than the decedent's surviving spouse. The amount included is the value of the transferred property to the extent the transfers to any one donee in either of the two years next preceding the date of the decedent's death exceeded the amount excludable from taxable gifts under 26 U.S.C. § 2503(b), or its successor, on the date of the gift.

§ 64.2-308.7. Decedent's non-probate transfers to the surviving spouse.

Excluding property passing to the surviving spouse under the federal social security system, the value of the augmented estate includes the value of the decedent's non-probate transfers to the decedent's surviving spouse, which

consist of all property that passed outside probate at the decedent's death from the decedent to the surviving spouse by reason of the decedent's death, including:

1. The decedent's fractional interest in property held as a joint tenant with the right of survivorship, to the extent that the decedent's fractional interest passed to the surviving spouse as surviving joint tenant;
2. The decedent's ownership interest in property or accounts held in co-ownership registration with the right of survivorship, or with Payable on Death or Transfer on Death designations to the extent the decedent's ownership interest passed to the surviving spouse as surviving co-owner; and
3. All other property that would have been included in the augmented estate under subdivision 1 or 2 of § 64.2-308.6 had it passed to or for the benefit of a person other than the decedent's spouse, surviving spouse, the decedent, or the decedent's creditors, estate, or estate creditors.

§ 64.2-308.8. Surviving spouse's property and non-probate transfers to others.

A. Except to the extent included in the augmented estate under § 64.2-308.5 or 64.2-308.7, the value of the augmented estate includes the value of:

1. Property that was owned by the decedent's surviving spouse at the decedent's death, including:
 - a. The surviving spouse's fractional interest in property held in joint tenancy with the right of survivorship;
 - b. The surviving spouse's ownership interest in property or accounts held in co-ownership registration with the right of survivorship; and
 - c. Property that passed to the surviving spouse by reason of the decedent's death, but not including the spouse's right to homestead allowance, family allowance, exempt property, or payments under the federal social security system.
2. Property that would have been included in the surviving spouse's non-probate transfers to others, other than the spouse's fractional and ownership interests included under subdivision 1 a or b, had the spouse been the decedent.

B. Property included under this section is valued at the decedent's death, taking the fact that the decedent predeceased the spouse into account, but, for purposes of subdivision A 1 a or b, the values of the spouse's fractional and ownership interests are determined immediately before the decedent's death if the decedent was then a joint tenant or a co-owner of the property or accounts. For purposes of subdivision A 2, proceeds of insurance that would have been included in the spouse's non-probate transfers to others under subdivision 1 d of § 64.2-308.6 are not valued as if the spouse were deceased.

C. The value of property included under this section is reduced by enforceable claims against the surviving spouse.

§ 64.2-308.9. Exclusions, valuation, and overlapping application.

A. The value of any property is excluded from the decedent's non-probate transfers to others:

1. To the extent the decedent received adequate and full consideration in money or money's worth for a transfer of the property; or
2. If the property was transferred with the written joinder of, or if the transfer was consented to in writing before or after the transfer by, the surviving spouse.

B. 1. The value of any property otherwise included under § 64.2-308.5 or 64.2-308.6, and its income or proceeds, is excluded from the decedent's net probate estate and non-probate transfers to others to the extent such property was transferred to or for the benefit of the decedent, before or during the marriage to the surviving spouse, by gift, will, transfer in trust, intestate succession, or any other method or form of transfer to the extent it was (i) transferred without full consideration in money or money's worth from a person other than the surviving spouse and (ii) maintained by the decedent as separate property.

2. The value of any property otherwise included under § 64.2-308.8, and its income or proceeds, is excluded from the surviving spouse's property and non-probate transfers to others to the extent such property was transferred to or for the benefit of the surviving spouse, before or during the marriage to the decedent, by gift, will, transfer in trust, intestate succession, or any other method or form of transfer to the extent it was (i) transferred without full consideration in money or money's worth from a person other than the decedent and (ii) maintained by the surviving spouse as separate property.

C. 1. The value of property:

1. Included in the augmented estate under § 64.2-308.5, 64.2-308.6, 64.2-308.7, or 64.2-308.8 is reduced in each category by enforceable claims against the included property; and

2. Includes the commuted value of any present or future interest and the commuted value of amounts payable under any trust, life insurance settlement option, annuity contract, public or private pension, disability compensation, death benefit or retirement plan, or any similar arrangement, exclusive of the federal social security system. Except as provided herein for interests passing to a surviving spouse, life estates and remainder interests are valued in the manner prescribed in Article 2 (§ 55-269.1 et seq.) of Chapter 15 of Title 55 and deferred payments and estates for years are discounted to present value using the interest rate specified in § 55-269.1. In valuing partial and contingent interests passing to the surviving spouse, and beneficial interests in trust, the following special rules apply:

a. The value of the beneficial interest of a spouse shall be the entire fair market value of any property held in trust if the decedent was the settlor of the trust, if the trust is held for the exclusive benefit of the surviving spouse during the surviving spouse's lifetime, and if the terms of the trust meet the following requirements:

(1) During the lifetime of the surviving spouse, the trust is controlled by the surviving spouse or one or more trustees who are non-adverse parties;

(2) The trustee shall distribute to or for the benefit of the surviving spouse the entire net income of the trust at least annually;

(3) *The trustee is permitted to distribute to or for the benefit of the surviving spouse out of the principal of the trust such amounts and at such times as the trustee, in its discretion, determines for the health, maintenance, and support of the surviving spouse; and*

(4) *In exercising discretion, the trustee may be authorized or required to take into consideration all other income assets and other means of support available to the surviving spouse.*

b. *To the extent that the partial or contingent interest is dependent upon the occurrence of any contingency that is not subject to the control of the surviving spouse and that is not subject to valuation by reference to the mortality and annuity tables set forth in §§ 55-271 through 55-277, the contingency will be conclusively presumed to result in the lowest possible value passing to the surviving spouse.*

c. *To the extent that the valuation of a partial or contingent interest is dependent upon the life expectancy of the surviving spouse, that life expectancy shall be conclusively presumed to be no less than 10 years, regardless of the actual attained age of the surviving spouse at the decedent's death.*

D. *In case of overlapping application to the same property of the subsections or subdivisions of § 64.2-308.6, 64.2-308.7, or 64.2-308.8, the property is included in the augmented estate under the provision yielding the greatest value, and under only one overlapping provision if they all yield the same value.*

§ 64.2-308.10. Sources from which elective share payable.

A. *In a proceeding for an elective share, the following are applied first to satisfy the elective-share amount and to reduce or eliminate any contributions due from the decedent's probate estate and recipients of the decedent's non-probate transfers to others:*

1. *The value of property excluded from the augmented estate under subsection A of § 64.2-308.9, which passes or has passed to the surviving spouse;*

2. *Amounts included in the augmented estate under § 64.2-308.5 that pass or have passed to the surviving spouse by testate or intestate succession and amounts included in the augmented estate under § 64.2-308.7; and*

3. *The marital property portion of amounts included in the augmented estate under § 64.2-308.8.*

B. *The marital property portion under subdivision A 3 is computed by multiplying the value of the amounts included in the augmented estate under § 64.2-308.8 by the percentage of the augmented estate set forth in the schedule in subsection B of § 64.2-308.4 appropriate to the length of time the spouse and the decedent were married to each other.*

C. *If, after the application of subsection A, the elective share amount is not fully satisfied, amounts included in the decedent's net probate estate, other than assets passing to the surviving spouse by testate or intestate succession, and in the decedent's non-probate transfers to others under subdivisions 1, 2, and 3 b of § 64.2-308.6 are applied first to satisfy the unsatisfied balance of the elective share amount. The decedent's net probate estate and that portion of the decedent's non-probate transfers to others are so applied that liability for the unsatisfied balance of the elective share amount is apportioned among the recipients of the decedent's net probate estate and of that portion of the decedent's non-probate transfers to others in proportion to the value of their interests therein.*

D. *If, after the application of subsections A and C, the elective share amount is not fully satisfied, the remaining portion of the decedent's non-probate transfers to others is so applied that liability for the unsatisfied balance of the elective share amount is apportioned among the recipients of the remaining portion of the decedent's non-probate transfers to others in proportion to the value of their interests therein.*

E. *The unsatisfied balance of the elective share amount as determined under subsection C or D is treated as a general pecuniary bequest.*

§ 64.2-308.11. Personal liability of recipients.

A. *Only original recipients of the decedent's non-probate transfers to others, and the donees of the recipients of the decedent's non-probate transfers to others, to the extent the donees have the property or its proceeds, are liable to make a proportional contribution toward satisfaction of the surviving spouse's elective share amount. A person liable to make contribution may choose to give up the proportional part of the decedent's non-probate transfers to him or to pay the value of the amount for which he is liable in cash, or, upon agreement of the surviving spouse, other property.*

B. *If any section or part of any section of this article is preempted by federal law with respect to a payment, an item of property, or any other benefit included in the decedent's non-probate transfers to others, a person who, not for value, receives the payment, item of property, or any other benefit is obligated to return the payment, item of property, or benefit, or is personally liable for the amount of the payment or the value of that item of property or benefit, as provided in § 64.2-308.10, to the person who would have been entitled to it were that section or part of that section not preempted.*

§ 64.2-308.12. Proceeding for elective share; time limit.

A. *The election by the surviving spouse of a decedent who dies domiciled in the Commonwealth must be made no later than six months after the later of (i) the time of the admission of the decedent's will to probate or (ii) the qualification of an administrator on the decedent's intestate estate, by a writing recorded in the court or the clerk's office thereof, upon such acknowledgment or proof as would authorize a writing to be admitted to record under Chapter 6 (§ 55-106 et seq.) of Title 55. The clerk shall record such election in the will book of the court. A copy of such election shall be provided to the personal representative, if any, by regular U.S. mail or hand delivery within 30 days of filing.*

B. *The surviving spouse must file the complaint to determine the elective share no later than six months after the filing of the election as set forth in subsection A. No later than 30 days after the filing of the complaint, the surviving spouse must provide a copy of the complaint to all known persons interested in the estate and to the distributees and recipients of*

portions of the augmented estate whose interests will be adversely affected by the taking of the elective share. The decedent's non-probate transfers to others are not included within the augmented estate for the purpose of computing the elective share if the complaint is filed more than 12 months after the decedent's death.

C. Notwithstanding the provisions of § 8.01-380, the election for an elective share may be withdrawn by the surviving spouse at any time before entry of a final determination by the court and such election shall be extinguished.

D. After notice and hearing, the court shall determine the elective share amount, and shall order its payment from the assets of the augmented estate or by contribution as appears appropriate under §§ 64.2-308.10 and 64.2-308.11. If it appears that a fund or property included in the augmented estate has not come into the possession of the personal representative, or has been distributed by the personal representative, the court nevertheless shall fix the liability of any person who has any interest in the fund or property or who has possession thereof, whether as trustee or otherwise. The proceeding may be maintained against fewer than all persons against whom relief could be sought, but no person is subject to contribution in any greater amount than such person would have been under §§ 64.2-308.10 and 64.2-308.11 had relief been secured against all persons subject to contribution.

E. An order or judgment of the court may be enforced as necessary in suit for contribution or payment in other courts of this state or other jurisdictions.

§ 64.2-308.13. Right of election personal to surviving spouse; incapacitated surviving spouse.

A. The right of election may be exercised only by or on behalf of a surviving spouse who is living when the election for the elective share is filed in the court under subsection A of § 64.2-308.12. If the election is not made by the surviving spouse personally, it may be made on the surviving spouse's behalf by his or her conservator or agent under the authority of a durable power of attorney.

B. If the election is made on behalf of a surviving spouse who is an incapacitated person, and the court enters an order determining the amounts due to the surviving spouse, the court must set aside that portion of the elective share amount due from the decedent's probate estate and recipients of the decedent's non-probate transfers to others under subsections C and D of § 64.2-308.10 and must appoint a trustee to administer that property for the support of the surviving spouse. For the purposes of this subsection, an election on behalf of a surviving spouse by a conservator or agent under a durable power of attorney is presumed to be on behalf of a surviving spouse who is an incapacitated person. The trustee must administer the trust in accordance with the following terms or such other terms as the court determines appropriate:

1. Expenditures of income and principal may be made in the manner, when, and to the extent that the trustee determines suitable and proper for the surviving spouse's support, without court order but with regard to other support, income, and property of the surviving spouse and benefits of medical or other forms of assistance from any state or federal government or governmental agency for which the surviving spouse must qualify on the basis of need.

2. During the surviving spouse's incapacity, neither the surviving spouse nor anyone acting on behalf of the surviving spouse has a power to terminate the trust; but if the surviving spouse regains capacity, the surviving spouse then acquires the power to terminate the trust and acquire full ownership of the trust property free of trust, by delivering to the trustee a writing signed by the surviving spouse declaring the termination.

3. Upon the surviving spouse's death, the trustee shall transfer the unexpended trust property in the following order: (i) under the residuary clause, if any, of the will of the predeceased spouse against whom the elective share was taken, as if that predeceased spouse died immediately after the surviving spouse; or (ii) to the predeceased spouse's heirs under Chapter 2 (§ 64.2-200 et seq.).

4. The trust shall be treated as a testamentary trust subject to the provisions governing testamentary trustees under Title 64.2.

§ 64.2-308.14. Waiver of right to elect and of other rights; defenses.

A. The right of election of a surviving spouse and the rights of the surviving spouse to homestead allowance, exempt property, and family allowance, or any of them, may be waived, wholly or partially, before or after marriage, by a written contract, agreement, or waiver signed by the surviving spouse.

B. A surviving spouse's waiver is not enforceable if the surviving spouse proves that:

1. The waiver was not executed voluntarily; or
2. The waiver was unconscionable when it was executed and before execution of the waiver because:
 - a. A fair and reasonable disclosure of the property or financial obligations of the decedent was not provided;
 - b. Any right to disclosure of the property or financial obligations of the decedent beyond the disclosure provided was not voluntarily and expressly waived, in writing; and
 - c. The surviving spouse did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the decedent.

C. An issue of unconscionability of a waiver is for decision by the court as a matter of law.

D. Unless it provides to the contrary, a waiver of all rights, or equivalent language, in the property or estate of a present or prospective spouse or a complete property settlement entered into after or in anticipation of separation or divorce is a waiver of all rights of elective share, homestead allowance, exempt property, and family allowance by each spouse in the property of the other and a renunciation by each of all benefits that would otherwise pass to one spouse from the other by intestate succession or by virtue of any will executed before the waiver or property settlement.

E. If a spouse willfully deserts or abandons the other spouse and such desertion or abandonment continues until the death of the other spouse, the party who deserted or abandoned the deceased spouse shall be barred of all interest in the decedent's estate by intestate succession, elective share, exempt property, family allowance, and homestead allowance.

§ 64.2-308.15. Protection of payors and other third parties.

A. Although under § 64.2-308.6 a payment, item of property, or other benefit is included in the decedent's non-probate transfers to others, a payor or other third party is not liable for having made a payment or transferred an item of property or other benefit to a beneficiary designated in a governing instrument, or for having taken any other action in good faith reliance on the validity of a governing instrument, upon request and satisfactory proof of the decedent's death, before the payor or other third party received written notice from the surviving spouse or spouse's representative as required by § 64.2-308.12, that a complaint for the elective share has been filed. A payor or other third party is liable for payments made or other actions taken after the payor or other third party received written notice that a complaint for the elective share has been filed.

B. A written notice that a complaint for the elective share has been filed must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice that a complaint for the elective share has been filed, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate. The court shall hold the funds or item of property, and, upon its determination under subsection D of § 64.2-308.12, shall order disbursement in accordance with the determination. If no complaint is filed in the court within the specified time under subsection A of § 64.2-308.12 or, if filed, the election for an elective share is withdrawn under subsection C of § 64.2-308.12, the court shall order disbursement to the designated beneficiary. Payments or transfers to the court or deposits made into court discharge the payor or other third party from all claims for amounts so paid or the value of property so transferred or deposited.

C. Upon complaint to the probate court by the beneficiary designated in a governing instrument, the court may order that all or part of the property be paid to the beneficiary in an amount and subject to conditions consistent with this article.

§ 64.2-308.16. Rights in family residence.

Until the surviving spouse's rights in the principal family residence have been determined and satisfied by an agreement between the parties or a final court decree, in cases (i) where the principal family residence passes under the provisions of § 64.2-200 and the decedent is survived by children or their descendants, one or more of whom are not children or their descendants of the surviving spouse, or (ii) where the surviving spouse claims an elective share in the decedent's augmented estate under this article, the surviving spouse may hold, occupy, and enjoy the principal family residence and curtilage without charge for rent, repairs, taxes, or insurance. If the surviving spouse is deprived of possession of the principal family residence and curtilage, upon the filing of a complaint for unlawful entry or detainer, he is entitled to recover possession of such residence and damages sustained by him by reason of such deprivation during the time he was so deprived. Nothing in this section shall be construed to impair the lien or delay the enforcement of such lien of the Commonwealth or any locality for the taxes assessed upon the property.

§ 64.2-308.17. Statutory rights barred by desertion or abandonment.

If a parent willfully deserts or abandons his minor or incapacitated child and such desertion or abandonment continues until the death of the child, the parent shall be barred of all interest in the child's estate by intestate succession.

§ 64.2-311. Homestead allowance.

A. In addition to any other right or allowance under this article, a surviving spouse of a decedent who was domiciled in the Commonwealth is entitled to a homestead allowance of \$20,000. If there is no surviving spouse, each minor child of the decedent is entitled to a homestead allowance amounting to \$20,000, divided by the number of minor children.

B. The homestead allowance has priority over all claims against the estate, except the family allowance and the right to exempt property.

C. The homestead allowance is in lieu of any share passing to the surviving spouse or minor children by the decedent's will or by intestate succession; provided, however, if the amount passing to the surviving spouse and minor children by the decedent's will or by intestate succession is less than \$20,000, then the surviving spouse or minor children are entitled to a homestead allowance in an amount that when added to the property passing to the surviving spouse and minor children by the decedent's will or by intestate succession, equals the sum of \$20,000.

D. If the surviving spouse claims and receives an elective share of the decedent's estate under §§ 64.2-302 through 64.2-307 or Article 1.1 (§ 64.2-308.1 et seq.), as applicable, the surviving spouse shall not have the benefit of any homestead allowance.

§ 64.2-317. Disposition upon death.

Upon death of a married person, one-half of the property to which this article applies is the property of the surviving spouse and is not subject to testamentary disposition by the decedent or distribution under the laws of intestate succession of the Commonwealth. One-half of that property is the property of the decedent and is subject to testamentary disposition or distribution under the laws of intestate succession of the Commonwealth. With respect to property to which this article applies, the decedent's one-half of the property is not subject to the surviving spouse's right to an elective share under § 64.2-302 or Article 1.1 (§ 64.2-308.1 et seq.), as applicable.

§ 64.2-500. Grant of administration with the will annexed.

A. If the will does not name an executor, or the executor named refuses to accept, fails to give bond, or dies, resigns, or is removed from office, the court or clerk may grant administration with the will annexed to a person who is a residual or substantial legatee under the will, or his designee, or if such person fails to apply for administration within 30 days, to a person who would have been entitled to administration if there had been no will.

B. Administration shall not be granted to any person unless he takes the required oath and gives bond, and the court or clerk is satisfied that he is suitable and competent to perform the duties of his office. Administration shall not be granted to any person under a disability as defined in § 8.01-2.

C. If any beneficiary of the estate objects, a spouse or parent who has been barred from all interest in the estate because of desertion or abandonment as provided under § 64.2-308 or 64.2-308.17, *as applicable*, may not serve as an administrator of the estate.

§ 64.2-502. Grant of administration of intestate estate.

A. The court or the clerk who would have jurisdiction as to the probate of a will, if there were a will, has jurisdiction to hear and determine the right of administration of the estate in the case of a person dying intestate. Administration shall be granted as follows:

1. During the first 30 days following the decedent's death, the court or the clerk may grant administration to a sole distributee, or his designee, or in the absence of a sole distributee, to any distributee, or his designee, who presents written waivers of the right to qualify from all other competent distributees.

2. After 30 days have passed since the decedent's death, the court or the clerk may grant administration to the first distributee, or his designee, who applies, provided, that if, during the first 30 days following the decedent's death, more than one distributee notifies the court or the clerk of an intent to qualify after the 30-day period has elapsed, the court or the clerk shall not grant administration to any distributee, or his designee, until the court or the clerk has given all such distributees an opportunity to be heard.

3. After 45 days have passed since the decedent's death, the court or the clerk may grant administration to any nonprofit charitable organization that operated as a conservator or guardian for the decedent at the time of his death if such organization certifies that it has made a diligent search to find an address for any sole distributee and has sent notice by certified mail to the last known address of any such distributee of its intention to apply for administration at least 30 days before such application, or, that it has not been able to find any address for such distributee. However, if, during the first 45 days following the decedent's death, any distributee notifies the court or the clerk of an intent to qualify after the 45-day period has elapsed, the court or the clerk shall not grant administration to any such organization until the court or the clerk has given all such distributees an opportunity to be heard. Qualification of such nonprofit charitable organization is not subject to challenge on account of the failure to make the certification required by this subdivision.

4. After 60 days have passed since the decedent's death, the court or the clerk may grant administration to one or more of the creditors or to any other person, provided such creditor or person other than a distributee certifies that he has made a diligent search to find an address for any sole distributee and has sent notice by certified mail to the last known address of any such distributee of his intention to apply for administration at least 30 days before such application, or that he has not been able to find any address for such distributee. Qualification of a creditor or person other than a distributee is not subject to challenge on account of the failure to make the certification required by this subdivision.

B. When granting administration, if the court determines that it is in the best interests of a decedent's estate, the court may depart from the provisions of this section at any time and grant administration to such person as the court deems appropriate.

C. The court or clerk may admit to probate a will of the decedent after a grant of administration. If administration has been granted to a creditor or person other than a distributee, the court or clerk may grant administration to a distributee who applies for administration and who has not previously been refused administration after reasonable notice has been given to such creditor or other person previously granted administration. Admission of a will to probate or the grant of administration pursuant to this subsection terminates any previous grant of administration.

D. The court or clerk shall not grant administration to any person unless satisfied that he is suitable and competent to perform the duties of his office. The clerk shall require such person to sign under oath that such person is not under a disability as defined in § 8.01-2 or, regardless of whether his civil rights have been restored, has not been convicted of a felony offense of (i) fraud or misrepresentation or (ii) robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, perjury, bribery, treason, or racketeering. However, if the person convicted of such felony offense is the sole distributee of the estate, then the court or clerk may grant administration to such person if he is otherwise suitable and competent to perform the duties of his office.

E. If any beneficiary of the estate objects, a spouse or parent who has been barred from all interest in the estate because of desertion or abandonment as provided under § 64.2-308 or 64.2-308.17, *as applicable*, may not serve as an administrator of the estate of the deceased spouse or child.

§ 64.2-556. Order to show cause against distribution of estate to legatees or distributees; liability of legatees or distributees to refund.

A. When a report of the accounts of any personal representative and of the debts and demands against the decedent's estate has been filed in the office of a clerk of a court, whether under §§ 64.2-550 and 64.2-551 or in a civil action, the court, after six months from the qualification of the personal representative, may, on motion of the personal representative, or a successor or substitute personal representative, or on motion of a legatee or distributee of the decedent, enter an order for the

creditors and all other persons interested in the estate of the decedent to show cause on the day named in the order against the payment and delivery of the estate of the decedent to his legatees or distributees. A copy of the order shall be published once a week for two successive weeks, in one or more newspapers, as the court directs; the costs of such publication shall be paid by the petitioner or applicant. On or after the day named in the order, the court may order the payment and delivery to the legatees or distributees of the whole or a part of the money and other estate not before distributed, with or without a refunding bond, as it prescribes. However, every legatee or distributee to whom any such payment or delivery is made, and his representatives, may, in a suit brought against him within five years after such payment or delivery is made, be adjudged to refund a due proportion of any claims enforceable against the decedent or his estate that have been finally allowed by the commissioner of accounts or the court, or that were not presented to the commissioner of accounts, and the costs of the recovery of such claim. In the event any claim becomes known to the fiduciary after the notice for debts and demands but prior to the entry of an order of distribution, the claimant, if the claim is disputed, shall be given notice in the form provided in § 64.2-550 and the order of distribution shall not be entered until after expiration of 10 days from the giving of such notice. If the claimant, within such 10-day period, indicates his desire to pursue the claim, the commissioner of accounts shall schedule a date for hearing the claim and for reporting thereon if action thereon is contemplated under § 64.2-550.

B. Any personal representative who has in good faith complied with the provisions of this section and has, in compliance with or, as subsequently approved by, the order of the court, paid and delivered the money or other estate in his possession to any party that the court has adjudged entitled thereto shall not be liable for any demands of creditors and all other persons.

C. Any personal representative who has in good faith complied with the provisions of this section and has, in compliance with, or as subsequently approved by, the order of the court, paid and delivered the money or other estate in his possession to any party that the court has adjudged entitled thereto, even if such distribution shall be prior to the expiration of the period of one year provided in § 64.2-302, *Article 1.1* (§ 64.2-308.1 *et seq.*) of Chapter 3, or § 64.2-313, 64.2-448, or 64.2-457, shall not be liable for any demands of spouses, persons seeking to impeach the will or establish another will, or purchasers of real estate from the personal representative, provided that the personal representative has contacted any surviving spouse known to it having rights of renunciation and ascertained that the surviving spouse had no plan to renounce the will, such intent to be stated in writing in the case of renunciation under § 64.2-302 or *Article 1.1* (§ 64.2-308.1 *et seq.*) of Chapter 3, as applicable, and that the personal representative has not been notified in writing of any person's intent to impeach the will or establish a later will in the case of persons claiming under § 64.2-448 or 64.2-457 or under a later will.

D. In the case of such distribution prior to the expiration of such one-year period, the personal representative shall take refunding bonds, without surety, to the next of kin or legatees to whom distribution is made, to protect against the contingencies specified in this section.

§ 64.2-632. Effect of transfer on death deed at transferor's death.

A. Except as otherwise provided in the transfer on death deed, in this section, in § 64.2-302 or *Article 1.1* (§ 64.2-308.1 *et seq.*) of Chapter 3, as applicable, or in Chapter 22 (§ 64.2-2200 *et seq.*) or 25 (§ 64.2-2500 *et seq.*), on the death of the transferor, the following rules apply to property that is the subject of a transfer on death deed and owned by the transferor at death:

1. Subject to subdivision 2, the interest in the property is transferred to and vests in the designated beneficiary at the death of the transferor in accordance with the deed.

2. The interest of a designated beneficiary is contingent on the designated beneficiary surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor lapses.

3. Subject to subdivision 4, concurrent interests are transferred to the beneficiaries in equal and undivided shares with no right of survivorship.

4. If the transferor has identified two or more designated beneficiaries to receive concurrent interests in the property, the share of one that lapses or fails for any reason is transferred to the other, or to the others in proportion to the interest of each in the remaining part of the property held concurrently.

5. If, after making a transfer on death deed, the transferor is divorced a *vinculo matrimonii* or his marriage is annulled, the divorce or annulment revokes any transfer to a former spouse as designated beneficiary unless the transfer on death deed expressly provides otherwise.

B. Subject to Chapter 6 (§ 55-106 *et seq.*) of Title 55, a beneficiary takes the property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens, and other interests to which the property is subject at the transferor's death. For purposes of this subsection and Chapter 6 (§ 55-106 *et seq.*) of Title 55, the transfer and conveyance of the property subject to the transfer on death deed shall be deemed to be effective at the transferor's death.

C. If a transferor is a joint owner and is:

1. Survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship but remains subject to the naming of the designated beneficiary in the transfer on death deed; or

2. The last surviving joint owner, the transfer on death deed is effective.

D. A transfer on death deed transfers property without covenant or warranty of title even if the deed contains a contrary provision.

§ 64.2-1805. Powers of guardian.

A. Whether appointed by a parent, the circuit court, or the circuit court clerk, a guardian of a ward's estate shall have the powers set forth in § 64.2-105 as of the date the guardian acts. A guardian of a ward's estate shall also have the following powers:

1. To ratify or reject a contract entered into by the ward;
2. To pay any sum distributable for the benefit of the ward by paying the sum directly to the ward, to the provider of goods and services that have been furnished to the ward, to any individual or facility that is responsible for or has assumed responsibility for care and custody of the ward, or to a ward's custodian under a Uniform Transfers to Minors Act, Uniform Gifts to Minors Act, or comparable law of any applicable jurisdiction;
3. To maintain life, health, casualty, and liability insurance for the benefit of the ward;
4. To manage the estate following the termination of the guardianship until its delivery to the ward or successors in interest;
5. To execute and deliver all instruments and to take all other actions that will serve the best interests of the ward;
6. To initiate a proceeding to seek a divorce or to make an augmented estate election under § 64.2-302 *or* 64.2-308.13, *as applicable*; and
7. To borrow money for such periods of time and upon such terms and conditions as to rates, maturities, renewals, and security as the guardian deems advisable, including the power to borrow from the guardian, if the guardian is a bank, for any purpose; to mortgage or pledge such portion of the ward's personal estate, and real estate subject to subsection B, as may be required to secure such loan or loans; and, as maker or endorser, to renew existing loans.

B. A guardian may exercise the powers set forth in subsection A without prior authorization, except that the court or the commissioner of accounts, if a guardian is appointed other than by the court, may impose requirements to be satisfied by the guardian prior to the conveyance of any interest in real estate, including (i) increasing the amount of the guardian's bond, (ii) securing an appraisal of the real estate or interest, (iii) giving notice to interested parties as the court or commissioner deems proper, and (iv) consulting with the commissioner of accounts.

1. If the court or commissioner of accounts imposes any requirements under this subsection, the guardian shall make a report of his compliance with each requirement, which shall be filed with the commissioner of accounts. Upon receipt of the guardian's report, the commissioner of accounts shall file promptly a report with the court stating whether the requirements imposed have been met and whether the conveyance is otherwise consistent with the guardian's duties. The conveyance shall not be closed until a report by the commissioner of accounts is filed with the court and confirmed as provided in §§ 64.2-1212, 64.2-1213, and 64.2-1214.

2. If the commissioner of accounts does not impose any requirements under this subsection, he shall, upon request of the guardian of the minor, issue a notarized statement providing that "The Commissioner of Accounts has declined to impose any requirements upon the power of (name of guardian), Guardian of (name of minor), to convey the following real estate of the minor: (property identification)." The conveyance shall not be closed until the guardian has furnished such a statement to the proposed grantee.

C. Any guardian may at any time irrevocably disclaim the right to exercise any of the powers conferred by this section by filing a written disclaimer with the clerk of the circuit court wherein his accounts may be settled. Such disclaimer shall relate back to the time when the guardian assumed the guardianship and shall be binding upon any successor guardian.

§ 64.2-2022. Management powers and duties of conservator.

A. A conservator, in managing the estate, shall have the powers set forth in § 64.2-105 as of the date the conservator acts as well as the following powers, which may be exercised without prior court authorization except as otherwise specifically provided in the court's order of appointment:

1. To ratify or reject a contract entered into by an incapacitated person;
2. To pay any sum distributable for the benefit of the incapacitated person or for the benefit of a legal dependent by paying the sum directly to the distributee, to the provider of goods and services, to any individual or facility that is responsible for or has assumed responsibility for care and custody, or to a distributee's custodian under a Uniform Gifts to Minors Act of any applicable jurisdiction or by paying the sum to the guardian of the incapacitated person or, in the case of a dependent, to the dependent's guardian or conservator;
3. To maintain life, health, casualty, and liability insurance for the benefit of the incapacitated person or his legal dependents;
4. To manage the estate following the termination of the conservatorship until its delivery to the incapacitated person or successors in interest;
5. To execute and deliver all instruments and to take all other actions that will serve in the best interests of the incapacitated person;
6. To initiate a proceeding (i) to revoke a power of attorney under the provisions of the Uniform Power of Attorney Act (§ 64.2-1600 et seq.), (ii) to make an augmented estate election under § 64.2-302 *or* 64.2-308.13, *as applicable*, or (iii) to make an election to take a family allowance, exempt property, or a homestead allowance under § 64.2-313; and
7. To borrow money for periods of time and upon terms and conditions for rates, maturities, renewals, and security that to the conservator shall seem advisable, including the power to borrow from the conservator, if the conservator is a bank, for any purpose; to mortgage or pledge the portion of the incapacitated person's estate that may be required to secure the loan or loans; and, as maker or endorser, to renew existing loans.

B. The court may impose requirements to be satisfied by the conservator prior to the conveyance of any interest in real estate, including (i) increasing the amount of the conservator's bond, (ii) securing an appraisal of the real estate or interest, (iii) giving notice to interested parties as the court deems proper, (iv) consulting by the conservator with the commissioner of accounts and, if one has been appointed, with the guardian, and (v) requiring the use of a common source information company, as defined in § 54.1-2130, when listing the property. If the court imposes any such requirements, the conservator shall make a report of his compliance with each requirement, to be filed with the commissioner of accounts. Promptly following receipt of the conservator's report, the commissioner of accounts shall file a report with the court indicating whether the requirements imposed have been met and whether the sale is otherwise consistent with the conservator's duties. The conveyance shall not be closed until a report by the commissioner of accounts is filed with the court and confirmed as provided in §§ 64.2-1212, 64.2-1213, and 64.2-1214.

CHAPTER 188

An Act to amend and reenact § 30-14.3 of the Code of Virginia, relating to Keeper of the Rolls; authority to correct errors in legislation.

[H 245]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 30-14.3 of the Code of Virginia is amended and reenacted as follows:

§ 30-14.3. Keeper of the Rolls authorized to correct typographical errors, etc., in legislation.

The Keeper of the Rolls of the Commonwealth is authorized to correct typographical errors in ~~bill~~ *legislation* in the form that they are offered, printed, engrossed, enrolled, or printed after passage; and for the sake of uniformity to change from upper to lower case or vice versa, take out or put in hyphens, change from one word form to two word form or vice versa, to the end that it will not be necessary to encumber the journal with amendments for such purposes.

CHAPTER 189

An Act to amend and reenact § 8.01-229 of the Code of Virginia, relating to nonsuits; tolling of limitations; contractual limitation periods.

[H 441]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-229 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-229. Suspension or tolling of statute of limitations; effect of disabilities; effect of death; injunction; prevention of service by defendant; dismissal, nonsuit or abatement; devise for payment of debts; new promises; debts proved in creditors' suits.

A. Disabilities which toll the statute of limitations. — Except as otherwise specifically provided in §§ 8.01-237, 8.01-241, 8.01-242, 8.01-243, 8.01-243.1 and other provisions of this Code,

1. If a person entitled to bring any action is at the time the cause of action accrues an infant, except if such infant has been emancipated pursuant to Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, or incapacitated, such person may bring it within the prescribed limitation period after such disability is removed; or

2. After a cause of action accrues,

a. If an infant becomes entitled to bring such action, the time during which he is within the age of minority shall not be counted as any part of the period within which the action must be brought except as to any such period during which the infant has been judicially declared emancipated; or

b. If a person entitled to bring such action becomes incapacitated, the time during which he is incapacitated shall not be computed as any part of the period within which the action must be brought, except where a conservator, guardian or committee is appointed for such person in which case an action may be commenced by such conservator, committee or guardian before the expiration of the applicable period of limitation or within one year after his qualification as such, whichever occurs later.

For the purposes of subdivisions 1 and 2 ~~of this subsection~~, a person shall be deemed incapacitated if he is so adjudged by a court of competent jurisdiction, or if it shall otherwise appear to the court or jury determining the issue that such person is or was incapacitated within the prescribed limitation period.

3. If a convict is or becomes entitled to bring an action against his committee, the time during which he is incarcerated shall not be counted as any part of the period within which the action must be brought.

B. Effect of death of a party. — The death of a person entitled to bring an action or of a person against whom an action may be brought shall toll the statute of limitations as follows:

1. Death of person entitled to bring a personal action. — If a person entitled to bring a personal action dies with no such action pending before the expiration of the limitation period for commencement thereof, then an action may be commenced

by the decedent's personal representative before the expiration of the limitation period including the limitation period as provided by subdivision E 3 or within one year after his qualification as personal representative, whichever occurs later.

2. Death of person against whom personal action may be brought. — a. If a person against whom a personal action may be brought dies before the commencement of such action and before the expiration of the limitation period for commencement thereof then a claim may be filed against the decedent's estate or an action may be commenced against the decedent's personal representative before the expiration of the applicable limitation period or within one year after the qualification of such personal representative, whichever occurs later.

b. If a person against whom a personal action may be brought dies before suit papers naming such person as defendant have been filed with the court, then such suit papers may be amended to substitute the decedent's personal representative as party defendant before the expiration of the applicable limitation period or within two years after the date such suit papers were filed with the court, whichever occurs later, and such suit papers shall be taken as properly filed.

3. Effect of death on actions for recovery of realty, or a proceeding for enforcement of certain liens relating to realty. — Upon the death of any person in whose favor or against whom an action for recovery of realty, or a proceeding for enforcement of certain liens relating to realty, may be brought, such right of action shall accrue to or against his successors in interest as provided in Article 2 (§ 8.01-236 et seq.) ~~of this chapter.~~

4. Accrual of a personal cause of action against the estate of any person subsequent to such person's death. — If a personal cause of action against a decedent accrues subsequent to his death, an action may be brought against the decedent's personal representative or a claim thereon may be filed against the estate of such decedent before the expiration of the applicable limitation period or within two years after the qualification of the decedent's personal representative, whichever occurs later.

5. Accrual of a personal cause of action in favor of decedent. — If a person dies before a personal cause of action which survives would have accrued to him, if he had continued to live, then an action may be commenced by such decedent's personal representative before the expiration of the applicable limitation period or within one year after the qualification of such personal representative, whichever occurs later.

6. Delayed qualification of personal representative. — If there is an interval of more than two years between the death of any person in whose favor or against whom a cause of action has accrued or shall subsequently accrue and the qualification of such person's personal representative, such personal representative shall, for the purposes of this chapter, be deemed to have qualified on the last day of such two-year period.

C. Suspension during injunctions. — When the commencement of any action is stayed by injunction, the time of the continuance of the injunction shall not be computed as any part of the period within which the action must be brought.

D. Obstruction of filing by defendant. — When the filing of an action is obstructed by a defendant's (i) filing a petition in bankruptcy or filing a petition for an extension or arrangement under the United States Bankruptcy Act or (ii) using any other direct or indirect means to obstruct the filing of an action, then the time that such obstruction has continued shall not be counted as any part of the period within which the action must be brought.

E. Dismissal, abatement, or nonsuit.

1. Except as provided in subdivision 3 ~~of this subsection,~~ if any action is commenced within the prescribed limitation period and for any cause abates or is dismissed without determining the merits, the time such action is pending shall not be computed as part of the period within which such action may be brought, and another action may be brought within the remaining period.

2. If a judgment or decree is rendered for the plaintiff in any action commenced within the prescribed limitation period and such judgment or decree is arrested or reversed upon a ground which does not preclude a new action for the same cause, or if there is occasion to bring a new action by reason of the loss or destruction of any of the papers or records in a former action which was commenced within the prescribed limitation period, then a new action may be brought within one year after such arrest or reversal or such loss or destruction, but not after.

3. If a plaintiff suffers a voluntary nonsuit as prescribed in § 8.01-380, the statute of limitations with respect to such action shall be tolled by the commencement of the nonsuited action, *regardless of whether the statute of limitations is statutory or contractual*, and the plaintiff may recommence his action within six months from the date of the order entered by the court, or within the original period of limitation, or within the limitation period as provided by subdivision B 1, whichever period is longer. This tolling provision shall apply irrespective of whether the action is originally filed in a federal or a state court and recommenced in any other court, and shall apply to all actions irrespective of whether they arise under common law or statute.

F. Effect of devise for payment of debts. — No provision in the will of any testator devising his real estate, or any part thereof, subject to the payment of his debts or charging the same therewith, or containing any other provision for the payment of debts, shall prevent this chapter from operating against such debts, unless it plainly appears to be the testator's intent that it shall not so operate.

G. Effect of new promise in writing.

1. If any person against whom a right of action has accrued on any contract, other than a judgment or recognizance, promises, by writing signed by him or his agent, payment of money on such contract, the person to whom the right has accrued may maintain an action for the money so promised, within such number of years after such promise as it might be maintained if such promise were the original cause of action. An acknowledgment in writing, from which a promise of payment may be implied, shall be deemed to be such promise within the meaning of this subsection.

2. The plaintiff may sue on the new promise described in subdivision 1 ~~of this subsection~~ or on the original cause of action, except that when the new promise is of such a nature as to merge the original cause of action then the action shall be only on the new promise.

H. Suspension of limitations in creditors' suits. — When an action is commenced as a general creditors' action, or as a general lien creditors' action, or as an action to enforce a mechanics' lien, the running of the statute of limitations shall be suspended as to debts provable in such action from the commencement of the action, provided they are brought in before the commissioner in chancery under the first reference for an account of debts; but as to claims not so brought in the statute shall continue to run, without interruption by reason either of the commencement of the action or of the order for an account, until a later order for an account, under which they do come in, or they are asserted by petition or independent action.

In actions not instituted originally either as general creditors' actions, or as general lien creditors' actions, but which become such by subsequent proceedings, the statute of limitations shall be suspended by an order of reference for an account of debts or of liens only as to those creditors who come in and prove their claims under the order. As to creditors who come in afterwards by petition or under an order of recomittal, or a later order of reference for an account, the statute shall continue to run without interruption by reason of previous orders until filing of the petition, or until the date of the reference under which they prove their claims, as the case may be.

I. When an action is commenced within a period of ~~thirty~~ 30 days prior to the expiration of the limitation period for commencement thereof and the defending party or parties desire to institute an action as third-party plaintiff against one or more persons not party to the original action, the running of the period of limitation against such action shall be suspended as to such new party for a period of ~~sixty~~ 60 days from the expiration of the applicable limitation period.

J. If any award of compensation by the Workers' Compensation Commission pursuant to Chapter 5 (§ 65.2-500 et seq.) of Title 65.2 is subsequently found void ab initio, other than an award voided for fraudulent procurement of the award by the claimant, the statute of limitations applicable to any civil action upon the same claim or cause of action in a court of this Commonwealth shall be tolled for that period of time during which compensation payments were made.

K. Suspension of limitations during criminal proceedings. — In any personal action for damages, if a criminal prosecution arising out of the same facts is commenced, the time such prosecution is pending shall not be computed as part of the period within which such a civil action may be brought. For purposes of this subsection, the time during which a prosecution is pending shall be calculated from the date of the issuance of a warrant, summons or capias, the return or filing of an indictment or information, or the defendant's first appearance in any court as an accused in such a prosecution, whichever date occurs first, until the date of the final judgment or order in the trial court, the date of the final disposition of any direct appeal in state court, or the date on which the time for noting an appeal has expired, whichever date occurs last. Thereafter, the civil action may be brought within the remaining period of the statute or within one year, whichever is longer.

If a criminal prosecution is commenced and a grand jury indictment is returned or a grand jury indictment is waived after the period within which a civil action arising out of the same set of facts may be brought, a civil action may be brought within one year of the date of the final judgment or order in the trial court, the date of the final disposition of any direct appeal in state court, or the date on which the time for noting an appeal has expired, whichever date occurs last, but no more than ~~ten~~ 10 years after the date of the crime or two years after the cause of action shall have accrued under § 8.01-249, whichever date occurs last.

CHAPTER 190

An Act to amend and reenact § 8.01-243 of the Code of Virginia, relating to medical malpractice actions; limitations period.

[H 637]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-243 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-243. Personal action for injury to person or property generally; extension in actions for malpractice against health care provider.

A. Unless otherwise provided in this section or by other statute, every action for personal injuries, whatever the theory of recovery, and every action for damages resulting from fraud, shall be brought within two years after the cause of action accrues.

B. Every action for injury to property, including actions by a parent or guardian of an infant against a tort-feasor for expenses of curing or attempting to cure such infant from the result of a personal injury or loss of services of such infant, shall be brought within five years after the cause of action accrues. An infant's claim for medical expenses pursuant to subsection B of § 8.01-36 accruing on or after July 1, 2013, shall be governed by the applicable statute of limitations that applies to the infant's cause of action.

C. The two-year limitations period specified in subsection A shall be extended in actions for malpractice against a health care provider as follows:

1. In cases arising out of a foreign object having no therapeutic or diagnostic effect being left in a patient's body, for a period of one year from the date the object is discovered or reasonably should have been discovered;

2. In cases in which fraud, concealment, or intentional misrepresentation prevented discovery of the injury within the two-year period, for one year from the date the injury is discovered or, by the exercise of due diligence, reasonably should have been discovered; and

3. In a claim for the negligent failure to diagnose a malignant tumor ~~or~~ cancer, *or an intracranial, intraspinal, or spinal schwannoma*, for a period of one year from the date the diagnosis of a malignant tumor ~~or~~ cancer, *or an intracranial, intraspinal, or spinal schwannoma* is communicated to the patient by a health care provider, provided that the health care provider's underlying act or omission was on or after July 1, 2008, *in the case of a malignant tumor or cancer or on or after July 1, 2016, in the case of an intracranial, intraspinal, or spinal schwannoma*. Claims under this section for the negligent failure to diagnose a malignant tumor or cancer, where the health care provider's underlying act or omission occurred prior to July 1, 2008, shall be governed by the statute of limitations that existed prior to July 1, 2008. *Claims under this section for the negligent failure to diagnose an intracranial, intraspinal, or spinal schwannoma, where the health care provider's underlying act or omission occurred prior to July 1, 2016, shall be governed by the statute of limitations that existed prior to July 1, 2016.*

However, the provisions of this subsection shall not apply to extend the limitations period beyond ~~ten~~ 10 years from the date the cause of action accrues, except that the provisions of subdivision A 2 of § 8.01-229 shall apply to toll the statute of limitations in actions brought by or on behalf of a person under a disability.

D. Every action for injury to the person, whatever the theory of recovery, resulting from sexual abuse occurring during the infancy or incapacity of the person as set forth in subdivision 6 of § 8.01-249 shall be brought within 20 years after the cause of action accrues.

E. Every action for injury to property brought by the Commonwealth against a tort-feasor for expenses arising out of the negligent operation of a motor vehicle shall be brought within five years after the cause of action accrues.

CHAPTER 191

An Act to amend and reenact §§ 12.1-30.1 and 56-237.1 of the Code of Virginia, relating to the regulation of water and sewer utilities.

[S 85]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 12.1-30.1 and 56-237.1 of the Code of Virginia are amended and reenacted as follows:

§ 12.1-30.1. Meetings and communications between commissioners and parties or staff.

The Commission shall after public hearing, promulgate rules of practice and procedure pursuant to § 12.1-25 controlling meetings and communications between commissioners and any party, or between commissioners and staff concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services or facilities of railroad, telephone, gas ~~or~~ electric, *water, or sewer* companies. The rules shall provide, among other provisions, that no commissioner shall consult with any party or any person acting on behalf of any party with respect to such proceeding without giving adequate notice and opportunity for all parties to participate.

§ 56-237.1. Notification of intent to seek rate change in schedules required to be filed under § 56-236.

A. Every public utility ~~which~~, *other than a public utility providing water or sewer service*, that indicates upon existing required schedules, or upon new schedules required to be filed in lieu thereof, changes in rates, tolls, charges, rules and regulations, shall cause to have published, once a week for four successive weeks, in one or more newspapers in circulation in its franchise area and approved by the Commission, a notice of its intention to change its rates, tolls, charges, rules and regulations. *Every public utility providing water or sewer service that indicates upon existing required schedules, or upon new schedules required to be filed in lieu thereof, changes in rates, tolls, charges, rules and regulations, shall cause to have published at least once in one or more newspapers in circulation in its franchise area and approved by the Commission, a notice of its intention to change its rates, tolls, charges, rules and regulations.* The last such publication shall appear no less than 30 days prior to the time any changed rates, tolls, charges, rules and regulations shall take effect. This notice shall be in such form and contain such information as prescribed by the Commission.

B. Every public utility ~~which~~ *that* indicates upon existing required schedules, or upon new schedules required to be filed in lieu thereof, changes in rates, tolls, charges, rules, and regulations; shall mail to each of its customers *who receive periodic statements of charges by mail or send electronically to each of its customers who receive periodic statements of charges electronically*, along with its periodic invoice, bill, or other statement advising the customer of its charges, a notice of its intention to change its rates, tolls, charges, rules, and regulations. This notice shall be mailed *or sent electronically* no less than 30 days prior to the time any such changed rate, toll, charge, rule, and regulation shall take effect. This notice shall be in such form and contain such information as prescribed by the Commission.

C. ~~The~~ *Except for public utilities providing water or sewer service, the* Commission may dispense with either or both of the requirements contained in subsections A and B if either or both such requirements are not necessary to provide

adequate notice to all of the public utilities' customers. The Commission may prescribe additional requirements for notification to a public utility's customers of its intention to change its rates, tolls, charges, rules, and regulations.

CHAPTER 192

An Act to amend and reenact § 56-46.1 of the Code of Virginia, relating to State Corporation Commission; approval of electrical transmission lines; hearing.

[S 136]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 56-46.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-46.1. Commission to consider environmental, economic and improvements in service reliability factors in approving construction of electrical utility facilities; approval required for construction of certain electrical transmission lines; notice and hearings.

A. Whenever the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact. In order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters. Nothing in this section shall affect the ability of the Commission to keep the record of a case open. Nothing in this section shall affect any right to appeal such permits or approvals in accordance with applicable law. In the case of a proposed facility located in a region that was designated as of July 1, 2001, as serious nonattainment for the one-hour ozone standard as set forth in the federal Clean Air Act, the Commission shall not issue a decision approving such proposed facility that is conditioned upon issuance of any environmental permit or approval. In every proceeding under this subsection, the Commission shall receive and give consideration to all reports that relate to the proposed facility by state agencies concerned with environmental protection; and if requested by any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2. Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the economic and job creation objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

B. Subject to the provisions of subsection J, no electrical transmission line of 138 kilovolts or more shall be constructed unless the State Corporation Commission shall, after at least 30 days' advance notice by (i) publication in a newspaper or newspapers of general circulation in the counties and municipalities through which the line is proposed to be built, (ii) written notice to the governing body of each such county and municipality, and (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed line, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, approve such line. Such notices shall include a written description of the proposed route the line is to follow, as well as a map or sketch of the route including a digital geographic information system (GIS) map provided by the public utility showing the location of the proposed route. The Commission shall make GIS maps provided under this subsection available to the public on the Commission's website. Such notices shall be in addition to the advance notice to the chief administrative officer of the county or municipality required pursuant to § 15.2-2202. As a condition to approval the Commission shall determine that the line is needed and that the corridor or route the line is to follow will reasonably minimize adverse impact on the scenic assets, historic districts and environment of the area concerned. To assist the Commission in this determination, as part of the application for Commission approval of the line, the applicant shall summarize its efforts to reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned. In making the determinations about need, corridor or route, and method of installation, the Commission shall verify the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation. If the local comprehensive plan of an affected county or municipality designates corridors or routes for electric transmission lines and the line is proposed to be constructed outside such corridors or routes, in any hearing the county or municipality may provide adequate evidence that the existing planned corridors or routes designated in the plan can adequately serve the needs of the company. Additionally, the Commission shall consider, upon the request of the governing body of any county or municipality in which the line is proposed to be

constructed, (a) the costs and economic benefits likely to result from requiring the underground placement of the line and (b) any potential impediments to timely construction of the line.

C. If, prior to such approval, any interested party shall request a public hearing, the Commission shall, as soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be designated by the Commission. In any hearing the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the company.

If, prior to such approval, written requests therefor are received from *the governing body of any county or municipality through which the line is proposed to be built* or from 20 or more interested parties, the Commission shall hold at least one hearing in the area ~~which~~ that would be affected by construction of the line, for the purpose of receiving public comment on the proposal. If any hearing is to be held in the area affected, the Commission shall direct that a copy of the transcripts of any previous hearings held in the case be made available for public inspection at a convenient location in the area for a reasonable time before such local hearing.

D. As used in this section, unless the context requires a different meaning:

"Environment" or "environmental" shall be deemed to include in meaning "historic," as well as a consideration of the probable effects of the line on the health and safety of the persons in the area concerned.

"Interested parties" shall include the governing bodies of any counties or municipalities through which the line is proposed to be built, and persons residing or owning property in each such county or municipality.

"Public utility" means a public utility as defined in § 56-265.1.

"Qualifying facilities" means a cogeneration or small power production facility which meets the criteria of 18 C.F.R. Part 292.

"Reasonably accommodate requests to wheel or transmit power" means:

1. That the applicant will make available to new electric generation facilities constructed after January 9, 1991, qualifying facilities and other nonutilities, a minimum of one-fourth of the total megawatts of the additional transmission capacity created by the proposed line, for the purpose of wheeling to public utility purchasers the power generated by such qualifying facilities and other nonutility facilities which are awarded a power purchase contract by a public utility purchaser in compliance with applicable state law or regulations governing bidding or capacity acquisition programs for the purchase of electric capacity from nonutility sources, provided that the obligation of the applicant will extend only to those requests for wheeling service made within the 12 months following certification by the State Corporation Commission of the transmission line and with effective dates for commencement of such service within the 12 months following completion of the transmission line; and

2. That the wheeling service offered by the applicant, pursuant to subdivision D 1, will reasonably further the purposes of the Public Utilities Regulatory Policies Act of 1978 (P. L. 95-617), as demonstrated by submitting to the Commission, with its application for approval of the line, the cost methodologies, terms, conditions, and dispatch and interconnection requirements the applicant intends, subject to any applicable requirements of the Federal Energy Regulatory Commission, to include in its agreements for such wheeling service.

E. In the event that, at any time after the giving of the notice required in subsection B, it appears to the Commission that consideration of a route or routes significantly different from the route described in the notice is desirable, the Commission shall cause notice of the new route or routes to be published and mailed in accordance with subsection B. The Commission shall thereafter comply with the provisions of this section with respect to the new route or routes to the full extent necessary to give *affected localities and* interested parties in the newly affected areas the same protection afforded to *affected localities and* interested parties affected by the route described in the original notice.

F. Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of § 15.2-2232 and local zoning ordinances with respect to such transmission line.

G. The Commission shall enter into a memorandum of agreement with the Department of Environmental Quality regarding the coordination of their reviews of the environmental impact of electric generating plants and associated facilities.

H. An applicant that is required to obtain (i) a certificate of public convenience and necessity from the Commission for any electric generating facility, electric transmission line, natural or manufactured gas transmission line as defined in 49 Code of Federal Regulations § 192.3, or natural or manufactured gas storage facility (hereafter, an energy facility) and (ii) an environmental permit for the energy facility that is subject to issuance by any agency or board within the Secretariat of Natural Resources, may request a pre-application planning and review process. In any such request to the Commission or the Secretariat of Natural Resources, the applicant shall identify the proposed energy facility for which it requests the pre-application planning and review process. The Commission, the Department of Environmental Quality, the Marine Resources Commission, the Department of Game and Inland Fisheries, the Department of Historic Resources, the Department of Conservation and Recreation, and other appropriate agencies of the Commonwealth shall participate in the pre-application planning and review process. Participation in such process shall not limit the authority otherwise provided by law to the Commission or other agencies or boards of the Commonwealth. The Commission and other participating agencies of the Commonwealth may invite federal and local governmental entities charged by law with responsibility for issuing permits or approvals to participate in the pre-application planning and review process. Through the pre-application planning and review process, the applicant, the Commission, and other agencies and boards shall identify the potential impacts and approvals that may be required and shall develop a plan that will provide for an efficient and coordinated

review of the proposed energy facility. The plan shall include (a) a list of the permits or other approvals likely to be required based on the information available, (b) a specific plan and preliminary schedule for the different reviews, (c) a plan for coordinating those reviews and the related public comment process, and (d) designation of points of contact, either within each agency or for the Commonwealth as a whole, to facilitate this coordination. The plan shall be made readily available to the public and shall be maintained on a dedicated website to provide current information on the status of each component of the plan and each approval process including opportunities for public comment.

I. The provisions of this section shall not apply to the construction and operation of a small renewable energy project, as defined in § 10.1-1197.5, by a utility regulated pursuant to this title for which the Department of Environmental Quality has issued a permit by rule pursuant to Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1.

J. Approval under this section shall not be required for any transmission line for which a certificate of public convenience and necessity is not required pursuant to subdivision A of § 56-265.2.

CHAPTER 193

An Act to amend and reenact § 38.2-405 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 38.2-403.1, relating to the State Corporation Commission; insurance assessments; omissions; application for correction.

[S 209]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-405 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 38.2-403.1 as follows:

§ 38.2-403.1. Omitted assessments.

If the Commission ascertains that any assessment that could have been assessed during any current assessable year has not been assessed for any assessable year of the three years last past, or that the same has been assessed at less than the law required for any one or more of such years, or that the assessment, for any cause, has not been realized, the Commission shall list and assess the same at the rate prescribed for that year, adding thereto a penalty of 10 percent and interest at the rate established pursuant to § 58.1-1812 which shall be computed upon the assessment from the due date of the assessment until the assessment is paid.

§ 38.2-405. Application for correction of assessment.

~~A company~~ Any corporation aggrieved by the assessment assessed or imposed by or under authority of this chapter and collected from any corporation, domestic or foreign, may ~~appeal~~, within one year from the date of the payment of such assessment, apply to the ~~Supreme Court of Virginia in accordance with the Rules of Court applicable to appeals from the State Corporation Commission for a refund, in whole or in part, of the amount so assessed or imposed and paid. If the court is of the opinion that the assessment is either excessive or insufficient, the court shall by its order request the Commission to make appropriate adjustments. If the appellant fails to pay the assessment when due and the court affirms the action of the Commission, judgment shall be entered against the appellant for damages, which are to be paid to the Commission, equal to legal interest upon the amount of the assessment from the time the assessment was payable. If relief is granted in whole or in part, judgment shall be rendered against the Commonwealth for any excess that may have been paid, with legal interest. No payment shall be recovered after a formal adjudication in a proceeding in which the right of appeal existed and was not taken. Such application shall be by written petition, in duplicate and verified by affidavit. Such application shall be filed with the Commission and shall set forth the names and addresses of every party in interest.~~

CHAPTER 194

An Act to amend and reenact §§ 30-172 and 30-173 of the Code of Virginia, relating to the Virginia Commission on Intergovernmental Cooperation.

[S 600]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 30-172 and 30-173 of the Code of Virginia are amended and reenacted as follows:

§ 30-172. Powers and duties of Commission.

The Commission shall have the power and duty to:

1. Encourage and arrange conferences with officials of other states and other units of government;
2. Carry forward the participation of Virginia as a member of the Council of State Governments, both regionally and nationally;
3. Formulate proposals for cooperation between Virginia and other states;
4. Establish such committees as it deems advisable to conduct conferences and formulate proposals concerning subjects of interstate cooperation;

5. Monitor and evaluate the Commonwealth's participation in interstate compacts;
 6. Review, evaluate, and recommend suggested uniform state legislation;
 7. Require, at its discretion, from any appointee representing Virginia on any interstate compact, commission, committee, or board, a report on that organization's work and accomplishments;
 8. Review, evaluate, and make recommendations concerning federal policies that are of concern to the Commonwealth;
 9. Establish such committees as deemed advisable and designate the members of every such committee. State officials who are not members of the Commission may be appointed as members of any such committee, but at least one member of the Commission shall be a member of every such committee; and

10. Appoint persons drawn from the membership of the Senate, the membership of the House of Delegates, and officials of state and local government to serve on those intergovernmental boards, committees, and commissions as to which the Commonwealth is entitled to such appointment, or is invited to make such appointment; provided that members of the General Assembly shall be appointed as follows:

a. If an appointment be made from the membership of the Senate, such an appointment shall be made by the Commission on Interstate Cooperation of the Senate and shall be approved by the ~~Senate Committee on Rules~~ *Chair of the Committee on Rules*; and

b. If an appointment be made from the membership of the House of Delegates, such appointment shall be made by the Commission on Interstate Cooperation of the House of Delegates and shall be approved by the Speaker of the House of Delegates.

The Commission may provide such rules as it considers appropriate concerning the membership and the functioning of any committee established.

§ 30-173. Commission of Senate and Commission of House of Delegates on Interstate Cooperation; membership; compensation and expenses; quorum.

A. There is established a Commission on Interstate Cooperation of the Senate in the legislative branch of state government, to consist of six senators as follows: the ~~President pro tempore~~ *Chair of the Committee on Rules* of the Senate, who shall serve as Chairman of the Commission, and five members appointed by the Senate Committee on Rules.

B. There is established a Commission on Interstate Cooperation of the House of Delegates in the legislative branch of state government, also to consist of six members; and the members shall be appointed and the chairman of the Commission shall be designated from among the membership of the Commission by the Speaker of the House of Delegates in accordance with the principles of proportional representation as contained in the Rules of the House of Delegates.

C. Such bodies of the Senate and of the House of Delegates shall function during the regular sessions of the General Assembly and also during the interim periods between such sessions. Members appointed and designated shall serve terms coincident with their terms of office.

D. Members of the commissions shall receive such compensation as provided in § 30-19.12 and shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties pursuant to § 30-171 and this section as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided from existing appropriations to the Virginia Commission on Intergovernmental Cooperation.

E. A majority of the members shall constitute a quorum on each commission. Meetings of each commission shall be held at the call of the chairman or whenever a majority of the members so request.

CHAPTER 195

An Act to amend and reenact § 46.2-1030 of the Code of Virginia, relating to general illumination lights on motorcycles.

[H 10]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1030 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, ~~this limitation~~ *motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations* shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, towing disabled vehicles, or

constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A of ~~this section~~ shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A of ~~this section~~ constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A of ~~this section~~.

F. No citation for a violation of clause (iii) of subsection A of ~~this section~~ shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

CHAPTER 196

An Act to amend and reenact § 59.1-148.3 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to purchase of weapons other than handguns by certain officers.

[H 51]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-148.3 of the Code of Virginia, as it is currently effective and as it shall become effective, is amended and reenacted as follows:

§ 59.1-148.3. (Effective until July 1, 2018) Purchase of handguns or other weapons of certain officers.

A. The Department of State Police, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the ~~Department of State Police~~ *agencies listed in this subsection* for personal duty use of an officer; may, with approval of the ~~Superintendent~~ *agency head*, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with ~~5~~ *five* or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

§ 59.1-148.3. (Effective July 1, 2018) Purchase of handguns of certain officers.

A. The Department of State Police, the Department of Game and Inland Fisheries, the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the ~~Department of State Police~~ *agencies listed in this subsection* for personal duty use of an officer, may, with approval of the ~~Superintendent~~ *agency head*, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with ~~5~~ *five* or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

CHAPTER 197

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9.1-102.1, relating to the Department of Criminal Justice Services; private security registrants; photo identification.

[H 147]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-102.1 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;
34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

52. (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Virginia Alcoholic Beverage Control Authority;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

57. Establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol;

58. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee; ~~and~~

59. *In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.); and*

60. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-102.1. Photo-identification cards.

A. The Department shall issue a photo-identification card to a private security registrant at the time of the approval of such individual's initial registration and upon renewal. Upon submission of a written statement by an individual to the Department that the individual's photo-identification card is lost, stolen, or destroyed, the Department shall reissue a photo-identification card to the individual.

B. A photo-identification card shall contain the name of the individual, the individual's registration number, the individual's registration category, and a photograph of the individual; the date of issuance; the date of expiration; the name of the issuer, "Department of Criminal Justice Services, Commonwealth of Virginia"; and any other information approved by the Department pursuant to subdivision 59 of § 9.1-102.

C. For each photo-identification card issued or reissued to an individual pursuant to this section, the Department shall charge the individual a fee in an amount equal to the fee charged by the Department of Motor Vehicles for the issuance of a special identification card set forth in §§ 46.2-333.1 and 46.2-345. In addition to such fee, the Department shall charge the individual a \$4 processing fee for any photo-identification card issued or reissued on or after July 1, 2017, but before July 1, 2018.

D. The Department may enter into an agreement with the Department of Motor Vehicles to create, design, and produce photo-identification cards issued by the Department pursuant to this section and shall submit the information necessary to create and produce photo-identification cards in electronic form to the Department of Motor Vehicles in a format prescribed by the Commissioner of the Department of Motor Vehicles. For each photo-identification card produced by the Department of Motor Vehicles, the Department of Motor Vehicles shall charge the Department an amount equal to the fee charged by the Department of Motor Vehicles for the issuance of a special identification card set forth in §§ 46.2-333.1 and 46.2-345. In addition to such fee, the Department of Motor Vehicles shall charge the Department a \$4 processing fee for any photo-identification card issued or reissued on or after July 1, 2017, but before July 1, 2018. All fees paid to the Department of Motor Vehicles by the Department for each photo-identification card issued pursuant to this subsection shall be paid into the state treasury and set aside as a special fund to meet the expenses of the Department of Motor Vehicles in issuing such cards.

2. That the provisions of this act shall become effective on July 1, 2017.

CHAPTER 198

An Act to amend and reenact § 46.2-1025 of the Code of Virginia, relating to flashing amber lights on public transit buses.
[H 329]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1025 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1025. Flashing amber, purple, or green warning lights.

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;
2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways, or in assisting with the management of roadside and traffic incidents, or performing traffic management services along public highways;
3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;
4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;
5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;
6. Vehicles used by individuals for emergency snow-removal purposes;
7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;
8. Fire apparatus and emergency medical services vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;
9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;
10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;
11. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;
12. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;
13. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;
14. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;
15. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;
16. Vehicles owned and used by construction companies operating under Virginia contractors licenses;
17. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;
18. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;
19. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;
20. Vehicles used as pace cars, security vehicles, or firefighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;
21. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion; ~~and~~
22. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site; *and*
23. *Publicly owned or operated transit buses.*

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, firefighting, or emergency medical services personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

CHAPTER 199

An Act to amend and reenact § 9.1-1109 of the Code of Virginia, relating to membership on the Forensic Science Board.

[H 355]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-1109 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-1109. Forensic Science Board; membership.

A. The Forensic Science Board (the Board) is established as a policy board within the meaning of § 2.2-2100, in the executive branch of state government. The Board shall consist of 15 members as follows:

1. The Superintendent of the State Police or his designee;
2. The Director of the Department of Criminal Justice Services or his designee;
3. The Chief Medical Examiner or his designee;
4. The Executive Director of the Virginia Board of Pharmacy or his designee;
5. The Attorney General, or his designee;
6. The Executive Secretary of the Supreme Court of Virginia or his designee;
7. The Chairman of the Virginia State Crime Commission or his designee;
8. ~~The Chairman of the Board of the Virginia Institute of Forensic Science and Medicine~~ *Director of the Virginia*

Division of Consolidated Laboratory Services or his designee;

9. The Chairman of the Senate Committee for Courts of Justice or his designee;
10. The Chairman of the House Committee for Courts of Justice or his designee;
11. Two members of the Scientific Advisory Committee, chosen by the chairman of that committee; and
12. Three members, appointed by the Governor, from among the citizens of the Commonwealth as follows:

- a. A member of law enforcement;
- b. A member of the Virginia Commonwealth's Attorneys Association; and
- c. A member who is a criminal defense attorney having specialized knowledge in the area of forensic sciences.

B. The legislative members shall serve for terms coincident with their terms of office. The members appointed by the Governor shall serve for terms of four years, provided that no member shall serve beyond the time when he holds the office or employment by reason of which he was initially eligible for appointment. Any vacancy on the Board shall be filled in the same manner as the original appointment, but for the unexpired term.

C. Notwithstanding any provision of any statute, ordinance, local law, or charter provision to the contrary, membership on the Board shall not disqualify any member from holding any other public office or employment, or cause the forfeiture thereof.

D. The Board shall elect its chairman and vice-chairman. A majority of the members shall constitute a quorum. Members shall be paid reasonable and necessary expenses incurred in the performance of their duties. Legislative members shall receive compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

E. The Board shall hold no less than four regular meetings a year. Subject to the requirements of this subsection, the chairman of the Board shall fix the times and places of meetings, either on his own motion or upon written request of any five members of the Board.

CHAPTER 200

An Act to amend and reenact § 2.2-222.3 of the Code of Virginia, relating to Secure Commonwealth Panel; membership; reporting.

[H 387]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-222.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-222.3. Secure Commonwealth Panel; membership; duties; compensation; staff.

A. The Secure Commonwealth Panel (the Panel) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of ~~33~~ 34 members as follows: three members of the House of Delegates and two nonlegislative citizens to be appointed by the Speaker of the House of Delegates; three members of the Senate of Virginia and two nonlegislative citizens to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the Attorney General; the Executive Secretary of the Supreme Court of Virginia; the Secretaries of

Commerce and Trade, Health and Human Resources, Technology, Transportation, ~~and~~ Public Safety and Homeland Security, *and Veterans and Defense Affairs*, or their designees; two local first responders; three local government representatives; two physicians with knowledge of public health; four members from the business or industry sector; and four citizens from the Commonwealth at large. Except for appointments made by the Speaker of the House of Delegates and the Senate Committee on Rules, all appointments shall be made by the Governor. Additional ex officio members may be appointed to the Panel by the Governor. Legislative members shall serve terms coincident with their terms of office or until their successors shall qualify. Nonlegislative citizen members shall serve for terms of four years. The Secretary of Public Safety and Homeland Security shall be the chairman of the Panel.

B. The Panel shall monitor and assess the implementation of statewide prevention, preparedness, response, and recovery initiatives and where necessary review, evaluate, and make recommendations relating to the emergency preparedness of government at all levels in the Commonwealth. The Panel shall make ~~quarterly~~ *annual* reports to the Governor concerning the state's emergency preparedness, response, recovery, and prevention efforts.

C. Members of the Panel shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

D. Staff support for the Panel and funding for the costs of expenses of the members shall be provided by the Secretary of Public Safety and Homeland Security.

E. The Secretary shall facilitate cabinet-level coordination among the various agencies of state government related to emergency preparedness and shall facilitate private sector preparedness and communication.

CHAPTER 201

An Act to amend and reenact § 19.2-303.5 of the Code of Virginia, relating to immediate sanction probation programs; extend expiration.

[H 608]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-303.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-303.5. Immediate sanction probation programs.

There may be established in the Commonwealth up to four immediate sanction probation programs in accordance with the following provisions:

1. As a condition of a sentence suspended pursuant to § 19.2-303, a court may order a defendant convicted of a crime, other than a violent crime as defined in subsection C of § 17.1-805, to participate in an immediate sanction probation program.

2. If a participating offender fails to comply with any term or condition of his probation and the alleged probation violation is not that the offender committed a new crime or infraction, (i) his probation officer shall immediately issue a noncompliance letter pursuant to § 53.1-149 authorizing his arrest at any location in the Commonwealth and (ii) his probation violation hearing shall take priority on the court's docket. The probation officer may, in any event, exercise any other lawful authority he may have with respect to the offender.

3. When a participating offender is arrested pursuant to subdivision 2, the court shall conduct an immediate sanction hearing unless (i) the alleged probation violation is that the offender committed a new crime or infraction; (ii) the alleged probation violation is that the offender absconded for more than seven days; or (iii) the offender, attorney for the Commonwealth, or the court objects to such immediate sanction hearing. If the court conducts an immediate sanction hearing, it shall proceed pursuant to subdivision 4. Otherwise, the court shall proceed pursuant to § 19.2-306.

4. At the immediate sanction hearing, the court shall receive the noncompliance letter, which shall be admissible as evidence, and may receive other evidence. If the court finds good cause to believe that the offender has violated the terms or conditions of his probation, it may (i) revoke no more than 30 days of the previously suspended sentence and (ii) continue or modify any existing terms and conditions of probation. If the court does not modify the terms and conditions of probation or remove the defendant from the program, the previously ordered terms and conditions of probation shall continue to apply. The court may remove the offender from the immediate sanction probation program at any time.

5. The provisions of this section shall expire on July 1, ~~2016~~ 2017.

CHAPTER 202

An Act to amend and reenact § 9.1-151 of the Code of Virginia, relating to the Advisory Committee to the Court-Appointed Special Advocate Program.

[H 669]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-151 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-151. Court-Appointed Special Advocate Program; appointment of advisory committee.

A. There is established a Court-Appointed Special Advocate Program (the Program) that shall be administered by the Department. The Program shall provide services in accordance with this article to children who are subjects of judicial proceedings (i) involving allegations that the child is abused, neglected, in need of services, or in need of supervision or (ii) for the restoration of parental rights pursuant to § 16.1-283.2 and for whom the juvenile and domestic relations district court judge determines such services are appropriate. Court-Appointed Special Advocate volunteer appointments may continue for youth 18 years of age and older who are in foster care if the court has retained jurisdiction pursuant to § 16.1-242 and the juvenile and domestic relations district court judge determines such services are appropriate. The Department shall adopt regulations necessary and appropriate for the administration of the Program.

B. The Board shall appoint an Advisory Committee to the Court-Appointed Special Advocate Program, consisting of 15 members, *one of whom shall be a judge of the juvenile and domestic relations district court or circuit court*, knowledgeable of court matters, child welfare, and juvenile justice issues and representative of both state and local interests. The duties of the Advisory Committee shall be to advise the Board on all matters relating to the Program and the needs of the clients served by the Program, and to make such recommendations as it may deem desirable.

CHAPTER 203

An Act to amend and reenact §§ 19.2-386.2, 19.2-386.2:1, 19.2-386.10, and 19.2-386.14 of the Code of Virginia, relating to asset forfeiture.

[H 771]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-386.2, 19.2-386.2:1, 19.2-386.10, and 19.2-386.14 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-386.2. Seizure of named property.

A. When any property subject to seizure under Chapter 22.2 (§ 19.2-386.15 et seq.) or other provision under the Code has not been seized at the time an information naming that property is filed, the clerk of the circuit court or a judge of the circuit court, upon motion of the attorney for the Commonwealth wherein the information is filed, shall issue a warrant to the sheriff or other state or local law-enforcement officer authorized to serve criminal process in the jurisdiction where the property is located, describing the property named in the complaint and authorizing its immediate seizure.

B. In all cases of seizure of real property, a notice of lis pendens shall be filed with the clerk of the circuit court of the county or city wherein the property is located and shall be indexed in the land records in the name or names of those persons whose interests appear to be affected thereby.

C. When any property is seized for the purposes of forfeiture under Chapter 22.2 (§ 19.2-386.15 et seq.) or other forfeiture provision under the Code, the agency seizing the property shall, as soon as practicable after the seizure, conduct an inventory of the seized property and shall, as soon as practicable, provide a copy of the inventory to the owner. An agency's failure to provide a copy of an inventory pursuant to this subsection shall not invalidate any forfeiture.

D. When any property is seized for the purposes of forfeiture under Chapter 22.2 (§ 19.2-386.15 et seq.) or other forfeiture provision under the Code, and an information naming that property has not been filed, neither the agency seizing the property nor any other law-enforcement agency may request, require, or in any manner induce any person who asserts ownership, lawful possession, or any lawful right to the property to waive his interest in or rights to the property until an information has been filed.

§ 19.2-386.2:1. Notice to Commissioner of Department of Motor Vehicles; duties of Commissioner.

If the property seized is a motor vehicle required by the motor vehicle laws of Virginia to be registered, the attorney for the Commonwealth shall forthwith notify the Commissioner of the Department of Motor Vehicles, by certified mail, *or electronically in a format prescribed by the Commissioner*, of such seizure and the motor number of the vehicle so seized, and the Commissioner shall promptly certify to such attorney for the Commonwealth the name and address of the person in whose name such vehicle is registered, together with the name and address of any person holding a lien thereon, ~~and the amount thereof~~. The Commissioner shall also forthwith notify such registered owner and lienor, in writing, of the reported seizure and the county or city wherein such seizure was made.

The certificate of the Commissioner, concerning such registration and lien, shall be received in evidence in any proceeding, either civil or criminal, under any provision of this chapter, in which such facts may be material to the issue involved.

§ 19.2-386.10. Trial.

A. A party defendant who fails to appear as provided in § 19.2-386.9 shall be in default. The forfeiture shall be deemed established as to the interest of any party in default upon entry of judgment as provided in § 19.2-386.11. Within ~~twenty-one~~ 21 days after entry of judgment, any party defendant against whom judgment has been so entered may petition the Department of Criminal Justice Services for remission of his interest in the forfeited property. For good cause shown and upon proof that the party defendant's interest in the property is exempt under subdivision 2, 3 or 4 of § 19.2-386.8, the Department of Criminal Justice Services shall grant the petition and direct the state treasury to either (i) remit to the party

defendant an amount not exceeding the party defendant's interest in the proceeds of sale of the forfeited property after deducting expenses incurred and payable pursuant to subsection B of § 19.2-386.12 or (ii) convey clear and absolute title to the forfeited property in extinguishment of such interest.

If any party defendant appears in accordance with § 19.2-386.9, the court shall proceed to trial of the case, unless trial by jury is demanded by the Commonwealth or any party defendant. At trial, the Commonwealth has the burden of proving that the property is subject to forfeiture under this chapter. Upon such a showing by the Commonwealth, the claimant has the burden of proving that the claimant's interest in the property is exempt under subdivision 2, 3 or 4 of § 19.2-386.8. The proof of all issues shall be by a preponderance of the evidence.

B. The information and trial thereon shall be independent of any criminal proceeding against any party or other person for violation of law. However, upon motion and for good cause shown, the court may stay a forfeiture proceeding that is related to any *warrant*, indictment, or information.

§ 19.2-386.14. Sharing of forfeited assets.

A. All cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees, and costs as provided in § 19.2-386.12, shall, as soon after entry of the forfeiture as is practicable, be distributed in a manner consistent with this chapter and Article VIII, Section 8 of the Constitution of Virginia.

A1. All cash, negotiable instruments and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees and costs as provided in § 19.2-386.12, shall, as soon after entry of the forfeiture as is practicable, be paid over to the state treasury into a special fund of the Department of Criminal Justice Services for distribution in accordance with this section. The forfeited property and proceeds, less 10 percent, shall be made available to federal, state and local agencies to promote law enforcement in accordance with this section and regulations adopted by the Criminal Justice Services Board to implement the asset-sharing program.

The 10 percent retained by the Department shall be held in a nonreverting fund, known as the Asset Sharing Administrative Fund. Administrative costs incurred by the Department to manage and operate the asset-sharing program shall be paid from the Fund. Any amounts remaining in the Fund after payment of these costs shall be used to promote state or local law-enforcement activities. Distributions from the Fund for these activities shall be based upon need and shall be made from time to time in accordance with regulations promulgated by the Board.

B. Any federal, state or local agency or office that directly participated in the investigation or other law-enforcement activity which led, directly or indirectly, to the seizure and forfeiture shall be eligible for, and may petition the Department for, return of the forfeited asset or an equitable share of the net proceeds, based upon the degree of participation in the law-enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law-enforcement effort with respect to the violation of law on which the forfeiture is based. Upon finding that the petitioning agency is eligible for distribution and that all participating agencies agree on the equitable share of each, the Department shall distribute each share directly to the appropriate treasury of the participating agency.

If all eligible participating agencies cannot agree on the equitable shares of the net proceeds, the shares shall be determined by the Criminal Justice Services Board in accordance with regulations which shall specify the criteria to be used by the Board in assessing the degree of participation in the law-enforcement effort resulting in the forfeiture.

C. After the order of forfeiture is entered concerning any motor vehicle, boat, aircraft, or other tangible personal property, any seizing agency may (i) petition the Department for return of the property that is not subject to a grant or pending petition for remission or (ii) request the circuit court to order the property destroyed. Where all the participating agencies agree upon the equitable distribution of the tangible personal property, the Department shall return the property to those agencies upon finding that (a) the agency meets the criteria for distribution as set forth in subsection B and (b) the agency has a clear and reasonable law-enforcement need for the forfeited property.

If all eligible participating agencies cannot agree on the distribution of the property, distribution shall be determined by the Criminal Justice Services Board as in subsection B, taking into consideration the clear and reasonable law-enforcement needs for the property which the agencies may have. In order to equitably distribute tangible personal property, the Criminal Justice Services Board may require the agency receiving the property to reimburse the Department in cash for the difference between the fair market value of the forfeited property and the agency's equitable share as determined by the Criminal Justice Services Board.

If a seizing agency has received property for its use pursuant to this section, when the agency disposes of the property (1) by sale, the proceeds shall be distributed as set forth in this section; or (2) by destruction pursuant to a court order, the agency shall do so in a manner consistent with this section.

D. All forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds. The Board shall promulgate regulations establishing an audit procedure to ensure compliance with this section.

E. On or after July 1, 2012, but before July 1, 2014, local seizing agencies may contribute cash funds and proceeds from forfeited property to the Virginia Public Safety Foundation to support the construction of the Commonwealth Public Safety Memorial. Any funds contributed by seizing agencies shall be contributed only after an internal analysis to determine that such contributions will not negatively impact law-enforcement training or operations.

F. *The Department shall report annually on or before December 31 to the Governor and the General Assembly the amount of all cash, negotiable instruments, and proceeds from sales conducted pursuant to § 19.2-386.7 or 19.2-386.12 that*

were forfeited to the Commonwealth, including the amount of all forfeitures distributed to the Literary Fund. Such report shall also detail the amount distributed by the Department to each federal, state, or local agency or office pursuant to this section, and the amount each state or local agency or office received from federal asset forfeiture proceedings. The Department shall ensure that such report is available to the public.

CHAPTER 204

An Act to amend and reenact § 19.2-72 of the Code of Virginia, relating to copies of statements to magistrates.

[H 1275]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-72 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-72. When it may issue; what to recite and require.

On complaint of a criminal offense to any officer authorized to issue criminal warrants he shall examine on oath the complainant and any other witnesses, or when such officer shall suspect that an offense punishable otherwise than by a fine has been committed he may, without formal complaint, issue a summons for witnesses and shall examine such witnesses. A written complaint shall be required if the complainant is not a law-enforcement officer; *however, if no arrest warrant is issued in response to a written complaint made by such complainant, the written complaint shall be returned to the complainant.* If upon such examination such officer finds that there is probable cause to believe the accused has committed an offense, such officer shall issue a warrant for his arrest, except that no magistrate may issue an arrest warrant for a felony offense upon the basis of a complaint by a person other than a law-enforcement officer or an animal control officer without prior authorization by the attorney for the Commonwealth or by a law-enforcement agency having jurisdiction over the alleged offense. The warrant shall (i) be directed to an appropriate officer or officers, (ii) name the accused or, if his name is unknown, set forth a description by which he can be identified with reasonable certainty, (iii) describe the offense charged with reasonable certainty, (iv) command that the accused be arrested and brought before a court of appropriate jurisdiction in the county, city or town in which the offense was allegedly committed, and (v) be signed by the issuing officer. The warrant shall require the officer to whom it is directed to summon such witnesses as shall be therein named to appear and give evidence on the examination. But in a city or town having a police force, the warrant shall be directed "To any policeman, sheriff or his deputy sheriff of such city (or town)," and shall be executed by the policeman, sheriff or his deputy sheriff into whose hands it shall come or be delivered. A sheriff or his deputy may execute an arrest warrant throughout the county in which he serves and in any city or town surrounded thereby and effect an arrest in any city or town surrounded thereby as a result of a criminal act committed during the execution of such warrant. A jail officer as defined in § 53.1-1 employed at a regional jail or jail farm is authorized to execute a warrant of arrest upon an accused in his jail. The venue for the prosecution of such criminal act shall be the jurisdiction in which the offense occurred.

CHAPTER 205

An Act to amend and reenact § 53.1-10 of the Code of Virginia, relating to correctional officers; survey upon resignation, termination, employment transition.

[H 1322]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-10 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-10. Powers and duties of Director.

The Director shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its system of state correctional facilities;
2. To implement the standards and goals of the Board as formulated for local and community correctional programs and facilities and lock-ups;
3. To employ such personnel and develop and implement such programs as may be necessary to carry out the provisions of this title, subject to Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2, and within the limits of appropriations made therefor by the General Assembly;
4. To establish and maintain a general system of schools for persons committed to the institutions and community-based programs for adults as set forth in §§ 53.1-67.7 and 53.1-67.8. Such system shall include, as applicable, elementary, secondary, post-secondary, career and technical education, adult, and special education schools.

a. The Director shall employ a Superintendent who will oversee the operation of educational and vocational programs in all institutions and community-based programs for adults as set forth in §§ 53.1-67.7 and 53.1-67.8 operated by the Department. The Department shall be designated as a local education agency (LEA) but shall not be eligible to receive state funds appropriated for direct aid to public education.

b. When the Department employs a teacher licensed by the Board of Education to provide instruction in the schools of the correctional centers, the Department of Human Resource Management shall establish salary schedules for the teachers which endeavor to be competitive with those in effect for the school division in which the correctional center is located.

c. The Superintendent shall develop a functional literacy program for inmates testing below a selected grade level, which shall be at least at the twelfth grade level. The program shall include guidelines for implementation and test administration, participation requirements, criteria for satisfactory completion, and a strategic plan for encouraging enrollment in college or an accredited vocational training program or other accredited continuing education program.

d. For the purposes of this section, the term "functional literacy" shall mean those educational skills necessary to function independently in society, including, but not limited to, reading, writing, comprehension, and arithmetic computation.

e. In evaluating a prisoner's educational needs and abilities pursuant to § 53.1-32.1, the Superintendent shall create a system for identifying prisoners with learning disabilities.

5. a. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including, but not limited to, contracts with the United States, other states, and agencies and governmental subdivisions of this Commonwealth, and contracts with corporations, partnerships, or individuals which include, but are not limited to, the purchase of water or wastewater treatment services or both as necessary for the expansion or construction of correctional facilities, consistent with applicable standards and goals of the Board;

b. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it shall be desirable to contract with a public or private entity for the provision of community-based residential services pursuant to Chapter 5 (§ 53.1-177 et seq.), the Director shall notify the local governing body of the jurisdiction in which the facility is to be located of the proposal and of the facility's proposed location and provide notice, where requested, to the chief law-enforcement officer for such locality when an offender is placed in the facility at issue;

c. Notwithstanding the Director's discretion to make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, upon determining that it is necessary to transport Virginia prisoners through or to another state and for other states to transport their prisoners within the Commonwealth, the Director may execute reciprocal agreements with other states' corrections agencies governing such transports that shall include provisions allowing each state to retain authority over its prisoners while in the other state.

6. To accept, hold and enjoy gifts, donations and bequests on behalf of the Department from the United States government and agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Director shall have the power to comply with such conditions and execute such agreements as may be necessary, convenient or desirable, consistent with applicable standards and goals of the Board;

7. To collect data pertaining to the demographic characteristics of adults, and juveniles who are adjudicated as adults, incarcerated in state correctional institutions, including, but not limited to, the race or ethnicity, age, and gender of such persons, whether they are a member of a criminal gang, and the types of and extent to which health-related problems are prevalent among such persons. Beginning July 1, 1997, such data shall be collected, tabulated quarterly, and reported by the Director to the Governor and the General Assembly at each regular session of the General Assembly thereafter. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports;

8. To make application to the appropriate state and federal entities so as to provide any prisoner who is committed to the custody of the state a Department of Motor Vehicles approved identification card that would expire 90 days from issuance, a copy of his birth certificate if such person was born in the Commonwealth, and a social security card from the Social Security Administration;

9. To forward to the Commonwealth's Attorneys' Services Council, updated on a monthly basis, a list of all identified criminal gang members incarcerated in state correctional institutions. The list shall contain identifying information for each criminal gang member, as well as his criminal record;

10. To give notice, to the attorney for the Commonwealth prosecuting a defendant for an offense that occurred in a state correctional facility, of that defendant's known gang membership. The notice shall contain identifying information for each criminal gang member as well as his criminal record;

11. To designate employees of the Department with internal investigations authority to have the same power as a sheriff or a law-enforcement officer in the investigation of allegations of criminal behavior affecting the operations of the Department. Such employees shall be subject to any minimum training standards established by the Department of Criminal Justice Services under § 9.1-102 for law-enforcement officers prior to exercising any law-enforcement power granted under this subdivision. Nothing in this section shall be construed to grant the Department any authority over the operation and security of local jails not specified in any other provision of law. The Department shall investigate allegations of criminal behavior in accordance with a written agreement entered into with the Department of State Police. The Department shall not investigate any action falling within the authority vested in the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2 unless specifically authorized by the Office of the State Inspector General; ~~and~~

12. To enforce and direct the Department to enforce regulatory policies promulgated by the Board prohibiting the possession of obscene materials, as defined in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, by prisoners incarcerated in state correctional facilities; and

13. To develop and administer a survey of each correctional officer, as defined in § 53.1-1, who resigns, is terminated, or is transitioned to a position other than correctional officer for the purpose of evaluating employment conditions and factors that contribute to or impede the retention of correctional officers.

CHAPTER 206

An Act to amend and reenact § 46.2-1030 of the Code of Virginia, relating to general illumination lights on motorcycles.

[S 25]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1030 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1030. When lights to be lighted; number of lights to be lighted at any time; use of warning lights.

A. Every vehicle in operation on a highway in the Commonwealth shall display lighted headlights and illuminating devices as required by this article (i) from sunset to sunrise; (ii) during any other time when, because of rain, smoke, fog, snow, sleet, insufficient light, or other unfavorable atmospheric conditions, visibility is reduced to a degree whereby persons or vehicles on the highway are not clearly discernible at a distance of 500 feet; and (iii) whenever windshield wipers are in use as a result of fog, rain, sleet, or snow. The provisions of this subsection, however, shall not apply to instances when windshield wipers are used intermittently in misting rain, sleet, or snow.

B. Not more than four lights used to provide general illumination ahead of the vehicle, including at least two headlights and any other combination of fog lights or other auxiliary lights approved by the Superintendent, shall be lighted at any time. However, ~~this limitation~~ *motorcycles may be equipped with and use not more than five approved lights in order to provide general illumination ahead of the motorcycle. These limitations* shall not preclude the display of warning lights authorized in §§ 46.2-1020 through 46.2-1027, or other lights as may be authorized by the Superintendent.

C. Vehicles equipped with warning lights authorized in §§ 46.2-1020 through 46.2-1027 shall display lighted warning lights as authorized in such sections at all times when responding to emergency calls, towing disabled vehicles, or constructing, repairing, and maintaining public highways or utilities on or along public highways, except that amber lights on vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollback," need not be lit while the vehicle is in motion unless it is actually towing a vehicle.

D. The failure to display lighted headlights and illuminating devices under the conditions set forth in clause (iii) of subsection A ~~of this section~~ shall not constitute negligence per se, nor shall violation of clause (iii) of subsection A ~~of this section~~ constitute a defense to any claim for personal injury or recovery of medical expenses for injuries sustained in a motor vehicle accident.

E. No demerit points shall be assessed for failure to display lighted headlights and illuminating devices during periods of fog, rain, sleet, or snow in violation of clause (iii) of subsection A ~~of this section~~.

F. No citation for a violation of clause (iii) of subsection A ~~of this section~~ shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

CHAPTER 207

An Act to amend and reenact § 15.2-1517 of the Code of Virginia, relating to fire or rescue volunteers; mental health treatment; funding by locality.

[S 79]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1517 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1517. Insurance for employees and retired employees of localities and other local governmental entities; participation by certain volunteers.

A. Any locality may provide group life, accident, and health insurance programs for its officers and employees; employees of boards, commissions, agencies, or authorities created by or controlled by such locality; or employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality. In addition, any locality that provides such a health insurance program may allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such a health insurance program. Such programs may be through a program of self-insurance, purchased insurance, or partial self-insurance and purchased insurance, whichever is determined to be the most cost effective. The total cost of such policies or protection may be paid entirely by the locality or shared with the employee. The governing body of any locality

may provide for its retired officers and retired employees to be eligible for such group life, accident, and health insurance programs. The cost of such insurance for retired officers and retired employees may be paid in whole or in part by the locality. The governing body of any locality may permit members of approved volunteer fire or rescue companies to participate in its group health insurance programs, subject to the eligibility criteria established by the locality. The cost of a volunteer's participation in such a health insurance program shall be paid for in full by the participating volunteer. *Any locality may fund the cost of a volunteer's participation in a mental health treatment and counseling program that is offered to individual members of approved volunteer fire or rescue companies and is comparable to an employee assistance program offered to paid employees of the locality.*

B. In the event a county or city elects to provide one or more of such programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

C. 1. Except as otherwise provided herein, in the event the governing body of any locality elects to provide group accident and health insurance for its officers and employees, including constitutional officers and their employees, such programs shall require that upon retirement, or upon the effective date of this provision for those who have previously retired, any such individual with (i) at least 15 years of continuous employment with the locality or (ii) less than 15 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the retiree's expense until such individual attains 65 years of age at the insurer's customary premium rate applicable (a) to such policies, (b) to the class of risk to which the person then belongs, and (c) to his age.

2. The governing body, when providing this coverage, may further provide that the retiree be rated separately from the active employees covered under the group plan offered by such governing body.

3. Any locality that has not offered the opportunity to continue group health coverage provided by the locality as required by subdivision 1 to its retirees who had retired on or before June 30, 1993, and who meet the criteria for such coverage as set forth in subdivision 1, shall do so by July 1, 2000. Any retiree from the service of a locality who had retired on or before June 30, 1993, and who meets the criteria to continue his group health coverage from the locality under subdivision 1 who has not yet elected to continue his group health coverage from the locality shall elect whether to do so by July 1, 2000.

4. Nothing herein shall prohibit a locality from providing group accident and health coverage or benefits for its retirees in addition to the coverage required under this section.

D. Any locality that offers group health plans to its employees and the employees of constitutional officers and its retirees, as provided by this section or otherwise, may provide in the plan providing such coverage that any retiree who is participating in a group health plan provided by the locality who subsequently terminates his participation in such plan may not thereafter rejoin a group health plan provided by the locality.

CHAPTER 208

An Act to amend and reenact § 53.1-155 of the Code of Virginia, relating to transition assistance prior to parole or release.

[S 124]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-155 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-155. Investigation prior to release; transition assistance.

A. No person shall be released on parole by the Board until a thorough investigation has been made into the prisoner's history, physical and mental condition and character and his conduct, employment and attitude while in prison. The Board shall also determine that his release on parole will not be incompatible with the interests of society or of the prisoner. The provisions of this section shall not be applicable to persons released on parole pursuant to § 53.1-159.

B. An investigation conducted pursuant to this section shall include notification that a victim may submit to the Virginia Parole Board evidence concerning the impact that the release of the prisoner will have on such victim. This notification shall be sent to the last address provided to the Board by any victim of a crime for which the prisoner was incarcerated. The Board shall endeavor diligently to contact the victim prior to making any decision to release any inmate on discretionary parole. The victim of a crime for which the prisoner is incarcerated may present to the Board oral or written testimony concerning the impact that the release of the prisoner will have on the victim, and the Board shall consider such testimony in its review. Once testimony is submitted by a victim, such testimony shall remain in the prisoner's parole file and shall be considered by the Board at every parole review. The victim of a crime for which the prisoner is incarcerated may submit a written request to the Board to be notified of (i) the prisoner's parole eligibility date and mandatory release date as determined by the Department of Corrections, (ii) any parole-related interview dates, and (iii) the Board's decision regarding parole for the prisoner. The victim may request that the Board only notify the victim if, following its review, the Board is inclined to grant parole to the prisoner, in which case the victim shall have forty-five days to present written or oral testimony for the Board's consideration. If the victim has requested to be notified only if the Board is inclined to grant parole and no testimony, either written or oral, is received from the victim within at least forty-five days of the date of the

Board's notification, the Board shall render its decision based on information available to it in accordance with subsection A. The definition of victim in § 19.2-11.01 shall apply to this section.

Although any information presented by the victim of a crime for which the prisoner is incarcerated shall be retained in the prisoner's parole file and considered by the Board, such information shall not infringe on the Board's authority to exercise its decision-making authority.

C. Notwithstanding the provisions of subsection A, if a physical or mental examination of a prisoner eligible for parole has been conducted within the last twelve months, and the prisoner has not required medical or psychiatric treatment within a like period while incarcerated, the prisoner may be released on parole by the Parole Board directly from a local correctional facility.

The Department shall offer each prisoner to be released on parole or under mandatory release who has been sentenced to serve a term of imprisonment of at least three years the opportunity to participate in a transition program within six months of such prisoner's projected or mandatory release date. The program shall include advice for job training opportunities, recommendations for living a law-abiding life, and financial literacy information. The Secretary of Public Safety and Homeland Security shall prescribe guidelines to govern these programs.

CHAPTER 209

An Act to amend and reenact § 18.2-308 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to carrying concealed weapon; exception.

[S 198]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308 of the Code of Virginia, as it is currently effective and as it shall become effective, is amended and reenacted as follows:

§ 18.2-308. (Effective until July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement

division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the

peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308. (Effective July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;

2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;

3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;

5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;

6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, *any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10 retired from the Department of Corrections*, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

CHAPTER 210

An Act to amend and reenact § 59.1-148.3, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to the purchase of handguns by certain officers.

[S 205]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-148.3, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 59.1-148.3. (Effective until July 1, 2018) Purchase of handguns of certain officers.

A. The Department of State Police, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, ~~and~~ any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, *and the Department of Corrections may allow any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10* who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the Department of State Police for personal duty use of an officer, may, with approval of the Superintendent, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with *five* or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

§ 59.1-148.3. (Effective July 1, 2018) Purchase of handguns of certain officers.

A. The Department of State Police, the Department of Game and Inland Fisheries, the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, ~~and~~ any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, *and the Department of Corrections may allow any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10* who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available,

a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the Department of State Police for personal duty use of an officer, may, with approval of the Superintendent, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with ~~5~~ five or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

CHAPTER 211

An Act to amend and reenact § 53.1-40.1 of the Code of Virginia, relating to medical and mental health treatment of prisoners incapable of giving consent.

[S 350]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-40.1 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-40.1. Medical and mental health treatment of prisoners incapable of giving consent.

A. The Director or his designee may petition the circuit court or any district court judge or any special justice, as defined in § 37.2-100, herein referred to as the court, of the county or city in which the prisoner is located for an order authorizing treatment of a prisoner sentenced and committed to the Department of Corrections. The court shall authorize such treatment in a facility designated by the Director upon finding, on the basis of clear and convincing evidence, that the prisoner is incapable, either mentally or physically, of giving informed consent to such treatment and that the proposed treatment is in the best interests of the prisoner.

B. Prior to the court's authorization of such treatment, the court shall appoint an attorney to represent the interests of the prisoner. Evidence shall be presented concerning the prisoner's condition and proposed treatment, which evidence may, in the court's discretion and in the absence of objection by the prisoner or the prisoner's attorney, be submitted by affidavit.

C. Any order authorizing treatment pursuant to subsection A shall describe the treatment authorized and authorize generally such examinations, tests, medications, and other treatments as are in the best interests of the prisoner but may not authorize nontherapeutic sterilization, abortion, or psychosurgery. Such order shall require the licensed physician, psychiatrist ~~or~~ clinical psychologist, *professional counselor, or clinical social worker* acting within his area of expertise who is treating the prisoner to report to the court and the prisoner's attorney any change in the prisoner's condition resulting

in restoration of the prisoner's capability to consent prior to completion of the authorized treatment and related services. Upon receipt of such report, the court may enter such order withdrawing or modifying its prior authorization as it deems appropriate. Any petition or order under this section may be orally presented or entered, provided a written order is subsequently executed.

D. Any order of a judge under subsection A may be appealed de novo within 10 days to the circuit court for the jurisdiction where the prisoner is located, and any order of a circuit court hereunder, either originally or on appeal, may be appealed within 10 days to the Court of Appeals, which shall give such appeal priority and hear the appeal as soon as possible.

E. Whenever the director of any hospital or facility reasonably believes that treatment is necessary to protect the life, health, or safety of a prisoner, such treatment may be given during the period allowed for any appeal unless prohibited by order of a court of record wherein the appeal is pending.

F. Upon the advice of a licensed physician, psychiatrist, or clinical psychologist acting within his area of expertise who has attempted to obtain consent and upon a finding of probable cause to believe that a prisoner is incapable, due to any physical or mental condition, of giving informed consent to treatment and that the medical standard of care calls for testing, observation, or other treatment within the next 12 hours to prevent death, disability or a serious irreversible condition, the court or, if the court is unavailable, a magistrate shall issue an order authorizing temporary admission of the prisoner to a hospital or other health care facility and authorizing such testing, observation, or other treatment. Such order shall expire after a period of 12 hours unless extended by the court as part of an order authorizing treatment under subsection A.

G. Any licensed health or mental health professional or licensed facility providing services pursuant to the court's or magistrate's authorization as provided in this section shall have no liability arising out of a claim to the extent it is based on lack of consent to such services. Any such professional or facility providing services with the consent of the prisoner receiving treatment shall have no liability arising out of a claim to the extent it is based on lack of capacity to consent if a court or a magistrate has denied a petition hereunder to authorize such services, and such denial was based on an affirmative finding that the prisoner was capable of making an informed decision regarding the proposed services.

H. Nothing in this section shall be deemed to limit or repeal any common law rule relating to consent for medical treatment or the right to apply or the authority conferred by any other applicable statute or regulation relating to consent.

CHAPTER 212

An Act to amend and reenact § 54.1-2901 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2001.4, relating to military medical personnel; pilot program.

[S 437]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2901 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2001.4 as follows:

§ 2.2-2001.4. Military medical personnel; pilot program.

A. For the purposes of this section, "military medical personnel" means an individual who has recently served as a medic in the United States Army, medical technician in the United States Air Force, or corpsman in the United States Navy or the United States Coast Guard and who was discharged or released from such service under conditions other than dishonorable.

B. The Department, in collaboration with the Department of Health Professions, shall establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine under the supervision of a physician or podiatrist who holds an active, unrestricted license in Virginia. Such activities shall reflect the level of training and experience of the military medical personnel. The supervising physician or podiatrist shall retain responsibility for the care of the patient.

C. Any licensed physician or podiatrist, a professional corporation or partnership of any licensee, any hospital, or any commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists may participate in such pilot program.

D. The Department shall establish general requirements for participating military medical personnel, licensees, and employers.

§ 54.1-2901. Exceptions and exemptions generally.

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;

2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;

3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;

4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;

5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;

6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;

7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;

8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;

10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;

11. The advertising or sale of commercial appliances or remedies;

12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;

13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;

14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;

15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;

16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary license or certification by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military orders;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.

B. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife may practice without the requirement for physician supervision while participating in a pilot program approved by the Board of Health pursuant to § 32.1-11.5.

C. *Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a pilot program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist.*

CHAPTER 213

An Act to amend and reenact § 15.2-1716.1 of the Code of Virginia, relating to reimbursement of expenses; response to bomb threat.

[S 527]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1716.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1716.1. Reimbursement of expenses incurred in responding to terrorism hoax incident or bomb threat.

Any locality may provide by ordinance that any person who is convicted of a violation of subsection B or C of § 18.2-46.6 or of a felony violation of § 18.2-83 or 18.2-84, when his violation of such section is the proximate cause of any incident resulting in an appropriate emergency response, shall be liable at the time of sentencing or in a separate civil action to the locality or to any volunteer emergency medical services agency, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000 in the aggregate for a particular incident

occurring in such locality. In determining the "reasonable expense," a locality may bill a flat fee of \$250 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, firefighting, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the Commonwealth, to the locality, or to any volunteer emergency medical services agency to recover the reasonable expenses of an emergency response to an incident not involving a terroristic hoax or an act undertaken in violation of § 18.2-83 or 18.2-84 as set forth herein.

CHAPTER 214

An Act to amend and reenact § 52-25.1 of the Code of Virginia, relating to firearms confiscated by law-enforcement agencies.

[S 608]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 52-25.1 of the Code of Virginia is amended and reenacted as follows:

§ 52-25.1. Reporting and return of firearms confiscated or recovered by law-enforcement agencies.

A. *Whenever a law-enforcement agency confiscates a firearm in connection with a criminal investigation or otherwise recovers a firearm, such agency shall immediately take all appropriate steps to identify and trace the history of such firearm.*

B. ~~The Superintendent shall establish and maintain a procedure within the Department of State Police a Criminal Firearms Clearinghouse as a central repository of to obtain information regarding all firearms seized, forfeited, found, or otherwise coming into the possession of any state or local law-enforcement agency of the Commonwealth which are believed to have been used in the commission of a crime. All law-enforcement agencies of the Commonwealth and of political subdivisions of the Commonwealth shall share with other Virginia law-enforcement agencies all information regarding firearms seized, forfeited, found, or otherwise coming into the agency's possession that are believed to have been used in the commission of a crime and shall enter such information into a firearms tracing system maintained by the U.S. Department of Justice. The Superintendent shall adopt and promulgate regulations prescribing the form method for reporting this information and the time and manner of submission of the form information to a firearms tracing system maintained by the U.S. Department of Justice. In addition to any other information which the Superintendent may require, the form shall require (i) the serial number or other identifying information on the firearm, if available, (ii) a brief description of the circumstances under which the firearm came into the possession of the law-enforcement agency, including the crime which was or may have been committed with the firearm, (iii) the name of or other identifying information on the person from whom the firearm was taken, (iv) the original place of sale and, if known, the chain of possession of the firearm, and (v) the disposition of the firearm.~~

C. *Except as provided in § 19.2-386.29, whenever a firearm is identified as stolen, the law-enforcement agency shall return such firearm to the rightful owner thereof, if known, provided the owner is not prohibited from possessing the firearm and the agency does not need to retain the firearm as evidence in a criminal prosecution.*

CHAPTER 215

An Act to amend and reenact § 59.1-148.3 of the Code of Virginia, as it is currently effective and as it shall become effective, relating to purchase of weapons other than handguns by certain officers.

[S 615]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-148.3 of the Code of Virginia, as it is currently effective and as it shall become effective, is amended and reenacted as follows:

§ 59.1-148.3. (Effective until July 1, 2018) Purchase of handguns or other weapons of certain officers.

A. The Department of State Police, the Department of Game and Inland Fisheries, the Department of Alcoholic Beverage Control, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This

privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the ~~Department of State Police~~ *agencies listed in this subsection* for personal duty use of an officer, may, with approval of the ~~Superintendent~~ *agency head*, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with ~~5~~ *five* or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

§ 59.1-148.3. (Effective July 1, 2018) Purchase of handguns of certain officers.

A. The Department of State Police, the Department of Game and Inland Fisheries, the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Marine Resources Commission, the Capitol Police, the Department of Conservation and Recreation, the Department of Forestry, any sheriff, any regional jail board or authority, and any local police department may allow any full-time sworn law-enforcement officer, deputy, or regional jail officer, a local fire department may allow any full-time sworn fire marshal, the Department of Motor Vehicles may allow any law-enforcement officer, and any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23, retiring on or after July 1, 1991, who retires (i) after at least 10 years of service, (ii) at 70 years of age or older, or (iii) as a result of a service-incurred disability or who is receiving long-term disability payments for a service-incurred disability with no expectation of returning to the employment where he incurred the disability to purchase the service handgun issued or previously issued to him by the agency or institution at a price of \$1. If the previously issued weapon is no longer available, a weapon of like kind may be substituted for that weapon. This privilege shall also extend to any former Superintendent of the Department of State Police who leaves service after a minimum of five years. This privilege shall also extend to any person listed in this subsection who is eligible for retirement with at least 10 years of service who resigns on or after July 1, 1991, in good standing from one of the agencies listed in this section to accept a position covered by the Virginia Retirement System. Other weapons issued by the ~~Department of State Police~~ *agencies listed in this subsection* for personal duty use of an officer, may, with approval of the ~~Superintendent~~ *agency head*, be sold to the officer subject to the qualifications of this section at a fair market price determined as in subsection B, so long as the weapon is a type and configuration that can be purchased at a regular hardware or sporting goods store by a private citizen without restrictions other than the instant background check.

B. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer who retires with ~~5~~ *five* or more years of service, but less than 10, to purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Any full-time sworn law-enforcement officer employed by any of the agencies listed in subsection A who is retired for disability as a result of a nonservice-incurred disability may purchase the service handgun issued to him by the agency at a price equivalent to the weapon's fair market

value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

C. The agencies listed in subsection A may allow the immediate survivor of any full-time sworn law-enforcement officer (i) who is killed in the line of duty or (ii) who dies in service and has at least 10 years of service to purchase the service handgun issued to the officer by the agency at a price of \$1.

D. The governing board of any institution of higher learning named in § 23-14 may allow any campus police officer appointed pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23 who retires on or after July 1, 1991, to purchase the service handgun issued to him at a price equivalent to the weapon's fair market value on the date of the officer's retirement. Determinations of fair market value may be made by reference to a recognized pricing guide.

E. Any officer who at the time of his retirement is a full-time sworn law-enforcement officer with a state agency listed in subsection A, when the agency allows purchases of service handguns, and who retires after 10 years of state service, even if a portion of his service was with another state agency, may purchase the service handgun issued to him by the agency from which he retires at a price of \$1.

F. The sheriff of Hanover County may allow any auxiliary or volunteer deputy sheriff with a minimum of 10 years of service, upon leaving office, to purchase for \$1 the service handgun issued to him.

G. Any sheriff or local police department, in accordance with written authorization or approval from the local governing body, may allow any auxiliary law-enforcement officer with more than 10 years of service to purchase the service handgun issued to him by the agency at a price that is equivalent to or less than the weapon's fair market value on the date of purchase by the officer.

H. The agencies listed in subsection A may allow any full-time sworn law-enforcement officer currently employed by the agency to purchase his service handgun, with the approval of the chief law-enforcement officer of the agency, at a fair market price. This subsection shall only apply when the agency has purchased new service handguns for its officers, and the handgun subject to the sale is no longer used by the agency or officer in the course of duty.

CHAPTER 216

An Act to amend and reenact § 2.2-222.3 of the Code of Virginia, relating to Secure Commonwealth Panel; membership; reporting.

[S 634]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-222.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-222.3. Secure Commonwealth Panel; membership; duties; compensation; staff.

A. The Secure Commonwealth Panel (the Panel) is established as an advisory board, within the meaning of § 2.2-2100, in the executive branch of state government. The Panel shall consist of ~~33~~ 34 members as follows: three members of the House of Delegates and two nonlegislative citizens to be appointed by the Speaker of the House of Delegates; three members of the Senate of Virginia and two nonlegislative citizens to be appointed by the Senate Committee on Rules; the Lieutenant Governor; the Attorney General; the Executive Secretary of the Supreme Court of Virginia; the Secretaries of Commerce and Trade, Health and Human Resources, Technology, Transportation, ~~and~~ Public Safety and Homeland Security, *and Veterans and Defense Affairs*, or their designees; two local first responders; three local government representatives; two physicians with knowledge of public health; four members from the business or industry sector; and four citizens from the Commonwealth at large. Except for appointments made by the Speaker of the House of Delegates and the Senate Committee on Rules, all appointments shall be made by the Governor. Additional ex officio members may be appointed to the Panel by the Governor. Legislative members shall serve terms coincident with their terms of office or until their successors shall qualify. Nonlegislative citizen members shall serve for terms of four years. The Secretary of Public Safety and Homeland Security shall be the chairman of the Panel.

B. The Panel shall monitor and assess the implementation of statewide prevention, preparedness, response, and recovery initiatives and where necessary review, evaluate, and make recommendations relating to the emergency preparedness of government at all levels in the Commonwealth. The Panel shall make ~~quarterly~~ *annual* reports to the Governor concerning the state's emergency preparedness, response, recovery, and prevention efforts.

C. Members of the Panel shall serve without compensation but shall be reimbursed for all reasonable and necessary expenses incurred in the discharge of their duties as provided in § 2.2-2825.

D. Staff support for the Panel and funding for the costs of expenses of the members shall be provided by the Secretary of Public Safety and Homeland Security.

E. The Secretary shall facilitate cabinet-level coordination among the various agencies of state government related to emergency preparedness and shall facilitate private sector preparedness and communication.

CHAPTER 217

An Act to address local ordinances concerning the installation or use of landscape cover materials.

[S 736]

Approved March 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *Notwithstanding any provision of law, general or special, any ordinance in effect and any ordinance adopted by the governing body of the City of Harrisonburg shall not include in any local fire prevention regulations a requirement that an owner of real property who has an occupancy permit issued by the City use specific landscape cover materials or retrofit existing landscape cover materials at such property.*

CHAPTER 218

An Act to amend and reenact § 24.2-659 of the Code of Virginia, relating to voting equipment; locking and sealing of voting and counting machines after election.

[H 104]

Approved March 2, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-659 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-659. Locking voting and counting machines after election and delivering keys to clerk; printed returns as evidence.

A. If the voting or counting machine is secured by the use of equipment keys, after the officers of election lock and seal each machine, the equipment keys shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election.

B. If the voting or counting machines are secured by the use of equipment keys or electronic activation devices that are not specific to a particular machine, after the officers of election lock and seal each machine, the equipment keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

C. If the voting or counting machine is secured by removal of the data storage device used in that election, the officers shall remove the data storage device and proceed to lock and seal each machine. The data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by ~~this section~~ *subsection F*.

D. If the voting or counting machine provides for the creation of a separate master electronic back-up on a data storage device that combines the data for all of the voting or counting machines in a given precinct, that data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The data storage device for the individual machines may remain sealed in its individual machine until the expiration of the time specified by ~~this section~~ *subsection F*. The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by ~~this section~~ *subsection F*.

E. *If the voting or counting machine is secured by removal of the data storage device used in that election, and the only record of votes cast for any office or on any question is saved on that data storage device and not on the machine itself, the officers shall remove the data storage device and proceed to lock and seal each machine. Each such machine shall remain locked and sealed until it is returned to the site at which voting and counting machines are stored in the locality. The data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the electoral board no later than noon on the day after the election.*

F. The voting and counting machines *described in subsections A, B, C, and D* shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. ~~The~~ *Such machines and any envelope containing data storage devices* shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board or the electoral board at the direction of the State Board in order to ensure the accuracy of the returns. In the event that machines *and data storage devices* are examined under clause (ii) ~~of this paragraph~~, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the examination.

When recounts occur in precincts using direct recording electronic machines with printed return sheets, the printed return sheets delivered to the clerk may be used as the official evidence of the results.

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys *and data storage devices* to the electoral board.

~~B. G.~~ The local electoral board may direct ~~that~~ the officers of election and custodians, ~~in lieu of conveying the~~ *that any sealed equipment keys or data storage devices that are otherwise required by the provisions of this section to be delivered to the clerk of the circuit court as provided in subsection A, shall convey them shall instead be delivered* to the principal office of the general registrar ~~on the night of~~ *no later than noon on the day following the election*. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon ~~of~~ *on the day following the ascertainment of the results of the election by the electoral board*.

H. *The provisions of this section requiring the locking and sealing of voting and counting machines shall not apply to any ballot marking device and its data storage device provided pursuant to § 24.2-626.1, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device.*

CHAPTER 219

An Act to amend and reenact § 51.5-33 of the Code of Virginia, relating to Virginia Board for People with Disabilities; powers and duties.

[H 415]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-33 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-33. Powers and duties.

The Board shall have the following powers and duties:

1. To advise the Secretary of Health and Human Resources and Governor on issues and problems of interest to persons with disabilities and on such other matters as either the Secretary or the Governor may request;
2. ~~To~~ *Beginning July 1, 2017, to submit every three years an annual report to the Governor, through the Secretary of Health and Human Resources, that provides an in-depth assessment of the needs of persons at least two major service areas for people with disabilities in the Commonwealth, the success in the preceding three years of the state agencies in meeting those needs, programmatic and fiscal recommendations for improving the delivery of services to persons with disabilities, and an assessment of the triennial economic cost and benefit to the Commonwealth of the services and rights afforded persons with disabilities as established in this title, to be determined by the Board, that (i) includes a description of critical issues and trend analyses, (ii) identifies the needs of persons with developmental and related disabilities, (iii) evaluates the effectiveness of services provided by state-supported programs, and (iv) makes programmatic and fiscal recommendations for improving services and supports.; Once every four years, the Board shall make available to the public all the service areas it intends to review over the following four years and shall ensure that each of these service areas is reviewed at least once within such period.*
3. To serve as the State Council on Developmental Disabilities for the administration of certain federal public health and welfare laws as provided in 42 U.S.C. § 15001;
4. To perform all duties and exercise all powers designated by federal law for such state councils on developmental disabilities, including the responsibility for planning activities on behalf of all developmentally disabled persons in the Commonwealth; for receiving, accounting for and disbursing federal funds; for developing and approving the state plan; and for monitoring and evaluating the implementation of such plan for the provision of services and facilities for persons with developmental disabilities;
5. To be responsible for obtaining information and data from within the Commonwealth, and from time to time, but not less than annually, to review and evaluate the state plan and submit such state plan, and revisions thereto, to the Governor and to the U.S. Secretary of Health and Human Services;
6. To hire and supervise the Director of the Board and prescribe his duties, including:

- a. Hiring such staff and obtaining the service of such professional, technical, and clerical personnel necessary to carry out the Board's powers and duties; and
- b. Accepting gifts and grants on behalf of the Commonwealth, in furtherance of the purpose of this Board.

CHAPTER 220

An Act to amend and reenact § 20-63 of the Code of Virginia, relating to support payments by county or city.

[H 428]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 20-63 of the Code of Virginia is amended and reenacted as follows:

§ 20-63. Support payments by county or city.

(a) It shall be the duty of the governing body of the county or city within the boundaries of which any work is performed under the provisions of this chapter to allow and order payment at the end of each calendar month, out of the current funds of the county or city, to the ~~court which originally sentenced the prisoner~~ Department of Social Services for the support of ~~his or her~~ the prisoner's spouse or child or children, a sum not less than ~~five~~ \$20 nor more than ~~twenty-five~~ ~~dollars~~ \$40 for each week in the discretion of the court during any part of which any work is so performed by such prisoner.

(b) ~~[Repealed.]~~

CHAPTER 221

An Act to amend and reenact §§ 2.2-4006, 54.1-3307, 54.1-3401, 54.1-3410.2, 54.1-3434, 54.1-3434.1, 54.1-3435, 54.1-3435.01, 54.1-3435.1, and 54.1-3437 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 54.1-3435.4:1 and by adding in Article 4 of Chapter 34 of Title 54.1 a section numbered 54.1-3442.01; and to repeal § 54.1-3401.1 of the Code of Virginia, relating to manufacture and distribution of prescription drugs in the Commonwealth.

[H 528]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4006, 54.1-3307, 54.1-3401, 54.1-3410.2, 54.1-3434, 54.1-3434.1, 54.1-3435, 54.1-3435.01, 54.1-3435.1, and 54.1-3437 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-3435.4:1 and by adding in Article 4 of Chapter 34 of Title 54.1 a section numbered 54.1-3442.01 as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.
2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.
3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.
4. Regulations that are:
 - a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;
 - b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or
 - c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.
5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23-38.77.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to the list of drugs susceptible to counterfeiting adopted by the Board of Pharmacy pursuant to subsection B of § 54.1-3307 or amendments to regulations of the Board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443.

14. Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this section shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 54.1-3307. Specific powers and duties of Board.

A. The Board shall regulate the practice of pharmacy and the manufacturing, dispensing, selling, distributing, processing, compounding, or disposal of drugs and devices. The Board shall also control the character and standard of all drugs, cosmetics and devices within the Commonwealth, investigate all complaints as to the quality and strength of all drugs, cosmetics, and devices and take such action as may be necessary to prevent the manufacturing, dispensing, selling, distributing, processing, compounding and disposal of such drugs, cosmetics and devices that do not conform to the requirements of law.

The Board's regulations shall include criteria for:

1. Maintenance of the quality, quantity, integrity, safety and efficacy of drugs or devices distributed, dispensed or administered.
2. Compliance with the prescriber's instructions regarding the drug, its quantity, quality and directions for use.
3. Controls and safeguards against diversion of drugs or devices.
4. Maintenance of the integrity of, and public confidence in, the profession and improving the delivery of quality pharmaceutical services to the citizens of Virginia.
5. Maintenance of complete records of the nature, quantity or quality of drugs or substances distributed or dispensed, and of all transactions involving controlled substances or drugs or devices so as to provide adequate information to the patient, the practitioner or the Board.
6. Control of factors contributing to abuse of legitimately obtained drugs, devices, or controlled substances.
7. Promotion of scientific or technical advances in the practice of pharmacy and the manufacture and distribution of controlled drugs, devices or substances.

8. Impact on costs to the public and within the health care industry through the modification of mandatory practices and procedures not essential to meeting the criteria set out in subdivisions 1 through 7 of this section.

9. Such other factors as may be relevant to, and consistent with, the public health and safety and the cost of rendering pharmacy services.

B. The Board's regulations to implement the criteria set forth in subsection A shall include, but shall not be limited to, the establishment and implementation of a pedigree system, as defined in subsection D. The Board shall structure the implementation of the pedigree with limited application to certain schedules or certain drugs, upon finding that such drugs are more subject to counterfeiting. In order to maintain a current and appropriate list of drugs susceptible to counterfeiting, the Board may amend such list in its regulations. Such amendments to the list shall be exempt from the requirements of Article 2 (§ 2-2-4006 et seq.) of the Administrative Process Act. The Board shall establish in regulation a process for amending such list that provides notice and opportunity for public comment. The Board shall limit the implementation of a pedigree system to those drugs that have left the normal distribution channel as defined in subsection D. The pedigree shall also satisfy the requirements of 21 U.S.C. § 353 (e), regarding requirements for wholesale distributors of drugs in interstate commerce. The Board may provide for exceptions to the pedigree requirements of this section for emergency medical reasons as defined in regulation.

C. The Board may collect and examine specimens of drugs, devices and cosmetics that are manufactured, distributed, stored or dispensed in the Commonwealth.

D. For the purposes of this section:

"Normal distribution channel" means a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer, through acquisition and sale by one wholesale distributor as defined in § 54.1-3401, that is not exempted pursuant to § 54.1-3401.1, until sale to a pharmacy or other person dispensing or administering the controlled substance; or a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer, through acquisition and sale by one wholesale distributor as defined in § 54.1-3401, that is not exempted pursuant to § 54.1-3401.1, to a chain pharmacy warehouse to its intracompany pharmacies; or a chain of custody for a prescription drug from initial sale by a pharmaceutical manufacturer to a chain pharmacy warehouse to its intracompany pharmacies.

"Pedigree" means a paper document or electronic file recording each distribution of a controlled substance from sale by a pharmaceutical manufacturer through acquisition and sale by any wholesale distributor, as defined in § 54.1-3401 and not exempted pursuant to § 54.1-3401.1, until sale to a pharmacy or other person dispensing or administering the controlled substance. Returns from a pharmacy to the originating wholesale distributor or pharmaceutical manufacturer shall not be subject to the pedigree requirements of this section.

§ 54.1-3401. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the

creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Co-licensed partner" means a person who, with at least one other person, has the right to engage in the manufacturing or marketing of a prescription drug, consistent with state and federal law.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures, *a manufacturer's co-licensed partner, or a repackager.*

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed pursuant to § 3.2-4115.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such

conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"Third-party logistics provider" means a person that provides or coordinates warehousing of or other logistics services for a drug or device in interstate commerce on behalf of a manufacturer, wholesale distributor, or dispenser of the drug or device but does not take ownership of the product or have responsibility for directing the sale or disposition of the product.

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Warehouser" means any person, other than a wholesale distributor, *manufacturer, or third-party logistics provider*, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the ~~exceptions set forth in § 54.1-3401-1~~ *exemptions set forth in the federal Drug Supply Chain Security Act.*

~~"Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any state or local tax as a wholesale merchant by reason of this definition other than a manufacturer, a manufacturer's co-licensed partner, a third-party logistics provider, or a repackager that engages in wholesale distribution.~~

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

§ 54.1-3410.2. Compounding; pharmacists' authority to compound under certain conditions; labeling and record maintenance requirements.

A. A pharmacist may engage in compounding of drug products when the dispensing of such compounded products is (i) pursuant to valid prescriptions for specific patients and (ii) consistent with the provisions of § 54.1-3303 relating to the issuance of prescriptions and the dispensing of drugs.

Pharmacists shall label all compounded drug products that are dispensed pursuant to a prescription in accordance with this chapter and the Board's regulations, and shall include on the labeling an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding.

B. A pharmacist may also engage in compounding of drug products in anticipation of receipt of prescriptions based on a routine, regularly observed prescribing pattern.

Pharmacists shall label all products compounded prior to dispensing with (i) the name and strength of the compounded medication or a list of the active ingredients and strengths; (ii) the pharmacy's assigned control number that corresponds with the compounding record; (iii) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; and (iv) the quantity.

C. In accordance with the conditions set forth in subsections A and B, pharmacists shall not distribute compounded drug products for subsequent distribution or sale to other persons or to commercial entities, including distribution to pharmacies or other entities under common ownership or control with the facility in which such compounding takes place; however, a pharmacist may distribute to a veterinarian in accordance with federal law.

Compounded products for companion animals, as defined in regulations promulgated by the Board of Veterinary Medicine, and distributed by a pharmacy to a veterinarian for further distribution or sale to his own patients shall be limited to drugs necessary to treat an emergent condition when timely access to a compounding pharmacy is not available as determined by the prescribing veterinarian.

A pharmacist may, however, deliver compounded products dispensed pursuant to valid prescriptions to alternate delivery locations pursuant to § 54.1-3420.2.

A pharmacist may provide a reasonable amount of compounded products to practitioners of medicine, osteopathy, podiatry, or dentistry to administer to their patients, either personally or under their direct and immediate supervision, if there is a critical need to treat an emergency condition, or as allowed by federal law or regulations. A pharmacist may also provide compounded products to practitioners of veterinary medicine for office-based administration to their patients.

Pharmacists who provide compounded products for office-based administration for treatment of an emergency condition or as allowed by federal law or regulations shall label all compounded products distributed to practitioners other than veterinarians for administration to their patients with (i) the statement "For Administering in Prescriber Practice Location Only"; (ii) the name and strength of the compounded medication or list of the active ingredients and strengths; (iii) the facility's control number; (iv) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; (v) the name and address of the pharmacy; and (vi) the quantity.

Pharmacists shall label all compounded products for companion animals, as defined in regulations promulgated by the Board of Veterinary Medicine, and distributed to a veterinarian for either further distribution or sale to his own patient or

administration to his own patient with (a) the name and strength of the compounded medication or list of the active ingredients and strengths; (b) the facility's control number; (c) an appropriate beyond-use date as determined by the pharmacist in compliance with USP-NF standards for pharmacy compounding; (d) the name and address of the pharmacy; and (e) the quantity.

D. Pharmacists shall personally perform or personally supervise the compounding process, which shall include a final check for accuracy and conformity to the formula of the product being prepared, correct ingredients and calculations, accurate and precise measurements, appropriate conditions and procedures, and appearance of the final product.

E. Pharmacists shall ensure compliance with USP-NF standards for both sterile and non-sterile compounding.

F. Pharmacists may use bulk drug substances in compounding when such bulk drug substances:

1. Comply with the standards of an applicable United States Pharmacopoeia or National Formulary monograph, if such monograph exists, and the United States Pharmacopoeia chapter on pharmacy compounding; or are drug substances that are components of drugs approved by the FDA for use in the United States; or are otherwise approved by the FDA; *or are manufactured by an establishment that is registered by the FDA; and*

~~2. Are manufactured by an establishment that is registered by the FDA; or~~

~~3. Are distributed by a licensed wholesale distributor or registered nonresident wholesale distributor, or are distributed by a supplier otherwise approved by the Board and the FDA to distribute bulk drug substances if the pharmacist can establish purity and safety by reasonable means, such as lot analysis, manufacturer reputation, or reliability of the source.~~

G. Pharmacists may compound using ingredients that are not considered drug products in accordance with the USP-NF standards and guidance on pharmacy compounding.

H. Pharmacists shall not engage in the following:

1. The compounding for human use of a drug product that has been withdrawn or removed from the market by the FDA because such drug product or a component of such drug product has been found to be unsafe. However, this prohibition shall be limited to the scope of the FDA withdrawal;

2. The regular compounding or the compounding of inordinate amounts of any drug products that are essentially copies of commercially available drug products. However, this prohibition shall not include (i) the compounding of any commercially available product when there is a change in the product ordered by the prescriber for an individual patient, (ii) the compounding of a commercially manufactured drug only during times when the product is not available from the manufacturer or supplier, (iii) the compounding of a commercially manufactured drug whose manufacturer has notified the FDA that the drug is unavailable due to a current drug shortage, (iv) the compounding of a commercially manufactured drug when the prescriber has indicated in the oral or written prescription for an individual patient that there is an emergent need for a drug that is not readily available within the time medically necessary, or (v) the mixing of two or more commercially available products regardless of whether the end product is a commercially available product; or

3. The compounding of inordinate amounts of any preparation in cases in which there is no observed historical pattern of prescriptions and dispensing to support an expectation of receiving a valid prescription for the preparation. The compounding of an inordinate amount of a preparation in such cases shall constitute manufacturing of drugs.

I. Pharmacists shall maintain records of all compounded drug products as part of the prescription, formula record, formula book, or other log or record. Records may be maintained electronically, manually, in a combination of both, or by any other readily retrievable method.

1. In addition to other requirements for prescription records, records for products compounded pursuant to a prescription order for a single patient where only manufacturers' finished products are used as components shall include the name and quantity of all components, the date of compounding and dispensing, the prescription number or other identifier of the prescription order, the total quantity of finished product, the signature or initials of the pharmacist or pharmacy technician performing the compounding, and the signature or initials of the pharmacist responsible for supervising the pharmacy technician and verifying the accuracy and integrity of compounded products.

2. In addition to the requirements of subdivision I 1, records for products compounded in bulk or batch in advance of dispensing or when bulk drug substances are used shall include: the generic name and the name of the manufacturer of each component or the brand name of each component; the manufacturer's lot number and expiration date for each component or when the original manufacturer's lot number and expiration date are unknown, the source of acquisition of the component; the assigned lot number if subdivided, the unit or package size and the number of units or packages prepared; and the beyond-use date. The criteria for establishing the beyond-use date shall be available for inspection by the Board.

3. A complete compounding formula listing all procedures, necessary equipment, necessary environmental considerations, and other factors in detail shall be maintained where such instructions are necessary to replicate a compounded product or where the compounding is difficult or complex and must be done by a certain process in order to ensure the integrity of the finished product.

4. A formal written quality assurance plan shall be maintained that describes specific monitoring and evaluation of compounding activities in accordance with USP-NF standards. Records shall be maintained showing compliance with monitoring and evaluation requirements of the plan to include training and initial and periodic competence assessment of personnel involved in compounding, monitoring of environmental controls and equipment calibration, and any end-product testing, if applicable.

J. Practitioners who may lawfully compound drugs for administering or dispensing to their own patients pursuant to §§ 54.1-3301, 54.1-3304, and 54.1-3304.1 shall comply with all provisions of this section and the relevant Board regulations.

K. Every pharmacist-in-charge or owner of a permitted pharmacy or a registered nonresident pharmacy engaging in sterile compounding shall notify the Board of its intention to dispense or otherwise deliver a sterile compounded drug product into the Commonwealth. Upon renewal of its permit or registration, a pharmacy or nonresident pharmacy shall notify the Board of its intention to continue dispensing or otherwise delivering sterile compounded drug products into the Commonwealth. Failure to provide notification to the Board shall constitute a violation of Chapter 33 (§ 54.1-3300 et seq.) or Chapter 34 (§ 54.1-3400 et seq.). The Board shall maintain this information in a manner that will allow the production of a list identifying all such sterile compounding pharmacies.

§ 54.1-3434. Permit to conduct pharmacy.

No person shall conduct a pharmacy without first obtaining a permit from the Board.

The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmacy and who will be fully engaged in the practice of pharmacy at the location designated on the application.

The application shall (i) show the corporate name and trade name, (ii) list any pharmacist in addition to the pharmacist-in-charge practicing at the location indicated on the application, and (iii) list the hours during which the pharmacy will be open to provide pharmacy services. Any change in the hours of operation, which is expected to last more than one week, shall be reported to the Board in writing and posted, at least fourteen days prior to the anticipated change, in a conspicuous place to provide notice to the public. The Board shall promulgate regulations to provide exceptions to this prior notification.

If the owner is other than the pharmacist making the application, the type of ownership shall be indicated and shall list any partner or partners, and, if a corporation, then the corporate officers and directors. Further, if the owner is not a pharmacist, he shall not abridge the authority of the pharmacist-in-charge to exercise professional judgment relating to the dispensing of drugs in accordance with this act and Board regulations.

The permit shall be issued only to the pharmacist who signs the application as the pharmacist-in-charge and as such assumes the full responsibilities for the legal operation of the pharmacy. This permit and responsibilities shall not be construed to negate any responsibility of any pharmacist or other person.

Upon termination of practice by the pharmacist-in-charge, or upon any change in partnership composition, or upon the acquisition, as defined in Board regulations, of the existing corporation by another person or the closing of a pharmacy, the permit previously issued shall be immediately surrendered to the Board by the pharmacist-in-charge to whom it was issued, or by his legal representative, and an application for a new permit may be made in accordance with the requirements of this chapter.

The Board shall promulgate regulations (i) defining acquisition of an existing permitted, registered or licensed facility or of any corporation under which the facility is directly or indirectly organized; (ii) providing for the transfer, confidentiality, integrity, and security of the pharmacy's prescription dispensing records and other patient records, regardless of where located; and (iii) establishing a reasonable time period for designation of a new pharmacist-in-charge. At the conclusion of the time period for designation of a new pharmacist-in-charge, a pharmacy which has failed to designate a new pharmacist-in-charge shall not operate as a pharmacy nor maintain a stock of prescription drugs on the premises. The Director shall immediately notify the owner of record that the pharmacy no longer holds a valid permit and that the owner shall make provision for the proper disposition of all Schedule II through VI drugs and devices on the premises within fifteen days of receipt of this notice. At the conclusion of the fifteen-day period, the Director or his authorized agent shall seize and indefinitely secure all Schedule II through VI drugs and devices still on the premises, and notify the owner of such seizure. The Director may properly dispose of the seized drugs and devices after six months from the date of the notice of seizure if the owner has not claimed and provided for the proper disposition of the property. The Board shall assess a fee of not less than the cost of storage of said drugs upon the owner for reclaiming seized property.

The succeeding pharmacist-in-charge shall cause an inventory to be made of all Schedule I, II, III, IV and V drugs on hand. Such inventory shall be completed as of the date he becomes pharmacist-in-charge and prior to opening for business on that date.

The pharmacist to whom such permit is issued shall provide safeguards against diversion of all controlled substances.

An application for a pharmacy permit shall be accompanied by a fee determined by the Board. All permits shall expire annually on a date determined by the Board in regulation.

Every pharmacy shall be equipped so that prescriptions can be properly filled. The Board of Pharmacy shall prescribe the minimum of such professional and technical equipment and reference material which a pharmacy shall at all times possess. Nothing shall prevent a pharmacist who is eligible to receive information from the Prescription Monitoring Program from requesting and receiving such information; however, no pharmacy shall be required to maintain Internet access to the Prescription Monitoring Program. No permit shall be issued or continued for the conduct of a pharmacy until or unless there is compliance with the provisions of this chapter and regulations promulgated by the Board.

Every pharmacy shall comply with federal requirements for an electronic, interoperable system to identify, trace, and verify prescription drugs as they are distributed.

Each day during which a person is in violation of this section shall constitute a separate offense.

§ 54.1-3434.1. Nonresident pharmacies to register with Board.

A. Any pharmacy located outside the Commonwealth that ships, mails, or delivers, in any manner, Schedule II through VI drugs or devices pursuant to a prescription into the Commonwealth shall be considered a nonresident pharmacy, shall be registered with the Board, shall designate a pharmacist in charge who is licensed as a pharmacist in Virginia and is responsible for the pharmacy's compliance with this chapter, and shall disclose to the Board all of the following:

1. The location, names, and titles of all principal corporate officers and the name and Virginia license number of the designated pharmacist in charge, if applicable. A report containing this information shall be made on an annual basis and within 30 days after any change of office, corporate officer, or pharmacist in charge.

2. That it maintains, at all times, a current unrestricted license, permit, certificate, or registration to conduct the pharmacy in compliance with the laws of the jurisdiction, within the United States or within another jurisdiction that may lawfully deliver prescription drugs directly or indirectly to consumers within the United States, in which it is a resident. The pharmacy shall also certify that it complies with all lawful directions and requests for information from the regulatory or licensing agency of the jurisdiction in which it is licensed as well as with all requests for information made by the Board pursuant to this section.

3. As a prerequisite to registering or renewing a registration with the Board, the nonresident pharmacy shall submit a copy of a current inspection report resulting from an inspection conducted by the regulatory or licensing agency of the jurisdiction in which it is located that indicates compliance with the requirements of this chapter, including compliance with USP-NF standards for pharmacies performing sterile and non-sterile compounding. The inspection report shall be deemed current for the purpose of this subdivision if the inspection was conducted (i) no more than six months prior to the date of submission of an application for registration with the Board or (ii) no more than two years prior to the date of submission of an application for renewal of a registration with the Board. However, if the nonresident pharmacy has not been inspected by the regulatory or licensing agency of the jurisdiction in which it is licensed within the required period, the Board may accept an inspection report or other documentation from another entity that is satisfactory to the Board or the Board may cause an inspection to be conducted by its duly authorized agent and may charge an inspection fee in an amount sufficient to cover the costs of the inspection.

4. For a nonresident pharmacy that dispenses more than 50 percent of its total prescription volume pursuant to an original prescription order received as a result of solicitation on the Internet, including the solicitation by electronic mail, that it is credentialed and has been inspected and that it has received certification from the National Association of Boards of Pharmacy that it is a Verified Internet Pharmacy Practice Site, or has received certification from a substantially similar program approved by the Board. The Board may, in its discretion, waive the requirements of this subdivision for a nonresident pharmacy that only does business within the Commonwealth in limited transactions.

5. That it maintains its records of prescription drugs or dangerous drugs or devices dispensed to patients in the Commonwealth so that the records are readily retrievable from the records of other drugs dispensed and provides a copy or report of such dispensing records to the Board, its authorized agents, or any agent designated by the Superintendent of the Department of State Police upon request within seven days of receipt of a request.

6. That its pharmacists do not knowingly fill or dispense a prescription for a patient in Virginia in violation of § 54.1-3303 and that it has informed its pharmacists that a pharmacist who dispenses a prescription that he knows or should have known was not written pursuant to a bona fide practitioner-patient relationship is guilty of unlawful distribution of a controlled substance in violation of § 18.2-248.

7. That it maintains a continuous quality improvement program as required of resident pharmacies, pursuant to § 54.1-3434.03.

The requirement that a nonresident pharmacy have a Virginia licensed pharmacist in charge shall not apply to a registered nonresident pharmacy that provides services as a pharmacy benefits administrator.

B. Any pharmacy subject to this section shall, during its regular hours of operation, but not less than six days per week, and for a minimum of 40 hours per week, provide a toll-free telephone service to facilitate communication between patients in the Commonwealth and a pharmacist at the pharmacy who has access to the patient's records. This toll-free number shall be disclosed on a label affixed to each container of drugs dispensed to patients in the Commonwealth.

C. Pharmacies subject to this section shall comply with the reporting requirements of the Prescription Monitoring Program as set forth in § 54.1-2521.

D. The registration fee shall be the fee specified for pharmacies within Virginia.

E. A nonresident pharmacy shall only deliver controlled substances that are dispensed pursuant to a prescription, directly to the consumer or his designated agent, or directly to a pharmacy located in Virginia pursuant to regulations of the Board.

F. Pharmacies subject to this section shall comply with the requirements set forth in § 54.1-3408.04 relating to dispensing of an interchangeable biosimilar in the place of a prescribed biological product.

G. Every nonresident pharmacy shall comply with federal requirements for an electronic, interoperable system to identify, trace, and verify prescription drugs as they are distributed.

§ 54.1-3435. License to act as wholesale distributor; renewal; fee.

A. It shall be unlawful for any person to engage in the wholesale distribution of prescription drugs in the Commonwealth without a valid unrevoked license issued by the Board. The applicant for licensure as a wholesale distributor, as defined in § 54.1-3401, in the Commonwealth shall apply to the Board for a license, using such forms as the

Board may furnish; renew such license using such forms as the Board may furnish, if granted, annually on a date determined by the Board in regulation; notify the Board within 30 days of any substantive change in the information reported on the application form previously submitted to the Board; and remit a fee as determined by the Board.

B. A wholesale distributor that ceases distribution of Schedule II through V drugs to a pharmacy, licensed physician dispenser, or licensed physician dispensing facility located in the Commonwealth due to suspicious orders of controlled substances shall notify the Board within five days of the cessation. For the purposes of this section, "suspicious orders of controlled substances" means, relative to the pharmacy's, licensed physician dispenser's, or licensed physician dispensing facility's order history and the order history of similarly situated pharmacies, licensed physician dispensers, or licensed physician dispensing facilities, (i) orders of unusual size, (ii) orders deviating substantially from a normal pattern, and (iii) orders of unusual frequency.

C. A wholesale distributor shall be immune from civil liability for giving notice in accordance with subsection B unless the notice was given in bad faith or with malicious intent.

D. The Board shall not impose any disciplinary or enforcement action against any licensee or permit holder solely on the basis of a notice received from a wholesale distributor pursuant to subsection B.

E. The Board may promulgate such regulations relating to the storage, handling, and distribution of prescription drugs by wholesale distributors as it deems necessary to implement this section, to prevent diversion of prescription drugs, and to protect the public.

F. Every wholesale distributor shall comply with federal requirements for an electronic, interoperable system to identify, trace, and verify prescription drugs as they are distributed.

§ 54.1-3435.01. Registration of nonresident wholesale distributors; renewal; fee.

A. Any person located outside the Commonwealth who engages in the wholesale distribution of prescription drugs into the Commonwealth shall be registered with the Board. The applicant for registration as a nonresident wholesale distributor shall apply to the Board using such forms as the Board may furnish; renew such registration, if granted, using such forms as the Board may furnish, annually on a date determined by the Board in regulation; notify the Board within 30 days of any substantive change in the information previously submitted to the Board; and remit a fee, which shall be the fee specified for wholesale distributors located within the Commonwealth.

B. The nonresident wholesale distributor shall at all times maintain a valid, unexpired license, permit, or registration in the state in which it is located and shall furnish proof of such upon application and at each renewal.

C. Records of prescription drugs distributed into the Commonwealth shall be maintained in such a manner that they are readily retrievable from records of distributions into other jurisdictions and shall be provided to the Board, its authorized agent, or any agent designated by the Superintendent of State Police upon request within seven days of receipt of such request.

D. A nonresident wholesale distributor that ceases distribution of Schedule II through V drugs to a pharmacy, licensed physician dispenser, or licensed physician dispensing facility located in the Commonwealth due to suspicious orders of controlled substances shall notify the Board within five days of the cessation. For the purposes of this section, "suspicious orders of controlled substances" means, relative to the pharmacy's, licensed physician dispenser's, or licensed physician dispensing facility's order history and the order history of similarly situated pharmacies, licensed physician dispensers, or licensed physician dispensing facilities, (i) orders of unusual size, (ii) orders deviating substantially from a normal pattern, and (iii) orders of unusual frequency.

E. A nonresident wholesale distributor shall be immune from civil liability for giving notice in accordance with subsection D unless the notice was given in bad faith or with malicious intent.

F. The Board shall not impose any disciplinary or enforcement action against any licensee or permit holder solely on the basis of a notice received from a nonresident wholesale distributor pursuant to subsection D.

G. This section shall not apply to persons who distribute prescription drugs directly to a licensed wholesale distributor located within the Commonwealth.

H. Every nonresident wholesale distributor shall comply with federal requirements for an electronic, interoperable system to identify, trace, and verify prescription drugs as they are distributed.

§ 54.1-3435.1. Denial, revocation, and suspension of license as wholesale distributor, registration as a nonresident wholesale distributor, or permit as a third-party logistics provider, manufacturer, or nonresident manufacturer.

A. The Board may deny, revoke, suspend, or take other disciplinary actions against a wholesale distributor license or nonresident wholesale distributor registration, *third-party logistics provider permit, manufacturer permit, or nonresident manufacturer permit* as provided for in § 54.1-3316 or the following:

1. Any conviction of the applicant, licensee, or registrant under federal or state laws relating to controlled substances, including, but not limited to, drug samples and wholesale or retail prescription drug distribution;

2. Violations of licensing requirements under previously held licenses;

3. Failure to maintain and make available to the Board or to federal regulatory officials those records required to be maintained by wholesale distributors of prescription drugs; or

4. Violations of the minimum requirements for qualifications, personnel, storage, and handling of prescription drugs and maintenance of prescription drug records as set forth in the federal Prescription Drug Marketing Act of 1987 (21 U.S.C.

§§ 333, 353 and 381) and Part 205 Drug Supply Chain Security Act of 2013, Title II of P. L. 113-54, and the requirements of Chapter 21 of the Code of Federal Regulations.

B. Wholesale drug distributors, *nonresident wholesale drug distributors, third-party logistics providers, manufacturers, and nonresident manufacturers* shall allow the Board or its authorized agents to enter and inspect, at reasonable times and in a reasonable manner, their premises and delivery vehicles, and to audit their records and written operating procedures. Such agents shall be required to show appropriate identification prior to being permitted access to wholesale drug distributors' premises and delivery vehicles.

§ 54.1-3435.4:1. Permitting of third-party logistics provider; renewal.

A. *It shall be unlawful for any person to operate as a third-party logistics provider in the Commonwealth without a valid, unrevoked permit issued by the Board. The third-party logistics provider shall renew such permit annually on a date determined by the Board in regulation and shall notify the Board within 30 days of any substantive change in the information reported on the application form previously submitted.*

B. *The Board shall adopt such regulations relating to the requirements to operate as a third-party logistics provider, including the storage, handling, and distribution of prescription drugs by third-party logistics providers, as it deems necessary to prevent diversion of prescription drugs and to protect the public.*

§ 54.1-3437. Permit to manufacture drugs.

It shall be lawful to manufacture, make, produce, pack, package, repackage, relabel or prepare any drug not controlled by Schedule I after first obtaining the appropriate permit from the Board. Such permits shall be subject to the Board's regulations on sanitation, equipment, and safeguards against diversion, *and shall allow the distribution of the drug manufactured, made, produced, packed, packaged, repackaged, relabeled, or prepared to anyone other than the end user without the need to obtain a wholesale distributor permit.* This provision shall not apply to manufacturers or packers of medicated feeds who manufacture or package no other drugs.

§ 54.1-3442.01. Registration of nonresident manufacturer; renewal.

A. *Any manufacturer located outside the Commonwealth who ships prescription drugs into the Commonwealth shall be registered with the Board. The nonresident manufacturer shall renew such registration annually on a date determined by the Board in regulation and shall notify the Board within 30 days of any substantive change in the information previously submitted.*

B. *The nonresident manufacturer shall at all times maintain a valid, unexpired license, permit, or registration in the state in which it is located or current registration as a manufacturer or repackager with the federal Food and Drug Administration and shall furnish proof of such upon application and at each renewal.*

C. *Records of prescription drugs distributed into the Commonwealth shall be maintained in such a manner that they are readily retrievable from records of shipments into other jurisdictions and shall be provided to the Board, its authorized agent, or any agent designated by the Superintendent of the Department of State Police upon request within seven days of receipt of such request.*

2. That § 54.1-3401.1 of the Code of Virginia is repealed.

CHAPTER 222

An Act to amend and reenact § 54.1-2400.2 of the Code of Virginia, relating to confidentiality of certain information obtained during health regulatory board disciplinary proceeding.

[H 586]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2400.2 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2400.2. Confidentiality of information obtained during an investigation or disciplinary proceeding; penalty.

A. Any reports, information or records received and maintained by the Department of Health Professions or any health regulatory board in connection with possible disciplinary proceedings, including any material received or developed by a board during an investigation or proceeding, shall be strictly confidential. The Department of Health Professions or a board may only disclose such confidential information:

1. In a disciplinary proceeding before a board or in any subsequent trial or appeal of an action or order, or to the respondent in entering into a confidential consent agreement under § 54.1-2400;

2. To regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession, including the coordinated licensure information system, as defined in § 54.1-3030;

3. To hospital committees concerned with granting, limiting or denying hospital privileges if a final determination regarding a violation has been made;

4. Pursuant to an order of a court of competent jurisdiction for good cause arising from extraordinary circumstances being shown;

5. To qualified personnel for bona fide research or educational purposes, if personally identifiable information relating to any person is first deleted. Such release shall be made pursuant to a written agreement to ensure compliance with this section; or

6. To the Health Practitioners' Monitoring Program within the Department of Health Professions in connection with health practitioners who apply to or participate in the Program.

B. In no event shall confidential information received, maintained or developed by the Department of Health Professions or any board, or disclosed by the Department of Health Professions or a board to others, pursuant to this section, be available for discovery or court subpoena or introduced into evidence in any civil action. This section shall not, however, be construed to inhibit an investigation or prosecution under Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

C. Any claim of a physician-patient or practitioner-patient privilege shall not prevail in any investigation or proceeding by any health regulatory board acting within the scope of its authority. The disclosure, however, of any information pursuant to this provision shall not be deemed a waiver of such privilege in any other proceeding.

D. This section shall not prohibit the Director of the Department of Health Professions, after consultation with the relevant health regulatory board president or his designee, from disclosing to the Attorney General, or the appropriate attorney for the Commonwealth, investigatory information which indicates a possible violation of any provision of criminal law, including the laws relating to the manufacture, distribution, dispensing, prescribing or administration of drugs, other than drugs classified as Schedule VI drugs and devices, by any individual regulated by any health regulatory board.

E. This section shall not prohibit the Director of the Department of Health Professions from disclosing matters listed in subdivision A 1, A 2, or A 3 of § 54.1-2909; from making the reports of aggregate information and summaries required by § 54.1-2400.3; or from disclosing the information required to be made available to the public pursuant to § 54.1-2910.1.

F. This section shall not prohibit the Director of the Department of Health Professions, following consultation with the relevant health regulatory board president or his designee, from disclosing information about a suspected violation of state or federal law or regulation to other agencies within the Health and Human Resources Secretariat or to federal law-enforcement agencies having jurisdiction over the suspected violation or requesting an inspection or investigation of a licensee by such state or federal agency when the Director has reason to believe that a possible violation of federal or state law has occurred. Such disclosure shall not exceed the minimum information necessary to permit the state or federal agency having jurisdiction over the suspected violation of state or federal law to conduct an inspection or investigation. Disclosures by the Director pursuant to this subsection shall not be limited to requests for inspections or investigations of licensees. Nothing in this subsection shall require the Director to make any disclosure. Nothing in this section shall permit any agency to which the Director makes a disclosure pursuant to this section to re-disclose any information, reports, records, or materials received from the Department.

G. Whenever a complaint or report has been filed about a person licensed, certified, or registered by a health regulatory board, the source and the subject of a complaint or report shall be provided information about the investigative and disciplinary procedures at the Department of Health Professions. Prior to interviewing a licensee who is the subject of a complaint or report, or at the time that the licensee is first notified in writing of the complaint or report, whichever shall occur first, the licensee shall be provided with a copy of the complaint or report and any records or supporting documentation, unless such provision would materially obstruct a criminal or regulatory investigation. If the relevant board concludes that a disciplinary proceeding will not be instituted, the board may send an advisory letter to the person who was the subject of the complaint or report. The relevant board may also inform the source of the complaint or report (i) that an investigation has been conducted, (ii) that the matter was concluded without a disciplinary proceeding, (iii) of the process the board followed in making its determination, and (iv), if appropriate, that an advisory letter from the board has been communicated to the person who was the subject of the complaint or report. In providing such information, the board shall inform the source of the complaint or report that he is subject to the requirements of this section relating to confidentiality and discovery.

H. Orders and notices of the health regulatory boards relating to disciplinary actions, *other than confidential exhibits described in subsection K*, shall be disclosed. Information on the date and location of any disciplinary proceeding, allegations against the respondent, and the list of statutes and regulations the respondent is alleged to have violated shall be provided to the source of the complaint or report by the relevant board prior to the proceeding. The source shall be notified of the disposition of a disciplinary case.

I. This section shall not prohibit investigative staff authorized under § 54.1-2506 from interviewing fact witnesses, disclosing to fact witnesses the identity of the subject of the complaint or report, or reviewing with fact witnesses any portion of records or other supporting documentation necessary to refresh the fact witnesses' recollection.

J. Any person found guilty of the unlawful disclosure of confidential information possessed by a health regulatory board shall be guilty of a Class 1 misdemeanor.

K. In disciplinary actions in which a practitioner is or may be unable to practice with reasonable skill and safety to patients and the public because of a mental or physical disability, a health regulatory board shall consider whether to disclose and may decide not to disclose in its notice or order the practitioner's health records, as defined in § 32.1-127.1:03, or his health services, as defined in § 32.1-127.1:03. Such information may be considered by the relevant board in a closed hearing in accordance with subsection A 15 of § 2.2-3711 and included in a confidential exhibit to a notice or order. The public notice or order shall identify, if known, the practitioner's mental or physical disability that is the basis for its determination. In the event that the relevant board, in its discretion, determines that this subsection should

apply, information contained in the confidential exhibit shall remain part of the confidential record before the relevant board and is subject to court review under the Administrative Process Act (§ 2.2-4000 et seq.) and to release in accordance with this section.

CHAPTER 223

An Act to amend and reenact § 63.2-1605 of the Code of Virginia, relating to financial exploitation of adults.

[S 249]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1605 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1605. Protective services for adults by local departments.

A. Each local board, to the extent that federal or state matching funds are made available to each locality, shall provide, pursuant to regulations and subject to supervision of the Commissioner for Aging and Rehabilitative Services, adult protective services for adults who are found to be abused, neglected or exploited and who meet one of the following criteria: (i) the adult is 60 years of age or older or (ii) the adult is 18 years of age or older and is incapacitated. The requirement to provide such services shall not limit the right of any individual to refuse to accept any of the services so offered, except as provided in § 63.2-1608.

B. Upon receipt of the report pursuant to § 63.2-1606, the local department shall determine the validity of such report and shall initiate an investigation within 24 hours of the time the report is received in the local department. Local departments shall consider valid any report meeting all of the following criteria: (i) the subject of the report is an adult as defined in this article, (ii) the report concerns a specific adult and there is enough information to locate the adult, and (iii) the report describes the circumstances of the alleged abuse, neglect, or exploitation.

C. The local department shall refer any appropriate matter and all relevant documentation to the appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation.

D. If a local department is denied access to an adult for whom there is reason to suspect the need for adult protective services, then the local department may petition the circuit court for an order allowing access or entry or both. Upon a showing of good cause supported by an affidavit or testimony in person, the court may enter an order permitting such access or entry.

E. In any case of suspected adult abuse, neglect, or exploitation, local departments, with the informed consent of the adult or his legal representative, shall take or cause to be taken photographs, video recordings, or appropriate medical imaging of the adult and his environment as long as such measures are relevant to the investigation and do not conflict with § 18.2-386.1. However, if the adult is determined to be incapable of making an informed decision and of giving informed consent and either has no legal representative or the legal representative is the suspected perpetrator of the adult abuse, neglect, or exploitation, consent may be given by an agent appointed under an advance medical directive or medical power of attorney, or by a person authorized, pursuant to § 54.1-2986. In the event no agent or authorized representative is immediately available then consent shall be deemed to be given.

F. Local departments shall foster the development, implementation, and coordination of adult protective services to prevent adult abuse, neglect, and exploitation.

G. Local departments shall not investigate allegations of abuse, neglect, or exploitation of adults incarcerated in state correctional facilities.

H. Local departments or the adult protective services hotline, upon receiving the initial report pursuant to § 63.2-1606, shall immediately notify the local law-enforcement agency where the adult resides, or where the alleged abuse, neglect, or exploitation took place, or if these places are unknown, then where the alleged abuse, neglect, or exploitation was discovered, when in receipt of a report describing any of the following:

1. Sexual abuse as defined in § 18.2-67.10;

2. Death, serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect; or

3. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.

I. *Upon receipt of an initial report pursuant to § 63.2-1606 or during an adult protective services investigation of suspected financial exploitation of an adult in which financial losses to the adult resulting from the exploitation are suspected to be greater than \$50,000, the local department or adult protective services hotline shall immediately refer the matter and all relevant documentation to the local law-enforcement agency where the adult resides or where the alleged exploitation took place or, if these places are not known where the alleged exploitation was discovered, for investigation.*

J. The report and evidence received by the local department and any written findings, evaluations, records, and recommended actions shall be confidential and shall be exempt from disclosure requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that such information may be disclosed to persons having a legitimate interest in the matter in accordance with §§ 63.2-102 and 63.2-104 and pursuant to official interagency agreements or memoranda of understanding between state agencies.

CHAPTER 224

An Act to amend and reenact § 33.2-2504 of the Code of Virginia, relating to use of population estimates in connection with decisions of the Northern Virginia Transportation Authority.

[H 190]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 33.2-2504 of the Code of Virginia is amended and reenacted as follows:****§ 33.2-2504. Decisions of Authority.**

A majority of the Authority, which majority shall include at least a majority of the representatives of the counties and cities embraced by the Authority, shall constitute a quorum. Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures established by the Authority. In all cases, decisions of the Authority shall require the affirmative vote of two-thirds of the members of the Authority present and voting and two-thirds of the representatives of the counties and cities embraced by the Authority who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Authority; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose representative's sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Authority shall be the population as determined by the most recently preceding decennial census, except that ~~on July 1 of the fifth year following such census~~, *once the population estimates for July 1 of the fifth year are made available then the population of each county and city shall be adjusted, based on the basis of population projections estimates* made by the Weldon Cooper Center for Public Service of the University of Virginia.

CHAPTER 225

An Act to amend and reenact § 33.2-2510 of the Code of Virginia, relating to Northern Virginia Transportation Authority; decisions to create or improve transportation facility; public notice.

[H 727]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 33.2-2510 of the Code of Virginia is amended and reenacted as follows:****§ 33.2-2510. Use of certain revenues by the Authority.**

A. All moneys received by the Authority and the proceeds of bonds issued pursuant to § 33.2-2511 shall be used by the Authority solely for transportation purposes benefiting those counties and cities that are embraced by the Authority.

B. 1. Except as provided in subdivision 2, 30 percent of the revenues received by the Authority under subsection A shall be distributed on a pro rata basis, with each locality's share being the total of such fee and taxes received by the Authority that are generated or attributable to the locality divided by the total of such fee and taxes received by the Authority. Of the revenues distributed pursuant to this subsection, as determined solely by the applicable locality, such revenues shall be used for additional urban or secondary highway construction, for other capital improvements that reduce congestion, for other transportation capital improvements that have been approved by the most recent long-range transportation plan adopted by the Authority, or for public transportation purposes. None of the revenue distributed by this subsection may be used to repay debt issued before July 1, 2013. Each locality shall create a separate, special fund in which all revenues received pursuant to this subsection and from the tax imposed pursuant to § 58.1-3221.3 shall be deposited. Each locality shall provide annually to the Authority sufficient documentation as required by the Authority showing that the funds distributed under this subsection were used as required by this subsection.

2. If a locality has not deposited into its special fund (i) revenues from the tax collected under § 58.1-3221.3 pursuant to the maximum tax rate allowed under that section or (ii) an amount, from sources other than moneys received from the Authority, that is equivalent to the revenue that the locality would receive if it was imposing the maximum tax authorized by § 58.1-3221.3, then the amount of revenue distributed to the locality pursuant to subdivision 1 shall be reduced by the difference between the amount of revenue that the locality would receive if it was imposing the maximum tax authorized by such section and the amount of revenue deposited into its special fund pursuant to clause (i) or (ii), as applicable. The amount of any such reduction in revenue shall be redistributed according to subsection C. The provisions of this subdivision shall be ongoing and apply over annual periods as determined by the Authority.

C. 1. (Effective until July 1, 2016) The remaining 70 percent of the revenues received by the Authority under subsection A, plus the amount of any revenue to be redistributed pursuant to subsection B, shall be used by the Authority solely to fund (i) transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with § 33.2-2500 and that have been rated in accordance with § 33.2-257 or (ii) mass transit capital projects that increase capacity. For only those regional funds received in fiscal year 2014, the requirement for rating in accordance with § 33.2-257 shall not apply. The Authority shall give priority to selecting projects that are expected to provide the greatest

congestion reduction relative to the cost of the project and shall document this information for each project selected. Such projects selected by the Authority for funding shall be located (a) only in localities embraced by the Authority or (b) in adjacent localities but only to the extent that such extension is an insubstantial part of the project and is essential to the viability of the project within the localities embraced by the Authority.

C. 1. (Effective July 1, 2016) The remaining 70 percent of the revenues received by the Authority under subsection A, plus the amount of any revenue to be redistributed pursuant to subsection B, shall be used by the Authority solely to fund transportation projects selected by the Authority that are contained in the regional transportation plan in accordance with § 33.2-2500 and that have been rated in accordance with § 33.2-257. For only those regional funds received in fiscal year 2014, the requirement for rating in accordance with § 33.2-257 shall not apply. The Authority shall give priority to selecting projects that are expected to provide the greatest congestion reduction relative to the cost of the project and shall document this information for each project selected. Such projects selected by the Authority for funding shall be located (i) only in localities embraced by the Authority or (ii) in adjacent localities but only to the extent that such extension is an insubstantial part of the project and is essential to the viability of the project within the localities embraced by the Authority.

2. *Not less than 15 days prior to any decision by the Authority for the expenditure of funds pursuant to subdivision 1 for any project to create or improve any transportation facility, the Authority shall make the following publicly available: (i) the project evaluation pursuant to § 33.2-257, (ii) the total amount of funds from the Authority to be used for the project, (iii) the total amount of funds from sources other than the Authority to be used for the project, and (iv) any other rating or scoring of other factors to be taken into account by the Authority related to each such transportation facility.*

~~2.~~ 3. All transportation projects undertaken by the Authority shall be completed by private contractors accompanied by performance measurement standards, and all contracts shall contain a provision granting the Authority the option to terminate the contract if contractors do not meet such standards. Notwithstanding the foregoing, any locality may provide engineering services or right-of-way acquisition for any project with its own forces. The Authority shall avail itself of the strategies permitted under the Public-Private Transportation Act (§ 33.2-1800 et seq.) whenever feasible and advantageous. The Authority is independent of any state or local entity, including the Department and the Commonwealth Transportation Board, but the Authority, the Department, and the Commonwealth Transportation Board shall consult with one another to avoid duplication of efforts and, at the option of the Authority, may combine efforts to complete specific projects. Notwithstanding the foregoing, at the request of the Authority, the Department may provide the Authority with engineering services or right-of-way acquisition for the project with its own forces.

~~3.~~ 4. With regard to the revenues distributed under subdivision 1, each locality's total long-term benefit shall be approximately equal to the proportion of the total of the fees and taxes received by the Authority that are generated by or attributable to the locality divided by the total of such fees and taxes received by the Authority.

D. For road construction and improvements pursuant to subsection B, the Department may, on a reimbursement basis, provide the locality with planning, engineering, right-of-way, and construction services for projects funded in whole by the revenues provided to the locality by the Authority.

CHAPTER 226

An Act to amend and reenact § 46.2-1025 of the Code of Virginia, relating to flashing amber lights on public transit buses.

[S 299]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1025 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1025. Flashing amber, purple, or green warning lights.

A. The following vehicles may be equipped with flashing, blinking, or alternating amber warning lights of types approved by the Superintendent:

1. Vehicles used for the principal purpose of towing or servicing disabled vehicles;
2. Vehicles used in constructing, maintaining, and repairing highways or utilities on or along public highways, or in assisting with the management of roadside and traffic incidents, or performing traffic management services along public highways;
3. Vehicles used for the principal purpose of removing hazardous or polluting substances from state waters and drainage areas on or along public highways, or state vehicles used to perform other state-required environmental activities, provided that the amber lights are not lit while the vehicle is in motion;
4. Vehicles used for servicing automatic teller machines, provided the amber lights are not lit while the vehicle is in motion;
5. Vehicles used in refuse collection, provided the amber lights are lit only when the vehicles are engaged in refuse collection operations;
6. Vehicles used by individuals for emergency snow-removal purposes;
7. Hi-rail vehicles, provided the amber lights are lit only when the vehicles are operated on railroad rails;
8. Fire apparatus and emergency medical services vehicles, provided the amber lights are used in addition to lights permitted under § 46.2-1023 and are so mounted or installed as to be visible from behind the vehicle;

9. Vehicles owned and used by businesses providing security services, provided the amber lights are not lit while the vehicle is being operated on a public highway;

10. Vehicles used to collect and deliver the United States mail, provided the amber lights are lit only when the vehicle is actually engaged in such collection or delivery;

11. Vehicles used to transport petroleum or propane products, provided the amber light is mounted on the rear of the vehicle and is lit when parked while making a delivery of petroleum or propane products, or when the vehicle's back-up lights are lit and its device producing an audible signal when the vehicle is operated in reverse gear, as provided for in § 46.2-1175.1, is in operation;

12. Vehicles used by law-enforcement agency personnel in the enforcement of laws governing motor vehicle parking;

13. Government-owned law-enforcement vehicles, provided the lights are used for the purpose of giving directional warning to vehicular traffic to move one direction or another and are not lit while the vehicle is in motion;

14. Chase vehicles when used to unload a hot air balloon or used to load a hot air balloon after landing, provided the amber lights are not lit while the vehicle is in motion;

15. Vehicles used for farm, agricultural, or horticultural purposes, or any farm tractor;

16. Vehicles owned and used by construction companies operating under Virginia contractors licenses;

17. Vehicles used to lead or provide escorts for bicycle races authorized by the Department of Transportation or the locality in which the race is being conducted;

18. Vehicles used by radio or television stations for remote broadcasts, provided that the amber lights are not lit while the vehicle is in motion;

19. Vehicles used by municipal safety officers in the performance of their official duties. For the purpose of this subdivision, "municipal safety officers" means municipal employees responsible for managing municipal safety programs and ensuring municipal compliance with safety and environmental regulatory mandates;

20. Vehicles used as pace cars, security vehicles, or firefighting vehicles by any speedway or motor vehicle race track, provided that the amber lights are not lit while the vehicle is being operated on a public highway;

21. Vehicles used in patrol work by members of neighborhood watch groups approved by the chief law-enforcement officer of the locality in their assigned neighborhood watch program area, provided that the vehicles are clearly identified as neighborhood watch vehicles, and the amber lights are not lit while the vehicle is in motion; ~~and~~

22. Vehicles that are not tow trucks as defined in § 46.2-100, but are owned or controlled by a towing and recovery business, provided that the amber lights are lit only when the vehicle is being used at a towing and recovery site; *and*

23. *Publicly owned or operated transit buses.*

B. Except as otherwise provided in this section, such amber lights shall be lit only when performing the functions which qualify them to be equipped with such lights.

C. Vehicles used to lead or provide escorts for funeral processions may use either amber warning lights or purple warning lights, but amber warning lights and purple warning lights shall not simultaneously be used on the same vehicle. The Superintendent of State Police shall develop standards and specifications for purple lights authorized in this subsection.

D. Vehicles used by police, firefighting, or emergency medical services personnel as command centers at the scene of incidents may be equipped with and use green warning lights of a type approved by the Superintendent. Such lights shall not be activated while the vehicle is operating upon the highway.

CHAPTER 227

An Act to amend and reenact §§ 58.1-3, as it is currently effective and as it shall become effective, and 58.1-1011 of the Code of Virginia, relating to the Department of Taxation; disclosure of certain tax information.

[S 325]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3, as it is currently effective and as it shall become effective, and 58.1-1011 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3. (Effective until July 1, 2018) Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;

2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;

3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. *This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.*

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the

collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; and (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer

obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 58.1-3. (Effective July 1, 2018) Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General

Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. *This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.*

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern

Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; and (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 58.1-1011. Qualification for permit to affix Virginia revenue stamps; penalty.

A. Only manufacturers, wholesale dealers and retail dealers may be permitted as stamping agents. It shall be unlawful for any person to purchase, possess or affix Virginia revenue stamps without first obtaining a permit to do so from the Department. Every manufacturer, wholesale dealer or retail dealer who desires to qualify as a stamping agent with the Department shall make application to the Department on forms prescribed for this purpose, which shall be supplied upon request. The application forms will require such information relative to the nature of business engaged in by the applicant as the Department deems necessary to the qualifying of the applicant as a stamping agent. The Department shall conduct a background investigation, to include a Virginia Criminal History Records search, and fingerprints of the applicant, or its responsible principals, managers, and other persons engaged in handling and stamping cigarettes at the licensable locations, that shall be submitted to the Federal Bureau of Investigation if the Department determines a National Criminal Records search is necessary, on applicants for licensure as cigarette tax stamping agents. The Department may refuse to issue a stamping permit or may suspend, revoke or refuse to renew a stamping permit issued to any person, partnership, corporation, limited liability company or business trust, if it determines that ~~the any principals, managers, and principal,~~

*manager, or other persons engaged in handling and stamping cigarettes at the licensable location of the applicant has been (i) found guilty of any fraud or misrepresentation in any connection, (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering, or (iii) convicted of a felony. Anyone who knowingly and willfully falsifies, conceals or misrepresents a material fact or knowingly and willfully makes a false, fictitious or fraudulent statement or representation in any application for a stamping permit to the Department shall be is guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee not to exceed \$750 to be retained by the Department to be applied to the administrative and other costs of processing stamping agent applications, conducting background investigations and issuing stamping permits. Any application or renewal fees collected pursuant to this section in excess of such costs as of June 30 in ~~even numbered~~ *even-numbered* years shall be reported to the State Treasurer and deposited into the state treasury. If the Department after review of his application, believes the manufacturer, wholesale dealer or retail dealer ~~to be~~ *is* qualified, the Department shall issue to the applicant a permit qualifying him as a stamping agent, as defined in this chapter, and he shall be allowed the discount on purchases of Virginia revenue stamps as set out herein for stamping agents purchasing stamps for their individual use. Such stamping agent shall be authorized to affix Virginia revenue stamps, and in addition, if the applicant qualifies as a wholesale dealer, that shall be so noted on the permit issued by the Department. Permits issued pursuant to this section shall be valid for a period of three years from the date of issue unless revoked by the Department in the manner provided herein. The Department shall not sell Virginia revenue stamps to any person or entity unless and until the Department has issued that person or entity a permit to affix Virginia revenue stamps. The Department may promulgate regulations governing the issuance, suspension and revocation of stamping agent permits. The Department may at any time revoke the permit issued to any stamping agent as herein provided who is not in compliance with any of the provisions of this chapter, or any of the rules of the Department adopted and promulgated under authority of this chapter.*

B. The Department shall compile and maintain a list of licensed cigarette stamping agents. The list shall be updated monthly and shall be available upon request to any federal, state, or local law enforcement agency.

CHAPTER 228

An Act to amend and reenact § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; small purchase procedures; transportation-related construction.

[S 362]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

1. By the Commonwealth, its departments, agencies and institutions on a fixed price design-build basis or construction management basis under § 2.2-4306;

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property;

3. By any governing body of a locality with a population in excess of 100,000, provided that the locality has the personnel, procedures, and expertise to enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis and shall otherwise be in compliance with the provisions of this section, § 2.2-4308, and other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The procedures of the local governing body shall be consistent with the two-step competitive negotiation process established in § 2.2-4302.2; or

4. As otherwise provided in § 2.2-4308.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The

writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for ~~(i) goods~~:

1. *Goods* and services other than professional services and ~~(ii)~~ non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$100,000; ~~however, and~~

2. *Transportation-related construction*, if the aggregate or sum of all phases is not expected to exceed \$25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, purchases under this subsection that are expected to exceed \$30,000 shall require the (a) written informal solicitation of a minimum of four bidders or offerors and (b) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

CHAPTER 229

An Act to amend and reenact § 54.1-3466 of the Code of Virginia, relating to possession of controlled paraphernalia.

[H 170]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3466 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3466. Possession or distribution of controlled paraphernalia; meaning of controlled paraphernalia; evidence; exceptions.

~~Except as authorized in this chapter, it shall be a misdemeanor for any person to possess or distribute controlled paraphernalia which shall mean~~ A. For purposes of this chapter, "controlled paraphernalia" means (i) a hypodermic syringe, needle, or other instrument or implement or combination thereof adapted for the administration of controlled dangerous substances by hypodermic injections under circumstances ~~which~~ that reasonably indicate an intention to use such

controlled paraphernalia for purposes of illegally administering any controlled drug or (ii) gelatin capsules, glassine envelopes, or any other container suitable for the packaging of individual quantities of controlled drugs in sufficient quantity to and under circumstances ~~which~~ *that* reasonably indicate an intention to use any such item for the illegal manufacture, distribution, or dispensing of any such controlled drug. Evidence of such circumstances shall include, but not be limited to, close proximity of any such controlled paraphernalia to any adulterants or equipment commonly used in the illegal manufacture and distribution of controlled drugs including, but not limited to, scales, sieves, strainers, measuring spoons, staples and staplers, or procaine hydrochloride, mannitol, lactose, quinine, or any controlled drug, or any machine, equipment, instrument, implement, device, or combination thereof ~~which~~ *that* is adapted for the production of controlled drugs under circumstances ~~which~~ *that* reasonably indicate an intention to use such item or combination thereof to produce, sell, or dispense any controlled drug in violation of the provisions of this chapter.

B. Except as authorized in this chapter, it is unlawful for any person to possess controlled paraphernalia.

C. Except as authorized in this chapter, it is unlawful for any person to distribute controlled paraphernalia.

D. A violation of this section is a Class 1 misdemeanor.

*E. The provisions of this section shall not apply to persons who have acquired possession and control of controlled paraphernalia in accordance with the provisions of this article or to any person who owns or is engaged in breeding or raising livestock, poultry, or other animals to which hypodermic injections are customarily given in the interest of health, safety, or good husbandry; or to hospitals, physicians, pharmacists, dentists, podiatrists, veterinarians, funeral directors and embalmers, persons to whom a permit has been issued, manufacturers, wholesalers, or their authorized agents or employees when in the usual course of their business, if the controlled paraphernalia lawfully obtained ~~continues~~ *continue* to be used for the legitimate purposes for which they were obtained.*

CHAPTER 230

An Act to amend and reenact §§ 46.2-360 and 46.2-391 of the Code of Virginia, relating to habitual offenders; restoration of driving privileges.

[H 172]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-360 and 46.2-391 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-360. Restoration of privilege of operating motor vehicle; restoration of privilege to persons convicted under certain other provisions of Habitual Offender Act.

Any person who has been found to be an habitual offender where the determination or adjudication was based in part and dependent on a conviction as set out in subdivision 1 b of former § 46.2-351, may petition the court in which he was found to be an habitual offender, or the circuit court in the political subdivision in which he then resides to:

1. Restore his privilege to drive a motor vehicle in the Commonwealth, provided that five years have elapsed from the date of the final order of a court entered under this article, or if no such order was entered then the notice of the determination by the Commissioner. On such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth on whatever conditions the court may prescribe, subject to other provisions of law relating to the issuance of driver's licenses, if the court is satisfied from the evidence presented that: (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drug; and (iii) the person does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, *and the court shall give the recommendations such weight as the court deems appropriate*. The court may, in lieu of restoring the person's privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in accordance with the provisions of subsection E of § 18.2-271.1. The local Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

2. Issue a restricted permit to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment, to and from his home to the place of his employment or such other medically necessary travel as the court deems necessary and proper upon written verification of need by a licensed physician, provided that three years have elapsed from the date of the final order, or if no such order was entered then the notice of the determination by the Commissioner. The court may order that a restricted license for such purposes be issued in accordance with the procedures of subsection E of § 18.2-271.1, if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs, (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drugs, and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court may prohibit the person to whom a restricted license is issued from operating a motor

vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, *and the court shall give the recommendations such weight as the court deems appropriate*. The local Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

In the computation of the five-year and three-year periods under subdivisions 1 and 2 of this section, such person shall be given credit for any period his driver's license was administratively revoked under subsection B of § 46.2-391 prior to the final order or notification by the Commissioner of the habitual offender determination.

A copy of any petition filed hereunder shall be served on the attorney for the Commonwealth for the jurisdiction wherein the petition was filed, and shall also be served on the Commissioner of the Department of Motor Vehicles, who shall provide to the attorney for the Commonwealth a certified copy of the petitioner's driving record. The Commissioner shall also advise the attorney for the Commonwealth whether there is anything in the records maintained by the Department that might make the petitioner ineligible for restoration, and may also provide notice of any potential ineligibility to the Attorney General's Office, which may join in representing the interests of the Commonwealth where it appears that the petitioner is not eligible for restoration. The hearing on a petition filed pursuant to this article shall not be set for a date sooner than thirty days after the petition is filed and served as provided herein.

§ 46.2-391. Revocation of license for multiple convictions of driving while intoxicated; exception; petition for restoration of privilege.

A. The Commissioner shall forthwith revoke and not thereafter reissue for three years the driver's license of any person on receiving a record of the conviction of any person who (i) is adjudged to be a second offender in violation of the provisions of subsection A of § 46.2-341.24 (driving a commercial motor vehicle under the influence of drugs or intoxicants), or § 18.2-266 (driving under the influence of drugs or intoxicants), if the subsequent violation occurred within 10 years of the prior violation, or (ii) is convicted of any two or more offenses of § 18.2-272 (driving while the driver's license has been forfeited for a conviction under § 18.2-266) if the second or subsequent violation occurred within 10 years of the prior offense. However, if the Commissioner has received a copy of a court order authorizing issuance of a restricted license as provided in subsection E of § 18.2-271.1, he shall proceed as provided in the order of the court. For the purposes of this subsection, an offense in violation of a valid local ordinance, or law of any other jurisdiction, which ordinance or law is substantially similar to any provision of Virginia law herein shall be considered an offense in violation of such provision of Virginia law. Additionally, in no event shall the Commissioner reinstate the driver's license of any person convicted of a violation of § 18.2-266, or of a substantially similar valid local ordinance or law of another jurisdiction, until receipt of notification that such person has successfully completed an alcohol safety action program if such person was required by court order to do so unless the requirement for completion of the program has been waived by the court for good cause shown. A conviction includes a finding of not innocent in the case of a juvenile.

B. The Commissioner shall forthwith revoke and not thereafter reissue the driver's license of any person after receiving a record of the conviction of any person (i) convicted of a violation of § 18.2-36.1 or 18.2-51.4 or a felony violation of § 18.2-266 or (ii) convicted of three offenses arising out of separate incidents or occurrences within a period of 10 years in violation of the provisions of subsection A of § 46.2-341.24 or 18.2-266, or a substantially similar ordinance or law of any other jurisdiction, or any combination of three such offenses. A conviction includes a finding of not innocent in the case of a juvenile.

C. Any person who has had his driver's license revoked in accordance with subsection B of this section may petition the circuit court of his residence, or, if a nonresident of Virginia, any circuit court:

1. For restoration of his privilege to drive a motor vehicle in the Commonwealth after the expiration of five years from the date of his last conviction. On such petition, and for good cause shown, the court may, in its discretion, restore to the person the privilege to drive a motor vehicle in the Commonwealth on condition that such person install an ignition interlock system in accordance with § 18.2-270.1 on all motor vehicles, as defined in § 46.2-100, owned by or registered to him, in whole or in part, for a period of at least six months, and upon whatever other conditions the court may prescribe, subject to the provisions of law relating to issuance of driver's licenses, if the court is satisfied from the evidence presented that: (i) at the time of his previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself or others with regard to the driving of a motor vehicle. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, *and the court shall give the recommendations such weight as the court deems appropriate*. The court may, in lieu of restoring the person's privilege to drive, authorize the issuance of a restricted license for a period not to exceed five years in accordance with the provisions of § 18.2-270.1 and subsection E of § 18.2-271.1. The court shall notify the Virginia Alcohol Safety Action Program which shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

2. For a restricted license to authorize such person to drive a motor vehicle in the Commonwealth in the course of his employment and to drive a motor vehicle to and from his home to the place of his employment after the expiration of three years from the date of his last conviction. The court may order that a restricted license for such purposes be issued in accordance with the procedures of subsection E of § 18.2-271.1, if the court is satisfied from the evidence presented that (i) at the time of the previous convictions, the petitioner was addicted to or psychologically dependent on the use of alcohol or other drugs; (ii) at the time of the hearing on the petition, he is no longer addicted to or psychologically dependent on the use of alcohol or such other drugs; and (iii) the defendant does not constitute a threat to the safety and welfare of himself and others with regard to the driving of a motor vehicle. The court shall prohibit the person to whom a restricted license is issued from operating a motor vehicle that is not equipped with a functioning, certified ignition interlock system during all or any part of the term for which the restricted license is issued, in accordance with the provisions set forth in § 18.2-270.1. However, prior to acting on the petition, the court shall order that an evaluation of the person, to include an assessment of his degree of alcohol abuse and the appropriate treatment therefor, if any, be conducted by a Virginia Alcohol Safety Action Program and recommendations therefrom be submitted to the court, *and the court shall give the recommendations such weight as the court deems appropriate*. The Virginia Alcohol Safety Action Program shall during the term of the restricted license monitor the person's compliance with the terms of the restrictions imposed by the court. Any violation of the restrictions shall be reported to the court, and the court may then modify the restrictions or revoke the license.

The ignition interlock system installation requirement under subdivisions 1 and 2 of this subsection need only be satisfied once as to any single revocation under subsection B of this section for any person seeking restoration under subdivision 1 following the granting of a restricted license under subdivision 1 or 2.

D. Any person convicted of driving a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B or (ii) in violation of the terms of a restricted license issued pursuant to subsection C shall, provided such revocation was based on at least one conviction for an offense committed after July 1, 1999, be punished as follows:

1. If such driving does not of itself endanger the life, limb, or property of another, such person shall be guilty of a Class 1 misdemeanor punishable by a mandatory minimum term of confinement in jail of 10 days except in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

2. a. If such driving (i) of itself endangers the life, limb, or property of another or (ii) takes place while such person is in violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, subsection A of § 46.2-341.24, or a substantially similar law or ordinance of another jurisdiction, irrespective of whether the driving of itself endangers the life, limb or property of another and the person has been previously convicted of a violation of §§ 18.2-36.1, 18.2-51.4, 18.2-266, subsection A of § 46.2-341.24, or a substantially similar local ordinance, or law of another jurisdiction, such person shall be guilty of a felony punishable by confinement in a state correctional facility for not less than one year nor more than five years, one year of which shall be a mandatory minimum term of confinement or, in the discretion of the jury or the court trying the case without a jury, by mandatory minimum confinement in jail for a period of 12 months and no portion of such sentence shall be suspended or run concurrently with any other sentence.

b. However, in cases wherein such operation is necessitated in situations of apparent extreme emergency that require such operation to save life or limb, the sentence, or any part thereof, may be suspended.

3. If any such offense of driving is a second or subsequent violation, such person shall be punished as provided in subdivision 2 of this subsection, irrespective of whether the offense, of itself, endangers the life, limb, or property of another.

E. Notwithstanding the provisions of subdivisions 2 and 3 of subsection D, following conviction and prior to imposition of sentence with the consent of the defendant, the court may order the defendant to be evaluated for and to participate in the Boot Camp Incarceration Program pursuant to § 19.2-316.1, or the Detention Center Incarceration Program pursuant to § 19.2-316.2, or the Diversion Center Incarceration Program pursuant to § 19.2-316.3.

F. Any period of driver's license revocation imposed pursuant to this section shall not begin to expire until the person convicted has surrendered his license to the court or to the Department of Motor Vehicles.

G. Nothing in this section shall prohibit a person from operating any farm tractor on the highways when it is necessary to move the tractor from one tract of land used for agricultural purposes to another such tract of land when the distance between the tracts is no more than five miles.

H. Any person who operates a motor vehicle or any self-propelled machinery or equipment (i) while his license is revoked pursuant to subsection A or B, or (ii) in violation of the terms of a restricted license issued pursuant to subsection C, where the provisions of subsection D do not apply, shall be guilty of a violation of § 18.2-272.

CHAPTER 231

An Act to amend and reenact § 19.2-70.2 of the Code of Virginia, relating to installation of pen register or trap and trace device; jurisdiction.

Approved March 4, 2016

[H 176]

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-70.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-70.2. Application for and issuance of order for a pen register or trap and trace device; assistance in installation and use.

A. An investigative or law-enforcement officer may make application for an order or an extension of an order authorizing or approving the installation and use of a pen register or a trap and trace device, in writing under oath or equivalent affirmation, to a court of competent jurisdiction. The application shall include:

1. The identity of the officer making the application and the identity of the law-enforcement agency conducting the investigation; and
2. A certification by the applicant that the information likely to be obtained is relevant to an ongoing criminal investigation being conducted by that agency.

The application may include a request that the order require information, facilities and technical assistance necessary to accomplish the installation be furnished.

B. An application for an ex parte order authorizing the installation and use of a pen register or trap and trace device may be filed in the jurisdiction *where the ongoing criminal investigation is being conducted; where there is probable cause to believe that an offense was committed, is being committed, or will be committed; or where the person or persons who subscribe to the wire or electronic communication system live, work, or maintain an address or a post office box.* For the purposes of an order entered pursuant to this section for the installation and use of a pen register or trap and trace device, such installation shall be deemed to occur in the jurisdiction where the order is entered, regardless of the physical location or the method by which the information is captured or routed to the law-enforcement officer that made the application. Upon application, the court shall enter an ex parte order authorizing the installation and use of a pen register or a trap and trace device if the court finds that the investigative or law-enforcement officer has certified to the court that the information likely to be obtained by such installation and use is relevant to an ongoing criminal investigation.

The order shall specify:

1. The identity, if known, of the person in whose name the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied is listed or to whom the line or other facility is leased;
2. The identity, if known, of the person who is the subject of the criminal investigation;
3. The attributes of the communications to which the order applies, including the number or other identifier and, if known, the location of the telephone line or other facility to which the pen register or trap and trace device is to be attached or applied; and
4. A statement of the offense to which the information likely to be obtained by the pen register or trap and trace device relates.

C. Installation and use of a pen register or a trap and trace device shall be authorized for a period not to exceed 60 days. Extensions of the order may be granted, but only upon application made and order issued in accordance with this section. The period of an extension shall not exceed 60 days.

D. An order authorizing or approving the installation and use of a pen register or a trap and trace device shall direct that:

1. The order and application be sealed until otherwise ordered by the court;
2. Information, facilities and technical assistance necessary to accomplish the installation be furnished if requested in the application; and
3. The person owning or leasing the line or other facility to which the pen register or trap and trace device is attached or applied, or who is obligated by the order to provide assistance to the applicant, not disclose the existence of the pen register or trap and trace device or the existence of the investigation to the listed subscriber, or to any other person, unless or until otherwise ordered by the court.

E. Upon request of an investigative or a law-enforcement officer authorized by the court to install and use a pen register, a provider of wire or electronic communication service, a landlord, custodian or any other person so ordered by the court shall, as soon as practicable, furnish the officer with all information, facilities, and technical assistance necessary to accomplish the installation of the pen register unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place.

F. Upon request of an investigative or law-enforcement officer authorized by the court to receive the results of a trap and trace device under this section, a provider of wire or electronic communication service, a landlord, custodian or any other person so ordered by the court shall, as soon as practicable, install the device on the appropriate line and furnish the officer with all additional information, facilities and technical assistance, including installation and operation of the device, unobtrusively and with a minimum of interference with the services that the person so ordered by the court accords the party with respect to whom the installation and use is to take place. Unless otherwise ordered by the court, the results of the trap and trace device shall be furnished to the investigative or law-enforcement officer designated by the court at reasonable intervals during regular business hours for the duration of the order. Where the law-enforcement agency implementing an ex parte order under this subsection seeks to do so by installing and using its own pen register or trap and trace device on a packet-switched data network of a provider of electronic communication service to the public, the agency shall ensure that a record will be maintained that will identify (i) any officer or officers who installed the device and any officer or officers who accessed the device to obtain information from the network; (ii) the date and time the device was installed, the date and time

the device was uninstalled, and the date, time, and duration of each time the device is accessed to obtain information; (iii) the configuration of the device at the time of its installation and any subsequent modification thereof; and (iv) any information that has been collected by the device. To the extent that the pen register or trap and trace device can be set automatically to record this information electronically, the record shall be maintained electronically throughout the installation and use of such device. The record maintained hereunder shall be provided ex parte and under seal of the court that entered the ex parte order authorizing the installation and use of the device within 30 days after termination of the order, including any extensions thereof.

G. A provider of a wire or electronic communication service, a landlord, custodian or other person who furnishes facilities or technical assistance pursuant to this section shall be reasonably compensated for reasonable and actual expenses incurred in providing such facilities and assistance. The expenses shall be paid out of the criminal fund.

H. No cause of action shall lie in any court against a provider of a wire or electronic communication service, its officers, employees, agents or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order issued pursuant to this section. Good faith reliance on a court order, a legislative authorization or a statutory authorization is a complete defense against any civil or criminal action based upon a violation of this chapter.

CHAPTER 232

An Act to amend and reenact § 22.1-354.1 of the Code of Virginia, relating to the Western Virginia Public Education Consortium; membership.

[H 263]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-354.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-354.1. Western Virginia Public Education Consortium and board created; region defined; governing board; chairman's executive summary.

A. The Western Virginia Public Education Consortium is hereby established and shall be referred to as the Consortium. For the purposes of this chapter and the work of the Consortium, "Western Virginia" shall include the Counties of Alleghany, Bath, Bland, Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, Roanoke, and Wythe, and the Cities of Covington, Martinsville, Radford, Roanoke, and Salem. The governing board of the Consortium shall consist of ~~34~~ 33 members that include ~~45~~ 14 legislative members and the 19 school superintendents of the named localities as follows: ~~44~~ 10 members of the House of Delegates representing the Fifth, Sixth, Seventh, Eighth, Ninth, ~~Tenth~~, Eleventh, Twelfth, Sixteenth, Seventeenth, and Nineteenth House Districts; four members of the Senate representing the ~~Nineteenth~~, Twentieth, Twenty-first, ~~Twenty-second~~, and Twenty-fifth Senatorial Districts, all serving as ex officio nonvoting members; and the school superintendents of Alleghany, Bath, Bland, Botetourt, Craig, Floyd, Franklin, Giles, Henry, Montgomery, Patrick, Pulaski, Roanoke County, Wythe, Covington, Martinsville, Radford, Roanoke City, and Salem.

B. Legislative members and school superintendents shall serve terms coincident with their terms of office. The board shall elect a chairman and a vice-chairman from among its members.

C. Members of the board shall serve without compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Consortium as provided in §§ 2.2-2813 and 2.2-2825. All such expenses shall be paid from existing appropriations to or received by the Consortium or, if unfunded, shall be approved by the Joint Rules Committee.

D. A majority of the members of the board shall constitute a quorum. The board shall meet at the call of the chairman or whenever a majority of the members so request.

E. The chairman of the board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

CHAPTER 233

An Act to amend and reenact § 19.2-8 of the Code of Virginia, relating to limitation of prosecutions; certain sexual crimes.

[H 510]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-8 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the issuance of a notice of violation for the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution of any violation of § 55-79.87, 55-79.88, 55-79.89, 55-79.90, 55-79.93, 55-79.94, 55-79.95, 55-79.103, or any rule adopted under or order issued pursuant to § 55-79.98, shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution of a misdemeanor under § 18.2-64.2, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, or 18.2-370.6 where the victim is a minor at the time of the offense shall be commenced no later than one year after the victim reaches majority.

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 234

An Act to amend and reenact § 16.1-301 of the Code of Virginia, relating to confidentiality of juvenile law-enforcement records; disclosure.

[H 541]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 16.1-301 of the Code of Virginia is amended and reenacted as follows:****§ 16.1-301. Confidentiality of juvenile law-enforcement records; disclosures to school principal and others.**

A. The court shall require all law-enforcement agencies to take special precautions to ensure that law-enforcement records concerning a juvenile are protected against disclosure to any unauthorized person. The police departments of the cities of the Commonwealth, and the police departments or sheriffs of the counties, as the case may be, shall keep separate records as to violations of law other than violations of motor vehicle laws committed by juveniles. Such records with respect to such juvenile shall not be open to public inspection nor their contents disclosed to the public unless a juvenile 14 years of age or older is charged with a violent juvenile felony as specified in subsections B and C of § 16.1-269.1.

B. Notwithstanding any other provision of law, the chief of police or sheriff of a jurisdiction or his designee may disclose, for the protection of the juvenile, his fellow students and school personnel, to the school principal that a juvenile is a suspect in or has been charged with (i) a violent juvenile felony, as specified in subsections B and C of § 16.1-269.1; (ii) a violation of any of the provisions of Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; or (iii) a violation of law involving any weapon as described in subsection A of § 18.2-308. If a chief of police, sheriff or a designee has disclosed to a school principal pursuant to this section that a juvenile is a suspect in or has been charged with a crime listed above, upon a court disposition of a proceeding regarding such crime in which a juvenile is adjudicated delinquent, convicted, found not guilty or the charges are reduced, the chief of police, sheriff or a designee shall, within 15 days of the expiration of the appeal period, if there is no notice of appeal, provide notice of the disposition ordered by the court to the school principal to whom disclosure was made. If the court defers disposition or if charges are withdrawn, dismissed or nolle prosequi, the chief of police, sheriff or a designee shall, within 15 days of such action provide notice of such action to the school principal to whom disclosure was made. If charges are withdrawn in intake or handled informally without a court disposition or if charges are not filed within 90 days of the initial disclosure, the chief of police, sheriff or a designee shall so notify the school principal to whom disclosure was made. In addition to any other disclosure that is permitted by this subsection, the principal in his discretion may provide such information to a threat assessment team established by the local school division. No member of a threat assessment team shall (a) disclose any juvenile record information obtained pursuant to this section or (b) use such information for any purpose other than evaluating threats to students and school personnel. For the purposes of this subsection, "principal" also refers to the chief administrator of any private primary or secondary school.

C. Inspection of law-enforcement records concerning juveniles shall be permitted only by the following:

1. A court having the juvenile currently before it in any proceeding;
2. The officers of public and nongovernmental institutions or agencies to which the juvenile is currently committed, and those responsible for his supervision after release;
3. Any other person, agency, or institution, by order of the court, having a legitimate interest in the case or in the work of the law-enforcement agency;
4. Law-enforcement officers of other jurisdictions, by order of the court, when necessary for the discharge of their current official duties;
5. The probation and other professional staff of a court in which the juvenile is subsequently convicted of a criminal offense for the purpose of a presentence report or other dispositional proceedings, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him;
6. The juvenile, parent, guardian or other custodian and counsel for the juvenile by order of the court; and
7. As provided in §§ 19.2-389.1 and 19.2-390.

D. The police departments of the cities and towns and the police departments or sheriffs of the counties may release, upon request to one another and to state and federal law-enforcement agencies, and to law-enforcement agencies in other states, current information on juvenile arrests. The information exchanged shall be used by the receiving agency for current investigation purposes only and shall not result in the creation of new files or records on individual juveniles on the part of the receiving agency.

E. Upon request, the police departments of the cities and towns and the police departments or sheriffs of the counties may release current information on juvenile arrests or juvenile victims to the Virginia Workers' Compensation Commission solely for purposes of determining whether to make an award to the victim of a crime, and such information shall not be disseminated or used by the Commission for any other purpose than provided in § 19.2-368.3.

F. Nothing in this section shall prohibit the exchange of other criminal investigative or intelligence information among law-enforcement agencies.

G. Nothing in this section shall prohibit the disclosure of law-enforcement records concerning a juvenile to a court services unit-authorized diversion program in accordance with this chapter, which includes programs authorized by

subdivision 1 of § 16.1-227 and § 16.1-260. Such records shall not be further disclosed by the authorized diversion program or any participants therein. Law-enforcement officers may prohibit a disclosure to such a program to protect a criminal investigation or intelligence information.

CHAPTER 235

An Act to amend and reenact §§ 9.1-102 and 15.2-1627.4 of the Code of Virginia, relating to the Department of Criminal Justice Services; training standards and model policies for law-enforcement personnel.

[H 1126]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102 and 15.2-1627.4 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish ~~a~~ *and periodically update* model ~~policy~~ *policies* for law-enforcement personnel in the *following subjects*:

a. The handling of family abuse, domestic violence, sexual assault, and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

b. Communication with and facilitation of the safe return of individuals diagnosed with Alzheimer's disease;

c. Sensitivity to and awareness of cultural diversity and the potential for biased policing;

d. Protocols for local and regional sexual assault response teams;

e. Communication of death notifications;

f. (Effective until July 1, 2018) The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Alcoholic Beverage Control Board;

f. (Effective July 1, 2018) The questioning of individuals suspected of driving while intoxicated concerning the physical location of such individual's last consumption of an alcoholic beverage and the communication of such information to the Virginia Alcoholic Beverage Control Authority;

g. Vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

h. Criminal investigations that embody current best practices for conducting photographic and live lineups;

i. Sensitivity to and awareness of human trafficking offenses and the identification of victims of human trafficking offenses for personnel involved in criminal investigations or assigned to vehicle or street patrol duties; and

j. Missing children, missing adults, and search and rescue protocol;

38. ~~Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;~~

~~39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;~~

~~40. 39. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;~~

~~41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;~~

~~42. 40. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;~~

~~43. 41. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;~~

~~44. 42. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;~~

~~45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;~~

~~46- 43. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);~~

~~47- 44. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);~~

~~48- 45. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);~~

~~49- 46. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;~~

~~50- Establish compulsory training standards and publish a model policy for law enforcement personnel regarding death notification;~~

~~51- 47. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;~~

~~52- (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;~~

~~52- (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Virginia Alcoholic Beverage Control Authority;~~

~~53- Establish training standards and publish a model policy for law enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;~~

~~54- Establish training standards and publish a model policy for law enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;~~

~~55- 48. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;~~

~~56- 49. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;~~

~~57- Establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol;~~

~~58- 50. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee; and~~

~~59- 51. Perform such other acts as may be necessary or convenient for the effective performance of its duties.~~

§ 15.2-1627.4. Coordination of multidisciplinary response to sexual assault.

The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision ~~45 37 d~~ of § 9.1-102; and (ii) establish and review guidelines for the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; and the director of the victim/witness program in the jurisdiction, if any.

CHAPTER 236

An Act to amend the Code of Virginia by adding in Article 2 of Chapter 6 of Title 18.2 a section numbered 18.2-177.1, relating to false representation of military status; stolen valor; penalty.

[H 1319]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 2 of Chapter 6 of Title 18.2 a section numbered 18.2-177.1 as follows:

§ 18.2-177.1. False representation of military status; penalty.

A. It is unlawful for any person, with the intent to obtain any services, to falsely represent himself to be a member or veteran of the United States Armed Forces, Armed Forces Reserves, or National Guard by wearing the uniform or any medal or insignia authorized for use by the members or veterans of the United States Armed Forces, Armed Forces Reserves, or National Guard by federal or state law or regulation and obtain any services through such false representation.

B. It is unlawful for any person, with the intent to obtain any services, to falsely represent himself as a recipient of any decoration or medal created by federal or state law or regulation to honor the members or veterans of the United States Armed Forces, Armed Forces Reserves, or National Guard and obtain any services through such false representation.

C. A violation of this section is a Class 1 misdemeanor.

D. The provisions of this section shall not preclude prosecution under any other statute.

CHAPTER 237

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 7 of Title 17.1 a section numbered 17.1-705.2, relating to when circuit courts open; Judicial Council.

[H 442]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 7 of Title 17.1 a section numbered 17.1-705.2 as follows:

§ 17.1-705.2. Days when circuit courts shall be open.

Subject to §§ 2.2-3300 and 17.1-207, the Judicial Council may determine when the circuit courts of the Commonwealth shall be open for business. Any closing of the circuit courts pursuant to this section shall have the same effect as provided in subsection B of § 1-210.

2. That the provisions of this act shall not be construed to empower the Judicial Council to set the hours of operation of a circuit court clerk's office.

CHAPTER 238

An Act to amend and reenact § 20-106 of the Code of Virginia, relating to submission of oral testimony or affidavits in a divorce proceeding.

[H 642]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 20-106 of the Code of Virginia is amended and reenacted as follows:

§ 20-106. Testimony may be required to be given orally; evidence by affidavit.

A. In any suit for divorce, the trial court may require the whole or any part of the testimony to be given orally in open court, and if either party desires it, such testimony and the rulings of the court on the exceptions thereto, if any, shall be reduced to writing, and the judge shall certify that such evidence was given before him and such rulings made. When so certified the same shall stand on the same footing as a deposition regularly taken in the cause, provided, however, that no such oral evidence shall be given or heard unless and until after such notice to the adverse party as is required by law to be given of the taking of depositions, or when there has been no service of process within this Commonwealth upon, or appearance by the defendant against whom such testimony is sought to be introduced. However, a party may proceed to take evidence in support of a divorce by deposition or affidavit without leave of court only in support of a divorce on the grounds set forth in subdivision A (9) of § 20-91, where (i) the parties have resolved all issues by a written settlement agreement, (ii) there are no issues other than the grounds of the divorce itself to be adjudicated, or (iii) the adverse party has been personally served with the complaint and has failed to file a responsive pleading or to make an appearance as required by law.

B. The affidavit of a party submitted as evidence shall be based on the personal knowledge of the affiant, contain only facts that would be admissible in court, give factual support to the grounds for divorce stated in the complaint or counterclaim, and establish that the affiant is competent to testify to the contents of the affidavit. If either party is incarcerated, neither party shall submit evidence by affidavit without leave of court or the consent in writing of the guardian ad litem for the incarcerated party, or of the incarcerated party if a guardian ad litem is not required pursuant to § 8.01-9. The affidavit shall:

1. Give factual support to the grounds for divorce stated in the complaint or counterclaim, including that the parties are over the age of 18 and not suffering from any condition that renders either party legally incompetent;

2. Verify whether either party is incarcerated;

3. Verify the military status of the opposing party and advise whether the opposing party has filed an answer or a waiver of his rights under the federal Servicemembers Civil Relief Act (50 U.S.C. App § 501 et seq.);

4. Affirm that at least one party to the suit was at the time of the filing of the suit, and had been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and domiciliary of the Commonwealth;

5. Affirm that the parties have lived separate and apart, continuously, without interruption and without cohabitation, and with the intent to remain separate and apart permanently, for the statutory period required by subdivision A (9) of § 20-91;

6. Affirm the affiant's desire to be awarded a divorce pursuant to subdivision A (9) of § 20-91;

7. State whether there were children born or adopted of the marriage and affirm that the wife is not known to be pregnant from the marriage; and

8. Be accompanied by the affidavit of at least one corroborating witness, which shall:

a. Verify that the affiant is over the age of 18 and not suffering from any condition that renders him legally incompetent;

b. Verify whether either party is incarcerated;

c. Give factual support to the grounds for divorce stated in the complaint or counterclaim;

d. Verify that at least one of the parties to the suit was at the time of the filing of the suit, and had been for a period in excess of six months immediately preceding the filing of the suit, a bona fide resident and domiciliary of the Commonwealth;

e. Verify whether there were children born or adopted of the marriage and verify that the wife is not known to be pregnant from the marriage; and

f. Verify the affiant's personal knowledge that the parties have not cohabitated since the date of separation alleged in the complaint or counterclaim and that it has been either party's intention since that date to remain separate and apart permanently.

C. If a party moves for a divorce pursuant to § 20-121.02, any affidavit may be submitted in support of the grounds for divorce set forth in subdivision A (9) of § 20-91.

D. A verified complaint shall not be deemed an affidavit for purposes of this section.

E. Either party may submit the depositions or affidavits required by this section in support of the grounds for divorce requested by either party pursuant to the terms of this section.

CHAPTER 239

An Act to amend and reenact § 8.01-223.2 of the Code of Virginia, relating to immunity of persons at public hearing; attorney fees; costs.

[H 1117]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-223.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-223.2. Immunity of persons at public hearing.

A person shall be immune from civil liability for a violation of § 18.2-499 or a claim of tortious interference with an existing contract or a business or contractual expectancy based solely on statements made by that person at a public hearing before the governing body of any locality or other political subdivision, or the boards, commissions, agencies and authorities thereof, and other governing bodies of any local governmental entity concerning matters properly before such body. The immunity provided by this section shall not apply to any statements made with knowledge that they are false, or reckless disregard for whether they are false.

Any person who has a suit against him dismissed pursuant to the immunity provided by this section may be awarded reasonable attorney fees and costs.

CHAPTER 240

An Act to amend and reenact § 8.01-220.2 of the Code of Virginia, relating to spouse's liability for medical care; exemption for principal residence.

[H 1128]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-220.2 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-220.2. Spousal liability for medical care.**

Each spouse shall be jointly and severally liable for all emergency medical care furnished to the other spouse by a physician licensed to practice medicine in the Commonwealth or by a hospital located in the Commonwealth, including all follow-up inpatient care provided during the initial emergency admission to any such hospital, which is furnished while the spouses are living together. For the purposes of this section, emergency medical care shall mean any care the physician or other health care professional deems necessary to preserve the patient's life or health and which, if not rendered timely, can be reasonably anticipated to adversely affect the patient's recovery or imperil his life or health.

Any lien arising out of a judgment under this section against the judgment debtor's principal residence held as tenants by the entireties shall not be enforced unless the residence is refinanced or is transferred to a new owner.

CHAPTER 241

An Act to amend and reenact § 8.01-417 of the Code of Virginia, relating to personal injury and wrongful death actions; disclosure of address.

[H 1257]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-417 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-417. Copies of written statements or transcriptions of verbal statements by injured person to be delivered to him; copies of subpoenaed documents to be provided to other party; disclosure of insurance policy limits.**

A. Any person who takes from a person who has sustained a personal injury a signed written statement or voice recording of any statement relative to such injury shall deliver to such injured person a copy of such written statement forthwith or a verified typed transcription of such recording within 30 days from the date such statement was given or recording made, when and if the statement or recording is transcribed or in all cases when requested by the injured person or his attorney.

B. Unless otherwise ordered for good cause shown, when one party to a civil proceeding subpoenas documents, the subpoenaing party, upon receipt of the subpoenaed documents, shall, if requested in writing, provide true and full copies of the same to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing the subpoenaed documents. This provision does not apply where the subpoenaed documents are returnable to and maintained by the clerk of court in which the action is pending.

C. After he gives written notice that he represents an injured person, an attorney, or an individual injured in a motor vehicle accident if he is not represented by counsel, may, prior to the filing of a civil action for personal injuries sustained as a result of a motor vehicle accident, request in writing that the insurer disclose (i) the limits of liability of any motor vehicle liability or any personal injury liability insurance policy that may be applicable to the claim and (ii) the *physical address, if known*, of the alleged tortfeasor who is insured by the insurer, if not previously reported to the requesting party. The requesting party shall provide the insurer with the date of the motor vehicle accident, the name and last known address of the alleged tortfeasor if it has been reported to the requesting party, a copy of the accident report, if any, and the claim number, if available. *The insurer shall provide the alleged tortfeasor's physical address within 30 days of the receipt of the request. When requesting the limits of liability, the requesting party shall also submit to the insurer the injured person's medical records, medical bills, and wage-loss documentation, if applicable, pertaining to the claimed injury.* If the total of the medical bills and wage losses submitted equals or exceeds \$12,500, the insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time of the accident of all such policies, regardless of whether the insurer contests the applicability of the policy to the injured person's claim, and the insured's address. Disclosure of the policy limits under this section shall not constitute an admission that the alleged injury or damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

D. After he gives written notice that he represents the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, an attorney, or the personal representative of the estate of the decedent who died as a result of a motor vehicle accident if he is not represented by counsel, may, prior to the filing of a civil action for wrongful death as a result of a motor vehicle accident, request in writing that the insurer disclose (i) the limits of liability of any motor vehicle liability insurance policy or any personal injury liability insurance policy that may be applicable to the claim and

(ii) the *physical* address, *if known*, of the alleged tortfeasor who is insured by the insurer, if not previously reported to the requesting party. The requesting party shall provide the insurer with the date of the motor vehicle accident, the name and last known address of the alleged tortfeasor if it has been reported to the requesting party, a copy of the accident report, if any, and the claim number, if available. The *insurer shall provide the alleged tortfeasor's physical address within 30 days of the receipt of the request. When requesting the limits of liability, the* requesting party shall submit to the insurer the death certificate of the decedent; the certificate of qualification of the personal representative of the decedent's estate; the names and relationships of the statutory beneficiaries of the decedent; medical bills, if any, supporting a claim for damages under subdivision 3 of § 8.01-52; and, if at the time the request is made a claim for damages under clause (i) of subdivision 2 of § 8.01-52 is anticipated, a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time of the accident of all such policies, regardless of whether the insurer contests the applicability of the policy to the personal representative's claim, and the insured's address. Disclosure of the policy limits under this section shall not constitute an admission that the alleged death or other damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

E. For purposes of subsections C and D, if the alleged tortfeasor has insurance coverage from a self-insured locality for a motor vehicle accident, as described in this section, and the locality is authorized by the alleged tortfeasor to accept service of process on behalf of the alleged tortfeasor and agrees to do so, the locality, in its discretion and instead of disclosing the alleged tortfeasor's home address, may disclose the insured's work address and the name and address of the person who shall accept service of process on behalf of the alleged tortfeasor. If the locality makes such a disclosure, the locality shall not be required to disclose the alleged tortfeasor's home address.

F. As used in subsections C and D, "insurer" does not include the insurance agency or the insurance agent representing the alleged tortfeasor as the authorized representative or agent with respect to the alleged tortfeasor's motor vehicle insurance policy.

CHAPTER 242

An Act to amend and reenact § 19.2-76.3 of the Code of Virginia, relating to service of summons.

[H 1310]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-76.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-76.3. Failure to appear on return date for summons issued under § 19.2-76.2.

A. If any person fails to appear on the date of the return contained in the summons issued in accordance with § 19.2-76.2, then a summons shall be delivered to the sheriff of the county, city, or town *or to another authorized process server* for service on that person as set out in § 8.01-296.

B. If such person then fails to appear on the date of return as contained in the summons so issued, a summons shall be executed in the manner set out in § 19.2-76.

C. No proceedings for contempt or arrest of any person summoned under the provisions of this section shall be instituted unless such person has been personally served with a summons and has failed to appear on the return date contained therein.

CHAPTER 243

An Act to amend and reenact § 8.01-413.01 of the Code of Virginia, relating to authenticity and reasonableness of medical bills; presumption; who may identify and provide testimony.

[H 232]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-413.01 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-413.01. Authenticity and reasonableness of medical bills; presumption.

A. In any action for personal injuries, wrongful death, or for medical expense benefits payable under a motor vehicle insurance policy issued pursuant to § 38.2-124 or § 38.2-2201, the authenticity of bills for medical services provided and the reasonableness of the charges of the health care provider shall be rebuttably presumed upon identification by the plaintiff of the original bill or a duly authenticated copy and the plaintiff's testimony (i) identifying the health care provider, (ii) explaining the circumstances surrounding his receipt of the bill, (iii) describing the services rendered, and (iv) stating that the services were rendered in connection with treatment for the injuries received in the event giving rise to the action. *If the court finds the plaintiff is unable to provide such testimony, the plaintiff's guardian, agent under an advance directive, or agent under a power of attorney may identify the bill or an authenticated copy and provide testimony in lieu of the plaintiff.*

The presumption herein shall not apply unless the opposing party or his attorney has been furnished such medical records at least ~~twenty-one~~ 30 days prior to the trial.

B. Where no medical bill is rendered or specific charge made by a health care provider to the insured, an insurer, or any other person, the usual and customary fee charged for the service rendered may be established by the testimony or the affidavit of an expert having knowledge of the usual and customary fees charged for the services rendered. If the fee is to be established by affidavit, the affidavit shall be submitted to the opposing party or his attorney at least ~~twenty-one~~ 30 days prior to trial. The testimony or the affidavit is subject to rebuttal and may be admitted in the same manner as an original bill or authenticated copy described in subsection A ~~of this section~~.

CHAPTER 244

An Act to amend and reenact § 16.1-69.48 of the Code of Virginia, relating to local fees and fines.

[H 537]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.48 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.48. Fees and fines.

A. All fees collected by the judge, substitute judge, clerk or employees, but not including fees belonging to officers other than the judge, clerk or employees, of a general district court or juvenile and domestic relations district court shall be paid promptly to the clerk of the circuit court who shall pay the same into the state treasury. Fees collected for services of the attorney for the Commonwealth shall be paid by the clerk of the circuit court, one-half of such fee shall be paid into the treasury of the county or city in which the offense for which warrant issued was committed, and the other one-half of such fees shall be paid by such clerk on his monthly remittance into the state treasury.

B. ~~Fines~~ *Notwithstanding the provisions of subsection A, fines* collected for violations of city, town or county ordinances shall be paid promptly to the clerk of the circuit court who shall ~~pay tender such collected fines on a monthly basis directly to the city, town or county whose ordinance has been violated and not to the state treasury.~~ All fines collected for violations of the laws of the Commonwealth shall be paid promptly to the clerk of the circuit court who shall pay the same into the state treasury.

C. The word "fees" as used in this section shall include all moneys from every source, exclusive of monthly bank charges, and except collections for child support or support for a spouse or parent, including by way of illustration, but not limited to, the fees collected pursuant to §§ 15.2-1627.3, 16.1-69.48:1, 18.2-268.1 through 18.2-268.12, 18.2-271.1, 19.2-163, 19.2-368.18, 29.1-551, 46.2-383, 46.2-1135, 46.2-1137 and 46.2-1138.1.

CHAPTER 245

An Act to amend and reenact § 55-332 of the Code of Virginia, relating to timber cutting; determination of damages; attorney fees.

[H 1290]

Approved March 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 55-332 of the Code of Virginia is amended and reenacted as follows:

§ 55-332. Procedure for determination of damage.

A. The owner of the land on which such trespass was committed shall have the right, within 30 days after the discovery of such trespass and the identity of the trespasser, to notify the trespasser and to appoint an experienced timber estimator to determine the amount of damages. For the purposes of determining damages the value of the timber cut shall be calculated by first determining the value of the timber on the stump. Within 30 days after receiving notice of the alleged trespass and of the appointment of such estimator, the alleged trespasser, if he does not deny the fact of trespass, shall appoint an experienced timber estimator to participate with the one already so appointed in the estimation of damages. If the two estimators cannot agree they shall select a third person, experienced and disinterested, and the decision thereafter made shall be final and conclusive and not subject to appeal. The estimation of damages and the rendition of statement must be effected within 30 days from the receipt of notice of appointment, by the trespasser, of an estimator.

If the alleged trespasser fails to appoint an estimator within the prescribed time, or to notify, within such time, that the allegation of the fact of trespass is disputed, the estimator appointed by the injured party may make an estimate, and collection or recovery may be had accordingly.

B. Any person who (i) severs or removes any timber from the land of another without legal right or permission or (ii) authorizes or directs the severing or removal of timber or trees from the land of another without legal right or permission shall be liable to pay to the rightful owner of the timber three times the value of the timber on the stump and shall pay to the rightful owner of the property the reforestation costs incurred not to exceed \$450 per acre, the costs of ascertaining the value

of the timber, and any directly associated legal costs, and reasonable attorney fees incurred by the owner of the timber as a result of the trespass.

CHAPTER 246

An Act to amend and reenact § 2, as amended, of Chapter 91 of the Acts of Assembly of 1948, which provided a charter for the Town of Damascus in Washington County, relating to time of elections.

[S 122]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2, as amended, of Chapter 91 of the Acts of Assembly of 1948 is amended and reenacted as follows:

§ 2. Town officials.

(1) The officers of said town shall be a mayor, six councilmen, clerk, treasurer, chief of police, assessor and such other officers as the council may deem necessary and proper. The mayor shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1990, and every two years thereafter, in the manner prescribed by law, for a term of two years beginning on July 1 next following his election, and shall serve until his successor shall have been elected and qualified.

However, beginning with the election to be held in 2016, the mayor shall be elected at the time of the November general election with a term of two years beginning on January 1 next following his election. The mayor in office who was elected at the May general election and whose term is to expire as of June 30 shall continue in office until his successor has been elected at the November general election and has been qualified to serve.

In the year 1990, six councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May. Those three councilmen receiving the greatest number of votes shall serve the full four-year term. Those three elected members receiving the fewest number of votes shall serve until the year 1992.

Three councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1992 for four-year terms. Three councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1994 for four-year terms; thereafter all councilmen shall be elected every four years, in the manner prescribed by law, for terms beginning on July 1 next following their election, each of whom shall serve until his successor shall have been elected and qualified.

However, beginning with the election to be held in 2016, the councilmen shall be elected at the time of the November general election with a term of four years beginning on January 1 next following their election. The councilmen in office who were elected at the May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

Each officer of said town shall take the oath prescribed by State law, and execute the required bond, prior to entry upon his duties. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of the members. Vacancies in the office of mayor and on the council shall be filled for the unexpired term by a majority vote of the remaining members. The present mayor and council shall continue in office until the expiration of the terms for which they were respectively elected.

(2) The council shall appoint a clerk, a treasurer and such other officers as the council may deem necessary or proper, all of whom shall hold office at and during the pleasure of the council, and shall qualify for their respective offices as required by law, and shall furnish such bonds as may be required by the council. The same person may hold two or more of these offices at the discretion of the council.

The officers as appointed by the council shall perform such services, and receive such compensation, as the council may provide.

(3) The council shall appoint a chief of police who shall qualify and give bond in such amount as the council may require. The chief of police shall be vested with the power of a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town, and to a distance of one mile beyond, as was formerly had and performed by constables. He shall perform such other duties, and receive such compensation as the council may provide. The council may appoint such other persons as policemen and assistants of the chief of police, and pay them such compensation as the council may think necessary and proper. Any reference to the town sergeant in any ordinance of the Town of Damascus heretofore adopted shall be deemed a reference to the chief of police.

(4) The mayor shall preside at all meetings of the council and perform such other duties as may be prescribed by this charter, and by the general laws, and such as may be imposed by the council consistent with his office. He shall be entitled to vote upon measures pending before the council only in event all the other members are present and voting and are equally divided for and against such measure. He shall see that peace and order are preserved, and that persons and property within the town are protected. He shall perform such other services and functions as may be necessary or proper, and shall receive such compensation as may be provided by the council. In event of the mayor's absence, or disability to act, his duties shall be performed by the president of the town council, who shall be selected by the council for that purpose.

(5) Repealed.

(6) The administration and government of the Town of Damascus shall be vested in the town council, with the mayor as the executive and tie-breaker as herein provided, all of whom shall be residents and qualified voters of the town. The council shall have full power and authority, except as herein otherwise stated, to exercise all the powers conferred upon the town, and to pass all legal laws and ordinances relating to its municipal affairs. Each member of the council may receive a salary, or per diem allowance, for his services as such member, the amount thereof to be fixed by the council. The council may create, appoint, or elect such boards, bodies, departments, or officers as may be permitted or required by this charter or the general laws of the Commonwealth of Virginia, and fix their compensation and define their duties.

(7) The council shall have one regular meeting each month, the time for such meeting being fixed by ordinance. Special meetings shall be called by the clerk of the council upon the request of the mayor or any four councilmen. The reasonable notice of such special meetings shall be given to each member of the council and the mayor. No business shall be transacted at a special meeting except that for which the special meeting is called, unless the council be all present and unanimous. A majority of said councilmen shall constitute a quorum for the legal transaction of its business.

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

CHAPTER 247

An Act to amend and reenact the fifth enactment of Chapter 767 of the Acts of Assembly of 2013, as amended by Chapters 738 and 742 of the Acts of Assembly of 2014, relating to Virginia Beach arena.

[H 138]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That the fifth enactment of Chapter 767 of the Acts of Assembly of 2013, as amended by Chapters 738 and 742 of the Acts of Assembly of 2014, is amended and reenacted as follows:

5. That if prior to January 1, 2018, (i) the City of Virginia Beach has not executed a lease with a team as defined under § 15.2-5921 as added by this act that is a member of the National Hockey League or the National Basketball Association, (ii) the City of Virginia Beach or the City of Virginia Beach Development Authority has not issued bonds for an arena as defined under § 15.2-5921 for the purpose of holding conferences and entertainment events, or (iii) the City of Virginia Beach or the City of Virginia Beach Development Authority has not entered into a contract for the construction, development, operation, or maintenance of the facility, then the provisions of this act shall expire on January 1, 2018. If prior to January 1, 2018, (a) the City of Virginia Beach has executed such a lease, (b) the City of Virginia Beach or the City of Virginia Beach Development Authority has issued bonds for an arena as defined under § 15.2-5921 for the purpose of holding conferences and entertainment events, or (c) the City of Virginia Beach or the City of Virginia Beach Development Authority has entered into a contract for the construction, development, operation, or maintenance of the facility, then the provisions of this act shall expire on the earliest of (1) the maturity date of any bonds that were first issued by the City of Virginia Beach or the City of Virginia Beach Development Authority for such arena, excluding any refunding or refinancing of such bonds first issued and excluding any bond anticipation notes issued, (2) the expiration of the City's or Authority's contractual obligations for the construction, development, operation, or maintenance of the facility, or (3) July 1, ~~2043~~ 2050.

CHAPTER 248

An Act to amend and reenact § 56-245.1:2 of the Code of Virginia, relating to electric utilities; notice of renewable power options.

[H 444]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 56-245.1:2 of the Code of Virginia is amended and reenacted as follows:

§ 56-245.1:2. Customers to be notified of renewable power options.

~~Beginning January 1, 2009, at~~ *A. The Commission shall post on its website the names, telephone numbers, and available hyperlinks of suppliers of electric energy licensed to sell retail electric energy pursuant to § 56-587, that (i) expressly state in their applications for licensure, or for any renewal thereof, that they offer electric energy supplied from renewable energy to retail customers in the Commonwealth as described in subdivision A 5 of § 56-577 and (ii) request in any such applications that they be identified on the Commission's website as making such offers. Provided, however, that by posting such information on its website, the Commission shall not be deemed to provide any guarantees or assurances concerning the bona fides of such offers or that any such offers are in conformance with the laws of the Commonwealth.*

B. At least once each calendar quarter, each investor-owned electric utility in the Commonwealth shall include in or on the customer bills a notice directing them to a ~~toll-free telephone number or Internet website that will provide information on the options to purchase electric energy provided from renewable energy sources from the utility or from any supplier of electric energy licensed to sell retail electric energy within the applicable service territory, pursuant to subdivision A 5 of~~

§ 56-577. The notice shall include instructions for purchasing electric energy from renewable sources from the utility or other licensed supplier of electric energy. The option shall be exercisable, at the customer's option, either via the company's Internet website or toll-free telephone number ~~the Commission website described in subsection A.~~ Each investor-owned electric utility shall also feature available options for purchasing electric energy from renewable sources *offered by the utility prominently on its Internet site website.*

CHAPTER 249

An Act to amend the Code of Virginia by adding a section numbered 46.2-800.3, relating to local regulation driving in flooded areas; no wake.

[S 163]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-800.3 as follows:

§ 46.2-800.3. Driving in flooded areas prohibited.

The governing body of any locality may by ordinance prohibit any person from operating a motor vehicle or watercraft on a flooded highway, street, alley, or parking lot, regardless of whether such highway, street, alley, or parking lot is publicly or privately owned in such a manner as to increase the level of floodwaters to a level that causes or could reasonably be expected to cause damage to any real or personal property.

Such ordinance shall not apply to any law-enforcement officer, firefighter, or emergency medical services personnel engaged in the performance of his duties nor to the operator of any vehicle owned or controlled by the Department of Transportation or a public utility company as defined in § 56-265.1. Any locality adopting such an ordinance shall provide for adequate notice, including signs that, at a minimum, warn operators of motor vehicles and watercraft of the prohibition and penalties.

A violation of such ordinance shall constitute a Class 4 misdemeanor.

CHAPTER 250

An Act to amend and reenact §§ 38.2-221.3, 38.2-514.1, and 38.2-1800 of the Code of Virginia and to repeal Chapter 3.1 (§§ 13.1-400.1 through 13.1-400.10) of Title 13.1 and §§ 38.2-2407 and 38.2-2408 of the Code of Virginia, relating to automobile clubs.

[S 210]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-221.3, 38.2-514.1, and 38.2-1800 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-221.3. Confidentiality of applications and investigations.

A. For purposes of this section, "business entity" means a partnership, limited partnership, limited liability company, corporation, or other legal entity that is entitled to hold property in its own name and that is not a sole proprietorship.

B. This section applies to the Commission's authority to ~~(i) license, register, or authorize business entities pursuant to this title and (ii) license automobile clubs pursuant to Chapter 3.1 (§ 13.1-400.1 et seq.) of Title 13.1.~~ This section shall not apply to any license issued under Chapter 18 (§ 38.2-1800 et seq.).

C. All applications, documents, materials, or other information produced by, obtained by, or disclosed to the Commission or any other person in the course of an investigation, or a review of an application, shall be given confidential treatment, is not subject to subpoena, and may not be made public by the Commission or any other person. The Commission may grant access to (i) a regulatory official of any state or country; (ii) the National Association of Insurance Commissioners, its affiliate, or its subsidiary; or (iii) a law-enforcement authority of any state or country, provided that those officials are required under their law to maintain its confidentiality. Any such disclosure by the Commission shall not constitute a waiver of confidentiality of such applications, documents, materials, or other information, or copies thereof. Any parties receiving such information shall agree in writing prior to receiving the information to provide to it the same confidential treatment as required by this section, unless the prior written consent of the business entity to which it pertains has been obtained.

D. Nothing in this section shall prohibit the Commission from (i) using such confidential information in furtherance of any regulatory or legal action; (ii) publishing any decisions, orders, findings, opinions, or judgments; or (iii) publishing any final report or any other report containing aggregated findings, provided that such reports, decisions, orders, findings, opinions, or judgments shall not disclose any such confidential information.

§ 38.2-514.1. Disclosure required.

A. Any agent selling, soliciting, or negotiating a contract of insurance in conjunction with any automobile club service agreement or in conjunction with any accidental death and dismemberment policy shall provide to the applicant, at the time of application, a written disclosure which shall contain:

1. The name or type of each policy or contract of insurance and automobile club service agreement for which application has been made;

2. The premium quotation associated with each policy or contract of insurance and the cost of any dues, assessments or periodic payments of money associated with each automobile club service agreement for which application has been made; and

3. A statement that the applicant has elected to purchase such policies, contracts, or automobile club service agreements.

B. The disclosure required by this section shall be signed and dated by the agent and the applicant. A copy of the signed disclosure shall be given to the applicant at the time of application. If the application is made by telephonic or electronic request, a copy of the disclosure shall be signed and dated by the agent and shall be mailed to the applicant within ten calendar days of the application.

C. The provisions of this section shall apply only to the original issuance of policies or contracts of insurance and automobile club service agreements covering personal, family, or household needs rather than business or professional needs. As used in this section, an automobile club service agreement is an agreement issued by an automobile club as defined in ~~§ 13-1-400.1~~ *subsection E*.

D. Notwithstanding subsections A, B and C, this section shall not apply to the sale of group insurance.

E. *As used in this section, "automobile club" means a legal entity that, in consideration of dues, assessments, or periodic payments of money, promises its members or subscribers to assist them in matters relating to motor travel or the operation, use, or maintenance of a motor vehicle by supplying services that may include towing service, emergency road service, indemnification service, guaranteed arrest bond certificate service, discount service, financial service, theft service, map service, or touring service.*

§ 38.2-1800. Definitions.

As used in this chapter:

"Agent," "insurance agent," "producer," or "insurance producer," when used without qualification, means an individual or business entity that sells, solicits, or negotiates contracts of insurance or annuity in the Commonwealth.

"Appointed agent," "appointed insurance agent," "appointed producer," or "appointed insurance producer," when used without qualification, means an individual or business entity licensed in the Commonwealth to sell, solicit, or negotiate contracts of insurance or annuity of the classes authorized within the scope of such license and who is appointed by a company licensed in the Commonwealth to sell, solicit, or negotiate on its behalf contracts of insurance of the classes authorized within the scope of such license and, if authorized by the company, may collect premiums on those contracts.

~~"Automobile club authority" means the authority in the Commonwealth to sell, solicit, or negotiate automobile club contracts on behalf of automobile clubs licensed under Chapter 3-1 (§ 13-1-400.1 et seq.) of Title 13-1-~~

"Business entity" means a partnership, limited partnership, limited liability company, corporation, or other legal entity other than a sole proprietorship.

"Dental plan organization authority" means the authority in the Commonwealth to sell, solicit, or negotiate dental benefit contracts on behalf of dental plan organizations licensed under Chapter 61 (§ 38.2-6100 et seq.).

"Dental services authority" means the authority in the Commonwealth to sell, solicit, or negotiate dental services plan contracts on behalf of dental services plans licensed under Chapter 45 (§ 38.2-4500 et seq.).

"Filed" means received by the Commission.

"Health agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate insurance as defined in §§ 38.2-108 and 38.2-109, and including contracts issued by insurers, health services plans, health maintenance organizations, dental services plans, optometric services plans, and dental plan organizations licensed in the Commonwealth.

"Home protection insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate home protection insurance as defined in § 38.2-129 on behalf of insurers licensed in the Commonwealth.

"Home state" means the District of Columbia and any state or territory of the United States, except Virginia, or any province of Canada, in which an insurance producer maintains such person's principal place of residence or principal place of business and is licensed by that jurisdiction to act as a resident insurance producer.

"Legal services insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate legal services insurance as defined in § 38.2-127 on behalf of insurers licensed in the Commonwealth.

"License" means a document issued by the Commission authorizing an individual or business entity to act as an insurance producer for the lines of authority specified in the document. Except as provided in § 38.2-1833, the license itself does not create any authority, actual, apparent or inherent, in the licensee to represent, commit, or bind an insurer.

"Licensed agent," "licensed insurance agent," "licensed producer," or "licensed insurance producer," when used without qualification, means an individual or business entity licensed in the Commonwealth to sell, solicit, or negotiate contracts of insurance or annuity of the classes authorized within the scope of such license.

"Life and annuities insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate life insurance and annuity contracts as defined in §§ 38.2-102, 38.2-103, 38.2-104, 38.2-105.1, 38.2-106, and 38.2-107.1, respectively, on behalf of insurers licensed in the Commonwealth.

"Limited burial insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate burial insurance society membership where the certificates of membership are used solely to fund preneed funeral contracts on any

individual, on behalf of insurers licensed under Chapter 40 (§ 38.2-4000 et seq.); or to represent an association referred to in § 38.2-3318.1, limited to soliciting members of that association for association group life insurance certificates where the funds are used solely to fund preneed funeral contracts.

"Limited lines credit insurance agent" means an agent licensed in the Commonwealth whose authority is restricted to selling, soliciting, or negotiating, on behalf of insurers licensed in the Commonwealth, one or more of the following coverages to individuals through a master, corporate, group or individual policy: (i) credit life insurance and credit accident and sickness insurance, but only to the extent authorized in Chapter 37.1 (§ 38.2-3717 et seq.); (ii) credit involuntary unemployment insurance as defined in § 38.2-122.1; (iii) credit property insurance, as defined in § 38.2-122.2; (iv) mortgage accident and sickness insurance; (v) mortgage redemption insurance; (vi) mortgage guaranty insurance; and (vii) any other form of insurance offered in connection with an extension of credit that is limited to partially or wholly extinguishing that credit obligation and that the Commission specifically determines may be sold, solicited, or negotiated by those holding a limited lines credit insurance agent license. Each insurer that sells, solicits or negotiates any of the coverages set forth in this definition shall provide to each individual whose duties will include selling, soliciting or negotiating such coverages a program of instruction that may, at the discretion of the Commission, be submitted for approval by the Commission or reviewed by the Commission subsequent to its implementation.

"Limited lines life and health agent" means an individual or business entity authorized by the Commission whose license authority to sell, solicit, or negotiate is limited to the following, or any other type of authority that the Commission may deem it necessary to recognize for the purposes of complying with § 38.2-1836: dental services authority; limited burial insurance authority; mutual assessment life and health insurance authority; optometric services authority; and dental plan organization authority. Limited lines life and health insurance shall not include life insurance, health insurance, property insurance, casualty insurance, and title insurance.

"Limited lines property and casualty agent" means an individual or business entity authorized by the Commission whose license authority to sell, solicit, or negotiate is limited to the following, or any other type of authority that the Commission may deem it necessary to recognize for the purposes of complying with § 38.2-1836: ~~automobile club authority~~; home protection insurance authority; legal services insurance authority; mutual assessment property and casualty insurance authority; ocean marine insurance authority; pet accident, sickness and hospitalization insurance authority; portable electronics insurance authority; self storage insurance authority; and travel insurance. Unless otherwise defined, "limited lines property and casualty insurance" shall not include life insurance, health insurance, property insurance, casualty insurance, and title insurance.

"Mortgage accident and sickness insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage accident and sickness insurance on behalf of insurers licensed in the Commonwealth.

"Mortgage guaranty insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage guaranty insurance on behalf of insurers licensed in the Commonwealth.

"Mortgage redemption insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mortgage redemption insurance on behalf of insurers licensed in the Commonwealth. As used in this chapter, "mortgage redemption insurance" means a nonrenewable, nonconvertible, decreasing term life insurance policy written in connection with a mortgage transaction for a period of time coinciding with the term of the mortgage. The initial sum shall not exceed the amount of the indebtedness outstanding at the time the insurance becomes effective, rounded up to the next \$1,000.

"Motor vehicle rental contract enroller" means an unlicensed hourly or salaried employee of a motor vehicle rental company that is in the business of providing primarily private motor vehicles to the public under a rental agreement for a period of less than six months, and receives no direct or indirect commission from the insurer, the renter or the vehicle rental company.

"Motor vehicle rental contract insurance agent" means a person who (i) is a selling agent of a motor vehicle rental company that is in the business of providing primarily private passenger motor vehicles to the public under a rental agreement for a period of less than six months and (ii) whose license in the Commonwealth is restricted to selling, soliciting, or negotiating only the following insurance coverages, and solely in connection with and incidental to the rental contract:

1. Personal accident insurance that provides benefits in the event of accidental death or injury occurring during the rental period;
2. Liability coverage sold to the renter in excess of the rental company's obligations under § 38.2-2204, 38.2-2205, or Title 46.2, as applicable;
3. Personal effects insurance that provides coverages for the loss of or damage to the personal effects of the renter and other vehicle occupants while such personal effects are in or upon the rental vehicle during the rental period;
4. Roadside assistance and emergency sickness protection programs; and
5. Other travel-related or vehicle-related insurance coverage that a motor vehicle rental company offers in connection with and incidental to the rental of vehicles.

The term "motor vehicle rental contract insurance agent" does not include motor vehicle rental contract enrollers.

"Mutual assessment life and health insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mutual assessment life and accident and sickness insurance on behalf of insurers licensed under Chapter 39 (§ 38.2-3900 et seq.), but only to the extent permitted under § 38.2-3919.

"Mutual assessment property and casualty insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate mutual assessment property and casualty insurance on behalf of insurers licensed under Chapter 25 (§ 38.2-2500 et seq.), but only to the extent permitted under § 38.2-2525.

"NAIC" means the National Association of Insurance Commissioners.

"Negotiate" means the act of conferring directly with or offering advice directly to a purchaser or prospective purchaser of a particular contract of insurance concerning any of the substantive benefits, terms or conditions of the contract, provided that the person engaged in that act either sells insurance or obtains insurance from insurers for purchasers.

"Ocean marine insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate those classes of insurance classified in § 38.2-126, except those classes specifically classified as inland marine insurance, on behalf of insurers licensed in the Commonwealth.

"Optometric services authority" means the authority in the Commonwealth to sell, solicit, or negotiate optometric services plan contracts on behalf of optometric services plans licensed under Chapter 45 (§ 38.2-4500 et seq.).

"Personal lines agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate insurance as defined in §§ 38.2-110 through 38.2-114, 38.2-116, 38.2-117, 38.2-118, 38.2-124, 38.2-125, 38.2-126, 38.2-129, 38.2-130, and 38.2-131 for transactions involving insurance primarily for personal, family, or household needs rather than for business or professional needs.

"Pet accident, sickness and hospitalization insurance authority" means the authority in the Commonwealth to sell, solicit, or negotiate pet accident, sickness and hospitalization insurance on behalf of insurers licensed in the Commonwealth.

"Property and casualty insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate both personal and commercial lines of insurance as defined in §§ 38.2-110 through 38.2-122.2, and §§ 38.2-124 through 38.2-134 on behalf of insurers licensed in the Commonwealth.

"Resident" means (i) an individual residing in Virginia; (ii) an individual residing outside of Virginia whose principal place of business is in Virginia, who is able to demonstrate to the satisfaction of the Commission that the laws of his home state prevent him from obtaining a resident agent license in that state, and who affirmatively chooses to qualify as and be treated as a resident of Virginia for purposes of licensing and continuing education, both in Virginia and in the state in which the individual resides, if applicable; (iii) a partnership duly formed and recorded in Virginia; (iv) a corporation incorporated and existing under the laws of Virginia; (v) a limited liability company organized and existing under the laws of Virginia; or (vi) a foreign business entity that is not licensed as a resident agent in any other jurisdiction, and that demonstrates to the satisfaction of the Commission that its principal place of business is within the Commonwealth of Virginia.

"Restricted nonresident health agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a health agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident life and annuities agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a life and annuities agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident personal lines agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a personal lines agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Restricted nonresident property and casualty agent" means a nonresident agent whose license authority in his home state does not include all of the authority granted under a property and casualty agent license in Virginia. The license issued to such agent shall authorize the agent to sell, solicit, or negotiate in Virginia, on behalf of insurers licensed in Virginia, only those kinds or classes of insurance for which the agent is authorized in his home state.

"Sell" means to exchange a contract of insurance by any means, for money or its equivalent, on behalf of an insurer.

"Settlement agent" means a person licensed as a title insurance agent and registered with the Virginia State Bar pursuant to Chapter 27.3 (§ 55-525.16 et seq.) of Title 55.

"Solicit" means attempting to sell insurance or asking or urging a person to apply for a particular class of insurance from one or more insurers.

"Surety bail bondsman" means a person licensed as a surety bail bondsman pursuant to Article 11 (§ 9.1-185 et seq.) of Chapter 1 of Title 9.1.

"Surplus lines broker" means a person licensed pursuant to Article 5.1 (§ 38.2-1857.1 et seq.) of this chapter, and who is thereby authorized to engage in the activities set forth in Chapter 48 (§ 38.2-4800 et seq.).

"Terminate" means the cancellation of the relationship between an insurance producer and the insurer, or the termination of an insurance producer's authority to transact insurance.

"Title insurance agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate title insurance, and performing all of the services set forth in § 38.2-4601.1, on behalf of title insurance companies licensed under Chapter 46 (§ 38.2-4600 et seq.).

"Uniform Application" means the current version of the NAIC Uniform Application for resident and nonresident producer licensing.

"Uniform Business Entity Application" means the current version of the NAIC Uniform Business Entity Application for resident and nonresident business entities.

"Variable contract agent" means an agent licensed in the Commonwealth to sell, solicit, or negotiate variable life insurance and variable annuity contracts on behalf of insurers licensed in the Commonwealth.

"Viatical settlement broker" means a person licensed pursuant to Chapter 60 (§ 38.2-6000 et seq.), in accordance with Article 6.1 (§ 38.2-1865.1 et seq.) of this chapter, and who is thereby authorized to engage in the activities set forth in Chapter 60 (§ 38.2-6000 et seq.).

2. That Chapter 3.1 (§§ 13.1-400.1 through 13.1-400.10) of Title 13.1 and §§ 38.2-2407 and 38.2-2408 of the Code of Virginia are repealed.

CHAPTER 251

An Act to amend and reenact § 54.1-2970.1 of the Code of Virginia, relating to authority to consent to physical evidence recovery kit examination; minors.

[S 248]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2970.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-2970.1. Individual incapable of making informed decision; procedure for physical evidence recovery kit examination; consent by minors.

A. A licensed physician, physician assistant, nurse practitioner, or registered nurse may perform a physical evidence recovery kit examination for a person who is believed to be the victim of a sexual assault and who is incapable of making an informed decision regarding consent to such examination when:

1. There is a need to conduct the examination before the victim is likely to be able to make an informed decision in order to preserve physical evidence of the alleged sexual assault from degradation;

2. No legally authorized representative or other person authorized to consent to medical treatment on the individual's behalf is reasonably available to provide consent within the time necessary to preserve physical evidence of the alleged sexual assault; and

3. A capacity reviewer, as defined in § 54.1-2982, provides written certification that, based upon a personal examination of the individual, the individual is incapable of making an informed decision regarding the physical evidence recovery kit examination and that, given the totality of the circumstances, the examination should be performed. The capacity reviewer who provides such written certification shall not be otherwise currently involved in the treatment of the person assessed, unless an independent capacity reviewer is not reasonably available.

A1. For purposes of this section, if a parent or guardian of a minor refuses to consent to a physical evidence recovery kit examination of the minor, the minor may consent.

B. Any physical evidence recovery kit examination performed pursuant to this section shall be performed in accordance with the requirements of §§ 19.2-11.2 and 19.2-165.1 and shall protect the alleged victim's identity.

C. A licensed physician, physician assistant, nurse practitioner, or registered nurse who exercises due care under the provisions of this act shall not be liable for any act or omission related to performance of an examination in accordance with this section.

CHAPTER 252

An Act to require the Department of Professional and Occupational Regulation to provide certain notices in English and Spanish regarding the handling of asbestos.

[S 305]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Professional and Occupational Regulation shall include with every asbestos worker's license a notice, in English and Spanish, containing a summary of the basic worker safety procedures regarding the handling of asbestos and information on how to file a complaint with the Virginia Board for Asbestos, Lead, and Home Inspectors.

CHAPTER 253

An Act to amend and reenact § 19.2-8 of the Code of Virginia, relating to limitation of prosecutions; certain sexual crimes.

[S 354]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-8 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-8. Limitation of prosecutions.

A prosecution for a misdemeanor, or any pecuniary fine, forfeiture, penalty or amercement, shall be commenced within one year next after there was cause therefor, except that a prosecution for petit larceny may be commenced within five years, and for an attempt to produce abortion, within two years after commission of the offense.

A prosecution for any misdemeanor violation of § 54.1-3904 shall be commenced within two years of the discovery of the offense.

A prosecution for violation of laws governing the placement of children for adoption without a license pursuant to § 63.2-1701 shall be commenced within one year from the date of the filing of the petition for adoption.

A prosecution for making a false statement or representation of a material fact knowing it to be false or knowingly failing to disclose a material fact, to obtain or increase any benefit or other payment under the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.) shall be commenced within three years next after the commission of the offense.

A prosecution for any violation of § 10.1-1320, 62.1-44.32 (b), 62.1-194.1, or Article 11 (§ 62.1-44.34:14 et seq.) of Chapter 3.1 of Title 62.1 that involves the discharge, dumping or emission of any toxic substance as defined in § 32.1-239 shall be commenced within three years next after the commission of the offense.

Prosecution of Building Code violations under § 36-106 shall commence within one year of discovery of the offense by the building official, provided that such discovery occurs within two years of the date of initial occupancy or use after construction of the building or structure, or the issuance of a certificate of use and occupancy for the building or structure, whichever is later. However, prosecutions under § 36-106 relating to the maintenance of existing buildings or structures as contained in the Uniform Statewide Building Code shall commence within one year of the issuance of a notice of violation for the offense by the building official.

Prosecution of any misdemeanor violation of § 54.1-111 shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of any misdemeanor violation of any professional licensure requirement imposed by a locality shall commence within one year of the discovery of the offense by the complainant, but in no case later than five years from occurrence of the offense.

Prosecution of nonfelonious offenses which constitute malfeasance in office shall commence within two years next after the commission of the offense.

Prosecution of any violation of § 55-79.87, 55-79.88, 55-79.89, 55-79.90, 55-79.93, 55-79.94, 55-79.95, 55-79.103, or any rule adopted under or order issued pursuant to § 55-79.98, shall commence within three years next after the commission of the offense.

Prosecution of illegal sales or purchases of wild birds, wild animals and freshwater fish under § 29.1-553 shall commence within three years after commission of the offense.

Prosecution of violations under Title 58.1 for offenses involving false or fraudulent statements, documents or returns, or for the offense of willfully attempting in any manner to evade or defeat any tax or the payment thereof, or for the offense of willfully failing to pay any tax, or willfully failing to make any return at the time or times required by law or regulations shall commence within three years next after the commission of the offense, unless a longer period is otherwise prescribed.

Prosecution of violations of subsection A or B of § 3.2-6570 shall commence within five years of the commission of the offense, except violations regarding agricultural animals shall commence within one year of the commission of the offense.

A prosecution for a violation of § 18.2-386.1 shall be commenced within five years of the commission of the offense.

A prosecution for any violation of the Campaign Finance Disclosure Act, Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2, shall commence within one year of the discovery of the offense but in no case more than three years after the date of the commission of the offense.

A prosecution of a crime that is punishable as a misdemeanor pursuant to the Virginia Computer Crimes Act (§ 18.2-152.1 et seq.) or pursuant to § 18.2-186.3 for identity theft shall be commenced before the earlier of (i) five years after the commission of the last act in the course of conduct constituting a violation of the article or (ii) one year after the existence of the illegal act and the identity of the offender are discovered by the Commonwealth, by the owner, or by anyone else who is damaged by such violation.

A prosecution of a misdemeanor under § 18.2-64.2, 18.2-67.4, 18.2-67.4:1, 18.2-67.4:2, 18.2-67.5, or 18.2-370.6 where the victim is a minor at the time of the offense shall be commenced no later than one year after the victim reaches majority.

A prosecution for a violation of § 18.2-260.1 shall be commenced within three years of the commission of the offense.

Nothing in this section shall be construed to apply to any person fleeing from justice or concealing himself within or without the Commonwealth to avoid arrest or be construed to limit the time within which any prosecution may be commenced for desertion of a spouse or child or for neglect or refusal or failure to provide for the support and maintenance of a spouse or child.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 254

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 15.2 a section numbered 15.2-110, relating to local permitting or licensure; requiring consent of homeowners' association prohibited.

[S 389]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 15.2 a section numbered 15.2-110 as follows:

§ 15.2-110. Authority to require approval by common interest community association.

No locality shall require, prior to the issuance of any permit, certificate, or license, including a building permit or a license for a business, profession, or child care facility, that the governing board of an association subject to the Condominium Act (§ 55-79.39 et seq.), the Property Owners' Association Act (§ 55-508 et seq.), or the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) consent to the activity for which the permit, certificate, or license is sought. The provisions of this section shall not be applied to limit or otherwise impinge upon the provisions of a condominium instrument as defined in § 55-79.41, the declaration of a common interest community as defined in § 55-528, or the declaration of a real estate cooperative as defined in § 55-426.

CHAPTER 255

An Act to direct the State Corporation Commission to evaluate the establishment of protocols for energy efficiency programs implemented by investor-owned electric utilities; report.

[S 395]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. That the State Corporation Commission (the Commission) shall evaluate the establishment of uniform protocols for measuring, verifying, validating, and reporting the impacts of energy efficiency measures implemented by investor-owned electric utilities providing retail electric utility service in the Commonwealth and the establishment of a methodology for estimating annual kilowatt savings and a formula to calculate the levelized cost of saved energy for such energy efficiency measures. The Commission shall promptly commence such evaluation following the effective date of this act and shall receive input from interested parties and the Department of Mines, Minerals and Energy. The Commission shall submit to the Governor and the General Assembly a report of its findings and recommendations by December 1, 2016.

CHAPTER 256

An Act to amend and reenact § 9.1-102 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 9.1-102.1, relating to the Department of Criminal Justice Services; private security registrants; photo identification.

[S 424]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-102.1 as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the

Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;
24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;
25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;
26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;
27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;
28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;
29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;
30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;
31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;
32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;
33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;
34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;
35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;
36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;
37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;
38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;
39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;
40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

52. (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Virginia Alcoholic Beverage Control Authority;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

57. Establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol;

58. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee; ~~and~~

59. *In accordance with § 9.1-102.1, design and approve the issuance of photo-identification cards to private security services registrants registered pursuant to Article 4 (§ 9.1-138 et seq.); and*

60. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-102.1. Photo-identification cards.

A. *The Department shall issue a photo-identification card to a private security registrant at the time of the approval of such individual's initial registration and upon renewal. Upon submission of a written statement by an individual to the Department that the individual's photo-identification card is lost, stolen, or destroyed, the Department shall reissue a photo-identification card to the individual.*

B. *A photo-identification card shall contain the name of the individual, the individual's registration number, the individual's registration category, and a photograph of the individual; the date of issuance; the date of expiration; the name of the issuer, "Department of Criminal Justice Services, Commonwealth of Virginia"; and any other information approved by the Department pursuant to subdivision 59 of § 9.1-102.*

C. *For each photo-identification card issued or reissued to an individual pursuant to this section, the Department shall charge the individual a fee in an amount equal to the fee charged by the Department of Motor Vehicles for the issuance of a special identification card set forth in §§ 46.2-333.1 and 46.2-345. In addition to such fee, the Department shall charge the individual a \$4 processing fee for any photo-identification card issued or reissued on or after July 1, 2017, but before July 1, 2018.*

D. *The Department may enter into an agreement with the Department of Motor Vehicles to create, design, and produce photo-identification cards issued by the Department pursuant to this section and shall submit the information necessary to create and produce photo-identification cards in electronic form to the Department of Motor Vehicles in a format prescribed by the Commissioner of the Department of Motor Vehicles. For each photo-identification card produced by the Department of Motor Vehicles, the Department of Motor Vehicles shall charge the Department an amount equal to the fee charged by the Department of Motor Vehicles for the issuance of a special identification card set forth in §§ 46.2-333.1 and 46.2-345. In addition to such fee, the Department of Motor Vehicles shall charge the Department a \$4 processing fee for any photo-identification card issued or reissued on or after July 1, 2017, but before July 1, 2018. All fees paid to the Department of Motor Vehicles by the Department for each photo-identification card issued pursuant to this subsection shall be paid into the state treasury and set aside as a special fund to meet the expenses of the Department of Motor Vehicles in issuing such cards.*

2. That the provisions of this act shall become effective on July 1, 2017.

CHAPTER 257

An Act to amend and reenact §§ 18.2-287.01, 18.2-287.4, 18.2-308, as it is currently effective and as it shall become effective, 18.2-308.1, and 22.1-277.07 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6.1 of Chapter 7 of Title 18.2 a section numbered 18.2-308.016, relating to retired law-enforcement officers; concealed handguns.

[S 479]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-287.01, 18.2-287.4, 18.2-308, as it is currently effective and as it shall become effective, 18.2-308.1, and 22.1-277.07 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 6.1 of Chapter 7 of Title 18.2 a section numbered 18.2-308.016 as follows:

§ 18.2-287.01. Carrying weapon in air carrier airport terminal.

It shall be unlawful for any person to possess or transport into any air carrier airport terminal in the Commonwealth any (i) gun or other weapon designed or intended to propel a missile or projectile of any kind, (ii) frame, receiver, muffler, silencer, missile, projectile or ammunition designed for use with a dangerous weapon, and (iii) any other dangerous weapon, including explosives, stun weapons as defined in § 18.2-308.1, and those weapons specified in subsection A of § 18.2-308. Any such weapon shall be subject to seizure by a law-enforcement officer. A violation of this section is punishable as a

Class 1 misdemeanor. Any weapon possessed or transported in violation of this section shall be forfeited to the Commonwealth and disposed of as provided in § 19.2-386.28.

The provisions of this section shall not apply to any police officer, sheriff, law-enforcement agent or official, ~~or~~ conservation police officer, ~~or~~ conservator of the peace employed by the air carrier airport, *or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016*, nor shall the provisions of this section apply to any passenger of an airline who, to the extent otherwise permitted by law, transports a lawful firearm, weapon, or ammunition into or out of an air carrier airport terminal for the sole purposes, respectively, of (i) presenting such firearm, weapon, or ammunition to U.S. Customs agents in advance of an international flight, in order to comply with federal law, (ii) checking such firearm, weapon, or ammunition with his luggage, or (iii) retrieving such firearm, weapon, or ammunition from the baggage claim area.

Any other statute, rule, regulation, or ordinance specifically addressing the possession or transportation of weapons in any airport in the Commonwealth shall be invalid, and this section shall control.

§ 18.2-287.4. Carrying loaded firearms in public areas prohibited; penalty.

It shall be unlawful for any person to carry a loaded (a) semi-automatic center-fire rifle or pistol that expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine that will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock or (b) shotgun with a magazine that will hold more than seven rounds of the longest ammunition for which it is chambered on or about his person on any public street, road, alley, sidewalk, public right-of-way, or in any public park or any other place of whatever nature that is open to the public in the Cities of Alexandria, Chesapeake, Fairfax, Falls Church, Newport News, Norfolk, Richmond, or Virginia Beach or in the Counties of Arlington, Fairfax, Henrico, Loudoun, or Prince William.

The provisions of this section shall not apply to law-enforcement officers, licensed security guards, military personnel in the performance of their lawful duties, or any person having a valid concealed handgun permit or to any person actually engaged in lawful hunting or lawful recreational shooting activities at an established shooting range or shooting contest. Any person violating the provisions of this section shall be guilty of a Class 1 misdemeanor.

The exemptions set forth in §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section.

§ 18.2-308. (Effective until July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, Bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, *or retired law-enforcement officer pursuant to § 18.2-308.016*, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. ~~Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources~~

Commission; any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department; any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; and any retired investigator of the security division of the Virginia Lottery; other than an officer or agent terminated for cause; (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency; board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51-1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. 8. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. 9. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;
2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9 7. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308. (Effective July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, *or retired law-enforcement officer pursuant to § 18.2-308.016*, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. ~~Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 47 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury; provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and~~

favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. 8. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. 9. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308.016. Retired law-enforcement officers; carrying a concealed handgun.

A. Except as provided in subsection A of § 18.2-308.012, § 18.2-308 shall not apply to:

1. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such

law-enforcement agency, commission, board, or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation.

2. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency, commission, or board mentioned in subdivision 1 who has resigned in good standing from such law-enforcement agency, commission, or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

3. Any State Police officer who is a member of the organized reserve forces of any of the Armed Services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

B. For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to this section shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm.

C. A retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to this section may annually participate and meet the training and qualification standards to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the Commonwealth to carry a firearm. A copy of the certification indicating that the retired or resigned officer has met the standards of the Commonwealth to carry a firearm shall be forwarded by the chief, Commission, or Board to the Department of State Police for entry into the Virginia Criminal Information Network.

D. For all purposes, including for the purpose of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this section, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

§ 18.2-308.1. Possession of firearm, stun weapon, or other weapon on school property prohibited; penalty.

A. If any person knowingly possesses any (i) stun weapon as defined in this section; (ii) knife, except a pocket knife having a folding metal blade of less than three inches; or (iii) weapon, including a weapon of like kind, designated in subsection A of § 18.2-308, other than a firearm; upon (a) the property of any public, private or religious elementary, middle or high school, including buildings and grounds; (b) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (c) any school bus owned or operated by any such school, he shall be guilty of a Class 1 misdemeanor.

B. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material while such person is upon (i) any public, private or religious elementary, middle or high school, including buildings and grounds; (ii) that portion of any property open to the public and then exclusively used for school-sponsored functions or extracurricular activities while such functions or activities are taking place; or (iii) any school bus owned or operated by any such school, he shall be guilty of a Class 6 felony.

C. If any person knowingly possesses any firearm designed or intended to expel a projectile by action of an explosion of a combustible material within a public, private or religious elementary, middle or high school building and intends to use, or attempts to use, such firearm, or displays such weapon in a threatening manner, such person shall be guilty of a Class 6 felony and sentenced to a mandatory minimum term of imprisonment of five years to be served consecutively with any other sentence.

The exemptions set out in § §§ 18.2-308 and 18.2-308.016 shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to (i) persons who possess such weapon or weapons as a part of the school's curriculum or activities; (ii) a person possessing a knife customarily used for food preparation or service and using it for such purpose; (iii) persons who possess such weapon or weapons as a part of any program sponsored or facilitated by either the school or any organization authorized by the school to conduct its programs either on or off the school premises; (iv) any law-enforcement officer, or retired law-enforcement officer qualified pursuant to subsection C of § 18.2-308.016; (v) any person who possesses a knife or blade which he uses customarily in his trade; (vi) a person who possesses an unloaded firearm that is in a closed container, or a knife having a metal blade, in or upon a motor vehicle, or an unloaded shotgun or rifle in a firearms rack in or upon a motor vehicle; (vii) a person who has a valid concealed handgun permit and possesses a concealed handgun while in a motor vehicle in a parking lot, traffic circle, or other means of vehicular ingress or egress to the school; or (viii) an armed security officer, licensed pursuant to Article 4 (§ 9.1-138 et seq.) of Chapter 1 of Title 9.1, hired by a private or religious school for the protection of students and employees as authorized by such school. For the purposes of this paragraph, "weapon" includes a knife having a metal blade of three inches or longer and "closed container" includes a locked vehicle trunk.

As used in this section:

"Stun weapon" means any device that emits a momentary or pulsed output, which is electrical, audible, optical or electromagnetic in nature and which is designed to temporarily incapacitate a person.

§ 22.1-277.07. Expulsion of students under certain circumstances; exceptions.

A. In compliance with the federal Improving America's Schools Act of 1994 (Part F-Gun-Free Schools Act of 1994), a school board shall expel from school attendance for a period of not less than one year any student whom such school board has determined, in accordance with the procedures set forth in this article, to have possessed a firearm on school property or at a school-sponsored activity as prohibited by § 18.2-308.1 or to have possessed a firearm or destructive device as defined in subsection E, a firearm muffler or firearm silencer, or a pneumatic gun as defined in subsection E of § 15.2-915.4 on school property or at a school-sponsored activity. A school administrator, pursuant to school board policy, or a school board may, however, determine, based on the facts of a particular situation, that special circumstances exist and no disciplinary action or another disciplinary action or another term of expulsion is appropriate. A school board may promulgate guidelines for determining what constitutes special circumstances. In addition, a school board may, by regulation, authorize the division superintendent or his designee to conduct a preliminary review of such cases to determine whether a disciplinary action other than expulsion is appropriate. Such regulations shall ensure that, if a determination is made that another disciplinary action is appropriate, any such subsequent disciplinary action is to be taken in accordance with the procedures set forth in this article. Nothing in this section shall be construed to require a student's expulsion regardless of the facts of the particular situation.

B. The Board of Education is designated as the state education agency to carry out the provisions of the federal Improving America's Schools Act of 1994 and shall administer the funds to be appropriated to the Commonwealth under this act.

C. Each school board shall revise its standards of student conduct no later than three months after the date on which this act becomes effective. Local school boards requesting moneys apportioned to the Commonwealth through the federal Improving America's Schools Act of 1994 shall submit to the Department of Education an application requesting such assistance. Applications for assistance shall include:

1. Documentation that the local school board has adopted and implemented student conduct policies in compliance with this section; and

2. A description of the circumstances pertaining to expulsions imposed under this section, including (i) the schools from which students were expelled under this section, (ii) the number of students expelled from each such school in the school division during the school year, and (iii) the types of firearms involved in the expulsions.

D. No school operating a Junior Reserve Officers Training Corps (JROTC) program shall prohibit the JROTC program from conducting marksmanship training when such training is a normal element of such programs. Such programs may include training in the use of pneumatic guns. The administration of a school operating a JROTC program shall cooperate with the JROTC staff in implementing such marksmanship training.

E. As used in this section:

"Destructive device" means (i) any explosive, incendiary, or poison gas, bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or other similar device; (ii) any weapon, except a shotgun or a shotgun shell generally recognized as particularly suitable for sporting purposes, by whatever name known that will, or may be readily converted to, expel a projectile by the action of an explosive or other propellant, and that has any barrel with a bore of more than one-half inch in diameter that is homemade or was not made by a duly licensed weapon manufacturer, any fully automatic firearm, any sawed-off shotgun or sawed-off rifle as defined in § 18.2-299 or any firearm prohibited from civilian ownership by federal law; and (iii) any combination of

parts either designed or intended for use in converting any device into any destructive device described in this subsection and from which a destructive device may be readily assembled. "Destructive device" does not include any device that is not designed or redesigned for use as a weapon, or any device originally designed for use as a weapon and that is redesigned for use as a signaling, pyrotechnic, line-throwing, safety, or other similar device, nor shall it include any antique firearm as defined in subsection G of § 18.2-308.2:2.

"Firearm" means any weapon, including a starter gun, that will, or is designed or may readily be converted to, expel single or multiple projectiles by the action of an explosion of a combustible material or the frame or receiver of any such weapon. "Firearm" does not include any pneumatic gun, as defined in subsection E of § 15.2-915.4.

"One year" means 365 calendar days as required in federal regulations.

"School property" means any real property owned or leased by the school board or any vehicle owned or leased by the school board or operated by or on behalf of the school board.

F. The exemptions set out in §§ 18.2-308 and 18.2-308.016 regarding concealed weapons shall apply, mutatis mutandis, to the provisions of this section. The provisions of this section shall not apply to persons who possess such firearm or firearms or pneumatic guns as a part of the curriculum or other programs sponsored by the schools in the school division or any organization permitted by the school to use its premises or to any law-enforcement officer while engaged in his duties as such.

G. This section shall not be construed to diminish the authority of the Board of Education or the Governor concerning decisions on whether, or the extent to which, Virginia shall participate in the federal Improving America's Schools Act of 1994, or to diminish the Governor's authority to coordinate and provide policy direction on official communications between the Commonwealth and the United States government.

CHAPTER 258

An Act to amend and reenact the fifth enactment of Chapter 767 of the Acts of Assembly of 2013, as amended by Chapters 738 and 742 of the Acts of Assembly of 2014, relating to Virginia Beach arena.

[S 642]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That the fifth enactment of Chapter 767 of the Acts of Assembly of 2013, as amended by Chapters 738 and 742 of the Acts of Assembly of 2014, is amended and reenacted as follows:

5. That if prior to January 1, 2018, (i) the City of Virginia Beach has not executed a lease with a team as defined under § 15.2-5921 as added by this act that is a member of the National Hockey League or the National Basketball Association, (ii) the City of Virginia Beach or the City of Virginia Beach Development Authority has not issued bonds for an arena as defined under § 15.2-5921 for the purpose of holding conferences and entertainment events, or (iii) the City of Virginia Beach or the City of Virginia Beach Development Authority has not entered into a contract for the construction, development, operation, or maintenance of the facility, then the provisions of this act shall expire on January 1, 2018. If prior to January 1, 2018, (a) the City of Virginia Beach has executed such a lease, (b) the City of Virginia Beach or the City of Virginia Beach Development Authority has issued bonds for an arena as defined under § 15.2-5921 for the purpose of holding conferences and entertainment events, or (c) the City of Virginia Beach or the City of Virginia Beach Development Authority has entered into a contract for the construction, development, operation, or maintenance of the facility, then the provisions of this act shall expire on the earliest of (1) the maturity date of any bonds that were first issued by the City of Virginia Beach or the City of Virginia Beach Development Authority for such arena, excluding any refunding or refinancing of such bonds first issued and excluding any bond anticipation notes issued, (2) the expiration of the City's or Authority's contractual obligations for the construction, development, operation, or maintenance of the facility, or (3) July 1, ~~2043~~ 2050.

CHAPTER 259

An Act to amend and reenact § 56-245.1:2 of the Code of Virginia, relating to electric utilities; notice of renewable power options.

[S 745]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 56-245.1:2 of the Code of Virginia is amended and reenacted as follows:

§ 56-245.1:2. Customers to be notified of renewable power options.

~~Beginning January 1, 2009, at A. The Commission shall post on its website the names, telephone numbers, and available hyperlinks of suppliers of electric energy licensed to sell retail electric energy pursuant to § 56-587, that (i) expressly state in their applications for licensure, or for any renewal thereof, that they offer electric energy supplied from renewable energy to retail customers in the Commonwealth as described in subdivision A 5 of § 56-577 and (ii) request in~~

any such applications that they be identified on the Commission's website as making such offers. Provided, however, that by posting such information on its website, the Commission shall not be deemed to provide any guarantees or assurances concerning the bona fides of such offers or that any such offers are in conformance with the laws of the Commonwealth.

B. At least once each calendar quarter, each investor-owned electric utility in the Commonwealth shall include in or on the customer bills a notice directing them to a ~~toll-free telephone number or Internet website that will provide information on the options to purchase electric energy provided from renewable energy sources from the utility or from any supplier of electric energy licensed to sell retail electric energy within the applicable service territory, pursuant to subdivision A 5 of § 56-577.~~ The notice shall include instructions for purchasing electric energy from renewable sources from the utility or other licensed supplier of electric energy. The option shall be exercisable, at the customer's option, either via the company's ~~Internet website or toll-free telephone number~~ the Commission website described in subsection A. Each investor-owned electric utility shall also feature available options for purchasing electric energy from renewable sources offered by the utility prominently on its ~~Internet site website~~.

CHAPTER 260

An Act to amend and reenact § 13.1-514 of the Code of Virginia, relating to Securities Act; exemptions from registration requirements.

[H 1227]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-514 of the Code of Virginia is amended and reenacted as follows:

§ 13.1-514. Exemptions.

A. The following securities are exempted from the securities registration requirements of this chapter:

1. Any security (including a revenue obligation) issued or guaranteed by the United States, any state, any political subdivision of a state or any agency or corporate or other instrumentality of one or more of the foregoing; or any certificate of deposit for any of the foregoing;

2. Any security issued or guaranteed by Canada, any Canadian province, any political subdivision of any such province, any agency or corporate or other instrumentality of one or more of the foregoing or any other foreign government with which the United States currently maintains diplomatic relations, if the security is recognized as a valid obligation by such issuer or guarantor;

3. Any security issued by and representing an interest in or a debt of, or guaranteed by, the International Bank for Reconstruction and Development, or any national bank, or any bank or trust company organized under the laws of any state or trust subsidiary organized under the provisions of Article 3 (§ 6.2-1047 et seq.) of Chapter 10 of Title 6.2;

4. Any security issued by and representing an interest in or a debt of, or guaranteed by, any federal savings and loan association or savings bank, or by any savings and loan association or savings bank which is organized under the laws of this Commonwealth;

5. Any security issued or guaranteed by an insurance company licensed to transact insurance business in this Commonwealth;

6. Any security issued by any credit union, industrial loan association or consumer finance company which is organized under the laws of this Commonwealth and is supervised and examined by the Commission;

7. Any security issued or guaranteed by any railroad, other common carrier or public service company supervised as to its rates and the issuance of its securities by a governmental authority of the United States, any state, Canada or any Canadian province;

8. Any security which is listed or approved for listing upon notice of issuance on the New York Stock Exchange or the American Stock Exchange or any other security of the same issuer which is of senior or substantially equal rank; any security called for by subscription rights or warrants admitted to trading in any of said exchanges; or any warrant or right to subscribe to any of the foregoing securities;

9. Any commercial paper which arises out of a current transaction or the proceeds of which have been or are to be used for current transactions, and which evidences an obligation to pay cash within nine months after the date of issuance, exclusive of days of grace, or any renewal thereof which is likewise limited, or any guaranty of such paper or of any such renewal;

10. Any security issued in connection with an employee's stock purchase, savings, pension, profit-sharing or similar benefit plan. The Commission may by rule or order, as to any security issued pursuant to such plan, specify or designate persons eligible to participate in such plan;

11. Any security issued by a cooperative association organized as a corporation under the laws of this Commonwealth;

12. Any security listed on an exchange registered with the United States Securities and Exchange Commission or quoted on an automated quotation system operated by a national securities association registered with the United States Securities and Exchange Commission and approved by regulations of the State Corporation Commission;

13. Any security issued by any issuer organized under the laws of any foreign country and approved by rule or regulation of the Commission.

B. The following transactions are exempted from the securities, broker-dealer and agent registration requirements of this chapter except as expressly provided in this subsection:

1. Any isolated transaction by the owner or pledgee of a security, whether effected through a broker-dealer or not, which is not directly or indirectly for the benefit of the issuer;
2. Any nonissuer distribution by a registered broker-dealer and its registered agent of a security that has been outstanding in the hands of the public for the past five years, if the issuer in each of the past three fiscal years has lawfully paid dividends on its common stock aggregating at least four percent of its current market price;
3. Any transaction by a registered broker-dealer and its registered agent pursuant to an unsolicited order or offer to buy;
4. Any transaction in a bond or other evidence of indebtedness secured by a real or chattel mortgage or deed of trust or by an agreement for the sale of real estate or chattels, if the entire indebtedness secured thereby is offered and sold as a unit;
5. Any transaction in his official capacity by a receiver, trustee in bankruptcy or other judicially appointed officer selling securities pursuant to court order;
6. Any offer or sale to a corporation, investment company or pension or profit-sharing trust or to a broker-dealer;
7. a. Any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer if, after the sale, such issuer has not more than 35 security holders, and if its securities have not been offered to the general public by advertisement or solicitation; or
b. To the extent the Commission by rule or order permits, any sale of its securities by an issuer or any sale of securities by a registered broker-dealer and its registered agent acting on behalf of an issuer to not more than 35 persons in the Commonwealth during any period of 12 consecutive months, whether or not the issuer or any purchaser is then present in the Commonwealth, if the issuer or broker-dealer reasonably believes that all the purchasers in the Commonwealth are purchasing for investment, and if the securities have not been offered to the general public by advertisement or general solicitation. The Commission may, by rule or order, as to any security or transaction or any type of security or transaction, withdraw or further condition this exemption, increase or decrease the number of purchasers permitted, or waive the condition relating to their investment intent. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250.

With respect to this subdivision 7, and except to the extent the Commission by rule or order may otherwise permit, the number of security holders of an issuer or the number of purchasers from an issuer, as the case may be, shall not be deemed to include the security holders of any other corporation, partnership, limited liability company, unincorporated association or trust unless it was organized to raise capital for the issuer. Notwithstanding the provisions of subdivision 15, the merger or consolidation of corporations, partnerships, limited liability companies, unincorporated associations or other entities shall be a violation of this chapter if the surviving or new entity has more than 35 security holders or purchasers and all the securities of the parties thereto were issued under this exemption, unless all of the parties thereto have been engaged in transacting business for more than two years prior to the merger or consolidation;

8. Any transaction pursuant to an offer to existing security holders of the issuer including holders of transferable warrants issued to existing security holders and exercisable within 90 days of their issuance, if either (i) no commission or other remuneration (other than a standby commission) is paid or given directly or indirectly for soliciting any security holder in this Commonwealth or (ii) the issuer first notifies the Commission in writing of the terms of the offer and the Commission does not by order disallow the exemption within five full business days after the date of the receipt of the notice;

9. Any offer (but not a sale) of a security for which registration statements have been filed, but are not effective, under both this chapter and the Securities Act of 1933; but this exemption shall not apply while a stop order is in effect or, after notice to the issuer, while a proceeding or examination looking toward such an order is pending under either act;

10. The issuance of not more than three shares of common stock to one or more of the incorporators of a corporation and the initial transfer thereof;

11. Sales of an issue of bonds, aggregating \$150,000 or less, secured by a first lien deed of trust on realty situated in Virginia, to 30 persons or less who are residents of Virginia;

12. Any offer or sale of any interest in any partnership, corporation, association or other entity created solely to provide residential housing located in the Commonwealth, provided that such offer or sale is by the issuer or by a real estate broker or real estate agent duly licensed in Virginia;

13. The Commission is authorized to create by rule a limited offering exemption, the purpose of which shall be to further the objectives of compatibility with similar exemptions from federal securities regulation and uniformity among the states; providing that such rule shall not exempt broker-dealers or agents from the registration requirements of this chapter, except in the case of an agent of the issuer who either (i) receives no sales commission directly or indirectly for offering or selling the securities or (ii) effects transactions in a security exempt from registration under the Securities Act of 1933 pursuant to rules and regulations promulgated under § 4(2) thereof. Any filing made with the Commission pursuant to any exemption created under this subdivision shall be accompanied by a \$250 fee;

14. The issuance of any security dividend, whether the corporation distributing the dividend is the issuer of the security or not, if nothing of value is given by stockholders for the distribution other than the surrender of a right to a cash dividend where the stockholder can elect to take a dividend in cash or in a security;

15. Any transaction incident to a right of conversion or a statutory or judicially approved reclassification, recapitalization, reorganization, quasi-reorganization, stock split, reverse stock split, merger, consolidation, sale of assets, or exchange of securities;

16. Any offer or sale of a security issued by a Virginia church if the offer and sale are only to its members and the security is offered and sold only by its members who are Virginia residents and who do not receive remuneration or compensation directly or indirectly for offering or selling the security;

17. Any offer or sale of securities issued by a professional business entity (as defined in subsection A of § 13.1-1102) to a person licensed or otherwise legally authorized to render within this Commonwealth the same professional services (as defined in subsection A of § 13.1-1102) rendered by the professional business entity. Notwithstanding the foregoing, nothing in this subdivision shall be deemed to provide that shares of stock, partnership or membership interests or other representations of ownership in a professional business entity are securities except to the extent otherwise provided by subsection A of this section;

18. Any offer that is communicated on the Internet, World Wide Web or similar proprietary or common carrier electronic system and that is in compliance with requirements prescribed by rule or order of the Commission;

19. To the extent the Commission by rule or order permits, any offer or sale to an accredited investor, as defined by the Commission, if the issuer reasonably believes before the sale that the accredited investor, either alone or with the accredited investor's representative, has such knowledge and experience in financial and business matters as to be capable of evaluating the merits and risks of the prospective investment. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee not to exceed \$250;

20. Any transaction by a bank pursuant to an unsolicited offer or order to buy or sell any security, provided such transaction is not effected by an employee of the bank who is also an employee of a broker-dealer; ~~and~~

21. (Expires July 1, 2020) To the extent the Commission by rule or order permits, any security issued by an entity formed, organized, or existing under the laws of the Commonwealth, if:

a. The offering of the security is conducted in accordance with § 3(a)(11) of the Securities Act of 1933 and Rule 147 adopted under the Securities Act of 1933;

b. The offer and sale of the security are made only to residents of Virginia;

c. The aggregate price of securities in an offering under this exemption does not exceed \$2 million, which sum the Commission, by rule or order, may increase or decrease;

d. The total consideration paid by any purchaser of securities in an offering under this exemption does not exceed \$10,000, unless the purchaser is an accredited investor as defined by Rule 501 of the U.S. Securities and Exchange Commission's Regulation D (17 C.F.R. § 230.501). The Commission, by rule or order, may increase or decrease such limit on the total consideration to be paid by any purchaser of securities in an offering under this exemption;

e. No compensation is paid to employees, agents, or other persons for the solicitation of, or based on the sale of, securities in connection with an offering of securities under this exemption to any person who is not registered as a broker-dealer or agent, except to the extent permitted by rule or order of the Commission;

f. Neither the issuer nor any person related to the issuer is subject to disqualification as established by the Commission by rule or order; and

g. The security is sold in an offering conducted in compliance with any conditions established by rule or order of the Commission, which may include:

(1) Restrictions on the nature of the issuer;

(2) Limitations on the number and manner of offerings;

(3) Disclosures required to be provided to investors, including disclosures of risk factors related to the issuer and the offering;

(4) Requirements that all proceeds received from purchasers be placed in escrow in a depository institution located in the Commonwealth until the minimum amount of the offering is raised;

(5) Filings with the Commission of notices and other materials related to the offering; and

(6) Requirements regarding the preparation and submission of the issuer's financial statements, including (i) the form and content of such statements and (ii) whether such statements are required to be audited or reviewed by an independent certified public accountant in accordance with generally accepted accounting principles.

The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable fee in an amount to be set by the Commission by rule or order, provided such amount shall not exceed \$500; *and*

22. *Any offer or sale of securities conducted in accordance with Tier 2 of federal Regulation A (17 CFR 230.251 to 230.263) promulgated under § 3(b)(2) of the Securities Act of 1933 (U.S. Securities and Exchange Commission Release No. 33-9741, 80 Fed. Reg. 21806) to the extent such securities are preempted from the registration requirements of this chapter pursuant to Tier 2 of federal Regulation A. The Commission shall by rule or order prescribe any filings with the Commission of notices, renewals, and other materials. The Commission may assess and collect in connection with any filing pursuant to this exemption a nonrefundable filing fee not to exceed \$500. The Commission shall provide information on its website regarding the differences between the exemption provided pursuant to this subdivision and the exemption provided pursuant to subdivision 21.*

C. In any proceeding under this chapter, the burden of proving an exemption shall be upon the person claiming it.

CHAPTER 261

An Act to amend the Code of Virginia by adding in Title 56 a chapter numbered 21.1, consisting of sections numbered 56-555.1 and 56-555.2, relating to the authority of the State Corporation Commission to undertake safety activities concerning interstate gas pipeline facilities.

[H 1261]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 56 a chapter numbered 21.1, consisting of sections numbered 56-555.1 and 56-555.2, as follows:

CHAPTER 21.1.

INTERSTATE NATURAL GAS PIPELINE SAFETY.

§ 56-555.1. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administration" means the U.S. Department of Transportation's Pipeline and Hazardous Materials Administration.

"Federal Act" means the federal Natural Gas Pipeline Safety Act of 1968, P.L. 90-481, as amended, including natural gas pipeline safety regulations set forth in 49 CFR Parts 191, 192, 193, and 199 and federal rules adopted pursuant thereto.

"Gas" means natural gas, flammable gas, or toxic or corrosive gas.

"Gas pipeline facility" includes a pipeline, a right of way, a facility, a building, or equipment used in transporting gas or treating gas during its transportation.

"Interstate gas pipeline facility" means a gas pipeline facility that is used to transport gas and is subject to jurisdiction of the Secretary under the federal Natural Gas Act, 15 U.S.C. § 717 et seq.

"Secretary" means the U.S. Secretary of Transportation.

§ 56-555.2. Commission authority to conduct safety activities regarding interstate gas pipeline facilities.

A. The Commission shall seek designation by the Secretary as an interstate agent for the purposes of acquiring authority to participate in the implementation of the interstate pipeline safety program conducted pursuant to the Federal Act. The Commission is authorized to enter into an interstate agent agreement with the Secretary that establishes the powers and duties of the Commission with regard to ensuring compliance with the Federal Act by interstate gas pipeline facilities located within the Commonwealth.

B. Upon obtaining designation by the Secretary pursuant to subsection A, the Commission shall act as agent for the Secretary to implement the Federal Act with respect to interstate gas pipeline facilities located within the Commonwealth in accordance with the terms of such interstate agent agreement.

C. To the extent authorized by the Federal Act and any interstate agent agreement, the Commission shall establish and conduct an inspection program for interstate gas pipeline facilities that is consistent with the inspection program for intrastate gas pipeline facilities established pursuant to § 56-257.2. With respect to any delegated inspection authority, the Commission's obligations shall include:

1. Inspecting interstate gas pipeline facilities periodically as specified in the inspection program, provided that the number of planned inspections conducted on each interstate gas pipeline facility operator shall be reasonable under the circumstances and prioritized by risk to the public or to the environment;

2. Collecting inspection fees, to be used by the Commission for administering the regulatory program authorized by this chapter. Such fees shall be computed on the basis of the number of inspection man-days devoted to each pipeline operator to determine the operator's compliance with any provision of, or order or agreement issued under, the Federal Act and shall not exceed the costs of inspection and investigation under this chapter. The costs shall not include expenses reimbursed by the federal government;

3. Ordering and overseeing the testing of interstate gas pipeline facilities as authorized by the Federal Act; and

4. Filing reports with the Administration as required to maintain the delegated inspection authority.

D. The authority granted to the Commission under this chapter to conduct inspections of interstate gas pipeline facilities and their operators in the Commonwealth shall not extend to any official, employee, or agent of any political subdivision in the Commonwealth. No political subdivision shall have the authority to seek reimbursement for the cost of monitoring the inspections conducted by the Commission under this chapter. Nothing in this subsection shall be deemed to impair or limit the police powers of such political subdivisions otherwise provided by law.

E. The authority of the Commission to act as an agent for the Secretary with respect to interstate gas pipeline facilities shall become effective the first day of July next after the date the Commission receives a formal delegation of authority from the Secretary.

CHAPTER 262

An Act to amend and reenact § 19.2-215.9 of the Code of Virginia, relating to multi-jurisdiction grand juries; access to record of testimony and evidence.

[H 1294]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-215.9 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-215.9. Court reporter provided; safekeeping of transcripts, notes, etc.; when disclosure permitted; access to record of testimony and evidence.**

A. A court reporter shall be provided for a multi-jurisdiction grand jury to record, manually or electronically, and transcribe all oral testimony taken before a multi-jurisdiction grand jury, but such a reporter shall not be present during any stage of its deliberations. Such transcription shall include the original or copies of all documents, reports, or other evidence presented to the multi-jurisdiction grand jury. The notes, tapes, and transcriptions of the reporter are for the use of the multi-jurisdiction grand jury, and the contents thereof shall not be used or divulged by anyone except as provided in this article. After the multi-jurisdiction grand jury has completed its use of the notes, tapes, and transcriptions, the foreman shall cause them to be delivered to the clerk of the circuit court in whose jurisdiction the multi-jurisdiction grand jury sits, with copies provided to special counsel. Upon motion of special counsel, the presiding judge may order that such notes, tapes, and transcriptions be destroyed at the direction of special counsel by any means the presiding judge deems sufficient, provided that at least seven years have passed from the date of the multi-jurisdiction grand jury proceeding where such notes, tapes, and transcriptions were made.

B. The clerk shall cause the notes, tapes, and transcriptions or other evidence to be kept safely. Upon motion to the presiding judge, special counsel *or the attorney for the Commonwealth or United States attorney of any jurisdiction where the offense could be prosecuted or investigated* shall be permitted to review any of the evidence which was presented to the multi-jurisdiction grand jury; and shall be permitted to make notes and to duplicate portions of the evidence as he deems necessary for use in a criminal investigation or proceeding. Special counsel, *the attorney for the Commonwealth, or the United States attorney* shall maintain the secrecy of all information obtained from a review or duplication of the evidence presented to the multi-jurisdiction grand jury, except that this information may be disclosed pursuant to the provisions of subdivision 2 of § 19.2-215.1. *A United States attorney satisfies his duty to maintain secrecy of information obtained from a review or duplication of evidence presented to the multi-jurisdiction grand jury if such information is maintained in accordance with the Federal Rules of Criminal Procedure.* Upon motion to the presiding judge by a person indicted by a multi-jurisdiction grand jury *or by a person being prosecuted with evidence presented to a multi-jurisdiction grand jury*, similar permission to review, note, or duplicate evidence shall be extended ~~if it appears that the permission is consistent with the ends of justice and is necessary to reasonably inform such person of the nature of the evidence to be presented against him, or to adequately prepare his defense.~~

C. If any witness who testified or produced evidence before the multi-jurisdiction grand jury is prosecuted on the basis of his testimony or the evidence he produced, or if any witness is prosecuted for perjury on the basis of his testimony or the evidence he produced before the multi-jurisdiction grand jury, the presiding judge, on motion of either special counsel or the defendant, shall permit the defendant access to the testimony of or evidence produced by the defendant before the multi-jurisdiction grand jury. The testimony and the evidence produced by the defendant before the multi-jurisdiction grand jury shall then be admissible in the trial of the criminal offense with which the defendant is charged (i) to establish a charge of perjury in the Commonwealth's case-in-chief on the basis of his testimony before the multi-jurisdiction grand jury and (ii) for the purpose of impeaching the defendant in the trial of any other criminal matter, provided the testimony or evidence being used for impeachment was produced by the defendant voluntarily before the multi-jurisdiction grand jury.

CHAPTER 263

An Act to amend and reenact §§ 51.1-142.2, as it shall become effective, and 51.1-169 of the Code of Virginia, relating to the Virginia Retirement System; technical corrections.

[S 51]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 51.1-142.2, as it shall become effective, and 51.1-169 of the Code of Virginia are amended and reenacted as follows:****§ 51.1-142.2. (Effective January 1, 2017) Prior service or membership credit for certain members; service credit for accumulated sick leave.**

Certain members may purchase credit for service as provided in this section.

A. 1. Any member in service may purchase service credit from the following categories of service or leave: (i) leave of absence for educational purposes that was previously approved by the member's employer; (ii) leave of absence for a

serious health condition of the member or of an immediate family member, all as defined in the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., as amended, and previously certified by the member's employer; (iii) up to one year of service credit per occurrence of leave for any unpaid leave of absence due to the birth, adoption, or death of a ~~qualified~~ *qualifying* child, as defined in § 51.1-500; (iv) service as a full-time employee of another state, a public school system of another state, or a political subdivision of the Commonwealth or another state, as certified by such state, public school system, or political subdivision; (v) full-time service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; (vi) civilian service of the United States; (vii) full-time service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or (viii) any period of time when the member was employed part time or in a wage position by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3. However, no member in service shall be allowed to purchase more than a total of four years of service credit pursuant to this subdivision.

2. In addition to the service credit that may be purchased under subdivision 1, any member in service may purchase up to four years of service credit for prior active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable.

3. The service credit to be credited to a member under this subsection shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for employment service purchased under clause (viii) of subdivision 1, which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered at the time of such purchase, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, the service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended, no service credit may be purchased under this section if it is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service.

For purposes of this ~~section~~ *subsection*, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, or reserve components thereof.

B. Any member in service may purchase all prior service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the withdrawn amount to be purchased plus interest accrued daily and compounded annually from the date of withdrawal to the date of payment at the assumed rate of return established by the Board for the actuarial valuation of the retirement system that is in effect at the time of the purchase. The Board shall develop guidelines and procedures for administering this subsection.

C. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

D. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service that is not reported to the retirement system by the member's employer while the member is receiving such benefits.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, any service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

E. Payment may be made in a lump sum at the time of purchase or by payroll deduction. Any number of additional deductions may be permitted at any time. Should any deduction be terminated before the member purchases the entire period contracted for, the member shall be credited with the number of full or partial months of service for which full payment has been made. If any deduction is continued after the entire period has been purchased, the member shall be credited with no more than the amount of service for which he was eligible and for which he paid, and the excess amount deducted shall be refunded to the member.

F. Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purchase of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered salary for purposes of this chapter.

G. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service credit shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and at the cost prescribed by the Board; and

2. All other years of service credit shall be purchased by the employer at an actuarial equivalent cost.

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

§ 51.1-169. Hybrid retirement program.

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or is employed as a firefighter, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired or rehired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed to have elected not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

B. Except as otherwise provided in subsection G:

1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation, which shall be made to the appropriate cash match plan established for the employee under § 51.1-608. In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

- a. Upon completion of two years of active participation, 50 percent.
- b. Upon completion of three years of active participation, 75 percent.
- c. Upon completion of four years of active participation, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee ~~terminates employment with an employer~~ ceases to be a member prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

C. Except as otherwise provided in subsection G:

1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation, which shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

5. Disclosure of all services, fees, restrictions, and surrender penalties associated with employee voluntary contributions under subdivision C 2 shall be provided by the Board on an annual basis to an employee who does not make the election provided in subdivision G 1.

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program, provided, however, that judges who are participating in the hybrid retirement program may retire for disability under §§ 51.1-307 and 51.1-308.

3. Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.), 2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement program, except as provided in subsection G. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

G. 1. Any political subdivision of the Commonwealth that has established a plan pursuant to § 403(b) of the Internal Revenue Code of 1986, as amended (a "403(b) plan"), may, at its option, elect to allow its employees the option to direct that voluntary contributions to the defined contribution component of the program under subdivision C 2 be made to such 403(b) plan and the corresponding employer matching contributions under subdivision B 2 be made to such 403(b) plan or the appropriate local cash match plan established under § 51.1-610. All such voluntary contributions by an employee to such 403(b) plan shall be made on a pretax basis. Any such political subdivision of the Commonwealth that so directs shall develop policies and procedures for administering such contributions, subject to and in accordance with applicable federal law and regulations. The policies and procedures shall provide for the administration of vesting provisions as provided in subdivision B 3, the establishment of and uses for a forfeiture account as provided in subdivision B 3, and automatic contribution escalation provisions as provided in subdivision C 3, all with regard to employee voluntary contributions and corresponding employer matching contributions.

In all other respects, the political subdivision shall be subject to the provisions of the hybrid retirement program described in this section.

2. The governing body of any political subdivision of the Commonwealth electing to allow its employees to use its 403(b) plan or a local cash match plan as described in subdivision 1 shall adopt a resolution on or before November 1, 2015, and submit such resolution to the Board to notify the Board of its election, which shall be effective January 1, 2016, and shall remain effective for 12 months. Thereafter, the governing body of any political subdivision of the Commonwealth may make or change its election for its employees no more often than annually by adopting a resolution on or before November 1 of each year notifying the Board of a new or changed election, which shall become effective on January 1.

3. A person who participates in the hybrid retirement program maintained under this section may make an election to participate in the 403(b) plan established by his employer under subdivision G 1. Such election shall be exercised no later than November 30, 2015, and shall be effective January 1, 2016. If an election is not made by November 30, 2015, such employee shall be deemed to have elected not to participate in the 403(b) plan established by his employer under subdivision G 1. Thereafter, such employee may make or change his election on or before November 30 of each year by notifying his employer of a new or changed election, which shall become effective the following January 1. If an election is not made or changed by November 30, such employee shall be deemed to have elected not to change the prior year's election.

4. In the case of a 403(b) plan or local cash match plan administered by a political subdivision of the Commonwealth that provides individual accounts permitting an employee or beneficiary to exercise discretion over assets in his account, the political subdivision shall not be liable for any loss resulting from such employee's or beneficiary's (i) investment of voluntary contributions in the political subdivision's 403(b) plan or matching contributions in the political subdivision's 403(b) plan or local cash match plan, (ii) exercise of discretion over the assets in any of his accounts, or (iii) inaction with respect to the assets in any of his accounts that results in such assets being placed in a default investment option selected by the political subdivision, provided that the investment options for the affected individual account and the particular default investment option for such individual account are selected in accordance with subsection A of § 51.1-803, applied mutatis mutandis. Under no circumstances shall the Commonwealth, the Board, employees of the Retirement System, the Investment Advisory Committee of the Retirement System, or any other advisory committee established by the Board bear any liability with respect to any plan or individual account described in this subsection.

5. The provisions of this subsection shall not apply to any political subdivision of the Commonwealth that has entered into an agreement with the Retirement System pursuant to § 51.1-603.1 or 51.1-611 except with regard to a 403(b) plan.

6. Disclosure of all services, fees, restrictions, and surrender penalties associated with employee voluntary contributions under subsection G shall be provided by the political subdivision of the Commonwealth on an annual basis to an employee who makes the election provided in subdivision G 1. Such employee shall also be provided with a side-by-side comparison of the long-term effects of generic expense ratios on his investments.

7. The Board shall not be responsible for administration of or recordkeeping related to voluntary contributions to the defined contribution component of the program made to a 403(b) plan or the corresponding employer matching contributions made to a 403(b) plan or the appropriate local cash match plan established under § 51.1-610 that are authorized by subdivision G 1.

8. The Board shall develop policies and procedures for administering the provisions of this subsection.

CHAPTER 264

An Act to amend and reenact § 17.1-258.3:1 of the Code of Virginia, relating to circuit court clerks; maintenance of land records.

Approved March 7, 2016

[S 87]

Be it enacted by the General Assembly of Virginia:**1. That § 17.1-258.3:1 of the Code of Virginia is amended and reenacted as follows:****§ 17.1-258.3:1. Electronic filing of land records; paper form.**

A. A clerk of a circuit court may provide a network or system for electronic filing of land records in accordance with the Uniform Real Property Electronic Recording Act (§ 55-142.10 et seq.) and the provisions of Article 2.1 (§ 55-66.8 et seq.) of Chapter 4 of Title 55 regarding the satisfaction of mortgages. The clerk may charge a fee to be assessed for each instrument recorded electronically in an amount not to exceed \$5 per document. The fee shall be paid to the clerk's office and deposited by the clerk into the clerk's nonreverting local fund to be used to cover operational expenses as defined in § 17.1-295. The clerk may require each filer to provide proof of identity to the clerk. The clerk shall enter into an electronic filing agreement with each filer in accordance with Virginia Real Property Electronic Recording Standards established by the Virginia Information Technologies Agency. Nothing herein shall be construed to prevent the clerk from entering into agreements with designated application service providers to provide all or part of the network or system for electronic filing of land records as provided herein. Further, nothing herein shall be construed to require the electronic filing of any land record, and such records may continue to be filed in paper form.

B. *The clerk shall maintain a disaster plan, as defined in § 42.1-77, for recovery of any land record in possession of the clerk that is maintained as an electronic record.*

2. That the provisions of this act shall become effective on July 1, 2017.**CHAPTER 265**

An Act to amend and reenact § 25.1-227.2 of the Code of Virginia, relating to commissioners in eminent domain proceedings.

[S 109]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 25.1-227.2 of the Code of Virginia is amended and reenacted as follows:****§ 25.1-227.2. Empanelment of commissioners.**

A. The parties to the eminent domain proceeding may agree upon five or nine persons qualified to act as commissioners, as provided in subsection B of § 25.1-227.1.

B. If the parties cannot agree upon five or nine qualified persons to act as commissioners, then each party shall present to the court a list containing the names of at least six qualified persons. If any party fails to submit such a list of names, the court may, in its discretion, submit such a list on such party's behalf.

C. From the lists submitted pursuant to subsection B, the court shall select the names of nine potential commissioners and at least two alternates. At least ~~one week~~ *30 days* prior to their service, such persons shall be summoned to appear.

D. If nine qualified persons are selected, the petitioner and the owners shall each have two peremptory challenges and the remaining five shall serve as commissioners. If five qualified persons are agreed upon as provided in subsection A, they shall serve as commissioners.

E. If an owner has filed no answer to the petition, and the court finds that the owner is not represented by counsel, the court may, in its discretion, and subject to the right of the petitioner to challenge for cause, subpoena five persons who shall serve as commissioners.

F. Any three or more of the five commissioners may act.

G. In condemnation proceedings instituted by the Commissioner of Highways, a person owning structures or improvements for which an outdoor advertising permit has been issued by the Commissioner of Highways pursuant to § 33.2-1208 shall be deemed to be an "owner" for purposes of this section.

CHAPTER 266

An Act to amend and reenact §§ 64.2-407, 64.2-408, and 64.2-2700 of the Code of Virginia; to amend the Code of Virginia by adding in Article 1 of Chapter 27 of Title 64.2 sections numbered 64.2-2705 and 64.2-2706 and by adding in Chapter 27 of Title 64.2 articles numbered 2 through 6, consisting of sections numbered 64.2-2707 through 64.2-2741; and to repeal §§ 55-25.1, 64.2-406, 64.2-423, and 64.2-2701 through 64.2-2704 of the Code of Virginia, relating to the Uniform Powers of Appointment Act.

[S 127]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 64.2-407, 64.2-408, and 64.2-2700 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 1 of Chapter 27 of Title 64.2 sections numbered 64.2-2705 and 64.2-2706 and by adding in Chapter 27 of Title 64.2 articles numbered 2 through 6, consisting of sections numbered 64.2-2707 through 64.2-2741, as follows:

§ 64.2-407. Will of personal estate of nonresidents.

Notwithstanding the provisions of §§ 64.2-403 and 64.2-406, the will of a person domiciled out of the Commonwealth at the time of his death shall be valid as to personal property in the Commonwealth if the will is executed according to the law of the state or country in which the person was so domiciled.

§ 64.2-408. Presumption of formal execution of wills made by persons in military service; will of personal estate of persons in military service and seamen.

A. A will executed by a person while in the military service of the United States, as that term is defined in the Servicemembers Civil Relief Act (50 U.S.C. app. § 501 et seq.), that purports on its face to be witnessed as required by § 64.2-403, upon proof of the signature of the testator by any two disinterested witnesses, shall be presumed, in the absence of evidence to the contrary, to have been executed in accordance with the requirements of that section and shall be admitted to probate as if the formalities of execution were proved.

B. Notwithstanding the provisions of §§ 64.2-403 and 64.2-406, a person while in the military service of the United States, or a seaman or mariner while at sea, may dispose of his personal estate in the same manner as he might heretofore have done.

CHAPTER 27.

~~RELEASE OF UNIFORM POWERS OF APPOINTMENT ACT.~~

Article 1.

General Provisions.

§ 64.2-2700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Donee" means any person, whether a resident or nonresident of the Commonwealth, who has the right to exercise a power either alone or with another.

"Object" means the person in whose favor the power may be exercised.

"Power" includes (i) any power to appoint or designate to whom property shall go; (ii) any power to invade property; (iii) any power to alter, amend, or revoke any instrument under which an estate or trust is held or created or to terminate any right or interest thereunder; and (iv) any power remaining when one or more partial releases have been made with respect to a power, regardless of (a) whether the power is vested, contingent, or conditional; (b) whether the power is classified in law or known as a power in gross, a power appendant, a power appurtenant, a collateral power, a general, special or limited power, an exclusive or nonexclusive power, or otherwise; and (c) when, in what manner, or in whose favor it may be exercised.

"Property" means any real or personal property and any interest in or income from property that is subject to the power.

"Release" means renunciation, relinquishment, surrender, refusal to accept, extinguishment, or any other form of release.

"Appointee" means a person to which a powerholder makes an appointment of appointive property.

"Appointive property" means the property or property interest subject to a power of appointment.

"Blanket-exercise clause" means a clause in an instrument which exercises a power of appointment and is not a specific-exercise clause. "Blanket-exercise clause" includes a clause that:

1. Expressly uses the words "any power" in exercising any power of appointment the powerholder has;
2. Expressly uses the words "any property" in appointing any property over which the powerholder has a power of appointment; or
3. Disposes of all property subject to disposition by the powerholder.

"Donor" means a person that creates a power of appointment.

"Exclusionary power of appointment" means a power of appointment exercisable in favor of any one or more of the permissible appointees to the exclusion of the other permissible appointees.

"General power of appointment" means a power of appointment exercisable in favor of the powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate.

"Gift-in-default clause" means a clause in the instrument creating the power identifying a taker in default of appointment.

"Impermissible appointee" means a person that is not a permissible appointee.

"Instrument" means a record.

"Nongeneral power of appointment" means a power of appointment that is not a general power of appointment.

"Permissible appointee" means a person in whose favor a powerholder may exercise a power of appointment.

"Person" means an individual; estate; trust; business or nonprofit entity; public corporation; government or governmental subdivision, agency, or instrumentality; or other legal entity.

"Powerholder" means a person in which a donor creates a power of appointment.

"Power of appointment" means a power that enables a powerholder acting in a nonfiduciary capacity to designate a recipient of an ownership interest in or another power of appointment over the appointive property. "Power of appointment" does not include a power of attorney.

"Presently exercisable power of appointment" means a power of appointment exercisable by the powerholder at the relevant time. "Presently exercisable power of appointment":

1. Includes a power of appointment not exercisable until the occurrence of a specified event, the satisfaction of an ascertainable standard, or the passage of a specified time only after:

- a. The occurrence of the specified event;
- b. The satisfaction of the ascertainable standard; or
- c. The passage of the specified time; and

2. Does not include a power exercisable only at the powerholder's death.

"Record" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.

"Specific-exercise clause" means a clause in an instrument which specifically refers to and exercises a particular power of appointment.

"Taker in default of appointment" means a person that takes all or part of the appointive property to the extent that the powerholder does not effectively exercise the power of appointment.

"Terms of the instrument" means the manifestation of the intent of the maker of the instrument regarding the instrument's provisions as expressed in the instrument or as may be established by other evidence that would be admissible in a legal proceeding.

§ 64.2-2705. Governing law.

Unless the terms of the instrument creating a power of appointment manifest a contrary intent:

1. The creating, revocation, or amendment of the power is governed by the law of the donor's domicile at the relevant time; and

2. The exercise, release, or disclaimer of the power, or the revocation or amendment of the exercise, release, or disclaimer of the power is governed by the law of the powerholder's domicile at the relevant time.

§ 64.2-2706. Common law and principles of equity.

The common law and principles of equity supplement this chapter, except to the extent modified by this chapter or other law of the Commonwealth.

Article 2.

Creation, Revocation, and Amendment of Power of Appointment.

§ 64.2-2707. Creation of power of appointment.

A. A power of appointment is created only if:

1. The instrument creating the power:

a. Is valid under applicable law; and

b. Except as otherwise provided in subsection B, transfers the appointive property; and

2. The terms of the instrument creating the power manifest the donor's intent to create in a powerholder a power of appointment over the appointive property exercisable in favor of a permissible appointee.

B. Subdivision A 1 b does not apply to the creation of a power of appointment by the exercise of a power of appointment.

C. A power of appointment may not be created in a deceased individual.

D. Subject to § 64.2-2711, and unless the terms of the instrument creating a power of appointment manifest a contrary intent, the power is:

§ 64.2-2708. Nontransferability.

A powerholder may not transfer a power of appointment. If a powerholder dies without exercising or releasing a power, the power lapses.

§ 64.2-2709. Presumption of unlimited authority.

Subject to § 64.2-2711, and unless the terms of the instrument creating a power of appointment manifest a contrary intent, the power is:

1. Presently exercisable;

2. Exclusionary; and

3. Except as otherwise provided in § 64.2-2710, general.

§ 64.2-2710. Exception to presumption of unlimited authority.

Unless the terms of the instrument creating a power of appointment manifest a contrary intent, the power is nongeneral if:

1. The power is exercisable only at the powerholder's death; and

2. The permissible appointees of the power do not include the powerholder's estate, the powerholder's creditors, or the creditors of the powerholder's estate.

§ 64.2-2711. Rules of classification.

A. As used in this section, "adverse party" means a person with a substantial beneficial interest in property which would be affected adversely by a powerholder's exercise or nonexercise of a power of appointment in favor of the powerholder, the powerholder's estate, a creditor of the powerholder, or a creditor of the powerholder's estate.

B. If a powerholder may exercise a power of appointment only with the consent or joinder of an adverse party, the power is nongeneral.

C. Only a power of appointment whose permissible appointees are defined and limited can be nonexclusionary.

§ 64.2-2712. Power to revoke or amend.

A donor may revoke or amend a power of appointment only to the extent that:

1. The instrument creating the power is revocable by the donor; or
2. The donor reserves a power of revocation or amendment in the instrument creating the power of appointment.

Article 3.

Exercise of Power of Appointment.

§ 64.2-2713. Requisites for exercise of power of appointment.

A power of appointment is exercised only:

1. If the instrument exercising the power is valid under applicable law;
2. If the terms of the instrument exercising the power:
 - a. Manifest the powerholder's intent to exercise the power; and
 - b. Subject to § 64.2-2716, satisfy the requirements of exercise, if any, imposed by the donor; and
3. To the extent that the appointment is a permissible exercise of the power.

§ 64.2-2714. Intent to exercise; determining intent from residuary clause.

A. As used in this section:

"Residuary clause" does not include a residuary clause containing a blanket-exercise clause or a specific-exercise clause.

"Will" includes a codicil and a testamentary instrument that revises another will.

B. A residuary clause in a powerholder's will, or a comparable clause in the powerholder's revocable trust, manifests the powerholder's intent to exercise a power of appointment only if:

1. The terms of the instrument containing the residuary clause do not manifest a contrary intent;
2. The power is a general power exercisable in favor of the powerholder's estate;
3. There is no gift-in-default clause or the clause is ineffective; and
4. The powerholder did not release the power.

§ 64.2-2715. Intent to exercise; after-acquired power.

Unless the terms of the instrument exercising a power of appointment manifest a contrary intent:

1. Except as otherwise provided in subdivision 2, a blanket-exercise clause extends to a power acquired by the powerholder after executing the instrument containing the clause; and
2. If the powerholder is also the donor of the power, the clause does not extend to the power unless there is no gift-in-default clause or the gift-in-default clause is ineffective.

§ 64.2-2716. Substantial compliance with donor-imposed formal requirement.

A powerholder's substantial compliance with a formal requirement of appointment imposed by the donor, including a requirement that the instrument exercising the power of appointment make reference or specific reference to the power, is sufficient if:

1. The powerholder knows of and intends to exercise the power; and
2. The powerholder's manner of attempted exercise of the power does not impair a material purpose of the donor in imposing the requirement.

§ 64.2-2717. Permissible appointment.

A. A powerholder of a general power of appointment that permits appointment to the powerholder or the powerholder's estate may make any appointment, including an appointment in trust or creating a new power of appointment, that the powerholder could make in disposing of the powerholder's own property.

B. A powerholder of a general power of appointment that permits appointment only to the creditors of the powerholder or of the powerholder's estate may appoint only to those creditors.

C. Unless the terms of the instrument creating a power of appointment manifest a contrary intent, the powerholder of a nongeneral power may:

1. Make an appointment in any form, including an appointment in trust, in favor of a permissible appointee;
2. Create a general power or a nongeneral power in a permissible appointee; or
3. Create a nongeneral power in an impermissible appointee to appoint to one or more of the permissible appointees of the original nongeneral power.

§ 64.2-2718. Appointment to deceased appointee.

An appointment to a deceased appointee is ineffective.

§ 64.2-2719. Impermissible appointment.

A. An exercise of a power of appointment in favor of an impermissible appointee is ineffective.

B. An exercise of a power of appointment in favor of a permissible appointee is ineffective to the extent that the appointment is a fraud on the power.

§ 64.2-2720. Selective allocation doctrine.

If a powerholder exercises a power of appointment in a disposition that also disposes of property the powerholder owns, the owned property and the appointive property shall be allocated in the permissible manner that best carries out the powerholder's intent.

§ 64.2-2721. Capture doctrine; disposition of ineffectively appointed property under general power.

To the extent that a powerholder of a general power of appointment, other than a power to withdraw property from, revoke, or amend a trust, makes an ineffective appointment:

1. The gift-in-default clause controls the disposition of the ineffectively appointed property; or
2. If there is no gift-in-default clause or to the extent that the clause is ineffective, the ineffectively appointed property:

a. Passes to:

(1) The powerholder if the powerholder is a permissible appointee and living; or

(2) If the powerholder is an impermissible appointee or deceased, the powerholder's estate if the estate is a permissible appointee; or

b. If there is no taker under subdivision 2 a, passes under a reversionary interest to the donor or the donor's transferee or successor in interest.

§ 64.2-2722. Disposition of unappointed property under released or unexercised general power.

To the extent that a powerholder releases or fails to exercise a general power of appointment other than a power to withdraw property from, revoke, or amend a trust:

1. The gift-in-default clause controls the disposition of the unappointed property; or

2. If there is no gift-in-default clause or to the extent that the clause is ineffective:

a. Except as otherwise provided in subdivision 2 b, the unappointed property passes to:

(1) The powerholder if the powerholder is a permissible appointee and living; or

(2) If the powerholder is an impermissible appointee or deceased, the powerholder's estate if the estate is a permissible appointee; or

b. To the extent that the powerholder released the power, or if there is no taker under subdivision 2 a, the unappointed property passes under a reversionary interest to the donor or the donor's transferee or successor in interest.

§ 64.2-2723. Disposition of unappointed property under released or unexercised nongeneral power.

To the extent that a powerholder releases, ineffectively exercises, or fails to exercise a nongeneral power of appointment:

1. The gift-in-default clause controls the disposition of the unappointed property; or

2. If there is no gift-in-default clause or to the extent that the clause is ineffective, the unappointed property:

a. Passes to the permissible appointees if:

(1) The permissible appointees are defined and limited; and

(2) The terms of the instrument creating the power do not manifest a contrary intent; or

b. If there is no taker under subdivision 2 a, passes under a reversionary interest to the donor or the donor's transferee or successor in interest.

§ 64.2-2724. Disposition of unappointed property if partial appointment to taker in default.

Unless the terms of the instrument creating or exercising a power of appointment manifest a contrary intent, if the powerholder makes a valid partial appointment to a taker in default of appointment, the taker in default of appointment may share fully in unappointed property.

§ 64.2-2725. Appointment to taker in default.

If a powerholder makes an appointment to a taker in default of appointment and the appointee would have taken the property under a gift-in-default clause had the property not been appointed, the power of appointment is deemed not to have been exercised and the appointee takes under the clause.

§ 64.2-2726. Powerholder's authority to revoke or amend exercise.

A powerholder may revoke or amend an exercise of a power of appointment only to the extent that:

1. The powerholder reserves a power of revocation or amendment in the instrument exercising the power of appointment, and if the power is nongeneral, the terms of the instrument creating the power of appointment do not prohibit the reservation; or

2. The terms of the instrument creating the power of appointment provide that the exercise is revocable or amendable.

Article 4.

Disclaimer or Release; Contract to Appoint or Not to Appoint.

§ 64.2-2727. Disclaimer.

As provided by Chapter 26 (§ 64.2-2600 et seq.):

1. A powerholder may disclaim all or part of a power of appointment.

2. A permissible appointee, appointee, or taker in default of appointment may disclaim all or part of an interest in appointive property.

§ 64.2-2728. Authority to release.

A powerholder may release a power of appointment, in whole or in part, except to the extent that the terms of the instrument creating the power prevent the release.

§ 64.2-2729. Method of release.

A powerholder of a releasable power of appointment may release the power in whole or in part:

1. By substantial compliance with a method provided in the terms of the instrument creating the power; or

2. If the terms of the instrument creating the power do not provide a method or the method provided in the terms of the instrument is not expressly made exclusive, by a record manifesting the powerholder's intent by clear and convincing evidence.

§ 64.2-2730. Notice of release; recordation; fee.

A. A fiduciary or other person, association, or corporation having possession or control of any appointive property, other than the powerholder, shall not be deemed to have notice of a release of the power of appointment until the original or a copy of the release is delivered to such fiduciary or other person, association, or corporation.

B. A purchaser or mortgagee of any real property subject to a power of appointment, without actual notice of the release, shall not be deemed to have notice of a release of power until (i) the original or a copy of the release is recorded in the circuit court clerk's office in the county or city in which the real property is located, referencing the will or deed book where the instrument creating the power is recorded, and (ii) the deed, will, or other instrument creating the power of appointment, or a certified copy thereof, is recorded in the same clerk's office.

C. No release shall be invalid or ineffective for failing to comply with subsection A or B.

D. The clerk shall record a release of a power of appointment in the deed book and index the release in the daily and general indexes with the name of the powerholder being entered on the grantor index. For each such recordation, the clerk shall be paid a fee in the amount applicable to the recordation of deeds as set forth in subdivision A 2 of § 17.1-275 and an additional fee of \$5.

§ 64.2-2731. Revocation or amendment of release.

A powerholder may revoke or amend a release of a power of appointment only to the extent that:

1. The instrument of release is revocable by the powerholder; or
2. The powerholder reserves a power of revocation or amendment in the instrument of release.

§ 64.2-2732. Power to contract; presently exercisable power of appointment.

A powerholder of a presently exercisable power of appointment may contract:

1. Not to exercise the power; or
2. To exercise the power if the contract when made does not confer a benefit on an impermissible appointee.

§ 64.2-2733. Power to contract; power of appointment not presently exercisable.

A powerholder of a power of appointment that is not presently exercisable may contract to exercise or not to exercise the power only if the powerholder:

1. Is also the donor of the power; and
2. Has reserved the power in a revocable trust.

§ 64.2-2734. Remedy for breach of contract to appoint or not to appoint.

The remedy for a powerholder's breach of a contract to appoint or not to appoint appointive property is limited to damages payable out of the appointive property or, if appropriate, specific performance of the contract.

Article 5.

Right of Powerholder's Creditors in Appointive Property.

§ 64.2-2735. Creditor claim; general power created by powerholder.

A. As used in this section, "power of appointment created by the powerholder" includes a power of appointment created in a transfer by another person to the extent that the powerholder contributed value to the transfer.

B. Appointive property subject to a general power of appointment created by the powerholder is subject to a claim of a creditor of the powerholder or of the powerholder's estate to the extent provided in Chapter 5 (§ 55-80 et seq.) of Title 55.

C. Subject to subsection B, appointive property subject to a general power of appointment created by the powerholder is not subject to a claim of a creditor of the powerholder or the powerholder's estate to the extent that the powerholder irrevocably appointed the property in favor of a person other than the powerholder or the powerholder's estate.

D. Subject to subsections B and C, and notwithstanding the presence of a spendthrift provision or whether the claim arose before or after the creation of the power of appointment, appointive property subject to a general power of appointment created by the powerholder is subject to a claim of a creditor of:

1. The powerholder, to the same extent as if the powerholder owned the appointive property, if the power is presently exercisable; and
2. The powerholder's estate, to the extent that the estate is insufficient to satisfy the claim and subject to the right of a decedent to direct the source from which liabilities are paid, if the power is exercisable at the powerholder's death.

§ 64.2-2736. Creditor claim; general power not created by powerholder.

A. Except as otherwise provided in subsection C, appointive property subject to a presently exercisable general power of appointment created by a person other than the powerholder is subject to a claim of a creditor of the powerholder to the extent that the powerholder's property is insufficient.

B. Appointive property subject to a general power of appointment exercisable at the powerholder's death is not subject to a claim of a creditor of the powerholder or the powerholder's estate except to the extent that the power is exercised in favor of the powerholder's estate.

C. Subject to subsection C of § 64.2-2738, a power of appointment created by a person other than the powerholder, which is subject to an ascertainable standard relating to an individual's health, education, support, or maintenance within the meaning of 26 U.S.C. § 2041(b)(1)(A) or 26 U.S.C. § 2514(c)(1), as amended, is treated for purposes of this article as a nongeneral power.

§ 64.2-2737. Power to withdraw.

A. For purposes of this article, and except as otherwise provided in subsection B, a power to withdraw property from a trust is treated, during the time the power may be exercised, as a presently exercisable general power of appointment to the extent of the property subject to the power to withdraw.

B. On the lapse, release, or waiver of a power to withdraw property from a trust, the power is treated as a presently exercisable general power of appointment only to the extent that the value of the property affected by the lapse, release, or waiver exceeds the greater of the amount specified in 26 U.S.C. § 2041(b)(2) and 26 U.S.C. § 2514(e) or two times the amount specified in 26 U.S.C. § 2503(b), as amended.

§ 64.2-2738. Creditor claim; nongeneral power.

A. Except as otherwise provided in subsections B and C, appointive property subject to a nongeneral power of appointment is exempt from a claim of a creditor of the powerholder or the powerholder's estate.

B. Appointive property subject to a nongeneral power of appointment is subject to a claim of a creditor of the powerholder or the powerholder's estate to the extent that the powerholder owned the property and, reserving the nongeneral power, transferred the property in violation of Chapter 5 (§ 55-80 et seq.) of Title 55.

C. If the initial gift in default of appointment is to the powerholder or the powerholder's estate, a nongeneral power of appointment is treated for purposes of this article as a general power.

Article 6.

Miscellaneous Provisions.

§ 64.2-2739. Uniformity of application and construction.

In applying and construing this chapter, consideration shall be given to the need to promote uniformity of the law with respect to its subject matter among states that enact it.

§ 64.2-2740. Relation to Electronic Signatures in Global and National Commerce Act.

This chapter modifies, limits, or supersedes the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. § 7001 et seq., but does not modify, limit, or supersede § 101(c) of that act, 15 U.S.C. § 7001(c), or authorize electronic delivery of any of the notices described in § 103(b) of that act, 15 U.S.C. § 7003(b).

§ 64.2-2741. Application to existing relationships.

A. Except as otherwise provided in this chapter, on and after July 1, 2016:

1. This chapter applies to a power of appointment created before, on, or after July 1, 2016;

2. This chapter applies to a judicial proceeding concerning a power of appointment commenced on or after July 1, 2016;

3. This chapter applies to a judicial proceeding concerning a power of appointment commenced before July 1, 2016, unless the court finds that application of a particular provision of this chapter would interfere substantially with the effective conduct of the judicial proceeding or prejudice a right of a party, in which case the particular provision of this chapter does not apply and the superseded law applies;

4. A rule of construction or presumption provided in this chapter applies to an instrument executed before July 1, 2016, unless there is a clear indication of a contrary intent in the terms of the instrument; and

5. Except as otherwise provided in subdivisions 1 through 4, an action done before July 1, 2016, is not affected by this chapter.

B. If a right is acquired, extinguished, or barred on the expiration of a prescribed period that commenced under law of the Commonwealth other than this chapter before July 1, 2016, the law continues to apply to the right.

2. That §§ 55-25.1, 64.2-406, 64.2-423, and 64.2-2701 through 64.2-2704 of the Code of Virginia are repealed.

CHAPTER 267

An Act to amend and reenact § 8.01-417 of the Code of Virginia, relating to personal injury and wrongful death actions; disclosure of address.

[S 128]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-417 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-417. Copies of written statements or transcriptions of verbal statements by injured person to be delivered to him; copies of subpoenaed documents to be provided to other party; disclosure of insurance policy limits.

A. Any person who takes from a person who has sustained a personal injury a signed written statement or voice recording of any statement relative to such injury shall deliver to such injured person a copy of such written statement forthwith or a verified typed transcription of such recording within 30 days from the date such statement was given or recording made, when and if the statement or recording is transcribed or in all cases when requested by the injured person or his attorney.

B. Unless otherwise ordered for good cause shown, when one party to a civil proceeding subpoenas documents, the subpoenaing party, upon receipt of the subpoenaed documents, shall, if requested in writing, provide true and full copies of the same to any other party or to the attorney for any other party, provided the other party or attorney for the other party pays the reasonable cost of copying or reproducing the subpoenaed documents. This provision does not apply where the subpoenaed documents are returnable to and maintained by the clerk of court in which the action is pending.

C. After he gives written notice that he represents an injured person, an attorney, or an individual injured in a motor vehicle accident if he is not represented by counsel, may, prior to the filing of a civil action for personal injuries sustained as a result of a motor vehicle accident, request in writing that the insurer disclose (i) the limits of liability of any motor vehicle

liability or any personal injury liability insurance policy that may be applicable to the claim and (ii) the *physical* address, *if known*, of the alleged tortfeasor who is insured by the insurer, if not previously reported to the requesting party. The requesting party shall provide the insurer with the date of the motor vehicle accident, the name and last known address of the alleged tortfeasor if it has been reported to the requesting party, a copy of the accident report, if any, and the claim number, if available. The *insurer shall provide the alleged tortfeasor's physical address within 30 days of the receipt of the request. When requesting the limits of liability*, the requesting party shall also submit to the insurer the injured person's medical records, medical bills, and wage-loss documentation, if applicable, pertaining to the claimed injury. If the total of the medical bills and wage losses submitted equals or exceeds \$12,500, the insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time of the accident of all such policies, regardless of whether the insurer contests the applicability of the policy to the injured person's claim, and the insured's address. Disclosure of the policy limits under this section shall not constitute an admission that the alleged injury or damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

D. After he gives written notice that he represents the personal representative of the estate of a decedent who died as a result of a motor vehicle accident, an attorney, or the personal representative of the estate of the decedent who died as a result of a motor vehicle accident if he is not represented by counsel, may, prior to the filing of a civil action for wrongful death as a result of a motor vehicle accident, request in writing that the insurer disclose (i) the limits of liability of any motor vehicle liability insurance policy or any personal injury liability insurance policy that may be applicable to the claim and (ii) the *physical* address, *if known*, of the alleged tortfeasor who is insured by the insurer, if not previously reported to the requesting party. The requesting party shall provide the insurer with the date of the motor vehicle accident, the name and last known address of the alleged tortfeasor if it has been reported to the requesting party, a copy of the accident report, if any, and the claim number, if available. The *insurer shall provide the alleged tortfeasor's physical address within 30 days of the receipt of the request. When requesting the limits of liability*, the requesting party shall submit to the insurer the death certificate of the decedent; the certificate of qualification of the personal representative of the decedent's estate; the names and relationships of the statutory beneficiaries of the decedent; medical bills, if any, supporting a claim for damages under subdivision 3 of § 8.01-52; and, if at the time the request is made a claim for damages under clause (i) of subdivision 2 of § 8.01-52 is anticipated, a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time of the accident of all such policies, regardless of whether the insurer contests the applicability of the policy to the personal representative's claim, and the insured's address. Disclosure of the policy limits under this section shall not constitute an admission that the alleged death or other damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

E. For purposes of subsections C and D, if the alleged tortfeasor has insurance coverage from a self-insured locality for a motor vehicle accident, as described in this section, and the locality is authorized by the alleged tortfeasor to accept service of process on behalf of the alleged tortfeasor and agrees to do so, the locality, in its discretion and instead of disclosing the alleged tortfeasor's home address, may disclose the insured's work address and the name and address of the person who shall accept service of process on behalf of the alleged tortfeasor. If the locality makes such a disclosure, the locality shall not be required to disclose the alleged tortfeasor's home address.

F. As used in subsections C and D, "insurer" does not include the insurance agency or the insurance agent representing the alleged tortfeasor as the authorized representative or agent with respect to the alleged tortfeasor's motor vehicle insurance policy.

CHAPTER 268

An Act to amend and reenact § 8.01-229 of the Code of Virginia, relating to nonsuits; tolling of limitations; contractual limitation periods.

[S 170]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-229 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-229. Suspension or tolling of statute of limitations; effect of disabilities; effect of death; injunction; prevention of service by defendant; dismissal, nonsuit or abatement; devise for payment of debts; new promises; debts proved in creditors' suits.

A. Disabilities which toll the statute of limitations. — Except as otherwise specifically provided in §§ 8.01-237, 8.01-241, 8.01-242, 8.01-243, 8.01-243.1 and other provisions of this Code,

1. If a person entitled to bring any action is at the time the cause of action accrues an infant, except if such infant has been emancipated pursuant to Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, or incapacitated, such person may bring it within the prescribed limitation period after such disability is removed; or

2. After a cause of action accrues,

a. If an infant becomes entitled to bring such action, the time during which he is within the age of minority shall not be counted as any part of the period within which the action must be brought except as to any such period during which the infant has been judicially declared emancipated; or

b. If a person entitled to bring such action becomes incapacitated, the time during which he is incapacitated shall not be computed as any part of the period within which the action must be brought, except where a conservator, guardian or committee is appointed for such person in which case an action may be commenced by such conservator, committee or guardian before the expiration of the applicable period of limitation or within one year after his qualification as such, whichever occurs later.

For the purposes of subdivisions 1 and 2 of this subsection, a person shall be deemed incapacitated if he is so adjudged by a court of competent jurisdiction, or if it shall otherwise appear to the court or jury determining the issue that such person is or was incapacitated within the prescribed limitation period.

3. If a convict is or becomes entitled to bring an action against his committee, the time during which he is incarcerated shall not be counted as any part of the period within which the action must be brought.

B. Effect of death of a party. — The death of a person entitled to bring an action or of a person against whom an action may be brought shall toll the statute of limitations as follows:

1. Death of person entitled to bring a personal action. — If a person entitled to bring a personal action dies with no such action pending before the expiration of the limitation period for commencement thereof, then an action may be commenced by the decedent's personal representative before the expiration of the limitation period including the limitation period as provided by subdivision E 3 or within one year after his qualification as personal representative, whichever occurs later.

2. Death of person against whom personal action may be brought. — a. If a person against whom a personal action may be brought dies before the commencement of such action and before the expiration of the limitation period for commencement thereof then a claim may be filed against the decedent's estate or an action may be commenced against the decedent's personal representative before the expiration of the applicable limitation period or within one year after the qualification of such personal representative, whichever occurs later.

b. If a person against whom a personal action may be brought dies before suit papers naming such person as defendant have been filed with the court, then such suit papers may be amended to substitute the decedent's personal representative as party defendant before the expiration of the applicable limitation period or within two years after the date such suit papers were filed with the court, whichever occurs later, and such suit papers shall be taken as properly filed.

3. Effect of death on actions for recovery of realty, or a proceeding for enforcement of certain liens relating to realty. — Upon the death of any person in whose favor or against whom an action for recovery of realty, or a proceeding for enforcement of certain liens relating to realty, may be brought, such right of action shall accrue to or against his successors in interest as provided in Article 2 (§ 8.01-236 et seq.) of this chapter.

4. Accrual of a personal cause of action against the estate of any person subsequent to such person's death. — If a personal cause of action against a decedent accrues subsequent to his death, an action may be brought against the decedent's personal representative or a claim thereon may be filed against the estate of such decedent before the expiration of the applicable limitation period or within two years after the qualification of the decedent's personal representative, whichever occurs later.

5. Accrual of a personal cause of action in favor of decedent. — If a person dies before a personal cause of action which survives would have accrued to him, if he had continued to live, then an action may be commenced by such decedent's personal representative before the expiration of the applicable limitation period or within one year after the qualification of such personal representative, whichever occurs later.

6. Delayed qualification of personal representative. — If there is an interval of more than two years between the death of any person in whose favor or against whom a cause of action has accrued or shall subsequently accrue and the qualification of such person's personal representative, such personal representative shall, for the purposes of this chapter, be deemed to have qualified on the last day of such two-year period.

C. Suspension during injunctions. — When the commencement of any action is stayed by injunction, the time of the continuance of the injunction shall not be computed as any part of the period within which the action must be brought.

D. Obstruction of filing by defendant. — When the filing of an action is obstructed by a defendant's (i) filing a petition in bankruptcy or filing a petition for an extension or arrangement under the United States Bankruptcy Act or (ii) using any other direct or indirect means to obstruct the filing of an action, then the time that such obstruction has continued shall not be counted as any part of the period within which the action must be brought.

E. Dismissal, abatement, or nonsuit.

1. Except as provided in subdivision 3 of this subsection, if any action is commenced within the prescribed limitation period and for any cause abates or is dismissed without determining the merits, the time such action is pending shall not be computed as part of the period within which such action may be brought, and another action may be brought within the remaining period.

2. If a judgment or decree is rendered for the plaintiff in any action commenced within the prescribed limitation period and such judgment or decree is arrested or reversed upon a ground which does not preclude a new action for the same cause, or if there is occasion to bring a new action by reason of the loss or destruction of any of the papers or records in a former action which was commenced within the prescribed limitation period, then a new action may be brought within one year after such arrest or reversal or such loss or destruction, but not after.

3. If a plaintiff suffers a voluntary nonsuit as prescribed in § 8.01-380, the statute of limitations with respect to such action shall be tolled by the commencement of the nonsuited action, *regardless of whether the statute of limitations is statutory or contractual*, and the plaintiff may recommence his action within six months from the date of the order entered by the court, or within the original period of limitation, or within the limitation period as provided by subdivision B 1, whichever period is longer. This tolling provision shall apply irrespective of whether the action is originally filed in a federal or a state court and recommenced in any other court, and shall apply to all actions irrespective of whether they arise under common law or statute.

F. Effect of devise for payment of debts. — No provision in the will of any testator devising his real estate, or any part thereof, subject to the payment of his debts or charging the same therewith, or containing any other provision for the payment of debts, shall prevent this chapter from operating against such debts, unless it plainly appears to be the testator's intent that it shall not so operate.

G. Effect of new promise in writing.

1. If any person against whom a right of action has accrued on any contract, other than a judgment or recognizance, promises, by writing signed by him or his agent, payment of money on such contract, the person to whom the right has accrued may maintain an action for the money so promised, within such number of years after such promise as it might be maintained if such promise were the original cause of action. An acknowledgment in writing, from which a promise of payment may be implied, shall be deemed to be such promise within the meaning of this subsection.

2. The plaintiff may sue on the new promise described in subdivision 1 ~~of this subsection~~ or on the original cause of action, except that when the new promise is of such a nature as to merge the original cause of action then the action shall be only on the new promise.

H. Suspension of limitations in creditors' suits. — When an action is commenced as a general creditors' action, or as a general lien creditors' action, or as an action to enforce a mechanics' lien, the running of the statute of limitations shall be suspended as to debts provable in such action from the commencement of the action, provided they are brought in before the commissioner in chancery under the first reference for an account of debts; but as to claims not so brought in the statute shall continue to run, without interruption by reason either of the commencement of the action or of the order for an account, until a later order for an account, under which they do come in, or they are asserted by petition or independent action.

In actions not instituted originally either as general creditors' actions, or as general lien creditors' actions, but which become such by subsequent proceedings, the statute of limitations shall be suspended by an order of reference for an account of debts or of liens only as to those creditors who come in and prove their claims under the order. As to creditors who come in afterwards by petition or under an order of recomittal, or a later order of reference for an account, the statute shall continue to run without interruption by reason of previous orders until filing of the petition, or until the date of the reference under which they prove their claims, as the case may be.

I. When an action is commenced within a period of ~~thirty~~ 30 days prior to the expiration of the limitation period for commencement thereof and the defending party or parties desire to institute an action as third-party plaintiff against one or more persons not party to the original action, the running of the period of limitation against such action shall be suspended as to such new party for a period of ~~sixty~~ 60 days from the expiration of the applicable limitation period.

J. If any award of compensation by the Workers' Compensation Commission pursuant to Chapter 5 (§ 65.2-500 et seq.) of Title 65.2 is subsequently found void ab initio, other than an award voided for fraudulent procurement of the award by the claimant, the statute of limitations applicable to any civil action upon the same claim or cause of action in a court of this Commonwealth shall be tolled for that period of time during which compensation payments were made.

K. Suspension of limitations during criminal proceedings. — In any personal action for damages, if a criminal prosecution arising out of the same facts is commenced, the time such prosecution is pending shall not be computed as part of the period within which such a civil action may be brought. For purposes of this subsection, the time during which a prosecution is pending shall be calculated from the date of the issuance of a warrant, summons or *capias*, the return or filing of an indictment or information, or the defendant's first appearance in any court as an accused in such a prosecution, whichever date occurs first, until the date of the final judgment or order in the trial court, the date of the final disposition of any direct appeal in state court, or the date on which the time for noting an appeal has expired, whichever date occurs last. Thereafter, the civil action may be brought within the remaining period of the statute or within one year, whichever is longer.

If a criminal prosecution is commenced and a grand jury indictment is returned or a grand jury indictment is waived after the period within which a civil action arising out of the same set of facts may be brought, a civil action may be brought within one year of the date of the final judgment or order in the trial court, the date of the final disposition of any direct appeal in state court, or the date on which the time for noting an appeal has expired, whichever date occurs last, but no more than ~~ten~~ 10 years after the date of the crime or two years after the cause of action shall have accrued under § 8.01-249, whichever date occurs last.

CHAPTER 269

An Act to amend and reenact §§ 55-41, 55-47.01, 64.2-300, 64.2-311, 64.2-317, 64.2-500, 64.2-502, 64.2-556, 64.2-632, 64.2-1805, and 64.2-2022 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 3 of

Title 64.2 an article numbered 1.1, consisting of sections numbered 64.2-308.1 through 64.2-308.17, relating to elective share of surviving spouse.

[S 181]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-41, 55-47.01, 64.2-300, 64.2-311, 64.2-317, 64.2-500, 64.2-502, 64.2-556, 64.2-632, 64.2-1805, and 64.2-2022 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 3 of Title 64.2 an article numbered 1.1, consisting of sections numbered 64.2-308.1 through 64.2-308.17, as follows:

§ 55-41. Conveyance from husband and wife; effect on right of wife or husband.

When a husband and his wife have signed and delivered a writing purporting to convey any estate, real or personal, such writing, whether admitted to record or not, shall (i) if delivered prior to January 1, 1991, operate to convey from the spouse her right of dower or his right of curtesy in the real estate embraced therein, and (ii) if delivered after December 31, 1990, operate to manifest the spouse's written consent or joinder, as contemplated in § 64.2-305 or 64.2-308.9 to the transfer embraced therein. In either case, the writing passes from such spouse and his or her representatives all right, title and interest of every nature which at the date of such writing he or she may have in any estate conveyed thereby as effectually as if he or she were at such date an unmarried person. If, in either case, the writing is a deed conveying a spouse's land, no covenant or warranty therein on behalf of the other spouse joining in the deed shall operate to bind him or her any further than to convey her or his interest in such land, unless it is expressly stated that such spouse enters into such covenant or warranty for the purpose of binding himself or herself personally.

§ 55-47.01. Equitable separate estates abolished.

The estate known as the equitable separate estate no longer exists and any language in any writing, whenever executed, which purports to convey real property to a person as an equitable separate estate has no legal or equitable significance after January 1, 1991, except as provided in § 64.2-301 or 64.2-308.2.

Article 1.

Elective Share of Surviving Spouse of Decedent Dying before January 1, 2017.

§ 64.2-300. Applicability; definitions.

A. *The provisions of this article shall apply to determining the elective share of a surviving spouse for decedents dying before January 1, 2017.*

B. As used in this article, the terms "estate" and "property" shall include insurance policies, retirement benefits exclusive of federal social security benefits, annuities, pension plans, deferred compensation arrangements, and employee benefit plans to the extent owned by, vested in, or subject to the control of the decedent on the date of his death or the date of an irrevocable transfer by him during his lifetime. All such insurance policies and other benefits are included in the terms "estate" and "property" notwithstanding the presence of language contained in any statute otherwise providing that neither they nor their proceeds shall be liable to attachment, garnishment, levy, execution, or other legal process or be seized, taken, appropriated, or applied by any legal or equitable process or operation of law or any other such similar language.

Article 1.1.

Elective Share of Surviving Spouse of Decedent Dying on or after January 1, 2017.

§ 64.2-308.1. Applicability; definitions.

A. *The provisions of this article shall apply to determining the elective share of a surviving spouse for decedents dying on or after January 1, 2017.*

B. *As used in this article, unless the context requires a different meaning:*

"Decedent's non-probate transfers to others" means the amounts that are included in the augmented estate under § 64.2-308.6.

"Fractional interest in property held in joint tenancy with the right of survivorship," whether the fractional interest is unilaterally severable or not, means the fraction, the numerator of which is one and the denominator of which, if the decedent was a joint tenant, is one plus the number of joint tenants who survive the decedent and which, if the decedent was not a joint tenant, is the number of joint tenants.

"Marriage," as it relates to a transfer by the decedent during marriage, means any marriage of the decedent to the decedent's surviving spouse.

"Non-adverse party" means a person who does not have a substantial beneficial interest in the trust or other property arrangement that would be adversely affected by the exercise or non-exercise of the power that he possesses respecting the trust or other property arrangement. A person having a general power of appointment over property is deemed to have a beneficial interest in the property.

"Power" or "power of appointment" includes a power to designate the beneficiary of a beneficiary designation.

"Presently exercisable general power of appointment" means a power of appointment under which, at the time in question, the decedent, whether or not he then had the capacity to exercise the power, held a power to create a present or future interest in himself, his creditors, his estate, or creditors of his estate, and includes a power to revoke or invade the principal of a trust or other property arrangement.

"Property" includes values subject to a beneficiary designation.

"Right to income" includes a right to payments under a commercial or private annuity, an annuity trust, a unitrust, or a similar arrangement.

"Transfer," as it relates to a transfer by or of the decedent, includes (i) an exercise or release of a presently exercisable general power of appointment held by the decedent, (ii) a lapse at death of a presently exercisable general power of appointment held by the decedent, and (iii) an exercise, release, or lapse of a general power of appointment that the decedent created in himself and of a power described in subdivision 2 b of § 64.2-308.6 that the decedent conferred on a non-adverse party.

§ 64.2-308.2. Dower or curtesy abolished.

The interests of dower and curtesy are abolished. However, the abolition of dower and curtesy pursuant to this section shall not change or diminish the nature or right of (i) any dower or curtesy interest of a surviving spouse whose dower or curtesy vested prior to January 1, 1991, or (ii) a creditor or other interested third party in any real estate subject to a right of dower or curtesy.

The rights of all such parties, and the procedures for enforcing such rights, shall continue to be governed by the laws in force prior to January 1, 1991.

§ 64.2-308.3. Elective share amount; effect of election on statutory benefits; non-domiciliary.

A. The surviving spouse of a decedent who dies domiciled in this state has a right of election, under the limitations and conditions stated in this article, to take an elective-share amount equal to 50 percent of the value of the marital-property portion of the augmented estate.

B. If the right of election is exercised by or on behalf of the surviving spouse, the surviving spouse's homestead allowance, exempt property, and family allowance, if any, are not charged against but are in addition to the elective-share amount.

C. The right, if any, of the surviving spouse of a decedent who dies domiciled outside this state to take an elective share in property in this state is governed by the law of the decedent's domicile at death.

§ 64.2-308.4. Composition of the augmented estate; marital property portion.

A. Subject to § 64.2-308.9, the value of the augmented estate, to the extent provided in §§ 64.2-308.5, 64.2-308.6, 64.2-308.7, and 64.2-308.8, consists of the sum of the values of all property, whether real or personal, movable or immovable, tangible or intangible, wherever situated, that constitute:

1. The decedent's net probate estate;
2. The decedent's non-probate transfers to others;
3. The decedent's non-probate transfers to the surviving spouse; and
4. The surviving spouse's property and non-probate transfers to others.

B. The value of the marital-property portion of the augmented estate consists of the sum of the values of the four components of the augmented estate as determined under subsection A multiplied by the following percentage:

If the decedent and the spouse were married to each other: The percentage is:

Less than 1 year	3%
1 year but less than 2 years	6%
2 years but less than 3 years	12%
3 years but less than 4 years	18%
4 years but less than 5 years	24%
5 years but less than 6 years	30%
6 years but less than 7 years	36%
7 years but less than 8 years	42%
8 years but less than 9 years	48%
9 years but less than 10 years	54%
10 years but less than 11 years	60%
11 years but less than 12 years	68%
12 years but less than 13 years	76%
13 years but less than 14 years	84%
14 years but less than 15 years	92%
15 years or more	100%

§ 64.2-308.5. Decedent's net probate estate.

The value of the augmented estate includes the value of the decedent's probate estate, reduced by funeral and administration expenses (excluding federal or state transfer taxes), homestead allowance, family allowances, exempt property, and enforceable claims.

§ 64.2-308.6. Decedent's non-probate transfers to others.

The value of the augmented estate includes the value of the decedent's non-probate transfers to others, not included under § 64.2-308.5, of any of the following types, in the amount provided respectively for each type of transfer:

1. Property owned or owned in substance by the decedent immediately before death that passed outside probate at the decedent's death. Property included under this category consists of:

a. Property over which the decedent, alone, immediately before death, held a presently exercisable general power of appointment. The amount included is the value of the property subject to the power, to the extent the property passed at the

decedent's death, by exercise, release, lapse, in default, or otherwise, to or for the benefit of any person other than the decedent's estate or surviving spouse.

b. The decedent's fractional interest in property held by the decedent in joint tenancy with the right of survivorship. The amount included is the value of the decedent's fractional interest, to the extent the fractional interest passed by right of survivorship at the decedent's death to a surviving joint tenant other than the decedent's surviving spouse.

c. The decedent's ownership interest in property or accounts held in Payable on Death or Transfer on Death designations or co-ownership registration with the right of survivorship. The amount included is the value of the decedent's ownership interest, to the extent the decedent's ownership interest passed at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse.

d. Proceeds of insurance, including accidental death benefits, on the life of the decedent, if the decedent owned the insurance policy immediately before death or if and to the extent the decedent alone and immediately before death held a presently exercisable general power of appointment over the policy or its proceeds. The amount included is the value of the proceeds, to the extent they were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse.

2. Property transferred in any of the following forms by the decedent during marriage:

a. Any irrevocable transfer in which the decedent retained the right to the possession or enjoyment of, or to the income from, the property if and to the extent the decedent's right terminated at or continued beyond the decedent's death. The amount included is the value of the fraction of the property to which the decedent's right related, to the extent the fraction of the property passed outside probate to or for the benefit of any person other than the decedent's estate or surviving spouse.

b. Any transfer in which the decedent created a power over income or property, exercisable by the decedent alone or in conjunction with any other person, or exercisable by a non-adverse party, to or for the benefit of the decedent, creditors of the decedent, the decedent's estate, or creditors of the decedent's estate. The amount included with respect to a power over property is the value of the property subject to the power; and the amount included with respect to a power over income is the value of the property that produces or produced the income, to the extent the power in either case was exercisable at the decedent's death to or for the benefit of any person other than the decedent's surviving spouse or to the extent the property passed at the decedent's death, by exercise, release, lapse, in default, or otherwise, to or for the benefit of any person other than the decedent's estate or surviving spouse. If the power is a power over both income and property and the preceding sentence produces different amounts, the amount included is the greater amount.

3. Property that passed during marriage and during the two-year period next preceding the decedent's death as a result of a transfer by the decedent if the transfer was of any of the following types:

a. Any property that passed as a result of the termination of a right or interest in, or power over, property that would have been included in the augmented estate under subdivision 1 a, b, or c, or under subdivision 2, if the right, interest, or power had not terminated until the decedent's death. The amount included is the value of the property that would have been included under those subdivisions if the property were valued at the time the right, interest, or power terminated, and is included only to the extent the property passed upon termination to or for the benefit of any person other than the decedent or the decedent's estate, spouse, or surviving spouse. As used in this subdivision, "termination," with respect to a right or interest in property, occurs when the right or interest terminated by the terms of the governing instrument or the decedent transferred or relinquished the right or interest, and, with respect to a power over property, occurs when the power terminated by exercise, release, lapse, default, or otherwise, but, with respect to a power described in subdivision 1 a, "termination" occurs when the power terminated by exercise or release, but not otherwise.

b. Any transfer of or relating to an insurance policy on the life of the decedent if the proceeds would have been included in the augmented estate under subdivision 1 d had the transfer not occurred. The amount included is the value of the insurance proceeds to the extent the proceeds were payable at the decedent's death to or for the benefit of any person other than the decedent's estate or surviving spouse.

c. Any transfer of property, to the extent not otherwise included in the augmented estate, made to or for the benefit of a person other than the decedent's surviving spouse. The amount included is the value of the transferred property to the extent the transfers to any one donee in either of the two years next preceding the date of the decedent's death exceeded the amount excludable from taxable gifts under 26 U.S.C. § 2503(b), or its successor, on the date of the gift.

§ 64.2-308.7. Decedent's non-probate transfers to the surviving spouse.

Excluding property passing to the surviving spouse under the federal social security system, the value of the augmented estate includes the value of the decedent's non-probate transfers to the decedent's surviving spouse, which consist of all property that passed outside probate at the decedent's death from the decedent to the surviving spouse by reason of the decedent's death, including:

1. The decedent's fractional interest in property held as a joint tenant with the right of survivorship, to the extent that the decedent's fractional interest passed to the surviving spouse as surviving joint tenant;

2. The decedent's ownership interest in property or accounts held in co-ownership registration with the right of survivorship, or with Payable on Death or Transfer on Death designations to the extent the decedent's ownership interest passed to the surviving spouse as surviving co-owner; and

3. All other property that would have been included in the augmented estate under subdivision 1 or 2 of § 64.2-308.6 had it passed to or for the benefit of a person other than the decedent's spouse, surviving spouse, the decedent, or the decedent's creditors, estate, or estate creditors.

§ 64.2-308.8. Surviving spouse's property and non-probate transfers to others.

A. Except to the extent included in the augmented estate under § 64.2-308.5 or 64.2-308.7, the value of the augmented estate includes the value of:

1. Property that was owned by the decedent's surviving spouse at the decedent's death, including:

a. The surviving spouse's fractional interest in property held in joint tenancy with the right of survivorship;

b. The surviving spouse's ownership interest in property or accounts held in co-ownership registration with the right of survivorship; and

c. Property that passed to the surviving spouse by reason of the decedent's death, but not including the spouse's right to homestead allowance, family allowance, exempt property, or payments under the federal social security system.

2. Property that would have been included in the surviving spouse's non-probate transfers to others, other than the spouse's fractional and ownership interests included under subdivision 1 a or b, had the spouse been the decedent.

B. Property included under this section is valued at the decedent's death, taking the fact that the decedent predeceased the spouse into account, but, for purposes of subdivision A 1 a or b, the values of the spouse's fractional and ownership interests are determined immediately before the decedent's death if the decedent was then a joint tenant or a co-owner of the property or accounts. For purposes of subdivision A 2, proceeds of insurance that would have been included in the spouse's non-probate transfers to others under subdivision 1 d of § 64.2-308.6 are not valued as if the spouse were deceased.

C. The value of property included under this section is reduced by enforceable claims against the surviving spouse.

§ 64.2-308.9. Exclusions, valuation, and overlapping application.

A. The value of any property is excluded from the decedent's non-probate transfers to others:

1. To the extent the decedent received adequate and full consideration in money or money's worth for a transfer of the property; or

2. If the property was transferred with the written joinder of, or if the transfer was consented to in writing before or after the transfer by, the surviving spouse.

B. 1. The value of any property otherwise included under § 64.2-308.5 or 64.2-308.6, and its income or proceeds, is excluded from the decedent's net probate estate and non-probate transfers to others to the extent such property was transferred to or for the benefit of the decedent, before or during the marriage to the surviving spouse, by gift, will, transfer in trust, intestate succession, or any other method or form of transfer to the extent it was (i) transferred without full consideration in money or money's worth from a person other than the surviving spouse and (ii) maintained by the decedent as separate property.

2. The value of any property otherwise included under § 64.2-308.8, and its income or proceeds, is excluded from the surviving spouse's property and non-probate transfers to others to the extent such property was transferred to or for the benefit of the surviving spouse, before or during the marriage to the decedent, by gift, will, transfer in trust, intestate succession, or any other method or form of transfer to the extent it was (i) transferred without full consideration in money or money's worth from a person other than the decedent and (ii) maintained by the surviving spouse as separate property.

C. 1. The value of property:

1. Included in the augmented estate under § 64.2-308.5, 64.2-308.6, 64.2-308.7, or 64.2-308.8 is reduced in each category by enforceable claims against the included property; and

2. Includes the commuted value of any present or future interest and the commuted value of amounts payable under any trust, life insurance settlement option, annuity contract, public or private pension, disability compensation, death benefit or retirement plan, or any similar arrangement, exclusive of the federal social security system. Except as provided herein for interests passing to a surviving spouse, life estates and remainder interests are valued in the manner prescribed in Article 2 (§ 55-269.1 et seq.) of Chapter 15 of Title 55 and deferred payments and estates for years are discounted to present value using the interest rate specified in § 55-269.1. In valuing partial and contingent interests passing to the surviving spouse, and beneficial interests in trust, the following special rules apply:

a. The value of the beneficial interest of a spouse shall be the entire fair market value of any property held in trust if the decedent was the settlor of the trust, if the trust is held for the exclusive benefit of the surviving spouse during the surviving spouse's lifetime, and if the terms of the trust meet the following requirements:

(1) During the lifetime of the surviving spouse, the trust is controlled by the surviving spouse or one or more trustees who are non-adverse parties;

(2) The trustee shall distribute to or for the benefit of the surviving spouse the entire net income of the trust at least annually;

(3) The trustee is permitted to distribute to or for the benefit of the surviving spouse out of the principal of the trust such amounts and at such times as the trustee, in its discretion, determines for the health, maintenance, and support of the surviving spouse; and

(4) In exercising discretion, the trustee may be authorized or required to take into consideration all other income assets and other means of support available to the surviving spouse.

b. To the extent that the partial or contingent interest is dependent upon the occurrence of any contingency that is not subject to the control of the surviving spouse and that is not subject to valuation by reference to the mortality and annuity tables set forth in §§ 55-271 through 55-277, the contingency will be conclusively presumed to result in the lowest possible value passing to the surviving spouse.

c. To the extent that the valuation of a partial or contingent interest is dependent upon the life expectancy of the surviving spouse, that life expectancy shall be conclusively presumed to be no less than 10 years, regardless of the actual attained age of the surviving spouse at the decedent's death.

D. In case of overlapping application to the same property of the subsections or subdivisions of § 64.2-308.6, 64.2-308.7, or 64.2-308.8, the property is included in the augmented estate under the provision yielding the greatest value, and under only one overlapping provision if they all yield the same value.

§ 64.2-308.10. Sources from which elective share payable.

A. In a proceeding for an elective share, the following are applied first to satisfy the elective-share amount and to reduce or eliminate any contributions due from the decedent's probate estate and recipients of the decedent's non-probate transfers to others:

1. The value of property excluded from the augmented estate under subsection A of § 64.2-308.9, which passes or has passed to the surviving spouse;

2. Amounts included in the augmented estate under § 64.2-308.5 that pass or have passed to the surviving spouse by testate or intestate succession and amounts included in the augmented estate under § 64.2-308.7; and

3. The marital property portion of amounts included in the augmented estate under § 64.2-308.8.

B. The marital property portion under subdivision A 3 is computed by multiplying the value of the amounts included in the augmented estate under § 64.2-308.8 by the percentage of the augmented estate set forth in the schedule in subsection B of § 64.2-308.4 appropriate to the length of time the spouse and the decedent were married to each other.

C. If, after the application of subsection A, the elective share amount is not fully satisfied, amounts included in the decedent's net probate estate, other than assets passing to the surviving spouse by testate or intestate succession, and in the decedent's non-probate transfers to others under subdivisions 1, 2, and 3 b of § 64.2-308.6 are applied first to satisfy the unsatisfied balance of the elective share amount. The decedent's net probate estate and that portion of the decedent's non-probate transfers to others are so applied that liability for the unsatisfied balance of the elective share amount is apportioned among the recipients of the decedent's net probate estate and of that portion of the decedent's non-probate transfers to others in proportion to the value of their interests therein.

D. If, after the application of subsections A and C, the elective share amount is not fully satisfied, the remaining portion of the decedent's non-probate transfers to others is so applied that liability for the unsatisfied balance of the elective share amount is apportioned among the recipients of the remaining portion of the decedent's non-probate transfers to others in proportion to the value of their interests therein.

E. The unsatisfied balance of the elective share amount as determined under subsection C or D is treated as a general pecuniary bequest.

§ 64.2-308.11. Personal liability of recipients.

A. Only original recipients of the decedent's non-probate transfers to others, and the donees of the recipients of the decedent's non-probate transfers to others, to the extent the donees have the property or its proceeds, are liable to make a proportional contribution toward satisfaction of the surviving spouse's elective share amount. A person liable to make contribution may choose to give up the proportional part of the decedent's non-probate transfers to him or to pay the value of the amount for which he is liable in cash, or, upon agreement of the surviving spouse, other property.

B. If any section or part of any section of this article is preempted by federal law with respect to a payment, an item of property, or any other benefit included in the decedent's non-probate transfers to others, a person who, not for value, receives the payment, item of property, or any other benefit is obligated to return the payment, item of property, or benefit, or is personally liable for the amount of the payment or the value of that item of property or benefit, as provided in § 64.2-308.10, to the person who would have been entitled to it were that section or part of that section not preempted.

§ 64.2-308.12. Proceeding for elective share; time limit.

A. The election by the surviving spouse of a decedent who dies domiciled in the Commonwealth must be made no later than six months after the later of (i) the time of the admission of the decedent's will to probate or (ii) the qualification of an administrator on the decedent's intestate estate, by a writing recorded in the court or the clerk's office thereof, upon such acknowledgment or proof as would authorize a writing to be admitted to record under Chapter 6 (§ 55-106 et seq.) of Title 55. The clerk shall record such election in the will book of the court. A copy of such election shall be provided to the personal representative, if any, by regular U.S. mail or hand delivery within 30 days of filing.

B. The surviving spouse must file the complaint to determine the elective share no later than six months after the filing of the election as set forth in subsection A. No later than 30 days after the filing of the complaint, the surviving spouse must provide a copy of the complaint to all known persons interested in the estate and to the distributees and recipients of portions of the augmented estate whose interests will be adversely affected by the taking of the elective share. The decedent's non-probate transfers to others are not included within the augmented estate for the purpose of computing the elective share if the complaint is filed more than 12 months after the decedent's death.

C. Notwithstanding the provisions of § 8.01-380, the election for an elective share may be withdrawn by the surviving spouse at any time before entry of a final determination by the court and such election shall be extinguished.

D. After notice and hearing, the court shall determine the elective share amount, and shall order its payment from the assets of the augmented estate or by contribution as appears appropriate under §§ 64.2-308.10 and 64.2-308.11. If it appears that a fund or property included in the augmented estate has not come into the possession of the personal representative, or has been distributed by the personal representative, the court nevertheless shall fix the liability of any

person who has any interest in the fund or property or who has possession thereof, whether as trustee or otherwise. The proceeding may be maintained against fewer than all persons against whom relief could be sought, but no person is subject to contribution in any greater amount than such person would have been under §§ 64.2-308.10 and 64.2-308.11 had relief been secured against all persons subject to contribution.

E. An order or judgment of the court may be enforced as necessary in suit for contribution or payment in other courts of this state or other jurisdictions.

§ 64.2-308.13. Right of election personal to surviving spouse; incapacitated surviving spouse.

A. The right of election may be exercised only by or on behalf of a surviving spouse who is living when the election for the elective share is filed in the court under subsection A of § 64.2-308.12. If the election is not made by the surviving spouse personally, it may be made on the surviving spouse's behalf by his or her conservator or agent under the authority of a durable power of attorney.

B. If the election is made on behalf of a surviving spouse who is an incapacitated person, and the court enters an order determining the amounts due to the surviving spouse, the court must set aside that portion of the elective share amount due from the decedent's probate estate and recipients of the decedent's non-probate transfers to others under subsections C and D of § 64.2-308.10 and must appoint a trustee to administer that property for the support of the surviving spouse. For the purposes of this subsection, an election on behalf of a surviving spouse by a conservator or agent under a durable power of attorney is presumed to be on behalf of a surviving spouse who is an incapacitated person. The trustee must administer the trust in accordance with the following terms or such other terms as the court determines appropriate:

1. Expenditures of income and principal may be made in the manner, when, and to the extent that the trustee determines suitable and proper for the surviving spouse's support, without court order but with regard to other support, income, and property of the surviving spouse and benefits of medical or other forms of assistance from any state or federal government or governmental agency for which the surviving spouse must qualify on the basis of need.

2. During the surviving spouse's incapacity, neither the surviving spouse nor anyone acting on behalf of the surviving spouse has a power to terminate the trust; but if the surviving spouse regains capacity, the surviving spouse then acquires the power to terminate the trust and acquire full ownership of the trust property free of trust, by delivering to the trustee a writing signed by the surviving spouse declaring the termination.

3. Upon the surviving spouse's death, the trustee shall transfer the unexpended trust property in the following order: (i) under the residuary clause, if any, of the will of the predeceased spouse against whom the elective share was taken, as if that predeceased spouse died immediately after the surviving spouse; or (ii) to the predeceased spouse's heirs under Chapter 2 (§ 64.2-200 et seq.).

4. The trust shall be treated as a testamentary trust subject to the provisions governing testamentary trustees under Title 64.2.

§ 64.2-308.14. Waiver of right to elect and of other rights; defenses.

A. The right of election of a surviving spouse and the rights of the surviving spouse to homestead allowance, exempt property, and family allowance, or any of them, may be waived, wholly or partially, before or after marriage, by a written contract, agreement, or waiver signed by the surviving spouse.

B. A surviving spouse's waiver is not enforceable if the surviving spouse proves that:

1. The waiver was not executed voluntarily; or
2. The waiver was unconscionable when it was executed and before execution of the waiver because:
 - a. A fair and reasonable disclosure of the property or financial obligations of the decedent was not provided;
 - b. Any right to disclosure of the property or financial obligations of the decedent beyond the disclosure provided was not voluntarily and expressly waived, in writing; and
 - c. The surviving spouse did not have, or reasonably could not have had, an adequate knowledge of the property or financial obligations of the decedent.

C. An issue of unconscionability of a waiver is for decision by the court as a matter of law.

D. Unless it provides to the contrary, a waiver of all rights, or equivalent language, in the property or estate of a present or prospective spouse or a complete property settlement entered into after or in anticipation of separation or divorce is a waiver of all rights of elective share, homestead allowance, exempt property, and family allowance by each spouse in the property of the other and a renunciation by each of all benefits that would otherwise pass to one spouse from the other by intestate succession or by virtue of any will executed before the waiver or property settlement.

E. If a spouse willfully deserts or abandons the other spouse and such desertion or abandonment continues until the death of the other spouse, the party who deserted or abandoned the deceased spouse shall be barred of all interest in the decedent's estate by intestate succession, elective share, exempt property, family allowance, and homestead allowance.

§ 64.2-308.15. Protection of payors and other third parties.

A. Although under § 64.2-308.6 a payment, item of property, or other benefit is included in the decedent's non-probate transfers to others, a payor or other third party is not liable for having made a payment or transferred an item of property or other benefit to a beneficiary designated in a governing instrument, or for having taken any other action in good faith reliance on the validity of a governing instrument, upon request and satisfactory proof of the decedent's death, before the payor or other third party received written notice from the surviving spouse or spouse's representative as required by § 64.2-308.12, that a complaint for the elective share has been filed. A payor or other third party is liable for payments

made or other actions taken after the payor or other third party received written notice that a complaint for the elective share has been filed.

B. A written notice that a complaint for the elective share has been filed must be mailed to the payor's or other third party's main office or home by registered or certified mail, return receipt requested, or served upon the payor or other third party in the same manner as a summons in a civil action. Upon receipt of written notice that a complaint for the elective share has been filed, a payor or other third party may pay any amount owed or transfer or deposit any item of property held by it to or with the court having jurisdiction of the probate proceedings relating to the decedent's estate. The court shall hold the funds or item of property, and, upon its determination under subsection D of § 64.2-308.12, shall order disbursement in accordance with the determination. If no complaint is filed in the court within the specified time under subsection A of § 64.2-308.12 or, if filed, the election for an elective share is withdrawn under subsection C of § 64.2-308.12, the court shall order disbursement to the designated beneficiary. Payments or transfers to the court or deposits made into court discharge the payor or other third party from all claims for amounts so paid or the value of property so transferred or deposited.

C. Upon complaint to the probate court by the beneficiary designated in a governing instrument, the court may order that all or part of the property be paid to the beneficiary in an amount and subject to conditions consistent with this article.

§ 64.2-308.16. Rights in family residence.

Until the surviving spouse's rights in the principal family residence have been determined and satisfied by an agreement between the parties or a final court decree, in cases (i) where the principal family residence passes under the provisions of § 64.2-200 and the decedent is survived by children or their descendants, one or more of whom are not children or their descendants of the surviving spouse, or (ii) where the surviving spouse claims an elective share in the decedent's augmented estate under this article, the surviving spouse may hold, occupy, and enjoy the principal family residence and curtilage without charge for rent, repairs, taxes, or insurance. If the surviving spouse is deprived of possession of the principal family residence and curtilage, upon the filing of a complaint for unlawful entry or detainer, he is entitled to recover possession of such residence and damages sustained by him by reason of such deprivation during the time he was so deprived. Nothing in this section shall be construed to impair the lien or delay the enforcement of such lien of the Commonwealth or any locality for the taxes assessed upon the property.

§ 64.2-308.17. Statutory rights barred by desertion or abandonment.

If a parent willfully deserts or abandons his minor or incapacitated child and such desertion or abandonment continues until the death of the child, the parent shall be barred of all interest in the child's estate by intestate succession.

§ 64.2-311. Homestead allowance.

A. In addition to any other right or allowance under this article, a surviving spouse of a decedent who was domiciled in the Commonwealth is entitled to a homestead allowance of \$20,000. If there is no surviving spouse, each minor child of the decedent is entitled to a homestead allowance amounting to \$20,000, divided by the number of minor children.

B. The homestead allowance has priority over all claims against the estate, except the family allowance and the right to exempt property.

C. The homestead allowance is in lieu of any share passing to the surviving spouse or minor children by the decedent's will or by intestate succession; provided, however, if the amount passing to the surviving spouse and minor children by the decedent's will or by intestate succession is less than \$20,000, then the surviving spouse or minor children are entitled to a homestead allowance in an amount that when added to the property passing to the surviving spouse and minor children by the decedent's will or by intestate succession, equals the sum of \$20,000.

D. If the surviving spouse claims and receives an elective share of the decedent's estate under §§ 64.2-302 through 64.2-307 or Article 1.1 (§ 64.2-308.1 et seq.), as applicable, the surviving spouse shall not have the benefit of any homestead allowance.

§ 64.2-317. Disposition upon death.

Upon death of a married person, one-half of the property to which this article applies is the property of the surviving spouse and is not subject to testamentary disposition by the decedent or distribution under the laws of intestate succession of the Commonwealth. One-half of that property is the property of the decedent and is subject to testamentary disposition or distribution under the laws of intestate succession of the Commonwealth. With respect to property to which this article applies, the decedent's one-half of the property is not subject to the surviving spouse's right to an elective share under § 64.2-302 or Article 1.1 (§ 64.2-308.1 et seq.), as applicable.

§ 64.2-500. Grant of administration with the will annexed.

A. If the will does not name an executor, or the executor named refuses to accept, fails to give bond, or dies, resigns, or is removed from office, the court or clerk may grant administration with the will annexed to a person who is a residual or substantial legatee under the will, or his designee, or if such person fails to apply for administration within 30 days, to a person who would have been entitled to administration if there had been no will.

B. Administration shall not be granted to any person unless he takes the required oath and gives bond, and the court or clerk is satisfied that he is suitable and competent to perform the duties of his office. Administration shall not be granted to any person under a disability as defined in § 8.01-2.

C. If any beneficiary of the estate objects, a spouse or parent who has been barred from all interest in the estate because of desertion or abandonment as provided under § 64.2-308 or 64.2-308.17, as applicable, may not serve as an administrator of the estate.

§ 64.2-502. Grant of administration of intestate estate.

A. The court or the clerk who would have jurisdiction as to the probate of a will, if there were a will, has jurisdiction to hear and determine the right of administration of the estate in the case of a person dying intestate. Administration shall be granted as follows:

1. During the first 30 days following the decedent's death, the court or the clerk may grant administration to a sole distributee, or his designee, or in the absence of a sole distributee, to any distributee, or his designee, who presents written waivers of the right to qualify from all other competent distributees.

2. After 30 days have passed since the decedent's death, the court or the clerk may grant administration to the first distributee, or his designee, who applies, provided, that if, during the first 30 days following the decedent's death, more than one distributee notifies the court or the clerk of an intent to qualify after the 30-day period has elapsed, the court or the clerk shall not grant administration to any distributee, or his designee, until the court or the clerk has given all such distributees an opportunity to be heard.

3. After 45 days have passed since the decedent's death, the court or the clerk may grant administration to any nonprofit charitable organization that operated as a conservator or guardian for the decedent at the time of his death if such organization certifies that it has made a diligent search to find an address for any sole distributee and has sent notice by certified mail to the last known address of any such distributee of its intention to apply for administration at least 30 days before such application, or, that it has not been able to find any address for such distributee. However, if, during the first 45 days following the decedent's death, any distributee notifies the court or the clerk of an intent to qualify after the 45-day period has elapsed, the court or the clerk shall not grant administration to any such organization until the court or the clerk has given all such distributees an opportunity to be heard. Qualification of such nonprofit charitable organization is not subject to challenge on account of the failure to make the certification required by this subdivision.

4. After 60 days have passed since the decedent's death, the court or the clerk may grant administration to one or more of the creditors or to any other person, provided such creditor or person other than a distributee certifies that he has made a diligent search to find an address for any sole distributee and has sent notice by certified mail to the last known address of any such distributee of his intention to apply for administration at least 30 days before such application, or that he has not been able to find any address for such distributee. Qualification of a creditor or person other than a distributee is not subject to challenge on account of the failure to make the certification required by this subdivision.

B. When granting administration, if the court determines that it is in the best interests of a decedent's estate, the court may depart from the provisions of this section at any time and grant administration to such person as the court deems appropriate.

C. The court or clerk may admit to probate a will of the decedent after a grant of administration. If administration has been granted to a creditor or person other than a distributee, the court or clerk may grant administration to a distributee who applies for administration and who has not previously been refused administration after reasonable notice has been given to such creditor or other person previously granted administration. Admission of a will to probate or the grant of administration pursuant to this subsection terminates any previous grant of administration.

D. The court or clerk shall not grant administration to any person unless satisfied that he is suitable and competent to perform the duties of his office. The clerk shall require such person to sign under oath that such person is not under a disability as defined in § 8.01-2 or, regardless of whether his civil rights have been restored, has not been convicted of a felony offense of (i) fraud or misrepresentation or (ii) robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, perjury, bribery, treason, or racketeering. However, if the person convicted of such felony offense is the sole distributee of the estate, then the court or clerk may grant administration to such person if he is otherwise suitable and competent to perform the duties of his office.

E. If any beneficiary of the estate objects, a spouse or parent who has been barred from all interest in the estate because of desertion or abandonment as provided under § 64.2-308 or 64.2-308.17, as applicable, may not serve as an administrator of the estate of the deceased spouse or child.

§ 64.2-556. Order to creditors to show cause against distribution of estate to legatees or distributees; liability of legatees or distributees to refund.

A. When a report of the accounts of any personal representative and of the debts and demands against the decedent's estate has been filed in the office of a clerk of a court, whether under §§ 64.2-550 and 64.2-551 or in a civil action, the court, after six months from the qualification of the personal representative, may, on motion of the personal representative, or a successor or substitute personal representative, or on motion of a legatee or distributee of the decedent, enter an order for the creditors and all other persons interested in the estate of the decedent to show cause on the day named in the order against the payment and delivery of the estate of the decedent to his legatees or distributees. A copy of the order shall be published once a week for two successive weeks, in one or more newspapers, as the court directs; the costs of such publication shall be paid by the petitioner or applicant. On or after the day named in the order, the court may order the payment and delivery to the legatees or distributees of the whole or a part of the money and other estate not before distributed, with or without a refunding bond, as it prescribes. However, every legatee or distributee to whom any such payment or delivery is made, and his representatives, may, in a suit brought against him within five years after such payment or delivery is made, be adjudged to refund a due proportion of any claims enforceable against the decedent or his estate that have been finally allowed by the commissioner of accounts or the court, or that were not presented to the commissioner of accounts, and the costs of the recovery of such claim. In the event any claim becomes known to the fiduciary after the notice for debts and demands but

prior to the entry of an order of distribution, the claimant, if the claim is disputed, shall be given notice in the form provided in § 64.2-550 and the order of distribution shall not be entered until after expiration of 10 days from the giving of such notice. If the claimant, within such 10-day period, indicates his desire to pursue the claim, the commissioner of accounts shall schedule a date for hearing the claim and for reporting thereon if action thereon is contemplated under § 64.2-550.

B. Any personal representative who has in good faith complied with the provisions of this section and has, in compliance with or, as subsequently approved by, the order of the court, paid and delivered the money or other estate in his possession to any party that the court has adjudged entitled thereto shall not be liable for any demands of creditors and all other persons.

C. Any personal representative who has in good faith complied with the provisions of this section and has, in compliance with, or as subsequently approved by, the order of the court, paid and delivered the money or other estate in his possession to any party that the court has adjudged entitled thereto, even if such distribution shall be prior to the expiration of the period of one year provided in § 64.2-302, *Article 1.1* (§ 64.2-308.1 *et seq.*) of Chapter 3, or § 64.2-313, 64.2-448, or 64.2-457, shall not be liable for any demands of spouses, persons seeking to impeach the will or establish another will, or purchasers of real estate from the personal representative, provided that the personal representative has contacted any surviving spouse known to it having rights of renunciation and ascertained that the surviving spouse had no plan to renounce the will, such intent to be stated in writing in the case of renunciation under § 64.2-302 or *Article 1.1* (§ 64.2-308.1 *et seq.*) of Chapter 3, as applicable, and that the personal representative has not been notified in writing of any person's intent to impeach the will or establish a later will in the case of persons claiming under § 64.2-448 or 64.2-457 or under a later will.

D. In the case of such distribution prior to the expiration of such one-year period, the personal representative shall take refunding bonds, without surety, to the next of kin or legatees to whom distribution is made, to protect against the contingencies specified in this section.

§ 64.2-632. Effect of transfer on death deed at transferor's death.

A. Except as otherwise provided in the transfer on death deed, in this section, in § 64.2-302 or *Article 1.1* (§ 64.2-308.1 *et seq.*) of Chapter 3, as applicable, or in Chapter 22 (§ 64.2-2200 *et seq.*) or 25 (§ 64.2-2500 *et seq.*), on the death of the transferor, the following rules apply to property that is the subject of a transfer on death deed and owned by the transferor at death:

1. Subject to subdivision 2, the interest in the property is transferred to and vests in the designated beneficiary at the death of the transferor in accordance with the deed.

2. The interest of a designated beneficiary is contingent on the designated beneficiary surviving the transferor. The interest of a designated beneficiary that fails to survive the transferor lapses.

3. Subject to subdivision 4, concurrent interests are transferred to the beneficiaries in equal and undivided shares with no right of survivorship.

4. If the transferor has identified two or more designated beneficiaries to receive concurrent interests in the property, the share of one that lapses or fails for any reason is transferred to the other, or to the others in proportion to the interest of each in the remaining part of the property held concurrently.

5. If, after making a transfer on death deed, the transferor is divorced a vinculo matrimonii or his marriage is annulled, the divorce or annulment revokes any transfer to a former spouse as designated beneficiary unless the transfer on death deed expressly provides otherwise.

B. Subject to Chapter 6 (§ 55-106 *et seq.*) of Title 55, a beneficiary takes the property subject to all conveyances, encumbrances, assignments, contracts, mortgages, liens, and other interests to which the property is subject at the transferor's death. For purposes of this subsection and Chapter 6 (§ 55-106 *et seq.*) of Title 55, the transfer and conveyance of the property subject to the transfer on death deed shall be deemed to be effective at the transferor's death.

C. If a transferor is a joint owner and is:

1. Survived by one or more other joint owners, the property that is the subject of a transfer on death deed belongs to the surviving joint owner or owners with right of survivorship but remains subject to the naming of the designated beneficiary in the transfer on death deed; or

2. The last surviving joint owner, the transfer on death deed is effective.

D. A transfer on death deed transfers property without covenant or warranty of title even if the deed contains a contrary provision.

§ 64.2-1805. Powers of guardian.

A. Whether appointed by a parent, the circuit court, or the circuit court clerk, a guardian of a ward's estate shall have the powers set forth in § 64.2-105 as of the date the guardian acts. A guardian of a ward's estate shall also have the following powers:

1. To ratify or reject a contract entered into by the ward;

2. To pay any sum distributable for the benefit of the ward by paying the sum directly to the ward, to the provider of goods and services that have been furnished to the ward, to any individual or facility that is responsible for or has assumed responsibility for care and custody of the ward, or to a ward's custodian under a Uniform Transfers to Minors Act, Uniform Gifts to Minors Act, or comparable law of any applicable jurisdiction;

3. To maintain life, health, casualty, and liability insurance for the benefit of the ward;

4. To manage the estate following the termination of the guardianship until its delivery to the ward or successors in interest;

5. To execute and deliver all instruments and to take all other actions that will serve the best interests of the ward;

6. To initiate a proceeding to seek a divorce or to make an augmented estate election under § 64.2-302 *or* 64.2-308.13, *as applicable*; and

7. To borrow money for such periods of time and upon such terms and conditions as to rates, maturities, renewals, and security as the guardian deems advisable, including the power to borrow from the guardian, if the guardian is a bank, for any purpose; to mortgage or pledge such portion of the ward's personal estate, and real estate subject to subsection B, as may be required to secure such loan or loans; and, as maker or endorser, to renew existing loans.

B. A guardian may exercise the powers set forth in subsection A without prior authorization, except that the court or the commissioner of accounts, if a guardian is appointed other than by the court, may impose requirements to be satisfied by the guardian prior to the conveyance of any interest in real estate, including (i) increasing the amount of the guardian's bond, (ii) securing an appraisal of the real estate or interest, (iii) giving notice to interested parties as the court or commissioner deems proper, and (iv) consulting with the commissioner of accounts.

1. If the court or commissioner of accounts imposes any requirements under this subsection, the guardian shall make a report of his compliance with each requirement, which shall be filed with the commissioner of accounts. Upon receipt of the guardian's report, the commissioner of accounts shall file promptly a report with the court stating whether the requirements imposed have been met and whether the conveyance is otherwise consistent with the guardian's duties. The conveyance shall not be closed until a report by the commissioner of accounts is filed with the court and confirmed as provided in §§ 64.2-1212, 64.2-1213, and 64.2-1214.

2. If the commissioner of accounts does not impose any requirements under this subsection, he shall, upon request of the guardian of the minor, issue a notarized statement providing that "The Commissioner of Accounts has declined to impose any requirements upon the power of (name of guardian), Guardian of (name of minor), to convey the following real estate of the minor: (property identification)." The conveyance shall not be closed until the guardian has furnished such a statement to the proposed grantee.

C. Any guardian may at any time irrevocably disclaim the right to exercise any of the powers conferred by this section by filing a written disclaimer with the clerk of the circuit court wherein his accounts may be settled. Such disclaimer shall relate back to the time when the guardian assumed the guardianship and shall be binding upon any successor guardian.

§ 64.2-2022. Management powers and duties of conservator.

A. A conservator, in managing the estate, shall have the powers set forth in § 64.2-105 as of the date the conservator acts as well as the following powers, which may be exercised without prior court authorization except as otherwise specifically provided in the court's order of appointment:

1. To ratify or reject a contract entered into by an incapacitated person;

2. To pay any sum distributable for the benefit of the incapacitated person or for the benefit of a legal dependent by paying the sum directly to the distributee, to the provider of goods and services, to any individual or facility that is responsible for or has assumed responsibility for care and custody, or to a distributee's custodian under a Uniform Gifts or Transfers to Minors Act of any applicable jurisdiction or by paying the sum to the guardian of the incapacitated person or, in the case of a dependent, to the dependent's guardian or conservator;

3. To maintain life, health, casualty, and liability insurance for the benefit of the incapacitated person or his legal dependents;

4. To manage the estate following the termination of the conservatorship until its delivery to the incapacitated person or successors in interest;

5. To execute and deliver all instruments and to take all other actions that will serve in the best interests of the incapacitated person;

6. To initiate a proceeding (i) to revoke a power of attorney under the provisions of the Uniform Power of Attorney Act (§ 64.2-1600 et seq.), (ii) to make an augmented estate election under § 64.2-302 *or* 64.2-308.13, *as applicable*, or (iii) to make an election to take a family allowance, exempt property, or a homestead allowance under § 64.2-313; and

7. To borrow money for periods of time and upon terms and conditions for rates, maturities, renewals, and security that to the conservator shall seem advisable, including the power to borrow from the conservator, if the conservator is a bank, for any purpose; to mortgage or pledge the portion of the incapacitated person's estate that may be required to secure the loan or loans; and, as maker or endorser, to renew existing loans.

B. The court may impose requirements to be satisfied by the conservator prior to the conveyance of any interest in real estate, including (i) increasing the amount of the conservator's bond, (ii) securing an appraisal of the real estate or interest, (iii) giving notice to interested parties as the court deems proper, (iv) consulting by the conservator with the commissioner of accounts and, if one has been appointed, with the guardian, and (v) requiring the use of a common source information company, as defined in § 54.1-2130, when listing the property. If the court imposes any such requirements, the conservator shall make a report of his compliance with each requirement, to be filed with the commissioner of accounts. Promptly following receipt of the conservator's report, the commissioner of accounts shall file a report with the court indicating whether the requirements imposed have been met and whether the sale is otherwise consistent with the conservator's duties. The conveyance shall not be closed until a report by the commissioner of accounts is filed with the court and confirmed as provided in §§ 64.2-1212, 64.2-1213, and 64.2-1214.

CHAPTER 270

An Act to amend and reenact § 8.01-299 of the Code of Virginia, relating to substituted service of process on registered agent of domestic corporation.

[S 241]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-299 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-299. How process served on domestic corporations generally.**

Except as prescribed in § 8.01-300 as to municipal and quasi-governmental corporations, and subject to § 8.01-286.1, process may be served on a corporation created by the laws of the Commonwealth as follows:

1. By personal service on any officer, director, or registered agent of such corporation; ~~or~~
2. By substituted service on stock corporations in accordance with § 13.1-637 and on nonstock corporations in accordance with § 13.1-836; *or*
3. *If the registered address of the corporation is a single-family residential dwelling, by substituted service on the registered agent of the corporation in the manner of subdivision 2 of § 8.01-296.*

CHAPTER 271

An Act to amend and reenact § 38.2-3454.1 of the Code of Virginia, relating to health benefits plans; amendments to federal law.

[S 562]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 38.2-3454.1 of the Code of Virginia is amended and reenacted as follows:****§ 38.2-3454.1. Sale or renewal or offer of health benefit plans; special exception.**

Notwithstanding any other provision of state law, a health carrier may *sell, issue, or offer* ~~to~~ *for sale or renew* any health benefit plan that would otherwise (i) *not be permitted to be sold, issued, or offered for sale or* (ii) be required to be canceled, discontinued, or terminated, because ~~the health benefit plan does not meet the requirements of Title I of the federal Patient Protection and Affordable Care Act (H.R. 3590), as amended by the Health Care and Education Reconciliation Act of 2010 (P.L. 111-152) (the PPACA) or regulations promulgated thereunder, to the extent and under the terms that (a) the appropriate federal authority has suspended enforcement of provisions of Title I of the PPACA or regulations promulgated thereunder or (b) the requirements of the PPACA are amended by any federal law.~~ This section applies to health benefit plans sold or offered for sale in the individual and group markets.

CHAPTER 272

An Act to amend and reenact § 2.2-3705.3 of the Code of Virginia, relating to the Freedom of Information Act; exclusions for school personnel licensure applications.

[S 564]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-3705.3 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.**

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. (Effective until July 1, 2018) Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

1. (Effective July 1, 2018) Confidential records of all investigations of applications for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. However, nothing in this section shall prohibit the disclosure of information taken from inactive reports in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. Records of studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such official records have not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. Records of completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is prohibited by this section, the records disclosed shall include, but not be limited to, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. However, nothing in this section shall prohibit the distribution of information taken from inactive reports in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. Records furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. ~~Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation~~ Records of (i) an application for licensure or renewal of a license for teachers and other school personnel, including transcripts or other documents submitted in support of an application, and (ii) an active investigation conducted by or for the Board of Education related to the denial, suspension, ~~cancellation, or~~ revocation, or reinstatement of teacher and other school personnel licenses including investigator notes and other correspondence and information, furnished in

confidence with respect to such investigation. However, this subdivision shall not prohibit the disclosure of (a) application records to the applicant at his own expense or (b) investigation records to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. Records of completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The *completed investigation* records disclosed shall include information regarding the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information in the records regarding a current or former student shall be released except as permitted by state or federal law.

13. Records, notes and information provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, records related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

CHAPTER 273

An Act to amend and reenact §§ 59.1-475 through 59.1-477.1 of the Code of Virginia, relating to the Structured Settlement Protection Act.

[S 621]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-475 through 59.1-477.1 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-475. Definitions.

For purposes of this chapter:

"Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.

"Applicable federal rate" means the most recently published applicable federal rate for determining the present value of an annuity, as prescribed by the U.S. Internal Revenue Service pursuant to 26 U.S.C. § 7520, as amended.

"Assignee" means a party acquiring or proposing to acquire structured settlement payment rights directly or indirectly from a transferee of such rights.

"Dependents" include a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

"Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

"Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

"Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser.

"Interested parties" means, with respect to any structured settlement, ~~the~~:

1. The payee; ~~any~~;
2. Any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death or, ~~the~~ if such beneficiary is a minor, the designated beneficiary's parent or guardian;
3. The annuity issuer; ~~the~~;
4. The structured settlement obligor; and ~~any~~
5. Any other party to such structured settlement that has continuing rights or obligations to receive or make payments under such structured settlement.

"Net advance amount" means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under subdivision 5 of § 59.1-475.1.

"Payee" means an individual who is receiving tax free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

"Periodic payments" includes both recurring payments and scheduled future lump sum payments.

"Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of § 130 of the United States Internal Revenue Code, United States Code Title 26, as amended from time to time.

~~"Responsible administrative authority" means, with respect to a structured settlement, any governmental authority vested by law with exclusive jurisdiction over the settled claim resolved by such structured settlement.~~

"Settled claim" means the original tort claim resolved by a structured settlement.

"Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim.

"Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

"Structured settlement obligor" means, with respect to any structured settlement, ~~the a party that has the a~~ continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

"Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where the payee is domiciled in, ~~or the domicile or principal place of business of the structured settlement obligor or the annuity issuer is located in, this~~ the Commonwealth; or the structured settlement agreement was approved by a court ~~or responsible administrative authority in this Commonwealth;~~ ~~or the structured settlement agreement is expressly governed by the laws of this in the~~ Commonwealth.

"Terms of the structured settlement" include, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement, and any order or other approval of any court ~~or responsible administrative authority~~ or other government authority that authorized or approved such structured settlement.

"Transfer" means any sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration; however, the term "transfer" shall not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to such insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce such blanket security interest against the structured settlement payment rights.

"Transfer agreement" means the agreement providing for transfer of structured settlement payment rights.

"Transfer expenses" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorneys' fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions, and other payments to a broker or other intermediary; however, "transfer expenses" shall not include preexisting obligations of the payee payable for the payee's account from the proceeds of a transfer.

"Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

§ 59.1-475.1. Required disclosures to payee.

Not less than three days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than fourteen points, setting forth:

1. The amounts and due dates of the structured settlement payments to be transferred;
2. The aggregate amount of such payments;
3. The discounted present value of the payments to be transferred, which shall be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities," and the amount of the Applicable Federal Rate used in calculating such discounted present value;
4. The gross advance amount;
5. An itemized listing of all applicable transfer expenses, other than ~~attorneys'~~ attorney fees and related disbursements payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such fees and disbursements;
6. *The effective annual interest rate, which shall be disclosed in a statement in the following form: "On the basis of the net amount that you will receive from us and the amounts and timing of the structured settlement payments that you are transferring to us, you will in effect be paying interest to us at a rate of ___ percent per year";*
7. The net advance amount;
- ~~7.~~ 8. The amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee; and
- ~~8.~~ 9. A statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, not later than the third business day after the date the agreement is signed by the payee.

§ 59.1-476. Approval of transfers of structured settlement payment rights.

No direct or indirect transfer of structured settlement payment rights shall be effective and no structured settlement obligor or annuity issuer shall be required to make any payment directly or indirectly to any transferee ~~or assignee~~ of structured settlement payment rights unless the transfer has been authorized in advance in a final court order ~~or order of a responsible administrative authority~~ based on express findings by such court ~~or responsible administrative authority~~ that:

1. The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents;
2. The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived *in writing the opportunity to seek and receive* such advice ~~in writing~~; and
3. The transfer does not contravene any applicable statute or the order of any court or other government authority.

§ 59.1-476.1. Effects of transfer of structured settlement payment rights.

Following *issuance of a court order approving* a transfer of structured settlement payment rights under this chapter:

1. The structured settlement obligor and the annuity issuer *may rely on the court order in redirecting periodic payments to an assignee or transferee in accordance with the order and shall, as to all parties except the transferee or an assignee designated by the transferee, be discharged and released from any and all liability for the transferred redirected payments, and such discharge and release shall not be affected by the failure of any party to the transfer to comply with this chapter or with the order of the court approving the transfer;*

2. The transferee shall be liable to the structured settlement obligor and the annuity issuer:

a. If the transfer contravenes the terms of the structured settlement, for any taxes incurred by such parties as a consequence of the transfer; and

b. For any other liabilities or costs, including reasonable costs and ~~attorneys' attorney~~ fees, arising from compliance by ~~such parties the structured settlement obligor or annuity issuer~~ with the order of the court or ~~responsible administrative authority or arising as a consequence of the transferee's~~ from the failure of any party to the transfer to comply with this chapter;

3. Neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees; and

4. Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this chapter.

§ 59.1-477. Procedure for approval of transfers.

A. An application under this chapter for approval of a transfer of structured settlement payment rights shall be made by the transferee and ~~may shall~~ be brought in the ~~state circuit court for the county or city in which the payee resides, is domiciled in the state in which~~ Commonwealth, ~~except that if the structured settlement obligor or the annuity issuer maintains its principal place of business, or in any court or before any responsible administrative authority payee is not domiciled in the Commonwealth, the application may be brought in the court in the Commonwealth that approved the structured settlement agreement. Applications brought in Virginia shall be brought in circuit court, and such~~ The court may refer the matter to a commissioner of accounts for a report to such court and a recommendation on the findings required by § 59.1-476. Such report and recommendation shall be filed with the court and mailed to all interested parties served under subsection B of this section, and such report and recommendation and any exceptions thereto shall be examined by the court and confirmed or corrected as provided in § 64.2-1212.

B. ~~A timely hearing shall be held on an application for approval of a transfer of structured settlement payment rights. The payee shall appear in person at the hearing unless the court determines that good cause exists to excuse the payee from appearing in person.~~ Not less than ~~twenty~~ 20 days prior to the scheduled hearing on ~~any~~ an application for approval of a transfer of structured settlement payment rights under § 59.1-476, the transferee shall file with the court or ~~responsible administrative authority~~ and serve on all interested parties a notice of the proposed transfer and the application for its approval; ~~including with such notice.~~ In addition to complying with the other requirements of this chapter, the application shall include:

1. ~~A copy of the transferee's application;~~

~~2.~~ A copy of the transfer agreement;

~~3.~~ 2. A copy of the disclosure statement required under § 59.1-475.1;

~~4. A listing~~ 3. The payee's name, age, and county of domicile and the number and ages of each of the payee's dependents; ~~together with each dependent's age;~~

4. A summary of:

a. Any prior transfers by the payee to the transferee or an affiliate, or through the transferee or an affiliate to an assignee, within the four years preceding the date of the transfer agreement and any proposed transfers by the payee to the transferee or an affiliate, or through the transferee or an affiliate, applications for approval of which were denied within the two years preceding the date of the transfer agreement; and

b. Any prior transfers by the payee to any person or entity other than the transferee or an affiliate or an assignee of the transferee or an affiliate within the three years preceding the date of the transfer agreement and any prior proposed transfers by the payee to any person or entity other than the transferee or an affiliate or an assignee of a transferee or affiliate, applications for approval of which were denied within the one year preceding the date of the current transfer agreement, to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in writing or otherwise are actually known by the transferee;

5. Notification that any interested party is entitled to support, oppose or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or ~~responsible administrative authority~~ or by participating in the hearing; and

6. Notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, (which shall be not less than ~~fifteen~~ five days ~~after service of~~ prior to the ~~transferee's notice~~) hearing, in order to be considered by the court or ~~the responsible administrative authority.~~

§ 59.1-477.1. General provisions, construction.

A. ~~The~~ Compliance with the provisions of this chapter may not be waived by any payee.

B. Any transfer agreement entered into on or after the effective date of the act of the General Assembly enacting this section by a payee who resides in ~~this~~ the Commonwealth shall provide that disputes under such transfer agreement,

including any claim that the payee has breached the agreement, shall be determined in and under the laws of ~~this~~ the Commonwealth. No such transfer agreement shall authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

C. No transfer of structured settlement payment rights shall extend to any payments that are life-contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for periodically confirming the payee's survival, and giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

D. No payee who proposes to make a transfer of structured settlement payment rights shall incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such transfer to satisfy the conditions of this chapter.

E. Nothing contained in this chapter shall be construed to authorize any transfer of structured settlement payment rights in contravention of any law ~~or to imply that any transfer under a transfer agreement entered into prior to July 1, 2001, is valid or invalid.~~ A court shall not be precluded from hearing an application for approval of a transfer of payment rights under a structured settlement where the terms of the structured settlement prohibit the sale, assignment, or encumbrance of such payment rights, nor shall the interested parties be precluded from waiving or asserting their rights under those terms. The provisions of this chapter shall not be applicable to transfers of workers' compensation claims, awards, benefits, settlements or payments made or payable pursuant to Title 65.2.

F. Compliance with the requirements set forth in § 59.1-475.1 and fulfillment of the conditions set forth in §§ 59.1-476 and 59.1-477 shall be solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer shall bear any responsibility for, or any other liability arising from, non-compliance with such requirements or failure to fulfill such conditions.

2. That the provisions of this act shall apply to any transfer of structured settlement payment rights under a transfer agreement that is entered into on or after July 1, 2016.

CHAPTER 274

An Act to amend and reenact § 38.2-3122 of the Code of Virginia, relating to proceeds and avails of annuity contracts and life insurance policies; claims of creditors.

[S 640]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3122 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3122. Proceeds and avails of life insurance policies and annuity contracts free of certain claims.

~~The assignee or lawful beneficiary of an insurance policy shall be entitled to its proceeds against any claims of the creditors or representatives of the insured or the person effecting the policy, except in cases of transfer with intent to defraud creditors; subject to the following conditions:~~

~~1. The policy shall have been effected by a person on his own life or on another life, in favor of a person other than himself;~~

~~2. The assignee of the policy, or the payee, if the policy is otherwise made payable to another, shall not be the insured, nor the person effecting the policy, nor the executors or administrators;~~

~~3. The right to change the beneficiary may or may not have been reserved or permitted;~~

~~4. The policy may be payable to the person whose life is insured if the beneficiary or assignee predeceases the insured; and~~

~~5. Subject A. As used in this section, "protected insurance item" means, with respect to a policy of life insurance or annuity issued or issued for delivery in the Commonwealth:~~

~~1. The cash surrender value of any such policy;~~

~~2. The proceeds of any such policy;~~

~~3. The withdrawal value of any optional settlement or deposit with any company made pursuant to the terms of such policy; or~~

~~4. All other benefits, indemnities, payments, and privileges of every kind from any such policy.~~

~~B. In no case whatsoever shall any protected insurance item be liable to execution, attachment, garnishment, or other legal process in favor of any creditor of:~~

~~1. The person whose life is insured by the related policy or contract;~~

~~2. The person who can, may, or will receive the benefit of that protected insurance item, provided that such person is the insured or owner of the contract, deposit, indemnity, policy, or settlement or the spouse or intended spouse of, a dependent child of, or any other person dependent on, the insured or owner of the contract, deposit, indemnity, policy, or settlement;~~

~~3. The person who owns the related contract, deposit, or policy; or~~

~~4. The person who effected the related contract, deposit, or policy.~~

C. The provisions of subsection B shall not apply to any claim by a creditor with respect to a life insurance policy, annuity contract, or deposit with an insurance company that was taken out, made, or assigned in writing for the benefit of the creditor.

D. Notwithstanding the provisions of subsection B and subject to the applicable statute of limitations, the amount of any premiums or other amounts paid for ~~such~~ the related life insurance policy, annuity contract, or deposit with an insurance company that were paid with the intent to defraud creditors, ~~or paid under such circumstances as to be void under § 55-81~~, with the interest thereon, shall ~~be~~ inure to the benefit of the creditors from the proceeds of the policy, contract, or deposit.

E. The exemption provided by this section shall not apply to any protected insurance item issued or effected during the six months preceding the date that the person claiming the exemption (i) files a voluntary petition in bankruptcy; (ii) becomes the subject of an order for relief or is declared insolvent in any federal or state bankruptcy or insolvency proceeding; or (iii) files a petition or answer seeking for himself any reorganization, arrangement, composition, readjustment, liquidation, dissolution, or similar relief under any statute, law, or regulation.

F. The exemption established by this section shall apply to a protected insurance item regardless of whether (i) the right to change the beneficiary thereof is reserved or permitted or (ii) any of the following persons or any of their estates is a contingent beneficiary thereof:

1. The person insured by the related life insurance policy;
2. The person effecting the related life insurance policy or annuity contract;
3. The annuitant of the related annuity contract; or
4. The owner of the related life insurance policy or annuity contract.

CHAPTER 275

An Act to amend and reenact § 13.1-1015 of the Code of Virginia, relating to limited liability companies; registered agent.

[S 688]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-1015 of the Code of Virginia is amended and reenacted as follows:

§ 13.1-1015. Registered office and registered agent.

A. Each domestic limited liability company and each foreign limited liability company registered pursuant to Article 10 (§ 13.1-1051 et seq.) of this chapter shall continuously maintain in the Commonwealth:

1. A registered office that may be the same as any of its places of business; and
2. A registered agent who shall be either:

a. An individual who is a resident of the Commonwealth and is (i) a member or manager of the limited liability company, (ii) a member or manager of a limited liability company that is a member or manager of the limited liability company, (iii) an officer or director of a corporation that is a member or manager of the limited liability company, (iv) a general partner of a general or limited partnership that is a member or manager of the limited liability company, (v) a trustee of a trust that is a member or manager of the limited liability company, or (vi) a member of the Virginia State Bar, and whose business office is identical with the registered office; ~~or~~

b. A domestic or foreign stock or nonstock corporation, limited liability company, or registered limited liability partnership authorized to transact business in the Commonwealth, the business office of which is identical with the registered office; provided such a registered agent (i) shall not be its own registered agent and (ii) shall designate by instrument in writing, acknowledged before a notary public, one or more natural persons at the office of the registered agent upon whom any process, notice, or demand may be served and shall continuously maintain at least one such person at that office. Whenever any such person accepts service, a photographic copy of such instrument shall be attached to the return; *or*

c. A Virginia resident who is an officer of the limited liability company, provided that such a registered agent or a natural person designated by the registered agent shall be available during regular business hours at the registered office to accept service of any process, notice, or demand. Whenever any such person accepts service, a photographic copy of such instrument shall be attached to the return. As used in this subdivision, "officer of the limited liability company" means any employee of the limited liability company, other than a member or manager of the limited liability company, who has been designated by the limited liability company by instrument in writing as a person upon whom any process, notice, or demand may be served.

B. The sole duty of the registered agent is to forward to the limited liability company or foreign limited liability company at its last known address any process, notice, or demand that is served on the registered agent.

CHAPTER 276

An Act to amend and reenact § 56-46.1 of the Code of Virginia, relating to State Corporation Commission; approval of electrical transmission lines; hearing.

[H 283]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 56-46.1 of the Code of Virginia is amended and reenacted as follows:

§ 56-46.1. Commission to consider environmental, economic and improvements in service reliability factors in approving construction of electrical utility facilities; approval required for construction of certain electrical transmission lines; notice and hearings.

A. Whenever the Commission is required to approve the construction of any electrical utility facility, it shall give consideration to the effect of that facility on the environment and establish such conditions as may be desirable or necessary to minimize adverse environmental impact. In order to avoid duplication of governmental activities, any valid permit or approval required for an electric generating plant and associated facilities issued or granted by a federal, state or local governmental entity charged by law with responsibility for issuing permits or approvals regulating environmental impact and mitigation of adverse environmental impact or for other specific public interest issues such as building codes, transportation plans, and public safety, whether such permit or approval is granted prior to or after the Commission's decision, shall be deemed to satisfy the requirements of this section with respect to all matters that (i) are governed by the permit or approval or (ii) are within the authority of, and were considered by, the governmental entity in issuing such permit or approval, and the Commission shall impose no additional conditions with respect to such matters. Nothing in this section shall affect the ability of the Commission to keep the record of a case open. Nothing in this section shall affect any right to appeal such permits or approvals in accordance with applicable law. In the case of a proposed facility located in a region that was designated as of July 1, 2001, as serious nonattainment for the one-hour ozone standard as set forth in the federal Clean Air Act, the Commission shall not issue a decision approving such proposed facility that is conditioned upon issuance of any environmental permit or approval. In every proceeding under this subsection, the Commission shall receive and give consideration to all reports that relate to the proposed facility by state agencies concerned with environmental protection; and if requested by any county or municipality in which the facility is proposed to be built, to local comprehensive plans that have been adopted pursuant to Article 3 (§ 15.2-2223 et seq.) of Chapter 22 of Title 15.2. Additionally, the Commission (a) shall consider the effect of the proposed facility on economic development within the Commonwealth, including but not limited to furtherance of the economic and job creation objectives of the Commonwealth Energy Policy set forth in §§ 67-101 and 67-102, and (b) shall consider any improvements in service reliability that may result from the construction of such facility.

B. Subject to the provisions of subsection J, no electrical transmission line of 138 kilovolts or more shall be constructed unless the State Corporation Commission shall, after at least 30 days' advance notice by (i) publication in a newspaper or newspapers of general circulation in the counties and municipalities through which the line is proposed to be built, (ii) written notice to the governing body of each such county and municipality, and (iii) causing to be sent a copy of the notice by first class mail to all owners of property within the route of the proposed line, as indicated on the map or sketch of the route filed with the Commission, which requirement shall be satisfied by mailing the notice to such persons at such addresses as are indicated in the land books maintained by the commissioner of revenue, director of finance or treasurer of the county or municipality, approve such line. Such notices shall include a written description of the proposed route the line is to follow, as well as a map or sketch of the route including a digital geographic information system (GIS) map provided by the public utility showing the location of the proposed route. The Commission shall make GIS maps provided under this subsection available to the public on the Commission's website. Such notices shall be in addition to the advance notice to the chief administrative officer of the county or municipality required pursuant to § 15.2-2202. As a condition to approval the Commission shall determine that the line is needed and that the corridor or route the line is to follow will reasonably minimize adverse impact on the scenic assets, historic districts and environment of the area concerned. To assist the Commission in this determination, as part of the application for Commission approval of the line, the applicant shall summarize its efforts to reasonably minimize adverse impact on the scenic assets, historic districts, and environment of the area concerned. In making the determinations about need, corridor or route, and method of installation, the Commission shall verify the applicant's load flow modeling, contingency analyses, and reliability needs presented to justify the new line and its proposed method of installation. If the local comprehensive plan of an affected county or municipality designates corridors or routes for electric transmission lines and the line is proposed to be constructed outside such corridors or routes, in any hearing the county or municipality may provide adequate evidence that the existing planned corridors or routes designated in the plan can adequately serve the needs of the company. Additionally, the Commission shall consider, upon the request of the governing body of any county or municipality in which the line is proposed to be constructed, (a) the costs and economic benefits likely to result from requiring the underground placement of the line and (b) any potential impediments to timely construction of the line.

C. If, prior to such approval, any interested party shall request a public hearing, the Commission shall, as soon as reasonably practicable after such request, hold such hearing or hearings at such place as may be designated by the

Commission. In any hearing the public service company shall provide adequate evidence that existing rights-of-way cannot adequately serve the needs of the company.

If, prior to such approval, written requests therefor are received from *the governing body of any county or municipality through which the line is proposed to be built* or from 20 or more interested parties, the Commission shall hold at least one hearing in the area ~~which~~ *that* would be affected by construction of the line, for the purpose of receiving public comment on the proposal. If any hearing is to be held in the area affected, the Commission shall direct that a copy of the transcripts of any previous hearings held in the case be made available for public inspection at a convenient location in the area for a reasonable time before such local hearing.

D. As used in this section, unless the context requires a different meaning:

"Environment" or "environmental" shall be deemed to include in meaning "historic," as well as a consideration of the probable effects of the line on the health and safety of the persons in the area concerned.

"Interested parties" shall include the governing bodies of any counties or municipalities through which the line is proposed to be built, and persons residing or owning property in each such county or municipality.

"Public utility" means a public utility as defined in § 56-265.1.

"Qualifying facilities" means a cogeneration or small power production facility which meets the criteria of 18 C.F.R. Part 292.

"Reasonably accommodate requests to wheel or transmit power" means:

1. That the applicant will make available to new electric generation facilities constructed after January 9, 1991, qualifying facilities and other nonutilities, a minimum of one-fourth of the total megawatts of the additional transmission capacity created by the proposed line, for the purpose of wheeling to public utility purchasers the power generated by such qualifying facilities and other nonutility facilities which are awarded a power purchase contract by a public utility purchaser in compliance with applicable state law or regulations governing bidding or capacity acquisition programs for the purchase of electric capacity from nonutility sources, provided that the obligation of the applicant will extend only to those requests for wheeling service made within the 12 months following certification by the State Corporation Commission of the transmission line and with effective dates for commencement of such service within the 12 months following completion of the transmission line; and

2. That the wheeling service offered by the applicant, pursuant to subdivision D 1, will reasonably further the purposes of the Public Utilities Regulatory Policies Act of 1978 (P. L. 95-617), as demonstrated by submitting to the Commission, with its application for approval of the line, the cost methodologies, terms, conditions, and dispatch and interconnection requirements the applicant intends, subject to any applicable requirements of the Federal Energy Regulatory Commission, to include in its agreements for such wheeling service.

E. In the event that, at any time after the giving of the notice required in subsection B, it appears to the Commission that consideration of a route or routes significantly different from the route described in the notice is desirable, the Commission shall cause notice of the new route or routes to be published and mailed in accordance with subsection B. The Commission shall thereafter comply with the provisions of this section with respect to the new route or routes to the full extent necessary to give *affected localities and* interested parties in the newly affected areas the same protection afforded to *affected localities and* interested parties affected by the route described in the original notice.

F. Approval of a transmission line pursuant to this section shall be deemed to satisfy the requirements of § 15.2-2232 and local zoning ordinances with respect to such transmission line.

G. The Commission shall enter into a memorandum of agreement with the Department of Environmental Quality regarding the coordination of their reviews of the environmental impact of electric generating plants and associated facilities.

H. An applicant that is required to obtain (i) a certificate of public convenience and necessity from the Commission for any electric generating facility, electric transmission line, natural or manufactured gas transmission line as defined in 49 Code of Federal Regulations § 192.3, or natural or manufactured gas storage facility (hereafter, an energy facility) and (ii) an environmental permit for the energy facility that is subject to issuance by any agency or board within the Secretariat of Natural Resources, may request a pre-application planning and review process. In any such request to the Commission or the Secretariat of Natural Resources, the applicant shall identify the proposed energy facility for which it requests the pre-application planning and review process. The Commission, the Department of Environmental Quality, the Marine Resources Commission, the Department of Game and Inland Fisheries, the Department of Historic Resources, the Department of Conservation and Recreation, and other appropriate agencies of the Commonwealth shall participate in the pre-application planning and review process. Participation in such process shall not limit the authority otherwise provided by law to the Commission or other agencies or boards of the Commonwealth. The Commission and other participating agencies of the Commonwealth may invite federal and local governmental entities charged by law with responsibility for issuing permits or approvals to participate in the pre-application planning and review process. Through the pre-application planning and review process, the applicant, the Commission, and other agencies and boards shall identify the potential impacts and approvals that may be required and shall develop a plan that will provide for an efficient and coordinated review of the proposed energy facility. The plan shall include (a) a list of the permits or other approvals likely to be required based on the information available, (b) a specific plan and preliminary schedule for the different reviews, (c) a plan for coordinating those reviews and the related public comment process, and (d) designation of points of contact, either within each agency or for the Commonwealth as a whole, to facilitate this coordination. The plan shall be made readily available to

the public and shall be maintained on a dedicated website to provide current information on the status of each component of the plan and each approval process including opportunities for public comment.

I. The provisions of this section shall not apply to the construction and operation of a small renewable energy project, as defined in § 10.1-1197.5, by a utility regulated pursuant to this title for which the Department of Environmental Quality has issued a permit by rule pursuant to Article 5 (§ 10.1-1197.5 et seq.) of Chapter 11.1 of Title 10.1.

J. Approval under this section shall not be required for any transmission line for which a certificate of public convenience and necessity is not required pursuant to subdivision A of § 56-265.2.

CHAPTER 277

An Act to amend and reenact § 38.2-1906 of the Code of Virginia, relating to insurance rates; decreases.

[H 324]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-1906 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-1906. Filing and use of rates.

A. Each authorized insurer subject to the provisions of this chapter shall file with the Commission all rates and supplementary rate information and all changes and amendments to the rates and supplementary rate information made by it for use in the Commonwealth on or before the date they become effective.

In cases where the Commission has made a determination pursuant to § 38.2-1912 that competition is not an effective regulator of rates for a line or subclassification of insurance, such rates, supplementary rate information, changes and amendments to rates and supplementary rate information for that line or subclassification shall be filed in accordance with and shall be subject to the provisions of § 38.2-1912.

B. Each rate service organization licensed under § 38.2-1914 that has been designated by an insurer for the filing of prospective loss costs or supplementary rate information under § 38.2-1908 shall file with the Commission all prospective loss costs or supplementary rate information and all changes and amendments to the prospective loss costs or supplementary rate information made by it for use in the Commonwealth on or before the date they become effective. Prospective loss costs and supplementary rate information for insurance defined in § 38.2-119 must comply with the provisions of § 38.2-1912.1 prior to being used by an insurer in a filing establishing or changing its rate.

C. Prospective loss costs filings and supplementary rate information filed by rate service organizations shall not contain final rates, minimum premiums, or minimum premium rates.

D. No insurer shall make or issue an insurance contract or policy of a class to which this chapter applies, except in accordance with the rate and supplementary rate information filings that are in effect for the insurer.

E. For insurance as defined in § 38.2-119 any authorized insurer that does not rely on prospective loss costs or supplementary rate information filed by a rate service organization shall comply with the filing provisions of § 38.2-1912 as if competition was not an effective regulator of rates.

F. Except with respect to workers' compensation and employers' liability insurance as defined in § 38.2-119, and notwithstanding the provisions of subdivision A 3 of § 38.2-1904, nothing shall prohibit an insurer from filing with the Commission any rate or supplementary rate information that allows the insurer to limit for its renewal policies (i) any rate increase that would otherwise be applicable to such policies or (ii) any rate decrease that would otherwise be applicable to such policies if the insurer is also limiting any rate increase. Such limitation shall apply for the period of time specified in the insurer's filing. Nothing shall prohibit such limitation from applying to policies (†) (a) acquired by an insurer from another insurer pursuant to a written agreement of acquisition, merger, or sale that transfers all or part of the other insurer's book of business or (††) (b) transferred by an agent from one insurer to another insurer pursuant to an agent book of transfer.

2. That the provisions of this act shall become effective on September 1, 2016.

CHAPTER 278

An Act to amend and reenact § 1-510 of the Code of Virginia, relating to official emblems and designations; Eastern Garter Snake.

[H 335]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:

§ 1-510. Official emblems and designations.

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center — "Virginia Artisans Center," located in the City of Waynesboro.

Bat — Virginia Big-eared bat (*Corynorhinus townsendii virginianus*).

Beverage — Milk.

Bird — Northern Cardinal (Cardinalis cardinalis).

Blue Ridge Folklore State Center — Blue Ridge Institute located in the village of Ferrum.

Boat — "Chesapeake Bay Deadrise."

Cabin Capital of Virginia — Page County.

Coal Miners' Memorial — The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth — Patrick County.

Covered Bridge Festival — Virginia Covered Bridge Festival held in Patrick County.

Dog — American Foxhound.

Emergency medical services museum — "To The Rescue," located in the City of Roanoke.

Fish (Freshwater) — Brook Trout.

Fish (Saltwater) — Striped Bass.

Fleet — Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.

Flower — American Dogwood (*Cornus florida*).

Folk dance — Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.

Fossil — Chesapecten jeffersonius.

Gold mining interpretive center — Monroe Park, located in the County of Fauquier.

Insect — Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).

Maple Festival — The Highland County Maple Festival.

Motor sports museum — "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.

Outdoor drama — "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.

Outdoor drama, historical — "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.

Shakespeare festival — The Virginia Shakespeare Festival held in the City of Williamsburg.

Shell — Oyster shell (*Crassostrea virginica*).

Snake — Eastern Garter Snake (Thamnophis sirtalis sirtalis).

Song emeritus — "Carry Me Back to Old Virginny," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.

Song (Popular) — "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.

Song (Traditional) — "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folk song "Oh Shenandoah."

Sports hall of fame — "Virginia Sports Hall of Fame," located in the City of Portsmouth.

Tree — American Dogwood (Cornus florida).

War memorial museum — "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

CHAPTER 279

An Act to amend and reenact §§ 2.2-4006, 65.2-605, 65.2-605.1, and 65.2-714 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 65.2-605.2 and 65.2-821.1; and to repeal Chapter 13 (§§ 65.2-1300 through 65.2-1310) of Title 65.2 of the Code of Virginia, relating to workers' compensation; fees for medical and legal services.

[H 378]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4006, 65.2-605, 65.2-605.1, and 65.2-714 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 65.2-605.2 and 65.2-821.1 as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.

2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or

replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;

b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23-38.77.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to the list of drugs susceptible to counterfeiting adopted by the Board of Pharmacy pursuant to subsection B of § 54.1-3307 or amendments to regulations of the Board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443.

14. Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

15. Regulations of the Workers' Compensation Commission adopted pursuant to § 65.2-605, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this section shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission

meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 65.2-605. Liability of employer for medical services ordered by Commission; fee schedules for medical services; malpractice; assistants-at-surgery; coding.

A. As used in this section, unless the context requires a different meaning:

"Burn center" means a treatment facility designated as a burn center pursuant to the verification program jointly administered by the American Burn Association and the American College of Surgeons and verified by the Commonwealth.

"Categories of providers of fee scheduled medical services" means:

1. Physicians exclusive of surgeons;
2. Surgeons;
3. Type One teaching hospitals;
4. Hospitals, exclusive of Type One teaching hospitals;
5. Ambulatory surgical centers;
6. Providers of outpatient medical services not covered by subdivision 1, 2, or 5; and
7. Purveyors of miscellaneous items and any other providers not described in subdivisions 1 through 6, as established by the Commission in regulations adopted pursuant to subsection C.

"Codes" means, as applicable, CPT codes, HCPCS codes, or DRG classifications.

"CPT codes" means the medical and surgical identifying codes using the Physicians' Current Procedural Terminology published by the American Medical Association.

"Diagnosis related group" or "DRG" means the system of classifying in-patient hospital stays adopted for use with the Inpatient Prospective Payment System.

"Fee scheduled medical service" means a medical service exclusive of a medical service provided in the treatment of a traumatic injury or serious burn.

"Health Care Common Procedure Coding System codes" or "HCPCS codes" means the medical coding system used to report hospital outpatient and certain physician services as published by the National Uniform Billing Committee, including Temporary National Code (Non-Medicare) S0000-S-9999.

"Level I or Level II trauma center" means a hospital in the Commonwealth designated by the Board of Health as a Level I trauma center or a Level II trauma center pursuant to the Statewide Emergency Medical Services Plan developed in accordance with § 32.1-111.3.

"Medical community" means one of the following six regions of the Commonwealth:

1. Northern region, consisting of the area for which three-digit ZIP code prefixes 201 and 220 through 223 have been assigned by the U.S. Postal Service.
2. Northwest region, consisting of the area for which three-digit ZIP code prefixes 224 through 229 have been assigned by the U.S. Postal Service.
3. Central region, consisting of the area for which three-digit ZIP code prefixes 230, 231, 232, 238, and 239 have been assigned by the U.S. Postal Service.
4. Eastern region, consisting of the area for which three-digit ZIP code prefixes 233 through 237 have been assigned by the U.S. Postal Service.
5. Near Southwest region, consisting of the area for which three-digit ZIP code prefixes 240, 241, 244, and 245 have been assigned by the U.S. Postal Service.
6. Far Southwest region, consisting of the area for which three-digit ZIP code prefixes 242, 243, and 246 have been assigned by the U.S. Postal Service.

"Medical service" means any medical, surgical, or hospital service required to be provided to an injured person pursuant to this title.

"Miscellaneous items" means medical services provided under this title that are not included within subdivisions 1 through 6 of the definition of categories of providers of fee scheduled medical services. "Miscellaneous items" does not include (i) pharmaceuticals that are dispensed by providers, other than hospitals or Type One teaching hospitals as part of inpatient or outpatient medical services, or dispensed as part of fee scheduled medical services at an ambulatory surgical center or (ii) durable medical equipment dispensed at retail.

"Physician" means a person licensed to practice medicine or osteopathy in the Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

"Provider" means a person licensed by the Commonwealth to provide a medical service to a claimant under this title.

"Reimbursement objective" means the average of all reimbursements and other amounts paid to providers in the same category of providers of fee scheduled medical services in the same medical community for providing a fee scheduled medical service to a claimant under this title during the most recent period preceding the transition date for which statistically reliable data is available as determined by the Commission.

"Serious burn" means a burn for which admission or transfer to a burn center is medically necessary.

"Transition date" means the date the regulations of the Commission adopting initial Virginia fee schedules for medical services pursuant to subsection C become effective.

"Traumatic injury" means an injury for which admission or transfer to a Level I or Level II trauma center is medically necessary and that is assigned a DRG number of 003, 004, 011, 012, 013, 025 through 029, 082, 085, 453, 454, 455, 459,

460, 463, 464, 465, 474, 475, 483, 500, 507, 510, 515, 516, 570, 856, 857, 862, 901, 904, 907, 908, 955 through 959, 963, 998, or 999. Claimants who die in an emergency room of trauma or burn before admission shall be deemed to be claimants who incurred a traumatic injury.

"Type One teaching hospital" means a hospital that was a state-owned teaching hospital on January 1, 1996.

"Virginia fee schedule" means a schedule of maximum fees for fee scheduled medical services for the medical community where the fee scheduled medical service is provided, as initially adopted by the Commission pursuant to subsection C and as adjusted as provided in subsection D.

B. The pecuniary liability of the employer for ~~medical~~ a:

1. Medical, surgical, and hospital service herein required when ordered by the Commission that is provided to an injured person prior to the transition date, regardless of the date of injury, shall be limited absent a contract providing otherwise, to such charges as prevail in the same community for similar treatment when such treatment is paid for by the injured person ~~and the~~;

2. Fee scheduled medical service provided on or after the transition date, regardless of the date of injury, shall be limited to:

a. The amount provided for the payment for the fee scheduled medical service as set forth in a contract under which the provider has agreed to accept a specified amount in payment for the service provided, which amount may be less than or exceed the maximum amount for the service as set forth in the applicable Virginia fee schedule;

b. In the absence of a contract described in subdivision 2 a, the lesser of the billing amount or the amount for the fee scheduled medical service as set forth in the applicable Virginia fee schedule that is in effect on the date the service is provided, subject to an increase approved by the Commission pursuant to subsection H; or

c. In the absence of (i) a contract described in subdivision 2 a and (ii) a provision in a Virginia fee schedule that sets forth a maximum amount for the medical service on the date it is provided, the maximum amount determined by the Commission as provided in subsection E; and

3. Medical service provided on or after the transition date in the treatment of a traumatic injury or serious burn, regardless of the date of injury, shall be limited to:

a. The amount provided for the payment for the medical service provided for the treatment of the traumatic injury or serious burn as set forth in a contract under which the provider has agreed to accept a specified amount in payment for the service provided, which amount may be less than or exceed the maximum amount for the service calculated pursuant to subdivision 3 b; or

b. In the absence of a contract described in subdivision 3 a, an amount equal to 80 percent of the provider's charge for the service based on the provider's charge master or schedule of fees; however, if the compensability under this title of a claim for traumatic injury or serious burn is contested and after a hearing on the claim on its merits or after abandonment of a defense by the employer or insurance carrier, benefits for medical services are awarded and inure to the benefit of a third-party insurance carrier or health care provider and the Commission awards to the claimant's attorney a fee pursuant to subsection B of § 65.2-714, then the pecuniary liability of the employer for the service provided shall be limited to 100 percent of the provider's charge for the service based on the provider's charge master or schedule of fees.

C. The Commission shall adopt regulations establishing initial Virginia fee schedules for fee scheduled medical services as follows:

1. The Commission's regulations that establish the initial Virginia fee schedules shall be effective on January 1, 2018.

2. Separate initial Virginia fee schedules shall be established for fee scheduled medical services (i) provided by each category of providers of fee scheduled medical services and (ii) within each of the medical communities to reflect the variations among the medical communities as provided in subdivision 3, for each category of providers of fee scheduled medical services.

3. The Virginia fee schedules for each medical community shall reflect variations among medical communities in (i) all reimbursements and other amounts paid to providers for fee scheduled medical services among the medical communities and (ii) the extent to which the number of providers within the various medical communities is adequate to meet the needs of injured workers.

4. In establishing the initial Virginia fee schedules for fee scheduled medical services, the Commission shall establish the maximum fee for each fee scheduled medical service at a level that approximates the reimbursement objective for each category of providers of fee scheduled medical services among the medical communities. The Commission shall retain a firm with nationwide experience and actuarial expertise in the development of workers' compensation fee schedules to assist the Commission in establishing the initial Virginia fee schedules. The Commission shall consult with the regulatory advisory panel established pursuant to subdivision F 2 prior to retaining such firm. Such firm shall be retained to assist the Commission in developing the Virginia fee schedules by recommending a methodology that will provide, at reasonable cost to the Commission, statistically valid estimates of the reimbursement objective for fee scheduled medical services within the medical communities, based on available data or, if the necessary data is not available, by recommending the optimal methodology for obtaining the necessary data. The Commission shall consult with the regulatory advisory panel prior to adopting any such methodology. Such methodology may, but is not required to, be based on applicable codes. The estimates of the reimbursement objective for fee scheduled medical services shall be derived from data on all reimbursements and other amounts paid to providers for fee scheduled medical services provided pursuant to this title during 2014 and 2015, to the extent available.

D. The Commission shall review Virginia fee schedules during the year that follows the transition date and biennially thereafter and, if necessary, adjust the Virginia fee schedules in order to address (i) inflation or deflation as reflected in the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U) for the South as published by the Bureau of Labor Statistics of the U.S. Department of Labor; (ii) access to fee scheduled medical services; (iii) errors in calculations made in preparing the Virginia fee schedules; and (iv) incentives for providers. The Commission shall not adjust a Virginia fee schedule in a manner that reduces fees on an existing schedule unless such a reduction is based on deflation or a finding by the Commission that advances in technology or errors in calculations made in preparing the Virginia fee schedules justify a reduction in fees.

E. The maximum pecuniary liability of the employer for a fee scheduled medical service that is not included in a Virginia fee schedule when it is provided shall be determined by the Commission. The Commission's determination of the employer's maximum pecuniary liability for such fee scheduled medical service shall be effective until the Commission sets a maximum fee for the fee scheduled medical service and incorporates such maximum fee into an adjusted Virginia fee schedule adopted pursuant to subsection D. If the fee scheduled medical service is not included in a Virginia fee schedule because it is:

1. A new type of technology, including an implantable medical device or item of medical equipment, that is supplied by a third party, provided that such technology has been cleared or approved by the federal Food and Drug Administration (FDA) prior to the date of the provision of the medical service, the employer's maximum pecuniary liability shall not exceed 130 percent of the provider's invoiced cost for such device, as evidenced by a copy of the invoice. If the new type of technology has not been cleared or approved by the FDA prior to such date, then the provider shall not be entitled to payment or reimbursement therefor unless the employer or its insurer agree; or

2. A new type of procedure that has not been assigned a billing code, the employer's maximum pecuniary liability shall not exceed 80 percent of the provider's charge for the service based on the provider's charge master or schedule of fees, provided the employer and the provider mutually agree to the provision of such procedure.

F. The Commission shall:

1. Provide public access to information regarding the Virginia fee schedules for medical services, by categories of providers of fee scheduled medical services and for each medical community, through the Commission's website. No information provided on the website shall be provider-specific or disclose or release the identity of any provider; and

2. Utilize a 10-member regulatory advisory panel to assist in the development of regulations adopting initial Virginia fee schedules pursuant to subsection C and in adjusting initial Virginia fee schedules pursuant to subsection D. One member of the regulatory advisory panel shall be selected by the Commission from each of the following: (i) the American Insurance Association; (ii) the Property and Casualty Insurers Association of America; (iii) the Virginia Self-Insurers Association, Inc.; (iv) the Medical Society of Virginia; (v) the Virginia Hospital and Healthcare Association; (vi) a Type One teaching hospital; (vii) the Virginia Orthopaedic Society; (viii) the Virginia Trial Lawyers Association; (ix) a group self-insurance association representing employers; and (x) a local government group self-insurance pool formed under Chapter 27 (§ 15.2-2700 et seq.) of Title 15.2. The Commission shall meet with the regulatory advisory panel and consider the recommendations of its members in its development of the Virginia fee schedules pursuant to subsections C and D.

G. The Commission's retaining of a firm with nationwide experience and actuarial expertise in the development of workers' compensation fee schedules to assist the Commission in developing the Virginia fee schedules pursuant to subsections C and D shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), provided the Commission shall issue a request for proposals that requires submission by a bidder of evidence that it satisfies the conditions for eligibility established in this subsection and in subdivision C 4. Records and information relating to payments or reimbursements to providers that is obtained by or furnished to the Commission by such firm or any other person shall (i) be for the exclusive use of the Commission in the course of the Commission's development of fee schedules and related regulations and (ii) shall remain confidential and shall not be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

H. When the total charges of a hospital or Type One teaching hospital, based on such provider's charge master, for inpatient hospital services covered by a DRG code exceed the charge outlier threshold, then the Commission shall establish the maximum fee for such scheduled inpatient hospital services at an amount equal to the total of (i) the maximum fee for the service as set forth in the applicable fee schedule and (ii) 80 percent of the provider's total charges for the service in excess of the charge outlier threshold. The charge outlier threshold for such services initially shall equal 150 percent of the maximum fee for the service set forth in the applicable fee schedule; however, the Commission, in consultation with the firm retained pursuant to subdivision C 4, is authorized on a biennial basis to decrease such percentage if it finds that the number of such claims for which the total charges of the hospital or Type One teaching hospital exceed the charge outlier threshold is less than five percent or to increase such percentage if such number is greater than 10 percent of all such claims.

I. No provider shall use a different charge master or schedule of fees for any medical service provided under this title than the provider uses for health care services provided to patients who are not claimants under this title.

J. The employer shall not be liable in damages for malpractice by a physician or surgeon furnished by him pursuant to the provisions of § 65.2-603, but the consequences of any such malpractice shall be deemed part of the injury resulting from the accident and shall be compensated for as such.

~~B. K.~~ The Commission shall determine the number and geographic area of communities across the Commonwealth. In establishing the communities, the Commission shall consider the ability to obtain relevant ~~charge~~ data based on geographic area and such other criteria as are consistent with the purposes of this title. *The Commission shall use the communities established pursuant to this subsection in determining charges that prevail in the same community for treatment provided prior to the transition date.*

~~C. L.~~ The pecuniary liability of the employer for treatment ~~pursuant to subsection A~~ of a medical service that is rendered on or after July 1, 2014, by:

1. A nurse practitioner or physician assistant serving as an assistant-at-surgery shall be limited to no more than 20 percent of the reimbursement due ~~under subsection A~~ to the physician performing the surgery; and

2. An assistant surgeon in the same specialty as the primary surgeon shall be limited to no more than 50 percent of the reimbursement due ~~under subsection A~~ to the primary physician performing the surgery.

~~D. M.~~ Multiple procedures completed on a single surgical site associated with a medical, ~~surgical, and hospital services pursuant to subsection A~~ and service rendered on or after July 1, 2014, shall be coded and billed with appropriate ~~Current Procedural Terminology (CPT) codes~~ and modifiers and paid according to the National Correct Coding Initiative (NCCI) rules and the CPT *codes* as in effect at the time the health care was provided to the claimant.

N. The CPT *code* and ~~NCCI National Correct Coding Initiative rules~~, as in effect at the time ~~such health care~~ a medical service was provided to the claimant, shall serve as the basis for processing a health care provider's billing form or itemization for such items as global and comprehensive billing and the unbundling of ~~health care medical services~~. Hospital in-patient ~~health care medical services~~ shall be coded and billed through the International Statistical Classification of Diseases and Related Health Problems (ICD) as in effect at the time the ~~health care medical service~~ was provided to the claimant.

§ 65.2-605.1. Prompt payment; limitation on claims.

A. Payment for health care services that the employer does not contest, deny, or consider incomplete shall be made to the health care provider within 60 days after receipt of each separate itemization of the health care services provided.

B. If the itemization or a portion thereof is contested, denied, or considered incomplete, the employer or the employer's workers' compensation insurance carrier shall notify the health care provider within 45 days after receipt of the itemization that the itemization is contested, denied, or considered incomplete. The notification shall include the following information:

1. The reasons for contesting or denying the itemization, or the reasons the itemization is considered incomplete;
2. If the itemization is considered incomplete, all additional information required to make a decision; and
3. The remedies available to the health care provider if the health care provider disagrees.

Payment or denial shall be made within 60 days after receipt from the health care provider of the information requested by the employer or employer's workers' compensation carrier for an incomplete claim under this subsection.

C. Payment due for any properly documented health care services that are neither contested within the 45-day period nor paid within the 60-day period, as required by this section, shall be increased by interest at the judgment rate of interest as provided in § 6.2-302 retroactive to the date payment was due under this section.

D. An employer's liability to a health care provider under this section shall not affect its liability to an employee.

E. No employer or workers' compensation carrier may seek recovery of a payment made to a health care provider for health care services rendered after July 1, 2014, to a claimant, unless such recovery is sought less than one year from the date payment was made to the health care provider, except in cases of fraud. The Commission shall have jurisdiction over any disputes over recoveries.

F. No health care provider shall submit a claim to the Commission contesting the sufficiency of payment for health care services rendered to a claimant after July 1, 2014, unless (i) such claim is filed within one year of the date the last payment is received by the health care provider pursuant to this section or (ii) if the employer denied or contested payment for any portion of the health care services, then, as to that service or portion thereof, such claim is filed within one year of the date the medical award covering such date of service for a specific item or treatment in question becomes final.

G. Any health care provider located outside of the Commonwealth who provides health care services under the Act to a claimant shall be reimbursed as provided in this section, and the "same community," as used in ~~subsection A subdivision B 1~~ of § 65.2-605 for treatment provided prior to the transition date as defined in subsection A of § 65.2-605, shall be deemed to be the principal place of business of the employer if located in the Commonwealth or, if no such location exists, then the location where the Commission hearing regarding the dispute is conducted.

H. The Commission, by January 1, 2016, shall establish a schedule pursuant to which employers, employers' workers' compensation insurance carriers, and providers of workers' compensation medical services shall be required, by a date determined by the Commission that is no earlier than July 1, 2016, and no later than December 31, 2018, to adopt and implement infrastructure under which (i) providers of workers' compensation medical services (providers) shall submit their billing, claims, case management, health records, and all supporting documentation electronically to employers or employers' workers' compensation insurance carriers, as applicable (payers) and (ii) payers shall return actual payment, claim status, and remittance information electronically to providers that submit their billing and required supporting documentation electronically. The Commission shall establish standards and methods for such electronic submissions and transactions that are consistent with International Association of Industrial Accident Boards and Commission Medical Billing and Payment guidelines. The Commission shall determine the date by which payers and providers shall be required to adopt and implement the infrastructure, which determinations shall be based on the volume and complexity of workers'

compensation cases in which the payer or provider is involved, the resources of the payer or provider, and such other criteria as the Commission determines to be appropriate.

§ 65.2-605.2. Biennial peer-reviewed studies.

A. *The Commission shall have a peer-reviewed study conducted every two years commencing in 2016 by a reputable independent, not-for-profit research organization to determine how Virginia's workers' compensation system and workers' compensation medical costs compare with (i) those of other states' systems and (ii) previous workers' compensation medical benchmarks studies conducted in Virginia. Such studies shall also review the status of access to medical services under Virginia's workers' compensation system.*

B. *The Commission shall pay for the studies conducted pursuant to subsection A through revenues generated pursuant to the administrative tax assessed pursuant to Chapter 10 (§ 65.2-1000 et seq.) and deposited in the fund established pursuant to § 65.2-1007.*

§ 65.2-714. Fees of attorneys and physicians and hospital charges.

A. Fees of attorneys and physicians and charges of hospitals for services, whether employed by employer, employee, or insurance carrier under this title, shall be subject to the approval and award of the Commission. ~~In addition to the provisions of Chapter 13 (§ 65.2-1300 et seq.),~~ *The Commission shall have exclusive jurisdiction over all disputes concerning such fees or charges and may order the repayment of the amount of any fee which has already been paid that it determines to be excessive; appeals from any Commission determinations thereon shall be taken as provided in § 65.2-706. The Commission shall also retain jurisdiction for employees to pursue payment of charges for medical services notwithstanding that bills or parts of bills for health care services may have been paid by a source other than an employer, workers' compensation carrier, guaranty fund, or uninsured employer's fund. No physician shall be entitled to collect fees from an employer or insurance carrier until he has made the reports required by the Commission in connection with the case.*

B. If a contested claim is held to be compensable under this title and, after a hearing on the claim on its merits or after abandonment of a defense by the employer or insurance carrier, benefits for medical services are awarded and inure to the benefit of a ~~third party~~ *third-party* insurance carrier or health care provider, the Commission shall award to the employee's attorney a reasonable fee and other reasonable pro rata costs as are appropriate. *However, the Commission shall not award attorney fees under this subsection unless and until the employee's attorney has complied with Rule 6.2 of the Rules of the Commission. The fee shall be paid from the sum which that benefits the third party third-party insurance carrier or health care provider. ~~Such fees shall be based on~~ In determining whether the employee's attorney's work with regard to the contested claim resulted in an award of benefits that inure to the benefit of a third-party insurance carrier or health care provider, and in determining the reasonableness of the amount of any fee awarded to an attorney under this subsection, the Commission shall consider only the amount paid by the employer or insurance carrier to the ~~third party~~ *third-party* insurance carrier or health care provider for medical, surgical, and hospital service rendered to the employee through (i) the date on which the contested claim is heard before the Deputy Commissioner, is settled, or is resolved by order of the Commission or (ii) the date the employer or insurance carrier provides written notice of its abandonment of its defense to the contested claim and shall not consider additional amounts previously paid to a health care provider or reimbursed to a third-party insurance carrier. For the purpose of this subsection, a "contested claim" is an initial contested claim for benefits and claims for medical, surgical, and hospital services that are subsequently contested and litigated or after abandonment of a defense by the employer or insurance carrier.*

C. Payment of any obligation pursuant to this section to any ~~third party~~ *third-party* insurance carrier or health care provider shall discharge the obligation in full. The Commission shall not reduce the amount of medical bills owed to the Commonwealth or its agencies without the written consent of the Office of the Attorney General.

D. No physician, hospital, or other health care provider as defined in § 8.01-581.1 shall balance bill an employee in connection with any medical treatment, services, appliances, or supplies furnished to the employee in connection with an injury for which (i) a claim has been filed with the Commission pursuant to § 65.2-601, (ii) payment has been made to the health care provider pursuant to § 65.2-605.1, or (iii) an award of compensation is made pursuant to § 65.2-704. For the purpose of this subsection, a health care provider "balance bills" whenever (a) an employer or the employer's insurance carrier declines to pay all of the health care provider's charge or fee and (b) the health care provider seeks payment of the balance from the employee. Nothing in this section shall prohibit a health care provider from using the practices permitted in § 65.2-601.1.

§ 65.2-821.1. Payment and reimbursement practices; prohibitions.

A. *As used in this section, unless the context requires a different meaning:*

"Contracting entity" means (i) a person that enters into a provider contract with a provider or (ii) an intended beneficiary of the rights of such person under the provider contract.

"Employer" means the employer; any insurance carrier, group self-insured association, or other person providing coverage for the employer's obligation to provide medical service to a claimant under this title; or any third-party administrator acting on behalf of the employer.

"PPO network" means the multiple provider contracts available to an employer pursuant to a PPO network arrangement.

"PPO network arrangement" means an arrangement under which the PPO network arranger sells, conveys, or otherwise transfers to an employer the ability to discount payments or reimbursements to a provider pursuant to the terms of multiple provider contracts to which the PPO network arranger is a direct party.

"PPO network arranger" means a person that operates a PPO network arrangement.

"Provider," "transition date," and "Virginia fee schedule" have the meaning assigned thereto in § 65.2-605. "Provider" includes a provider's employer or professional business entity.

"Provider contract" means an agreement between a contracting entity and a provider pursuant to which the provider agrees to deliver medical services to a claimant under this title in exchange for payment or reimbursement of an agreed-upon amount.

"Third-party administrator" means a person that administers, processes, handles, or pays claims to providers on behalf of an employer.

B. On and after the transition date:

1. No employer shall pay or reimburse a provider for medical services provided to a claimant less than the amount provided for in the applicable Virginia fee schedule or other amount determined as provided in subdivision B 2 or 3 of § 65.2-605 unless:

a. The employer has directly entered into:

(1) A provider contract with the provider;

(2) A contract with a contracting entity that has entered into a provider contract with the provider; or

(3) A contract with a PPO network arranger that authorizes the employer to use a PPO network to derive a benefit from a provider contract; and

b. The provider has agreed to provide medical services to the claimant for an agreed-upon reimbursement or contractual amount as set forth in a provider contract referenced in subdivision a.

2. A person with whom an employer has directly contracted as described in subdivision 1 a shall not sell, lease, or otherwise disseminate data regarding the payment or reimbursement amounts or terms of a provider contract without the express written consent and prior notification of all parties to the provider contract; however, the express written request from, and prior notification to, a provider shall not be required if the provider's identity has been redacted from such data.

3. If an employer uses or relies on a contract described in subdivision 1 a to discount a payment or reimbursement to a provider, the employer shall notify the provider, at the time it remits the payment or reimbursement, of (i) the name of the provider, contracting entity, or PPO network arranger with whom the employer directly contracted and (ii) how, if other than by a direct contract between the employer and the provider, the employer acquired the right to discount the payment or reimbursement to the provider.

4. If an employer uses or relies on a contract with a PPO network arranger described in subdivision 1 a (3) to discount a payment or reimbursement to a provider, the employer shall not shop for the lowest discount for a specific provider among the provider contracts held in multiple PPO networks. This prohibition shall not bar an employer that has entered into a PPO network arrangement and selected a provider contract in the PPO network from availing itself of all discounts provided pursuant to the selected provider contract in the PPO network.

C. Any person who suffers loss as a result of a violation of this section shall be entitled to initiate an action at the Commission to recover actual damages and interest from the date of the violation until entry of the final award. If the Commission finds that the violation resulted from gross negligence or willful misconduct, it may increase damages to an amount not to exceed three times the actual damages.

2. That the Workers' Compensation Commission's adoption of regulations establishing initial Virginia fee schedules for medical services pursuant to subsection C, and its adoption of regulations adjusting Virginia fee schedules for medical services pursuant to subsection D, of § 65.2-605 of the Code of Virginia as amended and reenacted by this act shall be exempt from the provisions of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia, provided that the Workers' Compensation Commission utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 as added by this act to assist in the development of such regulations and provides an opportunity for public comment on the regulations prior to adoption.

3. That Chapter 13 (§§ 65.2-1300 through 65.2-1310) of Title 65.2 of the Code of Virginia is repealed.

4. That the Workers' Compensation Commission (Commission) shall select the members of the regulatory advisory panel created pursuant to subdivision F 2 of § 65.2-605 of the Code of Virginia as added by this act prior to August 1, 2016. The regulatory advisory panel shall meet, review, and make recommendations to the Commission prior to July 1, 2017, on workers' compensation issues relating to (i) pharmaceutical costs not previously included in the Virginia fee schedules; (ii) durable medical equipment costs not previously included in the Virginia fee schedules; (iii) attorney fees awarded under § 65.2-714; (iv) how to resolve the issues that the peer review committees established under Chapter 13 (§§ 65.2-1300 through 65.2-1310) of Title 65.2 of the Code of Virginia as repealed by this act had been authorized to address; (v) prior authorization for medical services; and (vi) any other issues that the Commission assigns to the regulatory advisory panel.

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

CHAPTER 280

An Act to amend and reenact §§ 51.1-142.2, as it shall become effective, and 51.1-169 of the Code of Virginia, relating to the Virginia Retirement System; technical corrections.

[H 409]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 51.1-142.2, as it shall become effective, and 51.1-169 of the Code of Virginia are amended and reenacted as follows:

§ 51.1-142.2. (Effective January 1, 2017) Prior service or membership credit for certain members; service credit for accumulated sick leave.

Certain members may purchase credit for service as provided in this section.

A. 1. Any member in service may purchase service credit from the following categories of service or leave: (i) leave of absence for educational purposes that was previously approved by the member's employer; (ii) leave of absence for a serious health condition of the member or of an immediate family member, all as defined in the Family and Medical Leave Act of 1993, 29 U.S.C. § 2601 et seq., as amended, and previously certified by the member's employer; (iii) up to one year of service credit per occurrence of leave for any unpaid leave of absence due to the birth, adoption, or death of a ~~qualified~~ *qualifying* child, as defined in § 51.1-500; (iv) service as a full-time employee of another state, a public school system of another state, or a political subdivision of the Commonwealth or another state, as certified by such state, public school system, or political subdivision; (v) full-time service of a political subdivision of this state not credited to the member under an agreement as provided for in § 51.1-143.1, as certified by such political subdivision; (vi) civilian service of the United States; (vii) full-time service at a private institution of higher education if the private institution is merged with a public institution of higher education and graduates of the private institution are then issued new degrees from the public institution; or (viii) any period of time when the member was employed part time or in a wage position by a participating employer and not otherwise eligible to participate in the retirement system because the member was not an employee as defined in § 51.1-124.3. However, no member in service shall be allowed to purchase more than a total of four years of service credit pursuant to this subdivision.

2. In addition to the service credit that may be purchased under subdivision 1, any member in service may purchase up to four years of service credit for prior active duty military service in the armed forces of the United States, provided that the discharge from a period of active duty status with the armed forces was not dishonorable.

3. The service credit to be credited to a member under this subsection shall be calculated at the ratio of one year, or portion thereof, of service credit to one year, or portion thereof, of service purchased, except for employment service purchased under clause (viii) of subdivision 1, which shall be calculated at the ratio of one month of service credit for each 173 hours of service as certified by the employer.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered at the time of such purchase, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, the service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, as applicable, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

Except as otherwise required by Chapter 1223 of Title 10 of the United States Code, as amended, no service credit may be purchased under this section if it is included in the calculation of any retirement allowance received or to be received by the member from this or another retirement system, or if there is a balance in a defined contribution account that serves as a primary retirement account related to such service.

For purposes of this ~~section~~ *subsection*, "active duty military service" means full-time service of at least 180 consecutive days in the United States Army, Navy, Air Force, Marines, Coast Guard, or reserve components thereof.

B. Any member in service may purchase all prior service credit for creditable service lost from ceasing to be a member under this chapter, as provided in § 51.1-128, because of the withdrawal of his accumulated contributions. For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the withdrawn amount to be purchased plus interest accrued daily and compounded annually from the date of withdrawal to the date of payment at the assumed rate of return established by the Board for the actuarial valuation of the retirement system that is in effect at the time of the purchase. The Board shall develop guidelines and procedures for administering this subsection.

C. Any member in service may purchase service credit for accumulated sick leave on his effective date of retirement based upon such sums as the employer may provide as payment for any unused sick leave balances. The cost of service credit purchased under this subsection shall be the actuarial equivalent cost of such service.

D. Any member receiving benefits under the Virginia Workers' Compensation Act (§ 65.2-100 et seq.) may, in a manner prescribed by the Board and prior to the effective date of retirement, purchase service that is not reported to the retirement system by the member's employer while the member is receiving such benefits.

For each year or portion thereof to be credited at the time of purchase under this subsection, the member shall pay the approximate normal cost of the retirement plan under which the member is covered, as determined by the Board in its sole discretion. If the member does not purchase, or enter into a purchase of service credit contract for, any service made available in this subsection within the first 24 months of the member's active service following his first date of hire or the final day of any applicable leave of absence, then, for each year or portion thereof to be credited at the time of purchase, the member shall pay the actuarial equivalent cost. To the extent the member becomes inactive during the 24 months following his first date of hire or the final day of any applicable leave of absence, such periods shall not be included in the 24 months of active service.

E. Payment may be made in a lump sum at the time of purchase or by payroll deduction. Any number of additional deductions may be permitted at any time. Should any deduction be terminated before the member purchases the entire period contracted for, the member shall be credited with the number of full or partial months of service for which full payment has been made. If any deduction is continued after the entire period has been purchased, the member shall be credited with no more than the amount of service for which he was eligible and for which he paid, and the excess amount deducted shall be refunded to the member.

F. Any employer may elect to pay an equivalent amount in lieu of all member contributions required of its employees for the purchase of service credit pursuant to this section. These contributions shall not be considered wages for purposes of Chapter 7 (§ 51.1-700 et seq.), nor shall they be considered salary for purposes of this chapter.

G. In any case where member and employer contributions, as required under this chapter, were not made because of an error in the payroll, personnel, or other classification system of an employer participating in the retirement system, service that has not been credited because of such error may be purchased on the following basis:

1. The most recent three years of service credit shall be purchased, using applicable member and employer contribution rates and creditable compensation in effect for such period, in a manner and at the cost prescribed by the Board; and
2. All other years of service credit shall be purchased by the employer at an actuarial equivalent cost.

H. Any member may receive credit at no cost for service rendered in the armed forces of the United States provided (i) the member was on leave of absence from a covered position, (ii) the discharge from a period of active duty with the armed forces was not dishonorable, (iii) the member has not withdrawn his accumulated contributions, (iv) the member is not disabled or killed while on leave without pay while performing active duty military service in the armed forces of the United States, and (v) the member reenters service in a covered position within one year after discharge from the armed forces. In order to receive such service, the member must complete such forms and other requirements as are required by the Board and the retirement system.

§ 51.1-169. Hybrid retirement program.

A. For purposes of this section, "hybrid retirement program" or "program" means a hybrid retirement program covering any employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for retirement purposes other than the Virginia Retirement System defined benefit retirement plan established under Chapter 1 (§ 51.1-124.1 et seq.). Persons who are participants in, or eligible to be participants in, the retirement plans under the provisions of Chapter 2 (§ 51.1-200 et seq.), Chapter 2.1 (§ 51.1-211 et seq.), the optional retirement plans established under §§ 51.1-126.1, 51.1-126.3, 51.1-126.4, and 51.1-126.7, or a person eligible to earn the benefits permitted by § 51.1-138 shall not be eligible to participate in the hybrid retirement program. Any person who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or is employed as a firefighter, or law-enforcement officer as those terms are defined in § 15.2-1512.2 and whose employing political subdivision has legally adopted an irrevocable resolution as described in subdivision B 4 of § 51.1-153 and subdivision A 3 of § 51.1-155 shall not be eligible to participate in the hybrid retirement program. No member of the Judicial Retirement System under Chapter 3 (§ 51.1-300 et seq.) shall be eligible to participate in the hybrid retirement program described in § 51.1-169 except members appointed to an original term on or after January 1, 2014.

The Board shall maintain the hybrid retirement program established by this section, and any employer is authorized to make contributions under such program for the benefit of its employees participating in such program. Every person who is otherwise eligible to participate in the program but is not a member of a retirement plan administered by the Virginia Retirement System the first time he is hired or rehired on or after January 1, 2014, in a covered position, shall participate in the hybrid retirement program established by this section.

A person who participates in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System under this chapter may make an irrevocable election to participate in the hybrid retirement program maintained under this section. Such election shall be exercised no later than April 30, 2014. If an election is not made by April 30, 2014, such employee shall be deemed to have elected not to participate in the hybrid retirement program and shall continue to participate in his current retirement plan.

B. Except as otherwise provided in subsection G:

1. The employer shall make contributions to the defined benefit component of the program in accordance with § 51.1-145.

2. The employer shall make a mandatory contribution to the defined contribution component of the program on behalf of an employee participating in the program in the amount of one percent of creditable compensation, which shall be made to the appropriate cash match plan established for the employee under § 51.1-608. In addition, the employer shall make a matching contribution on behalf of the employee based on the employee's voluntary contributions under the defined

contribution component of the program to the deferred compensation plan established under § 51.1-602, up to a maximum of 2.5 percent of creditable compensation for the payroll period, as follows: (i) 100 percent of the first one percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period, and (ii) 50 percent of the next three percent of creditable compensation contributed by the employee to the defined contribution component of the program under subdivision C 2 for the payroll period. The matching contribution by the employer shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

3. The total amount contributed by the employer under subdivision 2 shall vest to the employee's benefit according to the following schedule:

- a. Upon completion of two years of active participation, 50 percent.
- b. Upon completion of three years of active participation, 75 percent.
- c. Upon completion of four years of active participation, 100 percent.

For purposes of this subdivision, "active participation" includes creditable service, as defined in § 51.1-124.3, in any retirement plan established by this title and administered by the Retirement System.

If an employee ~~terminates employment with an employer~~ ceases to be a member prior to achieving 100 percent vesting, contributions made by an employer on behalf of the employee under subdivision 2 that are not vested, shall be forfeited. The Board may establish a forfeiture account and may specify the uses of the forfeiture account.

4. An employee may direct the investment of contributions made by an employer under subdivision B 2.

5. No loans or hardship distributions shall be available from contributions made by an employer under subdivision B 2.

C. Except as otherwise provided in subsection G:

1. An employee participating in the hybrid retirement program maintained under this section shall, pursuant to procedures established by the Board, make mandatory contributions on a salary reduction basis in accordance with § 414(h) of the Internal Revenue Code (i) to the defined benefit component of the program in the amount of four percent of creditable compensation in lieu of the amount described in subsection A of § 51.1-144 and (ii) to the defined contribution component of the program in the amount of one percent of creditable compensation, which shall be made to the appropriate cash match plan established for the employee under § 51.1-608.

2. An employee participating in the hybrid retirement program may also make voluntary contributions to the defined contribution component of the program of up to four percent of creditable compensation or the limit on elective deferrals pursuant to § 457(b) of the Internal Revenue Code, whichever is less. The contribution by the employee shall be made to the appropriate deferred compensation plan established by the employee under § 51.1-602.

3. If an employee's voluntary contributions under subdivision C 2 are less than four percent of creditable compensation, the contribution will increase by one-half of one percent, beginning on January 1, 2017, and every three years thereafter, until the employee's voluntary contributions under subdivision C 2 reach four percent of creditable compensation. The increase will be effective beginning with the first pay period that begins in such calendar year unless the employee elects not to increase the voluntary contribution in a manner prescribed by the Board.

4. No loans or hardship distributions shall be available from contributions made by an employee under this subsection.

5. Disclosure of all services, fees, restrictions, and surrender penalties associated with employee voluntary contributions under subdivision C 2 shall be provided by the Board on an annual basis to an employee who does not make the election provided in subdivision G 1.

D. 1. The amount of the service retirement allowance under the defined benefit component of the program shall be governed by § 51.1-155 for all creditable service credited prior to the effective date of the member's participation in the program. For all other creditable service, the allowance shall equal one percent of a member's average final compensation multiplied by the amount of his creditable service while in the program. For judges who are participating in the hybrid retirement program, creditable service shall be determined as provided in § 51.1-303 and service retirement eligibility shall be determined as provided in § 51.1-305.

2. No member shall retire for disability under the defined benefit component of the program, provided, however, that judges who are participating in the hybrid retirement program may retire for disability under §§ 51.1-307 and 51.1-308.

3. Except as provided in subdivision 1, any employee participating in the hybrid retirement program maintained under this section shall be considered to be a person who becomes a member on or after July 1, 2010.

4. In all other respects, administration of the defined benefit component of the program shall be governed by the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

E. With respect to any employee who elects, pursuant to subsection A, to participate in the otherwise applicable defined benefit retirement plan established by this title and administered by the Virginia Retirement System, the employer shall collect and pay all employee and employer contributions to the Virginia Retirement System for retirement and group life insurance in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) for such employee.

F. 1. The Board shall develop policies and procedures for administering the hybrid retirement program it maintains, including the establishment of guidelines for employee elections and deferrals under the program.

2. No employee who is an active member in the hybrid retirement program maintained under this section shall also be an active member of any other optional retirement plan maintained under the provisions of Chapter 1 (§ 51.1-124.1 et seq.).

3. If a member of the hybrid retirement program maintained under this section is at any time in service as an employee in a position covered for retirement purposes under the provisions of Chapter 1 (§ 51.1-124.1 et seq.), 2 (§ 51.1-200 et seq.),

2.1 (§ 51.1-211 et seq.), or 3 (§ 51.1-300 et seq.), his benefit payments under the hybrid retirement program maintained under this section shall be suspended while so employed; provided, however, reemployment shall have no effect on a payment under the defined contribution component of the program if the benefit is being paid in an annuity form under an annuity contract purchased with the member's account balance.

4. Any administrative fee imposed pursuant to subdivision A 13 of § 51.1-124.22 on any employer for administering and overseeing the hybrid retirement program maintained under this section shall be charged for each employee participating in such program and shall be for costs incurred by the Virginia Retirement System that are directly related to the administration and oversight of such program. Notwithstanding the foregoing, the Board is authorized to collect all or a portion of such fee directly from the employee.

5. The creditable compensation for any employee on whose behalf employee or employer contributions are made into the hybrid retirement program shall not exceed the limit on compensation as adjusted by the Commissioner of the Internal Revenue Service pursuant to the transition provisions applicable to eligible participants under state and local governmental plans under § 401(a)(17) of the Internal Revenue Code as amended in 1993 and as contained in § 13212(d)(3) of the Omnibus Budget Reconciliation Act of 1993 (P.L. 103-66).

6. The Board may contract with private corporations or institutions, subject to the standards set forth in § 51.1-124.30, to provide investment products as well as any other goods and services related to the administration of the hybrid retirement program, except as provided in subsection G. The Virginia Retirement System is hereby authorized to perform related services, including but not limited to, providing consolidated billing, individual and collective recordkeeping and accountings, and asset purchase, control, and safekeeping.

G. 1. Any political subdivision of the Commonwealth that has established a plan pursuant to § 403(b) of the Internal Revenue Code of 1986, as amended (a "403(b) plan"), may, at its option, elect to allow its employees the option to direct that voluntary contributions to the defined contribution component of the program under subdivision C 2 be made to such 403(b) plan and the corresponding employer matching contributions under subdivision B 2 be made to such 403(b) plan or the appropriate local cash match plan established under § 51.1-610. All such voluntary contributions by an employee to such 403(b) plan shall be made on a pretax basis. Any such political subdivision of the Commonwealth that so directs shall develop policies and procedures for administering such contributions, subject to and in accordance with applicable federal law and regulations. The policies and procedures shall provide for the administration of vesting provisions as provided in subdivision B 3, the establishment of and uses for a forfeiture account as provided in subdivision B 3, and automatic contribution escalation provisions as provided in subdivision C 3, all with regard to employee voluntary contributions and corresponding employer matching contributions.

In all other respects, the political subdivision shall be subject to the provisions of the hybrid retirement program described in this section.

2. The governing body of any political subdivision of the Commonwealth electing to allow its employees to use its 403(b) plan or a local cash match plan as described in subdivision 1 shall adopt a resolution on or before November 1, 2015, and submit such resolution to the Board to notify the Board of its election, which shall be effective January 1, 2016, and shall remain effective for 12 months. Thereafter, the governing body of any political subdivision of the Commonwealth may make or change its election for its employees no more often than annually by adopting a resolution on or before November 1 of each year notifying the Board of a new or changed election, which shall become effective on January 1.

3. A person who participates in the hybrid retirement program maintained under this section may make an election to participate in the 403(b) plan established by his employer under subdivision G 1. Such election shall be exercised no later than November 30, 2015, and shall be effective January 1, 2016. If an election is not made by November 30, 2015, such employee shall be deemed to have elected not to participate in the 403(b) plan established by his employer under subdivision G 1. Thereafter, such employee may make or change his election on or before November 30 of each year by notifying his employer of a new or changed election, which shall become effective the following January 1. If an election is not made or changed by November 30, such employee shall be deemed to have elected not to change the prior year's election.

4. In the case of a 403(b) plan or local cash match plan administered by a political subdivision of the Commonwealth that provides individual accounts permitting an employee or beneficiary to exercise discretion over assets in his account, the political subdivision shall not be liable for any loss resulting from such employee's or beneficiary's (i) investment of voluntary contributions in the political subdivision's 403(b) plan or matching contributions in the political subdivision's 403(b) plan or local cash match plan, (ii) exercise of discretion over the assets in any of his accounts, or (iii) inaction with respect to the assets in any of his accounts that results in such assets being placed in a default investment option selected by the political subdivision, provided that the investment options for the affected individual account and the particular default investment option for such individual account are selected in accordance with subsection A of § 51.1-803, applied mutatis mutandis. Under no circumstances shall the Commonwealth, the Board, employees of the Retirement System, the Investment Advisory Committee of the Retirement System, or any other advisory committee established by the Board bear any liability with respect to any plan or individual account described in this subsection.

5. The provisions of this subsection shall not apply to any political subdivision of the Commonwealth that has entered into an agreement with the Retirement System pursuant to § 51.1-603.1 or 51.1-611 except with regard to a 403(b) plan.

6. Disclosure of all services, fees, restrictions, and surrender penalties associated with employee voluntary contributions under subsection G shall be provided by the political subdivision of the Commonwealth on an annual basis to

an employee who makes the election provided in subdivision G 1. Such employee shall also be provided with a side-by-side comparison of the long-term effects of generic expense ratios on his investments.

7. The Board shall not be responsible for administration of or recordkeeping related to voluntary contributions to the defined contribution component of the program made to a 403(b) plan or the corresponding employer matching contributions made to a 403(b) plan or the appropriate local cash match plan established under § 51.1-610 that are authorized by subdivision G 1.

8. The Board shall develop policies and procedures for administering the provisions of this subsection.

CHAPTER 281

An Act to amend and reenact §§ 8.01-128 and 8.01-375 of the Code of Virginia, relating to civil judgment procedure; damages; witnesses.

[H 446]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-128 and 8.01-375 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-128. Verdict and judgment; damages.

A. If it appears that the plaintiff was forcibly or unlawfully turned out of possession, or that it was unlawfully detained from him, the verdict or judgment shall be for the plaintiff for the premises, or such part thereof as may be found to have been so held or detained. The verdict or judgment shall also be for such damages as the plaintiff may prove to have been sustained by him by reason of such forcible or unlawful entry, or unlawful detention, of such premises, and such rent as he may prove to have been owing to him.

B. The plaintiff may, alternatively, receive a final, appealable judgment for possession of the property unlawfully entered or unlawfully detained and be issued a writ of possession, and continue the case for up to ~~90~~ 120 days to establish final rent and damages. If the plaintiff elects to proceed under this section, the judge shall hear evidence as to the issue of possession on the initial court date and shall hear evidence on the final rent and damages at the hearing set on the continuance date, unless the plaintiff requests otherwise or the judge rules otherwise. Nothing in this section shall preclude a defendant who appears in court at the initial court date from contesting an unlawful detainer action as otherwise provided by law.

If under this section an appeal is taken as to possession, the entire case shall be considered appealed. The plaintiff shall, in the instance of a continuance taken under this section, mail to the defendant at the defendant's last known address at least 15 days prior to the continuance date a notice advising of (i) the continuance date; (ii) the amounts of final rent and damages; and (iii) that the plaintiff is seeking judgment for additional sums. A copy of such notice shall be filed with the court.

C. No verdict or judgment rendered under this section shall bar any separate concurrent or future action for any such damages or rent as may not be so claimed.

§ 8.01-375. Exclusion of witnesses in civil cases (Subsection (a) of Supreme Court Rule 2:615 derived in part from this section and subsection (b) of Supreme Court Rule 2:615 derived from this section).

The court trying any civil case may upon its own motion, and shall upon the motion of any party, require the exclusion of every witness. However, *the following shall be exempt from the rule of this section as a matter of right: (i) each named party who is an individual, (ii) one officer or agent of each party which that is a corporation or association and, (iii) an attorney alleged in a habeas corpus proceeding to have acted ineffectively shall be exempt from the rule of this section as a matter of right, and (iv) in an unlawful detainer action filed in general district court, a managing agent as defined in § 55-248.4.*

Where expert witnesses are to testify in the case, the court may, at the request of all parties, allow one expert witness for each party to remain in the courtroom; however, in cases pertaining to the distribution of marital property pursuant to § 20-107.3 or the determination of child or spousal support pursuant to § 20-108.1, the court may, upon motion of any party, allow one expert witness for each party to remain in the courtroom throughout the hearing.

CHAPTER 282

An Act to amend and reenact §§ 19.2-353.5, 19.2-354, and 46.2-395 of the Code of Virginia, relating to fines and costs; interest; statutes of limitation on collection; minimum payments.

[H 572]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-353.5, 19.2-354, and 46.2-395 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-353.5. Interest on fines and costs.

No interest shall accrue on any fine or costs imposed in a criminal case or in a case involving a traffic infraction for a period of ~~forty~~ 40 days from the date of the final judgment imposing such fine or costs or during any period the defendant is incarcerated ~~as a result of that case~~. A person who owes fines and costs on which interest has accrued during a period of incarceration may move any court in which he owes fines and costs to waive the interest that accrued on such fines and costs during such period of incarceration. Upon certification of the period of incarceration by the superintendent, warden, or other official in charge of a correctional facility on a form developed by the Office of the Executive Secretary of the Supreme Court, such interest shall be waived. In no event shall interest accrue in such cases during any period in which a fine, costs, or both a fine and costs are being paid in deferred or installment payments pursuant to an order of the court. Whenever interest on any unpaid fine or costs accrues, it shall accrue at the judgment rate of interest set forth in § 6.2-302.

§ 19.2-354. Authority of court to order payment of fine, costs, forfeitures, penalties or restitution in installments or upon other terms and conditions; community work in lieu of payment.

A. Whenever (i) a defendant, convicted of a traffic infraction or a violation of any criminal law of the Commonwealth or of any political subdivision thereof, or found not innocent in the case of a juvenile, is sentenced to pay a fine, restitution, forfeiture or penalty and (ii) the defendant is unable to make payment of the fine, restitution, forfeiture, or penalty and costs within 30 days of sentencing, the court shall order the defendant to pay such fine, restitution, forfeiture or penalty and any costs which the defendant may be required to pay in deferred payments or installments. The court *assessing the fine, restitution, forfeiture, or penalty and costs* may authorize the clerk to establish and approve ~~the conditions of all individual deferred or installment payment agreements, pursuant to guidelines established by the court, and such guidelines shall be reduced to writing as well as.~~ Any payment agreement authorized under this section shall be consistent with the Rules of Supreme Court of Virginia, including any required minimum payments or other required conditions. The requirements established by the Rules of Supreme Court of Virginia shall be posted in the clerk's office and on the court's website, if a website is available. As a condition of every such agreement, a defendant who enters into an installment or deferred payment agreement shall promptly inform the court of any change of mailing address during the term of the agreement. If the defendant is unable to make payment within 30 days of sentencing, the court may assess a one-time fee not to exceed \$10 to cover the costs of management of the defendant's account until such account is paid in full. This one-time fee shall not apply to cases in which costs are assessed pursuant to § 17.1-275.1, 17.1-275.2, 17.1-275.3, 17.1-275.4, 17.1-275.7, 17.1-275.8, or 17.1-275.9. Installment or deferred payment agreements shall include terms for payment if the defendant participates in a program as provided in subsection B or C. The court, if such sum or sums are not paid in full by the date ordered, shall proceed in accordance with § 19.2-358.

B. When a person sentenced to the Department of Corrections or a local correctional facility owes any fines, costs, forfeitures, restitution or penalties, he shall be required as a condition of participating in any work release, home/electronic incarceration or nonconsecutive days program as set forth in § 53.1-60, 53.1-131, 53.1-131.1, or 53.1-131.2 to either make full payment or make payments in accordance with his installment or deferred payment agreement while participating in such program. If, after the person has an installment or deferred payment agreement, the person fails to pay as ordered, his participation in the program may be terminated until all fines, costs, forfeitures, restitution and penalties are satisfied. The Director of the Department of Corrections and any sheriff or other administrative head of any local correctional facility shall withhold such ordered payments from any amounts due to such person. Distribution of the money collected shall be made in the following order of priority to:

1. Meet the obligation of any judicial or administrative order to provide support and such funds shall be disbursed according to the terms of such order;
2. Pay any fines, restitution or costs as ordered by the court;
3. Pay travel and other such expenses made necessary by his work release employment or participation in an education or rehabilitative program, including the sums specified in § 53.1-150; and
4. Defray the offender's keep.

The balance shall be credited to the offender's account or sent to his family in an amount the offender so chooses.

The Board of Corrections shall promulgate regulations governing the receipt of wages paid to persons participating in such programs, the withholding of payments and the disbursement of appropriate funds.

C. The court shall establish a program and may provide an option to any person upon whom a fine and costs have been imposed to discharge all or part of the fine or costs by earning credits for the performance of community service work before or after imprisonment. The program shall specify the rate at which credits are earned and provide for the manner of applying earned credits against the fine or costs. The court shall have such other authority as is reasonably necessary for or incidental to carrying out this program.

D. When the court has authorized deferred payment or installment payments, the clerk shall give notice to the defendant that upon his failure to pay as ordered he may be fined or imprisoned pursuant to § 19.2-358 and his privilege to operate a motor vehicle will be suspended pursuant to § 46.2-395.

E. The failure of the defendant to enter into a deferred payment or installment payment agreement with the court or the failure of the defendant to make payments as ordered by the agreement shall allow the Tax Commissioner to act in accordance with § 19.2-349 to collect all fines, costs, forfeitures and penalties.

§ 46.2-395. Suspension of license for failure or refusal to pay fines or costs.

A. Any person, whether licensed by Virginia or not, who drives a motor vehicle on the highways in the Commonwealth shall thereby, as a condition of such driving, consent to pay all lawful fines, court costs, forfeitures, restitution, and penalties

assessed against him for violations of the laws of the Commonwealth; of any county, city, or town; or of the United States. For the purpose of this section, such fines and costs shall be deemed to include any fee assessed by the court under the provisions of § 18.2-271.1 for entry by a person convicted of a violation of § 18.2-51.4 or 18.2-266 into an alcohol safety action program.

B. In addition to any penalty provided by law *and subject to the limitations on collection under §§ 19.2-340 and 19.2-341*, when any person is convicted of any violation of the law of the Commonwealth or of the United States or of any valid local ordinance and fails or refuses to provide for immediate payment in full of any fine, costs, forfeitures, restitution, or penalty lawfully assessed against him, or fails to make deferred payments or installment payments as ordered by the court, the court shall forthwith suspend the person's privilege to drive a motor vehicle on the highways in the Commonwealth. The driver's license of the person shall continue suspended until the fine, costs, forfeiture, restitution, or penalty has been paid in full. However, if the defendant, after having his license suspended, pays the reinstatement fee to the Department of Motor Vehicles and enters into an agreement under § 19.2-354 that is acceptable to the court to make deferred payments or installment payments of unpaid fines, costs, forfeitures, restitution, or penalties as ordered by the court, the defendant's driver's license shall thereby be restored. If the person has not obtained a license as provided in this chapter, or is a nonresident, the court may direct in the judgment of conviction that the person shall not drive any motor vehicle in Virginia for a period to coincide with the nonpayment of the amounts due.

C. Before transmitting to the Commissioner a record of the person's failure or refusal to pay all or part of any fine, costs, forfeiture, restitution, or penalty or a failure to comply with an order issued pursuant to § 19.2-354, the clerk of the court that convicted the person shall provide or cause to be sent to the person written notice of the suspension of his license or privilege to drive a motor vehicle in Virginia, effective 30 days from the date of conviction, if the fine, costs, forfeiture, restitution, or penalty is not paid prior to the effective date of the suspension as stated on the notice. Notice shall be provided to the person at the time of trial or shall be mailed by first-class mail to the address certified on the summons or bail recognizance document as the person's current mailing address, or to such mailing address as the person has subsequently provided to the court as a change of address. If so mailed on the date of conviction or within five business days thereof, or if delivered to the person at the time of trial, such notice shall be adequate notice of the license suspension and of the person's ability to avoid suspension by paying the fine, costs, forfeiture, restitution, or penalty prior to the effective date. No other notice shall be required to make the suspension effective. A record of the person's failure or refusal and of the license suspension shall be sent to the Commissioner if the fine, costs, forfeiture, restitution, or penalty remains unpaid on the effective date of the suspension specified in the notice or on the failure to make a scheduled payment.

C1. Whenever a person provides for payment of a fine, costs, forfeiture, restitution or penalty other than by cash and such provision for payment fails, the clerk of the court that convicted the person shall cause to be sent to the person written notice of the failure and of the suspension of his license or privilege to drive in Virginia. The license suspension shall be effective 10 days from the date of the notice. The notice shall be effective notice of the suspension and of the person's ability to avoid the suspension by paying the full amount owed by cash, cashier's check or certified check prior to the effective date of the suspension if the notice is mailed by first class mail to the address provided by the person to the court pursuant to subsection C or § 19.2-354. Upon such a failure of payment and notice, the fine, costs, forfeiture, restitution or penalty due shall be paid only in cash, cashier's check or certified check, unless otherwise ordered by the court, for good cause shown.

D. If the person pays the amounts assessed against him subsequent to the time the suspended license has been transmitted to the Department, and his license is not under suspension or revocation for any other lawful reason, except pursuant to this section, then the Commissioner shall return the license to the person on presentation of the official report of the court evidencing the payment of the fine, costs, forfeiture, restitution, or penalty.

E. Any person otherwise eligible for a restricted license may petition each court that suspended his license pursuant to this section for authorization for a restricted license. A court may, upon written verification of employment and for good cause shown, authorize the Department of Motor Vehicles to issue a restricted license to operate a motor vehicle for any of the purposes set forth in subsection E of § 18.2-271.1. No restricted license may be issued unless each court which suspended the person's license pursuant to this section provides authorization for a restricted license. Such restricted license shall not be issued for more than a six-month period. No restricted license issued pursuant to this subsection shall permit a person to operate a commercial motor vehicle as defined in the Commercial Driver's License Act (§ 46.2-341.1 et seq.).

The court shall forward to the Commissioner a copy of its authorization entered pursuant to this section, which shall specifically enumerate the restrictions imposed and contain such information regarding the person to whom such a license is issued as is reasonably necessary to identify the person. The court shall also provide a copy of its authorization to the person, who may not operate a motor vehicle until receipt from the Commissioner of a restricted license. A copy of the restricted license issued by the Commissioner shall be carried at all times while operating a motor vehicle. Any person who operates a motor vehicle in violation of any restrictions imposed pursuant to this section shall be punished as provided in subsection C of § 46.2-301.

CHAPTER 283

An Act to amend and reenact §§ 12.1-30.1 and 56-237.1 of the Code of Virginia, relating to the regulation of water and sewer utilities.

[H 611]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 12.1-30.1 and 56-237.1 of the Code of Virginia are amended and reenacted as follows:

§ 12.1-30.1. Meetings and communications between commissioners and parties or staff.

The Commission shall after public hearing, promulgate rules of practice and procedure pursuant to § 12.1-25 controlling meetings and communications between commissioners and any party, or between commissioners and staff concerning any fact or issue arising out of a proceeding involving the regulation of rates, charges, services or facilities of railroad, telephone, gas ~~or~~ electric, *water, or sewer* companies. The rules shall provide, among other provisions, that no commissioner shall consult with any party or any person acting on behalf of any party with respect to such proceeding without giving adequate notice and opportunity for all parties to participate.

§ 56-237.1. Notification of intent to seek rate change in schedules required to be filed under § 56-236.

A. Every public utility ~~which~~, *other than a public utility providing water or sewer service, that* indicates upon existing required schedules, or upon new schedules required to be filed in lieu thereof, changes in rates, tolls, charges, rules and regulations, shall cause to have published, once a week for four successive weeks, in one or more newspapers in circulation in its franchise area and approved by the Commission, a notice of its intention to change its rates, tolls, charges, rules and regulations. *Every public utility providing water or sewer service that indicates upon existing required schedules, or upon new schedules required to be filed in lieu thereof, changes in rates, tolls, charges, rules and regulations, shall cause to have published at least once in one or more newspapers in circulation in its franchise area and approved by the Commission, a notice of its intention to change its rates, tolls, charges, rules and regulations.* The last such publication shall appear no less than 30 days prior to the time any changed rates, tolls, charges, rules and regulations shall take effect. This notice shall be in such form and contain such information as prescribed by the Commission.

B. Every public utility ~~which~~ *that* indicates upon existing required schedules, or upon new schedules required to be filed in lieu thereof, changes in rates, tolls, charges, rules, and regulations; shall mail to each of its customers *who receive periodic statements of charges by mail or send electronically to each of its customers who receive periodic statements of charges electronically*, along with its periodic invoice, bill, or other statement advising the customer of its charges, a notice of its intention to change its rates, tolls, charges, rules, and regulations. This notice shall be mailed *or sent electronically* no less than 30 days prior to the time any such changed rate, toll, charge, rule, and regulation shall take effect. This notice shall be in such form and contain such information as prescribed by the Commission.

C. ~~The~~ *Except for public utilities providing water or sewer service, the* Commission may dispense with either or both of the requirements contained in subsections A and B if either or both such requirements are not necessary to provide adequate notice to all of the public utilities' customers. The Commission may prescribe additional requirements for notification to a public utility's customers of its intention to change its rates, tolls, charges, rules, and regulations.

CHAPTER 284

An Act to amend and reenact § 57-2 of the Code of Virginia, relating to the Act for Religious Freedom.

[H 791]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 57-2 of the Code of Virginia is amended and reenacted as follows:

§ 57-2. Rights asserted therein reaffirmed.

The General Assembly ~~doth now again~~ *does hereby* declare again that the rights asserted in ~~the said act~~ *§ 57-1* are of the natural and unalienable rights of mankind and this declaration is the policy of the Commonwealth of Virginia.

CHAPTER 285

An Act to amend and reenact §§ 38.2-1868.1, 38.2-1869, and 38.2-1870 of the Code of Virginia, relating to insurance agents; continuing education program changes.

[H 844]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1868.1, 38.2-1869, and 38.2-1870 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1868.1. Proof of compliance; exemption or waiver.

A. As used in this article:

"Proof of compliance" shall mean all documents, forms and fees specified by the Board for (i) filing proof of completion of Board-approved continuing education courses for the appropriate number of hours and for the appropriate content or (ii) filing proof of meeting the exemption requirements set forth in subsection B or C of § 38.2-1871.

"Received by the Board or its administrator" shall mean delivered into the possession of the Board or its administrator at the business address of the Board's administrator.

B. Each "agent holding one or more licenses subject to the continuing education requirements of this article shall complete all continuing education course, exemption, or waiver requirements and shall submit to the Board or its administrator proof of compliance with or exemption from the continuing education requirements in the form and manner required by the Board by no later than November 30, or the next working day if November 30 falls on a weekend, of each even-numbered year.

C. After November 30, agents who have failed to complete all continuing education course, exemption, or waiver requirements or have failed to pay any required fees shall be provided a final opportunity to complete such requirements, provided proof of compliance is received by the Board or its administrator by December 31, or the next working day thereafter if December 31 falls on a weekend.

D. Agents who have completed all continuing education course or exemption requirements by December 31 but failed to demonstrate proof of compliance by failing to pay the filing fee imposed by the Board shall be permitted to pay such filing fee for an additional period of time, until the close of business on January 31, or the next working day thereafter if January 31 falls on a weekend, of the following year, but only if the agent pays, in addition to the filing fee, a late filing penalty of \$100, payable to the Board in such manner as may be prescribed by the Board. No agent whose proof of compliance is received during this final period shall be considered in compliance with the continuing education requirements unless the filing fee and the late filing penalty described herein are paid by the close of business on January 31, or the next working day thereafter if January 31 falls on a weekend.

~~D.~~ E. Failure of an agent to furnish proof of compliance by the applicable date specified in subsections B, C or ~~E~~ D of this section and pay any applicable filing penalty shall result in license termination as set forth in § 38.2-1869.

~~E.~~ F. Agents seeking a waiver of some or all of the course credit requirements for a biennium pursuant to § 38.2-1870 shall submit all documentation, forms, and fees specified by the Board so as to be received by the Board or its administrator ~~as set forth in § 38.2-1870 no later than the deadlines set forth in subsections B or C of this section.~~

~~F.~~ G. Any agent holding one or more licenses subject to this article who fails to submit complete documentation showing proof of compliance with continuing education requirements, as well as all specified forms and fees, so as to be received by the Board or its administrator by the close of business on the dates described in this section shall be deemed to be in noncompliance with the requirements of this article.

~~G.~~ H. All fees specified by the Board shall be nonrefundable once received by the Board or its administrator, except that duplicate payments may be refunded.

§ 38.2-1869. Failure to satisfy requirements; termination of license.

A. Failure of an agent to satisfy the requirements of this article within the time period specified in § 38.2-1868.1, either by obtaining the continuing education credits required and furnishing evidence of same to the Board or its administrator as required by this article, or by furnishing to the Board acceptable evidence of exemption from the requirements of this article, or by obtaining, in a manner prescribed by the Board pursuant to this article, a waiver of the requirements for that biennium, shall result, subsequent to notification by the Board to the Commission, in the administrative termination of each license held by the agent for which the requirement was not satisfied.

B. The Board shall, on or about a date six months prior to the end of each biennium, provide a status report to each agent who has not yet fully satisfied the requirements of this article for such biennium. Such report shall inform the agent of his current compliance status for each license held that is subject to this article, and the consequences associated with noncompliance, and shall be sent by first-class mail to such agent at his last-known residence address as shown in the Commission's records. Failure of an agent to receive such notification shall not be grounds for contesting license termination.

C. No administrative termination pursuant to this section shall become effective until the Commission has provided 30 calendar days' written notice of such impending termination to the agent by first-class mail sent to the agent at the agent's last known residence address as shown in the Commission's records. The notice period shall commence on the date that the written notice is deposited in the United States mail and, if the 30th calendar day falls on a weekend, the end of the notice period shall be extended to the next business day. Failure of an agent to receive such notification shall not be grounds for contesting a license termination. Any agent who obtained the required number of continuing education credits in the time permitted for obtaining such credits and paid any required fees shall be permitted to submit proof of compliance during the 30 calendar day notice period.

D. Neither the Board, its administrator, nor the Commission shall have the power to grant an agent additional time for completing the continuing education credits required by § 38.2-1866, or additional time for submitting proof of compliance as required by § 38.2-1868.1, or additional time for seeking waivers or exemption pursuant to § 38.2-1870 or 38.2-1871.

E. During the period set forth in subsection C of § 38.2-1868.1, the Board shall permit agents either to demonstrate to the satisfaction of the Board that the agent had, in fact, timely submitted and the Board or its administrator had received

proof of compliance on or before the filing deadlines set forth in § 38.2-1868.1 or to complete all continuing education course, exemption, or waiver requirements and present proof of compliance.

F. During the period set forth in subsection C of § 38.2-1868.1, the Board shall not be obligated to review or respond to any other submissions except for submissions that prove that the records of the Board or its administrator are incorrect and late filing submissions permitted pursuant to subsection C of § 38.2-1868.1. Subsequent to the expiration of such period, the Board shall provide a reasonable additional period of time for processing of appeals pursuant to § 38.2-1874. However, failure of an agent to provide written notice of appeal in the form and manner required by the Board within 30 calendar days following the expiration of the period set forth in subsection C of § 38.2-1868.1 shall be deemed a waiver by such agent of the right to appeal the determination of noncompliance.

G. No more than 15 calendar days after the end of such appeal period, the Board or its administrator shall provide to the Commission a final updated record of those agents who complied with the requirements of this article, whereupon the Commission shall administratively terminate the licenses of those agents required to submit proof of compliance and by whom proof of compliance was not submitted in a proper or timely manner. Agents wishing to contest the Commission's action in terminating a license shall adhere to the Commission's Rules of Practice and Procedure (5 VAC 5-20-10 et seq.) and the Rules of the Supreme Court of Virginia. Failure by the agent to initiate such contest within 30 calendar days following the date of license termination ~~the license was administratively terminated~~ shall be deemed a waiver by the agent of the right to contest such license termination.

H. Pursuant to the requirements of subsection C of § 38.2-1815, §§ 38.2-4806 and 55-525.19, respectively:

1. A resident variable contract agent whose life and annuities insurance agent license is administratively terminated for failure to satisfy the requirements of this article shall also have such variable contract license administratively terminated by the Commission;

2. A resident agent holding a license as a surplus lines broker whose property and casualty insurance agent license is administratively terminated for failure to satisfy the requirements of this article shall also have such surplus lines broker license administratively terminated by the Commission; and

3. An agent holding a registration as a title settlement agent whose title insurance agent license is administratively terminated for failure to satisfy the requirements of this article shall also have such registration as a title settlement agent administratively terminated by the Commission.

Any such license or registration so terminated may be applied for again after the agent has obtained, respectively, a new life and annuities insurance agent's license, a new property and casualty insurance agent's license, or a new title insurance agent's license and appointment, if appointment is required.

I. A resident agent whose license or licenses have been terminated under the terms of this section shall be permitted to make application for new licenses, provided that such agent has successfully completed, subsequent to the end of the biennium, the examination required by § 38.2-1817. In such an event, the examination requirements shall not be subject to waiver under any circumstances, including those set forth in § 38.2-1817.

J. A nonresident agent whose license or licenses have been terminated under the terms of this section and who is in good standing in the person's state of residence shall be permitted to make application for new licenses in the manner prescribed by § 38.2-1836.

K. A resident or nonresident agent who voluntarily surrenders his license without prejudice during a biennium or prior to the expiration of the appeal period for that biennium as described in subsection F, and who has not provided proof of compliance for such biennium, shall not be permitted to apply for a new license of the same type until such agent has complied with the requirements of subsection I or J.

L. A resident agent whose license terminates because, within 180 calendar days prior to the end of a biennium, or prior to the expiration of the appeal period for that biennium as described in subsection F, such agent moves his residence to another state, and who had not, prior to such relocation, provided proof of compliance for such biennium shall not be permitted to apply for a new license of the same type until such agent has complied with the requirements of subsection J.

M. An insurance consultant who fails to renew his insurance consultant license by the date specified in § 38.2-1840, but who obtains a new insurance consultant license within 12 months following such renewal date shall be treated, for purposes of determining exemption from continuing education requirements pursuant to § 38.2-1871, as if such insurance consultant license had been renewed in a timely manner.

§ 38.2-1870. Waiver of continuing education requirements.

The requirements of this article pertaining to the number of course credits required may be waived, in whole or in part, by the Board for good cause shown. As used herein, "good cause" includes long-term illness or incapacity and such other emergency situations as may be determined by the Board as preventing the agent from satisfying the continuing education credit hours required by this article. Requests for waivers of continuing education requirements shall be made in a form and manner prescribed by the Board. Requests for waiver of all course credit requirements shall be submitted to the Board or its administrator no later than ninety calendar days prior to the end of the biennium for which such waiver is requested. ~~In the event that the long-term illness, incapacity, or such other emergency situation referenced above manifests itself within 120 calendar days prior to the end of the biennium, requests for waivers of some but not all of the course credit requirements shall be submitted to the Board or its administrator no later than the applicable submission deadline set forth in § 38.2-1868.1.~~ The Board shall approve or disapprove the waiver request within thirty calendar days of receipt thereof, and

shall provide written notice of its decision to the applicant for waiver within five calendar days of rendering its decision. Any waiver granted pursuant to this section shall be valid only for the biennium for which waiver application was made.

CHAPTER 286

An Act to amend and reenact § 38.2-510 of the Code of Virginia, relating to unfair claim settlement practices; appraisal of automobile repair costs.

[H 870]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-510 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-510. Unfair claim settlement practices.

A. No person shall commit or perform with such frequency as to indicate a general business practice any of the following:

1. Misrepresenting pertinent facts or insurance policy provisions relating to coverages at issue;
2. Failing to acknowledge and act reasonably promptly upon communications with respect to claims arising under insurance policies;
3. Failing to adopt and implement reasonable standards for the prompt investigation of claims arising under insurance policies;
4. Refusing arbitrarily and unreasonably to pay claims;
5. Failing to affirm or deny coverage of claims within a reasonable time after proof of loss statements have been completed;
6. Not attempting in good faith to make prompt, fair and equitable settlements of claims in which liability has become reasonably clear;
7. Compelling insureds to institute litigation to recover amounts due under an insurance policy by offering substantially less than the amounts ultimately recovered in actions brought by such insureds;
8. Attempting to settle claims for less than the amount to which a reasonable man would have believed he was entitled by reference to written or printed advertising material accompanying or made part of an application;
9. Attempting to settle claims on the basis of an application that was altered without notice to, or knowledge or consent of, the insured;
10. Making claims payments to insureds or beneficiaries not accompanied by a statement setting forth the coverage under which payments are being made;
11. Making known to insureds or claimants a policy of appealing from arbitration awards in favor of insureds or claimants for the purpose of compelling them to accept settlements or compromises less than the amount awarded in arbitration;
12. Delaying the investigation or payment of claims by requiring an insured, a claimant, or the physician of either to submit a preliminary claim report and then requiring the subsequent submission of formal proof of loss forms, when both contain substantially the same information;
13. Failing to promptly settle claims where liability has become reasonably clear, under one portion of the insurance policy coverage in order to influence settlements under other portions of the insurance policy coverage;
14. Failing to promptly provide a reasonable explanation of the basis in the insurance policy in relation to the facts or applicable law for denial of a claim or for the offer of a compromise settlement;
15. Failing to comply with § 38.2-3407.15, or to perform any provider contract provision required by that section;
16. Payment to an insurer or its representative by a repair facility, or acceptance by an insurer or its representative from a repair facility, directly or indirectly, of any kickback, rebate, commission, thing of value, or other consideration in connection with such person's appraisal service; or
17. Making appraisals of the cost of repairing ~~an automobile~~ *a motor vehicle* that has been damaged as a result of a ~~collision~~ *covered loss* unless such appraisal is based upon a personal inspection by a representative of the repair facility or a representative of the insurer who is making the appraisal. *Notwithstanding the requirement that an appraisal be based upon a personal inspection, the repair facility or the insurer making the appraisal may prepare an initial, which may be the final, repair appraisal on a motor vehicle that has been damaged as a result of a covered loss either from the representative's personal inspection of the motor vehicle or from photographs, videos, or electronically transmitted digital imagery of the motor vehicle; however, no insurer may require an owner of a motor vehicle to submit photographs, videos, or electronically transmitted digital imagery as a condition of an appraisal. Supplemental repair estimates that become necessary after the repair work has been initiated due to discovery of additional damage to the motor vehicle may also be made from photographs, videos, or electronically transmitted digital imagery of the motor vehicle, provided that in the case of disputed repairs a personal inspection is required.*

B. No violation of this section shall of itself be deemed to create any cause of action in favor of any person other than the Commission; but nothing in this subsection shall impair the right of any person to seek redress at law or equity for any conduct for which action may be brought.

C. 1. No insurer shall prepare or use an estimate of the cost of automobile repairs based on the use of an after market part, as defined herein, unless:

The insurer discloses to the claimant in writing either on the estimate or in a separate document attached to the estimate the following information:

"THIS ESTIMATE HAS BEEN PREPARED BASED ON THE USE OF AUTOMOBILE PARTS NOT MADE BY THE ORIGINAL MANUFACTURER. PARTS USED IN THE REPAIR OF YOUR VEHICLE BY OTHER THAN THE ORIGINAL MANUFACTURER ARE REQUIRED TO BE AT LEAST EQUAL IN LIKE KIND AND QUALITY IN TERMS OF FIT, QUALITY AND PERFORMANCE TO THE ORIGINAL MANUFACTURER PARTS THEY ARE REPLACING."

2. "After market part" as used in this section shall mean an automobile part which is not made by the original equipment manufacturer and which is a sheet metal or plastic part generally constituting the exterior of a motor vehicle, including inner and outer panels.

CHAPTER 287

An Act to amend and reenact § 13.1-1028 of the Code of Virginia, relating to limited liability companies; recordkeeping.

[H 918]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-1028 of the Code of Virginia is amended and reenacted as follows:

§ 13.1-1028. Information and records.

A. Each limited liability company shall, *at its discretion, either (i) keep at its principal office or (ii) provide each member access as an electronic record, as defined in § 13.1-603, on a network or system* to the following:

1. A current list of the full name and last known business address of each member, in alphabetical order;
2. A copy of the articles of organization and the certificate of organization, and all articles of amendment and certificates of amendment thereto;
3. Copies of the limited liability company's federal, state and local income tax returns and reports, if any, for the three most recent years;
4. Copies of any then-effective written operating agreement and of any financial statements of the limited liability company for the three most recent years; and
5. Unless contained in a written operating agreement, a writing setting out:
 - a. The amount of cash and a description and statement of the agreed value of the other property or services contributed by each member and which each member has agreed to contribute;
 - b. The times at which or events on the happening of which any additional contributions agreed to be made by each member are to be made;
 - c. Any right of a member to receive, or of the limited liability company to make, distributions to a member which include a return of all or any part of the member's contribution; and
 - d. Any events upon the happening of which the limited liability company is to be dissolved and its affairs wound up.

B. Each member has the right, upon reasonable request, to:

1. Inspect and copy any of the limited liability company records required to be maintained by this section; and
2. Obtain from the manager or managers, or if the limited liability company has no manager or managers, from any member or other person with access to such information, from time to time upon reasonable demand (i) true and full information regarding the state of the business and financial condition of the limited liability company, (ii) promptly after becoming available, a copy of the limited liability company's federal, state and local income tax returns for each year, and (iii) other information regarding the affairs of the limited liability company, except to the extent the information demanded is unreasonable or otherwise improper under the circumstances.

C. Notwithstanding the provisions of subsections A and B, the rights of a member to obtain information as provided in such subsections may be restricted in writing in an original operating agreement or any subsequent written amendment to an operating agreement approved or adopted by all of the members and in compliance with any applicable requirements of the operating agreement.

CHAPTER 288

An Act to amend and reenact §§ 13.1-603, 13.1-722.8 through 13.1-722.14, 13.1-944.2, 13.1-944.3, 13.1-944.5, 13.1-944.6, 13.1-944.7, 13.1-1002, 13.1-1010, 13.1-1018.1, 13.1-1038.1, 13.1-1052, 13.1-1054, 13.1-1055, 13.1-1056, 13.1-1060, 13.1-1066, 13.1-1070, 13.1-1071, 13.1-1072, 13.1-1076, 13.1-1077, 13.1-1078, 13.1-1080, 13.1-1264, 13.1-1272 through 13.1-1277, 50-73.48:1, 50-73.128, and 56-1 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 13.1-1003.1, by adding in Article 9 of Chapter 12 of Title 13.1 a section numbered 13.1-1050.5, by adding in Article 13 of Chapter 12 of Title 13.1 sections numbered 13.1-1069.1 and 13.1-1073.1, and by adding in

Chapter 12 of Title 13.1 an article numbered 15, consisting of sections numbered 13.1-1081 through 13.1-1087; and to repeal §§ 13.1-1010.1 through 13.1-1010.4 of the Code of Virginia, relating to limited liability companies; entity conversions.

[H 955]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 13.1-603, 13.1-722.8 through 13.1-722.14, 13.1-944.2, 13.1-944.3, 13.1-944.5, 13.1-944.6, 13.1-944.7, 13.1-1002, 13.1-1010, 13.1-1018.1, 13.1-1038.1, 13.1-1052, 13.1-1054, 13.1-1055, 13.1-1056, 13.1-1060, 13.1-1066, 13.1-1070, 13.1-1071, 13.1-1072, 13.1-1076, 13.1-1077, 13.1-1078, 13.1-1080, 13.1-1264, 13.1-1272 through 13.1-1277, 50-73.48:1, 50-73.128, and 56-1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 13.1-1003.1, by adding in Article 9 of Chapter 12 of Title 13.1 a section numbered 13.1-1050.5, by adding in Article 13 of Chapter 12 of Title 13.1 sections numbered 13.1-1069.1 and 13.1-1073.1, and by adding in Chapter 12 of Title 13.1 an article numbered 15, consisting of sections numbered 13.1-1081 through 13.1-1087, as follows:

§ 13.1-603. Definitions.

In this chapter:

"Articles of incorporation" means all documents constituting, at any particular time, the charter of a corporation. It includes the original charter issued by the General Assembly, a court or the Commission and all amendments including certificates of consolidation, serial designation, reduction, correction, and merger. It excludes articles of share exchange filed by an acquiring corporation. When the articles of incorporation have been restated pursuant to any articles of restatement, amendment, domestication, or merger, it includes only the restated articles of incorporation, including any articles of serial designation, without the accompanying articles of restatement, amendment, domestication, or merger.

"Authorized shares" means the shares of all classes a domestic or foreign corporation is authorized to issue.

"Certificate," when relating to articles filed with the Commission, means the order of the Commission that makes the articles effective, together with the articles.

"Commission" means the State Corporation Commission of Virginia.

"Conspicuous" means so written, displayed, or presented that a reasonable person against whom the writing is to operate should have noticed it. For example, text that is italicized, is in boldface, contrasting colors, or capitals, or is underlined, is conspicuous.

"Corporation" or "domestic corporation" means a corporation authorized by law to issue shares, irrespective of the nature of the business to be transacted, organized under this chapter or existing pursuant to the laws of the Commonwealth on January 1, 1986, or which, by virtue of articles of incorporation, amendment, or merger, has become a domestic corporation of the Commonwealth, even though also being a corporation organized under laws other than the laws of the Commonwealth, or ~~which that~~ has become a domestic corporation of the Commonwealth pursuant to Article 12.1 (§ 13.1-722.2 et seq.) ~~or Article 12.2 (§ 13.1-722.8 et seq.)~~ of this chapter ~~or Article 15 (§ 13.1-1081 et seq.) of Chapter 12.~~

"Deliver" or "delivery" means any method of delivery used in conventional commercial practice, including delivery by hand, mail, commercial delivery, and, if authorized in accordance with § 13.1-610, electronic transmission.

"Derivative proceeding" means a civil suit in the right of a domestic corporation or, to the extent provided in Article 8.1 (§ 13.1-672.1 et seq.) of Chapter 9 of this title, a foreign corporation.

"Disinterested director" means, except with respect to Article 14 (§ 13.1-725 et seq.) of this chapter, a director who, at the time action is to be taken under § 13.1-672.4, 13.1-691, 13.1-699 or 13.1-701, does not have (i) a financial interest in a matter that is the subject of such action or (ii) a familial, financial, professional, employment or other relationship with a person who has a financial interest in the matter, either of which would reasonably be expected to affect adversely the objectivity of the director when participating in the action, and if the action is to be taken under § 13.1-699 or 13.1-701, is also not a party to the proceeding. The presence of one or more of the following circumstances shall not by itself prevent a person from being a disinterested director: (i) nomination or election of the director to the current board by any person, acting alone or participating with others, who is so interested in the matter; (ii) service as a director of another corporation of which an interested person is also a director; or (iii) at the time action is to be taken under § 13.1-672.4, status as a named defendant, as a director against whom action is demanded, or as a director who approved the act being challenged.

"Distribution" means a direct or indirect transfer of money or other property, except its own shares, or incurrence of indebtedness by a corporation to or for the benefit of its shareholders in respect of any of its shares. A distribution may be in the form of a declaration or payment of a dividend; a purchase, redemption, or other acquisition of shares; a distribution of indebtedness of the corporation; or otherwise. Distribution does not include acquisition by a corporation of its shares from the estate or personal representative of a deceased shareholder, or any other shareholder, but only to the extent the acquisition is effected using the proceeds of insurance on the life of such deceased shareholder and the board of directors approved the policy and the terms of the redemption prior to the shareholder's death.

"Document" means (i) any tangible medium on which information is inscribed, and includes any writing or written instrument, or (ii) an electronic record.

"Domestic business trust" has the same meaning as specified in § 13.1-1201.

"Domestic limited liability company" has the same meaning as specified in § 13.1-1002.

"Domestic limited partnership" has the same meaning as specified in § 50-73.1.

"Domestic nonstock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-803.

"Domestic partnership" means an association of two or more persons to carry on as co-owners a business for profit formed under § 50-73.88, or predecessor law of the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a registered limited liability partnership.

"Effective date of notice" is defined in § 13.1-610.

"Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.

"Electronic record" means information that is stored in an electronic or other medium and is retrievable in paper form through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subsection J of § 13.1-610.

"Electronic transmission" or "electronically transmitted" means any form or process of communication, not directly involving the physical transfer of paper or other tangible medium, that (i) is suitable for the retention, retrieval, and reproduction of information by the recipient, and (ii) is retrievable in paper form by the recipient through an automated process used in conventional commercial practice, unless otherwise authorized in accordance with subsection J of § 13.1-610.

"Eligible entity" means a domestic or foreign unincorporated entity or a domestic or foreign nonstock corporation.

"Eligible interests" means interests or memberships.

"Employee" includes, unless otherwise provided in the bylaws, an officer but not a director. A director may accept duties that make him also an employee.

"Entity" includes any domestic or foreign corporation; any domestic or foreign nonstock corporation; any domestic or foreign unincorporated entity; any estate or trust; and any state, the United States and any foreign government.

"Foreign business trust" has the same meaning as specified in § 13.1-1201.

"Foreign corporation" means a corporation authorized by law to issue shares, organized under laws other than the laws of the Commonwealth.

"Foreign limited liability company" has the same meaning as specified in § 13.1-1002.

"Foreign limited partnership" has the same meaning as specified in § 50-73.1.

"Foreign nonstock corporation" has the same meaning as "foreign corporation" as specified in § 13.1-803.

"Foreign partnership" means an association of two or more persons to carry on as co-owners of a business for profit formed under the laws of any state or jurisdiction other than the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a foreign registered limited liability partnership.

"Foreign registered limited liability partnership" has the same meaning as specified in § 50-73.79.

"Foreign unincorporated entity" means an unincorporated entity whose internal affairs are governed by an organic law of a jurisdiction other than the Commonwealth.

"Government subdivision" includes authority, county, district, and municipality.

"Includes" denotes a partial definition.

"Individual" means a natural person.

"Interest" means either or both of the following rights under the organic law of an unincorporated entity:

1. The right to receive distributions from the entity either in the ordinary course or upon liquidation; or
2. The right to receive notice or vote on issues involving its internal affairs, other than as an agent, assignee, proxy or person responsible for managing its business and affairs.

"Means" denotes an exhaustive definition.

"Membership" means the rights of a member in a domestic or foreign nonstock corporation or limited liability company.

"Notice" is defined in § 13.1-610.

"Organic document" means the document, if any, that is filed of public record to create an unincorporated entity. Where an organic document has been amended or restated, the term means the organic document as last amended or restated.

"Organic law" means the statute governing the internal affairs of a domestic or foreign corporation or eligible entity.

"Person" includes an individual and an entity.

"Principal office" means the office, in or out of the Commonwealth, where the principal executive offices of a domestic or foreign corporation are located, or, if there are no such offices, the office, in or out of the Commonwealth, so designated by the board of directors. The designation of the principal office in the most recent annual report filed pursuant to § 13.1-775 shall be conclusive for purposes of this chapter.

"Proceeding" includes civil suit and criminal, administrative, and investigatory action conducted by a governmental agency.

"Public corporation" means a corporation that has shares listed on a national securities exchange or regularly traded in a market maintained by one or more members of a national or affiliated securities association.

"Record date" means the date established under Article 7 (§ 13.1-638 et seq.) or Article 8 (§ 13.1-654 et seq.) of this chapter on which a corporation determines the identity of its shareholders and their shareholdings for purposes of this

chapter. The determination shall be made as of the close of business at the principal office of the corporation on the record date unless another time for doing so is specified when the record date is fixed.

"Shareholder" means the person in whose name shares are registered in the records of the corporation, the beneficial owner of shares to the extent of the rights granted by a nominee certificate on file with a corporation, or the beneficial owner of shares held in a voting trust.

"Shares" means the units into which the proprietary interests in a corporation are divided.

"Sign" or "signature" means, with present intent to authenticate or adopt a document: (i) to execute or adopt a tangible symbol to a document, and includes any manual, facsimile, or conformed signature; or (ii) to attach to or logically associate with an electronic transmission an electronic sound, symbol, or process, and includes an electronic signature in an electronic transmission.

"State" when referring to a part of the United States, includes a state, commonwealth, and the District of Columbia, and their agencies and governmental subdivisions; and a territory or insular possession, and their agencies and governmental subdivisions, of the United States.

"Subscriber" means a person who subscribes for shares in a corporation, whether before or after incorporation.

"Subsidiary" means, as to any corporation, any other corporation of which it owns, directly or indirectly, voting shares entitled to cast a majority of the votes entitled to be cast generally in an election of directors of such other corporation.

"Unincorporated entity" or "domestic unincorporated entity" means a domestic partnership, limited liability company, limited partnership or business trust.

"United States" includes district, authority, bureau, commission, department, and any other agency of the United States.

"Voting group" means all shares of one or more classes or series that under the articles of incorporation or this chapter are entitled to vote and be counted together collectively on a matter at a meeting of shareholders. All shares entitled by the articles of incorporation or this chapter to vote generally on the matter are for that purpose a single voting group.

"Voting power" means the current power to vote in the election of directors.

"Writing" or "written" means any information in the form of a document.

§ 13.1-722.8. Definitions.

~~In~~ As used in this article, unless the context requires a different meaning:

"Articles of organization" has the same meaning specified in § 13.1-1002.

"Converting entity" means the domestic corporation ~~or domestic limited liability company~~ that adopts a plan of entity conversion pursuant to this article.

"Corporation" has the same meaning specified in § 13.1-603.

"Limited liability company" has the same meaning specified in § 13.1-1002.

"Member" has the same meaning specified in § 13.1-1002.

"Membership interest" or "interest" has the same meaning specified in § 13.1-1002.

"Surviving Resulting entity" means the ~~corporation~~ or limited liability company that is in existence ~~immediately after~~ upon consummation of an entity conversion pursuant to this article.

§ 13.1-722.9. Entity conversion.

A. A domestic corporation may become a domestic limited liability company pursuant to a plan of entity conversion: ~~Such a plan shall be that is~~ adopted and approved by the corporation in accordance with the ~~procedures~~ provisions of this article.

B. A domestic limited liability company may become a domestic corporation pursuant to a plan of entity conversion: ~~Such plan shall be adopted and that is~~ approved by the limited liability company in accordance with the provisions of ~~this article~~ Article 15 (§ 13.1-1081 et seq.) of Chapter 12.

§ 13.1-722.10. Plan of entity conversion.

A. ~~A~~ To become a domestic limited liability company, a domestic corporation shall adopt a plan of entity conversion ~~shall set setting forth:~~

1. ~~In the case of a conversion of a corporation into~~ A statement of the corporation's intention to convert to a limited liability company;

~~a-~~ 2. The terms and conditions of the conversion, including the manner and basis of converting the shares of the corporation into interests of the surviving resulting entity preserving the ownership proportion and relative rights, preferences, and limitations of each such share; ~~and~~

~~b-~~ 3. As a separate attachment to the plan, the full text of the articles of organization of the surviving resulting entity as they will be in effect ~~immediately after upon~~ consummation of the conversion;

~~2-~~ In the case of a conversion of a limited liability company into a corporation:

~~a-~~ The terms and conditions of the conversion, including the manner and basis of converting the interests of the limited liability company into shares of the surviving entity preserving the ownership proportion and relative rights, preferences, and limitations of each such interest; ~~and~~

~~b-~~ As a separate attachment to the plan, the full text of the articles of incorporation of the surviving entity as they will be in effect ~~immediately after consummation of the conversion;~~ and

~~3-~~ 4. Any other provision relating to the conversion that may be desired.

~~B. In the case of a corporation that is a converting entity, the~~ The plan of entity conversion may also include a provision that the board of directors may amend the plan ~~prior to before~~ the issuance effective time and date of the certificate of entity conversion. An amendment made ~~subsequent to after~~ the submission of the plan to the shareholders shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the shares of any class or series of the converting entity, *unless the amendment has been approved by the shareholders in the manner set forth in § 13.1-722.11.*

~~C. In the case of a limited liability company that is a converting entity, the plan of entity conversion may also include a provision that the plan of entity conversion may be amended prior to the issuance of the certificate of entity conversion. An amendment made subsequent to the submission of the plan to the members shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the membership interests of the converting entity.~~

§ 13.1-722.11. Action on plan of entity conversion.

~~A. In the case of a corporation that is a converting entity, a~~ *Except as provided in subsection B, the plan of entity conversion shall be adopted by the corporation in the following manner:*

~~1. Except where shareholder approval of a plan of entity conversion is not required by subdivision 5:~~

~~a. The board of directors of the converting entity shall adopt the plan of entity conversion.~~

~~b. 2. After adopting the plan of entity conversion, the board of directors shall submit the plan to the shareholders for their approval. The board of directors shall also transmit to the shareholders a recommendation that the shareholders approve the plan of entity conversion, unless the board of directors determines that because of conflicts of interest or other special circumstances it should make no recommendation and communicates the basis of its determination to the shareholders with the plan; and~~

~~e. The shareholders entitled to vote on the plan of entity conversion shall approve the plan as provided in subdivision 4.~~

~~2. 3. The board of directors may condition its submission of the plan of entity conversion to the shareholders on any basis.~~

~~3. 4. The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with § 13.1-658 at which the plan of entity conversion is to be submitted for approval. The notice shall also state that the purpose, or one of the purposes, of the meeting is to consider the plan and shall contain or be accompanied by a copy of the plan.~~

~~4. 5. Unless this chapter or the board of directors, acting pursuant to subdivision 2 3, requires a greater vote, the plan of entity conversion shall be approved by each voting group entitled to vote on the plan by more than two-thirds of all the votes entitled to be cast by that voting group. The articles of incorporation may provide for a greater or lesser vote than that provided for in this subsection or a vote by separate voting groups so long as the vote provided for is not less than a majority of all the votes cast on the plan by each voting group entitled to vote on the plan at a meeting at which a quorum of the voting group exists.~~

~~5. B. If a corporation has not yet issued shares, a majority of its initial board of directors or incorporators, in the event that there is no board of directors, may adopt the plan of entity conversion.~~

~~B. In the case of a limited liability company that is a converting entity:~~

~~1. The plan of entity conversion shall be approved by the members of the limited liability company in the manner provided in the limited liability company's operating agreement or articles of organization for amendments or, if no such provision is made in an operating agreement or articles of organization, by the unanimous vote of the members of the limited liability company; and~~

~~2. If the limited liability company has been formed without any members and no members have been admitted, the plan of entity conversion may be adopted by a majority of the persons named as a manager in the articles of organization or, if there are no members or managers, by a majority of the organizers of the limited liability company.~~

§ 13.1-722.12. Articles of entity conversion.

A. After the plan of entity conversion of a corporation into a limited liability company has been adopted and approved as required by this article, the converting entity shall ~~file with~~ deliver to the Commission for filing articles of entity conversion setting forth:

1. The name of the corporation immediately ~~prior to before~~ the filing of the articles of entity conversion and the name to which the name of the corporation is to be changed, which name shall satisfy the requirements of the laws of this Commonwealth;

2. *The date on which the corporation was originally incorporated, organized, or formed; its original name, entity type, and jurisdiction of incorporation, organization, or formation; and, for each subsequent change of entity type or jurisdiction of incorporation, organization, or formation made before the filing of the articles of entity conversion, the effective date of the change and the corporation's name, entity type, and jurisdiction of incorporation, organization, or formation upon consummation of the change;*

3. The plan of entity conversion, including the full text of the articles of organization of the ~~surviving~~ resulting entity that comply with the requirements of Chapter 12 (§ 13.1-1000 et seq.), as they will be in effect ~~immediately after upon~~ consummation of the conversion;

~~3. 4. The date the plan of entity conversion was approved;~~

5. If the plan of entity conversion was adopted by the board of directors or the incorporators without shareholder approval, a statement that the plan was duly approved by the board of directors or by a majority of the incorporators, as the case may be, including the reason shareholder and, if applicable, director approval was not required; and

4-6. If the plan of entity conversion was approved by the shareholders, either:

- a. A statement that the plan was adopted by the unanimous consent of the shareholders; or
- b. A statement that the plan was submitted to the shareholders by the board of directors in accordance with this chapter,

and a statement of:

(1) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group.

~~B. After the conversion of a limited liability company into a corporation has been adopted and approved as required by this article, the converting entity shall file with the Commission articles of entity conversion setting forth:~~

~~1. The name of the limited liability company immediately prior to the filing of the articles of entity conversion and the name to which the name of the limited liability company is to be changed, which name shall satisfy the requirements of § 13.1-630;~~

~~2. The plan of entity conversion, including the full text of the articles of incorporation of the surviving entity that comply with the requirements of this chapter, as they will be in effect immediately after the consummation of the conversion; and~~

~~3. A statement that the plan was adopted by the members of the limited liability company in the manner provided in the limited liability company's operating agreement or articles of organization for amendments, or, if no such provision is made in an operating agreement or articles of organization, by the unanimous vote of the members of the limited liability company.~~

~~C. If the Commission finds that the articles of entity conversion comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of entity conversion.~~

§ 13.1-722.13. Effect of entity conversion.

A. When an entity conversion under this article becomes effective, with respect to that entity:

1. The title to all real estate and other property remains in the ~~surviving~~ *resulting* entity without reversion or impairment;

2. The liabilities remain the liabilities of the ~~surviving~~ *resulting* entity;

3. A pending proceeding may be continued by or against the ~~surviving~~ *resulting* entity as if the conversion did not occur;

4. The ~~articles of incorporation or~~ articles of organization attached to the articles of *entity* conversion constitute the ~~articles of incorporation or~~ articles of organization of the ~~surviving~~ *resulting* entity;

5. The shares or interests of the converting entity are reclassified into shares or interests in accordance with the plan of entity conversion; and the shareholders or members of the converting entity are entitled only to the rights provided in the plan of entity conversion or, in the case of a converting entity that is a corporation, to the rights, if any, they may have under subdivision A 5 of § 13.1-730;

6. The ~~surviving~~ *resulting* entity is deemed to:

a. Be a ~~corporation or~~ limited liability company for all purposes;

b. Be the same ~~corporation or limited liability company~~ *entity* without interruption as the converting entity that existed ~~prior to before~~ the conversion;

c. Have been ~~incorporated or otherwise~~ organized on the date that the converting entity was originally incorporated or, organized, *or formed*; and

7. The converting entity shall cease to be a corporation or a ~~limited liability company~~, as the case may be, when the certificate of entity conversion becomes effective.

B. Any shareholder or member of a converting entity who, ~~prior to before~~ the *entity* conversion, was liable for the liabilities or obligations of the converting entity is not released from those liabilities or obligations by reason of the *entity* conversion.

§ 13.1-722.14. Abandonment of entity conversion.

A. Unless otherwise provided in a plan of entity conversion of a *domestic* corporation to become a *domestic* limited liability company, after the plan has been approved and adopted as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned by the corporation without action by the shareholders in accordance with any procedures set forth in the plan of entity conversion or, if no such procedures are set forth in the plan of ~~entity conversion~~, in the manner determined by the board of directors.

~~B. Unless otherwise provided in a plan of entity conversion of a limited liability company to become a corporation, after the plan has been approved and adopted as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned in the manner set forth in the plan of entity conversion or, if no such procedures are set forth in the plan of entity conversion, by a vote of the members, managers, or organizers of the limited liability company that is equal to or greater than the vote cast for entity conversion pursuant to subsection B of § 13.1-722.11.~~

~~C. If an entity conversion is abandoned under subsection A or B after articles of entity conversion have been filed with the Commission but before the certificate of entity conversion has become effective, written notice a statement that the~~

entity conversion has been abandoned in accordance with this section shall be ~~filed with~~ *delivered to* the Commission ~~prior to for filing before~~ the effective time and date of the certificate of entity conversion. ~~The notice~~ *Upon filing, the statement* shall take effect ~~upon filing~~ and the entity conversion shall be deemed abandoned and shall not become effective.

§ 13.1-944.2. Entity conversion.

A domestic corporation may become a domestic limited liability company pursuant to a plan of entity conversion. ~~Such a plan shall be that is~~ adopted and approved by the corporation in accordance with the ~~procedures~~ *provisions* of this article.

§ 13.1-944.3. Plan of entity conversion.

A. ~~A~~ *To become a domestic limited liability company, a domestic corporation shall adopt a plan of entity conversion shall set* setting forth:

1. A statement of the corporation's intention to convert to a limited liability company;

2. The terms and conditions of the conversion, including the manner and basis of converting the membership interests, if any, of the corporation into LLC membership interests of the resulting entity;

~~2. Where~~ 3. If the corporation has no members, the ~~plan of entity conversion shall provide for the~~ designation of the ~~persons each person who are~~ *is* to become a member of the limited liability company upon conversion. ~~No, provided that no~~ person shall be designated as a member of the resulting entity without the person's prior consent;

~~3. 4.~~ 4. As a separate attachment to the plan, the full text of the articles of organization of the resulting entity as they will be in effect ~~immediately after~~ *upon* consummation of the conversion; and

~~4. 5.~~ 5. Any other provision relating to the conversion that may be desired.

B. The plan of entity conversion may also include a provision that the board of directors may amend the plan ~~prior to~~ *before the issuance* effective time and date of the certificate of entity conversion. An amendment made ~~subsequent to~~ *after* the submission of the plan to the members shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the membership interests of the corporation, *unless the amendment has been approved by the members in the manner set forth in § 13.1-944.4.*

§ 13.1-944.5. Articles of entity conversion.

A. After the *plan of entity* conversion of a corporation into a limited liability company has been adopted and approved as required by this article, the converting entity shall ~~file with~~ *deliver to* the Commission *for filing* articles of entity conversion setting forth:

1. The name of the corporation immediately ~~prior to~~ *before* the filing of the articles of entity conversion and the name to which the name of the converting entity is to be changed, which name shall satisfy the requirements of the laws of the Commonwealth;

2. *The date on which the corporation was originally incorporated, organized, or formed; its original name, entity type, and jurisdiction of incorporation, organization, or formation; and, for each subsequent change of entity type or jurisdiction of incorporation, organization, or formation made before the filing of the articles of entity conversion, the effective date of the change and the corporation's name, entity type, and jurisdiction of incorporation, organization, or formation upon consummation of the change;*

3. The plan of entity conversion, including the full text of the articles of organization of the resulting entity that comply with the requirements of Chapter 12 (§ 13.1-1000 et seq.), as they will be in effect ~~immediately after~~ *upon* consummation of the conversion;

~~3. 4.~~ 4. *The date the plan of entity conversion was approved; and*

5. A statement:

a. That the plan was adopted by the vote of at least two-thirds of the directors in office, including the reason member approval was not required;

b. That the plan was adopted by the unanimous consent of the members having voting rights; or

c. That the plan was proposed by the board of directors and submitted to the members in accordance with this chapter, and a statement of:

(1) The existence of a quorum of each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group.

B. If the Commission finds that the articles of entity conversion comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of entity conversion.

§ 13.1-944.6. Effect of entity conversion.

A. When an entity conversion under this article becomes effective, with respect to that entity:

1. The title to all real estate and other property remains in the resulting entity without reversion or impairment;

2. The liabilities remain the liabilities of the resulting entity;

3. A pending proceeding may be continued by or against the resulting entity as if the conversion did not occur;

4. The articles of organization attached to the articles of entity conversion constitute the articles of organization of the resulting entity;

5. The membership interests, if any, of the corporation are reclassified into LLC membership interests in accordance with the plan of entity conversion, and the members of the ~~corporation~~ *converting entity* are entitled only to the rights provided in the plan of entity conversion;

6. The resulting entity is deemed to:

- a. Be a limited liability company for all purposes;
 - b. Be the same entity without interruption as the converting entity that existed ~~prior to~~ before the conversion; and
 - c. Have been organized on the date that the converting entity was originally incorporated, organized, or formed; and
7. The corporation shall cease to be a corporation when the certificate of entity conversion becomes effective.

B. Any member of a ~~corporation that converts to a limited liability company~~ converting entity who, ~~prior to~~ before the conversion, was liable for the liabilities or obligations of the ~~limited liability company~~ converting entity is not released from those liabilities or obligations by reason of the ~~entity~~ conversion.

§ 13.1-944.7. Abandonment of entity conversion.

A. Unless otherwise provided in a plan of entity conversion of a domestic corporation to become a limited liability company, after the plan has been approved and adopted as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned by the corporation without action by the members in accordance with any procedures set forth in the plan of ~~entity conversion~~ or, if no ~~such~~ procedures are set forth in the plan of entity conversion, in the manner determined by the board of directors.

B. If an entity conversion is abandoned under subsection A after articles of entity conversion have been filed with the Commission but before the certificate of entity conversion has become effective, ~~written notice a statement~~ that the entity conversion has been abandoned in accordance with this section shall be ~~filed with~~ delivered to the Commission ~~prior to~~ for filing before the effective time and date of the certificate of entity conversion. ~~The notice~~ Upon filing, the statement shall take effect ~~upon filing~~ and the entity conversion shall be deemed abandoned and shall not become effective.

§ 13.1-1002. Definitions.

As used in this chapter:

"Articles of organization" means all documents constituting, at any particular time, the articles of organization of a limited liability company. ~~It includes~~ The articles of organization include the original articles of organization, the original certificate of organization issued by the Commission, and all amendments to the articles of organization. When the articles of organization have been restated pursuant to any articles of restatement, amendment, ~~it includes domestication, or merger, the articles of organization include~~ only the restated articles of organization and any subsequent amendments to the restated ~~articles of organization, but does not include~~ without the articles of restatement, amendment ~~accompanying the restated articles of organization, domestication, or merger.~~

"Bankruptcy" means, with respect to any person, being the subject of an order for relief under Title 11 of the United States Code.

"Commission" means the State Corporation Commission of Virginia.

"Contribution" means any cash, property or services rendered, or a promissory note or other binding obligation to contribute cash or property or to perform services, which a member contributes to a limited liability company in his capacity as a member.

"Distribution" means a direct or indirect transfer of money or other property, or incurrence of indebtedness by a limited liability company, to or for the benefit of its members in respect of their interests.

"Domestic business trust" has the same meaning as specified in § 13.1-1201.

"Domestic corporation" has the same meaning as specified in § 13.1-603.

"Domestic limited partnership" has the same meaning as specified in § 50-73.1.

"Domestic nonstock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-803.

"Domestic other business entity" means a partnership, limited partnership, business trust, stock corporation, or nonstock corporation that is formed, organized, or incorporated under the laws of the Commonwealth.

"Domestic partnership" means an association of two or more persons to carry on as co-owners a business for profit formed under § 50-73.88, or predecessor law of the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a registered limited liability partnership.

"Domestic stock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-603.

"Electronic transmission" means any form of communication, not directly involving the physical transmission of paper, that creates a record that may be retained, retrieved, and reviewed by a recipient thereof, and that may be directly reproduced in paper form by ~~such a~~ the recipient through an automated process. Any term used in this definition that is defined in § 59.1-480 of the Uniform Electronic Transactions Act (§ 59.1-479 et seq.) shall have the meaning set forth in ~~such~~ that section.

"Eligible interests" means, as to a partnership, partnership interest as specified in § 50-73.79; as to a limited partnership, partnership interest as specified in § 50-73.1; as to a business trust, the beneficial interest of a beneficial owner as specified in § 13.1-1226; as to a stock corporation, shares as specified in § 13.1-603; or, as to a nonstock corporation, membership interest as specified in § 13.1-803.

"Foreign business trust" has the same meaning as specified in § 13.1-1201.

"Foreign corporation" has the same meaning as specified in § 13.1-603.

"Foreign limited liability company" means an entity, excluding a foreign business trust, that is an unincorporated organization that is organized under laws other than the laws of ~~this~~ the Commonwealth and that is denominated by that law as a limited liability company, and that affords to each of its members, pursuant to the laws under which it is organized, limited liability with respect to the liabilities of the entity.

"Foreign limited partnership" has the same meaning as specified in § 50-73.1.

"Foreign nonstock corporation" has the same meaning as "foreign corporation" as specified in § 13.1-803.

"Foreign other business entity" means a partnership, limited partnership, business trust, stock corporation, or nonstock corporation that is formed, organized, or incorporated under the laws of a state or jurisdiction other than the Commonwealth.

"Foreign partnership" means an association of two or more persons to carry on as co-owners a business for profit formed under the laws of any state or jurisdiction other than the Commonwealth, and includes, for all purposes of the laws of the Commonwealth, a foreign registered limited liability partnership.

"Foreign registered limited liability partnership" has the same meanings as specified in §§ 50-2 and 50-73.79.

"Foreign stock corporation" has the same meaning as "foreign corporation" as specified in § 13.1-603.

"Limited liability company" or "domestic limited liability company" means an entity that is an unincorporated organization that is organized and existing under this chapter, or that has become a domestic limited liability company of the Commonwealth pursuant to § 13.1-1010.3 as it existed prior to its repeal, even though also being a non-United States entity organized under laws other than the laws of the Commonwealth, or that has become a domestic limited liability company of the Commonwealth pursuant to § 56-1, even though also being a limited liability company non-United States entity organized under laws other than the laws of the Commonwealth, or that has become a domestic limited liability company of the Commonwealth pursuant to § 13.1-1010.1 as it existed prior to its repeal, or that has become a domestic limited liability company of the Commonwealth pursuant to Article 12.2 (§ 13.1-722.8 et seq.) of Chapter 9 of this title, or, effective on and after November 1, 2006 Article 17.1 (§ 13.1-944.1 et seq.) of Chapter 10, Article 14 (§ 13.1-1074 et seq.) or Article 15 (§ 13.1-1081 et seq.) of Chapter 12 of this title this chapter, or Article 12 (§ 13.1-1264 et seq.) of Chapter 14. A limited liability company's status for federal tax purposes shall not affect its status as a distinct entity organized and existing under this chapter.

"Manager" or "managers" means a person or persons designated by the members of a limited liability company to manage the limited liability company as provided in the articles of organization or an operating agreement.

"Manager-managed limited liability company" means a limited liability company that is managed by a manager or managers as provided for in its articles of organization or an operating agreement.

"Member" means a person that has been admitted to membership in a limited liability company as provided in § 13.1-1038.1 and that has not ceased to be a member.

"Member-managed limited liability company" means a limited liability company that is not a manager-managed limited liability company.

"Membership interest" or "interest" means a member's share of the profits and the losses of the limited liability company and the right to receive distributions of the limited liability company's assets.

"Non-United States entity" means a foreign limited liability company (other than one formed under the laws of a state), or a corporation, business trust or association, real estate investment trust, common-law trust, or any other unincorporated business, including a partnership, formed, incorporated, organized, created or that otherwise came into being under the laws of any foreign country or other foreign jurisdiction (other than any state).

"Operating agreement" means an agreement of the members as to the affairs of a limited liability company and the conduct of its business, or a writing or agreement of a limited liability company with one member that satisfies the requirements of subdivision A 2 of § 13.1-1023.

"Person" has the same meaning as specified in § 13.1-603.

"Principal office" means the office, in or out of the Commonwealth, where the principal executive offices of a domestic or foreign limited liability company are located or, if there are no such offices, the office, in or out of the Commonwealth, so designated by the limited liability company. The designation of the principal office in the most recent statement of change filed pursuant to § 13.1-1018.1 shall be conclusive for the purpose of this chapter.

"State," when referring to a part of the United States, includes a state, commonwealth and the District of Columbia, and their agencies and governmental subdivisions; and a territory or insular possession, and their agencies and governmental subdivisions, of the United States.

"United States" includes a district, authority, bureau, commission, department, and any other agency of the United States.

§ 13.1-1003.1. Filings with the Commission pursuant to reorganization.

A. Notwithstanding anything to the contrary contained in § 13.1-1003, 13.1-1011, 13.1-1014, 13.1-1014.1, 13.1-1050, 13.1-1072, or 13.1-1085, whenever, pursuant to any applicable statute of the United States relating to reorganizations of limited liability companies, a plan of reorganization of a limited liability company has been confirmed by the decree or order of a court of competent jurisdiction, the limited liability company may put into effect and carry out the plan and decrees of the court relative thereto (i) through one or more amendments to the limited liability company's articles of organization containing terms and conditions permitted by this chapter; (ii) through a plan of merger or entity conversion; or (iii) through cancellation, without action by the managers or members, to carry out the plan of reorganization decreed or ordered by the court of competent jurisdiction under federal statute.

B. The individual or individuals designated by the court shall deliver to the Commission for filing articles of amendment, restatement, merger, entity conversion, or cancellation, which, in addition to the matters otherwise required or permitted by law to be set forth therein, shall set forth:

1. The name of the limited liability company;
2. Any provision relating to the amendment or amendments, plan of merger or entity conversion, or cancellation approved by the court;
3. The name of the court and the date of the court's order or decree approving the amendment, plan of merger or entity conversion, or cancellation;
4. The title and case number, if any, of the reorganization proceeding in which the order or decree was entered; and
5. A statement that the court had jurisdiction of the proceeding under federal statute.

C. If the Commission finds that the articles of amendment, restatement, merger, entity conversion, or cancellation comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of amendment, restatement, merger, entity conversion, or cancellation.

D. This section does not apply after entry of a final decree in the reorganization proceeding even though the court retains jurisdiction of the proceeding for limited purposes unrelated to consummation of the reorganization plan.

§ 13.1-1010. Organizers.

One or more persons may act as organizers of a limited liability company by signing and ~~filing~~ delivering articles of organization ~~with to the Commission for filing. Such person or persons~~ An organizer need not be ~~members~~ a member of the limited liability company after formation has occurred.

§ 13.1-1018.1. Change of principal office.

A. A limited liability company or a foreign limited liability company registered pursuant to Article 10 (§ 13.1-1051 et seq.) ~~of this chapter~~ may change its principal office upon filing in the office of the Commission a statement of change on a form supplied by the Commission that sets forth:

1. The name of the limited liability company or foreign limited liability company;
2. The address of its current principal office; and
3. The post office address, including the street and number, if any, of the new principal office.

B. A statement of change shall forthwith be delivered to the Commission for filing by a domestic limited liability company or a foreign limited liability company registered pursuant to Article 10 (§ 13.1-1051 et seq.) whenever the address of its principal office ceases to be the office at which the principal executive offices of the domestic or foreign limited liability company are located.

§ 13.1-1038.1. Admission of members.

A. Subject to subsection B, a person may become a member in a limited liability company:

1. In the case of a person acquiring a membership interest directly from the limited liability company, upon compliance with an operating agreement or, if the operating agreement does not so provide, upon the consent of a majority of the managers of a manager-managed limited liability company or a majority vote of the members of a member-managed limited liability company;

2. In the case of an assignee of a membership interest, as provided in subsection A of § 13.1-1040;

3. In the case of a limited liability company that has no members as of the commencement of its existence under § 13.1-1004, as provided in any writing signed by both the initial member or members and the managers, if any are designated in the articles of organization, or, if no managers are so designated, the organizers;

4. In the case of a limited liability company the last remaining member of which has dissociated, (i) as provided in a writing executed by the successor in interest of that member, who may provide for the admission of the successor in interest or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that caused the dissociation of the last remaining member, provided that the articles of organization or an operating agreement may provide that the successor in interest of the last remaining member shall be obligated to agree in writing to the admission of the successor in interest of that member or its nominee or designee to the limited liability company as a member, effective as of the occurrence of the event that caused the dissociation of the last remaining member, or (ii) in the manner provided for in the articles of organization or an operating agreement, effective as of the occurrence of the event that caused the dissociation of the last remaining member, pursuant to a provision of the articles of organization or an operating agreement that specifically provides for the admission of a member to the limited liability company after there is no longer a remaining member of the limited liability company;

5. In the case of a person being admitted as a member of a limited liability company pursuant to a merger approved in accordance with § 13.1-1071, as provided in the articles of merger or an operating agreement of the surviving limited liability company; and

6. In the case of a person being admitted as a member of a limited liability company pursuant to a conversion or domestication of a partnership, non-United States entity, foreign limited liability company, or corporation into a domestic limited liability company in accordance with Article 12.2 (§ 13.1-722.8 et seq.) of Chapter 9 of this title ~~or § 13.1-1010.1 or § 13.1-1010.3~~, or, effective on and after November 1, 2006, Article 14 (§ 13.1-1074 et seq.) of Chapter 12 of this title, as provided in the articles of organization or an operating agreement of the converted or domesticated limited liability company at the time of conversion or domestication.

B. The effective time of admission of a member to a limited liability company shall be the later of:

1. The date the limited liability company is formed; or

2. The time provided in an operating agreement, articles of merger or articles of organization, as applicable, or, if no such time is provided therein, then when the person's admission is reflected in the records of the limited liability company.

C. A person may be admitted to a limited liability company as a member of the limited liability company and may receive a membership interest in the limited liability company without making a contribution or being obligated to make a contribution to the limited liability company. Unless otherwise provided in the articles of organization or an operating agreement:

1. A person may be admitted to a limited liability company as a member of the limited liability company without acquiring a membership interest in the limited liability company; and

2. A person may be admitted as the sole member of a limited liability company without making a contribution or being obligated to make a contribution to the limited liability company or without acquiring a membership interest in the limited liability company.

§ 13.1-1050.5. Survival of remedy after cancellation of existence.

The cancellation of existence of a limited liability company shall not take away or impair any remedy available to or against the limited liability company or its members or managers for any right or claim existing, or any liability incurred, before the cancellation. Any action or proceeding by or against the limited liability company may be prosecuted or defended by the limited liability company in its name. The members or managers shall have power to take limited liability company action or other action as shall be appropriate to protect any remedy, right, or claim.

§ 13.1-1052. Application for certificate of registration.

A. A foreign limited liability company may apply to the Commission for a certificate of registration to transact business in the Commonwealth. The application shall be made on a form prescribed and furnished by the Commission. The application shall set forth:

1. The name of the foreign limited liability company and, if the limited liability company is prevented by § 13.1-1054 from using its own name in the Commonwealth, a designated name that satisfies the requirements of § 13.1-1054;

2. The name of the state or other jurisdiction under whose law it is formed, ~~the its~~ date of ~~its~~ formation *and period of duration*, and if the limited liability company was previously authorized or registered to transact business in the Commonwealth as a foreign corporation, limited liability company, business trust, limited partnership, or registered limited liability partnership, with respect to every ~~such~~ prior authorization or registration, (i) the name of the entity; (ii) the entity type; (iii) the state or other jurisdiction of incorporation, organization or formation; and (iv) the entity identification number issued to it by the Commission;

3. The address of the proposed registered office of the foreign limited liability company in the Commonwealth (including both (i) the post office address with street and number, if any, and (ii) the name of the county or city in which it is located) and the name of its proposed registered agent in the Commonwealth at ~~such~~ that address and *a statement* that the registered agent is either (a) an individual who is a resident of the Commonwealth and is either (1) a member or manager of the limited liability company, (2) a member or manager of a limited liability company that is a member or manager of the limited liability company, (3) an officer or director of a corporation that is a member or manager of the limited liability company, (4) a general partner of a general or limited partnership that is a member or manager of the limited liability company, (5) a trustee of a trust that is a member or manager of the limited liability company, or (6) a member of the Virginia State Bar, or (b) a domestic or foreign stock or nonstock corporation, limited liability company, or registered limited liability partnership authorized to transact business in the Commonwealth, the business office of which is identical with the registered office;

4. A statement that the clerk of the Commission is irrevocably appointed the agent of the foreign limited liability company for service of process if the foreign limited liability company fails to maintain a registered agent in the Commonwealth as required by § 13.1-1015, the registered agent's authority has been revoked, the registered agent has resigned, or the registered agent cannot be found or served with the exercise of reasonable diligence;

5. The post office address, including the street and number, if any, of the foreign limited liability company's principal office; and

6. A statement evidencing that the foreign limited liability company is a "foreign limited liability company" as defined in § 13.1-1002.

B. The foreign limited liability company shall deliver with the completed application a copy of its articles of organization or other constituent documents and all amendments and corrections thereto filed in the foreign limited liability company's state or other jurisdiction of organization, duly authenticated by the Secretary of State or other official having custody of the limited liability company records in the state or other jurisdiction under whose law it is organized.

C. If the Commission finds that the application complies with the requirements of law and that all required fees have been paid, it shall issue a certificate of registration to transact business in the Commonwealth.

§ 13.1-1054. Name of foreign limited liability company.

A. No certificate of registration shall be issued to a foreign limited liability company unless the name of ~~such~~ the foreign limited liability company satisfies the requirements of § 13.1-1012.

B. If the name of a foreign limited liability company does not satisfy the requirements of § 13.1-1012, to obtain or maintain a certificate of registration to transact business in the Commonwealth:

1. The foreign limited liability company may ~~add~~ *adopt a designated name for use in the Commonwealth that adds the words "limited company" or "limited liability company," or the abbreviation "L.C.," "LC," "L.L.C." or "LLC," to its name for use in the Commonwealth* or, if it is a professional limited liability company, the words "professional company" or

"professional limited liability company" or the initials "P.L.C.," "PLC," "P.L.L.C.," or "PLLC" at the end of its name, if it informs the Commission of its designated name; or

2. If its real name is unavailable, the foreign limited liability company may ~~use~~ adopt a designated name that is available, and which satisfies the requirements of § 13.1-1012, if it informs the Commission of the designated name.

§ 13.1-1055. Amendments; amended applications for registration.

A. ~~Whenever the articles of organization or other constituent document of a~~ A foreign limited liability company that is registered to transact business in the Commonwealth is amended or corrected, the foreign limited liability company shall promptly file with the Commission a copy of the amendment or correction duly authenticated by the Secretary of State or other official having custody of the limited liability company records in the state or other jurisdiction of its organization. ~~an amended application for registration on a form prescribed and furnished by the Commission:~~

~~B. 1. If any statement in the application for registration of a foreign limited liability company was false when made or any arrangements or other facts described have changed, making the application inaccurate in any respect, the foreign limited liability company shall promptly file with the Commission an amended application for registration amending such statement or information. The amended application for registration shall be made on a form prescribed and furnished by the Commission; or~~

~~2. To abandon or change the designated name adopted by the limited liability company for use in the Commonwealth pursuant to subsection B of § 13.1-1054.~~

~~C. B. Notwithstanding the provisions of subsection B A, the manner by which a foreign limited liability company shall change its registered office or principal office is by filing a statement of change pursuant to § 13.1-1016 or 13.1-1018.1, as the case may be.~~

~~C. Whenever the articles of organization or other constituent document of a foreign limited liability company that is registered to transact business in the Commonwealth is amended or corrected, the foreign limited liability company shall promptly deliver to the Commission for filing a copy of the amendment or correction duly authenticated by the Secretary of State or other official having custody of the limited liability company records in the state or other jurisdiction of its organization.~~

§ 13.1-1056. Voluntary cancellation of certificate of registration.

A. A foreign limited liability company registered to transact business in the Commonwealth may apply to the Commission for a certificate of cancellation to cancel its certificate of registration. The application shall be on a form prescribed and furnished by the Commission, which shall set forth:

1. The name of the foreign limited liability company, the name of the state or other jurisdiction under whose law it is or was formed, and the identification number issued by the Commission to the foreign limited liability company;

2. If applicable, a statement that the foreign limited liability company was a party to a merger permitted by the laws of the state or other jurisdiction under whose laws it was organized and that it was not the surviving entity of the merger, *or has converted to another type of entity under the laws of the state or other jurisdiction under whose law it was formed;*

3. That the foreign limited liability company is not transacting business in the Commonwealth and that it surrenders its registration to transact business in the Commonwealth;

4. That the foreign limited liability company revokes the authority of its registered agent to accept service on its behalf and appoints the clerk of the Commission as its agent for service of process in any proceeding based on a cause of action arising during the time it was authorized to transact business in the Commonwealth;

5. A mailing address to which the clerk of the Commission may mail a copy of any process served on him under subdivision 4; and

6. A commitment to notify the clerk of the Commission in the future of any change in the mailing address of the foreign limited liability company.

B. ~~The Commission shall not issue a certificate of cancellation to any foreign limited liability company unless the foreign limited liability company files with the Commission a statement certifying that the foreign limited liability company has filed returns and has paid all state taxes to the time of the certificate, or a statement that no returns are required to be filed or taxes are required to be paid. In that case the foreign limited liability company may file returns and pay taxes before they would otherwise be due. If the Commission finds that the application complies with the requirements of law and all required fees have been paid, it shall issue a certificate of cancellation canceling the certificate of registration.~~

C. Before any foreign limited liability company registered to transact business in the Commonwealth cancels its existence, it shall ~~file with~~ deliver to the Commission for filing an application for a certificate of cancellation. Whether or not ~~such an~~ application is filed, the cancellation of the existence of ~~such a~~ foreign limited liability company shall not take away or impair any remedy available against ~~such the~~ foreign limited liability company for any right or claim existing or any liability incurred ~~prior to such~~ before the cancellation. Any ~~such~~ action or proceeding against ~~such a~~ foreign limited liability company *whose existence has been canceled* may be defended by ~~such the~~ foreign limited liability company in its name. The members, managers, and officers shall have power to take ~~such any~~ action as shall be appropriate to protect ~~such any~~ remedy, right, or claim. The right of a foreign limited liability company ~~that whose existence has been canceled its existence~~ to institute and maintain in its name actions, suits, or proceedings in the courts of the Commonwealth shall be governed by the law of the state *or other jurisdiction* of its organization.

D. Service of process on the clerk of the Commission is service of process on a foreign limited liability company whose certificate of registration has been canceled pursuant to this section. Service upon the clerk shall be made in

accordance with § 12.1-19.1, and service upon the foreign limited liability company may be made in any other manner permitted by law.

§ 13.1-1060. Merger of foreign limited liability company registered to transact business in Commonwealth.

A. Whenever a foreign limited liability company that is registered to transact business in the Commonwealth is a party to a merger permitted by the laws of the state or other jurisdiction under whose laws it is organized, and that limited liability company is the surviving entity of the merger, it shall, within 30 days after the merger becomes effective, ~~file with~~ *deliver* to the Commission *for filing* a copy of the instrument of merger duly authenticated by the Secretary of State or other official having custody of limited liability company records in the state or other jurisdiction under whose ~~laws the merger was effected~~ *law it is organized*. However, the filing shall not be required when a foreign limited liability company merges with a domestic corporation, limited liability company, limited partnership, business trust, or partnership; the foreign limited liability company's articles of organization or other constituent documents are not amended by the merger; and the articles or statement of merger filed on behalf of the domestic corporation, limited liability company, limited partnership, business trust, or partnership pursuant to § 13.1-720, 13.1-1072, 13.1-1261, 50-73.48:3, or 50-73.131 contains a statement that the merger is permitted under the laws of the state or other jurisdiction in which the foreign limited liability company is organized and that the foreign limited liability company has complied with that law in effecting the merger.

B. Whenever a foreign limited liability company that is registered to transact business in the Commonwealth is a party to a merger permitted by the laws of the state or other jurisdiction under the laws of which it is organized, and that limited liability company is not the surviving entity of the merger, the surviving partnership, limited liability company, business trust, limited partnership, or corporation shall, if not continuing to transact business in the Commonwealth, within 30 days after ~~such~~ *the* merger becomes effective, deliver to the Commission a copy of the instrument of merger duly authenticated by the Secretary of State or other official having custody of limited liability company records in the state or other jurisdiction under whose ~~laws the merger was effected~~ *law it was organized*, and comply in behalf of the predecessor limited liability company with § 13.1-1056. If a surviving business trust, registered limited liability partnership, limited liability company, limited partnership, or corporation is to continue to transact business in the Commonwealth and has not registered as a foreign registered limited liability partnership, limited liability company, business trust, or limited partnership or received a certificate of authority to transact business in the Commonwealth as a foreign corporation, as the case may be, it shall, within 30 days after the merger becomes effective, deliver to the Commission an application, if a foreign registered limited liability partnership, for registration as a foreign registered limited liability partnership, if a foreign limited liability company, for registration as a foreign limited liability company, if a foreign business trust, for registration as a foreign business trust, if a foreign limited partnership, for registration as a foreign limited partnership, or, if a foreign corporation, for a certificate of authority to transact business in the Commonwealth, together with a duly authenticated copy of the instrument of merger and also a copy of its partnership certificate, statement of registered limited liability partnership, articles of organization, articles of trust, certificate of limited partnership, or articles of incorporation and all amendments thereto, duly authenticated by the Secretary of State or other official having custody of registered limited liability partnership, limited liability company, business trust, limited partnership, or corporate records in the state or other jurisdiction under whose laws it is organized, formed, or incorporated.

C. Upon the merger of a foreign limited liability company with one or more foreign partnerships, limited liability companies, business trusts, limited partnerships, or corporations, all property in the Commonwealth owned by any of the partnerships, limited liability companies, business trusts, limited partnerships, or corporations shall pass to the surviving partnership, limited liability company, business trust, limited partnership, or corporation except as otherwise provided by the laws of the state or other jurisdiction by which it is governed, but only from and after the time when a duly authenticated copy of the instrument of merger is filed with the Commission.

§ 13.1-1066. Collection of unpaid bills for annual registration fees.

The provisions of §§ 13.1-775.1 and 58.1-2814, so far as they are applicable, shall apply to the annual registration fees and penalties imposed by this chapter *fee with penalty and interest shall be enforceable, in addition to existing remedies for the collection of taxes, levies, and fees, by action in the name of the Commonwealth in the appropriate circuit court. Venue shall be in accordance with § 8.01-261.*

§ 13.1-1069.1. Definitions.

As used in this article:

"Merger" means a business combination pursuant to § 13.1-1070.

"Party to a merger" means any domestic or foreign limited liability company or other business entity that will merge under a plan of merger.

"Survivor" in a merger means the domestic or foreign limited liability company or other business entity into which one or more other domestic or foreign limited liability companies or other business entities are merged.

§ 13.1-1070. Merger.

A. Pursuant to a ~~written plan of merger~~, a One or more domestic limited liability company companies may merge with one or more domestic or foreign limited liability companies, ~~partnerships, limited partnerships, business trusts or corporations if:~~ or other business entities pursuant to a plan of merger.

1. The merger is not prohibited by the articles of organization or operating agreement of any domestic limited liability company that is a party to the merger, and each domestic limited liability company party to the merger approves the plan of merger in accordance with § 13.1-1071 and complies with the terms of its articles of organization and operating agreement;

2. Each domestic partnership that is a party to the merger complies with the applicable provisions of Article 9 (§ 50-73.124 et seq.) of Chapter 2-2 of Title 50;

3. Each domestic limited partnership that is a party to the merger complies with the applicable provisions of Article 7-1 (§ 50-73.48:1 et seq.) of Chapter 2-1 of Title 50;

4. Each domestic business trust that is a party to the merger complies with the applicable provisions of Article 11 (§ 13.1-1257 et seq.) of Chapter 14 of this title;

5. Each domestic corporation that is a party to the merger complies with the applicable provisions of Article 12 (§ 13.1-715.1 et seq.) of Chapter 9 of this title;

6. ~~The B.~~ A foreign limited liability company or other business entity may be a party to a merger with a domestic limited liability company only if the merger is permitted by the laws under which each the foreign limited liability company; foreign partnership; foreign limited partnership; foreign business trust; and foreign corporation party to the merger or other business entity is organized, formed, or incorporated; and each such foreign limited liability company, partnership, limited partnership, business trust or corporation complies with those laws in effecting the merger; and

7. No member of a domestic limited liability company that is a party to the merger will, as a result of the merger, become personally liable for the liabilities or obligations of any other person or entity unless that member approves the plan of merger or otherwise consents to becoming personally liable.

~~B.~~ C. The plan of merger shall set forth include:

1. The name and entity type of each domestic or foreign limited liability company, partnership, limited partnership, business trust or corporation planning to or other business entity that will merge and the name of the surviving domestic or foreign limited liability company, partnership, limited partnership, business trust or corporation into which each other domestic or foreign limited liability company, partnership, limited partnership, business trust or corporation plans to merge or other business entity that will be the survivor of the merger;

2. The name of the state or country other jurisdiction under whose law each domestic or foreign limited liability company, partnership, limited partnership, business trust or corporation planning to merge party to the merger is organized, formed, or incorporated and the name of the state or country of organization, formation or incorporation of the surviving domestic or foreign limited liability company, partnership, limited partnership, business trust or corporation;

3. The terms and conditions of the merger; and

4. The manner and basis of converting the membership interests of each merging domestic or foreign limited liability company; the shares of beneficial interest of each domestic business trust; the partnership and eligible interests of each merging domestic partnership or limited partnership and the shares of each domestic corporation party to the merger or foreign other business entity into membership interests, partnership eligible interests, shares of beneficial interest, shares, obligations or other securities of the surviving or any other domestic or foreign limited liability company, partnership, limited partnership, business trust or corporation or into, obligations, rights to acquire membership interests, eligible interests, or other securities, cash, or other property in whole or in part; and the, or any combination of the foregoing;

5. The manner and basis of converting any rights to acquire the membership interests of each merging domestic or foreign limited liability company; the partnership and eligible interests of each merging domestic partnership or limited partnership; the shares of beneficial interest of each domestic business trust; and the shares of each domestic corporation party to the merger or foreign other business entity into membership interests, eligible interests, or other securities, obligations, rights to acquire membership interests, partnership eligible interests, shares of beneficial interest, shares, obligations or other securities of the surviving or any other domestic or foreign limited liability company, partnership, limited partnership, business trust, or corporation or into, cash, or other property in whole or in part, or any combination of the foregoing;

6. When the survivor is a domestic limited liability company, any amendments to its articles of organization, which may be in the form of amended and restated articles of organization; and

7. Any other provisions required by the laws under which any party to the merger is organized or by which it is governed, or by the articles of organization or other organizational document of any party.

~~C.~~ D. The plan of merger may set forth also include a provision that the plan may be amended before the effective time and date of the certificate of merger, but if the members of a domestic limited liability company that is a party to the merger are required by any provision of this chapter to approve the plan, the plan may not be amended after approval of the plan by the members to change any of the following, unless the amendment is approved by the members:

1. If a domestic limited liability company is to be the surviving entity, amendments to the articles of organization or an operating agreement of that limited liability company The amount or kind of eligible interests or other securities, obligations, rights to acquire eligible interests, or other securities, cash, or other property to be received by the members, shareholders, or holders of eligible interests in any party to the merger;

2. If the merger is not to be effective upon the issuance of the certificate of merger described in subsection C of § 13.1-1072 by the Commission; the future effective date or time of the merger The articles of organization of any domestic or foreign limited liability company, the articles of incorporation of any domestic or foreign stock or nonstock corporation, the articles of trust or governing instrument of any domestic or foreign business trust, the certificate of limited partnership of any domestic or foreign limited partnership, or the partnership agreement of any domestic or foreign partnership that will survive the merger; and or

3. ~~Other provisions relating to the merger~~ *Any of the other terms or conditions of the plan if the change would adversely affect the members in any material respect.*

§ 13.1-1071. Action on a plan of merger.

~~A.~~ Each domestic limited liability company that is to be a party to a proposed merger shall approve the proposed plan of merger, unless the articles of organization or a written operating agreement of that the limited liability company provides otherwise, by the unanimous vote of the members of the limited liability company. However, a provision of a limited liability company's articles of organization or operating agreement purporting to authorize the limited liability company to approve a merger by a less than unanimous vote of the members shall be effective to permit approval of a merger by a less than unanimous vote only if either (i) the articles of organization or operating agreement included that provision at the time each member who does not vote in favor of the merger became bound by the articles of organization or operating agreement or (ii) the provision was added to the articles of organization or operating agreement through an amendment to which each member who does not vote in favor of the merger specifically consented.

~~B.~~ Any plan of merger may provide for the manner, if any, in which the plan may be amended by a domestic limited liability company party to the merger at any time before the effective date of the certificate of merger issued by the Commission for the merger.

~~C.~~ If an amendment to a plan of merger is made in accordance with subsection B of this section, and articles of merger already have been filed with the Commission, amended articles of merger shall be filed with the Commission before the effective date of any certificate of merger issued by the Commission for the articles of merger which the amended articles are to supersede.

~~D.~~ Unless the domestic limited liability company's articles of organization, operating agreement or the plan of merger provides otherwise, after the merger has been authorized and at any time before the effective date of the certificate of merger issued by the Commission for the merger, the merger may be abandoned by majority vote of the members of the domestic limited liability company. If articles of merger already have been filed with the Commission, written notice of abandonment must be filed with the Commission before the effective date of the certificate of merger.

§ 13.1-1072. Articles of merger.

~~A.~~ After a plan of merger is ~~has been adopted and~~ approved as required by each domestic or foreign limited liability company, partnership, limited partnership, business trust or corporation party to the merger, the surviving domestic or foreign limited liability company, partnership, limited partnership, business trust or corporation shall file with the Commission ~~this chapter,~~ articles of merger ~~executed by~~ shall be signed on behalf of each party to the merger setting. ~~The articles shall set forth:~~

1. The plan of merger;

2. If the surviving entity of the merger is a foreign ~~articles of organization of a domestic~~ limited liability company not registered with the Commission under § 13.1-1052; a foreign limited partnership not registered with the Commission under § 50-73.54; a foreign registered limited liability partnership not registered with the Commission under § 50-73.138; a foreign business trust not registered with the Commission under § 13.1-1242; or a foreign corporation without a certificate of authority issued by the Commission under § 13.1-759; the address, including street and number, if any, of its principal office under the laws of the jurisdiction in which it was organized, formed or incorporated that is the survivor of a merger are amended, as an attachment to the articles of merger, the amendments to the survivor's articles of organization;

3. The date the plan of merger was approved by each domestic limited liability company that is a party to the merger;

4. A statement that the plan of merger was ~~adopted~~ approved by each domestic ~~partnership party to the merger in~~ accordance with § 50-73.128; by each domestic limited liability company that is a party to the merger in accordance with the provisions of § 13.1-1071; by each domestic limited partnership party to the merger in accordance with § 50-73.48:2; and by each domestic business trust party to the merger in accordance with § 13.1-1258; and

4. If a domestic corporation is a party to the merger, any additional information required by § 13.1-720.

~~B.~~ If a 5. As to each foreign limited liability company, partnership, limited partnership, business trust or corporation other business entity that is a party to the merger, the articles of merger shall contain a statement that the merger is permitted by the state or other jurisdiction under whose law the foreign limited liability company is organized, the partnership, limited partnership or business trust is formed or the corporation other business entity is organized, formed, or incorporated and that the foreign limited liability company, partnership, limited partnership, business trust or corporation other business entity has complied with that law in effecting the merger.

~~C.~~ B. Articles of merger shall be delivered to the Commission for filing by the survivor of the merger. If the Commission finds that the articles of merger comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of merger. ~~The certificate of merger shall become effective as provided in subsection D of § 13.1-1004.~~ Articles of merger filed under this section may be combined with any filing required under the provisions of this title and Title 50 regarding any domestic other business entity that is a party to the merger if the combined filing satisfies the requirements of this section and the requirements for the filing of articles of merger or a statement of merger on behalf of the domestic other business entity.

~~D.~~ A certificate of merger shall act as a certificate of cancellation as described in § 13.1-1050 for a domestic limited liability company that is not the surviving party to the merger, and such limited liability company's existence shall be canceled upon the effective date of the certificate of merger.

§ 13.1-1073.1. Abandonment of merger.

A. Unless otherwise provided in a plan of merger or in the laws under which a foreign limited liability company or a domestic or foreign other business entity that is a party to a merger is organized or by which the merger is governed, after the plan has been approved as required by this article, and at any time before the certificate of merger has become effective, it may be abandoned by a domestic limited liability company that is a party thereto without action by members in accordance with any procedures set forth in the plan of merger or, if no procedures are set forth in the plan, by a vote of the members of the limited liability company that is equal to or greater than the vote cast for the plan of merger pursuant to § 13.1-1071, subject to any contractual rights of other parties to the merger.

B. If a merger is abandoned under subsection A after articles of merger have been filed with the Commission but before the certificate of merger has become effective, a statement that the merger has been abandoned in accordance with this section, signed on behalf of a party to the merger, shall be delivered to the Commission for filing before the effective time and date of the certificate of merger. Upon filing, the statement shall take effect and the merger shall be deemed abandoned and shall not become effective.

§ 13.1-1076. Action on plan of domestication by a domestic limited liability company.

In the case of a domestic limited liability company:

~~A. Unless, unless~~ the articles of organization or a written operating agreement of the limited liability company provides otherwise, the members of the limited liability company shall approve the plan of domestication ~~by the members~~ in the manner provided in the limited liability company's operating agreement for amendments to the operating agreement ~~by the members or~~, if no such provision is made in an operating agreement, by all the members.

~~B. If an amendment to a plan of domestication is made in accordance with subsection C of § 13.1-1075, and articles of domestication already have been filed with the Commission, amended articles of domestication shall be filed with the Commission before the effective date of any certificate of domestication issued by the Commission for the articles of domestication which the amended articles are to supersede.~~

§ 13.1-1077. Articles of domestication.

A. After the domestication of a foreign limited liability company to a domestic limited liability company is approved in the manner required by the laws of the jurisdiction in which the limited liability company is organized, the limited liability company shall ~~file with~~ deliver to the Commission for filing articles of domestication setting forth:

1. The name of the *foreign* limited liability company immediately ~~prior to~~ before the filing of the articles of domestication and, if that the name is ~~unavailable for use in the Commonwealth or~~ of the limited liability company ~~desires to change its name in connection with the~~ upon its domestication as a domestic limited liability company, a name that ~~satisfies~~ which shall satisfy the requirements of § 13.1-1012;

2. The date on which the *foreign* limited liability company was originally formed, organized, or incorporated, and its original name, entity type, and jurisdiction of formation, organization, or incorporation, and, for each subsequent change of entity type or jurisdiction of formation, organization, or incorporation made before the filing of the articles of domestication, the effective date of the change and the limited liability company's name, entity type, and jurisdiction of formation, organization, or incorporation upon consummation of the change;

3. The plan of domestication, including the full text of the amended and restated articles of organization of the domestic limited liability company that comply with the requirements of this chapter, as they will be in effect upon consummation of the domestication;

~~3. The original jurisdiction of the limited liability company and the date the limited liability company was organized in that jurisdiction, and each subsequent jurisdiction and the date the limited liability company was domesticated in each such jurisdiction, if any, prior to the filing of the articles of domestication; and~~

4. A statement that the domestication is permitted by the laws of the jurisdiction in which the *foreign* limited liability company is organized and that the *foreign* limited liability company has complied with those laws in effecting the domestication.

B. If the Commission finds that the articles of domestication comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of domestication.

C. The certificate of domestication shall become effective pursuant to subsection D of § 13.1-1004.

D. A foreign limited liability company's existence as a domestic limited liability company shall begin when the certificate of domestication is effective. Upon becoming effective, the certificate of domestication shall be conclusive evidence that all conditions precedent required to be performed by the foreign limited liability company have been complied with and that the limited liability company has been organized under this chapter.

E. If the foreign limited liability company is authorized to transact business in the Commonwealth under Article 10 (§ 13.1-1051 et seq.), its certificate of registration shall be canceled automatically on the effective *time and* date of the certificate of domestication issued by the Commission.

§ 13.1-1078. Surrender of articles of organization upon domestication.

A. Whenever a domestic limited liability company has approved, in the manner required by this article, a plan of domestication providing for the limited liability company to be domesticated under the laws of another jurisdiction, the limited liability company shall ~~file with~~ deliver to the Commission for filing articles of organization surrender setting forth:

1. The name of the limited liability company *immediately before the filing of the articles of organization surrender*;

2. The ~~limited liability company's new~~ jurisdiction of organization in which the limited liability company is to be domesticated and the name of the limited liability company upon its domestication under the laws of that jurisdiction;

3. The plan of domestication;
4. A statement that the plan of domestication was adopted by the limited liability company in accordance with § 13.1-1076;
5. A statement that the articles of organization surrender are being filed in connection with the domestication of the limited liability company as a foreign limited liability company to be organized under the laws of another jurisdiction and that the limited liability company is surrendering its certificate of organization under the laws of this Commonwealth;
6. A statement that the limited liability company revokes the authority of its registered agent to accept service on its behalf and appoints the clerk of the Commission as its agent for service of process in any proceeding based on a cause of action arising during the time it was organized in ~~this~~ *the* Commonwealth;
7. A mailing address to which the clerk may mail a copy of any process served on him under subdivision 6; and
8. A commitment *by the limited liability company* to notify the clerk of the Commission in the future of any change in the mailing address of the limited liability company.

B. If the Commission finds that the articles of organization surrender comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of organization surrender.

C. The limited liability company shall automatically cease to be a domestic limited liability company when the certificate of organization surrender becomes effective.

D. If the former domestic limited liability company intends to continue to transact business in the Commonwealth, then, within thirty days after the effective date of the certificate of organization surrender, it shall deliver to the Commission an application for a certificate of registration to transact business in the Commonwealth pursuant to § 13.1-1052 together with a copy of its instrument of domestication and articles of organization and all amendments thereto, duly authenticated by the Secretary of State or other official having custody of limited liability company records in the state or other jurisdiction under whose laws it is organized or domesticated.

§ 13.1-1080. Abandonment of domestication.

A. ~~Unless the otherwise provided in a plan of domestication of a domestic limited liability company's articles of organization, operating agreement or the plan of domestication provides otherwise~~ *Unless otherwise provided in a plan of domestication of a domestic limited liability company to become a foreign limited liability company, after the domestication plan has been authorized approved as required by this article, and at any time before the effective date of the certificate of domestication issued by the Commission organization surrender has become effective, the domestication may be abandoned without action by the members in accordance with any procedures set forth in the plan of domestication or, if no procedures are set forth in the plan, by majority a vote of the members of the domestic limited liability company that is equal to or greater than the vote cast for the plan of domestication pursuant to § 13.1-1076.*

B. If a domestication is abandoned under subsection A after articles of organization surrender have been filed with the Commission but before the certificate of organization surrender has become effective, ~~written notice a statement that the domestication has been abandoned in accordance with this section shall be filed with delivered to the Commission prior to for filing before the effective time and date of the certificate of organization surrender. The notice~~ *Upon filing, the statement shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.*

C. If the domestication of a foreign limited liability company into ~~this~~ *the* Commonwealth is abandoned in accordance with the laws of the foreign jurisdiction *in which the foreign limited liability company is organized* after articles of domestication have been filed with the Commission but before the certificate of domestication has become effective ~~in this Commonwealth, written notice a statement that the domestication has been abandoned shall be filed with delivered to the Commission prior to for filing before the effective time and date of the certificate of domestication. The notice~~ *Upon filing, the statement shall take effect upon filing and the domestication shall be deemed abandoned and shall not become effective.*

Article 15.

Conversion.

§ 13.1-1081. Definitions.

As used in this article:

"Articles of incorporation" has the same meaning as specified in § 13.1-603.

"Articles of trust" has the same meaning as specified in § 13.1-1201.

"Certificate of limited partnership" has the same meaning as specified in § 50-73.1.

"Converting entity" means the domestic limited liability company, partnership, or limited partnership that adopts a plan of entity conversion pursuant to this article.

"Partnership agreement," as to a limited partnership, has the same meaning as specified in § 50-73.1, and, as to a partnership, has the same meaning as specified in § 50-73.79.

"Resulting entity" means the domestic stock corporation, business trust, or limited liability company that is in existence upon consummation of an entity conversion pursuant to this article.

"Stock corporation" has the same meaning as "domestic corporation" as specified in § 13.1-603.

§ 13.1-1082. Entity conversion.

A. *A domestic limited liability company may become a domestic stock corporation or a domestic business trust pursuant to a plan of entity conversion that is approved by the limited liability company in accordance with the provisions of this article.*

B. A domestic stock corporation may become a domestic limited liability company pursuant to a plan of entity conversion that is adopted and approved by the corporation in accordance with the provisions of Article 12.2 (§ 13.1-722.8 et seq.) of Chapter 9.

C. A domestic nonstock corporation may become a domestic limited liability company pursuant to a plan of entity conversion that is adopted and approved by the corporation in accordance with the provisions of Article 17.1 (§ 13.1-944.1 et seq.) of Chapter 10.

D. A domestic business trust may become a domestic limited liability company pursuant to a plan of entity conversion that is approved by the business trust in accordance with the provisions of Article 12 (§ 13.1-1264 et seq.) of Chapter 14.

E. Unless otherwise provided for in Chapter 2.2 (§ 50-73.79 et seq.) of Title 50, a domestic partnership that has filed either a statement of partnership authority or a statement of registration as a registered limited liability partnership with the Commission that is not canceled may become a domestic limited liability company pursuant to a plan of entity conversion that is approved by the domestic partnership in accordance with the provisions of this article.

F. Unless otherwise provided for in Chapter 2.1 (§ 50-73.1 et seq.) of Title 50, a domestic limited partnership that has filed a certificate of limited partnership with the Commission that is not canceled may become a domestic limited liability company pursuant to a plan of entity conversion that is approved by the domestic limited partnership in accordance with the provisions of this article.

§ 13.1-1083. Plan of entity conversion.

A. In the case of a domestic limited liability company that is a converting entity:

1. The limited liability company shall approve a plan of entity conversion setting forth:

a. A statement of the limited liability company's intention to convert to a domestic stock corporation or business trust;

b. The terms and conditions of the conversion, including the manner and basis of converting the membership interests of the limited liability company into shares of the stock corporation or beneficial interests of the business trust, preserving the ownership proportion and relative rights, preferences, and limitations of each membership interest of the converting entity;

c. As an attachment to the plan, the full text of the articles of incorporation or articles of trust of the converting entity as they will be in effect upon consummation of the conversion; and

d. Any other provision relating to the conversion that may be desired.

2. The plan of entity conversion may also include a provision that the plan may be amended before the effective time and date of the certificate of entity conversion. An amendment made after the submission of the plan to the members shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the membership interests of the converting entity, unless the amendment has been approved by the members in the manner set forth in § 13.1-1084.

B. In the case of a domestic partnership or limited partnership that is a converting entity:

1. The partnership or limited partnership shall approve a plan of entity conversion setting forth:

a. A statement of the partnership's or limited partnership's intention to convert to a domestic limited liability company;

b. The terms and conditions of the conversion, including the manner and basis of converting the partnership interests of the partnership or limited partnership into membership interests of the limited liability company, preserving the ownership proportion and relative rights, preferences, and limitations of each partnership interest;

c. As an attachment to the plan, the full text of the articles of organization of the resulting entity as they will be in effect upon consummation of the conversion; and

d. Any other provision relating to the conversion that may be desired.

2. The plan of entity conversion may also include a provision that the plan of entity conversion may be amended before the effective time and date of the certificate of entity conversion. An amendment made after the submission of the plan:

a. To the partners of a partnership shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the partnership interests of the partnership, unless the amendment is approved by the partners in the manner set forth in § 13.1-1084; and

b. To the partners of a limited partnership shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the partnership interests of the limited partnership, unless the amendment is approved by the partners in the manner set forth in § 13.1-1084.

§ 13.1-1084. Action on plan of entity conversion.

A. In the case of a domestic limited liability company that is the converting entity:

1. If the limited liability company has members, unless the articles of organization or a written operating agreement of the limited liability company provides otherwise, the members shall approve the plan of entity conversion in the manner provided in the limited liability company's operating agreement for amendments to the operating agreement by the members or, if no provision is made in the operating agreement, by all the members; and

2. If the limited liability company has been formed without any members and no members have been admitted, the plan of entity conversion shall be approved by a majority of the persons named as a manager in the articles of organization or, if there are no members or managers, by a majority of the organizers of the limited liability company.

B. In the case of a partnership that is a converting entity, unless a written partnership agreement of the partnership provides otherwise, the plan of entity conversion shall be approved by the partners of the partnership in the manner provided in a written partnership agreement for amendments to the partnership agreement by the partners or, if no provision is made in the partnership agreement, by all the partners.

C. In the case of a limited partnership that is a converting entity, unless the certificate of limited partnership or a written partnership agreement of the limited partnership provides otherwise, the plan of entity conversion shall be approved by the partners of the limited partnership in the manner provided in a written partnership agreement for amendments to the partnership agreement by the partners or, if no provision is made in the partnership agreement, by all the partners.

§ 13.1-1085. Articles of entity conversion.

A. After the conversion of a domestic limited liability company into a domestic stock corporation or business trust has been approved as required by this article, the converting entity shall deliver to the Commission for filing articles of entity conversion setting forth:

1. The name of the domestic limited liability company immediately before the filing of the articles of entity conversion and the name of the converting entity upon its conversion to a domestic stock corporation or business trust, which shall satisfy the requirements of § 13.1-630 or 13.1-1214, as the case may be;

2. The date on which the converting entity was originally organized, formed, or incorporated, and its original name, entity type, and jurisdiction of organization, formation, or incorporation, and, for each subsequent change of entity type or jurisdiction of organization, formation, or incorporation made before the filing of the articles of entity conversion, the effective date of the change and the converting entity's name, entity type, and jurisdiction of organization, formation, or incorporation upon consummation of the change;

3. The plan of entity conversion, including the full text of the articles of incorporation or articles of trust of the resulting entity that comply with the requirements of Chapter 9 (§ 13.1-601 et seq.) or Chapter 14 (§ 13.1-1200 et seq.), as they will be in effect upon consummation of the conversion;

4. The date the plan of entity conversion was approved; and

5. A statement that the plan of entity conversion was adopted by the limited liability company in accordance with § 13.1-1084.

B. After the conversion of a domestic partnership or limited partnership into a domestic limited liability company has been approved as required by this article, the converting entity shall deliver to the Commission for filing articles of entity conversion setting forth:

1. The name of the domestic partnership or limited partnership immediately before the filing of the articles of entity conversion and the name of the converting entity upon its conversion to a domestic limited liability company, which shall satisfy the requirements of this chapter;

2. The date on which the converting entity was originally organized, formed, or incorporated, and its original name, entity type, and jurisdiction of organization, formation, or incorporation, and, for each subsequent change of entity type or jurisdiction of organization, formation, or incorporation made before the filing of the articles of entity conversion, the effective date of the change and the converting entity's name, entity type, and jurisdiction of organization, formation, or incorporation upon consummation of the change;

3. The plan of entity conversion, including the full text of the articles of organization of the resulting entity that comply with the requirements of this chapter as they will be in effect upon consummation of the conversion;

4. The date the plan of entity conversion was approved; and

5. A statement that the plan of entity conversion was adopted by the partnership or limited partnership in accordance with § 13.1-1084.

C. If the Commission finds that the articles of entity conversion comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of entity conversion.

§ 13.1-1086. Effect of entity conversion.

A. When an entity conversion under this article becomes effective, with respect to that entity:

1. The title to all real estate and other property remains in the resulting entity without reversion or impairment;

2. The liabilities of the converting entity remain the liabilities of the resulting entity; and

3. A proceeding pending may be continued by or against the resulting entity as if the conversion did not occur.

B. When the resulting entity is a domestic stock corporation or business trust:

1. The articles of incorporation or articles of trust attached to the articles of entity conversion constitute the articles of incorporation or articles of trust of the resulting entity;

2. The interests of the converting entity are reclassified into shares or beneficial interests of the resulting entity in accordance with the plan of entity conversion; and the members of the converting entity are entitled only to the rights provided in the plan of entity conversion;

3. The resulting entity is deemed to:

a. Be a domestic stock corporation or business trust, as the case may be, for all purposes;

b. Be the same stock corporation or business trust without interruption as the converting entity that existed before the conversion; and

c. Have been incorporated or formed on the date that the converting entity was originally incorporated, organized, or formed;

4. The converting entity shall cease to be a limited liability company when the certificate of entity conversion becomes effective; and

5. Any member of a converting entity who, before the conversion, was liable for the liabilities or obligations of the converting entity is not released from those liabilities or obligations by reason of the conversion.

C. When the converting entity is a partnership or a limited partnership:

1. The articles of organization attached to the articles of entity conversion constitute the articles of organization of the resulting entity;

2. The eligible interests of the converting entity are reclassified into membership interests in accordance with the plan of entity conversion; and the partners of the converting entity are entitled only to the rights provided in the plan of entity conversion;

3. The resulting entity is deemed to:

a. Be a domestic limited liability company for all purposes;

b. Be the same limited liability company without interruption as the converting entity that existed before the conversion; and

c. Have been organized on the date that the converting entity was originally formed, organized, or incorporated;

4. The converting entity shall cease to be a partnership or limited partnership when the certificate of entity conversion becomes effective;

5. If the converting entity is a partnership, a statement of partnership authority filed by the partnership that has not been canceled shall be deemed canceled when the certificate of entity conversion becomes effective;

6. If the converting entity is a limited partnership, its certificate of limited partnership shall be deemed canceled when the certificate of entity conversion becomes effective;

7. If the partnership or limited partnership is registered as a registered limited liability partnership, that status shall be deemed canceled when the certificate of entity conversion becomes effective; and

8. Any partner of a converting entity who, before the conversion, was liable for the liabilities or obligations of the converting entity is not released from those liabilities or obligations by reason of the conversion.

§ 13.1-1087. Abandonment of entity conversion.

A. Unless otherwise provided in a plan of entity conversion of a domestic limited liability company to become a domestic stock corporation or business trust, after the plan has been approved as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned by the limited liability company without action by the members in accordance with any procedures set forth in the plan of entity conversion or, if no procedures are set forth in the plan of entity conversion, by a vote of the members, managers, or organizers of the limited liability company that is equal to or greater than the vote cast for entity conversion pursuant to subsection A of § 13.1-1084.

B. Unless otherwise set forth in a plan of entity conversion of a domestic partnership to become a domestic limited liability company, after the plan has been approved as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned by the partnership without action by the partners in accordance with any procedures set forth in the plan of entity conversion or, if no procedures are set forth in the plan of entity conversion, by a vote of the partners of the domestic partnership that is equal to or greater than the vote cast for the plan of entity conversion pursuant to subsection B of § 13.1-1084.

C. Unless otherwise set forth in a plan of entity conversion of a domestic limited partnership to become a limited liability company, after the plan has been approved as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned by the domestic limited partnership without action by the partners in accordance with any procedures set forth in the plan of entity conversion or, if no procedures are set forth in the plan of entity conversion, by a vote of the partners of the domestic limited partnership that is equal to or greater than the vote cast for the plan of entity conversion pursuant to subsection C of § 13.1-1084.

D. If an entity conversion is abandoned under subsection A, B, or C after articles of entity conversion have been filed with the Commission but before the certificate of entity conversion has become effective, a statement that the entity conversion has been abandoned in accordance with this section shall be delivered to the Commission for filing before the effective time and date of the certificate of entity conversion. Upon filing, the statement shall take effect and the entity conversion shall be deemed abandoned and shall not become effective.

§ 13.1-1264. Definitions.

As used in this article:

"Articles of organization" has the same meaning specified in § 13.1-1002.

"Converting entity" means the domestic or foreign business trust, corporation, limited liability company, limited partnership, partnership, or other entity that adopts a plan of domestication or plan of entity conversion pursuant to this article.

"Corporation" and "domestic corporation" have the same meaning specified in § 13.1-603.

"Domestic entity" means a domestic corporation, limited liability company, limited partnership, partnership, or other entity.

"Foreign corporation" has the same meaning specified in § 13.1-603.

"Foreign entity" means a foreign business trust, corporation, limited liability company, limited partnership, partnership, or other entity.

"Foreign limited liability company" has the same meaning specified in § 13.1-1002.

"Foreign limited partnership" has the same meaning specified in § 50-73.1.

"Foreign partnership" has the same meaning specified in § 13.1-1002.

"Limited liability company" and "domestic limited liability company" have the same meaning specified in § 13.1-1002.

"Limited partnership" and "domestic limited partnership" have the same meaning specified in § 50-73.1.

"Member" has the same meaning specified in § 13.1-1002.

"Membership interest" or "interest" has the same meaning specified in § 13.1-1002.

"Other entity" means a domestic or foreign real estate investment trust or common law trust.

"Partnership" and "domestic partnership" mean an association of two or more persons to carry on as co-owners a business for profit formed under § 50-73.88, or predecessor law of this Commonwealth, and includes, for all purposes of the laws of this Commonwealth, a registered limited liability partnership.

"Resulting entity" means the domestic limited liability company or business trust that is in existence upon consummation of an entity conversion pursuant to this article.

"Surviving entity" means the domestic business trust that is in existence immediately after upon consummation of a domestication or an entity conversion pursuant to this article.

§ 13.1-1272. Entity conversion.

A. A domestic ~~corporation, limited liability company, limited partnership, partnership and other entity business trust~~ may become a domestic ~~business trust~~ limited liability company pursuant to a plan of entity conversion: ~~Such a plan shall be adopted and that is~~ approved by the domestic ~~entity business trust~~ in accordance with the ~~procedures~~ provisions of this article.

B. A domestic ~~business trust~~ limited liability company may become a domestic ~~entity business trust~~ pursuant to a plan of entity conversion that is ~~authorized under the provisions of the Code regulating the business and affairs of the entity type to which the domestic business trust desires to convert~~ approved by the limited liability company in accordance with the provisions of Article 15 (§ 13.1-1081 et seq.) of Chapter 12.

C. Unless otherwise provided for in Chapter 2.2 (§ 50-73.79 et seq.) of Title 50, a domestic partnership that has filed either a statement of partnership authority or a statement of registration as a registered limited liability partnership with the Commission that is not canceled may become a domestic business trust pursuant to a plan of entity conversion that is approved by the domestic partnership in accordance with the provisions of this article.

D. Unless otherwise provided for in Chapter 2.1 (§ 50-73.1 et seq.) of Title 50, a domestic limited partnership that has filed a certificate of limited partnership with the Commission that is not canceled may become a domestic business trust pursuant to a plan of entity conversion that is approved by the domestic limited partnership in accordance with the provisions of this article.

E. An other entity may become a domestic business trust pursuant to a plan of entity conversion that is approved by the other entity in accordance with the provisions of its governing instrument for amendments to the governing instrument.

§ 13.1-1273. Plan of entity conversion.

A. ~~The~~ In the case of a domestic business trust that is a converting domestic entity:

1. The business trust shall ~~adopt~~ approve a plan of entity conversion setting forth:

~~1-~~ a. A statement of the ~~domestic entity's~~ business trust's intention to convert to a ~~business trust~~ domestic limited liability company;

~~2-~~ b. The terms and conditions of the conversion, including the manner and basis of converting the ~~shares or beneficial interests of the domestic entity into~~ interests of the business trust into membership interests of the limited liability company, preserving the ownership proportion and relative rights, preferences, and limitations of each ~~such share or beneficial interest~~;

~~3-~~ c. As an attachment to the plan, the full text of the articles of ~~trust organization of the business trust~~ converting entity as ~~it~~ they will be in effect immediately after upon consummation of the conversion; and

~~4-~~ d. Any other provision relating to the conversion that may be desired.

~~B. In the case of a corporation that is a converting entity, the plan of entity conversion may also include a provision that the board of directors may amend the plan prior to the issuance of the certificate of entity conversion. An amendment made subsequent to the submission of the plan to the shareholders shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the shares of any class or series of the corporation.~~

~~C. In the case of a limited liability company that is a converting entity, the~~

~~2. The plan of entity conversion may also include a provision that the plan of entity conversion may be amended prior to before the issuance effective time and date of the certificate of entity conversion. An amendment made subsequent to after the submission of the plan to the members trustees shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the membership beneficial interests of the limited liability company converting entity, unless the amendment has been approved by the trustees in the manner set in § 13.1-1274.~~

~~D. B. In the case of a domestic partnership or limited partnership that is a converting entity, the:~~

~~1. The partnership or limited partnership shall approve a plan of entity conversion setting forth:~~

~~a. A statement of the partnership's or limited partnership's intention to convert to a domestic business trust;~~

~~b. The terms and conditions of the conversion, including the manner and basis of converting the partnership interests of the limited partnership or partnership into beneficial interests of the business trust, preserving the ownership proportion and relative rights, preferences, and limitations of each partnership interest;~~

c. As an attachment to the plan, the full text of the articles of trust of the resulting entity as they will be in effect upon consummation of the conversion; and

d. Any other provision relating to the conversion that may be desired.

2. The plan of entity conversion may also include a provision that the plan of ~~entity conversion~~ may be amended ~~prior to before the issuance effective time and date~~ of the certificate of entity conversion. An amendment made ~~subsequent to~~ after the submission of the plan ~~to~~:

a. To the partners of a partnership shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the partnership interests of the partnership, unless the amendment has been approved by the partners in the manner set forth in § 13.1-1274; and

b. To the ~~limited~~ partners of a limited partnership shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the partnership interests of the limited ~~partners~~ partnership, unless the amendment has been approved by the partners in the manner set forth in § 13.1-1274.

C. In the case of an other entity that is a converting entity:

1. The other entity shall approve a plan of entity conversion setting forth:

a. A statement of the other entity's intention to convert to a domestic business trust;

b. The terms and conditions of the conversion, including the manner and basis of converting the interests of the other entity into beneficial interests of the business trust, preserving the ownership proportion and relative rights, preferences, and limitations of each interest of the other entity;

c. As an attachment to the plan, the full text of the articles of trust of the resulting entity as they will be in effect upon consummation of the conversion; and

d. Any other provision relating to the conversion that may be desired.

2. The plan of entity conversion may also include a provision that the plan may be amended before the effective time and date of the certificate of entity conversion. An amendment made after the submission of the plan to the persons who are authorized to approve the plan of entity conversion on behalf of the other entity shall not alter or change any of the terms or conditions of the plan if the change would adversely affect the interests of the other entity, unless the amendment has been approved by the persons who are authorized to approve the plan in the manner set forth in § 13.1-1274.

§ 13.1-1274. Action on plan of entity conversion.

A. In the case of a ~~corporation~~ domestic business trust that is a converting entity:

~~1. The board of directors of the converting entity shall adopt the plan of entity conversion.~~

~~2. After adopting the plan of entity conversion, the board of directors shall submit the plan for approval by the shareholders.~~

~~3. For the conversion to be approved:~~

~~a. The board of directors shall recommend the plan to the shareholders unless the board of directors determines that because of conflicts of interest or other special circumstances it should make no recommendation and communicates the basis of its determination to the shareholders with the plan; and~~

~~b. The shareholders shall approve the plan as provided in subdivision 6.~~

~~4. The board of directors may condition its submission of the plan of entity conversion to the shareholders on any basis.~~

~~5. The corporation shall notify each shareholder, whether or not entitled to vote, of the proposed shareholders' meeting in accordance with § 13.1-658 at which the plan of entity conversion is to be submitted for approval. The notice shall also state that the purpose, or one of the purposes, of the meeting is to consider the plan and shall contain or be accompanied by a copy of the plan.~~

~~6. Unless this chapter or the board of directors, acting pursuant to subdivision 4, requires a greater vote, the plan of entity conversion shall be approved by each voting group entitled to vote on the plan by more than two-thirds of all the votes entitled to be cast by that voting group. The articles of incorporation may provide for a greater or lesser vote than that provided for in this subsection or a vote by separate voting groups so long as the vote provided for is not less than a majority of all the votes cast on the plan by each voting group entitled to vote on the plan at a meeting at which a quorum of the voting group exists.~~

B. In the case of a limited liability company that is a converting entity, the plan of entity conversion shall be approved by the members of the limited liability company in the manner provided in the limited liability company's operating agreement or articles of organization for amendments or, if no such provision is made in an operating agreement or articles of organization, by the unanimous vote of the members of the limited liability company, unless the articles of trust or governing instrument of the business trust provides otherwise, the plan of entity conversion shall be approved by the trustees of the business trust in the manner provided in a written governing instrument for amendments to the governing instrument by the trustees or, if no provision is made in the governing instrument, by the sole trustee or a majority of the trustees.

C. B. In the case of a ~~limited~~ partnership that is a converting entity, the plan of entity conversion shall be approved by the partners of the ~~limited~~ partnership in the manner provided in ~~the limited partnership's~~ a written partnership agreement or certificate of limited partnership for amendments to the partnership agreement by the partners or, if no such provision is made in a the partnership agreement or certificate of limited partnership, by all the ~~unanimous vote of the~~ partners of the limited partnership.

~~D. C.~~ In the case of a *limited* partnership that is a converting entity, the plan of entity conversion shall be approved by the partners of the *limited* partnership in the manner provided in the partnership's a written partnership agreement for amendments to the partnership agreement by the partners or, if no such provision is made in the partnership agreement, by all the unanimous vote of the partners of the partnership.

~~E. D.~~ In the case of an other entity that is a converting entity, the plan of entity conversion shall be approved by the persons who have authority to approve the entity conversion in the manner provided in the other entity's a written governing instruments instrument for amendments to the governing instrument by those persons or, if no such provision is made in a the governing instrument, by the unanimous vote of all the persons who have authority to approve the entity conversion on behalf of the other entity.

§ 13.1-1275. Articles of entity conversion.

A. After the conversion of a domestic entity into a business trust into a domestic limited liability company has been adopted and approved as required by this article, the converting entity shall file with deliver to the Commission for filing articles of entity conversion setting forth:

1. The name of the domestic entity business trust immediately prior to before the filing of the articles of entity conversion and the name to which the name of the domestic converting entity is to be changed upon its conversion to a domestic limited liability company, which name shall satisfy the requirements of § ~~13.1-1214~~ 13.1-1012;

2. The date on which the converting entity was originally organized, formed, or incorporated, and its original name, entity type, and jurisdiction of organization, formation, or incorporation, and, for each subsequent change of entity type or jurisdiction of organization, formation, or incorporation made before the filing of the articles of entity conversion, the effective date of the change and the converting entity's name, entity type, and jurisdiction of organization, formation, or incorporation upon consummation of the change;

3. The plan of entity conversion, including as an attachment to the plan, the full text of the articles of trust organization of the surviving resulting entity that comply with the requirements of § ~~13.1-1212~~ Chapter 12 (§ 13.1-1000 et seq.), as it they will be in effect immediately after upon consummation of the conversion;

3. If the converting entity is a corporation, a statement:

a. That the plan was adopted by the unanimous consent of the shareholders; or

b. That the plan was submitted to the shareholders by the board of directors in accordance with this chapter, and a statement of:

(1) The designation, number of outstanding shares, and number of votes entitled to be cast by each voting group entitled to vote separately on the plan; and

(2) Either the total number of votes cast for and against the plan by each voting group entitled to vote separately on the plan or the total number of undisputed votes cast for the plan separately by each voting group and a statement that the number cast for the plan by each voting group was sufficient for approval by that voting group;

4. If the converting entity is a limited liability company, a statement that the plan was adopted by the members of the limited liability company in the manner provided in the limited liability company's operating agreement or articles of organization for amendments; or, if no such provision is made in an operating agreement or articles of organization, by the unanimous vote of the members of the limited liability company;

5. If the converting entity is a limited partnership, a statement that the plan was adopted by the partners of the limited partnership in the manner provided in the limited partnership's partnership agreement or certificate of limited partnership for amendments; or, if no such provision is made in the partnership agreement or certificate of limited partnership, by the unanimous vote of the partners of the limited partnership;

6. If the converting entity is a partnership, a statement that the plan was adopted by the partners of the partnership in the manner provided in the partnership's partnership agreement for amendments; or, if no such provision is made in the partnership agreement, by the unanimous vote of the partners of the partnership; and

7. If the converting entity is an other entity, a statement that the plan was adopted by the other entity in the manner provided in the other entity's governing documents for amendments; or, if no such provision is made in the governing documents, by the unanimous vote of the persons who have authority to approve the entity conversion on behalf of the other entity

4. The date the plan of entity conversion was approved; and

5. A statement that the plan of entity conversion was adopted by the business trust in accordance with § 13.1-1274.

B. After the conversion of a domestic partnership or limited partnership into a domestic business trust has been approved as required by this article, the converting entity shall deliver to the Commission for filing articles of entity conversion setting forth:

1. The name of the domestic partnership or limited partnership immediately before the filing of the articles of entity conversion and the name of the converting entity upon its conversion to a domestic business trust, which shall satisfy the requirements of this chapter;

2. The date on which the converting entity was originally organized, formed, or incorporated, and its original name, entity type, and jurisdiction of organization, formation, or incorporation, and, for each subsequent change of entity type or jurisdiction of organization, formation, or incorporation made before the filing of the articles of entity conversion, the effective date of the change and the converting entity's name, entity type, and jurisdiction of organization, formation, or incorporation upon consummation of the change;

3. The plan of entity conversion, including the full text of the articles of trust of the resulting entity that comply with the requirements of this chapter as they will be in effect upon consummation of the conversion;

4. The date the plan of entity conversion was approved; and

5. A statement that the plan of entity conversion was adopted by the partnership or limited partnership in accordance with § 13.1-1274.

C. After the conversion of an other entity into a domestic business trust has been approved as required by this article, the converting entity shall deliver to the Commission for filing articles of entity conversion setting forth:

1. The name of the other entity immediately before the filing of the articles of entity conversion and the name of the converting entity upon its conversion to a domestic business trust, which shall satisfy the requirements of this chapter;

2. The date on which the converting entity was originally organized, formed, or incorporated, and its original name, entity type, and jurisdiction of organization, formation, or incorporation, and, for each subsequent change of entity type or jurisdiction of organization, formation, or incorporation made before the filing of the articles of entity conversion, the effective date of the change and the converting entity's name, entity type, and jurisdiction of organization, formation, or incorporation upon consummation of the change;

3. The plan of entity conversion, including the full text of the articles of trust of the resulting entity that comply with the requirements of this chapter as they will be in effect upon consummation of the conversion;

4. The date the plan of entity conversion was approved; and

5. A statement that the plan of entity conversion was adopted by the other entity in accordance with § 13.1-1274.

D. If the Commission finds that the articles of entity conversion comply with the requirements of law and that all required fees have been paid, it shall issue a certificate of entity conversion.

§ 13.1-1276. Effect of entity conversion.

A. When an entity conversion under this article becomes effective, with respect to that entity:

1. The title to all real estate and other property remains in the ~~surviving~~ resulting entity without reversion or impairment;

2. The liabilities of the converting entity remain the liabilities of the ~~surviving~~ resulting entity; and

3. A proceeding pending may be continued by or against the ~~surviving~~ resulting entity as if the conversion did not occur.

B. When the resulting entity is a domestic limited liability company:

1. The articles of organization attached to the articles of entity conversion constitute the articles of organization of the resulting entity;

2. The beneficial interests of the converting entity are reclassified into membership interests of the resulting entity in accordance with the plan of entity conversion; and the holders of the beneficial interests of the converting entity are entitled only to the rights provided in the plan of entity conversion;

3. The resulting entity is deemed to:

a. Be a domestic limited liability company for all purposes;

b. Be the same limited liability company without interruption as the converting entity that existed before the conversion; and

c. Have been organized on the date that the converting entity was originally incorporated, organized, or formed;

4. The converting entity shall cease to be a business trust when the certificate of entity conversion becomes effective; and

5. Any trustee of a converting entity who, before the conversion, was liable for the liabilities or obligations of the converting entity is not released from those liabilities or obligations by reason of the conversion.

C. When the converting entity is a partnership or a limited partnership:

1. The articles of trust attached to the articles of entity conversion constitute the articles of trust of the resulting entity;

2. The partnership interests of the converting entity are reclassified into beneficial interests of the resulting entity in accordance with the plan of entity conversion; and the partners of the converting entity are entitled only to the rights provided in the plan of entity conversion;

3. The resulting entity is deemed to:

a. Be a domestic business trust for all purposes;

b. Be the same business trust without interruption as the converting entity that existed before the conversion; and

c. Have been organized on the date that the converting entity was originally formed, organized, or incorporated;

4. The converting entity shall cease to be a partnership or limited partnership when the certificate of entity conversion becomes effective;

5. If the converting entity is a partnership, a statement of partnership authority filed by the partnership that has not been canceled shall be deemed canceled when the certificate of entity conversion becomes effective;

6. If the converting entity is a limited partnership, its certificate of limited partnership shall be deemed canceled when the certificate of entity conversion becomes effective;

7. If the partnership or limited partnership is registered as a registered limited liability partnership, that status shall be deemed canceled when the certificate of entity conversion becomes effective; and

8. Any partner of a converting entity who, before the conversion, was liable for the liabilities or obligations of the converting entity is not released from those liabilities or obligations by reason of the conversion.

D. When the converting entity is an other entity:

~~4. 1.~~ The articles of trust attached to the articles of entity conversion constitute the articles of trust of the ~~surviving~~ resulting entity;

~~5. 2.~~ The shares or interests of the converting entity are reclassified into beneficial ownership interests of the resulting entity in accordance with the plan of entity conversion; and the ~~shareholders, members or partners of, or other persons~~ having an ownership or beneficial interest in the converting entity are entitled only to the rights provided in the plan of entity conversion ~~or, in the case of a converting entity that is a corporation, to the rights, if any, they may have under subdivision A 5 of § 13.1-730;~~

~~6. 3.~~ The surviving entity is deemed to:

a. Be a business trust for all purposes;

b. Be the same ~~entity business trust~~ without interruption as the converting entity that existed ~~prior to~~ before the conversion; and

c. Have been formed on the date that the converting entity was originally incorporated, organized, or formed; and

~~7. 4.~~ The converting entity shall cease to be a ~~corporation, limited liability company, limited partnership, partnership or~~ another entity, ~~as the case may be,~~ when the certificate of entity conversion becomes effective.

§ 13.1-1277. Abandonment of entity conversion.

A. Unless ~~otherwise provided in a plan of entity conversion of a corporation prohibits abandonment of the conversion without shareholder approval~~ domestic business trust to become a domestic limited liability company, after the ~~conversion plan has been authorized~~ approved as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned ~~without further shareholder action in accordance with the procedure by the business trust without action by the trustees in accordance with any procedures set forth in the plan of entity conversion or, if no procedures are set forth in the plan or, if none is set forth, in the manner determined by the board of directors a vote of the trustees of the business trust that is equal to or greater than the vote cast for entity conversion pursuant to subsection A of § 13.1-1274.~~

B. Unless ~~the limited liability company's articles of organization, operating agreement or otherwise provided in a plan of entity conversion prohibits abandonment of the conversion of a domestic partnership to become a domestic business trust,~~ after the ~~conversion plan has been authorized~~ approved as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned ~~in the manner by the partnership without action by the partners in accordance with any procedures set forth in the plan or, if none is no procedures are set forth in the plan,~~ by majority a vote of the ~~members~~ partners of the ~~limited liability company~~ domestic partnership that is equal to or greater than the vote cast for the plan of entity conversion pursuant to subsection B of § 13.1-1274.

C. Unless ~~the limited partnership's certificate of limited partnership, partnership agreement or otherwise provided in a plan of entity conversion prohibits abandonment of the conversion of a domestic limited partnership to become a domestic business trust,~~ after the ~~conversion plan has been authorized~~ approved as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned ~~in the manner by the limited partnership without action by the partners in accordance with any procedures set forth in the plan or, if none is no procedures are set forth in the plan,~~ by majority a vote of the partners of the domestic limited partnership that is equal to or greater than the vote cast for the plan of entity conversion pursuant to subsection C of § 13.1-1274.

D. Unless ~~the partnership's partnership agreement or plan of entity conversion prohibits abandonment of the conversion after the conversion has been authorized, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned in the manner set forth in the plan or, if none is set forth, by majority vote of the partners of the partnership.~~

E. Unless ~~the governing documents or otherwise provided in a plan of entity conversion of an other entity prohibits abandonment of the conversion to become a domestic business trust,~~ after the ~~conversion plan has been authorized~~ approved as required by this article, and at any time before the certificate of entity conversion has become effective, the conversion may be abandoned ~~in the manner by the other entity without action by the persons who had authority to approve the entity conversion in accordance with any procedures set forth in the plan or, if none is no procedures are set forth in the plan,~~ by majority a vote of the persons who had authority to approve the entity conversion on behalf of the other entity that is equal to or greater than the vote cast for the plan of entity conversion pursuant to subsection D of § 13.1-1274.

F. E. If an entity conversion is abandoned under subsection A, B, C, or D ~~or E~~ after articles of entity conversion have been filed with the Commission but before the certificate of entity conversion has become effective, ~~written notice a statement that the entity conversion has been abandoned in accordance with this section shall be filed with~~ delivered to the Commission ~~prior to for filing before the effective time and date of the certificate of entity conversion. The notice Upon filing, the statement shall take effect upon filing~~ and the entity conversion shall be deemed abandoned and shall not become effective.

§ 50-73.48:1. Merger.

A. Pursuant to a written plan of merger, a domestic limited partnership that has filed a certificate of limited partnership with the Commission that is not canceled may merge with one or more domestic or foreign partnerships, limited partnerships, limited liability companies, business trusts or corporations if:

1. The merger is not prohibited by the partnership agreement of any domestic limited partnership that is a party to the merger, and each domestic limited partnership party to the merger approves the plan of merger in accordance with § 50-73.48:2 and complies with the terms of its partnership agreement;

2. Each domestic partnership that is a party to the merger complies with the applicable provisions of Article 9 (§ 50-73.124 et seq.) of Chapter 2.2 of this title;

3. Each domestic limited liability company that is a party to the merger complies with the applicable provisions of Article 13 (§ ~~13.1-1070~~ 13.1-1069.1 et seq.) of Chapter 12 of Title 13.1;

4. Each domestic business trust that is a party to the merger complies with the applicable provisions of Article 11 (§ 13.1-1257 et seq.) of Chapter 14 of Title 13.1;

5. Each domestic corporation that is a party to the merger complies with the applicable provisions of Article 12 (§ 13.1-715.1 et seq.) of Chapter 9 of Title 13.1;

6. The merger is permitted by the laws under which each foreign partnership, limited partnership, foreign limited liability company, foreign business trust, and foreign corporation party to the merger is formed, organized or incorporated, and each such foreign partnership, limited partnership, limited liability company, business trust or corporation complies with those laws in effecting the merger; and

7. No partner of a domestic limited partnership that is a party to the merger will, as a result of the merger, become personally liable for the liabilities or obligations of any other person or entity unless that partner approves the plan of merger or otherwise consents to becoming personally liable.

B. The plan of merger shall set forth:

1. The name of each domestic or foreign limited partnership, limited liability company, business trust or corporation planning to merge and the name of the surviving domestic or foreign partnership, limited partnership, limited liability company, business trust or corporation into which each other domestic or foreign partnership, limited partnership, limited liability company, business trust or corporation plans to merge;

2. The name of the state or country under whose law each domestic or foreign partnership, limited partnership, limited liability company, business trust or corporation planning to merge is formed, organized or incorporated and the name of the state or country of formation, organization or incorporation of the surviving domestic or foreign partnership, limited partnership, limited liability company, business trust or corporation;

3. The terms and conditions of the merger; and

4. The manner and basis of converting the partnership interests of each domestic partnership or limited partnership, the membership interests of each domestic limited liability company, the shares of beneficial interest of each domestic business trust, and the shares of each domestic corporation party to the merger into partnership interests, membership interests, shares of beneficial interest, shares, obligations or other securities of the surviving or any other domestic or foreign partnership, limited partnership, limited liability company, business trust, or corporation or into cash or other property in whole or in part, and the manner and basis of converting rights to acquire the partnership interests of each domestic partnership or limited partnership, the membership interests of each domestic limited liability company, the shares of beneficial interest of each domestic business trust, and the shares of each domestic corporation party to the merger into rights to acquire partnership interests, membership interests, shares of beneficial interest, shares, obligations or other securities of the surviving or any other domestic or foreign partnership, limited partnership, limited liability company, business trust or corporation or into cash or other property in whole or in part.

C. The plan of merger may set forth:

1. If a domestic limited partnership is to be the surviving entity, amendments to the certificate of limited partnership or partnership agreement of that limited partnership;

2. If the merger is not to be effective upon the issuance of the certificate of merger described in subsection C of § 50-73.48:3 by the Commission, the future effective date or time of the merger; and

3. Other provisions relating to the merger.

§ 50-73.128. Merger of partnerships.

A. Pursuant to a written plan of merger approved as provided in subsection C, a partnership may be merged with one or more domestic or foreign partnerships, limited partnerships, limited liability companies, business trusts, or corporations if:

1. The merger is not prohibited by the partnership agreement of any domestic partnership that is a party to the merger, and each domestic partnership party to the merger approves the plan of merger in accordance with subsection C and complies with the terms of its partnership agreement;

2. Each domestic limited partnership that is a party to the merger complies with the applicable provisions of Article 7.1 (§ 50-73.48:1 et seq.) of Chapter 2.1 of this title;

3. Each domestic limited liability company that is a party to the merger complies with the applicable provisions of Article 13 (§ ~~13.1-1070~~ 13.1-1069.1 et seq.) of Chapter 12 of Title 13.1;

4. Each domestic business trust that is a party to the merger complies with the applicable provisions of Article 11 (§ 13.1-1257 et seq.) of Chapter 14 of Title 13.1;

5. Each domestic corporation that is a party to the merger complies with the applicable provisions of Article 12 (§ 13.1-715.1 et seq.) of Chapter 9 or Article 11 (§ 13.1-894 et seq.) of Chapter 10 of Title 13.1; and

6. The merger is permitted by the laws under which each foreign limited liability company, foreign partnership, foreign limited partnership, foreign business trust, and foreign corporation party to the merger is organized, formed or incorporated, and each such foreign limited liability company, partnership, limited partnership, business trust, or corporation complies with those laws in effecting the merger.

B. The plan of merger shall set forth:

1. The name of each partnership, limited partnership, limited liability company, business trust, or corporation that is a party to the merger;
 2. The name of the surviving entity into which the other partnerships, limited partnerships, limited liability companies, business trusts, or corporations will merge;
 3. Whether the surviving entity is a partnership, a limited partnership, a limited liability company, a business trust, or a corporation and the status of each partner;
 4. The terms and conditions of the merger;
 5. The manner and basis of converting the interests of each party to the merger into interests or obligations of the surviving entity, or into money or other property in whole or part; and
 6. The street address of the surviving entity's principal office.
- C. The plan of merger shall be approved:
1. In the case of a partnership that is a party to the merger, by all of the partners, or a number or percentage specified for merger in the partnership agreement; and
 2. In the case of a limited partnership that is a party to the merger, by the vote required for approval of a merger by the law of the state or foreign jurisdiction in which the limited partnership is organized and, in the absence of such a specifically applicable law, by all of the partners, notwithstanding a provision to the contrary in the partnership agreement.
- D. After a plan of merger is approved and before the merger takes effect, the plan may be amended or abandoned as provided in the plan.
- E. The merger takes effect on the later of:
1. The approval of the plan of merger by all parties to the merger, as provided in subsection C;
 2. The filing of all documents required by law to be filed as a condition to the effectiveness of the merger; or
 3. Any later effective date stated pursuant to subsection J of § 50-73.83 in a statement of merger filed pursuant to § 50-73.131 or, if no statement of merger is filed, any effective date specified in the plan of merger.

§ 56-1. Definitions.

Whenever used in this title, unless the context requires a different meaning:

"Broadband connection," for purposes of this section, means a connection where transmission speeds exceed 200 kilobits per second in at least one direction.

"Commission" means the State Corporation Commission.

"Corporation" or "company" includes all corporations created by acts of the General Assembly of Virginia, or under the general incorporation laws of this Commonwealth, or doing business therein, and shall exclude all municipal corporations, other political subdivisions, and public institutions owned or controlled by the Commonwealth.

"Electric vehicle charging service" means the replenishment of the battery of a plug-in electric motor vehicle, which replenishment occurs by plugging the motor vehicle into an electric power source in order to charge or recharge its battery.

"Interexchange telephone service" means telephone service between points in two or more exchanges that is not classified as local exchange telephone service. "Interexchange telephone service" shall not include Voice-over-Internet protocol service for purposes of regulation by the Commission, including the imposition of certification processing fees and other administrative requirements, and the filing or approval of tariffs. Nothing herein shall be construed to either mandate or prohibit the payment of switched network access rates or other intercarrier compensation, if any, related to Voice-over-Internet protocol service.

"Local exchange telephone service" means telephone service provided in a geographical area established for the administration of communication services and consists of one or more central offices together with associated facilities which are used in providing local exchange service. Local exchange service, as opposed to interexchange service, consists of telecommunications between points within an exchange or between exchanges which are within an area where customers may call at specified rates and charges. "Local exchange telephone service" shall not include Voice-over-Internet protocol service for purposes of regulation by the Commission, including the imposition of certification processing fees and other administrative requirements, and the filing or approval of tariffs. Nothing herein shall be construed to either mandate or prohibit the payment of switched network access rates or other intercarrier compensation, if any, related to Voice-over-Internet protocol service.

"Mail" includes electronic mail and other forms of electronic communication when the customer has requested or authorized electronic bill delivery or other electronic communications.

"Municipality" or "municipal corporation" shall include an authority created by a governmental unit exempt from the referendum requirement of § 15.2-5403.

"Person" includes individuals, partnerships, limited liability companies, and corporations.

"Plug-in electric motor vehicle" means an on-road motor vehicle that draws propulsion using a traction battery that has at least four kilowatt hours of capacity, uses an external source of electric energy to charge or recharge the battery, has a gross vehicle weight of not more than 14,000 pounds, and meets any applicable emissions standards.

"Public service corporation" or "public service company" includes gas, pipeline, electric light, heat, power and water supply companies, sewer companies, telephone companies, and all persons authorized to transport passengers or property as a common carrier. "Public service corporation" or "public service company" shall not include (i) a municipal corporation, other political subdivision or public institution owned or controlled by the Commonwealth; however, if such an entity has obtained a certificate to provide services pursuant to § 56-265.4:4, then such entity shall be deemed to be a public service

corporation or public service company and subject to the authority of the Commission with respect only to its provision of the services it is authorized to provide pursuant to such certificate; or (ii) any company described in subdivision (b)(10) of § 56-265.1.

"Railroad" includes all railroad or railway lines, whether operated by steam, electricity, or other motive power, except when otherwise specifically designated.

"Railroad company" includes any company, trustee or other person owning, leasing or operating a railroad.

"Rate" means rate charged for any service rendered or to be rendered.

"Rate," "charge" and "regulation" include joint rates, joint charges and joint regulations, respectively.

"Regulated operating revenue" includes only revenue from services not found to be competitive.

"Transportation company" includes any railroad company, any company transporting express by railroad, and any ship or boat company.

"Virginia limited liability company" means ~~(i) any limited liability company organized under Chapter 12 (§ 13.1-1000 et seq.) of Title 13.1; (ii) any entity that has become a limited liability company pursuant to Article 12.2 (§ 13.1-722.8 et seq.) of Chapter 9 of Title 13.1 or pursuant to conversion or domestication under Chapter 12 (§ 13.1-1000 et seq.) of Title 13.1; or (iii) any has the same meaning ascribed to "limited liability company" in § 13.1-1002.~~ A foreign limited liability company, as that term is ~~organized or is domesticated~~ defined in § 13.1-1002, may become a Virginia limited liability company, even though also being a limited liability company organized under laws other than the laws of the Commonwealth, by filing articles of organization that meet the requirements of §§ 13.1-1003 and 13.1-1011 and include ~~(a)~~ (i) the name of the foreign limited liability company immediately prior to the filing of the articles of organization; ~~(b)~~ (ii) the date on which and the jurisdiction in which the foreign limited liability company was first formed, organized, created or otherwise came into being; and ~~(c)~~ (iii) the jurisdiction that constituted the seat, siege social, or principal place of business or central administration of the foreign limited liability company, or any equivalent thereto under applicable law, immediately prior to the filing of the articles of organization. With respect to ~~an organization or domestication pursuant to clause (iii) a foreign limited liability company that is also organized as a Virginia limited liability company,~~ the terms and conditions of ~~a domestication~~ its organization as a Virginia limited liability company shall be approved in the manner provided for by the document, instrument, agreement or other writing, as the case may be, governing the internal affairs of the foreign limited liability company in the conduct of its business or by applicable law other than the law of the Commonwealth, as appropriate; ~~and the provisions governing the status, powers, obligations, and choice of law applicable under § 13.1-1010.3 shall apply to any limited liability company so domesticated or organized.~~

"Voice-over-Internet protocol service" or "VoIP service" means any service that: (i) enables real-time, two-way voice communications that originate or terminate from the user's location using Internet protocol or any successor protocol and (ii) uses a broadband connection from the user's location. This definition includes any such service that permits users generally to receive calls that originate on the public switched telephone network and to terminate calls to the public switched telephone network.

2. That §§ 13.1-1010.1 through 13.1-1010.4 of the Code of Virginia are repealed.

3. That the provisions of this act shall not affect the validity of any filing made, or other action taken, before the effective date of this act with respect to (i) the conversion of a domestic or foreign partnership or limited partnership to a limited liability company or (ii) the domestication of a non-United States entity as a limited liability company.

CHAPTER 289

An Act to amend and reenact §§ 1-508 and 2.2-1128 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4323.1, relating to purchase of flags of the United States of America and the Commonwealth of Virginia by public bodies.

[S 229]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-508 and 2.2-1128 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-4323.1 as follows:

§ 1-508. Director of General Services to have available flags of the Commonwealth for sale.

The Director of the Department of General Services shall have available at all times flags of the Commonwealth, to be offered for sale to the public in such manner as the Director may determine.

Such flags shall be of good quality, shall conform to the specifications prescribed in § 1-506, ~~and~~ shall be offered in the various sizes prescribed by the Governor pursuant to § 1-507, ~~and shall be purchased in compliance with the provisions of § 2.2-4323.1.~~

The prices to be charged for such flags shall be at cost as determined by the Director.

§ 2.2-1128. Sale of state flag.

The Division shall have available at all times flags of the Commonwealth, to be offered for sale to the public in such manner and cost as the Division may determine. *The purchase of all flags of the Commonwealth by the Division shall comply with the provisions of § 2.2-4323.1.*

§ 2.2-4323.1. Purchase of flags of the United States and the Commonwealth by public bodies.

Notwithstanding any provision of law to the contrary, whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag shall be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available.

2. That the provisions of this act shall become effective on July 1, 2017.

CHAPTER 290

An Act to amend and reenact §§ 2.2-4006, 65.2-605, 65.2-605.1, and 65.2-714 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 65.2-605.2 and 65.2-821.1; and to repeal Chapter 13 (§§ 65.2-1300 through 65.2-1310) of Title 65.2 of the Code of Virginia, relating to workers' compensation; fees for medical and legal services.

[S 631]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4006, 65.2-605, 65.2-605.1, and 65.2-714 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 65.2-605.2 and 65.2-821.1 as follows:

§ 2.2-4006. Exemptions from requirements of this article.

A. The following agency actions otherwise subject to this chapter and § 2.2-4103 of the Virginia Register Act shall be exempted from the operation of this article:

1. Agency orders or regulations fixing rates or prices.
2. Regulations that establish or prescribe agency organization, internal practice or procedures, including delegations of authority.

3. Regulations that consist only of changes in style or form or corrections of technical errors. Each promulgating agency shall review all references to sections of the Code of Virginia within their regulations each time a new supplement or replacement volume to the Code of Virginia is published to ensure the accuracy of each section or section subdivision identification listed.

4. Regulations that are:

a. Necessary to conform to changes in Virginia statutory law or the appropriation act where no agency discretion is involved. However, such regulations shall be filed with the Registrar within 90 days of the law's effective date;

b. Required by order of any state or federal court of competent jurisdiction where no agency discretion is involved; or

c. Necessary to meet the requirements of federal law or regulations, provided such regulations do not differ materially from those required by federal law or regulation, and the Registrar has so determined in writing. Notice of the proposed adoption of these regulations and the Registrar's determination shall be published in the Virginia Register not less than 30 days prior to the effective date of the regulation.

5. Regulations of the Board of Agriculture and Consumer Services adopted pursuant to subsection B of § 3.2-3929 or clause (v) or (vi) of subsection C of § 3.2-3931 after having been considered at two or more Board meetings and one public hearing.

6. Regulations of the regulatory boards served by (i) the Department of Labor and Industry pursuant to Title 40.1 and (ii) the Department of Professional and Occupational Regulation or the Department of Health Professions pursuant to Title 54.1 that are limited to reducing fees charged to regulants and applicants.

7. The development and issuance of procedural policy relating to risk-based mine inspections by the Department of Mines, Minerals and Energy authorized pursuant to §§ 45.1-161.82 and 45.1-161.292:55.

8. General permits issued by the (a) State Air Pollution Control Board pursuant to Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1 or (b) State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), Chapter 24 (§ 62.1-242 et seq.) of Title 62.1 and Chapter 25 (§ 62.1-254 et seq.) of Title 62.1, (c) Virginia Soil and Water Conservation Board pursuant to the Dam Safety Act (§ 10.1-604 et seq.), and (d) the development and issuance of general wetlands permits by the Marine Resources Commission pursuant to subsection B of § 28.2-1307, if the respective Board or Commission (i) provides a Notice of Intended Regulatory Action in conformance with the provisions of § 2.2-4007.01, (ii) following the passage of 30 days from the publication of the Notice of Intended Regulatory Action forms a technical advisory committee composed of relevant stakeholders, including potentially affected citizens groups, to assist in the development of the general permit, (iii) provides notice and receives oral and written comment as provided in § 2.2-4007.03, and (iv) conducts at least one public hearing on the proposed general permit.

9. The development and issuance by the Board of Education of guidelines on constitutional rights and restrictions relating to the recitation of the pledge of allegiance to the American flag in public schools pursuant to § 22.1-202.

10. Regulations of the Board of the Virginia College Savings Plan adopted pursuant to § 23-38.77.

11. Regulations of the Marine Resources Commission.

12. Regulations adopted by the Board of Housing and Community Development pursuant to (i) Statewide Fire Prevention Code (§ 27-94 et seq.), (ii) the Industrialized Building Safety Law (§ 36-70 et seq.), (iii) the Uniform Statewide Building Code (§ 36-97 et seq.), and (iv) § 36-98.3, provided the Board (a) provides a Notice of Intended Regulatory Action

in conformance with the provisions of § 2.2-4007.01, (b) publishes the proposed regulation and provides an opportunity for oral and written comments as provided in § 2.2-4007.03, and (c) conducts at least one public hearing as provided in §§ 2.2-4009 and 36-100 prior to the publishing of the proposed regulations. Notwithstanding the provisions of this subdivision, any regulations promulgated by the Board shall remain subject to the provisions of § 2.2-4007.06 concerning public petitions, and §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

13. Amendments to the list of drugs susceptible to counterfeiting adopted by the Board of Pharmacy pursuant to subsection B of § 54.1-3307 or amendments to regulations of the Board to schedule a substance in Schedule I or II pursuant to subsection D of § 54.1-3443.

14. Waste load allocations adopted, amended, or repealed by the State Water Control Board pursuant to the State Water Control Law (§ 62.1-44.2 et seq.), including but not limited to Article 4.01 (§ 62.1-44.19:4 et seq.) of the State Water Control Law, if the Board (i) provides public notice in the Virginia Register; (ii) if requested by the public during the initial public notice 30-day comment period, forms an advisory group composed of relevant stakeholders; (iii) receives and provides summary response to written comments; and (iv) conducts at least one public meeting. Notwithstanding the provisions of this subdivision, any such waste load allocations adopted, amended, or repealed by the Board shall be subject to the provisions of §§ 2.2-4013 and 2.2-4014 concerning review by the Governor and General Assembly.

15. *Regulations of the Workers' Compensation Commission adopted pursuant to § 65.2-605, including regulations that adopt, amend, adjust, or repeal Virginia fee schedules for medical services, provided the Workers' Compensation Commission (i) utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 to assist in the development of such regulations and (ii) provides an opportunity for public comment on the regulations prior to adoption.*

B. Whenever regulations are adopted under this section, the agency shall state as part thereof that it will receive, consider and respond to petitions by any interested person at any time with respect to reconsideration or revision. The effective date of regulations adopted under this section shall be in accordance with the provisions of § 2.2-4015, except in the case of emergency regulations, which shall become effective as provided in subsection B of § 2.2-4012.

C. A regulation for which an exemption is claimed under this section or § 2.2-4002 or 2.2-4011 and that is placed before a board or commission for consideration shall be provided at least two days in advance of the board or commission meeting to members of the public that request a copy of that regulation. A copy of that regulation shall be made available to the public attending such meeting.

§ 65.2-605. Liability of employer for medical services ordered by Commission; fee schedules for medical services; malpractice; assistants-at-surgery; coding.

A. *As used in this section, unless the context requires a different meaning:*

"Burn center" means a treatment facility designated as a burn center pursuant to the verification program jointly administered by the American Burn Association and the American College of Surgeons and verified by the Commonwealth.

"Categories of providers of fee scheduled medical services" means:

1. *Physicians exclusive of surgeons;*
2. *Surgeons;*
3. *Type One teaching hospitals;*
4. *Hospitals, exclusive of Type One teaching hospitals;*
5. *Ambulatory surgical centers;*
6. *Providers of outpatient medical services not covered by subdivision 1, 2, or 5; and*
7. *Purveyors of miscellaneous items and any other providers not described in subdivisions 1 through 6, as established by the Commission in regulations adopted pursuant to subsection C.*

"Codes" means, as applicable, CPT codes, HCPCS codes, or DRG classifications.

"CPT codes" means the medical and surgical identifying codes using the Physicians' Current Procedural Terminology published by the American Medical Association.

"Diagnosis related group" or "DRG" means the system of classifying in-patient hospital stays adopted for use with the Inpatient Prospective Payment System.

"Fee scheduled medical service" means a medical service exclusive of a medical service provided in the treatment of a traumatic injury or serious burn.

"Health Care Common Procedure Coding System codes" or "HCPCS codes" means the medical coding system used to report hospital outpatient and certain physician services as published by the National Uniform Billing Committee, including Temporary National Code (Non-Medicare) S0000-S-9999.

"Level I or Level II trauma center" means a hospital in the Commonwealth designated by the Board of Health as a Level I trauma center or a Level II trauma center pursuant to the Statewide Emergency Medical Services Plan developed in accordance with § 32.1-111.3.

"Medical community" means one of the following six regions of the Commonwealth:

1. *Northern region, consisting of the area for which three-digit ZIP code prefixes 201 and 220 through 223 have been assigned by the U.S. Postal Service.*
2. *Northwest region, consisting of the area for which three-digit ZIP code prefixes 224 through 229 have been assigned by the U.S. Postal Service.*
3. *Central region, consisting of the area for which three-digit ZIP code prefixes 230, 231, 232, 238, and 239 have been assigned by the U.S. Postal Service.*

4. Eastern region, consisting of the area for which three-digit ZIP code prefixes 233 through 237 have been assigned by the U.S. Postal Service.

5. Near Southwest region, consisting of the area for which three-digit ZIP code prefixes 240, 241, 244, and 245 have been assigned by the U.S. Postal Service.

6. Far Southwest region, consisting of the area for which three-digit ZIP code prefixes 242, 243, and 246 have been assigned by the U.S. Postal Service.

"Medical service" means any medical, surgical, or hospital service required to be provided to an injured person pursuant to this title.

"Miscellaneous items" means medical services provided under this title that are not included within subdivisions 1 through 6 of the definition of categories of providers of fee scheduled medical services. "Miscellaneous items" does not include (i) pharmaceuticals that are dispensed by providers, other than hospitals or Type One teaching hospitals as part of inpatient or outpatient medical services, or dispensed as part of fee scheduled medical services at an ambulatory surgical center or (ii) durable medical equipment dispensed at retail.

"Physician" means a person licensed to practice medicine or osteopathy in the Commonwealth pursuant to Chapter 29 (§ 54.1-2900 et seq.) of Title 54.1.

"Provider" means a person licensed by the Commonwealth to provide a medical service to a claimant under this title.

"Reimbursement objective" means the average of all reimbursements and other amounts paid to providers in the same category of providers of fee scheduled medical services in the same medical community for providing a fee scheduled medical service to a claimant under this title during the most recent period preceding the transition date for which statistically reliable data is available as determined by the Commission.

"Serious burn" means a burn for which admission or transfer to a burn center is medically necessary.

"Transition date" means the date the regulations of the Commission adopting initial Virginia fee schedules for medical services pursuant to subsection C become effective.

"Traumatic injury" means an injury for which admission or transfer to a Level I or Level II trauma center is medically necessary and that is assigned a DRG number of 003, 004, 011, 012, 013, 025 through 029, 082, 085, 453, 454, 455, 459, 460, 463, 464, 465, 474, 475, 483, 500, 507, 510, 515, 516, 570, 856, 857, 862, 901, 904, 907, 908, 955 through 959, 963, 998, or 999. Claimants who die in an emergency room of trauma or burn before admission shall be deemed to be claimants who incurred a traumatic injury.

"Type One teaching hospital" means a hospital that was a state-owned teaching hospital on January 1, 1996.

"Virginia fee schedule" means a schedule of maximum fees for fee scheduled medical services for the medical community where the fee scheduled medical service is provided, as initially adopted by the Commission pursuant to subsection C and as adjusted as provided in subsection D.

B. The pecuniary liability of the employer for ~~medical~~ a:

1. Medical, surgical, and hospital service herein required when ordered by the Commission that is provided to an injured person prior to the transition date, regardless of the date of injury, shall be limited absent a contract providing otherwise, to such charges as prevail in the same community for similar treatment when such treatment is paid for by the injured person ~~and the~~;

2. Fee scheduled medical service provided on or after the transition date, regardless of the date of injury, shall be limited to:

a. The amount provided for the payment for the fee scheduled medical service as set forth in a contract under which the provider has agreed to accept a specified amount in payment for the service provided, which amount may be less than or exceed the maximum amount for the service as set forth in the applicable Virginia fee schedule;

b. In the absence of a contract described in subdivision 2 a, the lesser of the billing amount or the amount for the fee scheduled medical service as set forth in the applicable Virginia fee schedule that is in effect on the date the service is provided, subject to an increase approved by the Commission pursuant to subsection H; or

c. In the absence of (i) a contract described in subdivision 2 a and (ii) a provision in a Virginia fee schedule that sets forth a maximum amount for the medical service on the date it is provided, the maximum amount determined by the Commission as provided in subsection E; and

3. Medical service provided on or after the transition date in the treatment of a traumatic injury or serious burn, regardless of the date of injury, shall be limited to:

a. The amount provided for the payment for the medical service provided for the treatment of the traumatic injury or serious burn as set forth in a contract under which the provider has agreed to accept a specified amount in payment for the service provided, which amount may be less than or exceed the maximum amount for the service calculated pursuant to subdivision 3 b; or

b. In the absence of a contract described in subdivision 3 a, an amount equal to 80 percent of the provider's charge for the service based on the provider's charge master or schedule of fees; however, if the compensability under this title of a claim for traumatic injury or serious burn is contested and after a hearing on the claim on its merits or after abandonment of a defense by the employer or insurance carrier, benefits for medical services are awarded and inure to the benefit of a third-party insurance carrier or health care provider and the Commission awards to the claimant's attorney a fee pursuant to subsection B of § 65.2-714, then the pecuniary liability of the employer for the service provided shall be limited to 100 percent of the provider's charge for the service based on the provider's charge master or schedule of fees.

C. The Commission shall adopt regulations establishing initial Virginia fee schedules for fee scheduled medical services as follows:

1. The Commission's regulations that establish the initial Virginia fee schedules shall be effective on January 1, 2018.

2. Separate initial Virginia fee schedules shall be established for fee scheduled medical services (i) provided by each category of providers of fee scheduled medical services and (ii) within each of the medical communities to reflect the variations among the medical communities as provided in subdivision 3, for each category of providers of fee scheduled medical services.

3. The Virginia fee schedules for each medical community shall reflect variations among medical communities in (i) all reimbursements and other amounts paid to providers for fee scheduled medical services among the medical communities and (ii) the extent to which the number of providers within the various medical communities is adequate to meet the needs of injured workers.

4. In establishing the initial Virginia fee schedules for fee scheduled medical services, the Commission shall establish the maximum fee for each fee scheduled medical service at a level that approximates the reimbursement objective for each category of providers of fee scheduled medical services among the medical communities. The Commission shall retain a firm with nationwide experience and actuarial expertise in the development of workers' compensation fee schedules to assist the Commission in establishing the initial Virginia fee schedules. The Commission shall consult with the regulatory advisory panel established pursuant to subdivision F 2 prior to retaining such firm. Such firm shall be retained to assist the Commission in developing the Virginia fee schedules by recommending a methodology that will provide, at reasonable cost to the Commission, statistically valid estimates of the reimbursement objective for fee scheduled medical services within the medical communities, based on available data or, if the necessary data is not available, by recommending the optimal methodology for obtaining the necessary data. The Commission shall consult with the regulatory advisory panel prior to adopting any such methodology. Such methodology may, but is not required to, be based on applicable codes. The estimates of the reimbursement objective for fee scheduled medical services shall be derived from data on all reimbursements and other amounts paid to providers for fee scheduled medical services provided pursuant to this title during 2014 and 2015, to the extent available.

D. The Commission shall review Virginia fee schedules during the year that follows the transition date and biennially thereafter and, if necessary, adjust the Virginia fee schedules in order to address (i) inflation or deflation as reflected in the medical care component of the Consumer Price Index for All Urban Consumers (CPI-U) for the South as published by the Bureau of Labor Statistics of the U.S. Department of Labor; (ii) access to fee scheduled medical services; (iii) errors in calculations made in preparing the Virginia fee schedules; and (iv) incentives for providers. The Commission shall not adjust a Virginia fee schedule in a manner that reduces fees on an existing schedule unless such a reduction is based on deflation or a finding by the Commission that advances in technology or errors in calculations made in preparing the Virginia fee schedules justify a reduction in fees.

E. The maximum pecuniary liability of the employer for a fee scheduled medical service that is not included in a Virginia fee schedule when it is provided shall be determined by the Commission. The Commission's determination of the employer's maximum pecuniary liability for such fee scheduled medical service shall be effective until the Commission sets a maximum fee for the fee scheduled medical service and incorporates such maximum fee into an adjusted Virginia fee schedule adopted pursuant to subsection D. If the fee scheduled medical service is not included in a Virginia fee schedule because it is:

1. A new type of technology, including an implantable medical device or item of medical equipment, that is supplied by a third party, provided that such technology has been cleared or approved by the federal Food and Drug Administration (FDA) prior to the date of the provision of the medical service, the employer's maximum pecuniary liability shall not exceed 130 percent of the provider's invoiced cost for such device, as evidenced by a copy of the invoice. If the new type of technology has not been cleared or approved by the FDA prior to such date, then the provider shall not be entitled to payment or reimbursement therefor unless the employer or its insurer agree; or

2. A new type of procedure that has not been assigned a billing code, the employer's maximum pecuniary liability shall not exceed 80 percent of the provider's charge for the service based on the provider's charge master or schedule of fees, provided the employer and the provider mutually agree to the provision of such procedure.

F. The Commission shall:

1. Provide public access to information regarding the Virginia fee schedules for medical services, by categories of providers of fee scheduled medical services and for each medical community, through the Commission's website. No information provided on the website shall be provider-specific or disclose or release the identity of any provider; and

2. Utilize a 10-member regulatory advisory panel to assist in the development of regulations adopting initial Virginia fee schedules pursuant to subsection C and in adjusting initial Virginia fee schedules pursuant to subsection D. One member of the regulatory advisory panel shall be selected by the Commission from each of the following: (i) the American Insurance Association; (ii) the Property and Casualty Insurers Association of America; (iii) the Virginia Self-Insurers Association, Inc.; (iv) the Medical Society of Virginia; (v) the Virginia Hospital and Healthcare Association; (vi) a Type One teaching hospital; (vii) the Virginia Orthopaedic Society; (viii) the Virginia Trial Lawyers Association; (ix) a group self-insurance association representing employers; and (x) a local government group self-insurance pool formed under Chapter 27 (§ 15.2-2700 et seq.) of Title 15.2. The Commission shall meet with the regulatory advisory panel and consider the recommendations of its members in its development of the Virginia fee schedules pursuant to subsections C and D.

G. The Commission's retaining of a firm with nationwide experience and actuarial expertise in the development of workers' compensation fee schedules to assist the Commission in developing the Virginia fee schedules pursuant to subsections C and D shall be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), provided the Commission shall issue a request for proposals that requires submission by a bidder of evidence that it satisfies the conditions for eligibility established in this subsection and in subdivision C 4. Records and information relating to payments or reimbursements to providers that is obtained by or furnished to the Commission by such firm or any other person shall (i) be for the exclusive use of the Commission in the course of the Commission's development of fee schedules and related regulations and (ii) shall remain confidential and shall not be subject to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

H. When the total charges of a hospital or Type One teaching hospital, based on such provider's charge master, for inpatient hospital services covered by a DRG code exceed the charge outlier threshold, then the Commission shall establish the maximum fee for such scheduled inpatient hospital services at an amount equal to the total of (i) the maximum fee for the service as set forth in the applicable fee schedule and (ii) 80 percent of the provider's total charges for the service in excess of the charge outlier threshold. The charge outlier threshold for such services initially shall equal 150 percent of the maximum fee for the service set forth in the applicable fee schedule; however, the Commission, in consultation with the firm retained pursuant to subdivision C 4, is authorized on a biennial basis to decrease such percentage if it finds that the number of such claims for which the total charges of the hospital or Type One teaching hospital exceed the charge outlier threshold is less than five percent or to increase such percentage if such number is greater than 10 percent of all such claims.

I. No provider shall use a different charge master or schedule of fees for any medical service provided under this title than the provider uses for health care services provided to patients who are not claimants under this title.

J. The employer shall not be liable in damages for malpractice by a physician or surgeon furnished by him pursuant to the provisions of § 65.2-603, but the consequences of any such malpractice shall be deemed part of the injury resulting from the accident and shall be compensated for as such.

~~B-~~ K. The Commission shall determine the number and geographic area of communities across the Commonwealth. In establishing the communities, the Commission shall consider the ability to obtain relevant ~~charge~~ data based on geographic area and such other criteria as are consistent with the purposes of this title. *The Commission shall use the communities established pursuant to this subsection in determining charges that prevail in the same community for treatment provided prior to the transition date.*

~~C-~~ L. The pecuniary liability of the employer for treatment ~~pursuant to subsection A~~ of a medical service that is rendered on or after July 1, 2014, by:

1. A nurse practitioner or physician assistant serving as an assistant-at-surgery shall be limited to no more than 20 percent of the reimbursement due ~~under subsection A~~ to the physician performing the surgery; and

2. An assistant surgeon in the same specialty as the primary surgeon shall be limited to no more than 50 percent of the reimbursement due ~~under subsection A~~ to the primary physician performing the surgery.

~~D-~~ M. Multiple procedures completed on a single surgical site associated with a medical, ~~surgical, and hospital services pursuant to subsection A~~ and service rendered on or after July 1, 2014, shall be coded and billed with appropriate ~~Current Procedural Terminology (CPT) codes~~ and modifiers and paid according to the National Correct Coding Initiative (~~NCCI~~) rules and the CPT codes as in effect at the time the health care was provided to the claimant.

N. The CPT code and ~~NCCI~~ National Correct Coding Initiative rules, as in effect at the time ~~such health care~~ a medical service was provided to the claimant, shall serve as the basis for processing a health care provider's billing form or itemization for such items as global and comprehensive billing and the unbundling of ~~health care~~ medical services. Hospital in-patient ~~health care~~ medical services shall be coded and billed through the International Statistical Classification of Diseases and Related Health Problems (~~ICD~~) as in effect at the time the ~~health care~~ medical service was provided to the claimant.

§ 65.2-605.1. Prompt payment; limitation on claims.

A. Payment for health care services that the employer does not contest, deny, or consider incomplete shall be made to the health care provider within 60 days after receipt of each separate itemization of the health care services provided.

B. If the itemization or a portion thereof is contested, denied, or considered incomplete, the employer or the employer's workers' compensation insurance carrier shall notify the health care provider within 45 days after receipt of the itemization that the itemization is contested, denied, or considered incomplete. The notification shall include the following information:

1. The reasons for contesting or denying the itemization, or the reasons the itemization is considered incomplete;
2. If the itemization is considered incomplete, all additional information required to make a decision; and
3. The remedies available to the health care provider if the health care provider disagrees.

Payment or denial shall be made within 60 days after receipt from the health care provider of the information requested by the employer or employer's workers' compensation carrier for an incomplete claim under this subsection.

C. Payment due for any properly documented health care services that are neither contested within the 45-day period nor paid within the 60-day period, as required by this section, shall be increased by interest at the judgment rate of interest as provided in § 6.2-302 retroactive to the date payment was due under this section.

D. An employer's liability to a health care provider under this section shall not affect its liability to an employee.

E. No employer or workers' compensation carrier may seek recovery of a payment made to a health care provider for health care services rendered after July 1, 2014, to a claimant, unless such recovery is sought less than one year from the date payment was made to the health care provider, except in cases of fraud. The Commission shall have jurisdiction over any disputes over recoveries.

F. No health care provider shall submit a claim to the Commission contesting the sufficiency of payment for health care services rendered to a claimant after July 1, 2014, unless (i) such claim is filed within one year of the date the last payment is received by the health care provider pursuant to this section or (ii) if the employer denied or contested payment for any portion of the health care services, then, as to that service or portion thereof, such claim is filed within one year of the date the medical award covering such date of service for a specific item or treatment in question becomes final.

G. Any health care provider located outside of the Commonwealth who provides health care services under the Act to a claimant shall be reimbursed as provided in this section, and the "same community," as used in ~~subsection A~~ *subdivision B 1* of § 65.2-605 for treatment provided prior to the transition date as defined in subsection A of § 65.2-605, shall be deemed to be the principal place of business of the employer if located in the Commonwealth or, if no such location exists, then the location where the Commission hearing regarding the dispute is conducted.

H. The Commission, by January 1, 2016, shall establish a schedule pursuant to which employers, employers' workers' compensation insurance carriers, and providers of workers' compensation medical services shall be required, by a date determined by the Commission that is no earlier than July 1, 2016, and no later than December 31, 2018, to adopt and implement infrastructure under which (i) providers of workers' compensation medical services (providers) shall submit their billing, claims, case management, health records, and all supporting documentation electronically to employers or employers' workers' compensation insurance carriers, as applicable (payers) and (ii) payers shall return actual payment, claim status, and remittance information electronically to providers that submit their billing and required supporting documentation electronically. The Commission shall establish standards and methods for such electronic submissions and transactions that are consistent with International Association of Industrial Accident Boards and Commission Medical Billing and Payment guidelines. The Commission shall determine the date by which payers and providers shall be required to adopt and implement the infrastructure, which determinations shall be based on the volume and complexity of workers' compensation cases in which the payer or provider is involved, the resources of the payer or provider, and such other criteria as the Commission determines to be appropriate.

§ 65.2-605.2. Biennial peer-reviewed studies.

A. *The Commission shall have a peer-reviewed study conducted every two years commencing in 2016 by a reputable independent, not-for-profit research organization to determine how Virginia's workers' compensation system and workers' compensation medical costs compare with (i) those of other states' systems and (ii) previous workers' compensation medical benchmarks studies conducted in Virginia. Such studies shall also review the status of access to medical services under Virginia's workers' compensation system.*

B. *The Commission shall pay for the studies conducted pursuant to subsection A through revenues generated pursuant to the administrative tax assessed pursuant to Chapter 10 (§ 65.2-1000 et seq.) and deposited in the fund established pursuant to § 65.2-1007.*

§ 65.2-714. Fees of attorneys and physicians and hospital charges.

A. Fees of attorneys and physicians and charges of hospitals for services, whether employed by employer, employee, or insurance carrier under this title, shall be subject to the approval and award of the Commission. ~~In addition to the provisions of Chapter 13 (§ 65.2-1300 et seq.),~~ *The Commission shall have exclusive jurisdiction over all disputes concerning such fees or charges and may order the repayment of the amount of any fee which has already been paid that it determines to be excessive; appeals from any Commission determinations thereon shall be taken as provided in § 65.2-706. The Commission shall also retain jurisdiction for employees to pursue payment of charges for medical services notwithstanding that bills or parts of bills for health care services may have been paid by a source other than an employer, workers' compensation carrier, guaranty fund, or uninsured employer's fund. No physician shall be entitled to collect fees from an employer or insurance carrier until he has made the reports required by the Commission in connection with the case.*

B. *If a contested claim is held to be compensable under this title and, after a hearing on the claim on its merits or after abandonment of a defense by the employer or insurance carrier, benefits for medical services are awarded and inure to the benefit of a third party third-party insurance carrier or health care provider, the Commission shall award to the employee's attorney a reasonable fee and other reasonable pro rata costs as are appropriate. However, the Commission shall not award attorney fees under this subsection unless and until the employee's attorney has complied with Rule 6.2 of the Rules of the Commission. The fee shall be paid from the sum which that benefits the third party third-party insurance carrier or health care provider. Such fees shall be based on In determining whether the employee's attorney's work with regard to the contested claim resulted in an award of benefits that inure to the benefit of a third-party insurance carrier or health care provider, and in determining the reasonableness of the amount of any fee awarded to an attorney under this subsection, the Commission shall consider only the amount paid by the employer or insurance carrier to the third party third-party insurance carrier or health care provider for medical, surgical, and hospital service rendered to the employee through (i) the date on which the contested claim is heard before the Deputy Commissioner, is settled, or is resolved by order of the Commission or (ii) the date the employer or insurance carrier provides written notice of its abandonment of its defense to the contested claim and shall not consider additional amounts previously paid to a health care provider or reimbursed to a*

third-party insurance carrier. For the purpose of this subsection, a "contested claim" is an initial contested claim for benefits and claims for medical, surgical, and hospital services that are subsequently contested and litigated or after abandonment of a defense by the employer or insurance carrier.

C. Payment of any obligation pursuant to this section to any ~~third party~~ *third-party* insurance carrier or health care provider shall discharge the obligation in full. The Commission shall not reduce the amount of medical bills owed to the Commonwealth or its agencies without the written consent of the Office of the Attorney General.

D. No physician, hospital, or other health care provider as defined in § 8.01-581.1 shall balance bill an employee in connection with any medical treatment, services, appliances, or supplies furnished to the employee in connection with an injury for which (i) a claim has been filed with the Commission pursuant to § 65.2-601, (ii) payment has been made to the health care provider pursuant to § 65.2-605.1, or (iii) an award of compensation is made pursuant to § 65.2-704. For the purpose of this subsection, a health care provider "balance bills" whenever (a) an employer or the employer's insurance carrier declines to pay all of the health care provider's charge or fee and (b) the health care provider seeks payment of the balance from the employee. Nothing in this section shall prohibit a health care provider from using the practices permitted in § 65.2-601.1.

§ 65.2-821.1. Payment and reimbursement practices; prohibitions.

A. As used in this section, unless the context requires a different meaning:

"Contracting entity" means (i) a person that enters into a provider contract with a provider or (ii) an intended beneficiary of the rights of such person under the provider contract.

"Employer" means the employer; any insurance carrier, group self-insured association, or other person providing coverage for the employer's obligation to provide medical service to a claimant under this title; or any third-party administrator acting on behalf of the employer.

"PPO network" means the multiple provider contracts available to an employer pursuant to a PPO network arrangement.

"PPO network arrangement" means an arrangement under which the PPO network arranger sells, conveys, or otherwise transfers to an employer the ability to discount payments or reimbursements to a provider pursuant to the terms of multiple provider contracts to which the PPO network arranger is a direct party.

"PPO network arranger" means a person that operates a PPO network arrangement.

"Provider," "transition date," and "Virginia fee schedule" have the meaning assigned thereto in § 65.2-605. "Provider" includes a provider's employer or professional business entity.

"Provider contract" means an agreement between a contracting entity and a provider pursuant to which the provider agrees to deliver medical services to a claimant under this title in exchange for payment or reimbursement of an agreed-upon amount.

"Third-party administrator" means a person that administers, processes, handles, or pays claims to providers on behalf of an employer.

B. On and after the transition date:

1. No employer shall pay or reimburse a provider for medical services provided to a claimant less than the amount provided for in the applicable Virginia fee schedule or other amount determined as provided in subdivision B 2 or 3 of § 65.2-605 unless:

a. The employer has directly entered into:

(1) A provider contract with the provider;

(2) A contract with a contracting entity that has entered into a provider contract with the provider; or

(3) A contract with a PPO network arranger that authorizes the employer to use a PPO network to derive a benefit from a provider contract; and

b. The provider has agreed to provide medical services to the claimant for an agreed-upon reimbursement or contractual amount as set forth in a provider contract referenced in subdivision a.

2. A person with whom an employer has directly contracted as described in subdivision 1 a shall not sell, lease, or otherwise disseminate data regarding the payment or reimbursement amounts or terms of a provider contract without the express written consent and prior notification of all parties to the provider contract; however, the express written request from, and prior notification to, a provider shall not be required if the provider's identity has been redacted from such data.

3. If an employer uses or relies on a contract described in subdivision 1 a to discount a payment or reimbursement to a provider, the employer shall notify the provider, at the time it remits the payment or reimbursement, of (i) the name of the provider, contracting entity, or PPO network arranger with whom the employer directly contracted and (ii) how, if other than by a direct contract between the employer and the provider, the employer acquired the right to discount the payment or reimbursement to the provider.

4. If an employer uses or relies on a contract with a PPO network arranger described in subdivision 1 a (3) to discount a payment or reimbursement to a provider, the employer shall not shop for the lowest discount for a specific provider among the provider contracts held in multiple PPO networks. This prohibition shall not bar an employer that has entered into a PPO network arrangement and selected a provider contract in the PPO network from availing itself of all discounts provided pursuant to the selected provider contract in the PPO network.

C. Any person who suffers loss as a result of a violation of this section shall be entitled to initiate an action at the Commission to recover actual damages and interest from the date of the violation until entry of the final award. If the

Commission finds that the violation resulted from gross negligence or willful misconduct, it may increase damages to an amount not to exceed three times the actual damages.

2. That the Workers' Compensation Commission's adoption of regulations establishing initial Virginia fee schedules for medical services pursuant to subsection C, and its adoption of regulations adjusting Virginia fee schedules for medical services pursuant to subsection D, of § 65.2-605 of the Code of Virginia as amended and reenacted by this act shall be exempt from the provisions of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia, provided that the Workers' Compensation Commission utilizes a regulatory advisory panel constituted as provided in subdivision F 2 of § 65.2-605 as added by this act to assist in the development of such regulations and provides an opportunity for public comment on the regulations prior to adoption.

3. That Chapter 13 (§§ 65.2-1300 through 65.2-1310) of Title 65.2 of the Code of Virginia is repealed.

4. That the Workers' Compensation Commission (Commission) shall select the members of the regulatory advisory panel created pursuant to subdivision F 2 of § 65.2-605 of the Code of Virginia as added by this act prior to August 1, 2016. The regulatory advisory panel shall meet, review, and make recommendations to the Commission prior to July 1, 2017, on workers' compensation issues relating to (i) pharmaceutical costs not previously included in the Virginia fee schedules; (ii) durable medical equipment costs not previously included in the Virginia fee schedules; (iii) attorney fees awarded under § 65.2-714; (iv) how to resolve the issues that the peer review committees established under Chapter 13 (§§ 65.2-1300 through 65.2-1310) of Title 65.2 of the Code of Virginia as repealed by this act had been authorized to address; (v) prior authorization for medical services; and (vi) any other issues that the Commission assigns to the regulatory advisory panel.

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

CHAPTER 291

An Act to amend and reenact § 2.2-1156 of the Code of Virginia, relating to the Department of General Services; notice required before disposition of surplus real property.

[H 534]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1156 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1156. Sale or lease of surplus property and excess building space.

The Department shall identify real property assets that are surplus to the current and reasonably anticipated future needs of the Commonwealth and may dispose of surplus assets as provided in this section, except when a department, agency or institution notifies the Department of a need for property which has been declared surplus, and the Department finds that stated need to be valid and best satisfied by the use of the property.

A. After it determines the property to be surplus to the needs of the Commonwealth and that such property should be sold, the Department shall request the written opinion of the Secretary of Natural Resources as to whether the property is a significant component of the Commonwealth's natural or historic resources, and if so how those resources should be protected in the sale of the property. The Secretary of Natural Resources shall provide this review within 15 business days of receipt of full information from the Department. Within 120 days of receipt of the Secretary's review, the Department shall, with the prior written approval of the Governor, proceed to sell the property.

B. The sale shall be by public auction, or sealed bids, or by marketing through one or more real estate brokers licensed by the Commonwealth. Notice of the date, time and place of sale, if by public auction or sealed bids shall be given by advertisement in at least two newspapers published and having general circulation in the Commonwealth, at least one of which shall have general circulation in the county or city in which the property to be sold is located. At least thirty days shall elapse between publication of the notice and the auction or the date on which sealed bids will be opened.

C. In instances where the appraised value of property proposed to be sold is determined to be a nominal amount or an amount insufficient to warrant statewide advertisement, but in no event in excess of \$250,000, the notice of sale may be placed in only one newspaper having general circulation in the county or city in which the property to be sold is located.

D. The Department may reject any and all bids or offers when, in the opinion of the Department, the price is inadequate in relation to the value of the property, the proposed terms are unacceptable, or if a need has been found for the property.

E. In lieu of the sale of any such property, or in the event the Department determines there is space within a building owned by the Commonwealth or any space leased by the Commonwealth in excess of current and reasonably anticipated needs, the Department may, with the approval of the Governor, lease or sublease such property or space to any responsible person, firm or corporation on such terms as shall be approved by the Governor; provided, however the authority herein to sublease space leased by the Commonwealth shall be subject to the terms of the original lease. *The Department shall post reports from the Commonwealth's statewide electronic procurement system, known as eVA, on the Department's website. The report shall include, at a minimum, current leasing opportunities and sales of surplus real property posted on the eVA's Virginia Business Opportunities website. Such reports shall also be made available by electronic subscription.* The provisions of this section requiring disposition of property through the medium of sealed bids, public auction, or marketing

through licensed real estate brokers shall not apply to any lease thereof, although such procedures may be followed in the discretion of the Department.

F. The deed, lease, or sublease conveying the property or excess space shall be executed in the name of the Commonwealth and shall be in a form approved by the Attorney General. Notwithstanding any law to the contrary and notwithstanding how title to the property was acquired, the deed or lease may be executed on behalf of the Commonwealth by the Director of the Department or his designee, and such action shall not create a cloud on the title to the property. The terms of the sale, lease, or sublease shall be subject to the written approval of the Governor.

G. An exception to sale by sealed bids, public auction, or listing the property with a licensed real estate broker may be granted by the Governor if the property is landlocked and inaccessible from a public road or highway. In such cases, the Department shall notify all adjacent landowners of the Commonwealth's desire to dispose of the property. After the notice has been given, the Department may begin negotiations for the sale of the property with each interested adjacent landowner. The Department, with the approval of the Governor, may accept any offer which it deems to be fair and adequate consideration for the property. In all cases, the offer shall be the best offer made by any adjacent landowner. The terms of all negotiations shall be public information.

H. Subject to any law to the contrary, 50 percent of the proceeds from all sales or leases, or from the conveyance of any interest in property under the provisions of this article, above the costs of the transaction, which costs shall include fees or commissions, if any, negotiated with and paid to auctioneers or real estate brokers, shall be paid into the State Park Acquisition and Development Fund, so long as the sales or leases pertain to general fund agencies or the property involved was originally acquired through the general fund, except as provided in Chapter 180 of the Acts of Assembly of 1966. The remaining 50 percent of proceeds involving general fund sales or leases, less a pro rata share of any costs of the transactions, shall be deposited in the general fund of the state treasury. The Department of Planning and Budget shall develop guidelines which allow, with the approval of the Governor, any portion of the deposit in the general fund to be credited to the agency, department or institution having control of the property at the time it was determined surplus to the Commonwealth's needs. Any amounts so credited to an agency, department or institution may be used, upon appropriation, to supplement maintenance reserve funds or capital project appropriations, or for the acquisition, construction or improvement of real property or facilities. Net proceeds from sales or leases of special fund agency properties or property acquired through a gift for a specific purpose shall be retained by the agency or used in accordance with the original terms of the gift. Notwithstanding the foregoing, income from leases or subleases above the cost of the transaction shall first be applied to rent under the original lease and to the cost of maintenance and operation of the property. The remaining funds shall be distributed as provided herein.

I. When the Department deems it to be in the best interests of the Commonwealth, it may, with the approval of the Governor, authorize the department, institution or agency in possession or control of the property to dispose of surplus property in accordance with the procedures set forth in this section.

CHAPTER 292

An Act to amend and reenact §§ 2.2-3009, 2.2-3010, 2.2-3010.1, 2.2-3012, and 2.2-3014 of the Code of Virginia, relating to the Fraud and Abuse Whistle Blower Protection Act; applicability to local governmental entities.

[H 821]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3009, 2.2-3010, 2.2-3010.1, 2.2-3012, and 2.2-3014 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3009. Policy.

It shall be the policy of the Commonwealth that citizens of the Commonwealth and employees of ~~state government~~ *governmental agencies* be freely able to report instances of wrongdoing or abuse committed by ~~state governmental agencies~~ or independent contractors of ~~state governmental agencies~~.

§ 2.2-3010. Definitions.

As used in this chapter:

"Abuse" means an employer's or employee's conduct or omissions that result in substantial misuse, destruction, waste, or loss of funds or resources belonging to or derived from federal, state, or local government sources.

"Appropriate authority" means a federal ~~or~~ state, *or local* agency or organization having jurisdiction over criminal law enforcement, regulatory violations, professional conduct or ethics, or abuse; or a member, officer, agent, representative, or supervisory employee of the agency or organization. The term also includes the Office of the Attorney General, the Office of the State Inspector General, and the General Assembly and its committees having the power and duty to investigate criminal law enforcement, regulatory violations, professional conduct or ethics, or abuse.

"Employee" means any person who is regularly employed full time on either a salaried or wage basis, whose tenure is not restricted as to temporary or provisional appointment, in the service of and whose compensation is payable, no more often than biweekly, in whole or in part, by a ~~state governmental~~ agency.

"Employer" means a person supervising one or more employees, including the employee filing a good faith report, a superior of that supervisor, or an agent of the ~~state~~ *governmental* agency.

"Good faith report" means a report of conduct defined in this chapter as wrongdoing or abuse ~~which~~ *that* is made without malice and ~~which~~ *that* the person making the report has reasonable cause to believe is true.

"Governmental agency" means (i) any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act and any independent agency; (ii) any county, city, or town or local or regional governmental authority; and (iii) any local school division as defined in § 22.1-280.2:2.

"Misconduct" means conduct or behavior by an employee that is inconsistent with state, *local*, or agency standards for which specific corrective or disciplinary action is warranted.

~~"State agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act and any independent agency.~~

"Whistle blower" means an employee who witnesses or has evidence of wrongdoing or abuse and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to one of the employee's superiors, an agent of the employer, or an appropriate authority. "Whistle blower" includes a citizen of the Commonwealth who witnesses or has evidence of wrongdoing or abuse and who makes or demonstrates by clear and convincing evidence that he is about to make a good faith report of, or testifies or is about to testify to, the wrongdoing or abuse to an appropriate authority.

"Wrongdoing" means a violation, which is not of a merely technical or minimal nature, of a federal or state law or regulation, *local ordinance*, or a formally adopted code of conduct or ethics of a professional organization designed to protect the interests of the public or employee.

§ 2.2-3010.1. Discrimination and retaliatory actions against citizen whistle blowers prohibited; good faith required; other remedies.

A. No ~~state~~ *governmental* agency may threaten or otherwise discriminate or retaliate against a citizen whistle blower because the whistle blower is requested or subpoenaed by an appropriate authority to participate in an investigation, hearing, or inquiry by an appropriate authority or in a court action.

B. To be protected by the provisions of this chapter, a citizen of the Commonwealth who discloses information about suspected wrongdoing or abuse shall do so in good faith and upon a reasonable belief that the information is accurate. Disclosures that are reckless or that the citizen knew or should have known were false, confidential by law, or malicious shall not be deemed good faith reports and shall not be protected.

C. Any citizen whistle blower disclosing information of wrongdoing or abuse under this chapter where the disclosure results in a recovery of at least \$5,000 may file a claim for reward under the Fraud and Abuse Whistle Blower Reward Fund established in § 2.2-3014.

D. Except for the provisions of subsection F of § 2.2-3011, nothing in this chapter shall be construed to limit the remedies provided by the Virginia Fraud Against Taxpayers Act (§ 8.01-216.1 et seq.).

§ 2.2-3012. Application of state or local grievance procedure; other remedies.

A. Any whistle blower covered by the state grievance procedure (§ 2.2-3000 et seq.) or a *local grievance procedure established under § 15.2-1506* may initiate a grievance alleging retaliation and requesting relief through that procedure.

B. Any whistle blower disclosing information of wrongdoing or abuse under this chapter where the disclosure results in a savings of at least ~~\$10,000~~ \$5,000 may file a claim for reward under the Fraud and Abuse Whistle Blower Reward Fund established in § 2.2-3014.

C. Except for the provisions of subsection F of § 2.2-3011, nothing in this chapter shall be construed to limit the remedies provided by the Virginia Fraud Against Taxpayers Act (§ 8.01-216.1 et seq.).

§ 2.2-3014. Fraud and Abuse Whistle Blower Reward Fund.

A. From such funds as may be authorized by the General Assembly, there is hereby created in the state treasury a special nonreverting fund to be known as the Fraud and Abuse Whistle Blower Reward Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller and shall be administered by the State Inspector General. All moneys recovered by the State Inspector General as the result of whistle blower activity and alerts originating with the Office of the State Inspector General shall be deposited in the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Except as provided in subsection B, any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely to (i) provide monetary rewards to persons who have disclosed information of wrongdoing or abuse under this chapter and the disclosure results in a recovery of at least \$5,000 or (ii) support the administration of the Fund, defray Fund advertising costs, or subsidize the operation of the Fraud, Waste and Abuse Hotline (previously known as the State Employee Fraud, Waste and Abuse Hotline).

B. By the end of each calendar quarter and upon authorization of the State Inspector General, 85 percent of all sums recovered shall be remitted to the institutions or *governmental* agencies on whose behalf the recovery was secured by the State Inspector General unless otherwise directed by a court of law. Each such institution or *governmental* agency on whose behalf the recovery was secured by the State Inspector General shall receive an amount equal to 85 percent of the actual amount recovered by the State Inspector General on its behalf.

C. The amount of the reward shall be up to 10 percent of the actual sums recovered by the Commonwealth as a result of the disclosure of the wrongdoing or abuse. Regardless of the sums recovered, at no time shall the amount of any reward,

even if less than 10 percent, exceed the balance of the Fund. Reward disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the State Inspector General. In the event that multiple whistle blowers contemporaneously report the same qualifying incident or occurrence of wrongdoing or abuse, the State Inspector General in his sole discretion may split the reward of up to 10 percent among the multiple whistle blowers. The decision of the State Inspector General regarding the allocation of the rewards shall be final and binding on all parties and shall not be appealable.

D. Five percent of all sums recovered shall be retained in the Fund to support the administration of the Fund, defray advertising costs, and subsidize the operation of the Fraud, Waste and Abuse Hotline. Expenditures for administrative costs for management of the Fund shall be managed as approved by the State Inspector General.

E. The Office of the State Inspector General shall promulgate regulations for the proper administration of the Fund including eligibility requirements and procedures for filing a claim. The Office of the State Inspector General shall submit an annual report to the General Assembly summarizing the activities of the Fund.

CHAPTER 293

An Act to amend and reenact § 2.2-3012 of the Code of Virginia, relating to the Fraud and Abuse Whistle Blower Protection Act.

[H 778]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3012 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3012. Application of state grievance procedure; other remedies.

A. Any whistle blower covered by the state grievance procedure (§ 2.2-3000 et seq.) may initiate a grievance alleging retaliation and requesting relief through that procedure.

B. Any whistle blower disclosing information of wrongdoing or abuse under this chapter where the disclosure results in a ~~savings~~ recovery of at least ~~\$10,000~~ \$5,000 may file a claim for reward under the Fraud and Abuse Whistle Blower Reward Fund established in § 2.2-3014.

C. Except for the provisions of subsection F of § 2.2-3011, nothing in this chapter shall be construed to limit the remedies provided by the Virginia Fraud Against Taxpayers Act (§ 8.01-216.1 et seq.).

CHAPTER 294

An Act to amend and reenact § 2.2-4303.1 of the Code of Virginia, relating to the Virginia Public Procurement Act; term contracts for architectural and engineering services; limitations.

[H 907]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303.1. Architectural and professional engineering term contracting; limitations.

A. A contract for architectural or professional engineering services relating to multiple construction projects may be awarded by a public body, provided (i) the projects require similar experience and expertise, (ii) the nature of the projects is clearly identified in the Request for Proposal, and (iii) the contract is limited to a term of one year or when the cumulative total project fees reach the maximum authorized in this section, whichever occurs first.

Such contracts may be renewable for four additional one-year terms at the option of the public body. The fair and reasonable prices as negotiated shall be used in determining the cost of each project performed.

B. The sum of all projects performed in a one-year contract term shall not exceed \$500,000, except that for:

1. A state agency, as defined in § 2.2-4347, the sum of all projects performed in a one-year contract term shall not exceed \$1 million;

2. Any locality with a population in excess of 78,000, or any authority, sanitation district, metropolitan planning organization ~~or transportation district commission, or planning district commission~~ with a population in excess of 78,000, or any city within Planning District 8, the sum of all projects performed in a one-year contract term shall not exceed \$6 million and those awarded for any airport as defined in § 5.1-1 and aviation transportation projects, the sum of all such projects shall not exceed \$1.5 million;

3. Architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation, the sum of all projects in a one-year contract term shall not exceed \$2 million. Such contract may be renewable for two additional one-year terms at the option of the Director; and

4. Environmental location, design, and inspection work regarding highways and bridges by the Commissioner of Highways, the initial contract term shall be limited to two years or when the cumulative total project fees reach \$5 million,

whichever occurs first. Such contract may be renewable for two additional one-year terms at the option of the Commissioner, and the sum of all projects in each one-year contract term shall not exceed \$5 million.

C. Competitive negotiations for such architectural or professional engineering services contracts may result in awards to more than one offeror, provided (i) the Request for Proposal so states and (ii) the public body has established procedures for distributing multiple projects among the selected contractors during the contract term. Such procedures shall prohibit requiring the selected contractors to compete for individual projects based on price.

D. The fee for any single project shall not exceed \$100,000; however, for architectural or engineering services for airports as defined in § 5.1-1 and aviation transportation projects, the project fee of any single project shall not exceed \$500,000, except that for:

1. A state agency as defined in § 2.2-4347, the project fee shall not exceed \$200,000, as may be determined by the Director of the Department of General Services or as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.); and

2. Any locality *with a population in excess of 78,000*, or any authority, *transportation district commission*, or sanitation district ~~with a population in excess of 78,000~~, or any city within Planning District 8, the project fee shall not exceed \$2.5 million.

The limitations imposed upon single-project fees pursuant to this subsection shall not apply to environmental, location, design, and inspection work regarding highways and bridges by the Commissioner of Highways or architectural and engineering services for rail and public transportation projects by the Director of the Department of Rail and Public Transportation.

E. For the purposes of subsection B, any unused amounts from one contract term shall not be carried forward to any additional term, except as otherwise provided by the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.).

CHAPTER 295

An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; procurement of information technology goods and services; contractor liability.

[H 930]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. *In the case of a proposal for information technology, as defined in § 2.2-2006, a public body shall not require an offeror to state in a proposal any exception to any liability provisions contained in the Request for Proposal.* Negotiations shall then be conducted with each of the offerors so selected. *The offeror shall state any exception to any liability provisions contained in the Request for Proposal in writing at the beginning of negotiations, and such exceptions shall be considered during negotiation.* Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for

Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

CHAPTER 296

An Act to amend and reenact §§ 2.2-225, 2.2-1507, 2.2-1509.3, 2.2-2005, 2.2-2006, 2.2-2007, 2.2-2009, 2.2-2011, 2.2-2012, 2.2-2013, 2.2-2014, 2.2-2016, 2.2-2017, 2.2-2018.1, 2.2-2020, 2.2-2021, 2.2-2023, 2.2-2027, 2.2-2699.6, 2.2-3501, 2.2-4343, 23-9.6:1.01, 23-38.88, and 58.1-1840.1 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 2.2-2007.1 and 2.2-2016.1; and to repeal §§ 2.2-2008, 2.2-2010, and 2.2-2015 of the Code of Virginia, relating to reorganizing and recodifying the statutory duties and responsibilities of the Virginia Information Technologies Agency.

[H 1064]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-225, 2.2-1507, 2.2-1509.3, 2.2-2005, 2.2-2006, 2.2-2007, 2.2-2009, 2.2-2011, 2.2-2012, 2.2-2013, 2.2-2014, 2.2-2016, 2.2-2017, 2.2-2018.1, 2.2-2020, 2.2-2021, 2.2-2023, 2.2-2027, 2.2-2699.6, 2.2-3501, 2.2-4343, 23-9.6:1.01, 23-38.88, and 58.1-1840.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-2007.1 and 2.2-2016.1 as follows:

§ 2.2-225. Position established; agencies for which responsible; additional powers.

The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies, councils, and boards: Information Technology Advisory Council, Innovation and Entrepreneurship Investment Authority, Virginia Information Technologies Agency, Virginia Geographic Information Network Advisory Board, and the E-911 Services Board. The Governor, by executive order, may assign any other state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate.

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and universities in these programs consistent with agreed strategy goals.

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils.

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs.

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts to stimulate, encourage, and promote the development of technology in the Commonwealth.

6. Continuously monitor and analyze the technology investments and strategic initiatives of other states to ensure the Commonwealth remains competitive.

7. Strengthen interstate and international partnerships and relationships in the public and private sectors to bolster the Commonwealth's reputation as a global technology center.

8. Develop and implement strategies to accelerate and expand the commercialization of intellectual property created within the Commonwealth.

9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

10. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, competitively priced, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential. The Secretary shall report annually by December 1 to the Governor and General Assembly on those trends.

11. Designate specific projects as enterprise information technology projects, prioritize the implementation of enterprise information technology projects, establish enterprise oversight committees to provide ongoing oversight for enterprise information technology projects. At the discretion of the Governor, the Secretary shall designate a state agency or public institution of higher education as the business sponsor responsible for implementing an enterprise information technology project, and shall define the responsibilities of lead agencies that implement enterprise information technology projects. For purposes of this subdivision, "enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or Secretariat level for programs and project integration within the Commonwealth, Secretariats, or multiple agencies.

12. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.

13. Review and approve the Commonwealth strategic plan for information technology, as developed and recommended by the Chief Information Officer pursuant to § ~~2.2-2007~~ *subdivision A 3 of § 2.2-2007.1*.

14. Communicate regularly with the Governor and other Secretaries regarding issues related to the provision of information technology services in the Commonwealth, statewide technology initiatives, and investments and other efforts needed to achieve the Commonwealth's information technology strategic goals.

15. Provide consultation on guidelines, at the recommendation of the Innovation and Entrepreneurship Investment Authority, for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1.

§ 2.2-1507. Participation of certain agencies in budget development process of other agencies.

Agencies having responsibilities granted under §§ ~~2.2-2011~~ *2.2-2007.1*, 2.2-2696, and 51.5-135 shall participate in the budget development process of relevant agencies and receive from these agencies, prior to submission to the Department their proposed programs and budgets. Recommendations to the appropriate agencies and the secretaries of the Governor on related matters shall be made prior to budget submissions.

§ 2.2-1509.3. Budget bill to include appropriations for major information technology projects.

A. For purposes of this section, unless the context requires a different meaning:

"Commonwealth Project Management Standard" means the same as that term is defined in § 2.2-2006.

"Major information technology project" means the same as that term is defined in § 2.2-2006.

"Major information technology project funding" means an estimate of each funding source for a major information technology project for the duration of the project.

B. In "The Budget Bill" submitted pursuant to § 2.2-1509, the Governor shall provide for the funding of major information technology projects, as specified herein. Such funding recommendations shall be for major information technology projects that have or are pending project initiation approval as defined in the Commonwealth Project Management Standard.

The Governor shall include in "The Budget Bill" submitted pursuant to § 2.2-1509 a biennial appropriation for major information technology projects and the following information for each such project:

1. For major information technology projects that have been recommended for funding, a brief statement explaining the business case for the project, the priority of the project in the Recommended Technology Investment Projects Report as required by § 2.2-2007, and an explanation, if necessary, if the Governor informed the Chief Information Officer (CIO) that an emergency existed as set forth in § ~~2.2-2008~~ *subdivision A 5 of § 2.2-2016.1*;

2. Total estimated project costs, as defined by the Commonwealth Project Management Standard, including the amount of the agency's or institution's operating appropriation that will support the project;

3. All project costs incurred to date as defined by the Commonwealth Project Management Standard;
4. Recommendations or comments of the Public-Private Partnership Advisory Commission, if the project is part of a proposal under the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.);
5. The CIO's assessment of the project and the status as of the date of the budget bill submission to the General Assembly;
6. The planned project start and end dates as defined by the Commonwealth Project Management Standard; and
7. Projected annual operations and maintenance expenditures, including but not limited to fees, licenses, infrastructure, and agency and nonagency staff support costs, for information technology delivered by major information technology projects for the first budget biennium after project completion.

C. The CIO shall immediately notify each member of the Senate Finance Committee and the House Appropriations Committee of any decision to terminate in accordance with ~~§ 2.2-2015 subsection B of § 2.2-2016.1~~ any major information technology project in the budget bill. Such communication shall include the CIO's reason for such termination.

§ 2.2-2005. Creation of Agency; appointment of Chief Information Officer.

A. There is hereby created the Virginia Information Technologies Agency (VITA), which shall serve as the agency responsible for administration and enforcement of the provisions of this Chapter.

B. The Governor shall appoint a Chief Information Officer *of the Commonwealth* (the CIO) to oversee the operation of VITA. The CIO shall exercise the powers and perform the duties conferred or imposed upon him by law and perform such other duties as may be required by the Governor and the Secretary of Technology.

§ 2.2-2006. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Commonwealth information technology project" means any state agency information technology project that is under Commonwealth governance and oversight.

"Commonwealth Project Management Standard" means a document developed and adopted by the Chief Information Officer (CIO) pursuant to ~~§ 2.2-2008 2.2-2016.1~~ that describes the methodology for conducting information technology projects, and the governance and oversight used to ensure project success.

~~"Communications services" includes telecommunications services; automated data processing services; local, wide area, metropolitan, and all other data networks; and management information systems that serve the needs of state agencies and institutions.~~

"Confidential data" means information made confidential by federal or state law that is maintained by a state agency in an electronic format.

"Enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or secretariat level for program and project integration within the Commonwealth, secretariats, or multiple agencies.

"Executive branch agency" or "agency" means any agency, institution, board, bureau, commission, council, public institution of higher education, or instrumentality of state government in the executive department listed in the appropriation act. However, "executive branch agency" or "agency" does not include the University of Virginia Medical Center, a public institution of higher education to the extent exempt from this chapter pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23-38.88 et seq.) or other law, or the Virginia Port Authority.

"Information technology" means *communications*, telecommunications, automated data processing, applications, databases, *data networks*, the Internet, management information systems, and related information, equipment, goods, and services. The provisions of this chapter shall not be construed to hamper the pursuit of the missions of the institutions in instruction and research.

"ITAC" means the Information Technology Advisory Council created in § 2.2-2699.5.

"Major information technology project" means any Commonwealth information technology project that has a total estimated cost of more than \$1 million or that has been designated a major information technology project by the CIO pursuant to the Commonwealth Project Management Standard developed under ~~§ 2.2-2008 2.2-2016.1~~.

~~"Noncommercial telecommunications entity" means any public broadcasting station as defined in § 22.1-20.1.~~

~~"Public broadcasting services" means the acquisition, production, and distribution by public broadcasting stations of noncommercial educational, instructional, informational, or cultural television and radio programs and information that may be transmitted by means of electronic communications, and related materials and services provided by such stations.~~

~~"Public telecommunications entity" means any public broadcasting station as defined in § 22.1-20.1.~~

~~"Public telecommunications facilities" means all apparatus, equipment and material necessary for or associated in any way with public broadcasting stations as defined in § 22.1-20.1 or public broadcasting services, including the buildings and structures necessary to house such apparatus, equipment and material, and the necessary land for the purpose of providing public broadcasting services; but not telecommunications services.~~

~~"Public telecommunications services" means public broadcasting services.~~

"Secretary" means the Secretary of Technology.

~~"State agency" or "agency" means any agency, institution, board, bureau, commission, council, or instrumentality of state government in the executive branch listed in the appropriation act. However, the terms "state agency," "agency," "institution," "public body," and "public institution of higher education," shall not include the University of Virginia Medical Center.~~

"Technology asset" means hardware and communications equipment not classified as traditional mainframe-based items, including personal computers, mobile computers, and other devices capable of storing and manipulating electronic data.

"Telecommunications" means any origination, transmission, emission, or reception of data, signs, signals, writings, images, and sounds or intelligence of any nature, by wire, radio, television, optical, or other electromagnetic systems.

"Telecommunications facilities" means apparatus necessary or useful in the production, distribution, or interconnection of electronic communications for state agencies or institutions including the buildings and structures necessary to house such apparatus and the necessary land.

§ 2.2-2007. Powers of the CIO.

A. In addition to such other duties as the Secretary may assign, the *The* CIO shall:

1. Monitor trends and advances in information technology; develop a comprehensive six-year Commonwealth strategic plan for information technology to include: (i) specific projects that implement the plan; (ii) a plan for the acquisition, management, and use of information technology by state agencies; (iii) a report of the progress of any ongoing enterprise information technology projects, any factors or risks that might affect their successful completion, and any changes to their projected implementation costs and schedules; and (iv) a report on the progress made by state agencies toward accomplishing the Commonwealth strategic plan for information technology. The Commonwealth strategic plan for information technology shall be updated annually and submitted to the Secretary for approval.

2. Direct the formulation and promulgation of promulgate regulations necessary or incidental to the performance of duties or execution of powers conferred under this chapter. The CIO shall also develop policies, guidelines, standards, and specifications guidelines for the purchase planning, budgeting, procurement, development, and maintenance, security, and operations of information technology for state executive branch agencies; including, but not limited to, those (i) required to support. Such policies, standards, and guidelines shall include those necessary to:

1. Support state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies; (ii) concerned with.

2. Support the development of electronic transactions including the use of electronic signatures as provided in § 59.1-496; and (iii) necessary to support.

3. Support a unified approach to information technology across the totality of state government, thereby assuring that the citizens and businesses of the Commonwealth receive the greatest possible security, value, and convenience from investments made in technology.

3. Direct the development of policies and procedures, in consultation with the Department of Planning and Budget, that are integrated into the Commonwealth's strategic planning and performance budgeting processes; and that state agencies and public institutions of higher education shall follow in developing information technology plans and technology-related budget requests. Such policies and procedures shall require consideration of the contribution of current and proposed technology expenditures to the support of agency and institution priority functional activities; as well as current and future operating expenses; and shall be utilized by all state agencies and public institutions of higher education in preparing budget requests.

4. Review budget requests for information technology from state agencies and public institutions of higher education and recommend budget priorities to the Secretary.

Review of such budget requests shall include, but not be limited to, all data processing or other related projects for amounts exceeding \$250,000 in which the agency or institution has entered into or plans to enter into a contract, agreement or other financing agreement or such other arrangement that requires that the Commonwealth either pay for the contract by foregoing revenue collections, or allows or assigns to another party the collection on behalf of or for the Commonwealth any fees, charges, or other assessments or revenues to pay for the project. For each project, the agency or institution, with the exception of public institutions of higher education that meet the conditions prescribed in subsection B of § 23-38.88, shall provide the CIO (i) a summary of the terms; (ii) the anticipated duration; and (iii) the cost or charges to any user, whether a state agency or institution or other party not directly a party to the project arrangements. The description shall also include any terms or conditions that bind the Commonwealth or restrict the Commonwealth's operations and the methods of procurement employed to reach such terms.

State agencies and institutions, with the exception of public institutions of higher education that meet the conditions prescribed in subsection B of § 23-38.88, shall submit to the CIO a projected biennial operations and maintenance budget for technology assets owned or licensed by the agency or institution; and submit a budget decision package for any shortfalls.

5. Direct the development of policies and procedures for the effective management of information technology investments throughout their entire life cycles; including, but not limited to, identification, business case development, selection, procurement, implementation, operation, performance evaluation; and enhancement or retirement. Such policies and procedures shall include, at a minimum, the periodic review by the CIO of agency and public institution of higher education Commonwealth information technology projects.

6. Provide technical guidance to the Department of General Services in the development of policies and procedures for the recycling and disposal of computers and other technology assets. Such policies and procedures shall include the expunging, in a manner as determined by the CIO, of all state confidential data and personal identifying information of citizens of the Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

~~7. 4. Ensure that the costs of information technology systems, products, data, and services are contained through the shared use of existing or planned equipment, data, or services.~~

5. Provide for the effective management of information technology investments through their entire life cycles, including identification, business case development, selection, procurement, implementation, operation, performance evaluation, and enhancement or retirement. Such policies, standards, and guidelines shall include, at a minimum, the periodic review by the CIO of agency Commonwealth information technology projects.

6. Establish an Information Technology Investment Management Standard based on acceptable technology investment methods to ensure that all executive branch agency technology expenditures are an integral part of the Commonwealth's performance management system, produce value for the agency and the Commonwealth, and are aligned with (i) agency strategic plans, (ii) the Governor's policy objectives, and (iii) the long-term objectives of the Council on Virginia's Future.

B. In addition to other such duties as the Secretary may assign, the CIO shall:

1. Oversee and administer the Virginia Technology Infrastructure Fund created pursuant to § 2.2-2023.

~~8. Periodically evaluate the feasibility of outsourcing information technology resources and services, and outsource those resources and services that are feasible and beneficial to the Commonwealth.~~

~~9. Have the authority to enter into contracts with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia for the provision of information technology services.~~

~~10. 2. Report annually to the Governor, the Secretary, and the Joint Commission on Technology and Science created pursuant to § 30-85 on the use and application of information technology by state executive branch agencies and public institutions of higher education to increase economic efficiency, citizen convenience, and public access to state government. The CIO shall prepare an annual~~

3. Prepare annually a report for submission to the Secretary, the Information Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended Technology Investment Projects (RTIP Report) based upon major information technology projects submitted for business case approval pursuant to this chapter. As part of the RTIP Report, the CIO shall develop and regularly update a methodology for prioritizing projects based upon the allocation of points to defined criteria. The criteria and their definitions shall be presented in the RTIP Report. For each project recommended for funding in the RTIP Report, the CIO shall indicate the number of points and how they were awarded. For each listed project, the CIO shall also report (i) all projected costs of ongoing operations and maintenance activities of the project for the next three biennia following project implementation; (ii) a justification and description for each project baseline change; and (iii) whether the project fails to incorporate existing standards for the maintenance, exchange, and security of data. This report shall also include trends in current projected information technology spending by state executive branch agencies and secretariats, including spending on projects, operations and maintenance, and payments to VITA. Agencies shall provide all project and cost information required to complete the RTIP Report to the CIO prior to May 31 immediately preceding any budget biennium in which the project appears in the Governor's budget bill.

~~11. Direct the development of policies and procedures that require the Division of Project Management established pursuant to § 2.2-2016, on behalf of the CIO, to review and recommend Commonwealth information technology projects proposed by state agencies and institutions. Such policies and procedures shall be based on the criteria outlined within § 2.2-2017.~~

~~12. 4. Provide oversight for state executive branch agency or public institution of higher education efforts to modernize the planning, development, implementation, improvement, operations and maintenance, and retirement of Commonwealth information technology, including oversight for the selection, development and management of enterprise information technology.~~

~~13. 5. Develop statewide technical and data standards and specifications for information technology and related systems, including (i) the efficient exchange of electronic information and technology, including infrastructure, between the public and private sectors in the Commonwealth and (ii) the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state an executive branch agency of the Commonwealth.~~

~~14. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.~~

~~B. 6. Direct the compilation and maintenance of an inventory of information technology, including but not limited to personnel, facilities, equipment, goods, and contracts for services.~~

7. Provide for the centralized marketing, provision, leasing, and executing of licensing agreements for electronic access to public information and government services through the Internet, wireless devices, personal digital assistants, kiosks, or other such related media on terms and conditions as may be determined to be in the best interest of the Commonwealth. VITA may fix and collect fees and charges for (i) public information, media, and other incidental services furnished by it to any private individual or entity, notwithstanding the charges set forth in § 2.2-3704, and (ii) such use and services it provides to any executive branch agency or local government. Nothing in this subdivision authorizing VITA to fix and collect fees for providing information services shall be construed to prevent access to the public records of any public body pursuant to the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). VITA is authorized, subject to the approval by the Secretary of Technology and any other affected Secretariat, to delegate the powers and responsibilities granted in this subdivision to any agency within the executive branch.

8. Periodically evaluate the feasibility of outsourcing information technology resources and services, and outsource those resources and services that are feasible and beneficial to the Commonwealth.

9. Have the authority to enter into and amend contracts, including contracts with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, or the District of Columbia, for the provision of information technology services.

C. Consistent with § 2.2-2012, the CIO may enter into public-private partnership contracts to finance or implement information technology programs and projects. The CIO may issue a request for information to seek out potential private partners interested in providing programs or projects pursuant to an agreement under this subsection. The compensation for such services shall be computed with reference to and paid from the increased revenue or cost savings attributable to the successful implementation of the program or project for the period specified in the contract. The CIO shall be responsible for reviewing and approving the programs and projects and the terms of contracts for same under this subsection. The CIO shall determine annually the total amount of increased revenue or cost savings attributable to the successful implementation of a program or project under this subsection and such amount shall be deposited in the Virginia Technology Infrastructure Fund created in § 2.2-2023. The CIO is authorized to use moneys deposited in the Fund to pay private partners pursuant to the terms of contracts under this subsection. All moneys in excess of that required to be paid to private partners, as determined by the CIO, shall be reported to the Comptroller and retained in the Fund. The CIO shall prepare an annual report to the Governor, the Secretary, and General Assembly on all contracts under this subsection, describing each information technology program or project, its progress, revenue impact, and such other information as may be relevant.

~~C. The CIO shall develop a technology investment management standard based on acceptable technology investment methods to ensure that all state agency or public institution of higher education technology expenditures are an integral part of the Commonwealth's performance management system, produce value for the agency and the Commonwealth, and are aligned with (i) agency strategic plans, (ii) the Governor's policy objectives, and (iii) the long term objectives of the Council on Virginia's Future.~~

~~D. The CIO shall have the authority to enter into and amend contracts for the provision of information technology services. Executive branch agencies shall cooperate with VITA in identifying the development and operational requirements of proposed information technology systems, products, data, and services, including the proposed use, functionality, and capacity, and the total cost of acquisition, operation, and maintenance.~~

§ 2.2-2007.1. Additional duties of the CIO relating to information technology planning and budgeting.

A. The CIO shall have the following duties related to information technology planning:

1. Monitor trends and advances in information technology, plan and forecast future needs for information technology, and conduct studies and surveys of organizational structures and best management practices of information technology systems and procedures;

2. Evaluate the needs of executive branch agencies in the Commonwealth with regard to (i) a consistent, reliable, and secure information technology infrastructure; (ii) existing capabilities related to building and supporting that infrastructure; and (iii) recommendation of approaches to ensure the future development, maintenance, and financing of information technology infrastructure befitting the needs of executive branch agencies and the service level requirements of its citizens; and

3. Develop a comprehensive six-year Commonwealth strategic plan for information technology to include (i) specific projects that implement the plan; (ii) a plan for the acquisition, management, and use of information technology by executive branch agencies; (iii) a report of the progress of any ongoing enterprise information technology projects, any factors or risks that might affect their successful completion, and any changes to their projected implementation costs and schedules; and (iv) a report on the progress made by executive branch agencies toward accomplishing the Commonwealth strategic plan for information technology. The Commonwealth strategic plan for information technology shall be updated annually and submitted to the Secretary for approval.

B. The CIO shall have the following duties related to budgeting for information technology projects:

1. Develop policies, standards, and guidelines, in consultation with the Department of Planning and Budget, that are integrated into the Commonwealth's strategic planning and budgeting processes, and that executive branch agencies shall follow in developing information technology plans and technology-related budget requests. Such policies and procedures shall require consideration of the contribution of current and proposed technology expenditures to the support of executive branch agency priority functional activities, as well as current and future operating expenses, and shall be utilized by all state agencies in preparing budget requests.

2. Assist executive branch agencies in the development of information technology strategic plans pursuant to § 2.2-2014 and the preparation of budget requests for information technology that are consistent with the policies, standards, and guidelines developed pursuant to this section.

3. Review budget requests for information technology from executive branch agencies and recommend budget priorities to the Secretary. Review of such budget requests shall include all information technology projects for amounts exceeding \$250,000 for which the contract or proposed contract would, as a means of payment for the project, require the Commonwealth to forgo certain revenue collections or would allow another party to collect fees, charges, or other revenues on behalf of the Commonwealth. For each information technology project, the agency shall provide the CIO (i) a summary of the terms, (ii) the anticipated duration, and (iii) the cost or charges to any user, whether a state agency or other party not directly a party to the project arrangements. The description shall also include any terms or conditions that bind the

Commonwealth or restrict the Commonwealth's operations and the methods of procurement employed to reach such terms. Executive branch agencies and institutions shall submit to the CIO a projected biennial operations and maintenance budget for technology assets owned or licensed by the agency or institution and submit a budget decision package for any shortfalls. The provisions of this subdivision shall not apply to public institutions of higher education that meet the conditions prescribed in subsection B of § 23-38.88.

§ 2.2-2009. Additional duties of the CIO relating to security of government information.

A. To provide for the security of state government electronic information from unauthorized uses, intrusions or other security threats, the CIO shall direct the development of policies, ~~procedures and standards, and guidelines~~ for assessing security risks, determining the appropriate security measures and performing security audits of government electronic information. Such policies, ~~procedures, and standards will, and guidelines shall~~ apply to the Commonwealth's executive, legislative, and judicial branches; and independent agencies ~~and institutions of higher education~~. The CIO shall work with representatives of the Chief Justice of the Supreme Court and Joint Rules Committee of the General Assembly to identify their needs. *Such policies, standards, and guidelines shall, at a minimum:*

~~B. The CIO shall also develop policies, procedures, and standards that shall address~~ 1. *Address the scope and frequency of security audits and the frequency of such security audits.* In developing and updating such policies, ~~procedures, and standards, and guidelines,~~ the CIO shall designate a government entity to oversee, plan, and coordinate the conduct of periodic security audits of all executive branch ~~agencies and independent agencies and institutions of higher education~~. The CIO ~~will shall~~ coordinate these audits with the Auditor of Public Accounts and the Joint Legislative Audit and Review Commission. The Chief Justice of the Supreme Court and the Joint Rules Committee of the General Assembly shall determine the most appropriate methods to review the protection of electronic information within their branches;

2. *Control unauthorized uses, intrusions, or other security threats;*

3. *Provide for the protection of confidential data maintained by state agencies against unauthorized access and use in order to ensure the security and privacy of citizens of the Commonwealth in their interaction with state government. Such policies, standards, and guidelines shall include requirements that (i) any state employee or other authorized user of a state technology asset provide passwords or other means of authentication to use a technology asset and access a state-owned or state-operated computer network or database and (ii) a digital rights management system or other means of authenticating and controlling an individual's ability to access electronic records be utilized to limit access to and use of electronic records that contain confidential information to authorized individuals;*

4. *Address the creation and operation of a risk management program designed to identify information technology security gaps and develop plans to mitigate the gaps. All agencies in the Commonwealth shall cooperate with the CIO, including (i) providing the CIO with information required to create and implement a Commonwealth risk management program, (ii) creating an agency risk management program, and (iii) complying with all other risk management activities.*

~~C. B. 1.~~ The CIO shall annually report to the Governor, the Secretary, and General Assembly *on the results of security audits, the extent to which security policy, standards, and guidelines have been adopted by executive branch and independent agencies, and a list of those executive branch agencies and independent agencies and institutions of higher education that have not implemented acceptable security and risk management regulations, policies, procedures, and standards, and guidelines to control unauthorized uses, intrusions, or other security threats.* For any executive branch agency or independent agency or institution of higher education whose security audit results and plans for corrective action are unacceptable, the CIO shall report such results to (i) the Secretary, (ii) any other affected cabinet secretary, (iii) the Governor, and (iv) the Auditor of Public Accounts. Upon review of the security audit results in question, the CIO may take action to suspend the ~~public body's~~ *executive branch agency's or independent agency's* information technology projects pursuant to ~~§ 2.2-2015 subsection B of § 2.2-2016.1,~~ limit additional information technology investments pending acceptable corrective actions, and recommend to the Governor and Secretary any other appropriate actions.

~~The CIO shall also include in this report (a) results of security audits, including those state agencies, independent agencies, and institutions of higher education that have not implemented acceptable regulations, standards, policies, and guidelines to control unauthorized uses, intrusions, or other security threats and (b) the extent to which security standards and guidelines have been adopted by state agencies.~~

~~D. All public bodies~~ 2. *Executive branch agencies and independent agencies* subject to such audits as required by this section shall fully cooperate with the entity designated to perform such audits and bear any associated costs. Public bodies that are not required to but elect to use the entity designated to perform such audits shall also bear any associated costs.

~~E. C.~~ The provisions of this section shall not infringe upon responsibilities assigned to the Comptroller, the Auditor of Public Accounts, or the Joint Legislative Audit and Review Commission by other provisions of the Code of Virginia.

~~F. To ensure the security and privacy of citizens of the Commonwealth in their interactions with state government, the CIO shall direct the development of policies, procedures, and standards for the protection of confidential data maintained by state agencies against unauthorized access and use. Such policies, procedures, and standards shall include, but not be limited to:~~

1. *Requirements that any state employee or other authorized user of a state technology asset provide passwords or other means of authentication to (i) use a technology asset and (ii) access a state-owned or operated computer network or database; and*

2. Requirements that a digital rights management system or other means of authenticating and controlling an individual's ability to access electronic records be utilized to limit access to and use of electronic records that contain confidential data to authorized individuals.

G. D. The CIO shall promptly receive reports from directors of departments in the executive branch of state government made in accordance with § 2.2-603 and shall take such actions as are necessary, convenient or desirable to ensure the security of the Commonwealth's electronic information and confidential data.

H. The CIO shall also develop policies, procedures, and standards that shall address the creation and operation of a risk management program designed to identify information technology security gaps and develop plans to mitigate the gaps. All agencies in the Commonwealth shall cooperate with the CIO. Such cooperation includes, but is not limited to, (i) providing the CIO with information required to create and implement a Commonwealth risk management program; (ii) creating an agency risk management program; and (iii) complying with all other risk management activities.

E. The CIO shall provide technical guidance to the Department of General Services in the development of policies, standards, and guidelines for the recycling and disposal of computers and other technology assets. Such policies, standards, and guidelines shall include the expunging, in a manner as determined by the CIO, of all confidential data and personal identifying information of citizens of the Commonwealth prior to such sale, disposal, or other transfer of computers or other technology assets.

F. F. The CIO shall provide all directors of agencies and departments with all such information, guidance, and assistance required to ensure that agencies and departments understand and adhere to the policies, procedures, and standards, and guidelines developed pursuant to this section.

§ 2.2-2011. Additional powers and duties relating to development, management, and operation of information technology.

A. VITA shall have the following additional powers and duties concerning the planning, budgeting, acquiring, using, and disposing of communications goods and services:

1. Formulate specifications for telecommunications, automated data processing, and management information systems;
2. Analyze and approve all procurements of interconnective telecommunications facilities, telephones, automated data processing, and other communications equipment and goods;
3. Review and approve all agreements and contracts for communications services prior to execution between a state agency and another public or private agency;
4. Develop and administer a system to monitor and evaluate executed contracts and billing and collection systems; and
5. Exempt from review requirements, but not from the Commonwealth's competitive procurement process, any state agency that establishes, to the satisfaction of VITA, (i) its ability and willingness to administer efficiently and effectively the procurement of communications services or (ii) that it has been subjected to another review process coordinated through or approved by VITA.

Unless specifically exempted by law, VITA shall be responsible for the development, operation, and management of information technology for every executive branch agency, pursuant to the provisions of this chapter.

B. ~~VITA~~ The CIO shall have the following powers and duties concerning the development, operation, and management of communications services information technology:

1. Manage and, coordinate, and provide the various telecommunications facilities and communications services, centers, and operations used by the Commonwealth information technology used by executive branch agencies;
2. Acquire, lease, or construct such land, facilities, and equipment as necessary to deliver comprehensive communications information technology services, and to maintain such land, facilities, and equipment owned or leased; and
3. Provide technical assistance to state executive branch agencies in such areas as: (i) designing management information systems; (ii) performing systems development services, including design, application programming, and maintenance; (iii) conducting research and sponsoring demonstration projects pertaining to all facets of telecommunications and communications services; (iv) effecting economies in telephone systems and equipment; and (v) planning and forecasting for future needs in communications services; and
4. Develop and implement information, billing, and collections systems that will aid state agencies in forecasting their needs and managing their operations the planning, development, operation, and management of information technology.

§ 2.2-2012. Additional powers and duties related to the procurement of information technology.

A. The CIO shall develop policies, standards, and guidelines for the procurement of information technology of every description.

B. 1. Information technology and telecommunications goods and services of every description shall be procured by (i) VITA for its own benefit or on behalf of other state executive branch agencies and institutions or (ii) such other agencies or institutions to the extent authorized by VITA. Such procurements shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.), regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973 (29 U.S.C. § 794d), as amended, and any regulations as may be prescribed by, policies, procedures, standards, and guidelines of VITA. In no case shall such procurements exceed the requirements of the regulations that implement the electronic and information technology accessibility standards of the Rehabilitation Act of 1973, as amended.

2. The CIO shall review, and approve or disapprove, all executive branch agency procurements of information technology, including approval of all agreements and contracts prior to the execution of the procurement. The CIO may

exempt from review requirements, but not from the Commonwealth's competitive procurement process, any executive branch agency that establishes, to the satisfaction of the CIO, (i) its ability and willingness to administer efficiently and effectively the procurement of information technology or (ii) that it has been subjected to another review process coordinated through or approved by the CIO.

3. The CIO shall develop and administer a system to monitor and evaluate executed information technology contracts and billing and collection systems.

The CIO shall disapprove any procurement that does not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to ~~§ 2.2-2007 subdivision A 3 of § 2.2-2007.1~~ or to the individual strategic plans of ~~state executive branch agencies or public institutions of higher education~~ developed and approved pursuant to § 2.2-2014.

4. The CIO shall require that before any executive branch agency procures any computer system, equipment, or software, it shall consider whether the proposed system, equipment, or software is capable of producing products that facilitate the rights of the public to access public records under the Freedom of Information Act (§ 2.2-3700 et seq.) or other applicable law.

~~B. C.~~ All statewide contracts and agreements made and entered into by VITA for the purchase of ~~communications services, telecommunications facilities, and~~ information technology goods and services shall provide for the inclusion of counties, cities, and towns in such contracts and agreements. *Counties, cities, and towns and local school divisions are authorized to purchase information technology goods and services of every description from VITA and its vendors, provided that such purchases are not prohibited by the terms of contracts for such goods and services.* Notwithstanding the provisions of § 2.2-4302.1, 2.2-4302.2, 2.2-4303.1, or 2.2-4303.2, VITA may enter into multiple vendor contracts for the referenced services, facilities, and goods and services.

~~C. D.~~ VITA may establish contracts for the purchase of personal computers and related devices by licensed teachers employed in a full-time teaching capacity in Virginia public schools or in state educational facilities for use outside the classroom. The computers and related devices shall not be purchased with public funds, but shall be paid for and owned by teachers individually provided that no more than one such computer and related device per year shall be so purchased.

~~D. E.~~ If VITA, or any executive branch agency or institution authorized by VITA, elects to procure personal computers and related peripheral equipment pursuant to any type of blanket purchasing arrangement under which public bodies, as defined in § 2.2-4301, may purchase such goods from any vendor following competitive procurement but without the conduct of an individual procurement by or for the using agency or institution, it shall establish performance-based specifications for the selection of equipment. Establishment of such contracts shall emphasize performance criteria including price, quality, and delivery without regard to "brand name." All vendors meeting the Commonwealth's performance requirements shall be afforded the opportunity to compete for such contracts.

~~E. F.~~ VITA shall allow private institutions of higher education that are (i)(a) chartered in Virginia or (b) chartered by an Act of Congress in 1821 and that have owned and operated since 1991 a campus with a significant presence in the Commonwealth and (ii) granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from contracts established for state agencies and public bodies by VITA.

~~F. G.~~ This section shall not be construed or applied so as to infringe upon, in any manner, the responsibilities for accounting systems assigned to the Comptroller under § 2.2-803.

~~G. H.~~ The Comptroller shall not issue any warrant upon any voucher issued by ~~a state an executive branch agency~~ covering the purchase of any information technology ~~and telecommunications goods and services~~ when such purchases are made in violation of any provision of this chapter or the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

~~H. I.~~ Intentional violations of centralized purchasing requirements for information technology ~~and technology and telecommunications goods and services~~ pursuant to this chapter by ~~a state an executive branch agency~~, continued after notice from the Governor to desist, shall constitute malfeasance in office and shall subject the officer responsible for the violation to suspension or removal from office, as may be provided in law in other cases of malfeasance.

§ 2.2-2013. Internal service and special funds.

A. There is established the Information Technology and Management Internal Service Fund to be administered by VITA.

B. There is established the Acquisition Services Special Fund to be administered by VITA and used to finance procurement and contracting activities and programs unallowable for federal fund reimbursement.

C. Upon written request of the ~~Chief Information Officer~~ CIO, the Joint Legislative Audit and Review Commission may direct the Comptroller to establish internal service fund accounts on his books and record the receipts and expenditures for appropriate functions of VITA. Charges for services rendered sufficient to offset costs involved in these operations shall be established.

D. All users of services provided for in this chapter administered by VITA shall be assessed a surcharge, which shall be deposited in the appropriate fund. This charge shall be an amount sufficient to allow VITA to finance the operations and staff of the services offered.

E. Additional moneys necessary to establish these funds or provide for the administration of the activities of VITA may be advanced from the general account of the state treasury.

F. The CIO shall direct that the following activities be conducted with respect to VITA's internal service funds:

1. VITA shall establish fee schedules for the collection of fees from users when general fund appropriations are not available for the services rendered.

2. VITA shall develop and implement information, billing, and collections methods that will assist state agencies in analyzing and effectively managing their use of VITA's services, and which will allow VITA to forecast service demands and balances of its internal service funds.

3. By September 1 of each year, VITA shall submit biennial projections of future revenues and expenditures for each internal service fund and estimates of any anticipated changes to fee schedules to the Joint Legislative Audit and Review Commission and the Department of Planning and Budget.

4. In the event that changes to fee schedules or rates are required, the CIO shall submit documentation to the Joint Legislative Audit and Review Commission and the Department of Planning and Budget no later than September 1 prior to the fiscal year in which the new or revised rates are to take effect so that the impact of the rate changes can be considered for inclusion in the executive budget submitted to the General Assembly pursuant to § 2.2-1508. In emergency circumstances, deviations from this approach shall be approved in advance by the Joint Legislative Audit and Review Commission.

§ 2.2-2014. Submission of information technology plans by state agencies and public institutions of higher education; designation of technology resource.

A. All ~~state executive branch agencies and public institutions of higher education~~ shall prepare and submit information technology *strategic* plans to the CIO for review and approval. All ~~state executive branch agencies and public institutions of higher education~~ shall maintain current information technology plans that have been approved by the CIO.

B. The head of each ~~state executive branch~~ agency shall designate an existing employee to be the agency's information technology resource who shall be responsible for compliance with the ~~procedures~~, policies, standards, and guidelines established by the CIO.

§ 2.2-2016. Division of Project Management established.

There is established within VITA a Division of Project Management (the Division). The *CIO and the* Division shall exercise the powers and duties conferred in this article.

§ 2.2-2016.1. Additional powers and duties of the CIO relating to project management.

A. *The CIO shall have the following duties related to the management of information technology projects:*

1. *Develop policies, standards, and guidelines that require the Division to review and recommend to the CIO Commonwealth information technology projects proposed by executive branch agencies. Such policies, standards, and guidelines shall include in the review an assessment of the (i) degree to which the project is consistent with the Commonwealth's overall strategic plan; (ii) technical feasibility of the project; (iii) benefits to the Commonwealth of the project, including customer service improvements; (iv) risks associated with the project; (v) continued funding requirements; and (vi) past performance by the executive branch agency on other projects.*

2. *Develop a Commonwealth Project Management Standard for information technology projects by executive branch agencies that establishes a methodology for the initiation, planning, execution, and closeout of information technology projects and related procurements. Such methodology shall include the establishment of appropriate oversight for information technology projects. The basis for the governance and oversight of information technology projects shall include, but not be limited to, an assessment of the project's risk and complexity. The Commonwealth Project Management Standard shall require that all such projects conform to the Commonwealth strategic plan for information technology developed and approved pursuant to subdivision A 3 of § 2.2-2007.1 and the strategic plans of agencies developed and approved pursuant to § 2.2-2014. All executive branch agencies shall conform to the requirements of the Commonwealth Project Management Standard.*

3. *Establish minimum qualifications and training standards for project managers.*

4. *Establish an information clearinghouse that identifies best practices and new developments and contains detailed information regarding the Commonwealth's previous experiences with the development of major information technology projects.*

5. *Review and approve or disapprove the selection or termination of any Commonwealth information technology project. The CIO shall disapprove any executive branch agency request to initiate a major information technology project or related procurement if funding for such project has not been included in the budget bill in accordance with § 2.2-1509.3, unless the Governor has determined that an emergency exists and a major information technology project is necessary to address the emergency. The CIO shall disapprove any Commonwealth information technology projects that do not conform to the Commonwealth strategic plan for information technology developed and approved pursuant to subdivision A 3 of § 2.2-2007.1 or to the strategic plan of executive branch agencies developed and approved pursuant to § 2.2-2014.*

6. *Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.*

B. *The CIO may direct the modification, termination, or suspension of any Commonwealth information technology project that, as the result of a periodic review authorized by subdivision A 5 of § 2.2-2007, has not met the performance measures agreed to by the CIO and sponsoring executive branch agency, or if he otherwise deems such action appropriate and consistent with the terms of any affected contracts.*

Nothing in this subsection shall be construed to supersede the responsibility of a board of visitors for the management and operation of a public institution of higher education.

The provisions of this subsection shall not apply to research projects, research initiatives, or instructional programs at public institutions of higher education. However, technology investments in research projects, research initiatives, or instructional programs at such institutions estimated to cost \$1 million or more of general fund appropriations may be reviewed as provided in subdivision A 5 of § 2.2-2007. The CIO and the Secretary of Education, in consultation with public institutions of higher education, shall develop and provide to such institution criteria to be used in determining whether projects are mission-critical.

§ 2.2-2017. Powers and duties of the Division.

The Division shall have the power and duty to:

1. Implement the approval process for information technology projects developed in accordance with the Commonwealth Project Management Standard;
2. Assist the CIO in the development and implementation of project management policies, standards, *and* guidelines ~~and methodologies~~ to be used for information technology projects in accordance with this article;
3. Provide ongoing assistance and support to ~~state executive branch agencies and public institutions of higher education~~ in the development of information technology projects;
4. Establish a program providing cost-effective training to *executive branch* agency project managers;
5. Review information management and information technology plans submitted by *executive branch* agencies ~~and public institutions of higher education~~ and recommend to the CIO the approval of such plans and any amendments thereto;
6. Monitor the implementation of information management and information technology plans and periodically report its findings to the CIO;
7. Review and recommend *to the CIO* information technology projects based on ~~criteria~~ *the policies, standards, and guidelines* developed pursuant to § 2.2-2007 that assess the (i) degree to which the project is consistent with the Commonwealth's overall strategic plan; (ii) technical feasibility of the project; (iii) benefits to the Commonwealth of the project, including customer service improvements; (iv) risks associated with the project; (v) continued funding requirements; and (vi) past performance by the agency on other projects § 2.2-2016.1;
8. Provide oversight for ~~state executive branch~~ agency information technology projects; and
9. Report on a quarterly basis to the CIO, the Secretary, the Governor, the Information Technology Advisory Council, the Joint Legislative Audit and Review Commission, the Auditor of Public Accounts, the House Appropriations Committee, the Senate Finance Committee, and the Joint Commission on Technology and Science the status and performance of each major information technology project and related procurement conducted by any ~~state executive branch~~ agency ~~or institution~~.

§ 2.2-2018.1. Project and procurement investment business case approval.

A. ~~State Executive branch agencies and public institutions of higher education~~ shall obtain CIO approval prior to the initiation of any Commonwealth information technology project or procurement. When selecting an information technology investment, ~~state executive branch~~ agencies and public institutions of higher education shall submit to the Division an investment business case, outlining the business value of the investment, the proposed technology solution, if known, and an explanation of how the project will support the agency strategic plan, the agency's secretariat's strategic plan, and the Commonwealth strategic plan for information technology developed and approved pursuant to § 2.2-2007 subdivision A 3 of § 2.2-2007.1. The Division may require the submission of additional information if needed to adequately review any such proposal.

B. The Division shall review each investment business case submitted in accordance with this section and recommend its approval or rejection to the CIO pursuant to the policies and procedures developed in § 2.2-2007 2.2-2016.1.

C. In accordance with policies and standards outlined in the Commonwealth Project Management Standard, the CIO shall review the business case for any Commonwealth information technology project or procurement and approve or disapprove.

§ 2.2-2020. Procurement approval for information technology projects.

~~The~~ *An executive branch* agency shall submit a copy of any Invitation for Bid (IFB) or Request for Proposal (RFP) *for a procurement related to an information technology project* to the Division. The Division shall review the IFB or RFP and recommend its approval or rejection to the CIO. The agency shall submit a copy of any proposed contract or final contract to the Division. The Division shall review the proposed contract or final contract and recommend its approval or rejection to the CIO. A project shall be granted project initiation approval as provided by the Commonwealth Project Management Standard before the award of any contract.

§ 2.2-2021. Project oversight committees.

A. Whenever the project charter has been approved for an enterprise information technology project, the Secretary shall establish an Internal Agency Oversight Committee (IAOC) *and a Secretariat Oversight Committee (SOC)*. ~~Whenever the project charter has been approved for any other Commonwealth information technology project, the CIO shall establish an IAOC.~~ The IAOC shall represent all business or functional stakeholders of the project, including stakeholders in other agencies, assure that all stakeholders have the opportunity to work together toward a mutually beneficial integrated solution, have the authority to approve or reject any changes in the project's scope, schedule, or budget, provide oversight and direction to the project, and review and approve the schedule baseline and all project documentation. *The SOC shall represent all business or functional stakeholders of the project, including stakeholders in other secretariats, validate the*

proposed project business case, review and make recommendations on changes in the project's scope, schedule, or budget, and review Independent Verification and Validation reports and recommend corrective actions if needed.

~~B. Whenever the project charter has been approved for an enterprise information technology project, the Secretary shall establish a Secretariat Oversight Committee (SOC). Whenever the project charter has been approved for any other Commonwealth information technology project, the CIO shall establish an SOC. The SOC shall represent all business or functional stakeholders of the project including stakeholders in other secretariats, validate the proposed project business case, review and make recommendations on changes in the project's scope, schedule or budget, and review Independent Verification and Validation reports and recommend corrective actions if needed. For all other projects, other than enterprise information technology projects, the CIO shall establish an IAOC and an SOC in accordance with the Commonwealth Project Management Standard.~~

§ 2.2-2023. Virginia Technology Infrastructure Fund created; contributions.

A. The Virginia Technology Infrastructure Fund (the Fund) is created in the state treasury. The Fund is to be used to fund major information technology projects or to pay private partners as authorized in subsection ~~B C~~ of § 2.2-2007.

B. The Fund shall consist of: (i) the transfer of general and nongeneral fund appropriations from ~~state executive branch~~ agencies which represent savings that accrue from reductions in the cost of information technology and communication services; (ii) the transfer of general and nongeneral fund appropriations from ~~state executive branch~~ agencies which represent savings from the implementation of information technology enterprise projects; (iii) funds identified pursuant to subsection ~~B C~~ of § 2.2-2007; (iv) such general and nongeneral fund fees or surcharges as may be assessed to ~~executive branch~~ agencies for enterprise technology projects; (v) gifts, grants, or donations from public or private sources; and (vi) such other funds as may be appropriated by the General Assembly. Savings shall be as identified by the CIO through a methodology reviewed by the ITAC and approved by the Secretary of Finance. The Auditor of Public Accounts shall certify the amount of any savings identified by the CIO. For public institutions of higher education, however, savings shall consist only of that portion of total savings that represent general funds. The State Comptroller is authorized to transfer cash consistent with appropriation transfers. Appropriated funds from federal sources are exempted from transfer. Except for funds to pay private partners as authorized in subsection ~~B C~~ of § 2.2-2007, moneys in the Fund shall only be expended as provided by the appropriation act.

Interest earned on the Fund shall be credited to the Fund. The Fund shall be permanent and nonreverting. Any unexpended balance in the Fund at the end of the biennium shall not be transferred to the general fund of the state treasury.

§ 2.2-2027. Powers and duties of the Division; Division coordinator.

A. The powers and duties of the Division shall include:

1. Requesting the services, expertise, supplies and facilities of VITA from the CIO on issues concerning the Division;
2. Accepting grants from the United States government and agencies and instrumentalities thereof and any other source. To those ends, the Division shall have the power to comply with such conditions and execute such agreements as may be necessary or desirable;
3. Fixing, altering, charging, and collecting rates, rentals, and other charges for the use or sale of products of, or services rendered by, the Division, at rates which reflect the fair market value;
4. Soliciting, receiving, and considering proposals for funding projects or initiatives from any state or federal agency, local or regional government, public institution of higher education, nonprofit organization, or private person or corporation;
5. Soliciting and accepting funds, goods and in-kind services that are part of any accepted project proposal;
6. Establishing ad hoc committees or project teams to investigate related technology or technical issues and providing results and recommendations for Division action; and
7. Establishing such bureaus, sections or units as the Division deems appropriate to carry out its powers and duties.

B. The Coordinator shall:

1. Oversee the development of and recommend to VITA the ~~promulgation~~ *development* of those policies, *standards*, and guidelines required to support state and local government exchange, acquisition, storage, use, sharing and distribution of geographic or base map data and related technologies;
2. Foster the development of a coordinated comprehensive system for providing ready access to electronic state government geographic data products for individuals, businesses, and other entities;
3. Initiate and manage projects or conduct procurement activities relating to the development or acquisition of geographic data or statewide base map data or both;
4. Plan for and coordinate the development or procurement of priority geographic base map data;
5. Develop, maintain, and provide, in the most cost-effective manner, access to the catalog of Virginia geographic data and governmental geographic data users;
6. Provide, upon request, advice and guidance on all agreements and contracts from all branches of state government for geographic data acquisition and design and the installation and maintenance of geographic information systems;
7. Compile a data catalog consisting of descriptions of GIS coverages maintained by individual ~~state executive branch~~ and local government agencies;

Nothing in this article shall be construed to require that GIS data be physically delivered to the Division. All ~~state executive branch~~ agencies that maintain GIS databases shall report to the Division the details of the data that they develop, acquire, and maintain. Each agency shall submit quarterly reports to the Division specifying all updates to existing data as

well as all data development and acquisition currently in progress. Data exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) need not be reported to the Division.

8. Identify and collect information and technical requirements to assist the Division in setting priorities for the development of state digital geographic data and base maps that meet the needs of state agencies, institutions of higher education, and local governments;

9. Provide services, geographic data products, and access to the repository at rates established by the Division; and

10. Ensure the compliance of those policies, standards, and guidelines developed by VITA required to support and govern the security of state and local government exchange, acquisition, storage, use, sharing, and distribution of geographic or base map data and related technologies.

§ 2.2-2699.6. Powers and duties of the ITAC.

A. The ITAC shall have the power and duty to:

1. Adopt rules and procedures for the conduct of its business;

2. Advise the CIO on the development of all major information technology projects as defined in § 2.2-2006;

3. Advise the CIO on strategies, standards, and priorities for the use of information technology for ~~state executive branch~~ agencies in the executive branch of state government;

4. Advise the CIO on developing the ~~two-year~~ six-year plan for information technology projects;

5. Advise the CIO on statewide technical and data standards for information technology and related systems, including the utilization of nationally recognized technical and data standards for health information technology systems or software purchased by a state agency of the Commonwealth;

6. Advise the CIO on statewide information technology architecture and related system *technical and data* standards;

7. Advise the CIO on assessing and meeting the Commonwealth's business needs through the application of information technology;

8. Advise the CIO on the prioritization, development, and implementation of enterprise-wide technology applications; annually review all *executive branch* agency technology applications budgets; and advise the CIO on infrastructure expenditures; and

9. Advise the CIO on the development, implementation, and execution of a technology applications governance framework for executive branch agencies. Such framework shall establish the categories of use by which technology applications shall be classified, including but not limited to enterprise-wide, multiagency, or agency-specific. The framework shall also provide the policies and procedures for determining within each category of use (i) the ownership and sponsorship of applications, (ii) the proper development of technology applications, (iii) the schedule for maintenance or enhancement of applications, and (iv) the methodology for retirement or replacement of applications. ITAC shall include the participation of *executive branch* agency leaders who are necessary for defining agency business needs, as well as agency information technology managers who are necessary for overseeing technology applications performance relative to agency business needs. Agency representatives shall assist ITAC in determining the potential information technology solutions that can meet agency business needs, as well as how those solutions may be funded.

B. Definitions.

As used in this section: ~~the term "technology":~~

"*Executive branch agency*" has the same meaning as set forth in § 2.2-2006.

"*Technology applications*" includes, but is not limited to, hardware, software, maintenance, facilities, contractor services, goods, and services that promote business functionality and facilitate the storage, flow, use or processing of information by *executive branch* agencies of the Commonwealth in the execution of their business activities.

§ 2.2-3501. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Access" means the ability to receive, use, and manipulate data and operate controls included in information technology.

"Blind" or "visually impaired" individual means an individual who has: (i) a visual acuity of 20/200 or less in the better eye with correcting lenses or has a limited field of vision so that the widest diameter of the visual field subtends an angle no greater than 20 degrees; (ii) a medically indicated expectation of visual deterioration; or (iii) a medically diagnosed limitation in visual functioning that restricts the individual's ability to read and write standard print at levels expected of individuals of comparable ability.

"Covered entity" means all state agencies, public institutions of higher education, and political subdivisions of the Commonwealth.

"Information technology" means all electronic information processing hardware and software, including telecommunications.

"Nonvisual" means synthesized speech, Braille, and other output methods not requiring sight.

"*Public broadcasting services*" means the acquisition, production, and distribution by public broadcasting stations of noncommercial educational, instructional, informational, or cultural television and radio programs and information that may be transmitted by means of electronic communications, and related materials and services provided by such stations.

"Telecommunications" means the transmission of information, images, pictures, voice, or data by radio, video, or other electronic or impulse means, but ~~shall~~ does not include public broadcasting services as defined in § 2.2-2006.

§ 2.2-4343. Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the College or Universities pursuant to § 23-44.1, 23-50.10:01, 23-76.1, or 23-122.1. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23-44.1, 23-50.10:01, 23-76.1, and 23-122.1.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23-38.80.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § ~~2.2-2011~~ 2.2-2012 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377.

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.2-4303, and §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 shall apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4303.1 and 2.2-4303.2 shall also apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the

procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services.

18. The University of Virginia Medical Center to the extent provided by subdivision B 3 of § 23-77.4.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

§ 23-9.6:1.01. Assessments of institutional performance.

A. 1. The State Council shall develop and revise from time to time, in consultation with the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, objective measures of educational-related performance and institutional performance benchmarks for such objective measures. At a minimum, the State Council shall develop objective measures and institutional performance benchmarks for the goals and objectives set forth in subdivisions B 1 through B 10 of § 23-38.88.

The State Council shall develop the initial objective measures and performance benchmarks for consideration by the Governor and the General Assembly no later than October 1, 2005.

2. The Governor shall develop and revise from time to time objective measures of financial and administrative management performance and related institutional performance benchmarks for the goals and objectives set forth in subdivision B 11 of § 23-38.88. The Governor shall develop the initial measures and performance benchmarks and report his recommendations to the General Assembly prior to November 15, 2005.

B. The Governor shall include objective measures of financial and administrative management and educational-related performance and related institutional performance benchmarks as described in subsection A in "The Budget Bill" submitted as required by subsection A of § 2.2-1509 or in his proposed gubernatorial amendments to the general appropriation act pursuant to subsection E of § 2.2-1509.

C. The State Council shall annually assess the degree to which each individual public institution of higher education has met the financial and administrative management and educational-related performance benchmarks set forth in the appropriation act in effect. Such annual assessment shall be based upon the objective measures and institutional performance benchmarks included in the annual appropriation act in effect. The State Council shall request assistance from the Secretaries of Finance and Administration, who shall provide such assistance, for purposes of assessing whether or not public institutions of higher education have met the financial and administrative management performance benchmarks.

No later than June 1 of every fiscal year beginning with the fiscal year that immediately follows the fiscal year of implementation as defined in § 2.2-5005, the State Council shall provide a certified written report of the results of such annual assessment to the Governor and the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

Those institutions that are certified by the State Council as having met the financial and administrative management and educational-related performance benchmarks in effect for the fiscal year as set forth in the general appropriation act shall be entitled to the financial benefits set forth in § 2.2-5005. Such benefits shall first be provided as determined under such section.

D. Notwithstanding any other provision of this section, no institution shall be required to submit documentation that it has met the financial and administrative management and educational-related performance benchmarks set forth in the general appropriations act for the fiscal years 2011-2012 and 2012-2013. If an institution is certified by the State Council as having met the financial and administrative management and educational-related performance benchmarks for the fiscal year 2010-2011, then such institution shall be entitled to the financial benefits set forth in subdivision B 14 of § 2.2-1124, subsection C of § 2.2-1132, subdivisions 4 and 5 of § 2.2-1149, subsection C of § 2.2-1150, subdivision C 2 of § 2.2-1153, § 2.2-1609, subdivision A 4 of § ~~2.2-2007~~ B 3 of § 2.2-2007.1, subsection E of § 2.2-2901, § 2.2-5005, subdivisions 1 and 3 of § 23-38.90, and subsection C of § 36-98.1 for the fiscal years 2011-2012 and 2012-2013.

§ 23-38.88. Eligibility for restructured financial and administrative operational authority.

A. Public institutions of higher education shall be eligible for the following restructured financial and operational authority:

1. To dispose of their surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

2. To have the option, as provided in subsection C of § 2.2-1132 and pursuant to the conditions and provisions under such subsection, to contract with a building official of the locality in which construction is taking place and for such official to perform any inspection and certifications required for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) pursuant to subsection C of § 36-98.1;

3. For those public institutions of higher education that have in effect a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as set forth in the appropriation act, as provided in subsection C of § 2.2-1132, to enter into contracts for specific construction projects without the preliminary review and approval of the Division of Engineering and Buildings of the Department of General Services, provided such institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and utilize the general terms and conditions for those forms of procurement approved by the Division and the Office of the Attorney General;

4. To acquire easements as provided in subdivision 4 of § 2.2-1149;

5. To enter into an operating/income lease or capital lease pursuant to the conditions and provisions provided in subdivision 5 of § 2.2-1149;

6. To convey an easement pertaining to any property such institution owns or controls as provided in subsection C of § 2.2-1150;

7. In accordance with the conditions and provisions of subdivision C 2 of § 2.2-1153, to sell surplus real property valued at less than \$5 million, which is possessed and controlled by the institution;

8. For purposes of compliance with § 2.2-4310, to procure goods, services, and construction from a vendor that the institution has certified as a small, women-owned, and minority-owned business enterprise pursuant to the conditions and provisions provided in § 2.2-1609;

9. To be exempt from review of their budget request for information technology by the CIO as provided in subdivision A 4 of § ~~2.2-2007~~ B 3 of § 2.2-2007.1;

10. To be allowed to establish policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions provided in subsection E of § 2.2-2901;

11. To receive the financial benefits described under § 2.2-5005 pursuant to the conditions and provisions of such section;

12. To be exempt from reporting its purchases to the Secretary of Education, provided that all purchases, including sole source purchases, are placed through the Commonwealth's electronic procurement system using proper system codes for the methods of procurement;

13. To utilize as methods of procurement a fixed price, design-build or construction management contract notwithstanding the provisions of § 2.2-4306; and

14. The restructured financial and operational authority set forth in Article 2 (§ 23-38.90) and Article 3 (§ 23-38.91 et seq.).

No such authority shall be granted unless the institution meets the conditions set forth in this chapter.

B. The Board of Visitors of a public institution of higher education shall commit to the Governor and the General Assembly by August 1, 2005, through formal resolution adopted according to its own bylaws, to meeting the state goals specified below, and shall be responsible for ensuring that such goals are met, in addition to such other responsibilities as may be prescribed by law. Each such institution shall commit to the Governor and the General Assembly to:

1. Consistent with its institutional mission, provide access to higher education for all citizens throughout the Commonwealth, including underrepresented populations, and, consistent with subdivision 4 of § 23-9.6:1 and in accordance with anticipated demand analysis, meet enrollment projections and degree estimates as agreed upon with the State Council of Higher Education for Virginia. Each such institution shall bear a measure of responsibility for ensuring that the statewide demand for enrollment is met;

2. Consistent with § 23-38.87:17, ensure that higher education remains affordable, regardless of individual or family income, and through a periodic assessment, determine the impact of tuition and fee levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment of tuition and fees;

3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with its mission and assess regularly the extent to which the institution's curricula and degree programs address the Commonwealth's need for sufficient graduates in particular shortage areas, including specific academic disciplines, professions, and geographic regions;

4. Ensure that the institution's academic programs and course offerings maintain high academic standards, by undertaking a continuous review and improvement of academic programs, course availability, faculty productivity, and other relevant factors;

5. Improve student retention such that students progress from initial enrollment to a timely graduation, and that the number of degrees conferred increases as enrollment increases;

6. Consistent with its institutional mission, develop articulation, dual admissions, and guaranteed admissions agreements with all Virginia community colleges and offer dual enrollment programs in cooperation with high schools;

7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and the area in which the institution is located, and for those institutions subject to a management agreement set forth in Article 3 (§ 23-38.91 et seq.), in areas that lag the Commonwealth in terms of income, employment, and other factors;

8. Consistent with its institutional mission, increase the level of externally funded research conducted at the institution and facilitate the transfer of technology from university research centers to private sector companies;

9. Work actively and cooperatively with elementary and secondary school administrators, teachers, and students in public schools and school divisions to improve student achievement, upgrade the knowledge and skills of teachers, and strengthen leadership skills of school administrators;

10. Prepare a six-year financial plan consistent with § 23-38.87:17;

11. Conduct the institution's business affairs in a manner that maximizes operational efficiencies and economies for the institution, contributes to maximum efficiencies and economies of state government as a whole, and meets the financial and administrative management standards as specified by the Governor pursuant to § 2.2-5004 and included in the appropriation act that is in effect, which shall include best practices for electronic procurement and leveraged purchasing, information technology, real estate portfolio management, and diversity of suppliers through fair and reasonable consideration of small, women-owned, and minority-owned business enterprises; and

12. Seek to ensure the safety and security of the Commonwealth's students on college and university campuses.

Upon making such commitments to the Governor and the General Assembly by August 1, 2005, the public institution of higher education shall be allowed to exercise the restructured financial and operational authority set forth in subdivisions A 1 through A 13, subject to such conditions as may be provided under the enabling statutes granting the additional authority.

C. As provided in § 23-9.6:1.01, the State Council of Higher Education shall in consultation with the respective chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, develop objective measures of educational-related performance and institutional performance benchmarks for such objective measures. At a minimum, the State Council shall develop such objective measures and institutional performance benchmarks for the goals and objectives set forth in subdivisions B 1 through B 10 and B 12. In addition, the Governor shall develop objective measures of financial and administrative management performance and related institutional performance benchmarks for the goals and objectives set forth in subdivision B 11.

As provided in subsection C of § 23-9.6:1.01, any public institution of higher education that has been certified during the fiscal year by the State Council of Higher Education for Virginia as meeting the institutional performance benchmarks in effect for the fiscal year as set forth in the general appropriation act shall be provided the financial benefits under § 2.2-5005. Such benefits shall first be provided as determined under such section. Objective criteria for measuring performance with regard to the state goals and objectives developed pursuant to subsection B, and benefits or consequences for meeting or not meeting those goals and objectives, shall be developed as provided in subdivision B 5 of § 23-38.87:20.

D. 1. The restructured financial and operational authority set forth in Article 3 (§ 23-38.91 et seq.) shall only be granted in accordance with the expressed terms of a management agreement between the public institution of higher education and the Commonwealth.

No restructured financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.) shall be granted to a public institution of higher education unless such authority is expressly included in the management agreement. In addition, the only implied authority that shall be granted from entering into a management agreement is that implied authority that is actually necessary to carry out the expressed grant of restructured financial or operational authority. As a matter of law, the initial presumption shall be that any restructured financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.) is not included in the management agreement. These requirements shall also apply to any other provision included in Article 3 (§ 23-38.91 et seq.).

2. No public institution of higher education shall enter into a management agreement unless:

a. (i) Its most current and unenhanced bond rating received from (a) Moody's Investors Service, Inc., (b) Standard & Poor's, Inc., or (c) Fitch Investor's Services, Inc. is at least AA- (i.e., AA minus) or its equivalent, provided that such bond rating has been received within the last three years of the date that the initial agreement is entered into or (ii) the institution has (a) participated in decentralization pilot programs in the areas of finance and capital outlay, (b) demonstrated management competency in those two areas as evidenced by a written certification from the Cabinet Secretary or

Secretaries designated by the Governor, (c) received additional operational authority under a memorandum of understanding pursuant to § 23-38.90 in at least one functional area, and (d) demonstrated management competency in that area for a period of at least two years. In submitting "The Budget Bill" for calendar year 2005 pursuant to subsection A of § 2.2-1509, the Governor shall include criteria for determining whether or not an institution has demonstrated the management competency required by clause (ii);

b. An absolute two-thirds, or more, of the institution's governing body shall have voted in the affirmative for a resolution expressing the sense of the body that the institution is qualified to be, and should be, governed by the provisions of Article 3 (§ 23-38.91 et seq.), which resolution shall be included in the initial management agreement;

c. The institution agrees to reimburse the Commonwealth for any additional costs to the Commonwealth in providing health or other group insurance benefits to employees, and in undertaking any risk management program, that are attributable to the institution's exercise of any restructured financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.). The institution's agreement to reimburse the Commonwealth for such additional costs shall be expressly included in each management agreement with the institution. The Secretary of Finance and the Secretary of Administration, in consultation with the Virginia Retirement System and the affected institutions, shall establish procedures for determining any amounts to be paid by each institution and a mechanism for transferring the appropriate amounts directly and solely to the programs whose costs have been affected.

In developing management agreements, public institutions of higher education shall give consideration to potential future impacts of tuition increases on the Virginia College Savings Plan (§ 23-38.75) and shall discuss such potential impacts with parties participating in development of such agreements. The chief executive officer of the Virginia College Savings Plan shall provide to the institution and such parties the Plan's assumptions underlying the contract pricing of the program; and

d. Before executing a management agreement with the Commonwealth that affects insurance or benefit programs administered by the Virginia Retirement System, the Governor shall transmit a draft of the relevant provisions to the Board of Trustees of the Virginia Retirement System, which shall review the relevant provisions in order to ensure compliance with the applicable provisions of Title 51.1, administrative policies and procedures and federal regulations governing retirement plans. The Board shall advise the Governor and appropriate Cabinet Secretaries of any conflicts.

3. Each initial management agreement with an institution shall remain in effect for a period of three years. Subsequent management agreements with the institution shall remain in effect for a period of five years.

If an existing agreement is not renewed or a new agreement executed prior to the expiration of the three-year or five-year term, as applicable, the existing agreement shall remain in effect on a provisional basis for a period not to exceed one year. If, after the expiration of the provisional one-year period, the management agreement has not been renewed or a new agreement executed, the institution shall no longer be granted any of the financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.), unless and until such time as a new management agreement is entered into between the institution and the Commonwealth.

The Joint Legislative Audit and Review Commission, in cooperation with the Auditor of Public Accounts, shall conduct a review relating to the initial management agreement with each public institution of higher education. The review shall cover a period of at least the first 24 months from the effective date of the management agreement. The review shall include, but shall not be limited to, the degree of compliance with the expressed terms of the management agreement, the degree to which the institution has demonstrated its ability to manage successfully the administrative and financial operations of the institution without jeopardizing the financial integrity and stability of the institution, the degree to which the institution is meeting the objectives described in subsection B, and any related impact on students and employees of the institution from execution of the management agreement. The Joint Legislative Audit and Review Commission shall make a written report of its review no later than June 30 of the third year of the management agreement. The Joint Legislative Audit and Review Commission is authorized, but not required, to conduct a similar review of any management agreement entered into subsequent to the initial agreement.

4. The right and power by the Governor to void a management agreement shall be expressly included in each management agreement. The management agreement shall provide that if the Governor makes a written determination that a public institution of higher education that has entered into a management agreement with the Commonwealth is not in substantial compliance with the terms of the agreement or with the requirements of this chapter in general, (i) the Governor shall provide a copy of that written determination to the chairmen of the Board of Visitors or other governing body of the public institution of higher education and to the members of the General Assembly, and (ii) the institution shall develop and implement a plan of corrective action, satisfactory to the Governor, for purposes of coming into substantial compliance with the terms of the management agreement and with the requirements of this chapter, as soon as practicable, and shall provide a copy of such corrective action plan to the members of the General Assembly. If after a reasonable period of time after the corrective action plan has been implemented by the institution, the Governor determines that the institution is not yet in substantial compliance with the management agreement or the requirements of this chapter, the Governor may void the management agreement. Upon the Governor voiding a management agreement, the affected public institution of higher education shall not be allowed to exercise any restructured financial or operational authority pursuant to the provisions of Article 3 (§ 23-38.91 et seq.) unless and until the institution enters into a subsequent management agreement with the Secretary or Secretaries designated by the Governor or the void management agreement is reinstated by the General Assembly.

5. A management agreement with a public institution of higher education shall not grant any of the restructured financial or operational authority set forth in Article 3 (§ 23-38.91 et seq.) to the Virginia Cooperative Extension and Agricultural Experiment Station, the University of Virginia College at Wise, or the Virginia Institute of Marine Sciences or to an affiliated entity of the institution unless such intent, as well as the degree of the restructured financial or operational authority to be granted, is expressly included in the management agreement.

6. Following the execution of each management agreement with a public institution of higher education and submission of that management agreement to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health pursuant to § 23-38.97, the Governor shall include a recommendation for approval of the management agreement in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his gubernatorial amendments submitted pursuant to subsection E of § 2.2-1509 due by the December 20 that immediately follows the date of submission of the management agreement to such Committees. Following the General Assembly's consideration of whether to approve or disapprove the management agreement as recommended, if the management agreement is approved as part of the general appropriation act, it shall become effective on the effective date of such general appropriation act. However, no management agreement shall be entered into by a public institution of higher education and the Secretary or Secretaries designated by the Governor after November 15 of a calendar year.

E. A covered institution and the members of its governing body, officers, directors, employees, and agents shall be entitled to the same sovereign immunity to which they would be entitled if the institution were not governed by this chapter; provided further, that the Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and its limitations on recoveries shall remain applicable with respect to institutions governed by this chapter.

§ 58.1-1840.1. Virginia Tax Amnesty Program established.

A. There is hereby established the Virginia Tax Amnesty Program. It is the intent of this program to improve voluntary compliance with the tax laws and to increase and to accelerate collections of certain taxes owed to the Commonwealth.

B. The Virginia Tax Amnesty Program shall be administered by the Department of Taxation, and any person, individual, corporation, estate, trust or partnership required to file a return or to pay any tax administered or collected by the Department of Taxation shall be eligible to participate, subject to the requirements set forth below and guidelines established by the Tax Commissioner.

C. The Tax Commissioner shall establish guidelines and rules for the procedures for participation and any other rules that are deemed necessary by the Tax Commissioner. The guidelines and rules issued by the Tax Commissioner regarding the Virginia Tax Amnesty Program shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

D. The Virginia Tax Amnesty Program shall have the following features:

1. The program shall be conducted during the period July 1, 2009, through June 30, 2010, and shall not last less than 60 nor more than 75 days. The exact dates of the program shall be established by the Tax Commissioner.

2. All civil or criminal penalties assessed or assessable, as provided in this title, including the addition to tax under §§ 58.1-492 and 58.1-504, and one-half of the interest assessed or assessable, as provided in this title, which are the result of nonpayment, underpayment, nonreporting or underreporting of tax liabilities, shall be waived upon receipt of the payment of the amount of taxes and interest owed, with the following exceptions:

a. No person, individual, corporation, estate, trust or partnership currently under investigation or prosecution for filing a fraudulent return or failing to file a return with the intent to evade tax shall qualify to participate.

b. No person, individual, corporation, estate, trust or partnership shall be eligible to participate in the program with respect to any assessment outstanding for which the date of assessment is less than 90 days prior to the first day of the program or with respect to any liability arising from the failure to file a return for which the due date of the return is less than 90 days prior to the first day of the program.

c. No person, individual, corporation, estate, or trust shall be eligible to participate in the program with respect to any tax liability from the income taxes imposed by §§ 58.1-320, 58.1-360 and 58.1-400, if the tax liability is attributable to taxable years beginning on and after January 1, 2008.

E. For the purpose of computing the outstanding balance due because of the nonpayment, underpayment, nonreporting or underreporting of any tax liability that has not been assessed prior to the first day of the program, the rate of interest specified for omitted taxes and assessments under § 58.1-15 shall not be applicable. The Tax Commissioner shall, instead, establish one interest rate to be used for each taxable year that approximates the average "underpayment rate" specified under § 58.1-15 for the five-year period immediately preceding the program.

F.1. If any taxpayer eligible for amnesty under this section and under the rules and guidelines established by the Tax Commissioner retains any outstanding balance after the close of the Virginia Tax Amnesty Program because of the nonpayment, underpayment, nonreporting or underreporting of any tax liability eligible for relief under the Virginia Tax Amnesty Program, then such balance shall be subject to a 20 percent penalty on the unpaid tax. This penalty is in addition to all other penalties that may apply to the taxpayer.

2. Any taxpayer who defaults upon any agreement to pay tax and interest arising out of a grant of amnesty is subject to reinstatement of the penalty and interest forgiven and the imposition of the penalty under this section as though the taxpayer retained the original outstanding balance at the close of the Virginia Tax Amnesty Program.

G. For the purpose of implementing the Virginia Tax Amnesty Program, the Department is exempt from ~~§§ 2.2-2015 subsection B of § 2.2-2016.1~~ and §§ 2.2-2018.1 through 2.2-2021 pertaining to the Virginia Information Technologies Agency's project management and procurement oversight.

2. That §§ 2.2-2008, 2.2-2010, and 2.2-2015 of the Code of Virginia are repealed.

CHAPTER 297

An Act to amend and reenact §§ 1-508 and 2.2-1128 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-4323.1, relating to purchase of flags of the United States of America and the Commonwealth of Virginia by public bodies.

[H 1299]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 1-508 and 2.2-1128 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-4323.1 as follows:

§ 1-508. Director of General Services to have available flags of the Commonwealth for sale.

The Director of the Department of General Services shall have available at all times flags of the Commonwealth, to be offered for sale to the public in such manner as the Director may determine.

Such flags shall be of good quality, shall conform to the specifications prescribed in § 1-506, ~~and~~ shall be offered in the various sizes prescribed by the Governor pursuant to § 1-507, *and shall be purchased in compliance with the provisions of § 2.2-4323.1.*

The prices to be charged for such flags shall be at cost as determined by the Director.

§ 2.2-1128. Sale of state flag.

The Division shall have available at all times flags of the Commonwealth, to be offered for sale to the public in such manner and cost as the Division may determine. *The purchase of all flags of the Commonwealth by the Division shall comply with the provisions of § 2.2-4323.1.*

§ 2.2-4323.1. Purchase of flags of the United States and the Commonwealth by public bodies.

Notwithstanding any provision of law to the contrary, whenever a state or local public body or school division purchases a flag of the United States or a flag of the Commonwealth for public use, such flag shall be made in the United States from articles, materials, or supplies that are grown, produced, and manufactured in the United States, if available.

2. That the provisions of this act shall become effective on July 1, 2017.

CHAPTER 298

An Act to amend and reenact § 2.2-1124 of the Code of Virginia, relating to the Department of General Services; disposition of surplus materials; police animals.

[S 38]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1124 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1124. Disposition of surplus materials.

A. "Surplus materials" means personal property including, but not limited to, materials, supplies, equipment, and recyclable items, but shall not include property as defined in § 2.2-1147 that is determined to be surplus. Surplus materials shall not include finished products that a state hospital or training center operated by the Department of Behavioral Health and Developmental Services sells for the benefit of individuals receiving services in the state hospital or training center, provided that (i) most of the supplies, equipment, or products have been donated to the state hospital or training center; (ii) the individuals in the state hospital or training center have substantially altered the supplies, equipment, or products in the course of occupational or other therapy; and (iii) the substantial alterations have resulted in a finished product.

B. The Department shall establish procedures for the disposition of surplus materials from departments, divisions, institutions, and agencies of the Commonwealth. Such procedures shall:

1. Permit surplus materials to be transferred between or sold to departments, divisions, institutions, or agencies of the Commonwealth;

2. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge;

3. Permit public sales or auctions, including online public auctions;

4. Permit surplus motor vehicles to be sold prior to public sale or auction to local social service departments for the purpose of resale at cost to TANF recipients;
 5. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as children's homes;
 6. Permit donations to political subdivisions of the Commonwealth under the circumstances specified in this section;
 7. Permit other methods of disposal when (a) the cost of the sale will exceed the potential revenue to be derived therefrom or (b) the surplus material is not suitable for sale;
 8. Permit any ~~dog~~ *animal* especially trained for police work to be sold at ~~an appropriate price~~ *a price of \$1* to the handler who last was in control of the ~~dog~~, *which animal*. *The agency or institution may allow the immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the service animal at a price of \$1. Any such sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.);*
 9. Permit the transfer of surplus clothing to an appropriate department, division, institution, or agency of the Commonwealth for distribution to needy individuals by and through local social services boards;
 10. Encourage the recycling of paper products, beverage containers, electronics, and used motor oil;
 11. Require the proceeds from any sale or recycling of surplus materials be promptly deposited into the state treasury in accordance with § 2.2-1802 and report the deposit to the State Comptroller;
 12. Permit donations of surplus computers and related equipment to public schools in the Commonwealth and Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and providing services to persons with disabilities, at-risk youths, or low-income families. For the purposes of this subdivision, "at-risk youths" means school-age children approved eligible to receive free or reduced price meals in the federally funded lunch program;
 13. Permit surplus materials to be transferred or sold, prior to public sale or auction, to public television stations located in the state and other nonprofit organizations approved for the distribution of federal surplus materials;
 14. Permit a public institution of higher education to dispose of its surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal, provided that the institution meets the conditions prescribed in subsection B of § 23-38.88 and § 23-38.112 (regardless of whether or not the institution has been granted any authority under Subchapter 3 (§ 23-38.91 et seq.) of Chapter 4.10 of Title 23);
 15. Permit surplus materials from (i) the Department of Defense Excess Property Program or (ii) other surplus property programs administered by the Commonwealth to be transferred or sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as an educational institution devoted to emergency management training, preparedness, and response; and
 16. Require, to the extent practicable, the recycling and disposal of computers and other information technology assets. Additionally, for computers or information technology assets that may contain confidential state data or personal identifying information of citizens of the Commonwealth, the Department shall ensure all policies for the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency.
- C. The Department shall dispose of surplus materials pursuant to the procedures established in subsection B or permit any department, division, institution, or agency of the Commonwealth to dispose of its surplus materials consistent with the procedures so established. No surplus materials shall be disposed of without prior consent of the head of the department, division, institution, or agency of the Commonwealth in possession of such surplus materials or the Governor.
- D. Departments, divisions, institutions, or agencies of the Commonwealth or the Governor may donate surplus materials only under the following circumstances:
1. Emergencies declared in accordance with § 44-146.18:2 or 44-146.28;
 2. As set forth in the budget bill as defined by § 2.2-1509, provided that (a) the budget bill contains a description of the surplus materials, the method by which the surplus materials shall be distributed, and the anticipated recipients, and (b) such information shall be provided by the Department to the Department of Planning and Budget in sufficient time for inclusion in the budget bill;
 3. When the market value of the surplus materials, which shall be donated for a public purpose, is less than \$500; however, the total market value of all surplus materials so donated by any department, division, institution, or agency shall not exceed 25 percent of the revenue generated by such department's, division's, institution's, or agency's sale of surplus materials in the fiscal year, except these limits shall not apply in the case of surplus computer equipment and related items donated to Virginia public schools; or
 4. During a local emergency, upon written request of the head of a local government or a political subdivision in the Commonwealth to the head of a department, division, institution, or agency.
- E. On or before October 1 of each year, the Department shall prepare, and file with the Secretary of the Commonwealth, a plan that describes the expected disposition of surplus materials in the upcoming fiscal year pursuant to subdivision B 6.
- F. The Department may make available to any local public body of the Commonwealth the services or facilities authorized by this section; however, the furnishing of any such services shall not limit or impair any services normally rendered any department, division, institution or agency of the Commonwealth. All public bodies shall be authorized to use the services of the Department's Surplus Property Program under the guidelines established pursuant to this section and the

surplus property policies and procedures of the Department. Proceeds from the sale of the surplus property shall be returned to the local body minus a service fee. The service fee charged by the Department shall be consistent with the fee charged by the Department to state public bodies.

CHAPTER 299

An Act to amend and reenact § 33.2-1526 of the Code of Virginia, relating to the Commonwealth Space Flight Fund; transfer of funds.

[S 46]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1526 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1526. Commonwealth Space Flight Fund, Commonwealth Port Fund, Commonwealth Airport Fund, and Commonwealth Mass Transit Fund.

Of the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as established in subdivision A 2 of § 58.1-638; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as established in subdivision A 3 of § 58.1-638; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as established in subdivision A 4 of § 58.1-638. Beginning with the Commonwealth's 2012-2013 fiscal year through the Commonwealth's ~~2016-2017~~ 2023-2024 fiscal year, each fiscal year from the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524 the Comptroller shall transfer ~~\$9.5 million~~ \$15.8 million to the Commonwealth Space Flight Fund as established in subdivision A 3a of § 58.1-638. The remaining funds deposited into or held in the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, together with funds deposited pursuant to subdivisions 1 and 4 of § 33.2-1524, shall be expended for capital improvements, including construction, reconstruction, maintenance, and improvements of highways according to the provisions of subsection C or D of § 33.2-358 or to secure bonds issued for such purposes, as provided by the Board and the General Assembly.

CHAPTER 300

An Act to amend and reenact §§ 56-585.2 and 58.1-439.12:08 of the Code of Virginia and to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11, relating to Virginia research and development expenses tax credits.

[S 58]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-585.2 and 58.1-439.12:08 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11 as follows:

§ 56-585.2. Sale of electricity from renewable sources through a renewable energy portfolio standard program.

A. As used in this section:

"Qualified investment" means an expense incurred in the Commonwealth by a participating utility in conducting, either by itself or in partnership with institutions of higher education in the Commonwealth or with industrial or commercial customers that have established renewable energy research and development programs in the Commonwealth, research and development activities related to renewable or alternative energy sources, which expense (i) is designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promotes economic development within the Commonwealth; (iii) supplements customer-driven alternative energy or energy efficiency initiatives; (iv) supplements alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) is designed to mitigate the environmental impacts of renewable energy projects.

"Renewable energy" shall have the same meaning ascribed to it in § 56-576, provided such renewable energy is (i) generated in the Commonwealth or in the interconnection region of the regional transmission entity of which the participating utility is a member, as it may change from time to time, and purchased by a participating utility under a power purchase agreement; provided, however, that if such agreement was executed on or after July 1, 2013, the agreement shall expressly transfer ownership of renewable attributes, in addition to ownership of the energy, to the participating utility; (ii) generated by a public utility providing electric service in the Commonwealth from a facility in which the public utility owns at least a 49 percent interest and that is located in the Commonwealth, in the interconnection region of the regional transmission entity of which the participating utility is a member, or in a control area adjacent to such interconnection region; or (iii) represented by renewable energy certificates. "Renewable energy" shall not include electricity generated from pumped storage, but shall include run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable energy certificate" means either (i) a certificate issued by an affiliate of the regional transmission entity of which the participating utility is a member, as it may change from time to time, or any successor to such affiliate, and held or acquired by such utility, that validates the generation of renewable energy by eligible sources in the interconnection region of the regional transmission entity or (ii) a certificate issued by the Commission pursuant to subsection J and held or acquired by a participating utility, that validates a qualified investment made by the participating utility.

"Total electric energy sold in the base year" means total electric energy sold to Virginia jurisdictional retail customers by a participating utility in calendar year 2007, excluding an amount equivalent to the average of the annual percentages of the electric energy that was supplied to such customers from nuclear generating plants for the calendar years 2004 through 2006.

B. Any investor-owned incumbent electric utility may apply to the Commission for approval to participate in a renewable energy portfolio standard program, as defined in this section. The Commission shall approve such application if the applicant demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from renewable energy sources during calendar year 2022, and 15 percent of its base year electric energy sales from renewable energy sources during calendar year 2025, as provided in subsection D.

C. It is in the public interest for utilities that seek to have a renewable energy portfolio standard program to achieve the goals set forth in subsection D, such goals being referred to herein as "RPS Goals." A utility shall receive double credit toward meeting the renewable energy portfolio standard for energy derived from sunlight, from onshore wind, or from facilities in the Commonwealth fueled primarily by animal waste, and triple credit toward meeting the renewable energy portfolio standard for energy derived from offshore wind.

D. Regarding any renewable energy portfolio standard program, the total electric energy sold by a utility to meet the RPS Goals shall be composed of the following amounts of electric energy or renewable thermal energy equivalent from renewable energy sources, as adjusted for any sales volumes lost through operation of the customer choice provisions of subdivision A 3 or A 4 of § 56-577:

RPS Goal I: In calendar year 2010, 4 percent of total electric energy sold in the base year.

RPS Goal II: For calendar years 2011 through 2015, inclusive, an average of 4 percent of total electric energy sold in the base year, and in calendar year 2016, 7 percent of total electric energy sold in the base year.

RPS Goal III: For calendar years 2017 through 2021, inclusive, an average of 7 percent of total electric energy sold in the base year, and in calendar year 2022, 12 percent of total electric energy sold in the base year.

RPS Goal IV: For calendar years 2023 and 2024, inclusive, an average of 12 percent of total electric energy sold in the base year, and in calendar year 2025, 15 percent of total electric energy sold in the base year.

A utility may not apply renewable energy certificates issued pursuant to subsection J to meet more than 20 percent of the sales requirement for the RPS Goal in any year.

A utility may apply renewable energy sales achieved or renewable energy certificates acquired during the periods covered by any such RPS Goal that are in excess of the sales requirement for that RPS Goal to the sales requirements for any future RPS Goals in the five calendar years after the renewable energy was generated or the renewable energy certificates were created, except that a utility shall be able to apply renewable energy certificates acquired by the utility prior to January 1, 2014.

E. A utility participating in such program shall have the right to recover all incremental costs incurred for the purpose of such participation in such program, as accrued against income, through rate adjustment clauses as provided in subdivisions A 5 and A 6 of § 56-585.1, including, but not limited to, administrative costs, ancillary costs, capacity costs, costs of energy represented by certificates described in subsection A, and, in the case of construction of renewable energy generation facilities, allowance for funds used during construction until such time as an enhanced rate of return, as determined pursuant to subdivision A 6 of § 56-585.1, on construction work in progress is included in rates, projected construction work in progress, planning, development and construction costs, life-cycle costs, and costs of infrastructure associated therewith, plus an enhanced rate of return, as determined pursuant to subdivision A 6 of § 56-585.1. This subsection shall not apply to qualified investments as provided in subsection K. All incremental costs of the RPS program shall be allocated to and recovered from the utility's customer classes based on the demand created by the class and within the class based on energy used by the individual customer in the class, except that the incremental costs of the RPS program shall not be allocated to or recovered from customers that are served within the large industrial rate classes of the participating utilities and that are served at primary or transmission voltage.

F. A utility participating in such program shall apply towards meeting its RPS Goals any renewable energy from existing renewable energy sources owned by the participating utility or purchased as allowed by contract at no additional cost to customers to the extent feasible. A utility participating in such program shall not apply towards meeting its RPS Goals renewable energy certificates attributable to any renewable energy generated at a renewable energy generation source in operation as of July 1, 2007, that is operated by a person that is served within a utility's large industrial rate class and that is served at primary or transmission voltage, except for those persons providing renewable thermal energy equivalents to the utility. A participating utility shall be required to fulfill any remaining deficit needed to fulfill its RPS Goals from new renewable energy supplies at reasonable cost and in a prudent manner to be determined by the Commission at the time of approval of any application made pursuant to subsection B. A participating utility may sell renewable energy certificates produced at its own generation facilities located in the Commonwealth or, if located outside the Commonwealth, owned by such utility and in operation as of January 1, 2010, or renewable energy certificates acquired as part of a purchase power

agreement, to another entity and purchase lower cost renewable energy certificates and the net difference in price between the renewable energy certificates shall be credited to customers. Utilities participating in such program shall collectively, either through the installation of new generating facilities, through retrofit of existing facilities or through purchases of electricity from new facilities located in Virginia, use or cause to be used no more than a total of 1.5 million tons per year of green wood chips, bark, sawdust, a tree or any portion of a tree which is used or can be used for lumber and pulp manufacturing by facilities located in Virginia, towards meeting RPS goals, excluding such fuel used at electric generating facilities using wood as fuel prior to January 1, 2007. A utility with an approved application shall be allocated a portion of the 1.5 million tons per year in proportion to its share of the total electric energy sold in the base year, as defined in subsection A, for all utilities participating in the RPS program. A utility may use in meeting RPS goals, without limitation, the following sustainable biomass and biomass based waste to energy resources: mill residue, except wood chips, sawdust and bark; pre-commercial soft wood thinning; slash; logging and construction debris; brush; yard waste; shipping crates; dunnage; non-merchantable waste paper; landscape or right-of-way tree trimmings; agricultural and vineyard materials; grain; legumes; sugar; and gas produced from the anaerobic decomposition of animal waste.

G. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section including a requirement that participants verify whether the RPS goals are met in accordance with this section.

H. Each investor-owned incumbent electric utility shall report to the Commission annually by November 1 identifying:

1. The utility's efforts, if any, to meet the RPS Goals, specifically identifying:

a. A list of all states where the purchased or owned renewable energy was generated, specifying the number of megawatt hours or renewable energy certificates originating from each state;

b. A list of the decades in which the purchased or owned renewable energy generating units were placed in service, specifying the number of megawatt hours or renewable energy certificates originating from those units; and

c. A list of fuel types used to generate the purchased or owned renewable energy, specifying the number of megawatt hours or renewable energy certificates originating from each fuel type;

2. The utility's overall generation of renewable energy; and

3. Advances in renewable generation technology that affect activities described in subdivisions 1 and 2.

I. The Commission shall post on its website the reports submitted by each investor-owned incumbent electric utility pursuant to subsection H.

J. The Commission shall issue to a participating utility a number of renewable energy certificates for qualified investments, upon request by a participating utility, if it finds that an expense satisfies the conditions set forth in this section for a qualified investment, as follows:

1. By March 31 of each year, the participating utility shall provide an analysis, as reasonably determined by a qualified independent broker, of the average for the preceding year of the publicly available prices for Tier 1 renewable energy certificates and Tier 2 renewable energy certificates, validating the generation of renewable energy by eligible sources, that were issued in the interconnection region of the regional transmission entity of which the participating utility is a member;

2. In the same annual analysis provided to the Commission, the participating utility shall divide the amount of the participating utility's qualified investments in the applicable period by the average price determined pursuant to subdivision 1;

3. The number of renewable energy certificates to be issued to the participating utility shall equal the product obtained pursuant to subdivision 2; and

4. The Commission shall review and validate the analysis provided by the participating utility within 90 days of submittal of its analysis to the Commission. If no corrections are made by the Commission, then the analysis shall be deemed correct and the renewable energy certificates shall be deemed issued to the participating utility.

Each renewable energy certificate issued to a participating utility pursuant to this subsection shall represent the equivalent of one megawatt hour of renewable energy sales achieved when applied to an RPS Goal.

K. Qualified investments shall constitute reasonable and prudent operating expenses of a participating utility. Notwithstanding subsection E, a participating utility shall not be authorized to recover the costs associated with qualified investments through rate adjustment clauses as provided in subdivisions A 5 and A 6 of § 56-585.1. In any proceeding conducted pursuant to § 56-585.1 or other provision of this title in which a participating utility seeks recovery of its qualified investments as an operating expense, the participating utility shall not be authorized to earn a return on its qualified investments.

L. A participating utility shall not be eligible for a research and development tax credit pursuant to § 58.1-439.12:08 *or* 58.1-439.12:11 with regard to any expense incurred or investment made by the participating utility that constitutes a qualified investment pursuant to this section.

§ 58.1-439.12:08. Research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Partnership" means the Virginia Economic Development Partnership.

"Virginia base amount" means the base amount as defined in § 41(c) of the Internal Revenue Code, as amended, that is attributable to Virginia, determined by (i) substituting "Virginia qualified research and development expense" for "qualified research expense"; (ii) substituting "Virginia qualified research" for "qualified research"; and (iii) instead of "fixed base percentage," using:

1. The percentage that the Virginia qualified research and development expense for the three taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years; or

2. The percentage that the Virginia qualified research and development expense for the applicable number of taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years, for the taxpayer that has fewer than three but at least one prior taxable year.

"Virginia gross receipts" means the same as "gross receipts" as defined in § 58.1-3700.1.

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2011, but before January 1, 2019 2022, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to (i) 15 percent of the first ~~\$234,000~~ \$300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first ~~\$234,000~~ \$300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university, to the extent the expenses exceed the Virginia base amount for the taxpayer.

~~The~~ C. 1. *Effective for taxable years beginning on or after January 1, 2016, at the election of the taxpayer, the credit otherwise allowed under this section shall be computed under this subsection and shall equal 10 percent of the difference of (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.*

2. *The aggregate amount of credits allowed to each taxpayer under this subsection shall not exceed \$45,000 for the taxable year, except that the aggregate amount of credits allowed to each taxpayer shall not exceed \$60,000 for the taxable year if the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university.*

D. *The aggregate amount of credits available under this section for each fiscal year of the Commonwealth shall be as follows:*

1. *For taxable years beginning on or after January 1, 2014, but prior to January 1, 2016, the total amount of credits granted for each of fiscal year of the Commonwealth pursuant to this section years 2015 and 2016 shall not exceed \$6 million.*

2. *For taxable years beginning on or after January 1, 2016, the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2017 shall not exceed \$7 million.*

~~E.~~ E. A taxpayer meeting the requirements of this section shall be eligible to receive a tax credit as provided herein. The Department shall develop and publish guidelines for applications and such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). *Applications must be received by the Department no later than July 1 of the calendar year following the close of the taxable year in which the expenses were paid or incurred.* In the event approved applications for the tax credits allowed under this section exceed ~~\$6 million for any~~ the amount of credits specified in subsection D for the taxable year, the Department shall apportion the credits by dividing ~~\$6 million~~ the amount of credits specified in subsection D by the total amount of tax credits ~~applied for~~ approved, to determine the percentage of allowed tax credits each taxpayer shall receive. In the event that the total amount of approved tax credits under this section for all applications for any taxable year is less than ~~\$6 million~~ the maximum amount of credits for the year as specified in subsection D, the Department shall allocate credits up to the maximum ~~of \$6 million~~ amount as specified in subsection D, on a pro rata basis, to taxpayers who are already approved for the tax credit for the taxable year, in the following amounts:

1. *If the taxpayer computed the credit pursuant to subsection B, in an amount equal to 15 percent of the second ~~\$234,000~~ \$300,000 in qualified research expenses during the taxable year or 20 percent of the second ~~\$234,000~~ \$300,000 in qualified research expenses if the Virginia qualified research was conducted in conjunction with a public or private college or university located in the Commonwealth; or*

2. *If the taxpayer computed the credit under subdivision C 1, in an amount equal to the excess of the limitation set forth in subdivision C 2, up to an additional \$45,000 per taxpayer, or \$60,000 per taxpayer if the Virginia qualified research was conducted in conjunction with a public or private college or university located in the Commonwealth.*

~~D.~~ F. If the amount of the credit allowed exceeds the taxpayer's tax liability for the taxable year, the amount that exceeds the tax liability shall be refunded to the taxpayer, subject to the limitations set forth in the guidelines developed by the Department.

~~E.~~ G. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

H. *Effective for taxable years beginning on or after January 1, 2016, no taxpayer with Virginia qualified research and development expenses in excess of \$5 million for the taxable year shall claim both the credit allowed pursuant to this section and the credit allowed under § 58.1-439.12:11 for such year.*

~~F.~~ I. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or

shareholders, unless the partnership, limited liability company, or electing small business corporation (S corporation) elects for such credits not to be so allocated but to be received and claimed at the entity level by the partnership, limited liability company, or electing small business corporation (S corporation) pursuant to guidelines that shall be issued by the Department for purposes of such election.

G. J. The Department shall adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

H. K. The Partnership shall include the tax credits approved in accordance with the provisions of this section in the Annual Report on Business Incentives compiled by the Secretary of Commerce and Trade. Such report shall include (i) the total number of applicants approved for tax credits for the applicable tax year and (ii) the total number of tax credits approved for the applicable tax year.

I. L. The Department shall require taxpayers applying for the credit to provide information including (i) the number of full-time employees employed by the taxpayer in the Commonwealth during the taxable year for which the credit is sought; (ii) the taxpayer's sector or sectors according to the 2012 edition of the North American Industry Classification System (NAICS) as published by the United States Census Bureau; (iii) a brief description of the area, discipline, or field of Virginia qualified research performed by the taxpayer; (iv) the total gross receipts or anticipated total gross receipts of the taxpayer for the taxable year for which the credit is sought; and (v) whether the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university. The Department shall aggregate and summarize the information collected and make it available to the Governor and any member of the General Assembly upon request, regardless of the number of taxpayers applying for the credit.

§ 58.1-439.12:11. Major research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2016, but before January 1, 2022, a taxpayer with Virginia qualified research and development expenses for the taxable year in excess of \$5 million shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the difference between (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

C. The aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$20 million.

D. In the event approved applications for the tax credits allowed under this section exceed \$20 million for any taxable year, the Department shall apportion the credits by dividing \$20 million by the total amount of tax credits approved, to determine the percentage of allowed tax credits each taxpayer shall receive.

E. The amount of the credit claimed for the taxable year shall not exceed 75 percent of the total amount of tax imposed by this chapter upon the taxpayer for the taxable year. Any credit not usable for the taxable year for which the credit was first allowed may be carried over for credit against the income taxes of the taxpayer in the next 10 succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

F. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

G. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders.

H. The Department shall develop and publish guidelines under this section including guidelines for applying for the tax credit. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). Applications for the tax credit must be received by the Department no later than July 1 of the calendar year following the close of the taxable year in which the expenses were paid or incurred.

The Department shall also adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

2. That no tax credit shall be allowed pursuant to § 58.1-439.12:11 of the Code of Virginia, as created by this act, if the otherwise qualified research and development expenses are paid for or incurred by a taxpayer for research conducted in the Commonwealth on human cells or tissue derived from induced abortions or from stem cells obtained from human embryos. The foregoing provision shall not apply to research conducted using stem cells other than embryonic stem cells.

CHAPTER 301

An Act to amend and reenact § 58.1-3713 of the Code of Virginia, relating to the local gas road improvement and Virginia Coalfield Economic Development Authority tax; use of revenues.

[S 182]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3713 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3713. Local gas road improvement and Virginia Coalfield Economic Development Authority tax.

A. In addition to the taxes authorized under § 58.1-3712, any county or city may adopt a license tax on every person engaging in the business of severing gases from the earth. The rate of such tax shall not exceed one percent. The provisions of § 58.1-3712 as they relate to measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax imposed under this section.

The moneys collected for each county or city from the taxes imposed under authority of this section and subsection B of § 58.1-3741 shall be paid into a special fund of such county or city to be called the Coal and Gas Road Improvement Fund of such county or city, and shall be spent for such improvements to public roads as the coal and gas road improvement advisory committee and the governing body of such county or city may determine as provided in subsection B of this section. The county may also, in its discretion, elect to improve city or town roads with its funds if consent of the city or town council is obtained. Such funds shall be in addition to those allocated to such counties from state highway funds which allocations shall not be reduced as a result of any revenues received from the tax imposed hereunder. In those localities that comprise the Virginia Coalfield Economic Development Authority, the tax imposed under this section or subsection B of § 58.1-3741 shall be paid as follows: (i) three-fourths of the revenue shall be paid to the Coal and Gas Road Improvement Fund and used for the purposes set forth herein; however, one-fourth of such revenue may be used to fund the construction of new water or sewer systems and lines *and the repair or enhancement of existing water or sewer systems and lines* in areas with natural water supplies that are insufficient from the standpoint of quality or quantity, or the construction of natural gas service lines as authorized by § 15.2-2109.3, and (ii) one-fourth of the revenue shall be paid to the Virginia Coalfield Economic Development Fund. Furthermore, with regard to the portion paid to the Coal and Gas Road Improvement Fund, a county or city may provide for an additional one-fourth allocation for the construction of new systems or lines for water, sewer, or natural gas as authorized by § 15.2-2109.3, or the repair or enhancement of existing water, sewer, or natural gas systems or lines in areas with natural water supplies or existing natural gas services that are insufficient from the standpoint of quality or quantity; however, if this option is initiated by a county or city, it must satisfy the requirements set forth in § 58.1-3713.01. Notwithstanding the foregoing limitations regarding revenues used for water systems, sewer systems, or natural gas systems, such revenues designated for water and water systems, sewer systems, or natural gas systems shall be distributed directly to the local public service authority for such purposes instead of the local governing body. Funds in the Coal and Gas Road Improvement Fund used to construct, repair, or enhance natural gas service lines or systems shall not exceed one-fourth of the revenue paid to the Coal and Gas Road Improvement Fund collected from the severance tax imposed upon the severance of natural gas pursuant to this section and may be so used only upon passage of a local ordinance or resolution of the governing body of the applicable county or city providing for the same.

B. Any county or city imposing the tax authorized in this section or in subsection B of § 58.1-3741 shall establish a Coal and Gas Road Improvement Advisory Committee, to be composed of four members: (i) a member of the governing body of such county or city, appointed by the governing body, (ii) a representative of the Department of Transportation, and (iii) two citizens of such county or city connected with the coal and gas industry, appointed for a term of four years, initially commencing July 1, 1989, by the chief judge of the circuit court.

Such committee shall develop on or before July 1 of each year a plan for improvement of roads during the following fiscal year. Such plan shall have the approval of three members of the committee and shall be submitted to the governing body of the county or city for approval. The governing body may approve or disapprove such plan, but may make no changes without the approval of three members of the committee.

C. No tax shall be imposed under this section on or after January 1, 2018.

CHAPTER 302

An Act to amend and reenact §§ 46.2-750 and 46.2-1077 of the Code of Virginia, relating to motor vehicles equipped with televisions and video; not within view of driver; license plates on vehicles owned by the Commonwealth.

[S 286]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-750 and 46.2-1077 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-750. Vehicles of Commonwealth, its political subdivisions, and regional jail authorities.**

A. Motor vehicles, trailers, and semitrailers owned by the Commonwealth, political subdivisions of the Commonwealth, and regional jail authorities created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title 53.1 and used solely for governmental purposes shall be registered and shall display license plates as provided in this section. The fee for such license plates shall be equal to the cost incurred by the Department in the purchase or manufacture of such license plates. The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles.

License plates issued for vehicles owned by the Commonwealth, except plates issued to be used *on vehicles* (i) ~~on vehicles~~ devoted solely to police work, (ii) *used by the Virginia Economic Development Partnership to the extent approved by the Governor*, ~~or~~ (iii) *used by an institution of higher education solely for purposes of vehicle technology research*, or (iv) *used by the Governor and the Attorney General*, shall have conspicuously and legibly inscribed, stamped, or printed thereon words stating that the vehicle is for official state use only. The Commissioner shall reserve a unique series of numbers for use on such license plates and shall provide for a design and combination of colors which distinguish such license plates from those issued for vehicles owned by the political subdivisions of the Commonwealth.

License plates issued for vehicles owned by political subdivisions of the Commonwealth and regional jail authorities, except such plates issued to be used (i) on vehicles used by any local or regional economic development authority, agency, instrumentality, or organization, upon the request of the chief administrative officer of the affected locality (or, in the case of regional organizations, the chief administrative officer of any of the affected localities) or (ii) on vehicles devoted solely to police work, shall have conspicuously and legibly inscribed, stamped, or printed thereon words stating that the vehicle is for official local government use only. The Commissioner shall reserve a unique series of numbers for use on such license plates and shall provide for a design and combination of colors which distinguish such license plates from those issued for vehicles owned by the Commonwealth.

No other license plates shall be used on vehicles for which official use plates have been issued, except for vehicles used solely for police work and as provided in subsection B of this section.

B. In addition to any other license plate authorized by this section, the Commissioner may issue permanent or temporary license plates for use on vehicles owned by the Commonwealth or any of its departments, institutions, boards, or agencies and used for security or transportation purposes in conjunction with conferences, meetings, or other events involving the Governor or members of the General Assembly. No state agency shall use government funds to cover the costs of any license plates issued under this subsection. The design of these license plates shall be at the discretion of the Commissioner. These license plates shall be issued under the following conditions:

1. For each set of permanent license plates issued, the Commissioner shall charge a fee of \$100. The Commissioner shall limit the validity of any set of license plates issued under this subdivision to no more than 30 consecutive days. The Commissioner's written authorization for use of any set of license plates issued under this subdivision shall be kept in the vehicle on which the license plates are displayed until expiration of the authorization.

2. The Commissioner shall limit the validity of each set of temporary license plates to no more than 14 consecutive days. For each set of temporary license plates, the Commissioner shall charge a fee of \$25 for the first set and \$2 for each additional set. The Commissioner's written authorization for use of any set of license plates issued under this subdivision shall be kept in the vehicle on which the license plates are displayed until expiration of the authorization.

§ 46.2-1077. Motor vehicles not to be equipped with television within view of driver; viewing motion pictures or similar displays while driving.

A. No motor vehicle registered in the Commonwealth of Virginia shall be equipped with, nor shall there be used therein, a television receiver when the moving images are visible to the driver while the vehicle is in motion. The operator of a motor vehicle that is not required to be registered in Virginia ~~the Commonwealth~~ shall not operate a television receiver that violates the provisions of this section while driving in the Commonwealth.

The prohibitions contained in this subsection shall not, however, include:

1. Electronic displays used in conjunction with vehicle navigation and mapping systems, or as part of a digital dispatch system;

2. Closed circuit video monitors designed to operate only in conjunction with dedicated video cameras and used in rear-view systems on trucks, motor homes, and other motor vehicles;

3. Television receivers or monitors used in government-owned vehicles by law-enforcement officers and employees of the Virginia Department of Transportation in the course of their official duties;

4. Visual displays used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle;
5. A vehicle information display;
6. A visual display used to enhance or supplement a driver's view of vehicle occupants;
7. Television-type receiving equipment used exclusively for safety or traffic engineering information; or
8. A television receiver, video monitor, television or video screen, or any other similar means of visually displaying a ~~television broadcast or signal~~ *moving image*, if that equipment *is factory-installed and* has an interlock device that, when the motor vehicle operator is ~~driven~~ *performing one or more of the driving tasks*, disables the equipment ~~for all uses so that such moving images are not visible to the motor vehicle operator~~ except as a visual display described in subdivisions 1 through 7. *For the purposes of this subdivision, "driving task" means all of the real-time functions required to operate a vehicle in on-road traffic, excluding the selection of destinations and waypoints, and including steering, turning, lane keeping and lane changing, accelerating, and decelerating.*

B. Except for displays explicitly authorized in subsection A, no driver of any motor vehicle shall view any motion picture or similar video display while driving.

CHAPTER 303

An Act to amend and reenact § 58.1-623 of the Code of Virginia, relating to sales and use tax; refunds.

[S 444]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-623 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-623. Sales or leases presumed subject to tax; exemption certificates.

A. All sales or leases are subject to the tax until the contrary is established. The burden of proving that a sale, distribution, lease, or storage of tangible personal property is not taxable is upon the dealer unless he takes from the taxpayer a certificate to the effect that the property is exempt under this chapter.

B. The certificate mentioned in this section shall relieve the person who takes such certificate from any liability for the payment or collection of the tax, except upon notice from the Tax Commissioner that such certificate is no longer acceptable. Such certificate shall be signed by and bear the name and address of the taxpayer; shall indicate the number of the certificate of registration, if any, issued to the taxpayer; shall indicate the general character of the tangible personal property sold, distributed, leased, or stored, or to be sold, distributed, leased, or stored under a blanket exemption certificate; and shall be substantially in such form as the Tax Commissioner may prescribe. If an exemption pertains to a nonprofit organization, other than a nonprofit church, that has qualified for a sales and use tax exemption under § 58.1-609.11, the exemption certificate shall be valid until the scheduled expiration date stated on the exemption certificate.

C. If a taxpayer who gives a certificate under this section makes any use of the property other than an exempt use or retention, demonstration, or display while holding the property for resale, distribution, or lease in the regular course of business, such use shall be deemed a taxable sale by the taxpayer as of the time the property or service is first used by him, and the cost of the property to him shall be deemed the sales price of such retail sale. If the sole use of the property other than retention, demonstration, or display in the regular course of business is the rental of the property while holding it for sale, distribution, or lease, the taxpayer may elect to pay the tax on the amount of the rental charged, rather than the cost of the property to him.

D. If a taxpayer gives a certificate under this section with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased, but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales or distributions from the mass of commingled goods shall be deemed to be sales or distributions of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold or distributed.

E. If a taxpayer fails to give the dealer at the time of purchase an exemption certificate previously issued by the Department, no interest shall be paid on a subsequent refund claim for any period prior to the date the taxpayer makes a complete refund claim with the Department. This subsection shall not apply to transactions exempted under self-executing certificates of exemption not issued to a specific taxpayer by the Department.

2. That the Department of Taxation may promulgate guidelines implementing the provisions of this act and update such guidelines thereafter as deemed necessary by the Tax Commissioner. The development and publication of such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia.

CHAPTER 304

An Act to amend and reenact §§ 58.1-322 and 58.1-402 of the Code of Virginia and to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11, relating to an income tax credit for donations of food crops to nonprofit food banks.

[S 580]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-322 and 58.1-402 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11 as follows:

§ 58.1-322. Virginia taxable income of residents.

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; ~~and~~

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555; *and*

11. *For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:11, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.*

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who

was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

37. For taxable years beginning on or after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year

begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, and E.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, and E.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a, may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence

relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due

under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:11, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-439.12:11. Food crop donation tax credit.

A. As used in this section, unless the context requires a different meaning:

"Food crops" means grains, fruits, nuts, or vegetables.

"Nonprofit food bank" means an entity located in the Commonwealth that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, as amended or renumbered, and organized with a principal purpose of providing food to the needy.

B. For taxable years beginning on or after January 1, 2016, but before January 1, 2022, any person engaged in the business of farming as defined under 26 C.F.R. §1.175-3 that donates food crops grown by the person in the Commonwealth to a nonprofit food bank shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 for the taxable year of the donation. The person shall be allowed a credit in an amount equal to 30 percent of the fair market value of such food crops donated by the person to a nonprofit food bank during the taxable year but not to exceed an aggregate credit of \$5,000 for all such donations made by the person during such year.

C. Credit shall be allowed under this section only if (i) the use of the donated food crops by the donee nonprofit food bank is related to providing food to the needy, (ii) the donated food crops are not transferred for use outside the Commonwealth or used by the donee nonprofit food bank as consideration for services performed or personal property purchased, and (iii) the donated food crops, if sold by the donee nonprofit food bank, are sold to the needy, other nonprofit food banks, or organizations that intend to use the food crops to provide food to the needy.

D. The Tax Commissioner shall issue tax credits under this section, and in no case shall the Tax Commissioner issue more than \$250,000 in tax credits pursuant to this section in any fiscal year of the Commonwealth. For every taxable year for which a person seeks the tax credit under this section, the person shall submit an application to the Department in accordance with the forms, instructions, dates, and procedures prescribed by the Department. In order to claim any credit, for each donation made that is approved by the Department for tax credit, the person making the donation shall attach to the person's income tax return a written certification prepared by the donee nonprofit food bank. The written certification prepared by the donee nonprofit food bank shall identify the donee nonprofit food bank, the person donating food crops to it, the date of the donation, the number of pounds of food crops donated, and the fair market value of the food crops donated. The certification shall also include a statement by the donee nonprofit food bank that its use and disposition of the food crops complies with the requirements under subsection C.

E. The amount of the credit claimed shall not exceed the total amount of tax imposed by this chapter upon the person for the taxable year. Any credit not usable for the taxable year for which the credit was first allowed may be carried over for credit against the income taxes of the person in the next five succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

F. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

G. The Tax Commissioner shall develop guidelines implementing the provisions of this section. The guidelines shall include procedures for the allocation of tax credits among participating taxpayers. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 305

An Act to amend and reenact §§ 3.2-3106, 3.2-4203, 36-139, 45.1-361.5, 45.1-361.38, 58.1-439.12:04, 58.1-439.17, 58.1-603.1, 58.1-604.01, 58.1-3706, 58.1-3713.3, and 58.1-3823 of the Code of Virginia and to repeal Chapter 1.4 (§ 36-55.63) of Title 36, §§ 58.1-339.5, 58.1-339.9, 58.1-434, 58.1-435, 58.1-439.1, 58.1-439.11, 58.1-439.13, 58.1-439.14, 58.1-439.15, 58.1-439.15:01, 58.1-439.16, and 58.1-639, Article 3 (§ 58.1-1840.1) of Chapter 18 and Article 10 (§ 58.1-2290.1) of Chapter 22 of Title 58.1, and §§ 58.1-3605.1, 58.1-3712.1, 58.1-3822, and 58.1-3825.1 of the Code of Virginia, relating to repealing certain Title 58.1-related obsolete statutes.

[S 372]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-3106, 3.2-4203, 36-139, 45.1-361.5, 45.1-361.38, 58.1-439.12:04, 58.1-439.17, 58.1-603.1, 58.1-604.01, 58.1-3706, 58.1-3713.3, and 58.1-3823 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-3106. Tobacco Indemnification and Community Revitalization Fund; tax credits for technology industries in tobacco-dependent localities.

A. Money received by the Commonwealth pursuant to the Master Settlement Agreement shall be deposited into the state treasury subject to the special nonreverting funds established by subsection B and by §§ 3.2-3104 and 32.1-360.

B. There is created in the state treasury a special nonreverting fund to be known as the Tobacco Indemnification and Community Revitalization Fund. The Fund shall be established on the books of the Comptroller. Subject to the sale of all or any portion of the Commission Allocation, 50 percent of the annual amount received by the Commonwealth from the Master Settlement Agreement shall be paid into the state treasury and credited to the Fund. In the event of such sale: (i) the Commission Allocation shall be paid in accordance with the agreement for the period of sale; and (ii) the Fund shall receive the amounts withdrawn from the Endowment in accordance with § 3.2-3104. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes described in this chapter. ~~Starting with the fiscal year beginning July 1, 2000, through December 31, 2009, the Commission may deposit moneys from the Fund into the Technology Initiative in Tobacco-Dependent Localities Fund, established under § 58.1-439.15, for purposes of funding the tax credits provided in §§ 58.1-439.13 and 58.1-439.14 and the grants provided in § 58.1-439.17.~~ Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written authorization signed by the chairman of the Commission or his designee. The Fund shall also consist of other moneys received by the Commission, from any source, for the purpose of implementing the provisions of this chapter.

C. The obligations of the Commission shall not be a debt or grant or loan of credit of the Commonwealth, and the Commonwealth shall not be liable thereon, nor shall such obligations be payable out of any funds other than those credited to the Fund.

§ 3.2-4203. Withdrawal of escrow funds assigned and contributed to the Commonwealth.

Notwithstanding the provisions of subsection B of § 3.2-4201, any escrow funds assigned and contributed to the Commonwealth pursuant to § 3.2-4202, ~~less the aggregate limitation for incentive payments to all small tobacco product manufacturers for the relevant year due from the escrow funds pursuant to § 58.1-439.15:01,~~ shall be withdrawn by the Commonwealth by request of the State Treasurer to the Attorney General and upon approval of the Attorney General. The State Treasurer shall make such request as soon as practicable and such escrow funds withdrawn shall be deposited into the Virginia Health Care Fund established under § 32.1-366.

After such withdrawal, ~~and after the actual incentive payments pursuant to § 58.1-439.15:01 have been made from the escrow funds in the escrow account,~~ any remaining escrow funds shall be withdrawn under the withdrawal procedures provided in this section, and the withdrawn escrow funds shall be deposited into the Virginia Health Care Fund. Nothing in this article shall be construed to relieve a tobacco product manufacturer from any past, current, or future obligations it may have pursuant to Article 1 (§ 3.2-4200 et seq.) or ~~Article 3 (§ 3.2-4204 et seq.) of this chapter.~~

§ 36-139. Powers and duties of Director.

The Director of the Department of Housing and Community Development shall have the following responsibilities:

1. Collecting from the governmental subdivisions of the Commonwealth information relevant to their planning and development activities, boundary changes, changes of forms and status of government, intergovernmental agreements and arrangements, and such other information as he may deem necessary.

2. Making information available to communities, planning district commissions, service districts and governmental subdivisions of the Commonwealth.

3. Providing professional and technical assistance to, and cooperating with, any planning agency, planning district commission, service district, and governmental subdivision engaged in the preparation of development plans and programs, service district plans, or consolidation agreements.

4. Assisting the Governor in the providing of such state financial aid as may be appropriated by the General Assembly in accordance with § 15.2-4216.

5. Administering federal grant assistance programs, including funds from the Appalachian Regional Commission, the Economic Development Administration and other such federal agencies, directed at promoting the development of the Commonwealth's communities and regions.

6. Developing state community development policies, goals, plans and programs for the consideration and adoption of the Board with the ultimate authority for adoption to rest with the Governor and the General Assembly.

7. Developing a Consolidated Plan to guide the development and implementation of housing programs and community development in the Commonwealth for the purpose of meeting the housing and community development needs of the Commonwealth and, in particular, those of low-income and moderate-income persons, families and communities.

8. Determining present and future housing requirements of the Commonwealth on an annual basis and revising the Consolidated Plan, as necessary to coordinate the elements of housing production to ensure the availability of housing where and when needed.

9. Assuming administrative coordination of the various state housing programs and cooperating with the various state agencies in their programs as they relate to housing.

10. Establishing public information and educational programs relating to housing; devising and administering programs to inform all citizens about housing and housing-related programs that are available on all levels of government; designing and administering educational programs to prepare families for home ownership and counseling them during their first years as homeowners; and promoting educational programs to assist sponsors in the development of low and moderate income housing as well as programs to lessen the problems of rental housing management.

11. Administering the provisions of the Industrialized Building Safety Law (§ 36-70 et seq.).

12. Administering the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

13. Establishing and operating a Building Code Academy for the training of persons in the content, application, and intent of specified subject areas of the building and fire prevention regulations promulgated by the Board of Housing and Community Development.

14. Administering, in conjunction with the federal government, and promulgating any necessary regulations regarding energy standards for existing buildings as may be required pursuant to federal law.

15. Identifying and disseminating information to local governments about the availability and utilization of federal and state resources.

16. Administering, with the cooperation of the Department of Health, state assistance programs for public water supply systems.

17. Advising the Board on matters relating to policies and programs of the Virginia Housing Trust Fund.

18. Designing and establishing program guidelines to meet the purposes of the Virginia Housing Trust Fund and to carry out the policies and procedures established by the Board.

19. Preparing agreements and documents for loans and grants to be made from the Virginia Housing Trust Fund; soliciting, receiving, reviewing and selecting the applications for which loans and grants are to be made from such fund; directing the Virginia Housing Development Authority and the Department as to the closing and disbursing of such loans and grants and as to the servicing and collection of such loans; directing the Department as to the regulation and monitoring of the ownership, occupancy and operation of the housing developments and residential housing financed or assisted by such loans and grants; and providing direction and guidance to the Virginia Housing Development Authority as to the investment of moneys in such fund.

~~20. Advising the Board on matters relating to policies for the low-income housing credit and administering the approval of low-income housing credits as provided in § 36-55.63.~~

~~21. Establishing and administering program guidelines for a statewide homeless intervention program.~~

~~22. 21. Administering 15 percent of the Low Income Home Energy Assistance Program (LIHEAP) Block Grant and any contingency funds awarded and carry over funds, furnishing home weatherization and associated services to low-income households within the Commonwealth in accordance with applicable federal law and regulations.~~

~~23. 22. Developing a strategy concerning the expansion of affordable, accessible housing for older Virginians and Virginians with disabilities, including supportive services.~~

~~24. 23. Serving as the Executive Director of the Commission on Local Government as prescribed in § 15.2-2901 and perform all other duties of that position as prescribed by law.~~

~~25.~~ 24. Developing a strategy, in consultation with the Virginia Housing Development Authority, for the creation and implementation of housing programs and community development for the purpose of meeting the housing needs of persons who have been released from federal, state, and local correctional facilities into communities.

~~26.~~ 25. Administering the Private Activity Bonds program in Chapter 50 (§ 15.2-5000 et seq.) of Title 15.2 jointly with the Virginia Small Business Financing Authority and the Virginia Housing Development Authority.

~~27.~~ 26. Carrying out such other duties as may be necessary and convenient to the exercise of powers granted to the Department.

§ 45.1-361.5. Exclusivity of regulation and enforcement.

No county, city, town or other political subdivision of the Commonwealth shall impose any condition, or require any other local license, permit, fee or bond to perform any gas, oil, or geophysical operations which varies from or is in addition to the requirements of this chapter. However, no provision of this chapter shall be construed to limit or supersede the jurisdiction and requirements of other state agencies, local land-use ordinances, regulations of general purpose, or §§ 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, 58.1-3713.3, 58.1-3741, 58.1-3742, and 58.1-3743.

§ 45.1-361.38. Report of permitted activities and production required; contents.

A. Each holder of a permit for gas or oil wells or gathering pipelines shall file monthly and annual reports of his activities as prescribed by the Director. These reports shall be for the purpose of obtaining information regarding the production and sale of gas and oil resources, as well as information concerning the ownership and control of permitted activities. Filing of these reports by a permittee shall be a condition of such permit. Every annual report filed by a permittee shall contain a certification that such permittee has paid all severance taxes levied under the provisions of §§ 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, and 58.1-3741.

B. At the same time that a permittee files the monthly and annual reports as required by subsection A, the permittee shall send copies of the reports by mail to the commissioner of revenue of the political subdivision where the permitted wells are located.

§ 58.1-439.12:04. Tax credit for participating landlords.

A. As used in this section, unless the context clearly shows otherwise, the term or phrase:

" Dwelling unit " means an individual housing unit in an apartment building, an individual housing unit in multifamily residential housing, a single-family residence, or any similar individual housing unit.

" Eligible housing area " means a census tract in the Richmond Metropolitan Statistical area in which less than 10 percent of the residents live below the poverty level, as defined by the United States government and determined by the most recent United States census.

" Housing authority " means a housing authority created under Article 1 (§ 36-1 et seq.) of Chapter 1 of Title 36 of this Code or other government agency that is authorized by the United States government under the United States Housing Act of 1937 (42 U.S.C. § 1437 et seq.) to administer a housing choice voucher program, or the authorized agent of such a housing authority that is authorized to act upon that authority's behalf. The term shall also include the Virginia Housing Development Authority.

" Housing choice voucher " means tenant-based assistance by a housing authority pursuant to 42 U.S.C. § 1437f et seq.

" Participating landlord " means any person engaged in the business of the rental of dwelling units who is (i) subject to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.) and (ii) performing obligations under a contract with a housing authority relating to the rental of qualified housing units.

" Qualified housing unit " means a dwelling unit that is located in an eligible housing area for which a portion of the rent is paid by a housing authority, which payment is pursuant to a housing choice voucher program.

B. For taxable years beginning on or after January 1, 2010, a participating landlord renting a qualified housing unit shall be eligible for a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the fair market value of the rent for the unit, computed for that portion of the taxable year in which the unit was rented by such landlord to a tenant participating in a housing choice voucher program. The Department of Housing and Community Development shall administer and issue the tax credit under this section. If (i) the same parcel of real property contains four or more dwelling units and (ii) the total number of qualified housing units on the parcel in the relevant taxable year exceeds 25 percent of the total dwelling units on the parcel, then the tax credit under this section shall apply only to a limited number of qualified housing units with regard to such parcel of real property, with the limited number being equal to 25 percent of the total dwelling units on such parcel of real property in the taxable year.

C. The Department of Housing and Community Development shall issue tax credits under this section on a fiscal year basis. The maximum amount of tax credits that may be issued under this section in each fiscal year shall be \$250,000.

D. Participating landlords shall apply to the Department of Housing and Community Development for tax credits under this section. The Department of Housing and Community Development shall determine the credit amount allowable to the participating landlord for the taxable year and shall also determine the fair market value of the rent for the qualified housing unit based on the fair market rent approved by the United States Department of Housing and Urban Development as the basis for the tenant-based assistance provided through the housing choice voucher program for the qualified housing unit. In issuing tax credits under this section, the Department of Housing and Community Development shall provide a written certification to the participating landlord, which certification shall report the amount of the tax credit approved by the Department. The participating landlord shall attach the certification to the applicable income tax return.

E. The Board of Housing and Community Development shall establish and issue guidelines for purposes of implementing the provisions of this section. The guidelines shall provide for the allocation of tax credits among participating landlords requesting credits. The guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

F. In no case shall the amount of credit taken by a participating landlord for any taxable year exceed the total amount of tax imposed by this chapter for the taxable year. If the amount of credit issued by the Department of Housing and Community Development for a taxable year exceeds the landlord's tax liability imposed by this chapter for such taxable year, then the amount that exceeds the tax liability may be carried over for credit against the income taxes of the participating landlord in the next five taxable years or until the total amount of the tax credit issued has been taken, whichever is sooner. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

~~G. No person shall be allowed a tax credit under § 58.1-339.9 and this section for the rental of the same dwelling unit in a taxable year.~~

~~H. In the event that the amount of the qualified requests for tax credits for participating landlords in the fiscal year exceeds \$250,000, the Department of Housing and Community Development shall pro rate the tax credits among the qualified applicants.~~

Article 13.1.

~~Tax Credits for Technology Industries~~ *Grants for Investment and Research and Development in Tobacco-Dependent Localities.*

§ 58.1-439.17. Grants in lieu of or in addition to tax credits.

~~Notwithstanding any provision of this article, the~~ *The Tobacco Region Revitalization Commission created under § 3.2-3101 may establish a grant program for purposes of encouraging qualified investments and eligible research and development activities in tobacco-dependent localities. If the Commission elects to establish such a program, the program may replace or* may be in addition to the tax credits established under this article *credit programs allowed under former §§ 58.1-439.13 and 58.1-439.14. The criteria for taxpayers to receive grants shall be the same as the criteria for taxpayers to be allowed the tax credits allowed under former §§ 58.1-439.13 and 58.1-439.14 as they were in effect on December 31, 2009. In any case where a grant is awarded to a taxpayer for any investment under § 58.1-439.13 or for eligible research and development activity under § 58.1-439.14, such taxpayer the person receiving the grant may not use such investment or research and development activity as the basis for claiming any credit provided under the Code of Virginia.*

§ 58.1-603.1. (Contingent expiration date) Additional state sales tax in certain counties and cities.

~~A.~~ In addition to the sales tax imposed pursuant to § 58.1-603, there is hereby levied and imposed in each county and city located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of 1.5 million or more as shown by the most recent United States Census, has not less than 1.2 million motor vehicles registered therein, and has a total transit ridership of not less than 15 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i), a retail sales tax at the rate of 0.70 percent. In any case in which the tax is imposed pursuant to clause (ii) such tax shall be effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met. Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the state sales tax imposed pursuant to § 58.1-603 in each such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax imposed under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state sales tax under § 58.1-603.

The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited by the Comptroller into special funds established by law. In the case of Planning District 8, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2509. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

~~B. The transitional provisions of § 58.1-639 shall apply, mutatis mutandis, to the taxes imposed pursuant to this section.~~

§ 58.1-604.01. (Contingent expiration date) Additional state use tax in certain counties and cities.

~~A.~~ In addition to the use tax imposed pursuant to § 58.1-604, there is hereby levied and imposed in each county and city located in a Planning District established pursuant to Chapter 42 (§ 15.2-4200 et seq.) of Title 15.2 that (i) as of January 1, 2013, has a population of 1.5 million or more, as shown by the most recent United States Census, has not less than 1.2 million motor vehicles registered therein, and has a total transit ridership of not less than 15 million riders per year across all transit systems within the Planning District or (ii) as shown by the most recent United States Census meets the population criteria set forth in clause (i) and also meets the vehicle registration and ridership criteria set forth in clause (i), a retail use tax at the rate of 0.70 percent. In any case in which the tax is imposed pursuant to clause (ii) such tax shall be

effective beginning on the July 1 immediately following the calendar year in which all of the criteria have been met. Such tax shall not be levied upon food purchased for human consumption as defined in § 58.1-611.1. Such tax shall be added to the rate of the state use tax imposed pursuant to § 58.1-604 in such county and city and shall be subject to all the provisions of this chapter and the rules and regulations published with respect thereto. No discount under § 58.1-622 shall be allowed for the tax described under this section. Such tax shall be administered and collected by the Tax Commissioner in the same manner and subject to the same penalties as provided for the state use tax under § 58.1-604.

The revenue generated and collected pursuant to the tax authorized under this section, less the applicable portion of any refunds to taxpayers, shall be deposited by the Comptroller into special funds established by law. In the case of Planning District 8, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2509. In the case of Planning District 23, the revenue generated and collected therein shall be deposited into the fund established in § 33.2-2600. For any additional Planning Districts that may become subject to this section, funds shall be established by appropriate legislation.

~~B. The transitional provisions of § 58.1-639 shall apply; mutatis mutandis, to the taxes imposed pursuant to this section:~~

§ 58.1-3706. Limitation on rate of license taxes.

A. Except as specifically provided in this section and except for the fee authorized in § 58.1-3703, no local license tax imposed pursuant to the provisions of this chapter, except §§ 58.1-3712; ~~58.1-3712.4~~ and 58.1-3713, or any other provision of this title or any charter, shall be imposed on any person whose gross receipts from a business, profession or occupation subject to licensure are less than: (i) \$100,000 in any locality with a population greater than 50,000; or (ii) \$50,000 in any locality with a population of 25,000 but no more than 50,000. Any business with gross receipts of more than \$100,000, or \$50,000, as applicable, may be subject to the tax at a rate not to exceed the rate set forth below for the class of enterprise listed:

1. For contracting, and persons constructing for their own account for sale, sixteen cents per \$100 of gross receipts;
2. For retail sales, twenty cents per \$100 of gross receipts;
3. For financial, real estate and professional services, fifty-eight cents per \$100 of gross receipts; and
4. For repair, personal and business services, and all other businesses and occupations not specifically listed or excepted in this section, thirty-six cents per \$100 of gross receipts.

The rate limitations prescribed in this section shall not be applicable to license taxes on (i) wholesalers, which shall be governed by § 58.1-3716; (ii) public service companies, which shall be governed by § 58.1-3731; (iii) carnivals, circuses and speedways, which shall be governed by § 58.1-3728; (iv) fortune-tellers, which shall be governed by § 58.1-3726; (v) massage parlors; (vi) itinerant merchants or peddlers, which shall be governed by § 58.1-3717; (vii) permanent coliseums, arenas, or auditoriums having a maximum capacity in excess of 10,000 persons and open to the public, which shall be governed by § 58.1-3729; (viii) savings institutions and credit unions, which shall be governed by § 58.1-3730; (ix) photographers, which shall be governed by § 58.1-3727; and (x) direct sellers, which shall be governed by § 58.1-3719.1.

B. Any county, city or town which had, on January 1, 1978, a license tax rate, for any of the categories listed in subsection A, higher than the maximum prescribed in subsection A may maintain a higher rate in such category, but no higher than the rate applicable on January 1, 1978, subject to the following conditions:

1. A locality may not increase a rate on any category which is at or above the maximum prescribed for such category in subsection A.
2. If a locality increases the rate on a category which is below the maximum, it shall apply all revenue generated by such increase to reduce the rate on a category or categories which are above such maximum.
3. A locality shall lower rates on categories which are above the maximums prescribed in subsection A for any tax year after 1982 if it receives more revenue in tax year 1981, or any tax year thereafter, than the revenue base for such year. The revenue base for tax year 1981 shall be the amount of revenue received from all categories in tax year 1980, plus one-third of the amount, if any, by which such revenue received in tax year 1981 exceeds the revenue received for tax year 1980. The revenue base for each tax year after 1981 shall be the revenue base of the preceding tax year plus one-third of the increase in the revenues of the subsequent tax year over the revenue base of the preceding tax year. If in any tax year the amount of revenues received from all categories exceeds the revenue base for such year, the rates shall be adjusted as follows: The revenues of those categories with rates at or below the maximum shall be subtracted from the revenue base for such year. The resulting amount shall be allocated to the category or categories with rates above the maximum in a manner determined by the locality, and divided by the gross receipts of such category for the tax year. The resulting rate or rates shall be applicable to such category or categories for the second tax year following the year whose revenue was used to make the calculation.

C. Any person engaged in the short-term rental business as defined in § 58.1-3510.4 shall be classified in the category of retail sales for license tax rate purposes.

D. 1. Any person, firm, or corporation designated as the principal or prime contractor receiving identifiable federal appropriations for research and development services as defined in § 31.205-18 (a) of the Federal Acquisition Regulation in the areas of (i) computer and electronic systems, (ii) computer software, (iii) applied sciences, (iv) economic and social sciences, and (v) electronic and physical sciences shall be subject to a license tax rate not to exceed three cents per \$100 of

such federal funds received in payment of such contracts upon documentation provided by such person, firm or corporation to the local commissioner of revenue or finance officer confirming the applicability of this subsection.

2. Any gross receipts properly reported to a Virginia locality, classified for license tax purposes by that locality in accordance with subdivision 1 of this subsection, and on which a license tax is due and paid, or which gross receipts defined by subdivision 1 of this subsection are properly reported to but exempted by a Virginia locality from taxation, shall not be subject to local license taxation by any other locality in the Commonwealth.

3. Notwithstanding the provisions of subdivision D 1, in any county operating under the county manager plan of government, the following shall govern the taxation of the licensees described in subdivision D 1. Persons, firms, or corporations designated as the principal or prime contractors receiving identifiable federal appropriations for research and development services as defined in § 31.205-18 (a) of the Federal Acquisition Regulation in the areas of (i) computer and electronic systems, (ii) computer software, (iii) applied sciences, (iv) economic and social sciences, and (v) electronic and physical sciences may be separately classified by any such county and subject to tax at a license tax rate not to exceed the limits set forth in subsections A through C above as to such federal funds received in payment of such contracts upon documentation provided by such persons, firms, or corporations to the local commissioner of revenue or finance officer confirming the applicability of this subsection.

E. In any case in which the Department of Mines, Minerals and Energy determines that the weekly U.S. Retail Gasoline price (regular grade) for PADD 1C (Petroleum Administration for Defense District — Lower Atlantic Region) has increased by 20% or greater in any one-week period over the immediately preceding one-week period and does not fall below the increased rate for at least 28 consecutive days immediately following the week of such increase, then, notwithstanding any tax rate on retailers imposed by the local ordinance, the gross receipts taxes on fuel sales of a gas retailer made in the following license year shall not exceed 110% of the gross receipts taxes on fuel sales made by such retailer in the license year of such increase. For license years beginning on or after January 1, 2006, every gas retailer shall maintain separate records for fuel sales and nonfuel sales and shall make such records available upon request by the local tax official.

The provisions of this subsection shall not apply to any person or entity (i) not conducting business as a gas retailer in the county, city, or town for the entire license year immediately preceding the license year of such increase or (ii) that was subject to a license fee in the county, city, or town pursuant to § 58.1-3703 for the license year immediately preceding the license year of such increase.

The Department of Mines, Minerals and Energy shall determine annually if such increase has occurred and remained in effect for such 28-day period.

§ 58.1-3713.3. Validation of local coal and gas severance tax ordinances and local coal and gas road improvement tax ordinances.

A. All ordinances adopted pursuant to §§ 58.1-3712 and 58.1-3713 prior to October 1, 1989, shall be valid as if they had been enacted as of January 1, 1985, as long as similar ordinances had been validly enacted under the predecessor provisions to §§ 58.1-3712 and 58.1-3713 and in substantial compliance therewith. Any such local tax ordinances are declared to be validly adopted and enacted as of January 1, 1985, notwithstanding the failure of the locality to change the reference in the local tax ordinance after the enactment of this title, effective January 1, 1985.

B. All ordinances adopted pursuant to §§ 58.1-3712, 58.1-3713, and 58.1-3713.4 prior to January 1, 2001, shall be valid and presumed to include all the provisions of §§ 58.1-3712, 58.1-3713, and 58.1-3713.4 as long as such ordinances were in substantial compliance therewith at the time of their adoption.

C. 1. Any locality that imposed the tax under § 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, or 58.1-3713.4 for the 2008, 2009, 2010, or 2011 license year for coal, gas, or oil severed from the earth prior to July 1, 2013, shall (if it has not already done so by the effective date of this subsection) amend its local ordinance with regard to such taxes to adopt or include the uniform ordinance provisions of § 58.1-3703.1, with the exception of subdivisions A 1 and A 3 of such section, in the local ordinance with an effective date retroactive to the 2008 license year. As of the effective date of this subsection, each such locality shall allow all persons assessed with such taxes for the 2008 license year or any license year thereafter to exercise all rights and remedies under § 58.1-3703.1, provided that subdivisions A 1 and A 3 of such section shall be inapplicable for purposes of the imposition, collection, or appeal of such taxes. Such rights and remedies shall include, but shall not be limited to, the appeal procedures set forth under subdivisions A 5, A 6, and A 7 of § 58.1-3703.1. In addition, each such locality, upon the provisions of this subsection becoming effective, shall within 60 days thereof provide written notice to all persons upon whom the locality imposed one or more of the taxes under § 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, or 58.1-3713.4 for license year 2008, 2009, 2010, or 2011 for coal, gas, or oil severed from the earth prior to July 1, 2013, informing the person that the locality has adopted or will adopt the uniform ordinance provisions of § 58.1-3703.1 with regard to such taxes, excluding subdivisions A 1 and A 3 of such section, retroactive to the 2008 license year and for each license year thereafter.

2. Any locality described in subdivision 1 that amends its local ordinance with regard to such taxes, or has amended the same prior to the effective date of this subsection, to expressly include, incorporate by reference, or adopt by incorporation the uniform ordinance provisions of § 58.1-3703.1 shall have met the requirement under subdivision 1 to amend its local ordinance with regard to such taxes, provided that the locality on or after the effective date of this subsection further amends its local ordinance to make such inclusion, incorporation by reference, or adoption by incorporation retroactive to the 2008 license year. Nothing in this subdivision shall relieve the locality from (i) the notice requirements under subdivision 1 or

(ii) the requirement under subdivision 1 to allow all persons assessed with such taxes for the 2008 license year or any license year thereafter to exercise all rights and remedies under § 58.1-3703.1 except that subdivisions A 1 and A 3 of such section shall be inapplicable for purposes of the imposition, collection, or appeal of such taxes.

3. Each locality amending its ordinance pursuant to subdivision 1 or 2 shall amend its ordinance in accordance with the respective subdivision within 90 days of the effective date of this subsection.

4. Each local ordinance amended as provided under this subsection shall be deemed valid and properly enacted for purposes of any tax imposed pursuant to § 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, or 58.1-3713.4 for license year 2008, 2009, 2010, 2011, or 2012 for coal, gas, or oil severed from the earth prior to July 1, 2013. Further, each such ordinance shall be deemed to have met the requirement of subsection A of § 58.1-3703.1 to include in the local ordinance provisions substantially similar to those set forth under such subsection.

5. a. Notwithstanding any other provision of law, any person assessed with a license tax under § 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, or 58.1-3713.4 for license year 2008, 2009, 2010, 2011, 2012, or 2013 for coal, gas, or oil severed from the earth prior to July 1, 2013, shall be allowed to file an administrative appeal of the same under § 58.1-3703.1 to the commissioner of the revenue or other local assessing official only during the period beginning July 1, 2013, and ending July 1, 2014. Such person shall be allowed to file the administrative appeal regardless of whether an appealable event, as defined in § 58.1-3703.1, occurs on or after the effective date of this subsection. Such appeal to the commissioner of the revenue or other local assessing official may be further appealed to the Tax Commissioner pursuant to subdivision A 6 of § 58.1-3703.1 and to the appropriate circuit court pursuant to subdivision A 7 of § 58.1-3703.1, in accordance with the procedures and time frames for the appeal as provided under the respective subdivision.

If a locality, however, makes an additional assessment of tax on or after January 1, 2014, for license year 2013, 2012, or 2011 for coal, gas, or oil severed from the earth prior to July 1, 2013, then such additional assessment may be appealed within the time frame provided under § 58.1-3703.1 notwithstanding the provisions of this subdivision.

b. Notwithstanding any other provision of law, any person assessed with a license tax under § 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, or 58.1-3713.4 for license year 2008, 2009, 2010, 2011, 2012, or 2013 for coal, gas, or oil severed from the earth prior to July 1, 2013, who elects not to file an appeal of the same pursuant to § 58.1-3703.1 may apply for relief of the same pursuant to § 58.1-3980 or 58.1-3984 only during the period beginning July 1, 2013, and ending July 1, 2014. If such person elects not to file an appeal of such license tax pursuant to § 58.1-3703.1 but applies for relief of the same pursuant to § 58.1-3980 or 58.1-3984, then the period for collecting any such license tax shall expire as provided in § 58.1-3940, two years after a final determination pursuant to § 58.1-3981, or two years after the final decision in a court application pursuant to § 58.1-3984, whichever is later.

If a locality, however, makes an additional assessment of tax on or after January 1, 2014, for license year 2013, 2012, or 2011 for coal, gas, or oil severed from the earth prior to July 1, 2013, then such person so assessed may apply for relief of such assessment pursuant to § 58.1-3980 or 58.1-3984 within the time frame provided under the applicable section notwithstanding the provisions of this subdivision, and the period for collecting any such additional assessment shall be as provided under Title 58.1 or other controlling law notwithstanding the provisions of this subdivision.

c. Notwithstanding the provisions of § 58.1-3940, the period for collecting any license tax imposed under § 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, or 58.1-3713.4 for license years 2008 and 2009 for coal, gas, or oil severed from the earth prior to July 1, 2013, shall expire on January 1, 2016, unless a longer period is provided under law.

d. Notwithstanding any other provision of law, collection activity shall be suspended on the assessment of additional license tax for license year 2008, 2009, 2010, or 2011 for coal, gas, or oil severed from the earth prior to July 1, 2013, pursuant to § 58.1-3712, ~~58.1-3712.1~~, 58.1-3713, or 58.1-3713.4. In addition, collection activity shall be suspended on the assessment of additional license tax for license year 2012 or 2013 for such taxes on coal, gas, or oil severed from the earth prior to July 1, 2013, provided that, in filing severance tax returns for the severance of coal, gases, or oil from the earth in the locality in license year 2012 and 2013, the person filing the return includes with the return a good faith payment of the tax due or a good faith report of the tax due. The good faith payment or report of tax due shall be in accordance with the methodology used by that person as of January 1, 2010, to report the person's gross receipts to the locality for purposes of such taxes unless such person and the locality have entered into a contract or agreement on an alternate methodology to report the person's gross receipts. As used in this subsection, "additional license tax" means all amounts of license tax, penalty, and interest that are in addition to the amount of license tax paid by a person or reported by a person as due in filing severance tax returns for the severance of coal, gases, or oil from the earth in the locality. Collection activity shall not be required to be suspended if collection of any tax, interest, or penalty is jeopardized by delay as defined in § 58.1-3703.1. However, nothing herein shall be construed or interpreted as to require the suspension of collection activity for any amount of unpaid license tax (and any interest and penalty related thereto) reported by a person as due in filing a severance tax return for the severance of coal, gas, or oil from the earth.

Collection activity on additional license tax for license year 2008, 2009, 2010, or 2011 for coal, gas, or oil severed from the earth prior to July 1, 2013, may commence on July 1, 2013, unless other law requires the suspension of collection activity. Collection activity on additional license tax for license year 2012 or 2013 for coal, gas, or oil severed from the earth prior to July 1, 2013, if suspended pursuant to this subdivision, may commence on or after July 1, 2013, unless other law requires the suspension of collection activity.

6. Except as otherwise provided in subdivision 5, nothing in this subsection shall be construed or interpreted as extending or decreasing any limitations period for appealing any of the taxes imposed under § 58.1-3712, ~~58.1-3712.1~~,

58.1-3713, or 58.1-3713.4 for coal, gas, or oil severed from the earth prior to July 1, 2013, or extending any period for the collection of such taxes.

§ 58.1-3823. Additional transient occupancy tax for certain counties.

A. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through ~~58.1-3822~~ 58.1-3821, Hanover County, Chesterfield County and Henrico County may impose:

1. An additional transient occupancy tax not to exceed four percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for promoting tourism, travel or business that generates tourism or travel in the Richmond metropolitan area; and

2. An additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for expanding the Richmond Centre, a convention and exhibition facility in the City of Richmond.

3. An additional transient occupancy tax not to exceed one percent of the amount of the charge for the occupancy of any room or space occupied. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the development and improvement of the Virginia Performing Arts Foundation's facilities in Richmond, for promoting the use of the Richmond Centre and for promoting tourism, travel or business that generates tourism and travel in the Richmond metropolitan area.

B. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through ~~58.1-3822~~ 58.1-3821, any county with the county manager plan of government may impose an additional transient occupancy tax not to exceed two percent of the amount of the charge for the occupancy of any room or space occupied, provided the county's governing body approves the construction of a county conference center. The tax imposed hereunder shall not apply to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days. The revenues collected from the additional tax shall be designated and spent for the design, construction, debt payment, and operation of such conference center.

C. 1. In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 through ~~58.1-3822~~ 58.1-3821, the Counties of James City and York may impose an additional transient occupancy tax not to exceed \$2 per room per night for the occupancy of any overnight guest room. The revenues collected from the additional tax shall be designated and expended solely for advertising the Historic Triangle area, which includes all of the City of Williamsburg and the Counties of James City and York, as an overnight tourism destination by the members of the Williamsburg Area Destination Marketing Committee of the Greater Williamsburg Chamber and Tourism Alliance. The tax imposed by this subsection shall not apply to travel campground sites or to rooms or spaces rented and continuously occupied by the same individual or same group of individuals for 30 or more days.

2. The Williamsburg Area Destination Marketing Committee shall consist of the members as provided herein. The governing bodies of the City of Williamsburg, the County of James City, and the County of York shall each designate one of their members to serve as members of the Williamsburg Area Destination Marketing Committee. These three members of the Committee shall have two votes apiece. In no case shall a person who is a member of the Committee by virtue of the designation of a local governing body be eligible to be selected a member of the Committee pursuant to subdivision a.

a. Further, one member of the Committee shall be selected by the Board of Directors of the Williamsburg Hotel and Motel Association; one member of the Committee shall be from The Colonial Williamsburg Foundation and shall be selected by the Foundation; one member of the Committee shall be an employee of Busch Gardens Europe/Water Country USA and shall be selected by Busch Gardens Europe/Water Country USA; one member of the Committee shall be from the Jamestown-Yorktown Foundation and shall be selected by the Foundation; one member of the Committee shall be selected by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance; and one member of the Committee shall be the President and Chief Executive Officer of the Virginia Tourism Authority who shall serve ex officio. Each of these six members of the Committee shall have one vote apiece. The President of the Greater Williamsburg Chamber and Tourism Alliance shall serve ex officio with nonvoting privileges unless chosen by the Executive Committee of the Greater Williamsburg Chamber and Tourism Alliance to serve as its voting representative. The Executive Director of the Williamsburg Hotel and Motel Association shall serve ex officio with nonvoting privileges unless chosen by the Board of Directors of the Williamsburg Hotel and Motel Association to serve as its voting representative.

In no case shall more than one person of the same local government, including the governing body of the locality, serve as a member of the Committee at the same time.

If at any time a person who has been selected to the Committee by other than a local governing body becomes or is (a) a member of the local governing body of the City of Williamsburg, the County of James City, or the County of York, or (b) an employee of one of such local governments, the person shall be ineligible to serve as a member of the Committee while a member of the local governing body or an employee of one of such local governments. In such case, the body that selected the person to serve as a member of the Commission shall promptly select another person to serve as a member of the Committee.

3. The Williamsburg Area Destination Marketing Committee shall maintain all authorities granted by this section. The Greater Williamsburg Chamber and Tourism Alliance shall serve as the fiscal agent for the Williamsburg Area Destination Marketing Committee with specific responsibilities to be defined in a contract between such two entities. The contract shall include provisions to reimburse the Greater Williamsburg Chamber and Tourism Alliance for annual audits and any other agreed-upon expenditures. The Williamsburg Area Destination Marketing Committee shall also contract with the Greater Williamsburg Chamber and Tourism Alliance to provide administrative support services as the entities shall mutually agree.

4. The provisions in subdivision 2 relating to the composition and voting powers of the Williamsburg Area Destination Marketing Committee shall be a condition of the authority to impose the tax provided herein.

For purposes of this subsection, "advertising the Historic Triangle area" as an overnight tourism destination means advertising that is intended to attract visitors from a sufficient distance so as to require an overnight stay of at least one night.

D. The county tax limitations imposed pursuant to § 58.1-3711 shall apply to any tax levied under this section, mutatis mutandis.

2. That Chapter 1.4 (§ 36-55.63) of Title 36, §§ 58.1-339.5, 58.1-339.9, 58.1-434, 58.1-435, 58.1-439.1, 58.1-439.11, 58.1-439.13, 58.1-439.14, 58.1-439.15, 58.1-439.15:01, 58.1-439.16, and 58.1-639, Article 3 (§ 58.1-1840.1) of Chapter 18 and Article 10 (§ 58.1-2290.1) of Chapter 22 of Title 58.1, and §§ 58.1-3605.1, 58.1-3712.1, 58.1-3822, and 58.1-3825.1 of the Code of Virginia are repealed.

3. That this act shall in no way alter or affect any (i) tax credit or tax benefit or other tax attribute allowed or earned under any section repealed by this act or (ii) tax liability or obligation pursuant to any such section.

CHAPTER 306

An Act to amend and reenact §§ 54.1-3801 and 54.1-3804 of the Code of Virginia, relating to practice of veterinary medicine.

[H 1058]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3801 and 54.1-3804 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3801. Exceptions.

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;

2. Veterinarians licensed in other states called in actual consultation or to attend a case in this Commonwealth who do not open an office or appoint a place to practice within ~~this~~ the Commonwealth;

3. Veterinarians employed by the United States or by ~~this~~ the Commonwealth while actually engaged in the performance of their official duties, *with the exception of those engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth;*

4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district, or possession of the United States, (iii) volunteer to provide free care in an underserved area of ~~this~~ the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony, or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or

5. Persons purchasing, possessing, and administering drugs in a public or private shelter as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

§ 54.1-3804. Specific powers of Board.

In addition to the powers granted in § 54.1-2400, the Board shall have the following specific powers and duties:

1. To establish essential requirements and standards for approval of veterinary programs.
2. To establish and monitor programs for the practical training of qualified students of veterinary medicine or veterinary technology in college or university programs of veterinary medicine or veterinary technology.
3. To regulate, inspect, and register all establishments and premises where veterinary medicine is practiced.

4. To establish requirements for the licensure of persons engaged in the practice of veterinary medicine, pursuant to § 54.1-3800, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth.

2. That the provisions of this act that amend § 54.1-3801 shall become effective on July 1, 2018.

3. That the Board of Veterinary Medicine shall adopt regulations for the licensure of veterinarians employed by the United States or the Commonwealth who are engaged in the practice of veterinary medicine, pursuant to § 54.1-3801, as part of a veterinary medical education program accredited by the American Veterinary Medical Association Council on Education and located in the Commonwealth by July 1, 2018.

CHAPTER 307

An Act to amend and reenact § 32.1-283.3 of the Code of Virginia, relating to family violence fatality review teams; definition of fatal family violence incident.

[S 162]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-283.3 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-283.3. Family violence fatality review teams established; model protocol and data management; membership; authority; confidentiality, etc.

A. The Office of the Chief Medical Examiner shall develop a model protocol for the development and implementation of local family violence fatality review teams (teams) and such model protocol shall include relevant procedures for conducting reviews of fatal family violence incidents. A "fatal family violence incident" means any fatality, ~~whether homicide or suicide, occurring as a result of~~ that occurred or that is suspected of having occurred in the context of abuse between family members or intimate partners. The Office of the Chief Medical Examiner shall provide technical assistance to the local teams and serve as a clearinghouse for information.

B. Subject to available funding, the Office of the Chief Medical Examiner shall provide ongoing surveillance of fatal family violence occurrences and promulgate an annual report based on accumulated data.

C. Any county or city, or combination of counties, cities, or counties and cities, may establish a family violence fatality review team to examine fatal family violence incidents and to create a body of information to help prevent future family violence fatalities. The team shall have the authority to review the facts and circumstances of all fatal family violence incidents that occur within its designated geographic area.

D. Membership in the team may include, but shall not be limited to, health care professionals, representatives from the local bar, attorneys for the Commonwealth, judges, law-enforcement officials, criminologists, medical examiners appointed pursuant to § 32.1-282, other experts in forensic medicine and pathology, family violence victim advocates, health department professionals, probation and parole professionals, adult and child protective services professionals, and representatives of family violence local coordinating councils.

E. Each team shall establish local rules and procedures to govern the review process prior to the first fatal family violence incident review conducted. The review of a death shall be delayed until any criminal investigations or prosecutions connected with the death are completed.

F. All information and records obtained or created regarding the review of a fatality shall be confidential and shall be excluded from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 9 of § 2.2-3705.5. All such information and records shall be used by the team only in the exercise of its proper purpose and function and shall not be disclosed. Such information or records shall not be subject to subpoena, subpoena duces tecum or discovery or be admissible in any criminal or civil proceeding. If available from other sources, however, such information and records shall not be immune from subpoena, subpoena duces tecum, discovery or introduction into evidence when obtained through such other sources solely because the information and records were presented to the team during a fatality review. No person who participated in the review nor any member of the team shall be required to make any statement as to what transpired during the review or what information was collected during the review. Upon the conclusion of the fatality review, all information and records concerning the victim and the family shall be returned to the originating agency or destroyed. However, the findings of the team may be disclosed or published in statistical or other form which shall not identify individuals. The portions of meetings in which individual cases are discussed by the team shall be closed pursuant to subdivision A 21 of § 2.2-3711. All team members, persons attending closed team meetings, and persons presenting information and records on specific fatalities to the team during closed meetings shall execute a sworn statement to honor the confidentiality of the information, records, discussions, and opinions disclosed during any closed meeting to review a specific death. Violations of this subsection are punishable as a Class 3 misdemeanor.

G. Members of teams, as well as their agents and employees, shall be immune from civil liability for any act or omission made in connection with participation in a family violence fatality review, unless such act or omission was the result of gross negligence or willful misconduct. Any organization, institution, or person furnishing information, data, testimony, reports or records to review teams as part of such review, shall be immune from civil liability for any act or omission in furnishing such information, unless such act or omission was the result of gross negligence or willful misconduct.

CHAPTER 308

An Act to amend and reenact § 54.1-2957 of the Code of Virginia, relating to nurse practitioners; practicing outside of a patient care team.

[S 264]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2957 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2957. Licensure and practice of nurse practitioners; practice agreements.**

A. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It shall be unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

B. A nurse practitioner shall only practice as part of a patient care team. Each member of a patient care team shall have specific responsibilities related to the care of the patient or patients and shall provide health care services within the scope of his usual professional activities. Nurse practitioners practicing as part of a patient care team shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. Nurse practitioners who are certified registered nurse anesthetists shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. Nurse practitioners appointed as medical examiners pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16. Practice of patient care teams in all settings shall include the periodic review of patient charts or electronic health records and may include visits to the site where health care is delivered in the manner and at the frequency determined by the patient care team.

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

C. The Board of Medicine and the Board of Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include a provision for appropriate physician input in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

D. The Boards may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, in the opinion of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the Commonwealth.

E. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

F. *In the event a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board, or relocates his practice such that he is no longer able to serve, and a nurse practitioner is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice upon notification to the designee or his alternate of the Boards and receipt of such notification. Such nurse practitioner may continue to treat patients without a patient care team physician for an initial period not to exceed 60 days, provided the nurse practitioner continues to prescribe only those drugs previously authorized by the practice agreement with such physician and to have access to appropriate physician input in complex clinical cases and patient emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the nurse practitioner to continue practice under this subsection for another 60 days, provided the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input.*

G. As used in this section:

"Collaboration" means the communication and decision-making process among members of a patient care team related to the treatment and care of a patient and includes (i) communication of data and information about the treatment and care of a patient, including exchange of clinical observations and assessments; and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means the communicating of data and information, exchanging of clinical observations and assessments, accessing and assessing of additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

CHAPTER 309

An Act to amend and reenact §§ 54.1-2521, 54.1-2523, and 54.1-2525 of the Code of Virginia, relating to the Prescription Monitoring Program.

[S 287]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2521, 54.1-2523, and 54.1-2525 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2521. Reporting requirements.

A. The failure by any person subject to the reporting requirements set forth in this section and the Department's regulations to report the dispensing of covered substances shall constitute grounds for disciplinary action by the relevant health regulatory board.

B. Upon dispensing a covered substance, a dispenser of such covered substance shall report the following information:

1. The recipient's name and address.
2. The recipient's date of birth.
3. The covered substance that was dispensed to the recipient.
4. The quantity of the covered substance that was dispensed.
5. The date of the dispensing.
6. The prescriber's identifier number.
7. The dispenser's identifier number.
8. The method of payment for the prescription.

9. Any other non-clinical information that is designated by the Director as necessary for the implementation of this chapter in accordance with the Department's regulations.

10. Any other information specified in regulations promulgated by the Director as required in order for the Prescription Monitoring Program to be eligible to receive federal funds.

C. The reports required herein shall be made *to the Department or its agent within 24 hours or the dispenser's next business day, whichever comes later, and shall be made* and transmitted in such manner and format and according to the standards and schedule established in the Department's regulations.

§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 15 of § 2.2-3705.5. Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer as

described in § 9.1-176.1 who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is *consulting on or* initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in (i) determining the validity of a prescription in accordance with § 54.1-3303 ~~when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices or~~ (ii) *providing clinical consultation on the care and treatment of the recipient*. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

§ 54.1-2525. Unlawful disclosure of information; disciplinary action authorized; penalties.

A. It shall be unlawful for any person having access to the confidential information in the possession of the program or any data or reports produced by the program to disclose such confidential information except as provided in this chapter. Any person having access to the confidential information in the possession of the program or any data or reports produced by the program who discloses such confidential information in violation of this chapter shall be guilty of a Class 1 misdemeanor upon conviction.

B. It shall be unlawful for any person who lawfully receives confidential information from the Prescription Monitoring Program to redisclose or use such confidential information in any way other than the authorized purpose for which the request was made. Any person who lawfully receives information from the Prescription Monitoring Program and discloses such confidential information in violation of this chapter shall be guilty of a Class 1 misdemeanor upon conviction.

C. Nothing in this section shall prohibit (i) a person who prescribes or dispenses a covered substance required to be reported to the program from redisclosing information obtained from the Program to another prescriber or dispenser who has prescribed or dispensed a covered substance to a recipient or (ii) *a person who prescribes a covered substance from placing information obtained from the Program in the recipient's medical record*.

D. Unauthorized use or disclosure of confidential information received from the Prescription Monitoring Program shall also be grounds for disciplinary action by the relevant health regulatory board.

2. That the provisions of subsection C of § 54.1-2521 of the Code of Virginia as set forth in this act shall become effective on January 1, 2017.

CHAPTER 310

An Act to repeal Chapter 238 of the Acts of Assembly of 1879, Chapter 70 of the Acts of Assembly of 1887, Chapter 41 of the Acts of Assembly of 1893-94, and Chapter 635 of the Acts of Assembly of 1976, which provided a charter and amendments thereto for the Town of Columbia in Fluvanna County.

[H 14]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That Chapter 238 of the Acts of Assembly of 1879, Chapter 70 of the Acts of Assembly of 1887, Chapter 41 of the Acts of Assembly of 1893-94, and Chapter 635 of the Acts of Assembly of 1976 are repealed.

CHAPTER 311

An Act to amend and reenact § 2, §§ 4, 8, and 12, as amended, and § 13 of Chapter 39 of the Acts of Assembly of 1936, which provided a charter for the Town of South Hill in Mecklenburg County, relating to boundaries, finance director, and town powers.

[H 24]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2, §§ 4, 8, and 12, as amended, and § 13 of Chapter 39 of the Acts of Assembly of 1936 are amended and reenacted as follows:

§ 2. The corporate limits of the Town of South Hill, Virginia, as heretofore established, are hereby re-established, to include an area of approximately nine and three-tenths (9.3) square miles, as follows:

~~Beginning at a point in the center of Mecklenburg Avenue, where it is crossed by the center of Main Street, and extending in every direction five-eighths of a mile, with such additional land as will make a circle one and a quarter miles in diameter, taking the intersection of the above named streets as a central point.~~

Beginning at a point in the center of the intersection of North Mecklenburg Avenue and Atlantic Street and extending north on North Mecklenburg Avenue for three and two-tenths (3.2) miles, west on West Atlantic Street for one and two-tenths (1.2) miles, east on East Atlantic Street for two and two-tenths (2.2) miles, southwesterly on West Danville Street for two and six-tenths (2.6) miles, and south on South Hill Avenue/Goodes Ferry Road for one and eight-tenths (1.8) miles. Additional boundary information is included in records on file in the office of the Clerk of the Circuit Court of Mecklenburg County.

§ 4. The government of the Town of South Hill shall be vested in a council composed of eight members of council elected from multi-member districts and a mayor elected at large. There are three districts: Election District I shall have two members, Election District II shall have three members, and Election District III shall have three members.

The method of election shall be by plurality vote and not by majority vote. Vacancies of members of council or mayor shall be filled in accordance with §§ 24.2-226 and 24.2-228 of the Code of Virginia for the unexpired term. Additional officers of the town shall be a town manager, clerk, ~~treasurer,~~ finance director, chief of police, and such other agent, attorney, police, and clerical assistance as may be required.

§ 8. The mayor shall be the chief executive of the town ~~and as such shall have full power over the police forces.~~ He shall preside at all council meetings; he may discuss questions, present issues, and recommend measures, but shall vote only to break a tie. As the official head of the town the mayor shall exercise all the powers conferred by general laws upon mayors of towns, and not inconsistent with this charter. In times of emergency he may take personal charge of the police forces of the town and may deputize any of the citizens of the town to do police duty. He shall affix his name to papers and documents requiring the same, and perform such other duties not inconsistent with his office, as the council may direct, under the charter and the laws of Virginia. The council by majority vote shall elect a member of the council mayor pro tem, who shall act in the absence or inability of the mayor.

§ 12. The chief of police shall have control of the police force of the town under the jurisdiction of the ~~mayor and shall be hired and may be fired by the mayor, he town manager.~~ The chief of police and the police officers of the town shall have the same powers and discharge the same duties as a constable of Mecklenburg ~~county~~ County, except ~~he~~ they shall serve civil process only on behalf of the town, and shall have like powers in a radius of two miles beyond the town, not in conflict with other authority. He shall perform all duties required of a chief of police and others not inconsistent with his office, or as directed by the council or ~~mayor town manager.~~

§ 13. A lien shall exist upon all real estate within the corporate limits of the town, for taxes, levies and assessments, in favor of the town, holding thereon from the beginning of the year in which levied or assessed, and the procedure for the collection legally of such assessment and levies, and for selling or disposing of property to satisfy such liens for taxes and assessments, and for the redemption of the same, shall be in conformity with the State laws of Virginia, to the same extent and in the same effect as if the same were herein set out at length and completely and reference to the said laws of the State is hereby directed. And the said town shall have the benefit of all other and additional laws and remedies for collection of town taxes, levies and assessments, which now are or may hereafter be enacted or inaugurated for the collection of town

assessments and levies, by the State of Virginia, including the right to institute and conduct chancery suits in the ~~circuit court~~ *Circuit Court* of Mecklenburg County, to enforce payment thereof.

CHAPTER 312

An Act to amend and reenact §§ 2.2-2609, 15.2-4903, 16.1-69.6, 17.1-506, 19.2-163.04, and 55-288.1 of the Code of Virginia, relating to references to the former City of Bedford.

[H 65]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2609, 15.2-4903, 16.1-69.6, 17.1-506, 19.2-163.04, and 55-288.1 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2609. Blue Ridge Regional Tourism Council; membership; meetings; Blue Ridge defined.

A. The Blue Ridge Regional Tourism Council (the Council) is established as an advisory council, within the meaning of § 2.2-2100, in the executive branch of state government. The Council shall be composed of one representative of each of the destination marketing organizations (DMOs) located in the Blue Ridge region and the President of the Virginia Tourism Authority.

B. The Council shall elect a chairman and a vice-chairman from among its members. The Council shall meet at least four times a year at such dates and times as they determine.

C. For the purposes of this article, the "Blue Ridge" region shall include the Counties of Alleghany, Amherst, Appomattox, Augusta, Bath, Bedford, Bland, Botetourt, Campbell, Craig, Floyd, Franklin, Giles, Highland, Montgomery, Nelson, Pulaski, Roanoke, Rockbridge, and Wythe and the Cities of ~~Bedford~~, Buena Vista, Covington, Lexington, Lynchburg, Radford, Roanoke, Salem, Staunton, and Waynesboro.

§ 15.2-4903. Creation of industrial development authorities.

A. The governing body of any locality in this Commonwealth is hereby authorized to create by ordinance a political subdivision of the Commonwealth, with such public and corporate powers as are set forth in this chapter. Any such ordinance may limit the type and number of facilities that the authority may otherwise finance under this chapter, which ordinance of limitation may, from time to time, be amended. In the absence of any such limitation, an authority shall have all powers granted under this chapter.

B. The name of the authority shall be the Industrial Development Authority of _____ (the blank spaces to be filled in with the name of the locality which created the authority, including the proper designation thereof as a county, city or town).

C. Notwithstanding subsection B, for any authority authorized by this section, the name of the authority may be the Economic Development Authority of _____ (the blank space to be filled in with the name of the locality that created the authority), if the governing body of such locality so chooses.

D. The authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916 may be named the Economic Development Authority of Halifax, Virginia, or such other name as the governing bodies of the Town of South Boston and Halifax County shall choose in the concurrent resolutions creating such authority. ~~The authority jointly created by the City of Bedford and Bedford County pursuant to § 15.2-4916 may be named the Bedford Joint Economic Development Authority, or such other name as the governing bodies of the City of Bedford and Bedford County shall choose in the concurrent resolutions creating such authority.~~

§ 16.1-69.6. Establishment of districts.

On and after July 1, 1973, the Commonwealth shall be divided into districts encompassing all counties and cities in the Commonwealth to provide a basis for the sound and efficient administration of the courts not of record, as follows:

- (1) The City of Chesapeake shall constitute the first district.
- (2) The City of Virginia Beach shall constitute the second district.
- (2-A) The Counties of Accomack and Northampton shall constitute district two-A.
- (3) The City of Portsmouth shall constitute the third district.
- (4) The City of Norfolk shall constitute the fourth district.
- (5) The Cities of Franklin and Suffolk and the Counties of Isle of Wight and Southampton shall constitute the fifth district.
- (6) The Cities of Emporia and Hopewell and the Counties of Prince George, Surry, Sussex, Greensville and Brunswick shall constitute the sixth district.
- (7) The City of Newport News shall constitute the seventh district.
- (8) The City of Hampton shall constitute the eighth district.
- (9) The Cities of Williamsburg and Poquoson and the Counties of York, James City, Charles City, New Kent, Gloucester, Mathews, Middlesex, King William and King and Queen shall constitute the ninth district.
- (10) The Counties of Cumberland, Buckingham, Appomattox, Prince Edward, Charlotte, Lunenburg, Mecklenburg and Halifax shall constitute the tenth district.

- (11) The City of Petersburg and the Counties of Dinwiddie, Nottoway, Amelia and Powhatan shall constitute the eleventh district.
- (12) The City of Colonial Heights and the County of Chesterfield shall constitute the twelfth district.
- (13) The City of Richmond shall constitute the thirteenth district.
- (14) The County of Henrico shall constitute the fourteenth district.
- (15) The City of Fredericksburg and the Counties of King George, Stafford, Spotsylvania, Caroline, Hanover, Lancaster, Northumberland, Westmoreland, Richmond and Essex shall constitute the fifteenth district.
- (16) The City of Charlottesville and the Counties of Madison, Greene, Albemarle, Fluvanna, Goochland, Louisa, Orange and Culpeper shall constitute the sixteenth district.
- (17) The County of Arlington and the City of Falls Church shall constitute the seventeenth district.
- (18) The City of Alexandria shall constitute the eighteenth district.
- (19) The City of Fairfax and the County of Fairfax shall constitute the nineteenth district.
- (20) The Counties of Loudoun, Fauquier and Rappahannock shall constitute the twentieth district.
- (21) The City of Martinsville and the Counties of Patrick and Henry shall constitute the twenty-first district.
- (22) The City of Danville and the Counties of Pittsylvania and Franklin shall constitute the twenty-second district.
- (23) The Cities of Roanoke and Salem and the County of Roanoke shall constitute the twenty-third district.
- (24) The ~~Cities~~ City of Lynchburg and ~~Bedford~~ and the Counties of Nelson, Amherst, Campbell and Bedford shall constitute the twenty-fourth district.
- (25) The Cities of Covington, Lexington, Staunton, Buena Vista, and Waynesboro and the Counties of Highland, Augusta, Rockbridge, Bath, Alleghany, Botetourt and Craig shall constitute the twenty-fifth district.
- (26) The Cities of Harrisonburg and Winchester and the Counties of Frederick, Clarke, Warren, Shenandoah, Page and Rockingham shall constitute the twenty-sixth district.
- (27) The Cities of Galax and Radford and the Counties of Pulaski, Wythe, Carroll, Montgomery, Floyd, Giles, Bland and Grayson shall constitute the twenty-seventh district.
- (28) The City of Bristol and the Counties of Smyth and Washington shall constitute the twenty-eighth district.
- (29) The Counties of Tazewell, Buchanan, Russell and Dickenson shall constitute the twenty-ninth district.
- (30) The City of Norton and the Counties of Wise, Scott and Lee shall constitute the thirtieth district.
- (31) The Cities of Manassas and Manassas Park, and the County of Prince William shall constitute the thirty-first district.

§ 17.1-506. Judicial circuits.

1. The City of Chesapeake shall constitute the first circuit.
2. The City of Virginia Beach and the Counties of Accomack and Northampton shall constitute the second circuit.
3. The City of Portsmouth shall constitute the third circuit.
4. The City of Norfolk shall constitute the fourth circuit.
5. The Cities of Franklin and Suffolk and the Counties of Isle of Wight and Southampton shall constitute the fifth circuit.
6. The Cities of Emporia and Hopewell and the Counties of Brunswick, Greensville, Prince George, Surry and Sussex shall constitute the sixth circuit.
7. The City of Newport News shall constitute the seventh circuit.
8. The City of Hampton shall constitute the eighth circuit.
9. The Cities of Poquoson and Williamsburg and the Counties of Charles City, Gloucester, James City, King and Queen, King William, Mathews, Middlesex, New Kent and York shall constitute the ninth circuit.
10. The Counties of Appomattox, Buckingham, Charlotte, Cumberland, Halifax, Lunenburg, Mecklenburg and Prince Edward shall constitute the tenth circuit.
11. The City of Petersburg and the Counties of Amelia, Dinwiddie, Nottoway and Powhatan shall constitute the eleventh circuit.
12. The City of Colonial Heights and the County of Chesterfield shall constitute the twelfth circuit.
13. The City of Richmond shall constitute the thirteenth circuit.
14. The County of Henrico shall constitute the fourteenth circuit.
15. The City of Fredericksburg and the Counties of Caroline, Essex, Hanover, King George, Lancaster, Northumberland, Richmond, Spotsylvania, Stafford and Westmoreland shall constitute the fifteenth circuit.
16. The City of Charlottesville and the Counties of Albemarle, Culpeper, Fluvanna, Goochland, Greene, Louisa, Madison and Orange shall constitute the sixteenth circuit.
17. The County of Arlington and the City of Falls Church shall constitute the seventeenth circuit.
18. The City of Alexandria shall constitute the eighteenth circuit.
19. The City of Fairfax and the County of Fairfax shall constitute the nineteenth circuit.
20. The Counties of Fauquier, Loudoun and Rappahannock shall constitute the twentieth circuit.
21. The City of Martinsville and the Counties of Henry and Patrick shall constitute the twenty-first circuit.
22. The City of Danville and the Counties of Franklin and Pittsylvania shall constitute the twenty-second circuit.
23. The Cities of Roanoke and Salem and the County of Roanoke shall constitute the twenty-third circuit.

24. The ~~Cities of Bedford and~~ *City of Lynchburg* and the Counties of Amherst, Bedford, Campbell and Nelson shall constitute the twenty-fourth circuit.

25. The Cities of Buena Vista, Covington, Lexington, Staunton and Waynesboro and the Counties of Alleghany, Augusta, Bath, Botetourt, Craig, Highland and Rockbridge shall constitute the twenty-fifth circuit.

26. The Cities of Harrisonburg and Winchester and the Counties of Clarke, Frederick, Page, Rockingham, Shenandoah and Warren shall constitute the twenty-sixth circuit.

27. The Cities of Galax and Radford and the Counties of Bland, Carroll, Floyd, Giles, Grayson, Montgomery, Pulaski and Wythe shall constitute the twenty-seventh circuit.

28. The City of Bristol and the Counties of Smyth and Washington shall constitute the twenty-eighth circuit.

29. The Counties of Buchanan, Dickenson, Russell and Tazewell shall constitute the twenty-ninth circuit.

30. The City of Norton and the Counties of Lee, Scott and Wise shall constitute the thirtieth circuit.

31. The Cities of Manassas and Manassas Park and the County of Prince William shall constitute the thirty-first circuit.

§ 19.2-163.04. Public Defender offices.

Public defender offices are established in:

- a. The City of Virginia Beach;
- b. The City of Petersburg;
- c. The Cities of Buena Vista, Lexington, Staunton and Waynesboro and the Counties of Augusta and Rockbridge;
- d. The City of Roanoke;
- e. The City of Portsmouth;
- f. The City of Richmond;
- g. The Counties of Clarke, Frederick, Page, Shenandoah and Warren, and the City of Winchester;
- h. The City and County of Fairfax;
- i. The City of Alexandria;
- j. The City of Radford and the Counties of Bland, Pulaski and Wythe;
- k. The Counties of Fauquier, Loudoun and Rappahannock;
- l. The City of Suffolk;
- m. The City of Franklin and the Counties of Isle of Wight and Southampton;
- n. The ~~City of Bedford and~~ the County of Bedford;
- o. The City of Danville;
- p. The Counties of Halifax, Lunenburg and Mecklenburg;
- q. The City of Fredericksburg and the Counties of King George, Stafford and Spotsylvania;
- r. The City of Lynchburg;
- s. The City of Martinsville and the Counties of Henry and Patrick;
- t. The City of Charlottesville and the County of Albemarle;
- u. The City of Norfolk;
- v. The County of Arlington and the City of Falls Church;
- w. The City of Newport News;
- x. The City of Chesapeake; and
- y. The City of Hampton.

§ 55-288.1. North and South Zones.

For the purpose of the use of these systems, the Commonwealth is divided into a "North Zone" and a "South Zone."

The area now included in the following counties and cities shall constitute the North Zone: the Counties of Arlington, Augusta, Bath, Caroline, Clarke, Culpeper, Fairfax, Fauquier, Frederick, Greene, Highland, King George, Loudoun, Madison, Orange, Page, Prince William, Rappahannock, Rockingham, Shenandoah, Spotsylvania, Stafford, Warren and Westmoreland; and the Cities of Alexandria, Fairfax, Falls Church, Fredericksburg, Harrisonburg, Manassas, Manassas Park, Staunton, Waynesboro, and Winchester.

The area now included in the following counties and cities shall constitute the South Zone: the Counties of Accomack, Albemarle, Alleghany, Amelia, Amherst, Appomattox, Bedford, Bland, Botetourt, Brunswick, Buchanan, Buckingham, Campbell, Carroll, Charles City, Charlotte, Chesterfield, Craig, Cumberland, Dickenson, Dinwiddie, Essex, Floyd, Fluvanna, Franklin, Giles, Gloucester, Goochland, Grayson, Greenville, Halifax, Hanover, Henrico, Henry, Isle of Wight, James City, King and Queen, King William, Lancaster, Lee, Louisa, Lunenburg, Mathews, Mecklenburg, Middlesex, Montgomery, Nelson, New Kent, Northampton, Northumberland, Nottoway, Patrick, Pittsylvania, Powhatan, Prince Edward, Prince George, Pulaski, Richmond, Roanoke, Rockbridge, Russell, Scott, Smyth, Southampton, Surry, Sussex, Tazewell, Washington, Wise, Wythe, and York; and the Cities of ~~Bedford~~, Bristol, Buena Vista, Charlottesville, Chesapeake, Colonial Heights, Covington, Danville, Emporia, Franklin, Galax, Hampton, Hopewell, Lexington, Lynchburg, Martinsville, Newport News, Norfolk, Norton, Petersburg, Poquoson, Portsmouth, Radford, Richmond, Roanoke, Salem, Suffolk, Virginia Beach, and Williamsburg.

CHAPTER 313

An Act to amend and reenact §§ 7 and 8 of Chapter IV of Chapter 431 of the Acts of Assembly of 1950 and § 1 of Chapter XXV (A.1), as amended, of Chapter 454 of the Acts of Assembly of 1975, which provided a charter for the City of Hopewell, relating to affirmative council member votes required; Hopewell Regional Wastewater Treatment Facility Commission.

[H 183]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 7 and 8 of Chapter IV of Chapter 431 of the Acts of Assembly of 1950 and § 1, as amended, of Chapter XXV (A.1) of Chapter 454 of the Acts of Assembly of 1975 are amended and reenacted as follows:

Chapter IV.

Council.

§ 7. All ordinances and resolutions passed by the council shall be in effect from and after thirty days from the date of their passage, except that the council may by the affirmative vote of ~~four~~ *five* of its members pass emergency measures to take effect at the time indicated therein. Ordinances appropriating money for any emergency may be passed as emergency measures, but no measure providing for the sale or lease of city property, or making a grant, renewal or extension of a franchise or other special privilege, or regulating the rates to be charged for any public utilities shall be so passed.

§ 8. Legislative procedure. Except in dealing with questions of parliamentary procedure the council shall act only by ordinance or resolution, and all ordinances except ordinances making appropriations, or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of debt, shall be confined to one subject, which shall be clearly expressed in the title. Ordinances making appropriations or authorizing the contracting of indebtedness or the issuance of bonds or other obligations and appropriating the money to be raised thereby shall be confined to those subjects respectively.

The enacting clause of all ordinances passed by the council shall be, "Be it ordained by the council of the City of Hopewell." No ordinance unless it be an emergency measure, shall be passed until it has been read at two regular meetings not less than one week apart, or the requirement of such reading has been dispensed with by the affirmative vote of ~~four~~ *five* of the members of the council. No ordinance or section thereof shall be revised or amended by its title or section number only, but the new ordinance shall contain the entire ordinance or section as revised or amended. The ayes and nays shall be taken upon the passage of all ordinances or resolutions and entered upon the journal of the proceedings of the council and every ordinance or resolution shall require, on final passage, the affirmative vote of at least ~~three~~ *four* of the members. No member shall be excused from voting except on matters involving the consideration of his official conduct, or where his financial or personal interests are involved.

In authorizing the making of any public improvement, or the acquisition of real estate or any interest therein, or authorizing the contracting of indebtedness or the issuance of bonds or other evidences of indebtedness (except temporary loans in anticipation of taxes or revenues or of the sale of bonds lawfully authorized), or authorizing the sale of any property or rights in property of the City of Hopewell, or granting any public utility, franchise, privilege, lease or right of any kind to use public property or easement of any description or any renewal, amendment or extension thereof, the council shall act only by ordinance; provided, however, that after any such ordinance shall have taken effect, all subsequent proceedings incident thereto and providing for the carrying out of the purposes of such ordinance may, except as otherwise provided in this charter, be taken by resolution of the council.

Chapter XXV (A.1).

Hopewell ~~Regional Wastewater Treatment Facility~~ *Water Renewal* Commission.

§ 1. There shall be a regional wastewater treatment facility commission which shall be known as the Hopewell ~~Regional Wastewater Treatment Facility~~ *Water Renewal* Commission (hereinafter in this chapter referred to as the "Commission"), which shall act on behalf of the City of Hopewell as hereinafter provided, with respect to a regional wastewater treatment facility to be owned by the City of Hopewell to provide treatment for disposal of sanitary and industrial waste from the City of Hopewell and vicinity. The Commission shall consist of eight members who need not be residents of the city and who shall be appointed by a majority of city council. Five of such members shall be from nominees submitted by five manufacturers (each nominating with respect to one membership) which provide assistance in the planning and financing of the regional wastewater treatment facility or which are or will be users of said facility. Any vacancy in the appointive membership of the Commission, however occurring, shall be promptly filled by the city council for the unexpired term in the same manner and from the same source as the original appointment to the vacated position.

Council may provide for additional nominees to the Commission by manufacturers not involved in planning assistance as aforesaid who contract with the city to provide a capital contribution of four per centum or more of the original capital cost of the facility by increasing the Commission membership to provide for one nominee from each such manufacturer.

CHAPTER 314

An Act to amend and reenact §§ 1.2 and 3.6, as amended, of Chapter 646 of the Acts of Assembly of 1968, which provided a charter for the Town of Herndon in Fairfax County, relating to boundaries and powers of the mayor.

[H 106]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 1.2 and 3.6, as amended, of Chapter 646 of the Acts of Assembly of 1968 are amended and reenacted as follows:

§ 1.2. Boundaries.

The territory embraced within the Town of Herndon is that territory in the County of Fairfax, Virginia, established in chapter 376 of the Acts of Assembly of 1938, as amended by order entered in a voluntary boundary line adjustment case by the Circuit Court of Fairfax County, Virginia, on December 20, 1988, in "Board of Supervisors of Fairfax County and Town Council of Herndon," Law 85815, recorded in the Clerk's Office of the Circuit Court of Fairfax County, Virginia, on November 6, 1997, as instrument number 97-151937, Deed Book 10166, Page 1311, *and as further amended by order entered affirming a voluntary settlement agreement in a boundary line adjustment case by the Special Court sitting in the Circuit Court of Loudoun County, Virginia, on August 21, 2015, in "Town of Herndon, Virginia and the County of Loudoun, Virginia," recorded in the Clerk's Office of the Circuit Court of Loudoun County, Virginia, on October 7, 2015, as instrument number 20151007-0067932.*

§ 3.6. Powers and duties of mayor.

The mayor shall be the chief executive officer of the town. He shall have and exercise all power and authority conferred by general law not inconsistent with this charter. He shall preside over the meetings of the town council and shall have the same right to speak and vote therein as members of the town council. He shall be recognized as the head of the town government for all ceremonial and military purposes. He shall perform such other duties consistent with his office as may be imposed by the council. He shall see that the duties of the various town officers are faithfully performed. ~~In times of public danger, or emergencies, he may take command of the police and maintain order and enforce laws, and for this purpose, may deputize such assistant policemen as may be necessary.~~ He, or the person acting as mayor, may sign and deliver such documents or instruments as the council, this charter, or the laws of the Commonwealth shall require or authorize.

CHAPTER 315

An Act to amend and reenact § 2.2-2238 of the Code of Virginia, relating to the Virginia Economic Development Partnership; economic development services; import from international markets.

[H 185]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2238 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2238. Economic development services.

A. It shall be the duty of the Authority to encourage, stimulate, and support the development and expansion of the economy of the Commonwealth. The Authority is charged with the following duties and responsibilities to:

1. See that there are prepared and carried out effective economic development marketing and promotional programs;
2. Make available, in conjunction and cooperation with localities, chambers of commerce, industrial authorities, and other public and private groups, to prospective new businesses basic information and pertinent factors of interest and concern to such businesses;
3. Formulate, promulgate, and advance programs throughout the Commonwealth for encouraging the location of new businesses in the Commonwealth and the retention and growth of existing businesses;
4. Encourage and solicit private sector involvement, support, and funding for economic development in the Commonwealth;
5. Encourage the coordination of the economic development efforts of public institutions, regions, communities, and private industry and collect and maintain data on the development and utilization of economic development capabilities;
6. Establish such offices within and without the Commonwealth that are necessary to the expansion and development of industries and trade;
7. Encourage the export of products and services from the Commonwealth to international markets;
8. Advise, upon request, the State Board for Community Colleges in designating technical training programs in Virginia's comprehensive community colleges for the Community College Incentive Scholarship Program pursuant to § 23-220.4; and

9. Offer a program for the issuance of export documentation for companies located in Virginia exporting goods and services if no federal agency or other regulatory body or issuing entity will provide export documentation in a form deemed necessary for international commerce.

B. The Authority shall prepare a specific plan annually that shall serve as the basis for marketing high unemployment areas of Virginia. This plan shall be submitted to the Governor and General Assembly annually on or before November 1 of each year. The report shall contain the plan and activities conducted by the Authority to market these high unemployment areas. The annual report shall be part of the report required by § 2.2-2242.

C. The Authority may develop a site and building assessment program to identify and assess the Commonwealth's industrial sites of at least 250 acres. In developing such a program, the Authority shall establish assessment guidelines and procedures for identification of industrial sites, esource requirements, and development oversight. The Authority shall invite participation by regional and industry stakeholders to assess potential sites, identify product shortfalls, and make recommendations to the Governor and General Assembly for marketing such sites, in alignment with the goals outlined in the Governor's economic development plan.

D. The Authority may encourage the import of products and services from international markets to the Commonwealth.

CHAPTER 316

An Act to amend the Code of Virginia by adding a section numbered 58.1-3825.3, relating to transient occupancy tax; Arlington County.

[S 160]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-3825.3 as follows:

§ 58.1-3825.3. Additional transient occupancy tax in Arlington County.

In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 and 58.1-3820, beginning July 1, 2016, and ending July 1, 2018, Arlington County may impose an additional transient occupancy tax not to exceed one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied. The revenues collected from the additional tax shall be designated and spent for the purpose of promoting tourism and business travel in the county.

CHAPTER 317

An Act to amend the Code of Virginia by adding a section numbered 15.2-961.2, relating to tree conservation ordinance; notice.

[S 361]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-961.2 as follows:

§ 15.2-961.2. Conservation of trees; notice of infill lot grading plan.

An ordinance adopted pursuant to § 15.2-961.1 may allow a locality to post signs on private property that is proposed to be redeveloped with one single-family home that notify the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for such posting. The failure to post the property shall not be a ground for denial of such grading plan.

CHAPTER 318

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 51, consisting of sections numbered 59.1-556 through 59.1-570, relating to the Fantasy Contests Act; registration required; conditions of registration; penalty.

[S 646]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 51, consisting of sections numbered 59.1-556 through 59.1-570, as follows:

CHAPTER 51.

FANTASY CONTESTS ACT.

§ 59.1-556. Definitions.

As used in this chapter, unless the context requires otherwise:

"Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment.

"Department" means the Department of Agriculture and Consumer Services.

"Entry fee" means cash or cash equivalent that is required to be paid by a fantasy contest participant to a fantasy contest operator in order to participate in a fantasy contest.

"Fantasy contest" includes any online fantasy or simulated game or contest with an entry fee in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and shall be determined by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

"Fantasy contest operator" or "operator" means a person or entity that offers fantasy contests for a cash prize to members of the public.

"Fantasy contest player" or "player" means a person who participates in a fantasy contest offered by a fantasy contest operator.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, 15 percent or more of the equity ownership of a fantasy contest operator or who in concert with his spouse and immediate family members has the power to vote or cause the vote of 15 percent or more of any such operator.

§ 59.1-557. Registration of fantasy contest operators required; application for registration; issuance of registration certificate; penalty.

A. No fantasy contest operator shall offer any fantasy contest in the Commonwealth without first being registered with the Department. Applications for registration shall be on forms prescribed by the Department. Any registration issued by the Department shall be valid for one year from the date of issuance.

B. The application for registration submitted by a fantasy contest operator shall contain the following information:

1. The name and principal address of the applicant; if a corporation, the state of its incorporation, the full name and address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to do business in the Commonwealth; if a partnership or joint venture, the name and address of each officer thereof;

2. The address of any offices of the applicant in the Commonwealth and its designated agent for process within the Commonwealth. If no such agent is designated, the applicant shall be deemed to have designated the Commissioner of the Department. If the operator does not maintain an office, the name and address of the person having custody of its financial records;

3. The place where and the date when the applicant was legally established and the form of its organization;

4. The names and addresses of the officers, directors, trustees, and principal salaried executive staff officer;

5. The name and address of each principal stockholder or member of such corporation; and

6. Such information as the Department deems necessary to ensure compliance with the provisions of this chapter.

C. Every registration filed under this chapter shall be accompanied by a nonrefundable, initial application fee set by the Department.

D. As a condition of registration, a fantasy contest operator shall submit evidence satisfactory to the Department that the operator has established and will implement procedures for fantasy contests that:

1. Prevent him or his employees and relatives living in the same household as the operator from competing in any public fantasy contest offered by such operator in which the operator offers a cash prize;

2. Prevent the sharing of confidential information that could affect fantasy contest play with third parties until the information is made publicly available;

3. Verify that any fantasy contest player is 18 years of age or older;

4. Ensure that players who are the subject of a fantasy contest are restricted from entering a fantasy contest that is determined, in whole or part, on the accumulated statistical results of a team of individuals in which such players are participants;

5. Allow individuals to restrict themselves from entering a fantasy contest upon request and take reasonable steps to prevent those individuals from entering the operator's fantasy contests;

6. Disclose the number of entries a single fantasy contest player may submit to each fantasy contest and take reasonable steps to prevent such players from submitting more than the allowable number; and

7. Segregate player funds from operational funds in separate accounts and maintain a reserve in the form of cash, cash equivalents, irrevocable letter of credit, bond, or a combination thereof in an amount sufficient to pay all prizes and awards offered to winning participants.

E. If the registration forms are filed online using a website approved by the Commissioner of the Department, the operator shall follow the procedures on that website for signing the forms.

F. Any operator that allows its registration to lapse, without requesting an extension of time to file, shall be required to resubmit an initial registration. An extension may be granted by the Department upon receipt of a written request.

§ 59.1-558. Issuance of registration; denial of same.

A. The Department shall consider all applications for registration and shall issue a valid registration to an applicant that meets the criteria set forth in this chapter.

B. The Department shall deny registration to any applicant unless it finds that:

1. If the corporation is a stock corporation, such stock is fully paid and nonassessable and has been subscribed and paid for only in cash or property to the exclusion of past services and, if the corporation is a nonstock corporation, that there are at least five members;

2. All principal stockholders or members have submitted to the jurisdiction of the Virginia courts for the purposes of this chapter, and all nonresident principal stockholders or members have designated the Commissioner of the Department as their agent for receipt of process;

3. The applicant's articles of incorporation provide that the corporation may, on vote of a majority of the stockholders or members, purchase at fair market value the entire membership interest of any stockholder or require the resignation of any member who is or becomes unqualified for such position under subsection C; and

4. The applicant meets the criteria established by the Department for the granting of registration.

C. The Department may deny registration to an applicant if it finds that the applicant, or any officer, partner, principal stockholder, or director of the applicant:

1. Has knowingly made a false statement of material fact or has deliberately failed to disclose any information requested;

2. Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any fantasy contest in this or any other state or has been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust within the 10 years prior to the date of application for registration;

3. Has at any time knowingly failed to comply with the provisions of this chapter or of any requirements of the Department;

4. Has had a registration or permit to hold or conduct fantasy contests denied for just cause, suspended, or revoked in any other state or country;

5. Has legally defaulted in the payment of any obligation or debt due to the Commonwealth; or

6. Is not qualified to do business in the Commonwealth or is not subject to the jurisdiction of the courts of the Commonwealth.

D. Any operator applying for registration or renewal of a registration may operate during the application period unless the Department has reasonable cause to believe that such operator is or may be in violation of the provisions of this chapter and the Department requires such operator to suspend the operation of any fantasy contest until registration or renewal of registration is issued.

E. The Department shall issue such registration within 60 days of receipt of the application for registration. If the registration is not issued, the Department shall provide the operator with the justification for not issuing such registration with specificity.

§ 59.1-559. Independent audit required; submission to Department.

A registered operator shall (i) annually contract with a certified public accountant to conduct an independent audit, consistent with the standards accepted by the Board of Accountancy; (ii) annually contract with a testing laboratory recognized by the Department to verify compliance with the provisions of subsection D of § 59.1-557; and (iii) submit to the Department a copy of the (a) audit report and (b) report of the testing laboratory as required by clause (ii).

§ 59.1-560. Powers and duties of Department.

A. The Department shall have all powers and duties necessary to carry out the provisions of this chapter. The Department may establish procedures deemed necessary to carry out the provisions of this chapter.

B. Whenever it appears to the Department that any person has violated any provision of this chapter, it may apply to the appropriate circuit court for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

C. Whenever the Department has reasonable cause to believe that a violation of this chapter may have occurred, the Department, upon its own motion or upon complaint of any person, may investigate any fantasy contest operator to determine whether such operator has violated the provisions of this chapter. In the conduct of such investigation, the Department may:

1. Require or permit any person to file a statement in writing, under oath or otherwise as the Department determines, as to all facts and circumstances concerning the matter to be investigated; and

2. Administer oaths or affirmations and, upon its own motion or upon request of any party, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangibles and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

D. Any proceedings or hearings by the Department under this chapter, where witnesses are subpoenaed and their attendance is required for evidence to be taken or any matter is to be produced to ascertain material evidence, shall take place within the City of Richmond.

E. Upon failure to obey a subpoena and upon reasonable notice to all persons affected thereby, the Department may apply to the Circuit Court of the City of Richmond for an order imposing punishment for contempt of the subpoena or compelling compliance.

§ 59.1-561. Suspension or revocation of registration.

A. After a hearing with 15 days' notice, the Department may suspend or revoke any registration or impose on such operator a monetary penalty of not more than \$1,000 for each violation of this chapter, not to exceed \$50,000, in any case where a violation of this chapter has been shown by a preponderance of the evidence. The Department may revoke a registration if it finds that facts not known by it at the time it considered the application indicate that such registration should not have been issued.

B. The Department may summarily suspend any registration for a period of not more than seven days pending a hearing and final determination by the Department if the Department determines that a violation of this chapter has occurred and emergency action is required to protect the public health, safety, and welfare. The Department shall (i) schedule a hearing within seven business days after the registration is summarily suspended and (ii) notify the registered operator not less than five business days before the hearing of the date, time, and place of the hearing.

C. If any such registration is suspended or revoked, the Department shall state its reasons for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with § 59.1-562. Suspension or revocation of a registration issued by the Department for any violation shall not preclude civil liability for such violation.

§ 59.1-562. Hearing and appeal.

Any person aggrieved by a denial of the Department to issue a registration, the suspension or revocation of a registration, the imposition of a fine, or any other action of the Department may seek review of such action in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act in the Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 59.1-563. Fees and charges.

All fees, charges, and monetary penalties collected by the Department as provided in this chapter shall be paid into a special fund of the state treasury. Such funds shall be used to finance the administration and operation of this chapter.

§ 59.1-564. Department to adjust fees; certain transfer of money collected prohibited.

A. Nongeneral funds generated by fees collected in accordance with this chapter on behalf of the Department and accounted for and deposited into a special fund by the Commissioner of the Department shall be held exclusively to cover the expenses of the Department in administering this chapter and shall not be transferred to any other agency.

B. Following the close of any biennium, when the account for the Department maintained under this chapter shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the Department, it shall revise the fees levied by it for registration and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

§ 59.1-565. Public inspection of information filed with Department; charges for production.

A. Except as provided in subsection B, registrations required to be filed under this chapter shall be open to the public for inspection at such time and under such conditions as the Department may prescribe. A charge not exceeding \$1 per page may be made for any copy of such documents as may be furnished to any person by the Department.

B. Reports, data, or documents submitted to the Department pursuant to the audit requirements of § 59.1-559 and records submitted to the Department as part of an application for registration or renewal that contain information about the character or financial responsibility of the operator or its principal stockholders shall be deemed confidential and shall be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.).

§ 59.1-566. Registration not endorsement.

No registered operator shall use or exploit the fact of registration under this chapter so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the Commonwealth.

§ 59.1-567. Acquisition of interest in fantasy contest operator.

A. If any person acquires actual control of a registered operator, such person shall register with the Department in accordance with § 59.1-557.

B. Where any such acquisition of control is without prior approval of the Department, the Department may suspend any registration it has issued to such operator, order compliance with this section, or take such other action as may be appropriate within the authority of the Department.

§ 59.1-568. Civil penalty.

In addition to the provisions of § 59.1-561, any person, firm, corporation, association, agent, or employee who knowingly violates any procedure implemented under subsection D of § 59.1-557 or any other provision of this chapter shall be liable for a civil penalty of not more than \$1,000 for each such violation. Such amount shall be recovered in a civil action brought by the Department and be paid into the State Literary Fund.

§ 59.1-569. Fantasy contests conducted under this chapter not illegal gambling.

Nothing contained in Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 shall be applicable to a fantasy contest conducted in accordance with this chapter. The award of any prize money for any fantasy contest shall not be deemed to be part of any gaming contract within the purview of § 11-14.

§ 59.1-570. Liability imposed by other laws not decreased.

Nothing contained in this chapter shall be construed as making lawful any act or omission that is now unlawful, or as decreasing the liability, civil or criminal, of any person, imposed by existing laws.

2. That the initial fee for an application for registration in accordance with this act shall be \$50,000. Thereafter, the fee for an application for registration shall be set by the Department of Agriculture and Consumer Services in accordance with § 59.1-564 of the Code of Virginia, as created by this act.

CHAPTER 319

An Act directing the Board of Agriculture and Consumer Services to adopt regulations for private animal shelters.

[H 340]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Board of Agriculture and Consumer Services shall adopt regulations that determine whether a private animal shelter meets the purpose of finding permanent adoptive homes for animals.*

CHAPTER 320

An Act to amend and reenact §§ 3.2-3943 and 3.2-3946 of the Code of Virginia, relating to the Pesticide Control Act; civil penalties.

[S 348]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-3943 and 3.2-3946 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-3943. Civil penalties; procedure.

A. ~~Any~~ *The Board may assess against any person violating this chapter or regulations adopted hereunder ~~may be assessed~~ a civil penalty by the Board after providing written notice of the alleged violation. Such notice shall not constitute a case decision as defined in § 2.2-4001. The person so notified shall have 30 days to provide any additional, relevant facts to the Board, including facts that demonstrate a good-faith attempt to achieve compliance. In determining the amount of any civil penalty, the Board shall give due consideration to: (i) the history of previous violations; (ii) the seriousness of the violation, including any irreparable harm to the environment and any hazards to the health and safety of the public; and (iii) the demonstrated good faith in attempting to achieve compliance with the chapter after notification of the violation.*

B. ~~The~~ *No sooner than 30 days after providing written notice of the alleged violation pursuant to subsection A, the Board may assess a penalty of not more than \$1,000 for a violation that is less than serious; not more than \$5,000 for a serious violation; and not more than \$20,000 for a repeat or knowing violation. The Board may assess an additional penalty of up to \$100,000 for any violation that causes serious damage to the environment, serious injury to property, or serious injury to or death of any person.*

C. Civil penalties assessed under this section shall be paid into Pesticide Control Fund established in § 3.2-3912. The Commissioner shall prescribe procedures for payment of penalties that are not contested by licensees or persons, including provisions for a person to consent to abatement of the alleged violation and payment of a penalty or negotiated sum in lieu of such penalty without admission of civil liability.

D. The person to whom a civil penalty is issued shall have 15 days to request an informal fact-finding conference, held pursuant to § 2.2-4019, to challenge the fact or amount of the civil penalty. If the civil penalty is upheld, such person shall have 15 days to: (i) pay the proposed penalty in full or contest either the amount of the penalty or the fact of the violation; and (ii) forward the proposed amount to the Commissioner's office for placement in an interest-bearing trust account in the State Treasurer's office. If administrative or judicial review shows no violation or that the amount of penalty should be reduced, the Commissioner shall have 30 days from that showing to remit the appropriate amount to the person, with interest accrued thereon. If the violation is upheld, the amount collected shall be paid into the Pesticide Control Fund.

E. Final orders of the Board may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification by the secretary of the Board. Such orders may be appealed in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 3.2-3946. Proceedings in case of violations.

A. If the examination of laboratory results or other evidence collected during an investigation appears to show a violation of this chapter or any of the regulations issued hereunder, the Commissioner may provide notice of the *alleged* violation to the registrant, distributor, possessor, licensee, applicator, or other person from whom such evidence was taken. ~~Any party so notified shall be given an opportunity to be heard in accordance with regulations adopted by the Board. If the hearing appears to show a violation of this chapter or the regulations issued hereunder, the Commissioner may certify the facts to the Board or the proper prosecuting attorney and furnish the Board or that officer with a copy of the results of the investigation.~~ *This notice shall not constitute a case decision as defined in § 2.2-4001.*

B. It shall be the duty of every attorney for the Commonwealth to whom the Commissioner shall report any violation of this chapter to cause proceedings to be prosecuted without delay.

C. Nothing in this chapter shall be construed as requiring the Commissioner to report for the institution of proceedings under this chapter, minor violations of this chapter, whenever the Commissioner believes that the public interest will be adequately served in the circumstances by a suitable written notice or warning. Copies of such warnings shall be reported to the Board.

CHAPTER 321

An Act to amend and reenact § 2.2-2715 of the Code of Virginia, relating to the Veterans Services Foundation.

[H 1341]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2715 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2715. Veterans Services Foundation; purpose; membership; terms; compensation; staff.

A. The Veterans Services Foundation (the Foundation) is established as an independent body politic and corporate agency supporting the Department of Veterans Services in the executive branch of state government. The Foundation shall be governed and administered by a board of trustees. *The membership of the Foundation shall be composed of the board of trustees, supporting staff, donors, volunteers, and other interested parties.*

B. The Foundation shall (i) administer the Veterans Services Fund (the Fund), (ii) provide funding for veterans services and programs in the Commonwealth through the Fund, and (iii) accept and raise revenue from all sources, including private source fundraising, to support the Fund. The Foundation shall submit a quarterly report to the Commissioner of Veterans Services on the Foundation's funding levels and services and an annual report to the Secretary of Veterans and Defense Affairs on or before November 30 of each year. The quarterly report and the annual report shall be submitted electronically.

~~B. C.~~ C. The board of trustees of the Foundation shall consist of the Commissioner of Veterans Services and the Chairmen of the Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations or their designees, who shall serve as ex officio voting ~~members trustees~~, and 16 ~~members trustees~~ to be appointed as follows: eight nonlegislative citizens appointed by the Governor; five nonlegislative citizens appointed by the Speaker of the House of Delegates; and three nonlegislative citizens appointed by the Senate Committee on Rules. A majority of the *appointed* trustees shall be active or retired chairmen, chief executive officers, or chief financial officers for large private corporations or nonprofit organizations or individuals who have extensive fundraising experience in the private sector. Trustees appointed shall, insofar as possible, be veterans. Each appointing authority shall endeavor to ensure a balanced *representation among the officer and enlisted ranks of the armed services and geographical representation on the Board* board of trustees to facilitate fundraising efforts across the state.

~~After initial appointments, members~~ Trustees shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All ~~members trustees~~ may be reappointed. However, no ~~member trustee~~ shall serve more than two consecutive four-year terms. The remainder of any term to which a ~~member trustee~~ is appointed to fill a vacancy shall not constitute a term in determining the ~~member's trustee's~~ eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments. Any ~~member of the Board of Trustees trustee~~ may be removed at the pleasure of the appointing authority.

~~C. D.~~ D. Trustees shall be reimbursed for their actual expenses incurred while attending meetings of the trustees or performing other duties. However, such reimbursement shall not exceed the per diem rate established for members of the General Assembly pursuant to § 30-19.12.

~~D. E.~~ E. The ~~Secretary Department of Veterans and Defense Affairs shall designate a state agency to~~ Services shall provide the Foundation with administrative and other services.

~~E. F.~~ F. The trustees shall adopt bylaws governing their organization and procedures and may amend the same. The trustees shall elect from their number a chairman and such other officers as their bylaws may provide. Ex officio ~~members trustees~~ shall not be eligible to serve as chairman. The trustees shall meet four times a year at such times as they deem appropriate or on call of the chairman. A majority of the voting ~~members trustees~~ of the board of trustees shall constitute a quorum.

~~F. Any person designated by the board of trustees to handle the funds of the Foundation or the Fund shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Foundation.~~

G. *The Director of Finance for the Department of Veterans Services shall serve as the treasurer of the Foundation.*

CHAPTER 322

An Act to amend the Code of Virginia by adding a section numbered 15.2-2303.4, relating to conditional zoning.

[S 549]

Approved March 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-2303.4 as follows:

§ 15.2-2303.4. Provisions applicable to certain conditional rezoning proffers.

A. For purposes of this section, unless the context requires a different meaning:

"New residential development" means any construction or building expansion on residentially zoned property, including a residential component of a mixed-use development, that results in either one or more additional residential dwelling units or, otherwise, fewer residential dwelling units, beyond what may be permitted by right under the then-existing zoning of the property, when such new residential development requires a rezoning or proffer condition amendment.

"New residential use" means any use of residentially zoned property that requires a rezoning or that requires a proffer condition amendment to allow for new residential development.

"Offsite proffer" means a proffer addressing an impact outside the boundaries of the property to be developed and shall include all cash proffers.

"Onsite proffer" means a proffer addressing an impact within the boundaries of the property to be developed and shall not include any cash proffers.

"Proffer condition amendment" means an amendment to an existing proffer statement applicable to a property or properties.

"Public facilities" means public transportation facilities, public safety facilities, public school facilities, or public parks.

"Public facility improvement" means an offsite public transportation facility improvement, a public safety facility improvement, a public school facility improvement, or an improvement to or construction of a public park. No public facility improvement shall include any operating expense of an existing public facility, such as ordinary maintenance or repair, or any capital improvement to an existing public facility, such as a renovation or technology upgrade, that does not expand the capacity of such facility. For purposes of this section, the term "public park" shall include playgrounds and other recreational facilities.

"Public safety facility improvement" means construction of new law-enforcement, fire, emergency medical, and rescue facilities or expansion of existing public safety facilities, to include all buildings, structures, parking, and other costs directly related thereto.

"Public school facility improvement" means construction of new primary and secondary public schools or expansion of existing primary and secondary public schools, to include all buildings, structures, parking, and other costs directly related thereto.

"Public transportation facility improvement" means (i) construction of new roads; (ii) improvement or expansion of existing roads and related appurtenances as required by applicable standards of the Virginia Department of Transportation, or the applicable standards of a locality; and (iii) construction, improvement, or expansion of buildings, structures, parking, and other facilities directly related to transit.

"Residentially zoned property" means property zoned or proposed to be zoned for either single-family or multifamily housing.

"Small area comprehensive plan" means that portion of a comprehensive plan adopted pursuant to § 15.2-2223 that is specifically applicable to a delineated area within a locality rather than the locality as a whole.

B. Notwithstanding any other provision of law, general or special, no locality shall (i) request or accept any unreasonable proffer, as described in subsection C, in connection with a rezoning or a proffer condition amendment as a condition of approval of a new residential development or new residential use or (ii) deny any rezoning application or proffer condition amendment for a new residential development or new residential use where such denial is based in whole or in part on an applicant's failure or refusal to submit an unreasonable proffer or proffer condition amendment.

C. Notwithstanding any other provision of law, general or special, (i) as used in this chapter, a proffer, or proffer condition amendment, whether onsite or offsite, offered voluntarily pursuant to § 15.2-2297, 15.2-2298, 15.2-2303, or 15.2-2303.1, shall be deemed unreasonable unless it addresses an impact that is specifically attributable to a proposed new residential development or other new residential use applied for and (ii) an offsite proffer shall be deemed unreasonable pursuant to subdivision (i) unless it addresses an impact to an offsite public facility, such that (a) the new residential development or new residential use creates a need, or an identifiable portion of a need, for one or more public facility improvements in excess of existing public facility capacity at the time of the rezoning or proffer condition amendment and (b) each such new residential development or new residential use applied for receives a direct and material benefit from a proffer made with respect to any such public facility improvements. For the purposes of this section, a locality may base its assessment of public facility capacity on the projected impacts specifically attributable to the new residential development or new residential use.

D. Notwithstanding any other provision of law, general or special:

1. Actions brought to contest the action of a locality in violation of this section shall be brought only by the aggrieved applicant or the owner of the property subject to a rezoning or proffer condition amendment pursuant to subsection F of § 15.2-2285.

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

3. In any successful action brought pursuant to this section contesting an action of a locality in violation of this section, the applicant may be entitled to an award of reasonable attorney fees and costs and to an order remanding the matter to the governing body with a direction to approve the rezoning or proffer condition amendment without the inclusion of any unreasonable proffer. If the locality fails or refuses to approve the rezoning or proffer condition amendment within a reasonable time not to exceed 90 days from the date of the court's order to do so, the court shall enjoin the locality from interfering with the use of the property as applied for without the unreasonable proffer. Upon remand to the local governing body pursuant to this subsection, the requirements of § 15.2-2204 shall not apply.

E. The provisions of this section shall not apply to any new residential development or new residential use occurring within any of the following areas: (i) an approved small area comprehensive plan in which the delineated area is designated as a revitalization area, encompasses mass transit as defined in § 33.2-100, includes mixed use development, and allows a density of at least 3.0 floor area ratio in a portion thereof; (ii) an approved small area comprehensive plan that encompasses an existing or planned Metrorail station, or is adjacent to a Metrorail station located in a neighboring locality, and allows additional density within the vicinity of such existing or planned station; or (iii) an approved service district created pursuant to § 15.2-2400 that encompasses an existing or planned Metrorail station.

2. That this act shall be construed as supplementary to any existing provisions limiting or curtailing proffers or proffer condition amendments for new residential development or new residential use that are consistent with its terms and shall be construed to supersede any existing statutory provision with respect to proffers or proffer condition amendments for new residential development or new residential use that are inconsistent with its terms.

3. That this act is prospective only and shall not be construed to apply to any application for rezoning filed prior to July 1, 2016, or to any application for a proffer condition amendment amending a rezoning for which the application was filed prior to that date.

CHAPTER 323

An Act to amend and reenact § 55-519 of the Code of Virginia, relating to the Virginia Residential Property Disclosure Act; required disclosures; zoning and permitted uses of adjacent parcels.

[H 746]

Approved March 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 55-519 of the Code of Virginia is amended and reenacted as follows:

§ 55-519. Required disclosures.

A. With regard to transfers described in § 55-517, the owner of the residential real property shall furnish to a purchaser a residential property disclosure statement in a form provided by the Real Estate Board stating that the owner makes the following representations as to the real property:

1. The owner makes no representations with respect to the matters set forth and described at a website maintained by the Real Estate Board and that the purchaser is advised to consult this website for important information about the real property; and

2. The owner represents that there are no pending enforcement actions pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) that affect the safe, decent, sanitary living conditions of the property of which the owner has been notified in writing by the locality, except as disclosed on the disclosure statement, nor any pending violation of the local zoning ordinance that the violator has not abated or remedied under the zoning ordinance, within a time period set out in the written notice of violation from the locality or established by a court of competent jurisdiction, except as disclosed on the disclosure statement.

B. At the website referenced in subdivision A 1, the Real Estate Board shall include language providing notice to the purchaser that by delivering the residential property disclosure statement:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary including obtaining a certified home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, *including zoning classification or permitted uses of adjacent parcels*, and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms

and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of any local ordinance creating such district or any official map adopted by the locality depicting historic districts, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property; and

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.

C. Any purchaser who is a party to a real estate purchase contract subject to this section may provide in such contract that the disclosures provided on the Real Estate Board website be printed off and provided to such purchaser.

CHAPTER 324

An Act to amend and reenact §§ 4.1-100, as it is currently effective and as it shall become effective, 54.1-3000, 54.1-3001, 54.1-3005, 54.1-3005.1, 54.1-3008, 54.1-3029, and 54.1-3029.1 of the Code of Virginia, relating to licensure of massage therapists.

[H 562]

Approved March 10, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, as it is currently effective and as it shall become effective, 54.1-3000, 54.1-3001, 54.1-3005, 54.1-3005.1, 54.1-3008, 54.1-3029, and 54.1-3029.1 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. (Effective until July 1, 2018) Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons ~~certified~~ licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume. "Farm winery" includes

an accredited public or private institution of higher education provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this sentence and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall

be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-100. (Effective July 1, 2018) Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons ~~certified~~ licensed in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means an establishment (i) located on a farm in the Commonwealth with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or (ii) located in the Commonwealth with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where

the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume. "Farm winery" includes an accredited public or private institution of higher education provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this sentence and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 54.1-3000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board of Nursing.

"Certified nurse aide" means a person who meets the qualifications specified in this article and who is currently certified by the Board.

"Clinical nurse specialist" means a person who is registered by the Board in addition to holding a license under the provisions of this chapter to practice professional nursing as defined in this section. Such a person shall be recognized as being able to provide advanced services according to the specialized training received from a program approved by the Board, but shall not be entitled to perform any act that is not within the scope of practice of professional nursing.

~~"Certified massage therapist"~~ *Massage therapist* means a person who meets the qualifications specified in this chapter and who is currently ~~certified~~ *licensed* by the Board.

"Massage therapy" means the treatment of soft tissues for therapeutic purposes by the application of massage and bodywork techniques based on the manipulation or application of pressure to the muscular structure or soft tissues of the human body. ~~The terms "massage therapy" and "therapeutic massage" do not include the diagnosis or treatment of illness or disease or any service or procedure for which a license to practice medicine, nursing, midwifery, chiropractic therapy, physical therapy, occupational therapy, acupuncture, athletic training, or podiatry is required by law or any service described in § 54.1-3001(18).~~

"Massage therapy" shall not include manipulation of the spine or joints.

"Nurse practitioner" means an advanced practice registered nurse who is jointly licensed by the Boards of Medicine and Nursing pursuant to § 54.1-2957.

"Practical nurse" or "licensed practical nurse" means a person who is licensed or holds a multistate licensure privilege under the provisions of this chapter to practice practical nursing as defined in this section. Such a licensee shall be empowered to provide nursing services without compensation. The abbreviation "L.P.N." shall stand for such terms.

"Practical nursing" or "licensed practical nursing" means the performance for compensation of selected nursing acts in the care of individuals or groups who are ill, injured, or experiencing changes in normal health processes; in the maintenance of health; in the prevention of illness or disease; or, subject to such regulations as the Board may promulgate, in the teaching of those who are or will be nurse aides. Practical nursing or licensed practical nursing requires knowledge, judgment and skill in nursing procedures gained through prescribed education. Practical nursing or licensed practical nursing is performed under the direction or supervision of a licensed medical practitioner, a professional nurse, registered nurse or registered professional nurse or other licensed health professional authorized by regulations of the Board.

"Practice of a nurse aide" or "nurse aide practice" means the performance of services requiring the education, training, and skills specified in this chapter for certification as a nurse aide. Such services are performed under the supervision of a dentist, physician, podiatrist, professional nurse, licensed practical nurse, or other licensed health care professional acting within the scope of the requirements of his profession.

"Professional nurse," "registered nurse" or "registered professional nurse" means a person who is licensed or holds a multistate licensure privilege under the provisions of this chapter to practice professional nursing as defined in this section. Such a licensee shall be empowered to provide professional services without compensation, to promote health and to teach health to individuals and groups. The abbreviation "R.N." shall stand for such terms.

"Professional nursing," "registered nursing" or "registered professional nursing" means the performance for compensation of any nursing acts in the observation, care and counsel of individuals or groups who are ill, injured or experiencing changes in normal health processes or the maintenance of health; in the prevention of illness or disease; in the supervision and teaching of those who are or will be involved in nursing care; in the delegation of selected nursing tasks and procedures to appropriately trained unlicensed persons as determined by the Board; or in the administration of medications and treatments as prescribed by any person authorized by law to prescribe such medications and treatment. Professional nursing, registered nursing and registered professional nursing require specialized education, judgment, and skill based upon knowledge and application of principles from the biological, physical, social, behavioral and nursing sciences.

§ 54.1-3001. Exemptions.

This chapter shall not apply to the following:

1. The furnishing of nursing assistance in an emergency;
2. The practice of nursing, which is prescribed as part of a study program, by nursing students enrolled in nursing education programs approved by the Board or by graduates of approved nursing education programs for a period not to exceed ninety days following successful completion of the nursing education program pending the results of the licensing examination, provided proper application and fee for licensure have been submitted to the Board and unless the graduate fails the licensing examination within the 90-day period;
3. The practice of any legally qualified nurse of another state who is employed by the United States government while in the discharge of his official duties;
4. The practice of nursing by a nurse who holds a current unrestricted license in another state, the District of Columbia, a United States possession or territory, or who holds a current unrestricted license in Canada and whose training was

obtained in a nursing school in Canada where English was the primary language, for a period of 30 days pending licensure in Virginia, if the nurse, upon employment, has furnished the employer satisfactory evidence of current licensure and submits proper application and fees to the Board for licensure before, or within 10 days after, employment. At the discretion of the Board, additional time may be allowed for nurses currently licensed in another state, the District of Columbia, a United States possession or territory, or Canada who are in the process of attaining the qualification for licensure in this Commonwealth;

5. The practice of nursing by any registered nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory, or a nurse who holds an equivalent credential in a foreign country, while enrolled in an advanced professional nursing program requiring clinical practice. This exemption extends only to clinical practice required by the curriculum;

6. The practice of nursing by any nurse who holds a current unrestricted license in another state, the District of Columbia, or a United States possession or territory and is employed to provide care to any private individual while such private individual is traveling through or temporarily staying, as defined in the Board's regulations, in the Commonwealth;

7. General care of the sick by nursing assistants, companions or domestic servants that does not constitute the practice of nursing as defined in this chapter;

8. The care of the sick when done solely in connection with the practice of religious beliefs by the adherents and which is not held out to the public to be licensed practical or professional nursing;

9. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

10. The practice of nursing by any nurse who is a graduate of a foreign nursing school and has met the credential, language, and academic testing requirements of the Commission on Graduates of Foreign Nursing Schools for a period not to exceed ninety days from the date of approval of an application submitted to the Board when such nurse is working as a nonsupervisory staff nurse in a licensed nursing home or certified nursing facility. During such ninety-day period, such nurse shall take and pass the licensing examination to remain eligible to practice nursing in Virginia; no exemption granted under this subdivision shall be extended;

11. The practice of nursing by any nurse rendering free health care to an underserved population in Virginia who (i) does not regularly practice nursing in Virginia, (ii) holds a current valid license or certification to practice nursing in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of this Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any nurse whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a nurse who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

12. Any person performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; ~~or~~

13. The practice of nursing by any nurse who holds a current unrestricted license from another state, the District of Columbia or a United States possession or territory, while such nurse is in the Commonwealth temporarily and is practicing nursing in a summer camp or in conjunction with clients who are participating in specified recreational or educational activities;

14. *The practice of massage therapy that is an integral part of a program of study by a student enrolled in a massage therapy educational program under the direction of a licensed massage therapist. Any student enrolled in a massage therapy educational program shall be identified as a "Student Massage Therapist" and shall deliver massage therapy under the supervision of an appropriate clinical instructor recognized by the educational program;*

15. *The practice of massage therapy by a massage therapist licensed or certified in good standing in another state, the District of Columbia, or another country, while such massage therapist is volunteering at a sporting or recreational event or activity, is responding to a disaster or emergency declared by the appropriate authority, is travelling with an out-of-state athletic team or an athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing, or is engaged in educational seminars;*

16. *Any person providing services related to the domestic care of any family member or household member so long as that person does not offer, hold out, or claim to be a massage therapist; or*

17. Any health care professional licensed or certified under this title for which massage therapy is a component of his practice.

18. Any individual who provides stroking of the hands, feet, or ears or the use of touch, words, and directed movement, including healing touch, therapeutic touch, mind-body centering, orthobionomy, traeger therapy, reflexology, polarity therapy, reiki, qigong, muscle activation techniques, or practices with the primary purpose of affecting energy systems of the human body.

§ 54.1-3005. Specific powers and duties of Board.

In addition to the general powers and duties conferred in this title, the Board shall have the following specific powers and duties:

1. To prescribe minimum standards and approve curricula for educational programs preparing persons for licensure or certification under this chapter;
2. To approve programs that meet the requirements of this chapter and of the Board;
3. To provide consultation service for educational programs as requested;
4. To provide for periodic surveys of educational programs;
5. To deny or withdraw approval from educational programs for failure to meet prescribed standards;
6. To provide consultation regarding nursing practice for institutions and agencies as requested and investigate illegal nursing practices;
7. To keep a record of all its proceedings;
8. To certify and maintain a registry of all certified nurse aides and to promulgate regulations consistent with federal law and regulation. The Board shall require all schools to demonstrate their compliance with § 54.1-3006.2 upon application for approval or reapproval, during an on-site visit, or in response to a complaint or a report of noncompliance. The Board may impose a fee pursuant to § 54.1-2401 for any violation thereof. Such regulations may include standards for the authority of licensed practical nurses to teach nurse aides;
9. To approve programs that entitle professional nurses to be registered as clinical nurse specialists and to prescribe minimum standards for such programs;
10. To maintain a registry of clinical nurse specialists and to promulgate regulations governing clinical nurse specialists;
11. To ~~certify~~ license and maintain a registry of all ~~certified~~ licensed massage therapists and to promulgate regulations governing the criteria for ~~certification~~ licensure as a massage therapist and the standards of professional conduct for ~~certified~~ licensed massage therapists;
12. To promulgate regulations for the delegation of certain nursing tasks and procedures not involving assessment, evaluation or nursing judgment to an appropriately trained unlicensed person by and under the supervision of a registered nurse, who retains responsibility and accountability for such delegation;
13. To develop and revise as may be necessary, in coordination with the Boards of Medicine and Education, guidelines for the training of employees of a school board in the administration of insulin and glucagon for the purpose of assisting with routine insulin injections and providing emergency treatment for life-threatening hypoglycemia. The first set of such guidelines shall be finalized by September 1, 1999, and shall be made available to local school boards for a fee not to exceed the costs of publication;
14. To enter into the Nurse Licensure Compact as set forth in this chapter and to promulgate regulations for its implementation;
15. To collect, store and make available nursing workforce information regarding the various categories of nurses certified, licensed or registered pursuant to § 54.1-3012.1;
16. To expedite application processing, to the extent possible, for an applicant for licensure or certification by the Board upon submission of evidence that the applicant, who is licensed or certified in another state, is relocating to the Commonwealth pursuant to a spouse's official military orders;
17. To register medication aides and promulgate regulations governing the criteria for such registration and standards of conduct for medication aides;
18. To approve training programs for medication aides to include requirements for instructional personnel, curriculum, continuing education, and a competency evaluation;
19. To set guidelines for the collection of data by all approved nursing education programs and to compile this data in an annual report. The data shall include but not be limited to enrollment, graduation rate, attrition rate, and number of qualified applicants who are denied admission;
20. To develop, in consultation with the Board of Pharmacy, guidelines for the training of employees of child day programs as defined in § 63.2-100 and regulated by the State Board of Social Services in the administration of prescription drugs as defined in the Drug Control Act (§ 54.1-3400 et seq.). Such training programs shall be taught by a registered nurse, licensed practical nurse, doctor of medicine or osteopathic medicine, or pharmacist;
21. In order to protect the privacy and security of health professionals licensed, registered or certified under this chapter, to promulgate regulations permitting use on identification badges of first name and first letter only of last name and appropriate title when practicing in hospital emergency departments, in psychiatric and mental health units and programs, or in health care facility units offering treatment for patients in custody of state or local law-enforcement agencies;

22. To revise, as may be necessary, guidelines for seizure management, in coordination with the Board of Medicine, including the list of rescue medications for students with epilepsy and other seizure disorders in the public schools. The revised guidelines shall be finalized and made available to the Board of Education by August 1, 2010. The guidelines shall then be posted on the Department of Education's website; and

23. To promulgate, together with the Board of Medicine, regulations governing the licensure of nurse practitioners pursuant to § 54.1-2957.

§ 54.1-3005.1. Criminal history background checks.

The Board shall require each applicant for licensure as a practical nurse ~~or~~ registered nurse, *or licensed massage therapist* to submit fingerprints and provide personal descriptive information to be forwarded along with his fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the applicant. The cost of fingerprinting and the criminal history record search shall be paid by the applicant.

The Central Criminal Records Exchange shall forward the results of the state and federal criminal history record search to the Board, which shall be a governmental entity. If an applicant is denied licensure because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation and the Central Criminal Records Exchange. The information shall not be disseminated except as provided in this section.

§ 54.1-3008. Particular violations; prosecution.

A. It shall be a Class 1 misdemeanor for any person to:

1. Practice nursing under the authority of a license or record illegally or fraudulently obtained or signed or issued unlawfully or under fraudulent representation;

2. Practice nursing unless licensed to do so under the provisions of this chapter;

3. Knowingly employ an unlicensed person as a professional or practical nurse or knowingly permit an unlicensed person to represent himself as a professional or practical nurse;

4. Use in connection with his name any designation tending to imply that he is a professional nurse or a practical nurse unless duly licensed to practice under the provisions of this chapter;

5. Practice professional nursing or practical nursing during the time his license is suspended or revoked;

6. Conduct a nursing education program for the preparation of professional or practical nurses unless the program has been approved by the Board; *or*

7. ~~Claim to be, on and after July 1, 1997, a certified massage therapist or massage therapist or use any designation tending to imply that he is a massage therapist or certified massage therapist unless he is certified under the provisions of this chapter~~ *Engage in the practice of massage therapy or hold himself out as practicing massage therapy unless he holds a license as a massage therapist issued by the Board.*

B. The provisions of this section shall apply, mutatis mutandis, to persons holding a multistate licensure privilege to practice nursing.

Article 5.

~~Certification~~ *Licensure of Massage Therapists.*

§ 54.1-3029. Qualifications for a licensed massage therapist.

A. In order to be ~~certified~~ *licensed* as a massage therapist, the applicant shall furnish evidence satisfactory to the Board that the applicant:

1. Is at least 18 years old;

2. Has successfully completed a minimum of 500 hours of training from a massage therapy program, certified or approved by the State Council of Higher Education or an agency in another state, the District of Columbia, or a United States territory that approves educational programs, notwithstanding the provisions of § 23-276.2;

3. Has passed the ~~National Certification Exam for Therapeutic Massage and Bodywork, the National Certification Exam for Therapeutic Massage, the~~ Licensing Examination of the Federation of State Massage Therapy Boards; or an ~~exam~~ *examination* deemed acceptable to the Board of Nursing; and

4. Has not committed any acts or omissions that would be grounds for disciplinary action or denial of ~~certification~~ *licensure* as set forth in this chapter.

B. ~~The Board may certify any applicant who has been practicing massage therapy for up to 10 years prior to July 1, 1997, and has completed at least 200 hours of training in an education program. Such programs may be, but shall not be required to be, certified or approved by the State Council of Higher Education or an agency in another state, the District of Columbia, or a United States territory that approves educational programs; or has been in practice for 10 years or more prior to July 1, 1997, and has completed 20 hours of such training; or has passed the National Certification Exam for Therapeutic Massage and Bodywork prior to 1994.~~

C. ~~The Board may issue a provisional certification license to an applicant prior to passing the National Certification Exam for Therapeutic Massage and Bodywork~~ *Licensing Examination of the Federation of State Massage Therapy Boards* for such time and in such manner as prescribed by the Board. No more than one provisional ~~certification~~ *license* shall be issued to any applicant.

~~D- C.~~ The Board may ~~certify~~ license without examination any applicant who is licensed ~~or certified~~ as a massage therapist in another state, the District of Columbia, a United States possession or territory, or another country, and, in the opinion of the Board, meets the requirements for ~~certified~~ licensed massage therapists in the Commonwealth.

§ 54.1-3029.1. Advisory Board on Massage Therapy.

The Advisory Board on Massage Therapy shall assist the Board in carrying out the provisions of this chapter regarding the qualifications, examination, registration, regulation, and standards of professional conduct of massage therapists as described in § 54.1-3029. The Advisory Board shall also assist in such other matters relating to the practice of massage therapy as the Board may require.

The Advisory Board on Massage Therapy shall consist of five members to be appointed by the Governor for four-year terms as follows: three members shall be ~~certified~~ licensed massage therapists who have practiced in the Commonwealth for not less than three years prior to their appointments; one shall be an administrator or faculty member of a nationally accredited school of massage therapy; and one shall be a citizen member appointed from the Commonwealth at large.

The Advisory Board shall elect a chairman and vice-chairman from among its membership. The Advisory Board shall meet at least once a year and may hold additional meetings as necessary to perform its duties. A majority of the Board shall constitute a quorum for the conduct of business.

Vacancies occurring other than by expiration of term shall be filled for the unexpired term. No person shall be eligible to serve on the Advisory Board for more than two successive terms.

2. That the Board of Nursing shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

3. That any person holding a certificate to practice massage therapy prior to January 1, 2017, shall be deemed to be licensed thereafter and the Board of Nursing shall at the time of renewal provide such person a license.

4. That the Board of Nursing shall issue certificates for massage therapy until the effective date of regulations promulgated pursuant to this act.

CHAPTER 325

An Act to amend and reenact § 58.1-1204 of the Code of Virginia, relating to bank franchise tax.

[S 670]

Approved March 10, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1204 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1204. Rate of tax.

The franchise tax imposed under this chapter shall be at the rate of \$1 on each \$100 of net capital as hereinafter defined. *The total tax liability per taxpayer under this chapter shall not exceed \$18 million annually. If at least five banks pay such maximum amount of franchise tax for three consecutive calendar years, beginning in 2017, as determined by the Department of Taxation, then such maximum amount shall increase to \$20 million beginning in the calendar year immediately following the third consecutive year. After two years at \$20 million, such maximum amount shall increase by three percent annually.* There shall be no deduction in respect to shares owned by exempt institutions.

2. That the Department of Taxation shall notify all bank and trust companies in the Commonwealth of the increase in the maximum annual tax liability no later than August 15 of the year immediately prior to the year of such increase.

CHAPTER 326

An Act to amend the Code of Virginia by adding in Title 23 a chapter numbered 4.03, consisting of sections numbered 23-38.10:14 through 23-38.10:20, relating to the establishment of the New Economy Workforce Credential Grant Program.

[H 66]

Approved March 10, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23 a chapter numbered 4.03, consisting of sections numbered 23-38.10:14 through 23-38.10:20, as follows:

CHAPTER 4.03.

NEW ECONOMY WORKFORCE CREDENTIAL GRANT PROGRAM.

§ 23-38.10:14. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Board of Workforce Development.

"Competency-based" means awarded on the basis of demonstrated knowledge and skills rather than completion of instructional hours or participation in an instructional course or program.

"Council" means the State Council of Higher Education for Virginia.

"Eligible institution" means a comprehensive community college, the Institute for Advanced Learning and Research, New College Institute, Richard Bland College, Roanoke Higher Education Center, Southern Virginia Higher Education Center, or Southwest Virginia Higher Education Center.

"Eligible student" means any Virginia student enrolled at an eligible institution who is domiciled in the Commonwealth as provided in § 23-7.4, as determined by the eligible institution.

"Fund" means the New Economy Workforce Credential Grant Fund.

"Grant" means a New Economy Workforce Credential Grant.

"High-demand field" means a discipline or field in which there is a shortage of skilled workers to fill current job vacancies or anticipated additional job openings.

"Industry-recognized" means demonstrating competency or proficiency in the technical and occupational skills identified as necessary for performing functions of an occupation based on standards developed or endorsed by employers and industry organizations.

"Noncredit workforce credential" means a competency-based, industry-recognized, portable, and third-party-validated certification or occupational license in a high-demand field.

"Noncredit workforce training program" means a program at an eligible institution that leads to an occupation or a cluster of occupations in a high-demand field, which program may include the attainment of a noncredit workforce credential. "Noncredit workforce training program" may include a program that receives funding pursuant to the Carl D. Perkins Career and Technical Education Improvement Act of 2006, P.L. 109-270. "Noncredit workforce training program" shall not include certificates of completion.

"Portable" means recognized by multiple employers or educational institutions and, where appropriate, across geographic areas.

"Program" means the New Economy Workforce Credential Grant Program.

"Third-party-validated" means having an external process in place for determining validity and relevance in the workplace and for continuous alignment of demonstrated knowledge and skills with industry workforce needs.

§ 23-38.10:15. New Economy Workforce Credential Grant Program; purpose.

The New Economy Workforce Credential Grant Program is established for the purpose of (i) creating and sustaining a demand-driven supply of credentialed workers for high-demand occupations in the Commonwealth by addressing and closing the gap between the skills needed by workers in the Commonwealth and the skills of the available workforce in the Commonwealth; (ii) expanding the affordability of workforce training and credentialing; and (iii) increasing the interest of current and future Virginia workers in technician, technologist, and trade-level positions to fill the available and emerging jobs in the Commonwealth that require less than a bachelor's degree but more than a high school diploma.

§ 23-38.10:16. New Economy Workforce Credential Grant Fund and Program established; administration.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the New Economy Workforce Credential Grant Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly, and from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of disbursing moneys to eligible institutions for the award of grants pursuant to the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the director of the Council.

B. There is hereby established a New Economy Workforce Credential Grant Program for the purpose of disbursing moneys from the Fund to eligible institutions for the award of grants to benefit students pursuant to this chapter.

C. The Council shall administer the Program and shall carry out the goals and purposes of the Program set forth in this chapter. In administering the Program, the Council (i) shall require eligible institutions to provide student-specific data and make final decisions on any dispute between eligible institutions and grant recipients; (ii) shall undertake periodic assessments of the overall success of the Program and recommend modifications, interventions, and other actions based on such assessment; and (iii) may adopt such regulations for the administration of the Program as it deems necessary and appropriate.

D. The Council shall instruct the Comptroller to annually disburse moneys to eligible institutions on a first-come, first-served basis as eligible students enroll in noncredit workforce training programs identified by the governing board of the eligible institution pursuant to subsection E, provided that no more than one-quarter of the moneys in the Fund are disbursed annually to any eligible institution. The Council shall set forth the procedure by which eligible institutions shall notify the Council when eligible students enroll in noncredit workforce training programs identified by the governing board of the eligible institution pursuant to subsection E.

E. The Board shall make recommendations to eligible institutions to help determine high-demand fields for which noncredit workforce training programs may be offered pursuant to the Program. The governing board of each eligible institution shall determine the noncredit workforce training programs offered pursuant to the Program.

§ 23-38.10:17. Student grants.

A. Subject to the availability of funds, any eligible student who enrolls in a noncredit workforce training program offered by an eligible institution pursuant to the Program may apply for and be awarded a grant to cover two-thirds of the

cost of the noncredit workforce training program, provided that at the time of enrollment the eligible student pays one-third of the cost of the noncredit workforce training program and signs an agreement to complete the noncredit workforce training program or pay an additional one-third of the program cost in the event of noncompletion. Upon the presentation of satisfactory proof of completion of the noncredit workforce training program by the eligible student, the Council shall reimburse the institution in an amount equal to one-third of the cost of the program. Upon the presentation of satisfactory proof of the attainment of a noncredit workforce credential by the eligible student, the Council shall reimburse the institution in an amount equal to one-third of the cost of the program. However, the Council shall not reimburse any eligible institution more than \$3,000 per completed noncredit workforce training program per eligible student pursuant to the Program.

B. Grants shall not be reduced by an eligible student's concurrent receipt of financial aid from any other source except in cases in which the grant and such other financial aid would result in total assistance in excess of tuition, fees, books, and other allowable costs of completing the noncredit workforce credential program.

§ 23-38.10:18. Board of Workforce Development to keep a list of high-demand fields and related noncredit workforce training programs and credentials.

The Board shall maintain and update a list of high-demand fields and the related noncredit workforce training programs and noncredit workforce credentials on its website.

§ 23-38.10:19. Eligible institutions; academic credit; noncredit workforce credentials.

Each eligible institution that participates in the Program shall adopt a policy for the award of academic credit to any eligible student who has earned a noncredit workforce credential that is applicable to the student's certificate or degree program requirements.

§ 23-38.10:20. Eligible institutions and the Council; reporting.

A. No later than January 1 of each year, each eligible institution shall submit to the Council a report with data from the previous fiscal year on noncredit workforce training program completion and noncredit workforce credential attainment by eligible students participating in the Program that includes:

1. A list of the noncredit workforce credentials offered, by name and certification entity;

2. The number of eligible students who enrolled in noncredit workforce credentials programs;

3. The number of eligible students who completed noncredit workforce credentials programs;

4. The number of eligible students who attained noncredit workforce credentials after completing noncredit workforce training programs, by credential name and relevant industry sector; and

5. The average cost per noncredit workforce credential attained, by credential name and relevant industry sector.

B. The Council shall compile the data provided pursuant to subsection A and report such data, in the aggregate and by eligible institution, to the Board and the General Assembly.

2. That comprehensive community colleges, the Institute for Advanced Learning and Research, New College Institute, Richard Bland College, Roanoke Higher Education Center, Southern Virginia Higher Education Center, and Southwest Virginia Higher Education Center are authorized to offer noncredit workforce training programs consistent with the provisions of the New Economy Workforce Credential Grant Program as set forth in this act.

CHAPTER 327

An Act to amend and reenact §§ 44-93.2, 44-93.3, and 44-93.4 of the Code of Virginia, relating to the National Guard; reemployment rights and discrimination in employment.

[H 111]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-93.2, 44-93.3, and 44-93.4 of the Code of Virginia are amended and reenacted as follows:

§ 44-93.2. Leaves of absence from nongovernmental employment.

A member of the Virginia National Guard or Virginia Defense Force, or a resident of the Commonwealth who is a member of the National Guard of another state, called to state active duty or military duty pursuant to Title 32 of the United States Code shall have the right to take leave without pay from his nongovernmental employment. No member of the National Guard or Virginia Defense Force, or resident of the Commonwealth who is a member of the National Guard of another state, shall be forced to use or exhaust his vacation or other accrued leaves from his nongovernmental employment for a period of active service. The choice of leave shall be solely within the discretion of the member.

§ 44-93.3. Reemployment rights.

Upon honorable release from state active duty or military duty pursuant to Title 32 of the United States Code, a member of the Virginia National Guard or Virginia Defense Force, or a resident of the Commonwealth who is a member of the National Guard of another state, shall make written application to his previous employer for reemployment within (i) 14 days of his release from duty or from hospitalization following release if the length of the member's absence by reason of service in the uniformed services does not exceed 180 days or (ii) 90 days of his release from duty or from hospitalization following release if the length of the member's absence by reason of service in the uniformed services exceeds 180 days. When released from such duty, they shall be restored to positions held by them when ordered to duty. If the office or

position has been abolished or otherwise has ceased to exist during such leave of absence, they shall be reinstated in a position of like seniority, status and pay if the position exists, or to a comparable vacant position for which they are qualified, unless to do so would be unreasonable. This section shall not apply when the cumulative length of the absence and of all previous absences from a position of employment with that employer by reason of service in the uniformed services exceeds five years.

§ 44-93.4. Discrimination against persons who serve in the Virginia National Guard, Virginia Defense Force, or National Guard of another state and acts of reprisal prohibited.

A. A member of the Virginia National Guard or Virginia Defense Force, *or a resident of the Commonwealth who is a member of the National Guard of another state*, who performs, has performed, applies to perform, or has an obligation to perform state active duty or military duty pursuant to Title 32 of the United States Code shall not be denied initial employment, reemployment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

B. A person shall be considered to have denied a member of the Virginia National Guard or Virginia Defense Force, *or a resident of the Commonwealth who is a member of the National Guard of another state*, initial employment, reemployment, retention in employment, promotion, or a benefit of employment in violation of this section if the member's membership, application for membership, performance of service, application for service, or obligation for service is a motivating factor in that person's action, unless the person can prove by the greater weight of the evidence that the same unfavorable action would have taken place in the absence of the member's membership, application for membership, performance of service, application for service, or obligation for service.

CHAPTER 328

An Act to amend and reenact § 6.2-406 of the Code of Virginia, relating to real estate loans; mortgage applications.

[H 123]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-406 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-406. Disclosure of terms of mortgage application.

A. Any lender making, or broker arranging, loans secured by a first mortgage or first deed of trust on owner occupied residential real estate consisting of one- to four-family dwelling units shall provide, at the time an application for such a loan is submitted by a loan applicant, to the loan applicant a written statement that:

1. Describes when, ~~if ever,~~ the interest, points, and fees quoted will be locked in; *and*
2. ~~States that all the loan terms not legally locked in are subject to change until settlement, which shall be initiated by the loan applicant and lender or broker; and~~
3. Provides a good faith estimate of the processing time required for the loan. The estimate shall take into account the time needed for the performance of any local government inspections or other functions necessary to close the loan.

B. The requirements of subsection A shall not apply to any lender making 10 or fewer loans secured by a first mortgage or first deed of trust on such owner occupied residential real estate in any 12-month period.

CHAPTER 329

An Act to amend and reenact §§ 6.2-1607 and 6.2-1610 of the Code of Virginia, relating to mortgage lenders and mortgage brokers; licenses and reports.

[H 124]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-1607 and 6.2-1610 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-1607. Licenses; places of business; changes.

A. Each license shall state the address of each office at which the business is to be conducted and shall state fully the name of the licensee. Each license shall be prominently posted in each office of the licensee. Licenses shall not be transferable or assignable, by operation of law or otherwise. No licensee shall use any name other than the name set forth on the license issued by the Commission.

B. No licensee shall open an additional office without prior approval of the Commission. Applications for such approval shall be made in writing on a form provided by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee. The application shall be approved unless the Commission finds that the applicant has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with law. The application shall be deemed approved if notice to the contrary has not been mailed by the Commission to the applicant within 30 days of the date the application is received by the Commission.

C. Every licensee shall within 10 days notify the Commissioner, in writing, of the closing of any approved office and of the name, address and position of each new senior officer, member, partner, or director and provide such other information with respect to any such change as the Commissioner may reasonably require.

D. Every license shall remain in force until it *expires or* has been surrendered, revoked, or suspended. The *expiration, surrender, revocation, or suspension* of a license shall not affect any preexisting legal right or obligation of such lender or broker.

E. Notwithstanding any other provision of this chapter, a mortgage lender or mortgage broker license shall expire at the end of each calendar year unless it is renewed by a licensee prior to the expiration date. A licensee may renew its license by (i) requesting renewal through the Registry and (ii) complying with any requirements associated with such renewal request that are imposed by the Registry. If a mortgage lender or mortgage broker license has expired, the Commission may by regulation permit the former licensee to seek license reinstatement after the license expiration date by renewing its license in accordance with this subsection and paying a reinstatement fee as prescribed by the Commission.

§ 6.2-1610. Periodic reports.

~~Each mortgage lender or mortgage broker required to be licensed under this chapter~~ licensee shall annually, ~~on or before March 1,~~ file a ~~periodic written report~~ reports with the Commissioner ~~or the Registry~~ containing such information as the Commissioner may require concerning ~~his~~ the licensee's business and operations ~~during the preceding calendar year as to each office.~~ Reports shall be ~~made under oath and shall be~~ in the form ~~and be submitted with such frequency and by such dates as may be~~ prescribed by the Commissioner, who shall make and publish annually an analysis and recapitulation of the reports.

CHAPTER 330

An Act to amend the Code of Virginia by adding a section numbered 6.2-1712.1, relating to mortgage loan originators; inactive licenses.

[H 125]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 6.2-1712.1 as follows:

§ 6.2-1712.1. Inactive mortgage loan originator licenses.

A. Notwithstanding any other provision of this chapter, if the Commission finds that an individual has applied for a mortgage loan originator license and meets all applicable requirements for licensure except § 6.2-1703, then the Commission shall issue a mortgage loan originator license to the applicant. However, the license issued by the Commission shall be inactive by operation of law until the Commission has updated the licensee's status in the Registry pursuant to subsection D.

B. Notwithstanding any other provision of this chapter, if the Commission finds that an individual has requested renewal of his mortgage loan originator license in accordance with subsection C of § 6.2-1711 and meets all applicable requirements for license renewal except § 6.2-1703, then the Commission shall renew the individual's mortgage loan originator license. However, the license renewed by the Commission shall be inactive by operation of law until the Commission has updated the licensee's status in the Registry pursuant to subsection D.

C. If at any time a licensee ceases to be covered by a surety bond meeting the requirements of § 6.2-1703, then the individual's license shall be inactive by operation of law until the Commission has updated the licensee's status in the Registry pursuant to subsection D.

D. If a licensee's mortgage loan originator license or transitional mortgage loan originator license is inactive by operation of law pursuant to this section, then the licensee shall not engage in the business of a mortgage loan originator until (i) the Commission has determined that the licensee is covered by a surety bond meeting the requirements of § 6.2-1703 and (ii) based upon its determination, the Commission has updated the licensee's status in the Registry to indicate that the licensee may engage in the business of a mortgage loan originator.

CHAPTER 331

An Act to amend and reenact §§ 36-55.64 and 36-85.17 of the Code of Virginia, relating to housing; removal of obsolete provisions; citation correction.

[H 210]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 36-55.64 and 36-85.17 of the Code of Virginia are amended and reenacted as follows:

§ 36-55.64. Creation of local housing rehabilitation zones.

A. Any city, county, or town may establish, by ordinance, one or more housing rehabilitation zones for the purpose of providing incentives and regulatory flexibility in such zone.

B. The incentives provided in a housing rehabilitation zone may include, but not be limited to (i) reduction of permit fees, (ii) reduction of user fees, and (iii) waiver of tax liens to facilitate the sale of property that will be substantially renovated, rehabilitated or replaced.

C. Incentives established pursuant to this section may extend for a period of up to 10 years from the date of initial establishment of the housing rehabilitation zone; however, the extent and duration of any incentive shall conform to the requirements of applicable federal and state law.

D. The regulatory flexibility provided in a housing rehabilitation zone may include, but not be limited to (i) special zoning for the district, (ii) the use of a special permit process, (iii) exemption from certain specified ordinances, excluding ordinances or provisions of ordinances adopted pursuant to the requirements of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), and the Virginia Stormwater Management Act (§ 62.1-44.15:24 et seq.), and (iv) any other incentives adopted by ordinance, which shall be binding upon the locality for a period of up to 10 years.

E. The governing body may establish a service district for the provision of additional public services pursuant to Chapter 24 (§ 15.2-2400 et seq.) of Title 15.2.

F. Each locality establishing a housing rehabilitation zone pursuant to this section may also apply for the designation of a housing revitalization zone pursuant to Chapter 11 (§ ~~36-159~~ 36-157 et seq.) of Title 36. Nothing in this chapter shall preclude such dual designation.

G. Any housing rehabilitation zone established pursuant to this chapter shall be deemed to meet the requirements for designation of housing revitalization eligible to be financed as an economically mixed project pursuant to § 36-55.30:2.

H. This section shall not authorize any local government powers that are not expressly granted herein.

§ 36-85.17. Manufactured Housing Board created; membership.

A. There is hereby created the Virginia Manufactured Housing Board within the Department of Housing and Community Development. The Board shall be composed of nine members, *eight of whom shall be nonlegislative citizen members* appointed by the Governor subject to confirmation by the General Assembly *and one of whom shall be the Director, who shall serve ex officio.* The *appointed* members shall include two manufactured home manufacturers, two manufactured home dealers; ~~the Director~~, and four members representing the public who have knowledge of the industry.

B. The Board shall elect from its members a chairman and a vice-chairman for terms of two years. The members of the Board shall ~~initially be appointed for four-year terms. Upon expiration of the initial terms, one manufacturer, one dealer and two members representing the public shall be appointed for two-year terms while one manufacturer, one dealer and two members representing the public shall be appointed for four-year terms. All appointments thereafter shall be serve for four-year terms of four years.~~ In the event of any vacancy, the Governor shall appoint a replacement to serve the unexpired term. *The ex officio member shall serve a term coincident with his term of office.* Meetings shall be held at the call of the chairman or whenever two members so request.

C. No member of the Board shall participate in any proceeding before the Board involving that member's own business.

CHAPTER 332

An Act to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 1.2, consisting of sections numbered 19.2-11.5 through 19.2-11.11, relating to the collection, storage, and analysis of physical evidence recovery kits from victims of sexual assault offenses.

[S 291]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 19.2 a chapter numbered 1.2, consisting of sections numbered 19.2-11.5 through 19.2-11.11, as follows:

CHAPTER 1.2.

PHYSICAL EVIDENCE RECOVERY KITS.

§ 19.2-11.5. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Anonymous physical evidence recovery kit" means a physical evidence recovery kit that is collected from a victim of sexual assault through a forensic medical examination where the victim elects, at the time of the examination, not to report the sexual assault offense to a law-enforcement agency.

"Department" means the Virginia Department of Forensic Science.

"Division" means the Division of Consolidated Laboratory Services of the Virginia Department of General Services.

"Health care provider" means any hospital, clinic, or other medical facility that provides forensic medical examinations to victims of sexual assault.

"Law-enforcement agency" means the state or local law-enforcement agency with the primary responsibility for investigating an alleged sexual assault offense case and includes the employees of that agency.

"Physical evidence recovery kit" means any evidence collection kit supplied by the Department to health care providers for use in collecting evidence from victims of sexual assault during forensic medical examinations or to the Office of the Chief Medical Examiner for use during death investigations to collect evidence from decedents who may be victims of sexual assault.

"Sexual assault offense" means a violation or attempted violation of any offense enumerated in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or of any offense specified in § 18.2-361, 18.2-370, or 18.2-370.1.

"Victim of sexual assault" means any person who undergoes a forensic medical examination for the collection of a physical evidence recovery kit connected to a sexual assault offense.

§ 19.2-11.6. Anonymous physical evidence recovery kits.

A. *When a victim of sexual assault who undergoes a forensic medical examination elects not to report the offense to law enforcement, the health care provider shall inform the victim that the physical evidence recovery kit shall be forwarded to the Division for storage as an anonymous physical evidence recovery kit. The health care provider shall further inform the victim of the length of time the anonymous physical evidence recovery kit will be stored by the Division and how the victim can have the anonymous physical evidence recovery kit released to a law-enforcement agency at a later date. The health care provider shall forward the anonymous physical evidence recovery kit to the Division in accordance with the policies and procedures established by the Division.*

B. *The Division shall store any anonymous physical evidence recovery kit received for a minimum of two years. After two years, the Division may destroy the anonymous physical evidence recovery kit or, in its discretion or upon request of the victim or the law-enforcement agency, may elect to retain the anonymous physical evidence recovery kit for a longer period of time. Upon notification from either the law-enforcement agency or the attorney for the Commonwealth that the victim has elected to report the offense to the law-enforcement agency, the Division shall release the anonymous physical evidence recovery kit to the law-enforcement agency.*

§ 19.2-11.7. Law enforcement taking possession of physical evidence recovery kits.

A. *A health care provider that has collected a physical evidence recovery kit from a victim of sexual assault who has elected to report the offense shall forthwith notify the law-enforcement agency that such kit has been collected.*

B. *A law-enforcement agency that receives notice from a health care provider that a physical evidence recovery kit has been collected shall forthwith take possession of the physical evidence recovery kit.*

§ 19.2-11.8. Submission of physical evidence recovery kits to the Department.

A. *A law-enforcement agency that receives a physical evidence recovery kit shall submit the physical evidence recovery kit to the Department for analysis within 60 days of receipt, except under the following circumstances: (i) it is an anonymous physical evidence recovery kit that shall be forwarded to the Division for storage; (ii) the physical evidence recovery kit was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted; (iii) the physical evidence recovery kit is connected to an offense that occurred outside of the Commonwealth; or (iv) the physical evidence recovery kit was determined by the law-enforcement agency not to be connected to a criminal offense.*

B. *Upon completion of analysis, the Department shall return the physical evidence recovery kit to the submitting law-enforcement agency. Upon receipt of the physical evidence recovery kit from the Department, the law-enforcement agency shall store the physical evidence recovery kit for a period of 10 years or until two years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. After the mandatory retention period has lapsed, the law-enforcement agency may destroy the physical evidence recovery kit or, in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time.*

C. *The DNA profiles developed from physical evidence recovery kits submitted to the Department for analysis pursuant to this section shall be uploaded into any local, state, or national DNA data bank only if eligible as determined by Department procedures and in accordance with state and federal law.*

§ 19.2-11.9. Lack of compliance with procedures.

The failure of a law-enforcement agency to take possession of a physical evidence recovery kit as provided in this chapter or to submit a physical evidence recovery kit to the Department within the time period prescribed under this chapter does not alter the authority of the law-enforcement agency to take possession of the physical evidence recovery kit or to submit the physical evidence recovery kit to the Department under this chapter or the authority of the Department to accept and analyze the physical evidence recovery kit or to maintain or upload any developed DNA profiles from the physical evidence recovery kit into any local, state, or national DNA data bank if eligible as determined by Department procedures and in accordance with state and federal law.

A person accused or convicted of committing a crime against a sexual assault victim has no standing to object to any failure to comply with the requirements of this chapter, and the failure to comply with the requirements of this chapter is not grounds for challenging the admissibility of the evidence or setting aside the conviction or sentence.

§ 19.2-11.10. Expungement of DNA profile.

If the Department receives written confirmation from a law-enforcement agency or attorney for the Commonwealth that a DNA profile that has been uploaded pursuant to this chapter into any local, state, or national DNA data bank was determined not to be connected to a criminal offense or that the DNA profile is of an individual who is not the putative perpetrator, the Department shall expunge the DNA profile from the DNA data bank.

The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith pursuant to this chapter, and evidence based upon or derived from the DNA record shall not be excluded by a court.

§ 19.2-11.11. Victim's right to notification of scientific analysis information.

A. In addition to the rights provided under Chapter 1.1 (§ 19.2-11.01 et seq.), a victim of sexual assault, a parent or guardian of a victim of a sexual assault who was a minor at the time of the offense, or a close relative of a deceased victim of sexual assault shall have the right to request and receive information from the law-enforcement agency regarding (i) the submission of any physical evidence recovery kit for forensic analysis that was collected from the victim during the investigation of the offense; (ii) the status of any analysis being performed on any evidence that was collected during the investigation of the offense; and (iii) the results of any analysis, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or relative shall be informed of the estimated date on which the information may be disclosed, if known.

B. The victim, parent, guardian, or relative who requests to be notified under subsection A must provide a current address and telephone number to the attorney for the Commonwealth and to the law-enforcement agency that is investigating the offense and keep such information updated.

CHAPTER 333

An Act to amend the Code of Virginia by adding a section numbered 52-28.2, relating to officer-involved shootings; reporting requirement.

[H 301]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 52-28.2 as follows:

§ 52-28.2. Reporting of officer-involved shootings; inclusion in annual Crime in Virginia report.

The Department of State Police shall include any officer-involved shooting and whether such shooting was determined to be justified in the annual Crime in Virginia report. Any law-enforcement or public safety officer required to make such report shall receive training concerning such reporting requirement.

For the purposes of this section, "officer-involved shooting" means the discharge of a firearm by a law-enforcement officer, as defined in § 9.1-101, that results in the death or serious bodily injury of another.

CHAPTER 334

An Act to amend and reenact §§ 54.1-2105, 54.1-2105.03, 54.1-2110.1, 54.1-2130 through 54.1-2135, 54.1-2138, 54.1-2138.1, 54.1-2139.01, 54.1-2139.1, 54.1-2141, 54.1-2142, and 54.1-2142.1 of the Code of Virginia, relating to the Real Estate Board; duties of real estate licensees; residential real estate transactions.

[H 567]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2105, 54.1-2105.03, 54.1-2110.1, 54.1-2130 through 54.1-2135, 54.1-2138, 54.1-2138.1, 54.1-2139.01, 54.1-2139.1, 54.1-2141, 54.1-2142, and 54.1-2142.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2105. General powers of Real Estate Board; regulations; educational and experience requirements for licensure.

A. The Board may do all things necessary and convenient for carrying into effect the provisions of this chapter and may promulgate necessary regulations.

B. The Board shall adopt regulations establishing minimum educational requirements as conditions for licensure. Board regulations relating to initial licensure shall include the following requirements:

1. Every applicant for an initial license as a real estate salesperson shall have:

a. At a minimum, a high school diploma or its equivalent; and

b. Completed a course in the principles of real estate that carried an academic credit of at least four semester hours, but not less than 60 hours of classroom, correspondence, or other distance learning instruction, offered by an accredited university, college, community college, high school offering adult distributive education courses, or other school or educational institution offering an equivalent course.

2. Every applicant for an initial license as a real estate broker shall have:

a. At a minimum, a high school diploma or its equivalent; and

b. Completed not less than 12 semester hours of classroom or correspondence or other distance learning instruction in real estate courses offered by an accredited university, college, community college, or other school or educational institution offering equivalent courses.

3. Every applicant for a license by reciprocity as a real estate salesperson or real estate broker shall have:

a. Completed a course in the principles of real estate that is comparable in content and duration and scope to that required in subdivision 1 or 12 semester hours of classroom or correspondence or other distance learning instruction in real estate courses that are comparable in content and duration and scope to that required in subdivision 2; and

b. If currently licensed by another state as a real estate salesperson or broker, passed Virginia's examination.

C. The Board may waive any requirement under the regulations relating to education or experience when the broker or salesperson is found to have education or experience equivalent to that required. No regulation imposing educational requirements for initial licensure beyond those specified by law shall apply to any person who was licensed prior to July 1, 1975, and who has been continuously licensed since that time, except that licensure as a salesperson prior to such time shall not exempt a salesperson who seeks to be licensed as a broker from the educational requirements established for brokers.

D. The Board shall establish criteria to ensure that preclicensure and broker licensure courses meet the standards of quality deemed by the Board to be necessary to protect the public interests. For correspondence and other distance learning instruction offered by an approved provider, such criteria may include appropriate testing procedures. The Board may establish procedures to ensure the quality of the courses.

Noncollegiate institutions shall not be authorized to grant collegiate semester hours for academic credit.

The specific content of the real estate courses shall be in real estate brokerage, real estate finance, real estate appraisal, real estate law, and such related subjects as are approved by the Board.

E. The Board may establish criteria delineating the permitted activities of unlicensed individuals employed by real estate licensees or under the supervision of a real estate broker.

F. The Board may take a disciplinary case against a licensee under advisement, defer a finding in such case, and dismiss such action upon terms and conditions set by the Board.

§ 54.1-2105.03. Continuing education; relicensure of brokers and salespersons.

A. Board regulations shall include educational requirements as a condition for relicensure of brokers and salespersons to whom active licenses have been issued by the Board beyond those now specified by law as conditions for licensure.

1. Brokers to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 24 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 24 hours, the curriculum shall consist of:

a. A minimum of eight required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, and the remaining three hours of legal updates and emerging trends, flood hazard areas and the National Flood Insurance Program, real estate agency, and real estate contracts;

b. A minimum of eight hours of courses relating to supervision and management of real estate agents and the management of real estate brokerage firms as are approved by the Board; and

c. Eight hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, adjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

2. Salespersons to whom active licenses have been issued by the Board shall be required to satisfactorily complete courses of not less than 16 hours of classroom or correspondence or other distance learning instruction during each licensing term. Of the total 16 hours, the curriculum shall consist of:

a. A minimum of eight required hours to include at least three hours of ethics and standards of conduct, two hours of fair housing, and the remaining three hours of legal updates and emerging trends, real estate agency, real estate contracts, and flood hazard areas and the National Flood Insurance Program; and

b. Eight hours of general elective courses as are approved by the Board.

The Board may, on a year-by-year basis, readjust the required hours and course topics specified in this subdivision for the next succeeding year, applicable to a licensee in the next renewal period for his license, including the addition of topics deemed by the Board to be essential. Such designation or adjustment by the Board shall be made prior to September 1 of any given calendar year. The action of the Board in making such adjustment shall be subject to § 2.2-4012.1.

3. The Board shall approve a continuing education curriculum of not less than three hours, and as of July 1, 2012, every applicant for relicensure as an active broker or salesperson shall complete at a minimum one three-hour continuing education course on the changes to residential standard agency effective as of July 1, 2011, to Article 3 (§ 54.1-2130 et seq.) prior to renewal or reinstatement of his license. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in residential representation shall not be required. A licensee who takes one three-hour continuing education class on residential representation shall satisfy the requirements for continuing education and may, but shall not be required to, take any further continuing education on residential standard agency.

The fair housing requirements shall include an update on current cases and administrative decisions under fair housing laws. If the licensee submits a notarized affidavit to the Board that certifies that he does not practice residential real estate and shall not do so during the licensing term, training in fair housing shall not be required; instead, such licensee shall receive training in other applicable federal and state discrimination laws and regulations.

4. For correspondence and other distance learning instruction offered by an approved provider, the Board shall establish the appropriate testing procedures to verify completion of the course and require the licensee to file a notarized affidavit certifying compliance with the course requirements. The Board may establish procedures to ensure the quality of the courses. The Board shall not require testing for continuing education courses completed through classroom instruction.

B. Every applicant for relicensure as an active salesperson or broker shall complete the continuing education requirements prior to each renewal or reinstatement of his license. The continuing education requirement shall also apply to inactive licensees who make application for an active license. Notwithstanding this requirement, military personnel called to active duty in the armed forces of the United States may complete the required continuing education within six months of their release from active duty.

C. The Board shall establish procedures for the carryover of continuing education credits completed by licensees from the licensee's current license period to the licensee's next renewal period.

D. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship as demonstrated to the Board.

§ 54.1-2110.1. Duties of supervising broker.

A. Each place of business and each branch office shall be supervised by a supervising broker. The supervising broker shall exercise reasonable and adequate supervision of the provision of real estate brokerage services by associate brokers and salespersons assigned to the branch office. The supervising broker may designate another broker to assist in administering the provisions required by this section, but such designation shall not relieve the supervising broker of responsibility for the supervision of the acts of all licensees assigned to the branch office.

B. As used in this section, "reasonable and adequate supervision" by the supervising broker shall include the following:

1. Being available to all licensees under his supervision at reasonable times to review and approve all documents, including leases, contracts, brokerage agreements, and advertising as may affect the firm's clients and business;

2. Ensuring the availability of training opportunities and that the office has written procedures and policies that provide clear guidance in the following areas:

a. Handling of escrow deposits in compliance with law and regulation;

b. Complying with federal and state fair housing laws and regulations if the firm engages in residential brokerage, residential leasing, or residential property management;

c. Advertising and marketing of the brokerage firm;

d. Negotiating and drafting of contracts, leases, and brokerage agreements;

e. Exercising appropriate oversight and limitations on the use of unlicensed assistants, whether as part of a team arrangement or otherwise;

f. Creating agency or independent contractor relationships and elements thereof;

g. Distributing information on new or amended laws or regulations; and

h. Disclosing required information relating to the physical condition of real property;

3. Ensuring that the brokerage services are carried out competently and in accordance with the provisions of this chapter; and

4. Maintaining the records required by this subsection for three years. The records shall be furnished to the Board's agent upon request.

C. Any supervising broker who resides more than 50 miles from a branch office under his supervision, having licensees who regularly conduct business assigned to such branch office, shall certify in writing quarterly on a form provided by the Board that the supervising broker has complied with the requirements of this section.

D. No later than January 1, 2017, the supervising broker for a branch office shall provide to the Board the name and license number of the supervising broker for the branch office. Thereafter, upon the renewal of the license of each licensee working in such branch office or upon the transfer of a licensee to such office, the broker shall provide to the Board the name and license number of each real estate licensee working in the branch office on the broker acknowledgement form created by the Board.

§ 54.1-2130. Definitions.

As used in this article:

"Agency" means every relationship in which a real estate licensee acts for or represents a person *as an agent* by such person's express authority in a *commercial or residential* real estate transaction, unless a different legal relationship is intended and is agreed to as part of the brokerage agreement. Nothing in this article shall prohibit a licensee and a client from agreeing in writing to a brokerage relationship under which the licensee acts as an independent contractor or which imposes on a licensee obligations in addition to those provided in this article. If a licensee agrees to additional obligations, however, the licensee shall be responsible for the additional obligations agreed to with the client in the brokerage agreement. A real estate licensee who enters into a brokerage relationship based upon a written brokerage agreement that specifically states that the real estate licensee is acting as an independent contractor and not as an agent shall have the obligations agreed to by the parties in the brokerage agreement, and such real estate licensee and its employees shall comply

with the provisions of subdivisions A 3 through 7 and subsections B and E of § 54.1-2131; subdivisions A 3 through 7 and subsections B and E of § 54.1-2132; subdivisions A 3 through 7 and subsections B and E of § 54.1-2133; subdivisions A 3 through 7 and subsections B and E of § 54.1-2134; and subdivisions A 2 through 6 and subsections C and D of § 54.1-2135 but otherwise shall have no obligations under §§ 54.1-2131 through 54.1-2135. Any real estate licensee who acts for or represents a client in an agency relationship *in a residential real estate transaction* shall either represent such client as a standard agent or a limited service agent.

"Agent" means a real estate licensee who is acting as (i) a standard agent in a residential real estate transaction, (ii) a limited service agent in a residential real estate transaction, or (iii) an agent in a commercial real estate transaction.

"Brokerage agreement" means the written agreement creating a brokerage relationship between a client and a licensee. The brokerage agreement shall state whether the real estate licensee will represent the client as an agent or an independent contractor.

"Brokerage relationship" means the contractual relationship between a client and a real estate licensee who has been engaged by such client for the purpose of procuring a seller, buyer, option, tenant, or landlord ready, able, and willing to sell, buy, option, exchange or rent real estate on behalf of a client.

"Client" means a person who has entered into a brokerage relationship with a licensee.

"Commercial real estate" means any real estate other than (i) real estate containing one to four residential units or (ii) real estate classified for assessment purposes under the provisions of Article 4 (§ 58.1-3229 et seq.) of Chapter 32 of Title 58.1 § 58.1-3230. Commercial real estate shall not include single family residential units, including condominiums, townhouses, apartments, or homes in a subdivision when leased on a unit by unit basis even though these units may be part of a larger building or parcel of real estate containing more than four residential units.

"Common source information company" means any person, firm, or corporation that is a source, compiler, or supplier of information regarding real estate for sale or lease and other data and includes, but is not limited to, multiple listing services.

"Customer" means a person who has not entered into a brokerage relationship with a licensee but for whom a licensee performs ministerial acts in a real estate transaction. Unless a licensee enters into a brokerage relationship with such person, it shall be presumed that such person is a customer of the licensee rather than a client.

"Designated agent" or "designated representative" means a licensee who has been assigned by a principal or supervising broker to represent a client when a different client is also represented by such principal or broker in the same transaction. A designated representative shall only act as an independent contractor.

"Dual agent" or "dual representative" means a licensee who has a brokerage relationship with both seller and buyer, or both landlord and tenant, in the same real estate transaction. A dual agent has an agency relationship under brokerage agreements with the clients. A dual representative has an independent contractor relationship under brokerage agreements with the clients. A dual representative shall only act as an independent contractor.

"Independent contractor" means a real estate licensee who (i) enters into a brokerage relationship based upon a brokerage agreement that specifically states that the real estate licensee is acting as an independent contractor and not as an agent; (ii) shall have the obligations agreed to by the parties in the brokerage agreement; and (iii) shall comply with the provisions of subdivisions A 3 through 7 and subsections B and E of § 54.1-2131; subdivisions A 3 through 7 and subsections B and E of § 54.1-2132; subdivisions A 3 through 7 and subsections B and E of § 54.1-2133; subdivisions A 3 through 7 and subsections B and E of § 54.1-2134; and subdivisions A 2 through 6 and subsections C and D of § 54.1-2135 but otherwise shall have no obligations under §§ 54.1-2131 through 54.1-2135.

"Licensee" means real estate brokers and salespersons as defined in Article 1 (§ 54.1-2100 et seq.).

"Limited service agent" means a licensee who acts for or represents a client ~~with respect to real property containing from one to four residential dwelling units~~, *in a residential real estate transaction* pursuant to a brokerage agreement that provides that the limited service agent will not provide one or more of the duties set forth in subdivision A 2 of §§ 54.1-2131, 54.1-2132, 54.1-2133, and 54.1-2134, inclusive. A limited service agent shall have the obligations set out in the brokerage agreement, except that a limited service agent shall provide the client, at the time of entering the brokerage agreement, copies of any and all disclosures required by federal or state law, or local disclosures expressly authorized by state law, and shall disclose to the client the following in writing: (i) the rights and obligations of the client under the Virginia Residential Property Disclosure Act (§ 55-517 et seq.); (ii) if the client is selling a condominium, the rights and obligations of the client to deliver to the purchasers, or to receive as purchaser, the condominium resale certificate required by § 55-79.97; and (iii) if the client is selling a property subject to the Property Owners' Association Act (§ 55-508 et seq.), the rights and obligations of the client to deliver to the purchasers, or to receive as purchaser, the association disclosure packet required by § 55-509.5.

"Ministerial acts" means those routine acts which a licensee can perform for a person which do not involve discretion or the exercise of the licensee's own judgment.

"Property management agreement" means the written agreement between a property manager and the owner of real estate for the management of the real estate.

"Residential real estate" means real property containing from one to four residential dwelling units *and the sale of lots containing one to four residential dwelling units*.

"Standard agent" means a licensee who acts for or represents a client in an agency relationship *in a residential real estate transaction*. A standard agent shall have the obligations as provided in this article and any additional obligations agreed to by the parties in the brokerage agreement.

§ 54.1-2131. Licensees engaged by sellers.

A. A licensee engaged by a seller shall:

1. Perform in accordance with the terms of the brokerage agreement;

2. Promote the interests of the seller by:

a. Conducting marketing activities on behalf of the seller in accordance with the brokerage agreement. In so doing, the licensee shall seek a sale at the price and terms agreed upon in the brokerage agreement or at a price and terms acceptable to the seller; however, the licensee shall not be obligated to seek additional offers to purchase the property while the property is subject to a contract of sale, unless agreed to as part of the brokerage agreement or as the contract of sale so provides;

b. Assisting in the drafting and negotiating of offers and counteroffers, amendments, and addenda to the real estate contract pursuant to § 54.1-2101.1 and in establishing strategies for accomplishing the seller's objectives;

c. Receiving and presenting in a timely manner written offers and counteroffers to and from the seller and purchasers, even when the property is already subject to a contract of sale; and

d. Providing reasonable assistance to the seller to satisfy the seller's contract obligations and to facilitate settlement of the purchase contract;

3. Maintain confidentiality of all personal and financial information received from the client during the brokerage relationship and any other information that the client requests during the brokerage relationship be maintained confidential, unless otherwise provided by law or the seller consents in writing to the release of such information;

4. Exercise ordinary care;

5. Account in a timely manner for all money and property received by the licensee in which the seller has or may have an interest;

6. Disclose to the seller material facts related to the property or concerning the transaction of which the licensee has actual knowledge; and

7. Comply with all requirements of this article, all applicable fair housing statutes and regulations *for residential real estate transactions as applicable*, and all other applicable statutes and regulations which are not in conflict with this article.

B. Licensees shall treat all prospective buyers honestly and shall not knowingly give them false information. A licensee engaged by a seller shall disclose to prospective buyers all material adverse facts pertaining to the physical condition of the property which are actually known by the licensee. If a licensee has actual knowledge of the existence of defective drywall in a *residential property*, the licensee shall disclose the same to the prospective buyer. For purposes of this section, "defective drywall" means all defective drywall as defined in § 36-156.1. As used in this section, the term "physical condition of the property" shall refer to the physical condition of the land and any improvements thereon, and shall not refer to: (i) matters outside the boundaries of the land or relating to adjacent or other properties in proximity thereto, (ii) matters relating to governmental land use regulations, ~~and~~ or (iii) matters relating to highways or public streets. Such disclosure shall be made in writing. No cause of action shall arise against any licensee for revealing information as required by this article or applicable law. Nothing in this article shall limit in any way the provisions of the Virginia Residential Property Disclosure Act (§ 55-517 et seq.) *applicable to residential real estate transactions*.

C. A licensee engaged by a seller in a real estate transaction may, unless prohibited by law or the brokerage agreement, provide assistance to a buyer or potential buyer by performing ministerial acts. Performing such ministerial acts that are not inconsistent with subsection A shall not be construed to violate the licensee's brokerage agreement with the seller unless expressly prohibited by the terms of the brokerage agreement, nor shall performing such ministerial acts be construed to form a brokerage relationship with such buyer or potential buyer.

D. A licensee engaged by a seller does not breach any duty or obligation owed to the seller by showing alternative properties to prospective buyers, whether as clients or customers, or by representing other sellers who have other properties for sale.

E. Licensees *in residential real estate transactions* shall disclose brokerage relationships pursuant to the provisions of this article.

F. Nothing in this section shall be construed to require a licensee to disclose whether settlement services under Chapter 27.3 (§ 55-525.16 et seq.) of Title 55 will be provided by an attorney or a nonattorney settlement agent.

§ 54.1-2132. Licensees engaged by buyers.

A. A licensee engaged by a buyer shall:

1. Perform in accordance with the terms of the brokerage agreement;

2. Promote the interests of the buyer by:

a. Seeking a property of a type acceptable to the buyer and at a price and on terms acceptable to the buyer; however, the licensee shall not be obligated to seek other properties for the buyer while the buyer is a party to a contract to purchase property unless agreed to as part of the brokerage relationship;

b. Assisting in the drafting and negotiating of offers and counteroffers, amendments, and addenda to the real estate contract pursuant to § 54.1-2101.1 and in establishing strategies for accomplishing the buyer's objectives;

c. Receiving and presenting in a timely manner all written offers or counteroffers to and from the buyer and seller, even when the buyer is already a party to a contract to purchase property; and

d. Providing reasonable assistance to the buyer to satisfy the buyer's contract obligations and to facilitate settlement of the purchase contract;

3. Maintain confidentiality of all personal and financial information received from the client during the brokerage relationship and any other information that the client requests during the brokerage relationship be maintained confidential unless otherwise provided by law or the buyer consents in writing to the release of such information;

4. Exercise ordinary care;

5. Account in a timely manner for all money and property received by the licensee in which the buyer has or may have an interest;

6. Disclose to the buyer material facts related to the property or concerning the transaction of which the licensee has actual knowledge; and

7. Comply with all requirements of this article, all applicable fair housing statutes and regulations *for residential real estate transactions as applicable*, and all other applicable statutes and regulations which are not in conflict with this article.

B. Licensees shall treat all prospective sellers honestly and shall not knowingly give them false information. If a licensee has actual knowledge of the existence of defective drywall in a *residential* property, the licensee shall disclose the same to the buyer. For purposes of this section, "defective drywall" means all defective drywall as defined in § 36-156.1. No cause of action shall arise against any licensee for revealing information as required by this article or applicable law. In the case of a residential transaction, a licensee engaged by a buyer shall disclose to a seller whether or not the buyer intends to occupy the property as a principal residence. The buyer's expressions of such intent in the contract of sale shall satisfy this requirement and no cause of action shall arise against any licensee for the disclosure or any inaccuracy in such disclosure, or the nondisclosure of the buyer in this regard.

C. A licensee engaged by a buyer in a real estate transaction may, unless prohibited by law or the brokerage agreement, provide assistance to the seller, or prospective seller, by performing ministerial acts. Performing such ministerial acts that are not inconsistent with subsection A shall not be construed to violate the licensee's brokerage agreement with the buyer unless expressly prohibited by the terms of the brokerage agreement, nor shall performing such ministerial acts be construed to form a brokerage relationship with such seller.

D. A licensee engaged by a buyer does not breach any duty or obligation to the buyer by showing properties in which the buyer is interested to other prospective buyers, whether as clients or customers, by representing other buyers looking at the same or other properties, or by representing sellers relative to other properties.

E. Licensees *in residential real estate transactions* shall disclose brokerage relationships pursuant to the provisions of this article.

F. Nothing in this section shall be construed to require a licensee to disclose whether settlement services under Chapter 27.3 (§ 55-525.16 et seq.) of Title 55 will be provided by an attorney or a nonattorney settlement agent.

G. *Notwithstanding any other provision of law requiring written brokerage agreements or governing the duties of licensees, nothing in this chapter shall be construed to require that a written agreement between a licensee and a prospective buyer be executed prior to the licensee's showing properties to the prospective buyer.*

§ 54.1-2133. Licensees engaged by landlords to lease property.

A. A licensee engaged by a landlord shall:

1. Perform in accordance with the terms of the brokerage agreement;

2. Promote the interests of the landlord by:

a. Conducting marketing activities on behalf of the landlord pursuant to the brokerage agreement with the landlord. In so doing, the licensee shall seek a tenant at the rent and terms agreed in the brokerage agreement or at a rent and terms acceptable to the landlord; however, the licensee shall not be obligated to seek additional offers to lease the property while the property is subject to a lease or a letter of intent to lease under which the tenant has not yet taken possession, unless agreed as part of the brokerage agreement, or unless the lease or the letter of intent to lease so provides;

b. Assisting the landlord in drafting and negotiating leases and letters of intent to lease, and presenting in a timely manner all written leasing offers or counteroffers to and from the landlord and tenant pursuant to § 54.1-2101.1, even when the property is already subject to a lease or a letter of intent to lease; and

c. Providing reasonable assistance to the landlord to finalize the lease agreement;

3. Maintain confidentiality of all personal and financial information received from the client during the brokerage relationship and any other information that the client requests during the brokerage relationship be maintained confidential, unless otherwise provided by law or the landlord consents in writing to the release of such information;

4. Exercise ordinary care;

5. Account in a timely manner for all money and property received by the licensee in which the landlord has or may have an interest;

6. Disclose to the landlord material facts related to the property or concerning the transaction of which the licensee has actual knowledge; and

7. Comply with all requirements of this article, fair housing statutes and regulations *for residential real estate transactions as applicable*, and all other applicable statutes and regulations which are not in conflict with this article.

B. Licensees shall treat all prospective tenants honestly and shall not knowingly give them false information. A licensee engaged by a landlord shall disclose to prospective tenants all material adverse facts pertaining to the physical condition of the property which are actually known by the licensee. If a licensee has actual knowledge of the existence of

defective drywall in a *residential* property, the licensee shall disclose the same to the prospective tenant. For purposes of this section, "defective drywall" means all defective drywall as defined in § 36-156.1. As used in this section, the term "physical condition of the property" shall refer to the physical condition of the land and any improvements thereon, and shall not refer to: (i) matters outside the boundaries of the land or relating to adjacent or other properties in proximity thereto, (ii) matters relating to governmental land use regulations, and (iii) matters relating to highways or public streets. Such disclosure shall be made in writing. No cause of action shall arise against any licensee for revealing information as required by this article or applicable law. Nothing in this subsection shall limit the right of a prospective tenant to inspect the physical condition of the property.

C. A licensee engaged by a landlord in a real estate transaction may, unless prohibited by law or the brokerage agreement, provide assistance to a tenant, or potential tenant, by performing ministerial acts. Performing such ministerial acts that are not inconsistent with subsection A shall not be construed to violate the licensee's brokerage relationship with the landlord unless expressly prohibited by the terms of the brokerage agreement, nor shall performing such ministerial acts be construed to form a brokerage relationship with such tenant or potential tenant.

D. A licensee engaged by a landlord does not breach any duty or obligation owed to the landlord by showing alternative properties to prospective tenants, whether as clients or customers, or by representing other landlords who have other properties for lease.

E. Licensees *in residential real estate transactions* shall disclose brokerage relationships pursuant to the provisions of this article.

§ 54.1-2134. Licensees engaged by tenants.

A. A licensee engaged by a tenant shall:

1. Perform in accordance with the terms of the brokerage agreement;
2. Promote the interests of the tenant by:

a. Seeking a lease at a rent and with terms acceptable to the tenant; however, the licensee shall not be obligated to seek other properties for the tenant while the tenant is a party to a lease or a letter of intent to lease exists under which the tenant has not yet taken possession, unless agreed to as part of the brokerage agreement, or unless the lease or the letter of intent to lease so provides;

b. Assisting in the drafting and negotiating of leases, letters of intent to lease, and rental applications, and presenting, in a timely fashion, all written offers or counteroffers to and from the tenant and landlord pursuant to § 54.1-2101.1, even when the tenant is already a party to a lease or a letter of intent to lease; and

c. Providing reasonable assistance to the tenant to finalize the lease agreement;

3. Maintain confidentiality of all personal and financial information received from the client during the brokerage relationship and any other information that the client requests during the brokerage relationship be maintained confidential unless otherwise provided by law or the tenant consents in writing to the release of such information;

4. Exercise ordinary care;

5. Account in a timely manner for all money and property received by the licensee in which the tenant has or may have an interest;

6. Disclose to the tenant material facts related to the property or concerning the transaction of which the licensee has actual knowledge; and

7. Comply with all requirements of this article, fair housing statutes and regulations *for residential real estate transactions as applicable*, and all other applicable statutes and regulations which are not in conflict with this article.

B. Licensees shall treat all prospective landlords honestly and shall not knowingly give them false information. If a licensee has actual knowledge of the existence of defective drywall in a *residential* property, the licensee shall disclose the same to the prospective tenant. For purposes of this section, "defective drywall" means all defective drywall as defined in § 36-156.1. No cause of action shall arise against any licensee for revealing information as required by this article or applicable law.

C. A licensee engaged by a tenant in a real estate transaction may provide assistance to the landlord or prospective landlord by performing ministerial acts. Performing such ministerial acts that are not inconsistent with subsection A shall not be construed to violate the licensee's brokerage relationship with the tenant unless expressly prohibited by the terms of the brokerage agreement, nor shall performing such ministerial acts be construed to form a brokerage relationship with the landlord or prospective landlord.

D. A licensee engaged by a tenant does not breach any duty or obligation to the tenant by showing properties in which the tenant is interested to other prospective tenants, whether as clients or customers, by representing other tenants looking for the same or other properties to lease, or by representing landlords relative to other properties.

E. Licensees *in residential real estate transactions* shall disclose brokerage relationships pursuant to the provisions of this article.

F. Notwithstanding any other provision of law requiring written brokerage agreements or governing the duties of licensees, nothing in this chapter shall be construed to require that a written agreement between a licensee and a prospective tenant be executed prior to the licensee's showing properties to the prospective tenant.

§ 54.1-2135. Licensees engaged to manage real estate.

A. A licensee engaged to manage real estate shall:

1. Perform in accordance with the terms of the property management agreement;

2. Exercise ordinary care;
3. Disclose in a timely manner to the owner material facts of which the licensee has actual knowledge concerning the property;

4. Maintain confidentiality of all personal and financial information received from the client during the brokerage relationship and any other information that the client requests during the brokerage relationship be maintained confidential unless otherwise provided by law or the owner consents in writing to the release of such information;

5. Account for, in a timely manner, all money and property received in which the owner has or may have an interest; and

6. Comply with all requirements of this article, fair housing statutes and regulations *for residential real estate transactions as applicable*, and all other applicable statutes and regulations which are not in conflict with this article.

B. Except as provided in the property management agreement, a licensee engaged to manage real estate does not breach any duty or obligation to the owner by representing other owners in the management of other properties.

C. A licensee may also represent the owner as seller or landlord if they enter into a brokerage relationship that so provides; in which case, the licensee shall disclose such brokerage relationships pursuant to the provisions of this article.

D. If a licensee has actual knowledge of the existence of defective drywall in a *residential* property, the licensee shall disclose the same to the owner. For purposes of this section, "defective drywall" means all defective drywall as defined in § 36-156.1.

E. Property management agreements *in residential real estate transactions* shall be in writing and shall:

1. Have a definite termination date or duration; however, if a property management agreement does not specify a definite termination date or duration, the agreement shall terminate 90 days after the date of the agreement;

2. State the amount of the management fees and how and when such fees are to be paid;

3. State the services to be rendered by the licensee; and

4. Include such other terms as have been agreed to by the owner and the property manager.

F. *The provisions of this section shall not apply to licensees engaged in commercial real estate transactions.*

§ 54.1-2138. Disclosure of brokerage relationship in residential real estate transactions.

A. Upon having a substantive discussion about a specific property or properties *in a residential real estate transaction* with an actual or prospective buyer or seller who is not the client of the licensee and who is not represented by another licensee, a licensee shall disclose any broker relationship the licensee has with another party to the transaction. Further, except as provided in § 54.1-2139; *or 54.1-2139.1; 54.1-2139.2; or 54.1-2139.3*, such disclosure shall be made in writing at the earliest practical time, but in no event later than the time when specific real estate assistance is first provided. Such disclosure may be given in combination with other disclosures or provided with other information, but if so, the disclosure must be conspicuous, printed in bold lettering, all capitals, underlined, or within a separate box. Any disclosure which complies substantially in effect with the following shall be deemed in compliance with this disclosure requirement:

DISCLOSURE OF BROKERAGE RELATIONSHIP IN A RESIDENTIAL REAL ESTATE TRANSACTION

The undersigned do hereby acknowledge disclosure that:

The licensee _____ (name of broker or salesperson) associated with _____
(Name of Brokerage Firm) represents the following party in a *residential* real estate transaction:

_____ Seller(s) or _____ Buyer(s)
_____ Landlord(s) or _____ Tenant(s)

_____ Date _____ Name

_____ Date _____ Name

B. A licensee shall disclose to an actual or prospective landlord or tenant, who is not the client of the licensee and who is not represented by another licensee, that the licensee has a brokerage relationship with another party or parties to the transaction. Such disclosure shall be in writing and included in all applications for lease or in the lease itself, whichever occurs first. If the terms of the lease do not provide for such disclosure, disclosure shall be made in writing no later than the signing of the lease. Such disclosure requirement shall not apply to lessors or lessees in single or multifamily residential units for lease terms of less than two months.

C. If a licensee's relationship to a client or customer changes, the licensee shall disclose that fact in writing to all clients and customers already involved in the specific contemplated transaction.

D. Copies of any disclosures relative to fully executed purchase contracts shall be kept by the licensee for a period of three years as proof of having made such disclosure, whether or not such disclosure is acknowledged in writing by the party to whom such disclosure was shown or given.

E. A limited service agent shall also make the disclosure required by § 54.1-2138.1.

§ 54.1-2138.1. Limited service agent in a residential real estate transaction, contract disclosure required.

A. A licensee may act as a limited service agent *in a residential real estate transaction* only pursuant to a written brokerage agreement in which the limited service agent (i) discloses that the licensee is acting as a limited service agent; (ii) provides a list of the specific services that the licensee will provide to the client; and (iii) provides a list of the specific

duties of a standard agent set out in subdivision A 2 of § 54.1-2131, subdivision A 2 of § 54.1-2132, subdivision A 2 of § 54.1-2133, or subdivision A 2 of § 54.1-2134, as applicable, that the limited service agent will not provide to the client. Such disclosure shall be conspicuous and printed either in bold lettering or all capitals, and shall be underlined or in a separate box. In addition, a disclosure that contains language that complies substantially in effect with the following shall be deemed in compliance with this disclosure requirement:

"By entering into this brokerage agreement, the undersigned do hereby acknowledge their informed consent to the limited service agent in a residential real estate transaction by the licensee and do further acknowledge that neither the other party to the transaction nor any real estate licensee representing the other party is under any legal obligation to assist the undersigned with the performance of any duties and responsibilities of the undersigned not performed by the limited service agent."

A limited service agent shall disclose dual agency in accordance with § 54.1-2139.

B. A licensee engaged by one client to a residential real estate transaction and dealing with an unrepresented party or with a party represented by a limited service agent and who, without additional compensation, provides such other party information relative to the transaction or undertakes to assist such other party in securing a contract or with such party's obligations thereunder, shall not incur liability for such actions except in the case of gross negligence or willful misconduct. A licensee does not create a brokerage relationship by providing such assistance or information to the other party to the transaction. A licensee dealing with a client of a limited service agent may enter into an agreement with that party for payment of a fee for services performed or information provided by that licensee. Such payment shall not create a brokerage relationship; however, the licensee providing such services or information for a fee shall be held to the ordinary standard of care in the provision of such services or information.

§ 54.1-2139.01. Disclosed dual agency and dual representation in commercial real estate transactions authorized.

A. A licensee may act as a dual agent or dual representative in a commercial real estate transaction only with the written consent of all clients to the transaction. A dual agent has an agency relationship under the brokerage agreements with the clients. A dual representative has an independent contractor relationship under the brokerage agreements with the clients. Such written consent and disclosure of the brokerage relationship as required by this article shall be presumed to have been given as against any client who signs a disclosure as provided in this section.

B. Such disclosure may be given in combination with other disclosures or provided with other information, but if so, the disclosure shall be conspicuous, printed in bold lettering, all capitals, underlined, or within a separate box. Any disclosure which complies substantially in effect with the following shall be deemed in compliance with this disclosure requirement:

DISCLOSURE OF DUAL AGENCY OR DUAL REPRESENTATION IN A COMMERCIAL REAL ESTATE TRANSACTION

The undersigned do hereby acknowledge disclosure that:

The licensee _____ (name of broker or salesperson) associated with _____

(Brokerage Firm) represents more than one party in this commercial real estate transaction as follows:

Brokerage Firm represents the following party (select one):

Seller(s) Buyer(s) Landlord(s) Tenant(s)

As a (select one):

~~standard~~ agent ~~limited service~~ agent independent contractor

Brokerage Firm represents another party (select one):

Seller(s) Buyer(s) Landlord(s) Tenant(s)

As a (select one):

~~standard~~ agent ~~limited service~~ agent independent contractor

The undersigned understand that the foregoing dual agent or dual representative may not disclose to either client any information that has been given to the dual agent or representative by the other client within the confidence and trust of the brokerage relationship except for that information which is otherwise required or permitted by Article 3 (§ 54.1-2130 et seq.) of Chapter 21 of Title 54.1 of the Code of Virginia to be disclosed.

The undersigned by signing this notice do hereby acknowledge their informed consent to the disclosed dual representation by the licensee.

Date

Name (One Party)

Date

Name (One Party)

Date

Name (One Party)

Date

Name (One Party)

C. The obligation to make the disclosures required by this section shall not relieve the licensee of the obligations set out in subsection B of § 54.1-2137 requiring all brokerage relationships to be set out in a written agreement between the licensee and the client.

D. No cause of action shall arise against a dual representative for making disclosures of brokerage relationships as provided by this article. A dual representative does not terminate any brokerage relationship by the making of any such allowed or required disclosures of dual representation.

E. In any real estate transaction, a licensee may withdraw, without liability, from representing a client who refuses to consent to a disclosed dual representation thereby terminating the brokerage relationship with such client. Such withdrawal shall not prejudice the ability of the licensee to continue to represent the other client in the transaction or to limit the licensee from representing the client who refused the dual representation in other transactions not involving dual representation.

§ 54.1-2139.1. Designated standard agency or designated representation authorized in a residential real estate transaction.

A. A principal or supervising broker may assign different licensees affiliated with the broker as designated agent or representative to represent different clients in the same *residential real estate* transaction to the exclusion of all other licensees in the firm. Use of such designated agents or representatives shall not constitute dual agency or representation if a designated agent or representative is not representing more than one client in a particular real estate transaction; however, the principal or broker who is supervising the transaction shall be considered a dual agent or representative as provided in this article. Designated agents or representatives may not disclose, except to the affiliated licensee's broker, personal or financial information received from the clients during the brokerage relationship and any other information that the client requests during the brokerage relationship be kept confidential, unless otherwise provided for by law or the client consents in writing to the release of such information.

B. Use of designated agents or representatives in a *residential* real estate transaction shall be disclosed in accordance with the provisions of this article. Such disclosure may be given in combination with other disclosures or provided with other information, but if so, the disclosure shall be conspicuous, printed in bold lettering, all capitals, underlined, or within a separate box. Any disclosure that complies substantially in effect with the following shall be deemed in compliance with such disclosure requirement:

DISCLOSURE OF DESIGNATED AGENTS OR REPRESENTATIVES IN A RESIDENTIAL REAL ESTATE TRANSACTION

The undersigned do hereby acknowledge disclosure that:

The licensee _____ (Name of Broker and Firm) represents more than one party in this *residential* real estate transaction as indicated below:

_____ Seller(s) and Buyer(s)

_____ Landlord(s) and Tenant(s).

The undersigned understand that the foregoing dual agent or representative may not disclose to either client or such client's designated agent or representative any information that has been given to the dual agent or representative by the other client within the confidence and trust of the brokerage relationship except for that information which is otherwise required or permitted by Article 3 (§ 54.1-2130 et seq.) of Chapter 21 of Title 54.1 of the Code of Virginia to be disclosed.

The principal or supervising broker has assigned _____ to act as Designated Agent or Representative (broker or salesperson) for the one party as indicated below:

Seller(s) Buyer(s) Landlord(s) Tenant(s)

As a (select one):

standard agent limited service agent independent contractor

_____ (broker or salesperson) to act as Designated Agent or Representative for the other party as indicated below:

Seller(s) Buyer(s) Landlord(s) Tenant(s)

As a (select one):

standard agent limited service agent independent contractor

The undersigned by signing this notice do hereby acknowledge their consent to the disclosed dual representation by the licensee.

_____	_____
Date	Name (One Party)
_____	_____
Date	Name (One Party)
_____	_____
Date	Name (One Party)
_____	_____
Date	Name (One Party)

C. The obligation to make the disclosures required by this section shall not relieve the licensee of the obligations set out in subsection B of § 54.1-2137 requiring all brokerage relationships to be set out in a written agreement between the licensee and the client.

D. No cause of action shall arise against a designated agent or representative for making disclosures of brokerage relationships as provided by this article. A designated agent or representative does not terminate any brokerage relationship by the making of any such allowed or required disclosures of dual representation.

E. In any *residential* real estate transaction, a licensee may withdraw, without liability, from representing a client who refuses to consent to a disclosed designated agency or representation agreement thereby terminating the brokerage relationship with such client. Such withdrawal shall not prejudice the ability of the licensee to continue to represent the other client in the transaction or to limit the licensee from representing the client who refused the designated agency or representation relationship in other transactions not involving designated representation.

§ 54.1-2141. Brokerage relationship not created by using common source information company.

No licensee representing a buyer or tenant shall be deemed to have a brokerage relationship with a seller, landlord or other licensee solely by reason of using a common source information company. However, nothing contained in this article shall be construed to prevent a common source information company from requiring, as a condition of participation in or use of such common source information, that licensees providing information through such company disclose the nature of the brokerage relationship with the client, including, but not limited to, whether the licensee is acting as (i) an independent contractor, (ii) a limited service agent, ~~or~~ (iii) a standard agent, *or* (iv) *an agent* as provided in the brokerage agreement. A common source information company may, but shall not be obligated to, require disclosure of a standard agency relationship, and may adopt rules providing that absent any disclosure, a licensee providing information through such company may be assumed to be acting as a standard agent. A common source information company shall have the right, but not the obligation, to make information about the nature of brokerage relationships available to its participants and to settlement service it provides including, without limitation, title insurance companies, lenders, and settlement agents.

§ 54.1-2142. Liability; knowledge not to be imputed.

A. A client is not liable for (i) a misrepresentation made by a licensee in connection with a brokerage relationship, unless the client knew or should have known of the misrepresentation and failed to take reasonable steps to correct the misrepresentation in a timely manner, or (ii) the negligence, gross negligence or intentional acts of any broker or broker's licensee.

B. A broker who has a brokerage relationship with a client and who engages another broker to assist in providing brokerage services to such client shall not be liable for (i) a misrepresentation made by the other broker, unless the broker knew or should have known of the other broker's misrepresentation and failed to take reasonable steps to correct the misrepresentation in a timely manner, or (ii) the negligence, gross negligence or intentional acts of the assisting broker or assisting broker's licensee.

C. Clients and licensees shall be deemed to possess actual knowledge and information only. Knowledge or information among or between clients and licensees shall not be imputed.

D. Nothing in this article shall limit the liability between or among clients and licensees in all matters involving unlawful discriminatory housing practices.

E. Except as expressly set forth in this section, nothing in this article shall affect a person's right to rescind a real estate transaction or limit the liability of (i) a client for the misrepresentation, negligence, gross negligence or intentional acts of such client in connection with a real estate transaction, or (ii) a licensee for the misrepresentation, negligence, gross negligence or intentional acts of such licensee in connection with a real estate transaction. *However, nothing in this article shall create a civil cause of action against a licensee.*

§ 54.1-2142.1. Liability for false information.

A licensee shall not be liable for providing false information if the information was (i) provided to the licensee by the licensee's client; (ii) obtained from a governmental entity; (iii) obtained from a nongovernmental person or entity that obtained the information from a governmental entity; or (iv) obtained from a person licensed, certified, or registered to provide professional services in the Commonwealth, upon which the licensee relies, and the licensee did not (a) have actual knowledge that the information was false or (b) act in reckless disregard of the truth. This includes any regulatory action brought under this chapter and any civil actions filed. *However, nothing in this article shall create a civil cause of action against a licensee.*

CHAPTER 335

An Act to amend and reenact § 9.1-913 of the Code of Virginia, relating to Sex Offender and Crimes Against Minors Registry Act; public dissemination.

[H 628]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-913 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-913. Public dissemination by means of the Internet.

The State Police shall develop and maintain a system for making certain Registry information on persons convicted of an offense for which registration is required publicly available by means of the Internet. The information to be made available shall include the offender's name; all aliases that he has used or under which he may have been known; the date and locality of the conviction and a brief description of the offense; his age, current address, and photograph; *his current work address; the name of any institution of higher education at which he is currently enrolled*; and such other information as the State Police may from time to time determine is necessary to preserve public safety, including but not limited to the fact that an individual is wanted for failing to register or reregister. The system shall be secure and not capable of being altered except by the State Police. The system shall be updated each business day with newly received registrations and reregistrations. The State Police shall remove all information that it knows to be inaccurate from the Internet system.

CHAPTER 336

An Act to amend and reenact § 40.1-51.1 of the Code of Virginia, relating to reporting requirements for work-related hospitalization, amputation, or loss of an eye.

[H 691]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-51.1 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-51.1. Duties of employers.

A. It shall be the duty of every employer to furnish to each of his employees safe employment and a place of employment ~~which~~ *that* is free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees; and to comply with all applicable occupational safety and health rules and regulations promulgated under this title.

B. Every employer shall provide to employees, by such suitable means as shall be prescribed in rules and regulations of the Safety and Health Codes Board, information regarding their exposure to toxic materials or harmful physical agents and prompt information when they are exposed to concentration or levels of toxic materials or harmful physical agents in excess of those prescribed by the applicable safety and health standards and shall provide employees or their representatives with the opportunity to observe monitoring or measuring of exposures. Every employer shall also inform any employee who is being exposed of the corrective action being taken and shall provide former employees with access to information about their exposure to toxic materials or harmful physical agents.

C. Every employer cited for a violation of any safety and health provisions of this title or standards, rules, and regulations promulgated thereunder shall post a copy of such citation at the site of the violations so noted as prescribed in the rules and regulations of the Safety and Health Codes Board.

D. Every employer shall report to the Virginia Department of Labor and Industry within eight hours any work-related incident resulting in ~~(i)~~ a fatality; ~~(ii)~~ *or within 24 hours any work-related incident resulting in (i)* the inpatient hospitalization of one or more persons, ~~(iii)~~ *(ii)* an amputation, or ~~(iv)~~ *(iii)* the loss of an eye, as prescribed in the rules and regulations of the Safety and Health Codes Board.

E. Every employer, through posting of notices or other appropriate means, shall keep his employees informed of their rights and responsibilities under this title and of specific safety and health standards applicable to his business establishment.

F. An employer representative shall be given the opportunity to accompany the safety and health inspectors on safety or health inspections.

G. Nothing in this section shall be construed to limit the authority of the Commissioner pursuant to § 40.1-6 or the Board pursuant to § 40.1-22 to promulgate necessary rules and regulations to protect and promote the safety and health of employers.

CHAPTER 337

An Act to amend and reenact §§ 18.2-308.09 and 18.2-308.2 of the Code of Virginia, relating to possession of firearms by persons adjudicated delinquent; military service exception.

[H 784]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-308.09 and 18.2-308.2 of the Code of Virginia are amended and reenacted as follows:

§ 18.2-308.09. Disqualifications for a concealed handgun permit.

The following persons shall be deemed disqualified from obtaining a permit:

1. An individual who is ineligible to possess a firearm pursuant to § 18.2-308.1:1, 18.2-308.1:2, or 18.2-308.1:3 or the substantially similar law of any other state or of the United States.

2. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:1 and who was discharged from the custody of the Commissioner pursuant to § 19.2-182.7 less than five years before the date of his application for a concealed handgun permit.

3. An individual who was ineligible to possess a firearm pursuant to § 18.2-308.1:2 and whose competency or capacity was restored pursuant to § 64.2-2012 less than five years before the date of his application for a concealed handgun permit.

4. An individual who was ineligible to possess a firearm under § 18.2-308.1:3 and who was released from commitment less than five years before the date of this application for a concealed handgun permit.

5. An individual who is subject to a restraining order, or to a protective order and prohibited by § 18.2-308.1:4 from purchasing or transporting a firearm.

6. An individual who is prohibited by § 18.2-308.2 from possessing or transporting a firearm, except that a permit may be obtained in accordance with subsection C of that section.

7. An individual who has been convicted of two or more misdemeanors within the five-year period immediately preceding the application, if one of the misdemeanors was a Class 1 misdemeanor, but the judge shall have the discretion to deny a permit for two or more misdemeanors that are not Class 1. Traffic infractions and misdemeanors set forth in Title 46.2 shall not be considered for purposes of this disqualification.

8. An individual who is addicted to, or is an unlawful user or distributor of, marijuana, synthetic cannabinoids, or any controlled substance.

9. An individual who has been convicted of a violation of § 18.2-266 or a substantially similar local ordinance, or of public drunkenness, or of a substantially similar offense under the laws of any other state, the District of Columbia, the United States, or its territories within the three-year period immediately preceding the application, or who is a habitual drunkard as determined pursuant to § 4.1-333.

10. An alien other than an alien lawfully admitted for permanent residence in the United States.

11. An individual who has been discharged from the armed forces of the United States under dishonorable conditions.

12. An individual who is a fugitive from justice.

13. An individual who the court finds, by a preponderance of the evidence, based on specific acts by the applicant, is likely to use a weapon unlawfully or negligently to endanger others. The sheriff, chief of police, or attorney for the Commonwealth may submit to the court a sworn, written statement indicating that, in the opinion of such sheriff, chief of police, or attorney for the Commonwealth, based upon a disqualifying conviction or upon the specific acts set forth in the statement, the applicant is likely to use a weapon unlawfully or negligently to endanger others. The statement of the sheriff, chief of police, or the attorney for the Commonwealth shall be based upon personal knowledge of such individual or of a deputy sheriff, police officer, or assistant attorney for the Commonwealth of the specific acts, or upon a written statement made under oath before a notary public of a competent person having personal knowledge of the specific acts.

14. An individual who has been convicted of any assault, assault and battery, sexual battery, discharging of a firearm in violation of § 18.2-280 or 18.2-286.1 or brandishing of a firearm in violation of § 18.2-282 within the three-year period immediately preceding the application.

15. An individual who has been convicted of stalking.

16. An individual whose previous convictions or adjudications of delinquency were based on an offense that would have been at the time of conviction a felony if committed by an adult under the laws of any state, the District of Columbia, the United States or its territories. For purposes of this disqualifier, only convictions occurring within 16 years following the later of the date of (i) the conviction or adjudication or (ii) release from any incarceration imposed upon such conviction or adjudication shall be deemed to be "previous convictions." *Disqualification under this subdivision shall not apply to an individual with previous adjudications of delinquency who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge.*

17. An individual who has a felony charge pending or a charge pending for an offense listed in subdivision 14 or 15.

18. An individual who has received mental health treatment or substance abuse treatment in a residential setting within five years prior to the date of his application for a concealed handgun permit.

19. An individual not otherwise ineligible pursuant to this article, who, within the three-year period immediately preceding the application for the permit, was found guilty of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or of a criminal offense of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance, under the laws of any state, the District of Columbia, or the United States or its territories.

20. An individual, not otherwise ineligible pursuant to this article, with respect to whom, within the three-year period immediately preceding the application, upon a charge of any criminal offense set forth in Article 1 (§ 18.2-247 et seq.) or former § 18.2-248.1:1 or upon a charge of illegal possession or distribution of marijuana, synthetic cannabinoids, or any controlled substance under the laws of any state, the District of Columbia, or the United States or its territories, the trial court found that the facts of the case were sufficient for a finding of guilt and disposed of the case pursuant to § 18.2-251 or the substantially similar law of any other state, the District of Columbia, or the United States or its territories.

§ 18.2-308.2. Possession or transportation of firearms, firearms ammunition, stun weapons, explosives or concealed weapons by convicted felons; penalties; petition for permit; when issued.

A. It shall be unlawful for (i) any person who has been convicted of a felony; (ii) any person adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of murder in violation of § 18.2-31 or 18.2-32, kidnapping in

violation of § 18.2-47, robbery by the threat or presentation of firearms in violation of § 18.2-58, or rape in violation of § 18.2-61; or (iii) any person under the age of 29 who was adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act which would be a felony if committed by an adult, other than those felonies set forth in clause (ii), whether such conviction or adjudication occurred under the laws of the Commonwealth, or any other state, the District of Columbia, the United States or any territory thereof, to knowingly and intentionally possess or transport any firearm or ammunition for a firearm, any stun weapon as defined by § 18.2-308.1, or any explosive material, or to knowingly and intentionally carry about his person, hidden from common observation, any weapon described in subsection A of § 18.2-308. However, such person may possess in his residence or the curtilage thereof a stun weapon as defined by § 18.2-308.1. Any person who violates this section shall be guilty of a Class 6 felony. However, any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of a violent felony as defined in § 17.1-805 shall be sentenced to a mandatory minimum term of imprisonment of five years. Any person who violates this section by knowingly and intentionally possessing or transporting any firearm and who was previously convicted of any other felony within the prior 10 years shall be sentenced to a mandatory minimum term of imprisonment of two years. The mandatory minimum terms of imprisonment prescribed for violations of this section shall be served consecutively with any other sentence.

B. The prohibitions of subsection A shall not apply to (i) any person who possesses a firearm, ammunition for a firearm, explosive material or other weapon while carrying out his duties as a member of the Armed Forces of the United States or of the National Guard of Virginia or of any other state, (ii) any law-enforcement officer in the performance of his duties, (iii) any person who has been pardoned or whose political disabilities have been removed pursuant to Article V, Section 12 of the Constitution of Virginia provided the Governor, in the document granting the pardon or removing the person's political disabilities, may expressly place conditions upon the reinstatement of the person's right to ship, transport, possess or receive firearms, ~~or~~ (iv) any person whose right to possess firearms or ammunition has been restored under the law of another state subject to conditions placed upon the reinstatement of the person's right to ship, transport, possess, or receive firearms by such state, or (v) *any person adjudicated delinquent as a juvenile who has completed a term of service of no less than two years in the Armed Forces of the United States and, if such person has been discharged from the Armed Forces of the United States, received an honorable discharge and who is not otherwise prohibited under clause (i) or (ii) of subsection A.*

C. Any person prohibited from possessing, transporting, or carrying a firearm, ammunition for a firearm, or a stun weapon under subsection A may petition the circuit court of the jurisdiction in which he resides or, if the person is not a resident of the Commonwealth, the circuit court of any county or city where such person was last convicted of a felony or adjudicated delinquent of a disqualifying offense pursuant to subsection A, for a permit to possess or carry a firearm, ammunition for a firearm, or a stun weapon; however, no person who has been convicted of a felony shall be qualified to petition for such a permit unless his civil rights have been restored by the Governor or other appropriate authority. A copy of the petition shall be mailed or delivered to the attorney for the Commonwealth for the jurisdiction where the petition was filed who shall be entitled to respond and represent the interests of the Commonwealth. The court shall conduct a hearing if requested by either party. The court may, in its discretion and for good cause shown, grant such petition and issue a permit. The provisions of this section relating to firearms, ammunition for a firearm, and stun weapons shall not apply to any person who has been granted a permit pursuant to this subsection.

C1. Any person who was prohibited from possessing, transporting or carrying explosive material under subsection A may possess, transport or carry such explosive material if his right to possess, transport or carry explosive material has been restored pursuant to federal law.

D. For the purpose of this section:

"Ammunition for a firearm" means the combination of a cartridge, projectile, primer, or propellant designed for use in a firearm other than an antique firearm as defined in § 18.2-308.2:2.

"Explosive material" means any chemical compound mixture, or device, the primary or common purpose of which is to function by explosion; the term includes, but is not limited to, dynamite and other high explosives, black powder, pellet powder, smokeless gun powder, detonators, blasting caps and detonating cord but shall not include fireworks or permissible fireworks as defined in § 27-95.

CHAPTER 338

An Act to amend and reenact § 36-105.1:1 of the Code of Virginia, relating to rental inspection programs; exemptions.

[H 1011]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 36-105.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 36-105.1:1. Rental inspections; rental inspection districts; exemptions; penalties.

A. For purposes of this section:

" Dwelling unit" means a building or structure or part thereof that is used for a home or residence by one or more persons who maintain a household.

"Owner" means the person shown on the current real estate assessment books or current real estate assessment records.

"Residential rental dwelling unit" means a dwelling unit that is leased or rented to one or more tenants. However, a dwelling unit occupied in part by the owner thereof shall not be construed to be a residential rental dwelling unit unless a tenant occupies a part of the dwelling unit which has its own cooking and sleeping areas, and a bathroom, unless otherwise provided in the zoning ordinance by the local governing body.

B. Localities may inspect residential rental dwelling units. The local governing body may adopt an ordinance to inspect residential rental dwelling units for compliance with the Building Code and to promote safe, decent and sanitary housing for its citizens, in accordance with the following:

1. Except as provided in subdivision B 3, the dwelling units shall be located in a rental inspection district established by the local governing body in accordance with this section, and

2. The rental inspection district is based upon a finding by the local governing body that (i) there is a need to protect the public health, safety and welfare of the occupants of dwelling units inside the designated rental inspection district; (ii) the residential rental dwelling units within the designated rental inspection district are either (a) blighted or in the process of deteriorating, or (b) the residential rental dwelling units are in the need of inspection by the building department to prevent deterioration, taking into account the number, age and condition of residential dwelling rental units inside the proposed rental inspection district; and (iii) the inspection of residential rental dwelling units inside the proposed rental inspection district is necessary to maintain safe, decent and sanitary living conditions for tenants and other residents living in the proposed rental inspection district. Nothing in this section shall be construed to authorize one or more locality-wide rental inspection districts and a local governing body shall limit the boundaries of the proposed rental inspection districts to such areas of the locality that meet the criteria set out in this subsection, or

3. An individual residential rental dwelling unit outside of a designated rental inspection district is made subject to the rental inspection ordinance based upon a separate finding for each individual dwelling unit by the local governing body that (i) there is a need to protect the public health, welfare and safety of the occupants of that individual dwelling unit; (ii) the individual dwelling unit is either (a) blighted or (b) in the process of deteriorating; or (iii) there is evidence of violations of the Building Code that affect the safe, decent and sanitary living conditions for tenants living in such individual dwelling unit.

For purposes of this section, the local governing body may designate a local government agency other than the building department to perform all or part of the duties contained in the enforcement authority granted to the building department by this section.

C. 1. Notification to owners of dwelling units. Before adopting a rental inspection ordinance and establishing a rental inspection district or an amendment to either, the governing body of the locality shall hold a public hearing on the proposed ordinance. Notice of the hearing shall be published once a week for two successive weeks in a newspaper published or having general circulation in the locality.

Upon adoption by the local governing body of a rental inspection ordinance, the building department shall make reasonable efforts to notify owners of residential rental dwelling units in the designated rental inspection district, or their designated managing agents, and to any individual dwelling units subject to the rental inspection ordinance, not located in a rental inspection district, of the adoption of such ordinance, and provide information and an explanation of the rental inspection ordinance and the responsibilities of the owner thereunder.

2. Notification by owners of dwelling units to locality. The rental inspection ordinance may include a provision that requires the owners of dwelling units in a rental inspection district to notify the building department in writing if the dwelling unit of the owner is used for residential rental purposes. The building department may develop a form for such purposes. The rental inspection ordinance shall not include a registration requirement or a fee of any kind associated with the written notification pursuant to this subdivision. A rental inspection ordinance may not require that the written notification from the owner of a dwelling unit subject to a rental inspection ordinance be provided to the building department in less than 60 days after the adoption of a rental inspection ordinance. However, there shall be no penalty for the failure of an owner of a residential rental dwelling unit to comply with the provisions of this subsection, unless and until the building department provides personal or written notice to the property owner, as provided in this section. In any event, the sole penalty for the willful failure of an owner of a dwelling unit who is using the dwelling unit for residential rental purposes to comply with the written notification requirement shall be a civil penalty of up to \$50. For purposes of this subsection, notice sent by regular first class mail to the last known address of the owner as shown on the current real estate tax assessment books or current real estate tax assessment records shall be deemed compliance with this requirement.

D. Initial inspection of dwelling units when rental inspection district is established. Upon establishment of a rental inspection district in accordance with this section, the building department may, in conjunction with the written notifications as provided for in subsection C, proceed to inspect dwelling units in the designated rental inspection district to determine if the dwelling units are being used as a residential rental property and for compliance with the provisions of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such property.

E. Provisions for initial and periodic inspections of multifamily dwelling units. If a multifamily development has more than 10 dwelling units, in the initial and periodic inspections, the building department shall inspect only a sampling of dwelling units, of not less than two and not more than 10 percent of the dwelling units, of a multifamily development, which includes all of the multifamily buildings which are part of that multifamily development. In no event, however, shall the building department charge a fee authorized by this section for inspection of more than 10 dwelling units. If the building department determines upon inspection of the sampling of dwelling units that there are violations of the Building Code that

affect the safe, decent and sanitary living conditions for the tenants of such multifamily development, the building department may inspect as many dwelling units as necessary to enforce the Building Code, in which case, the fee shall be based upon a charge per dwelling unit inspected, as otherwise provided in subsection H.

F. 1. Follow-up inspections. Upon the initial or periodic inspection of a residential rental dwelling unit subject to a rental inspection ordinance, the building department has the authority under the Building Code to require the owner of the dwelling unit to submit to such follow-up inspections of the dwelling unit as the building department deems necessary, until such time as the dwelling unit is brought into compliance with the provisions of the Building Code that affect the safe, decent and sanitary living conditions for the tenants.

2. Periodic inspections. Except as provided in subdivision F 1, following the initial inspection of a residential rental dwelling unit subject to a rental inspection ordinance, the building department may inspect any residential rental dwelling unit in a rental inspection district, that is not otherwise exempted in accordance with this section, no more than once each calendar year.

G. Exemptions from rental inspection ordinance.

1. Upon the initial or periodic inspection of a residential rental dwelling unit subject to a rental inspection ordinance for compliance with the Building Code, provided that there are no violations of the Building Code that affect the safe, decent and sanitary living conditions for the tenants of such residential rental dwelling unit, the building department shall provide, to the owner of such residential rental dwelling unit, an exemption from the rental inspection ordinance for a minimum of four years. Upon the sale of a residential rental dwelling unit, the building department may perform a periodic inspection as provided in subdivision F 2, subsequent to such sale. If a residential rental dwelling unit has been issued a certificate of occupancy within the last four years, an exemption shall be granted for a minimum period of four years from the date of the issuance of the certificate of occupancy by the building department. If the residential rental dwelling unit becomes in violation of the Building Code during the exemption period, the building department may revoke the exemption previously granted under this section.

2. *The local governing body may exempt a residential rental unit otherwise subject to a rental inspection ordinance provided such unit is managed by (i) any person licensed under the provisions of § 54.1-2106.1; (ii) any (a) property manager or (b) managing agent of a landlord as defined in § 55-248.4; (iii) any owner of a publicly traded entity that manages its own multifamily residential rental units; or (iv) any owner or managing agent who, in the determination of the local governing body, has achieved a satisfactory designation as a professional property manager.*

H. A local governing body may establish a fee schedule for enforcement of the Building Code, which includes a per dwelling unit fee for the initial inspections, follow-up inspections and periodic inspections under this section.

I. The provisions of this section shall not, in any way, alter the rights and obligations of landlords and tenants pursuant to the applicable provisions of Chapter 13 (§ 55-217 et seq.) or Chapter 13.2 (§ 55-248.2 et seq.) of Title 55.

J. The provisions of this section shall not alter the duties or responsibilities of the local building department under § 36-105 to enforce the Building Code.

K. Unless otherwise provided in this section, penalties for violation of this section shall be the same as the penalties provided in the Building Code.

CHAPTER 339

An Act to amend and reenact §§ 44-54.10 and 44-115 of the Code of Virginia, relating to Virginia Defense Force; Virginia National Guard; discipline.

[H 1051]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 44-54.10 and 44-115 of the Code of Virginia are amended and reenacted as follows:

§ 44-54.10. Discipline.

All members of the Virginia Defense Force on training duty or state active duty shall be subject to military discipline. Infractions of military discipline by members of the Virginia Defense Force on *training duty* or state active duty shall be punishable under the provisions of §§ 44-40 and ~~Article 4 (§ 44-42 et seq.) of this chapter 44-40.01.~~

§ 44-115. Custom and usage of United States army, air force and navy; applicability of §§ 44-40, 44-40.01 and Article 4 (§ 44-42 et seq.).

All matters relating to the organization, discipline and government of the Virginia National Guard, not otherwise provided for by law or by regulations, shall be decided by the custom and usage of the United States army, air force or navy, as appropriate. In addition, all members of the Virginia Defense Force and the unorganized militia on *training duty* or state active duty shall be subject to military discipline. Infractions of military discipline *for the Virginia National Guard* shall be punishable under the provisions of §§ 44-40 and *44-40.01* and Article 4 (§ 44-42 et seq.). *Infractions of military discipline for the Virginia Defense Force and unorganized militia shall be punishable under the provisions of §§ 44-40 and 44-40.01.*

CHAPTER 340

An Act to amend and reenact § 58.1-3713 of the Code of Virginia, relating to the local gas road improvement and Virginia Coalfield Economic Development Authority tax; use of revenues.

[H 1152]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-3713 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-3713. Local gas road improvement and Virginia Coalfield Economic Development Authority tax.**

A. In addition to the taxes authorized under § 58.1-3712, any county or city may adopt a license tax on every person engaging in the business of severing gases from the earth. The rate of such tax shall not exceed one percent. The provisions of § 58.1-3712 as they relate to measurement of gross receipts, filing of reports and record keeping shall be applicable to the tax imposed under this section.

The moneys collected for each county or city from the taxes imposed under authority of this section and subsection B of § 58.1-3741 shall be paid into a special fund of such county or city to be called the Coal and Gas Road Improvement Fund of such county or city, and shall be spent for such improvements to public roads as the coal and gas road improvement advisory committee and the governing body of such county or city may determine as provided in subsection B of this section. The county may also, in its discretion, elect to improve city or town roads with its funds if consent of the city or town council is obtained. Such funds shall be in addition to those allocated to such counties from state highway funds which allocations shall not be reduced as a result of any revenues received from the tax imposed hereunder. In those localities that comprise the Virginia Coalfield Economic Development Authority, the tax imposed under this section or subsection B of § 58.1-3741 shall be paid as follows: (i) three-fourths of the revenue shall be paid to the Coal and Gas Road Improvement Fund and used for the purposes set forth herein; however, one-fourth of such revenue may be used to fund the construction of new water or sewer systems and lines *and the repair or enhancement of existing water or sewer systems and lines* in areas with natural water supplies that are insufficient from the standpoint of quality or quantity, or the construction of natural gas service lines as authorized by § 15.2-2109.3, and (ii) one-fourth of the revenue shall be paid to the Virginia Coalfield Economic Development Fund. Furthermore, with regard to the portion paid to the Coal and Gas Road Improvement Fund, a county or city may provide for an additional one-fourth allocation for the construction of new systems or lines for water, sewer, or natural gas as authorized by § 15.2-2109.3, or the repair or enhancement of existing water, sewer, or natural gas systems or lines in areas with natural water supplies or existing natural gas services that are insufficient from the standpoint of quality or quantity; however, if this option is initiated by a county or city, it must satisfy the requirements set forth in § 58.1-3713.01. Notwithstanding the foregoing limitations regarding revenues used for water systems, sewer systems, or natural gas systems, such revenues designated for water and water systems, sewer systems, or natural gas systems shall be distributed directly to the local public service authority for such purposes instead of the local governing body. Funds in the Coal and Gas Road Improvement Fund used to construct, repair, or enhance natural gas service lines or systems shall not exceed one-fourth of the revenue paid to the Coal and Gas Road Improvement Fund collected from the severance tax imposed upon the severance of natural gas pursuant to this section and may be so used only upon passage of a local ordinance or resolution of the governing body of the applicable county or city providing for the same.

B. Any county or city imposing the tax authorized in this section or in subsection B of § 58.1-3741 shall establish a Coal and Gas Road Improvement Advisory Committee, to be composed of four members: (i) a member of the governing body of such county or city, appointed by the governing body, (ii) a representative of the Department of Transportation, and (iii) two citizens of such county or city connected with the coal and gas industry, appointed for a term of four years, initially commencing July 1, 1989, by the chief judge of the circuit court.

Such committee shall develop on or before July 1 of each year a plan for improvement of roads during the following fiscal year. Such plan shall have the approval of three members of the committee and shall be submitted to the governing body of the county or city for approval. The governing body may approve or disapprove such plan, but may make no changes without the approval of three members of the committee.

C. No tax shall be imposed under this section on or after January 1, 2018.

CHAPTER 341

An Act to amend and reenact § 44-83 of the Code of Virginia, relating to pay allowance for National Guard and Virginia Defense Force.

[H 1175]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 44-83 of the Code of Virginia is amended and reenacted as follows:****§ 44-83. Pay and allowance of members.**

When called into ~~active~~ state *active* duty, not in the service of the United States, officers of the National Guard shall receive the same pay and allowances as prescribed for ~~officers~~ *members* of like rank in the United States ~~armed forces~~ *Armed Forces*. For each day of such service, ~~enlisted persons~~ *members* of the National Guard shall receive the same pay, ~~rations~~; and allowances as ~~enlisted persons~~ of like grade of the United States ~~armed forces~~ *if they were on a day of Annual Training*. For each day of service, members of the Virginia Defense Force called to state active duty shall receive the same pay, ~~rations~~; and allowances as persons of like grade in the ~~United States Armed Forces National Guard for a day of Annual Training, capped at 25 years of service. When rations are not issued, the value of the same shall be commuted and paid by the Adjutant General.~~

CHAPTER 342

An Act to amend and reenact § 58.1-402 of the Code of Virginia, relating to the addition to federal taxable income for dividends paid by a Captive Real Estate Investment Trust.

[H 95]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-402 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, and E.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, and E.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of

intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in

taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

e. For taxable years beginning on or after January 1, 2016, for purposes of subdivision B 10, any voting power or value of the beneficial interests or shares in a REIT that is held in a segregated asset account of a life insurance corporation as described in § 817 of the Internal Revenue Code shall not be taken into consideration when determining if such REIT is a Captive REIT.

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 343

An Act to amend and reenact § 58.1-609.3 of the Code of Virginia and to repeal the third enactment of Chapter 613 and the third enactment of Chapter 655 of the Acts of Assembly of 2012, relating to sales and use tax exemption; certain data centers.

[H 872]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.3. Commercial and industrial exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication

described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel.

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2016, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. (Effective until June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

~~18. (Effective June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. Prior to claiming such exemption, any qualifying person claiming the exemption must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.~~

2. That any person who qualified for the exemption under subdivision 18 of § 58.1-609.3 of the Code of Virginia as of the effective date of this act may count toward the 50 new jobs requirement under clause (iii) of subdivision 18 of § 58.1-609.3 of the Code of Virginia any such jobs meeting the requirements of clause (iii) that are relocated to a new

data center in Virginia, including jobs relocated from a data center previously qualified for the exemption under subdivision 18, for which the person made a capital investment of at least \$500 million on or after July 1, 2016.

3. That the third enactment of Chapter 613 and the third enactment of Chapter 655 of the Acts of Assembly of 2012 are repealed.

CHAPTER 344

An Act to amend and reenact §§ 58.1-3, as it is currently effective and as it shall become effective, and 58.1-1011 of the Code of Virginia, relating to the Department of Taxation; disclosure of certain tax information.

[H 951]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-3, as it is currently effective and as it shall become effective, and 58.1-1011 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-3. (Effective until July 1, 2018) Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality

and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. *This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.*

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to

regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; and (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 58.1-3. (Effective July 1, 2018) Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;

3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;

4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;

5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;

6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;

7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

4. *This section shall not prohibit the Department from disclosing information to taxpayers regarding whether the taxpayer's employer or another person or entity required to withhold on behalf of such taxpayer submitted withholding records to the Department for a specific taxable year as required pursuant to subdivision C 1 of § 58.1-478.*

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to

facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; and (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing. The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 58.1-1011. Qualification for permit to affix Virginia revenue stamps; penalty.

A. Only manufacturers, wholesale dealers and retail dealers may be permitted as stamping agents. It shall be unlawful for any person to purchase, possess or affix Virginia revenue stamps without first obtaining a permit to do so from the Department. Every manufacturer, wholesale dealer or retail dealer who desires to qualify as a stamping agent with the Department shall make application to the Department on forms prescribed for this purpose, which shall be supplied upon request. The application forms will require such information relative to the nature of business engaged in by the applicant as the Department deems necessary to the qualifying of the applicant as a stamping agent. The Department shall conduct a background investigation, to include a Virginia Criminal History Records search, and fingerprints of the applicant, or its responsible principals, managers, and other persons engaged in handling and stamping cigarettes at the licensable locations, that shall be submitted to the Federal Bureau of Investigation if the Department determines a National Criminal Records search is necessary, on applicants for licensure as cigarette tax stamping agents. The Department may refuse to issue a stamping permit or may suspend, revoke or refuse to renew a stamping permit issued to any person, partnership, corporation, limited liability company or business trust, if it determines that ~~the any principals, managers, and principal, manager, or~~ other persons engaged in handling and stamping cigarettes at the licensable location of the applicant has been (i) found guilty of any fraud or misrepresentation in any connection, (ii) convicted of robbery, extortion, burglary, larceny, embezzlement, fraudulent conversion, gambling, perjury, bribery, treason, or racketeering, or (iii) convicted of a felony. Anyone who knowingly and willfully falsifies, conceals or misrepresents a material fact or knowingly and willfully makes a false, fictitious or fraudulent statement or representation in any application for a stamping permit to the Department ~~shall be~~ *is* guilty of a Class 1 misdemeanor. The Department may establish an application or renewal fee not to exceed \$750 to be retained by the Department to be applied to the administrative and other costs of processing stamping agent applications, conducting background investigations and issuing stamping permits. Any application or renewal fees collected pursuant to this section in excess of such costs as of June 30 in ~~even numbered~~ *even-numbered* years shall be reported to the State Treasurer and deposited into the state treasury. If the Department after review of his application; believes the manufacturer, wholesale dealer or retail dealer ~~to be~~ *is* qualified, the Department shall issue to the applicant a permit qualifying him as a stamping agent, as defined in this chapter, and he shall be allowed the discount on purchases of Virginia revenue stamps as set out herein for stamping agents purchasing stamps for their individual use. Such stamping agent shall be authorized to affix Virginia revenue stamps, and in addition, if the applicant qualifies as a wholesale dealer, that shall be so noted on the permit issued by the Department. Permits issued pursuant to this section shall be valid for a period of three years from the date of issue unless revoked by the Department in the manner provided herein. The Department shall not sell Virginia revenue stamps to any person or entity unless and until the Department has issued that person or entity a permit to affix Virginia revenue stamps. The Department may promulgate regulations governing the issuance, suspension and revocation of stamping agent permits. The Department may at any time revoke the permit issued to any stamping agent as herein provided who is not in compliance with any of the provisions of this chapter; or any of the rules of the Department adopted and promulgated under authority of this chapter.

B. The Department shall compile and maintain a list of licensed cigarette stamping agents. The list shall be updated monthly and shall be available upon request to any federal, state, or local law enforcement agency.

CHAPTER 345

An Act to amend and reenact § 33.2-1526 of the Code of Virginia, relating to the Commonwealth Space Flight Fund; transfer of funds.

Approved March 11, 2016

[H 1122]

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1526 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1526. Commonwealth Space Flight Fund, Commonwealth Port Fund, Commonwealth Airport Fund, and Commonwealth Mass Transit Fund.

Of the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, an aggregate of 4.2 percent shall be set aside as the Commonwealth Port Fund as established in subdivision A 2 of § 58.1-638; an aggregate of 2.4 percent shall be set aside as the Commonwealth Airport Fund as established in subdivision A 3 of § 58.1-638; and an aggregate of 14.7 percent shall be set aside as the Commonwealth Mass Transit Fund as established in subdivision A 4 of § 58.1-638. Beginning with the Commonwealth's 2012-2013 fiscal year through the Commonwealth's ~~2016-2017~~ 2023-2024 fiscal year, each fiscal year from the funds becoming part of the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524 the Comptroller shall transfer ~~\$9.5~~ \$15.8 million to the Commonwealth Space Flight Fund as established in subdivision A 3a of § 58.1-638. The remaining funds deposited into or held in the Transportation Trust Fund pursuant to subdivision 2 of § 33.2-1524, together with funds deposited pursuant to subdivisions 1 and 4 of § 33.2-1524, shall be expended for capital improvements, including construction, reconstruction, maintenance, and improvements of highways according to the provisions of subsection C or D of § 33.2-358 or to secure bonds issued for such purposes, as provided by the Board and the General Assembly.

CHAPTER 346

An Act to amend and reenact §§ 58.1-609.3, 58.1-3660, and 58.1-3661 of the Code of Virginia, relating to sales and use tax exemption and real and personal property tax exemption; solar and wind energy equipment, facilities, and devices.

[H 1305]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-609.3, 58.1-3660, and 58.1-3661 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-609.3. Commercial and industrial exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel, *or for machinery, tools, and equipment used to generate energy derived from sunlight or wind. The exemption for machinery, tools, and equipment used to generate energy derived from sunlight or wind shall expire June 30, 2027.*

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2016, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. (Effective until June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in

the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

18. (Effective June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. Prior to claiming such exemption, any qualifying person claiming the exemption must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to (i) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or before December 31, 2018; (ii) projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity, that serve any of the public institutions of higher education listed in § 23-9.5 or private college as defined in § 23-9.10:3; (iii) 80 percent of the assessed value of projects for which an initial interconnection request form has

been filed with an electric utility or a regional transmission organization after January 1, 2015, and greater than 20 megawatts, as measured in alternating current (AC) generation capacity, for projects first in service on or after January 1, 2017, (iv) projects equaling 5 megawatts or less, as measured in alternating current (AC) generation capacity, for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019, and (v) 80 percent of the assessed value of all other projects equaling more than 5 megawatts, as measured in alternating current (AC) generation capacity for which an initial interconnection request form has been filed with an electric utility or a regional transmission organization on or after January 1, 2019. Such property shall not include the land on which such equipment or facilities are located. *The exemption for solar photovoltaic (electric energy) projects greater than 20 megawatts, as measured in alternating current (AC) generation capacity, shall not apply to projects upon which construction begins after January 1, 2024.* Such property shall not include the land on which such equipment or facilities are located.

"State certifying authority" shall mean the State Water Control Board, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

§ 58.1-3661. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices.

A. Certified solar energy equipment, facilities, or devices and certified recycling equipment, facilities, or devices, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real or personal property. The governing body of any county, city or town may, by ordinance, exempt or partially exempt such property from local taxation in the manner provided by subsection D.

B. As used in this section:

"Certified recycling equipment, facilities, or devices" means machinery and equipment which is certified by the Department of Environmental Quality as integral to the recycling process and for use primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth, and used in manufacturing facilities or plant units which manufacture, process, compound, or produce for sale recyclable items of tangible personal property at fixed locations in the Commonwealth.

"Certified solar energy equipment, facilities, or devices" means any property, including real or personal property, equipment, facilities, or devices, excluding any *portion* of such property that is exempt under § 58.1-3660, certified by the local certifying authority to be designed and used primarily for the purpose of collecting, generating, transferring, or storing thermal or electric energy.

"Local certifying authority" means the local building departments or the Department of Environmental Quality. The State Board of Housing and Community Development shall promulgate regulations setting forth criteria for certifiable solar energy equipment. The Department of Environmental Quality shall promulgate regulations establishing criteria for recycling equipment, facilities, or devices.

C. Any person residing in a county, city or town which has adopted an ordinance pursuant to subsection A may proceed to have solar energy equipment, facilities, or devices certified as exempt, wholly or partially, from taxation by applying to the local building department. If, after examination of such equipment, facility, or device, the local building department determines that the unit primarily performs any of the functions set forth in subsection B and conforms to the requirements set by regulations of the Board of Housing and Community Development, such department shall approve and certify such application. The local department shall forthwith transmit to the local assessing officer those applications properly approved and certified by the local building department as meeting all requirements qualifying such equipment, facility, or device for exemption from taxation. Any person aggrieved by a decision of the local building department may appeal such decision to the local board of building code appeals, which may affirm or reverse such decision.

D. Upon receipt of the certificate from the local building department or the Department of Environmental Quality, the local assessing officer shall, if such local ordinance is in effect, proceed to determine the value of such qualifying solar energy equipment, facilities, or devices or certified recycling equipment, facilities, or devices. The exemption provided by this section shall be determined by applying the local tax rate to the value of such equipment, facilities, or devices and subtracting such amount, wholly or partially, either (i) from the total real property tax due on the real property to which such equipment, facilities, or devices are attached or (ii) if such equipment, facilities, or devices are taxable as machinery and tools under § 58.1-3507, from the total machinery and tools tax due on such equipment, facilities, or devices, at the election of the taxpayer. This exemption shall be effective beginning in the next succeeding tax year, and shall be permitted for a term of not less than five years. In the event the locality assesses real estate pursuant to § 58.1-3292, the exemption shall be first effective when such real estate is first assessed, but not prior to the date of such application for exemption.

E. It shall be presumed for purposes of the administration of ordinances pursuant to this section, and for no other purposes, that the value of such qualifying solar energy equipment, facilities, and devices is not less than the normal cost of purchasing and installing such equipment, facilities, and devices.

2. That the provisions of this act shall become effective January 1, 2017.

CHAPTER 347

An Act to amend and reenact § 58.1-3219.9 of the Code of Virginia, relating to real property tax exemption; spouse of member of armed forces killed in action.

[S 99]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-3219.9 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed forces killed in action.**

A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the ~~United States~~ U.S. Department of Defense and (ii) who occupies the real property as his principal place of residence. *For purposes of this section, such determination of "killed in action" includes a determination by the U.S. Department of Defense of "died of wounds received in action."* If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action. However, no county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. Those dwellings in the locality with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single family homes, condominiums, town homes, and other types of dwellings of surviving spouses that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption.

For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying dwelling, or the portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B, and (ii) the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section.

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has 1 as a numerator and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by the surviving spouse, and as a denominator, 100 percent.

CHAPTER 348

An Act to amend and reenact § 58.1-339.6 of the Code of Virginia, relating to the expiration of the political candidate contribution tax credit.

[S 115]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-339.6 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-339.6. Political candidate contribution tax credit.**

For taxable years beginning on and after January 1, 2000, *but before January 1, 2017*, any individual shall be entitled to a credit against the tax levied pursuant to § 58.1-320 of an amount equal to ~~forty~~ 50 percent of the amount contributed by the taxpayer to a candidate, as defined in § 24.2-101, in one or more primary, special, or general elections for local or state office held in the Commonwealth in the taxable year in which the contributions are made. The amount of the credit shall not exceed ~~twenty-five dollars~~ \$25 for an individual taxpayer or ~~fifty dollars~~ \$50 for taxpayers filing a joint return.

CHAPTER 349

An Act to amend and reenact §§ 46.2-653.1, 58.1-3219.5, and 58.1-3219.9 of the Code of Virginia, relating to real property tax exemption; residence of disabled veteran, and the spouse of a service member killed in action.

[S 366]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-653.1, 58.1-3219.5, and 58.1-3219.9 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-653.1. Conversion of manufactured home to real property.**

A. After a manufactured home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to real property owned by the manufactured home owner, the owner may convert the home to real property in accordance with the provisions of subsection B. ~~The~~ *Except as provided in §§ 58.1-3219.5 and 58.1-3219.9, and for the purposes stated in §§ 58.1-3219.5 and 58.1-3219.9, the provisions of this section constitute the only manner by which a manufactured home owner may convert a manufactured home to real property.*

B. A manufactured home owner who wishes to convert the home to real property shall submit a sworn affidavit to the Department that the wheels and other equipment previously used for mobility have been removed from the manufactured home and the unit has been attached to real property owned by the manufactured home owner.

The affidavit must be in a form approved by the Commissioner. Upon compliance by the owner with the procedure for surrender of title, the Department shall rescind and cancel the Virginia title. The Department shall not cancel the title if a security interest has been recorded on the title and not released by the secured party. After canceling the title, the Department shall provide written confirmation to the owner that the title has been surrendered and has been canceled by the Department.

Upon receipt of confirmation that the title has been surrendered and has been canceled by the Department, the owner shall file a sworn affidavit of affixation with the circuit court of the locality where the real property is located. The affidavit shall include all of the following information:

1. The manufacturer and, if applicable, the model name of the manufactured home.
2. The vehicle identification number and serial number of the manufactured home.
3. The legal description of the real property on which the manufactured home is placed, including the property address, stating that the owner of the manufactured home also owns the real property.
4. Certification that there are no security interests in the manufactured home that have not been released by the secured party.

5. The homeowner's statement that the title has been surrendered and has been canceled by the Department and that the home is intended to be a permanent fixture and improvement to the land, to the same extent as any site-built home, and assessed and taxed with the land as real property.

In addition, a copy of the confirmation provided by the Department that the title has been surrendered and canceled by the Department shall be attached to and filed with the affidavit.

Upon filing the affidavit of affixation, the manufactured home shall then be deemed to be real estate and shall thereafter be conveyed and encumbered only as real estate is conveyed and encumbered, except when the home is thereafter physically severed from the real property and a new title issued in accordance with subsection C.

A security interest in a manufactured home is perfected against the rights of judicial lien creditors, execution creditors, and purchasers for value on and after the date such security interest attaches. The Commissioner shall have prepared a list of all titles canceled pursuant to this section and furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the revenue of each county and city without cost.

C. If the owner of a manufactured home whose certificate of title has been canceled under this section subsequently seeks to sever the manufactured home from the real property, the owner may apply for a new certificate of title in accordance with the provisions of this section.

1. The owner shall file with the circuit court where the real property is located an affidavit that includes or provides for all of the following information:

- a. The manufacturer and, if applicable, the model name of the manufactured home.
- b. The vehicle identification number and serial number of the manufactured home.
- c. The legal description of the real property on which the manufactured home is or was placed, stating that the owner of the manufactured home also owns the real property.
- d. Certification that there are no security interests in the manufactured home that have not been released by the secured party.

e. The homeowner's statement that the home has been or will be physically severed from the real property.

2. The owner must submit the following to the Department:

- a. A copy of the affidavit filed in accordance with subdivision C 1.
- b. Verification that the manufactured home has been severed from the real property. Confirmation of severance by the commissioner of the revenue where the real property is located shall constitute acceptable evidence that the unit has been severed from the real property.

Upon receipt of the information required in subdivision C 2, together with a title application and required fee, the Department is authorized to issue a new title for the manufactured home. The initial title issued under the provisions of this subsection shall contain no security interests, provided however, that nothing contained herein shall be construed to prevent a subsequent security interest from being recorded on the title.

§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.

A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no county, city, or town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his principal place of residence.

C. A county, city, or town shall provide for the exemption from real property taxes the qualifying dwelling pursuant to this section, and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. *If the veteran owns a house that is his residence, including a manufactured home as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, such house or manufactured home shall be exempt even if the veteran does not own the land on which the house or manufactured home is located. If such land is not owned by the veteran, then the land is not exempt.*

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D, then the exemption shall be prorated by multiplying the

amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed forces killed in action.

A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense and (ii) who occupies the real property as his principal place of residence. If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action. However, no county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. Those dwellings in the locality with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single family homes, condominiums, town homes, *manufactured homes as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed*, and other types of dwellings of surviving spouses, *whether or not the land on which the single family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse*, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. *If the land on which the single family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt.*

For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying dwelling, or the portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B, and (ii) *except land not owned by the surviving spouse*, the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section.

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has 1 as a numerator and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by the surviving spouse, and as a denominator, 100 percent.

CHAPTER 350

An Act to amend and reenact § 55-210.20 of the Code of Virginia, relating to unclaimed property; payment of property of deceased owner.

[S 408]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 55-210.20 of the Code of Virginia is amended and reenacted as follows:

§ 55-210.20. Filing claim to property or proceeds of sale thereof.

A. Any person claiming an interest in any property delivered to the Commonwealth under this chapter may file a claim thereto or to the proceeds from the sale thereof on ~~the~~ a form prescribed by the State Treasurer.

B. Notwithstanding any other provision of law, any person claiming an interest in any property delivered to the Commonwealth under this chapter for a reported owner who is deceased shall submit evidence of the claimant's entitlement to payment together with a form prescribed by the State Treasurer. In order of preference, such evidence may include (i) a certificate of qualification as the executor or an order of appointment as the administrator or personal representative of the decedent's estate under the laws of the state of the decedent's domicile; (ii) if applicable, an affidavit authorizing the claimant to be the designated successor under the Virginia Small Estate Act (§ 64.2-600 et seq.), or its equivalent under the laws of the state of the decedent's domicile that names the claimant as the designated successor; or (iii) the order of distribution or the final accounting for a closed estate that reflects payment due in whole or in part to the claimant. When, in the absence of any such evidence, (a) the death of the reported owner occurred at least one year prior to filing the claim and (b) the amount claimed is \$15,000 or less, exclusive of any interest owed pursuant to subsection C of § 55-210.21, the administrator may allow the claimant to submit an affidavit stating the claimant's entitlement to payment in the absence of sufficient documentation, and the administrator may approve the claim in his discretion, returning or paying all or the appropriate share of the deceased owner's property to the claimant. The administrator may pay or deliver all of the deceased owner's property to a claimant who submits the prescribed affidavit evidencing his agreement to receive and distribute the property to the other rightful heirs or beneficiaries and acknowledging his assumption of liability to those beneficiaries or heirs for failure to do so.

C. Notwithstanding any other provision of law, when paying or delivering unclaimed property under subsection B to a claimant who is not authorized to represent the decedent's estate as the personal representative or the designated successor or the equivalent, the administrator is discharged and released to the same extent as if the administrator dealt with the authorized representative or designated successor for the decedent's estate. The administrator shall deny any subsequent claim to the same property. Any person subsequently claiming an equal or superior right to the deceased owner's property whose claim is denied by the administrator for this reason may seek redress from the claimant to whom payment was made.

2. That the State Treasurer shall develop and make available a plain English explanation of a person's right to make a claim, in accordance with the provisions of this act, for property delivered to the Commonwealth in cases where the reported owner of the property is deceased. The State Treasurer shall also post such document on its website.

CHAPTER 351

An Act to amend and reenact § 2.2-3110 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; prohibited contracts; exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district.

[S 652]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3110 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3110. Further exceptions.

A. The provisions of Article 3 (§ 2.2-3106 et seq.) of this chapter shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;

2. The publication of official notices;

3. Contracts between the government or school board of a town or city with a population of less than 10,000 and an officer or employee of that town or city government or school board when the total of such contracts between the town or city government or school board and the officer or employee of that town or city government or school board or a business controlled by him does not exceed \$10,000 per year or such amount exceeds \$10,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;

4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$10,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the contracting firm's equity or such ownership interest and income from the contracting firm is in excess of \$10,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) does not participate on behalf of the institution in negotiating the contract or approving the contract;

6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

7. Contracts for the purchase of goods or services when the contract does not exceed \$500;

8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency; ~~or~~

9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee; *or*

10. *Contracts entered into by an officer or employee of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance with § 10.1-546.1. This subdivision shall not apply to subcontracts or other agreements entered into by an officer or employee of a soil and water conservation district to provide services for implementation of a cost-share contract established under the Program.*

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f) (4) of § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

2. That the provisions of this act shall apply to contracts entered into on and after July 1, 2016, and to any contract entered into by the officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program prior to the effective date of this act.

CHAPTER 352

An Act to amend and reenact § 20-103 of the Code of Virginia, relating to source of pendente lite support award.

[S 70]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 20-103 of the Code of Virginia is amended and reenacted as follows:

§ 20-103. Court may make orders pending suit for divorce, custody or visitation, etc.

A. In suits for divorce, annulment and separate maintenance, and in proceedings arising under subdivision A 3 or subsection L of § 16.1-241, the court having jurisdiction of the matter may, at any time pending a suit pursuant to this chapter, in the discretion of such court, make any order that may be proper (i) to compel a spouse to pay any sums necessary for the maintenance and support of the petitioning spouse, including (a) an order that the other spouse provide health care coverage for the petitioning spouse, unless it is shown that such coverage cannot be obtained, or (b) an order that a party pay

secured or unsecured debts incurred jointly or by either party, (ii) to enable such spouse to carry on the suit, (iii) to prevent either spouse from imposing any restraint on the personal liberty of the other spouse, (iv) to provide for the custody and maintenance of the minor children of the parties, including an order that either party or both parties provide health care coverage or cash medical support, or both, for the children, (v) to provide support, calculated in accordance with § 20-108.2, for any child of the parties to whom a duty of support is owed and to pay or continue to pay support for any child over the age of 18 who meets the requirements set forth in subsection C of § 20-124.2, (vi) for the exclusive use and possession of the family residence during the pendency of the suit, (vii) to preserve the estate of either spouse, so that it be forthcoming to meet any decree which may be made in the suit, (viii) to compel either spouse to give security to abide such decree, or (ix)(a) to compel a party to maintain any existing policy owned by that party insuring the life of either party or to require a party to name as a beneficiary of the policy the other party or an appropriate person for the exclusive use and benefit of the minor children of the parties and (b) to allocate the premium cost of such life insurance between the parties, provided that all premiums are billed to the policyholder. Nothing in clause (ix) shall be construed to create an independent cause of action on the part of any beneficiary against the insurer or to require an insurer to provide information relating to such policy to any person other than the policyholder without the written consent of the policyholder. The parties to any petition where a child whose custody, visitation, or support is contested shall show proof that they have attended within the 12 months prior to their court appearance or that they shall attend within 45 days thereafter an educational seminar or other like program conducted by a qualified person or organization approved by the court except that the court may require the parties to attend such seminar or program in uncontested cases only if the court finds good cause. The seminar or other program shall be a minimum of four hours in length and shall address the effects of separation or divorce on children, parenting responsibilities, options for conflict resolution and financial responsibilities. Once a party has completed one educational seminar or other like program, the required completion of additional programs shall be at the court's discretion. Parties under this section shall include natural or adoptive parents of the child, or any person with a legitimate interest as defined in § 20-124.1. The fee charged a party for participation in such program shall be based on the party's ability to pay; however, no fee in excess of \$50 may be charged. Whenever possible, before participating in mediation or alternative dispute resolution to address custody, visitation or support, each party shall have attended the educational seminar or other like program. The court may grant an exemption from attendance of such program for good cause shown or if there is no program reasonably available. Other than statements or admissions by a party admitting criminal activity or child abuse, no statement or admission by a party in such seminar or program shall be admissible into evidence in any subsequent proceeding.

A1. Any award or order made by the court pursuant to subsection A shall be paid from the post-separation income of the obligor unless the court, for good cause shown, orders otherwise. Upon the request of either party, the court may identify and state in such order or award the specific source from which the financial obligation imposed is to be paid.

B. In addition to the terms provided in subsection A, upon a showing by a party of reasonable apprehension of physical harm to that party by such party's family or household member as that term is defined in § 16.1-228, and consistent with rules of the Supreme Court of Virginia, the court may enter an order excluding that party's family or household member from the jointly owned or jointly rented family dwelling. In any case where an order is entered under this paragraph, pursuant to an ex parte hearing, the order shall not exclude a family or household member from the family dwelling for a period in excess of 15 days from the date the order is served, in person, upon the person so excluded. The order may provide for an extension of time beyond the 15 days, to become effective automatically. The person served may at any time file a written motion in the clerk's office requesting a hearing to dissolve or modify the order. Nothing in this section shall be construed to prohibit the court from extending an order entered under this subsection for such longer period of time as is deemed appropriate, after a hearing on notice to the parties. If the party subject to the order fails to appear at this hearing, the court may extend the order for a period not to exceed six months.

C. In cases other than those for divorce in which a custody or visitation arrangement for a minor child is sought, the court may enter an order providing for custody, visitation or maintenance pending the suit as provided in subsection A. The order shall be directed to either parent or any person with a legitimate interest who is a party to the suit.

D. Orders entered pursuant to this section which provide for custody or visitation arrangements pending the suit shall be made in accordance with the standards set out in Chapter 6.1 (§ 20-124.1 et seq.). Orders entered pursuant to subsection B shall be certified by the clerk and forwarded as soon as possible to the local police department or sheriff's office which shall, on the date of receipt, enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia crime information network system established and maintained by the Department of State Police pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. If the order is later dissolved or modified, a copy of the dissolution or modification shall also be certified, forwarded and entered in the system as described above.

E. An order entered pursuant to this section shall have no presumptive effect and shall not be determinative when adjudicating the underlying cause.

CHAPTER 353

An Act to amend and reenact § 8.01-249 of the Code of Virginia, relating to the statute of limitations; discovery rule.

[S 90]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-249 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-249. When cause of action shall be deemed to accrue in certain personal actions.**

The cause of action in the actions herein listed shall be deemed to accrue as follows:

1. In actions for fraud or mistake, in actions for violations of the Consumer Protection Act (§ 59.1-196 et seq.) based upon any misrepresentation, deception, or fraud, and in actions for rescission of contract for undue influence, when such fraud, mistake, misrepresentation, deception, or undue influence is discovered or by the exercise of due diligence reasonably should have been discovered;

2. In actions or other proceedings for money on deposit with a bank or any person or corporation doing a banking business, when a request in writing be made therefor by check, order, or otherwise;

3. In actions for malicious prosecution or abuse of process, when the relevant criminal or civil action is terminated;

4. In actions for injury to the person resulting from exposure to asbestos or products containing asbestos, when a diagnosis of asbestosis, interstitial fibrosis, mesothelioma, or other disabling asbestos-related injury or disease is first communicated to the person or his agent by a physician. However, no such action may be brought more than two years after the death of such person;

5. In actions for contribution or for indemnification, when the contributee or the indemnitee has paid or discharged the obligation. A third-party claim permitted by subsection A of § 8.01-281 and the Rules of Court may be asserted before such cause of action is deemed to accrue hereunder;

6. In actions for injury to the person, whatever the theory of recovery, resulting from sexual abuse occurring during the infancy or incapacity of the person, upon the later of the removal of the disability of infancy or incapacity as provided in § 8.01-229 or when the fact of the injury and its causal connection to the sexual abuse is first communicated to the person by a licensed physician, psychologist, or clinical psychologist. As used in this subdivision, "sexual abuse" means sexual abuse as defined in subdivision 6 of § 18.2-67.10 and acts constituting rape, sodomy, object sexual penetration or sexual battery as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

7. In products liability actions against parties other than health care providers as defined in § 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any prosthetic device for breast augmentation or reconstruction, when the fact of the injury and its causal connection to the implantation is first communicated to the person by a physician;

8. In actions on an open account, from the later of the last payment or last charge for goods or services rendered on the account;

9. *In products liability actions against parties other than health care providers as defined in § 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any medical device, when the person knew or should have known of the injury and its causal connection to the device.*

CHAPTER 354

An Act to amend and reenact § 19.2-76.3 of the Code of Virginia, relating to service of summons.

[S 707]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 19.2-76.3 of the Code of Virginia is amended and reenacted as follows:****§ 19.2-76.3. Failure to appear on return date for summons issued under § 19.2-76.2.**

A. If any person fails to appear on the date of the return contained in the summons issued in accordance with § 19.2-76.2, then a summons shall be delivered to the sheriff of the county, city, or town *or to another authorized process server* for service on that person as set out in § 8.01-296.

B. If such person then fails to appear on the date of return as contained in the summons so issued, a summons shall be executed in the manner set out in § 19.2-76.

C. No proceedings for contempt or arrest of any person summoned under the provisions of this section shall be instituted unless such person has been personally served with a summons and has failed to appear on the return date contained therein.

CHAPTER 355

An Act to require the Commissioner of the Department for Aging and Rehabilitative Services to convene a work group to study financial exploitation of adults in the Commonwealth.

[H 676]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Commissioner of the Department for Aging and Rehabilitative Services shall, together with the Director of the Department for Planning and Budget or his designee, representatives of the Department for Aging and Rehabilitative Services' Adult Protective Services Unit and local department of social services' adult protective services units, law-enforcement agencies, financial institutions in the Commonwealth, and organizations representing elderly individuals and adults with disabilities, determine the cost of financial exploitation of adults in the Commonwealth and develop recommendations for improving the ability of financial institutions to identify financial exploitation of adults, the process by which financial institutions report suspected financial exploitation of adults, and interactions between financial institutions and local adult protective services units investigating reports of suspected financial exploitation of adults. The Commissioner shall develop recommendations for a plan to educate adults regarding financial exploitation, including common methods of exploitation and warning signs that exploitation may be occurring. The Department for Aging and Rehabilitative Services' Adult Protective Services Unit shall provide information about founded cases of financial exploitation of adults and any related compiled information to the Commissioner, who shall maintain the confidentiality of such information, for his review upon request. The Commissioner shall complete his work and report on his activities and recommendations to the Governor and the General Assembly by January 1, 2017.

CHAPTER 356

An Act to amend and reenact § 32.1-286 of the Code of Virginia, relating to exhumations; notice to next of kin.

[H 789]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-286 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-286. Exhumations.

A. In any case of death described in subsection A of § 32.1-283, where the body is buried without investigation by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a medical examiner appointed pursuant to § 32.1-282 into the cause and manner of death or where sufficient cause develops for further investigation after a body is buried, the Chief Medical Examiner shall authorize such investigation and shall send a copy of the report, *which shall include the name and contact information of the next of kin, as defined in § 54.1-2800, of the dead person, if known*, to the appropriate attorney for the Commonwealth who shall communicate such report to a judge of the appropriate circuit court *and forward a copy of such report to the clerk of such court. In cases in which the name and contact information of the next of kin is not known at the time the report is prepared, the Chief Medical Examiner shall so indicate on the report. Upon receipt of such report, the clerk of the court shall send notice of the investigation and any order of exhumation to the next of kin of the dead person when the name and contact information of the next of kin is included in the report.* ~~Such~~ The judge may order that the body be exhumed and an autopsy performed thereon by the Chief Medical Examiner, an Assistant Chief Medical Examiner, or a pathologist with whom the Commissioner has entered into an agreement pursuant to § 32.1-281. The pertinent facts disclosed by ~~the~~ an autopsy conducted pursuant to an order entered in accordance with this subsection shall be communicated to the judge who ordered ~~the~~ the autopsy.

B. Upon petition of the attorney for the Commonwealth to whom a report is submitted in accordance with subsection A and a finding that good cause exists, a judge for the appropriate circuit court may, for a period of time not to exceed ninety days, order that (i) notification of the next of kin of the dead person be withheld, (ii) the report and order for exhumation be sealed by the clerk of the circuit court, and (iii) any parties involved in the investigation or exhumation not disclose to the next of kin of the dead person or any other person that the court may deem appropriate that the investigation or exhumation has occurred. Upon the petition of the attorney for the Commonwealth and a finding that good cause exists, the court may extend any such time period for additional periods not to exceed ninety days for each extension granted.

~~B-~~ C. In any case of death in which a private person has an interest, such person may petition the judge of the circuit court exercising jurisdiction over the place of interment ~~and, upon~~ to have the body exhumed. Such petition shall include the name and contact information of the next of kin of the dead person or, in cases in which the name and contact information is not known, an affirmation that good faith efforts to determine the name and contact information have been made. Upon receipt of the petition, the clerk of the court shall send notice of the petition to the next of kin of the dead person when the name and contact information of the next of kin is included in the petition. Upon proper showing of sufficient cause, such judge may order the body exhumed. Such petition or exhumation or both shall not require the participation of the Chief Medical Examiner or any Assistant Chief Medical Examiner. Costs shall be paid by the party requesting the exhumation.

~~C-~~ D. ~~Upon the petition of a~~ A party attempting to prove, in accordance with the provisions of §§ 64.2-102 and 64.2-103, that he is the issue of a dead person, ~~a court may order the exhumation of the body of any dead person for the conduct of scientifically reliable genetic tests, including DNA tests, to prove a biological relationship may petition the judge of the circuit court exercising jurisdiction over the place of interment to have the body exhumed.~~ The petition shall be accompanied by the petitioner's sworn statement that sets forth facts establishing a reasonable possibility of a biological relationship between the petitioner and his alleged ancestors, *and shall include the name and contact information of the next of kin of the dead person or, in cases in which the name and contact information is not known, an affirmation that good faith efforts to determine the name and contact information have been made.* Upon receipt of the petition, the clerk of the court

shall send notice of the petition to the next of kin of the dead person when the name and contact information of the next of kin is included in the petition. The court may order the exhumation of the dead person for the conduct of scientifically reliable genetic tests, including DNA tests, to prove a biological relationship. The costs of exhumation, testing, and reinterment shall be paid by the petitioner unless, for good cause shown, the court orders such costs paid from the estate in which the petitioner is claiming an interest. This provision is intended to provide a procedural mechanism for obtaining posthumous samples for reliable genetic testing and shall not require substantive proof of parentage to obtain the exhumation order.

CHAPTER 357

An Act to amend and reenact § 19.2-169.6 of the Code of Virginia, relating to involuntary psychiatric admission from local correctional facility.

[S 566]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.6 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.6. Inpatient psychiatric hospital admission from local correctional facility.

A. Any inmate of a local correctional facility who is not subject to the provisions of § 19.2-169.2 may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge if:

1. The court with jurisdiction over the inmate's case, if it is still pending, on the petition of the person having custody over an inmate or on its own motion, holds a hearing at which the inmate is represented by counsel and finds by clear and convincing evidence that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (iii) the inmate requires treatment in a hospital rather than the local correctional facility. Prior to making this determination, the court shall consider the examination conducted in accordance with § 37.2-815 and the preadmission screening report prepared in accordance with § 37.2-816 and conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness, who is not providing treatment to the inmate, and who has completed a certification program approved by the Department of Behavioral Health and Developmental Services as provided in § 37.2-809. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report; or

2. Upon petition by the person having custody over an inmate, a magistrate finds probable cause to believe that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (iii) the inmate requires treatment in a hospital rather than a local correctional facility, and the magistrate issues a temporary detention order for the inmate. Prior to the filing of the petition, the person having custody shall arrange for an evaluation of the inmate conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness and who has completed a certification program approved by the Department as provided in § 37.2-809. After considering the evaluation of the employee or designee of the local community services board or behavioral health authority, and any other information presented, and finding that probable cause exists to meet the criteria, the magistrate may issue a temporary detention order in accordance with the applicable procedures specified in §§ 37.2-809 through 37.2-813. The person having custody over the inmate shall notify the court having jurisdiction over the inmate's case, if it is still pending, and the inmate's attorney prior to the detention pursuant to a temporary detention order or as soon thereafter as is reasonable.

Upon detention pursuant to this subdivision, a hearing shall be held either before the court having jurisdiction over the inmate's case or before a district court judge or a special justice, as defined in § 37.2-100, in accordance with the provisions of §§ 37.2-815 through 37.2-821, in which case the inmate shall be represented by counsel as specified in § 37.2-814. The hearing shall be held within 72 hours of execution of the temporary detention order issued pursuant to this subdivision. If the 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the inmate may be detained until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report. The judge or special justice conducting the hearing may order the inmate hospitalized if, after considering the examination conducted in accordance with § 37.2-815, the preadmission screening report prepared in accordance with § 37.2-816, and any other available information as specified in subsection C of § 37.2-817, he finds by clear and convincing evidence that (1) the inmate has a mental illness; (2) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (3) the inmate requires treatment in a hospital rather than a local correctional facility. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. The examination and the preadmission screening report shall be admitted into evidence at the hearing.

B. In no event shall an inmate have the right to make application for voluntary admission as may be otherwise provided in § 37.2-805 or 37.2-814 or be subject to an order for mandatory outpatient treatment as provided in § 37.2-817.

C. If an inmate is hospitalized pursuant to this section and his criminal case is still pending, the court having jurisdiction over the inmate's case may order that the admitting hospital evaluate the inmate's competency to stand trial and his mental state at the time of the offense pursuant to §§ 19.2-169.1 and 19.2-169.5.

D. An inmate may not be hospitalized longer than 30 days under subsection A unless the court which has criminal jurisdiction over him or a district court judge or a special justice, as defined in § 37.2-100, holds a hearing and orders the inmate's continued hospitalization in accordance with the provisions of subdivision A 2. If the inmate's hospitalization is continued under this subsection by a court other than the court which has jurisdiction over his criminal case, the facility at which the inmate is hospitalized shall notify the court with jurisdiction over his criminal case and the inmate's attorney in the criminal case, if the case is still pending.

E. Hospitalization may be extended in accordance with subsection D for periods of 60 days for inmates awaiting trial, but in no event may such hospitalization be continued beyond trial, nor shall such hospitalization act to delay trial, as long as the inmate remains competent to stand trial. Hospitalization may be extended in accordance with subsection D for periods of 180 days for an inmate who has been convicted and not yet sentenced, or for an inmate who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, but in no event may such hospitalization be continued beyond the date upon which his sentence would have expired had he received the maximum sentence for the crime charged. Any inmate who has not completed service of his sentence upon discharge from the hospital shall serve the remainder of his sentence.

F. For any inmate who has been convicted and not yet sentenced, or who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, the time the inmate is confined in a hospital for psychiatric treatment shall be deducted from any term for which he may be sentenced to any penal institution, reformatory or elsewhere.

G. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to an inmate who is the subject of a proceeding under this section, upon request, shall disclose to a magistrate, the court, the inmate's attorney, the inmate's guardian ad litem, the examiner appointed pursuant to § 37.2-815, the community service board or behavioral health authority preparing the preadmission screening pursuant to § 37.2-816, or the sheriff or administrator of the local correctional facility any and all information that is necessary and appropriate to enable each of them to perform his duties under this section. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the inmate and to monitor that care and treatment. Health records disclosed to a sheriff or administrator of the local correctional facility shall be limited to information necessary to protect the sheriff or administrator of the local correctional facility and his employees, the inmate, or the public from physical injury or to address the health care needs of the inmate. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act

(42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

H. Any order entered where an inmate is the subject of proceedings under this section shall provide for the disclosure of medical records pursuant to subsection G. This subsection shall not preclude any other disclosures as required or permitted by law.

I. *As used in this section, "person having custody over an inmate" means the sheriff or other person in charge of the local correctional facility where the inmate is incarcerated at the time of the filing of a petition for the psychiatric treatment of the inmate.*

CHAPTER 358

An Act to amend and reenact § 65.2-105 of the Code of Virginia, relating to workers' compensation; presumption; injuries in course of employment.

[H 44]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 65.2-105 of the Code of Virginia is amended and reenacted as follows:

§ 65.2-105. Presumption that certain injuries arose out of and in the course of employment.

In any claim for compensation, where the employee (i) is physically or mentally unable to testify as confirmed by competent medical evidence, (ii) *dies with there being no evidence that he ever regained consciousness after the accident*, (iii) *dies at the accident location or nearby*, or (iv) *is found dead where he is reasonably expected to be as an employee*, and where the factual circumstances are of sufficient strength from which the only rational inference to be drawn is that the accident arose out of and in the course of employment, it shall be presumed the accident arose out of and in the course of employment, unless such presumption is overcome by a preponderance of competent evidence to the contrary.

CHAPTER 359

An Act to amend and reenact § 2.2-4026 of the Code of Virginia, relating to the Administrative Process Act; judicial review of certain regulations.

[H 644]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4026 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4026. Right, forms, venue; date of adoption or readoption for purposes of appeal.

A. Any person affected by and claiming the unlawfulness of any regulation or party aggrieved by and claiming unlawfulness of a case decision and whether exempted from the procedural requirements of Article 2 (§ 2.2-4006 et seq.) or 3 (§ 2.2-4018 et seq.) shall have a right to the direct review thereof by an appropriate and timely court action against the agency or its officers or agents in the manner provided by the Rules of Supreme Court of Virginia. Actions may be instituted in any court of competent jurisdiction as provided in § 2.2-4003, and the judgments of the courts of original jurisdiction shall be subject to appeal to or review by higher courts as in other cases unless otherwise provided by law. In addition, when any regulation or case decision is the subject of an enforcement action in court, it shall also be reviewable by the court as a defense to the action, and the judgment or decree therein shall be appealable as in other cases.

B. *In any court action under this section by a person affected by and claiming the unlawfulness of any regulation on the basis that an agency failed to follow any procedure for the promulgation or adoption of a regulation specified in this chapter or in such agency's basic law, the burden shall be upon the party complaining of the agency action to designate and demonstrate the unlawfulness of the regulation by a preponderance of the evidence. If the court finds in favor of the party complaining of the agency action, the court shall declare the regulation null and void and remand the case to the agency for further proceedings.*

C. Notwithstanding any other provision of law or of any executive order issued under this chapter, with respect to any challenge of a regulation subject to judicial review under this chapter, the date of adoption or readoption of the regulation pursuant to § 2.2-4015 for purposes of appeal under the Rules of Supreme Court shall be the date of publication in the Register of Regulations.

CHAPTER 360

An Act to amend and reenact § 6.2-1607 of the Code of Virginia, relating to licensed mortgage lenders and brokers; posting license.

[H 968]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 6.2-1607 of the Code of Virginia is amended and reenacted as follows:****§ 6.2-1607. Licenses; places of business; changes.**

A. Each license shall state the address of each office at which the business is to be conducted and shall state fully the name of the licensee. Each ~~license shall be prominently posted in each office of the~~ licensee shall (i) display proof of licensing upon request and (ii) prominently display at any location where the licensee conducts business in person with a borrower or prospective borrower the telephone number and website address for the Commission where borrowers and prospective borrowers may confirm the status of the license. Licenses shall not be transferable or assignable, by operation of law or otherwise. No licensee shall use any name other than the name set forth on the license issued by the Commission.

B. No licensee shall open an additional office without prior approval of the Commission. Applications for such approval shall be made in writing on a form provided by the Commissioner and shall be accompanied by payment of a \$150 nonrefundable application fee. The application shall be approved unless the Commission finds that the applicant has not conducted business under this chapter efficiently, fairly, in the public interest, and in accordance with law. The application shall be deemed approved if notice to the contrary has not been mailed by the Commission to the applicant within 30 days of the date the application is received by the Commission.

C. Every licensee shall within 10 days notify the Commissioner, in writing, of the closing of any approved office and of the name, address and position of each new senior officer, member, partner, or director and provide such other information with respect to any such change as the Commissioner may reasonably require.

D. Every license shall remain in force until it has been surrendered, revoked, or suspended. The surrender, revocation, or suspension of a license shall not affect any preexisting legal right or obligation of such lender or broker.

CHAPTER 361

An Act to amend and reenact §§ 2.2-225, 2.2-2031, 56-484.12, 56-484.13, and 56-484.14 of the Code of Virginia, relating to enhanced public safety telephone services; E-911 Services Board renamed the 9-1-1 Services Board.

[H 756]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-225, 2.2-2031, 56-484.12, 56-484.13, and 56-484.14 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-225. Position established; agencies for which responsible; additional powers.**

The position of Secretary of Technology (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies, councils, and boards: Information Technology Advisory Council, Innovation and Entrepreneurship Investment Authority, Virginia Information Technologies Agency, Virginia Geographic Information Network Advisory Board, and the ~~E-911~~ 9-1-1 Services Board. The Governor, by executive order, may assign any other state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary may, with regard to strategy development, planning and budgeting for technology programs in the Commonwealth:

1. Monitor trends and advances in fundamental technologies of interest and importance to the economy of the Commonwealth and direct and approve a stakeholder-driven technology strategy development process that results in a comprehensive and coordinated view of research and development goals for industry, academia and government in the Commonwealth. This strategy shall be updated biennially and submitted to the Governor, the Speaker of the House of Delegates and the President Pro Tempore of the Senate.

2. Work closely with the appropriate federal research and development agencies and program managers to maximize the participation of Commonwealth industries and universities in these programs consistent with agreed strategy goals.

3. Direct the development of plans and programs for strengthening the technology resources of the Commonwealth's high technology industry sectors and for assisting in the strengthening and development of the Commonwealth's Regional Technology Councils.

4. Direct the development of plans and programs for improving access to capital for technology-based entrepreneurs.

5. Assist the Joint Commission on Technology and Science created pursuant to § 30-85 in its efforts to stimulate, encourage, and promote the development of technology in the Commonwealth.

6. Continuously monitor and analyze the technology investments and strategic initiatives of other states to ensure the Commonwealth remains competitive.

7. Strengthen interstate and international partnerships and relationships in the public and private sectors to bolster the Commonwealth's reputation as a global technology center.

8. Develop and implement strategies to accelerate and expand the commercialization of intellectual property created within the Commonwealth.

9. Ensure the Commonwealth remains competitive in cultivating and expanding growth industries, including life sciences, advanced materials and nanotechnology, biotechnology, and aerospace.

10. Monitor the trends in the availability and deployment of and access to broadband communications services, which include, but are not limited to, competitively priced, high-speed data services and Internet access services of general application, throughout the Commonwealth and advancements in communications technology for deployment potential. The Secretary shall report annually by December 1 to the Governor and General Assembly on those trends.

11. Designate specific projects as enterprise information technology projects, prioritize the implementation of enterprise information technology projects, *and* establish enterprise oversight committees to provide ongoing oversight for enterprise information technology projects. At the discretion of the Governor, the Secretary shall designate a state agency or public institution of higher education as the business sponsor responsible for implementing an enterprise information technology project, and shall define the responsibilities of lead agencies that implement enterprise information technology projects. For purposes of this subdivision, "enterprise" means an organization with common or unifying business interests. An enterprise may be defined at the Commonwealth level or Secretariat level for programs and project integration within the Commonwealth, Secretariats, or multiple agencies.

12. Establish Internal Agency Oversight Committees and Secretariat Oversight Committees as necessary and in accordance with § 2.2-2021.

13. Review and approve the Commonwealth strategic plan for information technology, as developed and recommended by the Chief Information Officer pursuant to § 2.2-2007.

14. Communicate regularly with the Governor and other Secretaries regarding issues related to the provision of information technology services in the Commonwealth, statewide technology initiatives, and investments and other efforts needed to achieve the Commonwealth's information technology strategic goals.

15. Provide consultation on guidelines, at the recommendation of the Innovation and Entrepreneurship Investment Authority, for the application, review, and award of funds from the Commonwealth Research Commercialization Fund pursuant to § 2.2-2233.1.

§ 2.2-2031. Division of Public Safety Communications established; appointment of Virginia Public Safety Communications Coordinator; duties of Division.

A. There is established within VITA a Division of Public Safety Communications (the Division), which shall be headed by a Virginia Public Safety Communications Coordinator, appointed by the CIO with the advice and consent of the ~~E-911~~ 9-1-1 Services Board. The Division shall consist of such personnel as the CIO deems necessary. The operating expenses, administrative costs, and salaries of the employees of the Division shall be paid from the Wireless E-911 Fund created pursuant to § 56-484.17.

B. The Division shall provide staff support to the ~~E-911~~ 9-1-1 Services Board and encourage, promote, and assist in the development and deployment of statewide enhanced emergency telecommunications systems.

§ 56-484.12. Definitions.

As used in this article, unless the context requires a different meaning:

"Automatic location identification" or "ALI" means a telecommunications network capability that enables the automatic display of information defining the geographical location of the telephone used to place a wireless ~~Enhanced~~ enhanced 9-1-1 call.

"Automatic number identification" or "ANI" means a telecommunications network capability that enables the automatic display of the telephone number used to place a wireless Enhanced 9-1-1 call.

"Board" means the ~~E-911~~ 9-1-1 Services Board created pursuant to this article.

"Chief Information Officer" or "CIO" means the Chief Information Officer appointed pursuant to § 2.2-2005.

"Coordinator" means the Virginia Public Safety Communications Systems Coordinator employed by the Division.

"CMRS" means mobile telecommunications service as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

"CMRS provider" means an entity authorized by the Federal Communications Commission to provide CMRS within the Commonwealth of Virginia.

"Division" means the Division of Public Safety Communications created in § 2.2-2031.

"Emergency services IP network" or "ESInet" means a shared public safety agency-managed Internet protocol (IP) network that (i) is used for emergency services communications, (ii) provides an IP transport infrastructure that is capable of carrying voice and data and that supports next generation 9-1-1 service core functions such as routing and location validation of emergency service requests, and (iii) is engineered, managed, and intended to support emergency public safety communications and 9-1-1 service.

"Enhanced 9-1-1 service" or "E-911" means a service consisting of telephone network features and PSAPs provided for users of telephone systems enabling such users to reach a PSAP by dialing the digits "9-1-1." Such service automatically directs 9-1-1 emergency telephone calls to the appropriate PSAPs by selective routing based on the geographical location from which the emergency call originated and provides the capability for ANI and ALI features.

"FCC order" means Federal Communications Commission Order 94-102 (61 Federal Register 40348) and any other FCC order that affects the provision of E-911 service to CMRS customers.

"Local exchange carrier" means any public service company granted a certificate to furnish public utility service for the provision of local exchange telephone service pursuant to Chapter 10.1 (§ 56-265.1 et seq.) of Title 56.

"Next generation 9-1-1 service" or "NG9-1-1" means a service that (i) consists of coordinated intrastate 9-1-1 IP networks serving residents of the Commonwealth with the routing of emergency service requests, by voice or data, across public safety E911s; (ii) automatically directs 9-1-1 emergency telephone calls and other emergency service requests in data formats to the appropriate PSAPs by routing using geographical information system data; (iii) provides for ANI and ALI features; and (iv) interconnects with enhanced 9-1-1 service.

"9-1-1 service" includes E-911 and NG9-1-1.

"Place of primary use" has the meaning as defined in the federal Mobile Telecommunications Sourcing Act, 4 U.S.C. § 124, as amended.

"Postpaid CMRS" means CMRS that is not prepaid CMRS, as defined in § 56-484.17:1.

"Public safety answering point" or "PSAP" means a facility (i) equipped and staffed on a 24-hour basis to receive and process ~~E-911~~ 9-1-1 calls or (ii) that intends to receive and process ~~E-911~~ 9-1-1 calls and has notified CMRS providers in its jurisdiction of its intention to receive and process such calls.

"VoIP service" means interconnected voice over Internet protocol service as defined in the Code of Federal Regulations, Title 47, Part 9, section 9.3, as amended.

"Wireless E-911 CMRS costs" means all reasonable, direct recurring and nonrecurring capital costs and operating expenses incurred by CMRS providers in designing, upgrading, leasing, purchasing, programming, installing, testing, administering, delivering, or maintaining all necessary data, hardware, software and local exchange telephone service required to provide wireless E-911 service, which have been sworn to by an authorized agent of a CMRS provider.

"Wireless E-911 Fund" means a dedicated fund consisting of all moneys collected pursuant to the wireless E-911 surcharge, all prepaid wireless E-911 charges collected pursuant to § 56-484.17:1, and any additional funds otherwise allocated or donated to the Wireless E-911 Fund.

"Wireless E-911 service" means the E-911 service required to be provided by CMRS providers pursuant to the FCC order.

"Wireless E-911 surcharge" means a monthly fee of \$0.75 billed with respect to postpaid CMRS customers by each CMRS provider and CMRS reseller on each CMRS device capable of two-way interactive voice communication.

§ 56-484.13. 9-1-1 Services Board; membership; terms; compensation.

A. ~~The Wireless E-911 Services Board is hereby continued as the E-911 Services Board. The Board shall plan, promote and offer assistance:~~

~~1. In the statewide development, deployment, and maintenance of enhanced wireless emergency telecommunications services and technologies; and~~

~~2. In the development and deployment of enhanced wireline emergency telecommunications services and technologies only in specific local jurisdictions that were not wireline E-911 capable by July 1, 2000.~~

~~The Board, formerly the Wireless E-911 Services Board, is hereby continued as the 9-1-1 Services Board. The Board shall exercise the powers and duties conferred in this article.~~

B. ~~The E-911 9-1-1 Services Board may promote and offer planning assistance shall:~~

~~1. In the statewide development, deployment, and maintenance of VoIP E-911 and any other future communications technologies accessing E-911 for emergency purposes Support and assist PSAPs in the provision of 9-1-1 operations and services, including through provision of funding and development of best practices;~~

~~2. To the Virginia Information Technologies Agency (VITA) Plan, promote, and other stakeholder agencies, assist in the statewide development and, deployment, and maintenance of a statewide public safety an emergency services IP network that will support future E-911 9-1-1 and other public safety applications and technologies; and~~

~~3. However, the Board shall seek funding from sources other than Consult and coordinate with PSAPs, state and local public bodies in the Commonwealth, public bodies in other states, CMRS providers or customers of CMRS to support efforts that exceed the scope of wireless E-911 service, VoIP service providers affiliated with cable companies, and other entities as needed in the exercise of the Board's powers and duties.~~

C. The Board shall consist of ~~15~~ 16 members as follows: the Director of the Virginia Department of Emergency Management, who shall serve as chairman of the Board; the Comptroller, who shall serve as the treasurer of the Board; the Chief Information Officer; and the following ~~12~~ 13 members to be appointed by the Governor: one member representing the Virginia State Police; one member representing a local exchange carrier providing E-911 service in Virginia; *one member representing VoIP service providers affiliated with cable companies and authorized to transact business in Virginia*; two members representing wireless service providers authorized to do business in Virginia; three county, city, or town PSAP directors or managers representing diverse regions of Virginia; one Virginia sheriff; one chief of police; one fire chief; one emergency medical services manager; and one finance officer of a county, city, or town.

D. The Commonwealth Interoperability Coordinator shall serve as an advisor to the Board in the exercise of the powers and duties conferred in this article so as to ensure, among other matters, that enhanced wireless emergency telecommunications services and technologies are compliant with the statewide interoperability strategic plan.

E. All members appointed by the Governor shall serve five-year terms. The CIO and the Comptroller shall serve terms coincident with their terms of office. No gubernatorial appointee shall serve more than two consecutive terms.

F. A majority of the Board shall constitute a quorum. The Board shall meet at least quarterly or at the call of its chairman.

G. Members of the Board shall serve without compensation; however, members of the Board shall be reimbursed for expenses as provided in §§ 2.2-2813 through 2.2-2826.

H. The Division shall provide staff support to the Board. The Geographic Information Network Division created in § 2.2-2026 and the Virginia Department of Transportation shall provide such technical advice as the Board requires.

§ 56-484.14. Powers and duties of the 9-1-1 Services Board.

The ~~E-911~~ 9-1-1 Services Board shall have the power and duty to:

1. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers, including purchase agreements payable from (i) the Wireless E-911 Fund and (ii) other moneys appropriated for the provision of ~~enhanced~~ 9-1-1 services.

2. Pursue all legal remedies to enforce any provision of this article, or any contract entered into pursuant to this article.

3. Develop a comprehensive, statewide enhanced 9-1-1 plan for wireless E-911, VoIP E-911, and any other future communications technologies accessing ~~E-911~~ 9-1-1 for emergency purposes. In constructing and periodically updating this plan as appropriate, the Board shall monitor trends and advances in enhanced wireless, VoIP, and other emergency telecommunications technologies, plan and forecast future needs for these enhanced technologies, and formulate strategies for the efficient and effective delivery of ~~enhanced~~ 9-1-1 services in the future ~~with the exclusion of traditional circuit-switched wireline 9-1-1 service.~~

4. Grant such extensions of time for compliance with the provisions of § 56-484.16 as the Board deems appropriate.

5. Take all steps necessary to inform the public of the use of the digits "9-1-1" as the designated emergency telephone number and the use of the digits "#-7-7" as a designated non-emergency telephone number.

6. Report annually to the Governor, the Senate Committee on Finance and the House Committee on Appropriations, and the Virginia State Crime Commission on (i) the state of enhanced 9-1-1 services in the Commonwealth, (ii) the impact of, or need for, legislation affecting enhanced 9-1-1 services in the Commonwealth, and (iii) the need for changes in the E-911 funding mechanism provided to the Board, as appropriate.

7. Provide advisory technical assistance to PSAPs and state and local law enforcement, and fire and emergency medical services agencies, upon request.

8. Collect, distribute, and withhold moneys from the Wireless E-911 Fund as provided in this article.

9. Develop a comprehensive single, statewide electronic addressing database to support geographic data and statewide base map data programs pursuant to § 2.2-2027.

10. Receive such funds as may be appropriated for purposes consistent with this article and such gifts, donations, grants, bequests, or other funds as may be received from, applied for or offered by either public or private sources.

11. Manage other moneys appropriated for the provision of enhanced emergency telecommunications services.

12. Perform all acts necessary, convenient, or desirable to carrying out the purposes of this article.

13. Drawing from the work of ~~E-911~~ 9-1-1 professional organizations, in its sole discretion, publish best practices for PSAPs. These best practices shall be voluntary and recommended by a subcommittee composed of PSAP representatives.

14. *Develop or adopt and publish standards for an emergency services IP network and core NG9-1-1 services on that network to ensure that enhanced public safety telephone services seamlessly interoperate within the Commonwealth and with surrounding states.*

15. Monitor developments in ~~enhanced~~ 9-1-1 service and multiline telephone systems and the impact of such technologies upon the implementation of Article 8 (§ 56-484.19 et seq.). The Board shall include its assessment of such impact in the annual report filed pursuant to subdivision 6.

CHAPTER 362

An Act to amend and reenact § 2.2-4302.2 of the Code of Virginia, relating to the Virginia Public Procurement Act; process for competitive negotiation; architects and engineers.

[H 578]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4302.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation

criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals;

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. *For architectural or engineering services, the public body shall not request or require offerors to list any exceptions to proposed contractual terms and conditions, unless such terms and conditions are required by statute, regulation, ordinance, or standards developed pursuant to § 2.2-1132, until after the qualified offerors are ranked for negotiations.* At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable *and pursuant to contractual terms and conditions acceptable to the public body*, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

CHAPTER 363

An Act to amend and reenact § 2, as amended, of Chapter 91 of the Acts of Assembly of 1948, which provided a charter for the Town of Damascus in Washington County, relating to time of elections.

Approved March 11, 2016

[H 649]

Be it enacted by the General Assembly of Virginia:**1. That § 2, as amended, of Chapter 91 of the Acts of Assembly of 1948 is amended and reenacted as follows:**

§ 2. Town officials.

(1) The officers of said town shall be a mayor, six councilmen, clerk, treasurer, chief of police, assessor and such other officers as the council may deem necessary and proper. The mayor shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1990, and every two years thereafter, in the manner prescribed by law, for a term of two years beginning on July 1 next following his election, and shall serve until his successor shall have been elected and qualified.

However, beginning with the election to be held in 2016, the mayor shall be elected at the time of the November general election with a term of two years beginning on January 1 next following his election. The mayor in office who was elected at the May general election and whose term is to expire as of June 30 shall continue in office until his successor has been elected at the November general election and has been qualified to serve.

In the year 1990, six councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May. Those three councilmen receiving the greatest number of votes shall serve the full four-year term. Those three elected members receiving the fewest number of votes shall serve until the year 1992.

Three councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1992 for four-year terms. Three councilmen shall be elected at a regular municipal election to be held on the first Tuesday in May, in the year 1994 for four-year terms; thereafter all councilmen shall be elected every four years, in the manner prescribed by law, for terms beginning on July 1 next following their election, each of whom shall serve until his successor shall have been elected and qualified.

However, beginning with the election to be held in 2016, the councilmen shall be elected at the time of the November general election with a term of four years beginning on January 1 next following their election. The councilmen in office who were elected at the May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

Each officer of said town shall take the oath prescribed by State law, and execute the required bond, prior to entry upon his duties. The council shall be a continuing body, and no measure pending before such body shall abate or be discontinued by reason of expiration of term of office or removal of any of the members. Vacancies in the office of mayor and on the council shall be filled for the unexpired term by a majority vote of the remaining members. The present mayor and council shall continue in office until the expiration of the terms for which they were respectively elected.

(2) The council shall appoint a clerk, a treasurer and such other officers as the council may deem necessary or proper, all of whom shall hold office at and during the pleasure of the council, and shall qualify for their respective offices as required by law, and shall furnish such bonds as may be required by the council. The same person may hold two or more of these offices at the discretion of the council.

The officers as appointed by the council shall perform such services, and receive such compensation, as the council may provide.

(3) The council shall appoint a chief of police who shall qualify and give bond in such amount as the council may require. The chief of police shall be vested with the power of a conservator of the peace, and shall have the same powers and perform the same duties within the corporate limits of the town, and to a distance of one mile beyond, as was formerly had and performed by constables. He shall perform such other duties, and receive such compensation as the council may provide. The council may appoint such other persons as policemen and assistants of the chief of police, and pay them such compensation as the council may think necessary and proper. Any reference to the town sergeant in any ordinance of the Town of Damascus heretofore adopted shall be deemed a reference to the chief of police.

(4) The mayor shall preside at all meetings of the council and perform such other duties as may be prescribed by this charter, and by the general laws, and such as may be imposed by the council consistent with his office. He shall be entitled to vote upon measures pending before the council only in event all the other members are present and voting and are equally divided for and against such measure. He shall see that peace and order are preserved, and that persons and property within the town are protected. He shall perform such other services and functions as may be necessary or proper, and shall receive such compensation as may be provided by the council. In event of the mayor's absence, or disability to act, his duties shall be performed by the president of the town council, who shall be selected by the council for that purpose.

(5) Repealed.

(6) The administration and government of the Town of Damascus shall be vested in the town council, with the mayor as the executive and tie-breaker as herein provided, all of whom shall be residents and qualified voters of the town. The council shall have full power and authority, except as herein otherwise stated, to exercise all the powers conferred upon the town, and to pass all legal laws and ordinances relating to its municipal affairs. Each member of the council may receive a salary, or per diem allowance, for his services as such member, the amount thereof to be fixed by the council. The council may create, appoint, or elect such boards, bodies, departments, or officers as may be permitted or required by this charter or the general laws of the Commonwealth of Virginia, and fix their compensation and define their duties.

(7) The council shall have one regular meeting each month, the time for such meeting being fixed by ordinance. Special meetings shall be called by the clerk of the council upon the request of the mayor or any four councilmen. The reasonable notice of such special meetings shall be given to each member of the council and the mayor. No business shall be

transacted at a special meeting except that for which the special meeting is called, unless the council be all present and unanimous. A majority of said councilmen shall constitute a quorum for the legal transaction of its business.

CHAPTER 364

An Act to amend and reenact § 15.2-3201 of the Code of Virginia, relating to annexation.

[H 945]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-3201 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-3201. Temporary restrictions on granting of city charters, filing annexation notices, institutions of annexation proceedings, and county immunity proceedings.

Beginning January 1, 1987, and terminating on the first to occur of (i) July 1, ~~2018~~ 2024, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, 2012-2014, ~~and~~ 2014-2016, 2016-2018, 2018-2020, 2020-2022, and 2022-2024 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no city shall file against any county an annexation notice with the Commission on Local Government pursuant to § 15.2-2907, and no city shall institute an annexation court action against any county under any provision of this chapter except a city that filed an annexation notice before the Commission on Local Government prior to January 1, 1987. During the same period, with the exception of a charter for a proposed consolidated city, no city charter shall be granted or come into force and no suit or notice shall be filed to secure a city charter. However, the foregoing shall not prohibit the institution of nor require the stay of an annexation proceeding or the filing of an annexation notice for the purpose of implementing an annexation agreement, the extent, terms and conditions of which have been agreed upon by a county and city; nor shall the foregoing prohibit the institution of or require the stay of an annexation proceeding by a city which, prior to January 1, 1987, commenced a proceeding before the Commission on Local Government to review a proposed voluntary settlement pursuant to § 15.2-3400; nor shall the foregoing prohibit the institution of or require the stay of any annexation proceeding commenced pursuant to § 15.2-2907 or 15.2-3203, except that no such proceeding may be commenced by a city against any county, nor shall any city be a petitioner in any annexation proceeding instituted pursuant to § 15.2-3203.

Beginning January 1, 1988, and terminating on the first to occur of (i) July 1, ~~2018~~ 2024, or (ii) the July 1 next following the expiration of any biennium, other than the 1998-2000, 2000-2002, 2002-2004, 2006-2008, 2008-2010, 2010-2012, 2012-2014, ~~and~~ 2014-2016, 2016-2018, 2018-2020, 2020-2022, and 2022-2024 bienniums, during which the General Assembly appropriated for distribution to localities for aid in their law-enforcement expenditures pursuant to Article 8 (§ 9.1-165 et seq.) of Chapter 1 of Title 9.1 an amount that is less than the total amount required to be appropriated for such purpose pursuant to subsection A of § 9.1-169, no county shall file a notice or petition pursuant to the provisions of Chapter 29 (§ 15.2-2900 et seq.) or Chapter 33 (§ 15.2-3300 et seq.) requesting total or partial immunity from city-initiated annexation and from the incorporation of new cities within its boundaries. However, the foregoing shall not prohibit the institution of nor require the stay of an immunity proceeding or the filing of an immunity notice for the purpose of implementing an immunity agreement, the extent, terms and conditions of which have been agreed upon by a county and city.

2. That the Commission on Local Government be directed to evaluate the structure of cities and counties in the Commonwealth and the impact of annexation upon localities. In doing so, the Commission shall consider alternatives to the current moratorium on annexation by cities. The Commission shall issue its findings and recommended policy changes to the General Assembly no later than December 1, 2018. During its evaluation, the Commission shall consult with and seek input from the Virginia Municipal League, the Virginia Association of Counties, and the localities directly affected by the current annexation moratorium. All agencies of the Commonwealth shall provide assistance to the Commission for this evaluation upon request.

CHAPTER 365

An Act to amend the Code of Virginia by adding a section numbered 58.1-3825.3, relating to transient occupancy tax; Arlington County.

[H 1147]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 58.1-3825.3 as follows:

§ 58.1-3825.3. Additional transient occupancy tax in Arlington County.

In addition to such transient occupancy taxes as are authorized by §§ 58.1-3819 and 58.1-3820, beginning July 1, 2016, and ending July 1, 2018, Arlington County may impose an additional transient occupancy tax not to exceed

one-fourth of one percent of the amount of the charge for the occupancy of any room or space occupied. The revenues collected from the additional tax shall be designated and spent for the purpose of promoting tourism and business travel in the county.

.CHAPTER 366

An Act to authorize issuance of bonds for certain veterans care center projects.

[H 477]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That, pursuant to § 2.2-2264 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority to undertake the following projects, including, without limitation, constructing, improving, furnishing, equipping, acquiring, and renovating buildings, facilities, improvements, and land therefor, and to exercise any and all powers granted to it by law in connection therewith, including the power to finance all or any portion of the cost thereof by the issuance of revenue bonds in a principal amount not to exceed \$29,300,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section.*

<i>Agency</i>	<i>Project Title</i>
<i>Department of Veterans Services</i>	<i>Construct Hampton Roads Veterans Care Center</i>
<i>Department of Veterans Services</i>	<i>Construct Northern Virginia Veterans Care Center</i>

CHAPTER 367

An Act to amend and reenact § 33.2-202 of the Code of Virginia, relating to the Commonwealth Transportation Board; meetings.

[H 384]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-202 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-202. Meetings.

The Board shall meet at least once every three months and at such other times, on the call of the chairman or of a majority of the members, as may be deemed necessary to transact such business as may properly be brought before it. Six members shall constitute a quorum of the Board for all purposes. *For a transportation project valued in excess of \$25 million that is located wholly within a single highway construction district, the Board shall hold at least one hearing in the highway construction district where such project being considered is located to discuss such project prior to a meeting at which a vote to program funds pursuant to § 33.2-214 for such project will be taken.*

It shall be the duty of the Board to keep accurate minutes of all meetings of the Board, in which shall be set forth all acts and proceedings of the Board in carrying out the provisions of this title.

CHAPTER 368

An Act to amend and reenact §§ 46.2-205.2, 46.2-214, 46.2-328, and 46.2-330 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-214.4, relating to transactions with the Department of Motor Vehicles.

[H 417]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-205.2, 46.2-214, 46.2-328, and 46.2-330 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-214.4 as follows:

§ 46.2-205.2. Agreements with other agencies or contractors for other agencies; collection of fees.

The Commissioner may enter into an agreement with an agency of the Commonwealth, any other state, or the federal government, *or where the underlying contract permits, a contractor for such state or federal agency*, to conduct customer service transactions on behalf of that agency for the benefit of Virginia residents. For each such transaction conducted, the Department shall collect from the customer any transaction fee required by the responsible agency *or contractor* and remit the same to that agency *or contractor* in accordance with the terms of the agreement. *However, the Department may receive*

a portion of the transaction fee required by the responsible agency or contractor in accordance with the terms of the agreement in order to defray the costs of the transaction to the Department. The Department may also impose and collect a processing fee to be used to defray the costs of the transaction to the Department. The amount of the processing fee, if imposed, shall be \$2, unless otherwise specified by law. Any *transaction fees received from the responsible agency or contractor or processing fees imposed and collected by the Department from the agency, contractor, or customer* under this section shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.

For purposes of this section, "state," when applied to a part of the United States, means any of the 50 states, the District of Columbia, the Commonwealth of Puerto Rico, Guam, the Northern Mariana Islands, and the United States Virgin Islands.

§ 46.2-214. Charges for information supplied by Department.

The Commissioner may make a reasonable charge for furnishing information under this title, but no fee shall be charged to any official of the Commonwealth, including court and police officials; officials of counties, cities, ~~and~~ or towns; local government group self-insurance pools; ~~and~~ or court, police, ~~and~~ or licensing officials of other states ~~and~~ or of the federal government, provided that the information requested is for official use *and such officials do not charge the Commonwealth a fee for the provision of the same or substantially similar information.* The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

§ 46.2-214.4. Discount for online transactions.

The Department may offer a \$1 discount for the following transactions if conducted using the Internet: (i) a driver's license renewal pursuant to § 46.2-330, (ii) a driver's license duplicate or reissue pursuant to § 46.2-343, (iii) an identification card renewal pursuant to § 46.2-345, (iv) an identification card duplicate or reissue pursuant to § 46.2-345, or (v) a certificate of title replacement pursuant to § 46.2-607.

§ 46.2-328. Department to issue licenses; endorsements, classifications, and restrictions authorizing operation of certain vehicles.

A. The Department shall issue to every person licensed as a driver, a driver's license. Every driver's license shall contain all appropriate endorsements, classifications, and restrictions, where applicable, if the licensee has been licensed:

1. To operate a motorcycle as defined in § 46.2-100; ~~or;~~
2. To operate a school bus as defined in § 46.2-100; ~~or;~~
3. To operate a commercial motor vehicle pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.); *or*
4. *To operate a passenger car as defined in § 46.2-100.*

B. Every applicant intending to operate one or more of the motor vehicles described in subsection A ~~of this section~~, when applying for a driver's license, shall state in his application the classification of ~~the each vehicle or vehicles~~ that he intends to operate and for which he seeks to be licensed and submit to and pass the examination provided for in § 46.2-325 and, if applicable, §§ 46.2-337 and 46.2-341.14, using the type of ~~each vehicle or vehicles~~ for which he seeks to be licensed.

C. Every applicant intending to drive a motorcycle, when applying for a classification to authorize the driving of a motorcycle, shall submit to and pass the examination provided for in § 46.2-337. A classification on any license to drive a motorcycle shall indicate that the license is classified for the purpose of authorizing the licensee to drive only motorcycles and shall indicate as applicable a further restriction to a two-wheeled motorcycle only or a three-wheeled motorcycle only. However, if the applicant has a valid license at the time of application for a classification to drive a motorcycle, or if the applicant, at the time of such application, applies for a regular driver's license and submits to and passes the examination provided for in § 46.2-325, he shall be granted a classification on his license to drive motorcycles based on the applicable restrictions, in addition to any other vehicles his driver's license or commercial driver's license may authorize him to operate.

A valid Virginia driver's license issued to a person 19 years of age or older shall constitute a driver's license with a temporary motorcycle classification for the purposes of driving a motorcycle if the driver's license is accompanied by either (i) documentation verifying his successful completion of a motorcycle rider safety training course offered by a provider licensed under Article 23 (§ 46.2-1188 et seq.) of Chapter 10 or (ii) documentation that the license holder is a member, the spouse of a member, or a dependent of a member of the United States Armed Services and that the license holder has successfully completed a basic motorcycle rider course approved by the United States Armed Services. The temporary motorcycle classification shall only be valid for 30 days from the date of successful completion of the motorcycle rider safety training course as shown on the documentation evidencing completion of such course. The temporary motorcycle classification shall indicate whether the license holder is authorized to operate any motorcycle or is restricted to either a two-wheeled motorcycle only or a three-wheeled motorcycle only.

Any person who holds a valid Virginia driver's license and is a member, the spouse of a member, or a dependent of a member of the United States Armed Services shall be issued a motorcycle classification by mail upon documentation of (a) successful completion of a basic motorcycle rider course approved by the United States Armed Services and (b) documentation of his assignment outside the Commonwealth.

D. The Department may make any changes in the classifications and endorsements during the validity of the license as may be appropriate.

E. The provisions of this section shall be applicable to persons applying for learner's permits as otherwise provided for in this title.

F. Every person issued a driver's license or commercial driver's license who drives any motor vehicle of the classifications in this section, and whose driver's license does not carry an endorsement or indication that the licensee is licensed as provided in this section ~~shall be~~ *is* guilty of a Class 1 misdemeanor.

§ 46.2-330. Expiration and renewal of licenses; examinations required.

A. Every driver's license shall expire on the applicant's birthday at the end of the period of years for which a driver's license has been issued. At no time shall any driver's license be issued for more than eight years. Thereafter the driver's license shall be renewed on or before the birthday of the licensee and shall be valid for a period not to exceed eight years except as otherwise provided by law. Any driver's license issued to a person age 75 or older shall be issued for a period not to exceed five years. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring license if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the license was not issued as a temporary driver's license under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions. In determining the number of years for which a driver's license shall be renewed, the Commissioner shall take into consideration the examinations, conditions, requirements, and other criteria provided under this title that relate to the issuance of a license to operate a vehicle. Any driver's license issued to a person required to register pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1 shall expire on the applicant's birthday in years which the applicant attains an age equally divisible by five.

B. Within one year prior to the date shown on the driver's license as the date of expiration, the Department shall send notice, to the holder thereof, at the address shown on the records of the Department in its driver's license file, that his license will expire on a date specified therein, whether he must be reexamined, and when he may be reexamined. Nonreceipt of the notice shall not extend the period of validity of the driver's license beyond its expiration date. The license holder may request the Department to send such renewal notice to an email or other electronic address, upon provision of such address to the Department.

Any driver's license may be renewed by application after the applicant has taken and successfully completed those parts of the examination provided for in §§ 46.2-311, 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), including vision and written tests, other than the parts of the examination requiring the applicant to drive a motor vehicle. All drivers applying in person for renewal of a license shall take and successfully complete the examination each renewal year. Every applicant for a renewal shall appear in person before the Department, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice. Applicants who are required to appear in person before the Department to apply for a renewal may also be required to present proof of identity, legal presence, residency, and social security number or non-work authorized status.

C. Notwithstanding any other provision of this section, the Commissioner, in his discretion, may require any applicant for renewal to be fully examined as provided in §§ 46.2-311, ~~and~~ 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.). Furthermore, if the applicant is less than 75 years old, the Commissioner may waive the vision examination for any applicant for renewal of a driver's license ~~which~~ *that* is not a commercial driver's license, and the requirement ~~or~~ *for* the taking of the written test as provided in subsection B of this section, § 46.2-325, and the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.); ~~for any applicant for renewal who is at least 21 years old. Such written test shall not be waived for an applicant less than 21 years old if such applicant's driver's license record on file with the Department contains a record of one or more convictions for any offense reportable under §§ 46.2-382, 46.2-382.1, and 46.2-383.~~ However, in no case shall there be any waiver of the vision examination for applicants for renewal of a commercial driver's license or of the knowledge test required by the Virginia Commercial Driver's License Act for the hazardous materials endorsement on a commercial driver's license. No driver's license or learner's permit issued to any person who is 75 years old or older shall be renewed unless the applicant for renewal appears in person and either (i) passes a vision examination or (ii) presents a report of a vision examination, made within 90 days prior thereto by an ophthalmologist or optometrist, indicating that the applicant's vision meets or exceeds the standards contained in § 46.2-311.

D. Every applicant for renewal of a driver's license, whether renewal shall or shall not be dependent on any examination of the applicant, shall appear in person before the Department to apply for renewal, unless specifically notified by the Department that renewal may be accomplished in another manner as provided in the notice.

E. This section shall not modify the provisions of § 46.2-221.2.

F. 1. The Department shall electronically transmit application information, including a photograph, to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry ~~Files files~~, at the time of the renewal of a driver's license. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person last registered or reregistered or in the jurisdiction where the person made application for licensure. The Department of State Police shall electronically transmit to the Department, in a format approved by the Department, for each person required to register pursuant to Chapter 9 of Title 9.1, registry information consisting of the person's name, all aliases that he has used or under which he may have been known, his date of birth, and *his* social security number as set out in § 9.1-903.

2. For each person required to register pursuant to Chapter 9 of Title 9.1, the Department may not waive the requirement that each such person shall appear for each renewal or the requirement to obtain a photograph in accordance with subsection C of § 46.2-323.

CHAPTER 369

An Act to amend and reenact § 33.2-209 of the Code of Virginia, relating to Request for Proposal for design-build projects.

[H 501]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-209 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-209. Construction and maintenance contracts and activities related to passenger and freight rail and public transportation.

A. The Board shall have the power and duty to let all contracts to be administered by the Department of Transportation or the Department of Rail and Public Transportation for the construction, maintenance, and improvement of the highways comprising systems of state highways and for all activities related to passenger and freight rail and public transportation in excess of \$5 million. The Commissioner of Highways has authority to let all Department of Transportation-administered contracts for highway construction, maintenance, and improvements up to \$5 million in value. The Director of the Department of Rail and Public Transportation has the authority to let contracts for passenger and freight rail and public transportation improvements up to \$5 million in value. The Commissioner of Highways is authorized to enter into agreements with localities, authorities, and transportation districts to administer projects and to allow those localities, authorities, and transportation districts to let contracts with no limit on contract value and without prior concurrence of the Commissioner of Highways or the Board for highway construction, maintenance, and improvements within their jurisdictions, in accordance with those provisions of this Code providing those localities, authorities, and transportation districts the ability to let such contracts. The Director of the Department of Rail and Public Transportation is authorized to enter into agreements with localities, authorities, and transportation districts to administer projects and to allow those localities, authorities, and transportation districts to let contracts with no limit on contract value and without prior concurrence of the Director of the Department of Rail and Public Transportation or the Board for passenger and freight rail and public transportation activities within their jurisdictions, in accordance with those provisions of this Code providing those localities, authorities, and transportation districts the ability to let such contracts. The Commissioner of Highways and the Director of the Department of Rail and Public Transportation shall report on their respective transportation contracting activities at least quarterly to the Board.

B. The Board may award contracts for the construction of transportation projects on a design-build basis. These contracts may be awarded after a written determination is made by the Commissioner of Highways or the Director of the Department of Rail and Public Transportation, pursuant to objective criteria previously adopted by the Board regarding the use of design-build, that delivery of the projects must be expedited and that it is not in the public interest to comply with the design and construction contracting procedures normally followed. Such objective criteria shall include requirements for prequalification of contractors and competitive bidding processes. These contracts shall be of such size and scope to encourage maximum competition and participation by agency prequalified and otherwise qualified contractors. Such determination shall be retained for public inspection in the official records of the Department of Transportation or the Department of Rail and Public Transportation, as the case may be, and shall include a description of the nature and scope of the project and the reasons for the Commissioner's or the Director's determination that awarding a design-build contract will best serve the public interest. *A Request for Proposal for transportation projects to be delivered on a design-build basis pursuant to this section may allow for the submission and consideration of alternative technical concepts in accordance with the procedures set forth in such Request for Proposal.* The provisions of this section shall supersede contrary provisions of subsection D of § 2.2-4303 and § 2.2-4306.

For the purposes of this subsection, "alternative technical concepts" means proposed changes to agency-supplied base design configurations, project scope, design, or construction criteria that provide a solution that is equal to or better than the requirements in the Request for Proposal.

C. The Board may award contracts for the provision of equipment, materials, and supplies to be used in construction of transportation projects on a fixed-price basis. Any such contract may provide that the price to be paid for the provision of equipment, materials, and supplies to be furnished in connection with the projects shall not be increased but shall remain fixed until completion of the projects specified in the contracts. Material components of any such contract for annual and multiyear programs, including maintenance, may be fixed at the outset of the projects and until completion based on best achievable prices.

CHAPTER 370

An Act to amend and reenact § 15.2-2222.1 of the Code of Virginia, relating to state and local transportation planning.

[H 728]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2222.1 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2222.1. Coordination of state and local transportation planning.

A. 1. Prior to adoption of any comprehensive plan pursuant to § 15.2-2223, any part of a comprehensive plan pursuant to § 15.2-2228, or any amendment to any comprehensive plan as described in § 15.2-2229, the locality shall submit such plan or amendment to the Department of Transportation for review and comment if the plan or amendment will substantially affect transportation on state-controlled highways as defined by regulations promulgated by the Department. The Department's comments on the proposed plan or amendment shall relate to plans and capacities for construction of transportation facilities affected by the proposal.

2. If the submitting locality is located within Planning District 8, the Department of Transportation shall also determine the extent to which the proposed plan or amendment will increase traffic congestion or, to the extent feasible, reduce the mobility of citizens in the event of a homeland security emergency and shall include such information as part of its comments on the proposed plan or amendment. *Such information shall be provided concurrently to the submitting locality and the Northern Virginia Transportation Authority.* Further, to the extent that such information is readily available, the Department shall also include in its comments an assessment of the measures and estimate of the costs necessary to mitigate or ameliorate the congestion or reduction in mobility attributable to the proposed plan or amendment.

3. Within 30 days of receipt of such proposed plan or amendment, the Department may request, and the locality shall agree to, a meeting between the Department and the local planning commission or other agent to discuss the plan or amendment, which discussions shall continue as long as the participants may deem them useful. The Department shall make written comments within 90 days after receipt of the plan or amendment, or by such later deadline as may be agreed to by the parties in the discussions.

B. Upon submission to, or initiation by, a locality of a proposed rezoning under § 15.2-2286, 15.2-2297, 15.2-2298, or 15.2-2303, the locality shall submit the proposal to the Department of Transportation within 10 business days of receipt thereof if the proposal will substantially affect transportation on state-controlled highways. Such application shall include a traffic impact statement if required by local ordinance or pursuant to regulations promulgated by the Department. Within 45 days of its receipt of such traffic impact statement, the Department shall either (i) provide written comment on the proposed rezoning to the locality or (ii) schedule a meeting, to be held within 60 days of its receipt of the proposal, with the local planning commission or other agent and the rezoning applicant to discuss potential modifications to the proposal to address any concerns or deficiencies. The Department's comments on the proposed rezoning shall be based upon the comprehensive plan, regulations and guidelines of the Department, engineering and design considerations, any adopted regional or statewide plans and short and long term traffic impacts on and off site. The Department shall complete its initial review of the rezoning proposal within 45 days, and its final review within 120 days, after it receives the rezoning proposal from the locality. Notwithstanding the foregoing provisions of this subsection, such review by the Department shall be of a more limited nature and scope in cases of rezoning a property consistent with a local comprehensive plan that has already been reviewed by the Department as provided in this section.

C. If a locality has not received written comments within the timeframes specified in subsection B, the locality may assume that the Department has no comments.

D. The review requirements set forth in this section shall be supplemental to, and shall not affect, any requirement for review by the Department of Transportation or the locality under any other provision of law. Nothing in this section shall be deemed to prohibit any additional consultations concerning land development or transportation facilities that may occur between the Department and localities as a result of existing or future administrative practice or procedure, or by mutual agreement.

E. The Department shall impose fees and charges for the review of applications, plans and plats pursuant to subsections A and B, and such fees and charges shall not exceed \$1,000 for each review. However, no fee shall be charged to a locality or other public agency. Furthermore, no fee shall be charged by the Department to a citizens' organization or neighborhood association that proposes comprehensive plan amendments through its local planning commission or local governing body.

CHAPTER 371

An Act to amend and reenact § 1-302 of the Code of Virginia, relating to Commonwealth ownership of offshore waters and submerged lands; survey.

[H 813]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 1-302 of the Code of Virginia is amended and reenacted as follows:

§ 1-302. Jurisdiction and ownership of Commonwealth over offshore waters and submerged lands.

A. The jurisdiction of the Commonwealth shall extend to and over, and be exercisable with respect to, ~~waters:~~

1. ~~Waters~~ offshore from the coasts of the Commonwealth ~~as follows:~~

~~1. The marginal sea and the high seas to the extent claimed in the Virginia Constitution of 1776 and not thereafter ceded by action of the General Assembly for a distance of three geographical miles as determined by appropriate metes and bounds surveys approved by the Virginia Institute of Marine Science and the Virginia Marine Resources Commission in consultation with the Bureau of Ocean Energy Management pursuant to a decree of the United States Supreme Court in *U.S. v. Maine*, 423 U.S. 1 (1975), and the Submerged Lands Act, 42 U.S.C. § 1301 et seq.~~

2. All submerged lands, including the subsurface thereof, lying under the waters listed in subdivision 1 ~~of this subsection.~~

B. The ownership of the waters and submerged lands enumerated or described in subsection A ~~of this section~~ shall be in the Commonwealth unless it shall be, with respect to any given parcel or area, in any other person or entity by virtue of a valid and effective instrument of conveyance or by operation of law.

C. Nothing contained herein shall be construed to limit or restrict in any way:

1. The jurisdiction of the Commonwealth over any person or with respect to any subject within or without the Commonwealth which jurisdiction is exercisable by reason of citizenship, residence, or for any other reason recognized by law.

2. The jurisdiction or ownership of or over any other waters or submerged lands, within or forming part of the boundaries of the Commonwealth. Nor shall anything in this section be construed to impair the exercise of legislative jurisdiction by the United States over any area to which such jurisdiction has been validly ceded by the Commonwealth and that remains in the ownership of the United States.

D. Nothing in this section shall alter the geographic area to which any act of the General Assembly applies if the act specifies the area precisely in miles or by some other numerical designation of distance or position. However, nothing in the act or in this section shall be construed as a waiver or relinquishment of jurisdiction or ownership by the Commonwealth over or in any area to which such jurisdiction or ownership extends by virtue of this section or any other provision or rule of law.

2. That the Secretary of Natural Resources shall execute the metes and bounds surveys described in subsection A of § 1-302 of the Code of Virginia and request the filing of appropriate motions by the Attorney General in the Supreme Court of the United States to fix the three-mile boundary, which shall thereafter constitute the seaward boundary of the Commonwealth and the extent of its territorial sea.

CHAPTER 372

An Act to amend and reenact § 29.1-521 of the Code of Virginia, relating to the killing or trapping of snakes.

[H 1311]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-521 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-521. Unlawful to hunt, trap, possess, sell or transport wild birds and wild animals except as permitted; exception; penalty.

A. The following shall be unlawful:

1. To hunt or kill any wild bird or wild animal, including any nuisance species, with a gun, firearm or other weapon, or to hunt or kill any deer or bear with a gun, firearm, or other weapon with the aid or assistance of dogs, on Sunday. The provision of this subdivision that prohibits the hunting or killing of any wild bird or wild animal, including nuisance species, on Sunday shall not apply to (i) raccoons, which may be hunted until 2:00 a.m. on Sunday mornings; (ii) any person who hunts or kills waterfowl, subject to geographical limitations established by the Director and except within 200 yards of a place of worship or any accessory structure thereof; or (iii) any landowner or member of his family or any person with written permission from the landowner who hunts or kills any wild bird or wild animal, including any nuisance species, on the landowner's property, except within 200 yards of a place of worship or any accessory structure thereof. However, a person lawfully carrying a gun, firearm or other weapon on Sunday in an area that could be used for hunting shall not be presumed to be hunting on Sunday, absent evidence to the contrary.

2. To destroy or molest the nest, eggs, dens or young of any wild bird or wild animal, except nuisance species, at any time without a permit as required by law.

3. To hunt or attempt to kill or trap any species of wild bird or wild animal after having obtained the daily bag or season limit during such day or season. However, any properly licensed person, or a person exempt from having to obtain a license, who has obtained such daily bag or season limit while hunting may assist others who are hunting game by calling game, retrieving game, handling dogs, or conducting drives if the weapon in his possession is an unloaded firearm, a bow without a nocked arrow or an unloaded crossbow. Any properly licensed person, or person exempt from having to obtain a license, who has obtained such season limit prior to commencement of the hunt may assist others who are hunting game by calling

game, retrieving game, handling dogs, or conducting drives, provided he does not have a firearm, bow or crossbow in his possession.

4. To knowingly occupy any baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal or to put out bait or salt for any wild bird or wild animal for the purpose of taking or killing them. There shall be a rebuttable presumption that a person charged with violating this subdivision knows that he is occupying a baited blind or other baited place for the purpose of taking or attempting to take any wild bird or wild animal. However, this shall not apply to baiting nuisance species of animals and birds, or to baiting traps for the purpose of taking fur-bearing animals that may be lawfully trapped.

5. To kill or capture any wild bird or wild animal adjacent to any area while a field or forest fire is in progress.

6. To shoot or attempt to take any wild bird or wild animal from an automobile or other vehicle, except as provided in § 29.1-521.3.

7. To set a trap of any kind on the lands or waters of another without attaching to the trap: (i) the name and address of the trapper; or (ii) an identification number issued by the Department.

8. To set a trap where it would be likely to injure persons, dogs, stock, or fowl.

9. To fail to visit all traps once each day and remove all animals caught, and immediately report to the landowner as to stock, dogs or fowl that are caught and the date. However, the Director or his designee may authorize employees of federal, state, and local government agencies, and persons holding a valid Commercial Nuisance Animal Permit issued by the Department, to visit body-gripping traps that are completely submerged at least once every 72 hours and the Board may adopt regulations permitting trappers to visit traps less frequently under specified conditions. The Board shall adopt regulations permitting trappers to use remote trap-checking technology to check traps under specified conditions.

10. To hunt, trap, take, capture, kill, attempt to take, capture or kill, possess, deliver for transportation, transport, cause to be transported, by any means whatever, receive for transportation or export, or import, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law and only by the manner or means and within the numbers stated. However, the provisions of this section shall not be construed to prohibit the (i) use or transportation of legally taken turkey carcasses, or portions thereof, for the purposes of making or selling turkey callers, (ii) the manufacture or sale of implements, including, but not limited to, tools or utensils, made from legally harvested deer skeletal parts, including antlers, or (iii) the possession of shed antlers.

11. To offer for sale, sell, offer to purchase, or purchase, at any time or in any manner, any wild bird or wild animal or the carcass or any part thereof, except as specifically permitted by law, including, but not limited to, subsection D of § 29.1-553. However, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which is (i) organized to provide wild game as food to the hungry and (ii) authorized by the Department to possess, transport and distribute donated or unclaimed meat to the hungry, may pay a processing fee in order to obtain such meat. Such fees shall not exceed the actual cost for processing the meat. In addition, any nonprofit organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code, that is (a) organized to support wildlife habitat conservation and (b) approved by the Department, shall be allowed to offer wildlife mounts that have undergone the taxidermy process for sale in conjunction with fundraising activities. A violation of this subdivision shall be punishable as provided in § 29.1-553.

B. Notwithstanding any other provision of this article, any American Indian, who produces verification that he is an enrolled member of a tribe recognized by the Commonwealth, another state or the U.S. government, may possess, offer for sale or sell to another American Indian, or offer to purchase or purchase from another American Indian, parts of legally obtained fur-bearing animals, nonmigratory game birds, and game animals, except bear. Such legally obtained parts shall include antlers, hooves, feathers, claws and bones.

"Verification" as used in this section shall include, but is not limited to, (i) showing a valid tribal identification card, (ii) confirmation through a central tribal registry, (iii) a letter from a tribal chief or council, or (iv) certification from a tribal office that the person is an enrolled member of the tribe.

C. *Notwithstanding any other provision of this chapter, the Department may authorize the use of snake exclusion devices by public utilities at their transmission or distribution facilities and the incidental taking of snakes resulting from the use of such devices.*

D. A violation of subdivisions A 1 through 10 shall be punishable as a Class 3 misdemeanor.

CHAPTER 373

An Act to amend the Code of Virginia by adding a section numbered 18.2-132.1, relating to trespass by hunters using dogs; penalty.

[H 1329]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-132.1 as follows:

§ 18.2-132.1. *Trespass by hunters using dogs; penalty.*

Any person who intentionally releases hunting dogs on the lands of another which have been posted in accordance with the provisions of § 18.2-134.1 to hunt without the consent of the landowner or his agent is guilty of a Class 3

misdeemeanor. A second or subsequent violation of this section within three years is a Class 1 misdemeanor and, upon conviction, the court shall revoke such person's hunting or trapping license for a period of one year. The fact that hunting dogs are present on the lands of another alone is not sufficient evidence to prove that the person acted intentionally.

CHAPTER 374

An Act to amend and reenact § 33.2-1904 of the Code of Virginia, relating to membership of the Northern Virginia Transportation Commission.

[S 277]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-1904 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-1904. Northern Virginia Transportation District and Commission.

A. There is hereby created the Northern Virginia Transportation District (the District), comprising the Counties of Arlington, Fairfax, and Loudoun; the Cities of Alexandria, Falls Church, and Fairfax; and such other county or city contiguous to the District that agrees to join the District.

B. There is hereby established the Northern Virginia Transportation Commission (the Commission) as a transportation commission pursuant to this chapter. The Commission shall consist of five nonlegislative citizen members from Fairfax County, three nonlegislative citizen members from Arlington County, ~~one~~ *two* nonlegislative citizen ~~member~~ *members* from Loudoun County, two nonlegislative citizen members from the City of Alexandria, one nonlegislative member from the City of Falls Church, one nonlegislative citizen member from the City of Fairfax, and the Chairman of the Commonwealth Transportation Board or his designee to serve ex officio with voting privileges. If a county or city contiguous to the District agrees to join the District, such locality shall appoint one nonlegislative citizen member to the Commission. Members from the counties and cities shall be appointed from their respective governing bodies. The Commission shall also include four members of the House of Delegates appointed by the Speaker of the House of Delegates for terms coincident with their terms of office and two members of the Senate appointed by the Senate Committee on Rules for terms coincident with their terms of office. Members may be reappointed for successive terms. All members shall be citizens of the Commonwealth. Except for the Chairman of the Commonwealth Transportation Board or his designee, all members of the Commission shall be residents of the localities composing the District. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Vacancies shall be filled in the same manner as the original appointments.

CHAPTER 375

An Act to amend and reenact § 33.2-2504 of the Code of Virginia, relating to use of population estimates in connection with decisions of the Northern Virginia Transportation Authority.

[S 413]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-2504 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-2504. Decisions of Authority.

A majority of the Authority, which majority shall include at least a majority of the representatives of the counties and cities embraced by the Authority, shall constitute a quorum. Decisions of the Authority shall require a quorum and shall be in accordance with voting procedures established by the Authority. In all cases, decisions of the Authority shall require the affirmative vote of two-thirds of the members of the Authority present and voting and two-thirds of the representatives of the counties and cities embraced by the Authority who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Authority; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose representative's sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Authority shall be the population as determined by the most recently preceding decennial census, except that ~~on July 1 of the fifth year following such census, once the population estimates for July 1 of the fifth year are made available then~~ the population of each county and city shall be adjusted, ~~based on the basis of population projections~~ *based on the basis of population estimates* made by the Weldon Cooper Center for Public Service of the University of Virginia.

CHAPTER 376

An Act to amend the Code of Virginia by adding a section numbered 29.1-527.2, relating to the feeding of deer.

[H 584]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-527.2 as follows:

§ 29.1-527.2. Localities may prohibit feeding of deer.

Any city or town may, by ordinance, prohibit the feeding of deer within its jurisdiction. The Department shall make available to localities a model ordinance suggested for use by localities. The penalty for violating such an ordinance shall be a civil fine not to exceed \$50. It shall be the duty of the governing body enacting an ordinance under this section to notify the Director by registered mail of the adoption of such an ordinance.

Any such ordinance shall not apply to agricultural, commercial, noncommercial, or residential plantings; distribution of food to livestock; or wildlife management activities conducted or authorized by the Department. The ordinance shall not limit the authority of the Board to regulate feeding of wildlife consistent with this chapter.

CHAPTER 377

An Act to amend and reenact § 62.1-44.19:15 of the Code of Virginia, relating to the Chesapeake Bay Watershed Nutrient Credit Exchange Program.

[H 448]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.19:15 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.19:15. New or expanded facilities.

A. An owner or operator of a new or expanded facility shall comply with the applicable requirements of this section as a condition of the facility's coverage under the general permit.

1. An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued before July 1, 2005, that expands his facility to discharge 100,000 gallons or more per day, or an equivalent load directly into tidal waters, or 500,000 gallons or more per day, or an equivalent load, directly into nontidal waters shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset any increase in his delivered total nitrogen and delivered total phosphorus loads resulting from any expansion beyond his waste load allocations or permitted design capacity as of July 1, 2005, and will install state-of-the-art nutrient removal technology at the time of the expansion.

2. An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued before July 1, 2005, that expands his facility to discharge 100,000 gallons or more per day up to and including 499,999 gallons per day, or an equivalent load, directly into nontidal waters, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset any increase in his delivered total nitrogen and delivered total phosphorus loads resulting from any expansion beyond his permitted capacity as of July 1, 2005, and will install, at a minimum, biological nutrient removal technology at the time of the expansion.

3. An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued before July 1, 2005, that expands his facility to discharge 40,000 gallons or more per day up to and including 99,999 gallons per day, or an equivalent load, directly into tidal or nontidal waters, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset any increase in his delivered total nitrogen and delivered total phosphorus loads resulting from any expansion beyond his permitted capacity as of July 1, 2005.

4. An owner or operator of a facility authorized by a Virginia Pollutant Discharge Elimination System permit first issued on or after July 1, 2005, to discharge 40,000 gallons or more per day, or an equivalent load, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset his delivered total nitrogen and delivered total phosphorus loads, and will install (i) at a minimum, biological nutrient removal technology at any facility authorized to discharge up to and including 99,999 gallons per day, or an equivalent load, directly into tidal and nontidal waters, or up to and including 499,999 gallons per day, or an equivalent load, to nontidal waters; and (ii) state-of-the-art nutrient removal technology at any facility authorized to discharge 100,000 gallons or more per day, or an equivalent load, directly into tidal waters, or 500,000 gallons or more per day, or an equivalent load, directly into nontidal waters.

5. An owner or operator of a facility treating domestic sewage authorized by a Virginia Pollutant Discharge Elimination System permit with a discharge greater than 1,000 gallons per day up to and including 39,999 gallons per day that has not commenced the discharge of pollutants prior to January 1, 2011, shall demonstrate to the Department that he has acquired waste load allocations sufficient to offset his delivered total nitrogen and delivered total phosphorus loads prior to commencing the discharge, except when the facility is for short-term temporary use only or when treatment of domestic sewage is not the primary purpose of the facility.

B. Waste load allocations required by this section to offset new or increased delivered total nitrogen and delivered total phosphorus loads shall be acquired in accordance with this subsection.

1. Such allocations may be acquired from one or a combination of the following:

a. Acquisition of all or a portion of the waste load allocations or point source nitrogen or point source phosphorus credits from one or more permitted facilities in the same tributary;

b. Acquisition of credits certified by the Board pursuant to § 62.1-44.19:20. Such best management practices shall achieve reductions beyond those already required by or funded under federal or state law, or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan, and shall be installed in the same tributary in which the new or expanded facility is located and included as conditions of the facility's individual Virginia Pollutant Discharge Elimination System permit;

c. Acquisition of allocations purchased through the Nutrient Offset Fund established pursuant to § 10.1-2128.2;

d. Acquisition of allocations through such other means as may be approved by the Department on a case-by-case basis; or

e. *Acquisition of credits or allocations through the implementation of best management practices on lands owned or controlled by, or under contractual obligation with, the new or expanded facility that achieve reductions greater than those currently required by or funded under federal or state law, or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan, subject to the approval by the Board in accordance with standards and procedures that are consistent with those established in § 62.1-44.19:20. Any such best management practices shall be implemented on lands within the same tributary as the new or expanded facility, and any credits assigned by the Board based on those practices shall be subject to adjustment based on the relevant delivery factor, as defined in § 62.1-44.19:13.*

2. Such allocations or credits shall be provided for a minimum period of five years with each registration under the general permit. This subdivision shall not preclude ~~the Board from adopting~~ longer-term or permanent ~~allocation requirements by regulation~~ allocations, *except that such allocations are subject to modification by the Board where necessary to conform to the Chesapeake Bay TMDL.*

3. The Board shall give priority to allocations or credits acquired in accordance with subdivisions 1 a, 1 b, and 1 d. The Board shall approve allocations acquired in accordance with subdivision 1 d only after the owner or operator has demonstrated that he has made a good faith effort to acquire sufficient allocations in accordance with subdivisions 1 a, 1 b, and 1 d and that such allocations are not reasonably available taking into account timing, cost, and other relevant factors.

4. Notwithstanding the priority provisions in subdivision 3, the Board may grant a waste load allocation in accordance with subdivision 1 d to an owner or operator of a facility authorized by a Virginia Pollution Abatement permit to land apply domestic sewage if (i) the Virginia Pollution Abatement permit was issued before July 1, 2005; (ii) the waste load allocation does not exceed such facility's permitted design capacity as of July 1, 2005; (iii) the waste treated by the existing facility is going to be treated and discharged pursuant to a Virginia Pollutant Discharge Elimination System permit for a new discharge; and (iv) the owner or operator installs state-of-the-art nutrient removal technology at such facility. Such facilities cannot generate credits or waste load allocations, based upon the removal of land application sites, that can be acquired by other permitted facilities to meet the requirements of this article.

C. Until such time as the Director finds that no allocations are reasonably available in an individual tributary, the general permit shall provide for the acquisition of allocations through payments into the Nutrient Offset Fund established in § 10.1-2128.2. Such payments shall be promptly applied by the Department to achieve equivalent point or nonpoint source reductions in the same tributary beyond those reductions already required by or funded under federal or state law or the Virginia Chesapeake Bay TMDL Watershed Implementation Plan. The general permit shall base the cost of each pound of allocation on (i) the estimated cost of achieving a reduction of one pound of nitrogen or phosphorus at the facility that is securing the allocation, or comparable facility, for each pound of allocation acquired; or (ii) the average cost of reducing two pounds of nitrogen or phosphorus from nonpoint sources in the same tributary for each pound of allocation acquired, whichever is higher. Upon each reissuance of the general permit, the Board may adjust the cost of each pound of allocation based on current costs and cost estimates.

D. The acquisition of nutrient allocations or credits from animal waste-to-energy or animal waste reduction facilities, or the acquisition of such nutrient allocations or credits from entities acting on behalf of such facilities, shall be considered point source allocations or credits for all nutrient trading purposes and shall not be subject to any otherwise applicable nonpoint source trading ratio if the best management practice being used to generate such nutrient allocations or credits is a point source nutrient removal technology. Point source nutrient removal technology shall include animal waste gasification in which lab analysis of the animal waste reveals the concentration of nutrients in the animal waste being fed into the gasifier, and the fate of the nutrients during the animal waste gasification process, is known and documented using studies such as air emissions tests and ash analyses.

CHAPTER 378

An Act to amend the Code of Virginia by adding a section numbered 29.1-345.2, relating to damaged stationary duck blinds in the City of Virginia Beach; civil penalty.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-345.2 as follows:

§ 29.1-345.2. Damaged stationary blinds in Virginia Beach; civil penalty.

Any licensee who has a stationary blind located in the City of Virginia Beach that has been abandoned or does not meet the requirements for a blind set forth in § 29.1-341 shall place a PVC pipe marker with reflecting tape or gear six feet above mean low water at the site of the blind and shall immediately notify the Department that the blind has been marked in accordance with this section. The failure to place such a reflective marker within seven days of discovery of the blind's condition or within seven days of notification by the Department of the requirement to place a reflective marker shall subject the owner of the blind to a civil penalty not to exceed \$100. All civil penalties assessed under this section shall be deposited in the Motorboat and Water Safety Fund of the Game Protection Fund and used as provided for in § 29.1-701.

CHAPTER 379

An Act to amend the Code of Virginia by adding a section numbered 46.2-670.1, relating to vehicles owned or leased by maritime cargo terminal owners or operators.

[H 1269]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-670.1 as follows:

§ 46.2-670.1. Vehicles owned by maritime cargo terminal operators.

No person shall be required to obtain the registration certificate, certificate of title, license plates, or decals for or to pay a registration fee for any motor vehicle owned or leased by a maritime cargo terminal owner or operator and used to transport a seagoing container and operated along a highway on a route of no more than one mile approved by the Department.

CHAPTER 380

An Act to amend and reenact § 46.2-1188 of the Code of Virginia, relating to motorcycle rider safety training courses.

[H 1276]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1188 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1188. Motorcycle rider safety training courses.

"Motorcycle rider safety training courses" shall mean means courses of instruction in the operation of motorcycles, including instruction in the safe on-road operation of motorcycles, the rules of the road, and the laws of the Commonwealth relating to motor vehicles, for the purposes of obtaining a waiver pursuant to § 46.2-337 for (i) both two-wheeled and three-wheeled motorcycles, (ii) two-wheeled motorcycles, or (iii) three-wheeled motorcycles. Courses shall meet the requirements of this article and be approved by the Department of Motor Vehicles. Qualifying providers of such courses shall either be reimbursed for eligible costs or not be reimbursed as provided in § 46.2-1192.

CHAPTER 381

An Act to amend and reenact § 46.2-325 of the Code of Virginia, relating to behind-the-wheel and knowledge examinations for persons less than 19 years of age.

[H 1287]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-325 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-325. Examination of applicants; waiver of Department's examination under certain circumstances; behind-the-wheel and knowledge examinations.

A. The Department shall examine every applicant for a driver's license before issuing any license to determine (i) his physical and mental qualifications and his ability to drive a motor vehicle without jeopardizing the safety of persons or property and (ii) if any facts exist which would bar the issuance of a license under §§ 46.2-311 through 46.2-316, 46.2-334, or 46.2-335. The examination, however, shall not include investigation of any facts other than those directly pertaining to the ability of the applicant to drive a motor vehicle with safety, or other than those facts declared to be prerequisite to the issuance of a license under this chapter. No applicant otherwise competent shall be required to demonstrate ability to park any motor vehicle except in an adequate parking space between horizontal markers, and not between flags or sticks simulating parked vehicles. Except as provided for in § 46.2-337, applicants for licensure to drive motor vehicles of the

classifications referred to in § 46.2-328 shall submit to examinations which relate to the operation of those vehicles. The motor vehicle to be used by the applicant for the behind-the-wheel examination shall meet the safety and equipment requirements specified in Chapter 10 (§ 46.2-1000 et seq.) and possess a valid inspection sticker as required pursuant to § 46.2-1157. An autocycle shall not be used by the applicant for a behind-the-wheel examination.

Prior to taking the examination, the applicant shall either (a) present evidence that the applicant has completed a state-approved driver education class pursuant to the provisions of § 46.2-324.1 or 46.2-334 or (b) submit to the examiner a behind-the-wheel maneuvers checklist, on a form provided by the Department, that describes the vehicle maneuvers the applicant may be expected to perform while taking the behind-the-wheel examination, that has been signed by a licensed driver, certifying that the applicant has practiced the driving maneuvers contained and described therein, and that has been signed by the applicant certifying that, at all times while holding a learner's permit, the applicant has complied with the provisions of § 46.2-335 while operating a motor vehicle.

Except for applicants subject to § 46.2-312, if the Commissioner is satisfied that an applicant has demonstrated the same proficiency as required by the Department's examination through successful completion of either (1) the driver education course approved by the Department of Education or (2) a driver training course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), he may waive those parts of the Department's examination provided for in this section that require the applicant to drive and park a motor vehicle.

B. Any person who fails the behind-the-wheel examination for a driver's license administered by the Department shall wait two days before being permitted to take another such examination. No person who fails the behind-the-wheel examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the driver knowledge examination for a driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or, for (i) persons at least 19 years old or (ii) persons less than 19 years old who have previously completed the classroom component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.), a course of instruction based on the Virginia Driver's Manual offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) and approved by the Department or the Department of Education. All persons required to attend a driver training school pursuant to this section shall be required after successful completion of the necessary courses to have the applicable examination administered by the Department.

The provisions of this subsection shall not apply to persons placed under medical control by the Department pursuant to § 46.2-322.

CHAPTER 382

An Act to amend and reenact § 13.1-865 of the Code of Virginia, relating to nonstock corporations; action without board of directors meeting.

[H 234]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 13.1-865 of the Code of Virginia is amended and reenacted as follows:

§ 13.1-865. Action without meeting of board of directors.

A. Except to the extent that the articles of incorporation or bylaws require that action by the board of directors be taken at a meeting, action required or permitted by this chapter to be taken by the board of directors may be taken without a meeting if each director signs a consent describing the action to be taken and delivers it to the corporation. *However, if expressly authorized in the articles of incorporation, action required or permitted by this chapter to be taken by the board of directors may be taken without a meeting by fewer than all of the directors, but not less than the greater of (i) a majority of the directors in office or (ii) a quorum of the directors as required by the articles of incorporation or bylaws, if the requisite number of directors sign a consent describing the action to be taken and deliver it to the corporation, except such action shall not be permitted to be taken without a meeting if any director objects to the taking of such proposed action. To be effective, such objection shall have been delivered to the corporation no later than ten business days after notice of the proposed action is given. The corporation shall promptly notify each director of any such objection. Any actions taken without a meeting shall comply with any voting requirements established in the articles of incorporation or bylaws. If corporate action is to be taken under this subsection by fewer than all of the directors, the corporation shall give written notice of the proposed corporate action, not less than 10 business days before the action is taken, or such longer period as may be required by the articles of incorporation or bylaws, to all directors. The notice shall contain or be accompanied by a description of the action to be taken. Notwithstanding any provision of this subsection, corporate action may not be taken by fewer than all of the directors without a meeting if the action also requires adoption by or approval of the members.*

B. Action taken under this section is effective when the last director, or the last director sufficient to satisfy the requirements of subsection A if action by fewer than all of the directors is authorized, signs the consent, unless the consent

specifies a different effective date, in which event the action taken is effective as of the date specified therein provided the consent states the date of execution by each director.

C. A director's consent may be withdrawn by a revocation signed by the director and delivered to the corporation prior to delivery to the corporation of unrevoked written consents signed by ~~at~~ the *requisite number of directors.*

D. Any person, whether or not then a director, may provide that a consent to action as a director shall be effective at a future time, including the time when an event occurs, but such future time shall not be more than 60 days after such provision is made. Any such consent shall be deemed to have been made for purposes of this section at the future time so specified for the consent to be effective, provided that (i) the person is a director at such future time and (ii) the person did not revoke the consent prior to such future time. Any such consent may be revoked, in the manner provided in subsection C, prior to its becoming effective.

E. For purposes of this section, a written consent and the signing thereof may be accomplished by one or more electronic transmissions.

F. A consent signed under this section has the effect of action taken at a meeting of the board of directors and may be described as such in any document.

CHAPTER 383

An Act to amend and reenact § 58.1-3970.2 of the Code of Virginia and to amend the Code of Virginia by adding in Title 15.2 a Chapter numbered 75, consisting of sections numbered 15.2-7500 through 15.2-7512, relating to the Land Bank Entities Act.

[H 268]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3970.2 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Title 15.2 a chapter numbered 75, consisting of sections numbered 15.2-7500 through 15.2-7512, as follows:

CHAPTER 75.

LAND BANK ENTITIES ACT.

§ 15.2-7500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Act" means this chapter, the Land Bank Entities Act (§ 15.2-7500 et seq.).

"Authority" means any political subdivision, a body politic and corporate, created, organized, and operated pursuant to the provisions of the Act.

"Board of directors" or "board" means the board of directors of an authority or a corporation.

"Corporation" means any nonprofit, nonstock corporation created under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1 and operated pursuant to the provisions of the Act.

"Existing nonprofit entity" means any nonprofit organization that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code and eligible to receive donations from a locality pursuant to § 15.2-953.

"Land bank entity" means any authority, corporation, or existing nonprofit entity established or designated by a locality to carry out the purposes of the Act.

"Real property" means lands, structures, and any and all easements and every estate and right therein, legal and equitable, including terms for years and liens by way of judgment, mortgage, or otherwise, and any and all fixtures and improvements located thereon.

§ 15.2-7501. Creation of land bank entities by localities.

A. Subject to a public hearing held pursuant to § 15.2-7502, a locality may by ordinance, or two or more localities may by concurrent ordinances, create a land bank entity as either an authority or a corporation, under an appropriate name and title, for the purpose of assisting the locality to address vacant, abandoned, and tax delinquent properties. Other localities may join the authority or corporation as provided in the ordinance.

An authority created pursuant to the Act shall be created as a public body corporate and as a political subdivision of the Commonwealth. A corporation created pursuant to the Act shall be a nonprofit, nonstock corporation created under Chapter 10 (§ 13.1-801 et seq.) of Title 13.1.

B. Each ordinance shall include the following:

1. The name of the authority or corporation and the address of its principal office;

2. The name of each locality creating the authority or corporation;

3. The purpose for which the authority or corporation is created; and

4. The names, addresses, and terms of office of the initial members of the board of directors of the authority or corporation.

§ 15.2-7502. Public hearing required prior to creation or designation of a land bank entity.

The governing body of a locality shall not adopt an ordinance creating a land bank entity pursuant to § 15.2-7501 or designating an existing nonprofit entity pursuant to § 15.2-7512 until notice of intention to do so has been published once a week for two successive weeks in some newspaper published or having general circulation in the locality. The notice shall

specify the time and place of a hearing at which affected or interested persons may appear and present their views, not less than five days nor more than 21 days after the second advertisement appears in such newspaper. After the public hearing has been conducted pursuant to this section, the governing body shall be empowered to create a land bank entity or designate an existing nonprofit entity.

§ 15.2-7503. Board of directors; qualifications; terms; vacancies; compensation and expenses.

A. Each land bank entity created pursuant to the Act shall be governed by a board of not less than five members appointed by the governing body of the participating locality. When a land bank entity is created by two or more localities, the governing body of each locality shall appoint at least two members, one of whom may be a member of the governing body. After initial staggered terms, the term of all board members shall be four years. When one or more additional localities join an existing land bank entity, each of such participating localities shall be represented by not less than two members on the board. The first members shall be appointed immediately upon the admission of the locality into the land bank entity in the same manner as were the initial members of the land bank entity.

B. The board shall elect one of its members to serve as chairman and one of its members to serve as vice-chairman and shall elect a secretary and a treasurer who need not be members of the board. The offices of secretary and treasurer may be combined. A majority of the members of the board shall constitute a quorum, and the vote of a majority of such quorum shall be necessary for any action taken by the land bank entity. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the rights and perform all the duties of the land bank entity.

C. The localities that created or thereafter join the land bank entity, by ordinance or concurrent ordinances, may provide for the payment of compensation to the members of the board and for the reimbursement to each member of the land bank entity the amount of his actual expenses necessarily incurred in the performance of that member's duties.

§ 15.2-7504. Executive director; staff.

The board may appoint an executive director, who shall be authorized to employ such staff as necessary to enable the land bank entity to perform its duties as set forth in the Act. The board is authorized to determine the duties of such staff and to fix salaries and compensation from such funds as may be received or appropriated.

The land bank entity may enter into contracts and agreements with a locality for staffing services to be provided to the land bank entity.

§ 15.2-7505. Financial interests of board members and employees prohibited.

A. No member of the board or employee of the land bank entity shall acquire any interest, direct or indirect, in real property of the land bank entity, in any real property to be acquired by the land bank entity, or in any real property to be acquired from the land bank entity.

B. No member of the board or employee of a land bank entity shall have any interest, direct or indirect, in any contract or proposed contract for materials or services to be furnished to or used by a land bank entity.

C. The board may adopt supplemental rules and regulations addressing potential conflicts of interest and ethical guidelines for members of the board and employees of the land bank entity.

§ 15.2-7506. Powers of land bank entity.

A. The land bank entity shall have the power to:

1. Adopt, amend, and repeal bylaws for the regulation of its affairs and the conduct of its business;
2. Sue and be sued in its own name and plead and be interpleaded in all civil actions, including actions to clear title to property of the land bank entity;
3. Adopt a seal and alter the same at its pleasure;
4. Borrow money from private lenders, localities, or the state or from federal government funds, as may be necessary, for the operation and work of the land bank entity;
5. Procure insurance or guarantees from the Commonwealth or federal government of the payments of any debts or parts thereof incurred by the land bank entity and pay premiums in connection therewith;
6. Enter into contracts and other instruments necessary, incidental, or convenient to the performance of its duties and the exercise of its powers;
7. Enter into contracts and other instruments necessary, incidental, or convenient to the performance of functions by the land bank entity on behalf of localities or agencies or departments of localities or to the performance by localities or agencies or departments of localities of functions on behalf of the land bank entity;
8. Make and execute contracts and other instruments necessary or convenient to the exercise of the powers of the land bank entity;
9. Procure insurance against losses in connection with the real property, assets, or activities of the land bank entity;
10. Invest funds of the land bank entity, at the discretion of the board, in instruments, obligations, securities, or real property determined proper by the board and name and use depositories for its funds;
11. Enter into contracts for the management of, the collection of rent from, or the sale of real property of the land bank entity;
12. Design, develop, construct, demolish, reconstruct, rehabilitate, renovate, relocate, and otherwise improve real property or rights or interests in real property;
13. Fix, charge, and collect rents, fees, and charges for the use of real property of the land bank entity and for services provided by the land bank entity;
14. Grant or acquire a license, easement, lease, or option with respect to real property of the land bank entity;

15. Enter into partnerships, joint ventures, and other collaborative relationships with municipalities and other public and private entities for the ownership, management, development, and disposition of real property;

16. Accept grants and donations from any source, as may be necessary, for the operations of the land bank entity;

17. Accept real estate from any source, subject to the limitations and restrictions set out in § 15.2-7507;

18. Make loans or provide grants to carry out activities consistent with the purposes of the land bank entity; and

19. Do all other things necessary or convenient to achieve the objectives and purposes of the land bank entity or other laws that relate to the purposes and responsibility of the land bank entity.

B. The land bank entity shall neither possess nor exercise the power of eminent domain.

§ 15.2-7507. Acquisition of property.

A. The land bank entity may acquire real property or interests in real property by gift, devise, transfer, exchange, purchase, or otherwise on terms and conditions and in a manner the land bank entity considers proper.

B. In addition to the powers granted in subsection A, the land bank entity may acquire real property by purchase contracts, lease purchase agreements, installment sales contracts, land contracts, and pursuant to the sale or other conveyance of real property under Article 4 (§ 58.1-3965 et seq.) of Chapter 39 of Title 58.1.

C. The land bank entity may accept transfers or conveyances from a locality upon such terms and conditions as agreed to by the land bank entity and the locality. Notwithstanding any other law to the contrary, any locality may transfer or convey to the authority real property and interests in real property of the locality on such terms and conditions and according to such procedures as determined by the locality.

D. The land bank entity shall maintain all of its real property in accordance with the laws and ordinances of the jurisdiction in which the real property is located.

§ 15.2-7508. Disposition of property.

A. The land bank entity shall hold in its own name all real property acquired by the land bank entity regardless of the identity of the transferor of such property.

B. The land bank entity shall maintain and make available for public review and inspection an inventory of all real property held by the land bank entity.

C. The land bank entity shall determine and set forth in policies and procedures of its board the general terms and conditions for consideration to be received by the land bank entity for the transfer of real property and interests in real property, which consideration may take the form of monetary payments and secured financial obligations, covenants, and conditions related to the present and future use of the property; contractual commitments of the transferee; and such other forms of consideration as determined by the land bank entity to be in the best interest of the land bank entity.

D. The land bank entity may convey, exchange, sell, transfer, lease as lessee, grant, and release any and all interests in, upon, or to real property of the land bank entity.

E. A locality may, in its ordinance creating a land bank entity:

1. Establish a ranking of priorities for the use of real property conveyed by a land bank entity, including (i) use for purely public spaces and places; (ii) use for affordable housing; (iii) use for retail, commercial, or industrial activities; (iv) preservation or rehabilitation of historic properties within historic areas as defined in § 15.2-2201; and (v) such other uses and in such priority as determined by the participating locality;

2. Require that any particular form of disposition of real property, or any disposition of real property located within specified jurisdictions, be subject to specified voting and approval requirements of the board. Except and unless restricted or constrained in this manner, the board may delegate to officers and employees of the land bank entity the authority to enter into and execute agreements, instruments of conveyance, and all other related documents pertaining to the conveyance of real property by the land bank entity; and

3. Require that the acquisition, management, and disposition of any historic property as designated by the locality in accordance with § 15.2-2306 or within a historic area as defined in § 15.2-2201 be considered subject to the requirements of § 15.2-2306.

§ 15.2-7509. Financing of operations.

A. A land bank entity may receive funding through grants and loans from the locality or localities that created or are currently participating in the land bank entity, the Commonwealth, the federal government, and other public and private sources.

B. A land bank entity may receive and retain payments for (i) services rendered, (ii) rents and lease payments received, (iii) consideration for disposition of real and personal property, (iv) proceeds of insurance coverage for losses incurred, (v) income from investments, and (vi) any other asset and activity lawfully permitted to a land bank entity under the Act.

C. Up to 50 percent of the real property taxes collected on real property conveyed by a land bank entity may be remitted to the land bank entity. Such allocation of property tax revenues shall commence with the first taxable year following the date of conveyance and continue for a period of up to 10 years.

§ 15.2-7510. Exemption from taxes or assessments.

The land bank entity is hereby declared to be performing a public function on behalf of the locality with respect to which the land bank entity is created and to be a public instrumentality of such locality. Accordingly, the land bank entity shall not be required to pay any taxes upon any property acquired or used by the land bank entity under the provisions of the Act.

§ 15.2-7511. Dissolution of land bank entity.

A. A land bank entity may be dissolved 60 calendar days after an affirmative resolution is approved by two-thirds of the membership of the board. Sixty calendar days' advance written notice of consideration of a resolution of dissolution shall be (i) given to all governing bodies that created or are currently participating in the land bank entity, (ii) published in a local newspaper of general circulation, and (iii) sent by certified mail to the trustee of any outstanding bonds of the land bank entity. Upon dissolution of the land bank entity, all real property, personal property, and other assets of the land bank entity shall become the assets of the locality or localities that created the land bank entity. In the event that two or more localities create or are participating in a land bank entity, the withdrawal of one or more participating localities shall not result in the dissolution of the land bank entity unless the intergovernmental agreement so provides and no participating locality desires to continue the existence of the land bank entity.

B. No land bank entity shall be dissolved unless all obligations and debts of such land bank entity have been lawfully satisfied or otherwise provided for.

§ 15.2-7512. Designation of existing nonprofit entities to carry out the functions of a land bank entity.

A. Subject to a public hearing held pursuant to § 15.2-7502, a locality may by ordinance designate an existing nonprofit entity and its governing board to carry out the functions of a land bank entity. The ordinance shall include a finding by the locality that the governance structure, articles of incorporation, charters, bylaws, and other corporate documents are sufficient to authorize the designated existing nonprofit entity to carry out the provisions of the Act.

B. An existing nonprofit entity designated pursuant to this section shall not be required to comply with the provisions of § 15.2-7503.

§ 58.1-3970.2. When delinquent taxes may be deemed paid in full.

A. For purposes of this section, "tax delinquent property" means any real property for which real property taxes are delinquent on December 31 following the second anniversary of the date on which such taxes have become due or, in the case of real property upon which is situated (i) any structure that has been condemned by the local building official pursuant to applicable law or ordinance, (ii) any nuisance as that term is defined in § 15.2-900, (iii) any derelict building as that term is defined in § 15.2-907.1, or (iv) any property that has been declared to be blighted pursuant to § 36-49.1:1, for which real property taxes are delinquent on the first anniversary of the date on which such taxes have become due.

B. Any county, city, or town may deem paid in full all accumulated taxes, penalties, interest, and other costs on any tax delinquent property and notify credit reporting agencies that such amounts are deemed paid in full, in exchange for conveyance of the property by the owner to a land bank entity created pursuant to Chapter 75 (§ 15.2-7500 et seq.) of Title 15.2 or an organization that has been granted tax-exempt status under § 501(c)(3) or 501(c)(4) of the Internal Revenue Code and that builds, renovates, or revitalizes affordable housing for low-income families.

CHAPTER 384

An Act to amend and reenact §§ 55-225.12 and 55-248.27 of the Code of Virginia, relating to landlord and tenant law; tenant remedies.

[H 1209]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-225.12 and 55-248.27 of the Code of Virginia are amended and reenacted as follows:

§ 55-225.12. Tenant's assertion; rent escrow; dwelling units.

A. The tenant may assert that there exists upon the dwelling unit, a condition or conditions which constitute a material noncompliance by the landlord with the rental agreement or with provisions of law, or which if not promptly corrected, will constitute a fire hazard or serious threat to the life, health or safety of occupants thereof, including but not limited to, a lack of heat or hot or cold running water, except if the tenant is responsible for payment of the utility charge and where the lack of such heat or hot or cold running water is the direct result of the tenant's failure to pay the utility charge; or a lack of light, electricity or adequate sewage disposal facilities; or an infestation of rodents; or the existence of paint containing lead pigment on surfaces within the dwelling, provided that the landlord has notice of such paint. The tenant may file such an assertion in a general district court wherein the dwelling unit is located by a declaration setting forth such assertion and asking for one or more forms of relief as provided for in subsection *E* *D*.

B. Prior to the granting of any relief, the tenant shall show to the satisfaction of the court that:

1. Prior to the commencement of the action the landlord was served a written notice by the tenant of the conditions described in subsection A, or was notified of such conditions by a violation or condemnation notice from an appropriate state or municipal agency, and that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same. For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court except that there shall be a rebuttable presumption that a period in excess of 30 days from receipt of the notification by the landlord is unreasonable; and

2. The tenant has paid into court the amount of rent called for under the rental agreement, within five days of the date due thereunder, unless or until such amount is modified by subsequent order of the court under this chapter; and

3. C. It shall be sufficient answer or rejoinder to such a declaration pursuant to subsection A if the landlord establishes to the satisfaction of the court that the conditions alleged by the tenant do not in fact exist, or such conditions have been

removed or remedied, or such conditions have been caused by the tenant or members of his family or his or their invitees or licensees, or the tenant has unreasonably refused entry to the landlord to the dwelling unit for the purpose of correcting such conditions.

⊖. *D.* Any court shall make findings of fact on the issues before it and shall issue any order that may be required. Such an order may include, but is not limited to, any one or more of the following:

1. Terminating the rental agreement *upon the request of the tenant* or ordering the dwelling unit surrendered to the landlord *if the landlord prevails on a request for possession pursuant to an unlawful detainer properly filed with the court;*

2. Ordering all moneys already accumulated in escrow disbursed to the landlord or to the tenant in accordance with this chapter;

3. Ordering that the escrow be continued until the conditions causing the complaint are remedied;

4. Ordering that the amount of rent, whether paid into the escrow account or paid to the landlord, be abated as determined by the court in such an amount as may be equitable to represent the existence of the condition or conditions found by the court to exist. In all cases where the court deems that the tenant is entitled to relief under this chapter, the burden shall be upon the landlord to show cause why there should not be an abatement of rent;

5. Ordering any amount of moneys accumulated in escrow disbursed to the tenant where the landlord refuses to make repairs after a reasonable time or to the landlord or to a contractor chosen by the landlord in order to make repairs or to otherwise remedy the condition. In either case, the court shall in its order insure that moneys thus disbursed will be in fact used for the purpose of making repairs or effecting a remedy;

6. Referring any matter before the court to the proper state or municipal agency for investigation and report and granting a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court rent payments within five days of the date due under the rental agreement, subject to any abatement under this section, which become due during the period of the continuance, to be held by the court pending its further order;

7. In the court's discretion, ordering escrow funds disbursed to pay a mortgage on the property upon which the dwelling unit is located in order to stay a foreclosure; or

8. In the court's discretion, ordering escrow funds disbursed to pay a creditor to prevent or satisfy a bill to enforce a mechanic's or materialman's lien.

Notwithstanding any provision of this subsection, where an escrow account is established by the court and the condition or conditions are not fully remedied within six months of the establishment of such account, and the landlord has not made reasonable attempts to remedy the condition, the court shall award all moneys accumulated in escrow to the tenant. In such event, the escrow shall not be terminated, but shall begin upon a new six-month period with the same result if, at the end thereof, the condition or conditions have not been remedied.

⊖. *E.* The initial hearing on the tenant's assertion filed pursuant to subsection A shall be held within 15 calendar days from the date of service of process on the landlord, except that the court shall order an earlier hearing where emergency conditions are alleged to exist upon the premises, such as failure of heat in winter, lack of adequate sewage facilities or any other condition which constitutes an immediate threat to the health or safety of the inhabitants of the dwelling unit. The court, on motion of either party or on its own motion, may hold hearings subsequent to the initial proceeding in order to further determine the rights and obligations of the parties. Distribution of escrow moneys may only occur by order of the court after a hearing of which both parties are given notice as required by law or upon motion of both the landlord and tenant or upon certification by the appropriate inspector that the work required by the court to be done has been satisfactorily completed.

§ 55-248.27. Tenant's assertion; rent escrow.

A. The tenant may assert that there exists upon the leased premises, a condition or conditions which constitute a material noncompliance by the landlord with the rental agreement or with provisions of law, or which if not promptly corrected, will constitute a fire hazard or serious threat to the life, health or safety of occupants thereof, including but not limited to, a lack of heat or hot or cold running water, except if the tenant is responsible for payment of the utility charge and where the lack of such heat or hot or cold running water is the direct result of the tenant's failure to pay the utility charge; or of light, electricity or adequate sewage disposal facilities; or an infestation of rodents, except if the property is a one-family dwelling; or of the existence of paint containing lead pigment on surfaces within the dwelling, provided that the landlord has notice of such paint. The tenant may file such an assertion in a general district court wherein the premises are located by a declaration setting forth such assertion and asking for one or more forms of relief as provided for in subsection ⊖ D.

B. Prior to the granting of any relief, the tenant shall show to the satisfaction of the court that:

1. Prior to the commencement of the action the landlord was served a written notice by the tenant of the conditions described in subsection A, or was notified of such conditions by a violation or condemnation notice from an appropriate state or municipal agency, and that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same. For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court except that there shall be a rebuttable presumption that a period in excess of thirty days from receipt of the notification by the landlord is unreasonable; *and*

2. The tenant has paid into court the amount of rent called for under the rental agreement, within five days of the date due thereunder, unless or until such amount is modified by subsequent order of the court under this chapter; ~~and~~.

~~3.~~ C. It shall be sufficient answer or rejoinder to ~~such~~ a declaration *pursuant to subsection A* if the landlord establishes to the satisfaction of the court that the conditions alleged by the tenant do not in fact exist, or such conditions have been removed or remedied, or such conditions have been caused by the tenant or members of his family or his or their invitees or licensees, or the tenant has unreasonably refused entry to the landlord to the premises for the purpose of correcting such conditions.

~~4.~~ D. Any court shall make findings of fact on the issues before it and shall issue any order that may be required. Such an order may include, but is not limited to, any one or more of the following:

1. Terminating the rental agreement *upon the request of the tenant* or ordering the premises surrendered to the landlord *if the landlord prevails on a request for possession pursuant to an unlawful detainer properly filed with the court*;

2. Ordering all moneys already accumulated in escrow disbursed to the landlord or to the tenant in accordance with this chapter;

3. Ordering that the escrow be continued until the conditions causing the complaint are remedied;

4. Ordering that the amount of rent, whether paid into the escrow account or paid to the landlord, be abated as determined by the court in such an amount as may be equitable to represent the existence of the condition or conditions found by the court to exist. In all cases where the court deems that the tenant is entitled to relief under this chapter, the burden shall be upon the landlord to show cause why there should not be an abatement of rent;

5. Ordering any amount of moneys accumulated in escrow disbursed to the tenant where the landlord refuses to make repairs after a reasonable time or to the landlord or to a contractor chosen by the landlord in order to make repairs or to otherwise remedy the condition. In either case, the court shall in its order insure that moneys thus disbursed will be in fact used for the purpose of making repairs or effecting a remedy;

6. Referring any matter before the court to the proper state or municipal agency for investigation and report and granting a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court rents within five days of date due under the rental agreement, subject to any abatement under this section, which become due during the period of the continuance, to be held by the court pending its further order;

7. In its discretion, ordering escrow funds disbursed to pay a mortgage on the property in order to stay a foreclosure; *or*

8. In its discretion, ordering escrow funds disbursed to pay a creditor to prevent or satisfy a bill to enforce a mechanic's or materialman's lien.

Notwithstanding any provision of this subsection, where an escrow account is established by the court and the condition or conditions are not fully remedied within six months of the establishment of such account, and the landlord has not made reasonable attempts to remedy the condition, the court shall award all moneys accumulated in escrow to the tenant. In such event, the escrow shall not be terminated, but shall begin upon a new six-month period with the same result if, at the end thereof, the condition or conditions have not been remedied.

~~D.~~ E. The initial hearing on the tenant's assertion filed pursuant to subsection A shall be held within fifteen calendar days from the date of service of process on the landlord as authorized by § 55-248.12, except that the court shall order an earlier hearing where emergency conditions are alleged to exist upon the premises, such as failure of heat in winter, lack of adequate sewage facilities or any other condition which constitutes an immediate threat to the health or safety of the inhabitants of the leased premises. The court, on motion of either party or on its own motion, may hold hearings subsequent to the initial proceeding in order to further determine the rights and obligations of the parties. Distribution of escrow moneys may only occur by order of the court after a hearing of which both parties are given notice as required by law or upon motion of both the landlord and tenant or upon certification by the appropriate inspector that the work required by the court to be done has been satisfactorily completed. If the tenant proceeds under this subsection, he may not proceed under any other section of this article as to that breach.

CHAPTER 385

An Act to repeal § 22.1-51 of the Code of Virginia, relating to the school board of the City of Norfolk.

[H 1253]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-51 of the Code of Virginia is repealed.

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

CHAPTER 386

An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to standards for accreditation; corrective action plan.

[S 368]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:3. **Standard 3. Accreditation, other standards, assessments, and releases from state regulations.**

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth. ~~However, the~~ The Board ~~may~~ shall review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board ~~may~~ shall accredit the school for another three years. The Board ~~shall~~ may review the accreditation status of any other school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school once every two years or once every three years, provided that any school that receives a multiyear accreditation status other than full accreditation shall be covered by a Board-approved multiyear corrective action plan for the duration of the period of accreditation. Such multiyear corrective action plan shall include annual written progress updates to the Board. A multiyear accreditation status shall not relieve any school or division of annual reporting requirements.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall ~~review~~ report the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education ~~has obtained evidence~~ determines through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to ~~division level~~ division-level failure to implement the Standards of Quality or other division-level action or inaction, the Board may require a ~~division level~~ division-level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit ~~for approval by~~ to the Board ~~for approval~~ a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. *If the Board determines that the proposed corrective action plan is not sufficient to enable all schools within the division to achieve full accreditation, the Board may return the plan to the local school board with directions to submit an amended plan pursuant to Board guidance.* Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually ~~identify to the Board those school divisions and schools that exceed or do not meet the approved criteria~~ report to the Board on the accreditation status of all school divisions and schools. Such ~~identification~~ report shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science and may be integrated to include multiple subject areas.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, and mathematics in grade eight; (e) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department of Education shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher

ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

CHAPTER 387

An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to Standards of Learning assessments; students who refuse to take.

[S 427]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth. However, the Board may review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board may accredit the school for another three years. The Board shall review the accreditation status of any school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science and may be integrated to include multiple subject areas.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, and mathematics in grade eight; (e) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department of Education shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

The Board of Education shall not include in its calculation of the passage rate of a Standards of Learning assessment for the purposes of state accountability any student whose parent has decided to not have his child take such Standards of Learning assessment, unless such exclusions would result in the school's not meeting any required state or federal participation rate.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law

or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

CHAPTER 388

An Act to amend and reenact § 22.1-3, as it shall become effective, of the Code of Virginia, relating to determining residency of public school students.

[S 776]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-3, as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 22.1-3. (Effective June 30, 2016) Persons to whom public schools shall be free.

A. The public schools in each school division shall be free to each person of school age who resides within the school division. Every person of school age shall be deemed to reside in a school division:

1. When the person is living with a natural parent; or a parent by legal adoption;

2. When, in accordance with the provisions of § 22.1-360, the person is living with a noncustodial parent or other person standing in loco parentis, not solely for school purposes, pursuant to a Special Power of Attorney executed under ~~Title 10, United States Code, U.S.C. § 1044b;~~ by the custodial parent;

3. When the parents of such person are dead and the person is living with a person in loco parentis who actually resides within the school division;

4. When the parents of such person are unable to care for the person and the person is living, not solely for school purposes, with another person who resides in the school division and is ~~either~~ (i) the court-appointed guardian, or has legal custody, of the person ~~or~~; (ii) acting in loco parentis pursuant to placement of the person for adoption by a person or entity authorized to do so under § 63.2-1200; or (iii) an adult relative providing temporary kinship care as that term is defined in § 63.2-100. Local school divisions may require one or both parents and the relative providing kinship care to submit signed, notarized affidavits (a) explaining why the parents are unable to care for the person, (b) detailing the kinship care arrangement, and (c) agreeing that the kinship care provider or the parent will notify the school within 30 days of when the kinship care arrangement ends, as well as a power of attorney authorizing the adult relative to make educational decisions regarding the person. A school division may also require the parent or adult relative to obtain written verification from the local department of social services where the parent or parents live, or from both that department and the department of social services where the kinship provider lives, that the kinship arrangement serves a legitimate purpose that is in the best interest of the person other than school enrollment. With written consent from the parent or adult relative, for the purposes of expediting enrollment, a school division may obtain such written verification directly from the local department or departments of social services. The verification process shall be consistent with confidentiality provisions of Article 5 (§ 22.1-287 et seq.) of Chapter 14 of this title and Chapter 1 (§ 63.2-100 et seq.) of Title 63.2. If the kinship care arrangement lasts more than one year, a school division may require continued verification directly from one or both departments of social services as to why the parents are unable to care for the person and that the kinship care arrangement serves a legitimate purpose other than school enrollment. A local school division may enroll a person living with a relative in a kinship care arrangement that has not been verified by a local department of social services;

5. When the person is living in the school division not solely for school purposes, as an emancipated minor; or

6. When the person living in the school division is a homeless child or youth, as set forth in this subdivision, who lacks a fixed, regular, and adequate nighttime residence. Such persons shall include (i) children and youths, including unaccompanied youths who are not in the physical custody of their parents, who (a) are sharing the housing of other persons due to loss of housing, economic hardship, or other causes; are living in motels, hotels, trailer parks, or camping grounds due to lack of alternative adequate accommodations or in emergency, congregate, temporary, or transitional shelters; are abandoned in hospitals; or are awaiting foster care placement; (b) are living in an institution that provides a temporary residence for individuals with mental illness or individuals intended to be institutionalized; (c) have a primary nighttime residence that is a public or private place not designed for, or ordinarily used as, a regular sleeping accommodation for

human beings; or (d) are living in parked cars, parks, public spaces, abandoned buildings, substandard housing, bus or train stations, or similar settings; and (ii) migratory children, as defined in the *federal* Elementary and Secondary Education Act of 1965, *P.L. 89-10*, as amended, who are deemed homeless as they are living in circumstances set forth in clause (i).

For purposes of clause (i) of subdivision 6, "temporary shelter" means (1) any home, single or multi-unit dwelling, or housing unit in which persons who are without housing or a fixed address receive temporary housing or shelter or (2) any facility specifically designed or approved for the purpose of providing temporary housing or shelter to persons who are without permanent housing or a fixed address.

If a person resides within housing, temporary shelter, or primary nighttime residence as described in subdivision 6 that is situated in more than one school division, the person shall be deemed to reside in and shall be entitled to attend a public school within either school division. However, if a person resides in housing, temporary shelter, or primary nighttime residence as described in subdivision 6 that is located in one school division, but the property on which such housing, temporary shelter, or primary nighttime residence is located lies within more than one school division, such person shall be deemed to reside only in the single school division in which the housing, temporary shelter, or primary nighttime residence is located. Notwithstanding any such residency determination, any person residing in housing, a temporary shelter, or primary nighttime residence as described in subdivision 6 that is located in one school division, but the property on which such housing, temporary shelter, or primary nighttime residence is located lies within more than one school division, shall be deemed to reside in either school division, if such person or any sibling of such person residing in the same housing or temporary shelter attends, prior to July 1, 1999, or, in the case of a primary nighttime residence as described in subdivision 6, prior to July 1, 2000, a school within either school division in which the property on which the housing, temporary shelter, or primary nighttime residence is located.

School divisions shall comply with the requirements of the federal McKinney-Vento Homeless Education Assistance Improvements Act of 2001, as amended (42 U.S.C. § 11431 et seq.), to ensure that homeless children and youths shall receive the educational services comparable to those offered to other public school students.

School divisions serving the students identified in subdivision 6 shall coordinate the identification and provision of services to such students with relevant local social services agencies and other agencies and programs providing services to such students, and with other school divisions as may be necessary to resolve interdivisional issues.

B. In the interest of providing educational continuity to the children of military personnel, no child of a person on active military duty attending a school free of charge in accordance with this section shall be charged tuition by that school division upon such child's relocation to military housing located in another school division in the Commonwealth, pursuant to orders received by such child's parent to relocate to base housing and forfeit his military housing allowance. Such children shall be allowed to continue attending school in the school division they attended immediately prior to the relocation and shall not be charged tuition for attending such school. Such children shall be counted in the average daily membership of the school division in which they are enrolled. Further, the school division in which such children are enrolled subsequent to their relocation to base housing shall not be responsible for providing for their transportation to and from school.

CHAPTER 389

An Act to amend and reenact § 22.1-298.1 of the Code of Virginia, relating to former members of the Armed Forces of the United States or the Virginia National Guard; provisional teaching licenses.

[H 261]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;

2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;

4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille; and

7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential.

E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

G. Notwithstanding any provision of law to the contrary, the Board *(i)* may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law *and (ii) shall provide for the issuance of a provisional license, valid for a period not to exceed three years, to any former member of the Armed Forces of the United States or the Virginia National Guard who has received an honorable discharge and has the appropriate level of experience or training but does not meet the requirements for a renewable license.*

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations.

CHAPTER 390

An Act to amend and reenact § 22.1-295.1 of the Code of Virginia, relating to data on teacher performance and quality; confidentiality.

[H 524]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-295.1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-295.1. Employee personnel files; maintenance of employee records; confidentiality of certain records.

A. Personnel files of all school board employees may be produced and maintained in digital or paper format.

B. Information determined to be unfounded after a reasonable administrative review shall not be maintained in any employee personnel file, but may be retained in a separate sealed file by the administration if such information alleges civil or criminal offenses. Any dispute over such unfounded information exclusive of opinions retained in the personnel file, or in a separate sealed file, notwithstanding the provisions of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), shall be settled through the employee grievance procedure as provided in §§ 22.1-306 and 22.1-308 through 22.1-314.

C. Teacher performance indicators, or other data *collected by or for the Department of Education or the local school board or made available to and able to be used* by the local school board to judge the performance or quality of a teacher, maintained in a teacher's personnel file or otherwise, shall be confidential but may be disclosed, *in a form that does not personally identify any student or other teacher*, (i) pursuant to court order, (ii) for the purposes of a grievance proceeding involving the teacher, or (iii) as otherwise required by state or federal law. Nothing in this subsection shall be construed to prohibit the release or to limit the availability of nonidentifying, aggregate teacher performance indicators or other data.

CHAPTER 391

An Act to amend and reenact §§ 58.1-322 and 58.1-402 of the Code of Virginia and to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11, relating to an income tax credit for donations of food crops to nonprofit food banks.

[H 1093]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-322 and 58.1-402 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11 as follows:

§ 58.1-322. Virginia taxable income of residents.

A. The Virginia taxable income of a resident individual means his federal adjusted gross income for the taxable year, which excludes combat pay for certain members of the Armed Forces of the United States as provided in § 112 of the Internal Revenue Code, as amended, and with the modifications specified in this section.

B. To the extent excluded from federal adjusted gross income, there shall be added:

1. Interest, less related expenses to the extent not deducted in determining federal income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which Virginia is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

4. The amount of a lump sum distribution from a qualified retirement plan, less the minimum distribution allowance and any amount excludable for federal income tax purposes that is excluded from federal adjusted gross income solely by virtue of an individual's election to use the averaging provisions under § 402 of the Internal Revenue Code;

5 through 8. [Repealed.]

9. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code; ~~and~~

10. For taxable years beginning on and after January 1, 2014, any loss for the taxable year that was deducted as a capital loss for federal income tax purposes by an account holder attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55. For purposes of this subdivision, "account holder" and "first-time home buyer savings account" mean the same as those terms are defined in § 55-555; and

11. For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:11, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.

C. To the extent included in federal adjusted gross income, there shall be subtracted:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of the Commonwealth.

3. [Repealed.]

4. Benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code.

4a. Through December 31, 2000, the same amount used in computing the federal credit allowed under § 22 of the Internal Revenue Code by a retiree under age 65 who qualified for such retirement on the basis of permanent and total disability and who is a qualified individual as defined in § 22(b)(2) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

4b. For taxable years beginning on or after January 1, 2001, up to \$20,000 of disability income, as defined in § 22(c)(2)(B)(iii) of the Internal Revenue Code; however, any person who claims a deduction under subdivision D 5 may not also claim a subtraction under this subdivision.

5. The amount of any refund or credit for overpayment of income taxes imposed by the Commonwealth or any other taxing jurisdiction.

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7, 8. [Repealed.]

9. [Expired.]

10. Any amount included therein less than \$600 from a prize awarded by the Virginia Lottery.

11. The wages or salaries received by any person for active and inactive service in the National Guard of the Commonwealth of Virginia, not to exceed the amount of income derived from 39 calendar days of such service or \$3,000, whichever amount is less; however, only those persons in the ranks of O3 and below shall be entitled to the deductions specified herein.

12. Amounts received by an individual, not to exceed \$1,000 in any taxable year, as a reward for information provided to a law-enforcement official or agency, or to a nonprofit corporation created exclusively to assist such law-enforcement official or agency, in the apprehension and conviction of perpetrators of crimes. This provision shall not apply to the following: an individual who is an employee of, or under contract with, a law-enforcement agency, a victim or the perpetrator of the crime for which the reward was paid, or any person who is compensated for the investigation of crimes or accidents.

13. [Repealed.]

14. [Expired.]

15, 16. [Repealed.]

17. For taxable years beginning on and after January 1, 1995, the amount of "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code and which shall be available to partners, shareholders of S corporations, and members of limited liability companies to the extent and in the same manner as other deductions may pass through to such partners, shareholders, and members.

18. [Repealed.]

19. For taxable years beginning on and after January 1, 1996, any income received during the taxable year derived from a qualified pension, profit-sharing, or stock bonus plan as described by § 401 of the Internal Revenue Code, an individual retirement account or annuity established under § 408 of the Internal Revenue Code, a deferred compensation plan as defined by § 457 of the Internal Revenue Code, or any federal government retirement program, the contributions to which were deductible from the taxpayer's federal adjusted gross income, but only to the extent the contributions to such plan or program were subject to taxation under the income tax in another state.

20. For taxable years beginning on and after January 1, 1997, any income attributable to a distribution of benefits or a refund from a prepaid tuition contract or savings trust account with the Virginia College Savings Plan, created pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. The subtraction for any income attributable to a refund shall be limited to income attributable to a refund in the event of a beneficiary's death, disability, or receipt of a scholarship.

21. For taxable years beginning on or after January 1, 1998, all military pay and allowances, to the extent included in federal adjusted gross income and not otherwise subtracted, deducted or exempted under this section, earned by military personnel while serving by order of the President of the United States with the consent of Congress in a combat zone or qualified hazardous duty area which is treated as a combat zone for federal tax purposes pursuant to § 112 of the Internal Revenue Code.

22. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

23. Effective for all taxable years beginning on or after January 1, 2000, \$15,000 of military basic pay for military service personnel on extended active duty for periods in excess of 90 days; however, the subtraction amount shall be reduced dollar-for-dollar by the amount which the taxpayer's military basic pay exceeds \$15,000 and shall be reduced to zero if such military basic pay amount is equal to or exceeds \$30,000.

24. Effective for all taxable years beginning on and after January 1, 2000, the first \$15,000 of salary for each federal and state employee whose total annual salary from all employment for the taxable year is \$15,000 or less.

25. Unemployment benefits taxable pursuant to § 85 of the Internal Revenue Code.

26. For taxable years beginning on and after January 1, 2001, any amount received as military retirement income by an individual awarded the Congressional Medal of Honor.

27. Effective for all taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farmers; (b) any person holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any person having the right to grow tobacco pursuant to such a quota or allotment, but only to the extent that such income has not been subtracted pursuant to subdivision C 18 of § 58.1-402.

28. For taxable years beginning on and after January 1, 2000, items of income attributable to, derived from or in any way related to (i) assets stolen from, hidden from or otherwise lost by an individual who was a victim or target of Nazi persecution or (ii) damages, reparations, or other consideration received by a victim or target of Nazi persecution to compensate such individual for performing labor against his will under the threat of death, during World War II and its prelude and direct aftermath. This subtraction shall not apply to assets acquired with such items of income or with the proceeds from the sale of assets stolen from, hidden from or otherwise lost to, during World War II and its prelude and direct aftermath, a victim or target of Nazi persecution. The provisions of this subdivision shall only apply to an individual who was the first recipient of such items of income and who was a victim or target of Nazi persecution, or a spouse, widow, widower, or child or stepchild of such victim.

"Victim or target of Nazi persecution" means any individual persecuted or targeted for persecution by the Nazi regime who had assets stolen from, hidden from or otherwise lost as a result of any act or omission in any way relating to (i) the Holocaust; (ii) World War II and its prelude and direct aftermath; (iii) transactions with or actions of the Nazi regime; (iv) treatment of refugees fleeing Nazi persecution; or (v) the holding of such assets by entities or persons in the Swiss Confederation during World War II and its prelude and aftermath. A victim or target of Nazi persecution shall also include any individual forced into labor against his will, under the threat of death, during World War II and its prelude and direct aftermath. As used in this subdivision, "Nazi regime" means the country of Nazi Germany, areas occupied by Nazi Germany, those European countries allied with Nazi Germany, or any other neutral European country or area in Europe under the influence or threat of Nazi invasion.

29, 30. [Repealed.]

31. Effective for all taxable years beginning on or after January 1, 2001, the military death gratuity payment made after September 11, 2001, to the survivor of deceased military personnel killed in the line of duty, pursuant to Chapter 75 of Title 10 of the United States Code; however, the subtraction amount shall be reduced dollar-for-dollar by the amount that the survivor may exclude from his federal gross income in accordance with § 134 of the Internal Revenue Code.

32. Effective for all taxable years beginning on or after January 1, 2007, the death benefit payments from an annuity contract that are received by a beneficiary of such contract provided that (i) the death benefit payment is made pursuant to an annuity contract with an insurance company and (ii) the death benefit payment is paid solely by lump sum. The subtraction under this subdivision shall be allowed only for that portion of the death benefit payment that is included in federal adjusted gross income.

33. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

34. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

35. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income shall be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment shall be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

36. For taxable years beginning on and after January 1, 2014, any income of an account holder for the taxable year taxed as (i) a capital gain for federal income tax purposes attributable to such person's first-time home buyer savings account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 and (ii) interest income or other income for federal income tax purposes attributable to such person's first-time home buyer savings account.

Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any subtraction taken under this subdivision shall be subject to recapture in the taxable year or years in which moneys or funds withdrawn from the first-time home buyer savings account were used for any purpose other than the payment of eligible costs by or on behalf of a qualified beneficiary, as provided under § 55-558. The amount subject to recapture shall be a portion of the amount withdrawn in the taxable year that was used for other than the payment of eligible costs, computed by multiplying the amount withdrawn and used for other than the payment of eligible costs by the ratio of the aggregate earnings in the account at the time of the withdrawal to the total balance in the account at such time.

However, recapture shall not apply to the extent of moneys or funds withdrawn that were (i) withdrawn by reason of the qualified beneficiary's death or disability, (ii) a disbursement of assets of the account pursuant to a filing for protection under the United States Bankruptcy Code, 11 U.S.C. §§ 101 through 1330, or (iii) transferred from an account established pursuant to Chapter 32 (§ 55-555 et seq.) of Title 55 into another account established pursuant to such chapter for the benefit of another qualified beneficiary.

For purposes of this subdivision, "account holder," "eligible costs," "first-time home buyer savings account," and "qualified beneficiary" mean the same as those terms are defined in § 55-555.

37. For taxable years beginning on or after January 1, 2015, any income for the taxable year attributable to the discharge of a student loan solely by reason of the student's death. For purposes of this subdivision, "student loan" means the same as that term is defined under § 108(f) of the Internal Revenue Code.

D. In computing Virginia taxable income there shall be deducted from Virginia adjusted gross income as defined in § 58.1-321:

1. a. The amount allowable for itemized deductions for federal income tax purposes where the taxpayer has elected for the taxable year to itemize deductions on his federal return, but reduced by the amount of income taxes imposed by the Commonwealth or any other taxing jurisdiction and deducted on such federal return and increased by an amount which, when added to the amount deducted under § 170 of the Internal Revenue Code for mileage, results in a mileage deduction at the state level for such purposes at a rate of 18 cents per mile; or

b. Three thousand dollars for single individuals and \$6,000 for married persons (one-half of such amounts in the case of a married individual filing a separate return) for taxable years beginning on and after January 1, 2005; provided that the taxpayer has not itemized deductions for the taxable year on his federal income tax return. For purposes of this section, any person who may be claimed as a dependent on another taxpayer's return for the taxable year may compute the deduction only with respect to earned income.

2. a. A deduction in the amount of \$900 for taxable years beginning on and after January 1, 2005, but before January 1, 2008; and \$930 for taxable years beginning on and after January 1, 2008, for each personal exemption allowable to the taxpayer for federal income tax purposes.

b. For taxable years beginning on and after January 1, 1987, each blind or aged taxpayer as defined under § 63(f) of the Internal Revenue Code shall be entitled to an additional personal exemption in the amount of \$800.

The additional deduction for blind or aged taxpayers allowed under this subdivision shall be allowable regardless of whether the taxpayer itemizes deductions for the taxable year for federal income tax purposes.

3. A deduction equal to the amount of employment-related expenses upon which the federal credit is based under § 21 of the Internal Revenue Code for expenses for household and dependent care services necessary for gainful employment.

4. An additional \$1,000 deduction for each child residing for the entire taxable year in a home under permanent foster care placement as defined in § 63.2-908, provided the taxpayer can also claim the child as a personal exemption under § 151 of the Internal Revenue Code.

5. a. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born on or before January 1, 1939.

b. For taxable years beginning on and after January 1, 2004, a deduction in the amount of \$12,000 for individuals born after January 1, 1939, who have attained the age of 65. This deduction shall be reduced by \$1 for every \$1 that the taxpayer's adjusted federal adjusted gross income exceeds \$50,000 for single taxpayers or \$75,000 for married taxpayers. For married taxpayers filing separately, the deduction will be reduced by \$1 for every \$1 the total combined adjusted federal adjusted gross income of both spouses exceeds \$75,000.

For the purposes of this subdivision, "adjusted federal adjusted gross income" means federal adjusted gross income minus any benefits received under Title II of the Social Security Act and other benefits subject to federal income taxation solely pursuant to § 86 of the Internal Revenue Code, as amended.

6. For taxable years beginning on and after January 1, 1997, the amount an individual pays as a fee for an initial screening to become a possible bone marrow donor, if (i) the individual is not reimbursed for such fee or (ii) the individual has not claimed a deduction for the payment of such fee on his federal income tax return.

7. a. A deduction shall be allowed to the purchaser or contributor for the amount paid or contributed during the taxable year for a prepaid tuition contract or college savings trust account entered into with the Virginia College Savings Plan, pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Except as provided in subdivision 7 c, the amount deducted on any individual income tax return in any taxable year shall be limited to \$4,000 per prepaid tuition contract or college savings trust account. No deduction shall be allowed pursuant to this section if such payments or contributions are deducted on the purchaser's or contributor's federal income tax return. If the purchase price or annual contribution to a college savings trust account exceeds \$4,000, the remainder may be carried forward and subtracted in future taxable years until the purchase price or college savings trust contribution has been fully deducted; however, except as provided in subdivision 7 c, in no event shall the amount deducted in any taxable year exceed \$4,000 per contract or college savings trust account. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified higher education expenses, as defined in § 529 of the Internal Revenue Code or (ii) the beneficiary's death, disability, or receipt of a scholarship. For the purposes of this subdivision, the term "purchaser" or "contributor" means the person shown as such on the records of the Virginia College Savings Plan as of December 31 of the taxable year. In the case of a transfer of ownership of a prepaid tuition contract or college savings trust account, the transferee shall succeed to the transferor's tax attributes associated with a prepaid tuition contract or college savings trust account, including, but not limited to, carryover and recapture of deductions.

b. The amount paid for a prepaid tuition contract during taxable years beginning on or after January 1, 1996, but before January 1, 1998, shall be deducted in taxable years beginning on or after January 1, 1998, and shall be subject to the limitations set out in subdivision 7 a.

c. A purchaser of a prepaid tuition contract or contributor to a college savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$4,000 per prepaid tuition contract or college savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount paid for the contract or contributed to a college savings trust account, less any amounts previously deducted.

8. For taxable years beginning on and after January 1, 2000, the total amount an individual actually contributed in funds to the Virginia Public School Construction Grants Program and Fund, established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1, provided the individual has not claimed a deduction for such amount on his federal income tax return.

9. For taxable years beginning on and after January 1, 1999, an amount equal to 20 percent of the tuition costs incurred by an individual employed as a primary or secondary school teacher licensed pursuant to Chapter 15 (§ 22.1-289.1 et seq.) of Title 22.1 to attend continuing teacher education courses that are required as a condition of employment; however, the deduction provided by this subsection shall be available only if (i) the individual is not reimbursed for such tuition costs and (ii) the individual has not claimed a deduction for the payment of such tuition costs on his federal income tax return.

10. For taxable years beginning on or after January 1, 2000, the amount an individual pays annually in premiums for long-term health care insurance, provided the individual has not claimed a deduction for federal income tax purposes, or, for taxable years beginning before January 1, 2014, a credit under § 58.1-339.11. For taxable years beginning on or after January 1, 2014, no such deduction for long-term health care insurance premiums paid by the individual during the taxable year shall be allowed if the individual has claimed a federal income tax deduction for such taxable year for long-term health care insurance premiums paid by him.

11. For taxable years beginning on and after January 1, 2006, contract payments to a producer of quota tobacco or a tobacco quota holder, or their spouses, as provided under the American Jobs Creation Act of 2004 (P.L. 108-357), but only to the extent that such payments have not been subtracted pursuant to subsection D of § 58.1-402, as follows:

a. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

b. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

12. For taxable years beginning on and after January 1, 2007, an amount equal to 20 percent of the sum paid by an individual pursuant to Chapter 6 (§ 58.1-600 et seq.), not to exceed \$500 in each taxable year, in purchasing for his own use the following items of tangible personal property: (i) any clothes washers, room air conditioners, dishwashers, and standard size refrigerators that meet or exceed the applicable energy star efficiency requirements developed by the United States Environmental Protection Agency and the United States Department of Energy; (ii) any fuel cell that (a) generates electricity using an electrochemical process, (b) has an electricity-only generation efficiency greater than 35 percent, and (c) has a generating capacity of at least two kilowatts; (iii) any gas heat pump that has a coefficient of performance of at least 1.25 for heating and at least 0.70 for cooling; (iv) any electric heat pump hot water heater that yields an energy factor

of at least 1.7; (v) any electric heat pump that has a heating system performance factor of at least 8.0 and a cooling seasonal energy efficiency ratio of at least 13.0; (vi) any central air conditioner that has a cooling seasonal energy efficiency ratio of at least 13.5; (vii) any advanced gas or oil water heater that has an energy factor of at least 0.65; (viii) any advanced oil-fired boiler with a minimum annual fuel-utilization rating of 85; (ix) any advanced oil-fired furnace with a minimum annual fuel-utilization rating of 85; and (x) programmable thermostats.

13. For taxable years beginning on or after January 1, 2007, the lesser of \$5,000 or the amount actually paid by a living donor of an organ or other living tissue for unreimbursed out-of-pocket expenses directly related to the donation that arose within 12 months of such donation, provided the donor has not taken a medical deduction in accordance with the provisions of § 213 of the Internal Revenue Code for such expenses. The deduction may be taken in the taxable year in which the donation is made or the taxable year in which the 12-month period expires.

14. For taxable years beginning on or after January 1, 2013, the amount an individual age 66 or older with earned income of at least \$20,000 for the year and federal adjusted gross income not in excess of \$30,000 for the year pays annually in premiums for (i) a prepaid funeral insurance policy covering the individual or (ii) medical or dental insurance for any person for whom individual tax filers may claim a deduction for such premiums under federal income tax laws. "Earned income" means the same as that term is defined in § 32(c) of the Internal Revenue Code of 1954, as amended or renumbered. The deduction shall not be allowed for any portion of such premiums paid for which the individual has (a) been reimbursed, (b) claimed a deduction for federal income tax purposes, (c) claimed a deduction or subtraction under another provision of this section, or (d) claimed a federal income tax credit or any income tax credit pursuant to this chapter.

E. There shall be added to or subtracted from federal adjusted gross income, as the case may be, the individual's share, as beneficiary of an estate or trust, of the Virginia fiduciary adjustment determined under § 58.1-361.

F. There shall be added or subtracted, as the case may be, the amounts provided in § 58.1-315 as transitional modifications.

G. Effective for all taxable years beginning on or after January 1, 2007, to the extent included in federal adjusted gross income, there shall be (i) subtracted from federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the income or gain of such electing small business corporation (S corporation), and (ii) added back to federal adjusted gross income such that, federal adjusted gross income shall be increased, by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the shareholder's allocable share of the losses or deductions of such electing small business corporation (S corporation).

Effective for all taxable years beginning on or after January 1, 2007, to the extent excluded from federal adjusted gross income, there shall be added to federal adjusted gross income by a shareholder of an electing small business corporation (S corporation) that is subject to the bank franchise tax imposed under Chapter 12 (§ 58.1-1200 et seq.) for the calendar year in which such taxable year begins, the value of any distribution paid or distributed to the shareholder by such electing small business corporation (S corporation).

H. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-402. Virginia taxable income.

A. For purposes of this article, Virginia taxable income for a taxable year means the federal taxable income and any other income taxable to the corporation under federal law for such year of a corporation adjusted as provided in subsections B, C, D, and E.

For a regulated investment company and a real estate investment trust, such term means the "investment company taxable income" and "real estate investment trust taxable income," respectively, to which shall be added in each case any amount of capital gains and any other income taxable to the corporation under federal law which shall be further adjusted as provided in subsections B, C, D, and E.

B. There shall be added to the extent excluded from federal taxable income:

1. Interest, less related expenses to the extent not deducted in determining federal taxable income, on obligations of any state other than Virginia, or of a political subdivision of any such other state unless created by compact or agreement to which the Commonwealth is a party;

2. Interest or dividends, less related expenses to the extent not deducted in determining federal taxable income, on obligations or securities of any authority, commission or instrumentality of the United States, which the laws of the United States exempt from federal income tax but not from state income taxes;

3. [Repealed.]

4. The amount of any net income taxes and other taxes, including franchise and excise taxes, which are based on, measured by, or computed with reference to net income, imposed by the Commonwealth or any other taxing jurisdiction, to the extent deducted in determining federal taxable income;

5. Unrelated business taxable income as defined by § 512 of the Internal Revenue Code;

6. [Repealed.]

7. The amount required to be included in income for the purpose of computing the partial tax on an accumulation distribution pursuant to § 667 of the Internal Revenue Code;

8. a. For taxable years beginning on and after January 1, 2004, the amount of any intangible expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the intangible expenses and costs if one of the following applies:

(1) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(2) The related member derives at least one-third of its gross revenues from the licensing of intangible property to parties who are not related members, and the transaction giving rise to the expenses and costs between the corporation and the related member was made at rates and terms comparable to the rates and terms of agreements that the related member has entered into with parties who are not related members for the licensing of intangible property; or

(3) The corporation can establish to the satisfaction of the Tax Commissioner that the intangible expenses and costs meet both of the following: (i) the related member during the same taxable year directly or indirectly paid, accrued or incurred such portion to a person who is not a related member, and (ii) the transaction giving rise to the intangible expenses and costs between the corporation and the related member did not have as a principal purpose the avoidance of any portion of the tax due under this chapter.

b. A corporation required to add to its federal taxable income intangible expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of intangible expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such intangible expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related intangible expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 8 shall be construed to limit or negate the Department's authority under § 58.1-446;

9. a. For taxable years beginning on and after January 1, 2004, the amount of any interest expenses and costs directly or indirectly paid, accrued, or incurred to, or in connection directly or indirectly with one or more direct or indirect transactions with one or more related members to the extent such expenses and costs were deductible or deducted in computing federal taxable income for Virginia purposes. This addition shall not be required for any portion of the interest expenses and costs, if:

(1) The related member has substantial business operations relating to interest-generating activities, in which the related member pays expenses for at least five full-time employees who maintain, manage, defend or are otherwise responsible for operations or administration relating to the interest-generating activities; and

(2) The interest expenses and costs are not directly or indirectly for, related to or in connection with the direct or indirect acquisition, maintenance, management, sale, exchange, or disposition of intangible property; and

(3) The transaction giving rise to the expenses and costs between the corporation and the related member has a valid business purpose other than the avoidance or reduction of taxation and payments between the parties are made at arm's length rates and terms; and

(4) One of the following applies:

(i) The corresponding item of income received by the related member is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government that has entered into a comprehensive tax treaty with the United States government;

(ii) Payments arise pursuant to a pre-existing contract entered into when the parties were not related members provided the payments continue to be made at arm's length rates and terms;

(iii) The related member engages in transactions with parties other than related members that generate revenue in excess of \$2 million annually; or

(iv) The transaction giving rise to the interest payments between the corporation and a related member was done at arm's length rates and terms and meets any of the following: (a) the related member uses funds that are borrowed from a party other than a related member or that are paid, incurred or passed-through to a person who is not a related member; (b) the debt is part of a regular and systematic funds management or portfolio investment activity conducted by the related member, whereby the funds of two or more related members are aggregated for the purpose of achieving economies of scale, the internal financing of the active business operations of members, or the benefit of centralized management of funds; (c) financing the expansion of the business operations; or (d) restructuring the debt of related members, or the pass-through of acquisition-related indebtedness to related members.

b. A corporation required to add to its federal taxable income interest expenses and costs pursuant to subdivision a may petition the Tax Commissioner, after filing the related income tax return for the taxable year and remitting to the Tax Commissioner all taxes, penalties, and interest due under this article for such taxable year including tax upon any amount of interest expenses and costs required to be added to federal taxable income pursuant to subdivision a, to consider evidence relating to the transaction or transactions between the corporation and a related member or members that resulted in the corporation's taxable income being increased, as required under subdivision a, for such interest expenses and costs.

If the corporation can demonstrate to the Tax Commissioner's sole satisfaction, by clear and convincing evidence, that the transaction or transactions between the corporation and a related member or members resulting in such increase in taxable income pursuant to subdivision a had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms, the Tax Commissioner shall permit the corporation to file an amended return. For purposes of such amended return, the requirements of subdivision a shall not apply to any transaction for which the Tax Commissioner is satisfied (and has identified) that the transaction had a valid business purpose other than the avoidance or reduction of the tax due under this chapter and that the related payments between the parties were made at arm's length rates and terms. Such amended return shall be filed by the corporation within one year of the written permission granted by the Tax Commissioner and any refund of the tax imposed under this article shall include interest at a rate equal to the rate of interest established under § 58.1-15 and such interest shall accrue as provided under § 58.1-1833. However, upon the filing of such amended return, any related member of the corporation that subtracted from taxable income amounts received pursuant to subdivision C 21 shall be subject to the tax imposed under this article on that portion of such amounts for which the corporation has filed an amended return pursuant to this subdivision. In addition, for such transactions identified by the Tax Commissioner herein by which he has been satisfied by clear and convincing evidence, the Tax Commissioner may permit the corporation in filing income tax returns for subsequent taxable years to deduct the related interest expenses and costs without making the adjustment under subdivision a.

The Tax Commissioner may charge a fee for all direct and indirect costs relating to the review of any petition pursuant to this subdivision, to include costs necessary to secure outside experts in evaluating the petition. The Tax Commissioner may condition the review of any petition pursuant to this subdivision upon payment of such fee.

No suit for the purpose of contesting any action of the Tax Commissioner under this subdivision shall be maintained in any court of this Commonwealth.

c. Nothing in subdivision B 9 shall be construed to limit or negate the Department's authority under § 58.1-446.

d. For purposes of subdivision B 9:

"Arm's-length rates and terms" means that (i) two or more related members enter into a written agreement for the transaction, (ii) such agreement is of a duration and contains payment terms substantially similar to those that the related member would be able to obtain from an unrelated entity, (iii) the interest is at or below the applicable federal rate compounded annually for debt instruments under § 1274(d) of the Internal Revenue Code that was in effect at the time of the agreement, and (iv) the borrower or payor adheres to the payment terms of the agreement governing the transaction or any amendments thereto.

"Valid business purpose" means one or more business purposes that alone or in combination constitute the motivation for some business activity or transaction, which activity or transaction improves, apart from tax effects, the economic position of the taxpayer, as further defined by regulation.

10. a. For taxable years beginning on and after January 1, 2009, the amount of dividends deductible under §§ 561 and 857 of the Internal Revenue Code by a Captive Real Estate Investment Trust (REIT). For purposes of this subdivision, a REIT is a Captive REIT if:

(1) It is not regularly traded on an established securities market;

(2) More than 50 percent of the voting power or value of beneficial interests or shares of which, at any time during the last half of the taxable year, is owned or controlled, directly or indirectly, by a single entity that is (i) a corporation or an association taxable as a corporation under the Internal Revenue Code; and (ii) not exempt from federal income tax pursuant to § 501(a) of the Internal Revenue Code; and

(3) More than 25 percent of its income consists of rents from real property as defined in § 856(d) of the Internal Revenue Code.

b. For purposes of applying the ownership test of subdivision 10 a (2), the following entities shall not be considered a corporation or an association taxable as a corporation:

(1) Any REIT that is not treated as a Captive REIT;

(2) Any REIT subsidiary under § 856 of the Internal Revenue Code other than a qualified REIT subsidiary of a Captive REIT;

(3) Any Listed Australian Property Trust, or an entity organized as a trust, provided that a Listed Australian Property Trust owns or controls, directly or indirectly, 75 percent or more of the voting or value of the beneficial interests or shares of such trust; and

(4) Any Qualified Foreign Entity.

c. For purposes of subdivision B 10, the constructive ownership rules prescribed under § 318(a) of the Internal Revenue Code, as modified by § 856(d)(5) of the Internal Revenue Code, shall apply in determining the ownership of stock, assets, or net profits of any person.

d. For purposes of subdivision B 10:

"Listed Australian Property Trust" means an Australian unit trust registered as a Management Investment Scheme, pursuant to the Australian Corporations Act, in which the principal class of units is listed on a recognized stock exchange in Australia and is regularly traded on an established securities market.

"Qualified Foreign Entity" means a corporation, trust, association or partnership organized outside the laws of the United States and that satisfies all of the following criteria:

(1) At least 75 percent of the entity's total asset value at the close of its taxable year is represented by real estate assets, as defined in § 856(c)(5)(B) of the Internal Revenue Code, thereby including shares or certificates of beneficial interest in any REIT, cash and cash equivalents, and U.S. Government securities;

(2) The entity is not subject to a tax on amounts distributed to its beneficial owners, or is exempt from entity level tax;

(3) The entity distributes, on an annual basis, at least 85 percent of its taxable income, as computed in the jurisdiction in which it is organized, to the holders of its shares or certificates of beneficial interest;

(4) The shares or certificates of beneficial interest of such entity are regularly traded on an established securities market or, if not so traded, not more than 10 percent of the voting power or value in such entity is held directly, indirectly, or constructively by a single entity or individual; and

(5) The entity is organized in a country that has a tax treaty with the United States.

11. *For taxable years beginning on or after January 1, 2016, to the extent that tax credit is allowed for the same donation pursuant to § 58.1-439.12:11, any amount claimed as a federal income tax deduction for such donation under § 170 of the Internal Revenue Code, as amended or renumbered.*

C. There shall be subtracted to the extent included in and not otherwise subtracted from federal taxable income:

1. Income derived from obligations, or on the sale or exchange of obligations, of the United States and on obligations or securities of any authority, commission or instrumentality of the United States to the extent exempt from state income taxes under the laws of the United States including, but not limited to, stocks, bonds, treasury bills, and treasury notes, but not including interest on refunds of federal taxes, interest on equipment purchase contracts, or interest on other normal business transactions.

2. Income derived from obligations, or on the sale or exchange of obligations of this Commonwealth or of any political subdivision or instrumentality of this Commonwealth.

3. Dividends upon stock in any domestic international sales corporation, as defined by § 992 of the Internal Revenue Code, 50 percent or more of the income of which was assessable for the preceding year, or the last year in which such corporation has income, under the provisions of the income tax laws of the Commonwealth.

4. The amount of any refund or credit for overpayment of income taxes imposed by this Commonwealth or any other taxing jurisdiction.

5. Any amount included therein by the operation of the provisions of § 78 of the Internal Revenue Code (foreign dividend gross-up).

6. The amount of wages or salaries eligible for the federal Targeted Jobs Credit which was not deducted for federal purposes on account of the provisions of § 280C(a) of the Internal Revenue Code.

7. Any amount included therein by the operation of § 951 of the Internal Revenue Code (subpart F income).

8. Any amount included therein which is foreign source income as defined in § 58.1-302.

9. [Repealed.]

10. The amount of any dividends received from corporations in which the taxpaying corporation owns 50 percent or more of the voting stock.

11. [Repealed.]

12, 13. [Expired.]

14. For taxable years beginning on or after January 1, 1995, the amount for "qualified research expenses" or "basic research expenses" eligible for deduction for federal purposes, but which were not deducted, on account of the provisions of § 280C(c) of the Internal Revenue Code.

15. For taxable years beginning on or after January 1, 2000, the total amount actually contributed in funds to the Virginia Public School Construction Grants Program and Fund established in Chapter 11.1 (§ 22.1-175.1 et seq.) of Title 22.1.

16. For taxable years beginning on or after January 1, 2000, but before January 1, 2015, the gain derived from the sale or exchange of real property or the sale or exchange of an easement to real property which results in the real property or the easement thereto being devoted to open-space use, as that term is defined in § 58.1-3230, for a period of time not less than 30 years. To the extent a subtraction is taken in accordance with this subdivision, no tax credit under this chapter for donating land for its preservation shall be allowed for three years following the year in which the subtraction is taken.

17. For taxable years beginning on and after January 1, 2001, any amount included therein with respect to § 58.1-440.1.

18. For taxable years beginning on and after January 1, 1999, income received as a result of (i) the "Master Settlement Agreement," as defined in § 3.2-3100; and (ii) the National Tobacco Grower Settlement Trust dated July 19, 1999, by (a) tobacco farming businesses; (b) any business holding a tobacco marketing quota, or tobacco farm acreage allotment, under the Agricultural Adjustment Act of 1938; or (c) any business having the right to grow tobacco pursuant to such a quota allotment.

19, 20. [Repealed.]

21. For taxable years beginning on and after January 1, 2004, any amount of intangible expenses and costs or interest expenses and costs added to the federal taxable income of a corporation pursuant to subdivision B 8 or B 9 shall be subtracted from the federal taxable income of the related member that received such amount if such related member is subject to Virginia income tax on the same amount.

22. For taxable years beginning on and after January 1, 2009, any gain recognized from the sale of launch services to space flight participants, as defined in 49 U.S.C. § 70102, or launch services intended to provide individuals the training or experience of a launch, without performing an actual launch. To qualify for a deduction under this subdivision, launch services must be performed in Virginia or originate from an airport or spaceport in Virginia.

23. For taxable years beginning on and after January 1, 2009, any gain recognized as a result of resupply services contracts for delivering payload, as defined in 49 U.S.C. § 70102, entered into with the Commercial Orbital Transportation Services division of the National Aeronautics and Space Administration or other space flight entity, as defined in § 8.01-227.8, and launched from an airport or spaceport in Virginia.

24. For taxable years beginning on or after January 1, 2011, any income taxed as a long-term capital gain for federal income tax purposes, or any income taxed as investment services partnership interest income (otherwise known as investment partnership carried interest income) for federal income tax purposes. To qualify for a subtraction under this subdivision, such income must be attributable to an investment in a "qualified business," as defined in § 58.1-339.4, or in any other technology business approved by the Secretary of Technology, provided the business has its principal office or facility in the Commonwealth and less than \$3 million in annual revenues in the fiscal year prior to the investment. To qualify for a subtraction under this subdivision, the investment must be made between the dates of April 1, 2010, and June 30, 2020. No taxpayer who has claimed a tax credit for an investment in a "qualified business" under § 58.1-339.4 shall be eligible for the subtraction under this subdivision for an investment in the same business.

D. For taxable years beginning on and after January 1, 2006, there shall be subtracted from federal taxable income contract payments to a producer of quota tobacco or a tobacco quota holder as provided under the American Jobs Creation Act of 2004 (P.L. 108-357) as follows:

1. If the payment is received in installment payments, then the recognized gain, including any gain recognized in taxable year 2005, may be subtracted in the taxable year immediately following the year in which the installment payment is received.

2. If the payment is received in a single payment, then 10 percent of the recognized gain may be subtracted in the taxable year immediately following the year in which the single payment is received. The taxpayer may then deduct an equal amount in each of the nine succeeding taxable years.

E. Adjustments to federal taxable income shall be made to reflect the transitional modifications provided in § 58.1-315.

F. Notwithstanding any other provision of law, the income from any disposition of real property which is held by the taxpayer for sale to customers in the ordinary course of the taxpayer's trade or business, as defined in § 453(l)(1)(B) of the Internal Revenue Code, of property made on or after January 1, 2009, may, at the election of the taxpayer, be recognized under the installment method described under § 453 of the Internal Revenue Code, provided that (i) the election relating to the dealer disposition of the property has been made on or before the due date prescribed by law (including extensions) for filing the taxpayer's return of the tax imposed under this chapter for the taxable year in which the disposition occurs, and (ii) the dealer disposition is in accordance with restrictions or conditions established by the Department, which shall be set

forth in guidelines developed by the Department. Along with such restrictions or conditions, the guidelines shall also address the recapture of such income under certain circumstances. The development of the guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

§ 58.1-439.12:11. Food crop donation tax credit.

A. As used in this section, unless the context requires a different meaning:

"Food crops" means grains, fruits, nuts, or vegetables.

"Nonprofit food bank" means an entity located in the Commonwealth that is exempt from taxation under § 501(c)(3) of the Internal Revenue Code, as amended or renumbered, and organized with a principal purpose of providing food to the needy.

B. For taxable years beginning on or after January 1, 2016, but before January 1, 2022, any person engaged in the business of farming as defined under 26 C.F.R. § 1.175-3 that donates food crops grown by the person in the Commonwealth to a nonprofit food bank shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 for the taxable year of the donation. The person shall be allowed a credit in an amount equal to 30 percent of the fair market value of such food crops donated by the person to a nonprofit food bank during the taxable year but not to exceed an aggregate credit of \$5,000 for all such donations made by the person during such year.

C. Credit shall be allowed under this section only if (i) the use of the donated food crops by the donee nonprofit food bank is related to providing food to the needy, (ii) the donated food crops are not transferred for use outside the Commonwealth or used by the donee nonprofit food bank as consideration for services performed or personal property purchased, and (iii) the donated food crops, if sold by the donee nonprofit food bank, are sold to the needy, other nonprofit food banks, or organizations that intend to use the food crops to provide food to the needy.

D. The Tax Commissioner shall issue tax credits under this section, and in no case shall the Tax Commissioner issue more than \$250,000 in tax credits pursuant to this section in any fiscal year of the Commonwealth. For every taxable year for which a person seeks the tax credit under this section, the person shall submit an application to the Department in accordance with the forms, instructions, dates, and procedures prescribed by the Department. In order to claim any credit, for each donation made that is approved by the Department for tax credit, the person making the donation shall attach to the person's income tax return a written certification prepared by the donee nonprofit food bank. The written certification prepared by the donee nonprofit food bank shall identify the donee nonprofit food bank, the person donating food crops to it, the date of the donation, the number of pounds of food crops donated, and the fair market value of the food crops donated. The certification shall also include a statement by the donee nonprofit food bank that its use and disposition of the food crops complies with the requirements under subsection C.

E. The amount of the credit claimed shall not exceed the total amount of tax imposed by this chapter upon the person for the taxable year. Any credit not usable for the taxable year for which the credit was first allowed may be carried over for credit against the income taxes of the person in the next five succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

F. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership or interest in such business entities.

G. The Tax Commissioner shall develop guidelines implementing the provisions of this section. The guidelines shall include procedures for the allocation of tax credits among participating taxpayers. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 392

An Act to amend and reenact § 58.1-609.1 of the Code of Virginia, relating to sales and use tax exemption; certain items sold in local correctional facilities.

[H 1191]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.1. Governmental and commodities exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Fuels which are subject to the tax imposed by Chapter 22 (§ 58.1-2200 et seq.). Persons who are refunded any such fuel tax shall, however, be subject to the tax imposed by this chapter, unless such taxes would be specifically exempted pursuant to any provision of this section.

2. Motor vehicles, trailers, semitrailers, mobile homes and travel trailers.

3. Gas, electricity, or water when delivered to consumers through mains, lines, or pipes.

4. Tangible personal property for use or consumption by the Commonwealth, any political subdivision of the Commonwealth, or the United States. This exclusion shall not apply to sales and leases to privately owned financial and other privately owned corporations chartered by the United States. Further, this exemption shall not apply to tangible

personal property which is acquired by the Commonwealth or any of its political subdivisions and then transferred to private businesses for their use in a facility or real property improvement to be used by a private entity or for nongovernmental purposes other than tangible personal property acquired by the Herbert H. Bateman Advanced Shipbuilding and Carrier Integration Center and transferred to a Qualified Shipbuilder as defined in the third enactment of Chapter 790 of the 1998 Acts of the General Assembly.

5. Aircraft subject to tax under Chapter 15 (§ 58.1-1500 et seq.).

6. Motor fuels and alternative fuels for use in a commercial watercraft, as defined in § 58.1-2201, upon which a fuel tax is refunded pursuant to § 58.1-2259.

7. Sales by a government agency of the official flags of the United States, the Commonwealth of Virginia, or of any county, city or town.

8. Materials furnished by the State Board of Elections pursuant to §§ 24.2-404 through 24.2-407.

9. Watercraft as defined in § 58.1-1401.

10. Tangible personal property used in and about a marine terminal under the supervision of the Virginia Port Authority for handling cargo, merchandise, freight and equipment. This exemption shall apply to agents, lessees, sublessees or users of tangible personal property owned by or leased to the Virginia Port Authority and to property acquired or used by the Authority or by a nonstock, nonprofit corporation that operates a marine terminal or terminals on behalf of the Authority.

11. Sales by prisoners confined in state correctional facilities of artistic products personally made by the prisoners as authorized by § 53.1-46.

12. Tangible personal property for use or consumption by the Virginia Department for the Blind and Vision Impaired or any nominee, as defined in § 51.5-60, of such Department.

13. [Expired.]

14. Tangible personal property sold to residents and patients of the Virginia Veterans Care Center at a canteen operated by the Department of Veterans Services.

15. Tangible personal property for use or consumption by any nonprofit organization whose members include the Commonwealth and other states and which is organized for the purpose of fostering interstate cooperation and excellence in government.

16. Tangible personal property purchased for use or consumption by any soil and conservation district which is organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

17. Tangible personal property sold or leased to Alexandria Transit Company, Greater Lynchburg Transit Company, GRTC Transit System, or Greater Roanoke Transit Company, or to any other transit company that is owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services, and/or tangible personal property sold or leased to any county, city, or town, or any combination thereof, that is transferred to any of the companies set forth in this subdivision owned, operated, or controlled by any county, city, or town, or any combination thereof, that provides public transportation services.

18. (Effective until July 1, 2017) Qualified products designated as Energy Star or WaterSense with a sales price of \$2,500 or less per product purchased for noncommercial home or personal use. The exemption provided by this subdivision shall apply only to sales occurring during the three-day period that begins each year on the first Friday in August and ends at 11:59 p.m. on the following Sunday.

For the purposes of this exemption, an Energy Star qualified product is any dishwasher, clothes washer, air conditioner, ceiling fan, light bulb, dehumidifier, programmable thermostat, or refrigerator, the energy efficiency of which has been designated by the United States Environmental Protection Agency and the United States Department of Energy as meeting or exceeding each such agency's requirements under the Energy Star program. For the purposes of this exemption, WaterSense qualified products are those that have been recognized as being water efficient by the WaterSense program sponsored by the U.S. Environmental Protection Agency as indicated by a WaterSense label.

19. On or after July 1, 2015, but before January 1, 2019, gold, silver, or platinum bullion whose sales price exceeds \$1,000. Each piece of gold, silver, or platinum need not exceed \$1,000, provided that the sales price of one entire transaction of such pieces exceeds \$1,000. "Gold, silver, or platinum bullion" means gold, silver, or platinum, and any combination thereof, that has gone through a refining process and is in a state or condition such that its value depends on its mass and purity and not on its form, numismatic value, or other value. Gold, silver, or platinum bullion may contain other metals or substances, provided that the other substances by themselves have minimal value compared with the value of the gold, silver, or platinum. "Gold, silver, or platinum bullion" does not include jewelry or works of art.

20. *Tangible personal property sold by a sheriff at a correctional facility pursuant to § 53.1-127.1 and sales of prepared food within such correctional facility.*

CHAPTER 393

An Act to amend and reenact §§ 46.2-653.1, 58.1-3219.5, and 58.1-3219.9 of the Code of Virginia, relating to real property tax exemption; residence of disabled veteran, and the spouse of a service member killed in action.

[H 1203]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-653.1, 58.1-3219.5, and 58.1-3219.9 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-653.1. Conversion of manufactured home to real property.

A. After a manufactured home has been titled in the Commonwealth and at such time as the wheels and other equipment previously used for mobility have been removed and the unit has been attached to real property owned by the manufactured home owner, the owner may convert the home to real property in accordance with the provisions of subsection B. ~~The~~ *Except as provided in §§ 58.1-3219.5 and 58.1-3219.9, and for the purposes stated in §§ 58.1-3219.5 and 58.1-3219.9, the provisions of this section constitute the only manner by which a manufactured home owner may convert a manufactured home to real property.*

B. A manufactured home owner who wishes to convert the home to real property shall submit a sworn affidavit to the Department that the wheels and other equipment previously used for mobility have been removed from the manufactured home and the unit has been attached to real property owned by the manufactured home owner.

The affidavit must be in a form approved by the Commissioner. Upon compliance by the owner with the procedure for surrender of title, the Department shall rescind and cancel the Virginia title. The Department shall not cancel the title if a security interest has been recorded on the title and not released by the secured party. After canceling the title, the Department shall provide written confirmation to the owner that the title has been surrendered and has been canceled by the Department.

Upon receipt of confirmation that the title has been surrendered and has been canceled by the Department, the owner shall file a sworn affidavit of affixation with the circuit court of the locality where the real property is located. The affidavit shall include all of the following information:

1. The manufacturer and, if applicable, the model name of the manufactured home.
2. The vehicle identification number and serial number of the manufactured home.
3. The legal description of the real property on which the manufactured home is placed, including the property address, stating that the owner of the manufactured home also owns the real property.
4. Certification that there are no security interests in the manufactured home that have not been released by the secured party.
5. The homeowner's statement that the title has been surrendered and has been canceled by the Department and that the home is intended to be a permanent fixture and improvement to the land, to the same extent as any site-built home, and assessed and taxed with the land as real property.

In addition, a copy of the confirmation provided by the Department that the title has been surrendered and canceled by the Department shall be attached to and filed with the affidavit.

Upon filing the affidavit of affixation, the manufactured home shall then be deemed to be real estate and shall thereafter be conveyed and encumbered only as real estate is conveyed and encumbered, except when the home is thereafter physically severed from the real property and a new title issued in accordance with subsection C.

A security interest in a manufactured home is perfected against the rights of judicial lien creditors, execution creditors, and purchasers for value on and after the date such security interest attaches. The Commissioner shall have prepared a list of all titles canceled pursuant to this section and furnish it, in conjunction with the reports submitted pursuant to § 46.2-210, to the commissioner of the revenue of each county and city without cost.

C. If the owner of a manufactured home whose certificate of title has been canceled under this section subsequently seeks to sever the manufactured home from the real property, the owner may apply for a new certificate of title in accordance with the provisions of this section.

1. The owner shall file with the circuit court where the real property is located an affidavit that includes or provides for all of the following information:

- a. The manufacturer and, if applicable, the model name of the manufactured home.
- b. The vehicle identification number and serial number of the manufactured home.
- c. The legal description of the real property on which the manufactured home is or was placed, stating that the owner of the manufactured home also owns the real property.
- d. Certification that there are no security interests in the manufactured home that have not been released by the secured party.
- e. The homeowner's statement that the home has been or will be physically severed from the real property.

2. The owner must submit the following to the Department:

- a. A copy of the affidavit filed in accordance with subdivision C 1.
- b. Verification that the manufactured home has been severed from the real property. Confirmation of severance by the commissioner of the revenue where the real property is located shall constitute acceptable evidence that the unit has been severed from the real property.

Upon receipt of the information required in subdivision C 2, together with a title application and required fee, the Department is authorized to issue a new title for the manufactured home. The initial title issued under the provisions of this subsection shall contain no security interests, provided however, that nothing contained herein shall be construed to prevent a subsequent security interest from being recorded on the title.

§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.

A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no county, city, or town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his principal place of residence.

C. A county, city, or town shall provide for the exemption from real property taxes the qualifying dwelling pursuant to this section, and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. *If the veteran owns a house that is his residence, including a manufactured home as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, such house or manufactured home shall be exempt even if the veteran does not own the land on which the house or manufactured home is located. If such land is not owned by the veteran, then the land is not exempt.*

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D, then the exemption shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed forces killed in action.

A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense and (ii) who occupies the real property as his principal place of residence. If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action. However, no county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. Those dwellings in the locality with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single family homes, condominiums, town homes, *manufactured*

homes as defined in § 46.2-100 whether or not the wheels and other equipment previously used for mobility have been removed, and other types of dwellings of surviving spouses, whether or not the land on which the single family home, condominium, town home, manufactured home, or other type of dwelling of a surviving spouse is located is owned by someone other than the surviving spouse, that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption. If the land on which the single family home, condominium, town home, manufactured home, or other type of dwelling is located is not owned by the surviving spouse, then the land is not exempt.

For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying dwelling, or the portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B, and (ii) *except land not owned by the surviving spouse*, the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section.

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has 1 as a numerator and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by the surviving spouse, and as a denominator, 100 percent.

CHAPTER 394

An Act to direct the Virginia Criminal Sentencing Commission to calculate and report the recidivism rate for certain released federal prisoners.

[H 1105]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Virginia Criminal Sentencing Commission shall calculate annually the recidivism rate of federal prisoners released by the U.S. Bureau of Prisons whose sentences were retroactively reduced pursuant to Amendments 782 and 788 of the U.S. Sentencing Commission's Guidelines Manual for crimes committed in the Commonwealth. The Commission shall make a reasonable attempt to acquire the information necessary to complete the calculation from any available source, including any state or federal entity that has access to such information. The Commission shall report annually to the Chairmen of the House and Senate Committees for Courts of Justice (i) such recidivism rate no later than December 31 for the preceding 12-month period complete through the last day of October or (ii) if the Commission is unable to complete the calculation, any information regarding the recidivism rate of such prisoners as the Commission was able to acquire.*

2. **That the provisions of this act shall expire on January 1, 2018.**

CHAPTER 395

An Act to amend and reenact § 15.2-6606 of the Code of Virginia, relating to Middle Peninsula Chesapeake Bay Public Access Authority Act.

[H 470]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-6606 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-6606. Powers.

The Authority is hereby granted all powers necessary or appropriate to carry out the purposes of this act, including the following, to:

1. Adopt bylaws for the regulation of its affairs and the conduct of its business;
2. Sue and be sued in its own name;
3. Have perpetual succession;
4. Adopt a corporate seal and alter the same at its pleasure;
5. Maintain offices at such places as it may designate;
6. Acquire, establish, construct, enlarge, improve, maintain, equip, operate and regulate public access sites that are owned or managed by the authority within the territorial limits of the participating political subdivisions;
7. Construct, install, maintain, and operate facilities for managing access sites;
8. Determine fees, rates, and charges for the use of its facilities;
9. Apply for and accept gifts, or grants of money or gifts, grants or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, the Commonwealth of Virginia, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance or repair of the public access sites or for the payment of principal of any indebtedness of the Authority, interest thereon or other cost incident thereto, and to this end the Authority shall have the power to render such services, comply with such conditions and execute such agreements, and legal instruments, as may be necessary, convenient or desirable or imposed as a condition to such financial aid;
10. Appoint, employ or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;
11. Contract with any participating political subdivision for such subdivision to provide legal services, engineering services, depository and investment services contemplated by § 15.2-6612 hereof, accounting services, including the annual independent audit required by § 15.2-6609 hereof, procurement of goods and services, and to act as fiscal agent for the Authority;
12. Establish personnel rules;
13. Own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property;
14. Make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;
15. Borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;
16. Adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and governing the conduct of persons and organizations using its facilities and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities, all as hereinafter provided;
17. Purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee or agent of the Authority against any liability asserted against him or incurred by him in any such capacity or arising out of his status as such;
18. *Request and accept legal advice and assistance from the Office of the Attorney General;*
19. Do all things necessary or convenient to the purposes of this act. To that end, the Authority may acquire, own, or convey property; enter into contracts; seek financial assistance and incur debt; and adopt rules and regulations; and
- ~~20.~~ Whenever it shall appear to the Authority, or to a simple majority of participating political subdivisions, that the need for the Authority no longer exists, the Authority, or in the proper case, any such subdivision, may petition the circuit court of a participating political subdivision for the dissolution of the Authority. If the court shall determine that the need for the Authority as set forth in this act no longer exists and that all debts and pecuniary obligations of the Authority have been fully paid or provided for, it may enter an order dissolving the Authority.

Upon dissolution, the court shall order any real or tangible personal property contributed to the Authority by a participating political subdivision, together with any improvements thereon, returned to such participating political subdivisions. The remaining assets of the Authority shall be distributed to the participating political subdivisions in proportion to their respective contributions theretofore made to the Authority.

Each participating political subdivision and all holders of the Authority's bonds shall be made parties to any such proceeding and shall be given notice as provided by law. Any party defendant may reply to such petition at any time within six months after the filing of the petition. From the final judgment of the court, an appeal shall lie to the Supreme Court of Virginia.

CHAPTER 396

An Act to amend and reenact § 6.2-1344 of the Code of Virginia, relating to credit unions; voluntary mergers.

[H 874]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1344 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-1344. Voluntary merger.

A. A credit union organized under this chapter may merge, with the approval of the Commission, with one or more other credit unions, state or federal. In any case in which the surviving credit union will be a Virginia state-chartered credit union, a merger application, accompanied by an application fee of \$300, shall be filed with the Commission. The Commission shall approve the application if the Commission finds that:

1. The field of membership of the credit union which is proposed to result from the merger satisfies the requirements of subsection B of § 6.2-1327, *unless the merger application is exempt from this condition pursuant to subsection B*;

2. The plan of merger will promote the best interests of the members of the credit unions; and

3. The members of the merging credit unions have approved the plan of merger in accordance with applicable laws and regulations. Notwithstanding subsection D of § 13.1-895, the members of a Virginia state-chartered credit union may authorize a plan of merger by vote of at least a majority of all votes cast thereon at an annual or special meeting at which a quorum is present. Notwithstanding the terms of § 13.1-895, in a merger where a Virginia credit union will be the resulting credit union, the adoption of the plan of merger by the board of directors of that credit union shall be sufficient approval of the plan, and approval of the plan of merger by the members of that credit union shall not be required. Notice of the meeting may be given in a manner prescribed in the articles of incorporation or bylaws, notwithstanding the terms of § 13.1-842 relating to the manner of notice. A federal credit union merging with a state credit union may give notice to its members as prescribed by federal regulation.

B. The condition set forth in subdivision A 1 shall not apply to a merger of two Virginia state-chartered credit unions, and notwithstanding subsection B of § 6.2-1327 the field of membership of the surviving credit union may be composed of a combination of the fields of membership of the merging credit unions, if (i) at least one of the merging credit unions has fewer than 35,000 active members on the date the application for merger is filed with the Commission and (ii) neither of the merging credit unions has been a party to a merger pursuant to this subsection within the 24 months preceding the date the application for merger is filed with the Commission.

C. If the Commission finds that the *applicable* requirements of subsection A have been met and all required fees have been paid, it shall approve the merger and issue a certificate of merger, which shall be admitted to record in its office and in the office for the recording of deeds in the city or county in which the registered office of each credit union is located. No such further recordation shall be required in the City of Richmond or the Counties of Chesterfield or Henrico.

~~C.~~ D. Upon the issuance of the certificate of merger the provisions of § 13.1-897, *mutatis mutandis*, shall become effective.

~~D.~~ E. For the purposes of this section, a member entitled to vote may vote in person or, unless the articles of incorporation or bylaws otherwise provide, by proxy. A member may appoint a proxy to vote or otherwise act for him by signing an appointment form. An appointment of a proxy becomes effective when received by the secretary or other officer or agent authorized to tabulate votes. An appointment is valid for 11 months unless a different period is expressly provided in the appointment form or the appointment is revoked by the member.

CHAPTER 397

An Act to amend and reenact §§ 43-32, 43-33, 43-34, 46.2-644.01, 46.2-644.02, and 46.2-644.03 of the Code of Virginia, relating to mechanics' liens, amount of lien; nonresident notice requirements.

[H 940]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 43-32, 43-33, 43-34, 46.2-644.01, 46.2-644.02, and 46.2-644.03 of the Code of Virginia are amended and reenacted as follows:

§ 43-32. Lien of keeper of livery stable, marina, etc.

A. Every keeper of a livery stable, hangar, tie-down, or marina, and every person pasturing or keeping any horses or other animals, boats, aircraft, or harness, shall have a lien upon such horses and other animals, boats, aircraft, and harness, for the amount ~~which~~ *that* may be due him for the towing, storage, recovery, keeping, supporting, and care thereof, until such amount is paid.

B. In the case of any boat or aircraft subject to a chattel mortgage, security agreement, deed of trust, or other instrument securing money, the keeper of the marina, hangar, or tie-down shall have a lien thereon for his reasonable charges for storage under this section not to exceed \$500 and for alteration and repair under § 43-33 not to exceed ~~\$800~~ \$1,000.

However, in the case of a storage lien, to obtain the priority for an amount in excess of \$300, the person asserting the lien shall make a reasonable attempt to notify any secured party of record at the Department of Game and Inland Fisheries by telephonic means and shall give written notice by certified mail, return receipt requested, to any secured party of record at the Department of Game and Inland Fisheries within seven business days of taking possession of the boat or aircraft. If the secured party does not, within seven business days of receipt of the notice, take or refuse redelivery to it or its designee, the lienor shall be entitled to priority for the full amount of storage charges, not to exceed \$500. Notwithstanding a redelivery, the watercraft shall be subject to subsection D.

C. In addition, any person furnishing services involving the towing and recovery of a boat or aircraft, shall have a lien for all normal costs incident thereto, if the person asserting the lien gives written notice within seven days of receipt of the boat or aircraft by certified mail, return receipt requested, to all secured parties of record at the Department of Game and Inland Fisheries.

D. In addition, any keeper shall be entitled to a lien against any proceeds remaining after the satisfaction of all prior security interests or liens, and may retain possession of such property until such charges are paid.

§ 43-33. Lien of mechanic for repairs.

Every mechanic, who shall alter or repair any article of personal property at the request of the owner of such property, shall have a lien thereon for his just and reasonable charges therefor and may retain possession of such property until such charges are paid.

And every mechanic, who shall make necessary alterations or repairs on any article of personal property which from its character requires the making of ordinary repairs thereto as a reasonable incident to its reasonable and customary use, at the request of any person legally in possession thereof under a reservation of title contract, chattel mortgage, deed of trust, or other instrument securing money, the person so in possession having authority to use such property, shall have a lien thereon for his just and reasonable charges therefor to the extent of ~~\$800~~ \$1,000. In addition, such mechanic shall be entitled to a lien against the proceeds, if any, remaining after the satisfaction of all prior security interests or liens, and may retain possession of such property until such charges are paid. In any action to enforce the lien hereby given all persons having an interest in the property sought to be subjected shall be made parties defendant.

If the owner of the property held by the mechanic shall desire to obtain possession thereof, he shall make the mechanic defendant in proceeding in the county or municipal court to recover the property.

The owner may give a bond payable to the court, in a penalty of the amount equal to the lien claimed by the mechanic and court costs, with security to be approved by the clerk, and conditioned for the performance of the final judgment of the court on the trial of the proceeding, and with a further condition to the effect that, if upon the hearing, the judgment of the court be that the lien of the mechanic on such property, or any part thereof, be enforced, judgment may thereupon be entered against the obligors on such bond for the amount due the mechanic and court costs, if assessed against the owner, without further or other proceedings against them thereon. Upon giving of the bond, the property shall be delivered to the owner.

§ 43-34. Enforcement of liens acquired under §§ 43-31 through 43-33 and of liens of bailees.

Any person having a lien under §§ 43-31 through 43-33 and any bailee, except where otherwise provided, having a lien as such at common law on personal property in his possession ~~which~~ *that* he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10 days after it is due and the value of the property affected by the lien does not exceed \$10,000, may sell such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid within 30 days of the sale to any lienholder, and then to the owner of the property. A seller who fails to remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to \$50 for each day beyond 30 days that the failure continues.

Before making the sale, the seller shall advertise the time, place, and terms thereof in a public place. In the case of property other than a motor vehicle required to be registered in Virginia having a value in excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing statement against the property, and written notice shall be given to the owner as hereinafter provided.

If the value of the property is more than \$10,000 but does not exceed \$25,000, the party having the lien, after giving notice as herein provided, may apply by petition to any general district court of the county or city wherein the property is, or, if the value of the property exceeds \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court is satisfied that the debt and lien are established and the property should be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city. The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of fieri facias.

If the owner of the property is a resident of ~~this~~ *the* Commonwealth, any notice required by this section may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by personal delivery or by certified or registered mail delivered to the present owner of the property to be sold at his last known address at least 10 days prior to the date of sale. ~~If he the owner of the property~~ *is a nonresident or if his address is unknown, any notice required by this section* may be served by posting a copy thereof in three *of any of the following places in any combination: (i) one or more public places in the county or city where the property is located; (ii) one or more websites operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either; or (iii) one or more newspapers of general circulation in the county or city where the property is located, either in print or on their websites.* For purposes of

this section, a "public place" means a premises owned by the Commonwealth; or a political subdivision thereof, or an agency of either ~~which~~, that is open to the general public.

§ 46.2-644.01. Lien of keeper of garage.

A. Every keeper of a garage; and every person keeping any vehicles shall have a lien upon such vehicles for the amount ~~which that~~ may be due him for the towing, storage, recovery, and care thereof, until such amount is paid.

B. In the case of any vehicle subject to a chattel mortgage, security agreement, deed of trust, or other instrument securing money, the keeper of the garage shall have a lien thereon for his reasonable charges for storage under this section not to exceed \$500 and for alteration and repair under § 46.2-644.02 not to exceed ~~\$800~~ \$1,000. However, in the case of a storage lien, to obtain the priority for an amount in excess of \$300, the person asserting the lien shall make a reasonable attempt to notify any secured party of record at the Department of Motor Vehicles by telephonic means and shall give written notice by certified mail, return receipt requested, to any secured party of record at the Department of Motor Vehicles within seven business days of taking possession of the vehicle. If the secured party does not, within seven business days of receipt of the notice, take or refuse redelivery to it or its designee, the lienor shall be entitled to priority for the full amount of storage charges, not to exceed \$500. Notwithstanding a redelivery, the vehicle shall be subject to subsection D.

C. In addition, any person furnishing services involving the towing and recovery of a vehicle; shall have a lien for all normal costs incident thereto, if the person asserting the lien gives written notice within seven days of receipt of the vehicle by certified mail, return receipt requested, to all secured parties of record at the Department of Motor Vehicles.

D. In addition, any keeper shall be entitled to a lien against any proceeds remaining after the satisfaction of all prior security interests or liens; and may retain possession of such property until such charges are paid.

E. Any lien created under this section shall not extend to any personal property ~~which that~~ is not attached to or considered to be necessary for the proper operation of any motor vehicle, and it shall be the duty of any keeper of such personal property to return it to the owner if the owner claims the items prior to auction.

F. For the purposes of this section, in the case of a truck or combination of vehicles, the owner, or in the case of a rented or leased vehicle, the lessee of the truck or tractor truck, shall be liable for the costs of the towing, recovery, and storage of the cargo and of any trailer or semitrailer in the combination. Nothing in this subsection, however, shall bar the owner of the truck or tractor truck from subsequently seeking to recover from the owner of any trailer, semitrailer, or cargo all or any portion of these towing, recovery, and storage costs.

§ 46.2-644.02. Lien of mechanic for repairs.

Every mechanic; who shall alter or repair any article of personal property at the request of the owner of such property; shall have a lien thereon for his just and reasonable charges therefor and may retain possession of such property until such charges are paid.

And every mechanic; who shall make necessary alterations or repairs on any article of personal property which from its character requires the making of ordinary repairs thereto as a reasonable incident to its reasonable and customary use, at the request of any person legally in possession thereof under a reservation of title contract, chattel mortgage, deed of trust, or other instrument securing money, the person so in possession having authority to use such property, shall have a lien thereon for his just and reasonable charges therefor to the extent of ~~\$800~~ \$1,000. In addition, such mechanic shall be entitled to a lien against the proceeds, if any, remaining after the satisfaction of all prior security interests or liens; and may retain possession of such property until such charges are paid. In any action to enforce the lien hereby given all persons having an interest in the property sought to be subjected shall be made parties defendant.

If the owner of the property held by the mechanic shall desire to obtain possession thereof, he shall make the mechanic defendant in proceeding in the county or municipal court to recover the property.

The owner may give a bond payable to the court, in a penalty of the amount equal to the lien claimed by the mechanic and court costs, with security to be approved by the clerk, and conditioned for the performance of the final judgment of the court on the trial of the proceeding, and with a further condition to the effect that, if upon the hearing, the judgment of the court be that the lien of the mechanic on such property, or any part thereof, be enforced, judgment may thereupon be entered against the obligors on such bond for the amount due the mechanic and court costs, if assessed against the owner, without further or other proceedings against them thereon. Upon giving of the bond, the property shall be delivered to the owner.

§ 46.2-644.03. Enforcement of liens acquired under §§ 46.2-644.01 and 46.2-644.02 and of liens of bailees.

Any person having a lien under §§ 46.2-644.01 and 46.2-644.02 and any bailee, except where otherwise provided, having a lien as such at common law on personal property in his possession ~~which that~~ he has no power to sell for the satisfaction of the lien, if the debt for which the lien exists is not paid within 10 days after it is due and the value of the property affected by the lien does not exceed \$12,500, may sell such property or so much thereof as may be necessary, by public auction, for cash. The proceeds shall be applied to the satisfaction of the debt and expenses of sale, and the surplus, if any, shall be paid within 30 days of the sale to any lienholder, and then to the owner of the property. A seller who fails to remit the surplus as provided shall be liable to the person entitled to the surplus in an amount equal to \$50 for each day beyond 30 days that the failure continues.

Before making the sale, the seller shall advertise the time, place, and terms thereof in a public place. In the case of property other than a motor vehicle required to be registered in Virginia having a value in excess of \$600, 10 days' prior notice shall be given to any secured party who has filed a financing statement against the property, and written notice shall be given to the owner as hereinafter provided. If the property is a motor vehicle required by the motor vehicle laws of Virginia to be registered, the person having the lien shall ascertain from the Commissioner of the Department of Motor

Vehicles whether the certificate of title of the motor vehicle shows a lien thereon. At that time, the Commissioner shall also determine the value of the property and shall communicate it to the bailee. If the certificate of title shows a lien, the bailee proposing the sale of the motor vehicle shall notify the lienholder of record, by certified mail, at the address on the certificate of title of the time and place of the proposed sale 10 days prior thereto. If the name of the owner cannot be ascertained, the name of "John Doe" shall be substituted in any proceedings hereunder and no written notice as to him shall be required to be mailed. Whenever a vehicle is shown by the Department of Motor Vehicles records to be owned by a person who has indicated that he is on active military duty or service, the Department shall include such information in response to requests for vehicle information pursuant to the requirements of this chapter.

If the value of the property is more than \$12,500 but does not exceed \$25,000, the party having the lien, after giving notice as herein provided, may apply by petition to any general district court of the county or city wherein the property is, or, if the value of the property exceeds \$25,000, to the circuit court of the county or city, for the sale of the property. If, on the hearing of the case on the petition, the defense, if any made thereto, and such evidence as may be adduced by the parties respectively, the court is satisfied that the debt and lien are established and the property should be sold to pay the debt, the court shall order the sale to be made by the sheriff of the county or city. The sheriff shall make the same and apply and dispose of the proceeds in the same manner as if the sale were made under a writ of fieri facias.

In determining the value of the property as required by this section, the Commissioner shall use a recognized pricing guide and, in using such guide, shall use the trade-in value specified in such guide.

If the owner of the property is a resident of the Commonwealth, any notice required by this section may be served as provided in § 8.01-296 or, if the sale is to be made without resort to the courts, by personal delivery or by certified or registered mail delivered to the present owner of the property to be sold at his last known address at least 10 days prior to the date of sale. ~~If he the owner of the property~~ is a nonresident or if his address is unknown, *any notice required by this section* may be served by posting a copy thereof in three of any of the following places in any combination: (i) one or more public places in the county or city ~~wherein~~ where the property is located; (ii) one or more websites operated by the Commonwealth, the county or city where the property is located, or a political subdivision of either; or (iii) one or more newspapers of general circulation in the county or city where the property is located, either in print or on their websites. For purposes of this section, a "public place" means a premises owned by the Commonwealth, ~~or a political subdivision thereof, or an agency of either which,~~ that is open to the general public.

If the property is a motor vehicle (i) for which neither the owner nor any other lienholder or secured party can be determined by the Department of Motor Vehicles through a diligent search of its records, (ii) manufactured for a model year at least six years prior to the current model year, and (iii) having a value of no more than \$3,000 as determined by the provisions of § 8.01-419.1, a person having a lien on such vehicle may, after showing proof that the vehicle has been in his continuous custody for at least 30 days, apply for and receive from the Department of Motor Vehicles title or a nonrepairable certificate to such vehicle, free of all liens and claims of ownership of others, and proceed to sell or otherwise dispose of the vehicle.

Whenever a motor vehicle is sold hereunder, the Department of Motor Vehicles shall issue a certificate of title and registration or a nonrepairable certificate to the purchaser thereof upon his application containing the serial or motor number of the vehicle purchased together with an affidavit of the lienholder that he has complied with the provisions hereof, or by the sheriff conducting a sale that he has complied with said order.

Any garage keeper to whom a motor vehicle has been delivered pursuant to § 46.2-1209, 46.2-1213, or 46.2-1215 may after 30 days from the date of delivery proceed under this section, provided that action has not been taken pursuant to such sections for the sale of such motor vehicle.

Notwithstanding any provisions to the contrary, any person having a lien under § 46.2-644.01 or 46.2-644.02 shall comply with the provisions of the federal Servicemembers Civil Relief Act (50 U.S.C. App. 501 et seq.) when disposing of a vehicle owned by a member of the military duty or service.

CHAPTER 398

An Act to direct the Virginia Criminal Sentencing Commission to study the sentencing guidelines for heroin possession.

[H 1059]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Virginia Criminal Sentencing Commission (the Commission) under its powers and duties shall evaluate judge-sentencing and jury-sentencing patterns and practices in cases of manufacturing, selling, giving, distributing, or possessing with intent to manufacture, sell, give, or distribute heroin across the Commonwealth and recommend adjustments in the sentencing guidelines previously adopted by the Commission.*

CHAPTER 399

An Act to amend and reenact § 24.2-643 of the Code of Virginia, relating to procedures at polling place; provision of voter's full name and current residence address.

[H 1223]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-643 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-643. Qualified voter permitted to vote; procedures at polling place; voter identification.

A. After the polls are open, each qualified voter at a precinct shall be permitted to vote. The officers of election shall ascertain that a person offering to vote is a qualified voter before admitting him to the voting booth and furnishing an official ballot to him.

B. (Effective January 2, 2016) An officer of election shall ask the voter for his full name and current residence address and *the voter may give such information orally or in writing. The officer of election shall repeat, in a voice audible to party and candidate representatives present, the full name and address stated provided by the voter.* The officer shall ask the voter to present any one of the following forms of identification: his valid Virginia driver's license, his valid United States passport, or any other photo identification issued by the Commonwealth, one of its political subdivisions, or the United States; any valid student identification card containing a photograph of the voter and issued by any institution of higher education located in the Commonwealth or any private school located in the Commonwealth; or any valid employee identification card containing a photograph of the voter and issued by an employer of the voter in the ordinary course of the employer's business.

Any voter who does not show one of the forms of identification specified in this subsection shall be offered a provisional ballot under the provisions of § 24.2-653. The State Board of Elections shall provide an ID-ONLY provisional ballot envelope that requires no follow-up action by the registrar or electoral board other than matching submitted identification documents from the voter for the electoral board to make a determination on whether to count the ballot.

If the voter presents one of the forms of identification listed above, if his name is found on the pollbook in a form identical to or substantially similar to the name on the presented form of identification and the name ~~stated~~ *provided* by the voter, if he is qualified to vote in the election, and if no objection is made, an officer shall enter, opposite the voter's name on the pollbook, the first or next consecutive number from the voter count form provided by the State Board, or shall enter that the voter has voted if the pollbook is in electronic form; an officer shall provide the voter with the official ballot; and another officer shall admit him to the voting booth. Each voter whose name has been marked on the pollbooks as present to vote and entitled to a ballot shall remain in the presence of the officers of election in the polling place until he has voted. If a line of voters who have been marked on the pollbooks as present to vote forms to await entry to the voting booths, the line shall not be permitted to extend outside of the room containing the voting booths and shall remain under observation by the officers of election.

A voter may be accompanied into the voting booth by his child age 15 or younger.

C. If the current residence address ~~stated~~ *provided* by the voter is different from the address shown on the pollbook, the officer of election shall furnish the voter with a change of address form prescribed by the State Board. Upon its completion, the voter shall sign the prescribed form, subject to felony penalties for making false statements pursuant to § 24.2-1016, which the officer of election shall then place in an envelope provided for such forms for transmission to the general registrar who shall then transfer or cancel the registration of such voter pursuant to Chapter 4 (§ 24.2-400 et seq.).

D. At the time the voter is asked his full name and current residence address, the officer of election shall ask any voter for whom the pollbook indicates that an identification number other than a social security number is recorded on the Virginia voter registration system if he presently has a social security number. If the voter is able to provide his social security number, he shall be furnished with a voter registration form prescribed by the State Board to update his registration information. Upon its completion, the form shall be placed by the officer of election in an envelope provided for such forms for transmission to the general registrar. Any social security numbers so provided shall be entered by the general registrar in the voter's record on the voter registration system.

CHAPTER 400

An Act to amend and reenact § 2.2-1124 of the Code of Virginia, relating to the Department of General Services; disposition of surplus materials; police animals.

[H 1238]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1124 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1124. Disposition of surplus materials.

A. "Surplus materials" means personal property including, but not limited to, materials, supplies, equipment, and recyclable items, but shall not include property as defined in § 2.2-1147 that is determined to be surplus. Surplus materials shall not include finished products that a state hospital or training center operated by the Department of Behavioral Health and Developmental Services sells for the benefit of individuals receiving services in the state hospital or training center, provided that (i) most of the supplies, equipment, or products have been donated to the state hospital or training center; (ii) the individuals in the state hospital or training center have substantially altered the supplies, equipment, or products in the course of occupational or other therapy; and (iii) the substantial alterations have resulted in a finished product.

B. The Department shall establish procedures for the disposition of surplus materials from departments, divisions, institutions, and agencies of the Commonwealth. Such procedures shall:

1. Permit surplus materials to be transferred between or sold to departments, divisions, institutions, or agencies of the Commonwealth;

2. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as clinics for the indigent and uninsured that are organized for the delivery of primary health care services (i) as federally qualified health centers designated by the Health Care Financing Administration or (ii) at a reduced or sliding fee scale or without charge;

3. Permit public sales or auctions, including online public auctions;

4. Permit surplus motor vehicles to be sold prior to public sale or auction to local social service departments for the purpose of resale at cost to TANF recipients;

5. Permit surplus materials to be sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as children's homes;

6. Permit donations to political subdivisions of the Commonwealth under the circumstances specified in this section;

7. Permit other methods of disposal when (a) the cost of the sale will exceed the potential revenue to be derived therefrom or (b) the surplus material is not suitable for sale;

8. Permit any ~~dog~~ animal especially trained for police work to be sold at ~~an appropriate price~~ a price of \$1 to the handler who last was in control of the ~~dog~~, which animal. *The agency or institution may allow the immediate survivor of any full-time sworn law-enforcement officer who (i) is killed in the line of duty or (ii) dies in service and has at least 10 years of service to purchase the service animal at a price of \$1. Any such sale shall not be deemed a violation of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.);*

9. Permit the transfer of surplus clothing to an appropriate department, division, institution, or agency of the Commonwealth for distribution to needy individuals by and through local social services boards;

10. Encourage the recycling of paper products, beverage containers, electronics, and used motor oil;

11. Require the proceeds from any sale or recycling of surplus materials be promptly deposited into the state treasury in accordance with § 2.2-1802 and report the deposit to the State Comptroller;

12. Permit donations of surplus computers and related equipment to public schools in the Commonwealth and Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and providing services to persons with disabilities, at-risk youths, or low-income families. For the purposes of this subdivision, "at-risk youths" means school-age children approved eligible to receive free or reduced price meals in the federally funded lunch program;

13. Permit surplus materials to be transferred or sold, prior to public sale or auction, to public television stations located in the state and other nonprofit organizations approved for the distribution of federal surplus materials;

14. Permit a public institution of higher education to dispose of its surplus materials at the location where the surplus materials are held and to retain any proceeds from such disposal, provided that the institution meets the conditions prescribed in subsection B of § 23-38.88 and § 23-38.112 (regardless of whether or not the institution has been granted any authority under Subchapter 3 (§ 23-38.91 et seq.) of Chapter 4.10 of Title 23);

15. Permit surplus materials from (i) the Department of Defense Excess Property Program or (ii) other surplus property programs administered by the Commonwealth to be transferred or sold to Virginia charitable corporations granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code and operating as an educational institution devoted to emergency management training, preparedness, and response; and

16. Require, to the extent practicable, the recycling and disposal of computers and other information technology assets. Additionally, for computers or information technology assets that may contain confidential state data or personal identifying information of citizens of the Commonwealth, the Department shall ensure all policies for the transfer or other disposition of computers or information technology assets are consistent with data and information security policies developed by the Virginia Information Technologies Agency.

C. The Department shall dispose of surplus materials pursuant to the procedures established in subsection B or permit any department, division, institution, or agency of the Commonwealth to dispose of its surplus materials consistent with the procedures so established. No surplus materials shall be disposed of without prior consent of the head of the department, division, institution, or agency of the Commonwealth in possession of such surplus materials or the Governor.

D. Departments, divisions, institutions, or agencies of the Commonwealth or the Governor may donate surplus materials only under the following circumstances:

1. Emergencies declared in accordance with § 44-146.18:2 or 44-146.28;

2. As set forth in the budget bill as defined by § 2.2-1509, provided that (a) the budget bill contains a description of the surplus materials, the method by which the surplus materials shall be distributed, and the anticipated recipients, and (b) such

information shall be provided by the Department to the Department of Planning and Budget in sufficient time for inclusion in the budget bill;

3. When the market value of the surplus materials, which shall be donated for a public purpose, is less than \$500; however, the total market value of all surplus materials so donated by any department, division, institution, or agency shall not exceed 25 percent of the revenue generated by such department's, division's, institution's, or agency's sale of surplus materials in the fiscal year, except these limits shall not apply in the case of surplus computer equipment and related items donated to Virginia public schools; or

4. During a local emergency, upon written request of the head of a local government or a political subdivision in the Commonwealth to the head of a department, division, institution, or agency.

E. On or before October 1 of each year, the Department shall prepare, and file with the Secretary of the Commonwealth, a plan that describes the expected disposition of surplus materials in the upcoming fiscal year pursuant to subdivision B 6.

F. The Department may make available to any local public body of the Commonwealth the services or facilities authorized by this section; however, the furnishing of any such services shall not limit or impair any services normally rendered any department, division, institution or agency of the Commonwealth. All public bodies shall be authorized to use the services of the Department's Surplus Property Program under the guidelines established pursuant to this section and the surplus property policies and procedures of the Department. Proceeds from the sale of the surplus property shall be returned to the local body minus a service fee. The service fee charged by the Department shall be consistent with the fee charged by the Department to state public bodies.

CHAPTER 401

An Act to amend and reenact §§ 24.2-947.9 and 24.2-949.6 of the Code of Virginia, relating to large pre-election contributions; deadline for disclosure.

[H 1387]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-947.9 and 24.2-949.6 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-947.9. Special report required of certain large pre-election contributions.

A. Any contribution reported pursuant to this section shall also be reported on the first report required by this article after any election.

B. Except as provided in subsection C, any single contribution of \$5,000 or more for a statewide office, \$1,000 or more for the General Assembly, or \$500 or more for any other office, knowingly received or reported by the candidate or his treasurer on behalf of his candidacy on and after the eleventh day preceding (i) a primary and before the primary date, (ii) a general election and before the general election date, or (iii) any other election in which the individual is a candidate and before the election day, shall be reported in writing as provided in §§ 24.2-947.4 and 24.2-947.5 or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board or general registrar, as appropriate, by ~~5:00~~ 11:59 p.m. on the following day or for a contribution received on a Saturday by ~~5:00~~ 11:59 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election.

C. The reports required by subsection B of this section shall also be required of any candidate for nomination by a political party to serve as the party's nominee in a general or special election if (i) the party nominates by convention or any method other than a primary and (ii) there are at least two candidates for nomination pursuant to the rules and procedures of the party. In such case, candidates for nomination shall be required to file the reports required by subsection B for the 11-day period, as specified by subsection B, immediately preceding:

1. The caucus, mass meeting, convention, or other nominating event at which the party's nomination shall be finally determined pursuant to the rules and procedures of the party; and

2. Any caucus, mass meeting, convention, or other nominating event, other than that at which the party's nomination shall be finally determined, at which delegates are chosen who are pledged to support a specified candidate on at least one ballot at a subsequent district or state convention required as part of the nominating process.

D. No report shall be required pursuant to subsection C if the candidate is or has become, by virtue of the withdrawal of any opponent or the operation of the rules and procedures of the party, unopposed for nomination at the time such report otherwise would be required to be made.

§ 24.2-949.6. Filing schedule for political action committees.

A. Political action committees shall file the prescribed campaign finance reports with the State Board in accordance with the applicable provisions of this section. The first filed report shall be complete for the entire period from the time the committee was organized or contributions were received.

B. The reporting requirements shall continue in effect for each committee until a final report is filed.

C. Political action committees shall file the prescribed campaign finance reports as follows:

1. Not later than April 15 complete from the preceding report through March 31;

2. Not later than July 15 complete from the preceding report through June 30;
3. Not later than October 15 complete from the preceding report through September 30; and
4. Not later than January 15 complete from the preceding report through December 31, and then continuing in accordance with this subsection until a final report is filed.

D. A political action committee that files its statement of organization on or after August 15 and before the November election day in any odd-numbered year shall file with its statement of organization a campaign finance report as provided in § 24.2-949.5 for that year, complete through the date that it files its statement of organization, and if such political action committee files its statement of organization before September 30, such political action committee shall file its next campaign finance report in accordance with subdivision C 3. After September 30, or after the date a political action committee has filed its statement of organization if the political action committee has filed its statement of organization on or after October 1, and until the November election day, the political action committee shall report any single contribution of \$500 or more to the State Board in writing or electronically pursuant to § 24.2-946.1, and the report shall be received by the State Board by ~~5:00~~ 11:59 p.m. on the following day, or for a contribution received on a Saturday, by ~~5:00~~ 11:59 p.m. on the following Monday. However, any such contribution received within the 24 hours prior to the election day shall be reported and a report thereof received on the day prior to the election. Any activity reported pursuant to this subsection shall also be reported on the report required to be filed for activity through December 31.

CHAPTER 402

An Act to amend and reenact § 24.2-222.1 of the Code of Virginia, relating to time of municipal elections.

[S 43]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-222.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-222.1. Alternative election of mayor and council at November general election in cities and towns.

A. Notwithstanding the provisions of § 24.2-222, *and notwithstanding any contrary provisions of a city or town charter*, the council of a city or town may provide by ordinance that the mayor, if an elected mayor is provided for by charter, and council shall be elected at the November general election date of any cycle as designated in the ordinance, for terms to commence January 1. No such ordinance shall be adopted between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein.

B. Alternatively, the registered voters of a city or town may file a petition with the circuit court of the city or of the county within which the town is located asking that a referendum be held on the question of whether the city or town should elect the mayor, if an elected mayor is provided for by charter, and council members at the November general election date of any cycle as designated in the petition. The petition shall be signed by registered voters equal in number to at least ten percent of the number registered in the city or town on the January 1 preceding the filing.

The court, pursuant to § 24.2-684, shall order the election officials on a day fixed in the order to conduct a referendum on the question, provided that no such referendum shall be scheduled between January 1 and the May general election date of the year in which city or town elections regularly are scheduled to be held therein. The clerk of the court shall publish notice of the referendum once a week for the three consecutive weeks prior to the referendum in a newspaper having general circulation in the city or town, and shall post a copy of the notice at the door of the courthouse of the city or county within which the town is located. The question on the ballot shall be:

"Shall the (city or town) change the election date of the mayor (if so provided by charter) and members of council from the May general election to the November general election (in even-numbered or odd-numbered years or as otherwise designated in the petition)?"

If members of the school board in the city or town are elected by the voters, the ballot question also shall state that the change in election date applies to the election of school board members.

The referendum shall be held and the results certified as provided in § 24.2-684. If a majority of the voters voting in the referendum vote in favor of the change, the mayor and council thereafter shall be elected at the November general election date for terms to commence January 1.

C. Except as provided in subsection D, no term of a mayor or member of council shall be shortened in implementing the change to the November election date. Mayors and members of council who were elected at a May general election and whose terms are to expire as of June 30 shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

D. In any city or town that elects its council biennially or quadrennially and that changes to the November general election date in odd-numbered years from the May general election date in even-numbered years, mayors and members of council who were elected at a May general election shall have their term of office shortened by six months but shall continue in office until their successors have been elected at the November general election and have been qualified to serve.

CHAPTER 403

An Act to amend and reenact § 24.2-107 of the Code of Virginia, relating to meetings of the electoral boards; minutes required to be posted on website.

[S 89]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 24.2-107 of the Code of Virginia is amended and reenacted as follows:****§ 24.2-107. Meetings; quorum; notice; account of proceedings; seal; records open to inspection.**

The electoral board of each city and county shall meet during the first week in February of the year in which it is to appoint officers of election pursuant to § 24.2-115 and during the month of March each year at the time set by the board and at any other time on the call of any board member. Two members shall constitute a quorum. Notice of each meeting shall be given to all board members either by the secretary or the member calling the meeting at least three business days prior to the meeting except in the case of an emergency as defined in § 2.2-3701. Notice shall be given to the public as required by § 2.2-3707. All meetings shall be conducted in accordance with the requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) unless otherwise provided by this section. Notwithstanding the public notice requirements of § 2.2-3707, two or more members of an electoral board may meet on election day to discuss a matter concerning that day's election, where such matter requires resolution on that day, and an effort has been made by all available means to give notice of the meeting to all board members. The presence of two or more board members while the ballots, election materials, or voting equipment are being prepared, current or potential polling places are being inspected, or election officials are being trained, or a telephone call between two board members preparing for a meeting, shall not constitute a meeting provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

The secretary shall keep an accurate account of all board proceedings in a minute book, including all appointments and removals of general registrars and officers of election. The secretary shall keep in his custody the duly adopted seal of the board.

Minutes of meetings that are required to be recorded pursuant to § 2.2-3707 shall be posted on the website of the electoral board or the official website for the county or city, when such means are available. Minutes of meetings shall be posted as soon as possible but no later than one week prior to the following meeting of the electoral board.

Books, papers, and records of the board shall be open to public inspection and copying whenever the general registrar's office is open for business either at the office of the board or the office of the general registrar. The general registrar shall determine a reasonable charge, not to exceed the fee authorized pursuant to subdivision A 8 of § 17.1-275, to be paid for copies made from the books, papers, and records of the board.

No election record containing an individual's social security number, or any part thereof, shall be made available for inspection or copying by anyone. The State Board of Elections shall prescribe procedures for local electoral boards and general registrars to make the information in certificates of candidate qualification available in a manner that does not reveal social security numbers or any parts thereof.

CHAPTER 404

An Act to amend and reenact § 64.2-2019 of the Code of Virginia, relating to guardianship; communication between incapacitated person and others.

[S 466]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 64.2-2019 of the Code of Virginia is amended and reenacted as follows:****§ 64.2-2019. Duties and powers of guardian.**

A. A guardian stands in a fiduciary relationship to the incapacitated person for whom he was appointed guardian and may be held personally liable for a breach of any fiduciary duty to the incapacitated person. A guardian shall not be liable for the acts of the incapacitated person unless the guardian is personally negligent. A guardian shall not be required to expend personal funds on behalf of the incapacitated person.

B. A guardian's duties and authority shall not extend to decisions addressed in a valid advance directive or durable power of attorney previously executed by the incapacitated person. A guardian may seek court authorization to revoke, suspend, or otherwise modify a durable power of attorney, as provided by the Uniform Power of Attorney Act (§ 64.2-1600 et seq.). Notwithstanding the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.) and in accordance with the procedures of § 64.2-2012, a guardian may seek court authorization to modify the designation of an agent under an advance directive, but the modification shall not in any way affect the incapacitated person's directives concerning the provision or refusal of specific medical treatments or procedures.

C. A guardian shall maintain sufficient contact with the incapacitated person to know of his capabilities, limitations, needs, and opportunities. The guardian shall visit the incapacitated person as often as necessary.

D. A guardian shall be required to seek prior court authorization to change the incapacitated person's residence to another state, to terminate or consent to a termination of the person's parental rights, or to initiate a change in the person's marital status.

E. A guardian shall, to the extent feasible, encourage the incapacitated person to participate in decisions, to act on his own behalf, and to develop or regain the capacity to manage personal affairs. A guardian, in making decisions, shall consider the expressed desires and personal values of the incapacitated person to the extent known and shall otherwise act in the incapacitated person's best interest and exercise reasonable care, diligence, and prudence. *A guardian shall not unreasonably restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship.*

F. A guardian shall have authority to make arrangements for the funeral and disposition of remains, including cremation, interment, entombment, memorialization, inurnment, or scattering of the cremains, or some combination thereof, if the guardian is not aware of any person that has been otherwise designated to make such arrangements as set forth in § 54.1-2825. A guardian shall have authority to make arrangements for the funeral and disposition of remains after the death of an incapacitated person if, after the guardian has made a good faith effort to locate the next of kin of the incapacitated person to determine if the next of kin wishes to make such arrangements, the next of kin does not wish to make the arrangements or the next of kin cannot be located. Good faith effort shall include contacting the next of kin identified in the petition for appointment of a guardian. The funeral service licensee, funeral service establishment, registered crematory, cemetery, cemetery operator, or guardian shall be immune from civil liability for any act, decision, or omission resulting from acceptance of any dead body for burial, cremation, or other disposition when the provisions of this section are met, unless such acts, decisions, or omissions resulted from bad faith or malicious intent.

CHAPTER 405

An Act to amend and reenact § 64.2-2019 of the Code of Virginia, relating to guardianship; communication between incapacitated person and others.

[H 342]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-2019 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-2019. Duties and powers of guardian.

A. A guardian stands in a fiduciary relationship to the incapacitated person for whom he was appointed guardian and may be held personally liable for a breach of any fiduciary duty to the incapacitated person. A guardian shall not be liable for the acts of the incapacitated person unless the guardian is personally negligent. A guardian shall not be required to expend personal funds on behalf of the incapacitated person.

B. A guardian's duties and authority shall not extend to decisions addressed in a valid advance directive or durable power of attorney previously executed by the incapacitated person. A guardian may seek court authorization to revoke, suspend, or otherwise modify a durable power of attorney, as provided by the Uniform Power of Attorney Act (§ 64.2-1600 et seq.). Notwithstanding the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.) and in accordance with the procedures of § 64.2-2012, a guardian may seek court authorization to modify the designation of an agent under an advance directive, but the modification shall not in any way affect the incapacitated person's directives concerning the provision or refusal of specific medical treatments or procedures.

C. A guardian shall maintain sufficient contact with the incapacitated person to know of his capabilities, limitations, needs, and opportunities. The guardian shall visit the incapacitated person as often as necessary.

D. A guardian shall be required to seek prior court authorization to change the incapacitated person's residence to another state, to terminate or consent to a termination of the person's parental rights, or to initiate a change in the person's marital status.

E. A guardian shall, to the extent feasible, encourage the incapacitated person to participate in decisions, to act on his own behalf, and to develop or regain the capacity to manage personal affairs. A guardian, in making decisions, shall consider the expressed desires and personal values of the incapacitated person to the extent known and shall otherwise act in the incapacitated person's best interest and exercise reasonable care, diligence, and prudence. *A guardian shall not unreasonably restrict an incapacitated person's ability to communicate with, visit, or interact with other persons with whom the incapacitated person has an established relationship.*

F. A guardian shall have authority to make arrangements for the funeral and disposition of remains, including cremation, interment, entombment, memorialization, inurnment, or scattering of the cremains, or some combination thereof, if the guardian is not aware of any person that has been otherwise designated to make such arrangements as set forth in § 54.1-2825. A guardian shall have authority to make arrangements for the funeral and disposition of remains after the death of an incapacitated person if, after the guardian has made a good faith effort to locate the next of kin of the incapacitated person to determine if the next of kin wishes to make such arrangements, the next of kin does not wish to make the arrangements or the next of kin cannot be located. Good faith effort shall include contacting the next of kin identified in the petition for appointment of a guardian. The funeral service licensee, funeral service establishment, registered crematory,

cemetery, cemetery operator, or guardian shall be immune from civil liability for any act, decision, or omission resulting from acceptance of any dead body for burial, cremation, or other disposition when the provisions of this section are met, unless such acts, decisions, or omissions resulted from bad faith or malicious intent.

CHAPTER 406

An Act to amend and reenact §§ 54.1-2522.1 and 54.1-2523.2 of the Code of Virginia, relating to Prescription Monitoring Program; requirements of prescribers of opioids.

[H 293]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2522.1 and 54.1-2523.2 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2522.1. Requirements of prescribers.

A. Any prescriber who is licensed in the Commonwealth to treat human patients and is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription for a covered substance shall be registered with the Prescription Monitoring Program by the Department of Health Professions.

~~B. Prescribers~~ *A prescriber registered with the Prescription Monitoring Program or a person to whom he has delegated authority to access information in the possession of the Prescription Monitoring Program pursuant to § 54.1-2523.2 shall, at the time of initiating a new course of treatment to a human patient that includes the prescribing of benzodiazepine or an opiate opioids anticipated at the onset of treatment to last more than 90 14 consecutive days, request information from the Director for the purpose of determining what, if any, other covered substances are currently prescribed to the patient. In addition, any prescriber who holds a special identification number from the Drug Enforcement Administration authorizing the prescribing of controlled substances approved for use in opioid addiction therapy shall, prior to or as a part of execution of a treatment agreement with the patient, request information from the Director for the purpose of determining what, if any, other covered substances the patient is currently being prescribed. Nothing in this section shall prohibit prescribers from making additional periodic requests for information from the Director as may be required by routine prescribing practices.*

~~C. The Secretary of Health and Human Resources may identify and publish a list of benzodiazepines or opiates that have a low potential for abuse by human patients. Prescribers who prescribe such identified benzodiazepines or opiates shall not be required to meet the provisions of subsection B. In addition, a~~ *A prescriber shall not be required to meet the provisions of subsection B if the course of treatment arises from pain management relating to dialysis or cancer treatments.*

- 1. The opioid is prescribed to a patient currently receiving hospice or palliative care;*
- 2. The opioid is prescribed to a patient as part of treatment for a surgical or invasive procedure and such prescription is not refillable;*
- 3. The opioid is prescribed to a patient during an inpatient hospital admission or at discharge;*
- 4. The opioid is prescribed to a patient in a nursing home or a patient in an assisted living facility that uses a sole source pharmacy;*
- 5. The Prescription Monitoring Program is not operational or available due to temporary technological or electrical failure or natural disaster; or*
- 6. The prescriber is unable to access the Prescription Monitoring Program due to emergency or disaster and documents such circumstances in the patient's medical record.*

§ 54.1-2523.2. Authority to access database.

Any prescriber or dispenser authorized to access the information in the possession of the Prescription Monitoring Program pursuant to this chapter may, pursuant to regulations promulgated by the Director to implement the provisions of this section, delegate such authority to ~~health care professionals~~ *individuals who are employed or engaged at the same facility and under the direct supervision of the prescriber or dispenser and (i) are licensed, registered, or certified by a health regulatory board under the Department of Health Professions or in another jurisdiction and or (ii) employed at the same facility and under the direct supervision of the prescriber or dispenser have routine access to confidential patient data and have signed a patient data confidentiality agreement.*

2. That the provisions of this act shall expire on July 1, 2019.

3. That the Director of the Department of Health Professions shall report to the House Committee on Health, Welfare and Institutions and the Senate Committee on Education and Health on utilization of the Prescription Monitoring Program and any impact on prescribing opioids.

CHAPTER 407

An Act to amend and reenact § 37.2-304 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-312.2, relating to the Mental Health First Aid Program.

[H 197]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-304 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-312.2 as follows:

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.
2. To employ the personnel required to carry out the purposes of this title.
3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.
4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.
5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.
6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.
7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of critical incidents or deaths of individuals receiving services in facilities within 15 working days of the critical incident or death.
8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.
9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.
10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.

11. To establish and maintain the Commonwealth Mental Health First Aid Program pursuant to § 37.2-312.2.

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 37.2-312.2. Commonwealth Mental Health First Aid Program.

A. For the purposes of this section, "certified trainer" means a person who has successfully completed a Mental Health First Aid instructor training program offered by the national authorities of Mental Health First Aid USA or the Commonwealth Mental Health First Aid Program and obtained a certification as an instructor of Mental Health First Aid.

B. The Department shall establish and administer the Commonwealth Mental Health First Aid Program (the Program) to provide training by certified trainers of individuals residing or working in the Commonwealth on how to identify and assist individuals who have or may be developing a mental health or substance use disorder or who may be experiencing a mental health or substance abuse crisis. Such program shall include training on:

1. *Building mental health and substance abuse literacy designed to help the public identify, understand, and respond to the signs of mental illness and substance abuse;*
2. *Assisting individuals who have or may be developing a mental health or substance use disorder or who may be experiencing a mental health or substance abuse crisis by (i) recognizing the symptoms of a mental health or substance use disorder; (ii) providing initial assistance to those experiencing a mental health crisis; (iii) guiding individuals requiring assistance, including individuals who may be experiencing a mental health or substance abuse crisis, toward appropriate professional assistance; (iv) providing comfort to an individual experiencing a mental health or substance abuse crisis; (v) helping an individual with a mental health or substance use disorder avoid a mental health or substance abuse crisis that may lead to more costly interventions and treatments; and (vi) promoting healing, recovery, and good mental health.*

C. The Department shall ensure that evaluative criteria are established to measure the effectiveness of the Program, including fidelity of the Program and training provided thereunder to the objectives set forth in subsection B.

D. Neither the Department nor any other agency of the Commonwealth shall incur any liability by reason of (i) any action taken by an employer or other person on the basis of information or materials provided through the Program or (ii) any workplace violence that occurs, regardless of whether the workplace at which an episode of workplace violence occurs had received information or materials provided through the Program.

CHAPTER 408

An Act to amend and reenact § 63.2-1605 of the Code of Virginia, relating to financial exploitation of adults.

[H 248]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1605 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1605. Protective services for adults by local departments.

A. Each local board, to the extent that federal or state matching funds are made available to each locality, shall provide, pursuant to regulations and subject to supervision of the Commissioner for Aging and Rehabilitative Services, adult protective services for adults who are found to be abused, neglected or exploited and who meet one of the following criteria: (i) the adult is 60 years of age or older or (ii) the adult is 18 years of age or older and is incapacitated. The requirement to provide such services shall not limit the right of any individual to refuse to accept any of the services so offered, except as provided in § 63.2-1608.

B. Upon receipt of the report pursuant to § 63.2-1606, the local department shall determine the validity of such report and shall initiate an investigation within 24 hours of the time the report is received in the local department. Local departments shall consider valid any report meeting all of the following criteria: (i) the subject of the report is an adult as defined in this article, (ii) the report concerns a specific adult and there is enough information to locate the adult, and (iii) the report describes the circumstances of the alleged abuse, neglect, or exploitation.

C. The local department shall refer any appropriate matter and all relevant documentation to the appropriate licensing, regulatory, or legal authority for administrative action or criminal investigation.

D. If a local department is denied access to an adult for whom there is reason to suspect the need for adult protective services, then the local department may petition the circuit court for an order allowing access or entry or both. Upon a showing of good cause supported by an affidavit or testimony in person, the court may enter an order permitting such access or entry.

E. In any case of suspected adult abuse, neglect, or exploitation, local departments, with the informed consent of the adult or his legal representative, shall take or cause to be taken photographs, video recordings, or appropriate medical imaging of the adult and his environment as long as such measures are relevant to the investigation and do not conflict with § 18.2-386.1. However, if the adult is determined to be incapable of making an informed decision and of giving informed consent and either has no legal representative or the legal representative is the suspected perpetrator of the adult abuse, neglect, or exploitation, consent may be given by an agent appointed under an advance medical directive or medical power of attorney, or by a person authorized, pursuant to § 54.1-2986. In the event no agent or authorized representative is immediately available then consent shall be deemed to be given.

F. Local departments shall foster the development, implementation, and coordination of adult protective services to prevent adult abuse, neglect, and exploitation.

G. Local departments shall not investigate allegations of abuse, neglect, or exploitation of adults incarcerated in state correctional facilities.

H. Local departments or the adult protective services hotline, upon receiving the initial report pursuant to § 63.2-1606, shall immediately notify the local law-enforcement agency where the adult resides, or where the alleged abuse, neglect, or exploitation took place, or if these places are unknown, then where the alleged abuse, neglect, or exploitation was discovered, when in receipt of a report describing any of the following:

1. Sexual abuse as defined in § 18.2-67.10;
2. Death, serious bodily injury or disease as defined in § 18.2-369 that is believed to be the result of abuse or neglect; or
3. Any other criminal activity involving abuse or neglect that places the adult in imminent danger of death or serious bodily harm.

I. Upon receipt of an initial report pursuant to § 63.2-1606 or during an adult protective services investigation of suspected financial exploitation of an adult in which financial losses to the adult resulting from the exploitation are suspected to be greater than \$50,000, the local department or adult protective services hotline shall immediately refer the matter and all relevant documentation to the local law-enforcement agency where the adult resides or where the alleged exploitation took place or, if these places are not known, where the alleged exploitation was discovered, for investigation.

J. The report and evidence received by the local department and any written findings, evaluations, records, and recommended actions shall be confidential and shall be exempt from disclosure requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), except that such information may be disclosed to persons having a legitimate interest in the matter in accordance with §§ 63.2-102 and 63.2-104 and pursuant to official interagency agreements or memoranda of understanding between state agencies.

CHAPTER 409

An Act to amend and reenact § 54.1-2957 of the Code of Virginia, relating to nurse practitioners; practicing outside of a patient care team.

[H 581]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 54.1-2957 of the Code of Virginia is amended and reenacted as follows:****§ 54.1-2957. Licensure and practice of nurse practitioners; practice agreements.**

A. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It shall be unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

B. A nurse practitioner shall only practice as part of a patient care team. Each member of a patient care team shall have specific responsibilities related to the care of the patient or patients and shall provide health care services within the scope of his usual professional activities. Nurse practitioners practicing as part of a patient care team shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. Nurse practitioners who are certified registered nurse anesthetists shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. Nurse practitioners appointed as medical examiners pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16. Practice of patient care teams in all settings shall include the periodic review of patient charts or electronic health records and may include visits to the site where health care is delivered in the manner and at the frequency determined by the patient care team.

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

C. The Board of Medicine and the Board of Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include a provision for appropriate physician input in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

D. The Boards may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, in the opinion of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the Commonwealth.

E. Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

F. In the event a physician who is serving as a patient care team physician dies, becomes disabled, retires from active practice, surrenders his license or has it suspended or revoked by the Board, or relocates his practice such that he is no longer able to serve, and a nurse practitioner is unable to enter into a new practice agreement with another patient care team physician, the nurse practitioner may continue to practice upon notification to the designee or his alternate of the Boards and receipt of such notification. Such nurse practitioner may continue to treat patients without a patient care team physician for an initial period not to exceed 60 days, provided the nurse practitioner continues to prescribe only those drugs previously authorized by the practice agreement with such physician and to have access to appropriate physician input in complex clinical cases and patient emergencies and for referrals. The designee or his alternate of the Boards shall grant permission for the nurse practitioner to continue practice under this subsection for another 60 days, provided the nurse practitioner provides evidence of efforts made to secure another patient care team physician and of access to physician input.

G. As used in this section:

"Collaboration" means the communication and decision-making process among members of a patient care team related to the treatment and care of a patient and includes (i) communication of data and information about the treatment and care of a patient, including exchange of clinical observations and assessments; and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means the communicating of data and information, exchanging of clinical observations and assessments, accessing and assessing of additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

CHAPTER 410

An Act to amend and reenact §§ 54.1-2520 and 54.1-2523 of the Code of Virginia, relating to Prescription Monitoring Program; disclosures.

[H 1044]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2520 and 54.1-2523 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2520. Program establishment; Director's regulatory authority.

A. The Director shall establish, maintain, and administer an electronic system to monitor the dispensing of covered substances to be known as the Prescription Monitoring Program. Covered substances shall include all Schedule II, III, and IV controlled substances, as defined in the Drug Control Act (§ 54.1-3400 et seq.), and any other drugs of concern identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

B. The Director, after consultation with relevant health regulatory boards, shall promulgate, in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), such regulations as are necessary to implement the prescription monitoring program as provided in this chapter, including, but not limited to, the establishment of criteria for granting waivers of the reporting requirements set forth in § 54.1-2521.

C. The Director may enter into contracts as may be necessary for the implementation and maintenance of the Prescription Monitoring Program.

D. The Director shall provide dispensers with a basic file layout to enable electronic transmission of the information required in this chapter. For those dispensers unable to transmit the required information electronically, the Director shall provide an alternative means of data transmission.

E. The Director shall also establish an advisory committee within the Department to assist in the implementation and evaluation of the Prescription Monitoring Program. *Such advisory committee shall provide guidance to the Director regarding information disclosed pursuant to subdivision C 9 of § 54.1-2523.*

§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 15 of § 2.2-3705.5. Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer as described in § 9.1-176.1 who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in determining the validity of a prescription in accordance with § 54.1-3303 when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

9. *Information about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program. Such information shall only be used to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Virginia Medicaid managed care program from the Prescription Monitoring Program.*

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

CHAPTER 411

An Act to amend the Code of Virginia by adding in Chapter 8.1 of Title 32.1 a section numbered 32.1-309.5, relating to dead bodies; storage.

[S 595]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 8.1 of Title 32.1 a section numbered 32.1-309.5 as follows:

§ 32.1-309.5. Storage of a dead human body.

If a dead human body is to be stored for more than 48 hours prior to disposition, any institution having custody of such body shall ensure that the dead human body is maintained in refrigeration at no more than approximately 40 degrees Fahrenheit or shall enter into an agreement with a local funeral service establishment pursuant to subsection D of § 32.1-309.2. Any related expenses shall be borne by the claimant or the relevant city or county in accordance with § 32.1-309.1 or 32.1-309.2.

CHAPTER 412

An Act to amend the Code of Virginia by adding a section numbered 15.2-961.2, relating to tree conservation ordinance; notice.

[H 647]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 15.2-961.2 as follows:

§ 15.2-961.2. Conservation of trees; notice of infill lot grading plan.

An ordinance adopted pursuant to § 15.2-961.1 may allow a locality to post signs on private property that is proposed to be redeveloped with one single-family home that notify the public that an infill lot grading plan is pending for review before the locality. The locality may not require the applicant to be responsible for such posting. The failure to post the property shall not be a ground for denial of such grading plan.

CHAPTER 413

An Act to amend and reenact § 3-3, §§ 6-1, 6-11, and 6-12, as amended, § 6-3, and § 7-6, as amended, of Chapter 358 of the Acts of Assembly of 1958, which provided a charter for the Town of Tazewell in Tazewell County; to amend Chapter 358 of the Acts of Assembly of 1958 by adding in Article III sections numbered 3-31, 3-311, 3-32, 3-321, and 3-322; and to repeal §§ 5-2 and 5-32 of Chapter 358 of the Acts of Assembly of 1958, relating to vacancies in the office of mayor or council; planning commission; quorum.

[H 1214]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 3-3, §§ 6-1, 6-11, and 6-12, as amended, § 6-3, and § 7-6, as amended, of Chapter 358 of the Acts of Assembly of 1958 are amended and reenacted and that Chapter 358 of the Acts of Assembly of 1958 is amended by adding in Article III sections numbered 3-31, 3-311, 3-32, 3-321, and 3-322 as follows:

§ 3-3. Vacancies.

Vacancies in the office of mayor or council, whether occurring when the mayor-elect or a councilman-elect does not for any reason take office or after he begins his term, shall be filled for the unexpired term by a majority of the remaining members. The present council shall continue in office until the expiration of the terms for which they were elected as set forth hereinbelow.

§ 3-31. Interim appointment. When a vacancy occurs in the council, the remaining members of the council, within 45 days of the council member position's becoming vacant, may appoint a qualified voter of the town to fill the vacancy. If a majority of the remaining members of the council cannot agree or do not act, a judge of the Circuit Court of Tazewell County may make the appointment. The person so appointed shall hold office only until the qualified voters of the town fill the vacancy by special election and the person so elected has qualified. Any person so appointed shall hold the councilman position the same as an elected person and shall exercise all powers of the elected office.

§ 3-311. When a vacancy occurs in the office of mayor, the council shall make an interim appointment to fill the vacancy as provided in § 3-31.

§ 3-32. Election to fill vacancy. Within 15 days of the occurrence of a vacancy in the office of mayor or on the council, the council shall petition the Circuit Court of Tazewell County to issue a writ of election to fill the vacancy by special election. Either upon receipt of the petition or on its own motion, the court shall issue the writ ordering the election promptly, which shall be no later than the next general election in November, unless the vacancy occurs within 90 days of the next such general election, in which event it shall be held promptly but no later than the second such general election.

§ 3-321. Upon receipt of written notification from the mayor or councilman, or mayor-elect or councilman-elect, of his resignation of a stated date, the council may immediately petition the Circuit Court of Tazewell County to issue a writ of election, and the court may immediately issue the writ to call the election. The resignation of the mayor or councilman, or of the mayor-elect or councilman-elect, shall not be revocable after the date stated by him for his resignation or after the 45th day before the date set for the special election. The person so elected shall hold the office for the remaining portion of the regular term of the office for which the vacancy is being filled.

§ 3-322. The scheduling of a special election is subject to the following conditions: the election shall be held on a Tuesday; no such election shall be held within the 55 days prior to a general or primary election; no such election shall be held on the same day as a primary election, although such election may be held on the same day as a general election; no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled; and when an interim appointment to a vacancy in the council or in the office of mayor has been made by the council or by the remaining members of the council, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled in the year in which the term expires.

§ 6-1. Power to adopt a comprehensive plan.

In addition to the powers granted elsewhere in this charter the council shall have the power to adopt by ordinance a comprehensive plan for the physical development of the town to promote health, safety, morals, comfort, prosperity, and the general welfare. The ~~master~~ *comprehensive* plan may include but shall not be limited to the following:

§ 6-11. Town planning commission. There shall be a town planning commission consisting of eight members, appointed by the council. One member shall be a member of the council appointed for a term concurrent with his term in the council. One member shall be the town manager, who shall be a nonvoting member, appointed for a term concurrent with his term in such capacity. There shall be six citizen members, who shall be qualified voters of the town appointed for a term of four years, one of whom may be a member of the Board of Zoning Appeals and who shall hold office for a term concurrent with his term on said board. Members may be removed for malfeasance in office, and a member of the commission may be removed from office by the Town without limitation in the event that the commission member is absent from any three consecutive meetings of the commission, or is absent from any four meetings of the commission within any ~~one-month~~ *12-month* period. Vacancies on the commission shall be filled by the council. Members of the town planning commission shall serve as such without compensation.

§ 6-12. Organization and expenditures of planning commission. The commission shall elect a chairman and vice-chairman from among the citizen members appointed by the council, for a term of one year, who shall be eligible for re-election, and appoint a secretary. The commission shall hold at least one regular meeting in each month, shall adopt rules for the transaction of its business, and shall keep a record of its resolutions, transactions, findings and determinations, which record shall be a public record. ~~Five~~ *Four* voting members shall constitute a quorum. The commission shall appoint such employees as it may deem necessary for its work and may contract with city planners, engineers, architects and other consultants for services it may require. All expenditures shall not exceed the sums appropriated by the council therefor.

§ 6-3. Subdivision control.

In order to provide for the orderly subdivision of land within the town and within two miles of the corporate limits thereof there is hereby conferred upon the town and the county in which the area outside the town but within two miles thereof is included, the power to adopt regulations and restrictions relative to the subdivision of land in the manner hereinafter provided. Such regulations and restrictions may prescribe standards and requirements for the subdivision of land which may include but shall not be limited to the following: the location, size and layout of lots so as to prevent congestion of population and to provide for light and air; the width, grade, location, alignment and arrangement of streets and sidewalks with relation to other existing streets, planned streets and the ~~master~~ *comprehensive* plan; access for fire fighting apparatus; adequate open spaces; adequate and convenient facilities for vehicular parking; easements for public utilities; suitable sites for schools, parks and playgrounds, planting of shade trees and shrubs; naming and designation of streets and other public places; laying out and constructing sidewalks; procedure for making variations in such regulations and restrictions; requirements for plats and subdivisions and their size, scale, contents and other matters; the erection of monuments of specified type for making and establishing property and street, alley, sidewalk and other lines; the extent to which and the manner in which new streets shall be graded, graveled or otherwise improved and water, sewer and other utility mains, piping, connections or other facilities shall be installed as a condition precedent to the approval of the plat. Such regulations may provide that, in lieu of the completion of such work previous to the final approval of a plat, the council or its designated agents, may accept a bond, in an amount and with surety or conditions satisfactory to the council or its designated agents, providing for such securing to the council, the actual construction and installation of such improvements and utilities within a period specified by the council or designated agents.

§ 7-6. Citation of act.

This act may for all purposes be referred to or cited as the Town of Tazewell Charter of 1958, as amended by the Acts of Assembly of 2014 *and* 2016.

2. That §§ 5-2 and 5-32 of Chapter 358 of the Acts of Assembly of 1958 are repealed.

CHAPTER 414

An Act to amend and reenact § 15.2-4904 of the Code of Virginia, relating to appointment to economic development authority.

[H 1300]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-4904 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-4904. Directors; qualifications; terms; vacancies; compensation and expenses; quorum; records; certification and distribution of report concerning bond issuance.

A. The authority shall be governed by a board of directors in which all powers of the authority shall be vested and which board shall be composed of seven directors, appointed by the governing body of the locality. The seven directors shall be appointed initially for terms of one, two, three and four years; two being appointed for one-year terms; two being appointed for two-year terms; two being appointed for three-year terms and one being appointed for a four-year term. Subsequent appointments shall be for terms of four years, except appointments to fill vacancies which shall be for the unexpired terms. All terms of office shall be deemed to commence upon the date of the initial appointment to the authority,

and thereafter, in accordance with the provisions of the immediately preceding sentence. If at the end of any term of office of any director a successor thereto has not been appointed, then the director whose term of office has expired shall continue to hold office until his successor is appointed and qualified.

Notwithstanding the provisions of this subsection, the board of supervisors of Wise County may appoint eight members to serve on the board of the authority, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Henrico County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, the board of supervisors of Roanoke County may appoint 10 members to serve on the board of the authority, two from each magisterial district, with terms staggered as agreed upon by the board of supervisors, *the board of supervisors of Mathews County may appoint from five to seven members to serve on the board of the authority*, the town council of the Town of Saint Paul may appoint 10 members to serve on the board of the authority, with terms staggered as agreed upon by the town council, however, the town council may at its option return to a seven member board by removing the last three members appointed, the board of supervisors of Russell County may appoint nine members, two of whom shall come from a town that has used its borrowing capacity to borrow \$2 million or more for industrial development, with terms staggered as agreed upon by the board of supervisors and the town council of the Town of South Boston shall appoint two at-large members, Page County may appoint nine members, with one member from each incorporated town, one member from each magisterial district, and one at-large, with terms staggered as agreed upon by the board of supervisors, Halifax County shall appoint five at-large members to serve on the board of the authority jointly created by the Town of South Boston and Halifax County pursuant to § 15.2-4916, with terms staggered as agreed upon by the governing bodies of the Town of South Boston and Halifax County in the concurrent resolutions creating such authority, the town council of the Town of Coeburn may appoint five members to serve on the board of the authority, with terms staggered as agreed upon by the town council, the city council of Suffolk may appoint eight members to serve on the board of the authority, with one member from each of the boroughs, and one at-large member, with terms staggered as agreed upon by the city council, the City of Chesapeake may appoint nine members, with terms staggered as agreed upon by the city council, and the city council of the City of Norfolk may appoint 11 members, with terms staggered as agreed upon by the city council.

A member of the board of directors of the authority may be removed from office by the local governing body without limitation in the event that the board member is absent from any three consecutive meetings of the authority, or is absent from any four meetings of the authority within any 12-month period. In either such event, a successor shall be appointed by the governing body for the unexpired portion of the term of the member who has been removed.

B. Each director shall, upon appointment or reappointment, before entering upon his duties take and subscribe the oath prescribed by § 49-1.

C. No director shall be an officer or employee of the locality except (i) in a town with a population of less than 3,500 where members of the town governing body may serve as directors provided they do not constitute a majority of the board, (ii) in Buchanan County where a constitutional officer who has previously served on the board of directors may serve as a director provided the governing body of such county approves, and (iii) in Frederick County where the board of supervisors may appoint one of its members to the Economic Development Authority of the County of Frederick, Virginia. Every director shall, at the time of his appointment and thereafter, reside in a locality within which the authority operates or in an adjoining locality. When a director ceases to be a resident of such locality, the director's office shall be vacant and a new director may be appointed for the remainder of the term.

D. The directors shall elect from their membership a chairman, a vice-chairman, and from their membership or not, as they desire, a secretary and a treasurer, or a secretary-treasurer, who shall continue to hold such office until their respective successors are elected. The directors shall receive no salary but may be compensated such amount per regular, special, or committee meeting or per each official representation as may be approved by the appointing authority, not to exceed \$200 per meeting or official representation, and shall be reimbursed for necessary traveling and other expenses incurred in the performance of their duties.

E. Four members of the board of directors shall constitute a quorum of the board for the purposes of conducting its business and exercising its powers and for all other purposes, except that no facilities owned by the authority shall be leased or disposed of in any manner without a majority vote of the members of the board of directors. No vacancy in the membership of the board shall impair the right of a quorum to exercise all the powers and perform all the duties of the board.

F. The board shall keep detailed minutes of its proceedings, which shall be open to public inspection at all times. It shall keep suitable records of its financial transactions and, unless exempted by § 30-140, it shall arrange to have the records audited annually. Copies of each such audit shall be furnished to the governing body of the locality and shall be open to public inspection.

Two copies of the report concerning issuance of bonds required to be filed with the United States Internal Revenue Service shall be certified as true and correct copies by the secretary or assistant secretary of the authority. One copy shall be furnished to the governing body of the locality and the other copy mailed to the Department of Small Business and Supplier Diversity.

CHAPTER 415

An Act to amend and reenact § 15.2-2119 of the Code of Virginia, relating to delinquent water and sewer charges.

[H 919]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2119 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2119. Fees and charges for water and sewer services.

A. For water and sewer services provided by localities, fees and charges may be charged to and collected from (i) any person contracting for the same; (ii) the owner who is the occupant of the property or where a single meter serves multiple units; (iii) a lessee or tenant, provided that the lessee or tenant has written authorization from the owner of the property to obtain water and sewer services in the name of such lessee or tenant with such fees and charges applicable for water and sewer services (a) which directly or indirectly is or has been connected with the sewage disposal system and (b) from or on which sewage or industrial wastes originate or have originated and have directly or indirectly entered or will enter the sewage disposal system; or (iv) any user of a municipality's water or sewer system with respect to combined sanitary and storm water sewer systems where the user is a resident of the municipality and the purpose of any such fee or charge is related to the control of combined sewer overflow discharges from such systems. Such fees and charges shall be practicable and equitable and payable as directed by the respective locality operating or providing for the operation of the water or sewer system. A locality providing water and sewer services may establish, by adoption of a resolution, that water and sewer services may be provided to a lessee or tenant pursuant to provision (iii) without obtaining an authorization form from the property owner. For purposes of this section, a written or electronic authorization from the owner of the property to obtain water and sewer services in the name of such lessee or tenant substantially in the form as follows shall be sufficient compliance with this section:

DATE

[INSERT NAME OF WATER AND SEWER SERVICES PROVIDER AND ADDRESS]

RE: [INSERT FULL TENANT NAME AND ADDRESS]

To Whom It May Concern:

[INSERT TENANT NAME] has entered into a lease for the property located at [INSERT ADDRESS] and is authorized to obtain services at this address as a tenant of [INSERT PROPERTY OWNER NAME].

Signed:

PROPERTY OWNER

B. Such fees and charges, being in the nature of use or service charges, shall, as nearly as the governing body deems practicable and equitable, be uniform for the same type, class and amount of use or service of the sewage disposal system, and may be based or computed either on the consumption of water on or in connection with the real estate, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate or on the number or average number of persons residing or working on or otherwise connected or identified with the real estate or any other factors determining the type, class and amount of use or service of the sewage disposal system, or any combination of such factors, or on such other basis as the governing body may determine. Such fees and charges shall be due and payable at such time as the governing body may determine, and the governing body may require the same to be paid in advance for periods of not more than six months. The revenue derived from any or all of such fees and charges is hereby declared to be revenue of such sewage disposal system.

C. Water and sewer connection fees established by any locality shall be fair and reasonable. Such fees shall be reviewed by the locality periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

D. If the fees and charges charged for water service or the use and services of the sewage disposal system by or in connection with any real estate are not paid when due, a penalty and interest shall at that time be owed as provided for by general law, and the owner, lessee, or tenant, as the case may be, of such real estate shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewage disposal system. If such owner, lessee, or tenant does not pay the full amount of charges, penalty, and interest for water provided or cease such disposal within ~~two~~ ~~months~~ ~~30 days~~ thereafter, the locality or person supplying water or sewage disposal services for the use of such real estate shall notify such owner, lessee, or tenant of the delinquency. If such owner, lessee, or tenant does not pay the full amount of

charges, penalty, and interest for water provided or cease such disposal within 60 days after the delinquent fees and charges charged for water or sewage disposal services are due, the locality or person supplying water or sewage disposal services for the use of such real estate shall may cease supplying water and sewage disposal services thereto unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others. At least ten business days prior to ceasing the supply of water or sewage disposal services, the locality or person supplying such services shall provide the owner, lessee, or tenant with written notice of such cessation.

E. Such fees and charges, and any penalty and interest thereon, shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

A lien may be placed on the property in the amount of up to three months of delinquent water and sewer charges, any applicable penalties and interest on such delinquent charges, and reasonable attorney fees and other costs of collection not exceeding 20 percent of such delinquent charges. In no case shall a lien for less than \$25 be placed against the property. In the case of services to a lessee or tenant, if the locality does not cease supplying water to the lessee or tenant ~~60~~ within 60 days after the bill becomes delinquent, unless water is required to be provided pursuant to subsection D or other applicable law, there shall be no lien placed on the property for charges and collection costs beyond the 60-day period and no recourse against the property owner for service beyond the 60-day period.

F. Unless the locality has adopted a resolution to not require authorization from land owners for water and sewer service provided to lessees or tenants pursuant to subsection A, a lien may be placed on the property for water and sewer services used by a lessee or tenant only if the locality has (i) advised the owner of the property in writing that a lien may be placed on the property if the lessee or tenant fails to pay any delinquent water and sewer charges; (ii) mailed by first-class mail to the owner of the property, or sent electronically if requested by the owner, at the address listed in the written authorization from the owner of the property (or such other address as the owner may provide), a duplicate copy of the final bill sent to the lessee or tenant at the time of sending the final bill to such lessee or tenant; (iii) collected a security deposit from the lessee or tenant as reasonably determined by the locality to be sufficient to collateralize the locality for not less than three and no more than five months of water and sewer charges; (iv) ~~has~~ applied the security deposit held by the locality to the payment of the outstanding balance; (v) ~~has~~ employed reasonable collection efforts and practices to collect amounts due from a lessee or a tenant including filing for the Set-Off Debt Collection Program if the locality is a participant; and (vi) ~~has~~ provided the property owner with 30 days' written notice with a copy of the final bill to allow the property owner a reasonable opportunity to pay the amount of any outstanding balance and avoid the recordation of a lien against the property. If the property owner fails to pay the amount of the outstanding balance within the 30-day period, the locality may record a lien in the amount of the outstanding balance against the property owner. Upon payment of the outstanding balance, or any portion thereof, or of any amounts of such fees and charges owed by the former tenant, the property owner shall be entitled to receive any refunds and shall be subrogated against the former tenant in place of the locality in the amount paid by the property owner. The locality shall execute all documents necessary to perfect such subrogation in favor of the property owner.

G. When the owner has provided the lessee or tenant with written authorization from the owner of the property to obtain water and sewer services in the name of such lessee or tenant, nothing herein shall be construed to authorize the locality to require (i) the owner to put water and sewer services in the name of the owner, except in the case where a single meter serves multiple tenant units, or (ii) a security deposit or a guarantee of payment from an owner of property.

H. The locality shall not require a security deposit from the lessee or tenant to obtain water and sewer services in the name of such lessee or tenant if such lessee or tenant presents to the locality a landlord authorization letter which has attached documentation showing such lessee or tenant receives need-based local, state, or federal rental assistance, and the absence of a security deposit shall not prevent a locality from exercising its lien rights as authorized under subsection F.

I. Unless a lien has been recorded against the property owner, the locality shall not deny service to a new tenant who is requesting service at a particular property address based upon the fact that a former tenant has not paid any outstanding fees and charges charged for the use and services in the name of the former previous tenant. In addition, the locality shall provide information relative to a former tenant or current tenant to the property owner upon request of the property owner. If the property owner provides the locality a request to be notified of a tenant's delinquent water bill and provides an email address, the locality shall send the property owner notice when a tenant's water bill has become 15 days delinquent.

J. Notwithstanding any provision of law to the contrary, any town with a population between 11,000 and 14,000, with the concurrence of the affected county, which provides and operates sewer services outside its boundaries may provide sewer services to industrial and commercial users outside its boundaries and collect such compensation therefor as may be contracted for between the town and such user. Such town shall not thereby be obligated to provide sewer services to any other users outside its boundaries.

K. The lien shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien until the amount of such delinquent charges is entered in the official records of the office of the clerk of the circuit court in the jurisdiction in which the real estate is located. The clerk shall make and index the entries in the clerk's official records for a fee of \$5 per entry, to be paid by the locality and added to the amount of the lien.

L. The lien on any real estate may be discharged by the payment to the locality of the total lien amount and the interest which has accrued to the date of the payment. The locality shall deliver a fully executed lien release substantially in the form set forth in this subsection to the person making the payment. The locality shall provide the fully executed lien release to the person who made payment within 10 business days of such payment if the person who made such payment did not

personally appear at the time of such payment. Upon presentation of such lien release, the clerk shall mark the lien satisfied. There shall be no separate clerk's fee for such lien release. For purposes of this section, a lien release of the water and sewer lien substantially in the form as follows shall be sufficient compliance with this section:

Prepared By and When
Recorded Return to:

Tax Parcel/GPIN Number: _____
CERTIFICATE OF RELEASE OF WATER AND SEWER SERVICE LIEN
Pursuant to Va. Code Annotated § 15.2-2119 (L), this release is exempt from recordation fees.
Date Lien Recorded: _____ Instrument Deed Book No.: _____
Grantee for Index Purposes: _____
Claim Asserted: Delinquent water and sewer service charges in the amount of \$ _____.
Description of Property: [Insert name of property owner and tax map parcel/GPIN Number]
The above-mentioned lien is hereby released.

BY: _____
TITLE: _____

COMMONWEALTH OF VIRGINIA
CITY/COUNTY OF _____, to-wit:

Acknowledged, subscribed, and sworn to before me this _____ day of _____, by _____ as _____ of the [Insert Water/Sewer Provider Name] on behalf of [Insert Water/Sewer Provider Name].

Notary Public
My commission expires: _____
Notary Registration Number: _____

CHAPTER 416

An Act to amend the Code of Virginia by adding a section numbered 19.2-13.1, relating to application for special conservator of the peace by locality.

[H 198]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-13.1 as follows:

§ 19.2-13.1. Application for special conservator of the peace by locality.

No official or employee of a school board or county, city, or town, its departments, or its agents shall submit an application for the appointment of a special conservator of the peace without attaching a written assessment from the chief law-enforcement officer of the locality stating the need for the appointment and recommending any limitations that should be included in the order of appointment to the application submitted to the court pursuant to subsection A of § 19.2-13.

CHAPTER 417

An Act to amend and reenact § 15.2-1517 of the Code of Virginia, relating to fire or rescue volunteers; mental health treatment; funding by locality.

[H 233]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1517 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1517. Insurance for employees and retired employees of localities and other local governmental entities; participation by certain volunteers.

A. Any locality may provide group life, accident, and health insurance programs for its officers and employees; employees of boards, commissions, agencies, or authorities created by or controlled by such locality; or employees of boards, commissions, agencies, or authorities that are political subdivisions of the Commonwealth and work in close cooperation with such locality. In addition, any locality that provides such a health insurance program may allow eligible members of approved volunteer fire or rescue companies, as determined by the locality, to participate in such a health insurance program. Such programs may be through a program of self-insurance, purchased insurance, or partial self-insurance and purchased insurance, whichever is determined to be the most cost effective. The total cost of such

policies or protection may be paid entirely by the locality or shared with the employee. The governing body of any locality may provide for its retired officers and retired employees to be eligible for such group life, accident, and health insurance programs. The cost of such insurance for retired officers and retired employees may be paid in whole or in part by the locality. The governing body of any locality may permit members of approved volunteer fire or rescue companies to participate in its group health insurance programs, subject to the eligibility criteria established by the locality. The cost of a volunteer's participation in such a health insurance program shall be paid for in full by the participating volunteer. *Any locality may fund the cost of a volunteer's participation in a mental health treatment and counseling program that is offered to individual members of approved volunteer fire or rescue companies and is comparable to an employee assistance program offered to paid employees of the locality.*

B. In the event a county or city elects to provide one or more of such programs for its officers and employees, it shall provide such programs to the constitutional officers and their employees on the same basis as provided to other officers and employees, unless the constitutional officers and employees are covered under a state program, and the cost of such local program shall be borne entirely by the locality or shared with the employee.

C. 1. Except as otherwise provided herein, in the event the governing body of any locality elects to provide group accident and health insurance for its officers and employees, including constitutional officers and their employees, such programs shall require that upon retirement, or upon the effective date of this provision for those who have previously retired, any such individual with (i) at least 15 years of continuous employment with the locality or (ii) less than 15 years of continuous employment who has retired due to line-of-duty injuries may choose to continue his coverage with the insurer at the retiree's expense until such individual attains 65 years of age at the insurer's customary premium rate applicable (a) to such policies, (b) to the class of risk to which the person then belongs, and (c) to his age.

2. The governing body, when providing this coverage, may further provide that the retiree be rated separately from the active employees covered under the group plan offered by such governing body.

3. Any locality that has not offered the opportunity to continue group health coverage provided by the locality as required by subdivision 1 to its retirees who had retired on or before June 30, 1993, and who meet the criteria for such coverage as set forth in subdivision 1, shall do so by July 1, 2000. Any retiree from the service of a locality who had retired on or before June 30, 1993, and who meets the criteria to continue his group health coverage from the locality under subdivision 1 who has not yet elected to continue his group health coverage from the locality shall elect whether to do so by July 1, 2000.

4. Nothing herein shall prohibit a locality from providing group accident and health coverage or benefits for its retirees in addition to the coverage required under this section.

D. Any locality that offers group health plans to its employees and the employees of constitutional officers and its retirees, as provided by this section or otherwise, may provide in the plan providing such coverage that any retiree who is participating in a group health plan provided by the locality who subsequently terminates his participation in such plan may not thereafter rejoin a group health plan provided by the locality.

CHAPTER 418

An Act to amend and reenact § 54.1-2901 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-2001.4, relating to military medical personnel; pilot program.

[H 825]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-2901 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-2001.4 as follows:

§ 2.2-2001.4. Military medical personnel; pilot program.

A. For the purposes of this section, "military medical personnel" means an individual who has recently served as a medic in the United States Army, medical technician in the United States Air Force, or corpsman in the United States Navy or the United States Coast Guard and who was discharged or released from such service under conditions other than dishonorable.

B. The Department, in collaboration with the Department of Health Professions, shall establish a pilot program in which military medical personnel may practice and perform certain delegated acts that constitute the practice of medicine under the supervision of a physician or podiatrist who holds an active, unrestricted license in Virginia. Such activities shall reflect the level of training and experience of the military medical personnel. The supervising physician or podiatrist shall retain responsibility for the care of the patient.

C. Any licensed physician or podiatrist, a professional corporation or partnership of any licensee, any hospital, or any commercial enterprise having medical facilities for its employees that are supervised by one or more physicians or podiatrists may participate in such pilot program.

D. The Department shall establish general requirements for participating military medical personnel, licensees, and employers.

§ 54.1-2901. Exceptions and exemptions generally.

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;
2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;
3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;
4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;
5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;
6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;
7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;
8. The domestic administration of family remedies;
9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;
10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;
11. The advertising or sale of commercial appliances or remedies;
12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;
13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;
14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;
15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;
16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary license or certification by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;
17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military orders;
18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;
19. Any person from performing services in the lawful conduct of his particular profession or business under state law;
20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;
21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.

B. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife may practice without the requirement for physician supervision while participating in a pilot program approved by the Board of Health pursuant to § 32.1-11.5.

C. *Notwithstanding any provision of law or regulation to the contrary, military medical personnel, as defined in § 2.2-2001.4, while participating in a pilot program established by the Department of Veterans Services pursuant to § 2.2-2001.4, may practice under the supervision of a licensed physician or podiatrist.*

CHAPTER 419

An Act to amend and reenact § 9.1-301 of the Code of Virginia, relating to firefighter or emergency medical services personnel interrogation; observer.

Approved March 11, 2016

[H 854]

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-301 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-301. Conduct of interrogation.

The provisions of this section shall apply whenever a firefighter or emergency medical services personnel are subjected to an interrogation that could lead to dismissal, demotion, or suspension for punitive reasons:

1. The interrogation shall take place at the facility where the investigating officer is assigned, or at the facility that has jurisdiction over the place where the incident under investigation allegedly occurred, as designated by the investigating officer.

2. No firefighter or emergency medical services personnel shall be subjected to interrogation without first receiving written notice of sufficient detail of the investigation in order to reasonably apprise the firefighter or emergency medical services personnel of the nature of the investigation.

3. All interrogations shall be conducted at a reasonable time of day, preferably when the firefighter or individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 is on duty, unless the matters being investigated are of such a nature that immediate action is required.

4. The firefighter or emergency medical services personnel under investigation shall be informed of the name, rank, and unit or command of the officer in charge of the investigation, the interrogators, and all persons present during any interrogation.

5. Interrogation sessions shall be of reasonable duration, and the firefighter or emergency medical services personnel shall be permitted reasonable periods for rest and personal necessities. The firefighter or emergency medical services personnel may have an observer of his choice present during the interrogation, as long as the interview is not unduly delayed. This observer may not participate or represent the employee, may not be involved in the investigation, and must be ~~a current~~ *an active or retired member of the Department department*, for purposes of confidentiality.

6. The firefighter or emergency medical services personnel being interrogated shall not be subjected to offensive language or offered any incentive as an inducement to answer any questions.

7. If a recording of any interrogation is made, and if a transcript of the interrogation is made, the firefighter or emergency medical services personnel under investigation shall be entitled to a copy without charge. Such record may be electronically recorded.

8. No firefighter or emergency medical services personnel shall be discharged, disciplined, demoted, denied promotion or seniority, or otherwise disciplined or discriminated against in regard to his employment, or be threatened with any such treatment as retaliation for his exercise of any of the rights granted or protected by this chapter.

Nothing contained in this section shall prohibit a local governing body from granting its employees rights greater than those contained herein.

CHAPTER 420

An Act to amend and reenact § 18.2-57 of the Code of Virginia, relating to assault and battery of Department of Corrections investigators; penalty.

[H 1226]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-57 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-57. Assault and battery; penalty.

A. Any person who commits a simple assault or assault and battery is guilty of a Class 1 misdemeanor, and if the person intentionally selects the person against whom a simple assault is committed because of his race, religious conviction, color or national origin, the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

B. However, if a person intentionally selects the person against whom an assault and battery resulting in bodily injury is committed because of his race, religious conviction, color or national origin, the person is guilty of a Class 6 felony, and the penalty upon conviction shall include a term of confinement of at least six months, 30 days of which shall be a mandatory minimum term of confinement.

C. In addition, if any person commits an assault or an assault and battery against another knowing or having reason to know that such other person is a judge, a magistrate, a law-enforcement officer as defined in subsection F, a correctional officer as defined in § 53.1-1, a person directly involved in the care, treatment, or supervision of inmates in the custody of the Department of Corrections or an employee of a local or regional correctional facility directly involved in the care, treatment, or supervision of inmates in the custody of the facility, a person directly involved in the care, treatment, or supervision of persons in the custody of or under the supervision of the Department of Juvenile Justice, an employee or other individual who provides control, care, or treatment of sexually violent predators committed to the custody of the Department of Behavioral Health and Developmental Services, a firefighter as defined in § 65.2-102, or a volunteer firefighter or any emergency medical services personnel member who is employed by or is a volunteer of an emergency medical services agency or as a member of a bona fide volunteer fire department or volunteer emergency medical services

agency, regardless of whether a resolution has been adopted by the governing body of a political subdivision recognizing such firefighters or emergency medical services personnel as employees, engaged in the performance of his public duties anywhere in the Commonwealth, such person is guilty of a Class 6 felony, and, upon conviction, the sentence of such person shall include a mandatory minimum term of confinement of six months.

Nothing in this subsection shall be construed to affect the right of any person charged with a violation of this section from asserting and presenting evidence in support of any defenses to the charge that may be available under common law.

D. In addition, if any person commits a battery against another knowing or having reason to know that such other person is a full-time or part-time employee of any public or private elementary or secondary school and is engaged in the performance of his duties as such, he is guilty of a Class 1 misdemeanor and the sentence of such person upon conviction shall include a sentence of 15 days in jail, two days of which shall be a mandatory minimum term of confinement. However, if the offense is committed by use of a firearm or other weapon prohibited on school property pursuant to § 18.2-308.1, the person shall serve a mandatory minimum sentence of confinement of six months.

E. In addition, any person who commits a battery against another knowing or having reason to know that such individual is a health care provider as defined in § 8.01-581.1 who is engaged in the performance of his duties as an emergency health care provider in an emergency room of a hospital or clinic or on the premises of any other facility rendering emergency medical care is guilty of a Class 1 misdemeanor. The sentence of such person, upon conviction, shall include a term of confinement of 15 days in jail, two days of which shall be a mandatory minimum term of confinement.

F. As used in this section:

"Judge" means any justice or judge of a court of record of the Commonwealth including a judge designated under § 17.1-105, a judge under temporary recall under § 17.1-106, or a judge pro tempore under § 17.1-109, any member of the State Corporation Commission, or of the Virginia Workers' Compensation Commission, and any judge of a district court of the Commonwealth or any substitute judge of such district court.

(Effective until July 1, 2018) "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Department of Alcoholic Beverage Control, conservation police officers appointed pursuant to § 29.1-200, ~~and~~ full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, *and any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10*, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

(Effective July 1, 2018) "Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof who is responsible for the prevention or detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115, any special agent of the Virginia Alcoholic Beverage Control Authority, conservation police officers appointed pursuant to § 29.1-200, ~~and~~ full-time sworn members of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, *and any employee with internal investigations authority designated by the Department of Corrections pursuant to subdivision 11 of § 53.1-10*, and such officer also includes jail officers in local and regional correctional facilities, all deputy sheriffs, whether assigned to law-enforcement duties, court services or local jail responsibilities, auxiliary police officers appointed or provided for pursuant to §§ 15.2-1731 and 15.2-1733, auxiliary deputy sheriffs appointed pursuant to § 15.2-1603, police officers of the Metropolitan Washington Airports Authority pursuant to § 5.1-158, and fire marshals appointed pursuant to § 27-30 when such fire marshals have police powers as set out in §§ 27-34.2 and 27-34.2:1.

"School security officer" means an individual who is employed by the local school board for the purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies and detaining persons violating the law or school board policies on school property, a school bus or at a school-sponsored activity and who is responsible solely for ensuring the safety, security and welfare of all students, faculty and staff in the assigned school.

G. "Simple assault" or "assault and battery" shall not be construed to include the use of, by any school security officer or full-time or part-time employee of any public or private elementary or secondary school while acting in the course and scope of his official capacity, any of the following: (i) incidental, minor or reasonable physical contact or other actions designed to maintain order and control; (ii) reasonable and necessary force to quell a disturbance or remove a student from the scene of a disturbance that threatens physical injury to persons or damage to property; (iii) reasonable and necessary force to prevent a student from inflicting physical harm on himself; (iv) reasonable and necessary force for self-defense or the defense of others; or (v) reasonable and necessary force to obtain possession of weapons or other dangerous objects or controlled substances or associated paraphernalia that are upon the person of the student or within his control.

In determining whether a person was acting within the exceptions provided in this subsection, due deference shall be given to reasonable judgments that were made by a school security officer or full-time or part-time employee of any public or private elementary or secondary school at the time of the event.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 421

An Act to amend and reenact § 18.2-308, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to carrying concealed weapons; exception for certain retired officers.

[H 1281]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308. (Effective until July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least ~~15~~ 10 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of

State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;
2. Officers or guards of any state correctional institution;
3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308. (Effective July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk,

bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least ~~15~~ 10 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; and

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported.

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that an attorney for the Commonwealth or assistant attorney for the Commonwealth may carry a concealed handgun pursuant to subdivision C 9. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

CHAPTER 422

An Act to amend and reenact § 18.2-57.3 of the Code of Virginia, relating to persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge.

[H 1334]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-57.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-57.3. Persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge.

A. When a person is charged with a violation of § 18.2-57.2, the court may defer the proceedings against such person, without a finding of guilt, and place him on probation under the terms of this section.

B. For a person to be eligible for such deferral, the court shall find that (i) the person was an adult at the time of the commission of the offense, (ii) the person has not previously been convicted of any offense under this article or under any statute of the United States or of any state or any ordinance of any local government relating to assault and battery against a family or household member, (iii) the person has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, (iv) the person pleads guilty to, or enters a plea of not guilty or nolo

contendere and the court finds the evidence is sufficient to find the person guilty of, a violation of § 18.2-57.2, and (v) the person consents to such deferral.

C. The court ~~may~~ shall (i) where a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1 is available, order that the eligible person be placed with such agency and require, as a condition of local community-based probation, the person to successfully complete all treatment, education programs or services, or any combination thereof indicated by an assessment or evaluation obtained by the local community-based probation services agency if such assessment, treatment or education services are available; or (ii) require successful completion of treatment, education programs or services, or any combination thereof, such as, in the opinion of the court, may be best suited to the needs of the person.

D. The court shall require the person entering such education or treatment program or services under the provisions of this section to pay all or part of the costs of the program or services, including the costs of any assessment, evaluation, testing, education and treatment, based upon the person's ability to pay. Such programs or services shall offer a sliding-scale fee structure or other mechanism to assist participants who are unable to pay the full costs of the required programs or services.

The court shall order the person to be of good behavior for a total period of not less than two years following the deferral of proceedings, including the period of supervised probation, if available.

The court shall, unless done at arrest, order the person to report to the original arresting law-enforcement agency to submit to fingerprinting.

E. Upon fulfillment of the terms and conditions specified in the court order, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings. No charges dismissed pursuant to this section shall be eligible for expungement under § 19.2-392.2.

F. Upon violation of a term or condition of supervised probation or of the period of good behavior, the court may enter an adjudication of guilt and proceed as otherwise provided by law.

G. Notwithstanding any other provision of this section, whenever a court places a person on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7.

CHAPTER 423

An Act to amend and reenact §§ 19.2-386.2, 19.2-386.2:1, 19.2-386.10, and 19.2-386.14 of the Code of Virginia, relating to asset forfeiture.

[S 423]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-386.2, 19.2-386.2:1, 19.2-386.10, and 19.2-386.14 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-386.2. Seizure of named property.

A. When any property subject to seizure under Chapter 22.2 (§ 19.2-386.15 et seq.) or other provision under the Code has not been seized at the time an information naming that property is filed, the clerk of the circuit court or a judge of the circuit court, upon motion of the attorney for the Commonwealth wherein the information is filed, shall issue a warrant to the sheriff or other state or local law-enforcement officer authorized to serve criminal process in the jurisdiction where the property is located, describing the property named in the complaint and authorizing its immediate seizure.

B. In all cases of seizure of real property, a notice of lis pendens shall be filed with the clerk of the circuit court of the county or city wherein the property is located and shall be indexed in the land records in the name or names of those persons whose interests appear to be affected thereby.

C. When any property is seized for the purposes of forfeiture under Chapter 22.2 (§ 19.2-386.15 et seq.) or other forfeiture provision under the Code, the agency seizing the property shall, as soon as practicable after the seizure, conduct an inventory of the seized property and shall, as soon as practicable, provide a copy of the inventory to the owner. An agency's failure to provide a copy of an inventory pursuant to this subsection shall not invalidate any forfeiture.

D. When any property is seized for the purposes of forfeiture under Chapter 22.2 (§ 19.2-386.15 et seq.) or other forfeiture provision under the Code, and an information naming that property has not been filed, neither the agency seizing the property nor any other law-enforcement agency may request, require, or in any manner induce any person who asserts ownership, lawful possession, or any lawful right to the property to waive his interest in or rights to the property until an information has been filed.

§ 19.2-386.2:1. Notice to Commissioner of Department of Motor Vehicles; duties of Commissioner.

If the property seized is a motor vehicle required by the motor vehicle laws of Virginia to be registered, the attorney for the Commonwealth shall forthwith notify the Commissioner of the Department of Motor Vehicles, by certified mail, *or electronically in a format prescribed by the Commissioner*, of such seizure and the motor number of the vehicle so seized, and the Commissioner shall promptly certify to such attorney for the Commonwealth the name and address of the person in

whose name such vehicle is registered, together with the name and address of any person holding a lien thereon, ~~and the amount thereof.~~ The Commissioner shall also forthwith notify such registered owner and lienor, in writing, of the reported seizure and the county or city wherein such seizure was made.

The certificate of the Commissioner, concerning such registration and lien, shall be received in evidence in any proceeding, either civil or criminal, under any provision of this chapter, in which such facts may be material to the issue involved.

§ 19.2-386.10. Trial.

A. A party defendant who fails to appear as provided in § 19.2-386.9 shall be in default. The forfeiture shall be deemed established as to the interest of any party in default upon entry of judgment as provided in § 19.2-386.11. Within ~~twenty-one~~ 21 days after entry of judgment, any party defendant against whom judgment has been so entered may petition the Department of Criminal Justice Services for remission of his interest in the forfeited property. For good cause shown and upon proof that the party defendant's interest in the property is exempt under subdivision 2, 3 or 4 of § 19.2-386.8, the Department of Criminal Justice Services shall grant the petition and direct the state treasury to either (i) remit to the party defendant an amount not exceeding the party defendant's interest in the proceeds of sale of the forfeited property after deducting expenses incurred and payable pursuant to subsection B of § 19.2-386.12 or (ii) convey clear and absolute title to the forfeited property in extinguishment of such interest.

If any party defendant appears in accordance with § 19.2-386.9, the court shall proceed to trial of the case, unless trial by jury is demanded by the Commonwealth or any party defendant. At trial, the Commonwealth has the burden of proving that the property is subject to forfeiture under this chapter. Upon such a showing by the Commonwealth, the claimant has the burden of proving that the claimant's interest in the property is exempt under subdivision 2, 3 or 4 of § 19.2-386.8. The proof of all issues shall be by a preponderance of the evidence.

B. The information and trial thereon shall be independent of any criminal proceeding against any party or other person for violation of law. However, upon motion and for good cause shown, the court may stay a forfeiture proceeding that is related to any *warrant*, indictment, or information.

§ 19.2-386.14. Sharing of forfeited assets.

A. All cash, negotiable instruments, and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees, and costs as provided in § 19.2-386.12, shall, as soon after entry of the forfeiture as is practicable, be distributed in a manner consistent with this chapter and Article VIII, Section 8 of the Constitution of Virginia.

A1. All cash, negotiable instruments and proceeds from a sale conducted pursuant to § 19.2-386.7 or 19.2-386.12, after deduction of expenses, fees and costs as provided in § 19.2-386.12, shall, as soon after entry of the forfeiture as is practicable, be paid over to the state treasury into a special fund of the Department of Criminal Justice Services for distribution in accordance with this section. The forfeited property and proceeds, less 10 percent, shall be made available to federal, state and local agencies to promote law enforcement in accordance with this section and regulations adopted by the Criminal Justice Services Board to implement the asset-sharing program.

The 10 percent retained by the Department shall be held in a nonreverting fund, known as the Asset Sharing Administrative Fund. Administrative costs incurred by the Department to manage and operate the asset-sharing program shall be paid from the Fund. Any amounts remaining in the Fund after payment of these costs shall be used to promote state or local law-enforcement activities. Distributions from the Fund for these activities shall be based upon need and shall be made from time to time in accordance with regulations promulgated by the Board.

B. Any federal, state or local agency or office that directly participated in the investigation or other law-enforcement activity which led, directly or indirectly, to the seizure and forfeiture shall be eligible for, and may petition the Department for, return of the forfeited asset or an equitable share of the net proceeds, based upon the degree of participation in the law-enforcement effort resulting in the forfeiture, taking into account the total value of all property forfeited and the total law-enforcement effort with respect to the violation of law on which the forfeiture is based. Upon finding that the petitioning agency is eligible for distribution and that all participating agencies agree on the equitable share of each, the Department shall distribute each share directly to the appropriate treasury of the participating agency.

If all eligible participating agencies cannot agree on the equitable shares of the net proceeds, the shares shall be determined by the Criminal Justice Services Board in accordance with regulations which shall specify the criteria to be used by the Board in assessing the degree of participation in the law-enforcement effort resulting in the forfeiture.

C. After the order of forfeiture is entered concerning any motor vehicle, boat, aircraft, or other tangible personal property, any seizing agency may (i) petition the Department for return of the property that is not subject to a grant or pending petition for remission or (ii) request the circuit court to order the property destroyed. Where all the participating agencies agree upon the equitable distribution of the tangible personal property, the Department shall return the property to those agencies upon finding that (a) the agency meets the criteria for distribution as set forth in subsection B and (b) the agency has a clear and reasonable law-enforcement need for the forfeited property.

If all eligible participating agencies cannot agree on the distribution of the property, distribution shall be determined by the Criminal Justice Services Board as in subsection B, taking into consideration the clear and reasonable law-enforcement needs for the property which the agencies may have. In order to equitably distribute tangible personal property, the Criminal Justice Services Board may require the agency receiving the property to reimburse the Department in cash for the difference

between the fair market value of the forfeited property and the agency's equitable share as determined by the Criminal Justice Services Board.

If a seizing agency has received property for its use pursuant to this section, when the agency disposes of the property (1) by sale, the proceeds shall be distributed as set forth in this section; or (2) by destruction pursuant to a court order, the agency shall do so in a manner consistent with this section.

D. All forfeited property, including its proceeds or cash equivalent, received by a participating state or local agency pursuant to this section shall be used to promote law enforcement but shall not be used to supplant existing programs or funds. The Board shall promulgate regulations establishing an audit procedure to ensure compliance with this section.

E. On or after July 1, 2012, but before July 1, 2014, local seizing agencies may contribute cash funds and proceeds from forfeited property to the Virginia Public Safety Foundation to support the construction of the Commonwealth Public Safety Memorial. Any funds contributed by seizing agencies shall be contributed only after an internal analysis to determine that such contributions will not negatively impact law-enforcement training or operations.

F. The Department shall report annually on or before December 31 to the Governor and the General Assembly the amount of all cash, negotiable instruments, and proceeds from sales conducted pursuant to § 19.2-386.7 or 19.2-386.12 that were forfeited to the Commonwealth, including the amount of all forfeitures distributed to the Literary Fund. Such report shall also detail the amount distributed by the Department to each federal, state, or local agency or office pursuant to this section, and the amount each state or local agency or office received from federal asset forfeiture proceedings. The Department shall ensure that such report is available to the public.

CHAPTER 424

An Act to amend and reenact § 9.1-914 of the Code of Virginia, relating to automatic notification of registration of sex offenders; common interest communities.

[H 1101]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-914 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-914. Automatic notification of registration to certain entities; electronic notification to requesting persons.

Any school, day-care service and child-minding service, ~~and any~~ state-regulated or state-licensed child day center, child day program, children's residential facility, family day home, assisted living facility or foster home as defined in § 63.2-100, nursing home or certified nursing facility as defined in § 32.1-123, *association of a common interest community as defined in § 55-528*, and ~~any~~ institution of higher education may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender and if such entities do not have the capability of receiving such electronic notice, the entity may register with the State Police to receive written notification of sex offender registration or reregistration. Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically or in writing notify an entity listed above that has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The Virginia Council for Private Education shall annually provide the State Police, in an electronic format approved by the State Police, with the location of every private school in the Commonwealth that is accredited through one of the approved accrediting agencies of the Council, and an electronic mail address for each school if available, for purposes of receiving notice under this section.

Any person may request from the State Police and, upon compliance with the requirements therefor established by the State Police, shall be eligible to receive from the State Police electronic notice of the registration or reregistration of any sex offender. Within three business days of receipt by the State Police of registration or reregistration, the State Police shall electronically notify a person who has requested such notification, has complied with the requirements established by the State Police and is located in the same or a contiguous zip code area as the address of the offender as shown on the registration.

The State Police shall establish reasonable guidelines governing the automatic dissemination of Registry information, which may include the payment of a fee, whether a one-time fee or a regular assessment, to maintain the electronic access. The fee, if any, shall defray the costs of establishing and maintaining the electronic notification system and notice by mail.

For the purposes of this section:

"Child-minding service" means provision of temporary custodial care or supervisory services for the minor child of another;

"Day-care service" means provision of supplementary care and protection during a part of the day for the minor child of another; and

"School" means any public, religious or private educational institution, including any preschool, elementary school, secondary school, post-secondary school, trade or professional institution, or institution of higher education.

CHAPTER 425

An Act to amend and reenact §§ 2.2-1147 and 2.2-1149 of the Code of Virginia, relating to the Department of Rail and Public Transportation; acquisition of real estate and rights-of-way.

[H 613]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-1147 and 2.2-1149 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-1147. Definitions.**

As used in §§ 2.2-1147.1 through 2.2-1156, unless the context requires a different meaning:

"Institutions" ~~shall include~~ *includes*, but is not ~~be~~ limited to, any corporation owned by the Commonwealth and subject to the control of the General Assembly.

"Property" ~~shall mean~~ *means* an interest in land and any improvements thereon held by the Commonwealth and under the control of or occupied by any of its departments, agencies, or institutions; but ~~shall~~ *does* not include (i) real estate or rights-of-way acquired by the Department of Transportation for the construction of highways ~~and~~; (ii) ungranted shores of the sea, marsh, and meadowlands as defined in § 28.2-1500; *or (iii) real estate or rights-of-way acquired by the Department of Rail and Public Transportation for the construction of railway lines or rail or public transportation facilities or the retention of rail corridors for public purposes.*

"Recommend," "recommended," or "recommendation," when used with reference to a recommendation by the Department of General Services to the Governor, means to advise either for or against a proposed action.

§ 2.2-1149. Department to review proposed acquisitions of real property; approval by the Governor; exceptions.

Notwithstanding any provision of law to the contrary, no state department, agency or institution shall acquire real property by gift, lease, purchase or any other means or use or occupy real property without following the guidelines adopted by the Department and obtaining the prior approval of the Governor. The Department shall review every proposed acquisition of real property by gift, lease, purchase or any other means and every proposed use or occupancy of real property by any department, agency or institution of the Commonwealth and recommend either approval or disapproval of the transactions to the Governor based on cost, demonstrated need, and compliance with the Department's guidelines.

The provisions of this section shall not apply to the:

1. Acquisition of real property for open space preservations pursuant to the purposes of § 10.1-1800 and subdivision A 4 of § 10.1-2204, if it does not require as a condition of acceptance, an appropriation of any state funds for the continued maintenance of such property;

2. Acquisition of easements pursuant to the purposes of §§ 10.1-1020 and 10.1-1021 or §§ 10.1-1700, 10.1-1702, and 10.1-1702;

3. Acquisition through the temporary lease or donation of real property for a period of six months or less duration;

4. Acquisition of easements by public institutions of higher education provided that the particular institution meets the conditions prescribed in subsection B of § 23-38.88;

5. Entering into an operating/income lease or a capital lease by a public institution of higher education, for real property to be used for academic purposes, or for real property owned by the institution or a foundation related to the institution to be used for non-academic purposes, in accordance with the institution's land use plan pursuant to § 2.2-1153 provided that (i) the capital lease does not constitute tax-supported debt of the Commonwealth, (ii) the institution meets the conditions prescribed in subsection B of § 23-38.88, and (iii) for purposes of entering into a capital lease, the institution shall have in effect a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as set forth in the appropriation act. For the purposes of this subdivision, an operating/income lease or a capital lease shall be determined using generally accepted accounting principles; ~~or~~

6. Acquisition of real property for the construction, improvement or maintenance of highways and transportation facilities and purposes incidental thereto by the Department of Transportation; however, acquisitions of real property by the Department of Transportation for office space, district offices, residencies, area headquarters, or correctional facilities shall be subject to the Department's review and the Governor's approval; *or*

7. *Acquisition of real estate or rights-of-way for the construction, improvement, or maintenance of railway lines or rail or public transportation facilities or the retention of rail corridors for public purposes associated with the efforts of the Department of Rail and Public Transportation; however, acquisitions of real estate or rights-of-way by the Department of Rail and Public Transportation for office space or district offices shall be subject to review by the Department and the approval of the Governor.*

CHAPTER 426

An Act to amend and reenact §§ 58.1-439.18 and 58.1-439.20 of the Code of Virginia, relating to Neighborhood Assistance Program tax credits.

[H 742]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 58.1-439.18 and 58.1-439.20 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-439.18. Definitions.**

As used in this article:

"Affiliate" means with respect to any person, any other person directly or indirectly controlling, controlled by, or under common control with such person. For purposes of this definition, "control" (including controlled by and under common control with) shall mean the power, directly or indirectly, to direct or cause the direction of the management and policies of such person whether through ownership or voting securities or by contract or otherwise.

"Business firm" means any corporation, partnership, electing small business (Subchapter S) corporation, limited liability company, or sole proprietorship authorized to do business in this Commonwealth subject to tax imposed by Articles 2 (§ 58.1-320 et seq.) and 10 (§ 58.1-400 et seq.) of Chapter 3, Chapter 12 (§ 58.1-1200 et seq.), Article 1 (§ 58.1-2500 et seq.) of Chapter 25, or Article 2 (§ 58.1-2620 et seq.) of Chapter 26. "Business firm" also means any trust or fiduciary for a trust subject to tax imposed by Article 6 (§ 58.1-360 et seq.) of Chapter 3.

"Commissioner of the State Department of Social Services" means the Commissioner of ~~the State Department of~~ Social Services or his designee.

"Community services" means any type of counseling and advice, emergency assistance, medical care, provision of basic necessities, or services designed to minimize the effects of poverty, furnished primarily to low-income persons.

"Contracting services" means the provision, by a business firm licensed by the Commonwealth as a contractor under Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, of labor or technical advice to aid in the development, construction, renovation, or repair of (i) homes of low-income persons or (ii) buildings used by neighborhood organizations.

"Education" means any type of scholastic instruction or scholastic assistance to a low-income person or an eligible student with a disability.

"Eligible student with a disability" means a student (i) for whom an individualized educational program has been written and finalized in accordance with the federal Individuals with Disabilities Education Act (IDEA), regulations promulgated pursuant to IDEA, and regulations of the Board of Education and (ii) whose family's annual household income is not in excess of 400 percent of the current poverty guidelines.

"Housing assistance" means furnishing financial assistance, labor, material, or technical advice to aid the physical improvement of the homes of low-income persons.

"Job training" means any type of instruction to an individual who is a low-income person that enables him to acquire vocational skills so that he can become employable or able to seek a higher grade of employment.

"Low-income person" means an individual whose family's annual household income is not in excess of 300 percent of the current poverty guidelines.

"Neighborhood assistance" means providing community services, education, housing assistance, or job training.

"Neighborhood organization" means any local, regional or statewide organization whose primary function is providing neighborhood assistance and holding a ruling from the Internal Revenue Service of the United States Department of the Treasury that the organization is exempt from income taxation under the provisions of §§ 501(c)(3) and 501(c)(4) of the Internal Revenue Code of 1986, as amended from time to time, or any organization defined as a community action agency in the Economic Opportunity Act of 1964 (42 U.S.C. § 2701 et seq.), or any housing authority as defined in § 36-3.

"Poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of Columbia updated annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of § 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"Professional services" means any type of personal service to the public that requires as a condition precedent to the rendering of such service the obtaining of a license or other legal authorization and shall include, but shall not be limited to, the personal services rendered by medical doctors, dentists, architects, professional engineers, certified public accountants, attorneys-at-law, and veterinarians.

"Scholastic assistance" means (i) counseling or supportive services to elementary school, middle school, secondary school, or postsecondary school students or their parents in developing a postsecondary academic or vocational education plan, including college financing options for such students or their parents, or (ii) scholarships.

§ 58.1-439.20. Proposals; regulations; tax credits authorized; amount for programs.

A. Any neighborhood organization may submit a proposal, other than education proposals, to the Commissioner of ~~the State Department of~~ Social Services requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization. Neighborhood organizations may submit education proposals to the Superintendent of Public Instruction requesting an allocation of tax credits for use by business firms making donations to the neighborhood organization.

The proposal shall set forth the program to be conducted by the neighborhood organization, the low-income persons or eligible students with disabilities to be assisted, the estimated amount to be donated to the program, and the plans for implementing the program.

B. 1. The State Board of Social Services and the Department of Education are hereby authorized to adopt regulations (or, alternatively, guidelines in the case of the Department of Education) for the approval or disapproval of such proposals by neighborhood organizations and for determining the value of the donations. Such regulations or guidelines shall contain a requirement that a neighborhood organization shall have been in existence for at least one year. Also, such regulations or guidelines shall contain a requirement that as a prerequisite for approval, neighborhood organizations with total revenues (including the value of all donations) (i) in excess of \$100,000 for the organization's most recent year ended provide to the State Board of Social Services or the Department of Education, as applicable, an audit or review for such year performed by an independent certified public accountant or (ii) of \$100,000 or less for the organization's most recent year ended; provide to the State Board of Social Services or the Department of Education, as applicable, a compilation for such year performed by an independent certified public accountant. No proposal for an allocation of tax credits shall be untimely filed solely because such audit, review, or compilation was not submitted by the neighborhood organization by the proposal filing deadline, provided that the audit, review, or compilation is submitted to the State Board of Social Services or the Department of Education, as applicable, within the 30-day period immediately following such deadline.

Such regulations or guidelines by the Department of Education shall provide that at least 50 percent of the persons served by the neighborhood organization ~~are~~ be low-income persons or eligible students with disabilities; and that at least 50 percent of the neighborhood organization's revenues ~~are~~ be used to provide services to low-income persons or to eligible students with disabilities. Such regulations by the State Board of Social Services shall provide that at least 50 percent of the persons served by the neighborhood organization ~~are~~ be low-income persons as defined in § 58.1-439.18.

In order for a proposal to be approved, the applicant neighborhood organization and any of its affiliates shall meet the requirements of the application regulations or guidelines.

2. The requirements for proposals submitted to the Superintendent of Public Instruction that ~~(a)~~ (i) at least 50 percent of the persons served by the neighborhood organization and each of its affiliates ~~are~~ be low-income persons or eligible students with disabilities and ~~(b)~~ (ii) at least 50 percent of the revenues of the neighborhood organization and each of its affiliates ~~are~~ be used to provide services to such persons shall not apply to any neighborhood organization for tax credit allocations beginning for fiscal year 2014-2015 and ending with tax credit allocations for fiscal year 2019-2020, provided that ~~(a)~~ (a) the neighborhood organization received an allocation of tax credits for fiscal year 2011-2012 allocations, ~~(b)~~ (b) at least 50 percent of the persons served by the neighborhood organization are low-income persons or eligible students with disabilities, ~~(c)~~ (c) at least 50 percent of the neighborhood organization's revenues are used to provide services to such persons, and ~~(d)~~ (d) none of the affiliates of the neighborhood organization receives an allocation of tax credits for ~~any~~ the program year of such five-year period.

3. *Beginning with tax credit allocations for fiscal year 2016-2017 and thereafter, the requirements for a proposal submitted by a neighborhood organization to the Commissioner of Social Services that (i) at least 50 percent of the persons served by each affiliate of the neighborhood organization be low-income persons, (ii) at least 50 percent of the revenues of each affiliate of the neighborhood organization be used to provide services to such persons, (iii) each affiliate also meet the definition of "neighborhood organization" under § 58.1-439.18, and (iv) an audit, review, or compilation for each affiliate be furnished to the Commissioner of Social Services shall not apply in determining the eligibility of the neighborhood organization submitting a proposal, provided that (a) the neighborhood organization otherwise meets all statutory requirements and regulations, (b) the neighborhood organization received a fiscal year 2013-2014 allocation of neighborhood assistance tax credits, and (c) no affiliate of the neighborhood organization submits a proposal for or receives an allocation of tax credits pursuant to this article for the program year for which the neighborhood organization has submitted its proposal.*

~~Such~~ 4. The regulations or guidelines shall provide for the equitable allocation of the available amount of tax credits among the approved proposals submitted by neighborhood organizations. The regulations or guidelines shall also provide that at least 10 percent of the available amount of tax credits each year shall be allocated to qualified programs proposed by neighborhood organizations not receiving allocations in the preceding year; however, if the amount of tax credits for qualified programs requested by such neighborhood organizations is less than 10 percent of the available amount of tax credits, the unallocated portion of such 10 percent of the available amount of tax credits shall be allocated to qualified programs proposed by other neighborhood organizations.

C. If the Commissioner of ~~the State Department of~~ Social Services or the Superintendent of Public Instruction approves a proposal submitted by a neighborhood organization, the organization shall make the allocated tax credit amounts available to business firms making donations to the approved program. A neighborhood organization shall not assign or transfer an allocation of tax credits to another neighborhood organization without the approval of the Commissioner of ~~the State Department of~~ Social Services or the Superintendent of Public Instruction, as applicable.

Notwithstanding any other provision of law, (i) no more than an aggregate of \$0.825 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all education proposals, and (ii) no more than an aggregate of \$0.5 million in tax credits shall be approved in a fiscal year to a neighborhood organization or to a grouping of neighborhood organization affiliates for all other proposals combined. However, if the State Department of Social Services or the Department of Education after the initial allocation of tax credits

to approved proposals has a balance of tax credits remaining for the fiscal year that can be used or allocated by a neighborhood organization for a proposal that had been approved for tax credits during the initial allocation by the State Department of Social Services or the Department of Education, then (a) the Commissioner of ~~the State Department of Social Services~~ or the Superintendent of Public Instruction, as applicable, shall reallocate the remaining balance of tax credits to such previously approved proposals to the extent that a neighborhood organization can use or allocate additional tax credits for the previously approved proposal and (b) the \$0.825 and \$0.5 million annual limitations for tax credits approved to a grouping of neighborhood organization affiliates shall be inapplicable to the extent of any balance of tax credits reallocated under clause (a). The balance of tax credits remaining for reallocation shall include the amount of any tax credits that have been granted for a proposal approved during the initial allocation but for which the Commissioner of ~~the State Department of Social Services~~ or the Superintendent of Public Instruction has been provided notice by the neighborhood organization that it will not be able to use or allocate such amount for the approved proposal.

D. The total amount of tax credits granted for programs approved under this article for each fiscal year shall not exceed the following: for education proposals for approval by the Superintendent of Public Instruction, \$8 million for fiscal year 2013-2014, \$8.5 million for fiscal year 2014-2015, and \$9 million for fiscal year 2015-2016 and each fiscal year thereafter; and for all other proposals for approval by the Commissioner of ~~the State Department of Social Services~~, \$7 million for fiscal year 2013-2014, \$7.5 million for fiscal year 2014-2015, and \$8 million for fiscal year 2015-2016 and each fiscal year thereafter.

The Superintendent of *Public Instruction* and the Commissioner of ~~the State Department of Social Services~~ shall work cooperatively for purposes of ensuring that neighborhood organization proposals are submitted to the proper state agency. The Superintendent of *Public Instruction* and the Commissioner of ~~the State Department of Social Services~~ may request the assistance of the Department of Taxation for purposes of determining whether or not anticipated donations for which tax credits are requested by a neighborhood organization likely qualify as a charitable donation under federal tax laws and regulations.

E. Actions of (i) the State Department of Social Services, or the Commissioner of the same, or (ii) the Superintendent of *Public Instruction* or the Department of Education relating to the review of neighborhood organization proposals and the allocation of tax credits to proposals shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Decisions of (a) the State Department of Social Services, or the Commissioner of the same, or (b) the Superintendent of *Public Instruction* or the Department of Education shall be final and not subject to review or appeal.

F. Notwithstanding the provisions of § 30-19.1:11, the issuance of tax credits under this article shall expire on July 1, 2028.

CHAPTER 427

An Act to amend and reenact § 46.2-1572.1 of the Code of Virginia, relating to ownership of service facilities.

[H 747]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1572.1 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1572.1. Ownership of service facilities.

A. It shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, to own, operate, or control, either directly or indirectly, any motor vehicle warranty or service facility located in the Commonwealth. Nothing in this section shall prohibit any motor vehicle manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof, from owning, operating, or controlling any warranty or service facility for warranty or service of motor vehicles owned or operated by the manufacturer, factory branch, distributor, distributor branch, or subsidiary thereof. Nothing contained in this section shall prohibit a motor vehicle manufacturer, factory branch, distributor, or distributor branch from performing service for reasons of compliance with an order of a court of competent jurisdiction or of warranty under Chapter 17.3 (§ 59.1-207.9 et seq.) of Title 59.1.

~~The preceding provisions of this section~~ B. Subsection A shall not apply to ~~manufacturers~~ the following:

1. ~~Manufacturers~~ of refined fuels truck tanks or to, persons who assemble refined fuels truck tanks, or to persons who exclusively manufacture or assemble school buses or school bus parts; or

2. *Manufacturers of engines for trucks having a gross vehicle weight rating of more than 7,500 pounds that owned, operated, or controlled a warranty or service facility in the Commonwealth as of January 1, 2016, provided that the manufacturer:*

a. *Does not own, operate, or control more than five such facilities in the Commonwealth;*

b. *Does not otherwise manufacture, distribute, or sell motor vehicles, as defined in § 46.2-1500; and*

c. *Provides to dealers on substantially equal terms access to all support for completing repairs, including parts and assemblies, training, and technical service bulletins and other information concerning repairs, that the manufacturer provides to facilities owned, operated, or controlled by the manufacturer.*

CHAPTER 428

An Act to amend and reenact §§ 46.2-100 and 46.2-600 of the Code of Virginia, relating to the definition of nonresident; exemption from registration.

[H 869]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 46.2-100 and 46.2-600 of the Code of Virginia are amended and reenacted as follows:****§ 46.2-100. Definitions.**

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or autocycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor

vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorecycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or foot-scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. "Motorized skateboard or foot-scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than (a) a nonresident student as defined in this section or (b) a person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration, shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses

that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pickup or panel truck" means every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

§ 46.2-600. Owner to secure registration and certificate of title or certificate of ownership.

Except as otherwise provided, for the purposes of this chapter, a moped shall be deemed a motor vehicle.

Except as otherwise provided in this chapter every person who owns a motor vehicle, trailer or semitrailer, or his authorized attorney-in-fact, shall, before it is operated on any highway in the Commonwealth, register with the Department and obtain from the Department the registration card and certificate of title for the vehicle. Individuals applying for registration shall provide the Department with the residence address of the owner of the vehicle being registered. A business applying for registration shall provide the Department with the street address of the owner or lessee of the vehicle being registered.

At the option of the applicant for registration, the address shown on the title and registration card may be either a post office box or the business or residence address of the applicant.

Unless he has previously applied for registration and a certificate of title or he is exempted under §§ 46.2-619, 46.2-626.1, 46.2-631, and 46.2-1206, every person residing in the Commonwealth who owns a motor vehicle, trailer, or semitrailer, or his duly authorized attorney-in-fact, shall, within 30 days of the purchase or transfer, apply to the Department for a certificate of ownership.

Nothing in this chapter shall be construed to require titling or registration in the Commonwealth of any farm tractor or special construction and forestry equipment, as defined in § 46.2-100.

Notwithstanding the foregoing provisions of this section, provided such vehicle is registered and titled elsewhere in the United States, nothing in this chapter shall be construed to require titling or registration in the Commonwealth of any vehicle located in the Commonwealth if that vehicle is registered to a non-Virginia resident active duty military service member, activated reserve or national guard member, or mobilized reserve or national guard member living in Virginia the Commonwealth, or person who is serving a full-time church service or proselyting mission of not more than 36 months and who is not gainfully employed.

CHAPTER 429

An Act to amend and reenact §§ 46.2-341.4, 46.2-341.14, 46.2-341.14:1, 46.2-341.14:3, and 46.2-341.14:9 of the Code of Virginia, relating to third party testers for commercial driver's licenses.

[H 938]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-341.4, 46.2-341.14, 46.2-341.14:1, 46.2-341.14:3, and 46.2-341.14:9 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-341.4. Definitions.

The following definitions shall apply to this article, unless a different meaning is clearly required by the context:

"Air brake" means any braking system operating fully or partially on the air brake principle.

"Applicant" means an individual who applies to obtain, transfer, upgrade, or renew a commercial driver's license or to obtain or renew a commercial learner's permit.

"Automatic transmission" means, for the purposes of the skills test and the restriction, any transmission other than a manual transmission.

"CDLIS driver record" means the electronic record of the individual commercial driver's status and history stored by the State of Record as part of the Commercial Driver's License Information System (CDLIS).

"Commercial driver's license" means any driver's license issued to a person in accordance with the provisions of this article, or if the license is issued by another state, any license issued to a person in accordance with the federal Commercial Motor Vehicle Safety Act, which authorizes such person to drive a commercial motor vehicle of the class and type and with the restrictions indicated on the license.

"Commercial driver's license information system" (CDLIS) means the CDLIS established by the Federal Motor Carrier Safety Administration pursuant to § 12007 of the Commercial Motor Vehicle Safety Act of 1986.

"Commercial learner's permit" means a permit issued to an individual in accordance with the provisions of this article or, if issued by another state, a permit issued in accordance with the standards contained in the Federal Motor Carrier Safety Regulations, which, when carried with a valid driver's license issued by the same state or jurisdiction, authorizes the individual to operate a class of commercial motor vehicle when accompanied by a holder of a valid commercial driver's license for purposes of behind-the-wheel training. When issued to a commercial driver's license holder, a commercial learner's permit serves as authorization for accompanied behind-the-wheel training in a commercial motor vehicle for which the holder's current commercial driver's license is not valid.

"Commercial motor vehicle" means, except for those vehicles specifically excluded in this definition, every motor vehicle, vehicle or combination of vehicles used to transport passengers or property which either: (i) has a gross vehicle weight rating of 26,001 or more pounds; or (ii) has a gross combination weight rating of 26,001 or more pounds inclusive of a towed vehicle with a gross vehicle weight rating of more than 10,000 pounds; or (iii) is designed to transport 16 or more passengers including the driver; or (iv) is of any size and is used in the transportation of hazardous materials as defined in this section. Every such motor vehicle or combination of vehicles shall be considered a commercial motor vehicle whether or not it is used in a commercial or profit-making activity.

The following shall be excluded from the definition of commercial motor vehicle: any vehicle when used by an individual solely for his own personal purposes, such as personal recreational activities; or any vehicle which (i) is controlled and operated by a farmer, whether or not it is owned by the farmer, and which is used exclusively for farm use, as provided in §§ 46.2-649.3 and 46.2-698, (ii) is used to transport either agricultural products, farm machinery or farm supplies to or from a farm, (iii) is not used in the operation of a common or contract motor carrier, and (iv) is used within 150 miles of the farmer's farm; or any vehicle operated for military purposes by (a) active duty military personnel, (b) members of the military reserves, (c) members of the national guard on active duty, including personnel on full-time national guard duty, personnel on part-time national guard training, and national guard military technicians (civilians who are required to wear military uniforms), but not U.S. Reserve technicians, and (d) active duty U.S. Coast Guard personnel; or emergency equipment operated by a member of a firefighting, rescue, or emergency entity in the performance of his official duties.

"Commercial Motor Vehicle Safety Act" means the federal Commercial Motor Vehicle Safety Act of 1986, Title XII of Public Law 99-570, as amended.

"Conviction" means an unvacated adjudication of guilt, or a determination that a person has violated or failed to comply with the law in a court of original jurisdiction, an unvacated forfeiture of bond, bail or collateral deposited to secure the person's appearance in court, a plea of guilty or nolo contendere accepted by the court, the payment of a fine or court costs in lieu of trial, a violation of a condition of release without bail, regardless of whether the penalty is rebated, suspended or probated, or, for the purposes of alcohol or drug-related offenses involving the operation of a motor vehicle, a civil or an administrative determination of a violation. For the purposes of this definition, an administrative determination shall include an unvacated certification or finding by an administrative or authorized law-enforcement official that a person has violated a provision of law.

"Disqualification" means a prohibition against driving, operating or being in physical control of a commercial motor vehicle for a specified period of time, imposed by a court or a magistrate, or by an authorized administrative or law-enforcement official or body.

"Domicile" means a person's true, fixed and permanent home and principal residence, to which he intends to return whenever he is absent.

"Employee" means a payroll employee or person employed under lease or contract, or a person who has applied for employment and whose employment is contingent upon obtaining a commercial driver's license.

"Employer" means a person who owns or leases commercial motor vehicles and assigns employees to drive such vehicles.

"Endorsement" means an authorization to an individual's commercial driver's license or commercial learner's permit required to permit the individual to operate certain types of commercial motor vehicles.

"FMCSA" means the Federal Motor Carrier Safety Administration.

"Full air brake" means any braking system operating fully on the air brake principle.

"Gross combination weight rating" means the value specified by the manufacturers of an articulated vehicle or combination of vehicles as the maximum loaded weight of such vehicles. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross combination weight rating shall be the greater of (i) the gross vehicle weight rating of the power units of the combination vehicle plus the total weight of the towed units, including any loads thereon, or (ii) the gross weight at which the articulated vehicle or combination of vehicles is registered in its state of registration; however, the registered gross weight shall not be applicable for determining the classification of an articulated vehicle or combination of vehicles for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Gross vehicle weight rating" means the value specified by the manufacturer of the vehicle as the maximum loaded weight of a single vehicle. In the absence of such a value specified by the manufacturer, for law-enforcement purposes, the gross vehicle weight rating shall be the greater of (i) the actual gross weight of the vehicle, including any load thereon; or (ii) the gross weight at which the vehicle is registered in its state of registration; however, the registered gross weight of the vehicle shall not be applicable for determining the classification of a vehicle for purposes of skills testing pursuant to § 46.2-341.14 or 46.2-341.16.

"Hazardous materials" means materials designated to be hazardous in accordance with § 103 of the federal Hazardous Materials Transportation Act, as amended, (49 U.S.C. § 5101 et seq.) and which require placarding when transported by motor vehicle as provided in the federal Hazardous Materials Regulations (49 C.F.R. Part 172, Subpart F); it also includes any quantity of any material listed as a select agent or toxin in federal Public Health Service Regulations at 42 C.F.R. Part 73.

"Manual transmission" (also known as a stick shift, stick, straight drive, or standard transmission) means a transmission utilizing a driver-operated clutch that is activated by a pedal or lever and a gear-shift mechanism operated by either hand or foot.

"Non-commercial driver's license" means any other type of motor vehicle license, such as an automobile driver's license, a chauffeur's license, or a motorcycle license.

"Nondomiciled commercial learner's permit" or "nondomiciled commercial driver's license" means a commercial learner's permit or commercial driver's license, respectively, issued to a person in accordance with the provisions of this article or, if issued by another state, under either of the following two conditions: (i) to an individual domiciled in a foreign jurisdiction that does not test drivers and issue commercial driver's licenses in accordance with, or under standards similar to, the standards contained in subparts F, G, and H of Part 383 of the Federal Motor Carrier Safety Regulations or (ii) to an

individual domiciled in another state while that state is prohibited from issuing commercial driver's licenses in accordance with decertification requirements of 49 C.F.R. § 384.405.

"Out-of-service order" or "out-of-service declaration" means an order by a judicial officer pursuant to § 46.2-341.26:2 or 46.2-341.26:3 or an order or declaration by an authorized law-enforcement officer under § 46.2-1001 or regulations promulgated pursuant to § 52-8.4 relating to Motor Carrier Safety, and including similar actions by authorized judicial officers or enforcement officers acting pursuant to similar laws of other states, the United States, the Canadian Provinces, Canada, Mexico, and localities within them, and also including actions by federal or other jurisdictions' officers pursuant to Federal Motor Carrier Safety Regulations, that a driver, a commercial motor vehicle, or a motor carrier is out of service. Such order or declaration as to a driver means that the driver is prohibited from operating a commercial motor vehicle for the duration of the out-of-service period. Such order or declaration as to a vehicle means that such vehicle cannot be operated until the hazardous condition that resulted in the order or declaration has been removed and the vehicle has been cleared for further operation. Such order or declaration as to a motor carrier means that no vehicle may be operated for or on behalf of such carrier until the out-of-service order or declaration has been lifted. For purposes of this article, the provisions of the Federal Motor Carrier Safety Regulations (49 C.F.R. Parts 390 through 397), including such regulations or any substantially similar regulations as may have been adopted by any state of the United States, the Provinces of Canada, Canada, Mexico, or any locality shall be considered laws similar to the ~~Virginia~~ laws of the *Commonwealth* referenced herein.

"Person" means a natural person, firm, partnership, association, corporation, or a governmental entity including a school board.

"Restriction" means a prohibition on a commercial driver's license or commercial learner's permit that prohibits the holder from operating certain commercial motor vehicles.

"Seasonal restricted commercial driver's license" means a commercial driver's license issued, under the authority of the waiver promulgated by the federal Department of Transportation (49 C.F.R. § 383.3) by ~~Virginia~~ the *Commonwealth* or any other jurisdiction, to an individual who has not passed the knowledge or skills tests required of other commercial driver's license holders. This license authorizes operation of a commercial motor vehicle only on a seasonal basis, stated on the license, by a seasonal employee of a farm service business, within 150 miles of the place of business or the farm currently being served.

"State" means one of the 50 states of the United States or the District of Columbia.

"Tank vehicle" means any commercial motor vehicle that is designed to transport any liquid or gaseous materials within a tank or tanks having an individual rated capacity of more than 119 gallons and an aggregate rated capacity of 1,000 gallons or more that is either permanently or temporarily attached to the vehicle or the chassis. Such vehicles include, but are not limited to, cargo tanks and portable tanks, as defined in 49 C.F.R. Part 171. However, this definition does not include portable tanks having a rated capacity under 1,000 gallons as provided in 49 C.F.R. Part 383. A commercial motor vehicle transporting an empty storage container tank, not designed for transportation, with a rated capacity of 1,000 gallons or more that is temporarily attached to a flatbed trailer is not considered a tank vehicle.

"Third party examiner" means an individual who is an employee of a third party tester and who is certified by the Department to administer tests required for a commercial driver's license.

"Third party tester" means a person (including, ~~but not limited to,~~ another state, a motor carrier, a private institution, the military, a government entity, including each comprehensive community college in the Virginia Community College System established by the State Board for Community Colleges pursuant to Chapter 16 (§ 23-192 et seq.) of Title 23, or a department, agency, or instrumentality of a local government) certified by the Department to employ third party examiners to administer a test program for testing commercial driver's license applicants in accordance with this article.

"VAMCSR" means the Virginia Motor Carrier Safety Regulations (19VAC30-20) adopted by the Department of State Police pursuant to § 52-8.4.

§ 46.2-341.14. Testing requirements for commercial driver's license; behind-the-wheel and knowledge examinations.

A. The Department shall conduct an examination of every applicant for a commercial driver's license, which examination shall comply with the minimum federal standards established pursuant to the federal Commercial Motor Vehicle Safety Act. The examination shall be designed to test the vision, knowledge, and skills required for the safe operation of the class and type of commercial motor vehicle for which the applicant seeks a license.

B. An applicant's skills test shall be conducted in a vehicle that is representative of or meets the description of the class of vehicle for which the applicant seeks to be licensed. In addition, applicants who seek to be licensed to drive vehicles with air brakes, passenger-carrying vehicles, or school buses must take the skills test in a vehicle that is representative of such vehicle type. Such vehicle shall be furnished by the applicant and shall be properly licensed, inspected and insured.

C. The Commissioner may, ~~in his discretion,~~ designate such persons as he deems fit, including private or governmental entities, including comprehensive community colleges in the Virginia Community College System, to administer the knowledge and skills tests required of applicants for a commercial driver's license. Any person so designated shall comply with all statutes and regulations with respect to the administration of such tests.

The Commissioner shall require all state and third party test examiners to successfully complete a formal commercial driver's license test examiner training course and examination before certifying them to administer commercial driver's license knowledge and skills tests. All state and third party test examiners shall complete a refresher training course and

examination every four years to maintain their commercial driver's license test examiner certification. The refresher training course shall comply with 49 C.F.R. § 384.228. At least once every two years, the Department shall conduct covert and overt monitoring of examinations performed by state and third party commercial driver's license test examiners.

The Commissioner shall require a nationwide criminal background check of all test examiners at the time of hiring or prior to certifying them to administer commercial driver's license testing. The Commissioner shall complete a nationwide criminal background check for any state or third party test examiners who are current examiners and who have not had a nationwide criminal background check.

The Commissioner shall revoke the certification to administer commercial driver's license tests for any test examiner who (i) does not successfully complete the required refresher training every four years or (ii) does not pass the required nationwide criminal background check. Criteria for not passing the criminal background check include but are not limited to having a felony conviction within the past 10 years or any conviction involving fraudulent activities.

D. Every applicant for a commercial driver's license who is required by the Commissioner to take a vision test shall either (i) appear before a license examiner of the Department of Motor Vehicles to demonstrate his visual acuity and horizontal field of vision; or (ii) submit with his application a copy of the vision examination report which was used as the basis for such examination made within 90 days of the application date by an ophthalmologist or optometrist. The Commissioner may, by regulation, determine whether any other visual tests will satisfy the requirements of this title for commercial drivers.

E. No person who fails the behind-the-wheel examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the in-vehicle component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education. In addition, no person who fails the general knowledge examination for a commercial driver's license administered by the Department three times shall be permitted to take such examination a fourth time until he successfully completes, subsequent to the third examination failure, the knowledge component of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or the Department of Education.

The provisions of this subsection shall not apply to persons placed under medical control pursuant to § 46.2-322.

F. Knowledge tests may be administered in written form, verbally, or in automated format and can be administered in a foreign language, provided no interpreter is used in administering the test.

G. Interpreters are prohibited during the administration of the skills tests. Applicants must be able to understand and respond to verbal commands and instructions in English by a skills test examiner. Neither the applicant nor the examiner may communicate in a language other than English during the skills test.

H. Skills tests may be administered to an applicant who has taken training in ~~Virginia~~ *the Commonwealth* and is to be licensed in another state. Such test results shall be electronically transmitted directly from ~~Virginia~~ *the Commonwealth* to the licensing state in an efficient and secure manner. The Department may charge a fee of not more than \$85 to any such applicant.

I. The Department shall accept the results of skills tests administered to applicants by any other state in fulfillment of the applicant's testing requirements for commercial licensure in the Commonwealth.

§ 46.2-341.14:1. Requirements for third party testers.

A. Pursuant to § 46.2-341.14, third party testers will be authorized to issue skills test certificates, which will be accepted by the Department as evidence of satisfaction of the skills test component of the commercial driver's license examination. Authority to issue skills test certificates will be granted only to third party testers certified by the Department.

B. To qualify for certification, a third party tester shall:

1. Make application to and enter into an agreement with the Department as provided in § 46.2-341.14:3;
2. Maintain a place of business in ~~Virginia~~ *the Commonwealth*;
3. Have at least one certified third party examiner in his employ;
4. Ensure that all third party examiners in his employ are certified and comply with the requirements of §§ 46.2-341.14:2 and 46.2-341.14:7;

5. Permit the Department and the FMCSA of the U.S. Department of Transportation to conduct random examinations, inspections, and audits of its records, facilities, and operations that relate to the third party testing program without prior notice;

6. Maintain at the principal place of business a copy of the state certificate authorizing the third party tester to administer a commercial driver's license testing program and current third party agreement;

7. Maintain at a ~~Virginia~~ location *in the Commonwealth*, for a minimum of two years after a skills test is conducted, a record of each driver for whom the third party tester conducts a skills test, whether the driver passes or fails the test. Each such record shall include:

- a. The complete name of the driver;
- b. The driver's Social Security number or other driver's license number and the name of the state or jurisdiction that issued the license held by the driver at the time of the test;
- c. The date the driver took the skills test;
- d. The test score sheet or sheets showing the results of the skills test and a copy of the skills test certificate, if issued;

e. The name and certification number of the third party examiner conducting the skills test; ~~and~~
 f. Evidence of the driver's employment with the third party tester at the time the test was taken. If the third party tester is a school board that tests drivers who are trained but not employed by the school board, evidence that (i) the driver was employed by a school board at the time of the test and (ii) the third party tester trained the driver in accordance with the Virginia School Bus Driver Training Curriculum Guide; *and*

g. *Notwithstanding the provisions of subdivision f, evidence of the student's enrollment in a commercial driver training course offered by a community college at the time the test was taken if the third party tester is a comprehensive community college in the Virginia Community College System.*

8. Maintain at a ~~Virginia~~ location *in the Commonwealth* a record of each third party examiner in the employ of the third party tester. Each record shall include:

- a. Name and Social Security number;
- b. Evidence of the third party examiner's certification by the Department;
- c. A copy of the third party examiner's current training and driving record, which must be updated annually;
- d. Evidence that the third party examiner is an employee of the third party tester; and
- e. If the third party tester is a school board, a copy of the third party examiner's certification of instruction issued by the ~~Virginia~~ Department of Education;

9. Retain the records required in subdivision 8 for at least two years after the third party examiner leaves the employ of the third party tester;

10. Ensure that skills tests are conducted, and that skills test certificates are issued in accordance with the requirements of §§ 46.2-341.14:8 and 46.2-341.14:9 and the instructions provided by the Department;

11. Maintain compliance with all applicable provisions of this article and the third party tester agreement executed pursuant to § 46.2-341.14:3; and

12. Maintain a copy of the third party tester's road test route or routes approved by the Department.

C. In addition to the requirements listed in subsection B, all third party testers who are not governmental entities, *including a comprehensive community college in the Virginia Community College System*, shall:

1. Be engaged in a business involving the use of commercial motor vehicles, which business has been in operation in ~~Virginia~~ *the Commonwealth* for a minimum of one year;

2. Employ at least 75 ~~Virginia licensed~~ drivers of commercial motor vehicles *licensed in the Commonwealth*, during the 12-month period preceding the application, including part-time and seasonal drivers. This requirement may be waived by the Department pursuant to § 46.2-341.14:10;

3. If subject to the FMCSA regulations and rated by the U.S. Department of Transportation, maintain a rating of "satisfactory";

4. Comply with the Virginia Motor Carrier Safety Regulations; and

5. Initiate and maintain a bond in the amount of \$5,000 to pay for retesting drivers in the event that the third-party tester or one or more of its examiners are involved in fraudulent activities related to conducting knowledge or skills testing for applicants.

§ 46.2-341.14:3. Application for certification by the Department.

A. Application for third party tester certification.

1. An applicant for certification shall provide the following information in a format prescribed by the Department:

a. Name, address, and telephone number of principal office or headquarters;

b. Name, title, address, and telephone number of an individual in ~~Virginia~~ *the Commonwealth* who has been designated to be the applicant's contact person with the Department;

c. Description of the vehicle fleet owned or leased by the applicant, including the number of commercial motor vehicles by class and type;

d. Classes and types of commercial motor vehicles for which the applicant seeks to be certified as a third party tester;

e. Total number of ~~Virginia licensed~~ drivers *licensed in the Commonwealth* employed during the preceding 12 months to operate commercial motor vehicles and the number of such drivers who are full time, part time, and seasonal. *However, this provision shall not apply to a comprehensive community college in the Virginia Community College System certified as a third party tester for the purposes of administering tests to students enrolled in a commercial driver training course offered by such community college;*

f. Name, driver's license number, and home address of each employee who is to be certified as a third party examiner.

If any employee has previously been certified as an examiner by the Department, the examiner's certification number;

g. The address of each ~~Virginia~~ location *in the Commonwealth* where the third party tester intends to conduct skills tests and a map, drawing, or written description of each driving course that satisfies the Department's requirements for a skills test course;

h. If the applicant is not a governmental entity, *including a comprehensive community college in the Virginia Community College System*, it shall also provide: (i) a description of the applicant's business and length of time in business in ~~Virginia~~ *the Commonwealth*; (ii) if subject to the FMCSA regulations, the applicant's Interstate Commerce Commission number or U.S. Department of Transportation number and rating; and (iii) the applicant's State Corporation Commission number; and

i. Any other relevant information required by the Department.

2. An applicant for certification shall also execute an agreement in a format prescribed by the Department in which the applicant agrees, at a minimum, to comply with the regulations and instructions of the Department for third party testers, including audit procedures, and agrees to hold the Department harmless from liability resulting from the third party tester's administration of its commercial driver's license skills test program.

B. Application for third party examiner certification.

1. An applicant for certification shall provide the following information in a format prescribed by the Department:

- a. Name, home, and business addresses and telephone numbers;
- b. Driver's license number;
- c. Name, address, and telephone number of the principal office or headquarters of the applicant's employer, who has applied for and received certification as a third party tester;
- d. Job title and description of duties and responsibilities;
- e. Length of time employed by present employer. If less than two years, list previous employer, address, and telephone number;
- f. Present employer's recommendation of the applicant for certification;
- g. A list of the classes and types of vehicles for which the applicant seeks certification to conduct skills tests; and
- h. Any other relevant information required by the Department.

C. Evaluation of applicant by the Department.

1. The Department will evaluate the materials submitted by the third party tester applicant, and, if the application materials are satisfactory, the Department will schedule an onsite inspection and audit of the applicant's third party testing program to complete the evaluation.

2. The Department will evaluate the materials submitted by the third party examiner applicant as well as the applicant's driving record. If the application materials and driving record are satisfactory, the Department will schedule the applicant for third party examiner training. Training may be waived if the applicant is seeking recertification only because he has changed employers.

3. No more than two applications will be accepted from any one third party tester or examiner applicant in any 12-month period, excluding applications for recertification because of a change in employers.

§ 46.2-341.14:9. The skills test certificate.

A. The Department will accept a skills test certificate issued in accordance with this section as satisfaction of the skills test component of the commercial driver's license examination.

B. Skills test certificates may be issued only to drivers who are employees of the third party tester who issues the certificate, except as otherwise provided herein. In the case of school boards certified as third party testers, certificates may be issued to employees and to other drivers who have been trained by the school board in accordance with the Virginia School Bus Driver Training Curriculum Guide. *For comprehensive community colleges in the Virginia Community College System that are certified as third party testers, certificates may be issued to students who are enrolled in a commercial driver training course offered by such community college at the time of the test.*

C. Skills test certificates may be issued only to drivers who have passed the skills test conducted in accordance with this chapter and the instructions issued by the Department.

D. A skills test certificate will be accepted by the Department only if it is:

1. Issued by a third party tester certified by the Department in accordance with this article;
2. In a format prescribed by the Department, completed in its entirety, without alteration;
3. Submitted to the Department within 60 days of the date of the skills test; and
4. Signed by the third party examiner who conducted the skills test.

CHAPTER 430

An Act to amend and reenact §§ 46.2-725 and 46.2-726 of the Code of Virginia, relating to special and personalized license plates; issuance to sex offenders.

[H 1190]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-725 and 46.2-726 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-725. Special license plates, generally.

A. No series of special license plates shall be created or issued by the Commissioner or the Department except as authorized ~~in~~ pursuant to this article. No special license plates in any series not provided for ~~in~~ pursuant to this article and no registration decal for any such license plate shall be issued, reissued, or renewed on or after July 1, 1995. However, subject to the limitations contained in subdivisions 1 and 2 of subsection B of this section, the Commissioner may issue, when feasible, special license plates that are combinations of no more than two series of special license plates authorized ~~in~~ pursuant to this article and currently issued by the Department; in addition to the state registration fee, the fee for any such combination shall be equal to the sum of the fees for the two series plus the fee for reserved numbers and letters, if applicable. The provisions of subdivisions 1 and 2 of subsection B of this section shall not apply to special license plates

that are combinations of two series of special license plates authorized ~~in~~ pursuant to this article and currently issued by the Department if one of the two combined designs, when feasible, incorporates or includes the international symbol of access.

B. Except as otherwise provided in this article:

1. No special license plates shall be considered for authorization by the General Assembly unless and until the individual, group, entity, organization, or other entity seeking the authorization of such special license plates shall have demonstrated to the satisfaction of the General Assembly that they meet the issuance requirements set forth in this subdivision. For the purposes of this article, each prepaid application shall be on a form prescribed by the Department and, excluding the vehicle registration fee, shall include the proposed or authorized fee for the issuance of the proposed or authorized special license plates and, if applicable, the annual fee for reserved numbers or letters prescribed under § 46.2-726. Once authorized by the General Assembly, no license plates provided for in this article shall be developed and issued by the Department until the Commissioner receives at least 450 prepaid applications therefor within 30 days of the effective date of the authorization associated with the applications. If the end of the 30-day period falls on a Saturday, Sunday, or holiday, the 30-day period shall end on the following business day.

2. No additional license plates shall be issued or reissued in any series that, after five or more years of issuance, has fewer than 200 active sets of plates. No such license plates shall be issued or reissued unless reauthorized by the General Assembly. Such reauthorized license plates shall remain subject to the provisions of this article.

3. The annual fee for the issuance of any license plates issued pursuant to this article shall be \$10 plus the prescribed fee for state license plates. Applications for all special license plates issued pursuant to this article shall be on forms prescribed by the Commissioner. All special license plates issued pursuant to this article shall be of designs prescribed by the Commissioner and shall bear unique letters and numerals, clearly distinguishable from any other license plate designs, and be readily identifiable by law-enforcement personnel.

No other state license plates shall be required on any vehicles bearing special license plates issued under the provisions of this article.

All fees collected by the Department under this article shall be paid by the Commissioner into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department.

C. The provisions of this article relating to registration fees shall apply only to those vehicles registered as passenger cars, motor homes, and pick-up or panel trucks, as defined in § 46.2-100. All other vehicle types registered with special license plates shall be subject to the appropriate special license plate fees, registration fees and other fees prescribed by law for such vehicle types.

D. For special license plates that generate revenues that are shared with entities other than the Department, hereinafter referred to as "revenue sharing special license plates," the General Assembly shall review all proposed revenue sharing special license plate authorizations to determine whether the revenues are to be shared with entities or organizations that (i) provide to the Commonwealth or its citizens a broad public service that is to be funded, in whole or in part, by the proposed revenue sharing special license plate authorization and (ii) are at least one of the following:

1. A nonprofit corporation as defined in § 501(c) (3) of the United States Internal Revenue Code;
2. An agency, board, commission, or other entity established or operated by the Commonwealth;
3. A political subdivision of the Commonwealth; or
4. An institution of higher education whose main campus is located in Virginia.

No revenue sharing special license plate authorization shall be approved if, as determined by the General Assembly, it does not meet the criteria set forth in this subsection.

E. No special license plates authorized pursuant to this article shall be issued to or renewed for any owner or co-owner of a vehicle who is registered pursuant to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.) if the design of such special license plates, including any logo, emblem, seal, or symbol therein, references children or children's programs or if any revenue-sharing provision authorized for such special license plates contributes, directly or indirectly, to any fund or program established for the benefit of children.

§ 46.2-726. License plates with reserved numbers or letters; fees.

The Commissioner may, in his discretion, reserve license plates with certain registration numbers or letters or combinations thereof for issuance to persons requesting license plates so numbered and lettered. *However, no such reserve license plates shall be issued to or renewed for any owner or co-owner of a vehicle who is registered pursuant to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.) if the requested registration numbers or letters or combination thereof could be read, interpreted, or understood to be a reference to children.*

License plates with reserved numbers or letters may be issued for and displayed on emergency medical services vehicles operated by emergency medical services agencies.

The annual fee or, in the case of permanent license plates for trailers and semitrailers, the one-time fee, for the issuance of any license plates with reserved numbers or letters shall be \$10 plus the prescribed fee for state license plates. If those license plates with reserved numbers or letters are subject to an additional fee beyond the prescribed fee for state license plates, the fee for such special license plates with reserved numbers or letters shall be \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

The annual fee for reissuing license plates with the same combination of letters and numbers as license plates that were previously issued but not renewed shall be \$10 plus the prescribed fee for state license plates. If those license plates are

special license plates subject to an additional fee beyond the prescribed fee for state license plates, the fee shall be \$10 plus the additional fee for the special license plates plus the prescribed fee for state license plates.

CHAPTER 431

An Act to amend and reenact §§ 46.2-2099.41 and 46.2-2099.42 of the Code of Virginia, relating to excursion trains; certification requirements; liability of railroad company.

[H 1229]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-2099.41 and 46.2-2099.42 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-2099.41. Certification requirements.

A. A person may apply to the Department for certification as an operator of an excursion train. The Department shall certify an applicant if the Department determines that the applicant will operate a passenger train that:

1. Is primarily used for tourism or public service; *and*
2. Leads to the promotion of the tourist industry in the Commonwealth; ~~and~~
3. ~~Is primarily operated within the Counties of Buchanan, Campbell, or Washington.~~

B. An application for certification shall include:

1. The name and address of each person who owns an interest of at least 10 percent of the excursion train operation;
2. An address in ~~this~~ *the* Commonwealth where the excursion train is based;
3. An operations plan, including the route to be used and a schedule of operations and stops along the route; and
4. Evidence of insurance that meets the requirements of subsection C ~~of this section~~.

C. The Department shall not certify to a person under subsection A unless the person files with the Department evidence of insurance providing coverage of liability resulting from injury to persons or damages to property in the amount of at least \$10 million for the operation of the train.

D. The Department shall not certify an applicant under subsection A ~~of this section~~ if the applicant or any other person owning interest in the excursion train also owns or operates a regularly scheduled passenger train service with interstate connection.

§ 46.2-2099.42. Assignment of liability.

A. The operator of an excursion train shall be liable for personal injury or wrongful death arising from the operation of such excursion train, including operations, maintenance, and signalization of the tracks and facilities upon which the excursion train operates.

B. Any county, city, or town may by resolution determine that the provision of excursion train services within the locality promotes tourism and furthers other public purposes. ~~Upon request of such locality, by resolution, any~~ Any railroad company that authorizes the operator of an excursion train to use its tracks and facilities for the purposes of this article shall not be liable for personal injury or wrongful death arising from the operation of such excursion train, including operations, maintenance, and signalization of the tracks and facilities upon which the excursion train operates.

C. The limitation of liability under subsection B does not apply if:

1. The injury or damages result from intentional misconduct, malice, or gross negligence of the railroad company; or
2. The operator of the excursion train was not operating in accordance with the definition of an excursion train under this chapter and the railroad company had otherwise authorized the operations that were inconsistent with this chapter.

D. Each passenger on the excursion train shall be deemed to have accepted and consented to the limitation of liability under this section. This agreement shall be governed by the laws of the Commonwealth as the place of performance notwithstanding any choice of law rules to the contrary.

E. The railroad company may charge reasonable amounts to the operator of the excursion train for the use of its tracks and facilities as determined by agreement between the railroad company and the operator.

CHAPTER 432

An Act to amend and reenact §§ 46.2-1569, 46.2-1571, and 46.2-1572.4 of the Code of Virginia, relating to compensation of dealers for recalled vehicles.

[H 1232]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1569, 46.2-1571, and 46.2-1572.4 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1569. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of vehicles, parts, and accessories.

Notwithstanding the terms of any franchise agreement, it shall be unlawful for any manufacturer, factory branch, distributor, distributor branch, or affiliate, or any field representative, officer, agent, or their representatives to do any of the

following. It shall further be unlawful for any manufacturer, factory branch, distributor, distributor branch, or any field representative, officer, agent, or their representatives to engage in conduct prohibited under this section through an affiliate.

1. To coerce or attempt to coerce any dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities, which have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof by threat to take or by taking any action in violation of the chapter, or by any other act unfair or injurious to the dealer. If a manufacturer, factory branch, distributor, or distributor branch conditions the grant of a new franchise to a dealer on the dealer's consent (i) to provide a site control agreement as defined in subdivision 10, (ii) to provide a written agreement containing an option to purchase the franchise of the dealer, provided, however, that agreements pursuant to § 46.2-1569.1 shall be permitted, or (iii) to provide a termination agreement to be held by the manufacturer, factory branch, distributor, or distributor branch for subsequent use, it shall be considered coercion and an act that is unfair and injurious to the dealer; provided, however, that the provisions of § 46.2-1572.3 related to the good faith settlement of disputes shall apply to the agreements described in clauses (i), (ii), and (iii) of this subdivision, mutatis mutandis. This subdivision shall not apply to any agreement the enforcement of which is subject to the jurisdiction of a United States Bankruptcy Court.

2a. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

2b. To coerce or require any dealer to establish in connection with the sale of a motor vehicle prices at which the dealer shall sell products or services not manufactured or distributed by the manufacturer, factory branch, distributor, or distributor branch, whether by agreement, program, incentive provision, or otherwise.

2c. To coerce or require any dealer, whether by agreement, program, incentive provision, or otherwise, to construct improvements to its facilities or to install new signs or other franchisor image elements that replace or substantially alter those improvements, signs, or franchisor image elements completed within the preceding 10 years that were required or approved by the manufacturer, factory branch, distributor, or distributor branch or one of its affiliates. If a manufacturer, factory branch, distributor, or distributor branch offers incentives, or other payments under a program offered after the effective date of this subdivision and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer facility improvements or installation of franchisor signs or other franchisor image elements, a dealer that constructed improvements or installed signs or other franchisor image elements required by or approved by the manufacturer, factory branch, distributor, or distributor branch and completed within the 10 years preceding the program shall be deemed to be in compliance with the program requirements pertaining to construction of facilities or installation of signs or other franchisor image elements that would replace or substantially alter those previously constructed or installed within that 10-year period. This subdivision shall not apply to a program that provides lump sum payments to assist dealers in making facility improvements or to pay for signs or franchisor image elements when such payments are not dependent on the dealer selling or purchasing specific numbers of new vehicles and shall not apply to a program that is in effect with more than one dealer in the Commonwealth on the effective date of this subdivision, nor to any renewal or modification of such a program.

2d. *To coerce or require any dealer, whether by agreement, program, incentive provision, or provision for loss of incentive payments or other benefits, to refrain from selling any used motor vehicle subject to (i) recall, (ii) stop sale directive, (iii) technical service bulletin, or (iv) other manufacturer, factory branch, distributor, or distributor branch notification to perform work on such used motor vehicle, unless the manufacturer, factory branch, distributor, or distributor branch has a remedy and parts available to the dealer to remediate the basis for the coercion or requirement of the dealer to refrain from selling each affected used motor vehicle. If there is no remedy or there are no parts available from the manufacturer, factory branch, distributor, or distributor branch to remediate each affected used motor vehicle in the inventory of the dealer, the manufacturer, factory branch, distributor, or distributor branch shall (a) compensate the dealer for any affected used motor vehicle in the inventory of the dealer that it cannot sell because of such coercion or requirement at least one percent a month or any part thereof of the cost of such used motor vehicle, including repairs and reconditioning expenses based on the financial records of the dealer, and (b) establish a written procedure to compensate dealers under this subdivision that it shall provide to dealers subject to its coercion or requirement and file with the Commissioner as a franchise document pursuant to § 46.2-1566.*

Any claim for compensation by a dealer shall be submitted on a monthly basis for the amount owed pursuant to this subdivision. The manufacturer, factory branch, distributor, or distributor branch shall process and pay the claim in the same manner as a claim for warranty reimbursements as provided in § 46.2-1571. This subdivision shall not prevent a manufacturer, factory branch, distributor, or distributor branch from (1) requiring that a motor vehicle not be subject to an open recall or stop sale directive in order to be qualified, remain qualified, or be sold as a certified pre-owned vehicle or similar designation; (2) paying incentives for selling used vehicles with no unremedied recalls; or (3) paying incentives for performing recall repairs on a vehicle in the dealer's inventory.

Nothing in this subsection shall prevent a manufacturer, factory branch, distributor, or distributor branch from instructing that a dealer repair used vehicles of the line-make for which the dealer holds a franchise with an open recall, provided that the instruction does not involve coercion that imposes a penalty or provision of loss of benefits on the dealer.

3. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the

reasons therefor by certified mail or overnight delivery or other method designed to ensure delivery to the dealer at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be sufficient unless the failure to approve is reasonable. Notwithstanding the provisions of subsection D of § 46.2-1573, the only grounds that may be considered reasonable for a failure to approve are that an individual who is the applicant or is in control of an entity that is an applicant (i) lacks good moral character, (ii) lacks reasonable motor vehicle dealership management experience and qualifications, (iii) lacks financial ability to be the dealer, or (iv) fails to meet the standards otherwise established by this title to be a dealer. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (a) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee on forms generally utilized by the franchisor to conduct its review, as well as the full agreement for the proposed transaction, and (b) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

3a. To impose a condition on the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise if the condition would violate the provisions of this title if imposed on the existing dealer.

In the event the manufacturer, factory branch, distributor or distributor branch takes action to prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, without a statement of specific grounds for doing so that is consistent with subdivision 3 hereof or imposes a condition in violation of subdivision 3a hereof, that shall constitute a violation of this section. The existing dealer may request review of the action or imposition of the condition in a hearing by the Commissioner. If the Commissioner finds that the action or the imposition of the condition was a violation of this section, the Commissioner may order that the sale or transfer be approved by the manufacturer, factory branch, distributor, or distributor branch, without imposition of the condition. If the existing dealer does not request a hearing by the Commissioner concerning the action or the condition imposed by the manufacturer, factory branch, distributor, or distributor branch, and the action or condition was the proximate cause of the failure of the contract for the sale or transfer of ownership of the dealership, the applicant for approval of the sale or transfer or the existing dealer, or both, may commence an action at law for violation of this section. The action may be commenced in the circuit court of the city or county in which the dealer is located, or in any other circuit court with permissible venue, within two years following the action or the imposition of the condition by the manufacturer, factory branch, distributor, or distributor branch for the damages suffered by the applicant or the dealer as a result of the violation of this section by the manufacturer, factory branch, distributor, or distributor branch, plus the applicant's or dealer's reasonable attorney fees and costs of litigation. Notwithstanding the foregoing, an exercise of the right of first refusal by the manufacturer, factory branch, distributor, or distributor branch pursuant to § 46.2-1569.1 shall not be considered the imposition of a condition prohibited by this section.

4. To grant an additional franchise for a particular line-make of motor vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that the franchisor can show by a preponderance of the evidence that after the grant of the new franchise, the relevant market area will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated, or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. The relocation of a franchise in a relevant market area, whether by an existing dealer or by a dealer who is acquiring the franchise, shall constitute the establishment of a new franchise subject to the terms of this subdivision. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motor vehicle dealer within two miles of the existing site of the relocating dealer.

5. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period prior to the effective date of such termination, cancellation, or the expiration date of the franchise and, after a hearing on the matter, that the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. If any manufacturer, factory branch, distributor, or distributor branch takes action that will have the effect of

terminating, canceling, or refusing to renew the franchise of any dealer (a) by use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, (b) by exercise of rights under a written option to purchase the franchise of a dealer, or (c) by exercise of rights under a site control agreement as defined in subdivision 10, that action shall be considered a termination, cancellation, or refusal to renew pursuant to the terms of this subdivision and subject to the rights, provisions, and procedures provided herein. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. Where the termination, cancellation, or nonrenewal of a franchise will result from use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, exercise of rights under a written option to purchase the franchise of a dealer, or exercise of rights under a site control agreement as defined in subdivision 10, such use or exercise shall be stayed pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court, and its use or exercise will be allowed only where the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motor vehicle dealer or filing of any petition by or against the franchised motor vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or which is intended to lead to liquidation of the franchisee's business.

b. Failure of the franchised motor vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motor vehicle dealer.

c. Revocation of any license which the franchised motor vehicle dealer is required to have to operate a dealership.

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or a different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation or nonrenewal.

5a. To fail to provide continued parts and service support to a dealer which holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make which was discontinued prior to January 1, 1989.

5b. Upon the involuntary or voluntary termination, nonrenewal, or cancellation of the franchise of any dealer, by either the manufacturer, distributor, or factory branch or by the dealer, notwithstanding the terms of any franchise whether entered into before or after the enactment of this section, to fail to pay the dealer for at least the following:

(1) The dealer cost plus any charges by the franchisor for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the franchisor, for new and undamaged motor vehicles in the dealer's inventory acquired from the franchisor or from another dealer of the same line — make in the ordinary course of business within 18 months of termination;

(2) The dealer cost as shown in the price catalog of the franchisor current at the time of repurchase of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog and is still in the original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used;

(3) The fair market value of each undamaged sign owned by the dealer that bears a trademark, trade name or commercial symbol used or claimed by the franchisor if such sign was purchased from or at the request of the franchisor;

(4) The fair market value of all special tools and automotive service equipment owned by the dealer that were recommended and designated as special tools or equipment by the franchisor, if the tools and equipment are in usable and good condition, normal wear and tear excepted; and

(5) The reasonable cost of transporting, handling, packing, and loading of motor vehicles, parts, signs, tools, and special equipment subject to repurchase hereunder.

The provisions of this subdivision do not apply to a dealer who is unable to convey clear title to the property identified in this subdivision.

For purposes of this subdivision, a voluntary termination shall not include the transfer of the terminating dealer's franchised business in connection with a transfer of that business by means of sale of the equity ownership or assets thereof to another dealer.

5c. If the termination, cancellation, or nonrenewal of the dealer's franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, then, in addition to the payments to the dealer pursuant to subdivision 5b, the manufacturer, distributor, or factory branch shall be liable to the dealer for the following:

(1) An amount at least equivalent to the fair market value of the franchise for the line-make, which shall be the greater of that value determined as of (i) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal, (ii) the date the action that resulted in the termination, cancellation, or nonrenewal first became general knowledge, or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued. In determining the fair market value of a franchise for a line-make, if the line-make is not the only line-make for which the dealer holds a franchise in the dealership facilities, the dealer shall also be entitled to compensation for the contribution of the line-make to payment of the rent or to covering obligation for the fair rental value of the dealership facilities for the period set forth in subdivision 5c (2). Fair market value of the franchise for the line-make shall only include the goodwill value of the dealer's franchise for that line-make in the dealer's relevant market area.

(2) If the line-make is the only line-make for which the dealer holds a franchise in the dealership facilities, the manufacturer, distributor, or factory branch shall also pay assistance with respect to the dealership facilities leased or owned by the dealer as follows: (i) the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the rent for the unexpired term of the lease or three years' rent, whichever is the lesser, or (ii) if the dealer owns the dealership facilities, the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the reasonable rental value of the dealership facilities for three years.

To be entitled to facilities assistance from the manufacturer, distributor, or factory branch, the dealer shall have the obligation to mitigate damages by listing the dealership facilities for lease or sublease with a licensed real estate agent within 30 days after the effective date of the termination of the franchise and thereafter by reasonably cooperating with such real estate agent in the performance of the agent's duties and responsibilities. If the dealer is able to lease or sublease the dealership facilities on terms that are consistent with local zoning requirements to preserve the right to sell motor vehicles from the dealership facilities and the terms of the dealer's lease, the dealer shall be obligated to pay the manufacturer the net revenue received from such mitigation, but only following receipt of facilities assistance payments pursuant to clause (i) or (ii) of subdivision 5c (2), and only up to the total amount of facilities assistance payments that the dealer has received.

6. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. Such designation may be made by the dealer or, in the event of the death or incapacity of the dealer, by the qualified executor or personal representative of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family designated the dealer's successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question, and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

7. To delay, refuse, or fail to deliver to any dealer, if ordered by the dealer, in reasonable quantities and within a reasonable time, any new vehicles of each series and model sold or distributed by the franchisor as covered by such franchise and which are publicly advertised by the manufacturer, factory branch, distributor, or distributor branch in the Commonwealth to be available for immediate delivery, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of available manufacturing capacity, a freight embargo, or other cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. If ordered by a dealer, a franchisor shall deliver an equitable supply of new vehicles during the model year of each series and model under the dealer's franchise in proportion to the sales objectives or goals established by the franchisor for the dealer compared to the sales objectives or goals established by the other same line-make dealers in the Commonwealth, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to a cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motor vehicles of the same line-make are allocated, scheduled, and delivered to dealers in the Commonwealth, and the basis upon which the current allocation or distribution is being made or will be made to such dealer. In the event that allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motor vehicles to the same line-make dealers who compete with the dealer requesting the hearing.

7a. To fail or refuse to offer to its same line-make franchised dealers all models manufactured for the line-make, or require a dealer to pay any extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays or other materials as a prerequisite to receiving a model or a series of vehicles.

7b. To require or otherwise coerce a dealer to underutilize the dealer's facilities by requiring or otherwise coercing a dealer to exclude or remove from the dealer's facilities operations for selling or servicing of a line-make of vehicles for which the dealer has a franchise agreement to utilize the facilities.

7c. To require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive

provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality from a vendor chosen by the dealer. For purposes of this subdivision, the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to intellectual property rights of, or special tools and training as required by the manufacturer, or parts to be used in repairs under warranty obligations of, a manufacturer, factory branch, distributor, or distributor branch.

7d. To fail to provide a notice to a dealer when notifying it of the requirement to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, or distributor branch of the dealer's rights pursuant to subdivision 7c.

7e. To fail to provide to a dealer, when the manufacturer, factory branch, distributor, or distributor branch claims that a vendor chosen by the dealer cannot supply goods and services of substantially similar quality, a disclosure concerning the vendor selected, identified, or designated by the franchisor stating (i) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, has an ownership interest, actual or beneficial, in the vendor and, if so, the percentage of the ownership interest and (ii) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates has an agreement or arrangement by which the vendor pays to the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, any compensation and, if so, the basis and amount of the compensation to be paid as a result of any purchases by the dealer, whether it is to be paid by direct payment by the vendor or by credit from the vendor for the benefit of the recipient.

7f. To fail to provide to a dealer, if the goods and services to be supplied to the dealer by a vendor selected, identified, or designated by the manufacturer, factory branch, distributor, or distributor branch are signs or other franchisor image elements to be leased to the dealer, the right to purchase the signs or other franchisor image elements of like kind and quality from a vendor selected by the dealer. If the vendor selected by the manufacturer, factory branch, distributor, or distributor branch is the only available vendor, the dealer must be given the opportunity to purchase the signs or other franchisor image elements at a price substantially similar to the capitalized lease costs thereof. This subdivision shall not be construed to allow a dealer to impair or eliminate the intellectual property rights of the manufacturer, factory branch, distributor, or distributor branch, nor to permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, factory branch, distributor, or distributor branch.

8. To include in any franchise with a motor vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

8a. For any franchise agreement, to require a motor vehicle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

9. To fail to include in any franchise with a motor vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

10. To enter into any agreement with a motor vehicle dealer in which the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates is given site control over the premises of a dealer that does not terminate upon the occurrence of any of the following events: (i) the right of the franchisor to manufacture or distribute the line-make of vehicles covered by the dealer's franchise is sold, assigned, or otherwise transferred by the manufacturer, factory branch, distributor, or distributor branch to another; (ii) the final termination of the dealer's franchise for any reason; or (iii) the manufacturer, factory branch, distributor, or distributor branch of its affiliate fails for any reason to exercise its right of first refusal to purchase the assets or ownership of the business of the dealer when given the opportunity to do so by virtue of its franchise agreement, another agreement, or as set forth in § 46.2-1569. For purposes of this subdivision, the term "site control" shall mean the contractual right to control in any way the commercial use and development of the premises upon which a dealer's business operations are located, including the right to approve of additional or different uses for the property beyond those of its franchise, the right to lease or sublease the dealer's property, or the right or option to purchase the dealer's property.

11. To require or coerce a motor vehicle dealer, whether by agreement, program, incentive provision, or otherwise, to submit or to provide a manufacturer, factory branch, distributor, or distributor branch access to consumer data maintained by the dealer (i) by any method that violates or would violate the dealer's chosen policies and processes for complying with obligations to protect consumer data under laws of the United States or the Commonwealth or (ii) through franchisor access to the computer database of the dealer if the dealer chooses to submit data specified by the franchisor.

The manufacturer, factory branch, distributor, or distributor branch shall provide a dealer the right to cancel the dealer's participation in a program under which the dealer provides consumer data or access to data to the manufacturer, factory branch, distributor, or distributor branch, provided that a manufacturer, factory branch, distributor, or distributor branch may require notice of up to 60 days of the dealer's decision to cancel the dealer's participation.

If a manufacturer, factory branch, distributor, or distributor branch offers incentives or other payments under a program offered after July 1, 2015, excluding any continuation, renewal, or modification of any existing program, and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer participation in manufacturer, factory branch, distributor, or distributor branch programs under which consumer data is provided to or accessed by the

manufacturer, factory branch, distributor, or distributor branch, a dealer that exercises its rights under this subdivision shall be deemed to be in compliance with the program requirements pertaining to providing consumer data, provided that the dealer has otherwise met program requirements to the extent of providing any consumer data that is not nonpublic personal information.

It shall not constitute a violation of this subdivision for a manufacturer, factory branch, distributor, or distributor branch to require a motor vehicle dealer to provide data (a) concerning a new motor vehicle sale or used motor vehicle sale under a manufacturer certification program, (b) to validate a customer or dealer incentive, (c) to calculate dealer or market sales or evaluate service performance or customer satisfaction to facilitate analysis of product quality and market feedback, (d) to facilitate warranty service work on a vehicle, (e) concerning information with respect to recall repairs or information about a recalled vehicle, (f) pursuant to a mutual agreement between a manufacturer, factory branch, distributor, or distributor branch and a dealer, or (g) where consumer data is reasonably necessary to enable a manufacturer, factory branch, distributor, or distributor branch to provide programs, products, or services to a dealer.

A dealer that elects to submit or push data or information to the manufacturer, factory branch, distributor, or distributor branch through any method other than that provided by the manufacturer, factory branch, distributor, or distributor branch shall timely obtain and furnish the requested data in a widely accepted electronic file format. A manufacturer, factory branch, distributor, or distributor branch shall not impose a fee, surcharge, or charge of any type on a dealer that chooses to submit data specified by the manufacturer, factory branch, distributor, or distributor branch rather than provide the manufacturer, factory branch, distributor, or distributor branch access to the dealer's computer database.

§ 46.2-1571. Recall, warranty, and sales incentive obligations.

A. Each motor vehicle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its motor vehicle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, *recall*, and warranty service on its products and (ii) compensate the dealer for *recall* or warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for *recall* or warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable. ~~Warranty~~ *Recall* or warranty parts compensation shall be stated as a percentage of markup, which shall be an agreed reasonable approximation of retail markup and which shall be uniformly applied to all of the manufacturer's or distributor's parts unless otherwise provided for in this section. If the dealer and manufacturer or distributor cannot agree on the *recall* or warranty parts compensation markup to be paid to the dealer, the markup shall be determined by an average of the dealer's retail markup on all of the manufacturer's or distributor's parts as described in subdivisions 2 and 3.

2. For purposes of determining *recall* or warranty parts and service compensation paid to a dealer by the manufacturer or distributor, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers. For purposes of determining labor compensation for *recall* or warranty body shop repairs paid to a dealer by the manufacturer or distributor, internal and insurance-paid repairs shall not be considered in determining amounts charged by the dealer to retail customers.

3. Increases in dealer *recall* or warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts.

4. In the case of *recall* or warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years.

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as *recall* or warranty parts compensation, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production motor vehicles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special high-performance complete engine assemblies in determining whether the amounts requested by the dealer for *recall* or warranty compensation are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work.

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for *recall* or warranty service or parts.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. ~~Warranty~~ *Recall*, *warranty*, and sales incentive audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for *recall*, *warranty*, or sales incentive

compensation shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim shall not constitute grounds for the denial of the claim or reduction of the amount of compensation to the dealer as long as reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer, factory branch, distributor, or distributor branch shall not deny a claim or reduce the amount of compensation to the dealer for *recall* or warranty repairs to resolve a condition discovered by the dealer during the course of a separate repair requested by the customer or to resolve a condition on the basis of advice or recommendation by the dealer. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for *recall* or warranty parts or service compensation and service incentives shall only be for the six-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the six-month period immediately following the date of claim. However, such limitations shall not be effective if a manufacturer, factory branch, distributor, or distributor branch has reasonable cause to believe that a claim submitted by a dealer is intentionally false or fraudulent. For purposes of this section, "reasonable cause" means a bona fide belief based upon evidence that the material issues of fact are such that a person of ordinary caution, prudence, and judgment could believe that a claim was intentionally false or fraudulent. A dealer shall not be charged back or otherwise liable for sales incentives or charges related to a motor vehicle sold by the dealer to a purchaser other than a licensed, franchised motor vehicle dealer and subsequently exported or resold, unless the manufacturer, factory branch, distributor, or distributor branch can demonstrate by a preponderance of the evidence that the dealer should have known of and did not exercise due diligence in discovering the purchaser's intention to export or resell the motor vehicle.

B. It shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its *recall* or warranty obligations, including tires, with respect to a motor vehicle;
2. Fail to assume all responsibility for any liability resulting from structural or production defects;
3. Fail to include in written notices of factory recalls to vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;
4. Fail to compensate any of the motor vehicle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;
5. Fail to fully compensate its motor vehicle dealers licensed in the Commonwealth for *recall* or warranty parts, work, and service pursuant to subsection A either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition by which the motor vehicle manufacturer, factory branch, distributor, or distributor branch seeks to recover its costs of complying with subsection A, or for legal costs and expenses incurred by such dealers in connection with *recall* or warranty obligations for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or which the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;
6. Misrepresent in any way to purchasers of motor vehicles that warranties with respect to the manufacture, performance, or design of the vehicle are made by the dealer, either as warrantor or co-warrantor;
7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the vehicle;
8. Shift or attempt to shift to the motor vehicle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer; or
9. Deny any dealer the right to return any part or accessory that the dealer has not sold within 12 months where the part or accessory was not obtained through a specific order initiated by the dealer but instead was specified for, sold to and shipped to the dealer pursuant to an automated ordering system, provided that such part or accessory is in the condition required for return to the manufacturer, factory branch, distributor, or distributor branch, and the dealer returns the part within 30 days of it becoming eligible under this subdivision. For purposes of this subdivision, an "automated ordering system" shall be a computerized system that automatically specifies parts and accessories for sale and shipment to the dealer without specific order thereof initiated by the dealer. The manufacturer, factory branch, distributor, or distributor branch shall not charge a restocking or handling fee for any part or accessory being returned under this subdivision. This subdivision shall not apply if the manufacturer, factory branch, distributor, or distributor branch has available to the dealer an alternate system for ordering parts and accessories that provides for shipment of ordered parts and accessories to the dealer within the same time frame as the dealer would receive them when ordered through the automated ordering system.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its motor vehicle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of motor vehicles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the vehicle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably

practicable to do so. Every motor vehicle dealer franchise issued to, amended, or renewed for motor vehicle dealers in Virginia shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new motor vehicle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231 -1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new motor vehicle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a motor vehicle is otherwise damaged prior to delivery to the new motor vehicle dealer, the new motor vehicle dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new motor vehicle to the new motor vehicle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the vehicle exceeds the three percent rule, in which case the dealer may reject the vehicle within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the vehicle because damage exceeds the three percent rule, ownership of the new motor vehicle shall revert to the manufacturer or distributor, and the new motor vehicle dealer shall have no obligation, financial or otherwise, with respect to such motor vehicle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgement by the buyer is required. If there is less than three percent damage, no disclosure is required, provided the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new motor vehicle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the motor vehicle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the vehicle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the vehicle as defined in § 59.1-207.11. Nothing in this section shall be construed to exempt from the provisions of this section damage to a new motor vehicle that occurs following delivery of the vehicle to the dealer.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty. A manufacturer, factory branch, distributor, or distributor branch may not collect chargebacks, fully or in part, either through direct payment or by charge to the dealer's account, for *recall* or warranty parts or service compensation, including service incentives, sales incentives, other sales compensation, surcharges, fees, penalties, or any financial imposition of any type arising from an alleged failure of the dealer to comply with a policy of, directive from, or agreement with the manufacturer, factory branch, distributor, or distributor branch until 40 days following final notice of the amount charged to the dealer following all internal processes of the manufacturer, factory, factory branch, distributor, or distributor branch. Within 30 days following receipt of such final notice, the dealer may petition the Commissioner, in writing, for a hearing. If a dealer requests such a hearing, the manufacturer, factory branch, distributor, or distributor branch may not collect the chargeback, fully or in part, either through direct payment or by charge to the dealer's account, until the completion of the hearing and a final decision of the Commissioner concerning the validity of the chargeback.

§ 46.2-1572.4. Manufacturer or distributor use of performance standards.

A. Any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance and may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable and equitable, and if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

B. A manufacturer or distributor shall not use any data, calculations, or statistical determinations of the sales performance of a dealer for any purpose, including (i) loss of incentive payments or other benefits, (ii) claim of breach or threats thereof, or (iii) notice of termination or threats thereof for the period of time the manufacturer, factory branch, distributor, or distributor branch has established an agreement, program, incentive program, or provision for loss of incentive payments or other benefits that causes a dealer to refrain from selling any used motor vehicle subject to (a) recall, (b) stop sale directive, (c) technical service bulletin, or (d) other manufacturer, factory branch, distributor, or distributor branch notification to perform work on a dealer's used motor vehicles in its inventory when there is no remedy or there are no parts to remediate each such affected used motor vehicle from the manufacturer, factory branch, distributor, or distributor branch and for 90 days after the termination of such agreement, program, incentive program, or provision for loss of incentive payments or other benefits.

The data on which the manufacturer or distributor seeks to rely under this subsection shall only be for a period or periods not excluded under this subsection. For any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance during the period or periods excluded under this subsection, a dealer shall be deemed in compliance with any such program requirements related to sales performance or sales or service customer satisfaction performance of a dealer.

This subsection shall not prevent a manufacturer, factory branch, distributor, or distributor branch from (1) requiring that a motor vehicle not be subject to an open recall or stop sale directive in order to be qualified, remain qualified, or be sold as a certified pre-owned vehicle or similar designation; (2) paying incentives for selling used vehicles with no unremedied recalls; (3) paying incentives for performing recall repairs on a vehicle in the dealer's inventory; or (4) instructing that a dealer repair used vehicles of the line-make for which the dealer holds a franchise with an open recall, provided that the instruction does not involve coercion that imposes a penalty or provision of loss of benefits on the dealer.

C. A dealer may apply to the manufacturer, factory branch, distributor, or distributor branch for adjustment to data, calculations, or statistical determinations of sales performance or sales and service customer satisfaction performance for any period of time that such dealer has at least five percent of its new motor vehicle inventory subject to a recall or stop sale directive and for 90 days after the end of such period of time. Within 30 days of application for adjustment, the manufacturer, factory branch, distributor, or distributor branch shall use reasonable efforts to review and adjust the data, calculations, or other statistical determinations back to the date that the dealer was prevented from selling the new motor vehicles. A dealer applying for adjustment shall have the burden of showing that the prevention of sale had a material, adverse impact on such dealer's new vehicle sales performance or sales and service customer satisfaction performance, and the adjustments by the manufacturer, factory branch, distributor, or distributor branch shall use reasonable efforts to remediate the effect of the impact shown on the data, calculations, or statistical determinations of sales performance or sales and service customer satisfaction performance.

The manufacturer shall take into consideration any adjustments to a dealer's new vehicle sales performance or sales and service customer satisfaction performance made by the manufacturer under this subsection in determining a dealer's compliance with a manufacturer performance standard or program.

CHAPTER 433

An Act to amend and reenact § 58.1-439.12:08 of the Code of Virginia, relating to research and development expenses tax credit; reporting requirement.

[H 590]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-439.12:08 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-439.12:08. Research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

~~"Partnership" means the Virginia Economic Development Partnership.~~

"Virginia base amount" means the base amount as defined in § 41(c) of the Internal Revenue Code, as amended, that is attributable to Virginia, determined by (i) substituting "Virginia qualified research and development expense" for "qualified research expense"; (ii) substituting "Virginia qualified research" for "qualified research"; and (iii) instead of "fixed base percentage," using:

1. The percentage that the Virginia qualified research and development expense for the three taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years; or

2. The percentage that the Virginia qualified research and development expense for the applicable number of taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years, for the taxpayer that has fewer than three but at least one prior taxable year.

"Virginia gross receipts" means the same as "gross receipts" as defined in § 58.1-3700.1.

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2011, but before January 1, 2019, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to (i) 15 percent of the first \$234,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first \$234,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university, to the extent the expenses exceed the Virginia base amount for the taxpayer.

The total amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$6 million.

C. A taxpayer meeting the requirements of this section shall be eligible to receive a tax credit as provided herein. The Department shall develop and publish guidelines for applications and such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). In the event applications for the tax credits allowed under this section exceed \$6 million for any taxable year, the Department shall apportion the credits by dividing \$6 million by the total amount of tax credits applied for, to determine the percentage of allowed tax credits each taxpayer shall receive. In the event that the total amount of approved tax credits under this section for all applications for any taxable year is less than \$6 million, the Department shall allocate credits up to the maximum of \$6 million, on a pro rata basis, to taxpayers who are already approved for the tax credit for the taxable year equal to 15 percent of the second \$234,000 in qualified research expenses during the taxable year or 20 percent of the second \$234,000 in qualified research expenses conducted in conjunction with a public or private college or university located in the Commonwealth.

D. If the amount of the credit allowed exceeds the taxpayer's tax liability for the taxable year, the amount that exceeds the tax liability shall be refunded to the taxpayer, subject to the limitations set forth in the guidelines developed by the Department.

E. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

F. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders, unless the partnership, limited liability company, or electing small business corporation (S corporation) elects for such credits not to be so allocated but to be received and claimed at the entity level by the partnership, limited liability company, or electing small business corporation (S corporation) pursuant to guidelines that shall be issued by the Department for purposes of such election.

G. The Department shall adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

H. ~~The Partnership shall include the tax credits approved in accordance with the provisions of this section in the Annual Report on Business Incentives compiled by the Secretary of Commerce and Trade. Such report~~ Tax Commissioner's annual report to the Governor on revenue collections by tax source shall include (i) the total number of applicants approved for tax credits pursuant to this section for the applicable tax year and (ii) the total ~~number of amount of such tax credits~~ approved for the applicable tax year.

I. The Department shall require taxpayers applying for the credit to provide information including (i) the number of full-time employees employed by the taxpayer in the Commonwealth during the taxable year for which the credit is sought; (ii) the taxpayer's sector or sectors according to the 2012 edition of the North American Industry Classification System (NAICS) as published by the United States Census Bureau; (iii) a brief description of the area, discipline, or field of Virginia qualified research performed by the taxpayer; (iv) the total gross receipts or anticipated total gross receipts of the taxpayer for the taxable year for which the credit is sought; and (v) whether the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university. The Department shall aggregate and summarize the information collected and make it available to the Governor and any member of the General Assembly upon request, regardless of the number of taxpayers applying for the credit.

CHAPTER 434

An Act to amend and reenact § 22.1-207.1:1 of the Code of Virginia, relating to high school family life education curricula; programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence.

[H 659]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-207.1:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-207.1:1. Family life education; certain curricula and standards of learning.

A. Any family life education curriculum offered by a local school division shall require the Standards of Learning objectives related to dating violence and the characteristics of abusive relationships to be taught at least once in middle school and at least twice in high school, as described in the Board of Education's family life education guidelines.

B. Any high school family life education curriculum offered by a local school division shall incorporate age-appropriate elements of effective and evidence-based programs on the prevention of dating violence, domestic abuse, sexual harassment, and sexual violence.

CHAPTER 435

An Act to amend the Code of Virginia by adding a section numbered 22.1-299.5, relating to waiver of teacher licensure requirements; trade and industrial education programs.

[H 682]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding a section numbered 22.1-299.5 as follows:****§ 22.1-299.5. Waiver of teacher licensure requirements; trade and industrial education programs.**

A. Notwithstanding any provision of law to the contrary, any division superintendent may apply to the Department of Education for an annual waiver of the teacher licensure requirements for any individual whom the local school board hires or seeks to hire to teach in a trade and industrial education program who has obtained or is working toward an industry credential relating to the program area and who has at least 4,000 hours of recent and relevant employment experience, as defined by the Board pursuant to regulation.

B. The Department of Education shall establish a procedure for submitting, receiving, and acting upon such annual waiver applications.

CHAPTER 436

An Act to amend and reenact §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-516, 54.1-517.2, and 55-519 of the Code of Virginia and to repeal § 54.1-517.1 of the Code of Virginia, relating to the Virginia Board for Asbestos, Lead, and Home Inspectors; licensing of home inspectors.

[H 741]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-500, 54.1-500.1, 54.1-501, 54.1-503, 54.1-516, 54.1-517.2, and 55-519 of the Code of Virginia are amended and reenacted as follows:****§ 54.1-500. Definitions.**

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

~~"Certified home inspection" means any inspection of a residential building for compensation conducted by a certified home inspector. A certified home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A certified home inspection may be limited in scope as provided in a home inspection contract, provided such contract is not inconsistent with the provisions of this chapter or the regulations of the Board.~~

~~"Certified home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been certified by the Board.~~

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Home inspection" means any inspection of a residential building for compensation conducted by a licensed home inspector. A home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A home inspection may be limited in scope as provided in a home inspection contract, provided that such contract is not inconsistent with the provisions of this chapter or the regulations of the Board. For purposes of this chapter, residential building energy analysis alone, as defined in § 54.1-1144, shall not be considered a home inspection.

"Home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been licensed by the Board to perform home inspections.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is performed as a part of a lead abatement. As used in this definition,

"compensation" shall include the receipt of (i) pay for work performed, such as that paid to contractors and subcontractors; (ii) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (iii) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

§ 54.1-500.1. Virginia Board for Asbestos, Lead, and Home Inspectors; membership; meetings; offices; quorum.

The Virginia Board for Asbestos, Lead, and Home Inspectors shall be appointed by the Governor and composed of 14 members as follows: one shall be a representative of a Virginia-licensed asbestos contractor, one shall be a representative of a Virginia-licensed lead contractor, one shall be a representative of a Virginia-licensed renovation contractor, one shall be either a Virginia-licensed asbestos inspector or project monitor, one shall be a Virginia-licensed lead risk assessor, one shall be a Virginia-licensed renovator, one shall be a Virginia-licensed dust sampling technician, one shall be a representative of a Virginia-licensed asbestos analytical laboratory, one shall be a representative of an asbestos, lead, or renovation training program, one shall be a member of the Board for Contractors, two shall be ~~certified~~ *Virginia-licensed* home inspectors, and two shall be citizen members. After initial staggered terms, the terms of members of the Board shall be four years, except that vacancies may be filled for the remainder of the unexpired term. The two home inspector members appointed to the Board shall have practiced as home inspectors for at least five consecutive years immediately prior to appointment. The renovation contractor, renovator, and dust sampling technician members appointed to the board shall have practiced respectively as a renovation contractor, renovator, or dust sampling technician for at least five consecutive years prior to appointment.

The Board shall meet at least once each year and other such times as it deems necessary. The Board shall elect from its membership a chairman and a vice-chairman to serve for a period of one year. Eight members of the Board shall constitute a quorum. The Board is vested with the powers and duties necessary to execute the purposes of this chapter.

§ 54.1-501. Powers and duties of the Board.

The Board shall administer and enforce this chapter. The Board shall:

1. Promulgate regulations necessary to carry out the requirements of this chapter in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) to include but not be limited to the prescription of fees, procedures, and qualifications for the issuance and renewal of asbestos, lead, and renovation licenses, and governing conflicts of interest among various categories of asbestos, lead, and renovation licenses;

2. Approve the criteria for accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, training managers, and principal instructors;

3. Approve accredited asbestos training programs, accredited lead training programs, accredited renovation training programs, examinations and the grading system for testing applicants for asbestos, lead, and renovation licensure;

4. Promulgate regulations governing the licensing of and establishing performance criteria applicable to asbestos analytical laboratories;

5. Promulgate regulations governing the functions and duties of project monitors on asbestos projects, circumstances in which project monitors shall be required for asbestos projects, and training requirements for project monitors;

6. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the: (i) approval of accredited lead training programs, (ii) licensure of individuals and firms to engage in lead-based paint activities, and (iii) establishment of standards for performing lead-based paint activities consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency regulations. If the United States Environmental Protection Agency (EPA) has adopted, prior to the promulgation of any related regulations by the Board, any final regulations relating to lead-based paint activities, then the related regulations of the Board shall not be more stringent than the EPA regulations in effect as of the date of such promulgation. In addition, if the EPA shall have outstanding any proposed regulations relating to lead-based paint activities (other than as amendments to existing EPA regulations), as of the date of promulgation of any related regulations by the Board, then the related regulations of the Board shall not be more stringent than the proposed EPA regulations. In the event that the EPA shall adopt any final regulations subsequent to the promulgation by the Board of related regulations, then the Board shall, as soon as practicable, amend its existing regulations so as to be not more stringent than such EPA regulations;

7. Promulgate regulations for ~~certification~~ *the licensing* of home inspectors not inconsistent with this chapter regarding the professional qualifications of home inspectors applicants, the requirements necessary for passing home inspectors examinations ~~in whole or in part~~, the proper conduct of its examinations, the proper conduct of the home inspectors ~~certified~~ *licensed* by the Board, ~~the implementation of exemptions from certifications requirements~~, and the proper discharge of its duties; and

8. Promulgate, in accordance with the Administrative Process Act, regulations necessary to establish procedures and requirements for the (i) approval of accredited renovation training programs, (ii) licensure of individuals and firms to engage in renovation, and (iii) establishment of standards for performing renovation consistent with the Residential Lead-based Paint Hazard Reduction Act and United States Environmental Protection Agency (EPA) regulations. Such regulations of the Board shall be consistent with the EPA Lead Renovation, Repair, and Painting Program final rule.

§ 54.1-503. Licenses required.

A. It shall be unlawful for any person who does not have an asbestos contractor's license to contract with another person, for compensation, to carry out an asbestos project or to perform any work on an asbestos project. It shall be unlawful for any person who does not have an asbestos project designer's license to develop an asbestos project design. It shall be unlawful for any person who does not have an asbestos inspector's license to conduct an asbestos inspection. It shall be unlawful for any person who does not have an asbestos management planner's license to develop an asbestos management plan. It shall be unlawful for any person who does not have a license as an asbestos project monitor to act as project monitor on an asbestos project.

B. It shall be unlawful for any person who does not possess a valid asbestos analytical laboratory license issued by the Board to communicate the findings of an analysis, verbally or in writing, for a fee, performed on material known or suspected to contain asbestos for the purpose of determining the presence or absence of asbestos.

C. It shall be unlawful for any person who does not possess a license as a lead contractor to contract with another person to perform lead abatement activities or to perform any lead abatement activity or work on a lead abatement project. It shall be unlawful for any person who does not possess a lead supervisor's license to act as a lead supervisor on a lead abatement project. It shall be unlawful for any person who does not possess a lead worker's license to act as a lead worker on a lead abatement project. It shall be unlawful for any person who does not possess a lead project designer's license to develop a lead project design. It shall be unlawful for any person who does not possess a lead inspector's license to conduct a lead inspection. It shall be unlawful for any person who does not possess a lead risk assessor's license to conduct a lead risk assessment. It shall be unlawful for any person who does not possess a lead inspector's or lead risk assessor's license to conduct lead abatement clearance testing.

D. It shall be unlawful for any person who does not possess a license as a renovation contractor to perform renovation. It shall be unlawful for any person who does not possess a renovator's license to perform or direct others to perform renovation. It shall be unlawful for any person who does not possess a dust sampling technician's license to perform dust clearance sampling.

E. ~~(Effective July 1, 2016)~~ *It shall be unlawful for any individual who does not possess a license as a home inspector issued by the Board to perform a home inspection for compensation on a residential building.* It shall be unlawful for any person ~~individual who is not a certified home inspector pursuant to this chapter and who has not successfully completed the training module required by § 54.1-517.2~~ *does not possess a home inspector license with the new residential structure endorsement to conduct a home inspection for compensation on any new residential structure. For purposes of this chapter, "new residential structure" means a residential structure for which the first conveyance of record title to a purchaser has not occurred, or of which a purchaser has not taken possession, whichever occurs later.*

§ 54.1-516. Disciplinary actions.

A. The Board may reprimand, fine, suspend or revoke (i) the license of a lead contractor, lead inspector, lead risk assessor, lead project designer, lead supervisor, lead worker, asbestos contractor, asbestos supervisor, asbestos inspector, asbestos analytical laboratory, asbestos management planner, asbestos project designer, asbestos project monitor, asbestos worker, renovator, dust sampling technician, ~~or renovation contractor,~~ *or home inspector* or (ii) the approval of an accredited asbestos training program, accredited lead training program, accredited renovation training program, training manager or principal instructor, if the licensee or approved person or program:

1. Fraudulently or deceptively obtains or attempts to obtain a license or approval;
2. Fails at any time to meet the qualifications for a license or approval or to comply with the requirements of this chapter or any regulation adopted by the Board; or
3. Fails to meet any applicable federal or state standard when performing an asbestos project or service, performing lead-based paint activities, or performing renovations.

B. The Board may reprimand, fine, suspend or revoke the license of; (i) any asbestos contractor who employs or permits an individual without an asbestos supervisor's or worker's license to work on an asbestos project, (ii) any lead contractor who employs or permits an individual without a lead supervisor's or lead worker's license to work on a lead abatement project, or (iii) any renovation contractor who employs or permits an individual without a renovator's license to perform or to direct others who perform renovations.

C. The Board may reprimand, fine, suspend or revoke the ~~certification~~ *license* of a home inspector.

§ 54.1-517.2. Requirements for licensure.

A. The Board ~~may~~ *shall* issue a ~~certificate~~ *license* to practice as a ~~certified~~ *home inspector* in the Commonwealth to ~~any~~:

1. *An individual who holds an unexpired certificate as a home inspector issued prior to June 30, 2017; or*
2. *An applicant who has submitted satisfactory evidence that he has successfully:*
 - ~~1-~~ *a. Completed any the educational requirements as required by the Board;*
 - ~~2-~~ *b. Completed any the experience requirements as required by the Board; and*
 - ~~3-~~ *c. Passed any written or electronic the examination offered or approved by the Board; and*

4. ~~(Effective July 1, 2016) If conducting inspections on new residential structures, completed.~~

B. The Board shall issue a license with the new residential structure endorsement to any applicant who completes a training module developed by the Board in conjunction with the Department of Housing and Community Development based on the International Residential Code component of the Virginia Uniform Statewide Building Code.

~~The Board may issue a certificate to practice as a certified home inspector to any applicant who is a member of a national or state professional home inspectors association approved by the Board, provided that the requirements for the applicant's class of membership in such association are equal to or exceed the requirements established by the Board for all applicants.~~

§ 55-519. Required disclosures.

A. With regard to transfers described in § 55-517, the owner of the residential real property shall furnish to a purchaser a residential property disclosure statement in a form provided by the Real Estate Board stating that the owner makes the following representations as to the real property:

1. The owner makes no representations with respect to the matters set forth and described at a website maintained by the Real Estate Board and that the purchaser is advised to consult this website for important information about the real property; and

2. The owner represents that there are no pending enforcement actions pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) that affect the safe, decent, sanitary living conditions of the property of which the owner has been notified in writing by the locality, except as disclosed on the disclosure statement, nor any pending violation of the local zoning ordinance that the violator has not abated or remedied under the zoning ordinance, within a time period set out in the written notice of violation from the locality or established by a court of competent jurisdiction, except as disclosed on the disclosure statement.

B. At the website referenced in subdivision A 1, the Real Estate Board shall include language providing notice to the purchaser that by delivering the residential property disclosure statement:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary, including obtaining a ~~certified~~ home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of any local ordinance creating such district or any official map adopted by the locality depicting historic districts, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property,

in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property; and

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.

C. Any purchaser who is a party to a real estate purchase contract subject to this section may provide in such contract that the disclosures provided on the Real Estate Board website be printed off and provided to such purchaser.

2. That § 54.1-517.1 of the Code of Virginia is repealed.

3. That the provisions of this act shall become effective on July 1, 2017, except as otherwise provided in the fourth enactment of this act.

4. That the Virginia Board for Asbestos, Lead, and Home Inspectors shall promulgate regulations to implement the provisions of this act to be effective no later than July 1, 2017. The Board's initial adoption of regulations necessary to implement the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia), except that the Board shall provide an opportunity for public comment on the regulations prior to adoption.

CHAPTER 437

An Act to amend and reenact §§ 46.2-1700, 46.2-1701, and 46.2-1702 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 46.2-1701.4, relating to certification of online driver education courses.

[H 748]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1700, 46.2-1701, and 46.2-1702 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 46.2-1701.4 as follows:

§ 46.2-1700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Class A licensee" means a driver training school that provides training in the operation of commercial motor vehicles as defined in § 46.2-341.4.

"Class B licensee" means a driver training school that provides training in the operation of any type of motor vehicle other than motorcycles and commercial motor vehicles as defined in § 46.2-341.4.

"Computer-based driver education course" means the classroom portion of driver education offered by a computer-based driver education provider through the Internet or other electronic means approved by the Department whose content and quality is comparable to that of courses offered in the Commonwealth's public schools.

"Computer-based driver education provider" means a driver training school licensed by the Department in accordance with this chapter to conduct computer-based driver education courses.

"Driver training school" or "school" means a business enterprise conducted by an individual, association, partnership, or corporation, for the education and training of persons, either practically or theoretically or both, to operate or drive motor vehicles, and charging a consideration or tuition for such services. "Driver training school" or "school" does not mean any college, university, school established pursuant to § 46.2-1314, school maintained or classes conducted by employers for their own employees where no fee or tuition is charged, schools or classes owned and operated by or under the authority of bona fide religious institutions, or by the Commonwealth or any political subdivision thereof, training programs for school bus operators established pursuant to § 22.1-181, driver education programs established pursuant to § 22.1-205, or schools accredited by accrediting associations approved by the Department of Education; however, if any such entity or program excluded from the definition of "driver training school" offers driver education and training through a contractual arrangement with another person for consideration, then that other person shall be considered a driver training school subject to the requirements of this chapter.

"Instructor" means any person, whether acting for himself as operator of a driver training school or for such school for compensation, who teaches, conducts classes, gives demonstrations, or supervises persons learning to operate or drive a motor vehicle.

§ 46.2-1701. Licenses required for school and instructor; fees.

No driver training school shall be established or continue operation unless the school obtains from the Commissioner a license authorizing the school to operate within this Commonwealth.

No instructor shall perform the actions enumerated in the definition of "instructor" in § 46.2-1700 unless he obtains from the Commissioner a license authorizing him to act as driving instructor.

The Commissioner shall have authority to set and collect school and instructor licensing fees. All licensing fees collected by the Commissioner under this chapter shall be paid into the state treasury and set aside as a special fund to meet the expenses of the Department of Motor Vehicles.

Upon application of a driver training school licensed in accordance with this chapter, the Commissioner may license such driver training school using criteria established by the Commissioner pursuant to § 46.2-1702 to provide computer-based driver education courses using curricula approved by the Commissioner. A nonrefundable annual licensing fee of \$100 shall be required with each application. Such annual licensing fee shall be in addition to fees permitted under this chapter.

§ 46.2-1701.4. Reports and records of licensed computer-based driver education providers.

The Commissioner may require annual, periodic, or special reports from computer-based driver education providers in a manner and form approved by the Commissioner. The Commissioner may require a computer-based driver education provider to file with the Department a true copy of any contract, agreement, or arrangement between such computer-based driver education provider and any person in relation to the provisions of this chapter. The Commissioner may prescribe the forms of any accounts, records, and memoranda to be kept by computer-based driver education providers and the length of time such accounts, records, and memoranda shall be preserved.

§ 46.2-1702. Certification of driver education courses by Commissioner.

Notwithstanding any other provision of law, the Commissioner shall have the authority to approve as a driver education course satisfying the requirements of § 46.2-334 any course which is offered by any driver training school licensed under the provisions of this chapter if he finds that the course is of comparable content and quality to that offered in the Commonwealth's public schools. In making such finding, the Commissioner shall not require that the instructors of any driver training school meet the certification requirements of teachers in the Commonwealth's public schools.

Any community college within the Virginia Community College System shall have the authority to offer the courses required by the Virginia Board of Education to become a certified driver education instructor in Virginia on a not-for-credit basis so long as the courses include the same content and curriculum required by the Department of Education, enabling individuals who complete those courses to then teach driver's education in Virginia driver education training schools upon official certification by the Department of Motor Vehicles. The Virginia Department of Education shall provide the curriculum, content, and other information regarding the courses required to become certified driver education instructors in Virginia to any community college within the Virginia Community College System. The content of each course must be accurate and rigorous and must meet the requirements for the Department of Education's Curriculum and Administrative Guide for Driver's Education, which includes the Board of Education's standards of learning.

Except for schools in the Commonwealth's public school system and providers of correspondence courses approved by the Board of Education pursuant to subsection F of § 22.1-205, only those driver training schools that are licensed as computer-based driver education providers shall be authorized to administer computer-based driver education courses. The content and quality of such computer-based driver education courses shall be comparable to that of courses offered in the Commonwealth's public schools. The Commissioner may establish minimum standards for testing students who have enrolled in computer-based driver education courses. Such standards may include (i) requirements for the test site; (ii) verification that the person taking the test is the person enrolled in the course; (iii) verification of the identity of the student using photo identification approved by the Commissioner; and (iv) maintenance of a log containing the name and title of the licensed instructor monitoring the test, the test date, the name of the student taking the test, and the student's time-in and time-out of the test site. Computer-based driver education providers shall not issue a certificate of completion to a student in Planning District 8 prior to receiving proof of completion of the additional minimum 90-minute parent/student driver education component pursuant to § 22.1-205.

The Commissioner shall have authority to approve any driver education course offered by any Class A licensee if he finds the course meets the requirements for such courses as set forth in this chapter and as otherwise established by the Department. Class A licensees shall not be permitted to administer knowledge or behind-the-wheel examinations. Driver education courses offered by any Class B licensee shall be based on the driver education curriculum currently approved by the Department of Education and the Department.

The Commissioner may accept 20 years' service with the Virginia Department of State Police by a person who retired or resigned while in good standing from such Department in lieu of requirements established by the Department of Education for instructor qualification.

CHAPTER 438

An Act to amend and reenact § 22.1-289.01 of the Code of Virginia, relating to school service providers.

[H 749]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.01 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.01. School service providers; student personal information.

A. For the purposes of this section:

"Elementary and secondary school purposes" means purposes that (i) customarily take place at the direction of an elementary or secondary school, elementary or secondary school teacher, or school division; (ii) aid in the administration of school activities, including instruction in the classroom or at home; administrative activities; and collaboration between students, school personnel, or parents; or (iii) are otherwise for the use and benefit of an elementary or secondary school.

"Personal profile" does not include account information that is collected and retained by a school service provider and remains under control of a student, parent, or elementary or secondary school.

"School service" means a website, mobile application, or online service that (i) is designed and marketed solely primarily for use in elementary or secondary schools; (ii) is used at the direction of teachers or other employees at elementary or secondary schools; and (iii) collects and maintains, uses, or shares student personal information. "School service" does not include a website, mobile application, or online service that is designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

"School service provider" means an entity that operates a school service pursuant to a contract with a local school division in the Commonwealth.

"Student personal information" means information collected through a school service that identifies an individual student or is linked to information that identifies an individual student.

"Targeted advertising" means advertising that is presented to a student and selected on the basis of information obtained or inferred over time from such student's online behavior, use of applications, or sharing of student personal information. "Targeted advertising" does not include advertising (i) that is presented to a student at an online location (a) on the basis of such student's online behavior, use of applications, or sharing of student personal information during his current visit to that online location or (b) in response to that student's request for information or feedback and (ii) for which a student's online activities or requests are not retained over time for the purpose of subsequent advertising.

B. Each *In operating a school service pursuant to a contract with a local school division, each school service provider shall:*

1. Provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses, or shares such student personal information;

2. Maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;

3. Maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information and makes use of appropriate administrative, technological, and physical safeguards;

4. Facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used, or shared by the school service provider, or by such student's parent, either directly or through the student's school or teacher;

5. Collect, maintain, use, and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the school division and the school service provider;

6. When it collects student personal information directly from the student, obtain the consent of the student or, if the student is less than 18 years of age, his parent before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, obtain the consent of the school division before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service; ~~and~~

7. ~~Ensure that~~ *Require* any successor entity or third party with whom it contracts ~~abides to abide~~ by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information; ~~and~~

8. *Upon the request of the school or school division, delete student personal information within a reasonable period of time after such request unless the student or, if the student is less than 18 years of age, his parent consents to the maintenance of the student personal information by the school service provider.*

C. No *In operating a school service pursuant to a contract with a local school division, no school service provider shall knowingly:*

1. Use or share any student personal information for the purpose of ~~behaviorally targeting advertisements to targeted advertising to~~ students;

2. Use or share any student personal information to create a personal profile of a student other than for ~~supporting elementary and secondary school purposes authorized in the contract between~~ by the school division ~~and the school service provider~~, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise authorized in the contract between the school division and the school service provider;

3. ~~Knowingly retain student personal information beyond the time period authorized in the contract between the school division and the school service provider, except with the consent of the student or, if the student is less than 18 years of age, his parent; or~~

4-3. Sell student personal information, *except to the extent that such student personal information is sold to or acquired by a successor entity that purchases, merges with, or otherwise acquires the school service provider, subject to the provisions of subdivision B 7.*

D. Nothing in this section shall be construed to prohibit school service providers from ~~using~~:

1. Using student personal information for purposes of adaptive learning, *personalized learning*, or customized education;

2. Using student personal information for maintaining, developing, supporting, improving, or diagnosing the school service;

3. Providing recommendations for employment, school, educational, or other learning purposes within a school service when such recommendation is not determined in whole or in part by payment or other consideration from a third party;

4. Disclosing student personal information to (i) ensure legal or regulatory compliance, (ii) protect against liability, or (iii) protect the security or integrity of its school service; or

5. Disclosing student personal information pursuant to a contract with a service provider, provided that the school service provider (i) contractually prohibits the service provider from using any student personal information for any purpose other than providing the contracted service to or on behalf of the school service provider, (ii) contractually prohibits the service provider from disclosing any student personal information provided by the school service provider to any third party unless such disclosure is permitted by subdivision 7, and (iii) requires the service provider to comply with the requirements set forth in subsection B and prohibitions set forth in subsection C.

E. Nothing in this section shall be construed to:

1. Impose a duty upon a provider of an electronic store, gateway, marketplace, forum, or means for purchasing or downloading software or applications to review or enforce compliance with this section with regard to any school service provider whose school service is available for purchase or download on such electronic store, gateway, marketplace, forum, or means;

2. Impose liability on an interactive computer service, as that term is defined in 47 U.S.C. § 230(f), for content provided by another individual; or

3. Prohibit any student from downloading, exporting, transferring, saving, or maintaining his personal information, data, or documents.

~~E. F.~~ No school service provider in operation on June 30, ~~2015~~ 2016, shall be subject to the provisions of this section until such time as the contract to operate a school service is renewed.

CHAPTER 439

An Act to amend and reenact § 22.1-289.01 of the Code of Virginia, relating to student personal information; school services; college and career readiness assessment.

[H 750]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.01 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.01. School service providers; student personal information.

A. For the purposes of this section:

"School service" means a website, mobile application, or online service that (i) is designed and marketed solely for use in elementary or secondary schools; (ii) is used at the direction of teachers or other employees at elementary or secondary schools; and (iii) collects and maintains, uses, or shares student personal information. "School service" does not include a website, mobile application, or online service that is (a) *used for the purposes of college and career readiness assessment* or (b) designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

"School service provider" means an entity that operates a school service pursuant to a contract with a local school division in the Commonwealth.

"Student personal information" means information collected through a school service that identifies an individual student or is linked to information that identifies an individual student.

B. Each school service provider shall:

1. Provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses, or shares such student personal information;

2. Maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;

3. Maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information and makes use of appropriate administrative, technological, and physical safeguards;

4. Facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used, or shared by the school service provider, or by such student's parent, either directly or through the student's school or teacher;

5. Collect, maintain, use, and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the school division and the school service provider;

6. When it collects student personal information directly from the student, obtain the consent of the student or, if the student is less than 18 years of age, his parent before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, obtain the consent of the school division before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service; and

7. Ensure that any successor entity or third party with whom it contracts abides by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information.

C. No school service provider shall:

1. Use or share any student personal information for the purpose of behaviorally targeting advertisements to students;

2. Use or share any student personal information to create a personal profile of a student other than for supporting purposes authorized in the contract between the school division and the school service provider, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise authorized in the contract between the school division and the school service provider;

3. Knowingly retain student personal information beyond the time period authorized in the contract between the school division and the school service provider, except with the consent of the student or, if the student is less than 18 years of age, his parent; or

4. Sell student personal information.

D. Nothing in this section shall be construed to prohibit school service providers from using student personal information for purposes of adaptive learning or customized education.

E. No school service provider in operation on June 30, 2015, shall be subject to the provisions of this section until such time as the contract to operate a school service is renewed.

CHAPTER 440

An Act to designate the Commonwealth Center for Recurrent Flooding Resiliency jointly at Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary.

[H 903]

Approved March 11, 2016

Whereas, Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary have joined together to provide critical applied research, policy, and outreach resources to support the efforts of the Commonwealth and its political subdivisions to build resilience in the face of rising water throughout the state; and

Whereas, Old Dominion University, the Virginia Institute of Marine Science, and The College of William and Mary have developed the basis for a joint center of excellence in recurrent flooding resiliency, resulting in national leadership in this domain; and

Whereas, House Joint Resolution 50 and Senate Joint Resolution 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation, migration, and the prevention of recurrent flooding in Tidewater and Eastern Shore Virginia localities, resulting in Senate Document 3 (2013), entitled "Recurrent Flooding Study for Tidewater Virginia"; and

Whereas, VIMS found that recurrent flooding is occurring repeatedly in the same area over time due to precipitation events, high tides, or storm surges throughout coastal Virginia and is predicted to worsen, resulting in more frequent or larger-scale flood events; and

Whereas, VIMS found that "[i]mpacts from flooding can range from temporary road closures to the loss of homes, loss of businesses, property and life. In coastal Virginia, the cost of large storm damage can range from millions to hundreds of millions of dollars per storm. With a long history of flooding from coastal storms, there is a keen interest in Virginia to identify areas of potential flooding and establish measures or adaptation strategies to reduce the impact of future flood events"; and

Whereas, VIMS found that a review of global flood management strategies suggests that it is possible for Virginia to have an effective flood response, but such efforts may take 20 to 30 years to effectively plan and implement; and

Whereas, VIMS has developed state-of-the-art storm surge models capable of predicting street-level flooding associated with storm events that can be used to inform planning and emergency preparedness; and

Whereas, Old Dominion University (ODU) has prioritized interdisciplinary and applied research in areas impacting recurrent flooding and resilience in Virginia, demonstrated through the Hampton Roads Sea Level Rise Adaptation Forums; the Virginia Modeling, Analysis, and Simulation Center (VMASC); the Center for Coastal Physical Oceanography (CCPO);

the Hampton Roads Intergovernmental Pilot Project; the Hampton Roads Sea Level Rise and Adaptation Forums; and other programs and initiatives; and

Whereas, ODU CCPO researchers identified a "hot spot" of accelerated sea level rise along the East Coast of the United States, including Coastal Virginia, resulting from a diminished Gulf Stream; and

Whereas, ODU VMASC researchers have modeled evacuation responses in vulnerable and medically fragile populations, providing information to facilitate better policies and decision making; and

Whereas, ODU VMASC researchers are actively designing models to facilitate planning practices for increased housing recovery and resilience in the event of a severe storm event; and

Whereas, the Hampton Roads Intergovernmental Pilot Project convened by ODU has effectively brought together federal, state, regional, municipal, and community partners to develop a framework for a whole of government and whole of community approach to resilience throughout the Commonwealth; and

Whereas, the Virginia Coastal Policy Center at The College of William and Mary provides legal and policy analysis of ecological issues affecting the state's coastal resources, providing education and advice to decision makers throughout Virginia; and

Whereas, localities included in the Hampton Roads Planning District Commission are required to incorporate into the next scheduled and all subsequent reviews of its comprehensive plan strategies to combat projected relative sea level rise and recurrent flooding with assistance from Old Dominion University, the Virginia Institute of Marine Science, and other agencies of the Commonwealth; and

Whereas, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk; and therefore, the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

Whereas, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution 132 (2012) and presented on October 15, 2013, entitled "Review of Disaster Preparedness Planning in Virginia," stated, "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

Whereas, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

Whereas, the flooding affects areas outside of the Atlantic and Chesapeake Bay watersheds, as experienced in 1969, when Hurricane Camille spawned destruction and the loss of lives in Nelson County as well as severe flooding in the Valley, and in 1972, when Hurricane Agnes notably affected Central and Southwest Virginia; and

Whereas, many Virginia communities regularly battle recurrent flooding from nearby rivers and runoff as well as flooding associated with aging public and private dams; and

Whereas, a number of Virginia-based federal (including military), state, regional, and local agencies, private and not-for-profit groups, and colleges and universities are actively examining issues resulting from recurrent flooding in Virginia's coastal communities and investing in specific flood mitigation strategies; and

Whereas, the Virginia Housing Commission studied this issue through its Housing and the Environment Work Group and found that zoning, building codes, and planning issues will all be affected by recurrent flooding; and

Whereas, House Joint Resolution 16 (2013) established a joint subcommittee to formulate recommendations for the development of a comprehensive and coordinated planning effort to address recurrent flooding; now, therefore,

Be it enacted by the General Assembly of Virginia:

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

The Commonwealth and any agency or political subdivision thereof may designate the Center to conduct special studies and to develop, integrate, coordinate, and share federal, state, local, and nongovernmental data, best practices, regulations, models, plans, projects, and other means for increasing resilience and enabling short-term and long-term decision making in the Commonwealth.

The Commonwealth and any agency or political subdivision thereof may designate the Center to maintain liaison with appropriate agencies of the federal government or respond to opportunities provided by those agencies on behalf of the Commonwealth as may arise.

All state agencies, political subdivisions, and authorities are encouraged to consult with the Center on matters of information, data, and services to improve methods of data sharing, efficiency, and resilience within the Commonwealth.

CHAPTER 441

An Act to amend and reenact §§ 2.2-2233.1 and 23-4.3 of the Code of Virginia, relating to boards of visitors of state-supported institutions of higher education; student intellectual property rights.

[H 1230]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-2233.1 and 23-4.3 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-2233.1. Commonwealth Research Commercialization Fund; continued; purposes; report.**

A. For purposes of this section:

"Guidelines" means guidelines developed in consultation with the Secretary of Technology and published by the Authority regarding the administration of the Commonwealth Research Commercialization Fund.

"Qualified research and technologies" means research programs or technologies identified in the Commonwealth Research and Technology Strategic Roadmap as areas of focus for technology investment in the Commonwealth, which may include but are not limited to the fields of energy, conservation, environment, microelectronics, robotics and unmanned vehicle systems, advanced shipbuilding, or lifespan biology and medicine.

"Qualifying institution" means (i) a public or private institution of higher education in the Commonwealth or its associated intellectual property foundation that adopts a policy regarding the ownership, protection, assignment, and use of intellectual property pursuant to *subsection A of § 23-4.3* or (ii) a federal research facility located in the Commonwealth.

"SBIR" means the Small Business Innovation Research Program authorized under 15 U.S.C. § 638.

"STTR" means the Small Business Technology Transfer Program authorized under 15 U.S.C. § 638.

B. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is created in the state treasury a special nonreverting, permanent fund, to be known as the Commonwealth Research Commercialization Fund (the Fund), to be administered by the Authority pursuant to the guidelines. The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which may consist of grants or loans, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request bearing the signature of the chairman or the vice-chairman of the Authority, or, if so authorized by the Authority, bearing his facsimile signature, and the official seal of the Authority.

C. Awards from the Fund shall be made by the Authority, pursuant to the guidelines and upon the recommendation of the Research and Technology Investment Advisory Committee. Awards from the Fund shall only be made to applications that further the goals set forth in the Commonwealth Research and Technology Strategic Roadmap.

D. Awards from the Fund may be granted for the following programs:

1. For fiscal years beginning with a Fund balance of less than \$7 million, an SBIR matching funds program for Virginia-based technology businesses. Businesses meeting the following criteria shall be eligible to apply for an award:

a. The applicant has received a Phase I SBIR award from the National Institute of Health targeted at the development of qualified research or technologies;

b. The applicant employs fewer than 12 full-time employees;

c. At least 51 percent of the applicant's employees reside in Virginia; and

d. At least 51 percent of the applicant's property is located in Virginia.

The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award. Applicants shall be eligible for matching grants of up to \$50,000 of the Phase I award. All applicants shall be required to submit a commercialization plan with their application.

2. For fiscal years beginning with a Fund balance of \$7 million or greater, an SBIR and STTR matching funds program for Virginia-based technology businesses. Businesses meeting the following criteria shall be eligible to apply for an award:

a. The applicant has received an SBIR or STTR award targeted at the development of qualified research or technologies;

b. The applicant employs fewer than 12 full-time employees;

c. At least 51 percent of the applicant's employees reside in Virginia; and

d. At least 51 percent of the applicant's property is located in Virginia.

The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award. Applicants shall be eligible for matching grants of up to \$100,000 for Phase I awards and up to \$500,000 for Phase II awards. All applicants shall be required to submit a commercialization plan with their application.

3. A matching funds program to assist qualifying institutions and other research institutions in leveraging federal and private funds designated for the commercialization of qualified research or technologies. The chairman of the Authority is authorized to issue letters of financial commitment to assist applicants in leveraging federal and private funds.

4. A commercialization program to incentivize the commercialization of a product or service related to a qualifying technology. An eligible applicant shall have operations in the Commonwealth, and the project proposed by the applicant shall:

a. Commercialize a product or service related to a qualifying technology;

- b. Have a demonstrable economic development benefit to the Commonwealth;
- c. Match the award, on at least a one-to-one basis, from other available funds, including funds from an institution of higher education collaborating on the project; and
- d. Have a reasonable probability of enhancing the Commonwealth's national and global competitiveness.

Priority shall be given to those applications that propose projects that (i) are collaborative between private and nonprofit entities, public or private agencies, and qualifying institutions or research institutions; (ii) project a short time to commercialization, although transformative projects with a longer projected time to commercialization shall not be discounted; (iii) have active third-party equity holders; (iv) have technology and management in place that are likely to successfully bring the product or service to the marketplace; or (v) are from applicants who have a history of successful projects funded by the Fund. The length of time that a business has been incorporated shall have no bearing on an applicant's eligibility for an award.

5. An eminent researcher recruitment program to acquire and enhance research superiority at public qualifying institutions. For purposes of applications pursuant to this subdivision, the applicant shall be a state institution of higher education. In order to qualify for an award, the applicant shall:

- a. Demonstrate that the researcher being recruited would create research superiority at the institution;
- b. Demonstrate that the institution making the application has sufficient technology transfer processes and other research capabilities in place to meet the needs of the researcher being recruited;
- c. Involve a private sector partner with business operations in the Commonwealth;
- d. Demonstrate that the research conducted by the researcher is in a qualifying technology; and
- e. Match the award, on at least a one-to-one basis, with 50 percent of the match from the applicant and 50 percent of the match from the private sector partner.

E. Any application for an award from the Fund shall include a strategic plan that, at a minimum, identifies (i) how the proposed project fits into the Commonwealth Research and Technology Strategic Roadmap, (ii) other funds that may be reasonably expected from other sources as a result of an award from the Fund, (iii) the potential for commercialization of the research or technology underlying the application, and (iv) opportunities for public and private collaboration.

F. No award shall be made from the Fund until a performance agreement or memorandum of understanding is agreed to by the Authority and the recipient of the award memorializing the terms and conditions of the award. Such agreement or memorandum of understanding shall set forth any conditions for receipt of the award, any dates certain for the completion of certain acts by the recipient, and provisions for the repayment of any award, including the rate of interest to be charged if any, if the recipient does not meet the terms of the agreement. In the event that an award is to be made over a multi-year period, the performance agreement or memorandum of understanding shall establish certain benchmarks or performance standards against which to measure the interim success of the project before additional funds are disbursed from the Fund.

G. The chairman of the Authority shall provide the Governor and the General Assembly with an annual report to include a detailed list of awards and loans committed, the amount of each approved award or loan, a description of the approved proposals, and the amount of federal or private matching funds anticipated where applicable, a statement concerning how the approved proposals further the goals of the Commonwealth Research and Technology Strategic Roadmap, and an assessment of the effectiveness of the Fund.

H. Administrative expenses related to implementing the guidelines and review process may be reimbursed from the Fund.

§ 23-4.3. Adoption of intellectual property policies; employees to be bound by such policies.

A. The boards of visitors of state-supported institutions of higher education and the State Board for Community Colleges shall adopt policies regarding the ownership, protection, assignment, and use of intellectual property.

B. All employees, *including student employees*, of state-supported institutions of higher education, including the Virginia Community College System, as a condition of employment, shall be bound by the intellectual property policies of the institution employing them.

C. Upon adoption of *policies pursuant to subsection A*, the boards of visitors of state-supported institutions of higher education, including the State Board for Community Colleges, shall provide a copy of their intellectual property policies to the Governor and the Joint Commission on Technology and Science.

D. *The boards of visitors of state-supported institutions of higher education shall adopt policies that are supportive of the intellectual property rights of matriculated students who are not employed by such institution.*

E. For purposes of this section, "intellectual property" means (i) a potentially patentable machine, article of manufacture, composition of matter, process, or improvement in any of those; (ii) an issued patent; (iii) a legal right that inheres in a patent; or (iv) anything that is copyrightable.

CHAPTER 442

An Act to amend and reenact §§ 22.1-19 and 63.2-1715 of the Code of Virginia, relating to child day programs; exemptions from licensure.

Approved March 11, 2016

[S 467]

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-19 and 63.2-1715 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-19. Accreditation of elementary, middle, and high schools; nursery schools; recognition of certain organizations; child day center regulation.

The Board shall provide for the accreditation of public elementary, middle, and high schools in accordance with standards prescribed by it. The Board may provide for the accreditation of private elementary, middle, and high schools in accordance with standards prescribed by it, taking reasonably into account the special circumstances and factors affecting such private schools. The Board in its discretion may recommend provisions for standards for private nursery schools. Any such accreditation shall be at the request of the private school only.

For the purposes of facilitating the transfer of academic credits for students who have attended private schools and are enrolling in public schools, and to meet the requirements of § 63.2-1717, the Board of Education shall authorize, in a manner it deems appropriate, the Virginia Council for Private Education to accredit private nursery, preschool, elementary, and secondary schools.

~~The Board shall promulgate accreditation regulations that incorporate, but may exceed, the regulations for child day centers promulgated by the State Board of Social Services, for those child day centers described in subdivision A 7 of § 63.2-1715.~~

§ 63.2-1715. Exemptions from licensure.

A. The following child day programs shall not be required to be licensed:

1. A child day center that has obtained an exemption pursuant to § 63.2-1716.
 2. A program where, by written policy given to and signed by a parent or guardian, school-aged children are free to enter and leave the premises without permission or supervision, regardless of (i) such program's location or the number of days per week of its operation; (ii) the provision of transportation services, including drop-off and pick-up times; or (iii) the scheduling of breaks for snacks, homework, or other activities. A program that would qualify for this exemption except that it assumes responsibility for the supervision, protection and well-being of several children with disabilities who are mainstreamed shall not be subject to licensure.

3. A program of instructional experience in a single focus, such as, but not limited to, computer science, archaeology, sport clinics, or music, if children under the age of six do not attend at all and if no child is allowed to attend for more than 25 days in any three-month period commencing with enrollment. This exemption does not apply if children merely change their enrollment to a different focus area at a site offering a variety of activities and such children's attendance exceeds 25 days in a three-month period.

4. Programs of instructional or recreational activities wherein no child under age six attends for more than six hours weekly with no class or activity period to exceed one and one-half hours, and no child six years of age or above attends for more than six hours weekly when school is in session or 12 hours weekly when school is not in session. Competition, performances and exhibitions related to the instructional or recreational activity shall be excluded when determining the hours of program operation.

5. A program that operates no more than a total of 20 program days in the course of a calendar year provided that programs serving children under age six operate no more than two consecutive weeks without a break of at least a week.

6. Instructional programs offered by public and private schools that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

~~7. Education and care programs provided by public schools that are not exempt pursuant to subdivision A 6 shall be regulated by the State Board of Education using regulations that incorporate, but may exceed, the regulations for child day centers licensed by the Commissioner.~~
Instructional programs offered by public schools that serve preschool-age children or that satisfy compulsory attendance laws or the Individuals with Disabilities Education Act, as amended, and programs of school-sponsored extracurricular activities that are focused on single interests such as, but not limited to, music, sports, drama, civic service, or foreign language.

8. Early intervention programs for children eligible under Part C of the Individuals with Disabilities Education Act, as amended, wherein no child attends for more than a total of six hours per week.

9. Practice or competition in organized competitive sports leagues.

10. Programs of religious instruction, such as Sunday schools, vacation Bible schools, and Bar Mitzvah or Bat Mitzvah classes, and child-minding services provided to allow parents or guardians who are on site to attend religious worship or instructional services.

11. Child-minding services that are not available for more than three hours per day for any individual child offered on site in commercial or recreational establishments if the parent or guardian (i) is not an on-duty employee, except for part-time employees working less than two hours per day, (ii) can be contacted and can resume responsibility for the child's supervision within 30 minutes, and (iii) is receiving or providing services or participating in activities offered by the establishment.

12. A certified preschool or nursery school program operated by a private school that is accredited by a statewide accrediting organization recognized by the State Board of Education or accredited by the National Association for the Education of Young Children's National Academy of Early Childhood Programs; the Association of Christian Schools International; the American Association of Christian Schools; the National Early Childhood Program Accreditation; the

National Accreditation Council for Early Childhood Professional Personnel and Programs; the International Academy for Private Education; the American Montessori Society; the International Accreditation and Certification of Childhood Educators, Programs, and Trainers; or the National Accreditation Commission that complies with the provisions of § 63.2-1717.

13. A program of recreational activities offered by local governments, staffed by local government employees, and attended by school-age children. Such programs shall be subject to safety and supervisory standards established by local governments.

14. A program of instructional or athletic experience operated during the summer months by, and as an extension of, an accredited private elementary, middle, or high school program as set forth in § 22.1-19 and administered by the Virginia Council for Private Education.

B. Family day homes that are members of a licensed family day system shall not be required to obtain a license from the Commissioner.

C. Officers, employees, or agents of the Commonwealth, or of any county, city, or town acting within the scope of their authority as such, who serve as or maintain a child-placing agency shall not be required to be licensed.

CHAPTER 443

An Act to amend and reenact §§ 2.2-2648 and 2.2-5201 of the Code of Virginia, relating to State Executive Council for Children's Services; state and local advisory team; membership.

[H 369]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2648 and 2.2-5201 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-2648. State Executive Council for Children's Services; membership; meetings; powers and duties.

A. The State Executive Council for Children's Services (the Council) is established as a supervisory council, within the meaning of § 2.2-2100, in the executive branch of state government.

B. The Council shall consist of one member of the House of Delegates to be appointed by the Speaker of the House and one member of the Senate to be appointed by the Senate Committee on Rules; the Commissioners of Health, of Behavioral Health and Developmental Services, and of Social Services; the Superintendent of Public Instruction; the Executive Secretary of the Virginia Supreme Court; the Director of the Department of Juvenile Justice; the Director of the Department of Medical Assistance Services; a juvenile and domestic relations district court judge, to be appointed by the Governor and serve as an ex officio nonvoting member; *the chairman of the state and local advisory team established in § 2.2-5201*; five local government representatives chosen from members of a county board of supervisors or a city council and a county administrator or city manager, to be appointed by the Governor; two private provider representatives from facilities that maintain membership in an association of providers for children's or family services and receives funding as authorized by the Children's Services Act (§ 2.2-5200 et seq.), to be appointed by the Governor, who may appoint from nominees recommended by the Virginia Coalition of Private Provider Associations; *a representative who has previously received services through the Children's Services Act, to be appointed by the Governor with recommendations from entities including the Departments of Education and Social Services and the Virginia Chapter of the National Alliance on Mental Illness*; and two parent representatives. The parent representatives shall be appointed by the Governor for a term not to exceed three years and neither shall be an employee of any public or private program that serves children and families. The Governor's appointments shall be for a term not to exceed three years and shall be limited to no more than two consecutive terms, beginning with appointments after July 1, 2009. Legislative members and ex officio members of the Council shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. Legislative members shall not be included for the purposes of constituting a quorum.

C. The Council shall be chaired by the Secretary of Health and Human Resources or a designated deputy who shall be responsible for convening the council. The Council shall meet, at a minimum, quarterly, to oversee the administration of this article and make such decisions as may be necessary to carry out its purposes. Legislative members shall receive compensation as provided in § 30-19.12 and nonlegislative citizen members shall receive compensation for their services as provided in §§ 2.2-2813 and 2.2-2825.

D. The Council shall have the following powers and duties:

1. Hire and supervise a director of the Office of Children's Services;
2. Appoint the members of the state and local advisory team in accordance with the requirements of § 2.2-5201;
3. Provide for the establishment of interagency programmatic and fiscal policies developed by the Office of Children's Services, which support the purposes of the Children's Services Act (§ 2.2-5200 et seq.), through the promulgation of regulations by the participating state boards or by administrative action, as appropriate;
4. Provide for a public participation process for programmatic and fiscal guidelines and dispute resolution procedures developed for administrative actions that support the purposes of the Children's Services Act (§ 2.2-5200 et seq.). The

public participation process shall include, at a minimum, 60 days of public comment and the distribution of these guidelines and procedures to all interested parties;

5. Oversee the administration of and consult with the Virginia Municipal League and the Virginia Association of Counties about state policies governing the use, distribution and monitoring of moneys in the state pool of funds and the state trust fund;

6. Provide for the administration of necessary functions that support the work of the Office of Children's Services;

7. Review and take appropriate action on issues brought before it by the Office of Children's Services, Community Policy and Management Teams (CPMTs), local governments, providers and parents;

8. Advise the Governor and appropriate Cabinet Secretaries on proposed policy and operational changes that facilitate interagency service development and implementation, communication and cooperation;

9. Provide administrative support and fiscal incentives for the establishment and operation of local comprehensive service systems;

10. Oversee coordination of early intervention programs to promote comprehensive, coordinated service delivery, local interagency program management, and co-location of programs and services in communities. Early intervention programs include state programs under the administrative control of the state executive council member agencies;

11. Oversee the development and implementation of a mandatory uniform assessment instrument and process to be used by all localities to identify levels of risk of Children's Services Act (CSA) youth;

12. Oversee the development and implementation of uniform guidelines to include initial intake and screening assessment, development and implementation of a plan of care, service monitoring and periodic follow-up, and the formal review of the status of the youth and the family;

13. Oversee the development and implementation of uniform guidelines for documentation for CSA-funded services;

14. Review and approve a request by a CPMT to establish a collaborative, multidisciplinary team process for referral and reviews of children and families pursuant to § 2.2-5209;

15. Oversee the development and implementation of mandatory uniform guidelines for utilization management; each locality receiving funds for activities under the Children's Services Act shall have a locally determined utilization management plan following the guidelines or use of a process approved by the Council for utilization management, covering all CSA-funded services;

16. Oversee the development and implementation of uniform data collection standards and the collection of data, utilizing a secure electronic client-specific database for CSA-funded services, which shall include, but not be limited to, the following client specific information: (i) children served, including those placed out of state; (ii) individual characteristics of youths and families being served; (iii) types of services provided; (iv) service utilization including length of stay; (v) service expenditures; (vi) provider identification number for specific facilities and programs identified by the state in which the child receives services; (vii) a data field indicating the circumstances under which the child ends each service; and (viii) a data field indicating the circumstances under which the child exits the Children's Services Act program. All client-specific information shall remain confidential and only non-identifying aggregate demographic, service, and expenditure information shall be made available to the public;

17. Oversee the development and implementation of a uniform set of performance measures for evaluating the Children's Services Act program, including, but not limited to, the number of youths served in their homes, schools and communities. Performance measures shall be based on information: (i) collected in the client-specific database referenced in subdivision 16, (ii) from the mandatory uniform assessment instrument referenced in subdivision 11, and (iii) from available and appropriate client outcome data that is not prohibited from being shared under federal law and is routinely collected by the state child-serving agencies that serve on the Council. If provided client-specific information, state child serving agencies shall report available and appropriate outcome data in clause (iii) to the Office of Children's Services. Outcome data submitted to the Office of Children's Services shall be used solely for the administration of the Children's Services Act program. Applicable client outcome data shall include, but not be limited to: (a) permanency outcomes by the Virginia Department of Social Services, (b) recidivism outcomes by the Virginia Department of Juvenile Justice, and (c) educational outcomes by the Virginia Department of Education. All client-specific information shall remain confidential and only non-identifying aggregate outcome information shall be made available to the public;

18. Oversee the development and distribution of management reports that provide information to the public and CPMTs to help evaluate child and family outcomes and public and private provider performance in the provision of services to children and families through the Children's Services Act program. Management reports shall include total expenditures on children served through the Children's Services Act program as reported to the Office of Children's Services by state child-serving agencies on the Council and shall include, but not be limited to: (i) client-specific payments for inpatient and outpatient mental health services, treatment foster care services and residential services made through the Medicaid program and reported by the Virginia Department of Medical Assistance Services and (ii) client-specific payments made through the Title IV-E foster care program reported by the Virginia Department of Social Services. The Office of Children's Services shall provide client-specific information to the state agencies for the sole purpose of the administration of the Children's Services Act program. All client-specific information shall remain confidential and only non-identifying aggregate demographic, service, expenditure, and outcome information shall be made available to the public;

19. Establish and oversee the operation of an informal review and negotiation process with the Director of the Office of Children's Services and a formal dispute resolution procedure before the State Executive Council, which include formal

notice and an appeals process, should the Director or Council find, upon a formal written finding, that a CPMT failed to comply with any provision of this Act. "Formal notice" means the Director or Council provides a letter of notification, which communicates the Director's or the Council's finding, explains the effect of the finding, and describes the appeal process, to the chief administrative officer of the local government with a copy to the chair of the CPMT. The dispute resolution procedure shall also include provisions for remediation by the CPMT that shall include a plan of correction recommended by the Council and submitted to the CPMT. If the Council denies reimbursement from the state pool of funds, the Council and the locality shall develop a plan of repayment;

20. Deny state funding to a locality, in accordance with subdivision 19, where the CPMT fails to provide services that comply with the Children's Services Act (§ 2.2-5200 et seq.), any other state law or policy, or any federal law pertaining to the provision of any service funded in accordance with § 2.2-5211;

21. Biennially publish and disseminate to members of the General Assembly and community policy and management teams a state progress report on comprehensive services to children, youth and families and a plan for such services for the next succeeding biennium. The state plan shall:

a. Provide a fiscal profile of current and previous years' federal and state expenditures for a comprehensive service system for children, youth and families;

b. Incorporate information and recommendations from local comprehensive service systems with responsibility for planning and delivering services to children, youth and families;

c. Identify and establish goals for comprehensive services and the estimated costs of implementing these goals, report progress toward previously identified goals and establish priorities for the coming biennium;

d. Report and analyze expenditures associated with children who do not receive pool funding and have emotional and behavioral problems;

e. Identify funding streams used to purchase services in addition to pooled, Medicaid, and Title IV-E funding; and

f. Include such other information or recommendations as may be necessary and appropriate for the improvement and coordinated development of the state's comprehensive services system; and

22. Oversee the development and implementation of mandatory uniform guidelines for intensive care coordination services for children who are at risk of entering, or are placed in, residential care through the Children's Services Act program. The guidelines shall: (i) take into account differences among localities, (ii) specify children and circumstances appropriate for intensive care coordination services, (iii) define intensive care coordination services, and (iv) distinguish intensive care coordination services from the regular case management services provided within the normal scope of responsibility for the child-serving agencies, including the community services board, the local school division, local social services agency, court service unit, and Department of Juvenile Justice. Such guidelines shall address: (a) identifying the strengths and needs of the child and his family through conducting or reviewing comprehensive assessments including, but not limited to, information gathered through the mandatory uniform assessment instrument; (b) identifying specific services and supports necessary to meet the identified needs of the child and his family, building upon the identified strengths; (c) implementing a plan for returning the youth to his home, relative's home, family-like setting, or community at the earliest appropriate time that addresses his needs, including identification of public or private community-based services to support the youth and his family during transition to community-based care; and (d) implementing a plan for regular monitoring and utilization review of the services and residential placement for the child to determine whether the services and placement continue to provide the most appropriate and effective services for the child and his family.

§ 2.2-5201. State and local advisory team; appointment; membership.

The state and local advisory team is established to better serve the needs of troubled and at-risk youths and their families by advising the Council *and* by managing cooperative efforts at the state level and providing support to community efforts. The team shall be appointed by and be responsible to the Council. The team shall include one representative from each of the following state agencies: the Department of Health, *the* Department of Juvenile Justice, *the* Department of Social Services, *the* Department of Behavioral Health and Developmental Services, the Department of Medical Assistance Services, and the Department of Education. The team shall also include a parent representative who is not an employee of any public or private program ~~which~~ *that* serves children and families and who has a child who has received services that are within the purview of the Children's Services Act; a representative of a private organization or association of providers for children's or family services; a local Children's Services Act coordinator or program manager; a juvenile and domestic relations district court judge; *a representative who has previously received services through the Children's Services Act, appointed with recommendations from entities including the Departments of Education and Social Services and the Virginia Chapter of the National Alliance on Mental Illness;* and one member from each of five different geographical areas of the Commonwealth who is representative of one of the different participants of community policy and management teams pursuant to § 2.2-5205. The nonstate agency members shall serve staggered terms of not more than three years, such terms to be determined by the Council.

The team shall annually elect a chairman from among the local government representatives who shall be responsible for convening the team. The team shall develop and adopt bylaws to govern its operations that shall be subject to approval by the Council. Any person serving on such team who does not represent a public agency shall file a statement of economic interests as set out in § 2.2-3117 of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.). Persons representing public agencies shall file such statements if required to do so pursuant to the State and Local Government Conflict of Interests Act.

CHAPTER 444

An Act to direct the State Health Commissioner to develop a plan to eliminate evaluation and design services by the Department of Health for onsite sewage systems and private wells; report.

[H 558]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the State Health Commissioner (the Commissioner) shall develop a plan for the orderly reduction and elimination of evaluation and design services by the Department of Health (the Department) for onsite sewage systems and private wells. The plan shall provide for the protection of public health as the Department transitions to accepting only applications that are supported with private site evaluations and designs from a licensed professional engineer or licensed onsite soil evaluator or, for any work subject to regulations governing private wells in the Commonwealth, by a licensed water well system provider.*

The plan shall include (i) provisions related to transparency of costs for services provided by the private sector, including options available, necessary disclosures for cost of installation and operation and maintenance, and recommendations to resolve disputes that might arise from private sector designs, warranties, or installations; (ii) a date by which all site evaluations and designs will be performed by the private sector; (iii) a transition timeline to incrementally eliminate site evaluations and designs provided by the Department to fully transition all such services to the private sector; (iv) procedures and minimum requirements for the Department's review of private evaluations and designs; (v) a timeline to incrementally require private evaluations and designs for certain categories of services such as applications for subdivision review, certification letters, voluntary upgrades, repairs, submissions previously accompanied by private sector work, new construction, and reviews pursuant to § 32.1-165 of the Code of Virginia; (vi) a recommendation concerning whether the Department can reduce or eliminate services in a particular area on the basis of the number and availability of licensed private-sector professional engineers and onsite soil evaluators and licensed water well system providers to provide services in that particular area; (vii) necessary changes to application fees in order to encourage private sector evaluations and designs and projected schedules for those changes; (viii) a recommendation concerning the need to establish a fund to assist income-eligible citizens with repairing failing onsite sewage systems and private wells; (ix) provisions for disclosing to the consumer that an option to install a conventional onsite sewage system exists in the event that an evaluator or designer specifies an alternative onsite sewage system where the site conditions will allow a conventional system to be installed; (x) provisions for involvement by the Department in resolving disputes that may arise between the consumer and the private sector service providers related to evaluations or designs of onsite sewage systems and private wells; (xi) provisions for the continued provision of evaluation and design services by the Department in areas that are underserved by the private sector; (xii) necessary improvements in other services performed by the Department that may derive from the transition to private evaluations and designs, including programmatic oversight; inspections; review procedures; data collection, analysis, and dissemination; quality assurance; environmental health surveillance and enforcement; timely correction of failing onsite sewage systems and determination of reasons for failure; operation and maintenance; health impacts related to onsite sewage systems; and water quality, including impacts of onsite sewage systems on the Chesapeake Bay; (xiii) an analysis of the ranges of costs to the consumer for evaluation and design services currently charged by the Department and ranges of the potential costs to the consumer for such services if provided by the private sector, and (xiv) legislative, regulatory, or policy changes necessary to implement the plan.

The Commissioner shall present an interim report or the completed plan and recommendations to the Governor and the General Assembly by November 15, 2016.

CHAPTER 445

An Act to amend and reenact §§ 19.2-168.1, 19.2-169.1, and 19.2-169.5 of the Code of Virginia, relating to qualifications of forensic evaluators for certain criminal defendants.

[H 582]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-168.1, 19.2-169.1, and 19.2-169.5 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-168.1. Evaluation on motion of the Commonwealth after notice.

A. If the attorney for the defendant gives notice pursuant to § 19.2-168, and the Commonwealth thereafter seeks an evaluation of the defendant's sanity at the time of the offense, the court shall appoint one or more qualified mental health experts to perform such an evaluation. The court shall order the defendant to submit to such an evaluation and advise the defendant on the record in court that a refusal to cooperate with the Commonwealth's expert could result in exclusion of the defendant's expert evidence. The qualification of the experts shall be governed by subsection A of § 19.2-169.5. The location of the evaluation shall be governed by subsection B of § 19.2-169.5. The attorney for the Commonwealth shall be responsible for providing the experts the information specified in subsection C of § 19.2-169.5. After performing their

evaluation, the experts shall report their findings and opinions, and provide copies of psychiatric, psychological, medical or other records obtained during the course of the evaluation to the attorneys for the Commonwealth and the defense. *The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A of § 19.2-169.5.*

B. If the court finds, after hearing evidence presented by the parties, that the defendant has refused to cooperate with an evaluation requested by the Commonwealth, it may admit evidence of such refusal or, in the discretion of the court, bar the defendant from presenting expert psychiatric or psychological evidence at trial on the issue of his sanity at the time of the offense.

§ 19.2-169.1. Raising question of competency to stand trial or plead; evaluation and determination of competency.

A. Raising competency issue; appointment of evaluators. — If, at any time after the attorney for the defendant has been retained or appointed and before the end of trial, the court finds, upon hearing evidence or representations of counsel for the defendant or the attorney for the Commonwealth, that there is probable cause to believe that the defendant, whether a juvenile transferred pursuant to § 16.1-269.1 or adult, lacks substantial capacity to understand the proceedings against him or to assist his attorney in his own defense, the court shall order that a competency evaluation be performed by at least one psychiatrist or clinical psychologist who ~~is qualified by training and experience in~~ *(i) has performed forensic evaluation evaluations; (ii) has successfully completed forensic evaluation training recognized by the Commissioner of Behavioral Health and Developmental Services; (iii) has demonstrated to the Commissioner competence to perform forensic evaluations; and (iv) is included on a list of approved evaluators maintained by the Commissioner.*

B. Location of evaluation. — The evaluation shall be performed on an outpatient basis at a mental health facility or in jail unless the court specifically finds that outpatient evaluation services are unavailable or unless the results of outpatient evaluation indicate that hospitalization of the defendant for evaluation on competency is necessary. If the court finds that hospitalization is necessary, the court, under authority of this subsection, may order the defendant sent to a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for evaluations of persons under criminal charge. The defendant shall be hospitalized for such time as the director of the hospital deems necessary to perform an adequate evaluation of the defendant's competency, but not to exceed 30 days from the date of admission to the hospital.

C. Provision of information to evaluators. — The court shall require the attorney for the Commonwealth to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) a copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant, and the judge ordering the evaluation; (iii) information about the alleged crime; and (iv) a summary of the reasons for the evaluation request. The court shall require the attorney for the defendant to provide any available psychiatric records and other information that is deemed relevant. The court shall require that information be provided to the evaluator within 96 hours of the issuance of the court order pursuant to this section.

D. The competency report. — Upon completion of the evaluation, the evaluators shall promptly submit a report in writing to the court and the attorneys of record concerning (i) the defendant's capacity to understand the proceedings against him; (ii) his ability to assist his attorney; and (iii) his need for treatment in the event he is found incompetent but restorable, or incompetent for the foreseeable future. If a need for restoration treatment is identified pursuant to clause (iii), the report shall state whether inpatient or outpatient treatment is recommended. No statements of the defendant relating to the time period of the alleged offense shall be included in the report. *The evaluator shall also send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A of § 19.2-169.1.*

E. The competency determination. — After receiving the report described in subsection D, the court shall promptly determine whether the defendant is competent to stand trial. A hearing on the defendant's competency is not required unless one is requested by the attorney for the Commonwealth or the attorney for the defendant, or unless the court has reasonable cause to believe the defendant will be hospitalized under § 19.2-169.2. If a hearing is held, the party alleging that the defendant is incompetent shall bear the burden of proving by a preponderance of the evidence the defendant's incompetency. The defendant shall have the right to notice of the hearing, the right to counsel at the hearing and the right to personally participate in and introduce evidence at the hearing.

The fact that the defendant claims to be unable to remember the time period surrounding the alleged offense shall not, by itself, bar a finding of competency if the defendant otherwise understands the charges against him and can assist in his defense. Nor shall the fact that the defendant is under the influence of medication bar a finding of competency if the defendant is able to understand the charges against him and assist in his defense while medicated.

§ 19.2-169.5. Evaluation of sanity at the time of the offense; disclosure of evaluation results.

A. Raising issue of sanity at the time of offense; appointment of evaluators. — If, at any time before trial, the court finds, upon hearing evidence or representations of counsel for the defendant, that there is probable cause to believe that the defendant's sanity will be a significant factor in his defense and that the defendant is financially unable to pay for expert assistance, the court shall appoint one or more qualified mental health experts to evaluate the defendant's sanity at the time of the offense and, where appropriate, to assist in the development of an insanity defense. Such mental health expert shall be

(†) a psychiatrist; or a clinical psychologist; or an individual with a doctorate degree in clinical psychology who (i) has performed forensic examinations, (ii) has successfully completed forensic evaluation training as approved recognized by the Commissioner of Behavioral Health and Developmental Services and (ii) qualified by specialized training and experience, (iii) has demonstrated to the Commissioner competence to perform forensic evaluations, and (iv) is included on a list of approved evaluators maintained by the Commissioner. The defendant shall not be entitled to a mental health expert of his own choosing or to funds to employ such expert.

B. Location of evaluation. — The evaluation shall be performed on an outpatient basis, at a mental health facility or in jail, unless the court specifically finds that outpatient services are unavailable, or unless the results of the outpatient evaluation indicate that hospitalization of the defendant for further evaluation of his sanity at the time of the offense is necessary. If either finding is made, the court, under authority of this subsection, may order that the defendant be sent to a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for evaluation of the defendant under criminal charge. The defendant shall be hospitalized for such time as the director of the hospital deems necessary to perform an adequate evaluation of the defendant's sanity at the time of the offense, but not to exceed 30 days from the date of admission to the hospital.

C. Provision of information to evaluator. — The court shall require the party making the motion for the evaluation, and such other parties as the court deems appropriate, to provide to the evaluators appointed under subsection A any information relevant to the evaluation, including, but not limited to (i) copy of the warrant or indictment; (ii) the names and addresses of the attorney for the Commonwealth, the attorney for the defendant and the judge who appointed the expert; (iii) information pertaining to the alleged crime, including statements by the defendant made to the police and transcripts of preliminary hearings, if any; (iv) a summary of the reasons for the evaluation request; (v) any available psychiatric, psychological, medical or social records that are deemed relevant; and (vi) a copy of the defendant's criminal record, to the extent reasonably available.

D. The evaluators shall prepare a full report concerning the defendant's sanity at the time of the offense, including whether he may have had a significant mental disease or defect which rendered him insane at the time of the offense. The report shall be prepared within the time period designated by the court, said period to include the time necessary to obtain and evaluate the information specified in subsection C.

E. Disclosure of evaluation results. — The report described in subsection D shall be sent solely to the attorney for the defendant and shall be deemed to be protected by the lawyer-client privilege. However, the Commonwealth shall be given the report in all felony cases, the results of any other evaluation of the defendant's sanity at the time of the offense, and copies of psychiatric, psychological, medical, or other records obtained during the course of any such evaluation, after the attorney for the defendant gives notice of an intent to present psychiatric or psychological evidence pursuant to § 19.2-168. *In addition, in all cases, the evaluator shall send a redacted copy of the report removing references to the defendant's name, date of birth, case number, and court of jurisdiction to the Commissioner of Behavioral Health and Developmental Services for the purpose of peer review to establish and maintain the list of approved evaluators described in subsection A of § 19.2-169.5.*

F. In any case where the defendant obtains his own expert to evaluate the defendant's sanity at the time of the offense, the provisions of subsections D and E, relating to the disclosure of the evaluation results, shall apply.

CHAPTER 446

An Act to amend the Code of Virginia by adding a section numbered 19.2-169.8, relating to orders for mental health evaluations and treatment of certain criminal defendants.

[H 645]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-169.8 as follows:

§ 19.2-169.8. Orders for evaluation or treatment; duties of clerk; copies.

A. Whenever a court orders an evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5 or orders treatment pursuant to § 19.2-169.2 or 19.2-169.6, the clerk of the court shall provide a copy of the order to the appointed evaluator or to the director of the community services board, behavioral health authority, or hospital named in the order as soon as practicable but no later than the close of business on the next business day following entry of the order. The party requesting the evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5, the attorney for the Commonwealth if treatment is ordered pursuant to § 19.2-169.2, or the petitioner if treatment is ordered pursuant to § 19.2-169.6 shall be responsible for providing to the court the name, address, and other contact information for the appointed evaluator or the director of the community services board, behavioral health authority, or hospital unless the court or clerk already has this information. The appointed evaluator or the director of the community services board, behavioral health authority, or hospital shall acknowledge receipt of the order to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business day following receipt of the order.

B. No person shall be liable for any act or omission relating to the performance of any requirement set forth in subsection A unless the person was grossly negligent or engaged in willful misconduct.

CHAPTER 447

An Act to amend and reenact §§ 54.1-2523 and 54.1-2912.1 of the Code of Virginia, relating to prescribers of covered substances; continuing education.

[H 829]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2523 and 54.1-2912.1 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 15 of § 2.2-3705.5. Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer as described in § 9.1-176.1 who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in determining the validity of a prescription in accordance with § 54.1-3303 when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud

Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

9. *Information to the Board of Medicine about prescribers who meet a certain threshold for prescribing covered substances for the purpose of requiring relevant continuing education. The threshold shall be determined by the Board of Medicine in consultation with the Program.*

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

§ 54.1-2912.1. Continued competency and office-based anesthesia requirements.

A. The Board shall prescribe by regulation such requirements as may be necessary to ensure continued practitioner competence, which may include continuing education, testing, ~~and/or~~ or any other requirement.

B. In promulgating such regulations, the Board shall consider (i) the need to promote ethical practice, (ii) an appropriate standard of care, (iii) patient safety, (iv) application of new medical technology, (v) appropriate communication with patients, and (vi) knowledge of the changing health care system.

C. The Board shall require prescribers identified by the Director of the Department of Health Professions pursuant to subdivision C 9 of § 54.1-2523 to complete two hours of continuing education in each biennium on topics related to pain management, the responsible prescribing of covered substances as defined in § 54.1-2519, and the diagnosis and management of addiction. Prescribers required to complete continuing education pursuant to this subsection shall be notified of such requirement no later than January 1 of each odd-numbered year.

D. The Board may approve persons who provide or accredit such programs in order to accomplish the purposes of this section.

~~D. E.~~ Pursuant to § 54.1-2400 and its authority to establish the qualifications for registration, certification, or licensure that are necessary to ensure competence and integrity to engage in the regulated practice, the Board of Medicine shall promulgate regulations governing the practice of medicine related to the administration of anesthesia in physicians' offices.

2. That the provisions of this act shall expire on July 1, 2022.

CHAPTER 448

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.05, relating to advanced disclosure of charge for elective procedure.

[H 905]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 5 of Title 32.1 a section numbered 32.1-137.05 as follows:

§ 32.1-137.05. Advance disclosure of charge for elective procedure, test, or service.

Every hospital shall, upon request of a patient scheduled to receive an elective procedure, test, or service to be performed by the hospital, or upon request of such patient's legally authorized representative, made no less than three days in advance of the date on which such elective procedure, test, or service is scheduled to be performed, furnish the patient with an estimate of the payment amount for which the participant will be responsible for such elective procedure, test, or service.

CHAPTER 449

An Act to amend the Code of Virginia by adding a section numbered 19.2-169.8, relating to orders for mental health evaluations and treatment of certain criminal defendants.

[S 342]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-169.8 as follows:

§ 19.2-169.8. Orders for evaluation or treatment; duties of clerk; copies.

A. Whenever a court orders an evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5 or orders treatment pursuant to § 19.2-169.2 or 19.2-169.6, the clerk of the court shall provide a copy of the order to the appointed evaluator or to the director of the community services board, behavioral health authority, or hospital named in the order as soon as practicable but no later than the close of business on the next business day following entry of the order. The party requesting the evaluation pursuant to § 19.2-168.1, 19.2-169.1, or 19.2-169.5, the attorney for the Commonwealth if treatment is ordered pursuant to § 19.2-169.2, or the petitioner if treatment is ordered pursuant to § 19.2-169.6 shall be responsible for providing to the court the name, address, and other contact information for the appointed evaluator or the director of the community services board, behavioral health authority, or hospital unless the court or clerk already has this information. The appointed evaluator or the director of the community services board, behavioral health authority, or hospital shall acknowledge receipt of the order to the clerk of the court on a form developed by the Office of the Executive Secretary of the Supreme Court of Virginia as soon as practicable but no later than the close of business on the next business day following receipt of the order.

B. No person shall be liable for any act or omission relating to the performance of any requirement set forth in subsection A unless the person was grossly negligent or engaged in willful misconduct.

CHAPTER 450

An Act to amend and reenact §§ 54.1-2949, 54.1-2950, 54.1-2951.1, 54.1-2952, 54.1-2952.1, and 54.1-2953 of the Code of Virginia, relating to physician assistants.

[S 551]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2949, 54.1-2950, 54.1-2951.1, 54.1-2952, 54.1-2952.1, and 54.1-2953 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2949. License required.

It shall be unlawful for a person to practice or to hold himself out as practicing as a physician assistant *or to use in connection with his name the words or letters "Physician Assistant" or "PA"* unless he holds a license as such issued by the Board.

§ 54.1-2950. Requisite training and educational achievements of assistants.

The Board shall establish a testing program to determine the training and educational achievements of the *physician assistant* or the Board may accept other evidence, such as experience or completion of an approved training program, in lieu of testing and shall establish this as a prerequisite for approval of the licensee's application.

Pending the outcome of the next examination administered by the National Commission for Certification of Physician Assistants, the Board may grant provisional licensure to graduates of physician assistants curricula that are approved by the Accreditation Review Commission on Education for the Physician Assistant. Such provisional licensure shall be granted at the discretion of the Board.

§ 54.1-2951.1. Requirements for licensure as a physician assistant.

A. The Board shall promulgate regulations establishing requirements for licensure as a physician assistant ~~which that shall include, but not be limited to,~~ the following:

1. Successful completion of a physician assistant program or surgical physician assistant program accredited by the Accreditation Review Commission on Education for the Physician Assistant;
2. Passage of the certifying examination administered by the National Commission on Certification of Physician Assistants; and
3. Documentation that the applicant for licensure has not had his license or certification as a physician assistant suspended or revoked and is not the subject of any disciplinary proceedings in another jurisdiction.

B. Prior to initiating practice with a supervising physician, the physician assistant shall ~~notify the Board and provide information which shall include, but not be limited to,~~ the following:

1. ~~The name, address, telephone number and any changes thereto, of the physician or physicians who will supervise the assistant in the relevant practice setting; and~~

~~2. A description of the practice and the way in which the physician assistant will be utilized enter into a written or electronic practice agreement with at least one supervising physician or podiatrist.~~

C. A practice agreement shall include delegated activities pursuant to § 54.1-2952, provisions for the periodic review of patient charts or electronic health records, guidelines for availability and ongoing communications among the parties to the agreement and the patient, periodic joint evaluation of the services delivered, and provisions for appropriate physician input in complex clinical cases, in patient emergencies, and for referrals.

A practice agreement may include provisions for periodic site visits by supervising licensees who supervise and direct assistants who provide services at a location other than where the licensee regularly practices. Such visits shall be in the manner and at the frequency as determined by the supervising physician or podiatrist.

D. Evidence of a practice agreement shall be maintained by the physician assistant and provided to the Board upon request.

§ 54.1-2952. Supervision of assistants by licensed physician, or podiatrist; services that may be performed by assistants; responsibility of licensee; employment of assistants.

A. A physician or a podiatrist licensed under this chapter may ~~apply to the Board to~~ supervise *physician* assistants and delegate certain acts which constitute the practice of medicine to the extent and in the manner authorized by the Board. The physician shall provide continuous supervision as required by this section; however, the requirement for physician supervision of *physician* assistants shall not be construed as requiring the physical presence of the supervising physician during all times and places of service delivery by *physician* assistants. Each team of supervising physician and physician assistant shall identify the relevant physician assistant's scope of practice, including, ~~but not limited to,~~ the delegation of medical tasks as appropriate to the physician assistant's level of competence, the physician assistant's relationship with and access to the supervising physician, and an evaluation process for the physician assistant's performance.

Physician assistants appointed as medical examiners pursuant to § 32.1-282 shall be under the continuous supervision of a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282.

No licensee shall be allowed to supervise more than six *physician* assistants at any one time.

Any professional corporation or partnership of any licensee, any hospital and any commercial enterprise having medical facilities for its employees which are supervised by one or more physicians or podiatrists may employ one or more *physician* assistants in accordance with the provisions of this section.

Activities shall be delegated in a manner consistent with sound medical practice and the protection of the health and safety of the patient. Such activities shall be set forth in a ~~written~~ practice supervision agreement between the *physician* assistant and the supervising ~~health care provider~~ *physician or podiatrist* and may include health care services which are educational, diagnostic, therapeutic, preventive, or include treatment, but shall not include the establishment of a final diagnosis or treatment plan for the patient unless set forth in the ~~written~~ practice supervision agreement. Prescribing or dispensing of drugs may be permitted as provided in § 54.1-2952.1. In addition, a licensee is authorized to delegate and supervise initial and ongoing evaluation and treatment of any patient in a hospital, including its emergency department, when performed under the direction, supervision and control of the supervising licensee. When practicing in a hospital, the *physician* assistant shall report any acute or significant finding or change in a patient's clinical status to the supervising physician as soon as circumstances require; and shall record such finding in appropriate institutional records. The *physician* assistant shall transfer to a supervising physician the direction of care of a patient in an emergency department who has a life-threatening injury or illness. ~~The supervising physician shall review, prior~~ *Prior* to the patient's discharge, the services rendered to each patient by a physician assistant in a hospital's emergency department *shall be reviewed in accordance with the practice agreement and the policies and procedures of the health care institution.* ~~An~~ A *physician* assistant who is employed to practice in an emergency department shall be under the supervision of a physician present within the facility.

Further, unless otherwise prohibited by federal law or by hospital bylaws, rules, or policies, nothing in this section shall prohibit any physician assistant who is not employed by the emergency physician or his professional entity from practicing in a hospital emergency department, within the scope of his practice, while under continuous physician supervision as required by this section, whether or not the supervising physician is physically present in the facility. The supervising physician who authorizes such practice by his *physician* assistant shall (i) retain exclusive supervisory control of and responsibility for the *physician* assistant and (ii) be available at all times for consultation with both the *physician* assistant and the emergency department physician. Prior to the patient's discharge from the emergency department, the *physician* assistant shall communicate the proposed disposition plan for any patient under his care to both his supervising physician and the emergency department physician. No person shall have control of or supervisory responsibility for any physician assistant who is not employed by the person or the person's business entity.

B. No *physician* assistant shall perform any delegated acts except at the direction of the licensee and under his supervision and control. No physician assistant practicing in a hospital shall render care to a patient unless the physician responsible for that patient has signed the practice agreement, pursuant to regulations of the Board, to act as supervising physician for that *physician* assistant. Every licensee, professional corporation or partnership of licensees, hospital or commercial enterprise that employs ~~an~~ a *physician* assistant shall be fully responsible for the acts of the *physician* assistant in the care and treatment of human beings.

C. Notwithstanding the provisions of § 54.1-2956.8:1, a licensed physician assistant who (i) is working under the supervision of a licensed doctor of medicine or osteopathy specializing in the field of radiology, (ii) has been trained in the

proper use of equipment for the purpose of performing radiologic technology procedures consistent with Board regulations, and (iii) has successfully completed the exam administered by the American Registry of Radiologic Technologists for physician assistants for the purpose of performing radiologic technology procedures may use fluoroscopy for guidance of diagnostic and therapeutic procedures.

§ 54.1-2952.1. Prescription of certain controlled substances and devices by licensed physician assistants.

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.) of this title, a licensed physician assistant shall have the authority to prescribe controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.) of this title as follows: (i) Schedules V and VI controlled substances on and after July 1, 2001; (ii) Schedules IV through VI controlled substances on and after January 1, 2003; (iii) Schedule III through VI controlled substances on and after July 1, 2004; and (iv) Schedules II through VI controlled substances on and after July 1, 2007.

A licensed physician assistant shall have such prescriptive authority upon the provision to the Board of Medicine of such evidence as it may require, provided that the *physician* assistant has entered into and is, at the time of writing a prescription, a party to a written practice agreement with a licensed physician or podiatrist which that provides for the direction and supervision by such licensee of the prescriptive practices of the *physician* assistant. Such written practice agreements shall include the controlled substances the physician assistant is or is not authorized to prescribe and may restrict such prescriptive authority as deemed appropriate by the physician or podiatrist providing direction and supervision.

B. It shall be unlawful for the *physician* assistant to prescribe controlled substances or devices pursuant to this section unless such prescription is authorized by the written practice agreement between the licensee and the assistant.

C. The Board of Medicine, in consultation with the Board of Pharmacy, shall promulgate such regulations governing the prescriptive authority of physician assistants as are deemed reasonable and necessary to ensure an appropriate standard of care for patients.

The regulations promulgated pursuant to this section shall include, at a minimum, (i) such requirements as may be necessary to ensure continued physician assistant competency that may include continuing education, testing, and/or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients; and (ii) requirements for periodic site visits by supervising licensees who supervise and direct assistants who provide services at a location other than where the licensee regularly practices; and (iii) a requirement that the *physician* assistant disclose to his patients the name, address, and telephone number of the supervising licensee and that he is a physician assistant. A separate office for the *physician* assistant shall not be established.

D. This section shall not prohibit a licensed physician assistant from administering controlled substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing manufacturers' professional samples of controlled substances in compliance with the provisions of this section.

§ 54.1-2953. Renewal, revocation, suspension, and refusal.

The Board may revoke, suspend, or refuse to renew an approval for any of the following:

1. Any reason stated in this chapter for revocation or suspension of the license of a practitioner;
2. Failure of the supervising licensee to supervise the *physician* assistant or failure of the employer to provide a licensee to supervise the *physician* assistant;
3. The *physician* assistant's engaging in acts beyond the scope of authority as approved by the Board;
4. Negligence or incompetence on the part of the *physician* assistant or the supervising licensee in his use of the *physician* assistant;
5. Violating or cooperating with others in violating any provision of this chapter or the regulations of the Board; or
6. A change in the Board's requirements for approval with which the *physician* assistant or the licensee does not comply.

CHAPTER 451

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.3, relating to local regulation of certain aircraft.

[H 412]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 9 of Title 15.2 a section numbered 15.2-926.3 as follows:

§ 15.2-926.3. Local regulation of certain aircraft.

No locality may regulate the use of privately owned, unmanned aircraft system as defined in § 19.2-60.1 within its boundaries.

2. That the provisions of this act shall expire on July 1, 2019.

CHAPTER 452

An Act to repeal § 63.2-511 of the Code of Virginia, relating to local board of social services; proceedings against persons liable for support.

[H 782]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-511 of the Code of Virginia is repealed.

CHAPTER 453

An Act to amend and reenact § 24.2-228.1 of the Code of Virginia, relating to vacancies in constitutional offices; timing of special election.

[H 832]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-228.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-228.1. Election to fill vacancy in constitutional office.

A. Notwithstanding any provision of a charter to the contrary, a vacancy in any elected constitutional office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election, *except as provided in subsection B. The governing body of the county or city in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy,* petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall promptly issue the writ ordering the election for a date determined pursuant to § 24.2-682. *However, the governing body may request in its petition that the special election be held on the date of the next general election in November, and the court may order the special election to be held on that date.*

B. If a vacancy in any elected constitutional office occurs within the 12 months immediately preceding the end of the term of that office, the governing body may petition the circuit court to request that no special election be ordered. Upon receipt of such petition, the court shall grant such request. The highest ranking deputy officer, or in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, who is qualified to vote for and hold that office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, for the remainder of the unexpired term.

C. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the thirtieth day before the date set for the special election.

~~D.~~ Notwithstanding the ~~foregoing~~ provisions of subsection A, a vacancy in any elected constitutional office in any county or city with a population of 15,000 or less, or shared by two or more units of government with a combined population of 15,000 or less, shall be filled by a special election ordered by the court to be held at the next ensuing general election to be held in November. If the vacancy occurs within 90 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election.

E. Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

~~B- F.~~ Notwithstanding any provision of a charter to the contrary, the highest ranking deputy officer, or, in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, if there is such a deputy or assistant in the office, *who is qualified to vote for and hold that office,* shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office. In the event that (i) there is no deputy officer or full-time assistant attorney for the Commonwealth in the office or (ii) the highest-ranking deputy officer or assistant attorney for the Commonwealth declines to serve, the court shall make an interim appointment to fill the vacancy pursuant to § 24.2-227 until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office.

~~C.~~ *Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.*

~~D- G.~~ The absence from the county or city of a constitutional officer by reason of his service in the Armed Forces of the United States shall not be deemed to create a vacancy in the office without a written notification by the officer of his resignation from the office. Notwithstanding any other provision of law, including § 19.2-156, the power to relieve a

constitutional officer of the duties or powers of his office or position during the period of such absence shall remain the sole prerogative of the constitutional officer unless expressly waived by him in writing.

CHAPTER 454

An Act to amend and reenact §§ 19.2-389, 22.1-296.3, 22.1-296.4, and 63.2-1515 of the Code of Virginia, relating to private school employees; background checks.

[H 896]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 19.2-389, 22.1-296.3, 22.1-296.4, and 63.2-1515 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. (Effective until July 1, 2018) The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

17. (Effective July 1, 2018) The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education pursuant to § 22.1-19 or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

§ 22.1-296.3. Certain private school employees subject to fingerprinting and criminal records checks.

A. As a condition of employment, the governing boards or administrators of private ~~or religious~~ elementary or secondary schools ~~which that~~ are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education pursuant to § 22.1-19 shall require any applicant who accepts employment for the first time after July 1, 1998, whether full-time or part-time, permanent or temporary, to submit to fingerprinting and to provide personal descriptive information to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall report to the governing board or administrator, or to a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police, that the applicant meets the criteria or does not meet the criteria for employment based on whether or not the applicant has ever been convicted of the following crimes or their equivalent if from another jurisdiction: any offense set forth in § 63.2-1719 ~~or 63.2-1726, use of a firearm in the commission of a felony as set out in § 18.2-53.1, or an equivalent offense in another state.~~

B. The Central Criminal Records Exchange shall not disclose information to such governing board, administrator, or private organization coordinating such records regarding charges or convictions of any crimes. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon request, furnish the applicant the procedures for obtaining a copy of the criminal history record from the Federal Bureau of Investigation. The information provided to the governing board, administrator, or private organization coordinating such records shall not be disseminated except as provided in this section. A governing board or administrator employing or previously employing a temporary teacher or a private organization coordinating such records on behalf of such governing board or administrator pursuant to a written agreement with the Department of State Police may disseminate, at the written request of such temporary teacher, whether such teacher meets the criteria or does not meet the criteria for employment pursuant to subsection A to the governing board or administrator of another accredited private ~~or religious~~ elementary or secondary school in which such

teacher has accepted employment. Such governing board, administrator, or private organization transferring criminal records information pursuant to this section shall be immune from civil liability for any official act, decision, or omission done or made in the performance of such transfer, when such acts or omissions are taken in good faith and are not the result of gross negligence or willful misconduct.

~~In addition to the fees assessed by the Federal Bureau of Investigation, the Department of State Police may assess a fee for responding to requests required by this section which shall not exceed \$15 per request for a criminal records check. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.~~

C. Effective July 1, 2017, the governing board or administrator of a private elementary or secondary school that is accredited pursuant to § 22.1-19 that operates a child welfare agency regulated by the Department of Social Services pursuant to Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2 shall accept evidence of a background check in accordance with § 63.2-1720.1 for individuals who are required to undergo a background check in accordance with that section as a condition of employment in lieu of the background check required by subsection A.

~~D. For purposes of this section, "governing board" or "administrator" means the unit or board or person designated to supervise operations of a system of private or religious schools or a private or religious school accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education pursuant to § 22.1-19.~~

Nothing in this section or § 19.2-389 shall be construed to require any private or religious school which is not so accredited to comply with this section.

§ 22.1-296.4. Child abuse and neglect data required.

~~A. On and after July 1, 1997, every~~ Every school board and every governing board or administrator of a private school accredited pursuant to § 22.1-19 shall require, as a condition of employment, that any applicant who is offered or accepts employment requiring direct contact with students, whether full-time or part-time, permanent or temporary, provide written consent and the necessary personal information for the school board, governing board, or administrator to obtain a search of the registry of founded complaints of child abuse and neglect maintained by the Department of Social Services pursuant to § 63.2-1515. The school board, governing board, or administrator shall ensure that all such searches are requested in conformance with the regulations of the Board of Social Services. In addition, where the applicant has resided in another state within the last five years, the school board, governing board, or administrator shall require as a condition of employment that such applicant provide written consent and the necessary personal information for the school board, governing board, or administrator to obtain information from each relevant state as to whether the applicant was the subject of a founded complaint of child abuse and neglect in such state. The school board, governing board or administrator shall take reasonable steps to determine whether the applicant was the subject of a founded complaint of child abuse and neglect in the relevant state. The Department of Social Services shall maintain a database of central child abuse and neglect registries in other states that provide access to out-of-state school boards, for use by local school boards, governing boards, and administrators. The applicant may be required to pay the cost of any search conducted pursuant to this subsection at the discretion of the school board, governing board, or administrator. From such funds as may be available for this purpose, however, the school board or the governing board or administrator may pay for the search.

The Department of Social Services shall respond to such request by the school board, governing board, or administrator in cases where there is no match within the central registry regarding applicants for employment within ten 10 business days of receipt of such request. In cases where there is a match within the central registry regarding applicants for employment, the Department of Social Services shall respond to such request by the school board, governing board, or administrator within thirty 30 business days of receipt of such request. The response may be by first-class mail or facsimile transmission.

B. If the response obtained pursuant to subsection A indicates that the applicant is the subject of a founded case of child abuse and neglect, such applicant shall be denied employment; or the employment shall be rescinded.

C. If an applicant is denied employment because of information appearing on his record in the registry, the school board, governing board, or administrator shall provide a copy of the information obtained from the registry to the applicant. The information provided to the school board, governing board, or administrator by the Department of Social Services shall be confidential and shall not be disseminated by the school board, governing board, or administrator.

§ 63.2-1515. Central registry; disclosure of information.

The central registry shall contain such information as shall be prescribed by Board regulation; however, when the founded case of abuse or neglect does not name the parents or guardians of the child as the abuser or neglector, and the abuse or neglect occurred in a licensed or unlicensed child day center, a licensed, registered or approved family day home, a private or public school, or a children's residential facility, the child's name shall not be entered on the registry without consultation with and permission of the parents or guardians. If a child's name currently appears on the registry without consultation with and permission of the parents or guardians for a founded case of abuse and neglect that does not name the parents or guardians of the child as the abuser or neglector, such parents or guardians may have the child's name removed by written request to the Department. The information contained in the central registry shall not be open to inspection by the public. However, appropriate disclosure may be made in accordance with Board regulations.

The Department shall respond to requests for a search of the central registry made by (i) local departments and, (ii) local school boards, and (iii) governing boards or administrators of private schools accredited pursuant to § 22.1-19 regarding applicants for employment, pursuant to § 22.1-296.4, in cases where there is no match within the central registry

within 10 business days of receipt of such requests. In cases where there is a match within the central registry regarding applicants for employment, the Department shall respond to requests made by local departments ~~and~~, local school boards, *and governing boards or administrators* within 30 business days of receipt of such requests. The response may be by first-class mail or facsimile transmission.

Any central registry check of a person who has applied to be a volunteer with a (a) Virginia affiliate of Big Brothers/Big Sisters of America, (b) Virginia affiliate of Compeer, (c) Virginia affiliate of Childhelp USA/rs, (d) volunteer fire company or volunteer emergency medical services agency, or (e) court-appointed special advocate program pursuant to § 9.1-153 shall be conducted at no charge.

2. That the provisions of this act amending § 22.1-296.4 shall become effective on July 1, 2017.

CHAPTER 455

An Act to amend and reenact §§ 16.1-253.4 and 19.2-152.8 of the Code of Virginia, relating to protective orders; contacts; physical presence.

[H 588]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.4 and 19.2-152.8 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.4. Emergency protective orders authorized in certain cases; penalty.

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an allegedly abused person asserts under oath to a judge or magistrate, and on that assertion or other evidence the judge or magistrate (i) finds that a warrant for a violation of § 18.2-57.2 has been issued or issues a warrant for violation of § 18.2-57.2 and finds that there is probable danger of further acts of family abuse against a family or household member by the respondent or (ii) finds that reasonable grounds exist to believe that the respondent has committed family abuse and there is probable danger of a further such offense against a family or household member by the respondent, the judge or magistrate shall issue an ex parte emergency protective order, except if the respondent is a minor, an emergency protective order shall not be required, imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of family abuse or criminal offenses that result in injury to person or property;
2. Prohibiting such contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person, *including prohibiting the respondent from being in the physical presence of the allegedly abused person or family or household members of the allegedly abused person*, as the judge or magistrate deems necessary to protect the safety of such persons;
3. Granting the family or household member possession of the premises occupied by the parties to the exclusion of the respondent; however, no such grant of possession shall affect title to any real or personal property; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

When the judge or magistrate considers the issuance of an emergency protective order pursuant to clause (i), he shall presume that there is probable danger of further acts of family abuse against a family or household member by the respondent unless the presumption is rebutted by the allegedly abused person.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the juvenile and domestic relations district court is in session. When issuing an emergency protective order under this section, the judge or magistrate shall provide the protected person or the law-enforcement officer seeking the emergency protective order with the form for use in filing petitions pursuant to § 16.1-253.1 and written information regarding protective orders that shall include the telephone numbers of domestic violence agencies and legal referral sources on a form prepared by the Supreme Court. If these forms are provided to a law-enforcement officer, the officer may provide these forms to the protected person when giving the emergency protective order to the protected person. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order issued hereunder. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 16.1-253.1 or 16.1-279.1, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate on

a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the allegedly abused person.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith on the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the allegedly abused person when it is issued, and one copy shall be filed with the written report required by subsection D of § 19.2-81.3. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the juvenile and domestic relations district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the allegedly abused person with information regarding the date and time of service.

F. The availability of an emergency protective order shall not be affected by the fact that the family or household member left the premises to avoid the danger of family abuse by the respondent.

G. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

H. As used in this section, "law-enforcement officer" means (i) any full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic, or highway laws of the Commonwealth; (ii) any member of an auxiliary police force established pursuant to § 15.2-1731; and (iii) any special conservator of the peace who meets the certification requirements for a law-enforcement officer as set forth in § 15.2-1706. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

I. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

J. As used in this section, "copy":

"Copy" includes a facsimile copy.

"Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

K. No fee shall be charged for filing or serving any petition or order pursuant to this section.

L. Except as provided in § 16.1-253.2, a violation of a protective order issued under this section shall constitute contempt of court.

§ 19.2-152.8. Emergency protective orders authorized.

A. Any judge of a circuit court, general district court, juvenile and domestic relations district court or magistrate may issue a written or oral ex parte emergency protective order pursuant to this section in order to protect the health or safety of any person.

B. When a law-enforcement officer or an alleged victim asserts under oath to a judge or magistrate that such person is being or has been subjected to an act of violence, force, or threat and on that assertion or other evidence the judge or magistrate finds that (i) there is probable danger of a further such act being committed by the respondent against the alleged victim or (ii) a petition or warrant for the arrest of the respondent has been issued for any criminal offense resulting from the

commission of an act of violence, force, or threat, the judge or magistrate shall issue an ex parte emergency protective order imposing one or more of the following conditions on the respondent:

1. Prohibiting acts of violence, force, or threat or criminal offenses resulting in injury to person or property;
2. Prohibiting such contacts by the respondent with the alleged victim or the alleged victim's family or household members, *including prohibiting the respondent from being in the physical presence of the alleged victim or the alleged victim's family or household members*, as the judge or magistrate deems necessary to protect the safety of such persons;
3. Such other conditions as the judge or magistrate deems necessary to prevent (i) acts of violence, force, or threat, (ii) criminal offenses resulting in injury to person or property, or (iii) communication or other contact of any kind by the respondent; and
4. Granting the petitioner the possession of any companion animal as defined in § 3.2-6500 if such petitioner meets the definition of owner in § 3.2-6500.

C. An emergency protective order issued pursuant to this section shall expire at 11:59 p.m. on the third day following issuance. If the expiration occurs on a day that the court is not in session, the emergency protective order shall be extended until 11:59 p.m. on the next day that the court which issued the order is in session. The respondent may at any time file a motion with the court requesting a hearing to dissolve or modify the order. The hearing on the motion shall be given precedence on the docket of the court.

D. A law-enforcement officer may request an emergency protective order pursuant to this section and, if the person in need of protection is physically or mentally incapable of filing a petition pursuant to § 19.2-152.9 or 19.2-152.10, may request the extension of an emergency protective order for an additional period of time not to exceed three days after expiration of the original order. The request for an emergency protective order or extension of an order may be made orally, in person or by electronic means, and the judge of a circuit court, general district court, or juvenile and domestic relations district court or a magistrate may issue an oral emergency protective order. An oral emergency protective order issued pursuant to this section shall be reduced to writing, by the law-enforcement officer requesting the order or the magistrate, on a preprinted form approved and provided by the Supreme Court of Virginia. The completed form shall include a statement of the grounds for the order asserted by the officer or the alleged victim of such crime.

E. The court or magistrate shall forthwith, but in all cases no later than the end of the business day on which the order was issued, enter and transfer electronically to the Virginia Criminal Information Network the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court or magistrate. A copy of an emergency protective order issued pursuant to this section containing any such identifying information shall be forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders. Upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent and due return made to the court. However, if the order is issued by the circuit court, the clerk of the circuit court shall forthwith forward an attested copy of the order containing the respondent's identifying information and the name, date of birth, sex, and race of each protected person provided to the court to the primary law-enforcement agency providing service and entry of protective orders and upon receipt of the order, the primary law-enforcement agency shall enter the name of the person subject to the order and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52 and the order shall be served forthwith upon the respondent. Upon service, the agency making service shall enter the date and time of service and other appropriate information required into the Virginia Criminal Information Network and make due return to the court. One copy of the order shall be given to the alleged victim of such crime. The judge or magistrate who issues an oral order pursuant to an electronic request by a law-enforcement officer shall verify the written order to determine whether the officer who reduced it to writing accurately transcribed the contents of the oral order. The original copy shall be filed with the clerk of the appropriate district court within five business days of the issuance of the order. If the order is later dissolved or modified, a copy of the dissolution or modification order shall also be attested, forwarded forthwith to the primary law-enforcement agency responsible for service and entry of protective orders, and upon receipt of the order by the primary law-enforcement agency, the agency shall forthwith verify and enter any modification as necessary to the identifying information and other appropriate information required by the Department of State Police into the Virginia Criminal Information Network as described above and the order shall be served forthwith and due return made to the court. Upon request, the clerk shall provide the alleged victim of such crime with information regarding the date and time of service.

F. The issuance of an emergency protective order shall not be considered evidence of any wrongdoing by the respondent.

G. As used in this section, a "law-enforcement officer" means any (i) person who is a full-time or part-time employee of a police department or sheriff's office which is part of or administered by the Commonwealth or any political subdivision thereof and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth and (ii) member of an auxiliary police force established pursuant to § 15.2-1731. Part-time employees are compensated officers who are not full-time employees as defined by the employing police department or sheriff's office.

H. Neither a law-enforcement agency, the attorney for the Commonwealth, a court nor the clerk's office, nor any employee of them, may disclose, except among themselves, the residential address, telephone number, or place of employment of the person protected by the order or that of the family of such person, except to the extent that disclosure is (i) required by law or the Rules of the Supreme Court, (ii) necessary for law-enforcement purposes, or (iii) permitted by the court for good cause.

I. As used in this section, "~~copy~~":

"Copy" includes a facsimile copy.

"Physical presence" includes (i) intentionally maintaining direct visual contact with the petitioner or (ii) unreasonably being within 100 feet from the petitioner's residence or place of employment.

J. No fee shall be charged for filing or serving any petition pursuant to this section.

K. No emergency protective order shall be issued pursuant to this section against a law-enforcement officer for any action arising out of the lawful performance of his duties.

CHAPTER 456

An Act to amend and reenact § 19.2-368.5 of the Code of Virginia, relating to the Criminal Injury Compensation Fund; claims.

[H 667]

Approved March 11, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-368.5 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-368.5. Filing of claims; deferral of proceedings; restitution.

A. A claim may be filed by a person eligible to receive an award, as provided in § 19.2-368.4, or if such person is a minor, by his parent or guardian. In any case in which the person entitled to make a claim is incapacitated, the claim may be filed on his behalf by his guardian, conservator or such other individual authorized to administer his estate.

B. A claim shall be filed by the claimant not later than one year after the occurrence of the crime upon which such claim is based, or not later than one year after the death of the victim. However, (i) in cases involving claims made on behalf of a minor or a person who is incapacitated, the provisions of subsection A of § 8.01-229 shall apply to toll the one-year period; (ii) in cases involving claims made by a victim against profits of crime held in escrow pursuant to Chapter 21.2 (§ 19.2-368.19 et seq.) of this title, the claim shall be filed within five years of the date of the special order of escrow; and (iii) in cases involving claims of sexual abuse of a minor, the claim shall be filed within 10 years after the minor's eighteenth birthday. For good cause shown, the Commission may extend the time for filing for a crime committed on or after July 1, 2001.

In the case of a crime committed on or after July 1, 1977, and before July 1, 2001, for which a claim was not filed in a timely manner, the Commission may, for good cause shown, extend the time for filing if the attorney for the Commonwealth sends written notification to the Commission that the crime is being investigated as a result of newly discovered evidence. For any claim filed pursuant to this paragraph, the Commission shall only consider expenses *and loss of earnings* that the claimant accrues after the date of *newly discovered evidence as stipulated in the* written notification by the attorney for the Commonwealth.

C. Claims shall be filed in the office of the Commission in person, by mail, or by electronic means in accordance with standards approved by the Commission. The Commission shall accept for filing all claims submitted by persons eligible under subsection A of this section and alleging the jurisdictional requirements set forth in this chapter and meeting the requirements as to form in the rules and regulations of the Commission.

D. Upon filing of a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If, within 10 days after such notification, the attorney for the Commonwealth so notified advises the Commission that a criminal prosecution is pending upon the same alleged crime, the Commission shall defer all proceedings under this chapter until such time as such criminal prosecution has been concluded in the circuit court unless notification is received from the attorney for the Commonwealth that no objection is made to a continuation of the investigation and determination of the claim. When such criminal prosecution has been concluded in the circuit court the attorney for the Commonwealth shall promptly so notify the Commission. Nothing in this section shall be construed to mean that the Commission is to defer proceedings upon the filing of an appeal, nor shall this section be construed to limit the authority of the Commission to grant emergency awards as hereinafter provided. Upon awarding a claim pursuant to this chapter, the Commission shall promptly notify the attorney for the Commonwealth of the jurisdiction wherein the crime is alleged to have occurred. If a criminal prosecution occurs regarding the same alleged crime, the attorney for the Commonwealth shall request the court to order restitution. However, neither the lack of a restitution order, nor the failure of the attorney for the Commonwealth to request such an order, shall preclude the Fund from exercising its subrogation rights pursuant to § 19.2-368.15. Any such restitution shall be paid over to the Comptroller for deposit into the Criminal Injuries Compensation Fund to the extent of the amount of the award paid from the Fund.

2. That the provisions of this act shall apply to claims filed with the Criminal Injuries Compensation Fund on or after July 1, 2014.

CHAPTER 457

An Act to amend and reenact §§ 16.1-331, 16.1-333, 20-45.1, 20-48, 20-89.1, and 20-90 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 16.1-333.1; and to repeal § 20-49 of the Code of Virginia, relating to legal age for marriage; emancipation petitions for minors intending to marry; written findings.

[H 703]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-331, 16.1-333, 20-45.1, 20-48, 20-89.1, and 20-90 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-333.1 as follows:

§ 16.1-331. Petition for emancipation.

Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or guardian of such minor, may petition the juvenile and domestic relations district court for the county or city in which either the minor or his parents or guardian resides for a determination that the minor named in the petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262, the gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of the petitioner to the minor. *If the petition is based on the minor's desire to enter into a valid marriage, the petition shall also include the name, age, date of birth, if known, and residence of the intended spouse. The petitioner shall also attach copies of any criminal records of each individual intending to be married. The petitioner shall also attach copies of any protective order issued between the individuals to be married.*

§ 16.1-333. Findings necessary to order that minor is emancipated.

The court may enter an order declaring the minor emancipated if, after a hearing, it is found that: (i) the minor has entered into a valid marriage, whether or not that marriage has been terminated by dissolution; ~~or~~ (ii) the minor is on active duty with any of the armed forces of the United States of America; ~~or~~ (iii) the minor willingly lives separate and apart from his parents or guardian, with the consent or acquiescence of the parents or guardian, and that the minor is or is capable of supporting himself and competently managing his own financial affairs; or (iv) *the minor desires to enter into a valid marriage and the requirements of § 16.1-333.1 are met.*

§ 16.1-333.1. Written findings necessary to order that minor is emancipated on the basis of intent to marry.

The court may enter an order declaring such a minor who desires to get married emancipated if, after a hearing where both individuals intending to marry are present, the court makes written findings that:

- 1. It is the minor's own will that the minor enter into marriage, and the minor is not being compelled against the minor's will by force, threats, persuasions, menace, or duress;*
- 2. The individuals to be married are mature enough to make such a decision to marry;*
- 3. The marriage will not endanger the safety of the minor. In making this finding, the court shall consider (i) the age difference between the parties intending to be married; (ii) whether either individual to be married has a criminal record containing any conviction of an act of violence, as defined in § 19.2-297.1, or any conviction of an offense set forth in § 63.2-1719 or 63.2-1726; and (iii) any history of violence between the parties to be married; and*
- 4. It is in the best interests of the minor petitioning for an order of emancipation that such order be entered. Neither a past or current pregnancy of either individual to be married or between the individuals to be married nor the wishes of the parents or legal guardians of the minor desiring to be married shall be sufficient evidence to establish that the best interests of the minor would be served by entering the order of emancipation.*

§ 20-45.1. Void and voidable marriages.

~~(a) A. All marriages which that are prohibited by § 20-38.1 or where either or both of the parties are, at the time of the solemnization of the marriage, under the age of eighteen, and have not complied with the provisions of § 20-48 or § 20-49, are void.~~

~~(b) B. All marriages solemnized when either of the parties lacked capacity to consent to the marriage at the time the marriage was solemnized, because of mental incapacity or infirmity, shall be void from the time they shall be so declared by a decree of divorce or nullity.~~

~~C. All marriages solemnized on or after July 1, 2016, when either or both of the parties were, at the time of the solemnization, under the age of 18 and have not been emancipated as required by § 20-48 shall be void from the time they shall be so declared by a decree of divorce or nullity. Notwithstanding the foregoing, this section shall not apply to a lawful marriage entered in another state or country prior to the parties being domiciled in the Commonwealth.~~

§ 20-48. Minimum age of marriage.

~~The minimum age at which persons may marry, with consent of the parent or guardian, shall be sixteen 18, unless a minor has been emancipated by court order. Upon application for a marriage license, an emancipated minor shall provide a certified copy of the order of emancipation.~~

~~In case of pregnancy when either party is under sixteen, the clerk authorized to issue marriage licenses in the county or city wherein the female resides shall issue a proper marriage license with the consent of the parent or guardian of the person or persons under the age of sixteen only upon presentation of a doctor's certificate showing he has examined the female and that she is pregnant, or has been pregnant within the nine months previous to such examination, which certificate shall be filed by the clerk, and such marriage consummated under such circumstances shall be valid. If any such person under the~~

age of sixteen is a ward of the Commonwealth by virtue of having been adjudicated a delinquent, dependent, or neglected child; instead of the consent of the parent or natural guardian there shall be required the consent of the judge having jurisdiction to control the custody of such person; or, if such person so adjudicated shall have been committed to the Department of Juvenile Justice or to any society, association, or institution approved by it for this purpose, such consent shall be given by some person thereto authorized by the Director of the Department of Juvenile Justice, or by the principal executive officer of such society, association, or institution, as the case may be.

§ 20-89.1. Suit to annul marriage.

(a) A. When a marriage is alleged to be void or voidable for any of the causes mentioned in §§ § 20-13, 20-38.1, or 20-45.1 or by virtue of fraud or duress, either party may institute a suit for annulling the same; and upon proof of the nullity of the marriage, it shall be decreed void by a decree of annulment.

(b) B. In the case of natural or incurable impotency of body existing at the time of entering into the marriage contract, or when, prior to the marriage, either party, without the knowledge of the other, had been convicted of a felony, or when, at the time of the marriage, the wife, without the knowledge of the husband, was with child by some person other than the husband, or where the husband, without knowledge of the wife, had fathered a child born to a woman other than the wife within ten 10 months after the date of the solemnization of the marriage, or where, prior to the marriage, either party had been, without the knowledge of the other, a prostitute, a decree of annulment may be entered upon proof, on complaint of the party aggrieved.

(c) C. No annulment for a marriage alleged to be void or voidable under subsection (b) B of § 20-45.1; or subsection (b) B of this section or by virtue of fraud or duress shall be decreed if it appears that the party applying for such annulment has cohabited with the other after knowledge of the facts giving rise to what otherwise would have been grounds for annulment, and; in no event shall any such decree be entered if the parties had been married for a period of two years prior to the institution of such suit for annulment.

(d) D. A party who, at the time of such marriage as is mentioned in § 20-48 or § 20-49, was capable of consenting with a party not so capable; shall not be permitted to institute a suit for the purpose of annulling such marriage.

§ 20-90. Suit to affirm marriage.

A. When the validity of any marriage shall be denied or doubted by either of the parties, the other party may institute a suit for affirmance of the marriage, and upon due proof of the validity thereof, it shall be decreed to be valid, and such decree shall be conclusive upon all persons concerned.

B. *Notwithstanding § 20-13, a marriage of a couple where one of the parties was under the age of 18 at the time of solemnization may be decreed valid upon petition by the party who was under the age of 18 at the time of the solemnization that would otherwise be deemed voidable under subsection C of § 20-45.1 solely because of age, once such party has attained the age of 18. If both parties were under the age of 18 at the time of solemnization, such petition shall not be granted unless both parties have reached the age of 18 and join in the petition together.*

2. That § 20-49 of the Code of Virginia is repealed.

CHAPTER 458

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 15.2 a section numbered 15.2-110, relating to local permitting or licensure; requiring consent of homeowners' association prohibited.

[H 1146]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 15.2 a section numbered 15.2-110 as follows:

§ 15.2-110. Authority to require approval by common interest community association.

No locality shall require, prior to the issuance of any permit, certificate, or license, including a building permit or a license for a business, profession, or child care facility, that the governing board of an association subject to the Condominium Act (§ 55-79.39 et seq.), the Property Owners' Association Act (§ 55-508 et seq.), or the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) consent to the activity for which the permit, certificate, or license is sought. The provisions of this section shall not be applied to limit or otherwise impinge upon the provisions of a condominium instrument as defined in § 55-79.41, the declaration of a common interest community as defined in § 55-528, or the declaration of a real estate cooperative as defined in § 55-426.

CHAPTER 459

An Act to amend and reenact §§ 55-225.12 and 55-248.27 of the Code of Virginia, relating to landlord and tenant law; tenant remedies.

[S 377]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-225.12 and 55-248.27 of the Code of Virginia are amended and reenacted as follows:

§ 55-225.12. Tenant's assertion; rent escrow; dwelling units.

A. The tenant may assert that there exists upon the dwelling unit, a condition or conditions which constitute a material noncompliance by the landlord with the rental agreement or with provisions of law, or which if not promptly corrected, will constitute a fire hazard or serious threat to the life, health or safety of occupants thereof, including but not limited to, a lack of heat or hot or cold running water, except if the tenant is responsible for payment of the utility charge and where the lack of such heat or hot or cold running water is the direct result of the tenant's failure to pay the utility charge; or a lack of light, electricity or adequate sewage disposal facilities; or an infestation of rodents; or the existence of paint containing lead pigment on surfaces within the dwelling, provided that the landlord has notice of such paint. The tenant may file such an assertion in a general district court wherein the dwelling unit is located by a declaration setting forth such assertion and asking for one or more forms of relief as provided for in subsection *E D*.

B. Prior to the granting of any relief, the tenant shall show to the satisfaction of the court that:

1. Prior to the commencement of the action the landlord was served a written notice by the tenant of the conditions described in subsection A, or was notified of such conditions by a violation or condemnation notice from an appropriate state or municipal agency, and that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same. For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court except that there shall be a rebuttable presumption that a period in excess of 30 days from receipt of the notification by the landlord is unreasonable; *and*

2. The tenant has paid into court the amount of rent called for under the rental agreement, within five days of the date due thereunder, unless or until such amount is modified by subsequent order of the court under this chapter; *and*.

~~3.~~ C. It shall be sufficient answer or rejoinder to ~~such~~ a declaration *pursuant to subsection A* if the landlord establishes to the satisfaction of the court that the conditions alleged by the tenant do not in fact exist, or such conditions have been removed or remedied, or such conditions have been caused by the tenant or members of his family or his or their invitees or licensees, or the tenant has unreasonably refused entry to the landlord to the dwelling unit for the purpose of correcting such conditions.

E D. Any court shall make findings of fact on the issues before it and shall issue any order that may be required. Such an order may include, but is not limited to, any one or more of the following:

1. Terminating the rental agreement *upon the request of the tenant* or ordering the dwelling unit surrendered to the landlord *if the landlord prevails on a request for possession pursuant to an unlawful detainer properly filed with the court*;

2. Ordering all moneys already accumulated in escrow disbursed to the landlord or to the tenant in accordance with this chapter;

3. Ordering that the escrow be continued until the conditions causing the complaint are remedied;

4. Ordering that the amount of rent, whether paid into the escrow account or paid to the landlord, be abated as determined by the court in such an amount as may be equitable to represent the existence of the condition or conditions found by the court to exist. In all cases where the court deems that the tenant is entitled to relief under this chapter, the burden shall be upon the landlord to show cause why there should not be an abatement of rent;

5. Ordering any amount of moneys accumulated in escrow disbursed to the tenant where the landlord refuses to make repairs after a reasonable time or to the landlord or to a contractor chosen by the landlord in order to make repairs or to otherwise remedy the condition. In either case, the court shall in its order insure that moneys thus disbursed will be in fact used for the purpose of making repairs or effecting a remedy;

6. Referring any matter before the court to the proper state or municipal agency for investigation and report and granting a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court rent payments within five days of the date due under the rental agreement, subject to any abatement under this section, which become due during the period of the continuance, to be held by the court pending its further order;

7. In the court's discretion, ordering escrow funds disbursed to pay a mortgage on the property upon which the dwelling unit is located in order to stay a foreclosure; or

8. In the court's discretion, ordering escrow funds disbursed to pay a creditor to prevent or satisfy a bill to enforce a mechanic's or materialman's lien.

Notwithstanding any provision of this subsection, where an escrow account is established by the court and the condition or conditions are not fully remedied within six months of the establishment of such account, and the landlord has not made reasonable attempts to remedy the condition, the court shall award all moneys accumulated in escrow to the tenant. In such event, the escrow shall not be terminated, but shall begin upon a new six-month period with the same result if, at the end thereof, the condition or conditions have not been remedied.

~~D.~~ E. The initial hearing on the tenant's assertion filed pursuant to subsection A shall be held within 15 calendar days from the date of service of process on the landlord, except that the court shall order an earlier hearing where emergency conditions are alleged to exist upon the premises, such as failure of heat in winter, lack of adequate sewage facilities or any other condition which constitutes an immediate threat to the health or safety of the inhabitants of the dwelling unit. The court, on motion of either party or on its own motion, may hold hearings subsequent to the initial proceeding in order to further determine the rights and obligations of the parties. Distribution of escrow moneys may only occur by order of the

court after a hearing of which both parties are given notice as required by law or upon motion of both the landlord and tenant or upon certification by the appropriate inspector that the work required by the court to be done has been satisfactorily completed.

§ 55-248.27. Tenant's assertion; rent escrow.

A. The tenant may assert that there exists upon the leased premises, a condition or conditions which constitute a material noncompliance by the landlord with the rental agreement or with provisions of law, or which if not promptly corrected, will constitute a fire hazard or serious threat to the life, health or safety of occupants thereof, including but not limited to, a lack of heat or hot or cold running water, except if the tenant is responsible for payment of the utility charge and where the lack of such heat or hot or cold running water is the direct result of the tenant's failure to pay the utility charge; or of light, electricity or adequate sewage disposal facilities; or an infestation of rodents, except if the property is a one-family dwelling; or of the existence of paint containing lead pigment on surfaces within the dwelling, provided that the landlord has notice of such paint. The tenant may file such an assertion in a general district court wherein the premises are located by a declaration setting forth such assertion and asking for one or more forms of relief as provided for in subsection ~~C~~ D.

B. Prior to the granting of any relief, the tenant shall show to the satisfaction of the court that:

1. Prior to the commencement of the action the landlord was served a written notice by the tenant of the conditions described in subsection A, or was notified of such conditions by a violation or condemnation notice from an appropriate state or municipal agency, and that the landlord has refused, or having a reasonable opportunity to do so, has failed to remedy the same. For the purposes of this subsection, what period of time shall be deemed to be unreasonable delay is left to the discretion of the court except that there shall be a rebuttable presumption that a period in excess of thirty days from receipt of the notification by the landlord is unreasonable; *and*

2. The tenant has paid into court the amount of rent called for under the rental agreement, within five days of the date due thereunder, unless or until such amount is modified by subsequent order of the court under this chapter; ~~and~~.

~~C~~ C. It shall be sufficient answer or rejoinder to ~~such~~ a declaration *pursuant to subsection A* if the landlord establishes to the satisfaction of the court that the conditions alleged by the tenant do not in fact exist, or such conditions have been removed or remedied, or such conditions have been caused by the tenant or members of his family or his or their invitees or licensees, or the tenant has unreasonably refused entry to the landlord to the premises for the purpose of correcting such conditions.

~~C~~ D. Any court shall make findings of fact on the issues before it and shall issue any order that may be required. Such an order may include, but is not limited to, any one or more of the following:

1. Terminating the rental agreement *upon the request of the tenant* or ordering the premises surrendered to the landlord *if the landlord prevails on a request for possession pursuant to an unlawful detainer properly filed with the court*;

2. Ordering all moneys already accumulated in escrow disbursed to the landlord or to the tenant in accordance with this chapter;

3. Ordering that the escrow be continued until the conditions causing the complaint are remedied;

4. Ordering that the amount of rent, whether paid into the escrow account or paid to the landlord, be abated as determined by the court in such an amount as may be equitable to represent the existence of the condition or conditions found by the court to exist. In all cases where the court deems that the tenant is entitled to relief under this chapter, the burden shall be upon the landlord to show cause why there should not be an abatement of rent;

5. Ordering any amount of moneys accumulated in escrow disbursed to the tenant where the landlord refuses to make repairs after a reasonable time or to the landlord or to a contractor chosen by the landlord in order to make repairs or to otherwise remedy the condition. In either case, the court shall in its order insure that moneys thus disbursed will be in fact used for the purpose of making repairs or effecting a remedy;

6. Referring any matter before the court to the proper state or municipal agency for investigation and report and granting a continuance of the action or complaint pending receipt of such investigation and report. When such a continuance is granted, the tenant shall deposit with the court rents within five days of date due under the rental agreement, subject to any abatement under this section, which become due during the period of the continuance, to be held by the court pending its further order;

7. In its discretion, ordering escrow funds disbursed to pay a mortgage on the property in order to stay a foreclosure; *or*

8. In its discretion, ordering escrow funds disbursed to pay a creditor to prevent or satisfy a bill to enforce a mechanic's or materialman's lien.

Notwithstanding any provision of this subsection, where an escrow account is established by the court and the condition or conditions are not fully remedied within six months of the establishment of such account, and the landlord has not made reasonable attempts to remedy the condition, the court shall award all moneys accumulated in escrow to the tenant. In such event, the escrow shall not be terminated, but shall begin upon a new six-month period with the same result if, at the end thereof, the condition or conditions have not been remedied.

~~D~~ E. The initial hearing on the tenant's assertion filed pursuant to subsection A shall be held within fifteen calendar days from the date of service of process on the landlord as authorized by § 55-248.12, except that the court shall order an earlier hearing where emergency conditions are alleged to exist upon the premises, such as failure of heat in winter, lack of adequate sewage facilities or any other condition which constitutes an immediate threat to the health or safety of the inhabitants of the leased premises. The court, on motion of either party or on its own motion, may hold hearings subsequent to the initial proceeding in order to further determine the rights and obligations of the parties. Distribution of escrow

moneys may only occur by order of the court after a hearing of which both parties are given notice as required by law or upon motion of both the landlord and tenant or upon certification by the appropriate inspector that the work required by the court to be done has been satisfactorily completed. If the tenant proceeds under this subsection, he may not proceed under any other section of this article as to that breach.

CHAPTER 460

An Act to amend and reenact § 58.1-3984 of the Code of Virginia, relating to appeal of local tax assessments; confidentiality.

[H 910]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3984 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3984. Application to court to correct erroneous assessments of local levies generally.

A. Any person assessed with local taxes, aggrieved by any such assessment, may, unless otherwise specially provided by law (including, but not limited to, as provided under (i) § 15.2-717 and (ii) § 3 of Chapter 261 of the Acts of Assembly of 1936 (which was continued in effect by § 58-769 of the Code of Virginia; and now continued in effect by § 58.1-3260), as amended by Chapter 422 of the Acts of Assembly of 1950, as amended by Chapter 339 of the Acts of Assembly of 1958, and as amended by the 2003 Regular Session of the General Assembly), (a) within three years from the last day of the tax year for which any such assessment is made, (b) within one year from the date of the assessment, (c) within one year from the date of the Tax Commissioner's final determination under § 58.1-3703.1 A 5 or § 58.1-3983.1 D, or (d) within one year from the date of the final determination under § 58.1-3981, whichever is later, apply for relief to the circuit court of the county or city wherein such assessment was made. The application shall be before the court when it is filed in the clerk's office. In such proceedings, except for proceedings seeking relief from real property taxes, the burden of proof shall be upon the taxpayer to show that the property in question is valued at more than its fair market value or that the assessment is not uniform in its application, or that the assessment is otherwise invalid or illegal, but it shall not be necessary for the taxpayer to show that intentional, systematic and willful discrimination has been made.

All proceedings pursuant to this section shall be conducted as an action at law before the court, sitting without a jury. The county or city attorney, or if none, the attorney for the Commonwealth, shall defend the application.

Prior to the release of any information that constitutes confidential tax information under § 58.1-3, pursuant to discovery or otherwise, for the purposes of a proceeding under this section, the court shall, no later than the issuance of the scheduling order, make the following order:

"Unless otherwise ordered by the court, no entity or person who has obtained confidential information protected by § 58.1-3 of the Code of Virginia regarding [property reference], directly or indirectly through any party to this action, shall disclose, exhibit, or discuss the confidential information except as provided herein. Confidential information protected by § 58.1-3 may be revealed to or discussed only with the following persons in connection with the review or litigation of the assessment of the above-referenced property:

- 1. The taxpayer or the local government (the "Parties");*
- 2. Counsel for any Party to this action and employees of the counsel's firm, including attorneys other than counsel;*
- 3. Outside experts retained by and assisting counsel for any Party in the preparation for or trial of this action;*
- 4. The court or an administrative board reviewing the assessment on the above-referenced property, persons employed by the court or administrative board, and persons employed to transcribe or record the testimony or argument at a hearing, trial, or deposition regarding the assessment of the above-referenced property; and*
- 5. Any person who may be called as a witness in a hearing, trial, or discovery that counsel believes in good faith to be necessary for the preparation or presentation of the case.*

No person who is furnished with confidential information shall reveal it to, or discuss it with, any person who is not entitled to receive it under the terms of this order. Prior to their receipt of confidential information, those persons described in subdivisions 3 and 5 shall be required to sign an acknowledgment of this order and agree to be bound by the terms hereof and be subject to the jurisdiction of the court for enforcement thereof. Any person who violates the provisions of this order shall be subject to the penalty provided in subsection F of § 58.1-3."

Once the above-referenced order is entered, § 58.1-3 shall not be applicable to prevent the release of any relevant information that is responsive to a request for discovery made in the course of an appeal pursuant to this section.

B. In circuit court proceedings to seek relief from real property taxes, there shall be a presumption that the valuation determined by the assessor or as adjusted by the board of equalization is correct. The burden of proof shall be on the taxpayer to rebut such presumption and show by a preponderance of the evidence that the property in question is valued at more than its fair market value or that the assessment is not uniform in its application, and that it was not arrived at in accordance with generally accepted appraisal practices, procedures, rules, and standards as prescribed by nationally recognized professional appraisal organizations such as the International Association of Assessing Officers (IAAO) and applicable Virginia law relating to valuation of property. Mistakes of fact, including computation, that affect the assessment shall be deemed not to be in accordance with generally accepted appraisal practice.

However, in any appeal of the assessment of residential property filed by a taxpayer as an owner of real property containing less than four residential units, the assessing officer shall give the required written notice to the taxpayer, or his duly authorized representative, under subsection E of § 58.1-3331, and, upon written request, shall provide the taxpayer or his duly authorized representative copies of the assessment records set out in subsections A, B, and C of § 58.1-3331 pertaining to the assessing officer's determination of fair market value of the property under appeal. A written request by the taxpayer or his duly authorized representative shall be made following the filing of the appeal to circuit court and no later than 45 days prior to trial, unless otherwise provided by an order of the court before which the appeal is pending. Provided the written request is made in accordance with this section or any applicable court order, the assessing officer shall provide such records within 15 days of the written request to the taxpayer or his duly authorized representative. If the assessing officer fails to do so, the assessing officer shall present the following into evidence prior to the presentation of evidence by the taxpayer at the hearing: (i) copies of the assessment records maintained by the assessing officer under § 58.1-3331, (ii) testimony that explains the methodologies employed by the assessing officer to determine the assessed value of the property, and (iii) testimony that states that the assessed value was arrived at in accordance with generally accepted appraisal practices, procedures, rules, and standards as prescribed by nationally recognized professional appraisal organizations such as the International Association of Assessing Officers (IAAO) and applicable Virginia law relating to valuation of property. Upon the conclusion of the presentation of the evidence of the assessing officer, the taxpayer shall have the burden of proof by a preponderance of the evidence to rebut such evidence presented by the assessing officer as otherwise provided in this section.

C. The presumptions, burdens, and standards set out in subsection B shall not be construed to change or have any effect upon the presumptions, burdens, and standards applicable to applications for the correction of erroneous assessments of any local tax other than real property taxes.

D. In the event it comes or is brought to the attention of the commissioner of the revenue of the locality that the assessment of any tax is improper or is based on obvious error and should be corrected in order that the ends of justice may be served, and he is not able to correct it under § 58.1-3981, the commissioner of the revenue shall apply to the appropriate court, in the manner herein provided for relief of the taxpayer. Such application may include a petition for relief for any of several taxpayers.

CHAPTER 461

An Act to amend and reenact §§ 58.1-4002 and 58.1-4014 of the Code of Virginia, relating to the Virginia Lottery; ticket courier services prohibited.

[H 1291]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-4002 and 58.1-4014 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-4002. Definitions.

For the purposes of this chapter:

"Board" means the Virginia Lottery Board established by this chapter.

"Department" means the independent agency responsible for the administration of the Virginia Lottery created in this chapter.

"Director" means the Director of the Virginia Lottery.

"Lottery" or "state lottery" means the lottery or lotteries established and operated pursuant to this chapter.

"Ticket courier service" means a service operated for the purpose of purchasing Virginia Lottery tickets on behalf of individuals located within or outside the Commonwealth and delivering or transmitting such tickets, or electronic images thereof, to such individuals as a business-for-profit delivery service.

§ 58.1-4014. Price of tickets or shares; who may sell; penalty.

No person shall sell a ticket or share at any price or at any location other than that fixed by rules and regulations of the Department. No person other than a licensed lottery sales agent or his employee shall sell lottery tickets or shares, except that nothing in this section shall be construed to prevent any person from giving lottery tickets or shares to another person over the age of 18 years as a gift. *No person shall operate a ticket courier service in the Commonwealth.*

Any person convicted of violating this section ~~shall be~~ is guilty of a Class 1 misdemeanor.

CHAPTER 462

An Act to amend and reenact § 15.2-1610 of the Code of Virginia, relating to sheriffs; standard vehicle markings.

[H 1182]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-1610 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-1610. Standard uniforms and motor vehicle markings to be adopted by sheriffs.

A. Except as provided in § 15.2-1611, all uniforms used by sheriffs and their deputies and police officers under the direct control of a sheriff while in the performance of their duties shall (i) easily identify local law-enforcement officers to members of the public, (ii) be of a design and style approved by the sheriff of the locality, and (iii) be worn according to the policies established by the sheriff of the locality.

B. All marked motor vehicles used by sheriffs' offices shall be solid dark brown or, ~~with the concurrence of the local governing body and the local sheriff,~~ some other solid color, with a reflectorized gold, five-point star on each front side door. The lettering on such stars shall say "Sheriff's Office" or "Sheriff" in a half-circle above the Seal of the Commonwealth or the seal of the jurisdiction. The name of the county or city shall be placed in a half-circle below the Seal. The words "Sheriff's Office" or "Sheriff" shall be placed on the rear of the trunk.

C. All sheriffs' offices shall be in full compliance with specifications for uniforms and motor vehicle markings, if the sheriff prescribes that uniforms be worn and marked motor vehicles be utilized.

CHAPTER 463

An Act to amend and reenact § 24.2-706 of the Code of Virginia, relating to absentee ballots; electronic transmission by general registrar.

[S 137]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-706 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-706. Duty of general registrar on receipt of application; statement of voter.

On receipt of an application for an absentee ballot, the general registrar shall enroll the name and address of each registered applicant on an absentee voter applicant list that shall be maintained in the office of the general registrar with a file of the applications of the listed applicants. The list shall be available for inspection and copying and the applications shall be available for inspection only by any registered voter during regular office hours. Upon request and for a reasonable fee, the Department of Elections shall provide an electronic copy of the absentee voter applicant list to any political party or candidate. Such list shall be used only for campaign and political purposes. Any list made available for inspection and copying under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

No list or application containing an individual's social security number, or any part thereof, or the individual's day and month of birth, shall be made available for inspection or copying by anyone. The Department of Elections shall prescribe procedures for general registrars to make the information in the lists and applications available in a manner that does not reveal social security numbers or parts thereof, or an individual's day and month of birth.

The completion and timely delivery of an application for an absentee ballot shall be construed to be an offer by the applicant to vote in the election.

The general registrar shall note on each application received whether the applicant is or is not a registered voter. In reviewing the application for an absentee ballot, the general registrar shall not reject the application of any individual because of an error or omission on any record or paper relating to the application, if such error or omission is not material in determining whether such individual is qualified to vote absentee.

If the application has been properly completed and signed and the applicant is a registered voter of the precinct in which he offers to vote, the general registrar shall, at the time when the printed ballots for the election are available, send by the deadline set out in § 24.2-612, obtaining a certificate or other evidence of either first-class or expedited mailing or delivery from the United States Postal Service or other commercial delivery provider, or deliver to him in person in the office of the registrar, the following items and nothing else:

1. An envelope containing the folded ballot, sealed and marked "Ballot within. Do not open except in presence of a witness."

2. An envelope, with printing only on the flap side, for resealing the marked ballot, on which envelope is printed the following:

"Statement of Voter."

"I do hereby state, subject to felony penalties for making false statements pursuant to § 24.2-1016, that my FULL NAME is _____ (last, first, middle); that I am now or have been at some time since last November's general election a legal resident of _____ (STATE YOUR LEGAL RESIDENCE IN VIRGINIA including the house number, street name or rural route address, city, zip code); that I received the enclosed ballot(s) upon application to the registrar of such county or city; that I opened the envelope marked 'ballot within' and marked the ballot(s) in the presence of the witness, without assistance or knowledge on the part of anyone as to the manner in which I marked it (or I am returning the form required to report how I was assisted); that I then sealed the ballot(s) in this envelope; and that I have not voted and will not vote in this election at any other time or place.

Signature of Voter _____

Date _____

Signature of witness _____ "

For elections held after January 1, 2004, instead of the envelope containing the above oath, an envelope containing the standard oath prescribed by the presidential designee under § 101(b)(7) of the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.) shall be sent to voters who are qualified to vote absentee under that Act.

3. A properly addressed envelope for the return of the ballot to the general registrar by mail or by the applicant in person.

4. Printed instructions for completing the ballot and statement on the envelope and returning the ballot.

For federal elections held after January 1, 2004, for any voter who is required by subparagraph (b) of 52 U.S.C. § 21083 of the Help America Vote Act of 2002 to show identification the first time the voter votes in a federal election in the state, the printed instructions shall direct the voter to submit with his ballot (i) a copy of a current and valid photo identification or (ii) a copy of a current utility bill, bank statement, government check, paycheck or other government document that shows the name and address of the voter. Such individual who desires to vote by mail but who does not submit one of the forms of identification specified in this paragraph may cast such ballot by mail and the ballot shall be counted as a provisional ballot under the provisions of § 24.2-653. The Department of Elections shall provide instructions to the electoral boards for the handling and counting of such provisional ballots pursuant to subsection B of § 24.2-653 and this section.

5. For any voter entitled to vote absentee under the Uniformed and Overseas Citizens Absentee Voting Act (52 U.S.C. § 20301 et seq.), information provided by the Department of Elections specific to the voting rights and responsibilities for such citizens, or information provided by the registrar specific to the status of the voter registration and absentee ballot application of such voter, may be included.

The envelopes and instructions shall be in the form prescribed by the Department of Elections.

If the applicant makes his application to vote in person under § 24.2-701 at a time when the printed ballots for the election are available, the general registrar, on the determination of the qualifications of the applicant to vote, shall provide to the applicant the items set forth in subdivisions 1 through 4, and no item shall be removed by the applicant from the office of the general registrar. On the request of the applicant, made no later than 5:00 p.m. on the seventh day prior to the election in which the applicant offers to vote, the general registrar may send the items set forth in subdivisions 1 through 4 to the applicant by mail, obtaining a certificate or other evidence of mailing.

If the applicant states as the reason for his absence on election day any of the reasons set forth in subdivision 2 of § 24.2-700, the general registrar, at the time when the printed ballots for the election are available, shall mail by the deadline set forth in § 24.2-612 or deliver in person to the applicant in the office of the general registrar the items as set forth in subdivisions 1 through 4 and, if necessary, an application for registration. A certificate or other evidence of mailing shall not be required. ~~The~~ *If the applicant requests that such items be sent by electronic transmission, the general registrar, at the time when the printed ballots for the election are available, shall send by but not later than the deadline set forth in § 24.2-612, shall send by electronic transmission the blank ballot, the form for the envelope for returning the marked ballot, and instructions to the voter by electronic transmission if the voter so requests. Such materials shall be sent using the official email address or fax number of the office of the general registrar published on the Department of Elections website. The State Board of Elections may prescribe by regulation the format of the email address used for transmitting ballots to eligible voters. A general registrar may also use electronic transmission facilities provided by the Federal Voting Assistance Program.* The voted ballot shall be returned to the general registrar as otherwise required by this chapter.

When the statement prescribed in subdivision 2 has been properly completed and signed by the registered voter and witnessed, his ballot shall not be subject to challenge pursuant to § 24.2-651.

The circuit courts shall have jurisdiction to issue an injunction to enforce the provisions of this section upon the application of (i) any aggrieved voter, (ii) any candidate in an election district in whole or in part in the court's jurisdiction where a violation of this section has occurred, or is likely to occur, or (iii) the campaign committee or the appropriate district political party chairman of such candidate. Any person who fails to discharge his duty as provided in this section through willful neglect of duty and with malicious intent shall be guilty of a Class 1 misdemeanor as provided in subsection A of § 24.2-1001.

CHAPTER 464

An Act to amend and reenact §§ 24.2-626, 24.2-627, 24.2-639, 24.2-657, 24.2-659, 24.2-801, 24.2-801.1, and 24.2-802 of the Code of Virginia, relating to voting systems; use of direct recording electronic machines.

[S 190]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-626, 24.2-627, 24.2-639, 24.2-657, 24.2-659, 24.2-801, 24.2-801.1, and 24.2-802 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-626. Governing bodies shall acquire electronic voting systems.

A. The governing body of each county and city shall provide for the use of electronic voting ~~or counting machines systems~~, of a kind approved by the State Board, at every precinct and for all elections held in the county, the city, or any part of the county or city.

Each county and city governing body shall purchase, lease, lease purchase, or otherwise acquire such ~~machines systems~~ and may provide for the payment therefor in the manner it deems proper. Systems of different kinds may be adopted for use and be used in different precincts of the same county or city, or within a precinct or precincts in a county or city, subject to the approval of the State Board.

~~On and after July 1, 2007, no county or city shall acquire any direct recording electronic machine (DRE) for use in elections in the county or city except as provided herein:~~

~~1. DREs acquired prior to July 1, 2007, may be used in elections in the county or city for the remainder of their useful life.
2. Any locality that acquired DREs prior to July 1, 2007, may acquire DREs on a temporary basis to conduct an election when the existing DRE inventory is insufficient to conduct the election because all or part of its inventory is under lock or seal as required by § 24.2-659.~~

~~3. Any locality may acquire DREs from another locality within the Commonwealth, from among their existing inventories, for the expressed purpose of providing accessible voting equipment as required by § 24.2-626.1. The local electoral board shall notify the State Board when acquiring any DRE under this provision and shall certify to the State Board that the DRE acquired under this provision is necessary to meet accessible voting requirements.~~

~~4. Any locality may modify its existing DREs to comply with federal or state law requirements to provide accessible voting equipment. Any modifications made to existing DREs must be authorized by the State Board of Elections prior to modification.~~

~~B. On and after July 1, 2020, no county or city shall use any direct recording electronic machine (DRE) in elections in the county or city.~~

§ 24.2-627. Electronic voting systems; number required.

~~A. The governing body of any county or city that adopts for use at elections direct recording electronic machines shall provide for each precinct at least the following number of voting machines:~~

~~In each precinct having not more than 750 registered voters, 1;~~

~~In each precinct having more than 750 but not more than 1,500 registered voters, 2;~~

~~In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;~~

~~In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;~~

~~In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;~~

~~In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;~~

~~In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.~~

~~B. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.~~

~~C. B. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting ~~or counting machines systems~~ it determines is appropriate for each precinct, notwithstanding the provisions of ~~subsections subsection A and B.~~~~

~~D. C. For purposes of applying this section, an electoral board may exclude persons voting absentee in its calculations, and if it does so, the electoral board shall send to the Department a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct the local board to use more voting systems.~~

§ 24.2-639. Duties of officers of election.

The officers of election of each precinct at which voting ~~or counting machines systems~~ are used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. The officers shall post at least two instruction cards for direct recording electronic machines conspicuously within the polling place.

The keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The equipment shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting.

Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: one authorized representative of each political party or independent candidate in a general or special

election, or one authorized representative of each candidate in a primary election, if such representatives are available. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

If any counter, other than a protective or private counter, on a ballot scanner ~~or direct recording electronic machine~~ is found not to register zero, the officers of election shall immediately notify the electoral board which shall, if possible, substitute a machine in good working order, that has been prepared and tested pursuant to § 24.2-634. No ballot scanner ~~or direct recording electronic machine~~ shall be used if any counter, other than a protective or private counter, is found not to register zero.

§ 24.2-657. Determination of vote on voting systems.

In the presence of all persons who may be present lawfully at the time, giving full view of the voting systems or printed return sheets, the officers of election shall determine and announce the results as shown by the counters or printed return sheets, including the votes recorded for each office on the write-in ballots, and shall also announce the vote on every question. The vote as registered shall be entered on the statement of results. When completed, the statement shall be compared with the number on the counters on the equipment or on the printed return sheets. If, on ~~direct recording electronic machines~~ *any ballot scanner*, the number of persons voting in the election, or the number of votes cast for any office or on any question, totals more than the number of names on the pollbooks of persons voting on the machines, then the figures recorded by the machines shall be accepted as correct. A statement to that effect shall be entered by the officers of election in the space provided on the statement of results.

§ 24.2-659. Locking voting systems after election and delivering keys to clerk; printed returns as evidence.

A. If the voting ~~or counting machine~~ *system* is secured by the use of equipment keys, after the officers of election lock and seal each machine, the equipment keys shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election. If the voting ~~or counting machines~~ *systems* are secured by the use of equipment keys or electronic activation devices that are not specific to a particular machine, after the officers of election lock and seal each machine, the equipment keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

If the voting ~~or counting machine~~ *system* is secured by removal of the data storage device used in that election, the officers shall remove the data storage device and proceed to lock and seal each machine. The data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by this section.

If the voting ~~or counting machine~~ *system* provides for the creation of a separate master electronic back-up on a data storage device that combines the data for all of the voting ~~or counting machines~~ *systems* in a given precinct, that data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The data storage device for the individual machines may remain sealed in its individual machine until the expiration of the time specified by this section. The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by this section.

The voting ~~and counting machines~~ *systems* shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. The machines shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board or the electoral board at the direction of the State Board in order to ensure the accuracy of the returns. In the event that machines are examined under clause (ii) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the examination.

~~When recounts occur in precincts using direct recording electronic machines with printed return sheets, the printed return sheets delivered to the clerk may be used as the official evidence of the results.~~

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys to the electoral board.

B. The local electoral board may direct that the officers of election and custodians, in lieu of conveying the sealed equipment keys to the clerk of the circuit court as provided in subsection A, shall convey them to the principal office of the general registrar on the night of the election. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon of the day following the ascertainment of the results of the election by the electoral board.

§ 24.2-801. Petition for recount; recount court.

The petition for a recount of an election, other than an election for presidential electors, shall be filed within 10 days from the day the State Board or the electoral board certifies the result of the election under § 24.2-679 or § 24.2-671, but not thereafter. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide office and in the circuit court of the county or city in which the candidate being challenged resides in the case of any other office. The petition shall be filed in the Circuit Court of the City of Richmond in the case of any statewide referendum and in the circuit court of any county or city comprising a part of the election district in the case of any other referendum.

The petition shall set forth the results certified by the Board or electoral board and shall request the court to have the ballots in the election recounted ~~or, in the case of direct recording electronic machines, the vote redetermined.~~

In an election for office, a copy of the petition shall be served on the candidate apparently nominated or elected as provided under § 8.01-296 and within 10 days after the Board or electoral board has certified the results of such election. In a referendum, a copy of the petition shall be so served on the governing body or chief executive officer of the jurisdiction in which the election was held.

The chief judge of the circuit court in which a petition is filed shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under §§ 24.2-805 and 24.2-806.

§ 24.2-801.1. Petition for recount of election for presidential electors; recount court.

The petition for a recount of an election for presidential electors shall be filed no later than 5:00 p.m. on the second calendar day after the day the State Board certifies the result of the election under § 24.2-679, but not thereafter. Presidential candidates who anticipate the possibility of asking for a recount are encouraged to so notify the State Board by letter as soon as possible after election day. The petition shall be filed in the Circuit Court of the City of Richmond. If any presidential candidate is eligible to seek a recount of the results of the election for presidential electors under § 24.2-800 the State Board shall, within 24 hours of the certification of the results, notify the Circuit Court of the City of Richmond and the Supreme Court of Virginia (i) that a recount is possible, (ii) which presidential candidate is eligible to seek a recount, and (iii) of the date the results were certified. The Circuit Court of the City of Richmond shall make arrangements to receive any such filing if the office would normally be closed the entire day, or prior to 5:00 p.m., on the second calendar day after the day the State Board certified the result of the election.

The petition shall set forth the results certified by the Board and shall request the court to have the ballots in the election recounted ~~or, in the case of direct recording electronic machines, the vote redetermined.~~

A copy of the petition shall be served on the presidential candidate whose electors were apparently elected as provided under § 8.01-296 and within five calendar days after the Board has certified the results of such election.

As soon as a petition is filed, the chief judge of the Circuit Court shall promptly notify the Chief Justice of the Supreme Court of Virginia, who shall designate two other judges to sit with the chief judge, and the court shall be constituted and sit in all respects as a court appointed and sitting under § 24.2-805.

Any recount of an election for presidential electors shall be held promptly and completed, in accordance with the provisions of 3 U.S.C. § 5, at least six days before the time fixed for the meeting of the electors.

§ 24.2-802. Procedure for recount.

A. The State Board of Elections shall promulgate standards for (i) the proper handling and security of voting ~~and counting machines~~ systems, ballots, and other materials required for a recount, (ii) accurate determination of votes based upon objective evidence and taking into account the ~~counting machine~~ voting system and form of ballots approved for use in the Commonwealth, and (iii) any other matters that will promote a timely and accurate resolution of the recount. The chief judge of the circuit court or the full recount court may, consistent with State Board of Elections standards, resolve disputes over the application of the standards and direct all other appropriate measures to ensure the proper conduct of the recount.

The recount procedures to be followed throughout the election district shall be as uniform as practicable, taking into account the types of ballots and voting ~~and counting machines~~ systems in use in the election district.

In preparation for the recount, the clerks of the circuit courts shall (a) secure all printed ballots and other election materials in sealed boxes; (b) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (c) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (d) certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

B. Within seven calendar days of the filing of the petition for a recount of any election other than an election for presidential electors, or within five calendar days of the filing of a petition for a recount of an election for presidential

electors, the chief judge of the circuit court shall call a preliminary hearing at which (i) motions may be disposed of and (ii) the rules of procedure may be fixed, both subject to review by the full court. ~~As part of the preliminary hearing, the chief judge may permit the petitioner and his counsel, together with each other party and his counsel and at least two members of the electoral board and the custodians, to examine any direct recording electronic machine of the type that prints returns when the print-out sheets are not clearly legible.~~ The petitioner and his counsel and each other party and their counsel under supervision of the electoral board and its agents shall also have access to pollbooks and other materials used in the election for examination purposes, provided that individual ballots cast in the election shall not be examined at the preliminary hearing. The chief judge during the preliminary hearing shall review all security measures taken for all ballots and voting ~~and counting machines systems~~ and direct, as he deems necessary, all appropriate measures to ensure proper security to conduct the recount.

The chief judge, subject to review by the full court, may set the place or places for the recount and may order the delivery of election materials to a central location and the transportation of voting ~~and counting machines systems~~ to a central location in each county or city under appropriate safeguards.

After the full court is appointed under § 24.2-801 or 24.2-801.1, it shall call a hearing at which all motions shall be disposed of and the rules of procedure shall be fixed finally. The court shall call for the advice and cooperation of the Department, the State Board, or any local electoral board, as appropriate, and such boards or agency shall have the duty and authority to assist the court. The court shall fix procedures that shall provide for the accurate determination of votes in the election.

The determination of the votes in a recount shall be based on votes cast in the election and shall not take into account (a) any absentee ballots or provisional ballots sought to be cast but ruled invalid and not cast in the election, (b) ballots cast only for administrative or test purposes and voided by the officers of election, or (c) ballots spoiled by a voter and replaced with a new ballot.

The eligibility of any voter to have voted shall not be an issue in a recount. Commencing upon the filing of the recount, nothing shall prevent the discovery or disclosure of any evidence that could be used pursuant to § 24.2-803 in contesting the results of an election.

C. The court shall permit each candidate, or petitioner and governing body or chief executive officer, to select an equal number of the officers of election to be recount officials and to count printed ballots; ~~or in the case of direct recording electronic machines, to redetermine the vote.~~ The number shall be fixed by the court and be sufficient to conduct the recount within a reasonable period. The court may permit each party to the recount to submit a list of alternate officials in the number the court directs. ~~There shall be at least one team of recount officials to recount printed ballots and to redetermine the vote cast on direct recording electronic machines of the type that prints returns for the election district at large in which the recount is being held.~~ There shall be at least one team from each locality using ballot scanner machines to insert the ballots into one or more scanners. The ballot scanner machines shall be programmed to count only votes cast for parties to the recount or for or against the question in a referendum recount. Each team shall be composed of one representative of each party.

The court may provide that if, at the time of the recount, any recount official fails to appear, the remaining recount officials present shall appoint substitute recount officials who shall possess the same qualifications as the recount officials for whom they substitute. The court may select pairs of recount coordinators to serve for each county or city in the election district who shall be members of the county or city electoral board and represent different political parties. The court shall have authority to summon such officials and coordinators. On the request of any party to the recount, the court shall allow that party to appoint one representative observer for each team of recount officials. The representative observers shall have an unobstructed view of the work of the recount officials. The expenses of its representatives shall be borne by each party.

D. The court (i) shall supervise the recount and (ii) may require delivery of any or all pollbooks used and any or all ballots cast at the election, or may assume supervision thereof through the recount coordinators and officials.

The redetermination of the vote in a recount shall be conducted as follows:

1. For paper ballots, the recount officials shall hand count the paper ballots using the standards promulgated by the State Board pursuant to subsection A.

~~2. For direct recording electronic machines (DREs), the recount officials shall open the envelopes with the printouts and read the results from the printouts. If the printout is not clear, or on the request of the court, the recount officials shall rerun the printout from the machine or examine the counters as appropriate.~~

~~3.~~ For ballot scanner machines, the recount officials shall rerun all the machine-readable ballots through a scanner programmed to count only the votes for the office or issue in question in the recount and to set aside all ballots containing write-in votes, overvotes, and undervotes. The ballots that are set aside, any ballots not accepted by the scanner, and any ballots for which a scanner could not be programmed to meet the programming requirements of this subdivision, shall be hand counted using the standards promulgated by the State Board pursuant to subsection A. If the total number of machine-readable ballots reported as counted by the scanner plus the total number of ballots set aside by the scanner do not equal the total number of ballots rerun through the scanner, then all ballots cast on ballot scanner machines for that precinct shall be set aside to be counted by hand using the standards promulgated by the State Board pursuant to subsection A. Prior to running the machine-readable ballots through the ballot scanner machine, the recount officials shall ensure that logic and accuracy tests have been successfully performed on each scanner after the scanner has been programmed. The result

calculated for ballots accepted by the ballot scanner machine during the recount shall be considered the correct determination for those machine-readable ballots unless the court finds sufficient cause to rule otherwise.

There shall be only one redetermination of the vote in each precinct.

At the conclusion of the recount of each precinct, the recount officials shall write down the number of valid ballots cast, this number being obtained from the ballots cast in the precinct, or from the ballots cast as shown on the statement of results if the ballots cannot be found, for each of the two candidates or for and against the question. They shall submit the ballots or the statement of results used, as to the validity of which questions exist, to the court. The written statement of any one recount official challenging a ballot shall be sufficient to require its submission to the court. If, on all ~~direct recording electronic machines~~ *ballot scanners*, the number of persons voting in the election, or the number of votes cast for the office or on the question, totals more than the number of names on the pollbooks of persons voting on the voting machines, the figures recorded by the machines shall be accepted as correct.

At the conclusion of the recount of all precincts, after allowing the parties to inspect the questioned ballots, and after hearing arguments, the court shall rule on the validity of all questioned ballots and votes. After determining all matters pertaining to the recount and redetermination of the vote as raised by the parties, the court shall certify to the State Board and the electoral board or boards (a) the vote for each party to the recount and declare the person who received the higher number of votes to be nominated or elected, as appropriate, or (b) the votes for and against the question and declare the outcome of the referendum. The Department shall post on the Internet any and all changes made during the recount to the results as previously certified by it pursuant to § 24.2-679.

E. Costs of the recount shall be assessed against the counties and cities comprising the election district when (i) the candidate petitioning for the recount is declared the winner; (ii) the petitioners in a recount of a referendum win the recount; or (iii) there was between the candidate apparently nominated or elected and the candidate petitioning for the recount a difference of not more than one-half of one percent of the total vote cast for the two such candidates as determined by the State Board or electoral board prior to the recount. Otherwise the costs of the recount shall be assessed against the candidate petitioning for the recount or the petitioners in a recount of a referendum. If more than one candidate petitions for a recount, the court may assess costs in an equitable manner between the counties and cities and any such candidate if both are liable for costs under this subsection. Costs incurred to date shall be assessed against any candidate or petitioner who defaults or withdraws his petition.

F. The court shall determine the costs of the recount subject to the following limitations: (i) no per diem payment shall be assessed for salaried election officials; (ii) no per diem payment to officers of election serving as recount officials shall exceed two-thirds of the per diem paid such officers by the county or city for service on election day; and (iii) per diem payments to alternates shall be allowed only if they serve.

G. Any petitioner who may be assessed with costs under subsection E shall post a bond with surety with the court in the amount of \$10 per precinct in the area subject to recount. If the petitioner wins the recount, the bond shall not be forfeit. If the petitioner loses the recount, the bond shall be forfeit only to the extent of the assessed costs. If the assessed costs exceed the bond, he shall be liable for such excess.

H. The recount proceeding shall be final and not subject to appeal.

I. For the purposes of this section:

"Overvote" means a ballot on which a voter casts a vote for a greater number of candidates or positions than the number for which he was lawfully entitled to vote and no vote shall be counted with respect to that office or issue.

"Undervote" means a ballot on which a voter casts a vote for a lesser number of candidates or positions than the number for which he was lawfully entitled to vote.

2. That the provisions of this act shall become effective on July 1, 2020.

CHAPTER 465

An Act to amend and reenact §§ 2.2-1111 and 2.2-4343 of the Code of Virginia, relating to the purchase of Virginia-grown food products by state agencies and institutions and local school divisions.

[H 1135]

Approved March 23, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1111 and 2.2-4343 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1111. Purchases to be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and regulations of Division; exempt purchases.

A. All purchases made by any department, division, officer or agency of the Commonwealth shall be made in accordance with the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and such regulations as the Division may prescribe.

B. The regulations adopted by the Division shall:

1. Include a purchasing plan that shall be on file at the Division and shall be available to the public upon request;

2. Require that before any public body procures any computer system, equipment or software, it shall consider whether the proposed system, equipment or software is capable of producing products that facilitate the rights of the public to access official records under the Freedom of Information Act (§ 2.2-3700 et seq.) or other applicable law;

3. Require state public bodies to procure only shielded outdoor light fixtures and provide for waivers of this requirement when the Division determines that a bona fide operational, temporary, safety or specific aesthetic need is indicated or that such fixtures are not cost effective over the life cycle of the fixtures. For the purposes of this subdivision, "shielded outdoor light fixture" means an outdoor light fixture that is (i) fully shielded so that no light rays are emitted by the installed fixture above the horizontal plane or (ii) constructed so that no more than two percent of the total luminaire lumens in the zone of 90 to 180 degrees vertical angle is permitted, if the related output of the luminaire is greater than 3200 lumens. In adopting regulations under this subdivision, the Division shall consider national standards for outdoor lighting as adopted by the Illuminating Engineering Society of North America (IESNA).

~~For any project initiated on or after July 1, 2003, the~~ The Virginia Department of Transportation shall design all lighting systems in accordance with current IESNA standards and recommended practices. The lighting system shall utilize fixtures that minimize glare, light trespass, and skyglow, all as defined by the IESNA, while still providing a comfortable, visually effective, safe, and secure outdoor environment in a cost-effective manner over the life cycle of the lighting system;

4. Establish the conditions under which a public body may use, as a basis for the procurement of goods and nonprofessional services, a particular vendor's contract-pricing that has been negotiated and accepted by the U.S. General Services Administration;

5. Establish procurement preferences for products containing recycled oil (including reprocessed and rerefined oil products) and recycled antifreeze ~~no later than December 31, 2002;~~

6. Establish conditions under which a public body shall demonstrate a good faith effort to ensure that state contracts or subcontracts for goods or services that involve the manual packaging of bulk supplies or the manual assemblage of goods where individual items weigh less than 50 pounds be offered to employment services organizations as defined in § 2.2-4301 that offer transitional or supported employment services serving individuals with disabilities; ~~and~~

7. Establish the conditions under which state public bodies may procure diesel fuel containing, at a minimum, two percent, by volume, biodiesel fuel or green diesel fuel, as defined in § 59.1-284.25 as such section was in effect on June 30, 2015, for use in on-road internal combustion engines. The conditions shall take into consideration the availability of such fuel and the variability in cost of biodiesel fuel with respect to unblended diesel fuel; *and*

8. *Shall include a link to the Virginia Department of Agriculture and Consumer Services Virginia Grown website on the Department of General Services' central electronic procurement system to facilitate purchases of Virginia-grown food products.*

C. The Division may make, alter, amend or repeal regulations relating to the purchase of materials, supplies, equipment, nonprofessional services, and printing, and may specifically exempt purchases below a stated amount or particular agencies or specified materials, equipment, nonprofessional services, supplies and printing.

§ 2.2-4343. Exemption from operation of chapter for certain transactions.

A. The provisions of this chapter shall not apply to:

1. The Virginia Port Authority in the exercise of any of its powers in accordance with Chapter 10 (§ 62.1-128 et seq.) of Title 62.1, provided the Authority implements, by policy or regulation adopted by the Board of Commissioners, procedures to ensure fairness and competitiveness in the procurement of goods and services and in the administration of its capital outlay program. This exemption shall be applicable only so long as such policies and procedures meeting the requirements remain in effect.

2. The Virginia Retirement System for selection of services related to the management, purchase or sale of authorized investments, actuarial services, and disability determination services. Selection of these services shall be governed by the standard set forth in § 51.1-124.30.

3. The State Treasurer in the selection of investment management services related to the external management of funds shall be governed by the standard set forth in § 2.2-4514, and shall be subject to competitive guidelines and policies that are set by the Commonwealth Treasury Board and approved by the Department of General Services.

4. The Department of Social Services or local departments of social services for the acquisition of motor vehicles for sale or transfer to Temporary Assistance to Needy Families (TANF) recipients.

5. The College of William and Mary in Virginia, Virginia Commonwealth University, the University of Virginia, and Virginia Polytechnic Institute and State University in the selection of services related to the management and investment of their endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the College or Universities pursuant to § 23-44.1, 23-50.10:01, 23-76.1, or 23-122.1. However, selection of these services shall be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.) as required by §§ 23-44.1, 23-50.10:01, 23-76.1, and 23-122.1.

6. The Board of the Virginia College Savings Plan for the selection of services related to the operation and administration of the Plan, including, but not limited to, contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, record keeping, or consulting services. However, such selection shall be governed by the standard set forth in § 23-38.80.

7. Public institutions of higher education for the purchase of items for resale at retail bookstores and similar retail outlets operated by such institutions. However, such purchase procedures shall provide for competition where practicable.

8. The purchase of goods and services by agencies of the legislative branch that may be specifically exempted therefrom by the Chairman of the Committee on Rules of either the House of Delegates or the Senate. Nor shall the contract review provisions of § 2.2-2011 apply to such procurements. The exemption shall be in writing and kept on file with the agency's disbursement records.

9. Any town with a population of less than 3,500, except as stipulated in the provisions of §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377.

10. Any county, city or town whose governing body has adopted, by ordinance or resolution, alternative policies and procedures which are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by such governing body and its agencies, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies and procedures meeting the requirements of § 2.2-4300, remain in effect in such county, city or town. Such policies and standards may provide for incentive contracting that offers a contractor whose bid is accepted the opportunity to share in any cost savings realized by the locality when project costs are reduced by such contractor, without affecting project quality, during construction of the project. The fee, if any, charged by the project engineer or architect for determining such cost savings shall be paid as a separate cost and shall not be calculated as part of any cost savings.

11. Any school division whose school board has adopted, by policy or regulation, alternative policies and procedures that are (i) based on competitive principles and (ii) generally applicable to procurement of goods and services by the school board, except as stipulated in subdivision 12.

This exemption shall be applicable only so long as such policies and procedures, or other policies or procedures meeting the requirements of § 2.2-4300, remain in effect in such school division. This provision shall not exempt any school division from any centralized purchasing ordinance duly adopted by a local governing body.

12. Notwithstanding the exemptions set forth in subdivisions 9 through 11, the provisions of subsections C and D of § 2.2-4303, and §§ 2.2-4305, 2.2-4308, 2.2-4311, 2.2-4315, 2.2-4317, 2.2-4330, 2.2-4333 through 2.2-4338, 2.2-4343.1, and 2.2-4367 through 2.2-4377 shall apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500 in the Commonwealth.

The method for procurement of professional services through competitive negotiation set forth in §§ 2.2-4303.1 and 2.2-4303.2 shall also apply to all counties, cities and school divisions, and to all towns having a population greater than 3,500, where the cost of the professional service is expected to exceed \$60,000 in the aggregate or for the sum of all phases of a contract or project. A school board that makes purchases through its public school foundation or purchases educational technology through its educational technology foundation, either as may be established pursuant to § 22.1-212.2:2 shall be exempt from the provisions of this chapter, except, relative to such purchases, the school board shall comply with the provisions of §§ 2.2-4311 and 2.2-4367 through 2.2-4377.

13. A public body that is also a utility operator may purchase services through or participate in contracts awarded by one or more utility operators that are not public bodies for utility marking services as required by the Underground Utility Damage Prevention Act (§ 56-265.14 et seq.). A purchase of services under this subdivision may deviate from the procurement procedures set forth in this chapter upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, and the contract is awarded based on competitive principles.

14. Procurement of any construction or planning and design services for construction by a Virginia nonprofit corporation or organization not otherwise specifically exempted when (i) the planning, design or construction is funded by state appropriations of \$10,000 or less or (ii) the Virginia nonprofit corporation or organization is obligated to conform to procurement procedures that are established by federal statutes or regulations, whether those federal procedures are in conformance with the provisions of this chapter.

15. Purchases, exchanges, gifts or sales by the Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion.

16. The Eastern Virginia Medical School in the selection of services related to the management and investment of its endowment and other institutional funds. The selection of these services shall, however, be governed by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

17. The Department of Corrections in the selection of pre-release and post-incarceration services.

18. The University of Virginia Medical Center to the extent provided by subdivision B 3 of § 23-77.4.

19. The purchase of goods and services by a local governing body or any authority, board, department, instrumentality, institution, agency or other unit of state government when such purchases are made under a remedial plan established by the Governor pursuant to subsection C of § 2.2-4310 or by a chief administrative officer of a county, city or town pursuant to § 15.2-965.1.

20. The contract by community services boards or behavioral health authorities with an administrator or management body pursuant to a joint agreement authorized by § 37.2-512 or 37.2-615.

21. [Expired].

22. *The purchase of Virginia-grown food products for use by a public body where the annual cost of the product is not expected to exceed \$100,000.*

B. Where a procurement transaction involves the expenditure of federal assistance or contract funds, the receipt of which is conditioned upon compliance with mandatory requirements in federal laws or regulations not in conformance with the

provisions of this chapter, a public body may comply with such federal requirements, notwithstanding the provisions of this chapter, only upon the written determination of the Governor, in the case of state agencies, or the governing body, in the case of political subdivisions, that acceptance of the grant or contract funds under the applicable conditions is in the public interest. Such determination shall state the specific provision of this chapter in conflict with the conditions of the grant or contract.

CHAPTER 466

An Act to amend and reenact § 9.1-110 of the Code of Virginia, relating to School Resource Officer Grants Program school resource officers; conditions of employment.

[H 487]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-110 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-110. School Resource Officer Grants Program and Fund.

A. From the funds appropriated for such purpose and from the gifts, donations, grants, bequests, and other funds received on its behalf, there is established (i) the School Resource Officer Grants Program, to be administered by the Board, in consultation with the Board of Education, and (ii) a special nonreverting fund within the state treasury known as the School Resource Officer Incentive Grants Fund, hereinafter known as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in the Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

Subject to the authority of the Board to provide for its disbursement, the Fund shall be disbursed to award matching grants to local law-enforcement agencies and local school boards that have established a collaborative agreement to employ uniformed school resource officers, as defined in § 9.1-101, in middle and high schools within the relevant school division. The Board may disburse annually up to five percent of the Fund for the training of the school resource officers. School resource officers shall be certified law-enforcement officers and shall be employed to help ensure safety, ~~to~~ and prevent truancy and violence in schools, ~~and to enforce school board rules and codes of student conduct.~~

B. The Board shall establish criteria for making grants from the Fund, including procedures for determining the amount of a grant and the required local match. Any grant of general funds shall be matched by the locality on the basis of the composite index of local ability to pay. The Board may adopt guidelines governing the Program and the employment and duties of the school resource officers as it deems necessary and appropriate.

CHAPTER 467

An Act to amend and reenact § 54.1-100 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 54.1-310.1, relating to professions and occupations; standards for regulation.

[H 499]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-100 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 54.1-310.1, as follows:

§ 54.1-100. Regulations of professions and occupations.

The right of every person to engage in any lawful profession, trade, or occupation of his choice is clearly protected by both the Constitution of the United States and the Constitution of the Commonwealth of Virginia. The Commonwealth cannot abridge such rights except as a reasonable exercise of its police powers when (i) it is clearly found that such abridgment is necessary for the *protection or preservation of the health, safety, and welfare of the public* and (ii) *any such abridgment is no greater than necessary to protect or preserve the public health, safety, and welfare.*

No regulation shall be imposed upon any profession or occupation except for the exclusive purpose of protecting the public interest when:

1. The unregulated practice of the profession or occupation can harm or endanger the health, safety or welfare of the public, and the potential for harm is recognizable and not remote or dependent upon tenuous argument;
2. The practice of the profession or occupation has inherent qualities peculiar to it that distinguish it from ordinary work and labor;
3. The practice of the profession or occupation requires specialized skill or training and the public needs, and will benefit by, assurances of initial and continuing professional and occupational ability; and
4. The public is not effectively protected by other means.

No regulation of a profession or occupation shall conflict with the Constitution of the United States, the Constitution of Virginia, the laws of the United States, or the laws of the Commonwealth of Virginia. Periodically and at least annually, all agencies regulating a profession or occupation shall review such regulations to ensure that no conflict exists.

§ 54.1-310.1. Petitions for regulation; review by Board; report.

A. Any professional or occupational group or organization, any person, or any other interested party that proposes the regulation of any unregulated professional or occupational group shall submit a request to the Board no later than December 1 of any year for analysis and evaluation during the following year.

B. The Board shall review the request only when filed with a statement of support for the proposed regulation signed by at least 10 members of the professional or occupational group for which regulation is being sought or at least 10 individuals who are not members of the professional or occupational group.

C. The request shall include, at a minimum, the following information:

1. A description of the group proposed for regulation, including a list of associations, organizations, and other groups representing the practitioners in the Commonwealth, and an estimate of the number of practitioners in each group;

2. A definition of the problems to be solved by regulation and the reasons why regulation is necessary;

3. The reasons why registration, certification, licensure, or other type of regulation is being proposed and why that regulatory alternative was chosen;

4. The benefit to the public that would result from the proposed regulation;

5. The cost of the proposed regulation; and

6. A description of any anticipated disqualifications on an applicant for certification, licensure, or renewal and how such disqualifications serve public safety or commercial or consumer protection interests.

D. Upon receipt of a request submitted in accordance with the requirements of subsection C, the Board shall conduct an analysis and evaluation of any proposed regulation based on the criteria enumerated in § 54.1-311.

E. The Board may decline to conduct a review only if it:

1. Previously conducted an analysis and evaluation of the proposed regulation of the same professional or occupational group;

2. Issued a report not more than three years prior to the submission of the current proposal to regulate the same professional or occupational group; and

3. Finds that no new information has been submitted in the request that would cause the Board to alter or modify the recommendations made in its earlier report on the proposed regulation of the professional or occupational group.

F. The Board shall submit a report with its findings on whether the public interest requires the requested professional or occupational group be regulated to the House Committee on General Laws, the Senate Committee on General Laws and Technology, and the Joint Commission on Administrative Rules no later than November 1 of the year following the request submission.

CHAPTER 468

An Act to amend and reenact § 22.1-289.01 of the Code of Virginia, relating to school-affiliated entities; student personal information.

[H 519]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-289.01 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-289.01. School service providers; school-affiliated entities; student personal information.

A. For the purposes of this section:

"School-affiliated entity" means any private entity that provides support to a local school division or a public elementary or secondary school in the Commonwealth. "School-affiliated entity" includes alumni associations, booster clubs, parent-teacher associations, parent-teacher-student associations, parent-teacher organizations, public education foundations, public education funds, and scholarship organizations.

"School service" means a website, mobile application, or online service that (i) is designed and marketed solely for use in elementary or secondary schools; (ii) is used (a) at the direction of teachers or other employees at elementary or secondary schools or (b) by any school-affiliated entity; and (iii) collects and maintains, uses, or shares student personal information. "School service" does not include a website, mobile application, or online service that is designed and marketed for use by individuals or entities generally, even if it is also marketed for use in elementary or secondary schools.

"School service provider" means an entity that operates a school service pursuant to a contract with a local school division in the Commonwealth.

"Student personal information" means information collected through a school service that identifies ~~an~~ a currently or formerly enrolled individual student or is linked to information that identifies ~~an~~ a currently or formerly enrolled individual student.

B. Each school service provider shall:

1. Provide clear and easy-to-understand information about the types of student personal information it collects through any school service and how it maintains, uses, or shares such student personal information;

2. Maintain a policy for the privacy of student personal information for each school service and provide prominent notice before making material changes to its policy for the privacy of student personal information for the relevant school service;

3. Maintain a comprehensive information security program that is reasonably designed to protect the security, privacy, confidentiality, and integrity of student personal information and makes use of appropriate administrative, technological, and physical safeguards;

4. Facilitate access to and correction of student personal information by each student whose student personal information has been collected, maintained, used, or shared by the school service provider, or by such student's parent, either directly or through the student's school or teacher;

5. Collect, maintain, use, and share student personal information only with the consent of the student or, if the student is less than 18 years of age, his parent or for the purposes authorized in the contract between the school division and the school service provider;

6. When it collects student personal information directly from the student, obtain the consent of the student or, if the student is less than 18 years of age, his parent before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service, and when it collects student personal information from an individual or entity other than the student, obtain the consent of the school division before using student personal information in a manner that is inconsistent with its policy for the privacy of student personal information for the relevant school service; and

7. Ensure that any successor entity or third party with whom it contracts abides by its policy for the privacy of student personal information and comprehensive information security program before accessing student personal information.

C. No school service provider shall:

1. Use or share any student personal information for the purpose of behaviorally targeting advertisements to students;

2. Use or share any student personal information to create a personal profile of a student other than for supporting purposes authorized in the contract between the school division and the school service provider, with the consent of the student or, if the student is less than 18 years of age, his parent, or as otherwise authorized in the contract between the school division and the school service provider;

3. Knowingly retain student personal information beyond the time period authorized in the contract between the school division and the school service provider, except with the consent of the student or, if the student is less than 18 years of age, his parent; or

4. Sell student personal information.

D. Nothing in this section shall be construed to prohibit school service providers from using student personal information for purposes of adaptive learning or customized education.

E. No school service provider in operation on June 30, 2015, shall be subject to the provisions of this section until such time as the contract to operate a school service is renewed.

CHAPTER 469

An Act to amend and reenact § 22.1-18 of the Code of Virginia, relating to the Board of Education; annual report; local reporting requirements.

[H 521]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-18 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-18. Report on education and standards of quality for school divisions; when submitted and effective.

By December 1 of each year, the Board of Education shall submit to the Governor and the General Assembly a report on the condition and needs of public education in the Commonwealth and shall identify any school divisions and the specific schools therein that have failed to establish and maintain schools meeting the existing prescribed standards of quality. Such standards of quality shall be subject to revision only by the General Assembly, pursuant to Article VIII, Section 2 of the Constitution of Virginia. Such report shall include a:

1. A complete listing of the current standards of quality for the Commonwealth's public schools, together with a justification for each particular standard, how long each such standard has been in its current form, and whether the Board recommends any change or addition to the standards of quality. ~~Such report shall also include information;~~

2. Information regarding parent and student choice within each school division and any plans of such school divisions to increase school choice;

3. A complete listing of each report that local school divisions are required to submit to the Board or any other state agency, including name, frequency, and an indication of whether the report contains information that the local school division is also required to submit to the federal government; and

4. A complete listing of each report pertaining to public education that local school divisions are required to submit to the federal government, including name and frequency.

CHAPTER 470

An Act to amend the Code of Virginia by adding in Title 23 a chapter numbered 4.03, consisting of sections numbered 23-38.10:14 through 23-38.10:20, relating to the establishment of the New Economy Workforce Credential Grant Program.

[S 576]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 23 a chapter numbered 4.03, consisting of sections numbered 23-38.10:14 through 23-38.10:20, as follows:

CHAPTER 4.03.

NEW ECONOMY WORKFORCE CREDENTIAL GRANT PROGRAM.

§ 23-38.10:14. *Definitions.*

As used in this chapter, unless the context requires a different meaning:

"Board" means the Virginia Board of Workforce Development.

"Competency-based" means awarded on the basis of demonstrated knowledge and skills rather than completion of instructional hours or participation in an instructional course or program.

"Council" means the State Council of Higher Education for Virginia.

"Eligible institution" means a comprehensive community college, the Institute for Advanced Learning and Research, New College Institute, Richard Bland College, Roanoke Higher Education Center, Southern Virginia Higher Education Center, or Southwest Virginia Higher Education Center.

"Eligible student" means any Virginia student enrolled at an eligible institution who is domiciled in the Commonwealth as provided in § 23-7.4, as determined by the eligible institution.

"Fund" means the New Economy Workforce Credential Grant Fund.

"Grant" means a New Economy Workforce Credential Grant.

"High-demand field" means a discipline or field in which there is a shortage of skilled workers to fill current job vacancies or anticipated additional job openings.

"Industry-recognized" means demonstrating competency or proficiency in the technical and occupational skills identified as necessary for performing functions of an occupation based on standards developed or endorsed by employers and industry organizations.

"Noncredit workforce credential" means a competency-based, industry-recognized, portable, and third-party-validated certification or occupational license in a high-demand field.

"Noncredit workforce training program" means a program at an eligible institution that leads to an occupation or a cluster of occupations in a high-demand field, which program may include the attainment of a noncredit workforce credential. "Noncredit workforce training program" may include a program that receives funding pursuant to the Carl D. Perkins Career and Technical Education Improvement Act of 2006, P.L. 109-270. "Noncredit workforce training program" shall not include certificates of completion.

"Portable" means recognized by multiple employers or educational institutions and, where appropriate, across geographic areas.

"Program" means the New Economy Workforce Credential Grant Program.

"Third-party-validated" means having an external process in place for determining validity and relevance in the workplace and for continuous alignment of demonstrated knowledge and skills with industry workforce needs.

§ 23-38.10:15. *New Economy Workforce Credential Grant Program; purpose.*

The New Economy Workforce Credential Grant Program is established for the purpose of (i) creating and sustaining a demand-driven supply of credentialed workers for high-demand occupations in the Commonwealth by addressing and closing the gap between the skills needed by workers in the Commonwealth and the skills of the available workforce in the Commonwealth; (ii) expanding the affordability of workforce training and credentialing; and (iii) increasing the interest of current and future Virginia workers in technician, technologist, and trade-level positions to fill the available and emerging jobs in the Commonwealth that require less than a bachelor's degree but more than a high school diploma.

§ 23-38.10:16. *New Economy Workforce Credential Grant Fund and Program established; administration.*

A. There is hereby created in the state treasury a special nonreverting fund to be known as the New Economy Workforce Credential Grant Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly, and from any other sources, public or private shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of disbursing moneys to eligible institutions for the award of grants pursuant to the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the director of the Council.

B. There is hereby established a New Economy Workforce Credential Grant Program for the purpose of disbursing moneys from the Fund to eligible institutions for the award of grants to benefit students pursuant to this chapter.

C. The Council shall administer the Program and shall carry out the goals and purposes of the Program set forth in this chapter. In administering the Program, the Council (i) shall require eligible institutions to provide student-specific data and make final decisions on any dispute between eligible institutions and grant recipients; (ii) shall undertake periodic assessments of the overall success of the Program and recommend modifications, interventions, and other actions based on such assessment; and (iii) may adopt such regulations for the administration of the Program as it deems necessary and appropriate.

D. The Council shall instruct the Comptroller to annually disburse moneys to eligible institutions on a first-come, first-served basis as eligible students enroll in noncredit workforce training programs identified by the governing board of the eligible institution pursuant to subsection E, provided that no more than one-quarter of the moneys in the Fund are disbursed annually to any eligible institution. The Council shall set forth the procedure by which eligible institutions shall notify the Council when eligible students enroll in noncredit workforce training programs identified by the governing board of the eligible institution pursuant to subsection E.

E. The Board shall make recommendations to eligible institutions to help determine high-demand fields for which noncredit workforce training programs may be offered pursuant to the Program. The governing board of each eligible institution shall determine the noncredit workforce training programs offered pursuant to the Program.

§ 23-38.10:17. Student grants.

A. Subject to the availability of funds, any eligible student who enrolls in a noncredit workforce training program offered by an eligible institution pursuant to the Program may apply for and be awarded a grant to cover two-thirds of the cost of the noncredit workforce training program, provided that at the time of enrollment the eligible student pays one-third of the cost of the noncredit workforce training program and signs an agreement to complete the noncredit workforce training program or pay an additional one-third of the program cost in the event of noncompletion. Upon the presentation of satisfactory proof of completion of the noncredit workforce training program by the eligible student, the Council shall reimburse the institution in an amount equal to one-third of the cost of the program. Upon the presentation of satisfactory proof of the attainment of a noncredit workforce credential by the eligible student, the Council shall reimburse the institution in an amount equal to one-third of the cost of the program. However, the Council shall not reimburse any eligible institution more than \$3,000 per completed noncredit workforce training program per eligible student pursuant to the Program.

B. Grants shall not be reduced by an eligible student's concurrent receipt of financial aid from any other source except in cases in which the grant and such other financial aid would result in total assistance in excess of tuition, fees, books, and other allowable costs of completing the noncredit workforce credential program.

§ 23-38.10:18. Board of Workforce Development to keep a list of high-demand fields and related noncredit workforce training programs and credentials.

The Board shall maintain and update a list of high-demand fields and the related noncredit workforce training programs and noncredit workforce credentials on its website.

§ 23-38.10:19. Eligible institutions; academic credit; noncredit workforce credentials.

Each eligible institution that participates in the Program shall adopt a policy for the award of academic credit to any eligible student who has earned a noncredit workforce credential that is applicable to the student's certificate or degree program requirements.

§ 23-38.10:20. Eligible institutions and the Council; reporting.

A. No later than January 1 of each year, each eligible institution shall submit to the Council a report with data from the previous fiscal year on noncredit workforce training program completion and noncredit workforce credential attainment by eligible students participating in the Program that includes:

1. A list of the noncredit workforce credentials offered, by name and certification entity;
2. The number of eligible students who enrolled in noncredit workforce credentials programs;
3. The number of eligible students who completed noncredit workforce credentials programs;
4. The number of eligible students who attained noncredit workforce credentials after completing noncredit workforce training programs, by credential name and relevant industry sector; and
5. The average cost per noncredit workforce credential attained, by credential name and relevant industry sector.

B. The Council shall compile the data provided pursuant to subsection A and report such data, in the aggregate and by eligible institution, to the Board and the General Assembly.

2. That comprehensive community colleges, the Institute for Advanced Learning and Research, New College Institute, Richard Bland College, Roanoke Higher Education Center, Southern Virginia Higher Education Center, and Southwest Virginia Higher Education Center are authorized to offer noncredit workforce training programs consistent with the provisions of the New Economy Workforce Credential Grant Program as set forth in this act.

CHAPTER 471

An Act to amend and reenact §§ 55-79.87:1, 55-79.97, 55-79.97:1, 55-509.3:1, 55-509.4, 55-509.5, and 55-509.6 of the Code of Virginia, relating to the Condominium and Property Owners' Association Acts; rental of units; disclosure packets.

[H 684]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-79.87:1, 55-79.97, 55-79.97:1, 55-509.3:1, 55-509.4, 55-509.5, and 55-509.6 of the Code of Virginia are amended and reenacted as follows:

§ 55-79.87:1. Rental of units.

A. Except as expressly authorized in this chapter or in the condominium instruments or as otherwise provided by law, no unit owners' association ~~may condition or prohibit the rental of a unit to a tenant by a unit owner or make an assessment or impose a charge except as provided in § 55-79.42:1.~~

~~B. Except as expressly authorized in this chapter or in the condominium instruments, no unit owners' association shall:~~

1. ~~Condition or prohibit the rental of a unit to a tenant by a unit owner or make an assessment or impose a charge except as provided in § 55-79.42:1;~~

2. ~~Charge a rental fee, application fee, or other processing fee of any kind in excess of \$50 as a condition of approval of such a rental during the term of any lease;~~

~~3. Charge an annual or monthly rental fee or any other fee not expressly authorized in § 55-79.42:1;~~

4. ~~Require the unit owner to use a lease or an addendum to the lease prepared by the unit owners' association; or~~

~~5. Charge a security any deposit from the unit owner or the tenant of the unit owner; or~~

6. ~~Have the authority to evict a tenant of any unit owner or to require any unit owner to execute a power of attorney authorizing the unit owners' association to so evict. However, if the unit owner designates a person licensed under the provisions of § 54.1-2106.1 as the unit owner's authorized representative with respect to any lease, the unit owners' association shall recognize such representation without a formal power of attorney, provided that the unit owners' association is given a written authorization signed by the unit owner designating such representative. Notwithstanding the foregoing, the requirements of § 55-79.77 and the condominium instruments shall be satisfied before any such representative may exercise a vote on behalf of a unit owner as a proxy.~~

~~7. B. The unit owners' association may require the unit owner to provide the unit owners' association with a copy of any (i) lease with a tenant or (ii) unit owners' association document completed by the unit owner or representative that discloses the names and contact information of tenant the tenants and authorized occupants under the such lease and any authorized agent of the unit owner, and vehicle information for such tenants or authorized occupants. The unit owners' association may require the unit owner to provide the unit owners' association with the tenant's acknowledgement of and consent to any rules and regulations of the unit owners' association.~~

~~C. The provisions of this section shall not apply to units owned by the unit owners' association.~~

§ 55-79.97. Resale by purchaser.

A. In the event of any resale of a condominium unit by a unit owner other than the declarant, and subject to the provisions of subsection F and § 55-79.87 A, the unit owner shall disclose in the contract that (i) the unit is located within a development which is subject to the Condominium Act, (ii) the Act requires the seller to obtain from the unit owners' association a resale certificate and provide it to the purchaser, (iii) the purchaser may cancel the contract within three days after receiving the resale certificate or being notified that the resale certificate will not be available, (iv) if the purchaser has received the resale certificate, the purchaser has a right to request a resale certificate update or financial update in accordance with § 55-79.97:1, as appropriate, and (v) the right to receive the resale certificate and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the resale certificate shall be deemed not to be available if (a) a current annual report has not been filed by the unit owners' association with either the State Corporation Commission pursuant to § 13.1-936 or the Common Interest Community Board pursuant to § 55-79.93:1, (b) the seller has made a written request to the unit owners' association that the resale certificate be provided and no such resale certificate has been received within 14 days in accordance with subsection C, or (c) written notice has been provided by the unit owners' association that a resale certificate is not available.

B. If the contract does not contain the disclosure required by subsection A, the purchaser's sole remedy is to cancel the contract prior to settlement.

C. The information contained in the resale certificate shall be current as of a date specified on the resale certificate. A resale certificate update or a financial update may be requested as provided in § 55-79.97:1, as appropriate. The purchaser may cancel the contract (i) within three days after the date of the contract, if the purchaser receives the resale certificate or is notified that the resale certificate will not be available on or before the date that the purchaser signs the contract; (ii) within three days after receiving the resale certificate if the resale certificate or notice that the resale certificate will not be available is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or

the United States Postal Service, and a receipt obtained; or (iii) within six days after the postmark date if the resale certificate or notice that the resale certificate will not be available is sent to the purchaser by United States mail.

Notice of cancellation shall be provided to the unit owner or his agent by one of the following methods:

- a. Hand delivery;
- b. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;
- c. Electronic means provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
- d. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the unit owner shall cause any deposit to be returned promptly to the purchaser.

A resale certificate shall include the following:

1. An appropriate statement pursuant to subsection H of § 55-79.84 which need not be notarized and, if applicable, an appropriate statement pursuant to § 55-79.85;
2. A statement of any expenditure of funds approved by the unit owners' association or the executive organ which shall require an assessment in addition to the regular assessment during the current or the immediately succeeding fiscal year;
3. A statement, including the amount, of all assessments and any other fees or charges currently imposed by the unit owners' association, together with any known post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition and maintenance of the condominium unit and the use of the common elements, and the status of the account;
4. A statement whether there is any other entity or facility to which the unit owner may be liable for fees or other charges;
5. The current reserve study report or a summary thereof, a statement of the status and amount of any reserve or replacement fund and any portion of the fund designated for any specified project by the executive organ;
6. A copy of the unit owners' association's current budget or a summary thereof prepared by the unit owners' association and a copy of the statement of its financial position (balance sheet) for the last fiscal year for which a statement is available, including a statement of the balance due of any outstanding loans of the unit owners' association;
7. A statement of the nature and status of any pending suits or unpaid judgments to which the unit owners' association is a party which either could or would have a material impact on the unit owners' association or the unit owners or which relates to the unit being purchased;
8. A statement setting forth what insurance coverage is provided for all unit owners by the unit owners' association, including the fidelity bond maintained by the unit owners' association, and what additional insurance coverage would normally be secured by each individual unit owner;
9. A statement that any improvements or alterations made to the unit, or the limited common elements assigned thereto, are or are not in violation of the condominium instruments;
10. A copy of the current bylaws, rules and regulations and architectural guidelines adopted by the unit owners' association and the amendments thereto;
11. A statement of whether the condominium or any portion thereof is located within a development subject to the Property Owners' Association Act (§ 55-508 et seq.) of Chapter 26 of this title;
12. A copy of the notice given to the unit owner by the unit owners' association of any current or pending rule or architectural violation;
13. A copy of any approved minutes of the executive organ and unit owners' association meetings for the six calendar months preceding the request for the resale certificate;
14. Certification that the unit owners' association has filed with the Common Interest Community Board the annual report required by § 55-79.93:1; which certification shall indicate the filing number assigned by the Common Interest Community Board and the expiration date of such filing;
15. A statement of any limitation on the number of persons who may occupy a unit as a dwelling;
16. A statement setting forth any restrictions, limitation or prohibition on the right of a unit owner to display the flag of the United States, including, but not limited to reasonable restrictions as to the size, time, place, and manner of placement or display of such flag;
17. A statement setting forth any restriction, limitation, or prohibition on the right of a unit owner to install or use solar energy collection devices on the unit owner's property; and
18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

Failure to receive a resale certificate shall not excuse any failure to comply with the provisions of the condominium instruments, articles of incorporation, or rules or regulations.

The resale certificate shall be delivered in accordance with the written request and instructions of the seller or ~~his~~ the seller's authorized agent, including whether the resale certificate shall be delivered electronically or in hard copy, at the option of the seller or ~~his~~ the seller's authorized agent, and shall specify the complete contact information for the parties to

whom the resale certificate shall be delivered. The resale certificate shall be delivered within 14 days of receipt of such request. The resale certificate shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or ~~his~~ *the seller's* authorized agent may request that the resale certificate be provided in hard copy or in electronic form. A unit owners' association or common interest community manager may provide the resale certificate electronically; however, the seller or ~~his~~ *the seller's* authorized agent shall have the right to request that the resale certificate be provided in hard copy. The seller or ~~his~~ *the seller's* authorized agent shall continue to have the right to request a hard copy of the resale certificate in person at the principal place of business of the unit owners' association. If the seller or ~~his~~ *the seller's* authorized agent requests that the resale certificate be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the seller or ~~his~~ *the seller's* authorized agent to pay any fees to use the provider's electronic network or system. The resale certificate shall not be delivered in hard copy if the ~~requestor~~ *requester* has requested delivery of such resale certificate electronically. If the resale certificate is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee of \$50 for a financial update or for an inspection as provided in § 55-79.97:1 ~~after the expiration of the 90-day period from the date of issuance of such certificate~~. If the seller or ~~his~~ *the seller's* authorized agent asks that the resale certificate be provided in electronic format, the seller or ~~his~~ *the seller's* authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the ~~requestor~~ *requester*. If so requested, the unit owners' association or its common interest community manager may require the seller or ~~his~~ *the seller's* authorized agent to pay the fee specified in § 55-79.97:1. ~~The~~ *Regardless of whether the resale certificate is delivered in paper form or electronically, the preparer of the resale packet certificate shall provide such resale packet certificate directly to the designated persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.*

E. Subject to the provisions of § 55-79.87, but notwithstanding any other provisions of this chapter, the provisions and requirements of this section shall apply to any such resale of a condominium unit created under the provisions of the Horizontal Property Act (§ 55-79.1 et seq.).

F. The resale certificate required by this section need not be provided in the case of:

1. A disposition of a unit by gift;
2. A disposition of a unit pursuant to court order if the court so directs;
3. A disposition of a unit by foreclosure or deed in lieu of foreclosure; or
4. A disposition of a unit by a sale at auction, when the resale certificate was made available as part of the auction package for prospective purchasers prior to the auction.

G. In any transaction in which a resale certificate is required and a trustee acts as the seller in the sale or resale of a unit, the trustee shall obtain the resale certificate from the unit owners' association and provide the resale certificate to the purchaser.

H. For purposes of this chapter:

"Delivery" means that the resale certificate is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this section.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"Receives, received, or receiving" the resale certificate means that the purchaser or purchaser's authorized agent has received the resale certificate by one of the methods specified in this section.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

1. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the resale certificate may be made by the unit owner or the seller's authorized agent.

J. If the unit is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last resale certificate or disclosure packet.

§ 55-79.97:1. Fees for resale certificate.

A. The unit owners' association may charge fees as authorized by this section for the inspection of the property, the preparation and issuance of the resale certificate required by § 55-79.97, and for such other services as are set out in this section. Nothing in this chapter shall be construed to authorize the unit owners' association or common interest community manager to charge an inspection fee for a unit except as provided in this section.

B. A reasonable fee may be charged by the preparer of the resale certificate as follows for:

1. The inspection of the unit, as authorized in the declaration and as required to prepare the resale certificate, a fee not to exceed \$100;

2. The preparation and delivery of the resale certificate in (i) paper format, a fee not to exceed \$150 for no more than two hard copies, or (ii) electronic format, a fee not to exceed a total of \$125, for an electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more

than one other person designated by the ~~requester~~ *requester*. Only one fee shall be charged for the preparation and delivery of the resale certificate;

3. At the option of the seller or ~~his~~ *the seller's* authorized agent, with the consent of the unit owners' association or the common interest community manager, expediting the inspection, preparation, and delivery of the resale certificate, an additional expedite fee not to exceed \$50;

4. At the option of the seller or ~~his~~ *the seller's* authorized agent, an additional hard copy of the resale certificate, a fee not to exceed \$25 per hard copy;

5. At the option of the seller or ~~his~~ *the seller's* authorized agent, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service for hand delivery or overnight delivery of the resale certificate; and

6. A post-closing fee to the purchaser of the unit, collected at settlement, for the purpose of establishing the purchaser as the owner of the unit in the records of the unit owners' association, a fee not to exceed \$50.

Neither the unit owners' association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time the request for the resale certificate is made. The resale certificate shall state that all fees and costs for the resale certificate shall be the personal obligation of the unit owner and shall be an assessment against the unit and collectible as any other assessment in accordance with the provisions of the condominium instruments and § 55-79.83, if not paid at settlement or within 45 60 days of the delivery of the resale certificate, whichever occurs first.

For purposes of this section, an expedite fee shall only be charged if the inspection and preparation of delivery of the resale certificate are completed within five business days of the request for a resale certificate.

C. No fees other than those specified in this section, and as limited by this section, shall be charged by the unit owners' association or its common interest community manager for compliance with the duties and responsibilities of the unit owners' association under this section. No additional fee shall be charged for access to the unit owners' association's or common interest community manager's website. The unit owners' association or its common interest community manager shall publish and make available in paper or electronic format, or both, a schedule of the applicable fees so that the seller or ~~his~~ *the seller's* authorized agent will know such fees at the time of requesting the resale certificate.

D. Any fees charged pursuant to this section shall be collected at the time settlement occurs on the sale of the unit and shall be due and payable out of the settlement proceeds in accordance with this section. The seller shall be responsible for all costs associated with the preparation and delivery of the resale certificate, except for the costs of any resale certificate update or financial update, which costs shall be the responsibility of the ~~requester~~ *requester*, payable at settlement. The settlement agent shall escrow a sum sufficient to pay such costs at settlement. Neither the unit owners' association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time the request is made for the resale certificate.

E. If settlement does not occur within 45 60 days of the delivery of the resale certificate, or funds are not collected at settlement and disbursed to the unit owners' association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be (i) assessed within one year after delivery of the resale certificate against the unit owner, (ii) the personal obligation of the unit owner, and (iii) an assessment against the unit and collectible as any other assessment in accordance with the provisions of the condominium instruments and § 55-79.83. The seller may pay the unit owners' association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the unit owners' association. The unit owners' association shall pay the common interest community manager the amount due from the unit owner within 30 days after invoice.

F. The maximum allowable fees charged in accordance with this section shall adjust every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

G. If a resale certificate has been issued within the preceding 12-month period, a person specified in the written instructions of the seller or ~~his~~ *the seller's* authorized agent, including the seller or ~~his~~ *the seller's* authorized agent or the purchaser or ~~his~~ *the purchaser's* authorized agent, may request a resale certificate update. The ~~requester~~ *requester* shall specify whether the resale certificate update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the update shall be delivered. The resale certificate update shall be delivered within 10 days of the written request.

H. The settlement agent may request a financial update. The ~~requester~~ *requester* shall specify whether the financial update shall be delivered electronically or in hard copy and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request.

I. A reasonable fee for the resale certificate update or financial update may be charged by the preparer, not to exceed \$50. At the option of the purchaser or ~~his~~ *the purchaser's* authorized agent, the ~~requester~~ *requester* may request that the unit owners' association or the common interest community manager perform an additional inspection of the unit, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specified update shall be collected at the time settlement occurs on the sale of the property. The settlement agent shall escrow a sum sufficient to pay such costs at settlement. Neither the unit owners' association nor its common interest community manager, if any, shall require cash, check, certified funds, or credit card payments at the time the request is made for the resale certificate update. The ~~requester~~ *requester* may request that the specified update be provided in hard copy or in electronic form.

J. No unit owners' association or common interest community manager may require the ~~requestor~~ *requester* to request the specified update electronically. The seller or ~~his~~ *the seller's* authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the unit owners' association. If the ~~requestor~~ *requester* asks that the specified update be provided in electronic format, neither the unit owners' association nor its common interest community manager may require the requester to pay any fees to use the provider's electronic network or system. A copy of the specified update shall be provided to the seller or ~~his~~ *the seller's* authorized agent.

K. When a resale certificate has been delivered as required by § 55-79.97, the unit owners' association shall, as to the purchaser, be bound by the statements set forth therein as to the status of the assessment account and the status of the unit with respect to any violation of the condominium instruments as of the date of the statement unless the purchaser had actual knowledge that the contents of the resale certificate were in error.

L. If the unit owners' association or its common interest community manager has been requested in writing to furnish the resale certificate required by § 55-79.97, failure to provide the resale certificate substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject unit. The preparer of the resale certificate shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000. The purchaser shall nevertheless be obligated to abide by the condominium instruments, rules and regulations, and architectural guidelines of the unit owners' association as to all matters arising after the date of the settlement of the sale.

§ 55-509.3:1. Rental of lots.

A. Except as expressly authorized in this chapter or in the declaration or as otherwise provided by law, ~~an association may not condition or prohibit the rental to a tenant of a lot by a lot owner or make an assessment or impose a charge except as provided in § 55-509.3.~~

~~B. Except as expressly authorized in this chapter or in the declaration, no association shall:~~

~~1. Condition or prohibit the rental to a tenant of a lot by a lot owner or make an assessment or impose a charge except as provided in § 55-509.3;~~

~~2. Charge a rental fee, application fee, or other processing fee of any kind in excess of \$50 as a condition of approval of such a rental during the term of any lease;~~

~~3. Charge an annual or monthly rental fee or any other fee not expressly authorized in § 55-509.3;~~

~~4. Require the lot owner to use a lease or an addendum to the lease prepared by the association; or~~

~~5. Charge a security any deposit from the lot owner or the tenant of the lot owner; or~~

~~6. Have the authority to evict a tenant of any lot owner or to require any lot owner to execute a power of attorney authorizing the association to so evict. However, if the lot owner designates a person licensed under the provisions of § 54.1-2106.1 as the lot owner's authorized representative with respect to any lease, the association shall recognize such representation without a formal power of attorney, provided that the association is given a written authorization signed by the lot owner designating such representative. Notwithstanding the foregoing, the requirements of § 55-515 and the declaration shall be satisfied before any such representative may exercise a vote on behalf of a lot owner as a proxy.~~

~~C. B. The association may require the lot owner to provide the association with a copy of any (i) lease with a tenant or (ii) association document completed by the lot owner or representative that discloses the names and contact information of the tenant tenants and authorized occupants under such lease and any authorized agent of the lot owner, and vehicle information for such tenants or authorized occupants. The association may require the lot owner to provide the association with the tenant's acknowledgement of and consent to any rules and regulations of the association.~~

~~C. The provisions of this section shall not apply to lots owned by the association.~~

§ 55-509.4. Contract disclosure statement; right of cancellation.

A. Subject to the provisions of subsection A of § 55-509.10, ~~a person~~ *an owner* selling a lot shall disclose in the contract that (i) the lot is located within a development that is subject to the Virginia Property Owners' Association Act (§ 55-508 et seq.); (ii) the Act requires the seller to obtain from the property owners' association an association disclosure packet and provide it to the purchaser; (iii) the purchaser may cancel the contract within three days after receiving the association disclosure packet or being notified that the association disclosure packet will not be available; (iv) if the purchaser has received the association disclosure packet, the purchaser has a right to request an update of such disclosure packet in accordance with subsection H of § 55-509.6 or subsection C of § 55-509.7, as appropriate; and (v) the right to receive the association disclosure packet and the right to cancel the contract are waived conclusively if not exercised before settlement.

For purposes of clause (iii), the association disclosure packet shall be deemed not to be available if (a) a current annual report has not been filed by the association with either the State Corporation Commission pursuant to § 13.1-936 or with the Common Interest Community Board pursuant to § 55-516.1, (b) the seller has made a written request to the association that the packet be provided and no such packet has been received within 14 days in accordance with subsection A of § 55-509.5, or (c) written notice has been provided by the association that a packet is not available.

B. If the contract does not contain the disclosure required by subsection A, the purchaser's sole remedy is to cancel the contract prior to settlement.

C. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet prepared in accordance with this section; however, a disclosure packet update or financial

update may be requested in accordance with subsection G of § 55-509.6 or subsection C of § 55-509.7, as appropriate. The purchaser may cancel the contract: (i) within three days after the date of the contract, if on or before the date that the purchaser signs the contract, the purchaser receives the association disclosure packet or is notified that the association disclosure packet will not be available; (ii) within three days after receiving the association disclosure packet if the association disclosure packet or notice that the association disclosure packet will not be available is hand delivered, delivered by electronic means, or delivered by a commercial overnight delivery service or the United States Postal Service, and a receipt obtained; or (iii) within six days after the postmark date if the association disclosure packet or notice that the association disclosure packet will not be available is sent to the purchaser by United States mail. The purchaser may also cancel the contract at any time prior to settlement if the purchaser has not been notified that the association disclosure packet will not be available and the association disclosure packet is not delivered to the purchaser.

Notice of cancellation shall be provided to the lot owner or his agent by one of the following methods:

1. Hand delivery;
2. United States mail, postage prepaid, provided the sender retains sufficient proof of mailing, which may be either a United States postal certificate of mailing or a certificate of service prepared by the sender confirming such mailing;
3. Electronic means provided the sender retains sufficient proof of the electronic delivery, which may be an electronic receipt of delivery, a confirmation that the notice was sent by facsimile, or a certificate of service prepared by the sender confirming the electronic delivery; or
4. Overnight delivery using a commercial service or the United States Postal Service.

In the event of a dispute, the sender shall have the burden to demonstrate delivery of the notice of cancellation. Such cancellation shall be without penalty, and the seller shall cause any deposit to be returned promptly to the purchaser.

D. Whenever any contract is canceled based on a failure to comply with subsection A or C or pursuant to subsection B, any deposit or escrowed funds shall be returned within 30 days of the cancellation, unless the parties to the contract specify in writing a shorter period.

E. Any rights of the purchaser to cancel the contract provided by this chapter are waived conclusively if not exercised prior to settlement.

F. Except as expressly provided in this chapter, the provisions of this section and § 55-509.5 may not be varied by agreement, and the rights conferred by this section and § 55-509.5 may not be waived.

G. For purposes of this chapter:

"Delivery" means that the disclosure packet is delivered to the purchaser or purchaser's authorized agent by one of the methods specified in this section.

"Purchaser's authorized agent" means any person designated by such purchaser in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

"Receives, received, or receiving" the disclosure packet means that the purchaser or purchaser's authorized agent has received the disclosure packet by one of the methods specified in this section.

"Seller's authorized agent" means a person designated by such seller in a ratified real estate contract for purchase and sale of residential real property or other writing designating such agent.

H. Unless otherwise provided in the ratified real estate contract or other writing, delivery to the purchaser's authorized agent shall require delivery to such agent and not to a person other than such agent. Delivery of the disclosure packet may be made by the lot owner or the lot owner's authorized agent.

I. If the lot is governed by more than one association, the purchaser's right of cancellation may be exercised within the required time frames following delivery of the last disclosure packet or resale certificate.

§ 55-509.5. Contents of association disclosure packet; delivery of packet.

A. The association shall deliver, within 14 days after receipt of a written request and instructions by a seller or ~~his~~ the seller's authorized agent, an association disclosure packet as directed in the written request. The information contained in the association disclosure packet shall be current as of a date specified on the association disclosure packet. If hand or electronically delivered, the written request is deemed received on the date of delivery. If sent by United States mail, the request is deemed received six days after the postmark date. An association disclosure packet shall contain the following:

1. The name of the association and, if incorporated, the state in which the association is incorporated and the name and address of its registered agent in Virginia;
2. A statement of any expenditure of funds approved by the association or the board of directors that shall require an assessment in addition to the regular assessment during the current year or the immediately succeeding fiscal year;
3. A statement, including the amount of all assessments and any other mandatory fees or charges currently imposed by the association, together with any post-closing fee charged by the common interest community manager, if any, and associated with the purchase, disposition, and maintenance of the lot and to the right of use of common areas, and the status of the account;
4. A statement of whether there is any other entity or facility to which the lot owner may be liable for fees or other charges;
5. The current reserve study report or summary thereof, a statement of the status and amount of any reserve or replacement fund, and any portion of the fund allocated by the board of directors for a specified project;

6. A copy of the association's current budget or a summary thereof prepared by the association, and a copy of its statement of income and expenses or statement of its financial position (balance sheet) for the last fiscal year for which such statement is available, including a statement of the balance due of any outstanding loans of the association;

7. A statement of the nature and status of any pending suit or unpaid judgment to which the association is a party and that either could or would have a material impact on the association or its members or that relates to the lot being purchased;

8. A statement setting forth what insurance coverage is provided for all lot owners by the association, including the fidelity bond maintained by the association, and what additional insurance would normally be secured by each individual lot owner;

9. A statement that any improvement or alteration made to the lot, or uses made of the lot or common area assigned thereto are or are not in violation of the declaration, bylaws, rules and regulations, architectural guidelines and articles of incorporation, if any, of the association;

10. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to place a sign on the owner's lot advertising the lot for sale;

11. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to display any flag on the owner's lot, including but not limited to reasonable restrictions as to the size, place, and manner of placement or display of such flag and the installation of any flagpole or similar structure necessary to display such flag;

12. A statement setting forth any restriction, limitation, or prohibition on the right of a lot owner to install or use solar energy collection devices on the owner's property;

13. A copy of the current declaration, the association's articles of incorporation and bylaws, and any rules and regulations or architectural guidelines adopted by the association;

14. A copy of any approved minutes of the board of directors and association meetings for the six calendar months preceding the request for the disclosure packet;

15. A copy of the notice given to the lot owner by the association of any current or pending rule or architectural violation;

16. A copy of the fully completed one-page cover sheet developed by the Common Interest Community Board pursuant to § 54.1-2350;

17. Certification that the association has filed with the Common Interest Community Board the annual report required by § 55-516.1, which certification shall indicate the filing number assigned by the Common Interest Community Board, and the expiration date of such filing; and

18. A statement indicating any known project approvals currently in effect issued by secondary mortgage market agencies.

B. Failure to receive copies of an association disclosure packet shall not excuse any failure to comply with the provisions of the declaration, articles of incorporation, bylaws, or rules or regulations.

C. The disclosure packet shall be delivered in accordance with the written request and instructions of the seller or ~~his~~ *the seller's* authorized agent, including whether the disclosure packet shall be delivered electronically or in hard copy and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered. The disclosure packet required by this section, shall not, in and of itself, be deemed a security within the meaning of § 13.1-501.

D. The seller or ~~his~~ *the seller's* authorized agent may request that the disclosure packet be provided in hard copy or in electronic form. An association or common interest community manager may provide the disclosure packet electronically; however, the seller or ~~his~~ *the seller's* authorized agent shall have the right to request that the association disclosure packet be provided in hard copy. The seller or ~~his~~ *the seller's* authorized agent shall continue to have the right to request a hard copy of the disclosure packet in person at the principal place of business of the association. If the seller or ~~his~~ *the seller's* authorized agent requests that the disclosure packet be provided in electronic format, neither the association nor its common interest community manager may require the seller or ~~his~~ *the seller's* authorized agent to pay any fees to use the provider's electronic network or system. The disclosure packet shall not be delivered in hard copy if the ~~requestor~~ *requester* has requested delivery of such disclosure packet electronically. If the disclosure packet is provided electronically by a website link, the preparer shall not cause the website link to expire within the subsequent 90-day period. The preparer shall not charge another fee during the subsequent 12-month period, except that the preparer may charge an update fee ~~of \$50 for a financial update or for an inspection as provided in § 55-509.6 after the expiration of the 90-day period from the date of issuance of such packet.~~ *If the seller or his authorized agent asks that the disclosure packet be provided in electronic format, the seller or his authorized agent may designate no more than two additional recipients to receive the disclosure packet in electronic format at no additional charge. If the seller or the seller's authorized agent asks that the disclosure packet be provided in electronic format, the seller or the seller's authorized agent may request that an electronic copy be provided to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the requester. If so requested, the property owners' association or its common interest community manager may require the seller or the seller's authorized agent to pay the fee specified in § 55-509.6. Regardless of whether the disclosure packet is delivered in paper form or electronically, the preparer of the disclosure packet shall provide such disclosure packet directly to the persons designated by the requester to the addresses or, if applicable, the email addresses provided by the requester.*

§ 55-509.6. Fees for disclosure packet; professionally managed associations.

A. A professionally managed association or its common interest community manager may charge certain fees as authorized by this section for the inspection of the property, the preparation and issuance of the disclosure packet required by § 55-509.5, and for such other services as set out in this section. The seller or ~~his~~ *the seller's* authorized agent shall specify in writing whether the disclosure packet shall be delivered electronically or in hard copy, at the option of the seller or ~~his~~ *the seller's* authorized agent, and shall specify the complete contact information for the parties to whom the disclosure packet shall be delivered.

B. A reasonable fee may be charged by the preparer as follows for:

1. The inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration and as required to prepare the association disclosure packet, a fee not to exceed \$100;

2. The preparation and delivery of the disclosure packet in (i) paper format, a fee not to exceed \$150 for no more than two hard copies or (ii) electronic format, a fee not to exceed a total of \$125 for an electronic copy to each of the following named in the request: the seller, the seller's authorized agent, the purchaser, the purchaser's authorized agent, and not more than one other person designated by the ~~requestor~~ *requester*. The preparer of the disclosure packet shall provide the disclosure packet directly to the designated persons. Only one fee shall be charged for the preparation and delivery of the disclosure packet;

3. At the option of the seller or ~~his~~ *the seller's* authorized agent, with the consent of the association or the common interest community manager, expediting the inspection, preparation and delivery of the disclosure packet, an additional expedite fee not to exceed \$50;

4. At the option of the seller or ~~his~~ *the seller's* authorized agent, an additional hard copy of the disclosure packet, a fee not to exceed \$25 per hard copy;

5. At the option of the seller or ~~his~~ *the seller's* authorized agent, a fee not to exceed an amount equal to the actual cost paid to a third-party commercial delivery service for hand delivery or overnight delivery of the association disclosure packet; and

6. A post-closing fee to the purchaser of the property, collected at settlement, for the purpose of establishing the purchaser as the owner of the property in the records of the association, a fee not to exceed \$50.

Except as otherwise provided in subsection E, neither the association nor its common interest community manager shall require cash, check, certified funds or credit card payments at the time the request for the disclosure packet is made. The disclosure packet shall state that all fees and costs for the disclosure packet shall be the personal obligation of the lot owner and shall be an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516, if not paid at settlement or within ~~45~~ *60* days of the delivery of the disclosure packet, whichever occurs first.

For purposes of this section, an expedite fee shall only be charged if the inspection and preparation of delivery of the disclosure packet are completed within five business days of the request for a disclosure packet.

C. No fees other than those specified in this section, and as limited by this section, shall be charged by the association or its common interest community manager for compliance with the duties and responsibilities of the association under this chapter. No additional fee shall be charged for access to the association's or common interest community manager's website. The association or its common interest community manager shall publish and make available in paper or electronic format, or both, a schedule of the applicable fees so the seller or ~~his~~ *the seller's* authorized agent will know such fees at the time of requesting the packet.

D. Any fees charged pursuant to this section shall be collected at the time of settlement on the sale of the lot and shall be due and payable out of the settlement proceeds in accordance with this section. The settlement agent shall escrow a sum sufficient to pay such costs of the seller at settlement. The seller shall be responsible for all costs associated with the preparation and delivery of the association disclosure packet, except for the costs of any disclosure packet update or financial update, which costs shall be the responsibility of the ~~requestor~~ *requester*, payable at settlement. Neither the association nor its common interest community manager shall require cash, check, certified funds, or credit card payments at the time of the request is made for the association disclosure packet.

E. If settlement does not occur within ~~45~~ *60* days of the delivery of the disclosure packet, or funds are not collected at settlement and disbursed to the association or the common interest community manager, all fees, including those costs that would have otherwise been the responsibility of the purchaser or settlement agent, shall be (i) assessed within one year after delivery of the disclosure packet against the lot owner, (ii) the personal obligation of the lot owner, and (iii) an assessment against the lot and collectible as any other assessment in accordance with the provisions of the declaration and § 55-516. The seller may pay the association by cash, check, certified funds, or credit card, if credit card payment is an option offered by the association. The association shall pay the common interest community manager the amount due from the lot owner within 30 days after invoice.

F. The maximum allowable fees charged in accordance with this section shall adjust every five years, as of January 1 of that year, in an amount equal to the annual increases for that five-year period in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor.

G. If an association disclosure packet has been issued for a lot within the preceding 12-month period, a person specified in the written instructions of the seller or ~~his~~ *the seller's* authorized agent, including the seller or ~~his~~ *the seller's* authorized agent, or the purchaser or his authorized agent may request a disclosure packet update. The ~~requestor~~ *requester* shall specify

whether the disclosure packet update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The disclosure packet update shall be delivered within 10 days of the written request.

H. The settlement agent may request a financial update. The ~~requester~~ *requester* shall specify whether the financial update shall be delivered electronically or in hard copy, and shall specify the complete contact information of the parties to whom the update shall be delivered. The financial update shall be delivered within three business days of the written request.

I. A reasonable fee for the disclosure packet update or financial update may be charged by the preparer not to exceed \$50. At the option of the purchaser or ~~his~~ *the purchaser's* authorized agent, the ~~requester~~ *requester* may request that the association or the common interest community manager perform an additional inspection of the exterior of the dwelling unit and the lot, as authorized in the declaration, for a fee not to exceed \$100. Any fees charged for the specified update shall be collected at the time settlement occurs on the sale of the property. The settlement agent shall escrow a sum sufficient to pay such costs of the seller at settlement. Neither the association nor its common interest community manager, if any, shall require cash, check, certified funds, or credit card payments at the time the request is made for the disclosure packet update. The ~~requester~~ *requester* may request that the specified update be provided in hard copy or in electronic form.

J. No association or common interest community manager may require the ~~requester~~ *requester* to request the specified update electronically. The seller or ~~his~~ *the seller's* authorized agent shall continue to have the right to request a hard copy of the specified update in person at the principal place of business of the association. If the ~~requester~~ *requester* asks that the specified update be provided in electronic format, neither the association nor its common interest community manager may require the requester to pay any fees to use the provider's electronic network or system. A copy of the specified update shall be provided to the seller or ~~his~~ *the seller's* authorized agent.

K. When an association disclosure packet has been delivered as required by § 55-509.5, the association shall, as to the purchaser, be bound by the statements set forth therein as to the status of the assessment account and the status of the lot with respect to any violation of the declaration, bylaws, rules and regulations, architectural guidelines and articles of incorporation, if any, of the association as of the date of the statement unless the purchaser had actual knowledge that the contents of the disclosure packet were in error.

L. If the association or its common interest community manager has been requested in writing to furnish the association disclosure packet required by § 55-509.5, failure to provide the association disclosure packet substantially in the form provided in this section shall be deemed a waiver of any claim for delinquent assessments or of any violation of the declaration, bylaws, rules and regulations, or architectural guidelines existing as of the date of the request with respect to the subject lot. The preparer of the association disclosure packet shall be liable to the seller in an amount equal to the actual damages sustained by the seller in an amount not to exceed \$1,000. The purchaser shall nevertheless be obligated to abide by the declaration, bylaws, rules and regulations, and architectural guidelines of the association as to all matters arising after the date of the settlement of the sale.

CHAPTER 472

An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to public elementary and secondary schools; computer science and computational thinking.

[H 831]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; *computer science and computational thinking, including computer coding*; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, *computer science and computational thinking, including computer coding*, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.
2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.
3. Career and technical education programs incorporated into the K through 12 curricula that include:
 - a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;
 - b. Career exploration opportunities in the middle school grades;
 - c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and
 - d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.
4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.
5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.
6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.
7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.
8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.
9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.
10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

CHAPTER 473

An Act to amend and reenact § 23-2.06 of the Code of Virginia, relating to governing boards of public institutions of higher education; State Board for Community Colleges; educational programs for members; member reappointment.

[H 1303]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 23-2.06 of the Code of Virginia is amended and reenacted as follows:

§ 23-2.06. Members of governing boards; removal; terms.

A. If any member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § 23-9.14:1 in his first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated. ~~However, no member serving as of January 1, 2015 shall be removed for failing to attend the educational programs required by § 23-9.14:1 if he attends such training by January 1, 2016. No member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges who fails to attend the educational programs required by § 23-9.14:1 during his first four-year term is eligible for reappointment to such board.~~

B. The board of visitors of each four-year public institution of higher education and the State Board for Community Colleges shall adopt in its bylaws policies (i) for removing members pursuant to subsection A and (ii) referencing the Governor's power to remove members described in § 2.2-108.

C. No person who has served two consecutive four-year terms on the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges shall be eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.

2. That notwithstanding the provisions of the first enactment of this act, any member of the board of visitors of a four-year public institution of higher education or the State Board for Community Colleges who was appointed to such board prior to July 1, 2013, and fails to attend the educational programs required by § 23-9.14:1 of the Code of Virginia during his first four-year term shall attend such educational programs during the first two years of his subsequent term on such board.

CHAPTER 474

An Act to amend and reenact § 19.2-182 of the Code of Virginia, relating to fees for court-appointed attorneys providing representation in commitment proceedings.

[H 364]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-182 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-182. Representation by counsel in proceeding for commitment.

A. In any proceeding for commitment under this title, the judge before whom or upon whose order the proceeding is being held, shall ascertain if the person whose commitment is sought is represented by counsel. If the person is not represented by counsel, the judge shall appoint an attorney at law to represent him in the proceeding. The attorney shall receive a fee of ~~twenty-five dollars~~ \$150 for his services, to be paid by the Commonwealth.

B. Any attorney representing any person in any proceeding for commitment under this title shall, prior to such proceeding, personally consult with such person.

CHAPTER 475

An Act to amend and reenact §§ 38.2-325, 38.2-4214, and 38.2-4319 of the Code of Virginia and to repeal the second enactment of Chapter 257 of the Acts of Assembly of 2013, relating to electronic delivery of information relating to insurance policies.

[H 820]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-325, 38.2-4214, and 38.2-4319 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-325. Electronic delivery.

A. If parties have agreed to conduct business by electronic means, and the agent of record, if applicable, has been so notified by the insurer, any information that is required to be delivered in writing may be delivered by (i) placing such

information within the body of the electronic message; (ii) placing such information as an attachment to the electronic message that may be opened through the use of software that is readily available; (iii) displaying the information, or a clear and conspicuous link to the information, as an essential step to completing the transaction to which the information relates; or (iv) placing such information on the insurer's secured server and an electronic message is provided advising that insurance information or, when appropriate, time-sensitive insurance information has been placed on the insurer's secured server and is available for retrieval. This section should be construed to be consistent with the Electronic Signatures in Global and National Commerce Act (15 U.S.C. § 7001 et seq.).

B. If parties have agreed to conduct business by electronic means, and notice is provided by the insurer to the named insured pursuant to § 38.2-231, 38.2-2113, 38.2-2114, 38.2-2208, or 38.2-2212, an electronic notification shall also be provided to the agent of record of the named insured, if the named insured has an agent of record. Such electronic notification shall be transmitted to the agent of record as soon as practicable, but in no case more than 72 hours after electronic notice is transmitted to the named insured.

C. The insurer shall retain evidence of electronic notification to the agent of record for at least one year from the date of transmittal. Failure to provide such notice to the agent of record shall not be deemed to invalidate any electronic notice otherwise properly provided to the named insured. For purposes of this section, an electronic notification to the agent of record shall mean a copy of the actual notice, as set forth herein, or in the alternative, shall include the named insured's name, policy number, and termination date. Electronic notice need not be given to the agent of record if the agent (i) is an employee of the insurer, (ii) is a non-employee exclusive agent of the insurer, or (iii) has waived the receipt of such notices in writing.

D. Notwithstanding any other provision of law, any property and casualty insurance forms and endorsements that do not contain personally identifiable information may be posted to the insurer's publicly available website in lieu of any other method of delivery, provided that:

1. Such forms and endorsements are readily accessible on the insurer's website and that once such forms or endorsements are no longer used in the Commonwealth they are stored in a readily accessible archive portion of the insurer's website;

2. Such forms and endorsements are posted in such a manner that they may be readily printed and downloaded without charge and without the use of any special program or application that is not readily available to the public without charge;

3. The insurer provides written notice at time of the issuance of the initial policy forms and any renewal forms of a method by which policyholders may obtain, upon request and without charge, a paper or electronic copy of their policy or contract; and

4. The insurer gives notice, in the manner it customarily communicates with a policyholder, of any changes to the forms or endorsements, and of the policyholder's right to obtain, upon request and without charge, a paper or electronic copy of such forms or endorsements.

E. (Expires December 31, 2016) The notification to an insurer of any change of the electronic address for the named insured shall be the sole responsibility of the named insured. The giving to the agent of record by any person of notice of such change of the named insured's electronic address shall not be deemed to be notice to the insurer unless it is specifically identified as a change and receipt has been accepted by the agent of record.

F. Notwithstanding any other provision of law, any evidence of coverage or other forms that do not contain personally identifiable information that a health carrier is required to provide to a policyholder, subscriber, or enrollee may be delivered electronically to the policyholder, subscriber, or enrollee or posted to the health carrier's publicly available website in lieu of any other method of delivery, provided that:

1. Such evidence of coverage and endorsements, riders, or amendments to it are readily accessible on the health carrier's website and that once such evidence of coverage and endorsements, riders, or amendments to it are no longer used in the Commonwealth they will be made available electronically upon request;

2. Such evidence of coverage and endorsements, riders, or amendments to it are posted in such a manner that they may be readily printed and downloaded without charge and without the use of any special program or application that is not readily available to the public without charge;

3. The health carrier provides written notice at the time of the issuance of the initial evidence of coverage and any renewals of a method by which the policyholder, subscriber, or enrollee may obtain, upon request and without charge, a paper or electronic copy of such person's evidence of coverage or endorsements, riders, or amendments to it; and

4. The health carrier gives notice, in the manner in which it customarily communicates with a policyholder, subscriber, or enrollee, of any changes to the evidence of coverage or endorsements, riders, or amendments to it and of the right of such policyholder, subscriber, or enrollee to obtain a paper or electronic copy of such evidence of coverage or endorsements, riders, or amendments to it.

§ 38.2-4214. Application of certain provisions of law.

No provision of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-218 through 38.2-225, 38.2-230, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, 38.2-700 through 38.2-705, 38.2-900 through 38.2-904, 38.2-1017, 38.2-1018, 38.2-1038, 38.2-1040 through 38.2-1044, Articles 1 (§ 38.2-1300 et seq.) and 2 (§ 38.2-1306.2 et seq.) of Chapter 13, §§ 38.2-1312, 38.2-1314, 38.2-1315.1, 38.2-1317 through 38.2-1328, 38.2-1334, 38.2-1340, 38.2-1400 through 38.2-1442, 38.2-1446, 38.2-1447,

38.2-1800 through 38.2-1836, 38.2-3400, 38.2-3401, 38.2-3404, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3406.2, 38.2-3407.1 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.19, 38.2-3409, 38.2-3411 through 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3501, 38.2-3502, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, §§ 38.2-3516 through 38.2-3520 as they apply to Medicare supplement policies, §§ 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3541 through 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), §§ 38.2-3600 through 38.2-3607, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) of this title shall apply to the operation of a plan.

§ 38.2-4319. Statutory construction and relationship to other laws.

A. No provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-305, 38.2-316, 38.2-316.1, 38.2-322, 38.2-325, 38.2-326, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-1800 through 38.2-1836, 38.2-3401, 38.2-3405, 38.2-3405.1, 38.2-3406.1, 38.2-3407.2 through 38.2-3407.6:1, 38.2-3407.9 through 38.2-3407.19, 38.2-3411, 38.2-3411.2, 38.2-3411.3, 38.2-3411.4, 38.2-3412.1, 38.2-3414.1, 38.2-3418.1 through 38.2-3418.17, 38.2-3419.1, 38.2-3430.1 through 38.2-3454, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Article 5 (§ 38.2-3551 et seq.) of Chapter 35, Chapter 35.1 (§ 38.2-3556 et seq.), Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

B. For plans administered by the Department of Medical Assistance Services that provide benefits pursuant to Title XIX or Title XXI of the Social Security Act, as amended, no provisions of this title except this chapter and, insofar as they are not inconsistent with this chapter, §§ 38.2-100, 38.2-136, 38.2-200, 38.2-203, 38.2-209 through 38.2-213, 38.2-216, 38.2-218 through 38.2-225, 38.2-229, 38.2-232, 38.2-322, 38.2-325, 38.2-400, 38.2-402 through 38.2-413, 38.2-500 through 38.2-515, 38.2-600 through 38.2-620, Chapter 9 (§ 38.2-900 et seq.), §§ 38.2-1016.1 through 38.2-1023, 38.2-1057, 38.2-1306.1, Article 2 (§ 38.2-1306.2 et seq.), § 38.2-1315.1, Articles 3.1 (§ 38.2-1316.1 et seq.), 4 (§ 38.2-1317 et seq.), 5 (§ 38.2-1322 et seq.), and 5.1 (§ 38.2-1334.3 et seq.) of Chapter 13, Articles 1 (§ 38.2-1400 et seq.), 2 (§ 38.2-1412 et seq.), and 4 (§ 38.2-1446 et seq.) of Chapter 14, §§ 38.2-3401, 38.2-3405, 38.2-3407.2 through 38.2-3407.5, 38.2-3407.6, 38.2-3407.6:1, 38.2-3407.9, 38.2-3407.9:01, and 38.2-3407.9:02, subdivisions F 1, F 2, and F 3 of § 38.2-3407.10, §§ 38.2-3407.11, 38.2-3407.11:3, 38.2-3407.13, 38.2-3407.13:1, 38.2-3407.14, 38.2-3411.2, 38.2-3418.1, 38.2-3418.2, 38.2-3419.1, 38.2-3430.1 through 38.2-3437, 38.2-3500, subdivision 13 of § 38.2-3503, subdivision 8 of § 38.2-3504, §§ 38.2-3514.1, 38.2-3514.2, 38.2-3522.1 through 38.2-3523.4, 38.2-3525, 38.2-3540.1, 38.2-3540.2, 38.2-3541.2, 38.2-3542, 38.2-3543.2, Chapter 52 (§ 38.2-5200 et seq.), Chapter 55 (§ 38.2-5500 et seq.), and Chapter 58 (§ 38.2-5800 et seq.) shall be applicable to any health maintenance organization granted a license under this chapter. This chapter shall not apply to an insurer or health services plan licensed and regulated in conformance with the insurance laws or Chapter 42 (§ 38.2-4200 et seq.) except with respect to the activities of its health maintenance organization.

C. Solicitation of enrollees by a licensed health maintenance organization or by its representatives shall not be construed to violate any provisions of law relating to solicitation or advertising by health professionals.

D. A licensed health maintenance organization shall not be deemed to be engaged in the unlawful practice of medicine. All health care providers associated with a health maintenance organization shall be subject to all provisions of law.

E. Notwithstanding the definition of an eligible employee as set forth in § 38.2-3431, a health maintenance organization providing health care plans pursuant to § 38.2-3431 shall not be required to offer coverage to or accept applications from an employee who does not reside within the health maintenance organization's service area.

F. For purposes of applying this section, "insurer" when used in a section cited in subsections A and B shall be construed to mean and include "health maintenance organizations" unless the section cited clearly applies to health maintenance organizations without such construction.

2. That the second enactment of Chapter 257 of the Acts of Assembly of 2013 is repealed.

CHAPTER 476

An Act to amend and reenact § 46.2-1233 of the Code of Virginia, relating to localities towing fees.

[H 1060]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 46.2-1233 of the Code of Virginia is amended and reenacted as follows:****§ 46.2-1233. Localities may regulate towing fees.**

The governing body of any ~~county, city, or town~~ *locality* may by ordinance set reasonable limits on fees charged for the removal of motor vehicles, trailers, and parts thereof left on private property in violation of § 46.2-1231, and for the removal of trespassing vehicles under § 46.2-1215, taking into consideration the fair market value of such removal.

Localities in Planning District 8 shall establish by ordinance (i) a hookup and initial towing fee of \$135 and (ii) for towing a vehicle between seven o'clock p.m. and eight o'clock a.m. or on any Saturday, Sunday, or holiday, an additional fee of \$25 per instance; however, such ordinance shall also provide that in no event shall more than two such additional fees be charged for towing any vehicle.

CHAPTER 477

An Act to amend and reenact § 20-107.1 of the Code of Virginia, relating to entry of divorce decrees; maintenance and support of spouses.

[S 71]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 20-107.1 of the Code of Virginia is amended and reenacted as follows:****§ 20-107.1. Court may decree as to maintenance and support of spouses.**

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses, *notwithstanding a party's failure to prove his grounds for divorce, provided that a claim for support has been properly pled by the party seeking support.* However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.

B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees of fault during the marriage and the relative economic circumstances of the parties.

C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award, or in any combination thereof.

D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party to receive support in the future. In any case in which the right to support is so reserved, there shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation. Once granted, the duration of such a reservation shall not be subject to modification.

E. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:

1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature;
2. The standard of living established during the marriage;
3. The duration of the marriage;
4. The age and physical and mental condition of the parties and any special circumstances of the family;
5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home;
6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
7. The property interests of the parties, both real and personal, tangible and intangible;
8. The provisions made with regard to the marital property under § 20-107.3;
9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;
10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability;
11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market;

12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and

13. Such other factors, including the tax consequences to each party, as are necessary to consider the equities between the parties.

F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.

G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of spousal support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. If known, the name, date of birth and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, driver's license number, and the name and address of his employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

3. A statement as to whether there is an order for health care coverage for a party;

4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;

5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

CHAPTER 478

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 40 of Title 2.2 a section numbered 2.2-4024.2, relating to the Administrative Process Act; ex parte communications.

[§ 206]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 40 of Title 2.2 a section numbered 2.2-4024.2 as follows:

§ 2.2-4024.2. *Ex parte communications.*

A. Except as otherwise provided in this section, while a formal hearing conducted in accordance with § 2.2-4020 is pending, the hearing officer shall not communicate with any person concerning the hearing without notice and opportunity for all parties to participate in the communication.

B. A hearing officer may communicate about a pending formal hearing conducted in accordance with § 2.2-4020 with any person if the communication is authorized by law or concerns an uncontested procedural issue. A hearing officer may communicate with any person on ministerial matters about a pending formal hearing conducted in accordance with § 2.2-4020 if the communication does not augment, diminish, or modify the evidence in the record.

C. If a hearing officer makes or receives a communication prohibited by this section, the hearing officer shall make a part of the hearing record: (i) a copy of the communication or, if it is not written, a memorandum containing the substance of the communication; (ii) the response thereto; and (iii) the identity of the person who made the communication.

D. If a communication prohibited by this section is made, the hearing officer shall notify all parties of the prohibited communication and permit the parties to respond not later than 15 days after the notice is given. For good cause, the hearing officer may permit additional evidence in response to the prohibited communication.

E. If necessary to eliminate any prejudicial effect of a communication made that is prohibited by this section, a hearing officer may (i) be disqualified under § 2.2-4024.1; (ii) seal the parts of the record pertaining to the communication by protective order; or (iii) grant other appropriate relief, including an adverse ruling on the merits of the case.

2. That nothing in this act shall be construed to contravene the express provisions of § 32.1-325.1 of the Code of Virginia.

CHAPTER 479

An Act to amend and reenact §§ 54.1-3801 and 54.1-3807 of the Code of Virginia and to repeal §§ 54.1-3805.1 and 54.1-3809 of the Code of Virginia, relating to the practice of veterinary medicine.

[H 325]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-3801 and 54.1-3807 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-3801. Exceptions.

This chapter shall not apply to:

1. The owner of an animal and the owner's full-time, regular employee caring for and treating the animal belonging to such owner, except where the ownership of the animal was transferred for the purpose of circumventing the requirements of this chapter;

2. Veterinarians licensed in other states called in actual consultation ~~or to attend a case with veterinarians licensed in this the Commonwealth~~ who do not open an office or appoint a place to practice within ~~this the Commonwealth~~;

3. Veterinarians employed by the United States or by ~~this the Commonwealth~~ while actually engaged in the performance of their official duties;

4. Veterinarians providing free care in underserved areas of Virginia who (i) do not regularly practice veterinary medicine in Virginia, (ii) hold a current valid license or certificate to practice veterinary medicine in another state, territory, district or possession of the United States, (iii) volunteer to provide free care in an underserved area of ~~this the Commonwealth~~ under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) file copies of their licenses or certificates issued in such other jurisdiction with the Board, (v) notify the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledge, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any veterinarian whose license has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a veterinarian who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state; or

5. Persons purchasing, possessing, and administering drugs in a public or private shelter as defined in § 3.2-6500, provided that such purchase, possession, and administration is in compliance with § 54.1-3423.

§ 54.1-3807. Refusal to grant and to renew; revocation and suspension of licenses and registrations.

The Board may refuse to grant or to renew, may suspend or revoke any license to practice veterinary medicine or to practice as a veterinary technician or registration to practice as an equine dental technician if such applicant or holder:

1. Is convicted of any felony or of any misdemeanor involving moral turpitude;

2. Employs or permits any person who does not hold a license to practice veterinary medicine or to practice as a licensed veterinary technician or registration to practice as an equine dental technician to perform work which can lawfully be performed only by a person holding the appropriate license or registration;

3. Willfully violates any provision of this chapter or any regulation of the Board;

4. Has violated any federal or state law relating to controlled substances as defined in Chapter 34 (§ 54.1-3400 et seq.) ~~of this title~~;

5. Is guilty of unprofessional conduct as defined by regulations of the Board;

6. Uses alcohol or drugs to the extent such use renders him unsafe to practice or suffers from any mental or physical condition rendering him unsafe to practice; or

7. Has had his license to practice veterinary medicine or as a veterinary technician or his registration to practice as an equine dental technician in any other state revoked or suspended *for any reason other than nonrenewal*.

2. That §§ 54.1-3805.1 and 54.1-3809 of the Code of Virginia are repealed.

CHAPTER 480

An Act to amend and reenact § 37.2-406 of the Code of Virginia, relating to opiate addiction treatment licensure; nonmethadone opioid replacements.

[S 556]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 37.2-406 of the Code of Virginia is amended and reenacted as follows:

§ 37.2-406. Conditions for initial licensure of certain providers.

A. Notwithstanding the Commissioner's discretion to grant licenses pursuant to this article or any Board regulation regarding licensing, no initial license shall be granted by the Commissioner to a provider of treatment for persons with opiate addiction through the use of (i) methadone or ~~other~~ (ii) opioid replacements *other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration* if the provider is to be located within one-half mile of a public or private licensed day care center or a public or private K-12 school, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth.

B. No provider shall be required to conduct, maintain, or operate services for the treatment of persons with opiate addiction through the use of (i) methadone or ~~other~~ (ii) opioid replacements *other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration* on Sunday, except when such service is provided by a hospital licensed by the Board of Health or the Commissioner or is owned or operated by an agency of the Commonwealth, subject to regulations or guidelines issued by the Department consistent with the health, safety and welfare of individuals receiving services and the security of take-home doses of (i) methadone or ~~other opiate~~ (ii) opioid replacements *other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration*.

C. Upon receiving notice of a proposal for or an application to obtain an initial license from a provider of treatment for persons with opiate addiction through the use of (i) methadone or ~~other~~ (ii) opioid replacements *other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration*, the Commissioner shall, within 15 days of the receipt, notify the local governing body of and the community services board serving the jurisdiction in which the facility is to be located of the proposal or application and the facility's proposed location.

Within 30 days of the date of the notice, the local governing body and community services board shall submit to the Commissioner comments on the proposal or application. The local governing body shall notify the Commissioner within 30 days of the date of the notice concerning the compliance of the applicant with this section and any applicable local ordinances.

D. No license shall be issued by the Commissioner to the provider until the conditions of this section have been met, i.e., local governing body and community services board comments have been received and the local governing body has determined compliance with the provisions of this section and any relevant local ordinances.

E. No applicant for a license to provide treatment for persons with opiate addiction through the use of (i) methadone or ~~other~~ (ii) opioid replacements *other than opioid replacements approved for the treatment of opioid addiction by the U.S. Food and Drug Administration* that has obtained a certificate of occupancy in accordance with the law and regulations in effect on January 1, 2004, shall be required to comply with the provisions of this section with respect to the existing facility for which the certificate of occupancy was obtained. No existing licensed provider shall be required to comply with the provisions of this section with respect to an existing facility in which it is currently providing such treatment. License applicants and licensees who fall within this exception shall, however, be required to comply with the provisions of this section for purposes of relocating an existing facility or establishing a new facility.

F. The provisions of ~~subsection~~ *subsections A and subsection E* shall not apply to the jurisdictions in Planning District 8 or to an applicant for a license for the purpose of relocating within a city located in Planning District 23 a facility to provide treatment for persons with opiate addiction through the use of methadone or other opioid replacements that has been providing such treatment in the same city since 1984 and is operated by and located with a community services board.

CHAPTER 481

An Act to amend and reenact §§ 9.1-102, 9.1-1301, and 23-9.2:16 of the Code of Virginia, relating to institutions of higher education; memoranda of understanding with local law-enforcement agencies.

[H 1015]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-102, 9.1-1301, and 23-9.2:16 of the Code of Virginia are amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;
3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;
4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;
5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;
6. [Repealed];
7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;
8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;
9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;
10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;
11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;
12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;
13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;
14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;
15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;
16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;
17. Make recommendations concerning any matter within its purview pursuant to this chapter;
18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;
19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;
20. Conduct audits as required by § 9.1-131;
21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;
22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;
23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in *subsection A of § 9.1-1301* and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

52. (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Virginia Alcoholic Beverage Control Authority;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model

policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

57. Establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol;

58. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee; and

59. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

§ 9.1-1301. Sexual assault policies for law-enforcement agencies in the Commonwealth; memoranda of understanding with institutions of higher education.

A. The Virginia Department of State Police and the police and sheriff's departments of every political subdivision in the Commonwealth and every campus police department shall establish written policies and procedures regarding a law-enforcement officer's response to an alleged criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2. Such policies shall, at a minimum, provide guidance as to the department's policy on (i) training; (ii) compliance with §§ 19.2-9.1 and 19.2-165.1; (iii) transportation of alleged sexual assault victims; and (iv) the provision of information on legal and community resources available to alleged victims of sexual assault.

B. The primary law-enforcement agency of each locality that contains a public institution of higher education or nonprofit private institution of higher education shall cooperate in establishing a written memorandum of understanding with any such institution of higher education, if requested, to address the prevention of and response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.

§ 23-9.2:16. Sexual assault; memoranda of understanding; policies.

A. Each public institution of higher education or private nonprofit institution of higher education shall establish and the State Board for Community Colleges shall adopt a policy requiring each community college to establish a written memorandum of understanding with a sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for moving forward.

B. Each public institution of higher education or private nonprofit institution of higher education shall adopt policies to provide to sexual assault victims information on contacting such sexual assault crisis center or other victim support service.

C. Each public institution of higher education or nonprofit private institution of higher education may request the cooperation of the primary law-enforcement agency of the locality in which the institution is located to establish a written memorandum of understanding with such law-enforcement agency to address the prevention of and response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2.

CHAPTER 482

An Act to amend and reenact § 8.01-453 of the Code of Virginia, relating to release of lien against real property.

[S 392]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-453 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-453. When and how payment or discharge entered on judgment docket.

The fact of satisfaction of any judgment so docketed, and if there is more than one defendant, by which defendant it was satisfied, shall be entered by the clerk in whose office the judgment is docketed whenever it appears from a certificate of the clerk of the court in which the judgment was rendered that the judgment has been satisfied or upon the direction, in writing, of the judgment creditor or his duly authorized attorney or other agent. *However, the judgment creditor may record an instrument, upon payment of the fees for recordation of each instrument pursuant to § 17.1-275, releasing the lien of any judgment so docketed as against one or more parcels of real property, even when full satisfaction of the judgment has not been made and entered by the clerk.*

CHAPTER 483

An Act to amend and reenact § 58.1-3506 of the Code of Virginia, relating to personal property tax; classifications.

[H 15]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3506 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3506. Other classifications of tangible personal property for taxation.

A. The items of property set forth below are each declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of tangible personal property provided in this chapter:

1. a. Boats or watercraft weighing five tons or more, not used solely for business purposes;
- b. Boats or watercraft weighing less than five tons, not used solely for business purposes;
2. Aircraft having a maximum passenger seating capacity of no more than 50 that are owned and operated by scheduled air carriers operating under certificates of public convenience and necessity issued by the State Corporation Commission or the Civil Aeronautics Board;
3. Aircraft having a registered empty gross weight equal to or greater than 20,000 pounds that are not owned or operated by scheduled air carriers recognized under federal law, but not including any aircraft described in subdivision 4;
4. Aircraft that are (i) considered Warbirds, manufactured and intended for military use, excluding those manufactured after 1954, and (ii) used only for (a) exhibit or display to the general public and otherwise used for educational purposes (including such flights as are necessary for testing, maintaining, or preparing such aircraft for safe operation), or (b) airshow and flight demonstrations (including such flights necessary for testing, maintaining, or preparing such aircraft for safe operation), shall constitute a new class of property. Such class of property shall not include any aircraft used for commercial purposes, including transportation and other services for a fee;
5. All other aircraft not included in subdivisions A 2, A 3, or A 4 and flight simulators;
6. Antique motor vehicles as defined in § 46.2-100 which may be used for general transportation purposes as provided in subsection C of § 46.2-730;
7. Tangible personal property used in a research and development business;
8. Heavy construction machinery not used for business purposes, including land movers, bulldozers, front-end loaders, graders, packers, power shovels, cranes, pile drivers, forest harvesting and silvicultural activity equipment and ditch and other types of diggers;
9. Generating equipment purchased after December 31, 1974, for the purpose of changing the energy source of a manufacturing plant from oil or natural gas to coal, wood, wood bark, wood residue, or any other alternative energy source for use in manufacturing and any cogeneration equipment purchased to achieve more efficient use of any energy source. Such generating equipment and cogeneration equipment shall include, without limitation, such equipment purchased by firms engaged in the business of generating electricity or steam, or both;
10. Vehicles without motive power, used or designed to be used as manufactured homes as defined in § 36-85.3;
11. Computer hardware used by businesses primarily engaged in providing data processing services to other nonrelated or nonaffiliated businesses;
12. Privately owned pleasure boats and watercraft, 18 feet and over, used for recreational purposes only;
13. Privately owned vans with a seating capacity of not less than seven nor more than 15 persons, including the driver, used exclusively pursuant to a ridesharing arrangement as defined in § 46.2-1400;
14. Motor vehicles specially equipped to provide transportation for physically handicapped individuals;
15. Motor vehicles (i) owned by members of a volunteer emergency medical services agency or a member of a volunteer fire department or (ii) leased by volunteer emergency medical services personnel or a member of a volunteer fire department if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is owned by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member, or leased by each volunteer member who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or volunteer fire department member if the volunteer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle, may be specially classified under this section, provided the volunteer regularly responds to emergency calls. The volunteer shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an individual who meets the definition of "emergency medical services personnel" in § 32.1-111.1 or a member of the volunteer fire department who regularly responds to calls or regularly performs other duties for the emergency medical services agency or fire department, and the motor vehicle owned or leased by the volunteer is identified. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the volunteer, to accept a certification after the January 31 deadline. In any county that prorates the assessment of tangible personal property pursuant to § 58.1-3516, a replacement vehicle may be certified and classified pursuant to this subsection when the vehicle certified as of the immediately prior January date is transferred during the tax year;
16. Motor vehicles (i) owned by auxiliary members of a volunteer emergency medical services agency or volunteer fire department or (ii) leased by auxiliary members of a volunteer emergency medical services agency or volunteer fire department if the auxiliary member is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary volunteer fire department or emergency medical services agency member may be specially classified under this section. The auxiliary member shall furnish the commissioner of revenue, or other assessing officer, with a certification by the chief of the volunteer emergency medical services agency or volunteer fire department, that the volunteer is an auxiliary member of the volunteer emergency medical services agency or fire department who regularly performs duties for the emergency medical services agency or fire department, and the motor vehicle is identified as regularly used for such purpose; however, if a volunteer meets the definition of "emergency medical

services personnel" in § 32.1-111.1 or volunteer fire department member and an auxiliary member are members of the same household, that household shall be allowed no more than two special classifications under this subdivision or subdivision 15. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the auxiliary member, to accept a certification after the January 31 deadline;

17. Motor vehicles owned by a nonprofit organization and used to deliver meals to homebound persons or provide transportation to senior or handicapped citizens in the community to carry out the purposes of the nonprofit organization;

18. Privately owned camping trailers as defined in § 46.2-100, and privately owned travel trailers as defined in § 46.2-1500, which are used for recreational purposes only, and privately owned trailers as defined in § 46.2-100, which are designed and used for the transportation of horses except those trailers described in subdivision A 11 of § 58.1-3505;

19. One motor vehicle owned and regularly used by a veteran who has either lost, or lost the use of, one or both legs, or an arm or a hand, or who is blind or who is permanently and totally disabled as certified by the Department of Veterans Services. In order to qualify, the veteran shall provide a written statement to the commissioner of revenue or other assessing officer from the Department of Veterans Services that the veteran has been so designated or classified by the Department of Veterans Services as to meet the requirements of this section, and that his disability is service-connected. For purposes of this section, a person is blind if he meets the provisions of § 46.2-100;

20. Motor vehicles (i) owned by persons who have been appointed to serve as auxiliary police officers pursuant to Article 3 (§ 15.2-1731 et seq.) of Chapter 17 of Title 15.2 or (ii) leased by persons who have been so appointed to serve as auxiliary police officers if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by each auxiliary police officer to respond to auxiliary police duties may be specially classified under this section. In order to qualify for such classification, any auxiliary police officer who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary police officer or from the official who has appointed such auxiliary officers. That certification shall state that the applicant is an auxiliary police officer who regularly uses a motor vehicle to respond to auxiliary police duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

21. Until the first to occur of June 30, 2019, or the date that a special improvements tax is no longer levied under § 15.2-4607 on property within a Multicounty Transportation Improvement District created pursuant to Chapter 46 (§ 15.2-4600 et seq.) of Title 15.2, tangible personal property that is used in manufacturing, testing, or operating satellites within a Multicounty Transportation Improvement District, provided that such business personal property is put into service within the District on or after July 1, 1999;

22. Motor vehicles which use clean special fuels as defined in § 46.2-749.3, which shall not include any vehicle described in subdivision 38 or 40;

23. Wild or exotic animals kept for public exhibition in an indoor or outdoor facility that is properly licensed by the federal government, the Commonwealth, or both, and that is properly zoned for such use. "Wild animals" means any animals that are found in the wild, or in a wild state, within the boundaries of the United States, its territories or possessions. "Exotic animals" means any animals that are found in the wild, or in a wild state, and are native to a foreign country;

24. Furniture, office, and maintenance equipment, exclusive of motor vehicles, that are owned and used by an organization whose real property is assessed in accordance with § 58.1-3284.1 and that is used by that organization for the purpose of maintaining or using the open or common space within a residential development;

25. Motor vehicles, trailers, and semitrailers with a gross vehicle weight of 10,000 pounds or more used to transport property for hire by a motor carrier engaged in interstate commerce;

26. All tangible personal property employed in a trade or business other than that described in subdivisions A 1 through A 19, except for subdivision A 17, of § 58.1-3503;

27. Programmable computer equipment and peripherals employed in a trade or business;

28. Privately owned pleasure boats and watercraft, motorized and under 18 feet, used for recreational purposes only;

29. Privately owned pleasure boats and watercraft, nonmotorized and under 18 feet, used for recreational purposes only;

30. Privately owned motor homes as defined in § 46.2-100 that are used for recreational purposes only;

31. Tangible personal property used in the provision of Internet services. For purposes of this subdivision, "Internet service" means a service, including an Internet Web-hosting service, that enables users to access content, information, electronic mail, and the Internet as part of a package of services sold to customers;

32. Motor vehicles (i) owned by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs or (ii) leased by persons who serve as auxiliary, reserve, volunteer, or special deputy sheriffs if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. For purposes of this subdivision, the term "auxiliary deputy sheriff" means auxiliary, reserve, volunteer, or special deputy sheriff. One motor vehicle that is regularly used by each auxiliary deputy sheriff to respond to auxiliary deputy sheriff duties may be specially classified under this

section. In order to qualify for such classification, any auxiliary deputy sheriff who applies for such classification shall identify the vehicle for which this classification is sought, and shall furnish the commissioner of revenue or other assessing officer with a certification from the governing body that has appointed such auxiliary deputy sheriff or from the official who has appointed such auxiliary deputy sheriff. That certification shall state that the applicant is an auxiliary deputy sheriff who regularly uses a motor vehicle to respond to such auxiliary duties, and it shall state that the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline;

33. Forest harvesting and silvicultural activity equipment;

34. Equipment used primarily for research, development, production, or provision of biotechnology for the purpose of developing or providing products or processes for specific commercial or public purposes, including medical, pharmaceutical, nutritional, and other health-related purposes; agricultural purposes; or environmental purposes but not for human cloning purposes as defined in § 32.1-162.21 or for products or purposes related to human embryo stem cells. For purposes of this section, biotechnology equipment means equipment directly used in activities associated with the science of living things;

35. Boats or watercraft weighing less than five tons, used for business purposes only;

36. Boats or watercraft weighing five tons or more, used for business purposes only;

37. Tangible personal property which is owned and operated by a service provider who is not a CMRS provider and is not licensed by the FCC used to provide, for a fee, wireless broadband Internet service. For purposes of this subdivision, "wireless broadband Internet service" means a service that enables customers to access, through a wireless connection at an upload or download bit rate of more than one megabyte per second, Internet service, as defined in § 58.1-602, as part of a package of services sold to customers;

38. Low-speed vehicles as defined in § 46.2-100;

39. Motor vehicles with a seating capacity of not less than 30 persons, including the driver;

40. Motor vehicles powered solely by electricity;

41. Tangible personal property designed and used primarily for the purpose of manufacturing a product from renewable energy as defined in § 56-576;

42. Motor vehicles leased by a county, city, town, or constitutional officer if the locality or constitutional officer is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle;

43. Computer equipment and peripherals used in a data center. For purposes of this subdivision, "data center" means a facility whose primary services are the storage, management, and processing of digital data and is used to house (i) computer and network systems, including associated components such as servers, network equipment and appliances, telecommunications, and data storage systems; (ii) systems for monitoring and managing infrastructure performance; (iii) equipment used for the transformation, transmission, distribution, or management of at least one megawatt of capacity of electrical power and cooling, including substations, uninterruptible power supply systems, all electrical plant equipment, and associated air handlers; (iv) Internet-related equipment and services; (v) data communications connections; (vi) environmental controls; (vii) fire protection systems; and (viii) security systems and services;

44. Motor vehicles (i) owned by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 or (ii) leased by persons who serve as uniformed members of the Virginia Defense Force pursuant to Article 4.2 (§ 44-54.4 et seq.) of Chapter 1 of Title 44 if the person is obligated by the terms of the lease to pay tangible personal property tax on the motor vehicle. One motor vehicle that is regularly used by a uniformed member of the Virginia Defense Force to respond to his official duties may be specially classified under this section. In order to qualify for such classification, any person who applies for such classification shall identify the vehicle for which the classification is sought and shall furnish to the commissioner of the revenue or other assessing officer a certification from the Adjutant General of the Department of Military Affairs under § 44-11. That certification shall state that (a) the applicant is a uniformed member of the Virginia Defense Force who regularly uses a motor vehicle to respond to his official duties, and (b) the vehicle for which the classification is sought is the vehicle that is regularly used for that purpose. The certification shall be submitted by January 31 of each year to the commissioner of the revenue or other assessing officer; however, the commissioner of revenue or other assessing officer shall be authorized, in his discretion, and for good cause shown and without fault on the part of the member, to accept a certification after the January 31 deadline; ~~and~~

45. If a locality has adopted an ordinance pursuant to subsection D of § 58.1-3703, tangible personal property of a business that qualifies under such ordinance for the first two tax years in which the business is subject to tax upon its personal property pursuant to this chapter. If a locality has not adopted such ordinance, this classification shall apply to the tangible personal property for such first two tax years of a business that otherwise meets the requirements of subsection D of § 58.1-3703; *and*

46. Miscellaneous and incidental tangible personal property employed in a trade or business that is not classified as machinery and tools pursuant to Article 2 (§ 58.1-3507 et seq.), merchants' capital pursuant to Article 3 (§ 58.1-3509 et seq.), or short-term rental property pursuant to Article 3.1 (§ 58.1-3510.4 et seq.), and has an original cost of less than \$250. A county, city, or town may allow a taxpayer to provide an aggregate estimate of the total cost of all such property owned by the taxpayer that qualifies under this subdivision, in lieu of a specific, itemized list.

B. The governing body of any county, city or town may levy a tax on the property enumerated in subsection A at different rates from the tax levied on other tangible personal property. The rates of tax and the rates of assessment shall (i) for purposes of subdivisions A 1, 2, 3, 4, 5, 6, 8, 11 through 20, 22 through 24, and 26 through 46, not exceed that applicable to the general class of tangible personal property, (ii) for purposes of subdivisions A 7, 9, 21, and 25, not exceed that applicable to machinery and tools, and (iii) for purposes of subdivision A 10, equal that applicable to real property. If a ~~motor vehicle~~ *an item of personal property* is included in multiple classifications under subsection A, then the rate of tax shall be the lowest rate assigned to such classifications. ~~If computer equipment and peripherals used in a data center could be included in classifications set forth in subdivision A 11, 26, 27, or 43, then the computer equipment and peripherals used in a data center shall be taxed at the lowest rate available under subdivision A 11, 26, 27, or 43.~~

C. Notwithstanding any other provision of this section, for any qualifying vehicle, as such term is defined in § 58.1-3523, (i) included in any separate class of property in subsection A and (ii) assessed for tangible personal property taxes by a county, city, or town receiving a payment from the Commonwealth under Chapter 35.1 (§ 58.1-3523 et seq.) for providing tangible personal property tax relief, the county, city, or town may levy the tangible personal property tax on such qualifying vehicle at a rate not to exceed the rates of tax and rates of assessment required under such chapter.

CHAPTER 484

An Act to amend and reenact § 58.1-623 of the Code of Virginia, relating to sales and use tax; refunds.

[H 398]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-623 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-623. Sales or leases presumed subject to tax; exemption certificates.

A. All sales or leases are subject to the tax until the contrary is established. The burden of proving that a sale, distribution, lease, or storage of tangible personal property is not taxable is upon the dealer unless he takes from the taxpayer a certificate to the effect that the property is exempt under this chapter.

B. The certificate mentioned in this section shall relieve the person who takes such certificate from any liability for the payment or collection of the tax, except upon notice from the Tax Commissioner that such certificate is no longer acceptable. Such certificate shall be signed by and bear the name and address of the taxpayer; shall indicate the number of the certificate of registration, if any, issued to the taxpayer; shall indicate the general character of the tangible personal property sold, distributed, leased, or stored, or to be sold, distributed, leased, or stored under a blanket exemption certificate; and shall be substantially in such form as the Tax Commissioner may prescribe. If an exemption pertains to a nonprofit organization, other than a nonprofit church, that has qualified for a sales and use tax exemption under § 58.1-609.11, the exemption certificate shall be valid until the scheduled expiration date stated on the exemption certificate.

C. If a taxpayer who gives a certificate under this section makes any use of the property other than an exempt use or retention, demonstration, or display while holding the property for resale, distribution, or lease in the regular course of business, such use shall be deemed a taxable sale by the taxpayer as of the time the property or service is first used by him, and the cost of the property to him shall be deemed the sales price of such retail sale. If the sole use of the property other than retention, demonstration, or display in the regular course of business is the rental of the property while holding it for sale, distribution, or lease, the taxpayer may elect to pay the tax on the amount of the rental charged, rather than the cost of the property to him.

D. If a taxpayer gives a certificate under this section with respect to the purchase of fungible goods and thereafter commingles these goods with other fungible goods not so purchased, but of such similarity that the identity of the constituent goods in the commingled mass cannot be determined, sales or distributions from the mass of commingled goods shall be deemed to be sales or distributions of the goods so purchased until a quantity of commingled goods equal to the quantity of purchased goods so commingled has been sold or distributed.

E. If a taxpayer fails to give the dealer at the time of purchase an exemption certificate previously issued by the Department, no interest shall be paid on a subsequent refund claim for any period prior to the date the taxpayer makes a complete refund claim with the Department. This subsection shall not apply to transactions exempted under self-executing certificates of exemption not issued to a specific taxpayer by the Department.

2. That the Department of Taxation may promulgate guidelines implementing the provisions of this act and update such guidelines thereafter as deemed necessary by the Tax Commissioner. The development and publication of such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia.

CHAPTER 485

An Act to amend and reenact §§ 58.1-3219.5 and 58.1-3219.9 of the Code of Virginia, relating to real property tax exemptions for veterans with a service-connected disability and surviving spouses of members of the armed forces killed in action.

[H 421]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 58.1-3219.5 and 58.1-3219.9 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-3219.5. Exemption from taxes on property for disabled veterans.**

A. Pursuant to subdivision (a) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2011, the General Assembly hereby exempts from taxation the real property, including the joint real property of husband and wife, of any veteran who has been rated by the U.S. Department of Veterans Affairs or its successor agency pursuant to federal law to have a 100 percent service-connected, permanent, and total disability, and who occupies the real property as his principal place of residence. If the veteran's disability rating occurs after January 1, 2011, and he has a qualified primary residence on the date of the rating, then the exemption for him under this section begins on the date of such rating. However, no county, city, or town shall be liable for any interest on any refund due to the veteran for taxes paid prior to the veteran's filing of the affidavit or written statement required by § 58.1-3219.6. If the qualified veteran acquires the property after January 1, 2011, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. The surviving spouse of a veteran eligible for the exemption set forth in this article shall also qualify for the exemption, so long as the death of the veteran occurs on or after January 1, 2011, the surviving spouse does not remarry, and the surviving spouse continues to occupy the real property as his principal place of residence.

C. A county, city, or town shall provide for the exemption from real property taxes the qualifying dwelling pursuant to this section; and shall provide for the exemption from real property taxes the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. *A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for other than a business purpose.*

D. For purposes of this exemption, real property of any veteran includes real property (i) held by a veteran alone or in conjunction with the veteran's spouse as tenant or tenants for life or joint lives, (ii) held in a revocable inter vivos trust over which the veteran or the veteran and his spouse hold the power of revocation, or (iii) held in an irrevocable trust under which a veteran alone or in conjunction with his spouse possesses a life estate or an estate for joint lives or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

The exemption for a surviving spouse under subsection B includes real property (a) held by the veteran's spouse as tenant for life, (b) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (c) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The exemption does not apply to any interest held under a leasehold or term of years.

E. 1. In the event that (i) a person is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the number of people who are qualified for the exemption pursuant to this section and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the primary residence is jointly owned by two or more individuals, not all of whom qualify for the exemption pursuant to subsection A or B, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection D, then the exemption shall be prorated by multiplying the amount of the exemption or deferral by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by all such joint owners who qualify for the exemption pursuant to subsections A and B, and as a denominator, 100 percent.

§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed forces killed in action.

A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the United States Department of Defense and (ii) who occupies the real property as his principal place of residence. If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has

a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action. However, no county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. Those dwellings in the locality with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single family homes, condominiums, town homes, and other types of dwellings of surviving spouses that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption.

For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying dwelling, or the portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B, and (ii) the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section. *A real property improvement other than a dwelling, including the land upon which such improvement is situated, made to such one acre or greater number of acres exempt from taxation pursuant to this subsection shall also be exempt from taxation so long as the principal use of the improvement is (i) to house or cover motor vehicles or household goods and personal effects as classified in subdivision A 14 of § 58.1-3503 and as listed in § 58.1-3504 and (ii) for other than a business purpose.*

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have been provided shall be prorated by multiplying the amount of the exemption by a fraction that has 1 as a numerator and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by the surviving spouse, and as a denominator, 100 percent.

2. That the provisions of this act shall become effective for tax years beginning on or after January 1, 2017.

CHAPTER 486

An Act to amend and reenact § 29.1-519 of the Code of Virginia, relating to hunting with a slingshot.

[H 1142]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 29.1-519 of the Code of Virginia is amended and reenacted as follows:

§ 29.1-519. Guns, pistols, revolvers, etc., which may be used; penalty.

A. All wild birds and wild animals may be hunted with the following weapons unless shooting is expressly prohibited:

1. A shotgun or muzzleloading shotgun not larger than 10 gauge;

2. An automatic-loading or hand-operated repeating shotgun capable of holding not more than three shells the magazine of which has been cut off or plugged with a one-piece filler incapable of removal through the loading end, so as to reduce the capacity of the gun to not more than three shells at one time in the magazine and chamber combined, unless otherwise allowed by Board regulations;

3. A rifle, a muzzleloading rifle, or an air rifle;

4. A bow and arrow;

5. [Expired.]

6. A crossbow, which is a type of bow and arrow, in accordance with the provisions of § 29.1-306; *and*

7. *A slingshot, except when hunting deer, bear, elk, or turkey.*

B. A pistol, muzzleloading pistol, or revolver may be used to hunt nuisance species of birds and animals.

C. In the counties west of the Blue Ridge Mountains, and counties east of the Blue Ridge where rifles of a caliber larger than .22 caliber may be used for hunting wild birds and animals, game birds and animals may be hunted with pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater and under the same restrictions and conditions as apply to rifles, provided that no cartridge shall be used with a bullet of less than .23 caliber. In no event shall pistols or revolvers firing cartridges rated in manufacturers' tables at 350 foot pounds of energy or greater be used if rifles of a caliber larger than .22 caliber are not authorized for hunting purposes.

D. The use of muzzleloading pistols and .22 caliber rimfire handguns is permitted for hunting small game where .22 caliber rifles are permitted.

E. The use of muzzleloading pistols of .45 caliber or larger is permitted for hunting big game where and in those seasons when the use of muzzleloading rifles is permitted. The Board may adopt regulations that specify the types of muzzleloading pistols and the projectiles and propellants that shall be permitted.

F. The hunting of wild birds and wild animals with fully automatic firearms, defined as a machine gun in § 18.2-288, is prohibited.

G. The hunting of wild birds or wild animals with (i) weapons other than those authorized by this section or (ii) weapons that have been prohibited by this section ~~shall be~~ *is* punishable as a Class 3 misdemeanor.

CHAPTER 487

An Act to amend and reenact §§ 58.1-609.11 and 58.1-3703 of the Code of Virginia, relating to local license tax and sales and use tax exemptions; certain nonprofit organizations.

[H 63]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-609.11 and 58.1-3703 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-609.11. Exemptions for nonprofit entities.

A. Any nonprofit organization that holds a valid certificate of exemption from the Department of Taxation, or any nonprofit church that holds a valid self-executing certificate of exemption, that exempts it from collecting or paying state and local retail sales or use taxes as of June 30, 2003, pursuant to § 58.1-609.4, 58.1-609.7, 58.1-609.8, 58.1-609.9, or 58.1-609.10, as such sections are in effect on June 30, 2003, shall remain exempt from the collection or payment of such taxes under the same terms and conditions as provided under such sections as such sections existed on June 30, 2003, until: (i) July 1, 2007, for such entities that were exempt under § 58.1-609.4; (ii) July 1, 2008, for such entities that were exempt under § 58.1-609.7; (iii) July 1, 2004, for the first one-half of such entities that were exempt under § 58.1-609.8, except churches, which will remain exempt under the same criteria and procedures in effect for churches on June 30, 2003; (iv) July 1, 2005, for the second one-half of such entities that were exempt under § 58.1-609.8; and (v) July 1, 2006, for such entities that were exempt under § 58.1-609.9 or under § 58.1-609.10. At the end of the applicable period of such exemptions, to maintain or renew an exemption for the period of time set forth in subsection E, each entity must follow the procedures set forth in subsection B and meet the criteria set forth in subsection C. Provided, however, that any entity that was exempt from collecting sales and use tax shall continue to be exempt from such collection, and any entity that was exempt from paying sales and use tax for the purchase of services, as of June 30, 2003, shall continue to be exempt from such payment, provided that it follows the other procedures set forth in subsection B and meets the criteria set forth in subsection C. Provided further, however, that an educational institution doing business in the Commonwealth which provides a face-to-face educational experience in American government and was exempt pursuant to subdivision 4 of § 58.1-609.4 from paying sales and use tax for the purchase of services, as of June 30, 2003, shall continue to be exempt from such payment, provided that it follows the other procedures set forth in subsection B and meets the criteria set forth in subsection C.

B. 1. On and after July 1, 2004, in addition to the organizations described in subsection A, *and except as restricted in subdivision 2*, the tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to purchases of tangible personal property for use or consumption by any nonprofit entity that, pursuant to this section, (i) files an appropriate application with the Department of Taxation, (ii) meets the applicable criteria, and (iii) is issued a certificate of exemption from the Department of Taxation for the period of time covered by the certificate.

2. *If the entity that is exempt under this section is exempt from federal income tax under § 501(c)(19) of the Internal Revenue Code, or has annual gross receipts less than \$5,000 and is organized for at least one of the purposes set forth in § 501(c)(19) of the Internal Revenue Code, then the exemption under this section for such entity shall not apply to purchases*

of tangible personal property that are used primarily (i) for social and recreational activities for members or (ii) for providing insurance benefits to members or members' dependents.

C. To qualify for the exemption under subsection B, a nonprofit entity must meet the applicable criteria under this subsection as follows:

1. a. The entity is exempt from federal income taxation (i) under § 501(c)(3) of the Internal Revenue Code ~~or~~; (ii) under § 501(c)(4) of the Internal Revenue Code and; ~~if it is exempt under § 501(c)(4) of the Internal Revenue Code, it is organized for a charitable purpose; or (iii) under § 501(c)(19) of the Internal Revenue Code; or~~

b. The entity has annual gross receipts less than \$5,000, and the entity is organized for at least one of the purposes set forth in § 501(c)(3) of the Internal Revenue Code, ~~or~~ one of the charitable purposes set forth in § 501(c)(4) of the Internal Revenue Code, *or one of the purposes set forth in § 501(c)(19) of the Internal Revenue Code; and*

2. The entity is in compliance with all applicable state solicitation laws, and where applicable, provides appropriate verification of such compliance; and

3. The entity's annual general administrative costs, including salaries and fundraising, relative to its annual gross revenue, under generally accepted accounting principles, is not greater than 40 percent; and

4. If the entity's gross annual revenue was at least \$750,000 in the previous year, then the entity must provide a financial review performed by an independent certified public accountant. However, for any entity with gross annual revenue of at least \$1 million in the previous year, the Department may require that the entity provide a financial audit performed by an independent certified public accountant. If the Department specifically requires an entity with gross annual revenue of at least \$1 million in the previous year to provide a financial audit performed by an independent certified public accountant, then the entity shall provide such audit in order to qualify for the exemption under this section, which audit shall be in lieu of the financial review; and

5. If the entity filed a federal 990 or 990 EZ tax form, or the successor forms to such forms, with the Internal Revenue Service, then it must provide a copy of such form to the Department of Taxation; and

6. If the entity did not file a federal 990 or 990 EZ tax form, or the successor forms to such forms, with the Internal Revenue Service, then the entity must provide the following information:

a. A list of the Board of Directors or other responsible agents of the entity, composed of at least two individuals, with names and addresses where the individuals physically can be found; and

b. The location where the financial records of the entity are available for public inspection.

D. On and after July 1, 2004, in addition to the criteria set forth in subsection C, the Department of Taxation shall ask each entity for the total taxable purchases made in the preceding year, unless such records are not available through no fault of the entity. If the records are not available through no fault of the entity, then the entity must provide such information to the Department the following year. No information provided pursuant to this subsection (except the failure to provide available information) shall be a basis for the Department of Taxation to refuse to exempt an entity.

E. Any entity that is determined under subsections B, C, and D by the Department of Taxation to be exempt from paying sales and use tax shall also be exempt from collecting sales and use tax, at its election, if (i) the entity is within the same class of organization of any entity that was exempt from collecting sales and use tax on June 30, 2003, or (ii) the entity is organized exclusively to foster, sponsor, and promote physical education, athletic programs, and contests for youths in the Commonwealth.

F. The duration of each exemption granted by the Department of Taxation shall be no less than five years and no greater than seven years. During the period of such exemption, the failure of an exempt entity to maintain compliance with the applicable criteria set forth in subsection C shall constitute grounds for revocation of the exemption by the Department. At the end of the period of such exemption, to maintain or renew the exemption, each entity must provide the Department of Taxation the same information as required upon initial exemption and meet the same criteria.

G. For purposes of this section, the Department of Taxation and the Department of Agriculture and Consumer Services shall be allowed to share information when necessary to supplement the information required.

§ 58.1-3703. Counties, cities and towns may impose local license taxes and fees; limitation of authority.

A. The governing body of any county, city or town may charge a fee for issuing a license in an amount not to exceed \$100 for any locality with a population greater than 50,000, \$50 for any locality with a population of 25,000 but no more than 50,000 and \$30 for any locality with a population smaller than 25,000. For purposes of this section, population may be based on the most current final population estimates of the Weldon Cooper Center for Public Service of the University of Virginia. Such governing body may levy and provide for the assessment and collection of county, city or town license taxes on businesses, trades, professions, occupations and callings and upon the persons, firms and corporations engaged therein within the county, city or town subject to the limitations in (i) subsection C and (ii) subsection A of § 58.1-3706, provided such tax shall not be assessed and collected on any amount of gross receipts of each business upon which a license fee is charged. Any county, city or town with a population greater than 50,000 shall reduce the fee to an amount not to exceed \$50 by January 1, 2000. The ordinance imposing such license fees and levying such license taxes shall include the provisions of § 58.1-3703.1.

B. Any county, city or town by ordinance may exempt in whole or in part from the license tax (i) the design, development or other creation of computer software for lease, sale or license and (ii) private businesses and industries entering into agreements for the establishment, installation, renovation, remodeling, or construction of satellite classrooms

for grades kindergarten through three on a site owned by the business or industry and leased to the school board at no costs pursuant to § 22.1-26.1.

C. No county, city, or town shall impose a license fee or levy any license tax:

1. On any public service corporation or any motor carrier, common carrier, or other carrier of passengers or property formerly certified by the Interstate Commerce Commission or presently registered for insurance purposes with the Surface Transportation Board of the United States Department of Transportation, Federal Highway Administration, except as provided in § 58.1-3731 or as permitted by other provisions of law;

2. For selling farm or domestic products or nursery products, ornamental or otherwise, or for the planting of nursery products, as an incident to the sale thereof, outside of the regular market houses and sheds of such county, city or town, provided such products are grown or produced by the person offering them for sale;

3. Upon the privilege or right of printing or publishing any newspaper, magazine, newsletter or other publication issued daily or regularly at average intervals not exceeding three months, provided the publication's subscription sales are exempt from state sales tax, or for the privilege or right of operating or conducting any radio or television broadcasting station or service;

4. On a manufacturer for the privilege of manufacturing and selling goods, wares and merchandise at wholesale at the place of manufacture;

5. On a person engaged in the business of severing minerals from the earth for the privilege of selling the severed mineral at wholesale at the place of severance, except as provided in §§ 58.1-3712 and 58.1-3713;

6. Upon a wholesaler for the privilege of selling goods, wares and merchandise to other persons for resale unless such wholesaler has a definite place of business or store in such county, city or town. This subdivision shall not be construed as prohibiting any county, city or town from imposing a local license tax on a peddler at wholesale pursuant to § 58.1-3718;

7. Upon any person, firm or corporation for engaging in the business of renting, as the owner of such property, real property other than hotels, motels, motor lodges, auto courts, tourist courts, travel trailer parks, campgrounds, bed and breakfast establishments, lodging houses, rooming houses, and boardinghouses; however, any county, city or town imposing such a license tax on January 1, 1974, shall not be precluded from the levy of such tax by the provisions of this subdivision;

8. [Repealed.]

9. On or measured by receipts for management, accounting, or administrative services provided on a group basis under a nonprofit cost-sharing agreement by a corporation which is an agricultural cooperative association under the provisions of Article 2 (§ 13.1-312 et seq.) of Chapter 3 of Title 13.1, or a member or subsidiary or affiliated association thereof, to other members of the same group. This exemption shall not exempt any such corporation from such license or other tax measured by receipts from outside the group;

10. On or measured by receipts or purchases by an entity which is a member of an affiliated group of entities from other members of the same affiliated group. This exclusion shall not exempt affiliated entities from such license or other tax measured by receipts or purchases from outside the affiliated group. This exclusion also shall not preclude a locality from levying a wholesale merchant's license tax on an affiliated entity on those sales by the affiliated entity to a nonaffiliated entity, notwithstanding the fact that the wholesale merchant's license tax would be based upon purchases from an affiliated entity. Such tax shall be based on the purchase price of the goods sold to the nonaffiliated entity. As used in this subdivision, the term "sales by the affiliated entity to a nonaffiliated entity" means sales by the affiliated entity to a nonaffiliated entity where goods sold by the affiliated entity or its agent are manufactured or stored in the Commonwealth prior to their delivery to the nonaffiliated entity;

11. On any insurance company subject to taxation under Chapter 25 (§ 58.1-2500 et seq.) of this title or on any agent of such company;

12. On any bank or trust company subject to taxation in Chapter 12 (§ 58.1-1200 et seq.) of this title;

13. Upon a taxicab driver, if the locality has imposed a license tax upon the taxicab company for which the taxicab driver operates;

14. On any blind person operating a vending stand or other business enterprise under the jurisdiction of the Department for the Blind and Vision Impaired, or a nominee of the Department, as set forth in § 51.5-98;

15. [Expired.]

16. [Repealed.]

17. On an accredited religious practitioner in the practice of the religious tenets of any church or religious denomination. "Accredited religious practitioner" shall be defined as one who is engaged solely in praying for others upon accreditation by such church or religious denomination;

18. ~~(a)~~ a. On or measured by receipts of a ~~charitable~~ nonprofit organization described in Internal Revenue Code § 501(c)(3) or 501(c)(19) except to the extent the organization has receipts from an unrelated trade or business the income of which is taxable under Internal Revenue Code § 511 et seq. For the purpose of this subdivision, "charitable nonprofit organization" means an organization which that is described in Internal Revenue Code § 501(c)(3) or 501(c)(19), and to which contributions are deductible by the contributor under Internal Revenue Code § 170, except that educational institutions exempt from federal income tax under Internal Revenue Code § 501(c)(3) shall be limited to schools, colleges, and other similar institutions of learning.

~~(b)~~ b. On or measured by gifts, contributions, and membership dues of a nonprofit organization. Activities conducted for consideration which that are similar to activities conducted for consideration by for-profit businesses shall be presumed

to be activities that are part of a business subject to licensure. For the purpose of this subdivision, "nonprofit organization" means an organization exempt from federal income tax under Internal Revenue Code § 501 other than charitable the nonprofit organizations described in subdivision a;

19. On any venture capital fund or other investment fund, except commissions and fees of such funds. Gross receipts from the sale and rental of real estate and buildings remain taxable by the locality in which the real estate is located provided the locality is otherwise authorized to tax such businesses and rental of real estate;

20. On total assessments paid by condominium unit owners for common expenses. "Common expenses" and "unit owner" have the same meanings as in § 55-79.41; or

21. On or measured by receipts of a qualifying transportation facility directly or indirectly owned or title to which is held by the Commonwealth or any political subdivision thereof or by the United States as described in § 58.1-3606.1 and developed and/or operated pursuant to a concession under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

D. Any county, city or town may establish by ordinance a business license incentive program for "qualifying businesses." For purposes of this subsection, a "qualifying business" is a business that locates for the first time in the locality adopting such ordinance. A business shall not be deemed to locate in such locality for the first time based on merger, acquisition, similar business combination, name change, or a change in business form. Any incentive established pursuant to this subsection may extend for a period not to exceed two years from the date the business locates in such locality. The business license incentive program may include (i) an exemption, in whole or in part, of license taxes for any qualifying business; (ii) a refund or rebate, in whole or in part, of license taxes paid by a qualifying business; or (iii) other relief from license taxes for a qualifying business not prohibited by state or federal law.

E. For taxable years beginning on or after January 1, 2012, any locality may exempt, by ordinance, license fees or license taxes on any business that does not have an after-tax profit for the taxable year and offers the income tax return of the business as proof to the local commissioner of the revenue. Eligibility for this exemption shall be determined annually and it shall be the obligation of the business owner to submit the applicable income tax return to the local commissioner of the revenue.

CHAPTER 488

An Act to amend and reenact §§ 46.2-323, 46.2-324.1, 46.2-334, 46.2-334.01, 46.2-335, and 46.2-335.2 of the Code of Virginia, relating to operating a motor vehicle by a holder of a learner's permit or provisional driver's license holder.
[S 555]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-323, 46.2-324.1, 46.2-334, 46.2-334.01, 46.2-335, and 46.2-335.2 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-323. Application for driver's license; proof of completion of driver education program; penalty.

A. Every application for a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall be made on a form prescribed by the Department and the applicant shall write his usual signature in ink in the space provided on the form. The form shall include notice to the applicant of the duty to register with the Department of State Police as provided in Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, if the applicant has been convicted of an offense for which registration with the Sex Offender and Crimes Against Minors Registry is required.

B. Every application shall state the full legal name, year, month, and date of birth, social security number, sex, and residence address of the applicant; whether or not the applicant has previously been licensed as a driver and, if so, when and by what state, and whether or not his license has ever been suspended or revoked and, if so, the date of and reason for such suspension or revocation. The Department, as a condition for the issuance of any driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit shall require the surrender of any driver's license or, in the case of a motorcycle learner's permit, a motorcycle license issued by another state and held by the applicant. The applicant shall also answer any questions on the application form or otherwise propounded by the Department incidental to the examination. The applicant may also be required to present proof of identity, residency, and social security number or non-work authorized status, if required to appear in person before the Department to apply.

The Commissioner shall require that each application include a certification statement to be signed by the applicant under penalty of perjury, certifying that the information presented on the application is true and correct.

If the applicant fails or refuses to sign the certification statement, the Department shall not issue the applicant a driver's license, temporary driver's permit, learner's permit or motorcycle learner's permit.

Any applicant who knowingly makes a false certification or supplies false or fictitious evidence shall be punished as provided in § 46.2-348.

C. Every application for a driver's license shall include a photograph of the applicant supplied under arrangements made by the Department. The photograph shall be processed by the Department so that the photograph can be made part of the issued license.

D. Notwithstanding the provisions of § 46.2-334, every applicant for a driver's license who is under ~~19~~ 18 years of age shall furnish the Department with satisfactory proof of his successful completion of a driver education program approved by the State Department of Education.

E. Every application for a driver's license submitted by a person less than 18 years old and attending a public school in the Commonwealth shall be accompanied by a document, signed by the applicant's parent or legal guardian, authorizing the principal, or his designee, of the school attended by the applicant to notify the juvenile and domestic relations district court within whose jurisdiction the minor resides when the applicant has had 10 or more unexcused absences from school on consecutive school days.

F. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application of licensure.

§ 46.2-324.1. Requirements for initial licensure of certain applicants.

A. No driver's license shall be issued to any applicant unless he either (i) provides written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or Department of Education or (ii) has held a learner's permit issued by the Department for at least 60 days prior to his first behind-the-wheel examination by the Department when applying for a noncommercial driver's license.

The provisions of this section shall only apply to persons who are at least ~~19~~ 18 years old and who either (a) have never held a driver's license issued by Virginia or any other state or territory of the United States or foreign country or (b) have never been licensed or held the license endorsement or classification required to operate the type of vehicle which they now propose to operate. Completion of a course of driver instruction approved by the Department or the Department of Education at a driver training school may include the final behind-the-wheel examination for a driver's license; however, a driver training school shall not administer the behind-the-wheel examination to any applicant who is under medical control pursuant to § 46.2-322. Applicants completing a course of driver instruction approved by the Department or the Department of Education at a driver training school retain the option of having the behind-the-wheel examination administered by the Department.

B. No commercial driver's license shall be issued to any applicant unless he is 18 years old or older and has complied with the requirements of subsection A of § 46.2-341.9. Applicants for a commercial driver's license who have never before held a commercial driver's license shall apply for a commercial learner's permit and either (i) provide written evidence of having satisfactorily completed a course of driver instruction at a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) or a comparable course approved by the Department or Department of Education and hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license or (ii) hold the commercial learner's permit for a minimum of 30 days before taking the behind-the-wheel examination for the commercial driver's license.

Holders of a commercial driver's license who have never held the license endorsement or classification required to operate the type of commercial motor vehicle which they now propose to operate must apply for a commercial learner's permit if the upgrade requires a skills test and hold the permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

C. Nothing in this section shall be construed to prohibit the Department from requiring any person to complete the skills examination as prescribed in § 46.2-325 and the written or automated examinations as prescribed in § 46.2-335.

D. Notwithstanding the provisions of subsection B, applicants for a commercial driver's license who have never before held a commercial driver's license who are members of the active duty military, military reserves, National Guard, active duty United States Coast Guard, or Coast Guard Auxiliary and provide written evidence of having satisfactorily completed a military commercial driver training program shall hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

E. Notwithstanding the provisions of subsection B, applicants for a commercial driver's license who have never before held a commercial driver's license who are employed by a public school division as a bus driver and provide written evidence of having satisfactorily completed a commercial driver training program with a public school division shall hold the commercial learner's permit for a minimum of 14 days prior to taking the behind-the-wheel examination for the commercial driver's license.

§ 46.2-334. Conditions and requirements for licensure of persons under 18.

A. Minors at least 16 years and three months old may be issued driver's licenses under the following conditions:

1. The minor shall submit a proper application and satisfactory evidence that he (i) is a resident of the Commonwealth; (ii) has successfully completed a driver education course approved by either the State Department of Education or, in the case of a course offered by a driver training school licensed under Chapter 17 (§ 46.2-1700 et seq.) of this title, by the Department of Motor Vehicles; and (iii) is mentally, physically, and otherwise qualified to drive a motor vehicle safely.

2. The minor's application for a driver's license must be signed by a parent of the applicant, otherwise by the guardian having custody of him. However, in the event a minor has no parent or guardian, then a driver's license shall not be issued to him unless his application is signed by the judge of the juvenile and domestic relations district court of the city or county in which he resides. If the minor making the application is married or otherwise emancipated, in lieu of any parent's, guardian's or judge's signature, the minor may present proper evidence of the solemnization of the marriage or the order of emancipation.

3. The minor shall be required to state in his application whether or not he has been convicted of an offense triable by, or tried in, a juvenile and domestic relations district court or found by such court to be a child in need of supervision, as defined in § 16.1-228. If it appears that the minor has been adjudged not innocent of the offense alleged or has been found to be a child in need of supervision, the Department shall not issue a license without the written approval of the judge of the juvenile and domestic relations district court making an adjudication as to the minor or the like approval of a similar court of the county or city in which the parent or guardian, respectively, of the minor resides.

4. The application for a permanent driver's license by a minor of the age of persons required to attend school pursuant to § 22.1-254 shall be accompanied by evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1. This evidence shall be provided in writing by the minor's parent. If the minor is unable to provide such evidence, he shall not be granted a driver's license until he reaches the age of 18 or presents proper evidence of the solemnization of his marriage or an order of emancipation, or the parent, as defined in § 22.1-1, or other person standing in loco parentis has provided written authorization for the minor to obtain a driver's license.

A minor may, however, present a high school diploma or its equivalent or a certificate indicating completion of a prescribed course of study as defined by the local school board pursuant to § 22.1-253.13:4 as evidence of compulsory school attendance compliance.

5. The minor applicant shall certify in writing, on a form prescribed by the Commissioner, that he is a resident of the Commonwealth. The applicant's parent or guardian shall also certify that the applicant is a resident by signing the certification. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the parent's certification of residence.

B. Any custodial parent or guardian of an unmarried or unemancipated minor may, after the issuance of a permanent driver's license to such minor, file with the Department a written request that the license of the minor be canceled. When such request is filed, the Department shall cancel the license of the minor and the license shall not thereafter be reissued by the Department until a period of six months has elapsed from the date of cancellation or the minor reaches his eighteenth birthday, whichever shall occur sooner. Notwithstanding the foregoing provisions of this subsection, in the case of a minor whose parents have been awarded joint legal custody, a request that the license of the minor be cancelled must be signed by both legal custodians. In the event one parent is not reasonably available or the parents do not agree, one parent may petition the juvenile and domestic relations district court to make a determination that the license of the minor be cancelled.

C. The provisions of subsection A of this section requiring that an application for a driver's license be signed by the parent or guardian shall be waived by the Commissioner if the application is accompanied by proper evidence of the solemnization of the minor's marriage or a certified copy of a court order, issued under the provisions of Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1, declaring the applicant to be an emancipated minor.

D. A learner's permit accompanied by documentation verifying the minor's successful completion of an approved driver education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for purposes of driving unaccompanied by a licensed driver as required in § 46.2-335, if all other requirements of this chapter have been met. The temporary license shall only be valid until the permanent license is presented as provided in § 46.2-336.

E. Notwithstanding the provisions of subsection A requiring the successful completion of a driver education course approved by the State Department of Education, the Commissioner, on application therefor by a person at least 16 years and three months old but less than ~~19~~ 18 years old, shall issue to the applicant a temporary driver's license valid for six months if he (i) certifies by signing, together with his parent or guardian, if applicable, on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another U.S. state, U.S. territory, Canadian province, or Canadian territory; and (iii) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subsection shall be renewed, nor shall any second or subsequent temporary license under this subsection be issued to the same applicant. Any such minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to obtain the signature of his parent or guardian for the temporary driver's license.

In order to obtain a permanent driver's license, applicants who transfer to Virginia from another U.S. state or any U.S. territory, Canadian province, or Canadian territory must have documentation of at least 30 hours of classroom instruction and six hours of in-car instruction from a government-approved program in the other U.S. state, U.S. territory, or Canadian province or Canadian territory. If a transfer applicant successfully completes a government-approved classroom and in-car driver education program from another state or any U.S. territory, Canadian province, or Canadian territory, the applicant must present the certificate of completion, specifying the number of instructional hours, to the Department.

F. For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license pursuant to § 46.2-335.

G. Driver's licenses shall be issued by the Department to students successfully completing driver education courses approved by the Department of Education (i) when the Department receives from the school proper certification that the student (a) has successfully completed such course, including a road skills examination and (b) is regularly attending school and is in good academic standing or, if not in such standing or submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a driver's license, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors; and (ii) upon payment of a fee of \$2.40 per year, based on the period of the license's validity. For applicants attending public schools, good academic standing may be certified by the public school principal or any of his designees. For applicants attending nonpublic schools, such certification shall be made by the private school principal or any of his designees; for students receiving home schooling, such certification shall be made by the home schooling parent or tutor. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a driver's license.

H. For those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian, no driver's license shall be issued until the student has successfully completed the driver's license examination administered by the Department. Furthermore, the Commissioner shall not issue a driver's license for those home schooled students completing driver education courses approved by the Board of Education and instructed by his own parent or guardian if it is determined by the Commissioner that, at the time of such instruction, such parent or guardian had accumulated six or more driver demerit points in the most recently preceding 12 months, had been convicted within the most recent 11 preceding years of driving while intoxicated in violation of § 18.2-266 or a substantially similar law in another state, or had ever been convicted of voluntary or involuntary manslaughter in violation of § 18.2-35 or 18.2-36 or a substantially similar law in another state.

I. The Commissioner, on application therefor by a person from another U.S. state or any U.S. territory, Canadian province, or Canadian territory who is at least 16 years and three months old but less than ~~19~~ 18 years old, shall issue a Virginia driver's license to the applicant if the applicant (i) certifies by signing, together with his parent or guardian, if applicable, on a form prescribed by the Commissioner that he is now a resident of the Commonwealth; (ii) has completed a government-approved classroom and in-car driver education program from another U.S. state or any U.S. territory, Canadian province, or Canadian territory, which shall not be required to meet the 30 hours of classroom instruction and six hours of in-car instruction requirement in subsection E; (iii) is the holder of a valid driver's license from another U.S. state or any U.S. territory, Canadian province, or Canadian territory; (iv) has held the valid driver's license for the 12 months immediately prior to applying for a Virginia license; (v) has not been found guilty of or otherwise responsible for an offense involving the operation of a motor vehicle; and (vi) successfully completes behind-the-wheel and driver knowledge examinations administered by the Department.

The applicant must present the certificate of completion specifying the number of classroom and in-car driver education program instructional hours for the government-approved classroom and in-car driver education program from another U.S. state or any U.S. territory, Canadian province, or Canadian territory to the Department.

§ 46.2-334.01. Licenses issued to persons less than 19 years old subject to certain restrictions.

A. Any learner's permit or driver's license issued to any person less than 18 years old shall be subject to the following:

1. Notwithstanding the provisions of § 46.2-498, whenever the driving record of a person less than 19 years old shows that he has been convicted of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall direct such person to attend a driver improvement clinic. No safe driving points shall be awarded for such clinic attendance, nor shall any safe driving points be awarded for voluntary or court-assigned clinic attendance. Such person's parent, guardian, legal custodian, or other person standing in loco parentis may attend such clinic and receive a reduction in demerit points and/or an award of safe driving points pursuant to § 46.2-498. The provisions of this subdivision shall not be construed to prohibit awarding of safe driving points to a person less than 18 years old who attends and successfully completes a driver improvement clinic without having been directed to do so by the Commissioner or required to do so by a court.

2. If any person less than 19 years old is convicted a second time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall suspend such person's driver's license or privilege to operate a motor vehicle for 90 days. Such suspension shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial. Any person who has had his driver's license or privilege to operate a motor vehicle suspended in accordance with this subdivision may petition the juvenile and domestic relations district court of his residence for a restricted license to authorize such person to drive a motor vehicle in the Commonwealth to and from his home, his place of employment, or an institution of higher learning where he is enrolled, provided there is no other means of transportation by which such person may travel between his home and his place of employment or the institution of higher learning where he is enrolled. On

such petition the court may, in its discretion, authorize the issuance of a restricted license for a period not to exceed the term of the suspension of the person's license or privilege to operate a motor vehicle in the Commonwealth. Such restricted license shall be valid solely for operation of a motor vehicle between such person's home and his place of employment or the institution of higher learning where he is enrolled.

3. If any person is convicted a third time of committing, when he was less than 18 years old, (i) an offense for which demerit points have been assessed or are assessable under Article 19 (§ 46.2-489 et seq.) or (ii) a violation of any provision of Article 12 (§ 46.2-1091 et seq.) or Article 13 (§ 46.2-1095 et seq.) of Chapter 10, the Commissioner shall revoke such person's driver's license or privilege to operate a motor vehicle for one year or until such person reaches the age of 18 years, whichever is longer. Such revocation shall be consecutive to, and not concurrent with, any other period of license suspension, revocation, or denial.

4. In no event shall any person subject to the provisions of this section be subject to the suspension or revocation provisions of subdivision 2 or 3 for multiple convictions arising out of the same transaction or occurrence.

B. The initial license issued to any person younger than 18 years of age shall be deemed a provisional driver's license. Until the holder is 18 years old, a provisional driver's license shall not authorize its holder to operate a motor vehicle with more than one passenger who is less than 21 years old; ~~unless the driver is accompanied by a parent or person acting in loco parentis provided that such person accompanying the driver is occupying the seat beside the driver and is lawfully permitted to operate a motor vehicle at the time.~~ After the first year the provisional license is issued, the holder may operate a motor vehicle with up to three passengers who are less than 21 years old ~~when~~ (i) when the holder is driving to or from a school-sponsored activity, ~~or~~ (ii) when a licensed driver who is at least 21 years old is occupying the seat beside the driver, or (iii) in cases of emergency. ~~This~~ *These* passenger ~~limitation~~ *limitations*, however, shall not apply to members of the driver's family or household. For the purposes of this subsection, "a member of the driver's family or household" means any of the following: (a) the driver's spouse, children, stepchildren, brothers, sisters, half-brothers, half-sisters, *first cousins*, and any individual who has a child in common with the driver, whether or not they reside in the same home with the driver; (b) the driver's brothers-in-law and sisters-in-law who reside in the same home with the driver; and (c) any individual who cohabits with the driver, and any children of such individual residing in the same home with the driver.

C. The holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth between the hours of midnight and 4:00 a.m. except when driving (i) to or from a place of business where he is employed; (ii) to or from an activity that is supervised by an adult and is sponsored by a school or by a civic, religious, or public organization; (iii) accompanied by a parent, a person acting in loco parentis, or by a spouse who is 18 years old or older, provided that such person accompanying the driver is actually occupying a seat beside the driver and is lawfully permitted to operate a motor vehicle at the time; or (iv) in cases of emergency, including response by volunteer firefighters and volunteer emergency medical services personnel to emergency calls.

C1. Except in a driver emergency or when the vehicle is lawfully parked or stopped, the holder of a provisional driver's license shall not operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether such device is or is not hand-held.

D. The provisional driver's license restrictions in subsections B, C, and C1 shall expire on the holder's eighteenth birthday. A violation of the provisional driver's license restrictions in ~~either~~ subsection B, C, or C1 shall constitute a traffic infraction. For a second or subsequent violation of the provisional driver's license restrictions in ~~either~~ subsection B, C, or C1, in addition to any other penalties that may be imposed pursuant to § 16.1-278.10, the court may suspend the juvenile's privilege to drive for a period not to exceed six months.

E. A violation of subsection B, C, or C1 shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence, or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

F. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

§ 46.2-335. Learner's permits; fees; certification required.

A. The Department, on receiving from any Virginia resident over the age of 15 years and six months an application for a learner's permit or motorcycle learner's permit, may, subject to the applicant's satisfactory documentation of meeting the requirements of this chapter and successful completion of the written or automated knowledge and vision examinations and, in the case of a motorcycle learner's permit applicant, the automated motorcycle test, issue a permit entitling the applicant, while having the permit in his immediate possession, to drive a motor vehicle or, if the application is made for a motorcycle learner's permit, a motorcycle, on the highways, when accompanied by any licensed driver 21 years of age or older or by his parent or legal guardian, or by a brother, sister, half-brother, half-sister, step-brother, or step-sister 18 years of age or older. The accompanying person shall be (i) alert, able to assist the driver, and actually occupying a seat beside the driver or, for motorcycle instruction, providing immediate supervision from a separate accompanying motor vehicle and (ii) lawfully permitted to operate the motor vehicle or accompanying motorcycle at that time.

The Department shall not, however, issue a learner's permit or motorcycle learner's permit to any minor applicant required to provide evidence of compliance with the compulsory school attendance law set forth in Article 1 (§ 22.1-254 et seq.) of Chapter 14 of Title 22.1, unless such applicant is in good academic standing or, if not in such standing or

submitting evidence thereof, whose parent or guardian, having custody of such minor, provides written authorization for the minor to obtain a learner's permit or motorcycle learner's permit, which written authorization shall be obtained on forms provided by the Department and indicating the Commonwealth's interest in the good academic standing and regular school attendance of such minors. Any minor providing proper evidence of the solemnization of his marriage or a certified copy of a court order of emancipation shall not be required to provide the certification of good academic standing or any written authorization from his parent or guardian to obtain a learner's permit or motorcycle learner's permit.

Such permit, except a motorcycle learner's permit, shall be valid until the holder thereof either is issued a driver's license as provided for in this chapter or no longer meets the qualifications for issuance of a learner's permit as provided in this section. Motorcycle learner's permits shall be valid for 12 months. When a motorcycle learner's permit expires, the permittee may, upon submission of an application, payment of the application fee, and successful completion of the examinations, be issued another motorcycle learner's permit valid for 12 months.

Any person 25 years of age or older who is eligible to receive an operator's license in Virginia, but who is required, pursuant to § 46.2-324.1, to be issued a learner's permit for 60 days prior to his first behind-the-wheel exam, may be issued such learner's permit even though restrictions on his driving privilege have been ordered by a court. Any such learner's permit shall be subject to the restrictions ordered by the court.

B. No driver's license shall be issued to any such person who is less than 18 years old unless, while holding a learner's permit, he has driven a motor vehicle for at least 45 hours, at least 15 of which were after sunset, as certified by his parent, foster parent, or legal guardian unless the person is married or otherwise emancipated. Such certification shall be on a form provided by the Commissioner and shall contain the following statement:

"It is illegal for anyone to give false information in connection with obtaining a driver's license. This certification is considered part of the driver's license application, and anyone who certifies to a false statement may be prosecuted. I certify that the statements made and the information submitted by me regarding this certification are true and correct."

Such form shall also include the driver's license or Department of Motor Vehicles-issued identification card number of the person making the certification.

C. No learner's permit shall authorize its holder to operate a motor vehicle with more than one passenger who is less than ~~18~~ 21 years old, except when participating in a driver education program approved by the Department of Education or a course offered by a driver training school licensed by the Department. This passenger limitation, however, shall not apply to the *members of the driver's family or household* as defined in subsection B of § 46.2-334.01.

D. No learner's permit shall authorize its holder to operate a motor vehicle between midnight and four o'clock a.m.

E. Except in a driver emergency or when the vehicle is lawfully parked or stopped, no holder of a learner's permit shall operate a motor vehicle on the highways of the Commonwealth while using any cellular telephone or any other wireless telecommunications device, regardless of whether or not such device is handheld. No citation for a violation of this subsection shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

~~E. F.~~ A violation of subsection C ~~or~~ D, or E shall not constitute negligence, be considered in mitigation of damages of whatever nature, be admissible in evidence or be the subject of comment by counsel in any action for the recovery of damages arising out of the operation, ownership, or maintenance of a motor vehicle, nor shall anything in this subsection change any existing law, rule, or procedure pertaining to any such civil action.

~~F. G.~~ The provisions of §§ 46.2-323 and 46.2-334 relating to evidence and certification of Virginia residence and, in the case of persons of school age, compliance with the compulsory school attendance law shall apply, *mutatis mutandis*, to applications for learner's permits and motorcycle learner's permits issued under this section.

~~G. H.~~ For persons qualifying for a driver's license through driver education courses approved by the Department of Education or courses offered by driver training schools licensed by the Department, the application for the learner's permit shall be used as the application for the driver's license.

~~H. I.~~ The Department shall charge a fee of \$3 for each learner's permit and motorcycle learner's permit issued under this section. Fees for issuance of learner's permits shall be paid into the driver education fund of the state treasury; fees for issuance of motorcycle learner's permits shall be paid into the state treasury and credited to the Motorcycle Rider Safety Training Program Fund created pursuant to § 46.2-1191. It shall be unlawful for any person, after having received a learner's permit, to drive a motor vehicle without being accompanied by a licensed driver as provided in the foregoing provisions of this section; however, a learner's permit other than a motorcycle learner's permit, accompanied by documentation verifying that the driver is at least 16 years and three months old and has successfully completed an approved driver's education course, signed by the minor's parent, guardian, legal custodian or other person standing in loco parentis, shall constitute a temporary driver's license for the purpose of driving unaccompanied by a licensed driver 18 years of age or older, if all other requirements of this chapter have been met. Such temporary driver's license shall only be valid until the driver has received his permanent license pursuant to § 46.2-336.

~~I. J.~~ Nothing in this section shall be construed to permit the issuance of a learner's permit entitling a person to drive a commercial motor vehicle, except as provided by the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

~~J. K.~~ The following limitations shall apply to operation of motorcycles by all persons holding motorcycle learner's permits:

1. The operator shall wear an approved safety helmet as provided in § 46.2-910.

2. Operation shall be under the immediate supervision of a person licensed to operate a motorcycle who is 21 years of age or older.

3. No person other than the operator shall occupy the motorcycle.

~~K. L.~~ Any violation of this section shall be punishable as a Class 2 misdemeanor.

§ 46.2-335.2. Learner's permits; required before driver's license; minimum holding period.

A. No person under the age of ~~nineteen~~ 18 years shall be eligible to receive a driver's license pursuant to § 46.2-334 unless the Department has previously issued such person a learner's permit pursuant to § 46.2-335 and such person has satisfied the minimum holding period requirements set forth in subsection B, or unless such person is the holder of a valid driver's license from another state and qualifies for a temporary license under subsection E of § 46.2-334 ~~or subsection C of this section.~~

B. ~~Effective July 1, 2002; any~~ Any person under the age of ~~nineteen~~ 18 years issued a learner's permit pursuant to § 46.2-335 shall hold such permit for a minimum period of nine months or until he reaches the age of ~~nineteen~~ 18 years, whichever occurs first.

~~C. Notwithstanding the provisions of subsection D of § 46.2-323, requiring the successful completion of a driver education course approved by the State Department of Education, the Commissioner, on application therefor by a person who is at least eighteen years old but less than nineteen years old, shall issue to the applicant a temporary driver's license valid for six months if he (i) certifies by signing on a form prescribed by the Commissioner that he is a resident of the Commonwealth; (ii) is the holder of a valid driver's license from another state; and (iii) has not been found guilty or otherwise responsible for an offense involving the operation of a motor vehicle. No temporary license issued under this subsection shall be renewed, nor shall a second or subsequent temporary license under this subsection be issued to the same applicant.~~

CHAPTER 489

An Act to amend and reenact § 24.2-659 of the Code of Virginia, relating to voting equipment; locking and sealing of voting and counting machines after election.

[S 315]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-659 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-659. Locking voting and counting machines after election and delivering keys to clerk; printed returns as evidence.

A. If the voting or counting machine is secured by the use of equipment keys, after the officers of election lock and seal each machine, the equipment keys shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election.

B. If the voting or counting machines are secured by the use of equipment keys or electronic activation devices that are not specific to a particular machine, after the officers of election lock and seal each machine, the equipment keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

C. If the voting or counting machine is secured by removal of the data storage device used in that election, the officers shall remove the data storage device and proceed to lock and seal each machine. The data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by ~~this section~~ *subsection F.*

D. If the voting or counting machine provides for the creation of a separate master electronic back-up on a data storage device that combines the data for all of the voting or counting machines in a given precinct, that data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The data storage device for the individual machines may remain sealed in its individual machine until the expiration of the time specified by ~~this section~~ *subsection F.* The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the electoral board upon request or at the expiration of the time specified by ~~this section~~ *subsection F.*

E. If the voting or counting machine is secured by removal of the data storage device used in that election, and the only record of votes cast for any office or on any question is saved on that data storage device and not on the machine itself, the officers shall remove the data storage device and proceed to lock and seal each machine. Each such machine shall remain locked and sealed until it is returned to the site at which voting and counting machines are stored in the locality. The data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the electoral board no later than noon on the day after the election.

F. The voting and counting machines described in subsections A, B, C, and D shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. ~~The~~ Such machines and any envelope containing data storage devices shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board or the electoral board at the direction of the State Board in order to ensure the accuracy of the returns. In the event that machines and data storage devices are examined under clause (ii) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board or local electoral board shall provide such parties and candidates reasonable advance notice of the examination.

When recounts occur in precincts using direct recording electronic machines with printed return sheets, the printed return sheets delivered to the clerk may be used as the official evidence of the results.

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys and data storage devices to the electoral board.

~~B. G. The local electoral board may direct that the officers of election and custodians, in lieu of conveying the that any sealed equipment keys or data storage devices that are otherwise required by the provisions of this section to be delivered to the clerk of the circuit court as provided in subsection A, shall convey them shall instead be delivered to the principal office of the general registrar on the night of no later than noon on the day following the election. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon of on the day following the ascertainment of the results of the election by the electoral board.~~

H. The provisions of this section requiring the locking and sealing of voting and counting machines shall not apply to any ballot marking device and its data storage device provided pursuant to § 24.2-626.1, where the number of persons voting in the election or the number of votes cast for any office or on any question are not recorded by the ballot marking device.

CHAPTER 490

An Act to amend and reenact § 24.2-808 of the Code of Virginia, relating to contests of election for certain elections; service of process.

[S 316]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-808 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-808. Time of filing and service of complaint; enlargement or amendment of complaint.

The contestant shall file his complaint in the clerk's office of the circuit court within ~~thirty~~ 30 days following the date of the election in the case of a general election, and within ~~ten~~ 10 days following the date of the election in case of a primary election or special election held on a date other than that of a general election. A copy of the complaint shall be served by the contestant as provided under § 8.01-296 on each contestee; otherwise the complaint shall not be valid. For a contest conducted pursuant to § 24.2-806, the copy of the complaint shall be served by the contestant on each contestee within 30 days following the date of the election in the case of a general election and within 10 days following the date of the election in the case of a primary or special election held on a date other than that of a general election.

No enlargement or amendment of the complaint, except as to form, shall be permitted save by leave of court as provided in Rule 1:8 of the Rules of the Supreme Court of Virginia.

CHAPTER 491

An Act to amend and reenact § 24.2-604 of the Code of Virginia, relating to election day program; permitted activities of participants.

[S 381]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-604 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.

A. During the times the polls are open and ballots are being counted, it shall be unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

E. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or D shall be guilty of a Class 1 misdemeanor.

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and K.

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. A local electoral board, and its general registrar, may conduct a special election day program for high school students, selected by the electoral board in cooperation with high school authorities, in one or more polling places designated by the electoral board, other than a central absentee voter precinct. The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. *Each student shall receive, from a person designated by*

the electoral board, training on the duties, responsibilities, and prohibited conduct of election pages. Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election and may assist in the arrangement of the voting equipment, furniture, and other materials for the conduct of the election, but shall not handle or touch ballots, voting machines, or any other official election materials, or enter any voting booth. Election pages may, at the direction and under the direct supervision of the chief officer of election, assist in the counting of unmarked ballots prior to the opening of the polls, but shall not handle or touch ballots in any other circumstance.

I. A local electoral board may authorize in writing the presence of additional neutral observers as it deems appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

J. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.

K. The provisions of subsections A and D shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

CHAPTER 492

An Act to amend and reenact §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-117, 24.2-216, 24.2-310, 24.2-406, 24.2-511, 24.2-527, 24.2-604, 24.2-604.1, 24.2-609, 24.2-610, 24.2-612, 24.2-614, 24.2-616 through 24.2-620, 24.2-627, 24.2-631 through 24.2-639, 24.2-641, 24.2-642, 24.2-647, 24.2-659, 24.2-668, 24.2-683, 24.2-684, and 24.2-712 of the Code of Virginia, relating to local electoral boards; reassigning certain duties related to elections administration; technical amendments to terminology.

[S 382]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-101, 24.2-115, 24.2-115.1, 24.2-117, 24.2-216, 24.2-310, 24.2-406, 24.2-511, 24.2-527, 24.2-604, 24.2-604.1, 24.2-609, 24.2-610, 24.2-612, 24.2-614, 24.2-616 through 24.2-620, 24.2-627, 24.2-631 through 24.2-639, 24.2-641, 24.2-642, 24.2-647, 24.2-659, 24.2-668, 24.2-683, 24.2-684, and 24.2-712 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-101. Definitions.

As used in this title, unless the context requires a different meaning:

"Ballot scanner machine" means the electronic counting machine in which a voter inserts a marked ballot to be scanned and the results tabulated.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. "Candidate" shall include a person who seeks the nomination of a political party or who, by reason of receiving the nomination of a political party for election to an office, is referred to as its nominee. For the purposes of Chapters 8 (§ 24.2-800 et seq.), 9.3 (§ 24.2-945 et seq.), and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any write-in candidate. However, no write-in candidate who has received less than 15 percent of the votes cast for the office shall be eligible to initiate an election contest pursuant to Article 2 (§ 24.2-803 et seq.) of Chapter 8. For the purposes of Chapters 9.3 (§ 24.2-945 et seq.) and 9.5 (§ 24.2-955 et seq.), "candidate" shall include any person who raises or spends funds in order to seek or campaign for an office of the Commonwealth, excluding federal offices, or one of its governmental units in a party nomination process or general, primary, or special election; and such person shall be considered a candidate until a final report is filed pursuant to Article 3 (§ 24.2-947 et seq.) of Chapter 9.3.

"Central absentee voter precinct" means a precinct established by a county or city pursuant to § 24.2-712 for the processing of absentee ballots for the county or city or any combination of precincts within the county or city.

"Constitutional office" or "constitutional officer" means a county or city office or officer referred to in Article VII, Section 4 of the Constitution of Virginia: clerk of the circuit court, attorney for the Commonwealth, sheriff, commissioner of the revenue, and treasurer.

"Department of Elections" or "Department" means the state agency headed by the Commissioner of Elections.

"Direct recording electronic machine" or "DRE" means the electronic voting machine on which a voter touches areas of a computer screen, or uses other control features, to mark a ballot and his vote is recorded electronically.

"Election" means a general, primary, or special election.

"Election district" means the territory designated by proper authority or by law which is represented by an official elected by the people, including the Commonwealth, a congressional district, a General Assembly district, or a district for the election of an official of a county, city, town, or other governmental unit.

"Electoral board" or "local electoral board" means a board appointed pursuant to § 24.2-106 to administer elections for a county or city. The electoral board of the county in which a town or the greater part of a town is located shall administer the town's elections.

"Entrance of polling place" or "entrance to polling place" means an opening in the wall used for ingress to a structure.

"General election" means an election held in the Commonwealth on the Tuesday after the first Monday in November or on the first Tuesday in May for the purpose of filling offices regularly scheduled by law to be filled at those times.

"General registrar" means the person appointed by the electoral board of a county or city pursuant to § 24.2-110 to be responsible for all aspects of voter registration, in addition to other duties prescribed by this title. When performing duties related to the administration of elections, the general registrar is acting in his capacity as the director of elections for the locality in which he serves.

"Machine-readable ballot" means a tangible ballot that is marked by a voter or by a system or device operated by a voter and then fed into and scanned by a counting machine capable of reading ballots and tabulating results.

"Officer of election" means a person appointed by an electoral board pursuant to § 24.2-115 to serve at a polling place for any election.

"Paper ballot" means a tangible ballot that is marked by a voter and then manually counted.

"Party" or "political party" means an organization of citizens of the Commonwealth which, at either of the two preceding statewide general elections, received at least 10 percent of the total vote cast for any statewide office filled in that election. The organization shall have a state central committee and an office of elected state chairman which have been continually in existence for the six months preceding the filing of a nominee for any office.

"Person with a disability" means a person with a disability as defined by the Virginians with Disabilities Act (§ 51.5-1 et seq.).

"Polling place" means the structure that contains the one place provided for each precinct at which the qualified voters who are residents of the precinct may vote.

"Precinct" means the territory designated by the governing body of a county, city, or town to be served by one polling place.

"Primary" or "primary election" means an election held for the purpose of selecting a candidate to be the nominee of a political party for election to office.

"Printed ballot" means a tangible ballot that is printed on paper and includes both machine-readable ballots and paper ballots.

"Qualified voter" means a person who is entitled to vote pursuant to the Constitution of Virginia and who is (i) 18 years of age on or before the day of the election or qualified pursuant to § 24.2-403 or subsection D of § 24.2-544, (ii) a resident of the Commonwealth and of the precinct in which he offers to vote, and (iii) a registered voter. No person who has been convicted of a felony shall be a qualified voter unless his civil rights have been restored by the Governor or other appropriate authority. No person adjudicated incapacitated shall be a qualified voter unless his capacity has been reestablished as provided by law. Whether a signature should be counted towards satisfying the signature requirement of any petition shall be determined based on the signer of the petition's qualification to vote. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition, "qualified voter" shall include only persons maintained on the Virginia voter registration system (a) with active status and (b) with inactive status who are qualified to vote for the office for which the petition was circulated.

"Qualified voter in a town" means a person who is a resident within the corporate boundaries of the town in which he offers to vote, duly registered in the county of his residence, and otherwise a qualified voter.

"Referendum" means any election held pursuant to law to submit a question to the voters for approval or rejection.

"Registered voter" means any person who is maintained on the Virginia voter registration system. All registered voters shall be maintained on the Virginia voter registration system with active status unless assigned to inactive status by a general registrar in accordance with Chapter 4 (§ 24.2-400 et seq.). For purposes of applying the precinct size requirements of § 24.2-307, calculating election machine requirements pursuant to Article 3 (§ 24.2-625 et seq.) of Chapter 6, mailing notices of local election district, precinct or polling place changes as required by subdivision 13 of § 24.2-114 and § 24.2-306, and determining the number of signatures required for candidate and voter petitions, "registered voter" shall include only persons maintained on the Virginia voter registration system with active status. For purposes of determining if a signature on a petition shall be included in the count toward meeting the signature requirements of any petition,

"registered voter" shall include only persons maintained on the Virginia voter registration system (i) with active status and (ii) on inactive status who are qualified to vote for the office for which the petition was circulated.

"Registration records" means all official records concerning the registration of qualified voters and shall include all records, lists, applications, and files, whether maintained in books, on cards, on automated data bases, or by any other legally permitted record-keeping method.

"Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

"Special election" means any election that is held pursuant to law to fill a vacancy in office or to hold a referendum.

"State Board" or "Board" means the State Board of Elections.

"Virginia voter registration system" or "voter registration system" means the automated central record-keeping system for all voters registered within the Commonwealth that is maintained as provided in Article 2 (§ 24.2-404 et seq.) of Chapter 4.

"Voting system" means the electronic voting and counting machines used at elections. This term includes direct recording electronic machines (DRE) and ballot scanner machines.

§ 24.2-115. Appointment, qualifications, and terms of officers of election.

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed. *The general registrar shall prepare and submit to the electoral board a plan to ensure that adequate numbers of trained officers of election are available to serve in each election.*

Not less than three competent citizens shall be appointed for each precinct. However, a precinct having more than 4,000 registered voters shall have not less than five officers of election serving for a presidential election, and the electoral board shall appoint additional officers as needed to satisfy this requirement. Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an even number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

The electoral board shall ~~designate~~ *ensure that one officer is designated* as the chief officer of election and one officer *is designated* as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct. Notwithstanding any other provision of this section, where representatives for one or both of the two political parties having the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, ~~the electoral board may designate~~ *citizens who do not represent either of those two political parties may be designated* as the chief officer and the assistant chief officer ~~citizens who do not represent any political party~~. In such case, the ~~electoral board~~ *general registrar* shall provide notice to representatives of both parties at least 10 days prior to the election that ~~it~~ *he* intends to use nonaffiliated officers so that each party shall have the opportunity to provide additional nominations. The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall ~~instruct~~ *ensure that each chief officer and assistant is instructed* in his duties not less than three nor more than 30 days before each election. Each ~~electoral board may instruct each~~ officer of election *may be instructed* in his duties at an appropriate time or times before each November general election, and ~~shall conduct~~ training of the officers of election ~~consistent~~ *shall be conducted consistently* with the standards set by the State Board pursuant to subsection B of § 24.2-103. Each electoral board shall *ensure that the general registrar* certify to the State Board that such training *of all officers of election* has been conducted every four years.

Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed or as required by law.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board *or the general registrar* shall inform the political parties of ~~its~~ *the* decision of the electoral board to make

such appointments and the party shall file its nominations with the secretary of the electoral board *or the general registrar* within five business days.

The secretary of the electoral board *or general registrar* shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary *of the electoral board or the general registrar* shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary *of the electoral board or the general registrar* shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

§ 24.2-115.1. Officers of election; hours of service.

The electoral board *or general registrar* may provide that the officers of election for one or more precincts may be assigned to work all or a portion of the time that the precinct is open on election day or reassigned to another precinct for the remaining portion of election day, as needed. Any officer of election assisting with the closing of the precinct and reporting the results of the votes at the precinct shall be required to report to the precinct at least one hour prior to the closing of the precinct. However, the chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, shall be on duty at all times. The electoral board *or general registrar* may provide for the administration of the oath of office provided for in § 24.2-120 and the oath required in § 24.2-611 to be kept with the pollbook at times convenient for officers of election assigned to work only a portion of the time that the precinct is open on election day.

§ 24.2-117. Request for removal of officer of election.

A candidate may require the removal of an officer of election for the election in which he is a candidate by a request in writing, filed at least seven days before the election with the electoral board appointing the officer, on the grounds that the officer is the spouse, parent, grandparent, sibling, child, or grandchild of an opposing candidate. A member of the electoral board may also request the removal of an officer of election whom he knows to be the spouse, parent, grandparent, sibling, child, or grandchild of a candidate in the election by a request in writing, filed at least seven days before the election with the electoral board. ~~The~~ Upon receipt of a timely written request pursuant to this section, the electoral board ~~may appoint~~ shall ensure that a substitute ~~who shall hold office and is appointed~~ to serve for that election.

§ 24.2-216. Filling vacancies in the General Assembly.

When a vacancy occurs in the membership of the General Assembly during the recess of the General Assembly or when a member-elect to the next General Assembly dies, resigns, or becomes legally incapacitated to hold office prior to its meeting, the Governor shall issue a writ of election to fill the vacancy. If the vacancy occurs during the session of the General Assembly, the Speaker of the House of Delegates or the President pro tempore of the Senate, as the case may be, shall issue the writ unless the respective house by rule or resolution shall provide otherwise. Upon receipt of written notification by a member or member-elect of his resignation as of a stated date, the Governor, Speaker, or President Pro Tempore, as the case may be, may immediately issue the writ to call the election. The member's or member-elect's resignation shall not be revocable after the date stated by him for his resignation or after the forty-fifth day before the date set for the special election.

The writ shall be directed to the secretaries of the electoral boards *and the general registrars* of the respective counties and cities composing the district for which the election is to be held.

Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general or special election at which it is to be called is scheduled within 75 days of the end of the term of the office to be filled.

§ 24.2-310. Requirements for polling places.

A. The polling place for each precinct shall be located within the county or city and either within the precinct or within one mile of the precinct boundary. The polling place for a county precinct may be located within a city (i) if the city is wholly contained within the county election district served by the precinct or (ii) if the city is wholly contained within the county and the polling place is located on property owned by the county. The polling place for a town precinct may be located within one mile of the precinct and town boundary. For town elections held in November, the town shall use the polling places established by the county for its elections.

B. The governing body of each county, city, and town shall provide funds to enable the ~~electoral board~~ *general registrar* to provide adequate facilities at each polling place for the conduct of elections. Each polling place shall be located in a public building whenever practicable. If more than one polling place is located in the same building, each polling place shall be located in a separate room or separate and defined space.

C. Polling places shall be accessible to qualified voters as required by the provisions of the Virginians with Disabilities Act (§ 51.5-1 et seq.), the Voting Accessibility for the Elderly and Handicapped Act (52 U.S.C. § 20101 et seq.), and the Americans with Disabilities Act relating to public services (42 U.S.C. § 12131 et seq.). The State Board shall provide instructions to the local electoral boards and general registrars to assist the localities in complying with the requirements of the Acts.

D. If an emergency makes a polling place unusable or inaccessible, the electoral board *or the general registrar* shall provide an alternative polling place and give notice of the change in polling place, including to all candidates, or such candidate's campaign, appearing on the ballot to be voted at the alternative polling place, subject to the prior approval of the State Board. The ~~electoral board~~ *general registrar* shall provide notice to the voters appropriate to the circumstances of the

emergency. For the purposes of this subsection, an "emergency" means a rare and unforeseen combination of circumstances, or the resulting state, that calls for immediate action.

E. It shall be permissible to distribute campaign materials on the election day on the property on which a polling place is located and outside of the building containing the room where the election is conducted except as specifically prohibited by law including, without limitation, the prohibitions of § 24.2-604 and the establishment of the "Prohibited Area" within 40 feet of any entrance to the polling place. However, and notwithstanding the provisions of clause (i) of subsection A of § 24.2-604, and upon the approval of the local electoral board, campaign materials may be distributed outside the polling place and inside the structure where the election is conducted, provided that the "Prohibited Area" (i) includes the area within the structure that is beyond 40 feet of any entrance to the polling place and the area within the structure that is within 40 feet of any entrance to the room where the election is conducted and (ii) is maintained and enforced as provided in § 24.2-604. The local electoral board may approve campaigning activities inside the building where the election is conducted when an entrance to the building is from an adjoining building, or if establishing the 40-foot prohibited area outside the polling place would hinder or delay a qualified voter from entering or leaving the building.

F. Any local government, local electoral board, or the State Board may make monetary grants to any non-governmental entity furnishing facilities under the provisions of § 24.2-307 or 24.2-308 for use as a polling place. Such grants shall be made for the sole purpose of meeting the accessibility requirements of this section. Nothing in this subsection shall be construed to obligate any local government, local electoral board, or the State Board to appropriate funds to any non-governmental entity.

§ 24.2-406. Lists of persons voting at elections.

A. The Department of Elections shall furnish, at a reasonable price, lists of persons who voted at any primary, special, or general election held in the four preceding years to (i) candidates for election or political party nomination to further their candidacy, (ii) political party committees or officials thereof for political purposes only, (iii) political action committees that have filed a current statement of organization with the Department of Elections pursuant to § 24.2-949.2 or with the Federal Elections Commission pursuant to federal law, for political purposes only, (iv) incumbent officeholders to report to their constituents, and (v) members of the public or a nonprofit organization seeking to promote voter participation and registration by means of a communication or mailing without intimidation or pressure exerted on the recipient, for that purpose only. Such lists shall be furnished to no one else and shall be used only for campaign and political purposes and for reporting to constituents. Unless such lists are not available due to a pending recount or election contest, the ~~electoral board~~ *general registrar* shall submit the list of persons who voted to the Department of Elections within 14 days after each election. The ~~electoral boards~~ *general registrars* of localities using nonelectronic pollbooks shall submit the list of persons who voted to the Department of Elections within seven days after the pollbooks are released from the possession of the clerk of court. The Department of Elections shall make available such lists no later than seven days after receiving them from the ~~electoral board~~ *general registrar*.

B. The Department of Elections shall furnish to the Chief Election Officer of another state, on request and at a reasonable price, lists of persons who voted at any primary, special, or general election held for the four preceding years. Such lists shall be used only for the purpose of maintenance of voter registration systems and shall be transmitted in accordance with security policies approved by the State Board of Elections.

C. In no event shall any list furnished under this section contain the social security number, or any part thereof, of any registered voter, except for a list furnished to the Chief Election Officer of another state permitted to use social security numbers, or any parts thereof, that provides for the use of such numbers on applications for voter registration in accordance with federal law, for maintenance of voter registration systems.

D. Any list furnished under this section shall contain the post office box address in lieu of the residence street address for any individual who has furnished at the time of registration or subsequently, in addition to his street address, a post office box address pursuant to subsection B of § 24.2-418.

§ 24.2-511. Party chairman or official to certify candidates to State Board and secretary of electoral board; failure to certify.

A. The state, district, or other appropriate party chairman shall certify the name of any candidate who has been nominated by his party by a method other than a primary for any office to be elected by the qualified voters of (i) the Commonwealth at large, (ii) a congressional district or a General Assembly district, or (iii) political subdivisions jointly electing a shared constitutional officer, along with the date of the nomination of the candidate, to the State Board not later than five days after the last day for nominations to be made. The State Board shall notify the ~~secretaries of every electoral board~~ *general registrars* of the names of the candidates to appear on the ballot for such offices.

B. The party chairman of the district or political subdivision in which any other office is to be filled shall certify the name of any candidate for that office who has been nominated by his party by a method other than a primary to the State Board and to the ~~secretary or secretaries of the electoral boards~~ *general registrars* of the cities and counties in which the name of the candidate will appear on the ballot not later than five days after the last day for nominations to be made. Should the party chairman fail to make such certification, the State Board shall declare that the candidate is the nominee of the particular party and direct that his name be treated as if certified by the party chairman.

C. In the case of a nomination for any office to be filled by a special election, the party chairman shall certify the name of any candidate (i) by the deadline to nominate the candidate or (ii) not later than five days after the deadline if it is a special election held at the second November election after the vacancy occurred.

D. No further notice of candidacy or petition shall be required of a candidate once the party chairman has certified his name to the State Board.

E. In no case shall the individual who is a candidate for an office be the person who certifies the name of the party candidate for that same office. In such case the party shall designate an alternate official to certify its candidate.

§ 24.2-527. Chairman or official to furnish State Board and local electoral boards with names of candidates and certify petition signature requirements met.

A. It shall be the duty of the chairman or chairmen of the several committees of the respective parties to furnish the name of any candidate for nomination for any office to be elected by the qualified voters of the Commonwealth at large or of a congressional district or of a General Assembly district to the State Board, and to furnish the name of any candidate for any other office to the State Board and to the ~~electoral boards~~ *general registrars* charged with the duty of preparing and printing the primary ballots. In furnishing the name of any such candidate, the chairman shall certify that a review of the filed candidate petitions found the required minimum number of signatures of qualified voters for that office to have been met. The chairman shall also certify the order and date and time of filing for purposes of printing the ballots as prescribed in § 24.2-528, provided that the State Board shall determine the order and date and time of filing for candidates for United States Senator, Governor, Lieutenant Governor, and Attorney General for such purposes. Each chairman shall comply with the provisions of this section not less than 70 days before the primary.

B. In no case shall the individual who is a candidate for an office be the person who certifies the names of candidates for a primary for that same office. In such case the party shall designate an alternate official to certify the candidates.

§ 24.2-604. Prohibited activities at polls; notice of prohibited area; electioneering; presence of representatives of parties or candidates; simulated elections; observers; news media; penalties.

A. During the times the polls are open and ballots are being counted, it shall be unlawful for any person (i) to loiter or congregate within 40 feet of any entrance of any polling place; (ii) within such distance to give, tender, or exhibit any ballot, ticket, or other campaign material to any person or to solicit or in any manner attempt to influence any person in casting his vote; or (iii) to hinder or delay a qualified voter in entering or leaving a polling place.

B. Prior to opening the polls, the officers of election shall post, in the area within 40 feet of any entrance to the polling place, sufficient notices which state "Prohibited Area" in two-inch type. The notices shall also state the provisions of this section in not less than 24-point type. The officers of election shall post the notices within the prohibited area to be visible to voters and the public.

C. The officers of election shall permit one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, to remain in the room in which the election is being conducted at all times. A representative may serve part of the day and be replaced by successive representatives. The officers of election shall have discretion to permit up to three authorized representatives of each political party or independent candidate in a general or special election, or up to three authorized representatives of each candidate in a primary election, to remain in the room in which the election is being conducted. The officers shall permit one such representative for each pollbook station. However, no more than one such representative for each pollbook station or three representatives of any political party or independent candidate, whichever number is larger, shall be permitted in the room at any one time. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied, and such photocopy shall be as valid as if the copy had been signed. No candidate whose name is printed on the ballot shall serve as a representative of a party or candidate for purposes of this section. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to be close enough to the voter check-in table to be able to hear and see what is occurring; however, such observation shall not violate the secret vote provision of Article II, Section 3 of the Constitution of Virginia or otherwise interfere with the orderly process of the election. Any representative who complains to the chief officer of election that he is unable to hear or see the process may accept the chief officer's decision or, if dissatisfied, he may immediately appeal the decision to the local electoral board *or general registrar*. Authorized representatives shall be allowed, whether in a regular polling place or central absentee voter precinct, to use a handheld wireless communications device, but shall not be allowed to use such a device to capture a digital image inside the polling place or central absentee voter precinct. The officers of election may prohibit the use of cellular telephones or other handheld wireless communications devices if such use will result in a violation of subsection A or D or § 24.2-607. Authorized representatives shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

D. It shall be unlawful for any authorized representative, voter, or any other person in the room to (i) hinder or delay a qualified voter; (ii) give, tender, or exhibit any ballot, ticket, or other campaign material to any person; (iii) solicit or in any manner attempt to influence any person in casting his vote; (iv) hinder or delay any officer of election; (v) be in a position to see the marked ballot of any other voter; or (vi) otherwise impede the orderly conduct of the election.

E. The officers of election may require any person who is found by a majority of the officers present to be in violation of this section to remain outside of the prohibited area. Any person violating subsection A or D shall be guilty of a Class 1 misdemeanor.

F. This section shall not be construed to prohibit a candidate from entering any polling place on the day of the election to vote, or to visit a polling place for no longer than 10 minutes per polling place per election day, provided that he complies with the restrictions stated in subsections A, D, and K.

G. This section shall not be construed to prohibit a minor from entering a polling place on the day of the election to vote in a simulated election at that polling place, provided that the local electoral board *or general registrar* has determined that such polling place can accommodate simulated election activities without interference or substantial delay in the orderly conduct of the official voting process. Persons supervising or working in a simulated election in which minors vote may remain within such polling place. The local electoral board *or general registrar* and the chief officer for the polling place shall exercise authority over, but shall have no responsibility for the administration of, simulated election related activities at the polling place.

H. ~~A~~ The local electoral board, ~~and~~ *or* its general registrar, may conduct a special election day program for high school students, ~~selected by the electoral board in cooperation with high school authorities~~, in one or more polling places designated by the electoral board *or the general registrar*, other than a central absentee voter precinct. *Such students shall be selected by the electoral board or the general registrar in cooperation with high school authorities.* The program shall be designed to stimulate the students' interest in elections and registering to vote, provide assistance to the officers of election, and ensure the safe entry and exit of elderly and disabled voters from the polling place. Each student shall take and sign an oath as an election page, serve under the direct supervision of the chief officer of election of his assigned polling place, and observe strict impartiality at all times. Election pages may observe the electoral process and seek information from the chief officer of election, but shall not handle or touch ballots, voting machines, or any other official election materials, or enter any voting booth.

I. A local electoral board *or general registrar* may authorize in writing the presence of additional neutral observers as ~~it deems~~ *may be deemed* appropriate, except as otherwise prohibited or limited by this section. Such observers shall comply with the restrictions in subsections A and D and shall not be allowed in any case to provide assistance to any voter as permitted under § 24.2-649 or to wear any indication that they are authorized to assist voters either inside the polling place or within 40 feet of any entrance to the polling place.

J. The officers of election shall permit representatives of the news media to visit and film or photograph inside the polling place for a reasonable and limited period of time while the polls are open. However, the media (i) shall comply with the restrictions in subsections A and D; (ii) shall not film or photograph any person who specifically asks the media representative at that time that he not be filmed or photographed; (iii) shall not film or photograph the voter or the ballot in such a way that divulges how any individual voter is voting; and (iv) shall not film or photograph the voter list or any other voter record or material at the precinct in such a way that it divulges the name or other information concerning any individual voter. Any interviews with voters, candidates or other persons, live broadcasts, or taping of reporters' remarks, shall be conducted outside of the polling place and the prohibited area. The officers of election may require any person who is found by a majority of the officers present to be in violation of this subsection to leave the polling place and the prohibited area.

K. The provisions of subsections A and D shall not be construed to prohibit a person who approaches or enters the polling place for the purpose of voting from wearing a shirt, hat, or other apparel on which a candidate's name or a political slogan appears or from having a sticker or button attached to his apparel on which a candidate's name or a political slogan appears. This exemption shall not apply to candidates, representatives of candidates, or any other person who approaches or enters the polling place for any purpose other than voting.

§ 24.2-604.1. Signs for special entrances to polling places.

The electoral board *or the general registrar* shall provide and have posted outside each polling place appropriate signs to direct people with disabilities and elderly persons to any special entrance designed for their use.

§ 24.2-609. Voting booths.

Each electoral board *or general registrar* shall provide at each polling place in ~~its~~ *the* county or city one or more voting booths. At least one booth shall be an enclosure which permits the voter to vote by printed ballot in secret and is equipped with a writing surface, operative writing implements, and adequate lighting. Enclosures for voting equipment shall provide for voting in secret and be adequately lighted. "Voting booth" includes enclosures for voting printed ballots and for voting equipment.

§ 24.2-610. Materials at polling places.

A. The State Board shall provide copies of this title to each ~~member of the electoral board~~ *boards* and to each ~~general registrar~~ *general registrar* for each precinct in ~~its~~ *the* county or city. The ~~electoral board~~ *general registrar* shall furnish a copy of this title to each precinct for the use of the officers of election on election day.

B. Pursuant to subdivision A 7 of § 24.2-404, the State Board shall transmit to the ~~general registrar~~ *general registrar* of each county and city pollbooks for each precinct in which the election is to be held. The data elements printed or otherwise provided for each voter on the pollbooks shall be uniform throughout the Commonwealth.

C. The electoral board, general registrar, and officers of election shall comply with the requirements of this title and the instructions of the State Board to ensure that the pollbooks, ballots, voting equipment keys, and other materials and supplies

required to conduct the election are delivered to the polling place before 6:00 a.m. on the day of the election and delivered to the proper official following the election.

§ 24.2-612. List of offices and candidates filed with Department of Elections and checked for accuracy; when ballots printed; number required.

Immediately after the expiration of the time provided by law for a candidate for any office to qualify to have his name printed on the official ballot and prior to printing the ballots for an election, each ~~electoral board~~ *general registrar* shall forward to the Department of Elections a list of the county, city, or town offices to be filled at the election and the names of all candidates who have filed for each office. In addition, each ~~electoral board~~ *general registrar* shall forward the name of any candidate who failed to qualify with the reason for his disqualification. On that same day, the ~~electoral board~~ *general registrar* shall also provide a copy of the notice to each disqualified candidate. The notice shall be sent by email or regular mail to the address on the candidate's certificate of candidate qualification, and such notice shall be deemed sufficient. The Department of Elections shall promptly advise the ~~electoral board~~ *general registrar* of the accuracy of the list. The failure of any ~~electoral board~~ *general registrar* to send the list to the Department of Elections for verification shall not invalidate any election.

Each ~~electoral board~~ *general registrar* shall have printed the number of ballots ~~it~~ *he* determines will be sufficient to conduct the election. *Such determination shall be subject to the approval by the electoral board.*

Notwithstanding any other provisions of this title, the Department of Elections may print or otherwise provide one statewide paper ballot style for each paper ballot style in use for presidential and vice-presidential electors for use only by persons eligible to vote for those offices only under § 24.2-402 or only for federal elections under § 24.2-453. The Department of Elections may apportion or authorize the printer or vendor to apportion the costs for these ballots among the localities based on the number of ballots ordered. Any printer employed by the Department of Elections shall execute the statement required by § 24.2-616. The Department of Elections shall designate a representative to be present at the printing of such ballots and deliver them to the appropriate ~~electoral boards~~ *general registrars* pursuant to § 24.2-617. Upon receipt of such paper ballots, the electoral board *or the general registrar* shall affix ~~its~~ *the seal of the electoral board*. Thereafter, such ballots shall be handled and accounted for, and the votes counted as the Department of Elections shall specifically direct.

The ~~electoral board~~ *general registrar* shall make printed ballots available for absentee voting not later than 45 days prior to any election or within three business days of the receipt of a properly completed absentee ballot application, whichever is later. In the case of a special election, excluding for federal offices, if time is insufficient to meet the applicable deadline established herein, then the ~~electoral board~~ *general registrar* shall make printed ballots available as soon after the deadline as possible. For the purposes of this chapter, making printed ballots available includes mailing of such ballots or electronic transmission of such ballots pursuant to § 24.2-706 to a qualified absentee voter who is eligible for an absentee ballot under subdivision 2 of § 24.2-700. Not later than five days after absentee ballots are made available, each ~~electoral board~~ *general registrar* shall report to the Department of Elections, in writing on a form approved by the Department of Elections, whether ~~it~~ *he* has complied with the applicable deadline.

Only the names of candidates for offices to be voted on in a particular election district shall be printed on the ballots for that election district.

The ~~electoral boards~~ *general registrar* shall send to the Department of Elections a statement of the number of ballots ordered to be printed, proofs of each printed ballot for verification, and copies of each final ballot. If the Department of Elections finds that, in its opinion, the number of ballots ordered to be printed by any ~~local electoral board~~ *general registrar* is not sufficient, it may direct the ~~local board~~ *general registrar* to order the printing of a reasonable number of additional ballots.

§ 24.2-614. Preparation and form of presidential election ballots.

As soon as practicable after the seventy-fourth day before the presidential election, the State Board shall certify to the ~~secretary~~ *general registrar* of each county and city ~~electoral board~~ the form of official ballot for the presidential election which shall be uniform throughout the Commonwealth. Each ~~electoral board~~ *general registrar* shall have the official ballot printed at least ~~forty-five~~ 45 days preceding the election.

The ballot shall contain the name of each political party and the party group name, if any, specified by the persons naming electors by petition pursuant to § 24.2-543. Below the party name in parentheses, the ballot shall contain the words "Electors for _____, President and _____, Vice President" with the blanks filled in with the names of the candidates for President and Vice President for whom the candidates for electors are expected to vote in the Electoral College. A printed square shall precede the name of each political party or party designation.

Groups of petitioners qualifying for a party name under § 24.2-543 shall be treated as a class; the order of the groups shall be determined by lot by the State Board; and the groups shall immediately precede the independent class on the ballot. The names of the candidates within the independent class shall be listed alphabetically.

§ 24.2-616. Duties of printer; statement; penalty.

The printer contracting with or employed by the electoral board *or general registrar* to print the ballots shall sign a statement before the work is commenced agreeing, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he will print the number of ballots requested by the electoral board *or the general registrar* in accordance with ~~its~~ *the instructions given by the electoral board or the general registrar*; that he will print, and permit to be printed, directly or indirectly, no more than that number; that he will at once destroy all imperfect and perfect impressions other than

those required to be delivered to the ~~electoral board~~ *general registrar*; that as soon as such number of ballots is printed he will distribute the type, if any, used for such work; and that he will not communicate to anyone, in any manner, the size, style, or contents of such ballots.

A similar statement shall be required of any employee or other person engaged in the work.

§ 24.2-617. Representative of electoral board to be present at printing; custody of ballots; electoral board may disclose contents, style, and size.

The electoral board or *general registrar* shall designate one person to be continuously present in the room in which the ballots are printed from the start to the end of the work and ensure that the undertakings of the printer's statement are complied with strictly. For the discharge of this duty the person, other than a board member, shall receive at least ~~twenty dollars~~ \$20 per day.

As soon as the ballots are printed they shall be securely wrapped and sealed, and the designated person shall assure their delivery to the ~~electoral board~~ *general registrar*, allowing no one to examine them until delivery.

The designated person shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has faithfully performed his duties, that the printer has complied with the requirements of law, and that only the requested number of ballots have been printed and are being delivered to the ~~electoral board~~ *general registrar*.

This section shall not be construed to prohibit any electoral board or *general registrar* from publishing or otherwise disclosing the contents, style, and size of ballots, which information electoral boards or *general registrars* are authorized to publish or otherwise disclose.

§ 24.2-618. Delivery of ballots to electoral board; checking and recording number.

~~The~~ A member of the electoral board or the *general registrar*, or an employee of the board or *general registrar* designated by the electoral board or the *general registrar*, shall ~~designate one of its members or employees or the general or an assistant registrar~~ to receive the ballots after they are printed. ~~The member of the board or other such designated person~~ and shall certify the number of ballots received. This certificate shall be filed with ~~the minutes of the board~~ other materials for the election.

§ 24.2-619. Sealing ballots.

~~The~~ A member of the electoral board or the *general registrar*, or some other person designated by the electoral board or the *general registrar*, shall ~~designate one of its members or some other person~~ to cause the seal of the board to be affixed in his presence to every ballot printed as provided in this chapter. The seal shall be on the side reverse from that on which the names of the candidates appear. The seal may be affixed on the ballot either mechanically or manually. The member of the board, *general registrar*, or other person designated shall sign a statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that the seal of the electoral board was affixed to the ballots in his presence in the manner prescribed by law, setting forth the name of every person taking part in the affixing of the seal, and stating that he has faithfully performed his duties. His statement shall be filed with the minutes of the board. For his services in causing the seal to be affixed to the ballots, the person designated, other than a board member or *general registrar*, shall receive at least ~~twenty dollars~~ \$20 per day.

Any person, ~~other than the secretary of the board,~~ designated to attend to the stamping of affix the seal to the ballots, shall return the seal to the secretary as soon as the stamping of affixing of the seal to the ballots is completed.

Every person taking part in affixing the seal to the ballots or in placing the ballots in packages shall give his statement, subject to felony penalties for making false statements pursuant to § 24.2-1016, that he has faithfully performed his duties and that he will not divulge to anyone the contents of the ballots or any part thereof. These statements shall be filed with ~~the secretary of the board and retained with~~ the minutes of the board.

§ 24.2-620. Dividing ballots into packages for each precinct; delivery of absentee ballots.

The electoral board or *general registrar* shall cause to be made, in the presence of at least one member of the board; or ~~an employee of the board or the general or an assistant registrar designated by a designee of the board,~~ one or more packages of ballots for each precinct in the election district. Each package shall contain a number of ballots determined by the board or *general registrar*. Each of these packages shall be securely sealed in the presence of a member of the board or such designated person so that the ballots shall be invisible, and so that the packages cannot be readily opened without detection. On each of the packages shall be endorsed the name of the precinct for which it is intended and the number of ballots therein contained. Thereafter the packages designated for each precinct shall be delivered to the ~~secretary of the board~~ *general registrar* and remain in his exclusive possession until delivered by him, or by ~~another~~ a board member, a designee of the board employee, the general or an assistant registrar ~~designated by the board,~~ to the officers of election of each precinct as provided in § 24.2-621.

~~The electoral board shall have~~ There shall be sufficient ballots for those offering to vote absentee delivered to the *general registrar* and ~~secretary of the electoral board~~ by the deadline stated in § 24.2-612. Any such ballots remaining unused at the close of the polls on election day shall be sent by the *general registrar* and ~~the secretary of the electoral board~~ to the clerk of the circuit court of the county or city.

§ 24.2-627. Electronic voting or counting machines; number required.

A. The governing body of any county or city that adopts for use at elections direct recording electronic machines shall provide for each precinct at least the following number of voting machines:

In each precinct having not more than 750 registered voters, 1;

In each precinct having more than 750 but not more than 1,500 registered voters, 2;

- In each precinct having more than 1,500 but not more than 2,250 registered voters, 3;
- In each precinct having more than 2,250 but not more than 3,000 registered voters, 4;
- In each precinct having more than 3,000 but not more than 3,750 registered voters, 5;
- In each precinct having more than 3,750 but not more than 4,500 registered voters, 6;
- In each precinct having more than 4,500 but not more than 5,000 registered voters, 7.

B. The governing body of any county or city that adopts for use at elections ballot scanner machines shall provide for each precinct at least one voting booth with a marking device for each 425 registered voters or portion thereof and shall provide for each precinct at least one scanner. However, each precinct having more than 4,000 registered voters shall be provided with not less than two scanners at a presidential election, unless the governing body, in consultation with the general registrar and the electoral board, determines that a second scanner is not necessary at any such precinct on the basis of voter turnout and the average wait time for voters in previous presidential elections.

C. The local electoral board of any county or city shall be authorized to conduct any May general election, primary election, or special election held on a date other than a November general election with the number of voting or counting machines ~~it determines~~ *is determined by the board and the general registrar to be* appropriate for each precinct, notwithstanding the provisions of subsections A and B.

D. For purposes of applying this section, ~~an electoral board~~ *a general registrar* may exclude persons voting absentee in ~~its~~ *his* calculations, and if ~~it~~ *he* does so, ~~the electoral board~~ shall send to the Department a statement of the number of voting systems to be used in each precinct. If the State Board finds that the number of voting systems is not sufficient, it may direct ~~the local board~~ *general registrar* to use more voting systems.

§ 24.2-631. Experimental use of voting systems and ballots prior to approval of the system.

The State Board is authorized to approve the experimental use of voting or counting systems and ballots for the purpose of casting and counting absentee ballots in one or more counties and cities designated by the Board (i) that have established central absentee voter election districts and (ii) whose electoral board ~~submits~~ *and general registrar submit* to the Board for approval a plan for the use of such system and ballots. The Board is also authorized to approve the experimental use of voting or counting systems and ballots in one or more precincts in any county or city whose electoral board ~~submits~~ *and general registrar submit* to the Board for approval a plan for such use. The use of such systems and ballots at an election shall be valid for all purposes.

§ 24.2-632. Voting equipment custodians.

A. For the purpose of programming and preparing voting and counting equipment, including the programming of any electronic activation devices or data storage media used to program or operate the equipment, and maintaining, testing, calibrating, and delivering it, the electoral board *and general registrar* shall employ one or more persons, to be known as custodians of voting equipment. The custodians shall be fully competent, thoroughly instructed, and sworn to perform their duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. With the approval of the State Board, the electoral board *or general registrar* may contract with the voting equipment vendor or another contractor for the purpose of programming, preparing and maintaining the voting equipment. The voting equipment custodians shall instruct and supervise the vendor or contractor technicians and oversee the programming, testing, calibrating and delivering of the equipment. The vendor or contractor technicians shall be sworn to perform their duties honestly and faithfully and be informed of and subject to the misdemeanor and felony penalties provided in §§ 24.2-1009 and 24.2-1010.

The final testing of the equipment prior to each election shall be done in the presence of an electoral board member ~~or~~ a representative of the electoral board, *or the general registrar*. The electoral board *or general registrar* may authorize a representative to be present at the final testing only if it is impracticable for a board member *or general registrar* to attend, and such representative shall in no case be the custodian or a vendor or contractor technician who was responsible for programming the ballot software, electronic activation devices, or electronic data storage media.

B. Notwithstanding the provisions of subsection A, the local electoral board *or general registrar* may assign a board member or *an assistant* registrar to serve as a custodian without pay for such service. The board member or *assistant* registrar serving as custodian shall be fully competent, thoroughly instructed, and sworn to perform his duties honestly and faithfully, and for such purpose shall be appointed and instructed at least 30 days before each election. Whenever the presence of an electoral board member *or general registrar* and custodian is required by the provisions of this title, the same person shall not serve in both capacities.

§ 24.2-633. Notice of final testing of voting system; sealing equipment.

Before the final testing of voting or counting machines for any election, the ~~electoral board~~ *general registrar* shall mail written notice (i) to the chairman of the local committee of each political party, or (ii) in a primary election, to the chairman of the local committee of the political party holding the primary, or (iii) in a city or town council election in which no candidate is a party nominee and which is held when no other election having party nominees is being conducted, to the candidates.

The notice shall state the time and place where the machine will be tested and state that the political party or candidate receiving the notice may have one representative present while the equipment is tested.

At the time stated in the notice, the representatives, if present, shall be afforded an opportunity to see that the equipment is in proper condition for use at the election. When a machine has been so examined by the representatives, it shall be sealed with a numbered seal in their presence, or if the machine cannot be sealed with a numbered seal, it shall be

locked with a key. The representatives shall certify for each machine the number registered on the protective counter and the number on the seal. When no party or candidate representative is present, the custodian shall seal the machine as prescribed in this section in the presence of a member of the electoral board ~~or its representative~~, *the general registrar, or a designee of the electoral board or general registrar.*

§ 24.2-634. Locking and securing after preparation.

When voting equipment has been properly prepared for an election, it shall be locked against voting and sealed, or if a voting or counting machine cannot be sealed with a numbered seal, it shall be locked with a key. The equipment keys and any electronic activation devices shall be retained in the custody of the ~~electoral board~~ *general registrar* and delivered to the officers of election as provided in § 24.2-639. After the voting equipment has been delivered to the polling places, the ~~electoral board~~ *general registrar* shall provide ample protection against tampering with or damage to the equipment.

§ 24.2-635. Demonstration of equipment.

In each county, city, or town in which voting or counting equipment is to be used, the electoral board *or general registrar* may designate times and places for the exhibition of equipment containing sample ballots, showing the title of offices to be filled, and, so far as practicable, the names of the candidates to be voted for at the next election for the purpose of informing voters who request instruction on the use of the equipment. No equipment shall be used for such instruction after being prepared and sealed for use in any election. During exhibitions, the counting mechanism, if any, of the equipment may be concealed from view.

§ 24.2-636. Instruction as to use of equipment.

No fewer than three nor more than ~~thirty~~ 30 days before each election, the electoral board *or general registrar* shall instruct, or cause to be instructed, on the use of the equipment and his duties in connection therewith, each officer of election appointed to serve in the election who has not previously been so instructed. The board *or the general registrar* shall not permit any person to serve as an officer who is not fully trained to conduct an election properly with the equipment. This section shall not be construed to prevent the appointment of a person as an officer of election to fill a vacancy in an emergency.

§ 24.2-637. Furniture and equipment to be at polling places.

Before the time to open the polls, each electoral board shall ~~have~~ *ensure that the general registrar has* the voting and counting equipment and all necessary furniture and materials at the polling places, with counters on the voting or counting devices set at zero (000), and otherwise in good and proper order for use at the election.

The ~~board~~ *general registrar* shall have the custody of such equipment, furniture, and materials when not in use at an election and shall maintain the equipment in accurate working order and in proper repair.

§ 24.2-638. Voting equipment to be in plain view; officers and others not permitted to see actual voting; unlocking counter compartment of equipment, etc.

During the election, the exterior of the voting equipment and every part of the polling place shall be in plain view of the officers of election.

No voting or counting machines shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657. However, an electronic voting machine that is so constructed as to be easily portable may be taken outside the polling place pursuant to subsection A of § 24.2-649 and to assist a voter age 65 or older or physically disabled so long as: (i) the voting machine remains in the plain view of two officers of election representing two political parties or, in a primary election, two officers of election representing the party conducting the primary, provided that if the use of two officers for this purpose would result in too few officers remaining in the polling place to meet legal requirements, the machine shall remain in plain view of one officer who shall be either the chief officer or the assistant chief officer; (ii) the voter casts his ballot in a secret manner unless the voter requests assistance pursuant to § 24.2-649; and (iii) there remain sufficient officers of election in the polling place to meet legal requirements. After the voter has completed voting his ballot, the officer or officers shall immediately return the voting machine to its assigned location inside the polling place. The machine number, the time that the machine was removed and the time that it was returned, the number on the machine's public counter before the machine was removed and the number on the same counter when it was returned, the names of the voters who used the machine while it was removed provided that secrecy of the ballot is maintained in accordance with guidance from the State Board, and the name or names of the officer or officers who accompanied the machine shall be recorded on the statement of results. If a polling place fails to record the information required in the previous sentence, or it is later proven that the information recorded was intentionally falsified, the local electoral board *or general registrar* shall dismiss at a minimum the chief officer or the assistant chief officer, or both, as appropriate, and shall dismiss any other officer of election who is shown to have caused the failure to record the required information intentionally or by gross negligence or to have intentionally falsified the information. The dismissed officers shall not be allowed thereafter to serve as an officer or other election official anywhere in the Commonwealth. In the case of an emergency that makes a polling place unusable or inaccessible, voting or counting machines may be removed to an alternative polling place pursuant to the provisions of subsection D of § 24.2-310.

The equipment shall be placed at least four feet from any table where an officer of election is working or seated. The officers of election shall not themselves be, or permit any other person to be, in any position or near any position that will permit them to observe how a voter votes or has voted.

One of the officers shall inspect the face of the voting machine after each voter has cast his vote and verify that the ballots on the face of the machine are in their proper places and that the machine has not been damaged. During an election, the door or other covering of the counter compartment of the voting or counting machine shall not be unlocked or open or the counters exposed except for good and sufficient reasons, a statement of which shall be made and signed by the officers of election and attached to the statement of results. No person shall be permitted in or about the polling place except the voting equipment custodian, vendor, or contractor technicians and other persons authorized by this title.

§ 24.2-639. Duties of officers of election.

The officers of election of each precinct at which voting or counting machines are used shall meet at the polling place by 5:15 a.m. on the day of the election and arrange the equipment, furniture, and other materials for the conduct of the election. The officers of election shall verify that all required equipment, ballots, and other materials have been delivered to them for the election. The officers shall post at least two instruction cards for direct recording electronic machines conspicuously within the polling place.

The keys to the equipment and any electronic activation devices that are required for the operation of electronic voting equipment shall be delivered, prior to the opening of the polls, to the officer of election designated by the electoral board *or general registrar* in a sealed envelope on which has been written or printed the name of the precinct for which it is intended. The envelope containing the keys and any electronic activation devices shall not be opened until all of the officers of election for the precinct are present at the polling place and have examined the envelope to see that it has not been opened. The equipment shall remain locked against voting until the polls are formally opened and shall not be operated except by voters in voting.

Before opening the polls, each officer shall examine the equipment and see that no vote has been cast and that the counters register zero. The officers shall conduct their examination in the presence of the following party and candidate representatives: one authorized representative of each political party or independent candidate in a general or special election, or one authorized representative of each candidate in a primary election, if such representatives are available. Each authorized representative shall be a qualified voter of any jurisdiction of the Commonwealth. Each representative, who is not himself a candidate or party chairman, shall present to the officers of election a written statement designating him to be a representative of the party or candidate and signed by the county or city chairman of his political party, the independent candidate, or the primary candidate, as appropriate. If the county or city chairman is unavailable to sign such a written designation, such a designation may be made by the state or district chairman of the political party. However, no written designation made by a state or district chairman shall take precedence over a written designation made by the county or city chairman. Such statement, bearing the chairman's or candidate's original signature, may be photocopied and such photocopy shall be as valid as if the copy had been signed.

If any counter, other than a protective or private counter, on a ballot scanner or direct recording electronic machine is found not to register zero, the officers of election shall immediately notify the ~~electoral board~~ *general registrar*, who shall, if possible, substitute a machine in good working order; that has been prepared and tested pursuant to § 24.2-634. No ballot scanner or direct recording electronic machine shall be used if any counter, other than a protective or private counter, is found not to register zero.

§ 24.2-641. Sample ballot.

The electoral board *or general registrar* shall provide for each precinct in which any voting or counting machines are used, two sample ballots, which shall be arranged as a diagram of the front of the voting or counting machine as it will appear with the official ballot for voting on election day. Such sample ballots shall be posted for public inspection at each polling place during the day of election.

§ 24.2-642. Inoperative equipment.

A. When any voting or counting machine becomes inoperative in whole or in part while the polls are open, the officers of election shall immediately notify the electoral board *or general registrar*. If possible, the electoral board *or general registrar* shall dispatch a qualified technician to the polling place to repair the inoperative machine. All repairs shall be made in the presence of two officers of election representing the two political parties or, in the case of a primary election for only one party, two officers representing that party. If the machine cannot be repaired on site, the ~~electoral board~~ *general registrar* shall, if possible, substitute a machine in good order for the inoperative machine and at the close of the polls the record of both machines shall be taken and the votes shown on their counters shall be added together in ascertaining the results of the election.

No voting or counting machines, including inoperative machines, shall be removed from the plain view of the officers of election or from the polling place at any time during the election and through the determination of the vote as provided in § 24.2-657 except as explicitly provided pursuant to the provisions of this title.

No voting or counting machine that has become inoperative and contains votes may be removed from the polling place while the polls are open and votes are being ascertained. If the officers of election are unable to ascertain the results from the inoperative machine after the polls close in order to add its results to the results from the other machines in that precinct, the officers of election shall lock and seal the machine without removing the memory card, cartridge, or data storage medium and deliver the machine to either the clerk of court or registrar's office as provided for in § 24.2-659. On the day following the election, the electoral board shall meet and ascertain the results from the inoperative machine in accordance with the procedures prescribed by the machine's manufacturer and add the results to the results for the precinct to which the machine was assigned.

Nothing in this subsection shall prohibit the removal of an inoperative machine from a precinct prior to the opening of the polls or the first vote being cast on that machine. Any machine so removed shall be placed in the custody of an authorized custodian, technician, *general registrar*, or electoral board representative. If the inoperative machine can be repaired, it shall be retested and resealed pursuant to § 24.2-634 and may be returned to the precinct by an authorized custodian, technician, *general registrar*, or electoral board representative. The officers of election shall then open the machine pursuant to § 24.2-639.

B. In any precinct that uses a ballot that can be read without the use of the ballot scanner machine, if the ballot scanner machine becomes inoperative and there is no other available scanner, the uncounted ballots shall be placed in a ballot container or compartment that is used exclusively for uncounted ballots. If an operative scanner is available in the polling place after the polls have closed, such uncounted ballots shall be removed from the container and fed into the scanner, one at a time, by an officer of election in the presence of all persons who may be lawfully present at that time but before the votes are determined pursuant to § 24.2-657. If such a scanner is not available, the ballots may be counted manually or as directed by the electoral board.

C. An officer of election may have copies of the official paper ballot reprinted or reproduced by photographic, electronic, or mechanical processes for use at the election if (i) the inoperative machine cannot be repaired in time to continue using it at the election, (ii) a substitute machine is needed to conduct the election but is not available for use, (iii) the supply of official printed ballots that can be cast without use of the inoperative machine is not adequate, and (iv) the local electoral board approves the reprinting or reproducing of the official paper ballot. The voted ballot copies may be received by the officers of election and placed in the ballot container and counted with the votes registered on the voting or counting machines, and the result shall be declared the same as though no machine has been inoperative. The voted ballot copies shall be deemed official ballots for the purpose of § 24.2-665 and preserved and returned with the statement of results and with a certificate setting forth how and why the same were voted. The officer of election who had the ballot copies made shall provide a written statement of the number of copies made, signed by him and subject to felony penalties for making false statements pursuant to § 24.2-1016, to be preserved with the unused ballot copies.

§ 24.2-647. Voting systems; demonstration on election day.

The ~~electoral board~~ *general registrar* shall provide at each polling place on election day, for the voting system in use, a model of or materials displaying a portion of its ballot face. The model or materials shall be located on the table of one of the officers or in some other place accessible to the voters. An officer of election shall instruct any voter who requests instruction before voting on the proper manner of voting. The officer may direct the voter's attention to sample ballots so that the voter may become familiar with the location of questions and names of offices and candidates.

For ballot scanner machines, an officer of election, using a demonstration ballot and machine, shall show each voter who requests, immediately on entry to the polling place, the manner in which the ballot is to be voted.

If any voter, after entering the voting booth, asks for further instructions concerning the manner of voting, two of the officers from different political parties shall give such instructions to him, but no officer shall in any manner request or seek to persuade or induce any such voter to vote for or against any particular ticket, candidate, or question. After giving such instructions and before the voter votes, the officers shall leave the voting booth, and the voter shall cast his ballot in secret.

§ 24.2-659. Locking voting and counting machines after election and delivering keys to clerk; printed returns as evidence.

A. If the voting or counting machine is secured by the use of equipment keys, after the officers of election lock and seal each machine, the equipment keys shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of the election to the clerk of the circuit court where the election was held. The custodians of the voting equipment shall enclose and seal in an envelope, properly endorsed, all other keys to all voting equipment in their jurisdictions and deliver the envelope to the clerk of the circuit court by noon on the day following the election. If the voting or counting machines are secured by the use of equipment keys or electronic activation devices that are not specific to a particular machine, after the officers of election lock and seal each machine, the equipment keys and electronic activation devices shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held.

If the voting or counting machine is secured by removal of the data storage device used in that election, the officers shall remove the data storage device and proceed to lock and seal each machine. The data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the election precinct, the number of each machine, the number on the seal, and the number of the protective counter, if one, on the machine. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The equipment keys used at the polls shall be sealed in a different envelope and delivered to the clerk who shall release them to the ~~electoral board~~ *general registrar* upon request or at the expiration of the time specified by this section.

If the voting or counting machine provides for the creation of a separate master electronic back-up on a data storage device that combines the data for all of the voting or counting machines in a given precinct, that data storage device shall be enclosed in an envelope that shall be sealed and have endorsed thereon a certificate of an officer of election stating the name

of the precinct. The sealed envelope shall be delivered by one of the officers of election to the clerk of the circuit court where the election was held. The data storage device for the individual machines may remain sealed in its individual machine until the expiration of the time specified by this section. The equipment keys and the electronic activation devices used at the polls shall be sealed together in a separate envelope and delivered to the clerk who shall release them to the ~~electoral board~~ *general registrar* upon request or at the expiration of the time specified by this section.

The voting and counting machines shall remain locked and sealed until the deadline to request a recount under Chapter 8 (§ 24.2-800 et seq.) has passed and, if any contest or recount is pending thereafter, until it has been concluded. The machines shall be opened and all data examined only (i) on the order of a court of competent jurisdiction or (ii) on the request of an authorized representative of the State Board, or the electoral board *or general registrar* at the direction of the State Board, in order to ensure the accuracy of the returns. In the event that machines are examined under clause (ii) of this paragraph, each political party and each independent candidate on the ballot, or each primary candidate, shall be entitled to have a representative present during such examination. The representatives and observers lawfully present shall be prohibited from interfering with the officers of election in any way. The State Board ~~or~~ local electoral board, *or general registrar* shall provide such parties and candidates reasonable advance notice of the examination.

When recounts occur in precincts using direct recording electronic machines with printed return sheets, the printed return sheets delivered to the clerk may be used as the official evidence of the results.

When the required time has expired, the clerk of the circuit court shall return all voting equipment keys to the ~~electoral board~~ *general registrar*.

B. The local electoral board *or general registrar* may direct that the officers of election and custodians, in lieu of conveying the sealed equipment keys to the clerk of the circuit court as provided in subsection A, shall convey them to the principal office of the general registrar on the night of the election. The general registrar shall secure and retain the sealed equipment keys and any other electronic locking or activation devices in his office and shall convey them to the clerk of the court by noon of the day following the ascertainment of the results of the election by the electoral board.

§ 24.2-668. Pollbooks, statements of results, and ballots to be sealed and delivered to clerk or general registrar.

A. After ascertaining the results and before adjourning, the officers shall put the pollbooks, the duplicate statements of results, and any printed inspection and return sheets in the envelopes provided by the State Board. The officers shall seal the envelopes and direct them to the clerk of the circuit court for the county or city. The pollbooks, statements, and sheets thus sealed and directed, the sealed counted ballots envelope or container, and the unused, defaced, spoiled and set aside ballots properly accounted for, packaged and sealed, shall be conveyed by one of the officers to be determined by lot, if they cannot otherwise agree, to the clerk of court by noon on the day following the election.

The clerk shall retain custody of the pollbooks, paper ballots, and other elections materials until the time has expired for initiating a recount, contest, or other proceeding in which the pollbooks, paper ballots, and other elections materials may be needed as evidence and there is no proceeding pending. The clerk shall (i) secure all pollbooks, paper ballots and other election materials in sealed boxes; (ii) place all of the sealed boxes in a vault or room not open to the public or to anyone other than the clerk and his staff; (iii) cause such vault or room to be securely locked except when access is necessary for the clerk and his staff; and (iv) upon the initiation of a recount, certify that these security measures have been taken in whatever form is deemed appropriate by the chief judge.

After that time the clerk shall deliver the pollbooks to the general registrar who shall return the pollbooks or transfer a copy of the electronic data to the State Board as directed by § 24.2-114 for voting credit purposes. After the pollbooks are returned by the State Board, the general registrar shall retain the pollbooks in his principal office for two years from the date of the election. The clerk shall retain the statement of results and any printed inspection and return sheets for two years and may then destroy them.

B. The local electoral board *or general registrar* may direct that the officers of election, in lieu of conveying the materials to the clerk of the circuit court as provided in subsection A ~~of this section~~, shall convey the materials to the principal office of the general registrar on the night of the election or the morning following the election as the board directs. The general registrar shall secure and retain the materials in his office and shall convey to the clerk of the court, by noon of the day following the ascertainment of the results of the election by the electoral board, all of the election materials. The general registrar shall retain for public inspection one copy of the statement of results.

C. If an electronic pollbook is used, the data disc or cartridge containing the electronic records of the election, or, alternately, a printed copy of the pollbook records of those who voted, shall be transmitted, sealed and retained as required by this section, and otherwise treated as the pollbook for that election for all purposes subsequent to the election. Nothing in this title shall be construed to require that the equipment or software used to produce the electronic pollbook be sealed or retained along with the pollbook, provided that the records for the election have been transferred or printed according to the instructions of the State Board.

§ 24.2-683. Writ for special election to fill a vacancy.

Whenever the Governor, Speaker of the House, President pro tempore of the Senate, or either house of the General Assembly orders a special election, he, or the person designated to act for the house, shall issue a writ of election designating the office to be filled at the election and the time to hold the election. He shall transmit the writ to the secretary of the electoral board *and the general registrar* of each county or city in which the election is to be held. Each ~~secretary~~ *general registrar* shall post a copy of the writ on the official website for the county or city or at not less than 10 public places or have notice of the election published once in a newspaper of general circulation in his jurisdiction at least 10 days

before the election. If the special election is held in more than one county or city, the ~~secretaries~~ *general registrars* may act jointly to have the notice published once before the election in the affected jurisdictions.

Whenever a special election is ordered to fill a vacancy otherwise than under the preceding paragraph, the officer ordering the election shall issue his writ of election at the time the vacancy occurs, designating the office to be filled at the election and the time and place to hold the election. He shall direct and transmit the writ to the secretary of the electoral board *and the general registrar* of each county or city in which the election is to be held. The ~~secretary~~ *general registrar*, or ~~secretaries~~ *general registrars* if the election will be held in more than one county or city, shall proceed to cause public notice to be given of the election in the same manner as is required in the preceding paragraph.

A copy of any order calling a special election to fill a vacancy shall be sent immediately to the State Board.

§ 24.2-684. How referendum elections called and held, and the results ascertained and certified.

Notwithstanding any other provision of any law or charter to the contrary, the provisions of this section shall govern all referenda.

No referendum shall be placed on the ballot unless specifically authorized by statute or by charter.

Whenever any question is to be submitted to the voters of any county, city, town, or other local subdivision, the referendum shall in every case be held pursuant to a court order as provided in this section. The court order calling a referendum shall state the question to appear on the ballot in plain English as that term is defined in § 24.2-687. The order shall be entered and the election held within a reasonable period of time subsequent to the receipt of the request for the referendum if the request is found to be in proper order. The court order shall set the date for the referendum in conformity with the requirements of § 24.2-682.

A copy of the court order calling a referendum shall be sent immediately to the State Board by the clerk of the court in which the order was issued.

The ballot shall be prepared by the appropriate ~~electoral board~~ *general registrar* and distributed to the appropriate precincts. On the day fixed for the referendum, the regular election officers shall open the polls and take the sense of the qualified voters of the county, city, town, or other local subdivision, as the case may be, on the question so submitted. The ballots for use at any such election shall be printed to state the question as follows:

"(Here state briefly the question submitted)

Yes

No"

The ballots shall be printed, marked, and counted and returns made and canvassed as in other elections. The results shall be certified by the secretary of the appropriate electoral board to the State Board, to the court ordering the election, and to such other authority as may be proper to accomplish the purpose of the election.

§ 24.2-712. Central absentee voter precincts; counting ballots.

A. Notwithstanding any other provision of law, the governing body of each county or city may establish one or more central absentee voter precincts in the courthouse or other public buildings for the purpose of receiving, counting, and recording absentee ballots cast in the county or city. The decision to establish any absentee voter precinct shall be made by the governing body by ordinance; the ordinance shall state for which elections the precinct shall be used. The decision to abolish any absentee voter precinct shall be made by the governing body by ordinance. Immediate notification of either decision shall be sent to the Department of Elections and the electoral board.

B. Each central absentee voter precinct shall have at least three officers of election as provided for other precincts. The number of officers shall be determined by the electoral board *and general registrar*.

C. If any voter brings an unmarked ballot to the central absentee voter precinct on the day of the election, he shall be allowed to vote it. If any voter brings an unmarked ballot to the general registrar on or before the day of the election, he shall be allowed to vote it, and his ballot shall be delivered to the absentee voter precinct pursuant to § 24.2-710.

The officers at the absentee voter precinct shall determine any appeal by any other voter whose name appears on the absentee voter applicant list and who offers to vote in person. If the officers at the absentee voter precinct produce records showing the receipt of his application and the certificate or other evidence of mailing for the ballot, they shall deny his appeal. If the officers cannot produce such records, the voter shall be allowed to vote in person at the absentee voter precinct and have his vote counted with other absentee votes. If the voter's appeal is denied, the provisions of § 24.2-708 shall be applicable, and the officers shall advise the voter that he may vote on presentation of a statement signed by him that he has not received an absentee ballot and subject to felony penalties for making false statements pursuant to § 24.2-1016.

D. Absentee ballots may be processed as required by § 24.2-711 by the officers of election at the central absentee voter precinct prior to the closing of the polls but the ballot container shall not be opened and the counting of ballots shall not begin prior to that time. In the case of machine-readable ballots, the ballot container may be opened and the absentee ballots may be inserted in the counting machines prior to the closing of the polls in accordance with procedures prescribed by the Department of Elections, including procedures to preserve ballot secrecy, but no ballot count totals shall be initiated prior to that time.

As soon as the polls are closed in the county or city the officers of election at the central absentee voter precinct shall proceed promptly to ascertain and record the vote given by absentee ballot and report the results in the manner provided for counting and reporting ballots generally in Article 4 (§ 24.2-643 et seq.) of Chapter 6.

E. The electoral board *or general registrar* may provide that the officers of election for a central absentee voter precinct may be assigned to work all or a portion of the time that the precinct is open on election day subject to the following conditions:

1. The chief officer and the assistant chief officer, appointed pursuant to § 24.2-115 to represent the two political parties, are on duty at all times; and

2. No officer, political party representative, or other candidate representative shall leave the precinct after any ballots have been counted until the polls are closed and the count for the precinct is completed and reported.

F. The general registrar may provide that the central absentee voter precinct will open after 6:00 a.m. on the day of the election provided that the office of the general registrar will be open for the receipt of absentee ballots until the central absentee voter precinct is open and that the officers of election for the central absentee voter precinct obtain the absentee ballots returned to the general registrar's office for the purpose of counting the absentee ballots at the central absentee voter precinct and provided further that the central absentee voter precinct is the same location as the office of the general registrar.

CHAPTER 493

An Act to amend and reenact § 24.2-613 of the Code of Virginia, relating to form of ballot; order of candidates for school board.

[S 664]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-613 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-613. Form of ballot.

A. The ballots shall comply with the requirements of this title and the standards prescribed by the State Board.

B. For elections for federal, statewide, and General Assembly offices only, each candidate who has been nominated by a political party or in a primary election shall be identified by the name of his political party. Independent candidates shall be identified by the term "Independent." For the purpose of this section, any Independent candidate may, by producing sufficient and appropriate evidence of nomination by a "recognized political party" to the State Board, have the term "Independent" on the ballot converted to that of a "recognized political party" on the ballot and be treated on the ballot in a manner consistent with the candidates nominated by political parties. For the purpose of this section, a "recognized political party" is defined as an organization that, for at least six months preceding the filing of its nominee for the office, has had in continual existence a state central committee composed of registered voters residing in each congressional district of the Commonwealth, a party plan and bylaws, and a duly elected state chairman and secretary. A letter from the state chairman of a recognized political party certifying that a candidate is the nominee of that party and also signed by such candidate accepting that nomination shall constitute sufficient and appropriate evidence of nomination by a recognized political party. The name of the political party, the name of the "recognized political party," or term "Independent" may be shown by an initial or abbreviation to meet ballot requirements.

C. Except as provided for primary elections, the State Board shall determine by lot the order of the political parties, and the names of all candidates for a particular office shall appear together in the order determined for their parties. In an election district in which more than one person is nominated by one political party for the same office, the candidates' names shall appear alphabetically in their party groups under the name of the office, with sufficient space between party groups to indicate them as such. For the purpose of this section, except as provided for presidential elections in § 24.2-614, "recognized political parties" shall be treated as a class; the order of the recognized political parties within the class shall be determined by lot by the State Board; and the class shall follow the political parties as defined by § 24.2-101 and precede the independent class. Independent candidates shall be treated as a class under "Independent"; *and* their names shall be placed on the ballot after the political parties and recognized political parties; ~~and where~~. *Where* there is more than one independent candidate for an office, their names shall appear alphabetically, *except that the names of candidates for school boards elected pursuant to § 22.1-57.3 shall appear on the ballot in an order determined by the priority of time of filing for the office. In the event two or more candidates file simultaneously, the order of filing shall then be determined by lot by the electoral board as in the case of a tie vote for the office.*

No individual's name shall appear on the ballot more than once for the same office.

D. In preparing the printed ballots for general, special, and primary elections, the State Board and electoral boards shall cause to be printed in not less than 10-point type, immediately below the title of any office, a statement of the number of candidates for whom votes may be cast for that office. For any office to which only one candidate can be elected, the following language shall be used: "Vote for only one." For any office to which more than one candidate can be elected, the following language shall be used: "Vote for not more than ____."

E. Any locality that uses machine-readable ballots at one or more precincts, including any central absentee precinct, may, with the approval of the State Board, use a printed reproduction of the machine-readable ballot in lieu of the official machine-readable ballot. Such reproductions shall be printed and otherwise handled in accordance with all laws and procedures that apply to official paper ballots.

In every county and city using voting systems requiring printed ballots, the electoral board shall furnish a sufficient number of ballots printed on plain white paper, of such form and size as will fit in the ballot frames.

2. That the provisions of this act shall apply to all elections occurring after July 1, 2016.

CHAPTER 494

An Act to amend and reenact §§ 54.1-2901 and 54.1-2927 of the Code of Virginia, relating to practitioners of the healing arts; temporary authorization to practice.

[S 399]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2901 and 54.1-2927 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2901. Exceptions and exemptions generally.

A. The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;
2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;
3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;
4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;
5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;
6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;
7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;
8. The domestic administration of family remedies;
9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;
10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;
11. The advertising or sale of commercial appliances or remedies;
12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracemaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracemaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;
13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;
14. The practice of the religious tenets of any church in the ministrations to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;
15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;
16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary ~~license or certification~~ authorization by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;

17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military orders;

18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;

19. Any person from performing services in the lawful conduct of his particular profession or business under state law;

20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;

21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;

23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;

24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;

25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;

26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;

27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.

B. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife may practice without the requirement for physician supervision while participating in a pilot program approved by the Board of Health pursuant to § 32.1-11.5.

§ 54.1-2927. Applicants from other states without reciprocity; temporary licenses or certificates for certain practitioners of the healing arts.

A. The Board, in its discretion, may issue certificates or licenses to applicants upon endorsement by boards or other appropriate authorities of other states or territories or the District of Columbia with which reciprocal relations have not been established if the credentials of such applicants are satisfactory and the examinations and passing grades required by such other boards are fully equal to those required by the Virginia Board.

The Board may issue certificates or licenses to applicants holding certificates from the national boards of their respective branches of the healing arts if their credentials, schools of graduation and national board examinations and results are acceptable to the Board. The Board shall promulgate regulations in order to carry out the provisions of this section.

B. The Board may issue a ~~license or certificate~~ *authorization to practice* valid for a period not to exceed three months to a practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in the state, District of Columbia, or Canada where the practitioner resides when the practitioner is in Virginia temporarily to practice the healing arts (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) in continuing education programs, or (iii) by rendering at any site any health care services within the limits of his license or certificate, voluntarily and without compensation, to any patient of any clinic ~~which that~~ is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106. ~~Approval of the credentials of such practitioners and the form of such licenses or certificates shall be governed by regulations promulgated by the Board.~~ A fee not to exceed ~~twenty-five dollars~~ \$25 may be charged by the Board for the issuance of a ~~license or certificate~~ *authorized by authorization to practice pursuant to the provisions of this subsection.*

CHAPTER 495

An Act to amend and reenact §§ 54.1-2901, 54.1-2914, 54.1-2957, 54.1-2957.01, 54.1-2957.03, 54.1-2957.9, and 54.1-3401 of the Code of Virginia and to repeal § 32.1-11.5 of the Code of Virginia, relating to nurse practitioners; certified nurse midwives; practicing without a patient care team.

[S 463]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2901, 54.1-2914, 54.1-2957, 54.1-2957.01, 54.1-2957.03, 54.1-2957.9, and 54.1-3401 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2901. Exceptions and exemptions generally.

~~A.~~ The provisions of this chapter shall not prevent or prohibit:

1. Any person entitled to practice his profession under any prior law on June 24, 1944, from continuing such practice within the scope of the definition of his particular school of practice;
2. Any person licensed to practice naturopathy prior to June 30, 1980, from continuing such practice in accordance with regulations promulgated by the Board;
3. Any licensed nurse practitioner from rendering care in collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 *or any nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife practicing pursuant to subsection G of § 54.1-2957* when such services are authorized by regulations promulgated jointly by the Board of Medicine and the Board of Nursing;
4. Any registered professional nurse, licensed nurse practitioner, graduate laboratory technician or other technical personnel who have been properly trained from rendering care or services within the scope of their usual professional activities which shall include the taking of blood, the giving of intravenous infusions and intravenous injections, and the insertion of tubes when performed under the orders of a person licensed to practice medicine or osteopathy, a nurse practitioner, or a physician assistant;
5. Any dentist, pharmacist or optometrist from rendering care or services within the scope of his usual professional activities;
6. Any practitioner licensed or certified by the Board from delegating to personnel supervised by him, such activities or functions as are nondiscretionary and do not require the exercise of professional judgment for their performance and which are usually or customarily delegated to such persons by practitioners of the healing arts, if such activities or functions are authorized by and performed for such practitioners of the healing arts and responsibility for such activities or functions is assumed by such practitioners of the healing arts;
7. The rendering of medical advice or information through telecommunications from a physician licensed to practice medicine in Virginia or an adjoining state, or from a licensed nurse practitioner, to emergency medical personnel acting in an emergency situation;
8. The domestic administration of family remedies;

9. The giving or use of massages, steam baths, dry heat rooms, infrared heat or ultraviolet lamps in public or private health clubs and spas;
10. The manufacture or sale of proprietary medicines in this Commonwealth by licensed pharmacists or druggists;
11. The advertising or sale of commercial appliances or remedies;
12. The fitting by nonitinerant persons or manufacturers of artificial eyes, limbs or other apparatus or appliances or the fitting of plaster cast counterparts of deformed portions of the body by a nonitinerant bracedmaker or prosthetist for the purpose of having a three-dimensional record of the deformity, when such bracedmaker or prosthetist has received a prescription from a licensed physician, licensed nurse practitioner, or licensed physician assistant directing the fitting of such casts and such activities are conducted in conformity with the laws of Virginia;
13. Any person from the rendering of first aid or medical assistance in an emergency in the absence of a person licensed to practice medicine or osteopathy under the provisions of this chapter;
14. The practice of the religious tenets of any church in the ministration to the sick and suffering by mental or spiritual means without the use of any drug or material remedy, whether gratuitously or for compensation;
15. Any legally qualified out-of-state or foreign practitioner from meeting in consultation with legally licensed practitioners in this Commonwealth;
16. Any practitioner of the healing arts licensed or certified and in good standing with the applicable regulatory agency in another state or Canada when that practitioner of the healing arts is in Virginia temporarily and such practitioner has been issued a temporary license or certification by the Board from practicing medicine or the duties of the profession for which he is licensed or certified (i) in a summer camp or in conjunction with patients who are participating in recreational activities, (ii) while participating in continuing educational programs prescribed by the Board, or (iii) by rendering at any site any health care services within the limits of his license, voluntarily and without compensation, to any patient of any clinic which is organized in whole or in part for the delivery of health care services without charge as provided in § 54.1-106;
17. The performance of the duties of any active duty health care provider in active service in the army, navy, coast guard, marine corps, air force, or public health service of the United States at any public or private health care facility while such individual is so commissioned or serving and in accordance with his official military orders;
18. Any masseur, who publicly represents himself as such, from performing services within the scope of his usual professional activities and in conformance with state law;
19. Any person from performing services in the lawful conduct of his particular profession or business under state law;
20. Any person from rendering emergency care pursuant to the provisions of § 8.01-225;
21. Qualified emergency medical services personnel, when acting within the scope of their certification, and licensed health care practitioners, when acting within their scope of practice, from following Durable Do Not Resuscitate Orders issued in accordance with § 54.1-2987.1 and Board of Health regulations, or licensed health care practitioners from following any other written order of a physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
22. Any commissioned or contract medical officer of the army, navy, coast guard or air force rendering services voluntarily and without compensation while deemed to be licensed pursuant to § 54.1-106;
23. Any provider of a chemical dependency treatment program who is certified as an "acupuncture detoxification specialist" by the National Acupuncture Detoxification Association or an equivalent certifying body, from administering auricular acupuncture treatment under the appropriate supervision of a National Acupuncture Detoxification Association certified licensed physician or licensed acupuncturist;
24. Any employee of any assisted living facility who is certified in cardiopulmonary resuscitation (CPR) acting in compliance with the patient's individualized service plan and with the written order of the attending physician not to resuscitate a patient in the event of cardiac or respiratory arrest;
25. Any person working as a health assistant under the direction of a licensed medical or osteopathic doctor within the Department of Corrections, the Department of Juvenile Justice or local correctional facilities;
26. Any employee of a school board, authorized by a prescriber and trained in the administration of insulin and glucagon, when, upon the authorization of a prescriber and the written request of the parents as defined in § 22.1-1, assisting with the administration of insulin or administering glucagon to a student diagnosed as having diabetes and who requires insulin injections during the school day or for whom glucagon has been prescribed for the emergency treatment of hypoglycemia;
27. Any practitioner of the healing arts or other profession regulated by the Board from rendering free health care to an underserved population of Virginia who (i) does not regularly practice his profession in Virginia, (ii) holds a current valid license or certificate to practice his profession in another state, territory, district or possession of the United States, (iii) volunteers to provide free health care to an underserved area of the Commonwealth under the auspices of a publicly supported all volunteer, nonprofit organization that sponsors the provision of health care to populations of underserved people, (iv) files a copy of the license or certification issued in such other jurisdiction with the Board, (v) notifies the Board at least five business days prior to the voluntary provision of services of the dates and location of such service, and (vi) acknowledges, in writing, that such licensure exemption shall only be valid, in compliance with the Board's regulations, during the limited period that such free health care is made available through the volunteer, nonprofit organization on the dates and at the location filed with the Board. The Board may deny the right to practice in Virginia to any practitioner of the healing arts whose license or certificate has been previously suspended or revoked, who has been convicted of a felony or

who is otherwise found to be in violation of applicable laws or regulations. However, the Board shall allow a practitioner of the healing arts who meets the above criteria to provide volunteer services without prior notice for a period of up to three days, provided the nonprofit organization verifies that the practitioner has a valid, unrestricted license in another state;

28. Any registered nurse, acting as an agent of the Department of Health, from obtaining specimens of sputum or other bodily fluid from persons in whom the diagnosis of active tuberculosis disease, as defined in § 32.1-49.1, is suspected and submitting orders for testing of such specimens to the Division of Consolidated Laboratories or other public health laboratories, designated by the State Health Commissioner, for the purpose of determining the presence or absence of tubercle bacilli as defined in § 32.1-49.1;

29. Any physician of medicine or osteopathy or nurse practitioner from delegating to a registered nurse under his supervision the screening and testing of children for elevated blood-lead levels when such testing is conducted (i) in accordance with a written protocol between the physician or nurse practitioner and the registered nurse and (ii) in compliance with the Board of Health's regulations promulgated pursuant to §§ 32.1-46.1 and 32.1-46.2. Any follow-up testing or treatment shall be conducted at the direction of a physician or nurse practitioner;

30. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state or Canada from engaging in the practice of that profession when the practitioner is in Virginia temporarily with an out-of-state athletic team or athlete for the duration of the athletic tournament, game, or event in which the team or athlete is competing;

31. Any person from performing state or federally funded health care tasks directed by the consumer, which are typically self-performed, for an individual who lives in a private residence and who, by reason of disability, is unable to perform such tasks but who is capable of directing the appropriate performance of such tasks; or

32. Any practitioner of one of the professions regulated by the Board of Medicine who is in good standing with the applicable regulatory agency in another state from engaging in the practice of that profession in Virginia with a patient who is being transported to or from a Virginia hospital for care.

~~B. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife may practice without the requirement for physician supervision while participating in a pilot program approved by the Board of Health pursuant to § 32.1-11.5.~~

§ 54.1-2914. Sale of controlled substances and medical devices or appliances; requirements for vision care services.

A. A practitioner of the healing arts shall not engage in selling controlled substances unless he is licensed to do so by the Board of Pharmacy. However, this prohibition shall not apply to a doctor of medicine, osteopathy or podiatry who administers controlled substances to his patients or provides controlled substances to his patient in a bona fide medical emergency or when pharmaceutical services are not available. Practitioners who sell or dispense controlled substances shall be subject to inspection by the Department of Health Professions to ensure compliance with Chapters 33 (§ 54.1-3300 et seq.) and 34 (§ 54.1-3400 et seq.) of this title and the Board of Pharmacy's regulations. This subsection shall not apply to physicians acting on behalf of the Virginia Department of Health or local health departments.

B. A practitioner of the healing arts who may lawfully sell medical appliances or devices shall not sell such appliances or devices to persons who are not his own patients and shall not sell such articles to his own patients either for his own convenience or for the purpose of supplementing his income. This subsection shall not apply to physicians acting on behalf of the Virginia Department of Health or local health departments.

C. A practitioner of the healing arts may, from within the practitioner's office, engage in selling or promoting the sale of eyeglasses and may dispense contact lenses. Only those practitioners of the healing arts who engage in the examination of eyes and prescribing of eyeglasses may engage in the sale or promotion of eyeglasses. Practitioners shall not employ any unlicensed person to fill prescriptions for eyeglasses within the practitioner's office except as provided in subdivision A 6 of § 54.1-2901. A practitioner may also own, in whole or in part, an optical dispensary located adjacent to or at a distance from his office.

D. Any practitioner of the healing arts engaging in the examination of eyes and prescribing of eyeglasses shall give the patient a copy of any prescription for eyeglasses and inform the patient of his right to have the prescription filled at the establishment of his choice. No practitioner who owns, in whole or in part, an establishment dispensing eyeglasses shall make any statement or take any action, directly or indirectly, that infringes on the patient's right to have a prescription filled at an establishment other than the one in which the practitioner has an ownership interest.

Disclosure of ownership interest by a practitioner as required by § 54.1-2964 or participation by the practitioner in contractual arrangements with third-party payors or purchasers of vision care services shall not constitute a violation of this subsection.

§ 54.1-2957. Licensure and practice of nurse practitioners; practice agreements.

A. As used in this section:

"Collaboration" means the communication and decision-making process among members of a patient care team related to the treatment and care of a patient and includes (i) communication of data and information about the treatment and care of a patient, including exchange of clinical observations and assessments, and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.

"Consultation" means the communicating of data and information, exchanging of clinical observations and assessments, accessing and assessing of additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.

B. The Board of Medicine and the Board of Nursing shall jointly prescribe the regulations governing the licensure of nurse practitioners. It shall be unlawful for a person to practice as a nurse practitioner in the Commonwealth unless he holds such a joint license.

~~B. A C.~~ Except as provided in subsection G, a nurse practitioner shall only practice as part of a patient care team. Each member of a patient care team shall have specific responsibilities related to the care of the patient or patients and shall provide health care services within the scope of his usual professional activities. Nurse practitioners practicing as part of a patient care team shall maintain appropriate collaboration and consultation, as evidenced in a written or electronic practice agreement, with at least one patient care team physician. Nurse practitioners who are certified registered nurse anesthetists shall practice under the supervision of a licensed doctor of medicine, osteopathy, podiatry, or dentistry. Nurse practitioners appointed as medical examiners pursuant to § 32.1-282 shall practice in collaboration with a licensed doctor of medicine or osteopathic medicine who has been appointed to serve as a medical examiner pursuant to § 32.1-282. Collaboration and consultation among nurse practitioners and patient care team physicians may be provided through telemedicine as described in § 38.2-3418.16. Practice of patient care teams in all settings shall include the periodic review of patient charts or electronic health records and may include visits to the site where health care is delivered in the manner and at the frequency determined by the patient care team.

Physicians on patient care teams may require that a nurse practitioner be covered by a professional liability insurance policy with limits equal to the current limitation on damages set forth in § 8.01-581.15.

Service on a patient care team by a patient care team member shall not, by the existence of such service alone, establish or create liability for the actions or inactions of other team members.

~~C. D.~~ The Board of Medicine and the Board of Nursing shall jointly promulgate regulations specifying collaboration and consultation among physicians and nurse practitioners working as part of patient care teams that shall include the development of, and periodic review and revision of, a written or electronic practice agreement; guidelines for availability and ongoing communications that define consultation among the collaborating parties and the patient; and periodic joint evaluation of the services delivered. Practice agreements shall include a provision for appropriate physician input in complex clinical cases and patient emergencies and for referrals. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. For nurse practitioners providing care to patients within a hospital or health care system, the practice agreement may be included as part of documents delineating the nurse practitioner's clinical privileges or the electronic or written delineation of duties and responsibilities in collaboration and consultation with a patient care team physician.

~~D. E.~~ The Boards may issue a license by endorsement to an applicant to practice as a nurse practitioner if the applicant has been licensed as a nurse practitioner under the laws of another state and, in the opinion of the Boards, the applicant meets the qualifications for licensure required of nurse practitioners in the Commonwealth.

~~E. F.~~ Pending the outcome of the next National Specialty Examination, the Boards may jointly grant temporary licensure to nurse practitioners.

~~F. As used in this section:~~

~~"Collaboration" means the communication and decision-making process among members of a patient care team related to the treatment and care of a patient and includes (i) communication of data and information about the treatment and care of a patient, including exchange of clinical observations and assessments; and (ii) development of an appropriate plan of care, including decisions regarding the health care provided, accessing and assessment of appropriate additional resources or expertise, and arrangement of appropriate referrals, testing, or studies.~~

~~"Consultation" means the communicating of data and information, exchanging of clinical observations and assessments, accessing and assessing of additional resources and expertise, problem-solving, and arranging for referrals, testing, or studies.~~

G. Nurse practitioners licensed by the Boards of Medicine and Nursing in the category of certified nurse midwife shall practice in consultation with a licensed physician in accordance with a practice agreement between the nurse practitioner and the licensed physician. Such practice agreement shall address the availability of the physician for routine and urgent consultation on patient care. Evidence of a practice agreement shall be maintained by a nurse practitioner and provided to the Boards upon request. The Boards shall jointly promulgate regulations, consistent with the Standards for the Practice of Midwifery set by the American College of Nurse-Midwives, governing such practice.

§ 54.1-2957.01. Prescription of certain controlled substances and devices by licensed nurse practitioners.

A. In accordance with the provisions of this section and pursuant to the requirements of Chapter 33 (§ 54.1-3300 et seq.), a licensed nurse practitioner, other than a certified registered nurse anesthetist, shall have the authority to prescribe Schedule II through Schedule VI controlled substances and devices as set forth in Chapter 34 (§ 54.1-3400 et seq.). Nurse practitioners shall have such prescriptive authority upon the provision to the Board of Medicine and the Board of Nursing of such evidence as they may jointly require that the nurse practitioner has entered into and is, at the time of writing a prescription, a party to a written or electronic practice agreement with a patient care team physician that clearly states the prescriptive practices of the nurse practitioner. Such written or electronic practice agreements shall include the controlled substances the nurse practitioner is or is not authorized to prescribe and may restrict such prescriptive authority as described

in the practice agreement. Evidence of a practice agreement shall be maintained by a nurse practitioner pursuant to § 54.1-2957. Practice agreements authorizing a nurse practitioner to prescribe controlled substances or devices pursuant to this section shall either be signed by the patient care team physician who is practicing as part of a patient care team with the nurse practitioner or shall clearly state the name of the patient care team physician who has entered into the practice agreement with the nurse practitioner.

B. It shall be unlawful for a nurse practitioner to prescribe controlled substances or devices pursuant to this section unless such prescription is authorized by the written or electronic practice agreement.

C. The Board of Nursing and the Board of Medicine shall promulgate such regulations governing the prescriptive authority of nurse practitioners as are deemed reasonable and necessary to ensure an appropriate standard of care for patients.

Regulations promulgated pursuant to this section shall include, at a minimum, such requirements as may be necessary to ensure continued nurse practitioner competency, which may include continuing education, testing, or any other requirement, and shall address the need to promote ethical practice, an appropriate standard of care, patient safety, the use of new pharmaceuticals, and appropriate communication with patients.

D. This section shall not limit the functions and procedures of certified registered nurse anesthetists or of any nurse practitioners which are otherwise authorized by law or regulation.

E. The following restrictions shall apply to any nurse practitioner authorized to prescribe drugs and devices pursuant to this section:

1. The nurse practitioner shall disclose to the patient at the initial encounter that he is a licensed nurse practitioner. Any member of a patient care team shall disclose, upon request of a patient or his legal representative, the name of the patient care team physician and information regarding how to contact the patient care team physician.

2. Physicians shall not serve as a patient care team physician on a patient care team at any one time to more than six nurse practitioners.

F. This section shall not prohibit a licensed nurse practitioner from administering controlled substances in compliance with the definition of "administer" in § 54.1-3401 or from receiving and dispensing manufacturers' professional samples of controlled substances in compliance with the provisions of this section.

G. Notwithstanding any provision of law or regulation to the contrary, a nurse practitioner licensed by the Boards of Nursing and Medicine in the category of certified nurse midwife and holding a license for prescriptive authority may prescribe (i) Schedules II through ~~V~~ V controlled substances ~~without the requirement for collaboration and consultation with a patient care team physician as part of a patient care team pursuant to § 54.1-2957 or a written or electronic practice agreement between the licensed nurse practitioner and a licensed physician while participating in a pilot program approved by the Board of Health pursuant to § 32.1-11.5 in accordance with any prescriptive authority included in a practice agreement with a licensed physician pursuant to subsection G of § 54.1-2957 and~~ (ii) Schedule VI controlled substances ~~without the requirement for inclusion of such prescriptive authority in a practice agreement.~~

§ 54.1-2957.03. Certified nurse midwives; required disclosures; liability.

A. *As used in this section, "birthing center" means a facility outside a hospital that provides maternity services.*

B. A certified nurse midwife who provides health care services to a patient outside of a hospital or birthing center; ~~as defined in subsection E of § 32.1-11.5~~, shall disclose to that patient, when appropriate, information on health risks associated with births outside of a hospital or birthing center, including but not limited to risks associated with vaginal births after a prior cesarean section, breech births, births by women experiencing high-risk pregnancies, and births involving multiple gestation.

~~B.~~ C. The certified nurse midwife who provided health care to a patient shall be liable for the midwife's negligent, grossly negligent, or willful and wanton acts or omissions. Except as otherwise provided by law, any (i) doctor of medicine or osteopathy who did not collaborate or consult with the midwife regarding the patient and who has not previously treated the patient for this pregnancy, (ii) nurse, (iii) prehospital emergency medical personnel, or (iv) hospital as defined in § 32.1-123 or agents thereof, who provides screening and stabilization health care services to a patient as a result of a certified nurse midwife's negligent, grossly negligent, or willful and wanton acts or omissions, shall be immune from liability for acts or omissions constituting ordinary negligence.

§ 54.1-2957.9. Regulation of the practice of midwifery.

The Board shall adopt regulations governing the practice of midwifery, upon consultation with the Advisory Board on Midwifery. The regulations shall (i) address the requirements for licensure to practice midwifery, including the establishment of standards of care, (ii) be consistent with the North American Registry of Midwives' current job description for the profession and the National Association of Certified Professional Midwives' standards of practice, except that prescriptive authority and the possession and administration of controlled substances shall be prohibited, (iii) ensure independent practice, (iv) require midwives to disclose to their patients, when appropriate, options for consultation and referral to a physician and evidence-based information on health risks associated with birth of a child outside of a hospital or birthing center, as defined in ~~subsection E of § 32.1-11.5~~ 54.1-2957.03, including ~~but not limited to~~ risks associated with vaginal births after a prior cesarean section, breech births, births by women experiencing high-risk pregnancies, and births involving multiple gestation, (v) provide for an appropriate license fee, and (vi) include requirements for licensure renewal and continuing education. Such regulations shall not (a) require any agreement, written or otherwise, with another health

care professional or (b) require the assessment of a woman who is seeking midwifery services by another health care professional.

License renewal shall be contingent upon maintaining a Certified Professional Midwife certification.

§ 54.1-3401. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Administer" means the direct application of a controlled substance, whether by injection, inhalation, ingestion, or any other means, to the body of a patient or research subject by (i) a practitioner or by his authorized agent and under his direction or (ii) the patient or research subject at the direction and in the presence of the practitioner.

"Advertisement" means all representations disseminated in any manner or by any means, other than by labeling, for the purpose of inducing, or which are likely to induce, directly or indirectly, the purchase of drugs or devices.

"Agent" means an authorized person who acts on behalf of or at the direction of a manufacturer, distributor, or dispenser. It does not include a common or contract carrier, public warehouseman, or employee of the carrier or warehouseman.

"Anabolic steroid" means any drug or hormonal substance, chemically and pharmacologically related to testosterone, other than estrogens, progestins, corticosteroids, and dehydroepiandrosterone.

"Animal" means any nonhuman animate being endowed with the power of voluntary action.

"Automated drug dispensing system" means a mechanical or electronic system that performs operations or activities, other than compounding or administration, relating to pharmacy services, including the storage, dispensing, or distribution of drugs and the collection, control, and maintenance of all transaction information, to provide security and accountability for such drugs.

"Biological product" means a virus, therapeutic serum, toxin, antitoxin, vaccine, blood, blood component or derivative, allergenic product, protein other than a chemically synthesized polypeptide, or analogous product, or arsphenamine or any derivative of arsphenamine or any other trivalent organic arsenic compound, applicable to the prevention, treatment, or cure of a disease or condition of human beings.

"Biosimilar" means a biological product that is highly similar to a specific reference biological product, notwithstanding minor differences in clinically inactive compounds, such that there are no clinically meaningful differences between the reference biological product and the biological product that has been licensed as a biosimilar pursuant to 42 U.S.C. § 262(k) in terms of safety, purity, and potency of the product.

"Board" means the Board of Pharmacy.

"Bulk drug substance" means any substance that is represented for use, and that, when used in the compounding, manufacturing, processing, or packaging of a drug, becomes an active ingredient or a finished dosage form of the drug; however, "bulk drug substance" shall not include intermediates that are used in the synthesis of such substances.

"Change of ownership" of an existing entity permitted, registered, or licensed by the Board means (i) the sale or transfer of all or substantially all of the assets of the entity or of any corporation that owns or controls the entity; (ii) the creation of a partnership by a sole proprietor, the dissolution of a partnership, or change in partnership composition; (iii) the acquisition or disposal of 50 percent or more of the outstanding shares of voting stock of a corporation owning the entity or of the parent corporation of a wholly owned subsidiary owning the entity, except that this shall not apply to any corporation the voting stock of which is actively traded on any securities exchange or in any over-the-counter market; (iv) the merger of a corporation owning the entity or of the parent corporation of a wholly-owned subsidiary owning the entity with another business or corporation; or (v) the expiration or forfeiture of a corporation's charter.

"Compounding" means the combining of two or more ingredients to fabricate such ingredients into a single preparation and includes the mixing, assembling, packaging, or labeling of a drug or device (i) by a pharmacist, or within a permitted pharmacy, pursuant to a valid prescription issued for a medicinal or therapeutic purpose in the context of a bona fide practitioner-patient-pharmacist relationship, or in expectation of receiving a valid prescription based on observed historical patterns of prescribing and dispensing; (ii) by a practitioner of medicine, osteopathy, podiatry, dentistry, or veterinary medicine as an incident to his administering or dispensing, if authorized to dispense, a controlled substance in the course of his professional practice; or (iii) for the purpose of, or as incident to, research, teaching, or chemical analysis and not for sale or for dispensing. The mixing, diluting, or reconstituting of a manufacturer's product drugs for the purpose of administration to a patient, when performed by a practitioner of medicine or osteopathy licensed under Chapter 29 (§ 54.1-2900 et seq.), a person supervised by such practitioner pursuant to subdivision A 6 or A 19 of § 54.1-2901, or a person supervised by such practitioner or a licensed nurse practitioner or physician assistant pursuant to subdivision A 4 of § 54.1-2901 shall not be considered compounding.

"Controlled substance" means a drug, substance, or immediate precursor in Schedules I through VI of this chapter. The term shall not include distilled spirits, wine, malt beverages, or tobacco as those terms are defined or used in Title 3.2 or Title 4.1. The term "controlled substance" includes a controlled substance analog that has been placed into Schedule I or II by the Board pursuant to the regulatory authority in subsection D of § 54.1-3443.

"Controlled substance analog" means a substance the chemical structure of which is substantially similar to the chemical structure of a controlled substance in Schedule I or II and either (i) which has a stimulant, depressant, or hallucinogenic effect on the central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II or (ii) with respect to a particular person, which such person represents or intends to have a stimulant, depressant, or hallucinogenic effect on the

central nervous system that is substantially similar to or greater than the stimulant, depressant, or hallucinogenic effect on the central nervous system of a controlled substance in Schedule I or II. "Controlled substance analog" does not include (a) any substance for which there is an approved new drug application as defined under § 505 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. § 355) or that is generally recognized as safe and effective pursuant to §§ 501, 502, and 503 of the federal Food, Drug, and Cosmetic Act (21 U.S.C. §§ 351, 352, and 353) and 21 C.F.R. Part 330; (b) with respect to a particular person, any substance for which an exemption is in effect for investigational use for that person under § 505 of the federal Food, Drug, and Cosmetic Act to the extent that the conduct with respect to that substance is pursuant to such exemption; or (c) any substance to the extent not intended for human consumption before such an exemption takes effect with respect to that substance.

"DEA" means the Drug Enforcement Administration, U.S. Department of Justice, or its successor agency.

"Deliver" or "delivery" means the actual, constructive, or attempted transfer of any item regulated by this chapter, whether or not there exists an agency relationship.

"Device" means instruments, apparatus, and contrivances, including their components, parts, and accessories, intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals or to affect the structure or any function of the body of man or animals.

"Dialysis care technician" or "dialysis patient care technician" means an individual who is certified by an organization approved by the Board of Health Professions pursuant to Chapter 27.01 (§ 54.1-2729.1 et seq.) and who, under the supervision of a licensed physician, nurse practitioner, physician assistant, or a registered nurse, assists in the care of patients undergoing renal dialysis treatments in a Medicare-certified renal dialysis facility.

"Dialysis solution" means either the commercially available, unopened, sterile solutions whose purpose is to be instilled into the peritoneal cavity during the medical procedure known as peritoneal dialysis, or commercially available solutions whose purpose is to be used in the performance of hemodialysis not to include any solutions administered to the patient intravenously.

"Dispense" means to deliver a drug to an ultimate user or research subject by or pursuant to the lawful order of a practitioner, including the prescribing and administering, packaging, labeling, or compounding necessary to prepare the substance for that delivery. However, dispensing shall not include the transportation of drugs mixed, diluted, or reconstituted in accordance with this chapter to other sites operated by such practitioner or that practitioner's medical practice for the purpose of administration of such drugs to patients of the practitioner or that practitioner's medical practice at such other sites. For practitioners of medicine or osteopathy, "dispense" shall only include the provision of drugs by a practitioner to patients to take with them away from the practitioner's place of practice.

"Dispenser" means a practitioner who dispenses.

"Distribute" means to deliver other than by administering or dispensing a controlled substance.

"Distributor" means a person who distributes.

"Drug" means (i) articles or substances recognized in the official United States Pharmacopoeia National Formulary or official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them; (ii) articles or substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in man or animals; (iii) articles or substances, other than food, intended to affect the structure or any function of the body of man or animals; (iv) articles or substances intended for use as a component of any article specified in clause (i), (ii), or (iii); or (v) a biological product. "Drug" does not include devices or their components, parts, or accessories.

"Drug product" means a specific drug in dosage form from a known source of manufacture, whether by brand or therapeutically equivalent drug product name.

"Electronic transmission prescription" means any prescription, other than an oral or written prescription or a prescription transmitted by facsimile machine, that is electronically transmitted directly to a pharmacy without interception or intervention from a third party from a practitioner authorized to prescribe or from one pharmacy to another pharmacy.

"Facsimile (FAX) prescription" means a written prescription or order that is transmitted by an electronic device over telephone lines that sends the exact image to the receiving pharmacy in hard copy form.

"FDA" means the U.S. Food and Drug Administration.

"Hashish oil" means any oily extract containing one or more cannabinoids, but shall not include any such extract with a tetrahydrocannabinol content of less than 12 percent by weight.

"Immediate precursor" means a substance which the Board of Pharmacy has found to be and by regulation designates as being the principal compound commonly used or produced primarily for use, and which is an immediate chemical intermediary used or likely to be used in the manufacture of a controlled substance, the control of which is necessary to prevent, curtail, or limit manufacture.

"Interchangeable" means a biosimilar that meets safety standards for determining interchangeability pursuant to 42 U.S.C. § 262(k)(4).

"Label" means a display of written, printed, or graphic matter upon the immediate container of any article. A requirement made by or under authority of this chapter that any word, statement, or other information appear on the label shall not be considered to be complied with unless such word, statement, or other information also appears on the outside container or wrapper, if any, of the retail package of such article or is easily legible through the outside container or wrapper.

"Labeling" means all labels and other written, printed, or graphic matter on an article or any of its containers or wrappers, or accompanying such article.

"Manufacture" means the production, preparation, propagation, conversion, or processing of any item regulated by this chapter, either directly or indirectly by extraction from substances of natural origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis, and includes any packaging or repackaging of the substance or labeling or relabeling of its container. This term does not include compounding.

"Manufacturer" means every person who manufactures.

"Marijuana" means any part of a plant of the genus *Cannabis* whether growing or not, its seeds, or its resin; and every compound, manufacture, salt, derivative, mixture, or preparation of such plant, its seeds, or its resin. Marijuana shall not include any oily extract containing one or more cannabinoids unless such extract contains less than 12 percent of tetrahydrocannabinol by weight, nor shall marijuana include the mature stalks of such plant, fiber produced from such stalk, or oil or cake made from the seeds of such plant, unless such stalks, fiber, oil, or cake is combined with other parts of plants of the genus *Cannabis*. Marijuana shall not include industrial hemp as defined in § 3.2-4112 that is possessed, cultivated, or manufactured by a grower licensed pursuant to § 3.2-4115.

"Medical equipment supplier" means any person, as defined in § 1-230, engaged in the delivery to the ultimate consumer, pursuant to the lawful order of a practitioner, of hypodermic syringes and needles, medicinal oxygen, Schedule VI controlled devices, those Schedule VI controlled substances with no medicinal properties that are used for the operation and cleaning of medical equipment, solutions for peritoneal dialysis, and sterile water or saline for irrigation.

"Narcotic drug" means any of the following, whether produced directly or indirectly by extraction from substances of vegetable origin, or independently by means of chemical synthesis, or by a combination of extraction and chemical synthesis: (i) opium, opiates, and any salt, compound, derivative, or preparation of opium or opiates; (ii) any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of the substances referred to in clause (i), but not including the isoquinoline alkaloids of opium; (iii) opium poppy and poppy straw; (iv) coca leaves and any salt, compound, derivative, or preparation of coca leaves, and any salt, compound, isomer, derivative, or preparation thereof which is chemically equivalent or identical with any of these substances, but not including decocainized coca leaves or extraction of coca leaves which do not contain cocaine or ecgonine.

"New drug" means (i) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug is not generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the labeling, except that such a drug not so recognized shall not be deemed to be a "new drug" if at any time prior to the enactment of this chapter it was subject to the Food and Drugs Act of June 30, 1906, as amended, and if at such time its labeling contained the same representations concerning the conditions of its use, or (ii) any drug, except a new animal drug or an animal feed bearing or containing a new animal drug, the composition of which is such that such drug, as a result of investigations to determine its safety and effectiveness for use under such conditions, has become so recognized, but which has not, otherwise than in such investigations, been used to a material extent or for a material time under such conditions.

"Nuclear medicine technologist" means an individual who holds a current certification with the American Registry of Radiological Technologists or the Nuclear Medicine Technology Certification Board.

"Official compendium" means the official United States Pharmacopoeia National Formulary, official Homeopathic Pharmacopoeia of the United States, or any supplement to any of them.

"Official written order" means an order written on a form provided for that purpose by the U.S. Drug Enforcement Administration, under any laws of the United States making provision therefor, if such order forms are authorized and required by federal law, and if no such order form is provided then on an official form provided for that purpose by the Board of Pharmacy.

"Opiate" means any substance having an addiction-forming or addiction-sustaining liability similar to morphine or being capable of conversion into a drug having such addiction-forming or addiction-sustaining liability. It does not include, unless specifically designated as controlled under Article 4 (§ 54.1-3437 et seq.), the dextrorotatory isomer of 3-methoxy-n-methylmorphinan and its salts (dextromethorphan). It does include its racemic and levorotatory forms.

"Opium poppy" means the plant of the species *Papaver somniferum* L., except the seeds thereof.

"Original package" means the unbroken container or wrapping in which any drug or medicine is enclosed together with label and labeling, put up by or for the manufacturer, wholesaler, or distributor for use in the delivery or display of such article.

"Outsourcing facility" means a facility that is engaged in the compounding of sterile drugs and is currently registered as an outsourcing facility with the U.S. Secretary of Health and Human Services and that complies with all applicable requirements of federal and state law, including the Federal Food, Drug, and Cosmetic Act.

"Person" means both the plural and singular, as the case demands, and includes an individual, partnership, corporation, association, governmental agency, trust, or other institution or entity.

"Pharmacist-in-charge" means the person who, being licensed as a pharmacist, signs the application for a pharmacy permit and assumes full legal responsibility for the operation of the relevant pharmacy in a manner complying with the laws and regulations for the practice of pharmacy and the sale and dispensing of controlled substances; the "pharmacist-in-charge" shall personally supervise the pharmacy and the pharmacy's personnel as required by § 54.1-3432.

"Poppy straw" means all parts, except the seeds, of the opium poppy, after mowing.

"Practitioner" means a physician, dentist, licensed nurse practitioner pursuant to § 54.1-2957.01, licensed physician assistant pursuant to § 54.1-2952.1, pharmacist pursuant to § 54.1-3300, TPA-certified optometrist pursuant to Article 5 (§ 54.1-3222 et seq.) of Chapter 32, veterinarian, scientific investigator, or other person licensed, registered, or otherwise permitted to distribute, dispense, prescribe and administer, or conduct research with respect to a controlled substance in the course of professional practice or research in the Commonwealth.

"Prescriber" means a practitioner who is authorized pursuant to §§ 54.1-3303 and 54.1-3408 to issue a prescription.

"Prescription" means an order for drugs or medical supplies, written or signed or transmitted by word of mouth, telephone, telegraph, or other means of communication to a pharmacist by a duly licensed physician, dentist, veterinarian, or other practitioner authorized by law to prescribe and administer such drugs or medical supplies.

"Prescription drug" means any drug required by federal law or regulation to be dispensed only pursuant to a prescription, including finished dosage forms and active ingredients subject to § 503(b) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 353(b)).

"Production" or "produce" includes the manufacture, planting, cultivation, growing, or harvesting of a controlled substance or marijuana.

"Proprietary medicine" means a completely compounded nonprescription drug in its unbroken, original package which does not contain any controlled substance or marijuana as defined in this chapter and is not in itself poisonous, and which is sold, offered, promoted, or advertised directly to the general public by or under the authority of the manufacturer or primary distributor, under a trademark, trade name, or other trade symbol privately owned, and the labeling of which conforms to the requirements of this chapter and applicable federal law. However, this definition shall not include a drug that is only advertised or promoted professionally to licensed practitioners, a narcotic or drug containing a narcotic, a drug that may be dispensed only upon prescription or the label of which bears substantially the statement "Warning — may be habit-forming," or a drug intended for injection.

"Radiopharmaceutical" means any drug that exhibits spontaneous disintegration of unstable nuclei with the emission of nuclear particles or photons and includes any non-radioactive reagent kit or radionuclide generator that is intended to be used in the preparation of any such substance, but does not include drugs such as carbon-containing compounds or potassium-containing salts that include trace quantities of naturally occurring radionuclides. The term also includes any biological product that is labeled with a radionuclide or intended solely to be labeled with a radionuclide.

"Reference biological product" means the single biological product licensed pursuant to 42 U.S.C. § 262(a) against which a biological product is evaluated in an application submitted to the U.S. Food and Drug Administration for licensure of biological products as biosimilar or interchangeable pursuant to 42 U.S.C. § 262(k).

"Sale" includes barter, exchange, or gift, or offer therefor, and each such transaction made by any person, whether as an individual, proprietor, agent, servant, or employee.

"Therapeutically equivalent drug products" means drug products that contain the same active ingredients and are identical in strength or concentration, dosage form, and route of administration and that are classified as being therapeutically equivalent by the U.S. Food and Drug Administration pursuant to the definition of "therapeutically equivalent drug products" set forth in the most recent edition of the Approved Drug Products with Therapeutic Equivalence Evaluations, otherwise known as the "Orange Book."

"USP-NF" means the current edition of the United States Pharmacopeia-National Formulary.

"Wholesaler" means any person, other than a wholesale distributor, engaged in the business of selling or otherwise distributing prescription drugs or devices to any person who is not the ultimate user or consumer. No person shall be subject to any state or local tax by reason of this definition.

"Wholesale distribution" means distribution of prescription drugs to persons other than consumers or patients, subject to the exceptions set forth in § 54.1-3401.1.

"Wholesale distributor" means any person engaged in wholesale distribution of prescription drugs including, but not limited to, manufacturers; repackers; own-label distributors; private-label distributors; jobbers; brokers; warehouses, including manufacturers' and distributors' warehouses, chain drug warehouses conducting wholesale distributions, and wholesale drug warehouses; independent wholesale drug traders; and retail pharmacies conducting wholesale distributions. No person shall be subject to any state or local tax as a wholesale merchant by reason of this definition.

The words "drugs" and "devices" as used in Chapter 33 (§ 54.1-3300 et seq.) and in this chapter shall not include surgical or dental instruments, physical therapy equipment, X-ray apparatus, or glasses or lenses for the eyes.

The terms "pharmacist," "pharmacy," and "practice of pharmacy" as used in this chapter shall be defined as provided in Chapter 33 (§ 54.1-3300 et seq.) unless the context requires a different meaning.

2. That § 32.1-11.5 of the Code of Virginia is repealed.

CHAPTER 496

An Act to amend and reenact § 32.1-269 of the Code of Virginia and to amend the Code of Virginia by adding in Article 6 of Chapter 7 of Title 32.1 a section numbered 32.1-269.1, relating to vital records; amendments to death certificates.

[S 592]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-269 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 6 of Chapter 7 of Title 32.1 a section numbered 32.1-269.1 as follows:

§ 32.1-269. Amending vital records; change of name; acknowledgment of paternity; change of sex.

A. A vital record registered under this chapter, *with the exception of a death certificate*, may be amended only in accordance with this ~~article~~ *section* and such regulations as may be adopted by the Board to protect the integrity and accuracy of such vital records. Such regulations shall specify the minimum evidence required for a change in any such vital record.

B. Except in the case of an amendment provided for in subsection D, a vital record that is amended under this section shall be marked "amended" and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the vital record. The Board shall prescribe by regulation the conditions under which omissions or errors on certificates, including designation of sex, may be corrected within one year after the date of the event without the certificate being marked amended. In a case of hermaphroditism or pseudo-hermaphroditism, the certificate of birth may be corrected at any time without being considered as amended upon presentation to the State Registrar of such medical evidence as the Board may require by regulation.

C. Upon receipt of a certified copy of a court order changing the name of a person as listed in a vital record and upon request of such person or his parent, guardian, or legal representative or the registrant, the State Registrar shall amend such vital records to reflect the new name.

D. Upon written request of both parents and receipt of a sworn acknowledgment of paternity executed subsequent to the birth and signed by both parents of a child born out of wedlock, the State Registrar shall amend the certificate of birth to show such paternity if paternity is not shown on the birth certificate. Upon request of the parents, the surname of the child shall be changed on the certificate to that of the father.

E. Upon receipt of a certified copy of an order of a court of competent jurisdiction indicating that the sex of an individual has been changed by medical procedure and upon request of such person, the State Registrar shall amend such person's certificate of birth to show the change of sex and, if a certified copy of a court order changing the person's name is submitted, to show a new name.

F. When an applicant does not submit the minimum documentation required by regulation to amend a vital record or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the vital record shall not be amended and ~~he~~ *the State Registrar* shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides or the Circuit Court of the City of Richmond, Division I, for an order compelling the State Registrar to amend the vital record; an aggrieved applicant who was born in Virginia, but is currently residing out of State, may petition any circuit court in the Commonwealth for such an order. The State Registrar or his authorized representative may appear and testify in such proceeding.

§ 32.1-269.1. Amending death certificates; change and correction of demographic information by affidavit or court order.

A. *Notwithstanding § 32.1-276, a death certificate registered under this chapter may be amended only in accordance with this section and such regulations as may be adopted by the Board to protect the integrity and accuracy of such death certificate. Such regulations shall specify the minimum evidence required for a change in any such death certificate.*

B. *A death certificate that is amended under this section shall be marked "amended," and the date of amendment and a summary description of the evidence submitted in support of the amendment shall be endorsed on or made a part of the death certificate. The Board shall prescribe by regulation the conditions under which omissions or errors on death certificates may be corrected.*

C. *Upon receipt of a certified copy of a court order changing the name of the deceased, the deceased's parent or spouse, or the informant; the marital status of the deceased; or the place of residence of the deceased, when the place of residence is changed to a jurisdiction outside the Commonwealth, the State Registrar shall amend such death certificate to reflect the new information and evidence.*

D. *Upon receipt of an affidavit and supporting evidence testifying to corrected information, including the correct spelling of the name of the deceased, the deceased's parent or spouse, or the informant; the sex, age, race, date of birth, place of birth, citizenship, social security number, education, occupation or kind or type of business, military status, or date of death of the deceased; the place of residence of the deceased, if located within the Commonwealth; the name of the institution; the county, city, or town where the death occurred; or the street or place where the death occurred, the State Registrar shall amend such death certificate to reflect the new information and evidence.*

E. *When an applicant does not submit the minimum documentation required by regulation to amend a death certificate or when the State Registrar finds reason to question the validity or sufficiency of the evidence, the death certificate shall not be amended and the State Registrar shall so advise the applicant. An aggrieved applicant may petition the circuit court of the county or city in which he resides or the Circuit Court of the City of Richmond, Division I, for an order compelling the State Registrar to amend the death certificate; an aggrieved applicant who is currently residing out of state may petition any circuit court in the Commonwealth for such an order. The State Registrar or his authorized representative may appear and testify in such proceeding.*

CHAPTER 497

An Act to amend and reenact §§ 54.1-2722 and 54.1-2724 of the Code of Virginia, relating to dental hygienists; practicing under remote supervision.

[S 712]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 54.1-2722 and 54.1-2724 of the Code of Virginia are amended and reenacted as follows:****§ 54.1-2722. License; application; qualifications; practice of dental hygiene.**

A. No person shall practice dental hygiene unless he possesses a current, active, and valid license from the Board of Dentistry. The licensee shall have the right to practice dental hygiene in the Commonwealth for the period of his license as set by the Board, under the direction of any licensed dentist.

B. An application for such license shall be made to the Board in writing and shall be accompanied by satisfactory proof that the applicant (i) is of good moral character, (ii) is a graduate of a dental hygiene program accredited by the Commission on Dental Accreditation and offered by an accredited institution of higher education, (iii) has passed the dental hygiene examination given by the Joint Commission on Dental Examinations, and (iv) has successfully completed a clinical examination acceptable to the Board.

C. The Board may grant a license to practice dental hygiene to an applicant licensed to practice in another jurisdiction if he (i) meets the requirements of subsection B; (ii) holds a current, unrestricted license to practice dental hygiene in another jurisdiction in the United States; (iii) has not committed any act that would constitute grounds for denial as set forth in § 54.1-2706; and (iv) meets other qualifications as determined in regulations promulgated by the Board.

D. A licensed dental hygienist may, under the direction or general supervision of a licensed dentist and subject to the regulations of the Board, perform services that are educational, diagnostic, therapeutic, or preventive. These services shall not include the establishment of a final diagnosis or treatment plan for a dental patient. Pursuant to subsection V of § 54.1-3408, a licensed dental hygienist may administer topical oral fluorides under an oral or written order or a standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine.

A dentist may also authorize a dental hygienist under his direction to administer Schedule VI nitrous oxide and oxygen inhalation analgesia and, to persons 18 years of age or older, Schedule VI local anesthesia. In its regulations, the Board of Dentistry shall establish the education and training requirements for dental hygienists to administer such controlled substances under a dentist's direction.

For the purposes of this section, "general supervision" means that a dentist has evaluated the patient and prescribed authorized services to be provided by a dental hygienist; however, the dentist need not be present in the facility while the authorized services are being provided.

~~For the purposes of this section, "remote supervision" means that a public health dentist has regular, periodic communications with a public health dental hygienist regarding patient treatment, but such dentist may not have done an initial examination of the patients who are to be seen and treated by the dental hygienist and may not be present with the dental hygienist when dental hygiene services are being provided.~~

The Board shall provide for an inactive license for those dental hygienists who hold a current, unrestricted license to practice in the Commonwealth at the time of application for an inactive license and who do not wish to practice in Virginia. The Board shall promulgate such regulations as may be necessary to carry out the provisions of this section, including requirements for remedial education to activate a license.

~~E. For the purposes of this subsection, "remote supervision" means that a public health dentist has regular, periodic communications with a public health dental hygienist regarding patient treatment, but such dentist may not have conducted an initial examination of the patients who are to be seen and treated by the dental hygienist and may not be present with the dental hygienist when dental hygiene services are being provided.~~

Notwithstanding any provision of law, a dental hygienist employed by the Virginia Department of Health who holds a license issued by the Board of Dentistry may provide educational and preventative dental care in the Commonwealth under the remote supervision of a dentist employed by the Department of Health. A dental hygienist providing such services shall practice pursuant to a protocol adopted by the Commissioner of Health on September 23, 2010, having been developed jointly by (i) the medical directors of the Cumberland Plateau, Southside, and Lenowisco Health Districts; (ii) dental hygienists employed by the Department of Health; (iii) the Director of the Dental Health Division of the Department of Health; (iv) one representative of the Virginia Dental Association; and (v) one representative of the Virginia Dental Hygienists' Association. Such protocol shall be adopted by the Board as regulations.

~~F. A report of services provided by dental hygienists pursuant to such protocol, including their impact upon the oral health of the citizens of the Commonwealth, shall be prepared and submitted by the Department of Health to the Virginia Secretary of Health and Human Resources annually. Nothing in this section shall be construed to authorize or establish the independent practice of dental hygiene.~~

~~F. For the purposes of this subsection, "remote supervision" means that a dentist is accessible and available for communication and consultation with a dental hygienist employed by such dentist during the delivery of dental hygiene~~

services but such dentist may not have conducted an initial examination of the patients who are to be seen and treated by the dental hygienist and may not be present with the dental hygienist when dental hygiene services are being provided.

Notwithstanding any other provision of law, a dental hygienist may practice dental hygiene under the remote supervision of a dentist who holds an active, unrestricted license by the Board and who has a dental office physically located in the Commonwealth. No dental hygienist shall practice under remote supervision unless he has (i) completed a continuing education course offered by an accredited dental education program or from a continuing education provider approved by the Board and (ii) at least two years of clinical experience, consisting of at least 2,500 hours of clinical experience. A dental hygienist practicing under remote supervision shall have professional liability insurance with policy limits acceptable to the supervising dentist. A dental hygienist shall only practice under remote supervision at a community health center, charitable safety net facility, free clinic, long-term care facility, elementary or secondary school, Head Start program, or women, infants, and children program.

A dental hygienist practicing under remote supervision may (a) obtain a patient's treatment history and consent, (b) perform an oral assessment, (c) perform scaling and polishing, (d) perform all educational and preventative services, (e) take X-rays as ordered by the supervising dentist or consistent with a standing order, (f) maintain appropriate documentation in the patient's chart, (g) administer topical oral fluorides under an oral or written order or a standing protocol issued by a dentist or a doctor of medicine or osteopathic medicine pursuant to subsection V of § 54.1-3408, and (h) perform any other service ordered by the supervising dentist or required by statute or Board regulation. No dental hygienist practicing under remote supervision shall administer local anesthetic or nitrous oxide.

Prior to providing a patient dental hygiene services, a dental hygienist practicing under remote supervision shall obtain (1) the patient's or the patient's legal representative's signature on a statement disclosing that the delivery of dental hygiene services under remote supervision is not a substitute for the need for regular dental examinations by a dentist and (2) verbal or written permission of any dentist who has treated the patient in the previous 12 months and can be identified by the patient.

After conducting an initial oral assessment of a patient, a dental hygienist practicing under remote supervision shall consult with the supervising dentist prior to providing further dental hygiene services if such patient is medically compromised or has periodontal disease.

A dental hygienist practicing under remote supervision shall inform the supervising dentist of all findings for a patient. A dental hygienist practicing under remote supervision may continue to treat a patient for 90 days. After such 90-day period, the supervising dentist, absent emergent circumstances, shall either conduct an examination of the patient or refer the patient to another dentist to conduct an examination. The supervising dentist shall develop a treatment plan for the patient and either the supervising dentist or the dental hygienist shall provide the treatment plan to the patient. The supervising dentist shall review a patient's records at least once every 10 months.

Nothing in this subsection shall prevent a dental hygienist from practicing dental hygiene under general supervision whether as an employee or as a volunteer.

§ 54.1-2724. Limitations on the employment of dental hygienists.

The Board shall determine by regulation ~~how many~~ the total number of dental hygienists, including dental hygienists under general supervision and dental hygienists under remote supervision, who may work at one time for a dentist. No dentist shall employ more than two dental hygienists who practice under remote supervision at one time. The State Board of Health may employ the necessary number of hygienists in public school dental clinics, subject to regulations of the Board.

2. That the Board of Dentistry shall promulgate regulations to implement the provisions of this act to be effective within 280 days of its enactment.

CHAPTER 498

An Act to amend and reenact § 9.1-101, as it is currently effective and as it shall become effective, of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-836.1, relating to urban county executive form of government; animal protection police officer.

[H 118]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-101, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 15.2-836.1 as follows:

§ 9.1-101. (Effective until July 1, 2018) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 or 15.2-836.1; (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; or (x) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the

Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 9.1-101. (Effective July 1, 2018) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to

§ 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632 *or* 15.2-836.1; (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; or (x) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 15.2-836.1. Animal protection police officer.

The department of police, if established in accordance with Chapter 17 (§ 15.2-1700 et seq.), may include an animal protection police officer who shall have all of the powers of an animal control officer, as defined in § 3.2-6500, conferred by general law and one or more deputy animal protection police officers to assist the animal protection police officer in the performance of his duties. An animal protection officer and his deputies also shall have all of the powers vested in law-enforcement officers, as defined in § 9.1-101, if they meet the minimum qualifications and have been certified under §§ 15.2-1705 and 15.2-1706.

CHAPTER 499

An Act to amend and reenact § 54.1-3452 of the Code of Virginia, relating to Schedule IV drugs; eluxadoline.

[H 1292]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3452 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3452. Schedule IV.

The controlled substances listed in this section are included in Schedule IV unless specifically excepted or listed in another schedule:

1. Any material, compound, mixture, or preparation which contains any quantity of the following substances having a potential for abuse associated with a depressant effect on the central nervous system:

Alfaxalone (5[alpha]-pregnan-3[alpha]-ol-11,20-dione), previously spelled "alphaxalone," including its salts, isomers, and salts of isomers;

Alprazolam;

Barbital;

Bromazepam;

Camazepam;
 Carisoprodol;
 Chloral betaine;
 Chloral hydrate;
 Chlordiazepoxide;
 Clobazam;
 Clonazepam;
 Clorazepate;
 Clotiazepam;
 Cloxazolam;
 Delorazepam;
 Diazepam;
 Dichloralphenazone;
 Estazolam;
 Ethchlorvynol;
 Ethinamate;
 Ethyl loflazepate;
 Fludiazepam;
 Flunitrazepam;
 Flurazepam;
 Fospropofol;
 Halazepam;
 Haloxazolam;
 Ketazolam;
 Loprazolam;
 Lorazepam;
 Lormetazepam;
 Mebutamate;
 Medazepam;
 Methohexital;
 Meprobamate;
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 Phenobarbital;
 Pinazepam;
 Prazepam;
 Quazepam;
 Suvorexant ([[(7R)-4-(5-chloro-1,3-benzoxazol-2-yl)-7-methyl-1,4-diazepan-1-yl][5-methyl-2-(2H-1,2,3-triazol-2-yl)phenyl]methanone), including its salts, isomers, and salts of isomers;
 Temazepam;
 Tetrazepam;
 Triazolam;
 Zaleplon;
 Zolpidem;
 Zopiclone.

2. Any compound, mixture or preparation which contains any quantity of the following substances including any salts or isomers thereof:

Fenfluramine;
 Lorcaserin.

3. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances having a stimulant effect on the central nervous system, including its salts, isomers (whether optical, position, or geometric), and salts of such isomers whenever the existence of such salts, isomers, and salts of isomers is possible within the specific chemical designation:

Cathine (+)-norpseudoephedrine;

Diethylpropion;
 Fencamfamin;
 Fenproporex;
 Mazindol;
 Mefenorex;
 Modafinil;
 Phentermine;
 Pemoline (including organometallic complexes and chelates thereof);
 Pipradrol;
 Sibutramine;
 SPA (-)-1-dimethylamino-1, 2-diphenylethane.

4. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any of the following narcotic drugs, or their salts calculated as the free anhydrous base or alkaloid, in limited quantities as set forth below:

Dextropropoxyphene (alpha-(+)-4-dimethylamino-1, 2-diphenyl-3-methyl-2-propionoxy butane);

Not more than 1 milligram of difenoxin and not less than 25 micrograms of atropine sulfate per dosage unit;

2-[(dimethylamino) methyl]-1-(3-methoxyphenyl) cyclohexanol, its salts, optical and geometric isomers, and salts of such isomers, including tramadol.

5. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation which contains any quantity of the following substances, including their salts:

Butorphanol (including its optical isomers);

Eluxadoline (including its optical isomers and its salts, isomers, and salts of isomers);

Pentazocine.

6. The Board may except by regulation any compound, mixture, or preparation containing any depressant substance listed in subdivision 1 from the application of all or any part of this chapter if the compound, mixture, or preparation contains one or more active medicinal ingredients not having a depressant effect on the central nervous system, and if the admixtures are included therein in combinations, quantity, proportion, or concentration that vitiate the potential for abuse of the substances which have a depressant effect on the central nervous system.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 500

An Act to amend and reenact § 46.2-100 of the Code of Virginia, relating to gas-powered low-speed vehicles.

[S 464]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-100 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or auticycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and

a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled ~~electrically-powered~~ *electrically powered or gas-powered* vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or foot-scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. "Motorized skateboard or foot-scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pickup or panel truck" means every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

CHAPTER 501

An Act to amend and reenact §§ 6.2-100, 6.2-432, 6.2-436, 6.2-506, 6.2-507, 6.2-508, 6.2-1136, 6.2-1137, 6.2-1416, 6.2-1524, 6.2-1615, 6.2-1816, 6.2-2215, and 63.2-523 of the Code of Virginia, relating to financial institutions; references to federal laws.

[S 374]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 6.2-100, 6.2-432, 6.2-436, 6.2-506, 6.2-507, 6.2-508, 6.2-1136, 6.2-1137, 6.2-1416, 6.2-1524, 6.2-1615, 6.2-1816, 6.2-2215, and 63.2-523 of the Code of Virginia are amended and reenacted as follows:

§ 6.2-100. Definitions.

As used in this title, unless the context otherwise requires:

"Bureau" means the Bureau of Financial Institutions, a division of the Commission.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of Financial Institutions.

"Commission's Rules" means the rules of practice and procedure prescribed by the Commission pursuant to § 12.1-25.

"Entity" means any corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or other legal or commercial entity.

"Finance charge" has the meaning assigned to it in ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau Regulation Z, 12 C.F.R. § 226.4 1026.4*, as amended.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, or credit union.

"Person" means any individual, corporation, partnership, association, cooperative, limited liability company, trust, joint venture, government, political subdivision, or other legal or commercial entity.

§ 6.2-432. Credit card account disclosures.

Any application form or preapproved written solicitation for an open-end credit card account to be used for personal, family, or household purposes that is mailed to a consumer residing in the Commonwealth by or on behalf of a creditor, whether or not the creditor is located in the Commonwealth, other than an application form or solicitation included in a magazine, newspaper, or other publication distributed by someone other than the creditor, shall contain or be accompanied

by a disclosure that satisfies the initial disclosure requirements of ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau* Regulation Z (12 C.F.R. Part ~~226 1026~~).

§ 6.2-436. Compliance with federal law.

Every person subject to the provisions of 15 U.S.C. § 1601 et seq. and ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau* Regulation Z (12 C.F.R. Part ~~226 1026~~) shall comply with such statutes and regulations when offering or extending consumer credit as defined therein. A lender who fails to comply with this section shall not be subject to any liability or penalty beyond those imposed by such federal statutes and regulations.

§ 6.2-506. Commission regulations.

The Commission shall adopt regulations to effectuate the purposes of this chapter provided that such regulations conform to and are no broader in scope than regulations, and amendments thereto, adopted by the ~~Board of Governors of the Federal Reserve System~~ *Consumer Financial Protection Bureau* under the federal Equal Credit Opportunity Act (15 U.S.C. § 1691 et seq.). Such conforming regulations shall exempt from the coverage of this chapter any class of transactions which may be exempted from time to time from the federal Equal Credit Opportunity Act (15 U.S.C. § 1691 et seq.), by regulations of the ~~Federal Reserve System~~ *Consumer Financial Protection Bureau*.

§ 6.2-507. Limitation on liability.

No provision of this chapter imposing any liability shall apply to any act done or omitted in good faith in conformity with any rule, regulation, or interpretation thereof by the Commission or by the ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau* or officer or employee duly authorized by the ~~Board~~ *Bureau* to issue such interpretation or approvals under the comparable provisions of the federal Equal Credit Opportunity Act, (15 U.S.C. § 1691 et seq.), and regulations thereunder, notwithstanding that after such act or omission has occurred, such rule, regulation, or interpretation is amended, rescinded, or determined by judicial or other authority to be invalid for any reason.

§ 6.2-508. Compliance with Equal Credit Opportunity Act constitutes compliance with chapter.

Compliance with the federal Equal Credit Opportunity Act, (15 U.S.C. § 1691 et seq.), as amended, and regulations issued by the ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau* thereunder, constitutes compliance with this chapter.

§ 6.2-1136. Remote service units.

A. As used in this section:

"Personal security identifier" or "PSI" or "PIN" means any word, number, or other security identifier essential for an account holder to gain access to an account through a remote service unit.

"Remote service unit" or "RSU" means an information processing device, including associated equipment, structures and systems, by which information relating to financial services rendered to the public is stored and transmitted, instantaneously or otherwise, to a financial institution. Any such device not on the premises of a state savings institution that, for activation and account access, requires use of a machine-readable instrument and personal security identifier in the possession and control of an account holder, is an RSU. The term includes, without limitation, point-of-sale terminals, merchant-operated terminals, cash-dispensing machines, and automated teller machines. The term does not include automated teller machines on the premises of a state savings institution, unless shared with other financial institutions.

B. Subject to the requirements of the ~~federal Electronic Funds Transfer Fund Transfers Act~~ (15 U.S.C. § 1693 et seq.) and Regulation E of the ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau*, a state savings institution may establish or use remote service units and participate with others in remote service unit operations on an unrestricted geographic basis. A state savings institution may establish a remote service unit without prior approval of the Commission, provided that notice is given to the Commissioner in accordance with the provisions of subsection A of § 6.2-1133. No remote service unit may be used to open a savings account or a demand account or to establish a loan account.

C. Before permitting an account holder to use a remote service unit, the savings institution shall provide a personal security identifier to the account holder and require its use when accessing a remote service unit. An institution may not employ RSU access techniques that require the account holder to disclose a PSI to another person.

D. A state savings institution shall not share an RSU with any financial institution or other entity the accounts of which are not insured by an agency of the federal government or by some other insuring agency approved by the Commissioner.

E. A state savings institution shall not share an RSU located in the Commonwealth with any foreign savings institution, or other financial institution that is not incorporated under the laws of the Commonwealth, unless the foreign savings institution or other financial institution has been authorized by the Commission to conduct its business in the Commonwealth. Nothing herein shall be deemed to prohibit a state savings institution from sharing an RSU with a federal savings institution or other federally chartered financial institution authorized to conduct its business in the Commonwealth.

F. An RSU shall not be considered to be a branch office of a state savings institution.

§ 6.2-1137. Off premises financial services.

A. As used in this section, "off premises financial services" means the transfer of funds or financial information or the performance of other transactions initiated by the customer by means of an electronic terminal, such as a telephone, a computer terminal, or a television set that is linked to a state savings institution's electronic network by telephone or cable television lines or other electronic means.

B. A state savings institution may utilize any electronic technology to provide its customers with off premises financial services. Any such services provided under this section are subject to the ~~federal Electronic Funds Transfer Fund Transfers Act~~ (15 U.S.C. § 1693 et seq.) and Regulation E of the ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau*.

§ 6.2-1416. Prohibited practices.

A. No association shall:

1. Obtain any agreement or instrument in which blanks are left to be filled in after execution;
2. Take an interest in collateral other than the real estate or residential property, including fixtures and appliances thereon, securing a mortgage loan; however, an interest in collateral other than real estate may be taken if the real estate taken as collateral does not have sufficient equity to secure the mortgage loan;
3. Obtain any exclusive dealing or exclusive agency agreement from any borrower;
4. Delay closing of any mortgage loan for the purpose of increasing interest, costs, fees, or charges payable by the borrower;
5. Obtain any agreement or instrument executed by the borrower which contains an acceleration clause permitting the unpaid balance of a mortgage loan to be declared due for any reason other than failure to make timely payments of interest and principal or to perform other obligations undertaken in the agreement or instrument; or
6. If acting as a mortgage lender, fail to require the person closing the mortgage loan to provide the borrower, prior to closing of the mortgage loan, with a (i) settlement statement and (ii) disclosure which conforms to that required by the provisions of 15 U.S.C. § 1601 et seq. and ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau Regulation Z* (12 C.F.R. Part ~~226~~ 1026).

B. No association, when acting as a mortgage broker, shall:

1. Except for documented costs of a credit report and appraisals, receive compensation from a borrower until a written commitment to make a mortgage loan is given to the borrower by a mortgage lender;
2. Receive compensation from a mortgage lender of which it is a principal, partner, trustee, director, officer, or employee;
3. Receive compensation from a borrower in connection with any mortgage loan transaction in which it is the lender or a principal, partner, trustee, director, or officer of the lender;
4. Receive compensation from a borrower other than that specified in a written agreement signed by the borrower; or
5. Receive compensation for negotiating, placing or finding a mortgage loan where such association, or any person affiliated with such association, has otherwise acted as a real estate broker, agent, or salesman in connection with the real estate which secures the mortgage loan, and such association or affiliated person has received or will receive any other compensation or thing of value from the lender, borrower, seller, or any other person, unless the borrower is given the following notice in writing at the time the mortgage broker services are first offered to the borrower:

NOTICE

WE HAVE OFFERED TO ASSIST YOU IN OBTAINING A MORTGAGE LOAN. IF WE ARE SUCCESSFUL IN OBTAINING A LOAN FOR YOU, WE WILL CHARGE AND COLLECT FROM YOU A FEE NOT TO EXCEED _____% OF THE LOAN AMOUNT.

WE DO NOT REPRESENT ALL OF THE LENDERS IN THE MARKET AND THE LENDERS WE DO REPRESENT MAY NOT OFFER THE LOWEST INTEREST RATES OR BEST TERMS AVAILABLE TO YOU. YOU ARE FREE TO SEEK A LOAN WITHOUT OUR ASSISTANCE, IN WHICH EVENT YOU WILL NOT BE REQUIRED TO PAY US A FEE FOR THAT SERVICE.

IF YOU ARE A MEMBER OF A CREDIT UNION, YOU SHOULD COMPARE OUR INTEREST RATES AND TERMS WITH THE MORTGAGE LOANS AVAILABLE THROUGH YOUR CREDIT UNION.

BORROWER'S SIGNATURE

BORROWER'S SIGNATURE

The foregoing notice shall be in at least 10-point type, and the prospective borrower shall acknowledge receipt of the written notice.

§ 6.2-1524. Required and prohibited activities and conduct.

A. Each licensee shall maintain at all times the minimum assets prescribed by this chapter for each license, either (i) in liquid form available for the operation of the business at the location specified in each license or (ii) actually used, whether pledged or not, in the conduct of the business at the location specified in each license.

B. A licensee or other person subject to this chapter shall not advertise, display, distribute or broadcast, or cause or permit to be advertised, displayed, distributed or broadcast, in any manner whatsoever, any false, misleading, or deceptive statement or representation with regard to the rates, terms, or conditions for loans made under this chapter. The Commission may require that charges or rates of charge, if stated by a licensee, be stated fully and clearly in such manner as it deems necessary to prevent misunderstanding by prospective borrowers. The Commission may permit or require licensees to refer in their advertising to the fact that their business is under state supervision, subject to conditions imposed by it to prevent false, misleading, or deceptive impression as to the scope or degree of protection provided by this chapter.

C. A licensee shall not take a lien upon real estate as security for any loan made under the provisions of this chapter, except a lien arising upon rendition of a judgment. Any lien taken in violation of this subsection shall be void.

D. A licensee shall, at the time any loan is made, deliver to the borrower, or if there are two or more borrowers to one of them, a statement disclosing (i) the names and addresses of the licensee and of the principal debtor on the loan contract,

and (ii) a statement in compliance with ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau* Regulation Z (12 C.F.R. Part ~~226~~ 1026).

E. A licensee shall give the borrower a receipt for all cash payments. The Commission may specify the form and content of such receipts in keeping with the intent and purpose of this chapter.

F. A licensee shall permit payment to be made in advance in whole, or in part equal to one or more full installments. The licensee may apply the payment first to any amounts that are due and unpaid at the time of such payment.

G. A licensee shall, upon repayment of the loan in full, (i) mark plainly every obligation and security other than a security agreement executed by the borrower with the word "Paid" or "Canceled," (ii) mark satisfied any judgment, (iii) restore any pledge, (iv) cancel and return any note and any assignment given by the borrower to the licensee, and (v) release any security agreement or other form of security instrument that no longer secures an outstanding loan between the borrower and the licensee.

H. In the event of collection by foreclosure sale or otherwise, a licensee shall pay and return to the borrower, or to another person entitled thereto, any surplus arising after the payment of the expenses of collection, sale or foreclosure and satisfaction of the debt.

I. A licensee shall not take any confession of judgment or any power of attorney running to himself or to any third person to confess judgment or to appear for the borrower in a judicial proceeding. Any such confession of judgment or power of attorney to confess judgment shall be void.

J. A licensee shall not take any note, promise to pay, or instrument of security in which blanks are left to be filled in after execution, or that does not give the amount of the loan, a clear description of the installment payments required, and the rate of interest charged. A licensee may also include the disclosures required by ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau* Regulation Z (12 C.F.R. Part ~~226~~ 1026) in the note, promise to pay, or instrument of security.

K. Every loan contract shall be in writing, be signed by the borrower, and provide for repayment of the amount loaned in substantially equal monthly installments of principal and interest. Nothing contained in this chapter shall prevent (i) a loan being considered a new loan because the proceeds of the loan are used to pay an existing loan contract or (ii) a licensee from entering into a loan contract providing for an odd first payment period of up to 45 days and an odd first payment greater than other monthly payments because of such odd first payment period.

§ 6.2-1615. Other prohibitions applicable to mortgage lenders.

No mortgage lender required to be licensed under this chapter shall fail to require the person closing the mortgage loan to provide to the borrower prior to closing of the mortgage loan, a (i) settlement statement and (ii) disclosure which conforms to that required by the provisions of 15 U.S.C. § 1601 et seq. and ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau* Regulation Z (12 C.F.R. Part ~~226~~ 1026).

§ 6.2-1816. Required and prohibited business methods.

Each licensee shall comply with the following requirements:

1. Each payday loan shall be evidenced by a written loan agreement, which shall be signed by the borrower and a person authorized by the licensee to sign such agreements and dated the same day the loan is made and disbursed. The loan agreement shall set forth, at a minimum: (i) the principal amount of the loan; (ii) the interest and any fee charged; (iii) the annual percentage rate, which shall be stated using that term, applicable to the transaction calculated in accordance with ~~Federal Reserve Board~~ *Consumer Financial Protection Bureau* Regulation Z (12 C.F.R. Part ~~226~~ 1026); (iv) evidence of receipt from the borrower of a check, dated as of the date that the loan is due, as security for the loan, stating the amount of the check; (v) an agreement by the licensee not to present the check for payment or deposit until the date the loan is due, which date shall produce a loan term of at least two times the borrower's pay cycle and after which date interest shall not accrue on the amount advanced at a greater rate than six percent per year; (vi) an agreement by the licensee that the borrower shall have the right to cancel the loan transaction at any time before the close of business on the next business day following the date of the transaction by paying to the licensee, in the form of cash or other good funds instrument, the amount advanced to the borrower; and (vii) an agreement that the borrower shall have the right to prepay the loan prior to maturity by paying the licensee the principal amount advanced and any accrued and unpaid interest, fees, and charges.

2. The licensee shall give a duplicate original of the loan agreement to the borrower at the time of the transaction.

3. A licensee shall not obtain any agreement from the borrower (i) giving the licensee or any third person power of attorney or authority to confess judgment for the borrower; (ii) authorizing the licensee or any third party to bring suit against the borrower in a court outside the Commonwealth; or (iii) waiving any right the borrower has under this chapter.

4. A licensee shall not require or accept more than one check from a borrower as security for any loan.

5. A licensee shall not cause any person to be obligated to the licensee in any capacity at any time in the principal amount of more than \$500.

6. A licensee shall not (i) refinance, renew or extend any payday loan; (ii) make a loan to a person if the loan would cause the person to have more than one payday loan from any licensee outstanding at the same time; (iii) make a loan to a borrower on the same day that a borrower paid or otherwise satisfied in full a previous payday loan; (iv) make a payday loan to a person within 90 days following the date that the person has paid or otherwise satisfied in full a payday loan through an extended payment plan as provided in subdivision 26; (v) make a payday loan to a person within 45 days following the date that the person has paid or otherwise satisfied in full a fifth payday loan made within a period of 180 days as provided in subdivision 27 a; or (vi) make a payday loan to a person within the longer of (a) 90 days following the date that the person

has paid or otherwise satisfied in full an extended term loan or (b) 150 days following the date that the person enters into an extended term loan, as provided in subdivision 27 b.

7. A licensee shall not cause a borrower to be obligated upon more than one loan at any time.

8. A check accepted by a licensee as security for any loan shall be dated as of the date the loan is due.

9. Notwithstanding any provision of § 8.01-226.10 to the contrary, a licensee shall not threaten, or cause to be instigated, criminal proceedings against a borrower if a check given as security for a loan is dishonored. In addition to any other remedies available at law, a licensee that knowingly violates this prohibition shall pay the affected borrower a civil monetary penalty equal to three times the amount of the dishonored check.

10. A licensee shall not take an interest in any property other than a check payable to the licensee as security for a loan.

11. A licensee shall not make a loan to a borrower to enable the borrower to pay for any other product or service sold at the licensee's office location.

12. Loan proceeds shall be disbursed in cash or by the licensee's business check. No fee shall be charged by the licensee or an affiliated check casher for cashing a loan proceeds check.

13. A check given as security for a loan shall not be negotiated to a third party.

14. Upon receipt of a check given as security for a loan, the licensee shall stamp the check with an endorsement stating: "This check is being negotiated as part of a payday loan pursuant to Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2 of the Code of Virginia, and any holder of this check takes it subject to all claims and defenses of the maker."

15. Before entering into a payday loan, the licensee shall provide each borrower with a pamphlet, in form consistent with regulations adopted by the Commission, explaining in plain language the rights and responsibilities of the borrower and providing a toll-free number at the Commission for assistance with complaints.

16. Before disbursing funds pursuant to a payday loan, a licensee shall provide a clear and conspicuous printed notice to the borrower indicating that a payday loan is not intended to meet long-term financial needs and that the borrower should use a payday loan only to meet short-term cash needs.

17. A borrower shall be permitted to make partial payments, in increments of not less than \$5, on the loan at any time prior to maturity, without charge. The licensee shall give the borrower signed, dated receipts for each payment made, which shall state the balance due on the loan. Upon repayment of the loan in full, the licensee shall mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records.

18. Each licensee shall conspicuously post in each approved office a schedule of fees and interest charges, with examples using a \$300 loan payable in 14 days and 30 days.

19. Any advertising materials used to promote payday loans that includes the amount of any payment, expressed either as a percentage or dollar amount, or the amount of any finance charge, shall also include a statement of the interest, fees and charges, expressed as an annual percentage rate, payable using as an example a \$300 loan payable in 14 and 30 days.

20. In any print media advertisement, including any web page, used to promote payday loans, the disclosure statements shall be conspicuous. "Conspicuous" shall have the meaning set forth in subdivision (a) (14) of § 59.1-501.2. If a single advertisement consists of multiple pages, folds, or faces, the disclosure requirement applies only to one page, fold, or face. In a television advertisement used to promote payday loans, the visual disclosure legend shall include 20 scan lines in size. In a radio advertisement or advertisement communicated by telephone used to promote payday loans, the disclosure statement shall last at least two seconds and the statement shall be spoken so that its contents may be easily understood.

21. A licensee or affiliate shall not knowingly make a payday loan to a person who is a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States. Prior to making a payday loan, every licensee or affiliate shall inquire of every prospective borrower if he is a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States. The loan documents shall include verification that the borrower is not a member of the military services of the United States or the spouse or other dependent of a member of the military services of the United States.

22. In collecting or attempting to collect a payday loan, a licensee shall comply with the restrictions and prohibitions applicable to debt collectors contained in the Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.) regarding harassment or abuse, false or misleading misrepresentations, and unfair practices in collections.

23. A licensee may not file or initiate a legal proceeding of any kind against a borrower until 60 days after the date of default on a payday loan, during which period the licensee and borrower may voluntarily enter into a repayment arrangement.

24. A licensee shall not obtain authorization to electronically debit a borrower's deposit account in connection with any payday loan.

25. A licensee may not engage in any unfair, misleading, deceptive, or fraudulent acts or practices in the conduct of its business.

26. A borrower may pay any outstanding payday loan from any licensee by means of an extended payment plan as follows:

a. A borrower shall not be eligible to enter into more than one extended payment plan in any 12-month period.

b. To enter into an extended payment plan with respect to a payday loan, the borrower shall agree in a written and signed document to repay the amount owed in at least four equal installments over an aggregate term of at least 60 days. Interest shall not accrue on the indebtedness during the term of the extended payment plan. The borrower may prepay an

extended payment plan in full at any time without penalty. If the borrower fails to pay the amount owed under the extended payment plan when due, then the licensee may immediately accelerate the unpaid loan balance.

c. If the borrower enters into an extended payment plan, then no licensee may make a payday loan to the borrower until a waiting period of 90 days shall have elapsed from the date that the borrower pays or satisfies in full the balance of the loan under the terms of the extended payment plan.

d. At each approved office, the licensee shall post a notice in at least 24-point bold type, in a form established or approved by the Commission, informing persons that they may be eligible to enter into an extended payment plan.

e. The licensee shall provide oral notice to any borrower who is eligible to enter into an extended payment plan, at the time a payday loan is made, which notice shall inform the borrower of his ability to pay the payday loan by means of an extended payment plan. The information contained in the notice shall be in a form provided by the Bureau.

27. In addition to the other conditions set forth in this chapter, the fifth payday loan that is made to any person within a period of 180 days shall be made only in compliance with, at the option of the borrower, either of the following:

a. The fifth payday loan is made upon the same terms and conditions otherwise applicable to payday loans under the terms of this chapter, except that (i) no licensee may make a payday loan to such borrower during a period of 45 days following the date such fifth payday loan is paid or otherwise satisfied in full and (ii) the borrower may elect, at any time on or before its due date, to repay such fifth payday loan by means of an extended payment plan as provided in subdivision 26 b; or

b. The fifth payday loan is made in the form of an extended term loan. An extended term loan is a loan that complies with the terms and conditions otherwise applicable to payday loans under the terms of this chapter except that (i) the principal amount of the loan, and any interest and fees permitted by § 6.2-1817, shall be payable in four equal installments over a payment period of 60 days following the date the loan is made and (ii) no licensee may make a payday loan to such borrower during the longer of (a) 90 days following the date the extended term loan is paid or otherwise satisfied in full or (b) 150 days following the date the extended term loan is made.

§ 6.2-2215. Required and prohibited business methods.

Each licensee shall comply with the following requirements and prohibitions:

1. Each motor vehicle title loan shall be evidenced by a written motor vehicle title loan agreement. Each motor vehicle title loan agreement shall:

a. Be signed by the borrower and by a person authorized by the licensee to sign such agreements;

b. Be dated the day it is executed by the borrower;

c. Set forth or contain, at a minimum: (i) the loan amount; (ii) the interest rate and any fees charged pursuant to the loan, which shall not exceed the maximum rate permitted pursuant to § 6.2-2216; (iii) the annual percentage rate, which shall be stated using that term, calculated in accordance with the ~~Federal Reserve Board's~~ *Consumer Financial Protection Bureau Regulation Z (12 C.F.R. Part 1026)*; (iv) the amounts and scheduled due dates of the monthly installment payments of principal and interest; (v) the borrower's mailing address; (vi) the make, model, year, and vehicle identification number of the motor vehicle in which a security interest is being given as security for the loan; (vii) that the borrower shall have the right to cancel the loan agreement at any time before the close of business on the next business day following the day the loan agreement is executed by returning the original loan proceeds check to or paying to the licensee, in the form of cash or other good funds instrument, the loan proceeds; (viii) the loan's maturity date, which shall not be earlier than 120 days from the date the loan agreement is executed nor later than 12 months from the date the loan agreement is executed; and (ix) such other information relating to the title loan as the Commission shall determine, by regulation, is necessary in order to ensure that the borrower is provided adequate notice of the relevant provisions of the title loan;

d. Not cause any person to be obligated to the licensee for a principal amount that exceeds 50 percent of the fair market value of the motor vehicle in which the licensee is taking an interest, which value shall be determined by reference to the loan value for the motor vehicle specified in a recognized pricing guide if the motor vehicle is included in a recognized pricing guide; and

e. Contain the following notice in at least 14-point bold type immediately above the borrower's signature:

THE INTEREST RATE ON THIS LOAN IS HIGH. YOU SHOULD CONSIDER WHETHER THERE ARE OTHER LOWER COST LOANS AVAILABLE TO YOU.

THIS IS A MOTOR VEHICLE TITLE LOAN AGREEMENT. IT ALLOWS YOU TO RECEIVE LOAN PROCEEDS TO MEET YOUR IMMEDIATE CASH NEEDS. IT IS NOT INTENDED TO MEET YOUR LONG-TERM FINANCIAL NEEDS.

WHEN USING THIS LOAN, YOU SHOULD REQUEST THE MINIMUM AMOUNT REQUIRED TO MEET YOUR IMMEDIATE NEEDS AND YOU SHOULD REPAY THE LOAN AS QUICKLY AS POSSIBLE TO REDUCE THE AMOUNT OF INTEREST YOU ARE CHARGED.

YOU SHOULD TRY TO REPAY THIS LOAN AS QUICKLY AS POSSIBLE. YOU WILL BE REQUIRED TO PAY THE PRINCIPAL AND INTEREST ON THE LOAN IN MONTHLY SUBSTANTIALLY EQUAL INSTALLMENTS. YOU SHOULD TRY TO PAY EVEN MORE TOWARDS YOUR PRINCIPAL BALANCE EACH MONTH. DOING SO WILL SAVE YOU MONEY.

YOU MAY RESCIND THIS LOAN WITHOUT COST OR FURTHER OBLIGATION IF YOU RETURN THE LOAN PROCEEDS, IN CASH OR THE ORIGINAL LOAN CHECK, PRIOR TO THE CLOSE OF BUSINESS ON THE BUSINESS DAY IMMEDIATELY FOLLOWING THE EXECUTION OF THIS AGREEMENT.

YOU ARE PLEDGING YOUR MOTOR VEHICLE AS COLLATERAL FOR THIS LOAN. IF YOU FAIL TO REPAY THE LOAN PURSUANT TO THIS AGREEMENT, WE MAY REPOSSESS YOUR MOTOR VEHICLE.

UNLESS YOU CONCEAL OR INTENTIONALLY DAMAGE THE MOTOR VEHICLE, OR OTHERWISE IMPAIR OUR SECURITY INTEREST BY PLEDGING THE MOTOR VEHICLE TO A THIRD PARTY OR PLEDGING A MOTOR VEHICLE TO US THAT IS ALREADY SUBJECT TO AN UNDISCLOSED EXISTING LIEN, YOUR LIABILITY FOR DEFAULTING UNDER THIS LOAN IS LIMITED TO THE LOSS OF THE MOTOR VEHICLE.

IF YOUR MOTOR VEHICLE IS SOLD DUE TO YOUR DEFAULT, YOU ARE ENTITLED TO ANY SURPLUS OBTAINED AT SUCH SALE BEYOND WHAT IS OWED PURSUANT TO THIS AGREEMENT ALONG WITH ANY REASONABLE COSTS OF RECOVERY AND SALE;

2. Before entering into a motor vehicle title loan, a licensee shall provide each borrower with a pamphlet, in a form consistent with regulations adopted by the Commission, explaining in plain language the rights and responsibilities of the borrower and providing a toll-free number at the Commission for assistance with complaints;

3. The borrower shall have the right to prepay the title loan prior to maturity by paying the outstanding balance at any time without penalty. A borrower shall also be permitted to make partial payments on a motor vehicle equity loan without charge at any time prior to the date such amounts would otherwise be due to the licensee. The licensee shall give the borrower signed, dated receipts for any cash payment made in person;

4. A licensee shall give a duplicate original of the loan agreement to the borrower at the time it is executed;

5. A licensee shall not obtain any agreement from the borrower (i) giving the licensee or any third person power of attorney or authority to confess judgment for the borrower; (ii) authorizing the licensee or any third party to bring suit against the borrower in a court outside the Commonwealth; (iii) waiving or modifying any right the borrower has under this chapter or Title 8.9A; or (iv) requiring the borrower to use arbitration or other alternative dispute resolution mechanisms that do not conform to Chapter 21 (§ 8.01-577 et seq.) of Title 8.01;

6. A motor vehicle title loan agreement shall not (i) contain a provision by which a person acting on behalf of the licensee is treated as an agent of the borrower in connection with its formation or execution other than for purposes of filing or releasing a lien with the state where the motor vehicle is registered, (ii) contain an acceleration clause under which a licensee may demand immediate payment of any amount owed to it unless the borrower is in default under the terms of the loan agreement, or (iii) be sold or otherwise assigned to any other person who is not also a licensee, and if a loan agreement is sold or assigned to another licensee, the buyer or assignee of the loan agreement shall be subject to the same obligations under this chapter that apply to the selling or assigning licensee;

7. Loan proceeds shall be disbursed (i) in cash, (ii) by the licensee's business check, or (iii) by debit card provided that the borrower will not be directly charged a fee by the licensee in connection with the withdrawal of the funds. No fee shall be charged by the licensee or check casher for cashing a title loan proceeds check;

8. A licensee shall not obtain or accept from a borrower an authorization to electronically debit the borrower's deposit account;

9. A licensee shall not take an interest in any real or personal property other than one motor vehicle owned by the borrower as security for a title loan. For purposes of this subdivision, "motor vehicle" includes any accessories or accessions to a motor vehicle that are affixed thereto;

10. A licensee shall not (i) make a motor vehicle title loan if, on the date the loan agreement is signed by the borrower, the motor vehicle's certificate of title evidences that the motor vehicle is security for another loan or otherwise is encumbered by a lien; (ii) make a loan to an individual who the licensee knows is a borrower under another motor vehicle title loan, whether made by the same or another licensee, or (iii) knowingly cause a borrower to be obligated upon more than one motor vehicle title loan at any time. Prior to making a motor vehicle title loan, every licensee shall inquire of every prospective borrower if the individual is obligated on a motor vehicle title loan with any licensee. Each loan agreement shall include the borrower's certification that the borrower is not obligated on another motor vehicle title loan;

11. A licensee shall (i) hold the certificate of title to the motor vehicle throughout the period that the loan agreement is in effect and (ii) within seven days following the date of the motor vehicle title loan agreement, file to have its security interest in the motor vehicle added to its certificate of title by complying with the requirements of § 46.2-637, or in the case of a motor vehicle registered in a state other than the Commonwealth by complying with that state's requirements for perfecting a security interest in a motor vehicle;

12. A licensee shall not make a title loan to a borrower to enable the borrower to (i) pay for any other product or service sold at the licensee's business location or (ii) repay any amount owed to the licensee or an affiliate of the licensee in connection with another credit transaction;

13. A licensee's security interest in a motor vehicle shall be promptly released when the borrower's obligations under the loan agreement are satisfied in full. When releasing the security interest in a motor vehicle, a licensee shall (i) mark the original loan agreement with the word "paid" or "canceled," return it to the borrower, and retain a copy in its records; (ii) take any action necessary to reflect the termination of its lien on the motor vehicle's certificate of title; and (iii) return the certificate of title to the borrower;

14. A licensee shall conspicuously post in each licensed location (i) a schedule of finance charges on a title loan, using as an example a \$1,000 loan that is repaid over a 12-month period and (ii) a notice containing the following statement: "Should you wish to file a complaint against us, you may contact the Bureau of Financial Institutions at [insert contact information]." The Commission shall furnish licensees with the appropriate contact information;

15. A licensee or affiliate shall not knowingly make a motor vehicle title loan to a covered member of the armed forces or a dependent of such member. Prior to making a motor vehicle title loan, every licensee or affiliate shall inquire of every prospective borrower if the individual is a covered member of the armed forces or a dependent of a covered member. The prospective borrower shall affirm in writing to the licensee or affiliate if he is not a covered member of the armed forces or a dependent of a covered member. For purposes of this section, "covered member of the armed forces" means a person on active duty under a call or order that does not specify a period of 30 days or less or on active guard and reserve duty. For purposes of this section, "dependent of a covered member of the armed forces" means the member's spouse, the member's child as defined by 38 U.S.C. § 101 (4), or an individual for whom the member provided more than one-half of the individual's support for 180 days immediately preceding the date the motor vehicle title loan is sought;

16. In collecting or attempting to collect a motor vehicle title loan, a licensee shall comply with the restrictions and prohibitions applicable to debt collectors contained in the Fair Debt Collection Practices Act (15 U.S.C. § 1692 et seq.) regarding harassment or abuse, false, misleading or deceptive statements or representations, and unfair practices in collections;

17. A licensee shall not (i) engage in any unfair, misleading, deceptive, or fraudulent acts or practices in the conduct of its business, (ii) engage in any business or activity that directly or indirectly results in an evasion of the provisions of this chapter, or (iii) threaten, or cause to be instigated, criminal proceedings against a borrower arising from the borrower's failure to pay any sum due under a loan agreement;

18. A licensee shall not conduct the business of making motor vehicle title loans under this chapter at any office, suite, room, or place of business where any other business is solicited or conducted except a registered check cashing business or such other business as the Commission determines should be permitted, and subject to such conditions as the Commission deems necessary and in the public interest. No other such business shall be allowed except as permitted by Commission regulation or upon the filing of a written application with the Commission, payment of a \$300 fee, and provision of such information as the Commission may deem pertinent. The Commission shall not, however, permit the sale of insurance or the enrolling of borrowers under group insurance policies;

19. A licensee shall provide a safe place for the keeping of all certificates of title while they are in its possession;

20. A licensee may require a borrower to purchase or maintain property insurance upon a motor vehicle securing a title loan made pursuant to this chapter. A licensee may not require the borrower to obtain such insurance from a particular provider; and

21. If the licensee takes possession of a motor vehicle securing a title loan, the vehicle shall be stored in a secure location.

§ 63.2-523. Unauthorized use of food stamps, electronic benefit transfer cards, and energy assistance prohibited; penalties.

Whoever knowingly and with intent to defraud transfers, acquires, alters, traffics in or uses, or aids or abets another person in transferring, acquiring, altering, trafficking in, using, or possessing food stamps, electronic benefit transfer cards or other devices subject to ~~federal reserve system~~ *Consumer Financial Protection Bureau* regulations regarding Electronic Fund Transfers, 12 ~~CFR~~ *C.F.R.* § ~~205.1~~ *1005.1* et seq., or benefits from energy assistance programs, or possesses food coupons, authorization to purchase cards, electronic benefit transfer cards or other devices subject to ~~federal reserve system~~ *Consumer Financial Protection Bureau* regulations regarding Electronic Fund Transfers, 12 ~~CFR~~ *C.F.R.* § ~~205.1~~ *1005.1* et seq., or benefits from energy assistance programs in any manner not authorized by law is guilty of larceny.

A violation of this section may be prosecuted either in the county or city where the public assistance was granted or in the county or city where the violation occurred.

CHAPTER 502

An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to Standards of Learning assessments in English reading and mathematics; retake; recovery credit.

[H 436]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth. However, the Board may review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board may accredit the school for another three years. The Board shall review the accreditation status of any school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science and may be integrated to include multiple subject areas.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and

mathematics in grades six and seven; (d) reading, writing, and mathematics in grade eight; (e) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

The Department of Education shall award recovery credit to any student in grades three through eight who fails a Standards of Learning assessment in English reading or mathematics, receives remediation, and subsequently retakes and passes such an assessment, including any such student who subsequently retakes such an assessment on an expedited basis.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department of Education shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

CHAPTER 503

An Act to amend the Code of Virginia by adding a section numbered 23-218.1, relating to certain comprehensive community colleges; veterans advisors and veterans resource centers.

[H 450]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-218.1 as follows:

§ 23-218.1. *Certain comprehensive community colleges; veterans advisors and veterans resource centers.*

A. Each of the seven comprehensive community colleges with the highest number of enrolled students who are veterans shall employ at least one full-time veterans advisor to provide comprehensive and intensive enrollment and advising services to current and prospective students who are veterans.

B. Each of the seven comprehensive community colleges with the highest number of enrolled students who are veterans shall establish a veterans resource center on campus to:

1. Provide access to federal and state veterans resources;
2. Serve as a quiet place for veterans to study;
3. Enable veterans to connect to other veterans, helping them renew the bonds of military service; and
4. Be the central hub for all activities on campus related to veterans.

2. That no later than August 1, 2016, the Virginia Community College System, in consultation with the State Council of Higher Education for Virginia, shall determine, for the purposes of this act, the seven comprehensive community colleges with the highest number of enrolled students who are veterans.

CHAPTER 504

An Act to amend and reenact § 54.1-603.1 of the Code of Virginia, relating to the Auctioneers Board; continuing education; exception.

[H 1259]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-603.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-603.1. Continuing education.

A. The Board shall promulgate regulations governing continuing education requirements for auctioneers licensed by the Board. Such regulations shall require the completion of the equivalent of at least six hours of Board-approved continuing education courses for any license renewal or reinstatement, *except that no continuing education shall be required for any auctioneer licensed by the Board for 25 years or more and who is 70 years of age or older.* The Board shall establish criteria for continuing education courses, including, but not limited to (i) content and subject matter of continuing education courses; (ii) curriculum of required continuing education courses; (iii) standards and procedures for the approval of courses, course sponsors, and course instructors; (iv) methods of instruction for continuing education courses; and (v) the computation of course credit. Any continuing education courses completed by an auctioneer pursuant to a requirement of the Certified Auctioneer's Auctioneers Institute or participation in the educational programs sponsored by the National Auctioneer's Auctioneers Association or Virginia Auctioneer's Auctioneers Association shall satisfy the continuing education requirement of this section.

B. The Board may grant exemptions or waive or reduce the number of continuing education hours required in cases of certified illness or undue hardship.

CHAPTER 505

An Act to amend and reenact § 55-519 of the Code of Virginia, relating to the Virginia Residential Property Disclosure Act; representations related to covenants and restrictions affecting the property.

[H 1264]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 55-519 of the Code of Virginia is amended and reenacted as follows:

§ 55-519. Required disclosures.

A. With regard to transfers described in § 55-517, the owner of the residential real property shall furnish to a purchaser a residential property disclosure statement in a form provided by the Real Estate Board stating that the owner makes the following representations as to the real property:

1. The owner makes no representations with respect to the matters set forth and described at a website maintained by the Real Estate Board and that the purchaser is advised to consult this website for important information about the real property; and

2. The owner represents that there are no pending enforcement actions pursuant to the Uniform Statewide Building Code (§ 36-97 et seq.) that affect the safe, decent, sanitary living conditions of the property of which the owner has been notified in writing by the locality, except as disclosed on the disclosure statement, nor any pending violation of the local zoning ordinance that the violator has not abated or remedied under the zoning ordinance, within a time period set out in the written notice of violation from the locality or established by a court of competent jurisdiction, except as disclosed on the disclosure statement.

B. At the website referenced in subdivision A 1, the Real Estate Board shall include language providing notice to the purchaser that by delivering the residential property disclosure statement:

1. The owner makes no representations or warranties as to the condition of the real property or any improvements thereon, *or with regard to any covenants and restrictions as may be recorded among the land records affecting the real property or any improvements thereon*, and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary including obtaining a ~~certified~~ home inspection, as defined in § 54.1-500, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

2. The owner makes no representations with respect to any matters that may pertain to parcels adjacent to the subject parcel, *including zoning classification or permitted uses of adjacent parcels*, and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to adjacent parcels in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

3. The owner makes no representations to any matters that pertain to whether the provisions of any historic district ordinance affect the property and purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary with respect to any historic district designated by the locality pursuant to § 15.2-2306, including review of any local ordinance creating such district or any official map adopted by the locality depicting historic districts, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

4. The owner makes no representations with respect to whether the property contains any resource protection areas established in an ordinance implementing the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) adopted by the locality where the property is located pursuant to § 62.1-44.15:74 and that purchasers are advised to exercise whatever due diligence a particular purchaser deems necessary to determine whether the provisions of any such ordinance affect the property, including review of any official map adopted by the locality depicting resource protection areas, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

5. The owner makes no representations with respect to information on any sexual offenders registered under Chapter 23 (§ 19.2-387 et seq.) of Title 19.2 and that purchasers are advised to exercise whatever due diligence they deem necessary with respect to such information, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

6. The owner makes no representations with respect to whether the property is within a dam break inundation zone. Such disclosure statement shall advise purchasers to exercise whatever due diligence they deem necessary with respect to whether the property resides within a dam break inundation zone, including a review of any map adopted by the locality depicting dam break inundation zones;

7. The owner makes no representations with respect to the presence of any stormwater detention facilities located on the property, or any maintenance agreement for such facilities, and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any stormwater detention facilities on the property, or any maintenance agreement for such facilities, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

8. The owner makes no representations with respect to the presence of any wastewater system, including the type or size thereof or associated maintenance responsibilities related thereto, located on the property and purchasers are advised to exercise whatever due diligence they deem necessary to determine the presence of any wastewater system on the property *and the costs associated with maintaining, repairing, or inspecting any wastewater system, including any costs or requirements related to the pump-out of septic tanks*, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract;

9. The owner makes no representations with respect to any right to install or use solar energy collection devices on the property; and

10. The owner makes no representations with respect to whether the property is located in one or more special flood hazard areas and purchasers are advised to exercise whatever due diligence they deem necessary, including (i) obtaining a flood certification or mortgage lender determination of whether the property is located in one or more special flood hazard areas, (ii) review of any map depicting special flood hazard areas, and (iii) whether flood insurance is required, in accordance with terms and conditions as may be contained in the real estate purchase contract, but in any event, prior to settlement pursuant to such contract.

C. Any purchaser who is a party to a real estate purchase contract subject to this section may provide in such contract that the disclosures provided on the Real Estate Board website be printed off and provided to such purchaser.

2. That the Housing Commission shall study the provisions of the Virginia Residential Property Disclosure Act (§ 55-517 et seq.) of the Code of Virginia to determine whether the required disclosures contained in such Act may be consolidated or otherwise addressed in a more comprehensive way. The Housing Commission shall report its findings and any recommendations for legislation to the Chairmen of the House Committee on General Laws and the Senate Committee on General Laws and Technology by November 1, 2016.

CHAPTER 506

An Act to provide for the submission to the voters of a proposed amendment to the Constitution of Virginia adding to Article I a section numbered 11-A, relating to the right to work.

[S 446]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. It shall be the duty of the officers conducting the election directed by law to be held on the Tuesday after the first Monday in November 2016, at the places appointed for holding the same, to open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution of Virginia, contained herein and in the joint resolution proposing such amendment, to wit:

Amend the Constitution of Virginia by adding to Article I a section numbered 11-A as follows:

ARTICLE I
BILL OF RIGHTS

Section 11-A. Right to work.

Any agreement or combination between any employer and any labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

§ 2. The ballot shall contain the following question:

"Question: Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?"

The ballots shall be prepared, distributed and voted, and the results of the election shall be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with § 30-19.9 of the Code and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day.

The electoral board of each county and city shall make out, certify and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections.

The State Board of Elections shall open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment.

If a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2017.

The expenses incurred in conducting this election shall be defrayed as in the case of election of members of the General Assembly.

CHAPTER 507

An Act to amend and reenact § 20-124.4 of the Code of Virginia, relating to mediation; fees.

[H 287]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 20-124.4 of the Code of Virginia is amended and reenacted as follows:

§ 20-124.4. Mediation.

A. In any appropriate case the court shall refer the parents or persons with a legitimate interest to a dispute resolution ~~evaluation~~ *orientation* session to be conducted by a mediator certified pursuant to guidelines promulgated by the Judicial Council at no cost and in accordance with the procedures set out in Chapter 20.2 (§ 8.01-576.4 et seq.) of Title 8.01. In assessing the appropriateness of a referral, the court shall ascertain upon motion of a party whether there is a history of family abuse. If an agreement is not reached on any issue through further mediation as agreed to by the parties, prior to the return date set by the court pursuant to § 8.01-576.5, the court shall proceed with a hearing on any unresolved issue, unless a continuance has been granted by the court. ~~The fee of a mediator appointed in any custody, support or visitation case shall be \$100 per appointment and shall be paid by the Commonwealth from the funds appropriated for payment of appointments made pursuant to subsection B of § 16.1-267.~~

B. The fee of the mediator shall be \$100 per appointment mediated and shall be paid by the Commonwealth from the funds appropriated for payment of appointments made pursuant to subsection B of § 16.1-267. Any referral that includes both (i) custody or visitation and (ii) child or spousal support shall be considered two separate appointments.

CHAPTER 508

An Act to repeal the second enactment of Chapter 257 of the Acts of Assembly of 2013, relating to electronic delivery of insurance policy information.

[H 851]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That the second enactment of Chapter 257 of the Acts of Assembly of 2013 is repealed.

CHAPTER 509

An Act to amend and reenact § 16.1-266.1 of the Code of Virginia, relating to appointed counsel for parents or guardians.

[S 7]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-266.1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-266.1. Standards for attorneys appointed as guardians ad litem; list of qualified attorneys; attorneys appointed for parents or guardians.

A. On or before January 1, 1995, the Judicial Council of Virginia, in conjunction with the Virginia State Bar and the Virginia Bar Association, shall adopt standards for attorneys appointed as guardians ad litem pursuant to § 16.1-266. The standards shall, ~~in so far~~ *insofar* as practicable, take into consideration the following criteria: (i) license or permission to practice law in Virginia, (ii) current training in the roles, responsibilities and duties of guardian ad litem representation, (iii) familiarity with the court system and general background in juvenile law, and (iv) demonstrated proficiency in this area of the law.

B. The Judicial Council shall maintain a list of attorneys admitted to practice law in Virginia who are qualified to serve as guardians ad litem based upon the standards and shall make the names available to the courts. If no attorney who is on the list is reasonably available, a judge in his discretion, may appoint any discreet and competent attorney who is admitted to practice law in Virginia.

C. Counsel appointed for a parent or guardian pursuant to subsection D of § 16.1-266 shall be selected from the list of attorneys who are qualified to serve as guardians ad litem. If no attorney who is on the list is reasonably available or appropriate considering the circumstances of the parent or case, a judge in his discretion may appoint any discreet and competent attorney who is admitted to practice law in Virginia.

CHAPTER 510

An Act to amend and reenact § 8.01-44.5 of the Code of Virginia, relating to punitive damages for persons injured by intoxicated drivers.

[S 125]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-44.5 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-44.5. Punitive damages for persons injured by intoxicated drivers.

In any action for personal injury or death arising from the operation of a motor vehicle, engine or train, the finder of fact may, in its discretion, award punitive damages to the plaintiff if the evidence proves that the defendant acted with malice toward the plaintiff or the defendant's conduct was so willful or wanton as to show a conscious disregard for the rights of others.

A defendant's conduct shall be deemed sufficiently willful or wanton as to show a conscious disregard for the rights of others when the evidence proves that (i) when the incident causing the injury or death occurred, the defendant had a blood alcohol concentration of 0.15 percent or more by weight by volume or 0.15 grams or more per 210 liters of breath; (ii) at the time the defendant began drinking alcohol, or during the time he was drinking alcohol, he knew or should have known that his ability to operate a motor vehicle, engine or train would be impaired, or when he was operating a motor vehicle he knew or should have known that his ability to operate a motor vehicle was impaired; and (iii) the defendant's intoxication was a proximate cause of the injury to or death of the plaintiff. For the purposes of clause (i), it shall be rebuttably presumed that the blood alcohol concentration at the time of the incident causing injury or death was at least as high as the test result as

shown in a certificate issued pursuant to § 18.2-268.9 or in a certificate of analysis for a blood test administered pursuant to § 18.2-268.7, provided that the test was administered ~~within three hours of the incident causing injury or death in accordance with the provisions of §§ 18.2-268.1 through 18.2-268.12.~~ In addition to any other forms of proof, a party may submit a copy of a certificate issued pursuant to § 18.2-268.9 or a certificate of analysis for a blood test administered pursuant to § 18.2-268.7, which shall be prima facie evidence of the facts contained therein *and compliance with the provisions of §§ 18.2-268.1 through 18.2-268.12.*

However, when a defendant has unreasonably refused to submit to a test of his blood alcohol content as required by § 18.2-268.2, a defendant's conduct shall be deemed sufficiently willful or wanton as to show a conscious disregard for the rights of others when the evidence proves that (a) when the incident causing the injury or death occurred the defendant was intoxicated, which may be established by evidence concerning the conduct or condition of the defendant; (b) at the time the defendant began drinking alcohol, or during the time he was drinking alcohol, he knew or should have known that his ability to operate a motor vehicle was impaired; and (c) the defendant's intoxication was a proximate cause of the injury to the plaintiff or death of the plaintiff's decedent. In addition to any other forms of proof, a party may submit a certified copy of a court's determination of unreasonable refusal pursuant to § 18.2-268.3, which shall be prima facie evidence that the defendant unreasonably refused to submit to the test.

CHAPTER 511

An Act to amend and reenact § 24.2-228.1 of the Code of Virginia, relating to vacancies in constitutional offices; timing of special election.

[S 308]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-228.1 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-228.1. Election to fill vacancy in constitutional office.

A. Notwithstanding any provision of a charter to the contrary, a vacancy in any elected constitutional office, whether occurring when for any reason an officer-elect does not take office or occurring after an officer begins his term, shall be filled by special election, *except as provided in subsection B.* ~~The~~ *Within 15 days of the occurrence of the vacancy, the governing body of the county or city in which the vacancy occurs shall, within 15 days of the occurrence of the vacancy,* petition the circuit court to issue a writ of election to fill the vacancy as set forth in Article 5 (§ 24.2-681 et seq.) of Chapter 6. Either upon receipt of the petition or on its own motion, the court shall promptly issue the writ ordering the election for a date determined pursuant to § 24.2-682. *However, the governing body may request in its petition that the special election be held on the date of the next general election in November, and the court may order the special election to be held on that date.*

B. If a vacancy in any elected constitutional office occurs within the 12 months immediately preceding the end of the term of that office, the governing body may petition the circuit court to request that no special election be ordered. Upon receipt of such petition, the court shall grant such request. The highest ranking deputy officer, or in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, who is qualified to vote for and hold that office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, for the remainder of the unexpired term.

C. Upon receipt of written notification by an officer or officer-elect of his resignation as of a stated date, the governing body may immediately petition the circuit court to issue a writ of election, and the court may immediately issue the writ to call the election. The officer's or officer-elect's resignation shall not be revocable after the date stated by him for his resignation or after the thirtieth day before the date set for the special election.

~~D.~~ *Notwithstanding the foregoing provisions of subsection A, a vacancy in any elected constitutional office in any county or city with a population of 15,000 or less, or shared by two or more units of government with a combined population of 15,000 or less, shall be filled by a special election ordered by the court to be held at the next ensuing general election to be held in November. If the vacancy occurs within 90 days prior to that election, however, the writ shall order the election to be held at the second ensuing such general election.*

E. Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.

~~B.~~ *F. Notwithstanding any provision of a charter to the contrary, the highest ranking deputy officer, or, in the case of the office of attorney for the Commonwealth, the highest ranking full-time assistant attorney for the Commonwealth, if there is such a deputy or assistant in the office, who is qualified to vote for and hold that office, shall be vested with the powers and shall perform all of the duties of the office, and shall be entitled to all the privileges and protections afforded by law to elected or appointed constitutional officers, until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office. In the event that (i) there is no deputy officer or full-time assistant attorney for the Commonwealth in the office or (ii) the highest-ranking deputy officer or assistant attorney for the Commonwealth declines*

to serve, the court shall make an interim appointment to fill the vacancy pursuant to § 24.2-227 until the qualified voters fill the vacancy by election and the person so elected has qualified and taken the oath of office.

~~C. Notwithstanding any provision of law to the contrary, no election to fill a vacancy shall be ordered or held if the general election at which it is to be called is scheduled within 60 days of the end of the term of the office to be filled.~~

~~D. G.~~ The absence from the county or city of a constitutional officer by reason of his service in the Armed Forces of the United States shall not be deemed to create a vacancy in the office without a written notification by the officer of his resignation from the office. Notwithstanding any other provision of law, including § 19.2-156, the power to relieve a constitutional officer of the duties or powers of his office or position during the period of such absence shall remain the sole prerogative of the constitutional officer unless expressly waived by him in writing.

CHAPTER 512

An Act to amend and reenact § 2.2-1204 of the Code of Virginia, relating to local option health insurance plan.

[S 364]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-1204 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-1204. Health insurance program for employees of local governments, local officers, teachers, etc.; definitions.

A. The Department shall establish a plan or plans, hereinafter "plan" or "plans," subject to the approval of the Governor, for providing health insurance coverage for employees of local governments, local officers, teachers, and retirees, and the dependents of such employees, officers, teachers, and retirees. The plan or plans shall be rated separately from the plan established pursuant to § 2.2-2818 to provide health and related insurance coverage for state employees. Participation in such insurance plan or plans shall be (i) voluntary, (ii) approved by the participant's respective governing body, or by the local school board in the case of teachers, and (iii) subject to regulations adopted by the Department. In addition, at the option of a governing body or school board that has elected to participate in the health insurance plan or plans offered by the Department, the governing body or school board may elect to participate in the voluntary employee-pay-all long-term care program offered by the Commonwealth.

B. The plan or plans established by the Department, *one of which may be similar to the state employee plan*, shall satisfy the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), shall consist of a flexible benefits structure that permits the creation of multiple plans of benefits, and may provide for *single or separate rating groups* based upon criteria established by the Department. The Department shall adopt regulations regarding the establishment of such a plan or plans, including, but not limited to, requirements for eligibility, participation, access and egress, mandatory employer contributions and financial reserves, *adverse experience adjustments*, and the administration of the plan or plans. The Department may engage the services of other professional advisors and vendors as necessary for the prudent administration of the plan or plans. The assets of the plan or plans, together with all appropriations, premiums, and other payments, shall be deposited in the employee health insurance fund, from which payments for claims, premiums, cost containment programs, and administrative expenses shall be withdrawn from time to time. The assets of the fund shall be held for the sole benefit of the employee health insurance fund. The fund shall be held in the state treasury. Any interest on unused balances in the fund shall revert back to the credit of the fund. The State Treasurer shall charge reasonable fees to recover the actual costs of investing the assets of the plan or plans.

In establishing the participation requirements, the Department may provide that those employees, officers, and teachers without access to employer-sponsored health care coverage may participate in the plan. It shall collect all premiums directly from the employers of such employees, officers, and teachers.

C. In the event that the financial reserves of the plan fall to an unacceptably low level as determined by the Department, it shall have the authority to secure from the State Treasurer a loan sufficient to raise the reserve level to one that is considered adequate. The State Treasurer may make such a loan, to be repaid on such terms and conditions as established by him.

D. For the purposes of this section:

"Employees of local governments" shall include all officers and employees of the governing body of any county, city, or town, and the directing or governing body of any political entity, subdivision, branch, or unit of the Commonwealth or of any commission or public authority or body corporate created by or under an act of the General Assembly specifying the power or powers, privileges, or authority capable of exercise by the commission or public authority or body corporate, as distinguished from § 15.2-1300, 15.2-1303, or similar statutes, provided that the officers and employees of a social services department, welfare board, community services board or behavioral health authority, or library board of a county, city, or town shall be deemed to be employees of local government. For purposes of this section, private nonprofit organizations are not governmental agencies or instrumentalities.

"Local officer" means the treasurer, registrar, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, sheriff, or constable of any county or city or deputies or employees of any of the preceding local officers.

"Teacher" means any employee of a county, city, or other local public school board.

CHAPTER 513

An Act to amend and reenact § 23-234 of the Code of Virginia, relating to private institutions of higher education; memoranda of understanding; sexual assaults.

[H 1321]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 23-234 of the Code of Virginia is amended and reenacted as follows:****§ 23-234. Powers and duties; jurisdiction; mutual aid agreements; memoranda of understanding.**

A. A campus police officer appointed as provided in § 23-233 or appointed and activated pursuant to § 23-233.1 may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties, and shall be so deemed, including but not limited to the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the relevant public or private institution of higher education, or, upon request, any property owned or controlled by another public or private institution of higher education and upon the streets, sidewalks, and highways, immediately adjacent thereto, (ii) pursuant to a mutual aid agreement provided for in § 15.2-1727 between the governing board of a public or private institution and such other institution of higher education, public or private, in the Commonwealth or adjacent political subdivisions, (iii) in close pursuit of a person as provided in § 19.2-77, and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which the institution, its satellite campuses, or other properties are located. The local governing body may petition the circuit court pursuant only to a request by the local law-enforcement agency for concurrent jurisdiction.

B. All public or private institutions of higher education that have campus police forces established in accordance with the provisions of this chapter shall enter into and become a party to mutual aid agreements with one or more of the following: (i) an adjacent local law-enforcement agency or (ii) the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by the institution of higher education or any death resulting from an incident occurring on such property. Such mutual aid agreements shall include provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement pursuant to this subsection, in the event that such police force or agency conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. Such notification shall not require a campus police force or the agency with which it has established a mutual aid agreement to disclose identifying information about the victim. The provisions of this section shall not prohibit a campus police force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth, even though a mutual aid agreement has not been executed with that agency.

C. All public or *nonprofit* private institutions of higher education that (i) do not have campus police forces established in accordance with the provisions of this chapter and (ii) have security departments, rely on municipal, county, or state police forces, or contract for security services from private parties pursuant to § 23-238 shall enter into and become a party to a memorandum of understanding with an adjacent local law-enforcement agency or the Department of State Police (the Department) to require either such local law-enforcement agency or the Department, in the event that such agency or the Department conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. Such notification shall not require the law-enforcement agency or the Department to disclose identifying information about the victim.

D. For purposes of this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education located within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization that is officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

CHAPTER 514

An Act to amend and reenact §§ 8.1 and 8.2, §§ 8.3 and 8.4, as amended, and § 8.6 of Chapter 213 of the Acts of Assembly of 1960, which provided a charter for the City of Colonial Heights, relating to department of finance, director of finance, city manager, and city treasurer.

[H 1114]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.1 and 8.2, §§ 8.3 and 8.4, as amended, and § 8.6 of Chapter 213 of the Acts of Assembly of 1960 are amended and reenacted as follows:

§ 8.1. Department of finance.

The city council may by ordinance create a department of finance which shall include the functions of accounting and control; budgeting; purchasing; the collection of *locally imposed taxes, fees, special assessments, and other revenues*; and such other functions as may be provided by ordinance or by orders of the director of finance consistent therewith.

§ 8.2. Director of finance; appointment.

The head of the department of finance shall be known as the director of finance, and council may by ordinance provide that the director of finance shall be the ~~City Treasurer, or City Manager~~ *city manager*, or it may establish a director of finance separate from the ~~City Treasurer or City Manager~~ *as the case may be*. ~~Until otherwise provided by ordinance the Director of Finance shall be the City Treasurer~~ *city manager*. When the city council shall by ordinance establish a director of finance separate from the ~~city treasurer or city manager~~, he shall be appointed by the city manager. In making such appointment, the city manager shall give consideration to the applicant's qualifications in municipal finance and financial control.

§ 8.3. Director of finance; powers and duties.

The director of finance shall have general management and control of the functions of the department *of finance*. He shall appoint and remove, subject to the provisions of Chapter 9 of this charter, all officers and employees of the department, ~~excepting constitutional officers~~, and shall have power to make rules and regulations consistent with this charter and the ordinances of the city for the conduct of its business. He shall have charge, subject to the direction and control of the city manager, of the administration of the financial affairs of the city, except those of the school board, unless specified in this chapter, and to that end shall have authority and be required to:

(a) Compile the departmental estimates and other data necessary or useful to the city manager in the preparation of the current expense and capital budgets.

(b) Supervise and control all encumbrances, expenditures and disbursements to insure that budget appropriations are not exceeded.

(c) Maintain a general accounting system for the city government and each of its departments, boards, commissions, offices and agencies, in conformity with the best recognized practices in governmental accounting; and encumber each item of appropriation and the allotments thereof with the amount of each purchase order, payroll or contract which he has approved, including each advance authorization as provided in subsection (f) of § 8.3.

(d) Prescribe the form of receipts, vouchers, bills or claims to be used, and of accounts to be kept by all departments, boards, commissions, offices and agencies of the city, provided that in so doing he shall consult with any officer appointed by the council for the purpose.

(e) Require daily, or at such other intervals as he may deem expedient, a report of receipts from each of such departments, boards, commissions, offices and agencies, and prescribe the times at and the manner in which moneys received by them shall be paid to the office of the director of finance ~~or deposited in a city bank account under the control of the city treasurer~~.

(f) Examine all contracts, purchase orders and other documents, except bonds and notes authorized as provided in Chapter 7, which create financial obligations against the city and approve the same only upon ascertaining that money has been appropriated and allotted therefor and that an unexpended and unencumbered balance is available in such appropriation and allotment to meet the same, provided that the director of finance may give advance authorization for expenditures in conformance with a procurement policy approved by the council and consistent with the laws of the Commonwealth.

(g) Audit before payment, for legality and correctness, all accounts, claims and demands against the city, and no money shall be drawn from any bank account of the city or school board except by warrant or check, signed, if from an account of the city, by the director of finance, based upon a voucher duly approved by him as above provided.

(h) Supervise and be responsible for provision of tax maps, property descriptions and such other information as may be necessary or convenient for the scientific assessment of property for taxation within the city.

(i) Have custody of all investments and invested funds of the city or in its possession in a fiduciary capacity, unless otherwise provided by this charter or by law, ordinance or the terms of any trust, and the safekeeping of all bonds and notes of the city and the receipt and delivery of city bonds and notes for transfer, registration and exchange.

(j) Submit to the city manager for presentation to the council not later than the tenth day of each month, a statement concerning the financial transactions of the city and each utility respectively, prepared in accordance with accepted

principles of municipal accounting and budgetary procedure, and showing: (1) the amount of each appropriation with transfers to and from the same, the allotments thereof to the end of the preceding month, the encumbrances and expenditures charged against such appropriation and the allotments thereof during the preceding month, the total of such charges for the fiscal year to the end of the preceding month, and the unencumbered balance remaining in such appropriation and the allotments thereof; (2) the revenue estimated to be received from each source, the actual receipts from each source for the preceding month, the total receipts from each source for the fiscal year to the end of the preceding month, and the balance remaining to be collected.

(k) Furnish to the head of each department, court, board, commission, office and agency of the city a copy of that portion of the statement relating to such department, court, board, commission, office or agency.

(l) Prepare and submit to the city manager at the end of each fiscal year, for the preceding year, a complete financial statement and report of the financial transactions of the city.

(m) Protect the interests of the city by withholding the payment of any claim or demand by any person, firm or corporation against the city until any indebtedness or other liability due from such person, firm or corporation shall first have been settled and adjusted.

(n) *Unless otherwise authorized by the city council, collect all tax payments, fees, assessments, and charges that the City of Colonial Heights imposes.*

(o) *Unless otherwise authorized by the city council, employ any procedure that is now or hereafter prescribed by law to collect locally imposed taxes, assessments, fees, and charges that are delinquent.*

§ 8.4. City treasurer.

~~The city treasurer shall collect and receive all moneys due the city for taxes whether current or delinquent, assessments or fees or charges of every kind except that the council may by ordinance provide for the collection of charges for the use of water, refuse, and sanitary sewers; by some officer or agency and except as otherwise provided by this charter or the general laws of the Commonwealth as the same may relate to the city. In so doing, he shall have power to employ any procedure that is now or may hereafter be prescribed by law for the collection of State taxes or local taxes. There shall be a lien, which shall have precedence over any other lien or encumbrance thereon; on all real estate and on each and every interest therein; for the city taxes assessed thereon; from the commencement of the year for which they are assessed, including penalties and interest on such taxes; which may be enforced by the city treasurer on behalf of the city in any manner provided by law. All goods and chattels wheresoever found may be distrained and sold for taxes; interest and penalties assessed and due thereon and for taxes; interest and penalties assessed against the owner thereof; and no deed of trust or mortgage upon goods or chattels shall prevent the same from being distrained and sold for taxes or levies assessed against the grantor in such deed while such goods and chattels remain in the grantor's possession; nor shall any such deed prevent the goods and chattels conveyed from being distrained and sold for taxes or levies assessed thereon; no matter in whose possession they may be found. He shall have power to enforce the provisions of this charter and the ordinances of the city with regard to licenses and license taxes; to check any or all of records of the commissioner of revenue and to examine and audit the books of all persons, firms and corporations whom he has reasonable cause to believe to be liable to pay a license. He shall have custody of all funds belonging to the city and the school board and deposit all funds coming into his hands to the account of the city or the school board; as the case may be; in such banks as may be designated for the purpose by the council and the school board, respectively; subject to the laws of the Commonwealth applicable to the city and school board relative to the deposit of public funds. He shall perform such other duties, including validating of school board warrants or checks; have such powers and be liable to such penalties as are now or may hereafter be prescribed by law or ordinance shall collect and receive all money due the city from the State and all taxes and levies due the State and collected within the city, and disburse the same, using any procedure now or hereafter prescribed by law. In performing his duties, the city treasurer shall be entitled to employ such staff as the State Compensation Board authorizes.~~

~~The city council may authorize the treasurer to assume such duties of the director of finance as the council deems appropriate.~~

§ 8.6. Sale of property for taxes.

~~The council may require real estate in the city, delinquent for the nonpayment of taxes, to be sold for said taxes, as provided in the Code of Virginia, except that if at any such sale no bid shall be made for any such real estate, or such bid shall not be equal to the tax or assessment, with interest, charges and expenses, then such real estate shall be struck off to the city. As soon as practicable thereafter, the city treasurer director of finance shall prepare a statement of sales made to the city, in which the real estate so sold shall be described, and the aggregate amount of tax or assessment with interest, charges and expenses specified.~~

~~(a) The owner of any real estate so struck off to the city, his heirs or assigns, or any person having the right to charge such real estate for a debt, or any person having interest in such real estate by way of reversion, remainder or otherwise, may redeem the real estate within three years from the sale thereof, by payment to the city of the amount for which it was sold, with such additional sums as would have accrued for taxes thereon if it had not been purchased for the city, with interest on the purchase money and taxes at the rate of six percent per annum from the time that they may have been so paid.~~

~~(b) In case that any real estate, struck off to the city as hereinbefore provided, shall not be redeemed within the time specified, the city treasurer director of finance may, at the direction of the council, within sixty days after the expiration of three years from the sale, cause to be recorded in the Clerk's Office of the Circuit Court having jurisdiction of the city a certificate of sale with his oath that the same has not been redeemed, and thereupon the city, or its assignee, shall acquire an~~

absolute title in fee in chancery proceedings to such real estate, and every interest therein, subject to be defeated only by proof that the taxes for which said real estate was sold were not properly chargeable thereon, or that the taxes properly chargeable thereon had been paid at the time of the execution of such certificate. The said certificate shall be recorded in the said Clerk's Office in a record book known as "deed book, recording conveyances to city lands sold for delinquent taxes," for recording which certificate the clerk shall be entitled to a fee of ten cents, payable out of the city treasury. The council may impose penalties upon its officers for their failure to comply with the requirements of this section. The said certificate, or the record thereof, or a certified copy thereof, shall, in all courts and other places, be evidence of the facts therein stated; provided, however, that the failure to obtain or record such certificate shall not invalidate the lien of the city for all taxes assessed against such real estate, but the city may, at any time, elect to enforce its lien for taxes in a court of equity and real estate. When real estate is sold at a tax sale, it shall be continued upon the land books in the name of the former owner or owners until there is a transfer of title of record and taxes and levies shall be annually extended thereon the same as if such tax sale had not taken place.

(c) When land sold for delinquent taxes or struck off to the city is redeemed by persons under disability at the time of sale, in addition to the payments otherwise required for redemption, the person or persons so redeeming the land shall pay to the purchaser, his heirs or assigns, the appraised value of any improvement that may have been made thereon after three years from the date of the sale for delinquent taxes.

2. That notwithstanding any other provision of law, the provisions of this act shall not result in a change in the amount of the Treasurer's salary set by the Compensation Board that is payable by the locality in the City of Colonial Heights for the fiscal year ending June 30, 2017, or the fiscal year ending June 30, 2018.

CHAPTER 515

An Act to amend the Code of Virginia by adding a section numbered 46.2-112.1, relating to smoking in motor vehicles; presence of minor under age eight; civil penalty.

[H 1348]

Approved March 25, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-112.1 as follows:

§ 46.2-112.1. Smoking in vehicle with a minor present; civil penalty.

A. For the purposes of this section, "smoke" means to carry or hold any lighted pipe, cigar, or cigarette of any kind or any other lighted smoking equipment or to light or inhale or exhale smoke from a pipe, cigar, or cigarette of any kind or any other lighted smoking equipment.

B. It is unlawful for a person to smoke in a motor vehicle, whether in motion or at rest, when a minor under the age of eight is present in the motor vehicle. A violation of this section is punishable by a civil penalty of \$100 to be paid into the state treasury and credited to the Literary Fund. No demerit points shall be assigned under Article 19 (§ 46.2-489 et seq.) of Chapter 3 and no court costs shall be assessed for a violation of this section. A violation of this section may be charged on the uniform traffic summons form.

C. No citation for a violation of this section shall be issued unless the officer issuing such citation has cause to stop or arrest the driver of such motor vehicle for the violation of some other provision of this Code or local ordinance relating to the operation, ownership, or maintenance of a motor vehicle or any criminal statute.

CHAPTER 516

An Act to require the Board of Education to consider certain alternative assessments for students who are English language learners.

[H 241]

Approved March 28, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. The Board of Education shall consider assessments aligned to the Standards of Learning that are structured and formatted in a way that measures the content knowledge of students who are English language learners and that may be administered to such students as Board of Education-approved alternatives to Standards of Learning end-of-course English reading assessments.

CHAPTER 517

An Act to direct the State Corporation Commission to evaluate the establishment of protocols for energy efficiency programs implemented by investor-owned electric utilities; report.

[H 1053]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the State Corporation Commission (the Commission) shall evaluate the establishment of uniform protocols for measuring, verifying, validating, and reporting the impacts of energy efficiency measures implemented by investor-owned electric utilities providing retail electric utility service in the Commonwealth and the establishment of a methodology for estimating annual kilowatt savings and a formula to calculate the levelized cost of saved energy for such energy efficiency measures. The Commission shall promptly commence such evaluation following the effective date of this act and shall receive input from interested parties and the Department of Mines, Minerals and Energy. The Commission shall submit to the Governor and the General Assembly a report of its findings and recommendations by December 1, 2016.*

CHAPTER 518

An Act to amend and reenact §§ 45.1-390 and 58.1-3660 of the Code of Virginia, relating to the Department of Mines, Minerals and Energy; Division of Energy; powers and duties.

[S 743]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 45.1-390 and 58.1-3660 of the Code of Virginia are amended and reenacted as follows:

§ 45.1-390. Division of Energy established; findings and policy; powers and duties.

The General Assembly finds that because energy-related issues continually confront the Commonwealth, and many separate agencies are involved in providing energy programs and services, there exists a need for a state organization responsible for coordinating Virginia's energy programs and ensuring Virginia's commitment to the development of renewable and indigenous energy sources, as well as the efficient use of traditional energy resources. In accordance with this need, the Division of Energy is created in the Department of Mines, Minerals and Energy. The Director shall have the immediate authority to coordinate development and implementation of energy policy in Virginia.

The Division shall coordinate the energy-related activities of the various state agencies and advise the Governor on energy issues that arise at the local, state and national levels. All state agencies and institutions shall cooperate fully with the Division to assist in the proper execution of the duties assigned by this section.

In addition, the Division is authorized to make and enter into all contracts and agreements necessary or incidental to the performance of its duties or the execution of its powers, including the implementation of energy information and conservation plans and programs.

The Division shall:

1. Consult with any or all state agencies and institutions concerning energy-related activities or policies as needed for the proper execution of the duties assigned to the Division by this section;
2. Maintain liaison with appropriate agencies of the federal government on the activities of the federal government related to energy production, consumption, transportation and energy resource management in general;
3. Provide services to encourage efforts by and among Virginia businesses, industries, utilities, academic institutions, state and local governments and private institutions to develop energy conservation programs and energy resources;
4. In consultation with the State Corporation Commission, the Department of Environmental Quality, and the Center for Coal and Energy Research, prepare the Virginia Energy Plan pursuant to § 67-201; ~~and~~
5. Observe the energy-related activities of state agencies and advise these agencies in order to encourage conformity with established energy policy; *and*
6. *Serve, pursuant to § 58.1-3660, as the state certifying authority for solar energy projects and for the production of coal, oil, and gas, including gas, natural gas, and coalbed methane gas.*

§ 58.1-3660. Certified pollution control equipment and facilities.

A. Certified pollution control equipment and facilities, as defined herein, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other such classification of real or personal property and such property. Certified pollution control equipment and facilities shall be exempt from state and local taxation pursuant to Article X, Section 6 (d) of the Constitution of Virginia.

B. As used in this section:

"Certified pollution control equipment and facilities" shall mean any property, including real or personal property, equipment, facilities, or devices, used primarily for the purpose of abating or preventing pollution of the atmosphere or waters of the Commonwealth and which the state certifying authority having jurisdiction with respect to such property has certified to the Department of Taxation as having been constructed, reconstructed, erected, or acquired in conformity with

the state program or requirements for abatement or control of water or atmospheric pollution or contamination. Such property shall include, but is not limited to, any equipment used to grind, chip, or mulch trees, tree stumps, underbrush, and other vegetative cover for reuse as mulch, compost, landfill gas, synthetic or natural gas recovered from waste or other fuel, and equipment used in collecting, processing, and distributing, or generating electricity from, landfill gas or synthetic or natural gas recovered from waste, whether or not such property has been certified to the Department of Taxation by a state certifying authority. Such property shall also include solar energy equipment, facilities, or devices owned or operated by a business that collect, generate, transfer, or store thermal or electric energy whether or not such property has been certified to the Department of Taxation by a state certifying authority. For solar photovoltaic (electric energy) systems, this exemption applies only to projects equaling 20 megawatts or less, as measured in alternating current (AC) generation capacity. Such property shall not include the land on which such equipment or facilities are located.

"State certifying authority" shall mean the State Water Control Board, for water pollution; the State Air Pollution Control Board, for air pollution; the Department of Mines, Minerals and Energy, for *solar energy projects and for* coal, oil, and gas production, including gas, natural gas, and coalbed methane gas; and the Virginia Waste Management Board, for waste disposal facilities, natural gas recovered from waste facilities, and landfill gas production facilities, and shall include any interstate agency authorized to act in place of a certifying authority of the Commonwealth.

CHAPTER 519

An Act to amend and reenact § 2.2-2311.1 of the Code of Virginia, relating to the Virginia Small Business Financing Authority; Small, Women-owned, and Minority-owned Business Loan Fund.

[H 1263]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2311.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2311.1. Creation, administration, and management of the Small, Women-owned, and Minority-owned Business Loan Fund.

A. For the purposes of this section:

"Eligible small business" means any person engaged in a for-profit business enterprise in the Commonwealth and such enterprise has (i) \$10 million or less in annual gross income under generally accepted accounting principles for up to each of its last three fiscal years or lesser time period if it has been in existence less than three years, (ii) fewer than 250 employees, or (iii) a net worth of \$1 million or less, or such business enterprise meets such other satisfactory requirements as the Board shall determine from time to time upon a finding that such business enterprise is in need of assistance.

"Fund" means the Small, Women-owned, and Minority-owned Business Loan Fund.

"Minority-owned business" means a for-profit small business concern that is majority-owned by one or more individuals of an ethnic or racial minority. In the case of a corporation, a majority of the stock shall be owned by one or more such individuals and the management and daily business operations shall be controlled by one or more of the individuals of an ethnic or racial minority who own it.

"Women-owned business" means a for-profit small business concern that is majority-owned by one or more women. In the case of a corporation, a majority of the stock shall be owned by one or more women and the management and daily business operations shall be controlled by one or more of the women who own it.

B. There is created ~~in the state treasury~~ a permanent ~~nonreverting~~ revolving loan fund to be known as the Small, Women-owned, and Minority-owned Business Loan Fund. ~~The Fund shall be established on the books of the Comptroller.~~ The Fund shall be comprised of (i) moneys appropriated to the Fund by the General Assembly, (ii) *moneys collected by the Authority as a result of loan repayments,* (iii) all income from the investment of moneys held by the Fund, and ~~(iii)~~ (iv) any other moneys designated for deposit to the Fund from any source, public or private. ~~All moneys shall be paid into the state treasury and credited to the Fund.~~ Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to provide direct loans to eligible small, women-owned, and minority-owned businesses. The Fund shall be managed and administered by the Authority with guidance from the Director of the Department of Small Business and Supplier Diversity. ~~Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Authority.~~

C. The Authority, or its designated agents, shall determine the qualifications, terms, and conditions for the use of the Fund and the accounts thereof.

CHAPTER 520

An Act to amend and reenact §§ 2.2-1605 and 2.2-1616 of the Code of Virginia, relating to the Small Business Investment Grant Fund; administration; qualifications.

[S 179]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-1605 and 2.2-1616 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-1605. Powers and duties of Department.**

A. The Department shall have the following powers and duties:

1. Coordinate as consistent with prevailing law the plans, programs, and operations of the state government that affect or may contribute to the establishment, preservation, and strengthening of small, women-owned, and minority-owned businesses;

2. Promote the mobilization of activities and resources of state and local governments, businesses and trade associations, universities, foundations, professional organizations, and volunteer and other groups towards the growth of small businesses and businesses owned by women and minorities, and facilitate the coordination of the efforts of these groups with those of state departments and agencies;

3. Establish a center for the development, collection, summarization, and dissemination of information that will be helpful to persons and organizations throughout the nation in undertaking or promoting procurement from small, women-owned, and minority-owned businesses;

4. Consistent with prevailing law and availability of funds, and according to the Director's discretion, provide technical and management assistance to small, women-owned, and minority-owned businesses and defray all or part of the costs of pilot or demonstration projects that are designed to overcome the special problems of small, women-owned, and minority-owned businesses;

5. Advise the Small Business Financing Authority on the management and administration of the Small, Women-owned, and Minority-owned Business Loan Fund created pursuant to § 2.2-2311.1;

6. Implement any remediation or enhancement measure for small, women-owned, or minority-owned businesses as may be authorized by the Governor pursuant to subsection C of § 2.2-4310 and develop regulations, consistent with prevailing law, for program implementation. Such regulations shall be developed in consultation with the state agencies with procurement responsibility and promulgated by those agencies in accordance with applicable law; and

7. Receive and coordinate, with the appropriate state agency, the investigation of complaints that a business certified pursuant to this chapter has failed to comply with its subcontracting plan under subsection D of § 2.2-4310. If the Department determines that a business certified pursuant to this chapter has failed to comply with the subcontracting plan, the business shall provide a written explanation.

B. In addition, the Department shall serve as the liaison between the Commonwealth's existing businesses and state government in order to promote the development of Virginia's economy. To that end, the Department shall:

1. Encourage the training or retraining of individuals for specific employment opportunities at new or expanding business facilities in the Commonwealth;

2. Develop and implement programs to assist small businesses in the Commonwealth in order to promote their growth and the creation and retention of jobs for Virginians;

3. Establish an industry program that is the principal point of communication between basic employers in the Commonwealth and the state government that will address issues of significance to business;

4. Make available to existing businesses, in conjunction and cooperation with localities, chambers of commerce, and other public and private groups, basic information and pertinent factors of interest and concern to such businesses;

5. Develop statistical reports on job creation and the general economic conditions in the Commonwealth; and

6. Administer the Small Business Jobs Grant Fund Program ~~and the Small Business Investment Grant Fund~~ described in Article 2 (§ 2.2-1611 et seq.).

C. All agencies of the Commonwealth shall assist the Department upon request and furnish such information and assistance as the Department may require in the discharge of its duties.

§ 2.2-1616. Creation, administration, and management of the Small Business Investment Grant Fund.

A. As used in this section:

"Authority" means the Virginia Small Business Financing Authority.

"Eligible investor" means an individual subject to the tax imposed by § 58.1-320. The term shall not include an individual who engages in the business of making debt or equity investments in private businesses, or to any person that would be allocated a portion of the grant under this section as a partner, shareholder, member, or owner of an entity that engages in such business.

"Fund" means the Small Business Investment Grant Fund.

"Pass-through entity" means the same as that term is defined in § 58.1-390.1.

"Qualified investment" means a cash investment in a qualified business in the form of equity or subordinated debt. However, an investment shall not be qualified if the taxpayer who holds such investment, or any of the taxpayer's family

members, or any entity affiliated with such taxpayer, receives or has received compensation from the qualified business in exchange for services provided to such business as an employee, officer, director, manager, independent contractor, or otherwise in connection with or within one year before or after the date of such investment. For the purposes hereof, reimbursement of reasonable expenses incurred shall not be deemed to be compensation.

"Small business" means a corporation, pass-through entity, or other entity that (i) has annual gross revenues of no more than ~~33~~ \$5 million in its most recent fiscal year; (ii) has its principal office or facility in the Commonwealth; (iii) is engaged in business primarily in or does substantially all of its production in the Commonwealth; (iv) has not obtained during its existence more than \$3 million in aggregate gross cash proceeds from the issuance of its equity or debt investments, not including commercial loans from national or state-chartered banking or savings and loan institutions; (v) has no more than 50 employees who are employed within the Commonwealth; and (vi) has been designated as such by the ~~Department Authority~~ pursuant to the provisions of this section.

"Subordinated debt" means indebtedness of a corporation, general or limited partnership, or limited liability company that (i) by its terms required no repayment of principal for the first three years after issuance, (ii) is not guaranteed by any other person or secured by any assets of the issuer or any other person, and (iii) is subordinated to all indebtedness and obligations of the issuer to national or state-chartered banking or savings and loan institutions.

B. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is hereby created in the state treasury a special nonreverting, permanent fund to be known as the Small Business Investment Grant Fund, to be administered by the Department. The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund at the end of each fiscal year, including interest thereon, shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund, which shall be in the form of grants pursuant to this section, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request bearing the signature of the Director. Grants from the Fund shall only be made to applications pursuant to this section.

C. An eligible investor that makes a qualified investment in a small business on or after July 1, 2012, but prior to January 1, ~~2015~~ 2019, that has been certified by the ~~Department Authority~~ pursuant to subsection D shall be eligible for a grant in an amount equal to 10 percent of the qualified investment. An eligible investor may apply for a grant for each qualified investment that is made to one or more small businesses *not to exceed a total grant allocation from the Fund of \$250,000 per eligible investor.*

D. A small business shall apply with the ~~Department to be certified as a small business in order Authority~~ to receive qualified investments eligible for the grant pursuant to this section and shall provide to the ~~Department Authority~~ such information as the ~~Department Authority~~ deems necessary to demonstrate that it meets the qualifications set forth in subsection A. ~~A small business shall apply each year in order to be certified as a small business. No grant application shall be approved for an otherwise qualified investment in a small business not first certified by the Department.~~

E. Any eligible investor applying for a grant pursuant to this section shall submit an application to the ~~Department Authority~~. Alternatively, a small business may apply to the ~~Department Authority~~ on behalf of an eligible investor. The ~~Department Authority~~ shall determine the amount of the grant allowable to the eligible investor for the year.

F. Unless the eligible investor transfers the equity received in connection with a qualified investment as a result of (i) the liquidation of the small business issuing such equity; (ii) the merger, consolidation, or other acquisition of such business with or by a party not affiliated with such business; or (iii) the death of the eligible investor, any eligible investor that fails to hold such equity for at least two years shall forfeit the grant and shall pay the ~~Department Authority~~ interest on the total allowed grant at the rate of one percent per month, compounded monthly, from the date the grant was awarded to the taxpayer. The ~~Department Authority~~ shall deposit any amounts received under this subsection into the general fund of the Commonwealth.

G. Grants shall be issued in the order that each completed eligible application is received by the ~~Department Authority~~. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.

H. An eligible investor shall not be awarded a grant pursuant to this section for any investment in a small business for which the eligible investor has been allowed a tax credit pursuant to § 58.1-339.4.

I. The ~~Department Authority~~ shall establish policies and procedures relating to (i) the certification of small businesses, (ii) the application for grants, and (iii) the recapture of grant awards claimed with interest in the event that the qualified investment is not held for the requisite period set forth in subsection F. Such policies and procedures shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

CHAPTER 521

An Act to amend the Code of Virginia by adding a section numbered 22.1-17.6, relating to public elementary and secondary schools and local school divisions; information and forms.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-17.6 as follows:

§ 22.1-17.6. Public elementary and secondary schools and local school divisions; information and forms.

A. The Board shall adopt policies to ensure that the Department of Education does not require public elementary or secondary schools or local school divisions to (i) provide information that is already available to or housed within the Department of Education; (ii) provide the same written information more than once during a school year, absent a change in the underlying information; (iii) complete forms for students with disabilities unless such forms are necessary to ensure compliance with the federal Individuals with Disabilities Education Act (20 U.S.C. § 1431 et seq.); or (iv) provide information that is not necessary to comply with state or federal law unless such information is relevant to student outcomes or the efficient operation of the public schools, provided that the Department of Education may require such schools and local school divisions to provide any such information or complete any such forms if the Department of Education demonstrates a compelling need or demonstrates that it does not have a more expeditious method for obtaining the information or completing the forms.

B. The Department of Education shall study the transition to electronic submission of all information and forms to the Department of Education by public elementary and secondary schools and local school divisions and submit a report of its findings to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than November 1, 2016.

C. The Department of Education shall annually evaluate and determine the continued need for the information that it collects from public elementary and secondary schools and local school divisions. In making such evaluation and determination, the Department of Education shall consider whether the information that it collects is required by state or federal law.

D. The Board shall report to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health by November 15 of each year on (i) information that public elementary and secondary schools and local school divisions are required to provide to the Department of Education pursuant to state law, (ii) the results of the annual evaluation and determination made by the Department of Education pursuant to subsection C, (iii) any reports required of public elementary or secondary schools or local school divisions that the Department of Education has consolidated, (iv) any information that the Department of Education no longer collects from public elementary or secondary schools or local school divisions, and (v) any forms that the Department of Education no longer requires public elementary or secondary schools or local school divisions to complete.

CHAPTER 522

An Act to amend and reenact § 22.1-253.13:3 of the Code of Virginia, relating to children with disabilities; alternative means to demonstrate achievement of the Standards of Learning.

[H 381]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:3 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, course and credit requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth. However, the Board may review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board may accredit the school for another three years. The Board shall review the accreditation status of any school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall

submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected verified credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science and may be integrated to include multiple subject areas.

The Board shall prescribe alternative methods of Standards of Learning assessment administration for children with disabilities, as that term is defined in § 22.1-213, who meet criteria established by the Board to demonstrate achievement of the Standards of Learning. An eligible student's Individual Education Program team shall make the final determination as to whether an alternative method of administration is appropriate for the student.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, and mathematics in grade eight; (e) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall

(1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department of Education shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report

annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

CHAPTER 523

An Act to amend the Code of Virginia by adding a section numbered 23-7.4:8, relating to alternative tuition or fee structures.

[H 961]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-7.4:8 as follows:

§ 23-7.4:8. Alternative tuition or fee structures.

Any public institution of higher education may offer alternative tuition or fee structures to students that result in lower costs of attendance, including discounted tuition, flat tuition rates, discounted student fees, or student fee and student services flexibility, to any first-time, incoming freshman undergraduate student who (i) has established domicile, as that term is defined in § 23-7.4, in the Commonwealth and (ii) enrolls full time with the intent to earn a degree in a program that leads to employment in a high-demand field in the region. Such an alternative tuition or fee structure may be renewed each year if the recipient maintains eligibility for the alternative tuition and fee structure. The State Council of Higher Education for Virginia shall offer guidance, upon request, to any public institution of higher education in establishing an alternative tuition or fee structure pursuant to this section.

2. That the State Council of Higher Education for Virginia (the Council) shall develop recommendations regarding financial incentives and benefits that might be offered to public institutions of higher education that offer alternative tuition or fee structures pursuant to this act. Such incentives and benefits may be related to targeted economic and innovation incentives pursuant to subdivision A 3 of § 23-38.87:16 of the Code of Virginia, base adequacy funding, or

biennial assessments of institutional performance as set forth in Part 4 of the general appropriation act and § 23-9.6:1.01 of the Code of Virginia. The Council shall report its recommendations to the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education no later than November 1, 2016.

CHAPTER 524

An Act to amend and reenact §§ 22.1-137 and 22.1-137.2 of the Code of Virginia, relating to public schools; fire drills; lock-down drills.

[H 1279]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-137 and 22.1-137.2 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-137. Fire drills.

In every public school there shall be a fire drill at least ~~once every week~~ *twice* during the first ~~twenty~~ *20* school days of each school session; ~~and more often if necessary~~, in order that pupils may be thoroughly practiced in such drills. ~~During~~ *Every public school shall hold at least two additional fire drills during the remainder of the school session* ~~fire drills shall be held at least monthly.~~

§ 22.1-137.2. Lock-down drills.

In every public school there shall be ~~at least two~~ *a lock-down drills every school year* ~~drill at least twice during the first 20 school days of each school session~~, in order that students may be thoroughly practiced in such drills. ~~One lock-down drill shall be completed in September of each school year and one lock-down drill shall be completed in January of each school year~~ *Every public school shall hold at least two additional lock-down drills during the remainder of the school session.* Lock-down plans and drills shall be in compliance with the Statewide Fire Prevention Code (§ 27-94 et seq.).

CHAPTER 525

An Act to amend and reenact §§ 2.2-1604 and 2.2-4310 of the Code of Virginia, relating to the Department of Small Business and Supplier Diversity; certification of employment services organizations; public procurement.

[H 1288]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-1604 and 2.2-4310 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-1604. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Certification" means the process by which (i) a business is determined to be a small, women-owned, or minority-owned business or (ii) an employment services organization, for the purpose of reporting small, women-owned, and minority-owned business and employment services organization participation in state contracts and purchases pursuant to §§ 2.2-1608 and 2.2-1610.

"Department" means the Department of Small Business and Supplier Diversity or any division of the Department to which the Director has delegated or assigned duties and responsibilities.

"Employment services organization" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Historically black colleges and university" includes any college or university that was established prior to 1964; whose principal mission was, and is, the education of black Americans; and that is accredited by a nationally recognized accrediting agency or association determined by the Secretary of Education.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia, Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka, and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Small business" means a business that is at least 51 percent independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens and, together with affiliates, has 250 or fewer employees or average annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" does not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

§ 2.2-4310. Discrimination prohibited; participation of small, women-owned, minority-owned, and service disabled veteran-owned business and employment services organization.

A. In the solicitation or awarding of contracts, no public body shall discriminate against a bidder or offeror because of race, religion, color, sex, national origin, age, disability, status as a service disabled veteran, or any other basis prohibited by state law relating to discrimination in employment. Whenever solicitations are made, each public body shall include businesses selected from a list made available by the Department of Small Business and Supplier Diversity, *which list shall include all companies and organizations certified by the Department.*

B. All public bodies shall establish programs consistent with this chapter to facilitate the participation of small businesses ~~and~~ businesses owned by women, minorities, and service disabled veterans, *and employment services organizations* in procurement transactions. The programs established shall be in writing and shall comply with the provisions of any enhancement or remedial measures authorized by the Governor pursuant to subsection C or, where applicable, by the chief executive of a local governing body pursuant to § 15.2-965.1, and shall include specific plans to achieve any goals established therein. State agencies shall submit annual progress reports on (i) small, women-owned, and minority-owned business procurement ~~and on~~, (ii) service disabled veteran-owned business procurement, *and (iii) employment services organization procurement* to the Department of Small Business and Supplier Diversity in a form specified by the Department of Small Business and Supplier Diversity. *Contracts and subcontracts awarded to employment services organizations shall be credited toward a contractor's small business, women-owned, and minority-owned business contracting and subcontracting goals.* The Department of Small Business and Supplier Diversity shall make information on service disabled veteran-owned procurement available to the Department of Veterans Services upon request.

C. Whenever there exists (i) a rational basis for small business *or employment services organization* enhancement or (ii) a persuasive analysis that documents a statistically significant disparity between the availability and utilization of women-owned and minority-owned businesses, the Governor is authorized and encouraged to require state agencies to implement appropriate enhancement or remedial measures consistent with prevailing law.

D. In awarding a contract for services to a small, women-owned, or minority-owned business that is certified in accordance with § 2.2-1606, or to a business identified by a public body as a service disabled veteran-owned business where the award is being made pursuant to an enhancement or remedial program as provided in subsection C, the public body shall include in every such contract of more than \$10,000 the following:

"If the contractor intends to subcontract work as part of its performance under this contract, the contractor shall include in the proposal a plan to subcontract to small, women-owned, minority-owned, and service disabled veteran-owned businesses."

E. In the solicitation or awarding of contracts, no state agency, department or institution shall discriminate against a bidder or offeror because the bidder or offeror employs ex-offenders unless the state agency, department or institution has made a written determination that employing ex-offenders on the specific contract is not in its best interest.

F. As used in this section:

"*Employment services organization*" means an organization that provides community-based employment services to individuals with disabilities that is an approved Commission on Accreditation of Rehabilitation Facilities (CARF) accredited vendor of the Department for Aging and Rehabilitative Services.

"Minority individual" means an individual who is a citizen of the United States or a legal resident alien and who satisfies one or more of the following definitions:

1. "African American" means a person having origins in any of the original peoples of Africa and who is regarded as such by the community of which this person claims to be a part.

2. "Asian American" means a person having origins in any of the original peoples of the Far East, Southeast Asia, the Indian subcontinent, or the Pacific Islands, including but not limited to Japan, China, Vietnam, Samoa, Laos, Cambodia,

Taiwan, Northern Mariana Islands, the Philippines, a U.S. territory of the Pacific, India, Pakistan, Bangladesh, or Sri Lanka and who is regarded as such by the community of which this person claims to be a part.

3. "Hispanic American" means a person having origins in any of the Spanish-speaking peoples of Mexico, South or Central America, or the Caribbean Islands or other Spanish or Portuguese cultures and who is regarded as such by the community of which this person claims to be a part.

4. "Native American" means a person having origins in any of the original peoples of North America and who is regarded as such by the community of which this person claims to be a part or who is recognized by a tribal organization.

"Minority-owned business" means a business that is at least 51 percent owned by one or more minority individuals who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more minority individuals who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more minority individuals, or any historically black college or university as defined in § 2.2-1604, regardless of the percentage ownership by minority individuals or, in the case of a corporation, partnership, or limited liability company or other entity, the equity ownership interest in the corporation, partnership, or limited liability company or other entity.

"Service disabled veteran" means a veteran who (i) served on active duty in the United States military ground, naval, or air service, (ii) was discharged or released under conditions other than dishonorable, and (iii) has a service-connected disability rating fixed by the United States Department of Veterans Affairs.

"Service disabled veteran business" means a business that is at least 51 percent owned by one or more service disabled veterans or, in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest in the corporation, partnership, or limited liability company or other entity is owned by one or more individuals who are service disabled veterans and both the management and daily business operations are controlled by one or more individuals who are service disabled veterans.

"Small business" means a business, independently owned and controlled by one or more individuals who are U.S. citizens or legal resident aliens, and together with affiliates, has 250 or fewer employees, or annual gross receipts of \$10 million or less averaged over the previous three years. One or more of the individual owners shall control both the management and daily business operations of the small business.

"State agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government. "State agency" shall not include any county, city, or town.

"Women-owned business" means a business that is at least 51 percent owned by one or more women who are U.S. citizens or legal resident aliens, or in the case of a corporation, partnership, or limited liability company or other entity, at least 51 percent of the equity ownership interest is owned by one or more women who are U.S. citizens or legal resident aliens, and both the management and daily business operations are controlled by one or more women.

CHAPTER 526

An Act to amend and reenact § 40.1-2.1 of the Code of Virginia, relating to the occupational safety and health program applicable to employees of agencies of the Commonwealth, political subdivisions, and other public bodies.

[S 607]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 40.1-2.1 of the Code of Virginia is amended and reenacted as follows:

§ 40.1-2.1. Application of title to Commonwealth and its agencies, etc.; safety and health program for public employees.

The provisions of this title and any rules and regulations promulgated pursuant thereto shall not apply to the Commonwealth or any of its agencies, institutions, or political subdivisions, or any public body, unless, and to the extent that, coverage is extended by specific regulation of the Commissioner or the ~~Safety and Health Codes~~ Board. The Commissioner is authorized to establish and maintain an effective and comprehensive occupational safety and health program applicable to employees of the Commonwealth, its agencies, institutions, political subdivisions, or any public body. Such program shall be subject to any State plan submitted to the federal government for State enforcement of the Federal Occupational Safety and Health Act of 1970 (P.L. 91-596), or any other regulation promulgated under Title 40.1. The Commissioner *or the Board* shall establish procedures *and adopt regulations* for enforcing the program ~~which~~ *that* shall include provisions for (i) *the issuance of proposed penalties;* (ii) *the payment of such penalties or a negotiated sum in lieu of such penalties;* (iii) *the deposit of such payments into the general fund of the state treasury;* (iv) fair hearings, including judicial review; and (v) *other* sanctions to be applied for violations.

CHAPTER 527

An Act to amend and reenact §§ 54.1-500, 54.1-1100, 54.1-1101, 55-225.17, 55-248.12:3, and 55-519.4 of the Code of Virginia, relating to the Board for Asbestos, Lead, and Home Inspectors; Board for Contractors; licensure of remediation or site work related to former methamphetamine property.

[H 707]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-500, 54.1-1100, 54.1-1101, 55-225.17, 55-248.12:3, and 55-519.4 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Accredited asbestos training program" means a training program that has been approved by the Board to provide training for individuals to engage in asbestos abatement, conduct asbestos inspections, prepare management plans, prepare project designs or act as project monitors.

"Accredited lead training program" means a training program that has been approved by the Board to provide training for individuals to engage in lead-based paint activities.

"Accredited renovation training program" means a training program that has been approved by the Board to provide training for individuals to engage in renovation or dust clearance sampling.

"Asbestos" means the asbestiform varieties of actinolite, amosite, anthophyllite, chrysotile, crocidolite, and tremolite.

"Asbestos analytical laboratory license" means an authorization issued by the Board to perform phase contrast, polarized light, or transmission electron microscopy on material known or suspected to contain asbestos.

"Asbestos contractor's license" means an authorization issued by the Board permitting a person to enter into contracts to perform an asbestos abatement project.

"Asbestos-containing materials" or "ACM" means any material or product which contains more than 1.0 percent asbestos or such other percentage as established by EPA final rule.

"Asbestos inspector's license" means an authorization issued by the Board permitting a person to perform on-site investigations to identify, classify, record, sample, test and prioritize by exposure potential asbestos-containing materials.

"Asbestos management plan" means a program designed to control or abate any potential risk to human health from asbestos.

"Asbestos management planner's license" means an authorization issued by the Board permitting a person to develop or alter an asbestos management plan.

"Asbestos project" or "asbestos abatement project" means an activity involving job set-up for containment, removal, encapsulation, enclosure, encasement, renovation, repair, construction or alteration of an asbestos-containing material. An asbestos project or asbestos abatement project shall not include nonfriable asbestos-containing roofing, flooring and siding materials which when installed, encapsulated or removed do not become friable.

"Asbestos project designer's license" means an authorization issued by the Board permitting a person to design an asbestos abatement project.

"Asbestos project monitor's license" means an authorization issued by the Board permitting a person to monitor an asbestos project, subject to Department regulations.

"Asbestos supervisor" means any person so designated by an asbestos contractor who provides on-site supervision and direction to the workers engaged in asbestos projects.

"Asbestos worker's license" means an authorization issued by the Board permitting an individual to work on an asbestos project.

"Board" means the Virginia Board for Asbestos, Lead, and Home Inspectors.

"Certified home inspection" means any inspection of a residential building for compensation conducted by a certified home inspector. A certified home inspection shall include a written evaluation of the readily accessible components of a residential building, including heating, cooling, plumbing, and electrical systems; structural components; foundation; roof; masonry structure; exterior and interior components; and other related residential housing components. A certified home inspection may be limited in scope as provided in a home inspection contract, provided such contract is not inconsistent with the provisions of this chapter or the regulations of the Board.

"Certified home inspector" means a person who meets the criteria of education, experience, and testing required by this chapter and regulations of the Board and who has been certified by the Board.

"Dust clearance sampling" means an on-site collection of dust or other debris that is present after the completion of a renovation to determine the presence of lead-based paint hazards and the provisions of a report explaining the results.

"Dust sampling technician" means an individual licensed by the Board to perform dust clearance sampling.

"Friable" means that the material when dry may be crumbled, pulverized, or reduced to powder by hand pressure and includes previously nonfriable material after such previously nonfriable material becomes damaged to the extent that when dry it may be crumbled, pulverized, or reduced to powder by hand pressure.

"Lead abatement" means any measure or set of measures designed to permanently eliminate lead-based paint hazards, including lead-contaminated dust or soil.

"Lead-based paint" means paint or other surface coatings that contain lead equal to or in excess of 1.0 milligrams per square centimeter or more than 0.5 percent by weight.

"Lead-based paint activity" means lead inspection, lead risk assessment, lead project design and abatement of lead-based paint and lead-based paint hazards, including lead-contaminated dust and lead-contaminated soil.

"Lead-contaminated dust" means surface dust that contains an area or mass concentration of lead at or in excess of levels identified by the Environmental Protection Agency pursuant to § 403 of TSCA (15 U.S.C. § 2683).

"Lead-contaminated soil" means bare soil that contains lead at or in excess of levels identified by the Environmental Protection Agency.

"Lead contractor" means a person who has met the Board's requirements and has been issued a license by the Board to enter into contracts to perform lead abatements.

"Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint and the provisions of a report explaining the results of the investigation.

"Lead inspector" means an individual who has been licensed by the Board to conduct lead inspections and abatement clearance testing.

"Lead project design" means any descriptive form written as instructions or drafted as a plan describing the construction or setting up of a lead abatement project area and the work practices to be utilized during the lead abatement project.

"Lead project designer" means an individual who has been licensed by the Board to prepare lead project designs.

"Lead risk assessment" means (i) an on-site investigation to determine the existence, nature, severity and location of lead-based paint hazards and (ii) the provision of a report by the individual or the firm conducting the risk assessment, explaining the results of the investigation and options for reducing lead-based paint hazards.

"Lead risk assessor" means an individual who has been licensed by the Board to conduct lead inspections, lead risk assessments and abatement clearance testing.

"Lead supervisor" means an individual who has been licensed by the Board to supervise lead abatements.

"Lead worker" or "lead abatement worker" means an individual who has been licensed by the Board to perform lead abatement.

"Person" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other individual or entity.

"Principal instructor" means the individual who has the primary responsibility for organizing and teaching an accredited asbestos training program, an accredited lead training program, an accredited renovation training program, or any combination thereof.

"Renovation" means the modification of any existing structure or portion thereof, for compensation, that results in the disturbance of painted surfaces, unless that activity is (i) performed as a part of a lead abatement or (ii) *limited in scope to the site work or remediation as referenced in the definition of contractor in § 54.1-1100*. As used in this definition, "compensation" shall include the receipt of (i) pay for work performed, such as that paid to contractors and subcontractors; (ii) wages, including but not limited to those paid to employees of contractors, building owners, property management companies, child-occupied facilities operators, state and local government agencies, and nonprofit organizations; and (iii) rent for housing constructed before January 1, 1978, or child-occupied facilities in public or commercial building space.

"Renovation contractor" means a person who has met the Board's requirements and has been issued a license by the Board to conduct renovations.

"Renovator" means an individual who has been issued a license by the Board to perform renovations or to direct others who perform renovations.

"Residential building" means, for the purposes of home inspection, a structure consisting of one to four dwelling units used or occupied, or intended to be used or occupied, for residential purposes.

"Training manager" means the individual responsible for administering a training program and monitoring the performance of instructors for an accredited asbestos training, accredited lead training program or accredited renovation training program.

§ 54.1-1100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the Board for Contractors.

"Class A contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is \$120,000 or more, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any 12-month period is \$750,000 or more.

"Class B contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is \$10,000 or more, but less than \$120,000, or (ii) the total value of all such construction, removal, repair or improvements undertaken by such person within any 12-month period is \$150,000 or more, but less than \$750,000.

"Class C contractors" perform or manage construction, removal, repair, or improvements when (i) the total value referred to in a single contract or project is over \$1,000 but less than \$10,000, or (ii) the total value of all such construction, removal, repair, or improvements undertaken by such person within any 12-month period is less than \$150,000. The Board shall require a master tradesmen license as a condition of licensure for electrical, plumbing and heating, ventilation and air conditioning contractors.

"Contractor" means any person, that for a fixed price, commission, fee, or percentage undertakes to bid upon, or accepts, or offers to accept, orders or contracts for performing, managing, or superintending in whole or in part, the construction, removal, repair or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by him or another person or any other improvements to such real property. *For purposes of this chapter, "improvement" shall include (i) remediation, cleanup, or containment of premises to remove contaminants or (ii) site work necessary to make certain real property usable for human occupancy according to the guidelines established pursuant to § 32.1-11.7.*

"Department" means the Department of Professional and Occupational Regulation.

"Designated employee" means the contractor's full-time employee, or a member of the contractor's responsible management, who is at least 18 years of age and who has successfully completed the oral or written examination required by the Board on behalf of the contractor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Owner-developer" means any person who, for a third party purchaser, orders or supervises the construction, removal, repair, or improvement of any building or structure permanently annexed to real property owned, controlled, or leased by the owner-developer, or any other improvement to such property and who contracts with a person licensed in accordance with this chapter for the work undertaken.

"Person" means any individual, firm, corporation, association, partnership, joint venture, or other legal entity.

"Value" means fair market value. When improvements are performed or supervised by a contractor, the contract price shall be prima facie evidence of value.

§ 54.1-1101. Exemptions; failure to obtain certificate of occupancy; penalties.

A. The provisions of this chapter shall not apply to:

1. Any governmental agency performing work with its own forces;
2. Work bid upon or undertaken for the armed services of the United States under the Armed Services Procurement Act;
3. Work bid upon or undertaken for the United States government on land under the exclusive jurisdiction of the federal government either by statute or deed of cession;
4. Work bid upon or undertaken for the Department of Transportation on the construction, reconstruction, repair or improvement of any highway or bridge;
5. Any other persons who may be specifically excluded by other laws but only to such an extent as such laws provide;
6. Any material supplier who renders advice concerning use of products sold and who does not provide construction or installation services;
7. Any person who performs or supervises the construction, removal, repair or improvement of no more than one primary residence owned by him and for his own use during any 24-month period;
8. Any person who performs or supervises the construction, removal, repair or improvement of a house upon his own real property as a bona fide gift to a member of his immediate family provided such member lives in the house. For purposes of this section, "immediate family" includes one's mother, father, son, daughter, brother, sister, grandchild, grandparent, mother-in-law and father-in-law;
9. Any person who performs or supervises the repair or improvement of industrial or manufacturing facilities, or a commercial or retail building, for his own use;
10. Any person who performs or supervises the repair or improvement of residential dwellings units owned by him that are subject to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.);
11. Any owner-developer, provided that any third party purchaser is made a third party beneficiary to the contract between the owner-developer and a licensed contractor whereby the contractor's obligation to perform the contract extends to both the owner-developer and the third party; ~~and~~
12. Work undertaken by students as part of a career and technical education project as defined in § 22.1-228 established by any school board in accordance with Article 5 (§ 22.1-228 et seq.) of Chapter 13 of Title 22.1 for the construction of portable classrooms or single family homes; *and*
13. *Any person who performs the removal of building detritus or provides janitorial, cleaning, or sanitizing services incidental to the construction, removal, repair, or improvement of real property.*

All other contractors performing work for any government or for any governmental agency are subject to the provisions of this chapter and are required to be licensed as provided herein.

B. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 10, 11, or 12 of subsection A shall obtain a certificate of occupancy for any building constructed, repaired or improved by him prior to conveying such property to a third party purchaser, unless such purchaser has acknowledged in writing that no certificate of occupancy has been issued and that such purchaser consents to acquire the property without a certificate of occupancy.

C. Any person who is exempt from the provisions of this chapter as a result of subdivision 7, 8, 9, 10, 11, or 12 of subsection A shall comply with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.).

D. Any person who violates the provisions of subsections B or C shall be guilty of a Class 1 misdemeanor. The third or any subsequent conviction of violating subsections B or C during a 36-month period shall constitute a Class 6 felony.

§ 55-225.17. Required disclosures for property previously used to manufacture methamphetamine; remedy for nondisclosure.

A. If the landlord of a residential dwelling unit has actual knowledge that the dwelling unit was previously used to manufacture methamphetamine and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7 and the applicable licensing provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, the landlord shall provide to a prospective tenant a written disclosure that so states. Such disclosure shall be provided prior to the execution by the tenant of a written lease agreement or, in the case of an oral lease agreement, prior to occupancy by the tenant.

B. Any tenant who is not provided the disclosure required by subsection A may terminate the lease agreement at any time within 60 days of discovery that the property was previously used to manufacture methamphetamine and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7 by providing written notice to the landlord in accordance with the lease or as required by law. Such termination shall be effective as of (i) 15 days after the date of the mailing of the notice or (ii) the date through which rent has been paid, whichever is later. In no event, however, shall the effective date of the termination exceed one month from the date of mailing. Termination of the lease agreement shall be the exclusive remedy for the failure to comply with the disclosure provisions required by this section and shall not affect any rights or duties of the landlord or tenant arising under this chapter, other applicable law, or the rental agreement.

§ 55-248.12:3. Required disclosures for property previously used to manufacture methamphetamine; remedy for nondisclosure.

A. If the landlord of a residential dwelling unit has actual knowledge that the dwelling unit was previously used to manufacture methamphetamine and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7 and the applicable licensing provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, the landlord shall provide to a prospective tenant a written disclosure that so states. Such disclosure shall be provided prior to the execution by the tenant of a written lease agreement or, in the case of an oral lease agreement, prior to occupancy by the tenant.

B. Any tenant who is not provided the disclosure required by subsection A may terminate the lease agreement at any time within 60 days of discovery that the property was previously used to manufacture methamphetamine and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7 by providing written notice to the landlord in accordance with the lease or as required by law. Such termination shall be effective as of (i) 15 days after the date of the mailing of the notice or (ii) the date through which rent has been paid, whichever is later. In no event, however, shall the effective date of the termination exceed one month from the date of mailing. Termination of the lease agreement shall be the exclusive remedy for the failure to comply with the disclosure provisions required by this section and shall not affect any rights or duties of the landlord or tenant arising under this chapter, other applicable law, or the rental agreement.

§ 55-519.4. Required disclosures; property previously used to manufacture methamphetamine.

Notwithstanding the exemptions in § 55-518, if the owner of a residential dwelling unit has actual knowledge that such residential property was previously used to manufacture methamphetamine and has not been cleaned up in accordance with the guidelines established pursuant to § 32.1-11.7 and the applicable licensing provisions of Chapter 11 (§ 54.1-1100 et seq.) of Title 54.1, the owner shall provide to a prospective purchaser a written disclosure that so states. Such disclosure shall be provided to the purchaser on a form provided by the Virginia Real Estate Board and otherwise in accordance with this chapter.

CHAPTER 528

An Act to amend and reenact § 15.2-2119 of the Code of Virginia, relating to sewer authorities; liens for delinquent charges.

[S 542]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2119 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2119. Fees and charges for water and sewer services.

A. For water and sewer services provided by localities, fees and charges may be charged to and collected from (i) any person contracting for the same; (ii) the owner who is the occupant of the property or where a single meter serves multiple units; (iii) a lessee or tenant, provided that the lessee or tenant has written authorization from the owner of the property to obtain water and sewer services in the name of such lessee or tenant with such fees and charges applicable for water and sewer services (a) which directly or indirectly is or has been connected with the sewage disposal system and (b) from or on which sewage or industrial wastes originate or have originated and have directly or indirectly entered or will enter the sewage disposal system; or (iv) any user of a municipality's water or sewer system with respect to combined sanitary and storm water sewer systems where the user is a resident of the municipality and the purpose of any such fee or charge is related to the control of combined sewer overflow discharges from such systems. Such fees and charges shall be practicable and equitable and payable as directed by the respective locality operating or providing for the operation of the water or sewer system. A locality providing water and sewer services may establish, by adoption of a resolution, that water and sewer services may be provided to a lessee or tenant pursuant to provision (iii) without obtaining an authorization form from

the property owner. For purposes of this section, a written or electronic authorization from the owner of the property to obtain water and sewer services in the name of such lessee or tenant substantially in the form as follows shall be sufficient compliance with this section:

DATE

[INSERT NAME OF WATER AND SEWER SERVICES PROVIDER AND ADDRESS]

RE: [INSERT FULL TENANT NAME AND ADDRESS]

To Whom It May Concern:

[INSERT TENANT NAME] has entered into a lease for the property located at [INSERT ADDRESS] and is authorized to obtain services at this address as a tenant of [INSERT PROPERTY OWNER NAME].

Signed: _____

PROPERTY OWNER

B. Such fees and charges, being in the nature of use or service charges, shall, as nearly as the governing body deems practicable and equitable, be uniform for the same type, class and amount of use or service of the sewage disposal system, and may be based or computed either on the consumption of water on or in connection with the real estate, making due allowances for commercial use of water, or on the number and kind of water outlets on or in connection with the real estate or on the number and kind of plumbing or sewage fixtures or facilities on or in connection with the real estate or on the number or average number of persons residing or working on or otherwise connected or identified with the real estate or any other factors determining the type, class and amount of use or service of the sewage disposal system, or any combination of such factors, or on such other basis as the governing body may determine. Such fees and charges shall be due and payable at such time as the governing body may determine, and the governing body may require the same to be paid in advance for periods of not more than six months. The revenue derived from any or all of such fees and charges is hereby declared to be revenue of such sewage disposal system.

C. Water and sewer connection fees established by any locality shall be fair and reasonable. Such fees shall be reviewed by the locality periodically and shall be adjusted, if necessary, to assure that they continue to be fair and reasonable. Nothing herein shall affect existing contracts with bondholders which are in conflict with any of the foregoing provisions.

D. If the fees and charges charged for water service or the use and services of the sewage disposal system by or in connection with any real estate are not paid when due, a penalty and interest shall at that time be owed as provided for by general law, and the owner, lessee or tenant, as the case may be, of such real estate shall, until such fees and charges are paid with such penalty and interest to the date of payment, cease to dispose of sewage or industrial waste originating from or on such real estate by discharge thereof directly or indirectly into the sewage disposal system. If such owner, lessee or tenant does not pay the full amount of charges, penalty and interest for water provided or cease such disposal within two months thereafter, the locality or person supplying water or sewage disposal services for the use of such real estate shall cease supplying water and sewage disposal services thereto unless the health officers certify that shutting off the water will endanger the health of the occupants of the premises or the health of others.

E. Such fees and charges, and any penalty and interest thereon, shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes.

A lien may be placed on the property in the amount of (i) up to three months of delinquent water and sewer charges *when the water or sewer is, or both are, supplied to a lessee or tenant pursuant to this section;* (ii) *when the water or sewer is, or both are, provided to the property owner, up to the number of months of delinquent water or sewer charges,* (iii) any applicable penalties and interest on such delinquent charges, and (iv) reasonable attorney fees and other costs of collection not exceeding 20 percent of such delinquent charges. In no case shall a lien for less than \$25 be placed against the property. In the case of services to a lessee or tenant, if the locality does not cease supplying water to the lessee or tenant 60 days after the bill becomes delinquent, unless water is required to be provided pursuant to subsection D or other applicable law, there shall be no lien placed on the property for charges and collection costs beyond the 60-day period and no recourse against the property owner for service beyond the 60-day period.

F. Unless the locality has adopted a resolution to not require authorization from land owners for water and sewer service provided to lessees or tenants pursuant to subsection A, a lien may be placed on the property for water and sewer services used by a lessee or tenant only if the locality has (i) advised the owner of the property in writing that a lien may be placed on the property if the lessee or tenant fails to pay any delinquent water and sewer charges; (ii) mailed by first-class mail to the owner of the property, or sent electronically if requested by the owner, at the address listed in the written authorization from the owner of the property (or such other address as the owner may provide), a duplicate copy of the final bill sent to the lessee or tenant at the time of sending the final bill to such lessee or tenant; (iii) collected a security deposit from the lessee or tenant as reasonably determined by the locality to be sufficient to collateralize the locality for not less than three and no more than five months of water and sewer charges; (iv) has applied the security deposit held by the

locality to the payment of the outstanding balance; (v) has employed reasonable collection efforts and practices to collect amounts due from a lessee or a tenant including filing for the Set-Off Debt Collection Program if the locality is a participant; and (vi) has provided the property owner with 30 days' written notice with a copy of the final bill to allow the property owner a reasonable opportunity to pay the amount of any outstanding balance and avoid the recordation of a lien against the property. If the property owner fails to pay the amount of the outstanding balance within the 30-day period, the locality may record a lien in the amount of the outstanding balance against the property owner. Upon payment of the outstanding balance, or any portion thereof, or of any amounts of such fees and charges owed by the former tenant, the property owner shall be entitled to receive any refunds and shall be subrogated against the former tenant in place of the locality in the amount paid by the property owner. The locality shall execute all documents necessary to perfect such subrogation in favor of the property owner.

G. When the owner has provided the lessee or tenant with written authorization from the owner of the property to obtain water and sewer services in the name of such lessee or tenant, nothing herein shall be construed to authorize the locality to require (i) the owner to put water and sewer services in the name of the owner, except in the case where a single meter serves multiple tenant units, or (ii) a security deposit or a guarantee of payment from an owner of property.

H. The locality shall not require a security deposit from the lessee or tenant to obtain water and sewer services in the name of such lessee or tenant if such lessee or tenant presents to the locality a landlord authorization letter which has attached documentation showing such lessee or tenant receives need-based local, state, or federal rental assistance, and the absence of a security deposit shall not prevent a locality from exercising its lien rights as authorized under subsection F.

I. Unless a lien has been recorded against the property owner, the locality shall not deny service to a new tenant who is requesting service at a particular property address based upon the fact that a former tenant has not paid any outstanding fees and charges charged for the use and services in the name of the former previous tenant. In addition, the locality shall provide information relative to a former tenant or current tenant to the property owner upon request of the property owner. If the property owner provides the locality a request to be notified of a tenant's delinquent water bill and provides an email address, the locality shall send the property owner notice when a tenant's water bill has become 15 days delinquent.

J. Notwithstanding any provision of law to the contrary, any town with a population between 11,000 and 14,000, with the concurrence of the affected county, which provides and operates sewer services outside its boundaries may provide sewer services to industrial and commercial users outside its boundaries and collect such compensation therefor as may be contracted for between the town and such user. Such town shall not thereby be obligated to provide sewer services to any other users outside its boundaries.

K. The lien shall not bind or affect a subsequent bona fide purchaser of the real estate for valuable consideration without actual notice of the lien until the amount of such delinquent charges is entered in the official records of the office of the clerk of the circuit court in the jurisdiction in which the real estate is located. The clerk shall make and index the entries in the clerk's official records for a fee of \$5 per entry, to be paid by the locality and added to the amount of the lien.

L. The lien on any real estate may be discharged by the payment to the locality of the total lien amount and the interest which has accrued to the date of the payment. The locality shall deliver a fully executed lien release substantially in the form set forth in this subsection to the person making the payment. The locality shall provide the fully executed lien release to the person who made payment within 10 business days of such payment if the person who made such payment did not personally appear at the time of such payment. Upon presentation of such lien release, the clerk shall mark the lien satisfied. There shall be no separate clerk's fee for such lien release. For purposes of this section, a lien release of the water and sewer lien substantially in the form as follows shall be sufficient compliance with this section:

Prepared By and When

Recorded Return to:

Tax Parcel/GPIN Number: _____

CERTIFICATE OF RELEASE OF WATER AND SEWER SERVICE LIEN

Pursuant to Va. Code Annotated § 15.2-2119 (L), this release is exempt from recordation fees.

Date Lien Recorded: _____ Instrument Deed Book No.: _____

Grantee for Index Purposes: _____

Claim Asserted: Delinquent water and sewer service charges in the amount of \$ _____.

Description of Property: [Insert name of property owner and tax map parcel/GPIN Number]

The above-mentioned lien is hereby released.

BY: _____

TITLE: _____

COMMONWEALTH OF VIRGINIA

CITY/COUNTY OF _____, to-wit:

Acknowledged, subscribed, and sworn to before me this _____ day of _____, by _____ as _____ of the [Insert Water/Sewer Provider Name] on behalf of [Insert

Water/Sewer Provider Name].

Notary Public

My commission expires: _____

Notary Registration Number: _____

CHAPTER 529

An Act to amend and reenact § 55-210.20 of the Code of Virginia, relating to unclaimed property; payment of property of deceased owner.

[H 1020]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 55-210.20 of the Code of Virginia is amended and reenacted as follows:

§ 55-210.20. Filing claim to property or proceeds of sale thereof.

A. Any person claiming an interest in any property delivered to the Commonwealth under this chapter may file a claim thereto or to the proceeds from the sale thereof on ~~the~~ a form prescribed by the State Treasurer.

B. *Notwithstanding any other provision of law, any person claiming an interest in any property delivered to the Commonwealth under this chapter for a reported owner who is deceased shall submit evidence of the claimant's entitlement to payment together with a form prescribed by the State Treasurer. In order of preference, such evidence may include (i) a certificate of qualification as the executor or an order of appointment as the administrator or personal representative of the decedent's estate under the laws of the state of the decedent's domicile; (ii) if applicable, an affidavit authorizing the claimant to be the designated successor under the Virginia Small Estate Act (§ 64.2-600 et seq.), or its equivalent under the laws of the state of the decedent's domicile that names the claimant as the designated successor; or (iii) the order of distribution or the final accounting for a closed estate that reflects payment due in whole or in part to the claimant. When, in the absence of any such evidence, (a) the death of the reported owner occurred at least one year prior to filing the claim and (b) the amount claimed is \$15,000 or less, exclusive of any interest owed pursuant to subsection C of § 55-210.21, the administrator may allow the claimant to submit an affidavit stating the claimant's entitlement to payment in the absence of sufficient documentation, and the administrator may approve the claim in his discretion, returning or paying all or the appropriate share of the deceased owner's property to the claimant. The administrator may pay or deliver all of the deceased owner's property to a claimant who submits the prescribed affidavit evidencing his agreement to receive and distribute the property to the other rightful heirs or beneficiaries and acknowledging his assumption of liability to those beneficiaries or heirs for failure to do so.*

C. *Notwithstanding any other provision of law, when paying or delivering unclaimed property under subsection B to a claimant who is not authorized to represent the decedent's estate as the personal representative or the designated successor or the equivalent, the administrator is discharged and released to the same extent as if the administrator dealt with the authorized representative or designated successor for the decedent's estate. The administrator shall deny any subsequent claim to the same property. Any person subsequently claiming an equal or superior right to the deceased owner's property whose claim is denied by the administrator for this reason may seek redress from the claimant to whom payment was made.*

2. That the State Treasurer shall develop and make available a plain English explanation of a person's right to make a claim, in accordance with the provisions of this act, for property delivered to the Commonwealth in cases where the reported owner of the property is deceased. The State Treasurer shall also post such document on its website.

CHAPTER 530

An Act for the relief of Paul R. DesRoches II.

[H 1376]

Approved March 29, 2016

Whereas, Paul R. DesRoches II (Mr. DesRoches) entered into a property management agreement with Apple Real Estate, a Virginia corporation; and

Whereas, on December 1, 2009, Mr. DesRoches terminated the management agreement with Apple Real Estate effective January 1, 2010; and

Whereas, despite the termination, Apple Real Estate continued to collect rent from tenants and never submitted any additional payments to Mr. DesRoches; and

Whereas, the total amount of rent payments that were fraudulently collected by Apple Real Estate reached \$25,000; and

Whereas, on April 25, 2012, Mr. DesRoches obtained a judgment against Apple Real Estate in the amount of \$26,304.84; and

Whereas, despite taking action to enforce the judgment, including conducting debtor interrogatories, Mr. DesRoches was unsuccessful, as Apple Real Estate had gone out of business; and

Whereas, the Virginia Real Estate Transaction Recovery Act (the Act) established the Real Estate Transaction Recovery Fund to provide relief to persons who have incurred losses through the improper or dishonest conduct of a licensed real estate salesperson, broker, or firm; and

Whereas, qualified claimants have been awarded judgments in courts of competent jurisdiction in the Commonwealth of Virginia that are based on improper or dishonest conduct; and

Whereas, "improper or dishonest conduct" is defined in § 54.1-2112 of the Code of Virginia as including "only the wrongful and fraudulent taking or conversion of money, property, or other things of value or material misrepresentation or deceit"; and

Whereas, in December 2012, Mr. DesRoches submitted a claim under the Act to recover the amount of the unpaid judgment he had obtained against Apple Real Estate; and

Whereas, in March 2013, the Virginia Real Estate Board (the Board) notified Mr. DesRoches that his claim had been denied because the judgment he had been awarded did not include the words "improper or dishonest conduct" on the face of the judgment order; and

Whereas, while the factual basis for the judgment supported detailed conduct that is included under the codified definition of "improper or dishonest conduct," the judgment order did not include the words "improper or dishonest conduct," causing the Board to conclude that the claim did not meet the requirements of the Act and therefore had to be denied; and

Whereas, in 2015, the General Assembly amended the Act to provide a means for the Board to determine what constitutes improper or dishonest conduct based on the facts of the case if the judgment order is otherwise silent, rather than be forced to deny a claimant relief because the claimant's attorney or the judge failed to use the correct words; and

Whereas, the amendments to the Act could not be used to retroactively approve the claim previously denied by the Board; and

Whereas, Mr. DesRoches has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That the Virginia Real Estate Board is directed to pay from the Virginia Real Estate Transaction Recovery Fund the sum of \$20,000 for the relief of Paul R. DesRoches II, to be paid upon execution of a release of all claims Mr. DesRoches may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence.*

CHAPTER 531

An Act to amend and reenact § 2.2-3110 of the Code of Virginia, relating to State and Local Government Conflict of Interests Act; prohibited contracts; exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district.

[H 238]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3110 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3110. Further exceptions.

A. The provisions of Article 3 (§ 2.2-3106 et seq.) of this chapter shall not apply to:

1. The sale, lease or exchange of real property between an officer or employee and a governmental agency, provided the officer or employee does not participate in any way as such officer or employee in such sale, lease or exchange, and this fact is set forth as a matter of public record by the governing body of the governmental agency or by the administrative head thereof;

2. The publication of official notices;

3. Contracts between the government or school board of a town or city with a population of less than 10,000 and an officer or employee of that town or city government or school board when the total of such contracts between the town or city government or school board and the officer or employee of that town or city government or school board or a business controlled by him does not exceed \$10,000 per year or such amount exceeds \$10,000 and is less than \$25,000 but results from contracts arising from awards made on a sealed bid basis, and such officer or employee has made disclosure as provided for in § 2.2-3115;

4. An officer or employee whose sole personal interest in a contract with the governmental agency is by reason of income from the contracting firm or governmental agency in excess of \$10,000 per year, provided the officer or employee or a member of his immediate family does not participate and has no authority to participate in the procurement or letting of such contract on behalf of the contracting firm and the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of his governmental agency or he disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

5. When the governmental agency is a public institution of higher education, an officer or employee whose personal interest in a contract with the institution is by reason of an ownership in the contracting firm in excess of three percent of the

contracting firm's equity or such ownership interest and income from the contracting firm is in excess of \$10,000 per year, provided that (i) the officer or employee's ownership interest, or ownership and income interest, and that of any immediate family member in the contracting firm is disclosed in writing to the president of the institution, which writing certifies that the officer or employee has not and will not participate in the contract negotiations on behalf of the contracting firm or the institution, (ii) the president of the institution makes a written finding as a matter of public record that the contract is in the best interests of the institution, (iii) the officer or employee either does not have authority to participate in the procurement or letting of the contract on behalf of the institution or disqualifies himself as a matter of public record, and (iv) does not participate on behalf of the institution in negotiating the contract or approving the contract;

6. Except when the governmental agency is the Virginia Retirement System, contracts between an officer's or employee's governmental agency and a public service corporation, financial institution, or company furnishing public utilities in which the officer or employee has a personal interest, provided the officer or employee disqualifies himself as a matter of public record and does not participate on behalf of his governmental agency in negotiating the contract or in approving the contract;

7. Contracts for the purchase of goods or services when the contract does not exceed \$500;

8. Grants or other payment under any program wherein uniform rates for, or the amounts paid to, all qualified applicants are established solely by the administering governmental agency; ~~or~~

9. An officer or employee whose sole personal interest in a contract with his own governmental agency is by reason of his marriage to his spouse who is employed by the same agency, if the spouse was employed by such agency for five or more years prior to marrying such officer or employee; *or*

10. *Contracts entered into by an officer or employee of a soil and water conservation district created pursuant to Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1 to participate in the Virginia Agricultural Best Management Practices Cost-Share Program (the Program) established in accordance with § 10.1-546.1. This subdivision shall not apply to subcontracts or other agreements entered into by an officer or employee of a soil and water conservation district to provide services for implementation of a cost-share contract established under the Program.*

B. Neither the provisions of this chapter nor, unless expressly provided otherwise, any amendments thereto shall apply to those employment contracts or renewals thereof or to any other contracts entered into prior to August 1, 1987, which were in compliance with either the former Virginia Conflict of Interests Act, Chapter 22 (§ 2.1-347 et seq.) or the former Comprehensive Conflict of Interests Act, Chapter 40 (§ 2.1-599 et seq.) of Title 2.1 at the time of their formation and thereafter. Those contracts shall continue to be governed by the provisions of the appropriate prior Act. Notwithstanding the provisions of subdivision (f) (4) of § 2.1-348 of Title 2.1 in effect prior to July 1, 1983, the employment by the same governmental agency of an officer or employee and spouse or any other relative residing in the same household shall not be deemed to create a material financial interest except when one of such persons is employed in a direct supervisory or administrative position, or both, with respect to such spouse or other relative residing in his household and the annual salary of such subordinate is \$35,000 or more.

2. That the provisions of this act shall apply to contracts entered into on and after July 1, 2016, and to any contract entered into by the officer or employee of a soil and water conservation district to participate in the Virginia Agricultural Best Management Practices Cost-Share Program prior to the effective date of this act.

CHAPTER 532

An Act to amend and reenact §§ 23-30.41, 23-30.42, 23-30.44, 23-30.45, 23-30.47, and 23-30.50 of the Code of Virginia, relating to the Virginia College Building Authority; projects; participating institutions.

[H 1012]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-30.41, 23-30.42, 23-30.44, 23-30.45, 23-30.47, and 23-30.50 of the Code of Virginia are amended and reenacted as follows:

§ 23-30.41. Definitions.

~~In~~ *As used in this chapter, the following words and terms shall, unless the context otherwise requires, have the following meanings a different meaning:*

(a) "Authority;" *means* the Virginia College Building Authority created by § 23-30.25.

(b) "Project;" *in the case of a participating institution for higher education, means* a structure or structures suitable for use as a dormitory or other multi-unit housing facility for students, faculty, officers or employees, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, maintenance, storage or utility facility and other structures or facilities related to any of the foregoing or required or useful for the instruction of students or the conducting of research or the operation of an institution ~~for~~ *of* higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution ~~for~~ *of* higher education, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily

deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

(c) "Costs;" as applied to a project or any portion thereof financed under the provisions of this chapter ~~embraces~~ *means* all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project including all lands, structures, real or personal property, rights, rights-of-way, air rights, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

(d) "Bonds" or "revenue bonds;" *means* revenue bonds of the Authority issued under the provisions of this chapter, including revenue refunding bonds, notes and other obligations, notwithstanding that the same may be secured by mortgage or by the full faith and credit or by any other lawfully pledged security of either one or more participating institutions ~~for higher education.~~

(e) "~~Institution for higher education," a nonprofit educational institution within the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education.~~

(f) "Participating institution ~~for higher education," an~~ *means* any (i) organization that is exempt from federal income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and that is owned or controlled by a public institution of higher education or whose purpose is to support or otherwise benefit a public institution of higher education or (ii) nonprofit private institution ~~for~~ of higher education ~~which~~ in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education that, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.

§ 23-30.42. Powers and duties of Authority.

The Authority shall assist *participating* institutions ~~for higher education~~ in the acquisition, construction, and financing, and the refinancing of projects begun after July 1, 1972, and for this purpose the Authority is authorized and empowered. In addition to such other powers as are granted to the Authority by law, it is further empowered:

(a) To determine the location and character of any project to be financed under the provisions of this chapter, and to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any or all of such purposes, to enter into contracts for the management and operation of a project, and to designate a participating institution ~~for higher education~~ as its agent to determine the location and character of a project undertaken by such participating institution ~~for higher education~~ under the provisions of this chapter and, as the agent of the Authority, to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, and, as the agent of the Authority, to enter into contracts for any or all of such purposes, including contracts for the management and operation of such project;

(b) To issue bonds, bond anticipation notes, and other obligations of the Authority for any of its corporate purposes, and to fund or refund the same all as provided in this chapter;

(c) Generally, to fix and revise from time to time and charge and collect rates, rents, fees, and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with any person, partnership, association, or corporation or other body public or private in respect thereof and to designate a participating institution ~~for higher education~~ or a participating hospital as its agent to fix, revise, charge, and collect such rates, rents, fees, and charges and to make such contracts;

(d) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating institution ~~for higher education~~ as its agent to establish rules and regulations for the use of a project in which such participating institution ~~for higher education~~ is participating;

(e) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment; and to fix their compensation;

(f) To receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof; and to receive and accept loans, grants, aid, or contributions from any source of either money, property, labor, or other things of value to be held, used, and applied only for the purposes for which such loans, grants, aid, and contributions are made;

(g) To mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance such project;

(h) To make loans to any participating institution ~~for higher education~~ for the cost of a project in accordance with an agreement between the Authority and one or more participating institutions ~~for higher education~~, provided that no such

loan shall exceed the total cost of the project as determined by such participating institution ~~or institutions for higher education~~ and approved by the Authority;

(i) To make loans to participating institutions ~~for higher education~~ to refund outstanding obligations, mortgages, or advances issued, made, or given by such participating institutions ~~for higher education~~ for the cost of a project;

(j) To charge to and equitably apportion among participating institutions ~~for higher education~~ its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter; *and*

(k) To do all things necessary or convenient to carry out the purposes of this chapter.

In carrying out the purposes of this chapter, the Authority may undertake a joint project for two or more participating institutions ~~for higher education~~ and, thereupon, all other provisions of this chapter shall apply to and for the benefit of the Authority and the participants in such joint project or projects.

§ 23-30.44. Acquisition of property.

The Authority is authorized and empowered, directly or by and through a participating institution ~~for higher education~~, as its agent, to acquire by purchase solely from funds provided under the authority of this chapter, or by gifts or devise, such lands, structures, property, real or personal, rights, rights-of-way, air rights, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, ~~which that~~ are located within the Commonwealth as it may deem necessary or convenient for the acquisition, construction, or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the Authority or in the name of one or more participating institutions ~~for higher education~~ as its agent.

§ 23-30.45. Execution of deeds and conveyances.

When the principal of and interest on revenue bonds of the Authority issued to finance the cost of a particular project or projects for one or more participating institutions ~~for higher education~~, including any revenue refunding bonds issued to refund and refinance such revenue bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the Authority shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating institution ~~or institutions for higher education~~, free and clear of all liens and encumbrances, all to the extent that title to such project or projects is not, at the time, vested in such participating institution ~~or institutions for higher education~~.

§ 23-30.47. Issuance of revenue bonds.

(a) The Authority may from time to time issue revenue bonds for any corporate purpose and all such revenue bonds, notes, bond anticipation notes, or other obligations of the Authority issued pursuant to this chapter shall be and are hereby declared to be negotiable for all purposes notwithstanding their payment from a limited source and without regard to any other law or laws. In anticipation of the sale of such revenue bonds, the Authority may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of the original note. Such notes shall be paid from any revenues of the Authority available therefor and not otherwise pledged, or from the proceeds of sale of the revenue bonds of the Authority in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations ~~which that~~ a bond resolution of the Authority may contain.

(b) The revenue bonds and notes of every issue shall be payable solely out of revenues to the Authority, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues and subject to any agreements with any participating institution ~~for higher education~~. Notwithstanding that revenue bonds and notes may be payable from a special fund, they shall be and be deemed to be, for all purposes, negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(c) The revenue bonds may be issued as serial bonds or as term bonds, or the Authority, in its discretion, may issue bonds of both types. The revenue bonds shall be authorized by resolution of the members of the Authority and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The revenue bonds or notes may be sold at public or private sale for such price or prices as the Authority shall determine. Pending preparation of the definitive bonds, the Authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(d) Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

(1) Pledging all or any part of the revenues of a project or projects, any revenue producing contract or contracts made by the Authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to such agreements with bondholders as may then exist; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the establishment and setting aside of reserves or sinking funds, and the regulation and disposition thereof; (4) limitations on the right of the Authority or its agent to restrict and regulate the use of

the project; (5) limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds; (7) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the Authority; (9) defining the acts or omissions to act which shall constitute a default in the duties of the Authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default; (10) the duties, obligations and liabilities of any trustee or paying agent; and (11) the mortgaging of a project and the site thereof for the purpose of securing the bondholders.

(e) Neither the members of the Authority nor any person executing the revenue bonds or notes shall be liable personally on the revenue bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The Authority shall have power out of any funds available therefor to purchase its bonds or notes. The Authority may hold, pledge, cancel or resell such bonds or notes subject to and in accordance with agreements with bondholders.

§ 23-30.50. Rates, rents, fees and charges; sinking fund.

The Authority may fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues, if any, ~~(1)~~ (i) to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for, ~~(2)~~ (ii) to pay the principal of and the interest on outstanding revenue bonds of the Authority issued in respect of such project as the same shall become due and payable and ~~(3)~~ (iii) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the Authority. Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this Commonwealth other than the Authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any revenue bonds of the Authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such revenue bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such revenue bonds issued to finance a project or projects ~~at~~ by one or more participating institutions for higher education, without distinction or priority of one over another, provided the Authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project ~~at an~~ by a participating institution for higher education and for the revenue bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security herein authorized to other revenue bonds of the Authority and, in such case, the Authority may create separate or other similar funds in respect of such subordinate lien bonds.

CHAPTER 533

An Act to amend the Code of Virginia by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.8, relating to permits for oversize vehicles.

[S 719]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 18 of Chapter 10 of Title 46.2 a section numbered 46.2-1149.8 as follows:

§ 46.2-1149.8. Excess width permits for vehicles transporting watercraft.

The Commissioner shall issue a permit authorizing the operation of vehicles hauling boats or other watercraft that exceed a total outside width of 102 inches but do not exceed a total outside width of 108 inches upon application by the

owner of such vehicle. Such permit shall authorize the operation of such vehicle on all unrestricted state and local highways. The annual fee for a permit issued pursuant to this section and the allocation of such fee shall be the same as provided for overweight permits in § 46.2-1140.1.

CHAPTER 534

An Act to amend and reenact §§ 46.2-1569, 46.2-1571, and 46.2-1572.4 of the Code of Virginia, relating to compensation of dealers for recalled vehicles.

[S 709]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-1569, 46.2-1571, and 46.2-1572.4 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-1569. Other coercion of dealers; transfer, grant, succession to and cancellation of dealer franchises; delivery of vehicles, parts, and accessories.

Notwithstanding the terms of any franchise agreement, it shall be unlawful for any manufacturer, factory branch, distributor, distributor branch, or affiliate, or any field representative, officer, agent, or their representatives to do any of the following. It shall further be unlawful for any manufacturer, factory branch, distributor, distributor branch, or any field representative, officer, agent, or their representatives to engage in conduct prohibited under this section through an affiliate.

1. To coerce or attempt to coerce any dealer to accept delivery of any motor vehicle or vehicles, parts or accessories therefor, or any other commodities, which have not been ordered by the dealer.

2. To coerce or attempt to coerce any dealer to enter into an agreement with the manufacturer, factory branch, distributor, or distributor branch, or representative thereof by threat to take or by taking any action in violation of the chapter, or by any other act unfair or injurious to the dealer. If a manufacturer, factory branch, distributor, or distributor branch conditions the grant of a new franchise to a dealer on the dealer's consent (i) to provide a site control agreement as defined in subdivision 10, (ii) to provide a written agreement containing an option to purchase the franchise of the dealer, provided, however, that agreements pursuant to § 46.2-1569.1 shall be permitted, or (iii) to provide a termination agreement to be held by the manufacturer, factory branch, distributor, or distributor branch for subsequent use, it shall be considered coercion and an act that is unfair and injurious to the dealer; provided, however, that the provisions of § 46.2-1572.3 related to the good faith settlement of disputes shall apply to the agreements described in clauses (i), (ii), and (iii) of this subdivision, mutatis mutandis. This subdivision shall not apply to any agreement the enforcement of which is subject to the jurisdiction of a United States Bankruptcy Court.

2a. To coerce or attempt to coerce any dealer to join, contribute to, or affiliate with any advertising association.

2b. To coerce or require any dealer to establish in connection with the sale of a motor vehicle prices at which the dealer shall sell products or services not manufactured or distributed by the manufacturer, factory branch, distributor, or distributor branch, whether by agreement, program, incentive provision, or otherwise.

2c. To coerce or require any dealer, whether by agreement, program, incentive provision, or otherwise, to construct improvements to its facilities or to install new signs or other franchisor image elements that replace or substantially alter those improvements, signs, or franchisor image elements completed within the preceding 10 years that were required or approved by the manufacturer, factory branch, distributor, or distributor branch or one of its affiliates. If a manufacturer, factory branch, distributor, or distributor branch offers incentives, or other payments under a program offered after the effective date of this subdivision and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer facility improvements or installation of franchisor signs or other franchisor image elements, a dealer that constructed improvements or installed signs or other franchisor image elements required by or approved by the manufacturer, factory branch, distributor, or distributor branch and completed within the 10 years preceding the program shall be deemed to be in compliance with the program requirements pertaining to construction of facilities or installation of signs or other franchisor image elements that would replace or substantially alter those previously constructed or installed within that 10-year period. This subdivision shall not apply to a program that provides lump sum payments to assist dealers in making facility improvements or to pay for signs or franchisor image elements when such payments are not dependent on the dealer selling or purchasing specific numbers of new vehicles and shall not apply to a program that is in effect with more than one dealer in the Commonwealth on the effective date of this subdivision, nor to any renewal or modification of such a program.

2d. To coerce or require any dealer, whether by agreement, program, incentive provision, or provision for loss of incentive payments or other benefits, to refrain from selling any used motor vehicle subject to (i) recall, (ii) stop sale directive, (iii) technical service bulletin, or (iv) other manufacturer, factory branch, distributor, or distributor branch notification to perform work on such used motor vehicle, unless the manufacturer, factory branch, distributor, or distributor branch has a remedy and parts available to the dealer to remediate the basis for the coercion or requirement of the dealer to refrain from selling each affected used motor vehicle. If there is no remedy or there are no parts available from the manufacturer, factory branch, distributor, or distributor branch to remediate each affected used motor vehicle in the inventory of the dealer, the manufacturer, factory branch, distributor, or distributor branch shall (a) compensate the dealer for any affected used motor vehicle in the inventory of the dealer that it cannot sell because of such coercion or requirement

at least one percent a month or any part thereof of the cost of such used motor vehicle, including repairs and reconditioning expenses based on the financial records of the dealer, and (b) establish a written procedure to compensate dealers under this subdivision that it shall provide to dealers subject to its coercion or requirement and file with the Commissioner as a franchise document pursuant to § 46.2-1566.

Any claim for compensation by a dealer shall be submitted on a monthly basis for the amount owed pursuant to this subdivision. The manufacturer, factory branch, distributor, or distributor branch shall process and pay the claim in the same manner as a claim for warranty reimbursements as provided in § 46.2-1571. This subdivision shall not prevent a manufacturer, factory branch, distributor, or distributor branch from (1) requiring that a motor vehicle not be subject to an open recall or stop sale directive in order to be qualified, remain qualified, or be sold as a certified pre-owned vehicle or similar designation; (2) paying incentives for selling used vehicles with no unremedied recalls; or (3) paying incentives for performing recall repairs on a vehicle in the dealer's inventory.

Nothing in this subsection shall prevent a manufacturer, factory branch, distributor, or distributor branch from instructing that a dealer repair used vehicles of the line-make for which the dealer holds a franchise with an open recall, provided that the instruction does not involve coercion that imposes a penalty or provision of loss of benefits on the dealer.

3. To prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale, or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, unless the franchisor provides written notice to the dealer of its objection and the reasons therefor by certified mail or overnight delivery or other method designed to ensure delivery to the dealer at least 30 days prior to the proposed effective date of the transfer, sale, assignment, or change. No such objection shall be sufficient unless the failure to approve is reasonable. Notwithstanding the provisions of subsection D of § 46.2-1573, the only grounds that may be considered reasonable for a failure to approve are that an individual who is the applicant or is in control of an entity that is an applicant (i) lacks good moral character, (ii) lacks reasonable motor vehicle dealership management experience and qualifications, (iii) lacks financial ability to be the dealer, or (iv) fails to meet the standards otherwise established by this title to be a dealer. No such objection shall be effective to prevent the sale, transfer, assignment, or change if the Commissioner has determined, if requested in writing by the dealer within 30 days after receipt of an objection to the proposed sale, transfer, or change, and after a hearing on the matter, that the failure to permit or honor the sale, transfer, assignment, or change is unreasonable under the circumstances. No franchise may be sold, assigned, or transferred unless (a) the franchisor has been given at least 90 days' prior written notice by the dealer as to the identity, financial ability, and qualifications of the proposed transferee on forms generally utilized by the franchisor to conduct its review, as well as the full agreement for the proposed transaction, and (b) the sale or transfer of the franchise and business will not involve, without the franchisor's consent, a relocation of the business.

3a. To impose a condition on the approval of the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise if the condition would violate the provisions of this title if imposed on the existing dealer.

In the event the manufacturer, factory branch, distributor or distributor branch takes action to prevent or refuse to approve the sale or transfer of the ownership of a dealership by the sale of the business, stock transfer, or otherwise, or the transfer, sale or assignment of a dealer franchise, or a change in the executive management or principal operator of the dealership, without a statement of specific grounds for doing so that is consistent with subdivision 3 hereof or imposes a condition in violation of subdivision 3a hereof, that shall constitute a violation of this section. The existing dealer may request review of the action or imposition of the condition in a hearing by the Commissioner. If the Commissioner finds that the action or the imposition of the condition was a violation of this section, the Commissioner may order that the sale or transfer be approved by the manufacturer, factory branch, distributor, or distributor branch, without imposition of the condition. If the existing dealer does not request a hearing by the Commissioner concerning the action or the condition imposed by the manufacturer, factory branch, distributor, or distributor branch, and the action or condition was the proximate cause of the failure of the contract for the sale or transfer of ownership of the dealership, the applicant for approval of the sale or transfer or the existing dealer, or both, may commence an action at law for violation of this section. The action may be commenced in the circuit court of the city or county in which the dealer is located, or in any other circuit court with permissible venue, within two years following the action or the imposition of the condition by the manufacturer, factory branch, distributor, or distributor branch for the damages suffered by the applicant or the dealer as a result of the violation of this section by the manufacturer, factory branch, distributor, or distributor branch, plus the applicant's or dealer's reasonable attorney fees and costs of litigation. Notwithstanding the foregoing, an exercise of the right of first refusal by the manufacturer, factory branch, distributor, or distributor branch pursuant to § 46.2-1569.1 shall not be considered the imposition of a condition prohibited by this section.

4. To grant an additional franchise for a particular line-make of motor vehicle in a relevant market area in which a dealer or dealers in that line-make are already located unless the franchisor has first advised in writing all other dealers in the line-make in the relevant market area. No such additional franchise may be established at the proposed site unless the Commissioner has determined, if requested by a dealer of the same line-make in the relevant market area within 30 days after receipt of the franchisor's notice of intention to establish the additional franchise, and after a hearing on the matter, that the franchisor can show by a preponderance of the evidence that after the grant of the new franchise, the relevant market area will support all of the dealers in that line-make in the relevant market area. Establishing a franchised dealer in a relevant market area to replace a franchised dealer that has not been in operation for more than two years shall constitute the

establishment of a new franchise subject to the terms of this subdivision. The two-year period for replacing a franchised dealer shall begin on the day the franchise was terminated, or, if a termination hearing was held, on the day the franchisor was legally permitted finally to terminate the franchise. The relocation of a franchise in a relevant market area, whether by an existing dealer or by a dealer who is acquiring the franchise, shall constitute the establishment of a new franchise subject to the terms of this subdivision. This subdivision shall not apply to (i) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more than 10 miles distant from any other dealer for the same line-make; (ii) the relocation of an existing dealer within that dealer's relevant market area if the relocation site is to be more distant than the existing site from all other dealers of the same line-make in that relevant market area; or (iii) the relocation of an existing new motor vehicle dealer within two miles of the existing site of the relocating dealer.

5. Except as otherwise provided in this subdivision and notwithstanding the terms of any franchise, to terminate, cancel, or refuse to renew the franchise of any dealer without good cause and unless (i) the dealer and the Commissioner have received written notice of the franchisor's intentions at least 60 days prior to the effective date of such termination, cancellation, or the expiration date of the franchise, setting forth the specific grounds for the action, and (ii) the Commissioner has determined, if requested in writing by the dealer within the 60-day period prior to the effective date of such termination, cancellation, or the expiration date of the franchise and, after a hearing on the matter, that the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. If any manufacturer, factory branch, distributor, or distributor branch takes action that will have the effect of terminating, canceling, or refusing to renew the franchise of any dealer (a) by use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, (b) by exercise of rights under a written option to purchase the franchise of a dealer, or (c) by exercise of rights under a site control agreement as defined in subdivision 10, that action shall be considered a termination, cancellation, or refusal to renew pursuant to the terms of this subdivision and subject to the rights, provisions, and procedures provided herein. In any case where a petition is made to the Commissioner for a determination as to good cause for the termination, cancellation, or nonrenewal of a franchise, the franchise in question shall continue in effect pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court. Where the termination, cancellation, or nonrenewal of a franchise will result from use of a termination agreement executed by the dealer and obtained more than 90 days before the purported date of use, exercise of rights under a written option to purchase the franchise of a dealer, or exercise of rights under a site control agreement as defined in subdivision 10, such use or exercise shall be stayed pending the Commissioner's decision or, if that decision is appealed to the circuit court, pending the decision of the circuit court, and its use or exercise will be allowed only where the franchisor has shown by a preponderance of the evidence that there is good cause for the termination, cancellation, or nonrenewal of the franchise. In any case in which a franchisor neither advises a dealer that it does not intend to renew a franchise nor takes any action to renew a franchise beyond its expiration date, the franchise in question shall continue in effect on the terms last agreed to by the parties. Notwithstanding the other provisions of this subdivision notice of termination, cancellation, or nonrenewal may be provided to a dealer by a franchisor not less than 15 days prior to the effective date of such termination, cancellation, or nonrenewal when the grounds for such action are any of the following:

a. Insolvency of the franchised motor vehicle dealer or filing of any petition by or against the franchised motor vehicle dealer, under any bankruptcy or receivership law, leading to liquidation or which is intended to lead to liquidation of the franchisee's business.

b. Failure of the franchised motor vehicle dealer to conduct its customary sales and service operations during its posted business hours for seven consecutive business days, except where the failure results from acts of God or circumstances beyond the direct control of the franchised motor vehicle dealer.

c. Revocation of any license which the franchised motor vehicle dealer is required to have to operate a dealership.

d. Conviction of the dealer or any principal of the dealer of a felony.

The change or discontinuance of a marketing or distribution system of a particular line-make product by a manufacturer or distributor, while the name identification of the product is continued in substantial form by the same or a different manufacturer or distributor, may be considered to be a franchise termination, cancellation, or nonrenewal. The provisions of this paragraph shall apply to changes and discontinuances made after January 1, 1989, but they shall not be considered by any court in any case in which such a change or discontinuance occurring prior to that date has been challenged as constituting a termination, cancellation or nonrenewal.

5a. To fail to provide continued parts and service support to a dealer which holds a franchise in a discontinued line-make for at least five years from the date of such discontinuance. This requirement shall not apply to a line-make which was discontinued prior to January 1, 1989.

5b. Upon the involuntary or voluntary termination, nonrenewal, or cancellation of the franchise of any dealer, by either the manufacturer, distributor, or factory branch or by the dealer, notwithstanding the terms of any franchise whether entered into before or after the enactment of this section, to fail to pay the dealer for at least the following:

(1) The dealer cost plus any charges by the franchisor for distribution, delivery, and taxes paid by the dealer, less all allowances paid to the dealer by the franchisor, for new and undamaged motor vehicles in the dealer's inventory acquired from the franchisor or from another dealer of the same line — make in the ordinary course of business within 18 months of termination;

(2) The dealer cost as shown in the price catalog of the franchisor current at the time of repurchase of each new, unused, undamaged, and unsold part or accessory if such part or accessory is in the current parts catalog and is still in the

original, resalable merchandising package and in unbroken lots, except that in the case of sheet metal, a comparable substitute for the original package may be used;

(3) The fair market value of each undamaged sign owned by the dealer that bears a trademark, trade name or commercial symbol used or claimed by the franchisor if such sign was purchased from or at the request of the franchisor;

(4) The fair market value of all special tools and automotive service equipment owned by the dealer that were recommended and designated as special tools or equipment by the franchisor, if the tools and equipment are in usable and good condition, normal wear and tear excepted; and

(5) The reasonable cost of transporting, handling, packing, and loading of motor vehicles, parts, signs, tools, and special equipment subject to repurchase hereunder.

The provisions of this subdivision do not apply to a dealer who is unable to convey clear title to the property identified in this subdivision.

For purposes of this subdivision, a voluntary termination shall not include the transfer of the terminating dealer's franchised business in connection with a transfer of that business by means of sale of the equity ownership or assets thereof to another dealer.

5c. If the termination, cancellation, or nonrenewal of the dealer's franchise is the result of the termination, elimination, or cessation of a line-make by the manufacturer, distributor, or factory branch, then, in addition to the payments to the dealer pursuant to subdivision 5b, the manufacturer, distributor, or factory branch shall be liable to the dealer for the following:

(1) An amount at least equivalent to the fair market value of the franchise for the line-make, which shall be the greater of that value determined as of (i) the date the franchisor announces the action that results in termination, cancellation, or nonrenewal, (ii) the date the action that resulted in the termination, cancellation, or nonrenewal first became general knowledge, or (iii) the day 12 months prior to the date on which the notice of termination, cancellation, or nonrenewal is issued. In determining the fair market value of a franchise for a line-make, if the line-make is not the only line-make for which the dealer holds a franchise in the dealership facilities, the dealer shall also be entitled to compensation for the contribution of the line-make to payment of the rent or to covering obligation for the fair rental value of the dealership facilities for the period set forth in subdivision 5c (2). Fair market value of the franchise for the line-make shall only include the goodwill value of the dealer's franchise for that line-make in the dealer's relevant market area.

(2) If the line-make is the only line-make for which the dealer holds a franchise in the dealership facilities, the manufacturer, distributor, or factory branch shall also pay assistance with respect to the dealership facilities leased or owned by the dealer as follows: (i) the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the rent for the unexpired term of the lease or three years' rent, whichever is the lesser, or (ii) if the dealer owns the dealership facilities, the manufacturer, distributor, or factory branch shall pay the dealer a sum equivalent to the reasonable rental value of the dealership facilities for three years.

To be entitled to facilities assistance from the manufacturer, distributor, or factory branch, the dealer shall have the obligation to mitigate damages by listing the dealership facilities for lease or sublease with a licensed real estate agent within 30 days after the effective date of the termination of the franchise and thereafter by reasonably cooperating with such real estate agent in the performance of the agent's duties and responsibilities. If the dealer is able to lease or sublease the dealership facilities on terms that are consistent with local zoning requirements to preserve the right to sell motor vehicles from the dealership facilities and the terms of the dealer's lease, the dealer shall be obligated to pay the manufacturer the net revenue received from such mitigation, but only following receipt of facilities assistance payments pursuant to clause (i) or (ii) of subdivision 5c (2), and only up to the total amount of facilities assistance payments that the dealer has received.

6. To fail to allow a dealer the right at any time to designate a member of his family as a successor to the dealership in the event of the death or incapacity of the dealer. Such designation may be made by the dealer or, in the event of the death or incapacity of the dealer, by the qualified executor or personal representative of the dealer. It shall be unlawful to prevent or refuse to honor the succession to a dealership by a member of the family of a deceased or incapacitated dealer if the franchisor has not provided to the member of the family designated the dealer's successor written notice of its objections to the succession and of such person's right to seek a hearing on the matter before the Commissioner pursuant to this article, and the Commissioner determines, if requested in writing by such member of the family within 30 days of receipt of such notice from the franchisor, and after a hearing on the matter before the Commissioner pursuant to this article, that the failure to permit or honor the succession is unreasonable under the circumstances. No member of the family may succeed to a franchise unless (i) the franchisor has been given written notice as to the identity, financial ability, and qualifications of the member of the family in question, and (ii) the succession to the franchise will not involve, without the franchisor's consent, a relocation of the business.

7. To delay, refuse, or fail to deliver to any dealer, if ordered by the dealer, in reasonable quantities and within a reasonable time, any new vehicles of each series and model sold or distributed by the franchisor as covered by such franchise and which are publicly advertised by the manufacturer, factory branch, distributor, or distributor branch in the Commonwealth to be available for immediate delivery, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to an act of God, a work stoppage or delay due to a strike or labor difficulty, a shortage of materials, a lack of available manufacturing capacity, a freight embargo, or other cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. If ordered by a dealer, a franchisor shall deliver an equitable supply of new vehicles during the model year of each series and model under the dealer's franchise in proportion to the sales objectives or goals established by the franchisor for the dealer compared to the

sales objectives or goals established by the other same line-make dealers in the Commonwealth, provided, however, that the failure to deliver any motor vehicle shall not be considered a violation of this chapter if such failure is due to a cause over which the manufacturer, factory branch, distributor, or distributor branch shall have no control. Upon the written request of any dealer holding its sales or sales and service franchise, the manufacturer or distributor shall disclose to the dealer in writing the basis upon which new motor vehicles of the same line-make are allocated, scheduled, and delivered to dealers in the Commonwealth, and the basis upon which the current allocation or distribution is being made or will be made to such dealer. In the event that allocation is at issue in a request for a hearing, the dealer may demand the Commissioner to direct that the manufacturer or distributor provide to the dealer, within 30 days of such demand, all records of sales and all records of distribution of all motor vehicles to the same line-make dealers who compete with the dealer requesting the hearing.

7a. To fail or refuse to offer to its same line-make franchised dealers all models manufactured for the line-make, or require a dealer to pay any extra fee, or remodel, renovate, or recondition the dealer's existing facilities, or purchase unreasonable advertising displays or other materials as a prerequisite to receiving a model or a series of vehicles.

7b. To require or otherwise coerce a dealer to underutilize the dealer's facilities by requiring or otherwise coercing a dealer to exclude or remove from the dealer's facilities operations for selling or servicing of a line-make of vehicles for which the dealer has a franchise agreement to utilize the facilities.

7c. To require a dealer to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, distributor branch, or one of its affiliates by agreement, program, incentive provision, or otherwise without making available to the dealer the option to obtain the goods or services of substantially similar quality from a vendor chosen by the dealer. For purposes of this subdivision, the term "goods" does not include moveable displays, brochures, and promotional materials containing material subject to intellectual property rights of, or special tools and training as required by the manufacturer, or parts to be used in repairs under warranty obligations of, a manufacturer, factory branch, distributor, or distributor branch.

7d. To fail to provide a notice to a dealer when notifying it of the requirement to purchase goods or services from a vendor selected, identified, or designated by a manufacturer, factory branch, distributor, or distributor branch of the dealer's rights pursuant to subdivision 7c.

7e. To fail to provide to a dealer, when the manufacturer, factory branch, distributor, or distributor branch claims that a vendor chosen by the dealer cannot supply goods and services of substantially similar quality, a disclosure concerning the vendor selected, identified, or designated by the franchisor stating (i) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, has an ownership interest, actual or beneficial, in the vendor and, if so, the percentage of the ownership interest and (ii) whether the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates has an agreement or arrangement by which the vendor pays to the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates, or any officer, director, or employee of the same, any compensation and, if so, the basis and amount of the compensation to be paid as a result of any purchases by the dealer, whether it is to be paid by direct payment by the vendor or by credit from the vendor for the benefit of the recipient.

7f. To fail to provide to a dealer, if the goods and services to be supplied to the dealer by a vendor selected, identified, or designated by the manufacturer, factory branch, distributor, or distributor branch are signs or other franchisor image elements to be leased to the dealer, the right to purchase the signs or other franchisor image elements of like kind and quality from a vendor selected by the dealer. If the vendor selected by the manufacturer, factory branch, distributor, or distributor branch is the only available vendor, the dealer must be given the opportunity to purchase the signs or other franchisor image elements at a price substantially similar to the capitalized lease costs thereof. This subdivision shall not be construed to allow a dealer to impair or eliminate the intellectual property rights of the manufacturer, factory branch, distributor, or distributor branch, nor to permit a dealer to erect or maintain signs that do not conform to the intellectual property usage guidelines of the manufacturer, factory branch, distributor, or distributor branch.

8. To include in any franchise with a motor vehicle dealer terms that are contrary to, prohibited by, or otherwise inconsistent with the requirements of this chapter.

8a. For any franchise agreement, to require a motor vehicle dealer to pay the attorney fees of the manufacturer or distributor related to hearings and appeals brought under this article.

9. To fail to include in any franchise with a motor vehicle dealer the following language: "If any provision herein contravenes the laws or regulations of any state or other jurisdiction wherein this agreement is to be performed, or denies access to the procedures, forums, or remedies provided for by such laws or regulations, such provision shall be deemed to be modified to conform to such laws or regulations, and all other terms and provisions shall remain in full force," or words to that effect.

10. To enter into any agreement with a motor vehicle dealer in which the manufacturer, factory branch, distributor, distributor branch, or one of its affiliates is given site control over the premises of a dealer that does not terminate upon the occurrence of any of the following events: (i) the right of the franchisor to manufacture or distribute the line-make of vehicles covered by the dealer's franchise is sold, assigned, or otherwise transferred by the manufacturer, factory branch, distributor, or distributor branch to another; (ii) the final termination of the dealer's franchise for any reason; or (iii) the manufacturer, factory branch, distributor, or distributor branch of its affiliate fails for any reason to exercise its right of first refusal to purchase the assets or ownership of the business of the dealer when given the opportunity to do so by virtue of its franchise agreement, another agreement, or as set forth in § 46.2-1569. For purposes of this subdivision, the term "site

control" shall mean the contractual right to control in any way the commercial use and development of the premises upon which a dealer's business operations are located, including the right to approve of additional or different uses for the property beyond those of its franchise, the right to lease or sublease the dealer's property, or the right or option to purchase the dealer's property.

11. To require or coerce a motor vehicle dealer, whether by agreement, program, incentive provision, or otherwise, to submit or to provide a manufacturer, factory branch, distributor, or distributor branch access to consumer data maintained by the dealer (i) by any method that violates or would violate the dealer's chosen policies and processes for complying with obligations to protect consumer data under laws of the United States or the Commonwealth or (ii) through franchisor access to the computer database of the dealer if the dealer chooses to submit data specified by the franchisor.

The manufacturer, factory branch, distributor, or distributor branch shall provide a dealer the right to cancel the dealer's participation in a program under which the dealer provides consumer data or access to data to the manufacturer, factory branch, distributor, or distributor branch, provided that a manufacturer, factory branch, distributor, or distributor branch may require notice of up to 60 days of the dealer's decision to cancel the dealer's participation.

If a manufacturer, factory branch, distributor, or distributor branch offers incentives or other payments under a program offered after July 1, 2015, excluding any continuation, renewal, or modification of any existing program, and available to more than one dealer in the Commonwealth that are premised wholly or in part on dealer participation in manufacturer, factory branch, distributor, or distributor branch programs under which consumer data is provided to or accessed by the manufacturer, factory branch, distributor, or distributor branch, a dealer that exercises its rights under this subdivision shall be deemed to be in compliance with the program requirements pertaining to providing consumer data, provided that the dealer has otherwise met program requirements to the extent of providing any consumer data that is not nonpublic personal information.

It shall not constitute a violation of this subdivision for a manufacturer, factory branch, distributor, or distributor branch to require a motor vehicle dealer to provide data (a) concerning a new motor vehicle sale or used motor vehicle sale under a manufacturer certification program, (b) to validate a customer or dealer incentive, (c) to calculate dealer or market sales or evaluate service performance or customer satisfaction to facilitate analysis of product quality and market feedback, (d) to facilitate warranty service work on a vehicle, (e) concerning information with respect to recall repairs or information about a recalled vehicle, (f) pursuant to a mutual agreement between a manufacturer, factory branch, distributor, or distributor branch and a dealer, or (g) where consumer data is reasonably necessary to enable a manufacturer, factory branch, distributor, or distributor branch to provide programs, products, or services to a dealer.

A dealer that elects to submit or push data or information to the manufacturer, factory branch, distributor, or distributor branch through any method other than that provided by the manufacturer, factory branch, distributor, or distributor branch shall timely obtain and furnish the requested data in a widely accepted electronic file format. A manufacturer, factory branch, distributor, or distributor branch shall not impose a fee, surcharge, or charge of any type on a dealer that chooses to submit data specified by the manufacturer, factory branch, distributor, or distributor branch rather than provide the manufacturer, factory branch, distributor, or distributor branch access to the dealer's computer database.

§ 46.2-1571. Recall, warranty, and sales incentive obligations.

A. Each motor vehicle manufacturer, factory branch, distributor, or distributor branch shall (i) specify in writing to each of its motor vehicle dealers licensed in the Commonwealth the dealer's obligations for preparation, delivery, *recall*, and warranty service on its products and (ii) compensate the dealer for *recall* or warranty parts, service, and diagnostic work required of the dealer by the manufacturer or distributor as follows:

1. Compensation of a dealer for *recall* or warranty parts, service, and diagnostic work shall not be less than the amounts charged by the dealer for the manufacturer's or distributor's original parts, service, and diagnostic work to retail customers for nonwarranty service, parts, and diagnostic work installed or performed in the dealer's service department unless the amounts are not reasonable. ~~Warranty~~ *Recall or warranty* parts compensation shall be stated as a percentage of markup, which shall be an agreed reasonable approximation of retail markup and which shall be uniformly applied to all of the manufacturer's or distributor's parts unless otherwise provided for in this section. If the dealer and manufacturer or distributor cannot agree on the *recall* or warranty parts compensation markup to be paid to the dealer, the markup shall be determined by an average of the dealer's retail markup on all of the manufacturer's or distributor's parts as described in subdivisions 2 and 3.

2. For purposes of determining *recall* or warranty parts and service compensation paid to a dealer by the manufacturer or distributor, menu-priced parts or services, group discounts, special event discounts, and special event promotions shall not be considered in determining amounts charged by the dealer to retail customers. For purposes of determining labor compensation for *recall* or warranty body shop repairs paid to a dealer by the manufacturer or distributor, internal and insurance-paid repairs shall not be considered in determining amounts charged by the dealer to retail customers.

3. Increases in dealer *recall* or warranty parts and service compensation and diagnostic work compensation, pursuant to this section, shall be requested by the dealer in writing, shall be based on 100 consecutive repair orders or all repair orders over a 90-day period, whichever occurs first, and, in the case of parts, shall be stated as a percentage of markup that shall be uniformly applied to all the manufacturer's or distributor's parts.

4. In the case of *recall* or warranty parts compensation, the provisions of this subsection shall be effective only for model year 1992 and succeeding model years.

5. If a manufacturer or distributor furnishes a part to a dealer at no cost for use by the dealer in performing work for which the manufacturer or distributor is required to compensate the dealer under this section, the manufacturer or distributor shall compensate the dealer for the part in the same manner as *recall or warranty parts compensation*, less the wholesale costs, for such part as listed in the manufacturer's current price schedules. A manufacturer or distributor may pay the dealer a reasonable handling fee instead of the compensation otherwise required by this subsection for special high-performance complete engine assemblies in limited production motor vehicles that constitute less than five percent of model production furnished to the dealer at no cost, if the manufacturer or distributor excludes such special high-performance complete engine assemblies in determining whether the amounts requested by the dealer for *recall or warranty compensation* are consistent with the amounts that the dealer charges its other retail service customers for parts used by the dealer to perform similar work.

6. In the case of service work, manufacturer original parts or parts otherwise specified by the manufacturer or distributor, and parts provided by a dealer either pursuant to an adjustment program as defined in § 59.1-207.34 or as otherwise requested by the manufacturer or distributor, the dealer shall be compensated in the same manner as for *recall or warranty service or parts*.

This section does not apply to compensation for parts such as components, systems, fixtures, appliances, furnishings, accessories, and features that are designed, used, and maintained primarily for nonvehicular, residential purposes. ~~Warranty~~ *Recall, warranty*, and sales incentive audits of dealer records may be conducted by the manufacturer, factory branch, distributor, or distributor branch on a reasonable basis, and dealer claims for *recall, warranty, or sales incentive compensation* shall not be denied except for good cause, such as performance of nonwarranty repairs, lack of material documentation, fraud, or misrepresentation. A dealer's failure to comply with the specific requirements of the manufacturer or distributor for processing the claim shall not constitute grounds for the denial of the claim or reduction of the amount of compensation to the dealer as long as reasonable documentation or other evidence has been presented to substantiate the claim. The manufacturer, factory branch, distributor, or distributor branch shall not deny a claim or reduce the amount of compensation to the dealer for *recall or warranty repairs* to resolve a condition discovered by the dealer during the course of a separate repair requested by the customer *or to resolve a condition on the basis of advice or recommendation by the dealer*. Claims for dealer compensation shall be paid within 30 days of dealer submission or within 30 days of the end of an incentive program or rejected in writing for stated reasons. The manufacturer, factory branch, distributor, or distributor branch shall reserve the right to reasonable periodic audits to determine the validity of all such paid claims for dealer compensation. Any chargebacks for *recall or warranty parts or service compensation and service incentives* shall only be for the six-month period immediately following the date of the claim and, in the case of chargebacks for sales compensation only, for the six-month period immediately following the date of claim. However, such limitations shall not be effective if a manufacturer, factory branch, distributor, or distributor branch has reasonable cause to believe that a claim submitted by a dealer is intentionally false or fraudulent. For purposes of this section, "reasonable cause" means a bona fide belief based upon evidence that the material issues of fact are such that a person of ordinary caution, prudence, and judgment could believe that a claim was intentionally false or fraudulent. A dealer shall not be charged back or otherwise liable for sales incentives or charges related to a motor vehicle sold by the dealer to a purchaser other than a licensed, franchised motor vehicle dealer and subsequently exported or resold, unless the manufacturer, factory branch, distributor, or distributor branch can demonstrate by a preponderance of the evidence that the dealer should have known of and did not exercise due diligence in discovering the purchaser's intention to export or resell the motor vehicle.

B. It shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to:

1. Fail to perform any of its *recall or warranty obligations*, including tires, with respect to a motor vehicle;
2. Fail to assume all responsibility for any liability resulting from structural or production defects;
3. Fail to include in written notices of factory recalls to vehicle owners and dealers the expected date by which necessary parts and equipment will be available to dealers for the correction of defects;
4. Fail to compensate any of the motor vehicle dealers licensed in the Commonwealth for repairs effected by the dealer of merchandise damaged in manufacture or transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch;
5. Fail to fully compensate its motor vehicle dealers licensed in the Commonwealth for *recall or warranty parts, work, and service* pursuant to subsection A either by reduction in the amount due to the dealer or by separate charge, surcharge, or other imposition by which the motor vehicle manufacturer, factory branch, distributor, or distributor branch seeks to recover its costs of complying with subsection A, or for legal costs and expenses incurred by such dealers in connection with *recall or warranty obligations* for which the manufacturer, factory branch, distributor, or distributor branch is legally responsible or which the manufacturer, factory branch, distributor, or distributor branch imposes upon the dealer;
6. Misrepresent in any way to purchasers of motor vehicles that warranties with respect to the manufacture, performance, or design of the vehicle are made by the dealer, either as warrantor or co-warrantor;
7. Require the dealer to make warranties to customers in any manner related to the manufacture, performance, or design of the vehicle;
8. Shift or attempt to shift to the motor vehicle dealer, directly or indirectly, any liabilities of the manufacturer, factory branch, distributor or distributor branch under the Virginia Motor Vehicle Warranty Enforcement Act (§ 59.1-207.9 et seq.), unless such liability results from the act or omission by the dealer; or

9. Deny any dealer the right to return any part or accessory that the dealer has not sold within 12 months where the part or accessory was not obtained through a specific order initiated by the dealer but instead was specified for, sold to and shipped to the dealer pursuant to an automated ordering system, provided that such part or accessory is in the condition required for return to the manufacturer, factory branch, distributor, or distributor branch, and the dealer returns the part within 30 days of it becoming eligible under this subdivision. For purposes of this subdivision, an "automated ordering system" shall be a computerized system that automatically specifies parts and accessories for sale and shipment to the dealer without specific order thereof initiated by the dealer. The manufacturer, factory branch, distributor, or distributor branch shall not charge a restocking or handling fee for any part or accessory being returned under this subdivision. This subdivision shall not apply if the manufacturer, factory branch, distributor, or distributor branch has available to the dealer an alternate system for ordering parts and accessories that provides for shipment of ordered parts and accessories to the dealer within the same time frame as the dealer would receive them when ordered through the automated ordering system.

C. Notwithstanding the terms of any franchise, it shall be unlawful for any motor vehicle manufacturer, factory branch, distributor, or distributor branch to fail to indemnify and hold harmless its motor vehicle dealers against any losses or damages arising out of complaints, claims, or suits relating to the manufacture, assembly, or design of motor vehicles, parts, or accessories, or other functions by the manufacturer, factory branch, distributor, or distributor branch beyond the control of the dealer, including, without limitation, the selection by the manufacturer, factory branch, distributor, or distributor branch of parts or components for the vehicle or any damages to merchandise occurring in transit to the dealer where the carrier is designated by the manufacturer, factory branch, distributor, or distributor branch. The dealer shall notify the manufacturer of pending suits in which allegations are made that come within this subsection whenever reasonably practicable to do so. Every motor vehicle dealer franchise issued to, amended, or renewed for motor vehicle dealers in Virginia shall be construed to incorporate provisions consistent with the requirements of this subsection.

D. On any new motor vehicle, any uncorrected damage or any corrected damage exceeding three percent of the manufacturer's or distributor's suggested retail price as defined in 15 U.S.C. §§ 1231 -1233, as measured by retail repair costs, must be disclosed to the dealer in writing prior to delivery. Factory mechanical repair and damage to glass, tires, and bumpers are excluded from the three percent rule when properly replaced by identical manufacturer's or distributor's original equipment or parts. Whenever a new motor vehicle is damaged in transit, when the carrier or means of transportation is determined by the manufacturer or distributor, or whenever a motor vehicle is otherwise damaged prior to delivery to the new motor vehicle dealer, the new motor vehicle dealer shall:

1. Notify the manufacturer or distributor of the damage within three business days from the date of delivery of the new motor vehicle to the new motor vehicle dealership or within the additional time specified in the franchise; and

2. Request from the manufacturer or distributor authorization to replace the components, parts, and accessories damaged or otherwise correct the damage, unless the damage to the vehicle exceeds the three percent rule, in which case the dealer may reject the vehicle within three business days.

E. If the manufacturer or distributor refuses or fails to authorize correction of such damage within 10 days after receipt of notification, or if the dealer rejects the vehicle because damage exceeds the three percent rule, ownership of the new motor vehicle shall revert to the manufacturer or distributor, and the new motor vehicle dealer shall have no obligation, financial or otherwise, with respect to such motor vehicle. Should either the manufacturer, distributor, or the dealer elect to correct the damage or any other damage exceeding the three percent rule, full disclosure shall be made by the dealer in writing to the buyer and an acknowledgement by the buyer is required. If there is less than three percent damage, no disclosure is required, provided the damage has been corrected. Predelivery mechanical work shall not require a disclosure. Failure to disclose any corrected damage within the knowledge of the selling dealer to a new motor vehicle in excess of the three percent rule shall constitute grounds for revocation of the buyer order, provided that, within 30 days of purchase, the motor vehicle is returned to the dealer with an accompanying written notice of the grounds for revocation. In case of revocation pursuant to this section, the dealer shall accept the vehicle and refund any payments made to the dealer in connection with the transaction, less a reasonable allowance for the consumer's use of the vehicle as defined in § 59.1-207.11. Nothing in this section shall be construed to exempt from the provisions of this section damage to a new motor vehicle that occurs following delivery of the vehicle to the dealer.

F. If there is a dispute between the manufacturer, factory branch, distributor, or distributor branch and the dealer with respect to any matter referred to in subsection A, B, or C, either party may petition the Commissioner in writing, within 30 days after either party has given written notice of the dispute to the other, for a hearing. The decision of the Commissioner shall be binding on the parties, subject to rights of judicial review and appeal as provided in Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2. However, nothing contained in this section shall give the Commissioner any authority as to the content or interpretation of any manufacturer's or distributor's warranty. A manufacturer, factory branch, distributor, or distributor branch may not collect chargebacks, fully or in part, either through direct payment or by charge to the dealer's account, for *recall* or warranty parts or service compensation, including service incentives, sales incentives, other sales compensation, surcharges, fees, penalties, or any financial imposition of any type arising from an alleged failure of the dealer to comply with a policy of, directive from, or agreement with the manufacturer, factory branch, distributor, or distributor branch until 40 days following final notice of the amount charged to the dealer following all internal processes of the manufacturer, factory, factory branch, distributor, or distributor branch. Within 30 days following receipt of such final notice, the dealer may petition the Commissioner, in writing, for a hearing. If a dealer requests such a hearing, the manufacturer, factory branch, distributor, or distributor branch may not collect the chargeback, fully or in part, either

through direct payment or by charge to the dealer's account, until the completion of the hearing and a final decision of the Commissioner concerning the validity of the chargeback.

§ 46.2-1572.4. Manufacturer or distributor use of performance standards.

A. Any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance and may have a material effect on a dealer, and the application of any such standard or program by a manufacturer or distributor, shall be fair, reasonable and equitable, and if based upon a survey, shall be based upon a statistically valid sample. Upon the request of any dealer, a manufacturer or distributor shall disclose in writing to the dealer a description of how a performance standard or program is designed and all relevant information used in the application of the performance standard or program to that dealer.

B. *A manufacturer or distributor shall not use any data, calculations, or statistical determinations of the sales performance of a dealer for any purpose, including (i) loss of incentive payments or other benefits, (ii) claim of breach or threats thereof, or (iii) notice of termination or threats thereof for the period of time the manufacturer, factory branch, distributor, or distributor branch has established an agreement, program, incentive program, or provision for loss of incentive payments or other benefits that causes a dealer to refrain from selling any used motor vehicle subject to (a) recall, (b) stop sale directive, (c) technical service bulletin, or (d) other manufacturer, factory branch, distributor, or distributor branch notification to perform work on a dealer's used motor vehicles in its inventory when there is no remedy or there are no parts to remediate each such affected used motor vehicle from the manufacturer, factory branch, distributor, or distributor branch and for 90 days after the termination of such agreement, program, incentive program, or provision for loss of incentive payments or other benefits.*

The data on which the manufacturer or distributor seeks to rely under this subsection shall only be for a period or periods not excluded under this subsection. For any performance standard or program that is used by a manufacturer or distributor for measuring dealership performance during the period or periods excluded under this subsection, a dealer shall be deemed in compliance with any such program requirements related to sales performance or sales or service customer satisfaction performance of a dealer.

This subsection shall not prevent a manufacturer, factory branch, distributor, or distributor branch from (1) requiring that a motor vehicle not be subject to an open recall or stop sale directive in order to be qualified, remain qualified, or be sold as a certified pre-owned vehicle or similar designation; (2) paying incentives for selling used vehicles with no unremedied recalls; (3) paying incentives for performing recall repairs on a vehicle in the dealer's inventory; or (4) instructing that a dealer repair used vehicles of the line-make for which the dealer holds a franchise with an open recall, provided that the instruction does not involve coercion that imposes a penalty or provision of loss of benefits on the dealer.

C. *A dealer may apply to the manufacturer, factory branch, distributor, or distributor branch for adjustment to data, calculations, or statistical determinations of sales performance or sales and service customer satisfaction performance for any period of time that such dealer has at least five percent of its new motor vehicle inventory subject to a recall or stop sale directive and for 90 days after the end of such period of time. Within 30 days of application for adjustment, the manufacturer, factory branch, distributor, or distributor branch shall use reasonable efforts to review and adjust the data, calculations, or other statistical determinations back to the date that the dealer was prevented from selling the new motor vehicles. A dealer applying for adjustment shall have the burden of showing that the prevention of sale had a material, adverse impact on such dealer's new vehicle sales performance or sales and service customer satisfaction performance, and the adjustments by the manufacturer, factory branch, distributor, or distributor branch shall use reasonable efforts to remediate the effect of the impact shown on the data, calculations, or statistical determinations of sales performance or sales and service customer satisfaction performance.*

The manufacturer shall take into consideration any adjustments to a dealer's new vehicle sales performance or sales and service customer satisfaction performance made by the manufacturer under this subsection in determining a dealer's compliance with a manufacturer performance standard or program.

CHAPTER 535

An Act to amend and reenact § 33.2-3100 of the Code of Virginia, relating to composition of the Washington Metropolitan Area Transit Authority Compact of 1966.

[S 710]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-3100 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-3100. Washington Metropolitan Area Transit Authority Compact of 1966.

§ 3. Whereas, Maryland, Virginia and the District of Columbia heretofore have entered into the Washington Metropolitan Area Transit Regulation Compact (Virginia—Ch. 627, 1958 Acts of Assembly; Maryland—Ch. 613, Acts of General Assembly 1959; District of Columbia—Resolution of the Board of Commissioners adopted December 22, 1960), with the consent of the Congress (J.R., September 15, 1960, P.L., 86-794, 74 Stat. 1031, as amended by 76 Stat. 764), as a first step toward the improvement of transit service in the metropolitan area of Washington, D.C.;

Whereas, in said Compact each of the Signatories pledged to each of the other signatory parties faithful cooperation in the solution and control of transit and traffic problems within said metropolitan area and, in order to effect such purposes, agreed to enact any necessary legislation to achieve the objectives of the Compact to the mutual benefit of the citizens living within said metropolitan area and for the advancement of the interests of the Signatories;

Whereas, it has been established by a decade of studies that a regional system of improved and expanded transit facilities, including grade-separated rail facilities in congested areas, is essential in said metropolitan area for the satisfactory movement of people and goods, the alleviation of present and future traffic congestion, the economic welfare and vitality of all parts of the area, the effectiveness of the departments and agencies of the federal government located within the area, the orderly growth and development of the District of Columbia and the Maryland and Virginia portions of the area, the comfort and convenience of the residents of and visitors to the area, and the preservation of the beauty and dignity of the Nation's Capital;

Whereas, the Congress has authorized Maryland, Virginia and the District of Columbia to negotiate a Compact for the establishment of an organization empowered to provide necessary transit facilities (P.L. 86-669, 74 Stat. 537) and in said legislation declared the policy, inter alia, that the development and administration of such transit facilities requires (1) cooperation among the federal, state and local government of the area, (2) financial participation by the federal government in the creation of major facilities that are beyond the financial capacity or borrowing powers of the private carriers, the District of Columbia and the local governments of the area, and (3) coordination of transit facilities with other public facilities and with the use of land, public and private;

Whereas, private transit companies should be utilized to the extent practicable in providing the regional transit facilities and services, consistent with the requirements of the public interest that the publicly and privately owned facilities be operated as a coordinated regional system without unnecessary duplicating services;

Whereas, adequate provision should be made for the protection of transit labor in the development and operation of the regional system;

Whereas, adequate provisions should be made to eliminate any requirement of additional authentication of manual signature of bonds guaranteed by the United States of America; and

Whereas, it is hereby determined that an Authority to be created by interstate compact between the District of Columbia, the State of Maryland and the Commonwealth of Virginia, is the most suitable form of organization to achieve the stated objectives;

Now, therefore, the District of Columbia, the State of Maryland and the Commonwealth of Virginia, hereinafter referred to as Signatories, do hereby amend the Washington Metropolitan Area Transit Regulation Compact by adding thereto Title III, as hereinafter set forth, and do hereby covenant and agree substantially, as follows:

Title III

Article I Definitions

Definitions

1. As used in this Title, the following words and terms shall have the following meanings, unless the context clearly requires a different meaning:

(a) "Board" means the Board of Directors of the Washington Metropolitan Area Transit Authority;

(b) "Director" means a member of the Board of Directors of the Washington Metropolitan Area Transit Authority;

(c) "Private transit companies" and "private carriers" means corporations, persons, firms or associations rendering transit service within the Zone pursuant to a certificate of public convenience and necessity issued by the Washington Metropolitan Area Transit Commission or by a franchise granted by the United States or any Signatory party to this Title;

(d) "Signatory" means the State of Maryland, the Commonwealth of Virginia and the District of Columbia;

(e) "State" includes District of Columbia;

(f) "Transit facilities" means all real and personal property located in the Zone, necessary or useful in rendering transit service between points within the Zone, by means of rail, bus, water or air and any other mode of travel, including, without limitation, tracks, rights-of-way, bridges, tunnels, subways, rolling stock for rail, motor vehicle, marine and air transportation, stations, terminals and ports, areas for parking and all equipment, fixtures, buildings and structures and services incidental to or required in connection with the performance of transit service;

(g) "Transit services" means the transportation of persons and their packages and baggage by means of transit facilities between points within the Zone including the transportation of newspapers, express and mail between such points, and charter service which originates within the Zone but does not include taxicab service or individual-ticket-sales sightseeing operations;

(h) "Transit Zone" or "Zone" means the Washington Metropolitan Area Transit Zone created and described in Section 3 as well as any additional area that may be added pursuant to Section 83(a) of this Compact; and

(i) "WMATC" means Washington Metropolitan Area Transit Commission.

Article II Purpose and Functions

Purpose

2. The purpose of this Title is to create a regional instrumentality, as a common agency of each Signatory party, empowered, in the manner hereinafter set forth, (1) to plan, develop, finance and cause to be operated improved transit facilities, in coordination with transportation and general development planning for the Zone, as part of a balanced regional system of transportation, utilizing to their best advantage the various modes of transportation, (2) to coordinate the

operation of the public and privately owned or controlled transit facilities, to the fullest extent practicable, into a unified regional transit system without unnecessary duplicating service, and (3) to serve such other regional purposes and to perform such other regional functions as the Signatories may authorize by appropriate legislation.

Article III Organization and Area

Washington Metropolitan Area Transit Zone

3. There is hereby created the Washington Metropolitan Area Transit Zone which shall embrace the District of Columbia, the Cities of Alexandria, Falls Church and Fairfax and the Counties of Arlington, Fairfax and Loudoun and political subdivisions of the Commonwealth of Virginia located within those counties, and the counties of Montgomery and Prince George's in the State of Maryland and political subdivisions of the State of Maryland located in said counties.

Washington Metropolitan Area Transit Authority

4. There is hereby created, as an instrumentality and agency of each of the Signatory parties hereto, the Washington Metropolitan Area Transit Authority which shall be a body corporate and politic, and which shall have the powers and duties granted herein and such additional powers as may hereafter be conferred upon it pursuant to law.

Board Membership

5. (a) The Authority shall be governed by a Board of eight Directors consisting of two Directors for each Signatory and two for the federal government (one of whom shall be a regular passenger and customer of the bus or rail service of the Authority). For Virginia, the Directors shall be appointed by the Northern Virginia Transportation Commission; for the District of Columbia by the Council of the District of Columbia; for Maryland, by the Washington Suburban Transit Commission; and for the federal government, by the ~~Administrator of General Services~~ *Secretary of the United States Department of Transportation*. For Virginia and Maryland, the Directors shall be appointed from among the members of the appointing body, except as otherwise provided herein, and shall serve for a term coincident with their term on the appointing body. A Director for a Signatory may be removed or suspended from office only as provided by the law of the Signatory from which he was appointed. The nonfederal appointing authorities shall also appoint an alternate for each Director. In addition, the ~~Administrator of General Services~~ *Secretary of the United States Department of Transportation* shall also appoint two nonvoting members who shall serve as the alternates for the federal Directors. An alternate Director may act only in the absence of the Director for whom he has been appointed an alternate, except that, in the case of the District of Columbia where only one Director and his alternate are present, such alternate may act on behalf of the absent Director. Each alternate, including the federal nonvoting Directors, shall serve at the pleasure of the appointing authority. In the event of a vacancy in the office of Director or alternate, it shall be filled in the same manner as an original appointment.

(b) Before entering upon the duties of his office each Director and alternate director shall take and subscribe to the following oath (or affirmation) of office or any such other oath or affirmation, if any, as the Constitution or laws of the Government he represents shall provide:

"I, _____, hereby solemnly swear (or affirm) that I will support and defend the Constitution of the United States and the Constitution and Laws of the state or political jurisdiction from which I was appointed as a Director (alternate director) of the Board of Washington Metropolitan Area Transit Authority and will faithfully discharge the duties of the office upon which I am about to enter."

Compensation of Directors and Alternates

6. Members of the Board and alternates shall serve without compensation but may be reimbursed for necessary expenses incurred as an incident to the performance of their duties.

Organization and Procedure

7. The Board shall provide for its own organization and procedure. It shall organize annually by the election of a Chairman and Vice-Chairman from among its members. Meetings of the Board shall be held as frequently as the Board deems that the proper performance of its duties requires and the Board shall keep minutes of its meetings. The Board shall adopt rules and regulations governing its meeting, minutes and transactions.

Quorum and Actions by the Board

8. (a) Four Directors or alternates consisting of at least one Director or alternate appointed from each Signatory, shall constitute a quorum and no action by the Board shall be effective unless a majority of the Board present and voting, which majority shall include at least one Director or alternate from each Signatory, concur therein; provided, however, that a plan of financing may be adopted or a mass transit plan adopted, altered, revised or amended by the unanimous vote of the Directors representing any two Signatories.

(b) The actions of the Board shall be expressed by motion or resolution. Actions dealing solely with internal management of the Authority shall become effective when directed by the Board, but no other action shall become effective prior to the expiration of thirty days following its adoption; provided, however, that the Board may provide for the acceleration of any action upon a finding that such acceleration is required for the proper and timely performance of its functions.

Officers

9. (a) The officers of the Authority, none of whom shall be members of the Board, shall consist of a general manager, a secretary, a treasurer, a comptroller, an inspector general, and a general counsel and such other officers as the Board may provide. Except for the office of general manager, inspector general, and comptroller, the Board may consolidate any of such other offices in one person. All such officers shall be appointed and may be removed by the Board, shall serve at the pleasure of the Board and shall perform such duties and functions as the Board shall specify. The Board shall fix and

determine the compensation to be paid to all officers and, except for the general manager who shall be a full-time employee, all other officers may be hired on a full-time or part-time basis and may be compensated on a salary or fee basis, as the Board may determine. All employees and such officers as the Board may designate shall be appointed and removed by the general manager under such rules of procedure and standards as the Board may determine.

(b) The general manager shall be the chief administrative officer of the Authority and, subject to policy direction by the Board, shall be responsible for all activities of the Authority.

(c) The treasurer shall be the custodian of the funds of the Authority, shall keep an account of all receipts and disbursements and shall make payments only upon warrants duly and regularly signed by the Chairman or Vice-Chairman of the Board, or other person authorized by the Board to do so, and by the secretary or general manager; provided, however, that the Board may provide that warrants not exceeding such amounts or for such purposes as may from time to time be specified by the Board may be signed by the general manager or by persons designated by him.

(d) The inspector general shall report to the Board and head the Office of the Inspector General, an independent and objective unit of the Authority that conducts and supervises audits, program evaluations, and investigations relating to Authority activities; promotes economy, efficiency, and effectiveness in Authority activities; detects and prevents fraud and abuse in Authority activities; and keeps the Board fully and currently informed about deficiencies in Authority activities as well as the necessity for and progress of corrective action.

(e) An oath of office in the form set out in § 5 (b) of this Article shall be taken, subscribed and filed with the Board by all appointed officers.

(f) Each Director, officer and employee specified by the Board shall give such bond in such form and amount as the Board may require, the premium for which shall be paid by the Authority.

Conflict of Interest

10. (a) No Director, officer or employee shall:

(1) be financially interested, either directly or indirectly, in any contract, sale, purchase, lease or transfer of real or personal property to which the Board or the Authority is a party;

(2) in connection with services performed within the scope of his official duties, solicit or accept money or any other thing of value in addition to the compensation or expenses paid to him by the Authority;

(3a.) offer money or any thing of value for or in consideration of obtaining an appointment, promotion or privilege in his employment with the Authority.

(b) Any Director, officer or employee who shall willfully violate any provision of this section shall, in the discretion of the Board, forfeit his office or employment.

(c) Any contract or agreement made in contravention of this section may be declared void by the Board.

(d) Nothing in this section shall be construed to abrogate or limit the applicability of any federal or state law which may be violated by any action prescribed by this section.

Article IV Pledge of Cooperation

11. Each Signatory pledges to each other faithful cooperation in the achievement of the purposes and objects of this Title.

Article V General Powers

Enumeration

12. In addition to the powers and duties elsewhere described in this Title, and except as limited in this Title, the Authority may:

(a) Sue and be sued;

(b) Adopt and use a corporate seal and alter the same at pleasure;

(c) Adopt, amend, and repeal rules and regulations respecting the exercise of the powers conferred by this Title;

(d) Construct, acquire, own, operate, maintain, control, sell and convey real and personal property and any interest therein by contract, purchase, condemnation, lease, license, mortgage or otherwise but all of said property shall be located in the Zone and shall be necessary or useful in rendering transit service or in activities incidental thereto;

(e) Receive and accept such payments, appropriations, grants, gifts, loans, advances and other funds, properties and services as may be transferred or made available to it by any Signatory party, any political subdivision or agency thereof, by the United States, or by any agency thereof, or by any other public or private corporation or individual, and enter into agreements to make reimbursement for all or any part thereof;

(f) Enter into and perform contracts, leases and agreements with any person, firm or corporation or with any political subdivision or agency of any Signatory party or with the federal government, or any agency thereof, including, but not limited to, contracts or agreements to furnish transit facilities and service;

(g) Create and abolish offices, employments and positions (other than those specifically provided for herein) as it deems necessary for the purposes of the Authority, and fix and provide for the qualification, appointment, removal, term, tenure, compensation, pension and retirement rights of its officers and employees without regard to the laws of any of the Signatories;

(h) Establish, in its discretion, a personnel system based on merit and fitness and, subject to eligibility, participate in the pension and retirement plans of any Signatory, or political subdivision or agency thereof, upon terms and conditions mutually acceptable;

(i) Contract for or employ any professional services;

(j) Control and regulate the use of facilities owned or controlled by the Authority, the service to be rendered and the fares and charges to be made therefor;

(k) Hold public hearings and conduct investigations relating to any matter affecting transportation in the Zone with which the Authority is concerned and, in connection therewith, subpoena witnesses, papers, records and documents; or delegate such authority to any officer. Each Director may administer oaths or affirmations in any proceeding or investigation;

(l) Make or participate in studies of all phases and forms of transportation, including transportation vehicle research and development techniques and methods for determining traffic projections, demand motivations, and fiscal research and publicize and make available the results of such studies and other information relating to transportation;

(m) Exercise, subject to the limitations and restrictions herein imposed, all powers reasonably necessary or essential to the declared objects and purposes of this Title; and

(n) Establish regulations providing for public access to Board records.

Article VI Planning

Mass Transit Plan

13. (a) The Board shall develop and adopt, and may from time to time review and revise, a mass transit plan for the immediate and long-range needs of the Zone. The mass transit plan shall include one or more plans designating (1) the transit facilities to be provided by the Authority, including the locations of terminals, stations, platforms, parking facilities and the character and nature thereof; (2) the design and location of such facilities; (3) whether such facilities are to be constructed or acquired by lease, purchase or condemnation; (4) a timetable for the provision of such facilities; (5) the anticipated capital cost; (6) estimated operating expenses and revenues relating thereto; and (7) the various other factors and considerations, which, in the opinion of the Board, justify and require the projects therein proposed. Such plan shall specify the type of equipment to be utilized, the areas to be served, the routes and schedules of service expected to be provided and probable fares and charges therefor.

(b) In preparing the mass transit plan, and in any review or revision thereof, the Board shall make full utilization of all data, studies, reports and information available from the National Capital Transportation Agency and from any other agencies of the federal government, and from Signatories and the political subdivisions thereof.

Planning Process

14. (a) The mass transit plan, and any revisions, alterations or amendments thereof, shall be coordinated, through the procedures hereinafter set forth, with

(1) other plans and programs affecting transportation in the Zone in order to achieve a balanced system of transportation, utilizing each mode to its best advantage;

(2) the general plan or plans for the development of the Zone; and

(3) the development plans of the various political subdivisions embraced within the Zone.

(b) It shall be the duty and responsibility of each member of the Board to serve as liaison between the Board and the body which appointed him to the Board. To provide a framework for regional participation in the planning process, the Board shall create technical committees concerned with planning and collection and analyses of data relative to decision-making in the transportation planning process and the Mayor and Council of the District of Columbia, the component governments of the Northern Virginia Transportation District and the Washington Suburban Transit District shall appoint representatives to such technical committees and otherwise cooperate with the Board in the formulation of a mass transit plan, or in revisions, alterations or amendments thereof.

(c) The Board, in the preparation, revision, alteration or amendment of a mass transit plan, shall

(1) consider data with respect to current and prospective conditions in the Zone, including, without limitation, land use, population, economic factors affecting development plans, goals or objectives for the development of the Zone and the separate political subdivisions, transit demands to be generated by such development, travel patterns, existing and proposed transportation and transit facilities, impact of transit plans on the dislocation of families and businesses, preservation of the beauty and dignity of the Nation's Capital, factors affecting environmental amenities and aesthetics and financial resources;

(2) cooperate with and participate in any continuous, comprehensive transportation planning process cooperatively established by the highway agencies of the Signatories and the local political subdivisions in the Zone to meet the planning standards now or hereafter prescribed by the Federal-Aid Highway Acts; and

(3) to the extent not inconsistent with or duplicative of the planning process specified in subdivision (2) of this subsection (c), cooperate with the National Capital Planning Commission, the National Capital Regional Planning Council, the Washington Metropolitan Council of Governments, the Washington Metropolitan Area Transit Commission, the highway agencies of the Signatories, the Maryland-National Capital Park and Planning Commission, the Northern Virginia Regional Planning and Economic Development Commission, the Maryland State Planning Department and the Commission of Fine Arts. Such cooperation shall include the creation, as necessary, of technical committees composed of personnel, appointed by such agencies, concerned with planning and collection and analysis of data relative to decision-making in the transportation planning process.

Adoption of Mass Transit Plan

15. (a) Before a mass transit plan is adopted, altered, revised or amended, the Board shall transmit such proposed plan, alteration, revision or amendment for comment to the following and to such other agencies as the Board shall determine:

- (1) the Mayor and Council of the District of Columbia, the Northern Virginia Transportation Commission and the Washington Suburban Transit Commission;
- (2) the governing bodies of the counties and cities embraced within the Zone;
- (3) the transportation agencies of the Signatories;
- (4) the Washington Metropolitan Area Transit Commission;
- (5) the Washington Metropolitan Council of Governments;
- (6) the National Capital Planning Commission;
- (7) the National Capital Regional Planning Council;
- (8) the Maryland-National Capital Park and Planning Commission;
- (9) the Northern Virginia Regional Planning and Economic Development Commission;
- (10) the Maryland State Planning Department; and
- (11) the private transit companies operating in the Zone and the Labor Unions representing the employees of such companies and employees of contractors providing services under operating contracts.

(b) A copy of the proposed mass transit plan, amendment or revision, shall be kept at the office of the Board and shall be available for public inspection. Information with respect thereto shall be released to the public. After thirty days' notice published once a week for two successive weeks in one or more newspapers of general circulation within the Zone, a public hearing shall be held with respect to the proposed plan, alteration, revision or amendment. The thirty days' notice shall begin to run on the first day the notice appears in any such newspaper. The Board shall consider the evidence submitted and statements and comments made at such hearing and may make any changes in the proposed plan, amendment or revision which it deems appropriate and such changes may be made without further hearing.

Article VII Financing

Policy

16. With due regard for the policy of Congress for financing a mass transit plan for the Zone set forth in Section 204 (g) of the National Capital Transportation Act of 1960 (74 Stat. 537), it is hereby declared to be the policy of this Title that, as far as possible, the payment of all costs shall be borne by the persons using or benefiting from the Authority's facilities and services and any remaining costs shall be equitably shared among the federal, District of Columbia and participating local governments in the Zone. The allocation among such governments of such remaining cost shall be determined by agreement among them and shall be provided in the manner hereinafter specified.

Plan of Financing

17. (a) The Authority, in conformance with said policy, shall prepare and adopt a plan for financing the construction, acquisition and operation of facilities specified in a mass transit plan adopted pursuant to Article VI hereof, or in any alteration, revision or amendment thereof. Such plan of financing shall specify the facilities to be constructed or acquired, the cost thereof, the principal amount of revenue bonds, equipment trust certificates and other evidences of debt proposed to be issued, the principal terms and provisions of all loans and underlying agreements and indentures, estimated operating expenses and revenues and the proposed allocation among the federal, District of Columbia and participating local governments of the remaining costs and deficits, if any, and such other information as the Commission may consider appropriate.

(b) Such plan of financing shall constitute a proposal to the interested governments for financial participation and shall not impose any obligation on any government and such obligations shall be created only as provided in § 18 of this Article VII.

Commitments for Financial Participation

18. (a) Commitments on behalf of the portion of the Zone located in Virginia shall be by contract or agreement by the Authority with the Northern Virginia Transportation District, or its component governments, as authorized in the Transportation District Act of 1964 (Ch. 631, 1964 Virginia Acts of Assembly), to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or any alteration, revision or amendment thereof, and for meeting expenses and obligations in the operation of such facilities. No such contract or agreement, however, shall be entered into by the Authority with the Northern Virginia Transportation District unless said District has entered into the contracts or agreements with its member governments, as contemplated by § 1 (b)(4) of Article 4 of said Act, which contracts or agreements expressly provide that such contracts or agreements shall inure to the benefit of the Authority and shall be enforceable by the Authority in accordance with the provisions of § 2, Article 5 of said Act, and such contracts or agreements are acceptable to the Board. The General Assembly of Virginia hereby authorizes and designates the Authority as the agency to plan for and provide transit facilities and services for the area of Virginia encompassed within the Zone within the contemplation of Article 1, § 3 (c) of said Act.

(b) Commitments on behalf of the portion of the Zone located in Maryland shall be by contract or agreement by the Authority with the Washington Suburban Transit District, pursuant to which the Authority undertakes to provide transit facilities and service in consideration for the agreement by said District to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(c) With respect to the federal government, the commitment or obligation to render financial assistance shall be created by appropriation or in such other manner, or by such other legislation, as the Congress shall determine. Commitments by the District of Columbia shall be by contract or agreement between the governing body of the District of Columbia and the

Authority, pursuant to which the Authority undertakes, subject to the provisions of § 20 hereof, to provide transit facilities and service in consideration for the undertaking by the District of Columbia to contribute to the capital required for the construction and/or acquisition of facilities specified in a mass transit plan adopted as provided in Article VI, or in any alteration, revision or amendment thereof, and for meeting expenses and obligations incurred in the operation of such facilities.

(d)(1) All payments made by the local Signatory governments for the Authority for the purpose of matching federal funds appropriated in any given year as authorized under Title VI, § 601, P.L. 110-432 regarding funding of capital and preventive maintenance projects of the Authority shall be made from amounts derived from dedicated funding sources.

(2) For purposes of this paragraph (d), a "dedicated funding source" means any source of funding that is earmarked or required under state or local law to be used to match federal appropriations authorized under Title VI, § 601, P.L. 110-432 for payments to the Authority.

Administrative Expenses

19. Prior to the time the Authority has receipts from appropriations and contracts or agreements as provided in § 18 of this Article VII, the expenses of the Authority for administration and for preparation of a mass transit and financing plan, including all engineering, financial, legal and other services required in connection therewith, shall, to the extent funds for such expenses are not provided through grants by the federal government, be borne by the District of Columbia, by the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District. Such expenses shall be allocated among such governments on the basis of population as reflected by the latest available population statistics of the Bureau of the Census; provided, however, that upon the request of any director the Board shall make the allocation upon estimates of population acceptable to the Board. The allocations shall be made by the Board and shall be included in the annual current expense budget prepared by the Board.

Acquisition of Facilities from Federal or Other Agencies

20. (a) The Authority is authorized to acquire by purchase, lease or grant or in any manner other than condemnation, from the federal government or any agency thereof, from the District of Columbia, Maryland or Virginia, or any political subdivision or agency thereof, any transit and related facilities, including real and personal property and all other assets, located within the Zone, whether in operation or under construction. Such acquisition shall be made upon such terms and conditions as may be agreed upon and subject to such authorization or approval by the Congress and the governing body of the District of Columbia, as may be required; provided, however, that if such acquisition imposes or may impose any further or additional obligation or liability upon the Washington Suburban Transit District, the Northern Virginia Transportation District, or any component government thereof, under any contract with the Authority, the Authority shall not make the acquisition until any such affected contract has been appropriately amended.

(b) For such purpose, the Authority is authorized to assume all liabilities and contracts relating thereto, to assume responsibility as primary obligor, endorser or guarantor on any outstanding revenue bonds, equipment trust certificates or other form of indebtedness authorized in this Act issued by such predecessor agency or agencies and, in connection therewith, to become a party to, and assume the obligations of, any indenture or loan agreement underlying or issued in connection with any outstanding securities or debts.

Temporary Borrowing

21. The Board may borrow, in anticipation of receipts, from any Signatory, the Washington Suburban Transit District, the Northern Virginia Transportation District, or any component government thereof, or from any lending institution for any purposes of this Title, including administrative expenses. Such loans shall be for a term not to exceed two years and at such rates on interest as shall be acceptable to the Board. The Signatories and any such political subdivision or agency may, in its discretion, make such loans from any available money.

Funding

22. The Board shall not construct or acquire any of the transit facilities specified in a mass transit plan adopted pursuant to the provisions of Article VI of this Title, or in any alteration, revision or amendment thereof, nor make any commitments or incur any obligations with respect thereto until funds are available therefor.

Article VIII Budget

Capital Budget

23. The Board shall annually adopt a capital budget, including all capital projects it proposes to undertake or continue during the budget period, containing a statement of the estimated cost of each project and the method of financing thereof.

Current Expense Budget

24. The Board shall annually adopt a current expense budget for each fiscal year. Such budget shall include the Board's estimated expenditures for administration, operation, maintenance and repairs, debt service requirements and payments to be made into any funds required to be maintained. The total of such expenses shall be balanced by the Board's estimated revenues and receipts from all sources, excluding funds included in the capital budget or otherwise earmarked for other purposes.

Adoption and Distribution of Budgets

25. (a) Following the adoption by the Board of annual capital and current expense budgets, the general manager shall transmit certified copies of such budgets to the principal budget officer of the federal government, the District of Columbia, the Washington Suburban Transit District and of the component governments of the Northern Virginia Transportation Commission at such time and in such manner as may be required under their respective budgetary procedures.

(b) Each budget shall indicate the amounts, if any, required from the federal government, the government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District, determined in accordance with the commitments made pursuant to Article VII, § 18 of this Title, to balance each of said budgets.

Payment

26. Subject to such review and approval as may be required by their budgetary or other applicable processes, the federal government, the Government of the District of Columbia, the Washington Suburban Transit District and the component governments of the Northern Virginia Transportation District shall include in their respective budgets next to be adopted and appropriate or otherwise provide the amounts certified to each of them as set forth in the budgets.

Article IX Revenue Bonds

Borrowing Power

27. The Authority may borrow money for any of the purposes of this Title, may issue its negotiable bonds and other evidences of indebtedness in respect thereto and may mortgage or pledge its properties, revenues and contracts as security therefor.

All such bonds and evidences of indebtedness shall be payable solely out of the properties and revenues of the Authority. The bonds and other obligations of the Authority, except as may be otherwise provided in the indenture under which they were issued, shall be direct and general obligations of the Authority and the full faith and credit of the Authority are hereby pledged for the prompt payment of the debt service thereon and for the fulfillment of all other undertakings of the Authority assumed by it to or for the benefit of the holders thereof.

Funds and Expenses

28. The purposes of this Title shall include, without limitation, all costs of any project or facility or any part thereof, including interest during a period of construction and for a period not to exceed two years thereafter and any incidental expenses (legal, engineering, fiscal, financial, consultant and other expenses) connected with issuing and disposing of the bonds; all amounts required for the creation of an operating fund, construction fund, reserve fund, sinking fund, or other special fund; all other expenses connected with administration, the planning, design, acquisition, construction, completion, improvement or reconstruction of any facility or any part thereof; and reimbursement of advances by the Board or by others for such purposes and for working capital.

Credit Excluded; Officers, State, Political Subdivisions and Agencies

29. The Board shall have no power to pledge the credit of any Signatory party, political subdivision or agency thereof, or to impose any obligation for payment of the bonds upon any Signatory party, political subdivision or agency thereof, but may pledge the contracts of such governments and agencies; provided, however, that the bonds may be underwritten in whole or in part as to principal and interest by the United States, or by any political subdivision or agency of any Signatory; provided, further, that any bonds underwritten in whole or in part as to principal and interest by the United States shall not be issued without approval of the Secretary of the Treasury. Neither the Directors nor any person executing the bonds shall be liable personally on the bonds of the Authority or be subject to any personal liability or accountability by reason of the issuance thereof.

Funding and Refunding

30. Whenever the Board deems it expedient, it may fund and refund the bonds and other obligations of the Authority whether or not such bonds and obligations have matured. It may provide for the issuance, sale or exchange of refunding bonds for the purpose of redeeming or retiring any bonds (including the payment of any premium, duplicate interest or cash adjustment required in connection therewith) issued by the Authority or issued by any other issuing body, the proceeds of the sale of which have been applied to any facility acquired by the Authority or which are payable out of the revenues of any facility acquired by the Authority. Bonds may be issued partly to refund bonds and other obligations then outstanding, and partly for any other purpose of the Authority. All provisions of this Title applicable to the issuance of bonds are applicable to refunding bonds and to the issuance, sale or exchange thereof.

Bonds; Authorization Generally

31. Bonds and other indebtedness of the Authority shall be authorized by resolution of the Board. The validity of the authorization and issuance of any bonds by the Authority shall not be dependent upon nor affected in any way by: (i) the disposition of bond proceeds by the Board or by contract, commitment or action taken with respect to such proceeds; or (ii) the failure to complete any part of the project for which bonds are authorized to be issued. The Authority may issue bonds in one or more series and may provide for one or more consolidated bond issues, in such principal amounts and with such terms and provisions as the Board may deem necessary. The bonds may be secured by a pledge of all or any part of the property, revenues and franchises under its control. Bonds may be issued by the Authority in such amount, with such maturities and in such denominations and form or forms, whether coupon or registered, as to principal alone or as to both principal and interest, as may be determined by the Board. The Board may provide for redemption of bonds prior to maturity on such notice and at such time or times and with such redemption provisions, including premiums, as the Board may determine.

Bonds; Resolution and Indentures Generally

32. The Board may determine and enter into indentures or adopt resolutions providing for the principal amount, date or dates, maturities, interest rate, or rates, denominations, form, registration, transfer, interchange and other provisions of bonds and coupons and the terms and conditions upon which the same shall be executed, issued, secured, sold, paid,

redeemed, funded and refunded. The resolution of the Board authorizing any bond or any indenture so authorized under which the bonds are issued may include all such covenants and other provisions not inconsistent with the provisions of this Title, other than any restriction on the regulatory powers vested in the Board by this Title, as the Board may deem necessary or desirable for the issue, payment, security, protection or marketing of the bonds, including without limitation covenants and other provisions as to the rates or amounts of fees, rents and other charges to be charged or made for use of the facilities; the use, pledge, custody, securing, application and disposition of such revenues, of the proceeds of the bonds, and of any other moneys or contracts of the Authority; the operation, maintenance, repair and reconstruction of the facilities and the amounts which may be expended therefor; the sale, lease or other disposition of the facilities; the insuring of the facilities and of the revenues derived therefrom; the construction or other acquisition of other facilities; the issuance of additional bonds or other indebtedness; the rights of the bondholders and of any trustee for the bondholders upon default by the Authority or otherwise; and the modification of the provisions of the indenture and of the bonds. Reference on the face of the bonds to such resolution or indenture by its date of adoption or the apparent date on the face thereof is sufficient to incorporate all of the provisions thereof and of this Title into the body of the bonds and their appurtenant coupons. Each taker and subsequent holder of the bonds or coupons, whether the coupons are attached to or detached from the bonds, has recourse to all of the provisions of the indenture and of this Title and is bound thereby.

Maximum Maturity

33. No bond or its terms shall mature in more than fifty years from its own date and in the event any authorized issue is divided into two or more series or divisions, the maximum maturity date herein authorized shall be calculated from the date on the face of each bond separately, irrespective of the fact that different dates may be prescribed for the bonds of each separate series or division of any authorized issue.

Tax Exemption

34. All bonds and all other evidences of debt issued by the Authority under the provisions of this Title and the interest thereon shall at all times be free and exempt from all taxation by or under authority of any Signatory parties, except for transfer, inheritance and estate taxes.

Interest

35. Bonds shall bear interest at such rate or rates as may be determined by the Board, payable annually or semiannually.

Place of Payment

36. The Board may provide for the payment of the principal and interest of bonds at any place or places within or without the Signatory states, and in any specified lawful coin or currency of the United States of America.

Execution

37. The Board may provide for the execution and authentication of bonds by the manual, lithographed or printed facsimile signature of members of the Board, and by additional authentication by a trustee or fiscal agent appointed by the Board; provided, however, that one of such signatures shall be manual; and provided, further, that no such additional authentication or manual signatures need be required in the case of bonds guaranteed by the United States of America. If any of the members whose signatures or countersignatures appear upon the bonds or coupons cease to be members before the delivery of the bonds or coupons, their signatures or countersignatures are nevertheless valid and of the same force and effect as if the members had remained in office until the delivery of the bonds and coupons.

Holding Own Bonds

38. The Board shall have power out of any funds available therefor to purchase its bonds and may hold, cancel or resell such bonds.

Sale

39. The Board may fix terms and conditions for the sale or other disposition of any authorized issue of bonds. The Board may sell bonds at less than their par or face value but no issue of bonds may be sold at an aggregate price below the par or face value thereof if such sale would result in a net interest cost to the Authority calculated upon the entire issue so sold in excess of the applicable rate determined by the Board, payable semiannually, computed with relation to the absolute maturity of the bonds according to standard tables of bond values, deducting the amount of any premium to be paid on the redemption of any bonds prior to maturity. All bonds issued and sold pursuant to this Title may be sold in such manner, either at public or private sale, as the Board shall determine.

Negotiability

40. All bonds issued under the provisions of this Title are negotiable instruments.

Bonds Eligible for Investment and Deposit

41. Bonds issued under the provisions of this Title are hereby made securities in which all public officers and public agencies of the Signatories and their political subdivisions and all banks, trust companies, savings and loan associations, investment companies and others carrying on a banking business, all insurance companies and insurance associations and others carrying on an insurance business, all administrators, executors, guardians, trustees and other fiduciaries, and all other persons may legally and properly invest funds, including capital in their control or belonging to them. Such bonds are hereby made securities which may properly and legally be deposited with and received by any officer of any Signatory, or of any agency or political subdivision of any Signatory, for any purpose for which the deposit of bonds or other obligations of such Signatory is now or may hereafter be authorized by law.

Validation Proceedings

42. Prior to the issuance of any bonds, the Board may institute a special proceeding to determine the legality of proceedings to issue the bonds and their validity under the laws of any of the Signatory parties. Such proceeding shall be instituted and prosecuted in rem and the final judgment rendered therein shall be conclusive against all persons whomsoever and against each of the Signatory parties.

43. No indenture need be recorded or filed in any public office, other than the office of the Board. The pledge of revenues provided in any indenture shall take effect forthwith as provided therein and irrespective of the date of receipt of such revenues by the Board or the indenture trustee. Such pledge shall be effective as provided in the indenture without physical delivery of the revenues to the Board or to the indenture trustee.

Pledged Revenues

44. Bond redemption and interest payments shall, to the extent provided in the resolution or indenture, constitute a first, direct and exclusive charge and lien on all revenues received from the use and operation of the facility, and on any sinking or other funds created therefrom. All such revenues, together with interest thereon, shall constitute a trust fund for the security and payment of such bonds and except as and to the extent provided in the indenture with respect to the payment therefrom of expenses for other purposes including administration, operation, maintenance, improvements or extensions of the facilities or other purposes shall not be used or pledged for any other purpose so long as such bonds, or any of them, are outstanding and unpaid.

Remedies

45. The holder of any bond may for the equal benefit and protection of all holders of bonds similarly situated: (1) by mandamus or other appropriate proceedings require and compel the performance of any of the duties imposed upon the Board or assumed by it, its officers, agents or employees under the provisions of any indenture, in connection with the acquisition, construction, operation, maintenance, repair, reconstruction or insurance of the facilities, or in connection with the collection, deposit, investment, application and disbursement of the revenues derived from the operation and use of the facilities, or in connection with the deposit, investment and disbursement of the proceeds received from the sale of bonds; or (2) by action or suit in a court of competent jurisdiction of any Signatory party require the Authority to account as if it were the trustee of an express trust, or enjoin any acts or things which may be unlawful or in violation of the rights of the holders of the bonds. The enumeration of such rights and remedies does not, however, exclude the exercise or prosecution of any other rights or remedies available to the holders of bonds.

Article X Equipment Trust Certificates

Power

46. The Board shall have power to execute agreements, leases and equipment trust certificates with respect to the purchase of facilities or equipment such as cars, trolley buses and motor buses, or other craft, in the form customarily used in such cases and appropriate to effect such purchase, and may dispose of such equipment trust certificates in such manner as it may determine to be for the best interests of the Authority. Each vehicle covered by an equipment trust certificate shall have the name of the owner and lessor plainly marked upon both sides thereof, followed by the words "Owner and Lessor".

Payments

47. All moneys required to be paid by the Authority under the provisions of such agreements, leases and equipment trust certificates shall be payable solely from the revenue to be derived from the operation of the transit system or from such grants, loans, appropriations or other revenues, as may be available to the Board under the provisions of this Title. Payment for such facilities or equipment, or rentals thereof, may be made in installments, and the deferred installments may be evidenced by equipment trust certificates as aforesaid, and title to such facilities or equipment may not vest in the Authority until the equipment trust certificates are paid.

Procedure

48. The agreement to purchase facilities or equipment by the Board may direct the vendor to sell and assign the equipment to a bank or trust company, duly authorized to transact business in any of the Signatory states, or to the Housing and Home Finance Administrator, as trustee, lessor or vendor, for the benefit and security of the equipment trust certificates and may direct the trustee to deliver the facilities and equipment to one or more designated officers of the Board and may authorize the trustee simultaneously therewith to execute and deliver a lease of the facilities or equipment to the Board.

Agreements and Leases

49. The agreements and leases shall be duly acknowledged before some person authorized by law to take acknowledgments of deeds and in the form required for acknowledgment of deeds and such agreements, leases, and equipment trust certificates shall be authorized by resolution of the Board and shall contain such covenants, conditions and provisions as may be deemed necessary or appropriate to insure the payment of the equipment trust certificates from the revenues to be derived from the operation of the transit system and other funds.

The covenants, conditions and provisions of the agreements, leases and equipment trust certificates shall not conflict with any of the provisions of any resolution or trust agreement securing the payment of bonds or other obligations of the Authority then outstanding or conflict with or be in derogation of the rights of the holders of any such bonds or other obligations.

Law Governing

50. The equipment trust certificates issued hereunder shall be governed by Laws of the District of Columbia and for this purpose the chief place of business of the Authority shall be considered to be the District of Columbia. The filing of any documents required or permitted to be filed shall be governed by the Laws of the District of Columbia.

Article XI Operation of Facilities

Operation by Contract or Lease

51. Any facilities and properties owned or controlled by the Authority may be operated by the Authority directly or by others pursuant to contract or lease as the Board may determine.

The Operating Contract

52. Without limitation upon the right of the Board to prescribe such additional terms and provisions as it may deem necessary and appropriate, the operating contract shall:

- (a) specify the services and functions to be performed by the Contractor;
- (b) provide that the Contractor shall hire, supervise and control all personnel required to perform the services and functions assumed by it under the operating contract and that all such personnel shall be employees of the Contractor and not of the Authority;
- (c) require the Contractor to assume the obligations of the labor contract or contracts of any transit company which may be acquired by the Authority and assume the pension obligations of any such transit company;
- (d) require the Contractor to comply in all respects with the labor policy set forth in Article XIV of this Title;
- (e) provide that no transfer of ownership of the capital stock, securities or interests in any Contractor, whose principal business in the operating contract, shall be made without written approval of the Board and the certificates or other instruments representing such stock, securities or interests shall contain a statement of this restriction;
- (f) provide that the Board shall have the sole authority to determine the rates or fares to be charged, the routes to be operated and the service to be furnished;
- (g) specify the obligations and liabilities which are to be assumed by the Contractor and those which are to be the responsibility of the Authority;
- (h) provide for an annual audit of the books and accounts of the Contractor by an independent certified public accountant to be selected by the Board and for such other audits, examinations and investigations of the books and records, procedures and affairs of the Contractor at such times and in such manner as the Board shall require, the cost of such audits, examinations and investigations to be borne as agreed by the parties in the operating contracts; and
- (i) provided that no operating contract shall be entered into for a term in excess of five years; provided, that any such contract may be renewed for successive terms, each of which shall not exceed five years. Any such operating contract shall be subject to termination by the Board for cause only.

Compensation for Contractor

53. Compensation to the Contractor under the operating contract may, in the discretion of the Board, be in the form of (1) a fee paid by the Board to the Contractor for services, (2) a payment by the Contractor to the Board for the right to operate the system, or (3) such other arrangement as the Board may prescribe; provided, however, that the compensation shall bear a reasonable relationship to the benefits to the Authority and to the estimated costs the Authority would incur in directly performing the functions and duties delegated under the operating contract; and provided, further that no such contract shall create any right in the Contractor (1) to make or change any rate or fare or alter or change the service specified in the contract to be provided or (2) to seek judicial relief by any form of original action, review or other proceeding from any rate or fare or service prescribed by the Board. Any assertion, or attempted assertion, by the Contractor of the right to make or change any rate or fare or service prescribed by the Board shall constitute cause for termination of the operating contract. The operating contract may provide incentives for efficient and economical management.

Selection of Contractor

54. The Board shall enter into an operating contract only after formal advertisement and negotiations with all interested and qualified parties, including private transit companies rendering transit service within the Zone; provided, however, that, if the Authority acquires transit facilities from any agency of the federal or District of Columbia governments, in accordance with the provisions of Article VII, § 20 of this Title, the Authority shall assume the obligations of any operating contract which the transferor agency may have entered into.

Article XII Coordination of Private and Public Facilities

Declaration of Policy

55. It is hereby declared that the interest of the public in efficient and economical transit service and in the financial well-being of the Authority and of the private transit companies requires that the public and private segments of the regional transit system be operated, to the fullest extent possible, as a coordinated system without unnecessary duplicating service.

Implementation of Policy

56. In order to carry out the legislative policy set forth in § 55 of this Article XII

- (a) The Authority—
 - (1) except as herein provided, shall not, directly or through a Contractor, perform transit service by bus or similar motor vehicles;
 - (2) shall, in cooperation with the private carriers and WMATC coordinate to the fullest extent practicable, the schedules for service performed by its facilities with the schedules for service performed by private carriers; and
 - (3) shall enter into agreements with the private carriers to establish and maintain, subject to approval by WMATC, through routes and joint fares and provide for the division thereof, or, in the absence of such agreements, establish and maintain through routes and joint fares in accordance with orders issued by WMATC directed to the private carriers when the terms and conditions for such through service and joint fares are acceptable to it.

(b) The WMATC, upon application, complaint, or upon its own motion, shall—

(1) direct private carriers to coordinate their schedules for service with the schedules for service performed by facilities owned or controlled by the Authority;

(2) direct private carriers to improve or extend any existing services or provide additional service over additional routes;

(3) authorize a private carrier, pursuant to agreement between said carrier and the Authority, to establish and maintain through routes and joint fares for transportation to be rendered with facilities owned or controlled by the Authority if, after hearing held upon reasonable notice, WMATC finds that such through routes and joint fares are required by the public interest; and

(4) in the absence of such an agreement with the Authority, direct a private carrier to establish and maintain through routes and joint fares with the Authority, if, after hearing held upon reasonable notice, WMATC finds that such through service and joint fares are required by the public interest; provided, however, that no such order, rule or regulation of WMATC shall be construed to require the Authority to establish and maintain any through route and joint fare.

(c) WMATC shall not authorize or require a private carrier to render any service, including the establishment or continuation of a joint fare for a through route service with the Authority which is based on a division thereof between the Authority and private carrier which does not provide a reasonable return to the private carrier, unless the carrier is currently earning a reasonable return on its operation as a whole in performing transportation subject to the jurisdiction of WMATC. In determining the issue of reasonable return, WMATC shall take into account any income attributable to the carrier, or to any corporation, firm or association owned in whole or in part by the carrier, from the Authority whether by way of payment for services or otherwise.

(d) If the WMATC is unable, through the exercise of its regulatory powers over the private carriers granted in subsection (b) hereof or otherwise, to bring about the requisite coordination of operations and service between the private carriers and the Authority, the Authority may in the situations specified in subsection (b) hereof, cause such transit service to be rendered by its Contractor by bus or other motor vehicle, as it shall deem necessary to effectuate the policy set forth in § 55 hereof. In any such situation, the Authority, in order to encourage private carriers to render bus service to the fullest extent practicable, may, pursuant to agreement, make reasonable subsidy payments to any private carrier.

(e) The Authority may acquire the capital stock or the transit facilities of any private transit company and may perform transit service, including service by bus or similar motor vehicle, with transit facilities so acquired, or with transit facilities acquired pursuant to Article VII, § 20. Upon acquisition of the capital stock or the transit facilities of any private transit company, the Authority shall undertake the acquisition, as soon as possible, of the capital stock or the transit facilities of each of the other private transit companies within the Zone requesting such acquisition. Lack of such request, however, shall not be construed to preclude the Authority from acquiring the capital stock or the transit facilities of any such company pursuant to § 82 of Article XVI.

Rights of Private Carriers Unaffected

57. Nothing in this title shall restrict or limit such rights and remedies, if any, that any private carrier may have against the Authority arising out of acts done or actions taken by the Authority hereunder. In the event any court of competent jurisdiction shall determine that the Authority has unlawfully infringed any rights of any private carrier or otherwise caused or permitted any private carrier to suffer legally cognizable injury, damages or harm and shall award a judgment therefor, such judgment shall constitute a lien against any and all of the assets and properties of the Authority.

Financial Assistance to Private Carriers

58. (a) The Board may accept grants from and enter into loan agreements with the Housing and Home Finance Administrator, pursuant to the provisions of the Urban Mass Transportation Act of 1964 (78 Stat. 302), or with any successor agency or under any law of similar purport, for the purpose of rendering financial assistance to private carriers.

(b) An application by the Board for any such grant or loan shall be based on and supported by a report from WMATC setting forth for each private carrier to be assisted (1) the equipment and facilities to be acquired, constructed, reconstructed, or improved, (2) the service proposed to be rendered by such equipment and facilities, (3) the improvement in service expected from such facilities and equipment, (4) how the use of such facilities and equipment will be coordinated with the transit facilities owned by the Authority, (5) the ability of the affected private carrier to repay any such loans or grants and (6) recommended terms for any such loans or grants.

(c) Any equipment or facilities acquired, constructed, reconstructed or improved with the proceeds of such grants or loans shall be owned by the Authority and may be made available to private carriers only by lease or other agreement which contain provisions acceptable to the Housing and Home Finance Administrator assuring that the Authority will have satisfactory continuing control over the use of such facilities and equipment.

Article XIII Jurisdiction; Rates and Service

Washington Metropolitan Area Transit Commission

59. Except as provided herein, this Title shall not affect the functions and jurisdiction of WMATC, as granted by Titles I and II of this Compact, over the transportation therein specified and the persons engaged therein and the Authority shall have no jurisdiction with respect thereto.

Public Facilities

60. Service performed by transit facilities owned or controlled by the Authority, and the rates and fares to be charged for such service, shall be subject to the sole and exclusive jurisdiction of the Board and, notwithstanding any other provision

in this Compact contained, WMATC shall have no authority with respect thereto, or with respect to any contractor in connection with the operation by it of transit facilities owned or controlled by the Authority. The determinations of the Board with respect to such matters shall not be subject to judicial review nor to the processes to any court.

Standards

61. Insofar as practicable, and consistent with the provision of adequate service at reasonable fares, the rates and fares and service shall be fixed by the Board so as to result in revenues which will:

(a) pay the operating expenses and provide for repairs, maintenance and depreciation of the transit system owned or controlled by the Authority;

(b) provide for payment of all principal and interest on outstanding revenue bonds and other obligations and for payment of all amounts to sinking funds and other funds as may be required by the terms of any indenture of loan agreement;

(c) provide for the purchase, lease or acquisition of rolling stock, including provisions for interest, sinking funds, reserve funds, or other funds required for the payment of any obligations incurred by the Authority for the acquisition of rolling stock; and

(d) provide funds for any purpose the Board deems necessary and desirable to carry out the purposes of this title.

Hearings

62. (a) The Board shall not raise any fare or rate, nor implement a major service reduction, except after holding a public hearing with respect thereto.

(b) Any Signatory, any political subdivision thereof, any agency of the federal government and any person, firm or association served by or using the transit facilities of the Authority and any private carrier may file a request with the Board for a hearing with respect to any rates or charges made by the Board or any service rendered with the facilities owned or controlled by the Authority. Such request shall be in writing, shall state the matter on which a hearing is requested and shall set forth clearly the matters and things on which the request relies. As promptly as possible after such a request is filed, the Board, or such officer or employee as it may designate, shall confer with the protestant with respect to the matters complained of. After such conference, the Board, if it deems the matter meritorious and of general significance, may call a hearing with respect to such request.

(c) The Board shall give at least fifteen days' notice for all public hearings. The notice shall be given by publication in a newspaper of daily circulation throughout the Transit Zone and such notice shall be published once a week for two successive weeks. The notice period shall start with the first day of publication. Notices of public hearings shall be posted in accordance with regulations promulgated by the Board.

(d) Prior to calling a hearing on any matter specified in this section, the Board shall prepare and file at its main office and keep open for public inspection its report relating to the proposed action to be considered at such hearing. Upon receipt by the Board of any report submitted by WMATC, in connection with a matter set for hearing, pursuant to the provisions of § 63 of this Article XIII, the Board shall file such report at its main office and make it available for public inspection. For hearings called by the Board pursuant to paragraph (b), above, the Board also shall cause to be lodged and kept open for public inspection the written request upon which the hearing is granted and all documents filed in support thereof.

Reference of Matters to WMATC

63. To facilitate the attainment of the public policy objectives for operation of the publicly and privately owned or controlled transit facilities as stated in Article XII, § 55, prior to the hearings provided for by § 62 hereof—

(a) The Board shall refer to WMATC for its consideration and recommendations, any matter which the Board considers may affect the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional transit system and any matter for which the Board has called a hearing, pursuant to § 62 of this Article XIII, except that temporary or emergency changes in matters affecting service shall not be referred; and

(b) WMATC, upon such reference of any matter to it, shall give the referred matter preference over any other matters pending before it and shall, as expeditiously as practicable, prepare and transmit its report thereon to the Board. The Board may request WMATC to reconsider any part of its report or to make any supplemental reports it deems necessary. All of such reports shall be advisory only.

(c) Any report submitted by WMATC to the Board shall consider, without limitation, the probable effect of the matter or proposal upon the operation of the publicly and privately owned or controlled transit facilities as a coordinated regional system, passenger movements, fare structures, service and the impact on the revenues of both the public and private facilities.

Article XIV Labor Policy

Construction

64. The Board shall take such action as may be necessary to insure that all laborers and mechanics employed by contractors or subcontractors in the construction, alteration or repair, including painting and decorating, of projects, buildings and works which are undertaken by the Authority or are financially assisted by it, shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a-276a-5), and every such employee shall receive compensation at a rate not less than one and one-half times his basic rate of pay for all hours worked in any workweek in excess of eight hours in any workday or forty hours in any workweek, as the case may be. A provision stating the minimum wages thus determined and the requirement that overtime be paid as above provided shall be set out in each project advertisement for bids and in

each bid proposal form and shall be made a part of the contract covering the project, which contract shall be deemed to be a contract of the character specified in § 103 of the Contract Work Hours Standards Act (76 Stat. 357), as now or as may hereafter be in effect. The Secretary of Labor shall have, with respect to the administration and enforcement of the labor standards specified in this provision, the supervisory, investigatory and other authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 F.R. 3176, 64 Stat. 1267, 5 U.S.C. 133z-15), and § 2 of the Act of June thirteen, nineteen hundred thirty-four, as amended (48 Stat. 948, as amended; 40 U.S.C. 276 (c)). The requirements of this section shall also be applicable with respect to the employment of laborers and mechanics in the construction, alteration or repair, including painting and decorating, of the transit facilities owned or controlled by the Authority where such activities are performed by a contractor pursuant to agreement with the operator of such facilities.

Equipment and Supplies

65. Contracts for the manufacture or furnishing of materials, supplies, articles and equipment shall be subject to the provisions of the Walsh-Healey Public Contracts Act (41 U.S.C. 35 et seq.), as now or as may hereafter be in effect.

Operations

66. (a) The rights, benefits, and other employee protective conditions and remedies of § 13 (c) of the Federal Transit Act, as amended (49 U.S.C. Section 5333 (b)), as determined by the Secretary of Labor, shall apply to Washington Metropolitan Area Transit Authority employees otherwise covered by the Act. The Authority shall extend to employees whose positions are adversely affected by the expenditure of federal funds obtained by WMATA pursuant to congressional appropriations, the rights, benefits, and other employee protective conditions and remedies of section 13 (c) of the Federal Transit Act, as amended (49 U.S.C. § 5333(b)).

(b) The Authority shall deal with and enter into written contracts with employees as defined in § 152 of Title 29, United States Code, through accredited representatives of such employees or representatives of any labor organization authorized to act for such employees concerning wages, salaries, hours, working conditions, and pension or retirement provisions. Each such contract entered into after the effective date of this act shall prohibit the contracting employees from engaging in any strike or an employer from engaging in any lockout.

(c) In case of any labor dispute involving the Authority and such employees where collective bargaining does not result in agreement, either party may declare that an impasse has been reached between the parties and may, by written notification to the other party and to the Federal Mediation and Conciliation Service, request the Service to appoint a mediator for the purpose of assisting them in reconciling their differences and resolving the controversy on terms which are mutually acceptable. Within five days of the receipt of the request the Federal Mediation and Conciliation Service shall appoint a mediator in accordance with its rules and procedures for such appointment. The mediator shall meet with the parties forthwith, either jointly or separately, and shall take such steps as he or she deems appropriate to persuade the parties to resolve their differences and effect a mutually acceptable agreement. The mediator shall not, however, make findings of fact or recommend terms of settlement. Each party shall pay one-half of the expenses of such mediator. If the mediator is unable to effect settlement of the controversy within fifteen days after his or her appointment, the Authority shall submit such dispute to fact finding by a board composed of three persons, one appointed by the Authority, one appointed by the labor organization representing the employees, and a third member to be agreed upon by the labor organization and the Authority. The member agreed upon by the labor organization and the Authority shall act as chairman of the board. The determination of the majority of the fact finding board thus established shall be advisory as to all matters in dispute. If after a period of ten days from the date of the appointment of the two persons representing the Authority and the labor organization, the third person has not been selected, then either of the two persons may request the Federal Mediation and Conciliation Service to furnish a list of five persons from which the third person shall be selected; provided, however, that the list shall not include the name of the person who served as mediator unless inclusion of his or her name is mutually agreed to by both parties. The persons appointed by the Authority and the labor organization, promptly after the receipt of such list shall determine by lot the order of elimination, and thereafter each shall in that order alternately eliminate one name until only one name remains. The remaining person on the list shall be the third member of the fact finding board. The term "labor dispute" shall be broadly construed and shall include any controversy concerning wages, salaries, hours, working conditions, or benefits including health and welfare, sick leave, insurance or pension or retirement provisions but not limited thereto, and including any controversy concerning any differences or questions that may arise between the parties including but not limited to the making or maintaining of collective bargaining agreements, the terms to be included in such agreements, and the interpretation or application of such collective bargaining agreements. Each party shall pay one-half of the expenses of such fact finding. Under no circumstances may the parties resort to binding arbitration after the date of enactment of this act or the expiration date of any contract requiring binding arbitration, whichever is later. This prohibition against binding arbitration shall not be interpreted to preclude such arbitration of individual employee grievances.

(d) The Authority is hereby authorized and empowered to establish and maintain a system of pensions and retirement benefits for such officers and employees of the Authority as may be designated or described by resolution of the Authority; to fix the terms of and restrictions on admission to such system and the classifications therein; to provide that persons eligible for admission in such pension system shall not be eligible for admission to, or receive any benefits from, any other pension system (except Social Security benefits), which is financed or funded, in whole or in part, directly or indirectly by funds paid or appropriated by the Authority to such other pension system, and to provide in connection with such pension system, a system of benefits payable to the beneficiaries and dependents of any participant in such pension system after the

death of such participant (whether accidental or otherwise, whether occurring in the actual performance of duty or otherwise, or both) subject to such exceptions, conditions, restrictions and classifications as may be provided by resolution of the Authority. Such pension system shall be financed or funded by such means and in such manner as may be determined by the Authority to be economically feasible. Unless the Authority shall otherwise determine, no officer or employee of the Authority and no beneficiary or dependent of any such officer or employee shall be eligible to receive any pension or retirement or other benefits both from or under any such pension system and from or under any pension or retirement system established by an acquired transportation system or established or provided for, by or under the provisions of any collective bargaining agreement between the Authority and the representatives of its employees.

(e) Whenever the Authority acquires existing transit facilities from a public or privately owned utility either in proceeding by eminent domain or otherwise, the Authority shall assume and observe all existing labor contracts and pension obligations. When the Authority acquires an existing transportation system, all employees who are necessary for the operation thereof by the Authority shall be transferred to and appointed as employees of the Authority, subject to all the rights and benefits of this Title. These employees shall be given seniority credit and sick leave, vacation, insurance and pension credits in accordance with the records or labor agreements from the acquired transportation system. Members and beneficiaries of any pension or retirement system or other benefits established by the acquired transportation system shall continue to have rights, privileges, benefits, obligations and status with respect to such established system. The Authority shall assume the obligations of any transportation system acquired by it with regard to wages, salaries, hours, working conditions, sick leave, health and welfare and pension or retirement provisions for employees. It shall assume the provisions of any collective bargaining agreement between such acquired transportation system and the representatives of its employees. The Authority and the employees, through their representatives for collective bargaining purposes, shall take whatever action may be necessary to have pension trust funds presently under the joint control of the acquired transportation system and the participating employees through their representative transferred to the trust fund to be established, maintained and administered jointly by the Authority and the participating employees through their representatives. No employee of any acquired transportation system who is transferred to a position with the Authority shall by reason of such transfer be placed in any worse position with respect to workmen's compensation, pension, seniority, wages, sick leave, vacation, health and welfare insurance or any other benefits, than he enjoyed as an employee of such acquired transportation system.

(f) The Authority shall not require any person, as a condition of employment or continuation of employment, to join any labor union or labor organization. The Authority shall not require any person, as a condition of employment or continuation of employment, to pay any dues, fees, or other charges of any kind to any labor union or labor organization.

Article XV Relocation Assistance

Relocation Program and Payments

67. Section 7 of the Urban Mass Transportation Act of 1964, and as the same may from time to time be amended, and all regulations promulgated thereunder, are hereby made applicable to individuals, families, business concerns and nonprofit organizations displaced from real property by actions of the Authority without regard to whether financial assistance is sought by or extended to the Authority under any provision of that Act; provided, however, that in the event real property is acquired for the Authority by an agency of the federal government, or by a State or local agency or instrumentality, the Authority is authorized to reimburse the acquiring agency for relocation payments made by it.

Relocation of Public or Public Utility Facilities

68. Notwithstanding the provisions of § 67 of this Article XV, any highway or other public facility or any facilities of a public utility company which will be dislocated by reason of a project deemed necessary by the Board to effectuate the authorized purposes of this Title shall be relocated if such facilities are devoted to a public use, and the reasonable cost of relocation, if substitute facilities are necessary, shall be paid by the Board from any of its moneys.

Article XVI General Provisions

Creation and Administration of Funds

69. (a) The Board may provide for the creation and administration of such funds as may be required. The funds shall be disbursed in accordance with rules established by the Board and all payments from any fund shall be reported to the Board. Moneys and such funds and other moneys of the Authority shall be deposited, as directed by the Board, in any branch or subsidiary of any state or national bank which has operations within the Zone, and having a total paid-in capital of at least one million dollars (\$1,000,000). The trust department of any such state or national bank may be designated as a depository to receive any securities acquired or owned by the Authority. The restriction with respect to paid-in capital may be waived for any such bank which agrees to pledge federal securities to protect the funds and securities of the Authority in such amounts and pursuant to such arrangements as may be acceptable to the Board.

(b) Any moneys of the Authority may, in the discretion of the Board and subject to any agreement or covenant between the Authority and the holders of any of its obligations limiting or restricting classes of investments, be invested in: (i) Direct obligations of or obligations guaranteed by the United States of America; (ii) Bonds, debentures, notes or other evidences of indebtedness issued by agencies of the United States of America, including but not limited to the following: Bank for Cooperatives; Federal Intermediate Credit Banks; Federal Home Loan Bank System; Export-Import Bank of the United States; Federal Land Banks, Federal National Mortgage Association; Student Loan Marketing Association; Government National Mortgage Association; Tennessee Valley Authority; or United States Postal Service; (iii) Securities that qualify as lawful investments and may be accepted as security for fiduciary, trust and public funds under the control of the

United States or any officer or officers thereof, or securities eligible as collateral for deposits of moneys of the United States, including United States Treasury tax and loan accounts; (iv) Domestic and Eurodollar certificates of deposit; and (v) Bonds, debentures, notes or other evidences of indebtedness issued by a domestic corporation, such as a corporation organized under the laws of one of the states of the United States, provided that such obligations are nonconvertible and at the time of their purchase are rated in the highest rating categories by a nationally recognized bond rating agency.

Annual Independent Audit

70. (a) As soon as practical after the closing of the fiscal year, an audit shall be made of the financial accounts of the Authority. The audit shall be made by qualified certified public accountants selected by the Board, who shall have no personal interest direct or indirect in the financial affairs of the Authority or any of its officers or employees. The report of audit shall be prepared in accordance with generally accepted auditing principles and shall be filed with the Chairman and other officers as the Board shall direct. Copies of the report shall be distributed to each Director, to the Congress, to the Mayor and Council of the District of Columbia, to the Governors of Virginia and Maryland, to the Washington Suburban Transit Commission, to the Northern Virginia Transportation Commission and to the governing bodies of the political subdivisions located within the Zone which are parties to commitments for participation in the financing of the Authority and shall be made available for public distribution.

(b) The financial transactions of the Board shall be subject to audit by the United States General Accounting Office in accordance with the principles and procedures applicable to commercial corporate transactions and under such rules and regulations as may be prescribed by the Comptroller General of the United States. The audit shall be conducted at the place or places where the accounts of the Board are kept.

(c) Any Director, officer or employee who shall refuse to give all required assistance and information to the accountants selected by the Board or who shall refuse to submit to them for examination such books, documents, records, files, accounts, papers, things or property as may be requested shall, in the discretion of the Board, forfeit his office.

Reports

71. The Board shall make and publish an annual report on its programs, operations, and finances, which shall be distributed in the same manner provided by § 70 of this Article XVI for the report of annual audit. It may also prepare, publish and distribute such other public reports and informational materials as it may deem necessary or desirable.

Insurance

72. The Board may self-insure or purchase insurance and pay the premiums therefor against loss or damage to any of its properties; against liability for injury to persons or property; and against loss of revenue from any cause whatsoever. Such insurance coverage shall be in such form and amount as the Board may determine, subject to the requirements of any agreement arising out of insurance of bonds or other obligations by the Authority.

Contracting and Purchasing

73. (a) (1) Except as provided in subsections (b), (c), and (f) of this section, and except in the case of procurement procedures otherwise expressly authorized by statute, the Authority in conducting a procurement of property, services, or construction shall:

(A) obtain full and open competition through the use of competitive procedures in accordance with the requirements of this Section; and

(B) use the competitive procedure or combination of competitive procedures that is best suited under the circumstances of the procurement.

(2) In determining the competitive procedure appropriate under the circumstances, the Authority shall:

(A) solicit sealed bids if:

(i) time permits the solicitation, submission, and evaluation of sealed bids;

(ii) the award will be made on the basis of price and other price-related factors;

(iii) it is not necessary to conduct discussions with the responding sources about their bids; and

(iv) there is a reasonable expectation of receiving more than one sealed bid; or

(B) request competitive proposals if sealed bids are not appropriate under clause (A) of this paragraph.

(b) The Authority may provide for the procurement of property, services, or construction covered by this Section using competitive procedures but excluding a particular source in order to establish or maintain an alternative source or sources of supply for that property, service, or construction if the Authority determines that excluding the source would increase or maintain competition and would likely result in reduced overall costs for procurement of property, services, or construction.

(c) The Authority may use procedures other than competitive procedures if:

(1) the property, services, or construction needed by the Authority is available from only one responsible source and no other type of property, services, or construction will satisfy the needs of the Authority; or

(2) the Authority's need for the property, services, or construction is of such an unusual and compelling urgency that the Authority would be seriously injured unless the Authority limits the number of sources from which it solicits bids or proposals; or

(3) the Authority determines that it is necessary in the public interest to use procedures other than competitive procedures in the particular procurement; or

(4) the property or services needed can be obtained through federal or other governmental sources at reasonable prices.

(d) For the purpose of applying subsection (c)(1) of this Section:

(1) in the case of a contract for property, services, or construction to be awarded on the basis of acceptance of an unsolicited proposal, the property, services, or construction shall be deemed to be available from only one responsible source if the source has submitted an unsolicited proposal that demonstrates a concept:

(A) that is unique and innovative or, in the case of a service, for which the source demonstrates a unique capability to provide the service; and

(B) the substance of which is not otherwise available to the Authority and does not resemble the substance of a pending competitive procurement.

(2) in the case of a follow-on contract for the continued development or production of a major system or highly specialized equipment or the continued provision of highly specialized services, the property, services, or construction may be deemed to be available from only the original source and may be procured through procedures other than competitive procedures if it is likely that award to a source other than the original source would result in:

(A) substantial duplication of cost to the Authority that is not expected to be recovered through competition; or

(B) unacceptable delays in fulfilling the Authority's needs.

(e) If the Authority uses procedures other than competitive procedures to procure property, services, or construction under subsection (c)(2) of this Section, the Authority shall request offers from as many potential sources as is practicable under the circumstances.

(f)(1) To promote efficiency and economy in contracting, the Authority may use simplified acquisition procedures for purchases of property, services and construction.

(2) For the purposes of this subsection, simplified acquisition procedures may be used for purchases for an amount that does not exceed the simplified acquisition threshold adopted by the federal government.

(3) A proposed purchase or contract for an amount above the simplified acquisition threshold may not be divided into several purchases or contracts for lesser amounts in order to use the procedures under paragraph (1) of this subsection.

(4) In using simplified acquisition procedures, the Authority shall promote competition to the maximum extent practicable.

(g) The Board shall adopt policies and procedures to implement this Section. The policies and procedures shall provide for publication of notice of procurements and other actions designed to secure competition where competitive procedures are used.

(h) The Authority in its discretion may reject any and all bids or proposals received in response to a solicitation.

Rights-of-Way

74. The Board is authorized to locate, construct and maintain any of its transit and related facilities in, upon, over, under or across any streets, highways, freeways, bridges and any other vehicular facilities, subject to the applicable laws governing such use of such facilities by public agencies. In the absence of such laws, such use of such facilities by the Board shall be subject to such reasonable conditions as the highway department or other affected agency of a Signatory party may require; provided, however, that the Board shall not construct or operate transit or related facilities upon, over, or across any parkways or park lands without the consent of, and except upon the terms and conditions required by, the agency having jurisdiction with respect to such parkways and park lands, but may construct or operate such facilities in a subway under such parkways or park lands upon such reasonable terms and conditions as may be specified by the agency having jurisdiction with respect thereto.

Compliance with Laws, Regulations and Ordinances

75. The Board shall comply with all laws, ordinances and regulations of the Signatories and political subdivisions and agencies thereof with respect to use of streets, highways and all other vehicular facilities, traffic control and regulation, zoning, signs and buildings.

Police Security

76. (a) The Authority is authorized to establish and maintain a regular police force, to be known as the Metro Transit Police, to provide protection for its patrons, personnel, and Transit facilities. The Metro Transit Police shall have the powers and duties and shall be subject to the limitations set forth in this section. It shall be composed of both uniformed and plain clothes personnel and shall be charged with the duty of enforcing the laws of the Signatories, and the laws, ordinances, and regulations of the political subdivisions thereof in the Transit Zone, and the rules and regulations of the Authority. The jurisdiction of the Metro Transit Police shall include all the Transit facilities (including bus stops) owned, controlled, or operated by the Authority, but this restriction shall not limit the power of the Metro Transit Police to make arrests in the Transit Zone for violations committed upon, to, or against such Transit facilities committed from within or outside such Transit facilities while in hot or close pursuit, or to execute traffic citations and criminal process in accordance with subsection (c) below. The members of the Metro Transit Police shall have concurrent jurisdiction in the performance of their duties with the duly constituted law-enforcement agencies of the Signatories and of the political subdivisions thereof in which any Transit facility of the Authority is located or in which the Authority operates any Transit service. On-duty Metro Transit Police officers are authorized to make arrests off of Transit facilities within the Transit Zone when immediate action is necessary to protect the health, safety, welfare or property of an individual from actual or threatened harm or from an unlawful act. Nothing contained in this section shall either relieve any Signatory or political subdivision or agency thereof from its duty to provide police, fire, and other public safety service and protection, or limit, restrict, or interfere with the jurisdiction of or the performance of duties by the existing police, fire, and other public safety agencies. For purposes of this

section, "bus stop" means that area within 150 feet of a MetroBus bus stop sign, excluding the interior of any building not owned, controlled or operated by the Washington Metropolitan Area Transit Authority.

(b) A member of the Metro Transit Police shall have same powers, including the power of arrest, and shall be subject to the same limitations, including regulatory limitations, in the performance of his duties as a member of the duly constituted police force of the political subdivision in which the Metro Transit Police member is engaged in the performance of his duties. A member of the Metro Transit Police is authorized to carry and use only such weapons, including handguns, as are issued by the Authority. A member of the Metro Transit Police is subject to such additional limitations in the use of weapons as are imposed on the duly constituted police force for the political subdivision in which he is engaged in the performance of his duties.

(c) Members of the Metro Transit Police shall have power to execute on the Transit facilities owned, controlled, or operated by the Authority any traffic citation or any criminal process issued by any court of any Signatory or of any political subdivision of a Signatory, for any felony, misdemeanor, or other offense against the laws, ordinances, rules, or regulations specified in subsection (a). With respect to offenses committed upon, to, or against the Transit facilities owned, controlled, or operated by the Authority, the Metro Transit Police shall have power to execute criminal process within the Transit Zone.

(d) Upon the apprehension or arrest of any person by a member of the Metro Transit Police pursuant to the provisions of subsection (b), the officer, as required by the law of the place of apprehension or arrest, shall either issue a summons or a citation against the person, book the person, or deliver the person to the duly constituted police or judicial officer of the Signatory or political subdivision where the apprehension or arrest is made, for disposition as required by law.

(e) The Authority shall have the power to adopt rules and regulations for the safe, convenient, and orderly use of the Transit facilities owned, controlled, or operated by the Authority, including the payment and the manner of the payment of fares or charges therefor, the protection of the Transit facilities, the control of traffic and parking upon the Transit facilities, and the safety and protection of the riding public. In the event that any such rules and regulations contravene the laws, ordinances, rules, or regulations of a Signatory or any political subdivision thereof which are existing or subsequently enacted, these laws, ordinances, rules, or regulations of the Signatory or the political subdivision shall apply and the conflicting rule or regulation, or portion thereof, of the Authority shall be void within the jurisdiction of that Signatory or political subdivision. In all other respects the rules and regulations of the Authority shall be uniform throughout the Transit Zone. The rules and regulations established under this subsection shall be adopted by the Board following public hearings held in accordance with Section 62 (c) and (d) of this Compact. The final regulation shall be published in a newspaper of general circulation within the Zone at least 15 days before its effective date. Any person violating any rule or regulation of the Authority shall be subject to arrest and, upon conviction by a court of competent jurisdiction, shall pay a fine of not more than two hundred fifty dollars (\$250) and costs. Criminal violations of any rule or regulation of the Authority shall be prosecuted by the Signatory or political subdivision in which the violation occurred, in the same manner by which violations of law, ordinances, rules and regulations of the Signatory or political subdivisions are prosecuted.

(f) With respect to members of the Metro Transit Police, the Authority shall:

(1) Establish classifications based on the nature and scope of duties, and fix and provide for their qualification, appointment, removal, tenure, term, compensation, pension, and retirement benefits;

(2) Provide for their training and, for this purpose, the Authority may enter into contracts or agreements with any public or private organization engaged in police training, and this training and the qualifications of the uniformed and plain clothes personnel shall at least equal the requirements of each Signatory and of the political subdivisions therein in the Transit Zone for their personnel performing comparable duties; and

(3) Prescribe distinctive uniforms to be worn.

(g) The Authority shall have the power to enter into agreements with the Signatories, the political subdivisions thereof in the Transit Zone, and public safety agencies located therein, including those of the Federal Government, for the delineation of the functions and responsibilities of the Metro Transit Police and the duly constituted police, fire, and other public safety agencies, and for mutual assistance.

(h) Before entering upon the duties of office, each member of the Metro Transit Police shall take or subscribe to an oath or affirmation, before a person authorized to administer oaths, faithfully to perform the duties of that office.

Exemption from Regulation

77. Except as otherwise provided in this Title, any Transit service rendered by Transit facilities owned or controlled by the Authority and the Authority or any corporation, firm or association performing such transit service pursuant to an operating contract with the Authority, shall, in connection with the performance of such service, be exempt from all laws, rules, regulations and orders of the Signatories and of the United States otherwise applicable to such transit service and persons, except that laws, rules, regulations and orders relating to inspection of equipment and facilities, safety and testing shall remain in force and effect; provided, however, that the Board may promulgate regulations for the safety of the public and employees not inconsistent with the applicable laws, rules, regulations or orders of the Signatories and of the United States.

Tax Exemption

78. It is hereby declared that the creation of the Authority and the carrying out of the corporate purposes of the Authority is in all respects for the benefit of the people of the Signatory states and is for a public purpose and that the Authority and the Board will be performing an essential governmental function, including, without limitation, proprietary, governmental and other functions, in the exercise of the powers conferred by this Title. Accordingly, the Authority and the

Board shall not be required to pay taxes or assessments upon any of the property acquired by it or under its jurisdiction, control, possession or supervision or upon its activities in the operation and maintenance of any Transit facilities or upon any revenues therefrom and the property and income derived therefrom shall be exempt from all federal, State, District of Columbia, municipal and local taxation. This exemption shall include, without limitation, all motor vehicle license fees, sales taxes and motor fuel taxes.

Reduced Fares

79. The District of Columbia, the Northern Virginia Transportation District, the Washington Suburban Transit District and the component governments thereof, may enter into contracts or agreements with the Authority to make equitable payments for fares lower than those established by the Authority pursuant to the provisions of Article XIII hereof for any specified class or category of riders.

Liability for Contracts and Torts

80. The Authority shall be liable for its contracts and for its torts and those of its Directors, officers, employees and agents committed in the conduct of any proprietary function, in accordance with the law of the applicable Signatory (including rules on conflict of laws), but shall not be liable for any torts occurring in the performance of a governmental function. The exclusive remedy for such breach of contracts and torts for which the Authority shall be liable, as herein provided, shall be by suit against the Authority. Nothing contained in this Title shall be construed as a waiver by the District of Columbia, Maryland, Virginia and the counties and cities within the Zone of any immunity from suit.

Jurisdiction of Courts

81. The United States District Courts shall have original jurisdiction, concurrent with the courts of Maryland, Virginia and the District of Columbia, of all actions brought by or against the Authority and to enforce subpoenas issued under this Title. Any such action initiated in a State or District of Columbia Court shall be removable to the appropriate United States District Court in the manner provided by Act of June 25, 1948, as amended (28 U.S.C. 1446).

Condemnation

82. (a) The Authority shall have the power to acquire by condemnation, whenever in its opinion it is necessary or advantageous to the Authority to do so, any real or personal property, or any interest therein, necessary or useful for the transit system authorized herein, except property owned by the United States, by a Signatory, or any political subdivision thereof, whenever such property cannot be acquired by negotiated purchase at a price satisfactory to the Authority.

(b) Proceedings for the condemnation of property in the District of Columbia shall be instituted and maintained under the Act of December 23, 1963 (77 Stat. 577-581, D.C. Code 1961, Supp. IV, Sections 1351-1368). Proceedings for the condemnation of property located elsewhere within the Zone shall be instituted and maintained, if applicable, pursuant to the provisions of the Act of August 1, 1888, as amended (25 Stat. 357,40 U.S.C. 257) and the Act of June 25, 1948 (62 Stat. 935 and 937,28 U.S.C. 1358 and 1403) or any other applicable act; provided, however, that if there is no applicable federal law, condemnation proceedings shall be in accordance with the provisions of the state law of the Signatory in which the property is located governing condemnation by the highway agency of such state. Whenever the words "real property," "realty," "land," "easement," "right-of-way," or words of similar meaning are used in any applicable federal or state law relating to procedure, jurisdiction and venue, they shall be deemed, for the purposes of this Title, to include any personal property authorized to be acquired hereunder.

(c) Any award or compensation for the taking of property pursuant to this Title shall be paid by the Authority, and none of the Signatory parties nor any other agency, instrumentality or political subdivision thereof shall be liable for such award or compensation.

Enlargement and Withdrawal; Duration

83. (a) When advised in writing by the Northern Virginia Transportation Commission or the Washington Suburban Transit Commission that the geographical area embraced therein has been enlarged, the Board, upon such terms and conditions as it may deem appropriate, shall by resolution enlarge the Zone to embrace the additional area.

(b) The duration of this Title shall be perpetual but any Signatory thereto may withdraw therefrom upon two years' written notice to the Board.

(c) The withdrawal of any Signatory shall not relieve such Signatory, any transportation district, county or city or other political subdivision thereof from any obligation to the Authority, or inuring to the benefit of the Authority, created by contract or otherwise.

Amendments and Supplements

84. Amendments and supplements to this Title to implement the purposes thereof may be adopted by legislative action of any of the Signatory parties concurred in by all of the others. When one Signatory adopts an amendment or supplement to an existing Section of the Compact, that amendment or supplement shall not be immediately effective, and the previously enacted provision or provisions shall remain in effect in each jurisdiction until the amendment or supplement is approved by the other Signatories and is consented to by Congress.

Construction and Severability

85. The provisions of this Title and of the agreements thereunder shall be severable and if any phrase, clause, sentence or provision of this Title or any such agreement is declared to be unconstitutional or the applicability thereof to any Signatory party, political subdivision or agency thereof is held invalid, the constitutionality of the remainder of this Title or any such agreement and the applicability thereof to any other Signatory party, political subdivision or agency thereof or

circumstance shall not be affected thereby. It is the legislative intent that the provisions of this Title be reasonably and liberally construed.

Effective Date; Execution

86. This Title shall be adopted by the Signatories in the manner provided by law therefor and shall be signed and sealed in four duplicate original copies. One such copy shall be filed with the Secretary of State of each of the Signatory parties or in accordance with laws of the State in which the filing is made, and one copy shall be filed and retained in the archives of the Authority upon its organization. This Title shall become effective ninety days after the enactment of concurring legislation by or on behalf of the District of Columbia, Maryland and Virginia and consent thereto by the Congress and all other acts or actions have been taken, including the signing and execution of the Title by the Governors of Maryland and Virginia and the Mayor and Council of the District of Columbia.

CHAPTER 536

An Act to amend and reenact § 4.1-210 of the Code of Virginia, relating to alcoholic beverage control; mixed beverage licenses; performing arts facilities.

[S 154]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-210 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-210. Mixed beverages licenses.

A. Subject to the provisions of § 4.1-124, the Board may grant the following licenses relating to mixed beverages:

1. Mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve mixed beverages for consumption in dining areas and other designated areas of such restaurant. Such license may be granted only to persons (i) who operate a restaurant and (ii) whose gross receipts from the sale of food cooked or prepared, and consumed on the premises and nonalcoholic beverages served on the premises, after issuance of such license, amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food. For the purposes of this subdivision, other designated areas shall include outdoor dining areas, whether or not contiguous to the licensed premises, which outdoor dining areas may have more than one means of ingress and egress to an adjacent public thoroughfare, provided such areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

If the restaurant is located on the premises of a hotel or motel with not less than four permanent bedrooms where food and beverage service is customarily provided by the restaurant in designated areas, bedrooms and other private rooms of such hotel or motel, such licensee may (i) sell and serve mixed beverages for consumption in such designated areas, bedrooms and other private rooms and (ii) sell spirits packaged in original closed containers purchased from the Board for on-premises consumption to registered guests and at scheduled functions of such hotel or motel only in such bedrooms or private rooms. However, with regard to a hotel classified as a resort complex, the Board may authorize the sale and on-premises consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board. Nothing herein shall prohibit any person from keeping and consuming his own lawfully acquired spirits in bedrooms or private rooms.

If the restaurant is located on the premises of and operated by a private, nonprofit or profit club exclusively for its members and their guests, or members of another private, nonprofit or profit club in another city with which it has an agreement for reciprocal dining privileges, such license shall also authorize the licensee to sell and serve mixed beverages for on-premises consumption. Where such club prepares no food in its restaurant but purchases its food requirements from a restaurant licensed by the Board and located on another portion of the premises of the same hotel or motel building, this fact shall not prohibit the granting of a license by the Board to such club qualifying in all other respects. The club's gross receipts from the sale of nonalcoholic beverages consumed on the premises and food resold to its members and guests and consumed on the premises shall amount to at least 45 percent of its gross receipts from the sale of mixed beverages and food. The food sales made by a restaurant to such a club shall be excluded in any consideration of the qualifications of such restaurant for a license from the Board.

2. Mixed beverage caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

3. Mixed beverage limited caterer's licenses, which may be granted only to a person regularly engaged in the business of providing food and beverages to others for service at private gatherings or at special events, not to exceed 12 gatherings or events per year, which shall authorize the licensee to sell and serve alcoholic beverages for on-premises consumption. The annual gross receipts from the sale of food cooked and prepared for service and nonalcoholic beverages served at gatherings and events referred to in this subdivision shall amount to at least 45 percent of the gross receipts from the sale of mixed beverages and food.

4. Mixed beverage special events licenses, to a duly organized nonprofit corporation or association in charge of a special event, which shall authorize the licensee to sell and serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. A separate license shall be required for each day of each special event.

5. Annual mixed beverage special events licenses to (i) a duly organized nonprofit corporation or association operating either a performing arts facility or an art education and exhibition facility, (ii) a nonprofit corporation or association chartered by Congress for the preservation of sites, buildings and objects significant in American history and culture, or (iii) persons operating an agricultural event and entertainment park or similar facility that has a minimum of 50,000 square feet of indoor exhibit space and equine and other livestock show areas, which includes barns, pavilions, or other structures equipped with roofs, exterior walls, and open or closed-door access. The operation in all cases shall be upon premises owned by such licensee or occupied under a bona fide lease the original term of which was for more than one year's duration. Such license shall authorize the licensee to sell alcoholic beverages during scheduled events and performances for on-premises consumption in areas upon the licensed premises approved by the Board.

6. Mixed beverage carrier licenses to persons operating a common carrier of passengers by train, boat or airplane, which shall authorize the licensee to sell and serve mixed beverages anywhere in the Commonwealth to passengers while in transit aboard any such common carrier, and in designated rooms of establishments of air carriers at airports in the Commonwealth. For purposes of supplying its airplanes, as well as any airplanes of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load distilled spirits onto the same airplanes and to transport and store distilled spirits at or in close proximity to the airport where the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of distilled spirits may be stored and from which the distilled spirits will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all distilled spirits to be transported, stored, and delivered by its authorized representative.

7. Mixed beverage club events licenses, which shall authorize a club holding a beer or wine and beer club license to sell and serve mixed beverages for on-premises consumption by club members and their guests in areas approved by the Board on the club premises. A separate license shall be required for each day of each club event. No more than 12 such licenses shall be granted to a club in any calendar year.

8. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

9. Annual mixed beverage amphitheater licenses to persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility that has seating for more than 5,000 persons and is located in the City of Alexandria or the City of Portsmouth. Such license shall authorize the licensee to sell alcoholic beverages during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption.

10. Annual mixed beverage motor sports facility license to persons operating food concessions at any outdoor motor sports road racing club facility, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

11. Annual mixed beverage banquet licenses to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve mixed beverages for on-premises consumption in areas approved by the Board on the premises of the place designated in the license. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year.

12. Limited mixed beverage restaurant licenses, which shall authorize the licensee to sell and serve dessert wines as defined by Board regulation and no more than six varieties of liqueurs, which liqueurs shall be combined with coffee or other nonalcoholic beverages, for consumption in dining areas of the restaurant. Such license may be granted only to persons who operate a restaurant and in no event shall the sale of such wine or liqueur-based drinks, together with the sale of any other alcoholic beverages, exceed 10 percent of the total annual gross sales of all food and alcoholic beverages.

13. Annual mixed beverage motor sports facility licenses to persons operating concessions at an outdoor motor sports facility that hosts a NASCAR national touring race, which shall authorize the licensee to sell mixed beverages, in paper, plastic, or similar disposable containers during scheduled events, as well as events or performances immediately subsequent thereto, to patrons in all dining facilities, seating areas, viewing areas, walkways, concession areas or similar facilities, for on-premises consumption.

14. Annual mixed beverage performing arts facility license to corporations or associations operating a performing arts facility, provided the performing arts facility (i) is owned by a governmental entity; (ii) is occupied by a for-profit entity

under a bona fide lease, the original term of which was for more than one year's duration; and (iii) has been rehabilitated in accordance with historic preservation standards. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.

15. *Annual mixed beverage performing arts facility license to persons operating food concessions at any performing arts facility located in the City of Norfolk or the City of Richmond, provided that the performing arts facility (i) is occupied under a bona fide long-term lease or concession agreement, the original term of which was more than five years; (ii) has a capacity in excess of 1,400 patrons; (iii) has been rehabilitated in accordance with historic preservation standards; and (iv) has monthly gross receipts from the sale of food cooked, or prepared, and consumed on the premises and nonalcoholic beverages served on the premises that meet or exceed the monthly minimum established by Board regulations for mixed beverage restaurants. Such license shall authorize the sale, on the dates of performances or events, of alcoholic beverages for on-premises consumption in areas upon the licensed premises approved by the Board.*

16. A combined mixed beverage restaurant and caterer's license, which may be granted to any restaurant or hotel that meets the qualifications for both a mixed beverage restaurant pursuant to subdivision A 1 and mixed beverage caterer pursuant to subdivision A 2 for the same business location, and which license shall authorize the licensee to operate as both a mixed beverage restaurant and mixed beverage caterer at the same business premises designated in the license, with a common alcoholic beverage inventory for purposes of the restaurant and catering operations. Such licensee shall meet the separate food qualifications established for the mixed beverage restaurant license pursuant to subdivision A 1 and mixed beverage caterer's license pursuant to subdivision A 2.

B. The granting of any license under subdivision A 1, 6, 7, 8, 9, 10, 11, 12, 13, 14, ~~or 15~~, or 16 shall automatically include a license to sell and serve wine and beer for on-premises consumption. The licensee shall pay the state and local taxes required by §§ 4.1-231 and 4.1-233.

CHAPTER 537

An Act to amend and reenact Chapter 690 of the Acts of Assembly of 2014, relating to special license plates for supporters of pollinator conservation bearing the legend: PROTECT POLLINATORS.

[S 434]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That Chapter 690 of the Acts of Assembly of 2014 is amended and reenacted as follows:

§ 1. Special license plates for supporters of pollinator conservation bearing the legend: PROTECT POLLINATORS.

A. On receipt of an application *and payment of the fee prescribed by this section* and following the provisions of ~~§ 46.2-275~~ § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of pollinator conservation bearing the legend: PROTECT POLLINATORS.

B. *The annual fee for plates issued pursuant to this section shall be \$25 in addition to the prescribed fee for state license plates. For each such \$25 fee collected in excess of 1,000 registrations pursuant to this section, \$15 shall be paid into the state treasury and credited to a special nonreverting fund known as the Pollinator Habitat Program Fund established within the Department of Accounts. These funds shall be paid annually to the Virginia Department of Transportation and used to support its Pollinator Habitat Program in Virginia. All other fees imposed under the provisions of this section shall be paid to, and received by, the Commissioner of the Department of Motor Vehicles and paid by him into the state treasury and set aside as a special fund to be used to meet the necessary expenses incurred by the Department of Motor Vehicles.*

2. That all license plates issued pursuant to Chapter 690 of the Acts of Assembly of 2014 prior to July 1, 2016, shall remain valid until their expiration, but shall thereafter be renewed as provided in this act.

CHAPTER 538

An Act to amend and reenact § 33.2-223 of the Code of Virginia, relating to powers of the Commissioner of Highways; emergency removal of snow and ice.

[S 765]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-223 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-223. General powers of Commissioner of Highways.

Except such powers as are conferred by law upon the Board, the Commissioner of Highways shall have the power to do all acts necessary or convenient for constructing, improving, maintaining, and preserving the efficient operation of the highways embraced in the systems of state highways and to further the interests of the Commonwealth in the areas of public transportation, railways, seaports, and airports. And as executive head of the Department, the Commissioner of Highways is

specifically charged with the duty of executing all orders and decisions of the Board and may, subject to the provisions of this chapter, require that all appointees and employees perform their duties under this chapter.

In addition, the Commissioner of Highways, in order to maximize efficiency, shall take such steps as may be appropriate to outsource or privatize any of the Department's functions that might reasonably be provided by the private sector. *Procuring equipment and labor to ensure that adequate resources will be available to address emergency and weather-related events as they may arise, including snow and ice removal services, shall be considered an emergency under subsection F of § 2.2-4303, and the Commissioner of Highways shall have the authority to establish and utilize such procedures as he deems necessary and most efficient to obtain and ensure the availability of such services to protect the safety and security of the traveling public.*

CHAPTER 539

An Act to amend and reenact § 58.1-3219.9 of the Code of Virginia, relating to real property tax exemption; spouse of member of armed forces killed in action.

[H 127]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3219.9 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3219.9. Exemption from taxes on property of surviving spouses of members of the armed forces killed in action.

A. Pursuant to subdivision (b) of Section 6-A of Article X of the Constitution of Virginia, and for tax years beginning on or after January 1, 2015, the General Assembly hereby exempts from taxation the real property described in subsection B of the surviving spouse (i) of any member of the armed forces of the United States who was killed in action as determined by the ~~United States~~ U.S. Department of Defense and (ii) who occupies the real property as his principal place of residence. *For purposes of this section, such determination of "killed in action" includes a determination by the U.S. Department of Defense of "died of wounds received in action."* If such member of the armed forces of the United States is killed in action after January 1, 2015, and the surviving spouse has a qualified principal residence on the date that such member of the armed forces is killed in action, then the exemption for the surviving spouse shall begin on the date that such member of the armed forces is killed in action. However, no county, city, or town shall be liable for any interest on any refund due to the surviving spouse for taxes paid prior to the surviving spouse's filing of the affidavit or written statement required by § 58.1-3219.10. If the surviving spouse acquires the property after January 1, 2015, then the exemption shall begin on the date of acquisition, and the previous owner may be entitled to a refund for a pro rata portion of real property taxes paid pursuant to § 58.1-3360.

B. Those dwellings in the locality with assessed values in the most recently ended tax year that are not in excess of the average assessed value for such year of a dwelling situated on property that is zoned as single family residential shall qualify for a total exemption from real property taxes under this article. If the value of a dwelling is in excess of the average assessed value as described in this subsection, then only that portion of the assessed value in excess of the average assessed value shall be subject to real property taxes, and the portion of the assessed value that is not in excess of the average assessed value shall be exempt from real property taxes. Single family homes, condominiums, town homes, and other types of dwellings of surviving spouses that (i) meet this requirement and (ii) are occupied by such persons as their principal place of residence shall qualify for the real property tax exemption.

For purposes of determining whether a dwelling, or a portion of its value, is exempt from county and town real property taxes, the average assessed value shall be such average for all dwellings located within the county that are situated on property zoned as single family residential.

C. The surviving spouse of a member of the armed forces killed in action shall qualify for the exemption so long as the surviving spouse does not remarry and continues to occupy the real property as his principal place of residence. The exemption applies without any restriction on the spouse's moving to a different principal place of residence.

D. A county, city, or town shall provide for the exemption from real property taxes (i) the qualifying dwelling, or the portion of the value of such dwelling and land that qualifies for the exemption pursuant to subsection B, and (ii) the land, not exceeding one acre, upon which it is situated. However, if a county, city, or town provides for an exemption from or deferral of real property taxes of more than one acre of land pursuant to Article 2 (§ 58.1-3210 et seq.), then the county, city, or town shall also provide an exemption for the same number of acres pursuant to this section.

E. For purposes of this exemption, real property of any surviving spouse of a member of the armed forces killed in action includes real property (i) held by a surviving spouse as a tenant for life, (ii) held in a revocable inter vivos trust over which the surviving spouse holds the power of revocation, or (iii) held in an irrevocable trust under which the surviving spouse possesses a life estate or enjoys a continuing right of use or support. The term does not include any interest held under a leasehold or term of years.

F. 1. In the event that (i) a surviving spouse is entitled to an exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E and (ii) one or more other persons have an ownership interest in the property that permits them to occupy the property, then the tax exemption for the property that otherwise would have

been provided shall be prorated by multiplying the amount of the exemption by a fraction that has 1 as a numerator and has as a denominator the total number of all people having an ownership interest that permits them to occupy the property.

2. In the event that the principal residence is jointly owned by two or more individuals including the surviving spouse, and no person is entitled to the exemption under this section by virtue of holding the property in any of the three ways set forth in subsection E, then the exemption shall be prorated by multiplying the amount of the exemption by a fraction that has as a numerator the percentage of ownership interest in the dwelling held by the surviving spouse, and as a denominator, 100 percent.

CHAPTER 540

An Act to amend the Code of Virginia by adding a section numbered 29.1-576.1, relating to zebra mussels; education program.

[H 1115]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 29.1-576.1 as follows:

§ 29.1-576.1. Zebra mussels; education program.

The Director shall establish an education program that instructs boaters and other members of the public in methods of preventing or slowing the infestation of the waters of the Commonwealth by zebra mussels, quagga mussels, or other nonindigenous aquatic nuisance species as defined in § 29.1-571. The education program may be delivered through the boating safety education program required by § 29.1-735.2, by posting on the Department's website, or by other means, and shall include cleaning and draining guidelines, designated dry times for watercraft and other recreational equipment, and public outreach, including published instructions and training videos.

CHAPTER 541

An Act to amend and reenact § 9.1-700 of the Code of Virginia, relating to overtime compensation; fire protection employees.

[S 704]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-700 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Employer" means any political subdivision of the Commonwealth, including any county, city, town, authority, or special district that employs fire protection employees except any locality with five or fewer paid firefighters that is exempt from overtime rules by 29 U.S.C. § 207 (k).

"Fire protection employee" means any person, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, who is employed by an employer as a paid firefighter, emergency medical services provider, or hazardous materials worker who is (i) trained in fire suppression and has the legal authority and responsibility to engage in fire suppression and is employed by a fire department of an employer ~~and~~ or (ii) engaged in the prevention, control, ~~and~~ or extinguishment of fires or response to emergency situations where life, property, or the environment is at risk.

"Law-enforcement employee" means any person who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, other than an employee who is exempt from the overtime provisions of the Fair Labor Standards Act, and who is a full-time employee of either (i) a police department or (ii) a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof.

"Regularly scheduled work hours" means those hours that are recurring and fixed within the work period and for which an employee receives a salary or hourly compensation. "Regularly scheduled work hours" does not include on-call, extra duty assignments or any other nonrecurring and nonfixed hours.

CHAPTER 542

An Act to amend the Code of Virginia by adding a section numbered 19.2-268.3, relating to hearsay exceptions regarding the admissibility of statements by children in certain cases.

[S 358]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-268.3 as follows:

§ 19.2-268.3. Admissibility of statements by children in certain cases.

A. As used in this section, "offense against children" means a violation or an attempt to violate § 18.2-31, 18.2-32, or 18.2-35, subsection A of § 18.2-47, § 18.2-48, 18.2-51, 18.2-51.2, 18.2-51.6, 18.2-52, 18.2-54.1, 18.2-54.2, 18.2-61, 18.2-67.1, 18.2-67.2, or 18.2-67.3, subsection B of § 18.2-346 if punishable as a felony, § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, subsection B of § 18.2-361, subsection B of § 18.2-366, § 18.2-370, 18.2-370.1, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, or 18.2-374.4, § 18.2-386.1 if punishable as a felony, or § 40.1-103.

B. An out-of-court statement made by a child who is under 13 years of age at the time of trial or hearing who is the alleged victim of an offense against children describing any act directed against the child relating to such alleged offense shall not be excluded as hearsay under Rule 2:802 of the Rules of Supreme Court of Virginia if both of the following apply:

1. The court finds, in a hearing conducted prior to a trial, that the time, content, and totality of circumstances surrounding the statement provide sufficient indicia of reliability so as to render it inherently trustworthy. In determining such trustworthiness, the court may consider, among other things, the following factors:

- a. The child's personal knowledge of the event;
- b. The age, maturity, and mental state of the child;
- c. The credibility of the person testifying about the statement;
- d. Any apparent motive the child may have to falsify or distort the event, including bias or coercion;
- e. Whether the child was suffering pain or distress when making the statement; and
- f. Whether extrinsic evidence exists to show the defendant's opportunity to commit the act; and

2. The child:

- a. Testifies; or
- b. Is declared by the court to be unavailable as a witness; when the child has been declared unavailable, such statement may be admitted pursuant to this section only if there is corroborative evidence of the act relating to an alleged offense against children.

C. At least 14 days prior to the commencement of the proceeding in which a statement will be offered as evidence, the party intending to offer the statement shall notify the opposing party, in writing, of the intent to offer the statement and shall provide or make available copies of the statement to be introduced.

D. This section shall not be construed to limit the admission of any statement offered under any other hearsay exception or applicable rule of evidence.

CHAPTER 543

An Act to amend and reenact §§ 16.1-331, 16.1-333, 20-45.1, 20-48, 20-89.1, and 20-90 of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 16.1-333.1; and to repeal § 20-49 of the Code of Virginia, relating to legal age for marriage; emancipation petitions for minors intending to marry; written findings.

[S 415]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-331, 16.1-333, 20-45.1, 20-48, 20-89.1, and 20-90 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 16.1-333.1 as follows:

§ 16.1-331. Petition for emancipation.

Any minor who has reached his sixteenth birthday and is residing in this Commonwealth, or any parent or guardian of such minor, may petition the juvenile and domestic relations district court for the county or city in which either the minor or his parents or guardian resides for a determination that the minor named in the petition be emancipated. The petition shall contain, in addition to the information required by § 16.1-262, the gender of the minor and, if the petitioner is not the minor, the name of the petitioner and the relationship of the petitioner to the minor. *If the petition is based on the minor's desire to enter into a valid marriage, the petition shall also include the name, age, date of birth, if known, and residence of the intended spouse. The petitioner shall also attach copies of any criminal records of each individual intending to be married. The petitioner shall also attach copies of any protective order issued between the individuals to be married.*

§ 16.1-333. Findings necessary to order that minor is emancipated.

The court may enter an order declaring the minor emancipated if, after a hearing, it is found that: (i) the minor has entered into a valid marriage, whether or not that marriage has been terminated by dissolution; ~~or~~ (ii) the minor is on active duty with any of the armed forces of the United States of America; ~~or~~ (iii) the minor willingly lives separate and apart from his parents or guardian, with the consent or acquiescence of the parents or guardian, and that the minor is or is capable of supporting himself and competently managing his own financial affairs; or (iv) *the minor desires to enter into a valid marriage and the requirements of § 16.1-333.1 are met.*

§ 16.1-333.1. Written findings necessary to order that minor is emancipated on the basis of intent to marry.

The court may enter an order declaring such a minor who desires to get married emancipated if, after a hearing where both individuals intending to marry are present, the court makes written findings that:

1. *It is the minor's own will that the minor enter into marriage, and the minor is not being compelled against the minor's will by force, threats, persuasions, menace, or duress;*

2. *The individuals to be married are mature enough to make such a decision to marry;*

3. *The marriage will not endanger the safety of the minor. In making this finding, the court shall consider (i) the age difference between the parties intending to be married; (ii) whether either individual to be married has a criminal record containing any conviction of an act of violence, as defined in § 19.2-297.1, or any conviction of an offense set forth in § 63.2-1719 or 63.2-1726; and (iii) any history of violence between the parties to be married; and*

4. *It is in the best interests of the minor petitioning for an order of emancipation that such order be entered. Neither a past or current pregnancy of either individual to be married or between the individuals to be married nor the wishes of the parents or legal guardians of the minor desiring to be married shall be sufficient evidence to establish that the best interests of the minor would be served by entering the order of emancipation.*

§ 20-45.1. Void and voidable marriages.

~~(a)~~ A. All marriages ~~which that~~ are prohibited by § 20-38.1 ~~or where either or both of the parties are, at the time of the solemnization of the marriage, under the age of eighteen, and have not complied with the provisions of § 20-48 or § 20-49,~~ are void.

~~(b)~~ B. All marriages solemnized when either of the parties lacked capacity to consent to the marriage at the time the marriage was solemnized, because of mental incapacity or infirmity, shall be void from the time they shall be so declared by a decree of divorce or nullity.

C. *All marriages solemnized on or after July 1, 2016, when either or both of the parties were, at the time of the solemnization, under the age of 18 and have not been emancipated as required by § 20-48 shall be void from the time they shall be so declared by a decree of divorce or nullity. Notwithstanding the foregoing, this section shall not apply to a lawful marriage entered in another state or country prior to the parties being domiciled in the Commonwealth.*

§ 20-48. Minimum age of marriage.

The minimum age at which persons may marry; ~~with consent of the parent or guardian,~~ shall be ~~sixteen~~ 18, *unless a minor has been emancipated by court order. Upon application for a marriage license, an emancipated minor shall provide a certified copy of the order of emancipation.*

~~In case of pregnancy when either party is under sixteen, the clerk authorized to issue marriage licenses in the county or city wherein the female resides shall issue a proper marriage license with the consent of the parent or guardian of the person or persons under the age of sixteen only upon presentation of a doctor's certificate showing he has examined the female and that she is pregnant, or has been pregnant within the nine months previous to such examination, which certificate shall be filed by the clerk, and such marriage consummated under such circumstances shall be valid. If any such person under the age of sixteen is a ward of the Commonwealth by virtue of having been adjudicated a delinquent, dependent, or neglected child, instead of the consent of the parent or natural guardian there shall be required the consent of the judge having jurisdiction to control the custody of such person; or, if such person so adjudicated shall have been committed to the Department of Juvenile Justice or to any society, association, or institution approved by it for this purpose, such consent shall be given by some person thereto authorized by the Director of the Department of Juvenile Justice, or by the principal executive officer of such society, association, or institution, as the case may be.~~

§ 20-89.1. Suit to annul marriage.

~~(a)~~ A. When a marriage is alleged to be void or voidable for any of the causes mentioned in §§ 20-13, 20-38.1, or 20-45.1 or by virtue of fraud or duress, either party may institute a suit for annulling the same; and upon proof of the nullity of the marriage, it shall be decreed void by a decree of annulment.

~~(b)~~ B. In the case of natural or incurable impotency of body existing at the time of entering into the marriage contract, or when, prior to the marriage, either party, without the knowledge of the other, had been convicted of a felony, or when, at the time of the marriage, the wife, without the knowledge of the husband, was with child by some person other than the husband, or where the husband, without knowledge of the wife, had fathered a child born to a woman other than the wife within ~~ten~~ 10 months after the date of the solemnization of the marriage, or where, prior to the marriage, either party had been, without the knowledge of the other, a prostitute, a decree of annulment may be entered upon proof, on complaint of the party aggrieved.

~~(c)~~ C. No annulment for a marriage alleged to be void or voidable under subsection ~~(b)~~ B of § 20-45.1; ~~or subsection (b) B of this section or by virtue of fraud or duress shall be decreed if it appears that the party applying for such annulment has cohabited with the other after knowledge of the facts giving rise to what otherwise would have been grounds for annulment, and; in no event shall any such decree be entered if the parties had been married for a period of two years prior to the institution of such suit for annulment.~~

~~(d)~~ D. A party who, at the time of such marriage as is mentioned in § 20-48 ~~or § 20-49,~~ was capable of consenting with a party not so capable; shall not be permitted to institute a suit for the purpose of annulling such marriage.

§ 20-90. Suit to affirm marriage.

A. When the validity of any marriage shall be denied or doubted by either of the parties, the other party may institute a suit for affirmance of the marriage, and upon due proof of the validity thereof, it shall be decreed to be valid, and such decree shall be conclusive upon all persons concerned.

B. *Notwithstanding § 20-13, a marriage of a couple where one of the parties was under the age of 18 at the time of solemnization may be decreed valid upon petition by the party who was under the age of 18 at the time of the solemnization that would otherwise be deemed voidable under subsection C of § 20-45.1 solely because of age, once such party has*

attained the age of 18. If both parties were under the age of 18 at the time of solemnization, such petition shall not be granted unless both parties have reached the age of 18 and join in the petition together.

2. That § 20-49 of the Code of Virginia is repealed.

CHAPTER 544

An Act to amend and reenact § 2.2-3711 of the Code of Virginia, relating to the Virginia Freedom of Information Act; closed meeting not authorized for discussion of pay increases for local governing bodies and elected school boards.

[S 493]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3711 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board. *Nothing in this subdivision, however, shall be construed to authorize a closed meeting by a local governing body or an elected school board to discuss compensation matters that affect the membership of such body or board collectively.*

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This exemption shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

CHAPTER 545

An Act to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking; penalty.

[S 339]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-60.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-60.3. Stalking; penalty.

A. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor. *If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.*

B. Any person who is convicted of a second offense of subsection A occurring within five years of a prior conviction of such an offense when the person was also convicted within the five-year period prior to the instant offense of a violation of (i) § 18.2-51, 18.2-51.2, 18.2-51.6, 18.2-52, or 18.2-57 and the victim of that crime was the same person who is the victim of the stalking activity in the instant conviction, (ii) § 18.2-57.2, or (iii) a protective order, is guilty of a Class 6 felony.

C. Any person convicted of a third or subsequent conviction of subsection A occurring within five years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction is guilty of a Class 6 felony.

D. A person may be convicted under this section irrespective of the jurisdiction or jurisdictions within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried. Evidence of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution under this section provided that the prosecution is based upon conduct occurring within the Commonwealth.

E. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed, issue an order prohibiting contact between the defendant and the victim or the victim's family or household member.

F. The Department of Corrections, sheriff or regional jail director shall give notice prior to the release from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a violation of this section, to any victim of the offense who, in writing, requests notice, or to any person designated in writing by the victim. The notice shall be given at least 15 days prior to release of a person sentenced to a term of incarceration of more than 30 days or, if the person was sentenced to a term of incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes, notice shall be given as soon as practicable following the escape. The victim shall keep the Department of Corrections, sheriff or regional jail director informed of the current mailing address and telephone number of the person named in the writing submitted to receive notice.

All information relating to any person who receives or may receive notice under this subsection shall remain confidential and shall not be made available to the person convicted of violating this section.

For purposes of this subsection, "release" includes a release of the offender from a state correctional facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on probation or parole.

No civil liability shall attach to the Department of Corrections nor to any sheriff or regional jail director or their deputies or employees for a failure to comply with the requirements of this subsection.

G. For purposes of this section:

"Family or household member" has the same meaning as provided in § 16.1-228.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 546

An Act to amend and reenact § 2.2-3706 of the Code of Virginia, relating to the Virginia Freedom of Information Act; noncriminal incidents and reports.

[H 1318]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3706 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3706. Disclosure of criminal records; limitations.

A. All public bodies engaged in criminal law-enforcement activities shall provide requested records in accordance with this chapter as follows:

1. Records required to be released:

a. Criminal incident information relating to felony offenses, which shall include:

- (1) A general description of the criminal activity reported;
- (2) The date the alleged crime was committed;
- (3) The general location where the alleged crime was committed;
- (4) The identity of the investigating officer or other point of contact; and
- (5) A general description of any injuries suffered or property damaged or stolen.

A verbal response as agreed to by the requester and the public body is sufficient to satisfy the requirements of subdivision a.

Where the release of criminal incident information, however, is likely to jeopardize an ongoing investigation or prosecution or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until the above-referenced damage is no longer likely to occur from release of the information. Nothing in subdivision a shall be construed to authorize the withholding of those portions of such information that are not likely to cause the above-referenced damage;

b. Adult arrestee photographs taken during the initial intake following the arrest and as part of the routine booking procedure, except when necessary to avoid jeopardizing an investigation in felony cases until such time as the release of the photograph will no longer jeopardize the investigation; and

c. Information relative to the identity of any individual, other than a juvenile, who is arrested and charged, and the status of the charge or arrest;

2. Discretionary releases. The following records are excluded from the *mandatory disclosure* provisions of this chapter, but may be disclosed by the custodian, in his discretion, except where such disclosure is prohibited by law:

a. Criminal investigative files, defined as any documents and information, including complaints, court orders, memoranda, notes, diagrams, maps, photographs, correspondence, reports, witness statements, and evidence relating to a criminal investigation or prosecution, other than criminal incident information subject to release in accordance with subdivision 1 a;

b. Reports submitted in confidence to (i) state and local law-enforcement agencies, (ii) investigators authorized pursuant to Chapter 3.2 (§ 2.2-307 et seq.), and (iii) campus police departments of public institutions of higher education established pursuant to Chapter 17 (§ 23-232 et seq.) of Title 23;

c. Records of local law-enforcement agencies relating to neighborhood watch programs that include the names, addresses, and operating schedules of individual participants in the program that are provided to such agencies under a promise of anonymity;

d. All records of persons imprisoned in penal institutions in the Commonwealth provided such records relate to the imprisonment;

e. Records of law-enforcement agencies, to the extent that such records contain specific tactical plans, the disclosure of which would jeopardize the safety or security of law-enforcement personnel or the general public;

f. All records of adult persons under (i) investigation or supervision by a local pretrial services agency in accordance with Article 5 (§ 19.2-152.2 et seq.) of Chapter 9 of Title 19.2; (ii) investigation, probation supervision, or monitoring by a local community-based probation services agency in accordance with Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1; or (iii) investigation or supervision by state probation and parole services in accordance with Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1;

g. Records of a law-enforcement agency to the extent that they disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties;

h. Those portions of any records containing information related to undercover operations or protective details that would reveal the staffing, logistics, or tactical plans of such undercover operations or protective details. Nothing in this subdivision shall operate to allow the withholding of information concerning the overall costs or expenses associated with undercover operations or protective details;

i. Records of (i) background investigations of applicants for law-enforcement agency employment, (ii) administrative investigations relating to allegations of wrongdoing by employees of a law-enforcement agency, and (iii) other administrative investigations conducted by law-enforcement agencies that are made confidential by law;

j. The identity of any victim, witness, or undercover officer, or investigative techniques or procedures. However, the identity of any victim or witness shall be withheld if disclosure is prohibited or restricted under § 19.2-11.2; and

k. Records of the Sex Offender and Crimes Against Minors Registry maintained by the Department of State Police pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, including information obtained from state, local, and regional officials, except to the extent that information is required to be posted on the Internet pursuant to § 9.1-913; and

3. Prohibited releases. The identity of any individual providing information about a crime or criminal activity under a promise of anonymity shall not be disclosed.

B. Noncriminal records. ~~Records (i) required to be maintained by law-enforcement agencies pursuant to § 15.2-1722 or (ii) maintained by other public bodies engaged in criminal law-enforcement activities shall be subject to the provisions of this chapter except that those~~ Those portions of noncriminal incident or other noncriminal investigative reports or materials that contain identifying information of a personal, medical, or financial nature may be withheld where the release of such information would jeopardize the safety or privacy of any person. Access to personnel records of persons employed by a law-enforcement agency shall be governed by the provisions of subdivision A 2 i of this section and subdivision 1 of § 2.2-3705.1, as applicable.

C. Records of any call for service or other communication to an emergency 911 system or communicated with any other equivalent reporting system shall be subject to the provisions of this chapter.

D. Conflict resolution. In the event of conflict between this section as it relates to requests made under this section and other provisions of law, this section shall control.

CHAPTER 547

An Act to amend and reenact § 30-133 of the Code of Virginia, relating to the Auditor of Public Accounts; Commonwealth Data Point.

[H 760]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 30-133 of the Code of Virginia is amended and reenacted as follows:

§ 30-133. Duties and powers generally.

A. The Auditor of Public Accounts shall audit all the accounts of every state department, officer, board, commission, institution or other agency handling any state funds. In the performance of such duties and the exercise of such powers he may employ the services of certified public accountants, provided the cost thereof shall not exceed such sums as may be available out of the appropriation provided by law for the conduct of his office.

B. The Auditor of Public Accounts shall review the information required in § 2.2-1501 to determine that state agencies are providing and reporting appropriate information on financial and performance measures, and the Auditor shall review the accuracy of the management systems used to accumulate and report the results. The Auditor shall report annually to the General Assembly the results of such audits and make recommendations, if indicated, for new or revised accountability or performance measures to be implemented for the agencies audited.

C. The Auditor of Public Accounts shall prepare, by November 1, a summary of the results of all of the audits and other oversight responsibilities performed for the most recently ended fiscal year. The Auditor of Public Accounts shall present this summary to the Senate Finance, House Appropriations and House Finance Committees on the day the Governor presents to the General Assembly the Executive Budget in accordance with §§ 2.2-1508 and 2.2-1509 or at the direction of the respective Chairman of the Senate Finance, House Appropriations or House Finance Committees at one of their committee meetings prior to the meeting above.

D. As part of his normal oversight responsibilities, the Auditor of Public Accounts shall incorporate into his audit procedures and processes a review process to ensure that the Commonwealth's payments to counties, cities, and towns under Chapter 35.1 (§ 58.1-3523 et seq.) of Title 58.1 are consistent with the provisions of § 58.1-3524. The Auditor of Public Accounts shall report to the Governor and the Chairman of the Senate Finance Committee annually any material failure by a locality or the Commonwealth to comply with the provisions of Chapter 35.1 of Title 58.1.

E. The Auditor of Public Accounts when called upon by the Governor shall examine the accounts of any institution maintained in whole or in part by the Commonwealth and, upon the direction of the Comptroller, shall examine the accounts of any officer required to settle his accounts with him; and upon the direction of any other state officer at the seat of government he shall examine the accounts of any person required to settle his accounts with such officer.

F. Upon the written request of any member of the General Assembly, the Auditor of Public Accounts shall furnish the requested information and provide technical assistance upon any matter requested by such member.

G. In compliance with the provisions of the federal Single Audit Act Amendments of 1996, Public Law 104-156, the Joint Legislative Audit and Review Commission may authorize the Auditor of Public Accounts to audit biennially the accounts pertaining to federal funds received by state departments, officers, boards, commissions, institutions or other agencies.

H. 1. The Auditor of Public Accounts shall compile and maintain on its Internet website a searchable database providing certain state expenditure, revenue, and demographic information as described in this subsection. In maintaining the database, the Auditor of Public Accounts shall work with and coordinate his efforts with the Joint Legislative Audit and Review Commission in obtaining, summarizing, and compiling the information to avoid duplication of efforts. The database shall be updated each year by October 15 to provide the information required in this subsection for the 10 most recently ended fiscal years of the Commonwealth.

The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information, to the extent that the information is available and provided to the Auditor of Public Accounts. All state departments, courts officers, boards, commissions, institutions, or other agencies of the Commonwealth shall furnish all information requested by the Auditor of Public Accounts and shall cooperate with him to the fullest extent.

For purposes of reporting information and implementing the database pursuant to this subsection, the Auditor of Public Accounts shall include all appropriated funds and other sources under the control of state-supported institutions of higher education, except for the activity of private gifts, including endowment funds and unrestricted gifts referenced in § 23-9.2. The exclusion of this activity does not affect the public access to these records unless otherwise specifically exempted by law.

2. The database shall contain the following for each of the 10 most recently ended fiscal years of the Commonwealth:

a. Major categories of spending by each secretariat and for major agencies, to include for each agency and institution a register of all funds expended, showing vendor name, date of payment, amount, and a description of the type of expense, including also credit card purchases with the same information to the extent that the information exists;

b. The number of full-time state employees *and a listing of the positions and salary of each such position, organized by agency*;

c. Total fiscal year revenues from state taxes, fees, and other charges, and total fiscal year revenues from state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income in the Commonwealth;

d. With regard to state taxes, fees, and other charges computed on a per capita basis and as a percentage of personal income, a comparison of such statistics for Virginia with the same statistics for other states;

e. Total fiscal year revenues from federal sources, including the major categories of spending for such revenues;

f. Total population and total population by various age groups including, but not limited to, school-age population and the population of persons 65 years of age and older;

g. Student enrollment in grades K through 12;

h. Enrollment in public institutions of higher education of the Commonwealth;

i. Enrollment in private institutions of higher education in the Commonwealth;

- j. The annual prison population;
 - k. Virginia adjusted gross income and Virginia taxable income by various age groups;
 - l. The number of citizens in the Commonwealth receiving food stamps;
 - m. The number of driver's licenses issued;
 - n. The number of registered motor vehicles;
 - o. The number of full-time private sector employees;
 - p. The number of households;
 - q. The number of prepaid tuition contracts outstanding pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 and the estimated total liability under such contracts;
 - r. Any state audit or report relating to the programs or activities of an agency;
 - s. Information on capital outlay payments including, but not limited to, project title, funding date, completion date, appropriations, year-to-date expenditures, and unexpended appropriations;
 - t. Annual bonded indebtedness that shall include, but not be limited to, the amount of the total original obligation stated in terms of principal and interest, the term of the obligation, the amounts of principal and interest previously paid to reduce the obligation, the balance remaining of the obligation, and any refinancing of the obligation; and
 - u. Other data as the Auditor deems appropriate relating to the Commonwealth of Virginia.
3. The Auditor of Public Accounts shall incorporate into the database the following additional elements as they become available through improved enterprise applications or other systems:
- a. Commodities including, but not limited to, line item expenditures;
 - b. Virginia Performs data as it directly relates to funding actions or expenditures;
 - c. Descriptive purpose for funding action or expenditure;
 - d. Statute or act of General Assembly authorizing the issuance of bonds; and
 - e. Copies of actual grants and contracts.
4. *The Auditor of Public Accounts shall incorporate in the database the following enhancements:*
- a. *Graphs, charts, or other visual displays of aggregated data showing (i) current state spending by expense category, (ii) year-to-year state spending, and (iii) other data deemed appropriate by the Auditor, including display of available line item expenditures; and*
 - b. *Frequently asked questions and their responses.*
5. By October 15 of each year, the Auditor shall also produce a paper copy or a computer file containing the information described in this subsection and shall distribute the copy or file to newspapers of general circulation in the Commonwealth. The distribution shall include the address of the Internet website for the searchable database.
- I. As a part of audits conducted pursuant to subsection A, the Auditor of Public Accounts shall review compliance with requirements established pursuant to the provisions of § 2.2-519 and the requirements of the Virginia Debt Collection Act (§ 2.2-4800 et seq.).

CHAPTER 548

An Act to amend the Code of Virginia by adding in Article 1 of Chapter 7 of Title 17.1 a section numbered 17.1-705.2, relating to when circuit courts open; Judicial Council.

[S 590]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 1 of Chapter 7 of Title 17.1 a section numbered 17.1-705.2 as follows:

§ 17.1-705.2. Days when circuit courts shall be open.

Subject to § 2.2-3300 and § 17.1-207, the Judicial Council may determine when the circuit courts of the Commonwealth shall be open for business. Any closing of the circuit courts pursuant to this section shall have the same effect as provided in subsection B of § 1-210.

2. That the provisions of this act shall not be construed to empower the Judicial Council to set the hours of operation of a circuit court clerk's office.

CHAPTER 549

An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to the disclosure of electronic communication; verification and admissibility of contents.

[H 924]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-70.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2 through 4, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;
2. A search warrant issued by a magistrate, general district court, or circuit court;
3. A court order for such disclosure issued as provided in subsection B; or
4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, missing senior adult as defined in § 52-34.4, or an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in ~~subsection~~ *subsections D and E*, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation. A search warrant for real-time location data shall be issued if the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;
2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted; or
4. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the real-time location data believes, in good faith, that an emergency involving danger to a person requires disclosure without delay.

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section, ~~excluding the contents of electronic communications~~, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete *copies of reports or records* and that they are prepared in the regular course of business. When so authenticated, ~~the no other evidence of authenticity shall be necessary. The written reports and records are admissible in evidence as a~~, *excluding the contents of electronic communications, shall be considered business records for purposes of the business records exception to the hearsay rule.*

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. An investigative or law-enforcement officer shall not use any device to obtain electronic communications or collect real-time location data from an electronic device without first obtaining a search warrant authorizing the use of the device if, in order to obtain the contents of such electronic communications or such real-time location data from the provider of electronic communication service or remote computing service, such officer would be required to obtain a search warrant pursuant to this section. However, an investigative or law-enforcement officer may use such a device without first obtaining a search warrant under the circumstances set forth in subsection E. For purposes of subdivision E 4, the investigative or law-enforcement officer using such a device shall be considered to be the possessor of the real-time location data.

L. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

CHAPTER 550

An Act to amend and reenact §§ 2.2-3705.7 and 15.2-1627.4 of the Code of Virginia, relating to sexual assault response teams; participants; exclusion from Freedom of Information Act.

[H 1016]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.7 and 15.2-1627.4 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding or disposition of a

security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented. This exemption shall also apply when such records are in the possession of the Virginia Commonwealth University.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of

competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. (Effective July 1, 2018) Records of the Virginia Alcoholic Beverage Control Authority to the extent such records contain (i) information of a proprietary nature gathered by or in the possession of the Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial records of a private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a) confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority.

In order for the records identified in clauses (i) through (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect such records of the private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

35. *Records reflecting the substance of meetings in which individual sexual assault cases are discussed by any sexual assault team established pursuant to § 15.2-1627.4. The findings of the team may be disclosed or published in statistical or other aggregated form that does not disclose the identity of specific individuals.*

§ 15.2-1627.4. Coordination of multidisciplinary response to sexual assault.

The attorney for the Commonwealth in each political subdivision in the Commonwealth shall coordinate the establishment of a multidisciplinary response to criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, and hold a meeting, at least annually, to: (i) discuss implementation of protocols and policies for sexual assault response teams consistent with those established by the Department of Criminal Justice Services pursuant to subdivision 45 of § 9.1-102; and (ii) establish and review guidelines for the community's response, including the collection, preservation, and secure storage of evidence from Physical Evidence Recovery Kit examinations consistent with § 19.2-165.1. The following persons or their designees shall be invited to participate in the annual meeting: the attorney for the Commonwealth; the sheriff; the director of the local sexual assault crisis center providing services in the jurisdiction, if any; the chief of each police department and the chief of each campus police department of any institution of higher education in the jurisdiction, if any; a forensic nurse examiner or other health care provider who performs Physical Evidence Recovery Kit examinations in the jurisdiction, if any; *the Title IX coordinator of any institution of higher education in the jurisdiction, if any; representatives from the offices of student affairs, human resources, and counseling services of any institution of higher education in the jurisdiction, if any; a representative of campus security of any institution of higher education in the jurisdiction that has not established a campus police department, if any; and the director of the victim/witness program in the jurisdiction, if any.*

CHAPTER 551

An Act to amend and reenact § 19.2-13 of the Code of Virginia, relating to special conservators of the peace; criminal history record information check required.

[S 296]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-13 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-13. Special conservators of the peace; authority; jurisdiction; registration; liability of employers; penalty; report.

A. Upon the submission of an application, which shall include the results of ~~a~~ *the* background investigation *conducted pursuant to subsection C*, from (i) any sheriff or chief of police of any county, city, or town; (ii) any corporation authorized to do business in the Commonwealth; (iii) the owner, proprietor, or authorized custodian of any place within the Commonwealth; or (iv) any museum owned and managed by the Commonwealth, a circuit court judge of any county or city shall appoint special conservators of the peace who shall serve as such for such length of time as the court may designate, but not exceeding four years under any one appointment, during which time the court shall retain jurisdiction over the appointment order, upon a showing by the applicant of a necessity for the security of property or the peace and presentation of evidence that the person or persons to be appointed as a special conservator of the peace possess a valid registration issued by the Department of Criminal Justice Services in accordance with the provisions of subsection C. Upon an application made pursuant to clause (ii), (iii), or (iv), the court shall, prior to entering the order of appointment, transmit a copy of the application to the local attorney for the Commonwealth and the local sheriff or chief of police who may submit

to the court a sworn, written statement indicating whether the order of appointment should be granted. However, a judge may deny the appointment for good cause, and shall state the specific reasons for the denial in writing in the order denying the appointment. A judge also may revoke the appointment order for good cause shown, upon the filing of a sworn petition by the attorney for the Commonwealth, sheriff, or chief of police for any locality in which the special conservator of the peace is authorized to serve or by the Department of Criminal Justice Services. Prior to revocation, a hearing shall be set and the special conservator of the peace shall be given notice and the opportunity to be heard. The judge may temporarily suspend the appointment pending the hearing for good cause shown. A hearing on the petition shall be heard by the court as soon as practicable. If the appointment order is suspended or revoked, the clerk of court shall notify the Department of Criminal Justice Services, the Department of State Police, the applicable local law-enforcement agencies in all cities and counties where the special conservator of the peace is authorized to serve, and the employer of the special conservator of the peace.

The order of appointment may provide that a special conservator of the peace shall have all the powers, functions, duties, responsibilities and authority of any other conservator of the peace within such geographical limitations as the court may deem appropriate within the confines of the county, city or town that makes application or on the real property where the corporate applicant is located, or any real property contiguous to such real property, limited, except as provided in subsection F, to the city or county wherein application has been made, whenever such special conservator of the peace is engaged in the performance of his duties as such. The order may provide that the special conservator of the peace shall have the authority to make an arrest outside of such geographical limitations if the arrest results from a close pursuit that was initiated when the special conservator of the peace was within the confines of the area wherein he has been authorized to have the powers and authority of a special conservator of the peace; the order may further delineate a geographical limitation or distance beyond which the special conservator of the peace may not effectuate such an arrest that follows from a close pursuit. The order shall require the special conservator of the peace to comply with the provisions of the United States Constitution and the Constitution of Virginia. The order shall not identify the special conservator of the peace as a law-enforcement officer pursuant to § 9.1-101. The order may provide, however, that the special conservator of the peace is a "law-enforcement officer" for the purposes of Article 4 (§ 37.2-808 et seq.) of Chapter 8 of Title 37.2 or Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, but such designation shall not qualify the special conservator of the peace as a "qualified law-enforcement officer" or "qualified retired law-enforcement officer" within the meaning of the federal Law Enforcement Officer Safety Act, 18 U.S.C. § 926(B) et seq., and the order of appointment shall specifically state this. Upon request and for good cause shown, the order may also provide that the special conservator of the peace is authorized to use the seal of the Commonwealth in a badge or other credential of office as the court may deem appropriate. Upon request and for good cause shown, the order may also provide that the special conservator of the peace may use the title "police" on any badge or uniform worn in the performance of his duties as such. The order may also provide that a special conservator of the peace who has completed the minimum training standards established by the Criminal Justice Services Board, has the authority to affect arrests, using up to the same amount of force as would be allowed to a law-enforcement officer employed by the Commonwealth or any of its political subdivisions when making a lawful arrest. The order shall prohibit blue flashing lights, but upon request and for good cause shown may provide that the special conservator of the peace may use flashing lights and sirens on any vehicle used by the special conservator of the peace when he is in the performance of his duties. Prior to granting an application for appointment, the circuit court shall ensure that the applicant has met the registration requirements established by the Criminal Justice Services Board.

B. All applications and orders for appointments of special conservators of the peace shall be submitted on forms developed by the Office of the Executive Secretary of the Supreme Court of Virginia in consultation with the Department of Criminal Justice Services and shall specify the duties for which the applicant is qualified. The applications and orders shall specify the geographic limitations consistent with subsection A.

C. No person shall seek appointment as a special conservator of the peace from a circuit court judge without possessing a valid registration issued by the Department of Criminal Justice Services, except as provided in this section. Applicants for registration may submit an application on or after January 1, 2004. A temporary registration may be issued in accordance with regulations established by the Criminal Justice Services Board while awaiting the results of a state and national fingerprint search. However, no person shall be issued a *valid registration* or temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards as set forth in this section; (ii) submitted his fingerprints on a form provided by the Department to be used for the conduct of a national criminal records search and a Virginia criminal history records search; (iii) submitted the results of a background investigation, performed by any state or local law-enforcement agency, which may, at its discretion, charge a reasonable fee to the applicant and which ~~may~~ shall include a review of the applicant's *criminal history records* and may include a review of the applicant's school records, employment records, or interviews with persons possessing general knowledge of the applicant's character and fitness for such appointment; and (iv) met all other requirements of this article and Board regulations. No person with a criminal conviction for a misdemeanor involving (a) moral turpitude, (b) assault and battery, (c) damage to real or personal property, (d) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (e) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (f) firearms, or any felony, or who is required to register with the Sex Offender and Crimes Against Minors Registry pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, *or who is prohibited from possessing, transporting, or purchasing a firearm* shall be eligible for registration or appointment as a special conservator of the peace. A special

conservator of the peace shall report if he is arrested for, charged with, or convicted of any misdemeanor or felony offense *or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection* to the Department of Criminal Justice Services and the chief law-enforcement officer of all localities in which he is authorized to serve within ~~3~~ *three* days of such arrest *or of becoming ineligible for registration or appointment as a special conservator of the peace*. Any appointment for a special conservator of the peace shall be eligible for suspension and revocation after a hearing pursuant to subsection A if the special conservator of the peace is convicted of any offense listed in ~~clauses (a) through (f)~~ *or of any felony this subsection or becomes ineligible for registration or appointment as a special conservator of the peace pursuant to this subsection*. All appointments for special conservators of the peace shall become void on September 15, 2004, unless they have obtained a valid registration issued by the Department of Criminal Justice Services.

D. Each person registered as or seeking registration as a special conservator of the peace shall be covered by evidence of a policy of liability insurance or self-insurance in an amount and with coverage as fixed by the Board. Any person who is aggrieved by the misconduct of any person registered as a special conservator of the peace and recovers a judgment against the registrant, which is unsatisfied in whole or in part, may bring an action in his own name against the insurance policy of the registrant.

E. Effective July 1, 2015, all persons currently appointed or seeking appointment or reappointment as a special conservator of the peace are required to register with the Department of Criminal Justice Services, regardless of any other standing the person may have as a law-enforcement officer or other position requiring registration or licensure by the Department. The employer of any special conservator of the peace shall notify the circuit court, the Department of Criminal Justice Services, the Department of State Police, and the chief law-enforcement officer of all localities in which the special conservator of the peace is authorized to serve within 30 days after the date such individual has left employment and all powers of the special conservator of the peace shall be void. Failure to provide such notification shall be punishable by a fine of \$250 plus an additional \$50 per day for each day such notice is not provided.

F. When the application is made by any sheriff or chief of police, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the geographic jurisdiction of the special conservator of the peace. Such appointments shall be limited to the city or county wherein application has been made. When the application is made by any corporation authorized to do business in the Commonwealth, any owner, proprietor, or authorized custodian of any place within the Commonwealth, or any museum owned and managed by the Commonwealth, the circuit court shall specify in the order of appointment the name of the applicant authorized under subsection A and the specific real property where the special conservator of the peace is authorized to serve. Such appointments shall be limited to the specific real property within the county, city, or town wherein application has been made. In the case of a corporation or other business, the court appointment may also include, for good cause shown, any real property owned or leased by the corporation or business, including any subsidiaries, in other specifically named cities and counties, but shall provide that the powers of the special conservator of the peace do not extend beyond the boundaries of such real property. The clerk of the appointing circuit court shall transmit to the Department of State Police, the clerk of the circuit court of each locality where the special conservator of the peace is authorized to serve, and the sheriff or chief of police of each such locality a copy of the order of appointment that shall specify the following information: the person's complete name, address, date of birth, social security number, gender, race, height, weight, color of hair, color of eyes, firearm authority or limitation as set forth in subsection G, date of the order, and other information as may be required by the Department of State Police. The Department of State Police shall enter the person's name and other information into the Virginia Criminal Information Network established and maintained by the Department pursuant to Chapter 2 (§ 52-12 et seq.) of Title 52. The Department of State Police may charge a fee not to exceed \$10 to cover its costs associated with processing these orders. Each special conservator of the peace so appointed on application shall present his credentials to the chief of police or sheriff or his designee of all jurisdictions where he has conservator powers. If his powers are limited to certain areas of real property owned or leased by a corporation or business, he shall also provide notice of the exact physical addresses of those areas. Each special conservator shall provide to the circuit court a temporary registration letter issued by the Department of Criminal Justice Services to include the results of the background check prior to seeking an appointment by the circuit court. Once the applicant receives the appointment from the circuit court the applicant shall file the appointment order and a copy of the application with the Department of Criminal Justice Services in order to receive his special conservator of the peace registration document. If the court appointment includes any real property owned or leased by the corporation or business in other specifically named cities and counties not within the city or county wherein application has been made, the clerk of the appointing court shall transmit a copy of the order of appointment to (i) the clerk of the circuit court for each jurisdiction where the special conservator of the peace is authorized to serve and (ii) the sheriff or chief of police of each jurisdiction where the special conservator of the peace is authorized to serve.

If any such special conservator of the peace is the employee, agent or servant of another, his appointment as special conservator of the peace shall not relieve his employer, principal or master from civil liability to another arising out of any wrongful action or conduct committed by such special conservator of the peace while within the scope of his employment.

Effective July 1, 2002, no person employed by a local school board as a school security officer, as defined in § 9.1-101, shall be eligible for appointment as a conservator for purposes of maintaining safety in a public school in the Commonwealth. All appointments of special conservators of the peace granted to school security officers as defined in § 9.1-101 prior to July 1, 2002 are void.

G. The court may limit or prohibit the carrying of weapons by any special conservator of the peace initially appointed on or after July 1, 1996, while the appointee is within the scope of his employment as such.

H. The governing body of any locality or the sheriff of a county where no police department has been established may enter into mutual aid agreements with any entity employing special conservators of the peace that is located in such locality for the use of their joint forces and their equipment and materials to maintain peace and good order. Any law-enforcement officer or special conservator of the peace, while performing his duty under any such agreement, shall have the same authority as lawfully conferred on him within his own jurisdiction.

CHAPTER 552

An Act to amend and reenact §§ 38.2-1820, 38.2-1825, 38.2-1826, 38.2-1838, 38.2-1841, 38.2-1845.2, 38.2-1857.2, 38.2-1865.1, and 38.2-1865.5 of the Code of Virginia, relating to insurance agencies; designated licensed producers.

[H 393]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1820, 38.2-1825, 38.2-1826, 38.2-1838, 38.2-1841, 38.2-1845.2, 38.2-1857.2, 38.2-1865.1, and 38.2-1865.5 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1820. Issuance of license.

A. Each applicant who is at least ~~eighteen~~ 18 years of age and who has satisfied the Commission that he is of good character, has a good reputation for honesty, and has complied with the other requirements of this article is entitled to and shall receive a license in the form the Commission prescribes.

B. A business entity acting as an insurance producer is required to obtain an insurance producer license. Application shall be made using the Uniform Business Entity Application, or such other application acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fees set forth in § 38.2-1819; and

2. The business entity has designated ~~a~~ *an employee, officer, or director to serve as the* licensed producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of ~~this~~ *the Commonwealth. However, with respect to a business entity applying for a limited lines license pursuant to Article 8 (§ 38.2-1875 et seq.) or 8.1 (§ 38.2-1881 et seq.), the licensed producer designated by the vendor or lessor is not required to be an employee, officer, or director of the vendor or lessor.*

C. The Commission may require any documents reasonably necessary to verify the information contained in an application.

§ 38.2-1825. Duration and termination of licenses and appointments.

A. A license issued to:

1. An individual agent shall authorize him to act as an agent until the license is otherwise terminated, suspended or revoked.

2. A business entity shall authorize such business entity to act as an agent until the license is otherwise terminated, suspended, or revoked. The dissolution or discontinuance of a partnership, whether by intent or by operation of law, shall automatically terminate all licenses issued to such partnership. The Bureau shall automatically terminate all insurance licenses within ~~ninety~~ 90 calendar days of receiving notification from the clerk of the Commission that the certificate of organization or charter of a domestic limited liability company or corporation, respectively, whether by intent or by operation of law, has been terminated or that the certificate of registration or certificate of authority of a foreign limited liability company or corporation, respectively, has been revoked.

B. The license issued to a resident variable contract agent pursuant to this chapter shall terminate immediately upon the termination of the licensee's life and annuities insurance agent license, and may not be applied for again until the person has been issued a new life and annuities insurance agent license.

C. The license issued to a resident surplus lines broker pursuant to this title shall terminate immediately upon the termination of the licensee's property and casualty insurance agent license, and may not be applied for again until the person has been issued a new property and casualty insurance agent license.

D. Immediately upon termination of a settlement agent's last appointment under his title insurance agent license, the Bureau shall notify the Virginia State Bar to terminate the settlement agent's registration and the person shall not be permitted to act as a settlement agent under his title insurance agent's license until a new appointment has taken effect.

E. An appointment issued to an agent by an insurer, unless terminated, suspended or revoked, shall authorize the appointee to act as an agent for that insurer and to be compensated therefor notwithstanding the provisions of §§ 38.2-1812 and 38.2-1823.

F. A business entity licensed as a producer shall designate within 30 calendar days a new licensed producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth pursuant to subdivision B 2 of § 38.2-1820 following the removal, for any reason, of the previous designated licensed producer.

§ 38.2-1826. Requirement to report to Commission.

A. Each licensed agent shall report within ~~thirty~~ 30 calendar days to the Commission, and to every insurer for which he is appointed any change in his residence or name.

B. Each licensed agent convicted of a felony shall report within ~~thirty~~ 30 calendar days to the Commission the facts and circumstances regarding the criminal conviction.

C. Each licensed agent shall report to the Commission within ~~thirty~~ 30 calendar days of the final disposition of the matter any administrative action taken against him in another jurisdiction or by another governmental agency in ~~this the~~ Commonwealth. Such report shall include a copy of the order, consent to order or other relevant legal documents.

D. The license authority of any licensed resident agent shall terminate immediately when such agent has moved his residence from ~~this the~~ Commonwealth, whether or not the Commission has been notified of such move.

E. Each business entity acting as an insurance producer shall report within 30 calendar days to the Commission the removal, for any reason, of the designated licensed producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth pursuant to subdivision B 2 of § 38.2-1820, along with the name of the new designated licensed producer.

§ 38.2-1838. License required of consultants.

A. No person, unless he holds an appropriate license shall:

1. Represent to members of the public that he provides planning or consulting services beyond those within the normal scope of activities of a licensed insurance agent; or

2. Except as provided in § 38.2-1812.2, charge or receive, directly or indirectly, a fee or other compensation for insurance advice, other than commissions received in such person's capacity as a licensed insurance agent or surplus lines broker resulting from selling, soliciting, or negotiating insurance or health care services as allowed by his license.

B. Each individual applying for an insurance consultant's license shall apply to the Commission in a form acceptable to the Commission, and shall provide satisfactory evidence of having met the following requirements:

1. To be licensed as a property and casualty insurance consultant the applicant must pass, within 183 calendar days prior to the date of application for such license, the property and casualty examination as required in § 38.2-1817, except that an applicant who, at the time of such application holds an active property and casualty insurance agent license, shall be exempt from the examination requirements;

2. To be licensed as a life and health insurance consultant, the applicant must pass, within 183 calendar days prior to the date of application for such license, both the life and annuities and the health examinations as required in § 38.2-1817, except that an applicant who, at the time of such application holds both an active life and annuities license and an active health agent license, shall be exempt from the examination requirements; and

3. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in ~~this the~~ Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in ~~this the~~ Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.) of this title.

C. Any individual who acts as an insurance consultant as an officer, director, principal or employee of a business entity shall be required to hold an appropriate individual license as an insurance consultant.

D. A business entity acting as an insurance consultant is required to obtain an insurance consultant license. Application shall be made in a form and manner acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fee set forth in this section; and

2. The business entity has designated ~~a~~ *an employee, officer, or director to serve as the* licensed producer responsible for the business entity's compliance with the insurance laws, rules and regulations of ~~this the~~ Commonwealth.

E. The Commission may require any documents reasonably necessary to verify the information contained in an application.

F. Each applicant for an insurance consultant's license shall submit a nonrefundable application processing fee of ~~thirty~~ ~~dollars~~ \$50 at the time of initial application for such license.

§ 38.2-1841. Termination, suspension or revocation of license.

A. A license issued to an individual insurance consultant shall authorize him to act as an insurance consultant until his license is otherwise terminated, suspended, or revoked.

B. A license issued to a business entity shall authorize such business entity to act as an insurance consultant until such license is otherwise terminated, suspended, or revoked. The dissolution or discontinuance of a partnership, whether by intent or by operation of law, shall automatically terminate the insurance consultant's license issued to such partnership. The Bureau shall automatically terminate all insurance consultant licenses within ~~ninety~~ 90 calendar days of receiving notification from the clerk of the Commission that the certificate of organization or charter of a domestic limited liability company or corporation respectively, whether by intent or by operation of law, has been terminated or that the certificate of registration or certificate of authority of a foreign limited liability company or corporation, respectively, has been revoked.

C. The termination of a consultant's license as an insurance agent pursuant to subsection A of § 38.2-1825 shall not result in the termination of the consultant's license provided the annual renewal application and nonrefundable renewal

application processing fee prescribed in § 38.2-1840 continues to be paid, the consultant license continues to be renewed as required by § 38.2-1840, and the license is not otherwise revoked, suspended or terminated.

D. The license authority of any business entity licensed as a consultant shall terminate immediately if the designated licensed producer responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth pursuant to subdivision D 2 of § 38.2-1838 is removed for any reason and a new responsible producer has not been designated and the Commission notified within 30 calendar days of such removal and of the new designated responsible producer.

§ 38.2-1845.2. License required of resident public adjusters.

A. No person shall engage in the business of public adjusting, on or after January 1, 2013, without first applying for and obtaining a license from the Commission, except as provided in § 38.2-1845.3. Every license issued pursuant to this article shall be for a term expiring two years from the date of issuance and may be renewed for ensuing two-year periods.

B. Each individual applicant for a public adjuster license who is at least 18 years of age, who has satisfied the Commission that he (i) is of good character; (ii) has a reputation for honesty; (iii) has not committed any act that is a ground for refusal to issue, denial, suspension, or revocation of a public adjuster license as set forth in § 38.2-1845.10; and (iv) has complied successfully with the other requirements of this article is entitled to and shall receive a license under this chapter in the form and manner prescribed by the Commission. The Commission may require, for resident licensing, proof of residency as described in subsection B of § 38.2-1800.1.

C. Each individual applicant for a public adjuster license shall apply to the Commission in the form and manner prescribed by the Commission and shall provide satisfactory evidence of having met the following requirements:

1. Each applicant shall pass, within 183 calendar days prior to the date of application for such license, the public adjuster examination as required by the Commission pursuant to and in accordance with the requirements set forth in § 38.2-1845.4.

2. Each applicant for a public adjuster license shall submit a nonrefundable application processing fee prescribed by the Commission at the time of initial application for such license.

3. Prior to issuance of a license, each applicant shall attest that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of the Commonwealth in the amount of \$50,000 with corporate sureties licensed by the Commission, on a form prescribed by the Commission. The bond shall be conditioned that the public adjuster will conduct business under the license in accordance with the laws of the Commonwealth. The bond shall not be terminated unless at least 60 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration date of the bond, the licensed public adjuster fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the public adjuster license shall terminate, and the licensee shall be required to satisfy any and all precicensing requirements in order to apply for a new public adjuster license. The Commission may ask for a copy of the bond or other evidence of financial responsibility at any time.

D. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the Clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in the Commonwealth out of or in connection with the exercise of the license. Such appointment of the Clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in the Commonwealth. Service of process on the Clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.).

E. Any individual who acts as a public adjuster and who is also an officer, director, principal, or employee of a business entity acting as a public adjuster in the Commonwealth shall be required to hold an appropriate individual license as a public adjuster in the Commonwealth.

F. A business entity acting as a public adjuster is required to obtain a public adjuster license. Application shall be made in a form and manner acceptable to the Commission. Before approving the application, the Commission shall find that:

1. The business entity has paid the fee prescribed by the Commission;

2. The business entity has demonstrated proof of residency pursuant to subsection B of § 38.2-1800.1; and

3. The business entity has designated an individual *employee, officer, or director* licensed in Virginia as a public adjuster to be responsible for the business entity's compliance with the laws, rules, and regulations of the Commonwealth applicable to public adjusters.

G. The Commission may require any documents reasonably necessary to verify the information contained in an application.

§ 38.2-1857.2. Applications for surplus lines brokers' licenses.

A. Every original applicant for a surplus lines broker's license shall apply for such license in a form and manner prescribed by the Commission, and containing any information the Commission requires.

B. Prior to issuance of a license, the applicant shall file with the Commission a certification or attestation that the applicant has, and thereafter shall keep in force for as long as the license remains in effect, a bond in favor of this Commonwealth in the amount of \$25,000 with corporate sureties licensed by the Commission. The bond shall be conditioned that the broker will conduct business under the license in accordance with the provisions of the surplus lines insurance law and that he will promptly remit the taxes provided by such law. The bond shall not be terminated unless at least ~~thirty~~ 30 calendar days' prior written notice of the termination is filed with the Commission. If, prior to the expiration

date of the bond, the licensed surplus lines broker fails to file with the Commission a certification or attestation that a new bond satisfying the requirements of this section has been put into effect, the surplus lines broker license shall terminate and the licensee shall be required to apply for a new surplus lines broker license.

C. Notwithstanding any other provisions of this title, a person licensed as a surplus lines broker in his home state, as defined in § 38.2-1800, shall receive a nonresident surplus lines broker license subject to meeting the requirements set forth in § 38.2-1857.9.

D. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in ~~this~~ the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in ~~this~~ the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.) of this title.

E. A business entity acting as a surplus lines broker is required to obtain a surplus lines broker license. In addition to the other requirements in this section, and before approving the application, the Commission shall find that:

1. The business entity has paid the fee set forth in § 38.2-1857.3; and

2. If:

a. A resident of ~~this~~ the Commonwealth, the business entity has designated ~~a~~ *an employee, officer, or director to serve as the* licensed Virginia Property and Casualty insurance agent to be responsible for the business entity's compliance with the insurance laws, rules and regulations of ~~this~~ the Commonwealth; or

b. Not a resident of ~~this~~ the Commonwealth, the business entity has designated ~~a producer~~ *an employee, officer, or director* licensed in his home state to be responsible for the business entity's compliance with the insurance laws, rules and regulations of ~~this~~ the Commonwealth.

F. The Commission may require any documents reasonably necessary to verify the information contained in an application.

§ 38.2-1865.1. License required for viatical settlement brokers; Commission's authority; conditions.

A. No person shall act as a viatical settlement broker, or solicit a viatical settlement contract while acting as a viatical settlement broker, on or after January 1, 1998, without first obtaining a license from the Commission.

B. A resident or nonresident life and annuities insurance agent shall not be prohibited from obtaining a license, and subsequently acting as, a viatical settlement broker. Such licensed life and annuities agent applying for a license as a viatical settlement broker shall comply with all provisions of this chapter.

C. Application for a viatical settlement broker's license shall be made to the Commission in the manner, in the form, and accompanied by the nonrefundable license processing fee prescribed by the Commission.

D. A business entity acting as a viatical settlement broker is required to obtain a viatical settlement broker license. In addition to the other requirements in this section, and before approving the application, the Commission shall find that:

1. The business entity has paid the fee set forth in this section; and

2. The business entity has designated *an employee, officer, or director who is* a licensed viatical settlement broker as the individual responsible for the business entity's compliance with the insurance and other laws of this title, and related rules and regulations of ~~this~~ the Commonwealth.

E. The Commission may require any documents reasonably necessary to verify the information contained in an application.

F. Except where prohibited by state or federal law, by submitting an application for license, the applicant shall be deemed to have appointed the clerk of the Commission as the agent for service of process on the applicant in any action or proceeding arising in ~~this~~ the Commonwealth out of or in connection with the exercise of the license. Such appointment of the clerk of the Commission as agent for service of process shall be irrevocable during the period within which a cause of action against the applicant may arise out of transactions with respect to subjects of insurance in ~~this~~ the Commonwealth. Service of process on the clerk of the Commission shall conform to the provisions of Chapter 8 (§ 38.2-800 et seq.) ~~of this title~~.

G. The license processing fee required by this section shall be collected by the Commission, paid directly into the state treasury, and credited to the "Bureau of Insurance Special Fund — State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

H. Before June 1 of each year, each viatical settlement broker shall remit the nonrefundable renewal fee and renewal application prescribed by the Commission for the renewal of the license effective July 1 of that year.

I. Viatical settlement broker's licenses may be renewed for a one-year period ending on the following June 30 if the required renewal application and renewal fee have been received by the Commission on or before June 1, and the license has not been terminated, suspended or revoked on or before June 30.

J. The renewal fee required by this section shall be collected by the Commission, paid directly into the state treasury, and credited to the "Bureau of Insurance Special Fund — State Corporation Commission" for the maintenance of the Bureau of Insurance as provided in subsection B of § 38.2-400.

K. Each applicant for a viatical settlement broker's license shall provide satisfactory evidence that no disciplinary action has resulted in the suspension or revocation of any federal or state license pertaining to the business of viatical settlements or to the insurance or other financial services business.

L. In the absence of a written agreement making the broker the viator's agent, viatical settlement brokers are presumed to be agents of viatical settlement providers.

M. A viatical settlement broker shall not, without the written agreement of the viator obtained before performing any services in connection with a viatical settlement, seek or obtain any compensation from the viator.

§ 38.2-1865.5. Requirement to report to Commission.

A. Each licensed viatical settlement broker shall report, in writing, any change in business or residence address or name within thirty calendar days to the Commission.

B. In addition to the requirements of §§ 59.1-69 and 59.1-70, any individual or business entity licensed as a viatical settlement broker in this Commonwealth and operating under an assumed or fictitious name shall notify the Commission, at the earlier of the time the application for a viatical settlement broker license is filed or within ~~thirty~~ 30 calendar days from the date the assumed or fictitious name is adopted, setting forth the name under which the viatical settlement broker intends to operate in Virginia. The Commission shall also be notified within ~~thirty~~ 30 calendar days from the date of cessation of the use of such assumed or fictitious name.

C. Each licensed viatical settlement broker convicted of a felony shall report within ~~thirty~~ 30 calendar days to the Commission the facts and circumstances regarding the criminal conviction.

D. Each licensed viatical settlement broker shall report to the Commission within ~~thirty~~ 30 calendar days of the final disposition of the matter any administrative action taken against him in another jurisdiction or by another governmental agency in ~~this~~ the Commonwealth. Such report shall include a copy of the order, consent to order or other relevant legal documents.

E. The license authority of any licensed resident viatical settlement broker shall terminate immediately when such viatical settlement broker has moved his residence from ~~this~~ the Commonwealth, whether or not the Commission has been notified of such move.

F. The license authority of any business entity licensed as a viatical settlement broker shall terminate immediately if the designated licensed viatical settlement broker responsible for the business entity's compliance with the insurance laws, rules, and regulations of the Commonwealth pursuant to subdivision D 2 of § 38.2-1865.1 is removed for any reason and a new responsible viatical settlement broker has not been designated and the Commission notified within 30 calendar days of such removal and of the new designated responsible viatical settlement broker.

CHAPTER 553

An Act to amend the Code of Virginia by adding a section numbered 19.2-268.3, relating to hearsay exceptions regarding the admissibility of statements by children in certain cases.

[H 227]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 19.2-268.3 as follows:

§ 19.2-268.3. Admissibility of statements by children in certain cases.

A. As used in this section, "offense against children" means a violation or an attempt to violate § 18.2-31, 18.2-32, or 18.2-35, subsection A of § 18.2-47, § 18.2-48, 18.2-51, 18.2-51.2, 18.2-51.6, 18.2-52, 18.2-54.1, 18.2-54.2, 18.2-61, 18.2-67.1, 18.2-67.2, or 18.2-67.3, subsection B of § 18.2-346 if punishable as a felony, § 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, subsection B of § 18.2-361, subsection B of § 18.2-366, § 18.2-370, 18.2-370.1, 18.2-371.1, 18.2-374.1, 18.2-374.1:1, 18.2-374.3, or 18.2-374.4, § 18.2-386.1 if punishable as a felony, or § 40.1-103.

B. An out-of-court statement made by a child who is under 13 years of age at the time of trial or hearing who is the alleged victim of an offense against children describing any act directed against the child relating to such alleged offense shall not be excluded as hearsay under Rule 2:802 of the Rules of Supreme Court of Virginia if both of the following apply:

1. The court finds, in a hearing conducted prior to a trial, that the time, content, and totality of circumstances surrounding the statement provide sufficient indicia of reliability so as to render it inherently trustworthy. In determining such trustworthiness, the court may consider, among other things, the following factors:

- a. The child's personal knowledge of the event;
- b. The age, maturity, and mental state of the child;
- c. The credibility of the person testifying about the statement;
- d. Any apparent motive the child may have to falsify or distort the event, including bias or coercion;
- e. Whether the child was suffering pain or distress when making the statement; and
- f. Whether extrinsic evidence exists to show the defendant's opportunity to commit the act; and

2. The child:

a. Testifies; or

b. Is declared by the court to be unavailable as a witness; when the child has been declared unavailable, such statement may be admitted pursuant to this section only if there is corroborative evidence of the act relating to an alleged offense against children.

C. At least 14 days prior to the commencement of the proceeding in which a statement will be offered as evidence, the party intending to offer the statement shall notify the opposing party, in writing, of the intent to offer the statement and shall provide or make available copies of the statement to be introduced.

D. This section shall not be construed to limit the admission of any statement offered under any other hearsay exception or applicable rule of evidence.

CHAPTER 554

An Act to amend and reenact §§ 2.2-3705.2, 2.2-3705.4, 19.2-389, 19.2-389.1, 22.1-79.4, and 32.1-127.1:03 of the Code of Virginia, relating to threat assessment teams; local school boards.

[H 1013]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.2, 2.2-3705.4, 19.2-389, 19.2-389.1, 22.1-79.4, and 32.1-127.1:03 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit that would identify specific trade secrets or other information, the disclosure of which would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

Those portions of engineering and construction drawings and plans that reveal critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.), the disclosure of which would jeopardize the safety or security of any public or private commercial office, multifamily residential or retail building or its occupants in the event of terrorism or other threat to public safety, to the extent that the owner or lessee of such property, equipment or system in writing (i) invokes the protections of this paragraph; (ii) identifies the drawings, plans, or other materials to be protected; and (iii) states the reasons why protection is necessary.

Nothing in this subdivision shall prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

3. Documentation or other information that describes the design, function, operation or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

4. Plans and information to prevent or respond to terrorist activity or cyber attacks, the disclosure of which would jeopardize the safety of any person, including (i) critical infrastructure sector or structural components; (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning or training manuals, and staff meeting minutes or other records; (iii) engineering or architectural records, or records containing information derived from such records, to the extent such records reveal the location or operation of security equipment and systems, elevators, ventilation, fire protection, emergency, electrical, telecommunications or utility equipment and systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems; and (iv) information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program. The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism or cybersecurity planning or protection. Such statement shall be a public record and shall be disclosed upon request. Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster or other catastrophic event.

5. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the

possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

6. Engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure.

7. Security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster or other catastrophic event, or (ii) any person on school property has suffered or been threatened with any personal injury.

8. [Expired.]

9. Records of the Commitment Review Committee concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; except that in no case shall records identifying the victims of a sexually violent predator be disclosed.

10. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, provided directly or indirectly by a telecommunications carrier to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if the data is in a form not made available by the telecommunications carrier to the public generally. Nothing in this subdivision shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

11. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.), and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if such records are not otherwise publicly available. Nothing in this subdivision shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

12. Records of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, to the extent such records (i) contain information relating to strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such commission or organizations in connection with their work. In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to authorize the withholding of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

13. Documentation or other information as determined by the State Comptroller that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, the disclosure of which would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

14. Documentation or other information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or any other similar local

or regional public safety communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or any other similar local or regional public safety communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building, or structure or the safety of any person.

15. Records of a salaried or volunteer Fire/EMS company or Fire/EMS department, to the extent that the records disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

16. Records of hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health, to the extent such records reveal the disaster recovery plans or the evacuation plans for such facilities in the event of fire, explosion, natural disaster, or other catastrophic event. Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

17. *Records received by the Department of Criminal Justice Services pursuant to §§ 9.1-184, 22.1-79.4, and 22.1-279.8 or for purposes of evaluating threat assessment teams established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, to the extent such records reveal security plans, walk-through checklists, or vulnerability and threat assessment components.*

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a state-supported institution of higher education, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. Records of the Brown v. Board of Education Scholarship Awards Committee relating to personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. Data, records or information of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such data, records or information has not been publicly released, published, copyrighted or patented.

5. All records of the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the *University of Virginia Medical Center or Eastern Virginia Medical School*, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. Nothing in this subdivision shall be construed to prohibit disclosure or publication of information in a statistical or other form that does not identify individuals or provide personal information. Individuals shall be provided access to their own personal information.

7. Records maintained in connection with fundraising activities by or for a public institution of higher education to the extent that such records reveal (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.

8. Records of a threat assessment team established by a local school board pursuant to § 22.1-79.4 or by a public institution of higher education pursuant to § 23-9.2:10 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, the records of such threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such records shall remove information identifying any person who provided information to the threat assessment team under a promise of confidentiality.

§ 19.2-389. Dissemination of criminal history record information.

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the

restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. (Effective until July 1, 2018) The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

17. (Effective July 1, 2018) The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a local school board pursuant to § 22.1-79.4, by a public institution of higher education pursuant to § 23-9.2:10, or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member

of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

§ 19.2-389.1. Dissemination of juvenile record information.

Record information maintained in the Central Criminal Records Exchange pursuant to the provisions of § 16.1-299 shall be disseminated only (i) to make the determination as provided in §§ 18.2-308.2 and 18.2-308.2:2 of eligibility to possess or purchase a firearm; (ii) to aid in the preparation of a pretrial investigation report prepared by a local pretrial services agency established pursuant to Article 5 (§ 19.2-152.2 et seq.) of Chapter 9, a presentence or post-sentence investigation report pursuant to § 19.2-264.5 or 19.2-299 or in the preparation of the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (iii) to aid local community-based probation services agencies established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 9.1-173 et seq.) with investigating or serving adult local-responsible offenders and all court service units serving juvenile delinquent offenders; (iv) for fingerprint comparison utilizing the fingerprints maintained in the Automated Fingerprint Information System (AFIS) computer; (v) to attorneys for the Commonwealth to secure information incidental to sentencing and to attorneys for the Commonwealth and probation officers to prepare the discretionary sentencing guidelines worksheets pursuant to subsection C of § 19.2-298.01; (vi) to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, for purposes of the administration of criminal justice as defined in § 9.1-101; (vii) to the Department of Forensic Science to verify its authority to maintain the juvenile's sample in the DNA data bank pursuant to § 16.1-299.1;

(viii) to the Office of the Attorney General, for all criminal justice activities otherwise permitted and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.); (ix) to the Virginia Criminal Sentencing Commission for research purposes; (x) to members of a threat assessment team established by a *school board pursuant to § 22.1-79.4*, by a public institution of higher education pursuant to § 23-9.2:10, or by a private nonprofit institution of higher education, to aid in the assessment or intervention with individuals whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any juvenile record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team; and (xi) to any full-time or part-time employee of the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof for the purpose of screening any person for full-time or part-time employment with the State Police or a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof.

§ 22.1-79.4. Threat assessment teams and oversight committees.

A. Each local school board shall adopt policies for the establishment of threat assessment teams, including the assessment of and intervention with ~~students~~ *individuals* whose behavior may pose a threat to the safety of school staff or students consistent with the model policies developed by the Virginia Center for School and Campus Safety in accordance with § 9.1-184. Such policies shall include procedures for referrals to community services boards or health care providers for evaluation or treatment, when appropriate.

B. The superintendent of each school division may establish a committee charged with oversight of the threat assessment teams operating within the division, which may be an existing committee established by the division. The committee shall include individuals with expertise in human resources, education, school administration, mental health, and law enforcement.

C. Each division superintendent shall establish, for each school, a threat assessment team that shall include persons with expertise in counseling, instruction, school administration, and law enforcement. Threat assessment teams may be established to serve one or more schools as determined by the division superintendent. Each team shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a threat to the community, school, or self; (ii) identify members of the school community to whom threatening behavior should be reported; and (iii) implement policies adopted by the local school board pursuant to subsection A.

D. Upon a preliminary determination that a student poses a threat of violence or physical harm to self or others, a threat assessment team shall immediately report its determination to the division superintendent or his designee. The division superintendent or his designee shall immediately attempt to notify the student's parent or legal guardian. Nothing in this subsection shall preclude school division personnel from acting immediately to address an imminent threat.

E. Each threat assessment team established pursuant to this section shall report quantitative data on its activities according to guidance developed by the Department of Criminal Justice Services.

F. Upon a preliminary determination by the threat assessment team that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or need for assistance, a threat assessment team may obtain criminal history record information, as provided in §§ 19.2-389 and 19.2-389.1, and health records, as provided in § 32.1-127.1:03. No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

§ 32.1-127.1:03. Health records privacy.

A. There is hereby recognized an individual's right of privacy in the content of his health records. Health records are the property of the health care entity maintaining them, and, except when permitted or required by this section or by other provisions of state law, no health care entity, or other person working in a health care setting, may disclose an individual's health records.

Pursuant to this subsection:

1. Health care entities shall disclose health records to the individual who is the subject of the health record, except as provided in subsections E and F and subsection B of § 8.01-413.

2. Health records shall not be removed from the premises where they are maintained without the approval of the health care entity that maintains such health records, except in accordance with a court order or subpoena consistent with subsection C of § 8.01-413 or with this section or in accordance with the regulations relating to change of ownership of health records promulgated by a health regulatory board established in Title 54.1.

3. No person to whom health records are disclosed shall redisclose or otherwise reveal the health records of an individual, beyond the purpose for which such disclosure was made, without first obtaining the individual's specific authorization to such redisclosure. This redisclosure prohibition shall not, however, prevent (i) any health care entity that receives health records from another health care entity from making subsequent disclosures as permitted under this section and the federal Department of Health and Human Services regulations relating to privacy of the electronic transmission of data and protected health information promulgated by the United States Department of Health and Human Services as required by the Health Insurance Portability and Accountability Act (HIPAA) (42 U.S.C. § 1320d et seq.) or (ii) any health care entity from furnishing health records and aggregate or other data, from which individually identifying prescription information has been removed, encoded or encrypted, to qualified researchers, including, but not limited to, pharmaceutical

manufacturers and their agents or contractors, for purposes of clinical, pharmaco-epidemiological, pharmaco-economic, or other health services research.

4. Health care entities shall, upon the request of the individual who is the subject of the health record, disclose health records to other health care entities, in any available format of the requestor's choosing, as provided in subsection E.

B. As used in this section:

"Agent" means a person who has been appointed as an individual's agent under a power of attorney for health care or an advance directive under the Health Care Decisions Act (§ 54.1-2981 et seq.).

"Certification" means a written representation that is delivered by hand, by first-class mail, by overnight delivery service, or by facsimile if the sender obtains a facsimile-machine-generated confirmation reflecting that all facsimile pages were successfully transmitted.

"Guardian" means a court-appointed guardian of the person.

"Health care clearinghouse" means, consistent with the definition set out in 45 C.F.R. § 160.103, a public or private entity, such as a billing service, repricing company, community health management information system or community health information system, and "value-added" networks and switches, that performs either of the following functions: (i) processes or facilitates the processing of health information received from another entity in a nonstandard format or containing nonstandard data content into standard data elements or a standard transaction; or (ii) receives a standard transaction from another entity and processes or facilitates the processing of health information into nonstandard format or nonstandard data content for the receiving entity.

"Health care entity" means any health care provider, health plan or health care clearinghouse.

"Health care provider" means those entities listed in the definition of "health care provider" in § 8.01-581.1, except that state-operated facilities shall also be considered health care providers for the purposes of this section. Health care provider shall also include all persons who are licensed, certified, registered or permitted or who hold a multistate licensure privilege issued by any of the health regulatory boards within the Department of Health Professions, except persons regulated by the Board of Funeral Directors and Embalmers or the Board of Veterinary Medicine.

"Health plan" means an individual or group plan that provides, or pays the cost of, medical care. "Health plan" shall include any entity included in such definition as set out in 45 C.F.R. § 160.103.

"Health record" means any written, printed or electronically recorded material maintained by a health care entity in the course of providing health services to an individual concerning the individual and the services provided. "Health record" also includes the substance of any communication made by an individual to a health care entity in confidence during or in connection with the provision of health services or information otherwise acquired by the health care entity about an individual in confidence and in connection with the provision of health services to the individual.

"Health services" means, but shall not be limited to, examination, diagnosis, evaluation, treatment, pharmaceuticals, aftercare, habilitation or rehabilitation and mental health therapy of any kind, as well as payment or reimbursement for any such services.

"Individual" means a patient who is receiving or has received health services from a health care entity.

"Individually identifying prescription information" means all prescriptions, drug orders or any other prescription information that specifically identifies an individual.

"Parent" means a biological, adoptive or foster parent.

"Psychotherapy notes" means comments, recorded in any medium by a health care provider who is a mental health professional, documenting or analyzing the contents of conversation during a private counseling session with an individual or a group, joint, or family counseling session that are separated from the rest of the individual's health record. "Psychotherapy notes" shall not include annotations relating to medication and prescription monitoring, counseling session start and stop times, treatment modalities and frequencies, clinical test results, or any summary of any symptoms, diagnosis, prognosis, functional status, treatment plan, or the individual's progress to date.

C. The provisions of this section shall not apply to any of the following:

1. The status of and release of information governed by §§ 65.2-604 and 65.2-607 of the Virginia Workers' Compensation Act;

2. Except where specifically provided herein, the health records of minors; or

3. The release of juvenile health records to a secure facility or a shelter care facility pursuant to § 16.1-248.3.

D. Health care entities may, and, when required by other provisions of state law, shall, disclose health records:

1. As set forth in subsection E, pursuant to the written authorization of (i) the individual or (ii) in the case of a minor, (a) his custodial parent, guardian or other person authorized to consent to treatment of minors pursuant to § 54.1-2969 or (b) the minor himself, if he has consented to his own treatment pursuant to § 54.1-2969, or (iii) in emergency cases or situations where it is impractical to obtain an individual's written authorization, pursuant to the individual's oral authorization for a health care provider or health plan to discuss the individual's health records with a third party specified by the individual;

2. In compliance with a subpoena issued in accord with subsection H, pursuant to a search warrant or a grand jury subpoena, pursuant to court order upon good cause shown or in compliance with a subpoena issued pursuant to subsection C of § 8.01-413. Regardless of the manner by which health records relating to an individual are compelled to be disclosed pursuant to this subdivision, nothing in this subdivision shall be construed to prohibit any staff or employee of a health care

entity from providing information about such individual to a law-enforcement officer in connection with such subpoena, search warrant, or court order;

3. In accord with subsection F of § 8.01-399 including, but not limited to, situations where disclosure is reasonably necessary to establish or collect a fee or to defend a health care entity or the health care entity's employees or staff against any accusation of wrongful conduct; also as required in the course of an investigation, audit, review or proceedings regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity;

4. In testimony in accordance with §§ 8.01-399 and 8.01-400.2;

5. In compliance with the provisions of § 8.01-413;

6. As required or authorized by law relating to public health activities, health oversight activities, serious threats to health or safety, or abuse, neglect or domestic violence, relating to contagious disease, public safety, and suspected child or adult abuse reporting requirements, including, but not limited to, those contained in §§ 32.1-36, 32.1-36.1, 32.1-40, 32.1-41, 32.1-127.1:04, 32.1-276.5, 32.1-283, 32.1-283.1, 32.1-320, 37.2-710, 37.2-839, 53.1-40.10, 54.1-2400.6, 54.1-2400.7, 54.1-2403.3, 54.1-2506, 54.1-2966, 54.1-2966.1, 54.1-2967, 54.1-2968, 54.1-3408.2, 63.2-1509, and 63.2-1606;

7. Where necessary in connection with the care of the individual;

8. In connection with the health care entity's own health care operations or the health care operations of another health care entity, as specified in 45 C.F.R. § 164.501, or in the normal course of business in accordance with accepted standards of practice within the health services setting; however, the maintenance, storage, and disclosure of the mass of prescription dispensing records maintained in a pharmacy registered or permitted in Virginia shall only be accomplished in compliance with §§ 54.1-3410, 54.1-3411, and 54.1-3412;

9. When the individual has waived his right to the privacy of the health records;

10. When examination and evaluation of an individual are undertaken pursuant to judicial or administrative law order, but only to the extent as required by such order;

11. To the guardian ad litem and any attorney representing the respondent in the course of a guardianship proceeding of an adult patient who is the respondent in a proceeding under Chapter 20 (§ 64.2-2000 et seq.) of Title 64.2;

12. To the guardian ad litem and any attorney appointed by the court to represent an individual who is or has been a patient who is the subject of a commitment proceeding under § 19.2-169.6, Article 5 (§ 37.2-814 et seq.) of Chapter 8 of Title 37.2, Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, or a judicial authorization for treatment proceeding pursuant to Chapter 11 (§ 37.2-1100 et seq.) of Title 37.2;

13. To a magistrate, the court, the evaluator or examiner required under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or § 37.2-815, a community services board or behavioral health authority or a designee of a community services board or behavioral health authority, or a law-enforcement officer participating in any proceeding under Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1, § 19.2-169.6, or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 regarding the subject of the proceeding, and to any health care provider evaluating or providing services to the person who is the subject of the proceeding or monitoring the person's adherence to a treatment plan ordered under those provisions. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained;

14. To the attorney and/or guardian ad litem of a minor who represents such minor in any judicial or administrative proceeding, if the court or administrative hearing officer has entered an order granting the attorney or guardian ad litem this right and such attorney or guardian ad litem presents evidence to the health care entity of such order;

15. With regard to the Court-Appointed Special Advocate (CASA) program, a minor's health records in accord with § 9.1-156;

16. To an agent appointed under an individual's power of attorney or to an agent or decision maker designated in an individual's advance directive for health care or for decisions on anatomical gifts and organ, tissue or eye donation or to any other person consistent with the provisions of the Health Care Decisions Act (§ 54.1-2981 et seq.);

17. To third-party payors and their agents for purposes of reimbursement;

18. As is necessary to support an application for receipt of health care benefits from a governmental agency or as required by an authorized governmental agency reviewing such application or reviewing benefits already provided or as necessary to the coordination of prevention and control of disease, injury, or disability and delivery of such health care benefits pursuant to § 32.1-127.1:04;

19. Upon the sale of a medical practice as provided in § 54.1-2405; or upon a change of ownership or closing of a pharmacy pursuant to regulations of the Board of Pharmacy;

20. In accord with subsection B of § 54.1-2400.1, to communicate an individual's specific and immediate threat to cause serious bodily injury or death of an identified or readily identifiable person;

21. Where necessary in connection with the implementation of a hospital's routine contact process for organ donation pursuant to subdivision B 4 of § 32.1-127;

22. In the case of substance abuse records, when permitted by and in conformity with requirements of federal law found in 42 U.S.C. § 290dd-2 and 42 C.F.R. Part 2;

23. In connection with the work of any entity established as set forth in § 8.01-581.16 to evaluate the adequacy or quality of professional services or the competency and qualifications for professional staff privileges;

24. If the health records are those of a deceased or mentally incapacitated individual to the personal representative or executor of the deceased individual or the legal guardian or committee of the incompetent or incapacitated individual or if there is no personal representative, executor, legal guardian or committee appointed, to the following persons in the following order of priority: a spouse, an adult son or daughter, either parent, an adult brother or sister, or any other relative of the deceased individual in order of blood relationship;

25. For the purpose of conducting record reviews of inpatient hospital deaths to promote identification of all potential organ, eye, and tissue donors in conformance with the requirements of applicable federal law and regulations, including 42 C.F.R. § 482.45, (i) to the health care provider's designated organ procurement organization certified by the United States Health Care Financing Administration and (ii) to any eye bank or tissue bank in Virginia certified by the Eye Bank Association of America or the American Association of Tissue Banks;

26. To the Office of the State Inspector General pursuant to Chapter 3.2 (§ 2.2-307 et seq.) of Title 2.2;

27. To an entity participating in the activities of a local health partnership authority established pursuant to Article 6.1 (§ 32.1-122.10:001 et seq.) of Chapter 4, pursuant to subdivision 1;

28. To law-enforcement officials by each licensed emergency medical services agency, (i) when the individual is the victim of a crime or (ii) when the individual has been arrested and has received emergency medical services or has refused emergency medical services and the health records consist of the prehospital patient care report required by § 32.1-116.1;

29. To law-enforcement officials, in response to their request, for the purpose of identifying or locating a suspect, fugitive, person required to register pursuant to § 9.1-901 of the Sex Offender and Crimes Against Minors Registry Act, material witness, or missing person, provided that only the following information may be disclosed: (i) name and address of the person, (ii) date and place of birth of the person, (iii) social security number of the person, (iv) blood type of the person, (v) date and time of treatment received by the person, (vi) date and time of death of the person, where applicable, (vii) description of distinguishing physical characteristics of the person, and (viii) type of injury sustained by the person;

30. To law-enforcement officials regarding the death of an individual for the purpose of alerting law enforcement of the death if the health care entity has a suspicion that such death may have resulted from criminal conduct;

31. To law-enforcement officials if the health care entity believes in good faith that the information disclosed constitutes evidence of a crime that occurred on its premises;

32. To the State Health Commissioner pursuant to § 32.1-48.015 when such records are those of a person or persons who are subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2;

33. To the Commissioner of the Department of Labor and Industry or his designee by each licensed emergency medical services agency when the records consist of the prehospital patient care report required by § 32.1-116.1 and the patient has suffered an injury or death on a work site while performing duties or tasks that are within the scope of his employment;

34. To notify a family member or personal representative of an individual who is the subject of a proceeding pursuant to Article 16 (§ 16.1-335 et seq.) of Chapter 11 of Title 16.1 or Chapter 8 (§ 37.2-800 et seq.) of Title 37.2 of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition, when the individual has the capacity to make health care decisions and (i) the individual has agreed to the notification, (ii) the individual has been provided an opportunity to object to the notification and does not express an objection, or (iii) the health care provider can, on the basis of his professional judgment, reasonably infer from the circumstances that the individual does not object to the notification. If the opportunity to agree or object to the notification cannot practicably be provided because of the individual's incapacity or an emergency circumstance, the health care provider may notify a family member or personal representative of the individual of information that is directly relevant to such person's involvement with the individual's health care, which may include the individual's location and general condition if the health care provider, in the exercise of his professional judgment, determines that the notification is in the best interests of the individual. Such notification shall not be made if the provider has actual knowledge the family member or personal representative is currently prohibited by court order from contacting the individual;

35. To a threat assessment team established by a *local school board pursuant to § 22.1-79.4*, by a public institution of higher education pursuant to § 23-9.2:10, or by a private nonprofit institution of higher education ~~when such records concern a student at the institution of higher education, including a student who is a minor~~; and

36. To a regional emergency medical services council pursuant to § 32.1-116.1, for purposes limited to monitoring and improving the quality of emergency medical services pursuant to § 32.1-111.3.

Notwithstanding the provisions of subdivisions 1 through 35, a health care entity shall obtain an individual's written authorization for any disclosure of psychotherapy notes, except when disclosure by the health care entity is (i) for its own training programs in which students, trainees, or practitioners in mental health are being taught under supervision to practice or to improve their skills in group, joint, family, or individual counseling; (ii) to defend itself or its employees or staff against any accusation of wrongful conduct; (iii) in the discharge of the duty, in accordance with subsection B of § 54.1-2400.1, to take precautions to protect third parties from violent behavior or other serious harm; (iv) required in the course of an investigation, audit, review, or proceeding regarding a health care entity's conduct by a duly authorized law-enforcement, licensure, accreditation, or professional review entity; or (v) otherwise required by law.

E. Health care records required to be disclosed pursuant to this section shall be made available electronically only to the extent and in the manner authorized by the federal Health Information Technology for Economic and Clinical Health Act (P.L. 111-5) and implementing regulations and the Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and implementing regulations. Notwithstanding any other provision to the contrary, a health care entity

shall not be required to provide records in an electronic format requested if (i) the electronic format is not reasonably available without additional cost to the health care entity, (ii) the records would be subject to modification in the format requested, or (iii) the health care entity determines that the integrity of the records could be compromised in the electronic format requested. Requests for copies of or electronic access to health records shall (a) be in writing, dated and signed by the requester; (b) identify the nature of the information requested; and (c) include evidence of the authority of the requester to receive such copies or access such records, and identification of the person to whom the information is to be disclosed; and (d) specify whether the requester would like the records in electronic format, if available, or in paper format. The health care entity shall accept a photocopy, facsimile, or other copy of the original signed by the requestor as if it were an original. Within 15 days of receipt of a request for copies of or electronic access to health records, the health care entity shall do one of the following: (A) furnish such copies of or allow electronic access to the requested health records to any requester authorized to receive them in electronic format if so requested; (B) inform the requester if the information does not exist or cannot be found; (C) if the health care entity does not maintain a record of the information, so inform the requester and provide the name and address, if known, of the health care entity who maintains the record; or (D) deny the request (1) under subsection F, (2) on the grounds that the requester has not established his authority to receive such health records or proof of his identity, or (3) as other provided by law. Procedures set forth in this section shall apply only to requests for health records not specifically governed by other provisions of state law.

F. Except as provided in subsection B of § 8.01-413, copies of or electronic access to an individual's health records shall not be furnished to such individual or anyone authorized to act on the individual's behalf when the individual's treating physician or the individual's treating clinical psychologist has made a part of the individual's record a written statement that, in the exercise of his professional judgment, the furnishing to or review by the individual of such health records would be reasonably likely to endanger the life or physical safety of the individual or another person, or that such health record makes reference to a person other than a health care provider and the access requested would be reasonably likely to cause substantial harm to such referenced person. If any health care entity denies a request for copies of or electronic access to health records based on such statement, the health care entity shall inform the individual of the individual's right to designate, in writing, at his own expense, another reviewing physician or clinical psychologist, whose licensure, training and experience relative to the individual's condition are at least equivalent to that of the physician or clinical psychologist upon whose opinion the denial is based. The designated reviewing physician or clinical psychologist shall make a judgment as to whether to make the health record available to the individual.

The health care entity denying the request shall also inform the individual of the individual's right to request in writing that such health care entity designate, at its own expense, a physician or clinical psychologist, whose licensure, training, and experience relative to the individual's condition are at least equivalent to that of the physician or clinical psychologist upon whose professional judgment the denial is based and who did not participate in the original decision to deny the health records, who shall make a judgment as to whether to make the health record available to the individual. The health care entity shall comply with the judgment of the reviewing physician or clinical psychologist. The health care entity shall permit copying and examination of the health record by such other physician or clinical psychologist designated by either the individual at his own expense or by the health care entity at its expense.

Any health record copied for review by any such designated physician or clinical psychologist shall be accompanied by a statement from the custodian of the health record that the individual's treating physician or clinical psychologist determined that the individual's review of his health record would be reasonably likely to endanger the life or physical safety of the individual or would be reasonably likely to cause substantial harm to a person referenced in the health record who is not a health care provider.

Further, nothing herein shall be construed as giving, or interpreted to bestow the right to receive copies of, or otherwise obtain access to, psychotherapy notes to any individual or any person authorized to act on his behalf.

G. A written authorization to allow release of an individual's health records shall substantially include the following information:

AUTHORIZATION TO RELEASE CONFIDENTIAL HEALTH RECORDS

Individual's Name _____

Health Care Entity's Name _____

Person, Agency, or Health Care Entity to whom disclosure is to be made _____

Information or Health Records to be disclosed _____

Purpose of Disclosure or at the Request of the Individual _____

As the person signing this authorization, I understand that I am giving my permission to the above-named health care entity for disclosure of confidential health records. I understand that the health care entity may not condition treatment or payment on my willingness to sign this authorization unless the specific circumstances under which such conditioning is permitted by law are applicable and are set forth in this authorization. I also understand that I have the right to revoke this authorization at any time, but that my revocation is not effective until delivered in writing to the person who is in possession of my health records and is not effective as to health records already disclosed under this authorization. A copy of this authorization and a notation concerning the persons or agencies to whom disclosure was made shall be included with my

original health records. I understand that health information disclosed under this authorization might be redisclosed by a recipient and may, as a result of such disclosure, no longer be protected to the same extent as such health information was protected by law while solely in the possession of the health care entity.

This authorization expires on (date) or (event) _____

Signature of Individual or Individual's Legal Representative if Individual is Unable to Sign

Relationship or Authority of Legal Representative

Date of Signature

H. Pursuant to this subsection:

1. Unless excepted from these provisions in subdivision 9, no party to a civil, criminal or administrative action or proceeding shall request the issuance of a subpoena duces tecum for another party's health records or cause a subpoena duces tecum to be issued by an attorney unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the other party's counsel or to the other party if pro se, simultaneously with filing the request or issuance of the subpoena. No party to an action or proceeding shall request or cause the issuance of a subpoena duces tecum for the health records of a nonparty witness unless a copy of the request for the subpoena or a copy of the attorney-issued subpoena is provided to the nonparty witness simultaneously with filing the request or issuance of the attorney-issued subpoena.

No subpoena duces tecum for health records shall set a return date earlier than 15 days from the date of the subpoena except by order of a court or administrative agency for good cause shown. When a court or administrative agency directs that health records be disclosed pursuant to a subpoena duces tecum earlier than 15 days from the date of the subpoena, a copy of the order shall accompany the subpoena.

Any party requesting a subpoena duces tecum for health records or on whose behalf the subpoena duces tecum is being issued shall have the duty to determine whether the individual whose health records are being sought is pro se or a nonparty.

In instances where health records being subpoenaed are those of a pro se party or nonparty witness, the party requesting or issuing the subpoena shall deliver to the pro se party or nonparty witness together with the copy of the request for subpoena, or a copy of the subpoena in the case of an attorney-issued subpoena, a statement informing them of their rights and remedies. The statement shall include the following language and the heading shall be in boldface capital letters:

NOTICE TO INDIVIDUAL

The attached document means that (insert name of party requesting or causing issuance of the subpoena) has either asked the court or administrative agency to issue a subpoena or a subpoena has been issued by the other party's attorney to your doctor, other health care providers (names of health care providers inserted here) or other health care entity (name of health care entity to be inserted here) requiring them to produce your health records. Your doctor, other health care provider or other health care entity is required to respond by providing a copy of your health records. If you believe your health records should not be disclosed and object to their disclosure, you have the right to file a motion with the clerk of the court or the administrative agency to quash the subpoena. If you elect to file a motion to quash, such motion must be filed within 15 days of the date of the request or of the attorney-issued subpoena. You may contact the clerk's office or the administrative agency to determine the requirements that must be satisfied when filing a motion to quash and you may elect to contact an attorney to represent your interest. If you elect to file a motion to quash, you must notify your doctor, other health care provider(s), or other health care entity, that you are filing the motion so that the health care provider or health care entity knows to send the health records to the clerk of court or administrative agency in a sealed envelope or package for safekeeping while your motion is decided.

2. Any party filing a request for a subpoena duces tecum or causing such a subpoena to be issued for an individual's health records shall include a Notice in the same part of the request in which the recipient of the subpoena duces tecum is directed where and when to return the health records. Such notice shall be in boldface capital letters and shall include the following language:

NOTICE TO HEALTH CARE ENTITIES

A COPY OF THIS SUBPOENA DUCES TECUM HAS BEEN PROVIDED TO THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED OR HIS COUNSEL. YOU OR THAT INDIVIDUAL HAS THE RIGHT TO FILE A MOTION TO QUASH (OBJECT TO) THE ATTACHED SUBPOENA. IF YOU ELECT TO FILE A MOTION TO QUASH, YOU MUST FILE THE MOTION WITHIN 15 DAYS OF THE DATE OF THIS SUBPOENA.

YOU MUST NOT RESPOND TO THIS SUBPOENA UNTIL YOU HAVE RECEIVED WRITTEN CERTIFICATION FROM THE PARTY ON WHOSE BEHALF THE SUBPOENA WAS ISSUED THAT THE TIME FOR FILING A MOTION TO QUASH HAS ELAPSED AND THAT:

NO MOTION TO QUASH WAS FILED; OR

ANY MOTION TO QUASH HAS BEEN RESOLVED BY THE COURT OR THE ADMINISTRATIVE AGENCY AND THE DISCLOSURES SOUGHT ARE CONSISTENT WITH SUCH RESOLUTION.

IF YOU RECEIVE NOTICE THAT THE INDIVIDUAL WHOSE HEALTH RECORDS ARE BEING REQUESTED HAS FILED A MOTION TO QUASH THIS SUBPOENA, OR IF YOU FILE A MOTION TO QUASH THIS SUBPOENA, YOU MUST SEND THE HEALTH RECORDS ONLY TO THE CLERK OF THE COURT OR

ADMINISTRATIVE AGENCY THAT ISSUED THE SUBPOENA OR IN WHICH THE ACTION IS PENDING AS SHOWN ON THE SUBPOENA USING THE FOLLOWING PROCEDURE:

PLACE THE HEALTH RECORDS IN A SEALED ENVELOPE AND ATTACH TO THE SEALED ENVELOPE A COVER LETTER TO THE CLERK OF COURT OR ADMINISTRATIVE AGENCY WHICH STATES THAT CONFIDENTIAL HEALTH RECORDS ARE ENCLOSED AND ARE TO BE HELD UNDER SEAL PENDING A RULING ON THE MOTION TO QUASH THE SUBPOENA. THE SEALED ENVELOPE AND THE COVER LETTER SHALL BE PLACED IN AN OUTER ENVELOPE OR PACKAGE FOR TRANSMITTAL TO THE COURT OR ADMINISTRATIVE AGENCY.

3. Upon receiving a valid subpoena duces tecum for health records, health care entities shall have the duty to respond to the subpoena in accordance with the provisions of subdivisions 4, 5, 6, 7, and 8.

4. Except to deliver to a clerk of the court or administrative agency subpoenaed health records in a sealed envelope as set forth, health care entities shall not respond to a subpoena duces tecum for such health records until they have received a certification as set forth in subdivision 5 or 8 from the party on whose behalf the subpoena duces tecum was issued.

If the health care entity has actual receipt of notice that a motion to quash the subpoena has been filed or if the health care entity files a motion to quash the subpoena for health records, then the health care entity shall produce the health records, in a securely sealed envelope, to the clerk of the court or administrative agency issuing the subpoena or in whose court or administrative agency the action is pending. The court or administrative agency shall place the health records under seal until a determination is made regarding the motion to quash. The securely sealed envelope shall only be opened on order of the judge or administrative agency. In the event the court or administrative agency grants the motion to quash, the health records shall be returned to the health care entity in the same sealed envelope in which they were delivered to the court or administrative agency. In the event that a judge or administrative agency orders the sealed envelope to be opened to review the health records in camera, a copy of the order shall accompany any health records returned to the health care entity. The health records returned to the health care entity shall be in a securely sealed envelope.

5. If no motion to quash is filed within 15 days of the date of the request or of the attorney-issued subpoena, the party on whose behalf the subpoena was issued shall have the duty to certify to the subpoenaed health care entity that the time for filing a motion to quash has elapsed and that no motion to quash was filed. Any health care entity receiving such certification shall have the duty to comply with the subpoena duces tecum by returning the specified health records by either the return date on the subpoena or five days after receipt of the certification, whichever is later.

6. In the event that the individual whose health records are being sought files a motion to quash the subpoena, the court or administrative agency shall decide whether good cause has been shown by the discovering party to compel disclosure of the individual's health records over the individual's objections. In determining whether good cause has been shown, the court or administrative agency shall consider (i) the particular purpose for which the information was collected; (ii) the degree to which the disclosure of the records would embarrass, injure, or invade the privacy of the individual; (iii) the effect of the disclosure on the individual's future health care; (iv) the importance of the information to the lawsuit or proceeding; and (v) any other relevant factor.

7. Concurrent with the court or administrative agency's resolution of a motion to quash, if subpoenaed health records have been submitted by a health care entity to the court or administrative agency in a sealed envelope, the court or administrative agency shall: (i) upon determining that no submitted health records should be disclosed, return all submitted health records to the health care entity in a sealed envelope; (ii) upon determining that all submitted health records should be disclosed, provide all the submitted health records to the party on whose behalf the subpoena was issued; or (iii) upon determining that only a portion of the submitted health records should be disclosed, provide such portion to the party on whose behalf the subpoena was issued and return the remaining health records to the health care entity in a sealed envelope.

8. Following the court or administrative agency's resolution of a motion to quash, the party on whose behalf the subpoena duces tecum was issued shall have the duty to certify in writing to the subpoenaed health care entity a statement of one of the following:

a. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution; and, therefore, the health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will not be returned to the health care entity;

b. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are consistent with such resolution and that, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall comply with the subpoena duces tecum by returning the health records designated in the subpoena by the return date on the subpoena or five days after receipt of certification, whichever is later;

c. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution; therefore, no health records shall be disclosed and all health records previously delivered in a sealed envelope to the clerk of the court or administrative agency will be returned to the health care entity;

d. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and that only limited disclosure has been authorized. The certification shall state that only the portion of the health records as set forth in the certification, consistent with the court or administrative agency's ruling, shall be disclosed. The certification shall also state that health records that were previously

delivered to the court or administrative agency for which disclosure has been authorized will not be returned to the health care entity; however, all health records for which disclosure has not been authorized will be returned to the health care entity; or

e. All filed motions to quash have been resolved by the court or administrative agency and the disclosures sought in the subpoena duces tecum are not consistent with such resolution and, since no health records have previously been delivered to the court or administrative agency by the health care entity, the health care entity shall return only those health records specified in the certification, consistent with the court or administrative agency's ruling, by the return date on the subpoena or five days after receipt of the certification, whichever is later.

A copy of the court or administrative agency's ruling shall accompany any certification made pursuant to this subdivision.

9. The provisions of this subsection have no application to subpoenas for health records requested under § 8.01-413, or issued by a duly authorized administrative agency conducting an investigation, audit, review or proceedings regarding a health care entity's conduct.

The provisions of this subsection shall apply to subpoenas for the health records of both minors and adults.

Nothing in this subsection shall have any effect on the existing authority of a court or administrative agency to issue a protective order regarding health records, including, but not limited to, ordering the return of health records to a health care entity, after the period for filing a motion to quash has passed.

A subpoena for substance abuse records must conform to the requirements of federal law found in 42 C.F.R. Part 2, Subpart E.

I. Health care entities may testify about the health records of an individual in compliance with §§ 8.01-399 and 8.01-400.2.

J. If an individual requests a copy of his health record from a health care entity, the health care entity may impose a reasonable cost-based fee, which shall include only the cost of supplies for and labor of copying the requested information, postage when the individual requests that such information be mailed, and preparation of an explanation or summary of such information as agreed to by the individual. For the purposes of this section, "individual" shall subsume a person with authority to act on behalf of the individual who is the subject of the health record in making decisions related to his health care.

K. Nothing in this section shall prohibit a health care provider who prescribes or dispenses a controlled substance required to be reported to the Prescription Monitoring Program established pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 to a patient from disclosing information obtained from the Prescription Monitoring Program and contained in a patient's health care record to another health care provider when such disclosure is related to the care or treatment of the patient who is the subject of the record.

CHAPTER 555

An Act to amend and reenact § 44-146.21 of the Code of Virginia, relating to declaration of local emergency.

[H 1260]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 44-146.21 of the Code of Virginia is amended and reenacted as follows:

§ 44-146.21. Declaration of local emergency.

~~(a)~~ A. A local emergency may be declared by the local director of emergency management with the consent of the governing body of the political subdivision. In the event the governing body cannot convene due to the disaster or other exigent circumstances, the director, or in his absence, the deputy director, or in the absence of both the director and deputy director, any member of the governing body may declare the existence of a local emergency, subject to confirmation by the governing body at its next regularly scheduled meeting or at a special meeting within ~~fourteen~~ 45 days of the declaration, whichever occurs first. The governing body, when in its judgment all emergency actions have been taken, shall take appropriate action to end the declared emergency.

~~(b)~~ B. A declaration of a local emergency as defined in § 44-146.16 shall activate the local Emergency Operations Plan and authorize the furnishing of aid and assistance thereunder.

~~(c)~~ ~~[Repealed.]~~

~~(c)~~ C. Whenever a local emergency has been declared, the director of emergency management of each political subdivision or any member of the governing body in the absence of the director, if so authorized by the governing body, may control, restrict, allocate or regulate the use, sale, production and distribution of food, fuel, clothing and other commodities, materials, goods, services and resource systems which fall only within the boundaries of that jurisdiction and which do not impact systems affecting adjoining or other political subdivisions, enter into contracts and incur obligations necessary to combat such threatened or actual disaster, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster, and proceed without regard to time-consuming procedures and formalities prescribed by law (except mandatory constitutional requirements) pertaining to the performance of public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, and other expenditures of public funds, provided such funds in excess of appropriations in the

current approved budget, unobligated, are available. Whenever the Governor has declared a state of emergency, each political subdivision affected may, under the supervision and control of the Governor or his designated representative, enter into contracts and incur obligations necessary to combat such threatened or actual disaster beyond the capabilities of local government, protect the health and safety of persons and property and provide emergency assistance to the victims of such disaster. In exercising the powers vested under this section, under the supervision and control of the Governor, the political subdivision may proceed without regard to time-consuming procedures and formalities prescribed by law pertaining to public work, entering into contracts, incurring of obligations, employment of temporary workers, rental of equipment, purchase of supplies and materials, levying of taxes, and appropriation and expenditure of public funds.

~~(d)~~ D. No interjurisdictional agency or official thereof may declare a local emergency. However, an interjurisdictional agency of emergency management shall provide aid and services to the affected political subdivision authorizing such assistance in accordance with the agreement as a result of a local or state declaration.

~~(e)~~ E. None of the provisions of this chapter shall apply to the Emergency Disaster Relief provided by the American Red Cross or other relief agency solely concerned with the provision of service at no cost to the citizens of the Commonwealth.

CHAPTER 556

An Act to amend and reenact § 38.2-3407.17 of the Code of Virginia, relating to health insurance; payment for services by dentists and oral surgeons.

[H 16]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-3407.17 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-3407.17. Payment for services by dentists and oral surgeons.

A. As used in this section:

"Covered services" means the health care services for which benefits under a policy, contract, or evidence of coverage are payable by a dental plan, including services paid by the insureds, subscribers, or enrollees because the annual or periodic payment maximum established by the dental plan has been met.

"Dental plan" includes (i) an insurer proposing to issue individual or group accident and sickness insurance policies providing hospital, medical, and surgical or major medical coverage on an expense-incurred basis, (ii) an entity providing individual or group accident and sickness subscription contracts, (iii) a dental services plan offering or administering prepaid dental services, (iv) a health maintenance organization providing a health care plan, and (v) a dental plan organization.

B. No contract between a dental plan and a dentist or oral surgeon may establish the fee or rate that the dentist or oral surgeon is required to accept for the provision of health care services, or require that a dentist or oral surgeon accept the reimbursement paid as payment in full, unless the services are covered services under the applicable dental plan.

C. *A reimbursement payable or paid by a dental plan for covered services shall be reasonable and not provide nominal reimbursement in order to claim that services are covered services under the applicable dental plan. For purposes of this subsection, "reasonable" means the negotiated fee, rate, or reimbursement methodology that is set forth in the contract between a dental plan and a dentist or oral surgeon and is acceptable to the provider.*

D. This section, *except subsection C*, shall apply ~~with respect~~ to any contract between a dental plan and a dentist or oral surgeon for the provision of health care to patients that is entered into, amended, extended, or renewed on or after July 1, 2010. *The provisions of subsection C shall apply to any contract between a dental plan and a dentist or oral surgeon for the provision of health care to patients that is entered into, amended, extended, or renewed on or after January 1, 2017.*

~~D~~ E. The Commission shall have no jurisdiction to adjudicate individual controversies arising out of this section.

2. That the provisions of this act shall become effective on January 1, 2017.

CHAPTER 557

An Act to amend the Code of Virginia by adding a section numbered 8.01-42.4, relating to trafficking in persons; civil action.

[S 133]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-42.4 as follows:

§ 8.01-42.4. Civil action for trafficking in persons.

A. *Any person injured by reason of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a violation of § 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368; or (iii) a felony violation of § 18.2-346 may sue therefor and recover compensatory damages, punitive damages, and reasonable attorney fees and costs.*

B. No action shall be commenced under this section more than seven years after the later of the date on which such person (i) was no longer subject to the conduct prohibited by clause (iii), (iv), or (v) of § 18.2-48 or § 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368 or under a felony violation of § 18.2-346 or (ii) attained 18 years of age.

CHAPTER 558

An Act to amend and reenact §§ 38.2-1905, 38.2-2118, 38.2-2119, 38.2-2120, 38.2-2202, and 38.2-2210 of the Code of Virginia, relating to insurance notices.

[H 307]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1905, 38.2-2118, 38.2-2119, 38.2-2120, 38.2-2202, and 38.2-2210 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1905. Motor vehicle insurer not to charge points or increase premiums in certain instances.

A. No insurer may increase its insured's premium or may charge points under a safe driver insurance plan to its insured as a result of a motor vehicle accident unless the accident was caused either wholly or partially by the named insured, a resident of the same household, or other customary operator. No insurer may increase its insured's premium or may charge points to its insured where the operator causing the accident is a principal operator insured under a separate policy. Any insurer increasing a premium or charging points as a result of a motor vehicle accident shall notify the named insured in writing and in the same notification shall inform the named insured that he may appeal the decision of the insurer to the Commissioner if he feels his premium has increased or he has been charged points as a result of a motor vehicle accident without just cause. *Such notice shall include the requirements that the appeal be in writing and made within 60 days of receipt of the notice of any premium increase adjustment or of any point charge resulting from a motor vehicle accident.*

B. An appeal of a premium increase or of a point charge by the named insured shall be requested in writing within sixty days of receipt of the notice of any premium adjustment or of any point charge resulting from a motor vehicle accident. Upon receipt of the request, the Commissioner shall promptly initiate a review to determine whether the premium increase or the point charge is justified. The premium increase or the point charge shall remain in full force and effect until the Commissioner rules that the premium be adjusted or the point charge be removed because it is not justified, or because the point charge was not assigned in accord with the insurer's filed rating plan, and so notifies the insurer and the insured. Upon receipt of the ruling, the insurer shall promptly refund any premiums paid as a direct result of the premium increase or the point charge, and shall adjust future billings to reflect the Commissioner's ruling.

C. ~~On and after January 1, 1991, no~~ No insurer shall assign points under a safe-driver insurance policy to any vehicle other than the vehicle customarily driven by the operator responsible for incurring points.

D. If an insured is a law-enforcement officer, as defined in § 9.1-101, no insurer may increase such insured's personal insurance premium or may charge points under a safe driver insurance plan to such insured as a result of an accident which occurred in the course of the insured's employment as a law-enforcement officer while the insured was driving a motor vehicle provided by the employing law-enforcement agency and was engaged in a law-enforcement activity at the time of such accident.

§ 38.2-2118. Required statement on insurance policies for owner-occupied dwellings.

Each insurer writing insurance on owner-occupied dwellings and appurtenant structures with a replacement cost provision under the provisions of Chapter 19 (§ 38.2-1900 et seq.) of this title shall ~~give each applicant for insurance provide on each new and renewal policy a statement summarizing:~~ (i) any minimum coverage requirement necessary for the replacement cost provision to be fully effective; and (ii) the effect on claim payment of not meeting the minimum coverage requirement.

§ 38.2-2119. Approval of forms or provisions for certain risks.

A. The Commission may approve and authorize the use of appropriate forms or provisions for supplemental contracts or extended coverage endorsements where the insured may be indemnified for (i) the difference between the actual cash value of the property at the time of loss and the cost of repair or replacement of the property on the same site with new materials of like kind and quality, within a reasonable time after the loss, and without deduction for depreciation, (ii) additional cost or loss by reason of any ordinance or law in force at the time of loss which necessitates the demolition of any portion of the insured property, (iii) any increased cost of repair or replacement by reason of any ordinance or law regulating construction or repair of the insured building, and (iv) loss from interruption of business, untenability, or termination of leasehold interest because of damage to or destruction of the property described in the policy. These forms or provisions shall apply to coverage provided to an insured having any interest in an insured building or structure which is a part of the building described in the policy, including service equipment for the building.

B. Where any policy of insurance issued or delivered in this Commonwealth pursuant to this chapter provides for the payment of the full replacement cost of property insured thereunder, the policy shall permit the insured to assert a claim for the actual cash value of the property without prejudice to his right to thereafter assert a claim for the difference between the actual cash value and the full replacement cost unless a claim for full replacement cost has been previously resolved. Any

claim for such difference must be made within six months of (i) the last date on which the insured received a payment for actual cash value or (ii) date of entry of a final order of a court of competent jurisdiction declaratory of the right of the insured to full replacement cost, whichever shall last occur.

C. Notwithstanding the provisions of § 38.2-2104, insurers may offer, as an option, coverage limited to the amount necessary to repair or replace damaged property with functionally equivalent property at a lower cost than would be required to repair or replace the damaged property with material of like kind and quality. Such policies may also permit, at the option of the insured, settlement based on the market value of the damaged property at the time of loss. No new policy or original premium notice of insurance covering property insured on a functional replacement cost basis shall be issued or delivered in the Commonwealth unless it contains the following statement, printed in boldface type, or unless the statement is attached to the front of or is enclosed with the policy or premium notice:

Important Notice

The coverage under this policy applies on a functional replacement cost basis which means that, under certain conditions, claims may be settled for less than the actual cash value of the property insured.

§ 38.2-2120. Optional coverage to be offered with homeowner's policy.

Any insurer who issues or delivers a new or renewal homeowner's insurance policy in this Commonwealth shall offer as an option a provision insuring against loss caused or resulting from water which backs up through sewers or drains.

§ 38.2-2202. Required notice of optional coverage available.

A. No original premium notice new policy for insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered in the Commonwealth unless it contains on the front of the premium notice or unless there is enclosed with the premium notice policy, in boldface type, the following statement:

IMPORTANT NOTICE

IN ADDITION TO THE MINIMUM INSURANCE REQUIRED BY LAW, YOU MAY PURCHASE ADDITIONAL INSURANCE COVERAGE FOR THE NAMED INSURED AND FOR HIS RELATIVES WHO ARE MEMBERS OF HIS HOUSEHOLD WHILE IN OR UPON, ENTERING OR ALIGHTING FROM A MOTOR VEHICLE, OR THROUGH BEING STRUCK BY A MOTOR VEHICLE WHILE NOT OCCUPYING A MOTOR VEHICLE, AND FOR OCCUPANTS OF THE INSURED MOTOR VEHICLE. THE FOLLOWING HEALTH CARE AND DISABILITY BENEFITS ARE AVAILABLE FOR EACH ACCIDENT:

1. PAYMENT OF UP TO \$2,000 PER PERSON FOR ALL REASONABLE AND NECESSARY EXPENSES FOR MEDICAL, CHIROPRACTIC, HOSPITAL, DENTAL, SURGICAL, PROSTHETIC AND REHABILITATION SERVICES, SERVICES PROVIDED BY AN EMERGENCY MEDICAL SERVICES VEHICLE AS DEFINED IN § 32.1-111.1, AND FUNERAL EXPENSES RESULTING FROM THE ACCIDENT AND INCURRED WITHIN THREE YEARS AFTER THE DATE OF THE ACCIDENT. HOWEVER, IF YOU DO NOT PURCHASE THE \$2,000 LIMIT OF COVERAGE, YOU AND THE COMPANY MAY AGREE TO ANY OTHER LIMIT; AND

2. AN AMOUNT EQUAL TO THE LOSS OF INCOME UP TO \$100 PER WEEK IF THE INJURED PERSON IS ENGAGED IN AN OCCUPATION FOR WHICH HE RECEIVES COMPENSATION, FROM THE FIRST WORKDAY LOST AS A RESULT OF THE ACCIDENT UP TO THE DATE THE PERSON IS ABLE TO RETURN TO HIS USUAL OCCUPATION. SUCH PAYMENTS ARE LIMITED TO A PERIOD EXTENDING ONE YEAR FROM THE DATE OF THE ACCIDENT.

IF YOU DESIRE TO PURCHASE EITHER OR BOTH OF THESE COVERAGES AT AN ADDITIONAL PREMIUM, YOU MAY DO SO BY CONTACTING THE AGENT OR COMPANY THAT ISSUED YOUR POLICY.

The insurer issuing the premium notice policy shall inform the insured by any reasonable means of communication of the approximate premium for the additional coverage.

B. No new policy or original premium notice of insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle shall be issued or delivered in the Commonwealth unless it contains the following statement, printed in boldface type, or unless the statement is attached to the front of or is enclosed with the policy or premium notice:

IMPORTANT NOTICE

IN ADDITION TO THE INSURANCE COVERAGE REQUIRED BY LAW TO PROTECT YOU AGAINST A LOSS CAUSED BY AN UNINSURED MOTORIST, IF YOU HAVE PURCHASED LIABILITY INSURANCE COVERAGE THAT IS HIGHER THAN THAT REQUIRED BY LAW TO PROTECT YOU AGAINST LIABILITY ARISING OUT OF THE OWNERSHIP, MAINTENANCE, OR USE OF THE MOTOR VEHICLES COVERED BY THIS POLICY, AND YOU HAVE NOT ALREADY PURCHASED UNINSURED MOTORIST INSURANCE COVERAGE EQUAL TO YOUR LIABILITY INSURANCE COVERAGE:

1. YOUR UNINSURED AND UNDERINSURED MOTORIST INSURANCE COVERAGE HAS INCREASED TO THE LIMITS OF YOUR LIABILITY COVERAGE AND THIS INCREASE WILL COST YOU AN EXTRA PREMIUM CHARGE; AND

2. YOUR TOTAL PREMIUM CHARGE FOR YOUR MOTOR VEHICLE INSURANCE COVERAGE WILL INCREASE IF YOU DO NOT NOTIFY YOUR AGENT OR INSURER OF YOUR DESIRE TO REDUCE COVERAGE WITHIN 20 DAYS OF THE MAILING OF THE POLICY OR THE PREMIUM NOTICE, AS THE CASE MAY BE. THE INSURER MAY REQUIRE THAT SUCH A REQUEST TO REDUCE COVERAGE BE IN WRITING.

3. IF THIS IS A NEW POLICY AND YOU HAVE ALREADY SIGNED A WRITTEN REJECTION OF SUCH HIGHER LIMITS IN CONNECTION WITH IT, PARAGRAPHS 1 AND 2 OF THIS NOTICE DO NOT APPLY.

~~After 20 days, the insurer shall be relieved of the obligation imposed by this subsection to attach or imprint the foregoing statement to any subsequently delivered renewal policy, extension certificate, other written statement of coverage continuance, or to any subsequently mailed premium notice.~~

YOU ARE ENTITLED TO PURCHASE UNINSURED/UNDERINSURED COVERAGE LIMITS EQUAL TO THE LIABILITY LIMITS ON YOUR MOTOR VEHICLE POLICY. HOWEVER, ANY ONE NAMED INSURED HAS THE RIGHT TO REDUCE THE LIMITS OF THE UNINSURED/UNDERINSURED MOTORIST COVERAGE TO LESS THAN THE LIABILITY LIMITS ON THE POLICY BUT NO LOWER THAN THE FINANCIAL RESPONSIBILITY LIMITS REQUIRED BY § 46.2-472 OF THE CODE OF VIRGINIA. THE INSURER MAY REQUIRE THAT A REQUEST TO REDUCE COVERAGE BE IN WRITING. ONCE ANY ONE NAMED INSURED REDUCES THE POLICY LIMITS FOR UNINSURED/UNDERINSURED MOTORIST COVERAGE BELOW THE POLICY'S LIABILITY LIMITS, THAT ELECTION IS BINDING ON ALL INSURED ON THE POLICY. LATER, IF YOU DESIRE TO INCREASE YOUR LIMITS, YOU MUST MAKE A SPECIFIC REQUEST TO YOUR INSURER. YOU MAY WANT TO PUT THIS REQUEST IN WRITING.

BEFORE REDUCING THE LIMITS OF THE UNINSURED/UNDERINSURED MOTORIST COVERAGE, YOU SHOULD CAREFULLY CONSIDER THAT THIS COVERAGE PROVIDES IMPORTANT PROTECTION IN THE EVENT YOU ARE INJURED OR YOUR MOTOR VEHICLE IS DAMAGED DUE TO THE ACTIONS OF AN UNINSURED/UNDERINSURED MOTORIST.

§ 38.2-2210. Warning concerning cancellation to appear on application for motor vehicle liability insurance; reason for cancellation or nonrenewal required on application.

A. Any application for the original issuance of a policy of insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle as defined in § 38.2-2212 shall have the following statement printed on or attached to the ~~first page of the~~ application form, in boldface type: READ YOUR POLICY. THE POLICY OF INSURANCE FOR WHICH THIS APPLICATION IS BEING MADE, IF ISSUED, MAY BE CANCELLED WITHOUT CAUSE AT THE OPTION OF THE INSURER AT ANY TIME IN THE FIRST 60 DAYS DURING WHICH IT IS IN EFFECT AND AT ANY TIME THEREAFTER FOR REASONS STATED IN THE POLICY.

B. Any application for the original issuance of a policy of insurance covering liability arising out of the ownership, maintenance, or use of any motor vehicle defined in § 38.2-2212 that requires the insured to disclose information as to any previous cancellation or refusal to renew shall also permit the insured to offer or provide a full explanation of the reason for the cancellation or refusal to renew.

C. The notice required by this section shall be given by the insurer to any applicant within ten days of the application in the event the applicant is not provided a written copy of the application and the coverage has been bound by such insurer.

D. This section shall not apply to the renewal of any policy of insurance.

2. That the provisions of this act shall apply to new or renewal policies issued on or after January 1, 2017.

CHAPTER 559

An Act to amend and reenact § 20-107.3 of the Code of Virginia, relating to equitable distribution; transfer of separate property.

[H 404]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 20-107.3 of the Code of Virginia is amended and reenacted as follows:

§ 20-107.3. Court may decree as to property and debts of the parties.

A. Upon decreeing the dissolution of a marriage, and also upon decreeing a divorce from the bond of matrimony, or upon the filing with the court as provided in subsection J of a certified copy of a final divorce decree obtained without the Commonwealth, the court, upon request of either party, (i) shall determine the legal title as between the parties, and the ownership and value of all property, real or personal, tangible or intangible, of the parties and shall consider which of such property is separate property, which is marital property, and which is part separate and part marital property in accordance with subdivision A 3 and (ii) shall determine the nature of all debts of the parties, or either of them, and shall consider which of such debts is separate debt and which is marital debt. The court shall determine the value of any such property as of the date of the evidentiary hearing on the evaluation issue. The court shall determine the amount of any such debt as of the date of the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent, and the extent to which such debt has increased or decreased from the date of separation until the date of the evidentiary hearing. Upon motion of either party made no less than 21 days before the evidentiary hearing the court may, for good cause shown, in order to attain the ends of justice, order that a different valuation date be used. The court, on the motion of either party, may retain jurisdiction in the final decree of divorce to adjudicate the remedy provided by this section when the court determines that such action is clearly necessary, and all decrees heretofore entered retaining such jurisdiction are validated.

1. Separate property is (i) all property, real and personal, acquired by either party before the marriage; (ii) all property acquired during the marriage by bequest, devise, descent, survivorship or gift from a source other than the other party;

(iii) all property acquired during the marriage in exchange for or from the proceeds of sale of separate property, provided that such property acquired during the marriage is maintained as separate property; and (iv) that part of any property classified as separate pursuant to subdivision A 3. Income received from separate property during the marriage is separate property if not attributable to the personal effort of either party. The increase in value of separate property during the marriage is separate property, unless marital property or the personal efforts of either party have contributed to such increases and then only to the extent of the increases in value attributable to such contributions. The personal efforts of either party must be significant and result in substantial appreciation of the separate property if any increase in value attributable thereto is to be considered marital property.

2. Marital property is (i) all property titled in the names of both parties, whether as joint tenants, tenants by the entirety or otherwise, except as provided by subdivision A 3, (ii) that part of any property classified as marital pursuant to subdivision A 3, or (iii) all other property acquired by each party during the marriage which is not separate property as defined above. All property including that portion of pensions, profit-sharing or deferred compensation or retirement plans of whatever nature, acquired by either spouse during the marriage, and before the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent, is presumed to be marital property in the absence of satisfactory evidence that it is separate property. For purposes of this section marital property is presumed to be jointly owned unless there is a deed, title or other clear indicia that it is not jointly owned.

3. The court shall classify property as part marital property and part separate property as follows:

a. In the case of income received from separate property during the marriage, such income shall be marital property only to the extent it is attributable to the personal efforts of either party. In the case of the increase in value of separate property during the marriage, such increase in value shall be marital property only to the extent that marital property or the personal efforts of either party have contributed to such increases, provided that any such personal efforts must be significant and result in substantial appreciation of the separate property.

For purposes of this subdivision, the nonowning spouse shall bear the burden of proving that (i) contributions of marital property or personal effort were made and (ii) the separate property increased in value. Once this burden of proof is met, the owning spouse shall bear the burden of proving that the increase in value or some portion thereof was not caused by contributions of marital property or personal effort.

"Personal effort" of a party shall be deemed to be labor, effort, inventiveness, physical or intellectual skill, creativity, or managerial, promotional or marketing activity applied directly to the separate property of either party.

b. In the case of any pension, profit-sharing, or deferred compensation plan or retirement benefit, the marital share as defined in subsection G shall be marital property.

c. In the case of any personal injury or workers' compensation recovery of either party, the marital share as defined in subsection H shall be marital property.

d. When marital property and separate property are commingled by contributing one category of property to another, resulting in the loss of identity of the contributed property, the classification of the contributed property shall be transmuted to the category of property receiving the contribution. However, to the extent the contributed property is retraceable by a preponderance of the evidence and was not a gift, such contributed property shall retain its original classification.

e. When marital property and separate property are commingled into newly acquired property resulting in the loss of identity of the contributing properties, the commingled property shall be deemed transmuted to marital property. However, to the extent the contributed property is retraceable by a preponderance of the evidence and was not a gift, the contributed property shall retain its original classification.

f. When separate property is retitled in the joint names of the parties, the retitled property shall be deemed transmuted to marital property. However, to the extent the property is retraceable by a preponderance of the evidence and was not a gift, the retitled property shall retain its original classification.

g. When the separate property of one party is commingled into the separate property of the other party, or the separate property of each party is commingled into newly acquired property, to the extent the contributed property is retraceable by a preponderance of the evidence and was not a gift, each party shall be reimbursed the value of the contributed property in any award made pursuant to this section.

h. Subdivisions A 3 d, e and f shall apply to jointly owned property. No presumption of gift shall arise under this section where (i) separate property is commingled with jointly owned property; (ii) newly acquired property is conveyed into joint ownership; or (iii) existing property is conveyed or retitled into joint ownership. For purposes of this subdivision A 3, property is jointly owned when it is titled in the name of both parties, whether as joint tenants, tenants by the entireties, or otherwise.

4. Separate debt is (i) all debt incurred by either party before the marriage, (ii) all debt incurred by either party after the date of the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent, and (iii) that part of any debt classified as separate pursuant to subdivision A 5. However, to the extent that a party can show by a preponderance of the evidence that the debt was incurred for the benefit of the marriage or family, the court may designate the debt as marital.

5. Marital debt is (i) all debt incurred in the joint names of the parties before the date of the last separation of the parties, if at such time or thereafter at least one of the parties intends that the separation be permanent, whether incurred before or after the date of the marriage, and (ii) all debt incurred in either party's name after the date of the marriage and before the date of the last separation of the parties, if at such time or thereafter at least one of the parties intends that the

separation be permanent. However, to the extent that a party can show by a preponderance of the evidence that the debt, or a portion thereof, was incurred, or the proceeds secured by incurring the debt were used, in whole or in part, for a nonmarital purpose, the court may designate the entire debt as separate or a portion of the debt as marital and a portion of the debt as separate.

B. For the purposes of this section only, both parties shall be deemed to have rights and interests in the marital property. However, such interests and rights shall not attach to the legal title of such property and are only to be used as a consideration in determining a monetary award, if any, as provided in this section.

C. Except as provided in subsection G, the court shall have no authority to order the division or transfer of separate property or marital property, or separate or marital debt, which is not jointly owned or owed. *However, upon a finding that separate property of one party is in the possession or control of the other party, the court may order that the property be transferred to the party whose separate property it is.* The court may, based upon the factors listed in subsection E, divide or transfer or order the division or transfer, or both, of jointly owned marital property, jointly owed marital debt, or any part thereof. The court shall also have the authority to apportion and order the payment of the debts of the parties, or either of them, that are incurred prior to the dissolution of the marriage, based upon the factors listed in subsection E.

As a means of dividing or transferring the jointly owned marital property, the court may transfer or order the transfer of real or personal property or any interest therein to one of the parties, permit either party to purchase the interest of the other and direct the allocation of the proceeds, provided the party purchasing the interest of the other agrees to assume any indebtedness secured by the property, or order its sale by private sale by the parties, through such agent as the court shall direct, or by public sale as the court shall direct without the necessity for partition. All decrees entered prior to July 1, 1991, which are final and not subject to further proceedings on appeal as of that date, which divide or transfer or order the division or transfer of property directly between the parties are hereby validated and deemed self-executing. All orders or decrees which divide or transfer or order division or transfer of real property between the parties shall be recorded and indexed in the names of the parties in the appropriate grantor and grantee indexes in the land records in the clerk's office of the circuit court of the county or city in which the property is located.

D. In addition, based upon (i) the equities and the rights and interests of each party in the marital property, and (ii) the factors listed in subsection E, the court has the power to grant a monetary award, payable either in a lump sum or over a period of time in fixed amounts, to either party. The party against whom a monetary award is made may satisfy the award, in whole or in part, by conveyance of property, subject to the approval of the court. An award entered pursuant to this subsection shall constitute a judgment within the meaning of § 8.01-426 and shall not be docketed by the clerk unless the decree so directs. An award entered pursuant to this subsection may be enforceable in the same manner as any other money judgment. The provisions of § 8.01-382, relating to interest on judgments, shall apply unless the court orders otherwise.

Any marital property, which has been considered or ordered transferred in granting the monetary award under this section, shall not thereafter be the subject of a suit between the same parties to transfer title or possession of such property.

E. The amount of any division or transfer of jointly owned marital property, and the amount of any monetary award, the apportionment of marital debts, and the method of payment shall be determined by the court after consideration of the following factors:

1. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
2. The contributions, monetary and nonmonetary, of each party in the acquisition and care and maintenance of such marital property of the parties;
3. The duration of the marriage;
4. The ages and physical and mental condition of the parties;
5. The circumstances and factors which contributed to the dissolution of the marriage, specifically including any ground for divorce under the provisions of subdivision A (1), (3) or (6) of § 20-91 or § 20-95;
6. How and when specific items of such marital property were acquired;
7. The debts and liabilities of each spouse, the basis for such debts and liabilities, and the property which may serve as security for such debts and liabilities;
8. The liquid or nonliquid character of all marital property;
9. The tax consequences to each party;
10. The use or expenditure of marital property by either of the parties for a nonmarital separate purpose or the dissipation of such funds, when such was done in anticipation of divorce or separation or after the last separation of the parties; and
11. Such other factors as the court deems necessary or appropriate to consider in order to arrive at a fair and equitable monetary award.

F. The court shall determine the amount of any such monetary award without regard to maintenance and support awarded for either party or support for the minor children of both parties and shall, after or at the time of such determination and upon motion of either party, consider whether an order for support and maintenance of a spouse or children shall be entered or, if previously entered, whether such order shall be modified or vacated.

G. In addition to the monetary award made pursuant to subsection D, and upon consideration of the factors set forth in subsection E:

1. The court may direct payment of a percentage of the marital share of any pension, profit-sharing or deferred compensation plan or retirement benefits, whether vested or nonvested, which constitutes marital property and whether

payable in a lump sum or over a period of time. The court may order direct payment of such percentage of the marital share by direct assignment to a party from the employer trustee, plan administrator or other holder of the benefits. However, the court shall only direct that payment be made as such benefits are payable. No such payment shall exceed 50 percent of the marital share of the cash benefits actually received by the party against whom such award is made. "Marital share" means that portion of the total interest, the right to which was earned during the marriage and before the last separation of the parties, if at such time or thereafter at least one of the parties intended that the separation be permanent.

2. To the extent permitted by federal or other applicable law, the court may order a party to designate a spouse or former spouse as irrevocable beneficiary during the lifetime of the beneficiary of all or a portion of any survivor benefit or annuity plan of whatsoever nature, but not to include a life insurance policy. The court, in its discretion, shall determine as between the parties, who shall bear the costs of maintaining such plan.

H. In addition to the monetary award made pursuant to subsection D, and upon consideration of the factors set forth in subsection E, the court may direct payment of a percentage of the marital share of any personal injury or workers' compensation recovery of either party, whether such recovery is payable in a lump sum or over a period of time. However, the court shall only direct that payment be made as such recovery is payable, whether by settlement, jury award, court award, or otherwise. "Marital share" means that part of the total personal injury or workers' compensation recovery attributable to lost wages or medical expenses to the extent not covered by health insurance accruing during the marriage and before the last separation of the parties, if at such time or thereafter at least one of the parties intended that the separation be permanent.

I. Nothing in this section shall be construed to prevent the affirmation, ratification and incorporation in a decree of an agreement between the parties pursuant to §§ 20-109 and 20-109.1. Agreements, otherwise valid as contracts, entered into between spouses prior to the marriage shall be recognized and enforceable.

J. A court of proper jurisdiction under § 20-96 may exercise the powers conferred by this section after a court of a foreign jurisdiction has decreed a dissolution of a marriage or a divorce from the bond of matrimony, if (i) one of the parties was domiciled in this Commonwealth when the foreign proceedings were commenced, (ii) the foreign court did not have personal jurisdiction over the party domiciled in the Commonwealth, (iii) the proceeding is initiated within two years of receipt of notice of the foreign decree by the party domiciled in the Commonwealth, and (iv) the court obtains personal jurisdiction over the parties pursuant to subdivision A 9 of § 8.01-328.1, or in any other manner permitted by law.

K. The court shall have the continuing authority and jurisdiction to make any additional orders necessary to effectuate and enforce any order entered pursuant to this section, including the authority to:

1. Order a date certain for transfer or division of any jointly owned property under subsection C or payment of any monetary award under subsection D;

2. Punish as contempt of court any willful failure of a party to comply with the provisions of any order made by the court under this section;

3. Appoint a special commissioner to transfer any property under subsection C where a party refuses to comply with the order of the court to transfer such property; and

4. Modify any order entered in a case filed on or after July 1, 1982, intended to affect or divide any pension, profit-sharing or deferred compensation plan or retirement benefits pursuant to the United States Internal Revenue Code or other applicable federal laws, only for the purpose of establishing or maintaining the order as a qualified domestic relations order or to revise or conform its terms so as to effectuate the expressed intent of the order.

L. If it appears upon or after the entry of a final decree of divorce from the bond of matrimony that neither party resides in the city or county of the circuit court that entered the decree, the court may, on the motion of any party or on its own motion, transfer to the circuit court for the city or county where either party resides the authority to make additional orders pursuant to subsection K or to carry out or enforce any stipulation, contract, or agreement between the parties that has been affirmed, ratified, and incorporated by reference pursuant to § 20-109.1.

CHAPTER 560

An Act to amend and reenact § 9.1-102 of the Code of Virginia, relating to Department and Board of Criminal Justice Services; powers and duties; trauma-informed sexual assault investigation.

[H 1102]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-102 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-102. Powers and duties of the Board and the Department.

The Department, under the direction of the Board, which shall be the policy-making body for carrying out the duties and powers hereunder, shall have the power and duty to:

1. Adopt regulations, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), for the administration of this chapter including the authority to require the submission of reports and information by law-enforcement officers within the Commonwealth. Any proposed regulations concerning the privacy, confidentiality, and security of criminal justice information shall be submitted for review and comment to any board, commission, or committee or other body which may

be established by the General Assembly to regulate the privacy, confidentiality, and security of information collected and maintained by the Commonwealth or any political subdivision thereof;

2. Establish compulsory minimum training standards subsequent to employment as a law-enforcement officer in (i) permanent positions, and (ii) temporary or probationary status, and establish the time required for completion of such training;

3. Establish minimum training standards and qualifications for certification and recertification for law-enforcement officers serving as field training officers;

4. Establish compulsory minimum curriculum requirements for in-service and advanced courses and programs for schools, whether located in or outside the Commonwealth, which are operated for the specific purpose of training law-enforcement officers;

5. Establish (i) compulsory minimum training standards for law-enforcement officers who utilize radar or an electrical or microcomputer device to measure the speed of motor vehicles as provided in § 46.2-882 and establish the time required for completion of the training and (ii) compulsory minimum qualifications for certification and recertification of instructors who provide such training;

6. [Repealed];

7. Establish compulsory minimum entry-level, in-service and advanced training standards for those persons designated to provide courthouse and courtroom security pursuant to the provisions of § 53.1-120, and to establish the time required for completion of such training;

8. Establish compulsory minimum entry-level, in-service and advanced training standards for deputy sheriffs designated to serve process pursuant to the provisions of § 8.01-293, and establish the time required for the completion of such training;

9. Establish compulsory minimum entry-level, in-service, and advanced training standards, as well as the time required for completion of such training, for persons employed as deputy sheriffs and jail officers by local criminal justice agencies, correctional officers employed by the Department of Corrections under the provisions of Title 53.1, and juvenile correctional officers employed at a juvenile correctional facility as the term is defined in § 66-25.3;

10. Establish compulsory minimum training standards for all dispatchers employed by or in any local or state government agency, whose duties include the dispatching of law-enforcement personnel. Such training standards shall apply only to dispatchers hired on or after July 1, 1988;

11. Establish compulsory minimum training standards for all auxiliary police officers employed by or in any local or state government agency. Such training shall be graduated and based on the type of duties to be performed by the auxiliary police officers. Such training standards shall not apply to auxiliary police officers exempt pursuant to § 15.2-1731;

12. Consult and cooperate with counties, municipalities, agencies of the Commonwealth, other state and federal governmental agencies, and with universities, colleges, community colleges, and other institutions, whether located in or outside the Commonwealth, concerning the development of police training schools and programs or courses of instruction;

13. Approve institutions, curricula and facilities, whether located in or outside the Commonwealth, for school operation for the specific purpose of training law-enforcement officers; but this shall not prevent the holding of any such school whether approved or not;

14. Establish and maintain police training programs through such agencies and institutions as the Board deems appropriate;

15. Establish compulsory minimum qualifications of certification and recertification for instructors in criminal justice training schools approved by the Department;

16. Conduct and stimulate research by public and private agencies which shall be designed to improve police administration and law enforcement;

17. Make recommendations concerning any matter within its purview pursuant to this chapter;

18. Coordinate its activities with those of any interstate system for the exchange of criminal history record information, nominate one or more of its members to serve upon the council or committee of any such system, and participate when and as deemed appropriate in any such system's activities and programs;

19. Conduct inquiries and investigations it deems appropriate to carry out its functions under this chapter and, in conducting such inquiries and investigations, may require any criminal justice agency to submit information, reports, and statistical data with respect to its policy and operation of information systems or with respect to its collection, storage, dissemination, and usage of criminal history record information and correctional status information, and such criminal justice agencies shall submit such information, reports, and data as are reasonably required;

20. Conduct audits as required by § 9.1-131;

21. Conduct a continuing study and review of questions of individual privacy and confidentiality of criminal history record information and correctional status information;

22. Advise criminal justice agencies and initiate educational programs for such agencies with respect to matters of privacy, confidentiality, and security as they pertain to criminal history record information and correctional status information;

23. Maintain a liaison with any board, commission, committee, or other body which may be established by law, executive order, or resolution to regulate the privacy and security of information collected by the Commonwealth or any political subdivision thereof;

24. Adopt regulations establishing guidelines and standards for the collection, storage, and dissemination of criminal history record information and correctional status information, and the privacy, confidentiality, and security thereof necessary to implement state and federal statutes, regulations, and court orders;

25. Operate a statewide criminal justice research center, which shall maintain an integrated criminal justice information system, produce reports, provide technical assistance to state and local criminal justice data system users, and provide analysis and interpretation of criminal justice statistical information;

26. Develop a comprehensive, statewide, long-range plan for strengthening and improving law enforcement and the administration of criminal justice throughout the Commonwealth, and periodically update that plan;

27. Cooperate with, and advise and assist, all agencies, departments, boards and institutions of the Commonwealth, and units of general local government, or combinations thereof, including planning district commissions, in planning, developing, and administering programs, projects, comprehensive plans, and other activities for improving law enforcement and the administration of criminal justice throughout the Commonwealth, including allocating and subgranting funds for these purposes;

28. Define, develop, organize, encourage, conduct, coordinate, and administer programs, projects and activities for the Commonwealth and units of general local government, or combinations thereof, in the Commonwealth, designed to strengthen and improve law enforcement and the administration of criminal justice at every level throughout the Commonwealth;

29. Review and evaluate programs, projects, and activities, and recommend, where necessary, revisions or alterations to such programs, projects, and activities for the purpose of improving law enforcement and the administration of criminal justice;

30. Coordinate the activities and projects of the state departments, agencies, and boards of the Commonwealth and of the units of general local government, or combination thereof, including planning district commissions, relating to the preparation, adoption, administration, and implementation of comprehensive plans to strengthen and improve law enforcement and the administration of criminal justice;

31. Do all things necessary on behalf of the Commonwealth and its units of general local government, to determine and secure benefits available under the Omnibus Crime Control and Safe Streets Act of 1968 (P.L. 90-351, 82 Stat. 197), as amended, and under any other federal acts and programs for strengthening and improving law enforcement, the administration of criminal justice, and delinquency prevention and control;

32. Receive, administer, and expend all funds and other assistance available to the Board and the Department for carrying out the purposes of this chapter and the Omnibus Crime Control and Safe Streets Act of 1968, as amended;

33. Apply for and accept grants from the United States government or any other source in carrying out the purposes of this chapter and accept any and all donations both real and personal, and grants of money from any governmental unit or public agency, or from any institution, person, firm or corporation, and may receive, utilize and dispose of the same. Any arrangements pursuant to this section shall be detailed in the annual report of the Board. Such report shall include the identity of the donor, the nature of the transaction, and the conditions, if any. Any moneys received pursuant to this section shall be deposited in the state treasury to the account of the Department. To these ends, the Board shall have the power to comply with conditions and execute such agreements as may be necessary;

34. Make and enter into all contracts and agreements necessary or incidental to the performance of its duties and execution of its powers under this chapter, including but not limited to, contracts with the United States, units of general local government or combinations thereof, in Virginia or other states, and with agencies and departments of the Commonwealth;

35. Adopt and administer reasonable regulations for the planning and implementation of programs and activities and for the allocation, expenditure and subgranting of funds available to the Commonwealth and to units of general local government, and for carrying out the purposes of this chapter and the powers and duties set forth herein;

36. Certify and decertify law-enforcement officers in accordance with §§ 15.2-1706 and 15.2-1707;

37. Establish training standards and publish a model policy for law-enforcement personnel in the handling of family abuse, domestic violence, sexual assault and stalking cases, including standards for determining the predominant physical aggressor in accordance with § 19.2-81.3. The Department shall provide technical support and assistance to law-enforcement agencies in carrying out the requirements set forth in § 9.1-1301 and shall by December 1, 2009, submit a report on the status of implementation of these requirements to the chairmen of the House and Senate Courts of Justice Committees;

38. Establish training standards and publish a model policy for law-enforcement personnel in communicating with and facilitating the safe return of individuals diagnosed with Alzheimer's disease;

39. Establish compulsory training standards for basic training and the recertification of law-enforcement officers to ensure sensitivity to and awareness of cultural diversity and the potential for biased policing;

40. Review and evaluate community-policing programs in the Commonwealth, and recommend where necessary statewide operating procedures, guidelines, and standards which strengthen and improve such programs, including sensitivity to and awareness of cultural diversity and the potential for biased policing;

41. Publish and disseminate a model policy or guideline that may be used by state and local agencies to ensure that law-enforcement personnel are sensitive to and aware of cultural diversity and the potential for biased policing;

42. Establish a Virginia Law-Enforcement Accreditation Center. The Center may, in cooperation with Virginia law-enforcement agencies, provide technical assistance and administrative support, including staffing, for the establishment of voluntary state law-enforcement accreditation standards. The Center may provide accreditation assistance and training, resource material, and research into methods and procedures that will assist the Virginia law-enforcement community efforts to obtain Virginia accreditation status;

43. Promote community policing philosophy and practice throughout the Commonwealth by providing community policing training and technical assistance statewide to all law-enforcement agencies, community groups, public and private organizations and citizens; developing and distributing innovative policing curricula and training tools on general community policing philosophy and practice and contemporary critical issues facing Virginia communities; serving as a consultant to Virginia organizations with specific community policing needs; facilitating continued development and implementation of community policing programs statewide through discussion forums for community policing leaders, development of law-enforcement instructors; promoting a statewide community policing initiative; and serving as a statewide information source on the subject of community policing including, but not limited to periodic newsletters, a website and an accessible lending library;

44. Establish, in consultation with the Department of Education and the Virginia State Crime Commission, compulsory minimum standards for employment and job-entry and in-service training curricula and certification requirements for school security officers, which training and certification shall be administered by the Virginia Center for School and Campus Safety pursuant to § 9.1-184. Such training standards shall include, but shall not be limited to, the role and responsibility of school security officers, relevant state and federal laws, school and personal liability issues, security awareness in the school environment, mediation and conflict resolution, disaster and emergency response, and student behavioral dynamics. The Department shall establish an advisory committee consisting of local school board representatives, principals, superintendents, and school security personnel to assist in the development of these standards and certification requirements;

45. Establish training standards and publish a model policy and protocols for local and regional sexual assault response teams;

46. License and regulate property bail bondsmen and surety bail bondsmen in accordance with Article 11 (§ 9.1-185 et seq.);

47. License and regulate bail enforcement agents in accordance with Article 12 (§ 9.1-186 et seq.);

48. In conjunction with the Virginia State Police and the State Compensation Board, advise criminal justice agencies regarding the investigation, registration, and dissemination of information requirements as they pertain to the Sex Offender and Crimes Against Minors Registry Act (§ 9.1-900 et seq.);

49. Establish minimum standards for (i) employment, (ii) job-entry and in-service training curricula, and (iii) certification requirements for campus security officers. Such training standards shall include, but not be limited to, the role and responsibility of campus security officers, relevant state and federal laws, school and personal liability issues, security awareness in the campus environment, and disaster and emergency response. The Department shall provide technical support and assistance to campus police departments and campus security departments on the establishment and implementation of policies and procedures, including but not limited to: the management of such departments, investigatory procedures, judicial referrals, the establishment and management of databases for campus safety and security information sharing, and development of uniform record keeping for disciplinary records and statistics, such as campus crime logs, judicial referrals and Clery Act statistics. The Department shall establish an advisory committee consisting of college administrators, college police chiefs, college security department chiefs, and local law-enforcement officials to assist in the development of the standards and certification requirements and training pursuant to this subdivision;

50. Establish compulsory training standards and publish a model policy for law-enforcement personnel regarding death notification;

51. Assess and report, in accordance with § 9.1-190, the crisis intervention team programs established pursuant to § 9.1-187;

52. (Effective until July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Alcoholic Beverage Control Board;

52. (Effective July 1, 2018) Establish, publish, and disseminate a model policy or guideline for law-enforcement personnel for questioning individuals suspected of driving while intoxicated concerning the physical location of that individual's last consumption of an alcoholic beverage and for communicating that information to the Virginia Alcoholic Beverage Control Authority;

53. Establish training standards and publish a model policy for law-enforcement personnel assigned to vehicle patrol duties that embody current best practices for pursuits and for responding to emergency calls;

54. Establish training standards and publish a model policy for law-enforcement personnel involved in criminal investigations that embody current best practices for conducting photographic and live lineups;

55. In conjunction with the Office of the Attorney General, advise law-enforcement agencies and attorneys for the Commonwealth regarding the identification, investigation, and prosecution of human trafficking offenses using the common law and existing criminal statutes in the Code of Virginia. The Department shall publish and disseminate a model

policy or guideline for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are sensitive to and aware of human trafficking offenses and the identification of victims of human trafficking offenses;

56. Register tow truck drivers in accordance with § 46.2-116 and carry out the provisions of § 46.2-117;

57. Establish training standards and publish a model policy for missing children, missing adults, and search and rescue protocol;

58. Administer the activities of the Virginia Sexual and Domestic Violence Program Professional Standards Committee by providing technical assistance and administrative support, including staffing, for the Committee; ~~and~~

59. *In consultation with the State Council of Higher Education for Virginia and the Virginia Association of Campus Law Enforcement Administrators, develop multidisciplinary curricula on trauma-informed sexual assault investigation; and*

60. Perform such other acts as may be necessary or convenient for the effective performance of its duties.

CHAPTER 561

An Act to amend and reenact § 9.1-139 of the Code of Virginia, relating to licensure; waiver of prohibition for conviction.

[H 434]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-139 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-139. Licensing, certification, and registration required; qualifications; temporary licenses.

A. No person shall engage in the private security services business or solicit private security business in the Commonwealth without having obtained a license from the Department. No person shall be issued a private security services business license until a compliance agent is designated in writing on forms provided by the Department. The compliance agent shall ensure the compliance of the private security services business with this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board. A compliance agent shall have either a minimum of (i) three years of managerial or supervisory experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field or (ii) five years of experience in a private security services business; with a federal, state or local law-enforcement agency; or in a related field.

B. No person shall act as private security services training school or solicit students for private security training in the Commonwealth without being certified by the Department. No person shall be issued a private security services training school certification until a school director is designated in writing on forms provided by the Department. The school director shall ensure the compliance of the school with the provisions of this article and shall meet the qualifications and perform the duties required by the regulations adopted by the Board.

C. No person shall be employed by a licensed private security services business in the Commonwealth as armored car personnel, courier, armed security officer, detector canine handler, unarmed security officer, security canine handler, private investigator, personal protection specialist, alarm respondent, locksmith, central station dispatcher, electronic security sales representative, electronic security technician's assistant, or electronic security technician without possessing a valid registration issued by the Department, except as provided in this article. Notwithstanding any other provision of this article, a licensed private security services business may hire as an independent contractor a personal protection specialist or private investigator who has been issued a registration by the Department.

D. A temporary license may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary license until (i) he has designated a compliance agent who has complied with the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141 for compliance agents, (ii) each principal of the business has submitted his fingerprints for a National Criminal Records search and a Virginia Criminal History Records search, and (iii) he has met all other requirements of this article and Board regulations.

E. No person shall be employed by a licensed private security services business in the Commonwealth unless such person is certified or registered in accordance with this chapter.

F. A temporary registration may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary registration until he has (i) complied with, or been exempted from the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, for armored car personnel, couriers, armed security officers, detector canine handlers, unarmed security officers, security canine handlers, private investigators, personal protection specialists, alarm respondents, locksmith, central station dispatchers, electronic security sales representatives, electronic security technician's assistants, or electronic security technicians, (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (iii) met all other requirements of this article and Board regulations.

G. A temporary certification as a private security instructor or private security training school may be issued in accordance with Board regulations for the purpose of awaiting the results of the state and national fingerprint search. However, no person shall be issued a temporary certification as a private security services instructor until he has (i) met the

education, training and experience requirements established by the Board and (ii) submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. No person shall be issued a temporary certification as a private security services training school until (a) he has designated a training director, (b) each principal of the training school has submitted his fingerprints to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search, and (c) he has met all other requirements of this article and Board regulations.

H. A licensed private security services business in the Commonwealth shall not employ as an unarmed security officer, electronic security technician's assistant, unarmed alarm respondent, central station dispatcher, electronic security sales representative, locksmith, or electronic security technician, any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board, pursuant to subsection A of § 9.1-141, except that such person may be so employed for not more than 90 days while completing compulsory minimum training standards.

I. No person shall be employed as an electronic security employee, electronic security technician's assistant, unarmed alarm respondent, locksmith, central station dispatcher, electronic security sales representative, electronic security technician or supervisor until he has submitted his fingerprints to the Department to be used for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. The provisions of this subsection shall not apply to an out-of-state central station dispatcher meeting the requirements of subdivision 19 of § 9.1-140.

J. The compliance agent of each licensed private security services business in the Commonwealth shall maintain documentary evidence that each private security registrant and certified employee employed by his private security services business has complied with, or been exempted from, the compulsory minimum training standards required by the Board. Before January 1, 2003, the compliance agent shall ensure that an investigation to determine suitability of each unarmed security officer employee has been conducted, except that any such unarmed security officer, upon initiating a request for such investigation under the provisions of subdivision A 11 of § 19.2-389, may be employed for up to 30 days pending completion of such investigation. After January 1, 2003, no person shall be employed as an unarmed security officer until he has submitted his fingerprints to the Department for the conduct of a National Criminal Records search and a Virginia Criminal History Records search. Any person who was employed as an unarmed security officer prior to January 1, 2003, shall submit his fingerprints to the Department in accordance with subsection B of § 9.1-145.

K. No person with a criminal conviction for a misdemeanor involving (i) moral turpitude, (ii) assault and battery, (iii) damage to real or personal property, (iv) controlled substances or imitation controlled substances as defined in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, (v) prohibited sexual behavior as described in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or (vi) firearms, or any felony shall be (a) employed as a registered or certified employee by a private security services business or training school, or (b) issued a private security services registration, certification as an unarmed security officer, electronic security employee or technician's assistant, a private security services training school or instructor certification, compliance agent certification, or a private security services business license, except that, upon written request, the Director of the Department may waive such prohibition. *Any grant or denial of such waiver shall be made in writing within 30 days of receipt of the written request and shall state the reasons for such decision.*

L. The Department may grant a temporary exemption from the requirement for licensure, certification, or registration for a period of not more than 30 days in a situation deemed an emergency by the Department.

M. All private security services businesses and private security services training schools in the Commonwealth shall include their license or certification number on all business advertising materials.

N. A licensed private security services business in the Commonwealth shall not employ as armored car personnel any person who has not complied with, or been exempted from, the compulsory minimum training standards established by the Board pursuant to subsection A of § 9.1-141, except such person may serve as a driver of an armored car for not more than 90 days while completing compulsory minimum training standards, provided such person does not possess or have access to a firearm while serving as a driver.

CHAPTER 562

An Act to amend and reenact § 55-332 of the Code of Virginia, relating to timber cutting; determination of damages; attorney fees.

[S 687]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 55-332 of the Code of Virginia is amended and reenacted as follows:

§ 55-332. Procedure for determination of damage.

A. The owner of the land on which such trespass was committed shall have the right, within 30 days after the discovery of such trespass and the identity of the trespasser, to notify the trespasser and to appoint an experienced timber estimator to determine the amount of damages. For the purposes of determining damages the value of the timber cut shall be calculated by first determining the value of the timber on the stump. Within 30 days after receiving notice of the alleged trespass and of the appointment of such estimator, the alleged trespasser, if he does not deny the fact of trespass, shall appoint an experienced timber estimator to participate with the one already so appointed in the estimation of damages. If the two

estimators cannot agree they shall select a third person, experienced and disinterested, and the decision thereafter made shall be final and conclusive and not subject to appeal. The estimation of damages and the rendition of statement must be effected within 30 days from the receipt of notice of appointment, by the trespasser, of an estimator.

If the alleged trespasser fails to appoint an estimator within the prescribed time, or to notify, within such time, that the allegation of the fact of trespass is disputed, the estimator appointed by the injured party may make an estimate, and collection or recovery may be had accordingly.

B. Any person who (i) severs or removes any timber from the land of another without legal right or permission or (ii) authorizes or directs the severing or removal of timber or trees from the land of another without legal right or permission shall be liable to pay to the rightful owner of the timber three times the value of the timber on the stump and shall pay to the rightful owner of the property the reforestation costs incurred not to exceed \$450 per acre, the costs of ascertaining the value of the timber, ~~and~~ any directly associated legal costs, *and reasonable attorney fees* incurred by the owner of the timber as a result of the trespass.

CHAPTER 563

An Act to amend and reenact §§ 3.2-6023 and 3.2-6034 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 60 of Title 3.2 an article numbered 5, consisting of sections numbered 3.2-6043, 3.2-6044, and 3.2-6045; and to repeal §§ 3.2-6018 and 3.2-6042 of the Code of Virginia, relating to criminal and civil penalties for animal disease violations.

[S 268]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6023 and 3.2-6034 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 60 of Title 3.2 an article numbered 5, consisting of sections numbered 3.2-6043, 3.2-6044, and 3.2-6045, as follows:

§ 3.2-6023. Prevention and control measures; penalty.

A. The Commissioner may adopt regulations to prevent and control avian influenza in the live-bird marketing system and is authorized to participate in the federal Live Bird Marketing Program of the U.S. Department of Agriculture, as it may be amended from time to time. In adopting such regulations, the Commissioner shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.) and from public participation guidelines adopted pursuant thereto. The State Veterinarian and his representatives are authorized and empowered to enter the premises of any entity within the live-bird marketing system to carry out the provisions of any regulations adopted pursuant to this section. Any regulations adopted pursuant to this section shall, unless a later effective date is specified, take effect upon filing with the Registrar of Regulations, who shall publish the regulations as final regulations in the Virginia Register of Regulations, except that no requirement authorized by subsection B that a person be registered or licensed may take effect any sooner than 90 days after the promulgation date of the regulations containing such requirement, the promulgation date being the date of publication in the Virginia Register of Regulations of the final regulations containing such requirement. The regulations shall contain a preamble stating that the Board will receive, consider, and respond to petitions by any interested person at any time with respect to reconsideration or revision of such regulations.

B. The Commissioner shall establish by regulation a registration or licensing system to regulate the live-bird marketing system in Virginia. As a part of such registration or licensing system, the Commissioner shall register or license all persons who participate in any component of the live-bird marketing system. Such registration or licensing system may include the granting, denial, suspension, or revocation of any registration or license, including governing: (i) the grounds for granting such registration or license; and (ii) the grounds for the denial, suspension, or revocation of such registration or license.

C. Any person violating any regulation adopted pursuant to this section may be assessed a civil penalty by the Commissioner in an amount not to exceed \$2,500 per day per violation. In determining the amount of any civil penalty, the Commissioner shall give due consideration to: (i) the history of the person's previous violations; (ii) the seriousness of the violation; and (iii) the demonstrated good faith of the person charged in attempting to achieve compliance with the regulation after notification of the violation. Civil penalties assessed under this section shall be paid into ~~a special fund in the state treasury to the credit of the Department to be used in carrying out the purposes of this section or any regulations adopted hereunder~~ the Livestock and Poultry Disease Fund established in § 3.2-6045. The Commissioner shall prescribe procedures for payment of uncontested penalties. The procedure shall include provisions for a person to consent to abatement of the alleged violation and pay a penalty or negotiated sum in lieu of such penalty without admission of civil liability arising from such alleged violation. Final orders may be recorded, enforced, and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner. Such orders may be appealed in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

D. For the purposes of this section: (i) "live-bird marketing system" includes live-bird markets and the production and distribution units that supply live-bird markets with birds; (ii) "live-bird markets" includes any facility that receives live poultry to be resold or slaughtered and sold onsite, not including any producer or grower that prior to the sale of his own birds slaughters or processes them onsite or at an approved slaughter facility or any producer or grower that sells live birds

grown exclusively on his premises and is not a "production unit" or "distribution unit" as defined herein; (iii) "production unit" includes a production facility or farm that is the origin of or participates in the production of poultry offered for sale in a live-bird market; and (iv) "distribution unit" includes a person or business such as a wholesaler, dealer, hauler, and auction market engaged in the transportation or sale of poultry within the live-bird market system.

§ 3.2-6034. Commissioner to enjoin violations.

~~Any person who violates any provision of this article is guilty of a Class 1 misdemeanor. Each day upon which such violation occurs is a separate offense. In addition to the penalties herein provided, such person may be enjoined from continuing such violation. The Commissioner may bring an action to enjoin the violation of any provision of this article in the circuit court of the county or city where such violation occurs.~~

Article 5.

Violations and Penalties.

§ 3.2-6043. Violations; criminal penalties.

A. It is unlawful for any person to violate any of the (i) provisions of this chapter or (ii) regulations adopted or quarantines established under this chapter. Any person who violates such provisions or regulations is guilty of a Class 1 misdemeanor.

B. It is unlawful for any person to fail to allow the State Veterinarian or his representative to perform any duty required of him pursuant to this chapter. Any person who fails to allow the State Veterinarian or his representative to perform any duty required of him pursuant this chapter is guilty of a Class 1 misdemeanor.

C. In addition to the penalties provided in subsections A and B, each day of violation of any provision of Article 3 (§ 3.2-6031 et seq.) shall constitute a separate offense.

§ 3.2-6044. Civil penalty.

Except as provided in § 3.2-6023, in lieu of any criminal penalty established pursuant to § 3.2-6043, the Board may assess a civil penalty in an amount not to exceed \$1,000 per violation. In determining the amount of any civil penalty, the Board shall give due consideration to the (i) history of the person's previous violations, (ii) seriousness of the violation, and (iii) demonstrated good faith of the person charged in attempting to achieve compliance with this chapter after notification of the violation. Such civil penalties shall be deposited into the Livestock and Poultry Disease Fund established in § 3.2-6045. The provisions of this section shall not apply to § 3.2-6023.

§ 3.2-6045. Livestock and Poultry Disease Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Livestock and Poultry Disease Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All civil penalties assessed pursuant to this chapter shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used to carry out the purposes of this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Commissioner.

2. That §§ 3.2-6018 and 3.2-6042 of the Code of Virginia are repealed.

CHAPTER 564

An Act to amend the Code of Virginia by adding a section numbered 3.2-4411.1, relating to limited liability for beekeepers.

[H 535]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 3.2-4411.1 as follows:

§ 3.2-4411.1. Apiaries; limitation on liability.

A. Any person owning or operating an apiary that is not located on his own property shall post the name and address of the owner or operator in a conspicuous place in the apiary.

B. A person who operates an apiary in a reasonable manner, in compliance with local zoning restrictions, and in conformance with the written best management practices as provided by regulation of the Department of Agriculture and Consumer Services shall not be liable for any personal injury or property damage that occurs in connection with his keeping and maintaining of bees, bee equipment, queen breeding equipment, apiaries, or appliances. The limitation of liability established by this section does not apply to intentional tortious conduct or acts or omissions constituting gross negligence or negligence.

C. The limitation of liability in this section shall not take effect until regulations are adopted by the Board. The Board may adopt initial regulations under this section to implement the provisions of this section to be effective no later than November 1, 2016. Such initial regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act; however, the Board shall publish proposed regulations in the Virginia Register of Regulations and allow at least 30 days for public comment, to include an online public comment forum on the Virginia Regulatory Town Hall, after publication. Any amendments to such initial regulations or any subsequent regulations adopted pursuant to this

section shall comply with the requirements of Article 2 of the Administrative Process Act. Any regulations adopted shall include best management practices for the operation of apiaries.

CHAPTER 565

An Act to amend and reenact §§ 3.2-1201, 3.2-1202, 3.2-1205, 3.2-1301, 3.2-1302, 3.2-1304, 3.2-1501, 3.2-1512, 3.2-1601, 3.2-1606, 3.2-1607, 3.2-1700, 3.2-1801, 3.2-1803, 3.2-1901, 3.2-1904, 3.2-1906, and 3.2-2101 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 11 of Title 3.2 sections numbered 3.2-1104, 3.2-1105, and 3.2-1106; and to repeal §§ 3.2-1203, 3.2-1207, 3.2-1303, 3.2-1503, 3.2-1602, 3.2-1603, 3.2-1608, 3.2-1609, 3.2-1702, 3.2-1802, 3.2-1902, 3.2-1903, 3.2-2102, and 3.2-2103 of the Code of Virginia, relating to commodity boards.

[H 1094]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-1201, 3.2-1202, 3.2-1205, 3.2-1301, 3.2-1302, 3.2-1304, 3.2-1501, 3.2-1512, 3.2-1601, 3.2-1606, 3.2-1607, 3.2-1700, 3.2-1801, 3.2-1803, 3.2-1901, 3.2-1904, 3.2-1906, and 3.2-2101 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 11 of Title 3.2 sections numbered 3.2-1104, 3.2-1105, and 3.2-1106 as follows:

§ 3.2-1104. Preemption by federal law.

No provision of Chapter 12 (§ 3.2-1200 et seq.), Chapter 13 (§ 3.2-1300 et seq.), Chapters 15 (§ 3.2-1500 et seq.) through 21 (§ 3.2-2100 et seq.), Chapter 23 (§ 3.2-2300 et seq.), or Chapter 24 (§ 3.2-2400 et seq.) that is expressly preempted by a federal act or agreement governing commodity assessments shall be enforced or imposed until the termination of such act or agreement.

§ 3.2-1105. Commodity boards; appointment terms; quorum.

The following provisions apply to each commodity board established pursuant to the provisions of Chapter 12 (§ 3.2-1200 et seq.), Chapter 13 (§ 3.2-1300 et seq.), Chapters 16 (§ 3.2-1600 et seq.) through 19 (§ 3.2-1900 et seq.), or Chapter 21 (§ 3.2-2100 et seq.):

1. The term for each appointment to a commodity board shall be for four years, with the exception of an appointment to fill a vacancy, which shall be for the unexpired term, unless otherwise authorized in this subtitle; and

2. A majority of the members of a commodity board shall constitute a quorum of that commodity board unless otherwise authorized in this subtitle.

§ 3.2-1106. Commodity board officers and reimbursement of expenses.

The following provisions apply to each commodity board established pursuant to the provisions of Chapter 12 (§ 3.2-1200 et seq.), Chapter 13 (§ 3.2-1300 et seq.), Chapters 15 (§ 3.2-1500 et seq.) through 19 (§ 3.2-1900 et seq.), or Chapter 21 (§ 3.2-2100 et seq.):

1. The members of a commodity board shall elect one board member as chairman and such other officers as deemed appropriate unless otherwise authorized in this subtitle; and

2. Each appointed member of a commodity board shall serve without compensation. Such commodity board may reimburse any of its members for actual expenses incurred in the performance of his duties unless otherwise authorized in this subtitle. Such reimbursements shall be made from the special funds established pursuant to the provisions of Chapter 12 (§ 3.2-1200 et seq.), Chapter 13 (§ 3.2-1300 et seq.), Chapters 15 (§ 3.2-1500 et seq.) through 19 (§ 3.2-1900 et seq.), or Chapter 21 (§ 3.2-2100 et seq.).

§ 3.2-1201. Apple Board; composition and appointment of members.

A. The Apple Board is continued within the Department. The Apple Board shall consist of ~~nine~~ six members, with ~~three~~ two members representing each district. Each member shall be a citizen of the Commonwealth and engaged in producing apples in the Commonwealth with a majority of his apple production occurring in the district he represents.

B. The Commissioner shall hold a special election in each district to elect each member of the Apple Board. The special election shall be held by secret ballot at least 30 days but not more than 90 days before the expiration of the term of office of any member. The Commissioner shall appoint the candidate receiving the highest number of votes in the special election as a member. The Apple Board may adopt and enforce regulations governing the conduct of special elections and voting therein. Such regulations shall be exempt from Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act. A producer shall be eligible to vote only in the district where the majority of his apple production occurs.

§ 3.2-1202. Apple Board membership.

~~The terms for appointments to the Apple Board shall be for three years.~~

If a vacancy occurs before the expiration of any term of office, the Commissioner shall fill such vacancy within 30 days after the vacancy by a special election held to elect a member for the unexpired term.

§ 3.2-1205. Commercial apple-producing districts designated.

The commercial apple-producing districts of the Commonwealth are as follows:

Area I. Northern Virginia District — Clarke, Fairfax, Frederick, and Loudoun Counties; and the City of Winchester.

Area II. Central Virginia District — Accomack, Fauquier, King William, Lancaster, Madison, Middlesex, Northampton, Northumberland, Orange, Page, Rappahannock, Richmond, Rockingham, Shenandoah, Warren, and Westmoreland Counties.

Area III. Southern Virginia District — Albemarle, Amherst, Augusta, Bedford, Botetourt, Buckingham, *Campbell*, Carroll, Charlotte, Dickenson, Franklin, Floyd, Giles, Grayson, Halifax, Hanover, Henry, Isle of Wight, James City, Lee, Louisa, Lunenburg, Montgomery, Nelson, Nottoway, Patrick, Pittsylvania, Prince Edward, Pulaski, Roanoke, Rockbridge, Russell, Smyth, Southampton, Surry, Wise, and Wythe Counties.

Whenever the commercial production of apples begins in any locality not included ~~above in this section~~, such locality shall become a part of the nearest district that has the lowest commercial apple production according to production records of the Department.

§ 3.2-1301. Beef Industry Council; composition and appointment of members.

A. The Beef Industry Council, established by the passage of a referendum held pursuant to Chapter 375 of the ~~1983~~ Acts of Assembly of 1983, is continued within the Department.

The Beef Industry Council shall be composed of 15 members, each of whom shall be a citizen of the United States and a resident of the Commonwealth. Each member shall have been actively engaged in the type of production or business that he will represent on the Beef Industry Council for at least five years, shall derive a substantial proportion of his income from such production or business, and shall continue to be actively engaged in such production or business during his term.

B. The Governor shall appoint the members, who represent the various segments of the industry as follows:

1. Seven commercial beef cattle producers, one from each feeder cattle production area of the Commonwealth. The seven areas shall be designated by the Virginia Cattlemen's Association in general accordance with feeder cattle marketing practices.

2. Two dairymen.

3. One commercial cattle feeder.

4. Two purebred beef cattle breeders.

5. Two livestock market operators.

6. One meat packer or processor.

C. Such appointments shall be chosen from the following recommendations made through the Commissioner:

1. Each of the seven beef cattle producing areas shall recommend two producers to the Virginia Cattlemen's Association. The Virginia Cattlemen's Association shall recommend these 14 commercial beef cattle producers (two from each area), and at least one representative from each feeder cattle production area of the Commonwealth shall be appointed to the Beef Industry Council.

2. The Virginia Cattle Feeders Association shall recommend two commercial cattle feeders.

3. The Virginia State Dairymen's Association shall recommend four dairymen.

4. The Beef Cattle Improvement Association shall recommend four purebred beef cattle breeders, provided that not more than one be nominated from each of the four predominant breeder associations.

5. The Virginia Association of Livestock Market Operators shall recommend four livestock market operators.

6. The Virginia Cattlemen's Association shall recommend two persons, each of whom shall be either a processor or a packer.

The recommendations shall be submitted ~~at least 90 days~~ before the expiration of the member's term for which the nomination is being provided. If said associations fail to provide the recommendations ~~at least 90 days before the expiration date pursuant to this section~~, the Governor may appoint other nominees that meet the foregoing criteria.

§ 3.2-1302. Beef Industry Council vacancies.

~~A. The terms for appointments to the Beef Industry Council shall be for four years, except appointments to fill vacancies, which shall be for the unexpired terms. No Beef Industry Council member may serve more than two consecutive full terms. Whenever a new appointment is made, the person receiving the appointment shall be a representative of the same segment of the industry as his predecessor and nominated as before.~~

~~B. The Governor shall immediately declare the office of any member of the Beef Industry Council vacant when he finds that the member no longer is actively engaged in the type of beef or dairy production or business he was engaged in at the time of his appointment; is no longer a resident of the Commonwealth; or is unable to perform the duties of his office. Whenever a new appointment is made, the person receiving the appointment shall be a representative of the same segment of the industry represented by his predecessor and shall be nominated pursuant to the provision of § 3.2-1301 under which his predecessor was nominated.~~

§ 3.2-1304. Powers and duties of Beef Industry Council.

A. The Beef Industry Council may improve cattle industry markets through activities to develop, maintain, and expand the state, national, and foreign markets for cattle, beef, veal, and their products produced, processed, or manufactured in the Commonwealth.

B. The Beef Industry Council may formulate and effectuate, directly or in cooperation with other agencies and instrumentalities specified in this chapter, sales stimulation and consumer or other educational programs designed to increase the use and consumption of beef, veal, and their products.

C. The Beef Industry Council shall engage in the research, education, and promotion of the use and sale of beef and beef products, and shall have the following powers and duties:

1. To enter into contracts as the Beef Industry Council deems necessary for the experimental development of new or improved markets or marketing methods.

2. To conduct or contract for scientific research and services to discover and develop the commercial value of beef and veal and their products.

3. To make grants to research agencies for financing special or emergency studies or for the purchase or acquisition of facilities necessary to carry out research in keeping with the intent of this chapter.

4. To disseminate reliable information founded upon the research conducted under this chapter and other sources, showing the uses of beef, veal, and their products.

5. To cooperate with any local, state, or national organization or agency engaged in work or activities similar to that of the Beef Industry Council and enter into contracts with such organizations or agencies for carrying on joint programs.

6. To act jointly and in cooperation with the federal and state governments, or any agency thereof in the administration of any program of the government or governmental agency deemed by the Beef Industry Council as beneficial to the production, marketing, or promotion of the beef and veal industry of the Commonwealth and expend funds in connection with such programs provided they are compatible with this chapter.

7. To enter into contracts that it deems appropriate to the carrying out of the purposes of the Beef Industry Council as authorized by this chapter.

8. To study and inform producers concerning state and federal legislation with respect to tariffs, duties, reciprocal trade agreements, import quotas, and other matters concerning the beef and veal industry.

9. To borrow money not in excess of estimates of its revenue from the current year's tax.

10. To appoint subordinate officers and employees of the Beef Industry Council and prescribe their duties and fix their compensation within the limitations of the Virginia Personnel Act (§ 2.2-2900 et seq.).

11. To acquire and maintain such office space and equipment as necessary to carry out the duties of the Beef Industry Council.

12. From the tax revenues it receives, to contract with organizations, ~~including the National Livestock and Meat Board,~~ to carry out work and programs, approved by the Beef Industry Council, on a national basis.

D. The Beef Industry Council shall establish a meeting place anywhere within the Commonwealth, but the selection of the location shall be guided by consideration for the convenience of the majority of those most likely to have business with the Beef Industry Council or to be affected by this chapter.

E. The Beef Industry Council may adopt regulations necessary to carry out the purpose of this chapter.

F. An annual report shall be made by the Beef Industry Council to the Commissioner and shall be published as a public record to include a statement on receipts and itemized disbursements of the Virginia Beef Industry Fund.

§ 3.2-1501. Cotton Board; composition and appointment of members; quorum.

The Cotton Board, established by the passage of a referendum held pursuant to Chapter 873 of the ~~1997~~ Acts of Assembly of 1997, is continued within the Department. The Cotton Board shall be composed of eight members appointed by the Governor, each of whom shall be a resident of Virginia and a producer in Virginia. The Governor shall be guided in his appointments from nominations made by the following agricultural organizations: (i) the Virginia Cotton Growers Association, Inc.; (ii) the Virginia Farm Bureau Federation; and (iii) any other organization within the Commonwealth that is recognized by the U.S. Department of Agriculture as a certified cotton grower organization representing Virginia producers pursuant to guidelines authorized by the Cotton Research and Promotion Act (7 U.S.C. §§ 2101 -2118). Each such agricultural organization may nominate producers from each production area. The Governor shall appoint a producer residing in each such production area. If no producer resides in a particular production area, the Governor shall appoint a qualified producer from any other production area. Each agricultural organization shall submit ~~two or more~~ nominations for each available position ~~at least 90 days~~ before the expiration of the member's term for which the nomination is being provided. If said agricultural organizations fail to provide the nominations ~~at least 90 days before the expiration date pursuant to this section,~~ the Governor may appoint other nominees that meet the foregoing criteria. Five members of the Cotton Board shall constitute a quorum.

§ 3.2-1512. Collection and disposition of assessment by handler; reports.

A. Every handler shall collect an assessment of ~~85~~ 95 cents (~~\$0.85~~) (\$0.95) per bale from the owner of all cotton that the handler gins for any owner and shall remit such assessment to the Tax Commissioner on or before the last day of the month following the end of each calendar quarter. Such assessment shall be in addition to any moneys collected by the handler as authorized by the Cotton Research and Promotion Act (7 U.S.C. §§ 2101 -2118). The Tax Commissioner shall promptly pay the assessments into the state treasury to the credit of the Virginia Cotton Fund.

B. Every handler shall complete reports on forms furnished by the Tax Commissioner, submit such reports to the Tax Commissioner along with the assessments submitted pursuant to subsection A, and keep copies of the reports for a period of not less than three years from the time the report was produced. Each report shall consist of information for the calendar quarter preceding the month such report is due and shall include the following: (i) the number of bales that the handler has ginned; (ii) the dollar amount of assessments collected by the handler; (iii) a list of those from whom an assessment has been collected for cotton ginned by the handler; (iv) the dollar amounts of all assessments collected from each owner of cotton ginned by the handler; and (v) any other information deemed necessary by the Tax Commissioner to carry out his duties under this chapter. Notwithstanding the provisions of § 58.1-3, upon request, the Tax Commissioner shall provide to the Cotton Board or the Commissioner copies of reports submitted pursuant to this section.

C. Any assessment that is not paid when due shall be collected pursuant to § 3.2-1102.

§ 3.2-1601. Egg Board; composition and appointment of members.

The Egg Board is continued within the Department. The Egg Board shall be composed of seven members appointed by the Governor and confirmed in accordance with § 2.2-107 from nominations submitted to him by the Virginia Egg Council or any other organization that represents persons who are involved in the commercial egg industry in the Commonwealth.

The Virginia Egg Council or other organization shall provide ~~two or more~~ nominations for each available position ~~at least 30 days~~ before the expiration of the member's term for which the nominations are being provided. If the Virginia Egg Council fails to provide ~~at least two~~ nominations for each available position ~~at least 30 days before the expiration date pursuant to this section~~, the Governor may appoint to such available position another person who is involved in the commercial egg industry.

§ 3.2-1606. Levy of tax; regulations; exemptions.

A. There is hereby levied on eggs purchased or sold for use or consumption in the Commonwealth an excise tax of five cents (\$0.05) per 30-dozen case or, if the eggs are purchased or sold in other than shell form, 11 cents (\$0.11) per 100 pounds of liquid eggs or liquid equivalent. Such excise tax shall be levied only once. The Tax Commissioner, with the advice and consent of the Egg Board, may adopt regulations as are necessary for the interpretation, administration, and enforcement of this tax.

B. *The following categories of eggs shall be exempt from the tax levied pursuant to this chapter:*

1. *The eggs of any producer selling fewer than 500 cases (15,000 dozen), or the liquid equivalent thereof, per year.*
2. *Eggs when sold between registered handlers.*

The Tax Commissioner shall provide a mechanism for returning taxes paid by exempt persons.

§ 3.2-1607. Collection and disposition of tax by handler; reports.

A. Every handler shall collect the tax imposed by this chapter from the person who purchases eggs for use or consumption in the Commonwealth and shall remit the tax to the Tax Commissioner by the 20th day of each month.

B. Every handler shall complete reports on forms furnished by the Tax Commissioner and submit the reports to the Tax Commissioner together with the tax submitted pursuant to subsection A. Each report shall include a statement of the gross volume of taxed eggs that have been packed, processed, purchased, sold, or handled by the handler. ~~A copy of the completed report shall simultaneously be filed with the Egg Board. The Notwithstanding the provisions of § 58.1-3, upon request, the Tax Commissioner may disclose to the duly authorized officer of shall provide to the Commissioner or the Egg Board tax information relating to the egg tax copies of reports submitted pursuant to this section.~~

C. Every person who engages in business in the Commonwealth as a handler shall register, collect, and pay the tax on all eggs sold or delivered to anyone other than a registered handler for storage, use, or consumption in the Commonwealth. Such handlers shall maintain a certificate of registration, file returns, and perform all other duties required of handlers.

D. Any tax that is not paid when due shall be collected pursuant to § 3.2-1102.

E. *Every handler shall keep a complete record of the eggs subject to the provisions of this chapter that are packed, processed, or handled by him and shall preserve such records for a period of not less than three years from the time the eggs were packed, processed, or handled. Such records shall be open for inspection by the Tax Commissioner and shall be established and maintained as required by the Tax Commissioner.*

§ 3.2-1700. Horse Industry Board; composition and appointment of members; quorum.

The Horse Industry Board, established by the passage of a referendum held pursuant to Chapters 790 and 805 of the ~~1993~~ Acts of Assembly of 1993, is continued within the Department. The Horse Industry Board shall consist of 12 members representing the horse industry, industry support services, education, and equine health. Four members shall be the presidents of the following industry organizations: the Virginia Horse Council, Inc., the Virginia Thoroughbred Association, the Virginia Horse Shows Association, and the Virginia Quarter Horse Association. Four members shall serve at large, to be appointed by the Governor from nominations made by the remaining statewide horse breed or use organizations. The Governor shall also appoint two members from recommendations submitted by the Virginia horse industry: one shall be a representative of the horse industry support services or professional community (feed manufacturing or sales, pharmaceutical sales, horseshoeing, marketing, veterinary services, etc.) and the other shall be an individual commercially involved in the horse industry (manager, trainer, etc.). Each organization shall submit ~~two or more~~ nominations or recommendations for each available position ~~at least 90 days before the expiration of the member's term for which the nomination or recommendation is being provided~~. If the organizations fail to provide the nominations ~~at least 90 days before the expiration date pursuant to this section~~, the Governor may appoint other nominees that meet the foregoing criteria.

~~The~~ An extension ~~horse~~ equine specialist from Virginia Polytechnic Institute and State University shall serve as a voting member of the Horse Industry Board. The Commissioner shall serve as a nonvoting member.

Seven members shall constitute a quorum for the transaction of business.

The presidents of the Virginia Horse Council, Inc., the Virginia Thoroughbred Association, the Virginia Horse Shows Association, and the Virginia Quarter Horse Association may each designate in writing a member of his organization as an alternate who may attend meetings in his place and be counted as a member of the Horse Industry Board for the purposes of a quorum and for voting.

§ 3.2-1801. Potato Board; composition and appointment of members.

The Potato Board, established by the passage of a 1994 referendum held pursuant to Chapter 126 of the ~~1982~~ Acts of Assembly of 1982, is continued within the Department. The Potato Board shall be composed of seven members appointed

by the Governor from nominations by grower organizations, the appointments to be subject to confirmation by the General Assembly. All members of the Potato Board shall be producers of potatoes. Each grower organization shall submit ~~two or more~~ nominations for each available position ~~at least 90 days~~ before the expiration of the member's term for which the nomination is being provided. If said organizations fail to provide nominations ~~at least 90 days before such expiration~~, the Governor may appoint other nominees that meet the criteria provided by this section.

§ 3.2-1803. Potato Board meetings and quorum.

~~A. The Board shall elect a chairman and such other officers as deemed appropriate.~~

~~B. Members of the Potato Board shall receive such compensation for the performance of their duties as provided in § 2.2-2813. Members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department.~~

~~C. The Potato Board shall meet at least once each year prior to the beginning of the seed potato buying season, at the call of the chairman, and whenever the majority of the members so request. A majority of the members shall constitute a quorum.~~

§ 3.2-1901. Peanut Board; composition and appointment of members.

The Peanut Board is continued within the Department. The Peanut Board shall consist of ~~nine~~ eight members representing as nearly as possible each peanut-producing section of the Commonwealth. Such members shall be appointed by the Governor, subject to confirmation by the General Assembly, and each of whom shall be a resident of the Commonwealth and engaged in producing peanuts in the Commonwealth. The Governor shall be guided in his appointments by the recommendations of the Virginia Peanut Growers Association or other *organizations representing peanut growers' organizations existing growers* in peanut-producing counties. ~~The Virginia Peanut Growers Association and any other peanut growers' organization submitting nominations shall submit two or more nominations for each available position at least 90 days before the expiration of the member's term for which the nomination is being provided.~~ If the Virginia Peanut Growers Association or other *peanut growers' organizations representing peanut growers* fail to provide ~~the~~ nominations ~~at least 90 days before the expiration date pursuant to this section~~, the Governor may appoint other nominees that meet the foregoing criteria.

§ 3.2-1904. Powers and duties of Peanut Board.

A. All funds levied and collected under this chapter shall be administered by the Peanut Board.

B. The Peanut Board shall plan and conduct campaigns for education, advertising, publicity, sales promotion, and research as to Virginia peanuts.

C. The Peanut Board may make contracts, expend moneys of the Peanut Fund, and do whatever else may be necessary to effectuate the purposes of this chapter.

D. The Peanut Board may cooperate with other state, regional, and national agricultural and peanut organizations in research, advertising, publicity, education, and other means of promoting the sale and use of peanuts, and may expend moneys of the Peanut Fund for such purposes.

E. The Peanut Board may enter into an agreement with the Federal Commodity Credit Corporation or its designee to collect and remit the specified assessment on all peanuts pledged as collateral for a marketing assistance or price support loan.

~~F. The Peanut Board may appoint a secretary and other employees as may be necessary at salaries to be fixed by the Peanut Board, subject to the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2. All employees handling money under this chapter shall be required to furnish surety bonds.~~

~~G. The chairman shall make a report at the annual meeting of the Peanut Board and furnish the members of the Peanut Board with a statement of the total receipts and disbursements for the year. He shall file a copy of the report and the audit required by § 3.2-1906 with the Commissioner.~~

§ 3.2-1906. Peanut Fund established.

There is hereby created in the state treasury a special nonreverting fund to be known as the Peanut Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys levied and collected under the provisions of this chapter, after deducting the expense to the Commonwealth of collecting the same, shall be paid into the state treasury and credited to the Fund.

Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of paying the costs of collecting the tax levied on peanuts pursuant to this chapter, the administration of this chapter, including payment for personal services and expenses of ~~employees and~~ agents of the Peanut Board, rent, services, materials, and supplies necessary to effectuate the purposes of this chapter. Expenditures and disbursements from the Fund shall be made by the Peanut Board on warrants issued by the Comptroller upon written request signed by a duly authorized officer of the Peanut Board.

The Auditor of Public Accounts shall audit all the accounts of the Peanut Board as is provided for in § 30-133.

§ 3.2-2101. Sheep Industry Board; composition and appointment of members.

The Sheep Industry Board, established by the passage of a referendum held pursuant to Chapter 691 of the 1995 Acts of Assembly, is continued within the Department.

The Sheep Industry Board shall consist of 12 members representing the sheep industry and industry support services. The Governor shall appoint 12 individuals from nominations submitted by the Virginia Sheep Producers Association,

Virginia sheep and wool marketing organizations, or other Virginia farm organizations representing sheep producers. One member shall represent the packing/processing/retailing segment of the industry, one shall represent the Virginia Livestock Markets Association, and one shall represent the purebred segment of the industry. The remaining nine members shall be appointed by the Governor as follows in accordance with § 3.2-2110, with no more than one member appointed per locality: three members who reside in the Southwest District; three members who reside in the Valley District; two members who reside in the Northern District; and one member who resides in the South Central District. In addition, the extension sheep specialist from Virginia Polytechnic Institute and State University and the Commissioner shall serve as nonvoting members. ~~Seven members of the Sheep Industry Board shall constitute a quorum for the transaction of business.~~

Each association or organization shall submit ~~two or more~~ nominations for each available position ~~at least 90 days~~ before the expiration of the member's term for which the nomination or recommendation is being provided. If the organizations fail to provide the nominations ~~at least 90 days before the expiration date pursuant to this section,~~ the Governor may appoint other nominees that meet the foregoing criteria.

2. That §§ 3.2-1203, 3.2-1207, 3.2-1303, 3.2-1503, 3.2-1602, 3.2-1603, 3.2-1608, 3.2-1609, 3.2-1702, 3.2-1802, 3.2-1902, 3.2-1903, 3.2-2102, and 3.2-2103 of the Code of Virginia are repealed.

3. That until July 1, 2018, no handler shall collect or remit the Virginia cattle assessment of 25 cents (\$0.25) per head pursuant to the provisions of subsection A of § 3.2-1306 of the Code of Virginia.

4. That the Beef Industry Council shall survey industry members about the utility of Chapter 13 (§ 3.2-1300 et seq.) of Title 3.2 of the Code of Virginia and the cattle assessments collected pursuant to the provisions of that chapter and shall report its findings to the General Assembly by January 1, 2018.

5. That this act shall not be construed to affect existing appointments to commodity boards listed in § 3.2-1105 of the Code of Virginia as created by this act for which the terms have not expired. However, any new appointments made to such boards on and after July 1, 2016, shall be made in accordance with the provisions of this act.

6. That nothing in this act shall be construed to affect the 2006 referendum of the Cotton Board, which increased the amount of the cotton assessment.

CHAPTER 566

An Act to amend and reenact §§ 10.1-1149 and 10.1-1150 of the Code of Virginia and to repeal § 3 of Chapter 63 of the Acts of Assembly of 1956, relating to forest fire protection compacts.

[H 1127]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-1149 and 10.1-1150 of the Code of Virginia are amended and reenacted as follows:

§ 10.1-1149. Southeastern Interstate Forest Fire Protection Compact.

~~Chapter 63 of the 1956 Acts of Assembly authorizing the Governor to execute a compact to promote effective prevention and control of forest fires in the Southeastern region of the United States, is incorporated in this Code by this reference.~~

§ 1. *The Governor is hereby authorized to execute, on behalf of the Commonwealth of Virginia, a compact with any one or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, and West Virginia, which compact shall be in form substantially as follows:*

SOUTHEASTERN INTERSTATE FOREST FIRE PROTECTION COMPACT.

Article I.

The purpose of this compact is to promote effective prevention and control of forest fires in the Southeastern region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other Regional Forest Fire Protection compacts or agreements, and for more adequate forest protection.

Article II.

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee, Virginia, and West Virginia, which are contiguous have ratified it and Congress has given consent thereto. Any state not mentioned in this article which is contiguous with any member state may become a party to this compact, subject to approval by the legislature of each of the member states.

Article III.

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

There shall be established an advisory committee of legislators, forestry commission representatives, and forestry or forest products industries representatives which shall meet from time to time with the compact administrators. Each member state shall name one member of the Senate and one member of the House of Representatives who shall be designated by that state's commission on interstate cooperation, or if said commission cannot constitutionally designate the said members, they shall be designated in accordance with laws of that state; and the Governor of each member state shall appoint two representatives, one of whom shall be associated with forestry or forest products industries to comprise the membership of the advisory committee. Action shall be taken by a majority of the compacting states, and each state shall be entitled to one vote.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

Article IV.

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

Article V.

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance, or use of any equipment or supplies in connection therewith; Provided, that nothing herein shall be construed as relieving any person from liability for his own negligent act or omission, or as imposing liability for such negligent act or omission upon any state.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and subsistence of employees and maintenance of equipment incurred in connection with such request: Provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such service to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact the term employee shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

Article VI.

Ratification of this compact shall not be construed to affect any existing statute so as to authorize or permit curtailment or diminution of the forest fire fighting forces, equipment, services or facilities of any member state.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between any federal agency and a member state or states.

Article VII.

The compact administrators may request the United States Forest Service to act as a research and coordinating agency of the Southeastern Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept responsibility for preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of any federal agency engaged in forest fire prevention and control may attend meetings of the compact administrators.

Article VIII.

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional

forest fire protection compact in another region: Provided, that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

Article IX.

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the Governor of such state, as the laws of such state shall provide, takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

§ 2. When the Governor shall have executed said compact on behalf of the Commonwealth of Virginia and shall have caused a verified copy thereof to have been filed with the Secretary of the Commonwealth, and when said compact also shall have been ratified by one or more of the states named in § 1 of this act, then said compact shall become operative and effective as between this State and such other state or states; and the Governor is hereby authorized and directed to take such action as may be necessary to complete the exchange of official documents between this State and any other state ratifying said compact.

§ 3. Pursuant to the provisions of Article III of said compact, the State Forester, under the general direction of the Secretary of Agriculture and Forestry, shall act as Compact Administrator for the Commonwealth of Virginia of the compact set forth in § 1 of this act.

§ 4. The State Forester, under the general direction of the Secretary of Agriculture and Forestry, as Compact Administrator, shall be vested with all powers provided for in said compact and all powers necessary and incidental to the carrying out of said compact in every particular.

§ 5. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are declared to be severable.

§ 6. This act shall become effective the first day of July 1956.

§ 10.1-1150. Middle Atlantic Interstate Forest Fire Protection Compact.

~~Chapter 6 of the 1966 Acts of Assembly authorizing the Governor to execute a compact to promote effective prevention and control of forest fires in the Middle Atlantic region of the United States; is incorporated in this Code by this reference.~~

§ 1. The Governor is hereby authorized to execute, on behalf of the Commonwealth of Virginia, a compact with any one or more of the states of Delaware, Maryland, New Jersey, Ohio, Pennsylvania and West Virginia which compact shall be in substantially the following form:

MIDDLE ATLANTIC INTERSTATE FOREST FIRE PROTECTION COMPACT

ARTICLE I

The purpose of this compact is to promote effective prevention and control of forest fires in the Middle Atlantic region of the United States by the development of integrated forest fire plans, by the maintenance of adequate forest fire fighting services by the member states, and by providing for mutual aid in fighting forest fires among the compacting states of the region and with states which are party to other regional forest fire protection compacts or agreements.

ARTICLE II

This compact shall become operative immediately as to those states ratifying it whenever any two or more of the states of Delaware, Maryland, New Jersey, Ohio, Pennsylvania, Virginia and West Virginia which are contiguous have ratified it and Congress has given consent thereto.

ARTICLE III

In each state, the state forester or officer holding the equivalent position who is responsible for forest fire control shall act as compact administrator for that state and shall consult with like officials of the other member states and shall implement cooperation between such states in forest fire prevention and control.

The compact administrators of the member states shall organize to coordinate the services of the member states and provide administrative integration in carrying out the purposes of this compact.

The compact administrators shall formulate and, in accordance with need, from time to time, revise a regional forest fire plan for the member states.

It shall be the duty of each member state to formulate and put in effect a forest fire plan for that state and take such measures as may be necessary to integrate such forest fire plan with the regional forest fire plan formulated by the compact administrators.

ARTICLE IV

Whenever the state forest fire control agency of a member state requests aid from the state forest fire control agency of any other member state in combating, controlling or preventing forest fires, it shall be the duty of the state forest fire control agency of that state to render all possible aid to the requesting agency which is consonant with the maintenance of protection at home.

ARTICLE V

Whenever the forces of any member state are rendering outside aid pursuant to the request of another member state under this compact, the employees of such state shall, under the direction of the officers of the state to which they are rendering aid, have the same powers (except the power of arrest), duties, rights, privileges and immunities as comparable employees of the state to which they are rendering aid.

No member state or its officers or employees rendering outside aid pursuant to this compact shall be liable on account of any act or omission on the part of such forces while so engaged, or on account of the maintenance or use of any equipment or supplies in connection therewith.

All liability, except as otherwise provided hereinafter, that may arise either under the laws of the requesting state or under the laws of the aiding state or under the laws of a third state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

Any member state rendering outside aid pursuant to this compact shall be reimbursed by the member state receiving such aid for any loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of all materials, transportation, wages, salaries, and maintenance of employees and equipment incurred in connection with such request; provided, that nothing herein contained shall prevent any assisting member state from assuming such loss, damage, expense or other cost or from loaning such equipment or from donating such services to the receiving member state without charge or cost.

Each member state shall provide for the payment of compensation and death benefits to injured employees and the representatives of deceased employees in case employees sustain injuries or are killed while rendering outside aid pursuant to this compact, in the same manner and on the same terms as if the injury or death were sustained within such state.

For the purposes of this compact, the term "employee" shall include any volunteer or auxiliary legally included within the forest fire fighting forces of the aiding state under the laws thereof.

The compact administrators shall formulate procedures for claims and reimbursement under the provisions of this article, in accordance with the laws of the member states.

ARTICLE VI

Nothing in this compact shall be construed to authorize or permit any member state to curtail or diminish its forest fire fighting forces, equipment, services or facilities, and it shall be the duty and responsibility of each member state to maintain adequate forest fire fighting forces and equipment to meet demands for forest fire protection within its borders in the same manner and to the same extent as if this compact were not operative.

Nothing in this compact shall be construed to limit or restrict the powers of any state ratifying the same to provide for the prevention, control and extinguishment of forest fires, or to prohibit the enactment or enforcement of state laws, rules or regulations intended to aid in such prevention, control and extinguishment in such state.

Nothing in this compact shall be construed to affect any existing or future cooperative relationship or arrangement between the United States Forest Service and a member state or states.

ARTICLE VII

The compact administrators may request the United States Forest Service to act as the primary research and coordinating agency of the Middle Atlantic Interstate Forest Fire Protection Compact in cooperation with the appropriate agencies in each state, and the United States Forest Service may accept the initial responsibility in preparing and presenting to the compact administrators its recommendations with respect to the regional fire plan. Representatives of the United States Forest Service may attend meetings of the compact administrators.

ARTICLE VIII

The provisions of Articles IV and V of this compact which relate to mutual aid in combating, controlling or preventing forest fires shall be operative as between any state party to this compact and any other state which is party to a regional forest fire protection compact in another region, provided that the legislature of such other state shall have given its assent to such mutual aid provisions of this compact.

ARTICLE IX

This compact shall continue in force and remain binding on each state ratifying it until the legislature or the governor of such state takes action to withdraw therefrom. Such action shall not be effective until six months after notice thereof has been sent by the chief executive of the state desiring to withdraw to the chief executives of all states then parties to the compact.

§ 2. The right to alter, amend, or repeal this Act is expressly reserved.

2. That § 3 of Chapter 63 of the Acts of Assembly of 1956 is repealed.

CHAPTER 567

An Act to amend and reenact § 51.5-160 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 37.2-421.1, relating to auxiliary grants; supportive housing.

[H 675]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-160 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 37.2-421.1 as follows:

§ 37.2-421.1. Supportive housing providers.

A. The Department may enter into an agreement for the provision of supportive housing for individuals receiving auxiliary grants pursuant to § 51.5-160 with any provider licensed to provide mental health community support services,

intensive community treatment, programs of assertive community treatment, supportive in-home services, or supervised living residential services. Such agreement shall include requirements for (i) individualized supportive housing service plans for every individual receiving supportive housing services, (ii) access to skills training for every individual receiving supportive housing services, (iii) assistance with accessing available community-based services and supports for every individual receiving supportive housing services, (iv) recipient-level outcome data reporting, (v) adherence to identified supportive housing program components, (vi) initial identification and ongoing review of the level of care needs for each recipient, (vii) ongoing monitoring of services described in the recipient's individualized supportive housing service plan, and (viii) annual inspections by the Department or its designee to determine whether the provider is in compliance with the requirements of the agreement.

B. Supportive housing provided or facilitated by providers entering into agreements with the Department pursuant to this section shall include appropriate support services in the least restrictive and most integrated setting practicable for the recipient. Residential settings where supportive housing services are provided shall (i) comply with federal habitability standards, (ii) provide cooking and bathroom facilities in each unit, (iii) afford dignity and privacy to the recipient, (iv) include rights of tenancy pursuant to the Virginia Residential Landlord and Tenant Act (§ 55-248.2 et seq.), (v) provide rental levels that leave sufficient funds for other necessary living expenses, and (vi) not admit or retain recipients who require ongoing, onsite, 24-hour supervision and care or recipients who have any of the conditions or care needs described in subsection D of § 63.2-1805.

C. The Department may revoke any agreement pursuant to subsection A if the Department determines that the provider has violated the terms of the agreement or any federal or state law or regulation and enter into an agreement with another provider to ensure uninterrupted supportive housing to the auxiliary grant recipient.

§ 51.5-160. Auxiliary grants program; administration of program.

A. As used in this section:

"Qualified assessor" means an individual who is authorized to perform an assessment, reassessment, or change in level of care for an applicant to or resident of supportive housing or an assisted living facility. For public pay individuals, a "qualified assessor" is an employee of a public human services agency trained in the completion of the uniform assessment instrument. For individuals receiving services from a community services board or behavioral health authority, a "qualified assessor" is an employee or designee of the community services board or behavioral health authority.

"Supportive housing" means a residential setting with access to supportive services for an auxiliary grant recipient in which tenancy as described in subsection B of § 37.2-421.1 is provided or facilitated by a provider licensed to provide mental health community support services, intensive community treatment, programs of assertive community treatment, supportive in-home services, or supervised living residential services that has entered into an agreement with the Department of Behavioral Health and Developmental Services pursuant to § 37.2-421.1.

B. The Commissioner is authorized to prepare and implement, effective with repeal of Titles I, X, and XIV of the Social Security Act, a plan for a state and local funded auxiliary grants program to provide assistance to certain individuals who (i) are ineligible for benefits under Title XVI of the Social Security Act, as amended, ~~and to certain other individuals~~ or for whom benefits provided under Title XVI of the Social Security Act, as amended, are not sufficient to maintain the minimum standards of need established by regulations promulgated by the Commissioner and (ii) reside in supportive housing, an assisted living facility licensed by the Department of Social Services pursuant to Chapter 17 (§ 63.2-1700 et seq.) of Title 63.2, or an adult foster care home approved by a local board of social services pursuant to § 63.2-1601. The plan shall be in effect in all political subdivisions in the Commonwealth and shall be administered in conformity with regulations of the Commissioner.

Nothing herein is to be construed to affect any such section as it relates to Temporary Assistance for Needy Families, general relief, or services to persons eligible for assistance under P.L. 92-603.

~~B. Those individuals who receive an auxiliary grant and who reside in licensed assisted living facilities or adult foster care homes~~ C. Auxiliary grant recipients shall be entitled to a personal needs allowance when computing the amount of the auxiliary grant. The amount of such personal needs allowance shall be set forth in the appropriation act.

~~C. D.~~ D. The Commissioner shall adopt regulations for the administration of the auxiliary grants program that shall include requirements for the Department to use in establishing auxiliary grant rates for licensed assisted living facilities and adult foster care homes. At a minimum, these requirements shall address (i) the process for the facilities and homes to use in reporting their costs, including allowable costs and resident charges, the time period for reporting costs, forms to be used, financial reviews, and audits of reported costs; (ii) the process to be used in calculating the auxiliary grant rates for the facilities and homes; ~~and~~ (iii) the services to be provided to the auxiliary grant recipient and paid for by the auxiliary grant and not charged to the recipient's personal needs allowance; and (iv) the process for supportive housing providers, assisted living facilities, and adult foster care homes to report and certify maintenance of the personal needs allowance and compliance with regulations for administration of the auxiliary grants program.

~~D. E.~~ E. In order to receive an auxiliary grant while residing in an assisted living facility, an individual shall have been evaluated by a case manager or other qualified assessor using the uniform assessment instrument to determine his need for residential living care upon admission and annually thereafter, or whenever there is a change in the individual's condition that appears to warrant a change in the resident's approved level of care. An individual may be admitted to select an assisted living facility pending evaluation and assessment or as allowed by regulations of the Commissioner; ~~but~~. At the time of the first or any subsequent annual reassessment, the individual may select supportive housing or an assisted living

facility, subject to the evaluation and reassessment of the individual and availability of the selected housing option. In such cases, the individual may continue to receive an auxiliary grant while residing in supportive housing as allowed by regulations of the Commissioner. However, in no event shall any public agency incur a financial obligation if the individual is determined ineligible for an auxiliary grant.

The Commissioner shall adopt regulations to implement the provisions of this subsection.

~~E. F.~~ Provisions of Chapter 5 (§ 63.2-500 et seq.) of Title 63.2, relating to the administration of public assistance programs, shall govern operations of the auxiliary grant program established pursuant to this section.

~~F. G.~~ Assisted living facilities ~~and~~, adult foster care homes, *and supportive housing providers* providing services to auxiliary grant recipients may accept payments made by third parties for services provided to an auxiliary grant recipient, and the Department shall not include such payments as income for the purpose of determining eligibility for or calculating the amount of an auxiliary grant, provided that the payment is made:

1. Directly to the assisted living facility ~~or~~, adult foster care home, *or supportive housing provider* by the third party on behalf of the auxiliary grant recipient;

2. Voluntarily by the third party, and not in satisfaction of a condition of admission, stay, or provision of proper care and services to the auxiliary grant recipient, unless the auxiliary grant recipient's physical needs exceed the services required to be provided by the assisted living facility *or supportive housing provider* as a condition of participation in the auxiliary grant program pursuant to subsection ~~E D~~; and

3. For specific goods and services provided to the auxiliary grant recipient other than food, shelter, or specific goods or services required to be provided by the assisted living facility ~~or~~, adult foster care home, *or supportive housing provider* as a condition of participation in the auxiliary grant program pursuant to subsection ~~E D~~.

~~G. H.~~ Assisted living facilities ~~and~~, adult foster care homes, *and supportive housing providers* shall document all third-party payments received on behalf of an auxiliary grant recipient, including the source and amount of the payment and the goods and services for which such payments are to be used. Documentation related to the third-party payments shall be provided to the Department upon request.

~~H. I.~~ Assisted living facilities ~~and~~, adult foster care homes, *and supportive housing providers* shall provide each auxiliary grant recipient with a written list of the goods and services that are covered by the auxiliary grant pursuant to subsection ~~E D~~, including a clear statement that the facility, *home, or provider* may not charge an auxiliary grant recipient or the recipient's family additional amounts for goods or services included on such list.

2. That the Commissioner for Aging and Rehabilitative Services shall promulgate regulations to implement the provisions of this act to be effective within 180 days of its enactment.

3. That the Commissioner for Aging and Rehabilitative Services shall develop guidance documents for implementation of the provisions of this act no later than January 1, 2017. In developing such guidance documents, the Commissioner for Aging and Rehabilitative Services shall provide notice to the public and opportunity for public comment and public participation.

4. That the provisions of this act shall not become effective if they conflict with any federal law or regulation or any guidance document provided by the U.S. Social Security Administration.

5. That the Department of Medical Assistance Services shall seek to amend the state plan for medical assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement the necessary changes pursuant to the provisions of this act. The Department of Medical Assistance Services shall have authority to implement such changes upon approval by the Centers for Medicare and Medicaid Services and prior to the completion of the regulatory process.

6. That the number of auxiliary grant recipients in the supportive housing setting shall not exceed 60.

CHAPTER 568

An Act to amend and reenact §§ 54.1-2520 and 54.1-2523 of the Code of Virginia, relating to Prescription Monitoring Program; disclosures.

[S 491]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-2520 and 54.1-2523 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-2520. Program establishment; Director's regulatory authority.

A. The Director shall establish, maintain, and administer an electronic system to monitor the dispensing of covered substances to be known as the Prescription Monitoring Program. Covered substances shall include all Schedule II, III, and IV controlled substances, as defined in the Drug Control Act (§ 54.1-3400 et seq.), and any other drugs of concern identified by the Board of Pharmacy pursuant to § 54.1-3456.1.

B. The Director, after consultation with relevant health regulatory boards, shall promulgate, in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), such regulations as are necessary to implement the prescription monitoring program as provided in this chapter, including, but not limited to, the establishment of criteria for granting waivers of the reporting requirements set forth in § 54.1-2521.

C. The Director may enter into contracts as may be necessary for the implementation and maintenance of the Prescription Monitoring Program.

D. The Director shall provide dispensers with a basic file layout to enable electronic transmission of the information required in this chapter. For those dispensers unable to transmit the required information electronically, the Director shall provide an alternative means of data transmission.

E. The Director shall also establish an advisory committee within the Department to assist in the implementation and evaluation of the Prescription Monitoring Program. *Such advisory committee shall provide guidance to the Director regarding information disclosed pursuant to subdivision C 9 of § 54.1-2523.*

§ 54.1-2523. Confidentiality of data; disclosure of information; discretionary authority of Director.

A. All data, records, and reports relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such data, records, and reports that are in the possession of the Prescription Monitoring Program pursuant to this chapter and any material relating to the operation or security of the program shall be confidential and shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.) pursuant to subdivision 15 of § 2.2-3705.5. Records in possession of the Prescription Monitoring Program shall not be available for civil subpoena, nor shall such records be disclosed, discoverable, or compelled to be produced in any civil proceeding, nor shall such records be deemed admissible as evidence in any civil proceeding for any reason. Further, the Director shall only have discretion to disclose any such information as provided in subsections B and C.

B. Upon receiving a request for information in accordance with the Department's regulations and in compliance with applicable federal law and regulations, the Director shall disclose the following:

1. Information relevant to a specific investigation of a specific recipient or of a specific dispenser or prescriber to an agent who has completed the Virginia State Police Drug Diversion School designated by the superintendent of the Department of State Police or designated by the chief law-enforcement officer of any county, city, or town or campus police department to conduct drug diversion investigations pursuant to § 54.1-3405.

2. Information relevant to an investigation or inspection of or allegation of misconduct by a specific person licensed, certified, or registered by or an applicant for licensure, certification, or registration by a health regulatory board; information relevant to a disciplinary proceeding before a health regulatory board or in any subsequent trial or appeal of an action or board order to designated employees of the Department of Health Professions; or to designated persons operating the Health Practitioners' Monitoring Program pursuant to Chapter 25.1 (§ 54.1-2515 et seq.).

3. Information relevant to the proceedings of any investigatory grand jury or special grand jury that has been properly impaneled in accordance with the provisions of Chapter 13 (§ 19.2-191 et seq.) of Title 19.2.

4. Information relevant to a specific investigation of a specific recipient, dispenser, or prescriber to an agent of a federal law-enforcement agency with authority to conduct drug diversion investigations.

5. Information relevant to a specific investigation, supervision, or monitoring of a specific recipient for purposes of the administration of criminal justice pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1 to a probation or parole officer as described in Article 2 (§ 53.1-141 et seq.) of Chapter 4 of Title 53.1 or a local community-based probation officer as described in § 9.1-176.1 who has completed the Virginia State Police Drug Diversion School designated by the Director of the Department of Corrections or his designee.

C. In accordance with the Department's regulations and applicable federal law and regulations, the Director may, in his discretion, disclose:

1. Information in the possession of the program concerning a recipient who is over the age of 18 to that recipient. The information shall be mailed to the street or mailing address indicated on the recipient request form.

2. Information on a specific recipient to a prescriber, as defined in this chapter, for the purpose of establishing the treatment history of the specific recipient when such recipient is either under care and treatment by the prescriber or the prescriber is initiating treatment of such recipient. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the prescriber from the Prescription Monitoring Program.

3. Information on a specific recipient to a dispenser for the purpose of establishing a prescription history to assist the dispenser in determining the validity of a prescription in accordance with § 54.1-3303 when the recipient is seeking a covered substance from the dispenser or the facility in which the dispenser practices. In a manner specified by the Director in regulation, notice shall be given to patients that information may be requested by the dispenser from the Prescription Monitoring Program.

4. Information relevant to an investigation or regulatory proceeding of a specific dispenser or prescriber to other regulatory authorities concerned with granting, limiting or denying licenses, certificates or registrations to practice a health profession when such regulatory authority licenses such dispenser or prescriber or such dispenser or prescriber is seeking licensure by such other regulatory authority.

5. Information relevant to an investigation relating to a specific dispenser or prescriber who is a participating provider in the Virginia Medicaid program or information relevant to an investigation relating to a specific recipient who is currently eligible for and receiving or who has been eligible for and has received medical assistance services to the Medicaid Fraud Control Unit of the Office of the Attorney General or to designated employees of the Department of Medical Assistance Services, as appropriate.

6. Information relevant to determination of the cause of death of a specific recipient to the designated employees of the Office of the Chief Medical Examiner.

7. Information for the purpose of bona fide research or education to qualified personnel; however, data elements that would reasonably identify a specific recipient, prescriber, or dispenser shall be deleted or redacted from such information prior to disclosure. Further, release of the information shall only be made pursuant to a written agreement between such qualified personnel and the Director in order to ensure compliance with this subdivision.

8. Information relating to prescriptions for covered substances issued by a specific prescriber, which have been dispensed and reported to the Program, to that prescriber.

9. *Information about a specific recipient who is a member of a Virginia Medicaid managed care program to a physician or pharmacist licensed in the Commonwealth and employed by the Virginia Medicaid managed care program. Such information shall only be used to determine eligibility for and to manage the care of the specific recipient in a Patient Utilization Management Safety or similar program. Notice shall be given to recipients that information may be requested by a licensed physician or pharmacist employed by the Virginia Medicaid managed care program from the Prescription Monitoring Program.*

D. The Director may enter into agreements for mutual exchange of information among prescription monitoring programs in other jurisdictions, which shall only use the information for purposes allowed by this chapter.

E. This section shall not be construed to supersede the provisions of § 54.1-3406 concerning the divulging of confidential records relating to investigative information.

F. Confidential information that has been received, maintained or developed by any board or disclosed by the board pursuant to subsection A shall not, under any circumstances, be available for discovery or court subpoena or introduced into evidence in any medical malpractice suit or other action for damages arising out of the provision of or failure to provide services. However, this subsection shall not be construed to inhibit any investigation or prosecution conducted pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2.

CHAPTER 569

An Act to amend and reenact §§ 16.1-337, 37.2-804.2, and 37.2-809 of the Code of Virginia, relating to temporary detention; notice of recommendation; communication with magistrate.

[H 1110]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-337, 37.2-804.2, and 37.2-809 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-337. Inpatient treatment of minors; general applicability; disclosure of records.

A. A minor may be admitted to a mental health facility for inpatient treatment only pursuant to § 16.1-338, 16.1-339, or 16.1-340.1 or in accordance with an order of involuntary commitment entered pursuant to §§ 16.1-341 through 16.1-345. The provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of this title relating to the confidentiality of files, papers, and records shall apply to proceedings under this article.

B. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to a minor who is the subject of proceedings under this article, upon request, shall disclose to a magistrate, the juvenile intake officer, the court, the minor's attorney, the minor's guardian ad litem, the qualified evaluator performing the evaluation required under §§ 16.1-338, 16.1-339, and 16.1-342, the community services board or its designee performing the evaluation, preadmission screening, or monitoring duties under this article, or a law-enforcement officer any and all information that is necessary and appropriate to enable each of them to perform his duties under this article. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the person and to monitor that care and treatment. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the minor, or the public from physical injury or to address the health care needs of the minor. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a minor who is the subject of proceedings under this article ~~may~~ shall make a reasonable attempt to notify the minor's parent of information ~~which~~ that is directly relevant to such individual's involvement with the minor's health care, which may include the minor's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, unless the provider has actual knowledge that the parent is currently prohibited by court order from contacting the minor. *No health care provider shall be required to notify a person's family member or personal representative pursuant to this section if the health care provider has actual knowledge that such notice has been provided.*

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

C. Any order entered where a minor is the subject of proceedings under this article shall provide for the disclosure of health records pursuant to subsection B. This subsection shall not preclude any other disclosures as required or permitted by law.

§ 37.2-804.2. Disclosure of records.

Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently providing services to a person who is the subject of proceedings pursuant to this chapter shall, upon request, disclose to a magistrate, the court, the person's attorney, the person's guardian ad litem, the examiner identified to perform an examination pursuant to § 37.2-815, the community services board or its designee performing any evaluation, preadmission screening, or monitoring duties pursuant to this chapter, or a law-enforcement officer any information that is necessary and appropriate for the performance of his duties pursuant to this chapter. Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently evaluating or providing services to a person who is the subject of proceedings pursuant to this chapter shall disclose information that may be necessary for the treatment of such person to any other health care provider or other provider evaluating or providing services to or monitoring the treatment of the person. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a person who is the subject of proceedings under this chapter ~~may notify the person's~~ shall (i) inform the person that his family member or personal representative, including any agent named in an advance directive executed in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.), will be notified of information that is directly relevant to such individual's involvement with the person's health care, which may include the person's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, and (ii) make a reasonable effort to so notify the person's family member or personal representative, unless the provider has actual knowledge that the family member or personal representative is currently prohibited by court order from contacting the person. No health care provider shall be required to notify a person's family member or personal representative pursuant to this section if the health care provider has actual knowledge that such notice has been provided.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision. Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or

(ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all individuals detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the individual given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the individual to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. ~~The~~ If the employee or designee of the community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the person should not be subject to a temporary detention order, *such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite*

treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated emergency custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The individual who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

CHAPTER 570

An Act to amend and reenact § 30-343 of the Code of Virginia, relating to the Health Insurance Reform Commission; assessments of legislation.

[H 87]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 30-343 of the Code of Virginia is amended and reenacted as follows:

§ 30-343. (Expires July 1, 2017) Standing committees to request Commission assessment.

A. Whenever a legislative measure containing a mandated health insurance benefit or provider is proposed that is not identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the then-current session of the General Assembly, the Chairman of the House or Senate Committee on Commerce and Labor having jurisdiction over the proposal shall request that the Commission assess the proposal. The Commission shall be given a period of 24 months to complete and submit its assessment. A report summarizing the Commission's assessment shall be forwarded to the Chairman of the standing committee that requested the assessment.

B. Upon receipt of such a request, the Commission shall request the Bureau of Insurance of the State Corporation Commission (the Bureau) to prepare an analysis of the extent to which the proposed mandate is currently available under qualified health plans in the Commonwealth and advise the Commission as to whether, on the basis of that analysis, the ~~Exchange~~ applicable agency has determined or would likely determine, in accordance with applicable federal rules, that the proposed mandate exceeds the scope of the essential health benefits. The Bureau's analysis shall be advisory only and not binding upon the Commission, the ~~Exchange~~, the Bureau, the State Corporation Commission, or any other parties. As used in this section, "applicable agency" means the governmental agency that in accordance with applicable federal rules is responsible for identifying state-mandated benefits that are in addition to the essential health benefits. If the applicable federal rules require an agency of the Commonwealth to identify the state-mandated benefits that are in addition to the essential health benefits but does not identify a specific agency that is responsible for making such identification, the Bureau shall be the applicable agency.

C. Upon request of the Commission, the Bureau and the Joint Legislative Audit and Review Commission shall jointly assess the social and financial impact and the medical efficacy of the proposed mandate, which assessment shall include an estimate of the effects of enactment of the proposed mandate on the costs of health coverage in the Commonwealth, including any estimated additional costs that the Commonwealth may be responsible for pursuant to § 1311(d)(3)(B) of the Patient Protection and Affordable Care Act should the proposed mandate ultimately be determined by the ~~Exchange~~ applicable agency to be a benefit that exceeds the scope of the essential health benefits. Upon completion of the assessment by the Bureau and the Joint Legislative Audit and Review Commission, the Commission may make a recommendation regarding its support of or opposition to the enactment of the proposed mandate. The Commission's recommendation may address whether the proposed mandate should be provided under health care plans offered through a health benefit exchange or outside a health benefit exchange.

The Commission shall be given a period of 24 months to complete and submit its assessment. A report summarizing the Commission's study shall be forwarded to the Governor and the General Assembly.

D. Whenever a legislative measure containing a mandated health insurance benefit or provider is identical or substantially similar to a legislative measure previously reviewed by the Commission within the three-year period immediately preceding the ~~then current~~ then-current session of the General Assembly, the standing committee may request the Commission to study *the measure* as provided in subsection A.

CHAPTER 571

An Act to amend and reenact § 23-234 of the Code of Virginia, relating to campus police; mutual aid agreements; memoranda of understanding.

[S 83]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 23-234 of the Code of Virginia is amended and reenacted as follows:****§ 23-234. Powers and duties; jurisdiction; mutual aid agreements; memoranda of understanding.**

A. A campus police officer appointed as provided in § 23-233 or appointed and activated pursuant to § 23-233.1 may exercise the powers and duties conferred by law upon police officers of cities, towns, or counties, and shall be so deemed, including but not limited to the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the relevant public or private institution of higher education, or, upon request, any property owned or controlled by another public or private institution of higher education and upon the streets, sidewalks, and highways, immediately adjacent thereto, (ii) pursuant to a mutual aid agreement provided for in § 15.2-1727 between the governing board of a public or private institution and such other institution of higher education, public or private, in the Commonwealth or adjacent political subdivisions, (iii) in close pursuit of a person as provided in § 19.2-77, and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the county, city, or town in which the institution, its satellite campuses, or other properties are located. The local governing body may petition the circuit court pursuant only to a request by the local law-enforcement agency for concurrent jurisdiction.

B. All public or private institutions of higher education that have campus police forces established in accordance with the provisions of this chapter shall enter into and become a party to mutual aid agreements with one or more of the following: (i) an adjacent local law-enforcement agency or (ii) the Department of State Police, for the use of their joint forces, both regular and auxiliary, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by the institution of higher education or any death resulting from an incident occurring on such property. Such mutual aid agreements shall include provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement pursuant to this subsection, in the event that such police force or agency conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. Such notification shall not require a campus police force or the agency with which it has established a mutual aid agreement to disclose identifying information about the victim. The provisions of this section shall not prohibit a campus police force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth, even though a mutual aid agreement has not been executed with that agency.

C. All public or private institutions of higher education that (i) do not have campus police forces established in accordance with the provisions of this chapter and (ii) have security departments, rely on municipal, county, or state police forces, or contract for security services from private parties pursuant to § 23-238 shall enter into and become a party to a memorandum of understanding with an adjacent local law-enforcement agency or the Department of State Police (the Department) to require either such local law-enforcement agency or the Department, in the event that such agency or the Department conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. Such notification shall not require the law-enforcement agency or the Department to disclose identifying information about the victim.

D. *All mutual aid agreements and memoranda of understanding entered into pursuant to this section shall specify the procedure for sharing information.*

E. For purposes of this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education located within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner related to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization that is officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

CHAPTER 572

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 23 a section numbered 23-9.2:19, relating to study abroad programs.

[S 338]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:**1. That the Code of Virginia is amended by adding in Chapter 1 of Title 23 a section numbered 23-9.2:19 as follows:****§ 23-9.2:19. Study abroad programs.**

A. As used in this section, "study abroad program" means a program sponsored, offered, or approved for credit by an institution of higher education in which program participants travel outside the United States in connection with an educational experience.

B. The Council shall develop guidelines for study abroad programs.

CHAPTER 573

An Act to amend and reenact § 23-9.2:8 of the Code of Virginia, relating to higher education; student mental health policies.

[S 425]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 23-9.2:8 of the Code of Virginia is amended and reenacted as follows:****§ 23-9.2:8. Student mental health policies.**

A. The governing board of each public institution of higher education shall develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior, and provide for training, where appropriate. Such policies shall require procedures for notifying the institution's student health or counseling center for the purposes set forth in subsection C of § 23-9.2:3 when a student exhibits suicidal tendencies or behavior.

B. The governing board of each public four-year institution of higher education shall establish a written memorandum of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The memorandum shall designate a contact person to be notified, *to the extent allowable under state and federal privacy laws*, when a student is involuntarily committed, or when a student is discharged from a facility ~~and consents to such notification~~. The memorandum shall also provide for the inclusion of the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

CHAPTER 574

An Act to amend and reenact §§ 19.2-389, 37.2-416, and 37.2-506 of the Code of Virginia, relating to sponsored residential and shared living services; background checks.

[H 536]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 19.2-389, 37.2-416, and 37.2-506 of the Code of Virginia are amended and reenacted as follows:****§ 19.2-389. Dissemination of criminal history record information.**

A. Criminal history record information shall be disseminated, whether directly or through an intermediary, only to:

1. Authorized officers or employees of criminal justice agencies, as defined by § 9.1-101, for purposes of the administration of criminal justice and the screening of an employment application or review of employment by a criminal justice agency with respect to its own employees or applicants, and dissemination to the Virginia Parole Board, pursuant to this subdivision, of such information on all state-responsible inmates for the purpose of making parole determinations pursuant to subdivisions 1, 2, 3, and 5 of § 53.1-136 shall include collective dissemination by electronic means every 30 days. For purposes of this subdivision, criminal history record information includes information sent to the Central Criminal Records Exchange pursuant to §§ 37.2-819 and 64.2-2014 when disseminated to any full-time or part-time employee of the State Police, a police department or sheriff's office that is a part of or administered by the Commonwealth or any political subdivision thereof, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth for the purposes of the administration of criminal justice;

2. Such other individuals and agencies that require criminal history record information to implement a state or federal statute or executive order of the President of the United States or Governor that expressly refers to criminal conduct and

contains requirements or exclusions expressly based upon such conduct, except that information concerning the arrest of an individual may not be disseminated to a noncriminal justice agency or individual if an interval of one year has elapsed from the date of the arrest and no disposition of the charge has been recorded and no active prosecution of the charge is pending;

3. Individuals and agencies pursuant to a specific agreement with a criminal justice agency to provide services required for the administration of criminal justice pursuant to that agreement which shall specifically authorize access to data, limit the use of data to purposes for which given, and ensure the security and confidentiality of the data;

4. Individuals and agencies for the express purpose of research, evaluative, or statistical activities pursuant to an agreement with a criminal justice agency that shall specifically authorize access to data, limit the use of data to research, evaluative, or statistical purposes, and ensure the confidentiality and security of the data;

5. Agencies of state or federal government that are authorized by state or federal statute or executive order of the President of the United States or Governor to conduct investigations determining employment suitability or eligibility for security clearances allowing access to classified information;

6. Individuals and agencies where authorized by court order or court rule;

7. Agencies of any political subdivision of the Commonwealth, public transportation companies owned, operated or controlled by any political subdivision, and any public service corporation that operates a public transit system owned by a local government for the conduct of investigations of applicants for employment, permit, or license whenever, in the interest of public welfare or safety, it is necessary to determine under a duly enacted ordinance if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment, permit, or license under consideration;

7a. Commissions created pursuant to the Transportation District Act of 1964 (§ 33.2-1900 et seq.) of Title 33.2 and their contractors, for the conduct of investigations of individuals who have been offered a position of employment whenever, in the interest of public welfare or safety and as authorized in the Transportation District Act of 1964, it is necessary to determine if the past criminal conduct of a person with a conviction record would be compatible with the nature of the employment under consideration;

8. Public or private agencies when authorized or required by federal or state law or interstate compact to investigate (i) applicants for foster or adoptive parenthood or (ii) any individual, and the adult members of that individual's household, with whom the agency is considering placing a child or from whom the agency is considering removing a child due to abuse or neglect, on an emergency, temporary, or permanent basis pursuant to §§ 63.2-901.1 and 63.2-1505, subject to the restriction that the data shall not be further disseminated to any party other than a federal or state authority or court as may be required to comply with an express requirement of law;

9. To the extent permitted by federal law or regulation, public service companies as defined in § 56-1, for the conduct of investigations of applicants for employment when such employment involves personal contact with the public or when past criminal conduct of an applicant would be incompatible with the nature of the employment under consideration;

10. The appropriate authority for purposes of granting citizenship and for purposes of international travel, including, but not limited to, issuing visas and passports;

11. A person requesting a copy of his own criminal history record information as defined in § 9.1-101 at his cost, except that criminal history record information shall be supplied at no charge to a person who has applied to be a volunteer with (i) a Virginia affiliate of Big Brothers/Big Sisters of America; (ii) a volunteer fire company; (iii) the Volunteer Emergency Families for Children; (iv) any affiliate of Prevent Child Abuse, Virginia; (v) any Virginia affiliate of Compeer; or (vi) any board member or any individual who has been offered membership on the board of a Crime Stoppers, Crime Solvers or Crime Line program as defined in § 15.2-1713.1;

12. Administrators and board presidents of and applicants for licensure or registration as a child welfare agency as defined in § 63.2-100 for dissemination to the Commissioner of Social Services' representative pursuant to § 63.2-1702 for the conduct of investigations with respect to employees of and volunteers at such facilities, caretakers, and other adults living in family day homes or homes approved by family day systems, and foster and adoptive parent applicants of private child-placing agencies, pursuant to §§ 63.2-1719, 63.2-1720, 63.2-1720.1, 63.2-1721, and 63.2-1721.1, subject to the restriction that the data shall not be further disseminated by the facility or agency to any party other than the data subject, the Commissioner of Social Services' representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination;

13. The school boards of the Commonwealth for the purpose of screening individuals who are offered or who accept public school employment and those current school board employees for whom a report of arrest has been made pursuant to § 19.2-83.1;

14. The Virginia Lottery for the conduct of investigations as set forth in the Virginia Lottery Law (§ 58.1-4000 et seq.), and the Department of Agriculture and Consumer Services for the conduct of investigations as set forth in Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2;

15. Licensed nursing homes, hospitals and home care organizations for the conduct of investigations of applicants for compensated employment in licensed nursing homes pursuant to § 32.1-126.01, hospital pharmacies pursuant to § 32.1-126.02, and home care organizations pursuant to § 32.1-162.9:1, subject to the limitations set out in subsection E;

16. Licensed assisted living facilities and licensed adult day care centers for the conduct of investigations of applicants for compensated employment in licensed assisted living facilities and licensed adult day care centers pursuant to § 63.2-1720, subject to the limitations set out in subsection F;

17. (Effective until July 1, 2018) The Alcoholic Beverage Control Board for the conduct of investigations as set forth in § 4.1-103.1;

17. (Effective July 1, 2018) The Virginia Alcoholic Beverage Control Authority for the conduct of investigations as set forth in § 4.1-103.1;

18. The State Board of Elections and authorized officers and employees thereof and general registrars appointed pursuant to § 24.2-110 in the course of conducting necessary investigations with respect to voter registration, limited to any record of felony convictions;

19. The Commissioner of Behavioral Health and Developmental Services for those individuals who are committed to the custody of the Commissioner pursuant to §§ 19.2-169.2, 19.2-169.6, 19.2-182.2, 19.2-182.3, 19.2-182.8, and 19.2-182.9 for the purpose of placement, evaluation, and treatment planning;

20. Any alcohol safety action program certified by the Commission on the Virginia Alcohol Safety Action Program for (i) assessments of habitual offenders under § 46.2-360, (ii) interventions with first offenders under § 18.2-251, or (iii) services to offenders under § 18.2-51.4, 18.2-266, or 18.2-266.1;

21. Residential facilities for juveniles regulated or operated by the Department of Social Services, the Department of Education, or the Department of Behavioral Health and Developmental Services for the purpose of determining applicants' fitness for employment or for providing volunteer or contractual services;

22. The Department of Behavioral Health and Developmental Services and facilities operated by the Department for the purpose of determining an individual's fitness for employment pursuant to departmental instructions;

23. Pursuant to § 22.1-296.3, the governing boards or administrators of private or religious elementary or secondary schools which are accredited by a statewide accrediting organization recognized, prior to January 1, 1996, by the State Board of Education or a private organization coordinating such records information on behalf of such governing boards or administrators pursuant to a written agreement with the Department of State Police;

24. Public and nonprofit private colleges and universities for the purpose of screening individuals who are offered or accept employment;

25. Members of a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 or by a private nonprofit institution of higher education, for the purpose of assessing or intervening with an individual whose behavior may present a threat to safety; however, no member of a threat assessment team shall redisclose any criminal history record information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose that such disclosure was made to the threat assessment team;

26. Executive directors of community services boards or the personnel director serving the community services board for the purpose of determining an individual's fitness for employment, *approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver* pursuant to §§ 37.2-506 and 37.2-607;

27. Executive directors of behavioral health authorities as defined in § 37.2-600 for the purpose of determining an individual's fitness for employment, *approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver* pursuant to §§ 37.2-506 and 37.2-607;

28. The Commissioner of Social Services for the purpose of locating persons who owe child support or who are alleged in a pending paternity proceeding to be a putative father, provided that only the name, address, demographics and social security number of the data subject shall be released;

29. Authorized officers or directors of agencies licensed pursuant to Article 2 (§ 37.2-403 et seq.) of Chapter 4 of Title 37.2 by the Department of Behavioral Health and Developmental Services for the purpose of determining if any applicant who accepts employment in any direct care position *or requests approval as a sponsored residential service provider or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver* has been convicted of a crime that affects his fitness to have responsibility for the safety and well-being of individuals with mental illness, intellectual disability, or substance abuse pursuant to §§ 37.2-416, 37.2-506, and 37.2-607;

30. The Commissioner of the Department of Motor Vehicles, for the purpose of evaluating applicants for and holders of a motor carrier certificate or license subject to the provisions of Chapters 20 (§ 46.2-2000 et seq.) and 21 (§ 46.2-2100 et seq.) of Title 46.2;

31. The chairmen of the Committees for Courts of Justice of the Senate or the House of Delegates for the purpose of determining if any person being considered for election to any judgeship has been convicted of a crime;

32. Heads of state agencies in which positions have been identified as sensitive for the purpose of determining an individual's fitness for employment in positions designated as sensitive under Department of Human Resource Management policies developed pursuant to § 2.2-1201.1. Dissemination of criminal history record information to the agencies shall be limited to those positions generally described as directly responsible for the health, safety and welfare of the general populace or protection of critical infrastructures;

33. The Office of the Attorney General, for all criminal justice activities otherwise permitted under subdivision A 1 and for purposes of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.);

34. Shipyards, to the extent permitted by federal law or regulation, engaged in the design, construction, overhaul, or repair of nuclear vessels for the United States Navy, including their subsidiary companies, for the conduct of investigations of applications for employment or for access to facilities, by contractors, leased laborers, and other visitors;

35. Any employer of individuals whose employment requires that they enter the homes of others, for the purpose of screening individuals who apply for, are offered, or have accepted such employment;

36. Public agencies when and as required by federal or state law to investigate (i) applicants as providers of adult foster care and home-based services or (ii) any individual with whom the agency is considering placing an adult on an emergency, temporary, or permanent basis pursuant to § 63.2-1601.1, subject to the restriction that the data shall not be further disseminated by the agency to any party other than a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination, subject to limitations set out in subsection G;

37. The Department of Medical Assistance Services, or its designee, for the purpose of screening individuals who, through contracts, subcontracts, or direct employment, volunteer, apply for, are offered, or have accepted a position related to the provision of transportation services to enrollees in the Medicaid Program or the Family Access to Medical Insurance Security (FAMIS) Program, or any other program administered by the Department of Medical Assistance Services;

38. The State Corporation Commission for the purpose of investigating individuals who are current or proposed members, senior officers, directors, and principals of an applicant or person licensed under Chapter 16 (§ 6.2-1600 et seq.) or Chapter 19 (§ 6.2-1900 et seq.) of Title 6.2. Notwithstanding any other provision of law, if an application is denied based in whole or in part on information obtained from the Central Criminal Records Exchange pursuant to Chapter 16 or 19 of Title 6.2, the Commissioner of Financial Institutions or his designee may disclose such information to the applicant or its designee;

39. The Department of Professional and Occupational Regulation for the purpose of investigating individuals for initial licensure pursuant to § 54.1-2106.1;

40. The Department for Aging and Rehabilitative Services and the Department for the Blind and Vision Impaired for the purpose of evaluating an individual's fitness for various types of employment and for the purpose of delivering comprehensive vocational rehabilitation services pursuant to Article 11 (§ 51.5-170 et seq.) of Chapter 14 of Title 51.5 that will assist the individual in obtaining employment;

41. Bail bondsmen, in accordance with the provisions of § 19.2-120;

42. The State Treasurer for the purpose of determining whether a person receiving compensation for wrongful incarceration meets the conditions for continued compensation under § 8.01-195.12;

43. The Department of Social Services and directors of local departments of social services for the purpose of screening individuals seeking to enter into a contract with the Department of Social Services or a local department of social services for the provision of child care services for which child care subsidy payments may be provided;

44. The Department of Juvenile Justice to investigate any parent, guardian, or other adult members of a juvenile's household when completing a predispositional or postdispositional report required by § 16.1-273 or a Board of Juvenile Justice regulation promulgated pursuant to § 16.1-233; and

45. Other entities as otherwise provided by law.

Upon an ex parte motion of a defendant in a felony case and upon the showing that the records requested may be relevant to such case, the court shall enter an order requiring the Central Criminal Records Exchange to furnish the defendant, as soon as practicable, copies of any records of persons designated in the order on whom a report has been made under the provisions of this chapter.

Notwithstanding any other provision of this chapter to the contrary, upon a written request sworn to before an officer authorized to take acknowledgments, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish a copy of conviction data covering the person named in the request to the person making the request; however, such person on whom the data is being obtained shall consent in writing, under oath, to the making of such request. A person receiving a copy of his own conviction data may utilize or further disseminate that data as he deems appropriate. In the event no conviction data is maintained on the data subject, the person making the request shall be furnished at his cost a certification to that effect.

B. Use of criminal history record information disseminated to noncriminal justice agencies under this section shall be limited to the purposes for which it was given and may not be disseminated further.

C. No criminal justice agency or person shall confirm the existence or nonexistence of criminal history record information for employment or licensing inquiries except as provided by law.

D. Criminal justice agencies shall establish procedures to query the Central Criminal Records Exchange prior to dissemination of any criminal history record information on offenses required to be reported to the Central Criminal Records Exchange to ensure that the most up-to-date disposition data is being used. Inquiries of the Exchange shall be made prior to any dissemination except in those cases where time is of the essence and the normal response time of the Exchange would exceed the necessary time period. A criminal justice agency to whom a request has been made for the dissemination of criminal history record information that is required to be reported to the Central Criminal Records Exchange may direct the inquirer to the Central Criminal Records Exchange for such dissemination. Dissemination of information regarding offenses not required to be reported to the Exchange shall be made by the criminal justice agency maintaining the record as required by § 15.2-1722.

E. Criminal history information provided to licensed nursing homes, hospitals and to home care organizations pursuant to subdivision A 15 shall be limited to the convictions on file with the Exchange for any offense specified in §§ 32.1-126.01, 32.1-126.02, and 32.1-162.9:1.

F. Criminal history information provided to licensed assisted living facilities and licensed adult day care centers pursuant to subdivision A 16 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1720.

G. Criminal history information provided to public agencies pursuant to subdivision A 36 shall be limited to the convictions on file with the Exchange for any offense specified in § 63.2-1719.

H. Upon receipt of a written request from an employer or prospective employer, the Central Criminal Records Exchange, or the criminal justice agency in cases of offenses not required to be reported to the Exchange, shall furnish at the employer's cost a copy of conviction data covering the person named in the request to the employer or prospective employer making the request, provided that the person on whom the data is being obtained has consented in writing to the making of such request and has presented a photo-identification to the employer or prospective employer. In the event no conviction data is maintained on the person named in the request, the requesting employer or prospective employer shall be furnished at his cost a certification to that effect. The criminal history record search shall be conducted on forms provided by the Exchange.

§ 37.2-416. Background checks required.

A. As used in this section, ~~the term "direct:~~

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an individual receiving services or (ii) immediately supervising a person in a position with this responsibility.

~~As used in this section, "hire~~ *"Hire* for compensated employment" does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same licensee licensed pursuant to this article or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program licensed pursuant to this article if the person employed prior to July 1, 1999, in a licensed program had no convictions in the five years prior to the application date for employment. ~~As used in this section, "hire~~ *"Hire* for compensated employment" includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same licensee licensed pursuant to this article or (b) new employment in any mental health or developmental services direct care position in another office or program of the same licensee licensed pursuant to this article for which the person has previously worked in an adult substance abuse treatment position.

"Shared living" means an arrangement in which the Commonwealth's program of medical assistance pays a portion of a person's rent, utilities, and food expenses in return for the person residing with and providing companionship, support, and other limited, basic assistance to a person with intellectual or developmental disabilities receiving medical assistance services in accordance with a waiver for whom he has no legal responsibility.

B. Every provider licensed pursuant to this article shall require (i) any applicant who accepts employment in any direct care position, (ii) any applicant for approval as a sponsored residential service provider, (iii) any adult living in the home of an applicant for approval as a sponsored residential service provider, (iv) any person employed by a sponsored residential service provider to provide services in the home, and (v) any person who enters into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, or F, no provider licensed pursuant to this article shall (a) hire for compensated employment persons who have been convicted of any offense listed in subsection B of § 37.2-314; (b) approve an applicant as a sponsored residential service provider if the applicant, any adult residing in the home of the applicant, or any person employed by the applicant has been convicted of an offense listed in subsection B of § 37.2-314; or (c) permit to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver any person who has been convicted of an offense listed in subsection B of § 37.2-314.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting authorized officer or director of a provider licensed pursuant to this article. If any applicant is denied employment because of information appearing on the criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the authorized officer or director of a provider licensed pursuant to this article shall not be disseminated except as provided in this section.

C. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment at adult substance abuse or adult mental health treatment facilities a person who was convicted of a misdemeanor violation relating to (i) unlawful hazing, as set out in § 18.2-56; (ii) reckless handling of a firearm, as set out in § 18.2-56.1; or (iii) assault and battery, as set out in subsection A of § 18.2-57; or any misdemeanor or felony violation related to (a) reckless endangerment of others by throwing objects, as set out in § 18.2-51.3; (b) threat, as set out in § 18.2-60; (c) breaking and entering a dwelling house with intent to commit other misdemeanor, as set out in § 18.2-92; or (d) possession of burglarious tools, as

set out in § 18.2-94; or any felony violation relating to the distribution of drugs, as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, except an offense pursuant to subsections H1 and H2 of § 18.2-248; or an equivalent offense in another state, if the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

D. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment at adult substance abuse treatment facilities a person who has been convicted of not more than one offense of assault and battery of a law-enforcement officer under § 18.2-57, or an equivalent offense in another state, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the offense was committed in another state; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring provider determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

E. The hiring provider and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections C and D to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the provider or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the licensed provider decides to pay the cost.

F. Notwithstanding the provisions of subsection B, a provider may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

G. Providers licensed pursuant to this article also shall require, as a condition of employment ~~for all applicants,~~ *approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver*, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

H. The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the provider licensed pursuant to this article decides to pay the cost.

I. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 37.2-506. Background checks required.

A. As used in this section, ~~the term "direct:~~

"Direct care position" means any position that includes responsibility for (i) treatment, case management, health, safety, development, or well-being of an individual receiving services or (ii) immediately supervising a person in a position with this responsibility.

~~As used in this section, "hire "Hire for compensated employment"~~ does not include (i) a promotion from one adult substance abuse or adult mental health treatment position to another such position within the same community services board or (ii) new employment in an adult substance abuse or adult mental health treatment position in another office or program of the same community services board if the person employed prior to July 1, 1999, had no convictions in the five years prior to the application date for employment. ~~As used in this section, "hire "Hire for compensated employment"~~ includes (a) a promotion or transfer from an adult substance abuse treatment position to any mental health or developmental services direct care position within the same community services board or (b) new employment in any mental health or developmental services direct care position in another office or program of the same community services board for which the person has previously worked in an adult substance abuse treatment position.

"Shared living" means an arrangement in which the Commonwealth's program of medical assistance pays a portion of a person's rent, utilities, and food expenses in return for the person residing with and providing companionship, support, and other limited, basic assistance to a person with intellectual or developmental disabilities receiving medical assistance services in accordance with a waiver for whom he has no legal responsibility.

B. Every community services board shall require (i) any applicant who accepts employment in any direct care position with the community services board, (ii) *any applicant for approval as a sponsored residential service provider*, (iii) *any adult living in the home of an applicant for approval as a sponsored residential service provider*, (iv) *any person employed by a sponsored residential service provider to provide services in the home*, and (v) *any person who enters into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver* to submit to fingerprinting and provide personal descriptive information to be forwarded through the Central Criminal Records Exchange to the Federal

Bureau of Investigation (FBI) for the purpose of obtaining national criminal history record information regarding the applicant. Except as otherwise provided in subsection C, D, or F, no community services board shall hire for compensated employment, *approve as a sponsored residential service provider, or permit to enter into a share living arrangement with a person receiving medical assistance services pursuant to a waiver* persons who have been convicted of any offense listed in subsection B of § 37.2-314.

The Central Criminal Records Exchange, upon receipt of an applicant's record or notification that no record exists, shall submit a report to the requesting executive director or personnel director of the community services board. If any applicant is denied employment because of information appearing on his criminal history record and the applicant disputes the information upon which the denial was based, the Central Criminal Records Exchange shall, upon written request, furnish to the applicant the procedures for obtaining a copy of the criminal history record from the FBI. The information provided to the executive director or personnel director of any community services board shall not be disseminated except as provided in this section.

C. Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment at adult substance abuse or adult mental health treatment programs a person who was convicted of a misdemeanor violation relating to (i) unlawful hazing, as set out in § 18.2-56; (ii) reckless handling of a firearm, as set out in § 18.2-56.1; (iii) assault and battery, as set out in subsection A of § 18.2-57; or (iv) assault and battery against a family or household member, as set out in subsection A of § 18.2-57.2; or any misdemeanor or felony violation related to (a) reckless endangerment of others by throwing objects, as set out in § 18.2-51.3; (b) threat, as set out in § 18.2-60; (c) breaking and entering a dwelling house with intent to commit other misdemeanor, as set out in § 18.2-92; or (d) possession of burglarious tools, as set out in § 18.2-94; or any felony violation relating to the distribution of drugs, as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, except an offense pursuant to subsection H1 or H2 of § 18.2-248; or an equivalent offense in another state, if the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse or mental illness and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse or mental illness history.

D. Notwithstanding the provisions of subsection B, the community services board may hire for compensated employment at adult substance abuse treatment programs a person who has been convicted of not more than one offense of assault and battery of a law-enforcement officer under § 18.2-57, or an equivalent offense in another state, if (i) the person has been granted a simple pardon if the offense was a felony committed in Virginia, or the equivalent if the offense was committed in another state; (ii) more than 10 years have elapsed since the conviction; and (iii) the hiring community services board determines, based upon a screening assessment, that the criminal behavior was substantially related to the applicant's substance abuse and that the person has been successfully rehabilitated and is not a risk to individuals receiving services based on his criminal history background and his substance abuse history.

E. The community services board and a screening contractor designated by the Department shall screen applicants who meet the criteria set forth in subsections C and D to assess whether the applicants have been rehabilitated successfully and are not a risk to individuals receiving services based on their criminal history backgrounds and substance abuse or mental illness histories. To be eligible for such screening, the applicant shall have completed all prison or jail terms, shall not be under probation or parole supervision, shall have no pending charges in any locality, shall have paid all fines, restitution, and court costs for any prior convictions, and shall have been free of parole or probation for at least five years for all convictions. In addition to any supplementary information the community services board or screening contractor may require or the applicant may wish to present, the applicant shall provide to the screening contractor a statement from his most recent probation or parole officer, if any, outlining his period of supervision and a copy of any pre-sentencing or post-sentencing report in connection with the felony conviction. The cost of this screening shall be paid by the applicant, unless the board decides to pay the cost.

F. Notwithstanding the provisions of subsection B, a community services board may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, if 10 years have elapsed following the conviction, unless the person committed the offense while employed in a direct care position.

G. Community services boards also shall require, as a condition of employment ~~for all applicants,~~ *approval as a sponsored residential service provider, or permission to enter into a shared living arrangement with a person receiving medical assistance services pursuant to a waiver*, written consent and personal information necessary to obtain a search of the registry of founded complaints of child abuse and neglect that is maintained by the Department of Social Services pursuant to § 63.2-1515.

H. The cost of obtaining the criminal history record and search of the child abuse and neglect registry record shall be borne by the applicant, unless the community services board decides to pay the cost.

I. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

CHAPTER 575

An Act to amend the Code of Virginia by adding a section numbered 51.5-44.1, relating to the rights of persons with disabilities in public places and places of public accommodation; fraudulent representation of a service dog or hearing dog; penalty.

[S 363]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 51.5-44.1 as follows:

§ 51.5-44.1. Fraudulent representation of a service dog or hearing dog; penalty.

Any person who knowingly and willfully fits a dog with a harness, collar, vest, or sign, or uses an identification card commonly used by a person with a disability, in order to represent that the dog is a service dog or hearing dog to fraudulently gain public access for such dog pursuant to provisions in § 51.5-44 is guilty of a Class 4 misdemeanor.

CHAPTER 576

An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to disclosure of real-time location data in emergencies.

[H 875]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-70.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2 through 3, and 4, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;
2. A search warrant issued by a magistrate, general district court, or circuit court;
3. A court order for such disclosure issued as provided in subsection B; or
4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, missing senior adult as defined in § 52-34.4, or an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in subsection D or E, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation. A search warrant for real-time location data shall be issued if the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;
2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;
3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted; or
4. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, ~~and the possessor of the real-time location data believes, in good faith, that an emergency involving danger to a person requires disclosure without delay.~~

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section, excluding the contents of electronic communications, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete and that they are prepared in the regular course of business. When so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. An investigative or law-enforcement officer shall not use any device to obtain electronic communications or collect real-time location data from an electronic device without first obtaining a search warrant authorizing the use of the device if, in order to obtain the contents of such electronic communications or such real-time location data from the provider of electronic communication service or remote computing service, such officer would be required to obtain a search warrant pursuant to this section. However, an investigative or law-enforcement officer may use such a device without first obtaining a search warrant under the circumstances set forth in subsection E. For purposes of subdivision E 4, the investigative or law-enforcement officer using such a device shall be considered to be the possessor of the real-time location data.

L. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

CHAPTER 577

An Act to amend and reenact §§ 18.2-250.1 and 54.1-3408.3 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 34 of Title 54.1 an article numbered 4.2, consisting of sections numbered 54.1-3442.5 through 54.1-3442.8, relating to cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture and provide.

[S 701]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 18.2-250.1 and 54.1-3408.3 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 34 of Title 54.1 an article numbered 4.2, consisting of sections numbered 54.1-3442.5 through 54.1-3442.8, as follows:

§ 18.2-250.1. Possession of marijuana unlawful.

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

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

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

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

C. In any prosecution under this section involving marijuana in the form of cannabidiol oil or THC-A oil as those terms are defined in § 54.1-3408.3, it shall be an affirmative defense that the individual possessed such oil pursuant to a valid written certification issued by a practitioner in the course of his professional practice pursuant to § 54.1-3408.3 for treatment or to alleviate the symptoms of (i) the individual's intractable epilepsy or (ii) if such individual is the parent or legal guardian of a minor or of an incapacitated adult as defined in § 18.2-369, such minor's or incapacitated adult's intractable epilepsy. If the individual files the valid written certification with the court at least 10 days prior to trial and causes a copy of such written certification to be delivered to the attorney for the Commonwealth, such written certification shall be prima facie evidence that such oil was possessed pursuant to a valid written certification.

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

A. As used in this section:

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

"Practitioner" means a practitioner of medicine or osteopathy licensed by the Board of Medicine who is a neurologist or who specializes in the treatment of epilepsy.

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

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

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

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

E. A practitioner who issues a written certification to a patient pursuant to this section shall register with the Board. The Board shall, in consultation with the Board of Medicine, set a limit on the number of patients to whom a practitioner may issue a written certification.

F. A patient who has been issued a written certification shall register with the Board or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, a patient's parent or legal guardian shall register and shall register such patient with the Board.

G. The Board shall promulgate regulations to implement the registration process. Such regulations shall include (i) a mechanism for sufficiently identifying the practitioner issuing the written certification, the patient being treated by the practitioner, and, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian; (ii) a process for ensuring that any changes in the information are reported in an appropriate timeframe; and (iii) a prohibition for the patient to be issued a written certification by more than one practitioner during any given time period.

H. Information obtained under the registration process shall be confidential and shall not be subject to the disclosure provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, reasonable access to registry information shall be provided to (i) the Chairmen of the House and Senate Committees for Courts of Justice, (ii) state and federal agencies or local law enforcement for the purpose of investigating or prosecuting a specific individual for a specific violation of law, (iii) licensed physicians or pharmacists for the purpose of providing patient care and drug therapy management and monitoring of drugs obtained by a registered patient, (iv) a pharmaceutical processor involved in the treatment of a registered patient, or (v) a registered patient or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, the patient's parent or legal guardian, but only with respect to information related to such registered patient.

Article 4.2.

Permitting of Pharmaceutical Processors to Produce and Dispense Cannabidiol Oil and THC-A Oil.

§ 54.1-3442.5. Definitions.

As used in this article:

"Cannabidiol oil" has the same meaning as specified in § 54.1-3408.3.

"Pharmaceutical processor" means a facility that (i) has obtained a permit from the Board pursuant to § 54.1-3408.3 and (ii) cultivates Cannabis plants intended only for the production of cannabidiol oil or THC-A oil, produces cannabidiol oil or THC-A oil, and dispenses cannabidiol oil or THC-A oil to a registered patient or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian for the treatment of intractable epilepsy.

"Practitioner" has the same meaning as specified in § 54.1-3408.3.

"THC-A oil" has the same meaning as specified in § 54.1-3408.3.

§ 54.1-3442.6. Permit to operate pharmaceutical processor.

A. No person shall operate a pharmaceutical processor without first obtaining a permit from the Board. The application for such permit shall be made on a form provided by the Board and signed by a pharmacist who will be in full and actual charge of the pharmaceutical processor. The Board shall establish an application fee and other general requirements for such application.

B. Each permit shall expire annually on a date determined by the Board in regulation. The number of permits that the Board may issue or renew in any year is limited to one for each health service area established by the Board of Health. Permits shall be displayed in a conspicuous place on the premises of the pharmaceutical processor.

C. The Board shall adopt regulations establishing health, safety, and security requirements for pharmaceutical processors. Such regulations shall include requirements for (i) physical standards; (ii) location restrictions; (iii) security systems and controls; (iv) minimum equipment and resources; (v) recordkeeping; (vi) labeling and packaging; (vii) quarterly inspections; (viii) processes for safely and securely cultivating Cannabis plants intended for producing cannabidiol oil and THC-A oil, producing cannabidiol oil and THC-A oil, and dispensing cannabidiol oil and THC-A oil to a registered patient or, if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian; (ix) a maximum number of marijuana plants a pharmaceutical processor may possess at any one time; and (x) the secure disposal of plant remains.

D. Every pharmaceutical processor shall be under the personal supervision of a licensed pharmacist on the premises of the pharmaceutical processor.

E. No person who has been convicted of a felony or of any offense in violation of Article 1 (§ 18.2-247 et seq.) or Article 1.1 (§ 18.2-265.1 et seq.) of Chapter 7 of Title 18.2 shall be employed by or act as an agent of a pharmaceutical processor.

§ 54.1-3442.7. Dispensing cannabidiol oil and THC-A oil; report.

A. A pharmaceutical processor shall dispense cannabidiol oil or THC-A oil only in person to (i) a patient who is a Virginia resident, has been issued a valid written certification, and is registered with the Board pursuant to § 54.1-3408.3 or (ii) if such patient is a minor or an incapacitated adult as defined in § 18.2-369, such patient's parent or legal guardian who is a Virginia resident and is registered with the Board pursuant to § 54.1-3408.3. Prior to dispensing, the pharmaceutical processor shall verify that the practitioner issuing the written certification, the patient, and if such patient is a minor or an incapacitated adult, the patient's parent or legal guardian are registered with the Board. No pharmaceutical processor shall dispense more than a 30-day supply for any patient during any 30-day period. The Board shall establish in regulation an amount of cannabidiol oil or THC-A oil that constitutes a 30-day supply to treat or alleviate the symptoms of a patient's intractable epilepsy.

B. A pharmaceutical processor shall dispense only cannabidiol oil and THC-A oil that has been cultivated and produced on the premises of such pharmaceutical processor.

C. The Board shall report annually by December 1 to the Chairmen of the House and Senate Committees for Courts of Justice on the operation of pharmaceutical processors issued a permit by the Board, including the number of practitioners, patients, and parents or legal guardians of patients who have registered with the Board and the number of written certifications issued pursuant to § 54.1-3408.3.

§ 54.1-3442.8. Criminal liability; exceptions.

In any prosecution of an agent or employee of a pharmaceutical processor under § 18.2-248, 18.2-248.1, 18.2-250, or 18.2-250.1 for possession or manufacture of marijuana or for possession, manufacture, or distribution of cannabidiol oil or THC-A oil, it shall be an affirmative defense that such agent or employee (i) possessed or manufactured such marijuana for the purposes of producing cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations or (ii) possessed, manufactured, or distributed such cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations. If such agent or employee files a copy of the permit issued to the pharmaceutical processor pursuant to § 54.1-3442.6 with the court at least 10 days prior to trial and causes a copy of such permit to be delivered to the attorney for the Commonwealth, such permit shall be prima facie evidence that (a) such marijuana was possessed or manufactured for the purposes of producing cannabidiol oil or THC-A oil in accordance with the provisions of this article and Board regulations or (b) such cannabidiol oil or THC-A oil was possessed, manufactured, or distributed in accordance with the provisions of this article and Board regulations.

2. That, except as provided in the third enactment of this act, the provisions of the first enactment of this act shall not become effective unless reenacted by the 2017 Session of the General Assembly.

3. That the Board of Pharmacy shall promulgate regulations to implement the provisions of the first enactment of this act within 280 days of its initial enactment. Such regulations shall not become effective unless the provisions of the first enactment of this act are reenacted by the 2017 Session of the General Assembly.

CHAPTER 578

An Act to require the Department of General Services to provide fiscal data pertaining to certain enhancement or remedial measures implemented by the Governor.

[S 679]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of General Services shall make available a dashboard of purchase order reports from the Commonwealth's statewide electronic procurement system known eVA. The dashboard shall include aggregated data showing (i) current fiscal year purchase orders, (ii) purchase orders from the previous fiscal year, and (iii) other relevant data derived from any enhancement or remedial measure implemented by the Governor pursuant to subsection C of § 2.2-4310 of the Code of Virginia.*

CHAPTER 579

An Act to amend the Code of Virginia by adding a section numbered 53.1-70.1, relating to local correctional facilities; transport of prisoners.

[S 781]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 53.1-70.1 as follows:

§ 53.1-70.1. Transport of prisoners; authority.

A. *The sheriff or administrator in charge of a local or regional correctional facility where a prisoner is incarcerated and employees of such facility acting on the direction of such sheriff or administrator shall have the authority to transport the prisoner to another jurisdiction inside the Commonwealth for any lawful purpose and to retain authority over such prisoner.*

B. *Any person authorized to transport a prisoner under subsection A who has the need to travel with a prisoner through or to another state is authorized to travel through or to such state and retain authority over such prisoner as allowed by such state.*

CHAPTER 580

An Act to amend and reenact §§ 37.2-408.1, 63.2-1719, and 63.2-1726 of the Code of Virginia, relating to barrier crimes.

[H 920]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-408.1, 63.2-1719, and 63.2-1726 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-408.1. Background check required; children's residential facilities.

A. Notwithstanding the provisions of § 37.2-416, as a condition of employment, volunteering or providing services on a regular basis, every children's residential facility that is regulated or operated by the Department shall require any person who (i) accepts a position of employment at such a facility who was not employed by that facility prior to July 1, 2008, (ii) volunteers for such a facility on a regular basis and will be alone with a juvenile in the performance of his duties who was not a volunteer at such facility prior to July 1, 2008, or (iii) provides contractual services directly to a juvenile for such facility on a regular basis and will be alone with a juvenile in the performance of his duties who did not provide such services prior to July 1, 2008, to submit to fingerprinting and to provide personal descriptive information, to be forwarded along with the person's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding the person. The children's residential facility shall inform the person that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the person's eligibility to have responsibility for the safety and well-being of children. The person shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth. The results of the criminal history background check must be received prior to permitting a person to work with children.

The Central Criminal Records Exchange, upon receipt of a person's record or notification that no record exists, shall forward it to the state agency that operates or regulates the children's residential facility with which the person is affiliated. The state agency shall, upon receipt of a person's record lacking disposition data, conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The state agency shall report to the children's facility whether the person is eligible to have responsibility for the safety and well-being of children. Except as otherwise provided in subsection B, no children's residential facility regulated or operated by the Department shall hire for compensated employment or allow to volunteer or provide contractual services persons who have been (a) convicted of or are the subject of pending charges for the following crimes: a felony violation of a protective order as set out in § 16.1-253.2; murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2; malicious wounding by mob as set out in § 18.2-41; abduction as set out in subsection A or B of § 18.2-47; abduction for immoral purposes as set out in § 18.2-48; assault and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2; robbery as set out in § 18.2-58; carjacking as set out in § 18.2-58.1; extortion by threat as set out in § 18.2-59; threat as set out in § 18.2-60; any felony stalking violation as set out in § 18.2-60.3; a felony violation of a protective order as set out in § 18.2-60.4; sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2; any felony violation relating to distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; drive-by shooting as set out in § 18.2-286.1; use of a machine gun in a crime of violence as set out in § 18.2-289; aggressive use of a machine gun as set out in § 18.2-290; use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300; pandering as set out in § 18.2-355; crimes against nature involving children as set out § 18.2-361; taking indecent liberties with children as set out in § 18.2-370 or 18.2-370.1; abuse or neglect of children as set out in § 18.2-371.1, including failure to secure medical attention for an injured child as set out in § 18.2-314; obscenity offenses as set out in § 18.2-374.1; possession of child pornography as set out in § 18.2-374.1:1; electronic facilitation of pornography as set out in § 18.2-374.3; incest as set out in § 18.2-366; abuse or neglect of incapacitated adults as set out in § 18.2-369; employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2, as set out in § 18.2-379; delivery of drugs to prisoners as set out in § 18.2-474.1; escape from jail as set out in § 18.2-477; felonies by prisoners as set out in § 53.1-203; or an equivalent offense in another state; ~~or~~ (b) convicted of any felony violation relating to possession of drugs set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, *or an equivalent offense in another state*, in the five years prior to the application date for employment, to be a volunteer, or to provide contractual services; ~~or~~ (c) convicted of any felony violation relating to possession of drugs as set

out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and continue on probation or parole or have failed to pay required court costs; or (d) convicted of any offense set forth in § 9.1-902 or have been the subject of a finding of not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, or any similar registry in any other state. The provisions of this section also shall apply to structured residential programs, excluding secure detention facilities, established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or supervision.

B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for compensated employment or for volunteer or contractual service purposes persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment, volunteer, or contractual services.

If the person is denied employment, or the opportunity to volunteer or provide services, at a children's residential facility because of information appearing on his criminal history record, and the person disputes the information upon which the denial was based, upon written request of the person the state agency shall furnish the person the procedures for obtaining his criminal history record from the Federal Bureau of Investigation. If the person has been permitted to assume duties that do not involve contact with children pending receipt of the report, the children's residential facility is not precluded from suspending the person from his position pending a final determination of the person's eligibility to have responsibility for the safety and well-being of children. The information provided to the children's residential facility shall not be disseminated except as provided in this section.

C. Those persons listed in clauses (i), (ii), and (iii) of subsection A also shall authorize the children's residential facility to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him. The person shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been the subject of a founded case of child abuse or neglect within or outside the Commonwealth. The children's residential facility shall receive the results of the central registry search prior to permitting a person to work alone with children. Children's residential facilities regulated or operated by the Department shall not hire for compensated employment, or allow to volunteer or provide contractual services, persons who have a founded case of child abuse or neglect.

D. The cost of obtaining the criminal history record and the central registry information shall be borne by the person unless the children's residential facility, at its option, decides to pay the cost.

§ 63.2-1719. Definitions.

As used in this subtitle:

"Barrier crime" means a conviction of a felony violation of a protective order as set out in § 16.1-253.2, murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2, malicious wounding by mob as set out in § 18.2-41, abduction as set out in subsection A or B of § 18.2-47, abduction for immoral purposes as set out in § 18.2-48, assaults and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2, robbery as set out in § 18.2-58, carjacking as set out in § 18.2-58.1, extortion by threat as set out in § 18.2-59, threats of death or bodily injury as set out in § 18.2-60, felony stalking as set out in § 18.2-60.3, a felony violation of a protective order as set out in § 18.2-60.4, sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2, drive by shooting as set out in § 18.2-286.1, use of a machine gun in a crime of violence as set out in § 18.2-289, aggressive use of a machine gun as set out in § 18.2-290, use of a sawed-off shotgun in a crime of violence as set out in subsection A of § 18.2-300, pandering as set out in § 18.2-355, crimes against nature involving children as set out in § 18.2-361, incest as set out in § 18.2-366, taking indecent liberties with children as set out in § 18.2-370 or 18.2-370.1, abuse and neglect of children as set out in § 18.2-371.1, failure to secure medical attention for an injured child as set out in § 18.2-314, obscenity offenses as set out in § 18.2-374.1, possession of child pornography as set out in § 18.2-374.1:1, electronic facilitation of pornography as set out in § 18.2-374.3, abuse and neglect of incapacitated adults as set out in § 18.2-369, employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379, delivery of drugs to prisoners as set out in § 18.2-474.1, escape from jail as set out in § 18.2-477, felonies by prisoners as set out in § 53.1-203, or an equivalent offense in another state. In the case of child welfare agencies and foster and adoptive homes approved by child-placing agencies, "barrier crime" shall also include convictions of burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2 and any felony violation relating to possession or distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, or an equivalent offense in another state.

"Offense" means a barrier crime and, in the case of child welfare agencies and foster and adoptive homes approved by child-placing agencies, (i) a conviction of any offense set forth in § 9.1-902 or a finding that a person is not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, or any similar registry in any other state; (ii) a conviction of any other felony not included in the definition of barrier crime or described in clause (i) unless five years have elapsed since conviction; and ~~(iii)~~ (iii) a founded complaint of child abuse or neglect within or outside the Commonwealth. In the case of child welfare agencies and foster and adoptive homes approved by child-placing agencies, convictions shall include prior adult convictions and juvenile convictions or

adjudications of delinquency based on a crime that would be a felony if committed by an adult within or outside the Commonwealth.

§ 63.2-1726. Background check required; children's residential facilities.

A. As a condition of employment, volunteering, or providing services on a regular basis, every children's residential facility that is regulated or operated by the Departments of Social Services, Education, Military Affairs, or Behavioral Health and Developmental Services shall require any individual who (i) accepts a position of employment at such a facility who was not employed by that facility prior to July 1, 2007, (ii) volunteers for such a facility on a regular basis and will be alone with a juvenile in the performance of his duties who was not a volunteer at such facility prior to July 1, 2007, or (iii) provides contractual services directly to a juvenile for such facility on a regular basis and will be alone with a juvenile in the performance of his duties who did not provide such services prior to July 1, 2007, to submit to fingerprinting and to provide personal descriptive information, to be forwarded along with the applicant's fingerprints through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining criminal history record information regarding such applicant. The children's residential facility shall inform the applicant that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the applicant's eligibility to have responsibility for the safety and well-being of children. The applicant shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth. The results of the criminal history background check must be received prior to permitting an applicant to work with children.

The Central Criminal Records Exchange, upon receipt of an individual's record or notification that no record exists, shall forward it to the state agency which operates or regulates the children's residential facility with which the applicant is affiliated. The state agency shall, upon receipt of an applicant's record lacking disposition data, conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data. The state agency shall report to the children's facility whether the applicant is eligible to have responsibility for the safety and well-being of children. Except as otherwise provided in subsection B, no children's residential facility regulated or operated by the Departments of Education, Behavioral Health and Developmental Services, Military Affairs, or Social Services shall hire for compensated employment or allow to volunteer or provide contractual services persons who have been (a) convicted of or are the subject of pending charges for the following crimes: a felony violation of a protective order as set out in § 16.1-253.2; murder or manslaughter as set out in Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2; malicious wounding by mob as set out in § 18.2-41; abduction as set out in subsection A or B of § 18.2-47; abduction for immoral purposes as set out in § 18.2-48; assault and bodily woundings as set out in Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2; robbery as set out in § 18.2-58; carjacking as set out in § 18.2-58.1; extortion by threat as set out in § 18.2-59; threat as set out in § 18.2-60; any felony stalking violation as set out in § 18.2-60.3; a felony violation of a protective order as set out in § 18.2-60.4; sexual assault as set out in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2; arson as set out in Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2; burglary as set out in Article 2 (§ 18.2-89 et seq.) of Chapter 5 of Title 18.2; any felony violation relating to distribution of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2; drive-by shooting as set out in § 18.2-286.1; use of a machine gun in a crime of violence as set out in § 18.2-289; aggressive use of a machine gun as set out in § 18.2-290; use of a sawed off shotgun in a crime of violence as set out in subsection A of § 18.2-300; pandering as set out in § 18.2-355; crimes against nature involving children as set out in § 18.2-361; taking indecent liberties with children as set out in § 18.2-370 or 18.2-370.1; abuse or neglect of children as set out in § 18.2-371.1, including failure to secure medical attention for an injured child as set out in § 18.2-314; obscenity offenses as set out in § 18.2-374.1; possession of child pornography as set out in § 18.2-374.1:1; electronic facilitation of pornography as set out in § 18.2-374.3; incest as set out in § 18.2-366; abuse or neglect of incapacitated adults as set out in § 18.2-369; employing or permitting a minor to assist in an act constituting an offense under Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2 as set out in § 18.2-379; delivery of drugs to prisoners as set out in § 18.2-474.1; escape from jail as set out in § 18.2-477; felonies by prisoners as set out in § 53.1-203; or an equivalent offense in another state; (b) convicted of any felony violation relating to possession of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2, *or an equivalent offense in another state*, in the five years prior to the application date for employment, to be a volunteer, or to provide contractual services; ~~or~~ (c) convicted of any felony violation relating to possession of drugs as set out in Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2 and continue on probation or parole or have failed to pay required court costs; *or (d) convicted of any offense set forth in § 9.1-902 or have been the subject of a finding of not guilty by reason of insanity in accordance with Chapter 11.1 (§ 19.2-182.2 et seq.) of Title 19.2 of an offense set forth in § 9.1-902 that results in the person's requirement to register with the Sex Offender and Crimes Against Minors Registry pursuant to § 9.1-901, or any similar registry in any other state.* The provisions of this section also shall apply to residential programs established pursuant to § 16.1-309.3 for juvenile offenders cited in a complaint for intake or in a petition before the court that alleges the juvenile is delinquent or in need of services or supervision, and to local secure detention facilities provided, however, that the provisions of this section related to local secure detention facilities shall only apply to an individual who, on or after July 1, 2013, accepts a position of employment at such local secure detention facility, volunteers at such local secure detention facility on a regular basis and will be alone with a juvenile in the performance of his duties, or provides contractual services directly to a juvenile at a local secure detention facility on a regular basis and will be alone with a juvenile in the performance of his duties. The Central Criminal

Records Exchange and the state or local agency that regulates or operates the local secure detention facility shall process the criminal history record information regarding such applicant in accordance with this subsection and subsection B.

B. Notwithstanding the provisions of subsection A, a children's residential facility may hire for compensated employment or for volunteer or contractual service purposes persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 or 18.2-57.2, if 10 years have elapsed following the conviction, unless the person committed such offense in the scope of his employment, volunteer, or contractual services.

If the applicant is denied employment or the opportunity to volunteer or provide services at a children's residential facility because of information appearing on his criminal history record, and the applicant disputes the information upon which the denial was based, upon written request of the applicant the state agency shall furnish the applicant the procedures for obtaining his criminal history record from the Federal Bureau of Investigation. If the applicant has been permitted to assume duties that do not involve contact with children pending receipt of the report, the children's residential facility is not precluded from suspending the applicant from his position pending a final determination of the applicant's eligibility to have responsibility for the safety and well-being of children. The information provided to the children's residential facility shall not be disseminated except as provided in this section.

C. Those individuals listed in clauses (i), (ii) and (iii) of subsection A also shall authorize the children's residential facility to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him. The applicant shall provide the children's residential facility with a written statement or affirmation disclosing whether he has ever been the subject of a founded case of child abuse or neglect within or outside the Commonwealth. The children's residential facility shall receive the results of the central registry search prior to permitting an applicant to work alone with children. Children's residential facilities regulated or operated by the Departments of Education; Behavioral Health and Developmental Services; Military Affairs; and Social Services shall not hire for compensated employment or allow to volunteer or provide contractual services, persons who have a founded case of child abuse or neglect. Every residential facility for juveniles which is regulated or operated by the Department of Juvenile Justice shall be authorized to obtain a copy of the information from the central registry.

D. The Boards of Social Services; Education; Juvenile Justice; and Behavioral Health and Developmental Services, and the Department of Military Affairs, may adopt regulations to comply with the provisions of this section. Copies of any information received by a children's residential facility pursuant to this section shall be available to the agency that regulates or operates such facility but shall not be disseminated further. The cost of obtaining the criminal history record and the central registry information shall be borne by the employee or volunteer unless the children's residential facility, at its option, decides to pay the cost.

CHAPTER 581

An Act to amend and reenact § 35.1-22 of the Code of Virginia, relating to restaurants; annual inspections.

[H 1277]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 35.1-22 of the Code of Virginia is amended and reenacted as follows:

§ 35.1-22. Periodic inspections.

The Commissioner shall cause each restaurant, summer camp, and campground in the Commonwealth to be inspected ~~periodically, but not less often than~~ *at least annually, with no more than 12 months elapsing between each such inspection*, in accordance with applicable provisions of this title and the regulations of the Board. The Commissioner, as he deems appropriate, shall cause each hotel in the Commonwealth to be inspected in accordance with applicable provisions of this title and the regulations of the Board. If at any time the Commissioner finds that a hotel, restaurant, summer camp, or campground is not in compliance with applicable provisions of this title or regulations of the Board, he may revoke or suspend the license of that hotel, restaurant, summer camp, or campground.

CHAPTER 582

An Act to amend and reenact § 54.1-3028.1 of the Code of Virginia, relating to nurse aide education programs.

[H 386]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 54.1-3028.1 of the Code of Virginia is amended and reenacted as follows:

§ 54.1-3028.1. Nurse aide education programs.

Nurse aide education programs designed to prepare nurse aides for certification shall be a minimum of 120 clock hours in length. The curriculum of such programs shall include, ~~but not be limited to,~~ communication and interpersonal skills, safety and emergency procedures, personal care skills, *observational and reporting techniques*, appropriate clinical care of the aged and disabled, skills for basic restorative services, clients' rights, legal aspects of practice as a certified nurse aide,

occupational health and safety measures, culturally sensitive care, and appropriate management of conflict. The Board shall promulgate regulations to implement the provisions of this section.

CHAPTER 583

An Act to amend and reenact §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia, relating to violations of protective orders; penalty.

[H 610]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

If the respondent commits an assault and battery upon any party protected by the protective order, resulting in ~~serious~~ bodily injury to the party *or stalks any party protected by the protective order in violation of § 18.2-60.3*, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

§ 18.2-60.4. Violation of protective orders; penalty.

Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

If the respondent commits an assault and battery upon any party protected by the protective order resulting in ~~serious~~ bodily injury to the party *or stalks any party protected by the protective order in violation of § 18.2-60.3*, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is at least \$101,254 for periods of imprisonment in state adult correctional facilities and cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 584

An Act to amend and reenact § 15.2-2307 of the Code of Virginia, relating to nonconforming uses.

[H 367]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2307 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2307. Vested rights not impaired; nonconforming uses.

A. Nothing in this article shall be construed to authorize the impairment of any vested right. Without limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which remains in effect allowing development of a specific project, (ii) relies in good faith on the significant affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent pursuit of the specific project in reliance on the significant affirmative governmental act.

B. For purposes of this section and without limitation, the following are deemed to be significant affirmative governmental acts allowing development of a specific project: (i) the governing body has accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the governing body has approved an application for a rezoning for a specific use or density; (iii) the governing body or board of zoning appeals has granted a special exception or use permit with conditions; (iv) the board of zoning appeals has approved a variance; (v) the governing body or its designated agent has approved a preliminary subdivision plat, site plan or plan of development for the landowner's property and the applicant diligently pursues approval of the final plat or plan within a reasonable period of time under the circumstances; (vi) the governing body or its designated agent has approved a final subdivision plat, site plan or plan of development for the landowner's property; or (vii) the zoning administrator or other administrative officer has issued a written order, requirement, decision or determination regarding the permissibility of a specific use or density of the landowner's property that is no longer subject to appeal and no longer subject to change, modification or reversal under subsection C of § 15.2-2311.

C. A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do not conform to the zoning prescribed for the district in which they are situated may be continued only so long as the then existing or a more restricted use continues and such use is not discontinued for more than two years, and so long as the buildings or structures are maintained in their then structural condition; and that the uses of such buildings or structures shall conform to such regulations whenever, with respect to the building or structure, the square footage of a building or structure is enlarged, or the building or structure is structurally altered as provided in the Uniform Statewide Building Code (§ 36-97 et seq.). *If a use does not conform to the zoning prescribed for the district in which such use is situated, and if (i) a business license was issued by the locality for such use and (ii) the holder of such business license has operated continuously in the same location for at least 15 years and has paid all local taxes related to such use, the locality shall permit the holder of such business license to apply for a rezoning or a special use permit without charge by the locality or any agency affiliated with the locality for fees associated with such filing.* Further, a zoning ordinance may provide that no nonconforming use may be expanded, or that no nonconforming building or structure may be moved on the same lot or to any other lot which is not properly zoned to permit such nonconforming use.

D. Notwithstanding any local ordinance to the contrary, if (i) the local government has issued a building permit, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, the local government issued a certificate of occupancy or a use permit therefor, or (ii) the owner of the building or structure has paid taxes to the locality for such building or structure for a period of more than the previous 15 years, a zoning ordinance shall not provide that such building or structure is illegal and subject to removal solely due to such nonconformity. Such building or structure shall be nonconforming. A zoning ordinance may provide that such building or structure be brought in compliance with the Uniform Statewide Building Code, provided that to do so shall not affect the nonconforming status of such building or structure. If the local government has issued a permit, other than a building permit, that authorized construction of an improvement to real property and the improvement was thereafter constructed in accordance with such permit, the ordinance may provide that the improvements are nonconforming, but not illegal.

E. A zoning ordinance shall permit the owner of any residential or commercial building damaged or destroyed by a natural disaster or other act of God to repair, rebuild, or replace such building to eliminate or reduce the nonconforming features to the extent possible, without the need to obtain a variance as provided in § 15.2-2310. If such building is damaged greater than 50 percent and cannot be repaired, rebuilt or replaced except to restore it to its original nonconforming condition, the owner shall have the right to do so. The owner shall apply for a building permit and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the Uniform Statewide Building Code (§ 36-97 et seq.) and any work done to repair, rebuild or replace such building shall be in compliance with the provisions of the local flood plain regulations adopted as a condition of participation in the National Flood Insurance Program. Unless such building is repaired, rebuilt or replaced within two years of the date of the natural disaster or other act of God, such building shall only be repaired, rebuilt or replaced in accordance with the provisions of the zoning ordinance of the locality. However, if the nonconforming building is in an area under a federal disaster declaration and the building has been damaged

or destroyed as a direct result of conditions that gave rise to the declaration, then the zoning ordinance shall provide for an additional two years for the building to be repaired, rebuilt or replaced as otherwise provided in this paragraph. For purposes of this section, "act of God" shall include any natural disaster or phenomena including a hurricane, tornado, storm, flood, high water, wind-driven water, tidal wave, earthquake or fire caused by lightning or wildfire. For purposes of this section, owners of property damaged by an accidental fire have the same rights to rebuild such property as if it were damaged by an act of God. Nothing herein shall be construed to enable the property owner to commit an arson under § 18.2-77 or 18.2-80, and obtain vested rights under this section.

F. Notwithstanding any local ordinance to the contrary, an owner of real property shall be permitted to replace an existing on-site sewage system for any existing building in the same general location on the property even if a new on-site sewage system would not otherwise be permitted in that location, unless access to a public sanitary sewer is available to the property. If access to a sanitary sewer system is available, then the connection to such system shall be required. Any new on-site system shall be installed in compliance with applicable regulations of the Department of Health in effect at the time of the installation.

G. Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to notify such property owner, from ordering the removal of a nonconforming sign that has been abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which the sign was erected has not been in operation for a period of at least two years. Any locality may, by ordinance, provide that following the expiration of the two-year period any abandoned nonconforming sign shall be removed by the owner of the property on which the sign is located, if notified by the locality to do so. If, following such two-year period, the locality has made a reasonable attempt to notify the property owner, the locality through its own agents or employees may enter the property upon which the sign is located and remove any such sign whenever the owner has refused to do so. The cost of such removal shall be chargeable to the owner of the property. Nothing herein shall prevent the locality from applying to a court of competent jurisdiction for an order requiring the removal of such abandoned nonconforming sign by the owner by means of injunction or other appropriate remedy.

H. Nothing in this section shall be construed to prevent the land owner or home owner from removing a valid nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. In such mobile or manufactured home park, a single-section home may replace a single-section home and a multi-section home may replace a multi-section home. The owner of a valid nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home, either single- or multi-section, that meets the current HUD manufactured housing code. Any such replacement home shall retain the valid nonconforming status of the prior home.

CHAPTER 585

An Act to amend and reenact §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia, relating to violation of protective order; possession of a firearm or other deadly weapon; penalty.

[H 1087]

Approved March 29, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. *In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty of a Class 6 felony.*

C. If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

§ 18.2-60.4. Violation of protective orders; penalty.

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. *In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 6 felony.*

C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 586

An Act to amend and reenact § 9.1-902 of the Code of Virginia, relating to the Sex Offender and Crimes Against Minors Registry; receiving money from earnings of a prostitute; procuring; aggravated malicious wounding.

[H 177]

Approved March 30, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-902 of the Code of Virginia is amended and reenacted as follows:

§ 9.1-902. Offenses requiring registration.

A. For purposes of this chapter:

"Offense for which registration is required" includes:

1. Any offense listed in subsection B;
2. Criminal homicide;
3. Murder;
4. A sexually violent offense;
5. Any offense similar to those listed in subdivisions 1 through 4 under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof; and
6. Any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

B. The offenses included under this subsection include any violation of, attempted violation of, or conspiracy to violate:

1. § 18.2-63 unless registration is required pursuant to subdivision E 1; § 18.2-64.1; former § 18.2-67.2:1; § 18.2-90 with the intent to commit rape; former § 18.1-88 with the intent to commit rape; any felony violation of § 18.2-346; any violation of subdivision (4) of § 18.2-355; any violation of subsection C of § 18.2-357.1; subsection B or C of § 18.2-374.1:1; former subsection D of § 18.2-374.1:1 as it was in effect from July 1, 1994, through June 30, 2007; former clause (iv) of subsection B of § 18.2-374.3 as it was in effect on June 30, 2007; subsection B, C, or D of § 18.2-374.3; or a third or subsequent conviction of (i) § 18.2-67.4, (ii) § 18.2-67.4:2, (iii) subsection C of § 18.2-67.5, or (iv) § 18.2-386.1.

If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section; subsection A of § 18.2-374.1:1; or a felony under § 18.2-67.5:1.

2. Where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, clause (i) of § 18.2-48, § 18.2-67.4, subsection C of § 18.2-67.5, § 18.2-361, § 18.2-366, or a felony violation of former § 18.1-191.

3. § 18.2-370.6.

4. *If the offense was committed on or after July 1, 2016, and where the perpetrator is 18 years of age or older and the victim is under the age of 13, any violation of § 18.2-51.2.*

5. *If the offense was committed on or after July 1, 2016, any violation of § 18.2-356 punishable as a Class 3 felony or any violation of § 18.2-357 punishable as a Class 3 felony.*

C. "Criminal homicide" means a homicide in conjunction with a violation of, attempted violation of, or conspiracy to violate clause (i) of § 18.2-371 or § 18.2-371.1, when the offenses arise out of the same incident.

D. "Murder" means a violation of, attempted violation of, or conspiracy to violate § 18.2-31 or § 18.2-32 where the victim is (i) under 15 years of age or (ii) where the victim is at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section or a violation of former § 18.1-21 where the victim is (a) under 15 years of age or (b) at least 15 years of age but under 18 years of age and the murder is related to an offense listed in this section.

E. "Sexually violent offense" means a violation of, attempted violation of, or conspiracy to violate:

1. Clause (ii) and (iii) of § 18.2-48, former § 18.1-38 with the intent to defile or, for the purpose of concubinage or prostitution, a felony violation of subdivision (2) or (3) of former § 18.1-39 that involves assisting or aiding in such an abduction, § 18.2-61, former § 18.1-44 when such act is accomplished against the complaining witness's will, by force, or through the use of the complaining witness's mental incapacity or physical helplessness, or if the victim is under 13 years of age, subsection A of § 18.2-63 where the perpetrator is more than five years older than the victim, § 18.2-67.1, § 18.2-67.2, § 18.2-67.3, former § 18.1-215 when the complaining witness is under 13 years of age, § 18.2-67.4 where the perpetrator is 18 years of age or older and the victim is under the age of six, subsections A and B of § 18.2-67.5, § 18.2-370, subdivision (1), (2), or (4) of former § 18.1-213, former § 18.1-214, § 18.2-370.1, or § 18.2-374.1; or

2. § 18.2-63, § 18.2-64.1, former § 18.2-67.2:1, § 18.2-90 with the intent to commit rape or, where the victim is a minor or is physically helpless or mentally incapacitated as defined in § 18.2-67.10, subsection A of § 18.2-47, § 18.2-67.4, subsection C of § 18.2-67.5, clause (i) of § 18.2-48, § 18.2-361, § 18.2-366, or subsection C of § 18.2-374.1:1. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that person had been at liberty between such convictions or adjudications;

3. If the offense was committed on or after July 1, 2006, § 18.2-91 with the intent to commit any felony offense listed in this section. An offense listed under this subdivision shall be deemed a sexually violent offense only if the person has been convicted or adjudicated delinquent of any two or more such offenses, provided that the person had been at liberty between such convictions or adjudications; or

4. Chapter 117 (18 U.S.C. § 2421 et seq.) of Title 18 of the United States Code or sex trafficking (as described in § 1591 of Title 18, U.S.C.).

F. "Any offense listed in subsection B," "criminal homicide" as defined in this section, "murder" as defined in this section, and "sexually violent offense" as defined in this section includes (i) any similar offense under the laws of any foreign country or any political subdivision thereof, the United States or any political subdivision thereof or (ii) any offense for which registration in a sex offender and crimes against minors registry is required under the laws of the jurisdiction where the offender was convicted.

G. Juveniles adjudicated delinquent shall not be required to register; however, where the offender is a juvenile over the age of 13 at the time of the offense who is tried as a juvenile and is adjudicated delinquent on or after July 1, 2005, of any offense for which registration is required, the court may, in its discretion and upon motion of the attorney for the Commonwealth, find that the circumstances of the offense require offender registration. In making its determination, the court shall consider all of the following factors that are relevant to the case: (i) the degree to which the delinquent act was committed with the use of force, threat or intimidation, (ii) the age and maturity of the complaining witness, (iii) the age and maturity of the offender, (iv) the difference in the ages of the complaining witness and the offender, (v) the nature of the relationship between the complaining witness and the offender, (vi) the offender's prior criminal history, and (vii) any other aggravating or mitigating factors relevant to the case. The attorney for the Commonwealth may file such a motion at any time during which the offender is within the jurisdiction of the court for the offense that is the basis for such motion. Prior to any hearing on such motion, the court shall appoint a qualified and competent attorney-at-law to represent the offender unless an attorney has been retained and appears on behalf of the offender or counsel has already been appointed.

H. Prior to entering judgment of conviction of an offense for which registration is required if the victim of the offense was a minor, physically helpless, or mentally incapacitated, when the indictment, warrant, or information does not allege that the victim of the offense was a minor, physically helpless, or mentally incapacitated, the court shall determine by a preponderance of the evidence whether the victim of the offense was a minor, physically helpless, or mentally incapacitated, as defined in § 18.2-67.10, and shall also determine the age of the victim at the time of the offense if it determines the victim to be a minor. When such a determination is required, the court shall advise the defendant of its determination and of the defendant's right to make a motion to withdraw a plea of guilty or nolo contendere pursuant to § 19.2-296. If the court grants the defendant's motion to withdraw his plea of guilty or of nolo contendere, his case shall be heard by another judge, unless

the parties agree otherwise. Failure to make such determination or so advise the defendant does not otherwise invalidate the underlying conviction.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 587

An Act to amend and reenact § 15.2-2114 of the Code of Virginia, relating to local stormwater utility; waiver of charges where stormwater retained on site.

[S 468]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2114 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2114. Regulation of stormwater.

A. Any locality, by ordinance, may establish a utility or enact a system of service charges to support a local stormwater management program consistent with Article 2.3 (§ 62.1-44.15:24 et seq.) of Chapter 3.1 of Title 62.1 or any other state or federal regulation governing stormwater management. Income derived from a utility or system of charges shall be dedicated special revenue, may not exceed the actual costs incurred by a locality operating under the provisions of this section, and may be used only to pay or recover costs for the following:

1. The acquisition, as permitted by § 15.2-1800, of real and personal property, and interest therein, necessary to construct, operate and maintain stormwater control facilities;
2. The cost of administration of such programs;
3. Planning, design, engineering, construction, and debt retirement for new facilities and enlargement or improvement of existing facilities, including the enlargement or improvement of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control stormwater;
4. Facility operation and maintenance, including the maintenance of dams, levees, floodwalls, and pump stations, whether publicly or privately owned, that serve to control ~~the~~ stormwater;
5. Monitoring of stormwater control devices and ambient water quality monitoring; ~~and~~
6. *Contracts related to stormwater management, including contracts for the financing, construction, operation, or maintenance of stormwater management facilities, regardless of whether such facilities are located on public or private property and, in the case of private property locations, whether the contract is entered into pursuant to a stormwater management private property program under subsection J or otherwise; and*

7. Other activities consistent with the state or federal regulations or permits governing stormwater management, including, but not limited to, public education, watershed planning, inspection and enforcement activities, and pollution prevention planning and implementation.

B. The charges may be assessed to property owners or occupants, including condominium unit owners or tenants (when the tenant is the party to whom the water and sewer service is billed), and shall be based upon an analysis that demonstrates the rational relationship between the amount charged and the services provided. Prior to adopting such a system, a public hearing shall be held after giving notice as required by charter or by publishing a descriptive notice once a week for two successive weeks prior to adoption in a newspaper with a general circulation in the locality. The second publication shall not be sooner than one calendar week after the first publication. However, prior to adoption of any ordinance pursuant to this section related to the enlargement, improvement, or maintenance of privately owned dams, a locality shall comply with the notice provisions of § 15.2-1427 and hold a public hearing.

C. A locality adopting such a system shall provide for full waivers of charges to the following:

1. A federal, state, or local government, or public entity, that holds a permit to discharge stormwater from a municipal separate storm sewer systems, except that the waiver of charges shall apply only to property covered by any such permit; and
2. Public roads and street rights-of-way that are owned and maintained by state or local agencies, including property rights-of-way acquired through the acquisitions process.

D. A locality adopting such a system shall provide for full or partial waivers of charges to any person who installs, operates, and maintains a stormwater management facility that achieves a permanent reduction in stormwater flow or pollutant loadings. The locality shall base the amount of the waiver in part on the percentage reduction in stormwater flow or pollutant loadings, or both, from pre-installation to post-installation of the facility. No locality shall provide a waiver to any person who does not obtain a stormwater permit from the Department of Environmental Quality when such permit is required by statute or regulation.

E. A locality adopting such a system may provide for full or partial waivers of charges to cemeteries, property owned or operated by the locality administering the program, and public or private entities that implement or participate in

strategies, techniques, or programs that reduce stormwater flow or pollutant loadings, or decrease the cost of maintaining or operating the public stormwater management system.

F. Any locality may issue general obligation bonds or revenue bonds in order to finance the cost of infrastructure and equipment for a stormwater control program. Infrastructure and equipment shall include structural and natural stormwater control systems of all types, including, without limitation, retention basins, sewers, conduits, pipelines, pumping and ventilating stations, and other plants, structures, and real and personal property used for support of the system. The procedure for the issuance of any such general obligation bonds or revenue bonds pursuant to this section shall be in conformity with the procedure for issuance of such bonds as set forth in the Public Finance Act (§ 15.2-2600 et seq.).

G. In the event charges are not paid when due, interest thereon shall at that time accrue at the rate, not to exceed the maximum amount allowed by law, determined by the locality until such time as the overdue payment and interest are paid. Charges and interest may be recovered by the locality by action at law or suit in equity and shall constitute a lien against the property, ranking on a parity with liens for unpaid taxes. The locality may combine the billings for stormwater charges with billings for water or sewer charges, real property tax assessments, or other billings; in such cases, the locality may establish the order in which payments will be applied to the different charges. No locality shall combine its billings with those of another locality or political subdivision, including an authority operating pursuant to Chapter 51 (§ 15.2-5100 et seq.) of Title 15.2, unless such locality or political subdivision has given its consent by duly adopted resolution or ordinance.

H. Any two or more localities may enter into cooperative agreements concerning the management of stormwater.

I. For purposes of implementing waivers pursuant to ~~provision 1 of subsection C~~ *subdivision C 1*, for property where two adjoining localities subject to a revenue sharing agreement each hold municipal separate storm sewer permits, the waiver shall also apply to the property of each locality and of its school board that is accounted for in that locality's municipal separate storm sewer program plan, regardless of whether such property is located within the adjoining locality.

J. Any locality that establishes a system of charges pursuant to this section may establish a public-private partnership program, to be known as a stormwater management private property program, in order to promote cost-effectiveness in reducing excessive stormwater flow or pollutant loadings or in making other stormwater improvements authorized pursuant to this section. A locality that opts to establish a stormwater management private property program pursuant to this subsection shall:

1. Promote awareness of the location, quantity, and timing of reductions or other improvements that it determines appropriate under this program;

2. Seek the voluntary participation of property owners;

3. Accept the participation of property owners on both an individual and a group basis by which multiple owners may collaborate on improvements and allocate among the multiple owners any payments made by the locality;

4. Enter into contracts at its discretion to secure improvements on terms and conditions that the locality deems appropriate, including by making payments to property owners in excess of the value of any applicable waivers pursuant to subsections D and E; and

5. Require appropriate operation and maintenance of the contracted improvements.

K. Any locality that establishes a stormwater management private property program pursuant to subsection J may procure reductions and improvements in accordance with the Public-Private Education Facilities and Infrastructure Act (§ 56-575.1 et seq.) or other means, as appropriate. Subsection J shall not be interpreted to limit the authority of a locality to secure reductions of excessive stormwater flow or pollutant loadings or other stormwater improvements by other means.

CHAPTER 588

An Act to amend and reenact § 2.2-108 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 2 of Title 22.1 a section numbered 22.1-20.2, by adding in Title 22.1 a chapter numbered 19.1, consisting of sections numbered 22.1-349.1 through 22.1-349.11, by adding a title numbered 23.1, containing a subtitle numbered I, consisting of chapters numbered 1 through 3, containing sections numbered 23.1-100 through 23.1-310, a subtitle numbered II, consisting of chapters numbered 4 through 9, containing sections numbered 23.1-400 through 23.1-909, a subtitle numbered III, consisting of chapters numbered 10 through 12, containing sections numbered 23.1-1000 through 23.1-1238, a subtitle numbered IV, consisting of chapters numbered 13 through 29, containing sections numbered 23.1-1300 through 23.1-2913, and a subtitle numbered V, consisting of chapters numbered 30 through 32, containing sections numbered 23.1-3000 through 23.1-3228, and by adding in Title 32.1 a chapter numbered 5.3, consisting of sections numbered 32.1-162.23 through 32.1-162.31; and to repeal Article 4 (§§ 2.2-2508, 2.2-2509, and 2.2-2510) of Chapter 25, Article 1 (§§ 2.2-2700 through 2.2-2704) of Chapter 27, and Chapter 50.1 (§§ 2.2-5004 and 2.2-5005) of Title 2.2, § 3.2-503, and Title 23 (§§ 23-1 through 23-303) of the Code of Virginia, Chapter 471 of the Acts of Assembly of 1964, as amended, Chapter 170 of the Acts of Assembly of 1978, and Chapter 306 of the Acts of Assembly of 1986, as amended, relating to revising and recodifying laws pertaining to institutions of higher education and other educational and cultural institutions.

[H 209]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-108 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 2 of Title 22.1 a section numbered 22.1-20.2, by adding in Title 22.1 a chapter numbered 19.1, consisting of sections numbered 22.1-349.1 through 22.1-349.11, by adding a title numbered 23.1, containing a subtitle numbered I, consisting of chapters numbered 1 through 3, containing sections numbered 23.1-100 through 23.1-310, a subtitle numbered II, consisting of chapters numbered 4 through 9, containing sections numbered 23.1-400 through 23.1-909, a subtitle numbered III, consisting of chapters numbered 10 through 12, containing sections numbered 23.1-1000 through 23.1-1238, a subtitle numbered IV, consisting of chapters numbered 13 through 29, containing sections numbered 23.1-1300 through 23.1-2913, and a subtitle numbered V, consisting of chapters numbered 30 through 32, containing sections numbered 23.1-3000 through 23.1-3228, and by adding in Title 32.1 a chapter numbered 5.3, consisting of sections numbered 32.1-162.23 through 32.1-162.31, as follows:

§ 2.2-108. Removal of members of certain boards, commissions, etc.

~~A. Notwithstanding any provision of law to the contrary, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any public institution of higher education or other educational institution in Virginia, and fill the vacancy resulting from the removal. Each appointment to fill a vacancy shall be subject to confirmation by the General Assembly.~~

~~B.~~ Notwithstanding any provision of law to the contrary, the Governor may remove from office for malfeasance, misfeasance, incompetence, misconduct, neglect of duty, absenteeism, conflict of interests, failure to carry out the policies of the Commonwealth as established in the Constitution or by the General Assembly, or refusal to carry out a lawful directive of the Governor any member of any board, commission, council or other collegial body established by the General Assembly in the executive branch of state government except those boards provided for in subsection ~~A~~ *C* of § 23.1-1300, subsection *A* of § 23.1-3100, and subsection *A* of § 23.1-3200 and fill the vacancy resulting from the removal subject to confirmation by the General Assembly.

~~C.~~ *B.* The Governor shall set forth in a written public statement his reasons for removing any member pursuant to this section at the time the removal occurs. The Governor ~~shall be~~ *is* the sole judge of the sufficiency of the cause for removal as set forth in this section.

§ 22.1-20.2. Granting easements across lands of certain schools and institutions.

The Board may, subject to the prior written approval of the Governor, convey upon such terms and conditions and for such consideration as it deems proper easements upon, over, across, or under the property of any school or educational institution for which it serves as the governing board, to any political subdivision of the Commonwealth, public utility, public service company, or cable television company for the purpose of erecting or maintaining power, telephone, cable television, water, sewer, or gas lines and mains, provided that any such deed or other conveyance shall be in a form approved by the Attorney General and that any funds received by the Board in consideration for granting any such easement shall be paid into the general fund of the state treasury.

CHAPTER 19.1.

COLLEGE PARTNERSHIP LABORATORY SCHOOLS.

§ 22.1-349.1. Definitions; objectives.

A. As used in this chapter, unless the context requires a different meaning:

"At-risk student" means a student having a physical, emotional, intellectual, socioeconomic, or cultural risk factor, as defined in Board criteria, that research indicates may negatively influence educational success.

"College partnership laboratory school" means a public, nonsectarian, nonreligious school in the Commonwealth established by a public institution of higher education or private institution of higher education that operates a teacher education program approved by the Board.

"Governing board" means the board of a college partnership laboratory school that is responsible for creating, managing, and operating the college partnership laboratory school and whose members have been selected by the institution of higher education that establishes the college partnership laboratory school. The governing board shall be under the control of the institution of higher education that establishes the college partnership laboratory school.

B. College partnership laboratory schools may be established as provided in this chapter to (i) stimulate the development of innovative programs for preschool through grade 12 students; (ii) provide opportunities for innovative instruction and assessment; (iii) provide teachers with a vehicle for establishing schools with alternative innovative instruction and school scheduling, management, and structure; (iv) encourage the use of performance-based educational programs; (v) establish high standards for both teachers and administrators; (vi) encourage greater collaboration between education providers from preschool to the postsecondary level; and (vii) develop models for replication in other public schools.

§ 22.1-349.2. College Partnership Laboratory School Fund.

There is created in the state treasury a special nonreverting fund to be known as the College Partnership Laboratory School Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All funds appropriated in accordance with the general appropriation act and any gifts, grants, bequests, or donations from public or private sources shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to the Fund. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be

used solely for the purposes of establishing or supporting college partnership laboratory schools that stimulate the development of alternative education programs for preschool through grade 12 students by providing opportunities for innovative instruction and greater cooperation and coordination between institutions of higher education and preschool through grade 12 education systems. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction. The Board shall establish criteria for making distributions from the Fund to a college partnership laboratory school requesting moneys from the Fund and may issue guidelines governing the Fund as it deems necessary and appropriate.

§ 22.1-349.3. Establishment and operation of college partnership laboratory schools; requirements.

A. A college partnership laboratory school is subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services.

B. Enrollment in college partnership laboratory schools shall be open through a lottery process on a space-available basis to any student who is deemed to reside within the Commonwealth. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process, and parents shall be informed of their student's position on the list. For college partnership laboratory schools that form a collaborative partnership with one or more local school divisions in accordance with subsection G, enrollment in the college partnership laboratory school shall be administered by one of the partnering divisions.

C. A college partnership laboratory school shall be administered and managed by a governing board. Pursuant to a contract and as specified in § 22.1-349.4, a college partnership laboratory school is subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation, and such regulations as are determined by the Board.

D. Pursuant to a college partnership laboratory school agreement, a college partnership laboratory school is responsible for its own operations, including such budget preparation, contracts for services, and personnel matters as are specified in the agreement. A college partnership laboratory school may also negotiate and contract with a school board, the governing body of an institution of higher education, or any third party for the use of a school building or grounds, the operation and maintenance of such building or grounds, and the provision of any service, activity, or undertaking that the college partnership laboratory school is required to perform in order to carry out the educational program described in its contract. Any services for which a college partnership laboratory school contracts with a school board or institution of higher education shall not exceed the cost to the school division or institution to provide such services.

E. No college partnership laboratory school shall charge tuition for courses required for high school graduation. However, (i) tuition may be charged for courses for which the student receives college credit and enrichment courses that are not required to earn a Board-approved high school diploma and (ii) for college partnership laboratory schools that form a collaborative partnership with one or more local school divisions in accordance with subsection G, the school board of the partnering school division that administers student enrollment in accordance with subsection A may charge tuition in accordance with § 22.1-5 for students who do not reside within the partnering school division.

F. An approved college partnership laboratory school shall be designated as a local education agency but shall not constitute a school division.

G. College partnership laboratory schools are encouraged to develop collaborative partnerships with local school divisions for the purpose of building seamless education opportunities for all preschool through postsecondary students in the Commonwealth. An educational program provided to students enrolled in a local school division pursuant to a collaborative partnership between the college partnership laboratory school and the local school division is the educational program of the local school division for purposes of the Standards of Accreditation.

§ 22.1-349.4. Contracts for college partnership laboratory schools; release from certain policies and regulations.

A. The contract between the college partnership laboratory school and the Board shall reflect all agreements regarding the release of the college partnership laboratory school from state regulations, consistent with the requirements of subsection C of § 22.1-349.3. If the college partnership laboratory school application proposes a program to increase the educational opportunities for at-risk students, the Board may approve an Individual School Accreditation Plan for the evaluation of the performance of the school.

B. Any material revision of the terms of the contract may be made only with the approval of the Board and the governing board of the college partnership laboratory school.

§ 22.1-349.5. College partnership laboratory school application.

A. Any public institution of higher education or private institution of higher education that has a teacher education program approved by the Board may submit an application for formation of a college partnership laboratory school.

B. Each college partnership laboratory school application shall provide or describe thoroughly all of the following essential elements of the proposed school plan:

1. An executive summary;
2. The mission and vision of the proposed college partnership laboratory school, including identification of the targeted student population;
3. The proposed location of the school;
4. The grades to be served each year for the full term of the contract;

5. Minimum, planned, and maximum enrollment per grade per year for the term of the contract;
6. Background information on the proposed founding governing board members and, if identified, the proposed school leadership and management team;
7. The school's proposed calendar and sample daily schedule;
8. A description of the academic program aligned with state standards;
9. A description of the school's educational program, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods;
10. The school's plan for using internal and external assessments to measure and report student progress in accordance with the Standards of Learning;
11. The school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who are academically behind, and gifted students, including compliance with applicable laws and regulations;
12. A description of co-curricular and extracurricular programs and how they will be funded and delivered;
13. Plans and timelines for student recruitment and enrollment, including lottery procedures if sufficient space is unavailable;
14. The school's student disciplinary policies, including disciplinary policies for special education students;
15. An organization chart that clearly presents the school's organizational structure, including lines of authority and reporting between the governing board, staff, any related bodies such as advisory bodies or parent and teacher councils, the Board, and any external organizations that will play a role in managing the school;
16. A clear description of the roles and responsibilities for the governing board, the school's leadership and management team, and any other entities shown in the organization chart;
17. A staffing chart for the school's first year and a staffing plan for the term of the contract;
18. Plans for recruiting and developing school leadership and staff;
19. The school's leadership and teacher employment policies, including performance evaluation plans;
20. A plan for the placement of college partnership laboratory school students, teachers, and employees upon termination or revocation of the contract;
21. Explanation of any partnerships or contractual relationships central to the school's operations or mission;
22. The school's plans for providing transportation, food service, and all other significant operational or ancillary services;
23. Opportunities and expectations for parent involvement;
24. A detailed school start-up plan that identifies tasks, timelines, and responsible individuals;
25. A description of the school's financial plan and policies, including financial controls and audit requirements;
26. A description of the insurance coverage that the school will obtain;
27. Start-up and five-year budgets with clearly stated assumptions;
28. Start-up and first-year cash-flow projections with clearly stated assumptions;
29. Evidence of anticipated fundraising contributions, if claimed in the application;
30. A sound facilities plan, including backup or contingency plans if appropriate; and
31. Assurances that the college partnership laboratory school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition, except as described in subsection E of § 22.1-349.3.

C. The purposes of the college partnership laboratory school application are to present the proposed school's academic and operational vision and plans, demonstrate the applicant's capacities to execute the proposed vision and plans, and provide the Board with a clear basis for assessing the applicant's plans and capacities. An approved college partnership laboratory school application shall not serve as the school's contract. Within 90 days of approval of a college partnership laboratory school application, the Board and the governing board of the approved school shall execute a contract that clearly sets forth the academic and operational performance expectations and measures by which the college partnership laboratory school will be judged and the administrative relationship between the Board and the college partnership laboratory school, including each party's rights and duties. The performance expectations and measures set forth in the contract shall include applicable federal and state accountability requirements. The performance provisions may be refined or amended by mutual agreement after the college partnership laboratory school is operating and has collected baseline achievement data for its enrolled students.

§ 22.1-349.6. Review of college partnership laboratory school applications.

A. The Board shall establish procedures for receiving, reviewing, and ruling upon applications and shall make a copy of any such procedures available to all interested parties upon request. If the Board finds that the application is incomplete, the Board shall request the necessary additional information from the applicant. The Board's review procedures shall establish a review committee that may include experts with the operation of similar schools located in other states.

B. To provide appropriate opportunity for input from parents, teachers, and other interested parties and to obtain information to assist the Board in its evaluation of a college partnership laboratory school application, the Board may establish a procedure for public notice, comment, or hearings on such applications.

§ 22.1-349.7. Decision of the Board final.

The decision of the Board to grant or deny a college partnership laboratory school application or to revoke or fail to renew an agreement is final and is not subject to appeal.

§ 22.1-349.8. College partnership laboratory school terms; renewals and revocations.

A. A college partnership laboratory school may be approved or renewed for a period not to exceed five school years. A college partnership laboratory school renewal application submitted to the Board shall contain:

1. A report on the progress of the school in achieving the goals, objectives, program and performance standards for students, and such other conditions and terms as the Board may require upon granting initial approval of the college partnership laboratory school application; and

2. A financial statement, on forms prescribed by the Board, that discloses the costs of administration, instruction, and other spending categories for the school and that has been concisely and clearly written to enable the Board and the public to compare such costs with those of other schools or comparable organizations.

B. The Board may revoke a contract if the college partnership laboratory school does any of the following or otherwise fails to comply with the provisions of this chapter:

1. Commits a material and substantial violation of any of the terms, conditions, standards, or procedures required under this chapter or the contract;

2. Fails to meet or make sufficient progress toward the performance expectations set forth in the contract;

3. Fails to meet generally accepted standards of fiscal management; or

4. Substantially violates any material provision of law from which the college partnership laboratory school was not exempted.

C. If the Board revokes or does not renew a college partnership laboratory school contract, it shall clearly state, in a resolution, the reasons for the revocation or nonrenewal.

§ 22.1-349.9. Employment of professional, licensed personnel.

A. College partnership laboratory school personnel are employees of the institution of higher education that establishes the school.

B. Teachers who work in a college partnership laboratory school shall hold a license issued by the Board or, in the case of an instructor in the higher education institution's Board-approved teacher education program, be eligible to hold a Virginia teaching license. Teachers working in a college partnership laboratory school are subject to the requirements of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4 applicable to teachers employed by a local school board.

C. Professional, licensed personnel of a college partnership laboratory school shall be granted the same employment benefits given to professional, licensed personnel in public schools in accordance with the agreement between the college partnership laboratory school and the Board.

§ 22.1-349.10. Funding of college partnership laboratory schools.

A. Each college partnership laboratory school shall receive such funds as may be appropriated by the General Assembly in accordance with the general appropriation act.

B. The governing board of a college partnership laboratory school may accept gifts, donations, or grants of any kind and spend such funds in accordance with the conditions prescribed by the donor. However, no gift, donation, or grant shall be accepted by the governing board of a college partnership laboratory school if the conditions for such funds are contrary to law or the terms of the agreement between the Board and the college partnership laboratory school.

C. Notwithstanding any other provision of law, the proportionate share of state and federal resources allocated for students with disabilities and school personnel assigned to special education programs shall be directed to college partnership laboratory schools enrolling such students. The proportionate share of moneys allocated under other federal or state categorical aid programs shall be directed to college partnership laboratory schools serving students eligible for such aid.

D. College partnership laboratory schools are eligible to apply for and receive any federal or state funds otherwise allocated for college partnership laboratory schools.

E. The collection of any tuition, room and board, and other educational and related fees from students enrolled at a college partnership laboratory school shall comply with Board regulations and shall be credited to the account of such school.

F. Each college partnership laboratory school is eligible to apply for and receive available funds from the College Partnership Laboratory School Fund and the institution of higher education that establishes the school.

§ 22.1-349.11. Immunity.

A college partnership laboratory school is immune from liability to the same extent as is the public institution of higher education that establishes the school, and the employees and volunteers in a college partnership laboratory school are immune from liability to the same extent as are the employees of the institution of higher education that establishes the school.

TITLE 23.1.

INSTITUTIONS OF HIGHER EDUCATION; OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS.

SUBTITLE I.

GENERAL PROVISIONS.

CHAPTER 1.

DEFINITIONS AND GENERAL PROVISIONS.

Article 1.
Definitions.

§ 23.1-100. Definitions.

As used in this title, unless the context requires a different meaning:

"Associate-degree-granting" means that an associate degree is the most advanced degree that is granted.

"Associate-degree-granting public institution of higher education" includes Richard Bland College and each comprehensive community college.

"Baccalaureate" means that bachelor's degrees or more advanced degrees, or both, are granted.

"Baccalaureate public institution of higher education" includes Christopher Newport University, George Mason University, James Madison University, Longwood University, the University of Mary Washington, Norfolk State University, Old Dominion University, Radford University, the University of Virginia, the University of Virginia's College at Wise as a division of the University of Virginia, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, Virginia State University, and The College of William and Mary in Virginia.

"Chief executive officer" includes the Chancellor of the Virginia Community College System, the Chancellor of the University of Virginia's College at Wise, the Superintendent of Virginia Military Institute, and the president of each other public institution of higher education.

"Comprehensive community college" means an associate-degree-granting public institution of higher education governed by the State Board that offers instruction in one or more of the following fields:

1. Freshman and sophomore courses in arts and sciences acceptable for transfer to baccalaureate degree programs;
2. Diversified technical curricula, including programs leading to an associate degree;
3. Career and technical education leading directly to employment;
4. Courses in general and continuing education for adults in the fields set out in subdivisions 1, 2, and 3; or
5. Noncredit training and retraining courses and programs of varying lengths to meet the needs of business and industry in the Commonwealth.

"Council" means the State Council of Higher Education for Virginia.

"Governing board" includes the State Board and the board of visitors of each baccalaureate public institution of higher education. "Governing board" does not include local community college boards.

"Local community college board" means the board established to act in an advisory capacity to the State Board and perform such duties with respect to the operation of a single comprehensive community college as may be delegated to it by the State Board.

"Nonprofit private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is exempt from paying federal income taxes under § 501(c)(3) of the Internal Revenue Code and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Non-Virginia student" means any student who has not established domicile in the Commonwealth pursuant to § 23.1-502.

"Private institution of higher education" includes each nonprofit private institution of higher education and proprietary private institution of higher education in the Commonwealth.

"Proprietary private institution of higher education" means any postsecondary school, as that term is defined in § 23.1-213, in the Commonwealth that is privately owned, privately managed, and obligated to pay federal income taxes in the Commonwealth and is certified by the Council to offer degrees or exempt from such certification pursuant to Article 3 (§ 23.1-213 et seq.) of Chapter 2.

"Public institution of higher education" includes the System as a whole and each associate-degree-granting and baccalaureate public institution of higher education in the Commonwealth.

"State Board" means the State Board for Community Colleges.

"System" means the Virginia Community College System.

"Virginia student" means any student who has established domicile in the Commonwealth pursuant to § 23.1-502.

Article 2.

General Provisions.

§ 23.1-101. Endowment funds of public institutions of higher education.

It is the public policy of the Commonwealth that:

1. Each public institution of higher education, the Frontier Culture Museum of Virginia, Gunston Hall, the Jamestown-Yorktown Foundation, the Science Museum of Virginia, and the Virginia Museum of Fine Arts shall be encouraged in their attempts to increase their endowment funds and unrestricted gifts from private sources and reduce the hesitation of prospective donors to make contributions and unrestricted gifts; and

2. Consistent with § 10 of Chapter 33 of the Acts of Assembly of 1927, in measuring the extent to which the Commonwealth shall finance higher education in the Commonwealth, the availability of the endowment funds and unrestricted gifts from private sources received by public institutions of higher education, the Frontier Culture Museum of Virginia, Gunston Hall, the Jamestown-Yorktown Foundation, the Science Museum of Virginia, and the Virginia Museum of Fine Arts shall neither be taken into consideration in nor used to reduce state appropriations or payments and shall be used

in accordance with the wishes of the donors of such funds to strengthen the services rendered by these institutions to the people of the Commonwealth.

§ 23.1-102. Chief executive officer of each public institution of higher education; duties.

The chief executive officer of each public institution of higher education shall:

1. Maintain a register that contains a description of all of the property of the Commonwealth at the institution for the information of the governing board of the institution and any other interested party.

2. Include in its six-year plan adopted pursuant to § 23.1-306 the following for the most recently ended fiscal year: (i) the assignment during the year of any intellectual property interests to a person or nongovernmental entity by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution; (ii) the value of externally sponsored research funds received during the year from a person or nongovernmental entity by the institution, any foundation supporting the intellectual property research performed by the institution, or any entity affiliated with the institution; and (iii) the number and types of patents awarded during the year to the institution, any foundation supporting the intellectual property research funded by the institution, or any entity affiliated with the institution that were developed in whole or part from externally sponsored research provided by a person or nongovernmental entity. The plan shall report separate aggregate data on (a) those persons or nongovernmental entities that have a principal place of business in the Commonwealth as reflected in the assignment agreement or awarding documents and (b) those persons or nongovernmental entities that do not have a principal place of business in the Commonwealth as reflected in the assignment agreement or awarding documents.

3. For any institution that maintains an intercollegiate athletics program, cause to be made out by the proper officer of such institution and forwarded to the Comptroller annually by December 31 a detailed statement of all athletics receipts and disbursements of such institution and of any affiliated committee, group, corporation, or association charged with administering the intercollegiate athletics program. Such report shall include all receipts from admission tickets, programs, refreshment concessions, radio, television, and newsreel or movie rights and all other receipts relating to any athletics contest or event. The report of disbursements shall include the name of each person, firm, or corporation to whom such disbursement was made and the amount of the disbursement. The report shall be kept on file by the Comptroller and shall be open to public inspection at all reasonable times.

§ 23.1-103. Localities; conveyance of property and appropriation of funds to Commonwealth for certain educational purposes.

A. The governing body of any locality may, subject to written advice from the Governor that the gift is acceptable, convey to the Commonwealth by deed of gift any land that is not required for the purposes of such locality, provided such land is to be used for the establishment, operation, or maintenance of a branch or division of a public institution of higher education, the Jamestown-Yorktown Foundation, the Science Museum of Virginia, or the Virginia Museum of Fine Arts. For the purpose of acquiring such land, the governing body of the locality may appropriate a portion of the general funds of the locality.

B. The governing body of any locality may appropriate a portion of the locality's public funds for capital outlays in connection with the operation or maintenance of any public institution of higher education or branch or division of such institution, the Jamestown-Yorktown Foundation, the Science Museum of Virginia, or the Virginia Museum of Fine Arts.

§ 23.1-104. Disposition of lost or abandoned property.

A. The governing board of each public institution of higher education and each accredited nonprofit private institution of higher education may provide by regulation or institution policy for the care, restitution, sale, destruction, or disposal of unclaimed personal property, whether lost or abandoned, in the possession of the institution. Whenever procedures in accordance with such regulations or institution policies and this section are followed and ownership cannot be established with respect to certain property, neither the institution nor any of its agents or employees is liable to any person claiming any interest in the property.

B. In the case of tangible personal property, other than registered motor vehicles, lost or abandoned at a public institution of higher education or accredited nonprofit private institution of higher education:

1. The institution, upon receipt of such property, shall make reasonable efforts to give notice that the property has been found to any person that the institution determines to reasonably appear to be the owner. The institution shall hold such property for at least 120 days. The institution shall allow a claim upon satisfactory proof of such claim and payment of the institution's reasonable charges for storage or other services necessary to preserve the property.

2. After the 120-day period, the institution may sell the property to the highest bidder at public auction or by sealed bid at whatever location that the institution reasonably determines to afford the most favorable market for the property. The institution may decline the highest bid and reoffer the property for sale if it considers the price bid insufficient. The net proceeds of any such sale shall be held for at least 90 days and if no claim is made on the property within that time, such funds shall be credited to the institution's operating fund. If the institution determines that the probable cost of sale of property will exceed the sale proceeds, the property is inherently dangerous, or the property may not lawfully be sold or used, the institution may provide for any such property, as appropriate under the circumstances, to be destroyed or discarded at an appropriate location, retained for use by the institution, or donated to an appropriate charitable organization.

3. Any sale pursuant to this subsection shall be preceded by reasonable notice of the sale, taking into consideration the type and value of property. Such notice shall include at minimum the posting on a student bulletin board and publication in

a school newspaper. The institution, by the same time, shall mail notice of the sale to the last known address of any person that the institution determines to reasonably appear to be the owner.

C. Whenever a motor vehicle is lost or abandoned on the campus of any public institution of higher education or accredited nonprofit private institution of higher education that is located in a locality that has adopted an ordinance as provided in Chapter 12 (§ 46.2-1200 *et seq.*) of Title 46.2, such motor vehicle shall be disposed of as provided in that ordinance. Notwithstanding any provisions of Chapter 12 of Title 46.2, the proceeds of any sale of a motor vehicle lost or abandoned on institutional property shall be credited to the institution's operating fund after the 90-day holding period. The governing board of a public institution of higher education that has a campus or part of a campus in a locality that has not adopted such an ordinance may adopt regulations dealing with motor vehicles abandoned on such campus or such part of the campus. Such regulations shall comply with all provisions of Chapter 12 of Title 46.2 and have the same legal effect as though the institution is a political subdivision as defined in that chapter and the regulation is an ordinance. The proceeds from any sale resulting from such regulations shall be held for at least 90 days and if no claim to the motor vehicle is made within that time, such funds shall be credited to the institution's operating fund.

D. Whenever any intangible personal property is believed to be lost or abandoned on the campus of a public institution of higher education, it shall be administered as provided in Article 4 (§ 55-210.12 *et seq.*) of Chapter 11.1 of Title 55.

E. Whenever any personal property, tangible or intangible, has been accepted for safekeeping during a patient's stay by any hospital operated by a public institution of higher education and such property is believed by the appropriately designated official to be lost or abandoned, it shall be administered as provided in Article 4 (§ 55-210.12 *et seq.*) of Chapter 11.1 of Title 55.

§ 23.1-105. Contracts with certain nonprofit private institutions of higher education.

A. For the purposes of this section:

"Private college" means a nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education.

"Services" includes a program or course of study offered or approved to be offered by a public institution of higher education or private college; use of professional personnel; use of any real or personal property owned, controlled, or leased for educational or related purposes by a public institution of higher education or private college; study, research, or investigation or similar activity by employees or students, or both, of a public institution of higher education or private college; or any other activity (i) dealing with scientific, technological, humanistic, or other educational or related subjects or (ii) providing public service or student service activities.

B. The Commonwealth and any of its political subdivisions may contract to obtain from or furnish to private colleges educational or related services.

C. No contract for services between private colleges and public institutions of higher education or educational agencies of the Commonwealth, including the Board of Education, is valid unless approved by the Council.

D. Except as provided in subsection C, contracts for services between private colleges and the Commonwealth or any of its political subdivisions may be entered into in any circumstance in which the Commonwealth or its political subdivisions would, by virtue of law, have authority to contract with private contractors for educational or related services and public institutions of higher education. Private colleges shall report such contracts to the Council.

E. The Council shall provide continuing evaluation of the effectiveness of and make recommendations regarding contracts made pursuant to this section.

F. The authority to contract for educational or related services includes the authority to accept gifts, donations, and matching funds to facilitate or advance programs.

G. Unless an appropriation act specifically provides otherwise, all appropriations shall be construed to authorize contracts with private colleges for the provision of educational or related services that may be the subject of or included in the appropriation.

H. Nothing in this section shall be construed to restrict or prohibit the use of any federal, state, or local funds made available under any federal, state, or local appropriation or grant.

§ 23.1-106. Formation of not-for-profit benefits consortium.

A. As used in this section:

"Benefits consortium" means a nonstock corporation formed pursuant to subsection B.

"Benefits plan" means plans adopted by the board of directors of a benefits consortium to provide health and welfare benefits to employees of private educational institutions that are members of the benefits consortium, employees of the sponsoring association of the benefits consortium, employees of the benefits consortium, and their dependents.

"Employee welfare benefit plan" has the meaning set forth in § 3(1) of the Employee Retirement Income Security Act of 1974, 29 U.S.C. § 1002(1).

"Private educational institution" means a nonprofit private institution of higher education that is accredited by a nationally recognized regional accreditation body or by the Board of Governors of the American Bar Association and:

1. Has its primary campus located within the Commonwealth;
2. Is owned and operated by a corporation, trust, association, or religious institution or any subsidiary or affiliate of any such entity;
3. Has been in existence as a private educational institution in the Commonwealth for at least 10 years;
4. Is a member in good standing of the sponsoring association; and

5. *Otherwise qualifies as an institution of higher education as defined in § 23.1-213.*

"Sponsoring association" means an association of private educational institutions that is incorporated under the laws of the Commonwealth, has been in existence for at least 20 years, and exists for purposes other than arranging for or providing health and welfare benefits to members.

B. Notwithstanding any provision of law to the contrary, five or more private educational institutions may form a not-for-profit benefits consortium for the purpose of establishing a self-funded employee welfare benefit plan by acting as incorporators of a nonstock corporation pursuant to the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.). In addition to provisions required or permitted by the Virginia Nonstock Corporation Act, the organizational documents of the benefits consortium shall:

1. Limit membership in the benefits consortium to private educational institutions, the sponsoring association of the benefits consortium, and the benefits consortium;

2. Set forth the name and address of each of the initial members of the corporation;

3. Set forth requirements for the admission of additional private educational institutions to the corporation and the procedure for admission of additional members;

4. Require that each initial member of the corporation and each additional private educational institution admitted to membership agrees to remain a member of the benefits consortium for a period of at least five years from the date the consortium begins operations or the date of its admission to membership;

5. Provide that the number of directors of the corporation is equal to the number of members and includes one person employed by each member and may provide for an additional director who shall be an employee of the sponsoring association; however, two individuals affiliated with the same member shall not serve on the board of directors at the same time;

6. Provide that the board of directors has exclusive fiscal control over and be responsible for the operation of the benefits plan and shall govern the benefits consortium in accordance with the fiduciary duties defined in the federal Employee Retirement Income Security Act of 1974;

7. Vest in the board of directors the power to make and collect special assessments against members and, if any assessment is not timely paid, to enforce collection of such assessment in the name of the corporation;

8. State the purposes of the benefits consortium, including the types of risks to be shared by its members;

9. Provide that each member shall be liable for its allocated share of the liabilities of the benefits consortium as determined by the board of directors;

10. Require that the benefits consortium purchase and maintain (i) a bond that satisfies the requirements of the Employee Retirement Income Security Act of 1974, (ii) fiduciary liability insurance, and (iii) a policy of excess insurance with a retention level determined in accordance with sound actuarial principles from an insurer licensed to transact the business of insurance in the Commonwealth;

11. Require that the benefits consortium be audited annually by an independent certified public accountant engaged by the board of directors;

12. Prohibit the payment of commissions or other remuneration to any person on account of the enrollment of persons in any benefit plan offered by the benefits consortium; and

13. Not include in the name of the corporation the words "insurance," "insurer," "underwriter," "mutual," or any other word or term or combination of words or terms that is uniquely descriptive of an insurance company or insurance business unless the context of the remaining words or terms clearly indicates that the corporation is not an insurance company and is not carrying on the business of insurance.

C. Each benefits consortium shall establish and maintain reserves determined in accordance with sound actuarial principles. Capital may be maintained in the form of an irrevocable letter of credit issued to the benefits consortium by a state or national bank authorized to engage in the banking business in the Commonwealth.

D. Except to the extent specifically provided in this section, each benefits consortium organized under and operated in conformity with this section that remains in good standing under the Virginia Nonstock Corporation Act (§ 13.1-801 et seq.) and otherwise meets the requirements set forth in this section is governed solely by and subject only to the provisions of the Employee Retirement Income Security Act of 1974 as implemented by the U.S. Department of Labor, is exempt from all state taxation, and is not otherwise subject to the provisions of Title 38.2, including regulation as a multiple employer welfare arrangement.

§ 23.1-107. Private institutions of higher education; human research review committees.

The human research review committee at each proprietary private institution of higher education and nonprofit private institution of higher education that conducts human research, as that term is defined in § 32.1-162.16, shall submit to the Governor, the General Assembly, and the president of the institution or his designee at least annually a report on the human research projects reviewed and approved by the committee and any significant deviations from approved proposals.

CHAPTER 2.

STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA.

Article 1.

Membership and Organization.

§ 23.1-200. State Council of Higher Education for Virginia established; purpose; membership; terms; officers.

A. The State Council of Higher Education for Virginia is established to advocate for and promote the development and operation of an educationally and economically sound, vigorous, progressive, and coordinated system of higher education in the Commonwealth and lead state-level strategic planning and policy development and implementation based on research and analysis and in accordance with § 23.1-301 and subsection A of § 23.1-1002. The Council shall seek to facilitate collaboration among institutions of higher education that will enhance quality and create operational efficiencies and work with institutions of higher education and their governing boards on board development.

B. The Council shall be composed of individuals selected from the Commonwealth at large without regard to political affiliation but with due consideration of geographical representation. Nonlegislative citizen members shall have demonstrated experience, knowledge, and understanding of higher education and workforce needs. Nonlegislative citizen members shall be selected for their ability and all appointments shall be of such nature as to aid the work of the Council and inspire the highest degree of cooperation and confidence. No officer, employee, trustee, or member of the governing board of any institution of higher education, employee of the Commonwealth, member of the General Assembly, or member of the Board of Education is eligible for appointment to the Council except as specified in this section. All members of the Council are members at large who shall serve the best interests of the whole Commonwealth. No member shall act as the representative of any particular region or of any particular institution of higher education.

C. The Council shall consist of 13 members: 12 nonlegislative citizen members appointed by the Governor and one ex officio member. At least one nonlegislative citizen member shall have served as a president or chief executive officer of a public institution of higher education. At least one nonlegislative citizen member shall be a division superintendent or the Superintendent of Public Instruction. The President of the Virginia Economic Development Partnership Authority shall serve ex officio with voting privileges.

D. All terms shall begin July 1.

E. Nonlegislative citizen members shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No nonlegislative citizen member shall serve for more than two consecutive terms; however, a nonlegislative citizen member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms. No nonlegislative citizen member who has served two consecutive four-year terms is eligible to serve on the Council until at least two years have passed since the end of his second consecutive four-year term. All appointments are subject to confirmation by the General Assembly. Nonlegislative citizen members shall continue to hold office until their successors have been appointed and confirmed. Ex officio members shall serve terms coincident with their terms of office.

F. The Council shall elect a chairman and a vice-chairman from its membership. The Council shall appoint a secretary and such other officers as it deems necessary and prescribe their duties and terms of office.

G. At each meeting, the Council shall involve the chief executive officer of each public institution of higher education in its agenda. The chief executive officers shall present information and comment on issues of common interest and choose presenters to the Council from among themselves who reflect the diversity of the institutions.

H. At each meeting, the Council may involve other groups, including the presidents of private institutions of higher education, in its agenda.

§ 23.1-201. Student advisory committee.

A. The Council shall appoint a student advisory committee consisting of students enrolled in public and accredited private institutions of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training. Appointments shall be made in a manner to ensure broad student representation from among such institutions.

B. Members shall serve for terms of one year. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. Members may be reappointed to serve subsequent or consecutive terms.

C. The Council shall ensure that at least one member of the student advisory committee is reappointed each year. The student advisory committee shall elect a chairman from among its members.

D. The student advisory committee shall meet at least twice annually and advise the Council regarding such matters as may come before it.

§ 23.1-202. Employment of director and other personnel.

The Council shall appoint and employ a director who shall be the chief executive officer of the Council and employ such other personnel as may be required to assist it in the exercise of its powers and duties.

Article 2.

Powers and Duties.

§ 23.1-203. Duties of Council.

The Council shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection A of § 23.1-1002 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23.1-309 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in the Commonwealth at both the undergraduate and the graduate levels and the mission, programs, facilities, and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plan at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any public institution of higher education and define the mission of all newly created public institutions of higher education. The Council shall report such approvals, disapprovals, and definitions to the Governor and the General Assembly at least once every six years. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing in this subdivision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly or empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution of higher education, whether relating to academic standards, residence, or other criteria. Faculty selection and student admission policies shall remain a function of the individual public institutions of higher education.

3. Study any proposed escalation of any public institution of higher education to a degree-granting level higher than that level to which it is presently restricted and submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be organized numerically by level of enrollment and shall be used solely for budgetary, fiscal, and strategic planning purposes. The Council shall develop estimates of the number of degrees to be awarded by each public institution of higher education and include those estimates in its reports of enrollment projections. The student admissions policies for such institutions and their specific programs shall remain the sole responsibility of the individual governing boards but all baccalaureate public institutions of higher education shall adopt dual admissions policies with comprehensive community colleges as required by § 23.1-907.

5. Review and approve or disapprove all new undergraduate or graduate academic programs that any public institution of higher education proposes.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations or (ii) supported by state funds and unnecessarily duplicative of academic programs offered at other public institutions of higher education. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the establishment of any department, school, college, branch, division, or extension of any public institution of higher education that such institution proposes to establish, whether located on or off the main campus of such institution. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this subdivision shall be construed to authorize the Council to disapprove the establishment of any such department, school, college, branch, division, or extension established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollment, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities, and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.), the Virginia Unemployment Compensation Act (§ 60.2-100 et seq.), and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records in which all personally identifiable information has been removed for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth.

10. In cooperation with public institutions of higher education, develop guidelines for the assessment of student achievement. Each such institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report each institution's assessment of student achievement in the revisions to the Commonwealth's statewide strategic plan for higher education.

11. In cooperation with the appropriate state financial and accounting officials, develop and establish uniform standards and systems of accounting, recordkeeping, and statistical reporting for public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education proposes and report such approvals and disapprovals to the Governor and the General Assembly. No such change shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each public institution of higher education at such times as the Council deems appropriate and conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to each accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education on academic, administrative, financial, and space utilization matters. The Council may review and advise on joint activities, including contracts for services between public and such private institutions of higher education or between such private institutions of higher education and any agency or political subdivision of the Commonwealth.

15. Adopt such policies and regulations as the Council deems necessary to implement its duties established by state law. Each public institution of higher education shall comply with such policies and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, to ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth. An institution may ensure the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event that an institution closes or has its approval to operate in the Commonwealth revoked, the Council, through its director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this subdivision shall be deemed to interfere with the right of a student to his own transcripts or authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting and baccalaureate public institutions of higher education.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for each public institution of higher education.

20. In consultation with each public institution of higher education, develop a one-year uniform certificate of general studies program to be offered at each comprehensive community college. Such program shall ensure that a comprehensive community college student who completes the one-year certificate program is eligible to transfer all credits earned in academic subject coursework to a baccalaureate public institution of higher education upon acceptance to such baccalaureate institution.

21. Cooperate with the Board of Education in matters of interest to both public elementary and secondary schools and public institutions of higher education, particularly in connection with coordination of the college admission requirements, coordination of teacher training programs with the public school programs, and the Board's Six-Year Educational Technology Plan for Virginia. The Council shall encourage public institutions of higher education to design programs that include the skills necessary for the successful implementation of such Plan.

22. Advise and provide technical assistance to the Brown v. Board of Education Scholarship Committee in the implementation and administration of the Brown v. Board of Education Scholarship Program pursuant to Chapter 34.1 (§ 30-231.01 et seq.) of Title 30.

23. Insofar as possible, seek the cooperation and utilize the facilities of existing state departments, institutions, and agencies in carrying out its duties.

24. Serve as the coordinating council for public institutions of higher education.

25. Serve as the planning and coordinating agency for all postsecondary educational programs for all health professions and occupations and make recommendations, including those relating to financing, for providing adequate and coordinated educational programs to produce an appropriate supply of properly trained personnel. The Council may conduct such studies as it deems appropriate in furtherance of the requirements of this subdivision. All state departments and agencies shall cooperate with the Council in the execution of its responsibilities under this subdivision.

26. Carry out such duties as the Governor may assign to it in response to agency designations requested by the federal government.

27. Insofar as practicable, preserve the individuality, traditions, and sense of responsibility of each public institution of higher education in carrying out its duties.

28. Insofar as practicable, seek the assistance and advice of each public institution of higher education in fulfilling its duties and responsibilities.

§ 23.1-204. (Expires June 30, 2017) Post-graduation employment rates.

A. The Council shall annually publish data on its website on the proportion of graduates who are employed (i) 18 months and (ii) five years after the date of graduation for each public institution of higher education and each nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program (§ 23.1-628 et seq.). The data shall include the program and the program level, as recognized by the Council, for each degree awarded by each institution; the percentage of graduates known to be employed in the Commonwealth, the average salary, and the average higher education-related debt for the graduates on which the data is based; rates of enrollment in remedial coursework for each institution; individual student credit accumulation for each institution; rates of postsecondary degree completion; and

any other information that the Council determines is necessary to address adequate preparation for success in postsecondary education and alignment between secondary and postsecondary education. The Council shall disseminate to each public high school and each public institution of higher education and private institution of higher education for which the Council has student-level data a link on its website to the published data. The Council shall provide a notification template that each public high school may use to annually notify students and their parents about the availability of such data. The published data shall be consistent with the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 *et seq.*) and the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

B. Each such institution of higher education shall provide a link to such published postsecondary education and employment data.

§ 23.1-205. Authority to carry out federal requirements.

The Council may prepare plans, administer federal programs, and receive and disburse any federal funds in accordance with the responsibilities assigned to it by federal statutes or regulations.

§ 23.1-206. Assessments of the performance of public institutions of higher education.

A. 1. The Council shall develop and revise as appropriate, in consultation with the respective Chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, objective measures of educational-related performance and institutional performance benchmarks for such objective measures for each public institution of higher education. At a minimum, the Council shall develop objective measures and institutional performance benchmarks for the goals and objectives set forth in subsection A of § 23.1-1002.

2. The Governor shall develop and revise as appropriate objective measures of financial and administrative management performance and related institutional performance benchmarks for the goals and objectives set forth in subdivision A 11 of § 23.1-1002.

B. The Governor shall include objective measures of financial and administrative management and educational-related performance and related institutional performance benchmarks as described in subsection A in "The Budget Bill" submitted as required by subsection A of § 2.2-1509 or in his proposed gubernatorial amendments to the general appropriation act pursuant to subsection E of § 2.2-1509.

C. The Council shall annually assess the degree to which each public institution of higher education has met the financial and administrative management and educational-related performance benchmarks set forth in the current general appropriation act. Such annual assessment shall be based upon the objective measures and institutional performance benchmarks included in the current general appropriation act. The Council shall request assistance from the Secretaries of Finance and Administration who shall provide such assistance for the purpose of assessing whether public institutions of higher education have met the financial and administrative management performance benchmarks.

No later than June 1 of every fiscal year, the Council shall provide a certified written report of the results of such annual assessment to the Governor and the respective Chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

Each public institution of higher education that is certified by the Council as having met the financial and administrative management and educational-related performance benchmarks in effect for the fiscal year as set forth in the general appropriation act is entitled to the financial benefits set forth in subsection C of § 23.1-1002. Such benefits shall first be provided as determined under such subsection.

§ 23.1-207. Tuition relief and refunds and reinstatement for certain students in the Armed Forces.

A. The Council shall issue and revise guidelines for tuition relief, refunds, and reinstatement for students whose service in the Armed Forces of the United States or the Commonwealth has required their sudden withdrawal or prolonged absence from their enrollment in a public institution of higher education and shall provide for the required reenrollment of such students by the relevant institution. These guidelines shall be excluded from the provisions of the Administrative Process Act pursuant to § 2.2-4002.

B. The Council shall appoint an advisory committee of at least 10 representatives of the public institutions of higher education to assist in the development and subsequent revision of such guidelines. The Council shall consult with the Office of the Attorney General and provide opportunity for public comment prior to issuing such guidelines or revisions.

C. Such guidelines shall include procedures for the required reenrollment of students whose service in the Armed Forces of the United States or the Commonwealth precluded their completion of a semester or equivalent term and policies for the required reenrollment of such students in such armed forces.

§ 23.1-208. Budget requests and recommendations.

A. The Council shall develop policies, formulae, and guidelines for the fair and equitable distribution and use of public funds among the public institutions of higher education, taking into account enrollment projections and recognizing differences and similarities in institutional missions. Such policies, formulae, and guidelines shall include provisions for operating expenses and capital outlay programs and shall be utilized by all public institutions of higher education in preparing requests for appropriations. The Council shall consult with the Department of Planning and Budget in the development of such policies, formulae, and guidelines to ensure that they are consistent with the requirements of the Department of Planning and Budget.

B. Not less than 30 days prior to submitting its biennial budget request to the Governor, the governing board of each public institution of higher education shall transmit to the Council such selected budgetary information relating to its

budget request for maintenance and operation and for capital outlay as the Council shall reasonably require. The Council shall analyze such information in light of the Council's plans, policies, formulae, and guidelines and shall submit to the Governor recommendations for approval or modification of each institution's request together with a rationale for each such recommendation. The Council shall make available to the General Assembly its analyses and recommendations concerning institutional budget requests.

C. Nothing in this section shall prevent any institution of higher education from appearing through its representatives or otherwise before the Governor, the Governor's advisory committee on the budget, the General Assembly, or any committee of the General Assembly at any time.

D. Funds for any consortium created by The College of William and Mary in Virginia, Old Dominion University, the University of Virginia, and Virginia Polytechnic Institute and State University for the purpose of promoting graduate marine science education may be included in the budget request of and the appropriations to the Council.

§ 23.1-209. Reports of expenditures of state funds.

The governing board of each public institution of higher education shall provide the Council annual data indicating the apportionment and amounts of expenditures that the relevant institution expends by category, including academic costs, administration, research, and public service, as defined by the Council. The Council shall compile and submit a report of such data annually to the Governor and the General Assembly.

§ 23.1-210. Advisory services to accredited nonprofit private institutions of higher education; Private College Advisory Board.

A. The Council shall provide advisory services to accredited nonprofit private institutions of higher education on academic and administrative matters. The Council may review and advise on joint activities, including contracts for services, between nonprofit private and public institutions of higher education and between nonprofit private institutions of higher education and any agency or political subdivision of the Commonwealth. The Council may collect and analyze such data as may be pertinent to such activities.

B. The Council shall seek the advice of the Private College Advisory Board, and the Advisory Board shall assist the Council in the performance of its duties as required by subsection A. The Private College Advisory Board shall be composed of representatives of nonprofit private institutions of higher education and such other members as the Council may select and shall be broadly representative of nonprofit private institutions of higher education.

C. The Private College Advisory Board shall meet at least once each year.

§ 23.1-211. Distance learning reciprocity agreements; participation; Distance Learning Reciprocity Advisory Council.

A. The Council may enter into interstate reciprocity agreements that authorize accredited associate-degree-granting and baccalaureate (i) public institutions of higher education and (ii) private institutions of higher education to offer postsecondary distance education. The Council shall administer such agreements and shall approve or disapprove participation in such agreements by accredited associate-degree-granting and baccalaureate (a) public institutions of higher education and (b) private institutions of higher education. Participation in the agreements is voluntary.

B. The Council shall establish the Distance Learning Reciprocity Advisory Council, which shall include representatives from each institution that offers postsecondary distance education pursuant to an interstate reciprocity agreement as set forth in subsection A. The Advisory Council shall advise the Council on the development of policies governing the terms of participation by eligible institutions, including the establishment of fees to be paid by participating institutions to cover direct and indirect administrative costs incurred by the Council.

§ 23.1-212. Effect upon powers of governing boards of public institutions of higher education; endowment funds.

A. The powers of the governing boards of public institutions of higher education over the affairs of such institutions are not impaired by the provisions of this chapter except to the extent that powers and duties are specifically conferred upon the Council in this chapter.

B. The Council shall have no authority over the solicitation, investment, or expenditure of endowment funds now held or in the future received by any public institution of higher education.

Article 3.

Regulation of Certain Private and Out-of-State Institutions of Higher Education.

§ 23.1-213. Definitions.

As used in this article, unless the context requires a different meaning:

"Academic-vocational non-college degree school" means a non-college degree school that offers degree and nondegree credit courses.

"Agent" means a person who is employed by any institution of higher education or non-college degree school, whether such institution or school is located within or outside the Commonwealth, to act as an agent, solicitor, procurer, broker, or independent contractor to procure students or enrollees for any such institution or school by solicitation in any form at any place in the Commonwealth other than the office or principal location of such institution or school.

"Certificate" means an award that is given by (i) institutions of higher education and academic-vocational non-college degree schools for successful completion of a curriculum consisting of courses that may also be taken for degree credit or (ii) vocational non-college degree schools for successful completion of a curriculum. "Certificate" includes a diploma.

"College" means any associate-degree-granting institution of higher education or institution of higher education at which a bachelor's degree is the most advanced degree that is granted.

"Continuing or professional education" means those classes, courses, and programs designed specifically for individuals who have completed a degree in a professional field that (i) are intended to fulfill the continuing education requirements for licensure or certification in such professional field, (ii) have been approved by a legislatively or judicially established board or agency responsible for regulating the practice of the profession, and (iii) are offered exclusively to an individual practicing in such professional field.

"Degree" means any earned award at the associate, baccalaureate, graduate, first professional, or specialist levels that represents satisfactory completion of the requirements of a program or course of study or instruction beyond the secondary school level.

"Degree credit" means any earned credits awarded for successful completion of the requirements of a course of study or instruction beyond the secondary school level that may be used toward completion of a certificate or degree.

"Fraudulent academic credential" means a certificate, academic transcript, or other document issued by a person or other entity that is not an institution of higher education that provides evidence of or demonstrates completion of coursework or academic credit that results in the issuance of a degree.

"Institution of higher education" or "institution" means any person or other entity, other than a public institution of higher education or any other entity authorized to issue bonds pursuant to Chapter 11 (§ 23.1-1100 et seq.), that has received approval from the Council to (i) use the term "college" or "university," or words of like meaning, in its name or in any manner in connection with its academic affairs or business; (ii) enroll students; and (iii) offer approved courses for degree credit or programs of study leading to a degree or offer degrees either at a site or via telecommunications equipment located in the Commonwealth.

"Multistate compact" means any agreement involving two or more states to jointly offer postsecondary educational opportunities pursuant to policies and procedures established in such agreement and approved by the Council.

"Non-college degree school" means any person or other entity that offers courses or programs of study that do not lead to a degree. "Non-college degree school" includes academic-vocational non-college degree schools and vocational non-college degree schools.

"Nondegree credit" means any earned credits awarded for successful completion of the requirements of a course of study or instruction beyond the secondary school level that may be used toward completion of a certificate but may not be used to earn a degree.

"Out-of-state" means formed, chartered, established, or incorporated outside of the Commonwealth.

"Postsecondary school" means any institution of higher education or non-college degree school offering formal instructional programs with a curriculum designed primarily for students who have completed the requirements for a high school diploma or its equivalent. "Postsecondary school" includes programs of academic, vocational, and continuing professional education, except courses or programs of continuing professional education set forth in subdivision B 4 of § 23.1-226. "Postsecondary school" does not include avocational and adult basic education programs.

"Program" means a curriculum or course of study in a discipline or interdisciplinary area that leads to a degree or certificate.

"Program area" means a general group of disciplines in which one or more programs may be offered.

"Proprietary" means privately owned, privately managed, and corporately structured as a for-profit entity.

"Site" means a location in the Commonwealth where a postsecondary school (i) offers at least one course on an established schedule and (ii) enrolls at least two individuals who are not members of the same household, regardless of the presence or absence of administrative capability at such location.

"Teachout plan" means a written agreement between or among postsecondary schools that provides for the equitable treatment of students if one party to the agreement ceases to offer an educational program before all students enrolled in that program complete the program.

"University" means any baccalaureate institution of higher education.

"Vocational non-college degree school" means a non-college degree school that offers only courses for nondegree credit. "Vocational non-college degree school" does not include instructional programs that are intended solely for recreation, enjoyment, or personal interest or as a hobby or courses or instructional programs that prepare individuals to teach such pursuits.

§ 23.1-214. Certified mail; subsequent mail or notices may be sent by regular mail.

Whenever the Council is required to send any mail or notice by certified mail pursuant to this article and such mail or notice is sent certified mail, return receipt requested, the Council may send any subsequent, identical mail or notice by regular mail.

§ 23.1-215. Authority of the Council; regulations; standards for postsecondary schools; delegation of authority to director.

A. The Council shall adopt, pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), such regulations as may be necessary to implement the provisions of this article, including (i) procedures by which a postsecondary school may apply for Council approval to confer degrees in the Commonwealth; (ii) measures designed to ensure that all postsecondary schools that are subject to the provisions of this article meet the minimal standards established pursuant to subsection B; (iii) protections for students pursuing postsecondary education opportunities in postsecondary schools subject to the provisions of this article; and (iv) information to assist persons who rely on postsecondary degrees or certificates to judge the competence of individuals in receipt of such degrees or certificates.

B. The Council shall establish minimal standards for postsecondary schools that include standards for faculty preparation and experience, educational programs, physical plants, additional locations, finances, guaranty instruments, advertising and publications, maintenance of student records, personnel qualifications, student services, the method for collecting and refunding tuition and fees, library resources and services, organization and administration, changes of ownership or control, procedures for student admission and graduation, agent or solicitor requirements, consistency of a postsecondary school's stated purpose with the proposed offerings, reporting requirements, and any other relevant standards or requirements adopted by an accrediting agency recognized by the U.S. Department of Education.

C. The Council shall prescribe the manner, conditions, and language to be used by a postsecondary school or agent of such school to disclose or advertise that the postsecondary school has received certification from the Council to offer postsecondary programs in the Commonwealth.

D. The Council may establish separate certification criteria for various postsecondary school classifications.

E. The Council may grant to its director the authority to take specific actions on its behalf in furtherance of the provisions of this article.

§ 23.1-216. Career College Advisory Board established.

A. The Council shall establish and seek the advice of the Career College Advisory Board, which shall assist the Council in the performance of its duties and provide advisory services in academic and administrative matters relating to proprietary private postsecondary schools, excluding vocational non-college degree schools. The Career College Advisory Board shall be composed of college and university representatives and such other members as the Council may select and shall be broadly representative of proprietary private postsecondary schools, excluding vocational non-college degree schools.

B. The Career College Advisory Board shall meet at least twice each year and advise the Council and proprietary private postsecondary schools, excluding vocational non-college degree schools, regarding such matters as may come before the Career College Advisory Board. The Council may employ such qualified personnel as may be required to assist the Career College Advisory Board in the performance of its duties.

§ 23.1-217. Certification required.

A. No person shall open, operate, or conduct any postsecondary school in the Commonwealth without certification to operate such postsecondary school issued by the Council. The Council shall certify those postsecondary schools in compliance with Council regulations issued pursuant to this article.

B. Postsecondary schools shall seek such certification from the Council immediately after receipt of a valid business license issued by the relevant official of the locality in which it seeks to operate.

§ 23.1-218. List of postsecondary schools holding valid certification.

A. The Council shall maintain a list of postsecondary schools holding valid certification under the provisions of this article and shall make such list available to the public.

B. Upon confirmation of any notification or discovery of any postsecondary school operating without its certification or approval, the Council shall notify in writing the relevant local Commissioner of the Revenue or other official serving such equivalent functions of the postsecondary school's violation of such certification or approval requirement and shall recommend revocation of the postsecondary school's business license.

§ 23.1-219. Council certification; requirements and prohibitions.

A. Without obtaining the certification of the Council or a determination that the activity or program is exempt from such certification requirements, no postsecondary school subject to the provisions of this article shall:

1. Use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business;
2. Enroll students;
3. Offer degrees, courses for degree credit, programs of study leading to a degree, or courses for nondegree credit, either at a site or via telecommunications equipment located within the Commonwealth; or
4. Initiate other programs for degree credit or award degrees or certificates at a new or additional level.

B. All institutions of higher education and academic-vocational non-college degree schools subject to the provisions of this article shall be fully accredited by an accrediting agency recognized by the U.S. Department of Education.

C. All out-of-state academic-vocational non-college degree schools subject to the provisions of this article shall disclose their accreditation status in all written materials advertising or describing such school that are distributed to prospective or enrolled students or the general public.

D. No postsecondary school shall be required to obtain another certification from the Council to operate in the Commonwealth if it (i) was formed, chartered, or established in the Commonwealth or chartered by an Act of Congress; (ii) has maintained its main campus continuously in the Commonwealth for at least 20 calendar years under its current ownership; (iii) was continuously approved or authorized to confer or grant academic or professional degrees by the Council, the Board of Education, or an act of the General Assembly during those 20 years; and (iv) is fully accredited by an accrediting agency that is recognized by and has met the criteria for Title IV eligibility of the U.S. Department of Education. If the Council revokes an institution's authorization to confer or grant academic or professional degrees, the institution is required to seek recertification annually until it meets the criteria of this subsection.

E. In addition to such other requirements as are established in this article or the regulations of the Council, any out-of-state institution of higher education or academic-vocational non-college degree school shall provide verification that:

1. The institution or school is fully accredited by an accrediting agency recognized by the U.S. Department of Education;

2. All courses, degrees, or certificates offered at any site are also offered at an out-of-state campus of the institution or school;

3. All credits earned at any site are transferable to an out-of-state campus of the institution or school; and

4. The institution or school has complied with the requirements of either Article 17 (§ 13.1-757 et seq.) of Chapter 9 of Title 13.1 or Article 14 (§ 13.1-919 et seq.) of Chapter 10 of Title 13.1.

F. Any postsecondary school that seeks to conduct telecommunications activities from a site shall apply for Council approval to conduct such activity and shall comply with this article and the Council's regulations in the same manner as any other postsecondary school subject to this article.

§ 23.1-220. Approval procedures.

A. Prior to Council approval for a postsecondary school to use the term "college" or "university" or abbreviations or words of similar meaning in its name or in any manner in connection with its academic affairs or business, offer courses or programs for degree credit, enroll students in any courses or programs, or confer or award degrees, each postsecondary school shall be evaluated by the Council in accordance with the regulations adopted pursuant to § 23.1-215.

B. Upon finding that the applicant has fully complied with the regulations adopted pursuant to § 23.1-215, the Council shall approve the application.

C. The Council may defer a decision on an application upon determining that additional information is needed.

D. The Council shall not take into account duplication of effort by public institutions of higher education and private institutions of higher education or other questions of need when considering an application.

§ 23.1-221. Refusal, suspension, and revocation of approval or certification.

A. The Council may refuse to grant a certification, may revoke or suspend a prior approval or certification, including any approval or authorization issued prior to July 1, 1980, and may add conditions to any approval or certification on such grounds as may be provided in its regulations or if the postsecondary school:

1. Submits or has submitted any false or misleading information to the Council in connection with its approval;

2. Fails to meet or to maintain compliance with the Council's regulations at any of its locations;

3. Publicly makes or causes to be made any false or misleading representation that it has complied with any requirement of this article or the Council's regulations;

4. Violates any provision of this article or the Council's regulations; or

5. Fails or refuses to furnish the Council with any requested information or records required by this article or the Council's regulations.

B. The Council may refuse to grant an approval or may place conditions on an approval for a request to use a name that incorporates terms deemed by the Council to be misleading to consumers, students, or the general public regarding the postsecondary school's affiliation or association with any public institution of higher education but shall not add conditions to, revoke, or suspend a prior approval of a name. The Council shall, by regulation, designate the terms deemed to be misleading, which shall include "public university," "public college," and "community college."

C. The Council shall notify a postsecondary school by certified mail, return receipt requested, of its intention to deny an application, suspend or revoke a prior approval or certification, or add conditions to an approval or certification and state in writing the reasons for the denial, suspension, revocation, or conditions. The postsecondary school may, within 10 days of receipt of the certified mail notice, submit a written request for a proceeding before the Council pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2.

D. The Council may issue orders to comply with its regulations or the provisions of this article; unless an emergency exists, such orders shall only be issued after a proceeding pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2.

E. In accordance with Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2, any postsecondary school aggrieved by (i) a decision of the Council to deny an application, suspend or revoke a prior approval or certification, or add conditions to an approval or certification or (ii) any order to comply with this article or the Council's regulations may appeal such decision. The Council shall make a final administrative decision on such appeal in accordance with the Administrative Process Act (§ 2.2-4000 et seq.).

F. In order to regain approval, a postsecondary school that has had its approval or certification revoked or suspended by the Council shall file a new application for certification and provide clear and convincing evidence that the conditions resulting in the suspension or revocation have been remedied and the postsecondary school is in compliance with this article and the Council's regulations.

§ 23.1-222. Emergency actions.

A. The Council may, by regulation, authorize its director to take immediate action on its behalf in any instance in which a postsecondary school holding certification to operate in the Commonwealth is the subject of an adverse action by the U.S. Department of Education or the postsecondary school's accrediting agency. When such adverse action threatens a disruption of the operation of the postsecondary school and exposes students to a loss of course or degree credit or financial loss, the director may:

1. Suspend new enrollment in specified programs or degree levels or all programs and degree levels that have been approved by the Council;

2. Require the postsecondary school to provide a guaranty instrument in the amount necessary to cover the refund of unearned tuition to all students enrolled at the time of the action; or

3. Take such other actions as may be necessary to protect the rights of currently enrolled or future students.

B. At its next regularly scheduled meeting, the Council shall either ratify the director's action or take such other actions as it deems necessary.

§ 23.1-223. Preservation of students' records.

A. In the event of school closure or revocation of its approval or certification, the postsecondary school shall (i) make arrangements for the transfer of the academic and financial records of all students to the Council within 30 days of the closure or (ii) with the approval of the Council, ensure preservation of the academic and financial records of all students by entering into an agreement with another postsecondary school. An out-of-state postsecondary school that is public or corporately held may retain records at the postsecondary school's location outside of the Commonwealth but shall provide the Council with the contact information needed for each student to obtain copies of his academic and financial records.

B. This section shall not be deemed to interfere with students' rights to have access to and obtain copies of their own records or to authorize disclosure of student records except in compliance with applicable state and federal law, including the federal Family Educational Rights and Privacy Act of 1974 (20 U.S.C. § 1232g).

§ 23.1-224. Fees.

The Council may establish nonrefundable fees for services and methods for collecting such fees.

§ 23.1-225. Prohibited acts.

A. Without prior Council approval, no person or other entity subject to the provisions of this article shall use in any manner within the Commonwealth the term "college" or "university" or abbreviations or words of similar meaning in its name, in connection with its academic affairs or business, or in any literature, catalog, pamphlet, or descriptive material.

This subsection shall not apply to any person or other entity that (i) used the term "college" or "university" openly and conspicuously in its title within the Commonwealth prior to July 1, 1970; (ii) was granted authority to operate in the Commonwealth by the Council between July 1, 1970, and July 1, 2002, and maintains valid authority to so operate in the Commonwealth on or after July 1, 2002; (iii) was exempted from the provisions of former Chapter 21 (§ 23-265 et seq.) of Title 23, as such law was in effect prior to July 1, 2002; or (iv) was authorized by the Council to use a name while its request for approval to enroll students is pending before the Council.

B. No person or other entity shall sell, barter, or exchange for any consideration, or attempt to sell, barter, or exchange for any consideration, any degree credit, degree, or certificate.

C. No person or other entity shall:

1. Use or attempt to use, in connection with any business, trade, profession, or occupation, any degree credit, degree, or certificate, including any transcript of coursework that it knows or has reason to know has been fraudulently issued, obtained, forged, materially altered, or purchased;

2. Issue or manufacture a fraudulent academic credential;

3. Physically present a fraudulent academic credential, knowing it is fraudulent, in an attempt to obtain employment, promotion, licensure, or admission to an institution of higher education;

4. In any way represent that it is an institution of higher education that is accredited by an accrediting agency recognized by the U.S. Department of Education or has the foreign equivalent of such accreditation if the person or entity is not so accredited; or

5. Represent that credits earned at or granted by any institution of higher education or academic-vocational non-college degree school may be applied for credit toward a degree unless such person is exempted from the provisions of this article or granted certification or approval by the Council in accordance with this article and the Council's regulations.

§ 23.1-226. Exemptions.

A. The provisions of this article shall not apply to any public institution of higher education as that term is defined in § 23.1-100 or any entity authorized to issue bonds pursuant to Chapter 11 (§ 23.1-1100 et seq.).

B. The following activities or programs offered by postsecondary schools that are otherwise subject to this article are exempt from its provisions:

1. The awarding of any honorary degree conferred that clearly states on its face that it is honorary in nature and is regarded as (i) commemorative in recognition of an individual's contributions to society and (ii) not representative of the satisfactory completion of any or all of the requirements of a program or course of study;

2. A nursing education program or curriculum regulated by the Board of Nursing;

3. A professional or occupational training program subject to the approval of (i) a regulatory board pursuant to Title 54.1 or (ii) another state or federal governmental agency;

4. Any course or program of instruction provided or approved by any professional body, fraternal organization, civic club, or benevolent order for which the principal purpose is continuing or professional education or a similar purpose and for which no degree credit is awarded;

5. Any course or program offered through approved multistate compacts, including the Southern Regional Education Board's Electronic Campus;

6. Any course offered and delivered by a postsecondary school solely on a contractual basis for which no individual is charged tuition and there is no advertising for open enrollment;

7. Any school, institute, or course of instruction offered by any trade association or any nonprofit affiliate of a trade association on subjects relating to the trade, business, or profession represented by such association;

8. Any public or private high school accredited or recognized by the Board of Education that has offered or may offer one or more courses as provided in this article, if the school collects any tuition, fees, or charges as permitted by Title 22.1 in the case of a public school or pursuant to regulations prescribed by the relevant governing body in the case of a private school; or

9. Tutorial instruction delivered and designed to supplement regular classes for students enrolled in any public or private school or prepare an individual for an examination for professional practice or higher education.

C. The Council shall exempt from the provisions of this article any postsecondary school whose primary purpose is to provide religious or theological education. Postsecondary schools shall apply for exemptions to confer certificates or degrees relating to religion and theology. Exemptions may be granted for a maximum of five years, unless the postsecondary school has been granted a standing exemption prior to July 1, 2002. Each postsecondary school seeking such an exemption or continuation of such an exemption shall file such information as may be required by the Council. If the Council does not grant a postsecondary school an exemption, the postsecondary school shall be notified in writing with the reasons for the exemption denial. The affected postsecondary school has the right to appeal the Council's decision pursuant to Article 3 (§ 2.2-4018 et seq.) of Chapter 40 of Title 2.2. The Council shall, in each instance, determine the applicability of the exemption as provided in this section.

D. Notwithstanding the exemptions provided in this section, exempted postsecondary schools are subject to the provisions of subsection B of § 23.1-221 and a postsecondary school may seek Council approval for an otherwise exempt activity or program.

§ 23.1-227. Virginia law to apply to contracts.

The laws of the Commonwealth shall govern any agreement, contract, or instrument of indebtedness executed between a postsecondary school and any person enrolling in any course or program offered or to be offered by such school in the Commonwealth or any person employed or offered employment by such school in the Commonwealth.

§ 23.1-228. Violations; penalties; remedies.

A. Violations of this article or the Council's implementing regulations are punishable as a Class 1 misdemeanor. Each degree, certificate, program, academic transcript, or course of study offered, conferred, or used in violation of this article or the Council's regulations shall constitute a separate offense.

B. If no criminal prosecution is instituted against such postsecondary school pursuant to subsection A, the Council may recover a civil penalty of at least \$200 but not more than \$1,000 per separate offense set forth in subsection A. In no event shall the civil penalties against any one person, corporation, or other entity exceed \$25,000 per year.

C. The Council may institute a proceeding in equity to enjoin any violation of this article or its implementing regulations and upon substantially prevailing on the merits of the case and unless special circumstances would render such an award unjust, the Council is entitled to an award of reasonable attorney fees and costs in any such action.

§ 23.1-229. Postsecondary school closure procedures.

A. Each postsecondary school shall notify the Council of its intention to close at least 30 days prior to the closure. The notice shall be accompanied by a comprehensive plan for closure and a teachout plan that makes provision for presently enrolled students to complete the program of instruction for which they have enrolled, either at such postsecondary school or at another postsecondary school certified by the Council or authorized to operate in the Commonwealth. Each closing postsecondary school shall obtain the Council's approval of the teachout plan prior to implementation.

B. Each closing postsecondary school shall notify the Council, in writing, if there is no comparable program for the purposes of developing a teachout plan within 50 miles of the closing postsecondary school or if the closing postsecondary school is unable to enter a teachout agreement with another postsecondary school. This information shall be provided at the time the closing postsecondary school notifies the Council of its intention to close.

C. Owners or senior administrators of a postsecondary school that closes without providing (i) an adequate teachout plan or refunds of unearned tuition and (ii) appropriate preservation of records shall be denied certification to operate another postsecondary school in the Commonwealth.

CHAPTER 3.

THE VIRGINIA HIGHER EDUCATION OPPORTUNITY ACT OF 2011.

§ 23.1-300. Definitions.

As used in this chapter, unless the context requires a different meaning:

"College degree" means an undergraduate degree from an accredited associate-degree-granting or baccalaureate (i) public institution of higher education or (ii) private institution of higher education.

"Cost of education" means the operating funds necessary during a fiscal year to provide educational and general services, other than research and public service, to students attending an institution in that fiscal year.

"Educational and general fees" means fees over and above tuition charged for certain educational and general services.

"Educational and general services" means services associated with instruction, academic support, student services, institutional support, research, public service, or operation and maintenance of physical plant, with adjustments based on particular state policies relating to specific institutional conditions. "Educational and general services" does not include services associated with programs and administrative services that are required to be self-supporting or are otherwise

supported by funds other than general funds, such as food services, university-owned or university-leased dormitories or other living facilities, athletics programs, or other self-supporting programs.

"Enrollment" or "student enrollment" means the number of full-time equivalent students.

"Fiscal year" means the period from July 1 of one calendar year to June 30 of the next calendar year.

"Peer institutions" means those institutions determined by the Council, in consultation with a public institution of higher education, the Secretary of Education or his designee, the Director of the Department of Planning and Budget or his designee, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance or their designees, to be most similar to such public institution of higher education and provide a fair comparison in determining appropriate and competitive faculty salaries for such public institution of higher education.

"Public institution of higher education" does not include each comprehensive community college.

"STEM" means science, technology, engineering, and mathematics.

"Student" means a full-time or part-time undergraduate, graduate, or professional student attending a public institution of higher education and enrolled in a degree program.

§ 23.1-301. Short title; objective; purposes.

A. This chapter may be cited as the "Preparing for the Top Jobs of the 21st Century: The Virginia Higher Education Opportunity Act of 2011," the "Top Jobs Act," or "TJ21."

B. The objective of this chapter is to fuel strong economic growth in the Commonwealth and prepare Virginians for the top job opportunities in the knowledge-driven economy of the 21st century by establishing a long-term commitment, policy, and framework for sustained investment and innovation that will (i) enable the Commonwealth to build upon the strengths of its excellent higher education system and achieve national and international leadership in college degree attainment and personal income and (ii) ensure that these educational and economic opportunities are accessible and affordable for all capable and committed Virginia students.

C. In furtherance of the objective set forth in subsection B, the following purposes shall inform the development and implementation of funding policies, performance criteria, economic opportunity metrics, and recommendations required by this chapter:

1. To ensure an educated workforce in the Commonwealth through a public-private higher education system whose hallmarks are instructional excellence, affordable access, economic impact, institutional diversity and managerial autonomy, cost-efficient operation, technological and pedagogical innovation, and reform-based investment;

2. To take optimal advantage of the demonstrated correlation between higher education and economic growth by investing in higher education in a manner that will generate economic growth, job creation, personal income growth, and revenues generated for state and local government in the Commonwealth;

3. To (i) place the Commonwealth among the most highly educated states and countries by conferring approximately 100,000 cumulative additional undergraduate degrees on Virginians between 2011 and 2025, accompanied by a comparable percentage increase in privately conferred undergraduate degrees in the Commonwealth over the same period and (ii) achieve this purpose by expanding enrollment of Virginians at public institutions of higher education and private institutions of higher education, improving undergraduate graduation and retention rates in the higher education system in the Commonwealth, and increasing degree completion by Virginians with partial credit toward a college degree, including students with ongoing job and family commitments who require access to nontraditional college-level educational opportunities;

4. To enhance personal opportunity and earning power for individual Virginians by (i) increasing college degree attainment in the Commonwealth, especially in high-demand, high-income fields such as STEM and health care fields and (ii) providing information about the economic value and impact of individual degree programs by institution;

5. To promote university-based research that produces outside investment in the Commonwealth, fuels economic advances, triggers commercialization of new products and processes, fosters the formation of new businesses, leads businesses to bring their facilities and jobs to the Commonwealth, and in other ways helps place the Commonwealth on the cutting edge of the knowledge-driven economy;

6. To support the national effort to enhance the security and economic competitiveness of the United States and secure a leading economic position for the Commonwealth through increased research and instruction in STEM and related fields that require qualified faculty, appropriate research facilities and equipment, public-private and intergovernmental collaboration, and sustained state support;

7. To preserve and enhance the excellence and cost-efficiency of the Commonwealth's higher education system through reform-based investment that promotes innovative instructional models and pathways to degree attainment, including optimal use of physical facilities and instructional resources throughout the year, technology-enhanced instruction, sharing of instructional resources between colleges, universities, and other degree-granting entities in the Commonwealth, increased online learning opportunities for nontraditional students, improved rate and pace of degree completion, expanded availability of dual enrollment and advanced placement options and early college commitment programs, expanded comprehensive community college transfer options leading to bachelor's degree completion, and enhanced college readiness before matriculation;

8. To realize the potential for enhanced benefits from the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) through a sustained commitment to the principles of autonomy, accountability, affordable access, and mutual trust and obligation underlying the restructuring initiative;

9. To establish a higher education funding framework and policy that promotes stable, predictable, equitable, and adequate funding, facilitates effective planning at the institutional and state levels, provides incentives for increased enrollment of Virginia students at public or nonprofit private institutions of higher education, provides need-based financial aid for low-income and middle-income students and families, relieves the upward pressure on tuition associated with loss of state support due to economic downturns or other causes, and provides financial incentives to promote innovation and enhanced economic opportunity in furtherance of the objective of this chapter set forth in subsection A; and

10. To recognize that the unique mission and contributions of each public institution of higher education and private institution of higher education is consistent with the desire to build upon the strengths of the Commonwealth's excellent system of higher education, afford these unique missions and contributions appropriate safeguards, and allow these attributes to inform the development and implementation of funding policies, performance criteria, economic opportunity metrics, and recommendations in the furtherance of the objective of this chapter set forth in subsection B.

§ 23.1-302. Public institutions of higher education; funding.

Each public institution of higher education shall receive funds from the state general fund or sources other than the state general fund, or both, for each fiscal year of each biennium for:

1. Basic operations and instruction, as provided in § 23.1-303;

2. Each Virginia undergraduate student actually enrolled at the institution, as provided in § 23.1-304;

3. Need-based financial aid, as provided in § 23.1-306; and

4. Support for targeted financial incentives that encourage and reward progress toward the policy objectives specified in this chapter, as provided in § 23.1-305.

§ 23.1-303. Calculation of state general fund share of an institution's basic operations and instruction funding need; cost of education.

A. Following consultation with each public institution of higher education and the Higher Education Advisory Committee described in § 23.1-309, the Council shall calculate the basic operations and instruction funding need of each public institution of higher education as provided in subsection B for each year of the next biennium and make such calculation available to the Governor, the General Assembly, and all public institutions of higher education. The Governor shall take into account each institution's basic operations and instruction funding need and the Commonwealth's funding split policy established in the general appropriation act by which 67 percent of an institution's cost of education for Virginia students is funded from the state general fund and 33 percent from funds other than the state general fund during the preparation of his proposed biennial budget bill for the next biennium, and the General Assembly shall take such items into account in enacting the general appropriation act for the next biennium. Between such biennial recalculations, the General Assembly may increase or decrease the appropriation of basic operations and instruction funding to a public institution of higher education to correspond with an increase or decrease in Virginia undergraduate student enrollment at the institution as provided in § 23.1-304, or the institution's meeting or not meeting targeted financial incentives listed in § 23.1-305, or for any other purpose deemed appropriate by the General Assembly.

B. The basic operations and instruction funding need of each public institution of higher education for each fiscal year of the biennium shall consist of the sum of (i) the institution's cost of education for the total enrollment in actual attendance during the fiscal year that ended on June 30 of each odd-numbered year, which shall be determined using a cost-based funding policy that consists of (a) a set of formulas for calculating (1) educational cost based on faculty-student ratios by discipline and level and (2) the educational and general programs of instruction, academic support, student services, institutional support, and operation and maintenance of physical plant and (b) adjustments based on particular state policies or specific institutional missions or conditions; (ii) the amount required to reach the Commonwealth's faculty salary goal of the 60th percentile of the most recently reported average faculty salaries paid by that institution's peer institutions as established in the general appropriation act; and (iii) such other funding for educational and general services as the General Assembly may appropriate.

C. State general funds shall be allocated and appropriated to public institutions of higher education in a fair and equitable manner such that, to the extent practicable, the percentage of the cost of education for Virginia students enrolled at an institution to be funded from state general funds is the same for each institution. To the extent that the percentages differ among institutions, that fact shall be taken into account as the Governor deems appropriate in his proposed biennial budget bill and by the General Assembly as it deems appropriate in the general appropriation act.

§ 23.1-304. Per student enrollment-based funding at public institutions of higher education.

A. To incentivize undergraduate Virginia student enrollment growth at the Commonwealth's public institutions of higher education in furtherance of the increased degree conferral purpose of this chapter, the Governor shall recommend and the General Assembly shall determine and appropriate to such institutions a per student amount that follows each Virginia undergraduate student to the public institution of higher education in which the student enrolls. Recommendations regarding such Virginia undergraduate student enrollment growth incentive shall be developed and reviewed as provided in subdivision B 1 of § 23.1-309.

B. The Governor shall consider and may recommend and the General Assembly shall consider and may provide additional general fund appropriations to address the unfunded enrollment growth that occurred between the 2005-2006 fiscal year and July 1, 2011.

C. To assist the General Assembly in determining the per student amount provided for in subsection A and its relation to the per student amount provided to nonprofit private institutions of higher education pursuant to the Tuition Assistance

Grant Act (§ 23.1-628 et seq.), each nonprofit private institution of higher education eligible to participate in the Tuition Assistance Grant Program shall submit to the Council its Virginia student enrollment projections for that fiscal year and its actual Virginia student enrollment for the prior fiscal year in a manner determined by the Council. The student admissions policies for such private institutions and their specific programs shall remain the sole responsibility of the governing boards of such individual institutions.

§ 23.1-305. Public institutions of higher education; targeted economic and innovation incentives.

A. The Governor shall consider and may recommend and the General Assembly shall consider and may fund targeted economic and innovation incentives to achieve the objective and purposes of this chapter. Such incentives may include incentives based on the economic opportunity metrics developed pursuant to subdivision B 4 of § 23.1-309 and incentives for:

1. Increased enrollment of Virginia students, in addition to the per student funding provided by § 23.1-304;
2. Increased degree completion for Virginia residents who have partial credit completion for a degree;
3. Increased degree completion in a timely or expedited manner;
4. Improved retention and graduation rates;
5. Increased degree production in STEM or other high-need areas such as the health care-related professions;
6. Increased research, including regional and public-private collaboration;
7. Optimal year-round utilization of resources and other efficiency reforms designed to reduce total institutional cost;
8. Technology-enhanced instruction, including course redesign, online instruction, and resource sharing among institutions; and
9. Enhanced comprehensive community college transfer programs and grants and other enhanced degree path programs.

B. The Governor and the General Assembly shall consider maintenance of effort initiatives for individual institutions with unique missions and demonstrable performance in specific incentive areas identified pursuant to subsection A.

C. The criteria for measuring whether the incentive areas in subsection A have been met, and the benefits or consequences for meeting or not meeting such incentive areas, shall be developed and reviewed as provided in subdivisions B 3 and 4 of § 23.1-309.

§ 23.1-306. Public institutions of higher education; six-year plans.

A. The governing board of each public institution of higher education shall (i) develop and adopt biennially and amend or affirm annually a six-year plan for the institution; (ii) submit such plan to the Council, the Governor, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance no later than July 1 of each odd-numbered year; and (iii) submit amendments to or an affirmation of that plan no later than July 1 of each even-numbered year or at any other time permitted by the Governor or General Assembly.

B. The Secretary of Finance, the Secretary of Education, the Director of the Department of Planning and Budget, the Director of the Council, the Staff Director of the House Committee on Appropriations, and the Staff Director of the Senate Committee on Finance, or their designees, shall review each institution's plan or amendments and provide comments to the institution on such plan or amendments by September 1 of the relevant year. Each institution shall respond to any such comments by October 1 of that year.

C. Each plan shall be structured in accordance with, and be consistent with, the objective and purposes of this chapter set forth in § 23.1-301 and the criteria developed pursuant to § 23.1-309 and shall be in a form and manner prescribed by the Council, in consultation with the Secretary of Finance, the Secretary of Education, the Director of the Department of Planning and Budget, the Director of the Council, the Staff Director of the House Committee on Appropriations, and the Staff Director of the Senate Committee on Finance, or their designees.

D. Each six-year plan shall (i) address the institution's academic, financial, and enrollment plans, including the number of Virginia and non-Virginia students, for the six-year period; (ii) indicate the planned use of any projected increase in general fund, tuition, or other nongeneral fund revenues; (iii) be based upon any assumptions provided by the Council, following consultation with the Department of Planning and Budget and the staffs of the House Committee on Appropriations and the Senate Committee on Finance, for funding relating to state general fund support pursuant to §§ 23.1-303, 23.1-304, and 23.1-305 and subdivision 9; (iv) be aligned with the institution's six-year enrollment projections; and (v) include:

1. Financial planning reflecting the institution's anticipated level of general fund, tuition, and other nongeneral fund support for each year of the next biennium;
2. The institution's anticipated annual tuition and educational and general fee charges required by (i) degree level and (ii) domiciliary status, as provided in § 23.1-307;
3. Plans for providing financial aid to help mitigate the impact of tuition and fee increases on low-income and middle-income students and their families as described in subdivision 9, including the projected mix of grants and loans;
4. Degree conferral targets for undergraduate Virginia students;
5. Plans for optimal year-round use of the institution's facilities and instructional resources;
6. Plans for the development of an instructional resource-sharing program with other public institutions of higher education and private institutions of higher education;
7. Plans with regard to any other incentives set forth in § 23.1-305 or any other matters the institution deems appropriate;

8. The identification of (i) new programs or initiatives including quality improvements and (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, as provided in subsection C of § 23.1-307; and

9. An institutional student financial aid commitment that, in conjunction with general funds appropriated for that purpose, provides assistance to students from both low-income and middle-income families and takes into account the information and recommendations resulting from the review of federal and state financial aid programs and institutional practices conducted pursuant to subdivisions B 2 and C 1 of § 23.1-309.

E. In developing such plans, each public institution of higher education shall consider potential future impacts of tuition increases on the Virginia College Savings Plan and ABLE Savings Trust Accounts (§ 23.1-700 et seq.) and shall discuss such potential impacts with the Virginia College Savings Plan. The chief executive officer of the Virginia College Savings Plan shall provide to each institution the Plan's assumptions underlying the contract pricing of the program.

§ 23.1-307. Public institutions of higher education; tuition and fees.

A. The governing board of each public institution of higher education shall continue to fix, revise, charge, and collect tuition, fees, rates, rentals, and other charges for the services, goods, or facilities furnished by or on behalf of such institution and may adopt policies regarding any such service rendered or the use, occupancy, or operation of any such facility.

B. Except to the extent included in the institution's six-year plan as provided in subsection C, if the total of an institution's tuition and educational and general fees for any fiscal year for Virginia students exceeds the difference for such fiscal year between (i) the institution's cost of education for all students, as calculated pursuant to clause (i) of subsection B of § 23.1-303 and (ii) the sum of the tuition and educational and general fees for non-Virginia students, the state general funds appropriated for its basic operations and instruction pursuant to subsection A of § 23.1-303, and its per student funding provided pursuant to § 23.1-304, the institution shall forgo new state funding at a level above the general funds received by the institution during the 2011-2012 fiscal year, at the discretion of the General Assembly, and shall be obligated to provide increased financial aid to maintain affordability for students from low-income and middle-income families. This limitation shall not apply to any portion of tuition and educational and general fees for Virginia students allocated to student financial aid, an institution's share of state-mandated salary or fringe benefit increases, increases in funds other than state general funds for the improvement of faculty salary competitiveness above the level included in the calculation in clause (i) of subsection B of § 23.1-303, the institution's progress towards achieving any financial incentive pursuant to § 23.1-305, unavoidable cost increases such as operation and maintenance for new facilities and utility rate increases, or other items directly attributable to an institution's unique mission and contributions.

C. Nothing in subsection B shall prohibit an institution from including in its six-year plan required by § 23.1-306 (i) new programs or initiatives including quality improvements or (ii) institution-specific funding based on particular state policies or institution-specific programs, or both, that will cause the total of the institution's tuition and educational and general fees for any fiscal year for Virginia students to exceed the difference for such fiscal year between (a) the institution's cost of education for all students, as calculated pursuant to clause (i) of subsection B of § 23.1-303, and (b) the sum of the tuition and educational and general fees for the institution's non-Virginia students, the state general funds appropriated for its basic operations and instruction pursuant to subsection A of § 23.1-303, and its per student funding provided pursuant to § 23.1-304.

§ 23.1-308. STEM public-private partnership established; duties.

A. To (i) increase the number of students completing degrees in the high-demand, high-impact STEM fields and other high-demand, anticipated-shortage fields such as the health care-related professions and (ii) help develop and guide the implementation of a comprehensive plan for higher degree attainment in these fields, the Secretaries of Education and Finance, in cooperation with the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health, shall form a public-private partnership comprised of private-sector leaders, distinguished representatives from the scientific community, including retired military personnel, government scientists, and researchers, educational experts, relevant state and local government officials, and such other individuals as they deem appropriate.

B. The partnership shall advise on, and may collaborate with public and private entities to develop and implement strategies to address, such priority issues as (i) determining the need for additional high-demand degree enrollment, capacity, and resources at public institutions of higher education and private institutions of higher education; (ii) incentivizing greater coordination, innovation, and private collaboration in kindergarten through secondary school STEM and other high-demand degree initiatives; (iii) determining and refining best practices in STEM instruction and leveraging those best practices to promote STEM education in both the Commonwealth's institutions of higher education and its elementary and secondary schools; (iv) enhancing teacher education and professional development in STEM disciplines; (v) strengthening mathematics readiness in secondary schools through earlier diagnosis and remediation of deficiencies; (vi) providing financial incentives to increase STEM enrollment and degree production at the Commonwealth's institutions of higher education; (vii) providing assistance to public institutions of higher education and private institutions of higher education in the acquisition and improvement of STEM-related facilities and equipment; (viii) providing STEM incentives in early pathway programs at institutions of higher education and in the comprehensive community college transfer grant program; (ix) assessing degree programs using such economic opportunity metrics as marketplace demand, earning potential, and employer satisfaction and other indicators of the historical and projected economic value and impact

of degrees to provide useful information on degrees to students as they make career choices and to state policy makers and university decision makers as they decide how to allocate scarce resources; (x) aligning state higher education efforts with marketplace demands; and (xi) determining such other issues as the partnership deems relevant to increasing the number of students completing degrees in STEM and other high-demand fields at institutions of higher education.

§ 23.1-309. Higher Education Advisory Committee established; duties.

A. The Secretary of Education, in consultation with the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, the Secretary of Finance, and each public institution of higher education, shall convene a Higher Education Advisory Committee (Advisory Committee) to provide advice and make recommendations on the matters set forth in subsections B, C, and D. The Advisory Committee shall consist of at least 11 members as follows: one representative of the Office of the Secretary of Education appointed by the Secretary of Education who shall serve as chair of the Advisory Committee; one representative of the Office of the Secretary of Finance appointed by the Secretary of Finance; one representative of the Council appointed by the Chairman of the Council; the staff directors of the House Appropriations Committee and the Senate Finance Committee, or their designees; and the presidents or their designees of five public institutions of higher education, which shall include two doctoral institutions, two comprehensive institutions, and one comprehensive community college, appointed by the presidents of the public institutions of higher education, and a representative from a nonprofit private institution of higher education appointed by the Governor who shall not provide advice or make recommendations concerning policies that solely impact public institutions of higher education. Both the Governor and the Advisory Committee may designate other individuals to serve on the Advisory Committee, including representatives of academic and instructional faculty or fiscal officers of public institutions of higher education.

B. Consistent with the objective and purposes of this chapter identified in § 23.1-301, the Advisory Committee shall develop and subsequently review at least once every five years, in consultation with the staff of the Council and the respective Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health, or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, and with assistance from the staff of the Council and such other assistance as it may require:

1. The methodology established pursuant to subsection A of § 23.1-304 for determining how a significant increment of state funding shall follow the student to the associate-degree-granting or baccalaureate public institution of higher education in which the student enrolls, how the amount of such per student funding for baccalaureate public institutions of higher education will be made to correspond as nearly as practical to the per student allocation envisioned under the then-existing appropriation for the Tuition Assistance Grant Act (§ 23.1-628 et seq.) for students attending nonprofit private institutions of higher education, how and as of what date the student enrollment at each public institution of higher education shall be calculated, and how an increase or decrease in Virginia undergraduate student enrollment above or below the enrollment level used to calculate the institution's funding pursuant to § 23.1-303 shall be reflected in the institution's appropriation pursuant to subsection A of § 23.1-304, and the standards and process for determining whether an increase or decrease in Virginia undergraduate student enrollment qualifies for funding pursuant to § 23.1-304;

2. Criteria for determining which families qualify as "low-income" and "middle-income" for purposes of § 23.1-306 and how they relate to federal, state, and institutional policies governing the provision of financial assistance to students of such families;

3. Objective performance criteria for measuring the financial incentives set forth in § 23.1-305 and the benefits of meeting or consequences of not meeting the incentives included in an institution's six-year plan pursuant to § 23.1-306;

4. Economic opportunity metrics such as marketplace demand, earning potential, and employer satisfaction and other indicators of the historical and projected economic value of degrees that can be used to assess degree programs in order to provide useful information on the economic impact of degrees to students as they make career choices and state policy makers and university decision makers as they decide how to allocate scarce resources;

5. The additional authority that should be granted to all public institutions of higher education under the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.), state goals and objectives each public institution of higher education should be expected to achieve, objective criteria for measuring educational-related performance with regard to those goals and objectives, and the benefits of meeting or consequences of not meeting those goals and objectives, including those set forth in subsection C of § 23.1-1002; and

6. The role of private institutions of higher education in addressing the goals set forth in this chapter and recommendations regarding such matters.

The Advisory Committee shall submit its recommendations to the Council, which shall review the recommendations and report its recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

C. Consistent with the objective and purposes of this chapter identified in § 23.1-301, the Advisory Committee shall review at least every five years, in consultation with the staff of the Council, the respective Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health, or their designees, representatives of public institutions of higher education, and such other state officials as may be designated by the Governor, and with assistance from the staff of the Council and such other assistance as it may require:

1. Federal and state financial aid programs and institutional practices to ensure that the appropriate level of financial assistance is being provided to both low-income and middle-income families, as required by § 23.1-306, including loan forgiveness programs targeted by purpose in furtherance of the objective of this chapter; and

2. The Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) to identify additional ways to reduce costs and enhance efficiency by increasing managerial autonomy with accountability at the institutional level.

The Advisory Committee shall submit its recommendations to the Council, which shall review the recommendations and report its recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

D. The Advisory Committee shall periodically assess, based upon the institutions' six-year plans and other relevant factors, the degree to which the Commonwealth's system of higher education is meeting the statewide objectives of economic impact, reform, affordability, and access reflected in this chapter and the strategic impact of new general fund investments on achieving those objectives. The Advisory Committee shall submit its assessment and recommendations to the Council, which shall review the assessment and recommendations and report its recommendations to the Governor and the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health.

E. In addition to providing advice and making recommendations on the matters set forth in subsections B, C, and D, the Advisory Committee shall perform such other duties and undertake such other responsibilities as requested by the Governor or the General Assembly.

§ 23.1-310. Assessment and certification of institutions by the Council.

The Council shall annually assess the degree to which each institution has satisfied any goals or criteria developed by the Higher Education Advisory Committee pursuant to § 23.1-309 and no later than October 1 of each fiscal year provide a certified written report of the results of such annual assessment to the Governor and the Chairmen of the House Committees on Appropriations and Education and the Senate Committees on Finance and on Education and Health. In order to assist the Council in its assessment, each public institution of higher education, and each nonprofit private institution of higher education eligible for and seeking to qualify for state general funds, shall furnish periodic reports, including copies of institutional financial aid audit reports and audited financial statements, and such other pertinent information, including student-level data, as may be required by the Council.

SUBTITLE II.

STUDENTS AND CAMPUS.

CHAPTER 4.

GENERAL PROVISIONS.

§ 23.1-400. Student organizations; rights and recognition.

A. To the extent allowed by state and federal law, a religious or political student organization may determine that ordering the organization's internal affairs, selecting the organization's leaders and members, defining the organization's doctrines, and resolving the organization's disputes are in furtherance of the organization's religious or political mission and that only persons committed to that mission should conduct such activities.

B. No public institution of higher education that has granted recognition of and access to any student organization or group shall discriminate against any such student organization or group that exercises its rights pursuant to subsection A.

§ 23.1-401. Restrictions on student speech; limitations.

No public institution of higher education shall impose restrictions on the time, place, and manner of student speech that (i) occurs in the outdoor areas of the institution's campus and (ii) is protected by the First Amendment to the United States Constitution unless the restrictions (a) are reasonable, (b) are justified without reference to the content of the regulated speech, (c) are narrowly tailored to serve a significant governmental interest, and (d) leave open ample alternative channels for communication of the information.

§ 23.1-402. Collection and dissemination of information concerning religious preferences and affiliations.

Notwithstanding any provision of law to the contrary, any public institution of higher education may collect and disseminate information concerning the religious preferences and affiliations of its students, provided that no such institution shall (i) require any student to indicate his religious preference or affiliation or (ii) disseminate such information without the student's consent.

§ 23.1-403. Access to campus and student directory provided to certain persons and groups.

Any public institution of higher education that provides access to its campus and student directory to persons or groups for occupational, professional, or educational recruitment shall provide access on the same basis to official recruiting representatives of the Armed Forces of the United States and the Commonwealth.

§ 23.1-404. Retention of student birth certificates authorized.

Any public institution of higher education that requests that an applicant who has been accepted for admission present a certified copy of his birth certificate as a condition of enrollment may retain a copy of the birth certificate in the student's record.

§ 23.1-405. Student records and personal information.

A. Each public institution of higher education and private institution of higher education may require any student who attends, or any applicant who has been accepted to and has committed to attend, such institution to provide, to the extent

available, from the originating secondary school and, if applicable, any institution of higher education he has attended a complete student record, including any mental health records held by the previous school or institution. Such records shall be kept confidential as required by state and federal law, including the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g).

B. No public institution of higher education shall sell students' personal information, including names, addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other transactions initiated by the student.

§ 23.1-406. Reporting of certain students issued student visas.

A. Each associate-degree-granting and baccalaureate (i) public institution of higher education and (ii) private institution of higher education and the governing board, president, or director of any flight school in the Commonwealth shall notify the Attorney General whenever (a) an applicant who has been accepted for admission to such institution pursuant to a student visa fails to enroll or (b) a student who has been attending such institution pursuant to a student visa withdraws from such institution or violates the terms of his visa. Such notification shall contain all available information from U.S. Citizenship and Immigration Services Form I-20 and shall be submitted no later than 30 days after discovery of the event for which notification is required.

B. The Attorney General shall notify U.S. Citizenship and Immigration Services and all other appropriate national, state, and local agencies of any such failure to enroll, withdrawal, or student visa violation.

C. This section is effective until superseded by federal action.

§ 23.1-407. Reporting of enrollment information to Sex Offender and Crimes Against Minors Registry.

A. Each associate-degree-granting and baccalaureate (i) public institution of higher education and (ii) private institution of higher education shall electronically transmit the complete name, social security number or other identifying number, date of birth, and gender of each applicant accepted to attend the institution to the Department of State Police, in a format approved by the Department of State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Sex Offender Registry File. Such data shall be transmitted (a) before an accepted applicant becomes a student in attendance pursuant to 20 U.S.C. § 1232g(a)(6) or (b) in the case of institutions with a rolling or instantaneous admissions policy, in accordance with guidelines developed by the Department of State Police in consultation with the Council.

B. Whenever it appears from the records of the Department of State Police that an accepted applicant has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the Department of State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the institution of higher education is located.

§ 23.1-408. Annual reporting of the use of student fees.

Each public institution of higher education shall publish annually a descriptive report detailing (i) the amount and distribution of student activity fees assessed each semester or during an academic year and (ii) the name of each organization that receives funding of \$100 or more from student activity fees and the nature of such organization's activity. Each such institution shall post such annual descriptive report on its website to facilitate its access by and availability to enrolled students and their parents.

§ 23.1-409. Transparency in higher education information.

Each baccalaureate public institution of higher education shall maintain and update annually no later than September 30 a tab or link on the home page of its website that shall include the following information:

1. The institution's six-year undergraduate graduation rate for each of the past 10 years;
2. The institution's freshman-to-sophomore retention rate for full-time undergraduate students for each of the past 10 years;
3. The institution's average annual percentage increase in base undergraduate tuition for each of the past 10 years;
4. The institution's average annual percentage increase in mandatory undergraduate comprehensive student fees for each of the past 10 years;
5. A link to the annual report of the use of student fees as required by § 23.1-408;
6. A link to the postsecondary education and employment data referenced in subsection B of § 23.1-204; and
7. A summary of the institution's budget, consistent with the institution's annual budgeting process, that includes (i) the major budget units (MBUs) in the institution and standard expenditure categories within each MBU for the current fiscal year and the previous fiscal year or (ii) a link to the annual reports required by subdivision B 10 of § 23.1-1303.

§ 23.1-410. Student loan vendors.

A. No employee of a public institution of higher education shall demand or receive any payment, loan, advance, deposit of money, services, or anything, present or promised, as an inducement for promoting any student loan vendor.

B. No public institution of higher education shall enter into any agreement with any student loan vendor that states or implies an exclusive relationship between the institution and vendor regarding student loans.

CHAPTER 5.

IN-STATE TUITION AND REDUCED RATE TUITION ELIGIBILITY.

§ 23.1-500. Definitions.

As used in this chapter:

"Date of the alleged entitlement" means the first official day of class within the term, semester, or quarter of the program of study in which a student is enrolled.

"Dependent student" means a student who is listed as a dependent on the federal or state income tax return of his parents or legal guardian or who receives substantial financial support from his spouse, parent, or legal guardian. "Dependent student" includes unemancipated minors.

"Domicile" means the present, fixed home of an individual to which he returns following temporary absences and at which he intends to stay indefinitely. No individual may have more than one domicile at a time. Domicile, once established, is not affected by (i) mere transient or temporary physical presence outside the Commonwealth or (ii) the establishment and maintenance of a place of residence outside the Commonwealth for the purpose of maintaining a joint household with an active duty United States military spouse.

"Domiciliary intent" means present intent to remain indefinitely.

"Emancipated minor" means a minor student who has been emancipated pursuant to Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1 or the applicable laws of any other jurisdiction.

"Employed full time" means employed in a position resulting in at least an annual earned income reported for tax purposes equivalent to 50 work weeks of 40 hours at minimum wage.

"Independent student" means a student whose parents have surrendered the right to his care, custody, and earnings; do not claim him as a dependent on federal or state income tax returns; and have ceased to provide him with substantial financial support. "Independent student" includes emancipated minors.

"Substantial financial support" means any amount of financial support received by a student that qualifies him to be listed as a dependent on federal and state income tax returns.

"Surviving spouse" means the spouse of a military service member who, while serving as an active duty member in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National Guard, during military operations against terrorism, on a peacekeeping mission, or as a result of a terrorist act, or in any armed conflict, was killed in action, became missing in action, or became a prisoner of war.

"Unemancipated minor" means a minor student who has not been emancipated pursuant to Article 15 (§ 16.1-331 et seq.) of Chapter 11 of Title 16.1 or the applicable laws of any other jurisdiction.

"Veteran" means an individual who has served on active duty in the Armed Forces of the United States and who was discharged or released from such service under conditions other than dishonorable.

"Virginia employer" means (i) any employing unit organized under the laws of the Commonwealth or having income from sources in the Commonwealth regardless of its organizational structure or (ii) any public or nonprofit organization authorized to operate in the Commonwealth.

§ 23.1-501. Presumption of dependency for certain students.

It shall be presumed that a student under the age of 24 on the date of the alleged entitlement receives substantial financial support from his parent or legal guardian and is therefore the dependent of his parent or legal guardian unless the student (i) is a veteran or an active duty member of the Armed Forces of the United States, (ii) is a graduate or professional student, (iii) is married, (iv) is a ward of the court or was a ward of the court until age 18, (v) has no adoptive parent or legal guardian and each of the student's parents is deceased, (vi) has legal dependents other than a spouse, or (vii) is able to present clear and convincing evidence that he is financially self-sufficient.

§ 23.1-502. Eligibility for in-state tuition charges; domicile; domiciliary intent.

A. To be eligible for in-state tuition at public institutions of higher education, an independent student or, in the case of a dependent student, the individual through whom he claims eligibility, shall establish by clear and convincing evidence (i) domicile in the Commonwealth for a period of at least one year immediately succeeding the establishment of domiciliary intent pursuant to subsection B and immediately prior to the date of the alleged entitlement and (ii) the abandonment of any previous domicile, if such existed. No institution of higher education shall give weight to any evidence that such student or individual presents in support of his claim for domicile or the abandonment of any previous domicile unless such evidence has existed for a period of at least one year immediately prior to the date of the alleged entitlement. If the individual through whom a dependent student establishes domicile and eligibility for in-state tuition charges abandons his domicile in the Commonwealth, such student is entitled to in-state tuition charges for one year from the date of such abandonment.

B. To establish domicile, an independent student or, in the case of a dependent student, the individual through whom he claims eligibility, shall establish by clear and convincing evidence domiciliary intent. In determining domiciliary intent, institutions of higher education shall consider the totality of the circumstances, including the following applicable factors: continuous residence for at least one year prior to the date of the alleged entitlement, except in the event of the establishment and maintenance of a place of residence outside the Commonwealth for the purpose of maintaining a joint household with an active duty United States military spouse; state to which income taxes are filed or paid; driver's license; motor vehicle registration; voter registration; employment; property ownership; sources of financial support; military records; a written offer and acceptance of employment following graduation; and any other social or economic relationships within and outside the Commonwealth.

§ 23.1-503. Determination of domicile; rules; presumptions.

A. Students shall not ordinarily establish domicile by the performance of acts that are auxiliary to fulfilling educational objectives or are required or routinely performed by temporary residents of the Commonwealth. Students shall not establish domicile by mere physical presence or residence primarily for educational purposes.

B. A married individual may establish domicile in the same manner as an unmarried individual.

C. A nonmilitary student whose parent or spouse is a member of the Armed Forces of the United States may establish domicile in the same manner as any other student.

D. Any alien holding an immigration visa or classified as a political refugee may establish domicile in the same manner as any other student. However, absent congressional intent to the contrary, any individual holding a student visa or another temporary visa does not have the capacity to intend to remain in the Commonwealth indefinitely and is therefore ineligible to establish domicile and receive in-state tuition charges.

E. The domicile of a dependent student shall be rebuttably presumed to be the domicile of the parent or legal guardian (i) claiming him as an exemption on federal or state income tax returns currently and for the tax year prior to the date of the alleged entitlement or (ii) providing him with substantial financial support. The spouse of an active duty military service member, if such spouse has established domicile and claimed the dependent student on federal or state income tax returns, is not subject to minimum income tests or requirements.

F. The domicile of an unemancipated minor or a dependent student 18 years old or older may be the domicile of either the parent with whom he resides, the parent who claims the student as a dependent for federal or Virginia income tax purposes for the tax year prior to the date of the alleged entitlement and is currently so claiming the student, or the parent who provides the student with substantial financial support. If there is no surviving parent or the whereabouts of the parents are unknown, then the domicile of an unemancipated minor shall be the domicile of the legal guardian of such unemancipated minor unless circumstances indicate that such guardianship was created primarily for the purpose of establishing domicile.

G. Continuously enrolled non-Virginia students shall be presumed to be in the Commonwealth for educational purposes unless they rebut such presumption with clear and convincing evidence of domicile.

H. A non-Virginia student is not eligible for reclassification as a Virginia student unless he applies for and is approved for such reclassification. Any such reclassification shall only be granted prospectively from the date such application is received.

I. A student who knowingly provides erroneous information in an attempt to evade payment of out-of-state tuition charges shall be charged out-of-state tuition for each term, semester, or quarter attended and may be subject to dismissal from the institution. All disputes relating to the veracity of information provided to establish domicile in the Commonwealth are appealable as set forth in § 23.1-510.

§ 23.1-504. Determination of domicile; exception; certain active duty and retired military personnel, etc.

In determining the domicile of (i) active duty military personnel residing in the Commonwealth, retired military personnel residing in the Commonwealth at the time of their retirement, surviving spouses, or veterans who voluntarily elect to establish the Commonwealth as their permanent residence for the purpose of domicile or (ii) a dependent spouse or dependent child who claims domicile through an individual listed in clause (i), institutions of higher education shall waive the one-year requirement set forth in subsection B of § 23.1-502.

§ 23.1-505. Determination of domicile; exception; dependents of certain active duty military personnel, etc.

A. For the purposes of this section:

"Date of alleged entitlement" means the date of admission or acceptance for dependents currently residing in the Commonwealth or the final add/drop date for dependents of members newly transferred to the Commonwealth.

"Temporarily mobilized" means activated for service for 180 days or more.

"Unaccompanied orders" means orders that assign active duty military personnel or activated or temporarily mobilized reserve or guard members an unaccompanied tour listed in Appendix Q of the Joint Federal Travel Regulations.

B. Notwithstanding § 23.1-502 or any other provision of law to the contrary, all dependents, as defined by 37 U.S.C. § 401, of active duty military personnel or activated or temporarily mobilized reservists or guard members (i) assigned to a permanent duty station or workplace in the Commonwealth, the District of Columbia, or a state contiguous to the Commonwealth who reside in the Commonwealth; (ii) assigned unaccompanied orders and immediately prior to receiving such unaccompanied orders were assigned to a permanent duty station or workplace in the Commonwealth, the District of Columbia, or a state contiguous to the Commonwealth and resided in the Commonwealth; or (iii) assigned unaccompanied orders with the Commonwealth listed as the designated place move shall be deemed to be domiciled in the Commonwealth and are eligible to receive in-state tuition.

C. All such dependents shall be afforded the same educational benefits as any other individual who is eligible for in-state tuition pursuant to § 23.1-502. Such dependents are eligible for such benefits, including in-state tuition status, for as long as they are continuously enrolled in a public institution of higher education or private institution of higher education or have transferred between public institutions of higher education or private institutions of higher education or from an undergraduate degree program to a graduate degree program at a public institution of higher education or private institution of higher education, regardless of any change of duty station or residence of the military service member.

§ 23.1-506. Eligibility for in-state tuition; exception; certain out-of-state and high school students.

A. Notwithstanding § 23.1-502 or any other provision of law to the contrary, the following students are eligible for in-state tuition charges regardless of domicile:

1. Any non-Virginia student who resides outside the Commonwealth and has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement if such student has paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged

entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as the student is employed full time in the Commonwealth and the student pays Virginia income taxes on all taxable income earned in the Commonwealth.

2. Any non-Virginia student who resides outside the Commonwealth and is claimed as a dependent for federal and Virginia income tax purposes if the nonresident parent claiming the student as a dependent has been employed full time in the Commonwealth for at least one year immediately prior to the date of the alleged entitlement and paid Virginia income taxes on all taxable income earned in the Commonwealth for the tax year prior to the date of the alleged entitlement. Such student shall continue to be eligible for in-state tuition charges for so long as his qualifying parent is employed full time in the Commonwealth, pays Virginia income taxes on all taxable income earned in the Commonwealth, and claims the student as a dependent for Virginia and federal income tax purposes.

3. Any active duty member, activated guard or reserve member, or guard or reserve member mobilized or on temporary active orders for 180 days or more who resides in the Commonwealth.

4. Any veteran who resides in the Commonwealth.

5. Any surviving spouse who resides in the Commonwealth.

6. Following completion of active duty service, any non-Virginia student who established domicile before being called to active duty in the National Guard of another state if during such active duty he maintained at least one of the following in the Commonwealth: a driver's license, motor vehicle registration, voter registration, employment, property ownership, or sources of financial support.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

B. Notwithstanding the provisions of § 23.1-502 or any other provision of law to the contrary, the governing board of any public institution of higher education may charge in-state tuition to the following students regardless of domicile:

1. Any non-Virginia student enrolled in one of the institution's programs designated by the Council who (i) is entitled to reduced tuition charges at the institutions of higher education in any other state that is a party to the Southern Regional Education Compact and that has similar reciprocal provisions for Virginia students and (ii) is domiciled in such other state;

2. Any non-Virginia student from a foreign country who is enrolled in a foreign exchange program approved by the institution of higher education during the same period in which a Virginia student from such institution is attending such foreign institution as an exchange student; and

3. Any high school or magnet school student, not otherwise qualified for in-state tuition, who is enrolled in courses specifically designed as part of the high school or magnet school curriculum in a comprehensive community college for which he may, upon successful completion, receive high school and college credit pursuant to a dual enrollment agreement between the high school or magnet school and the comprehensive community college.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a non-Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

C. The State Board shall charge in-state tuition to any non-Virginia student enrolled at a comprehensive community college who resides in another state within a 30-mile radius of a public institution of higher education in the Commonwealth, is domiciled in such other state, and is entitled to in-state tuition charges at the institutions of higher education in any state that is contiguous to the Commonwealth and that has similar reciprocal provisions for Virginia students.

Any non-Virginia student granted in-state tuition pursuant to this subsection shall be counted as a Virginia student for the purposes of determining college admissions, enrollment, and tuition and fee revenue policies.

§ 23.1-507. University of Virginia's College at Wise; reduced rate tuition charges for certain students.

A. The board of visitors of the University of Virginia may charge reduced rate tuition to any student enrolled at the University of Virginia's College at Wise who resides in Kentucky within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in Kentucky, and is entitled to in-state tuition charges at the institutions of higher education in Kentucky if Kentucky has similar reciprocal provisions for Virginia students.

B. The board of visitors of the University of Virginia may charge reduced rate tuition to any student enrolled at the University of Virginia's College at Wise who resides in Tennessee within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in Tennessee, and is entitled to in-state tuition charges at the institutions of higher education in Tennessee if Tennessee has similar reciprocal provisions for Virginia students.

C. The board of visitors of the University of Virginia may charge reduced rate tuition to any student enrolled in programs offered jointly by its partners or associates and the University of Virginia's College at Wise at a regional off-campus center who resides in Tennessee within a 50-mile radius of the University of Virginia's College at Wise, is domiciled in Tennessee, and is entitled to in-state tuition charges at the institutions of higher education in Tennessee if Tennessee has similar reciprocal provisions for Virginia students. Any such respective partners or associates shall establish separate tuition charges for their independent classes or programs at such regional off-campus centers.

D. Any non-Virginia student granted reduced rate tuition pursuant to this section shall be counted as a non-Virginia student for the purposes of determining admissions, enrollment, and tuition and fee revenue policies.

§ 23.1-508. Special arrangement contracts; reduced rate tuition charges.

A. Public institutions of higher education may enter into special arrangement contracts with employers in the Commonwealth or authorities controlling federal installations or agencies located in the Commonwealth for the purpose of providing reduced rate tuition charges for the employees of such employers or authorities who are non-Virginia students at

such institutions when such employers or authorities assume the liability for paying, to the extent permitted by federal law, the tuition charges for such employees.

B. Such special arrangement contracts may be (i) for group instruction in facilities provided by the employer or federal authority or in the institution's facilities or (ii) on a student-by-student basis for specific employment-related programs.

C. Special arrangement contracts are valid for a period not to exceed two years and shall be reviewed for legal sufficiency by the Office of the Attorney General prior to signing. All tuition charges agreed to by the public institutions shall be at least equal to in-state tuition and shall be granted only by the institution with which the employer or the federal authorities have a valid contract for students for whom the employer or federal authority is paying the tuition charges.

D. All special arrangement contracts with authorities controlling federal installations or agencies shall include a specific number of students to be charged reduced tuition rates.

E. Nothing in this section shall change the domicile of any student for the purposes of enrollment reporting or calculating the proportions of general funds and tuition and fees contributed to the cost of education.

§ 23.1-509. In-state tuition; surcharge.

A. For the purpose of this section:

"Credit hour threshold" means 125 percent of the credit hours needed to satisfy the degree requirements for a specified undergraduate program.

"Surcharge" means an amount equal to 100 percent of the average cost of a student's education at the baccalaureate public institution of higher education that the student attends less tuition and mandatory educational and general fee charges assessed to a Virginia student who has not exceeded the credit hour threshold.

B. Virginia students who enroll for the first time at baccalaureate public institutions of higher education after August 1, 2006, shall be assessed a surcharge for each semester beginning in which the student continues to be enrolled after such student has reached the credit hour threshold.

C. In calculating the credit hour threshold, the following courses and credit hours shall be excluded: (i) remedial courses; (ii) transfer credits from another institution of higher education that do not meet degree requirements for general education courses or the student's chosen program of study; (iii) advanced placement or international baccalaureate credits that were obtained while in high school or another secondary school program; and (iv) dual enrollment, college-level credits obtained by the student prior to receiving a high school diploma.

D. The relevant baccalaureate public institution of higher education may waive the surcharge in accordance with guidelines and criteria established by the Council, which may include illness, disability, and active service in the Armed Forces of the United States.

§ 23.1-510. Determinations of eligibility; appeals and guidelines.

A. Each public institution of higher education shall establish an appeals process for those students who are aggrieved by decisions regarding eligibility for in-state or reduced rate tuition charges pursuant to this chapter. The Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to these administrative reviews.

B. Each appeals process shall include an initial determination, an intermediate review of the initial determination, and a final administrative review. The final administrative decision shall be in writing. A copy of this decision shall be sent to the student. Either the intermediate review or the final administrative review shall be conducted by an appeals committee consisting of an odd number of members. No individual who serves at one level of this appeals process is eligible to serve at any other level of this appeals process. All such due process procedures shall be in writing and shall include time limitations in order to provide for orderly and timely resolutions of all disputes.

C. Any party aggrieved by a final administrative decision has the right to review in the circuit court for the jurisdiction in which the relevant institution is located. A petition for review of the final administrative decision shall be filed within 30 days of receiving the written decision. In any such action, the institution shall forward the record to the court, whose function is only to determine whether the decision reached by the institution could reasonably be said, on the basis of the record, not to be arbitrary, capricious, or otherwise contrary to law.

D. To ensure the application of uniform criteria in administering this section and determining eligibility for in-state tuition charges, the Council shall issue and revise domicile guidelines to be incorporated by all public institutions of higher education in their admissions applications. Such guidelines are not subject to the Administrative Process Act (§ 2.2-4000 et seq.). The Council shall consult with the Office of the Attorney General and provide opportunity for public comment prior to issuing any such guidelines.

E. An advisory committee composed of at least 10 representatives of public institutions of higher education and private institutions of higher education shall be appointed by the Council each year to cooperate with the Council in developing the guidelines for determining eligibility or revisions of such guidelines.

CHAPTER 6.

FINANCIAL ASSISTANCE.

Article I.

General Provisions.

§ 23.1-600. Participation in and eligibility for state-supported financial aid programs.

A. Participation in and eligibility for state-supported financial aid or other higher education programs designed to promote greater racial diversity in public institutions of higher education shall not be restricted on the basis of race or ethnic origin. Any individual who is a member of any federally recognized minority is eligible for and may participate in

such programs if such individual meets all other qualifications for admission to the relevant institution and the specific program.

B. Individuals who have completed a program of home instruction in accordance with § 22.1-254.1 and individuals who have been excused from school attendance pursuant to subsection B of § 22.1-254 shall be deemed to have met the high school graduation requirements for purposes of eligibility for any state-supported financial aid or other higher education programs. When a high school grade point average, class rank, or other academic criteria are specified as a condition of participating in a program, the Council shall develop empirical alternative equivalent measures that may be required for such programs.

§ 23.1-601. Comprehensive community colleges; grants for tuition and fees for certain individuals.

A. Each comprehensive community college shall provide a grant for the payment of tuition or fees, except fees established for the purpose of paying for course materials such as laboratory fees, for any Virginia student who:

1. a. Has received a high school diploma or has passed a high school equivalency examination approved by the Board of Education and was in foster care or in the custody of the Department of Social Services or is considered a special needs adoption at the time such diploma or certificate was awarded; or

b. Was in foster care when he turned 18 and subsequently received a high school diploma or passed a high school equivalency examination approved by the Board of Education;

2. Is enrolled or has been accepted for enrollment as a full-time or part-time student, taking a minimum of six credit hours per semester, in a degree or certificate program of at least one academic year in length in a comprehensive community college;

3. Has not been enrolled in postsecondary education as a full-time student for more than five years or does not have a bachelor's degree;

4. Maintains the required grade point average established by the State Board;

5. Has submitted applications for federal student financial aid programs for which he may be eligible;

6. Demonstrates financial need; and

7. Meets any additional financial need requirements established by the State Board for the purposes of such grant.

B. The State Board, in consultation with the Council and the Department of Social Services, shall establish regulations governing such grants. The regulations shall include provisions addressing renewals of grants, financial need, the calculation of grant amounts after consideration of any additional financial resources or aid the student holds, the minimum grade point average required to retain such grant, and procedures for the repayment of tuition and fees for failure to meet the requirements imposed by this section.

§ 23.1-602. Payments to institutions of higher education for certain courses taken by law-enforcement officers.

A. The Department of Criminal Justice Services shall enter into contracts to make payments to public institutions of higher education and accredited private institutions of higher education whose primary campus is within the Commonwealth for tuition, books, and mandatory fees for any law-enforcement officer of the Commonwealth or its political subdivisions, departments, or authorities or any locality of the Commonwealth who (i) is enrolled on a full-time or part-time basis in courses included in an undergraduate or graduate program that leads to a degree or certificate in an area relating to law enforcement or suitable for law-enforcement officers and (ii) enters into an agreement to continue to serve as a law-enforcement officer in the Commonwealth upon completion of his course of study for a period at least as long as the length of the course of study undertaken and paid for under the provisions of this section and, in the event that he does not complete such service, to repay the full amount of such payments on the terms and in the manner that the Department of Criminal Justice Services prescribes.

B. Any individual who receives the benefit of funds expended pursuant to this section shall reimburse such funds to the Department of Criminal Justice Services if he fails to satisfactorily complete the course for which the funds were expended.

The Department of Criminal Justice Services shall use such reimbursed funds in accordance with the purposes of this section.

§ 23.1-603. State cadets; Mary Baldwin College and Virginia Polytechnic Institute and State University; financial assistance awards.

From funds appropriated by the Commonwealth to Mary Baldwin College for the Virginia Women's Institute for Leadership and to Virginia Polytechnic Institute and State University, each such institution's governing board may provide for financial assistance awards to students designated as state cadets on terms and conditions comparable to the provisions of § 23.1-2506.

§ 23.1-604. Investment of funds donated for scholarships.

A. When any person deposits moneys in, bequeaths moneys to be deposited in, or devises or bequeaths property to be sold and the proceeds to be deposited in the state treasury for the benefit of any institution of higher education in such an amount that the interest on such moneys is sufficient to cover the costs of tuition, mandatory fees, and other necessary expenses for a cadet or student enrolled in such institution, the moneys shall be invested in securities that are legal investments under the laws of the Commonwealth for public funds in the name and for the benefit of such institution.

B. Such donation is irrevocable, but the donor, his heirs, or the guardian of any heir who is under 21 years old may nominate and place in such institution any cadet or student.

C. If such donor, heirs, or guardian fails to nominate a cadet or student within one year of such donation, the governing board of the institution may appropriate such moneys to cover tuition, mandatory fees, and other necessary expenses for indigent Virginia students or cadets.

§ 23.1-605. Commissioned officers; waiver of tuition and mandatory fees.

Any commissioned officer of the Virginia National Guard or the Virginia Defense Force may become a student at any public institution of higher education for a period not exceeding 10 months and receive instruction in the departments of military science, emergency management, emergency services, public safety, and disaster management at such institution without being required to pay tuition and mandatory fees.

§ 23.1-606. Service in Armed Forces of the United States; discharge of scholarship service obligations.

Any length of service by any individual in the Armed Forces of the United States as an officer, private, or nurse or in any other capacity in time of war or other declared national emergency is a complete and final discharge of any obligation of such individual to serve the Commonwealth as a teacher in the public schools or in any other capacity, including any such obligation that has been reduced or computed into terms of a monetary obligation in lieu of such service, arising by virtue of any statute or of any contract entered into between such individual and any public institution of higher education in consideration of any state scholarship awarded to or received by such individual as a student in such institution, provided that such service is terminated by an honorable or medical discharge and such individual entered such service within four years after leaving such institution.

§ 23.1-607. Compensation of cooperating teachers.

A. As used in this section, "cooperating teacher" means an individual licensed by the Board of Education who meets the criteria established by the relevant institution of higher education and is engaged in supervising and evaluating one or more student teachers.

B. In addition to the provisions of § 22.1-290.1 relating to compensation of certain licensed teachers while engaged in supervising and evaluating student teachers, any institution of higher education engaged in educating students to be teachers may, from such funds as may be available for such purpose, develop and implement a program to compensate public school or private school teachers who agree to be cooperating teachers. Such compensation programs may provide for payment in the form of money or authorization to enroll without charge for a designated number of credit hours in the school, department, or other unit of the institution of higher education at which the student teacher being supervised is enrolled.

§ 23.1-608. Virginia Military Survivors and Dependents Education Program and Fund; tuition and fee waivers.

A. As used in this section, unless the context requires a different meaning:

"Domicile" has the same meaning as provided in § 23.1-500.

"Fund" means the Virginia Military Survivors and Dependents Education Fund.

"Program" means the Virginia Military Survivors and Dependents Education Program.

"Qualified survivors and dependents" means the spouse or a child between the ages of 16 and 29 of a military service member who, while serving as an active duty member in the Armed Forces of the United States, Reserves of the Armed Forces of the United States, or Virginia National Guard, during military operations against terrorism, on a peacekeeping mission, as a result of a terrorist act, or in any armed conflict, was killed, became missing in action, or became a prisoner of war, or of a veteran who, as a direct result of such service, has been rated by the U.S. Department of Veterans Affairs as totally and permanently disabled or at least 90 percent permanently disabled and has been discharged or released under conditions other than dishonorable. However, the Commissioner of Veterans Services may certify dependents above the age of 29 in those cases in which extenuating circumstances prevented the dependent child from using his benefits before the age of 30.

B. The Virginia Military Survivors and Dependents Education Program is established for the purpose of waiving tuition and mandatory fees at a public institution of higher education or Eastern Virginia Medical School for qualified survivors and dependents who have been admitted to such institution and meet the requirements of subsection C, as certified by the Commissioner of Veterans Services.

C. Admitted qualified survivors and dependents are eligible for a waiver of tuition and mandatory fees pursuant to this section if the military service member who was killed, became missing in action, became a prisoner of war, or is disabled (i) established domicile (a) at the time of entering such active military service or called to active duty as a member of the Reserves of the Armed Forces of the United States or Virginia National Guard; (b) at least five years immediately prior to, or had a physical presence in the Commonwealth for at least five years immediately prior to, the date on which the admission application was submitted by or on behalf of such qualified survivor or dependent for admission to such institution of higher education or Eastern Virginia Medical School; or (c) on the date of his death and for at least five years immediately prior to his death or had a physical presence in the Commonwealth on the date of his death and had a physical presence in the Commonwealth for at least five years immediately prior to his death; (ii) in the case of a qualified child, is deceased and the surviving parent, at some time previous to marrying the deceased parent, established domicile for at least five years, or established domicile or had a physical presence in the Commonwealth for at least five years immediately prior to the date on which the admission application was submitted by or on behalf of such child; or (iii) in the case of a qualified spouse, is deceased and the surviving spouse, at some time previous to marrying the deceased spouse, established domicile for at least five years or had a physical presence in the Commonwealth for at least five years prior to the date on which the admission application was submitted by such qualified spouse.

D. From such funds as may be appropriated and from such gifts, bequests, and any gifts, grants, or donations from public or private sources, the Virginia Military Survivors and Dependents Education Fund is established for the sole purpose of providing financial assistance in an amount (i) up to \$2,000 or (ii) as provided in the general appropriation act, for room and board charges, books and supplies, and other expenses at any public institution of higher education or Eastern Virginia Medical School for the use and benefit of qualified survivors and dependents, provided that the maximum amount to be expended for each such survivor or dependent pursuant to this subsection shall not exceed, when combined with any other form of scholarship, grant, or waiver, the actual costs relating to the survivor's or dependent's educational expenses allowed under this subsection.

E. Each year, from the funds available in the Fund, the Council and each public institution of higher education and Eastern Virginia Medical School shall determine the amount and the manner in which financial assistance shall be made available to beneficiaries and shall make that information available to the Commissioner of Veterans Services for distribution.

F. The Council shall disburse to each public institution of higher education and Eastern Virginia Medical School the funds appropriated or otherwise made available by the Commonwealth to support the Fund and shall report to the Commissioner of Veterans Services the beneficiaries' completion rate.

G. The Department of Veterans Services shall disseminate information about the Program and Fund to those spouses and dependents who may qualify. The Department of Veterans Services shall coordinate with the U.S. Department of Veterans Affairs to identify veterans and qualified survivors and dependents. The Commissioner of Veterans Services shall include in the annual report submitted to the Governor and the General Assembly pursuant to § 2.2-2004 an overview of the agency's policies and strategies relating to dissemination of information about the Program and Fund.

H. Each public institution of higher education and Eastern Virginia Medical School shall include in its catalog or equivalent publication a statement describing the benefits available pursuant to this section.

§ 23.1-609. Surviving spouses and children of certain individuals; tuition and fee waivers.

A. (Effective until July 1, 2018) The surviving spouse and any child between the ages of 16 and 25 of an individual who was killed in the line of duty while employed or serving as a (i) law-enforcement officer, including as a campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the Department of Alcoholic Beverage Control, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff; (ii) member of the Virginia National Guard while serving on official state duty or federal duty under Title 32 of the United States Code; or (iii) member of the Virginia Defense Force while serving on official state duty, and any individual whose spouse was killed in the line of duty while employed or serving in any of such occupations, is entitled to a waiver of undergraduate tuition and mandatory fees at any public institution of higher education under the following conditions:

A. (Effective July 1, 2018) The surviving spouse and any child between the ages of 16 and 25 of an individual who was killed in the line of duty while employed or serving as a (i) law-enforcement officer, including as a campus police officer appointed under Article 3 (§ 23.1-809 et seq.) of Chapter 8, sworn law-enforcement officer, firefighter, special forest warden pursuant to § 10.1-1135, member of a rescue squad, special agent of the Virginia Alcoholic Beverage Control Authority, state correctional, regional or local jail officer, regional jail or jail farm superintendent, sheriff, or deputy sheriff; (ii) member of the Virginia National Guard while serving on official state duty or federal duty under Title 32 of the United States Code; or (iii) member of the Virginia Defense Force while serving on official state duty, and any individual whose spouse was killed in the line of duty while employed or serving in any of such occupations, is entitled to a waiver of undergraduate tuition and mandatory fees at any public institution of higher education under the following conditions:

1. (Effective until July 1, 2018) The chief executive officer of the deceased individual's employer certifies that such individual was so employed and was killed in the line of duty while serving or living in the Commonwealth; and

1. (Effective July 1, 2018) The chief executive officer of the deceased individual's employer certifies that such individual was so employed and was killed in the line of duty while serving or living in the Commonwealth; and

2. The surviving spouse or child is admitted to, enrolls at, and is in attendance at such institution and applies to such institution for the waiver. Waiver recipients who make satisfactory academic progress are eligible for renewal of such waiver.

B. Institutions that grant such waivers shall waive the amounts payable for tuition, institutional charges and mandatory educational and auxiliary fees, and books and supplies but shall not waive user fees such as room and board charges.

C. Each public institution of higher education shall include in its catalog or equivalent publication a statement describing the benefits available pursuant to this section.

§ 23.1-610. Members of the National Guard; grants.

A. Any individual who (i) is a member of the Virginia National Guard and has a minimum remaining obligation of two years, (ii) has satisfactorily completed required initial active duty service, (iii) is satisfactorily performing duty in accordance with regulations of the National Guard, and (iv) is enrolled in any course or program at any public institution of higher education or accredited nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education is eligible for a grant in the amount of the difference between the full cost of tuition and any other educational benefits for which he is eligible as a

member of the National Guard. Application for a grant shall be made to the Department of Military Affairs. Grants shall be awarded from funds made available for the purpose by the Department of Military Affairs.

B. Notwithstanding the requirement in subsection A that a member of the Virginia National Guard have a minimum of two years remaining on his service obligation, if a member is activated or deployed for federal military service, an additional day shall be added to the member's eligibility for the grant for each day of active federal service, up to 365 days. Additional credit or credit for state duty may be given at the discretion of the Adjutant General.

§ 23.1-611. Students from foreign countries; student exchange programs; tuition and fee waivers.

Tuition and mandatory fees may be waived for a student from a foreign country enrolled in a public institution of higher education through a student exchange program approved by such institution, provided that the number of students from a foreign country for whom tuition and mandatory fees has been waived does not exceed during any three-year period the number of students from a foreign country who are enrolled through such student exchange program and who pay full tuition and mandatory fees to the institution.

Article 2.

Scholarships.

§ 23.1-612. Unfunded scholarships.

A. The governing board of each public institution of higher education may establish unfunded scholarships that are subject to such regulations and conditions as the governing board establishes and the following limitations and restrictions:

1. All such scholarships shall be applied exclusively to the remission, in whole or in part, of tuition and mandatory fees.

2. The governing board shall determine the number of such scholarships annually awarded to undergraduate Virginia students and non-Virginia students.

3. The total value of all such scholarships annually awarded to undergraduate Virginia students shall not exceed the amount of the applicable sum of undergraduate tuition and mandatory fees multiplied by 20 percent of the enrollment of undergraduate Virginia students during the preceding academic year.

4. The total value of all such scholarships annually awarded by an institution to undergraduate non-Virginia students shall not exceed the amount of the applicable per capita out-of-state tuition differential paid by undergraduate non-Virginia students for tuition and mandatory fees multiplied by 20 percent of the enrollment of undergraduate non-Virginia students during the preceding academic year.

5. All such scholarships awarded to undergraduate students shall be awarded only to students in the first four years of undergraduate work and shall be awarded and renewed on a selective basis to students of character and ability who are in need of financial assistance. For purposes of determining need under this section, each governing board shall use a nationally recognized needs-analysis system approved by the Council.

6. The governing board of each public institution of higher education shall determine the number of such scholarships annually awarded to graduate students or teachers serving as clinical faculty pursuant to § 22.1-290.1. The total value of all such scholarships annually awarded to such graduate students and clinical faculty shall not exceed the amount of the sum of graduate tuition and mandatory fees multiplied by the number of teachers serving as clinical faculty pursuant to § 22.1-290.1 and graduate students who are employed as teaching assistants, graduate assistants, or research assistants with significant academic or academic support responsibilities and who are paid a stipend of at least \$2,000 in the particular academic year. All unfunded scholarships awarded to graduate students or teachers serving as clinical faculty shall be awarded and renewed on a selective basis to such graduate students and clinical faculty of character and ability.

7. An unfunded scholarship shall entitle the holder to the following award, as appropriate:

a. An undergraduate Virginia student may receive an annual remission of an amount not to exceed the cost of tuition and mandatory fees;

b. An undergraduate non-Virginia student may receive an annual remission not to exceed the amount of the out-of-state tuition differential required to be paid by the student for tuition and mandatory fees;

c. A qualified graduate student may receive an annual remission of an amount not to exceed the cost of tuition and mandatory fees; and

d. A teacher serving as clinical faculty may receive an award as determined by the governing board of the institution.

8. Notwithstanding the limitations on the awards of unfunded scholarships to undergraduate students pursuant to subdivision A 7, an institution may award unfunded scholarships to visiting foreign exchange students as long as the number of such awards in any fiscal year does not exceed one quarter of one percent of the total institutional headcount enrollment.

B. No public institution of higher education shall remit any tuition or mandatory fees to any student at such institution except as authorized in this section. Each such institution shall make a report to the Council, upon request, showing the number and value of scholarships awarded under this section according to each student classification.

C. Nothing in this section shall be construed to prevent or limit in any way the admission of state cadets at Virginia Military Institute or to affect the remission of tuition, mandatory fees, or other charges to such state cadets as permitted under existing law.

D. Nothing in this section shall be construed to affect or limit in any way the control of the governing boards of the respective institutions over (i) any other scholarships, (ii) any gifts or donations made to such institutions for scholarships or other special purposes, (iii) any funds provided by the federal government or otherwise for the purpose of career and

technical education or vocational rehabilitation in the Commonwealth, or (iv) any funds derived from endowment or appropriations from the federal government for instruction in agriculture and mechanic arts at land-grant universities.

E. Nothing in this section shall be construed to prevent the governing board of any public institution of higher education from fixing a tuition charge for Virginia students reasonably lower than that for non-Virginia students.

F. Nothing in this section or any other provision of law shall prohibit the awarding of 10 full tuition unfunded scholarships each year by Old Dominion University under the terms and conditions provided for in a deed conveying certain property in Norfolk known as the Old Larchmont School made July 5, 1930, between the City of Norfolk and The College of William and Mary in Virginia.

G. Nothing in this section shall be construed to limit other financial aid programs provided pursuant to state law.

§ 23.1-613. Alumni scholarships.

The alumni association of any public institution of higher education may provide for and maintain a scholarship fund by annual contributions under such criteria as may be prescribed.

§ 23.1-614. Nursing scholarships.

A. As used in this section:

"Graduate nursing program" means a program at a school of nursing that leads to a master's degree or doctorate in nursing or a field relating to nursing activities.

"Undergraduate nursing program" means a program at a school of nursing that leads to an associate degree, diploma, or baccalaureate degree in nursing.

B. Annual nursing scholarships are established for part-time and full-time Virginia students enrolled in undergraduate and graduate nursing programs or first-year Virginia students at the beginning of their first academic year who present to the advisory committee established pursuant to subsection D a notice of intention to pursue an undergraduate nursing program.

C. Undergraduate nursing scholarships shall not exceed \$2,000 annually. Graduate nursing scholarships shall not exceed \$4,000 annually. No scholarship shall be less than \$150 annually. Scholarship funds shall be paid directly to the recipient.

D. Each nursing scholarship shall be made by an advisory committee appointed by the State Board of Health that consists of eight members, four of whom shall be deans or directors of schools of nursing or their designees, two of whom shall be past recipients of nursing scholarships awarded pursuant to this section, two of whom shall have experience in the administration of student financial aid programs, and at least two of whom shall not have served as members of the advisory committee during the previous two years. Appointments shall be for two-year terms. No member of the advisory committee is eligible to serve more than two consecutive two-year terms immediately succeeding any unexpired term for which such member was appointed.

E. Awards shall be made upon such basis, competitive or otherwise, as determined by the advisory committee, with due regard for scholastic attainments, character, need, and adaptability of the applicant for the service contemplated in such award. No award shall be made if the applicant fails to possess the requisite qualifications. With due consideration of the number of applications and the qualifications of all such applicants, the advisory committee shall, to the extent that it is practicable, award an equal number of scholarships among the various congressional districts within the Commonwealth.

F. Before any such scholarship is awarded, the applicant shall agree in a signed written contract to complete a nursing program and, upon completion, to promptly begin and continuously engage in nursing work in the Commonwealth in a region with a critical shortage of nurses for one month for each \$100 of scholarship awarded. The requirement for continuous engagement in nursing work may be waived by the advisory committee if the scholarship recipient requests leave to pursue an undergraduate or graduate degree in nursing or relating to nursing activities. The contract shall contain such other provisions as the State Board of Health determines to be necessary to accomplish the purposes of the scholarship.

G. Each scholarship shall be awarded for a single award year and may be renewed annually for up to four additional award years upon a showing of satisfactory progress toward completion of the relevant nursing program.

§ 23.1-615. Soil scientist scholarships.

A. The Virginia Polytechnic Institute and State University Board of Visitors may establish up to 20 annual soil scientist scholarships for Virginia students in an amount equal to tuition and mandatory fees at Virginia Polytechnic Institute and State University.

B. Each scholarship award shall be made upon such basis, competitive or otherwise, as is determined by the president or other proper officer of the institution of higher education (institution) that the applicant plans to attend, with due regard to the scholastic achievements, character, and adaptability of the applicant to the service contemplated under such award. No award shall be made unless the applicant possesses the requisite qualifications.

C. Each such scholarship shall be awarded for a single award year and may be renewed annually for up to three additional award years upon a showing of satisfactory progress.

D. Before any such scholarship is awarded, the applicant shall agree in a signed written contract to pursue soil science at the institution at which the scholarship is awarded until his graduation and, upon graduating, to promptly begin and engage continuously as a soil scientist as an employee of the Commonwealth for as many years as he was a beneficiary of such scholarship, unless no such suitable vacancy exists as an employee of the Commonwealth, in which case the obligation of such contract shall be discharged by being continuously engaged in the Commonwealth as a soil scientist as an employee

of a local, state, or federal government agency for as many years as he was a beneficiary of such scholarship. The contract shall contain such other provisions as Virginia Polytechnic Institute and State University deems necessary to accomplish the purposes of the scholarship. In the event that the holder of any awarded soil scientist scholarship dies while receiving instruction under such a scholarship, any balance unpaid and agreed to be repaid by the holder of such scholarship shall be deemed paid, and no liability shall be attached to his estate.

E. Such contract shall contain a clause under which the applicant shall be relieved of his obligation to serve the Commonwealth as a soil scientist, for a period equal to that during which he was a beneficiary of such scholarship, at any time that he (i) fails to maintain a scholastic standard at least equal to the standard required of the general student body at such institution or (ii) becomes permanently disabled and is not able to engage in the profession of soil scientist, upon certification by a faculty committee. Any applicant so relieved shall arrange to reimburse the Commonwealth for the amount received on account of such scholarship plus interest on such amount computed at the prevailing rate charged on student loans at the institution attended by the applicant. Any applicant who so reimburses the Commonwealth and subsequently fulfills the terms of his contract by completing his studies and serving the Commonwealth as a soil scientist for a period equal to that during which he received such scholarship shall be reimbursed from the general fund of the state treasury the amount of the scholarship and interest previously repaid to the Commonwealth. This reimbursement shall be made on any contract made under the provisions of this subsection.

F. All funds repaid by any applicant pursuant to subsection E shall be paid into the state treasury and shall become a part of the general fund. The governing board of the institution attended by the applicant shall collect such payments and shall pay all moneys so received into the state treasury promptly. If any applicant fails to abide by the terms of such contract, such fact shall be communicated to the Attorney General by the proper officer of the institution or by the employing state agency. The Attorney General shall take such action as he deems proper.

G. The funds making up each scholarship shall be paid to the recipient or applied toward the payment of his expenses at the relevant institution in such a manner and at such a time during the academic year as the president or other proper officer determines.

H. There is appropriated to Virginia Polytechnic Institute and State University from the general fund of the state treasury the sum of \$8,000 each year of the biennium for carrying out the purpose of this section.

§ 23.1-616. Stephen J. Wright Scholars Program established.

The Graduate Student Recruitment Program and the Southern Regional Education Board Minority Doctoral Program established in the general appropriation act are renamed and established as the Stephen J. Wright Scholars Program for the purpose of fostering scholarship among the Commonwealth's graduate students and retaining the Commonwealth's outstanding and promising young adults through awards based on scholarship and achievement.

Article 3.

Student Loan Funds.

§ 23.1-617. Definitions.

As used in this article, unless the context requires a different meaning:

"Fund" means a student loan fund.

"Institution" means a public institution of higher education that has established a student loan fund from appropriations from the general fund of the state treasury for fellowships, scholarships, and loans.

"Student" means a medical student, dental student, intern, resident, or undergraduate student who is entitled to reduced rate tuition charges pursuant to Chapter 5 (§ 23.1-500 et seq.).

§ 23.1-618. Loans to students.

A. Any institution may make loans from its fund only to needy students who might be unable to attend such institution without such loans and who are duly admitted into degree or certificate programs at the institution. Such loans shall be made upon such terms and according to such rules as may be prescribed by the governing board of the institution.

B. In any one academic year, no student shall receive a loan from the fund of an institution that would result in such student owing a net outstanding amount at the end of that year in excess of the tuition and mandatory fees charged by the institution.

C. The rate of interest charged on loans to students from a fund is three percent annually.

§ 23.1-619. Collection of loans.

Each institution shall make every effort to collect each loan made from its fund and comply with the Virginia Debt Collection Act (§ 2.2-4801 et seq.) with regard to the collection of such loans.

§ 23.1-620. Biennial audits.

The Auditor of Public Accounts shall at least biennially audit and exhibit the account of the fund of each institution.

§ 23.1-621. Additional student loan funds.

A. Whenever an institution's fund is inadequate to carry out fully the purpose for which the fund was established, the governing board and chief executive officer of such institution, with the prior written consent and approval of the Governor, are authorized, for the purpose of providing an additional fund, to borrow from such sources and on such terms as may be approved by the Governor an amount not to exceed \$25,000 and provide for such extensions or renewals of such loans as may be necessary. Such additional fund shall be used only in making loans to students as provided in this article and for no other purpose.

B. The repayments and interest accretions to the additional fund shall be used insofar as may be necessary to repay the indebtedness of the institution created by the governing board and chief executive officer in establishing such additional fund.

C. Such additional amounts may be borrowed as may be deemed necessary by the governing board and chief executive officer of the institution, with the Governor's approval, but in no event shall the amount of the additional fund, including cash, notes receivable, and all amounts borrowed and not repaid exceed \$50,000.

D. Accounts shall be kept and reports rendered for each such additional fund in all respects as required by this article for funds created by appropriations from the general fund of the state treasury and the Auditor of Public Accounts shall biennially exhibit in his report the amount of the additional fund at each institution.

Article 4.

Two-Year College Transfer Grant Program.

§ 23.1-622. Definitions.

As used in this article, unless the context requires a different meaning:

"Eligible institution" means a baccalaureate public institution of higher education or baccalaureate nonprofit private institution of higher education whose primary purpose is to provide undergraduate collegiate education and not to provide religious training or theological education.

"Grant" means the amount of financial assistance awarded under this article whether disbursed by warrant directly to an eligible institution or directly to a Virginia student.

"Program" means the Two-Year College Transfer Grant Program.

§ 23.1-623. Two-Year College Transfer Grant Program; Council regulations.

A. The Two-Year College Transfer Grant Program is created to provide financial assistance to eligible students, beginning with the first-time entering freshman class of the fall 2007 academic year, for the costs of attending an eligible institution. Funds may be paid to any eligible institution on behalf of students who have been awarded financial assistance pursuant to § 23.1-624.

B. The Council shall adopt regulations for the implementation of the provisions of this article and the disbursement of funds consistent with the provisions of this article that are appropriate to the administration of the Program.

§ 23.1-624. Eligibility criteria.

A. Grants shall be made under the Program to or on behalf of Virginia students who (i) maintained a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent while enrolled in an associate degree program at an associate-degree-granting public institution of higher education, (ii) have received an associate degree at an associate-degree-granting public institution of higher education, (iii) have enrolled in an eligible institution by the fall or spring following the award of such associate degree, (iv) have applied for financial aid, and (v) have demonstrated financial need, defined as an Expected Family Contribution (EFC) of no more than \$8,000 as calculated by the federal government using the family's financial information reported on the Free Application for Federal Student Aid (FAFSA) form.

B. Eligibility for a grant under the Program is limited to three academic years. Grants under the Program shall be used only for undergraduate coursework in educational programs other than those providing religious training or theological education.

C. To remain eligible for a grant under the Program, a student shall continue to demonstrate financial need as defined in subsection A, maintain a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent, and make satisfactory academic progress toward a degree.

D. Individuals who have failed to meet the federal requirement to register for the Selective Service are not eligible to receive grants pursuant to this article. However, an individual who has failed to register for the Selective Service shall not be denied a right, privilege, or benefit under this section if (i) the requirement to so register has terminated or become inapplicable to the individual and (ii) the individual shows by a preponderance of the evidence that the failure to register was not a knowing and willful failure to register.

§ 23.1-625. Amount of award.

The amount of the grant for an eligible student shall be provided in accordance with the general appropriation act and shall be fixed at \$1,000 per academic year. An additional \$1,000 per academic year shall be provided to eligible students pursuing undergraduate coursework in engineering, mathematics, nursing, teaching, or science.

§ 23.1-626. Determination of domicile.

For the purposes of determining a student's eligibility for a grant, the enrolling institution shall determine domicile as provided in § 23.1-502 and the Council's domicile guidelines.

§ 23.1-627. State financial aid eligibility.

A. Eligible institutions shall reduce a student's state financial aid eligibility by the amount of the grant awarded pursuant to this article.

B. Grants shall not be reduced by virtue of an eligible student's receipt of any other financial aid from any other source except when the total of the grant and such other financial aid would enable the student to receive total financial assistance in excess of the estimated cost to the student of attending the institution in which he is enrolled.

Article 5.

Tuition Assistance Grant Act.

§ 23.1-628. Tuition Assistance Grant Program.

A. As used in this article, unless the context requires a different meaning:

"Eligible institution" means a nonprofit private institution of higher education whose primary purpose is to provide collegiate, graduate, or professional education and not to provide religious training or theological education.

"Grant" means a Tuition Assistance Grant.

"Principal place of business" means the single state in which the natural persons who establish policy for the direction, control, and coordination of the operations of the institution as a whole primarily exercise that function, considering the following factors: (i) the state in which the primary executive and administrative offices of the institution are located; (ii) the state in which the principal office of the chief executive officer of the institution is located; (iii) the state in which the board of trustees or similar governing board of the institution conducts a majority of its meetings; and (iv) the state from which the overall operations of the institution are directed.

"Program" means the Tuition Assistance Grant Program.

B. From such funds as may be provided for such purpose, the Tuition Assistance Grant Program is established to provide Tuition Assistance Grants to or on behalf of Virginia students who attend eligible institutions.

C. Eligible institutions admitted to this program on or after January 1, 2011, shall (i) be formed, chartered, established, or incorporated within the Commonwealth; (ii) have their principal place of business within the Commonwealth; (iii) conduct their primary educational activity within the Commonwealth; and (iv) be accredited by a nationally recognized regional accrediting agency.

§ 23.1-629. Council designated as administering agency.

The Council is designated as the administering agency for the Program and may adopt regulations consistent with this article and appropriate to the administration of the Program. The Council may define by regulation such terms used in this article as "full-time," "undergraduate," "graduate," "professional," and "financial aid."

§ 23.1-630. Maximum amount of tuition assistance per student.

The annual amount of tuition assistance in the form of a grant for a Virginia student attending an eligible institution shall not exceed the annual average appropriation per full-time equivalent student for the previous year from the general fund of the state treasury for operating costs at public institutions of higher education.

§ 23.1-631. Eligibility; duration.

A. Virginia students who are obligated to pay tuition as full-time undergraduate, graduate, or professional students at an eligible institution are eligible to receive a grant for the academic year for which they enroll.

B. Eligibility for grants under the Program is limited to a total of four academic years for undergraduate students, pharmacy students, and medical students and a total of three academic years for other graduate students and professional school students. The academic years for which grants are awarded need not be in succession.

C. Grants under the Program shall be used only for undergraduate, graduate, or professional collegiate work in educational programs other than those providing religious training or theological education.

§ 23.1-632. Eligibility; Selective Service registration.

Individuals who have failed to meet the federal requirement to register for the Selective Service are not eligible to receive grants. However, an individual who has failed to register for the Selective Service shall not be denied a right, privilege, or benefit under this section if (i) the requirement to so register has terminated or become inapplicable to the individual and (ii) the individual shows by a preponderance of the evidence that the failure to register was not a knowing and willful failure to register. The Council shall be assisted in enforcing this provision by the eligible institutions whose students benefit from the Program.

§ 23.1-633. Receipt of other financial aid by students.

Grants shall not be reduced by virtue of the student's receipt of any other financial aid from any other source except when the total of the grant and such other financial aid would enable the student to receive total financial assistance in excess of the estimated cost to the student of attending the institution in which he is enrolled.

§ 23.1-634. Prompt crediting and expeditious refunding of funds.

Each eligible institution acting as an agent for students receiving awards under the Program shall promptly credit disbursed funds to student accounts following the institution's verification of student eligibility and expeditiously distribute any refunds due recipients.

§ 23.1-635. Determination of domicile; Council oversight and reports.

A. For the purposes of determining a student's eligibility for a grant, the enrolling institution shall determine domicile as provided in § 23.1-502 and the Council's domicile guidelines.

B. In order to ensure consistency and fairness, the Council shall (i) require all participating eligible institutions to file student-specific data, (ii) monitor the decisions of such institutions regarding domicile, and (iii) make final decisions on any disputes between such institutions and grant applicants.

C. The Council shall report to the Governor and the General Assembly, as the Council deems necessary, on issues relating to determinations of domicile for students applying for grants.

Article 6.

Virginia Guaranteed Assistance Program and Fund.

§ 23.1-636. Virginia Guaranteed Assistance Program; Council to adopt regulations.

A. The Virginia Guaranteed Assistance Program is created to provide financial assistance in the form of grants to eligible students for the costs of attending a public institution of higher education. Funds may be paid to any public institution of higher education on behalf of students who have been awarded grants pursuant to § 23.1-638.

B. The Council shall adopt regulations for the implementation of the provisions of this article.

§ 23.1-637. Virginia Guaranteed Assistance Fund.

There is created in the state treasury a special nonreverting fund to be known as the Virginia Guaranteed Assistance Fund (the Fund). The Fund shall be established on the books of the Comptroller. All moneys as may be appropriated by the General Assembly and any gifts, donations, grants, bequests, or other moneys as may be received for the purposes of the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be paid to any public institution of higher education on behalf of students who have been awarded grants pursuant to the provisions of § 23.1-638. Any moneys remaining in the Fund shall be credited to the account of the Council. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the director of the Council.

§ 23.1-638. Eligibility; amount of grants; renewals.

A. Only students who (i) are accepted for enrollment as dependent students at a public institution of higher education; (ii) are not receiving a Virginia Commonwealth Award; (iii) demonstrate financial need as determined by the Council according to the congressional methodology for determining financial need and eligibility for financial aid; and (iv) are either (a) Virginia students who graduated from a high school in the Commonwealth with a cumulative grade point average of at least 2.5 on a scale of 4.0 or its equivalent or (b) are dependent children of active duty military personnel residing outside the Commonwealth pursuant to military orders, claiming Virginia on their State of Legal Residence Certificate, and satisfying the domicile requirements for such active duty military personnel pursuant to § 23.1-504 and graduated from a high school within or outside the Commonwealth with a cumulative grade point average of at least 2.5 on a scale of 4.0 or its equivalent are eligible to receive such grants.

B. All grants shall be awarded for one award year and may be renewed annually for no more than three subsequent award years if the recipient:

- 1. Maintains a cumulative grade point average of at least 2.0 on a scale of 4.0 or its equivalent;*
- 2. Demonstrates continued financial need;*
- 3. Makes satisfactory academic progress toward a degree, earning not less than the minimum number of hours of credit required for full-time standing in each academic period during enrollment at a public institution of higher education; and*
- 4. Maintains continuous enrollment for not less than two semesters or three quarters in each successive award year unless the Council grants the recipient an exception for cause.*

Article 7.

Senior Citizens Higher Education Act of 1974.

§ 23.1-639. Definition; construction of section.

A. As used in this article, "senior citizen" means any individual who, before the beginning of any academic term, semester, or quarter in which he claims entitlement to the benefits of this article, has reached the age of 60 and has been legally domiciled in the Commonwealth for at least one year.

B. Nothing in this section shall be construed to exclude any other rules and requirements made by any public institution of higher education for all other students besides senior citizens with respect to domicile in the Commonwealth.

§ 23.1-640. Senior citizens; registration and enrollment in courses.

A. Any senior citizen may, subject to any regulations prescribed by the Council:

- 1. Register for and enroll in courses for academic credit as a full-time or part-time student if he had a taxable individual income not exceeding \$23,850 for Virginia income tax purposes for the year preceding the award year;*
- 2. Register for and audit up to three courses offered for academic credit in any one academic term, quarter, or semester for an unlimited number of academic terms, quarters, or semesters; and*
- 3. Register for and enroll in up to three courses not offered for academic credit in any one academic term, quarter, or semester for an unlimited number of academic terms, quarters, or semesters.*

B. No senior citizen who enrolls in or audits courses pursuant to subsection A shall pay tuition or fees except fees established for the purpose of paying for course materials such as laboratory fees.

C. Senior citizens are subject to the admission requirements of the institution and a determination by the institution of its ability to offer the course for which the senior citizen registers.

D. The Council shall establish procedures to ensure that tuition-paying students are accommodated in courses before senior citizens enroll in or audit courses pursuant to subsection A. However, public institutions of higher education may make individual exceptions to these procedures for any senior citizen who has completed 75 percent of the requirements for a degree.

§ 23.1-641. Catalog to include statement of benefits.

Each public institution of higher education shall prominently include in its course catalog a statement of the benefits provided by this article for senior citizens.

§ 23.1-642. Determination of senior citizen status; forms.

The registrar or other admissions officer of each public institution of higher education shall determine whether an individual is a senior citizen pursuant to the provisions of this article and may require senior citizens to execute appropriate forms to request the benefits provided by this article.

CHAPTER 7.

VIRGINIA COLLEGE SAVINGS PLAN AND ABLE SAVINGS TRUST ACCOUNTS.

§ 23.1-700. Definitions.

As used in this chapter, unless the context requires a different meaning:

"ABLE savings trust account" means an account established pursuant to this chapter to assist individuals and families to save private funds to support individuals with disabilities to maintain health, independence, and quality of life, with such account used to apply distributions for qualified disability expenses for an eligible individual, as both such terms are defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

"Board" means the governing board of the Plan.

"College savings trust account" means an account established pursuant to this chapter to assist individuals and families to enhance the accessibility and affordability of higher education, with such account used to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, as both such terms are defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

"Contributor" means a person who contributes money to a savings trust account established pursuant to this chapter on behalf of a qualified beneficiary and who is listed as the owner of the savings trust account.

"Non-Virginia public and accredited nonprofit independent or private institutions of higher education" means public and accredited nonprofit independent or private institutions of higher education that are located outside the Commonwealth.

"Plan" means the Virginia College Savings Plan.

"Prepaid tuition contract" means the contract entered into by the board and a purchaser pursuant to this chapter for the advance payment of tuition at a fixed, guaranteed level for a qualified beneficiary to attend any public institution of higher education to which the qualified beneficiary is admitted.

"Public institution of higher education" has the same meaning as provided in § 23.1-100.

"Purchaser" means a person who makes or is obligated to make advance payments in accordance with a prepaid tuition contract and who is listed as the owner of the prepaid tuition contract.

"Qualified beneficiary" or "beneficiary" means (i) a resident of the Commonwealth, as determined by the board, who is the beneficiary of a prepaid tuition contract and who may apply advance tuition payments to tuition as set forth in this chapter; (ii) a beneficiary of a prepaid tuition contract purchased by a resident of the Commonwealth, as determined by the board, who may apply advance tuition payments to tuition as set forth in this chapter; or (iii) a beneficiary of a savings trust account established pursuant to this chapter.

"Savings trust account" means an ABLE savings trust account or a college savings trust account.

"Savings trust agreement" means the agreement entered into by the board and a contributor that establishes a savings trust account.

"Tuition" means the quarter, semester, or term charges imposed for undergraduate tuition by any public institution of higher education and all mandatory fees required as a condition of enrollment of all students. At the discretion of the board, a beneficiary may apply benefits under a prepaid tuition contract and distributions from a savings trust account toward graduate-level tuition and toward tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended.

§ 23.1-701. Plan established; moneys; governing board.

A. To enhance the accessibility and affordability of higher education for all citizens of the Commonwealth, and assist families and individuals to save for qualified disability expenses, the Virginia College Savings Plan is established as a body politic and corporate and an independent agency of the Commonwealth.

B. Moneys of the Plan that are contributions to savings trust accounts made pursuant to this chapter, except as otherwise authorized or provided in this chapter, shall be deposited as soon as practicable in a separate account or separate accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or, to the extent permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. The savings program moneys in such accounts shall be paid out on checks, drafts payable on demand, electronic wire transfers, or other means authorized by officers or employees of the Plan.

C. All other moneys of the Plan, including payments received pursuant to prepaid tuition contracts, bequests, endowments, grants from the United States government or its agencies or instrumentalities, and any other available public or private sources of funds shall be first deposited in the state treasury in a special nonreverting fund (the Fund). Such moneys shall then be deposited as soon as practicable in a separate account or separate accounts in banks or trust companies organized under the laws of the Commonwealth, national banking associations, federal home loan banks, or, to the extent permitted by law, savings institutions organized under the laws of the Commonwealth or the United States. Benefits relating to prepaid tuition contracts and Plan operating expenses shall be paid from the Fund. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such funds shall remain in the Fund and be credited to it.

D. The Plan shall be administered by an 11-member board that consists of (i) the director of the Council or his designee, the Chancellor of the Virginia Community College System or his designee, the State Treasurer or his designee, and the State Comptroller or his designee, all of whom shall serve *ex officio* with voting privileges, and (ii) seven nonlegislative citizen members, four of whom shall be appointed by the Governor, one of whom shall be appointed by the

Senate Committee on Rules, two of whom shall be appointed by the Speaker of the House of Delegates, and all of whom shall have significant experience in finance, accounting, law, or investment management.

E. Members appointed to the board shall serve terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member appointed to the board shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

F. Ex officio members of the board shall serve terms coincident with their terms of office.

G. Members of the board shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

H. The board shall elect from its membership a chairman and a vice-chairman annually.

I. A majority of the members of the board shall constitute a quorum.

§ 23.1-702. Advisory committees to the board; membership; terms; qualifications; duties.

A. To assist the board in fulfilling its fiduciary duty as trustee of the funds of the Plan and to assist the chief executive officer in directing, managing, and administering the Plan's assets, the board shall appoint an Investment Advisory Committee to provide sophisticated, objective, and prudent investment advice and direction.

1. Members of the Investment Advisory Committee shall demonstrate extensive experience in any one or more of the following areas: domestic or international equity or fixed-income securities, cash management, alternative investments, institutional real estate investments, or managed futures.

2. The Investment Advisory Committee shall (i) review, evaluate, and monitor investments and investment opportunities; (ii) make appropriate recommendations to the board about such investments and investment opportunities; (iii) make appropriate recommendations to the board about overall asset allocation; and (iv) perform such other duties as the board may delegate to the Investment Advisory Committee.

B. To assist the board in fulfilling its responsibilities relating to the integrity of the Plan's financial statements, financial reporting process, and systems of internal accounting and financial controls, the board shall appoint an Audit and Actuarial Committee.

1. Members of the Audit and Actuarial Committee shall demonstrate an understanding of generally accepted accounting principles, generally accepted auditing standards, enterprise risk management principles, and financial statements, and evidence an ability to assess the general application of such principles to the Plan's activities. The members should have experience in preparing, auditing, analyzing, or evaluating financial statements of the same complexity as those of the Plan, and an understanding of internal controls and procedures for financial reporting.

2. In order to establish and maintain its effectiveness and independence, the following individuals shall not be members of the Audit and Actuarial Committee: (i) current Plan employees; (ii) individuals who have been employees of the Plan in any of the prior three fiscal years; and (iii) immediate family members of an individual currently employed as an officer of the Plan or who has been employed in such a capacity within the past three fiscal years.

3. The Audit and Actuarial Committee shall (i) review, examine, and monitor the Plan's accounting and financial reporting processes and systems of internal controls; (ii) review and examine financial statements and financial disclosures and discuss any findings with the Plan's senior management; (iii) make appropriate recommendations and reports to the board; (iv) monitor the Plan's external audit function by (a) participating in the retention, review, and discharge of independent auditors; (b) discussing the Plan's financial statements and accounting policies with independent auditors; and (c) reviewing the independence of independent auditors; and (v) perform such other duties as the board may delegate to the Audit and Actuarial Committee.

C. The board may appoint such other advisory committees as it deems necessary and shall set the qualifications for members of any such advisory committee by resolution.

D. Advisory committee members shall serve at the pleasure of the board and may be removed by a majority vote of the board.

E. Members of advisory committees shall receive no compensation but shall be reimbursed for actual expenses incurred in the performance of their duties.

F. The disclosure requirements of subsection B of § 2.2-3114 shall apply to each member of any advisory committee established pursuant to this section who is not also a board member.

G. The recommendations of an advisory committee are not binding upon the board or the designee appointed by the board to make investment decisions pursuant to subsections A and B of § 23.1-706.

§ 23.1-703. Chief executive officer of the Plan.

A. The board shall employ a chief executive officer to direct, manage, and administer the Plan. The chief executive officer may employ such staff as are necessary to accomplish the Plan's stated objectives.

B. The chief executive officer shall demonstrate (i) extensive experience in some or all of the following areas: management, finance, law, regulatory affairs, and investments and (ii) such other qualifications as the board may set.

C. The chief executive officer shall, in addition to such other duties as the board may establish, (i) oversee the development, structure, evaluation, and implementation of the Plan's strategic goals and objectives; (ii) facilitate communication among and between the board, advisory committees, employees, account owners, beneficiaries, and outside entities interested in the Plan; (iii) enhance the board's ability to make effective and prompt decisions in all matters relating to the administration of the Plan; (iv) with the assistance of the Investment Advisory Committee appointed by the board and

investment consultants, direct, manage, and administer the Plan's assets and programs; and (v) report to the board periodically and as requested by the board.

§ 23.1-704. Powers and duties of the board.

The board shall:

1. Administer the Plan established by this chapter;
2. Develop and implement programs for (i) the prepayment of undergraduate tuition, as defined in § 23.1-700, at a fixed, guaranteed level for application at a public institution of higher education; (ii) contributions to college savings trust accounts established pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified higher education expenses at eligible educational institutions, as both such terms are defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law; and (iii) contributions to ABLE savings trust accounts established pursuant to this chapter on behalf of a qualified beneficiary in order to apply distributions from the account toward qualified disability expenses for an eligible individual, as both such terms are defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law;
3. Invest moneys in the Plan in any instruments, obligations, securities, or property deemed appropriate by the board;
4. Develop requirements, procedures, and guidelines regarding prepaid tuition contracts and savings trust accounts, including residency and other eligibility requirements; the number of participants in the Plan; the termination, withdrawal, or transfer of payments under a prepaid tuition contract or savings trust account; time limitations for the use of tuition benefits or savings trust account distributions; and payment schedules;
5. Enter into contractual agreements, including contracts for legal, actuarial, financial, and consulting services and contracts with other states to provide savings trust accounts for residents of contracting states;
6. Procure insurance as determined appropriate by the board (i) against any loss in connection with the Plan's property, assets, or activities and (ii) indemnifying board members from personal loss or accountability from liability arising from any action or inaction as a board member;
7. Make arrangements with public institutions of higher education to fulfill obligations under prepaid tuition contracts and apply college savings trust account distributions, including (i) payment from the Plan of the then actual in-state undergraduate tuition cost on behalf of a qualified beneficiary of a prepaid tuition contract to the institution to which the beneficiary is admitted and at which the beneficiary is enrolled and (ii) application of such benefits towards graduate-level tuition and toward tuition costs at such eligible educational institutions, as that term is defined in 26 U.S.C. § 529 or any other applicable section of the Internal Revenue Code of 1986, as amended, as determined by the Board in its sole discretion;
8. Develop and implement scholarship or matching grant programs, or both, as the board may deem appropriate, to further its goal of making higher education more affordable and accessible to all citizens of the Commonwealth;
9. Apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives;
10. Adopt regulations and procedures and perform any act or function consistent with the purposes of this chapter; and
11. Reimburse, at its option, all or part of the cost of employing legal counsel and such other costs as are demonstrated to have been reasonably necessary for the defense of any board member, officer, or employee of the Plan upon the acquittal, dismissal of charges, nolle prosequi, or any other final disposition concluding the innocence of such member, officer, or employee who is brought before any regulatory body, summoned before any grand jury, investigated by any law-enforcement agency, arrested, indicted, or otherwise prosecuted on any criminal charge arising out of any act committed in the discharge of his official duties that alleges a violation of state or federal securities laws. The board shall provide for the payment of such legal fees and expenses out of funds appropriated or otherwise available to the board.

§ 23.1-705. Board actions not a debt of Commonwealth.

- A. As used in this section, "current obligations of the Plan" means amounts required for the payment of contract benefits or other obligations of the Plan, the maintenance of the Plan, and operating expenses for the current biennium.
- B. No act or undertaking of the board is a debt or a pledge of the full faith and credit of the Commonwealth or any political subdivision of the Commonwealth, and all such acts and undertakings are payable solely from the Plan.
- C. Notwithstanding the provisions of subsection B, in order to ensure that the Plan is able to meet its current obligations, the Governor shall include in the budget bills submitted pursuant to § 2.2-1509 a sum sufficient appropriation for the purpose of ensuring that the Plan can meet the current obligations of the Plan. Any sums appropriated by the General Assembly for such purpose shall be deposited into the Fund. All amounts paid into the Fund pursuant to this subsection shall constitute and be accounted for as advances by the Commonwealth to the Plan and, subject to the rights of the Plan's contract holders, shall be repaid to the Commonwealth without interest from available operating revenue of the Plan in excess of amounts required for the payment of current obligations of the Plan.

§ 23.1-706. Standard of care; investment and administration of the Plan.

- A. In acquiring, investing, reinvesting, exchanging, retaining, selling, and managing property for the benefit of the Plan, the board, and any person, investment manager, or committee to whom the board delegates any of its investment authority, shall act as trustee and shall exercise the judgment of care under the circumstances then prevailing that persons of prudence, discretion, and intelligence exercise in the management of their own affairs, not in regard to speculation but to the permanent disposition of funds, considering the probable income and the probable safety of their capital.

If the annual accounting and audit required by § 23.1-710 reveal that there are insufficient funds to ensure the actuarial soundness of the Plan, the board may adjust the terms of subsequent prepaid tuition contracts, arrange refunds for current purchasers to ensure actuarial soundness, or take such other action the board deems appropriate.

B. The assets of the Plan shall be preserved, invested, and expended solely pursuant to and for the purposes of this chapter and shall not be loaned or otherwise transferred or used by the Commonwealth for any other purpose. Within the standard of care set forth in subsection A, the board and any person, investment manager, or committee to whom the board delegates any of its investment authority, may acquire and retain any kind of property and any kind of investment, including (i) debentures and other corporate obligations of foreign or domestic corporations; (ii) common or preferred stocks traded on foreign or domestic stock exchanges; (iii) not less than all of the stock or 100 percent ownership of a corporation or other entity organized by the board under the laws of the Commonwealth for the purposes of acquiring and retaining real property that the board may acquire and retain under this chapter; and (iv) securities of any open-end or closed-end management type investment company or investment trust registered under the federal Investment Company Act of 1940, as amended, including investment companies or investment trusts that, in turn, invest in the securities of such investment companies or investment trusts that persons of prudence, discretion, and intelligence acquire or retain for their own account. The board may retain property properly acquired without time limitation and without regard to its suitability for original purchase.

All provisions of this subsection shall apply to the portion of the Plan assets attributable to savings trust account contributions and the earnings on such contributions.

C. The selection of services relating to the operation and administration of the Plan, including contracts or agreements for the management, purchase, or sale of authorized investments or actuarial, recordkeeping, or consulting services, are governed by the standard of care set forth in subsection A and are not subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

D. No board member or person, investment manager, or committee to whom the board delegates any of its investment authority who acts in accordance with the standard of care set forth in subsection A shall be held personally liable for losses suffered by the Plan on investments made pursuant to this chapter.

E. To the extent necessary to lawfully administer the Plan and in order to comply with federal, state, and local tax reporting requirements, the Plan may obtain all necessary social security account or tax identification numbers and such other data as the Plan deems necessary for such purposes, whether from a contributor, a purchaser, or another state agency.

F. This section shall not be construed to prohibit the Plan's investment, by purchase or otherwise, in bonds, notes, or other obligations of the Commonwealth or its agencies and instrumentalities.

§ 23.1-707. Prepaid tuition contracts and savings trust agreements.

A. Each prepaid tuition contract made pursuant to this chapter shall include the following terms and provisions:

1. The amount of payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;

2. The terms and conditions under which purchasers shall remit payments, including the dates of such payments;

3. Provisions for late payment charges, defaults, withdrawals, refunds, and any penalties;

4. The name and date of birth of the qualified beneficiary on whose behalf the contract is made;

5. Terms and conditions for a substitution for the qualified beneficiary originally named;

6. Terms and conditions for termination of the contract, including any refunds, withdrawals, or transfers of tuition prepayments, and the name of the person entitled to terminate the contract;

7. The time period during which the qualified beneficiary is required to claim benefits from the Plan;

8. The number of credit hours or quarters, semesters, or terms contracted for by the purchaser;

9. All other rights and obligations of the purchaser and the trust; and

10. Any other terms and conditions that the board deems necessary or appropriate, including those necessary to conform the contract with the requirements of § 529 of the Internal Revenue Code of 1986, as amended, which specifies the requirements for qualified state tuition programs.

B. Each college savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum contribution allowed on behalf of each qualified beneficiary for the payment of qualified higher education expenses at eligible institutions, as both such terms are defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law;

2. Provisions for withdrawals, refunds, transfers, and any penalties;

3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;

4. Terms and conditions for a substitution for the qualified beneficiary originally named;

5. Terms and conditions for termination of the account, including any refunds, withdrawals, or transfers, and applicable penalties, and the name of the person entitled to terminate the account;

6. The time period during which the qualified beneficiary is required to use benefits from the savings trust account;

7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions that the board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

C. Each ABLE savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum annual contribution and maximum account balance allowed on behalf of each qualified beneficiary for the payment of qualified disability expenses, as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law;

2. Provisions for withdrawals, refunds, transfers, return of excess contributions, and any penalties;

3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;

4. Terms and conditions for a substitution for the qualified beneficiary originally named;

5. Terms and conditions for termination of the account, including any transfers to the state upon the death of the qualified beneficiary, refunds, withdrawals, transfers, applicable penalties, and the name of the person entitled to terminate the account;

6. The time period during which the qualified beneficiary is required to use benefits from the savings trust account;

7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions that the board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

D. In addition to the provisions required by subsection A, each prepaid tuition contract shall include provisions for the application of tuition prepayments (i) at accredited nonprofit independent or private institutions of higher education, including actual interest and income earned on such prepayments, and (ii) at non-Virginia public and accredited nonprofit independent or private institutions of higher education, including principal and reasonable return on such principal as determined by the board. Payments authorized for accredited nonprofit independent or private institutions of higher education shall not exceed the projected highest payment made for tuition at a public institution of higher education in the same academic year, less a fee to be determined by the board. Payments authorized for non-Virginia public and accredited nonprofit independent or private institutions of higher education shall not exceed the projected average payment made for tuition at a public institution of higher education in the same academic year, less a fee to be determined by the board.

E. All prepaid tuition contracts and savings trust agreements shall specifically provide that if after a specified period of time the contract or savings trust agreement has not been terminated and the qualified beneficiary's rights have not been exercised, the board, after making a reasonable effort to contact the purchaser or contributor and the qualified beneficiary or their agents, shall report such unclaimed moneys to the State Treasurer pursuant to § 55-210.12.

F. Notwithstanding any provision of law to the contrary, money in the Plan is exempt from creditor process, is not liable to attachment, garnishment, or other process, and shall not be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of any purchaser, contributor, or beneficiary, except that the state of residence of the beneficiary of an ABLE savings trust account shall be a creditor of such account in the event of the death of the beneficiary.

G. No prepaid tuition contract or savings trust account shall be assigned for the benefit of creditors, used as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge.

H. The board's decision on any dispute, claim, or action arising out of or relating to a prepaid tuition contract or savings trust agreement made or entered into pursuant to this chapter or benefits under such prepaid tuition contract or savings trust agreement shall be considered a case decision as defined in § 2.2-4001 and all proceedings related to such dispute, claim, or action shall be conducted pursuant to Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act. Judicial review shall be provided exclusively pursuant to Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 23.1-708. Assets of the Plan exempt from taxation.

The assets of the Plan and their income are exempt from state and local taxation.

§ 23.1-709. Annual report.

On or before December 15, the board shall post on its website and submit to the Governor, the Senate Committee on Finance, and the House Committees on Appropriations and Finance an annual statement of the receipts, disbursements, and current investments of the Plan for the preceding year. The report shall set forth a complete operating and financial statement covering the operation of the Plan during the year and shall include a statement of projected receipts, disbursements, investments, and costs for the further operation of the Plan.

§ 23.1-710. Forms and audit of accounts and records.

The accounts and records of the board showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes, provided that such accounts correspond as nearly as possible to the accounts and records for such matters maintained by corporate enterprises. The Auditor of Public Accounts or his legally authorized representatives shall annually audit the accounts of the board, and the board shall bear the cost of such audit services.

§ 23.1-711. Admission to institutions not guaranteed; coverage limitations.

Nothing in this chapter or in any prepaid tuition contract or savings trust agreement entered into pursuant to this chapter shall be construed as a promise or guarantee:

1. By the board or the Commonwealth of any admission to, continued enrollment at, or graduation from any public institution of higher education;

2. That the beneficiary's cost of tuition at an institution of higher education other than a public institution of higher education will be covered in full by the proceeds of the beneficiary's tuition credits; or

3. That any qualified higher education expense will be covered in full by contributions to or earnings on any savings trust account.

§ 23.1-712. Payroll deductions.

The Commonwealth, the agencies and localities of the Commonwealth and their subdivisions, and any employer in the Commonwealth are authorized to agree, by contract or otherwise, to remit payments or contributions on behalf of an employee toward prepaid tuition contracts or savings trust accounts through payroll deductions.

§ 23.1-713. Liberal construction of chapter.

Insofar as the provisions of this chapter are inconsistent with the provisions of any other general, special, or local law, the provisions of this chapter shall control. This chapter constitutes full and complete authority, without regard to the provisions of any other law, for performing the acts authorized in this chapter and shall be liberally construed to effect the purposes of this chapter.

CHAPTER 8.

HEALTH AND CAMPUS SAFETY.

Article 1.

Student Health.

§ 23.1-800. Health histories and immunizations required; exemptions.

A. No full-time student who enrolls for the first time in any baccalaureate public institution of higher education is eligible to register for his second semester or quarter unless he (i) has furnished, before the beginning of the second semester or quarter of enrollment, a health history consistent with guidelines adopted by each institution's board of visitors that includes documented evidence, provided by a licensed health professional or health facility, of the diseases for which the student has been immunized, the numbers of doses given, the date on which the immunization was administered, and any further immunizations indicated or (ii) objects to such health history requirement on religious grounds, in which case he is exempt from such requirement.

B. Prior to enrollment for the first time in any baccalaureate public institution of higher education, each student shall be immunized by vaccine against diphtheria, tetanus, poliomyelitis, measles (rubeola), German measles (rubella), and mumps according to the guidelines of the American College Health Association.

C. Prior to enrollment for the first time in any baccalaureate public institution of higher education, each full-time student shall be vaccinated against meningococcal disease and hepatitis B unless the student or, if the student is a minor, the student's parent or legal guardian signs a written waiver stating that he has received and reviewed detailed information on the risks associated with meningococcal disease and hepatitis B and the availability and effectiveness of any vaccine and has chosen not to be or not to have the student vaccinated.

D. Any student is exempt from the immunization requirements set forth in subsections B and C who (i) objects on the grounds that administration of immunizing agents conflicts with his religious tenets or practices, unless the Board of Health has declared an emergency or epidemic of disease, or (ii) presents a statement from a licensed physician that states that his physical condition is such that administration of one or more of the required immunizing agents would be detrimental to his health.

E. The Board and Commissioner of Health shall cooperate with any board of visitors seeking assistance in the implementation of this section.

F. The Council shall, in cooperation with the Board and Commissioner of Health, encourage private institutions of higher education to develop a procedure for providing information about the risks associated with meningococcal disease and hepatitis B and the availability and effectiveness of any vaccine against meningococcal disease and hepatitis B.

§ 23.1-801. Educational program on human immunodeficiency virus infection.

Each public institution of higher education, in cooperation with the Department of Health, shall develop and implement educational programs for college students on the etiology, effects, and prevention of infection with human immunodeficiency virus.

§ 23.1-802. Student mental health; policies; website resource.

A. The governing board of each public institution of higher education shall develop and implement policies that (i) advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior and (ii) provide for training where appropriate. Such policies shall require procedures for notifying the institution's student health or counseling center for the purposes set forth in subdivision B 4 of § 23.1-1303 when a student exhibits suicidal tendencies or behavior.

B. The board of visitors of each baccalaureate public institution of higher education shall establish a written memorandum of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The memorandum shall designate a contact person to be notified, to the extent allowable under state and federal privacy laws, when a student is involuntarily committed, or when a student is discharged from a facility and consents to such

notification. The memorandum shall provide for the inclusion of the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

C. Each baccalaureate public institution of higher education shall create and feature on its website a page with information dedicated solely to the mental health resources available to students at the institution.

Article 2.

Campus Safety; General Provisions.

§ 23.1-803. First warning notification and emergency broadcast system required.

A. The governing board of each public institution of higher education shall establish a comprehensive, prompt, and reliable first warning notification and emergency broadcast system for their students, faculty, and staff, both on and off campus. Such system shall be activated in the case of an emergency and may rely on website announcements; email notices; phone, cellular phone, and text messages; alert lines; public address systems; and other means of communication.

B. Each public institution of higher education shall designate individuals authorized to activate the first warning notification and emergency broadcast system and provide such individuals with appropriate training for its use.

§ 23.1-804. Institutional crisis and emergency management plan.

A. The governing board of each public institution of higher education shall develop, adopt, and keep current a written crisis and emergency management plan. The plan shall (i) require the Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund to be contacted immediately to deploy assistance in the event of an emergency as defined in the emergency response plan when there are victims as defined in § 19.2-11.01 and (ii) include current contact information for both agencies. The Department of Criminal Justice Services and the Virginia Criminal Injuries Compensation Fund shall be the lead coordinating agencies for those individuals determined to be victims.

B. Every four years, each public institution of higher education shall conduct a comprehensive review and revision of its crisis and emergency management plan to ensure that the plan remains current, and the revised plan shall be adopted formally by the governing board. Such review shall also be certified in writing to the Department of Emergency Management. The institution shall coordinate with the local emergency management organization, as defined in § 44-146.16, to ensure integration into the local emergency operations plan.

C. The chief executive officer of each public institution of higher education shall annually (i) review the institution's crisis and emergency management plan; (ii) certify in writing to the Department of Emergency Management that he has reviewed the plan; and (iii) make recommendations to the institution for appropriate changes to the plan.

D. Each public institution of higher education shall annually conduct a functional exercise in accordance with the protocols established by the institution's crisis and emergency management plan and certify in writing to the Department of Emergency Management that such exercise was conducted.

§ 23.1-805. Violence prevention committee; threat assessment team.

A. Each public institution of higher education shall establish policies and procedures for the prevention of violence on campus, including assessment of and intervention with individuals whose behavior poses a threat to the safety of the campus community.

B. The governing board of each public institution of higher education shall determine a violence prevention committee structure on campus composed of individuals charged with education on and prevention of violence on campus. Each violence prevention committee shall include representatives from student affairs, law enforcement, human resources, counseling services, residence life, and other constituencies as needed and shall consult with legal counsel as needed. Each violence prevention committee shall develop a clear statement of mission, membership, and leadership. Such statement shall be published and made available to the campus community.

C. Each violence prevention committee shall (i) provide guidance to students, faculty, and staff regarding recognition of threatening or aberrant behavior that may represent a physical threat to the community; (ii) identify members of the campus community to whom threatening behavior should be reported; (iii) establish policies and procedures that outline circumstances under which all faculty and staff are required to report behavior that may represent a physical threat to the community, provided that such report is consistent with state and federal law; and (iv) establish policies and procedures for (a) the assessment of individuals whose behavior may present a threat, (b) appropriate means of intervention with such individuals, and (c) sufficient means of action, including interim suspension, referrals to community services boards or health care providers for evaluation or treatment, medical separation to resolve potential physical threats, and notification of family members or guardians, or both, unless such notification would prove harmful to the individual in question, consistent with state and federal law.

D. The governing board of each public institution of higher education shall establish a threat assessment team that includes members from law enforcement, mental health professionals, representatives of student affairs and human resources, and, if available, college or university counsel. Each threat assessment team shall implement the assessment, intervention, and action policies set forth by the violence prevention committee pursuant to subsection C.

E. Each threat assessment team shall establish relationships or utilize existing relationships with mental health agencies and local and state law-enforcement agencies to expedite assessment of and intervention with individuals whose behavior may present a threat to safety. Upon a preliminary determination that an individual poses a threat of violence to self or others or exhibits significantly disruptive behavior or a need for assistance, the threat assessment team may obtain criminal history record information as provided in §§ 19.2-389 and 19.2-389.1 and health records as provided in § 32.1-127.1-03.

F. No member of a threat assessment team shall redisclose any criminal history record information or health information obtained pursuant to this section or otherwise use any record of an individual beyond the purpose for which such disclosure was made to the threat assessment team.

§ 23.1-806. Reporting of acts of sexual violence.

A. For purposes of this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner relating to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

"Responsible employee" means a person employed by a public institution of higher education or nonprofit private institution of higher education who has the authority to take action to redress sexual violence, who has been given the duty of reporting acts of sexual violence or any other misconduct by students to the Title IX coordinator or other appropriate institution designee, or whom a student could reasonably believe has this authority or duty.

"Sexual violence" means physical sexual acts perpetrated against a person's will or where a person is incapable of giving consent.

"Title IX coordinator" means an employee designated by a public institution of higher education or nonprofit private institution of higher education to coordinate the institution's efforts to comply with and carry out the institution's responsibilities under Title IX (20 U.S.C. § 1681 et seq.). If no such employee has been designated by the institution, the institution shall designate an employee who will be responsible for receiving information of alleged acts of sexual violence from responsible employees in accordance with subsection B.

B. Any responsible employee who in the course of his employment obtains information that an act of sexual violence may have been committed against a student attending the institution or may have occurred on campus, in or on a noncampus building or property, or on public property shall report such information to the Title IX coordinator as soon as practicable after addressing the immediate needs of the victim.

C. Upon receipt of information pursuant to subsection B, the Title IX coordinator or his designee shall promptly report the information, including any personally identifiable information, to a review committee established pursuant to subsection D. Nothing in this section shall prevent the Title IX coordinator or any other responsible employee from providing any information to law enforcement with the consent of the victim.

D. Each public institution of higher education and nonprofit private institution of higher education shall establish a review committee for the purposes of reviewing information relating to acts of sexual violence, including information reported pursuant to subsection C. Such review committee shall consist of three or more persons and shall include the Title IX coordinator or his designee, a representative of law enforcement, and a student affairs representative. If the institution has established a campus police department pursuant to Article 3 (§ 23.1-809 et seq.), the representative of law enforcement shall be a member of such department; otherwise, the representative of law enforcement shall be a representative of campus security. The review committee may be the threat assessment team established under § 23.1-805 or a separate body. The review committee may obtain law-enforcement records, criminal history record information as provided in §§ 19.2-389 and 19.2-389.1, health records as provided in § 32.1-127.1:03, available institutional conduct or personnel records, and known facts and circumstances of the information reported pursuant to subsection C or information or evidence known to the institution or to law enforcement. The review committee shall be considered to be a threat assessment team established pursuant to § 23.1-805 for purposes of (i) obtaining criminal history record information and health records and (ii) the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). The review committee shall conduct its review in compliance with federal privacy law.

E. Upon receipt of information of an alleged act of sexual violence reported pursuant to subsection C, the review committee shall meet within 72 hours to review the information and shall meet again as necessary as new information becomes available.

F. If, based on consideration of all factors, the review committee, or if the committee cannot reach a consensus, the representative of law enforcement on the review committee, determines that the disclosure of the information, including personally identifiable information, is necessary to protect the health or safety of the student or other individuals as set forth in 34 C.F.R. § 99.36, the representative of law enforcement on the review committee shall immediately disclose such information to the law-enforcement agency that would be responsible for investigating the alleged act of sexual violence. Such disclosure shall be for the purposes of investigation and other actions by law enforcement. Upon such disclosure, the Title IX coordinator or his designee shall notify the victim that such disclosure is being made. The provisions of this subsection shall not apply if the law-enforcement agency responsible for investigating the alleged act of sexual violence is located outside the United States.

G. In cases in which the alleged act of sexual violence would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, the representative of law enforcement on the review committee shall inform the other members of the review committee and shall within 24 hours consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide to him the information received by the review committee without disclosing personally identifiable information, unless such information was disclosed pursuant to subsection F. In addition, if such consultation does not occur and any other member of the review committee individually concludes that the alleged act of sexual violence would constitute a felony violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, that member shall within 24 hours consult with the attorney for the Commonwealth or other prosecutor responsible for prosecuting the alleged act of sexual violence and provide to him the information received by the review committee without disclosing personally identifiable information, unless such information was disclosed pursuant to subsection F.

H. At the conclusion of the review, the Title IX coordinator and the law-enforcement representative shall each retain (i) the authority to proceed with any further investigation or adjudication allowed under state or federal law and (ii) independent records of the review team's considerations, which shall be maintained under applicable state and federal law.

I. No responsible employee shall be required to make a report pursuant to subsection B if:

1. The responsible employee obtained the information through any communication considered privileged under state or federal law or the responsible employee obtained the information in the course of providing services as a licensed health care professional, an employee providing administrative support for such health care professionals, a professional counselor, an accredited rape crisis or domestic violence counselor, a campus victim support personnel, a member of clergy, or an attorney; or

2. The responsible employee has actual knowledge that the same matter has already been reported to the Title IX coordinator or to the attorney for the Commonwealth or the law-enforcement agency responsible for investigating the alleged act of sexual violence.

J. Any responsible employee who makes a report required by this section or testifies in a judicial or administrative proceeding as a result of such report is immune from any civil liability alleged to have resulted therefrom unless such person acted in bad faith or with malicious intent.

K. The provisions of this section shall not require a person who is the victim of an alleged act of sexual violence to report such violation.

L. The institution shall ensure that a victim of an alleged act of sexual violence is informed of (i) the available law-enforcement options for investigation and prosecution; (ii) the importance of collection and preservation of evidence; (iii) the available options for a protective order; (iv) the available campus options for investigation and adjudication under the institution's policies; (v) the victim's rights to participate or decline to participate in any investigation to the extent permitted under state or federal law; (vi) the applicable federal or state confidentiality provisions that govern information provided by a victim; (vii) the available on-campus resources and any unaffiliated community resources, including sexual assault crisis centers, domestic violence crisis centers, or other victim support services; and (viii) the importance of seeking appropriate medical attention.

§ 23.1-807. Sexual assault; memorandum of understanding; policies.

A. Richard Bland College and each baccalaureate public institution of higher education and nonprofit private institution of higher education shall establish, and the State Board shall adopt a policy requiring each comprehensive community college to establish, a written memorandum of understanding with a sexual assault crisis center or other victim support service in order to provide sexual assault victims with immediate access to a confidential, independent advocate who can provide a trauma-informed response that includes an explanation of options for moving forward.

B. Each public institution of higher education and nonprofit private institution of higher education shall adopt policies to provide to sexual assault victims information on contacting such sexual assault crisis center or other victim support service.

§ 23.1-808. Sexual violence policy review.

By October 31 of each year, the System, Richard Bland College, each baccalaureate public institution of higher education, and each nonprofit private institution of higher education shall certify to the Council that it has reviewed its sexual violence policy and updated it as appropriate. The Council and the Department of Criminal Justice Services shall establish criteria for the certification process and may request information relating to the policies for the purposes of sharing best practices and improving campus safety. The Council and the Department of Criminal Justice Services shall report to the Secretary of Education on the certification status of each such institution by November 30 of each year.

Article 3.

Campus Safety; Campus Police Departments.

§ 23.1-809. Public institutions of higher education; establishment of campus police departments authorized; employment of officers.

A. The governing board of each public institution of higher education may establish a campus police department and employ campus police officers and auxiliary police forces upon appointment as provided in §§ 23.1-811 and 23.1-812. Such employment is governed by the Virginia Personnel Act (§ 2.2-2900 et seq.), except that the governing board of a public

institution of higher education may direct that the employment of the chief of the campus police department is not governed by the Virginia Personnel Act.

B. The Virginia Commonwealth University Health System Authority and Eastern Virginia Medical School may employ police officers and auxiliary police forces as provided in this article and, in the case of the Authority, in § 23.1-2406, except that the employment of such officers and forces is not governed by the Virginia Personnel Act (§ 2.2-2900 et seq.).

§ 23.1-810. Authorization for campus police departments in private institutions of higher education.

The governing board of each private institution of higher education may establish, in compliance with the provisions of this article, a campus police department and employ campus police officers upon appointment as provided in § 23.1-812. Except as such provisions apply exclusively to public institutions of higher education or employees, the provisions of this article shall apply to the appointment and employment of officers and the operation, powers, duties, and jurisdiction of campus police departments at private institutions of higher education, and such departments are subject to and shall enjoy the benefits of this article. However, to be qualified to use the word "police" to describe the department or its officers, any private institution of higher education that establishes a campus police department shall require each officer to comply with the training or other requirements for law-enforcement officers established by the Department of Criminal Justice Services pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1.

§ 23.1-811. Establishment of auxiliary police forces.

The governing board of each public institution of higher education and private institution of higher education, for the further preservation of public peace, safety, and good order of the campus community, may establish, equip, and maintain an auxiliary police force. When called into service pursuant to procedures established by the governing board, members of such auxiliary police forces have all the powers, authority, and immunities of campus police officers at public institutions of higher education.

§ 23.1-812. Appointment of campus police officers and members of an auxiliary police force.

A. Prior to appointment as a campus police officer or member of an auxiliary police force, each individual shall be investigated by the campus police department of the institution applying for the order of appointment or, if none has been established, by the police department of the locality in which such institution is located. Such investigation shall determine whether the individual is responsible, honest, and in all ways capable of performing the duties of a campus police officer.

B. Upon application of the governing board of a public institution of higher education or private institution of higher education, the circuit court of the locality in which the institution is located may, by order, appoint the individuals named in the application to be campus police officers or members of an auxiliary police force at such institution.

C. Each campus police officer and member of an auxiliary police force appointed and employed pursuant to this article is a state employee of the institution named in the order of appointment. Insofar as it is not inconsistent with the Virginia Personnel Act (§ 2.2-2900 et seq.), the governing board of such institution shall provide for the conditions and terms of employment and compensation and a distinctive uniform and badge of office for such officers and members of an auxiliary police force.

§ 23.1-813. Officers and members to comply with requirements of Department of Criminal Justice Services.

All individuals appointed and employed as campus police officers or members of an auxiliary police force pursuant to this article shall comply with the requirements for law-enforcement officers as established by the Department of Criminal Justice Services pursuant to Chapter 1 (§ 9.1-100 et seq.) of Title 9.1.

§ 23.1-814. Termination of employment of campus police officers and members of auxiliary police forces.

An individual appointed as a campus police officer or a member of an auxiliary police force shall exercise his powers only as long as he remains employed or activated by the institution named in the order of the appointment. The appointment order entered by the circuit court shall automatically be revoked upon the termination of the employment of the officer or member at the institution and may be revoked by the court for malfeasance, misfeasance, or nonfeasance. The institution shall notify the court upon termination of the employment of the officer or member at the institution.

§ 23.1-815. Campus police forces and auxiliary police forces; powers and duties; jurisdiction.

A. As used in this section:

"Campus" means (i) any building or property owned or controlled by an institution of higher education located within the same reasonably contiguous geographic area of the institution and used by the institution in direct support of, or in a manner relating to, the institution's educational purposes, including residence halls, and (ii) any building or property that is within or reasonably contiguous to the area described in clause (i) that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes, such as a food or other retail vendor.

"Noncampus building or property" means (i) any building or property owned or controlled by a student organization that is officially recognized by an institution of higher education or (ii) any building or property owned or controlled by an institution of higher education that is used in direct support of, or in relation to, the institution's educational purposes, is frequently used by students, and is not within the same reasonably contiguous geographic area of the institution.

"Public property" means all public property, including thoroughfares, streets, sidewalks, and parking facilities, that is within the campus, or immediately adjacent to and accessible from the campus.

B. A campus police officer appointed as provided in § 23.1-812 or a member of an auxiliary police force appointed and activated pursuant to §§ 23.1-811 and 23.1-812 shall be deemed police officers of localities who may exercise the powers and duties conferred by law upon such police officers, including the provisions of Chapters 5 (§ 19.2-52 et seq.), 7 (§ 19.2-71 et seq.), and 23 (§ 19.2-387 et seq.) of Title 19.2, (i) upon any property owned or controlled by the public

institution of higher education or private institution of higher education, or, upon request, any property owned or controlled by another public institution of higher education or private institution of higher education, and upon the streets, sidewalks, and highways immediately adjacent to any such property; (ii) pursuant to a mutual aid agreement (a) as provided for in § 15.2-1727 or (b) between the governing board of a public institution of higher education or private institution of higher education and another public institution of higher education or private institution of higher education in the Commonwealth or an adjacent political subdivision; (iii) in close pursuit of a person as provided in § 19.2-77; and (iv) upon approval by the appropriate circuit court of a petition by the local governing body for concurrent jurisdiction in designated areas with the police officers of the locality in which the institution, its satellite campuses, or other properties are located. The local governing body may only petition the circuit court for such concurrent jurisdiction pursuant to a request by the local law-enforcement agency.

C. Each public institution of higher education and private institution of higher education that establishes a campus police force pursuant to this article shall enter into and become a party to a mutual aid agreement with an adjacent local law-enforcement agency or the Department of State Police for the use of their regular and auxiliary joint forces, equipment, and materials when needed in the investigation of any felony criminal sexual assault or medically unattended death occurring on property owned or controlled by such institution or any death resulting from an incident occurring on such property. Such mutual aid agreements shall include provisions requiring either the campus police force or the agency with which it has established a mutual aid agreement pursuant to this subsection, in the event that such police force or agency conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 *et seq.*) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. No such notification provision shall require a campus police force or the agency with which it has established a mutual aid agreement to disclose identifying information about the victim. Nothing in this section prohibits a campus police force or auxiliary police force from requesting assistance from any appropriate law-enforcement agency of the Commonwealth with which the institution has not entered into a mutual aid agreement.

D. Each public institution of higher education and private institution of higher education that (i) has not established a campus police force or auxiliary police force pursuant to this article and (ii) has a security department, relies on local or state police forces, or contracts for security services from private parties pursuant to § 23.1-818 shall enter into and become a party to a memorandum of understanding with an adjacent local law-enforcement agency or the Department of State Police (the Department) to require either such local law-enforcement agency or the Department, in the event that such agency or the Department conducts an investigation that involves a felony criminal sexual assault as set forth in Article 7 (§ 18.2-61 *et seq.*) of Chapter 4 of Title 18.2 occurring on campus, in or on a noncampus building or property, or on public property, to notify the local attorney for the Commonwealth of such investigation within 48 hours of beginning such investigation. No such notification provision shall require the law-enforcement agency or the Department to disclose identifying information about the victim.

§ 23.1-816. Extending police power of public institutions of higher education beyond boundaries; jurisdiction of general district courts; duty of attorneys for the Commonwealth.

A. The governing board of any public institution of higher education that leases, rents, or owns satellite campuses, public buildings, and other property located beyond the limits of such institution has and may exercise full police power over such property and individuals using such property. The governing board may prescribe policies and regulations for the operation and use of such properties and the conduct of individuals using such property and may provide appropriate administrative penalties for the violation of such policies and regulations.

B. The general district court for the locality in which violations of law or policies or regulations established by the governing board of the institution pursuant to subsection A occurs has jurisdiction over all cases involving such violations.

C. It is the duty of each local attorney for the Commonwealth to prosecute all violators of the laws pertaining to the provisions enumerated in this article that occur in such locality.

§ 23.1-817. Inspection of criminal incident information.

Criminal incident information of any campus police department established pursuant to § 23.1-810, including (i) the date, time, and general location of the alleged crime; (ii) a general description of injuries suffered or property damaged or stolen; and (iii) the name and address of any individual arrested as a result of felonies committed against persons or property or misdemeanors involving assault, battery, or moral turpitude reported to the campus police, shall be open to inspection and copying by any citizen of the Commonwealth, currently registered student of the institution, or parent of a registered student during the regular office hours of the custodian of such information unless such disclosure is prohibited by law. If the release of such information is likely to jeopardize an ongoing criminal investigation or the safety of an individual, cause a suspect to flee or evade detection, or result in the destruction of evidence, such information may be withheld until such damage is no longer likely to occur from the release of such information.

§ 23.1-818. Security departments and other security services.

Nothing in this article shall abridge the authority of the governing board of a public institution of higher education or private institution of higher education to establish security departments, whose officers and employees shall not have the powers and duties set forth in § 23.1-815, in place of or in addition to campus police departments, rely upon local or state police forces, or contract for security services from private parties.

CHAPTER 9.
ACADEMIC POLICIES.

Article 1.

General Provisions.

§ 23.1-900. Academic transcripts; suspension, permanent dismissal, or withdrawal from institution.

A. As used in this section, "sexual violence" means physical sexual acts perpetrated against a person's will or against a person incapable of giving consent.

B. The registrar of each (i) private institution of higher education that is eligible to participate in the Tuition Assistance Grant Program pursuant to the Tuition Assistance Grant Act (§ 23.1-628 et seq.) or to receive project financing from the Virginia College Building Authority pursuant to Article 2 (§ 23.1-1220 et seq.) of Chapter 12 and (ii) public institution of higher education, or the other employee, office, or department of the institution that is responsible for maintaining student academic records, shall include a prominent notation on the academic transcript of each student who has been suspended for, has been permanently dismissed for, or withdraws from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct stating that such student was suspended for, was permanently dismissed for, or withdrew from the institution while under investigation for an offense involving sexual violence under the institution's code, rules, or set of standards. Such notation shall be substantially in the following form: "[Suspended, Dismissed, or Withdrew while under investigation] for a violation of [insert name of institution's code, rules, or set of standards]." Each such institution shall (a) notify each student that any such suspension, permanent dismissal, or withdrawal will be documented on the student's academic transcript and (b) adopt a procedure for removing such notation from the academic transcript of any student who is subsequently found not to have committed an offense involving sexual violence under the institution's code, rules, or set of standards governing student conduct.

C. The institution shall remove from a student's academic transcript any notation placed on such transcript pursuant to subsection B due to such student's suspension if the student (i) completed the term and any conditions of the suspension and (ii) has been determined by the institution to be in good standing according to the institution's code, rules, or set of standards governing such a determination.

D. The provisions of this section shall apply only to a student who is taking or has taken a course at a public institution of higher education or private institution of higher education on a campus that is located in the Commonwealth; however, the provisions of this section shall not apply to any public institution of higher education established pursuant to Chapter 25 (§ 23.1-2500 et seq.).

Article 2.

Programs of Instruction.

§ 23.1-901. Programs on economics education and financial literacy.

A. Public institutions of higher education shall promote the development of student life skills by including the principles of economics education and financial literacy within an existing general education course, the freshman orientation process, or another appropriate venue. Such principles may include instruction concerning personal finance such as credit card use, opening and managing an account in a financial institution, completing a loan application, managing student loans, savings and investments, consumer rights and responsibilities, predatory lending practices and interest rates, consumer fraud, identity theft and protection, and debt management.

B. The Council shall encourage private institutions of higher education to include such principles as part of their student orientation programs.

§ 23.1-902. Education preparation programs offered by institutions of higher education.

A. Education preparation programs offered by public institutions of higher education and private institutions of higher education shall meet the requirements for accreditation and program approval as prescribed by the Board of Education in its regulations.

B. As provided in § 22.1-298.2, the Board of Education shall prescribe an assessment of basic skills for individuals seeking entry into an approved education preparation program and shall establish a minimum passing score for such assessment. The Board of Education may prescribe in its regulations other requirements for admission to approved education preparation programs in the Commonwealth.

C. Any candidate who fails to achieve the minimum score established by the Board of Education may be denied entrance into an education preparation program on the basis of such failure, but any such candidate who gains entrance and enrolls in an education preparation program shall have the opportunity to address all deficiencies.

§ 23.1-903. Distance learning.

Each public institution of higher education shall include in its strategic plan information indicating to what extent, if any, it will use distance learning to expand access to, improve the quality of, and minimize the cost of education at such institution. For institutions that use distance learning or plan to use distance learning in the future, such information shall include the degree to which distance learning will be integrated into the curriculum, benchmarks for measuring such integration, and a schedule for the evaluation of distance learning courses.

The Council shall assist the governing board of each public institution of higher education in the development of such information.

Article 3.
Course Credit.

§ 23.1-904. Course credit; veterans; active duty military students.

A. The governing board of each public institution of higher education shall implement policies that provide students called to active military duty during an academic semester with the opportunity to earn full course credit. Such policies shall provide, as one option, that such students who have completed 75 percent of the course requirements at the time of activation and who meet other specified requirements receive full course credit.

B. The governing board of each public institution of higher education shall, in accordance with guidelines developed by the Council, implement policies for the purpose of awarding academic credit to students for educational experience gained from service in the Armed Forces of the United States.

C. The governing board of each public institution of higher education shall, in accordance with guidelines developed by the Council, implement policies that recognize the scheduling difficulties and obligations encountered by active duty members of the Armed Forces of the United States.

§ 23.1-905. Academic credit for American Sign Language.

Each public institution of higher education shall count credit received for successful completion of American Sign Language courses either in a secondary school or another institution of higher education toward satisfaction of the foreign language entrance requirements of the public institution of higher education.

§ 23.1-906. (Effective July 1, 2016) Course credit; Advanced Placement, Cambridge Advanced, College-Level Examination Program, and International Baccalaureate examinations.

A. The Council, in consultation with the governing board of each public institution of higher education, shall establish a policy for granting undergraduate course credit to entering freshman students who have taken one or more Advanced Placement, Cambridge Advanced (A/AS), College-Level Examination Program (CLEP), or International Baccalaureate examinations. The policy shall:

1. Outline the conditions necessary for each public institution of higher education to grant course credit, including the minimum required scores on such examinations;
2. Identify the course credit or other academic requirements of each public institution of higher education that the student satisfies by achieving the minimum required scores on such examinations; and
3. Ensure, to the extent possible, that the grant of course credit is consistent across each public institution of higher education and each such examination.

B. The Council and each public institution of higher education shall make the policy available to the public on its website.

Article 4.
Articulation, Transfer, and Dual Enrollment.

§ 23.1-907. Articulation, dual admissions, and guaranteed admissions agreements; admission of certain comprehensive community college graduates.

A. The board of visitors of each baccalaureate public institution of higher education shall develop, consistent with Council guidelines and the institution's six-year plan as set forth in § 23.1-306, articulation, dual admissions, and guaranteed admissions agreements with each associate-degree-granting public institution of higher education.

B. The Council and each public institution of higher education shall develop a one-year uniform certificate of general studies program as set forth in subdivision 20 of § 23.1-203. All credits earned in academic subject coursework by students attending an associate-degree-granting public institution of higher education who complete the one-year uniform certificate of general studies program are transferrable to a baccalaureate public institution of higher education in accordance with Council guidelines.

C. The Council shall prepare an annual report on the pertinent aspects of the pipeline of students transferring from comprehensive community colleges to baccalaureate public institutions of higher education.

D. The Council, consistent with its responsibility to facilitate the development of articulation, dual admissions, and guaranteed admissions agreements set forth in §§ 23.1-203 and 23.1-908, shall develop guidelines for such agreements.

E. Each comprehensive community college shall develop agreements for postsecondary degree attainment with the public high schools in the school divisions that such comprehensive community college serves specifying the options for students to complete an associate degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma. Such agreements shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

§ 23.1-908. State Transfer Tool.

A. The Council shall develop, in cooperation with each public institution of higher education, a State Transfer Tool that designates each general education course that is offered in an associate degree program at an associate-degree-granting public institution of higher education and transferable for course credit to a baccalaureate public institution of higher education.

In developing the State Transfer Tool, the Council shall also seek the participation of private institutions of higher education.

B. The Council shall develop guidelines to govern the development and implementation of articulation, dual admissions, and guaranteed admissions agreements between associate-degree-granting public institutions of higher

education and baccalaureate public institutions of higher education. Dual admissions agreements shall set forth (i) the obligations of each student accepted to such a program, including grade point average requirements, acceptable associate degree majors, and completion timetables, and (ii) the extent to which each student accepted to such a program may access the privileges of enrollment at both institutions while he is enrolled at either institution. Such agreements are subject to the admissions requirements of the baccalaureate public institutions of higher education.

C. The Council shall develop and make available to the public information identifying all general education courses offered at associate-degree-granting public institutions of higher education and designating those that are transferable for course credit at baccalaureate public institutions of higher education and baccalaureate private institutions of higher education.

§ 23.1-909. Combined cooperative degree program.

A. The Secretary of Education and the director of the Council, in consultation with each public institution of higher education and nonprofit private institution of higher education, shall develop a plan to establish and advertise a cooperative degree program whereby any undergraduate student enrolled at any public institution of higher education or nonprofit private institution of higher education may complete, through the use of online courses at any such institution, the course credit requirements to receive a degree at a tuition cost not to exceed \$4,000, or the lowest cost that is achievable, per academic year.

B. No later than October 1, 2016, the Secretary of Education and the director of the Council shall report to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health on the progress made toward developing a cooperative degree program plan pursuant to this section.

SUBTITLE III.

MANAGEMENT AND FINANCING.

CHAPTER 10.

RESTRUCTURED HIGHER EDUCATION FINANCIAL AND ADMINISTRATIVE OPERATIONS ACT.

Article I.

Definitions.

§ 23.1-1000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Bonds, notes, or other obligations" means bonds, notes, commercial paper, bond anticipation notes, revenue certificates, capital leases, lease participation certificates, or other evidences of indebtedness or deferred purchase financing arrangements.

"Capital project" means the acquisition of any interest in land, including (i) capital leases and (ii) improvements on the acquired land consisting of (a) new construction of at least 5,000 square feet, (b) new construction costing at least \$2 million, or (c) improvements or renovations costing at least \$2 million.

"Covered employee" means any individual who is employed by a covered institution on either a salaried or wage basis.

"Covered institution" means a public institution of higher education that has entered into a management agreement with the Commonwealth to be governed by the provisions of Article 4 (§ 23.1-1004 et seq.).

"Enabling statutes" means each chapter in Subtitle IV (§ 23.1-1300 et seq.), and in the case of the University of Virginia Medical Center §§ 2.2-2817.2, 2.2-2905, 51.1-126.3, and 51.1-1100, creating, continuing, or otherwise setting forth the powers, duties, purposes, and missions of each individual public institution of higher education unless otherwise expressly provided in this chapter.

"Facilities" means all (i) real, personal, tangible, and intangible property, including all (a) infrastructure suitable for supporting a covered institution's mission and ancillary activities and (b) structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, furnishings, landscaping, approaches, roadways, and other related and supporting facilities held, possessed, owned, leased, operated, or used, in whole or in part, by a covered institution and (ii) rights in such property.

"Includes" has the same meaning as provided in § 1-218.

"Management agreement" means an agreement between the Commonwealth and a public institution of higher education that enables such institution to be governed by Article 4 (§ 23.1-1004 et seq.).

"Participating covered employee" includes (i) all salaried nonfaculty covered employees who were employed by the covered institution on the day prior to the effective date of the initial management agreement and elect pursuant to § 23.1-1022 to participate in and be governed by the program, plans, policies, and procedures established by the institution pursuant to Article 4 (§ 23.1-1004 et seq.); (ii) all salaried nonfaculty covered employees who are employed by the covered institution on or after the effective date of the initial management agreement; (iii) all nonsalaried nonfaculty covered employees of the covered institution without regard to when they were hired; (iv) all faculty covered employees of the covered institution without regard to when they were hired; and (v) all employees of the University of Virginia Medical Center without regard to when they were hired.

"Project" means (i) any research program, research facility, or educational facility of a covered institution or equipment necessary or convenient to or consistent with the purposes of such institution, whether or not owned by the institution, including (a) research, training, teaching, dormitory, and classroom facilities and all related and supporting facilities and equipment necessary or desirable in connection with such facilities or incidental to such facilities; (b) office,

parking, kitchen, laundry, laboratory, wellness, pharmaceutical, administrative, communications, computer, and recreational and athletics facilities; (c) hotels and related facilities; (d) power plants and equipment; (e) storage space; (f) hospitals; (g) nursing homes; (h) continuing care facilities; (i) self-care facilities; (j) health maintenance centers; (k) medical office facilities; (l) clinics; (m) outpatient clinics; (n) surgical centers; (o) alcohol, substance abuse, and drug treatment centers; (p) sanitariums; (q) hospices; (r) facilities for the residence or care of the elderly, handicapped, or chronically ill; (s) residential facilities for nurses, interns, and physicians; (t) other facilities for the treatment of sick, disturbed, or infirm individuals, the prevention of disease, or the maintenance of health; (u) colleges, schools, or divisions offering undergraduate, graduate, professional, or extension programs, or any combination of such programs, for such courses of study as may be appropriate; (v) vehicles, mobile medical facilities, and other transportation equipment; and (w) air transport equipment, including equipment necessary or desirable for the transportation of medical equipment, medical personnel, or patients; and (ii) all lands, buildings, improvements, approaches, and appurtenances necessary or desirable in connection with or incidental to any such program, facility, or equipment.

"Virginia Retirement System" includes any retirement system established or authorized by Title 51.1.

Article 2.

Financial and Administrative Standards, Authority, and Incentives.

§ 23.1-1001. Financial and administrative management standards for public institutions of higher education.

A. Each public institution of higher education shall meet the following financial and administrative management standards:

1. An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
2. No significant audit deficiencies attested to by the Auditor of Public Accounts;
3. Substantial compliance with all financial reporting standards approved by the State Comptroller;
4. Substantial attainment of accounts receivable standards approved by the State Comptroller, including any standards for outstanding receivables and bad debts;
5. Substantial attainment of accounts payable standards approved by the State Comptroller including any standards for accounts payable past due; and
6. Other financial and administrative management standards established by the Governor or included in the general appropriation act currently in effect.

B. Each public institution of higher education that does not meet all of the financial management standards in subsection A according to the written certification of the Auditor of Public Accounts pursuant to § 30-133.1 shall develop and implement a written plan of corrective action to meet such standards as soon as practicable. The chairman or rector of the governing board of the public institution of higher education shall promptly provide a copy of the completed written plan to the Auditor of Public Accounts and the Secretaries of Education, Finance, and Administration.

C. Each public institution of higher education that does not meet all of the administrative management standards established by the Governor and such standards currently in effect for such institutions according to the written certification of the Auditor of Public Accounts pursuant to § 30-133.1 shall develop and implement a written plan of corrective action to meet such standards as soon as practical. The chairman or rector of the governing board of the public institution of higher education shall promptly provide a copy of the completed written plan to the Auditor of Public Accounts and the Secretaries of Education, Finance, and Administration.

§ 23.1-1002. Eligibility for restructured financial and administrative operational authority and financial benefits.

A. The state goals for each public institution of higher education are to:

1. Consistent with its institutional mission, provide access to higher education for all citizens throughout the Commonwealth, including underrepresented populations, and consistent with subdivision 4 of § 23.1-203 and in accordance with anticipated demand analysis, meet enrollment projections and degree estimates as agreed upon with the Council. Each such institution shall bear a measure of responsibility for ensuring that the statewide demand for enrollment is met;
2. Consistent with § 23.1-306, ensure that higher education remains affordable, regardless of individual or family income, and through a periodic assessment determine the impact of tuition and fee levels net of financial aid on applications, enrollment, and student indebtedness incurred for the payment of tuition, mandatory fees, and other necessary charges;
3. Offer a broad range of undergraduate and, where appropriate, graduate programs consistent with its mission and assess regularly the extent to which the institution's curricula and degree programs address the Commonwealth's need for sufficient graduates in particular shortage areas, including specific academic disciplines, professions, and geographic regions;
4. Ensure that the institution's academic programs and course offerings maintain high academic standards by undertaking a continuous review and improvement of academic programs, course availability, faculty productivity, and other relevant factors;
5. Improve student retention so that students progress from initial enrollment to a timely graduation and the number of degrees conferred increases as enrollment increases;
6. Consistent with its institutional mission, develop articulation agreements that have uniform application to all comprehensive community colleges and meet appropriate general education and program requirements at the

baccalaureate institution of higher education, provide additional opportunities for associate degree graduates to be admitted and enrolled, and offer dual enrollment programs in cooperation with high schools;

7. Actively contribute to efforts to stimulate the economic development of the Commonwealth and the area in which the institution is located, and for those institutions subject to a management agreement pursuant to Article 4 (§ 23.1-1004 et seq.), in areas with below-state average income levels and employment rates;

8. Consistent with its institutional mission, increase the level of externally funded research conducted at the institution and facilitate the transfer of technology from university research centers to private sector companies;

9. Work actively and cooperatively with public elementary and secondary school administrators, teachers, and students to improve student achievement, upgrade the knowledge and skills of teachers, and strengthen leadership skills of school administrators;

10. Prepare a six-year financial plan consistent with § 23.1-306;

11. Conduct the institution's business affairs in a manner that (i) helps maximize the operational efficiencies and economies of the institution and the Commonwealth and (ii) meets all financial and administrative management standards pursuant to § 23.1-1001 specified by the Governor and included in the current general appropriation act, which shall include best practices for electronic procurement and leveraged purchasing, information technology, real estate portfolio management, and diversity of suppliers through fair and reasonable consideration of small, women-owned, and minority-owned business enterprises; and

12. Seek to ensure the safety and security of students on campus.

B. Each public institution of higher education that meets the state goals set forth in subsection A on or after August 1, 2005, may:

1. Dispose of its surplus materials at the location where the surplus materials are held and retain any proceeds from such disposal as provided in subdivision B 14 of § 2.2-1124;

2. As provided in and pursuant to the conditions in subsection C of § 2.2-1132, contract with a building official of the locality in which construction is taking place and for such official to perform any inspection and certifications required to comply with the Uniform Statewide Building Code (§ 36-97 et seq.) pursuant to subsection C of § 36-98.1;

3. For each public institution of higher education that has in effect a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as set forth in the general appropriation act, as provided in subsection C of § 2.2-1132, enter into contracts for specific construction projects without the preliminary review and approval of the Division of Engineering and Buildings of the Department of General Services, provided that such institutions are in compliance with the requirements of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and utilize the general terms and conditions for those forms of procurement approved by the Division of Engineering and Buildings and the Office of the Attorney General;

4. Acquire easements as provided in subdivision 4 of § 2.2-1149;

5. Enter into an operating/income lease or capital lease pursuant to the conditions and provisions in subdivision 5 of § 2.2-1149;

6. Convey an easement pertaining to any property such institution owns or controls as provided in subsection C of § 2.2-1150;

7. In accordance with the conditions and provisions in subdivision C 2 of § 2.2-1153, sell surplus real property that is possessed and controlled by the institution and valued at less than \$5 million;

8. For purposes of compliance with § 2.2-4310, procure goods, services, and construction from a vendor that the institution has certified as a small, women-owned, or minority-owned business enterprise pursuant to the conditions and provisions in § 2.2-1609;

9. Be exempt from review of its budget request for information technology by the CIO as provided in subdivision A 4 of § 2.2-2007;

10. Adopt policies for the designation of administrative and professional faculty positions at the institution pursuant to the conditions and provisions in subsection E of § 2.2-2901;

11. Be exempt from reporting its purchases to the Secretary of Education, provided that all purchases, including sole source purchases, are placed through the Commonwealth's electronic procurement system using proper system codes for the methods of procurement; and

12. Utilize as methods of procurement a fixed price, design-build, or construction management contract notwithstanding the provisions of § 2.2-4306.

C. Each public institution of higher education that (i) has been certified during the fiscal year by the Council pursuant to § 23.1-206 as having met the institutional performance benchmarks for public institutions of higher education and (ii) meets the state goals set in subsection A shall receive the following financial benefits:

1. Interest on the tuition and fees and other nongeneral fund Educational and General Revenues deposited into the state treasury by the institution, as provided in the general appropriation act. Such interest shall be paid from the general fund and shall be an appropriate and equitable amount as determined and certified in writing by the Secretary of Finance to the Comptroller by the end of each fiscal year or as soon as practicable after the end of such fiscal year;

2. Any unexpended appropriations of the public institution of higher education at the end of the fiscal year, which shall be reappropriated and allotted for expenditure by the institution in the immediately following fiscal year;

3. A pro rata amount of the rebate due to the Commonwealth on credit card purchases of \$5,000 or less made during the fiscal year. The amount to be paid to each institution shall equal a pro rata share based upon its total transactions of \$5,000 or less using the credit card that is approved for use by all state agencies as compared to all transactions of \$5,000 or less using such card by all state agencies. The Comptroller shall determine the public institution's pro rata share and, as provided in the general appropriation act, shall pay the institution by August 15 of the fiscal year immediately following the year of certification or as soon as practicable after August 15 of such fiscal year. The payment to an institution of its pro rata share under this subdivision shall also be applicable to other rebate or refund programs in effect that are similar to that of the credit card rebate program described in this subdivision. The Secretary of Finance shall identify such other rebate or refund programs and shall determine the pro rata share to be paid to the institution; and

4. A rebate of any transaction fees for the prior fiscal year paid for sole source procurements made by the institution in accordance with subsection E of § 2.2-4303 for using a vendor that is not registered with the Department of General Services' web-based electronic procurement program commonly known as "eVA," as provided in the general appropriation act. Such rebate shall be certified by the Department of General Services and paid to each public institution by August 15 of the fiscal year immediately following the year of certification or as soon as practicable after August 15 of such fiscal year.

Article 3.

Restructured Financial and Administrative Authority; Memorandum of Understanding.

§ 23.1-1003. Memoranda of understanding.

A. Each public institution of higher education that meets the state goals set forth in subsection A of § 23.1-1002 may enter into a memorandum of understanding with the appropriate Cabinet Secretary, as designated by the Governor, for restructured operational authority in any operational area adopted by the General Assembly in accordance with law, provided that the authority granted in the memorandum of understanding is consistent with that institution's ability to manage its operations in the particular area and:

1. The institution is certified by the Council pursuant to § 23.1-206 or 23.1-310 for the most recent year that the Council has completed certification;

2. An absolute two-thirds or more of the institution's governing board has voted in the affirmative for a resolution expressing the sense of the board that the institution is qualified to be, and should be, governed by memoranda of understanding;

3. The institution adopts at least one new measure for each area of operational authority for which a memorandum of understanding is requested. Each measure shall be developed in consultation with (i) the appropriate Cabinet Secretary or (ii) the Secretary of Education and the Council if the measure is education-related. Any education-related measure is subject to the approval of the Council; and

4. The institution posts on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

B. Within 15 days of receipt of a request from a public institution of higher education to enter into a memorandum of understanding, the Cabinet Secretary receiving the request shall notify the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance of the request. The Cabinet Secretary shall determine within 90 calendar days whether to enter into the requested memorandum of understanding or a modified memorandum of understanding.

C. If the Cabinet Secretary enters into a memorandum of understanding with the public institution of higher education, he shall forward a copy of the governing board's resolution and a copy of the memorandum of understanding to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Each initial memorandum of understanding shall remain in effect for three years. Subsequent memoranda of understanding shall remain in effect for five years.

D. If the Cabinet Secretary does not enter into a memorandum of understanding with the public institution of higher education, he shall notify the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance of the reasons for denying the institution's request. If an institution's request is denied, nothing in this section shall prohibit a public institution of higher education from submitting a future request to enter into a memorandum of understanding pursuant to this section.

Article 4.

Restructured Financial and Administrative Authority; Covered Institutions; Management Agreements.

§ 23.1-1004. Management agreement; eligibility and application.

A. The governing and administration of each public institutions of higher education that meets the state goals set forth in subsection A of § 23.1-1002 and meets the requirements of this article to demonstrate the ability to manage successfully the administrative and financial operations of the institution without jeopardizing the financial integrity and stability of the institution may negotiate with the Governor to develop a management agreement with the Commonwealth to exercise restructured financial and administrative authority.

B. No public institution of higher education shall enter into a management agreement unless:

1. a. Its most current and unenhanced bond rating received from Moody's Investors Service, Inc., Standard & Poor's, Inc., or Fitch Investor's Services, Inc., is at least AA- (i.e., AA minus) or its equivalent, provided that such bond rating has been received within the last three years of the date that the initial management agreement is entered into; or

b. The institution has participated in decentralization pilot programs in the areas of finance and capital outlay, demonstrated management competency in those two areas as evidenced by a written certification from the Cabinet Secretary designated by the Governor, received restructured operational authority under a memorandum of understanding pursuant to Article 3 (§ 23.1-1003 et seq.) in at least one functional area, and demonstrated management competency in that area for a period of at least two years;

2. At least an absolute two-thirds of the institution's governing board has voted in the affirmative for a resolution in support of a request for restructured operational authority under a management agreement;

3. The institution submits to the Governor a written request for his approval of the management agreement that contains evidence that (i) the institution possesses the necessary administrative infrastructure, experience, and expertise to perform successfully its public educational mission as a covered institution; (ii) the institution is financially able to operate as a covered institution without jeopardizing the financial integrity and stability of the institution; (iii) the institution consistently meets the financial and administrative management standards pursuant to § 23.1-1001; and (iv) the institution's governing board has adopted performance and accountability standards, in addition to any institutional performance benchmarks included in the general appropriation act and developed pursuant to § 23.1-206, against which its implementation of the restructured operational authority under the management agreement can be measured;

4. The institution provides a copy of the written request to the Chairmen of the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health;

5. The institution agrees to reimburse the Commonwealth for any additional costs that the Commonwealth incurs to provide health or other group insurance benefits to employees and undertake any risk management program that are attributable to the institution's exercise of restructured operational authority. The Secretary of Finance and the Secretary of Administration, in consultation with the Virginia Retirement System and the affected institutions, shall establish procedures for determining any amounts to be paid by each institution and a mechanism for transferring the appropriate amounts directly and solely to the affected programs;

6. The institution considers potential future impacts of tuition increases on the Virginia College Savings Plan and discusses such potential impacts with parties participating in the development of the management agreement. The chief executive officer of the Virginia College Savings Plan shall provide to the institution and such parties the Plan's assumptions underlying the contract pricing of the program; and

7. The Governor transmits a draft of any management agreement that affects insurance or benefit programs administered by the Virginia Retirement System to the Board of Trustees of the Virginia Retirement System, which shall review the relevant provisions of the management agreement to ensure compliance with the applicable provisions of Title 51.1, administrative policies and procedures, and federal regulations governing retirement plans and advise the Governor and appropriate Cabinet Secretaries of any conflicts.

§ 23.1-1005. Approval of a management agreement.

A. If the Governor finds that the public institution of higher education meets the criteria set forth in § 23.1-1004, he shall authorize the appropriate Cabinet Secretary to enter into a management agreement with the governing board of such institution.

B. Each such management agreement shall be submitted no later than the succeeding November 15 to the House Committee on Appropriations, the House Committee on Education, the Senate Committee on Finance, and the Senate Committee on Education and Health. The Governor shall include a recommendation for approval of the management agreement with the public institution of higher education in "The Budget Bill" submitted pursuant to subsection A of § 2.2-1509 or in his gubernatorial amendments submitted pursuant to subsection E of § 2.2-1509 due by the December 20 that immediately follows the date of submission of the management agreement to such Committees.

C. The General Assembly shall consider whether to approve or disapprove the management agreement as recommended. If the management agreement is approved as part of the general appropriation act, it shall become effective on the effective date of such general appropriation act.

§ 23.1-1006. Management agreement; contents and scope.

A. Each covered institution that complies with the requirements of this article shall have the powers set forth in this article that are expressly included in the management agreement.

B. Each management agreement shall include:

1. A copy of the governing board's resolution in support of a request for restructured operational authority;

2. The institution's express agreement to reimburse the Commonwealth for any additional costs that the Commonwealth incurs to provide health or other group insurance benefits to employees and undertake any risk management program that are attributable to the institution's exercise of restructured operational authority;

3. The institution's undergraduate Virginia student enrollment, financial aid requirements and capabilities, and tuition policy for undergraduate Virginia students; and

4. A statement of the Governor's power to void the management agreement pursuant to subsection E of § 23.1-1007.

C. There is a presumption that restructured operational authority is not included in the management agreement, and such authority shall only be granted to a covered institution if it is expressly included in the management agreement. The only implied authority that is granted to a covered institution is that which is necessary to carry out the express grant of restructured operational authority. Each covered institution shall be governed and administered in the manner provided in

(i) this article but subject to the expressed terms of the management agreement, (ii) the general appropriation act, and (iii) the institution's enabling statutes.

D. Except as specifically made inapplicable under this article or the express terms of a management agreement, the provisions of Title 2.2 relating generally to the operation, management, supervision, regulation, and control of public institutions of higher education are applicable to covered institutions as provided by the express terms of the management agreement.

E. In the event of a conflict between any provision of Title 2.2 and any provision of the management agreement, the provisions of the management agreement control. In the event of a conflict between any provision of this article and an institution's enabling statutes, the enabling statutes control.

F. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.) that are applicable to officers and employees of a state governmental agency shall continue to apply to the members of the governing board and the covered employees of a covered institution.

G. A covered institution, its officers, directors, employees, and agents, and the members of its governing board are entitled to the same sovereign immunity to which they would be entitled if the institution were not governed by this article.

H. The Virginia Tort Claims Act (§ 8.01-195.1 et seq.) and its limitations on recoveries remain applicable to covered institutions.

I. A management agreement with a public institution of higher education shall not grant restructured operational authority to the Virginia Cooperative Extension Service and Agricultural Experiment Station Division, the University of Virginia's College at Wise, the Virginia Institute of Marine Science, or an affiliated entity of the institution unless the intent to grant such authority and the degree to which such authority is granted is expressly included in the management agreement.

J. For purposes of §§ 23.1-101, 23.1-102, 23.1-103, 23.1-104, and 23.1-107, Chapter 2 (§ 23.1-200 et seq.), §§ 23.1-306, 23.1-402, 23.1-403, and 23.1-404, Chapter 5 (§ 23.1-500 et seq.), Chapter 6 (§ 23.1-600 et seq.), Chapter 7 (§ 23.1-700 et seq.), §§ 23.1-800, 23.1-801, 23.1-901, and 23.1-1001, Chapter 11 (§ 23.1-1100 et seq.), Chapter 12 (§ 23.1-1200 et seq.), subsections G, H, and I of § 23.1-1300, § 23.1-1302, and subdivision B of § 23.1-1303, each covered institution shall remain a public institution of higher education following its conversion to a covered institution governed by this article and shall retain the authority granted and any obligations required by such provisions.

K. State government-owned or operated and state-owned teaching hospitals that are a part of a covered institution as of the effective date of the covered institution's initial management agreement shall continue to be characterized as state government-owned or operated and state-owned teaching hospitals for purposes of payments under the state plan for medical assistance services adopted pursuant to § 32.1-325, provided that the covered institution commits to serve indigent and medically indigent patients. If such covered institution commits to serve indigent and medically indigent patients, the Commonwealth, through the Department of Medical Assistance Services, shall, subject to the appropriation in the current general appropriation act, continue to reimburse the full cost of the provision of care, treatment, health-related services, and educational services to indigent and medically indigent patients and continue to treat hospitals that were part of a covered institution and that were Type One Hospitals prior to the effective date of the covered institution's initial management agreement as Type One Hospitals for purposes of such reimbursement.

L. Consistent with the terms of the management agreement, the governing board of each covered institution shall assume full responsibility for management of the institution, subject to the requirements and conditions set forth in this article and the management agreement, and shall be fully accountable for meeting the requirements of §§ 23.1-206, 23.1-306, and 23.1-310 and such other provisions as may be set forth in the management agreement.

§ 23.1-1007. Management agreement; duration and oversight.

A. Each initial management agreement shall remain in effect for a period of three years. Subsequent management agreements shall remain in effect for a period of five years.

B. If an existing management agreement is not renewed or a new management agreement is not executed prior to the expiration date, the existing agreement shall remain in effect on a provisional basis for a period not to exceed one year. If, after the expiration of the provisional one-year period, the management agreement has not been renewed or a new agreement has not been executed, the public institution of higher education shall not exercise such restructured operational authority until it enters into a new management agreement with the Commonwealth.

C. The Joint Legislative Audit and Review Commission, in cooperation with the Auditor of Public Accounts, shall review, for at least the first 24 months from the effective date of the management agreement, the level of compliance with the expressed terms of the management agreement, the degree to which the covered institution has demonstrated its ability to manage successfully the administrative and financial operations of the institution without jeopardizing the financial integrity and stability of the institution, the degree to which the covered institution is meeting the state goals set forth in subsection A of § 23.1-1002, and any impact that the management agreement has had on students and employees of the covered institution. The Joint Legislative Audit and Review Commission shall make a written report of its review no later than June 30 of the third year of the management agreement. The Joint Legislative Audit and Review Commission may conduct a similar review of any management agreement entered into subsequent to the initial agreement.

D. The Auditor of Public Accounts or his legally authorized representatives shall audit annually accounts of all covered institutions and shall distribute copies of each annual audit to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Pursuant to § 30-133, the Auditor of Public Accounts

and his legally authorized representatives shall examine annually the accounts and books of each such institution, but no covered institution shall be deemed a state or governmental agency, advisory agency, public body, or agency or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of Title 30 except for those provisions in such chapter that relate to requirements for financial recordkeeping and bookkeeping. Each covered institution is subject to such other reviews and audits as are required by law.

E. If the Governor makes a written determination that the covered institution is not in substantial compliance with the terms of the management agreement or with the requirements of this chapter, he shall provide a copy of that written determination to the chairman or rector of the governing board of the covered institution and to the General Assembly, and the covered institution shall develop and implement a plan of corrective action. The covered institution shall provide a copy of such corrective action plan to the Governor and General Assembly. If the Governor determines that the covered institution is not yet in substantial compliance with the management agreement or the requirements of this chapter after a reasonable period of time following the implementation of the corrective action plan, the Governor may void the management agreement and the institution's status as a covered institution shall terminate and it shall not exercise such restructured operational authority until the institution enters into a subsequent management agreement with the Cabinet Secretary designated by the Governor or the voided management agreement is reinstated by the General Assembly.

F. An institution's status as a covered institution may be revoked by an act of the General Assembly if the institution fails to meet the requirements of this article or the management agreement.

§ 23.1-1008. Covered institutions; operational authority generally.

In addition to those powers granted in each covered institution's enabling statutes and the general appropriation act, each covered institution, subject to the express provisions of the management agreement, may exercise all the powers necessary or convenient to carry out the purposes and provisions of this article and:

1. Make and execute contracts, guarantees, or any other instruments and agreements necessary or convenient to the exercise of its powers, authority, and functions, including contracts with persons to (i) operate and manage any or all of the covered institution's facilities or operations and (ii) incur liabilities and secure the obligations of any entity or individual, provided, however, that no covered institution may pledge the faith and credit of the Commonwealth or enter into an indemnification agreement or binding arbitration agreement contrary to state law;

2. Conduct or engage in any lawful business, activity, effort, or project consistent with the covered institution's purposes or necessary or convenient to the exercise of its powers; and

3. Procure insurance, participate in insurance plans, provide self-insurance, continue participation in the Commonwealth's insurance or self-insurance plans, continue participation in the Commonwealth's risk management programs, and continue participation in the Virginia Retirement System or other Commonwealth sponsored retirement plans subject to the conditions in §§ 23.1-1020 through 23.1-1026, and any combination of the foregoing, as provided in this article. The purchase of insurance, participation in an insurance plan, or creation of a self-insurance plan by the covered institution shall not be deemed a waiver or relinquishment of any sovereign immunity to which the covered institution or its officers, directors, employees, or agents are otherwise entitled. Covered institutions may participate in any Commonwealth or Virginia Retirement System insurance, self-insurance, or risk management program on the same terms and conditions applicable to other state agencies and other public institutions of higher education.

§ 23.1-1009. Covered institutions; operational authority; projects.

A. Each covered institution may acquire, plan, design, construct, own, rent as landlord or tenant, operate, control, remove, renovate, enlarge, equip, and maintain, directly or through stock or nonstock corporations or other entities, any project. Such project may be owned or operated by the institution, other persons, or jointly by such institution and other persons and may be operated within or outside the Commonwealth as long as (i) the operations of such project are necessary or desirable to assist the institution in carrying out its public purposes within the Commonwealth and (ii) any private benefit resulting to any such other private persons from any such project is merely incidental to the public benefit of such project.

B. Each covered institution may continue, adopt, and enforce policies for the operation of any facility, including any veterinary facility, hospital, or other health care and related facility owned or operated by the institution. Any such policies pertaining to the operation of any veterinary facility, hospital, or other health care or related facility may include the conditions of practicing any health profession or veterinary medicine in the facility, the admission and treatment of patients, the procedures for determining the qualification of patients for indigent care or other programs, and the protection of patients and employees, provided that such policies do not discriminate on the basis of race, religion, color, sex, national origin, or any other factor prohibited by law.

§ 23.1-1010. Covered institutions; operational authority; creation of entities and participation in joint ventures.

Each covered institution may:

1. Create or assist in the creation of; own in whole or in part or otherwise control; participate in or with any entities, public or private; and purchase, receive, subscribe for, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise acquire or dispose of any (i) shares or obligations of, or other interests in, any entity organized for any purpose within or outside the Commonwealth and (ii) obligations of any person or corporation. No part of the assets or net earnings of such institution shall inure to the benefit of, or be distributable to, any private individual except that reasonable compensation may be paid for services rendered to or for such institution in furtherance of its public purposes and benefits may be conferred that are in conformity with its public purposes.

2. Participate in joint ventures with individuals, corporations, governmental bodies or agencies, partnerships, associations, insurers, or other entities to facilitate any activities or programs consistent with its public purposes and the intent of this article.

3. Create or continue the existence of one or more nonprofit entities for the purpose of soliciting, accepting, managing, and administering grants and gifts and bequests, including endowment gifts and bequests and gifts and bequests in trust.

4. In carrying out any activities authorized by this article, provide appropriate assistance, including (i) making loans from its funds, other than general fund appropriations or proceeds of bonds issued under Article X, Section 9 (a), 9 (b), or 9 (c) of the Constitution of Virginia or under Article X, Section 9 (d) of the Constitution of Virginia if such issuance is supported by general funds and (ii) providing the time of its employees to corporations, partnerships, associations, joint ventures, or other entities whether such entities are owned or controlled in whole or in part or directly or indirectly by such institution.

§ 23.1-1011. Covered institutions; operational authority; campus police.

A. A covered institution may establish or continue to operate a campus police department in accordance with the provisions of Article 3 (§ 23.1-809 et seq.) of Chapter 8. Campus police shall possess the powers provided in Article 3 of Chapter 8, except that a covered institution's employment of campus police is governed by the provisions of this article rather than by Chapter 28 (§ 2.2-2800 et seq.) and Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2.

B. Campus police officers of a covered institution are eligible to participate in the same state-sponsored retirement plans on the same terms and conditions as campus police officers of other public institutions of higher education.

§ 23.1-1012. Covered institutions; operational authority; financial operations generally.

A. Each covered institution may (i) independently manage its operations and finances, including holding and investing its tuition, fees, research funds, and auxiliary enterprise funds and all other public funds; (ii) create any policy deemed necessary to conduct its financial operations; (iii) adopt the budget for the institution; and (iv) control the expenditures of all moneys generated or received by the institution, including tuition, fees, and other nongeneral fund revenue sources.

B. Subject to the express terms of the management agreement, the governing board of each covered institution has the sole authority to establish tuition, mandatory fees, room and board, and other necessary charges consistent with sum sufficient appropriation authority for all nongeneral funds as provided by the Governor and the General Assembly in the general appropriation act. In the event that the institution retains any nongeneral funds, it shall invest such funds consistent with an investment policy established by the governing board and retain all income earned on such investments. In the event that the Commonwealth holds any nongeneral funds on behalf of the institution, the institution shall receive a share of the income earned by the Commonwealth on the investment of such funds as provided in subsection C of § 23.1-1002.

C. The governing board of each covered institution shall include in its six-year plan pursuant to § 23.1-306 its commitment to providing need-based grant aid for middle-income and lower-income Virginia students in a manner that encourages student enrollment and progression without respect to potential increases in tuition and fees.

D. Each covered institution's management agreement shall include the quantification of cost savings realized as a result of the restructured operational authority pursuant to this article.

E. Each covered institution may enter into any contract that it determines to be necessary or appropriate to place any bond or investment of the institution, in whole or in part, on the interest rate, cash flow, or other basis desired by the institution, including contracts commonly known as interest rate swap agreements, futures, and contracts providing for payments based on levels of, or changes in, interest rates. Each covered institution may enter into such contracts in connection with, incidental to, or for the purpose of entering into or maintaining any (i) agreement that secures bonds, notes, or other obligations or (ii) investment or contract providing for investment, otherwise authorized by law, including § 23.1-1013. Such contracts may contain such payment, security, default, remedy, and other terms and conditions as determined by the institution after giving due consideration to the creditworthiness of the counterpart or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria that may be appropriate. Any money set aside and pledged to secure payments of bonds, notes, or other obligations or any contract entered into pursuant to this section may be pledged to and used to service any such contract.

F. The governing board of each covered institution shall adopt a system of independent financial management that includes bookkeeping and accounting procedures that have been prescribed for governmental organizations by the Government Accounting Standards Board.

§ 23.1-1013. Covered institutions; operational authority; financial operations; investment of operating funds.

Each covered institution may invest its operating funds in any obligations or securities that are considered legal investments for public funds in accordance with Chapter 45 (§ 2.2-4500 et seq.) of Title 2.2. Such institution's governing board shall adopt written investment guidelines that provide that such investments shall be made solely in the interest of the covered institution and shall be undertaken with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims.

§ 23.1-1014. Covered institutions; operational authority; financial operations; financing and indebtedness.

A. Each covered institution may:

1. Borrow money and issue bonds, notes, or other obligations as provided in this article and purchase such bonds, notes, or other obligations;

2. Seek financing from, incur, or assume indebtedness to, and enter into contractual commitments with, the Virginia Public Building Authority and the Virginia College Building Authority, which authorities are authorized to borrow money and make and issue negotiable notes, bonds, notes, or other obligations to provide such financing relating to facilities or any project; and

3. Seek financing from, incur or assume indebtedness to, and enter into contractual commitments with, the Commonwealth as otherwise provided by law relating to the institution's facilities or any project.

B. Notwithstanding the provisions of this chapter, no covered institution is exempt from any requirement or covenant contained in any outstanding bonds, notes, or other obligations.

§ 23.1-1015. Covered institutions; operational authority; financial operations; power to issue bonds, notes, or other obligations.

A. Notwithstanding the provisions of § 23.1-1119, a covered institution may (i) issue bonds, notes, or other obligations for any purpose that is consistent with its institutional mission, including to (a) finance or refinance any project, (b) appropriately manage operational cash flows, (c) provide for short-term financing, (d) refund bonds, notes, or other obligations issued by or on behalf of such institution, or otherwise, including bonds, notes, or other obligations or obligations not then subject to redemption, and (ii) guarantee, assume, or otherwise agree to pay, in whole or in part, indebtedness issued by such institution or any affiliated entity for managing operational cash flows or resulting in the acquisition or construction of facilities for the benefit of such institution or the refinancing thereof.

B. Nothing in this article shall preclude a covered institution from participation in any financing program or bond issue established and implemented by the Commonwealth or any agency of the Commonwealth, including (i) any financing program or bond issue under Article X, Section 9 (b) or 9 (c) of the Constitution of Virginia and (ii) any financing program or bond issue under Article X, Section 9 (d) of the Constitution of Virginia undertaken by the Treasury Board, the Virginia College Building Authority, or the Virginia Public Building Authority if such institution is otherwise eligible and approved to participate and is otherwise able to fulfill any requirements that may be imposed upon it by virtue of its participation.

C. Notwithstanding Article 8 (§ 2.2-2415 et seq.) of Chapter 24 of Title 2.2, Chapter 11 (§ 23.1-1100 et seq.), and § 23.1-2205, each covered institution may issue bonds, notes, or other obligations consistent with debt capacity and management policies and guidelines established by its governing board without (i) obtaining the consent of any legislative body, elected official, commission, board, bureau, political subdivision, or agency of the Commonwealth; (ii) any proceedings or conditions other than those specifically required by this article; (iii) the approval required by the provisions of Article 8 (§ 2.2-2415 et seq.) of Chapter 24 of Title 2.2; or (iv) any regulation or procedure, including a review or approval procedure, adopted pursuant to Chapter 11 (§ 23.1-1100 et seq.).

D. Each covered institution may issue such types of bonds, notes, or other obligations as it determines are appropriate and consistent with debt capacity and management policies and guidelines established by its governing board, including bonds, notes, or other obligations payable as to principal and interest from any one or more of the following sources: (i) its revenues generally; (ii) income and revenues derived from the operation, sale, or lease of a particular project, whether or not it is financed or refinanced from the proceeds of such bonds, notes, or other obligations; (iii) funds realized from the enforcement of security interests or other liens or obligations securing such bonds, notes, or other obligations; (iv) proceeds from the sale of bonds, notes, or other obligations; (v) payments under letters of credit, policies of municipal bond insurance, guarantees, or other credit enhancements; (vi) any reserve or sinking funds created to secure such payment; (vii) accounts receivable of such institution; or (viii) other available funds of such institution.

E. Any bonds, notes, or other obligations may be supported by any grant, contribution, or appropriation from a participating political subdivision, the covered institution, the Commonwealth, any political subdivision, agency, or instrumentality of the Commonwealth, any federal agency, or any unit, private corporation, partnership, association, or individual.

F. Bonds, notes, or other obligations of a covered institution are for an essential public and governmental purpose.

G. It is lawful for any bank or trust company within or outside the Commonwealth to serve as depository of the proceeds of bonds, notes, or other obligations or other revenues of a covered institution, furnish indemnifying bonds, notes, or other obligations, or pledge such securities as may be required by such institution, provided that any such deposits are collateralized in accordance with the Security for Public Deposits Act (§ 2.2-4400 et seq.) in the case of a bank or savings institution or Article 3 (§ 6.2-1047 et seq.) of Chapter 10 of Title 6.2 in the case of a trust company.

§ 23.1-1016. Covered institutions; operational authority; financial operations; capital projects.

A. The governing board of each covered institution shall adopt policies for the review, approval, and implementation of all capital projects undertaken by the institution.

B. All capital projects of a covered institution, whether funded by an appropriation of the General Assembly or otherwise, shall be approved by the institution's governing board.

C. Except as otherwise provided in subdivision D 2, capital projects undertaken at a covered institution may be exempt from any capital outlay oversight performed or required by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget, and any other state agency that supports the functions performed by such departments.

D. Capital projects undertaken at a covered institution are subject to the institution's capital project policies adopted pursuant to subsection A and:

1. Any capital project undertaken at a covered institution that costs \$300,000 or more is subject to the environmental, historic preservation, and conservation requirements of state law that are generally applicable to capital projects in the Commonwealth;

2. If the capital project is funded in whole or in part with a general fund appropriation for that purpose or proceeds from bonds issued under Article X, Section 9 (a), 9 (b), or 9 (c) of the Constitution of Virginia, or under Article X, Section 9 (d) of the Constitution of Virginia, if such issuance is supported by general funds, the project shall remain subject to the pre-appropriation approvals that are in effect within the executive and legislative branches of state government but may be exempt under the management agreement from any state post-appropriation review, approval, administrative, or other policy or procedure functions performed or required by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget, and any other state agency that supports the functions performed by such departments; and

3. If a covered institution constructs improvements on land or renovates property that was originally acquired or constructed in whole or in part with a general fund appropriation for that purpose or proceeds from bonds issued under Article X, Section 9 (a), 9 (b), or 9 (c) of the Constitution of Virginia, or under Article X, Section 9 (d) of the Constitution of Virginia, if such issuance is supported by general funds, and such improvements or renovations are undertaken entirely with funds not appropriated by the General Assembly, such improvements or renovations shall be consistent with such institution's master plan approved by its governing board and, if the cost of such improvements or renovations is reasonably expected to exceed \$2 million, the institution's decision to undertake such improvements or renovations shall be communicated to the Governor and to the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations no later than 60 days prior to the (i) commencement of construction or renovation or (ii) issuance of bonds, notes, or other obligations to finance such construction or renovation.

E. Each covered institution may designate a full-time employee to be its own building official and may determine the suitability for occupancy of and issue certifications for building occupancy for all capital projects undertaken at such institution. Such building official shall:

1. Ensure that the Virginia Uniform Statewide Building Code (§ 36-97 et seq.) requirements are met for that capital project and that such project has been inspected by the State Fire Marshal or his designee prior to issuing any such certification;

2. Report directly and exclusively to the governing board of the institution and be subject to review by the appropriate personnel in the Department of General Services;

3. Be certified by the Department of Housing and Community Development to perform this function; and

4. Have adequate resources and staff who are certified by the Department of Housing and Community Development in accordance with § 36-137 for such purpose and who shall review plans, specifications, and documents for compliance with codes and standards and perform required inspections of the work in progress and the completed project.

F. No individual licensed professional architect or engineer hired or contracted to perform the functions set forth in subsection E shall also perform other code-related design, construction, facilities-related project management, or facilities management functions for the institution on the same project.

§ 23.1-1017. Covered institutions; operational authority; procurement.

A. Subject to the express provisions of the management agreement, each covered institution may be exempt from the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except for § 2.2-4342, which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317, provided, however, that (i) any deviations from the Virginia Public Procurement Act in the management agreement shall be uniform across all covered institutions and (ii) the governing board of the covered institution shall adopt, and the covered institution shall comply with, policies for the procurement of goods and services, including professional services, that shall (a) be based upon competitive principles, (b) in each instance seek competition to the maximum practical degree, (c) implement a system of competitive negotiation for professional services pursuant to §§ 2.2-4303.1 and 2.2-4302.2, (d) prohibit discrimination in the solicitation and award of contracts based on the bidder's or offeror's race, religion, color, sex, national origin, age, or disability or on any other basis prohibited by state or federal law, (e) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354, (f) consider the impact on correctional enterprises under § 53.1-47, and (g) provide that whenever solicitations are made seeking competitive procurement of goods or services, it shall be a priority of the institution to provide for fair and reasonable consideration of small, women-owned, and minority-owned businesses and to promote and encourage a diversity of suppliers.

B. Such policies may (i) provide for consideration of the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (ii) implement a prequalification procedure for contractors or products; and (iii) include provisions for cooperative arrangements with other covered institutions, other public or private educational institutions, or other public or private organizations or entities, including public-private partnerships, public bodies, charitable organizations, health care provider alliances or purchasing organizations or entities, state agencies or institutions of the Commonwealth or the other states, the District of Columbia, the territories, or the United States, and any combination of such organizations and entities.

C. Nothing in this section shall preclude a covered institution from requesting and utilizing the assistance of the Virginia Information Technologies Agency for information technology procurements and covered institutions are encouraged to utilize such assistance.

D. Each covered institution shall post on the Department of General Services' central electronic procurement website all Invitations to Bid, Requests for Proposal, sole source award notices, and emergency award notices to ensure visibility and access to the Commonwealth's procurement opportunities on one website.

E. As part of any procurement provisions of the management agreement, the governing board of a covered institution shall identify the public, educational, and operational interests served by any procurement rule that deviates from procurement rules in the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

§ 23.1-1018. Covered institutions; operational authority; information technology.

Subject to the terms of the management agreement, each covered institution may be exempt from the provisions governing the Virginia Information Technologies Agency, Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2, and the provisions governing the Information Technology Advisory Council, Article 35 (§ 2.2-2699.5 et seq.) of Chapter 26 of Title 2.2, if the governing board of such covered institution adopts and the covered institution complies with (i) policies for the procurement of information technology goods and services, including professional services, that are consistent with the requirements of § 23.1-1017 and include provisions addressing cooperative arrangements for such procurement as described in § 23.1-1017 and (ii) institutional policies and professional best practices regarding strategic planning for information technology, project management, security, budgeting, infrastructure, and ongoing operations.

§ 23.1-1019. Covered institutions; operational authority; property, grants, and loans.

A. Nothing in this section shall limit or reduce the authority granted to a covered institution in §§ 23.1-1016 and 23.1-1028 concerning the planning, design, construction, and implementation of capital projects and leases.

B. Each covered institution may continue to hold, possess, operate, and dispose of any real, personal, tangible, or intangible property that such covered institution held, possessed, or operated prior to the effective date of its initial management agreement as follows:

1. For real property, including land, buildings, and any improvements to land or buildings, acquired or constructed in whole or in part with general fund appropriations or proceeds from a general obligation bond issue under Article X, Section 9 (a) or 9 (b) of the Constitution of Virginia, the covered institution shall (i) hold, possess, and operate such property in accordance with the institution's enabling statutes, this article, and any policies adopted by the governing board of the institution pursuant to this article and (ii) dispose of such property in accordance with general law applicable to state-owned property and the institution's enabling statutes.

2. For real property, including land, buildings, and any improvements to land or buildings, acquired or constructed either (i) entirely with nongeneral fund appropriations or proceeds from a nongeneral fund revenue bond issue under Article X, Section 9 (c) or 9 (d) of the Constitution of Virginia or (ii) entirely with funds other than funds appropriated by the General Assembly or proceeds from a general obligation bond issue under Article X, Section 9 (a) or 9 (b) of the Constitution of Virginia, the covered institution shall hold, possess, operate, and dispose of such property in accordance with the institution's enabling statutes, notwithstanding the provisions of this article, the approval requirements of subdivision B 1 of § 23.1-1301, and any policies adopted by the governing board of the institution pursuant to this article.

3. For personal property, the covered institution shall hold, possess, operate, and dispose of such property in accordance with the institution's enabling statutes, this article, and any policies adopted by the governing board of the institution pursuant to this article.

C. After the effective date of the initial management agreement, a covered institution may acquire any real property, construct improvements on real property pursuant to § 23.1-1016, and acquire any personal property, tangible or intangible, and hold, possess, operate, and dispose of such real and personal property as follows:

1. For real property, including land, buildings, and improvements to land and buildings, acquired or constructed with funds appropriated by the General Assembly for that purpose or with proceeds from a general obligation bond issue under Article X, Section 9 (a) or 9 (b) of the Constitution of Virginia, the covered institution shall (i) hold, possess, and operate such property in accordance with the institution's enabling statutes, this article, and any policies adopted by the governing board of the institution pursuant to this article, and (ii) dispose of such property in accordance with general law applicable to state-owned property and with the covered institution's enabling statutes.

2. For real property, including land, buildings, and improvements to land or buildings, acquired with any funds in the covered institution's possession other than funds appropriated by the General Assembly or proceeds from a general obligation bond issue under Article X, Section 9 (a) or 9 (b) of the Constitution of Virginia, the institution shall hold, possess, operate, dispose of, and otherwise deal with such property, or any right, easement, estate, or interest in such property, acquired by purchase, exchange, gift, assignment, transfer, foreclosure, lease, bequest, devise, operation of law, or other means, in accordance with the covered institution's enabling statutes, notwithstanding the provisions of this article, the approval requirements of subdivision B 1 of § 23.1-1301, and any policies adopted by the governing board of the institution pursuant to this article.

3. For personal property, the institution shall hold, possess, operate, and dispose of such property in accordance with the institution's enabling statutes, this article, and any policies adopted by the governing board of the institution pursuant to this article.

D. With the approval of the Governor or as otherwise provided by law, and consistent with subsections B and C, a covered institution may (i) sell, assign, encumber, mortgage, demolish, or otherwise dispose of any project, any other real, personal, tangible, or intangible property, any right, easement, estate, or interest in any such project or property, or any deed of trust or mortgage lien interest owned by it, under its control or custody or in its possession, and may release or

relinquish any right, title, claim, lien, interest, easement, or demand however acquired, including any equity or right of redemption in property foreclosed by it, and (ii) do any of the foregoing by public or private transaction.

E. A covered institution may accept loans, grants, contributions, or other assistance from the federal government, the Commonwealth, any political subdivision of the Commonwealth, or any other public or private source to carry out its mission as a public institution of higher education and any of the purposes of this article. A covered institution may enter into an agreement or contract regarding the acceptance, use, or repayment of any such loan, grant, contribution, or assistance and may enter into other agreements with any such entity in furtherance of the purposes of this article.

F. Localities may lend or donate money or other property to a covered institution for any of the institution's purposes. Any local government making a grant or loan may restrict the use of the grant or loan to a specific project, within or outside such locality.

G. Notwithstanding any other provision of this chapter, no covered institution shall take action with regard to any real or personal property if such action would be deemed to be in violation of any requirement or covenant contained in any outstanding bonds, notes, or other obligations.

§ 23.1-1020. Covered institutions; operational authority; human resources; covered employees generally.

A. Each covered employee shall continue to be a state employee who is governed by and eligible to participate in the human resources and benefits programs that governed him and in which he was eligible to participate immediately prior to the effective date of the initial management agreement for the covered institution by which he is employed, including the state retirement system, state health insurance program, state workers' compensation coverage program, and state grievance procedure, until the covered institution establishes a human resources program or programs, plan, or procedure applicable to him pursuant to this article in any such human resources or benefits program area. If, however, a covered institution is permitted by law other than in this chapter to establish an alternative health insurance plan or an alternative faculty or University of Virginia Medical Center retirement plan, such alternative health insurance or faculty or University of Virginia Medical Center retirement plan shall apply to and govern the covered employees included in such plan.

B. All human resources programs, plans, policies, and procedures established by the governing board of a covered institution pursuant to this article shall apply to and govern all participating covered employees, except as provided in § 23.1-1022.

C. All covered institutions are responsible for meeting the human resource reporting requirements established by the Governor and General Assembly.

§ 23.1-1021. Covered institutions; operational authority; human resources; establishment of a human resources program.

A. As used in this section, "active military duty" means federally funded military duty as (i) a member of the Armed Forces of the United States on active duty pursuant to Title 10 of the United States Code or (ii) a member of the Virginia National Guard on active duty pursuant to either Title 10 or Title 32 of the United States Code.

B. The governing board of each covered institution may elect to adopt for its nonfaculty participating covered employees either (i) one or more human resources programs that is or are generally consistent with the provisions of Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2, pertaining generally to state employees, or (ii) such other human resources program or programs as it determines to be appropriate. The covered institution may administer such human resources program or programs itself or contract with another covered institution or the Department of Human Resources Management to administer some or all of its human resources programs, subject to the execution of any participation or operating agreement as the parties to that agreement may deem necessary and appropriate.

C. Each covered institution may (i) establish a human resources program or programs for participating covered employees who are not subject to a human resources program established pursuant to subsection B, including a program or programs relating to such employees that its enabling statutes authorizes it to employ and (ii) contract for such consultants, attorneys, accountants, financial experts, and independent providers of expert advice and consultation as such institution deems necessary or desirable to assist in the establishment of such program.

D. Any human resources program adopted by the governing board of a covered institution for participating covered employees shall be based on merit principles and objective methods of appointment, promotion, transfer, layoff, removal, severance, and discipline and shall include other appropriate topics based on such principles and methods.

E. The human resources program adopted by the governing board of a covered institution shall, consistent with applicable federal law, address (i) the employment of participating covered employees who leave the service of a covered institution for service in any of the Armed Forces of the United States, (ii) the employment of veterans who have served in any of the Armed Forces of the United States following the termination of their military service, and (iii) leave and other policies affecting the employment of participating covered employees who have been ordered to active military duty in the Armed Forces of the United States or the organized reserve forces of any of the Armed Forces of the United States or the Virginia National Guard.

§ 23.1-1022. Covered institutions; operational authority; human resources; election by certain covered employees.

A. If the governing board of a covered institution establishes a human resources program or programs pursuant to § 23.1-1021, a salaried nonfaculty covered employee who was employed by the covered institution on the day prior to the effective date of the initial management agreement, except employees of the University of Virginia Medical Center, may elect within a prescribed period of the establishment of the human resources program to participate in and be governed by either (i) the state human resources program set forth in Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2 or

(ii) the human resources program or programs established by the governing board of the covered institution pursuant to § 23.1-1021. If the salaried nonfaculty covered employee does not make an election within such prescribed period, he shall be deemed to have elected to participate in and be governed by the state human resources program. Elections to participate in the human resources program established by the covered institution are irrevocable. At least once every two years, each covered institution that establishes a human resources program pursuant to § 23.1-1021 shall provide salaried nonfaculty employees who elected to participate and be governed by the state human resources program with (a) a comparison of the state program and the institution's program, including an assessment of compensation and benefits, and (b) an opportunity to participate in and be governed by the institution's human resources program.

B. A salaried nonfaculty covered employee who elects to participate in and be governed by the state human resources program set forth in Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2 shall continue to be governed by all state human resources and benefit plans, programs, policies, and procedures that apply to and govern state employees.

C. A salaried nonfaculty covered employee who elects to participate in and be governed by the human resources program or programs established by the governing board of the covered institution pursuant to § 23.1-1021 shall be deemed to have elected to be eligible to participate in and be governed by the human resources plans, programs, policies, and procedures adopted by the covered institution for his employment classification pursuant to §§ 23.1-1024, 23.1-1025, and 23.1-1026.

§ 23.1-1023. Covered institutions; operational authority; human resources; grievance procedures.

A. No covered institution is exempt from the State Grievance Procedure (§ 2.2-3000 et seq.), which shall continue to apply to all eligible nonfaculty covered employees of a covered institution. The governing board of each covered institution shall adopt policies that encourage the resolution of employment-related problems and complaints of its nonfaculty covered employees. Such policies shall provide that nonfaculty covered employees of the institution may discuss their concerns with their immediate supervisors and management freely and without retaliation. To the extent that such concerns cannot be resolved informally, the State Grievance Procedure (§ 2.2-3000 et seq.) shall apply (i) to the covered institution's nonfaculty participating covered employees to the same extent that it applied to the same classifications of nonfaculty employees prior to the institution's effective date of the initial management agreement and (ii) to the covered institution's salaried nonfaculty covered employees who have elected pursuant to § 23.1-1022 to continue to participate in the state human resources program set forth in Chapters 28 (§ 2.2-2800 et seq.) and 29 (§ 2.2-2900 et seq.) of Title 2.2.

B. The grievance policies that were applicable to faculty covered employees prior to the effective date of the initial management agreement shall continue in effect but may be amended by the covered institution.

C. A covered institution may adopt grievance policies that are applicable to some or all other employees not subject to grievance policies pursuant to subsection A or B. Such grievance policies may be the same as the grievance policies adopted pursuant to subsection A.

§ 23.1-1024. Covered institutions; operational authority; human resources; miscellaneous personnel matters.

A. Each covered institution shall base all appointments, promotions, and tenure decisions upon merit and fitness, to be ascertained, as far as possible, by the competitive rating of qualifications by that institution.

B. No establishment of a position or rate of pay or change in rate of pay shall become effective except on order of the appointing covered institution.

C. No current or prospective participating covered employee of any covered institution shall be required, as a condition of employment, to smoke or use tobacco products on the job or abstain from smoking or using tobacco products outside the course of his employment, provided that this subsection shall not apply to those classes of employees to which § 27-40.1 or 51.1-813 is applicable.

§ 23.1-1025. Covered institutions; operational authority; human resources; certain insurance plans.

A. Insurance plans provided under this article and all proceeds from such plans are subject to the same provisions regarding exemption from levy, garnishment, and other legal process as is provided to Virginia Retirement System plans under § 51.1-510, provided, however, that (i) permitted assignments shall be made through completion of forms provided by the covered institution or its vendor and (ii) for insurance plans established by a covered institution, the covered institution shall exercise the authority granted to the Board of the Virginia Retirement System in § 51.1-510.

B. Each covered institution (i) shall purchase or make available group life and accidental death and dismemberment insurance plans covering in whole or in part those of its participating covered employees eligible to participate in the Virginia Retirement System and (ii) may purchase or make available such additional insurance plans covering its participating covered employees as it deems appropriate. Participating covered employees shall not be required to present evidence of insurability satisfactory to an insurance company for basic group life insurance coverage. Each covered institution shall offer all salaried participating covered employees basic group life insurance at a level of coverage determined by the institution's governing board. A covered institution may require participating covered employees to pay all or a portion of the cost of the insurance coverage offered pursuant to this subsection, which may be collected through a payroll deduction program. If the institution's governing board so elects, and subject to the execution of such participation agreements as the Virginia Retirement System may require, the covered institution's participating covered employees may be covered by the Virginia Retirement System's group insurance programs established pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1 with the same terms, costs, conditions, and benefits as other state employees.

C. For those of its participating covered employees eligible to participate in the Virginia Retirement System, a covered institution shall (i) purchase disability insurance; (ii) subject to the execution of such participation agreements as may be necessary, appropriate, and in the best interests of the Commonwealth, continue to participate in the disability insurance program established for state agencies; (iii) establish a self-insured disability insurance program; or (iv) perform any combination of clauses (i), (ii), and (iii). A covered institution may require participating covered employees to pay all or a portion of the cost of the insurance coverage offered pursuant to clause (i), (iii), or (iv), which may be collected through a payroll deduction program. However, no such covered institution shall be required to contribute to the program established for state agencies on behalf of participating covered employees who do not participate in that program.

D. If a covered institution's governing board so elects, and subject to the execution of such participation agreements as may be necessary, appropriate, and in the best interests of the Commonwealth, each such institution or its participating covered employees, or both, may participate in any future insurance programs established for state employees with the same terms, conditions, and benefits as other state employees.

§ 23.1-1026. Covered institutions; operational authority; human resources; severance policies.

A. Each covered institution shall adopt a severance policy for its eligible participating covered employees that is applicable to voluntary and involuntary separations, including reductions in workforce. The provisions of the Workforce Transition Act (§ 2.2-3200 et seq.) shall not apply to participating covered employees.

B. The terms and conditions of a covered institution's severance policy for eligible participating covered employees shall be determined by the institution's governing board. The covered institution and the Board of the Virginia Retirement System shall negotiate a formula according to which cash severance benefits may be converted to years of age or creditable service for participating covered employees who participate in the Virginia Retirement System.

C. Covered employees who (i) were employees of a covered institution and were covered by the provisions of Chapter 29 (§ 2.2-2900 et seq.) of Title 2.2 prior to the effective date of the initial management agreement, (ii) would otherwise be eligible for severance benefits under the Workforce Transition Act (§ 2.2-3200 et seq.), and (iii) are separated by a covered institution because of a reduction in workforce have the same preferential hiring rights with state agencies and other executive branch institutions as other state employees have under § 2.2-3201. A covered institution shall recognize the hiring preference conferred by § 2.2-3201 on state employees who were (a) hired by a state agency or executive branch institution before the covered institution's effective date of the initial management agreement and (b) separated after that date by that state agency or executive branch institution because of a reduction in workforce. If a covered institution has adopted a classification system pursuant to § 23.1-1021 that differs from the classification system administered by the Department of Human Resource Management, the covered institution shall classify the separated employee according to its classification system and shall place the separated employee appropriately. Any such separated employee who is hired by a covered institution is a participating covered employee for purposes of this article. Classification decisions that are made pursuant to this subsection and apply to employees transferring between state agencies, between other executive branch institutions and covered institutions, and between covered institutions as a result of a reduction in force and with the preferential hiring rights provided in this subsection and in § 2.2-3201 are presumed appropriate, and a separated employee who grieves the classification decision bears the burden of demonstrating that the classification violates the separated employee's preferential hiring rights.

D. An employee's transition from being an employee of a public institution of higher education to being a covered employee of a covered institution on the effective date of a covered institution's initial management agreement shall not, in and of itself, constitute a severance of that employee or a reduction in force that would make either the covered institution's severance policy adopted pursuant to subsection A or the Workforce Transition Act (§ 2.2-3200 et seq.) applicable to that employee.

§ 23.1-1027. Covered institutions; duties; tuition, fees, rentals, and other charges.

Each covered institution shall fix, revise, charge, and collect tuition, rates, rentals, fees, and other charges for the services, goods, or facilities furnished by or on behalf of such institution and may adopt policies regarding any such service rendered or the use, occupancy, or operation of any such facility.

§ 23.1-1028. Covered institutions; duties; leases of property.

The governing board of each covered institution shall adopt such policies relating to the leasing of real property, including capital or operating/income leases, that reasonably ensure that such leases are efficiently procured on appropriate terms and for appropriate purposes. With respect to capital or operating/income leases for real property to be used for academic purposes or for real property owned by the institution or a foundation relating to the institution to be used for non-academic purposes in accordance with the institution's land use plan pursuant to § 2.2-1153, other than applicable policies adopted by a covered institution's governing board and provisions of general law that expressly apply to covered institutions, such institutions are exempt from any state or local statutes, ordinances, rules, regulations, and guidelines relating to (i) operating/income leases of real property by public entities and (ii) except as otherwise provided in §§ 23.1-1016 and 23.1-1019, capital leases.

CHAPTER 11.

BONDS AND OTHER OBLIGATIONS.

§ 23.1-1100. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the members of the board of visitors, board of trustees, or other governing board of an institution.

"Bond" means any bond, note, or other evidence of indebtedness or obligation of an institution issued by an institution pursuant to this chapter.

"Erect" includes building, constructing, reconstructing, erecting, demolishing, extending, bettering, equipping, installing, modifying, and improving.

"Institution" means each public institution of higher education, as that term is defined in § 23.1-100; Eastern Virginia Medical School; the Institute for Advanced Learning and Research; the New College Institute; the Roanoke Higher Education Authority; the Southern Virginia Higher Education Center; the Southwest Virginia Higher Education Center; the Virginia School for the Deaf and the Blind; and the Wilson Workforce and Rehabilitation Center.

"Project" means (i) any (a) building, facility, addition, extension, or improvement of a capital nature that is necessary or convenient to carry out the purposes of an institution, including administration and teaching facilities, lecture and exhibition halls, libraries, dormitories, student apartments, faculty dwellings, dining halls, cafeterias, snack bars, laundries, hospitals, laboratories, research centers, infirmaries, field houses, gymnasiums, auditoriums, student unions, recreation centers, stadiums, athletics facilities, garages, parking facilities, warehouses and storage buildings, and book and student supplies centers, or (b) building, land, appurtenance, furnishing, or equipment necessary or desirable in connection with or incidental to a project or (ii) any personal property at an institution.

§ 23.1-1101. Powers of institutions vested in majority of members of board; quorum.

The powers of each institution derived directly or indirectly from this chapter are vested in and may be exercised by a majority of the members of its board, and a majority of such board constitutes a quorum for the transaction of any business authorized by this chapter.

§ 23.1-1102. Purpose of institutions.

In addition to any other purposes provided by law or otherwise, the purpose of every institution is to acquire, install, modify, and erect projects.

§ 23.1-1103. Institutions; powers generally.

Any institution may, in its proper corporate name and style:

1. Sue and be sued (i) on any bond, agreement, or other contractual or quasi-contractual obligation issued, made, or incurred pursuant to this chapter; (ii) on any duty, debt, evidence of debt, term, provision, condition, or covenant relating to any bond, agreement, or other contractual or quasi-contractual obligation issued, made, or incurred pursuant to this chapter; (iii) for the enforcement of any bond, agreement, or other contractual or quasi-contractual obligations issued, made, or incurred pursuant to this chapter; or (iv) for the enforcement of any contract or agreement with or liability to any federal agency or bondholder or any trustee or representative of such bondholder.

2. Adopt and alter a common seal.

3. Acquire and hold real or personal property or interests in such property in its own name.

4. Execute any instrument that it deems necessary or convenient to carry out the purposes of this chapter.

5. With the consent of the Governor, issue bonds and provide for and secure the rights of the bondholders.

6. Perform any act authorized by this chapter through its own officers, agents, or employees, or by contracts with private corporations, firms, or individuals.

7. Perform any act that it deems necessary or convenient to carry out the powers and purposes expressly provided in this chapter.

§ 23.1-1104. Institutions; powers; projects and bonds.

With the prior consent of the Governor, any institution may acquire any project by purchase, gift, or otherwise, erect any project, or refinance the cost of acquiring or erecting any project, and in connection with any such acquisition, erection, or refinancing, any institution may borrow money; make, issue, and sell its bonds as provided in this chapter; and enter into and perform all lawful contracts and agreements, do all lawful acts necessary or proper, and make such lawful contracts and agreements and perform all such lawful acts as may be necessary, proper, or advisable for the purpose of obtaining or securing grants, loans, or financial assistance of any kind under any act of Congress or the Commonwealth.

§ 23.1-1105. Institutions; powers; borrowing upon endowment and other investments.

A. Any institution may, with the approval of the Governor and upon the affirmative vote of at least two-thirds of its board, borrow sums that it deems necessary for and in the name of the institution and secure payment of such sums by the pledge of any stock, note, bond, and other asset held by such institution as a part of its endowment funds or unrestricted gifts from private sources.

B. Any institution may issue bonds pursuant to this section in one or more series, and such bonds shall bear such date, mature at such time, bear interest at such rate or rates not exceeding the rate specified in § 23.1-1112 that is payable at such time, be in such denomination, be in such form, either coupon or registered, carry such registration privilege, be executed in such manner, be payable in such medium of payment and at such place, and be subject to such terms of redemption, with or without premium, as the board of such institution may provide by resolution.

C. Any bonds issued pursuant to this section may be sold at public or private sale for such price or prices as the board determines. The interest cost to maturity of the moneys received for any such issue of bonds shall not exceed the rate specified in § 23.1-1112. Bonds so issued and the interest thereon (i) is payable only out of the sale or liquidation of the endowment investments, investments of unrestricted gifts from private sources, and interest accruing on such sale, liquidation, or investment that is pledged to secure the bonds so issued and (ii) is not a general obligation of such

institution, the Commonwealth, the Governor, the members of the board of such institution, or any person executing the bonds so issued.

D. All moneys received or derived from the sale of any bonds issued pursuant to this section are a part of the local funds of the institution and are not state funds.

E. Each institution may use funds available for such purpose to purchase any bond issued pursuant to this section at a price not more than the sum of the principal amount of such bond and accrued interest thereon. Any bond so purchased shall be canceled unless purchased as an endowment fund investment. This subsection shall not apply to the redemption of bonds.

F. Any bond issued pursuant to this section is a security in which all public officers and bodies of the Commonwealth and its political subdivisions, insurance companies and associations, and savings banks and savings institutions, including savings and loan associations, in the Commonwealth may properly and legally invest funds under their control.

G. Any bond issued pursuant to this section, the transfer of such bond, and the income from such bond, including any profit derived from the sale of such bond, is exempt from taxation by the Commonwealth or by any locality or political subdivision of the Commonwealth.

H. Any resolution of the board authorizing the issuance of bonds pursuant to this section may contain any provision that is authorized pursuant to this chapter in connection with the issuance of bonds by institutions. Such provision shall be part of the contract with the holders of such bonds.

§ 23.1-1106. Bonds generally.

A. The Treasury Board is designated as the paying agent of institutions for the purposes of this chapter and shall approve the terms and structure of bonds executed pursuant to this chapter.

B. Any institution may execute its bonds in an aggregate principal amount determined by its board, approved by the Governor, and approved by the Treasury Board pursuant to § 2.2-2416. Such aggregate principal amount may include any cost associated with the development and management of the project, legal or accounting expenses incurred by the institution in connection with the project for which such bonds are issued, and the cost of issuing the bonds, including printing, engraving, advertising, legal, and other similar expenses.

C. Bonds issued pursuant to this chapter shall:

1. Be subject to approval by the Governor and authorization by resolution of the board, and any such resolution may contain provisions, which shall be part of the contract with the bondholders, relating to:

a. Fixing, revising, charging, and collecting fees, rents, and charges for or in connection with the use, occupation, or services of the project or pledging such fees, rents, and charges and any increase in revenues derived from any existing facilities at such institution resulting from any increase in such fees, rents, or charges to the payment of the principal of and the interest on such bonds;

b. Fixing, revising, charging, and collecting fees, rents, and charges for or in connection with the use, occupation, or services of any existing facility at such institution and pledging such fees, rents, and charges to the payment of the principal of and the interest on such bonds;

c. Fixing, revising, charging, and collecting student building fees and other student fees from students enrolled at such institution and pledging all or part of such fees to the payment of the principal of and the interest on such bonds;

d. Pledging to the payment of the principal of and the interest on such bonds any moneys available for the use of such institution, including moneys appropriated to such institution from the general fund of the Commonwealth or from nongeneral funds that are not required by law or by previous binding contract to be devoted to some other purpose, without regard to the source of such moneys but subject to Treasury Board guidelines and approval pursuant to § 2.2-2416;

e. Paying the cost of operating and maintaining any project and any such existing facilities from any revenue source mentioned in subdivision a, b, c, or d, creating reserves for such purposes, and providing for the use and application of such reserves;

f. Creating sinking funds for the payment of the principal of and the interest on such bonds, creating reserves for such purposes, and providing for the use and application of such reserves;

g. Limiting the right of the institution to restrict and regulate the use, occupation, and services of the project and such other existing facilities or the services rendered in such project or other existing facilities;

h. Limiting the purposes to which the proceeds of sale of any issue of bonds may be applied;

i. Limiting the issuance of additional bonds;

j. Setting forth the procedure by which the terms of any contract with the bondholders may be amended or abrogated and the manner in which such bondholders may give consent to any such amendment or abrogation; and

k. Setting forth such other conditions precedent as may be required by the United States or any federal agency to obtain a direct grant or loan to erect or defray the cost of labor and material to erect any project from the United States or any federal agency, subject to the approval of the Governor;

2. Bear such date, mature at such time, bear interest at such rate not exceeding the rate specified in § 23.1-1112 payable at such times, be in such denomination, be in such form, either coupon or registered, carry such registration privilege, be executed in such manner, be payable in such medium of payment and at such place, and be subject to such terms of redemption, with or without premium, as the resolution of the board provides;

3. Be issued to finance only those projects approved by the General Assembly in the general appropriation act;

4. Be pledged pursuant to a resolution of the board and payable only from the revenue sources set forth in subdivisions 1 a, b, c, and d;

5. Not constitute an indebtedness of the institution, except to the extent of the collection of such revenues. Institutions are not liable to pay such bonds or the interest on such bonds from any other funds. No contract entered into by an institution pursuant to this chapter shall be construed to require the costs or expenses to operate and maintain a project for which bonds are issued and any other existing facilities to be paid out of any funds other than the revenues derived and pledged from the sources set forth in subdivisions 1 a, b, c, and d; and

6. Be fully negotiable within the meaning and for all the purposes set forth in Title 8.3A.

D. Bonds issued pursuant to this chapter may be:

1. Sold at public or private sale for such price or prices as the board determines and the Governor approves, provided that (i) the interest cost to maturity of the money received for any issue of such bonds shall not exceed the rate specified in § 23.1-1112; (ii) the General Assembly shall approve the issuance of bonds to finance projects; and (iii) biennially, on or before September 1 of each odd-numbered year, each institution shall submit to the Governor each proposed project and the estimated cost of each such project that the institution desires to have financed under the provisions of this chapter, and the Governor shall consider such projects and make his recommendation to the General Assembly in the budget submitted in accordance with the provisions of § 2.2-1508;

2. Issued to finance only those projects approved by the General Assembly in the general appropriation act, which projects need not be limited to the projects recommended by the Governor;

3. Issued to finance all or a portion of the cost of any project plus amounts to fund issuance costs, reserve funds, and capitalized interest for a period not to exceed one year following completion of the project; and

4. Issued for the purpose set forth in § 23.1-1102 or to carry out the powers conferred on the institution by § 23.1-1104.

E. Neither the Governor nor the members of the board nor any person executing bonds pursuant to this chapter are liable personally on the bonds or subject to any personal liability or accountability by reason of the issuance of such bonds.

F. Any institution may purchase with funds available for such purchase any bond that it has issued at a price not more than the sum of the principal amount and accrued interest. All bonds so purchased shall be cancelled unless purchased as an endowment fund investment. Nothing in this subsection shall be construed to apply to the redemption of bonds.

G. In any case in which an institution obtains a loan from the United States or any federal agency to erect any project that requires the establishment of a debt service reserve, the institution, with the consent of the Governor, may deposit securities in a separate collateral account in an amount equal to the required debt service reserve and pledge such securities to meet the debt service requirements if the revenues derived from any source set forth in subdivision C 1 a, b, c, or d and pledged for the payment of such loan become insufficient for such purpose. The face value of United States government securities and the market value of all other securities is the value of any securities so deposited. Nothing in this subsection shall be construed to prohibit repayment of any portion of such loan from income derived from the securities so deposited. No securities shall be deposited in any such collateral account unless such securities are purchased with funds whose use is in no way limited or restricted or are donated to such institution for the purpose of establishing such debt service reserve.

§ 23.1-1107. Bondholders; remedies and trustees.

A. The provisions of this section shall apply to an issuance of bonds only if the resolution authorizing such bonds provides that the bondholders are entitled to all the benefits of and subject to the provisions of this section.

B. If any institution (i) defaults on the payment of principal of or interest on any series of its bonds after the payment becomes due, whether at maturity or upon call for redemption, and such default continues for a period of 30 days; (ii) fails or refuses to comply with the provisions of this chapter; or (iii) defaults on any agreement made with the bondholders of any series, the holders of 25 percent of the aggregate principal amount of the bonds of such series then outstanding, by instrument filed with the Governor and proved or acknowledged in the same manner as a deed to be recorded, may appoint a trustee to represent the bondholders of such series for the purposes provided in this section.

C. The trustee may, and upon written request of the holders of 25 percent of the aggregate principal amount of the bonds of such series then outstanding shall, in his own name:

1. By mandamus or other suit, action, or proceeding at law or in equity, enforce all rights of the bondholders of such series, including the right to require such institution and its board to (i) collect fees, rents, charges, or other revenues adequate to carry out any agreement as to, or pledge of, such revenues or (ii) carry out and perform any other agreements with the bondholders of such series and their duties under this chapter;

2. Bring suit upon such bonds;

3. By action or suit in equity, require such institution to account as if it were the trustee of an express trust for the bondholders; and

4. By action or suit in equity, enjoin any acts that may be unlawful or in violation of the rights of the bondholders.

D. If the resolution that authorizes any bond contains the provision required by subsection A and provides that any trustee appointed by the bondholders pursuant to this section has the powers provided by this subsection, then any such trustee, whether or not all such bonds have been declared due and payable, is entitled to the appointment of a receiver who may (i) enter and take possession of any property of the institution from which any of the revenues are pledged for the security of the bonds of the holders that are represented by such trustee, (ii) operate and maintain such property, and (iii) collect and receive all fees, rents, charges, and other revenues arising from such property in the same manner as the

institution is permitted to do and shall deposit all such moneys in a separate account and apply all such moneys in such manner as the court directs. In any suit, action, or proceeding by the trustee, any fees, counsel fees, and expenses of the trustee and receiver shall constitute taxable costs and disbursements and all costs and disbursements allowed by the court shall be a first charge on any fees, rents, charges, and other revenues of the institution that are pledged for the security of the bonds.

E. Each trustee appointed pursuant to subsection B has all of the powers necessary or appropriate for the exercise of any functions specifically set forth in this section or incident to the general representation of the bondholders he represents in the enforcement and protection of their rights.

§ 23.1-1108. Bonds mutilated, lost, or destroyed.

If any bond issued by an institution is mutilated, lost, or destroyed, the board may execute and deliver a new bond of like date, number, and tenor in exchange and substitution for, and upon cancellation of a mutilated bond and its interest coupons or in lieu of and in substitution for a lost or destroyed bond and its unexpired interest coupons. Such new bond or coupon shall not be executed or delivered until the holder of the mutilated, lost, or destroyed bond (i) has paid the reasonable expense and charges in connection with the execution and delivery; (ii) in the case of a lost or destroyed bond, has filed with the board and the State Treasurer satisfactory evidence that such bond was lost or destroyed and that the bondholder was the owner of the bond; and (iii) has furnished indemnity satisfactory to the State Treasurer.

§ 23.1-1109. Bonds and revenues; disposition.

All moneys derived from the sale of bonds pursuant to § 23.1-1106 and all revenues derived from any source set forth in subdivision C 1 a, b, or c of § 23.1-1106, except those moneys that are exempt from deposit into the state treasury, shall be paid into the state treasury, set aside in special funds, and devoted solely to the payment of (i) the cost of erecting the project for which such bonds have been issued, (ii) the principal of and the interest on such bonds, and (iii) the cost of maintenance and operation of such project and any other existing facilities for which any revenue is pledged either in whole or in part to the payment of the principal of and the interest on such bonds, respectively, and are specifically appropriated for such purposes to be paid out by the State Treasurer on warrants of the Comptroller to be issued on vouchers of the treasurer or other fiscal officer of the board of such institution.

§ 23.1-1110. Bonds as legal investments.

Any bonds issued pursuant to this chapter are securities in which all public officers and bodies of the Commonwealth and its political subdivisions, insurance companies and associations, and savings banks and savings institutions, including savings and loan associations, in the Commonwealth may properly and legally invest funds in their control.

§ 23.1-1111. Bonds; prohibition against obligating Commonwealth.

The bonds and other obligations of an institution are not a debt of the Commonwealth, do not create or constitute any indebtedness or obligation of the Commonwealth, legal, moral, or otherwise, and are not payable out of any funds other than those of the institution. Nothing in this chapter shall be construed to authorize any institution to incur any indebtedness on behalf of the Commonwealth or in any way to obligate the Commonwealth.

§ 23.1-1112. Bonds; interest.

No bond issued by an institution pursuant to this chapter shall (i) bear interest at an annual percentage rate exceeding the greater of the rates authorized under § 6.2-303 or 15.2-2612 or (ii) be sold at public or private sale such that the interest cost to maturity exceeds the greater of such annual percentage rates authorized under § 6.2-303 or 15.2-2612.

§ 23.1-1113. Bonds; surplus to be paid into state treasury.

When any institution fully meets and discharges its bonds, interest thereon, interest on any unpaid installments of interest on its bonds, and all costs and expenses in connection with any action or proceedings by or on behalf of the bondholders and pays in full or otherwise discharges all of its liabilities incurred pursuant to this chapter, such institution shall pay into the state treasury all such sums of money it receives pursuant to the provisions of this chapter or that are derived from any project erected pursuant to this chapter as may be in its possession or control.

§ 23.1-1114. Projects; accounts to be kept by boards.

The board of each institution shall keep and preserve complete and accurate accounts of all sums of money received and disbursed to acquire, erect, lease, operate, or maintain any project and any other existing facilities, including a complete and accurate record of all revenues derived from any source set forth in subdivision C 1 a, b, c, or d of § 23.1-1106 and all sums disbursed for the payment of the principal of or interest on or other debt service with respect to any bonds issued pursuant to this chapter. The annual portion of such revenues that are not required to discharge any obligation, liability, or debt of the institution incurred in connection with the project or other existing facilities, including the creation of reserves for such purposes, shall be paid into the state treasury as provided in § 23.1-1109.

§ 23.1-1115. Projects; exemption from taxation.

The acquisition, erection, leasing, operation, and maintenance of any project authorized by this chapter are for the benefit of the citizens of the Commonwealth, for the increase of their pleasure, knowledge, and welfare, and for the dissemination of education among them. Each institution performs a governmental function and is an incorporated institution of learning in carrying out its purposes and exercising its powers pursuant to this chapter and, so far as may be consistent with the Constitution of Virginia, is not required to pay taxes or assessments of any kind upon any project that it (i) acquires, erects, or leases and (ii) operates and maintains. Any such project is exempt from taxation and, insofar as may be permitted under the Constitution of Virginia, the bonds of such institution are exempt from taxation except for inheritance taxes.

§ 23.1-1116. Commonwealth not to limit revenues of institutions.

The Commonwealth shall not (i) limit or alter the rights vested in any institution to establish, collect, and pledge fees, rents, and charges, including student building fees and other student fees, as provided for in subdivision C 1 a, b, c, or d of § 23.1-1106 that the institution deems necessary or convenient to produce sufficient revenues to meet the expense of maintenance and operation of such project and such other existing facilities and fulfill the terms of any agreement made with the bondholders or (ii) in any way impair the rights and remedies of such bondholders until the bonds, the interest thereon, the interest on any unpaid installments of interest on the bonds, and all costs and expenses in connection with any action or proceedings by or on behalf of such bondholders are fully met and discharged.

§ 23.1-1117. Borrowing to purchase real estate.

A. Any institution may, with the approval of the Governor and upon the affirmative vote of at least two-thirds of its board, (i) borrow for and in the name of the institution such sums as it determines necessary for the acquisition of improved or unimproved real estate whether such acquisition is for the purpose of erecting a project and (ii) secure payment of such debts by a lien on such real estate or the pledge of any endowment funds or unrestricted gifts from private sources available for the use of such institution that are not required by law or by previous binding contract to be devoted to some other purpose.

B. Bonds issued by an institution pursuant to this section and the interest thereon shall be paid only from the real estate, endowment funds, or unrestricted gifts from private sources pledged to secure the bonds so issued or the proceeds from the sale or liquidation of such real estate, funds, or gifts, and shall not constitute a general obligation of such institution, the Commonwealth, the Governor, the members of the board, or any person executing the bonds so issued.

C. Any bonds issued by an institution pursuant to this section are securities in which all public officers and bodies of the Commonwealth and its political subdivisions, insurance companies and associations, and savings banks and savings institutions, including savings and loan associations, in the Commonwealth may properly and legally invest funds under their control.

D. Any bonds issued pursuant to this section, the transfer of such bonds, or the income from such bonds, including any profit derived from the sale of such bonds, is exempt from taxation by the Commonwealth or any locality or political subdivision of the Commonwealth.

E. Any board resolution authorizing the issuance of bonds pursuant to this section may contain any provision authorized by this chapter in connection with the issuance of bonds by institutions. Such provision shall be part of the contract with the holders of such bonds.

§ 23.1-1118. Discretion of Governor in granting or withholding consent or approval.

The Governor is vested with absolute discretion with respect to withholding or granting any consent or approval made pursuant to this chapter.

§ 23.1-1119. Payment of interest on bonds of the Commonwealth held by public institutions of higher education and private institutions of higher education.

The Comptroller shall draw upon the state treasury in favor of the proper authorities of any public institution of higher education or private institution of higher education for all accrued interest, upon all obligations of the Commonwealth or the James River and Kanawha Company guaranteed by the Commonwealth that are held by or for such institution. No interest shall be paid upon any such bonds.

§ 23.1-1120. Exchange and cancellation of consol coupon bonds of the Commonwealth.

The following sections of the Code of Virginia of 1919 are continued in effect:

1. Section 991, relating to the exchange of consol coupon bonds held by colleges, etc., for funded registered consol bonds; and

2. Section 992, relating to the cancellation of such bonds surrendered in exchange.

§ 23.1-1121. Certificates of indebtedness.

Chapter 489 of the Acts of Assembly of 1926, approved March 25, 1926, and codified as §§ 992(1)-992(13) of Michie Code 1942, authorizing the governing boards of certain public institutions of higher education to issue certificates of indebtedness to raise funds for dormitory construction purposes, and Chapter 61 of the Acts of Assembly of 1928, approved February 28, 1928, relating to similar certificates, are continued in effect.

§ 23.1-1122. Provisions of chapter to control.

Insofar as the provisions of this chapter are inconsistent with the provisions of any other general or special law or the charter or other organic law of any institution, the provisions of this chapter control.

CHAPTER 12.

VIRGINIA COLLEGE BUILDING AUTHORITY.

Article 1.

General Provisions; Powers and Duties.

§ 23.1-1200. Definitions; findings.

A. As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia College Building Authority.

"Bond" means any bond, note, or other evidences of indebtedness or obligation of the Authority pursuant to this article.

"Eligible institution" means public institutions of higher education, as that term is defined in § 23.1-100; Eastern Virginia Medical School; the Institute for Advanced Learning and Research; the New College Institute; the Roanoke Higher

Education Authority; the Southern Virginia Higher Education Center; the Southwest Virginia Higher Education Center; the Virginia School for the Deaf and the Blind; and the Wilson Workforce and Rehabilitation Center:

"Equipment" means any personal property, including computer hardware and software, and any other improvements, including infrastructure improvements relating to equipment, used to support academic instruction and research at eligible institutions.

"Project" has the same meaning as set forth in § 23.1-1100.

B. Providing funds for the construction of projects at eligible institutions is or may be hindered, impeded, and delayed by the high financing costs resulting from the sale of bonds of such eligible institutions in the open market, and it is desirable that the Authority may (i) serve the purposes of eligible institutions by purchasing such bonds and financing the construction of projects at a lower cost, which facilitates such construction and (ii) issue its own revenue bonds for the purpose of paying the costs of such projects.

C. There is an urgent need to provide substantial amounts of new scientific, technical, and other equipment for academic instruction, research, and related activities at eligible institutions so that they may remain competitive in attracting high-quality faculty and obtaining research grants, and it is desirable that the Authority may finance the purchase of such equipment to provide eligible institutions with such equipment at the lowest possible cost, which facilitates the acquisition and supply of such equipment to eligible institutions and increases the purchasing power of their funds, including funds provided by tuition and fees and appropriations from the General Assembly.

§ 23.1-1201. Virginia College Building Authority established.

A. The Virginia College Building Authority is established as a public body corporate and a political subdivision, agency, and instrumentality of the Commonwealth. The Authority is vested with the powers, rights, and duties conferred in this chapter.

B. The Authority shall consist of the State Treasurer, the State Comptroller, the Director of the Department of Planning and Budget, and the Director of the Council, all of whom shall serve ex officio, and seven additional members appointed by the Governor, subject to confirmation by the General Assembly. Each member shall serve at the pleasure of the Governor. Appointed members shall serve for a term of four years. Ex officio members shall serve terms coincident with their terms of office. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No appointed member shall serve more than two consecutive terms.

C. The Governor shall appoint one member as chairman who shall serve a two-year term. No member is eligible to serve more than two consecutive terms as chairman. The chairman shall be the chief executive officer of the Authority and shall receive such compensation as the Governor determines. No ex officio member is eligible to serve as chairman.

D. The Authority shall elect one appointed member as vice-chairman, who shall exercise the powers of the chairman in the absence of the chairman.

E. The Authority shall elect a treasurer, a secretary, and an assistant secretary to perform the duties and functions commonly performed by such officers. All such officers, except the secretary and the assistant secretary, shall be selected from members of the Authority. The secretary and the assistant secretary may receive such compensation as the Authority provides.

F. Each appointed member of the Authority and the secretary and the assistant secretary shall execute a surety bond in such penal sum as shall be determined by the Attorney General to be (i) conditioned upon the faithful performance of the duties of his office, (ii) executed by a surety company authorized to transact business in the Commonwealth as surety, (iii) approved by the Attorney General, and (iv) filed in the office of the Secretary of the Commonwealth.

G. Six members of the Authority shall constitute a quorum for the transaction of all business of the Authority.

§ 23.1-1202. Action by Authority may be authorized by resolution.

The Authority may authorize any action taken by the Authority pursuant to the provisions of this article by resolution at any regular or special meeting, and each such resolution shall take effect immediately and need not be published or posted.

§ 23.1-1203. Powers of Authority generally.

To enable the Authority to carry out the purposes for which it is established, the Authority may:

1. Sue and be sued;
2. Make contracts;
3. Adopt, use, and alter a common seal;
4. Have perpetual succession as a public body corporate;
5. Adopt bylaws and regulations for the conduct of its affairs;
6. Maintain an office at such place as it may designate;
7. Collect, or authorize the trustee under any trust indenture securing any bonds of the Authority to collect, (i) the principal of and the interest on all obligations transferred to the Authority by the General Assembly and (ii) other assets or moneys transferred to the Authority by the General Assembly or eligible institutions, including lease payments and other sources of revenue, as such principal, interest, and other assets or moneys become due;
8. Conduct a program of purchasing equipment for eligible institutions as authorized by this article;
9. Collect, or authorize the trustee under any trust indenture securing any bonds of the Authority to collect, (i) payments due under leases or agreements of sale of equipment or leases or other obligations of real property by the Authority to eligible institutions as such payments become due and (ii) the principal of and the interest on all bonds of eligible institutions purchased by the Authority;

10. Repossess and sell, or authorize the trustee under any trust indenture securing any bonds of the Authority to repossess and sell, any equipment upon any default under the lease or agreement for the sale of such equipment;

11. Repossess and re-lease, or authorize the trustee under any trust indenture securing any bonds of the Authority to repossess and re-lease, any project upon any default under the lease of such project;

12. Assist eligible institutions in applying for grants from, or entering into other agreements with, the federal or state government, foundations, or other entities that are designed to provide (i) guarantees of or funds for payments under leases or contracts of sale or (ii) other benefits;

13. Enter into agreements with the federal or state government, foundations, or other entities that are designed to provide (i) guarantees of or funds for payments under leases or contracts of sale or (ii) other benefits;

14. Select, appoint, and employ financial experts, corporate depositories, trustees, paying agents, attorneys, accountants, consulting engineers, construction experts, and other individuals to perform such other services as may be necessary in the judgment of the Authority and pay their compensation and reasonable expenses either from moneys received by the Authority under the provisions of this article or from appropriations made by the General Assembly for such purposes;

15. Issue bonds of the Authority as authorized by this article and refund any such bonds;

16. Receive and accept any grants, aid, or contributions of money, property, labor, or other things of value from any source or reject any such grants, aid, or contributions; and

17. Perform any other act necessary, appropriate, incidental, or convenient to carrying out the powers expressly granted in this article.

§ 23.1-1204. Duties; administration of assets, moneys, or obligations.

The Authority shall manage and administer all assets, moneys, or obligations set aside and transferred to it by the General Assembly or eligible institutions as provided in this article.

§ 23.1-1205. Powers; purchase or sale of bonds or other obligations of eligible institutions.

A. The Authority may purchase, with any funds of the Authority available for such purpose, at public or private sale and for such price and on such terms as it determines, bonds or other obligations issued by eligible institutions pursuant to Chapter 11 (§ 23.1-1100 et seq.).

B. The Authority may pledge to the payment of the interest on and the principal of any bonds of the Authority all or any part of the bonds of eligible institutions so purchased, including payments of principal and interest thereon, as such payments become due. The Authority may, subject to any such pledge, sell any such bonds so purchased and apply the proceeds of such sale (i) to purchase like bonds of other eligible institutions or (ii) for the purpose and in the manner provided by any resolution authorizing the issuance of bonds of the Authority.

§ 23.1-1206. Powers; acquisition or disposition of equipment.

A. The Authority may (i) acquire equipment or any interest in equipment by purchase, exchange, gift, lease, or otherwise; (ii) sell, exchange, donate, convey, lease, and dispose of such equipment or any portion of or interest in such equipment, including security interests in such equipment; and (iii) retain or receive security interests in such equipment.

B. Notwithstanding any other provision of law to the contrary, eligible institutions may grant security interests in or other liens on equipment held or acquired by the eligible institution under any lease or agreement of sale with the Authority.

C. The Authority may acquire equipment with any funds of the Authority available for such purpose. Acquisition and disposition of equipment may be at public or private sale and for such price and on such terms as the Authority determines, provided that the Authority finances the acquisition of equipment for sale to eligible institutions only pursuant to standards and procedures approved through the Commonwealth's budget and appropriation process. The budget document shall present any lease payments and the corresponding total value of equipment to be acquired by each eligible institution. Each eligible institution shall make available such additional detail on specific equipment to be purchased as may be requested by the Governor or the General Assembly. If emergency acquisitions and leases are necessary when the General Assembly is not in session, the Governor may approve such acquisitions and leases. Prior to such acquisitions and leases, the Governor shall submit such proposed acquisitions and leases to the House Appropriations Committee and the Senate Finance Committee for their review and approval.

D. The Authority may establish and maintain such accounts as it deems appropriate to provide funds for acquisition of equipment on a continuing basis. The Authority may deposit in such accounts such funds as it deems appropriate, including the proceeds of any Authority bonds issued to finance the purchase of equipment and payments made to the Authority under equipment lease or sale agreements with eligible institutions or other entities. Any moneys held in such accounts may be (i) used to secure payment of principal of and interest on any Authority bonds, whether issued to finance the purchase of equipment, issued to pay administrative costs of the authority, or incurred in connection with the purchase, lease, or sale of equipment, or (ii) transferred by the Authority to be used in connection with any other program of the Authority. No funds of the Authority derived from the equipment program authorized under this section may be used in connection with the issuance or securing of indebtedness for the benefit of private institutions of higher education pursuant to Article 2 (§ 23.1-1220 et seq.).

E. The Authority may (i) determine and charge rent or determine sale prices for equipment that it leases or sells to eligible institutions and terminate such lease or sale agreements upon the failure of an eligible institution to comply with any obligations contained in such agreements or (ii) include in such lease agreements options for the eligible institution to

renew the lease or purchase any or all of the leased equipment and provisions for the Authority to repossess and sell equipment leased or sold upon any default under the lease or sale agreement.

§ 23.1-1207. Powers; bonds of Authority generally.

A. To provide funds for the purchase of bonds of eligible institutions as authorized by § 23.1-1205, the acquisition of equipment as authorized by § 23.1-1206, the reimbursement of the Central Capital Planning Fund established pursuant to § 2.2-1520, the payment of pre-planning or detailed planning expenses for all projects that have been approved for construction by the General Assembly, or the payment of all or any part of the cost of any project or any portion of a project, the Authority may provide by resolution for the issuance of bonds of the Authority in such amount as the Authority determines. Such bonds of the Authority are payable solely from funds of the Authority, including (i) payments of principal of and interest on bonds of eligible institutions purchased by the Authority; (ii) the proceeds of the sale of any such bonds; (iii) payments of principal of and interest on obligations transferred to the Authority by the General Assembly or from other assets or moneys transferred to the Authority by the General Assembly or eligible institutions, including lease payments or any other source of revenue; (iv) the proceeds of the sale of any such obligations or assets; (v) the proceeds from the sale of bonds of the Authority; (vi) payments made by eligible institutions under leases or sales of equipment by the Authority; (vii) funds realized from the enforcement of security interests or other liens securing such bonds; (viii) payments due under letters of credit, policies of bond insurance, bond purchase agreements, or other credit enhancements securing payment of principal of and interest on bonds of the Authority; (ix) any moneys held in funds established by the Authority pursuant to § 23.1-1206; (x) any reserve or sinking fund created to secure such payment; and (xi) other available funds of the Authority.

B. Bonds of the Authority issued under the provisions of this article do not constitute a debt of the Commonwealth or a pledge of the faith or credit of the Commonwealth, and all bonds of the Authority shall contain on their face a statement to the effect that neither the faith and credit nor the taxing power of the Commonwealth or of any political subdivision of the Commonwealth shall be pledged to pay the principal of or the interest on such bonds.

C. The bonds of each issue shall be dated and mature at such time as may be determined by the Authority but not to exceed 40 years from their date, and may be made redeemable before maturity, at the option of the Authority, at such price or prices and under such terms and conditions as may be fixed by the Authority prior to the issuance of the bonds. The bonds may bear interest payable at such time, at such rate or rates, and in such manner as may be determined by the Authority, including the determination by agents designated by the Authority under guidelines established by it. The principal of and interest on such bonds may be made payable in any lawful medium. The Authority shall determine the form, manner of execution, denomination, and place of payment of principal and interest for the bonds, which may be at the office of the State Treasurer or at any bank or trust company within or outside the Commonwealth.

D. If any officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to be such officer before the delivery of such bonds, such signature or such facsimile shall nevertheless be valid and sufficient for all purposes the same as if he had remained in office until such delivery.

E. All revenue bonds issued under the provisions of this article, other than bonds registered as to principal or in registered form, are negotiable instruments. Revenue bonds shall be in such form and bear interest at such rate or rates, either fixed rates or rates established by formula or other method, and may contain such other provisions as the Authority may determine. The principal of and premium, if any, and interest on revenue bonds are payable in United States currency. The Authority shall fix the denomination of revenue bonds and place of payment of principal, premium, if any, and interest at any bank or trust company within or outside the Commonwealth.

F. Bonds may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments of principal of and premium, if any, and interest on the bonds.

G. The Authority may sell bonds issued under the provisions of this article in such manner, either at public or private sale, and for such price as it determines to be in its best interest. The proceeds of such bonds shall be disbursed for the purposes for which such bonds are issued and under such restrictions, if any, as the resolution authorizing the issuance of such bonds or the trust indenture may provide.

H. Prior to the preparation of definitive bonds, the Authority may under like restrictions issue temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds have been executed and are available for delivery. The Authority may also provide for the replacement of any bond that becomes mutilated or is destroyed or lost. Such revenue bonds may be issued without any other proceedings or the happening of any other conditions or things than the proceedings, conditions, and things that are specified and required by this article.

I. Neither the members of the Authority nor any person executing any bonds issued under the provisions of this article is liable personally on such bonds or is subject to any personal liability or accountability by reason of the issuance of such bonds.

J. The Authority shall not undertake a project for an eligible institution if such project was not approved by the General Assembly pursuant to a bill, and any such project to be financed by bonds issued by the Authority secured by a pledge of any revenue source cited in subdivision C 1 a, b, c, or d of § 23.1-1106 shall be designated by the eligible institution's governing board as a project to be undertaken by the Authority.

§ 23.1-1208. Security for bonds.

A. The Authority may secure any bonds issued under the provisions of this article by a trust indenture by and between the Authority and a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside the Commonwealth. Such trust indenture or the resolution providing for the issuance of such bonds may:

1. Pledge or assign all or part of the funds of the Authority available for such purpose, including (i) payments of principal of and interest on bonds of eligible institutions purchased by the Authority; (ii) proceeds of the sale of any such bonds; (iii) payments of principal of and interest on obligations transferred to the Authority by the General Assembly or from other assets or moneys transferred to the Authority by the General Assembly or eligible institutions, including lease payments and other sources of revenue; (iv) proceeds of the sale of any such obligations or assets; (v) proceeds from the sale of bonds of the Authority; (vi) security interests granted by the Authority or any eligible institution in, or other liens on, equipment, whether such equipment has been leased or sold to an eligible institution; (vii) all or part of the payments due the Authority from eligible institutions under any lease, sale agreement, loan, or other agreement between the Authority and eligible institutions pursuant to § 23.1-1206, and any funds realized from enforcing security for such payments; (viii) payments due under policies of bond insurance, letters of credit, or other credit enhancement securing payment of principal of and interest on bonds of the Authority; (ix) any moneys in any fund established pursuant to § 23.1-1206; (x) any reserve or sinking fund created by the Authority to secure such bonds; and (xi) other available funds of the Authority;

2. Pledge or assign any other rights of the Authority in equipment owned by, or leases or sales of equipment made by, the Authority;

3. Contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law;

4. Provide for the creation and maintenance of such reserves as the Authority determines to be proper;

5. Include covenants setting forth the duties of the Authority in relation to the acquisition of any equipment or bonds of eligible institutions; the care, leasing, or sale of equipment to eligible institutions; the substitution of any bonds of eligible institutions, equipment, lease, security interest, or other security as security for the payment of the bonds of the Authority; the care, use, and insurance of equipment; the repossession and sale of leased or sold equipment by the Authority or the trustee under any trust indenture upon any default under the lease or sale of such equipment; and the collection of (i) payments due the Authority under leases or agreements of sale of equipment and (ii) payments of principal of and interest on any bonds of eligible institutions or obligations or other assets held by the Authority. Any bank or trust company incorporated under the laws of the Commonwealth that acts as depository of the proceeds of bonds or revenues may furnish such indemnifying bonds or pledge such securities as may be required by the Authority;

6. Set forth the rights and remedies of the bondholders and the trustee;

7. Restrict the individual right of action by bondholders; and

8. Contain such other provisions as the Authority deems reasonable and proper for the security of the bondholders.

B. All expenses incurred in carrying out the provisions of any such trust indenture or resolution may be treated as a part of the administration costs of the Authority.

C. Neither the resolution nor any trust indenture by which a pledge is created need be filed or recorded except in the records of the Authority.

§ 23.1-1209. Reserve fund; limitations.

A. If the Authority deems it proper to create a reserve fund from its bond proceeds or other funds to support an issuance of bonds in accordance with the provisions of this section, all moneys held in such reserve fund, except as otherwise provided in this section, shall be pledged solely for the payment of the principal of and interest on the bonds secured in whole or in part by such a fund. The Authority may transfer income or interest earned on, or increment to, any reserve fund to its other funds or accounts if such transfer does not reduce the amount of the reserve fund below its minimum requirement.

B. To ensure further the maintenance of reserve funds established in accordance with the provisions of this section, the chairman of the Authority shall annually, on or before November 15, make and deliver to the Governor and the Secretary of Finance a certificate stating the sum, if any, required to restore each reserve fund to its minimum requirement. The Governor shall submit to the presiding officer of each house of the General Assembly printed copies of a budget including the sum, if any, required to restore each reserve fund to its minimum requirement. Such submission shall be made at the time the Governor presents his budget and budget bill to the General Assembly pursuant to §§ 2.2-1508 and 2.2-1509. Any sum that may be appropriated by the General Assembly for any restoration and paid to the Authority shall be deposited by the Authority in the applicable reserve fund. All sums paid to the Authority pursuant to this section shall constitute and be accounted for as advances by the Commonwealth to the Authority and, subject to the rights of the holders of any bonds of the Authority, shall be repaid to the Commonwealth without interest from available revenues of the Authority in excess of the amounts required for payment of bonds or other obligations of the Authority, maintenance of reserve funds, and operating expenses.

C. The Authority shall not at any time issue bonds secured in whole or in part by any reserve fund referred to in subsection A if, upon the issuance of the bonds, the amount in the reserve fund will be less than its minimum requirement unless the Authority, at the time of the issuance of the bonds, deposits in the fund an amount that, together with the amount then in the fund, will not be less than the fund's minimum reserve requirement.

D. The total principal amount of bonds outstanding at any one time, secured by a reserve fund in accordance with the provisions of this section, shall not exceed the sum of \$300 million without the prior approval of the General Assembly.

E. Nothing in this section shall be construed as limiting the power of the Authority to issue bonds (i) not secured by a reserve fund or (ii) secured by a reserve fund not described in this section.

§ 23.1-1210. Payment on bonds; pledge of revenues.

To provide funds for the repayment of bonds issued by the Authority to (i) purchase any eligible institution's bonds or (ii) provide funds to pay all or part of the cost of any project or any portion of a project, each eligible institution may agree to pledge and transfer to the Authority all or part of the eligible institution's revenues derived from any source mentioned in subdivision C 1 a, b, c, or d of § 23.1-1106. Any agreement relating to such transfer may contain other provisions that the Authority and eligible institution deem reasonable and proper and are not in violation of law. No such agreement shall constitute a debt of the Commonwealth or a pledge of the full faith and credit of the Commonwealth. Neither the full faith and credit of the Commonwealth nor the taxing power of the Commonwealth or any political subdivision of the Commonwealth shall be pledged to the payment of the principal of and interest on bonds so secured by such agreement. Prior to execution, any such agreement shall be approved by the Secretary of Finance and the Secretary of Education.

§ 23.1-1211. Default on payments.

A. Whenever it appears to the Governor from an affidavit filed with him by the paying agent for the bonds issued by the Authority that an eligible institution has defaulted on the payment of the principal of or premium, if any, or interest on its bonds pursuant to this article, the Governor shall immediately make a summary investigation into the facts set forth in the affidavit. If it is established to the satisfaction of the Governor that the eligible institution is in default in the payment of the principal of or premium, if any, or interest on its bonds, the Governor immediately shall make an order directing the State Comptroller to make payment immediately to the owners or paying agent of the bonds in default on behalf of the eligible institution from any appropriation available to the eligible institution in the amount due and remaining unpaid by the eligible institution on its bonds.

B. Any payment so made by the State Comptroller to the owners or paying agent of the bonds in default shall be credited as if made directly by the eligible institution and charged by the State Comptroller against the appropriations of the eligible institution. The owners or paying agent of the bonds in default at the time of payment shall deliver to the State Comptroller, in a form satisfactory to the State Comptroller, a receipt for payment of the principal, premium, or interest satisfied by the payment. The State Comptroller shall report each payment made to the governing body of the defaulting eligible institution under the provisions of this section.

C. The Governor shall direct the State Comptroller to (i) charge against the appropriations available to any eligible institution that has defaulted on its bonds pursuant to this section all future payments of principal of and interest on the eligible institution's bonds when due and payable and (ii) make such payments to the owners or paying agent of the bonds on behalf of the eligible institution to ensure that no future default will occur on such bonds. The charge and payment shall be made upon receipt of documentation that the State Comptroller deems to be satisfactory evidence of the claim. The owners or paying agent of the bonds at the time of each payment shall deliver to the State Comptroller, in a form satisfactory to the State Comptroller, a receipt for payment of the principal or interest satisfied by the payment.

D. Nothing in this section shall be construed to create any obligation on the part of the State Comptroller or the Commonwealth to make any payment on behalf of the defaulting eligible institution other than from funds appropriated to the defaulting eligible institution.

§ 23.1-1212. Investment of funds.

Any moneys or funds held by the Authority or the trustee under any trust indenture under the provisions of this article may be invested and reinvested in securities that are legal investments under the laws of the Commonwealth for moneys or funds held by fiduciaries.

§ 23.1-1213. Enforcement of rights and duties by bondholder or trustee under trust indenture.

Any (i) holder of bonds issued under the provisions of this article or any of the coupons appertaining to such bonds and (ii) trustee under any trust indenture may, either at law or in equity, by suit, action, mandamus, or other proceeding, (a) protect and enforce any and all rights under the laws of the Commonwealth, the trust indenture, or the resolution authorizing the issuance of such bonds and (b) enforce and compel the performance of all duties required by this article or such trust indenture or resolution to be performed by the Authority or by any officer of the Authority, except to the extent that such rights are restricted by the trust indenture or the resolution authorizing the issuance of such bonds.

§ 23.1-1214. Exemption of bonds from taxation.

The bonds issued by the Authority under the provisions of this article, the transfer of such bonds, and the income from such bonds, including any profit made on the sale of such bonds, is exempt from taxation by the Commonwealth and any locality or political subdivision of the Commonwealth.

§ 23.1-1215. Bonds made lawful investments.

All bonds issued by the Authority under the provisions of this article are securities (i) in which all public officers and bodies of the Commonwealth and its localities and political subdivisions and all insurance companies and associations, savings banks and savings institutions, including savings and loan associations, commercial banks and trust companies, beneficial and benevolent associations, administrators, guardians, executors, trustees, and other fiduciaries in the Commonwealth may properly and legally invest funds under their control and (ii) that may properly and legally be deposited with and received by any state officer or officer of a locality or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is authorized by law.

§ 23.1-1216. Annual report; examination of records, books, and accounts.

A. The Authority shall submit to the Governor and General Assembly an annual report of the interim activity and work of the Authority on or before November 1 of each year. Such report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and

shall be posted on the General Assembly's website. Such report shall contain, at a minimum, the annual financial statements of the Authority for the year ending the preceding June 30.

B. The records, books, and accounts of the Authority are subject to examination and inspection by duly authorized representatives of the General Assembly and any bondholder at any reasonable time, provided that such examination and inspection do not unduly interrupt or interfere with the business of the Authority.

§ 23.1-1217. Annual audit.

The Auditor of Public Accounts or his legally authorized representatives shall annually audit the accounts of the Authority, and the cost of such audit shall be borne by the Authority.

§ 23.1-1218. Article liberally construed; powers of Authority not subject to supervision by certain entities.

A. This article, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purpose of this article.

B. Except as otherwise expressly provided in this article, none of the powers granted to the Authority under the provisions of this article are subject to the supervision or regulation or require the approval or consent of (i) any locality or political subdivision of the Commonwealth or (ii) any commission, board, bureau, official, or agency of (a) any such locality or political subdivision or (b) the Commonwealth.

§ 23.1-1219. Jurisdiction of suits against Authority; service of process.

The Circuit Court of the City of Richmond has exclusive jurisdiction over any suit brought in the Commonwealth against the Authority, and process in such suit shall be served either on the State Comptroller or on the chairman of the Authority.

Article 2.

Nonprofit Private Institutions of Higher Education; Projects.

§ 23.1-1220. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia College Building Authority established in § 23.1-1200.

"Bonds" or "revenue bonds" means revenue bonds of the Authority issued under the provisions of this article, including revenue refunding bonds, notes, and other obligations that may be secured by a mortgage, the full faith and credit, or any other lawfully pledged security of a participating institution.

"Costs" means (i) all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction, and remodeling of a project, including all lands, structures, real or personal property, rights, rights-of-way, air rights, franchises, easements, and interests acquired or used in connection with a project; (ii) the cost of demolishing or removing any building or structure on land acquired in connection with a project, including the cost of acquiring any lands to which such building or structure may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during, and for a period after completion of such construction and acquisition, provisions for reserves for principal and interest, and provisions for extensions, enlargements, additions, replacements, renovations, and improvements; (iii) the cost of architectural, engineering, financial, and legal services, plans, specifications, studies, surveys, and estimates of cost and revenues; (iv) administrative expenses; (v) expenses necessary or incident to determining the feasibility or practicability of constructing the project; and (vi) such other expenses as may be necessary or incident to constructing and acquiring the project, financing such construction, acquiring the project, and placing the project in operation.

"Participating institution" means a nonprofit private institution of higher education whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education that (i) (a) finances and constructs or (b) acquires a project or (ii) refunds or refinances obligations, a mortgage, or advances as provided in this article.

"Project" means a structure suitable for use as a dormitory or other multi-unit housing facility for students, faculty, officers, or employees, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletics facility, health care facility, maintenance, storage or utility facility, any related structure or facility, or any other structure or facility required or useful for instructing students, conducting research, or operating an institution of higher education, including parking facilities and other facilities or structures essential or convenient for the orderly conduct of such institution of higher education. "Project" includes landscaping, site preparation, furniture, equipment and machinery, and other similar items necessary or convenient for the intended use of a particular facility or structure. "Project" does not include books, fuel, supplies, or other items whose costs are customarily deemed to result in a current operating charge, any facility used for sectarian instruction or as a place of religious worship, or any facility used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

§ 23.1-1221. Declaration of policy and purpose.

A. For the benefit of the people of the Commonwealth, the increase of their commerce, welfare, and prosperity, and the improvement of their health and living conditions, it is essential that (i) this and future generations of youth be given the fullest opportunity to learn and develop their intellectual and mental capacities and (ii) participating institutions be provided with appropriate additional means to assist such youth in achieving the required levels of learning and development of their intellectual and mental capacities.

B. The purpose of this article is to provide a measure of assistance and an alternative method to enable participating institutions to provide the facilities and structures that are sorely needed to accomplish the purposes of this article, all to the public benefit and good, to the extent and manner provided in this article.

§ 23.1-1222. Expenses of administering article.

All expenses incurred in carrying out the provisions of this article shall be payable solely from funds provided under the provisions of this article, and no liability or obligation shall be incurred by the Authority pursuant to this article beyond the extent to which moneys have been provided under the provisions of this article.

§ 23.1-1223. Powers and duties of Authority.

A. The Authority shall assist institutions of higher education in the acquisition, construction, financing, and refinancing of projects.

B. The Authority may:

- 1. Determine the location and character of any project to be financed under the provisions of this article;*
- 2. Construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate any project to be financed under the provisions of this article;*
- 3. Enter into contracts for any purpose set forth in subdivision 2;*
- 4. Enter into contracts for the management and operation of any project;*
- 5. Issue bonds, bond anticipation notes, and other obligations of the Authority for any of its corporate purposes and fund or refund such bonds, bond anticipation notes, or other obligations as provided in this article;*
- 6. Fix, revise, charge, and collect rates, rents, fees, and charges for the use of and for the services furnished by a project or any portion of a project;*
- 7. Contract with any person, partnership, association, corporation, or other entity to fix, revise, charge, and collect rates, rents, fees, and charges pursuant to subdivision 9;*
- 8. Designate a participating institution as its agent to take actions pursuant to subdivisions 1 through 4, 6, and 7;*
- 9. Establish regulations for the use of a project or any portion of a project or designate a participating institution as its agent to establish regulations for the use of a project in which such institution is participating;*
- 10. Employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as it deems necessary and determine their compensation;*
- 11. Receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion of a project;*
- 12. Receive and accept from any source loans, grants, aid, or contributions of money, property, labor, or other things of value to be held, used, and applied only for the purposes for which such loans, grants, aid, and contributions are made;*
- 13. Mortgage any project and the site of any project for the benefit of the holders of revenue bonds issued to finance such project;*
- 14. Make loans to any participating institution for the cost of a project in accordance with an agreement between the Authority and such institution, but no such loan shall exceed the total cost of the project as determined by such institution and approved by the Authority;*
- 15. Make loans to participating institutions to refund outstanding obligations, mortgages, or advances issued, made, or given by such participating institutions for the cost of a project;*
- 16. Charge to and equitably apportion among participating institutions its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this article; and*
- 17. Do all things necessary or convenient to carry out the purposes of this article.*

C. In carrying out the purposes of this article, the Authority may undertake a joint project for two or more participating institutions, and all other provisions of this article shall apply to and for the benefit of the Authority and the institutions of higher education participating in such joint project.

§ 23.1-1224. Duties; conveyance of title to projects.

When (i) (a) the principal of and interest on revenue bonds of the Authority issued to finance the cost of a project for any participating institutions, including any revenue refunding bonds issued to refund and refinance such revenue bonds, have been fully paid and retired or (b) adequate provision has been made to fully pay and retire such bonds; (ii) all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied; and (iii) the lien of such resolution or trust agreement has been released in accordance with the provisions of such resolution or trust agreement, the Authority shall convey title to such project to such participating institution free and clear of all liens and encumbrances if title to such project is not yet vested in such participating institution.

§ 23.1-1225. Powers; acquisition of property.

The Authority may, directly or through a participating institution as its agent, acquire by (i) purchase solely from funds provided under the authority of this article, (ii) gift, or (iii) devise, such lands, structures, property, real or personal, rights, rights-of-way, air rights, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, that are located within the Commonwealth as it may deem necessary or convenient for the acquisition, construction, or operation of a project, upon such terms and at such prices as it deems reasonable and can be agreed upon between it and the owner of the property and take title to the property in the name of the Authority or any participating institution as its agent.

§ 23.1-1226. Powers; issuance of negotiable notes.

The Authority may issue negotiable notes for any corporate purpose or renew any notes by the issuance of new notes, whether or not the notes to be renewed have matured. The Authority may issue notes partly to renew notes or to discharge other obligations then outstanding and partly for any other purpose. Such notes may be authorized, sold, executed, and delivered in the same manner as bonds. Any resolution authorizing notes or any issuance of notes by the Authority may contain any provision that the Authority may include in any resolution authorizing revenue bonds or any issuance of revenue bonds by the Authority, and the Authority may include in any note any term, covenant, or condition that it may include in any bond. All such notes are payable solely from the revenues of the Authority, subject only to any contractual rights of the holders of any of its notes or other obligations then outstanding.

§ 23.1-1227. Powers; issuance of revenue bonds.

A. The Authority may issue revenue bonds for any corporate purpose, and all such revenue bonds, notes, bond anticipation notes, or other obligations of the Authority issued pursuant to this article are negotiable for all purposes, notwithstanding their payment from a limited source and without regard to any other law.

B. In anticipation of the sale of such revenue bonds, the Authority may issue and renew negotiable bond anticipation notes, but the maximum maturity of any such note, including renewals, shall not exceed five years from the date on which the original note was issued. Such notes shall be paid from any revenues of the Authority available for such purpose and not otherwise pledged or from the proceeds of sale of the Authority's revenue bonds issued in anticipation of such sale. Such notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution authorizing such notes may contain any provisions, conditions, or limitations that the Authority may include in a bond resolution.

C. The revenue bonds and notes of every issue are payable solely out of revenues to the Authority, subject only to any agreement with (i) the holders of particular revenue bonds or notes to pledge any particular revenues or (ii) any participating institution.

D. Revenue bonds and notes are negotiable instruments that are subject only to the provisions of the revenue bonds and notes for registration but may be payable from a special fund.

E. Revenue bonds may be issued as serial bonds, term bonds, or both. Revenue bonds shall be authorized by resolution of the members of the Authority and bear such date, mature at such time, not exceeding 50 years from such date, bear interest at such rate or rates that is payable at such time, be in such denomination, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful United States currency at such place, and be subject to such terms of redemption as such resolution provides. Revenue bonds or notes may be sold at public or private sale for such price or prices as the Authority determines. Pending preparation of the definitive bonds, the Authority may issue interim receipts or certificates that shall be exchanged for such definitive bonds.

F. Any resolution authorizing revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of such revenue bonds, relating to:

1. Pledging all or any part of the revenues of a project, to any revenue-producing contract made by the Authority with any individual, partnership, corporation, association, or other public or private body to secure the payment of the revenue bonds or any particular issue of revenue bonds, subject to any existing agreements with bondholders;

2. Charging rentals, fees, and other charges and setting forth the amounts to be raised annually with such charges and the use and disposition of the revenues;

3. Establishing, setting aside, regulating, and disposing of reserves or sinking funds;

4. Limiting the right of the Authority or its agent to restrict and regulate the use of the project;

5. Limiting the purpose to which the proceeds of the sale of any issue of revenue bonds to be issued may be applied and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds;

6. Limiting the issuance of additional bonds, the terms upon which additional bonds may be issued and secured, and the refunding of outstanding bonds;

7. Establishing a procedure by which the terms of any contract with bondholders may be amended or abrogated that includes the number of bondholders required to consent to such amendment or abrogation and the manner in which such consent may be given;

8. Limiting the amount of moneys derived from the project to be expended for operating, administrative, or other expenses of the Authority;

9. Defining the acts or omissions that constitute a default in the duties of the Authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default;

10. Setting forth the duties, obligations, and liabilities of any trustee or paying agent; and

11. Mortgaging a project and the site of such project for the purpose of securing the bondholders.

G. Neither the members of the Authority nor any person executing revenue bonds or notes is liable personally on the revenue bonds or notes or is subject to any personal liability or accountability by reason of the issuance of such revenue bonds or notes.

H. The Authority may purchase its bonds or notes with funds available for such purpose. The Authority may hold, pledge, cancel, or resell such bonds or notes subject to and in accordance with agreements with bondholders.

§ 23.1-1228. Powers; security for revenue bonds.

A. The Authority may secure any revenue bonds issued under the provisions of this article by a trust agreement between the Authority and a corporate trustee that may be any trust company or bank having the powers of a trust company within or outside the Commonwealth. Such trust agreement or the resolution providing for the issuance of such revenue bonds may

(i) pledge or assign the revenues to be received or proceeds of any contract pledged, (ii) convey or mortgage the project or any portion of the project, or (iii) contain provisions for protecting and enforcing the rights and remedies of the bondholders that the Authority deems reasonable and proper and are not in violation of law, including provisions that may be included in any resolution of the Authority authorizing revenue bonds pursuant to this article.

B. Any bank or trust company incorporated under the laws of the Commonwealth that may act as depository of the proceeds of bonds, revenues, or other moneys may furnish such indemnifying bonds or pledge such securities as may be required by the Authority.

C. Any such trust agreement may set forth the rights and remedies of the bondholders and the trustee and restrict the individual right of action by bondholders.

D. Any such trust agreement or resolution may contain such other provisions as the Authority deems reasonable and proper for the security of the bondholders.

E. All expenses incurred in carrying out the provisions of such trust agreement or resolution may be treated as a part of the cost of the operation of a project.

§ 23.1-1229. Powers and duties; rates, rents, fees and charges; sinking fund.

A. The Authority may fix, revise, charge, and collect rates, rents, fees, and charges for the use of and the services furnished by each project and contract with any person, partnership, association, corporation, or other public or private body to perform such acts. The aggregate of such rates, rents, fees, and charges shall be fixed and adjusted to provide funds that, when combined with other revenues, is sufficient to (i) pay the uncovered cost of maintaining, repairing, and operating each portion of the project; (ii) pay the principal of and the interest on outstanding revenue bonds of the Authority as such principal and interest becomes due and payable; and (iii) create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the Authority. No such rate, rent, fee, or charge shall be subject to supervision or regulation by any department, commission, board, body, bureau, or agency of the Commonwealth other than the Authority.

B. The Authority shall set aside in a sinking fund or other similar fund a sufficient amount of the revenues derived from a project, except the part of such revenues that is necessary to pay the cost of maintenance, repair, and operation of the project, provide reserves, or make renewals, replacements, extensions, enlargements, and improvements as set forth in the resolution authorizing the issuance of any revenue bonds of the Authority or in the trust agreement securing such revenue bonds. The Authority shall pledge such sinking fund or other similar fund to pay the principal of and the interest on such revenue bonds as such principal and interest becomes due and the redemption or purchase price of bonds retired by call or purchase as provided in the resolution authorizing the issuance of any revenue bonds of the Authority or in the trust agreement securing such revenue bonds. Such pledge is valid and binding from the time when the pledge is made. The rates, rents, fees, and charges and other revenues or moneys so pledged and received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery or further act. The lien of any such pledge is valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice of such lien. No resolution authorizing the issuance of any revenue bonds of the Authority or trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking fund or other similar fund is subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Such sinking fund or other similar fund is a fund for all such revenue bonds issued to finance a project at a participating institution, without distinction or priority of one revenue bond over another, but the Authority may provide in any such resolution or trust agreement (i) that such sinking fund or other similar fund is the fund for a particular project at an institution of higher education and the revenue bonds issued to finance a particular project and (ii) for the issuance of revenue bonds having a subordinate lien to other revenue bonds of the Authority with respect to the security authorized and, in such case, the Authority may create separate or other similar funds with respect to such subordinate lien bonds.

§ 23.1-1230. Powers; issuance of refunding revenue bonds.

A. The Authority may provide for the issuance of revenue bonds to (i) refund any of its outstanding revenue bonds, including the payment of any redemption premium thereon and any interest accrued or to accrue on the earliest or any subsequent date of redemption, purchase, or maturity of such revenue bonds or (ii) pay all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project or any portion of a project.

B. The Authority may (i) apply the proceeds of any revenue bonds issued to refund outstanding revenue bonds to purchase, retire at maturity, or redeem such outstanding revenue bonds either on their earliest or any subsequent redemption date, upon their purchase, or at their maturity and (ii) place the proceeds of revenue bonds issued to refund outstanding revenue bonds in escrow pending such application to be applied to such purchase, retirement, or redemption on the date that it determines.

C. The Authority may invest and reinvest proceeds placed in escrow pursuant to subsection B in direct obligations of the United States, certificates of deposit, or time deposits secured by direct obligations of the United States that mature at such time as is appropriate to ensure the prompt payment of principal, interest, and any redemption premium of the outstanding revenue bonds to be so refunded, pending the purchase, retirement at maturity, or redemption of such outstanding revenue bonds. The Authority may apply interest, income, and any profits earned or realized on any such investment to pay the outstanding revenue bonds to be so refunded. After the terms of the escrow have been fully satisfied

and carried out, any balance of such proceeds and any interest, income, and profits earned or realized on the investments on such proceeds may be returned to the Authority for its lawful use.

D. The Authority may invest or reinvest the portion of the proceeds of any revenue bonds issued to pay all or any part of the cost of constructing and acquiring additions, improvements, extensions, or enlargements of a project in direct obligations of the United States or certificates of deposit or time deposits secured by direct obligations of the United States that mature not later than the time when such proceeds are needed to pay all or any part of such cost. The Authority may apply any interest, income, and profits earned or realized on such investment to the payment of all or any part of such cost or use such interest, income, and profits in any lawful manner.

E. All refunding revenue bonds issued pursuant to this section are subject to the provisions of this article in the same manner and to the same extent as other revenue bonds issued pursuant to this article.

§ 23.1-1231. Revenue bonds not obligations of Commonwealth or political subdivision.

Revenue bonds issued under the provisions of this article (i) do not constitute a debt, liability, or pledge of the faith and credit of the Commonwealth or any political subdivision of the Commonwealth and (ii) are payable solely from the funds provided from revenues as set forth in this article. Each such revenue bond shall state on its face that (a) neither the Commonwealth nor the Authority is obligated to pay such revenue bonds or the interest thereon except from revenues of the project or the portion of the project for which they are issued and (b) neither the faith and credit nor the taxing power of the Commonwealth or any political subdivision of the Commonwealth is pledged to the payment of the principal of or the interest on such bonds. The issuance of revenue bonds under the provisions of this article shall not directly, indirectly, or contingently obligate the Commonwealth or any political subdivision of the Commonwealth to levy or pledge any form of taxation for such bonds or make any appropriation for their payment.

§ 23.1-1232. Moneys received deemed trust funds.

All moneys that the Authority receives pursuant to this article, whether as proceeds from the sale of bonds or as revenues, are trust funds to be held and applied solely as provided in this article. Any officer with whom, or any bank or trust company with which, such moneys are deposited shall act as trustee of such moneys and shall hold and apply the same for the purposes of this article, the resolution authorizing the bonds of any issue, or the trust agreement securing such bonds.

§ 23.1-1233. Remedies of bondholders or holders of other obligations.

Any (i) holder of revenue bonds, notes, bond anticipation notes, other notes, or other obligations of the Authority issued under the provisions of this article or any of the coupons appertaining to any such obligation and (ii) trustee under any trust agreement, except to the extent that such rights are restricted by any resolution authorizing the issuance of, or any such trust agreement securing, such bonds or other obligations, may, either at law or in equity, by suit, action, mandamus, or other proceedings, (a) protect and enforce all rights under the laws of the Commonwealth or such resolution or trust agreement and (b) enforce and compel the performance of all duties required by this article or by such resolution or trust agreement to be performed by the Authority or any officer, employee, or agent of the Authority, including the fixing, charging, and collecting of the rates, rents, fees, and charges authorized by this article and required by the provisions of such resolution or trust agreement to be fixed, charged, and collected.

§ 23.1-1234. Exemption from taxation.

Neither the Authority nor its agent are required to pay any taxes or assessments upon or with respect to a project, any property acquired or used by the Authority or its agent under the provisions of this article, or the income from any such project or property. Any bonds issued under the provisions of this article, the transfer of such bonds, and the income from such bonds, including any profit made on the sale of such bonds, are exempt from taxation of any kind by the Commonwealth and the localities and other political subdivisions of the Commonwealth.

§ 23.1-1235. Bonds as legal investments.

Bonds issued by the Authority under the provisions of this article are securities (i) in which all public officers and bodies of the Commonwealth and its political subdivisions, insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them and (ii) that may properly and legally be deposited with and received by any officer of the Commonwealth or any of its localities or any agency or political subdivision of the Commonwealth for any lawful purpose.

§ 23.1-1236. Nature of article.

This article is supplemental and additional to powers conferred by other laws, but the issuance of revenue bonds and revenue refunding bonds under the provisions of this article need not comply with the requirements of any other law applicable to the issuance of bonds. Except as otherwise expressly provided in this article, no power granted to the Authority under the provisions of this article is subject to the supervision or regulation of or requires the approval or consent of the Commonwealth, any locality or political subdivision of the Commonwealth, or any department, division, commission, board, body, bureau, official, or agency of any such locality or political subdivision.

§ 23.1-1237. Article liberally construed.

This article, being necessary for the welfare of the Commonwealth and its inhabitants, shall be liberally construed to effect the purposes of this article.

§ 23.1-1238. Article controls inconsistent laws.

To the extent that the provisions of this article are inconsistent with the provisions of any general statute or special act or parts thereof, the provisions of this article control.

SUBTITLE IV.

PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

CHAPTER 13.

GOVERNING BOARDS OF PUBLIC INSTITUTIONS OF HIGHER EDUCATION.

§ 23.1-1300. Members of governing boards; removal; terms; nonvoting, advisory representatives.

A. Members appointed by the Governor to the governing boards of public institutions of higher education shall serve for terms of four years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member appointed by the Governor to such a governing board shall serve for more than two consecutive four-year terms; however, a member appointed by the Governor to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term. Except as otherwise provided in § 23.1-2601, all appointments are subject to confirmation by the General Assembly. Members appointed by the Governor to the governing board of a public institution of higher education shall continue to hold office until their successors have been appointed and confirmed. Ex officio members shall serve a term coincident with their term of office.

B. No member appointed by the Governor to the governing board of a public institution of higher education who has served two consecutive four-year terms on such board is eligible to serve on the same board until at least four years have passed since the end of his second consecutive four-year term.

C. Notwithstanding the provisions of subsection E or any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any public institution of higher education and fill the vacancy resulting from the removal.

D. The Governor shall set forth in a written public statement his reasons for removing any member pursuant to subsection C at the time the removal occurs. The Governor is the sole judge of the sufficiency of the cause for removal as set forth in subsection C.

E. If any member of the governing board of a public institution of higher education fails to attend (i) the meetings of the board for one year without sufficient cause, as determined by a majority vote of the board, or (ii) the educational programs required by § 23.1-1304 in his first two years of membership without sufficient cause, as determined by a majority vote of the board, the remaining members of the board shall record such failure in the minutes at its next meeting and notify the Governor, and the office of such member shall be vacated.

F. The governing board of each public institution of higher education shall adopt in its bylaws policies (i) for removing members pursuant to subsection E and (ii) referencing the Governor's power to remove members described in subsection C.

G. The governing board of each public institution of higher education and each local community college board may appoint one or more nonvoting, advisory faculty representatives to its respective board. In the case of local community college boards and boards of visitors, such representatives shall be chosen from individuals elected by the faculty or the institution's faculty senate or its equivalent. In the case of the State Board, such representatives shall be chosen from individuals elected by the Chancellor's Faculty Advisory Committee. Such representatives shall be appointed to serve (i) at least one term of at least 12 months, which shall be coterminous with the institution's fiscal year or (ii) for such terms as may be mutually agreed to by the State Board and the Chancellor's Faculty Advisory Committee, or by the local community college board or the board of visitors, and the institution's faculty senate or its equivalent.

H. The board of visitors of any baccalaureate public institution of higher education shall appoint one or more students as nonvoting, advisory representatives. Such representatives shall be appointed under such circumstances and serve for such terms as the board of visitors of the institution shall prescribe.

I. Nothing in subsections G and H shall prohibit the governing board of any public institution of higher education or any local community college board from excluding such nonvoting, advisory faculty or student representatives from discussions of faculty grievances, faculty or staff disciplinary matters or salaries, or any other matter.

§ 23.1-1301. Governing boards; powers.

A. The board of visitors of each baccalaureate public institution of higher education or its designee may:

1. Make regulations and policies concerning the institution;
2. Manage the funds of the institution and approve an annual budget;
3. Appoint the chief executive officer of the institution;
4. Appoint professors and fix their salaries; and
5. Fix the rates charged to students for tuition, mandatory fees, and other necessary charges.

B. The governing board of each public institution of higher education or its designee may:

1. In addition to the powers set forth in Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.), lease or sell and convey its interest in any real property that it has acquired by purchase, will, or deed of gift, subject to the prior approval of the Governor and any terms and conditions of the will or deed of gift, if applicable. The proceeds shall be held, used, and administered in the same manner as all other gifts and bequests;

2. Grant easements for roads, streets, sewers, waterlines, electric and other utility lines, or other purposes on any property owned by the institution;

3. Adopt regulations or institution policies for parking and traffic on property owned, leased, maintained, or controlled by the institution;

4. Adopt regulations or institution policies for the employment and dismissal of professors, teachers, instructors, and other employees;

5. Adopt regulations or institution policies for the acceptance and assistance of students in addition to the regulations or institution policies required pursuant to § 23.1-1303;

6. Adopt regulations or institution policies for the conduct of students in attendance and for the rescission or restriction of financial aid, suspension, and dismissal of students who fail or refuse to abide by such regulations or policies;

7. Establish programs, in cooperation with the Council and the Office of the Attorney General, to promote (i) student compliance with state laws on the use of alcoholic beverages and (ii) the awareness and prevention of sexual crimes committed upon students;

8. Establish guidelines for the initiation or induction of students into any social fraternity or sorority in accordance with the prohibition against hazing as defined in § 18.2-56;

9. Assign any interest it possesses in intellectual property or in materials in which the institution claims an interest, provided such assignment is in accordance with the terms of the institution's intellectual property policies adopted pursuant to § 23.1-1303. The Governor's prior written approval is required for transfers of such property (i) developed wholly or predominantly through the use of state general funds, exclusive of capital assets and (ii) (a) developed by an employee of the institution acting within the scope of his assigned duties or (b) for which such transfer is made to an entity other than (1) the Innovation and Entrepreneurship Investment Authority, (2) an entity whose purpose is to manage intellectual properties on behalf of nonprofit organizations, colleges, and universities, or (3) an entity whose purpose is to benefit the respective institutions. The Governor may attach conditions to these transfers as he deems necessary. In the event the Governor does not approve such transfer, the materials shall remain the property of the respective institutions and may be used and developed in any manner permitted by law;

10. Conduct closed meetings pursuant to §§ 2.2-3711 and 2.2-3712 and conduct business as a "state public body" for purposes of subsection B of § 2.2-3708; and

11. Adopt a resolution to require the governing body of a locality that is contiguous to the institution to enforce state statutes and local ordinances with respect to offenses occurring on the property of the institution. Upon receipt of such resolution, the governing body of such locality shall enforce statutes and local ordinances with respect to offenses occurring on the property of the institution.

§ 23.1-1302. Governing boards; additional powers; voluntary early retirement.

A. The governing board of each public institution of higher education may establish a compensation plan designed to provide incentives for voluntary early retirement of teaching and research staff employed in nonclassified, faculty positions. Participation in such compensation plan is voluntary for eligible employees and no employee shall be penalized in any way for not participating.

B. In order to qualify for participation in such compensation plan, an eligible faculty employee shall (i) be at least 60 years old; (ii) have completed at least 10 years of full-time service at the institution offering the plan; (iii) have been awarded tenure or have a contractual right to continued employment; (iv) agree to withdraw from active membership in the Virginia Retirement System; and (v) comply with any additional criteria established by the governing board of the institution.

C. Any compensation plan established pursuant to this section shall include the institutional needs and objectives to be served, the kind of incentives to be offered, the sources of available funding for implementation, and any additional qualifications required of eligible faculty employees established by the governing board. Any such compensation plan shall explicitly reserve to the governing board the authority to modify, amend, or repeal the plan. However, no such amendment, modification, or repeal is effective as to any individual who retires under the plan prior to the effective date of the amendment, modification, or repeal.

D. The cash payments offered under any such compensation plan shall not exceed 150 percent of the employee's base annual salary reflected in the Personnel Management Information System at the time of election to participate. Any such payment shall be allocated over at least two years. Such compensation may include payment of insurance benefits by the institution until the participant reaches the age of 65. The total cost in any fiscal year for any compensation plan established under this section shall not exceed one percent of the institution's corresponding fiscal year state general fund appropriation for faculty salaries and associated benefits.

E. The Governor may establish, with the assistance of the Council, uniform criteria for such compensation plans. Prior to the adoption, modification, amendment, or repeal of any such compensation plan, the governing board shall obtain the Governor's approval. The Governor shall provide a copy of each approved plan to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. All compensation plans shall be reviewed for legal sufficiency by the Office of the Attorney General prior to adoption, modification, amendment, or repeal.

F. The Administrative Process Act (§ 2.2-4000 et seq.) does not apply to the establishment of such compensation plans or any implementing regulations or criteria.

§ 23.1-1303. Governing boards; duties.

A. For purposes of this section, "intellectual property" means (i) a potentially patentable machine, article of manufacture, composition of matter, process, or improvement in any of those; (ii) an issued patent; (iii) a legal right that inheres in a patent; or (iv) anything that is copyrightable.

B. The governing board of each public institution of higher education shall:

1. Adopt and post conspicuously on its website bylaws for its own governance, including provisions that (i) establish the requirement of transparency, to the extent required by law, in all board actions; (ii) describe the board's obligations under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), as set forth in subdivision B 10 of § 23.1-1301, including the requirements that (a) the board record minutes of each open meeting and post the minutes on the board's website, in accordance with subsection I of § 2.2-3707 and § 2.2-3707.1, (b) discussions and actions on any topic not specifically exempted by § 2.2-3711 be held in an open meeting, (c) the board give public notice of all meetings, in accordance with subsection C of § 2.2-3707, and (d) any action taken in a closed meeting be approved in an open meeting before it can have any force or effect, in accordance with subsection B of § 2.2-3711; and (iii) require that the board invite the Attorney General's appointee or representative to all meetings of the board, executive committee, and board committees;

2. Establish regulations or institution policies for the acceptance and assistance of students that include provisions (i) that specify that individuals who have knowingly and willfully failed to meet the federal requirement to register for the selective service are not eligible to receive any state direct student assistance, (ii) that specify that the accreditation status of a public high school in the Commonwealth shall not be considered in making admissions determinations for students who have earned a diploma pursuant to the requirements established by the Board of Education, and (iii) relating to the admission of certain graduates of comprehensive community colleges as set forth in § 23.1-907;

3. Assist the Council in enforcing the provisions relating to eligibility for financial aid;

4. Notwithstanding any other provision of state law, establish policies and procedures requiring the notification of the parent of a dependent student when such student receives mental health treatment at the institution's student health or counseling center and such treatment becomes part of the student's educational record in accordance with the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.) and may be disclosed without prior consent as authorized by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g) and related regulations (34 C.F.R. Part 99). Such notification shall only be required if it is determined that there exists a substantial likelihood that, as a result of mental illness the student will, in the near future, (i) cause serious physical harm to himself or others as evidenced by recent behavior or any other relevant information or (ii) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs. However, notification may be withheld if any person licensed to diagnose and treat mental, emotional, or behavioral disorders by a health regulatory board within the Department of Health Professions who is treating the student has made a part of the student's record a written statement that, in the exercise of his professional judgment, the notification would be reasonably likely to cause substantial harm to the student or another person. No public institution of higher education or employee of a public institution of higher education making a disclosure pursuant to this subsection is civilly liable for any harm resulting from such disclosure unless such disclosure constitutes gross negligence or willful misconduct by the institution or its employees;

5. Establish policies and procedures requiring the release of the educational record of a dependent student, as defined by the federal Family Educational Rights and Privacy Act (20 U.S.C. § 1232g), to a parent at his request;

6. Establish programs to seek to ensure that all graduates have the technology skills necessary to compete in the twenty-first century and that all students matriculating in teacher-training programs receive instruction in the effective use of educational technology;

7. Establish policies for the discipline of students who participate in varsity intercollegiate athletics, including a provision requiring an annual report by the administration of the institution to the governing board regarding enforcement actions taken pursuant to such policies;

8. In addition to all meetings prescribed in Chapters 14 (§ 23.1-1400 et seq.) through 29 (§ 23.1-2900 et seq.), meet with the chief executive officer of the institution at least once annually, in a closed meeting pursuant to subdivision A 1 of § 2.2-3711 and deliver an evaluation of the chief executive officer's performance. Any change to the chief executive officer's employment contract during any such meeting or any other meeting of the board shall be made only by a vote of the majority of the board's members;

9. If human research, as defined in § 32.1-162.16, is conducted at the institution, adopt regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.) to effectuate the provisions of Chapter 5.1 (§ 32.1-162.16 et seq.) of Title 32.1 for human research. Such regulations shall require the human research committee to submit to the Governor, the General Assembly, and the chief executive officer of the institution or his designee at least annually a report on the human research projects reviewed and approved by the committee and require the committee to report any significant deviations from approved proposals;

10. Submit the annual financial statements for the fiscal year ending the preceding June 30 and the accounts and status of any ongoing capital projects to the Auditor of Public Accounts for the audit of such statements pursuant to § 30-133;

11. Submit to the General Assembly and the Governor an annual executive summary of its interim activity and work no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website;

12. Make available to any interested party upon request a copy of the portion of the most recent report of the Uniform Crime Reporting Section of the Department of State Police entitled "Crime in Virginia" pertaining to institutions of higher education; and

13. Adopt policies or institution regulations regarding the ownership, protection, assignment, and use of intellectual property and provide a copy of such policies to the Governor and the Joint Commission on Technology and Science. All

employees of public institutions of higher education are bound by the intellectual property policies of the institution employing them.

§ 23.1-1304. Governing boards; additional duties; educational programs.

A. From such funds as are appropriated for such purpose, the Council shall develop, in consultation with public institutions of higher education and members of their governing boards, and annually deliver educational programs for the governing boards of such institutions. New members of such governing boards shall participate, at least once during their first two years of membership, in the programs, which shall be designed to address the role, duties, and responsibilities of the governing boards and may include in-service programs on current issues in higher education. In developing such programs, the Council may consider similar educational programs for institutional governing boards in other states.

B. Educational programs for the governing boards of public institutions of higher education shall include presentations relating to:

1. Board members' duty to the Commonwealth;
2. Governing board committee structure and function;
3. The duties of the executive committee set forth in § 23.1-1306;
4. Professional accounting and reporting standards;
5. Methods for meeting the statutory, regulatory, and fiduciary obligations of the board;
6. The requirements of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), developed and delivered in conjunction with the Freedom of Information Advisory Council;
7. Institutional ethics and conflicts of interest;
8. Creating and implementing regulations and institution policies;
9. Business operations, administration, budgeting, financing, financial reporting, and financial reserves, including a segment on endowment management;
10. Fixing student tuition, mandatory fees, and other necessary charges;
11. Overseeing planning, construction, maintenance, expansion, and renovation projects that affect the institution's consolidated infrastructure, physical facilities, and natural environment, including its lands, improvements, and capital equipment;
12. Workforce planning, strategy, and investment;
13. Institutional advancement, including philanthropic giving, fundraising initiatives, alumni programming, communications and media, government and public relations, and community affairs;
14. Student welfare issues, including academic studies; curriculum; residence life; student governance and activities; and the general physical and psychological well-being of undergraduate and graduate students;
15. Current national and state issues in higher education;
16. Future national and state issues in higher education;
17. Relations between the governing board and the chief executive officer of the institution, including perspectives from chief executive officers of public institutions of higher education;
18. Best practices for board governance, including perspectives from current board members; and
19. Any other topics that the Council, public institutions of higher education, and members of their governing boards deem necessary or appropriate.

C. The Council shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Council pursuant to this section no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 23.1-1305. Governing boards; student accounts; collections.

No governing board shall refer a student account to collections for nonpayment before required by the provisions of § 2.2-4806. This section shall not apply to public institutions of higher education that have entered into management agreements with the Commonwealth pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

§ 23.1-1306. Governing board executive committee; duties.

The executive committee of the governing board of each public institution of higher education shall (i) organize the working processes of the board; (ii) recommend best practices for board governance; (iii) develop and recommend to the board a statement of governance setting out the board's role; (iv) periodically review the board's bylaws and recommend amendments; (v) provide advice to the board on committee structure, appointments, and meetings; (vi) develop an orientation and continuing education process for board members that includes training on the Virginia Freedom of Information Act (§ 2.2-3700 et seq.); (vii) create, monitor, oversee, and review compliance with a code of ethics for board members; and (viii) develop a set of qualifications and competencies for membership on the board for approval by the board and recommendation to the Governor.

§ 23.1-1307. Governing boards; expenses of members.

Members of the governing board of each public institution of higher education shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties. Funding for the expenses of the members shall be provided by the institution.

§ 23.1-1308. Governing board procedures; textbook sales and bookstores.

A. No employee of a public institution of higher education shall demand or receive any payment, loan, subscription, advance, deposit of money, services, or anything, present or promised, as an inducement for requiring students to purchase a specific textbook required for coursework or instruction. However, such employee may receive (i) sample copies, instructor's copies, or instructional material not to be sold and (ii) royalties or other compensation from sales of textbooks that include such instructor's own writing or work.

B. The governing board of each public institution of higher education shall implement procedures for making available to students in a central location and in a standard format on the relevant institutional website listings of textbooks required or assigned for particular courses at the institution. The lists of those required or assigned textbooks for each particular course shall include the International Standard Book Number (ISBN) along with other relevant information.

C. Public institutions of higher education maintaining a bookstore supported by auxiliary services or operated by a private contractor shall post the listing of such textbooks when the relevant instructor or academic department identifies the required textbooks for order and subsequent student purchase.

D. The governing board of each public institution of higher education shall implement policies, procedures, and guidelines that encourage efforts to minimize the cost of textbooks for students while maintaining the quality of education and academic freedom. The guidelines shall ensure that:

1. Faculty textbook adoptions are made with sufficient lead time to university-managed or contract-managed bookstores so as to confirm availability of the requested materials and, when possible, ensure maximum availability of used textbooks;

2. In the textbook adoption process, the intent to use all items ordered, particularly each individual item sold as part of a bundled package, is affirmatively confirmed by the faculty member before the adoption is finalized. If the faculty member does not intend to use each item in the bundled package, he shall notify the bookstore, and the bookstore shall order the individualized items when their procurement is cost effective for both the institution and students and such items are made available by the publisher;

3. Faculty members affirmatively acknowledge the bookstore's quoted retail price of textbooks selected for use in each course;

4. Faculty members are encouraged to limit their use of new edition textbooks when previous editions do not significantly differ in a substantive way as determined by the appropriate faculty member; and

5. Provisions address the availability of required textbooks to students otherwise unable to afford the cost.

E. No funds provided for financial aid from university bookstore revenue shall be counted in the calculation for state appropriations for student financial aid.

§ 23.1-1309. Boards of visitors; baccalaureate public institutions of higher education; intercollegiate athletics programs.

A. As used in this section:

"Athletics revenue" means the total revenue received by an institution that is generated by any of the institution's intercollegiate athletics programs. "Athletics revenue" includes contributions; game guarantees; income received from endowments and investments; income received from the sale of food, game programs, novelties, and other concessions at an intercollegiate athletics contest; income received from intercollegiate athletics conferences for participation in bowl games, tournaments, and other intercollegiate athletics contests; income received from the provision of parking at intercollegiate athletics contests or other events associated with intercollegiate athletics; rights and licensing; school funds; student fees; support from third parties guaranteed by the institution, such as income received from athletics camps, income received from television, and housing allowances; and all other income from any other source generated by the institution's intercollegiate athletics programs.

"Contributions" means any income received directly from individuals, corporations, associations, foundations, clubs, or other donors for the operation of an institution's intercollegiate athletics programs. "Contributions" includes amounts paid in excess of the face value of an admissions ticket to an intercollegiate athletics contest or any other event associated with intercollegiate athletics; cash; marketable securities; income generated from preferential seating arrangements at intercollegiate athletics contests or other events associated with intercollegiate athletics; and in-kind contributions such as cars provided to an intercollegiate athletics program by car dealers at no cost and apparel and sports drink products provided to intercollegiate athletes and coaches at no cost.

"Generated revenue" means all athletics revenue with the exception of the subsidy.

"Institution" means a baccalaureate public institution of higher education.

"Intercollegiate athletics program" means any athletics program for a particular sport that is operated by an institution and governed by the National Collegiate Athletic Association (NCAA).

"Rights and licensing" includes income from radio and television broadcasts; Internet and e-commerce rights resulting from institution-negotiated contracts; revenue-sharing agreements with the NCAA or an intercollegiate athletics conference; licensing; the sale of advertisements, trademarks, or royalties; corporate sponsorships; and the value of in-kind contributions of products and services provided to an intercollegiate athletics program at no cost as part of such corporate sponsorship, such as equipment, apparel, isotonic sports drinks, other sports drink products, or water.

"School funds" means the direct and indirect financial support provided by the institution to any of its intercollegiate athletics programs. "School funds" includes state funds, tuition, tuition waivers, federal work awards for student athletes,

administrative costs, facilities and grounds maintenance, security, risk management, utilities, and depreciation and debt services.

"Student fees" means any fees assessed by an institution against a student that are used to support any of the institution's intercollegiate athletics programs.

"Subsidy" means the sum of school funds and student fees.

"Subsidy percentage" means the subsidy divided by the athletics revenue, provided that revenues allocated to (i) support spirit groups associated with any intercollegiate athletics program, (ii) meet any indirect cost policy requirements, or (iii) debt service for previously approved intercollegiate athletics capital outlay projects may be excluded from the subsidy for the purposes of such calculation.

"Ticket sales" means the sale of the right to gain admission to an intercollegiate athletics contest or any other event associated with intercollegiate athletics. "Ticket sales" includes sums received from any associated shipping and handling charges and includes sales to the public, faculty, and students. "Ticket sales" does not include (i) amounts paid in excess of the face value of an admissions ticket to an intercollegiate athletics contest or any other event associated with intercollegiate athletics such as preferential seating arrangements or (ii) pass-through sales transactions such as sales for admission tickets to bowl games and conference and national tournaments.

B. The Auditor of Public Accounts, in collaboration with the Council, State Comptroller, Department of Planning and Budget, and each institution, shall develop and implement a standardized reporting format for each institution to annually report its intercollegiate athletics revenue and expenses to the Auditor of Public Accounts that shall include treatment of student fees and classification of specific intercollegiate athletics programs and shall require expenses for spirit groups, indirect cost policy requirements, and debt service for previously approved intercollegiate athletics capital outlay projects and other intercollegiate athletics capital outlay projects to be reported on separate lines.

C. The subsidy percentage shall not exceed:

1. 20 percent for NCAA Division I-A institutions affiliated with the Atlantic Coast Conference, Big Ten Conference, Big 12 Conference, Pac-12 Conference, or Southeastern Conference;
2. 55 percent for NCAA Division I-A institutions affiliated with conferences other than the Atlantic Coast Conference, Big Ten Conference, Big 12 Conference, Pac-12 Conference, or Southeastern Conference;
3. 70 percent for NCAA Division I-AA institutions;
4. 78 percent for NCAA Division I-AAA institutions;
5. 81 percent for NCAA Division II institutions that operate intercollegiate football programs;
6. 85 percent for NCAA Division II institutions that do not operate intercollegiate football programs;
7. 89 percent for NCAA Division III institutions that operate intercollegiate football programs; and
8. 92 percent for NCAA Division III institutions that do not operate intercollegiate football programs.

D. Each fiscal year, any percentage increase in the subsidy at an institution that complies with subsection C shall be matched by a like percentage increase in generated revenue, except that each such institution shall utilize a rolling average of the change in generated revenue and student fees over the immediately preceding five years for the purposes of such calculation.

E. When necessary, each institution shall submit to the Governor and the General Assembly for approval a plan that reduces the subsidy in accordance with targets outlined in the plan over a five-year period until the subsidy percentage complies with the requirements of subsection C.

F. The Auditor of Public Accounts shall annually review each institution's progress towards meeting the requirements of each plan approved pursuant to subsection E as part of his annual audit pursuant to § 30-133.

G. Failure to meet the progress requirements of each plan approved pursuant to subsection E for one year, as determined by the Auditor of Public Accounts, shall result in such reduction of the financial and administrative operations authority granted to the institution pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.) as the Governor or General Assembly determines.

H. Failure to meet the progress requirements of each plan approved pursuant to subsection E for two consecutive years, as determined by the Auditor of Public Accounts, shall result in revocation of all financial and administrative operations authority granted to the institution pursuant to the Restructured Higher Education Financial and Administrative Operations Act (§ 23.1-1000 et seq.).

I. The board of visitors of any institution that seeks to add a major intercollegiate athletics program such as football or basketball or change the division level of any of its existing intercollegiate athletics programs shall first submit to the Intercollegiate Athletics Review Commission (Commission) established pursuant to Chapter 57 (§ 30-359 et seq.) of Title 30 a plan and recommendations for financing the addition or change. The institution shall not in any way undertake any such addition or agree or commit to any such change until it has received the findings and recommendations of the Commission pursuant to § 30-360. Any such addition or change is subject to the approval of the General Assembly expressed in the general appropriation act. The board of visitors of any institution that adds a non-major intercollegiate athletics program shall report such decision within 15 days of the board's action.

§ 23.1-1310. Boards of visitors; baccalaureate public institutions of higher education; property of predecessor institutions.

All real estate and personal property standing in the name of any predecessor institution of a baccalaureate public institution of higher education shall be transferred to, known and taken as standing in the name of, and controlled by the

board of visitors of such public institution of higher education. All such real estate and personal property is the property of the Commonwealth.

CHAPTER 14.

CHRISTOPHER NEWPORT UNIVERSITY.

§ 23.1-1400. Corporate name; name of the University.

A. The board of visitors of Christopher Newport University (the board) is a corporation under the name and style of "The Rector and Visitors of Christopher Newport University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Christopher Newport University (the University).

§ 23.1-1401. Membership.

The board shall consist of 14 members appointed by the Governor, of whom at least six shall be alumni of the University.

§ 23.1-1402. Meetings; officers; committees.

A. The board shall meet at the University at least four times a year and at such other times as it determines. Special meetings of the board may be called by the rector or any three members. The secretary shall provide notice of any special meeting to each member.

B. Seven members shall constitute a quorum.

C. At the first meeting after July 1 in every even-numbered year, the board shall elect from its membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector.

D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector, vice-rector, and secretary.

E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.

F. At every regular annual meeting of the board, the board may appoint an executive committee for the transaction of business in the recess of the board, to serve for a period of one year or until the next regular annual meeting.

§ 23.1-1403. Powers and duties.

A. The board shall appoint all teachers and fix their salaries, provide for the employment of other personnel as required, and generally direct the affairs of the University.

B. The board may confer degrees and, subject to the provisions of § 23.1-203, approve new academic programs and discontinue academic programs offered by the University.

CHAPTER 15.

GEORGE MASON UNIVERSITY.

§ 23.1-1500. Corporate name; name of the University.

A. The board of visitors of George Mason University (the board) is a corporation under the name and style of "The Rector and Visitors of George Mason University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as George Mason University (the University).

§ 23.1-1501. Membership.

A. The board shall consist of 16 members appointed by the Governor. At least one member appointed each year shall be an alumnus of the University.

B. The alumni association of the University and the board may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-1502. Meetings; officers; committees.

A. The board shall meet at the University once a year and at such other times as it determines. Special meetings of the board may be called by the rector or any three members. The secretary shall provide notice of any special meeting to each member.

B. Eight members shall constitute a quorum.

C. Every other year, the board shall appoint from its membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector.

D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector, vice-rector, and secretary.

E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.

F. At every regular annual meeting of the board, the board may appoint an executive committee for the transaction of business in the recess of the board, consisting of at least three and not more than five members, to serve for a period of one year or until the next regular annual meeting.

§ 23.1-1503. Powers and duties.

A. The board shall appoint all teachers, staff members, and agents and fix their salaries and generally direct the affairs of the University.

B. The board may confer degrees and, subject to the provisions of § 23.1-203, approve new academic programs and discontinue academic programs offered by the University.

§ 23.1-1504. Establishment of branch campus in the Republic of Korea.

A. In recognition that global educational opportunities benefit the intellectual and economic interests of the Commonwealth, the board may create a corporation or other legal entity controlled by the University to establish and operate a branch campus of the University in the Republic of Korea. Establishment of the branch campus is subject to Council guidelines governing the approval of branch campuses, pursuant to § 23.1-203.

B. The board has the same powers with respect to operation and governance of its branch campus in Korea as are vested in the board with respect to the University.

C. No corporation or other legal entity created for the above purpose shall be deemed a state or governmental agency, advisory agency, public body or agency, or other instrumentality.

D. No director, officer, or employee of any such corporation or other legal entity shall be deemed an officer or employee of the Commonwealth for any purpose.

E. In operating the branch campus, the board shall provide for appropriate professional opportunities for Virginia-based faculty to teach or conduct research on the Republic of Korea campus and educational opportunities for Virginia-based students to study or conduct research on the Republic of Korea campus.

F. Nothing contained in this section shall be deemed a waiver of the sovereign immunity of the Commonwealth or the University.

CHAPTER 16.

JAMES MADISON UNIVERSITY.

§ 23.1-1600. Corporate name; name of the University.

A. The board of visitors of James Madison University (the board) is a corporation under the name and style of "The Visitors of James Madison University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as James Madison University (the University).

C. All laws relating to Madison College or the board of visitors of Madison College shall be construed as relating to the University or the board, respectively.

§ 23.1-1601. Membership.

A. The board shall consist of 15 members appointed by the Governor, of whom at least 13 shall be residents of the Commonwealth.

B. The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees. The Governor is not limited in his appointments to the individuals so nominated.

§ 23.1-1602. Powers and duties.

A. The board shall appoint all teachers and agents and fix their salaries and generally direct the affairs of the University.

B. The board may confer degrees.

§ 23.1-1603. Program of instruction to educate and train teachers.

The University shall maintain a program of instruction to educate and train teachers for the public elementary and secondary schools of the Commonwealth without excluding other programs of instruction.

CHAPTER 17.

LONGWOOD UNIVERSITY.

§ 23.1-1700. Corporate name; name of the University.

A. The board of visitors of Longwood University (the board) is a corporation under the name and style of "The Visitors of Longwood University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Longwood University (the University).

§ 23.1-1701. Membership.

A. The board shall consist of 13 members appointed by the Governor, of whom at least two shall be alumni of the University and at least 11 shall be residents of the Commonwealth.

B. The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-1702. Powers and duties.

A. The board shall appoint all teachers and agents and fix their salaries and generally direct the affairs of the University.

B. The board may confer degrees.

§ 23.1-1703. Program of instruction to educate and train teachers.

The University shall maintain a program of instruction to educate and train teachers for the public elementary and secondary schools of the Commonwealth without excluding other programs of instruction.

CHAPTER 18.

UNIVERSITY OF MARY WASHINGTON.

§ 23.1-1800. Corporate name; name of the University.

A. The board of visitors of the University of Mary Washington (the board) is a corporation under the name and style of "The Rector and Visitors of the University of Mary Washington" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as the University of Mary Washington (the University).

§ 23.1-1801. Membership.

A. The board shall consist of 12 members appointed by the Governor, of whom at least nine shall be residents of the Commonwealth and at least six shall be alumni of the University.

B. The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-1802. Meetings; officers; committees.

A. The board shall meet at the University once a year and at such other times as it determines.

B. A majority of the members shall constitute a quorum.

C. At the first meeting after July 1 in every even-numbered year, the board shall appoint from its membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector.

D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector, vice-rector, and secretary.

E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.

F. Special meetings of the board may be called by the rector or any three members. In either case, the secretary shall give notice of the time of meetings to each member.

G. At every regular annual meeting of the board, it may appoint an executive committee for the transaction of business in the recess of the board, consisting of at least three and not more than five members, to serve for a period of one year or until the next regular annual meeting.

§ 23.1-1803. Powers and duties.

A. The board shall appoint all teachers and fix their salaries, provide for the employment of other personnel as required, and generally direct the affairs of the University.

B. The board may confer degrees and, subject to the provisions of § 23.1-203, approve new academic programs and discontinue academic programs offered by the University.

CHAPTER 19.

NORFOLK STATE UNIVERSITY.

§ 23.1-1900. Corporate name; name of the University.

A. The board of visitors of Norfolk State University (the board) is a corporation under the name and style of "The Visitors of Norfolk State University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Norfolk State University (the University).

C. All laws relating to Norfolk State College or the board of visitors of Norfolk State College shall be construed as relating to the University or the board, respectively.

§ 23.1-1901. Membership; executive committee.

A. The board of visitors shall consist of 13 members appointed by the Governor, of whom at least four shall be alumni of the University. Of the alumni appointed, at least one shall be a resident of the Commonwealth.

B. The alumni association of the University may submit to the Governor a list of four nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

C. The board may appoint at least three and not more than five of its members to an executive committee that has and may exercise such powers as the board may prescribe.

§ 23.1-1902. Powers and duties.

A. The board shall (i) make all provisions for teachers, staff members, and agents, fix their salaries, and prescribe their duties and (ii) generally direct the affairs of the University.

B. The board may take, hold, receive, and enjoy any gift, grant, devise, or bequest to the University for the uses and purposes designated by the donor, or if not so designated, for the general purposes of the board.

C. The board may confer degrees.

CHAPTER 20.
OLD DOMINION UNIVERSITY.

§ 23.1-2000. Corporate name; name of the University.

A. The board of visitors of Old Dominion University (the board) is a corporation under the name and style of "Old Dominion University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Old Dominion University (the University).

C. All laws relating to Norfolk College or the board of visitors of Norfolk College shall be construed as relating to the University or the board, respectively.

§ 23.1-2001. Membership.

A. The board shall consist of 17 members appointed by the Governor, of whom at least 14 shall be residents of the Commonwealth and at least three shall be alumni of the University.

B. The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-2002. Meetings; officers; committees.

A. The board shall meet at the University once a year and at such other times as it determines. Special meetings of the board may be called by the rector or any three members. The secretary shall provide notice of any special meeting to each member.

B. A majority of members shall constitute a quorum.

C. At the first meeting after July 1 in every even-numbered year, the board shall elect from its membership a rector to preside at its meetings, a vice-rector to preside at its meetings in the absence of the rector, and a secretary to preside at its meetings in the absence of the rector and vice-rector.

D. The board may appoint a pro tempore officer to preside at its meetings in the absence of the rector, vice-rector, and secretary.

E. Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.

F. At every regular annual meeting of the board, an executive committee for the transaction of business in the recess of the board may be appointed, consisting of at least five members. The executive committee shall consist of the officers of the board and such other members as the rector may appoint.

§ 23.1-2003. Powers and duties.

A. The board shall (i) appoint all teachers, staff members, and agents and fix their salaries and (ii) generally direct the affairs of the University.

B. The board may confer degrees.

C. The board may take, hold, and enjoy any gift, grant, devise, or bequest made to the University for any use or purpose designated by the donor or for the general purposes of the board when no use or purpose is designated, whether such gift, grant, devise, or bequest is made directly to the corporation or to trustees for its benefit.

§ 23.1-2004. Program of instruction to educate and train teachers.

The University may maintain a program of instruction to educate and train teachers for the public elementary and secondary schools of the Commonwealth.

CHAPTER 21.
RADFORD UNIVERSITY.

§ 23.1-2100. Corporate name; name of the University.

A. The board of visitors of Radford University (the board) is a corporation under the name and style of "The Visitors of Radford University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Radford University (the University).

C. All laws relating to Radford College or the board of visitors of Radford College shall be construed as relating to the University or the board, respectively.

§ 23.1-2101. Membership.

A. The board shall consist of 15 members appointed by the Governor, of whom at least 11 shall be residents of the Commonwealth.

B. The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-2102. Powers and duties.

A. The board shall (i) provide for the employment of personnel as required and fix their salaries and (ii) generally direct the affairs of the University.

B. The board may confer degrees.

§ 23.1-2103. Program of instruction to educate and train teachers.

The University shall maintain a program of instruction to educate and train teachers for the public elementary and secondary schools of the Commonwealth without excluding other programs of instruction.

CHAPTER 22.

UNIVERSITY OF VIRGINIA.

Article I.

General Provisions.

§ 23.1-2200. Corporate name; name of the University.

A. *The board of visitors of the University of Virginia (the board) is a corporation under the name and style of "The Rector and Visitors of the University of Virginia" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.*

B. *The institution shall be known as the University of Virginia (the University).*

§ 23.1-2201. Membership.

A. *The board shall consist of 17 members appointed by the Governor, of whom at least (i) 12 shall be appointed from the Commonwealth at large, (ii) 12 shall be alumni of the University, and (iii) one shall be a physician with administrative and clinical experience in an academic medical center.*

B. *The alumni association of the University may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint members from the list of nominees.*

§ 23.1-2202. Meetings; officers; committees.

A. *The board shall meet at the University at least once a year and at such other times and places as it determines. Special meetings of the board may be called by the rector or any three members. The secretary shall provide notice of any special meeting to each member.*

B. *Five members shall constitute a quorum.*

C. *The board shall appoint from its membership a rector to preside at its meetings and a vice-rector to preside at its meetings in the absence of the rector. The board may appoint a substitute pro tempore to preside in the absence of the rector and vice-rector. The rector and the vice-rector shall perform any additional duties as prescribed by the board. The terms of the rector and vice-rector shall be for two years, commencing and expiring as provided in the board's bylaws.*

D. *The board shall appoint a secretary who shall serve a term and perform duties as prescribed by the board.*

E. *Vacancies in the offices of rector, vice-rector, and secretary may be filled by the board for the unexpired term.*

F. *At every annual meeting of the board, the board shall appoint an executive committee for the transaction of business in the recess of the board, consisting of at least three and not more than seven members, to serve for the period of one year or until the next regular annual meeting.*

§ 23.1-2203. Courses of study to be taught.

The following courses of study shall be taught at the University: the Latin, Greek, Hebrew, French, Spanish, Italian, German, and Anglo-Saxon languages; the different branches of mathematics, pure and physical; natural philosophy, chemistry, and mineralogy, including geology; the principles of agriculture; botany, anatomy, surgery, and medicine; zoology, history, ideology, general grammar, ethics, rhetoric, and belles lettres; and civil government, political economy, the law of nature and of nations, and municipal law.

§ 23.1-2204. Salary of president and professors; fees.

The president and each of the professors shall receive a stated salary. The board may supplement such stated salary out of the fees for tuition and other revenues of the University.

§ 23.1-2205. Secured obligations.

It shall be unlawful for the board to issue its obligations to be secured by deed of trust on its real estate without the prior consent of the General Assembly.

§ 23.1-2206. Payment of bonds of the University.

For the payment of the bonds, with the interest on such bonds, issued pursuant to the act entitled "An act to authorize the rector and board of visitors of the University of Virginia to issue bonds to pay off and discharge their floating debt and maturing obligations," approved March 28, 1871, the current revenue of the University and the property held by the Commonwealth for the purposes of the University shall continue liable.

§ 23.1-2207. Payment of interest on debt of University; sinking fund.

Out of the appropriation made by the General Assembly for the support of the University, there shall be first set apart, annually, a sum sufficient to pay the interest accruing on the existing interest-bearing debt of the University, except as provided in § 23.1-1109, and to constitute a sinking fund for the liquidation of the principal of such debt. Such sum shall be applied to no other purpose or object.

§ 23.1-2208. Provision for interest on certain bonds.

The Comptroller shall place in the state treasury a sum sufficient to pay semiannually six percent annual interest on two sums of \$50,000 in consol bonds of the Commonwealth donated by William W. Corcoran, of Washington, D.C., to the University and under the act of January 13, 1877, and the act of April 2, 1879, converted into registered bonds in the name of the board.

§ 23.1-2209. Powers and duties.

A. The board shall (i) care for and preserve all property belonging to the University, (ii) grant to the president of the University supreme administrative direction over all the schools, colleges, divisions, and branches of the University, and (iii) examine the progress of the students in each year and give to those who excel in any course of study such honors as it deems proper.

B. The board may (i) remove the president of the University or any professor with the assent of two-thirds of its members, (ii) prescribe the duties of each professor and the course and mode of instruction, (iii) appoint a comptroller and proctor and employ any other agent or servant, (iv) regulate the renting of the rooms and dormitories, and (v) to enable the board to procure a supply of water and construct and maintain a system of waterworks, drainage, and sewerage for the University, acquire such springs, lands, and rights-of-way as may be necessary, according to the provisions of Title 25.1.

§ 23.1-2210. Investment of endowment funds, endowment income, etc.

A. As used in this section:

"Derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including any contract commonly known as a "swap," that gives the University the right or obligation to deliver, receive delivery of, or make or receive payments based on changes in the price, value, yield, or other characteristic of a tangible or intangible asset or group of assets or changes in a rate, index of prices or rates, or other market indicator for an asset or group of assets.

"Financial security" means (i) any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate of subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, or fractional undivided interest in oil, gas, or other mineral rights; (ii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof; (iii) any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; (iv) in general, any interest or instrument commonly known as a "security"; or (v) any certificate of interest or participation in, temporary or interim security for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any financial security.

"Option" means an agreement or contract whereby the University may grant or receive the right to purchase, sell, or pay or receive the value of any personal property asset, including any agreement or contract that relates to any security, contract, or agreement.

B. The board shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

C. No member of the board is personally liable for losses suffered by any endowment fund, endowment income, gift, other nongeneral fund reserve and balance, or local funds of or held by the University arising from investments made pursuant to the provisions of subsection B.

D. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University is not subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

E. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board may invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in derivatives, options, and financial securities.

F. The authority provided in this section to invest and reinvest nongeneral fund reserves and balances of or held by the University is predicated upon an approved management agreement between the University and the Commonwealth.

Article 2.

The University of Virginia's College at Wise.

§ 23.1-2211. The University of Virginia's College at Wise.

A. The University of Virginia's College at Wise (the College), established in Wise County, Virginia, is a division of the University and a baccalaureate public institution of higher education subject to the supervision, management, and control of the board.

B. Direct and indirect appropriations from the Commonwealth to the College shall be expended as directed by the board.

C. All property, property rights, duties, contracts, and agreements of the College are vested in the board. The board shall care for and preserve all property belonging to the College.

D. With respect to the College, the board has all the powers that are vested in the board with respect to the University.

E. The president of the University shall be the principal administrative officer of the College.

F. The board shall fix the title of the chief executive officer of the College.

Article 3.

Medical Center.

§ 23.1-2212. Operations of Medical Center.

A. The ability of the University to provide medical and health sciences education and related research is dependent upon the maintenance of high-quality teaching hospitals and related health care and health maintenance facilities, collectively referred to in this article as the Medical Center, and the maintenance of a Medical Center serving such purposes

requires specialized management and operation that permit the Medical Center to remain economically viable and participate in cooperative arrangements reflective of changes in health care delivery.

B. Notwithstanding the provisions of § 32.1-124 exempting hospitals and nursing homes owned or operated by an agency of the Commonwealth from state licensure, the Medical Center shall be, for so long as the Medical Center maintains its accreditation by a national accrediting organization granted authority by the Centers for Medicare and Medicaid Services to ensure compliance with Medicare conditions of participation pursuant to § 1865 of Title XVIII of the Social Security Act (42 U.S.C. § 1395bb), deemed to be licensed as a hospital for purposes of other law relating to the operation of hospitals licensed by the Board of Health. The Medical Center shall not, however, be deemed to be a licensed hospital to the extent that any law relating to licensure of hospitals specifically excludes the Commonwealth or its agencies. As an agency of the Commonwealth, the Medical Center shall remain (i) exempt from licensure by the Board of Health pursuant to § 32.1-124 and (ii) subject to the Virginia Tort Claims Act (§ 8.01-195.1 et seq.). This subsection shall not be construed as a waiver of the Commonwealth's sovereign immunity.

C. The University may create, own in whole or in part, or otherwise control corporations, partnerships, insurers, or other entities whose activities promote the operations of the Medical Center and its mission; cooperate or enter into joint ventures with such entities and with government bodies; and enter into contracts in connection with its operations. Without limiting the power of the University to issue bonds, notes, guarantees, or other evidence of indebtedness pursuant to subsection D in connection with such activities, no such creation, ownership, or control shall create any responsibility of the University, the Commonwealth, or any agency of the Commonwealth for the operations or obligations of any such entity or in any way make the University, the Commonwealth, or any agency of the Commonwealth responsible for the payment of debt or other obligations of such entity. All such interests shall be reflected on the financial statements of the Medical Center.

D. Notwithstanding the provisions of Chapter 11 (§ 23.1-1100 et seq.), the University may issue bonds, notes, guarantees, or other evidence of indebtedness without the approval of any other governmental body subject to the following provisions:

1. Such debt is used solely for the purpose of paying not more than 50 percent of the cost of capital improvements in connection with the operation of the Medical Center or related issuance costs, reserve funds, and other financing expenses, including interest during construction and acquisitions and for up to one year thereafter.

2. The only revenues of the University pledged to the payment of such debt are those derived from the operation of the Medical Center and related health care and educational activities, and no general fund appropriation and special Medicaid disproportionate share payments for indigent and medically indigent patients who are not eligible for the Virginia Medicaid Program is pledged for the payment of such debt.

3. Such debt states that it does not constitute a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth.

4. Such debt is not sold to the public.

5. The total principal amount of such debt outstanding at any one time does not exceed \$25 million.

6. The Treasury Board approves the terms and structure of such debt.

7. The purpose, terms, and structure of such debt are promptly communicated to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees.

8. All such indebtedness is reflected on the financial statements of the Medical Center.

E. Subject to meeting the conditions set forth in subsection D, such debt may be in such form and have such terms as the board may provide and shall be in all respects debt of the University for the purposes of §§ 23.1-1110, 23.1-1115, and 23.1-1116.

§ 23.1-2213. Medical center management; capital projects; leases of property; procurement.

A. The economic viability of the Medical Center, the requirement for its specialized management and operation, and the need of the Medical Center to participate in cooperative arrangements reflective of changes in health care delivery, as set forth in § 23.1-2212, depend upon the ability of the management of the Medical Center to make and promptly implement decisions necessary to conduct the affairs of the Medical Center in an efficient, competitive manner. It is critical to and in the best interests of the Commonwealth that the University continues to fulfill its mission of providing quality medical and health sciences education and related research and, through the presence of its Medical Center, continues to provide for the care, treatment, health-related services, and education activities associated with Virginia patients, including indigent and medically indigent patients. Because the ability of the University to fulfill this mission is highly dependent upon revenues derived from providing health care through its Medical Center, and because the ability of the Medical Center to continue to be a reliable source of such revenues is heavily dependent upon its ability to compete with other providers of health care that are not subject to the requirements of law applicable to agencies of the Commonwealth, the University may implement the following modifications to the management and operation of the affairs of the Medical Center in order to enhance its economic viability:

1. a. For any Medical Center capital project entirely funded by a nongeneral fund appropriation made by the General Assembly, all post-appropriation review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget, and any other agency that supports the functions performed by these departments are delegated to the University, subject to the following stipulations and conditions: (i) the board shall develop and implement an appropriate system of policies,

procedures, reviews, and approvals for Medical Center capital projects to which this subsection applies; (ii) the system so adopted shall provide for the review and approval of any Medical Center capital project to which this subsection applies to ensure that, except as provided in clause (iii), the cost of any such capital project does not exceed the sum appropriated for the project and the project otherwise complies with all requirements of the Code of Virginia regarding capital projects, excluding only the post-appropriation review, approval, administrative, and policy and procedure functions performed by the Department of General Services, the Division of Engineering and Buildings, the Department of Planning and Budget, and any other agency that supports the functions performed by these departments; (iii) the board may, during any fiscal year, approve a transfer of up to 15 percent of the total nongeneral fund appropriation for the Medical Center to supplement funds appropriated for a capital project of the Medical Center, provided that the board finds that the transfer is necessary to effectuate the original intention of the General Assembly in making the appropriation for the capital project in question; (iv) the University shall report to the Department of General Services on the status of any such capital project prior to commencement of construction of, and at the time of acceptance of, any such capital project; and (v) the University shall ensure that Building Officials and Code Administrators (BOCA) Code and fire safety inspections of any such project are conducted and such projects are inspected by the State Fire Marshal or his designee prior to certification for building occupancy by the University's assistant state building official to whom such inspection responsibility has been delegated pursuant to § 36-98.1. Nothing in this section shall be deemed to relieve the University of any reporting requirement pursuant to § 2.2-1513. Notwithstanding the provisions of this subsection, the terms and structure of any financing of any capital project to which this subsection applies shall be approved pursuant to § 2.2-2416.

b. No capital project to which this subsection applies shall be materially increased in size or materially changed in scope beyond the plans and justifications that were the basis for the project's appropriation unless (i) the Governor determines that such increase in size or change in scope is necessary due to an emergency or (ii) the General Assembly approves the increase or change in a subsequent appropriation for the project. After construction of any such capital project has commenced, no such increase or change shall be made during construction unless the conditions in clause (i) or (ii) have been satisfied.

2. a. The University is exempt from the provisions of § 2.2-1149 and any rules, regulations, and guidelines of the Division of Engineering and Buildings regarding leases of real property that it enters into on behalf of the Medical Center and, pursuant to policies and procedures adopted by the board, may enter into such leases subject to the following conditions: (i) the lease shall be an operating lease and not a capital lease as defined in guidelines established by the Secretary of Finance and generally accepted accounting principles; (ii) the University's decision to enter into such a lease shall be based upon cost, demonstrated need, and compliance with guidelines adopted by the board that direct that (a) competition be sought to the maximum practical degree, (b) all costs of occupancy be considered, and (c) the use of the space to be leased is necessary and efficiently planned; (iii) the form of the lease is approved by the Special Assistant Attorney General representing the University; (iv) the lease otherwise meets all requirements of law; (v) the leased property is certified for occupancy by the building official of the political subdivision in which the leased property is located; and (vi) upon entering such leases and upon any subsequent amendment of such leases, the University provides copies of all lease documents and any attachments to such lease documents to the Department of General Services.

b. Notwithstanding the provisions of § 2.2-1155 and subdivision B 1 of § 23.1-1301, but subject to policies and procedures adopted by the board, the University may lease, for a purpose consistent with the mission of the Medical Center and for a term not to exceed 50 years, property in the possession or control of the Medical Center.

c. Notwithstanding the provisions of this subdivision, the terms and structure of any financing arrangements secured by capital leases or other similar lease financing agreements shall be approved pursuant to § 2.2-2416.

3. a. Contracts awarded by the University on behalf of the Medical Center for the procurement of goods, services, including professional services, construction, or information technology and telecommunications in compliance with this subdivision are exempt from (i) the Virginia Public Procurement Act (§ 2.2-4300 et seq.), except as provided in this section; (ii) the requirements of the Division of Purchases and Supply of the Department of General Services as set forth in Article 3 (§ 2.2-1109 et seq.) of Chapter 11 of Title 2.2; (iii) the requirements of the Division of Engineering and Buildings as set forth in Article 4 (§ 2.2-1129 et seq.) of Chapter 11 of Title 2.2; and (iv) the authority of the Chief Information Officer and the Virginia Information Technologies Agency as set forth in Chapter 20.1 (§ 2.2-2005 et seq.) of Title 2.2 regarding the review and approval of contracts for (a) the construction of Medical Center capital projects and (b) information technology and telecommunications projects.

b. The University shall adopt and at all times maintain guidelines generally applicable to the procurement of goods, services, construction, and information technology and telecommunications projects by the Medical Center or by the University on behalf of the Medical Center. Such guidelines shall be based upon competitive principles and in each instance seek competition to the maximum practical degree. The guidelines shall (i) implement a system of competitive negotiation for professional services; (ii) prohibit discrimination against the bidder or offeror in the solicitation or award of contracts on the basis of the race, religion, color, sex, or national origin of the bidder or offeror; and (iii) incorporate the prompt payment principles of §§ 2.2-4350 and 2.2-4354 and may (a) take into account the dollar amount of the intended procurement, the term of the anticipated contract, and the likely extent of competition; (b) implement a prequalification procedure for contractors or products; (c) include provisions for cooperative procurement arrangements with private health or educational institutions or public agencies or institutions of the states or territories of the United States or the District of Columbia; and (d) implement provisions of law.

c. Sections 2.2-4311, 2.2-4315, 2.2-4342 (which shall not be construed to require compliance with the prequalification application procedures of subsection B of § 2.2-4317), and 2.2-4330 and §§ 2.2-4333 through 2.2-4341 and 2.2-4367 through 2.2-4377 shall continue to apply to procurements by the Medical Center and the University on behalf of the Medical Center.

B. Subject to conditions that are prescribed in the budget bill pursuant to § 2.2-1509, the State Comptroller shall credit, on a monthly basis, to the nongeneral fund operating cash balances of the Medical Center the imputed interest earned by the investment of such nongeneral fund operating cash balances, including those balances derived from patient care revenues, on deposit with the State Treasurer.

Article 4.
Donations.

§ 23.1-2214. Gifts, bequests, and devises.

Any person may (i) deposit in the state treasury; (ii) bequeath money, stocks, or public bonds of any kind to be so deposited; or (iii) grant, devise, or bequeath property, real or personal, to be sold and the proceeds to be so deposited, in sums not less than \$100, that shall be invested in securities that are legal investments under the laws of the Commonwealth for public funds for the benefit of the University, and in such case the interest or dividends accruing on such investments shall be paid to the board and appropriated by the board for general purposes unless some particular appropriation has been designated by the donor or testator. The State Treasurer shall notify the board of any such deposit in the state treasury.

§ 23.1-2215. Donations for special purposes or objects.

If any particular purpose or object connected with the University is specified by a donor pursuant to § 23.1-2214 at the time of such deposit (i) by writing filed in the State Treasurer's office, which may also be recorded in the clerk's office of the Circuit Court of Albemarle County as a deed for land is recorded, or (ii) in the will of such testator, the interest, income, and profits of such fund shall be appropriated to such purpose and object and none other. If the donor or testator so directs in such writing or will, the interest accruing on such fund shall be reinvested by the State Treasurer every six months, in the manner prescribed in § 23.1-2214 and for such period as such writing or will prescribes, not exceeding 30 years. At the expiration of the time so prescribed or 30 years, whichever occurs first, the fund, with its accumulations, and the interest, income, and profits accruing upon the aggregate fund shall be paid to the board as they accrue and as directed by such writing or will and shall be appropriated and employed according to the provisions of such writing or will and not otherwise. The board shall render to the General Assembly, at each regular session, an account of the disbursement of any funds so derived.

§ 23.1-2216. Disposition of donations.

Donations made pursuant to § 23.1-2214 are irrevocable by the donor or his representatives, but if the board gives notice in writing to the State Treasurer within one year of being notified of the donation by the Treasurer that it declines to receive the benefit of such deposit, the deposit and any interest and profits that may have accrued shall be held subject to the order of such donor or his legal representatives. If at any time the object of such donation or deposit fails by the legal destruction of the University or by any other means so that the purpose of the gift, bequest, or devise is permanently frustrated, the whole fund, including unexpended principal and interest, shall revert to and be vested in the donor or his legal representatives.

§ 23.1-2217. Reservation of nomination by donor.

If a donor pursuant to § 23.1-2214 reserves in writing as set forth in § 23.1-2215 to himself or to any other person the power to (i) nominate to any professorship, scholarship, or other place or appointment in the University or (ii) do any other act connected with such nomination and he or such other person fails to make such nomination in writing or do such other act within six months, the board may proceed to make such appointment or do such act.

§ 23.1-2218. Commonwealth to be trustee of donations; liability of State Treasurer.

The Commonwealth is the trustee for the safekeeping and due application of all funds that may be deposited in the state treasury pursuant to § 23.1-2214. The State Treasurer and the sureties in his official bond are liable for the money or other funds deposited, and the accounting officers of the Commonwealth shall keep separate accounts of each such deposit in the same manner as other public funds.

CHAPTER 23.

VIRGINIA COMMONWEALTH UNIVERSITY.

§ 23.1-2300. Corporate name; name of the University.

A. The board of visitors of Virginia Commonwealth University (the board) is a corporation under the name and style of "Virginia Commonwealth University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia Commonwealth University (the University).

§ 23.1-2301. Purpose of board.

The board is formed for the purpose of establishing and maintaining a university consisting of colleges, schools, and divisions offering undergraduate and graduate programs in the liberal arts and sciences and courses of study for the professions and such other courses of study as may be appropriate, and in connection with this purpose, the board may maintain and conduct hospitals, infirmaries, dispensaries, laboratories, research centers, power plants, and such other facilities as it deems proper.

§ 23.1-2302. Property and liabilities of Medical College of Virginia and Richmond Professional Institute.

All real estate and personal property in the name of the corporate bodies designated "Medical College of Virginia" and "Richmond Professional Institute" transferred to, known and taken as standing in the name of, and under the control of the University is the property of the Commonwealth. The University is vested with all rights, duties, contracts, and agreements and is responsible and liable for all the liabilities and obligations of its predecessor institutions.

§ 23.1-2303. Membership.

A. The board shall consist of 16 members appointed by the Governor.

B. Notwithstanding § 23.1-1300, members are eligible to serve for a total of two four-year terms which may be served consecutively; however, a member appointed by the Governor to serve an unexpired term is eligible to serve two additional four-year terms.

§ 23.1-2304. Principal office; meetings; officers; committees.

A. The principal office of the board shall be located, and all meetings of the board held, as far as practicable, in the City of Richmond.

B. The board shall meet at least once a year and at such other times as it determines. Notice of all meetings shall be provided to each member.

C. A majority of the members shall constitute a quorum.

D. The board shall appoint from its membership a rector, a vice-rector, a secretary, and any other officers as determined by the board. The board shall prescribe their duties and term of office and fix their compensation, if any.

E. The board shall determine the number of members of and appoint an executive committee and determine the number of members of the executive committee that shall constitute a quorum. The executive committee shall perform duties prescribed by the board.

F. Reasonable expenses incurred by members shall be paid out of the funds of the University.

§ 23.1-2305. Powers and duties.

A. The board shall appoint all teachers, staff members, and agents, fix their salaries, and prescribe their duties.

B. The board shall generally direct the affairs and business of the University.

C. The board may confer degrees, including honorary degrees.

D. The board may take, hold, receive, and enjoy any gift, grant, devise, or bequest to the University or its predecessors for the uses and purposes designated by the donor, or if not so designated, for the general purposes of the corporation, whether given directly or indirectly, and accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

§ 23.1-2306. Investment of endowment funds, endowment income, etc.

A. As used in this section:

"Derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including any contract commonly known as a "swap," that gives the University the right or obligation to deliver, receive delivery of, or make or receive payments based on changes in the price, value, yield, or other characteristic of a tangible or intangible asset or group of assets or changes in a rate, index of prices or rates, or other market indicator for an asset or group of assets.

"Financial security" means (i) any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate of subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, or fractional undivided interest in oil, gas, or other mineral rights; (ii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof; (iii) any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; (iv) in general, any interest or instrument commonly known as a "security"; or (v) any certificate of interest or participation in, temporary or interim security for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any financial security.

"Option" means an agreement or contract whereby the University may grant or receive the right to purchase, sell, or pay or receive the value of any personal property asset, including any agreement or contract that relates to any security, contract, or agreement.

B. The board shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

C. No member of the board is personally liable for losses suffered by any endowment fund, endowment income, gift, other nongeneral fund reserve and balance, or local funds of or held by the University arising from investments made pursuant to the provisions of subsection B.

D. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University is not subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

E. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board may invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in derivatives, options, and financial securities.

F. The authority provided in this section to invest and reinvest nongeneral fund reserves and balances of or held by the University is predicated upon an approved management agreement between the University and the Commonwealth.

§ 23.1-2307. Process or notice.

Process against or notice to the board shall be served only in the City of Richmond upon the rector, vice-rector, or secretary of the board or the president of the University.

§ 23.1-2308. The Medical College of Virginia; Health Sciences Schools of the University.

The colleges, schools, and divisions previously existing as The Medical College of Virginia are designated the Health Sciences Schools of the University.

§ 23.1-2309. Operations of Medical Center.

A. The University may provide medical and health sciences education and related research through teaching hospitals and related health care and health maintenance facilities, collectively referred to in this section as the Medical Center. The Medical Center may participate in cooperative arrangements reflective of changes in health care delivery.

B. The University may create, own in whole or in part, or otherwise control corporations, partnerships, insurers, or other entities whose activities promote the operations of the Medical Center and its mission; cooperate or enter into joint ventures with such entities; and enter into contracts in connection with such joint ventures. Without limiting the power of the University to issue bonds, notes, guarantees, or other evidence of indebtedness pursuant to subsection C in connection with such activities, no such creation, ownership, or control shall create any responsibility of the University, the Commonwealth, or any agency of the Commonwealth for the operations or obligations of any entity or in any way make the University, the Commonwealth, or any agency of the Commonwealth responsible for the payment of debt or other obligations of such entity. All such interests shall be reflected on the financial statements of the Medical Center.

C. Notwithstanding the provisions of Chapter 11 (§ 23.1-1100 et seq.), the University may issue bonds, notes, guarantees, or other evidence of indebtedness without the approval of any other governmental body subject to the following provisions:

1. Such debt is used solely for the purpose of paying not more than 50 percent of the cost of capital improvements in connection with the operation of the Medical Center or related issuance costs, reserve funds, and other financing expenses, including interest during construction or acquisition and for up to one year thereafter.

2. No revenues of the University are pledged to the payment of such debt except those revenues derived from the operation of the Medical Center and related health care and educational activities, and no general fund appropriation and special Medicaid disproportionate share payments for indigent and medically indigent patients who are not eligible for the Virginia Medicaid Program are pledged to the payment of such debt.

3. Such debt states that it does not constitute a debt of the Commonwealth or a pledge of the faith and credit of the Commonwealth.

4. Such debt is not sold to the public.

5. The total principal amount of such debt outstanding at any one time does not exceed \$25 million.

6. The Treasury Board approves the terms and structure of such debt.

7. The purpose, terms, and structure of such debt are promptly communicated to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees.

8. All such indebtedness is reflected on the financial statements of the Medical Center.

D. Subject to meeting the conditions set forth in subsection C, such debt may be in such form and have such terms as the board may provide and shall be in all respects debt of the University for the purposes of §§ 23.1-1110, 23.1-1115, and 23.1-1116.

§ 23.1-2310. Authority to create Virginia Commonwealth University School of Medicine-Northern Virginia Division.

A. The board may establish the Virginia Commonwealth University School of Medicine-Northern Virginia Division (the Division). If established, the board shall operate the Division in the areas of program and service emphasis that the Council approves pursuant to subdivision 7 of § 23.1-203.

B. The board has the same powers with respect to the operation of the Division as are vested in the board regarding the University.

§ 23.1-2311. Virginia Center on Aging.

A. The Virginia Center on Aging (the Center) shall be located at the University and shall be an interdisciplinary study, research, information, and resource facility for the Commonwealth. The Center shall utilize the full capability of the faculty, staff, libraries, laboratories, and clinics of the University for the benefit of older Virginians and the expansion of knowledge relating to the aged and the aging process.

B. The Center is subject to the supervision and control of the board.

C. The board shall appoint an advisory committee for the Center.

D. The board shall appoint an executive director for the Center who shall:

1. Exercise all powers and perform all duties imposed upon him by law;

2. Perform all duties imposed upon him by the board; and

3. Employ such personnel and contract for such services as may be required to carry out the purposes of this section.

E. The Center, under the direction of the executive director, shall:

1. Develop and promote programs of continuing education and in-service training for persons who work with or provide services to the elderly;
2. Develop educational and training programs for persons 60 years old or older to assist them in adjusting to the aging process, including retirement planning, health maintenance, employment opportunities, recreation, and self-development;
3. Foster development of educational courses for students at institutions of higher education in disciplines other than gerontology to increase their understanding of the process of aging in humans;
4. Conduct research in the field of gerontology and make the research findings available to interested public and private agencies;
5. Collect and maintain data on a statewide and regional basis on the characteristics and conditions of persons over the age of 60 and make such data available to the Department for Aging and Rehabilitative Services and all other organizations and state agencies involved in planning and delivering services to persons over the age of 60;
6. Coordinate the functions and services of the Center with the Department for Aging and Rehabilitative Services (i) in such a manner that the knowledge, education, and research programs in the Center constitute a readily available resource for the Department in planning and service delivery and (ii) to prevent any duplication of effort;
7. Apply for and accept grants from the United States government, state government, state agencies, or any other source to carry out the purposes of this section. The Center may execute such agreements and comply with such conditions as may be necessary to apply for and accept such grants;
8. Accept gifts, bequests, and any other thing of value to be used to carry out the purposes of this section;
9. Receive, administer, and expend all funds and other assistance made available to the Center to carry out the purposes of this section; and
10. Do all other things necessary or convenient to carrying out the purposes of this section.

§ 23.1-2312. Establishment of a branch campus in the State of Qatar.

A. In recognition that global educational opportunities benefit the intellectual and economic interests of the Commonwealth, the board may establish, operate, and govern a branch campus of the University in the State of Qatar. The board has the same powers with respect to operation and governance of its branch campus in Qatar as are vested in the board by law with respect to the University. In operating such branch campus, the board shall provide appropriate professional opportunities for Virginia-based faculty to teach or conduct research on the Qatar campus and educational opportunities for Virginia-based students to study or conduct research on the Qatar campus.

B. Nothing contained in this section shall be deemed a waiver of the sovereign immunity of the Commonwealth or the University.

C. In its operation of any branch campus established in the State of Qatar, the board and its employees shall not discriminate on the basis of race, color, religion, national origin, or sex, and shall not abridge the constitutional rights of freedom of speech and religion. Any agreement that the board enters to establish, operate, or govern the branch campus in Qatar shall contain contractual assurances to the board that the branch campus shall operate without discrimination on the basis of race, color, religion, national origin, or sex, and without abridging the constitutional rights of freedom of speech and religion.

CHAPTER 24.

VIRGINIA COMMONWEALTH UNIVERSITY HEALTH SYSTEM AUTHORITY.

§ 23.1-2400. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means the Virginia Commonwealth University Health System Authority.

"Board" means the board of directors of the Authority.

"Bonds" means bonds, notes, revenue certificates, lease participation certificates, or other evidences of indebtedness or deferred purchase financing arrangements.

"Chief executive officer" means the chief executive officer of the Virginia Commonwealth University Health System Authority.

"Costs" means (i) costs of (a) construction, reconstruction, renovation, site work, and acquisition of lands, structures, rights-of-way, franchises, easements, and other property rights and interests; (b) demolition, removal, or relocation of buildings or structures; (c) labor, materials, machinery, and all other kinds of equipment; (d) engineering and inspections; (e) financial, legal, and accounting services; (f) plans, specifications, studies, and surveys; (g) estimates of costs and of revenues; (h) feasibility studies; and (i) issuance of bonds, including printing, engraving, advertising, legal, and other similar expenses; (ii) financing charges; (iii) administrative expenses, including administrative expenses during the start-up of any project; (iv) credit enhancement and liquidity facility fees; (v) fees for interest rate caps, collars, swaps, or other financial derivative products; (vi) interest on bonds in connection with a project prior to and during construction or acquisition thereof and for a period not exceeding one year thereafter; (vii) provisions for working capital to be used in connection with any project; (viii) redemption premiums, obligations purchased to provide for the payment of bonds being refunded, and other costs necessary or incident to refunding of bonds; (ix) operating and maintenance reserve funds, debt reserve funds, and other reserves for the payment of principal and interest on bonds; (x) all other expenses necessary, desirable, or incidental to the operation of the Authority's facilities or the construction, reconstruction, renovation, acquisition, or financing of projects, other facilities, or equipment appropriate for carrying out the purposes of this chapter and the placing of the same in operation; or (xi) the refunding of bonds.

"Hospital facilities" means all property or rights in property, real and personal, tangible and intangible, including all facilities suitable for providing hospital and health care services and all structures, buildings, improvements, additions, extensions, replacements, appurtenances, lands, rights in land, furnishings, landscaping, approaches, roadways, and other related and supporting facilities owned, leased, operated, or used, in whole or in part, by Virginia Commonwealth University as part of, or in connection with, MCV Hospitals in the normal course of its operations as a teaching, research, and medical treatment facility.

"Hospital obligations" means all debts or other obligations, contingent or certain, owing to any person or other entity on the transfer date, arising out of the operation of MCV Hospitals as a medical treatment facility or the financing or refinancing of hospital facilities and including all bonds and other debts for the purchase of goods and services, whether or not delivered, and obligations for the delivery of services, whether or not performed.

"Project" means any health care, research, or educational facility or equipment necessary or convenient to or consistent with the purposes of the Authority, whether owned by the Authority, including hospitals; nursing homes; continuing care facilities; self-care facilities; wellness and health maintenance centers; medical office facilities; clinics; outpatient clinics; surgical centers; alcohol, substance abuse, and drug treatment centers; laboratories; sanitariums; hospices; facilities for the residence or care of the elderly, the handicapped, or the chronically ill; residential facilities for nurses, interns, and physicians; other kinds of facilities for the treatment of sick, disturbed, or infirm individuals, the prevention of disease, or maintenance of health; colleges, schools, or divisions offering undergraduate or graduate programs for the health professions and sciences and such other courses of study as may be appropriate, together with research, training, and teaching facilities; all necessary or desirable related and supporting facilities and equipment or equipment alone, including (i) parking, kitchen, laundry, laboratory, wellness, pharmaceutical, administrative, communications, computer, and recreational facilities; (ii) power plants and equipment; (iii) storage space; (iv) mobile medical facilities; (v) vehicles; (vi) air transport equipment; and (vii) other equipment necessary or desirable for the transportation of medical equipment, medical personnel, or patients; and all lands, buildings, improvements, approaches, and appurtenances necessary or desirable in connection with or incidental to any project.

"Transfer date" means a date or dates agreed to by the board of visitors of Virginia Commonwealth University and the Authority for the transfer of employees to the Authority and for the transfer of hospital facilities, or any parts thereof, to and the assumption, directly or indirectly, of hospital obligations by the Authority, which dates for the various transfers and the various assumptions may be different, but in no event shall any date be later than June 30, 1997.

"University" means Virginia Commonwealth University.

§ 23.1-2401. Authority established; powers, purposes, and duties.

A. The Virginia Commonwealth University Health System Authority is established as a public body corporate, public instrumentality, and political subdivision of the Commonwealth with such public and corporate powers as are set forth in this chapter.

B. The purpose of the Authority is to exercise public and essential governmental functions to provide for the health, welfare, convenience, knowledge, benefit, and prosperity of the residents of the Commonwealth and such other individuals who might be served by the Authority by delivering and supporting the delivery of medical care and related services to such residents and individuals, providing educational opportunities in the medical field and related disciplines, conducting and facilitating research in the medical field and related disciplines, and enhancing the delivery of health care and related services to the Commonwealth's indigent population. The Authority may perform such public and essential government functions with the power and purpose to:

1. Provide health care, including indigent care, to protect and promote the health and welfare of the citizens of the Commonwealth;

2. Serve as a high-quality teaching hospital to provide and promote health care by educating medical and health sciences professionals, providing medical services not widely available in the Commonwealth, and treating patients of the type and on the scale necessary to facilitate medical research and attract physicians, faculty members, researchers, and other individuals necessary to maintain quality medical and health sciences education;

3. Facilitate and support the health education, research, and public service activities of the Health Sciences Schools of the University;

4. Serve as the principal teaching and training hospital for undergraduate and graduate students of the Health Sciences Schools of the University;

5. Provide a site for faculty members of the Health Sciences Schools of the University to conduct medical and biomedical research; and

6. Operate and manage general hospital and other health care facilities, engaging in specialized management and operational practices to remain economically viable, earning revenues necessary for operations, and participating in arrangements with public and private entities and other activities, taking into account changes that have occurred or may occur in the future in the provision of health care and related services.

C. The Authority shall operate, maintain, and expand, as appropriate, teaching hospitals and related facilities for the benefit of the Commonwealth and its citizens and such other individuals who might be served by the Authority.

§ 23.1-2402. Board of directors; membership; meetings; officers; employees.

A. The Authority shall be governed by a board of directors with a total of 21 members that consists of 19 appointed members and two ex officio members. The 19 appointed members shall consist of six nonlegislative citizen members to be

appointed by the Governor, of whom two shall be physician-faculty members; five members to be appointed by the Speaker of the House of Delegates, of whom two shall be physician-faculty members; three members to be appointed by the Senate Committee on Rules, of whom one shall be a physician-faculty member; and five nonlegislative citizen members of the board of visitors of the University to be appointed by the rector of the board of visitors of the University, all of whom shall be members of the board of visitors of the University at all times while serving on the board. The President of the University and the Vice-President for Health Sciences of the University, or the individual who holds such other title as subsequently may be established by the board of visitors of the University for the chief academic and administrative officer for the Health Sciences Schools of the University, shall serve *ex officio* with voting privileges.

All appointed members except those who are members of the board of visitors of the University shall have demonstrated experience or expertise in business, health care management, or legal affairs.

B. The five appointed physician-faculty members shall be faculty members of the University with hospital privileges at MCV Hospitals at all times while serving on the board.

C. The Governor, the Speaker of the House of Delegates, and the Senate Committee on Rules shall appoint physician-faculty members after consideration of names from lists submitted by the faculty physicians of the School of Medicine of the University through the Vice-President for Health Sciences of the University. The list shall contain at least two names for each vacancy.

D. Members shall serve for terms of three years. Vacancies occurring other than by expiration of a term shall be filled for the unexpired term. No member shall serve for more than two consecutive three-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive three-year terms. Members who serve two consecutive three-year terms are eligible for reappointment one year after the expiration of their second term. All appointments are subject to confirmation by the General Assembly. Members shall continue to hold office until their successors have been appointed and confirmed. *Ex officio* members shall serve a term coincident with their term of office.

E. Neither the board members appointed from the board of visitors of the University nor the *ex officio* members shall vote on matters that require them to breach their fiduciary duties to the University or to the Authority.

F. Any member may be removed for malfeasance, misfeasance, incompetence, or gross neglect of duty by the individual or entity that appointed him or, if such appointing individual no longer holds the office creating the right of appointment, by the current holder of that office.

G. The president of the University shall serve as the chairman of the board. The board shall elect annually a vice-chairman from among its membership. The board shall also elect a secretary and treasurer and such assistant secretaries and assistant treasurers as the board may authorize for terms determined by the board, each of whom may or may not be a member of the board. The same individual may serve as both secretary and treasurer.

H. The board may appoint an executive committee and other standing or special committees and prescribe their duties and powers, and any executive committee may exercise all such powers and duties of the board under this chapter as the board may delegate.

I. The board may provide for the appointment, employment, term, compensation, and removal of officers, employees, and agents of the Authority, including engineers, consultants, lawyers, and accountants, as the board deems appropriate.

J. The board shall meet at least four times each year and may hold such special meetings as it deems appropriate.

K. The board may adopt, amend, and repeal such policies, regulations, procedures, and bylaws not contrary to law or inconsistent with this chapter as it deems expedient for its own governance and for the governance and management of the Authority.

L. A majority of the board shall constitute a quorum for meetings, and the board may act by a majority of those present at any meeting.

M. Legislative board members are entitled to such compensation as provided in § 30-19.12 and nonlegislative citizen board members are entitled to such compensation for the performance of their duties as provided in § 2.2-2813. All members are entitled to reimbursement for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

N. The provisions of the State and Local Government Conflict of Interests Act (§ 2.2-3100 *et seq.*) shall apply to the members of the board and the employees of the Authority.

§ 23.1-2403. Chief executive officer of the Authority.

A. The Authority shall be under the immediate supervision and direction of a chief executive officer, subject to the policies and direction established by the board. The chief executive officer shall be the individual who holds the title of Vice-President for Health Sciences of Virginia Commonwealth University, or such other title as subsequently may be established by the board of visitors of the University for the chief academic and administrative officer for the Health Sciences Schools of the University. Notwithstanding any other provision of law to the contrary, the selection and removal of the chief executive officer, and the conditions of appointment, including salary, shall be made jointly by the board and the board of visitors of the University at a joint meeting of the board and the board of visitors of the University upon a vote of a majority of the members of each board present and voting at the aforementioned joint meeting, acting separately in accordance with applicable provisions of law.

B. In the event that a majority of the members of each board do not agree upon the selection, removal, or conditions of appointment, including salary, of the chief executive officer as provided in subsection A, then each board shall appoint a

committee of three members of its respective board to consider the matter upon which the boards disagree. The selection, removal, or conditions of appointment shall be made jointly by the two committees at a joint meeting of the committees upon a vote by a majority of the members of each committee present and voting at the joint meeting. In the event that a majority of the members of each committee agree upon the selection, removal, or conditions of appointment of the chief executive officer, then the decision shall be reported to the board and the board of visitors of the University, each of which shall be bound by the decision of the committees. In the event that a majority of the members of each committee do not agree on the selection, removal, or conditions of appointment of the chief executive officer within 30 days of the appointment of the committees by each board, then the president of the University shall decide upon the matter upon which the committees disagree. The president of the University shall report his decision to both boards, each of which shall be bound by the decision of the president.

C. The chief executive officer shall devote his full time to the performance of his official duties and shall not be engaged in any other profession or occupation.

D. The chief executive officer shall supervise and administer the operation of the Authority in accordance with the provisions of this chapter.

§ 23.1-2404. Powers of the Authority.

A. The Authority has all the powers necessary or convenient to carry out the purposes and provisions of this chapter, including the power to:

1. Sue and be sued in its own name;
2. Have and alter an official seal;
3. Have perpetual duration and succession in its name;
4. Locate and maintain offices at such places as it may designate;
5. Make and execute contracts, guarantees, or any other instruments and agreements necessary or convenient for the exercise of its powers and functions, including contracts with hospitals or health care businesses to operate and manage any or all of the hospital facilities or operations, and incur liabilities and secure the obligations of any entity or individual;
6. Conduct or engage in any lawful business, activity, effort, or project consistent with the Authority's purposes or necessary or convenient to exercise its powers;
7. Exercise, in addition to its other powers, all powers that are (i) granted to corporations by the provisions of Title 13.1 or similar provisions of any successor law, except in those cases in which the power is confined to corporations created under such title, and (ii) not inconsistent with the purposes and intent of this chapter or the limitations included in this chapter;
8. Accept, hold, and enjoy any gift, devise, or bequest to the Authority or its predecessors to be held for the uses and purposes designated by the donor, if any, or if not so designated, for the general purposes of the Authority, whether given directly or indirectly, and accept, execute, and administer any trust or endowment fund in which it has or may have an interest under the terms of the instrument creating the trust or endowment fund;
9. Borrow money and issue bonds as provided in this chapter and purchase such bonds;
10. Seek financing from, incur or assume indebtedness to, and enter into contractual commitments with the Virginia Public Building Authority and the Virginia College Building Authority, which authorities are authorized to borrow money and make and issue negotiable notes, bonds, and other evidences of indebtedness to provide such financing relating to the hospital facilities or any project;
11. Seek financing from, incur or assume indebtedness to, and enter into contractual commitments with the Commonwealth as otherwise provided by law relating to the hospital facilities or any project;
12. Procure such insurance, participate in such insurance plans, or provide such self-insurance as it deems necessary or convenient to carry out the purposes and provisions of this chapter. The purchase of insurance, participation in an insurance plan, or creation of a self-insurance plan by the Authority is not a waiver or relinquishment of any sovereign immunity to which the Authority or its officers, directors, employees, or agents are otherwise entitled;
13. Develop policies and procedures generally applicable to the procurement of goods, services, and construction based upon competitive principles;
14. Except as to those hospital facilities or any part of such facilities that are leased to the Authority by the University, the control and disposition of which shall be determined by such lease instruments:
 - a. Own, hold, improve, use, and otherwise deal with real or personal property, tangible or intangible, or any right, easement, estate, or interest in such property, acquired by purchase, exchange, gift, assignment, transfer, foreclosure, lease, bequest, devise, operation of law, or other means on such terms and conditions and in such manner as it may deem proper;
 - b. Sell, assign, lease, encumber, mortgage, or otherwise dispose of any project, any other real or personal property, tangible or intangible, any right, easement, estate, or interest in such property, or any deed of trust or mortgage lien interest that it owns, that is under its control or custody or in its possession;
 - c. Release or relinquish any right, title, claim, lien, interest, easement, or demand however acquired, including any equity or right of redemption in property foreclosed by it; and
 - d. Take any action pursuant to subdivision 14 by public or private sale or with or without public bidding, notwithstanding the provisions of any other law;
15. Accept loans, grants, contributions, or other assistance from the federal government, the Commonwealth, any political subdivision of the Commonwealth, or any other public or private source to carry out any of the purposes of this

chapter and enter into any agreement or contract regarding the acceptance, use, or repayment of any such loan, grant, contribution, or assistance in furtherance of the purposes of this chapter;

16. Exercise the power of eminent domain pursuant to the provisions of Chapter 2 (§ 25.1-200 *et seq.*) of Title 25.1 to acquire by condemnation any real property, including fixtures and improvements, that it may deem necessary to carry out the purposes of this chapter, upon (i) its adoption of a resolution declaring that the acquisition of such property is in the public interest and necessary for public use and (ii) the approval of the Governor. The Authority may acquire property already devoted to a public use, provided that no property belonging to any locality, religious corporation, unincorporated church, or charitable corporation may be acquired without its consent;

17. Fix, revise, charge, and collect rates, rentals, fees, and other charges for the services or facilities furnished by or on behalf of the Authority and establish policies, procedures, and regulations regarding any such service rendered or the use, occupancy or operation of any such facility. Such charges and policies, procedures, and regulations are not subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth except as otherwise provided by law for the providers of health care;

18. Consistent with § 23.1-2407, create, assist in the creation of, own in whole or in part, control, participate in or with any public or private entity, purchase, receive, subscribe for, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise acquire or dispose of any (i) shares or obligations of, or other interests in, any entities organized for any purpose within or outside the Commonwealth and (ii) obligations of any person or corporation;

19. Participate in joint ventures with individuals, corporations, governmental bodies or agencies, partnerships, associations, insurers, or other entities to facilitate any activities or programs consistent with the public purposes and intent of this chapter;

20. Create a nonprofit entity for the purpose of soliciting, accepting, and administering grants, outright gifts and bequests, endowment gifts and bequests, and gifts and bequests in trust. Such entity shall not engage in trust business or duplicate such activities by the University or its related foundations;

21. Provide appropriate assistance, including making loans and providing time of employees, to corporations, partnerships, associations, joint ventures, or other entities whether such entities are owned or controlled in whole or in part or directly or indirectly by the Authority;

22. Provide, promote, support, and sponsor education and scientific research in medicine, public health, and related fields and promote public knowledge in medicine, public health, and related fields;

23. Administer programs to assist in the delivery of medical and related services to the citizens of the Commonwealth and others;

24. Participate in and administer federal, state, and local programs affecting, supporting, or carrying out any of its purposes; and

25. Exercise independently the powers conferred by this chapter in furtherance of its corporate and public purposes.

B. The exercise of the powers permitted by this chapter shall be deemed the performance of essential governmental functions and matters of public necessity for the entire Commonwealth in the provision of health care, medical and health sciences education, and research for which public moneys may be borrowed, loaned, spent, or otherwise utilized and private property may be utilized or acquired.

§ 23.1-2405. Additional powers of the Authority; operation of projects.

A. The Authority may acquire, plan, design, construct, own, rent as landlord or tenant, operate, control, remove, renovate, enlarge, equip, and maintain, directly or through stock or nonstock corporations or other entities, any project as defined in this chapter. Such projects may be owned or operated by the Authority or other parties or jointly by the Authority and other parties and may be operated within or outside the Commonwealth, so long as (i) their operations are necessary or desirable to assist the Authority in carrying out its public purposes within the Commonwealth and (ii) any private benefit resulting to any such other private parties from any such project is merely incidental to the public benefit of the project.

B. In the operation of hospitals and other health care and related facilities, the Authority may make and enforce all policies, procedures, and regulations necessary or desirable for such operation, including those relating to the conditions under which the privilege of practicing may be available in such facilities, the admission and treatment of patients, the procedures for determining the qualification of patients for indigent care or other programs, and the protection of patients and employees, provided that such policies, procedures, and regulations do not discriminate on the basis of race, religion, color, sex, or national origin.

§ 23.1-2406. Additional powers of the Authority; police.

A. The Authority may adopt and enforce reasonable policies, procedures, and regulations governing (i) access to, conduct in or on, and use of its property and facilities and the surrounding streets, sidewalks, and other public areas and (ii) other matters affecting the safety and security of Authority property and individuals using or occupying Authority property. Such policies, procedures, and regulations have the force and effect of law (a) after publication one time in full in a newspaper of general circulation in the locality where the affected property is located and (b) when posted where the individuals using such property may conveniently see them.

B. The campus police department of the University, established in accordance with the provisions of Article 3 (§ 23.1-809 *et seq.*) of Chapter 8, may enforce on Authority property the laws of the Commonwealth and policies and regulations adopted pursuant to subsection A. To the extent that such police services are not provided by the University, the

Authority may establish a police department in accordance with the provisions of Chapter 8, except that the employment of such personnel by the Authority is not subject to the Virginia Personnel Act (§ 2.2-2900 et seq.).

§ 23.1-2407. Public purpose.

The exercise of the powers granted by this chapter is in all respects for the benefit of the inhabitants of the Commonwealth and the promotion of their safety, health, welfare, knowledge, convenience, and prosperity. No part of the assets or net earnings of the Authority shall inure to the benefit of or be distributable to any private individual, except that reasonable compensation may be paid for services rendered to or for the Authority affecting one or more of its purposes, and benefits may be conferred that are in conformity with its purposes. No private individual is entitled to share in the distribution of any of the corporate assets upon dissolution of the Authority.

§ 23.1-2408. Moneys of the Authority.

A. All moneys of the Authority derived from any source shall be paid to the treasurer of the Authority. Such moneys shall be deposited in the first instance by the treasurer in one or more banks or trust companies, in one or more special accounts. All banks and trust companies are authorized to give security for such deposits, if required by the Authority. The moneys in such accounts shall be paid out on the warrant or other orders of the treasurer of the Authority or such other person as the Authority may authorize to execute such warrants or orders.

B. Notwithstanding any provision of law to the contrary, the Authority may invest its operating funds in any obligations or securities that are considered legal investments for public funds in accordance with the Investment of Public Funds Act (§ 2.2-4500 et seq.). The board shall adopt written investment guidelines and retain an independent investment advisory firm or consultant to review at least every five years the suitability of the Authority's investments and the consistency of such investments with the investment guidelines.

§ 23.1-2409. Grants and loans from localities.

Localities are authorized to lend or donate money or other property to the Authority for any of the Authority's purposes. The local governing body making the grant or loan may restrict the use of such grants or loans to a specific project within or outside that locality.

§ 23.1-2410. Audit.

A. The Authority shall select through a process of competitive negotiation either (i) the Auditor of Public Accounts or his legally authorized representatives or (ii) a certified public accounting firm to annually audit the Authority's accounts.

B. The Authority shall distribute copies of the annual audit to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

C. The Auditor of Public Accounts and his legally authorized representatives may examine the accounts and books of the Authority; however, the Authority is not a state or governmental agency, advisory agency, public body or agency, or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of Title 30.

D. The Authority is subject to periodic external review under the provisions of the Legislative Program Review and Evaluation Act (§ 30-65 et seq.).

§ 23.1-2411. Exemption from taxation.

A. The Authority is not required to pay any taxes or assessments upon any (i) project, property, or operations of the Authority or the income from such projects, property, or operations or (ii) project, property, or local obligation acquired or used by the Authority under the provisions of this chapter or the income from such projects, property, or local obligations. Such exemptions shall not extend to persons conducting businesses on the Authority's property for which payment of state or local taxes would otherwise be required.

B. Any bonds issued by the Authority under the provisions of this chapter, the transfer of such bonds, and the income from such bonds and all rents, fees, charges, gifts, grants, revenues, receipts, and other moneys received or pledged to pay or secure the payment of such bonds are exempt from taxation and assessment of every kind by the Commonwealth and by the local governing bodies and other political subdivisions of the Commonwealth.

§ 23.1-2412. Transfer of existing hospital facilities.

A. The University may lease, convey, or otherwise transfer to the Authority any or all assets and liabilities appearing on the balance sheet of MCV Hospitals and any or all of the hospital facilities, except real estate that may be leased to the Authority for a term not to exceed 99 years, upon such terms as may be approved by the University.

B. Any transfer of hospital facilities pursuant to subsection A is conditioned upon the existence of a binding agreement between the University and the Authority:

1. That requires the Authority to assume, directly or indirectly, hospital obligations that are directly relating to the hospital facilities or any part of the hospital facilities that are transferred, including rentals as provided in subsection C or a combination of rentals and other obligations in the case of a lease of hospital facilities;

2. That provides that, effective on the transfer date, the Authority shall assume responsibility for, defend, indemnify, and hold harmless the University and its officers and directors with respect to:

a. All liabilities and duties of the University pursuant to contracts, agreements, and leases for commodities, services, and supplies used by MCV Hospitals, including property leases;

b. All claims relating to the employment relationship between employees of the Authority and the University on and after the transfer date;

c. All claims for breach of contract resulting from the Authority's action or failure to act on and after the transfer date;

d. All claims relating to the Authority's errors and omissions, including medical malpractice, directors' and officers' liability, workers' compensation, automobile liability, premises liability, completed operations liability, and products liability resulting from the Authority's action or failure to act on and after the transfer date; and

3. By which the Authority shall accept and agree to abide by provisions that ensure the continued support of the education, research, patient care, and public service missions of MCV Hospitals, including:

a. A requirement that the Authority continue to provide emergency and inpatient indigent care services on the MCV campus of the University in locations including downtown Richmond; and

b. A requirement that the Authority continue to act as the primary teaching facility for the Virginia Commonwealth University School of Medicine and the Health Sciences Schools of the University.

C. Any lease of hospital facilities from the University to the Authority may include a provision that requires the Authority to pay the University a rental payment for the hospital facilities that are leased. For those hospital facilities for which rent is paid, the rent shall be at least equal to the greater of:

1. The debt service accruing during the term of the lease on all outstanding bonds issued for the purpose of financing the acquisition, construction, or improvement of the hospital facilities on which rent is paid; or

2. A nominal amount determined by the parties to be necessary to prevent the lease from being unenforceable because of a lack of consideration.

D. Any lease of hospital facilities shall include a provision that requires the Authority to continue to support the education, research, patient care, and public service missions of MCV Hospitals, including:

1. A requirement that the Authority continue to provide emergency and inpatient indigent care services on the MCV campus of the University in locations including downtown Richmond; and

2. A requirement that the Authority continue to act as the primary teaching facility for the Health Sciences Schools of the University.

E. All other agencies and officers of the Commonwealth shall take such actions as may be necessary or desirable in the judgment of the University to permit such conveyance and the full use and enjoyment of the hospital facilities, including the transfer of property of any type held in the name of the Commonwealth or an instrumentality or agency of the Commonwealth but used by the University in the operation of the hospital facilities.

F. The Authority may pay to or on behalf of the University some or all of the costs of the hospital facilities. The University may apply some or all of such proceeds to the payment or defeasance of its obligations issued to finance the hospital facilities, and the Authority may issue its bonds to finance or refinance such payment.

G. Funds held by or for the University or any of its predecessors or divisions, including funds held by the University Foundation or the MCV Foundation for the benefit of MCV Hospitals or any of its predecessors for use in operating, maintaining, or constructing hospital facilities, providing medical and health sciences education, or conducting medical or related research may be transferred, in whole or in part, to the Authority if the University or any foundation determines that the transfer is consistent with the intended use of the funds. The University may direct in writing that all or part of the money or property representing its beneficial interest under a will, trust agreement, or other donative instrument be distributed to the Authority if the University determines that such direction furthers any of the original purposes of the will, trust agreement, or other instrument. Such a direction shall not be considered a waiver, disclaimer, renunciation, assignment, or disposition of the beneficial interest by the University. A fiduciary's distribution to the Authority pursuant to such a written direction from the University is a distribution to the University for all purposes relating to the donative instrument, and the fiduciary has no liability for distributing any money or property to the Authority pursuant to such a direction. Nothing in this section shall deprive any court of its jurisdiction to determine whether such a distribution is appropriate under its cy pres powers or otherwise.

H. The Authority shall not operate any hospital pursuant to this section prior to execution of the lease and agreement required by this section and such other agreements as may be necessary or convenient in the University's judgment to provide for the transfer of the operations of the hospital facilities to the Authority, unless and to the extent that the University approves otherwise.

I. The University may assign and the Authority may accept the rights and assume the obligations under any contract or other agreement of any type relating to financing or operating the hospital facilities. Upon evidence that such assignment and acceptance has been made, all agencies and instrumentalities of the Commonwealth shall consent to such assignment and accept the substitution of the Authority for the University as a party to such agreement to the extent that the University's obligations under such agreement relate to the ownership, operation, or financing of the hospital facilities. Indebtedness previously incurred by the Commonwealth, the Virginia Public Building Authority, the Virginia College Building Authority, and any other agency or instrumentality of the Commonwealth to finance the hospital facilities may continue to remain outstanding after the transfer and assignment of such agreement by the University to the Authority.

J. The transfer of the hospital facilities from the University to the Authority does not require a certificate of public need pursuant to Article 1.1 (§ 32.1-102.1 et seq.) of Chapter 4 of Title 32.1. All licenses, permits, certificates of public need, or other authorizations of the Commonwealth, any agency of the Commonwealth, or any locality held by the University in connection with the ownership or operation of the hospital facilities are transferred without further action to the Authority to the extent that the Authority undertakes the activity permitted by such authorizations. All agencies and officers of the Commonwealth and all localities shall confirm such transfer by the issuance of new or amended licenses, permits, certificates of public need, or other authorizations upon the request of the University and the Authority.

K. If for any reason the Authority cannot replace the University as a party to any agreement in connection with the financing, ownership, or operation of the hospital facilities, the Authority and the University may require the Authority to act as agent for the University in carrying out its obligations under such agreement or receiving the benefits under such agreement, or both.

§ 23.1-2413. Capital projects.

A. All capital projects of the Authority shall be approved by the board. Within 30 days after approval of any capital project in excess of \$5 million, the board shall notify the House Appropriations and Senate Finance Committees of the scope, cost, and construction schedule of the proposed capital project. The board may undertake the project unless either Committee raises objections within 30 days of the notification, in which case the Authority shall not undertake the project until such objections are resolved.

B. Before the Authority materially increases the size or materially changes the scope of any capital project for which construction has commenced, such project shall be approved again by the board in accordance with subsection A and, in the case of any capital project in excess of \$5 million, presented again to the House Appropriations and Senate Finance Committees in accordance with subsection A.

C. Notwithstanding any provision of law to the contrary, the Authority is not subject to any further process or procedure that requires the submission, review, or approval of any capital project; however, the Authority shall ensure that BOCA Code and fire safety inspections are conducted for any capital project and that such projects are inspected by the State Fire Marshal or his designee prior to certification for building occupancy.

§ 23.1-2414. Leases of property.

Leases of real property that the Authority enters into are exempt from the provisions of § 2.2-1149 and from any policies, regulations, and guidelines of the Division of Engineering and Buildings.

§ 23.1-2415. Employees of the Authority.

A. Employees of the Authority shall be employed on such terms and conditions as established by the Authority. The board shall develop and adopt policies and procedures that afford its employees grievance rights, ensure that employment decisions are based upon the merit and fitness of applicants, and prohibit discrimination on the basis of race, religion, color, sex, or national origin.

B. The Authority shall issue a written notice to all individuals whose employment is transferred to the Authority. The date upon which such written notice is issued is referred to in this section as the "Option Date." Each individual whose employment is transferred to the Authority may, by written request made within 180 days of the Option Date, elect not to become employed by the Authority. Any employee of MCV Hospitals who (i) elects not to become employed by the Authority; (ii) is not reemployed by any department, institution, board, commission, or agency of the Commonwealth; (iii) is not offered alternative employment by the Authority; (iv) is not offered a position with the Authority for which the employee is qualified; or (v) is offered a position by the Authority that requires relocation or a reduction in salary is eligible for the severance benefits conferred by the provisions of the Workforce Transition Act (§ 2.2-3200 et seq.). Any employee who accepts employment with the Authority has voluntarily separated from state employment and is not eligible for the severance benefits conferred by the provisions of the Workforce Transition Act.

C. Without limiting its power generally with respect to employees, the Authority may employ any University employee utilized in the operation of the hospital facilities and assume obligations under any employment agreement for such employee, and the University may assign any such contract to the Authority.

D. The Authority and the University may enter into agreements providing for the purchase of services of University employees utilized in the operation of the hospital facilities by paying agreed-upon amounts to cover all or part of the salaries and other costs of such employees.

E. Notwithstanding any other provision of law to the contrary, any employee whose employment is transferred to the Authority as a result of this chapter and who is a member of any plan for providing health insurance coverage pursuant to Chapter 28 (§ 2.2-2800 et seq.) of Title 2.2 shall continue to be a member of such health insurance plan under the same terms and conditions of such plan.

F. Notwithstanding subsection A of § 2.2-2818, the costs of providing health insurance coverage to employees who elect to continue to be members of the state employees' health insurance plan shall be paid by the Authority.

G. Any employee of the Authority may elect to become a member of any health insurance plan established by the Authority. The Authority may (i) establish a health insurance plan for the benefit of its employees, residents, and interns and (ii) enter into an agreement with the Department of Human Resource Management providing for the coverage of its employees, interns, and residents under the state employees' health insurance plan, provided that such agreement requires the Authority to pay the costs of providing health insurance coverage under such plan.

H. Notwithstanding any other provision of law to the contrary, any employee whose employment is transferred to the Authority as a result of this chapter and who is a member of the Virginia Retirement System or another retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1 shall continue to be a member of the Virginia Retirement System or such other authorized retirement plan under the same terms and conditions of such plan. Any such employee and any employee employed by the Authority between July 1, 1997, and June 30, 1998, who elected to be covered by the Virginia Retirement System may elect, during an open enrollment period from April 1, 2001, through April 30, 2001, to become a member of the retirement program established by the Authority for the benefit of its employees pursuant to § 23.1-2416 by transferring assets equal to the actuarially determined present value of the accrued basic benefit as of the

transfer date. The Authority shall reimburse the Virginia Retirement System for the actual cost of actuarial services necessary to determine the present value of the accrued basic benefit of employees who elect to transfer to the Authority's retirement plan. The following rules shall apply to such transfers:

1. With respect to any transferred employee who elects to remain a member of the Virginia Retirement System or another authorized retirement plan, the Authority shall collect and pay all employee and employer contributions to the Virginia Retirement System or such other authorized retirement plan for retirement in accordance with the provisions of Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 for such transferred employees.

2. Transferred employees who elect to become members of the retirement program established by the Authority for the benefit of its employees shall be given full credit for their creditable service as defined in § 51.1-124.3, vesting and benefit accrual under the retirement program established by the Authority. For any such employee, employment with the Authority shall be treated as employment with any nonparticipating employer for purposes of the Virginia Retirement System or other retirement plan as authorized by Article 4 (§ 51.1-125 et seq.) of Chapter 1 of Title 51.1.

3. For transferred employees who elect to become members of the retirement program established by the Authority, the Virginia Retirement System or other such authorized plan shall transfer to the retirement plan established by the Authority assets equal to the actuarially determined present value of the accrued basic benefit as of the transfer date. For the purposes of such calculation, the basic benefit is the benefit accrued under the Virginia Retirement System or another authorized retirement plan based on creditable service and average final compensation as defined in § 51.1-124.3 and determined as of the transfer date. The actuarial present value shall be determined on the same basis, using the same actuarial factors and assumptions used in determining the funding needs of the Virginia Retirement System or such other authorized retirement plan so that the transfer of assets to the retirement plan established by the Authority has no effect on the funded status and financial stability of the Virginia Retirement System or other such authorized retirement plan.

§ 23.1-2416. Retirement benefits for employees of the Authority.

A. The Authority may establish and determine the effective date of one or more retirement plans covering in whole or in part its employees, including employees who, prior to the effective date of any plan established pursuant to this section, participated in any plan established pursuant to § 51.1-126 or 51.1-126.1 or former § 51.1-126.2. The Authority may make contributions for the benefit of its employees who elect to participate in such plan or arrangement rather than in any other retirement system established by Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1.

B. Except in the case of an employee of the Authority hired prior to July 1, 1998, who made an irrevocable election to participate in the retirement plan established by Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 or any plan previously established by the Authority in accordance with guidelines established by the Authority, each eligible employee of the Authority shall participate in a plan established by the Authority pursuant to subsection A.

C. No employee of the Authority who is an active member of a plan established pursuant to subsection A shall also be an active member of the retirement system established pursuant to Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 or a beneficiary of such retirement system other than as a contingent annuitant.

D. Notwithstanding any other provision of law to the contrary, the contribution by the Authority to any other retirement plan established pursuant to subsection A on behalf of employees of the Authority hired before July 1, 1998, shall be equal to the lesser of (i) the contribution the Commonwealth would be required to make if the employee were a member of the retirement system established by Chapter 1 (§ 51.1-124.1 et seq.) of Title 51.1 or (ii) eight percent of creditable compensation. The contribution by the Authority to any retirement plan established pursuant to subsection A on behalf of employees of the Authority hired on or after July 1, 1998, shall be determined by the board.

E. If the University has adopted a retirement plan under § 51.1-126 for its employees who are engaged in the performance of teaching, administrative, or research duties, the plan established by the Authority pursuant to subsection A shall offer similar investment opportunities as are available to the participants of the plan established pursuant to § 51.1-126.

F. The Authority shall develop policies and procedures for the administration of any retirement plan established by the Authority pursuant to subsection A. A copy of such policies and procedures shall be filed with the Board of Trustees of the Virginia Retirement System.

§ 23.1-2417. Insurance for employees of the Authority.

The Authority shall purchase group life, accidental death and dismemberment, and disability insurance policies covering in whole or in part its employees. Authority employees are not required to present at their own expense evidence of insurability satisfactory to an insurance company for basic group life insurance coverage. Any employee hired prior to July 1, 1998, shall be provided basic group life insurance at the same level of coverage as provided by the Virginia Retirement System. Any employee hired on or after July 1, 1998, shall be provided basic group life insurance at a level of coverage determined by the board that is not less than the equivalent of the employee's annual salary. The Authority may require employees hired on or after July 1, 1998, to pay all or a portion of the required basic group life insurance coverage. Such payment may be collected through a payroll deduction program. The Authority may increase the insurance coverage under such policies to make available to active insured employees optional life, accidental death and dismemberment, and disability insurance. Authority employees are not covered by the Virginia Retirement System's group insurance program under § 51.1-501.

§ 23.1-2418. Power to issue bonds.

A. The Authority may issue bonds for any of its purposes, including (i) financing or refinancing all or any part of its programs or general operations; (ii) costs of any project, including the hospital facilities, whether or not owned by the Authority; or (iii) to refund bonds or other obligations issued by or on behalf of the Authority, the University, or otherwise, including bonds or obligations not then subject to redemption. The Authority may guarantee, assume, or otherwise agree to pay, in whole or in part, indebtedness issued by the University or any other party resulting in the acquisition or construction of facilities for the benefit of the Authority or the refinancing of such indebtedness.

B. Notwithstanding Article 1 (§ 2.2-1800 et seq.) of Chapter 18 of Title 2.2, bonds may be issued under the provisions of this chapter without (i) obtaining the consent of any commission, board, bureau, political subdivision, or agency of the Commonwealth or (ii) any proceedings, conditions, or things other than those proceedings, conditions, or things that are specifically required by this chapter; however, each debt offering shall be submitted to the State Treasurer sufficiently prior to the sale of such offering to allow the State Treasurer to undertake a review for the sole purposes of determining (a) whether the offering may constitute tax-supported debt of the Commonwealth and (b) the potential impact of the offering on the debt capacity of the Commonwealth. After such review, the State Treasurer shall determine if the offering constitutes tax-supported debt of the Commonwealth and the potential impact of the offering on the debt capacity of the Commonwealth. If the State Treasurer determines that the debt offering may constitute tax-supported debt of the Commonwealth or may have an adverse impact on the debt capacity of the Commonwealth, then the debt offering shall be submitted to the Treasury Board for review and approval of the terms and structure of the offering in a manner consistent with § 2.2-2416.

C. The Authority may issue bonds payable as to principal and interest from any of the following sources: (i) its revenues generally; (ii) income and revenues derived from the operation, sale, or lease of a particular project or projects, whether or not they are financed or refinanced from the proceeds of such bonds; (iii) funds realized from the enforcement of security interests or other liens or obligations securing such bonds; (iv) proceeds from the sale of bonds; (v) payments under letters of credit, policies of municipal bond insurance, guarantees, or other credit enhancements; (vi) any reserve or sinking funds created to secure such payment; (vii) accounts receivable of the Authority; or (viii) other available funds of the Authority.

D. Any bonds may be guaranteed by or secured by a pledge of any grant, contribution, or appropriation from a participating political subdivision, the University, the Commonwealth or any political subdivision, agency, or instrumentality of the Commonwealth or from any federal agency or any unit, private corporation, partnership, association, or individual.

§ 23.1-2419. Liability on bonds.

No member of the board; officer, employee, or agent of the Authority; or person executing bonds of the Authority is liable personally on the bonds by reason of issuing or executing such bonds. Bonds of the Authority are not a debt of the Commonwealth or any political subdivision of the Commonwealth other than the Authority and shall so state on their face. Neither the Commonwealth nor any political subdivision of the Commonwealth other than the Authority is liable for payment of bonds of the Authority, nor shall such bonds be payable out of any funds or properties of the Commonwealth or any political subdivision of the Commonwealth other than those of the Authority, except as permitted by § 23.1-2418. Bonds of the Authority are issued for an essential public and governmental purpose.

§ 23.1-2420. Form of bonds.

A. Bonds of the Authority shall (i) be authorized by resolution setting forth the maximum principal amount issuable, (ii) be dated, and (iii) mature not more than 40 years from their date and may be (a) issued in one or more series and (b) made redeemable or subject to tender before maturity, at the option of the Authority, at such price or under such terms and conditions as may be fixed by the Authority or its agents prior to issuance.

B. Bonds of the Authority shall bear interest payable at such times and rates and in such manner as the Authority or its agents may determine, including rates approved by officers of the Authority under authorization of the board, rates tied to indices, rates of other securities, or other standards and determinations by agents designated by the Authority under guidelines established by the Authority.

C. The Authority shall determine the form, manner of execution, and denominations of its bonds and the place of payment of principal and interest, which may be at any bank or trust company or securities depository within or outside the Commonwealth. The bonds may be issued in coupon or registered form, or both, and provision may be made for their registration in whole or in part. Bonds issued in registered form may be issued under a system of book-entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds.

D. If any officer whose signature or a facsimile of whose signature appears on any bonds or coupons ceases to hold such office before delivery of such bond, such signature or facsimile is nevertheless valid and sufficient for all purposes.

E. The Authority may contract for the services of one or more banks, trust companies, financial institutions, or other entities or persons within or outside the Commonwealth for the authentication, registration, transfer, exchange, and payment of bonds or provide such services itself. The Authority may sell such bonds at public or private sale and for such price as it determines.

F. Notwithstanding any other provision of this chapter or any recitals in any bonds issued under the provisions of this chapter, all such bonds are negotiable instruments under the laws of the Commonwealth.

G. Prior to the preparation of definitive bonds, the Authority may issue interim receipts or temporary bonds that are exchangeable for definitive bonds when such bonds are executed and available for delivery.

H. The Authority may provide for the replacement of any mutilated, destroyed, stolen, or lost bonds.

§ 23.1-2421. Trust indentures and mortgages; security for the bonds.

A. Any bond issued under this chapter may be issued pursuant to or secured by (i) a trust indenture, deed of trust, or mortgage of any project or other property of the Authority, whether or not financed in whole or in part from the proceeds of such bonds; (ii) a trust or other agreement with a corporate trustee, which may be any trust company or bank having the powers of a trust company within or outside the Commonwealth or another agent for bondholders; or (iii) any combination of issuance or security set forth in clause (i) or (ii). Any such trust indenture or other agreement, or the resolution providing for the issuance of bonds, may pledge or assign fees, rents, and other charges to be received and contain reasonable, proper, and lawful provisions for protecting and enforcing the rights and remedies of the bondholders, including covenants (a) providing for the collection and application of revenues and the repossession and sale of any project or other property by the Authority or any trustees under any trust indenture or agreement upon default; (b) setting forth duties of the Authority in relation to the acquisition, construction, maintenance, operation, and insurance of any project or other property of the Authority and the amount of fees, rents, and other charges to be charged; (c) providing for the collection of such fees, rents, and other charges and the custody, safeguarding, and application of all moneys of the Authority; (d) providing for the creation of sinking funds and the creation and maintenance of reserves; and (e) setting forth conditions or limitations with respect to incurring indebtedness or granting mortgages or other liens. Such trust indenture, trust, or other agreement or resolution may set forth the rights and remedies of the bondholders, trustee, or other agent for bondholders and restrict the individual right of action by bondholders.

B. The Authority may grant mortgages, deeds of trust, security interests, and other liens on its real and personal property, including its accounts receivable, to secure bonds. All pledges of revenues of the Authority for payment of bonds are valid and binding from the time the pledge is made. The revenues pledged and received by the Authority are subject immediately to the lien of such pledge without any physical delivery of such pledge or further act. The lien of any such pledge is valid and binding against all parties having claims of any kind in tort, contract, or otherwise against the Authority whether or not such parties have notice of the lien. The Authority may provide for the recording or filing of any mortgage, deed of trust, security interest, other lien, financing statement, or other instrument necessary or desirable to create, perfect, or evidence any lien created pursuant to this chapter.

C. It is lawful for any bank or trust company within or outside the Commonwealth to (i) serve as depository of the proceeds of bonds or other revenues of the Authority, (ii) furnish indemnifying bonds, or (iii) pledge such securities as may be required by the Authority.

D. All expenses incurred in carrying out the provisions of such trust indenture, agreement, resolution, or other agreements relating to any project, including those to which the Authority may not be a party, may be treated as a part of the costs of a project.

§ 23.1-2422. Remedies of obligees of Authority.

Except to the extent that the rights granted by this chapter may be restricted by such trust indenture or trust or other agreement, any (i) holder of bonds or coupons issued under the provisions of this chapter and (ii) trustee or other agent for bondholders under any trust indenture or trust or other agreement may, either at law or in equity, by suit, action, injunction, mandamus, or other proceedings, (a) protect and enforce any and all rights granted by this chapter or under the laws of the Commonwealth, such trust indenture, trust, or other agreement, or the resolution authorizing the issuance of such bonds and (b) enforce and compel the Authority or any agent or officer of the Authority to perform all duties required by this chapter or such trust indenture, trust, or other agreement or resolution, including the fixing, charging, and collecting of fees, rents, and other charges.

§ 23.1-2423. Bonds to be legal investments.

Bonds issued by the Authority under the provisions of this chapter are securities (i) in which all public officers and public bodies of the Commonwealth and its political subdivisions, insurance companies, trust companies, banking associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them and (ii) that may properly and legally be deposited with and received by any state officer or officer of a locality or agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is authorized by law.

§ 23.1-2424. Existing bonds.

The Authority may assume or agree to make payments in amounts sufficient for the University to pay some or all of the hospital obligations incurred under resolutions previously adopted by the University with respect to the hospital facilities and may issue bonds to refund bonds issued under such resolutions or refinance such payment obligations. If the Authority assumes all hospital obligations under any such bond resolution and operates substantially all of the hospital facilities financed or refinanced by such bond resolution, the University, State Treasurer, Virginia Public Building Authority, and Virginia College Building Authority shall take such steps as are appropriate to provide for the substitution of the Authority for the University under such resolution and transfer to the Authority any funds payable to the University under the terms of such resolution.

§ 23.1-2425. Confidential and public information.

A. The Authority is subject to the provisions of the Freedom of Information Act (§ 2.2-3700 et seq.), including the exclusions set forth in subdivision 15 of § 2.2-3705.7 and subdivision A 23 of § 2.2-3711.

B. For purposes of the Freedom of Information Act (§ 2.2-3700 et seq.), meetings of the board are not considered meetings of the board of visitors of the University. Meetings of the board may be conducted through telephonic or video means as provided in § 2.2-3708.

§ 23.1-2426. Chapter liberally construed.

This chapter shall constitute full and complete authority, without regard to the provisions of any other law, for the performance of acts authorized in the chapter and shall be liberally construed to effect the purposes of the chapter. Insofar as the provisions of this chapter are inconsistent with the provisions of any other general, specific, or local law, the provisions of this chapter control.

§ 23.1-2427. Exemptions.

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.), the Workforce Transition Act (§ 2.2-3200 et seq.), the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) do not apply to the Authority in its exercise of any power conferred to it under this chapter.

§ 23.1-2428. Assets of Authority; reversion to University.

Upon dissolution of the Authority, all assets of the Authority, after satisfaction of creditors, shall revert to the University.

CHAPTER 25.

VIRGINIA MILITARY INSTITUTE.

§ 23.1-2500. Corporate name; name of the Institute.

A. The board of visitors of Virginia Military Institute (the board) is a corporation under the name and style of "Virginia Military Institute" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia Military Institute (the Institute).

C. There shall be paid out of the public treasury such sums as shall be appropriated by the General Assembly for the support of the school.

§ 23.1-2501. Membership.

A. The board shall consist of 17 members, of whom 16 shall be appointed by the Governor and one shall be the Adjutant General, who shall serve ex officio. Of the 16 members appointed by the Governor, (i) 12 shall be alumni of the Institute, of whom eight shall be residents of the Commonwealth and four shall be nonresidents, and (ii) four shall be nonalumni residents of the Commonwealth.

B. The alumni association of the Institute may submit to the Governor a list of not more than three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-2502. Meetings; officers; committees.

A. The board shall meet at the Institute at least once a year and at any other times and places as determined by the board, the superintendent of the Institute, or the president of the board. Special meetings may be called at any time by the superintendent of the Institute or the president of the board. Notice of the time and place of each meeting shall be provided to each member.

B. Six members shall constitute a quorum.

C. The board shall appoint from its membership a president and shall appoint a secretary to the board.

D. The board may appoint a president pro tempore or secretary pro tempore to preside in the absence of the president or secretary.

E. Vacancies in the offices of president and secretary may be filled by the board for the unexpired term.

F. The board may appoint an executive committee for the transaction of business during the recess of the board, consisting of at least three and not more than five members, one of whom shall be the president.

§ 23.1-2503. Power to receive gifts, grants, devises, and bequests.

The Institute, or the board on its behalf, upon the prior written consent of the Governor, may receive, take, hold, and enjoy any gift, grant, devise, or bequest made to the Institute or its board for charitable or educational purposes and use and administer any such gift, grant, devise, or bequest for the uses and purposes designated by the donor or for the general purposes of the Institute if no such designation is made.

§ 23.1-2504. Powers; removal of professors.

A majority of the board may remove professors for good cause.

§ 23.1-2505. Pay cadets.

The board shall prescribe the terms upon which pay cadets may be admitted, their number, the course of their instruction, and the nature and duration of their service.

§ 23.1-2506. State cadets.

A. The board shall admit annually as state cadets upon evidence of fair moral character a sufficient number of individuals selected from the Commonwealth at large who are at least 16 but not more than 25 years old.

B. The board shall provide financial assistance equal to a state cadet applicant's demonstrated need up to the Institute's prevailing charges for tuition, mandatory fees, and other necessary charges.

C. Each state cadet who remains enrolled in the Institute for two years or more shall (i) teach in a public elementary or secondary school in the Commonwealth for two years within the three years immediately after leaving the Institute and report in writing to the superintendent of the Institute on or before the first day of June of each year succeeding the date of his leaving the Institute until he has discharged fully such obligation to the Commonwealth, (ii) serve an enlistment in the National Guard of the Commonwealth, (iii) serve for two years as an engineer for the Commonwealth Transportation Board, (iv) serve for two years as an engineer with the State Department of Health, (v) serve on active duty for two years as a member of some component of the armed services of the United States, or (vi) with the approval of the board, serve two years in any capacity as an employee of the Commonwealth.

D. Any cadet who fails to fulfill his obligation pursuant to subsection C shall repay all funds received from the Commonwealth. The board may excuse such cadet from any or all of these obligations in such cases as it determines is appropriate.

§ 23.1-2507. Military scholarship cadets.

A. The board may admit annually as military scholarship cadets up to 40 individuals who are at least 16 but not more than 25 years old.

B. The board shall provide financial assistance to such military scholarship cadets for tuition, mandatory fees, and other necessary charges entirely from federal funds, Virginia National Guard funds, or private gifts. The federal funds, Virginia National Guard funds, or private gifts shall have no matching requirement.

C. Each military scholarship cadet shall agree to serve as a commissioned officer in the Virginia National Guard for a term in accordance with Guard policy and regulation. Any cadet failing to fulfill his obligation to serve shall repay all funds received in support of his cost of education. The board, in consultation with the Virginia National Guard, may excuse such cadet from any or all of these obligations in such cases as it determines is appropriate.

§ 23.1-2508. Cadets a military corps; arsenal.

A. The cadets shall be a military corps under the command of the superintendent and constitute the guard of the Institute.

B. The arsenal and all its grounds and buildings shall belong to the Institute, and the board shall guard and preserve the arsenal, all its grounds and buildings, and all arms and other property in its grounds and buildings.

§ 23.1-2509. Conferring of degrees.

A. The Governor, the board, and the faculty of the Institute may confer a degree upon any qualified graduate.

B. The board may confer honorary degrees or diplomas of distinguished merit.

§ 23.1-2510. Musicians.

The superintendent may enlist musicians for service at the Institute to be paid out of the annual appropriation provided for in § 23.1-2500.

§ 23.1-2511. Supply of water.

The Institute may acquire pursuant to Title 25.1 such springs, lands, and rights-of-way as may be necessary to procure a supply of water.

CHAPTER 26.

VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY.

Article 1.

General Provisions.

§ 23.1-2600. Corporate name; name of the University.

A. The board of visitors of Virginia Polytechnic Institute and State University (the board) is a corporation under the name and style of "Virginia Polytechnic Institute and State University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia Polytechnic Institute and State University (the University).

C. All laws relating to Virginia Polytechnic Institute, its predecessors, its board of visitors, or the board of visitors of each of its predecessors shall be construed as relating to the University.

§ 23.1-2601. Membership.

A. The board shall consist of 14 members, of whom 13 shall be appointed by the Governor and one shall be the president of the Board of Agriculture and Consumer Services, who shall serve ex officio. Of the 13 members appointed by the Governor, at least 10 members shall be residents of the Commonwealth and at least six members shall be alumni of the University. All appointments by the Governor are subject to confirmation by the Senate.

B. The alumni association of the University may submit to the Governor a list of three nominees for each vacancy on the board, whether it occurs by expired term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-2602. Meetings; officers; committees.

A. The board shall meet in Blacksburg, in the County of Montgomery, at least once a year and at such other times and places as it determines. Special meetings of the board may be called by the Governor, the rector, or any three members. Notice of the time and place of each meeting shall be provided to each member.

B. A majority of the board shall constitute a quorum. A majority of each committee shall constitute a quorum.

C. The board shall appoint from its membership a rector to preside at its meetings and a president pro tempore to preside at its meetings in the absence of the rector.

D. The board shall appoint a secretary.

E. The board shall also appoint from its membership an executive committee of at least three but not more than six members that are empowered during the interim between board meetings to exercise such powers of the board as the board may prescribe by resolution.

F. The board may appoint special committees and prescribe their duties and powers.

G. Each committee shall report its actions to the board at the board's annual meeting and at such other times as the board may require.

§ 23.1-2603. Powers and duties.

A. The board is charged with the care, preservation, and improvement of the property belonging to the University and with the protection and safety of students and other persons residing on such property. Pursuant to such duties, the board may change roads or driveways on the property belonging to the University or entrances to such property, close temporarily or permanently the roads and driveways on such property and entrances to such property, prohibit undesirable and disorderly persons from entering such property, eject such persons from such property, and prosecute under state law trespassers and persons committing offenses on such property.

B. The board shall regulate the government and discipline of the students.

§ 23.1-2604. Investment of endowment funds, endowment income, etc.

A. As used in this section:

"Derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including any contract commonly known as a "swap," that gives the University the right or obligation to deliver, receive delivery of, or make or receive payments based on changes in the price, value, yield, or other characteristic of a tangible or intangible asset or group of assets or changes in a rate, index of prices or rates, or other market indicator for an asset or group of assets.

"Financial security" means (i) any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate of subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, or fractional undivided interest in oil, gas, or other mineral rights; (ii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof; (iii) any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; (iv) in general, any interest or instrument commonly known as a "security"; or (v) any certificate of interest or participation in, temporary or interim security for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any financial security.

"Option" means an agreement or contract whereby the University may grant or receive the right to purchase, sell, or pay or receive the value of any personal property asset, including any agreement or contract that relates to any security, contract, or agreement.

B. The board shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

C. No member of the board is personally liable for losses suffered by any endowment fund, endowment income, gift, other nongeneral fund reserve and balance, or local funds of or held by the University arising from investments made pursuant to the provisions of subsection B.

D. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the University are not subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

E. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board may invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the University in derivatives, options, and financial securities.

F. The authority provided in this section to invest and reinvest nongeneral fund reserves and balances of or held by the University is predicated upon an approved management agreement between the University and the Commonwealth.

§ 23.1-2605. Employees.

A. The board shall appoint a treasurer of the University. The treasurer or the officer who controls the funds of the University shall give bond in the sum of \$50,000, payable to the Commonwealth, with condition for the faithful discharge of the duties of his office. The bond shall be approved by the board, entered on the board's journal, and transmitted to the Comptroller and shall remain filed in the Comptroller's office.

B. The board may appoint a vice-president of the University and prescribe his authority, duties, and compensation, if any. The vice-president shall hold office at the pleasure of the board.

C. The board may employ a secretary of the University, a clerk to the board, and such other agents, servants, officers, assistants, and deputies as may be necessary to conduct the business and affairs of the University.

D. The board may remove any officer of the University with the assent of two-thirds of its members, subject to such human resources programs as may be established by the board pursuant to § 23.1-1021.

E. The board shall prescribe the duties of professors and the course and mode of instruction. The board may remove any professor with the assent of two-thirds of its members.

§ 23.1-2606. Courses of study.

The curriculum of the University shall embrace such courses of study as relate to agriculture and the mechanic arts without excluding other scientific and classical studies and military tactics.

§ 23.1-2607. Purchase of electric power and energy.

A. For purposes of this section:

"Other party" means any other entity, including any (i) municipality, public institution of higher education, or political subdivision, public authority, agency, or instrumentality of the Commonwealth, or state or the United States or (ii) partnership, limited liability company, nonprofit corporation, electric cooperative, or investor-owned utility, whether created, incorporated, or otherwise organized and existing under the laws of the Commonwealth or state or the United States.

"Project" means any (i) system or facilities for the generation, transmission, transformation, or supply of electrical power and energy by any means whatsoever, including fuel, fuel transportation, and fuel supply resources; (ii) electric generating unit situated at a particular site in the continental United States; (iii) interest in such system, facilities, or unit, whether an undivided interest as a tenant in common or otherwise; or (iv) right to the output, capacity, or services of such system, facilities, or unit.

B. The University may contract with any other party to buy power and energy to meet its present or future requirements. Any such contract may provide that (i) the source of such power and energy is limited to a specified project; (ii) replacement power and energy shall be provided; or (iii) the University shall be obligated to make payments required by the contract whether the project is completed, operable, or operating and notwithstanding the suspension, interruption, interference, reduction, or curtailment of the output of a project or the amount of power and energy contracted for; (iv) payments required by the contract (a) are not subject to any reduction, whether by offset or otherwise, (b) are not conditioned upon the performance or nonperformance of any other party, (c) shall be made solely from the revenues derived by the University from the ownership and operation of the electric system of the University, (d) may be secured by a pledge of and lien upon the electric system of the University, and (e) shall constitute an operating expense of the electric system of the University; (v) in the event of default by the University or any other party to the contract in the performance of its obligations for any project, the University or any other party to the contract for such project shall succeed to the rights and interests and assume the obligations of the defaulting party, either pro rata or as may be otherwise agreed upon in the contract; or (vi) no other party shall be obligated to provide power and energy in the event that (a) the project is inoperable, (b) the output of the project is subject to suspension, interference, reduction, or curtailment, or (c) a force majeure occurs.

C. Notwithstanding any other charter or provision of law to the contrary, no such contract, with respect to the sale or purchase of capacity, output, power, or energy from a project, shall exceed 50 years from the date that the project is estimated to be placed in normal continuous operation.

D. The execution and effectiveness of any such contract are not subject to any authorizations and approvals by the Commonwealth or any agency, commission, instrumentality, or political subdivision of the Commonwealth except as specifically required by law.

E. No obligation under any such contract shall constitute a legal or equitable pledge, charge, lien, or encumbrance upon any property of the University or upon any of its income, receipts, or revenues, except the revenues of its electric system, and the faith and credit of the University shall not be pledged for the payment of any obligation under any such contract.

F. The University shall fix, charge, and collect rents, rates, fees, and charges for electric power and energy and other services, facilities, and commodities sold, furnished, or supplied through its electric system sufficient to provide revenues adequate to meet its obligations under any such contract and to pay any and all other amounts payable from or constituting a charge and lien upon such revenues, including amounts sufficient to pay the principal of and interest on bonds of the University issued for purposes relating to its electric system. Any pledge made by the University pursuant to this subsection is governed by the laws of the Commonwealth.

Article 2.

Virginia Cooperative Extension Service and Agricultural Experiment Station Division; Hampton Roads and Eastern Shore Agricultural Research and Extension Centers.

§ 23.1-2608. Definitions; Virginia Cooperative Extension Service and Agricultural Experiment Station Division established; Cooperative Extension Service Program recognized.

A. For the purposes of this article:

"Cooperative extension service" means the function traditionally associated with the term "extension" that traditionally focuses on agriculture, including horticulture and silviculture, agribusiness, home economics, community resource development, and 4-H Clubs.

"Extension" means the joint federal, state, and local program designed to aid the transfer of information and research capabilities of land-grant universities to citizens.

B. There is established within the University a division to be known as the Virginia Cooperative Extension Service and Agricultural Experiment Station Division (the Division), which shall encompass and administer the Virginia Cooperative Extension Service (the Service) and the Agricultural Experiment Station (the Station) with appropriate supporting programs.

C. The Cooperative Extension Service Program within Virginia State University (the Program) is recognized. The Program shall be operated cooperatively by the University and Virginia State University, with agreed-upon areas of

program and service emphasis as set forth in the unified plan submitted by the two institutions to the U.S. Department of Agriculture.

§ 23.1-2609. Administration of the Division.

The board shall provide for the administration of the Division through the regular administrative and fiscal officers of the University and shall make appointments to the administrative and research staff on recommendation of the president of the University.

§ 23.1-2610. Duties of the Service, the Program, and the Station.

A. The Service shall provide the people of the Commonwealth with useful and practical information and knowledge on agriculture, including horticulture and silviculture, agribusiness, home economics, community resource development, 4-H Clubs, and related subjects through instruction and the dissemination of useful and practical information through demonstrations, conferences, courses, workshops, publications, meetings, mass media, and other educational programs. The necessary printing and distribution of information in connection with work of the Service shall be performed in such manner as may be mutually agreed upon by the University, Virginia State University, the Governor or his designee, the U.S. Secretary of Agriculture, the U.S. Secretary of Commerce, and other participating bodies.

B. The Program shall also conduct educational programs and disseminate useful and practical information to the people of the Commonwealth.

C. Personnel of the Service shall inform local governing bodies of the Commonwealth whenever agricultural conditions are present in such localities that would warrant the declaration of a disaster pursuant to Section 301 of P.L. 93-288, 42 U.S.C. § 5141.

D. Personnel of the Service shall provide farmers and local governing bodies with such assistance and information as is available concerning federal and state disaster relief programs.

E. The Station shall conduct research and investigations and establish, publish, and distribute results in such forms as will tend to increase the economy, efficiency, and safety of the various enterprises and activities of interest to the Commonwealth and the nation and promote the conservation and economic utilization of its natural and human resources.

§ 23.1-2611. Personnel; local units.

A. The University and Virginia State University, in cooperation with the departments and agencies of the federal government, shall exercise great care in the selection of personnel to carry out and supervise the work of the Service. The work shall be conducted under such regulations as may be adopted by the University for the work of the Division and by the University and Virginia State University, in cooperation with the U.S. Department of Agriculture, for the work of the Service.

B. The Division and the Program may work with both adults and youth through local units to be known as "departments of extension and continuing education."

§ 23.1-2612. Division; funding sources.

The Division may receive moneys from the Commonwealth, the federal government, and private sources. All receipts of the Division shall be deposited to the credit of the general fund of the state treasury and appropriated to the University to be used exclusively for the purposes of the Division.

§ 23.1-2613. The Division and the Program; appropriations by the General Assembly.

A. The General Assembly may appropriate such funds to the Division and the Program as it deems necessary. Any general funds and funds received from any agency or department of the federal government for the purposes of carrying out this article shall be expended by the University through the Division and by Virginia State University through the Program and shall be accounted for in the manner prescribed by applicable law or regulations.

B. Funds appropriated by the General Assembly shall be used by the University and Virginia State University for the purpose of conducting cooperative extension services in the Commonwealth. Such funds may be used to defray all necessary expenses, including salaries, travel expenses, equipment, supplies, or other authorized expenses.

§ 23.1-2614. The Division; appropriations by local governing bodies.

Any local governing body of the Commonwealth may appropriate funds, to be supplemented by funds appropriated by the General Assembly to the University for the Division and such other funds as the University may allocate, to support the activities of the Division in such manner as may be agreed upon by the University and the local governing body.

§ 23.1-2615. Station; soil survey.

For the purpose of continuing a survey of the soils of the Commonwealth that was begun by the U.S. Department of Agriculture, the Station shall direct and supervise a comprehensive soil survey of the Commonwealth of such a character and along such lines as to obtain an inventory of the soil resources of the Commonwealth and to determine their adaptability to various crops, forestry, and livestock enterprises to promote the utilization of the lands of the Commonwealth in the most practical and economical way. It is contemplated that the Station will make such soil survey in cooperation with the U.S. Department of Agriculture.

§ 23.1-2616. Station; agricultural survey.

The Station may direct and supervise a thorough and comprehensive agricultural survey of the Commonwealth according to the most approved methods in practice to gather facts and information on existing agricultural conditions in the Commonwealth and data upon which to base a study of agricultural economics and a constructive program for the development of agriculture and agricultural resources. The survey shall examine (i) soils and soil fertility and management; (ii) soil erosion and drainage problems affecting soil fertility and productivity; (iii) the adaptation of various soil types,

elevations, and seasonable conditions to crops produced or that may suitably be produced; (iv) farm layout and selection; (v) arrangement of fields for the use of labor-saving machinery; (vi) economy and convenience in cultivation and farm operations; (vii) methods of cultivation, production, and handling of crops; (viii) general farm management; (ix) the various crops produced on farms and their yield and gross value compared with the cost of production and courses of low yield; (x) farm labor and its distribution and efficiency; (xi) labor incomes of the various classes of farm labor; (xii) the relation of various farm products to public needs and local and general supply and demand; (xiii) farm incomes and income sources; (xiv) capital investment and return; (xv) distribution of capital investment; (xvi) the character and extent of idle lands and their suitability for cultivation or other agricultural purposes in the various localities and what, if any, profitable use may be made of them through the introduction of livestock or crops adapted to such soils, by individuals or on a community plan, with notations of elevation, topography, temperatures, and seasonal conditions affecting production of fruit, cotton, and other crops; and (xvii) any other information or studies that may seem advisable in determining methods for the betterment of agricultural conditions and the development of the agricultural resources of the Commonwealth.

The Station may and it is contemplated that the Station will work in conjunction with and cooperate with similar agencies of the federal government to make such agricultural survey whenever a suitable and satisfactory arrangement can be made for such cooperation.

§ 23.1-2617. Hampton Roads and Eastern Shore Agricultural Research and Extension Centers established.

The Hampton Roads and Eastern Shore Agricultural Research and Extension Centers (Centers) are established as a component of the Station and shall be retained as active research and extension centers.

§ 23.1-2618. Centers; function.

The Centers shall conduct basic and applied research in the fields that may bear directly on the interests of commercial growers of vegetable and ornamental crops in the Commonwealth. The Centers shall coordinate their research with related work of the Station to avoid unnecessary duplication of effort. The Centers shall disseminate the results of their research conducted pursuant to this section.

§ 23.1-2619. Centers; Advisory board of directors.

A. A board of directors (board) shall serve as an advisory body to the Centers that represents local agricultural interests. The board shall consist of five members appointed by the Dean of the College of Agriculture and Life Sciences. Each appointed member shall represent an industry that is relevant to the missions of the Centers.

B. Members of the board shall serve for terms of four years.

C. The members of the board shall name one of its members chairman.

D. Three members of the board shall constitute a quorum for the transaction of business.

E. The board shall hold at least one meeting annually at either the Hampton Roads center or the Eastern Shore center and such other meetings as may be necessary at such times and places as the chairman or any three members may designate.

§ 23.1-2620. Centers; executive director.

An executive director shall be appointed to administer the Centers and carry out the research programs at the Centers. The executive director shall serve at the pleasure of and be answerable to the Dean of the College of Agriculture and Life Sciences of the University.

§ 23.1-2621. The Division and the Program; reports.

A. The University shall file such reports on the activities of the Division as may be required by law or requested by the Governor.

B. Virginia State University shall file such reports on the activities of the Program as may be required by law or requested by the Governor.

C. The University and Virginia State University shall file such reports on the unified plan as may be required by law or requested by the Governor.

§ 23.1-2622. Construction of acts relating to the Service and the Station.

All acts relating to the Service and the Station shall be construed as relating to the Division as established by this article and no such act shall be construed as limiting the provisions of this article.

Article 3.

Virginia Center for Coal and Energy Research.

§ 23.1-2623. Virginia Center for Coal and Energy Research established.

The Virginia Center for Coal and Energy Research (the Center) is established as an interdisciplinary study, research, information, and resource facility for the Commonwealth and shall utilize the full capabilities of faculty, staff, libraries, and laboratories for the benefit of Virginians and the expansion of knowledge pertaining to coal and energy research and development. The Center shall be located at the University.

§ 23.1-2624. Control and supervision.

The Center is subject to the control and supervision of the board.

§ 23.1-2625. Executive director.

The board shall appoint an executive director for the Center who, subject to the approval of the board, shall:

1. Exercise all powers and perform all duties imposed upon him by law;

2. Carry out the specific duties imposed upon him by the board; and

3. Employ such personnel and contract for such services as may be required to carry out the purposes of this article.

§ 23.1-2626. Powers and duties of the Center.

The Center, under the direction of the executive director, shall:

1. *Develop a degree program in energy production and conservation research at the master's level in conjunction with the Council;*
2. *Develop and provide programs of continuing education and in-service training for persons who work in the fields of coal or other energy research, development, or production;*
3. *Collaborate with other departments of the University, including the Department of Mining and Minerals Engineering;*
4. *Conduct research in the fields of coal, coal utilization, migrating natural gases such as methane and propane, and other energy-related work;*
5. *Collect and maintain data on energy production, development, and utilization;*
6. *Foster the utilization of research information, discoveries, and data;*
7. *Coordinate the functions of the Center with each of the Center's energy research facilities to prevent duplication of effort;*
8. *Apply for and accept grants from the federal government, state government, and any other source to carry out the purposes of this article. The Center may comply with such conditions and execute such agreements as may be necessary to accept such grants;*
9. *Accept gifts, bequests, and any other thing of value to carry out the purposes of this article;*
10. *Receive, administer, and expend all funds and other assistance made available to the Center to carry out the purposes of this article;*
11. *Consult with the Division of Energy of the Department of Mines, Minerals and Energy in the preparation of the Virginia Energy Plan pursuant to § 67-201; and*
12. *Do all things necessary or convenient for the proper administration of this article.*

§ 23.1-2627. Virginia Coal Research and Development Advisory Board.

The Virginia Coal Research and Development Advisory Board (the Advisory Board) shall serve in an advisory capacity to the executive director of the Center. Representatives to the Advisory Board shall be appointed by the board. The board shall appoint such other individuals as it deems necessary to the work of the Advisory Board.

Members shall include representatives from the Department of Conservation and Recreation, the Department of Small Business and Supplier Diversity, the Department of Mines, Minerals and Energy, the Department of Labor and Industry, the Virginia Port Authority, and each public institution of higher education, excluding the University.

Article 4.

Virginia Water Resources Research Center.

§ 23.1-2628. Virginia Water Resources Research Center established.

The Virginia Water Resources Research Center (the Water Center) is established to develop, implement, and coordinate water and related land research programs in the Commonwealth and transfer the results of research and new technology to potential users. The Water Center shall be located at the University.

§ 23.1-2629. Control and supervision.

The Water Center is a unit of the University under the supervision and control of the board.

§ 23.1-2630. Functions, powers, and duties.

A. The Water Center shall (i) consult with the General Assembly; federal, state, and local agencies; water user groups; private industry; and other potential users of research; (ii) establish and administer agreements with other public institutions of higher education and private institutions of higher education to conduct research projects; (iii) disseminate new information and facilitate the transfer and application of new technology; (iv) be a liaison between the Commonwealth and the federal research funding agencies and advocate for the Commonwealth's water research needs; and (v) encourage the development of academic programs in water resources management in conjunction with the Council.

B. The Water Center shall facilitate and stimulate research that (i) deals with policy issues facing the General Assembly; (ii) supports the state water resource agencies, and (iii) provides water planning and management organizations with tools to increase efficiency and effectiveness of water planning and management.

§ 23.1-2631. Executive director.

A. The principal administrative officer of the Water Center shall be an executive director who shall be appointed by the president of the University, subject to the approval of the board. The executive director shall be under the supervision of the president of the University.

B. The executive director shall exercise all powers imposed upon him by law, carry out the specific duties imposed upon him by the president of the University, and develop appropriate policies and procedures, with the advice of the Virginia Water Resources Research Center Statewide Advisory Board, for (i) identifying priority research problems; (ii) collaborating with the General Assembly; federal, state, and local governmental agencies; and water user groups in the formulation of its research programs; (iii) selecting projects to be funded; and (iv) disseminating information and transferring technology designed to help resolve water and related land problems of the Commonwealth. He shall employ such personnel and secure such services as may be required to carry out the purposes of this article and expend appropriated funds and accept moneys for cost-sharing on projects funded with federal and private funds.

§ 23.1-2632. Virginia Water Resources Research Center Statewide Advisory Board.

The Virginia Water Resources Research Center Statewide Advisory Board (the Statewide Advisory Board) shall serve in an advisory capacity to the executive director of the Water Center. Representatives of the Statewide Advisory Board shall be appointed by the Governor, subject to confirmation by the General Assembly, and shall include balanced representation from industries; federal, state, and local agencies; water user groups; and concerned citizens. The Statewide Advisory Board shall (i) recommend policy guidelines for implementing the functions of the Water Center, (ii) evaluate the programs of the Water Center, and (iii) advise the executive director of the Water Center and make recommendations to assist him in carrying out the purposes of this article.

Article 5.

Virginia Center for Housing Research.

§ 23.1-2633. Virginia Center for Housing Research established.

The Virginia Center for Housing Research (the Housing Center) is established and shall be located at the University.

§ 23.1-2634. Functions, powers, and duties.

The Housing Center shall serve as an interdisciplinary study, research, and information resource on housing for the Commonwealth. The Housing Center shall (i) consult with the General Assembly; federal, state, and local agencies; nonprofit organizations; private industry; and other potential users of research; (ii) establish and administer agreements with other public institutions of higher education and private institutions of higher education to carry out research projects; (iii) disseminate new information and research results; (iv) facilitate the application and transfer of new technologies to housing; and (v) stimulate and perform research that deals with housing policy issues facing the General Assembly and aids the Commonwealth's housing and housing finance agencies.

§ 23.1-2635. Control and supervision.

The Housing Center is a unit of the University under the supervision and control of the board.

§ 23.1-2636. Director.

A. The president of the University, with the approval of the board, shall appoint a director to serve as the principal administrative officer of the Housing Center. The director shall be under the supervision of the president of the University or his designee.

B. The director shall exercise all powers imposed upon him by law, carry out the specific duties imposed on him by the president of the University, and develop appropriate policies and procedures, with the advice of the Board of Housing and Community Development, for (i) identifying priority research problems; (ii) cooperating with the General Assembly; federal, state, and local agencies; nonprofit organizations; and private industry in formulating its research programs; (iii) selecting research projects to be funded; and (iv) disseminating information and transferring technology relating to housing and housing problems within the Commonwealth. The director shall employ such personnel and secure such services as may be required to carry out the purposes of this article, expend appropriated funds, and accept moneys from federal or private sources for cost-sharing on projects.

§ 23.1-2637. Advisory board.

The Board of Housing and Community Development shall advise the director of the Housing Center and may advise the director on all matters set forth in § 23.1-2634.

Article 6.

Governmental Aid and Individual Donations.

§ 23.1-2638. Institutions receiving interest accruing on proceeds of land scrip.

The annual accruing interest from the education fund resulting from the donation of lands by act of Congress on July 2, 1862, and the sale of such lands and the investment of the proceeds from such sale in state bonds by the Board of Education on February 7 and March 19, 1872, shall be paid one-third to Virginia State University and two-thirds to the University.

§ 23.1-2639. Institutions receiving money allotted to Commonwealth under act of Congress.

The Comptroller shall receive from the U.S. Secretary of the Interior such sums of money as are allotted to the Commonwealth under and in accordance with the act of Congress approved August 30, 1890, and shall pay one-third to the treasurer of Virginia State University and two-thirds to the treasurer of the University, who shall receive and disburse the sums as required by section two of such act of Congress.

§ 23.1-2640. Experimental farms.

A. A portion of the fund, not exceeding 10 percent of each sum assigned to Virginia State University and the University, may be expended, in the discretion of the board of visitors of each institution, in the purchase of lands for experimental farms.

B. The respective boards of visitors may use a portion of the accruing interest from such fund to purchase suitable and appropriate laboratories.

§ 23.1-2641. Reversion of property on withdrawal of annuity.

If at any time such annuity should be withdrawn from the University, the property, real and personal, conveyed and appropriated to its use and benefit by the trustees of the Preston and Olin Institute and the County of Montgomery under the provisions of Chapter 234 of the Acts of Assembly of 1871-1872 shall revert to the trustees and the county, respectively, from which it was conveyed and appropriated.

§ 23.1-2642. County subscriptions and individual donations.

The board may accept (i) the subscription of any county made under the act to authorize subscriptions in aid of the University approved March 21, 1872 and (ii) individual donations in aid of the purposes and objects of the University. Such donations and subscriptions shall be held by the board in trust for the benefit of the University and shall revert to the donors and subscribers if the Commonwealth withdraws from the use of the University the interest accruing on the proceeds of the land scrip as provided in § 23.1-2638.

CHAPTER 27.

VIRGINIA STATE UNIVERSITY.

§ 23.1-2700. Corporate name; name of the University.

A. The board of visitors of Virginia State University (the board) is a corporation under the name and style of "The Visitors of Virginia State University" and has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as Virginia State University (the University).

C. All laws relating to Virginia State College or the board of visitors of Virginia State College shall be construed as relating to the University or the board, respectively.

§ 23.1-2701. Membership.

A. The board shall consist of 15 members appointed by the Governor, of whom at least three shall be alumni of the University and at least 10 shall be residents of the Commonwealth.

B. The alumni association of the University may submit to the Governor a list of three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-2702. Powers and duties.

A. The board shall appoint all professors, teachers, and agents, fix their salaries, and generally direct the affairs of the University.

B. The board may confer degrees.

§ 23.1-2703. Courses of study.

The curriculum of the University shall include agriculture, business, education, engineering, the liberal arts and sciences, and military science.

§ 23.1-2704. Cooperative Extension Service.

A. For the purposes of this section:

"Cooperative extension service" means the function traditionally associated with the term "extension" that traditionally focuses on agriculture, including horticulture and silviculture, agribusiness, home economics, community resource development, and 4-H Clubs.

"Extension" means the joint federal, state, and local program designed to aid the transfer of information and research capabilities of land-grant universities to citizens.

B. As provided in Article 2 (§ 23.1-2608 *et seq.*) of Chapter 26 and subject to the federally required plan, the Cooperative Extension Service Program within the University, (the Program) is recognized. The University may accept grants, gifts, or donations for the Program from the local governing bodies of the Commonwealth, other public or private agencies, and individual donors. The Service shall be operated cooperatively by Virginia Polytechnic Institute and State University and the University, with agreed-upon areas of program and service emphasis as set forth in the unified plan submitted by the two institutions to the U.S. Department of Agriculture. The University shall file such reports on the activities of the Program as may be required by law or requested by the Governor, and the two institutions shall file such reports on the unified plan as may be required by law or requested by the Governor.

§ 23.1-2705. Gifts, grants, devises, and bequests; governmental aid.

A. The board may take, hold, receive, and enjoy any gift, grant, devise, or bequest to the board or to or for the benefit of the University. Any such gift, grant, devise, or bequest shall be used for the purposes designated by the donor, or if no purposes are so designated, for the general purposes of the board.

B. The University shall receive the governmental aid designated in §§ 23.1-2638 and 23.1-2639.

CHAPTER 28.

THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA; RICHARD BLAND COLLEGE.

§ 23.1-2800. Corporate name; name of the University.

A. The board of visitors of The College of William and Mary in Virginia (the board) is a corporation under the name and style of "The College of William and Mary in Virginia" and has, in addition to its other powers, (i) all the corporate powers given to corporations by the provisions of Title 13.1 except those powers that are confined to corporations created pursuant to Title 13.1 and (ii) all powers conferred by the ancient royal charter of The College of William and Mary in Virginia. The board shall at all times be under the control of the General Assembly.

B. The institution shall be known as The College of William and Mary in Virginia (the University).

§ 23.1-2801. Membership.

A. The board shall consist of 17 members appointed by the Governor, of whom at least 13 shall be residents of the Commonwealth.

B. The alumni association of the university may submit to the Governor a list of at least three nominees for each vacancy on the board, whether the vacancy occurs by expiration of a term or otherwise. The Governor may appoint a member from the list of nominees.

§ 23.1-2802. Powers and duties.

A. The board shall generally direct the affairs of the university and Richard Bland College.

B. The board may confer degrees.

§ 23.1-2803. Investment of endowment funds, endowment income, etc.

A. As used in this section:

"Derivative" means a contract or financial instrument or a combination of contracts and financial instruments, including any contract commonly known as a "swap," that gives the university the right or obligation to deliver, receive delivery of, or make or receive payments based on changes in the price, value, yield, or other characteristic of a tangible or intangible asset or group of assets or changes in a rate, index of prices or rates, or other market indicator for an asset or group of assets.

"Financial security" means (i) any note, stock, treasury stock, bond, debenture, evidence of indebtedness, certificate of interest, collateral-trust certificate, preorganization certificate of subscription, transferable share, investment contract, voting-trust certificate, certificate of deposit for a security, or fractional undivided interest in oil, gas, or other mineral rights; (ii) any put, call, straddle, option, or privilege on any security, certificate of deposit, or group or index of securities, including any interest therein or based on the value thereof; (iii) any put, call, straddle, option, or privilege entered into on a national securities exchange relating to foreign currency; (iv) in general, any interest or instrument commonly known as a "security"; or (v) any certificate of interest or participation in, temporary or interim security for, receipt for, guarantee of, or warrant or right to subscribe to or purchase any financial security.

"Option" means an agreement or contract whereby the university may grant or receive the right to purchase, sell, or pay or receive the value of any personal property asset, including any agreement or contract that relates to any security, contract, or agreement.

B. The board shall invest and manage the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the university in accordance with this section and the provisions of the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.).

C. No member of the board is personally liable for losses suffered by any endowment fund, endowment income, gift, other nongeneral fund reserve and balance, or local funds of or held by the university arising from investments made pursuant to the provisions of subsection B.

D. The investment and management of endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, or local funds of or held by the university are not subject to the provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.).

E. In addition to the investment practices authorized by the Uniform Prudent Management of Institutional Funds Act (§ 64.2-1100 et seq.), the board may invest or reinvest the endowment funds, endowment income, gifts, all other nongeneral fund reserves and balances, and local funds of or held by the university in derivatives, options, and financial securities.

F. The authority provided in this section to invest and reinvest nongeneral fund reserves and balances of or held by the university is predicated upon an approved management agreement between the university and the Commonwealth.

§ 23.1-2804. Program of instruction to educate and train teachers.

The university shall maintain a program of instruction to educate and train teachers for the public elementary and secondary schools of the Commonwealth without excluding other programs of instruction.

§ 23.1-2805. Duties; student admissions; degrees.

The university shall admit properly prepared individuals and upon completion of the requirements shall grant them degrees.

§ 23.1-2806. Richard Bland College.

A. Richard Bland College is a separate college under the supervision, management, and control of the board. Richard Bland College shall report to the board in such manner as the board may coordinate and direct.

B. The board shall establish and publish bylaws for Richard Bland College that define the school's functions.

C. All property, property rights, duties, contracts, and agreements of Richard Bland College are vested in the board.

D. The board shall designate a chief executive officer of Richard Bland College.

E. The board shall care for and preserve all property belonging to Richard Bland College.

F. The board shall (i) fix tuition, mandatory fees, and other necessary charges; (ii) appoint, remove, and define the responsibilities of the chief executive officer; and (iii) make such rules and regulations as it deems appropriate for Richard Bland College.

§ 23.1-2807. Virginia Institute of Marine Science.

The Virginia Institute of Marine Science (the Institute) is subject to the supervision, management, and control of the board. The university shall provide for the administration of the Institute and appoint and remove its administrative and professional staff.

§ 23.1-2808. Approval for transfer of College Woods.

A. The property known as College Woods that includes Lake Matoaka and is possessed and controlled by the university, regardless of whether such property has been declared surplus property pursuant to § 2.2-1153, shall not be

transferred or disposed of without the approval of the board by a two-thirds vote of all members at a regularly scheduled board meeting. The General Assembly shall also approve such disposal or transfer.

B. The provisions of subsection A shall not operate to prevent the transfer or dedication to the Virginia Department of Transportation (the Department) of a portion of the property described in subsection A, together with a temporary construction easement and a permanent easement for drainage, sufficient to permit the reconstruction of the intersection of Virginia Route 615 (Ironbound Road) and Virginia Route 321 (Monticello Avenue).

C. In order for any transfer or dedication set forth in subsection B to the Department to occur:

1. The Department shall remain within the boundaries or dedication area identified as a right-of-way addition of approximately 1.63 acres and easement areas as detailed on Exhibit A, labeled Proposed Right-of-Way and Easement Dedication by The College of William and Mary for Widening of the Intersection of Monticello Avenue and Ironbound Road and dated January 9, 2004, drawn by AES Consulting Engineers of Williamsburg, Virginia, in completion of any reconstruction of such intersection;

2. The Department shall employ and construct all required best management practices and erosion and sediment control measures to minimize and mitigate any impacts to College Woods and Lake Matoaka; and

3. The Department shall vacate, subject to a reserved drainage easement, approximately 3.22 acres of right-of-way and redesignate such to the university so that the university has confirmed encumbrances. This vacation shall create not less than a 78-foot right-of-way and shall not create or provide for any easements except for such reserved drainage easement from approximately 1,000 feet east of Virginia Route 615 (Ironbound Road) to approximately 4,000 feet east of Virginia Route 615 (Ironbound Road) along Virginia Route 321 (Monticello Avenue) identified on Exhibit A, labeled Proposed Right-of-Way and Easement Dedication by The College of William and Mary for Widening of the Intersection of Monticello Avenue and Ironbound Road and dated January 9, 2004, drawn by AES Consulting Engineers of Williamsburg, Virginia, as right-of-way abandonment. This vacation to create a right-of-way width shall not allow for a road-widening to add additional travel lanes for the remainder of Virginia Route 321 (Monticello Avenue).

D. The provisions of subsection A shall not operate to prevent the transfer or dedication to the Department of a portion of the property described in subsection A, together with easements for slope, drainage, and utilities, sufficient to permit the reconstruction and widening of Virginia Route 615 (Ironbound Road).

E. For any transfer or dedication to the Department to occur pursuant to subsection D, the Department shall:

1. Remain within the boundaries identified as a proposed right-of-way dedication area of approximately 0.38 acres and easement areas as detailed on Exhibit B, labeled Proposed Right-of-Way and Easement Dedication by The College of William and Mary for Widening of Ironbound Road to Four Lanes and dated January 9, 2004, drawn by AES Consulting Engineers of Williamsburg, Virginia, in completion of the widening of Virginia Route 615 (Ironbound Road), except with respect to that portion of Virginia Route 615 (Ironbound Road) to be widened in connection with the reconstruction of the intersection as described, and as provided for, in subsections B and C; and

2. Employ and construct all required best management practices and erosion and sediment control measures to minimize and mitigate any impacts to College Woods and Lake Matoaka.

F. The provisions of subsections B and C shall not become effective until a reconstruction of the intersection has been designed and fully funded as required by the Department.

G. The provisions of subsections D and E shall not become effective until the widening of the portion of Ironbound Road described therein has been designed and fully funded as required by the Department.

CHAPTER 29.

STATE BOARD FOR COMMUNITY COLLEGES AND VIRGINIA COMMUNITY COLLEGE SYSTEM.

§ 23.1-2900. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Career and technical education" means the training or retraining under public supervision and control that is (i) given in school classes, including field or laboratory work incidental to such training or retraining, exclusive of those career and technical education programs provided and administered by or through the public school system and (ii) conducted as part of a program designed to fit individuals for gainful employment as semiskilled or skilled workers or technicians in recognized occupations.

"Chancellor" means the Chancellor of the Virginia Community College System.

§ 23.1-2901. State Board for Community Colleges established; purpose; Virginia Community College System.

The State Board for Community Colleges is a corporation under the style of "the State Board for Community Colleges" that shall establish, control, and administer a statewide system of publicly supported comprehensive community colleges, which shall be known as the Virginia Community College System.

§ 23.1-2902. State Board; membership.

A. The State Board shall consist of 15 nonlegislative citizen members appointed by the Governor subject to confirmation by the General Assembly.

B. Each member shall be a resident of the Commonwealth. No officer, employee, or member of the governing board of any public institution of higher education or of any school subject to the control of the State Board and no member of the Board of Education is eligible for appointment to the State Board. All members of the State Board are members at large charged with the responsibility of serving the best interests of the whole Commonwealth, and no member shall act as the representative of any particular region or institution of higher education.

§ 23.1-2903. State Board; officers, meetings, and regulations.

A. The State Board shall elect a chairman from its membership and may provide for the election of one of its members as vice-chairman.

B. The State Board shall meet at least four times annually and on the call of the chairman when in his opinion additional meetings are expedient or necessary.

C. Eight members of the State Board shall constitute a quorum for all purposes.

D. The main office of the State Board shall be in the Commonwealth.

E. The State Board is authorized to adopt necessary regulations for carrying out the purposes of this chapter.

§ 23.1-2904. State Board; duties.

In addition to the duties of governing boards of public institutions of higher education set forth in Chapter 13 (§ 23.1-1300 et seq.), the State Board shall:

1. Be the state agency with primary responsibility for coordinating workforce training at the postsecondary through the associate degree level, exclusive of the career and technical education programs provided through and administered by the public school system. This responsibility shall not preclude other agencies from also providing such services as appropriate, but these activities shall be coordinated with the comprehensive community colleges;

2. Report on actions that comprehensive community colleges have taken to meet the requirements of § 23.1-2906 in its annual report to the General Assembly on workforce development activities required by the general appropriation act;

3. Prepare and administer a plan providing standards and policies for the establishment, development, and administration of comprehensive community colleges under its authority. It shall determine the need for comprehensive community colleges and develop a statewide plan for their location and a time schedule for their establishment. In the development of such plan, a principal objective is to provide and maintain a system of comprehensive community colleges, as that term is defined in § 23.1-100 to make appropriate educational opportunities and programs available throughout the Commonwealth. In providing these offerings, the State Board shall recognize the need for excellence in all curricula and shall endeavor to establish and maintain standards appropriate to the various purposes the respective programs are designed to serve;

4. Establish policies providing for the creation of a local community college board for each comprehensive community college established under this chapter and the procedures and regulations under which such local boards shall operate. These boards shall assist in ascertaining educational needs and enlisting community involvement and support and shall perform such other duties as may be prescribed by the State Board;

5. Adhere to the policies of the Council for the coordination of higher education as required by law; and

6. Develop a mental health referral policy directing comprehensive community colleges to designate at least one individual at each college to serve as a point of contact with an emergency services system clinician at a local community services board, or another qualified mental health services provider, for the purposes of facilitating screening and referral of students who may have emergency or urgent mental health needs and of assisting the college in carrying out the duties specified by §§ 23.1-802 and 23.1-805. Each comprehensive community college may establish relationships with community services boards or other mental health providers for referral and treatment of persons with less serious mental health needs.

§ 23.1-2905. State Board; powers.

In addition to the powers of governing boards of public institutions of higher education set forth in Chapter 13 (§ 23.1-1300 et seq.), the State Board may:

1. With the approval of the Governor, accept from any government or governmental department or agency or any public or private body or from any other source grants or contributions of money or property that the State Board may use for or in aid of any of its purposes;

2. Control and expend funds appropriated by law;

3. Fix tuition, mandatory fees, and other necessary charges;

4. Establish policies and guidelines providing for reduced tuition rates at comprehensive community colleges for employees of the System; and

5. Confer diplomas, certificates, and associate degrees.

§ 23.1-2906. Comprehensive community colleges; duties; workforce.

Each comprehensive community college shall:

1. Maximize noncredit course offerings made available to business and industry at a time and place that meet current and projected workforce needs and minimize the cost of noncredit offerings to business and industry to the extent feasible;

2. Deal directly with employers in designing and offering courses to meet real, current, and projected workforce training needs; and

3. Maximize the availability and use of distance learning courses addressing workforce training needs.

§ 23.1-2907. Policy for the award of academic credit for military training.

A. The State Board shall adopt a policy for the award of academic credit to any student enrolled in a comprehensive community college who has successfully completed a military training course or program as part of his military service that is applicable to the student's certificate of degree requirements and is:

1. Recommended for academic credit by a national higher education association that provides academic credit recommendations for military training courses or programs;

2. Noted on the student's military transcript issued by any of the Armed Forces of the United States; or

3. *Otherwise documented in writing by any of the Armed Forces of the United States.*

B. *The State Board shall:*

1. *Develop a procedure for each comprehensive community college to receive the documentation necessary to identify and verify the military training course or program for which the student has applied for academic credit; and*

2. *Develop, maintain, and disseminate to each comprehensive community college a list of military training courses and programs that it has deemed qualified for the award of academic credit.*

C. *Each comprehensive community college shall provide a copy of the State Board's policy for the award of academic credit for military training courses or programs to each student applicant.*

§ 23.1-2908. Chancellor of the Virginia Community College System.

A. *The State Board shall appoint a Chancellor of the Virginia Community College System to be the chief executive officer of the System and secretary to the State Board, fix his salary, and prescribe his duties in addition to those duties set forth in subsection B.*

B. *The Chancellor shall:*

1. *Formulate such policies and regulations and provide for such assistance in his office as are necessary for the proper performance of the duties prescribed by the provisions of this chapter;*

2. *Designate an employee of the State Board to serve as its liaison to the Board of Education;*

3. *Appoint agents and employees and fix their functions, powers, duties, titles, and salaries, subject to the approval of the State Board and the provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.);*

4. *Submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. Such report shall contain, at a minimum, the annual financial statements for the year ending the preceding June 30 and the accounts and status of any ongoing capital projects;*

5. *Prescribe the forms of applications, reports, affidavits, and such other forms as may be required in the administration of this chapter;*

6. *Cooperate with agencies of the United States in relation to matters set forth in this chapter and in any reasonable manner that may be necessary for the Commonwealth to qualify for and to receive grants or aid from such federal agencies, subject to the direction of the State Board; and*

7. *Enforce the standards established by the State Board for personnel employed in the administration of this chapter and remove or cause to be removed each employee who does not meet such standards.*

C. *The Chancellor may receive, for and on behalf of the Commonwealth and its subdivisions, from the United States and agencies of the United States and any other source grants-in-aid and gifts made for the purpose of providing or assisting in providing any career and technical or other education or educational programs authorized by this chapter, including expenses of administration. All such funds shall be paid into the state treasury. However, nothing in this chapter shall preclude any other agency, board, or officer of the Commonwealth from being designated as the directing or allocating agency, board, or officer for the distribution of federal grants-in-aid or the performance of other duties to the extent necessary to qualify for and to receive grants-in-aid for programs and institutions under the administration of the State Board.*

§ 23.1-2909. Bonds of agents and System employees.

Proper bonds shall be required of all agents and employees who handle any funds that may come into the custody of the System. The premiums on the bonds shall be paid from funds appropriated by the Commonwealth for the administration of the provisions of this chapter.

§ 23.1-2910. Extension programs; similar courses of study.

In any area served by a comprehensive community college, no public institution of higher education that conducts extension programs shall offer courses of study similar to those offered by a comprehensive community college, except as authorized by the Council. Whenever practicable, the State Board shall provide facilities to such public institutions of higher education for conducting extension programs not in conflict with the provisions of this chapter.

§ 23.1-2911. Community College Week.

The fourth week in January of every year is declared "Community College Week" and the State Board may approve such activities in observance of this week as it deems appropriate.

§ 23.1-2912. Shipyard workers; applied sciences and apprenticeship programs; Virginia Vocational Incentive Scholarship Program for Shipyard Workers; Fund.

A. *For purposes of this section:*

"Applied sciences program" means a three-year program of educational instruction at the college that incorporates instruction in industrial applied sciences and leads to the conferral of an Associate in Applied Science degree on any person who successfully completes such program.

"Apprenticeship program" means a three-year program at the college combining educational instruction and on-the-job training that is established for the purpose of enhancing the education and skills of shipyard workers.

"College" means Tidewater Community College.

"Industrial applied sciences" may include applied sciences such as welding, burning, blasting, and other applied sciences.

"Shipyard worker" means any employee employed full time on a salaried or wage basis, whose tenure is not restricted as to temporary or provisional appointment, at a ship manufacturing or ship repair company located in the Commonwealth.

B. The Virginia Vocational Incentive Scholarship Program for Shipyard Workers is established.

C. From such funds as are appropriated for this purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is created in the state treasury a special nonreverting fund to be known as the Virginia Vocational Incentive Scholarship Program for Shipyard Workers Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of (i) awarding scholarships to shipyard workers enrolled at the college in the applied sciences program or the apprenticeship program or (ii) the administration and implementation of the applied sciences program or the apprenticeship program or both. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the president of the college.

D. Subject to the Council's authority to approve or disapprove all new academic programs as provided in subdivision 5 of § 23.1-203, the college may offer an applied sciences program and coordinate such program with an apprenticeship program offered to shipyard workers by their employers.

E. Beginning in the calendar year that the Council approves an applied sciences program and for calendar years thereafter, shipyard workers who are Virginia students enrolled full-time or part-time in the applied sciences program are eligible for scholarships for such program. Renewal of the scholarships of such shipyard workers is contingent upon maintaining (i) enrollment in the applied sciences program, (ii) a cumulative grade point average of at least 3.0 on a scale of 4.0 or its equivalent at the completion of each academic year, and (iii) full-time employment as a shipyard worker.

F. The college shall award scholarships to eligible students in the applied sciences program or the apprenticeship program for no more than three academic years. Scholarship amounts shall not exceed full tuition and required fees relating to such academic program or the apprenticeship program.

G. Before any scholarship is awarded in accordance with the provisions of this section, the scholarship recipient shall sign a promissory note under which he agrees (i) to continue full-time employment as a shipyard worker until his graduation and (ii) upon graduation, to work continuously as a shipyard worker for the same number of years that he was the beneficiary of the scholarship. The college shall recover the total amount of funds awarded as a scholarship, or the appropriate portion thereof, including any accrued interest, if the scholarship recipient fails to honor such requirements.

H. The Council shall adopt regulations for the implementation of the provisions of this section.

§ 23.1-2913. Machinery and Equipment Donation Grant Program and Fund established.

A. As used in this section, unless the context requires a different meaning:

"Machinery and equipment" means engines, machines, motors, mechanical devices, laboratory trainers, computers, printers, tools, parts, and similar machinery and equipment as set forth in guidelines developed by the System. "Machinery and equipment" includes specialized software required for the operation of machinery and equipment qualified for a grant pursuant to this section.

"Vocational school" means any entity that offers career or technical education administered by the Department of Education pursuant to § 22.1-227. "Vocational school" does not include instructional programs that are intended solely for recreation, enjoyment, or personal interest, or as a hobby, or courses or programs of instruction that prepare individuals to teach such pursuits.

B. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is created in the state treasury a special nonreverting fund to be known as the Machinery and Equipment Donation Grant Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants through the Machinery and Equipment Donation Grant Program for qualified donations of machinery and equipment to comprehensive community colleges and vocational schools. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Chancellor.

C. 1. A business that donates new machinery and equipment in good working condition, purchased within the 12 months prior to the donation, to a comprehensive community college or vocational school is eligible to apply to the System for a grant from the Fund. Such grant shall be in an amount equal to 20 percent of the purchase price of the machinery or equipment, not to exceed an aggregate grant of \$5,000 for all such donations during a calendar year.

2. In order to be eligible for a grant, the application shall include a written certification made by the donee comprehensive community college or vocational school that identifies the donee comprehensive community college or vocational school, the business donating the machinery or equipment, the date of the donation, and the number of units of each item of machinery and equipment donated. The certification shall also include a statement by the donee comprehensive community college or vocational school that the machinery and equipment was needed and can be utilized by the comprehensive community college or vocational school for teaching or training students, and that such machinery and equipment will be principally used in the Commonwealth in teaching or training students.

3. Grants shall be issued in the order that each completed application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.

4. In consultation with the Department of Education and the Council, the System shall maintain and update as necessary on its website a list of vocational schools to which donations of machinery and equipment may qualify for a grant under this section. The System, in consultation with the Council, shall also develop guidelines setting forth the general requirements for qualifying for and applying for a grant under this section, including a description of the types of machinery and tools eligible for a grant pursuant to this section. Such guidelines are exempt from the Administrative Process Act (§ 2.2-4000 et seq.).

SUBTITLE V.
OTHER EDUCATIONAL AND CULTURAL INSTITUTIONS.
CHAPTER 30.
EASTERN VIRGINIA MEDICAL SCHOOL.

§ 23.1-3000. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Board" means the board of visitors of Eastern Virginia Medical School.

"Bonds" includes bonds, notes, revenue certificates, lease participation certificates, and other evidences of indebtedness, payment obligations, or deferred purchase financing arrangements.

"Costs" means (i) costs of construction, reconstruction, renovation, site work, and acquisition of lands, structures, rights-of-way, franchises, easements, and other property rights and interests; (ii) costs of demolition, removal, or relocation of buildings or structures; (iii) costs of labor; (iv) costs of materials, machinery, and all other kinds of equipment; (v) financing charges; (vi) costs of issuance of bonds, including printing, engraving, advertising, legal, and other similar expenses; (vii) credit enhancement and liquidity facility fees; (viii) fees for interest rate caps, collars, and swaps; (ix) interest on bonds and other borrowing in connection with a project prior to and during construction of the project and for a period not exceeding one year after the completion of such construction; (x) costs of engineering, inspection, financial, legal, and accounting services, plans, specifications, studies, surveys, estimates of costs and revenues, and feasibility studies; (xi) administrative expenses, including administrative expenses during the start-up of any project; (xii) working capital to be used in connection with any project; (xiii) reserve funds and other reserves for the payment of principal of and interest on bonds; and (xiv) all other expenses necessary, desirable, or incidental to the construction, reconstruction, renovation, acquisition, financing, refinancing, or placing in operation of projects.

"Medical School" means the Eastern Virginia Medical School.

"Operating project" means any project (i) owned, in whole or in part; (ii) controlled, directly or indirectly, in whole or in part; or (iii) operated, directly or indirectly, by the Medical School, including parking, utility, and similar essential and related facilities operated by the Medical School or its agents either for itself or for itself and other health-related entities and institutions on a shared-support basis.

"Project" means any medical educational institution and medical facility, including colleges, schools, and divisions offering undergraduate and graduate programs for the health professions and sciences and such other courses of study as may be appropriate; medical and paramedical facilities; such other facilities deemed by the board as consistent with the powers and purposes of Eastern Virginia Medical School; all related and supporting facilities; and all necessary, desirable, or incidental lands, buildings, improvements, and other appurtenances and equipment.

§ 23.1-3001. Eastern Virginia Medical School established.

Eastern Virginia Medical School is established as a public instrumentality, public body politic and corporate, and political subdivision of the Commonwealth. The primary offices and facilities of the Medical School shall be located in the Hampton Roads area of the Commonwealth.

§ 23.1-3002. Board; membership; officers; meetings; committees.

A. The Medical School shall be governed by a board of visitors composed of 17 members as follows: two nonlegislative citizen members appointed by the Governor; two nonlegislative citizen members appointed by the Senate Committee on Rules; three nonlegislative citizen members appointed by the Speaker of the House of Delegates; six nonlegislative citizen members appointed by the Eastern Virginia Medical School Foundation; and four nonlegislative citizen members appointed by their respective city councils as follows: two members for the City of Norfolk, one member for the City of Virginia Beach, and one member appointed by the following city councils in a rotating manner: the City of Chesapeake, the City of Hampton, the City of Portsmouth, the City of Suffolk, and the City of Newport News.

B. Members shall serve for terms of three years, commencing on July 1 of the appointment year. Vacancies occurring other than by expiration of a term shall be filled by the original appointing authority for the unexpired term. No member shall serve for more than two consecutive three-year terms; however, (i) a member appointed to serve an unexpired term is eligible to serve two consecutive three-year terms immediately succeeding such unexpired term and (ii) an officer is eligible to serve up to three additional one-year terms. Except as otherwise provided in this subsection, no member who has served two consecutive three-year terms is eligible to serve on the board until at least one year has passed since the end of his second consecutive three-year term. Members shall continue to hold office until their successors have been appointed and confirmed.

C. Members shall receive no salaries but are entitled to reimbursement for necessary traveling and other expenses incurred while engaged in the performance of their duties.

D. Each appointing authority has the right to remove any member it appointed for malfeasance, misfeasance, incompetence, or gross neglect of duty.

E. The board shall annually elect a rector, vice-rector, treasurer, and secretary from among its membership and may elect assistant secretaries and treasurers who are not required to be members of the board. The same member may serve as both secretary and treasurer.

F. The board shall meet at least four times each year and may hold such special meetings as it deems necessary. The rector or any three members may call special meetings of the board.

G. The board may appoint an executive committee composed of at least three but no more than five members for the transaction of business in the recess of the board.

§ 23.1-3003. Board; duties and powers.

A. The board shall generally direct the affairs of the Medical School and adopt such regulations and bylaws for its own government and procedures as it shall determine.

B. The board shall appoint a president of the Medical School who shall be the chief executive officer with such duties as may be prescribed by the board.

C. The board shall appoint a dean and a provost of the Medical School.

D. The board may appoint such vice presidents, administrative and academic officers, professors, teachers, staff members, agents, and other personnel as it deems proper and necessary for the transaction of its business within and outside the Commonwealth or the United States.

E. The board may confer degrees, including honorary degrees, consistent with the approval authority of the Council pursuant to § 23.1-203.

§ 23.1-3004. Medical School; powers.

A. The Medical School may:

1. Exercise public and essential governmental functions to provide for the public health, welfare, convenience, knowledge, benefit, and prosperity of the residents of the Commonwealth and such other persons as may be served by the Medical School;

2. Adopt regulations for the government and management of the Medical School that it deems expedient and that are not contrary to law;

3. Sue and be sued;

4. Plead and be impleaded;

5. Contract and be contracted with;

6. Identify, document, and evaluate needs, problems, and resources relating to medical and health care, education, and research and plan, develop, and implement programs to meet such needs on both an immediate and long-range basis;

7. Plan, design, construct, possess, own, remove, renovate, enlarge, equip, maintain, and operate projects to provide medical and health care, education, research, and related, supporting, and other appropriate services;

8. Lease, sell, or otherwise convey any or all of its projects to others who agree to operate the projects if the Medical School determines that such lease, sale, or other conveyance will assist, promote, or further the purposes of this chapter;

9. Acquire any property, real or personal, and right, easement, or estate in such property that it deems necessary by purchase, lease, gift, devise, or eminent domain, on such terms and conditions and in such a manner as it may deem proper and sell, lease, and dispose of such property or any portion of or interest in such property. The Medical School shall exercise the power of eminent domain in accordance with Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 and only (i) within the corporate limits of the City of Norfolk and (ii) to acquire property to be used for operating projects. The Medical School shall not condemn, pursuant to this chapter, the property of any corporation that has the power of eminent domain;

10. Fix, revise, charge, and collect revenues, fees, rents, and other charges for the services and facilities furnished by the Medical School and establish and revise regulations regarding the use, occupancy, or operation of all or part of any such facility or service rendered;

11. Accept loans, grants, contributions, or assistance from the federal government, the Commonwealth, any locality of the Commonwealth, or any other public or private source and enter into any agreement or contract regarding the acceptance, use, or repayment of any such loan, grant, contribution, or assistance;

12. Develop, undertake, conduct, and provide programs, alone or in conjunction with any other public or private person or entity, for medical, biomedical, and health care research and any associated disciplines relating to (i) the knowledge, causes, and cures of diseases, conditions, syndromes, or disorders; (ii) health care services; or (iii) the delivery of health care;

13. Foster the utilization of information, discoveries, data, and material produced through medical, biomedical, and health care research; obtain patents, copyrights, and trademarks for such intellectual property; administer and manage such intellectual property or contract for such administration and management by entities organized for such purpose; and market, transfer, and convey, in whole or in part, any interest in such information, discoveries, data, materials, patents, copyrights, trademarks, or other intellectual property in any manner that is consistent with the Medical School's patent and copyright policies and the terms of any grants or contracts providing financial support for the relevant research;

14. Promote, develop, improve, and increase the health, welfare, convenience, commerce, and prosperity of the Commonwealth;

15. Assist in or provide for the creation of domestic or foreign stock and nonstock corporations and purchase, receive, subscribe for, or otherwise acquire, own, hold, vote, use, employ, sell, mortgage, lend, pledge, or otherwise dispose of (i) shares of or other interests in or obligations of any domestic or foreign corporations, partnerships, associations, joint ventures, or other entities organized for any purpose, (ii) direct or indirect obligations of the United States, any other government, state, territory, governmental district, or locality, or (iii) any other obligations of any association, partnership, or individual or any other domestic or foreign corporation organized for any purpose;

16. Provide appropriate assistance in carrying out any activities authorized by this chapter to any domestic or foreign corporation, partnership, association, joint venture, or other entity owned in whole or in part or controlled, directly or indirectly, in whole or in part, by the Medical School, including making loans and providing employees;

17. Make loans and provide other assistance to corporations, partnerships, associations, joint ventures, or other entities;

18. Make contracts or guarantees, incur liabilities, borrow money, or secure any obligations of others;

19. Transact its business, establish and locate its offices, facilities, and any satellite offices and facilities, other than its primary Hampton Roads offices and facilities, at other locations within and outside the Commonwealth or the United States and control, directly or through domestic or foreign stock or nonstock corporations or other entities, facilities that assist or aid the Medical School in carrying out the purposes of this chapter, including the power to own or operate, directly or indirectly, medical educational and research institutions, medical, research, and paramedical facilities, and related and supporting facilities and projects within or outside the Commonwealth or the United States;

20. Participate in joint ventures, within or outside the Commonwealth or the United States, with individuals, corporations, partnerships, associations, or other entities for providing such medical and health care, education, and research, or related services or other activities that the Medical School may determine to undertake;

21. Conduct or engage, directly or indirectly, in any lawful business, activity, effort, or project that is necessary, convenient, or desirable to assist the Medical School in carrying out its public purposes or for the exercise of any of its powers, within or outside the Commonwealth or the United States provided that any private benefit resulting to any other corporation or other entity from any such business, activity, effort, or project is merely incidental to the resulting public benefit;

22. Exercise all the corporate powers granted to corporations by the provisions of Title 13.1, except in those cases in which, by the express terms of the provisions of such title, such powers are confined to corporations created under such title; and

23. Accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. Nothing in this chapter shall be deemed a waiver of the sovereign immunity of the Commonwealth or the Medical School.

§ 23.1-3005. Medical School; exercise of powers.

A. The exercise of the powers granted by this chapter are for the benefit of the residents of the Commonwealth and the promotion of their safety, health, welfare, knowledge, benefit, convenience, and prosperity.

B. The operation and maintenance of any project that the Medical School may undertake constitutes the performance of an essential governmental function.

§ 23.1-3006. Medical School; duties.

The Medical School shall deliver and support the delivery of high-quality medical and health care and related services to residents of the Commonwealth and such other persons as may be served by the Medical School regardless of their ability to pay, provide educational opportunities, and conduct and facilitate research.

§ 23.1-3007. Medical School; powers and duties; bonds.

A. The Medical School may issue bonds to pay all or part of the cost of any project within the Commonwealth, finance and refinance any of its programs or its general operations, or refund any outstanding bonds or other obligations of the Medical School whether or not the bonds or obligations to be refunded have matured or are subject to redemption.

B. The Medical School may issue refunding bonds in exchange for bonds or obligations being refunded to pay (i) the principal, premium, if any, and interest accrued and to accrue on such bonds or obligations or any portion of such bonds or obligations to maturity or earlier date of redemption; (ii) the purchase price of any such bonds or obligations to be retired upon such purchase; or (iii) any related payment in connection with such refunding bonds.

C. The Medical School may issue such types of bonds as it may determine, including bonds payable as to principal and interest from any one or more of the following sources: (i) its revenues generally; (ii) the income and revenues of a particular project, including revenues from the sale or lease of such project; (iii) the income and revenues of certain designated projects, whether they are financed in whole or in part from the proceeds of such bonds; (iv) the proceeds of the sale or lease of any project, whether or not it is financed from the proceeds of such bonds; (v) funds realized from the enforcement of security interests or other liens securing such bonds; (vi) proceeds from the sale of bonds of the Medical School; (vii) payments due under letters of credit, policies of municipal bond insurance, guarantees, or other credit enhancements securing payment of bonds of the Medical School; (viii) any reserve or sinking funds created to secure such payment; or (ix) other available funds of the Medical School.

D. Bonds of the Medical School may be (i) issued in one or more series and (ii) made redeemable or subject to tender before maturity at such price and under such terms and conditions as may be fixed by the Medical School prior to the

issuance of the bonds and shall be authorized by resolution, be dated, mature no later than 40 years from their date, and bear interest payable at such time and rate as may be determined by the Medical School and in such a manner as may be determined by the Medical School, including a determination by agents designated by the Medical School pursuant to the Medical School's guidelines.

E. The Medical School shall determine the form, including any interest coupons to be attached to the bonds, the manner of execution, the denomination, and the place of payment of the principal of and interest on the bonds, which may be at any bank, trust company, or securities depository within or outside the Commonwealth.

F. If any officer whose signature or a facsimile of whose signature appears on any bond or coupon ceases to be such officer before delivery of such bond or coupon, such signature or facsimile is valid and sufficient for all purposes as if such officer had remained in office until such delivery.

G. Notwithstanding any other provision of this chapter or any recitals in any bonds issued under the provisions of this chapter, all bonds of the Medical School are negotiable instruments under the laws of the Commonwealth.

H. The Medical School may (i) issue bonds in coupon or registered form or both; (ii) provide for (a) the registration of any coupon bonds as to principal alone and as to both principal and interest and (b) the reconversion of any bonds registered as to both principal and interest into coupon bonds; and (iii) issue bonds issued in registered form under a system of book-entry for recording the ownership and transfer of ownership of rights to receive payments of principal of, premium, if any, and interest on such bonds.

I. The Medical School may contract for the services of banks, trust companies, financial institutions, or other entities or persons within or outside the Commonwealth for the authentication, registration, transfer, exchange, and payment of the bonds or may perform such actions itself.

J. The Medical School may determine a price for its bonds and sell such bonds at public or private sale and for such price as it determines to be in the best interest of the Medical School.

K. Prior to the preparation of definitive bonds, the Medical School may, under like restrictions, issue interim receipts or temporary bonds, with or without coupons, exchangeable for definitive bonds when such bonds are executed and available for delivery.

L. The Medical School may provide for the replacement of any bonds that are mutilated, destroyed, stolen, or lost.

M. The Medical School may issue bonds under the provisions of this chapter without obtaining the consent of any commission, board, bureau, or agency of the Commonwealth or any political subdivision and is not subject to any proceedings or conditions in the issuance of such bonds other than those set forth in this chapter.

N. The Medical School may issue or secure any bonds under the provisions of this chapter pursuant to (i) a trust indenture or other agreement by way of conveyance, deed of trust, or mortgage of any project or any other property of the Medical School, whether or not financed in whole or in part from the proceeds of such bonds; (ii) a trust or other agreement between the Medical School and either (a) any trust company or bank having the powers of a trust company within or outside the Commonwealth acting as corporate trustee or another agent for bondholders or a purchaser of any bonds or (b) a purchaser of any bond; or (iii) any combination of such conveyance, deed of trust, or mortgage and indenture, trust, or other agreement. Such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, may pledge or assign revenues, fees, rents, and other charges to be received. Such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, may contain such provisions for protecting and enforcing the rights and remedies of the bondholders as may be reasonable and proper and not in violation of law, including covenants (a) providing for the repossession and sale of any or part of any project by the Medical School or any trustees under any trust indenture or agreement upon any default under the lease or sale of such project and (b) setting forth (1) the duties of the Medical School in relation to the acquisition of property and the construction, improvement, maintenance, repair, operation, and insurance of any project or other property of the Medical School, (2) the amounts of revenues, fees, rents, and other charges to be charged, (3) the collection of such revenues, fees, rents, and other charges, (4) the custody, safeguarding, and application of all moneys of the Medical School, and (5) conditions or limitations with respect to the issuance of additional bonds.

O. Any national bank with its main office in the Commonwealth or any other state or any bank or trust company incorporated under the laws of the Commonwealth or another state that acts as depository of the proceeds of bonds or other revenues of the Medical School may furnish indemnifying bonds or pledge such securities as may be required by the Medical School.

P. Each trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, may set forth the rights and remedies of the bondholders and any trustee or other agent for the bondholders, restrict the individual right of action by bondholders, and contain such other provisions as the Medical School deems reasonable and proper for the security of the bondholders, including provisions for the assignment of any rights of the Medical School in any project owned, operated, or controlled by, or leases or sales of any projects made by, the Medical School to a corporate trustee or other agent for bondholders or the purchaser of such bonds.

Q. All expenses incurred in carrying out the provisions of such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, relating to any project, including those to which the Medical School may not be a party, may be treated as a part of the cost of a project.

R. Bonds issued by the Medical School under the provisions of this chapter are securities in which all public officers and public bodies of the Commonwealth and its political subdivisions, insurance companies, trust companies, banking

associations, investment companies, executors, administrators, trustees, and other fiduciaries may properly and legally invest funds, including capital in their control or belonging to them. Such bonds are securities that may properly and legally be deposited with and received by any state officer or officer of a locality or any agency or political subdivision of the Commonwealth for any purpose for which the deposit of bonds or obligations is authorized by law.

S. Any (i) holder of bonds issued under the provisions of this chapter or any coupons appertaining to such bonds and (ii) trustee or other agent for bondholders under any trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, except to the extent that the rights given in this subsection may be restricted by such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, may, either at law or in equity, by suit, action, injunction, mandamus, or other proceedings, protect and enforce any and all rights under the laws of the Commonwealth, granted by this chapter, or under such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, and enforce and compel the performance of all duties required by this chapter or such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, to be performed by the Medical School or any officer or agent of the Medical School, including the fixing, charging, and collection of revenues, fees, rents, and other charges.

T. Any bond of the Medical School may be guaranteed or secured by a pledge of any (i) grant, contribution, or appropriation from a participating political subdivision, the Commonwealth, any political subdivision, agency, or instrumentality of the Commonwealth, any federal agency, or any unit, private corporation, copartnership, association, or individual; (ii) income or revenues of the Medical School; or (iii) mortgage of or deed of trust or other lien or security interest in any project or other property of the Medical School or any individual or entity referred to in clause (i). No member of the board or any person executing any bonds issued under the provisions of this chapter is liable personally on the bonds by reason of the issuance of such bonds.

U. No bond of the Medical School is a debt of the Commonwealth or any other political subdivision of the Commonwealth, and such bonds shall so state on their face. Neither the Commonwealth nor any political subdivision of the Commonwealth other than the Medical School is liable on the bonds. Such bonds are not payable out of any funds or properties of the Commonwealth or any political subdivision of the Commonwealth other than those of the Medical School. The bonds shall not constitute indebtedness within the meaning of any debt limitation or restriction on any locality in the Commonwealth.

V. Bonds of the Medical School are issued for an essential public and governmental purpose.

§ 23.1-3008. Medical School; additional powers; revenues, fees, rents, and other charges for projects.

A. The Medical School may fix, revise, charge, and collect revenues, fees, rents, and other charges for the use of any project. Such revenues, fees, rents, and other charges shall be fixed and adjusted to provide a fund sufficient with other revenues to pay the principal of and any interest on bonds secured by or otherwise to be paid by such revenues as such principal and interest become due and payable; to create reserves for such purposes and for other purposes of the Medical School; and to pay the cost of maintaining, repairing, and operating the project. Such revenues, fees, rents, and charges are not subject to supervision or regulation by any commission, board, bureau, or agency of the Commonwealth or any such participating political subdivision.

B. The revenues, fees, rents, and other charges received by the Medical School may be applied and set aside in such order and manner as may be provided in such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, including application to a sinking fund that may be pledged to and charged with the payment of the principal of and the interest on such bonds as such principal and interest become due and the redemption price or purchase price of such bonds retired by call or purchase as provided in such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds.

C. All pledges of such revenues, fees, rents, and other charges to payment of bonds are valid and binding from the time when the pledge is made.

D. The revenues, fees, rents, and charges pledged and received by the Medical School are immediately subject to the lien of such pledge without any physical delivery or further act and the lien of any such pledge is valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Medical School, regardless of whether such parties have notice of the lien.

E. No trust indenture, trust, or other agreement, or resolution authorizing the issuance of such bonds, by which a pledge is created is required to be filed or recorded except in the records of the Medical School.

F. The use and disposition of moneys to the credit of such sinking fund are subject to the provisions of such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds. Except as otherwise provided in such trust indenture, trust, or other agreement, or the resolution providing for the issuance of such bonds, such sinking fund is a fund for all such bonds without distinction or priority of one over another.

§ 23.1-3009. Cooperation of localities.

In addition to the powers granted by general law or by its charter, any locality in the Commonwealth may cooperate with the Medical School to:

1. Make such appropriations and provide such funds by outright donation, loan, or agreement with the Medical School for operating and carrying out the purposes of the Medical School as the local governing body may deem proper;

2. Dedicate, sell, convey, or lease any of its interest in property or grant liens, easements, licenses, or any other privileges in or on the property to or for the benefit of the Medical School;

3. Cause parks, playgrounds, or recreational, community, educational, water, sewer, or drainage facilities or any other works that it may undertake to be furnished adjacent to or in connection with any property, facility, or project of the Medical School;

4. Furnish, dedicate, close, pave, install, grade, regrade, plan, or replan streets, roads, roadways, alleys, sidewalks, or other places;

5. Plan, replan, zone, or rezone any part of the locality in connection with the use of any property of the Medical School or property adjacent to the property of the Medical School or its facilities or projects;

6. Furnish services to the Medical School;

7. Purchase any of the bonds of the Medical School or legally invest in such bonds any funds belonging to or within the control of the locality and exercise all the rights of any holder of such bonds;

8. Do any and all things necessary or convenient to aid or cooperate in the planning, undertaking, construction, or operation of any of the plans, projects, or facilities of the Medical School; and

9. Enter into agreements with the Medical School regarding action to be taken by the locality pursuant to any of the powers set forth in this section.

§ 23.1-3010. Proceeds; trust funds.

All moneys received by the Medical School pursuant to this chapter, whether as proceeds from the sale of bonds or as revenues, are trust funds to be held and applied solely as provided in this chapter.

§ 23.1-3011. Discrimination prohibited.

In hiring practices and in the procurement of goods and services, the Medical School shall not discriminate against any person on the basis of race, color, religion, national origin, sex, pregnancy, childbirth or related medical conditions, age, marital status, or disability.

§ 23.1-3012. Exemptions.

The provisions of the Virginia Personnel Act (§ 2.2-2900 et seq.), the Administrative Process Act (§ 2.2-4000 et seq.), and the Virginia Public Procurement Act (§ 2.2-4300 et seq.) do not apply to the Medical School in its exercise of any power conferred under this chapter.

§ 23.1-3013. Taxation.

A. The Medical School is not required to pay any taxes or assessments upon any project acquired and constructed by the Medical School under the provisions of this chapter.

B. The bonds issued under the provisions of this chapter, their transfer, the income from such bonds, and the income from the transfer of such bonds, including any profit made on the sale of such bonds, are exempt from taxation by the Commonwealth and any political subdivision of the Commonwealth.

§ 23.1-3014. Scope of chapter.

This chapter shall constitute full and complete authority for the Medical School, without regard to the provisions of any other law, and shall be liberally construed to effect its purposes.

CHAPTER 31.

EDUCATIONAL AUTHORITIES, CENTERS, INSTITUTES, AND PARTNERSHIPS.

Article 1.

General Provisions.

§ 23.1-3100. Governing boards of educational institutions; removal of members.

A. Notwithstanding any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any educational institution established pursuant to this chapter and fill the vacancy resulting from the removal. Each appointment to fill a vacancy is subject to confirmation by the General Assembly.

B. The Governor shall set forth in a written public statement his reasons for removing any member pursuant to subsection A at the time the removal occurs. The Governor is the sole judge of the sufficiency of the cause for removal as set forth in subsection A.

Article 2.

A.L. Philpott Manufacturing Extension Partnership.

§ 23.1-3101. A.L. Philpott Manufacturing Extension Partnership established; purpose and duties.

A. The A.L. Philpott Manufacturing Extension Partnership (the Extension Partnership), doing business as Genedge Alliance, is established to help create and maintain industrial and manufacturing jobs. The Extension Partnership shall:

1. Develop, demonstrate, test, and assist in the implementation of advanced manufacturing technologies;

2. Promote industrial expansion by providing manufacturing technology consulting services to manufacturers in the Commonwealth;

3. Foster the creation of manufacturing networks and the development of buyer and supplier relationships in the region and throughout the Commonwealth;

4. Serve as a resource center for industrial training and technology transfer programs for the renewal, enhancement, and expansion of existing manufacturing enterprises and manufacturing modernization outreach;

5. Be available as a federal demonstration center for the training of displaced workers in any manufacturing area; and

6. Receive and accept any available grants from any federal, state, or private agency, corporation, association, or person to be expended in fulfilling the duties enumerated in this subsection.

B. The Extension Partnership is a local or regional industrial or economic development authority or organization for purposes of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

§ 23.1-3102. Board of trustees.

A. The Extension Partnership shall be governed by a 24-member board of trustees (the board) consisting of (i) three presidents of comprehensive community colleges; two presidents of baccalaureate public institutions of higher education; one president of a baccalaureate private institution of higher education; and 15 nonlegislative citizen members representing manufacturing industries, to be appointed by the Governor and (ii) the director of the Center for Innovative Technology, the Secretary of Commerce and Trade, and the Secretary of Technology, to serve ex officio with voting privileges.

B. Appointments shall be for terms of four years. Ex officio members of the board shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed. No member shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. The board shall elect a chairman and a vice-chairman from among its membership. The board shall elect a secretary and a treasurer who need not be members of the board. The board may elect other subordinate officers who need not be members of the board.

D. Eight members shall constitute a quorum. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request.

E. The board may adopt, alter, or repeal its own bylaws that govern the manner in which its business may be transacted and may form committees and advisory councils, which may include representatives who are not board members.

§ 23.1-3103. Expenses of board members.

All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for expenses of the members shall be provided by the Extension Partnership.

§ 23.1-3104. Executive director.

A. The board shall appoint an executive director who shall (i) supervise and manage the Extension Partnership, (ii) perform such functions as may be directed by the board, and (iii) prepare and submit, upon the direction and approval of the board, all requests for appropriations. The executive director may employ such staff as necessary to enable the Extension Partnership to perform its duties as set forth in this article. The board may determine staff duties and fix salaries and compensation from such funds as may be appropriated or received. In addition, the board may make arrangements with institutions of higher education to extend course credit to graduate students employed by the Extension Partnership.

B. Additional staff support for the functions of the Extension Partnership may be provided by the Center for Innovative Technology, the University of Virginia Center for Public Service, public institutions of higher education, small business development centers, and private businesses.

§ 23.1-3105. Powers of the board.

In order to carry out the purposes of the Extension Partnership, the board may:

1. Apply for, accept, and expend gifts, grants, or donations from public or private sources to enable the Extension Partnership to carry out its purposes;

2. Fix, alter, charge, and collect rates, fees, and other charges for the sale of the products of and services rendered by the Extension Partnership at rates determined by the board to pay the expenses of the Extension Partnership;

3. Make and enter into all contracts or agreements necessary or incidental to the performance of its duties and the execution of powers granted by this article, including agreements with any federal agency, person, private firm, or other organization that can provide technical or other business assistance to the Extension Partnership's industrial clients;

4. Employ consultants, researchers, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary and fix their compensation to be payable from funds made available to the Extension Partnership;

5. Render advice and assistance and provide services to state and federal agencies, local and regional economic development entities, private firms, and other persons or organizations providing services or facilities for small and medium-sized manufacturers and industrial firms in the Commonwealth;

6. Develop and provide programs or projects alone or in cooperation with any person, state or federal agency, state, local, or regional economic development entity, private firm, or other organization for economic development through improvements in industrial competitiveness in the Commonwealth; and

7. Do all acts and things necessary or convenient to carry out the powers granted to it by this article or any other act.

§ 23.1-3106. Cooperation of other agencies; legal services.

A. All agencies of the Commonwealth shall cooperate with the Extension Partnership and, upon request, assist the Extension Partnership in the performance of its duties and responsibilities.

B. The Attorney General shall provide legal services for the Extension Partnership pursuant to Chapter 5 (§ 2.2-500 et seq.) of Title 2.2.

Article 3.

Institute for Advanced Learning and Research.

§ 23.1-3107. Institute for Advanced Learning and Research established; duties.

A. The Institute for Advanced Learning and Research (the Institute) is established in Southside Virginia as a political subdivision of the Commonwealth.

B. The Institute shall:

1. Seek to diversify the economy of the Dan River region by engaging the resources of Virginia Polytechnic Institute and State University in partnership with Danville Community College and Averett University and public and private bodies and organizations of the region and Commonwealth;

2. Serve as a catalyst for economic and community transformation by leveraging and brokering resources that support the economic diversity of the Dan River region, particularly within the network economy;

3. Provide a site for the development of the technology and trained workforce necessary for new economic enterprises to flourish in Southside Virginia through the teaching, research, outreach, and technology available from its partner institutions;

4. Expand access to higher education in Southside Virginia by providing for adult and continuing education, workforce training and development, and degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with the Commonwealth's public institutions of higher education and private institutions of higher education, the City of Danville, Pittsylvania County, and the public schools and the public and private sectors in the region;

5. Serve as a resource and hub for network-related initiatives at all levels of education and in economic development activities;

6. Assist in regional economic and community development efforts by housing and encouraging research and product-related activities and encouraging high-technology economic development in the region;

7. Encourage and coordinate, as appropriate, the development and delivery of programs offered by the educational institutions serving the region; and

8. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs, research, and university outreach resources.

§ 23.1-3108. Board of trustees.

A. The Institute shall be governed by a 15-member board of trustees (the board) that shall consist of 11 nonlegislative citizen members and four ex officio members. Nonlegislative citizen members shall be appointed as follows: one resident of the City of Danville, to be appointed by the Danville City Council; one resident of Pittsylvania County, to be appointed by the Pittsylvania County Board of Supervisors; and nine nonlegislative citizen members representing business and industry who (i) reside in Southside Virginia, (ii) own a business headquartered or otherwise operating in Southside Virginia, or (iii) serve as a member of either the board of directors or senior management of a business headquartered or otherwise operating in Southside Virginia, of whom three shall be appointed by the Governor, three shall be appointed by the Senate Committee on Rules, and three shall be appointed by the Speaker of the House of Delegates. The presidents of Averett University, Danville Community College, and Virginia Polytechnic Institute and State University or their designees and the chairman of the Board of the Future of the Piedmont Foundation or his designee shall serve ex officio with voting privileges. Nonlegislative citizen members of the board shall be nonelected citizens of the Commonwealth.

B. Ex officio members of the board shall serve terms coincident with their terms of office. Appointments shall be for terms of three years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member shall serve more than two consecutive three-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive three-year terms immediately succeeding such unexpired term.

C. The board shall elect a chairman and vice-chairman from among its membership and may establish bylaws as necessary.

D. Members of the board are not entitled to receive compensation. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the cost of expenses of the members shall be provided by the Institute.

§ 23.1-3109. Powers of the board.

A. The board has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, the law is confined to corporations created under that title. The board may accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The board may enter into and administer agreements with public institutions of higher education and private institutions of higher education to provide continuing education and instructional programs at the Institute through both traditional and electronic modes of delivery.

C. The board may, on behalf of the Institute, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this article.

D. The board may request and accept the cooperation of agencies of (i) the Commonwealth or (ii) the local governing bodies in Southside Virginia in the performance of its duties.

§ 23.1-3110. Executive director.

The board may appoint an executive director of the Institute who may be an employee of Averett University, Danville Community College, or Virginia Polytechnic Institute and State University. The executive director shall supervise and

manage the Institute and shall prepare and submit, upon the direction and approval of the board, all budgets and requests for appropriations.

Article 4.

New College Institute.

§ 23.1-3111. New College Institute established; duties.

A. New College Institute (New College) is established as an educational institution of the Commonwealth in the area of Henry County and the City of Martinsville.

B. New College shall:

1. Seek to diversify the region's economy by engaging the resources of other institutions of higher education, public and private bodies, and organizations of the region and Commonwealth;
2. Serve as a catalyst for economic and community transformation by leveraging and brokering resources that support economic diversity;
3. Facilitate development of the technology and trained workforce necessary for new economic enterprises to flourish, using the resources available from collaborating educational institutions;
4. Expand educational opportunities in the region by providing access to degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with private institutions of higher education and public institutions of higher education, the public schools, and the public and private sectors;
5. Encourage and coordinate the development and delivery of degree programs and other credit and noncredit courses with a focus on statewide and regional critical shortage areas and the needs of industry. Such programs and courses shall include needed adult education and workforce training; and
6. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs, research, and university outreach and technology resources.

§ 23.1-3112. Board of directors.

A. New College shall be governed by a 12-member board of directors (the board) that shall consist of five legislative members and seven nonlegislative citizen members. Members shall be appointed as follows: three members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the rules of proportional representation contained in the Rules of the House of Delegates; two members of the Senate, to be appointed by the Senate Committee on Rules; and seven nonlegislative citizen members to be appointed by the Governor, subject to confirmation by the General Assembly. At least 10 members shall be residents of the Commonwealth.

Legislative members shall serve terms coincident with their terms of office.

B. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

No nonlegislative citizen member is eligible to serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. The board shall elect a chairman and vice-chairman from among its membership and may establish bylaws as necessary. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request.

D. Nonlegislative citizen members are not entitled to compensation for their services. Legislative members of the board shall be compensated as provided in § 30-19.12. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of New College as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided by New College.

§ 23.1-3113. Powers and duties of the board.

A. The board has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, the law is confined to corporations created under that title. The board shall have the power to accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The board shall oversee the educational programs of New College and may enter into and administer agreements with institutions of higher education for such institutions to provide continuing education, instructional programs, and degree programs at New College.

C. The board, with the prior approval of the Governor, may lease, sell, and convey any and all real estate to which New College has acquired title by gift, devise, or purchase. The proceeds derived from any such lease, sale, or conveyance shall be held by New College upon the identical trusts, and subject to the same uses, limitations, and conditions, if any, that are expressed in the original deed or will under which its title has derived. If no such trusts, uses, limitations, or conditions are expressed in such original deed or will, then such funds shall be applied by the board to such purposes as it may deem best for New College.

D. The board may, on behalf of New College, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this article.

E. The board may request and accept the cooperation of agencies of the Commonwealth or the local governing bodies in Southside Virginia, or the agencies of the Commonwealth or such local governing bodies in the performance of its duties.

F. The board shall direct the development and focus of New College's curriculum to include appropriate degree and nondegree programs offered by other educational institutions.

§ 23.1-3114. Executive director.

The board shall appoint an executive director of New College who shall supervise and manage New College. The executive director may, with the oversight of the board, employ such staff and faculty as are necessary to enable New College to perform its duties as set forth in this article and the bylaws established by the board.

Article 5.

Roanoke Higher Education Authority.

§ 23.1-3115. Roanoke Higher Education Authority established.

The Roanoke Higher Education Authority (the Authority) is established as a political subdivision of the Commonwealth.

§ 23.1-3116. Duties of the Authority.

The Authority shall:

1. Expand access to higher education in the Roanoke Valley by providing for adult and continuing education and degree-granting programs, including undergraduate, graduate, and professional programs, through partnerships with the Commonwealth's public institutions of higher education and private institutions of higher education;

2. Serve as a resource and referral center on existing educational programs and resources by maintaining and disseminating information;

3. Develop, in coordination with the Council, specific goals for higher education access and availability in the Roanoke Valley; and

4. Accept, administer, and account for any state grant to a nonstate entity that may be provided in the name of the Roanoke Higher Education Center (the Center) or the Authority.

§ 23.1-3117. Board of trustees.

A. The Authority shall be governed by a 22-member board of trustees (the board) as follows: two members of the House of Delegates, to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate, to be appointed by the Senate Committee on Rules; the Director of the Council or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents of Averett University, Bluefield College, Hollins University, James Madison University, Mary Baldwin College, Old Dominion University, Radford University, Roanoke College, the University of Virginia, Virginia Polytechnic Institute and State University, and Virginia Western Community College or their designees; the Director of Total Action for Progress (TAP) This Valley Works; and five nonlegislative citizen members representing business and industry in the Roanoke Valley to be appointed by the Governor. Nonlegislative citizen members of the board shall be citizens of the Commonwealth and residents of the Roanoke region.

B. The legislative members, the Director of the Council, the Chancellor of the Virginia Community College System, the Director of TAP This Valley Works, and the presidents of the named institutions of higher education or their designees shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member shall serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. Nonlegislative citizen members are not entitled to compensation for their services. Legislative members of the board shall receive such compensation as provided in § 30-19.12. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Authority as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Authority.

D. The board shall elect a chairman and a vice-chairman from among its membership and may establish bylaws as necessary.

§ 23.1-3118. Powers of the board.

A. The board has, in addition to such other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, this law is confined to corporations created under that title.

B. The board may issue bonds upon the advice of bond counsel and a financial institution with expertise in bonds and investments. Bonds issued under the provisions of this section shall not be deemed to constitute a debt or a pledge of the faith and credit of the Commonwealth or any of its political subdivisions other than the Authority.

C. The board may accept, execute, and administer any trust in which it may have an interest under the terms of any instrument creating the trust.

D. The board may lease property or hold any property for which it may acquire the title and dispose of such property in a manner that will benefit the Authority.

E. The board may enter into agreements with public institutions of higher education and private institutions of higher education in the Commonwealth to provide adult education, continuing education, undergraduate-level education, and

graduate-level instructional programs. The board may enter into agreements with local school boards and other entities to provide such programs as it deems necessary and appropriate to carry out the purposes of the Authority.

F. The board may establish, with such funds as are appropriated for this purpose or made available to it, the Center.

G. Notwithstanding any provision of law to the contrary, any real estate and tangible personal property held or acquired by the board is exempt from any prohibition of the use of noncash assistance as matching funds.

H. The board may, on behalf of the Authority or the Center, apply for, accept, and direct the expenditure of gifts, grants, or donations from public or private sources to enable it to carry out the purposes of this article. Any locality may make gifts and donations of real property, personal property, or money to the Authority.

§ 23.1-3119. Executive director; staff.

A. From funds available for this purpose, the board may appoint an executive director for the Center who shall supervise and manage the Center and prepare and submit, upon the direction and approval of the board, all requests for appropriations. The executive director of the Center may employ such staff as necessary to enable the Center to perform its duties as set forth in the bylaws of the board and this article. The board may determine the duties of the staff and fix salaries and compensation from such funds as may be appropriated or received.

B. Additional staff support for the functions of the Center may be provided upon agreement by the participating institutions.

Article 6.

Southern Virginia Higher Education Center.

§ 23.1-3120. Southern Virginia Higher Education Center established; duties.

The Southern Virginia Higher Education Center (the Center) is established as an educational institution in the Commonwealth. The Center shall:

1. Encourage the expansion of higher education, including adult and continuing education and associate, undergraduate, and graduate degree programs in the region and foster partnerships between the public and private sectors to enhance higher education in the Southside region;

2. Coordinate the development and delivery of continuing education programs offered by the educational institutions serving the region;

3. Facilitate the delivery of teacher training programs leading to licensure and graduate degrees;

4. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs and resources; and

5. Develop, in coordination with the Council, specific goals for higher education in Southside Virginia.

§ 23.1-3121. Board of trustees.

A. The Center shall be governed by a board of trustees (the board) consisting of 15 members as follows: two members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; one member of the Senate to be appointed by the Senate Committee on Rules; the Director of the Council or his designee; the Chancellor of the Virginia Community College System or his designee; the presidents of Longwood University, Danville Community College, and Southside Virginia Community College or their designees; the division superintendent of Halifax County Public Schools; and six nonlegislative citizen members to be appointed by the Governor, including two members of the Southern Virginia Higher Education Foundation and four representatives of business and industry. The Speaker of the House of Delegates may appoint an alternate for one delegate appointed to the board. The alternate shall serve a term coincident with the term of the delegate and has the power to act in his absence. The Senate Committee on Rules may appoint an alternate for the senator appointed to the board. The alternate shall serve a term coincident with the term of the senator and may act in his absence.

Nonlegislative citizen members of the board shall be chosen from among residents of the Southside region of the Commonwealth and shall be citizens of the Commonwealth.

B. Legislative members and the representatives of the Council, the System, and the named institutions of higher education shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member is eligible to serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. Nonlegislative citizen members are not entitled to compensation for their services. Legislative members of the board shall be compensated as provided in § 30-19.12. All members of the board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Center as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided by the Center.

D. The board shall elect a chairman and a vice-chairman from among its membership.

§ 23.1-3122. Powers of the board.

A. The board has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, it is confined to corporations created under that title.

B. The board may accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

C. The board may establish and administer agreements with public institutions of higher education and private institutions of higher education for the provision of associate, undergraduate, and graduate degree instructional programs at the Center.

D. The board, on behalf of the Center, may apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its purposes.

§ 23.1-3123. Executive director; staff.

A. The board shall appoint an executive director for the Center who shall supervise and manage the Center and shall prepare and submit, upon the direction and approval of the board, all requests for appropriations. The executive director may employ such staff as necessary to enable the Center to perform its duties as set forth in this article. The board may determine the duties of such staff and fix salaries and compensation from such funds as may be appropriated or received.

B. Additional staff support for the functions of the Center may be provided upon agreement by Longwood University, Danville Community College, and Southside Virginia Community College.

§ 23.1-3124. Cooperation of other agencies.

All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

Article 7.

Southwest Virginia Higher Education Center.

§ 23.1-3125. Southwest Virginia Higher Education Center established; duties.

The Southwest Virginia Higher Education Center (the Center) is established as an educational institution in the Commonwealth. The Center shall:

1. Encourage the expansion of higher education degrees, adult and continuing education, workforce training, and professional development through partnerships with public institutions of higher education and private institutions of higher education;

2. Facilitate the delivery of teacher training programs leading to licensure and undergraduate and graduate degrees;

3. Serve as a resource and referral center by maintaining and disseminating information on existing educational programs and resources; and

4. Develop, in coordination with the Council, specific goals for higher education in Southwest Virginia.

§ 23.1-3126. Board of trustees.

A. The Center shall be governed by a board of trustees (the board), consisting of 23 members as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate to be appointed by the Senate Committee on Rules; the Director of the Council or his designee; the Chancellor of the Virginia Community College System or his designee; the chief executive officers of Virginia Polytechnic Institute and State University, Radford University, the University of Virginia, the University of Virginia's College at Wise, Old Dominion University, Emory and Henry College, Virginia Commonwealth University, and Virginia Highlands Community College or their designees; and seven nonlegislative citizen members to be appointed by the Governor who represent Southwest Virginia public education and area business and industry, including one division superintendent, one public school teacher, two business and industry leaders, one representative of the technology industry, one representative of the tourism industry, and one representative of the health care industry.

Nonlegislative citizen members of the board shall be chosen from among residents of the Southwest region of the Commonwealth and shall be citizens of the Commonwealth.

B. Legislative members and the representatives of the Council, the System, and the named institutions of higher education shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No nonlegislative citizen member is eligible to serve more than two consecutive four-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive four-year terms immediately succeeding such unexpired term.

C. Nonlegislative citizen members are not entitled to compensation for their services. Legislative members of the board shall be compensated as provided in § 30-19.12. All members of the board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties in the work of the Center as provided in §§ 2.2-2813 and 2.2-2825. The funding for the costs of compensation and expenses of the members shall be provided by the Center.

D. The board shall elect a chairman and a vice-chairman from among its membership.

§ 23.1-3127. Powers of the board.

A. The board has, in addition to its other powers, all the corporate powers given to corporations by the provisions of Title 13.1, except in those cases where, by the express terms of its provisions, it is confined to corporations created under that title. The board may accept, execute, and administer any trust in which it may have an interest under the terms of the instrument creating the trust.

B. The board may establish and administer agreements with (i) public institutions of higher education and private institutions of higher education to provide undergraduate-level and graduate-level instructional programs at the Center and (ii) Virginia Highlands Community College and other public institutions of higher education and private institutions of higher education to provide freshman-level and sophomore-level courses and associate degrees.

C. The board may, on behalf of the Center, apply for, accept, and expend gifts, grants, or donations from public or private sources to enable it to carry out its objectives.

§ 23.1-3128. Executive director.

A. The board shall appoint an executive director for the Center who shall supervise and manage the Center and shall prepare and submit, upon the direction and approval of the board, all requests for appropriations. The executive director may employ such staff as necessary to enable the Center to perform its duties as set forth in this article. The board may determine the duties of such staff and fix salaries and compensation from such funds as may be appropriated or received.

B. Additional staff support for the functions of the Center may be provided upon agreement by any public institution of higher education that offers courses or instructional programs at the Center.

§ 23.1-3129. Cooperation of other agencies.

All agencies of the Commonwealth shall cooperate with the Center and, upon request, assist the Center in the performance of its duties and responsibilities.

CHAPTER 32.

MUSEUMS AND OTHER CULTURAL INSTITUTIONS.

Article 1.

General Provisions.

§ 23.1-3200. Governing boards of educational institutions; removal of members.

A. Notwithstanding any other provision of law, the Governor may remove from office for malfeasance, misfeasance, incompetence, or gross neglect of duty any member of the board of any educational institution established pursuant to this chapter and fill the vacancy resulting from the removal. Each appointment to fill a vacancy is subject to confirmation by the General Assembly.

B. The Governor shall set forth in a written public statement his reasons for removing any member pursuant to subsection A at the time the removal occurs. The Governor is the sole judge of the sufficiency of the cause for removal as set forth in subsection A.

Article 2.

Frontier Culture Museum of Virginia.

§ 23.1-3201. Frontier Culture Museum of Virginia established.

The Frontier Culture Museum of Virginia (the Museum) is established as a state agency and educational institution. The purpose of the Museum is to construct, operate, and maintain, in the Augusta County, Staunton, and Waynesboro area of the Commonwealth, an outdoor museum to commemorate on an international scale the contributions of the pioneers and colonial frontiersmen and frontierswomen of the eighteenth and nineteenth centuries to the creation and development of the United States. The Museum is responsible for administering such historical and interpretive programs as may be established by the board of trustees of the Museum.

§ 23.1-3202. Board of trustees.

A. The Museum shall be administered by a board of trustees (the board) consisting of no more than 25 members. The members shall be appointed as follows: five members of the House of Delegates by the Speaker of the House of Delegates in accordance with the rules of proportional representation contained in the Rules of the House of Delegates, three members of the Senate by the Senate Committee on Rules, and nine nonlegislative citizen members by the Governor. The Governor may appoint, upon recommendation of the board, up to eight additional nonlegislative citizen members who may be nonresidents of the Commonwealth.

B. Legislative members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for terms of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

C. The board shall elect a chairman, vice-chairman, and such other officers as it deems necessary. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request. The board may appoint an executive committee consisting of at least seven members for the transaction of business in the recess of the board.

D. Nonlegislative citizen members shall receive no compensation for their services. Legislative members shall be compensated as provided in § 30-19.12. Members of the board shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Museum.

§ 23.1-3203. Duties of the board.

A. The board shall:

1. Establish, operate, and maintain the Museum to commemorate the contributions of the pioneers and colonial frontiersmen and frontierswomen to the creation of this nation;

2. Employ an executive director and such assistants as may be required and confer such duties and responsibilities as determined necessary;

3. Adopt a flag, seal, and other emblems for use in connection with the Museum;
4. Establish a nonprofit corporation to develop and maintain public awareness of the Museum;
5. Receive and expend gifts, grants, and donations of any kind from whatever sources determined, including donations accepted by the American Frontier Culture Foundation on behalf of the Museum;
6. Adopt regulations and set fees concerning the use and visitation of properties under its control;
7. With the consent of the Governor, acquire by purchase, lease, gift, devise, or condemnation proceedings lands, property, and structures deemed necessary to the purpose of the Museum. The title to such acquired land and property shall be in the name of the Commonwealth. In the exercise of the power of eminent domain granted under this section, the Museum may proceed in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;
8. Convey by lease land and structures to any person, association, firm, or corporation, with the consent of the Governor, for such terms and on such conditions as the Museum may determine;
9. Enter into contracts to further the purpose of the Museum; and
10. Elect any past member of the board to the honorary position of trustee emeritus. Trustees emeriti shall serve as honorary members for life, shall not have voting privileges, and shall be elected in addition to those positions set forth in § 23.1-3202.

B. In addition to the powers granted by subsection A, the board may evaluate the significance and suitability of the furnishings, household items, and other objects acquired by purchase, gift, or donation with or for the Museum for the purpose of accurately presenting the means, tastes, and lifestyles of the people living during the era depicted by the Museum. The board may exchange or sell those furnishings, household items, and other objects that it determines to be of little or no significance or suitability for achieving the purpose or mission of the Museum as long as such disposition is not inconsistent with the terms of the acquisition of the relevant property. Sales of these items may be conducted by auction houses recognized for their expertise in the sale of such property.

C. Any furnishings, household goods, and other objects previously acquired by donation or purchase and the net proceeds of any sale of these items as provided in subsection B shall constitute a discrete fund of the Museum and shall be used solely for the acquisition of period furnishings, household goods, and other objects consistent with the purpose and mission of the Museum.

D. Donations to the Museum of any funds, securities, and any other property, real or personal, for use in accordance with its purpose and mission shall constitute endowments or unrestricted gifts for the purposes of § 23.1-101. The board may change the form of investment of any such funds, securities, or other property, real or personal, if the change in such form is not inconsistent with the terms of the instrument under which such property was acquired and may sell, grant, or convey any such property, except that any transfers of real property shall be made only with the consent of the Governor.

Article 3.

Gunston Hall.

§ 23.1-3204. Board of Regents of Gunston Hall and Board of Visitors for Gunston Hall established.

The Board of Regents of Gunston Hall (Board of Regents) is established as an educational institution to manage, maintain, and operate Gunston Hall and accept and administer gifts of real and personal property made for the benefit of Gunston Hall. The Board of Visitors for Gunston Hall is established. Membership of both collegial bodies shall be pursuant to the terms and conditions of the deed of gift of Gunston Hall from Louis Hertle to the Commonwealth. The duties of the two boards are prescribed in Chapter 138 of the Acts of Assembly of 1932 and Chapter 175 of the Acts of Assembly of 1948.

§ 23.1-3205. Powers of the Board of Regents.

A. The Board of Regents may undertake to determine the significance or suitability of the furnishings, household items, and other objects acquired by purchase, gift, or donation for Gunston Hall, for the purpose of accurately presenting Gunston Hall according to the means and taste of George Mason. Those furnishings, household items, and other objects determined by the Board of Regents to be of little or no significance or unsuitable for achieving this purpose may be exchanged or sold by the Board of Regents if not inconsistent with the terms of the acquisition of the items. Such sales may be conducted by auction houses recognized for their expertise in the sale of such items.

B. Any such furnishings, household goods, and other objects acquired by donation or purchase and the net proceeds of any sale of these items as provided in subsection A shall constitute a discrete fund of Gunston Hall, restricted to future acquisitions of period furnishings, household goods, and other objects consistent with the purposes set forth in subsection A and the conservation of all such holdings of Gunston Hall.

C. Donations to Gunston Hall of any funds, securities, and any other property, real or personal, for use in accordance with the mission of Gunston Hall shall constitute endowments or unrestricted gifts for the purposes of § 23.1-101. The Board of Regents may (i) change the form of investment of any such funds, securities, or other property, real or personal, provided that the form is not inconsistent with the terms of the instrument under which the property was acquired, and (ii) sell, grant, or convey any such property, except that any transfers of real property shall be made only with the consent of the Governor.

Article 4.

Jamestown-Yorktown Foundation.

§ 23.1-3206. Jamestown-Yorktown Foundation established; board of trustees.

A. The Jamestown-Yorktown Foundation (the Foundation) is established as an educational institution to administer certain historical museums and such related programs as may be established by the board of trustees.

B. The Foundation shall be administered by a board of trustees (the board). There shall be 12 nonlegislative citizen members appointed by the Governor from the Commonwealth at large for four-year terms, subject to confirmation by the General Assembly; eight members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the rules of proportional representation contained in the Rules of the House of Delegates; four members of the Senate appointed by the Senate Committee on Rules; five members annually elected by the board, some of whom may be nonresidents of the Commonwealth; and any chairman emeritus elected by the board pursuant to § 23.1-3207. The Governor, the Lieutenant Governor, the Attorney General, the Speaker of the House of Delegates, the President Pro Tempore of the Senate, the Chairman of the House Appropriations Committee, either the Chairman or the Chairman Emeritus of the Senate Finance Committee, to be determined by the Senate Committee on Rules, the Secretary of Education, and the president of the Jamestown-Yorktown Foundation, Inc., shall serve ex officio.

Legislative and ex officio members shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

C. The board shall elect a chairman, vice-chairman, and such other officers as it deems necessary. The chairman shall appoint at least seven members to constitute an executive committee, which shall include the chairman and vice-chairman. The meetings of the board shall be held at the call of the chairman or whenever the majority of the members so request.

D. Nonresident members of the board shall serve at no expense to the Commonwealth. Members who are residents of the Commonwealth shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825 and shall receive compensation at the per diem rate established for members of the General Assembly as provided in § 30-19.12. The funding for the costs of compensation and expenses of the members shall be provided by the Foundation.

§ 23.1-3207. Duties.

The board shall:

1. Do all things necessary and proper to (i) foster through its living-history museums, Jamestown Settlement and Yorktown Victory Center, an awareness and understanding of the early history, settlement, and development of the United States through the convergence of American Indian, European, and African cultures and the enduring legacies bequeathed to the nation; (ii) commemorate Jamestown as the first permanent English-speaking settlement in the United States and its contributions to the building of the Commonwealth and the nation; (iii) commemorate the winning of American independence on the battlefield at Yorktown; and (iv) enhance our understanding of the making of the United States Constitution and Bill of Rights, including the Commonwealth's role in shaping the fundamental principles of the American constitutional system;

2. Administer, develop, and maintain at Jamestown and Yorktown permanent commemorative shrines and historical museums;

3. Adopt names, flags, seals, and other emblems for use in connection with such shrines and copyright the same in the name of the Commonwealth;

4. Enter into contracts to further the purposes of the Foundation;

5. Establish nonprofit corporations as instrumentalities to assist in administering the affairs of the Foundation;

6. With the consent of the Governor, acquire by purchase, lease, gift, devise, or condemnation proceedings lands, property, and structures deemed necessary for the purposes of the Foundation. The title to such acquired land and property shall be in the name of the Commonwealth. In the exercise of the power of eminent domain granted under this section, the Foundation may proceed in the manner provided by Chapter 3 (§ 25.1-300 et seq.) of Title 25.1;

7. With the consent of the Governor, convey by lease land to any person, association, firm, or corporation for such terms and on such conditions as the Foundation may determine;

8. Receive and expend gifts, grants, and donations from whatever source derived for the purposes of the Foundation;

9. Employ an executive director and such deputies and assistants as may be required;

10. Elect any past chairman of the board to the honorary position of chairman emeritus. Chairmen emeriti shall serve as honorary members for life. Chairmen emeriti shall be elected in addition to the at-large positions defined in § 23.1-3206;

11. With the consent of the Governor, enter into agreements or contracts with private entities for the promotion of tourism through marketing without participating in competitive sealed bidding or competitive negotiation, provided that a demonstrable cost savings, as reviewed by the Secretary of Education, can be realized by the Foundation and such agreements or contracts are based on competitive principles;

12. Determine which paintings, statuary, works of art, manuscripts, and artifacts shall be acquired by purchase, gift, or loan and exchange or sell such items if not inconsistent with the terms of such purchase, gift, loan, or other acquisition; and

13. Change the form of investment of any funds, securities, or other property, real or personal, provided the form is not inconsistent with the terms of the instrument under which the property was acquired, and sell, grant, or convey any such property, except that any transfers of real property shall be made only with the consent of the Governor.

§ 23.1-3208. Regulations.

A. The board or its executive committee may adopt regulations concerning the use and visitation of properties under the control of the Jamestown-Yorktown Foundation to protect and secure such properties and the public enjoyment of such properties.

B. Any person who knowingly violates a regulation of the Foundation may be requested by an agent or employee of the Foundation to leave the property and upon the failure of such person so to do is guilty of trespass as provided in § 18.2-119.

§ 23.1-3209. Authority to contract debts and obligations payable from revenues.

The Foundation, acting by and through the corporation authorized by § 23.1-3207, may contract debts and obligations to the extent of its anticipated revenues. Such debts and obligations shall be paid only from the revenues of the Foundation.

Article 5.

Science Museum of Virginia.

§ 23.1-3210. Science Museum of Virginia established.

The Science Museum of Virginia (the Museum) is established as an educational institution of the Commonwealth and a public body and instrumentality for the dissemination of education. The exercise by the Museum of the powers conferred by this article is the performance of an essential governmental function.

§ 23.1-3211. Board of trustees.

A. The Museum shall be governed by a board of trustees (the board) consisting of 15 members who shall be appointed by the Governor. At least one of the members shall be a member of the Virginia Academy of Science. All appointments are subject to confirmation by the General Assembly.

B. Members shall be appointed for terms of five years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. No member is eligible to serve more than two consecutive five-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive five-year terms immediately succeeding such unexpired term.

C. No member shall receive a salary for his service on the board.

D. The board shall elect a chairman and a secretary from its membership and may elect a vice-chairman from its membership.

E. The board shall meet at such times as it deems appropriate.

F. Seven members of the board shall constitute a quorum for all purposes.

§ 23.1-3212. Duties of the board.

The board shall seek to:

- 1. Deepen our understanding of man and his environment;*
- 2. Promote a knowledge of the scientific method and thus encourage objectivity in the everyday affairs of man;*
- 3. Engage in instruction and research in the sciences in order to educate citizens of all ages in the concepts and principles of science and how these concepts and principles form the foundation upon which rests our technological society and its economy;*
- 4. Use, subject to approval of the accredited educational affiliates concerned, Museum personnel in educational programs;*
- 5. Motivate and stimulate young people to seek careers in science;*
- 6. Encourage an understanding of the history of scientific endeavor;*
- 7. Provide special facilities and collections for the study of the Commonwealth's natural resources; and*
- 8. Foster a love of nature and concern for its preservation.*

§ 23.1-3213. Powers of the board.

The board may:

- 1. Select sites for the Museum and its divisions and provide for the erection, care, and preservation of all property belonging to the Museum;*
- 2. Appoint the director of the Museum (the director) and prescribe his duties and salary;*
- 3. Establish policies for the operation of the Museum, including the kinds and types of instruction and exhibits, and the development of plans for expansion of the Museum;*
- 4. Employ planning consultants and architects for any expansion of the Museum;*
- 5. Acquire by purchase, gift, loan, or otherwise land necessary for exhibits, displays, and expansion of the Museum;*
- 6. Enter into contracts for construction of physical facilities;*
- 7. Adopt a seal;*
- 8. Charge for admission to the Museum; and*
- 9. On behalf of the Commonwealth and in furtherance of the purposes of the Museum, receive and administer gifts, bequests, and devises of property of any kind whatsoever and grants from agencies of the United States government and expend, or authorize the expenditure of, funds derived from such sources and funds appropriated by the General Assembly to the Museum.*

§ 23.1-3214. Agents and employees.

The director may engage or authorize the engagement of such agents and employees as may be needed in the operation and maintenance of the Museum, subject to the approval of the board.

§ 23.1-3215. Annual report.

The board shall submit an annual report to the Governor and General Assembly on or before November 1 of each year. Such report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Such report shall contain, at a minimum, the annual financial statements of the Museum for the fiscal year ending the preceding June 30.

Article 6.

Virginia Museum of Fine Arts.

§ 23.1-3216. Virginia Museum of Fine Arts established.

The Virginia Museum of Fine Arts is established as an educational institution in the Commonwealth and a public body and instrumentality for the dissemination of education.

§ 23.1-3217. Board of trustees.

A. The management and control of the Virginia Museum of Fine Arts (the Museum) and its building, contents, furnishings, grounds, and other properties is vested in a board of trustees (the board) composed of (i) the Governor, the Speaker of the House of Delegates, and the mayor of the City of Richmond, who shall serve *ex officio*, and (ii) at least 25 but not more than 35 nonlegislative citizen members. Nonlegislative citizen members shall be appointed by the Governor after consideration of a list of nominees from the Museum submitted at least 60 days before the expiration of the member's term for which the nominations are being made.

B. Nonlegislative citizen members shall be appointed for terms of five years. No nonlegislative citizen member is eligible to serve more than two consecutive five-year terms; however, a member appointed to serve an unexpired term is eligible to serve two consecutive five-year terms immediately succeeding such unexpired term.

C. Nine members shall constitute a quorum at any meeting and a majority vote of those members present shall control in all matters.

D. The board shall adopt bylaws governing its organization and procedure and may alter and amend the bylaws.

E. The board shall elect one of its members president of the Museum.

F. The board may provide for an executive committee composed of at least three members that may exercise the powers vested in it and perform the duties imposed upon it by the board.

§ 23.1-3218. Powers of the board.

A. The board may:

1. Manage, control, maintain, and operate the Museum, including its contents, furnishings, grounds funds, property, and endowments;

2. Charge for admission to the Museum;

3. Employ a director, who shall be the chief executive officer of the Museum, and such persons as may be necessary to manage, control, maintain, and operate the Museum;

4. Consistent with subdivision 15 of § 2.2-2905, suspend and remove employees;

5. Determine which works of art shall be kept, housed, or exhibited in the Museum;

6. Acquire by purchase, gift, loan, or otherwise works of art and exchange or sell such works if not inconsistent with the terms of the purchase, gift, loan, or other acquisition;

7. Enter into agreements with organizations interested in art;

8. Adopt a seal;

9. Stimulate and assist in the formation of new organizations;

10. Do such other things as it deems proper to promote art education throughout the Commonwealth;

11. Receive and administer on behalf of the Commonwealth gifts, bequests, and devises of real and personal property for the endowment of the Museum or any special purpose designated by the donor;

12. Change the form of investment of any funds, securities, or other property, real or personal, provided that the form is not inconsistent with the terms of the instrument under which the property was acquired. The trustees may sell, grant, and convey any such property but, in the case of real property, only with the written consent of the Governor;

13. Confer the honorary degree of patron of arts on any person who has made an outstanding contribution to art, provided that no more than two such degrees shall be conferred in any calendar year; and

14. Adopt regulations to establish classes of membership in the Museum.

B. Nothing in this section shall be construed to prohibit the assessment and levying of a service charge pursuant to the provisions of Chapter 34 (§ 58.1-3400 *et seq.*) of Title 58.1.

C. The exercise of the powers conferred on the board by this article is the performance of an essential governmental function.

§ 23.1-3219. Authority of Art and Architectural Review Board.

The Art and Architectural Review Board shall not control, manage, or supervise in any way the board in the exercise of its powers and duties, except that in the matter of additions, repairs, and alterations to the exterior of the Museum building the Art and Architectural Review Board shall continue to exercise the powers now conferred on it by law.

§ 23.1-3220. Expenditures for current expenses.

All moneys received by the board for current expenses in operating the Museum shall be paid into the state treasury, where they shall be set aside as a special fund for the operation of the Museum to be paid by the State Treasurer on warrants of the Comptroller issued upon vouchers signed by the president of the Museum or his duly authorized agent.

§ 23.1-3221. Annual report.

The board shall submit an annual report to the Governor and General Assembly on or before November 1 of each year containing, at a minimum, the annual financial statements of the Museum for the fiscal year ending the preceding

June 30. Such report shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Article 7.

Virginia Commission for the Arts and Virginia Arts Foundation.

§ 23.1-3222. Virginia Commission for the Arts established; purpose; membership.

A. *The Virginia Commission for the Arts (the Commission) is established as a supervisory commission within the meaning of § 2.2-2100 in the executive branch of state government.*

B. *The Commission is designated the official agency of the Commonwealth to receive and disburse any funds made available to the Commonwealth by the National Endowment for the Arts.*

C. *The Commission shall consist of 13 members appointed by the Governor subject to confirmation by the General Assembly. No employee of the Commonwealth or member of the General Assembly is eligible for appointment as a member of the Commission. At least one but no more than two members shall be appointed from each congressional district in the Commonwealth.*

D. *Members shall be appointed for one term of five years; however, a member appointed to serve an unexpired term is eligible to serve a full five-year term immediately succeeding the unexpired term. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No member who serves a full five-year term is eligible for reappointment during the five-year period following the expiration of his term.*

E. *The Commission shall elect a chairman from among its membership.*

F. *A majority of the members of the Commission shall constitute a quorum.*

G. *The members of the Commission shall receive no compensation for their services but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825.*

§ 23.1-3223. Duties of the Commission.

A. *The Commission shall:*

1. *Stimulate and encourage throughout the Commonwealth growth in artistic quality and excellence, public interest and participation in the arts, and access to high-quality and affordable art for all Virginians;*

2. *Make recommendations concerning appropriate methods to encourage economic viability, an intellectually stimulating environment for artists, and participation in and appreciation of the arts to meet the legitimate needs and aspirations of persons in all parts of the Commonwealth;*

3. *Promote the development and implementation of a planned, sequential, and comprehensive program of arts education, taught by licensed teachers endorsed in arts education, in the public elementary and secondary schools of the Commonwealth;*

4. *Provide supplemental learning opportunities to the public school arts education curriculum;*

5. *Encourage the development of a network of professional arts organizations, the media, and arts promoters for the production of classical and new works of art and diversity in artistic expressions in media including the literary, visual, and performing arts;*

6. *Provide funding for and technical assistance to artists, recognized nonprofit arts organizations, and arts organizations and activities that celebrate and preserve the various cultures represented among the citizens of the Commonwealth;*

7. *Encourage and support the creation of new works of art, arts organizations whose primary objective is to increase public access to the arts, particularly in underserved areas, and performing arts tours to increase the availability of this form of artistic expression throughout the Commonwealth;*

8. *Establish a program of financial assistance to provide scholarships, grants, and other awards to artists who demonstrate exceptional ability and talent;*

9. *Establish an advisory panel composed of artists, arts administrators, and citizens to advise the Commission concerning fiscal matters;*

10. *Encourage arts organizations to dedicate to their endowments at least \$1 of the price of each adult admission to performances or exhibitions or at least one percent of moneys collected in fund campaigns;*

11. *Encourage arts organizations to develop and implement endowment enlargement plans that yield enough income to underwrite one-third of the organizations' annual operating costs;*

12. *Apply to and enter into contracts and agreements with the United States or any appropriate agency or officer of the United States for participation in or receipt of aid from any federal program respecting the arts;*

13. *Provide incentives to local governing bodies to encourage public support and funding of the arts;*

14. *Accept gifts, contributions, and bequests of money or any other thing to be used for carrying out the purposes of this article;*

15. *Develop specific procedures for the administration and implementation of a program, so long as any such program is for the benefit of a nonprofit organization qualifying as a § 501(c)(3) organization under the Internal Revenue Code, whereby interest earned on endowment funds donated to stimulate and encourage public interest and enjoyment of music and the performing arts may be matched by state funds appropriated for this program, and prepare written guidelines to govern such program; and*

16. Administer any funds available to the Commission and disburse such funds in accordance with the purposes of this article. In allocating funds to be disbursed to arts organizations, the Commission shall give preferential consideration to arts organizations actively implementing an endowment enlargement plan either individually or as members of a regional consortium of arts organizations.

B. Nothing in this article shall be construed to affect the statutory purposes of the Virginia Museum of Fine Arts.

§ 23.1-3224. Director of the Commission.

The Governor may appoint a director of the Commission, who shall serve at the pleasure of the Governor. The director may employ the personnel required to assist the Commission in the exercise and performance of its powers and duties. The director shall supervise and manage such personnel and shall prepare, approve, and submit all requests for appropriations and be responsible for all expenditures pursuant to appropriations.

§ 23.1-3225. Virginia Arts Foundation established; board of trustees.

A. The Virginia Arts Foundation (the Foundation) is established to serve as a supervisory foundation within the meaning of § 2.2-2100, in the executive branch of state government and is a body politic and corporate to be organized and to have such powers as provided in § 23.1-3226.

B. The Foundation shall be governed by a board of trustees (the board), consisting of the members of the Virginia Commission for the Arts.

C. Any person designated by the board to handle the funds of the Foundation shall give bond, with corporate surety, in a penalty fixed by the Governor, conditioned upon the faithful discharge of his duties. Any premium on the bond shall be paid from funds available to the Foundation.

D. The board, acting as members of the Virginia Commission for the Arts, are entitled to reimbursement for all actual and necessary expenses as provided by § 23.1-3222.

E. The director of the Commission shall serve as the chairman and the staff of such Commission shall serve as staff for the Foundation.

§ 23.1-3226. Powers of the Foundation.

The Foundation may:

1. Make expenditures from the Fund's interest and income to assist (i) the Virginia Commission for the Arts in promoting the arts in the Commonwealth in accordance with § 23.1-3228 and (ii) nonprofit arts and cultural institutions and organizations in the Commonwealth to assess, enhance, and plan for enhancement of their fiscal stability, financial management and control capabilities, and capacity to raise funds for the furtherance of their respective missions from nongovernmental sources;

2. Accept, hold, and administer gifts and bequests of money, securities, or other property, absolutely or in trust, for the purposes of the Foundation;

3. Enter into contracts and execute all instruments necessary and appropriate to carry out the Foundation's purposes;

4. Explore and make recommendations concerning other possible dedicated revenue sources for the Fund; and

5. Perform any lawful acts necessary or appropriate to carry out the purposes of the Foundation.

§ 23.1-3227. Virginia Arts Foundation Fund.

A. There is created in the state treasury a special nonreverting fund to be known as the Virginia Arts Foundation Fund, referred to in this article as "the Fund." The Fund shall be established on the books of the Comptroller.

B. The Fund shall include such funds as may be appropriated by the General Assembly; revenues transferred to the Fund from the special license plates for Virginians for the Arts program pursuant to § 46.2-749.2:2; voluntary contributions collected through the income tax checkoff for the arts pursuant to subdivision B 8 of § 58.1-344.3; and designated gifts, contributions, and bequests of money, securities, or property of any other character.

C. All money, securities, or other property designated for the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by persons authorized by the Foundation. The Fund's principal is not subject to expenditure by the Foundation.

§ 23.1-3228. Gifts and bequests; exemption from taxation.

Gifts and bequests of money, securities, or other property to the Fund, and the interest or income from such gifts and bequests, are gifts to the Commonwealth, and the Fund is exempt from all state and local taxes. Unless otherwise restricted by the terms of the gift or bequest, the Foundation may sell, exchange, or otherwise dispose of such gifts and bequests. The proceeds from such transactions shall be deposited to the credit of the Fund. The Foundation shall not actively solicit private donations for the Fund; however, this limitation shall not prevent the Foundation from actively encouraging financial support for the Foundation through the special license plate and income tax checkoff programs. Notwithstanding any other provision of this section, the Foundation may accept and solicit public and private contributions for the limited purpose of assisting nonprofit arts and cultural institutions and organizations in the Commonwealth to enhance the fiscal stability, financial management, and fundraising abilities of such organizations.

CHAPTER 5.3.

COMMONWEALTH HEALTH RESEARCH BOARD AND FUND; CHRISTOPHER REEVE STEM CELL RESEARCH FUND.

§ 32.1-162.23. Commonwealth Health Research Board established.

A. The Commonwealth Health Research Board (the Board) is established as an independent body. The purpose of the Board is to provide financial support from the Commonwealth Health Research Fund (the Fund), in the form of grants, donations, or other assistance, for research efforts that have the potential of maximizing human health benefits for the citizens of the Commonwealth. Research efforts eligible for support by the Board shall include traditional medical and biomedical research relating to health services, the delivery of health care, and the causes and cures of diseases.

B. The Board shall be composed of seven members, of whom three shall be appointed by the Governor and four shall be appointed by the Joint Rules Committee. All appointments to the Board are subject to confirmation by the General Assembly. Appointments shall be for terms of five years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments.

No member shall serve more than two consecutive five-year terms; however, a member appointed to serve an unexpired term is eligible to serve two additional consecutive five-year terms immediately succeeding such unexpired term.

C. Members of the Board shall have substantial experience or expertise, personal or professional, in at least one of the following areas: medicine, medical or scientific research, public policy, government, business, or education. No member shall be an incumbent elected official, state official, state employee, or member of the governing board of a state agency or institution. Members of the Board need not be residents of the Commonwealth.

D. The Board shall elect annually a chairman and vice-chairman from among its membership. The chairman, or in his absence the vice-chairman, shall preside at all meetings of the Board.

E. A majority of the members of the Board serving at any one time shall constitute a quorum for the transaction of business.

F. The Board shall meet annually or more frequently at the call of the chairman.

G. The members of the Board shall receive no compensation for their services but shall be reimbursed for the reasonable and necessary expenses incurred in the performance of their duties as provided in § 2.2-2825. Such expenses shall be paid from the Fund.

§ 32.1-162.24. Duties of the Board.

The Board shall:

1. Establish specific criteria and procedures governing its decisions to support research efforts consistent with its purposes, including (i) encouraging collaborative research efforts among two or more institutions or organizations, (ii) giving priority to those research efforts from which Board support can be leveraged to foster contributions from federal agencies or other entities, and (iii) supporting both new research efforts and the expansion or continuation of existing research efforts;

2. Establish requirements for the submission of research proposals, including (i) a clear statement of the problem or opportunity to be addressed; (ii) the specific objectives; (iii) a description of how the results will maximize human health benefits for the citizens of the Commonwealth; (iv) a budget for the research effort, including other anticipated sources of financial assistance; and (v) the timeframe for conducting the research;

3. Evaluate the proposals in accordance with the criteria established by the Board and the provisions of this chapter; and

4. Evaluate the implementation and results of all research efforts receiving support from the Board.

§ 32.1-162.25. Powers of the Board.

In order to carry out its purposes, the Board may:

1. Make grants and disbursements from the Fund that support research efforts approved by the Board in accordance with the purposes of this chapter and pay expenditures from the Fund that are necessary to carry out the purposes of this chapter. The Board is not obligated to make annual or other periodic disbursements or expenditures;

2. Contract for the services of consultants to review research proposals and assist in the evaluation of the research efforts funded by the Board;

3. Contract for other professional services to assist the Board in the performance of its duties and responsibilities;

4. Accept, hold, administer, and solicit gifts, grants, bequests, contributions, or other assistance from federal agencies, the Commonwealth, or any other public or private source to carry out the purposes of this chapter;

5. Enter into any agreement or contract relating to the acceptance or use of any grant, assistance, or support provided by or to the Board or otherwise in furtherance of the purposes of this chapter;

6. Perform any lawful acts necessary or appropriate to carry out the purposes of the Board; and

7. Employ such staff as is necessary to perform the Board's duties. The Board may determine the duties of such staff and fix the salaries and compensation of such staff, which shall be paid from the Fund. Such staff are employees of the Department of Accounts and are entitled to all benefits available to state employees as provided by law.

§ 32.1-162.26. Conditions and restrictions on financial assistance.

A. The Board shall provide financial support only for research efforts that satisfy the following conditions:

1. The research shall be conducted by public institutions of higher education, agencies of the Commonwealth, or nonprofit organizations exempt from income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and located in the Commonwealth;

2. The institution, agency, or organization shall match a percentage of the Board's support in a cash amount required by the Board;

3. No support provided by the Board shall be used by the recipient to finance capital improvements or renovations, for indirect costs incurred by the institution, agency, or organization in its administration of the financial support, or for any other purpose proscribed by the Board; and

4. Recipients of support provided by the Board shall agree to provide the Board with such information regarding the implementation of the research effort and allow such monitoring and review of the research effort as may be required by the Board to ensure compliance with the terms under which the support is provided.

B. Any support provided by the Board shall be used by the recipient only for personal services, contractual services, material, supplies, and equipment directly relating to the approved research effort.

§ 32.1-162.27. Cooperation with other agencies.

All agencies of the Commonwealth shall cooperate with the Board and, upon request, assist the Board in the performance of its duties and responsibilities.

§ 32.1-162.28. Commonwealth Health Research Fund established; administration.

A. There is created in the state treasury a special nonreverting fund to be known as the Commonwealth Health Research Fund. The Fund shall be established on the books of the Comptroller.

B. The Fund shall consist of all stock and cash distributed to the Commonwealth as a policyholder pursuant to the conversion of Blue Cross and Blue Shield of Virginia, doing business as Trigon Blue Cross Blue Shield, from a mutual insurance company to a Virginia stock corporation known as Trigon Healthcare, Inc., exclusive of cash paid by Blue Cross and Blue Shield of Virginia or its successor to the Commonwealth in connection with such conversion, which was assumed as general fund revenue in Chapter 912 of the Acts of Assembly of 1996. The Fund shall also consist of any moneys appropriated from the general fund, grants and donations received by the Board, and other moneys received by the State Treasurer and designated for deposit in the Fund. Interest and other income earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.

C. Notwithstanding any other provision of law, the moneys and other property constituting the Fund shall be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.36. The State Treasurer is not liable for losses suffered by the Virginia Retirement System on investments made under the authority of this section.

D. Moneys in the Fund shall be expended solely for the purpose of supporting research efforts approved by the Board and any other purpose permitted by this chapter.

E. An amount not to exceed six percent of the moving average of the market value of the Fund calculated over the previous five years or since inception, whichever is shorter, on a one-year delayed basis, net of any administrative fee assessed pursuant to subsection E of § 51.1-124.36, may be expended in a calendar year for any purpose permitted by this chapter. The Board is not required to expend such amount in a calendar year, and any amount up to such six percent that is not expended in a calendar year may be expended in any other calendar year.

F. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Board.

§ 32.1-162.29. Form and audit of accounts and records.

A. The accounts and records of the Board showing the receipt and disbursement of funds from whatever source derived shall be in such form as the Auditor of Public Accounts prescribes.

B. The accounts and records of the Board are subject to an annual audit by the Auditor of Public Accounts or his legal representative.

§ 32.1-162.30. Annual report.

The Board shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website. The executive summary shall include information regarding research efforts supported by the Board and expenditures from the Fund.

§ 32.1-162.31. Christopher Reeve Stem Cell Research Fund.

A. From such funds as may be appropriated by the General Assembly and any gifts, grants, or donations from public or private sources, there is created in the state treasury a special, nonreverting, revolving, and permanent fund to be known as the Christopher Reeve Stem Cell Research Fund. The Christopher Reeve Stem Cell Research Fund shall be established on the books of the Comptroller and shall be administered and implemented by the Board in accordance with the provisions of this section. Interest earned on moneys in the Christopher Reeve Stem Cell Research Fund shall remain in the Christopher Reeve Stem Cell Research Fund and be credited to it. Any moneys remaining in the Christopher Reeve Stem Cell Research Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Christopher Reeve Stem Cell Research Fund. Expenditures and disbursements from the Christopher Reeve Stem Cell Research Fund, which may consist of grants, donations, or other assistance, shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman or vice-chairman of the Board.

B. Moneys in the Christopher Reeve Stem Cell Research Fund shall be used solely to support medical and biomedical stem cell research conducted in institutions of higher education in the Commonwealth that relates to the causes and cures of disease, including paralysis caused by spinal cord injury, diabetes, cancer, heart disease, and neurological disorders such as amyotrophic lateral sclerosis (Lou Gehrig's disease) and multiple sclerosis.

C. The grants, donations, or other assistance provided pursuant to this section shall be awarded in accordance with the Board's specific criteria and procedures, requirements for submission of research proposals, and evaluation mechanisms established pursuant to this chapter. However, no requirement for matching funds shall apply to the grants, donations, or other assistance awarded pursuant to the Christopher Reeve Stem Cell Research Fund, and the leveraging of funds is incidental to the support provided under this section. The grants, donations, or other assistance provided pursuant to this section may be awarded to support stem cell research that is not eligible for federal research funds through the National Institutes of Health. No moneys from the Christopher Reeve Stem Cell Research Fund may be provided to any entity that conducts human stem cell research from stem cells obtained from human embryos or for conducting such research; however, research conducted using stem cells other than embryonic stem cells may be funded.

2. That whenever any of the conditions, requirements, provisions, contents, or portions of § 2.2-108, Article 4 (§ 2.2-2508 et seq.) of Chapter 25, Article 1 (§ 2.2-2700 et seq.) of Chapter 27, or Chapter 50.1 (§ 2.2-5004 et seq.) of Title 2.2, § 3.2-503, or Title 23 (§ 23-1 et seq.) of the Code of Virginia or any other title of the Code of Virginia as such titles existed prior to October 1, 2016, are transferred in the same or modified form to a new section or chapter of Title 23.1 or any other title of the Code of Virginia and whenever any such former section, article, or chapter is given a new number in Title 23.1 or any other title of the Code of Virginia, all references to § 2.2-108, Article 4 (§ 2.2-2508 et seq.) of Chapter 25, Article 1 (§ 2.2-2700 et seq.) of Chapter 27, or Chapter 50.1 (§ 2.2-5004 et seq.) of Title 2.2, § 3.2-503, or Title 23 (§ 23-1 et seq.) of the Code of Virginia or any other title of the Code of Virginia shall be construed to apply to the new or renumbered section, article, or chapter containing such conditions, requirements, provisions, contents, or portions.

3. That the regulations of any department or agency affected by the revision of § 2.2-108, Article 4 (§ 2.2-2508 et seq.) of Chapter 25, Article 1 (§ 2.2-2700 et seq.) of Chapter 27, or Chapter 50.1 (§ 2.2-5004 et seq.) of Title 2.2, § 3.2-503, or Title 23 (§ 23-1 et seq.) of the Code of Virginia or such other titles in effect on the effective date of this act shall continue in effect to the extent that they are not in conflict with this act and shall be deemed to be regulations adopted under this act.

4. That the provisions of § 30-152 of the Code of Virginia shall apply to the revision of Title 23 (§ 23-1 et seq.) of the Code of Virginia so as to give effect to other laws enacted by the 2016 Session of the General Assembly, notwithstanding the delay in the effective date of this act.

5. That the amendment of § 2.2-108 and the repeal of Article 4 (§ 2.2-2508 et seq.) of Chapter 25, Article 1 (§ 2.2-2700 et seq.) of Chapter 27, and Chapter 50.1 (§ 2.2-5004 et seq.) of Title 2.2, § 3.2-503, and Title 23 (§ 23-1 et seq.) of the Code of Virginia, Chapter 471 of the Acts of Assembly of 1964, as amended, Chapter 170 of the Acts of Assembly of 1978, and Chapter 306 of the Acts of Assembly of 1986, as amended, effective as of October 1, 2016, shall not affect any act or offense done or committed, or any penalty incurred, or any right established, accrued, or accruing on or before such date, or any proceeding, prosecution, suit, or action pending on that date. Except as otherwise provided in this act, the amendment of § 2.2-108, the repeal of Article 4 (§ 2.2-2508 et seq.) of Chapter 25, Article 1 (§ 2.2-2700 et seq.) of Chapter 27, and Chapter 50.1 (§ 2.2-5004 et seq.) of Title 2.2, § 3.2-503, and Title 23 (§ 23-1 et seq.) of the Code of Virginia, Chapter 471 of the Acts of Assembly of 1964, as amended, Chapter 170 of the Acts of Assembly of 1978, and Chapter 306 of the Acts of Assembly of 1986, as amended, and the enactment of Title 23.1 shall not apply to offenses committed prior to October 1, 2016, and prosecution for such offenses shall be governed by the prior law, which is continued in effect for that purpose. For the purpose of this enactment, an offense was committed prior to October 1, 2016, if any of the essential elements of the offense occurred prior thereto.

6. That any notice given, recognizance taken, or process or writ issued before October 1, 2016, shall be valid although given, taken, or to be returned to a day after such date, in like manner as if Title 23.1 had been effective before the same was given, taken, or issued.

7. That if any clause, sentence, paragraph, subdivision, subsection, or section of Title 23.1 shall be adjudged in any court of competent jurisdiction to be invalid, the judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, subsection, or section thereof directly involved in the controversy in which the judgment shall have been rendered, and to this end the provisions of Title 23.1 are declared severable.

8. That the amendment of § 2.2-108 and the repeal of Article 4 (§ 2.2-2508 et seq.) of Chapter 25, Article 1 (§ 2.2-2700 et seq.) of Chapter 27, and Chapter 50.1 (§ 2.2-5004 et seq.) of Title 2.2, § 3.2-503, and Title 23 (§ 23-1 et seq.) of the Code of Virginia, Chapter 471 of the Acts of Assembly of 1964, as amended, Chapter 170 of the Acts of Assembly of 1978, and Chapter 306 of the Acts of Assembly of 1986, as amended, effective as of October 1, 2016, shall not affect the validity, enforceability, or legality of any loan agreement, management agreement, memorandum of understanding, prepaid tuition contract, savings trust agreement, or other contract, or any right established or accrued under such loan agreement, management agreement, memorandum of understanding, prepaid tuition contract, savings trust agreement, or other contract, that existed prior to such amendment or repeal.

9. That the amendment of § 2.2-108 and the repeal of Article 4 (§ 2.2-2508 et seq.) of Chapter 25, Article 1 (§ 2.2-2700 et seq.) of Chapter 27, and Chapter 50.1 (§ 2.2-5004 et seq.) of Title 2.2, § 3.2-503, and Title 23 (§ 23-1 et seq.) of the Code of Virginia, Chapter 471 of the Acts of Assembly of 1964, as amended, Chapter 170 of the Acts of Assembly of 1978, and Chapter 306 of the Acts of Assembly of 1986, as amended, effective as of October 1, 2016,

shall not affect the validity, enforceability, or legality of any bond or other debt obligation authorized, issued, or outstanding prior to such amendment or repeal.

10. That Article 4 (§§ 2.2-2508, 2.2-2509, and 2.2-2510) of Chapter 25, Article 1 (§§ 2.2-2700 through 2.2-2704) of Chapter 27, and Chapter 50.1 (§§ 2.2-5004 and 2.2-5005) of Title 2.2, § 3.2-503, and Title 23 (§§ 23-1 through 23-303) of the Code of Virginia, Chapter 471 of the Acts of Assembly of 1964, as amended, Chapter 170 of the Acts of Assembly of 1978, and Chapter 306 of the Acts of Assembly of 1986, as amended, are repealed.

11. That the provisions of this act shall not affect the existing terms of persons currently serving as members of any agency, board, authority, commission, or other entity and that appointees currently holding positions shall maintain their terms of appointment and continue to serve until such time as the existing terms might expire or become renewed. However, any new appointments made on or after October 1, 2016, shall be made in accordance with the provisions of this act.

12. That the provisions of this act shall become effective on October 1, 2016.

CHAPTER 589

An Act to amend and reenact § 18.2-308, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to concealed handgun permits; exemption; judges and justices.

[S 544]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308. (Effective until July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;
7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on

long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; ~~and~~

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; *and*

12. *Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth.*

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that *a judge or justice of the Commonwealth*, an attorney for the Commonwealth, or *an* assistant attorney for the Commonwealth may carry a concealed handgun pursuant to ~~subdivision~~ *subdivisions C 9 and 12*. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308. (Effective July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State

Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; ~~and~~

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; *and*

12. *Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth.*

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that *a judge or justice of the Commonwealth*, an attorney for the Commonwealth, or an assistant attorney for the Commonwealth may carry a concealed handgun pursuant to ~~subdivision~~ *subdivisions C 9 and 12*. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

CHAPTER 590

An Act to amend the Code of Virginia by adding a section numbered 46.2-707.1, relating to creation of an uninsured motor vehicle fee payment plan.

[H 388]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-707.1 as follows:

§ 46.2-707.1. Uninsured motor vehicle fee payment plan.

A. The Department may establish an uninsured motor vehicle fee payment plan to allow individuals to pay the fees for a motor vehicle determined to be uninsured as prescribed in § 46.2-706, 46.2-707, or 46.2-708. Notwithstanding §§ 46.2-706, 46.2-707, and 46.2-708, a Virginia resident 18 years of age or older whose driver's license and vehicle registration have been suspended pursuant to § 46.2-706, 46.2-707, or 46.2-708 may apply to the Department to enter into a payment plan agreement with a duration of no more than three years from the agreement date, referred to in this section as the "payment plan period."

B. To be eligible to enter into the payment plan, the individual must (i) have one or more outstanding suspensions of driving privileges pursuant to the provisions of § 46.2-706, 46.2-707, or 46.2-708 and have no other outstanding suspensions or revocations; (ii) meet all other conditions for reinstatement of driving privileges; and (iii) have never defaulted on a prior uninsured motor vehicle payment plan agreement.

C. An eligible individual who enters into a payment plan agreement with the Department, pays a \$25 administrative fee, and pays the reinstatement fee pursuant to §§ 46.2-333.1 and 46.2-411, if required, shall be eligible to have his driving privileges reinstated by the Department.

D. The amount and frequency of each payment and the duration of the payment plan shall be described in the payment plan agreement signed by the Department and the individual. Payments may be made in person, online, or by mail. The full fee must be paid in no more than three years from the agreement date; however, an individual may repay the balance of the fee at any time during the payment plan period with no penalty.

E. If an individual defaults on the payment plan agreement, the Commissioner shall suspend the driver's license and all registration certificates and license plates issued to the owner of the motor vehicle determined to be uninsured. Such driver's license, registration certificates, and license plates shall remain suspended until the individual pays the balance of the fee applicable to the registration of an uninsured motor vehicle as prescribed in § 46.2-706, 46.2-707, or 46.2-708 and furnishes proof of future financial responsibility as prescribed by Article 15 (§ 46.2-435 et seq.) of Chapter 3. An individual is in default if he (i) pays an installment payment late as defined in the payment plan agreement or (ii) fails to make an installment payment as agreed to in the payment plan agreement. If an individual is in default, full payment of the balance of the fee shall be due as agreed to in the payment plan agreement.

F. When all fees are paid, the individual shall continue to furnish proof of financial responsibility pursuant to Article 15 (§ 46.2-435 et seq.) of Chapter 3 and § 46.2-709.

G. Installment payments of the fee with respect to the motor vehicle determined to be uninsured shall be disposed of pursuant to § 46.2-710. The administrative fee shall be paid to the Commissioner and deposited into the state treasury account set aside in a special fund to be used to meet the necessary expenses incurred by the Department.

2. That the provisions of this act shall become effective on January 1, 2017.

CHAPTER 591

An Act to amend and reenact § 59.1-200 of the Code of Virginia, relating to prohibited practices under the Virginia Consumer Protection Act.

[S 388]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 59.1-200 of the Code of Virginia is amended and reenacted as follows:

§ 59.1-200. Prohibited practices.

A. The following fraudulent acts or practices committed by a supplier in connection with a consumer transaction are hereby declared unlawful:

1. Misrepresenting goods or services as those of another;
2. Misrepresenting the source, sponsorship, approval, or certification of goods or services;
3. Misrepresenting the affiliation, connection, or association of the supplier, or of the goods or services, with another;
4. Misrepresenting geographic origin in connection with goods or services;
5. Misrepresenting that goods or services have certain quantities, characteristics, ingredients, uses, or benefits;
6. Misrepresenting that goods or services are of a particular standard, quality, grade, style, or model;
7. Advertising or offering for sale goods that are used, secondhand, repossessed, defective, blemished, deteriorated, or reconditioned, or that are "seconds," irregulars, imperfects, or "not first class," without clearly and unequivocally indicating in the advertisement or offer for sale that the goods are used, secondhand, repossessed, defective, blemished, deteriorated, reconditioned, or are "seconds," irregulars, imperfects or "not first class";
8. Advertising goods or services with intent not to sell them as advertised, or with intent not to sell at the price or upon the terms advertised.

In any action brought under this subdivision, the refusal by any person, or any employee, agent, or servant thereof, to sell any goods or services advertised or offered for sale at the price or upon the terms advertised or offered, shall be prima facie evidence of a violation of this subdivision. This paragraph shall not apply when it is clearly and conspicuously stated in the advertisement or offer by which such goods or services are advertised or offered for sale, that the supplier or offeror has a limited quantity or amount of such goods or services for sale, and the supplier or offeror at the time of such advertisement or offer did in fact have or reasonably expected to have at least such quantity or amount for sale;

9. Making false or misleading statements of fact concerning the reasons for, existence of, or amounts of price reductions;

10. Misrepresenting that repairs, alterations, modifications, or services have been performed or parts installed;

11. Misrepresenting by the use of any written or documentary material that appears to be an invoice or bill for merchandise or services previously ordered;

12. Notwithstanding any other provision of law, using in any manner the words "wholesale," "wholesaler," "factory," or "manufacturer" in the supplier's name, or to describe the nature of the supplier's business, unless the supplier is actually engaged primarily in selling at wholesale or in manufacturing the goods or services advertised or offered for sale;

13. Using in any contract or lease any liquidated damage clause, penalty clause, or waiver of defense, or attempting to collect any liquidated damages or penalties under any clause, waiver, damages, or penalties that are void or unenforceable under any otherwise applicable laws of the Commonwealth, or under federal statutes or regulations;

13a. *Failing to provide to a consumer, or failing to use or include in any written document or material provided to or executed by a consumer, in connection with a consumer transaction any statement, disclosure, notice, or other information however characterized when the supplier is required by 16 CFR 433.1 et seq. to so provide, use, or include the statement, disclosure, notice, or other information in connection with the consumer transaction;*

14. Using any other deception, fraud, false pretense, false promise, or misrepresentation in connection with a consumer transaction;

15. Violating any provision of § 3.2-6512, 3.2-6513, or 3.2-6516, relating to the sale of certain animals by pet dealers which is described in such sections, is a violation of this chapter;

16. Failing to disclose all conditions, charges, or fees relating to:

a. The return of goods for refund, exchange, or credit. Such disclosure shall be by means of a sign attached to the goods, or placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the person obtaining the goods from the supplier. If the supplier does not permit a refund, exchange, or credit for return, he shall so state on a similar sign. The provisions of this subdivision shall not apply to any retail merchant who has a policy of providing, for a period of not less than 20 days after date of purchase, a cash refund or credit to the purchaser's credit card account for the return of defective, unused, or undamaged merchandise upon presentation of proof of purchase. In the case of merchandise paid for by check, the purchase shall be treated as a cash purchase and any refund may be delayed for a period of 10 banking days to allow for the check to clear. This subdivision does not apply to sale merchandise that is obviously distressed, out of date, post season, or otherwise reduced for clearance; nor does this subdivision apply to special order purchases where the purchaser has requested the supplier to order merchandise of a specific or unusual size, color, or brand not ordinarily carried in the store or the store's catalog; nor shall this subdivision apply in connection with a transaction for the sale or lease of motor vehicles, farm tractors, or motorcycles as defined in § 46.2-100;

b. A layaway agreement. Such disclosure shall be furnished to the consumer (i) in writing at the time of the layaway agreement, or (ii) by means of a sign placed in a conspicuous public area of the premises of the supplier, so as to be readily noticeable and readable by the consumer, or (iii) on the bill of sale. Disclosure shall include the conditions, charges, or fees in the event that a consumer breaches the agreement;

16a. Failing to provide written notice to a consumer of an existing open-end credit balance in excess of \$5 (i) on an account maintained by the supplier and (ii) resulting from such consumer's overpayment on such account. Suppliers shall give consumers written notice of such credit balances within 60 days of receiving overpayments. If the credit balance information is incorporated into statements of account furnished consumers by suppliers within such 60-day period, no separate or additional notice is required;

17. If a supplier enters into a written agreement with a consumer to resolve a dispute that arises in connection with a consumer transaction, failing to adhere to the terms and conditions of such an agreement;

18. Violating any provision of the Virginia Health Club Act, Chapter 24 (§ 59.1-294 et seq.) of this title;

19. Violating any provision of the Virginia Home Solicitation Sales Act, Chapter 2.1 (§ 59.1-21.1 et seq.) of this title;

20. Violating any provision of the Automobile Repair Facilities Act, Chapter 17.1 (§ 59.1-207.1 et seq.) of this title;

21. Violating any provision of the Virginia Lease-Purchase Agreement Act, Chapter 17.4 (§ 59.1-207.17 et seq.) of this title;

22. Violating any provision of the Prizes and Gifts Act, Chapter 31 (§ 59.1-415 et seq.) of this title;

23. Violating any provision of the Virginia Public Telephone Information Act, Chapter 32 (§ 59.1-424 et seq.) of this title;

24. Violating any provision of § 54.1-1505;

25. Violating any provision of the Motor Vehicle Manufacturers' Warranty Adjustment Act, Chapter 17.6 (§ 59.1-207.34 et seq.) of this title;

26. Violating any provision of § 3.2-5627, relating to the pricing of merchandise;

27. Violating any provision of the Pay-Per-Call Services Act, Chapter 33 (§ 59.1-429 et seq.) of this title;

28. Violating any provision of the Extended Service Contract Act, Chapter 34 (§ 59.1-435 et seq.) of this title;

29. Violating any provision of the Virginia Membership Camping Act, Chapter 25 (§ 59.1-311 et seq.) of this title;

30. Violating any provision of the Comparison Price Advertising Act, Chapter 17.7 (§ 59.1-207.40 et seq.) of this title;

31. Violating any provision of the Virginia Travel Club Act, Chapter 36 (§ 59.1-445 et seq.) of this title;

32. Violating any provision of §§ 46.2-1231 and 46.2-1233.1;

33. Violating any provision of Chapter 40 (§ 54.1-4000 et seq.) of Title 54.1;

34. Violating any provision of Chapter 10.1 (§ 58.1-1031 et seq.) of Title 58.1;

35. Using the consumer's social security number as the consumer's account number with the supplier, if the consumer has requested in writing that the supplier use an alternate number not associated with the consumer's social security number;

36. Violating any provision of Chapter 18 (§ 6.2-1800 et seq.) of Title 6.2;

37. Violating any provision of § 8.01-40.2;
38. Violating any provision of Article 7 (§ 32.1-212 et seq.) of Chapter 6 of Title 32.1;
39. Violating any provision of Chapter 34.1 (§ 59.1-441.1 et seq.) of this title;
40. Violating any provision of Chapter 20 (§ 6.2-2000 et seq.) of Title 6.2;
41. Violating any provision of the Virginia Post-Disaster Anti-Price Gouging Act, Chapter 46 (§ 59.1-525 et seq.) of this title;
42. Violating any provision of Chapter 47 (§ 59.1-530 et seq.) of this title;
43. Violating any provision of § 59.1-443.2;
44. Violating any provision of Chapter 48 (§ 59.1-533 et seq.) of this title;
45. Violating any provision of Chapter 25 (§ 6.2-2500 et seq.) of Title 6.2;
46. Violating the provisions of clause (i) of subsection B of § 54.1-1115;
47. Violating any provision of § 18.2-239;
48. Violating any provision of Chapter 26 (§ 59.1-336 et seq.);
49. Selling, offering for sale, or manufacturing for sale a children's product the supplier knows or has reason to know was recalled by the U.S. Consumer Product Safety Commission. There is a rebuttable presumption that a supplier has reason to know a children's product was recalled if notice of the recall has been posted continuously at least 30 days before the sale, offer for sale, or manufacturing for sale on the website of the U.S. Consumer Product Safety Commission. This prohibition does not apply to children's products that are used, secondhand or "seconds";
50. Violating any provision of Chapter 44.1 (§ 59.1-518.1 et seq.) of this title;
51. Violating any provision of Chapter 22 (§ 6.2-2200 et seq.) of Title 6.2;
52. Violating any provision of § 8.2-317.1;
53. Violating subsection A of § 9.1-149.1; and
54. Selling, offering for sale, or using in the construction, remodeling, or repair of any residential dwelling in the Commonwealth, any drywall that the supplier knows or has reason to know is defective drywall. This subdivision shall not apply to the sale or offering for sale of any building or structure in which defective drywall has been permanently installed or affixed.

B. Nothing in this section shall be construed to invalidate or make unenforceable any contract or lease solely by reason of the failure of such contract or lease to comply with any other law of the Commonwealth or any federal statute or regulation, to the extent such other law, statute, or regulation provides that a violation of such law, statute, or regulation shall not invalidate or make unenforceable such contract or lease.

CHAPTER 592

An Act to require the Standards of Learning Innovation Committee to review and make recommendations to the Board of Education and the General Assembly on standardized testing in public high schools in the Commonwealth.

[H 525]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. *§ 1. The Standards of Learning Innovation Committee (the Committee) shall review and, no later than November 1, 2016, make recommendations to the Board of Education and the General Assembly on the number, subjects, and question composition of standardized tests administered to public high school students in the Commonwealth. Such recommendations shall be approved by a majority of the legislative members of the Committee in attendance and a majority of the nonlegislative members of the Committee in attendance. The Board of Education shall review such recommendations and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, in advance of the 2017 Regular Session of the General Assembly, any comments on such recommendations that the Board deems appropriate.*

CHAPTER 593

An Act to amend and reenact § 40.1-29 of the Code of Virginia, relating to employers who willfully fail to pay wages; penalty.

[H 1150]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. **That § 40.1-29 of the Code of Virginia is amended and reenacted as follows:**

§ 40.1-29. Time and medium of payment; withholding wages; written statement of earnings; agreement for forfeiture of wages; proceedings to enforce compliance; penalties.

A. 1. All employers operating a business shall establish regular pay periods and rates of pay for employees except executive personnel. All such employers shall pay salaried employees at least once each month and employees paid on an

hourly rate at least once every two weeks or twice in each month, except that (i) a student who is currently enrolled in a work-study program or its equivalent administered by any secondary school, institution of higher education or trade school, and (ii) employees whose weekly wages total more than 150 percent of the average weekly wage of the Commonwealth as defined in § 65.2-500, upon agreement by each affected employee, may be paid once each month if the institution or employer so chooses. Upon termination of employment an employee shall be paid all wages or salaries due him for work performed prior thereto; such payment shall be made on or before the date on which he would have been paid for such work had his employment not been terminated.

2. Any such employer who knowingly fails to make payment of wages in accordance with this section shall be subject to a civil penalty not to exceed \$1,000 for each violation. The Commissioner shall notify any employer who he alleges has violated any provision of this section by certified mail. Such notice shall contain a description of the alleged violation. Within 15 days of receipt of notice of the alleged violation, the employer may request an informal conference regarding such violation with the Commissioner. In determining the amount of any penalty to be imposed, the Commissioner shall consider the size of the business of the employer charged and the gravity of the violation. The decision of the Commissioner shall be final.

B. Payment of wages or salaries shall be (i) in lawful money of the United States, (ii) by check payable at face value upon demand in lawful money of the United States, (iii) by electronic automated fund transfer in lawful money of the United States into an account in the name of the employee at a financial institution designated by the employee, or (iv) by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds with full written disclosure by the employer of any applicable fees and affirmative consent thereto by the employee. However, an employer that elects not to pay wages or salaries in accordance with clause (i) or (ii) to an employee who is hired after January 1, 2010, shall be permitted to pay wages or salaries by credit to a prepaid debit card or card account in accordance with clause (iv), even though such employee has not affirmatively consented thereto, if the employee fails to designate an account at a financial institution in accordance with clause (iii) and the employer arranges for such card or card account to be issued through a network system through which the employee shall have the ability to make at least one free withdrawal or transfer per pay period, which withdrawal may be for any sum in such card or card account as the employee may elect, using such card or card account at financial institutions participating in such network system.

C. No employer shall withhold any part of the wages or salaries of any employee except for payroll, wage or withholding taxes or in accordance with law, without the written and signed authorization of the employee. An employer, upon request of his employee, shall furnish the latter a written statement of the gross wages earned by the employee during any pay period and the amount and purpose of any deductions therefrom.

D. No employer shall require any employee, except executive personnel, to sign any contract or agreement which provides for the forfeiture of the employee's wages for time worked as a condition of employment or the continuance therein, except as otherwise provided by law.

E. An employer who willfully and with intent to defraud fails or refuses to pay wages in accordance with this section:

1. *To an employee or employees* is guilty of a Class 1 misdemeanor if the value of the wages earned and not paid by the employer is less than \$10,000; and

2. *To an employee or employees* is guilty of a Class 6 felony (i) if the value of the wages earned and not paid is \$10,000 or more or (ii) regardless of the value of the wages earned and not paid, if the conviction is a second or subsequent conviction under this section.

For purposes of this section, the determination as to the "value of the wages earned" shall be made by combining all wages the employer failed or refused to pay pursuant to this section.

F. The Commissioner may require a written complaint of the violation of this section and, with the written and signed consent of an employee, may institute proceedings on behalf of an employee to enforce compliance with this section, and to collect any moneys unlawfully withheld from such employee which shall be paid to the employee entitled thereto. In addition, following the issuance of a final order by the Commissioner or a court, the Commissioner may engage private counsel, approved by the Attorney General, to collect any moneys owed to the employee or the Commonwealth. Upon entry of a final order of the Commissioner, or upon entry of a judgment, against the employer, the Commissioner or the court shall assess attorney's fees of one-third of the amount set forth in the final order or judgment.

G. In addition to being subject to any other penalty provided by the provisions of this section, any employer who fails to make payment of wages in accordance with subsection A shall be liable for the payment of all wages due, plus interest at an annual rate of eight percent accruing from the date the wages were due.

H. Civil penalties owed under this section shall be paid to the Commissioner for deposit into the general fund of the State Treasurer. The Commissioner shall prescribe procedures for the payment of proposed assessments of penalties which are not contested by employers. Such procedures shall include provisions for an employer to consent to abatement of the alleged violation and pay a proposed penalty or a negotiated sum in lieu of such penalty without admission of any civil liability arising from such alleged violation.

Final orders of the Commissioner, the general district courts or the circuit courts may be recorded, enforced and satisfied as orders or decrees of a circuit court upon certification of such orders by the Commissioner or the court as appropriate.

CHAPTER 594

An Act to amend and reenact § 22.1-23 of the Code of Virginia, relating to the Superintendent of Public Instruction; teacher exit questionnaire.

[S 360]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-23 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-23. Duties in general.**

The Superintendent of Public Instruction shall:

1. Serve as secretary of the Board of Education;
2. Provide such assistance in his office as shall be necessary for the proper and uniform enforcement of the provisions of the school laws in cooperation with the local school authorities;
3. Prepare and furnish such forms for attendance officers, teachers and other school officials as are required by law;
4. (Expires July 1, 2020) At least annually, survey all local school divisions to identify critical shortages of teachers and administrative personnel by geographic area, by school division, or by subject matter, and report such critical shortages to each local school division and to the Virginia Retirement System;
5. *Develop and provide to local school divisions a model exit questionnaire for teachers;*
6. Along with the State Health Commissioner, work to combat childhood obesity and other chronic health conditions that affect school-age children;
- ~~6~~ 7. Designate an employee of the Department of Education to serve as its liaison to the State Council of Higher Education for Virginia and the State Board for Community Colleges; and
- ~~7~~ 8. Perform such other duties as the Board of Education may prescribe.

CHAPTER 595

An Act to amend and reenact §§ 55-225.5 and 55-248.18:1 of the Code of Virginia, relating to protective orders in cases of family abuse; possession of premises.

[H 711]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 55-225.5 and 55-248.18:1 of the Code of Virginia are amended and reenacted as follows:****§ 55-225.5. Access following entry of certain court orders.**

A. A tenant *or authorized occupant* who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant *or authorized occupant* to do so, provided:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and
2. A duplicate copy of all keys and instructions of how to operate all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. *A person, who is not a tenant or authorized occupant in the dwelling unit and who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such person possession of the premises to the exclusion of one or more co-tenants or authorized occupants, may provide a copy of such order to the landlord and submit a rental application to become a tenant in such dwelling unit within 10 days of the entry of such order. If such person's rental application meets the landlord's tenant selection criteria, such person may become a tenant in such dwelling unit under a written rental agreement. If such person submits a rental application and does not meet the landlord's tenant selection criteria, such person shall vacate the dwelling unit no later than 30 days of the date the landlord gives such person written notice that his rental application has been rejected. If such person does not provide a copy of the protective order to the landlord and submit a rental application to the landlord within 10 days as required by this section, such person shall vacate the dwelling unit no later than 30 days of the date of the entry of such order. Such person shall be liable to the landlord for failure to vacate the dwelling unit as required in this section.*

Any tenant obligated on a rental agreement shall pay the rent and otherwise comply with any and all requirements of the rental agreement, and any applicable laws and regulations. The landlord may pursue all of its remedies under the rental agreement and applicable laws and regulations, including filing an unlawful detainer action pursuant to § 8.01-126 to obtain a money judgment and to evict any persons residing in such dwelling unit.

C. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

☞ *D.* This section shall not apply when the court order excluding a person was issued ex parte.

§ 55-248.18:1. Access following entry of certain court orders.

A. A tenant or authorized occupant who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such tenant possession of the premises to the exclusion of one or more co-tenants or authorized occupants may provide the landlord with a copy of that court order and request that the landlord either (i) install a new lock or other security devices on the exterior doors of the dwelling unit at the landlord's actual cost or (ii) permit the tenant or authorized occupant to do so, provided:

1. Installation of the new lock or security devices does no permanent damage to any part of the dwelling unit; and
2. A duplicate copy of all keys and instructions of how to operate all devices are given to the landlord.

Upon termination of the tenancy, the tenant shall be responsible for payment to the landlord of the reasonable costs incurred for the removal of all such devices installed and repairs to all damaged areas.

B. A person, who is not a tenant or authorized occupant in the dwelling unit and who has obtained an order from a court of competent jurisdiction pursuant to § 16.1-279.1 or subsection B of § 20-103 granting such person possession of the premises to the exclusion of one or more co-tenants or authorized occupants, may provide a copy of such order to the landlord and submit a rental application to become a tenant in such dwelling unit within 10 days of the entry of such order. If such person's rental application meets the landlord's tenant selection criteria, such person may become a tenant in such dwelling unit under a written rental agreement. If such person submits a rental application and does not meet the landlord's tenant selection criteria, such person shall vacate the dwelling unit no later than 30 days of the date the landlord gives such person written notice that his rental application has been rejected. If such person does not provide a copy of the protective order to the landlord and submit a rental application to the landlord within 10 days as required by this section, such person shall vacate the dwelling unit no later than 30 days of the date of the entry of such order. Such person shall be liable to the landlord for failure to vacate the dwelling unit as required in this section.

Any tenant obligated on a rental agreement shall pay the rent and otherwise comply with any and all requirements of the rental agreement, and any applicable laws and regulations. The landlord may pursue all of its remedies under the rental agreement and applicable laws and regulations, including filing an unlawful detainer action pursuant to § 8.01-126 to obtain a money judgment and to evict any persons residing in such dwelling unit.

C. A landlord who has received a copy of a court order in accordance with subsection A shall not provide copies of any keys to the dwelling unit to any person excluded from the premises by such order.

☞ *D.* This section shall not apply when the court order excluding a person was issued ex parte.

CHAPTER 596

An Act to amend and reenact § 51.5-100 of the Code of Virginia, relating to Department for the Blind and Vision Impaired; contracts for operation of certain vending machines.

[H 1289]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-100 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-100. Operation of vending machines at rest areas on interstate highways.

A. The Department, in cooperation with the Department of Transportation, is authorized to operate vending machines at rest areas on the interstate highways in the Commonwealth and to use the net proceeds from such operations to establish and operate vending stands and other business enterprises as defined in Article 1 (§ 51.5-60 et seq.) ~~of this chapter~~ and to provide health insurance for blind vendors.

B. The Department of General Services shall conduct the procurement process for contracts for goods or services authorized by the Department under subsection A, including (i) preparing the solicitation document that will be used, (ii) the evaluating of responses to the issued solicitation, and (iii) making the award decision on the basis of the final scoring of bids or proposals.

2. That the provisions of this act shall not be construed to affect any litigation pending as of January 1, 2016.

CHAPTER 597

An Act to amend and reenact § 23-2.1:3 of the Code of Virginia, relating to public institutions of higher education; social media accounts; disclosure.

[S 438]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 23-2.1:3 of the Code of Virginia is amended and reenacted as follows:

§ 23-2.1:3. Student records and personal information; social media.

A. *As used in this section:*

"Social media account" means a personal account with an electronic medium or service through which users may create, share, or view user-generated content, including, without limitation, videos, photographs, blogs, podcasts, messages, emails, or website profiles or locations. "Social media account" does not include an account (i) opened by a student at the request of a public or private institution of higher education or (ii) provided to a student by a public or private institution of higher education such as the student's email account or other software program owned or operated exclusively by a public or private institution of higher education.

B. Each public and private institution of higher education may require that any student accepted to and who has committed to attend, or is attending, such institution provide, to the extent available, from the originating secondary school and, if applicable, any institution of higher education he has attended a complete student record, including any mental health records held by the school. These records shall be kept confidential as required by state and federal law, including the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

B- C. No public institution of higher education shall sell students' personal information, including names, addresses, phone numbers, and email addresses, to any person. This subsection shall not apply to transactions involving credit, debit, employment, finance, identity verification, risk assessment, fraud prevention, or other transactions initiated by the student.

€- D. No public or private institution of higher education shall require a student to disclose the username or password to any of such student's personal social media accounts. Nothing in this subsection shall prevent a campus police officer appointed under Chapter 17 (§ 23-232 et seq.) from performing his official duties.

CHAPTER 598

An Act to amend and reenact § 63.2-1806 of the Code of Virginia, relating to assisted living facilities; hospice care.

[S 732]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-1806 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-1806. Hospice care.

Notwithstanding § 63.2-1805, at the request of the resident, hospice care may be provided in an assisted living facility under the same requirements for hospice programs provided in Article 7 (§ 32.1-162.1 et seq.) of Chapter 5 of Title 32.1, if the hospice program determines that such program is appropriate for the resident. *However, to the extent allowed by federal law, no assisted living facility shall be required to provide or allow hospice care if such hospice care restrictions are included in a disclosure statement that is signed by the resident prior to admission.*

CHAPTER 599

An Act to amend and reenact § 19.2-169.6 of the Code of Virginia, relating to involuntary psychiatric admission from local correctional facility.

[H 543]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-169.6 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-169.6. Inpatient psychiatric hospital admission from local correctional facility.

A. Any inmate of a local correctional facility who is not subject to the provisions of § 19.2-169.2 may be hospitalized for psychiatric treatment at a hospital designated by the Commissioner of Behavioral Health and Developmental Services as appropriate for treatment of persons under criminal charge if:

1. The court with jurisdiction over the inmate's case, if it is still pending, on the petition of the person having custody over an inmate or on its own motion, holds a hearing at which the inmate is represented by counsel and finds by clear and convincing evidence that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (iii) the inmate requires treatment in a hospital rather than the local correctional facility. Prior to making this determination, the court shall consider the examination conducted in accordance with § 37.2-815 and the preadmission screening report prepared in accordance with § 37.2-816 and conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness, who is not providing treatment to the inmate, and who has completed a certification program approved by the Department of Behavioral Health and Developmental Services as provided in § 37.2-809. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Any employee or designee of the local

community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report; or

2. Upon petition by the person having custody over an inmate, a magistrate finds probable cause to believe that (i) the inmate has a mental illness; (ii) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (iii) the inmate requires treatment in a hospital rather than a local correctional facility, and the magistrate issues a temporary detention order for the inmate. Prior to the filing of the petition, the person having custody shall arrange for an evaluation of the inmate conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or designee of the local community services board or behavioral health authority who is skilled in the assessment and treatment of mental illness and who has completed a certification program approved by the Department as provided in § 37.2-809. After considering the evaluation of the employee or designee of the local community services board or behavioral health authority, and any other information presented, and finding that probable cause exists to meet the criteria, the magistrate may issue a temporary detention order in accordance with the applicable procedures specified in §§ 37.2-809 through 37.2-813. The person having custody over the inmate shall notify the court having jurisdiction over the inmate's case, if it is still pending, and the inmate's attorney prior to the detention pursuant to a temporary detention order or as soon thereafter as is reasonable.

Upon detention pursuant to this subdivision, a hearing shall be held either before the court having jurisdiction over the inmate's case or before a district court judge or a special justice, as defined in § 37.2-100, in accordance with the provisions of §§ 37.2-815 through 37.2-821, in which case the inmate shall be represented by counsel as specified in § 37.2-814. The hearing shall be held within 72 hours of execution of the temporary detention order issued pursuant to this subdivision. If the 72-hour period terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the inmate may be detained until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. Any employee or designee of the local community services board or behavioral health authority, as defined in § 37.2-809, representing the board or authority that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio communication system as authorized in § 37.2-804.1. When the hearing is held outside the service area of the community services board or behavioral health authority that prepared the preadmission screening report, and it is not practicable for a representative of the board or authority to attend or participate in the hearing, arrangements shall be made by the board or authority for an employee or designee of the board or authority serving the area in which the hearing is held to attend or participate on behalf of the board or authority that prepared the preadmission screening report. The judge or special justice conducting the hearing may order the inmate hospitalized if, after considering the examination conducted in accordance with § 37.2-815, the preadmission screening report prepared in accordance with § 37.2-816, and any other available information as specified in subsection C of § 37.2-817, he finds by clear and convincing evidence that (1) the inmate has a mental illness; (2) there exists a substantial likelihood that, as a result of a mental illness, the inmate will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and any other relevant information or (b) suffer serious harm due to his lack of capacity to protect himself from harm as evidenced by recent behavior and any other relevant information; and (3) the inmate requires treatment in a hospital rather than a local correctional facility. The examiner appointed pursuant to § 37.2-815, if not physically present at the hearing, shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. The examination and the preadmission screening report shall be admitted into evidence at the hearing.

B. In no event shall an inmate have the right to make application for voluntary admission as may be otherwise provided in § 37.2-805 or 37.2-814 or be subject to an order for mandatory outpatient treatment as provided in § 37.2-817.

C. If an inmate is hospitalized pursuant to this section and his criminal case is still pending, the court having jurisdiction over the inmate's case may order that the admitting hospital evaluate the inmate's competency to stand trial and his mental state at the time of the offense pursuant to §§ 19.2-169.1 and 19.2-169.5.

D. An inmate may not be hospitalized longer than 30 days under subsection A unless the court which has criminal jurisdiction over him or a district court judge or a special justice, as defined in § 37.2-100, holds a hearing and orders the inmate's continued hospitalization in accordance with the provisions of subdivision A 2. If the inmate's hospitalization is continued under this subsection by a court other than the court which has jurisdiction over his criminal case, the facility at which the inmate is hospitalized shall notify the court with jurisdiction over his criminal case and the inmate's attorney in the criminal case, if the case is still pending.

E. Hospitalization may be extended in accordance with subsection D for periods of 60 days for inmates awaiting trial, but in no event may such hospitalization be continued beyond trial, nor shall such hospitalization act to delay trial, as long as the inmate remains competent to stand trial. Hospitalization may be extended in accordance with subsection D for periods of 180 days for an inmate who has been convicted and not yet sentenced, or for an inmate who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, but in no event may such hospitalization be continued beyond the date upon which his sentence would have expired had he received the maximum sentence for the crime charged. Any inmate who has not completed service of his sentence upon discharge from the hospital shall serve the remainder of his sentence.

F. For any inmate who has been convicted and not yet sentenced, or who has been convicted of a crime and is in the custody of a local correctional facility after sentencing, the time the inmate is confined in a hospital for psychiatric treatment shall be deducted from any term for which he may be sentenced to any penal institution, reformatory or elsewhere.

G. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to an inmate who is the subject of a proceeding under this section, upon request, shall disclose to a magistrate, the court, the inmate's attorney, the inmate's guardian ad litem, the examiner appointed pursuant to § 37.2-815, the community service board or behavioral health authority preparing the preadmission screening pursuant to § 37.2-816, or the sheriff or administrator of the local correctional facility any and all information that is necessary and appropriate to enable each of them to perform his duties under this section. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the inmate and to monitor that care and treatment. Health records disclosed to a sheriff or administrator of the local correctional facility shall be limited to information necessary to protect the sheriff or administrator of the local correctional facility and his employees, the inmate, or the public from physical injury or to address the health care needs of the inmate. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

H. Any order entered where an inmate is the subject of proceedings under this section shall provide for the disclosure of medical records pursuant to subsection G. This subsection shall not preclude any other disclosures as required or permitted by law.

I. As used in this section, "person having custody over an inmate" means the sheriff or other person in charge of the local correctional facility where the inmate is incarcerated at the time of the filing of a petition for the psychiatric treatment of the inmate.

CHAPTER 600

An Act to require the State Board of Health to promulgate regulations for the audio-visual recording of residents in nursing facilities and to repeal Chapters 674 and 682 of the Acts of Assembly of 2013.

[S 553]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

- 1. § 1. The State Board of Health (the Board) shall promulgate regulations, by July 1, 2017, for the audio-visual recording of residents in nursing facilities. Such regulations shall include provisions related to (i) resident privacy, (ii) notice and disclosure, (iii) liability, (iv) ownership and maintenance of equipment, (v) cost, (vi) recording and data security, and (vii) nursing facility options for both nursing facility-managed recording and resident-managed recording. The Department of Health shall convene a workgroup that includes representatives of nursing facilities, advocates for residents of nursing facilities, and other stakeholders to make recommendations to the Board on such regulations and shall report its recommendations to the Board and the General Assembly by December 1, 2016.*
- 2. That Chapters 674 and 682 of the Acts of Assembly of 2013 are repealed.**

CHAPTER 601

An Act to designate portions of Virginia Route 72, Virginia Route 619, and U.S. Route 58 Alternate in the Counties of Scott and Wise and the City of Norton the "Thomas Jefferson Scenic Byway Loop."

[H 41]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

- 1. § 1. Notwithstanding § 33.2-405 of the Code of Virginia, the portion of Virginia Route 72 from Coeburn to Weber City, the portion of Virginia Route 619 from Norton to Fort Blackmore, and the portion of U.S. Route 58 Alternate from Coeburn to*

Norton is hereby designated a Virginia byway to be known as the "Thomas Jefferson Scenic Byway Loop." The Department of Transportation shall place and maintain appropriate markers indicating the designation of this Virginia byway. This designation shall not affect any other designation heretofore or hereafter applied to this highway or any portions thereof.

CHAPTER 602

An Act for the relief of Robert Scott.

[H 256]

Approved April 1, 2016

Whereas, Robert Scott (Mr. Scott) entered into two contracts with Towne Automotive Brokers and Francis Masika: one for the purchase of a 2006 BMW on July 21, 2009, and one for the purchase of a 2006 Honda Odyssey on August 14, 2009, for a total purchase price of \$56,000; and

Whereas, Mr. Scott never received either vehicle and on July 28, 2010, the Circuit Court of the City of Chesapeake awarded Mr. Scott a default judgment against Towne Automotive Brokers; and

Whereas, Mr. Scott was not able to recover the judgment awarded to him, and four additional consumers who were defrauded by Towne Automotive Brokers and Francis Masika were also awarded judgments; and

Whereas, the total amount of all five judgments exceeded the required \$50,000 bond carried by the dealer, and each consumer received a proportional amount of the \$50,000 bond as designated on February 27, 2012, by the Circuit Court for the City of Chesapeake; Mr. Scott's share of payment from the bond was \$13,632.50; and

Whereas, the Motor Vehicle Transaction Recovery Fund (the Fund) may pay claims totaling an additional \$50,000, and Mr. Scott filed a claim against the Fund in April 2012; and

Whereas, § 46.2-1527.3 of the Code of Virginia requires that claims against the Fund be filed with the Board no later than 12 months after the judgment becomes final; however, Mr. Scott did not file his claim with the Board against the Fund until April 2012 which was not within the statutorily required time frame because the claim cannot be filed until a payment from the bond is received and despite receiving a default judgment on July 28, 2010, Mr. Scott did not receive his share of the bond payout until February 27, 2012; and

Whereas, the Motor Vehicle Dealer Board voted unanimously that Mr. Scott should receive reimbursement from the Fund and requests that the General Assembly grant relief in the form of payment from the Fund; and

Whereas, pursuant to § 46.2-1527.5 of the Code of Virginia, as it was in effect in April 2012, the maximum claim against the Fund involving a single transaction shall be limited to \$20,000, including any amount paid from the dealer's surety bond, and therefore had Mr. Scott met the statutorily required time frame he would have been entitled to receive \$26,367.50; and

Whereas, Mr. Scott has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. *That there is hereby appropriated from the Motor Vehicle Transaction Recovery Fund the sum of \$26,367.50 for the relief of Robert Scott (Mr. Scott), to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of all claims Mr. Scott may have against the Commonwealth or any agency, instrumentality, office, employee, or political subdivision in connection with the aforesaid occurrence. In the event that Mr. Scott receives the amount owed to him from the unpaid final judgment that he has obtained against Towne Automotive Brokers and Francis Masika, he shall reimburse the Motor Vehicle Dealer Board whatever amount he receives up to \$26,367.50, and such amount shall be assigned to the Motor Vehicle Transaction Recovery Fund.*

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

CHAPTER 603

An Act to amend and reenact §§ 33.2-1525, 33.2-2600, 33.2-2602, 33.2-2604, and 33.2-2605 of the Code of Virginia, relating to the Hampton Roads Transportation Accountability Commission.

[H 1111]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-1525, 33.2-2600, 33.2-2602, 33.2-2604, and 33.2-2605 of the Code of Virginia are amended and reenacted as follows:

§ 33.2-1525. Administration of Transportation Trust Fund.

A. The Transportation Trust Fund shall be established on the books of the Comptroller so as to segregate the amounts appropriated to the Transportation Trust Fund and the amounts earned or accumulated by such Transportation Trust Fund. No portion of the Transportation Trust Fund shall be used for a purpose other than as provided in this section. Any moneys remaining in the Transportation Trust Fund at the end of a biennium shall not revert to the general fund but shall remain in the Transportation Trust Fund to be used for the purposes set forth in §§ 33.2-1524, 33.2-1526, and 33.2-1529 and shall accumulate interest and dividends throughout the existence of the Transportation Trust Fund. Whenever in the Board's

opinion there are moneys in the Transportation Trust Fund in excess of the amount required to meet the current needs and demands of the transportation program, the Board may invest such excess funds in securities that, in its judgment, will be readily convertible into money. Such securities may include debentures and other government and corporate obligations; common and preferred stocks limited to 30 percent of total trust funds investments based on cost; "prime quality" commercial paper, as defined and limited by § 2.2-4502; bankers' acceptances; bonds; money market funds; and overnight, term, and open repurchase agreements. The investment of moneys held in the Transportation Trust Fund shall be administered by the state treasury under guidelines adopted by the Board pursuant to this section.

The Treasurer may, at his option, manage such moneys or hire professional outside investment counsel to manage part or all of such moneys.

The selection of services related to the management, purchase, or sale of authorized investments shall be governed by the standard provided in this section and shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2.

B. When investments are made in accordance with this section, no ~~member of the Board member, Northern Virginia Transportation Authority, or Hampton Roads Transportation Accountability Commission; employee of the Board employee, Northern Virginia Transportation Authority, Hampton Roads Transportation Accountability Commission, Department of Transportation employee, or Department of Rail and Public Transportation employee;~~ or treasury official shall be personally liable for any loss therefrom in the absence of negligence, malfeasance, misfeasance, or nonfeasance.

§ 33.2-2600. Hampton Roads Transportation Fund.

There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Transportation Fund, referred to in this chapter as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the Fund shall be used solely for (i) new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23 as approved by the Hampton Roads Transportation Accountability Commission and (ii) *administrative and operating expenses as specified in subsection B of § 33.2-2605.* The ~~Hampton Roads Transportation Accountability Commission~~ shall give priority to those projects that are expected to provide the greatest impact on reducing congestion for the greatest number of citizens residing within Planning District 23 and shall ensure that the moneys shall be used for such construction projects.

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund *and thereafter distributed to the Commission as soon as practicable for use in accordance with this chapter. If the Commission determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to this chapter, the Commission may invest such excess moneys to the same extent and in the same manner as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.*

The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating localities. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

§ 33.2-2602. Composition of Commission.

The Commission shall consist of 23 members as follows:

1. The chief elected officer of the governing body of each of the ~~14 counties and~~ 10 cities embraced by the Commission;

2. A *current elected official of each of the four counties embraced by the Commission, provided that such official (i) serves on the governing body of the county and (ii) has been appointed by resolution of such governing body to serve as the county's member on the Commission;*

3. Three members of the House of Delegates who reside in different counties or cities embraced by the Commission, appointed by the Speaker of the House, and two members of the Senate who reside in different counties or cities embraced by the Commission, appointed by the Senate Committee on Rules; and

3-4. The following four persons serving as nonvoting ex officio members of the Commission: a member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and is appointed by the Governor; the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the Executive Director of the Virginia Port Authority, or his designee.

All members of the Commission shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment. *If a member of the Commission who represents a locality as provided in subdivision 1 or 2 is unable to attend a meeting of the Commission, he may designate another current elected official of such governing body to attend a meeting of the Commission. Such designation shall be for the purposes of one meeting and shall be submitted in writing or electronically to the Chairman of the Commission at least 48 hours prior to the affected meeting.*

The Commission shall elect a chairman and vice-chairman from among its voting membership.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Commission, and the cost of such audit shall be borne by the Commission.

§ 33.2-2604. Decisions of Commission.

A majority of the Commission, which majority shall include at least a majority of the *total of* chief elected officers ~~of and elected officials who represent~~ the counties and cities embraced by the Commission, *or their designees pursuant to § 33.2-2602*, shall constitute a quorum. Decisions of the Commission shall require a quorum and shall be in accordance with voting procedures established by the Commission. In all cases, decisions of the Commission shall require the affirmative vote of two-thirds of the members of the Commission, *or their designees*, present and voting, and two-thirds of the *total of* chief elected officers ~~of and elected officials who represent~~ the counties and cities embraced by Planning District 23, *or their designees*, who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Commission; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose chief elected officer's *or elected official's, or its respective designee's*, sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Commission shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population estimates made by the Weldon Cooper Center for Public Service of the University of Virginia.

§ 33.2-2605. Annual budget and allocation of expenses.

A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353 as much as possible. The Commission shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of general circulation in Planning District 23.

B. The administrative *and operating* expenses of the Commission, ~~as shall be provided in an annual budget adopted by the Commission; and to the extent funds for such expenses are not provided from other sources; shall be allocated among the component counties and cities on the basis of the relative population; as determined pursuant to § 33.2-2604 paid from the Fund.~~ Such budget shall be limited solely to the administrative *and operating* expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of the members shall be provided by the Commission.

2. That no provision of this act shall result in the expiration of any provision of (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter.

CHAPTER 604

An Act to amend and reenact § 2.2-4303 of the Code of Virginia, relating to the Virginia Public Procurement Act; small purchase procedures; transportation-related construction.

[H 1166]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4303 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4303. Methods of procurement.

A. All public contracts with nongovernmental contractors for the purchase or lease of goods, or for the purchase of services, insurance, or construction, shall be awarded after competitive sealed bidding, or competitive negotiation as provided in this section, unless otherwise authorized by law.

B. Professional services shall be procured by competitive negotiation.

C. Upon a written determination made in advance by (i) the Governor or his designee in the case of a procurement by the Commonwealth or by a department, agency or institution thereof or (ii) the local governing body in the case of a procurement by a political subdivision of the Commonwealth, that competitive negotiation is either not practicable or not fiscally advantageous, insurance may be procured through a licensed agent or broker selected in the manner provided for the procurement of things other than professional services set forth in § 2.2-4302.2. The basis for this determination shall be documented in writing.

D. Construction may be procured only by competitive sealed bidding, except that competitive negotiation may be used in the following instances upon a determination made in advance by the public body and set forth in writing that competitive sealed bidding is either not practicable or not fiscally advantageous to the public, which writing shall document the basis for this determination:

1. By the Commonwealth, its departments, agencies and institutions on a fixed price design-build basis or construction management basis under § 2.2-4306;

2. By any public body for the construction of highways and any draining, dredging, excavation, grading or similar work upon real property;

3. By any governing body of a locality with a population in excess of 100,000, provided that the locality has the personnel, procedures, and expertise to enter into a contract for construction on a fixed price or not-to-exceed price design-build or construction management basis and shall otherwise be in compliance with the provisions of this section, § 2.2-4308, and other applicable law governing design-build or construction management contracts for public bodies other than the Commonwealth. The procedures of the local governing body shall be consistent with the two-step competitive negotiation process established in § 2.2-4302.2; or

4. As otherwise provided in § 2.2-4308.

E. Upon a determination in writing that there is only one source practicably available for that which is to be procured, a contract may be negotiated and awarded to that source without competitive sealed bidding or competitive negotiation. The writing shall document the basis for this determination. The public body shall issue a written notice stating that only one source was determined to be practicably available, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

F. In case of emergency, a contract may be awarded without competitive sealed bidding or competitive negotiation; however, such procurement shall be made with such competition as is practicable under the circumstances. A written determination of the basis for the emergency and for the selection of the particular contractor shall be included in the contract file. The public body shall issue a written notice stating that the contract is being awarded on an emergency basis, and identifying that which is being procured, the contractor selected, and the date on which the contract was or will be awarded. This notice shall be posted on the Department of General Services' central electronic procurement website or other appropriate websites, and in addition, public bodies may publish in a newspaper of general circulation on the day the public body awards or announces its decision to award the contract, whichever occurs first, or as soon thereafter as is practicable. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

G. A public body may establish purchase procedures, if adopted in writing, not requiring competitive sealed bids or competitive negotiation for single or term contracts for ~~(i) goods~~:

1. *Goods* and services other than professional services and ~~(ii)~~ non-transportation-related construction, if the aggregate or the sum of all phases is not expected to exceed \$100,000; ~~however, and~~

2. *Transportation-related construction*, if the aggregate or sum of all phases is not expected to exceed \$25,000.

However, such small purchase procedures shall provide for competition wherever practicable.

Such purchase procedures may allow for single or term contracts for professional services without requiring competitive negotiation, provided the aggregate or the sum of all phases is not expected to exceed \$60,000.

Where small purchase procedures are adopted for construction, the procedures shall not waive compliance with the Uniform State Building Code.

For state public bodies, purchases under this subsection that are expected to exceed \$30,000 shall require the (a) written informal solicitation of a minimum of four bidders or offerors and (b) posting of a public notice on the Department of General Services' central electronic procurement website or other appropriate websites. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities.

H. Upon a determination made in advance by a public body and set forth in writing that the purchase of goods, products or commodities from a public auction sale is in the best interests of the public, such items may be purchased at the auction, including online public auctions. Purchase of information technology and telecommunications goods and nonprofessional services from a public auction sale shall be permitted by any authority, department, agency, or institution of the Commonwealth if approved by the Chief Information Officer of the Commonwealth. The writing shall document the basis for this determination. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by online public auctions.

I. The purchase of goods or nonprofessional services, but not construction or professional services, may be made by reverse auctioning. However, bulk purchases of commodities used in road and highway construction and maintenance, and aggregates shall not be made by reverse auctioning.

CHAPTER 605

An Act to amend and reenact § 33.2-2902 of the Code of Virginia, relating to the Richmond Metropolitan Transportation Authority; powers.

[H 1237]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 33.2-2902 of the Code of Virginia is amended and reenacted as follows:****§ 33.2-2902. Powers of the Richmond Metropolitan Transportation Authority.**

In order to alleviate highway congestion; promote highway safety; expand highway construction; increase the utility and benefits and extend the services of public highways, including bridges, tunnels, and other highway facilities, both free and toll; and otherwise contribute to the economy, industrial and agricultural development, and welfare of the Commonwealth and the City of Richmond and the Counties of Henrico and Chesterfield, the Authority shall have the following powers:

1. To contract and be contracted with, to sue and be sued, and to adopt, use, and alter at its pleasure a seal;
2. To acquire and hold real or personal property necessary or convenient for its purposes;
3. To sell, lease, or otherwise dispose of any personal or real property or rights, easements, or estates therein deemed by the Authority not necessary for its purposes;
4. With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to purchase, construct, or otherwise acquire ownership of or rights to manage limited access highways within the corporate limits of the City of Richmond and the Counties of Chesterfield and Henrico, including all bridges, tunnels, overpasses, underpasses, grade separations, interchanges, entrance plazas, approaches, tollhouses, administration buildings, storage buildings, and other buildings and facilities, and rights or licenses to operate existing toll roads that the Authority may deem necessary or convenient for the operation of such limited access highways. Title to any property acquired by the Authority shall be taken in the name of the Authority. Without the need of approval from such local governing bodies, the Authority may maintain, repair, and operate, or cause to be repaired, maintained, and operated, such limited access highways and related facilities;
5. With the approval of the Mayor and the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to own, operate, maintain, and provide rapid and other transit facilities and services for the transportation of the public; to enter into contracts with the City and the County or Counties and any public service corporations doing business as common carriers of passengers and property for the use of Authority facilities for such purpose; to enter into contracts for the transportation of passengers and property over facilities of localities other than those controlled by the Authority, as well as the property and facilities of the Authority; and to construct, acquire, operate, and maintain any other properties and facilities, including such offices and commercial facilities in connection therewith as are deemed necessary or convenient by the Authority, for the relief of traffic congestion, to provide vehicular parking, to promote transportation of persons and property, or to promote the flow of commerce that the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Chesterfield and Henrico may request the Authority to provide;
6. With the approval of the Mayor and the City Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to acquire land; to construct, own, and operate sports facilities of any nature, including facilities reasonably related thereto; *to construct, own, and operate coliseums and arenas, including facilities reasonably related thereto*; to own a baseball stadium of sufficient seating capacity and quality for the playing of baseball at the level immediately below Major League Baseball; and to lease such land, stadium, sports facilities, *coliseums, arenas*, and attendant facilities under such terms and conditions as the Authority may prescribe. In the event of a conflict between the provisions of this subdivision and any bond indenture to which the Authority is subject, the provisions of the bond indenture shall be controlling;
7. To acquire by the exercise of the power of eminent domain any lands, property rights, rights-of-way, franchises, easements, and other property, including public lands, parks, playgrounds, reservations, highways, or parkways, or parts thereof or rights therein, of any person, partnership, association, railroad, public service, public utility, or other corporation, or of any municipality, county, or other political subdivision, deemed necessary or convenient for the construction or the efficient operation of a project or necessary in the restoration, replacement, or relocation of public or private property damaged or destroyed whenever a reasonable price cannot be agreed upon with the governing body of such municipality, county, or other political subdivision as to such property owned by it or whenever the Authority cannot agree on the terms of purchase or settlement with the other owners because of the incapacity of such owners, because of the inability to agree on the compensation to be paid or other terms of settlement or purchase, or because such owners are nonresidents of the Commonwealth, are unknown, or are unable to convey valid title to such property. Such proceedings shall be in accordance with and subject to the provisions of any and all laws of the Commonwealth applicable to the exercise of the power of eminent domain in the name of the Commissioner of Highways and subject to the provisions of § 25.1-102 as fully as if the Authority were a corporation possessing the power of eminent domain. Title to any property condemned by the Authority shall immediately vest in the Authority, and the Authority shall be entitled to the immediate possession of such property upon the deposit with the clerk of the court in which such condemnation proceedings are originated of the total amount of

the appraised price of the property and court costs and fees as provided by law, notwithstanding that any of the parties to such proceedings shall appeal from any decision in such condemnation proceeding. Whenever the Authority makes such deposit in connection with any condemnation proceeding, the making of such deposit shall not preclude the Authority from appealing any decision rendered in such proceedings. Upon the deposit with the clerk of the court of the appraised price, any person entitled thereto may, upon petition to the court, be paid his or their pro rata share of 90 percent of such appraised price. The acceptance of such payment shall not preclude such person from appealing any decision rendered in such proceedings. If the appraisement is greater or less than the amount finally determined by the decision in such proceeding or by an appeal, the amount of the increase or decrease shall be paid by or refunded to the Authority.

The terms "appraised price" and "appraisement" as used in this subdivision mean the value determined by two competent real estate appraisers appointed by the Authority for such purposes.

The acquisition of any such property by condemnation or by the exercise of the power of eminent domain shall be and is hereby declared to be a public use of such property;

8. To determine the location of any limited access highways constructed or acquired by the Authority, subject to the approval of the Commonwealth Transportation Board, and to determine the design standards and materials of construction of such highways;

9. To designate, with the approval of the Commonwealth Transportation Board, the location in the City of Richmond and in the Counties of Henrico and Chesterfield and establish, limit, and control points of ingress to and egress from any limited access highway constructed by the Authority within the corporate limits of the City of Richmond and the Counties of Henrico and Chesterfield as may be necessary or desirable in the judgment of the Authority to insure the proper operation and maintenance of such highway; to prohibit entrance to and exit from such highway from any point not so designated; and to construct, maintain, repair, and operate service roads connecting with points of ingress to and egress from such highway at such locations in the City of Richmond and in the Counties of Henrico and Chesterfield as may be designated by the Authority;

10. To make and enter into all contracts and agreements necessary or incidental to the performance of its duties and the execution of its powers under this chapter, including contracts or agreements authorized by this chapter with the Commonwealth Transportation Board, the City of Richmond, and the Counties of Henrico and Chesterfield;

11. To construct grade separations at intersections of any limited access highway constructed by the Authority with public highways or other public ways or places and to change and adjust the lines and grades thereof so as to accommodate the same to the design of the grade separation. The cost of such grade separations and any damage incurred in changing and adjusting the lines and grades of such highways, ways, and places shall be ascertained and paid by the Authority as a part of the cost of such highway;

12. To vacate or change the location of any portion of any public highway or other public way or place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, and other equipment and appliance of the Commonwealth, of the City of Richmond, or of the Counties of Henrico and Chesterfield, and to reconstruct the same in such new location as shall be designated by the Authority and of substantially the same type and in as good condition as the original highway, street, way, place, public utility, sewer, pipe, main, conduit, cable, wire, tower, pole, equipment, or appliance, with the cost of such reconstruction and any damage incurred in vacating or changing the location thereof ascertained and paid by the Authority as a part of the cost of the project in connection with such expenditures. Any public highway or other public way or place vacated or relocated by the Authority shall be vacated or relocated in the manner provided by law for the vacation or relocation of public highways, and any damages awarded on account thereof shall be paid by the Authority as a part of the cost of the project;

13. To enter upon any lands, waters, and premises for the purpose of making such surveys, soundings, borings, and examinations as the Authority may deem necessary or convenient for its purposes. Such entry shall not be deemed a trespass, nor shall an entry for such purposes be deemed an entry under any condemnation proceeding; however, the Authority shall pay any actual damage resulting to such lands, water, and premises as a result of such entry and activities;

14. To operate or permit the operation of vehicles for the transportation of persons or property for compensation on any limited access highway constructed or acquired by the Authority, provided that the Department of Motor Vehicles or the Federal Motor Carrier Safety Administration shall not be divested of jurisdiction to authorize or regulate the operation of such carriers;

15. To establish reasonable regulations for the installation, construction, maintenance, repair, renewal, relocation, and removal of pipes, mains, sewers, conduits, cables, wires, towers, poles, and other equipment and appliances (public utility facilities) of the City of Richmond and the Counties of Henrico and Chesterfield and of public utility and public service corporations and of any person, firm, or other corporation rendering similar services, owning or operating public utility facilities in, on, along, over, or under highways constructed by the Authority. Whenever the Authority shall determine that it is necessary that any public utility facilities should be relocated or removed, the Authority may relocate or remove the public utility facilities in accordance with the regulations of the Authority, and the cost and expense of such relocation or removal, including the cost of installing the public utility facilities in a new location and the cost of any lands or any rights or interests in lands and any other rights acquired to accomplish such relocation or removal, shall be paid by the Authority as a part of the cost of such highway. The owner or operator of the public utility facilities may maintain and operate the public utility facilities with the necessary appurtenances in the new location for as long a period and upon the same terms and conditions as it had the right to maintain and operate the public utility facilities in the former location;

16. With the approval of the Mayor and the Council of the City of Richmond and the Boards of Supervisors of the Counties of Henrico and Chesterfield, to borrow money and issue bonds, notes, or other evidences of indebtedness for any of its corporate purposes, such bonds, notes, or other evidences of indebtedness to be payable solely from the revenues or other unencumbered funds available to the Authority that are pledged to the payment of such bonds, notes, or other evidences of indebtedness;

17. To fix, charge, and collect fees, tolls, rents, rates, and other charges for the use of Authority facilities and the parts or sections thereof;

18. To establish rules and regulations for the use of any Authority facilities as may be necessary or expedient in the interest of public safety with respect to the use of Authority facilities and property under the control of the Authority;

19. To employ consulting engineers, attorneys, accountants, construction and financial experts, superintendents, managers, trustees, depositories, paying agents, and such other employees and agents as may be necessary in the discretion of the Authority to construct, acquire, maintain, and operate Authority facilities and to fix their compensation;

20. To receive and accept from any federal agency for or in aid of the construction of any Authority facility or for or in aid of any Authority undertaking authorized by this chapter, and to receive and accept from the Commonwealth, the City of Richmond, or the Counties of Henrico and Chesterfield and from any other source, grants, contributions, or other aid in such construction or undertaking, or for operation and maintenance, either in money, property, labor, materials, or other things of value; and

21. To do all other acts and things necessary or convenient to carry out the powers expressly granted in this chapter.

CHAPTER 606

An Act to authorize the issuance of special license plates for supporters of the safety of runners bearing the legend MEG'S MILES.

[H 1312]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. Special license plates for supporters of the safety of runners bearing the legend MEG'S MILES.

On receipt of an application and following the provisions of § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue to the applicant special license plates for supporters of the safety of runners bearing the legend MEG'S MILES.

CHAPTER 607

An Act to amend the Code of Virginia by adding a section numbered 46.2-818.1, relating to opening of motor vehicle doors.

[S 117]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 46.2-818.1 as follows:

§ 46.2-818.1. Opening and closing motor vehicle doors; penalty.

No operator shall open the door of a parked motor vehicle on the side adjacent to moving vehicular traffic unless it is reasonably safe to do so.

A violation of this section shall constitute a traffic infraction punishable by a fine of not more than \$50. No demerit points shall be awarded by the Commissioner for a violation of this section.

The provisions of this section shall not apply to any law-enforcement officer, firefighter, or emergency medical services personnel engaged in the performance of his duties.

CHAPTER 608

An Act to amend and reenact §§ 33.2-1525, 33.2-2600, 33.2-2602, 33.2-2604, and 33.2-2605 of the Code of Virginia, relating to the Hampton Roads Transportation Accountability Commission.

[S 476]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-1525, 33.2-2600, 33.2-2602, 33.2-2604, and 33.2-2605 of the Code of Virginia are amended and reenacted as follows:

§ 33.2-1525. Administration of Transportation Trust Fund.

A. The Transportation Trust Fund shall be established on the books of the Comptroller so as to segregate the amounts appropriated to the Transportation Trust Fund and the amounts earned or accumulated by such Transportation Trust Fund.

No portion of the Transportation Trust Fund shall be used for a purpose other than as provided in this section. Any moneys remaining in the Transportation Trust Fund at the end of a biennium shall not revert to the general fund but shall remain in the Transportation Trust Fund to be used for the purposes set forth in §§ 33.2-1524, 33.2-1526, and 33.2-1529 and shall accumulate interest and dividends throughout the existence of the Transportation Trust Fund. Whenever in the Board's opinion there are moneys in the Transportation Trust Fund in excess of the amount required to meet the current needs and demands of the transportation program, the Board may invest such excess funds in securities that, in its judgment, will be readily convertible into money. Such securities may include debentures and other government and corporate obligations; common and preferred stocks limited to 30 percent of total trust funds investments based on cost; "prime quality" commercial paper, as defined and limited by § 2.2-4502; bankers' acceptances; bonds; money market funds; and overnight, term, and open repurchase agreements. The investment of moneys held in the Transportation Trust Fund shall be administered by the state treasury under guidelines adopted by the Board pursuant to this section.

The Treasurer may, at his option, manage such moneys or hire professional outside investment counsel to manage part or all of such moneys.

The selection of services related to the management, purchase, or sale of authorized investments shall be governed by the standard provided in this section and shall not be subject to the provisions of Chapter 43 (§ 2.2-4300 et seq.) of Title 2.2.

B. When investments are made in accordance with this section, no ~~member of the Board member, Northern Virginia Transportation Authority, or Hampton Roads Transportation Accountability Commission; employee of the Board employee, Northern Virginia Transportation Authority, Hampton Roads Transportation Accountability Commission, Department of Transportation employee, or Department of Rail and Public Transportation employee;~~ or treasury official shall be personally liable for any loss therefrom in the absence of negligence, malfeasance, misfeasance, or nonfeasance.

§ 33.2-2600. Hampton Roads Transportation Fund.

There is hereby created in the state treasury a special nonreverting fund for Planning District 23 to be known as the Hampton Roads Transportation Fund, referred to in this chapter as "the Fund." The Fund shall be established on the books of the Comptroller. All revenues dedicated to the Fund pursuant to § 58.1-638 and Chapter 22.1 (§ 58.1-2291 et seq.) of Title 58.1 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. The moneys deposited in the Fund shall be used solely for (i) new construction projects on new or existing highways, bridges, and tunnels in the localities comprising Planning District 23 as approved by the Hampton Roads Transportation Accountability Commission and (ii) *administrative and operating expenses as specified in subsection B of § 33.2-2605.* The ~~Hampton Roads Transportation Accountability Commission~~ shall give priority to those projects that are expected to provide the greatest impact on reducing congestion for the greatest number of citizens residing within Planning District 23 and shall ensure that the moneys shall be used for such construction projects.

The amounts dedicated to the Fund shall be deposited monthly by the Comptroller into the Fund *and thereafter distributed to the Commission as soon as practicable for use in accordance with this chapter. If the Commission determines that such moneys distributed to it exceed the amount required to meet the current needs and demands to fund transportation projects pursuant to this chapter, the Commission may invest such excess moneys to the same extent and in the same manner as provided in subsection A of § 33.2-1525 for excess funds in the Transportation Trust Fund.*

The amounts deposited into the Fund and the distribution and expenditure of such amounts shall not be used to calculate or reduce the share of federal, state, or local revenues otherwise available to participating localities. Further, such revenues and moneys shall not be included in any computation of, or formula for, a locality's ability to pay for public education, upon which appropriations of state revenues to local governments for public education are determined.

§ 33.2-2602. Composition of Commission.

The Commission shall consist of 23 members as follows:

1. The chief elected officer of the governing body of each of the ~~14 counties and~~ 10 cities embraced by the Commission;

2. *A current elected official of each of the four counties embraced by the Commission, provided that such official (i) serves on the governing body of the county and (ii) has been appointed by resolution of such governing body to serve as the county's member on the Commission;*

3. Three members of the House of Delegates who reside in different counties or cities embraced by the Commission, appointed by the Speaker of the House, and two members of the Senate who reside in different counties or cities embraced by the Commission, appointed by the Senate Committee on Rules; and

~~3.~~ 4. The following four persons serving as nonvoting ex officio members of the Commission: a member of the Commonwealth Transportation Board who resides in a locality embraced by the Commission and is appointed by the Governor; the Director of the Department of Rail and Public Transportation, or his designee; the Commissioner of Highways, or his designee; and the Executive Director of the Virginia Port Authority, or his designee.

All members of the Commission shall serve terms coincident with their terms of office. Vacancies shall be filled in the same manner as the original appointment. *If a member of the Commission who represents a locality as provided in subdivision 1 or 2 is unable to attend a meeting of the Commission, he may designate another current elected official of such governing body to attend a meeting of the Commission. Such designation shall be for the purposes of one meeting and*

shall be submitted in writing or electronically to the Chairman of the Commission at least 48 hours prior to the affected meeting.

The Commission shall elect a chairman and vice-chairman from among its voting membership.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the financial accounts of the Commission, and the cost of such audit shall be borne by the Commission.

§ 33.2-2604. Decisions of Commission.

A majority of the Commission, which majority shall include at least a majority of the *total of chief elected officers of and elected officials who represent the counties and cities embraced by the Commission, or their designees pursuant to § 33.2-2602*, shall constitute a quorum. Decisions of the Commission shall require a quorum and shall be in accordance with voting procedures established by the Commission. In all cases, decisions of the Commission shall require the affirmative vote of two-thirds of the members of the Commission, *or their designees*, present and voting, and two-thirds of the *total of chief elected officers of and elected officials who represent the counties and cities embraced by Planning District 23, or their designees*, who are present and voting and whose counties and cities include at least two-thirds of the population embraced by the Commission; however, no motion to fund a specific facility or service shall fail because of this population criterion if such facility or service is not located or to be located or provided or to be provided within the county or city whose chief elected officer's *or elected official's, or its respective designee's*, sole negative vote caused the facility or service to fail to meet the population criterion. The population of counties and cities embraced by the Commission shall be the population as determined by the most recently preceding decennial census, except that on July 1 of the fifth year following such census, the population of each county and city shall be adjusted, based on population estimates made by the Weldon Cooper Center for Public Service of the University of Virginia.

§ 33.2-2605. Annual budget and allocation of expenses.

A. The Commission shall adopt an annual budget and develop a funding plan and shall provide for such adoption in its bylaws. The funding plan shall provide for the expenditure of funds over a four- to six-year period and shall align with the Statewide Transportation Plan established pursuant to § 33.2-353 as much as possible. The Commission shall solicit public comment on its budget and funding plan by posting a summary of such budget and funding plan on its website and holding a public hearing. Such public hearing shall be advertised on the Commission's website and in a newspaper of general circulation in Planning District 23.

B. The administrative *and operating* expenses of the Commission, ~~as shall be provided in an annual budget adopted by the Commission; and to the extent funds for such expenses are not provided from other sources; shall be allocated among the component counties and cities on the basis of the relative population; as determined pursuant to § 33.2-2604~~ paid from the Fund. Such budget shall be limited solely to the administrative *and operating* expenses of the Commission and shall not include any funds for construction or acquisition of transportation facilities or the performance of any transportation service.

C. Members may be reimbursed for all reasonable and necessary expenses provided in §§ 2.2-2813 and 2.2-2825, if approved by the Commission. Funding for the costs of compensation and expenses of the members shall be provided by the Commission.

2. That no provision of this act shall result in the expiration of any provision of (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter.

CHAPTER 609

An Act to amend the Code of Virginia by adding in Title 33.2 a chapter numbered 18.2, consisting of sections numbered 33.2-1840 through 33.2-1844, relating to the Transit Capital Project Revenue Advisory Board; report.

[H 1359]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 33.2 a chapter numbered 18.2, consisting of sections numbered 33.2-1840 through 33.2-1844, as follows:

CHAPTER 18.2.

TRANSIT CAPITAL PROJECT REVENUE ADVISORY BOARD.

§ 33.2-1840. Transit Capital Project Revenue Advisory Board; purpose.

The Transit Capital Project Revenue Advisory Board (the Advisory Board) is established as an advisory board within the Department of Rail and Public Transportation in the executive branch of state government.

The purpose of the Advisory Board is to examine the impacts of the revenue reduction caused by the expiration of the 2007 Capital Project Revenue bonds that will leave transit systems in the Commonwealth without necessary funds for capital improvement, to identify possible sources of replacement revenue, and to develop methodologies for further prioritization of transit capital funds.

§ 33.2-1841. Membership; terms; quorum; meetings.

The Advisory Board shall have a total membership of seven members that shall consist of nonlegislative citizen members. Members shall be appointed by the Secretary of Transportation as follows: two shall be appointed upon the

recommendation of the Virginia Transit Association, two shall be appointed upon the recommendation of the Department of Rail and Public Transportation, one shall be appointed upon the recommendation of the Virginia Municipal League, one shall be appointed upon the recommendation of the Community Transportation Association of Virginia, and one shall be appointed upon the recommendation of the Virginia Association of Counties. Members of the Advisory Board shall be citizens of the Commonwealth.

Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All members may be reappointed.

No member shall serve more than two consecutive one-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

The Advisory Board shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The Advisory Board shall meet no more than four times each year. The meetings of the Advisory Board shall be held at the call of the chairman or whenever the majority of the members so request.

§ 33.2-1842. Compensation; expenses.

Members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Funding for the costs of compensation and expenses of the members shall be provided by the Department of Rail and Public Transportation.

§ 33.2-1843. Powers and duties of the Advisory Board.

The Transit Capital Project Revenue Advisory Board shall:

1. Examine the impacts of the loss of state transit capital funds;
2. Identify additional sources of revenue to recover the capital losses;
3. Develop a proposal for a statewide prioritization process for the use of additional sources of revenues identified by the Advisory Board pursuant to subdivision 2, funds allocated pursuant to § 33.2-365, and funds allocated to the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638. Such prioritization process shall be used for the development of a Six-Year Improvement Program for transit capital expenditures to be included in the Program adopted annually by the Commonwealth Transportation Board pursuant to § 33.2-214. Transit capital used for new transit projects or expansion of existing transit projects shall be evaluated using a prioritization process based on an objective and quantifiable analysis that considers, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use; and
4. Develop a proposal to foster project-specific prioritization within the asset tiers of the tiered approach established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues, for which funding for the transit state of good repair program shall be allocated and distributed.

§ 33.2-1844. Staffing.

The Department of Rail and Public Transportation shall provide staff support to the Advisory Board. All agencies of the Commonwealth shall provide assistance to the Advisory Board, upon request.

2. That the director of the Department of Rail and Public Transportation and the chairman of the Advisory Board shall jointly submit to the Governor and the General Assembly an interim report containing an executive summary of the activity and work of the Advisory Board no later than January 1, 2017, for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The director of the Department of Rail and Public Transportation and the chairman of the Advisory Board shall jointly submit to the Governor and the General Assembly a final report containing an executive summary of the activity and recommendations of the Advisory Board no later than August 1, 2017. The executive summaries shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

3. That the provisions of this act shall expire on July 1, 2018.

CHAPTER 610

An Act to amend and reenact § 58.1-3666 of the Code of Virginia, relating to living shorelines.

[H 526]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3666 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3666. Wetlands and riparian buffers; living shorelines.

Wetlands, as defined herein, that are subject to a perpetual easement permitting inundation by water, and riparian buffers, as defined herein, that are subject to a perpetual easement permitting inundation by water, are hereby declared to be a separate class of property and shall constitute a classification for local taxation separate from other classifications of real property. The governing body of any county, city or town may, by ordinance, exempt or partially exempt such property from local taxation. *In addition, any living shoreline project approved by the Virginia Marine Resources Commission or the*

applicable local wetlands board and not prohibited by local ordinance that satisfies the definition of a living shoreline consistent with § 28.2-104.1 shall qualify for full exemption from such taxation by local governments.

"Riparian buffer" means an area of trees, shrubs or other vegetation, subject to a perpetual easement permitting inundation by water, that is (i) at least thirty-five feet in width, (ii) adjacent to a body of water, and (iii) managed to maintain the integrity of stream channels and shorelines and reduce the effects of upland sources of pollution by trapping, filtering, and converting sediments, nutrients, and other chemicals.

"Wetlands" means an area that is inundated or saturated by surface or ground water at a frequency or duration sufficient to support, and that under normal conditions does support, a prevalence of vegetation typically adapted for life in saturated soil conditions, and that is subject to a perpetual easement permitting inundation by water.

CHAPTER 611

An Act to amend and reenact §§ 20-23, 20-25, and 20-26 of the Code of Virginia, relating to ministers or other persons authorized to celebrate rites of matrimony; no oath required.

[H 19]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 20-23, 20-25, and 20-26 of the Code of Virginia are amended and reenacted as follows:

§ 20-23. Order authorizing ministers to perform ceremony.

When a minister of any religious denomination ~~shall produce~~ *produces* before the circuit court of any county or city in ~~this~~ *the* Commonwealth, or before the judge of such court or before the clerk of such court at any time, proof of his ordination and of his being in regular communion with the religious society of which he is a reputed member, or proof that he is commissioned to pastoral ministry or holds a local minister's license and is serving as a regularly appointed pastor in his denomination, such court, or the judge thereof, or the clerk of such court at any time, may make an order authorizing such minister to celebrate the rites of matrimony in ~~this~~ *the* Commonwealth. Any order made under this section may be rescinded at any time by the court or by the judge thereof. *No oath shall be required of a minister authorized to celebrate the rites of matrimony, nor shall such minister be considered an officer of the Commonwealth by virtue of such authorization.*

§ 20-25. Persons other than ministers who may perform rites.

Upon petition filed with the clerk and payment of applicable clerk's fees, any circuit court judge may issue an order authorizing one or more persons; resident in the circuit in which the judge sits; to celebrate the rites of marriage in the Commonwealth. Any person so authorized shall, before acting, enter into bond in the penalty of \$500, with or without surety, as the court may direct. Any order made under this section may be rescinded at any time. *No oath shall be required of a person authorized to celebrate the rites of marriage, nor shall such person be considered an officer of the Commonwealth by virtue of such authorization.*

Any judge or justice of a court of record, any judge of a district court ~~or~~, any retired judge or justice of the Commonwealth ~~or~~ and any active, senior, or retired federal judge or justice who is a resident of the Commonwealth may celebrate the rites of marriage anywhere in the Commonwealth without the necessity of bond or order of authorization.

§ 20-26. Marriage between members of religious society having no minister.

Marriages between persons belonging to any religious society which has no ordained minister, may be solemnized by the persons and in the manner prescribed by and practiced in any such society. One person chosen by the society shall be responsible for completing the certification of marriage in the same manner as a minister or other person authorized to perform marriages; such person chosen by the society for this purpose shall be required to execute a bond in the penalty of \$500, with surety. *No oath shall be required of a person authorized to celebrate the rites of marriage, nor shall such person be considered an officer of the Commonwealth by virtue of such authorization.*

CHAPTER 612

An Act to amend and reenact § 16.1-112 of the Code of Virginia, relating to transmission of case papers to appellate court; acceptability of electronic case papers.

[H 64]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-112 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-112. All papers transmitted to appellate court; further proceedings.

The judge or clerk of any court from which an appeal is taken under this article shall promptly transmit to the clerk of the appellate court the *case papers, which shall include the* original warrant or warrants or other notices or pleadings with the judgment endorsed thereon, together with all pleadings, exhibits, and other papers filed in the trial of the case; ~~the~~ *The* required bond, and, if applicable, the money deposited to secure such bond and the writ tax and costs paid pursuant to § 16.1-107 *shall also be submitted, and along with* the fees for service of process of the notice of appeal in the circuit court.

Upon agreement between the chief judge of the general district court and the clerk of the appellate court, the case papers shall be transmitted to the appellate court by an electronic method approved by the Executive Secretary of the Supreme Court, with the exception of any exhibit that cannot be electronically transmitted. In the jurisdictions where an agreement pursuant to this section is in effect for the electronic submission of case papers to the appellate court, the appellate court may transmit the case papers back to the general district court by electronic submission where the case is to be returned to the general district court under applicable law. Electronic case papers, whether originating in electronic form or converted to electronic form, shall constitute the official record of the case. Such electronic case papers shall also fulfill any statutory requirement requiring an original, original paper, paper, record, document, facsimile, memorandum, exhibit, certification, or transcript if such electronic case papers are in an electronic form approved by the Executive Secretary of the Supreme Court. Upon receipt of the foregoing by the clerk of the appellate court, the case shall then be docketed.

When such case has been docketed, the clerk of such appellate court shall by writing to be served, as provided in §§ 8.01-288, 8.01-293, 8.01-296, and 8.01-325, or by certified mail, with certified delivery receipt requested, notify the appellee, or by regular mail to his attorney, that such an appeal has been docketed in his office; provided, that upon affidavit by the appellant or his agent in conformity with § 8.01-316 being filed with the clerk, the clerk shall post such notice at the front door of his courtroom and shall mail a copy thereof to the appellee at his last known address or place of abode or to his attorney; and he shall file a certificate of such posting and mailing with the papers in the case. No such appeal shall be heard unless it appears that the appellee or his attorney has had such notice, or that such certificate has been filed, 10 days before the date fixed for trial, or has in person or by attorney waived such notice.

2. That any clerk who uses private technology systems authorized pursuant to § 17.1-502 may utilize the provisions of § 16.1-112 provided that the electronic method for transmittal to the appellate court complies with the security and data standards established by the Executive Secretary of the Supreme Court of Virginia.

3. That the provisions of this act shall become effective on January 1, 2017.

CHAPTER 613

An Act to amend and reenact § 15.2-2232 of the Code of Virginia, relating to comprehensive plan.

[H 883]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2232 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2232. Legal status of plan.

A. Whenever a local planning commission recommends a comprehensive plan or part thereof for the locality and such plan has been approved and adopted by the governing body, it shall control the general or approximate location, character and extent of each feature shown on the plan. Thereafter, unless a feature is already shown on the adopted master plan or part thereof or is deemed so under subsection D, no street or connection to an existing street, park or other public area, public building or public structure, public utility facility or public service corporation facility other than a railroad facility or an underground natural gas or underground electric distribution facility of a public utility as defined in subdivision (b) of § 56-265.1 within its certificated service territory, whether publicly or privately owned, shall be constructed, established or authorized, unless and until the general location or approximate location, character, and extent thereof has been submitted to and approved by the commission as being substantially in accord with the adopted comprehensive plan or part thereof. In connection with any such determination, the commission may, and at the direction of the governing body shall, hold a public hearing, after notice as required by § 15.2-2204. Following the adoption of the Statewide Transportation Plan by the Commonwealth Transportation Board pursuant to § 33.2-353 and written notification to the affected local governments, each local government through which one or more of the designated corridors of statewide significance traverses, shall, at a minimum, note such corridor or corridors on the transportation plan map included in its comprehensive plan for information purposes at the next regular update of the transportation plan map. Prior to the next regular update of the transportation plan map, the local government shall acknowledge the existence of corridors of statewide significance within its boundaries.

B. The commission shall communicate its findings to the governing body, indicating its approval or disapproval with written reasons therefor. The governing body may overrule the action of the commission by a vote of a majority of its membership. Failure of the commission to act within 60 days of a submission, unless the time is extended by the governing body, shall be deemed approval. The owner or owners or their agents may appeal the decision of the commission to the governing body within 10 days after the decision of the commission. The appeal shall be by written petition to the governing body setting forth the reasons for the appeal. The appeal shall be heard and determined within 60 days from its filing. A majority vote of the governing body shall overrule the commission.

C. Widening, narrowing, extension, enlargement, vacation or change of use of streets or public areas shall likewise be submitted for approval, but paving, repair, reconstruction, improvement, drainage or similar work and normal service extensions of public utilities or public service corporations shall not require approval unless such work involves a change in location or extent of a street or public area.

D. Any public area, facility or use as set forth in subsection A which is identified within, but not the entire subject of, a submission under either § 15.2-2258 for subdivision or subdivision A 8 of § 15.2-2286 for development or both may be

deemed a feature already shown on the adopted master plan, and, therefore, excepted from the requirement for submittal to and approval by the commission or the governing body; provided, that the governing body has by ordinance or resolution defined standards governing the construction, establishment or authorization of such public area, facility or use or has approved it through acceptance of a proffer made pursuant to § 15.2-2303.

E. Approval and funding of a public telecommunications facility on or before July 1, 2012, by the Virginia Public Broadcasting Board pursuant to Article 12 (§ 2.2-2426 et seq.) of Chapter 24 of Title 2.2 or after July 1, 2012, by the Board of Education pursuant to § 22.1-20.1 shall be deemed to satisfy the requirements of this section and local zoning ordinances with respect to such facility with the exception of television and radio towers and structures not necessary to house electronic apparatus. The exemption provided for in this subsection shall not apply to facilities existing or approved by the Virginia Public Telecommunications Board prior to July 1, 1990. The Board of Education shall notify the governing body of the locality in advance of any meeting where approval of any such facility shall be acted upon.

F. On any application for a telecommunications facility, the commission's decision shall comply with the requirements of the Federal Telecommunications Act of 1996. Failure of the commission to act on any such application for a telecommunications facility under subsection A submitted on or after July 1, 1998, within 90 days of such submission shall be deemed approval of the application by the commission unless the governing body has authorized an extension of time for consideration or the applicant has agreed to an extension of time. The governing body may extend the time required for action by the local commission by no more than 60 additional days. If the commission has not acted on the application by the end of the extension, or by the end of such longer period as may be agreed to by the applicant, the application is deemed approved by the commission.

G. A proposed telecommunications tower or a facility constructed by an entity organized pursuant to Chapter 9.1 (§ 56-231.15 et seq.) of Title 56 shall be deemed to be substantially in accord with the comprehensive plan and commission approval shall not be required if the proposed telecommunications tower or facility is located in a zoning district that allows such telecommunications towers or facilities by right.

CHAPTER 614

An Act to amend and reenact § 44-54.4 of the Code of Virginia, relating to Virginia Defense Force; training duty.

[H 1052]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 44-54.4 of the Code of Virginia is amended and reenacted as follows:

§ 44-54.4. Organization; definitions.

The Virginia Defense Force with a targeted membership of at least 1,200 shall be organized within and subject to the control of the Department of Military Affairs.

When called to state active duty, the mission of the Virginia Defense Force shall be to (i) provide for an adequately trained organized reserve militia to assume control of Virginia National Guard facilities and to secure any federal and state property left in place in the event of the mobilization of the Virginia National Guard, (ii) assist in the mobilization of the Virginia National Guard, (iii) support the Virginia National Guard in providing family assistance to military dependents within the Commonwealth in the event of the mobilization of the Virginia National Guard, and (iv) provide a military force to respond to the call of the Governor in those circumstances described in § 44-75.1.

Nothing in this article shall be construed as authorizing the Virginia Defense Force or any part thereof to be called, ordered or in any manner drafted by federal authorities into the military service of the United States. However, no person by reason of his enlistment or appointment in the Virginia Defense Force shall be exempted from military service under any law of the United States.

Members of the Virginia Defense Force may serve in either of the following duty statuses:

1. "Training duty," which is the normal service and training performed by the Virginia Defense Force in order to be prepared for state active duty, and which includes but is not limited to organization, administration, recruiting, maintenance of equipment ~~and~~, *armory drills, annual duty training, and training exercises.*

2. "State active duty," which is the performance of actual military service for the Commonwealth when called by the Governor or his designee to active duty in service of the Commonwealth in accordance with Article 7 (§ 44-75.1 et seq.) ~~of this chapter.~~

"Military duty" and "military service," as used in this title, shall include the activities of the members of the Virginia Defense Force while in training duty and state active duty status.

CHAPTER 615

An Act to amend and reenact § 20-107.1 of the Code of Virginia, relating to spousal support factors.

[H 668]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 20-107.1 of the Code of Virginia is amended and reenacted as follows:

§ 20-107.1. Court may decree as to maintenance and support of spouses.

A. Pursuant to any proceeding arising under subsection L of § 16.1-241 or upon the entry of a decree providing (i) for the dissolution of a marriage, (ii) for a divorce, whether from the bond of matrimony or from bed and board, (iii) that neither party is entitled to a divorce, or (iv) for separate maintenance, the court may make such further decree as it shall deem expedient concerning the maintenance and support of the spouses. However, the court shall have no authority to decree maintenance and support payable by the estate of a deceased spouse.

B. Any maintenance and support shall be subject to the provisions of § 20-109, and no permanent maintenance and support shall be awarded from a spouse if there exists in such spouse's favor a ground of divorce under the provisions of subdivision A (1) of § 20-91. However, the court may make such an award notwithstanding the existence of such ground if the court determines from clear and convincing evidence, that a denial of support and maintenance would constitute a manifest injustice, based upon the respective degrees of fault during the marriage and the relative economic circumstances of the parties.

C. The court, in its discretion, may decree that maintenance and support of a spouse be made in periodic payments for a defined duration, or in periodic payments for an undefined duration, or in a lump sum award, or in any combination thereof.

D. In addition to or in lieu of an award pursuant to subsection C, the court may reserve the right of a party to receive support in the future. In any case in which the right to support is so reserved, there shall be a rebuttable presumption that the reservation will continue for a period equal to 50 percent of the length of time between the date of the marriage and the date of separation. Once granted, the duration of such a reservation shall not be subject to modification.

E. The court, in determining whether to award support and maintenance for a spouse, shall consider the circumstances and factors which contributed to the dissolution of the marriage, specifically including adultery and any other ground for divorce under the provisions of subdivision A (3) or (6) of § 20-91 or § 20-95. In determining the nature, amount and duration of an award pursuant to this section, the court shall consider the following:

1. The obligations, needs and financial resources of the parties, including but not limited to income from all pension, profit sharing or retirement plans, of whatever nature;
2. The standard of living established during the marriage;
3. The duration of the marriage;
4. The age and physical and mental condition of the parties and any special circumstances of the family;
5. The extent to which the age, physical or mental condition or special circumstances of any child of the parties would make it appropriate that a party not seek employment outside of the home;
6. The contributions, monetary and nonmonetary, of each party to the well-being of the family;
7. The property interests of the parties, both real and personal, tangible and intangible;
8. The provisions made with regard to the marital property under § 20-107.3;
9. The earning capacity, including the skills, education and training of the parties and the present employment opportunities for persons possessing such earning capacity;
10. The opportunity for, ability of, and the time and costs involved for a party to acquire the appropriate education, training and employment to obtain the skills needed to enhance his or her earning ability;
11. The decisions regarding employment, career, economics, education and parenting arrangements made by the parties during the marriage and their effect on present and future earning potential, including the length of time one or both of the parties have been absent from the job market;
12. The extent to which either party has contributed to the attainment of education, training, career position or profession of the other party; and
13. Such other factors, including the tax consequences to each party *and the circumstances and factors that contributed to the dissolution, specifically including any ground for divorce*, as are necessary to consider the equities between the parties.

F. In contested cases in the circuit courts, any order granting, reserving or denying a request for spousal support shall be accompanied by written findings and conclusions of the court identifying the factors in subsection E which support the court's order. If the court awards periodic support for a defined duration, such findings shall identify the basis for the nature, amount and duration of the award and, if appropriate, a specification of the events and circumstances reasonably contemplated by the court which support the award.

G. For purposes of this section and § 20-109, "date of separation" means the earliest date at which the parties are physically separated and at least one party intends such separation to be permanent provided the separation is continuous thereafter and "defined duration" means a period of time (i) with a specific beginning and ending date or (ii) specified in relation to the occurrence or cessation of an event or condition other than death or termination pursuant to § 20-110.

H. Where there are no minor children whom the parties have a mutual duty to support, an order directing the payment of spousal support, including those orders confirming separation agreements, entered on or after October 1, 1985, whether they are original orders or modifications of existing orders, shall contain the following:

1. If known, the name, date of birth and social security number of each party and, unless otherwise ordered, each party's residential and, if different, mailing address, residential and employer telephone number, driver's license number,

and the name and address of his employer; however, when a protective order has been issued or the court otherwise finds reason to believe that a party is at risk of physical or emotional harm from the other party, information other than the name of the party at risk shall not be included in the order;

2. The amount of periodic spousal support expressed in fixed sums, together with the payment interval, the date payments are due, and the date the first payment is due;

3. A statement as to whether there is an order for health care coverage for a party;

4. If support arrearages exist, (i) to whom an arrearage is owed and the amount of the arrearage, (ii) the period of time for which such arrearage is calculated, and (iii) a direction that all payments are to be credited to current spousal support obligations first, with any payment in excess of the current obligation applied to arrearages;

5. If spousal support payments are ordered to be paid directly to the obligee, and unless the court for good cause shown orders otherwise, the parties shall give each other and the court at least 30 days' written notice, in advance, of any change of address and any change of telephone number within 30 days after the change; and

6. Notice that in determination of a spousal support obligation, the support obligation as it becomes due and unpaid creates a judgment by operation of law.

CHAPTER 616

An Act to amend and reenact § 19.2-70.3 of the Code of Virginia, relating to obtaining electronic communication service or remote computing service records.

[H 326]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-70.3 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-70.3. Obtaining records concerning electronic communication service or remote computing service.

A. A provider of electronic communication service or remote computing service, which, for purposes of subdivisions 2 through 4, includes a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, excluding the contents of electronic communications and real-time location data, to an investigative or law-enforcement officer only pursuant to:

1. A subpoena issued by a grand jury of a court of the Commonwealth;
2. A search warrant issued by a magistrate, general district court, or circuit court;
3. A court order *issued by a circuit court* for such disclosure issued as provided in subsection B; or
4. The consent of the subscriber or customer to such disclosure.

B. A court shall issue an order for disclosure under this section only if the investigative or law-enforcement officer shows that there is reason to believe the records or other information sought are relevant and material to an ongoing criminal investigation, or the investigation of any missing child as defined in § 52-32, missing senior adult as defined in § 52-34.4, or an incapacitated person as defined in § 64.2-2000 who meets the definition of a missing senior adult except for the age requirement. Upon issuance of an order for disclosure under this section, the order and any written application or statement of facts may be sealed by the court for 90 days for good cause shown upon application of the attorney for the Commonwealth in an ex parte proceeding. The order and any written application or statement of facts may be sealed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order, if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

C. Except as provided in subsection D, a provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose the contents of electronic communications or real-time location data to an investigative or law-enforcement officer only pursuant to a search warrant issued by a magistrate, a juvenile and domestic relations district court, a general district court, or a circuit court, based upon complaint on oath supported by an affidavit as required in § 19.2-54, or judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia when the warrant issued by such officer or such court complies with the provisions of subsection G. In the case of a search warrant directed to a foreign corporation, the affidavit shall state that the complainant believes that the records requested are actually or constructively possessed by a foreign corporation that provides electronic communication service or remote computing service within the Commonwealth of Virginia. If satisfied that probable cause has been established for such belief and as required by Chapter 5 (§ 19.2-52 et seq.), the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court shall issue a warrant identifying those records to be searched for and commanding the person seeking such warrant to properly serve the warrant upon the foreign corporation. A search warrant for real-time location data shall be issued if the magistrate, the juvenile and domestic relations district court, the general district court, or the circuit court is satisfied that probable cause has been established that the real-time location data sought is relevant to a crime that is being committed or has been committed or that an arrest warrant exists for the person whose real-time location data is sought.

D. A provider of electronic communication service or remote computing service, including a foreign corporation that provides such services, shall disclose a record or other information pertaining to a subscriber to or customer of such service, including real-time location data but excluding the contents of electronic communications, to an investigative or law-enforcement officer pursuant to an administrative subpoena issued pursuant to § 19.2-10.2 concerning a violation of § 18.2-374.1 or 18.2-374.1:1, former § 18.2-374.1:2, or § 18.2-374.3 when the information sought is relevant and material to an ongoing criminal investigation.

E. When disclosure of real-time location data is not prohibited by federal law, an investigative or law-enforcement officer may obtain real-time location data without a warrant in the following circumstances:

1. To respond to the user's call for emergency services;

2. With the informed, affirmative consent of the owner or user of the electronic device concerned if (i) the device is in his possession; (ii) the owner or user knows or believes that the device is in the possession of an employee or agent of the owner or user with the owner's or user's consent; or (iii) the owner or user knows or believes that the device has been taken by a third party without the consent of the owner or user;

3. With the informed, affirmative consent of the legal guardian or next of kin of the owner or user, if reasonably available, if the owner or user is reasonably believed to be deceased, is reported missing, or is unable to be contacted; or

4. If the investigative or law-enforcement officer reasonably believes that an emergency involving the immediate danger to a person requires the disclosure, without delay, of real-time location data concerning a specific person and that a warrant cannot be obtained in time to prevent the identified danger, and the possessor of the real-time location data believes, in good faith, that an emergency involving danger to a person requires disclosure without delay.

No later than three business days after seeking disclosure of real-time location data pursuant to this subsection, the investigative or law-enforcement officer seeking the information shall file with the appropriate court a written statement setting forth the facts giving rise to the emergency and the facts as to why the person whose real-time location data was sought is believed to be important in addressing the emergency.

F. In order to comply with the requirements of § 19.2-54, any search of the records of a foreign corporation shall be deemed to have been made in the same place wherein the search warrant was issued.

G. A Virginia corporation or other entity that provides electronic communication services or remote computing services to the general public, when properly served with a search warrant and affidavit in support of the warrant, issued by a judicial officer or court of any of the several states of the United States or its territories, or the District of Columbia with jurisdiction over the matter, to produce a record or other information pertaining to a subscriber to or customer of such service, including real-time location data, or the contents of electronic communications, or both, shall produce the record or other information, including real-time location data, or the contents of electronic communications as if that warrant had been issued by a Virginia court. The provisions of this subsection shall only apply to a record or other information, including real-time location data, or contents of electronic communications relating to the commission of a criminal offense that is substantially similar to (i) a violent felony as defined in § 17.1-805, (ii) an act of violence as defined in § 19.2-297.1, (iii) any offense for which registration is required pursuant to § 9.1-902, (iv) computer fraud pursuant to § 18.2-152.3, or (v) identity theft pursuant to § 18.2-186.3. The search warrant shall be enforced and executed in the Commonwealth as if it were a search warrant described in subsection C.

H. The provider of electronic communication service or remote computing service may verify the authenticity of the written reports or records that it discloses pursuant to this section, excluding the contents of electronic communications, by providing an affidavit from the custodian of those written reports or records or from a person to whom said custodian reports certifying that they are true and complete and that they are prepared in the regular course of business. When so authenticated, the written reports and records are admissible in evidence as a business records exception to the hearsay rule.

I. No cause of action shall lie in any court against a provider of a wire or electronic communication service or remote computing service or such provider's officers, employees, agents, or other specified persons for providing information, facilities, or assistance in accordance with the terms of a court order, warrant, administrative subpoena, or subpoena under this section or the provisions of subsection E.

J. A search warrant or administrative subpoena for the disclosure of real-time location data pursuant to this section shall require the provider to provide ongoing disclosure of such data for a reasonable period of time, not to exceed 30 days. A court may, for good cause shown, grant one or more extensions, not to exceed 30 days each.

K. An investigative or law-enforcement officer shall not use any device to obtain electronic communications or collect real-time location data from an electronic device without first obtaining a search warrant authorizing the use of the device if, in order to obtain the contents of such electronic communications or such real-time location data from the provider of electronic communication service or remote computing service, such officer would be required to obtain a search warrant pursuant to this section. However, an investigative or law-enforcement officer may use such a device without first obtaining a search warrant under the circumstances set forth in subsection E. For purposes of subdivision E 4, the investigative or law-enforcement officer using such a device shall be considered to be the possessor of the real-time location data.

L. *Upon issuance of any subpoena, search warrant, or order for disclosure issued under this section, upon written certification by the attorney for the Commonwealth that there is a reason to believe that the victim is under the age of 18 and that notification or disclosure of the existence of the subpoena, search warrant, or order will endanger the life or physical safety of an individual, or lead to flight from prosecution, the destruction of or tampering with evidence, the intimidation of potential witnesses, or otherwise seriously jeopardize an investigation, the court may in an ex parte*

proceeding order a provider of electronic communication service or remote computing service not to disclose for a period of 90 days the existence of the subpoena, search warrant, or order and written application or statement of facts to another person, other than an attorney to obtain legal advice. The nondisclosure order may be renewed for additional 90-day periods for good cause shown upon subsequent application of the attorney for the Commonwealth in an ex parte proceeding. A court issuing an order for disclosure pursuant to this section, on a motion made promptly by the service provider, may quash or modify the order if the information or records requested are unusually voluminous in nature or compliance with such order would otherwise cause an undue burden on such provider.

M. For the purposes of this section:

"Electronic device" means a device that enables access to, or use of, an electronic communication service, remote computing service, or location information service, including a global positioning service or other mapping, locational, or directional information service.

"Foreign corporation" means any corporation or other entity, whose primary place of business is located outside of the boundaries of the Commonwealth, that makes a contract or engages in a terms of service agreement with a resident of the Commonwealth to be performed in whole or in part by either party in the Commonwealth, or a corporation that has been issued a certificate of authority pursuant to § 13.1-759 to transact business in the Commonwealth. The making of the contract or terms of service agreement or the issuance of a certificate of authority shall be considered to be the agreement of the foreign corporation or entity that a search warrant or subpoena, which has been properly served on it, has the same legal force and effect as if served personally within the Commonwealth.

"Properly served" means delivery of a search warrant or subpoena by hand, by United States mail, by commercial delivery service, by facsimile or by any other manner to any officer of a corporation or its general manager in the Commonwealth, to any natural person designated by it as agent for the service of process, or if such corporation has designated a corporate agent, to any person named in the latest annual report filed pursuant to § 13.1-775.

"Real-time location data" means any data or information concerning the current location of an electronic device that, in whole or in part, is generated, derived from, or obtained by the operation of the device.

CHAPTER 617

An Act to amend and reenact § 19.2-392.2 of the Code of Virginia, relating to expungement of police and court records; fees.

[H 1149]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-392.2 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-392.2. Expungement of police and court records.

A. If a person is charged with the commission of a crime or any offense defined in Title 18.2, and

1. Is acquitted, or

2. A nolle prosequi is taken or the charge is otherwise dismissed, including dismissal by accord and satisfaction pursuant to § 19.2-151, he may file a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge.

B. If any person whose name or other identification has been used without his consent or authorization by another person who has been charged or arrested using such name or identification, he may file a petition with the court disposing of the charge for relief pursuant to this section. Such person shall not be required to pay any fees for the filing of a petition under this subsection. A petition filed under this subsection shall include one complete set of the petitioner's fingerprints obtained from a law-enforcement agency.

C. The petition with a copy of the warrant or indictment if reasonably available shall be filed in the circuit court of the county or city in which the case was disposed of by acquittal or being otherwise dismissed and shall contain, except where not reasonably available, the date of arrest and the name of the arresting agency. Where this information is not reasonably available, the petition shall state the reason for such unavailability. The petition shall further state the specific criminal charge to be expunged, the date of final disposition of the charge as set forth in the petition, the petitioner's date of birth, and the full name used by the petitioner at the time of arrest.

D. A copy of the petition shall be served on the attorney for the Commonwealth of the city or county in which the petition is filed. The attorney for the Commonwealth may file an objection or answer to the petition or may give written notice to the court that he does not object to the petition within 21 days after it is served on him.

E. The petitioner shall obtain from a law-enforcement agency one complete set of the petitioner's fingerprints and shall provide that agency with a copy of the petition for expungement. The law-enforcement agency shall submit the set of fingerprints to the Central Criminal Records Exchange (CCRE) with a copy of the petition for expungement attached. The CCRE shall forward under seal to the court a copy of the petitioner's criminal history, a copy of the source documents that resulted in the CCRE entry that the petitioner wishes to expunge, and the set of fingerprints. Upon completion of the hearing, the court shall return the fingerprint card to the petitioner. If no hearing was conducted, upon the entry of an order of expungement or an order denying the petition for expungement, the court shall cause the fingerprint card to be destroyed

unless, within 30 days of the date of the entry of the order, the petitioner requests the return of the fingerprint card in person from the clerk of the court or provides the clerk of the court a self-addressed, stamped envelope for the return of the fingerprint card.

F. After receiving the criminal history record information from the CCRE, the court shall conduct a hearing on the petition. If the court finds that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, it shall enter an order requiring the expungement of the police and court records, including electronic records, relating to the charge. Otherwise, it shall deny the petition. However, if the petitioner has no prior criminal record and the arrest was for a misdemeanor violation, the petitioner shall be entitled, in the absence of good cause shown to the contrary by the Commonwealth, to expungement of the police and court records relating to the charge, and the court shall enter an order of expungement. If the attorney for the Commonwealth of the county or city in which the petition is filed (i) gives written notice to the court pursuant to subsection D that he does not object to the petition and (ii) when the charge to be expunged is a felony, stipulates in such written notice that the continued existence and possible dissemination of information relating to the arrest of the petitioner causes or may cause circumstances which constitute a manifest injustice to the petitioner, the court may enter an order of expungement without conducting a hearing.

G. The Commonwealth shall be made party defendant to the proceeding. Any party aggrieved by the decision of the court may appeal, as provided by law in civil cases.

H. Notwithstanding any other provision of this section, when the charge is dismissed because the court finds that the person arrested or charged is not the person named in the summons, warrant, indictment or presentment, the court dismissing the charge shall, upon motion of the person improperly arrested or charged, enter an order requiring expungement of the police and court records relating to the charge. Such order shall contain a statement that the dismissal and expungement are ordered pursuant to this subsection and shall be accompanied by the complete set of the petitioner's fingerprints filed with his petition. Upon the entry of such order, it shall be treated as provided in subsection K.

I. Notwithstanding any other provision of this section, when a person has been granted an absolute pardon for the commission of a crime that he did not commit, he may file in the circuit court of the county or city in which the conviction occurred a petition setting forth the relevant facts and requesting expungement of the police records and the court records relating to the charge and conviction, and the court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of such order, it shall be treated as provided in subsection K.

J. Upon receiving a copy of a writ vacating a conviction pursuant to § 19.2-327.5 or 19.2-327.13, the court shall enter an order requiring expungement of the police and court records relating to the charge and conviction. Such order shall contain a statement that the expungement is ordered pursuant to this subsection. Upon the entry of the order, it shall be treated as provided in subsection K.

K. Upon the entry of an order of expungement, the clerk of the court shall cause a copy of such order to be forwarded to the Department of State Police, which shall, pursuant to rules and regulations adopted pursuant to § 9.1-134, direct the manner by which the appropriate expungement or removal of such records shall be effected.

L. Costs shall be as provided by § 17.1-275, but shall not be recoverable against the Commonwealth. *If the court enters an order of expungement, the clerk of the court shall refund to the petitioner such costs paid by the petitioner.*

M. Any order entered where (i) the court or parties failed to strictly comply with the procedures set forth in this section or (ii) the court enters an order of expungement contrary to law, shall be voidable upon motion and notice made within three years of the entry of such order.

CHAPTER 618

An Act to amend and reenact § 9.1-101, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to private police departments; successors in interest.

[H 1330]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 9.1-101, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 9.1-101. (Effective until July 1, 2018) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Department of Alcoholic Beverage Control; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; or (x) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department *or operated by such entity's successor in interest, provided it complies with the requirements set forth herein*. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly *or such entity is the successor in interest of an entity that has been authorized pursuant to this section, provided it complies with the requirements set forth herein*. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty

Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department *as may such entity's successor in interest*, provided it complies with the requirements set forth herein.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

§ 9.1-101. (Effective July 1, 2018) Definitions.

As used in this chapter or in Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, unless the context requires a different meaning:

"Administration of criminal justice" means performance of any activity directly involving the detection, apprehension, detention, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders or the collection, storage, and dissemination of criminal history record information.

"Board" means the Criminal Justice Services Board.

"Conviction data" means information in the custody of any criminal justice agency relating to a judgment of conviction, and the consequences arising therefrom, in any court.

"Correctional status information" means records and data concerning each condition of a convicted person's custodial status, including probation, confinement, work release, study release, escape, or termination of custody through expiration of sentence, parole, pardon, or court decision.

"Criminal history record information" means records and data collected by criminal justice agencies on adult individuals consisting of identifiable descriptions and notations of arrests, detentions, indictments, informations, or other formal charges, and any disposition arising therefrom. The term shall not include juvenile record information which is controlled by Chapter 11 (§ 16.1-226 et seq.) of Title 16.1, criminal justice intelligence information, criminal justice investigative information, or correctional status information.

"Criminal justice agency" means (i) a court or any other governmental agency or subunit thereof which as its principal function performs the administration of criminal justice and any other agency or subunit thereof which performs criminal justice activities, but only to the extent that it does so; (ii) for the purposes of Chapter 23 (§ 19.2-387 et seq.) of Title 19.2, any private corporation or agency which, within the context of its criminal justice activities, employs special conservators of the peace appointed under Chapter 2 (§ 19.2-12 et seq.) of Title 19.2, provided that (a) such private corporation or agency requires its officers or special conservators to meet compulsory training standards established by the Criminal Justice Services Board and submits reports of compliance with the training standards and (b) the private corporation or agency complies with the provisions of Article 3 (§ 9.1-126 et seq.), but only to the extent that the private corporation or agency so designated as a criminal justice agency performs criminal justice activities; and (iii) the Office of the Attorney General, for all criminal justice activities otherwise permitted under clause (i) and for the purpose of performing duties required by the Civil Commitment of Sexually Violent Predators Act (§ 37.2-900 et seq.).

"Criminal justice agency" includes any program certified by the Commission on VASAP pursuant to § 18.2-271.2.

"Criminal justice agency" includes the Department of Criminal Justice Services.

"Criminal justice agency" includes the Virginia State Crime Commission.

"Criminal justice information system" means a system including the equipment, facilities, procedures, agreements, and organizations thereof, for the collection, processing, preservation, or dissemination of criminal history record information. The operations of the system may be performed manually or by using electronic computers or other automated data processing equipment.

"Department" means the Department of Criminal Justice Services.

"Dissemination" means any transfer of information, whether orally, in writing, or by electronic means. The term shall not include access to the information by officers or employees of a criminal justice agency maintaining the information who have both a need and right to know the information.

"Law-enforcement officer" means any full-time or part-time employee of a police department or sheriff's office which is a part of or administered by the Commonwealth or any political subdivision thereof, or any full-time or part-time employee of a private police department, and who is responsible for the prevention and detection of crime and the enforcement of the penal, traffic or highway laws of the Commonwealth, and shall include any (i) special agent of the Virginia Alcoholic Beverage Control Authority; (ii) police agent appointed under the provisions of § 56-353; (iii) officer of the Virginia Marine Police; (iv) conservation police officer who is a full-time sworn member of the enforcement division of the Department of Game and Inland Fisheries; (v) investigator who is a full-time sworn member of the security division of the Virginia Lottery; (vi) conservation officer of the Department of Conservation and Recreation commissioned pursuant to

§ 10.1-115; (vii) full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217; (viii) animal protection police officer employed under § 15.2-632; (ix) campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; or (x) private police officer employed by a private police department. Part-time employees are those compensated officers who are not full-time employees as defined by the employing police department, sheriff's office, or private police department.

"Private police department" means any police department, other than a department that employs police agents under the provisions of § 56-353, that employs private police officers operated by an entity authorized by statute or an act of assembly to establish a private police department *or such entity's successor in interest, provided it complies with the requirements set forth herein*. No entity is authorized to operate a private police department or represent that it is a private police department unless such entity has been authorized by statute or an act of assembly *or such entity is the successor in interest of an entity that has been authorized pursuant to this section, provided it complies with the requirements set forth herein*. The authority of a private police department shall be limited to real property owned, leased, or controlled by the entity and, if approved by the local chief of police or sheriff, any contiguous property; such authority shall not supersede the authority, duties, or jurisdiction vested by law with the local police department or sheriff's office including as provided in §§ 15.2-1609 and 15.2-1704. The chief of police or sheriff who is the chief local law-enforcement officer shall enter into a memorandum of understanding with the private police department that addresses the duties and responsibilities of the private police department and the chief law-enforcement officer in the conduct of criminal investigations. Private police departments and private police officers shall be subject to and comply with the Constitution of the United States; the Constitution of Virginia; the laws governing municipal police departments, including the provisions of §§ 9.1-600, 15.2-1705 through 15.2-1708, 15.2-1719, 15.2-1721, and 15.2-1722; and any regulations adopted by the Board that the Department designates as applicable to private police departments. Any person employed as a private police officer pursuant to this section shall meet all requirements, including the minimum compulsory training requirements, for law-enforcement officers pursuant to this chapter. A private police officer is not entitled to benefits under the Line of Duty Act (§ 9.1-400 et seq.) or under the Virginia Retirement System, is not a "qualified law enforcement officer" or "qualified retired law enforcement officer" within the meaning of the federal Law Enforcement Officers Safety Act, 18 U.S.C. § 926B et seq., and shall not be deemed an employee of the Commonwealth or any locality. An authorized private police department may use the word "police" to describe its sworn officers and may join a regional criminal justice academy created pursuant to Article 5 (§ 15.2-1747 et seq.) of Chapter 17 of Title 15.2. Any private police department in existence on January 1, 2013, that was not otherwise established by statute or an act of assembly and whose status as a private police department was recognized by the Department at that time is hereby validated and may continue to operate as a private police department *as may such entity's successor in interest, provided it complies with the requirements set forth herein*.

"School resource officer" means a certified law-enforcement officer hired by the local law-enforcement agency to provide law-enforcement and security services to Virginia public elementary and secondary schools.

"School security officer" means an individual who is employed by the local school board for the singular purpose of maintaining order and discipline, preventing crime, investigating violations of school board policies, and detaining students violating the law or school board policies on school property or at school-sponsored events and who is responsible solely for ensuring the safety, security, and welfare of all students, faculty, staff, and visitors in the assigned school.

CHAPTER 619

An Act to amend and reenact §§ 38.2-1825, 55-525.14, 55-525.16, 55-525.17, 55-525.24, 55-525.25, 55-525.26, and 55-525.30 of the Code of Virginia, relating to real estate settlement agents.

[S 204]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1825, 55-525.14, 55-525.16, 55-525.17, 55-525.24, 55-525.25, 55-525.26, and 55-525.30 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1825. Duration and termination of licenses and appointments.

A. A license issued to:

1. An individual agent shall authorize him to act as an agent until the license is otherwise terminated, suspended or revoked.

2. A business entity shall authorize such business entity to act as an agent until the license is otherwise terminated, suspended, or revoked. The dissolution or discontinuance of a partnership, whether by intent or by operation of law, shall automatically terminate all licenses issued to such partnership. The Bureau shall automatically terminate all insurance licenses within ninety calendar days of receiving notification from the clerk of the Commission that the certificate of organization or charter of a domestic limited liability company or corporation, respectively, whether by intent or by operation of law, has been terminated or that the certificate of registration or certificate of authority of a foreign limited liability company or corporation, respectively, has been revoked.

B. The license issued to a resident variable contract agent pursuant to this chapter shall terminate immediately upon the termination of the licensee's life and annuities insurance agent license, and may not be applied for again until the person has been issued a new life and annuities insurance agent license.

C. The license issued to a resident surplus lines broker pursuant to this title shall terminate immediately upon the termination of the licensee's property and casualty insurance agent license, and may not be applied for again until the person has been issued a new property and casualty insurance agent license.

D. Immediately upon termination of a settlement agent's last appointment under his title insurance agent license, the Bureau shall ~~notify the Virginia State Bar to~~ terminate the settlement agent's registration and the person shall not be permitted to act as a settlement agent under his title insurance agent's license until a new appointment has taken effect.

E. An appointment issued to an agent by an insurer, unless terminated, suspended or revoked, shall authorize the appointee to act as an agent for that insurer and to be compensated therefor notwithstanding the provisions of §§ 38.2-1812 and 38.2-1823.

§ 55-525.14. Disclosure of charges for appraisal or valuation using automated or other valuation mechanism.

Any lender providing a loan secured by a first deed of trust or mortgage on real estate containing not more than four residential dwelling units shall disclose on the settlement statement *or closing disclosure*, as ~~that term is those terms~~ defined in § 55-525.16, any fee charged to the borrower for an appraisal, as that term is defined in § 54.1-2009, and any fee charged to the borrower for a valuation or opinion of value of the property prepared using an automated or other mechanism prepared by a person who is not licensed as an appraiser under Chapter 20.1 (§ 54.1-2009 et seq.) of Title 54.1.

§ 55-525.16. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Association" means the National Association of Insurance Commissioners.

"Closing disclosure" means the combined mortgage loan disclosure statement of final loan terms and closing costs prescribed under the Real Estate Settlement Procedures Act of 1974 (RESPA) (12 U.S.C. § 2601 et seq.) and Consumer Financial Protection Bureau Regulation X (12 C.F.R. Part 1024) and Regulation Z (12 C.F.R. Part 1026).

"Commission" means the State Corporation Commission.

"Escrow" means written instruments, money, or other items deposited by a party with a settlement agent for delivery to other persons upon the performance of specified conditions or the happening of a certain event.

"Escrow, closing, or settlement services" means the administrative and clerical services required to carry out the terms of contracts affecting real estate. These services include placing orders for title insurance, receiving and issuing receipts for money received from the parties, ordering loan checks and payoffs, ordering surveys and inspections, preparing settlement statements *or closing disclosures*, determining that all closing documents conform to the parties' contract requirements, setting the closing appointment, following up with the parties to ensure that the transaction progresses to closing, ascertaining that the lenders' instructions have been satisfied, conducting a closing conference at which the documents are executed, receiving and disbursing funds, completing form documents and instruments selected by and in accordance with instructions of the parties to the transaction, handling or arranging for the recording of documents, sending recorded documents to the lender, sending the recorded deed and the title policy to the buyer, and reporting federal income tax information for the real estate sale to the Internal Revenue Service.

"Lay real estate settlement agent" means a person who (i) is not licensed as an attorney under Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1, (ii) is not a party to the real estate transaction, (iii) provides escrow, closing, or settlement services in connection with a transaction related to any real estate in the Commonwealth, and (iv) is listed as the settlement agent on the settlement statement *or closing disclosure* for such transaction.

"Licensing authority" shall mean the (i) Commission acting pursuant to this chapter, Title 6.2, Title 12.1, or Title 38.2; (ii) the Virginia State Bar acting pursuant to this chapter or Chapter 39 (§ 54.1-3900 et seq.) of Title 54.1; or (iii) the Virginia Real Estate Board acting pursuant to this chapter or Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1.

"Party to the real estate transaction" means with respect to that real estate transaction, a lender, seller, purchaser or borrower, and with respect to a corporate purchaser, any entity that is a subsidiary of or under common ownership with that corporate purchaser.

"Settlement agent" means a person, other than a party to the real estate transaction, who provides escrow, closing, or settlement services in connection with a transaction related to real estate in the Commonwealth and who is listed as the settlement agent on the settlement statement *or closing disclosure* for such transaction. Any person, other than a party to the transaction, who conducts the settlement conference and receives or handles money shall be deemed a "settlement agent" subject to the applicable requirements of this chapter.

"Settlement statement" means the statement of receipts and disbursements for a transaction related to real estate, including a statement prescribed under the Real Estate Settlement Procedures Act of 1974 (RESPA) (12 U.S.C. § 2601 et seq.), as amended, and the regulations thereunder.

§ 55-525.17. Limitation on applicability of chapter.

Nothing in this chapter shall be construed to prevent a person licensed under Chapter 21 (§ 54.1-2100 et seq.) of Title 54.1, or such licensee's employees or independent contractors, from performing escrow, closing, or settlement services to facilitate the settlement of a transaction in which the licensee is involved without complying with the provisions of this chapter, so long as the licensee, the licensee's employees, or independent contractors are not named as the settlement agent

on the settlement statement *or closing disclosure* and the licensee is otherwise not prohibited from performing such services by law or regulation.

§ 55-525.24. Conditions for providing escrow, closing, or settlement services and for maintaining escrow accounts.

A. All funds deposited with the settlement agent in connection with an escrow, settlement, or closing shall be handled in a fiduciary capacity and submitted for collection to or deposited in a separate fiduciary trust account or accounts in a financial institution ~~licensed~~ *authorized* to do business in the Commonwealth no later than the close of the second business day, in accordance with the following requirements:

1. The funds shall be the property of the person or persons entitled to them under the provisions of the escrow, settlement, or closing agreement and shall be segregated for each depository by escrow, settlement, or closing in the records of the settlement agent in a manner that permits the funds to be identified on an individual basis; and

2. The funds shall be applied only in accordance with the terms of the individual instructions or agreements under which the funds were accepted.

B. Funds held in an escrow account shall be disbursed only pursuant to a written instruction or agreement specifying how and to whom such funds may be disbursed. Funds payable to persons other than the settlement agent shall be disbursed in accordance with § 55-525.11, except:

1. Title insurance premiums payable to title insurers under § 38.2-1813 or to title insurance agents. Such title insurance premiums payable to title insurers and agents may be (i) held in the settlement agent's settlement escrow account, identified and itemized by file name or file number, as a file with a balance; (ii) disbursed in the form of a check drawn upon the settlement escrow account payable to the title insurer or agent but maintained within the settlement file of the settlement agent; or (iii) transferred within two business days into a separate title insurance premium escrow account, which account shall be identified as such and be separate from the business or personal funds of the settlement agent. These transferred title insurance premium funds shall be itemized and identified within the separate title insurance premium escrow account. All title insurance premiums payable to title insurers by title insurance agents serving as settlement agents shall be paid in the ordinary course of business as required by subsection A of § 38.2-1813; and

2. Escrows held by the settlement agent pursuant to written instruction or agreement. A settlement statement *or closing disclosure* that has been signed by the seller and the purchaser or borrower shall be deemed sufficient to satisfy the requirement of this subsection.

C. A settlement agent may not retain any interest received on funds deposited in connection with any escrow, settlement, or closing. An attorney settlement agent shall maintain escrow accounts in accordance with applicable rules of the Virginia State Bar and the Supreme Court of Virginia.

D. Nothing in this chapter shall be deemed to prohibit the recording of documents prior to the time funds are available for disbursement with respect to a transaction, provided all parties consent to such recordation.

E. All settlement statements *or closing disclosures* for transactions related to real estate governed by this chapter shall be in writing and identify, by name and business address, the settlement agent.

F. Nothing in this section is intended to amend, alter or supersede other sections of this chapter, or the laws of the Commonwealth or the United States, regarding the duties and obligations of the settlement agent in maintaining escrow accounts.

§ 55-525.25. Falsifying settlement statements prohibited.

No settlement agent shall intentionally make any materially false or misleading statement or entry on a settlement statement *or closing disclosure*. An estimate of charges made in good faith by a settlement agent, and indicated as such on the settlement statement *or closing disclosure*, shall not be deemed to be a violation of this section.

§ 55-525.26. Separate charge for reporting transactions limited.

No settlement agent shall charge any party to a real estate transaction, as a separate item on a settlement statement *or closing disclosure*, a sum exceeding \$10 for complying with any requirement imposed on the settlement agent by § 58.1-316 or 58.1-317.

§ 55-525.30. Settlement agent registration requirements and compliance with unauthorized practice of law guidelines.

A. Every settlement agent subject to the provisions of this chapter shall be registered as such with the appropriate licensing authority. In conjunction therewith, settlement agents shall furnish (i) their names, business addresses, and telephone numbers and (ii) such other information as may be required. Each such registration (a) shall be accompanied by a *nonrefundable* fee not to exceed \$100, and (b) shall be renewed at least biennially thereafter. When the registration of a settlement agent is renewed, the appropriate authority shall notify the registrant of the provisions of § 17.1-223.

B. The Virginia State Bar, in consultation with the Commission and the Virginia Real Estate Board, shall adopt regulations establishing guidelines for settlement agents designed to assist them in avoiding and preventing the unauthorized practice of law in conjunction with providing escrow, closing, and settlement services. Such guidelines shall be furnished by the appropriate licensing authority to (i) each settlement agent at the time of registration and any renewal thereof, (ii) state and federal agencies that regulate financial institutions, and (iii) members of the general public upon request. Such guidelines shall also be furnished by settlement agents to any party to a real estate transaction in which such agents are providing escrow, closing, or settlement services, upon request.

C. The Virginia State Bar shall receive complaints concerning settlement agent or financial institution noncompliance with the guidelines established pursuant to subsection B and shall (i) investigate the same to the extent they concern the unauthorized practice of law or any other matter within its jurisdiction, and (ii) refer all other matters or allegations to the appropriate licensing authority. The willful failure of any settlement agent to comply with the guidelines shall be considered a violation of this chapter, and such agent shall be subject to a penalty of up to \$5,000 for each such failure as the Virginia State Bar may determine.

CHAPTER 620

An Act to amend and reenact §§ 2.2-3701, 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3711, and 2.2-3713 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3704.01, relating to the Virginia Freedom of Information Act; record exclusions; rule of redaction; no weight accorded to public body's determination.

[H 817]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3701, 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3711, and 2.2-3713 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3704.01 as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means any audio or combined audio and visual communication method.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. Records that are not prepared for or used in the transaction of public business are not public records.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to inspection and copying by any citizens of the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld ~~because their release is prohibited by law or the custodian has exercised his discretion to withhold the records in accordance with this chapter.~~ Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part ~~because the release of part of the records is prohibited by law or the custodian has exercised his discretion to withhold a portion of the records in accordance with this chapter.~~ Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records. ~~When a portion of a requested record is withheld, the public body may delete or exercise only that portion of the record to which an exemption applies and shall release the remainder of the record.~~

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public

body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

§ 2.2-3704.01. Records containing both excluded and nonexcluded information; duty to redact.

No provision of this chapter is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by this chapter or by any other provision of law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under this chapter or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under this chapter or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed.

§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

The following ~~records are~~ *information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Personnel ~~records containing~~ *information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any personnel record such information and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying such information shall be disclosed.*

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other ~~records information~~ *protected by the attorney-client privilege.*

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the ~~official~~ public records of a public body. For the purpose of this subdivision, "vendor proprietary information software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, state-supported institution of higher education or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease.

9. ~~Records~~ Information concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18 of this title, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall ~~prohibit the disclosure~~ authorize the withholding of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal information, as defined in § 2.2-3801, including electronic mail addresses, furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. However, access shall not be denied to the person who is the subject of the record.

11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

12. ~~Records~~ Information relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such records information would adversely affect the bargaining position or negotiating strategy of the public body. Such records information shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of records information relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. ~~Those portions of records that contain account~~ Account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the record information. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

The following records are information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Confidential records information, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. ~~Those portions of~~ Information contained in engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit ~~that if disclosure of such information would identify specific trade secrets or other information; the disclosure of which would~~ that would be harmful to the competitive position of the owner or lessee. However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

~~Those portions of~~ Information contained in engineering and construction drawings and plans that reveal critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.); ~~the if~~ disclosure of ~~which~~ such information would jeopardize the safety or security of any public or private commercial office, multifamily residential, or retail building or its occupants in the event of terrorism or other threat to public safety; ~~to the extent that~~. *In order for the information to be excluded from mandatory disclosure, the owner or lessee of such property, equipment, or system in writing shall (i) invokes invoke the protections of this paragraph; (ii) identifies identify the drawings, plans, or other materials to be protected; and (iii) states state the reasons why protection is necessary.*

Nothing in this subdivision shall ~~prevent the disclosure~~ authorize the withholding of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

3. ~~Documentation or other information~~ Information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

4. ~~Plans and information to prevent or respond~~ Information concerning the prevention or response to terrorist activity or cyber attacks, ~~the disclosure of which would jeopardize the safety of any person,~~ including (i) critical infrastructure sector or structural components; (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning

or training manuals, and staff meeting minutes ~~or other records~~; (iii) engineering or architectural ~~records~~ *plans or drawings*, or ~~records containing~~ information derived from such ~~records~~, *to the extent plans or drawings*; and (iv) *information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building, structure, information technology system, or software program if disclosure of such records information would (a) reveal the location or operation of security equipment and systems, elevators, ventilation, fire protection, emergency, electrical, telecommunications or utility equipment and systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems; and (iv) information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program or (b) jeopardize the safety of any person.*

The same categories of ~~records of information concerning~~ any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing ~~(a) (1) invokes the protections of this subdivision, (b) (2) identifies with specificity the records or portions thereof information for which protection is sought, and (c) (3) states with reasonable particularity why the protection of such records information from public disclosure is necessary to meet the objective of antiterrorism or cybersecurity planning or protection.~~ Such statement shall be a public record and shall be disclosed upon request.

Nothing in this subdivision shall be construed to ~~prohibit the disclosure~~ *authorize the withholding* of ~~records information~~ relating to the structural or environmental soundness of any building, nor shall it ~~prevent the disclosure~~ *authorize the withholding* of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

5. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

6. ~~Engineering Information contained in engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which if disclosure of such information would (i) reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols; to the extent such disclosure would or (ii) jeopardize the security of any governmental facility, building, or structure or the safety of persons using such facility, building, or structure.~~

7. ~~Security Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.~~

Nothing in this subdivision shall be construed to ~~prohibit the disclosure~~ *authorize the withholding* of ~~records information~~ relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event; or (ii) any person on school property has suffered or been threatened with any personal injury.

8. ~~[Expired.]~~

9. ~~Records of the Commitment Review Committee Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall records information identifying the victims of a sexually violent predator be disclosed.~~

10. 9. Subscriber data; ~~which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier~~, provided directly or indirectly by a telecommunications carrier to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system; if the data is in a form not made available by the telecommunications carrier to the public generally. Nothing in this subdivision shall ~~prevent the release~~ *authorize the withholding* of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision, "subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier.

11. 10. Subscriber data; ~~which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier~~, collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.); and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system; if such records are not otherwise publicly available.

Nothing in this subdivision shall ~~prevent the release~~ *authorize the withholding* of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision, "subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier.

12. ~~Records of 11. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal~~

military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, ~~to the extent such records (i) contain information relating to that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such commission or organizations in connection with their work.~~

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to authorize the withholding of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

~~13. Documentation or other information~~ 12. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, ~~the if disclosure of which such information would jeopardize the security of the Commonwealth's financial assets.~~ However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

~~14. Documentation or other information~~ 13. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or any other similar local or regional public safety communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or any other similar local or regional public safety communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, ~~the if disclosure of which such information would (a) reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols; to the extent such disclosure would or (b) jeopardize the security of any governmental facility, building, or structure or the safety of any person.~~

~~15. Records of a~~ 14. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department; ~~to the extent that the records disclose if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.~~

~~16. Records of hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health, to the extent such records reveal~~ 15. Information concerning the disaster recovery plans or the evacuation plans for such facilities in the event of fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to ~~prohibit the disclosure~~ authorize the withholding of records information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following records ~~are~~ information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. (Effective until July 1, 2018) Confidential records of all Information relating to investigations of applications applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

1. (Effective July 1, 2018) ~~Confidential records of all~~ *Information relating to investigations of applications applicants* for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth *pursuant to § 54.1-108*.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. ~~However, nothing in this section shall prohibit the disclosure of information taken from~~ *Information contained in inactive reports shall be disclosed* in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. ~~However, nothing in this section shall prohibit the distribution of information taken from~~ *Information contained in inactive reports shall be disclosed* in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. ~~Records of~~ *Information relating to* studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such ~~official records have~~ *information has* not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. ~~Records of~~ *Information contained in* completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. Unless disclosure is ~~prohibited~~ *excluded* by this section subdivision, the ~~records~~ *information* disclosed shall include; ~~but not be limited to~~, the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. ~~However, nothing in this section shall prohibit the distribution of information taken from~~ *Information contained in inactive reports shall be disclosed* in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. ~~Records~~ *Information* furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of ~~records~~ *such information* to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action

with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses. However, this subdivision shall not prohibit the disclosure of ~~records~~ *such information* to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. ~~Records of Information contained in~~ completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The ~~records~~ *information* disclosed shall include ~~information regarding~~ the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information ~~in the records~~ regarding a current or former student shall be released except as permitted by state or federal law.

13. ~~Records, notes and information~~ *Information* provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, ~~records~~ *information* related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

The following ~~records~~ *are information contained in a public record* is excluded from the *mandatory disclosure* provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a state-supported institution of higher education, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, ~~the public body~~ *such records* shall ~~open such records for inspection and copying~~ *be disclosed*.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. ~~Records of Information held by~~ the Brown v. Board of Education Scholarship Awards Committee ~~relating to that would reveal~~ personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. ~~Data, records or information~~ *Information* of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such ~~data, records or~~ information has not been publicly released, published, copyrighted or patented.

5. ~~All records of Information held by~~ the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. ~~Nothing in this~~

subdivision shall be construed to prohibit disclosure or publication of *However*, information in a statistical or other form that does not identify individuals or provide personal information *shall be disclosed and may be published by the Board*. Individuals shall be provided access to their own personal information.

7. ~~Records~~ *Information* maintained in connection with fundraising activities by or for a public institution of higher education ~~to the extent that such records would reveal~~ (i) personal fundraising strategies relating to identifiable donors or prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. Nothing in this subdivision, however, shall be construed to authorize the withholding of ~~records~~ *information* relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.

8. ~~Records of Information held by~~ a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, ~~the records such information of such the~~ threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such ~~records~~ *information* shall remove ~~information~~ *personally identifying information* of any person who provided information to the threat assessment team under a promise of confidentiality.

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.

The following ~~records are~~ *information contained in a public record* is excluded from the *mandatory disclosure* provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be ~~open to inspection and copying as provided in § 2.2-3704~~ *disclosed*. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

3. Reports, documentary evidence and other information as specified in §§ 51.5-122, 51.5-141, and 63.2-104.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and ~~records and~~ information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. ~~However, nothing in this section shall prohibit disclosure of information~~ *Information* from the records of completed investigations *shall be disclosed* in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information ~~and records~~ collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or the expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

8. Information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1.

9. Information ~~and records~~ acquired (i) during a review of any child death conducted by the State Child Fatality Review team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent *that such information is made confidential by § 32.1-283.2*; (ii) during a review of any death conducted by a family violence fatality review team to the extent *that such information is made confidential by § 32.1-283.3*; or (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent *that such information is made confidential by § 32.1-283.6*.

10. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

11. ~~Records of Information held by~~ the Health Practitioners' Monitoring Program Committee within the Department of Health Professions; ~~to the extent such records that may identify any practitioner who may be, or who is actually, impaired to the extent and disclosure of such information is prohibited by § 54.1-2517.~~

12. ~~Records submitted as Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5; to the extent such records contain that would (i) reveal (a) medical or mental health records; or other data identifying individual patients or (ii) (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would and (ii) be harmful to the competitive position of the applicant.~~

13. Any ~~record~~ information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

14. ~~Records, information~~ Information and statistical registries required to be kept confidential pursuant to §§ 63.2-102 and 63.2-104.

15. ~~All data, records, and reports~~ Information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such ~~data, records, and reports~~ information that are in the possession of the Prescription Monitoring Program pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

16. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

17. ~~Records of Information held by~~ the State Health Commissioner relating to the health of any person ~~or persons~~ subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1; ~~this provision shall not, however, . However, nothing in this subdivision shall be construed to prohibit the disclosure authorize the withholding of statistical summaries, abstracts, or other information in aggregate form.~~

18. ~~Records containing the~~ The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

19. ~~Records of Information held by certain health care committees and entities; to the extent that they reveal information that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.~~

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following ~~records are~~ information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. ~~Confidential proprietary records~~ Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other ~~records~~ information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where; ~~if disclosure of~~

such records are made public, information would adversely affect the financial interest of the public body ~~would be adversely affected.~~

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. ~~Confidential proprietary records~~ *Proprietary information* related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects; ~~provided if disclosure of~~ such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the ~~exemption~~ *exclusion* provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person *in connection with a procurement transaction or by any person* who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other ~~records~~ *information* prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the ~~Public-Private~~ *Public-Private* Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.); where (i) if such ~~records were~~ *information was* made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected; and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. ~~Records~~ *Information* provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002; ~~to the extent that~~ (§ 56-575.1 et seq.) if disclosure of such ~~records contain~~ *information would reveal* (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial ~~records~~ *information* of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity; where, if ~~the records were~~ *such information was* made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the ~~records~~ *information* specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

~~1-~~ (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

~~2-~~ (2) Identifying with specificity the data or other materials for which protection is sought; and

~~3-~~ (3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial ~~records~~ *information* of the private entity. To protect other ~~records~~ *information* submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the ~~records~~ *information* afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of

any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 *et seq.*) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 *et seq.*).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected; ~~and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.~~

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 *et seq.*), or confidential proprietary ~~records information~~ that ~~are~~ is not generally available to the public through regulatory disclosure or otherwise, provided by a ~~(a)~~ (i) bidder or applicant for a franchise or ~~(b)~~ (ii) franchisee under Chapter 21 (§ 15.2-2100 *et seq.*) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the ~~records relate~~ information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such ~~records~~ information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall ~~(i)~~ (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, ~~(ii)~~ (b) identify the data or other materials for which protection is sought, and ~~(iii)~~ (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. ~~Documents and other information~~ Information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

15. ~~Records and reports~~ Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 *et seq.*) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. ~~Records submitted as~~ Information relating to a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 *et seq.*) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 *et seq.*) of Title 23 to the extent if disclosure of such ~~records contain~~ information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary ~~records~~ information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 *et seq.*) of Chapter 21 of Title 15.2; to the extent that if disclosure of such ~~records~~ information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the ~~records or portions thereof~~ information for which protection is sought, and (c) state the reasons why protection is necessary.

19. Confidential proprietary ~~records~~ information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 *et seq.*) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 *et seq.*) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that ~~records~~ information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 *et seq.*) or financial ~~records~~ information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 *et seq.*). In order for such trade secrets or financial ~~records~~ information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is

sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. ~~Documents and other information~~ *Information* of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial ~~records information~~, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the ~~records information~~ specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

~~1-~~ a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

~~2-~~ b. Identifying with specificity the data or other materials for which protection is sought; and

~~3-~~ c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial ~~records information~~ of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. ~~Records submitted as~~ *Information relating to* a grant application, or accompanying a grant application, *submitted to* the Tobacco Region Revitalization Commission ~~to the extent such records contain that would~~ (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), ~~(ii) (b) financial records information~~ of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or ~~(iii) (c) research-related information~~ produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, ~~if the disclosure of such information would~~ and (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other ~~records information~~ prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the ~~records information~~ specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

~~1-~~ a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

~~2-~~ b. Identifying with specificity the data, ~~records information~~ or other materials for which protection is sought; and

~~3-~~ c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial ~~records information~~, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. ~~Records of Information held by~~ the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if ~~public disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records the information to the Authority; or~~

b. ~~Records Information~~ provided by a private entity to the Commercial Space Flight Authority; ~~to the extent that if disclosure of such records contain information would~~ (i) reveal (a) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); ~~(ii) (b) financial records information~~ of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or ~~(iii) (c) other information submitted by the private entity; where, if the records were made public, and (ii) adversely affect the financial interest or bargaining position of the Authority or private entity would be adversely affected.~~

In order for the ~~records information~~ specified in clauses ~~(i) (a), (ii) (b), and (iii) (c)~~ of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

~~1-~~ (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

~~2-~~ (2) Identifying with specificity the data or other materials for which protection is sought; and

~~3-~~ (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial ~~records information~~ of the private entity. To protect other ~~records information~~ submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. ~~Documents and other information~~ *Information* of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of

Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. ~~Documents and other information~~ Information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if ~~the records were~~ such information was made public, the financial interest of the public-use airport would be adversely affected.

In order for the records information specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

~~1. a.~~ Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

~~2. b.~~ Identifying with specificity the data or other materials for which protection is sought; and

~~3. c.~~ Stating the reasons why protection is necessary.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following ~~records are~~ information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. State income, business, and estate tax returns, personal property tax returns, ~~scholastic~~ and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; the Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which information that is otherwise open to inspection under this chapter, shall be deemed ~~exempt~~ excluded by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and ~~the~~ Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. ~~Library~~ Information contained in library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. ~~Records and writings~~ Information furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local

government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. ~~Records~~ *Information* regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of ~~them~~ *such information* would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. ~~Records containing information~~ *Information* on the ~~site specific~~ *site-specific* location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This ~~exemption~~ *exclusion* shall not apply to requests from the owner of the land upon which the resource is located.

11. ~~Records, memoranda, working papers~~ *Memoranda*, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such ~~official records~~ *information* not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. ~~Records of Information held by~~ the Virginia Retirement System, acting pursuant to § 51.1-124.30, or ~~of~~ a local retirement system, acting pursuant to § 51.1-803, or ~~of~~ the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or ~~of~~ the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, ~~to the extent that: if disclosure of such information would~~ (i) ~~such records contain~~ *reveal* confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality; of the future value of such ownership interest or the future financial performance of the entity; and (ii) ~~disclosure of such confidential analyses would~~ have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to ~~prevent the disclosure of records~~ *authorize the withholding of information* relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. ~~Records of Information held by~~ the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; ~~data, records or~~ information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and ~~data, records or~~ information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such ~~data, records or~~ information ~~have~~ *has* not been publicly released, published, copyrighted, or patented. This ~~exemption~~ *exclusion* shall also apply when such ~~records are~~ *information is* in the possession of the Virginia Commonwealth University.

16. ~~Records of Information held by~~ the Department of Environmental Quality, the State Water Control Board, ~~the~~ State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such ~~records information~~ shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to ~~prohibit the disclosure~~ *authorize the withholding of records information* related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. ~~As it pertains to any person, records~~ *Information* related to the operation of toll facilities that ~~identify~~ *identifies* an individual, vehicle, or travel itinerary, including, ~~but not limited to,~~ vehicle identification data; ~~or~~ vehicle enforcement

system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. ~~Records of Information held by~~ the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. ~~Records of Information held by~~ the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. ~~Records, investigative notes, correspondence, and information~~ Information pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer; *or* his agents; *or* employees or persons employed to perform an audit or examination of holder records.

21. ~~Records of Information held by~~ the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body; ~~to the extent that such records that~~ reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. ~~Records of Information held by~~ state or local park and recreation departments and local and regional park authorities ~~to the extent such records contain information identifying a person concerning identifiable individuals~~ under the age of 18 years. However, nothing in this subdivision shall operate to ~~prohibit the disclosure~~ *authorize the withholding* of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For ~~records such information of such~~ persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the ~~record information~~ may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such ~~records information~~ for inspection and copying.

23. ~~Records Information~~ submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management; ~~to the extent that they that~~ reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. ~~Records of Information held by~~ the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. ~~Records of Information held by~~ the Virginia Retirement System acting pursuant to § 51.1-124.30, ~~of~~ a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or ~~of~~ the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, ~~to the extent that if~~ disclosure of such ~~records information~~ would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan; ~~to the extent if~~ disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. ~~Records of Information held by~~ the Department of Corrections made confidential by § 53.1-233.

27. ~~Records Information~~ maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.); ~~to the extent such records relate to information and~~ required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the ~~record~~ *information*.

29. ~~Records Information~~ maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 ~~to the extent that such records that~~ reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the ~~record~~ *information*. Nothing in this subdivision, however, shall be construed to authorize the withholding of ~~records information~~ relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no ~~record information~~ that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. ~~Records of the Commonwealth's Attorneys' Services Council, to the extent such records are~~ *Information* prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such ~~records are information is~~ not otherwise available to the public and the ~~release disclosure~~ of such ~~records information~~ would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities; or materials created for the investigation and prosecution of a criminal case.

32. ~~Records Information~~ provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft; where the ~~records information~~ would not be subject to disclosure by the entity providing the ~~records information~~. The entity providing the ~~records information~~ to the Department of Aviation shall identify the specific ~~portion of the records information~~ to be protected and the applicable provision of this chapter that ~~exempts the record or portions thereof excludes the information~~ from mandatory disclosure.

33. ~~Records Information~~ created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. (Effective July 1, 2018) ~~Records of Information held by the Virginia Alcoholic Beverage Control Authority to the extent such records contain that contains~~ (i) information of a proprietary nature gathered by or in the possession of the Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial ~~records information~~ of a private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a) confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority.

In order for the ~~records information~~ identified in clauses (i) ~~through~~, (ii), or (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect such ~~records information~~ of the private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other ~~records~~ *information* excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of ~~records~~ *information* excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety

of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This ~~exemption~~ *exclusion* shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of ~~records~~ *information* excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application ~~records~~ *information* excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of ~~records~~ *information* excluded from this chapter pursuant to subdivision ~~9~~ 8 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary ~~records~~ *information* and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary ~~records~~ *information* and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of ~~records~~ *information* or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of ~~records~~ *information* excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of ~~records~~ *information* excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of ~~records~~ *information* excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of ~~records~~ *information* relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of ~~records~~ *information* excluded from this chapter pursuant to subdivision ~~12~~ 11 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of ~~records~~ *information* excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of ~~records~~ *information* excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of ~~records~~ *information* excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This ~~exemption~~ *exclusion* shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of ~~records~~ *information* excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-3713. Proceedings for enforcement of chapter.

A. Any person, including the attorney for the Commonwealth acting in his official or individual capacity, denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. Such petition may be brought in the name of the person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. Venue for the petition shall be addressed as follows:

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;

2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and

3. In a case involving a board, bureau, commission, authority, district, institution, or agency of the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond.

B. In any action brought before a general district court, a corporate petitioner may appear through its officer, director or managing agent without the assistance of counsel, notwithstanding any provision of law or Rule of the Supreme Court of Virginia to the contrary.

C. Notwithstanding the provisions of § 8.01-644, the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.

D. The petition shall allege with reasonable specificity the circumstances of the denial of the rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges conferred by this chapter shall be sufficient to invoke the remedies granted herein. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorneys' fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. In making this determination, a court may consider, among other things, the reliance of a public body on an opinion of the Attorney General or a decision of a court that substantially supports the public body's position.

E. In any action to enforce the provisions of this chapter, the public body shall bear the burden of proof to establish an ~~exemption~~ exclusion by a preponderance of the evidence. *No court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies.* Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation of this chapter.

F. Failure by any person to request and receive notice of the time and place of meetings as provided in § 2.2-3707 shall not preclude any person from enforcing his rights and privileges conferred by this chapter.

2. That the provisions of this act are declaratory of the law as it existed prior to the September 17, 2015 decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*.

CHAPTER 621

An Act to amend and reenact § 19.2-124 of the Code of Virginia, relating to appeal from bail.

[S 285]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-124 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-124. Appeal from bail, bond, or recognizance order.

A. If a judicial officer denies bail to a person, requires excessive bond, or fixes unreasonable terms of a recognizance under this article, the person may appeal the decision of the judicial officer.

If the initial bail decision on a charge brought by a warrant or district court *capias* is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the district court in which the case is pending.

If the initial bail decision on a charge brought by direct indictment or presentment or circuit court *capias* is made by a magistrate, clerk, or deputy clerk, the person shall first appeal to the circuit court in which the case is pending.

If the appeal of an initial bail decision is taken on any charge originally pending in a district court after that charge has been appealed, certified, or transferred to a circuit court, the person shall first appeal to the circuit court in which the case is pending.

Any bail decision made by a judge of a court may be appealed successively by the person to the next higher court, up to and including the Supreme Court of Virginia, where permitted by law.

B. The attorney for the Commonwealth may appeal a bail, bond, or recognizance decision to the same court to which the accused person is required to appeal under subsection A.

C. ~~The~~ *In a matter not governed by subsection B or C of § 19.2-120 or § 19.2-120.1, the court granting or denying such bail may, upon appeal thereof, and for good cause shown, stay execution of such order for so long as reasonably practicable for the party to obtain an expedited hearing before the next higher court. When a district court grants bail over the presumption against bail in a matter that is governed by subsection B or C of § 19.2-120 or § 19.2-120.1, and upon notice by the Commonwealth of its appeal of the court's decision, the court shall stay execution of such order for so long as reasonably practical for the Commonwealth to obtain an expedited hearing before the circuit court, but in no event more than five days, unless the defendant requests a hearing date outside the five-day limit.*

No stay under this subsection may be granted after any person who has been granted bail has been released from custody on such bail.

D. No filing or service fees shall be assessed or collected for any appeal taken pursuant to this section.

CHAPTER 622

An Act to amend the Code of Virginia by adding sections numbered 44-13.1 through 44-13.4, relating to the Virginia National Guard Morale, Welfare, and Recreation Program.

[S 293]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding sections numbered 44-13.1 through 44-13.4 as follows:

§ 44-13.1. Virginia National Guard Morale, Welfare, and Recreation Program established.

The Adjutant General is authorized to establish a Virginia National Guard Morale, Welfare, and Recreation Program (the MWR Program) to provide leisure, recreation, and lodging opportunities for Virginia National Guard members and their families, Virginia Defense Force members and their families, employees of the Department of Military Affairs and their families, and other users of Department facilities as authorized by the Adjutant General.

§ 44-13.2. Administration of the MWR Program.

The Adjutant General may authorize the MWR Program to (i) contract for goods and services; (ii) hire employees; and (iii) receive funds from patrons in exchange for goods or services provided within the MWR Program. The Adjutant General is authorized to establish MWR Program facilities throughout the Commonwealth that, in the Adjutant General's judgment, are necessary for military purposes. The Adjutant General shall promulgate regulations to govern the operation of the MWR Program. The Adjutant General may appoint a director for the MWR Program. The Adjutant General shall establish a system of bookkeeping, accounting, and auditing procedures for the proper handling of funds derived from the MWR Program's operations.

§ 44-13.3. Virginia National Guard MWR Fund.

There is created within the state treasury a special nonreverting fund to be known as the Virginia National Guard MWR Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All (i) proceeds collected under the MWR Program and (ii) donations made to the Virginia National Guard MWR Program shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys from the Fund shall be used for the enhancement of morale, welfare, and recreation and the administration of the MWR Program, including paying the costs of (a) salaries of MWR Program employees; (b) public liability insurance, when needed; (c) infrastructure improvements on military property used in support of the MWR Program; and (d) any other expenses considered necessary in furtherance of the MWR Program by the Adjutant General. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Adjutant General.

§ 44-13.4. Risk management.

The MWR Program shall be eligible to participate in the state risk management pool. The MWR Program shall procure separate insurance policies to cover liability associated with activities and operations not otherwise covered in the state risk management pool or by the Division of Risk Management.

CHAPTER 623

An Act to amend the Code of Virginia by adding a section numbered 30-19.1:12, relating to the General Assembly; Joint Legislative Audit and Review Commission; fiscal impact statements for executive orders.

[S 680]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 30-19.1:12 as follows:

§ 30-19.1:12. Executive orders; impact statements by the Joint Legislative Audit and Review Commission.

A. At the request of the chairman of any committee of the Senate or House of Delegates, the Joint Legislative Audit and Review Commission shall review any executive order issued by the Governor and prepare a statement reflecting the potential fiscal impact of such executive order on the operations of state government.

B. The Joint Legislative Audit and Review Commission shall forward copies of the impact statement prepared pursuant to subsection A to the requesting chairman of the standing committee of both houses of the General Assembly to which matters relating to the content of the executive order are most properly referable.

CHAPTER 624

An Act to amend and reenact § 8.01-44.5 of the Code of Virginia, relating to punitive damages; injury by intoxicated drivers; admission of evidence.

[S 728]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-44.5 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-44.5. Punitive damages for persons injured by intoxicated drivers.

In any action for personal injury or death arising from the operation of a motor vehicle, engine or train, the finder of fact may, in its discretion, award punitive damages to the plaintiff if the evidence proves that the defendant acted with malice toward the plaintiff or the defendant's conduct was so willful or wanton as to show a conscious disregard for the rights of others.

A defendant's conduct shall be deemed sufficiently willful or wanton as to show a conscious disregard for the rights of others when the evidence proves that (i) when the incident causing the injury or death occurred, the defendant had a blood alcohol concentration of 0.15 percent or more by weight by volume or 0.15 grams or more per 210 liters of breath; (ii) at the time the defendant began drinking alcohol, or during the time he was drinking alcohol, he knew or should have known that his ability to operate a motor vehicle, engine or train would be impaired, or when he was operating a motor vehicle he knew or should have known that his ability to operate a motor vehicle was impaired; and (iii) the defendant's intoxication was a proximate cause of the injury to or death of the plaintiff. For the purposes of clause (i), it shall be rebuttably presumed that the blood alcohol concentration at the time of the incident causing injury or death was at least as high as the test result as shown in a certificate issued pursuant to § 18.2-268.9 or in a certificate of analysis for a blood test administered pursuant to § 18.2-268.7, provided that the test was administered within three hours of the incident causing injury or death. In addition to any other forms of proof, a party may submit a copy of a certificate issued pursuant to § 18.2-268.9 or a certificate of analysis for a blood test administered pursuant to § 18.2-268.7, which shall be prima facie evidence of the facts contained therein.

However, when a defendant has unreasonably refused to submit to a test of his blood alcohol content as required by § 18.2-268.2, a defendant's conduct shall be deemed sufficiently willful or wanton as to show a conscious disregard for the rights of others when the evidence proves that (a) when the incident causing the injury or death occurred the defendant was intoxicated, which may be established by evidence concerning the conduct or condition of the defendant; (b) at the time the defendant began drinking alcohol, or during the time he was drinking alcohol, he knew or should have known that his ability to operate a motor vehicle was impaired; and (c) the defendant's intoxication was a proximate cause of the injury to the plaintiff or death of the plaintiff's decedent. In addition to any other forms of proof, a party may submit a certified copy of a court's determination of unreasonable refusal pursuant to § 18.2-268.3, which shall be prima facie evidence that the defendant unreasonably refused to submit to the test.

Evidence of similar conduct by the same defendant subsequent to the date of the personal injury or death arising from the operation of a motor vehicle, engine, or train shall be admissible at trial for consideration by the jury or other finder of fact for the limited purpose of determining what amount of punitive damages may be appropriate to deter the defendant and others from similar future action.

CHAPTER 625

An Act to amend and reenact § 2.2-4030 of the Code of Virginia, relating to recovery of attorney fees from agency; actions brought in violation of law or for an improper purpose.

[S 746]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 2.2-4030 of the Code of Virginia is amended and reenacted as follows:****§ 2.2-4030. Recovery of costs and attorney fees from agency.**

A. In any civil case brought under Article 5 (§ 2.2-4025 et seq.) ~~of this chapter or §§ § 2.2-4002, 2.2-4006, 2.2-4011, or § 2.2-4018,~~ in which any person contests any agency action, such person shall be entitled to recover from that agency, including the Department of Game and Inland Fisheries, reasonable costs and ~~attorneys' attorney~~ fees if such person substantially prevails on the merits of the case and (i) the agency's position is not substantially justified, (ii) *the agency action was in violation of law, or (iii) the agency action was for an improper purpose,* unless special circumstances would make an award unjust. The award of ~~attorneys' attorney~~ fees shall not exceed \$25,000.

B. Nothing in this section shall be deemed to grant permission to bring an action against an agency if the agency would otherwise be immune from suit; or to grant a right to bring an action by a person who would otherwise lack standing to bring the action.

C. Any costs and ~~attorneys' attorney~~ fees assessed against an agency under this section shall be charged against the operating expenses of the agency for the fiscal year in which the assessment is made; and shall not be reimbursed from any other source.

CHAPTER 626

An Act to amend and reenact §§ 16.1-247, 16.1-259, 16.1-262, 16.1-263, 16.1-284, 16.1-291, and 16.1-292 of the Code of Virginia, relating to retained jurisdiction of juvenile court; persons age 18 and older; penalties.

[S 454]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 16.1-247, 16.1-259, 16.1-262, 16.1-263, 16.1-284, 16.1-291, and 16.1-292 of the Code of Virginia are amended and reenacted as follows:****§ 16.1-247. Duties of person taking child into custody.**

A. A person taking a child into custody pursuant to the provisions of subsection A of § 16.1-246, during such hours as the court is open, shall, with all practicable speed, and in accordance with the provisions of this law and the orders of court pursuant thereto, bring the child to the judge or intake officer of the court and the judge, intake officer or arresting officer shall, in the most expeditious manner practicable, give notice of the action taken, together with a statement of the reasons for taking the child into custody, orally or in writing to the child's parent, guardian, legal custodian or other person standing in loco parentis.

B. A person taking a child into custody pursuant to the provisions of subsection B, C, or D of § 16.1-246, during such hours as the court is open, shall, with all practicable speed, and in accordance with the provisions of this law and the orders of court pursuant thereto:

1. Release the child to such child's parents, guardian, custodian or other suitable person able and willing to provide supervision and care for such child and issue oral counsel and warning as may be appropriate; or

2. Release the child to such child's parents, guardian, legal custodian or other person standing in loco parentis upon their promise to bring the child before the court when requested; or

3. If not released, bring the child to the judge or intake officer of the court and, in the most expeditious manner practicable, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the judge or intake officer, and the judge, intake officer or arresting officer shall give notice of the action taken orally or in writing to the child's parent, guardian, legal custodian or other person standing in loco parentis. Nothing herein shall prevent the child from being held for the purpose of administering a blood or breath test to determine the alcoholic content of his blood where the child has been taken into custody pursuant to § 18.2-266.

C. A person taking a child into custody pursuant to the provisions of subsections E and F of § 16.1-246, during such hours as the court is open, shall, with all practicable speed and in accordance with the provisions of this law and the orders of court pursuant thereto:

1. Release the child to the institution, facility or home from which he ran away or escaped; or

2. If not released, bring the child to the judge or intake officer of the court and, in the most expeditious manner practicable, give notice of the action taken, together with a statement of the reasons for taking the child into custody, in writing to the judge or intake officer, and the judge, intake officer or arresting officer shall give notice of the action taken

orally or in writing to the institution, facility or home in which the child had been placed and orally or in writing to the child's parent, guardian, legal custodian or other person standing in loco parentis.

D. A person taking a child into custody pursuant to the provisions of subsection A of § 16.1-246, during such hours as the court is not open, shall with all practicable speed and in accordance with the provisions of this law and the orders of court pursuant thereto:

1. Release the child taken into custody pursuant to a warrant on bail or recognizance pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2; or

2. Place the child in a detention home or in shelter care; or

3. Place the child in a jail subject to the provisions of § 16.1-249.

E. A person taking a child into custody pursuant to the provisions of subsection B, C, or D of § 16.1-246 during such hours as the court is not open, shall:

1. Release the child pursuant to the provisions of subdivision B 1 or B 2 of this section; or

2. Release the child on bail or recognizance pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2; or

3. Place the child taken into custody pursuant to subsection B of § 16.1-246 in shelter care after the issuance of a detention order pursuant to § 16.1-255; or

4. Place the child taken into custody pursuant to subsection C or D of § 16.1-246 in shelter care or in a detention home after the issuance of a warrant by a magistrate; or

5. Place the child in a jail subject to the provisions of § 16.1-249 after the issuance of a warrant by a magistrate or after the issuance of a detention order pursuant to § 16.1-255; or

6. In addition to any other provisions of this subsection, detain the child for a reasonably necessary period of time in order to administer a breath or blood test to determine the alcohol content of his blood, if such child was taken into custody pursuant to § 18.2-266.

F. A person taking a child into custody pursuant to the provisions of subsection E of § 16.1-246, during such hours as the court is not open, shall:

1. Release the child to the institution or facility from which he ran away or escaped; or

2. Detain the child in a detention home or in a jail subject to the provisions of § 16.1-249 after the issuance of a warrant by a magistrate or after the issuance of a detention order pursuant to § 16.1-255.

G. A person taking a child into custody pursuant to the provisions of subsection F of § 16.1-246, during such hours as the court is not open, shall:

1. Release the child to the facility or home from which he ran away; or

2. Detain the child in shelter care after the issuance of a detention order pursuant to § 16.1-255 or after the issuance of a warrant by a magistrate.

H. If a parent, guardian or other custodian fails, when requested, to bring the child before the court as provided in subdivisions B 2 and E 1, the court may issue a detention order directing that the child be taken into custody and be brought before the court.

I. A law-enforcement officer taking a child into custody pursuant to the provisions of subsection G of § 16.1-246 shall notify the intake officer of the juvenile court of the action taken. The intake officer shall determine if the child's conduct or situation is within the jurisdiction of the court and if a petition should be filed on behalf of the child. If the intake officer determines that a petition should not be filed, the law-enforcement officer shall as soon as practicable:

1. Return the child to his home;

2. Release the child to such child's parents, guardian, legal custodian or other person standing in loco parentis;

3. Place the child in shelter care for a period not longer than 24 hours after the issuance of a detention order pursuant to § 16.1-255; or

4. Release the child.

During the period of detention authorized by this subsection no child shall be confined in any detention home, jail or other facility for the detention of adults.

J. If a child is taken into custody pursuant to the provisions of subsection B, F, or G of § 16.1-246 by a law-enforcement officer during such hours as the court is not in session and the child is not released or transferred to a facility or institution in accordance with subsection E, G, or I of this section, the child shall be held in custody only so long as is reasonably necessary to complete identification, investigation and processing. The child shall be held under visual supervision in a nonlocked, multipurpose area which is not designated for residential use. The child shall not be handcuffed or otherwise secured to a stationary object.

K. When an adult is taken into custody pursuant to a warrant ~~or~~ detention order, *or capias* alleging a delinquent act committed when he was a juvenile, he may be released on bail or recognizance pursuant to Chapter 9 (§ 19.2-119 et seq.) of Title 19.2. *An intake officer shall have the authority to issue a capias for an adult under the age of 21 who is alleged to have committed, before attaining the age of 18, an offense that would be a crime if committed by an adult.*

§ 16.1-259. Procedure in cases of adults.

A. In cases where an adult is charged with violations of the criminal law pursuant to subsection I or J of § 16.1-241, the procedure and disposition applicable in the trial of such cases in general district court shall be applicable to trial in juvenile court. The provisions of this law shall govern in all other cases involving adults.

B. Proceedings in cases of adults may be instituted on petition by any interested party, or on a warrant issued as provided by law, or upon the court's own motion.

C. Proceedings in cases of adults under the age of 21 who are alleged to have committed, before attaining the age of 18, an offense that would be a crime if committed by an adult shall be commenced by the filing of a petition.

D. Proceedings for violations of probation or parole in cases of adults under the age of 21 where jurisdiction is retained pursuant to § 16.1-242 shall be commenced by the filing of a petition.

§ 16.1-262. Form and content of petition.

A. The petition shall contain the facts below indicated:

"Commonwealth of Virginia, In re _____ (name of child)" a child under eighteen years of age.

"In the Juvenile and Domestic Relations District Court of the county (or city) of _____"

1. Statement of name, age, date of birth, if known, and residence of the child.

2. Statement of names and residence of his parents, guardian, legal custodian or other person standing in loco parentis and spouse, if any.

3. Statement of names and residence of the nearest known relatives if no parent or guardian can be found.

4. Statement of the specific facts which allegedly bring the child within the purview of this law. If the petition alleges a delinquent act, it shall make reference to the applicable sections of the Code which designate the act a crime.

5. Statement as to whether the child is in custody, and if so, the place of detention or shelter care, and the time the child was taken into custody, and the time the child was placed in detention or shelter care.

B. If the subject of the petition is an adult, the petition shall not state or include the name of or any information concerning the parents, guardians, legal custodian, or person standing in loco parentis of the adult subject of the petition except as may be necessary to state the conduct alleged in the petition.

C. If any of the facts herein required to be stated are not known by the petitioner, the petition shall so state. The petition shall be verified, except that petitions filed under § 63.2-1237 may be signed by the petitioner's counsel, and may be upon information.

In accordance with § 16.1-69.32, the Supreme Court may formulate rules for the form and content of petitions in the juvenile court concerning matters related to the custody, visitation or support of a child and the protection, support or maintenance of an adult where the provisions of this section are not appropriate.

§ 16.1-263. Summonses.

A. After a petition has been filed, the court shall direct the issuance of summonses, one directed to the juvenile, if the juvenile is twelve or more years of age, and another to at least one parent, guardian, legal custodian or other person standing in loco parentis, and such other persons as appear to the court to be proper or necessary parties to the proceedings.

After a petition has been filed against an adult pursuant to subsection C or D of § 16.1-259, the court shall direct the issuance of a summons against the adult.

The summons shall require them to appear personally before the court at the time fixed to answer or testify as to the allegations of the petition. Where the custodian is summoned and such person is not a parent of the juvenile in question, a parent shall also be served with a summons. The court may direct that other proper or necessary parties to the proceedings be notified of the pendency of the case, the charge and the time and place for the hearing.

Any such summons shall be deemed a mandate of the court, and willful failure to obey its requirements shall subject any person guilty thereof to liability for punishment for contempt. Upon the failure of any person to appear as ordered in the summons, the court shall immediately issue an order for such person to show cause why he should not be held in contempt.

The parent, guardian, legal custodian, or other person standing in loco parentis shall not be summoned to appear or be punished for failure to appear in cases of adults who are brought before the court pursuant to subsection C or D of § 16.1-259 unless such person is summoned as a witness.

B. The summons shall advise the parties of their right to counsel as provided in § 16.1-266. A copy of the petition shall accompany each summons for the initial proceedings. The summons shall include notice that in the event that the juvenile is committed to the Department or to a secure local facility, at least one parent or other person legally obligated to care for and support the juvenile may be required to pay a reasonable sum for support and treatment of the juvenile pursuant to § 16.1-290. Notice of subsequent proceedings shall be provided to all parties in interest. In all cases where a party is represented by counsel and counsel has been provided with a copy of the petition and due notice as to time, date and place of the hearing, such action shall be deemed due notice to such party, unless such counsel has notified the court that he no longer represents such party.

C. The judge may endorse upon the summons an order directing a parent or parents, guardian or other custodian having the custody or control of the juvenile to bring the juvenile to the hearing.

D. A party, other than the juvenile, may waive service of summons by written stipulation or by voluntary appearance at the hearing.

E. No such summons or notification shall be required if the judge shall certify on the record that (i) the identity of a parent or guardian is not reasonably ascertainable or (ii) in cases in which it is alleged that a juvenile has committed a delinquent act, crime, status offense or traffic infraction or is in need of services or supervision, the location, or in the case of a parent or guardian located outside of the Commonwealth the location or mailing address, of a parent or guardian is not reasonably ascertainable. An affidavit of the mother that the identity of the father is not reasonably ascertainable shall be sufficient evidence of this fact, provided there is no other evidence before the court which would refute such an affidavit. In

cases referred to in clause (ii), an affidavit of a law-enforcement officer or juvenile probation officer that the location of a parent or guardian is not reasonably ascertainable shall be sufficient evidence of this fact, provided that there is no other evidence before the court which would refute the affidavit.

§ 16.1-284. When adult sentenced for juvenile offense.

When the juvenile court sentences an adult who has committed, before attaining the age of ~~eighteen~~ 18, an offense ~~which~~ that would be a crime if committed by an adult, the court may impose, *for each offense*, the penalties that are authorized to be imposed on adults for such violations, not to exceed the punishment for a Class 1 misdemeanor ~~for a single offense or multiple offenses~~, provided that the total jail sentence imposed shall not exceed 36 continuous months and the total fine shall not exceed \$2,500 or the court may order a disposition as provided in subdivision A 4, 5, 7, 11, 12, 14, or 17 and subsection B of § 16.1-278.8.

B. A person sentenced pursuant to this section shall be entitled to good time credit as authorized by § 53.1-116.

§ 16.1-291. Revocation or modification of probation, protective supervision or parole; proceedings; disposition.

A. A juvenile or person who violates an order of the juvenile court entered into pursuant to §§ 16.1-278.2 through 16.1-278.10 or § 16.1-284, who violates the conditions of his probation granted pursuant to § 16.1-278.5 or § 16.1-278.8, or who violates the conditions of his parole granted pursuant to §§ 16.1-285, 16.1-285.1 or § 16.1-293, may be proceeded against for a revocation or modification of such order or parole status. A proceeding to revoke or modify probation, protective supervision or parole shall be commenced by the filing of a petition. Except as otherwise provided, such petitions shall be screened, reviewed and prepared in the same manner and shall contain the same information as provided in §§ 16.1-260 and 16.1-262. The petition shall recite the date that the juvenile or person was placed on probation, under protective supervision or on parole and shall state the time and manner in which notice of the terms of probation, protective supervision or parole were given.

B. If a juvenile or person is found to have violated a prior order of the court or the terms of probation or parole, the court may, in accordance with the provisions of §§ 16.1-278.2 through 16.1-278.10, upon a revocation or modification hearing, modify or extend the terms of the order of probation or parole, including termination of probation or parole. However, notwithstanding the contempt power of the court as provided in § 16.1-292, the court shall be limited in the actions it may take to those that the court may have taken at the time of the court's original disposition pursuant to §§ 16.1-278.2 through 16.1-278.10, except as hereinafter provided.

C. In the event that a child in need of supervision is found to have willfully and materially violated an order of the court or the terms of his probation granted pursuant to § 16.1-278.5, in addition to or in lieu of the dispositions specified in that section, the court may enter any of the following orders of disposition:

1. Suspend the child's driver's license upon terms and conditions which may include the issuance of a restricted license for those purposes set forth in subsection E of § 18.2-271.1; or

2. Order any such child fourteen years of age or older to be (i) placed in a foster home, group home or other nonsecure residential facility, or, (ii) if the court finds that such placement is not likely to meet the child's needs, that all other treatment options in the community have been exhausted, and that secure placement is necessary in order to meet the child's service needs, detained in a secure facility for a period of time not to exceed ten consecutive days for violation of any order of the court or violation of probation arising out of the same petition. The court shall state in its order for detention the basis for all findings required by this section. When any child is detained in a secure facility pursuant to this section, the court shall direct the agency evaluating the child pursuant to § 16.1-278.5 to reconvene the interdisciplinary team participating in such evaluation, develop further treatment plans as may be appropriate and submit its report to the court of its determination as to further treatment efforts either during or following the period the child is in secure detention. A child may only be detained pursuant to this section in a detention home or other secure facility in compliance with standards established by the State Board. Any order issued pursuant to this subsection is a final order and is appealable as provided by law.

D. Nothing in this section shall be construed to reclassify a child in need of supervision as a delinquent.

E. If a person adjudicated delinquent and found to have violated an order of the court or the terms of his probation or parole was a juvenile at the time of the original offense and is eighteen years of age or older when the court enters disposition for violation of the order of the court or the terms of his probation or parole, the dispositional alternative specified in § 16.1-284 shall be available to the court.

§ 16.1-292. Violation of court order by any person.

A. Any person violating an order of the juvenile court entered pursuant to §§ 16.1-278.2 through 16.1-278.19 or § 16.1-284, including a parent subject to an order issued pursuant to subdivision 3 of § 16.1-278.8, may be proceeded against (i) by an order requiring the person to show cause why the order of the court entered pursuant to §§ 16.1-278.2 through 16.1-278.19 has not been complied with, (ii) for contempt of court pursuant to § 16.1-69.24 or as otherwise provided in this section, or (iii) by both. Except as otherwise expressly provided herein, nothing in this chapter shall deprive the court of its power to punish summarily for contempt for such acts as set forth in § 18.2-456, or to punish for contempt after notice and an opportunity to a hearing on the contempt except that confinement in the case of a juvenile shall be in a secure facility for juveniles rather than in jail and shall not exceed a period of ten days for each offense. However, if the person violating the order was a juvenile at the time of the original act and is eighteen years of age or older when the court enters a disposition for violation of the order, the judge may order confinement in jail.

B. Upon conviction of any party for contempt of court in failing or refusing to comply with an order of a juvenile court for spousal support or child support under § 16.1-278.15, the court may commit and sentence such party to confinement in a

jail, workhouse, city farm or work squad as provided in §§ 20-61 and 20-62, for a fixed or indeterminate period or until the further order of the court. In no event, however, shall such sentence be imposed for a period of more than twelve months. The sum or sums as provided for in § 20-63 shall be paid as therein set forth, to be used for the support and maintenance of the spouse or the child or children for whose benefit such order or decree provided.

C. Notwithstanding the contempt power of the court, the court shall be limited in the actions it may take with respect to a child violating the terms and conditions of an order to those which the court could have taken at the time of the court's original disposition pursuant to §§ 16.1-278.2 through 16.1-278.10, except as hereinafter provided. However, this limitation shall not be construed to deprive the court of its power to (i) punish a child summarily for contempt for acts set forth in § 18.2-456 or (ii) punish a child for contempt for violation of a dispositional order in a delinquency proceeding after notice and an opportunity for a hearing regarding such contempt, including acts of disobedience of the court's dispositional order which are committed outside the presence of the court.

D. In the event a child in need of services is found to have willfully and materially violated for a second or subsequent time the order of the court pursuant to § 16.1-278.4, the dispositional alternatives specified in subdivision 9 of § 16.1-278.8 shall be available to the court.

E. In the event a child in need of supervision is found to have willfully and materially violated an order of the court pursuant to § 16.1-278.5, the court may enter any of the following orders of disposition:

1. Suspend the child's motor vehicle driver's license;

2. Order any such child fourteen years of age or older to be (i) placed in a foster home, group home or other nonsecure residential facility, or, (ii) if the court finds that such placement is not likely to meet the child's needs, that all other treatment options in the community have been exhausted, and that secure placement is necessary in order to meet the child's service needs, detained in a secure facility for a period of time not to exceed ten consecutive days for violation of any order of the court arising out of the same petition. The court shall state in its order for detention the basis for all findings required by this section. When any child is detained in a secure facility pursuant to this section, the court shall direct the agency evaluating the child pursuant to § 16.1-278.5 to reconvene the interdisciplinary team participating in such evaluation as promptly as possible to review its evaluation, develop further treatment plans as may be appropriate and submit its report to the court for its determination as to further treatment efforts either during or following the period the child is in secure detention. A juvenile may only be detained pursuant to this section in a detention home or other secure facility in compliance with standards established by the State Board. Any order issued pursuant to this subsection is a final order and is appealable to the circuit court as provided by law.

F. Nothing in this section shall be construed to reclassify a child in need of services or in need of supervision as a delinquent.

CHAPTER 627

An Act to amend and reenact § 63.2-2100 of the Code of Virginia, relating to Family and Children's Trust Fund; taxation.

[H 1207]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-2100 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-2100. Family and Children's Trust Fund; public purpose; exempt from taxation.

A. There is hereby created ~~a~~ the Family and Children's Trust Fund (*the Trust Fund*). ~~The purpose of the fund~~ *exercise of powers granted under this chapter shall be to provide in all respects for the benefit of the citizens of the Commonwealth and for the support and development of services for the prevention and treatment of child abuse and neglect and violence within families. This goal shall be achieved through public and private collaboration.*

B. *The Trust Fund will be performing an essential governmental function in the exercise of the powers conferred upon it by this chapter. Gifts, contributions, grants, devises, and bequests, whether personal or real property, and the income therefrom, accepted by the Trust Fund, shall be deemed to be gifts to the Commonwealth, which shall be exempt from all state and local taxes, and shall be regarded as the property of the Commonwealth for the purposes of all tax laws.*

CHAPTER 628

An Act to amend and reenact § 2.2-309 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 28 of Title 2.2 a section numbered 2.2-2832, relating to retaliatory actions by state officers and employees against persons providing testimony before a committee or subcommittee of the General Assembly.

[S 294]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-309 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 28 of Title 2.2 a section numbered 2.2-2832 as follows:

§ 2.2-309. Powers and duties of State Inspector General.

A. The State Inspector General shall have power and duty to:

1. Operate and manage the Office and employ such personnel as may be required to carry out the provisions of this chapter;

2. Make and enter contracts and agreements as may be necessary and incidental to carry out the provisions of this chapter and apply for and accept grants from the United States government and agencies and instrumentalities thereof, and any other source, in furtherance of the provisions of this chapter;

3. Receive complaints from whatever source that allege fraud, waste, including task or program duplication, abuse, or corruption by a state agency or nonstate agency or by any officer or employee of the foregoing and determine whether the complaints give reasonable cause to investigate;

4. *Receive complaints under § 2.2-2832 from persons alleging retaliation by an officer or employee of a state agency for providing testimony before a committee or subcommittee of the General Assembly and determine whether the complaints give reasonable cause to investigate;*

5. Investigate the management and operations of state agencies, nonstate agencies, and independent contractors of state agencies to determine whether acts of fraud, waste, abuse, or corruption have been committed or are being committed by state officers or employees or independent contractors of a state agency or any officers or employees of a nonstate agency, including any allegations of criminal acts affecting the operations of state agencies or nonstate agencies. However, no investigation of an elected official of the Commonwealth to determine whether a criminal violation has occurred, is occurring, or is about to occur under the provisions of § 52-8.1 shall be initiated, undertaken, or continued except upon the request of the Governor, the Attorney General, or a grand jury;

~~5-6.~~ 6. Prepare a detailed report of each investigation stating whether fraud, waste, abuse, or corruption has been detected. If fraud, waste, abuse, or corruption is detected, the report shall (i) identify the person committing the wrongful act or omission, (ii) describe the wrongful act or omission, and (iii) describe any corrective measures taken by the state agency or nonstate agency in which the wrongful act or omission was committed to prevent recurrences of similar actions;

~~6-7.~~ 7. Provide timely notification to the appropriate attorney for the Commonwealth and law-enforcement agencies whenever the State Inspector General has reasonable grounds to believe there has been a violation of state criminal law;

~~7-8.~~ 8. Administer the Fraud and Abuse Whistle Blower Reward Fund created pursuant to § 2.2-3014;

~~8-9.~~ 9. Oversee the Fraud, Waste and Abuse Hotline;

~~9-10.~~ 10. Conduct performance reviews of state agencies to assess the efficiency, effectiveness, or economy of programs and to ascertain, among other things, that sums appropriated have been or are being expended for the purposes for which the appropriation was made and prepare a report for each performance review detailing any findings or recommendations for improving the efficiency, effectiveness, or economy of state agencies, including recommending changes in the law to the Governor and the General Assembly that are necessary to address such findings;

~~10-11.~~ 11. Coordinate and require standards for those internal audit programs in existence as of July 1, 2012, and for other internal audit programs in state agencies and nonstate agencies as needed in order to ensure that the Commonwealth's assets are subject to appropriate internal management controls;

~~11-12.~~ 12. As deemed necessary, assess the condition of the accounting, financial, and administrative controls of state agencies and nonstate agencies and make recommendations to protect the Commonwealth's assets;

~~12-13.~~ 13. Assist agency internal auditing programs with technical auditing issues and coordinate and provide training to the Commonwealth's internal auditors;

~~13-14.~~ 14. Assist citizens in understanding their rights and the processes available to them to express concerns regarding the activities of a state agency or nonstate agency or any officer or employee of the foregoing;

~~14-15.~~ 15. Maintain data on inquiries received, the types of assistance requested, any actions taken, and the disposition of each such matter;

~~15-16.~~ 16. Upon request, assist citizens in using the procedures and processes available to express concerns regarding the activities of a state or nonstate agency or any officer or employee of the foregoing;

~~16-17.~~ 17. Ensure that citizens have access to the services provided by the State Inspector General and that citizens receive timely responses to their inquiries from the State Inspector General or his representatives; and

~~17-18.~~ 18. Do all acts necessary or convenient to carry out the purposes of this chapter.

B. If the State Inspector General receives a complaint from whatever source that alleges fraud, waste, abuse, or corruption by a public institution of higher education or any of its officers or employees, the State Inspector General shall, but for reasonable and articulable causes, refer the complaint to the internal audit department of the public institution of higher education for investigation. However, if the complaint concerns the president of the institution or its internal audit department, the investigation shall be conducted by the State Inspector General. The State Inspector General may provide assistance for investigations as may be requested by the public institution of higher education.

The public institution of higher education shall provide periodic updates on the status of any investigation and make the results of any such investigation available to the State Inspector General.

§ 2.2-2832. Retaliatory actions against persons providing testimony before a committee or subcommittee of the General Assembly.

A. *No officer or employee of a state agency shall use his public position to retaliate or threaten to retaliate against a person providing testimony before a committee or subcommittee of the General Assembly.*

B. To be covered by the provisions of this section, a person who provides testimony before a committee or subcommittee of the General Assembly shall do so in good faith and upon a reasonable belief that the information is accurate. Testimony that is reckless or that the person knew or should have known was false, confidential, malicious, or otherwise prohibited by law or policy shall not be deemed good faith testimony.

C. Any person who believes that he is the subject of retaliatory action by an officer or employee of a state agency on account of testimony that he provided before a committee or subcommittee of the General Assembly may file a complaint with the Office of the State Inspector General.

D. Intentional violation of subsection A by an officer or employee of a state agency shall constitute malfeasance in office and shall subject the officer or employee responsible to suspension or removal from office, as may be provided by law in other cases of malfeasance.

CHAPTER 629

An Act to amend and reenact § 2.2-4304 of the Code of Virginia, relating to the Virginia Public Procurement Act; cooperative procurement; installation of artificial turf and track surfaces.

[S 418]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4304 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-4304. Joint and cooperative procurement.

A. Any public body may participate in, sponsor, conduct, or administer a joint procurement agreement *on behalf of or* in conjunction with one or more other public bodies, or public agencies or institutions or localities of the several states, of the United States or its territories, the District of Columbia, the U.S. General Services Administration, or the Metropolitan Washington Council of Governments, for the purpose of combining requirements to increase efficiency or reduce administrative expenses in any acquisition of goods, services, or construction.

B. In addition, a public body may purchase from another public body's contract or from the contract of the Metropolitan Washington Council of Governments even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies, except for:

1. Contracts for architectural or engineering services; or

2. Construction, *except for the installation of artificial turf and track surfaces, including all associated and necessary construction, which shall not be subject to the limitations prescribed in this subdivision. Nothing in this subdivision shall be construed to prohibit sole source or emergency procurements awarded pursuant to subsections E and F of § 2.2-4303.*

In instances where any authority, department, agency, or institution of the Commonwealth desires to purchase information technology and telecommunications goods and services from another public body's contract and the procurement was conducted on behalf of other public bodies, such purchase shall be permitted if approved by the Chief Information Officer of the Commonwealth. Any public body that enters into a cooperative procurement agreement with a county, city, or town whose governing body has adopted alternative policies and procedures pursuant to subdivisions A 9 and A 10 of § 2.2-4343 shall comply with the alternative policies and procedures adopted by the governing body of such county, city, or town.

C. Subject to the provisions of §§ 2.2-1110, 2.2-1111, 2.2-1120 and 2.2-2012, any authority, department, agency, or institution of the Commonwealth may participate in, sponsor, conduct, or administer a joint procurement arrangement in conjunction with public bodies, private health or educational institutions or with public agencies or institutions of the several states, territories of the United States, or the District of Columbia, for the purpose of combining requirements to effect cost savings or reduce administrative expense in any acquisition of goods and services, other than professional services, and construction.

A public body may purchase from any authority, department, agency or institution of the Commonwealth's contract even if it did not participate in the request for proposal or invitation to bid, if the request for proposal or invitation to bid specified that the procurement was a cooperative procurement being conducted on behalf of other public bodies. In such instances, deviation from the procurement procedures set forth in this chapter and the administrative policies and procedures established to implement this chapter shall be permitted, if approved by the Director of the Division of Purchases and Supply.

Pursuant to § 2.2-2012, such approval is not required if the procurement arrangement is for telecommunications and information technology goods and services of every description. In instances where the procurement arrangement is for telecommunications and information technology goods and services, such arrangement shall be permitted if approved by the Chief Information Officer of the Commonwealth. However, such acquisitions shall be procured competitively.

Nothing herein shall prohibit the payment by direct or indirect means of any administrative fee that will allow for participation in any such arrangement.

D. As authorized by the United States Congress and consistent with applicable federal regulations, and provided the terms of the contract permit such purchases:

1. Any authority, department, agency, or institution of the Commonwealth may purchase goods and nonprofessional services, other than telecommunications and information technology, from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the director of the Division of Purchases and Supply of the Department of General Services;

2. Any authority, department, agency, or institution of the Commonwealth may purchase telecommunications and information technology goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government, upon approval of the Chief Information Officer of the Commonwealth; and

3. Any county, city, town, or school board may purchase goods and nonprofessional services from a U.S. General Services Administration contract or a contract awarded by any other agency of the U.S. government.

CHAPTER 630

An Act to amend and reenact § 24.2-418 of the Code of Virginia, relating to voter registration; information required on application; adjudication of incapacity or felony conviction.

[S 420]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 24.2-418 of the Code of Virginia is amended and reenacted as follows:

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated *and disqualified to vote* or convicted of a felony, and if so, ~~under what circumstances~~ *whether* the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions ~~shall be~~ *is* guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.1 or 24.2-411.2, the registration application shall not be pre-populated with information the applicant is required to provide.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him, accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2; and

5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General.

C. If the applicant formerly resided in another state, the portion of the application to register listing an applicant's place of last previous registration to vote, or a copy thereof, shall be retained by the general registrar for the city or county where the applicant resides, and the general registrar shall send the original or a copy to the appropriate voter registration official or other authority of another state where the applicant formerly resided.

CHAPTER 631

An Act to amend and reenact §§ 16.1-228, 16.1-281, 16.1-282.1, 63.2-100, as it is currently effective and as it shall become effective, 63.2-904, 63.2-905.2, 63.2-906, 63.2-908, and 63.2-1502 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 63.2-905.3, relating to child welfare mandates.

[H 600]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-228, 16.1-281, 16.1-282.1, 63.2-100, as it is currently effective and as it shall become effective, 63.2-904, 63.2-905.2, 63.2-906, 63.2-908, and 63.2-1502 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 63.2-905.3 as follows:

§ 16.1-228. Definitions.

When used in this chapter, unless the context otherwise requires:

"Abused or neglected child" means any child:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian, or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this chapter is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

7. *Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.*

"Adoptive home" means the place of residence of any natural person in which a child resides as a member of the household and in which he has been placed for the purposes of adoption or in which he has been legally adopted by another member of the household.

"Adult" means a person 18 years of age or older.

"Ancillary crime" or "ancillary charge" means any delinquent act committed by a juvenile as a part of the same act or transaction as, or which constitutes a part of a common scheme or plan with, a delinquent act which would be a felony if committed by an adult.

"Boot camp" means a short term secure or nonsecure juvenile residential facility with highly structured components including, but not limited to, military style drill and ceremony, physical labor, education and rigid discipline, and no less than six months of intensive aftercare.

"Child," "juvenile," or "minor" means a person less than 18 years of age.

"Child in need of services" means (i) a child whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of the child or (ii) a child under the age of 14 whose behavior, conduct or condition presents or results in a serious threat to the well-being and physical safety of another person; however, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be a child in need of services, nor shall any child who habitually remains away from or habitually deserts or abandons his family as a result of what the court or the local child protective services unit determines to be incidents of physical, emotional or sexual abuse in the home be considered a child in need of services for that reason alone.

However, to find that a child falls within these provisions, (i) the conduct complained of must present a clear and substantial danger to the child's life or health or to the life or health of another person, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child in need of supervision" means:

1. A child who, while subject to compulsory school attendance, is habitually and without justification absent from school, and (i) the child has been offered an adequate opportunity to receive the benefit of any and all educational services and programs that are required to be provided by law and which meet the child's particular educational needs, (ii) the school system from which the child is absent or other appropriate agency has made a reasonable effort to effect the child's regular attendance without success, and (iii) the school system has provided documentation that it has complied with the provisions of § 22.1-258; or

2. A child who, without reasonable cause and without the consent of his parent, lawful custodian or placement authority, remains away from or deserts or abandons his family or lawful custodian on more than one occasion or escapes or remains away without proper authority from a residential care facility in which he has been placed by the court, and (i) such conduct presents a clear and substantial danger to the child's life or health, (ii) the child or his family is in need of treatment, rehabilitation or services not presently being received, and (iii) the intervention of the court is essential to provide the treatment, rehabilitation or services needed by the child or his family.

"Child welfare agency" means a child-placing agency, child-caring institution or independent foster home as defined in § 63.2-100.

"The court" or the "juvenile court" or the "juvenile and domestic relations court" means the juvenile and domestic relations district court of each county or city.

"Delinquent act" means (i) an act designated a crime under the law of the Commonwealth, or an ordinance of any city, county, town, or service district, or under federal law, (ii) a violation of § 18.2-308.7, or (iii) a violation of a court order as provided for in § 16.1-292, but shall not include an act other than a violation of § 18.2-308.7, which is otherwise lawful, but is designated a crime only if committed by a child. For purposes of §§ 16.1-241 and 16.1-278.9, the term shall include a refusal to take a blood or breath test in violation of § 18.2-268.2 or a similar ordinance of any county, city, or town.

"Delinquent child" means a child who has committed a delinquent act or an adult who has committed a delinquent act prior to his 18th birthday, except where the jurisdiction of the juvenile court has been terminated under the provisions of § 16.1-269.6.

"Department" means the Department of Juvenile Justice and "Director" means the administrative head in charge thereof or such of his assistants and subordinates as are designated by him to discharge the duties imposed upon him under this law.

"Family abuse" means any act involving violence, force, or threat that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury and that is committed by a person against such person's family or household member. Such act includes, but is not limited to, any forceful detention, stalking, criminal sexual assault in violation of Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2, or any criminal offense that results in bodily injury or places one in reasonable apprehension of death, sexual assault, or bodily injury.

"Family or household member" means (i) the person's spouse, whether or not he or she resides in the same home with the person, (ii) the person's former spouse, whether or not he or she resides in the same home with the person, (iii) the person's parents, stepparents, children, stepchildren, brothers, sisters, half-brothers, half-sisters, grandparents and grandchildren, regardless of whether such persons reside in the same home with the person, (iv) the person's mother-in-law, father-in-law, sons-in-law, daughters-in-law, brothers-in-law and sisters-in-law who reside in the same home with the person, (v) any individual who has a child in common with the person, whether or not the person and that individual have been married or have resided together at any time, or (vi) any individual who cohabits or who, within the previous 12 months, cohabited with the person, and any children of either of them then residing in the same home with the person.

"Foster care services" means the provision of a full range of casework, treatment and community services for a planned period of time to a child who is abused or neglected as defined in § 63.2-100 or in need of services as defined in this section and his family when the child (i) has been identified as needing services to prevent or eliminate the need for foster care placement, (ii) has been placed through an agreement between the local board of social services or a public agency designated by the community policy and management team and the parents or guardians where legal custody remains with the parents or guardians, (iii) has been committed or entrusted to a local board of social services or child welfare agency, or (iv) has been placed under the supervisory responsibility of the local board pursuant to § 16.1-293.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older and who has been committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who was in foster care on his 18th birthday and has not yet reached the age of 21 years. Such services shall include counseling, education, housing, employment, and money management skills development and access to essential documents and other appropriate services to help children or persons prepare for self-sufficiency.

"Intake officer" means a juvenile probation officer appointed as such pursuant to the authority of this chapter.

"Jail" or "other facility designed for the detention of adults" means a local or regional correctional facility as defined in § 53.1-1, except those facilities utilized on a temporary basis as a court holding cell for a child incident to a court hearing or as a temporary lock-up room or ward incident to the transfer of a child to a juvenile facility.

"The judge" means the judge or the substitute judge of the juvenile and domestic relations district court of each county or city.

"This law" or "the law" means the Juvenile and Domestic Relations District Court Law embraced in this chapter.

"Legal custody" means (i) a legal status created by court order which vests in a custodian the right to have physical custody of the child, to determine and redetermine where and with whom he shall live, the right and duty to protect, train and discipline him and to provide him with food, shelter, education and ordinary medical care, all subject to any residual parental rights and responsibilities or (ii) the legal status created by court order of joint custody as defined in § 20-107.2.

"Permanent foster care placement" means the place of residence in which a child resides and in which he has been placed pursuant to the provisions of §§ 63.2-900 and 63.2-908 with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

"Residual parental rights and responsibilities" means all rights and responsibilities remaining with the parent after the transfer of legal custody or guardianship of the person, including but not limited to the right of visitation, consent to adoption, the right to determine religious affiliation and the responsibility for support.

"Secure facility" or "detention home" means a local, regional or state public or private locked residential facility that has construction fixtures designed to prevent escape and to restrict the movement and activities of children held in lawful custody.

"Shelter care" means the temporary care of children in physically unrestricting facilities.

"State Board" means the State Board of Juvenile Justice.

"Status offender" means a child who commits an act prohibited by law which would not be criminal if committed by an adult.

"Status offense" means an act prohibited by law which would not be an offense if committed by an adult.

"Violent juvenile felony" means any of the delinquent acts enumerated in subsection B or C of § 16.1-269.1 when committed by a juvenile 14 years of age or older.

§ 16.1-281. Foster care plan.

A. In any case in which (i) a local board of social services places a child through an agreement with the parents or guardians where legal custody remains with the parents or guardian, or (ii) legal custody of a child is given to a local board of social services or a child welfare agency, the local department of social services or child welfare agency shall prepare a foster care plan for such child, as described hereinafter. The individual family service plan developed by the family assessment and planning team pursuant to § 2.2-5208 may be accepted by the court as the foster care plan if it meets the requirements of this section.

The representatives of such department or agency shall involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department of social services or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board placed the child. The representatives of such department or agency shall involve ~~the~~ *a child who is 14 years of age or older* in the development of the plan; *and, at the option of such child, up to two members of the case planning team who are chosen by the child and who are not a foster parent of, or caseworker for, the child. A child under 14 years of age may be involved in the development of the plan* if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department or agency shall include in the plan a full description of the reasons therefor.

The department or child welfare agency shall file the plan with the juvenile and domestic relations district court within 45 days following the transfer of custody or the board's placement of the child unless the court, for good cause shown, allows an extension of time, which shall not exceed an additional 60 days. However, a foster care plan shall be filed in accordance with the provisions of § 16.1-277.01 with a petition for approval of an entrustment agreement. A foster care plan need not be prepared if the child is returned to his prior family or placed in an adoptive home within 45 days following transfer of custody to the board or agency or the board's placement of the child.

B. The foster care plan shall describe in writing (i) the programs, care, services and other support which will be offered to the child and his parents and other prior custodians; (ii) the participation and conduct which will be sought from the child's parents and other prior custodians; (iii) the visitation and other contacts which will be permitted between the child and his parents and other prior custodians, and between the child and his siblings; (iv) the nature of the placement or placements which will be provided for the child; (v) for school-age children, the school placement of the child; ~~and~~ (vi) for children 14 years of age and older, the child's needs and goals in the areas of counseling, education, housing, employment, and money management skills development, along with specific independent living services that will be provided to the child to help him reach these goals; (vii) *for children 14 years and older, an explanation of the child's rights with respect to education, health, visitation, court participation, and the right to stay safe and avoid exploitation; and (viii) all documentation specified in 42 U.S.C. § 675(5)(l) and § 63.2-905.3.* In cases in which a foster care plan approved prior to July 1, 2011, identifies independent living as the goal for the child, and in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living, the plan

shall also describe the programs and services which will help the child prepare for the transition from foster care to independent living. If consistent with the child's health and safety, the plan shall be designed to support reasonable efforts which lead to the return of the child to his parents or other prior custodians within the shortest practicable time which shall be specified in the plan. The child's health and safety shall be the paramount concern of the court and the agency throughout the placement, case planning, service provision and review process. *For a child 14 years of age and older, the plan shall include a signed acknowledgment by the child that the child has received a copy of the plan and that the rights contained therein have been explained to the child in an age-appropriate manner.*

If the department or child welfare agency concludes that it is not reasonably likely that the child can be returned to his prior family within a practicable time, consistent with the best interests of the child, the department, child welfare agency or team shall (a) include a full description of the reasons for this conclusion; (b) provide information on the opportunities for placing the child with a relative or in an adoptive home; (c) design the plan to lead to the child's successful placement with a relative if a subsequent transfer of custody to the relative is planned, or in an adoptive home within the shortest practicable time, and if neither of such placements is feasible; (d) explain why permanent foster care is the plan for the child or independent living is the plan for the child in cases involving children admitted to the United States as refugees or asylees who are 16 years of age or older and for whom the goal is independent living.

"Independent living" as used in this section has the meaning set forth in § 63.2-100.

The local board or other child welfare agency having custody of the child shall not be required by the court to make reasonable efforts to reunite the child with a parent if the court finds that (1) the residual parental rights of the parent regarding a sibling of the child have previously been involuntarily terminated; (2) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes murder or voluntary manslaughter, or a felony attempt, conspiracy or solicitation to commit any such offense, if the victim of the offense was a child of the parent, a child with whom the parent resided at the time such offense occurred or the other parent of the child; (3) the parent has been convicted of an offense under the laws of the Commonwealth or a substantially similar law of any other state, the United States or any foreign jurisdiction that constitutes felony assault resulting in serious bodily injury or felony bodily wounding resulting in serious bodily injury or felony sexual assault, if the victim of the offense was a child of the parent or a child with whom the parent resided at the time of such offense; or (4) based on clear and convincing evidence, the parent has subjected any child to aggravated circumstances, or abandoned a child under circumstances which would justify the termination of residual parental rights pursuant to subsection D of § 16.1-283.

As used in this section:

"Aggravated circumstances" means torture, chronic or severe abuse, or chronic or severe sexual abuse, if the victim of such conduct was a child of the parent or child with whom the parent resided at the time such conduct occurred, including the failure to protect such a child from such conduct, which conduct or failure to protect: (i) evinces a wanton or depraved indifference to human life, or (ii) has resulted in the death of such a child or in serious bodily injury to such a child.

"Chronic abuse" or "chronic sexual abuse" means recurring acts of physical abuse that place the child's health, safety and well-being at risk.

"Serious bodily injury" means bodily injury that involves substantial risk of death, extreme physical pain, protracted and obvious disfigurement, or protracted loss or impairment of the function of a bodily member, organ or mental faculty.

"Severe abuse" or "severe sexual abuse" may include an act or omission that occurred only once, but otherwise meets the definition of "aggravated circumstances."

Within 30 days of making a determination that reasonable efforts to reunite the child with the parents are not required, the court shall hold a permanency planning hearing pursuant to § 16.1-282.1.

C. A copy of the entire foster care plan shall be sent by the court to the child, if he is 12 years of age or older; the guardian ad litem for the child, the attorney for the child's parents or for any other person standing in loco parentis at the time the board or child welfare agency obtained custody or the board placed the child, to the parents or other person standing in loco parentis, and such other persons as appear to the court to have a proper interest in the plan. However, a copy of the plan shall not be sent to a parent whose parental rights regarding the child have been terminated. A copy of the plan shall be sent by the court to the foster parents. A hearing shall be held for the purpose of reviewing and approving the foster care plan. The hearing shall be held within 60 days of (i) the child's initial foster care placement, if the child was placed through an agreement between the parents or guardians and the local department of social services or a child welfare agency; (ii) the original preliminary removal order hearing, if the child was placed in foster care pursuant to § 16.1-252; (iii) the hearing on the petition for relief of custody, if the child was placed in foster care pursuant to § 16.1-277.02; or (iv) the dispositional hearing at which the child was placed in foster care and an order was entered pursuant to § 16.1-278.2, 16.1-278.3, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. However, the hearing shall be held in accordance with the provisions of § 16.1-277.01 with a petition for approval of an entrustment agreement. If the judge makes any revision in any part of the foster care plan, a copy of the changes shall be sent by the court to all persons who received a copy of the original of that part of the plan.

C1. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is committed to providing a permanent, suitable home for the child; and

(iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide for, as appropriate, any terms or conditions which would promote the child's interest and welfare; ongoing provision of social services to the child and the child's custodian; and court review of the child's placement.

C2. Any order entered at the conclusion of the hearing that has the effect of achieving a permanent goal for the child by terminating residual parental rights pursuant to § 16.1-277.01, 16.1-277.02, 16.1-278.3, or 16.1-283; by placing the child in permanent foster care pursuant to clause (iv) of subsection A of § 16.1-282.1; or, in cases in which independent living was identified as the goal for a child in a foster care plan approved prior to July 1, 2011, or in which a child has been admitted to the United States as a refugee or asylee and is over 16 years of age and independent living has been identified as the permanency goal for the child, by directing the board or agency to provide the child with services to achieve independent living status, if the child has attained the age of 16 years, pursuant to clause (v) of subsection A of § 16.1-282.1 shall state whether reasonable efforts have been made to place the child in a timely manner in accordance with the foster care plan and to complete the steps necessary to finalize the permanent placement of the child.

D. The court in which the foster care plan is filed shall be notified immediately if the child is returned to his parents or other persons standing in loco parentis at the time the board or agency obtained custody or the board placed the child.

E. At the conclusion of the hearing at which the initial foster care plan is reviewed, the court shall schedule a foster care review hearing to be held within four months in accordance with § 16.1-282. However, if an order is entered pursuant to subsection C2, the court shall schedule a foster care review hearing to be held within 12 months of the entry of such order in accordance with the provisions of § 16.1-282.2. Parties who are present at the hearing at which the initial foster care plan is reviewed shall be given notice of the date set for the foster care review hearing and parties who are not present shall be summoned as provided in § 16.1-263.

F. Nothing in this section shall limit the authority of the juvenile judge or the staff of the juvenile court, upon order of the judge, to review the status of children in the custody of local boards of social services or placed by local boards of social services on its own motion. The court shall appoint an attorney to act as guardian ad litem to represent the child any time a hearing is held to review the foster care plan filed for the child or to review the child's status in foster care.

§ 16.1-282.1. Permanency planning hearing for children in foster care.

A. In the case of a child who was the subject of a foster care plan filed with the court pursuant to § 16.1-281, a permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan pursuant to § 16.1-281 was reviewed if the child (a) was placed through an agreement between the parents or guardians and the local board of social services where legal custody remains with the parents or guardians and such agreement has not been dissolved by court order; or (b) is under the legal custody of a local board of social services or a child welfare agency and has not had a petition to terminate parental rights filed on the child's behalf, has not been placed in permanent foster care, or is age 16 or over and the plan for the child is not independent living. The board or child welfare agency shall file a petition for a permanency planning hearing 30 days prior to the date of the permanency planning hearing scheduled by the court. The purpose of this hearing is to establish a permanent goal for the child and either to achieve the permanent goal or to defer such action through the approval of an interim plan for the child.

To achieve the permanent goal, the petition for a permanency planning hearing shall seek to (i) transfer the custody of the child to his prior family, or dissolve the board's placement agreement and return the child to his prior family; (ii) transfer custody of the child to a relative other than the child's prior family, subject to the provisions of subsection A1; (iii) terminate residual parental rights pursuant to § 16.1-277.01 or 16.1-283; (iv) place ~~the~~ a child who is 16 years of age or older in permanent foster care pursuant to § 63.2-908; (v) if the child has been admitted to the United States as a refugee or asylee and has attained the age of 16 years or ~~over~~ older and the plan is independent living, direct the board or agency to provide the child with services to transition from foster care; or (vi) place ~~the~~ a child who is 16 years of age or older in another planned permanent living arrangement in accordance with the provisions of subsection A2. In cases in which a foster care plan approved prior to July 1, 2011, includes independent living as the goal for a child who is not admitted to the United States as an asylee or refugee, the petition shall direct the board or agency to provide the child with services to transition from foster care.

For approval of an interim plan, the petition for a permanency planning hearing shall seek to continue custody with the board or agency, or continue placement with the board through a parental agreement; or transfer custody to the board or child welfare agency from the parents or guardian of a child who has been in foster care through an agreement where the parents or guardian retains custody.

Upon receipt of the petition, if a permanency planning hearing has not already been scheduled, the court shall schedule such a hearing to be held within 30 days. The permanency planning hearing shall be held within 10 months of the dispositional hearing at which the foster care plan was reviewed pursuant to § 16.1-281. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection E of § 16.1-282 shall apply to the scheduling and notice of proceedings under this section.

A1. The following requirements shall apply to the transfer of custody of the child to a relative other than the child's prior family in accordance with the provisions of (ii) of subsection A of this section. Any order transferring custody of the child to a relative other than the child's prior family shall be entered only upon a finding, based upon a preponderance of the evidence, that the relative is one who, after an investigation as directed by the court, (i) is found by the court to be willing and qualified to receive and care for the child; (ii) is willing to have a positive, continuous relationship with the child; (iii) is

committed to providing a permanent, suitable home for the child; and (iv) is willing and has the ability to protect the child from abuse and neglect; and the order shall so state. The court's order transferring custody to a relative should further provide, as appropriate, for any terms or conditions which would promote the child's interest and welfare.

A2. The following requirements shall apply to the selection and approval of placement in another planned permanent living arrangement as the permanent goal for the child in accordance with clause (vi) of subsection A of this section.

1. The board or child welfare agency shall petition for alternative (vi) of subsection A only if the child has a severe and chronic emotional, physical or neurological disabling condition for which the child requires long-term residential treatment; and the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interests of the child. In a foster care plan filed with the petition pursuant to this section, the board or agency shall document the following: (i) the investigation conducted of the placement alternatives listed in clauses (i) through (v) of subsection A and why each of these is not currently in the best interest of the child; (ii) at least one compelling reason why none of the alternatives listed in clauses (i) through (v) is achievable for the child at the time placement in another planned permanent living arrangement is selected as the permanent goal for the child; (iii) the identity of the long-term residential treatment service provider; (iv) the nature of the child's disability; (v) the anticipated length of time required for the child's treatment; and (vi) the status of the child's eligibility for admission and long-term treatment. *The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members. The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.*

2. Before approving alternative (vi) of subsection A ~~of this section~~ as the plan for the child, the court shall find (i) that the child has a severe and chronic emotional, physical or neurological disabling condition; (ii) that the child requires long-term residential treatment for the disabling condition; and (iii) that none of the alternatives listed in clauses (i) through (v) of subsection A is achievable for the child at the time placement in another planned permanent living arrangement is approved as the permanent goal for the child. If the board or agency petitions for alternative (vi), alternative (vi) may be approved by the court for a period of six months at a time.

3. At the conclusion of the permanency planning hearing, if alternative (vi) of subsection A ~~of this section~~ is the permanent plan, the court shall schedule a hearing to be held within six months to review the child's placement in another planned permanent living arrangement in accordance with subdivision 4 of subsection A2. All parties present at the hearing at which clause (vi) of subsection A is approved as the permanent plan for the child shall be given notice of the date scheduled for the foster care review hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, this subsection A2 shall govern the scheduling and notice for such hearings.

4. The court shall review a foster care plan for any child who is placed in another planned permanent living arrangement every six months from the date of the permanency planning hearing held pursuant to this subsection, so long as the child remains in the legal custody of the board or child welfare agency. The board or child welfare agency shall file such petitions for review pursuant to the provisions of § 16.1-282 and shall, in addition, include in the petition the information required by subdivision 1 of subsection A2 of this section. The petition for foster care review shall be filed no later than 30 days prior to the hearing scheduled in accordance with subdivision 3 of subsection A2. At the conclusion of the foster care review hearing, if alternative (vi) of subsection A ~~of this section~~ remains the permanent plan, the court shall enter an order that states whether reasonable efforts have been made to place the child in a timely manner in accordance with the permanency plan and to monitor the child's status in another planned permanent living arrangement.

However, if at any time during the six-month approval periods permitted by this subsection, a determination is made by treatment providers that the child's need for long-term residential treatment for the child's disabling condition is eliminated, the board or agency shall immediately begin to plan for post-discharge services and shall, within 30 days of making such a determination, file a petition for a permanency planning hearing pursuant to subsection A of this section. Upon receipt of the petition, the court shall schedule a permanency planning hearing to be held within 30 days. The provisions of subsection B of § 16.1-282 shall apply to this petition. The procedures of subsection C of § 16.1-282 and the provisions of subsection E of § 16.1-282 shall apply to proceedings under this section.

A3. *The following requirements shall apply to the selection and approval of permanent foster care pursuant to clause (iv) of subsection A:*

1. *The court shall ensure that the local department has documentation of the intensive, ongoing, and, as of the date of the hearing, unsuccessful efforts made to return the child home or secure a placement for the child with a fit and willing relative, including adult siblings, or an adoptive parent, including through efforts that utilize search technology, including social media, to find the child's biological family members.*

2. *The court shall ask the child about the child's desired permanency outcome and make a judicial determination, accompanied by an explanation of the reasons that the alternatives listed in clauses (i) through (iii) of subsection A continue to not be in the best interest of the child.*

B. The following requirements shall apply to the selection and approval of an interim plan for the child in accordance with subsection A.

1. The board or child welfare agency shall petition for approval of an interim plan only if the board or child welfare agency has thoroughly investigated the feasibility of the alternatives listed in clauses (i) through (v) of subsection A and determined that none of those alternatives is in the best interest of the child. If the board or agency petitions for approval of an interim plan, such plan may be approved by the court for a maximum period of six months. The board or agency shall also file a foster care plan that (i) identifies a permanent goal for the child that corresponds with one of the alternatives specified in clauses (i) through (v) of subsection A; (ii) includes provisions for accomplishing the permanent goal within six months; and (iii) summarizes the investigation conducted of the alternatives listed in clauses (i) through (v) of subsection A and why achieving each of these is not in the best interest of the child at this time.

2. Before approving an interim plan for the child, the court shall find:

a. When returning home remains the plan for the child, that the parent has made marked progress toward reunification with the child, the parent has maintained a close and positive relationship with the child, and the child is likely to return home within the near future, although it is premature to set an exact date for return at the time of this hearing; or

b. When returning home is not the plan for the child, that marked progress is being made to achieve the permanent goal identified by the board or child welfare agency and that it is premature to set an exact date for accomplishing the goal at the time of this hearing.

3. Upon approval of an interim plan, the court shall schedule a hearing to be held within six months to determine that the permanent goal is accomplished and to enter an order consistent with alternative (i), (ii), (iii), (iv), or (v) of subsection A. All parties present at the initial permanency planning hearing shall be given notice of the date scheduled for the second permanency planning hearing. Parties not present shall be summoned to appear as provided in § 16.1-263. Otherwise, subsection A shall govern the scheduling and notice for such hearings.

C. At the conclusion of the permanency planning hearing held pursuant to this section, whether action is taken or deferred to achieve the permanent goal for the child, the court shall enter an order that states whether reasonable efforts have been made to reunite the child with the child's prior family, if returning home is the permanent goal for the child; or whether reasonable efforts have been made to achieve the permanent goal identified by the board or agency, if the goal is other than returning the child home.

In making this determination, the court shall give consideration to whether the board or agency has placed the child in a timely manner in accordance with the foster care plan and completed the steps necessary to finalize the permanent placement of the child.

§ 63.2-100. (Effective until July 1, 2016) Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that

provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

7. *Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.*

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving six through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all grandchildren of the provider shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-100. (Effective July 1, 2016) Definitions.

As used in this title, unless the context requires a different meaning:

"Abused or neglected child" means any child less than 18 years of age:

1. Whose parents or other person responsible for his care creates or inflicts, threatens to create or inflict, or allows to be created or inflicted upon such child a physical or mental injury by other than accidental means, or creates a substantial risk of death, disfigurement, or impairment of bodily or mental functions, including, but not limited to, a child who is with his parent or other person responsible for his care either (i) during the manufacture or attempted manufacture of a Schedule I or II controlled substance, or (ii) during the unlawful sale of such substance by that child's parents or other person responsible for his care, where such manufacture, or attempted manufacture or unlawful sale would constitute a felony violation of § 18.2-248;

2. Whose parents or other person responsible for his care neglects or refuses to provide care necessary for his health. However, no child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall for that reason alone be considered to be an abused or neglected child. Further, a decision by parents who have legal authority for the child or, in the absence of parents with legal authority for the child, any person with legal authority for the child, who refuses a particular medical treatment for a child with a life-threatening condition shall not be deemed a refusal to provide necessary care if (i) such decision is made jointly by the parents or other person with legal authority and the child; (ii) the child has reached 14 years of age and is sufficiently mature to have an informed opinion on the subject of his medical treatment; (iii) the parents or other person with legal authority and the child have considered alternative treatment options; and (iv) the parents or other person with legal authority and the child believe in good faith that such decision is in the child's best interest. Nothing in this subdivision shall be construed to limit the provisions of § 16.1-278.4;

3. Whose parents or other person responsible for his care abandons such child;

4. Whose parents or other person responsible for his care commits or allows to be committed any act of sexual exploitation or any sexual act upon a child in violation of the law;

5. Who is without parental care or guardianship caused by the unreasonable absence or the mental or physical incapacity of the child's parent, guardian, legal custodian or other person standing in loco parentis; or

6. Whose parents or other person responsible for his care creates a substantial risk of physical or mental injury by knowingly leaving the child alone in the same dwelling, including an apartment as defined in § 55-79.2, with a person to whom the child is not related by blood or marriage and who the parent or other person responsible for his care knows has been convicted of an offense against a minor for which registration is required as a violent sexual offender pursuant to § 9.1-902.

If a civil proceeding under this title is based solely on the parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services providers, within 14 days of the child's birth. For purposes of terminating parental rights pursuant to § 16.1-283 and placement for adoption, the court may find such a child is a neglected child upon the ground of abandonment.

7. *Who has been identified as a victim of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq.*

"Adoptive home" means any family home selected and approved by a parent, local board or a licensed child-placing agency for the placement of a child with the intent of adoption.

"Adoptive placement" means arranging for the care of a child who is in the custody of a child-placing agency in an approved home for the purpose of adoption.

"Adult abuse" means the willful infliction of physical pain, injury or mental anguish or unreasonable confinement of an adult.

"Adult day care center" means any facility that is either operated for profit or that desires licensure and that provides supplementary care and protection during only a part of the day to four or more aged, infirm or disabled adults who reside elsewhere, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, and (ii) the home or residence of an individual who cares for only persons related to him by blood or marriage. Included in this definition are any two or more places, establishments or institutions owned, operated or controlled by a single entity and providing such supplementary care and protection to a combined total of four or more aged, infirm or disabled adults.

"Adult exploitation" means the illegal use of an incapacitated adult or his resources for another's profit or advantage.

"Adult foster care" means room and board, supervision, and special services to an adult who has a physical or mental condition. Adult foster care may be provided by a single provider for up to three adults.

"Adult neglect" means that an adult is living under such circumstances that he is not able to provide for himself or is not being provided services necessary to maintain his physical and mental health and that the failure to receive such necessary services impairs or threatens to impair his well-being. However, no adult shall be considered neglected solely on the basis that such adult is receiving religious nonmedical treatment or religious nonmedical nursing care in lieu of medical

care, provided that such treatment or care is performed in good faith and in accordance with the religious practices of the adult and there is a written or oral expression of consent by that adult.

"Adult protective services" means services provided by the local department that are necessary to protect an adult from abuse, neglect or exploitation.

"Assisted living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require at least a moderate level of assistance with activities of daily living.

"Assisted living facility" means any congregate residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged, infirm or disabled and who are cared for in a primarily residential setting, except (i) a facility or portion of a facility licensed by the State Board of Health or the Department of Behavioral Health and Developmental Services, but including any portion of such facility not so licensed; (ii) the home or residence of an individual who cares for or maintains only persons related to him by blood or marriage; (iii) a facility or portion of a facility serving infirm or disabled persons between the ages of 18 and 21, or 22 if enrolled in an educational program for the handicapped pursuant to § 22.1-214, when such facility is licensed by the Department as a children's residential facility under Chapter 17 (§ 63.2-1700 et seq.), but including any portion of the facility not so licensed; and (iv) any housing project for persons 62 years of age or older or the disabled that provides no more than basic coordination of care services and is funded by the U.S. Department of Housing and Urban Development, by the U.S. Department of Agriculture, or by the Virginia Housing Development Authority. Included in this definition are any two or more places, establishments or institutions owned or operated by a single entity and providing maintenance or care to a combined total of four or more aged, infirm or disabled adults. Maintenance or care means the protection, general supervision and oversight of the physical and mental well-being of an aged, infirm or disabled individual.

"Auxiliary grants" means cash payments made to certain aged, blind or disabled individuals who receive benefits under Title XVI of the Social Security Act, as amended, or would be eligible to receive these benefits except for excess income.

"Birth family" or "birth sibling" means the child's biological family or biological sibling.

"Birth parent" means the child's biological parent and, for purposes of adoptive placement, means parent(s) by previous adoption.

"Board" means the State Board of Social Services.

"Child" means any natural person under 18 years of age.

"Child day center" means a child day program offered to (i) two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or (ii) 13 or more children at any location.

"Child day program" means a regularly operating service arrangement for children where, during the absence of a parent or guardian, a person or organization has agreed to assume responsibility for the supervision, protection, and well-being of a child under the age of 13 for less than a 24-hour period.

"Child-placing agency" means any person who places children in foster homes, adoptive homes or independent living arrangements pursuant to § 63.2-1819 or a local board that places children in foster homes or adoptive homes pursuant to §§ 63.2-900, 63.2-903, and 63.2-1221. Officers, employees, or agents of the Commonwealth, or any locality acting within the scope of their authority as such, who serve as or maintain a child-placing agency, shall not be required to be licensed.

"Child-protective services" means the identification, receipt and immediate response to complaints and reports of alleged child abuse or neglect for children under 18 years of age. It also includes assessment, and arranging for and providing necessary protective and rehabilitative services for a child and his family when the child has been found to have been abused or neglected or is at risk of being abused or neglected.

"Child support services" means any civil, criminal or administrative action taken by the Division of Child Support Enforcement to locate parents; establish paternity; and establish, modify, enforce, or collect child support, or child and spousal support.

"Child-welfare agency" means a child day center, child-placing agency, children's residential facility, family day home, family day system, or independent foster home.

"Children's residential facility" means any facility, child-caring institution, or group home that is maintained for the purpose of receiving children separated from their parents or guardians for full-time care, maintenance, protection and guidance, or for the purpose of providing independent living services to persons between 18 and 21 years of age who are in the process of transitioning out of foster care. Children's residential facility shall not include:

1. A licensed or accredited educational institution whose pupils, in the ordinary course of events, return annually to the homes of their parents or guardians for not less than two months of summer vacation;
2. An establishment required to be licensed as a summer camp by § 35.1-18; and
3. A licensed or accredited hospital legally maintained as such.

"Commissioner" means the Commissioner of the Department, his designee or authorized representative.

"Department" means the State Department of Social Services.

"Department of Health and Human Services" means the Department of Health and Human Services of the United States government or any department or agency thereof that may hereafter be designated as the agency to administer the Social Security Act, as amended.

"Disposable income" means that part of the income due and payable of any individual remaining after the deduction of any amount required by law to be withheld.

"Energy assistance" means benefits to assist low-income households with their home heating and cooling needs, including, but not limited to, purchase of materials or substances used for home heating, repair or replacement of heating equipment, emergency intervention in no-heat situations, purchase or repair of cooling equipment, and payment of electric bills to operate cooling equipment, in accordance with § 63.2-805, or provided under the Virginia Energy Assistance Program established pursuant to the Low-Income Home Energy Assistance Act of 1981 (Title XXVI of Public Law 97-35), as amended.

"Family day home" means a child day program offered in the residence of the provider or the home of any of the children in care for one through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. The provider of a licensed or registered family day home shall disclose to the parents or guardians of children in their care the percentage of time per week that persons other than the provider will care for the children. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed. However, no family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered. However, a family day home where the children in care are all related to the provider by blood or marriage shall not be required to be licensed.

"Family day system" means any person who approves family day homes as members of its system; who refers children to available family day homes in that system; and who, through contractual arrangement, may provide central administrative functions including, but not limited to, training of operators of member homes; technical assistance and consultation to operators of member homes; inspection, supervision, monitoring, and evaluation of member homes; and referral of children to available health and social services.

"Foster care placement" means placement of a child through (i) an agreement between the parents or guardians and the local board where legal custody remains with the parents or guardians or (ii) an entrustment or commitment of the child to the local board or licensed child-placing agency.

"Foster home" means the place of residence of any natural person in which any child, other than a child by birth or adoption of such person, resides as a member of the household.

"General relief" means money payments and other forms of relief made to those persons mentioned in § 63.2-802 in accordance with the regulations of the Board and reimbursable in accordance with § 63.2-401.

"Independent foster home" means a private family home in which any child, other than a child by birth or adoption of such person, resides as a member of the household and has been placed therein independently of a child-placing agency except (i) a home in which are received only children related by birth or adoption of the person who maintains such home and children of personal friends of such person and (ii) a home in which is received a child or children committed under the provisions of subdivision A 4 of § 16.1-278.2, subdivision 6 of § 16.1-278.4, or subdivision A 13 of § 16.1-278.8.

"Independent living" means a planned program of services designed to assist a child age 16 and over and persons who are former foster care children between the ages of 18 and 21 in transitioning to self-sufficiency.

"Independent living arrangement" means placement of a child at least 16 years of age who is in the custody of a local board or licensed child-placing agency and has been placed by the local board or licensed child-placing agency in a living arrangement in which he does not have daily substitute parental supervision.

"Independent living services" means services and activities provided to a child in foster care 14 years of age or older who was committed or entrusted to a local board of social services, child welfare agency, or private child-placing agency. "Independent living services" may also mean services and activities provided to a person who (i) was in foster care on his 18th birthday and has not yet reached the age of 21 years or (ii) is at least 18 years of age but who has not yet reached 21 years of age and who, immediately prior to his commitment to the Department of Juvenile Justice, was in the custody of a local board of social services. Such services shall include counseling, education, housing, employment, and money management skills development, access to essential documents, and other appropriate services to help children or persons prepare for self-sufficiency.

"Independent physician" means a physician who is chosen by the resident of the assisted living facility and who has no financial interest in the assisted living facility, directly or indirectly, as an owner, officer, or employee or as an independent contractor with the residence.

"Intercountry placement" means the arrangement for the care of a child in an adoptive home or foster care placement into or out of the Commonwealth by a licensed child-placing agency, court, or other entity authorized to make such placements in accordance with the laws of the foreign country under which it operates.

"Interstate placement" means the arrangement for the care of a child in an adoptive home, foster care placement or in the home of the child's parent or with a relative or nonagency guardian, into or out of the Commonwealth, by a child-placing agency or court when the full legal right of the child's parent or nonagency guardian to plan for the child has been voluntarily terminated or limited or severed by the action of any court.

"Kinship care" means the full-time care, nurturing, and protection of children by relatives.

"Local board" means the local board of social services representing one or more counties or cities.

"Local department" means the local department of social services of any county or city in this Commonwealth.

"Local director" means the director or his designated representative of the local department of the city or county.

"Merit system plan" means those regulations adopted by the Board in the development and operation of a system of personnel administration meeting requirements of the federal Office of Personnel Management.

"Parental placement" means locating or effecting the placement of a child or the placing of a child in a family home by the child's parent or legal guardian for the purpose of foster care or adoption.

"Public assistance" means Temporary Assistance for Needy Families (TANF); auxiliary grants to the aged, blind and disabled; medical assistance; energy assistance; food stamps; employment services; child care; and general relief.

"Qualified assessor" means an entity contracting with the Department of Medical Assistance Services to perform nursing facility pre-admission screening or to complete the uniform assessment instrument for a home and community-based waiver program, including an independent physician contracting with the Department of Medical Assistance Services to complete the uniform assessment instrument for residents of assisted living facilities, or any hospital that has contracted with the Department of Medical Assistance Services to perform nursing facility pre-admission screenings.

"Registered family day home" means any family day home that has met the standards for voluntary registration for such homes pursuant to regulations adopted by the Board and that has obtained a certificate of registration from the Commissioner.

"Residential living care" means a level of service provided by an assisted living facility for adults who may have physical or mental impairments and require only minimal assistance with the activities of daily living. The definition of "residential living care" includes the services provided by independent living facilities that voluntarily become licensed.

"Sibling" means each of two or more children having one or more parents in common.

"Social services" means foster care, adoption, adoption assistance, child-protective services, domestic violence services, or any other services program implemented in accordance with regulations adopted by the Board. Social services also includes adult services pursuant to Article 4 (§ 51.5-144 et seq.) of Chapter 14 of Title 51.5 and adult protective services pursuant to Article 5 (§ 51.5-148) of Chapter 14 of Title 51.5 provided by local departments of social services in accordance with regulations and under the supervision of the Commissioner for Aging and Rehabilitative Services.

"Special order" means an order imposing an administrative sanction issued to any party licensed pursuant to this title by the Commissioner that has a stated duration of not more than 12 months. A special order shall be considered a case decision as defined in § 2.2-4001.

"Temporary Assistance for Needy Families" or "TANF" means the program administered by the Department through which a relative can receive monthly cash assistance for the support of his eligible children.

"Temporary Assistance for Needy Families-Unemployed Parent" or "TANF-UP" means the Temporary Assistance for Needy Families program for families in which both natural or adoptive parents of a child reside in the home and neither parent is exempt from the Virginia Initiative for Employment Not Welfare (VIEW) participation under § 63.2-609.

"Title IV-E Foster Care" means a federal program authorized under §§ 472 and 473 of the Social Security Act, as amended, and administered by the Department through which foster care is provided on behalf of qualifying children.

§ 63.2-904. Investigation, visitation, and supervision of foster homes or independent living arrangement; removal of child.

A. Before placing or arranging for the placement of any such child in a foster home or independent living arrangement, a local board or licensed child-placing agency shall cause a careful study to be made to determine the suitability of such home or independent living arrangement, and after placement shall cause such home or independent living arrangement and child to be visited as often as necessary to protect the interests of such child.

B. Every local board or licensed child-placing agency that places a child in a foster home or independent living arrangement shall maintain such supervision over such home or independent living arrangement as shall be required by the standards and policies established by the Board.

C. Whenever any child placed by a local board or licensed child-placing agency and still under its control or supervision is subject, in the home in which he is placed, to unwholesome influences or to neglect or mistreatment, or whenever the Commissioner shall so order, such local board or agency shall cause the child to be removed from such home and shall make for him such arrangements as may be approved by the Commissioner.

D. Consistent with the reasonable and prudent parent standard defined in 42 U.S.C. § 675(10)(A), caregivers for children in foster care shall support normalcy for such children. The Board shall adopt regulations to assist local boards and licensed child-placing agencies in carrying out practices that support careful and sensible parental decisions that maintain the health, safety, and best interest of the child while at the same time encouraging his emotional and developmental growth.

§ 63.2-905.2. Annual credit checks for children in foster care.

Local departments shall conduct annual credit checks on children ~~aged 16~~ 14 years of age and older who are in foster care to identify cases of identity theft or misuse of personal identifying information of such children. Local departments shall resolve, to the greatest extent possible, cases of identity theft or misuse of personal identifying information of foster care children identified pursuant to this section.

§ 63.2-905.3. Documents provided to foster care youth.

When a child is leaving foster care upon reaching 18 years of age, unless the child has been in foster care for less than six months, the local department shall ensure that the child has, if eligible to receive, (i) a certified birth certificate, (ii) a social security card, (iii) health insurance information, (iv) a copy of the child's health care records, and (v) a driver's license or identification card issued by the Commonwealth.

§ 63.2-906. Foster care plans; permissible plan goals; court review of foster children.

A. Each child who is committed or entrusted to the care of a local board or to a licensed child-placing agency or who is placed through an agreement between a local board and the parent, parents or guardians, where legal custody remains with the parent, parents or guardians, shall have a foster care plan prepared by the local department, the child welfare agency, or the family assessment and planning team established pursuant to § 2.2-5207, as specified in § 16.1-281. The representatives of such department, child welfare agency, or team shall involve the child's parent(s) in the development of the plan, except when parental rights have been terminated or the local department of social services or child welfare agency has made diligent efforts to locate the parent(s) and such parent(s) cannot be located, and any other person or persons standing in loco parentis at the time the board or child welfare agency obtained custody or the board or the child welfare agency placed the child. The representatives of such department, child welfare agency, or team shall involve the child in the development of the plan, if such involvement is consistent with the best interests of the child. In cases where either the parent(s) or child is not involved in the development of the plan, the department, child welfare agency, or team shall include in the plan a full description of the reasons therefor *in accordance with § 16.1-281*.

A court may place a child in the care and custody of (i) a public agency in accordance with § 16.1-251 or 16.1-252, and (ii) a public or licensed private child-placing agency in accordance with § 16.1-278.2, 16.1-278.4, 16.1-278.5, 16.1-278.6, or 16.1-278.8. Children may be placed by voluntary relinquishment in the care and custody of a public or private agency in accordance with § 16.1-277.01 or §§ 16.1-277.02 and 16.1-278.3. Children may be placed through an agreement where legal custody remains with the parent, parents or guardians in accordance with §§ 63.2-900 and 63.2-903, or § 2.2-5208.

B. Each child in foster care shall be assigned a permanent plan goal to be reviewed and approved by the juvenile and domestic relations district court having jurisdiction of the child's case. Permissible plan goals are to:

1. Transfer custody of the child to his prior family;
2. Transfer custody of the child to a relative other than his prior family;
3. Finalize an adoption of the child;
4. Place ~~the~~ a child *who is 16 years of age or older* in permanent foster care;
5. Transition to independent living if, and only if, the child is admitted to the United States as a refugee or asylee; or
6. Place ~~the~~ a child *who is 16 years of age or older* in another planned permanent living arrangement in accordance with subsection A2 of § 16.1-282.1.

C. Each child in foster care shall be subject to the permanency planning and review procedures established in §§ 16.1-281, 16.1-282, and 16.1-282.1.

§ 63.2-908. Permanent foster care placement.

A. Permanent foster care placement means the place in which a child has been placed pursuant to the provisions of §§ 63.2-900, 63.2-903 and this section with the expectation and agreement between the placing agency and the place of permanent foster care that the child shall remain in the placement until he reaches the age of majority unless modified by court order or unless removed pursuant to § 16.1-251 or § 63.2-1517. A permanent foster care placement may be a place of residence of any natural person or persons deemed appropriate to meet a child's needs on a long-term basis.

B. A local department or a licensed child-placing agency shall have authority pursuant to a court order to place a child *who is 16 years of age or older* over whom it has legal custody in a permanent foster care placement where the child shall remain until attaining majority or thereafter, until the age of ~~twenty-one~~ 21 years, if such placement is a requisite to providing funds for the care of such child, so long as the child is a participant in an educational, treatment or training program approved pursuant to regulations of the Board. No such child shall be removed from the physical custody of the foster parents in the permanent care placement except upon order of the court or pursuant to § 16.1-251 or § 63.2-1517. The department or agency so placing a child shall retain legal custody of the child. A court shall not order that a child be placed in permanent foster care unless it finds that (i) diligent efforts have been made by the local department to place the child with his natural parents and such efforts have been unsuccessful, and (ii) diligent efforts have been made by the local department to place the child for adoption and such efforts have been unsuccessful or adoption is not a reasonable alternative for a long-term placement for the child under the circumstances.

C. Unless modified by the court order, the foster parent in the permanent foster care placement shall have the authority to consent to surgery, entrance into the armed services, marriage, application for a motor vehicle and driver's license, application for admission into college and any other such activities that require parental consent and shall have the responsibility for informing the placing department or agency of any such actions.

D. Any child placed in a permanent foster care placement by a local department shall, with the cooperation of the foster parents with whom the permanent foster care placement has been made, receive the same services and benefits as any other child in foster care pursuant to §§ 63.2-319, 63.2-900 and 63.2-903 and any other applicable provisions of law.

E. The Board shall establish minimum standards for the utilization, supervision and evaluation of permanent foster care placements.

F. The rate of payment for permanent foster care placements by a local department shall be in accordance with standards and rates established by the Board. The rate of payment for such placements by other licensed child-placing agencies shall be in accordance with standards and rates established by the individual agency.

G. If the child has a continuing involvement with his natural parents, the natural parents should be involved in the planning for a permanent placement. The court order placing the child in a permanent placement shall include a specification of the nature and frequency of visiting arrangements with the natural parents.

H. Any change in the placement of a child in permanent foster care or the responsibilities of the foster parents for that child shall be made only by order of the court which ordered the placement pursuant to a petition filed by the foster parents, local department, licensed child-placing agency or other appropriate party.

§ 63.2-1502. Establishment of Child-Protective Services Unit; duties.

There is created a Child-Protective Services Unit in the Department that shall have the following powers and duties:

1. To evaluate and strengthen all local, regional and state programs dealing with child abuse and neglect.
2. To assume primary responsibility for directing the planning and funding of child-protective services. This shall include reviewing and approving the annual proposed plans and budgets for protective services submitted by the local departments.
3. To assist in developing programs aimed at discovering and preventing the many factors causing child abuse and neglect.
4. To prepare and disseminate, including the presentation of, educational programs and materials on child abuse and neglect.
5. To provide educational programs for professionals required by law to make reports under this chapter.
6. To establish standards of training and provide educational programs to qualify workers in the field of child-protective services. Such standards of training shall include provisions regarding the legal duties of the workers in order to protect the constitutional and statutory rights and safety of children and families from the initial time of contact during investigation through treatment.
7. To establish standards of training and educational programs to qualify workers to determine whether complaints of abuse or neglect of a child in a private or state-operated hospital, institution or other facility, or public school, are founded.
8. To maintain staff qualified pursuant to Board regulations to assist local department personnel in determining whether an employee of a private or state-operated hospital, institution or other facility or an employee of a school board, abused or neglected a child in such hospital, institution, or other facility, or public school.
9. To monitor the processing and determination of cases where an employee of a private or state-operated hospital, institution or other facility, or an employee of a school board, is suspected of abusing or neglecting a child in such hospital, institution, or other facility, or public school.
10. To help coordinate child-protective services at the state, regional, and local levels with the efforts of other state and voluntary social, medical and legal agencies.
11. To maintain a child abuse and neglect information system that includes all cases of child abuse and neglect within the Commonwealth.
12. To provide for methods to preserve the confidentiality of all records in order to protect the rights of the child, and his parents or guardians.
13. To establish minimum training requirements for workers and supervisors on family abuse and domestic violence, including the relationship between domestic violence and child abuse and neglect.
14. *To establish minimum training requirements for workers and supervisors on identifying, assessing, and providing comprehensive services for children who are victims of sex trafficking or severe forms of trafficking as defined in the Trafficking Victims Protection Act of 2000, 22 U.S.C § 7102 et seq., and in the Justice for Victims of Trafficking Act of 2015, 42 U.S.C. § 5101 et seq., including efforts to coordinate with law-enforcement, juvenile justice, and social service agencies such as runaway and homeless youth shelters to serve this population.*

CHAPTER 632

An Act to amend and reenact §§ 63.2-1720, as it is currently effective and as it shall become effective, and 63.2-1720.1, as it shall become effective, of the Code of Virginia, relating to child welfare agencies; background checks.

[S 278]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 63.2-1720, as it is currently effective and as it shall become effective, and 63.2-1720.1, as it shall become effective, of the Code of Virginia are amended and reenacted as follows:

§ 63.2-1720. (Effective until July 1, 2017) Employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. An assisted living facility, adult day care center or child welfare agency licensed or registered in accordance with the provisions of this chapter, or family day homes approved by family day systems, shall not hire for compensated employment *or continue to employ* persons who have an offense as defined in § 63.2-1719. Such employees shall undergo background checks pursuant to subsection D. In the case of child welfare agencies, the provisions of this section shall apply to employees who are involved in the day-to-day operations of such agency or who are alone with, in control of, or supervising one or more children.

B. A licensed assisted living facility or adult day care center may hire an applicant convicted of one misdemeanor barrier crime not involving abuse or neglect, if five years have elapsed following the conviction.

C. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

D. Background checks pursuant to this section require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of child welfare agencies, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history record check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of child welfare agencies, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

E. Any person desiring to work as a compensated employee at a licensed assisted living facility, licensed adult day care center, a licensed or registered child welfare agency, or a family day home approved by a family day system shall provide the hiring or approving facility, center or agency with a sworn statement or affirmation pursuant to subdivision D 1. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision D 1 shall be guilty of a Class 1 misdemeanor.

F. A licensed assisted living facility, licensed adult day care center, a licensed or registered child welfare agency, or a family day home approved by a family day system shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed or registered child welfare agencies or family day homes approved by family day systems, a copy of the information from the central registry. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the assisted living facility, adult day care center or child welfare agency shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

G. No volunteer who has an offense as defined in § 63.2-1719 shall be permitted to serve in a licensed or registered child welfare agency or a family day home approved by a family day system. Any person desiring to volunteer at such a child welfare agency shall provide the agency with a sworn statement or affirmation pursuant to subdivision D 1. Such child welfare agency shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (i) the information from the central registry and (ii) an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision D 1 shall be guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such child welfare agency shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed or registered child welfare agency, or a family day home approved by a family day system, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

H. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

I. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

J. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

K. The provisions of this section shall not apply to any children's residential facility licensed pursuant to § 63.2-1701, which instead shall comply with the background investigation requirements contained in § 63.2-1726.

L. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1720. (Effective July 1, 2017) Assisted living facilities and adult day care centers; employment for compensation of persons or use of volunteers convicted of certain offenses prohibited; background check required; penalty.

A. No assisted living facility, adult day care center, child-placing agency, independent foster home, or family day system licensed in accordance with the provisions of this chapter, or registered family day homes or family day homes

approved by family day systems, shall hire for compensated employment *or continue to employ* persons who have an offense as defined in § 63.2-1719. All applicants for employment shall undergo background checks pursuant to subsection C.

B. A licensed assisted living facility or adult day care center may hire an applicant convicted of one misdemeanor barrier crime not involving abuse or neglect, if five years have elapsed following the conviction.

C. Background checks pursuant to subsection A require:

1. A sworn statement or affirmation disclosing whether the person has a criminal conviction or is the subject of any pending criminal charges within or outside the Commonwealth and, in the case of licensed child-placing agencies, independent foster homes, and family day systems, registered family day homes, and family day homes approved by family day systems, whether or not the person has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. A criminal history records check through the Central Criminal Records Exchange pursuant to § 19.2-389; and

3. In the case of licensed child-placing agencies, independent foster homes, and family day systems, registered family day homes, and family day homes approved by family day systems, a search of the central registry maintained pursuant to § 63.2-1515 for any founded complaint of child abuse and neglect.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor.

E. A licensed assisted living facility, licensed adult day care center, licensed child-placing agency, licensed independent foster home, licensed family day system, registered family day home, or family day home approved by a family day system shall obtain for any compensated employees within 30 days of employment (i) an original criminal record clearance with respect to convictions for offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange and (ii) in the case of licensed child-placing agencies, independent foster homes, and family day systems, registered family day homes, and family day homes approved by family day systems, a copy of the information from the central registry for any compensated employee within 30 days of employment. However, no employee shall be permitted to work in a position that involves direct contact with a person or child receiving services until an original criminal record clearance or original criminal history record has been received, unless such person works under the direct supervision of another employee for whom a background check has been completed in accordance with the requirements of this section. If an applicant is denied employment because of information from the central registry or convictions appearing on his criminal history record, the licensed assisted living facility, adult day care center, child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the applicant.

F. No volunteer who has an offense as defined in § 63.2-1719 shall be permitted to serve in a licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system. Any person desiring to volunteer at a licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system shall provide the agency, system, or home with a sworn statement or affirmation pursuant to subdivision C 1. Such licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system shall obtain for any volunteers, within 30 days of commencement of volunteer service, a copy of (i) the information from the central registry and (ii) an original criminal record clearance with respect to offenses specified in § 63.2-1719 or an original criminal history record from the Central Criminal Records Exchange. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision C 1 is guilty of a Class 1 misdemeanor. If a volunteer is denied service because of information from the central registry or convictions appearing on his criminal history record, such licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system shall provide a copy of the information obtained from the central registry or the Central Criminal Records Exchange or both to the volunteer. The provisions of this subsection shall apply only to volunteers who will be alone with any child in the performance of their duties and shall not apply to a parent-volunteer of a child attending a licensed child-placing agency, independent foster home, or family day system, registered family day home, or family day home approved by a family day system, whether or not such parent-volunteer will be alone with any child in the performance of his duties. A parent-volunteer is someone supervising, without pay, a group of children that includes the parent-volunteer's own child in a program that operates no more than four hours per day, provided that the parent-volunteer works under the direct supervision of a person who has received a clearance pursuant to this section.

G. No volunteer shall be permitted to serve in a licensed assisted living facility or licensed adult day care center without the permission or under the supervision of a person who has received a clearance pursuant to this section.

H. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

I. A licensed assisted living facility shall notify and provide all students a copy of the provisions of this article prior to or upon enrollment in a certified nurse aide program operated by such assisted living facility.

J. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

§ 63.2-1720.1. (Effective July 1, 2017) Licensed child day centers and licensed family day homes; employment for compensation or use as volunteers of persons convicted of or found to have committed certain offenses prohibited; national background check required; penalty.

A. No child day center or family day home licensed in accordance with the provisions of this chapter shall hire for compensated employment, *continue to employ*, or permit to serve as a volunteer in a position that is involved in the day-to-day operations of the child day center or family day home or in which the employee or volunteer will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All applicants for employment or to serve as volunteers shall undergo a background check in accordance with subsection B.

B. Any applicant required to undergo a background check in accordance with subsection A shall:

1. Provide a sworn statement or affirmation disclosing whether he has ever been convicted of or is the subject of pending charges for any offense within or outside the Commonwealth and whether he has been the subject of a founded complaint of child abuse or neglect within or outside the Commonwealth;

2. Submit to fingerprinting and provide personal descriptive information described in subdivision B 2 of § 19.2-392.02; and

3. Authorize the child day center or family day home to obtain a copy of information from the central registry maintained pursuant to § 63.2-1515 on any investigation of child abuse or neglect undertaken on him.

The applicant's fingerprints and personal descriptive information obtained pursuant to subdivision 2 shall be forwarded through the Central Criminal Records Exchange to the Federal Bureau of Investigation for the purpose of obtaining national criminal history record information regarding such applicant. Upon receipt of an applicant's record or notification that no record exists, the Central Criminal Records Exchange shall forward the information to the Department, and the Department shall report to the child day center or family day home whether the applicant is eligible to have responsibility for the safety and well-being of children. In cases in which the record forwarded to the Department is lacking disposition data, the Department shall conduct research in whatever state and local recordkeeping systems are available in order to obtain complete data before reporting to the child day center or family day home.

C. The child day center or family day home shall inform every applicant for compensated employment or to serve as a volunteer required to undergo a background check pursuant to this section that he is entitled to obtain a copy of any background check report and to challenge the accuracy and completeness of any such report and obtain a prompt resolution before a final determination is made of the applicant's eligibility to have responsibility for the safety and well-being of children.

D. Any person making a materially false statement regarding the sworn statement or affirmation provided pursuant to subdivision B 1 is guilty of a Class 1 misdemeanor.

E. Further dissemination of the background check information is prohibited other than to the Commissioner's representative or a federal or state authority or court as may be required to comply with an express requirement of law for such further dissemination.

F. A person who complies in good faith with the provisions of this section shall not be liable for any civil damages for any act or omission in the performance of duties under this section unless the act or omission was the result of gross negligence or willful misconduct.

G. Notwithstanding the provisions of subsection A, a child day center may hire for compensated employment persons who have been convicted of not more than one misdemeanor offense under § 18.2-57 if 10 years have elapsed following the conviction, unless the person committed such offense while employed in a child day center or the object of the offense was a minor.

H. Fees charged for the processing and administration of background checks pursuant to this section shall not exceed the actual cost to the state of such processing and administration.

I. Any person employed for compensation at a licensed child day center or family day home or permitted to serve as a volunteer at a licensed child day center or family day home in a position that is involved in the day-to-day operations of the child day center or family day home or in which he will be alone with, in control of, or supervising children who is (i) convicted of an offense as defined in § 63.2-1719 within or outside of the Commonwealth or (ii) found to be the subject of a founded complaint of child abuse or neglect within or outside of the Commonwealth shall notify the child day center or family day home of such conviction or finding.

CHAPTER 633

An Act to amend and reenact §§ 24.2-114 and 24.2-418 of the Code of Virginia, relating to voter registration; notification to other states of a person's registration in Virginia.

Approved April 1, 2016

[S 460]

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-114 and 24.2-418 of the Code of Virginia are amended and reenacted as follows:

§ 24.2-114. Duties and powers of general registrar.

In addition to the other duties required by this title, the general registrar, and the assistant registrars acting under his supervision, shall:

1. Maintain the office of the general registrar and establish and maintain additional public places for voter registration in accordance with the provisions of § 24.2-412.

2. Participate in programs to educate the general public concerning registration and encourage registration by the general public. No registrar shall actively solicit, in a selective manner, any application for registration or for a ballot or offer anything of value for any such application.

3. Perform his duties within the county or city he was appointed to serve, except that a registrar may (i) go into a county or city in the Commonwealth contiguous to his county or city to register voters of his county or city when conducting registration jointly with the registrar of the contiguous county or city or (ii) notwithstanding any other provision of law, participate in multijurisdictional staffing for voter registration offices, approved by the State Board, that are located at facilities of the Department of Motor Vehicles.

4. Provide the appropriate forms for applications to register and to obtain the information necessary to complete the applications pursuant to the provisions of the Constitution of Virginia and general law.

5. Indicate on the registration records for each accepted mail voter registration application form returned by mail pursuant to Article 3.1 (§ 24.2-416.1 et seq.) of Chapter 4 that the registrant has registered by mail. The general registrar shall fulfill this duty in accordance with the instructions of the State Board so that those persons who registered by mail are identified on the registration records, lists of registered voters furnished pursuant to § 24.2-405, lists of persons who voted furnished pursuant to § 24.2-406, and pollbooks used for the conduct of elections.

6. Accept a registration application or request for transfer or change of address submitted by or for a resident of any other county or city in the Commonwealth. Registrars shall process registration applications and requests for transfer or change of address from residents of other counties and cities in accordance with written instructions from the State Board and shall forward the completed application or request to the registrar of the applicant's residence. Notwithstanding the provisions of § 24.2-416, the registrar of the applicant's residence shall recognize as timely any application or request for transfer or change of address submitted to any person authorized to receive voter registration applications pursuant to Chapter 4 (§ 24.2-400 et seq.), prior to or on the final day of registration. The registrar of the applicant's residence shall determine the qualification of the applicant, including whether the applicant has ever been convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored, and promptly notify the applicant at the address shown on the application or request of the acceptance or denial of his registration or transfer. However, notification shall not be required when the registrar does not have an address for the applicant.

7. Preserve order at and in the vicinity of the place of registration. For this purpose, the registrar shall be vested with the powers of a conservator of the peace while engaged in the duties imposed by law. He may exclude from the place of registration persons whose presence disturbs the registration process. He may appoint special officers, not exceeding three in number, for a place of registration and may summon persons in the vicinity to assist whenever, in his judgment, it is necessary to preserve order. The general registrar and any assistant registrar shall be authorized to administer oaths for purposes of this title.

8. Maintain the official registration records for his county or city in the system approved by, and in accordance with the instructions of, the State Board; preserve the written applications of all persons who are registered; and preserve for a period of four years the written applications of all persons who are denied registration or whose registration is cancelled.

9. If a person is denied registration, promptly notify such person in writing of the denial and the reason for denial in accordance with § 24.2-422.

10. Verify the accuracy of the pollbooks provided for each election by the State Board, make the pollbooks available to the precincts, and according to the instructions of the State Board provide a copy of the data from the pollbooks to the State Board after each election for voting credit purposes.

11. Retain the pollbooks in his principal office for two years from the date of the election.

12. Maintain accurate and current registration records and comply with the requirements of this title for the transfer, inactivation, and cancellation of voter registrations.

13. Whenever election districts, precincts, or polling places are altered, provide for entry into the voter registration system of the proper district and precinct designations for each registered voter whose districts or precinct have changed and notify each affected voter of changes affecting his districts or polling place by mail.

14. Whenever any part of his county or city becomes part of another jurisdiction by annexation, merger, or other means, transfer to the appropriate general registrar the registration records of the affected registered voters. The general registrar for their new county or city shall notify them by mail of the transfer and their new election districts and polling places.

15. When he registers any person who was previously registered in another state, notify the appropriate authority in that state of the person's registration in Virginia *by providing electronically, through the Department of Elections, the information contained in that person's registration application.*

16. Whenever any person is believed to be registered or voting in more than one state or territory of the United States at the same time, inquire about, or provide information from the voter's registration and voting records to any appropriate voter registration or other authority of another state or territory who inquires about, that person's registration and voting history.

17. At the request of the county or city chairman of any political party nominating a candidate for the General Assembly, constitutional office, or local office by a method other than a primary, review any petition required by the party in its nomination process to determine whether those signing the petition are registered voters with active status.

18. Carry out such other duties as prescribed by the electoral board in his capacity as the director of elections for the locality in which he serves.

19. Attend, or designate one member of his staff to attend, an annual training program provided by the State Board.

§ 24.2-418. Application for registration.

A. Each applicant to register shall provide, subject to felony penalties for making false statements pursuant to § 24.2-1016, the information necessary to complete the application to register. Unless physically disabled, he shall sign the application. The application to register shall be only on a form or forms prescribed by the State Board.

The form of the application to register shall require the applicant to provide the following information: full name; gender; date of birth; social security number, if any; whether the applicant is presently a United States citizen; address of residence in the precinct; place of last previous registration to vote; and whether the applicant has ever been adjudicated incapacitated or convicted of a felony, and if so, under what circumstances the applicant's right to vote has been restored. The form shall contain a statement that whoever votes more than once in any election in the same or different jurisdictions shall be guilty of a Class 6 felony. Unless directed by the applicant or as permitted in § 24.2-411.1 or 24.2-411.2, the registration application shall not be pre-populated with information the applicant is required to provide.

B. The form shall permit any individual, as follows, or member of his household, to furnish, in addition to his residence street address, a post office box address located within the Commonwealth to be included in lieu of his street address on the lists of registered voters and persons who voted, which are furnished pursuant to §§ 24.2-405 and 24.2-406, on voter registration records made available for public inspection pursuant to § 24.2-444, or on lists of absentee voter applicants furnished pursuant to § 24.2-706 or 24.2-710. The voter shall comply with the provisions of § 24.2-424 for any change in the post office box address provided under this subsection.

1. Any active or retired law-enforcement officer, as defined in § 9.1-101 and in 5 U.S.C. § 8331(20), but excluding officers whose duties relate to detention as defined in 5 U.S.C. § 8331(20);

2. Any party granted a protective order issued by or under the authority of any court of competent jurisdiction, including but not limited to courts of the Commonwealth of Virginia;

3. Any party who has furnished a signed written statement by the party that he is in fear for his personal safety from another person who has threatened or stalked him, accompanied by evidence that he has filed a complaint with a magistrate or law-enforcement official against such other person;

4. Any party participating in the address confidentiality program pursuant to § 2.2-515.2; and

5. Any active or retired federal or Virginia justice or judge and any active or retired attorney employed by the United States Attorney General or Virginia Attorney General.

C. If the applicant formerly resided in another state, ~~the portion of the application to register listing an applicant's place of last previous registration to vote, or a copy thereof, shall be retained by the general registrar for the city or county where the applicant resides, and the general registrar shall send the original or a copy the information contained in the applicant's registration application to the appropriate voter registration official or other authority of another state where the applicant formerly resided, as prescribed in subdivision 15 of § 24.2-114.~~

CHAPTER 634

An Act to amend and reenact § 58.1-1802.1 of the Code of Virginia, relating to the Department of Taxation; limitations on collection of taxes.

[H 643]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1802.1 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1802.1. Period of limitations on collection; accrual of interest and penalty.

A. Where the assessment of any tax imposed by this subtitle has been made within the period of limitation properly applicable thereto, such tax may be collected by levy, by a proceeding in court, or by any other means available to the Tax Commissioner under the laws of the Commonwealth, but only if such collection effort is made or instituted within seven years from the date of the assessment of such tax. *Except as otherwise provided in this section, effective for assessments made on and after July 1, 2016, all collection efforts shall cease after such seven-year period even if initiated during the seven-year period.* Prior to the expiration of any period for collection, the period may be extended by a written agreement between the Tax Commissioner and the taxpayer, and subsequent written agreements may likewise extend the period previously agreed upon. The period of limitations provided in this subsection during which a tax may be collected shall not

apply to executions, levy or other actions to enforce a lien created before the expiration of the period of limitations by the docketing of a judgment or the filing of a memorandum of lien pursuant to § 58.1-1805; nor shall the period of limitations apply to the provisions of §§ 8.01-251 and 8.01-458.

B. The running of the period of limitations on collection shall be suspended for the period the assets of the taxpayer are in the control or custody of any state or federal court, including the United States Bankruptcy Court; ~~or~~ for the period during which a taxpayer is outside the Commonwealth if such period of absence is for a continuous period of at least six months; *or during the period that an installment agreement entered into by the taxpayer pursuant to § 58.1-1817 is in effect.*

C. If the Department of Taxation has no contact with the delinquent taxpayer for a period of six years and no memorandum of lien has been appropriately filed in a jurisdiction in which such taxpayer owns real estate, interest and penalty shall no longer be added to the delinquent tax liability. The mailing of notices by the Department to the taxpayer's last known address shall constitute contact with the taxpayer.

D. For purposes of this section, the "last known address" of the taxpayer means the address shown on the most recent return filed by or on behalf of the taxpayer or the address provided in correspondence by or on behalf of the taxpayer indicating that it is a change of the taxpayer's address.

CHAPTER 635

An Act to amend and reenact § 58.1-3984 of the Code of Virginia, relating to appeal of local tax assessments; confidentiality.

[S 597]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3984 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3984. Application to court to correct erroneous assessments of local levies generally.

A. Any person assessed with local taxes, aggrieved by any such assessment, may, unless otherwise specially provided by law (including, but not limited to, as provided under (i) § 15.2-717 and (ii) § 3 of Chapter 261 of the Acts of Assembly of 1936 (which was continued in effect by § 58-769 of the Code of Virginia; and now continued in effect by § 58.1-3260), as amended by Chapter 422 of the Acts of Assembly of 1950, as amended by Chapter 339 of the Acts of Assembly of 1958, and as amended by the 2003 Regular Session of the General Assembly), (a) within three years from the last day of the tax year for which any such assessment is made, (b) within one year from the date of the assessment, (c) within one year from the date of the Tax Commissioner's final determination under § 58.1-3703.1 A 5 or § 58.1-3983.1 D, or (d) within one year from the date of the final determination under § 58.1-3981, whichever is later, apply for relief to the circuit court of the county or city wherein such assessment was made. The application shall be before the court when it is filed in the clerk's office. In such proceedings, except for proceedings seeking relief from real property taxes, the burden of proof shall be upon the taxpayer to show that the property in question is valued at more than its fair market value or that the assessment is not uniform in its application, or that the assessment is otherwise invalid or illegal, but it shall not be necessary for the taxpayer to show that intentional, systematic and willful discrimination has been made.

All proceedings pursuant to this section shall be conducted as an action at law before the court, sitting without a jury. The county or city attorney, or if none, the attorney for the Commonwealth, shall defend the application.

Prior to the release of any information that constitutes confidential tax information under § 58.1-3, pursuant to discovery or otherwise, for the purposes of a proceeding under this section, the court shall, no later than the issuance of the scheduling order, make the following order:

"Unless otherwise ordered by the court, no entity or person who has obtained confidential information protected by § 58.1-3 of the Code of Virginia regarding [property reference], directly or indirectly through any party to this action, shall disclose, exhibit, or discuss the confidential information except as provided herein. Confidential information protected by § 58.1-3 may be revealed to or discussed only with the following persons in connection with the review or litigation of the assessment of the above-referenced property:

- 1. The taxpayer or the local government (the "Parties");*
- 2. Counsel for any Party to this action and employees of the counsel's firm, including attorneys other than counsel;*
- 3. Outside experts retained by and assisting counsel for any Party in the preparation for or trial of this action;*
- 4. The court or an administrative board reviewing the assessment on the above-referenced property, persons employed by the court or administrative board, and persons employed to transcribe or record the testimony or argument at a hearing, trial, or deposition regarding the assessment of the above-referenced property; and*
- 5. Any person who may be called as a witness in a hearing, trial, or discovery that counsel believes in good faith to be necessary for the preparation or presentation of the case.*

No person who is furnished with confidential information shall reveal it to, or discuss it with, any person who is not entitled to receive it under the terms of this order. Prior to their receipt of confidential information, those persons described in subdivisions 3 and 5 shall be required to sign an acknowledgement of this order and agree to be bound by the terms hereof and be subject to the jurisdiction of the court for enforcement thereof. Any person who violates the provisions of this order shall be subject to the penalty provided in subsection F of § 58.1-3."

Once the above-referenced order is entered, § 58.1-3 shall not be applicable to prevent the release of any relevant information that is responsive to a request for discovery made in the course of an appeal pursuant to this section.

B. In circuit court proceedings to seek relief from real property taxes, there shall be a presumption that the valuation determined by the assessor or as adjusted by the board of equalization is correct. The burden of proof shall be on the taxpayer to rebut such presumption and show by a preponderance of the evidence that the property in question is valued at more than its fair market value or that the assessment is not uniform in its application, and that it was not arrived at in accordance with generally accepted appraisal practices, procedures, rules, and standards as prescribed by nationally recognized professional appraisal organizations such as the International Association of Assessing Officers (IAAO) and applicable Virginia law relating to valuation of property. Mistakes of fact, including computation, that affect the assessment shall be deemed not to be in accordance with generally accepted appraisal practice.

However, in any appeal of the assessment of residential property filed by a taxpayer as an owner of real property containing less than four residential units, the assessing officer shall give the required written notice to the taxpayer, or his duly authorized representative, under subsection E of § 58.1-3331, and, upon written request, shall provide the taxpayer or his duly authorized representative copies of the assessment records set out in subsections A, B, and C of § 58.1-3331 pertaining to the assessing officer's determination of fair market value of the property under appeal. A written request by the taxpayer or his duly authorized representative shall be made following the filing of the appeal to circuit court and no later than 45 days prior to trial, unless otherwise provided by an order of the court before which the appeal is pending. Provided the written request is made in accordance with this section or any applicable court order, the assessing officer shall provide such records within 15 days of the written request to the taxpayer or his duly authorized representative. If the assessing officer fails to do so, the assessing officer shall present the following into evidence prior to the presentation of evidence by the taxpayer at the hearing: (i) copies of the assessment records maintained by the assessing officer under § 58.1-3331, (ii) testimony that explains the methodologies employed by the assessing officer to determine the assessed value of the property, and (iii) testimony that states that the assessed value was arrived at in accordance with generally accepted appraisal practices, procedures, rules, and standards as prescribed by nationally recognized professional appraisal organizations such as the International Association of Assessing Officers (IAAO) and applicable Virginia law relating to valuation of property. Upon the conclusion of the presentation of the evidence of the assessing officer, the taxpayer shall have the burden of proof by a preponderance of the evidence to rebut such evidence presented by the assessing officer as otherwise provided in this section.

C. The presumptions, burdens, and standards set out in subsection B shall not be construed to change or have any effect upon the presumptions, burdens, and standards applicable to applications for the correction of erroneous assessments of any local tax other than real property taxes.

D. In the event it comes or is brought to the attention of the commissioner of the revenue of the locality that the assessment of any tax is improper or is based on obvious error and should be corrected in order that the ends of justice may be served, and he is not able to correct it under § 58.1-3981, the commissioner of the revenue shall apply to the appropriate court, in the manner herein provided for relief of the taxpayer. Such application may include a petition for relief for any of several taxpayers.

CHAPTER 636

An Act to amend and reenact § 51.5-160 of the Code of Virginia, relating to auxiliary grants.

[H 420]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 51.5-160 of the Code of Virginia is amended and reenacted as follows:

§ 51.5-160. Auxiliary grants program; administration of program.

A. The Commissioner is authorized to prepare and implement, effective with repeal of Titles I, X, and XIV of the Social Security Act, a plan for a state and local funded auxiliary grants program to provide assistance to certain individuals ineligible for benefits under Title XVI of the Social Security Act, as amended, and to certain other individuals for whom benefits provided under Title XVI of the Social Security Act, as amended, are not sufficient to maintain the minimum standards of need established by regulations promulgated by the Commissioner. The plan shall be in effect in all political subdivisions in the Commonwealth and shall be administered in conformity with regulations of the Commissioner.

Nothing herein is to be construed to affect any such section as it relates to Temporary Assistance for Needy Families, general relief, or services to persons eligible for assistance under P.L. 92-603.

B. Those individuals who receive an auxiliary grant and who reside in licensed assisted living facilities or adult foster care homes shall be entitled to a personal needs allowance when computing the amount of the auxiliary grant. The amount of such personal needs allowance shall be set forth in the appropriation act.

C. The Commissioner shall adopt regulations for the administration of the auxiliary grants program that shall include ~~requirements for the Department to use in establishing~~ *the establishment* of auxiliary grant rates for *adult foster care homes* and licensed assisted living facilities and ~~adult foster care homes. At a minimum, these requirements. Such regulations shall address also include~~ (i) the process for ~~the facilities and homes to use in reporting their costs, including allowable costs and~~

~~resident charges, the time period for reporting costs, forms to be used, financial reviews, and audits of reported costs; (ii) the process to be used in calculating the auxiliary grant rates for the facilities and homes; and certification and (iii) (ii) the services to be provided to the auxiliary grant recipient and paid for by the auxiliary grant and not charged to the recipient's personal needs allowance.~~

D. In order to receive an auxiliary grant while residing in an assisted living facility, an individual shall have been evaluated by a case manager or other qualified assessor to determine his need for residential living care. An individual may be admitted to an assisted living facility pending evaluation and assessment as allowed by regulations of the Commissioner, but in no event shall any public agency incur a financial obligation if the individual is determined ineligible for an auxiliary grant. The Commissioner shall adopt regulations to implement the provisions of this subsection.

E. Provisions of Chapter 5 (§ 63.2-500 et seq.) of Title 63.2, relating to the administration of public assistance programs, shall govern operations of the auxiliary grant program established pursuant to this section.

F. Assisted living facilities and adult foster care homes providing services to auxiliary grant recipients may accept payments made by third parties for services provided to an auxiliary grant recipient, and the Department shall not include such payments as income for the purpose of determining eligibility for or calculating the amount of an auxiliary grant, provided that the payment is made:

1. Directly to the assisted living facility or adult foster care home by the third party on behalf of the auxiliary grant recipient;

2. Voluntarily by the third party, and not in satisfaction of a condition of admission, stay, or provision of proper care and services to the auxiliary grant recipient, unless the auxiliary grant recipient's physical needs exceed the services required to be provided by the assisted living facility as a condition of participation in the auxiliary grant program pursuant to subsection C; and

3. For specific goods and services provided to the auxiliary grant recipient other than food, shelter, or specific goods or services required to be provided by the assisted living facility or adult foster care home as a condition of participation in the auxiliary grant program pursuant to subsection C.

G. Assisted living facilities and adult foster care homes shall document all third-party payments received on behalf of an auxiliary grant recipient, including the source and amount of the payment and the goods and services for which such payments are to be used. Documentation related to the third-party payments shall be provided to the Department upon request.

H. Assisted living facilities and adult foster care homes shall provide each auxiliary grant recipient with a written list of the goods and services that are covered by the auxiliary grant pursuant to subsection C, including a clear statement that the facility may not charge an auxiliary grant recipient or the recipient's family additional amounts for goods or services included on such list.

CHAPTER 637

An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school buses; mailing of summons; rebutting presumption.

[S 120]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence.

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus ~~which~~ *that* is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school driveway; is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ~~ten~~ *10* days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) ~~of this title~~ shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. *Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.*

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. *In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.*

For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

CHAPTER 638

An Act to amend and reenact §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia, relating to violation of protective order; possession of a firearm or other deadly weapon; penalty.

[S 323]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-253.2 and 18.2-60.4 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-253.2. Violation of provisions of protective orders; penalty.

A. In addition to any other penalty provided by law, any person who violates any provision of a protective order issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103, when such violation involves a provision of the protective order that prohibits such person from (i) going or remaining upon land, buildings, or premises; (ii) further acts of family abuse; or (iii) committing a criminal offense, or which prohibits contacts by the respondent with the allegedly abused person or family or household members of the allegedly abused person as the court deems appropriate, is guilty of a Class 1 misdemeanor. The punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 16.1-253, 16.1-253.1, 16.1-253.4, 16.1-278.14, or 16.1-279.1 or subsection B of § 20-103 is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order, resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 16.1-279.1 for a specified period not exceeding two years from the date of conviction.

§ 18.2-60.4. Violation of protective orders; penalty.

A. Any person who violates any provision of a protective order issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 1 misdemeanor. Conviction hereunder shall bar a finding of contempt for the same act. The

punishment for any person convicted of a second offense of violating a protective order, when the offense is committed within five years of the prior conviction and when either the instant or prior offense was based on an act or threat of violence, shall include a mandatory minimum term of confinement of 60 days. Any person convicted of a third or subsequent offense of violating a protective order, when the offense is committed within 20 years of the first conviction and when either the instant or one of the prior offenses was based on an act or threat of violence, is guilty of a Class 6 felony and the punishment shall include a mandatory minimum term of confinement of six months. The mandatory minimum terms of confinement prescribed for violations of this section shall be served consecutively with any other sentence.

B. In addition to any other penalty provided by law, any person who, while knowingly armed with a firearm or other deadly weapon, violates any provision of a protective order with which he has been served issued pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10 is guilty of a Class 6 felony.

C. If the respondent commits an assault and battery upon any party protected by the protective order resulting in serious bodily injury to the party, he is guilty of a Class 6 felony. Any person who violates such a protective order by furtively entering the home of any protected party while the party is present, or by entering and remaining in the home of the protected party until the party arrives, is guilty of a Class 6 felony, in addition to any other penalty provided by law.

D. Upon conviction of any offense hereunder for which a mandatory minimum term of confinement is not specified, the person shall be sentenced to a term of confinement and in no case shall the entire term imposed be suspended.

E. Upon conviction, the court shall, in addition to the sentence imposed, enter a protective order pursuant to § 19.2-152.10 for a specified period not exceeding two years from the date of conviction.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 639

An Act to amend and reenact § 23-38.81 of the Code of Virginia, relating to ABLE savings trust accounts; exclusion from determination of state means-tested assistance and benefits.

[H 1103]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 23-38.81 of the Code of Virginia is amended and reenacted as follows:

§ 23-38.81. Prepaid tuition contracts and college and ABLE savings trust agreements; terms; termination; etc.

A. Each prepaid tuition contract made pursuant to this chapter shall include the following terms and provisions:

1. The amount of payment or payments and the number of payments required from a purchaser on behalf of a qualified beneficiary;

2. The terms and conditions under which purchasers shall remit payments, including the dates of such payments;

3. Provisions for late payment charges, defaults, withdrawals, refunds, and any penalties;

4. The name and date of birth of the qualified beneficiary on whose behalf the contract is made;

5. Terms and conditions for a substitution for the qualified beneficiary originally named;

6. Terms and conditions for termination of the contract, including any refunds, withdrawals, or transfers of tuition prepayments, and the name of the person or persons entitled to terminate the contract;

7. The time period during which the qualified beneficiary must claim benefits from the Plan;

8. The number of credit hours or quarters, semesters, or terms contracted for by the purchaser;

9. All other rights and obligations of the purchaser and the trust; and

10. Any other terms and conditions which the Board deems necessary or appropriate, including those necessary to conform the contract with the requirements of Internal Revenue Code § 529, as amended, which specifies the requirements for qualified state tuition programs.

B. Each college savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum contribution allowed on behalf of each qualified beneficiary for the payment of qualified higher education expenses at eligible institutions, both as defined in § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law;

2. Provisions for withdrawals, refunds, transfers, and any penalties;

3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;

4. Terms and conditions for a substitution for the qualified beneficiary originally named;

5. Terms and conditions for termination of the account, including any refunds, withdrawals, or transfers, and applicable penalties, and the name of the person or persons entitled to terminate the account;

6. The time period during which the qualified beneficiary must use benefits from the savings trust account;

7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions which the Board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529 of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

C. Each ABLE savings trust agreement made pursuant to this chapter shall include the following terms and provisions:

1. The maximum and minimum annual contribution and maximum account balance allowed on behalf of each qualified beneficiary for the payment of qualified disability expenses, as defined in § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law;

2. Provisions for withdrawals, refunds, transfers, return of excess contributions, and any penalties;

3. The name, address, and date of birth of the qualified beneficiary on whose behalf the savings trust account is opened;

4. Terms and conditions for a substitution for the qualified beneficiary originally named;

5. Terms and conditions for termination of the account, including any transfers to the state upon the death of the qualified beneficiary, refunds, withdrawals, transfers, applicable penalties, and the name of the person or persons entitled to terminate the account;

6. The time period during which the qualified beneficiary must use benefits from the savings trust account;

7. All other rights and obligations of the contributor and the Plan; and

8. Any other terms and conditions that the Board deems necessary or appropriate, including those necessary to conform the savings trust account with the requirements of § 529A of the Internal Revenue Code of 1986, as amended, or other applicable federal law.

D. In addition to the provisions required by subsection A, each prepaid tuition contract shall include provisions for the application of tuition prepayments (i) at accredited, nonprofit, independent institutions of higher education located in Virginia, including actual interest and income earned on such prepayments and (ii) at public and at accredited, nonprofit, independent institutions of higher education located in other states, including principal and reasonable return on such principal as determined by the Board. Payments authorized for accredited, nonprofit, independent institutions located in Virginia may not exceed the projected highest payment made for tuition at a public institution of higher education in Virginia in the same academic year, less a fee to be determined by the Board. Payments authorized for public and for accredited, nonprofit, independent institutions of higher education located in other states may not exceed the projected average payment made for tuition at a public institution of higher education in Virginia in the same academic year, less a fee to be determined by the Board.

E. All prepaid tuition contracts and savings trust agreements shall specifically provide that, if after a specified period of time the contract or savings trust agreement has not been terminated nor the qualified beneficiary's rights exercised, the Board, after making reasonable effort to contact the purchaser or contributor and the qualified beneficiary or their agents, shall report such unclaimed moneys to the State Treasurer pursuant to § 55-210.12.

F. Notwithstanding any provision of law to the contrary, money in the Plan shall be exempt from creditor process and shall not be liable to attachment, garnishment, or other process, nor shall it be seized, taken, appropriated, or applied by any legal or equitable process or operation of law to pay any debt or liability of any purchaser, contributor or beneficiary, provided, however, that the state of residence of the beneficiary of an ABLE savings trust account shall be a creditor of such account in the event of the death of the beneficiary.

G. *Notwithstanding any other provision of state law that requires consideration of one or more financial circumstances of an individual for the purpose of determining (i) the individual's eligibility to receive any assistance or benefit pursuant to such provision of state law or (ii) the amount of any such assistance or benefit that such individual is eligible to receive pursuant to such provision of state law, any (a) moneys in an ABLE savings trust account for which such individual is the beneficiary, including any interest on such moneys, (b) contributions to an ABLE savings trust account for which such individual is the beneficiary, and (c) distribution for qualified disability expenses for such individual from an ABLE savings trust account for which such individual is the beneficiary shall be disregarded for such purpose with respect to any period during which such individual remains the beneficiary of, makes contributions to, or receives distributions for qualified disability expenses from such ABLE savings trust account.*

H. No contract or savings trust account shall be assigned for the benefit of creditors, used as security or collateral for any loan, or otherwise subject to alienation, sale, transfer, assignment, pledge, encumbrance, or charge.

~~H.~~ I. The Board's decision on any dispute, claim, or action arising out of or related to a prepaid tuition contract or savings trust agreement made or entered into pursuant to this chapter or benefits thereunder shall be considered a case decision as defined in § 2.2-4001 and all proceedings related thereto shall be conducted pursuant to Article 3 (§ 2.2-4018 et seq.) of the Administrative Process Act. Judicial review shall be exclusively provided pursuant to Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

CHAPTER 640

An Act to amend and reenact § 22.1-254.1 of the Code of Virginia, relating to information on a parent's election to provide home instruction; religious exemption; disclosure.

[S 780]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-254.1 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-254.1. Declaration of policy; requirements for home instruction of children.**

A. When the requirements of this section have been satisfied, instruction of children by their parents is an acceptable alternative form of education under the policy of the Commonwealth of Virginia. Any parent of any child who will have reached the fifth birthday on or before September 30 of any school year and who has not passed the eighteenth birthday may elect to provide home instruction in lieu of school attendance if he (i) holds a high school diploma; or (ii) is a teacher of qualifications prescribed by the Board of Education; or (iii) provides a program of study or curriculum which may be delivered through a correspondence course or distance learning program or in any other manner; or (iv) provides evidence that he is able to provide an adequate education for the child.

B. Any parent who elects to provide home instruction in lieu of school attendance shall annually notify the division superintendent in August of his intention to so instruct the child and provide a description of the curriculum, limited to a list of subjects to be studied during the coming year, and evidence of having met one of the criteria for providing home instruction as required by subsection A. Effective July 1, 2000, parents electing to provide home instruction shall provide such annual notice no later than August 15. Any parent who moves into a school division or begins home instruction after the school year has begun shall notify the division superintendent of his intention to provide home instruction as soon as practicable and shall thereafter comply with the requirements of this section within 30 days of such notice. The division superintendent shall notify the Superintendent of Public Instruction of the number of students in the school division receiving home instruction.

C. The parent who elects to provide home instruction shall provide the division superintendent by August 1 following the school year in which the child has received home instruction with either (i) evidence that the child has attained a composite score in or above the fourth stanine on any nationally normed standardized achievement test, or an equivalent score on the ACT, SAT, or PSAT test or (ii) an evaluation or assessment which the division superintendent determines to indicate that the child is achieving an adequate level of educational growth and progress, including but not limited to: (a) an evaluation letter from a person licensed to teach in any state, or a person with a master's degree or higher in an academic discipline, having knowledge of the child's academic progress, stating that the child is achieving an adequate level of educational growth and progress; or (b) a report card or transcript from a community college or college, college distance learning program, or home-education correspondence school.

In the event that evidence of progress as required in this subsection is not provided by the parent, the home instruction program for that child may be placed on probation for one year. Parents shall file with the division superintendent evidence of their ability to provide an adequate education for their child in compliance with subsection A and a remediation plan for the probationary year which indicates their program is designed to address any educational deficiency. Upon acceptance of such evidence and plan by the division superintendent, the home instruction may continue for one probationary year. If the remediation plan and evidence are not accepted or the required evidence of progress is not provided by August 1 following the probationary year, home instruction shall cease and the parent shall make other arrangements for the education of the child which comply with § 22.1-254. The requirements of subsection C shall not apply to children who are under the age of six as of September 30 of the school year.

D. Nothing in this section shall prohibit a pupil and his parents from obtaining an excuse from school attendance by reason of bona fide religious training or belief pursuant to subdivision B 1 of § 22.1-254.

E. Any party aggrieved by a decision of the division superintendent may appeal his decision within 30 days to an independent hearing officer. The independent hearing officer shall be chosen from the list maintained by the Executive Secretary of the Supreme Court for hearing appeals of the placements of children with disabilities. The costs of the hearing shall be apportioned among the parties by the hearing officer in a manner consistent with his findings.

F. School boards shall implement a plan to notify students receiving home instruction pursuant to this section and their parents of the availability of Advanced Placement (AP) and Preliminary SAT (PSAT) examinations and the availability of financial assistance to low-income and needy students to take these examinations. School boards shall implement a plan to make these examinations available to students receiving home instruction.

G. No division superintendent or local school board shall disclose to the Department of Education or any other person or entity outside of the local school division information that is provided by a parent or student to satisfy the requirements of this section or subdivision B 1 of § 22.1-254. *However, a division superintendent or local school board may disclose, with the written consent of a student's parent, such information to the extent provided by the parent's consent.* Nothing in this subsection shall prohibit a division superintendent from notifying the Superintendent of Public Instruction of the number of students in the school division receiving home instruction as required by subsection B.

**ACTS
OF THE
GENERAL ASSEMBLY**



2016 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2016 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 13, 2016

Adjourned sine die Friday, March 11, 2016

Reconvened Wednesday, April 20, 2016

Adjourned sine die Wednesday, April 20, 2016

VOLUME II

CHAPTERS 641-780

COMMONWEALTH OF VIRGINIA
RICHMOND
2016

Compiled by the Clerk's Office

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CHAPTER 641

An Act to amend and reenact §§ 2.2-115 and 2.2-3104.01 of the Code of Virginia, relating to the Commonwealth's Development Opportunity Fund; political contributions; reporting.

[S 750]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 2.2-115 and 2.2-3104.01 of the Code of Virginia are amended and reenacted as follows:****§ 2.2-115. Commonwealth's Development Opportunity Fund.**

A. As used in this section, unless the context requires otherwise:

"New job" means employment of an indefinite duration, created as the direct result of the private investment, for which the firm pays the wages and standard fringe benefits for its employee, requiring a minimum of either (i) 35 hours of the employee's time a week for the entire normal year of the firm's operations, which "normal year" must consist of at least 48 weeks or (ii) 1,680 hours per year.

Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to the location of the economic development project, positions with suppliers, and multiplier or spin-off jobs shall not qualify as new jobs. The term "new job" shall include positions with contractors provided that all requirements included within the definition of the term are met.

"Prevailing average wage" means that amount determined by the Virginia Employment Commission to be the average wage paid workers in the city or county of the Commonwealth where the economic development project is located. The prevailing average wage shall be determined without regard to any fringe benefits.

"Private investment" means the private investment required under this section.

B. There is created the Commonwealth's Development Opportunity Fund (the Fund) to be used by the Governor to attract economic development prospects and secure the expansion of existing industry in the Commonwealth. The Fund shall consist of any funds appropriated to it by the general appropriation act and revenue from any other source, public or private. The Fund shall be established on the books of the Comptroller, and any funds remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on the Fund shall be credited to the Fund. The Governor shall report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance as funds are awarded in accordance with this section.

C. Funds shall be awarded from the Fund by the Governor as grants or loans to political subdivisions. The criteria for making such grants or loans shall include (i) job creation, (ii) private capital investment, and (iii) anticipated additional state tax revenue expected to accrue to the state and affected localities as a result of the capital investment and jobs created. Loans shall be approved by the Governor and made in accordance with guidelines established by the Virginia Economic Development Partnership and approved by the Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the Fund. The Governor may establish the interest rate to be charged; otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the Comptroller as required.

Beginning with the five fiscal years from fiscal year 2006-2007 through fiscal year 2010-2011, and for every five fiscal years' period thereafter, in general, no less than one-third of the moneys appropriated to the Fund in every such five-year period shall be awarded to counties and cities having an annual average unemployment rate that is greater than the final statewide average unemployment rate for the calendar year that immediately precedes the calendar year of the award. However, if such one-third requirement will not be met because economic development prospects in such counties and cities are unable to fulfill the applicable minimum private investment and new jobs requirements set forth in this section, then any funds remaining in the Fund at the end of the five-year period that would have otherwise been awarded to such counties and cities shall be made available for awards in the next five fiscal years' period.

D. Funds may be used for public and private utility extension or capacity development on and off site; public and private installation, extension, or capacity development of high-speed or broadband Internet access, whether on or off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and any other activity required to prepare a site for construction; construction or build-out of publicly or privately owned buildings; training; or grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision for purposes directly relating to any of the foregoing. However, in no case shall funds from the Fund be used, directly or indirectly, to pay or guarantee the payment for any rental, lease, license, or other contractual right to the use of any property.

It shall be the policy of the Commonwealth that moneys in the Fund shall not be used for any economic development project in which a business relocates or expands its operations in one or more Virginia localities and simultaneously closes its operations or substantially reduces the number of its employees in another Virginia locality. The Secretary of Commerce and Trade shall enforce this policy and for any exception thereto shall promptly provide written notice to the Chairmen of the Senate Finance and House Appropriations Committees, which notice shall include a justification for any exception to such policy.

E. 1. a. Except as provided in this subdivision, no grant or loan shall be awarded from the Fund unless the project involves a minimum private investment of \$5 million and creates at least 50 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage. For projects, including but not limited to projects involving emerging technologies, for which the average wage of the new jobs created, excluding fringe benefits, is at least twice the prevailing average wage for that locality or region, the Governor shall have the discretion to require no less than one-half the number of new jobs as set forth for that locality in this subdivision.

b. Notwithstanding the provisions of subdivision a, a grant or loan may be awarded from the Fund if the project involves a minimum private investment of \$100 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than the prevailing average wage.

2. Notwithstanding the provisions of subdivision 1 a, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year or (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to subdivision 1 a if the project involves a minimum private investment of \$2.5 million and creates at least 25 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

3. Notwithstanding the provisions of subdivisions 1 a and 2, in localities (i) with an annual unemployment rate for the most recent calendar year for which such data is available that is greater than the final statewide average unemployment rate for that calendar year and (ii) with a poverty rate for the most recent calendar year for which such data is available that exceeds the statewide average poverty rate for that year, a grant or loan may be awarded from the Fund pursuant to such subdivisions if the project involves a minimum private investment of \$1.5 million and creates at least 15 new jobs for which the average wage, excluding fringe benefits, is no less than 85 percent of the prevailing average wage.

4. For projects that are eligible under subdivision 2 or 3, the average wage of the new jobs, excluding fringe benefits, shall be no less than 85 percent of the prevailing average wage. In addition, for projects in such localities, the Governor may award a grant or loan for a project paying less than 85 percent of the prevailing average wage but still providing customary employee benefits, only after the Secretary of Commerce and Trade has made a written finding that the economic circumstances in the area are sufficiently distressed (i.e., high unemployment or underemployment and negative economic forecasts) that assistance to the locality to attract the project is nonetheless justified. However, the minimum private investment and number of new jobs required to be created as set forth in this subsection shall still be a condition of eligibility for an award from the Fund. Such written finding shall promptly be provided to the chairs of the Senate Committee on Finance and the House Committee on Appropriations.

F. 1. The Virginia Economic Development Partnership shall assist the Governor in developing objective guidelines and criteria that shall be used in awarding grants or making loans from the Fund. The guidelines may require that as a condition of receiving any grant or loan incentive that is based on employment goals, a recipient company must provide copies of employer quarterly payroll reports that have been provided to the Virginia Employment Commission to verify the employment status of any position included in the employment goal. The guidelines may include a requirement for the affected locality or localities to provide matching funds which may be cash or in-kind, at the discretion of the Governor. The guidelines and criteria shall include provisions for geographic diversity and a cap on the amount of funds to be provided to any individual project. At the discretion of the Governor, this cap may be waived for qualifying projects of regional or statewide interest. In developing the guidelines and criteria, the Virginia Economic Development Partnership shall use the measure for Fiscal Stress published by the Commission on Local Government of the Department of Housing and Community Development for the locality in which the project is located or will be located as one method of determining the amount of assistance a locality shall receive from the Fund.

2. a. Notwithstanding any provision in this section or in the guidelines, each political subdivision that receives a grant or loan from the Fund shall enter into a contract with each business beneficiary of funds from the Fund. A person or entity shall be a business beneficiary of funds from the Fund if grant or loan moneys awarded from the Fund by the Governor are paid to a political subdivision and (i) subsequently distributed by the political subdivision to the person or entity or (ii) used by the political subdivision for the benefit of the person or entity but never distributed to the person or entity.

b. The contract between the political subdivision and the business beneficiary shall provide in detail (i) the fair market value of all funds that the Commonwealth has committed to provide, (ii) the fair market value of all matching funds (or in-kind match) that the political subdivision has agreed to provide, (iii) how funds committed by the Commonwealth (including but not limited to funds from the Fund committed by the Governor) and funds that the political subdivision has agreed to provide are to be spent, (iv) the minimum private investment to be made and the number of new jobs to be created agreed to by the business beneficiary, (v) the average wage (excluding fringe benefits) agreed to be paid in the new jobs, (vi) the prevailing average wage, and (vii) the formula, means, or processes agreed to be used for measuring compliance with the minimum private investment and new jobs requirements, including consideration of any layoffs instituted by the business beneficiary over the course of the period covered by the contract.

The contract shall state the date by which the agreed upon private investment and new job requirements shall be met by the business beneficiary of funds from the Fund and may provide for the political subdivision to grant up to a 15-month extension of such date if deemed appropriate by the political subdivision subsequent to the execution of the contract. Any extension of such date granted by the political subdivision shall be in writing and promptly delivered to the business

beneficiary, and the political subdivision shall simultaneously provide a copy of the extension to the Virginia Economic Development Partnership.

The contract shall provide that if the private investment and new job contractual requirements are not met by the expiration of the date stipulated in the contract, including any extension granted by the political subdivision, the business beneficiary shall be liable to the political subdivision for repayment of a portion of the funds provided under the contract. The contract shall include a formula for purposes of determining the portion of such funds to be repaid. The formula shall, in part, be based upon the fair market value of all funds that have been provided by the Commonwealth and the political subdivision and the extent to which the business beneficiary has met the private investment and new job contractual requirements. Any such funds repaid to the political subdivision that relate to the award from the Commonwealth's Development Opportunity Fund shall promptly be paid over by the political subdivision to the Commonwealth by payment remitted to the State Treasurer. Upon receipt by the State Treasurer of such payment, the Comptroller shall deposit such repaid funds into the Commonwealth's Development Opportunity Fund.

c. The contract shall be amended to reflect changes in the funds committed by the Commonwealth or agreed to be provided by the political subdivision.

d. Notwithstanding any provision in this section or in the guidelines, whenever layoffs instituted by a business beneficiary over the course of the period covered by a contract cause the net total number of the new jobs created to be fewer than the number agreed to, then the business beneficiary shall return the portion of any funds received pursuant to the repayment formula established by the contract.

3. Notwithstanding any provision in this section or in the guidelines, prior to executing any such contract with a business beneficiary, the political subdivision shall provide a copy of the proposed contract to the Attorney General. The Attorney General shall review the proposed contract (i) for enforceability as to its provisions and (ii) to ensure that it is in appropriate legal form. The Attorney General shall provide any written suggestions to the political subdivision within seven days of his receipt of the copy of the contract. The Attorney General's suggestions shall be limited to the enforceability of the contract's provisions and the legal form of the contract.

4. Notwithstanding any provision in this section or in the guidelines, a political subdivision shall not expend, distribute, pledge, use as security, or otherwise use any award from the Fund unless and until such contract as described herein is executed with the business beneficiary.

G. Within the 30 days immediately following June 30 and December 30 of each year, the Governor shall provide a report to the Chairmen of the House Committees on Appropriations and Finance and the Senate Committee on Finance which shall include, but is not limited to, the following information regarding grants and loans awarded from the Fund during the immediately preceding six-month period for economic development projects: the name of the company that is the business beneficiary of the grant or loan and the type of business in which it engages; the location (county, city, or town) of the project; the amount of the grant or loan committed from the Fund and the amount of all other funds committed by the Commonwealth from other sources and the purpose for which such grants, loans, or other funds will be used; the amount of all moneys or funds agreed to be provided by political subdivisions and the purposes for which they will be used; the number of new jobs agreed to be created by the business beneficiary; the amount of investment in the project agreed to be made by the business beneficiary; the timetable for the completion of the project and new jobs created; the prevailing average wage; and the average wage (excluding fringe benefits) agreed to be paid in the new jobs.

H. The Governor shall provide grants and commitments from the Fund in an amount not to exceed the dollar amount contained in the Fund. If the Governor commits funds for years beyond the fiscal years covered under the existing appropriation act, the State Treasurer shall set aside and reserve the funds the Governor has committed, and the funds shall remain in the Fund for those future fiscal years. No grant or loan shall be payable in the years beyond the existing appropriation act unless the funds are currently available in the Fund.

I. ~~Any person or entity submitting an application for a grant or loan from the Fund shall certify, on a form acceptable to the Virginia Economic Development Partnership, that it shall not provide any contribution, gift, or other item with a value greater than \$100 to the Governor or to his campaign committee or a political action committee established on his behalf during (i) the period in which the person or entity's application for such award is pending and (ii) the one-year period immediately after any such award is made. Any person or entity who so certifies and who receives an award from the Fund shall repay, if such person or entity provided or provides such a contribution, gift, or other item of value during these periods, the amount of the award received within 90 days after receipt of written notice from the Virginia Economic Development Partnership. In addition, any person or entity that knowingly provided or provides such a contribution, gift, or other item of value during these periods in violation of this subsection shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund and shall be used exclusively to fund the Virginia Conflict of Interest and Ethics Advisory Council. For purposes of this subsection, "entity" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such entity. On a quarterly basis, the Virginia Economic Development Partnership shall notify the Governor, his campaign committee, and his political action committee of awards from the Fund made in the prior quarter. Within 18 months of the date of each award from the Fund, the Governor, his campaign committee, and his political action committee shall submit to the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355 a report listing any contribution, gift, or other item~~

with a value greater than \$100 provided by the business beneficiary of such award to the Governor, his campaign committee, or his political action committee, respectively, during (i) the period in which the business beneficiary's application for such award was pending and (ii) the one-year period immediately after any such award was made.

§ 2.2-3104.01. Prohibited conduct; bids or proposals under the Virginia Public Procurement Act, Public-Private Transportation Act, and Public-Private Education Facilities and Infrastructure Act; loans or grants from the Commonwealth's Development Opportunity Fund.

A. Neither the Governor, his political action committee, or the Governor's Secretaries, if the Secretary is responsible to the Governor for an executive branch agency with jurisdiction over the matters at issue, shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$50 from any bidder, offeror, or private entity, or from an officer or director of such bidder, offeror, or private entity, who has submitted a bid or proposal to an executive branch agency that is directly responsible to the Governor pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.), or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.) (i) during the period between the submission of the bid and the award of the public contract under the Virginia Public Procurement Act or (ii) following the submission of a proposal under the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002 until the execution of a comprehensive agreement thereunder.

~~B. Neither the Governor, his campaign committee, nor a political action committee established on his behalf shall knowingly solicit or accept a contribution, gift, or other item with a value greater than \$100 from any person or entity that has submitted an application for a grant or loan from the Commonwealth's Development Opportunity Fund during the period in which the person or entity's application for such an award is pending and for the one-year period immediately after any such award is made. For purposes of this subsection, "entity" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such entity.~~

~~C. The provisions of this section shall apply only for public contracts, proposals, or comprehensive agreements where the stated or expected value of the contract is \$5 million or more or for grants or loans from the Commonwealth's Development Opportunity Fund regardless of the value of the grant or loan. The provisions of this section shall not apply to contracts awarded as the result of competitive sealed bidding as set forth in § 2.2-4302.1.~~

~~D. C. Any person who knowingly violates this section shall be subject to a civil penalty of \$500 or up to two times the amount of the contribution or gift, whichever is greater, and the contribution, gift, or other item shall be returned to the donor. The attorney for the Commonwealth shall initiate civil proceedings to enforce the civil penalties. Any civil penalties collected shall be payable to the State Treasurer for deposit to the general fund and shall be used exclusively to fund the Council.~~

CHAPTER 642

An Act to amend the Code of Virginia by adding a section numbered 22.1-299.5, relating to career and technical education; three-year licenses.

[S 573]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-299.5 as follows:

§ 22.1-299.5. Career and technical education; three-year licenses.

A. Notwithstanding any provision of law to the contrary, the Board shall provide for the issuance of three-year licenses to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average.

B. The Board shall issue a three-year license to teach high school career and technical education courses in a specific subject area to an individual who:

1. Submits an application to the Board, in the form prescribed by the Board, that includes a recommendation for such a license from the local school board;

2. Meets certain basic conditions for licensure as prescribed by the Board;

3. Meets one of the following requirements: (i) holds, at a minimum, a baccalaureate degree from a regionally accredited institution of higher education and has completed coursework in the career and technical education subject area in which the individual seeks to teach, (ii) holds the required professional license in the specific career and technical education subject area in which the individual seeks to teach, where applicable, or (iii) holds an industry certification credential, as that term is defined in § 22.1-298.1, in the specific career and technical education subject area in which the individual seeks to teach;

4. Has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach; and

5. Has obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board.

C. The employing school board shall assign a mentor to supervise an individual issued a three-year license pursuant to this section during his first year of teaching.

D. Except as otherwise provided in subsection E, any individual issued a three-year license pursuant to this section may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board.

E. Any individual issued a three-year license pursuant to this section who completes (i) nine semester hours of specialized professional studies credit from a regionally accredited institution of higher education or (ii) an alternative course of professional studies proposed by the local school board and approved by the Department of Education shall be granted a three-year extension of such license by the Board and may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board. Any such specialized professional studies credit or alternative course of professional studies may be completed through distance learning programs and shall include human growth and development; curriculum, instructional, and technology procedures; and classroom and behavior management.

F. No three-year license issued by the Board pursuant to this section shall be deemed a provisional license or a renewable license, as those terms are defined in § 22.1-298.1.

G. Individuals issued a three-year license pursuant to this section shall not be eligible for continuing contract status while teaching under such license and shall be subject to the probationary terms of employment specified in § 22.1-303.

H. The provisions of this article and of Board regulations governing the denial, suspension, cancellation, revocation, and reinstatement of licensure shall apply to three-year licenses issued pursuant to this section.

I. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of three-year licenses pursuant to this section by high school, local school division, and career and technical education subject area.

CHAPTER 643

An Act to amend and reenact § 8.01-15.2 of the Code of Virginia, relating to the Servicemembers Civil Relief Act; appointment of counsel.

[S 27]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-15.2 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-15.2. Servicemembers Civil Relief Act; default judgment; appointment of counsel.

A. Notwithstanding the provisions of § 8.01-428, in any civil action or proceeding in which the defendant does not make an appearance, the court shall not enter a judgment by default until the plaintiff files with the court an affidavit (i) stating whether or not the defendant is in military service and showing necessary facts to support the affidavit; or (ii) if the plaintiff is unable to determine whether or not the defendant is in military service, stating that the plaintiff is unable to determine whether or not the defendant is in military service. Subject to the provisions of § 8.01-3, the Supreme Court shall prescribe the form of such affidavit, or the requirement for an affidavit may be satisfied by a written statement, declaration, verification or certificate, subscribed and certified or declared to be true under penalty of perjury. Any judgment by default entered by any court in any civil action or proceeding in violation of ~~Article 2 subchapter II~~ of the Servicemembers Civil Relief Act (50 U.S.C. ~~app. § 527 3901~~ et seq.) may be set aside as provided by the Act. Failure to file an affidavit shall not constitute grounds to set aside an otherwise valid default judgment against a defendant who was not, at the time of service of process or entry of default judgment, a servicemember ~~for the purposes of as defined in 50 U.S.C. app. § 502 3911.~~

B. Where appointment of counsel is required pursuant to 50 U.S.C. ~~app. § 524 3931~~ or ~~522 3932~~ or another section of the Servicemembers Civil Relief Act, the court may assess ~~attorneys'~~ reasonable attorney fees and costs against any party as the court deems appropriate, including a party aggrieved by a violation of the Act, and shall direct in its order which of the parties to the case shall pay such fees and costs. Such fees and costs shall not be assessed against the Commonwealth unless it is the party that obtains the judgment.

C. The appointed counsel may issue a subpoena duces tecum for all discoverable electronic and print files, records, documents, and memoranda regarding the transactional basis for the suit. If requested in the subpoena, the plaintiff shall also deliver all documents or information concerning the location of the servicemember.

D. Counsel appointed pursuant to the Servicemembers Civil Relief Act shall not be selected by the plaintiff or have any affiliation with the plaintiff. However, counsel for the plaintiff may provide a list of attorneys familiar with the provisions of the Servicemembers Civil Relief Act upon the request of the court.

CHAPTER 644

An Act to amend and reenact § 4.1-206 of the Code of Virginia, relating to alcoholic beverage control; limited distiller's licenses.

[S 579]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 4.1-206 of the Code of Virginia is amended and reenacted as follows:****§ 4.1-206. Alcoholic beverage licenses.**

The Board may grant the following licenses relating to alcoholic beverages generally:

1. Distillers' licenses, which shall authorize the licensee to manufacture alcoholic beverages other than wine and beer, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth. When the Board has established a government store on the distiller's licensed premises pursuant to subsection D of § 4.1-119, such license shall also authorize the licensee to make a charge to consumers to participate in an organized tasting event conducted in accordance with subsection G of § 4.1-119 and Board regulations.

2. Limited distiller's licenses, to distilleries that manufacture not more than 36,000 gallons of alcoholic beverages other than wine or beer per calendar year, provided (i) the distillery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such distillery or its owner and (ii) agricultural products used by such distillery in the manufacture of its alcoholic beverages are grown on the farm. Limited distiller's licensees shall be treated as distillers for all purposes of this title except as otherwise provided in this subdivision. *For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited distillery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.*

3. Fruit distillers' licenses, which shall authorize the licensee to manufacture any alcoholic beverages made from fruit or fruit juices, and to sell and deliver or ship the same, in accordance with Board regulations, in closed containers, to the Board and to persons outside the Commonwealth for resale outside the Commonwealth.

4. Banquet facility licenses to volunteer fire departments and volunteer emergency medical services agencies, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any person, and bona fide members and guests thereof, otherwise eligible for a banquet license. However, lawfully acquired alcoholic beverages shall not be purchased or sold by the licensee or sold or charged for in any way by the person permitted to use the premises. Such premises shall be a volunteer fire or volunteer emergency medical services agency station or both, regularly occupied as such and recognized by the governing body of the county, city, or town in which it is located. Under conditions as specified by Board regulation, such premises may be other than a volunteer fire or volunteer emergency medical services agency station, provided such other premises are occupied and under the control of the volunteer fire department or volunteer emergency medical services agency while the privileges of its license are being exercised.

5. Bed and breakfast licenses, which shall authorize the licensee to (i) serve alcoholic beverages in dining areas, private guest rooms and other designated areas to persons to whom overnight lodging is being provided, with or without meals, for on-premises consumption only in such rooms and areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises and (ii) permit the consumption of lawfully acquired alcoholic beverages by persons to whom overnight lodging is being provided in (a) bedrooms or private guest rooms or (b) other designated areas of the bed and breakfast establishment. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

6. Tasting licenses, which shall authorize the licensee to sell or give samples of alcoholic beverages of the type specified in the license in designated areas at events held by the licensee. A tasting license shall be issued for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. A separate license shall be required for each day of each tasting event. No tasting license shall be required for conduct authorized by § 4.1-201.1.

7. Museum licenses, which may be issued to nonprofit museums exempt from taxation under § 501(c)(3) of the Internal Revenue Code, which shall authorize the licensee to (i) permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide member and guests thereof and (ii) serve alcoholic beverages on the premises of the licensee to any bona fide member and guests thereof. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be limited to the premises of the museum, regularly occupied and utilized as such.

8. Equine sporting event licenses, which may be issued to organizations holding equestrian, hunt and steeplechase events, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the

premises of the licensee by patrons thereof during such event. However, alcoholic beverages shall not be sold or charged for in any way by the licensee. The privileges of this license shall be (i) limited to the premises of the licensee, regularly occupied and utilized for equestrian, hunt and steeplechase events and (ii) exercised on no more than four calendar days per year.

9. Day spa licenses, which shall authorize the licensee to (i) permit the consumption of lawfully acquired wine or beer on the premises of the licensee by any bona fide customer of the day spa and (ii) serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the day spa regularly occupied and utilized as such.

10. Motor car sporting event facility licenses, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee. The privileges of this license shall be limited to those areas of the licensee's premises designated by the Board that are regularly occupied and utilized for motor car sporting events.

11. Meal-assembly kitchen license, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer attending either a private gathering or a special event; however, the licensee shall not give more than two five-ounce glasses of wine or two 12-ounce glasses of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the meal-assembly kitchen regularly occupied and utilized as such.

12. Canal boat operator license, which shall authorize the licensee to permit the consumption of lawfully acquired alcoholic beverages on the premises of the licensee by any bona fide customer attending either a private gathering or a special event; however, the licensee shall not sell or otherwise charge a fee to such customer for the alcoholic beverages so consumed. The privileges of this license shall be limited to the premises of the licensee, including the canal, the canal boats while in operation, and any pathways adjacent thereto. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

13. Annual arts venue event licenses, to persons operating an arts venue, which shall authorize the licensee participating in a community art walk that is open to the public to serve lawfully acquired wine or beer on the premises of the licensee to adult patrons thereof during such events. However, alcoholic beverages shall not be sold or charged for in any way, directly or indirectly, by the licensee, and the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any one adult patron. The privileges of this license shall be (i) limited to the premises of the arts venue regularly occupied and used as such and (ii) exercised on no more than 12 calendar days per year.

14. Art instruction studio licenses, which shall authorize the licensee to serve wine or beer on the premises of the licensee to any such bona fide customer; however, the licensee shall not give more than two five-ounce glasses of wine or one 12-ounce glass of beer to any such customer, nor shall it sell or otherwise charge a fee to such customer for the wine or beer served or consumed. The privileges of this license shall be limited to the premises of the art instruction studio regularly occupied and utilized as such.

2. That any limited distillery that, prior to July 1, 2016, (i) holds a valid license granted by the Alcoholic Beverage Control Board (the Board) in accordance with Title 4.1 of the Code of Virginia and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use shall be allowed to continue such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a) the provisions of this act or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of Title 4.1 of the Code of Virginia and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

3. That any person who, prior to July 1, 2016, (i) has a pending application with the Alcoholic Beverage Control Board (the Board) for a license as a limited distillery in accordance with Title 4.1 of the Code of Virginia, (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited distillery use, and (iii) subsequently is issued a license as a limited distillery shall be allowed to engage in such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a) the provisions of this act or (b) a subsequent change in ownership of the limited distillery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited distillery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of Title 4.1 of the Code of Virginia

and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited distillery on or after July 1, 2016.

CHAPTER 645

An Act to amend the Code of Virginia by adding a section numbered 23-220.02, relating to dual enrollment agreements; high school equivalency.

[S 245]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-220.02 as follows:

§ 23-220.02. Dual enrollment; high school equivalency; workforce training.

Each comprehensive community college shall enter into agreements with the local school divisions it serves to facilitate dual enrollment of eligible students into a Career Pathways program preparing students to pass a high school equivalency examination offered by the local school division and a postsecondary credential, certification, or license attainment program offered by the comprehensive community college.

CHAPTER 646

An Act to amend and reenact § 22.1-253.13:2 of the Code of Virginia, relating to school boards; class size limits.

[H 1377]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:2 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:2. Standard 2. Instructional, administrative, and support personnel.

A. The Board shall establish requirements for the licensing of teachers, principals, superintendents, and other professional personnel.

B. School boards shall employ licensed instructional personnel qualified in the relevant subject areas.

C. Each school board shall assign licensed instructional personnel in a manner that produces divisionwide ratios of students in average daily membership to full-time equivalent teaching positions, excluding special education teachers, principals, assistant principals, counselors, and librarians, that are not greater than the following ratios: (i) 24 to one in kindergarten with no class being larger than 29 students; if the average daily membership in any kindergarten class exceeds 24 pupils, a full-time teacher's aide shall be assigned to the class; (ii) 24 to one in grades one, two, and three with no class being larger than 30 students; (iii) 25 to one in grades four through six with no class being larger than 35 students; and (iv) 24 to one in English classes in grades six through 12. *After September 30 of any school year, anytime the number of students in a class exceeds the class size limit established by this subsection, the local school division shall notify the parent of each student in such class of such fact no later than 10 days after the date on which the class exceeded the class size limit. Such notification shall state the reason that the class size exceeds the class size limit and describe the measures that the local school division will take to reduce the class size to comply with this subsection.*

Within its regulations governing special education programs, the Board shall seek to set pupil/teacher ratios for pupils with intellectual disability that do not exceed the pupil/teacher ratios for self-contained classes for pupils with specific learning disabilities.

Further, school boards shall assign instructional personnel in a manner that produces schoolwide ratios of students in average daily memberships to full-time equivalent teaching positions of 21 to one in middle schools and high schools. School divisions shall provide all middle and high school teachers with one planning period per day or the equivalent, unencumbered of any teaching or supervisory duties.

D. Each local school board shall employ with state and local basic, special education, gifted, and career and technical education funds a minimum number of licensed, full-time equivalent instructional personnel for each 1,000 students in average daily membership (ADM) as set forth in the appropriation act. Calculations of kindergarten positions shall be based on full-day kindergarten programs. Beginning with the March 31 report of average daily membership, those school divisions offering half-day kindergarten with pupil/teacher ratios that exceed 30 to one shall adjust their average daily membership for kindergarten to reflect 85 percent of the total kindergarten average daily memberships, as provided in the appropriation act.

E. In addition to the positions supported by basic aid and in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to fund certain full-time equivalent instructional positions for each 1,000 students in grades K through 12 who are identified as needing prevention, intervention, and remediation services. State funding for prevention, intervention, and remediation programs provided pursuant to this subsection and the appropriation act may be used to support programs for educationally at-risk students as identified by the local school boards.

To provide algebra readiness intervention services required by § 22.1-253.13:1, school divisions may employ mathematics teacher specialists to provide the required algebra readiness intervention services. School divisions using the Standards of Learning Algebra Readiness Initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

F. In addition to the positions supported by basic aid and those in support of regular school year programs of prevention, intervention, and remediation, state funding, pursuant to the appropriation act, shall be provided to support 17 full-time equivalent instructional positions for each 1,000 students identified as having limited English proficiency.

To provide flexibility in the instruction of English language learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the Standards of Quality Prevention, Intervention, and Remediation account to employ additional English language learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided in this section. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall employ only instructional personnel licensed by the Board of Education.

G. In addition to the full-time equivalent positions required elsewhere in this section, each local school board shall employ the following reading specialists in elementary schools, one full-time in each elementary school at the discretion of the local school board.

To provide reading intervention services required by § 22.1-253.13:1, school divisions may employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall employ only instructional personnel licensed by the Board of Education.

H. Each local school board shall employ, at a minimum, the following full-time equivalent positions for any school that reports fall membership, according to the type of school and student enrollment:

1. Principals in elementary schools, one half-time to 299 students, one full-time at 300 students; principals in middle schools, one full-time, to be employed on a 12-month basis; principals in high schools, one full-time, to be employed on a 12-month basis;

2. Assistant principals in elementary schools, one half-time at 600 students, one full-time at 900 students; assistant principals in middle schools, one full-time for each 600 students; assistant principals in high schools, one full-time for each 600 students; and school divisions that employ a sufficient number of assistant principals to meet this staffing requirement may assign assistant principals to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary;

3. Librarians in elementary schools, one part-time to 299 students, one full-time at 300 students; librarians in middle schools, one-half time to 299 students, one full-time at 300 students, two full-time at 1,000 students; librarians in high schools, one half-time to 299 students, one full-time at 300 students, two full-time at 1,000 students. Local school divisions that employ a sufficient number of librarians to meet this staffing requirement may assign librarians to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary; and

4. Guidance counselors in elementary schools, one hour per day per 100 students, one full-time at 500 students, one hour per day additional time per 100 students or major fraction thereof; guidance counselors in middle schools, one period per 80 students, one full-time at 400 students, one additional period per 80 students or major fraction thereof; guidance counselors in high schools, one period per 70 students, one full-time at 350 students, one additional period per 70 students or major fraction thereof. Local school divisions that employ a sufficient number of guidance counselors to meet this staffing requirement may assign guidance counselors to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

I. Local school boards shall employ five full-time equivalent positions per 1,000 students in grades kindergarten through five to serve as elementary resource teachers in art, music, and physical education.

J. Local school boards shall employ two full-time equivalent positions per 1,000 students in grades kindergarten through 12, one to provide technology support and one to serve as an instructional technology resource teacher.

To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these funds in this manner shall employ only instructional personnel licensed by the Board of Education.

K. Local school boards may employ additional positions that exceed these minimal staffing requirements. These additional positions may include, but are not limited to, those funded through the state's incentive and categorical programs as set forth in the appropriation act.

L. A combined school, such as kindergarten through 12, shall meet at all grade levels the staffing requirements for the highest grade level in that school; this requirement shall apply to all staff, except for guidance counselors, and shall be based on the school's total enrollment; guidance counselor staff requirements shall, however, be based on the enrollment at the various school organization levels, i.e., elementary, middle, or high school. The Board of Education may grant waivers from these staffing levels upon request from local school boards seeking to implement experimental or innovative programs that are not consistent with these staffing levels.

M. School boards shall, however, annually, on or before January 1, report to the public the actual pupil/teacher ratios in elementary school classrooms by school for the current school year. Such actual ratios shall include only the teachers who teach the grade and class on a full-time basis and shall exclude resource personnel. School boards shall report pupil/teacher ratios that include resource teachers in the same annual report. Any classes funded through the voluntary kindergarten through third grade class size reduction program shall be identified as such classes. Any classes having waivers to exceed the requirements of this subsection shall also be identified. Schools shall be identified; however, the data shall be compiled in a manner to ensure the confidentiality of all teacher and pupil identities.

N. Students enrolled in a public school on a less than full-time basis shall be counted in ADM in the relevant school division. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1, and who are enrolled in public school on a less than full-time basis in any mathematics, science, English, history, social science, career and technical education, fine arts, foreign language, or health education or physical education course shall be counted in the ADM in the relevant school division on a pro rata basis as provided in the appropriation act. Each such course enrollment by such students shall be counted as 0.25 in the ADM; however, no such nonpublic or home school student shall be counted as more than one-half a student for purposes of such pro rata calculation. Such calculation shall not include enrollments of such students in any other public school courses.

O. Each local school board shall provide those support services that are necessary for the efficient and cost-effective operation and maintenance of its public schools.

For the purposes of this title, unless the context otherwise requires, "support services positions" shall include the following:

1. Executive policy and leadership positions, including school board members, superintendents and assistant superintendents;

2. Fiscal and human resources positions, including fiscal and audit operations;

3. Student support positions, including (i) social workers and social work administrative positions; (ii) guidance administrative positions not included in subdivision H 4; (iii) homebound administrative positions supporting instruction; (iv) attendance support positions related to truancy and dropout prevention; and (v) health and behavioral positions, including school nurses and school psychologists;

4. Instructional personnel support, including professional development positions and library and media positions not included in subdivision H 3;

5. Technology professional positions not included in subsection J;

6. Operation and maintenance positions, including facilities; pupil transportation positions; operation and maintenance professional and service positions; and security service, trade, and laborer positions;

7. Technical and clerical positions for fiscal and human resources, student support, instructional personnel support, operation and maintenance, administration, and technology; and

8. School-based clerical personnel in elementary schools; part-time to 299 students, one full-time at 300 students; clerical personnel in middle schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students; clerical personnel in high schools; one full-time and one additional full-time for each 600 students beyond 200 students and one full-time for the library at 750 students. Local school divisions that employ a sufficient number of school-based clerical personnel to meet this staffing requirement may assign the clerical personnel to schools within the division according to the area of greatest need, regardless of whether such schools are elementary, middle, or secondary.

Pursuant to the appropriation act, support services shall be funded from basic school aid.

School divisions may use the state and local funds for support services to provide additional instructional services.

P. Notwithstanding the provisions of this section, when determining the assignment of instructional and other licensed personnel in subsections C through J, a local school board shall not be required to include full-time students of approved virtual school programs.

CHAPTER 647

An Act to require local school boards to provide access to school property to youth-oriented, community organizations.

[H 942]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *Local school boards shall, subject to the provisions of § 22.1-131 of the Code of Virginia, provide reasonable and appropriate access to school property to youth-oriented, community organizations such as the Boy Scouts of America and Girl Scouts of the USA, and their volunteers and staff, to distribute and provide instructional materials in order to encourage participation in such organizations and their activities. Any such access provided during the school day shall not conflict with instructional time. Such access may also include after-school sponsored activities such as "Back to School" events, where it can be reasonably accommodated.*

CHAPTER 648

An Act to amend and reenact § 22.1-253.13:10 of the Code of Virginia, relating to the Standards of Learning Innovation Committee.

[H 894]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 22.1-253.13:10 of the Code of Virginia is amended and reenacted as follows:****§ 22.1-253.13:10. Standards of Learning Innovation Committee.**

The Secretary of Education, upon receiving recommendations for appointments from the Virginia Parent Teacher Association, Virginia Education Association, Virginia School Boards Association, Virginia Association of Secondary School Principals, Virginia Association of Elementary School Principals, Virginia Association of School Superintendents, Virginia State Reading Association, Virginia School Counselor Association, and Virginia Association for Supervision and Curriculum Development, shall establish and appoint *nonlegislative citizen* members ~~from each of the specified groups~~ to the Standards of Learning Innovation Committee (Committee). The Committee shall ~~also include~~ *consist of* (i) four members of the Virginia House of Delegates, appointed by the Speaker of the House of Delegates; (ii) ~~two~~ *three* members of the Virginia Senate, appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health; *and (iii) at least one* ~~(iii)~~ parent of a currently enrolled public school student, ~~(iv)~~ public elementary school teacher, ~~(v)~~ public secondary school teacher, ~~(vi)~~ public secondary school guidance counselor, ~~(vii)~~ school board member, ~~(viii)~~ public school principal, ~~(ix)~~ division superintendent, ~~(x)~~ curriculum and instruction specialist, ~~(xi)~~ higher education faculty member, ~~(xii)~~ *business representative of a four-year public institution of higher education in the Commonwealth, representative of a two-year public institution of higher education in the Commonwealth, and representative of the business community in the Commonwealth* and such other stakeholders as the Secretary deems appropriate, *appointed by the Secretary*. Members of the Committee should reflect geographic diversity and rural and urban school systems as far as practicable. The Superintendent of Public Instruction, the President of the Board of Education or his designee, and the Secretary of Education or his designee shall serve ex officio. All other members shall be appointed for terms of two years. The Committee, under the direction of the Secretary, shall periodically make recommendations to the Board of Education ~~and the General Assembly~~ on (a) the Standards of Learning assessments, (b) authentic individual student growth measures, (c) alignment between the Standards of Learning and assessments and the School Performance Report Card, and (d) ideas on innovative teaching in the classroom. *An affirmative vote by a majority of the legislative members in attendance and a majority of nonlegislative members in attendance shall be required for the Committee to adopt any recommendations. The Board of Education shall review the recommendations of the Committee and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, in advance of the next regular session of the General Assembly, any comments on such recommendations that the Board of Education deems appropriate.*

2. That appointments of nonlegislative citizen members made by the Secretary of Education after the effective date of this act shall be staggered such that half or approximately half of the nonlegislative citizen members shall serve terms of three years and the other half or approximate half of the nonlegislative citizen members shall serve terms of two years. After such staggering of terms, nonlegislative citizen members shall serve terms of two years.

3. That appointments of legislative members made after the effective date of this act shall be staggered as follows: two members of the Virginia House of Delegates for a term of three years appointed by the Speaker of the House of Delegates; two members of the Virginia House of Delegates for a term of two years appointed by the Speaker of the House of Delegates; two members of the Virginia Senate for a term of three years appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health; and one member of the Virginia Senate for a term of two years appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health. After such staggering of terms, legislative members shall serve terms of two years.

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

CHAPTER 649

An Act to amend and reenact § 22.1-298.1 and to amend the Code of Virginia by adding a section numbered 22.1-298.4, relating to teacher preparation and licensure; dyslexia and other learning disabilities.

[H 842]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-298.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-298.4 as follows:

§ 22.1-298.1. Regulations governing licensure.

A. As used in this section:

"Alternate route to licensure" means a nontraditional route to teacher licensure available to individuals who meet the criteria specified in the regulations issued by the Board of Education.

"Industry certification credential" means an active career and technical education credential that is earned by successfully completing a Board of Education-approved industry certification examination, being issued a professional license in the Commonwealth, or successfully completing an occupational competency examination.

"Licensure by reciprocity" means a process used to issue a license to an individual coming into the Commonwealth from another state when that individual meets certain conditions specified in the Board of Education's regulations.

"Professional teacher's assessment" means those tests mandated for licensure as prescribed by the Board of Education.

"Provisional license" means a nonrenewable license issued by the Board of Education for a specified period of time, not to exceed three years, to an individual who may be employed by a school division in the Commonwealth and who generally meets the requirements specified in the Board of Education's regulations for licensure, but who may need to take additional coursework or pass additional assessments to be fully licensed with a renewable license.

"Renewable license" means a license issued by the Board of Education for five years to an individual who meets the requirements specified in the Board of Education's regulations.

B. The Board of Education shall prescribe, by regulation, the requirements for the licensure of teachers and other school personnel required to hold a license. Such regulations shall include requirements for the denial, suspension, cancellation, revocation, and reinstatement of licensure. The Board of Education shall revoke the license of any person for whom it has received a notice of dismissal or resignation pursuant to subsection F of § 22.1-313 and, in the case of a person who is the subject of a founded complaint of child abuse or neglect, after all rights to any appeal provided by § 63.2-1526 have been exhausted. Regardless of the authority of any other agency of the Commonwealth to approve educational programs, only the Board of Education shall have the authority to license teachers to be regularly employed by school boards, including those teachers employed to provide nursing education.

The Board of Education shall prescribe by regulation the licensure requirements for teachers who teach only online courses, as defined in § 22.1-212.23. Such license shall be valid only for teaching online courses. Teachers who hold a five-year renewable license issued by the Board of Education may teach online courses for which they are properly endorsed.

C. The Board of Education's regulations shall include requirements that a person seeking initial licensure:

1. Complete professional assessments as prescribed by the Board of Education;
2. Complete study in attention deficit disorder;
3. Complete study in gifted education, including the use of multiple criteria to identify gifted students; and
4. Complete study in methods of improving communication between schools and families and ways of increasing family involvement in student learning at home and at school.

D. In addition, such regulations shall include requirements that:

1. Every person seeking initial licensure or renewal of a license demonstrate proficiency in the use of educational technology for instruction;

2. Every person seeking initial licensure and persons seeking licensure renewal as teachers who have not completed such study shall complete study in child abuse recognition and intervention in accordance with curriculum guidelines developed by the Board of Education in consultation with the Department of Social Services that are relevant to the specific teacher licensure routes;

3. Every person seeking initial licensure or renewal of a license shall receive professional development in instructional methods tailored to promote student academic progress and effective preparation for the Standards of Learning end-of-course and end-of-grade assessments;

4. Every person seeking renewal of a license shall complete all renewal requirements, including professional development in a manner prescribed by the Board, except that no person seeking renewal of a license shall be required to satisfy any such requirement by completing coursework and earning credit at an institution of higher education;

5. Every person seeking initial licensure or renewal of a license shall provide evidence of completion of certification or training in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators. The certification or training program shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. The Board shall provide a waiver for this requirement for any person with a disability whose disability prohibits such person from completing the certification or training;

6. Every person seeking licensure with an endorsement as a teacher of the blind and visually impaired shall demonstrate proficiency in reading and writing Braille; ~~and~~

7. Every teacher seeking an initial license in the Commonwealth with an endorsement in the area of career and technical education shall have an industry certification credential in the area in which the teacher seeks endorsement. If a teacher seeking an initial license in the Commonwealth has not attained an industry certification credential in the area in which the teacher seeks endorsement, the Board may, upon request of the employing school division or educational agency, issue the teacher a provisional license to allow time for the teacher to attain such credential; *and*

8. Every person seeking initial licensure or renewal of a license shall complete awareness training, provided by the Department of Education, on the indicators of dyslexia, as that term is defined by the Board pursuant to regulations, and the evidence-based interventions and accommodations for dyslexia.

E. The Board's regulations shall require that initial licensure for principals and assistant principals be contingent upon passage of an assessment as prescribed by the Board.

F. The Board shall establish criteria in its regulations to effectuate the substitution of experiential learning for coursework for those persons seeking initial licensure through an alternate route as defined in Board regulations.

G. Notwithstanding any provision of law to the contrary, the Board may provide for the issuance of a provisional license, valid for a period not to exceed three years, pursuant to subdivision D 7 or to any person who does not meet the requirements of this section or any other requirement for licensure imposed by law.

H. The Board's licensure regulations shall also provide for licensure by reciprocity:

1. With comparable endorsement areas for those individuals holding a valid out-of-state teaching license and national certification from the National Board for Professional Teaching Standards or a nationally recognized certification program approved by the Board of Education. The application for such individuals shall require evidence of such valid licensure and national certification and shall not require official student transcripts;

2. For individuals who have obtained a valid out-of-state license, with full credentials and without deficiencies, that is in force at the time the application for a Virginia license is received by the Department of Education. The individual must establish a file in the Department of Education by submitting a complete application packet, which shall include official student transcripts. An assessment of basic skills as provided in § 22.1-298.2 and service requirements shall not be imposed for these licensed individuals; however, other licensing assessments, as prescribed by the Board of Education, shall be required; and

3. The Board may include other provisions for reciprocity in its regulations.

§ 22.1-298.4. Teacher preparation programs; learning disabilities.

The Department of Education shall collaborate with the State Council of Higher Education for Virginia to ensure that all teacher preparation programs offered at public institutions of higher education in the Commonwealth or otherwise available convey information on the identification of students at risk for learning disabilities, including dyslexia, other language-based learning disabilities, and attention deficit disorder.

2. That the provisions of this act shall become effective on July 1, 2017.

CHAPTER 650

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 58, consisting of sections numbered 30-362 through 30-370, relating to the Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities; report.

[H 451]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 58, consisting of sections numbered 30-362 through 30-370, as follows:

CHAPTER 58.

COMMISSION ON ECONOMIC OPPORTUNITY FOR VIRGINIANS IN ASPIRING AND DIVERSE COMMUNITIES.

§ 30-362. Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities; purpose.

The Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities (the Commission) is established in the legislative branch of state government. The purpose of the Commission is to determine the need for and ways to achieve economic opportunities for aspiring and diverse communities and populations in the Commonwealth.

§ 30-363. Membership; terms; vacancies; chairman and vice-chairman.

The Commission shall consist of 13 members that include seven legislative members and six nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; three nonlegislative citizen members with expertise in economics, education, and job creation, to be appointed by the Speaker of the House of Delegates; and three nonlegislative citizen members with expertise in entrepreneurship, employment, and homeownership, to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the Commission shall be citizens of the Commonwealth. Unless otherwise approved in writing by the chairman of the Commission and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth for the purpose of attending meetings.

Legislative members of the Commission shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Legislative members and nonlegislative citizen members may be reappointed. However, no nonlegislative citizen member shall serve more than four consecutive two-year terms. The remainder of any term to which a

member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment. Vacancies shall be filled in the same manner as the original appointments.

The Commission shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

§ 30-364. Quorum; meetings; voting on recommendations.

A majority of the members shall constitute a quorum. The meetings of the Commission shall be held at the call of the chairman or whenever the majority of the members so request.

No recommendation of the Commission shall be adopted if a majority of the House members or a majority of the Senate members appointed to the Commission (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the Commission.

§ 30-365. Compensation; expenses.

Legislative members of the Commission shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission or, if unfunded, shall be approved by the Joint Rules Committee.

§ 30-366. Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys, gifts, grants, donations, bequests, or other funds from any source as may be received by the Commission for its work shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of enabling the Commission to perform its duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Commission.

§ 30-367. Powers and duties of the Commission.

The Commission shall have the following powers and duties:

1. Provide a demographic analysis of minorities residing in Virginia by locality and educational, employment, and economic status;
2. Determine the overall and minority population change since the 2010 United States decennial census in Virginia and project the minority population change for the decennial census in 2020 and 2030 to assess education, employment, housing, entrepreneurship, and job creation needs for minorities;
3. Evaluate whether a nexus exists between education, higher education, poverty, familial and disparate health status, unemployment, imprisonment, housing patterns, job skills training, access to technology, entrepreneurship, and economic opportunities among minorities;
4. Assess the impact of federal, state, and local fiscal and economic conditions and social policies on economic opportunities for minorities;
5. Identify state, local, and community organizations that provide or refer members of aspiring and diverse communities to job skills training, angel investments, and other economic opportunities;
6. Develop strategies and recommendations to increase and improve economic opportunities for members of aspiring and diverse communities in Virginia;
7. Collaborate with the Virginia Employment Commission, the Weldon Cooper Center for Public Service of the University of Virginia, and other appropriate entities to facilitate the Commission's work and mission;
8. Solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds received by the Commission for the purpose of aiding or facilitating its work; and
9. Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this chapter.

§ 30-368. Staffing.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates or the Office of the Clerk of the Senate as may be appropriate for the house in which the chairman of the Commission serves. The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Commission. All state agencies shall provide technical assistance to the Commission, upon request.

§ 30-369. Chairman's executive summary of activity and work of the Commission.

The chairman shall submit to the General Assembly and the Governor an annual executive summary of the interim activity and work of the Commission no later than the first day of each regular session of the General Assembly. The executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

§ 30-370. Sunset.

This chapter shall expire on July 1, 2019.

CHAPTER 651

An Act to amend the Code of Virginia by adding a section numbered 22.1-299.5, relating to career and technical education; three-year licenses.

[H 279]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-299.5 as follows:

§ 22.1-299.5. Career and technical education; three-year licenses.

A. Notwithstanding any provision of law to the contrary, the Board shall provide for the issuance of three-year licenses to qualified individuals to teach high school career and technical education courses in specific subject areas for no more than 50 percent of the instructional day or year, on average.

B. The Board shall issue a three-year license to teach high school career and technical education courses in a specific subject area to an individual who:

1. Submits an application to the Board, in the form prescribed by the Board, that includes a recommendation for such a license from the local school board;

2. Meets certain basic conditions for licensure as prescribed by the Board;

3. Meets one of the following requirements: (i) holds, at a minimum, a baccalaureate degree from a regionally accredited institution of higher education and has completed coursework in the career and technical education subject area in which the individual seeks to teach, (ii) holds the required professional license in the specific career and technical education subject area in which the individual seeks to teach, where applicable, or (iii) holds an industry certification credential, as that term is defined in § 22.1-298.1, in the specific career and technical education subject area in which the individual seeks to teach;

4. Has at least four years of full-time work experience or its equivalent in the specific career and technical education subject area in which the individual seeks to teach; and

5. Has obtained qualifying scores on the communication and literacy professional teacher's assessment prescribed by the Board.

C. The employing school board shall assign a mentor to supervise an individual issued a three-year license pursuant to this section during his first year of teaching.

D. Except as otherwise provided in subsection E, any individual issued a three-year license pursuant to this section may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board.

E. Any individual issued a three-year license pursuant to this section who completes (i) nine semester hours of specialized professional studies credit from a regionally accredited institution of higher education or (ii) an alternative course of professional studies proposed by the local school board and approved by the Department of Education shall be granted a three-year extension of such license by the Board and may be granted subsequent three-year extensions of such license by the Board upon recommendation of the local school board. Any such specialized professional studies credit or alternative course of professional studies may be completed through distance learning programs and shall include human growth and development; curriculum, instructional, and technology procedures; and classroom and behavior management.

F. No three-year license issued by the Board pursuant to this section shall be deemed a provisional license or a renewable license, as those terms are defined in § 22.1-298.1.

G. Individuals issued a three-year license pursuant to this section shall not be eligible for continuing contract status while teaching under such license and shall be subject to the probationary terms of employment specified in § 22.1-303.

H. The provisions of this article and of Board regulations governing the denial, suspension, cancellation, revocation, and reinstatement of licensure shall apply to three-year licenses issued pursuant to this section.

I. The Board shall report at least triennially to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health on the issuance of three-year licenses pursuant to this section by high school, local school division, and career and technical education subject area.

CHAPTER 652

An Act to amend the Code of Virginia by adding a section numbered 2.2-208.1, relating to the establishment of the School Readiness Committee.

[H 46]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-208.1 as follows:

§ 2.2-208.1. School Readiness Committee; Secretary to establish.

A. In recognition of the fact that early care and education of young children is linked to academic success and workforce readiness, the Secretary of Education, in consultation with the Secretary of Health and Human Resources, and upon receiving recommendations for appointments from the Virginia Education Association, the Virginia School Boards Association, the Virginia Association of Elementary School Principals, the Virginia Council for Private Education, the Virginia Child Care Association, the Virginia Association for Early Childhood Education, and the Virginia Chamber of Commerce, shall establish and appoint members to the School Readiness Committee (the Committee).

B. The Committee shall have a total membership of no fewer than 27 members that shall consist of seven legislative members, no fewer than 16 nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health; and no fewer than 16 nonlegislative citizen members to be appointed by the Secretary of Education. Nonlegislative citizen members shall include at least three representatives of the office of the Secretary of Education, one representative of the State Council of Higher Education for Virginia, one representative of a four-year public institution of higher education in the Commonwealth with a teacher education program, one representative of a two-year public institution of higher education in the Commonwealth with a teacher education program, one representative of the Virginia Early Childhood Foundation, one representative of the Virginia Association of School Superintendents, four representatives of the private business sector, one early childhood education teacher from a public early childhood education program, one early childhood education teacher from a private early childhood education program, one administrator from a public early childhood education program, and one administrator from a private early childhood education program. The Commissioner of Social Services or his designee, the Secretary of Education or his designee, the Secretary of Health and Human Resources or his designee, and the Superintendent of Public Instruction or his designee shall serve ex officio with voting privileges.

C. In recognition of the fact that one of the most important factors in learning outcomes for young children is the capabilities of the adults who support their growth and learning, the first goal of the Committee is to address the development and alignment of an effective professional development and credentialing system for the early childhood education workforce in the Commonwealth, including the (i) development of a competency-based professional development pathway for practitioners who teach children from birth to age five in both public and private early childhood education programs; (ii) consideration of articulation agreements between associate and baccalaureate degree programs; (iii) review of teacher licensure and education programs, including programs offered at comprehensive community colleges in the Commonwealth, to address competencies specific to early childhood development; (iv) alignment of existing professional development funding streams; and (v) development of innovative approaches to increasing accessibility, availability, affordability, and accountability of the Commonwealth's workforce development system for early childhood education teachers and providers. The Committee shall periodically review the goals set forth in this subsection and other priorities within the early childhood care and education systems and make recommendations to the Board of Education, the State Council of Higher Education for Virginia, the Department of Social Services, and the Chairmen of the House Committee on Education, the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Rehabilitation and Social Services. An affirmative vote by a majority of the legislative members in attendance and a majority of nonlegislative members in attendance shall be required for the Committee to adopt any recommendations. The Board of Education shall review the recommendations of the Committee and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, in advance of the next regular session of the General Assembly, any comments on such recommendations that the Board of Education deems appropriate.

D. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All legislative members and nonlegislative citizen members may be reappointed.

E. After the initial staggering of terms, legislative members and nonlegislative citizen members shall be appointed for terms of three years.

F. No legislative member or nonlegislative citizen member shall serve more than two consecutive three-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

G. The Committee shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Committee shall be held at the call of the chairman or whenever the majority of the members so request.

H. The Virginia Early Childhood Foundation shall provide for the facilitation of the work of the Committee under the direction of the Secretary of Education or his designee and with the guidance of a steering subcommittee that includes the Secretary of Education, the Secretary of Health and Human Resources, one legislative member, one representative of the private business sector, one representative of the Virginia Early Childhood Foundation, and one early childhood education teacher or administrator from a private early childhood education program.

I. The chairman may request and access the expertise of additional representatives and organizations relating to the Committee's goals and priorities. In order to meet the federally mandated requirements for early childhood advisory

councils, the chairman may establish and appoint additional members to advisory subcommittees to address areas of special concern and priority.

J. The Department of Education and the Department of Social Services shall provide staff support to the Committee. All agencies of the Commonwealth shall provide assistance to the Committee, upon request.

2. That the initial appointments of nonlegislative citizen members of the School Readiness Committee shall be staggered as follows: at least six members for a term of four years, at least five members for a term of three years, and at least five members for a term of two years.

CHAPTER 653

An Act to amend and reenact § 62.1-44.19:20 of the Code of Virginia, relating to nutrient credit certification.

[S 443]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 62.1-44.19:20 of the Code of Virginia is amended and reenacted as follows:

§ 62.1-44.19:20. Nutrient credit certification.

A. The Board may adopt regulations for the purpose of establishing procedures for the certification of point source nutrient credits except that no certification shall be required for point source nitrogen and point source phosphorus credits generated by point sources regulated under the Watershed General Virginia Pollutant Discharge Elimination System Permit issued pursuant to § 62.1-44.19:14. The Board shall adopt regulations for the purpose of establishing procedures for the certification of nonpoint source nutrient credits.

B. Regulations adopted pursuant to this section shall:

1. Establish procedures for the certification and registration of credits, including:

a. Certifying credits that may be generated from effective nutrient controls or removal practices, including activities associated with the types of facilities or practices historically regulated by the Board, such as water withdrawal and treatment and wastewater collection, treatment, and beneficial reuse;

b. Certifying credits that may be generated from agricultural and urban stormwater best management practices, use or management of manures, managed turf, land use conversion, stream or wetlands projects, shellfish aquaculture, algal harvesting, and other established or innovative methods of nutrient control or removal, as appropriate;

c. Establishing a process and standards for wetland or stream credits to be converted to nutrient credits. Such process and standards shall only apply to wetland or stream credits that were established after July 1, 2005, and have not been transferred or used. Under no circumstances shall such credits be used for both wetland or stream credit and nutrient credit purposes;

d. Certifying credits from multiple practices that are bundled as a package by the applicant;

e. Prohibiting the certification of credits generated from activities funded by federal or state water quality grant funds other than controls and practices under subdivision B 1 a; however, baseline levels may be achieved through the use of such grants;

f. Establishing a timely and efficient certification process including application requirements, a reasonable application fee schedule not to exceed \$10,000 per application, and review and approval procedures; ~~and~~

g. Requiring public notification of a proposed nutrient credit-generating entity; *and*

h. Establishing a timeline for the consideration of certification applications for land conversion projects. The timeline shall provide that within 30 days of receipt of an application the Department shall, if warranted, conduct a site visit and that within 45 days of receipt of an application the Department shall either determine that the application is complete or request additional specific information from the applicant. A determination that an application for a land conversion project is complete shall not require the Department to issue the certification. The Department shall deny, approve, or approve with conditions an application within 15 days of the Department's determination that the application is complete. When the request for credit release is made concurrently with the application for a land conversion project certification, the concurrent release shall be processed on the same timeline. When the request for credit release is from a previously approved land conversion project, the Department shall schedule a site visit, if warranted, within 30 days of the request and shall deny, approve, or approve with conditions the release within 15 days of the site visit or determination that a site visit is not warranted. The timelines set out in this subdivision shall be implemented prior to adoption of regulations. The Department shall release credits from a land conversion project after it is satisfied that the applicant has met the criteria for release in an approved nutrient reduction implementation plan.

2. Establish credit calculation procedures for proposed credit-generating practices, including the determination of:

a. Baselines for credits certified under subdivision B 1 a in accordance with any applicable provisions of the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs;

b. Baselines established for agricultural practices, which shall be those actions necessary to achieve a level of reduction assigned in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs as implemented on the tract, field, or other land area under consideration;

c. Baselines for urban practices from new development and redevelopment, which shall be in compliance with postconstruction nutrient loading requirements of the Virginia Stormwater Management Program regulations. Baselines for all other existing development shall be at a level necessary to achieve the reductions assigned in the urban sector in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs;

d. Baselines for land use conversion, which shall be based on the pre-conversion land use and the level of reductions assigned in the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs applicable to that land use;

e. Baselines for other nonpoint source credit-generating practices, which shall be based on the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs using the best available scientific and technical information;

f. Unless otherwise established by the Board, for certification within the Chesapeake Bay Watershed a credit-generating practice that involves land use conversion, which shall represent controls beyond those in place as of July 1, 2005. For other waters for which a TMDL has been approved, the practice shall represent controls beyond those in place at the time of TMDL approval;

g. Baseline dates for all other credit-generating practices, which shall be based on the Virginia Chesapeake Bay TMDL Watershed Implementation Plan or approved TMDLs; and

h. Credit quantities, which shall be established using the best available scientific and technical information at the time of certification;

3. Provide certification of credits on an appropriate temporal basis, such as annual, term of years, or perpetual, depending on the nature of the credit-generating practice. A credit shall be certified for a term of no less than 12 months;

4. Establish requirements to reasonably assure the generation of the credit depending on the nature of the credit-generating activity and use, such as legal instruments for perpetual credits, operation and maintenance requirements, and associated financial assurance requirements. Financial assurance requirements may include letters of credit, escrows, surety bonds, insurance, and where the credits are used or generated by a locality, authority, utility, sanitation district, or permittee operating an MS4 or a point source permitted under this article, its existing tax or rate authority;

5. Establish appropriate reporting requirements;

6. Provide for the ability of the Department to inspect or audit for compliance with the requirements of such regulations;

7. Provide that the option to acquire nutrient credits for compliance purposes shall not eliminate any requirement to comply with local water quality requirements;

8. Establish a credit retirement requirement whereby five percent of nonpoint source credits in the Chesapeake Bay Watershed other than controls and practices under subdivision B 1 a are permanently retired at the time of certification pursuant to this section for the purposes of offsetting growth in unregulated nutrient loads; and

9. Establish such other requirements as the Board deems necessary and appropriate.

C. Prior to the adoption of such regulations, the Board shall certify (i) credits that may be generated from effective nutrient controls or removal practices, including activities associated with the types of facilities or practices historically regulated by the Board, such as water withdrawal and treatment and wastewater collection, treatment, and beneficial reuse, on a case-by-case basis using the best available scientific and technical information and (ii) credits that are located in tributaries outside of the Chesapeake Bay watershed as defined in § 62.1-44.15:35, using an average of the nutrient removal rates for each practice identified in Appendix A of the Department's document "Trading Nutrient Reductions from Nonpoint Source Best Management Practices in the Chesapeake Bay Watershed: Guidance for Agricultural Landowners and Your Potential Trading Partners."

D. The Department shall establish and maintain an online Virginia Nutrient Credit Registry of credits as follows:

1. The registry shall include all nonpoint source credits certified pursuant to this article and may include point source nitrogen and point source phosphorus credits generated from point sources covered by the general permit issued pursuant to § 62.1-44.19:14 or point source nutrient credits certified pursuant to this section at the option of the owner. No other credits shall be valid for compliance purposes.

2. Registration of credits on the registry shall not preclude or restrict the right of the owner of such credits from transferring the credits on such commercial terms as may be established by and between the owner and the regulated or unregulated party acquiring the credits.

3. The Department shall establish procedures for the listing and tracking of credits on the registry, including but not limited to (i) notification of the availability of new nutrient credits to the locality where the credit-generating practice is implemented at least five business days prior to listing on the registry to provide the locality an opportunity to acquire such credits at fair market value for compliance purposes and (ii) notification that the listing of credits on the registry does not constitute a representation by the Board or the owner that the credits will satisfy the specific regulatory requirements applicable to the prospective user's intended use and that the prospective user is encouraged to contact the Board for technical assistance to identify limitations, if any, applicable to the intended use.

4. The registry shall be publicly accessible without charge.

E. The owner or operator of a nonpoint source nutrient credit-generating entity that fails to comply with the provisions of this section shall be subject to the enforcement and penalty provisions of § 62.1-44.19:22.

F. Nutrient credits from stormwater nonpoint nutrient credit-generating facilities in receipt of a Nonpoint Nutrient Offset Authorization for Transfer letter from the Department prior to July 1, 2012, shall be considered certified nutrient credits and shall not be subject to further certification requirements or to the credit retirement requirement under subdivision B 8. However, such facilities shall be subject to the other provisions of this article, including registration, inspection, reporting, and enforcement.

CHAPTER 654

An Act to amend and reenact § 4.1-209 of the Code of Virginia, relating to alcoholic beverage control; wine and beer licenses for certain properties.

[S 695]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-209 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-209. Wine and beer licenses; advertising.

A. The Board may grant the following licenses relating to wine and beer:

1. Retail on-premises wine and beer licenses to:

a. Hotels, restaurants and clubs, which shall authorize the licensee to sell wine and beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. However, with regard to a hotel classified by the Board as (i) a resort complex, the Board may authorize the sale and consumption of alcoholic beverages in all areas within the resort complex deemed appropriate by the Board or (ii) a limited service hotel, the Board may authorize the sale and consumption of alcoholic beverages in dining areas, private guest rooms, and other designated areas to persons to whom overnight lodging is being provided, for on-premises consumption in such rooms or areas, and without regard to the amount of gross receipts from the sale of food prepared and consumed on the premises, provided that at least one meal is provided each day by the hotel to such guests. With regard to facilities registered in accordance with Chapter 49 (§ 38.2-4900 et seq.) of Title 38.2 of the Code of Virginia as continuing care communities that are also licensed by the Board under this subdivision, any resident may, upon authorization of the licensee, keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas covered by the license. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201;

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell wine and beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them, for on-premises consumption when carrying passengers;

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell wine and beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers;

d. Persons operating as air carriers of passengers on regular schedules in foreign, interstate or intrastate commerce, which shall authorize the licensee to sell wine and beer for consumption by passengers in such airplanes anywhere in or over the Commonwealth while in transit and in designated rooms of establishments of such carriers at airports in the Commonwealth, § 4.1-129 notwithstanding. For purposes of supplying its airplanes, as well as any airplane of a licensed express carrier flying under the same brand, an air carrier licensee may appoint an authorized representative to load wine and beer onto the same airplanes and to transport and store wine and beer at or in close proximity to the airport where the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier. The air carrier licensee shall (i) designate for purposes of its license all locations where the inventory of wine and beer may be stored and from which the wine and beer will be delivered onto airplanes of the air carrier and any such licensed express carrier and (ii) maintain records of all wine and beer to be transported, stored, and delivered by its authorized representative;

e. Hospitals, which shall authorize the licensee to sell wine and beer in the rooms of patients for their on-premises consumption only in such rooms, provided the consent of the patient's attending physician is first obtained;

f. Persons operating food concessions at coliseums, stadia, racetracks or similar facilities, which shall authorize the licensee to sell wine and beer in paper, plastic or similar disposable containers, during any event and immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas and additional locations designated by the Board in such coliseums, stadia, racetracks or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license;

g. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which (i) has seating for more than 20,000 persons and is located in Prince William County or the City of Virginia Beach, (ii) has capacity for more than 3,500 persons and is located in the Counties of Albemarle, Augusta, Nelson, Pittsylvania, or Rockingham, or the Cities of Charlottesville, Danville, or Roanoke, or (iii) has capacity for more than 9,500 persons and is

located in Henrico County. Such license shall authorize the licensee to sell wine and beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license; ~~and~~

h. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by any county, which shall authorize the licensee to sell wine and beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition hall" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space; *and*

i. *Persons operating a concert and dinner-theater venue on property fronting Natural Bridge School Road in Natural Bridge Station, Virginia, and formerly operated as Natural Bridge High School, which shall authorize the licensee to sell wine and beer during events to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, dining areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Persons licensed pursuant to this subdivision shall serve food, prepared on or off premises, whenever wine or beer is served.*

2. Retail off-premises wine and beer licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

3. Gourmet shop licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold, (i) a sample of wine, not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume, for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, breweries, and wholesale licensees may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Notwithstanding Board regulations relating to food sales, the licensee shall maintain each year an average monthly inventory and sales volume of at least \$1,000 in products such as cheeses and gourmet food.

4. Convenience grocery store licenses, which shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

5. Retail on-and-off premises wine and beer licenses to persons enumerated in subdivision 1 a, which shall accord all the privileges conferred by retail on-premises wine and beer licenses and in addition, shall authorize the licensee to sell wine and beer in closed containers for off-premises consumption.

6. Banquet licenses to persons in charge of banquets, and to duly organized nonprofit corporations or associations in charge of special events, which shall authorize the licensee to sell or give wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Except as provided in § 4.1-215, a separate license shall be required for each day of each banquet or special event. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

7. Gift shop licenses, which shall authorize the licensee to sell wine and beer only within the interior premises of the gift shop in closed containers for off-premises consumption and, the provisions of § 4.1-308 notwithstanding, to give to any person to whom wine or beer may be lawfully sold (i) a sample of wine not to exceed two ounces by volume or (ii) a sample of beer not to exceed four ounces by volume for on-premises consumption. The licensee may also give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted.

8. Gourmet brewing shop licenses, which shall authorize the licensee to sell to any person to whom wine or beer may be lawfully sold, ingredients for making wine or brewing beer, including packaging, and to rent to such persons facilities for manufacturing, fermenting, and bottling such wine or beer, for off-premises consumption in accordance with subdivision 6 of § 4.1-200.

9. Annual banquet licenses, to duly organized private nonprofit fraternal, patriotic or charitable membership organizations that are exempt from state and federal taxation and in charge of banquets conducted exclusively for its members and their guests, which shall authorize the licensee to serve wine and beer in rooms or areas approved by the Board for the occasion for on-premises consumption in such rooms or areas. Such license shall authorize the licensee to conduct no more than 12 banquets per calendar year. For the purposes of this subdivision, when the location named in the original application for a license is outdoors, the application may also name an alternative location in the event of inclement weather. However, no such license shall be required of any hotel, restaurant, or club holding a retail wine and beer license.

10. Fulfillment warehouse licenses, which shall authorize associations as defined in § 13.1-313 with a place of business located in the Commonwealth to (i) receive deliveries and shipments of wine or beer owned by holders of wine or beer shipper's licenses, (ii) store such wine or beer on behalf of the owner, and (iii) pick, pack, and ship such wine or beer as directed by the owner, all in accordance with Board regulations. No wholesale wine or wholesale beer licensee, whether licensed in the Commonwealth or not, or any person under common control of such licensee, shall acquire or hold any financial interest, direct or indirect, in the business for which any fulfillment warehouse license is issued.

11. Marketing portal licenses, which shall authorize agricultural cooperative associations organized under the provisions of the Agricultural Cooperative Association Act (§ 13.1-312 et seq.), with a place of business located in the Commonwealth, in accordance with Board regulations, to solicit and receive orders for wine or beer through the use of the Internet from persons in the Commonwealth to whom wine or beer may be lawfully sold, on behalf of holders of wine or beer shipper's licenses. Upon receipt of an order for wine or beer, the licensee shall forward it to a holder of a wine or beer shipper's license for fulfillment. Marketing portal licensees may also accept payment on behalf of the shipper.

12. Gourmet oyster house licenses, to establishments located on the premises of a commercial marina and permitted by the Department of Health to serve oysters and other fresh seafood for consumption on the premises, where the licensee also offers to the public events for the purpose of featuring and educating the consuming public about local oysters and other seafood products. Such license shall authorize the licensee to (i) give samples of or sell wine and beer in designated rooms and outdoor areas approved by the Board for consumption in such approved areas and (ii) sell wine and beer in closed containers for off-premises consumption. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person. The Board shall establish a minimum monthly food sale requirement of oysters and other seafood for such license. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold.

B. Notwithstanding any provision of law to the contrary, persons granted a wine and beer license pursuant to this section may display within their licensed premises point-of-sale advertising materials that incorporate the use of any professional athlete or athletic team, provided that such advertising materials: (i) otherwise comply with the applicable regulations of the Federal Bureau of Alcohol, Tobacco and Firearms; and (ii) do not depict any athlete consuming or about to consume alcohol prior to or while engaged in an athletic activity; do not depict an athlete consuming alcohol while the athlete is operating or about to operate a motor vehicle or other machinery; and do not imply that the alcoholic beverage so advertised enhances athletic prowess.

C. Persons granted retail on-premises and on-and-off-premises wine and beer licenses pursuant to this section or subsection B of § 4.1-210 may conduct wine or beer tastings sponsored by the licensee for its customers for on-premises consumption. Such licensees may sell or give samples of wine and beer in designated areas at events held by the licensee for the purpose of featuring and educating the consuming public about the alcoholic beverages being tasted. Additionally, with the consent of the licensee, farm wineries, wineries, and breweries may participate in tastings held by licensees authorized to conduct tastings, including the pouring of samples to any person to whom alcoholic beverages may be lawfully sold. Samples of wine shall not exceed two ounces per person. Samples of beer shall not exceed four ounces per person.

CHAPTER 655

An Act to amend the Code of Virginia by adding in Article 4 of Chapter 2 of Title 33.2 a section numbered 33.2-280.1, relating to the Department of Transportation; right to permit broadband service provider to install broadband conduit on public highways.

[H 912]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 4 of Chapter 2 of Title 33.2 a section numbered 33.2-280.1 as follows:

§ 33.2-280.1. Installation of broadband conduit.

Where a public highway exists pursuant to § 33.2-105, the rights of the Commonwealth include the use of such public highway for communications purposes and specifically include the power of the Department to permit a broadband service provider to install, maintain, operate, repair, and replace within the public right of way underground lines, systems, and facilities necessary for the provision and extension of broadband services to the extent allowed by applicable land use permit regulations, policies, and procedures of the Department.

CHAPTER 656

An Act to amend and reenact § 4.1-219 of the Code of Virginia, relating to alcoholic beverage control; farm winery license.

[S 758]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-219 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-219. Limitation on Class A and Class B farm wineries.

A. For Class A farm winery licensees, at least 51 percent of the ~~fresh~~ fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced on such farm and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth.

B. For Class B farm winery licensees, 75 percent of the ~~fresh~~ fruits or agricultural products used by the owner or lessee to manufacture the wine shall be grown or produced in the Commonwealth and no more than 25 percent of the fruits, fruit juices or other agricultural products shall be grown or produced outside the Commonwealth. No Class B farm winery license shall be issued to any person who has not operated under an existing Virginia farm winery license for at least seven years.

C. *Farm winery licensees may trade fruits or agricultural products grown or produced on such farms with other farm winery licensees. For the purposes of this section, fruit or agricultural products traded or exchanged between farm winery licensees shall be considered grown or produced on the receiving farm for the purposes of meeting the fruit sourcing requirement in subsections A and B, provided that verification is provided to the receiving farm that the fruit or agricultural products traded or exchanged were grown or produced in the Commonwealth by the farm winery licensee engaging in such trade or exchange. Both licensees shall maintain complete and accurate records of the quantity and source of any fruit or agricultural products traded or exchanged. Such trades or exchanges shall be bona fide transactions based on the fair market value of the fruits or agricultural products traded or exchanged. For the purposes of this subsection, "agricultural products" means the raw materials used or intended to be used in the manufacture of wine or cider by farm winery licensees.*

D. ~~However~~ *Notwithstanding the provisions of subsections A and B, upon petition by the Department of Agriculture and Consumer Services, the Board may permit the use (i) of a greater quantity of out-of-state products if supplies grown or produced in the Commonwealth are insufficient for a farm winery licensee, whether Class A or Class B, to achieve the level of production which otherwise could be anticipated during a given license year or (ii) by a Class A farm winery of a lesser percentage of products grown or produced on the farm if unusually severe weather or disease conditions cause a significant reduction in the availability of fruit or other agricultural products grown or produced on the farm to manufacture wine during a given license year. As used in this section, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. The term "farm" as used in this section includes all of the land owned or leased by the farm winery licensee as long as such land is located in the Commonwealth.*

CHAPTER 657

An Act to amend and reenact § 58.1-3321 of the Code of Virginia, relating to real property tax assessment; date to fix tax rate.

[S 445]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3321 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings.

A. When any annual assessment, biennial assessment or general reassessment of real property by a county, city or town would result in an increase of ~~+~~ *one* percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless subsection B ~~of this section~~ is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall not be an annual assessment or general reassessment within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in any calculations provided for under this section.

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A ~~above~~ if any such increase is deemed to be necessary by such governing body.

Notice of the public hearing shall be given at least 30 days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business, except that such notice shall be given at least 14 days before the date of such hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act providing appropriations for the immediately following fiscal year have been enacted by April 30 of such year. Any such notice shall be at least the size of one-eighth page of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if any, of the newspaper reserved for legal

notices and classified advertisements. The notice described in clauses (i) and (ii) shall be in the following form and contain the following information, in addition to such other information as the local governing body may elect to include:

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The (name of the county, city or town) proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by ____ percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$ ____ per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The (name of the county, city or town) proposes to adopt a tax rate of \$ ____ per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$ ____ per \$100, or ____ percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of (name of county, city or town) will exceed last year's by ____ percent.

A public hearing on the increase will be held on (date and time) at (meeting place).

C. All hearings shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

D. The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.

E. Notwithstanding other provisions of general or special law, the tax rate for taxes due on or before June 30 of each year, may be fixed on or before ~~April~~ May 15 of that tax year.

CHAPTER 658

An Act to amend and reenact §§ 23-30.41, 23-30.42, 23-30.44, 23-30.45, 23-30.47, and 23-30.50 of the Code of Virginia, relating to the Virginia College Building Authority; projects; participating institutions.

[S 313]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 23-30.41, 23-30.42, 23-30.44, 23-30.45, 23-30.47, and 23-30.50 of the Code of Virginia are amended and reenacted as follows:

§ 23-30.41. Definitions.

~~In~~ As used in this chapter, the following words and terms shall, unless the context otherwise requires, have the following meanings a different meaning:

(a) "Authority," means the Virginia College Building Authority created by § 23-30.25.

(b) "Project;" in the case of a participating institution ~~for higher education~~, means a structure or structures suitable for use as a dormitory or other multi-unit housing facility for students, faculty, officers or employees, a dining hall, student union, administration building, academic building, library, laboratory, research facility, classroom, athletic facility, health care facility, maintenance, storage or utility facility and other structures or facilities related to any of the foregoing or required or useful for the instruction of students or the conducting of research or the operation of an institution ~~for~~ of higher education, including parking and other facilities or structures essential or convenient for the orderly conduct of such institution ~~for~~ of higher education, and shall also include landscaping, site preparation, furniture, equipment and machinery and other similar items necessary or convenient for the operation of a particular facility or structure in the manner for which its use is intended but shall not include such items as books, fuel, supplies or other items the costs of which are customarily deemed to result in a current operating charge, and shall not include any facility used or to be used for sectarian instruction or as a place of religious worship nor any facility which is used or to be used primarily in connection with any part of the program of a school or department of divinity for any religious denomination.

(c) "Costs;" as applied to a project or any portion thereof financed under the provisions of this chapter ~~embraces~~ means all or any part of the cost of construction, acquisition, alteration, enlargement, reconstruction and remodeling of a project including all lands, structures, real or personal property, rights, rights-of-way, air rights, franchises, easements and interests acquired or used for or in connection with a project, the cost of demolishing or removing any buildings or structures on land so acquired, including the cost of acquiring any lands to which such buildings or structures may be moved, the cost of all machinery and equipment, financing charges, interest prior to, during and for a period after completion of such construction and acquisition, provisions for reserves for principal and interest and for extensions, enlargements, additions, replacements, renovations and improvements, the cost of architectural, engineering, financial and legal services, plans, specifications, studies, surveys, estimates of cost and of revenues, administrative expenses, expenses necessary or incident to determining the feasibility or practicability of constructing the project and such other expenses as may be necessary or incident to the construction and acquisition of the project, the financing of such construction and acquisition and the placing of the project in operation.

(d) "Bonds" or "revenue bonds;" *means* revenue bonds of the Authority issued under the provisions of this chapter, including revenue refunding bonds, notes and other obligations, notwithstanding that the same may be secured by mortgage or by the full faith and credit or by any other lawfully pledged security of either one or more participating institutions ~~for higher education.~~

(e) ~~"Institution for higher education," a nonprofit educational institution within the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education.~~

(f) ~~"Participating institution for higher education," an~~ *means any (i) organization that is exempt from federal income taxation pursuant to § 501(c)(3) of the Internal Revenue Code and that is owned or controlled by a public institution of higher education or whose purpose is to support or otherwise benefit a public institution of higher education or (ii) nonprofit private institution for of higher education which in the Commonwealth whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education that, pursuant to the provisions of this chapter, undertakes the financing and construction or acquisition of a project or undertakes the refunding or refinancing of obligations or of a mortgage or of advances as provided in this chapter.*

§ 23-30.42. Powers and duties of Authority.

The Authority shall assist ~~participating institutions for higher education~~ in the acquisition, construction, and financing, and the refinancing of projects begun after July 1, 1972, and for this purpose the Authority is authorized and empowered. In addition to such other powers as are granted to the Authority by law, it is further empowered:

(a) To determine the location and character of any project to be financed under the provisions of this chapter, and to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, to enter into contracts for any or all of such purposes, to enter into contracts for the management and operation of a project, and to designate a participating institution ~~for higher education~~ as its agent to determine the location and character of a project undertaken by such participating institution ~~for higher education~~ under the provisions of this chapter and, as the agent of the Authority, to construct, reconstruct, remodel, maintain, manage, enlarge, alter, add to, repair, operate, lease, as lessee or lessor, and regulate the same, and, as the agent of the Authority, to enter into contracts for any or all of such purposes, including contracts for the management and operation of such project;

(b) To issue bonds, bond anticipation notes, and other obligations of the Authority for any of its corporate purposes, and to fund or refund the same all as provided in this chapter;

(c) Generally, to fix and revise from time to time and charge and collect rates, rents, fees, and charges for the use of and for the services furnished or to be furnished by a project or any portion thereof and to contract with any person, partnership, association, or corporation or other body public or private in respect thereof and to designate a participating institution ~~for higher education~~ or a participating hospital as its agent to fix, revise, charge, and collect such rates, rents, fees, and charges and to make such contracts;

(d) To establish rules and regulations for the use of a project or any portion thereof and to designate a participating institution ~~for higher education~~ as its agent to establish rules and regulations for the use of a project in which such participating institution ~~for higher education~~ is participating;

(e) To employ consulting engineers, architects, attorneys, accountants, construction and financial experts, superintendents, managers, and such other employees and agents as may be necessary in its judgment; and to fix their compensation;

(f) To receive and accept from any public agency loans or grants for or in aid of the construction of a project or any portion thereof; and to receive and accept loans, grants, aid, or contributions from any source of either money, property, labor, or other things of value to be held, used, and applied only for the purposes for which such loans, grants, aid, and contributions are made;

(g) To mortgage any project and the site thereof for the benefit of the holders of revenue bonds issued to finance such project;

(h) To make loans to any participating institution ~~for higher education~~ for the cost of a project in accordance with an agreement between the Authority and one or more participating institutions ~~for higher education~~, provided that no such loan shall exceed the total cost of the project as determined by such participating institution ~~or institutions for higher education~~ and approved by the Authority;

(i) To make loans to participating institutions ~~for higher education~~ to refund outstanding obligations, mortgages, or advances issued, made, or given by such participating institutions ~~for higher education~~ for the cost of a project;

(j) To charge to and equitably apportion among participating institutions ~~for higher education~~ its administrative costs and expenses incurred in the exercise of the powers and duties conferred by this chapter; *and*

(k) To do all things necessary or convenient to carry out the purposes of this chapter.

In carrying out the purposes of this chapter, the Authority may undertake a joint project for two or more participating institutions ~~for higher education~~ and, thereupon, all other provisions of this chapter shall apply to and for the benefit of the Authority and the participants in such joint project or projects.

§ 23-30.44. Acquisition of property.

The Authority is authorized and empowered, directly or by and through a participating institution ~~for higher education~~, as its agent, to acquire by purchase solely from funds provided under the authority of this chapter, or by gifts or devise, such lands, structures, property, real or personal, rights, rights-of-way, air rights, franchises, easements, and other interests in lands, including lands lying under water and riparian rights, ~~which that~~ are located within the Commonwealth as it may

deem necessary or convenient for the acquisition, construction, or operation of a project, upon such terms and at such prices as may be considered by it to be reasonable and can be agreed upon between it and the owner thereof, and to take title thereto in the name of the Authority or in the name of one or more participating institutions ~~for higher education~~ as its agent.

§ 23-30.45. Execution of deeds and conveyances.

When the principal of and interest on revenue bonds of the Authority issued to finance the cost of a particular project or projects for one or more participating institutions ~~for higher education~~, including any revenue refunding bonds issued to refund and refinance such revenue bonds, have been fully paid and retired or when adequate provision has been made to fully pay and retire the same, and all other conditions of the resolution or trust agreement authorizing and securing the same have been satisfied and the lien of such resolution or trust agreement has been released in accordance with the provisions thereof, the Authority shall promptly do such things and execute such deeds and conveyances as are necessary and required to convey title to such project or projects to such participating institution ~~or institutions for higher education~~, free and clear of all liens and encumbrances, all to the extent that title to such project or projects is not, at the time, vested in such participating institution ~~or institutions for higher education~~.

§ 23-30.47. Issuance of revenue bonds.

(a) The Authority may from time to time issue revenue bonds for any corporate purpose and all such revenue bonds, notes, bond anticipation notes, or other obligations of the Authority issued pursuant to this chapter shall be and are hereby declared to be negotiable for all purposes notwithstanding their payment from a limited source and without regard to any other law or laws. In anticipation of the sale of such revenue bonds, the Authority may issue negotiable bond anticipation notes and may renew the same from time to time, but the maximum maturity of any such note, including renewals thereof, shall not exceed five years from the date of issue of the original note. Such notes shall be paid from any revenues of the Authority available therefor and not otherwise pledged, or from the proceeds of sale of the revenue bonds of the Authority in anticipation of which they were issued. The notes shall be issued in the same manner as the revenue bonds. Such notes and the resolution or resolutions authorizing the same may contain any provisions, conditions, or limitations ~~which that~~ a bond resolution of the Authority may contain.

(b) The revenue bonds and notes of every issue shall be payable solely out of revenues to the Authority, subject only to any agreements with the holders of particular revenue bonds or notes pledging any particular revenues and subject to any agreements with any participating institution ~~for higher education~~. Notwithstanding that revenue bonds and notes may be payable from a special fund, they shall be and be deemed to be, for all purposes, negotiable instruments, subject only to the provisions of the revenue bonds and notes for registration.

(c) The revenue bonds may be issued as serial bonds or as term bonds, or the Authority, in its discretion, may issue bonds of both types. The revenue bonds shall be authorized by resolution of the members of the Authority and shall bear such date or dates, mature at such time or times, not exceeding fifty years from their respective dates, bear interest at such rate or rates, payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, and be subject to such terms of redemption, as such resolution or resolutions may provide. The revenue bonds or notes may be sold at public or private sale for such price or prices as the Authority shall determine. Pending preparation of the definitive bonds, the Authority may issue interim receipts or certificates which shall be exchanged for such definitive bonds.

(d) Any resolution or resolutions authorizing any revenue bonds or any issue of revenue bonds may contain provisions, which shall be a part of the contract with the holders of the revenue bonds to be authorized, as to:

(1) Pledging all or any part of the revenues of a project or projects, any revenue producing contract or contracts made by the Authority with any individual, partnership, corporation or association or other body, public or private, to secure the payment of the revenue bonds or of any particular issue of revenue bonds, subject to such agreements with bondholders as may then exist; (2) the rentals, fees and other charges to be charged, and the amounts to be raised in each year thereby, and the use and disposition of the revenues; (3) the establishment and setting aside of reserves or sinking funds, and the regulation and disposition thereof; (4) limitations on the right of the Authority or its agent to restrict and regulate the use of the project; (5) limitations on the purpose to which the proceeds of sale of any issue of revenue bonds then or thereafter to be issued may be applied and pledging such proceeds to secure the payment of the revenue bonds or any issue of the revenue bonds; (6) limitations on the issuance of additional bonds, the terms upon which additional bonds may be issued and secured and the refunding of outstanding bonds; (7) the procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of bonds the holders of which must consent thereto, and the manner in which such consent may be given; (8) limitations on the amount of moneys derived from the project to be expended for operating, administrative or other expenses of the Authority; (9) defining the acts or omissions to act which shall constitute a default in the duties of the Authority to holders of its obligations and providing the rights and remedies of such holders in the event of a default; (10) the duties, obligations and liabilities of any trustee or paying agent; and (11) the mortgaging of a project and the site thereof for the purpose of securing the bondholders.

(e) Neither the members of the Authority nor any person executing the revenue bonds or notes shall be liable personally on the revenue bonds or notes or be subject to any personal liability or accountability by reason of the issuance thereof.

(f) The Authority shall have power out of any funds available therefor to purchase its bonds or notes. The Authority may hold, pledge, cancel or resell such bonds or notes subject to and in accordance with agreements with bondholders.

§ 23-30.50. Rates, rents, fees and charges; sinking fund.

The Authority may fix, revise, charge and collect rates, rents, fees and charges for the use of and for the services furnished or to be furnished by each project and to contract with any person, partnership, association or corporation, or other body, public or private, in respect thereof. Such rates, rents, fees and charges shall be fixed and adjusted in respect of the aggregate of rates, rents, fees and charges from such project so as to provide funds sufficient with other revenues, if any, ~~(+)~~ (i) to pay the cost of maintaining, repairing and operating the project and each and every portion thereof, to the extent that the payment of such cost has not otherwise been adequately provided for, ~~(=)~~ (ii) to pay the principal of and the interest on outstanding revenue bonds of the Authority issued in respect of such project as the same shall become due and payable and ~~(=)~~ (iii) to create and maintain reserves required or provided for in any resolution authorizing, or trust agreement securing, such revenue bonds of the Authority. Such rates, rents, fees and charges shall not be subject to supervision or regulation by any department, commission, board, body, bureau or agency of this Commonwealth other than the Authority. A sufficient amount of the revenues derived in respect of a project, except such part of such revenues as may be necessary to pay the cost of maintenance, repair and operation and to provide reserves and for renewals, replacements, extensions, enlargements and improvements as may be provided for in the resolution authorizing the issuance of any revenue bonds of the Authority or in the trust agreement securing the same, shall be set aside at such regular intervals as may be provided in such resolution or trust agreement in a sinking or other similar fund which is hereby pledged to, and charged with, the payment of the principal of and the interest on such revenue bonds as the same shall become due, and the redemption price or the purchase price of bonds retired by call or purchase as therein provided. Such pledge shall be valid and binding from the time when the pledge is made; the rates, rents, fees and charges and other revenues or other moneys so pledged and thereafter received by the Authority shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the Authority, irrespective of whether such parties have notice thereof. Neither the resolution nor any trust agreement by which a pledge is created need be filed or recorded except in the records of the Authority. The use and disposition of moneys to the credit of such sinking or other similar fund shall be subject to the provisions of the resolution authorizing the issuance of such bonds or of such trust agreement. Except as may otherwise be provided in such resolution or such trust agreement, such sinking or other similar fund shall be a fund for all such revenue bonds issued to finance a project or projects ~~at~~ *by* one or more participating institutions ~~for higher education~~, without distinction or priority of one over another, provided the Authority in any such resolution or trust agreement may provide that such sinking or other similar fund shall be the fund for a particular project ~~at~~ *an* ~~by a participating institution for higher education~~ and for the revenue bonds issued to finance a particular project and may, additionally, permit and provide for the issuance of revenue bonds having a subordinate lien in respect of the security herein authorized to other revenue bonds of the Authority and, in such case, the Authority may create separate or other similar funds in respect of such subordinate lien bonds.

CHAPTER 659

An Act to amend and reenact § 4.1-126 of the Code of Virginia, relating to alcoholic beverage control; mixed beverage licenses for certain properties.

[S 126]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-126 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-126. Licenses for establishments in national forests, certain adjoining lands, on the Blue Ridge Parkway, and certain other properties.

A. Notwithstanding the provisions of § 4.1-124, mixed beverage licenses may be granted to establishments located (i) on property owned by the federal government in Jefferson National Forest, George Washington National Forest or the Blue Ridge Parkway; (ii) at altitudes of 3,800 feet or more above sea level on property adjoining the Jefferson National Forest; (iii) at an altitude of 2,800 feet or more above sea level on property adjoining the Blue Ridge Parkway at Mile Marker No. 189; (iv) on property within one-quarter mile of Mile Marker No. 174 on the Blue Ridge Parkway; (v) on property developed by a nonprofit economic development company or an industrial development authority; (vi) on old Jonesboro Road between Routes 823 and 654, located approximately 5,500 feet from the City of Bristol; (vii) on property developed as a motor sports road racing club, of which the track surface is 3.27 miles in length, on 1,200 acres of rural property bordering the Dan River in Halifax County, with such license applying to any area of the property deemed appropriate by the Board; (viii) at an altitude of 2,645 feet or more above sea level on land containing at least 750 acres used for recreational purposes and located within two and one-half miles of the Blue Ridge Parkway; (ix) on property fronting U.S. Route 11, with portions fronting Route 659, adjoining the City of Bristol and located approximately 2,700 feet north of mile marker 7.7 on Interstate 81; (x) on property bounded on the north by U.S. Route 11 and to the south by Interstate 81, and located between mile markers 8.1 and 8.5 of Interstate 81; (xi) on property consisting of at least 10,000 acres and operated as a resort located in any county with a population between 19,200 and 19,500; (xii) on property located as of December 1, 2012, within the Montgomery County Route 177 Urban Development Area, which area is adjacent to Exit 109 on Interstate 81; (xiii) on property fronting Route 603, with portions fronting on Interstate 81, located approximately 1,100

feet from the intersection of Route 603 and Interstate 81 at Exit 128; (xiv) on property located south of and within 1,400 feet of Interstate 81 between mile markers 38.8 and 39.5; (xv) on property bounded on the north by Interstate 81, on the west and south by State Route 691, and on the east by State Route 689; (xvi) on property located south of and within 1,500 feet of Interstate 81 between mile markers 44 and 44.4; (xvii) on property within 1,500 feet of Interstate 81 on either frontage road between mile markers 75 and 86 in the County of Wythe; (xviii) on property within the boundary of any town incorporated in 1875 located adjacent to the intersection of Interstate 81 and Route 91; (xix) on property adjacent to the intersection of U.S. Route 220 North and State Route 57, operated as a country club as of December 31, 1926, in Henry County; (xx) on property adjacent to Lake Lanier, operated as a country club as of December 31, 1932, in Henry County; (xxi) on property fronting Old Jonesboro Road between Routes 823 and 808, located approximately 4,500 feet south of Interstate 81, and operated as a country club; (xxii) on property located west of Route 58 and approximately 3,000 feet north of Interstate 81; (xxiii) on property fronting U.S. Route 11 and 1,300 feet north of Interstate 81; (xxiv) on property located within 1,500 feet of Exit 26 on Interstate 81; (xxv) on property within the boundary of any town incorporated in 1911 located adjacent to the intersection of Route 63 and Route 58 Alternate; ~~and~~ (xxvi) on property within the boundary of any town incorporated in 1894 consisting of 1.9 square miles and, prior to the town's incorporation ~~was~~, known as Guest Station; *and* (xxvii) *on property fronting Kanawha Ridge Road, located within approximately 700 feet of Route 638, and operated as a resort in Carroll County as of December 31, 2007.*

B. In granting any license under clauses (iii) and (iv) of subsection A, the Board shall consider whether the (i) voters of the jurisdiction in which the establishment is located have voted by referendum under the provisions of § 4.1-124 to prohibit the sale of mixed beverages and (ii) granting of a license will give that establishment an unfair business advantage over other establishments in the same jurisdiction. If an unfair business advantage will result, then no license shall be granted.

CHAPTER 660

An Act to amend and reenact §§ 58.1-472 and 58.1-478 of the Code of Virginia, relating to withholding of income taxes; related penalties.

[H 1331]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-472 and 58.1-478 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-472. Employer's returns and payments of withheld taxes.

Every employer required to deduct and withhold from an employee's wages under this article shall make return and pay over to the Tax Commissioner the amount required to be withheld hereunder as follows:

1. Every employer whose monthly liability is less than \$100 or who is subject to subdivision 3 shall make return and pay over the required amount on or before the last day of the month following the close of each quarterly period;
2. Every employer whose average monthly liability can reasonably be expected to be \$100 or more shall file a return and pay the tax monthly, on or before the twenty-fifth day of the following month;
3. Every employer whose average monthly liability can reasonably be expected to be \$1,000 or more and the aggregate amount required to be withheld by any employer exceeds \$500 shall, in addition to the requirements of subdivision 1 ~~of this section~~, file a form with the Tax Commissioner within three banking days following the close of any period for which the employer is required to deposit federal withholding tax and pay the amount so withheld, except when a payment is due within three days of the due date for the filing of the quarterly returns, then such payment shall be made with such return. Any employer otherwise required to file a return and pay the withholding tax pursuant to this subdivision that has no more than five employees subject to withholding under this article may request a waiver from the Tax Commissioner authorizing the employer to file the return and pay the withholding tax pursuant to subdivision 2.

The Tax Commissioner may authorize an employer to file seasonal returns when in his opinion the administration of the tax imposed under this article would be enhanced. Any employer making payment under subdivision 3 ~~of this section~~ will be deemed to have met the requirements hereof if at least ninety percent of actual tax liability for such period is paid. Employers authorized to file seasonal returns under this paragraph shall file each return on or before the twentieth of the month following the close of the reporting period.

The returns and forms filed under this section shall be in such ~~form~~ *electronic medium* and contain such information as the Tax Commissioner may prescribe.

§ 58.1-478. Withholding tax statements for employees; employers must file annual returns with Tax Commissioner; penalties.

A. Every person required to deduct and withhold from an employee's wages under this article shall furnish to each such employee in respect to the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement in duplicate showing the following: (i) the name of such person; (ii) the name of the employee and his social security account number; (iii) the total amount of wages; and (iv) the total amount deducted and withheld under this article by such employer.

B. The written statements required to be furnished pursuant to this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Tax Commissioner may by regulations prescribe.

C. 1. Every employer shall file an annual return with the Tax Commissioner, setting forth such information as the Tax Commissioner may require, not later than ~~February 28~~ *January 31* of the calendar year succeeding the calendar year in which wages were withheld from employees, and such annual return shall be accompanied by an additional copy of each of the written statements furnished to each employee under subsections A and B ~~of this section~~.

2. Every employer ~~who furnishes 250 or more written statements to employees under subsections A and B for any calendar year beginning before January 1, 2010, who furnished 150 or more such statements for any calendar year beginning on and after January 1, 2010, or who furnishes 50 or more such statements for any calendar year beginning on and after January 1, 2011,~~ shall file the annual ~~report~~ *return and copies of written statements* required under this subsection using an electronic medium using a format prescribed by the Tax Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the employer. All requests for waiver shall be submitted to the Tax Commissioner in writing. ~~Employers who furnish fewer than 250 written statements to employees under subsections A and B may, at such employer's option, file such annual report on an electronic medium in lieu of filing the annual report on paper.~~

D. The Tax Commissioner shall have the authority to require every employer to furnish the names and social security numbers of all employees whose wages or withholding amounts for the taxable year are below levels specified by the Tax Commissioner.

CHAPTER 661

An Act to amend and reenact §§ 56-585.2 and 58.1-439.12:08 of the Code of Virginia and to amend the Code of Virginia by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11, relating to Virginia research and development expenses tax credits.

[H 884]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 56-585.2 and 58.1-439.12:08 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Article 13 of Chapter 3 of Title 58.1 a section numbered 58.1-439.12:11 as follows:

§ 56-585.2. Sale of electricity from renewable sources through a renewable energy portfolio standard program.

A. As used in this section:

"Qualified investment" means an expense incurred in the Commonwealth by a participating utility in conducting, either by itself or in partnership with institutions of higher education in the Commonwealth or with industrial or commercial customers that have established renewable energy research and development programs in the Commonwealth, research and development activities related to renewable or alternative energy sources, which expense (i) is designed to enhance the participating utility's understanding of emerging energy technologies and their potential impact on and value to the utility's system and customers within the Commonwealth; (ii) promotes economic development within the Commonwealth; (iii) supplements customer-driven alternative energy or energy efficiency initiatives; (iv) supplements alternative energy and energy efficiency initiatives at state or local governmental facilities in the Commonwealth; or (v) is designed to mitigate the environmental impacts of renewable energy projects.

"Renewable energy" shall have the same meaning ascribed to it in § 56-576, provided such renewable energy is (i) generated in the Commonwealth or in the interconnection region of the regional transmission entity of which the participating utility is a member, as it may change from time to time, and purchased by a participating utility under a power purchase agreement; provided, however, that if such agreement was executed on or after July 1, 2013, the agreement shall expressly transfer ownership of renewable attributes, in addition to ownership of the energy, to the participating utility; (ii) generated by a public utility providing electric service in the Commonwealth from a facility in which the public utility owns at least a 49 percent interest and that is located in the Commonwealth, in the interconnection region of the regional transmission entity of which the participating utility is a member, or in a control area adjacent to such interconnection region; or (iii) represented by renewable energy certificates. "Renewable energy" shall not include electricity generated from pumped storage, but shall include run-of-river generation from a combined pumped-storage and run-of-river facility.

"Renewable energy certificate" means either (i) a certificate issued by an affiliate of the regional transmission entity of which the participating utility is a member, as it may change from time to time, or any successor to such affiliate, and held or acquired by such utility, that validates the generation of renewable energy by eligible sources in the interconnection region of the regional transmission entity or (ii) a certificate issued by the Commission pursuant to subsection J and held or acquired by a participating utility, that validates a qualified investment made by the participating utility.

"Total electric energy sold in the base year" means total electric energy sold to Virginia jurisdictional retail customers by a participating utility in calendar year 2007, excluding an amount equivalent to the average of the annual percentages of the electric energy that was supplied to such customers from nuclear generating plants for the calendar years 2004 through 2006.

B. Any investor-owned incumbent electric utility may apply to the Commission for approval to participate in a renewable energy portfolio standard program, as defined in this section. The Commission shall approve such application if the applicant demonstrates that it has a reasonable expectation of achieving 12 percent of its base year electric energy sales from renewable energy sources during calendar year 2022, and 15 percent of its base year electric energy sales from renewable energy sources during calendar year 2025, as provided in subsection D.

C. It is in the public interest for utilities that seek to have a renewable energy portfolio standard program to achieve the goals set forth in subsection D, such goals being referred to herein as "RPS Goals." A utility shall receive double credit toward meeting the renewable energy portfolio standard for energy derived from sunlight, from onshore wind, or from facilities in the Commonwealth fueled primarily by animal waste, and triple credit toward meeting the renewable energy portfolio standard for energy derived from offshore wind.

D. Regarding any renewable energy portfolio standard program, the total electric energy sold by a utility to meet the RPS Goals shall be composed of the following amounts of electric energy or renewable thermal energy equivalent from renewable energy sources, as adjusted for any sales volumes lost through operation of the customer choice provisions of subdivision A 3 or A 4 of § 56-577:

RPS Goal I: In calendar year 2010, 4 percent of total electric energy sold in the base year.

RPS Goal II: For calendar years 2011 through 2015, inclusive, an average of 4 percent of total electric energy sold in the base year, and in calendar year 2016, 7 percent of total electric energy sold in the base year.

RPS Goal III: For calendar years 2017 through 2021, inclusive, an average of 7 percent of total electric energy sold in the base year, and in calendar year 2022, 12 percent of total electric energy sold in the base year.

RPS Goal IV: For calendar years 2023 and 2024, inclusive, an average of 12 percent of total electric energy sold in the base year, and in calendar year 2025, 15 percent of total electric energy sold in the base year.

A utility may not apply renewable energy certificates issued pursuant to subsection J to meet more than 20 percent of the sales requirement for the RPS Goal in any year.

A utility may apply renewable energy sales achieved or renewable energy certificates acquired during the periods covered by any such RPS Goal that are in excess of the sales requirement for that RPS Goal to the sales requirements for any future RPS Goals in the five calendar years after the renewable energy was generated or the renewable energy certificates were created, except that a utility shall be able to apply renewable energy certificates acquired by the utility prior to January 1, 2014.

E. A utility participating in such program shall have the right to recover all incremental costs incurred for the purpose of such participation in such program, as accrued against income, through rate adjustment clauses as provided in subdivisions A 5 and A 6 of § 56-585.1, including, but not limited to, administrative costs, ancillary costs, capacity costs, costs of energy represented by certificates described in subsection A, and, in the case of construction of renewable energy generation facilities, allowance for funds used during construction until such time as an enhanced rate of return, as determined pursuant to subdivision A 6 of § 56-585.1, on construction work in progress is included in rates, projected construction work in progress, planning, development and construction costs, life-cycle costs, and costs of infrastructure associated therewith, plus an enhanced rate of return, as determined pursuant to subdivision A 6 of § 56-585.1. This subsection shall not apply to qualified investments as provided in subsection K. All incremental costs of the RPS program shall be allocated to and recovered from the utility's customer classes based on the demand created by the class and within the class based on energy used by the individual customer in the class, except that the incremental costs of the RPS program shall not be allocated to or recovered from customers that are served within the large industrial rate classes of the participating utilities and that are served at primary or transmission voltage.

F. A utility participating in such program shall apply towards meeting its RPS Goals any renewable energy from existing renewable energy sources owned by the participating utility or purchased as allowed by contract at no additional cost to customers to the extent feasible. A utility participating in such program shall not apply towards meeting its RPS Goals renewable energy certificates attributable to any renewable energy generated at a renewable energy generation source in operation as of July 1, 2007, that is operated by a person that is served within a utility's large industrial rate class and that is served at primary or transmission voltage, except for those persons providing renewable thermal energy equivalents to the utility. A participating utility shall be required to fulfill any remaining deficit needed to fulfill its RPS Goals from new renewable energy supplies at reasonable cost and in a prudent manner to be determined by the Commission at the time of approval of any application made pursuant to subsection B. A participating utility may sell renewable energy certificates produced at its own generation facilities located in the Commonwealth or, if located outside the Commonwealth, owned by such utility and in operation as of January 1, 2010, or renewable energy certificates acquired as part of a purchase power agreement, to another entity and purchase lower cost renewable energy certificates and the net difference in price between the renewable energy certificates shall be credited to customers. Utilities participating in such program shall collectively, either through the installation of new generating facilities, through retrofit of existing facilities or through purchases of electricity from new facilities located in Virginia, use or cause to be used no more than a total of 1.5 million tons per year of green wood chips, bark, sawdust, a tree or any portion of a tree which is used or can be used for lumber and pulp manufacturing by facilities located in Virginia, towards meeting RPS goals, excluding such fuel used at electric generating facilities using wood as fuel prior to January 1, 2007. A utility with an approved application shall be allocated a portion of the 1.5 million tons per year in proportion to its share of the total electric energy sold in the base year, as defined in subsection A, for all utilities participating in the RPS program. A utility may use in meeting RPS goals, without limitation,

the following sustainable biomass and biomass based waste to energy resources: mill residue, except wood chips, sawdust and bark; pre-commercial soft wood thinning; slash; logging and construction debris; brush; yard waste; shipping crates; dunnage; non-merchantable waste paper; landscape or right-of-way tree trimmings; agricultural and vineyard materials; grain; legumes; sugar; and gas produced from the anaerobic decomposition of animal waste.

G. The Commission shall promulgate such rules and regulations as may be necessary to implement the provisions of this section including a requirement that participants verify whether the RPS goals are met in accordance with this section.

H. Each investor-owned incumbent electric utility shall report to the Commission annually by November 1 identifying:

1. The utility's efforts, if any, to meet the RPS Goals, specifically identifying:

a. A list of all states where the purchased or owned renewable energy was generated, specifying the number of megawatt hours or renewable energy certificates originating from each state;

b. A list of the decades in which the purchased or owned renewable energy generating units were placed in service, specifying the number of megawatt hours or renewable energy certificates originating from those units; and

c. A list of fuel types used to generate the purchased or owned renewable energy, specifying the number of megawatt hours or renewable energy certificates originating from each fuel type;

2. The utility's overall generation of renewable energy; and

3. Advances in renewable generation technology that affect activities described in subdivisions 1 and 2.

I. The Commission shall post on its website the reports submitted by each investor-owned incumbent electric utility pursuant to subsection H.

J. The Commission shall issue to a participating utility a number of renewable energy certificates for qualified investments, upon request by a participating utility, if it finds that an expense satisfies the conditions set forth in this section for a qualified investment, as follows:

1. By March 31 of each year, the participating utility shall provide an analysis, as reasonably determined by a qualified independent broker, of the average for the preceding year of the publicly available prices for Tier 1 renewable energy certificates and Tier 2 renewable energy certificates, validating the generation of renewable energy by eligible sources, that were issued in the interconnection region of the regional transmission entity of which the participating utility is a member;

2. In the same annual analysis provided to the Commission, the participating utility shall divide the amount of the participating utility's qualified investments in the applicable period by the average price determined pursuant to subdivision 1;

3. The number of renewable energy certificates to be issued to the participating utility shall equal the product obtained pursuant to subdivision 2; and

4. The Commission shall review and validate the analysis provided by the participating utility within 90 days of submittal of its analysis to the Commission. If no corrections are made by the Commission, then the analysis shall be deemed correct and the renewable energy certificates shall be deemed issued to the participating utility.

Each renewable energy certificate issued to a participating utility pursuant to this subsection shall represent the equivalent of one megawatt hour of renewable energy sales achieved when applied to an RPS Goal.

K. Qualified investments shall constitute reasonable and prudent operating expenses of a participating utility. Notwithstanding subsection E, a participating utility shall not be authorized to recover the costs associated with qualified investments through rate adjustment clauses as provided in subdivisions A 5 and A 6 of § 56-585.1. In any proceeding conducted pursuant to § 56-585.1 or other provision of this title in which a participating utility seeks recovery of its qualified investments as an operating expense, the participating utility shall not be authorized to earn a return on its qualified investments.

L. A participating utility shall not be eligible for a research and development tax credit pursuant to § 58.1-439.12:08 *or* 58.1-439.12:11 with regard to any expense incurred or investment made by the participating utility that constitutes a qualified investment pursuant to this section.

§ 58.1-439.12:08. Research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Partnership" means the Virginia Economic Development Partnership.

"Virginia base amount" means the base amount as defined in § 41(c) of the Internal Revenue Code, as amended, that is attributable to Virginia, determined by (i) substituting "Virginia qualified research and development expense" for "qualified research expense"; (ii) substituting "Virginia qualified research" for "qualified research"; and (iii) instead of "fixed base percentage," using:

1. The percentage that the Virginia qualified research and development expense for the three taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years; or

2. The percentage that the Virginia qualified research and development expense for the applicable number of taxable years immediately preceding the current taxable year in which the expense is incurred is of the taxpayer's total gross receipts for such years, for the taxpayer that has fewer than three but at least one prior taxable year.

"Virginia gross receipts" means the same as "gross receipts" as defined in § 58.1-3700.1.

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2011, but before January 1, ~~2019~~ 2022, a taxpayer shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to (i) 15 percent of the first ~~\$234,000~~ \$300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year or (ii) 20 percent of the first ~~\$234,000~~ \$300,000 in Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year if the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university, to the extent the expenses exceed the Virginia base amount for the taxpayer.

~~The~~ C. 1. *Effective for taxable years beginning on or after January 1, 2016, at the election of the taxpayer, the credit otherwise allowed under this section shall be computed under this subsection and shall equal 10 percent of the difference of (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.*

2. *The aggregate amount of credits allowed to each taxpayer under this subsection shall not exceed \$45,000 for the taxable year, except that the aggregate amount of credits allowed to each taxpayer shall not exceed \$60,000 for the taxable year if the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university.*

D. *The aggregate amount of credits available under this section for each fiscal year of the Commonwealth shall be as follows:*

1. *For taxable years beginning on or after January 1, 2014, but prior to January 1, 2016, the total amount of credits granted for each of fiscal ~~year of the Commonwealth pursuant to this section~~ years 2015 and 2016 shall not exceed \$6 million.*

2. *For taxable years beginning on or after January 1, 2016, the total amount of credits granted for each fiscal year of the Commonwealth beginning with fiscal year 2017 shall not exceed \$7 million.*

~~E.~~ E. A taxpayer meeting the requirements of this section shall be eligible to receive a tax credit as provided herein. The Department shall develop and publish guidelines for applications and such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). *Applications must be received by the Department no later than July 1 of the calendar year following the close of the taxable year in which the expenses were paid or incurred. In the event approved applications for the tax credits allowed under this section exceed \$6 million for any the amount of credits specified in subsection D for the taxable year, the Department shall apportion the credits by dividing \$6 million the amount of credits specified in subsection D by the total amount of tax credits applied for approved, to determine the percentage of allowed tax credits each taxpayer shall receive. In the event that the total amount of approved tax credits under this section for all applications for any taxable year is less than \$6 million the maximum amount of credits for the year as specified in subsection D, the Department shall allocate credits up to the maximum of \$6 million amount as specified in subsection D, on a pro rata basis, to taxpayers who are already approved for the tax credit for the taxable year, in the following amounts:*

1. *If the taxpayer computed the credit pursuant to subsection B, in an amount equal to 15 percent of the second ~~\$234,000~~ \$300,000 in qualified research expenses during the taxable year or 20 percent of the second ~~\$234,000~~ \$300,000 in qualified research expenses if the Virginia qualified research was conducted in conjunction with a public or private college or university located in the Commonwealth; or*

2. *If the taxpayer computed the credit under subdivision C 1, in an amount equal to the excess of the limitation set forth in subdivision C 2, up to an additional \$45,000 per taxpayer, or \$60,000 per taxpayer if the Virginia qualified research was conducted in conjunction with a public or private college or university located in the Commonwealth.*

~~D.~~ F. If the amount of the credit allowed exceeds the taxpayer's tax liability for the taxable year, the amount that exceeds the tax liability shall be refunded to the taxpayer, subject to the limitations set forth in the guidelines developed by the Department.

~~E.~~ G. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

H. *Effective for taxable years beginning on or after January 1, 2016, no taxpayer with Virginia qualified research and development expenses in excess of \$5 million for the taxable year shall claim both the credit allowed pursuant to this section and the credit allowed under § 58.1-439.12:11 for such year.*

~~F.~~ I. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders, unless the partnership, limited liability company, or electing small business corporation (S corporation) elects for such credits not to be so allocated but to be received and claimed at the entity level by the partnership, limited liability company, or electing small business corporation (S corporation) pursuant to guidelines that shall be issued by the Department for purposes of such election.

~~G.~~ J. The Department shall adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or

business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

~~H.~~ K. The Partnership shall include the tax credits approved in accordance with the provisions of this section in the Annual Report on Business Incentives compiled by the Secretary of Commerce and Trade. Such report shall include (i) the total number of applicants approved for tax credits for the applicable tax year and (ii) the total number of tax credits approved for the applicable tax year.

~~F.~~ L. The Department shall require taxpayers applying for the credit to provide information including (i) the number of full-time employees employed by the taxpayer in the Commonwealth during the taxable year for which the credit is sought; (ii) the taxpayer's sector or sectors according to the 2012 edition of the North American Industry Classification System (NAICS) as published by the United States Census Bureau; (iii) a brief description of the area, discipline, or field of Virginia qualified research performed by the taxpayer; (iv) the total gross receipts or anticipated total gross receipts of the taxpayer for the taxable year for which the credit is sought; and (v) whether the Virginia qualified research was conducted in conjunction with a Virginia public or private college or university. The Department shall aggregate and summarize the information collected and make it available to the Governor and any member of the General Assembly upon request, regardless of the number of taxpayers applying for the credit.

§ 58.1-439.12:11. Major research and development expenses tax credit.

A. As used in this section, unless the context requires a different meaning:

"Virginia qualified research" means qualified research, as defined in § 41(d) of the Internal Revenue Code, as amended, that is conducted in the Commonwealth.

"Virginia qualified research and development expenses" means qualified research expenses, as defined in § 41(b) of the Internal Revenue Code, as amended, incurred for Virginia qualified research.

B. For taxable years beginning on or after January 1, 2016, but before January 1, 2022, a taxpayer with Virginia qualified research and development expenses for the taxable year in excess of \$5 million shall be allowed a credit against the tax levied pursuant to § 58.1-320 or 58.1-400 in an amount equal to 10 percent of the difference between (i) the Virginia qualified research and development expenses paid or incurred by the taxpayer during the taxable year and (ii) 50 percent of the average Virginia qualified research and development expenses paid or incurred by the taxpayer for the three taxable years immediately preceding the taxable year for which the credit is being determined. If the taxpayer did not pay or incur Virginia qualified research and development expenses in any one of the three taxable years immediately preceding the taxable year for which the credit is being determined, the tax credit shall equal five percent of the Virginia qualified research and development expenses paid or incurred by the taxpayer during the relevant taxable year.

C. The aggregate amount of credits granted for each fiscal year of the Commonwealth pursuant to this section shall not exceed \$20 million.

D. In the event approved applications for the tax credits allowed under this section exceed \$20 million for any taxable year, the Department shall apportion the credits by dividing \$20 million by the total amount of tax credits approved, to determine the percentage of allowed tax credits each taxpayer shall receive.

E. The amount of the credit claimed for the taxable year shall not exceed 75 percent of the total amount of tax imposed by this chapter upon the taxpayer for the taxable year. Any credit not usable for the taxable year for which the credit was first allowed may be carried over for credit against the income taxes of the taxpayer in the next 10 succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

F. Any taxpayer who claims the tax credit for Virginia qualified research and development expenses pursuant to this section shall not use such expenses as the basis for claiming any other credit provided under the Code of Virginia.

G. Credits granted to a partnership, limited liability company, or electing small business corporation (S corporation) shall be allocated to the individual partners, members, or shareholders, respectively, in proportion to their ownership interests in such entities or in accordance with a written agreement entered into by such individual partners, members, or shareholders.

H. The Department shall develop and publish guidelines under this section including guidelines for applying for the tax credit. Such guidelines shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq.). Applications for the tax credit must be received by the Department no later than July 1 of the calendar year following the close of the taxable year in which the expenses were paid or incurred.

The Department shall also adopt guidelines to prescribe standards for determining when research and development is considered conducted in the Commonwealth for purposes of allowing the credit under this section. In adopting guidelines, the Department may consider (i) the location where the research and development is performed; (ii) the residence or business location of the taxpayer or taxpayers conducting the research and development; (iii) the location where supplies used in the research and development are consumed; and (iv) any other factors that the Department deems to be relevant.

2. That no tax credit shall be allowed pursuant to § 58.1-439.12:11 of the Code of Virginia, as created by this act, if the otherwise qualified research and development expenses are paid for or incurred by a taxpayer for research conducted in the Commonwealth on human cells or tissue derived from induced abortions or from stem cells obtained from human embryos. The foregoing provision shall not apply to research conducted using stem cells other than embryonic stem cells.

CHAPTER 662

An Act to amend and reenact §§ 58.1-802 and 58.1-811, as it is currently effective and as it may become effective, of the Code of Virginia, relating to recordation tax; exemption.

[H 339]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-802 and 58.1-811, as it is currently effective and as it may become effective, of the Code of Virginia are amended and reenacted as follows:

§ 58.1-802. Additional tax paid by grantor; collection.

A. In addition to any other tax imposed under the provisions of this chapter, a tax is hereby imposed on each deed, instrument, or writing by which lands, tenements, or other realty sold is granted, assigned, transferred, or otherwise conveyed to, or vested in the purchaser, or any other person, by such purchaser's direction. The rate of the tax, when the consideration or value of the interest, whichever is greater, exceeds \$100, shall be 50 cents for each \$500 or fraction thereof, exclusive of the value of any lien or encumbrance remaining thereon at the time of the sale, whether such lien is assumed or the realty is sold subject to such lien or encumbrance. No increase in the city or county recordation tax authorized by § 58.1-814 shall be deemed authorized by this section.

The tax imposed by this section shall be paid by the grantor, or any person who signs on behalf of the grantor, of any deed, instrument, or writing subject to the tax imposed by this section. *No tax shall be imposed pursuant to this section if the grantor is a locality at a judicial sale of tax-delinquent property conducted pursuant to Article 4 (§ 58.1-3965 et seq.) of Chapter 39.*

No such deed, instrument, or other writing shall be admitted to record unless (i) the amount of the consideration is stated on the first page of the document to be admitted to record and (ii) certification of the clerk of the court wherein first recorded has been affixed thereto that the tax imposed by this section has been paid. The clerk shall include within the certificate the amount of such tax collected thereon.

B. Taxes imposed by this section shall be collected as provided in § 58.1-812 and the clerk shall return taxes collected hereunder one-half into the state treasury and one-half into the treasury of the locality.

The local portion of the tax imposed by this section on property ~~which~~ *that* is located in more than one jurisdiction shall be collected by the clerk in proportion to the value of the property located in each such locality when recorded therein.

Every clerk of court collecting taxes under this section for the county or city ~~which~~ *that* he serves shall be entitled to compensation for such service at five percent of the amount so collected and paid.

§ 58.1-811. (Contingent expiration date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;

2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;

3. To the United States, the Commonwealth, or to any county, city, town, district, or other political subdivision of the Commonwealth;

4. To the Virginia Division of the United Daughters of the Confederacy;

5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;

6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;

7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;

8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;

9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;

10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;

11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;

12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;

13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a deed of trust conveying property to secure the payment of money or the performance of an obligation, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; or

14. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means.

B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:

1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;
2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;
3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;
4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision; ~~or~~
5. Securing a loan made by an organization described in subdivision A 14; *or*
6. *Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose household income does not exceed 80 percent of the area median household income established by the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home.*

C. The tax imposed by § 58.1-802 and the fee imposed by § 58.1-802.2 shall not apply to any:

1. Transaction described in subdivisions A 6 through 13;
2. Instrument or writing given to secure a debt;
3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;
4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district, or other political subdivision thereof;
5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802 or subject to the fee under § 58.1-802.2; or
6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-802.2, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

§ 58.1-811. (Contingent effective date) Exemptions.

A. The taxes imposed by §§ 58.1-801 and 58.1-807 shall not apply to any deed conveying real estate or lease of real estate:

1. To an incorporated college or other incorporated institution of learning not conducted for profit, where such real estate is intended to be used for educational purposes and not as a source of revenue or profit;
2. To an incorporated church or religious body or to the trustee or trustees of any church or religious body, or a corporation mentioned in § 57-16.1, where such real estate is intended to be used exclusively for religious purposes, or for the residence of the minister of any such church or religious body;
3. To the United States, the Commonwealth, or to any county, city, town, district, or other political subdivision of the Commonwealth;
4. To the Virginia Division of the United Daughters of the Confederacy;
5. To any nonstock corporation organized exclusively for the purpose of owning or operating a hospital or hospitals not for pecuniary profit;
6. To a corporation upon its organization by persons in control of the corporation in a transaction which qualifies for nonrecognition of gain or loss pursuant to § 351 of the Internal Revenue Code as it exists at the time of the conveyance;
7. From a corporation to its stockholders upon complete or partial liquidation of the corporation in a transaction which qualifies for income tax treatment pursuant to § 331, 332, 333, or 337 of the Internal Revenue Code as it exists at the time of liquidation;
8. To the surviving or new corporation, partnership, limited partnership, business trust, or limited liability company upon a merger or consolidation to which two or more such entities are parties, or in a reorganization within the meaning of § 368(a)(1)(C) and (F) of the Internal Revenue Code as amended;
9. To a subsidiary corporation from its parent corporation, or from a subsidiary corporation to a parent corporation, if the transaction qualifies for nonrecognition of gain or loss under the Internal Revenue Code as amended;
10. To a partnership or limited liability company, when the grantors are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer to a limited liability company is not a precursor to a transfer of control of the assets of the company to avoid recordation taxes;
11. From a partnership or limited liability company, when the grantees are entitled to receive not less than 50 percent of the profits and surplus of such partnership or limited liability company, provided that the transfer from a limited liability company is not subsequent to a transfer of control of the assets of the company to avoid recordation taxes;
12. To trustees of a revocable inter vivos trust, when the grantors in the deed and the beneficiaries of the trust are the same persons, regardless of whether other beneficiaries may also be named in the trust instrument, when no consideration has passed between the grantor and the beneficiaries; and to the original beneficiaries of a trust from the trustees holding title under a deed in trust;
13. When the grantor is the personal representative of a decedent's estate or trustee under a will or inter vivos trust of which the decedent was the settlor, other than a deed of trust conveying property to secure the payment of money or the performance of an obligation, and the sole purpose of such transfer is to comply with a devise or bequest in the decedent's will or to transfer title to one or more beneficiaries after the death of the settlor in accordance with a dispositive provision in the trust instrument; or
14. When the grantor is an organization exempt from taxation under § 501(c)(3) of the Internal Revenue Code that is organized and operated primarily to acquire land and purchase materials to erect or rehabilitate low-cost homes on such land, which homes are sold at cost to persons who otherwise would be unable to afford to buy a home through conventional means.
 - B. The taxes imposed by §§ 58.1-803 and 58.1-804 shall not apply to any deed of trust or mortgage:
 1. Given by an incorporated college or other incorporated institution of learning not conducted for profit;
 2. Given by the trustee or trustees of a church or religious body or given by an incorporated church or religious body, or given by a corporation mentioned in § 57-16.1;
 3. Given by any nonstock corporation organized exclusively for the purpose of owning and/or operating a hospital or hospitals not for pecuniary profit;
 4. Given by any local governmental entity or political subdivision of the Commonwealth to secure a debt payable to any other local governmental entity or political subdivision; ~~or~~
 5. Securing a loan made by an organization described in subdivision A 14; *or*
 6. *Securing a loan made by a county, city, or town, or an agency of such a locality, to a borrower whose household income does not exceed 80 percent of the area median household income established by the U.S. Department of Housing and Urban Development, for the purpose of erecting or rehabilitating a home for such borrower, including the purchase of land for such home.*
 - C. The tax imposed by § 58.1-802 shall not apply to any:
 1. Transaction described in subdivisions A 6 through 13;
 2. Instrument or writing given to secure a debt;
 3. Deed conveying real estate from an incorporated college or other incorporated institution of learning not conducted for profit;
 4. Deed conveying real estate from the United States, the Commonwealth or any county, city, town, district, or other political subdivision thereof;
 5. Conveyance of real estate to the Commonwealth or any county, city, town, district, or other political subdivision thereof, if such political unit is required by law to reimburse the parties taxable pursuant to § 58.1-802; or

6. Deed conveying real estate from the trustee or trustees of a church or religious body or from an incorporated church or religious body, or from a corporation mentioned in § 57-16.1.

D. No recordation tax shall be required for the recordation of any deed of gift between a grantor or grantors and a grantee or grantees when no consideration has passed between the parties. Such deed shall state therein that it is a deed of gift.

E. The tax imposed by § 58.1-807 shall not apply to any lease to the United States, the Commonwealth, or any county, city, town, district, or other political subdivision of the Commonwealth.

F. The taxes and fees imposed by §§ 58.1-801, 58.1-802, 58.1-807, 58.1-808, and 58.1-814 shall not apply to (i) any deed of gift conveying real estate or any interest therein to The Nature Conservancy or (ii) any lease of real property or any interest therein to The Nature Conservancy, where such deed of gift or lease of real estate is intended to be used exclusively for the purpose of preserving wilderness, natural, or open space areas.

G. The words "trustee" or "trustees," as used in subdivisions A 2, B 2, and C 6, include the trustees mentioned in § 57-8 and the ecclesiastical officers mentioned in § 57-16.

H. No recordation tax levied pursuant to this chapter shall be levied on the release of a contractual right, if the release is contained within a single deed that performs more than one function, and at least one of the other functions performed by the deed is subject to the recordation tax.

I. No recordation tax levied pursuant to this chapter shall be levied on a deed, lease, easement, release, or other document recorded in connection with a concession pursuant to the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or similar federal law.

J. No recordation tax shall be required for the recordation of any transfer on death deed or any revocation of transfer on death deed made pursuant to the Uniform Real Property Transfer on Death Act (§ 64.2-621 et seq.) when no consideration has passed between the parties.

CHAPTER 663

An Act to amend and reenact § 58.1-3321 of the Code of Virginia, relating to real property tax assessment; date to fix tax rate.

[H 148]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3321 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3321. Effect on rate when assessment results in tax increase; public hearings.

A. When any annual assessment, biennial assessment or general reassessment of real property by a county, city or town would result in an increase of ~~+~~ *one* percent or more in the total real property tax levied, such county, city, or town shall reduce its rate of levy for the forthcoming tax year so as to cause such rate of levy to produce no more than 101 percent of the previous year's real property tax levies, unless subsection B ~~of this section~~ is complied with, which rate shall be determined by multiplying the previous year's total real property tax levies by 101 percent and dividing the product by the forthcoming tax year's total real property assessed value. An additional assessment or reassessment due to the construction of new or other improvements, including those improvements and changes set forth in § 58.1-3285, to the property shall not be an annual assessment or general reassessment within the meaning of this section, nor shall the assessed value of such improvements be included in calculating the new tax levy for purposes of this section. Special levies shall not be included in any calculations provided for under this section.

B. The governing body of a county, city, or town may, after conducting a public hearing, which shall not be held at the same time as the annual budget hearing, increase the rate above the reduced rate required in subsection A ~~above~~ if any such increase is deemed to be necessary by such governing body.

Notice of the public hearing shall be given at least 30 days before the date of such hearing by the publication of a notice in (i) at least one newspaper of general circulation in such county or city and (ii) a prominent public location at which notices are regularly posted in the building where the governing body of the county, city, or town regularly conducts its business, except that such notice shall be given at least 14 days before the date of such hearing in any year in which neither a general appropriation act nor amendments to a general appropriation act providing appropriations for the immediately following fiscal year have been enacted by April 30 of such year. Any such notice shall be at least the size of one-eighth page of a standard size or a tabloid size newspaper, and the headline in the advertisement shall be in a type no smaller than 18-point. The notice described in clause (i) shall not be placed in that portion, if any, of the newspaper reserved for legal notices and classified advertisements. The notice described in clauses (i) and (ii) shall be in the following form and contain the following information, in addition to such other information as the local governing body may elect to include:

NOTICE OF PROPOSED REAL PROPERTY TAX INCREASE

The (name of the county, city or town) proposes to increase property tax levies.

1. Assessment Increase: Total assessed value of real property, excluding additional assessments due to new construction or improvements to property, exceeds last year's total assessed value of real property by _____ percent.

2. Lowered Rate Necessary to Offset Increased Assessment: The tax rate which would levy the same amount of real estate tax as last year, when multiplied by the new total assessed value of real estate with the exclusions mentioned above, would be \$_____ per \$100 of assessed value. This rate will be known as the "lowered tax rate."

3. Effective Rate Increase: The (name of the county, city or town) proposes to adopt a tax rate of \$_____ per \$100 of assessed value. The difference between the lowered tax rate and the proposed rate would be \$_____ per \$100, or _____ percent. This difference will be known as the "effective tax rate increase."

Individual property taxes may, however, increase at a percentage greater than or less than the above percentage.

4. Proposed Total Budget Increase: Based on the proposed real property tax rate and changes in other revenues, the total budget of (name of county, city or town) will exceed last year's by _____ percent.

A public hearing on the increase will be held on (date and time) at (meeting place).

C. All hearings shall be open to the public. The governing body shall permit persons desiring to be heard an opportunity to present oral testimony within such reasonable time limits as shall be determined by the governing body.

D. The provisions of this section shall not be applicable to the assessment of public service corporation property by the State Corporation Commission.

E. Notwithstanding other provisions of general or special law, the tax rate for taxes due on or before June 30 of each year, may be fixed on or before ~~April~~ May 15 of that tax year.

CHAPTER 664

An Act to amend and reenact § 19.2-386.10 of the Code of Virginia, relating to asset forfeiture; burden of proof.

[S 457]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-386.10 of the Code of Virginia is amended and reenacted as follows:

§ 19.2-386.10. Forfeiture; default judgment; remission; trial.

A. A party defendant who fails to appear as provided in § 19.2-386.9 shall be in default. The forfeiture shall be deemed established as to the interest of any party in default upon entry of judgment as provided in § 19.2-386.11. Within ~~twenty-one~~ 21 days after entry of judgment, any party defendant against whom judgment has been so entered may petition the Department of Criminal Justice Services for remission of his interest in the forfeited property. For good cause shown and upon proof by a *preponderance of the evidence* that the party defendant's interest in the property is exempt under subdivision 2, 3, or 4 of § 19.2-386.8, the Department of Criminal Justice Services shall grant the petition and direct the state treasury to either (i) remit to the party defendant an amount not exceeding the party defendant's interest in the proceeds of sale of the forfeited property after deducting expenses incurred and payable pursuant to subsection B of § 19.2-386.12 or (ii) convey clear and absolute title to the forfeited property in extinguishment of such interest.

If any party defendant appears in accordance with § 19.2-386.9, the court shall proceed to trial of the case, unless trial by jury is demanded by the Commonwealth or any party defendant. At trial, the Commonwealth has the burden of proving by *clear and convincing evidence* that the property is subject to forfeiture under this chapter. Upon such a showing by the Commonwealth, the claimant has the burden of proving by a *preponderance of the evidence* that the claimant's interest in the property is exempt under subdivision 2, 3, or 4 of § 19.2-386.8. ~~The proof of all issues shall be by a preponderance of the evidence.~~

B. The information and trial thereon shall be independent of any criminal proceeding against any party or other person for violation of law. However, upon motion and for good cause shown, the court may stay a forfeiture proceeding that is related to any indictment or information.

CHAPTER 665

An Act to amend and reenact § 2.2-3121 of the Code of Virginia, relating to the State and Local Government Conflict of Interests Act; advisory opinions for local officers or employees.

[S 288]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3121 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3121. Advisory opinions.

A. A state officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the Attorney General or the Virginia Conflict of Interest and Ethics Advisory Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts regardless of whether such opinion is later withdrawn provided the alleged violation occurred prior to the withdrawal of the opinion.

B. A local officer or employee shall not be prosecuted for a knowing violation of this chapter if the alleged violation resulted from his good faith reliance on a written opinion of the attorney for the Commonwealth, ~~his county, city, or town attorney,~~ or the Council made in response to his written request for such opinion and the opinion was made after a full disclosure of the facts regardless of whether such opinion is later withdrawn, provided *that* the alleged violation occurred prior to the withdrawal of the opinion. The written opinion shall be a public record and shall be released upon request.

C. If any officer or employee serving at the local level of government is charged with a knowing violation of this chapter, and the alleged violation resulted from his reliance upon a written opinion of his county, city, or town attorney, made after a full disclosure of the facts, that such action was not in violation of this chapter, then the officer or employee shall have the right to introduce a copy of the opinion at his trial as evidence that he did not knowingly violate this chapter.

CHAPTER 666

An Act to amend and reenact § 63.2-104.1 of the Code of Virginia, relating to confidentiality of information about victims of certain crimes.

[S 253]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-104.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-104.1. Confidentiality of records of persons receiving domestic and sexual violence services.

A. In order to ensure the safety of adult, ~~youth,~~ and child victims of domestic violence, dating violence, sexual assault, or stalking, *or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1,* and their families, programs and individuals providing services to ~~such victims of sexual or domestic violence~~ shall protect the confidentiality and privacy of persons receiving services.

B. Except as provided in subsections C and D, programs and individuals providing services to victims of ~~sexual or~~ domestic violence, *dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1,* shall not:

1. Disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through ~~sexual or~~ *programs for victims of domestic violence programs, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1;* or

2. Reveal individual client information without the informed, written, reasonably time-limited consent of the person ~~(or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of an incapacitated person as defined in § 64.2-2000, the guardian)~~ about whom information is sought; *the minor and his parent or legal guardian, in cases in which the client is an unemancipated minor; or the guardian of an incapacitated person as defined in § 64.2-2000,* whether for this program or any other Federal, State, tribal, or territorial grant program, ~~except that. However,~~ consent for release may not be given by the abuser *or alleged abuser* of the minor; *or* incapacitated person, or the abuser *or alleged abuser* of the other parent of the minor.

C. If release of information described in subsection B is compelled by statutory or court mandate, *the program or individual providing services shall:*

1. ~~The service provider shall make~~ *Make* reasonable attempts to provide notice to victims affected by the disclosure of information; and

2. ~~The service provider shall take~~ *Take* steps necessary to protect the privacy and safety of the persons affected by the release of the information.

D. Programs and individuals providing services to victims of ~~sexual or~~ domestic violence, *dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1,* may share:

1. Nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

2. Court generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

3. Information necessary for law enforcement and prosecution purposes.

For purposes of this section, "programs" shall include public and not-for-profit agencies the primary mission of which is to provide services to victims of ~~sexual or~~ domestic violence, *dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1.*

E. For the purposes of this section, a person may be a victim of domestic violence, dating violence, sexual assault, or stalking, or a victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, regardless of whether any person has been charged with or convicted of any offense.

CHAPTER 667

An Act to amend and reenact § 51.1-305 of the Code of Virginia and to repeal the third enactment of Chapter 762 and the third enactment of Chapter 773 of the Acts of Assembly of 2015, relating to mandatory judicial retirement.

[H 1245]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 51.1-305 of the Code of Virginia is amended and reenacted as follows:

§ 51.1-305. Service retirement generally.

A. Normal retirement. — Any member in service at his normal retirement date with five or more years of creditable service may retire upon written notification to the Board setting forth the date the retirement is to become effective.

B. Early retirement. — Any member in service who has either (i) attained his fifty-fifth birthday with five or more years of creditable service or (ii) in the case of a member of any of the previous systems immediately prior to July 1, 1970, complied with the requirements for retirement set forth under the provisions of such previous system as in effect immediately prior to July 1, 1970, may retire upon written notification to the Board setting forth the date the retirement is to become effective.

~~B1. (See Editor's note) Mandatory retirement. — Any member who attains 70 years of age shall be retired 20 days after the convening of the next regular session of the General Assembly. However, if the mandatory retirement provisions of this subdivision would require a member of the State Corporation Commission to be retired before the end of his elected term and such retirement would occur during a session of the General Assembly in which the General Assembly is required, pursuant to § 12.1-6, to elect another member or members of the State Corporation Commission to serve either a regular term or a portion of a regular term, such member who otherwise would be subject to the mandatory retirement provisions of this subdivision shall be retired upon the first to occur of (i) the expiration of the term to which he was elected or (ii) 20 days after the commencing of the regular session of the General Assembly that immediately follows the date such member attains 72 years of age. The provisions of this subsection shall apply only to those members who are elected or appointed to an original or subsequent term commencing after July 1, 1993.~~

B1. (See Editor's note) Mandatory retirement. — Any member who attains 73 years of age shall be retired 20 days after the convening of the next regular session of the General Assembly following his seventy-third birthday.

C. Deferred retirement for members terminating service. — Any member who terminates service after five or more years of creditable service may retire under the provisions of subsection A or B of this section, if he has not withdrawn his accumulated contributions prior to the effective date of his retirement or if he has five or more years of creditable service for which his employer has paid the contributions and such contributions cannot be withdrawn. For the purposes of this subsection, any requirements as to the member being in service shall not apply.

D. Effective date of retirement. — The effective date of retirement shall be after the last day of service of the member, but shall not be more than 90 days prior to the filing of the notice of retirement.

E. Notification of retirement. — In addition to the notice to the Board required by this section, the same notice shall be given by the member to his appointing authority. If a member is physically or mentally unable to submit written notification of his intention to retire, the member's appointing authority may submit notification to the Board on his behalf.

2. That the third enactment of Chapter 762 and the third enactment of Chapter 773 of the Acts of Assembly of 2015 are repealed.

3. That the provisions of this act shall become effective June 1, 2017.

CHAPTER 668

An Act to amend the Code of Virginia by adding a section numbered 8.01-42.4, relating to trafficking in persons; civil action.

[H 681]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-42.4 as follows:

§ 8.01-42.4. Civil action for trafficking in persons.

A. Any person injured by reason of (i) a violation of clause (iii), (iv), or (v) of § 18.2-48; (ii) a violation of § 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368; or (iii) a felony violation of § 18.2-346 may sue therefor and recover compensatory damages, punitive damages, and reasonable attorney fees and costs.

B. No action shall be commenced under this section more than seven years after the later of the date on which such person (i) was no longer subject to the conduct prohibited by clause (iii), (iv), or (v) of § 18.2-48 or § 18.2-348, 18.2-349, 18.2-355, 18.2-356, 18.2-357, 18.2-357.1, or 18.2-368 or under a felony violation of § 18.2-346 or (ii) attained 18 years of age.

CHAPTER 669

An Act to amend the Code of Virginia by adding a section numbered 8.01-226.13, relating to limited standing to seek injunctive relief against manufacturing companies.

[H 467]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-226.13 as follows:

§ 8.01-226.13. Limited standing to seek injunctive relief against manufacturing companies.

A. As used in this section:

"Manufacturing company" means a domestic or foreign corporation primarily engaged in activities that, in accordance with the North American Industrial Classification System (NAICS), United States Manual, United States Office of Management and Budget, 2012 Edition, would be included in Sector 31, 32, or 33.

"Public greenway" means any system of hiking, biking, or horseback riding trails established by a locality or political subdivision.

"Public park, recreational facility, or playground" means any such facility established by a locality pursuant to § 15.2-1806.

B. No action shall be initiated or maintained to enjoin the continued use and operation of a manufacturing company solely on the basis of the claimant's use of a public park, recreational facility, or playground or public greenway, when such manufacturing company existed prior to the creation of such public park, recreational facility, or playground, or public greenway.

C. This section shall not limit actions brought by the Commonwealth, a locality, or an entity designated pursuant to subdivision A 3 of § 15.2-1806.

CHAPTER 670

An Act to amend and reenact § 63.2-104.1 of the Code of Virginia, relating to confidentiality of information about victims of certain crimes.

[H 373]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 63.2-104.1 of the Code of Virginia is amended and reenacted as follows:

§ 63.2-104.1. Confidentiality of records of persons receiving domestic and sexual violence services.

A. In order to ensure the safety of adult, youth, and child victims of domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, and their families, programs and individuals providing services to such victims of sexual or domestic violence shall protect the confidentiality and privacy of persons receiving services.

B. Except as provided in subsections C and D, programs and individuals providing services to victims of sexual or domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, shall not:

1. Disclose any personally identifying information or individual information collected in connection with services requested, utilized, or denied through sexual or programs for victims of domestic violence programs, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1; or

2. Reveal individual client information without the informed, written, reasonably time-limited consent of the person (or in the case of an unemancipated minor, the minor and the parent or guardian or in the case of an incapacitated person as defined in § 64.2-2000, the guardian) about whom information is sought; the minor and his parent or legal guardian, in cases in which the client is an unemancipated minor; or the guardian of an incapacitated person as defined in § 64.2-2000, whether for this program or any other Federal, State, tribal, or territorial grant program, except that. However, consent for release may not be given by the abuser or alleged abuser of the minor; or incapacitated person, or the abuser or alleged abuser of the other parent of the minor.

C. If release of information described in subsection B is compelled by statutory or court mandate, the program or individual providing services shall:

1. ~~The service provider shall make~~ Make reasonable attempts to provide notice to victims affected by the disclosure of information; and

2. ~~The service provider shall take~~ Take steps necessary to protect the privacy and safety of the persons affected by the release of the information.

D. Programs and individuals providing services to victims of sexual or domestic violence, dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, may share:

1. Nonpersonally identifying data in the aggregate regarding services to their clients and nonpersonally identifying demographic information in order to comply with Federal, State, tribal, or territorial reporting, evaluation, or data collection requirements;

2. Court generated information and law-enforcement generated information contained in secure, governmental registries for protection order enforcement purposes; and

3. Information necessary for law enforcement and prosecution purposes.

For purposes of this section, "programs" shall include public and not-for-profit agencies the primary mission of which is to provide services to victims of ~~sexual or~~ domestic violence, *dating violence, sexual assault, or stalking, or victims of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1.*

E. For the purposes of this section, a person may be a victim of domestic violence, dating violence, sexual assault, or stalking, or a victim of a violation of § 18.2-48, 18.2-355, 18.2-356, 18.2-357, or 18.2-357.1, regardless of whether any person has been charged with or convicted of any offense.

CHAPTER 671

An Act to amend and reenact § 4.1-208 of the Code of Virginia, relating to alcoholic beverage control; limited brewery licenses.

[S 578]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 4.1-208 of the Code of Virginia is amended and reenacted as follows:

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. *For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise submitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.*

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the

purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

2. That any limited brewery that, prior to July 1, 2016, (i) holds a valid license granted by the Alcoholic Beverage Control Board (the Board) in accordance with Title 4.1 of the Code of Virginia and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited brewery use shall be allowed to continue such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a) the provisions of this act or (b) a subsequent change in ownership of the limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited brewery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so

long as specifically approved by the locality by special exception. Any such limited brewery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of Title 4.1 of the Code of Virginia and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited brewery on or after July 1, 2016.

3. That any person who, prior to July 1, 2016, (i) has a pending application with the Alcoholic Beverage Control Board (the Board) for a license as a limited brewery in accordance with Title 4.1 of the Code of Virginia, (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for limited brewery use, and (iii) subsequently is issued a license as a limited brewery shall be allowed to engage in such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a) the provisions of this act or (b) a subsequent change in ownership of the limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such limited brewery located on land zoned residential conservation prior to July 1, 2016, may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such limited brewery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of Title 4.1 of the Code of Virginia and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the limited brewery on or after July 1, 2016.

CHAPTER 672

An Act to amend and reenact § 18.2-308, as it is currently effective and as it shall become effective, of the Code of Virginia, relating to concealed handgun permits; exemption; judges and justices.

[H 332]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308, as it is currently effective and as it shall become effective, of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308. (Effective until July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;
2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;
3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;
4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;
5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;
6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;
7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Alcoholic Beverage Control Board, any conservation police officer retired from the Department of Game and Inland

Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Alcoholic Beverage Control Board. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; ~~and~~

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; *and*

12. *Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth.*

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that *a judge or justice of the Commonwealth*, an attorney for the Commonwealth, or *an assistant attorney for the Commonwealth* may carry a concealed handgun pursuant to ~~subdivision~~ *subdivisions C 9 and 12*. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

§ 18.2-308. (Effective July 1, 2018) Carrying concealed weapons; exceptions; penalty.

A. If any person carries about his person, hidden from common observation, (i) any pistol, revolver, or other weapon designed or intended to propel a missile of any kind by action of an explosion of any combustible material; (ii) any dirk, bowie knife, switchblade knife, ballistic knife, machete, razor, slingshot, spring stick, metal knucks, or blackjack; (iii) any flailing instrument consisting of two or more rigid parts connected in such a manner as to allow them to swing freely, which may be known as a nun chahka, nun chuck, nunchaku, shuriken, or fighting chain; (iv) any disc, of whatever configuration, having at least two points or pointed blades which is designed to be thrown or propelled and which may be known as a throwing star or oriental dart; or (v) any weapon of like kind as those enumerated in this subsection, he is guilty of a Class 1 misdemeanor. A second violation of this section or a conviction under this section subsequent to any conviction under any substantially similar ordinance of any county, city, or town shall be punishable as a Class 6 felony, and a third or subsequent such violation shall be punishable as a Class 5 felony. For the purpose of this section, a weapon shall be deemed to be hidden from common observation when it is observable but is of such deceptive appearance as to disguise the weapon's true nature. It shall be an affirmative defense to a violation of clause (i) regarding a handgun, that a person had been issued, at the time of the offense, a valid concealed handgun permit.

B. This section shall not apply to any person while in his own place of abode or the curtilage thereof.

C. Except as provided in subsection A of § 18.2-308.012, this section shall not apply to:

1. Any person while in his own place of business;

2. Any law-enforcement officer, wherever such law-enforcement officer may travel in the Commonwealth;

3. Any person who is at, or going to or from, an established shooting range, provided that the weapons are unloaded and securely wrapped while being transported;

4. Any regularly enrolled member of a weapons collecting organization who is at, or going to or from, a bona fide weapons exhibition, provided that the weapons are unloaded and securely wrapped while being transported;

5. Any person carrying such weapons between his place of abode and a place of purchase or repair, provided the weapons are unloaded and securely wrapped while being transported;

6. Any person actually engaged in lawful hunting, as authorized by the Board of Game and Inland Fisheries, under inclement weather conditions necessitating temporary protection of his firearm from those conditions, provided that possession of a handgun while engaged in lawful hunting shall not be construed as hunting with a handgun if the person hunting is carrying a valid concealed handgun permit;

7. Any State Police officer retired from the Department of State Police, any officer retired from the Division of Capitol Police, any local law-enforcement officer, auxiliary police officer or animal control officer retired from a police department or sheriff's office within the Commonwealth, any special agent retired from the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority, any conservation police officer retired from the Department of Game and Inland Fisheries, any Virginia Marine Police officer retired from the Law Enforcement Division of the Virginia Marine Resources Commission, any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23 retired from a campus police department, any retired member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217, and any retired investigator of the security division of the Virginia Lottery, other than an officer or agent terminated for cause, (i) with a service-related disability; (ii) following at least 15 years of service with any such law-enforcement agency, board or any combination thereof; (iii) who has reached 55 years of age; or (iv) who is on long-term leave from such law-enforcement agency or board due to a service-related injury, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the last such agency from which the officer retired or the agency that employs the officer or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief or the Board to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the retired law-enforcement officer otherwise meets the requirements of this section. An officer set forth in clause (iv) who receives written proof of consultation to carry a concealed handgun shall surrender such proof of consultation upon return to work or upon termination of employment with the law-enforcement agency. Notice of the surrender shall be forwarded to the Department of State Police for entry into the Virginia Criminal Information Network. However, if such officer retires on disability because of the service-related injury, and would be eligible under clause (i) for written proof of consultation to carry a concealed handgun, he may retain the previously issued written proof of consultation. A retired law-enforcement officer who receives proof of consultation and

favorable review pursuant to this subdivision is authorized to carry a concealed handgun in the same manner as a law-enforcement officer authorized to carry a concealed handgun pursuant to subdivision 2;

7a. Any person who is eligible for retirement with at least 20 years of service with a law-enforcement agency or board mentioned in subdivision 7 who has resigned in good standing from such law-enforcement agency or board to accept a position covered by a retirement system that is authorized under Title 51.1, provided such person carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the chief law-enforcement officer of the agency from which he resigned or, in the case of special agents, issued by the State Corporation Commission or the Virginia Alcoholic Beverage Control Authority. A copy of the proof of consultation and favorable review shall be forwarded by the chief, Board or Commission to the Department of State Police for entry into the Virginia Criminal Information Network. The chief law-enforcement officer shall not without cause withhold such written proof if the law-enforcement officer otherwise meets the requirements of this section.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to subdivision 7 or this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit.

For purposes of complying with the federal Law Enforcement Officers Safety Act of 2004, a retired or resigned law-enforcement officer who receives proof of consultation and review pursuant to subdivision 7 or this subdivision shall have the opportunity to annually participate, at the retired or resigned law-enforcement officer's expense, in the same training and testing to carry firearms as is required of active law-enforcement officers in the Commonwealth. If such retired or resigned law-enforcement officer meets the training and qualification standards, the chief law-enforcement officer shall issue the retired or resigned officer certification, valid one year from the date of issuance, indicating that the retired or resigned officer has met the standards of the agency to carry a firearm;

8. Any State Police officer who is a member of the organized reserve forces of any of the armed services of the United States or National Guard, while such officer is called to active military duty, provided such officer carries with him written proof of consultation with and favorable review of the need to carry a concealed handgun issued by the Superintendent of State Police. The proof of consultation and favorable review shall be valid as long as the officer is on active military duty and shall expire when the officer returns to active law-enforcement duty. The issuance of the proof of consultation and favorable review shall be entered into the Virginia Criminal Information Network. The Superintendent of State Police shall not without cause withhold such written proof if the officer is in good standing and is qualified to carry a weapon while on active law-enforcement duty.

For purposes of applying the reciprocity provisions of § 18.2-308.014, any person granted the privilege to carry a concealed handgun pursuant to this subdivision, while carrying the proof of consultation and favorable review required, shall be deemed to have been issued a concealed handgun permit;

9. Any attorney for the Commonwealth or assistant attorney for the Commonwealth, wherever such attorney may travel in the Commonwealth;

10. Any person who may lawfully possess a firearm and is carrying a handgun while in a personal, private motor vehicle or vessel and such handgun is secured in a container or compartment in the vehicle or vessel; ~~and~~

11. Any enrolled participant of a firearms training course who is at, or going to or from, a training location, provided that the weapons are unloaded and securely wrapped while being transported; *and*

12. *Any judge or justice of the Commonwealth, wherever such judge or justice may travel in the Commonwealth.*

D. This section shall also not apply to any of the following individuals while in the discharge of their official duties, or while in transit to or from such duties:

1. Carriers of the United States mail;

2. Officers or guards of any state correctional institution;

3. Conservators of the peace, except that *a judge or justice of the Commonwealth*, an attorney for the Commonwealth, or an assistant attorney for the Commonwealth may carry a concealed handgun pursuant to ~~subdivision~~ *subdivisions C 9 and 12*. However, the following conservators of the peace shall not be permitted to carry a concealed handgun without obtaining a permit as provided in this article: (i) notaries public; (ii) registrars; (iii) drivers, operators, or other persons in charge of any motor vehicle carrier of passengers for hire; or (iv) commissioners in chancery;

4. Noncustodial employees of the Department of Corrections designated to carry weapons by the Director of the Department of Corrections pursuant to § 53.1-29; and

5. Harbormaster of the City of Hopewell.

CHAPTER 673

An Act to amend and reenact § 58.1-609.3 of the Code of Virginia, relating to sales and use tax exemption; materials and equipment used to drill natural gas and oil.

[S 563]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-609.3 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-609.3. Commercial and industrial exemptions.

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.
2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel.
3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.
4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.
5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.
6. Tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.
7. Meals furnished by restaurants or food service operators to employees as a part of wages.
8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.
9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant to such section.
10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.
11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.
12. From July 1, 1994, and ending July 1, ~~2016~~ 2022, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.
13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used

aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. (Effective until June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

18. (Effective June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average

statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. Prior to claiming such exemption, any qualifying person claiming the exemption must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

CHAPTER 674

An Act to amend the Code of Virginia by adding in Title 55 a chapter numbered 13.4, consisting of sections numbered 55-248.53 through 55-248.56, relating to establishing the Limited Residential Lodging Act; penalty.

[S 416]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 55 a chapter numbered 13.4, consisting of sections numbered 55-248.53 through 55-248.56, as follows:

CHAPTER 13.4.

LIMITED RESIDENTIAL LODGING ACT.

§ 55-248.53. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Applicable taxes" means any state or local tax imposed on a booking transaction pursuant to § 15.2-1104, Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, § 58.1-1742, Article 6 (§ 58.1-3819 et seq.) of Chapter 38 of Title 58.1, § 58.1-3840, or any other transaction tax imposed by a city or town charter.

"Booking transaction" means any transaction in which there is a charge to an occupant by an operator for the occupancy of any dwelling, sleeping, or lodging accommodations.

"Department" means the Department of Taxation.

"Hosting platform" means any person or entity that is not an operator and that facilitates reservations or collects payments for any booking transaction on behalf of an operator through an online digital platform.

"Limited lodger" means a person who occupies a residential dwelling unit for the purpose of limited residential lodging.

"Limited residential lodging" means the accessory or secondary use of a residential dwelling unit or a portion thereof by a limited residential lodging operator to provide room or space that is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes, for a period of fewer than 30 consecutive days, in exchange for a charge for the occupancy, provided only that (i) the primary use of the residential dwelling unit shall remain residential, (ii) any applicable taxes required to be collected and remitted by state and local law for each booking transaction are collected and remitted by a registered hosting platform pursuant to the provisions of this chapter or directly by the limited residential lodging operator, and (iii) such accessory or secondary use does not regularly include simultaneous occupancy by more than one party under separate contracts.

"Limited residential lodging operator" means an operator who is the primary resident of a residential dwelling unit offered for limited residential lodging purposes.

"Operator" means the proprietor of any dwelling, lodging, or sleeping accommodations offered for a charge to occupants, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other possessory capacity, and includes a limited residential lodging operator.

"Primary resident" means either (i) the owner of the residential dwelling unit who occupies the dwelling unit as his principal place of residence and domicile or (ii) a tenant who has lived in the residential dwelling unit for at least 60 days and who treats the residential dwelling unit as his principal place of residence and domicile.

"Registered hosting platform" means a hosting platform that has registered with the Department for the collection and remittance of applicable taxes pursuant to this chapter.

"Residential dwelling unit" means a residence where one or more persons maintain a household, including a manufactured home. "Residential dwelling unit" does not include:

- 1. Residence at a public or private institution, if incidental to detention or the provisions of medical, geriatric, educational, counseling, religious, or similar services;*
- 2. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;*
- 3. Occupancy in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging where the occupant does not reside in such lodging as a primary resident;*

4. Occupancy under a rental agreement covering premises used by the occupancy primarily in connection with business, commercial, or agricultural purposes; or

5. Occupancy in a campground as defined in § 35.1-1.

§ 55-248.54. Preemption of certain laws; authorized local ordinances.

A. Notwithstanding any other law, general or special, and except as expressly provided in this chapter, no local ordinance or other law shall:

1. Prohibit or restrict any residential dwelling unit from being used for limited residential lodging. Any such limited residential lodging shall (i) be deemed to be consistent with residential use; (ii) be authorized in any zoning district established pursuant to Article 7 (§ 15.2-2280 et seq.) of Chapter 22 of Title 15.2 allowing residential use; and (iii) not require the residential dwelling unit or the owner or primary resident of the residential dwelling unit to adhere to any zoning or licensing requirements applicable to hotels, motels, bed and breakfast inns, lodging houses, or other commercial enterprises;

2. Impose or purport to impose any additional regulation or obligation on a limited residential lodging operator based on the use of such operator's residential dwelling unit for limited residential lodging purposes; or

3. Prohibit, impose additional regulations or obligations on, or otherwise restrict the operation of a hosting platform that collects and remits any taxes pursuant to this chapter.

B. Any local tax or fee authorized by law to be imposed upon (i) operators or (ii) occupants of any dwelling, lodging, or sleeping accommodations offered for a charge shall be applied in a uniform manner upon all operators, including a limited residential lodging operator, or occupants, including a limited lodger.

C. For purposes of the imposition of any local tax imposed pursuant to the provisions of Chapter 37 (§ 58.1-3700 et seq.) of Title 58.1, neither the conduct of limited residential lodging by a limited residential lodging operator for fewer than 45 days in a calendar year, nor the conduct of a hosting platform pursuant to this chapter, shall constitute a business or be subject to taxes or fees pursuant to Chapter 37 of Title 58.1.

D. Nothing in this section shall be construed to prohibit a locality from:

1. Adopting and enforcing ordinances and regulations generally applicable to residential use and zoning including those related to noise, health and safety, the quiet enjoyment of property, parking, litter, yard signs, and other related issues, so long as such ordinances shall not be drawn or applied in such a manner as to create burdens or restrictions on limited residential lodging not placed on other authorized uses of residential property; or

2. Adopting and enforcing an ordinance requiring that any limited residential lodging operator maintain a minimum of \$500,000 of liability insurance specifically covering the limited residential lodging use of property held out for such use. Such requirement by an ordinance shall be deemed to have been met by an operator that conducts the limited residential lodging through a hosting platform that provides a minimum of \$500,000 of liability insurance for such use. The penalty for the violation of such ordinance shall not exceed \$200 per violation; or

3. Adopting and enforcing an ordinance that (i) prohibits or restricts any residential dwelling unit from being used for limited residential lodging due to a failure to make timely payment of applicable taxes by either a registered hosting platform or directly by the limited residential lodging operator, (ii) provides that any limited residential lodging operator not utilizing a registered hosting platform may be subject to audit by the commissioner of the revenue, director of finance, or other similar local tax official to demonstrate the payment of any applicable taxes, or (iii) requires any limited residential lodging operator operating within the locality to register his name and address through an online portal maintained by the locality.

§ 55-248.55. Inapplicability of chapter to contracts.

Nothing in this chapter shall be construed to supersede or limit contracts or agreements between or among individuals or private entities related to the use of real property, including recorded declarations and covenants, the provisions of condominium instruments of a condominium created pursuant to the Condominium Act (§ 55-79.39 et seq.), the declaration of a common interest community as defined in § 55-528, the cooperative instruments of a cooperative created pursuant to the Virginia Real Estate Cooperative Act (§ 55-424 et seq.), or any declaration of a property owners' association created pursuant to the Virginia Property Owners' Association Act (§ 55-508 et seq.).

§ 55-248.56. Registration of hosting platform; collection and remittance of certain taxes; audit.

A. A hosting platform shall register with the Department for the collection and remission of applicable taxes on any booking transactions facilitated by the hosting platform on behalf of operators within any one or more localities within the Commonwealth, and shall enter into any agreement with the Department related to such collection and remission. Such agreement shall not constitute confidential tax information pursuant to § 58.1-3 and shall be subject to disclosure pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. A registered hosting platform shall, with respect to each booking transaction facilitated by the hosting platform on behalf of an operator within any locality for which such hosting platform has registered to collect and remit applicable taxes, collect any applicable taxes and remit the total amount so collected to the Department on a monthly basis along with a schedule, on an aggregate basis, listing the total amounts owed to the Commonwealth and to each applicable locality for the relevant period. After the direct costs of administering this section are recovered by the Department, the remaining revenues shall be distributed by the Tax Commissioner in the same manner as the applicable taxes are distributed pursuant to Chapter 6 (§ 58.1-600 et seq.) of Title 58.1, § 58.1-1742, and Articles 6 (§ 58.1-3819 et seq.) and 8 (§ 58.1-3840 et seq.) of Chapter 38 of Title 58.1, *mutatis mutandis*.

C. Any registered hosting platform shall provide notice to any operator utilizing the hosting platform of such registration and advising the operator that such operator should review any applicable state and local laws prior to listing a limited residential lodging unit for occupancy.

D. No operator utilizing a registered hosting platform shall be responsible for collecting or remitting any applicable taxes on any booking transaction when it has received notice pursuant to subsection C that such hosting platform will be collecting and remitting such applicable taxes. Any such notice shall itself be proof sufficient regarding the absence of any operator liability for such applicable taxes for the time period covered by the notice, and the hosting platform shall be liable for any such taxes.

E. Information provided to or obtained by the Department by a registered hosting platform shall be confidential pursuant to § 58.1-3. However, notwithstanding any provisions of § 58.1-3 to the contrary, such information shall not be provided to any other agency of the Commonwealth or political subdivision or officer thereof.

F. Applicable taxes payable by a registered hosting platform in accordance with this section shall be subject to audit only by the Department or its authorized agent. Any such audit shall be conducted on the basis of returns and supporting documents filed by the registered hosting platform with the Department and shall not be conducted directly or indirectly on any individual operator or occupant to whom rooms, lodgings, dwellings, or accommodations were furnished in exchange for a charge for occupancy. Audits of a registered hosting platform for applicable taxes shall be conducted on an anonymous numbered account basis and shall not require the production of any personally identifiable information relating to any booking transaction or individual operator or occupant. No commissioner of the revenue, director of finance, or other similar local tax official may conduct any audit of applicable taxes paid by a registered hosting platform.

G. Notwithstanding any other provision of law, general or special, any registered hosting platform that fails to file a required return or pay the full amount of the applicable taxes due shall be subject to:

1. A penalty in the amount of \$500 for failure to file a return within one month of the due date, with an additional penalty of \$1,000 for each additional month, or fraction thereof; thereafter during the period in which the failure continues, a penalty not to exceed the lesser of five percent of the taxes due on such return or \$10,000 in the aggregate. Such penalty shall apply whether or not any tax is due for the period for which such return was required. If such failure is due to providential or other good cause shown to the satisfaction of the Department, such return with or without remittance may be accepted exclusive of penalties;

2. A penalty in the amount of three percent of the underpayment if the failure to pay the full amount of applicable tax due is for not more than one month, with an additional three percent of the underpayment for each additional month, or fraction thereof, during which the failure continues, not to exceed 15 percent of the underpayment in the aggregate; and

3. In the case of a false or fraudulent return where willful intent exists to defraud the Commonwealth of any applicable tax due pursuant to this section, or in the case of a willful failure to file a return with the intent to defraud the Commonwealth of any such tax, a specific penalty of 50 percent of the difference between the amount reported and the amount of the tax actually due.

H. All penalties and interest imposed by this section shall be payable by the hosting platform and collectible and distributable by the Department in the same manner as if they were part of the tax imposed. Interest at a rate determined in accordance with § 58.1-15 shall accrue on the tax until the same is paid.

I. The Department shall develop regulations for the implementation of this chapter. Initial regulations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.), but any updates or amendments to the regulations shall be subject thereto.

2. That nothing in this act shall be construed to subject any taxpayer to any additional taxes not currently imposed by law, nor shall this act be construed to relieve any taxpayer from any tax liability except as expressly set forth therein.

3. That the provisions of the first and second enactment clause of this act shall not become effective unless reenacted by the 2017 Session of the General Assembly.

4. That the Housing Commission shall convene a work group with representation from the hotel industry, hosting platform providers, local government, state and local tax officials, property owners, and other interested parties to explore issues related to expansion of the framework set forth in this act related to the registration, land use, tax, and other issues of public interest associated with the short-term rental of dwelling and other units. The work group shall take into consideration existing structures governing the activities of bed and breakfast inns, vacation rentals, and other transient occupancy venues. The work group shall complete its work by December 1, 2016, with the goal of developing recommendations and draft legislation for consideration by the 2017 Session of the General Assembly.

CHAPTER 675

An Act to amend and reenact § 1-510 of the Code of Virginia, relating to official emblems and designations; state rock; Nelsonite.

[S 352]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 1-510 of the Code of Virginia is amended and reenacted as follows:****§ 1-510. Official emblems and designations.**

The following are hereby designated official emblems and designations of the Commonwealth:

Artisan Center — "Virginia Artisans Center," located in the City of Waynesboro.

Bat — Virginia Big-eared bat (*Corynorhinos townsendii virginianus*).

Beverage — Milk.

*Bird — Northern Cardinal (*Cardinalis cardinalis*).*

Blue Ridge Folklore State Center — Blue Ridge Institute located in the village of Ferrum.

Boat — "Chesapeake Bay Deadrise."

Cabin Capital of Virginia — Page County.

Coal Miners' Memorial — The Richlands Coal Miners' Memorial located in Tazewell County.

Covered Bridge Capital of the Commonwealth — Patrick County.

Covered Bridge Festival — Virginia Covered Bridge Festival held in Patrick County.

Dog — American Foxhound.

~~Emergency medical services museum — "To The Rescue," located in the City of Roanoke.~~

Fish (Freshwater) — Brook Trout.

Fish (Saltwater) — Striped Bass.

Fleet — Replicas of the three ships, Susan Constant, Godspeed, and Discovery, which comprised the Commonwealth's founding fleet that brought the first permanent English settlers to Jamestown in 1607, and which are exhibited at the Jamestown Settlement in Williamsburg.

Flower — American Dogwood (*Cornus florida*).

Folk dance — Square dancing, the American folk dance that traces its ancestry to the English Country Dance and the French Ballroom Dance, and is called, cued, or prompted to the dancers, and includes squares, rounds, clogging, contra, line, the Virginia Reel, and heritage dances.

Fossil — Chesapeake *jeffersonius*.

Gold mining interpretive center — Monroe Park, located in the County of Fauquier.

Insect — Tiger Swallowtail Butterfly (*Papilio glaucus* Linne).

Maple Festival — The Highland County Maple Festival.

Motor sports museum — "Wood Brothers Racing Museum and Virginia Motor Sports Hall of Fame," located in Patrick County.

Outdoor drama — "The Trail of the Lonesome Pine Outdoor Drama," adapted for the stage by Clara Lou Kelly and performed in the Town of Big Stone Gap.

Outdoor drama, historical — "The Long Way Home" based on the life of Mary Draper Ingles, adapted for the stage by Earl Hobson Smith, and performed in the City of Radford.

Rock — Nelsonite.

Shakespeare festival — The Virginia Shakespeare Festival held in the City of Williamsburg.

Shell — Oyster shell (*Crassostrea virginica*).

Song emeritus — "Carry Me Back to Old Virginny," by James A. Bland, as set out in the House Joint Resolution 10, adopted by the General Assembly of Virginia at the Session of 1940.

Song (Popular) — "Sweet Virginia Breeze," by Robbin Thompson and Steve Bassett.

Song (Traditional) — "Our Great Virginia," lyrics by Mike Greenly and arranged by Jim Papoulis with music from the original American folk song "Oh Shenandoah."

Sports hall of fame — "Virginia Sports Hall of Fame," located in the City of Portsmouth.

*Tree — American Dogwood (*Cornus florida*).*

War memorial museum — "Virginia War Museum," (formerly known as the War Memorial Museum of Virginia), located in the City of Newport News.

CHAPTER 676

An Act to amend and reenact §§ 58.1-472 and 58.1-478 of the Code of Virginia, relating to withholding of income taxes; related penalties.

[S 230]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 58.1-472 and 58.1-478 of the Code of Virginia are amended and reenacted as follows:****§ 58.1-472. Employer's returns and payments of withheld taxes.**

Every employer required to deduct and withhold from an employee's wages under this article shall make return and pay over to the Tax Commissioner the amount required to be withheld hereunder as follows:

1. Every employer whose monthly liability is less than \$100 or who is subject to subdivision 3 shall make return and pay over the required amount on or before the last day of the month following the close of each quarterly period;

2. Every employer whose average monthly liability can reasonably be expected to be \$100 or more shall file a return and pay the tax monthly, on or before the twenty-fifth day of the following month;

3. Every employer whose average monthly liability can reasonably be expected to be \$1,000 or more and the aggregate amount required to be withheld by any employer exceeds \$500 shall, in addition to the requirements of subdivision 1 of ~~this section~~, file a form with the Tax Commissioner within three banking days following the close of any period for which the employer is required to deposit federal withholding tax and pay the amount so withheld, except when a payment is due within three days of the due date for the filing of the quarterly returns, then such payment shall be made with such return. Any employer otherwise required to file a return and pay the withholding tax pursuant to this subdivision that has no more than five employees subject to withholding under this article may request a waiver from the Tax Commissioner authorizing the employer to file the return and pay the withholding tax pursuant to subdivision 2.

The Tax Commissioner may authorize an employer to file seasonal returns when in his opinion the administration of the tax imposed under this article would be enhanced. Any employer making payment under subdivision 3 of ~~this section~~ will be deemed to have met the requirements hereof if at least ninety percent of actual tax liability for such period is paid. Employers authorized to file seasonal returns under this paragraph shall file each return on or before the twentieth of the month following the close of the reporting period.

The returns and forms filed under this section shall be in such ~~form~~ *electronic medium* and contain such information as the Tax Commissioner may prescribe.

§ 58.1-478. Withholding tax statements for employees; employers must file annual returns with Tax Commissioner; penalties.

A. Every person required to deduct and withhold from an employee's wages under this article shall furnish to each such employee in respect to the remuneration paid by such person to such employee during the calendar year, on or before January 31 of the succeeding year, or if his employment is terminated before the close of such calendar year, on the day on which the last payment of remuneration is made, a written statement in duplicate showing the following: (i) the name of such person; (ii) the name of the employee and his social security account number; (iii) the total amount of wages; and (iv) the total amount deducted and withheld under this article by such employer.

B. The written statements required to be furnished pursuant to this section in respect of any remuneration shall be furnished at such other times, shall contain such other information, and shall be in such form as the Tax Commissioner may by regulations prescribe.

C. 1. Every employer shall file an annual return with the Tax Commissioner, setting forth such information as the Tax Commissioner may require, not later than ~~February 28~~ *January 31* of the calendar year succeeding the calendar year in which wages were withheld from employees, and such annual return shall be accompanied by an additional copy of each of the written statements furnished to each employee under subsections A and B of ~~this section~~.

2. Every employer ~~who furnishes 250 or more written statements to employees under subsections A and B for any calendar year beginning before January 1, 2010; who furnished 150 or more such statements for any calendar year beginning on and after January 1, 2010; or who furnishes 50 or more such statements for any calendar year beginning on and after January 1, 2011;~~ shall file the annual ~~report~~ *return and copies of written statements* required under this subsection using an electronic medium using a format prescribed by the Tax Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the employer. All requests for waiver shall be submitted to the Tax Commissioner in writing. ~~Employers who furnish fewer than 250 written statements to employees under subsections A and B may, at such employer's option, file such annual report on an electronic medium in lieu of filing the annual report on paper.~~

D. The Tax Commissioner shall have the authority to require every employer to furnish the names and social security numbers of all employees whose wages or withholding amounts for the taxable year are below levels specified by the Tax Commissioner.

CHAPTER 677

An Act to amend and reenact §§ 9.1-400, 9.1-401, 9.1-402 through 9.1-405, 9.1-407, and 58.1-3, as it is currently effective and as it shall become effective, of the Code of Virginia; to amend the Code of Virginia by adding a section numbered 9.1-400.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.38; and to repeal § 9.1-406 of the Code of Virginia, relating to benefits for certain public employees disabled in the line of duty and their families, and for the families and beneficiaries of such employees who die in the line of duty.

[H 1345]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 9.1-400, 9.1-401, 9.1-402 through 9.1-405, 9.1-407, and 58.1-3, as it is currently effective and as it shall become effective, of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 9.1-400.1 and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.38 as follows:

§ 9.1-400. Title of chapter; definitions.

A. This chapter shall be known and designated as the Line of Duty Act.

B. As used in this chapter, unless the context requires a different meaning:

"Beneficiary" means the spouse of a deceased person and such persons as are entitled to take under the will of a deceased person if testate, or as his heirs at law if intestate.

(Effective until July 1, 2018) "Deceased person" means any individual whose death occurs on or after April 8, 1972, *in the line of duty* as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, ~~and 65.2-402, and 65.2-402.1~~ *if his position is covered by the applicable statute*, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town; a member of any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Board; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

(Effective July 1, 2018) "Deceased person" means any individual whose death occurs on or after April 8, 1972, *in the line of duty* as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, ~~and 65.2-402, and 65.2-402.1~~ *if his position is covered by the applicable statute*, as a law-enforcement officer of the Commonwealth or any of its political subdivisions; a correctional officer as defined in § 53.1-1; a jail officer; a regional jail or jail farm superintendent; a sheriff, deputy sheriff, or city sergeant or deputy city sergeant of the City of Richmond; a police chaplain; a member of any fire company or department or emergency medical services agency that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town; a member of any fire company providing fire protection services for facilities of the Virginia National Guard; a member of the Virginia National Guard or the Virginia Defense Force while such member is serving in the Virginia National Guard or the Virginia Defense Force on official state duty or federal duty under Title 32 of the United States Code; any special agent of the Virginia Alcoholic Beverage Control Authority; any regular or special conservation police officer who receives compensation from a county, city, or town or from the Commonwealth appointed pursuant to the provisions of § 29.1-200; any commissioned forest warden appointed under the provisions of § 10.1-1135; any member or employee of the Virginia Marine Resources Commission granted the power of arrest pursuant to § 28.2-900; any Department of Emergency Management hazardous materials officer; any other employee of the Department of Emergency Management who is performing official duties of the agency, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28; any employee of any county, city, or town performing official emergency management or emergency services duties in cooperation with the Department of Emergency Management, when those duties are related to a major disaster or emergency, as defined in § 44-146.16, that has been or is later declared to exist under the authority of the Governor in accordance with § 44-146.28 or a local emergency, as defined in § 44-146.16, declared by a local governing body; any nonfirefighter regional hazardous materials emergency response team member; any conservation officer of the Department of Conservation and Recreation commissioned pursuant to § 10.1-115; or any full-time sworn member of the enforcement division of the Department of Motor Vehicles appointed pursuant to § 46.2-217.

"Disabled person" means any individual who; *has been determined to be mentally or physically incapacitated so as to prevent the further performance of his duties at the time of his disability where such incapacity is likely to be permanent, and whose incapacity occurs in the line of duty as the direct or proximate result of the performance of his duty, including the presumptions under §§ 27-40.1, 27-40.2, 51.1-813, 65.2-402, and 65.2-402.1 if his position is covered by the applicable statute*, in any position listed in the definition of deceased person in this section; ~~has become mentally or physically incapacitated so as to prevent the further performance of duty where such incapacity is likely to be permanent. The term shall also include~~ *"Disabled person" does not include any individual who has been determined to be no longer disabled*

pursuant to subdivision A 2 of § 9.1-404. Disabled person also does not include any individual during any period in which his health insurance coverage in the LODA Health Benefits Plan is suspended pursuant to subdivision C 4 of § 9.1-401. "Disabled person" includes any state employee included in the definition of a deceased person who was disabled on or after January 1, 1966.

"Eligible dependent" for purposes of continued health insurance pursuant to § 9.1-401 means the natural or adopted child or children of a deceased person or disabled person or of a deceased or disabled person's eligible spouse, including any children born as the result of a pregnancy or adopted pursuant to a preadoptive agreement, either of which occurred prior to the time of the employee's death or disability. Eligibility will continue until the end of the year in which the eligible dependent reaches age 26 or when the eligible dependent ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Eligible spouse" for purposes of continued health insurance pursuant to § 9.1-401 means the spouse of a deceased person or a disabled person at the time of the death or disability. Eligibility will continue until the eligible spouse dies, ceases to be married to a disabled person, or in the case of the spouse of a deceased person, dies, remarries, or otherwise ceases to be eligible based on the Virginia Administrative Code or administrative guidance as determined by the Department of Human Resource Management.

"Employee" means any person who would be covered or whose spouse, dependents, or beneficiaries would be covered under the benefits of this chapter if the person became a disabled person or a deceased person.

"Employer" means (i) the employer of a person who is a covered employee or (ii) in the case of a volunteer who is a member of any fire company or department or rescue squad described in the definition of "deceased person," the county, city, or town that by ordinance or resolution recognized such fire company or department or rescue squad as an integral part of the official safety program of such locality.

"Fund" means the Line of Duty Death and Health Benefits Trust Fund established pursuant to § 9.1-400.1

"Line of duty" means any action the deceased or disabled person was obligated or authorized to perform by rule, regulation, condition of employment or service, or law.

"LODA Health Benefits Plans" means the separate health benefits plans established pursuant to § 9.1-401.

"Nonparticipating employer" means any employer that is a political subdivision of the Commonwealth that elected on or before July 1, 2012, to directly fund the cost of benefits provided under this chapter and not participate in the Fund.

"Participating employer" means any employer that is a state agency or is a political subdivision of the Commonwealth that did not make an election to become a nonparticipating employer.

"VRS" means the Virginia Retirement System.

§ 9.1-400.1. Line of Duty Death and Health Benefits Trust Fund.

A. There is hereby established a permanent and perpetual fund to be known as the Line of Duty Death and Health Benefits Trust Fund, consisting of such moneys as may be appropriated by the General Assembly, contributions or reimbursements from participating and nonparticipating employers, gifts, bequests, endowments, or grants from the United States government or its agencies or instrumentalities, net income from the investment of moneys held in the Fund, and any other available sources of funds, public and private. Any moneys remaining in the Fund at the end of a biennium shall not revert to the general fund but shall remain in the Fund. Interest and income earned from the investment of such moneys shall remain in the Fund and be credited to it. The moneys in the Fund shall be (i) deemed separate and independent trust funds, (ii) segregated and accounted for separately from all other funds of the Commonwealth, and (iii) administered solely in the interests of the persons who are covered under the benefits provided pursuant to this chapter. Deposits to and assets of the Fund shall not be subject to the claims of creditors.

B. The Virginia Retirement System shall invest, reinvest, and manage the assets of the Fund as provided in § 51.1-124.38 and shall be reimbursed from the Fund for such activities as provided in that section.

C. The Fund shall be used to provide the benefits under this chapter related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers and to pay related administrative costs.

D. Each participating employer shall make annual contributions to the Fund and provide information as determined by VRS. The amount of the contribution for each participating employer shall be determined on a current disbursement basis in accordance with the provisions of this section. If any participating employer fails to remit contributions or other fees or costs associated with the Fund, VRS shall inform the State Comptroller and the affected participating employer of the delinquent amount. In calculating the delinquent amount, VRS may impose an interest rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such participating employer.

§ 9.1-401. Continued health insurance coverage for employees, eligible spouses, and eligible dependents.

A. ~~The surviving spouse and any dependents of a deceased person~~ Employees, eligible spouses, and eligible dependents shall be afforded continued health insurance coverage as provided in this section, the cost of which shall be paid ~~in full out of the general fund of the state treasury~~ by the nonparticipating employer to the Department of Human Resource Management or from the Fund on behalf of a participating employer, as applicable. If any disabled person is receiving the benefits described in this section and would otherwise qualify for the health insurance credit described in Chapter 14 (§ 51.1-1400 et seq.) of Title 51.1, the amount of such credit shall be deposited into the Line of Duty Death and Health Benefits Trust Fund or paid to the nonparticipating employer, as applicable, from the health insurance credit trust fund, in a manner prescribed by VRS.

B. If the disabled person's disability (i) occurred while in the line of duty as the direct or proximate result of the performance of his duty or (ii) was subject to the provisions of §§ 27-40.1, 27-40.2, 51.1-813 or § 65.2-402, and arose out of and in the course of his employment, the disabled person, his surviving spouse and any dependents shall be afforded continued health insurance coverage. The cost of such health insurance coverage shall be paid in full out of the general fund of the state treasury.

C. The continued health insurance coverage provided by this section shall be the same plan of benefits which the deceased or disabled person was entitled to on the last day of his active duty or comparable benefits established as a result of a replacement plan.

D. For any spouse, continued health insurance provided by this section shall terminate upon such spouse's death or coverage by alternate health insurance.

E. For dependents, 1. The continued health insurance coverage provided by this section for all disabled persons, eligible spouses, and eligible dependents shall be through separate plans, referred to as the LODA Health Benefits Plans (the Plans), administered by the Department of Human Resource Management. The Plans shall comply with all applicable federal and state laws and shall be modeled upon state employee health benefits program plans. Funding of the Plans' reserves and contingency shall be provided through a line of credit, the amount of which shall be based on an actuarially determined estimate of liabilities. The Department of Human Resource Management shall be reimbursed for health insurance premiums and all reasonable costs incurred and associated, directly and indirectly, in performing the duties pursuant to this section (i) from the Line of Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers and (ii) from a nonparticipating employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the nonparticipating employer is responsible. If any nonparticipating employer fails to remit such premiums and costs, the Department of Human Resource Management shall inform the State Comptroller and the affected nonparticipating employer of the delinquent amount. In calculating the delinquent amount, the Department of Human Resource Management may impose an interest rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such nonparticipating employer.

2. In the event that temporary health care insurance coverage is needed for employees, eligible spouses, and eligible dependents during the period of transition into the LODA Health Benefits Plans, the Department of Human Resource Management is authorized to acquire and provide temporary transitional health insurance coverage. The type and source of the transitional health plans shall be within the sole discretion of the Department of Human Resource Management. Transitional coverage for eligible dependents shall comply with the eligibility criteria of the transitional plans until enrollment in the LODA Health Benefits Plan can be completed.

C. 1. a. Except as provided in subdivision 2 and any other law, continued health insurance provided by this section coverage in any LODA Health Benefits Plans shall not be provided to any person terminate upon such dependent's death, marriage, coverage by alternate health insurance or twenty-first birthday (i) whose coverage under the Plan is based on a deceased person's death or a disabled person's disability occurring on or after July 1, 2017 and (ii) who is eligible for Medicare due to age.

b. Coverage in the LODA Health Benefits Plans shall also cease for any person upon his death.

Continued health care insurance shall be provided beyond the dependent's twenty-first birthday if the dependent is a full-time college student and shall continue until such time as the dependent ceases to be a full-time student or reaches his twenty-fifth birthday, whichever occurs first. Continued health care insurance shall also be provided beyond the dependent's twenty-first birthday if the dependent is mentally or physically disabled, and such coverage shall continue until three months following the cessation of the disability.

F. For any disabled person, continued health insurance provided by this section

2. The provisions of subdivision 1 a shall not apply to any disabled person who is eligible for Medicare due to disability under Social Security Disability Insurance or a Railroad Retirement Board Disability Annuity. The Department of Human Resource Management may provide such disabled person coverage under a LODA Health Benefits Plan that is separate from the plan for other persons.

3. Continued health insurance under this section shall automatically also terminate upon the disabled person's death, recovery or return to full duty in any position listed in the definition of deceased person in § 9.1-400. Such disabled person shall promptly notify the participating or nonparticipating employer, VRS, and the Department of Human Resource Management upon his return to work.

4. Such continued health insurance shall be suspended for the year following a calendar year in which the disabled person has earned income in an amount equal to or greater than the salary of the position held by the disabled person at the time of disability, indexed annually based upon the annual increases in the United States Average Consumer Price Index for all items, all urban consumers (CPI-U), as published by the Bureau of Labor Statistics of the U.S. Department of Labor. Such suspension shall cease the year following a calendar year in which the disabled person has not earned such amount of income. The disabled person shall notify the participating or nonparticipating employer, VRS, and the Department of Human Resource Management no later than January 15 of the year following any year in which he earns income of such amount, and notify the participating or nonparticipating employer, VRS, and the Department of Human Resource

Management when he no longer is earning such amount. Upon request, a disabled person shall provide VRS and the Department of Human Resource Management with documentation of earned income.

§ 9.1-402. Payments to beneficiaries of certain deceased law-enforcement officers, firefighters, etc., and retirees.

A. The beneficiary of a deceased person whose death occurred on or before December 31, 2005, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$75,000, which shall be ~~payable out of the general fund of the state treasury~~, *paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable*, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

B. The beneficiary of a deceased person whose death occurred on or after January 1, 2006, while in the line of duty as the direct or proximate result of the performance of his duty shall be entitled to receive the sum of \$100,000, which shall be ~~payable out of the general fund of the state treasury~~ *paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable*, in gratitude for and in recognition of his sacrifice on behalf of the people of the Commonwealth.

C. Subject to the provisions of §§ § 27-40.1, 27-40.2, 51.1-813, or § 65.2-402, if the deceased person's death (i) arose out of and in the course of his employment or (ii) was within five years from his date of retirement, his beneficiary shall be entitled to receive the sum of \$25,000, which shall be ~~payable out of the general fund of the state treasury~~ *paid by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable*.

§ 9.1-402.1. Payments for burial expenses.

It is the intent of the General Assembly that expeditious payments for burial expenses be made for *deceased* persons whose death is determined to be a direct and proximate result of their performance in the line of duty as defined by the Line of Duty Act. ~~The State Comptroller is hereby authorized to release~~, *Upon the approval of VRS*, at the request of the family of a person who may be subject to the line of duty death benefits, payments *shall be made* to a funeral service provider for burial and transportation costs *by the nonparticipating employer or from the Fund on behalf of a participating employer, as applicable*. These payments would be advanced from the death benefit that would be due to the beneficiary of the deceased person if it is determined that the person qualifies for line of duty coverage. Expenses advanced under this provision shall not exceed the coverage amounts outlined in § 65.2-512. In the event a determination is made that the death is not subject to the line of duty benefits, ~~the Virginia Retirement System VRS or other Virginia governmental retirement fund~~ *to of which the deceased is a member will deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased payments previously paid by the State Comptroller* for burial and related transportation expenses and return such funds to the ~~State Comptroller~~ *nonparticipating employer or to the Fund on behalf of a participating employer, as applicable*. The ~~State Comptroller~~ *Virginia Retirement System* shall have the right to file a claim with the Virginia Workers' Compensation Commission against any employer to recover burial and related transportation expenses advanced under this provision.

§ 9.1-403. Claim for payment; costs.

A. Every beneficiary, disabled person or his spouse, or dependent of a deceased or disabled person shall present his claim to the chief officer, or his designee, of the ~~appropriate division or department that last employed the deceased or disabled person~~ *employer for which the disabled or deceased person last worked* on forms to be provided by the ~~State Comptroller's office~~ *VRS*. Upon receipt of a claim, the chief officer or his designee shall forward the claim to VRS within seven days. The Virginia Retirement System shall determine eligibility for benefits under this chapter. The Virginia Retirement System may request assistance in obtaining information necessary to make an eligibility determination from the Department of State Police. The Department of State Police shall take action to conduct the investigation as expeditiously as possible. The Department of State Police shall be reimbursed from the Fund or the nonparticipating employer, as applicable, for the cost of searching for and obtaining information requested by VRS. The Virginia Retirement System shall be reimbursed for the reasonable costs incurred for making eligibility determinations by nonparticipating employers or from the Fund on behalf of participating employers, as applicable. If any nonparticipating employer fails to reimburse VRS for reasonable costs incurred in making an eligibility determination, VRS shall inform the State Comptroller and the affected nonparticipating employer of the delinquent amount. In calculating the delinquent amount, VRS may impose an interest rate of one percent per month of delinquency. The State Comptroller shall forthwith transfer such delinquent amount, plus interest, from any moneys otherwise distributable to such nonparticipating employer.

B. ~~In the case of a police department or a sheriff's office that is part of or administered by the Commonwealth or any political subdivision thereof, the chief officer, or his designee, of such department or office shall investigate and report upon the circumstances surrounding the deceased or disabled person and report his findings to the Comptroller within 10 business days after completion of the investigation. The Comptroller, the Attorney General, or any such chief officer, in his discretion, may submit a request to the Superintendent of the Department of State Police to perform the investigation pursuant to subsection C.~~

C. ~~In all other cases, upon receipt of the claim the chief officer, or his designee, of the appropriate division or department shall submit a request to the Superintendent of the Department of the State Police, who shall investigate and report upon the circumstances surrounding the deceased or disabled person, calling upon the additional information and services of any other appropriate agents or agencies of the Commonwealth. The Superintendent, or his designee, shall report his findings to the Comptroller within 10 business days after completion of the investigation. The Department of State Police shall take action to conduct the investigation as expeditiously as possible. The Department shall be reimbursed for~~

the cost of investigations conducted pursuant to this section from the appropriate employer that last employed the deceased or disabled employee.

~~D. 1.~~ Within 10 business days of being notified by an employee, or an employee's representative, that such employee is permanently and totally disabled due to a work-related injury suffered in the line of duty, the agency or department employing the ~~disabled person~~ *employee* shall provide him with information about the continued health insurance coverage provided under this ~~act~~ *chapter* and the process for initiating a claim. The employer shall assist in filing a claim, unless such assistance is waived by the employee or the employee's representative.

2. *Within 10 business days of having knowledge that a deceased person's surviving spouse, dependents, or beneficiaries may be entitled to benefits under this chapter, the employer for which the deceased person last worked shall provide the surviving spouse, dependents, or beneficiaries, as applicable, with information about the benefits provided under this chapter and the process for initiating a claim. The employer shall assist in filing a claim, unless such assistance is waived by the surviving spouse, dependents, or beneficiaries.*

C. *Within 30 days of receiving a claim pursuant to subsection A, an employer may submit to VRS any evidence that could assist in determining the eligibility of a claim. However, when the claim involves a presumption under § 65.2-402 or 65.2-402.1, VRS shall provide an employer additional time to submit evidence as is necessary not to exceed nine months from the date the employer received a claim pursuant to subsection A. Any such evidence submitted by the employer shall be included in the agency record for the claim.*

§ 9.1-404. Order of the Virginia Retirement System.

A. 1. ~~The Virginia Retirement System shall make an eligibility determination within 45 days of receiving all necessary information for determining eligibility for a claim filed under § 9.1-403. If it appears to the Comptroller that the requirements of either subsection A or B of § 9.1-402 have been satisfied, he shall issue his warrant in the appropriate amount for payment out of the general fund of the state treasury to the surviving spouse or to such persons and subject to such conditions as may be proper in his administrative discretion, and in the event there is no beneficiary, the Comptroller shall issue the payment to the estate of the deceased person. The Comptroller shall issue a decision, and payment, if appropriate, shall be made no later than forty-five days following receipt of the report required under § 9.1-403 benefits under this chapter are due, VRS shall notify the nonparticipating employer, which shall provide the benefits within 15 days of such notice, or VRS shall pay the benefits from the Fund on behalf of the participating employer within 15 days of the determination, as applicable. The payments shall be retroactive to the first date that the disabled person was no longer eligible for health insurance coverage subsidized by his employer.~~

2. *Two years after an individual has been determined to be a disabled person, VRS may require the disabled person to renew the determination through a process established by VRS. If a disabled person refuses to submit to the determination renewal process described in this subdivision, then benefits under this chapter shall cease for the individual, any eligible dependents, and an eligible spouse until the individual complies. If such individual does not comply within six months from the date of the initial request for a renewed determination, then benefits under this chapter shall permanently cease for the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that an individual is no longer a disabled person, then benefits under this chapter shall permanently cease for the individual, any eligible dependents, and an eligible spouse. If VRS issues a renewed determination that an individual remains a disabled person, then VRS may require the disabled person to renew the determination five years after such renewed determination through a process established by VRS. The Virginia Retirement System may require the disabled person to renew the determination at any time if VRS has information indicating that the person may no longer be disabled.*

B. ~~If it appears to the Comptroller that the requirements of either subsection A or B of § 9.1-401 have been satisfied, he shall issue his warrants in the appropriate amounts for payment from the general fund of the state treasury to ensure continued health care coverage for the persons designated under § 9.1-401. The Comptroller shall issue a decision, and payments, if appropriate, shall commence no later than forty-five days following receipt of the report required under § 9.1-403. The payments shall be retroactive to the first date that the disability existed. The Virginia Retirement System shall be reimbursed for all reasonable costs incurred and associated, directly and indirectly, in performing the duties pursuant to this chapter (i) from the Line of Duty Death and Health Benefits Trust Fund for costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses on behalf of participating employers and (ii) from a nonparticipating employer for premiums and costs related to disabled persons, deceased persons, eligible dependents, and eligible spouses for which the nonparticipating employer is responsible.~~

C. *The Virginia Retirement System may develop policies and procedures necessary to carry out the provisions of this chapter.*

§ 9.1-405. Appeal from decision of Virginia Retirement System.

~~Any beneficiary, disabled person or his eligible spouse or eligible dependent of a deceased or disabled person aggrieved by the decision of the Comptroller shall present a petition to the court in which the will of the deceased person is probated or in which the personal representative of the deceased person is qualified or might qualify or in the jurisdiction in which the disabled person resides. VRS may appeal the decision through a process established by VRS. Any such process may utilize a medical board as described in § 51.1-124.23. An employer may submit information related to the claim and may participate in any informal fact-finding proceeding that is included in such process established by VRS. Upon completion of the appeal process, the final determination issued by VRS shall constitute a case decision as defined in § 2.2-4001. Any beneficiary, disabled person, or eligible spouse or eligible dependent of a deceased or disabled person~~

aggrieved by, and claiming the unlawfulness of, such case decision shall have a right to seek judicial review thereof in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act. The employer shall not have a right to seek such judicial review.

The Commonwealth shall be represented in such proceeding by the Attorney General or his designee. The court shall proceed as chancellor without a jury. If it appears to the court that the requirements of this chapter have been satisfied, the judge shall enter an order to that effect. The order shall also direct the Comptroller to issue his warrant in the appropriate amount for the payment out of the general fund of the state treasury to such persons and subject to such conditions as may be proper. If, in the case of a deceased person, there is no beneficiary, the judge shall direct such payment as is due under § 9.1-402 to the estate of the deceased person.

§ 9.1-407. Training.

Any law-enforcement or public safety officer entitled to benefits under this ~~Chapter~~ chapter shall receive training within 30 days of his employment, and again every two years thereafter, concerning the benefits available to himself or his beneficiary in case of disability or death in the line of duty. The Secretary of Public Safety and Homeland Security shall develop training information to be distributed to agencies and localities with employees subject to this chapter. The agency or locality shall be responsible for providing the training. Such training shall not count ~~towards~~ toward in-service training requirements for law-enforcement officers pursuant to § 9.1-102 and shall include, but not be limited to, the general rules for intestate succession described in § 64.2-200 that may be applicable to the distribution of benefits provided under § 9.1-402.

§ 51.1-124.38. Investment of assets of the Line of Duty Death and Health Benefits Trust Fund.

A. In addition to such other powers as shall be vested in the Board, the Board shall have the full power to invest, reinvest, and manage the assets of the Line of Duty Death and Health Benefits Trust Fund (the Fund) established pursuant to § 9.1-400.1. The Board shall maintain a separate accounting for the assets of the Fund.

B. The Board shall invest the assets of the Fund with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Board shall also diversify such investments so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so.

C. No officer, director, or member of the Board or of any advisory committee of the Retirement System or any of its tax-exempt subsidiary corporations whose actions are within the standard of care in subsection B shall be held personally liable for losses suffered by the Retirement System on investments made under the authority of this section.

D. The provisions of §§ 51.1-124.32 through 51.1-124.35 shall apply to the Board's activities with respect to moneys in the Fund.

E. The Board may assess the Fund a reasonable administrative fee for its services.

§ 58.1-3. (Effective until July 1, 2018) Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the

following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Alcoholic Beverage Control Board, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously

provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; ~~and~~ (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; *and* (xxi) *provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401.* The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

§ 58.1-3. (Effective July 1, 2018) Secrecy of information; penalties.

A. Except in accordance with a proper judicial order or as otherwise provided by law, the Tax Commissioner or agent, clerk, commissioner of the revenue, treasurer, or any other state or local tax or revenue officer or employee, or any person to whom tax information is divulged pursuant to § 58.1-512 or 58.1-2712.2, or any former officer or employee of any of the aforementioned offices shall not divulge any information acquired by him in the performance of his duties with respect to the transactions, property, including personal property, income or business of any person, firm or corporation. Such prohibition specifically includes any copy of a federal return or federal return information required by Virginia law to be attached to or included in the Virginia return. This prohibition shall apply to any reports, returns, financial documents or other information filed with the Attorney General pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2. Any person violating the provisions of this section is guilty of a Class 1 misdemeanor. The provisions of this subsection shall not be applicable, however, to:

1. Matters required by law to be entered on any public assessment roll or book;
2. Acts performed or words spoken, published, or shared with another agency or subdivision of the Commonwealth in the line of duty under state law;
3. Inquiries and investigations to obtain information as to the process of real estate assessments by a duly constituted committee of the General Assembly, or when such inquiry or investigation is relevant to its study, provided that any such information obtained shall be privileged;
4. The sales price, date of construction, physical dimensions or characteristics of real property, or any information required for building permits;
5. Copies of or information contained in an estate's probate tax return, filed with the clerk of court pursuant to § 58.1-1714, when requested by a beneficiary of the estate or an heir at law of the decedent;
6. Information regarding nonprofit entities exempt from sales and use tax under § 58.1-609.11, when requested by the General Assembly or any duly constituted committee of the General Assembly;
7. Reports or information filed with the Attorney General by a Stamping Agent pursuant to the provisions of Article 3 (§ 3.2-4204 et seq.), when such reports or information are provided by the Attorney General to a tobacco products manufacturer who is required to establish a qualified escrow fund pursuant to § 3.2-4201 and are limited to the brand families of that manufacturer as listed in the Tobacco Directory established pursuant to § 3.2-4206 and are limited to the current or previous two calendar years or in any year in which the Attorney General receives Stamping Agent information that potentially alters the required escrow deposit of the manufacturer. The information shall only be provided in the following manner: the manufacturer may make a written request, on a quarterly or yearly basis or when the manufacturer is notified by the Attorney General of a potential change in the amount of a required escrow deposit, to the Attorney General for a list of the Stamping Agents who reported stamping or selling its products and the amount reported. The Attorney General shall provide the list within 15 days of receipt of the request. If the manufacturer wishes to obtain actual copies of the reports the Stamping Agents filed with the Attorney General, it must first request them from the Stamping Agents pursuant to subsection C of § 3.2-4209. If the manufacturer does not receive the reports pursuant to subsection C of § 3.2-4209, the manufacturer may make a written request to the Attorney General, including a copy of the prior written request to the Stamping Agent and any response received, for copies of any reports not received. The Attorney General shall provide copies of the reports within 45 days of receipt of the request.

B. 1. Nothing contained in this section shall be construed to prohibit the publication of statistics so classified as to prevent the identification of particular reports or returns and the items thereof or the publication of delinquent lists showing the names of taxpayers who are currently delinquent, together with any relevant information which in the opinion of the Department may assist in the collection of such delinquent taxes. Notwithstanding any other provision of this section or other law, the Department, upon request by the General Assembly or any duly constituted committee of the General Assembly, shall disclose the total aggregate amount of an income tax deduction or credit taken by all taxpayers, regardless of (i) how few taxpayers took the deduction or credit or (ii) any other circumstances. This section shall not be construed to prohibit a local tax official from disclosing whether a person, firm or corporation is licensed to do business in that locality and divulging, upon written request, the name and address of any person, firm or corporation transacting business under a fictitious name. Additionally, notwithstanding any other provision of law, the commissioner of revenue is authorized to provide, upon written request stating the reason for such request, the Tax Commissioner with information obtained from local tax returns and other information pertaining to the income, sales and property of any person, firm or corporation licensed to do business in that locality.

2. This section shall not prohibit the Department from disclosing whether a person, firm, or corporation is registered as a retail sales and use tax dealer pursuant to Chapter 6 (§ 58.1-600 et seq.) or whether a certificate of registration number relating to such tax is valid. Additionally, notwithstanding any other provision of law, the Department is hereby authorized to make available the names and certificate of registration numbers of dealers who are currently registered for retail sales and use tax.

3. This section shall not prohibit the Department from disclosing information to nongovernmental entities with which the Department has entered into a contract to provide services that assist it in the administration of refund processing or other services related to its administration of taxes.

C. Notwithstanding the provisions of subsection A or B or any other provision of this title, the Tax Commissioner is authorized to: (i) divulge tax information to any commissioner of the revenue, director of finance or other similar collector

of county, city or town taxes who, for the performance of his official duties, requests the same in writing setting forth the reasons for such request; (ii) provide to the Commissioner of the Department of Social Services, upon written request, information on the amount of income, filing status, number and type of dependents, and whether a federal earned income tax credit has been claimed as reported by persons on their state income tax returns who have applied for public assistance or social services benefits as defined in § 63.2-100; (iii) provide to the chief executive officer of the designated student loan guarantor for the Commonwealth of Virginia, upon written request, the names and home addresses of those persons identified by the designated guarantor as having delinquent loans guaranteed by the designated guarantor; (iv) provide current address information upon request to state agencies and institutions for their confidential use in facilitating the collection of accounts receivable, and to the clerk of a circuit or district court for their confidential use in facilitating the collection of fines, penalties and costs imposed in a proceeding in that court; (v) provide to the Commissioner of the Virginia Employment Commission, after entering into a written agreement, such tax information as may be necessary to facilitate the collection of unemployment taxes and overpaid benefits; (vi) provide to the Virginia Alcoholic Beverage Control Authority, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of state and local taxes and the administration of the alcoholic beverage control laws; (vii) provide to the Director of the Virginia Lottery such tax information as may be necessary to identify those lottery ticket retailers who owe delinquent taxes; (viii) provide to the Department of the Treasury for its confidential use such tax information as may be necessary to facilitate the location of owners and holders of unclaimed property, as defined in § 55-210.2; (ix) provide to the State Corporation Commission, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of taxes and fees administered by the Commission; (x) provide to the Executive Director of the Potomac and Rappahannock Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xi) provide to the Commissioner of the Department of Agriculture and Consumer Services such tax information as may be necessary to identify those applicants for registration as a supplier of charitable gaming supplies who have not filed required returns or who owe delinquent taxes; (xii) provide to the Department of Housing and Community Development for its confidential use such tax information as may be necessary to facilitate the administration of the remaining effective provisions of the Enterprise Zone Act (§ 59.1-270 et seq.), and the Enterprise Zone Grant Program (§ 59.1-538 et seq.); (xiii) provide current name and address information to private collectors entering into a written agreement with the Tax Commissioner, for their confidential use when acting on behalf of the Commonwealth or any of its political subdivisions; however, the Tax Commissioner is not authorized to provide such information to a private collector who has used or disseminated in an unauthorized or prohibited manner any such information previously provided to such collector; (xiv) provide current name and address information as to the identity of the wholesale or retail dealer that affixed a tax stamp to a package of cigarettes to any person who manufactures or sells at retail or wholesale cigarettes and who may bring an action for injunction or other equitable relief for violation of Chapter 10.1, Enforcement of Illegal Sale or Distribution of Cigarettes Act; (xv) provide to the Commissioner of Labor and Industry, upon entering into a written agreement, such tax information as may be necessary to facilitate the collection of unpaid wages under § 40.1-29; (xvi) provide to the Director of the Department of Human Resource Management, upon entering into a written agreement, such tax information as may be necessary to identify persons receiving workers' compensation indemnity benefits who have failed to report earnings as required by § 65.2-712; (xvii) provide to any commissioner of the revenue, director of finance, or any other officer of any county, city, or town performing any or all of the duties of a commissioner of the revenue and to any dealer registered for the collection of the Communications Sales and Use Tax, a list of the names, business addresses, and dates of registration of all dealers registered for such tax; (xviii) provide to the Executive Director of the Northern Virginia Transportation Commission for his confidential use such tax information as may be necessary to facilitate the collection of the motor vehicle fuel sales tax; (xix) provide to the Commissioner of Agriculture and Consumer Services the name and address of the taxpayer businesses licensed by the Commonwealth that identify themselves as subject to regulation by the Board of Agriculture and Consumer Services pursuant to § 3.2-5130; ~~and~~ (xx) provide to the developer or the economic development authority of a tourism project authorized by § 58.1-3851.1, upon entering into a written agreement, tax information facilitating the repayment of gap financing; *and (xxi) provide to the Virginia Retirement System and the Department of Human Resource Management, after entering into a written agreement, such tax information as may be necessary to facilitate the enforcement of subdivision C 4 of § 9.1-401.* The Tax Commissioner is further authorized to enter into written agreements with duly constituted tax officials of other states and of the United States for the inspection of tax returns, the making of audits, and the exchange of information relating to any tax administered by the Department of Taxation. Any person to whom tax information is divulged pursuant to this section shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

D. Notwithstanding the provisions of subsection A or B or any other provision of this title, the commissioner of revenue or other assessing official is authorized to (i) provide, upon written request stating the reason for such request, the chief executive officer of any county or city with information furnished to the commissioner of revenue by the Tax Commissioner relating to the name and address of any dealer located within the county or city who paid sales and use tax, for the purpose of verifying the local sales and use tax revenues payable to the county or city; (ii) provide to the Department of Professional and Occupational Regulation for its confidential use the name, address, and amount of gross receipts of any person, firm or entity subject to a criminal investigation of an unlawful practice of a profession or occupation administered by the Department of Professional and Occupational Regulation, only after the Department of Professional and Occupational Regulation exhausts all other means of obtaining such information; and (iii) provide to any representative of a

condominium unit owners' association, property owners' association or real estate cooperative association, or to the owner of property governed by any such association, the names and addresses of parties having a security interest in real property governed by any such association; however, such information shall be released only upon written request stating the reason for such request, which reason shall be limited to proposing or opposing changes to the governing documents of the association, and any information received by any person under this subsection shall be used only for the reason stated in the written request. The treasurer or other local assessing official may require any person requesting information pursuant to clause (iii) of this subsection to pay the reasonable cost of providing such information. Any person to whom tax information is divulged pursuant to this subsection shall be subject to the prohibitions and penalties prescribed herein as though he were a tax official.

Notwithstanding the provisions of subsection A or B or any other provisions of this title, the treasurer or other collector of taxes for a county, city or town is authorized to provide information relating to any motor vehicle, trailer or semitrailer obtained by such treasurer or collector in the course of performing his duties to the commissioner of the revenue or other assessing official for such jurisdiction for use by such commissioner or other official in performing assessments.

This section shall not be construed to prohibit a local tax official from imprinting or displaying on a motor vehicle local license decal the year, make, and model and any other legal identification information about the particular motor vehicle for which that local license decal is assigned.

E. Notwithstanding any other provisions of law, state agencies and any other administrative or regulatory unit of state government shall divulge to the Tax Commissioner or his authorized agent, upon written request, the name, address, and social security number of a taxpayer, necessary for the performance of the Commissioner's official duties regarding the administration and enforcement of laws within the jurisdiction of the Department of Taxation. The receipt of information by the Tax Commissioner or his agent which may be deemed taxpayer information shall not relieve the Commissioner of the obligations under this section.

F. Additionally, it shall be unlawful for any person to disseminate, publish, or cause to be published any confidential tax document which he knows or has reason to know is a confidential tax document. A confidential tax document is any correspondence, document, or tax return that is prohibited from being divulged by subsection A, B, C, or D and includes any document containing information on the transactions, property, income, or business of any person, firm, or corporation that is required to be filed with any state official by § 58.1-512. This prohibition shall not apply if such confidential tax document has been divulged or disseminated pursuant to a provision of law authorizing disclosure. Any person violating the provisions of this subsection is guilty of a Class 1 misdemeanor.

2. That § 9.1-406 of the Code of Virginia is repealed.

3. That any person who holds a position listed in the definition of "deceased person" under § 9.1-400 of the Code of Virginia who is temporarily disabled in the direct line of duty as defined in § 9.1-400 of the Code of Virginia and who is required to have a state certification for purposes of maintaining his employment shall not have such certification lapse during such period of temporary disability, not to exceed two years. State agencies involved in such recertification, including but not limited to the Virginia Department of Emergency Management, the Department of Criminal Justice Services, the Virginia Department of Fire Programs, and the Virginia Department of Health, may develop and promulgate regulations to carry out the provisions of this act with input from persons holding the positions listed in the definition of "deceased person" or organizations that represent them. Certifying state agencies may suspend a person's certification when, but for the provisions of this act, it would otherwise lapse. Certifying state agencies shall provide a reasonable time frame for a person covered under the provisions of this act who wishes to return to work to become recertified.

4. That each nonparticipating employer shall pay its pro rata share of estimated implementation costs to the Virginia Retirement System and the Department of Human Resource Management in an amount and manner and on such date as may be determined by the Virginia Retirement System and the Department of Human Resource Management, respectively.

5. That the provisions of this act shall become effective on July 1, 2017, except the provisions of the fourth enactment of this act, which shall become effective on July 1, 2016.

CHAPTER 678

An Act to amend and reenact §§ 3.2-6549 and 3.2-6557 of the Code of Virginia, relating to requiring submission of animal intake policy.

[H 476]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 3.2-6549 and 3.2-6557 of the Code of Virginia are amended and reenacted as follows:

§ 3.2-6549. Releasing agencies other than public or private animal shelters; confinement and disposition of companion animals; recordkeeping; affiliation with foster care providers; penalties.

A. A releasing agency other than a public or private animal shelter:

1. May confine and dispose of companion animals in accordance with subsections B through G of § 3.2-6546 if incorporated and not operated for profit; ~~and~~

2. Shall keep accurate records of each companion animal received for two years from the date of disposition of the companion animal. Records shall: (i) include a description of the companion animal, including species, color, breed, sex, approximate weight, age, reason for release, owner's or finder's name, address, and telephone number, *and* license number or other identifying tags or markings, as well as disposition of the companion animal; and (ii) be made available upon request to the Department, animal control officers, and law-enforcement officers at mutually agreeable times. A releasing agency other than a public or private animal shelter shall *annually* submit a summary of such records to the State Veterinarian ~~annually~~ in a format prescribed by him, wherein a post office box may be substituted for a home address; *and*

3. *Shall annually file with the State Veterinarian a copy of its intake policy.*

For purposes of recordkeeping, release of a companion animal by a releasing agency to a public or private animal shelter or other releasing agency shall be considered a transfer and not an adoption. If the animal is not first sterilized, the responsibility for sterilizing the animal transfers to the receiving entity.

B. Each releasing agency other than a public or private animal shelter shall obtain a signed statement from each of its directors, operators, staff, or animal caregivers specifying that each individual has never been convicted of animal cruelty, neglect, or abandonment, and each such releasing agency shall update such statement as changes occur.

C. No releasing agency other than a public or private animal shelter shall place a companion animal in a foster home with a foster care provider unless the foster care provider has read and signed a statement specifying that the foster care provider has never been convicted of animal cruelty, neglect, or abandonment, and such releasing agency shall update the statement as changes occur. A releasing agency other than a public or private animal shelter shall maintain the original statement and any updates to such statement for so long as the releasing agency has an affiliation with the foster care provider.

D. A releasing agency other than a public or private animal shelter that places a companion animal in a foster home with a foster care provider shall ensure that the foster care provider complies with § 3.2-6503.

E. If a releasing agency other than a public or private animal shelter finds a direct and immediate threat to a companion animal placed with a foster care provider, it shall report its findings to the animal control agency in the area where the foster care provider is located.

F. Any releasing agency other than a public or private animal shelter that finds a companion animal or receives a companion animal that has not been released by its owner and (i) provides care or safekeeping or (ii) takes possession of such companion animal shall within 48 hours:

1. Make a reasonable attempt to notify the owner of the companion animal, if the owner can be ascertained from any tag, license, collar, tattoo, or other identification or markings, or if the owner of the companion animal is otherwise known to the releasing agency; and

2. Notify the public animal shelter that serves the locality where the companion animal was found and provide to the shelter contact information including at least a name and a contact telephone number, a description of the companion animal including at least species, breed, sex, size, color, information from any tag, license, collar, tattoo, or other identification or markings, and the location where the companion animal was found.

G. A releasing agency other than a public or private animal shelter shall comply with the provisions of § 3.2-6503.

H. No releasing agency other than a public or private animal shelter shall be operated in violation of any local zoning ordinance.

I. A releasing agency other than a public or private animal shelter that violates any provision of this section, other than subsection G, may be subject to a civil penalty not to exceed \$250.

§ 3.2-6557. Animal control officers and humane investigators; limitations; records; penalties.

A. No animal control officer, humane investigator, humane society, or custodian of any public or private animal shelter shall (i) obtain the release or transfer of an animal by the animal's owner to such animal control officer, humane investigator, humane society, or custodian for personal gain or (ii) give or sell or negotiate for the gift or sale to any individual, pet shop, dealer, or research facility of any animal that may come into his custody in the course of carrying out his official assignments. No animal control officer, humane investigator, or custodian of any public or private animal shelter shall be granted a dealer's license. Violation of this subsection is a Class 1 misdemeanor. Nothing in this section shall preclude any animal control officer or humane investigator from lawfully impounding any animal pursuant to § 3.2-6569.

B. An animal control officer, law-enforcement officer, humane investigator, or custodian of any public or private animal shelter, upon taking custody of any animal in the course of his official duties, or any representative of a humane society, upon obtaining custody of any animal on behalf of the society, shall immediately make a record of the matter. Such record shall include:

1. The date on which the animal was taken into custody;

2. The date of the making of the record;

3. A description of the animal, including the animal's species, color, breed, sex, approximate age, and approximate weight;

4. The reason for taking custody of the animal and the location where custody was taken;

5. The name and address of the animal's owner, if known;

6. Any license or rabies tag, tattoo, collar, or other identification number carried by or appearing on the animal; and

7. The disposition of the animal.

Records required by this subsection shall be maintained for at least five years and shall be available for public inspection upon request. A summary of such records shall be submitted annually to the State Veterinarian in a format prescribed by him.

C. Any animal control officer, law-enforcement officer, humane investigator, or custodian of any public or private animal shelter who takes custody of animals in the course of his official duties or representative of a humane society who takes custody of animals on behalf of the society shall annually file with the State Veterinarian a copy of his intake policy.

D. Any animal control officer or custodian of any public animal shelter who violates any provision of this chapter that relates to the seizure, impoundment, and custody of animals by an animal control officer may be subject to suspension or dismissal from his position.

~~*E.*~~ *E. Custodians and animal control officers engaged in the operation of a public animal shelter shall be required to have knowledge of the laws of the Commonwealth governing animals, including this chapter, as well as basic animal care.*

CHAPTER 679

An Act to amend the Code of Virginia by adding a section numbered 3.2-6504.1, relating to civil immunity; companion animals left unattended in motor vehicles.

[S 9]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 3.2-6504.1 as follows:

§ 3.2-6504.1. Civil immunity; forcible entry of motor vehicle to remove unattended companion animal.

No law-enforcement officer as defined in § 9.1-101, firefighter as defined in § 65.2-102, emergency medical services personnel as defined in § 32.1-111.1, or animal control officer who in good faith forcibly enters a motor vehicle in order to remove an unattended companion animal that is at risk of serious bodily injury or death shall be liable for any property damage to the vehicle entered or injury to the animal resulting from such forcible entry and removal of the animal, unless such property damage or injury results from gross negligence or willful or wanton misconduct.

CHAPTER 680

An Act to amend and reenact § 2.2-614.4 of the Code of Virginia, relating to governmental agencies contracting for items listed on commercial activities list.

[H 823]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-614.4 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-614.4. Commercial activities list; publication of notice; opportunity to comment.

A. As used in this section, unless the context requires a different meaning:

"Commercial activities list" means the list developed by the Department of Planning and Budget in accordance with § 2.2-1501.1.

"Governmental agency" means any authority, board, department, instrumentality, institution, agency, or other unit of state government and any county, city, or town or local or regional governmental authority.

B. Any state governmental agency that intends to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, shall post notice on the Department of General Services' central electronic procurement system under the "Future Procurement" listing.

C. Any local governmental agency that intends to purchase services for an amount over \$25,000 from another governmental agency, which service is found on the commercial activities list, shall post notice on its public government website where all public notices for procurement opportunities are located or on the Department of General Services' central electronic procurement system under the "Future Procurement" listing.

D. In addition to the notice requirement in subsection C, any such governmental agency shall provide the opportunity for comment by or the submission of information from the private sector on each such intended purchase.

E. *Any state governmental agency that purchases goods or services from another governmental agency, including those found on the commercial activities list, shall place the purchase orders for such goods and services on the Department of General Services' central electronic procurement system. Institutions of higher education authorized in accordance with the Restructured Higher Education Financial and Administrative Operations Act (§ 23.38.88 et seq.) shall provide government-to-government purchase order data through interface or integration with the Department of General Services' central electronic procurement system. The Department of General Services shall publish on its central electronic procurement system website a government-to-government transaction transparency report.*

F. The provisions of this section shall not apply to mandatory purchases pursuant to § 53.1-47 or contracts specifically exempted pursuant to Article 3 (§ 2.2-4343 et seq.) of the Virginia Public Procurement Act.

F. G. The provisions of ~~this section~~ *subsections B and C* shall not apply to services provided by central service state agencies, activities operated as an internal service fund of the Commonwealth, or purchases from public institutions of higher education.

CHAPTER 681

An Act to amend the Code of Virginia by adding a section numbered 2.2-4310.1, relating to the Virginia Public Procurement Act; awards as a result of authorized enhancement or remedial measures.

[H 786]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-4310.1 as follows:

§ 2.2-4310.1. Awards as a result of any authorized enhancement or remedial measure; requirements.

A. Any enhancement or remedial measure authorized by the Governor pursuant to subsection C of § 2.2-4310 for state public bodies shall include a provision that the procurement shall be conducted in accordance with such enhancement or remedial measure for businesses certified by the Department of Small Business and Supplier Diversity. If such enhancement or remedial measure provides for an award priority for such businesses, then the contract shall be awarded in accordance with such priority if such priority business participated in the solicitation and requirements are met. If an award is not made based on the foregoing, then the contract shall be awarded in accordance with the next award priority and so on until a contract is awarded based on the established award priority.

B. If an award is not made pursuant to subsection A, the procurement award may be made without regard to such enhancement or remedial measure.

CHAPTER 682

An Act to require the utilization of service disabled veteran businesses as a component of any small business enhancement measure implemented by the Governor.

[S 517]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. Any state agency's goals under § 2.2-4310 of the Code of Virginia for participation by small businesses shall include within the goals a minimum of three percent participation by service disabled veteran businesses as defined in §§ 2.2-2001 and 2.2-4310 of the Code of Virginia when contracting for information technology goods and services.

§ 2. As used in this act, "information technology" and "state agency" mean the same as those terms are defined in § 2.2-2006 of the Code of Virginia.

CHAPTER 683

An Act to amend the Code of Virginia by adding in Title 30 a chapter numbered 58, consisting of sections numbered 30-362 through 30-366, relating to the creation of the Commission on Employee Retirement Security and Pension Reform.

[H 665]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 30 a chapter numbered 58, consisting of sections numbered 30-362 through 30-366, as follows:

CHAPTER 58.

COMMISSION ON EMPLOYEE RETIREMENT SECURITY AND PENSION REFORM.

§ 30-362. Commission on Employee Retirement Security and Pension Reform; purpose; membership; terms; quorum; expenses.

A. The Commission on Employee Retirement Security and Pension Reform (the Commission) is established in the legislative branch of state government. The purposes of the Commission shall be to study, report, and make recommendations relating to the financial soundness of retirement plans covering state and local government employees including the Virginia Retirement System (§ 51.1-124.1 et seq.), retirement benefits pursuant to § 51.1-138, the hybrid retirement program under § 51.1-169, the State Police Officers' Retirement System (§ 51.1-200 et seq.), the Virginia Law Officers' Retirement System (§ 51.1-211 et seq.), and the Judicial Retirement System (§ 51.1-300 et seq.); the suitability of retirement plans offered or maintained for current state and local government employees and the attributes of retirement

plans that will be suitable for future employees; the impact on state and local governments of the anticipated retirement of experienced employees between 2016 and 2026 and strategies for replacing such employees; and the elements of compensation and benefits packages that are essential to attracting and retaining a highly productive state and local government workforce. In carrying out its duties, the Commission shall study the unfunded liabilities of state and local defined benefit retirement plans and strategies for reducing such liabilities, additional options for employee retirement, investment choices and products offered by the Virginia Retirement System, incentives for state and local government employees to make voluntary contributions to their employer-sponsored retirement plans, contributions by the Commonwealth and local governments to retirement plans for employees, and additional options for employee compensation and benefits.

The Commission shall make such recommendations as it deems appropriate with respect to the foregoing matters.

B. The Commission shall consist of 21 members that include 11 legislative members, eight nonlegislative citizen members, and two ex officio members, as follows: the Speaker of the House of Delegates, the Chairman of the House Committee on Appropriations, the Chairman of the House Committee on Finance, and three members of the House of Delegates to be appointed by the Speaker of the House of Delegates; the Majority Leader of the Senate, any Chairman of the Senate Committee on Finance who is not the Majority Leader of the Senate, and three members of the Senate to be appointed by the Senate Committee on Rules; five nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, one of whom shall be appointed from a list of five nominees jointly submitted by the Virginia Association of Counties and the Virginia Municipal League, one of whom shall be appointed from a list of three nominees submitted by the Virginia Governmental Employees Association, and one of whom shall be appointed from a list of three nominees submitted by the Virginia Education Association; three nonlegislative citizen members to be appointed by the Senate Committee on Rules, one of whom shall be appointed from a list of five nominees jointly submitted by the Virginia Sheriffs' Association and the Virginia State Police Association; and the Directors of the Department of Human Resource Management and the Virginia Retirement System, who shall serve ex officio with nonvoting privileges. All other Commission members shall have voting privileges. Nonlegislative citizen members shall be citizens of the Commonwealth.

C. Legislative members and other state government officials shall serve terms coincident with their terms of office. Nonlegislative citizen members shall serve a five-year term. Vacancies shall be filled in the same manner as the original appointments.

D. The Commission shall elect a chairman and vice-chairman for a three-year term, who shall be members of the General Assembly. Upon the expiration of such three-year term, the Commission shall elect a new chairman and vice-chairman for a two-year term. The chairman and vice-chairman may not succeed themselves to the same position. The Commission shall hold meetings quarterly or upon the call of the chairman. A majority of the voting members of the Commission shall constitute a quorum.

E. Members of the Commission shall be compensated for their service and reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in the general appropriation act.

§ 30-363. Powers and duties of Commission.

A. The Commission shall have the power and duty to:

1. Hold meetings and functions at any place within the Commonwealth that it deems necessary;
2. Conduct public hearings and designate a member of the Commission to preside over such hearings;
3. Conduct studies and gather information and data in order to accomplish its purposes as set forth in § 30-362; and
4. Report on or before December 1 of each year on its activities and findings, including any recommendations for legislation, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

B. The Commission shall have access to the information and records of the Virginia Retirement System and any corporations or subsidiaries thereof or other entities owned, directly or indirectly, or otherwise created by or on behalf of the Virginia Retirement System.

C. Proprietary records of the Virginia Retirement System or its subsidiary corporations provided to the Commission shall be deemed confidential and shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), where such records would not be subject to disclosure by the Virginia Retirement System or its subsidiary corporations. Such proprietary records provided to the Commission by the Virginia Retirement System or its subsidiary corporations shall not be released to any other person unless authorized by the Virginia Retirement System.

D. The Commission shall initially focus on the financial soundness of retirement plans covering state and local government employees, including present unfunded liabilities of state and local defined benefit retirement plans. The Commission shall develop strategies and recommendations for reducing such unfunded liabilities.

§ 30-364. Staffing; funding for actuarial and statistical analyses.

A. The Department of Human Resource Management shall provide staff support to the Commission. Technical assistance shall be provided by the staff of the Virginia Retirement System, the Committee on House Appropriations, the Committee on Senate Finance, and the Division of Legislative Services. Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates.

B. In conducting its study, the Commission may employ actuaries and other experts, conduct statistical analyses, engage in financial modeling, and undertake such other activities it deems appropriate in furtherance of and consistent with

its duties under this chapter. The costs for such actuaries, experts, statistical analyses, and financial models utilized to study retirement plans, retirement options, and other retirement matters on behalf of state employees and employees of political subdivisions and school divisions participating in the Virginia Retirement System shall be paid by the Virginia Retirement System. Such costs shall be borne by each trust fund in the Virginia Retirement System in the same ratio as the assets of each trust fund, as of the preceding June 30, bear to the total trust funds of the Virginia Retirement System on that date. The costs for any non-retirement analysis or consultation shall not be paid from funds of the Virginia Retirement System.

§ 30-365. Cooperation of agencies of state and local governments.

Every department, division, board, bureau, commission, authority, or political subdivision of the Commonwealth shall cooperate with, and provide such assistance to, the Commission as the Commission may request.

§ 30-366. Sunset.

The provisions of this chapter shall expire on July 1, 2021.

CHAPTER 684

An Act to amend and reenact § 23-9.2:8 of the Code of Virginia, relating to higher education; student mental health policies.

[H 523]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 23-9.2:8 of the Code of Virginia is amended and reenacted as follows:

§ 23-9.2:8. Student mental health policies.

A. The governing board of each public institution of higher education shall develop and implement policies that advise students, faculty, and staff, including residence hall staff, of the proper procedures for identifying and addressing the needs of students exhibiting suicidal tendencies or behavior, and provide for training, where appropriate. Such policies shall require procedures for notifying the institution's student health or counseling center for the purposes set forth in subsection C of § 23-9.2:3 when a student exhibits suicidal tendencies or behavior.

B. The governing board of each public four-year institution of higher education shall establish a written memorandum of understanding with its local community services board or behavioral health authority and with local hospitals and other local mental health facilities in order to expand the scope of services available to students seeking treatment. The memorandum shall designate a contact person to be notified, *to the extent allowable under state and federal privacy laws*, when a student is involuntarily committed, or when a student is discharged from a facility ~~and consents to such notification~~. The memorandum shall also provide for the inclusion of the institution in the post-discharge planning of a student who has been committed and intends to return to campus, to the extent allowable under state and federal privacy laws.

CHAPTER 685

An Act to amend and reenact § 32.1-229.1 of the Code of Virginia, relating to regulation of X-ray machines.

[H 1273]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 32.1-229.1 of the Code of Virginia is amended and reenacted as follows:

§ 32.1-229.1. Inspections of X-ray machines required; Radiation Inspection Reports; fees; qualification of inspectors.

A. All X-ray machines shall be registered with the Department.

B. Every owner or operator of an X-ray machine ~~used in the healing arts~~ shall request an initial inspection by a private inspector or a Department inspector no later than 30 days after the installation of the equipment.

Inspections shall be performed periodically on a schedule prescribed by the Board. The Department may also require random, unannounced, follow-up inspections of machines that were inspected by private inspectors in order to maintain quality control. In the event of changes in or installations of new equipment during the last 90 days of a period for which an inspection has been made, no interim inspection shall be required. In addition, the Department may require the inspection and certification of other machines emitting radiation or utilizing radiation for patients, consumers, workers, or the general public.

Inspections shall be performed by Department personnel or by private inspectors only. Inspections conducted by private inspectors shall be conducted in conformance with the regulations of the Board and reports on these inspections shall be filed by the registrant with the Department on forms prescribed by the Department. Results of all inspections shall be reviewed by the Department.

C. The Department shall issue a certificate for a diagnostic or therapeutic X-ray machine, *or X-ray machine not used in the healing arts*, when the results of the inspection indicate the machine meets the Board's standards. If the machine does not meet the Board's standards, the certification may be denied. If the certification is denied, the machine shall not be used

for treatment, diagnosis, or evaluation of patients, whether human or animal, *or any other use* until the standards of the Board have been met. A copy of the certificate shall be displayed by the registrant in a conspicuous place in close proximity to the X-ray machine.

D. The Board shall, in accordance with the Administrative Process Act (§ 2.2-4000 et seq.), promulgate such regulations as the Board deems necessary to protect the health and safety of health care workers, patients, and the general public, including but not limited to ~~regulations to:~~

1. Fee schedules for registration of X-ray machines;
2. Schedule for inspections of X-ray machines;
3. Fee schedules for inspections of X-ray machines by Department personnel; however, no fee shall be charged for inspections initiated by the Department;
4. Standards for certification of X-ray machines; and
5. Qualifications for private inspectors *of X-ray machines required for inclusion on a list of qualified inspectors of X-ray machines published pursuant to § 32.1-228.1, a requirement for annual registration as a private inspector of X-ray machines for inclusion on such list, and a fee not to exceed \$150.00 for such registration.*

E. The provisions of this section and of §§ 32.1-229 and 32.1-229.2 relating to X-ray machines and machines emitting or utilizing radiation shall not apply to devices purchased or used primarily for personal, family, or household purposes.

CHAPTER 686

An Act to amend and reenact §§ 37.2-304 and 37.2-310 of the Code of Virginia, relating to the Commissioner of Behavioral Health and Developmental Services; duties.

[H 646]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-304 and 37.2-310 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-304. Duties of Commissioner.

The Commissioner shall be the chief executive officer of the Department and shall have the following duties and powers:

1. To supervise and manage the Department and its state facilities.
2. To employ the personnel required to carry out the purposes of this title.
3. To make and enter into all contracts and agreements necessary or incidental to the performance of the Department's duties and the execution of its powers under this title, including contracts with the United States, other states, and agencies and governmental subdivisions of the Commonwealth, consistent with policies and regulations of the Board and applicable federal and state statutes and regulations.
4. To accept, hold, and enjoy gifts, donations, and bequests on behalf of the Department from the United States government, agencies and instrumentalities thereof, and any other source, subject to the approval of the Governor. To these ends, the Commissioner shall have the power to comply with conditions and execute agreements that may be necessary, convenient, or desirable, consistent with policies and regulations of the Board.
5. To accept, execute, and administer any trust in which the Department may have an interest, under the terms of the instruments creating the trust, subject to the approval of the Governor.
6. To transfer between state hospitals and training centers school-age individuals who have been identified as appropriate to be placed in public school programs and to negotiate with other school divisions for placements in order to ameliorate the impact on those school divisions located in a jurisdiction in which a state hospital or training center is located.
7. To provide to the Director of the Commonwealth's designated protection and advocacy system, established pursuant to § 51.5-39.13, a written report setting forth the known facts of critical incidents or deaths of individuals receiving services in facilities within 15 working days of the critical incident or death.
8. To work with the appropriate state and federal entities to ensure that any individual who has received services in a state facility for more than one year has possession of or receives prior to discharge any of the following documents, when they are needed to obtain the services contained in his discharge plan: a Department of Motor Vehicles approved identification card that will expire 90 days from issuance, a copy of his birth certificate if the individual was born in the Commonwealth, or a social security card from the Social Security Administration. State facility directors, as part of their responsibilities pursuant to § 37.2-837, shall implement this provision when discharging individuals.
9. To work with the Department of Veterans Services and the Department for Aging and Rehabilitative Services to establish a program for mental health and rehabilitative services for Virginia veterans and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service and their family members pursuant to § 2.2-2001.1.
10. To establish and maintain a pharmaceutical and therapeutics committee composed of representatives of the Department of Medical Assistance Services, state facilities operated by the Department, community services boards, at least

one health insurance plan, and at least one individual receiving services to develop a drug formulary for use at all community services boards, state facilities operated by the Department, and providers licensed by the Department.

11. To submit a report for the preceding fiscal year by December 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finances Committees that provides information on the operation of Virginia's publicly funded behavioral health and developmental services system. The report shall include a brief narrative and data on the number of individuals receiving state facility services or community services board services, including purchased inpatient psychiatric services; the types and amounts of services received by these individuals; and state facility and community services board service capacities, staffing, revenues, and expenditures. The annual report shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

Unless specifically authorized by the Governor to accept or undertake activities for compensation, the Commissioner shall devote his entire time to his duties.

§ 37.2-310. Powers and duties of Department related to substance abuse.

The Department shall have the following powers and duties related to substance abuse:

1. To act as the sole state agency for the planning, coordination, and evaluation of the comprehensive interagency state plan for substance abuse services.

2. To provide staff assistance to the Substance Abuse Services Council pursuant to § 2.2-2696.

3. To (i) develop, implement, and promote, in cooperation with federal, state, local, and other publicly-funded agencies, a comprehensive interagency state plan for substance abuse services, consistent with federal guidelines and regulations, for the long-range development of adequate and coordinated programs, services, and facilities for the research, prevention, and control of substance abuse and the treatment and rehabilitation of persons with substance abuse; (ii) review the plan annually; and (iii) make revisions in the plan that are necessary or desirable.

~~4. To report biennially to the General Assembly on the comprehensive interagency state plan for substance abuse services and the Department's activities in administering, planning, and regulating substance abuse services and specifically on the extent to which the Department's duties as specified in this title have been performed.~~

~~5.~~ 5. To develop, in cooperation with the Department of Corrections, Virginia Parole Board, Department of Juvenile Justice, Department of Criminal Justice Services, Commission on the Virginia Alcohol Safety Action Program, Office of the Executive Secretary of the Supreme Court of Virginia, Department of Education, Department of Health, Department of Social Services, and other appropriate agencies, a section of the comprehensive interagency state plan for substance abuse services that addresses the need for treatment programs for persons with substance abuse who are involved with these agencies.

~~6.~~ 5. To specify uniform methods for keeping statistical information for inclusion in the comprehensive interagency state plan for substance abuse services.

~~7.~~ 6. To provide technical assistance and consultation services to state and local agencies in planning, developing, and implementing services for persons with substance abuse.

~~8.~~ 7. To review and comment on all applications for state or federal funds or services to be used in substance abuse programs in accordance with § 37.2-311 and on all requests by state agencies for appropriations from the General Assembly for use in substance abuse programs.

~~9.~~ 8. To recommend to the Governor and the General Assembly legislation necessary to implement programs, services, and facilities for the prevention and control of substance abuse and the treatment and rehabilitation of persons with substance abuse.

~~10.~~ 9. To organize and foster training programs for all persons engaged in the treatment of substance abuse.

~~11.~~ 10. To identify, coordinate, mobilize, and use the research and public service resources of institutions of higher education, all levels of government, business, industry, and the community at large in the understanding and solution of problems relating to substance abuse.

~~12.~~ 11. To inspect substance abuse treatment programs at reasonable times and in a reasonable manner.

~~13.~~ 12. To maintain a current list of substance abuse treatment programs, which shall be made available upon request.

CHAPTER 687

An Act to amend the Code of Virginia by adding a section numbered 18.2-151.1, relating to tampering, etc., with firefighting equipment; penalty.

[H 25]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 18.2-151.1 as follows:

§ 18.2-151.1. Injuring, destroying, removing, or tampering with firefighting equipment; penalty.

Any person who injures, destroys, removes, tampers with, or otherwise interferes with the operation of (i) any equipment or apparatus used for fighting fires or for protecting property or human life by a fire company or fire department, as those terms are defined in § 27-6.01, or (ii) any emergency medical services vehicle, as defined in § 32.1-111.1, intending

to temporarily or permanently prevent the useful operation of such equipment or apparatus is guilty of a Class 1 misdemeanor.

CHAPTER 688

An Act to amend and reenact §§ 37.2-817, 37.2-837, and 37.2-838 of the Code of Virginia, relating to discharge from involuntary admission; advance directives.

[H 616]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 37.2-817, 37.2-837, and 37.2-838 of the Code of Virginia are amended and reenacted as follows:

§ 37.2-817. Involuntary admission and mandatory outpatient treatment orders.

A. The district court judge or special justice shall render a decision on the petition for involuntary admission after the appointed examiner has presented the report required by § 37.2-815, and after the community services board that serves the county or city where the person resides or, if impractical, where the person is located has presented a preadmission screening report with recommendations for that person's placement, care, and treatment pursuant to § 37.2-816. These reports, if not contested, may constitute sufficient evidence upon which the district court judge or special justice may base his decision. The examiner, if not physically present at the hearing, and the treating physician at the facility of temporary detention shall be available whenever possible for questioning during the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1.

B. Any employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report shall attend the hearing in person or, if physical attendance is not practicable, shall participate in the hearing through a two-way electronic video and audio or telephonic communication system as authorized in § 37.2-804.1. Where a hearing is held outside of the service area of the community services board that prepared the preadmission screening report, and it is not practicable for a representative of the board to attend or participate in the hearing, arrangements shall be made by the board for an employee or designee of the board serving the area in which the hearing is held to attend or participate on behalf of the board that prepared the preadmission screening report. The employee or designee of the local community services board, as defined in § 37.2-809, representing the community services board that prepared the preadmission screening report or attending or participating on behalf of the board that prepared the preadmission screening report shall not be excluded from the hearing pursuant to an order of sequestration of witnesses. The community services board that prepared the preadmission screening report shall remain responsible for the person subject to the hearing and, prior to the hearing, shall send the preadmission screening report through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means to the community services board attending the hearing. Where a community services board attends the hearing on behalf of the community services board that prepared the preadmission screening report, the attending community services board shall inform the community services board that prepared the preadmission screening report of the disposition of the matter upon the conclusion of the hearing. In addition, the attending community services board shall transmit the disposition through certified mail, personal delivery, facsimile with return receipt acknowledged, or other electronic means.

At least 12 hours prior to the hearing, the court shall provide to the community services board that prepared the preadmission screening report the time and location of the hearing. If the representative of the community services board will be present by telephonic means, the court shall provide the telephone number to the board.

C. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, including whether the person recently has been found unrestorably incompetent to stand trial after a hearing held pursuant to subsection E of § 19.2-169.1, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and there is a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs, and (b) all available less restrictive treatment alternatives to involuntary inpatient treatment, pursuant to subsection D, that would offer an opportunity for the improvement of the person's condition have been investigated and determined to be inappropriate, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to a facility for a period of treatment not to exceed 30 days from the date of the court order. Such involuntary admission shall be to a facility designated by the community services board that serves the county or city in which the person was examined as provided in § 37.2-816. If the community services board does not designate a facility at the commitment hearing, the person shall be involuntarily admitted to a facility designated by the Commissioner. Upon the expiration of an order for involuntary admission, the person shall be released unless he is involuntarily admitted by further petition and order of a court, which shall be for a period not to exceed 180 days from the date of the subsequent court order, or such person makes application for treatment on a voluntary basis as provided for in § 37.2-805 or is ordered to mandatory

outpatient treatment pursuant to subsection D. Upon motion of the treating physician, a family member or personal representative of the person, or the community services board serving the county or city where the facility is located, the county or city where the person resides, or the county or city where the person receives treatment, a hearing shall be held prior to the release date of any involuntarily admitted person to determine whether such person should be ordered to mandatory outpatient treatment pursuant to subsection D upon his release if such person, on at least two previous occasions within 36 months preceding the date of the hearing, has been (A) involuntarily admitted pursuant to this section or (B) the subject of a temporary detention order and voluntarily admitted himself in accordance with subsection B of § 37.2-814. A district court judge or special justice shall hold the hearing within 72 hours after receiving the motion for a mandatory outpatient treatment order; however, if the 72-hour period expires on a Saturday, Sunday, or legal holiday, the hearing shall be held by the close of business on the next day that is not a Saturday, Sunday, or legal holiday.

C1. In the order for involuntary admission, the judge or special justice may authorize the treating physician to discharge the person to mandatory outpatient treatment under a discharge plan developed pursuant to subsection C2, if the judge or special justice further finds by clear and convincing evidence that (i) the person has a history of lack of compliance with treatment for mental illness that at least twice within the past 36 months has resulted in the person being subject to an order for involuntary admission pursuant to subsection C; (ii) in view of the person's treatment history and current behavior, the person is in need of mandatory outpatient treatment following inpatient treatment in order to prevent a relapse or deterioration that would be likely to result in the person meeting the criteria for involuntary inpatient treatment; (iii) as a result of mental illness, the person is unlikely to voluntarily participate in outpatient treatment unless the court enters an order authorizing discharge to mandatory outpatient treatment following inpatient treatment; and (iv) the person is likely to benefit from mandatory outpatient treatment. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board, but shall not exceed 90 days. Upon expiration of the order for mandatory outpatient treatment, the person shall be released unless the order is continued in accordance with § 37.2-817.4.

C2. Prior to discharging the person to mandatory outpatient treatment under a discharge plan as authorized pursuant to subsection C1, the treating physician shall determine, based upon his professional judgment, that (i) the person (a) in view of the person's treatment history and current behavior, no longer needs inpatient hospitalization, (b) requires mandatory outpatient treatment at the time of discharge to prevent relapse or deterioration of his condition that would likely result in his meeting the criteria for involuntary inpatient treatment, and (c) has agreed to abide by his discharge plan and has the ability to do so; and (ii) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person. *Prior to discharging a person to mandatory outpatient treatment under a discharge plan who has not executed an advance directive, the treating physician or his designee shall give to the person a written explanation of the procedures for executing an advance directive in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.) and an advance directive form, which may be the form set forth in § 54.1-2984.* In no event shall the treating physician discharge a person to mandatory outpatient treatment under a discharge plan as authorized pursuant to subsection C1 if the person meets the criteria for involuntary commitment set forth in subsection C. The discharge plan developed by the treating physician and facility staff in conjunction with the community services board and the person shall serve as and shall contain all the components of the comprehensive mandatory outpatient treatment plan set forth in subsection G, and no initial mandatory outpatient treatment plan set forth in subsection F shall be required. The discharge plan shall be submitted to the court for approval and, upon approval by the court, shall be filed and incorporated into the order entered pursuant to subsection C1. The discharge plan shall be provided to the person by the community services board at the time of the person's discharge from the inpatient facility. The community services board where the person resides upon discharge shall monitor the person's compliance with the discharge plan and report any material noncompliance to the court in accordance with § 37.2-817.1.

D. After observing the person and considering (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any examiner's certification, (v) any health records available, (vi) the preadmission screening report, and (vii) any other relevant evidence that may have been admitted, if the judge or special justice finds by clear and convincing evidence that (a) the person has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (1) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (2) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (b) less restrictive alternatives to involuntary inpatient treatment that would offer an opportunity for improvement of his condition have been investigated and are determined to be appropriate; (c) the person has agreed to abide by his treatment plan and has the ability to do so; and (d) the ordered treatment will be delivered on an outpatient basis by the community services board or designated provider to the person, the judge or special justice shall by written order and specific findings so certify and order that the person be admitted involuntarily to mandatory outpatient treatment. Less restrictive alternatives shall not be determined to be appropriate unless the services are actually available in the community.

E. Mandatory outpatient treatment may include day treatment in a hospital, night treatment in a hospital, outpatient involuntary treatment with anti-psychotic medication pursuant to Chapter 11 (§ 37.2-1100 et seq.), or other appropriate course of treatment as may be necessary to meet the needs of the person. Mandatory outpatient treatment shall not include the use of restraints or physical force of any kind in the provision of the medication. The community services board that

serves the county or city in which the person resides shall recommend a specific course of treatment and programs for the provision of mandatory outpatient treatment. The duration of mandatory outpatient treatment shall be determined by the court based on recommendations of the community services board, but shall not exceed 90 days. Upon expiration of an order for mandatory outpatient treatment, the person shall be released from the requirements of the order unless the order is continued in accordance with § 37.2-817.4.

F. Any order for mandatory outpatient treatment entered pursuant to subsection D shall include an initial mandatory outpatient treatment plan developed by the community services board that completed the preadmission screening report. The plan shall, at a minimum, (i) identify the specific services to be provided, (ii) identify the provider who has agreed to provide each service, (iii) describe the arrangements made for the initial in-person appointment or contact with each service provider, and (iv) include any other relevant information that may be available regarding the mandatory outpatient treatment ordered. The order shall require the community services board to monitor the implementation of the mandatory outpatient treatment plan and report any material noncompliance to the court.

G. No later than five days, excluding Saturdays, Sundays, or legal holidays, after an order for mandatory outpatient treatment has been entered pursuant to subsection D, the community services board where the person resides that is responsible for monitoring compliance with the order shall file a comprehensive mandatory outpatient treatment plan. The comprehensive mandatory outpatient treatment plan shall (i) identify the specific type, amount, duration, and frequency of each service to be provided to the person, (ii) identify the provider that has agreed to provide each service included in the plan, (iii) certify that the services are the most appropriate and least restrictive treatment available for the person, (iv) certify that each provider has complied and continues to comply with applicable provisions of the Department's licensing regulations, (v) be developed with the fullest possible involvement and participation of the person and his family, with the person's consent, and reflect his preferences to the greatest extent possible to support his recovery and self-determination, (vi) specify the particular conditions with which the person shall be required to comply, and (vii) describe how the community services board shall monitor the person's compliance with the plan and report any material noncompliance with the plan. The community services board shall submit the comprehensive mandatory outpatient treatment plan to the court for approval. Upon approval by the court, the comprehensive mandatory outpatient treatment plan shall be filed with the court and incorporated into the order of mandatory outpatient treatment. Any subsequent substantive modifications to the plan shall be filed with the court for review and attached to any order for mandatory outpatient treatment.

H. If the community services board responsible for developing the comprehensive mandatory outpatient treatment plan determines that the services necessary for the treatment of the person's mental illness are not available or cannot be provided to the person in accordance with the order for mandatory outpatient treatment, it shall notify the court within five business days of the entry of the order for mandatory outpatient treatment. Within two business days of receiving such notice, the judge or special justice, after notice to the person, the person's attorney, and the community services board responsible for developing the comprehensive mandatory outpatient treatment plan shall hold a hearing pursuant to § 37.2-817.2.

I. Upon entry of any order for mandatory outpatient treatment entered pursuant to subsection D, the clerk of the court shall provide a copy of the order to the person who is the subject of the order, to his attorney, and to the community services board required to monitor compliance with the plan. The community services board shall acknowledge receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose within five business days.

J. The court may transfer jurisdiction of the case to the district court where the person resides at any time after the entry of the mandatory outpatient treatment order. The community services board responsible for monitoring compliance with the mandatory outpatient treatment plan or discharge plan shall remain responsible for monitoring the person's compliance with the plan until the community services board serving the locality to which jurisdiction of the case has been transferred acknowledges the transfer and receipt of the order to the clerk of the court on a form established by the Office of the Executive Secretary of the Supreme Court and provided by the court for this purpose. The community services board serving the locality to which jurisdiction of the case has been transferred shall acknowledge the transfer and receipt of the order within five business days.

K. Any order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

§ 37.2-837. Discharge from state hospitals or training centers, conditional release, and trial or home visits for individuals.

A. Except for an individual receiving services in a state hospital who is held upon an order of a court for a criminal proceeding, the director of a state hospital or training center may discharge, after the preparation of a discharge plan:

1. Any individual in a state hospital who, in his judgment, (a) is recovered, (b) does not have a mental illness, or (c) is impaired or not recovered but whose discharge will not be detrimental to the public welfare or injurious to the individual;

2. Any individual in a state hospital who is not a proper case for treatment within the purview of this chapter; or

3. Any individual in a training center who chooses to be discharged or, if the individual lacks the mental capacity to choose, whose legally authorized representative chooses for him to be discharged. Pursuant to regulations of the Centers for Medicare & Medicaid Services and the Department of Medical Assistance Services, no individual at a training center who is enrolled in Medicaid shall be discharged if the individual or his legally authorized representative on his behalf chooses to continue receiving services in a training center.

For all individuals discharged, the discharge plan shall be formulated in accordance with the provisions of § 37.2-505 by the community services board or behavioral health authority that serves the city or county where the individual resided prior to admission or by the board or authority that serves the city or county where the individual or his legally authorized representative on his behalf chooses to reside immediately following the discharge. The discharge plan shall be contained in a uniform discharge document developed by the Department and used by all state hospitals, training centers, and community services boards or behavioral health authorities, and shall identify (i) the services, including mental health, developmental, substance abuse, social, educational, medical, employment, housing, legal, advocacy, transportation, and other services that the individual will require upon discharge into the community and (ii) the public or private agencies that have agreed to provide these services. If the individual will be housed in an assisted living facility, as defined in § 63.2-100, the discharge plan shall identify the facility, document its appropriateness for housing and capacity to care for the individual, contain evidence of the facility's agreement to admit and care for the individual, and describe how the community services board or behavioral health authority will monitor the individual's care in the facility. *Prior to discharging an individual pursuant to subdivision A 1 or 2 who has not executed an advance directive, the director of a state hospital or his designee shall give to the individual a written explanation of the procedures for executing an advance directive in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.) and an advance directive form, which may be the form set forth in § 54.1-2984.*

B. The director may grant a trial or home visit to an individual receiving services in accordance with regulations adopted by the Board. The state facility granting a trial or home visit to an individual shall not be liable for his expenses during the period of that visit. Such liability shall devolve upon the relative, conservator, person to whose care the individual is entrusted while on the trial or home visit, or the appropriate local department of social services of the county or city in which the individual resided at the time of admission pursuant to regulations adopted by the State Board of Social Services.

C. Any individual who is discharged pursuant to subdivision A 2 shall, if necessary for his welfare, be received and cared for by the appropriate local department of social services. The provision of public assistance or social services to the individual shall be the responsibility of the appropriate local department of social services as determined by regulations adopted by the State Board of Social Services. Expenses incurred for the provision of public assistance to the individual who is receiving 24-hour care while in an assisted living facility licensed pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2 shall be the responsibility of the appropriate local department of social services of the county or city in which the individual resided at the time of admission.

§ 37.2-838. Discharge of individuals from a licensed hospital.

The person in charge of a licensed hospital may discharge any individual involuntarily admitted who is recovered or, if not recovered, whose discharge will not be detrimental to the public welfare or injurious to the individual, or who meets other criteria as specified in § 37.2-837. *Prior to discharging any individual who has not executed an advance directive, the person in charge of a licensed hospital or his designee shall give to the individual a written explanation of the procedures for executing an advance directive in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.) and an advance directive form, which may be the form set forth in § 54.1-2984.* The person in charge of the licensed hospital may refuse to discharge any individual involuntarily admitted, if, in his judgment, the discharge will be detrimental to the public welfare or injurious to the individual. The person in charge of a licensed hospital may grant a trial or home visit to an individual in accordance with regulations adopted by the Board.

CHAPTER 689

An Act to amend and reenact § 2.2-231 of the Code of Virginia, relating to the Secretary of Veterans and Defense Affairs; assistance to homeless veterans.

[H 240]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-231 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-231. Powers and duties of the Secretary.

Unless the Governor expressly reserves such power to himself, the Secretary shall:

1. Serve as the Governor's liaison for veterans affairs and provide active outreach to the U.S. Department of Veterans Affairs, the veterans service organizations, and the veterans community in Virginia to support and assist Virginia's veterans in identifying and obtaining the services, assistance, and support to which they are entitled.
2. Work with federal officials to obtain additional federal resources and coordinate veterans policy development and information exchange.
3. Work with and through appropriate members of the Governor's Cabinet to coordinate working relationships between state agencies and take all actions necessary to ensure that available federal and state resources are directed toward assisting veterans and addressing all issues of mutual concern to the Commonwealth and the armed forces of the United States, including quality of life issues unique to Virginia's active duty military personnel and their families, the quality of educational opportunities for military children, the future of federal impact aid, preparedness, public safety and security

concerns, transportation needs, alcoholic beverage law enforcement, substance abuse, social service needs, possible expansion and growth of military facilities in the Commonwealth, and intergovernmental support agreements with state and local governments under the provisions of 10 U.S.C. § 2336.

4. Educate the public on veterans and defense issues in coordination with applicable state agencies.

5. Serve as chairman of the Virginia Military Advisory Council to establish a working relationship with Virginia's active duty military bases.

6. Monitor and enhance efforts to provide assistance and support for veterans living in Virginia and members of the Virginia National Guard and Virginia residents in the Armed Forces Reserves not in active federal service in the areas of (i) medical care, (ii) mental health and rehabilitative services, (iii) housing, (iv) homelessness prevention, (v) job creation, and (vi) education.

7. Seek additional federal resources to support veterans services.

8. Monitor efforts to provide services to veterans, those members of the Virginia National Guard, and Virginia residents in the Armed Forces Reserves who qualify for veteran status, and their immediate family members, including the dissemination of relevant materials and the rendering of technical or other advice.

9. Serve as the Governor's liaison and provide active outreach to localities of the Commonwealth and veterans support organizations in the development, implementation, and review of local veterans services programs as part of the state program.

10. Serve as the Governor's defense liaison and provide active outreach to the U.S. Department of Defense and the defense establishment in Virginia to support the military installations and activities in the Commonwealth to continue to enhance Virginia's current military-friendly environment, and foster and promote business, technology, transportation, education, economic development, and other efforts in support of the mission, execution, and transformation of the United States government military and national defense activities located in the Commonwealth.

11. Promote the industrial and economic development of localities included in or adjacent to United States government military and other national defense activities and those of the Commonwealth because the success of such activities depends on cooperation between the localities, the Commonwealth, and the United States military and national defense activities.

12. Provide technical assistance and coordination between the Commonwealth, its political subdivisions, and the United States government military and national defense activities located within the Commonwealth.

13. Employ, as needed, consultants, attorneys, architects, engineers, accountants, financial experts, investment bankers, superintendents, managers, and such other employees and agents as may be necessary, and to fix their compensation to be payable from funds made available for that purpose.

14. Receive and accept from any federal or private agency, foundation, corporation, association, or person grants, donations of money, real property, or personal property for the benefit of the Commonwealth and receive and accept from the Commonwealth or any state, any municipality, county, or other political subdivision thereof, and from any other source, aid or contributions of money, property, or other things of value, to be held, used, and applied for the purposes for which such grants and contributions may be made.

15. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out these requirements subject to the conditions upon which the aid, grants, or contributions are made.

16. Make grants to local governments, state and federal agencies, and private entities with any funds of the Secretary available for such purpose.

17. Take any actions necessary or convenient to the exercise of the powers granted or reasonably implied to this Secretary and not otherwise inconsistent with the law of the Commonwealth.

18. Work with veterans services organizations and counterparts in other states to monitor and encourage the timely and accurate processing of veterans benefit requests by the U.S. Department of Veterans Affairs, including requests for services connected to health care, mental health care, and disability payments.

19. *In conjunction with subdivision 6, coordinate with federal, state, local, and private partners to assist homeless veterans in obtaining a state-issued identification card, in order to enable these veterans to access the available federal, state, local, and other resources they need to attain financial stability or address other issues that have adversely affected their lives.*

CHAPTER 690

An Act to amend and reenact § 2.2-2001.3 of the Code of Virginia, relating to the Department of Veterans Services; Virginia War Memorial Division; names and homes of record designation for Virginians killed in action.

[S 337]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-2001.3 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-2001.3. Virginia War Memorial division.

A. The Virginia War Memorial is established as a division within the Department of Veterans Services. The Virginia War Memorial, its grounds, and all its contents, furnishings, funds, endowments, and other property, now owned or hereafter acquired, are and shall remain property of the Commonwealth. The Commissioner shall maintain administrative and financial control of the Virginia War Memorial and its subsidiaries, including adopting regulations for the use of and visitation to the Memorial. Regulations of the Commissioner shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

B. The mission of the Virginia War Memorial shall be to honor patriotic Virginians who rendered faithful service and sacrifice in the cause of freedom and liberty for the Commonwealth and the nation in time of war, honor all of Virginia's veterans, preserve their history, educate the public, and inspire patriotism in all Virginians.

C. The Department shall, with the advice of the Virginia War Memorial Board, adopt policies governing (i) the programs and activities that may and should be carried out at the Memorial, (ii) the use of and visitation to the Memorial, and (iii) fees for the use of the Memorial.

D. The names and homes of record designation of all Virginians "Missing in Action" as a result of the Vietnam War and all Virginians "Killed in Action" (i) as a result of military operations against terrorism, (ii) as a result of a terrorist act, or (iii) in any armed conflict after December 6, 1941, shall be placed on the Virginia War Memorial *after July 1, 2018. In the case of a Virginian "Killed in Action," the name and home of record designation shall be placed on the Virginia War Memorial within one year of the date of confirmed death.*

E. To preserve the dignity of military medals authorized by the U.S. Department of Defense and the memory of those who have rendered faithful service and sacrifice in the cause of freedom and liberty, the Virginia War Memorial division of the Department shall be vested with the full authority to take possession of military medals, ribbons, or certificates that come into the possession of the Commonwealth for which the ownership is unknown until such time as the true owner is able to take possession. The Virginia War Memorial division of the Department shall make reasonable efforts, based on available resources, to determine the rightful owner and return any military medal, ribbon, or certificate that comes into its possession pursuant to this section.

F. The Commissioner shall provide supervision of the Virginia War Memorial Education Foundation and any other nonprofit corporation established as an instrumentality to provide fundraising for the Memorial and assist in the details of administering the affairs of the Memorial.

CHAPTER 691

An Act to amend the Code of Virginia by adding a section numbered 23-9.2:3.11, relating to medical school; clinical rotations.

[S 452]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 23-9.2:3.11 as follows:

§ 23-9.2:3.11. Medical school; rotation requirement.

Any public institution of higher education that awards medical degrees shall create and support at least one clinical rotation in a hospital or clinic located in a medically underserved area of the state as determined by the Virginia Department of Health, in an area of the state that has an unemployment rate of one and one-half times the statewide average unemployment rate, or in a locality with a population of 50,000 or less in the Commonwealth.

CHAPTER 692

An Act to amend the Code of Virginia by adding a section numbered 22.1-271.7, relating to public middle school athletics; pre-participation physical examination.

[S 665]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-271.7 as follows:

§ 22.1-271.7. Public middle school student-athletes; pre-participation physical examination.

No public middle school student shall be a participant on or try out for any school athletic team or squad with a predetermined roster, regular practices, and scheduled competitions with other middle schools unless such student has submitted to the school principal a signed report from a licensed physician, a licensed nurse practitioner practicing in accordance with his practice agreement, or a licensed physician assistant acting under the supervision of a licensed physician attesting that such student has been examined, within the preceding 12 months, and found to be physically fit for athletic competition.

CHAPTER 693

An Act to amend and reenact §§ 16.1-337, 37.2-804.2, and 37.2-809 of the Code of Virginia, relating to temporary detention; notice of recommendation; communication with magistrate.

[S 567]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:**1. That §§ 16.1-337, 37.2-804.2, and 37.2-809 of the Code of Virginia are amended and reenacted as follows:****§ 16.1-337. Inpatient treatment of minors; general applicability; disclosure of records.**

A. A minor may be admitted to a mental health facility for inpatient treatment only pursuant to § 16.1-338, 16.1-339, or 16.1-340.1 or in accordance with an order of involuntary commitment entered pursuant to §§ 16.1-341 through 16.1-345. The provisions of Article 12 (§ 16.1-299 et seq.) of Chapter 11 of this title relating to the confidentiality of files, papers, and records shall apply to proceedings under this article.

B. Any health care provider, as defined in § 32.1-127.1:03, or other provider rendering services to a minor who is the subject of proceedings under this article, upon request, shall disclose to a magistrate, the juvenile intake officer, the court, the minor's attorney, the minor's guardian ad litem, the qualified evaluator performing the evaluation required under §§ 16.1-338, 16.1-339, and 16.1-342, the community services board or its designee performing the evaluation, preadmission screening, or monitoring duties under this article, or a law-enforcement officer any and all information that is necessary and appropriate to enable each of them to perform his duties under this article. These health care providers and other service providers shall disclose to one another health records and information where necessary to provide care and treatment to the person and to monitor that care and treatment. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the minor, or the public from physical injury or to address the health care needs of the minor. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a minor who is the subject of proceedings under this article ~~may shall~~ *make a reasonable attempt* to notify the minor's parent of information ~~which that~~ is directly relevant to such individual's involvement with the minor's health care, which may include the minor's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, unless the provider has actual knowledge that the parent is currently prohibited by court order from contacting the minor. *No health care provider shall be required to notify a person's family member or personal representative pursuant to this section if the health care provider has actual knowledge that such notice has been provided.*

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

C. Any order entered where a minor is the subject of proceedings under this article shall provide for the disclosure of health records pursuant to subsection B. This subsection shall not preclude any other disclosures as required or permitted by law.

§ 37.2-804.2. Disclosure of records.

Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently providing services to a person who is the subject of proceedings pursuant to this chapter shall, upon request, disclose to a magistrate, the court, the person's attorney, the person's guardian ad litem, the examiner identified to perform an examination pursuant to § 37.2-815, the community services board or its designee performing any evaluation, preadmission screening, or monitoring duties pursuant to this chapter, or a law-enforcement officer any information that is necessary and appropriate for the performance of his duties pursuant to this chapter. Any health care provider, as defined in § 32.1-127.1:03, or other provider who has provided or is currently evaluating or providing services to a person who is the subject of proceedings pursuant to this chapter shall disclose information that may be necessary for the treatment of such person to any other health care provider or other provider evaluating or providing services to or monitoring the treatment of the person. Health records disclosed to a law-enforcement officer shall be limited to information necessary to protect the officer, the person, or the public from physical injury or to address the health care needs of the person. Information disclosed to a law-enforcement officer shall not be used for any other purpose, disclosed to others, or retained.

Any health care provider providing services to a person who is the subject of proceedings under this chapter ~~may notify the person's~~ *shall (i) inform the person that his family member or personal representative, including any agent named in an advance directive executed in accordance with the Health Care Decisions Act (§ 54.1-2981 et seq.), will be notified of information that is directly relevant to such individual's involvement with the person's health care, which may include the person's location and general condition, in accordance with subdivision D 34 of § 32.1-127.1:03, and (ii) make a reasonable effort to so notify the person's family member or personal representative, unless the provider has actual knowledge that the family member or personal representative is currently prohibited by court order from contacting the person. No health care provider shall be required to notify a person's family member or personal representative pursuant to this section if the health care provider has actual knowledge that such notice has been provided.*

Any health care provider disclosing records pursuant to this section shall be immune from civil liability for any harm resulting from the disclosure, including any liability under the federal Health Insurance Portability and Accountability Act (42 U.S.C. § 1320d et seq.), as amended, unless the person or provider disclosing such records intended the harm or acted in bad faith.

§ 37.2-809. Involuntary temporary detention; issuance and execution of order.

A. For the purposes of this section:

"Designee of the local community services board" means an examiner designated by the local community services board who (i) is skilled in the assessment and treatment of mental illness, (ii) has completed a certification program approved by the Department, (iii) is able to provide an independent examination of the person, (iv) is not related by blood or marriage to the person being evaluated, (v) has no financial interest in the admission or treatment of the person being evaluated, (vi) has no investment interest in the facility detaining or admitting the person under this article, and (vii) except for employees of state hospitals and of the U.S. Department of Veterans Affairs, is not employed by the facility.

"Employee" means an employee of the local community services board who is skilled in the assessment and treatment of mental illness and has completed a certification program approved by the Department.

"Investment interest" means the ownership or holding of an equity or debt security, including shares of stock in a corporation, interests or units of a partnership, bonds, debentures, notes, or other equity or debt instruments.

B. A magistrate shall issue, upon the sworn petition of any responsible person, treating physician, or upon his own motion and only after an evaluation conducted in-person or by means of a two-way electronic video and audio communication system as authorized in § 37.2-804.1 by an employee or a designee of the local community services board to determine whether the person meets the criteria for temporary detention, a temporary detention order if it appears from all evidence readily available, including any recommendation from a physician or clinical psychologist treating the person, that the person (i) has a mental illness and that there exists a substantial likelihood that, as a result of mental illness, the person will, in the near future, (a) cause serious physical harm to himself or others as evidenced by recent behavior causing, attempting, or threatening harm and other relevant information, if any, or (b) suffer serious harm due to his lack of capacity to protect himself from harm or to provide for his basic human needs; (ii) is in need of hospitalization or treatment; and (iii) is unwilling to volunteer or incapable of volunteering for hospitalization or treatment. The magistrate shall also consider, *if available, (a) information provided by the person who initiated emergency custody and (b) the recommendations of any treating or examining physician licensed in Virginia if available either verbally or in writing prior to rendering a decision.* Any temporary detention order entered pursuant to this section shall provide for the disclosure of medical records pursuant to § 37.2-804.2. This subsection shall not preclude any other disclosures as required or permitted by law.

C. When considering whether there is probable cause to issue a temporary detention order, the magistrate may, in addition to the petition, consider (i) the recommendations of any treating or examining physician or psychologist licensed in Virginia, if available, (ii) any past actions of the person, (iii) any past mental health treatment of the person, (iv) any relevant hearsay evidence, (v) any medical records available, (vi) any affidavits submitted, if the witness is unavailable and it so states in the affidavit, and (vii) any other information available that the magistrate considers relevant to the determination of whether probable cause exists to issue a temporary detention order.

D. A magistrate may issue a temporary detention order without an emergency custody order proceeding. A magistrate may issue a temporary detention order without a prior evaluation pursuant to subsection B if (i) the person has been personally examined within the previous 72 hours by an employee or a designee of the local community services board or (ii) there is a significant physical, psychological, or medical risk to the person or to others associated with conducting such evaluation.

E. An employee or a designee of the local community services board shall determine the facility of temporary detention in accordance with the provisions of § 37.2-809.1 for all individuals detained pursuant to this section. An employee or designee of the local community services board may change the facility of temporary detention and may designate an alternative facility for temporary detention at any point during the period of temporary detention if it is determined that the alternative facility is a more appropriate facility for temporary detention of the individual given the specific security, medical, or behavioral health needs of the person. In cases in which the facility of temporary detention is changed following transfer of custody to an initial facility of temporary custody, transportation of the individual to the alternative facility of temporary detention shall be provided in accordance with the provisions of § 37.2-810. The initial facility of temporary detention shall be identified on the preadmission screening report and indicated on the temporary detention order; however, if an employee or designee of the local community services board designates an alternative facility, that employee or designee shall provide written notice forthwith, on a form developed by the Executive Secretary of the Supreme Court of Virginia, to the clerk of the issuing court of the name and address of the alternative facility. Subject to the provisions of § 37.2-809.1, if a facility of temporary detention cannot be identified by the time of the expiration of the period of emergency custody pursuant to § 37.2-808, the individual shall be detained in a state facility for the treatment of individuals with mental illness and such facility shall be indicated on the temporary detention order. Except as provided in § 37.2-811 for inmates requiring hospitalization in accordance with subdivision A 2 of § 19.2-169.6, the person shall not be detained in a jail or other place of confinement for persons charged with criminal offenses and shall remain in the custody of law enforcement until the person is either detained within a secure facility or custody has been accepted by the appropriate personnel designated by either the initial facility of temporary detention identified in the temporary detention order or by the alternative facility of temporary detention designated by the employee or designee of the local community services board

pursuant to this subsection. The person detained or in custody pursuant to this section shall be given a written summary of the temporary detention procedures and the statutory protections associated with those procedures.

F. Any facility caring for a person placed with it pursuant to a temporary detention order is authorized to provide emergency medical and psychiatric services within its capabilities when the facility determines that the services are in the best interests of the person within its care. The costs incurred as a result of the hearings and by the facility in providing services during the period of temporary detention shall be paid and recovered pursuant to § 37.2-804. The maximum costs reimbursable by the Commonwealth pursuant to this section shall be established by the State Board of Medical Assistance Services based on reasonable criteria. The State Board of Medical Assistance Services shall, by regulation, establish a reasonable rate per day of inpatient care for temporary detention.

G. The employee or the designee of the local community services board who is conducting the evaluation pursuant to this section shall determine, prior to the issuance of the temporary detention order, the insurance status of the person. Where coverage by a third party payor exists, the facility seeking reimbursement under this section shall first seek reimbursement from the third party payor. The Commonwealth shall reimburse the facility only for the balance of costs remaining after the allowances covered by the third party payor have been received.

H. The duration of temporary detention shall be sufficient to allow for completion of the examination required by § 37.2-815, preparation of the preadmission screening report required by § 37.2-816, and initiation of mental health treatment to stabilize the person's psychiatric condition to avoid involuntary commitment where possible, but shall not exceed 72 hours prior to a hearing. If the 72-hour period herein specified terminates on a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed, the person may be detained, as herein provided, until the close of business on the next day that is not a Saturday, Sunday, legal holiday, or day on which the court is lawfully closed. The person may be released, pursuant to § 37.2-813, before the 72-hour period herein specified has run.

I. If a temporary detention order is not executed within 24 hours of its issuance, or within a shorter period as is specified in the order, the order shall be void and shall be returned unexecuted to the office of the clerk of the issuing court or, if the office is not open, to any magistrate serving the jurisdiction of the issuing court. Subsequent orders may be issued upon the original petition within 96 hours after the petition is filed. However, a magistrate must again obtain the advice of an employee or a designee of the local community services board prior to issuing a subsequent order upon the original petition. Any petition for which no temporary detention order or other process in connection therewith is served on the subject of the petition within 96 hours after the petition is filed shall be void and shall be returned to the office of the clerk of the issuing court.

J. The Executive Secretary of the Supreme Court of Virginia shall establish and require that a magistrate, as provided by this section, be available seven days a week, 24 hours a day, for the purpose of performing the duties established by this section. Each community services board shall provide to each general district court and magistrate's office within its service area a list of its employees and designees who are available to perform the evaluations required herein.

K. For purposes of this section, a health care provider or designee of a local community services board or behavioral health authority shall not be required to encrypt any email containing information or medical records provided to a magistrate unless there is reason to believe that a third party will attempt to intercept the email.

L. ~~The~~ If the employee or designee of the community services board who is conducting the evaluation pursuant to this section shall, if he recommends that the person should not be subject to a temporary detention order, *such employee or designee shall (i) inform the petitioner, the person who initiated emergency custody if such person is present, and an onsite treating physician of his recommendation; (ii) promptly inform such person who initiated emergency custody that the community services board will facilitate communication between the person and the magistrate if the person disagrees with recommendations of the employee or designee of the community services board who conducted the evaluation and the person who initiated emergency custody so requests; and (iii) upon prompt request made by the person who initiated emergency custody, arrange for such person who initiated emergency custody to communicate with the magistrate as soon as is practicable and prior to the expiration of the period of emergency custody. The magistrate shall consider any information provided by the person who initiated custody and any recommendations of the treating or examining physician and the employee or designee of the community services board who conducted the evaluation and consider such information and recommendations in accordance with subsection B in making his determination to issue a temporary detention order. The individual who is the subject of emergency custody shall remain in the custody of law enforcement or a designee of law enforcement and shall not be released from emergency custody until communication with the magistrate pursuant to this subsection has concluded and the magistrate has made a determination regarding issuance of a temporary detention order.*

M. For purposes of this section, "person who initiated emergency custody" means any person who initiated the issuance of an emergency custody order pursuant to § 37.2-808 or a law-enforcement officer who takes a person into custody pursuant to subsection G of § 37.2-808.

CHAPTER 694

An Act to amend and reenact § 2.2-4020 of the Code of Virginia and to amend the Code of Virginia by adding in Article 3 of Chapter 40 of Title 2.2 a section numbered 2.2-4023.1, relating to the Administrative Process Act; reconsideration of formal hearings.

[S 207]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-4020 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Article 3 of Chapter 40 of Title 2.2 a section numbered 2.2-4023.1 as follows:

§ 2.2-4020. Formal hearings; litigated issues.

A. The agency shall afford opportunity for the formal taking of evidence upon relevant fact issues in any case in which the basic laws provide expressly for decisions upon or after hearing and may do so in any case to the extent that informal procedures under § 2.2-4019 have not been had or have failed to dispose of a case by consent.

B. Parties to formal proceedings shall be given reasonable notice of the (i) time, place, and nature thereof, (ii) basic law under which the agency contemplates its possible exercise of authority, and (iii) matters of fact and law asserted or questioned by the agency. Applicants for licenses, rights, benefits, or renewals thereof have the burden of approaching the agency concerned without such prior notice but they shall be similarly informed thereafter in the further course of the proceedings whether pursuant to this section or to § 2.2-4019.

C. In all such formal proceedings the parties shall be entitled to be accompanied by and represented by counsel, to submit oral and documentary evidence and rebuttal proofs, to conduct such cross-examination as may elicit a full and fair disclosure of the facts, and to have the proceedings completed and a decision made with dispatch. The burden of proof shall be upon the proponent or applicant. The presiding officers at the proceedings may (i) administer oaths and affirmations, (ii) receive probative evidence, exclude irrelevant, immaterial, insubstantial, privileged, or repetitive proofs, rebuttal, or cross-examination, rule upon offers of proof, and oversee a verbatim recording of the evidence, (iii) hold conferences for the settlement or simplification of issues by consent, (iv) dispose of procedural requests, and (v) regulate and expedite the course of the hearing. Where a hearing officer presides, or where a subordinate designated for that purpose presides in hearings specified in subsection F of § 2.2-4024, he shall recommend findings and a decision unless the agency shall by its procedural regulations provide for the making of findings and an initial decision by the presiding officers subject to review and reconsideration by the agency on appeal to it as of right or on its own motion. The agency shall give deference to findings by the presiding officer explicitly based on the demeanor of witnesses.

D. Prior to the recommendations or decisions of subordinates, the parties concerned shall be given opportunity, on request, to submit in writing for the record (i) proposed findings and conclusions and (ii) statements of reasons therefor. In all cases, on request, opportunity shall be afforded for oral argument ~~(i)~~ (a) to hearing officers or subordinate presiding officers, as the case may be, in all cases in which they make such recommendations or decisions or ~~(ii)~~ (b) to the agency in cases in which it makes the original decision without such prior recommendation and otherwise as it may permit in its discretion or provide by general rule. Where hearing officers or subordinate presiding officers, as the case may be, make recommendations ~~or decisions~~, the agency shall receive and act on exceptions thereto.

E. All decisions or recommended decisions shall be served upon the parties, become a part of the record, and briefly state or recommend the findings, conclusions, reasons, or basis therefor upon the evidence presented by the record and relevant to the basic law under which the agency is operating together with the appropriate order, license, grant of benefits, sanction, relief, or denial thereof.

§ 2.2-4023.1. Reconsideration.

A. *A party may file a petition for reconsideration of an agency's final decision made pursuant to § 2.2-4020. The petition shall be filed with the agency not later than 15 days after service of the final decision and shall state the specific grounds on which relief is requested. The petition shall contain a full and clear statement of the facts pertaining to the reasons for reconsideration, the grounds in support thereof, and a statement of the relief desired. A timely filed petition for reconsideration shall not suspend the execution of the agency decision nor toll the time for filing a notice of appeal under Rule 2A:2 of the Rules of Supreme Court of Virginia, unless the agency provides for suspension of its decision when it grants a petition for reconsideration. The failure to file a petition for reconsideration shall not constitute a failure to exhaust all administrative remedies.*

B. *The agency shall render a written decision on a party's timely petition for reconsideration within 30 days from receipt of the petition for reconsideration. Such decision shall (i) deny the petition, (ii) modify the case decision, or (iii) vacate the case decision and set a new hearing for further proceedings. The agency shall state the reasons for its action.*

C. *If reconsideration is sought for the decision of a policy-making board of an agency, such board may (i) consider the petition for reconsideration at its next regularly scheduled meeting; (ii) schedule a special meeting to consider and decide upon the petition within 30 days of receipt; or (iii) notwithstanding any other provision of law, delegate authority to consider the petition to either the board chairman, a subcommittee of the board, or the director of the agency that provides administrative support to the board, in which case a decision on the reconsideration shall be rendered within 30 days of receipt of the petition by the board.*

D. Denial of a petition for reconsideration shall not constitute a separate case decision and shall not on its own merits be subject to judicial review. It may, however, be considered by a reviewing court as part of any judicial review of the case decision itself.

E. The agency may reconsider its final decision on its own initiative for good cause within 30 days of the date of the final decision. An agency may develop procedures for reconsideration of its final decisions on its own initiative.

F. Notwithstanding the provisions of this section, (i) any agency may promulgate regulations that specify the scope of evidence that may be considered by such agency in support of any petition for reconsideration and (ii) any agency that has statutory authority for reconsideration in its basic law may respond to requests in accordance with such law.

2. That any agency which intends to promulgate regulations that specify the scope of evidence that may be considered by such agency in support of any petition for reconsideration may promulgate emergency regulations to become effective within 280 days or less from the enactment of this act.

3. That the Department of Human Resource Management shall submit a report by November 1 of each year to the Senate Committee on General Laws and Technology and the House Committee on General Laws detailing (i) the number of employee grievance hearings held pursuant to the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia) and (ii) the number of decisions from such hearings that were rendered in favor of employees.

CHAPTER 695

An Act to amend and reenact § 6.2-1344 of the Code of Virginia, relating to credit unions; voluntary mergers.

[S 582]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 6.2-1344 of the Code of Virginia is amended and reenacted as follows:

§ 6.2-1344. Voluntary merger.

A. A credit union organized under this chapter may merge, with the approval of the Commission, with one or more other credit unions, state or federal. In any case in which the surviving credit union will be a Virginia state-chartered credit union, a merger application, accompanied by an application fee of \$300, shall be filed with the Commission. The Commission shall approve the application if the Commission finds that:

1. The field of membership of the credit union which is proposed to result from the merger satisfies the requirements of subsection B of § 6.2-1327, *unless the merger application is exempt from this condition pursuant to subsection B*;

2. The plan of merger will promote the best interests of the members of the credit unions; and

3. The members of the merging credit unions have approved the plan of merger in accordance with applicable laws and regulations. Notwithstanding subsection D of § 13.1-895, the members of a Virginia state-chartered credit union may authorize a plan of merger by vote of at least a majority of all votes cast thereon at an annual or special meeting at which a quorum is present. Notwithstanding the terms of § 13.1-895, in a merger where a Virginia credit union will be the resulting credit union, the adoption of the plan of merger by the board of directors of that credit union shall be sufficient approval of the plan, and approval of the plan of merger by the members of that credit union shall not be required. Notice of the meeting may be given in a manner prescribed in the articles of incorporation or bylaws, notwithstanding the terms of § 13.1-842 relating to the manner of notice. A federal credit union merging with a state credit union may give notice to its members as prescribed by federal regulation.

B. The condition set forth in subdivision A 1 shall not apply to a merger of two Virginia state-chartered credit unions, and notwithstanding subsection B of § 6.2-1327 the field of membership of the surviving credit union may be composed of a combination of the fields of membership of the merging credit unions, if (i) at least one of the merging credit unions has fewer than 35,000 active members on the date the application for merger is filed with the Commission and (ii) neither of the merging credit unions has been a party to a merger pursuant to this subsection within the 24 months preceding the date the application for merger is filed with the Commission.

C. If the Commission finds that the *applicable* requirements of subsection A have been met and all required fees have been paid, it shall approve the merger and issue a certificate of merger, which shall be admitted to record in its office and in the office for the recording of deeds in the city or county in which the registered office of each credit union is located. No such further recordation shall be required in the City of Richmond or the Counties of Chesterfield or Henrico.

~~€~~ *D.* Upon the issuance of the certificate of merger the provisions of § 13.1-897, *mutatis mutandis*, shall become effective.

~~Ɔ~~ *E.* For the purposes of this section, a member entitled to vote may vote in person or, unless the articles of incorporation or bylaws otherwise provide, by proxy. A member may appoint a proxy to vote or otherwise act for him by signing an appointment form. An appointment of a proxy becomes effective when received by the secretary or other officer or agent authorized to tabulate votes. An appointment is valid for 11 months unless a different period is expressly provided in the appointment form or the appointment is revoked by the member.

CHAPTER 696

An Act to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking; penalty.

[H 886]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-60.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-60.3. Stalking; penalty.

A. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor.

B. Any person who is convicted of a second offense of subsection A occurring within five years of a prior conviction of such an offense ~~when the person was also convicted within the five-year period prior to the instant offense of a violation of (i) § 18.2-51, 18.2-51.2, 18.2-51.6, 18.2-52, or 18.2-57 and the victim of that crime was the same person who is the victim of the stalking activity in the instant conviction, (ii) § 18.2-57.2, or (iii) a protective order, under this section or for a substantially similar offense under the law of any other jurisdiction~~ is guilty of a Class 6 felony.

C. ~~Any person convicted of a third or subsequent conviction of subsection A occurring within five years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction is guilty of a Class 6 felony.~~

~~D.~~ A person may be convicted under this section irrespective of the jurisdiction or jurisdictions within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried. Evidence of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution under this section provided that the prosecution is based upon conduct occurring within the Commonwealth.

~~E.~~ D. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed, issue an order prohibiting contact between the defendant and the victim or the victim's family or household member.

~~F.~~ E. The Department of Corrections, sheriff or regional jail director shall give notice prior to the release from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a violation of this section, to any victim of the offense who, in writing, requests notice, or to any person designated in writing by the victim. The notice shall be given at least 15 days prior to release of a person sentenced to a term of incarceration of more than 30 days or, if the person was sentenced to a term of incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes, notice shall be given as soon as practicable following the escape. The victim shall keep the Department of Corrections, sheriff or regional jail director informed of the current mailing address and telephone number of the person named in the writing submitted to receive notice.

All information relating to any person who receives or may receive notice under this subsection shall remain confidential and shall not be made available to the person convicted of violating this section.

For purposes of this subsection, "release" includes a release of the offender from a state correctional facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on probation or parole.

No civil liability shall attach to the Department of Corrections nor to any sheriff or regional jail director or their deputies or employees for a failure to comply with the requirements of this subsection.

~~G.~~ F. For purposes of this section:

"Family or household member" has the same meaning as provided in § 16.1-228.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$81,914 for periods of imprisonment in state adult correctional facilities and is \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 697

An Act to amend and reenact § 18.2-308.2:2 of the Code of Virginia, relating to transfer of assault weapon; proof of citizenship.

[H 810]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-308.2:2 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security number and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense, and other documentation of residence. Except where the photo-identification was issued by the United States Department of Defense, the other documentation of residence shall show an address identical to that shown on the photo-identification form, such as evidence of currently paid personal property tax or real estate tax, or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; other current identification allowed as evidence of residency by Part 178.124 of Title 27 of the Code of Federal Regulations and ATF Ruling 2001-5; or other documentation of residence determined to be acceptable by the Department of Criminal Justice Services, that corroborates that the prospective purchaser currently resides in Virginia. Where the photo-identification was issued by the Department of Defense, permanent orders assigning the purchaser to a duty post in Virginia, including the Pentagon, shall be the only other required documentation of residence. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. When the photo-identification presented to a dealer by the prospective purchaser is a driver's license or other photo-identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo-identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade, or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence. ~~To establish citizenship or lawful admission for a permanent residence for purposes of purchasing an assault firearm, a dealer shall require a prospective purchaser to present a certified birth certificate or a certificate of birth abroad issued by the United States State Department, a certificate of citizenship or a certificate of naturalization issued by the United States Citizenship and Immigration Services, an unexpired U.S. passport, a United States citizen identification card, a current voter registration card, a current selective service registration card, or an immigrant visa or other documentation of status as a person lawfully admitted for permanent residence issued by the United States Citizenship and Immigration Services.~~

Upon receipt of the request for a criminal history record information check, the State Police shall (1) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, (2) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and (3) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After

such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with ~~proof of citizenship or status as a person lawfully admitted for permanent residence~~ and one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include December 25.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

CHAPTER 698

An Act to amend the Code of Virginia by adding in Title 19.2 a chapter numbered 1.2, consisting of sections numbered 19.2-11.5 through 19.2-11.11, relating to the collection, storage, and analysis of physical evidence recovery kits from victims of sexual assault offenses.

[H 1160]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 19.2 a chapter numbered 1.2, consisting of sections numbered 19.2-11.5 through 19.2-11.11, as follows:

CHAPTER 1.2.

PHYSICAL EVIDENCE RECOVERY KITS.

§ 19.2-11.5. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Anonymous physical evidence recovery kit" means a physical evidence recovery kit that is collected from a victim of sexual assault through a forensic medical examination where the victim elects, at the time of the examination, not to report the sexual assault offense to a law-enforcement agency.

"Department" means the Virginia Department of Forensic Science.

"Division" means the Division of Consolidated Laboratory Services of the Virginia Department of General Services.

"Health care provider" means any hospital, clinic, or other medical facility that provides forensic medical examinations to victims of sexual assault.

"Law-enforcement agency" means the state or local law-enforcement agency with the primary responsibility for investigating an alleged sexual assault offense case and includes the employees of that agency.

"Physical evidence recovery kit" means any evidence collection kit supplied by the Department to health care providers for use in collecting evidence from victims of sexual assault during forensic medical examinations or to the Office of the Chief Medical Examiner for use during death investigations to collect evidence from decedents who may be victims of sexual assault.

"Sexual assault offense" means a violation or attempted violation of any offense enumerated in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2 or of any offense specified in § 18.2-361, 18.2-370, or 18.2-370.1.

"Victim of sexual assault" means any person who undergoes a forensic medical examination for the collection of a physical evidence recovery kit connected to a sexual assault offense.

§ 19.2-11.6. Anonymous physical evidence recovery kits.

A. When a victim of sexual assault who undergoes a forensic medical examination elects not to report the offense to law enforcement, the health care provider shall inform the victim that the physical evidence recovery kit shall be forwarded to the Division for storage as an anonymous physical evidence recovery kit. The health care provider shall further inform the victim of the length of time the anonymous physical evidence recovery kit will be stored by the Division and how the victim can have the anonymous physical evidence recovery kit released to a law-enforcement agency at a later date. The health care provider shall forward the anonymous physical evidence recovery kit to the Division in accordance with the policies and procedures established by the Division.

B. The Division shall store any anonymous physical evidence recovery kit received for a minimum of two years. After two years, the Division may destroy the anonymous physical evidence recovery kit or, in its discretion or upon request of the victim or the law-enforcement agency, may elect to retain the anonymous physical evidence recovery kit for a longer period of time. Upon notification from either the law-enforcement agency or the attorney for the Commonwealth that the victim has elected to report the offense to the law-enforcement agency, the Division shall release the anonymous physical evidence recovery kit to the law-enforcement agency.

§ 19.2-11.7. Law enforcement taking possession of physical evidence recovery kits.

A. A health care provider that has collected a physical evidence recovery kit from a victim of sexual assault who has elected to report the offense shall forthwith notify the law-enforcement agency that such kit has been collected.

B. A law-enforcement agency that receives notice from a health care provider that a physical evidence recovery kit has been collected shall forthwith take possession of the physical evidence recovery kit.

§ 19.2-11.8. Submission of physical evidence recovery kits to the Department.

A. A law-enforcement agency that receives a physical evidence recovery kit shall submit the physical evidence recovery kit to the Department for analysis within 60 days of receipt, except under the following circumstances: (i) it is an

anonymous physical evidence recovery kit that shall be forwarded to the Division for storage; (ii) the physical evidence recovery kit was collected by the Office of the Chief Medical Examiner as part of a routine death investigation, and the medical examiner and the law-enforcement agency agree that analysis is not warranted; (iii) the physical evidence recovery kit is connected to an offense that occurred outside of the Commonwealth; or (iv) the physical evidence recovery kit was determined by the law-enforcement agency not to be connected to a criminal offense.

B. Upon completion of analysis, the Department shall return the physical evidence recovery kit to the submitting law-enforcement agency. Upon receipt of the physical evidence recovery kit from the Department, the law-enforcement agency shall store the physical evidence recovery kit for a period of 10 years or until two years after the victim reaches the age of majority if the victim was a minor at the time of collection, whichever is longer. After the mandatory retention period has lapsed, the law-enforcement agency may destroy the physical evidence recovery kit or, in its discretion, may elect to retain the physical evidence recovery kit for a longer period of time.

C. The DNA profiles developed from physical evidence recovery kits submitted to the Department for analysis pursuant to this section shall be uploaded into any local, state, or national DNA data bank only if eligible as determined by Department procedures and in accordance with state and federal law.

§ 19.2-11.9. Lack of compliance with procedures.

The failure of a law-enforcement agency to take possession of a physical evidence recovery kit as provided in this chapter or to submit a physical evidence recovery kit to the Department within the time period prescribed under this chapter does not alter the authority of the law-enforcement agency to take possession of the physical evidence recovery kit or to submit the physical evidence recovery kit to the Department under this chapter or the authority of the Department to accept and analyze the physical evidence recovery kit or to maintain or upload any developed DNA profiles from the physical evidence recovery kit into any local, state, or national DNA data bank if eligible as determined by Department procedures and in accordance with state and federal law.

A person accused or convicted of committing a crime against a sexual assault victim has no standing to object to any failure to comply with the requirements of this chapter, and the failure to comply with the requirements of this chapter is not grounds for challenging the admissibility of the evidence or setting aside the conviction or sentence.

§ 19.2-11.10. Expungement of DNA profile.

If the Department receives written confirmation from a law-enforcement agency or attorney for the Commonwealth that a DNA profile that has been uploaded pursuant to this chapter into any local, state, or national DNA data bank was determined not to be connected to a criminal offense or that the DNA profile is of an individual who is not the putative perpetrator, the Department shall expunge the DNA profile from the DNA data bank.

The detention, arrest, or conviction of a person based upon a data bank match or data bank information is not invalidated if it is determined that the sample was obtained, placed, or retained in the data bank in good faith pursuant to this chapter, and evidence based upon or derived from the DNA record shall not be excluded by a court.

§ 19.2-11.11. Victim's right to notification of scientific analysis information.

A. In addition to the rights provided under Chapter 1.1 (§ 19.2-11.01 et seq.), a victim of sexual assault, a parent or guardian of a victim of a sexual assault who was a minor at the time of the offense, or a close relative of a deceased victim of sexual assault shall have the right to request and receive information from the law-enforcement agency regarding (i) the submission of any physical evidence recovery kit for forensic analysis that was collected from the victim during the investigation of the offense; (ii) the status of any analysis being performed on any evidence that was collected during the investigation of the offense; and (iii) the results of any analysis, unless disclosing this information would interfere with the investigation or prosecution of the offense, in which case the victim, parent, guardian, or relative shall be informed of the estimated date on which the information may be disclosed, if known.

B. The victim, parent, guardian, or relative who requests to be notified under subsection A must provide a current address and telephone number to the attorney for the Commonwealth and to the law-enforcement agency that is investigating the offense and keep such information updated.

CHAPTER 699

An Act to amend and reenact § 33.2-501 of the Code of Virginia, relating to designation of HOV lanes on Interstate 66.

[H 407]

Approved April 4, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 33.2-501 of the Code of Virginia is amended and reenacted as follows:

§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties.

A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. When lanes have been so designated and have been appropriately marked with signs or other markers as the Board may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such lanes. Any

highway for which the locality receives highway maintenance funds pursuant to § 33.2-319 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that local governing body. However, no designation of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

1. Emergency vehicles such as firefighting vehicles and emergency medical services vehicles;
2. Law-enforcement vehicles;
3. Motorcycles;
4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;
- b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096, 46.2-2099.4, or 46.2-2099.44;
5. Vehicles of public utility companies operating in response to an emergency call;
6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided such use is in compliance with federal law;
7. Taxicabs having two or more occupants, including the driver; or
8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District.

In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of highway.

The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when the general lane is no longer blocked and is available for use.

The Commissioner of Highways shall maintain necessary records to evaluate the effects of such openings on the operation of the general lanes and the HOV lanes. This program will terminate if the Federal Highway Administration requires repayment of any federal highway construction funds because of the program's impact on the HOV facilities in Hampton Roads.

B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning District 8 shall be punishable as follows:

1. For a first offense, by a fine of \$125;
2. For a second offense within a period of five years from a first offense, by a fine of \$250;
3. For a third offense within a period of five years from a first offense, by a fine of \$500; and
4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this section, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that persons convicted of second, third, fourth, or subsequent violations within five years of a first offense committed in Planning District 8 shall be assessed three demerit points for each such violation.

C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. A summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or leasing company.

D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the return date of the summons.

E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without paying a toll.

F. Notwithstanding the contrary provisions of this section, ~~the following conditions shall be met before~~ the HOV-2 designation of Interstate Route 66 ~~outside the Capital Beltway can~~ shall not be changed to HOV-3 or any more restrictive designation:

1. The Department of Transportation shall publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate Route 66.

2. The Department of Transportation shall hold public hearings in the corridor to receive comments from the public.

3. The Department of Transportation shall make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.

4. The Board shall make written findings and a decision based upon the following criteria:

a. Is changing the HOV-2 designation to HOV-3 in the public interest?

b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate Route 66?

e. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?

2. That the provisions of this act shall become effective on July 1, 2017.

3. That the provisions of this act shall expire on January 1, 2020.

CHAPTER 700

An Act to amend and reenact § 46.2-844 of the Code of Virginia, relating to passing stopped school buses; mailing of summons; rebutting presumption.

[H 168]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-844 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-844. Passing stopped school buses; penalty; prima facie evidence.

A. The driver of a motor vehicle approaching from any direction a clearly marked school bus ~~which~~ that is stopped on any highway, private road, or school driveway for the purpose of taking on or discharging children, the elderly, or mentally or physically handicapped persons, who, in violation of § 46.2-859, fails to stop and remain stopped until all such persons are clear of the highway, private road, or school driveway; is subject to a civil penalty of \$250, and any prosecution shall be instituted and conducted in the same manner as prosecutions for traffic infractions.

A prosecution or proceeding under § 46.2-859 is a bar to a prosecution or proceeding under this section for the same act, and a prosecution or proceeding under this section is a bar to a prosecution or proceeding under § 46.2-859 for the same act.

In any prosecution for which a summons charging a violation of this section was issued within ~~ten~~ 10 days of the alleged violation, proof that the motor vehicle described in the summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, as required by Chapter 6 (§ 46.2-600 et seq.) ~~of this title~~ shall give rise to a rebuttable presumption that the registered owner of the vehicle was the person who operated the vehicle at the place where, and for the time during which, the violation occurred. *Such presumption shall be rebutted if (i) the owner of the vehicle files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation, (ii) the owner testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation, or (iii) a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section is presented prior to the return date established on the summons issued pursuant to this section to the court adjudicating the alleged violation. Nothing herein shall limit the admission of otherwise admissible evidence.*

The testimony of the school bus driver, the supervisor of school buses, or a law-enforcement officer that the vehicle was yellow, conspicuously marked as a school bus, and equipped with warning devices as prescribed in § 46.2-1090 is prima facie evidence that the vehicle is a school bus.

B. A locality may, by ordinance, authorize the school division of the locality to install and operate a video-monitoring system in or on the school buses operated by the division or to contract with a private vendor to do so on behalf of the school division for the purpose of recording violations of subsection A. Such ordinance may direct that any civil penalty levied for a violation of subsection A shall be payable to the local school division. *In any locality that has adopted such an ordinance, a summons for a violation of subsection A may be executed as provided in § 19.2-76.2 and, notwithstanding the provisions of § 19.2-76, the summons may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle contained in the records of the Department. Every such mailing shall include, in addition to the summons, a notice of (i) the summoned person's ability to rebut the presumption that he was the operator of the vehicle at the time of the alleged violation through the filing of an affidavit as provided in subsection A and (ii) instructions for filing such an affidavit, including the address to which the affidavit is to be sent. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3. No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for failure to appear on the return date of the summons. Any summons executed for violation of this section shall provide to the person*

summoned at least 30 business days from the mailing of the summons to inspect information collected by a video-monitoring system in connection with the violation.

For purposes of this subsection, "video-monitoring system" means a system with one or more camera sensors and computers installed and operated on a school bus that produces live digital and recorded video of motor vehicles being operated in violation of § 46.2-859. All such systems installed shall, at a minimum, produce a recorded image of the license plate and shall record the activation status of at least one warning device as prescribed in § 46.2-1090 and the time, date, and location of the vehicle when the image is recorded.

CHAPTER 701

An Act to provide for auxiliary lights on motorcycles.

Approved April 6, 2016

[H 939]

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Superintendent of State Police shall establish guidelines setting forth a procedure pursuant to § 46.2-1005 to allow for the submission and approval of auxiliary lights on motorcycles that are not approved by the Society of Automotive Engineers and shall publish such procedure on the Department of State Police's website by January 1, 2017. The approval of any lights or equipment shall also be published on the Department's website and the Department shall notify official safety inspection stations of such approved equipment.*

CHAPTER 702

An Act to amend and reenact § 46.2-1158.01 of the Code of Virginia, relating to exceptions to motor vehicle inspection requirement.

Approved April 6, 2016

[H 213]

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1158.01 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1158.01. Exceptions to motor vehicle inspection requirement.

A. The following shall be exempt from inspection as required by § 46.2-1157:

1. Four-wheel vehicles weighing less than 500 pounds and having less than 6 horsepower;
2. Boat, utility, or travel trailers that are not equipped with brakes;
3. Antique motor vehicles or antique trailers as defined in § 46.2-100 and licensed pursuant to § 46.2-730;
4. Any motor vehicle, trailer, or semitrailer that is outside the Commonwealth at the time its inspection expires when operated by the most direct route to the owner's or operator's place of residence or the owner's legal place of business in the Commonwealth;
5. A truck, tractor truck, trailer, or semitrailer for which the period fixed for inspection has expired while the vehicle was outside the Commonwealth (i) from a point outside the Commonwealth to the place where such vehicle is kept or garaged within the Commonwealth or (ii) to a destination within the Commonwealth where such vehicle will be (a) unloaded within 24 hours of entering the Commonwealth, (b) inspected within such 24-hour period, and (c) operated, after being unloaded, only to an inspection station or to the place where it is kept or garaged within the Commonwealth;
6. New motor vehicles, new trailers, or new semitrailers ~~may be~~ operated upon the highways of ~~Virginia the Commonwealth~~ for the purpose of delivery from the place of manufacture to the dealer's or distributor's designated place of business or between places of business if such manufacturer, dealer, or distributor has more than one place of business; ~~without being inspected~~; dealers or distributors may take delivery and operate upon the highways of ~~Virginia the Commonwealth~~ new motor vehicles, new trailers, or new semitrailers from another dealer or distributor provided a motor vehicle, trailer, or semitrailer shall not be considered new if driven upon the highways for any purpose other than the delivery of the vehicle;
7. New motor vehicles, new trailers, or new semitrailers bearing a manufacturer's license ~~may be~~ operated for test purposes by the manufacturer ~~without an inspection~~;
8. Motor vehicles, trailers, or semitrailers ~~may be~~ operated for test purposes by a certified inspector ~~without an inspection sticker~~ during the performance of an official inspection;
9. New motor vehicles, new trailers, or new semitrailers ~~may be~~ operated upon the highways of ~~Virginia the Commonwealth~~ over the most direct route to a location for installation of a permanent body ~~without being inspected~~;
10. Motor vehicles, trailers, or semitrailers purchased outside the Commonwealth ~~may be~~ driven to the purchaser's place of residence or the dealer's or distributor's designated place of business ~~without being inspected~~;
11. Prior to purchase from auto auctions within the Commonwealth, motor vehicles, trailers, or semitrailers ~~may be~~ operated upon the highways not to exceed a five-mile radius of such auction by prospective purchasers only for the purpose of road testing ~~without being inspected~~; and motor vehicles, trailers, or semitrailers purchased from auto auctions within the

Commonwealth ~~also may be~~ operated upon the highways from such auction to the purchaser's place of residence or business ~~without being inspected;~~

12. Motor vehicles, trailers, or semitrailers, after the expiration of a period fixed for the inspection thereof, ~~may be~~ (i) operated over the most direct route between the place where such vehicle is kept or garaged and an official inspection station or (ii) parked on a highway and that have been submitted for a motor vehicle safety inspection to an official inspection station, for the purpose of having the same inspected pursuant to a prior appointment with such station;

13. Any vehicle for transporting well-drilling machinery and mobile equipment as defined in § 46.2-700;

14. Motor vehicles being towed in a legal manner as exempted under § 46.2-1150;

15. Logtrailers as exempted under § 46.2-1159;

16. Motor vehicles designed or altered and used exclusively for racing or other exhibition purposes as exempted under § 46.2-1160;

17. Any tow dolly or converter gear as defined in § 46.2-1119;

18. A new motor vehicle, as defined in § 46.2-1500, that has been inspected in accordance with an inspection requirement of the manufacturer or distributor of the new motor vehicle by an employee who customarily performs such inspection on behalf of a motor vehicle dealer licensed pursuant to § 46.2-1508 ~~shall be deemed to have met the safety inspection requirements of the section without a separate safety inspection by an official inspection station.~~ Such inspection shall be deemed to be the first inspection for the purpose of § 46.2-1158, and an inspection approval sticker furnished by the Department of State Police at the uniform price paid by all official inspection stations to the Department of State Police for an inspection approval sticker may be affixed to the vehicle as required by § 46.2-1163;

19. Mopeds;

20. Low-speed vehicles; and

21. Vehicles exempt from registration pursuant to Article 6 (§ 46.2-662 et seq.) of Chapter 6.

B. The following shall be exempt from inspection as required by § 46.2-1157 provided (i) the commercial motor vehicle operates in interstate commerce; (ii) the commercial motor vehicle is found to meet the federal requirements for annual inspection through a self-inspection, a third-party inspection, a Commercial Vehicle Safety Alliance inspection, or a periodic inspection performed by any state with a program; (iii) the inspection has been determined by the Federal Motor Carrier Safety Administration to be comparable to or as effective as the requirements of 49 C.F.R. Part 396 § 396.3(a); and (iv) documentation of such determination as provided for in 49 C.F.R. Part 396 § 396.3(b) is available for review by law-enforcement officials to verify that the inspection is current:

1. Any commercial motor vehicle operating in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations;

2. Any trailer or semitrailer being operated in interstate commerce that is subject to the Federal Motor Carrier Safety Regulations.

CHAPTER 703

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 51, consisting of sections numbered 59.1-556 through 59.1-570, relating to the Fantasy Contests Act; registration required; conditions of registration; penalty.

[H 775]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 51, consisting of sections numbered 59.1-556 through 59.1-570, as follows:

CHAPTER 51.

FANTASY CONTESTS ACT.

§ 59.1-556. Definitions.

As used in this chapter, unless the context requires otherwise:

"Confidential information" means information related to the play of a fantasy contest by fantasy contest players obtained as a result of or by virtue of a person's employment.

"Department" means the Department of Agriculture and Consumer Services.

"Entry fee" means cash or cash equivalent that is required to be paid by a fantasy contest participant to a fantasy contest operator in order to participate in a fantasy contest.

"Fantasy contest" includes any online fantasy or simulated game or contest with an entry fee in which (i) the value of all prizes and awards offered to winning participants is established and made known to the participants in advance of the contest; (ii) all winning outcomes reflect the relative knowledge and skill of the participants and shall be determined by accumulated statistical results of the performance of individuals, including athletes in the case of sports events; and (iii) no winning outcome is based on the score, point spread, or any performance of any single actual team or combination of teams or solely on any single performance of an individual athlete or player in any single actual event.

"Fantasy contest operator" or "operator" means a person or entity that offers fantasy contests for a cash prize to members of the public.

"Fantasy contest player" or "player" means a person who participates in a fantasy contest offered by a fantasy contest operator.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, 15 percent or more of the equity ownership of a fantasy contest operator or who in concert with his spouse and immediate family members has the power to vote or cause the vote of 15 percent or more of the equity ownership of any such operator.

§ 59.1-557. Registration of fantasy contest operators required; application for registration; issuance of registration certificate; penalty.

A. No fantasy contest operator shall offer any fantasy contest in the Commonwealth without first being registered with the Department. Applications for registration shall be on forms prescribed by the Department. Any registration issued by the Department shall be valid for one year from the date of issuance.

B. The application for registration submitted by a fantasy contest operator shall contain the following information:

1. The name and principal address of the applicant; if a corporation, the state of its incorporation, the full name and address of each officer and director thereof, and, if a foreign corporation, whether it is qualified to do business in the Commonwealth; if a partnership or joint venture, the name and address of each officer thereof;

2. The address of any offices of the applicant in the Commonwealth and its designated agent for process within the Commonwealth. If no such agent is designated, the applicant shall be deemed to have designated the Commissioner of the Department. If the operator does not maintain an office, the name and address of the person having custody of its financial records;

3. The place where and the date when the applicant was legally established and the form of its organization;

4. The names and addresses of the officers, directors, trustees, and principal salaried executive staff officer;

5. The name and address of each principal stockholder or member of such corporation; and

6. Such information as the Department deems necessary to ensure compliance with the provisions of this chapter.

C. Every registration filed under this chapter shall be accompanied by a nonrefundable, initial application fee set by the Department.

D. As a condition of registration, a fantasy contest operator shall submit evidence satisfactory to the Department that the operator has established and will implement procedures for fantasy contests that:

1. Prevent him or his employees and relatives living in the same household as the operator from competing in any public fantasy contest offered by such operator in which the operator offers a cash prize;

2. Prevent the sharing of confidential information that could affect fantasy contest play with third parties until the information is made publicly available;

3. Verify that any fantasy contest player is 18 years of age or older;

4. Ensure that players who are the subject of a fantasy contest are restricted from entering a fantasy contest that is determined, in whole or part, on the accumulated statistical results of a team of individuals in which such players are participants;

5. Allow individuals to restrict themselves from entering a fantasy contest upon request and take reasonable steps to prevent those individuals from entering the operator's fantasy contests;

6. Disclose the number of entries a single fantasy contest player may submit to each fantasy contest and take reasonable steps to prevent such players from submitting more than the allowable number; and

7. Segregate player funds from operational funds in separate accounts and maintain a reserve in the form of cash, cash equivalents, irrevocable letter of credit, bond, or a combination thereof in an amount sufficient to pay all prizes and awards offered to winning participants.

E. If the registration forms are filed online using a website approved by the Commissioner of the Department, the operator shall follow the procedures on that website for signing the forms.

F. Any operator that allows its registration to lapse, without requesting an extension of time to file, shall be required to resubmit an initial registration. An extension may be granted by the Department upon receipt of a written request.

§ 59.1-558. Issuance of registration; denial of same.

A. The Department shall consider all applications for registration and shall issue a valid registration to an applicant that meets the criteria set forth in this chapter.

B. The Department shall deny registration to any applicant unless it finds that:

1. If the corporation is a stock corporation, such stock is fully paid and nonassessable and has been subscribed and paid for only in cash or property to the exclusion of past services and, if the corporation is a nonstock corporation, that there are at least five members;

2. All principal stockholders or members have submitted to the jurisdiction of the Virginia courts for the purposes of this chapter, and all nonresident principal stockholders or members have designated the Commissioner of the Department as their agent for receipt of process;

3. The applicant's articles of incorporation provide that the corporation may, on vote of a majority of the stockholders or members, purchase at fair market value the entire membership interest of any stockholder or require the resignation of any member who is or becomes unqualified for such position under subsection C; and

4. The applicant meets the criteria established by the Department for the granting of registration.

C. The Department may deny registration to an applicant if it finds that the applicant, or any officer, partner, principal stockholder, or director of the applicant:

1. Has knowingly made a false statement of material fact or has deliberately failed to disclose any information requested;

2. Is or has been found guilty of any illegal, corrupt, or fraudulent act, practice, or conduct in connection with any fantasy contest in this or any other state or has been convicted of a felony, a crime of moral turpitude, or any criminal offense involving dishonesty or breach of trust within the 10 years prior to the date of application for registration;

3. Has at any time knowingly failed to comply with the provisions of this chapter or of any requirements of the Department;

4. Has had a registration or permit to hold or conduct fantasy contests denied for just cause, suspended, or revoked in any other state or country;

5. Has legally defaulted in the payment of any obligation or debt due to the Commonwealth; or

6. Is not qualified to do business in the Commonwealth or is not subject to the jurisdiction of the courts of the Commonwealth.

D. Any operator applying for registration or renewal of a registration may operate during the application period unless the Department has reasonable cause to believe that such operator is or may be in violation of the provisions of this chapter and the Department requires such operator to suspend the operation of any fantasy contest until registration or renewal of registration is issued.

E. The Department shall issue such registration within 60 days of receipt of the application for registration. If the registration is not issued, the Department shall provide the operator with the justification for not issuing such registration with specificity.

§ 59.1-559. Independent audit required; submission to Department.

A registered operator shall (i) annually contract with a certified public accountant to conduct an independent audit, consistent with the standards accepted by the Board of Accountancy; (ii) annually contract with a testing laboratory recognized by the Department to verify compliance with the provisions of subsection D of § 59.1-557; and (iii) submit to the Department a copy of the (a) audit report and (b) report of the testing laboratory as required by clause (ii).

§ 59.1-560. Powers and duties of Department.

A. The Department shall have all powers and duties necessary to carry out the provisions of this chapter. The Department may establish procedures deemed necessary to carry out the provisions of this chapter.

B. Whenever it appears to the Department that any person has violated any provision of this chapter, it may apply to the appropriate circuit court for an injunction against such person. The order granting or refusing such injunction shall be subject to appeal as in other cases in equity.

C. Whenever the Department has reasonable cause to believe that a violation of this chapter may have occurred, the Department, upon its own motion or upon complaint of any person, may investigate any fantasy contest operator to determine whether such operator has violated the provisions of this chapter. In the conduct of such investigation, the Department may:

1. Require or permit any person to file a statement in writing, under oath or otherwise as the Department determines, as to all facts and circumstances concerning the matter to be investigated; and

2. Administer oaths or affirmations and, upon its own motion or upon request of any party, subpoena witnesses and compel their attendance, take evidence, and require the production of any matter that is relevant to the investigation, including the existence, description, nature, custody, condition, and location of any books, documents, or other tangibles and the identity and location of persons having knowledge of relevant facts or any other matter reasonably calculated to lead to the discovery of material evidence.

D. Any proceedings or hearings by the Department under this chapter, where witnesses are subpoenaed and their attendance is required for evidence to be taken or any matter is to be produced to ascertain material evidence, shall take place within the City of Richmond.

E. Upon failure to obey a subpoena and upon reasonable notice to all persons affected thereby, the Department may apply to the Circuit Court of the City of Richmond for an order imposing punishment for contempt of the subpoena or compelling compliance.

§ 59.1-561. Suspension or revocation of registration.

A. After a hearing with 15 days' notice, the Department may suspend or revoke any registration or impose on such operator a monetary penalty of not more than \$1,000 for each violation of this chapter, not to exceed \$50,000, in any case where a violation of this chapter has been shown by a preponderance of the evidence. The Department may revoke a registration if it finds that facts not known by it at the time it considered the application indicate that such registration should not have been issued.

B. The Department may summarily suspend any registration for a period of not more than seven days pending a hearing and final determination by the Department if the Department determines that a violation of this chapter has occurred and emergency action is required to protect the public health, safety, and welfare. The Department shall (i) schedule a hearing within seven business days after the registration is summarily suspended and (ii) notify the registered operator not less than five business days before the hearing of the date, time, and place of the hearing.

C. If any such registration is suspended or revoked, the Department shall state its reasons for doing so, which shall be entered of record. Such action shall be final unless appealed in accordance with § 59.1-562. Suspension or revocation of a registration issued by the Department for any violation shall not preclude civil liability for such violation.

§ 59.1-562. Hearing and appeal.

Any person aggrieved by a denial of the Department to issue a registration, the suspension or revocation of a registration, the imposition of a fine, or any other action of the Department may seek review of such action in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act in the Circuit Court of the City of Richmond. Further appeals shall also be in accordance with Article 5 (§ 2.2-4025 et seq.) of the Administrative Process Act.

§ 59.1-563. Fees and charges.

All fees, charges, and monetary penalties collected by the Department as provided in this chapter shall be paid into a special fund of the state treasury. Such funds shall be used to finance the administration and operation of this chapter.

§ 59.1-564. Department to adjust fees; certain transfer of money collected prohibited.

A. Nongeneral funds generated by fees collected in accordance with this chapter on behalf of the Department and accounted for and deposited into a special fund by the Commissioner of the Department shall be held exclusively to cover the expenses of the Department in administering this chapter and shall not be transferred to any other agency.

B. Following the close of any biennium, when the account for the Department maintained under this chapter shows expenses allocated to it for the past biennium to be more than 10 percent greater or less than moneys collected on behalf of the Department, it shall revise the fees levied by it for registration and renewal thereof so that the fees are sufficient but not excessive to cover expenses.

§ 59.1-565. Public inspection of information filed with Department; charges for production.

A. Except as provided in subsection B, registrations required to be filed under this chapter shall be open to the public for inspection at such time and under such conditions as the Department may prescribe. A charge not exceeding \$1 per page may be made for any copy of such documents as may be furnished to any person by the Department.

B. Reports, data, or documents submitted to the Department pursuant to the audit requirements of § 59.1-559 and records submitted to the Department as part of an application for registration or renewal that contain information about the character or financial responsibility of the operator or its principal stockholders shall be deemed confidential and shall be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.).

§ 59.1-566. Registration not endorsement.

No registered operator shall use or exploit the fact of registration under this chapter so as to lead the public to believe that such registration in any manner constitutes an endorsement or approval by the Commonwealth.

§ 59.1-567. Acquisition of interest in fantasy contest operator.

A. If any person acquires actual control of a registered operator, such person shall register with the Department in accordance with § 59.1-557.

B. Where any such acquisition of control is without prior approval of the Department, the Department may suspend any registration it has issued to such operator, order compliance with this section, or take such other action as may be appropriate within the authority of the Department.

§ 59.1-568. Civil penalty.

In addition to the provisions of § 59.1-561, any person, firm, corporation, association, agent, or employee who knowingly violates any procedure implemented under subsection D of § 59.1-557 or any other provision of this chapter shall be liable for a civil penalty of not more than \$1,000 for each such violation. Such amount shall be recovered in a civil action brought by the Department and be paid into the State Literary Fund.

§ 59.1-569. Fantasy contests conducted under this chapter not illegal gambling.

Nothing contained in Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2 shall be applicable to a fantasy contest conducted in accordance with this chapter. The award of any prize money for any fantasy contest shall not be deemed to be part of any gaming contract within the purview of § 11-14.

§ 59.1-570. Liability imposed by other laws not decreased.

Except as provided in § 59.1-569, nothing contained in this chapter shall be construed as making lawful any act or omission that is now unlawful, or as decreasing the liability, civil or criminal, of any person, imposed by existing laws.

2. That the initial fee for an application for registration in accordance with this act shall be \$50,000. Thereafter, the fee for an application for registration shall be set by the Department of Agriculture and Consumer Services in accordance with § 59.1-564 of the Code of Virginia, as created by this act.

CHAPTER 704

An Act to amend and reenact §§ 16.1-260, 54.1-3900, and 63.2-332 of the Code of Virginia, relating to Department of Social Services; unauthorized practice of law.

[S 417]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 16.1-260, 54.1-3900, and 63.2-332 of the Code of Virginia are amended and reenacted as follows:

§ 16.1-260. Intake; petition; investigation.

A. All matters alleged to be within the jurisdiction of the court shall be commenced by the filing of a petition, except as provided in subsection H and in § 16.1-259. The form and content of the petition shall be as provided in § 16.1-262. No individual shall be required to obtain support services from the Department of Social Services prior to filing a petition seeking support for a child. Complaints, requests, and the processing of petitions to initiate a case shall be the responsibility of the intake officer. However, (i) the attorney for the Commonwealth of the city or county may file a petition on his own motion with the clerk; (ii) designated nonattorney employees of the Department of Social Services may complete, sign, and file petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia with the clerk, ~~and~~; (iii) *designated nonattorney employees of a local department of social services may complete, sign, and file with the clerk, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, and motions for a rule to show cause; and (iv) any attorney may file petitions on behalf of his client with the clerk except petitions alleging that the subject of the petition is a child alleged to be in need of services, in need of supervision, or delinquent. Complaints alleging abuse or neglect of a child shall be referred initially to the local department of social services in accordance with the provisions of Chapter 15 (§ 63.2-1500 et seq.) of Title 63.2. Motions and other subsequent pleadings in a case shall be filed directly with the clerk. The intake officer or clerk with whom the petition or motion is filed shall inquire whether the petitioner is receiving child support services or public assistance. No individual who is receiving support services or public assistance shall be denied the right to file a petition or motion to establish, modify, or enforce an order for support of a child. If the petitioner is seeking or receiving child support services or public assistance, the clerk, upon issuance of process, shall forward a copy of the petition or motion, together with notice of the court date, to the Division of Child Support Enforcement.*

B. The appearance of a child before an intake officer may be by (i) personal appearance before the intake officer or (ii) use of two-way electronic video and audio communication. If two-way electronic video and audio communication is used, an intake officer may exercise all powers conferred by law. All communications and proceedings shall be conducted in the same manner as if the appearance were in person, and any documents filed may be transmitted by facsimile process. The facsimile may be served or executed by the officer or person to whom sent, and returned in the same manner, and with the same force, effect, authority, and liability as an original document. All signatures thereon shall be treated as original signatures. Any two-way electronic video and audio communication system used for an appearance shall meet the standards as set forth in subsection B of § 19.2-3.1.

When the court service unit of any court receives a complaint alleging facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241, the unit, through an intake officer, may proceed informally to make such adjustment as is practicable without the filing of a petition or may authorize a petition to be filed by any complainant having sufficient knowledge of the matter to establish probable cause for the issuance of the petition.

An intake officer may proceed informally on a complaint alleging a child is in need of services, in need of supervision, or delinquent only if the juvenile (i) is not alleged to have committed a violent juvenile felony or (ii) has not previously been proceeded against informally or adjudicated delinquent for an offense that would be a felony if committed by an adult. A petition alleging that a juvenile committed a violent juvenile felony shall be filed with the court. A petition alleging that a juvenile is delinquent for an offense that would be a felony if committed by an adult shall be filed with the court if the juvenile had previously been proceeded against informally by intake or had been adjudicated delinquent for an offense that would be a felony if committed by an adult.

If a juvenile is alleged to be a truant pursuant to a complaint filed in accordance with § 22.1-258 and the attendance officer has provided documentation to the intake officer that the relevant school division has complied with the provisions of § 22.1-258, then the intake officer shall file a petition with the court. The intake officer may defer filing the complaint for 90 days and proceed informally by developing a truancy plan. The intake officer may proceed informally only if the juvenile has not previously been proceeded against informally or adjudicated in need of supervision for failure to comply with compulsory school attendance as provided in § 22.1-254. The juvenile and his parent or parents, guardian, or other person standing in loco parentis must agree, in writing, for the development of a truancy plan. The truancy plan may include requirements that the juvenile and his parent or parents, guardian, or other person standing in loco parentis participate in such programs, cooperate in such treatment, or be subject to such conditions and limitations as necessary to ensure the juvenile's compliance with compulsory school attendance as provided in § 22.1-254. The intake officer may refer the juvenile to the appropriate public agency for the purpose of developing a truancy plan using an interagency interdisciplinary team approach. The team may include qualified personnel who are reasonably available from the appropriate department of social services, community services board, local school division, court service unit, and other appropriate and available public and private agencies and may be the family assessment and planning team established pursuant to § 2.2-5207. If at the end of the 90-day period the juvenile has not successfully completed the truancy plan or the truancy program, then the intake officer shall file the petition.

Whenever informal action is taken as provided in this subsection on a complaint alleging that a child is in need of services, in need of supervision, or delinquent, the intake officer shall (i) develop a plan for the juvenile, which may include restitution and the performance of community service, based upon community resources and the circumstances which resulted in the complaint, (ii) create an official record of the action taken by the intake officer and file such record in the juvenile's case file, and (iii) advise the juvenile and the juvenile's parent, guardian, or other person standing in loco parentis

and the complainant that any subsequent complaint alleging that the child is in need of supervision or delinquent based upon facts which may be sufficient to invoke the jurisdiction of the court pursuant to § 16.1-241 will result in the filing of a petition with the court.

C. The intake officer shall accept and file a petition in which it is alleged that (i) the custody, visitation, or support of a child is the subject of controversy or requires determination, (ii) a person has deserted, abandoned, or failed to provide support for any person in violation of law, (iii) a child or such child's parent, guardian, legal custodian, or other person standing in loco parentis is entitled to treatment, rehabilitation, or other services which are required by law, (iv) family abuse has occurred and a protective order is being sought pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1, or (v) an act of violence, force, or threat has occurred, a protective order is being sought pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, and either the alleged victim or the respondent is a juvenile. If any such complainant does not file a petition, the intake officer may file it. In cases in which a child is alleged to be abused, neglected, in need of services, in need of supervision, or delinquent, if the intake officer believes that probable cause does not exist, or that the authorization of a petition will not be in the best interest of the family or juvenile or that the matter may be effectively dealt with by some agency other than the court, he may refuse to authorize the filing of a petition. The intake officer shall provide to a person seeking a protective order pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1 a written explanation of the conditions, procedures and time limits applicable to the issuance of protective orders pursuant to § 16.1-253.1, 16.1-253.4, or 16.1-279.1. If the person is seeking a protective order pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10, the intake officer shall provide a written explanation of the conditions, procedures, and time limits applicable to the issuance of protective orders pursuant to § 19.2-152.8, 19.2-152.9, or 19.2-152.10.

D. Prior to the filing of any petition alleging that a child is in need of supervision, the matter shall be reviewed by an intake officer who shall determine whether the petitioner and the child alleged to be in need of supervision have utilized or attempted to utilize treatment and services available in the community and have exhausted all appropriate nonjudicial remedies which are available to them. When the intake officer determines that the parties have not attempted to utilize available treatment or services or have not exhausted all appropriate nonjudicial remedies which are available, he shall refer the petitioner and the child alleged to be in need of supervision to the appropriate agency, treatment facility, or individual to receive treatment or services, and a petition shall not be filed. Only after the intake officer determines that the parties have made a reasonable effort to utilize available community treatment or services may he permit the petition to be filed.

E. If the intake officer refuses to authorize a petition relating to an offense that if committed by an adult would be punishable as a Class 1 misdemeanor or as a felony, the complainant shall be notified in writing at that time of the complainant's right to apply to a magistrate for a warrant. If a magistrate determines that probable cause exists, he shall issue a warrant returnable to the juvenile and domestic relations district court. The warrant shall be delivered forthwith to the juvenile court, and the intake officer shall accept and file a petition founded upon the warrant. If the court is closed and the magistrate finds that the criteria for detention or shelter care set forth in § 16.1-248.1 have been satisfied, the juvenile may be detained pursuant to the warrant issued in accordance with this subsection. If the intake officer refuses to authorize a petition relating to a child in need of services or in need of supervision, a status offense, or a misdemeanor other than Class 1, his decision is final.

Upon delivery to the juvenile court of a warrant issued pursuant to subdivision 2 of § 16.1-256, the intake officer shall accept and file a petition founded upon the warrant.

F. The intake officer shall notify the attorney for the Commonwealth of the filing of any petition which alleges facts of an offense which would be a felony if committed by an adult.

G. Notwithstanding the provisions of Article 12 (§ 16.1-299 et seq.), the intake officer shall file a report with the division superintendent of the school division in which any student who is the subject of a petition alleging that such student who is a juvenile has committed an act, wherever committed, which would be a crime if committed by an adult, or that such student who is an adult has committed a crime and is alleged to be within the jurisdiction of the court. The report shall notify the division superintendent of the filing of the petition and the nature of the offense, if the violation involves:

1. A firearm offense pursuant to Article 4 (§ 18.2-279 et seq.), 5 (§ 18.2-288 et seq.), 6 (§ 18.2-299 et seq.), 6.1 (§ 18.2-307.1 et seq.), or 7 (§ 18.2-308.1 et seq.) of Chapter 7 of Title 18.2;
2. Homicide, pursuant to Article 1 (§ 18.2-30 et seq.) of Chapter 4 of Title 18.2;
3. Felonious assault and bodily wounding, pursuant to Article 4 (§ 18.2-51 et seq.) of Chapter 4 of Title 18.2;
4. Criminal sexual assault, pursuant to Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;
5. Manufacture, sale, gift, distribution or possession of Schedule I or II controlled substances, pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
6. Manufacture, sale or distribution of marijuana pursuant to Article 1 (§ 18.2-247 et seq.) of Chapter 7 of Title 18.2;
7. Arson and related crimes, pursuant to Article 1 (§ 18.2-77 et seq.) of Chapter 5 of Title 18.2;
8. Burglary and related offenses, pursuant to §§ 18.2-89 through 18.2-93;
9. Robbery pursuant to § 18.2-58;
10. Prohibited criminal street gang activity pursuant to § 18.2-46.2;
11. Recruitment of other juveniles for a criminal street gang activity pursuant to § 18.2-46.3; or
12. An act of violence by a mob pursuant to § 18.2-42.1.

The failure to provide information regarding the school in which the student who is the subject of the petition may be enrolled shall not be grounds for refusing to file a petition.

The information provided to a division superintendent pursuant to this section may be disclosed only as provided in § 16.1-305.2.

H. The filing of a petition shall not be necessary:

1. In the case of violations of the traffic laws, including offenses involving bicycles, hitchhiking and other pedestrian offenses, game and fish laws, or a violation of the ordinance of any city regulating surfing or any ordinance establishing curfew violations, animal control violations, or littering violations. In such cases the court may proceed on a summons issued by the officer investigating the violation in the same manner as provided by law for adults. Additionally, an officer investigating a motor vehicle accident may, at the scene of the accident or at any other location where a juvenile who is involved in such an accident may be located, proceed on a summons in lieu of filing a petition.

2. In the case of seeking consent to apply for the issuance of a work permit pursuant to subsection H of § 16.1-241.

3. In the case of a misdemeanor violation of § 18.2-250.1, 18.2-266, 18.2-266.1, or 29.1-738, or the commission of any other alcohol-related offense, provided the juvenile is released to the custody of a parent or legal guardian pending the initial court date. The officer releasing a juvenile to the custody of a parent or legal guardian shall issue a summons to the juvenile and shall also issue a summons requiring the parent or legal guardian to appear before the court with the juvenile. Disposition of the charge shall be in the manner provided in § 16.1-278.8, 16.1-278.8:01, or 16.1-278.9. If the juvenile so charged with a violation of § 18.2-51.4, 18.2-266, 18.2-266.1, 18.2-272, or 29.1-738 refuses to provide a sample of blood or breath or samples of both blood and breath for chemical analysis pursuant to §§ 18.2-268.1 through 18.2-268.12 or 29.1-738.2, the provisions of these sections shall be followed except that the magistrate shall authorize execution of the warrant as a summons. The summons shall be served on a parent or legal guardian and the juvenile, and a copy of the summons shall be forwarded to the court in which the violation is to be tried. When a violation of § 18.2-250.1 is charged by summons, the juvenile shall be entitled to have the charge referred to intake for consideration of informal proceedings pursuant to subsection B, provided such right is exercised by written notification to the clerk not later than 10 days prior to trial. At the time such summons alleging a violation of § 18.2-250.1 is served, the officer shall also serve upon the juvenile written notice of the right to have the charge referred to intake on a form approved by the Supreme Court and make return of such service to the court. If the officer fails to make such service or return, the court shall dismiss the summons without prejudice.

4. In the case of offenses which, if committed by an adult, would be punishable as a Class 3 or Class 4 misdemeanor. In such cases the court may direct that an intake officer proceed as provided in § 16.1-237 on a summons issued by the officer investigating the violation in the same manner as provided by law for adults provided that notice of the summons to appear is mailed by the investigating officer within five days of the issuance of the summons to a parent or legal guardian of the juvenile.

I. Failure to comply with the procedures set forth in this section shall not divest the juvenile court of the jurisdiction granted it in § 16.1-241.

§ 54.1-3900. Practice of law; student internship program; definition.

Persons who hold a license or certificate to practice law under the laws of this Commonwealth and have paid the license tax prescribed by law may practice law in the Commonwealth.

Any person authorized and practicing as counsel or attorney in any state or territory of the United States, or in the District of Columbia, may for the purpose of attending to any case he may occasionally have in association with a practicing attorney of this Commonwealth practice in the courts of this Commonwealth, in which case no license fee shall be chargeable against such nonresident attorney.

Nothing herein shall prohibit the limited practice of law by military legal assistance attorneys who are employed by a military program providing legal services to low-income military clients and their dependents pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit a limited practice of law under the supervision of a practicing attorney by (i) third-year law students or (ii) persons who are in the final year of a program of study as authorized in § 54.1-3926, pursuant to rules promulgated by the Supreme Court of Virginia.

Nothing herein shall prohibit an employee of a state agency in the course of his employment from representing the interests of his agency in administrative hearings before any state agency, such representation to be limited to the examination of witnesses at administrative hearings relating to personnel matters and the adoption of agency standards, policies, rules and regulations.

Nothing herein shall prohibit designated nonattorney employees of the Department of Social Services from completing, signing and filing petitions and motions relating to the establishment, modification, or enforcement of support on forms approved by the Supreme Court of Virginia in Department cases in the juvenile and domestic relations district courts.

Nothing herein shall prohibit designated nonattorney employees of a local department of social services from appearing before an intake officer to initiate a case in accordance with subsection A of § 16.1-260 on behalf of the local department of social services.

Nothing herein shall prohibit designated nonattorney employees of a local department of social services from completing, signing, and filing with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to

establish paternity, motions to establish or modify support, motions to amend or review an order, or motions for a rule to show cause.

As used in this chapter "attorney" means attorney-at-law.

§ 63.2-332. Powers and duties of local directors.

The local director shall be the administrator of the local department and shall serve as secretary to the local board. Under the supervision of the local board, unless otherwise specifically stated, and in cooperation with other public and private agencies, the local director, in addition to the functions, powers and duties conferred and imposed by other provisions of law, shall have the powers and perform the duties contained in this title.

The local director shall designate nonattorney employees who are authorized to (i) initiate a case on behalf of the local department by appearing before an intake officer or (ii) complete, sign, and file with the clerk of the juvenile and domestic relations district court, on forms approved by the Supreme Court of Virginia, petitions for foster care review, petitions for permanency planning hearings, petitions to establish paternity, motions to establish or modify support, motions to amend or review an order, or motions for a rule to show cause.

2. That nothing in this bill shall be construed to invalidate prior filings or petitions by local departments of social services or by their employees on behalf of the local department prior to July 1, 2016.

CHAPTER 705

An Act to amend and reenact § 18.2-371.1 of the Code of Virginia, relating to operating a child welfare agency without a license; abuse and neglect of child; penalty.

[H 1189]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-371.1 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-371.1. Abuse and neglect of children; penalty; abandoned infant.

A. Any parent, guardian, or other person responsible for the care of a child under the age of 18 who by willful act or willful omission or refusal to provide any necessary care for the child's health causes or permits serious injury to the life or health of such child is guilty of a Class 4 felony. For purposes of this subsection, "serious injury" includes but is not limited to (i) disfigurement, (ii) a fracture, (iii) a severe burn or laceration, (iv) mutilation, (v) maiming, (vi) forced ingestion of dangerous substances, and (vii) life-threatening internal injuries. *For purposes of this subsection, "willful act or willful omission" includes operating or engaging in the conduct of a child welfare agency as defined in § 63.2-100 without first obtaining a license such person knows is required by Subtitle IV (§ 63.2-1700 et seq.) of Title 63.2 or after such license has been revoked or has expired and not been renewed.*

B. 1. Any parent, guardian, or other person responsible for the care of a child under the age of 18 whose willful act or omission in the care of such child was so gross, wanton, and culpable as to show a reckless disregard for human life is guilty of a Class 6 felony.

2. If a prosecution under this subsection is based solely on the accused parent having left the child at a hospital or emergency medical services agency, it shall be an affirmative defense to prosecution of a parent under this subsection that such parent safely delivered the child to a hospital that provides 24-hour emergency services or to an attended emergency medical services agency that employs emergency medical services personnel, within the first 14 days of the child's life. In order for the affirmative defense to apply, the child shall be delivered in a manner reasonably calculated to ensure the child's safety.

C. Any parent, guardian, or other person having care, custody, or control of a minor child who in good faith is under treatment solely by spiritual means through prayer in accordance with the tenets and practices of a recognized church or religious denomination shall not, for that reason alone, be considered in violation of this section.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of imprisonment in state adult correctional facilities; therefore, Chapter 665 of the Acts of Assembly of 2015 requires the Virginia Criminal Sentencing Commission to assign a minimum fiscal impact of \$50,000. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation cannot be determined for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 706

An Act to issue special license plates for immediate family members of persons who have died in military service to their country.

[H 98]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *Special license plates for immediate family members of a member of the Armed Forces of the United States who died on or after March 29, 1973, while serving on active duty or while assigned to a Reserve or National Guard unit in a drill status.*

On receipt of an application and following the provisions of § 46.2-725 of the Code of Virginia, the Commissioner of the Department of Motor Vehicles shall issue special license plates to immediate family members of a member of the Armed Forces of the United States who died on or after March 29, 1973, while serving on active duty or while assigned to a Reserve or National Guard unit in a drill status. For the purpose of this section, "immediate family member" means (i) a widow or widower, remarried or not; (ii) a mother, father, stepmother, stepfather, mother or father through adoption, or foster parent who stood in loco parentis; (iii) a child, stepchild, or adopted child; and (iv) a sibling or half-sibling. For each set of license plates issued, the Commissioner shall charge the prescribed cost of state license plates. Such license plates shall not be subject to the provisions of subdivision B 1 or 2 of § 46.2-725 of the Code of Virginia.

CHAPTER 707

An Act to amend and reenact §§ 46.2-750 and 46.2-1077 of the Code of Virginia, relating to motor vehicles equipped with televisions and video; not within view of driver; license plates on vehicles owned by the Commonwealth.

[H 454]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-750 and 46.2-1077 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-750. Vehicles of Commonwealth, its political subdivisions, and regional jail authorities.

A. Motor vehicles, trailers, and semitrailers owned by the Commonwealth, political subdivisions of the Commonwealth, and regional jail authorities created pursuant to Article 3.1 (§ 53.1-95.2 et seq.) of Chapter 3 of Title 53.1 and used solely for governmental purposes shall be registered and shall display license plates as provided in this section. The fee for such license plates shall be equal to the cost incurred by the Department in the purchase or manufacture of such license plates. The fees received by the Commissioner under this section shall be paid into the state treasury and shall be set aside as a special fund to be used to meet the expenses of the Department of Motor Vehicles.

License plates issued for vehicles owned by the Commonwealth, except plates issued to be used *on vehicles* (i) ~~on vehicles~~ devoted solely to police work, (ii) *used* by the Virginia Economic Development Partnership to the extent approved by the Governor, ~~or~~ (iii) *used by an institution of higher education solely for purposes of vehicle technology research*, or (iv) *used* by the Governor and the Attorney General, shall have conspicuously and legibly inscribed, stamped, or printed thereon words stating that the vehicle is for official state use only. The Commissioner shall reserve a unique series of numbers for use on such license plates and shall provide for a design and combination of colors which distinguish such license plates from those issued for vehicles owned by the political subdivisions of the Commonwealth.

License plates issued for vehicles owned by political subdivisions of the Commonwealth and regional jail authorities, except such plates issued to be used (i) on vehicles used by any local or regional economic development authority, agency, instrumentality, or organization, upon the request of the chief administrative officer of the affected locality (or, in the case of regional organizations, the chief administrative officer of any of the affected localities) or (ii) on vehicles devoted solely to police work, shall have conspicuously and legibly inscribed, stamped, or printed thereon words stating that the vehicle is for official local government use only. The Commissioner shall reserve a unique series of numbers for use on such license plates and shall provide for a design and combination of colors which distinguish such license plates from those issued for vehicles owned by the Commonwealth.

No other license plates shall be used on vehicles for which official use plates have been issued, except for vehicles used solely for police work and as provided in subsection B of this section.

B. In addition to any other license plate authorized by this section, the Commissioner may issue permanent or temporary license plates for use on vehicles owned by the Commonwealth or any of its departments, institutions, boards, or agencies and used for security or transportation purposes in conjunction with conferences, meetings, or other events involving the Governor or members of the General Assembly. No state agency shall use government funds to cover the costs of any license plates issued under this subsection. The design of these license plates shall be at the discretion of the Commissioner. These license plates shall be issued under the following conditions:

1. For each set of permanent license plates issued, the Commissioner shall charge a fee of \$100. The Commissioner shall limit the validity of any set of license plates issued under this subdivision to no more than 30 consecutive days. The Commissioner's written authorization for use of any set of license plates issued under this subdivision shall be kept in the vehicle on which the license plates are displayed until expiration of the authorization.

2. The Commissioner shall limit the validity of each set of temporary license plates to no more than 14 consecutive days. For each set of temporary license plates, the Commissioner shall charge a fee of \$25 for the first set and \$2 for each additional set. The Commissioner's written authorization for use of any set of license plates issued under this subdivision shall be kept in the vehicle on which the license plates are displayed until expiration of the authorization.

§ 46.2-1077. Motor vehicles not to be equipped with television within view of driver; viewing motion pictures or similar displays while driving.

A. No motor vehicle registered in the Commonwealth of Virginia shall be equipped with, nor shall there be used therein, a television receiver when the moving images are visible to the driver while the vehicle is in motion. The operator of a motor vehicle that is not required to be registered in Virginia the Commonwealth shall not operate a television receiver that violates the provisions of this section while driving in the Commonwealth.

The prohibitions contained in this subsection shall not, however, include:

1. Electronic displays used in conjunction with vehicle navigation and mapping systems, or as part of a digital dispatch system;
2. Closed circuit video monitors designed to operate only in conjunction with dedicated video cameras and used in rear-view systems on trucks, motor homes, and other motor vehicles;
3. Television receivers or monitors used in government-owned vehicles by law-enforcement officers and employees of the Virginia Department of Transportation in the course of their official duties;
4. Visual displays used to enhance or supplement the driver's view forward, behind, or to the sides of a motor vehicle for the purpose of maneuvering the vehicle;
5. A vehicle information display;
6. A visual display used to enhance or supplement a driver's view of vehicle occupants;
7. Television-type receiving equipment used exclusively for safety or traffic engineering information; or
8. A television receiver, video monitor, television or video screen, or any other similar means of visually displaying a television broadcast or signal moving image, if that equipment is factory-installed and has an interlock device that, when the motor vehicle operator is driven performing one or more of the driving tasks, disables the equipment for all uses so that such moving images are not visible to the motor vehicle operator except as a visual display described in subdivisions 1 through 7. For the purposes of this subdivision, "driving task" means all of the real-time functions required to operate a vehicle in on-road traffic, excluding the selection of destinations and waypoints, and including steering, turning, lane keeping and lane changing, accelerating, and decelerating.

B. Except for displays explicitly authorized in subsection A, no driver of any motor vehicle shall view any motion picture or similar video display while driving.

CHAPTER 708

An Act to amend and reenact § 46.2-1219.2 of the Code of Virginia, relating to commuter parking lot signs in Planning District 8.

[H 730]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-1219.2 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-1219.2. Parking of vehicles in commuter parking lots owned by the Virginia Department of Transportation.

A. It shall constitute a traffic infraction for any person to park any vehicle in any commuter parking lot owned by the Virginia Department of Transportation in any manner not in conformance with posted signs and pavement markings. *In Planning District 8, such signs shall clearly indicate that before 10:00 a.m. Monday through Friday except holidays parking is only for commuters using mass transit or who are car pool or bicycle riders.*

B. In the prosecution of an offense established under this section, prima facie evidence that the vehicle described in the summons issued pursuant to this section was parked in violation of this section, together with proof that the defendant was at the time of such violation the owner, lessee, or renter of the vehicle, shall constitute in evidence a rebuttable presumption that such owner, lessee, or renter of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the owner, lessee, or renter of the vehicle (i) files an affidavit by regular mail with the clerk of the general district court that he was not the operator of the vehicle at the time of the alleged violation or (ii) testifies in open court under oath that he was not the operator of the vehicle at the time of the alleged violation. Such presumption shall also be rebutted if a certified copy of a police report, showing that the vehicle had been reported to the police as stolen prior to the time of the alleged violation of this section, is presented, prior to the return date established on the summons issued pursuant to this section, to the court adjudicating the alleged violation. A violation of this section may be charged on the uniform traffic summons form.

C. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any county, city, or town, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

Enforcement of the provisions of this section may be enforced by any law-enforcement officer as defined in § 9.1-101.

CHAPTER 709

An Act to amend and reenact § 58.1-609.3 of the Code of Virginia, relating to sales and use tax exemption; equipment used to make beer.

[H 859]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-609.3 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-609.3. Commercial and industrial exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.

2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel.

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2016, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable

condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. (Effective until June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

18. (Effective June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. Prior to claiming such exemption, any qualifying person claiming the exemption must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

19. *If the preponderance of their use is in the manufacture of beer by a brewer licensed pursuant to subdivision 1 or 2 of § 4.1-208, (i) machinery, tools, and equipment, or repair parts therefor or replacements thereof, fuel, power, energy, or supplies; (ii) materials for future processing, manufacturing, or conversion into beer where such materials either enter into the production of or become a component part of the beer; and (iii) materials, including containers, labels, sacks, cans, bottles, kegs, boxes, drums, or bags for future use, for packaging the beer for shipment or sale.*

CHAPTER 710

An Act to amend and reenact §§ 4.1-100, as it is currently effective and as it shall become effective, and 4.1-208 of the Code of Virginia, relating to alcoholic beverage control; farm wineries and limited brewery licenses; land zoned agricultural.

[H 879]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 4.1-100, as it is currently effective and as it shall become effective, and 4.1-208 of the Code of Virginia are amended and reenacted as follows:

§ 4.1-100. (Effective until July 1, 2018) Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Virginia Alcoholic Beverage Control Board.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment ~~(i)~~ (a) located on a farm in the Commonwealth *on land zoned agricultural* with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or ~~(ii)~~ (b) located in the Commonwealth *on land zoned agricultural* with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume. ~~"Farm winery" includes~~ or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this ~~sentence~~ *clause (ii)* and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event *that* such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. *For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.*

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board

shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Board for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license issued by the Board.

"Licensee" means any person to whom a license has been granted by the Board.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Board in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of

such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Board may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Department of Alcoholic Beverage Control whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-100. (Effective July 1, 2018) Definitions.

As used in this title unless the context requires a different meaning:

"Alcohol" means the product known as ethyl or grain alcohol obtained by distillation of any fermented liquor, rectified either once or more often, whatever the origin, and shall include synthetic ethyl alcohol, but shall not include methyl alcohol and alcohol completely denatured in accordance with formulas approved by the government of the United States.

"Alcohol vaporizing device" means any device, machine, or process that mixes any alcoholic beverages with pure oxygen or other gas to produce a vaporized product for the purpose of consumption by inhalation.

"Alcoholic beverages" includes alcohol, spirits, wine, and beer, and any one or more of such varieties containing one-half of one percent or more of alcohol by volume, including mixed alcoholic beverages, and every liquid or solid, powder or crystal, patented or not, containing alcohol, spirits, wine, or beer and capable of being consumed by a human being. Any liquid or solid containing more than one of the four varieties shall be considered as belonging to that variety which has the higher percentage of alcohol, however obtained, according to the order in which they are set forth in this definition; except that beer may be manufactured to include flavoring materials and other nonbeverage ingredients containing alcohol, as long as no more than 49 percent of the overall alcohol content of the finished product is derived from the addition of flavors and other nonbeverage ingredients containing alcohol for products with an alcohol content of no more than six percent by volume; or, in the case of products with an alcohol content of more than six percent by volume, as

long as no more than one and one-half percent of the volume of the finished product consists of alcohol derived from added flavors and other nonbeverage ingredients containing alcohol.

"Art instruction studio" means any commercial establishment that provides to its customers all required supplies and step-by-step instruction in creating a painting or other work of art during a studio instructional session.

"Arts venue" means a commercial or nonprofit establishment that is open to the public and in which works of art are sold or displayed.

"Authority" means the Virginia Alcoholic Beverage Control Authority created pursuant to this title.

"Barrel" means any container or vessel having a capacity of more than 43 ounces.

"Bed and breakfast establishment" means any establishment (i) having no more than 15 bedrooms; (ii) offering to the public, for compensation, transitory lodging or sleeping accommodations; and (iii) offering at least one meal per day, which may but need not be breakfast, to each person to whom overnight lodging is provided.

"Beer" means any alcoholic beverage obtained by the fermentation of an infusion or decoction of barley, malt, and hops or of any similar products in drinkable water and containing one-half of one percent or more of alcohol by volume.

"Board" means the Board of Directors of the Virginia Alcoholic Beverage Control Authority.

"Bottle" means any vessel intended to contain liquids and having a capacity of not more than 43 ounces.

"Canal boat operator" means any nonprofit organization that operates tourism-oriented canal boats for recreational purposes on waterways declared nonnavigable by the United States Congress pursuant to 33 U.S.C. § 59ii.

"Club" means any private nonprofit corporation or association which is the owner, lessee, or occupant of an establishment operated solely for a national, social, patriotic, political, athletic, or other like purpose, but not for pecuniary gain, the advantages of which belong to all of the members. It also means the establishment so operated. A corporation or association shall not lose its status as a club because of the conduct of charitable gaming conducted pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2 in which nonmembers participate frequently or in large numbers, provided that no alcoholic beverages are served or consumed in the room where such charitable gaming is being conducted while such gaming is being conducted and that no alcoholic beverages are made available upon the premises to any person who is neither a member nor a bona fide guest of a member.

Any such corporation or association which has been declared exempt from federal and state income taxes as one which is not organized and operated for pecuniary gain or profit shall be deemed a nonprofit corporation or association.

"Container" means any barrel, bottle, carton, keg, vessel or other receptacle used for holding alcoholic beverages.

"Contract winemaking facility" means the premises of a licensed winery or farm winery that obtains grapes, fruits, and other agricultural products from a person holding a farm winery license and crushes, processes, ferments, bottles, or provides any combination of such services pursuant to an agreement with the farm winery licensee. For all purposes of this title, wine produced by a contract winemaking facility for a farm winery shall be considered to be wine owned and produced by the farm winery that supplied the grapes, fruits, or other agricultural products used in the production of the wine. The contract winemaking facility shall have no right to sell the wine so produced, unless the terms of payment have not been fulfilled in accordance with the contract. The contract winemaking facility may charge the farm winery for its services.

"Convenience grocery store" means an establishment which (i) has an enclosed room in a permanent structure where stock is displayed and offered for sale and (ii) maintains an inventory of edible items intended for human consumption consisting of a variety of such items of the types normally sold in grocery stores.

"Day spa" means any commercial establishment that offers to the public both massage therapy, performed by persons certified in accordance with § 54.1-3029, and barbering or cosmetology services performed by persons licensed in accordance with Chapter 7 (§ 54.1-700 et seq.) of Title 54.1.

"Designated area" means a room or area approved by the Board for on-premises licensees.

"Dining area" means a public room or area in which meals are regularly served.

"Establishment" means any place where alcoholic beverages of one or more varieties are lawfully manufactured, sold, or used.

"Farm winery" means (i) an establishment ~~(i)~~ (a) located on a farm in the Commonwealth *on land zoned agricultural* with a producing vineyard, orchard, or similar growing area and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume or ~~(ii)~~ (b) located in the Commonwealth *on land zoned agricultural* with a producing vineyard, orchard, or similar growing area or agreements for purchasing grapes or other fruits from agricultural growers within the Commonwealth, and with facilities for fermenting and bottling wine on the premises where the owner or lessee manufactures wine that contains not more than 21 percent alcohol by volume. ~~"Farm winery" includes~~ or (ii) an accredited public or private institution of higher education, provided that (a) no wine manufactured by the institution shall be sold, (b) the wine manufactured by the institution shall be used solely for research and educational purposes, (c) the wine manufactured by the institution shall be stored on the premises of such farm winery that shall be separate and apart from all other facilities of the institution, and (d) such farm winery is operated in strict conformance with the requirements of this ~~sentence~~ clause (ii) and Board regulations. As used in this definition, the terms "owner" and "lessee" shall include a cooperative formed by an association of individuals for the purpose of manufacturing wine. In the event *that* such cooperative is licensed as a farm winery, the term "farm" as used in this definition includes all of the land owned or leased by the individual members of the cooperative as long as such land is located in the Commonwealth. *For purposes of this definition, "land zoned agricultural" means (1) land zoned as an agricultural district or classification or (2) land otherwise permitted by a locality for farm winery use. For purposes of this*

definition, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in the definition of "land zoned agricultural" shall otherwise limit or affect local zoning authority.

"Gift shop" means any bona fide retail store selling, predominantly, gifts, books, souvenirs, specialty items relating to history, original and handmade arts and products, collectibles, crafts, and floral arrangements, which is open to the public on a regular basis. Such shop shall be a permanent structure where stock is displayed and offered for sale and which has facilities to properly secure any stock of wine or beer. Such shop may be located (i) on the premises or grounds of a government registered national, state or local historic building or site or (ii) within the premises of a museum. The Board shall consider the purpose, characteristics, nature, and operation of the shop in determining whether it shall be considered a gift shop.

"Gourmet brewing shop" means an establishment which sells to persons to whom wine or beer may lawfully be sold, ingredients for making wine or brewing beer, including packaging, and rents to such persons facilities for manufacturing, fermenting and bottling such wine or beer.

"Gourmet shop" means an establishment provided with adequate inventory, shelving, and storage facilities, where, in consideration of payment, substantial amounts of domestic and imported wines and beers of various types and sizes and related products such as cheeses and gourmet foods are habitually furnished to persons.

"Government store" means a store established by the Authority for the sale of alcoholic beverages.

"Hotel" means any duly licensed establishment, provided with special space and accommodation, where, in consideration of payment, food and lodging are habitually furnished to persons, and which has four or more bedrooms. It shall also mean the person who operates such hotel.

"Interdicted person" means a person to whom the sale of alcoholic beverages is prohibited by order pursuant to this title.

"Internet wine retailer" means a person who owns or operates an establishment with adequate inventory, shelving, and storage facilities, where, in consideration of payment, internet or telephone orders are taken and shipped directly to consumers and which establishment is not a retail store open to the public.

"Intoxicated" means a condition in which a person has drunk enough alcoholic beverages to observably affect his manner, disposition, speech, muscular movement, general appearance or behavior.

"Licensed" means the holding of a valid license granted by the Authority.

"Licensee" means any person to whom a license has been granted by the Authority.

"Liqueur" means any of a class of highly flavored alcoholic beverages that do not exceed an alcohol content of 25 percent by volume.

"Low alcohol beverage cooler" means a drink containing one-half of one percent or more of alcohol by volume, but not more than seven and one-half percent alcohol by volume, and consisting of spirits mixed with nonalcoholic beverages or flavoring or coloring materials; it may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, preservatives or other similar products manufactured by fermenting fruit or fruit juices. Low alcohol beverage coolers shall be treated as wine for all purposes of this title; except that low alcohol beverage coolers shall not be sold in localities that have not approved the sale of mixed beverages pursuant to § 4.1-124. In addition, low alcohol beverage coolers shall not be sold for on-premises consumption other than by mixed beverage licensees.

"Meal-assembly kitchen" means any commercial establishment that offers its customers, for off-premises consumption, ingredients for the preparation of meals and entrees in professional kitchen facilities located at the establishment.

"Meals" means, for a mixed beverage license, an assortment of foods commonly ordered in bona fide, full-service restaurants as principal meals of the day. Such restaurants shall include establishments specializing in full course meals with a single substantial entree.

"Member of a club" means (i) a person who maintains his membership in the club by the payment of monthly, quarterly, or annual dues in the manner established by the rules and regulations thereof or (ii) a person who is a member of a bona fide auxiliary, local chapter, or squadron composed of direct lineal descendants of a bona fide member, whether alive or deceased, of a national or international organization to which an individual lodge holding a club license is an authorized member in the same locality. It shall also mean a lifetime member whose financial contribution is not less than 10 times the annual dues of resident members of the club, the full amount of such contribution being paid in advance in a lump sum.

"Mixed beverage" or "mixed alcoholic beverage" means a drink composed in whole or in part of spirits.

"Mixer" means any prepackaged ingredients containing beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives which are not commonly consumed unless combined with alcoholic beverages, whether or not such ingredients contain alcohol. Such specialty beverage product shall be manufactured or distributed by a Virginia corporation.

"Place or premises" means the real estate, together with any buildings or other improvements thereon, designated in the application for a license as the place at which the manufacture, bottling, distribution, use or sale of alcoholic beverages shall be performed, except that portion of any such building or other improvement actually and exclusively used as a private residence.

"Principal stockholder" means any person who individually or in concert with his spouse and immediate family members beneficially owns or controls, directly or indirectly, five percent or more of the equity ownership of any person

that is a licensee of the Authority, or who in concert with his spouse and immediate family members has the power to vote or cause the vote of five percent or more of any such equity ownership. "Principal stockholder" does not include a broker-dealer registered under the Securities Exchange Act of 1934, as amended, that holds in inventory shares for sale on the financial markets for a publicly traded corporation holding, directly or indirectly, a license from the Authority.

"Public place" means any place, building, or conveyance to which the public has, or is permitted to have, access, including restaurants, soda fountains, hotel dining areas, lobbies and corridors of hotels, and any park, place of public resort or amusement, highway, street, lane, or sidewalk adjoining any highway, street, or lane.

The term shall not include (i) hotel or restaurant dining areas or ballrooms while in use for private meetings or private parties limited in attendance to members and guests of a particular group, association or organization; (ii) restaurants licensed by the Authority in office buildings or industrial or similar facilities while such restaurant is closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; (iii) offices, office buildings or industrial facilities while closed to the public and in use for private meetings or parties limited in attendance to employees and nonpaying guests of the owner or a lessee of all or part of such building or facility; or (iv) private recreational or chartered boats which are not licensed by the Board and on which alcoholic beverages are not sold.

"Residence" means any building or part of a building or structure where a person resides, but does not include any part of a building which is not actually and exclusively used as a private residence, nor any part of a hotel or club other than a private guest room thereof.

"Resort complex" means a facility (i) with a hotel owning year-round sports and recreational facilities located contiguously on the same property or (ii) owned by a nonstock, nonprofit, taxable corporation with voluntary membership which, as its primary function, makes available golf, ski and other recreational facilities both to its members and the general public. The hotel or corporation shall have a minimum of 140 private guest rooms or dwelling units contained on not less than 50 acres. The Authority may consider the purpose, characteristics, and operation of the applicant establishment in determining whether it shall be considered as a resort complex. All other pertinent qualifications established by the Board for a hotel operation shall be observed by such licensee.

"Restaurant" means, for a beer, or wine and beer license or a limited mixed beverage restaurant license, any establishment provided with special space and accommodation, where, in consideration of payment, meals or other foods prepared on the premises are regularly sold.

"Restaurant" means, for a mixed beverage license other than a limited mixed beverage restaurant license, an established place of business (i) where meals with substantial entrees are regularly sold and (ii) which has adequate facilities and sufficient employees for cooking, preparing, and serving such meals for consumption at tables in dining areas on the premises, and includes establishments specializing in full course meals with a single substantial entree.

"Sale" and "sell" includes soliciting or receiving an order for; keeping, offering or exposing for sale; peddling, exchanging or bartering; or delivering otherwise than gratuitously, by any means, alcoholic beverages.

"Sangria" means a drink consisting of red or white wine mixed with some combination of sweeteners, fruit, fruit juice, soda, or soda water that may also be mixed with brandy, triple sec, or other similar spirits.

"Special agent" means an employee of the Virginia Alcoholic Beverage Control Authority whom the Board has designated as a law-enforcement officer pursuant to § 4.1-105.

"Special event" means an event sponsored by a duly organized nonprofit corporation or association and conducted for an athletic, charitable, civic, educational, political, or religious purpose.

"Spirits" means any beverage which contains alcohol obtained by distillation mixed with drinkable water and other substances, in solution, and includes, among other things, brandy, rum, whiskey, and gin, or any one or more of the last four named ingredients; but shall not include any such liquors completely denatured in accordance with formulas approved by the United States government.

"Wine" means any alcoholic beverage obtained by the fermentation of the natural sugar content of fruits or other agricultural products containing (i) sugar, including honey and milk, either with or without additional sugar; (ii) one-half of one percent or more of alcohol by volume; and (iii) no product of distillation. The term includes any wine to which wine spirits have been added, as provided in the Internal Revenue Code, to make products commonly known as "fortified wine" which do not exceed an alcohol content of 21 percent by volume.

"Wine cooler" means a drink containing one-half of one percent or more of alcohol by volume, and not more than three and two-tenths percent of alcohol by weight or four percent by volume consisting of wine mixed with nonalcoholic beverages or flavoring or coloring materials, and which may also contain water, fruit juices, fruit adjuncts, sugar, carbon dioxide, or preservatives and shall include other similar products manufactured by fermenting fruit or fruit juices. Wine coolers and similar fermented fruit juice beverages shall be treated as wine for all purposes except for taxation under § 4.1-236.

"With or without meals" means the selling and serving of alcoholic beverages by retail licensees for on-premises consumption whether or not accompanied by food so long as the total food-beverage ratio required by § 4.1-210, or the monthly food sale requirement established by Board regulation, is met by such retail licensee.

§ 4.1-208. Beer licenses.

The Board may grant the following licenses relating to beer:

1. Brewery licenses, which shall authorize the licensee to manufacture beer and to sell and deliver or ship the beer so manufactured, in accordance with Board regulations, in closed containers to (i) persons licensed to sell the beer at wholesale; (ii) persons licensed to sell beer at retail for the purpose of resale within a theme or amusement park owned and operated by the brewery or a parent, subsidiary or a company under common control of such brewery, or upon property of such brewery or a parent, subsidiary or a company under common control of such brewery contiguous to such premises, or in a development contiguous to such premises owned and operated by such brewery or a parent, subsidiary or a company under common control of such brewery; and (iii) persons outside the Commonwealth for resale outside the Commonwealth. Such license shall also authorize the licensee to sell at retail the brands of beer that the brewery owns at premises described in the brewery license for on-premises consumption and in closed containers for off-premises consumption.

Such license may also authorize individuals holding a brewery license to (a) operate a facility designed for and utilized exclusively for the education of persons in the manufacture of beer, including sampling by such individuals of beer products, within a theme or amusement park located upon the premises occupied by such brewery, or upon property of such person contiguous to such premises, or in a development contiguous to such premises owned and operated by such person or a wholly owned subsidiary or (b) offer samples of the brewery's products to individuals visiting the licensed premises, provided that such samples shall be provided only to individuals for consumption on the premises of such facility or licensed premises and only to individuals to whom such products may be lawfully sold.

2. Limited brewery licenses, to breweries that manufacture no more than 15,000 barrels of beer per calendar year, provided *that* (i) the brewery is located on a farm in the Commonwealth on land zoned agricultural and owned or leased by such brewery or its owner and (ii) agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown on the farm. The licensed premises shall be limited to the portion of the farm on which agricultural products, including barley, other grains, hops, or fruit, used by such brewery in the manufacture of its beer are grown and that is contiguous to the premises of such brewery where the beer is manufactured, exclusive of any residence and the curtilage thereof. However, the Board may, with notice to the local governing body in accordance with the provisions of § 4.1-230, also approve other portions of the farm to be included as part of the licensed premises. *For purposes of this subdivision, "land zoned agricultural" means (a) land zoned as an agricultural district or classification or (b) land otherwise permitted by a locality for limited brewery use. For purposes of this subdivision, "land zoned agricultural" does not include land zoned "residential conservation." Except for the limitation on land zoned "residential conservation," nothing in this definition shall otherwise limit or affect local zoning authority.*

Limited brewery licensees shall be treated as breweries for all purposes of this title except as otherwise provided in this subdivision.

3. Bottlers' licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer in closed containers and to bottle, sell and deliver or ship it, in accordance with Board regulations to (i) wholesale beer licensees for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

4. Wholesale beer licenses, which shall authorize the licensee to acquire and receive deliveries and shipments of beer and to sell and deliver or ship the beer from one or more premises identified in the license, in accordance with Board regulations, in closed containers to (i) persons licensed under this chapter to sell such beer at wholesale or retail for the purpose of resale, (ii) owners of boats registered under the laws of the United States sailing for ports of call of a foreign country or another state, and (iii) persons outside the Commonwealth for resale outside the Commonwealth.

No wholesale beer licensee shall purchase beer for resale from a person outside the Commonwealth who does not hold a beer importer's license unless such wholesale beer licensee holds a beer importer's license and purchases beer for resale pursuant to the privileges of such beer importer's license.

5. Beer importers' licenses, which shall authorize persons licensed within or outside the Commonwealth to sell and deliver or ship beer into the Commonwealth, in accordance with Board regulations, in closed containers, to persons in the Commonwealth licensed to sell beer at wholesale for the purpose of resale.

6. Retail on-premises beer licenses to:

a. Hotels, restaurants, and clubs, which shall authorize the licensee to sell beer, either with or without meals, only in dining areas and other designated areas of such restaurants, or in dining areas, private guest rooms, and other designated areas of such hotels or clubs, for consumption only in such rooms and areas. For purposes of this subdivision, "other designated areas" includes outdoor dining areas, whether or not contiguous to the licensed premises, which may have more than one means of ingress and egress to an adjacent public thoroughfare, provided that such outdoor dining areas are under the control of the licensee and approved by the Board. Such noncontiguous designated areas shall not be approved for any retail license issued pursuant to subdivision A 5 of § 4.1-201.

b. Persons operating dining cars, buffet cars, and club cars of trains, which shall authorize the licensee to sell beer, either with or without meals, in the dining cars, buffet cars, and club cars so operated by them for on-premises consumption when carrying passengers.

c. Persons operating sight-seeing boats, or special or charter boats, which shall authorize the licensee to sell beer, either with or without meals, on such boats operated by them for on-premises consumption when carrying passengers.

d. Grocery stores located in any town or in a rural area outside the corporate limits of any city or town, which shall authorize the licensee to sell beer for on-premises consumption in such establishments. No license shall be granted unless it

appears affirmatively that a substantial public demand for such licensed establishment exists and that public convenience and the purposes of this title will be promoted by granting the license.

e. Persons operating food concessions at coliseums, stadia, or similar facilities, which shall authorize the licensee to sell beer, in paper, plastic, or similar disposable containers, during the performance of professional sporting exhibitions, events or performances immediately subsequent thereto, to patrons within all seating areas, concourses, walkways, concession areas, and additional locations designated by the Board in such coliseums, stadia, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

f. Persons operating food concessions at any outdoor performing arts amphitheater, arena or similar facility which has seating for more than 3,500 persons and is located in Albemarle, Augusta, Pittsylvania, Nelson, or Rockingham Counties. Such license shall authorize the licensee to sell beer during the performance of any event, in paper, plastic or similar disposable containers to patrons within all seating areas, concourses, walkways, concession areas, or similar facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license.

g. Persons operating food concessions at exhibition or exposition halls, convention centers or similar facilities located in any county operating under the urban county executive form of government or any city which is completely surrounded by such county, which shall authorize the licensee to sell beer during the event, in paper, plastic or similar disposable containers to patrons or attendees within all seating areas, exhibition areas, concourses, walkways, concession areas, and such additional locations designated by the Board in such facilities, for on-premises consumption. Upon authorization of the licensee, any person may keep and consume his own lawfully acquired alcoholic beverages on the premises in all areas and locations covered by the license. For purposes of this subsection, "exhibition or exposition halls" and "convention centers" mean facilities conducting private or public trade shows or exhibitions in an indoor facility having in excess of 100,000 square feet of floor space.

7. Retail off-premises beer licenses, which shall authorize the licensee to sell beer in closed containers for off-premises consumption.

8. Retail off-premises brewery licenses to persons holding a brewery license which shall authorize the licensee to sell beer at the place of business designated in the brewery license, in closed containers which shall include growlers and other reusable containers, for off-premises consumption.

9. Retail on-and-off premises beer licenses to persons enumerated in subdivisions 6 a and 6 d, which shall accord all the privileges conferred by retail on-premises beer licenses and in addition, shall authorize the licensee to sell beer in closed containers for off-premises consumption.

2. That any farm winery or limited brewery that, prior to July 1, 2016, (i) holds a valid license granted by the Alcoholic Beverage Control Board (the Board) in accordance with Title 4.1 of the Code of Virginia and (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery or limited brewery use shall be allowed to continue such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a) the provisions of this act or (b) a subsequent change in ownership of the farm winery or limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of Title 4.1 of the Code of Virginia and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery or limited brewery on or after July 1, 2016.

3. That any person who, prior to July 1, 2016, (i) has a pending application with the Alcoholic Beverage Control Board (the Board) for a license as a farm winery or limited brewery in accordance with Title 4.1 of the Code of Virginia, (ii) is in compliance with the local zoning ordinance as an agricultural district or classification or as otherwise permitted by a locality for farm winery or limited brewery use, and (iii) subsequently is issued a license as a farm winery or limited brewery shall be allowed to engage in such use as provided in § 15.2-2307 of the Code of Virginia, notwithstanding (a) the provisions of this act or (b) a subsequent change in ownership of the farm winery or limited brewery on or after July 1, 2016, whether by transfer, acquisition, inheritance, or other means. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may expand any existing building or structure and the uses thereof so long as specifically approved by the locality by special exception. Any such farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016 may construct a new building or structure so long as specifically approved by the locality by special exception. All such licensees shall comply with the requirements of Title 4.1 of the Code of Virginia and Board regulations for renewal of such license or the issuance of a new license in the event of a change in ownership of the farm winery or limited brewery on or after July 1, 2016.

CHAPTER 711

An Act to amend and reenact § 33.2-232 of the Code of Virginia, relating to Commissioner of Highways; annual report to be made public.

[H 1383]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 33.2-232 of the Code of Virginia is amended and reenacted as follows:****§ 33.2-232. Annual report by Commissioner of Highways.**

The Commissioner of Highways shall annually report in writing to the Governor, the General Assembly, the Joint Legislative Audit and Review Commission, and the Board no later than November 30 each year. *The Commissioner shall make such report available on the Department's website.* The content of such report shall be specified by the Board and shall contain, at a minimum:

1. The condition of existing transportation assets, using asset management methodology pursuant to § 33.2-352;
2. The methodology used to determine maintenance needs, including an explanation of the transparent methodology used for the allocation of funds from the Highway Maintenance and Operating Fund pursuant to subsection A of § 33.2-352;
3. Beginning with the November 2015 report through the November 2019 report, the allocations to the reconstruction and rehabilitation of functionally obsolete or structurally deficient bridges and to the reconstruction of pavements determined to have a combined condition index of less than 60 and beginning with the November 2020 report, the methodology used to determine allocations of construction funds for state of good repair purposes as defined in § 33.2-369 and any waiver of the cap provided for in subsection B of § 33.2-369;
4. The performance targets and outcomes for (i) the current two-year period starting July 1 of even-numbered years and (ii) the following two-year period starting July 1 of the next even-numbered year. The targets and outcomes shall state what is expected to be achieved, based on funding identified for maintenance and state of good repair purposes, over each two-year period;
5. Beginning with the November 2016 report, a listing of prioritized pavement and bridge needs based on the priority ranking system developed by the Board pursuant to § 33.2-369 and a description of the priority ranking system;
6. The Department's (i) strategies for improving safety and security and (ii) strategies and activities to improve highway operations within the Commonwealth, including the use of funds in the Innovation and Technology Transportation Fund established pursuant to § 33.2-1531 and improved incident management; ~~and~~
7. A review of the Department's collaboration with the private sector in delivering services; *and*
8. *Traffic modeling results for all federally funded projects requiring a multi-alternative National Environmental Policy Act analysis.*

CHAPTER 712

An Act to amend and reenact § 58.1-609.3 of the Code of Virginia and to repeal the third enactment of Chapter 613 and the third enactment of Chapter 655 of the Acts of Assembly of 2012, relating to sales and use tax exemption; certain data centers.

[S 64]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 58.1-609.3 of the Code of Virginia is amended and reenacted as follows:****§ 58.1-609.3. Commercial and industrial exemptions.**

The tax imposed by this chapter or pursuant to the authority granted in §§ 58.1-605 and 58.1-606 shall not apply to the following:

1. Personal property purchased by a contractor which is used solely in another state or in a foreign country, which could be purchased by such contractor for such use free from sales tax in such other state or foreign country, and which is stored temporarily in Virginia pending shipment to such state or country.
2. (i) Industrial materials for future processing, manufacturing, refining, or conversion into articles of tangible personal property for resale where such industrial materials either enter into the production of or become a component part of the finished product; (ii) industrial materials that are coated upon or impregnated into the product at any stage of its being processed, manufactured, refined, or converted for resale; (iii) machinery or tools or repair parts therefor or replacements thereof, fuel, power, energy, or supplies, used directly in processing, manufacturing, refining, mining or converting products for sale or resale; (iv) materials, containers, labels, sacks, cans, boxes, drums or bags for future use for packaging tangible personal property for shipment or sale; or (v) equipment, printing or supplies used directly to produce a publication described in subdivision 3 of § 58.1-609.6 whether it is ultimately sold at retail or for resale or distribution at no cost. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in processing, manufacturing, refining, mining or converting products for sale or resale. The provisions

of this subsection do not apply to the drilling or extraction of oil, gas, natural gas and coalbed methane gas. In addition, the exemption provided herein shall not be applicable to any machinery, tools, and equipment, or any other tangible personal property used by a public service corporation in the generation of electric power, except for raw materials that are inputs to production of electricity, including fuel.

3. Tangible personal property sold or leased to a public service corporation engaged in business as a common carrier of property or passengers by railway, for use or consumption by such common carrier directly in the rendition of its public service.

4. Ships or vessels, or repairs and alterations thereof, used or to be used exclusively or principally in interstate or foreign commerce; fuel and supplies for use or consumption aboard ships or vessels plying the high seas, either in intercoastal trade between ports in the Commonwealth and ports in other states of the United States or its territories or possessions, or in foreign commerce between ports in the Commonwealth and ports in foreign countries, when delivered directly to such ships or vessels; or tangible personal property used directly in the building, conversion or repair of the ships or vessels covered by this subdivision. This exemption shall include dredges, their supporting equipment, attendant vessels, and fuel and supplies for use or consumption aboard such vessels, provided the dredges are used exclusively or principally in interstate or foreign commerce.

5. Tangible personal property purchased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense.

6. Tangible personal property sold or leased to an airline operating in intrastate, interstate or foreign commerce as a common carrier providing scheduled air service on a continuing basis to one or more Virginia airports at least one day per week, for use or consumption by such airline directly in the rendition of its common carrier service.

7. Meals furnished by restaurants or food service operators to employees as a part of wages.

8. Tangible personal property including machinery and tools, repair parts or replacements thereof, and supplies and materials used directly in maintaining and preparing textile products for rental or leasing by an industrial processor engaged in the commercial leasing or renting of laundered textile products.

9. Certified pollution control equipment and facilities as defined in § 58.1-3660, except for any equipment that has not been certified to the Department of Taxation by a state certifying authority pursuant to such section.

10. Parts, tires, meters and dispatch radios sold or leased to taxicab operators for use or consumption directly in the rendition of their services.

11. High speed electrostatic duplicators or any other duplicators which have a printing capacity of 4,000 impressions or more per hour purchased or leased by persons engaged primarily in the printing or photocopying of products for sale or resale.

12. From July 1, 1994, and ending July 1, 2016, raw materials, fuel, power, energy, supplies, machinery or tools or repair parts therefor or replacements thereof, used directly in the drilling, extraction, or processing of natural gas or oil and the reclamation of the well area. For the purposes of this section, the term "natural gas" shall mean "gas," "natural gas," and "coalbed methane gas" as defined in § 45.1-361.1. For the purposes of this section, "drilling," "extraction," and "processing" shall include production, inspection, testing, dewatering, dehydration, or distillation of raw natural gas into a usable condition consistent with commercial practices, and the gathering and transportation of raw natural gas to a facility wherein the gas is converted into such a usable condition. Machinery, tools and equipment, or repair parts therefor or replacements thereof, shall be exempt if the preponderance of their use is directly in the drilling, extraction, refining, or processing of natural gas or oil for sale or resale, or in well area reclamation activities required by state or federal law.

13. Beginning July 1, 1997, (i) the sale, lease, use, storage, consumption, or distribution of an orbital or suborbital space facility, space propulsion system, space vehicle, satellite, or space station of any kind possessing space flight capability, including the components thereof, irrespective of whether such facility, system, vehicle, satellite, or station is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (ii) the sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind, irrespective of whether such tangible personal property is returned to this Commonwealth for subsequent use, storage or consumption in any manner when used to conduct spaceport activities; (iii) fuels of such quality not adapted for use in ordinary vehicles, being produced for, sold and exclusively used for space flight when used to conduct spaceport activities; (iv) the sale, lease, use, storage, consumption or distribution of machinery and equipment purchased, sold, leased, rented or used exclusively for spaceport activities and the sale of goods and services provided to operate and maintain launch facilities, launch equipment, payload processing facilities and payload processing equipment used to conduct spaceport activities.

For purposes of this subdivision, "spaceport activities" means activities directed or sponsored at a facility owned, leased, or operated by or on behalf of the Virginia Commercial Space Flight Authority.

The exemptions provided by this subdivision shall not be denied by reason of a failure, postponement or cancellation of a launch of any orbital or suborbital space facility, space propulsion system, space vehicle, satellite or space station of any kind or the destruction of any launch vehicle or any components thereof.

14. Semiconductor cleanrooms or equipment, fuel, power, energy, supplies, or other tangible personal property used primarily in the integrated process of designing, developing, manufacturing, or testing a semiconductor product, a semiconductor manufacturing process or subprocess, or semiconductor equipment without regard to whether the property is

actually contained in or used in a cleanroom environment, touches the product, is used before or after production, or is affixed to or incorporated into real estate.

15. Semiconductor wafers for use or consumption by a semiconductor manufacturer.

16. Railroad rolling stock when sold or leased by the manufacturer thereof.

17. Computer equipment purchased or leased on or before June 30, 2011, used in data centers located in a Virginia locality having an unemployment rate above 4.9 percent for the calendar quarter ending November 2007, for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware when part of a new investment of at least \$75 million in such exempt property, when such investment results in the creation of at least 100 new jobs paying at least twice the prevailing average wage in that locality, so long as such investment was made in accordance with a memorandum of understanding with the Virginia Economic Development Partnership Authority entered into or amended between January 1, 2008, and December 31, 2008. The exemption shall also apply to any such computer equipment purchased or leased to upgrade, add to, or replace computer equipment purchased or leased in the initial investment. The exemption shall not apply to any computer software sold separately from the computer equipment, nor shall it apply to general building improvements or fixtures.

18. (Effective until June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, 2035, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs by the data center operator and the tenants of the data center, collectively, associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. This exemption applies to the data center operator and the tenants of the data center if they collectively meet the requirements listed in this section. Prior to claiming such exemption, any qualifying person claiming the exemption, including a data center operator on behalf of itself and its tenants, must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying data center or data center tenant claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.

~~18. (Effective June 30, 2020) Beginning July 1, 2010, and ending June 30, 2020, 2035, computer equipment or enabling software purchased or leased for the processing, storage, retrieval, or communication of data, including but not limited to servers, routers, connections, and other enabling hardware, including chillers and backup generators used or to be used in the operation of the equipment exempted in this paragraph, provided that such computer equipment or enabling software is purchased or leased for use in a data center that (i) is located in a Virginia locality, (ii) results in a new capital investment on or after January 1, 2009, of at least \$150 million, and (iii) results in the creation on or after July 1, 2009, of at least 50 new jobs associated with the operation or maintenance of the data center provided that such jobs pay at least one and one-half times the prevailing average wage in that locality. The requirement of at least 50 new jobs is reduced to 25 new jobs if the data center is located in a locality that has an unemployment rate for the preceding year of at least 150 percent of the average statewide unemployment rate for such year as determined by the Virginia Economic Development Partnership or is located in an enterprise zone. Prior to claiming such exemption, any qualifying person claiming the exemption must enter into a memorandum of understanding with the Virginia Economic Development Partnership Authority that at a minimum provides the details for determining the amount of capital investment made and the number of new jobs created, the timeline for achieving the capital investment and new job goals, the repayment obligations should those goals not be achieved, and any conditions under which repayment by the qualifying person claiming the exemption may be required. In addition, the exemption shall apply to any such computer equipment or enabling software purchased or leased to upgrade, supplement, or replace computer equipment or enabling software purchased or leased in the initial investment. The exemption shall not apply to any other computer software otherwise taxable under Chapter 6 of Title 58.1 that is sold or leased separately from the computer equipment, nor shall it apply to general building improvements or other fixtures.~~

2. That any person who qualified for the exemption under subdivision 18 of § 58.1-609.3 of the Code of Virginia as of the effective date of this act may count toward the 50 new jobs requirement under clause (iii) of subdivision 18 of § 58.1-609.3 of the Code of Virginia any such jobs meeting the requirements of clause (iii) that are relocated to a new data center in Virginia, including jobs relocated from a data center previously qualified for the exemption under subdivision 18, for which the person made a capital investment of at least \$500 million on or after July 1, 2016.

3. That the third enactment of Chapter 613 and the third enactment of Chapter 655 of the Acts of Assembly of 2012 are repealed.

CHAPTER 713

An Act to amend and reenact § 25.1-245 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 25.1-245.1, relating to eminent domain; reimbursement of costs.

[S 478]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 25.1-245 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 25.1-245.1 as follows:

§ 25.1-245. Costs; public service company, etc.

A. Except as otherwise provided in this chapter, all costs of the proceeding in the trial court that are fixed by statute shall be taxed against the petitioner.

B. The court may in its discretion tax as a cost a fee, not to exceed \$1,000, for a survey for the landowner.

C. If an owner whose property is taken by condemnation ~~under this title or under Title 33.2~~ *initiated by a public service company, public service corporation, railroad pursuant to the delegation of the power of eminent domain granted in Title 56, or government utility corporation, as defined in § 1-219.1*, is awarded at trial, as compensation for the taking of or damage to his real property, an amount that is 30 percent or more greater than the amount of the petitioner's final written offer made not later than 60 days after receipt by the petitioner of a complete copy of the owner's written self contained or summary appraisal report, as referenced in the Uniform Standards of Professional Appraisal Practice, provided it is the same type of report furnished to the landowner that complies with the requirements of the Uniform Standards of Professional Appraisal Practice in effect as of the date of such report on which the owner intends to rely to support the amount of just compensation to which he claims to be entitled, the court may order the petitioner to pay to the owner those (i) reasonable costs, other than attorney fees, and (ii) reasonable fees and travel costs, including reasonable appraisal and engineering fees, for no more than three experts testifying at trial, that the owner incurs. The requirements of this subsection shall not apply to those condemnation actions:

1. Involving easements valued at less than \$10,000.

2. In which the petitioner filed, prior to July 1, 2005: (i) a petition in condemnation pursuant to Chapter 2 (§ 25.1-205 et seq.) of this title; or (ii) a certificate of take or deposit pursuant to Title 33.2, or Chapter 3 (§ 25.1-300 et seq.) of this title.

3. In which the owner does not provide the report described herein.

4. Governed by § 25.1-245.1.

D. All costs on appeal shall be assessed and assessable in the manner provided by law and the Rules of Court as in other civil cases.

§ 25.1-245.1. Costs.

A. *Except as otherwise provided in this chapter, all costs of the proceeding in the trial court that are fixed by statute shall be taxed against the condemnor.*

B. *The court may in its discretion tax as a cost a fee, not to exceed \$1,000, for a survey for the landowner.*

C. *If an owner whose property is taken by condemnation under this title or under Title 33.2 is awarded at trial, as compensation for the taking of or damage to his real property, an amount that is 25 percent or more greater than the amount of the condemnor's initial written offer made pursuant to § 25.1-204, the court may order the condemnor to pay to the owner those (i) reasonable costs, other than attorney fees, and (ii) reasonable fees and travel costs, including reasonable appraisal and engineering fees incurred by the owner, for up to three experts or as many experts as are called by the condemnor, whichever is greater, who testified at trial.*

D. *All costs on appeal shall be assessed and assessable in the manner provided by law and the Rules of Court as in other civil cases.*

E. *The requirements of this section shall not apply to those condemnation actions initiated by a public service company, public service corporation, railroad pursuant to the delegation of the power of eminent domain granted in Title 56, or government utility corporation, as defined by § 1-219.1, which shall be governed by § 25.1-245.*

2. That the provisions of this act shall not apply to condemnation proceedings in which the petitioner filed, prior to July 1, 2016, (i) a petition in condemnation pursuant to Chapter 2 (§ 25.1-200 et seq.) of Title 25.1 of the Code of Virginia or (ii) a certificate of take or deposit pursuant to Title 33.2 or Chapter 3 (§ 25.1-300 et seq.) of Title 25.1 of the Code of Virginia. Any condemnation proceedings in which the petitioner filed a petition or certificate described in clause (i) or (ii) on or after July 1, 2005, and prior to July 1, 2016, shall be governed by the provisions of § 25.1-245 of the Code of Virginia in effect prior to July 1, 2016.

CHAPTER 714

An Act to amend and reenact § 62.1-132.3:1 of the Code of Virginia, relating to transfers to the Port Opportunity Fund.

[S 625]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 62.1-132.3:1 of the Code of Virginia is amended and reenacted as follows:****§ 62.1-132.3:1. Port Opportunity Fund.**

A. There is hereby created in the state treasury a special nonreverting fund that is a subfund of the Commonwealth Port Fund, known as the Port Opportunity Fund, ~~hereinafter referred to in this section as "the Fund."~~ The Fund shall be established on the books of the Comptroller. ~~Disbursements~~ *All funds appropriated for such purpose and any gifts, donations, grants, bequests, and other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Expenditures and disbursements* from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Executive Director of the Virginia Port Authority or his designee. Interest earned on moneys in the Fund *shall remain in the Fund and be credited to it.* Moneys in the Fund shall be used solely for the purposes enumerated in subsection C.

B. If the Authority's revenues from terminal operations during a fiscal year exceed its terminal operating expenditures for that year by at least five percent, the Authority shall request that the Treasurer transfer to the Port Opportunity Fund an amount ~~equal~~ *of up to five percent of that year's revenues from terminal operations, not to exceed \$2 million, unless the Secretary of Transportation determines that such a transfer is not in the long-term interest of the Authority.* Such ~~requests are to~~ *determination shall be made in writing by the Secretary of Transportation to the Executive Director of the Authority.* *Requests to transfer such revenues shall be made by August 30 of the ensuing fiscal year.*

C. ~~Revenues~~ *Moneys* in the Fund shall be used to fund the development and implementation of a national and international marketing program and to provide incentives, as prescribed by the Board of Commissioners, for expanding the use of Virginia Port Authority facilities for the import and export of containerized and noncontainerized cargoes.

D. The Authority shall develop, and the Board of Commissioners approve, guidelines governing the use of incentives that comply with applicable Virginia laws.

2. That the Secretary of Transportation, in conjunction with the Board of Commissioners of the Virginia Port Authority, shall evaluate whether the forecasted revenue and the planned operational and capital needs of the Virginia Port Authority for the next 10 years support (i) the deposits of funding into, and continuation of, the Port Opportunity Fund as required by § 62.1-132.3:1 of the Code of Virginia, as amended by this act, and (ii) the continuation of the Port of Virginia Economic and Infrastructure Development Grant Fund and Program established pursuant to § 62.1-132.3:2 of the Code of Virginia. The Secretary of Transportation shall provide his recommendations regarding modifications to or elimination of such funds, programs, and deposits to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance no later than November 15, 2016.

CHAPTER 715

An Act to amend and reenact § 33.2-501 of the Code of Virginia, relating to HOV designations on Interstate 66.

[H 715]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 33.2-501 of the Code of Virginia is amended and reenacted as follows:****§ 33.2-501. Designation of HOV lanes; use of such lanes; penalties.**

A. In order to facilitate the rapid and orderly movement of traffic to and from urban areas during peak traffic periods, the Board may designate one or more lanes of any highway in the Interstate System, primary state highway system, or secondary state highway system as HOV lanes. When lanes have been so designated and have been appropriately marked with signs or other markers as the Board may prescribe, they shall be reserved during periods designated by the Board for the exclusive use of buses and high-occupancy vehicles. Any local governing body may also, with respect to highways under its exclusive jurisdiction, designate HOV lanes and impose and enforce restrictions on the use of such lanes. Any highway for which the locality receives highway maintenance funds pursuant to § 33.2-319 shall be deemed to be within the exclusive jurisdiction of the local governing body for the purposes of this section. HOV lanes shall be reserved for high-occupancy vehicles of a specified number of occupants as determined by the Board or, for HOV lanes designated by a local governing body, by that local governing body. However, no designation of any lane or lanes of any highway as HOV lanes shall apply to the use of any such lanes by:

1. Emergency vehicles such as firefighting vehicles and emergency medical services vehicles;
2. Law-enforcement vehicles;
3. Motorcycles;
4. a. Transit and commuter buses designed to transport 16 or more passengers, including the driver;
- b. Any vehicle operating under a certificate issued under § 46.2-2075, 46.2-2080, 46.2-2096, 46.2-2099.4, or 46.2-2099.44;
5. Vehicles of public utility companies operating in response to an emergency call;
6. Vehicles bearing clean special fuel vehicle license plates issued pursuant to § 46.2-749.3, provided such use is in compliance with federal law;
7. Taxicabs having two or more occupants, including the driver; or

8. (Contingent effective date) Any active duty military member in uniform who is utilizing Interstate 264 and Interstate 64 for the purposes of traveling to or from a military facility in the Hampton Roads Planning District.

In the Hampton Roads Planning District, HOV restrictions may be temporarily lifted and HOV lanes opened to use by all vehicles when restricting use of HOV lanes becomes impossible or undesirable and the temporary lifting of HOV limitations is indicated by signs along or above the affected portion of highway.

The Commissioner of Highways shall implement a program of the HOV facilities in the Hampton Roads Planning District beginning not later than May 1, 2000. This program shall include the temporary lifting of HOV restrictions and the opening of HOV lanes to all traffic when an incident resulting from nonrecurring causes within the general lanes occurs such that a lane of traffic is blocked or is expected to be blocked for 10 minutes or longer. The HOV restrictions for the facility shall be reinstated when the general lane is no longer blocked and is available for use.

The Commissioner of Highways shall maintain necessary records to evaluate the effects of such openings on the operation of the general lanes and the HOV lanes. This program will terminate if the Federal Highway Administration requires repayment of any federal highway construction funds because of the program's impact on the HOV facilities in Hampton Roads.

B. In designating any lane or lanes of any highway as HOV lanes, the Board or local governing body shall specify the hour or hours of each day of the week during which the lanes shall be so reserved, and the hour or hours shall be plainly posted at whatever intervals along the lanes the Board or local governing body deems appropriate. Any person driving a motor vehicle in a designated HOV lane in violation of this section is guilty of a traffic infraction, which shall not be a moving violation, and on conviction shall be fined \$100. However, violations committed within the boundaries of Planning District 8 shall be punishable as follows:

1. For a first offense, by a fine of \$125;
2. For a second offense within a period of five years from a first offense, by a fine of \$250;
3. For a third offense within a period of five years from a first offense, by a fine of \$500; and
4. For a fourth or subsequent offense within a period of five years from a first offense, by a fine of \$1,000.

Upon a conviction under this section, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this section, except that persons convicted of second, third, fourth, or subsequent violations within five years of a first offense committed in Planning District 8 shall be assessed three demerit points for each such violation.

C. In the prosecution of an offense, committed in the presence of a law-enforcement officer, of failure to obey a road sign restricting a highway, or portion thereof, to the use of high-occupancy vehicles, proof that the vehicle described in the HOV violation summons was operated in violation of this section, together with proof that the defendant was at the time of such violation the registered owner of the vehicle, shall constitute in evidence a rebuttable presumption that such registered owner of the vehicle was the person who committed the violation. Such presumption shall be rebutted if the registered owner of the vehicle testifies in open court under oath that he was not the operator of the vehicle at the time of the violation. A summons for a violation of this section may be executed in accordance with § 19.2-76.2. Such rebuttable presumption shall not arise when the registered owner of the vehicle is a rental or leasing company.

D. Notwithstanding the provisions of § 19.2-76, whenever a summons for a violation of this section is served in any locality, it may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

No proceedings for contempt or arrest of a person summoned by mailing shall be instituted for his failure to appear on the return date of the summons.

E. Notwithstanding § 33.2-613, high-occupancy vehicles having three or more occupants (HOV-3) may be permitted to use the Omer L. Hirst-Adelard L. Brault Expressway (Dulles Toll Road) without paying a toll.

F. Notwithstanding the contrary provisions of this section, the following conditions shall be met before the HOV-2 designation of Interstate ~~Route 66 outside the Capital Beltway~~ can be changed to HOV-3 or any more restrictive designation:

1. The Department of Transportation shall publish a notice of its intent to change the existing designation and also immediately provide similar notice of its intent to all members of the General Assembly representing districts that touch or are directly impacted by traffic on Interstate ~~Route 66~~.
2. The Department of Transportation shall hold public hearings in the corridor to receive comments from the public.
3. The Department of Transportation shall make a finding of the need for a change in such designation, based on public hearings and its internal data, and present this finding to the Board for approval.
4. The Board shall make written findings and a decision based upon the following criteria:
 - a. Is changing the HOV-2 designation to HOV-3 in the public interest?
 - b. Is there quantitative and qualitative evidence that supports the argument that HOV-3 will facilitate the flow of traffic on Interstate ~~Route 66~~?
 - c. Is changing the HOV-2 designation beneficial to comply with the federal Clean Air Act Amendments of 1990?
 - d. *Has the change in designation been screened and evaluated by the Department of Transportation according to the process established pursuant to § 33.2-257?*

2. That the provisions of this act shall become effective on January 1, 2020.

CHAPTER 716

An Act to amend and reenact §§ 2.2-3701, 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3711, and 2.2-3713 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3704.01, relating to the Virginia Freedom of Information Act; record exclusions; rule of redaction; no weight accorded to public body's determination.

[S 494]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3701, 2.2-3704, 2.2-3705.1 through 2.2-3705.7, 2.2-3711, and 2.2-3713 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3704.01 as follows:

§ 2.2-3701. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Closed meeting" means a meeting from which the public is excluded.

"Electronic communication" means any audio or combined audio and visual communication method.

"Emergency" means an unforeseen circumstance rendering the notice required by this chapter impossible or impracticable and which circumstance requires immediate action.

"Information" as used in the exclusions established by §§ 2.2-3705.1 through 2.2-3705.7, means the content within a public record that references a specifically identified subject matter, and shall not be interpreted to require the production of information that is not embodied in a public record.

"Meeting" or "meetings" means the meetings including work sessions, when sitting physically, or through telephonic or video equipment pursuant to § 2.2-3708 or 2.2-3708.1, as a body or entity, or as an informal assemblage of (i) as many as three members or (ii) a quorum, if less than three, of the constituent membership, wherever held, with or without minutes being taken, whether or not votes are cast, of any public body. Neither the gathering of employees of a public body nor the gathering or attendance of two or more members of a public body (i) at any place or function where no part of the purpose of such gathering or attendance is the discussion or transaction of any public business, and such gathering or attendance was not called or prearranged with any purpose of discussing or transacting any business of the public body, or (ii) at a public forum, candidate appearance, or debate, the purpose of which is to inform the electorate and not to transact public business or to hold discussions relating to the transaction of public business, even though the performance of the members individually or collectively in the conduct of public business may be a topic of discussion or debate at such public meeting, shall be deemed a "meeting" subject to the provisions of this chapter.

"Open meeting" or "public meeting" means a meeting at which the public may be present.

"Public body" means any legislative body, authority, board, bureau, commission, district or agency of the Commonwealth or of any political subdivision of the Commonwealth, including cities, towns and counties, municipal councils, governing bodies of counties, school boards and planning commissions; boards of visitors of public institutions of higher education; and other organizations, corporations or agencies in the Commonwealth supported wholly or principally by public funds. It shall include (i) the Virginia Birth-Related Neurological Injury Compensation Program and its board of directors established pursuant to Chapter 50 (§ 38.2-5000 et seq.) of Title 38.2 and (ii) any committee, subcommittee, or other entity however designated, of the public body created to perform delegated functions of the public body or to advise the public body. It shall not exclude any such committee, subcommittee or entity because it has private sector or citizen members. Corporations organized by the Virginia Retirement System are "public bodies" for purposes of this chapter.

For the purposes of the provisions of this chapter applicable to access to public records, constitutional officers and private police departments as defined in § 9.1-101 shall be considered public bodies and, except as otherwise expressly provided by law, shall have the same obligations to disclose public records as other custodians of public records.

"Public records" means all writings and recordings that consist of letters, words or numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photography, magnetic impulse, optical or magneto-optical form, mechanical or electronic recording or other form of data compilation, however stored, and regardless of physical form or characteristics, prepared or owned by, or in the possession of a public body or its officers, employees or agents in the transaction of public business. Records that are not prepared for or used in the transaction of public business are not public records.

"Regional public body" means a unit of government organized as provided by law within defined boundaries, as determined by the General Assembly, whose members are appointed by the participating local governing bodies, and such unit includes two or more counties or cities.

"Scholastic records" means those records containing information directly related to a student or an applicant for admission and maintained by a public body that is an educational agency or institution or by a person acting for such agency or institution.

§ 2.2-3704. Public records to be open to inspection; procedure for requesting records and responding to request; charges; transfer of records for storage, etc.

A. Except as otherwise specifically provided by law, all public records shall be open to inspection and copying by any citizens of the Commonwealth during the regular office hours of the custodian of such records. Access to such records shall not be denied to citizens of the Commonwealth, representatives of newspapers and magazines with circulation in the Commonwealth, and representatives of radio and television stations broadcasting in or into the Commonwealth. The custodian may require the requester to provide his name and legal address. The custodian of such records shall take all necessary precautions for their preservation and safekeeping.

B. A request for public records shall identify the requested records with reasonable specificity. The request need not make reference to this chapter in order to invoke the provisions of this chapter or to impose the time limits for response by a public body. Any public body that is subject to this chapter and that is the custodian of the requested records shall promptly, but in all cases within five working days of receiving a request, provide the requested records to the requester or make one of the following responses in writing:

1. The requested records are being entirely withheld ~~because their release is prohibited by law or the custodian has exercised his discretion to withhold the records in accordance with this chapter.~~ Such response shall identify with reasonable particularity the volume and subject matter of withheld records, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records.

2. The requested records are being provided in part and are being withheld in part ~~because the release of part of the records is prohibited by law or the custodian has exercised his discretion to withhold a portion of the records in accordance with this chapter.~~ Such response shall identify with reasonable particularity the subject matter of withheld portions, and cite, as to each category of withheld records, the specific Code section that authorizes the withholding of the records. ~~When a portion of a requested record is withheld, the public body may delete or exercise only that portion of the record to which an exemption applies and shall release the remainder of the record.~~

3. The requested records could not be found or do not exist. However, if the public body that received the request knows that another public body has the requested records, the response shall include contact information for the other public body.

4. It is not practically possible to provide the requested records or to determine whether they are available within the five-work-day period. Such response shall specify the conditions that make a response impossible. If the response is made within five working days, the public body shall have an additional seven work days in which to provide one of the four preceding responses.

C. Any public body may petition the appropriate court for additional time to respond to a request for records when the request is for an extraordinary volume of records or requires an extraordinarily lengthy search, and a response by the public body within the time required by this chapter will prevent the public body from meeting its operational responsibilities. Before proceeding with the petition, however, the public body shall make reasonable efforts to reach an agreement with the requester concerning the production of the records requested.

D. Subject to the provisions of subsection G, no public body shall be required to create a new record if the record does not already exist. However, a public body may abstract or summarize information under such terms and conditions as agreed between the requester and the public body.

E. Failure to respond to a request for records shall be deemed a denial of the request and shall constitute a violation of this chapter.

F. A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. The public body may also make a reasonable charge for the cost incurred in supplying records produced from a geographic information system at the request of anyone other than the owner of the land that is the subject of the request. However, such charges shall not exceed the actual cost to the public body in supplying such records, except that the public body may charge, on a pro rata per acre basis, for the cost of creating topographical maps developed by the public body, for such maps or portions thereof, which encompass a contiguous area greater than 50 acres. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen.

G. Public records maintained by a public body in an electronic data processing system, computer database, or any other structured collection of data shall be made available to a requester at a reasonable cost, not to exceed the actual cost in accordance with subsection F. When electronic or other databases are combined or contain exempt and nonexempt records, the public body may provide access to the exempt records if not otherwise prohibited by law, but shall provide access to the nonexempt records as provided by this chapter.

Public bodies shall produce nonexempt records maintained in an electronic database in any tangible medium identified by the requester, including, where the public body has the capability, the option of posting the records on a website or delivering the records through an electronic mail address provided by the requester, if that medium is used by the public body in the regular course of business. No public body shall be required to produce records from an electronic database in a format not regularly used by the public body. However, the public body shall make reasonable efforts to provide records in any format under such terms and conditions as agreed between the requester and public body, including the payment of reasonable costs. The excision of exempt fields of information from a database or the conversion of data from one available format to another shall not be deemed the creation, preparation, or compilation of a new public record.

H. In any case where a public body determines in advance that charges for producing the requested records are likely to exceed \$200, the public body may, before continuing to process the request, require the requester to agree to payment of a deposit not to exceed the amount of the advance determination. The deposit shall be credited toward the final cost of supplying the requested records. The period within which the public body shall respond under this section shall be tolled for the amount of time that elapses between notice of the advance determination and the response of the requester.

I. Before processing a request for records, a public body may require the requester to pay any amounts owed to the public body for previous requests for records that remain unpaid 30 days or more after billing.

J. In the event a public body has transferred possession of public records to any entity, including but not limited to any other public body, for storage, maintenance, or archiving, the public body initiating the transfer of such records shall remain the custodian of such records for purposes of responding to requests for public records made pursuant to this chapter and shall be responsible for retrieving and supplying such public records to the requester. In the event a public body has transferred public records for storage, maintenance, or archiving and such transferring public body is no longer in existence, any public body that is a successor to the transferring public body shall be deemed the custodian of such records. In the event no successor entity exists, the entity in possession of the public records shall be deemed the custodian of the records for purposes of compliance with this chapter, and shall retrieve and supply such records to the requester. Nothing in this subsection shall be construed to apply to records transferred to the Library of Virginia for permanent archiving pursuant to the duties imposed by the Virginia Public Records Act (§ 42.1-76 et seq.). In accordance with § 42.1-79, the Library of Virginia shall be the custodian of such permanently archived records and shall be responsible for responding to requests for such records made pursuant to this chapter.

§ 2.2-3704.01. Records containing both excluded and nonexcluded information; duty to redact.

No provision of this chapter is intended, nor shall it be construed or applied, to authorize a public body to withhold a public record in its entirety on the grounds that some portion of the public record is excluded from disclosure by this chapter or by any other provision of law. A public record may be withheld from disclosure in its entirety only to the extent that an exclusion from disclosure under this chapter or other provision of law applies to the entire content of the public record. Otherwise, only those portions of the public record containing information subject to an exclusion under this chapter or other provision of law may be withheld, and all portions of the public record that are not so excluded shall be disclosed.

§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

The following records are information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. Personnel records containing information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any personnel record such information and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying such information shall be disclosed.

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other records information protected by the attorney-client privilege.

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the official public records of a public body. For the purpose of this subdivision, "vendor proprietary information software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, state-supported institution of higher education or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale, or lease, prior to the completion of such purchase, sale, or lease.

9. ~~Records~~ *Information* concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18 of this title, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall ~~prohibit the disclosure~~ *authorize the withholding* of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal information, as defined in § 2.2-3801, including electronic mail addresses, furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. However, access shall not be denied to the person who is the subject of the record.

11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

12. ~~Records~~ *Information* relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such ~~records information~~ would adversely affect the bargaining position or negotiating strategy of the public body. Such ~~records information~~ shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of ~~records information~~ relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. ~~Those portions of records that contain account~~ *Account* numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the ~~record information~~. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

The following ~~records are information contained in a public record is~~ excluded from the *mandatory disclosure* provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Confidential ~~records information~~, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. ~~Those portions of Information contained in~~ engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit ~~that if disclosure of such information would identify specific trade secrets or other information; the disclosure of which would that would be harmful to the competitive position of the owner or lessee.~~ However, such information shall be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

~~Those portions of Information contained in~~ engineering and construction drawings and plans that reveal critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.); ~~the if disclosure of which such information would jeopardize the safety or security of any public or private commercial office, multifamily residential, or retail building or its occupants in the event of terrorism or other threat to public safety; to the extent that. In order for the information to be excluded from mandatory disclosure,~~ the owner or lessee of such property, equipment, or system in writing shall (i) ~~invokes~~ *invoke* the protections of this paragraph; (ii) ~~identifies~~ *identify* the drawings, plans, or other materials to be protected; and (iii) ~~states~~ *state* the reasons why protection is necessary.

Nothing in this subdivision shall ~~prevent the disclosure~~ *authorize the withholding* of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

3. ~~Documentation or other information~~ *Information* that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

4. ~~Plans and information to prevent or respond~~ *Information concerning the prevention or response* to terrorist activity or cyber attacks, ~~the disclosure of which would jeopardize the safety of any person,~~ including (i) critical infrastructure sector or structural components; (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning or training manuals, and staff meeting minutes or other records; (iii) engineering or architectural ~~records plans or drawings,~~ or ~~records containing~~ information derived from such records, ~~to the extent plans or drawings;~~ and (iv) *information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building, structure, information technology system, or software program if disclosure of such records information would (a) reveal the location or operation of security equipment and systems, elevators, ventilation, fire*

protection, emergency, electrical, telecommunications or utility equipment and systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems; and ~~(iv) information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program or~~ (b) jeopardize the safety of any person.

The same categories of ~~records of information concerning~~ any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing ~~(a) (1) invokes the protections of this subdivision, (b) (2) identifies with specificity the records or portions thereof information for which protection is sought, and (c) (3) states with reasonable particularity why the protection of such records information from public disclosure is necessary to meet the objective of antiterrorism or cybersecurity planning or protection.~~ Such statement shall be a public record and shall be disclosed upon request.

Nothing in this subdivision shall be construed to ~~prohibit the disclosure~~ *authorize the withholding* of ~~records information~~ relating to the structural or environmental soundness of any building, nor shall it ~~prevent the disclosure~~ *authorize the withholding* of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

5. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

6. ~~Engineering Information contained in engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which if disclosure of such information would (i) reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols; to the extent such disclosure would or (ii) jeopardize the security of any governmental facility, building, or structure or the safety of persons using such facility, building, or structure.~~

7. ~~Security Information concerning security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.~~

Nothing in this subdivision shall be construed to ~~prohibit the disclosure~~ *authorize the withholding* of ~~records information~~ relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event; or (ii) any person on school property has suffered or been threatened with any personal injury.

8. ~~[Expired.]~~

9. ~~Records of the Commitment Review Committee Information concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2 held by the Commitment Review Committee; except that in no case shall records information identifying the victims of a sexually violent predator be disclosed.~~

9. Subscriber data, ~~which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier,~~ provided directly or indirectly by a telecommunications carrier to a public body that operates a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system; if the data is in a form not made available by the telecommunications carrier to the public generally. Nothing in this subdivision shall ~~prevent the release~~ *authorize the withholding* of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision, "subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier.

10. Subscriber data, ~~which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier,~~ collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.); and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system; if such records are not otherwise publicly available.

Nothing in this subdivision shall ~~prevent the release~~ *authorize the withholding* of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

For the purposes of this subdivision, "subscriber data" means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier.

11. ~~Records of 11. Information held by the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, to the extent such records (i) contain information relating to that would (i) reveal strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment,~~

closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such commission or organizations in connection with their work.

In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to authorize the withholding of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

~~13. Documentation or other information~~ 12. Information, as determined by the State Comptroller, that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, ~~the if disclosure of which such information would jeopardize the security of the Commonwealth's financial assets.~~ However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

~~14. Documentation or other information~~ 13. Information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or any other similar local or regional public safety communications system; those ~~portions of~~ engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or any other similar local or regional public safety communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, ~~the if disclosure of which such information would~~ (a) reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols; ~~to the extent such disclosure would~~ or (b) jeopardize the security of any governmental facility, building, or structure or the safety of any person.

~~15. Records of a~~ 14. Information concerning a salaried or volunteer Fire/EMS company or Fire/EMS department; ~~to the extent that the records disclose~~ if disclosure of such information would reveal the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

~~16. Records of hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health, to the extent such records reveal~~ 15. Information concerning the disaster recovery plans or the evacuation plans for such facilities in the event of fire, explosion, natural disaster, or other catastrophic event for hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health. Nothing in this subdivision shall be construed to ~~prohibit the disclosure~~ authorize the withholding of ~~records~~ information relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

§ 2.2-3705.3. Exclusions to application of chapter; records relating to administrative investigations.

The following ~~records~~ are information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.

1. (Effective until July 1, 2018) ~~Confidential records of all~~ Information relating to investigations of ~~applications~~ applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Alcoholic Beverage Control Board, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

1. (Effective July 1, 2018) ~~Confidential records of all~~ Information relating to investigations of ~~applications~~ applicants for licenses and permits, and of all licensees and permittees, made by or submitted to the Virginia Alcoholic Beverage Control Authority, the Virginia Lottery, the Virginia Racing Commission, the Department of Agriculture and Consumer Services relating to investigations and applications pursuant to Article 1.1:1 (§ 18.2-340.15 et seq.) of Chapter 8 of Title 18.2, or the Private Security Services Unit of the Department of Criminal Justice Services.

2. Records of active investigations being conducted by the Department of Health Professions or by any health regulatory board in the Commonwealth *pursuant to § 54.1-108*.

3. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation of individual employment discrimination complaints made to the Department of Human Resource Management, to such personnel of any local public body, including local school boards, as are responsible for conducting such investigations in confidence, or to any public institution of higher education. ~~However, nothing in this section shall prohibit the disclosure of information taken from Information contained in inactive reports shall be disclosed~~ in a form that does not reveal the identity of charging parties, persons supplying the information, or other individuals involved in the investigation.

4. Records of active investigations being conducted by the Department of Medical Assistance Services pursuant to Chapter 10 (§ 32.1-323 et seq.) of Title 32.1.

5. Investigative notes and other correspondence and information furnished in confidence with respect to an investigation or conciliation process involving an alleged unlawful discriminatory practice under the Virginia Human Rights Act (§ 2.2-3900 et seq.) or under any local ordinance adopted in accordance with the authority specified in § 2.2-524, or adopted pursuant to § 15.2-965, or adopted prior to July 1, 1987, in accordance with applicable law, relating to local human rights or human relations commissions. ~~However, nothing in this section shall prohibit the distribution of information taken from Information contained in inactive reports shall be disclosed~~ in a form that does not reveal the identity of the parties involved or other persons supplying information.

6. ~~Records of Information relating to~~ studies and investigations by the Virginia Lottery of (i) lottery agents, (ii) lottery vendors, (iii) lottery crimes under §§ 58.1-4014 through 58.1-4018, (iv) defects in the law or regulations that cause abuses in the administration and operation of the lottery and any evasions of such provisions, or (v) the use of the lottery as a subterfuge for organized crime and illegal gambling where such ~~official records have~~ information has not been publicly released, published or copyrighted. All studies and investigations referred to under clauses (iii), (iv), and (v) shall be open to inspection and copying upon completion of the study or investigation.

7. Investigative notes, correspondence and information furnished in confidence, and records otherwise exempted by this chapter or any Virginia statute, provided to or produced by or for (i) the Auditor of Public Accounts; (ii) the Joint Legislative Audit and Review Commission; (iii) an appropriate authority as defined in § 2.2-3010 with respect to an allegation of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act (§ 2.2-3009 et seq.); (iv) the Office of the State Inspector General with respect to an investigation initiated through the Fraud, Waste and Abuse Hotline or an investigation initiated pursuant to Chapter 3.2 (§ 2.2-307 et seq.); (v) internal auditors appointed by the head of a state agency or by any public institution of higher education; (vi) the committee or the auditor with respect to an investigation or audit conducted pursuant to § 15.2-825; or (vii) the auditors, appointed by the local governing body of any county, city, or town or a school board, who by charter, ordinance, or statute have responsibility for conducting an investigation of any officer, department, or program of such body. ~~Records of Information contained in~~ completed investigations shall be disclosed in a form that does not reveal the identity of the complainants or persons supplying information to investigators. ~~Unless disclosure is prohibited~~ ~~excluded by this section subdivision, the records information~~ disclosed shall include; ~~but not be limited to~~; the agency involved, the identity of the person who is the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation does not lead to corrective action, the identity of the person who is the subject of the complaint may be released only with the consent of the subject person. Local governing bodies shall adopt guidelines to govern the disclosure required by this subdivision.

8. Information furnished in confidence to the Department of Human Resource Management with respect to an investigation, consultation, or mediation under § 2.2-1202.1, and memoranda, correspondence and other records resulting from any such investigation, consultation or mediation. ~~However, nothing in this section shall prohibit the distribution of information taken from Information contained in inactive reports shall be disclosed~~ in a form that does not reveal the identity of the parties involved or other persons supplying information.

9. The names, addresses and telephone numbers of complainants furnished in confidence with respect to an investigation of individual zoning enforcement complaints or complaints relating to the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.) made to a local governing body.

10. Records of active investigations being conducted by the Department of Criminal Justice Services pursuant to Article 4 (§ 9.1-138 et seq.), Article 4.1 (§ 9.1-150.1 et seq.), Article 11 (§ 9.1-185 et seq.), and Article 12 (§ 9.1-186 et seq.) of Chapter 1 of Title 9.1.

11. ~~Records~~ *Information* furnished to or prepared by the Board of Education pursuant to subsection D of § 22.1-253.13:3 in connection with the review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests by local school board employees responsible for the distribution or administration of the tests. However, this section shall not prohibit the disclosure of ~~records such information~~ to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board.

12. Investigator notes, and other correspondence and information, furnished in confidence with respect to an active investigation conducted by or for the Board of Education related to the denial, suspension, or revocation of teacher licenses.

However, this subdivision shall not prohibit the disclosure of ~~records~~ *such information* to a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee. ~~Records of Information contained in~~ completed investigations shall be disclosed in a form that does not reveal the identity of any complainant or person supplying information to investigators. The ~~records~~ *information* disclosed shall include ~~information regarding~~ the school or facility involved, the identity of the person who was the subject of the complaint, the nature of the complaint, and the actions taken to resolve the complaint. If an investigation fails to support a complaint or does not lead to corrective action, the identity of the person who was the subject of the complaint may be released only with the consent of the subject person. No personally identifiable information ~~in the records~~ regarding a current or former student shall be released except as permitted by state or federal law.

13. ~~Records, notes and information~~ *Information* provided in confidence and related to an investigation by the Attorney General under Article 1 (§ 3.2-4200 et seq.) or Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2, Article 10 (§ 18.2-246.6 et seq.) of Chapter 6 or Chapter 13 (§ 18.2-512 et seq.) of Title 18.2, or Article 1 (§ 58.1-1000) of Chapter 10 of Title 58.1. However, ~~records~~ *information* related to an investigation that has been inactive for more than six months shall, upon request, be disclosed provided such disclosure is not otherwise prohibited by law and does not reveal the identity of charging parties, complainants, persons supplying information, witnesses, or other individuals involved in the investigation.

§ 2.2-3705.4. Exclusions to application of chapter; educational records and certain records of educational institutions.

The following ~~records are~~ *information contained in a public record* is excluded from the *mandatory disclosure* provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Scholastic records containing information concerning identifiable individuals, except that such access shall not be denied to the person who is the subject thereof, or the parent or legal guardian of the student. However, no student shall have access to (i) financial records of a parent or guardian or (ii) records of instructional, supervisory, and administrative personnel and educational personnel ancillary thereto, that are in the sole possession of the maker thereof and that are not accessible or revealed to any other person except a substitute.

The parent or legal guardian of a student may prohibit, by written request, the release of any individual information regarding that student until the student reaches the age of 18 years. For scholastic records of students under the age of 18 years, the right of access may be asserted only by his legal guardian or parent, including a noncustodial parent, unless such parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For scholastic records of students who are emancipated or attending a state-supported institution of higher education, the right of access may be asserted by the student.

Any person who is the subject of any scholastic record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, ~~the public body such records~~ shall *open such records for inspection and copying* be disclosed.

2. Confidential letters and statements of recommendation placed in the records of educational agencies or institutions respecting (i) admission to any educational agency or institution, (ii) an application for employment or promotion, or (iii) receipt of an honor or honorary recognition.

3. ~~Records of Information held by~~ the Brown v. Board of Education Scholarship Awards Committee ~~relating to that would reveal~~ personally identifiable information, including scholarship applications, personal financial information, and confidential correspondence and letters of recommendation.

4. ~~Data, records or information~~ *Information* of a proprietary nature produced or collected by or for faculty or staff of public institutions of higher education, other than the institutions' financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the institution alone or in conjunction with a governmental body or a private concern, where such ~~data, records or~~ information has not been publicly released, published, copyrighted or patented.

5. ~~All records of Information held by~~ the University of Virginia or the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, that contain proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would be harmful to the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

6. Personal information, as defined in § 2.2-3801, provided to the Board of the Virginia College Savings Plan or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23. ~~Nothing in this subdivision shall be construed to prohibit disclosure or publication of~~ *However, information in a statistical or other form that does not identify individuals or provide personal information shall be disclosed and may be published by the Board.* Individuals shall be provided access to their own personal information.

7. ~~Records~~ *Information* maintained in connection with fundraising activities by or for a public institution of higher education ~~to the extent that such records would~~ reveal (i) personal fundraising strategies relating to identifiable donors or

prospective donors or (ii) wealth assessments; estate, financial, or tax planning information; health-related information; employment, familial, or marital status information; electronic mail addresses, facsimile or telephone numbers; birth dates or social security numbers of identifiable donors or prospective donors. Nothing in this subdivision, however, shall be construed to authorize the withholding of ~~records~~ *information* relating to the amount, date, purpose, and terms of the pledge or donation, or the identity of the donor unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the institution for the performance of research services or other work or (ii) the terms and conditions of such grants or contracts.

8. ~~Records of Information held by~~ a threat assessment team established by a public institution of higher education pursuant to § 23-9.2:10 relating to the assessment or intervention with a specific individual. However, in the event an individual who has been under assessment commits an act, or is prosecuted for the commission of an act that has caused the death of, or caused serious bodily injury, including any felony sexual assault, to another person, ~~the records such information of such the~~ threat assessment team concerning the individual under assessment shall be made available as provided by this chapter, with the exception of any criminal history records obtained pursuant to § 19.2-389 or 19.2-389.1, health records obtained pursuant to § 32.1-127.1:03, or scholastic records as defined in § 22.1-289. The public body providing such ~~records~~ *information* shall remove ~~information personally~~ *personally identifying information* of any person who provided information to the threat assessment team under a promise of confidentiality.

§ 2.2-3705.5. Exclusions to application of chapter; health and social services records.

The following ~~records are~~ *information contained in a public record* is excluded from the *mandatory disclosure* provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Health records, except that such records may be personally reviewed by the individual who is the subject of such records, as provided in subsection F of § 32.1-127.1:03.

Where the person who is the subject of health records is confined in a state or local correctional facility, the administrator or chief medical officer of such facility may assert such confined person's right of access to the health records if the administrator or chief medical officer has reasonable cause to believe that such confined person has an infectious disease or other medical condition from which other persons so confined need to be protected. Health records shall only be reviewed and shall not be copied by such administrator or chief medical officer. The information in the health records of a person so confined shall continue to be confidential and shall not be disclosed by the administrator or chief medical officer of the facility to any person except the subject or except as provided by law.

Where the person who is the subject of health records is under the age of 18, his right of access may be asserted only by his guardian or his parent, including a noncustodial parent, unless such parent's parental rights have been terminated, a court of competent jurisdiction has restricted or denied such access, or a parent has been denied access to the health record in accordance with § 20-124.6. In instances where the person who is the subject thereof is an emancipated minor, a student in a public institution of higher education, or is a minor who has consented to his own treatment as authorized by § 16.1-338 or 54.1-2969, the right of access may be asserted by the subject person.

For the purposes of this chapter, statistical summaries of incidents and statistical data concerning abuse of individuals receiving services compiled by the Commissioner of Behavioral Health and Developmental Services shall be ~~open to inspection and copying as provided in § 2.2-3704~~ *disclosed*. No such summaries or data shall include any information that identifies specific individuals receiving services.

2. Applications for admission to examinations or for licensure and scoring records maintained by the Department of Health Professions or any board in that department on individual licensees or applicants. However, such material may be made available during normal working hours for copying, at the requester's expense, by the individual who is the subject thereof, in the offices of the Department of Health Professions or in the offices of any health regulatory board, whichever may possess the material.

3. Reports, documentary evidence and other information as specified in §§ 51.5-122, 51.5-141, and 63.2-104.

4. Investigative notes; proprietary information not published, copyrighted or patented; information obtained from employee personnel records; personally identifiable information regarding residents, clients or other recipients of services; other correspondence and information furnished in confidence to the Department of Social Services in connection with an active investigation of an applicant or licensee pursuant to Chapters 17 (§ 63.2-1700 et seq.) and 18 (§ 63.2-1800 et seq.) of Title 63.2; and ~~records and~~ information furnished to the Office of the Attorney General in connection with an investigation or litigation pursuant to Article 19.1 (§ 8.01-216.1 et seq.) of Chapter 3 of Title 8.01 and Chapter 9 (§ 32.1-310 et seq.) of Title 32.1. ~~However, nothing in this section shall prohibit disclosure of information~~ *Information* from the records of completed investigations *shall be disclosed* in a form that does not reveal the identity of complainants, persons supplying information, or other individuals involved in the investigation.

5. Information ~~and records~~ collected for the designation and verification of trauma centers and other specialty care centers within the Statewide Emergency Medical Services System and Services pursuant to Article 2.1 (§ 32.1-111.1 et seq.) of Chapter 4 of Title 32.1.

6. Reports and court documents relating to involuntary admission required to be kept confidential pursuant to § 37.2-818.

7. Data formerly required to be submitted to the Commissioner of Health relating to the establishment of new or the expansion of existing clinical health services, acquisition of major medical equipment, or certain projects requiring capital expenditures pursuant to former § 32.1-102.3:4.

8. Information required to be provided to the Department of Health Professions by certain licensees pursuant to § 54.1-2506.1.

9. Information ~~and records~~ acquired (i) during a review of any child death conducted by the State Child Fatality Review team established pursuant to § 32.1-283.1 or by a local or regional child fatality review team to the extent *that such information is made confidential by § 32.1-283.2*; (ii) during a review of any death conducted by a family violence fatality review team to the extent *that such information is made confidential by § 32.1-283.3*; or (iii) during a review of any adult death conducted by the Adult Fatality Review Team to the extent made confidential by § 32.1-283.5 or by a local or regional adult fatality review team to the extent *that such information is made confidential by § 32.1-283.6*.

10. Patient level data collected by the Board of Health and not yet processed, verified, and released, pursuant to § 32.1-276.9, to the Board by the nonprofit organization with which the Commissioner of Health has contracted pursuant to § 32.1-276.4.

11. ~~Records of Information held by~~ the Health Practitioners' Monitoring Program Committee within the Department of Health Professions; ~~to the extent such records that may identify any practitioner who may be, or who is actually, impaired to the extent and disclosure of such information is prohibited by § 54.1-2517.~~

12. ~~Records submitted as Information relating to a grant application, or accompanying a grant application, submitted to the Commonwealth Neurotrauma Initiative Advisory Board pursuant to Article 12 (§ 51.5-178 et seq.) of Chapter 14 of Title 51.5; to the extent such records contain that would (i) reveal (a) medical or mental health records; or other data identifying individual patients or (ii) (b) proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would and (ii) be harmful to the competitive position of the applicant.~~

13. Any ~~record~~ information copied, recorded, or received by the Commissioner of Health in the course of an examination, investigation, or review of a managed care health insurance plan licensee pursuant to §§ 32.1-137.4 and 32.1-137.5, including books, records, files, accounts, papers, documents, and any or all computer or other recordings.

14. ~~Records, information~~ Information and statistical registries required to be kept confidential pursuant to §§ 63.2-102 and 63.2-104.

15. ~~All data, records, and reports~~ Information relating to the prescribing and dispensing of covered substances to recipients and any abstracts from such ~~data, records, and reports~~ information that are in the possession of the Prescription Monitoring Program pursuant to Chapter 25.2 (§ 54.1-2519 et seq.) of Title 54.1 and any material relating to the operation or security of the Program.

16. Records of the Virginia Birth-Related Neurological Injury Compensation Program required to be kept confidential pursuant to § 38.2-5002.2.

17. ~~Records of Information held by~~ the State Health Commissioner relating to the health of any person ~~or persons~~ subject to an order of quarantine or an order of isolation pursuant to Article 3.02 (§ 32.1-48.05 et seq.) of Chapter 2 of Title 32.1; ~~this provision shall not, however, authorize the withholding of statistical summaries, abstracts, or other information in aggregate form.~~ *However, nothing in this subdivision shall be construed to prohibit the disclosure*

18. ~~Records containing the~~ The names and addresses or other contact information of persons receiving transportation services from a state or local public body or its designee under Title II of the Americans with Disabilities Act, (42 U.S.C. § 12131 et seq.) or funded by Temporary Assistance for Needy Families (TANF) created under § 63.2-600.

19. ~~Records of Information held by~~ certain health care committees and entities; ~~to the extent that they reveal information that may be withheld from discovery as privileged communications pursuant to § 8.01-581.17.~~

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following ~~records are~~ information contained in a public record is excluded from the mandatory disclosure provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law. *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.

2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.

3. ~~Confidential proprietary records~~ Proprietary information, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade, and tourism development or retention; and memoranda, working papers, or other ~~records~~ information related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, ~~if disclosure of such records are made public, information would adversely affect the financial interest of the public body would be adversely affected.~~

4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.

5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.

6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.

7. ~~Confidential proprietary records~~ *Proprietary information* related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.

8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.

9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, ~~provided if disclosure of~~ such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the ~~exemption~~ *exclusion* provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.

10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person *in connection with a procurement transaction or by any person* who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.

11. a. Memoranda, staff evaluations, or other ~~records~~ *information* prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the ~~Public-Private~~ *Public-Private* Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.); where (i) if such ~~records were~~ *information was* made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected; and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. ~~Records~~ *Information* provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002; ~~to the extent that~~ (§ 56-575.1 et seq.) *if disclosure of* such ~~records contain~~ *information would reveal* (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial ~~records~~ *information* of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity; where; ~~if the records were~~ *such information was* made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the ~~records~~ *information* specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

~~1-~~ (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

~~2-~~ (2) Identifying with specificity the data or other materials for which protection is sought; and

~~3-~~ (3) Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial ~~records~~ *information* of the private entity. To protect other ~~records~~ *information* submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the ~~records~~ *information* afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and

"private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 (§ 33.2-1800 *et seq.*) or in the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 *et seq.*).

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity pursuant to a promise of confidentiality to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected; ~~and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.~~

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 *et seq.*), or confidential proprietary ~~records~~ information that ~~are~~ is not generally available to the public through regulatory disclosure or otherwise, provided by a ~~(a)~~ (i) bidder or applicant for a franchise or ~~(b)~~ (ii) franchisee under Chapter 21 (§ 15.2-2100 *et seq.*) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the ~~records relate~~ information relates to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies, or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such ~~records~~ information were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall ~~(i)~~ (a) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, ~~(ii)~~ (b) identify the data or other materials for which protection is sought, and ~~(iii)~~ (c) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. ~~Documents and other information~~ Information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

15. ~~Records and reports~~ Information related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 *et seq.*) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. ~~Records submitted as~~ Information relating to a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 *et seq.*) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 *et seq.*) of Title 23 to the extent if disclosure of such ~~records contain~~ information would (i) reveal proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would and (ii) be harmful to the competitive position of the applicant.

18. Confidential proprietary ~~records~~ information and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 *et seq.*) of Chapter 21 of Title 15.2; ~~to the extent that~~ if disclosure of such ~~records~~ information would be harmful to the competitive position of the locality.

In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the ~~records or portions thereof~~ information for which protection is sought, and (c) state the reasons why protection is necessary.

19. Confidential proprietary ~~records~~ information and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 *et seq.*) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 *et seq.*) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that ~~records~~ information required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 *et seq.*) or financial ~~records~~ information of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 *et seq.*) In order for such trade secrets or financial ~~records~~ information to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. ~~Documents and other information~~ Information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial ~~records~~ *information*, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the ~~records~~ *information* specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

- ~~1-~~ a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- ~~2-~~ b. Identifying with specificity the data or other materials for which protection is sought; and
- ~~3-~~ c. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial ~~records~~ *information* of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. ~~Records submitted as~~ *Information relating to a grant application, or accompanying a grant application, submitted to the Tobacco Region Revitalization Commission to the extent such records contain that would* (i) reveal (a) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), ~~(ii)~~ (b) financial ~~records~~ *information* of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or ~~(iii)~~ (c) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, ~~if the disclosure of such information would and~~ (ii) be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other ~~records~~ *information* prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the ~~records~~ *information* specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

- ~~1-~~ a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- ~~2-~~ b. Identifying with specificity the data, ~~records~~ *information* or other materials for which protection is sought; and
- ~~3-~~ c. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial ~~records~~ *information*, or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. ~~Records of~~ *Information held by the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if public disclosure of such information would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records the information to the Authority; or*

b. ~~Records~~ *Information* provided by a private entity to the Commercial Space Flight Authority; ~~to the extent that if disclosure of such records contain information would~~ (i) reveal (a) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); ~~(ii)~~ (b) financial ~~records~~ *information* of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or ~~(iii)~~ (c) other information submitted by the private entity; ~~where, if the records were made public, and~~ (ii) ~~adversely affect the financial interest or bargaining position of the Authority or private entity would be adversely affected.~~

In order for the ~~records~~ *information* specified in clauses ~~(i)~~ (a), ~~(ii)~~ (b), and ~~(iii)~~ (c) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- ~~1-~~ (1) Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- ~~2-~~ (2) Identifying with specificity the data or other materials for which protection is sought; and
- ~~3-~~ (3) Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial ~~records~~ *information* of the private entity. To protect other ~~records~~ *information* submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. ~~Documents and other information~~ *Information* of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services, or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. ~~Documents and other information~~ *Information* of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if ~~the records were~~ *such information was* made public, the financial interest of the public-use airport would be adversely affected.

In order for the ~~records~~ *information* specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

~~1- a.~~ Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

~~2- b.~~ Identifying with specificity the data or other materials for which protection is sought; and

~~3- c.~~ Stating the reasons why protection is necessary.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exclusions.

The following ~~records are~~ *information contained in a public record is* excluded from the *mandatory disclosure* provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law: *Redaction of information excluded under this section from a public record shall be conducted in accordance with § 2.2-3704.01.*

1. State income, business, and estate tax returns, personal property tax returns, ~~scholastic~~ and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; *the* Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no ~~record, which information that~~ is otherwise open to inspection under this chapter, shall be deemed ~~exempt~~ *excluded* by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence.

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and ~~the~~ Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. ~~Library~~ *Information contained in library* records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. ~~Records and writings~~ *Information* furnished by a member of the General Assembly to a meeting of a standing committee, special committee, or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. ~~Records~~ Information regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of ~~them~~ such information would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions, and provisions of the siting agreement.

10. ~~Records containing information~~ Information on the ~~site specific~~ site-specific location of rare, threatened, endangered, or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This ~~exemption~~ exclusion shall not apply to requests from the owner of the land upon which the resource is located.

11. ~~Records, memoranda, working papers~~ Memoranda, graphics, video or audio tapes, production models, data, and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such ~~official records have information~~ not been publicly released, published, copyrighted, or patented. Whether released, published, or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. ~~Records of Information held by~~ the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding, or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, ~~to the extent that: if disclosure of such information would~~ (i) ~~such records contain~~ reveal confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality; of the future value of such ownership interest or the future financial performance of the entity; and (ii) ~~disclosure of such confidential analyses would~~ have an adverse effect on the value of the investment to be acquired, held, or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to ~~prevent the disclosure of records~~ authorize the withholding of information relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative, and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. ~~Records of Information held by~~ the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; ~~data, records or~~ information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts, or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and ~~data, records or~~ information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical, or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such ~~data, records or~~ information ~~have~~ has not been publicly released, published, copyrighted, or patented. This ~~exemption~~ exclusion shall also apply when such ~~records are~~ information is in the possession of the Virginia Commonwealth University.

16. ~~Records of Information held by~~ the Department of Environmental Quality, the State Water Control Board, the State Air Pollution Control Board, or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such ~~records information~~ shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to ~~prohibit the disclosure~~ authorize the withholding of ~~records information~~ related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. ~~As it pertains to any person, records~~ Information related to the operation of toll facilities that ~~identify~~ identifies an individual, vehicle, or travel itinerary, including, ~~but not limited to,~~ vehicle identification data, or vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. ~~Records of Information held by~~ the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. ~~Records of Information held by~~ the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. ~~Records, investigative notes, correspondence, and information~~ *Information* pertaining to the planning, scheduling, and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer; *or his agents; or employees or persons employed to perform an audit or examination of holder records.*

21. ~~Records of Information held by~~ the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body; ~~to the extent that such records that~~ reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. ~~Records of Information held by~~ state or local park and recreation departments and local and regional park authorities ~~to the extent such records contain information identifying a person concerning identifiable individuals~~ under the age of 18 years. However, nothing in this subdivision shall operate to ~~prohibit the disclosure~~ *authorize the withholding of* information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For ~~records such information of such~~ persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the ~~record information~~ may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such ~~records information~~ for inspection and copying.

23. ~~Records Information~~ submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management; ~~to the extent that they that~~ reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. ~~Records of Information held by~~ the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. ~~Records of Information held by~~ the Virginia Retirement System acting pursuant to § 51.1-124.30, ~~of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:~~

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, ~~to the extent that if~~ disclosure of such ~~records information~~ would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan; ~~to the extent if~~ disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. ~~Records of Information held by~~ the Department of Corrections made confidential by § 53.1-233.

27. ~~Records Information~~ maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.); ~~to the extent such records relate to information~~ and required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the ~~record information~~.

29. ~~Records~~ *Information* maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 ~~to the extent that such records that~~ reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the ~~record~~ *information*. Nothing in this subdivision, however, shall be construed to authorize the withholding of ~~records~~ *information* relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no ~~record~~ *information* that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. ~~Records of the Commonwealth's Attorneys' Services Council, to the extent such records are~~ *Information* prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such ~~records are~~ *information is* not otherwise available to the public and the ~~release~~ *disclosure* of such ~~records~~ *information* would reveal confidential strategies, methods, or procedures to be employed in law-enforcement activities; or materials created for the investigation and prosecution of a criminal case.

32. ~~Records~~ *Information* provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft; where the ~~records~~ *information* would not be subject to disclosure by the entity providing the ~~records~~ *information*. The entity providing the ~~records~~ *information* to the Department of Aviation shall identify the specific ~~portion of the records~~ *information* to be protected and the applicable provision of this chapter that ~~exempts the record or portions thereof~~ *excludes the information* from mandatory disclosure.

33. ~~Records~~ *Information* created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. (Effective July 1, 2018) ~~Records of~~ *Information held by* the Virginia Alcoholic Beverage Control Authority ~~to the extent such records contain that contains~~ (i) information of a proprietary nature gathered by or in the possession of the Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial ~~records~~ *information* of a private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a) confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority.

In order for the ~~records~~ *information* identified in clauses (i) ~~through~~, (ii), or (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect such ~~records~~ *information* of the private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.
5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.
6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.
7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.
8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.
9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.
10. Discussion or consideration of honorary degrees or special awards.
11. Discussion or consideration of tests, examinations, or other ~~records~~ *information* excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.
12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.
13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.
14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.
15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.
16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.
17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.
18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.
19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of ~~records~~ *information* excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This ~~exemption~~ *exclusion* shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of ~~records~~ *information* excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application ~~records~~ *information* excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship

Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of ~~records~~ *information* excluded from this chapter pursuant to subdivision ~~9~~ 8 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary ~~records~~ *information* and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary ~~records~~ *information* and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of ~~records~~ *information* or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of ~~records~~ *information* excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of ~~records~~ *information* excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of ~~records~~ *information* excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of ~~records~~ *information* relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of ~~records~~ *information* excluded from this chapter pursuant to subdivision ~~12~~ 11 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of ~~records~~ *information* excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of ~~records~~ *information* excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of ~~records~~ *information* excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This ~~exemption~~ *exclusion* shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of ~~records~~ *information* excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 2.2-3713. Proceedings for enforcement of chapter.

A. Any person, including the attorney for the Commonwealth acting in his official or individual capacity, denied the rights and privileges conferred by this chapter may proceed to enforce such rights and privileges by filing a petition for mandamus or injunction, supported by an affidavit showing good cause. Such petition may be brought in the name of the person notwithstanding that a request for public records was made by the person's attorney in his representative capacity. Venue for the petition shall be addressed as follows:

1. In a case involving a local public body, to the general district court or circuit court of the county or city from which the public body has been elected or appointed to serve and in which such rights and privileges were so denied;

2. In a case involving a regional public body, to the general district or circuit court of the county or city where the principal business office of such body is located; and

3. In a case involving a board, bureau, commission, authority, district, institution, or agency of the state government, including a public institution of higher education, or a standing or other committee of the General Assembly, to the general district court or the circuit court of the residence of the aggrieved party or of the City of Richmond.

B. In any action brought before a general district court, a corporate petitioner may appear through its officer, director or managing agent without the assistance of counsel, notwithstanding any provision of law or Rule of the Supreme Court of Virginia to the contrary.

C. Notwithstanding the provisions of § 8.01-644, the petition for mandamus or injunction shall be heard within seven days of the date when the same is made, provided the party against whom the petition is brought has received a copy of the petition at least three working days prior to filing. The hearing on any petition made outside of the regular terms of the circuit court of a locality that is included in a judicial circuit with another locality or localities shall be given precedence on the docket of such court over all cases that are not otherwise given precedence by law.

D. The petition shall allege with reasonable specificity the circumstances of the denial of the rights and privileges conferred by this chapter. A single instance of denial of the rights and privileges conferred by this chapter shall be sufficient to invoke the remedies granted herein. If the court finds the denial to be in violation of the provisions of this chapter, the petitioner shall be entitled to recover reasonable costs, including costs and reasonable fees for expert witnesses, and attorneys' fees from the public body if the petitioner substantially prevails on the merits of the case, unless special circumstances would make an award unjust. In making this determination, a court may consider, among other things, the reliance of a public body on an opinion of the Attorney General or a decision of a court that substantially supports the public body's position.

E. In any action to enforce the provisions of this chapter, the public body shall bear the burden of proof to establish an ~~exemption~~ exclusion by a preponderance of the evidence. *No court shall be required to accord any weight to the determination of a public body as to whether an exclusion applies.* Any failure by a public body to follow the procedures established by this chapter shall be presumed to be a violation of this chapter.

F. Failure by any person to request and receive notice of the time and place of meetings as provided in § 2.2-3707 shall not preclude any person from enforcing his rights and privileges conferred by this chapter.

2. That the provisions of this act are declaratory of the law as it existed prior to the September 17, 2015, decision of the Supreme Court of Virginia in the case of the *Department of Corrections v. Surovell*.

CHAPTER 717

An Act to amend and reenact § 2.2-3705.2 of the Code of Virginia, relating to the Virginia Freedom of Information Act; exempt records concerning critical infrastructure information.

[S 645]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3705.2 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-3705.2. Exclusions to application of chapter; records relating to public safety.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Confidential records, including victim identity, provided to or obtained by staff in a rape crisis center or a program for battered spouses.

2. Those portions of engineering and construction drawings and plans submitted for the sole purpose of complying with the Building Code in obtaining a building permit that would identify specific trade secrets or other information, the disclosure of which would be harmful to the competitive position of the owner or lessee. However, such information shall

be exempt only until the building is completed. Information relating to the safety or environmental soundness of any building shall not be exempt from disclosure.

Those portions of engineering and construction drawings and plans that reveal critical structural components, security equipment and systems, ventilation systems, fire protection equipment, mandatory building emergency equipment or systems, elevators, electrical systems, telecommunications equipment and systems, and other utility equipment and systems submitted for the purpose of complying with the Uniform Statewide Building Code (§ 36-97 et seq.) or the Statewide Fire Prevention Code (§ 27-94 et seq.), the disclosure of which would jeopardize the safety or security of any public or private commercial office, multifamily residential or retail building or its occupants in the event of terrorism or other threat to public safety, to the extent that the owner or lessee of such property, equipment or system in writing (i) invokes the protections of this paragraph; (ii) identifies the drawings, plans, or other materials to be protected; and (iii) states the reasons why protection is necessary.

Nothing in this subdivision shall prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

3. Documentation or other information that describes the design, function, operation, or access control features of any security system, whether manual or automated, which is used to control access to or use of any automated data processing or telecommunications system.

4. Plans and information to prevent or respond to terrorist activity or cyber attacks, the disclosure of which would jeopardize the safety of any person, including (i) critical infrastructure ~~sector or structural components information~~; (ii) vulnerability assessments, operational, procedural, transportation, and tactical planning or training manuals, and staff meeting minutes or other records; (iii) engineering or architectural records, or records containing information derived from such records, to the extent such records reveal the location or operation of security equipment and systems, elevators, ventilation, fire protection, emergency, electrical, telecommunications or utility equipment and systems of any public building, structure or information storage facility, or telecommunications or utility equipment or systems; and (iv) information not lawfully available to the public regarding specific cybersecurity threats or vulnerabilities or security plans and measures of an entity, facility, building structure, information technology system, or software program.

The same categories of records of any person or entity submitted to a public body for the purpose of antiterrorism response planning or cybersecurity planning or protection may be withheld from disclosure if such person or entity in writing (a) invokes the protections of this subdivision, (b) identifies with specificity the records or portions thereof for which protection is sought, and (c) states with reasonable particularity why the protection of such records from public disclosure is necessary to meet the objective of antiterrorism ~~or~~ cybersecurity planning or protection, *or critical infrastructure information security and resilience*. Such statement shall be a public record and shall be disclosed upon request.

Any public body receiving a request for records excluded under this subdivision shall notify the Secretary of Public Safety and Homeland Security or his designee of such request and the response made by the public body in accordance with § 2.2-3704.

Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the structural or environmental soundness of any building, nor shall it prevent the disclosure of information relating to any building in connection with an inquiry into the performance of that building after it has been subjected to fire, explosion, natural disaster, or other catastrophic event.

As used in this subdivision, "critical infrastructure information" means the same as that term is defined in 6 U.S.C. § 131.

5. Information that would disclose the security aspects of a system safety program plan adopted pursuant to 49 C.F.R. Part 659 by the Commonwealth's designated Rail Fixed Guideway Systems Safety Oversight agency; and information in the possession of such agency, the release of which would jeopardize the success of an ongoing investigation of a rail accident or other incident threatening railway safety.

6. Engineering and architectural drawings, operational, procedural, tactical planning or training manuals, or staff meeting minutes or other records, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building or structure or the safety of persons using such facility, building or structure.

7. Security plans and specific assessment components of school safety audits, as provided in § 22.1-279.8.

Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of security plans after (i) any school building or property has been subjected to fire, explosion, natural disaster, or other catastrophic event; or (ii) any person on school property has suffered or been threatened with any personal injury.

8. [Expired.]

9. Records of the Commitment Review Committee concerning the mental health assessment of an individual subject to commitment as a sexually violent predator under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2; except that in no case shall records identifying the victims of a sexually violent predator be disclosed.

10. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, provided directly or indirectly by a telecommunications carrier to a public body that operates a 911 or E-911 emergency dispatch system or an emergency

notification or reverse 911 system, if the data is in a form not made available by the telecommunications carrier to the public generally. Nothing in this subdivision shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

11. Subscriber data, which for the purposes of this subdivision, means the name, address, telephone number, and any other information identifying a subscriber of a telecommunications carrier, collected by a local governing body in accordance with the Enhanced Public Safety Telephone Services Act (§ 56-484.12 et seq.), and other identifying information of a personal, medical, or financial nature provided to a local governing body in connection with a 911 or E-911 emergency dispatch system or an emergency notification or reverse 911 system, if such records are not otherwise publicly available. Nothing in this subdivision shall prevent the release of subscriber data generated in connection with specific calls to a 911 emergency system, where the requester is seeking to obtain public records about the use of the system in response to a specific crime, emergency or other event as to which a citizen has initiated a 911 call.

12. Records of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, to the extent such records (i) contain information relating to strategies under consideration or development by the Council or such commission or organizations to prevent the closure or realignment of federal military installations located in Virginia or the relocation of national security facilities located in Virginia, to limit the adverse economic effect of such realignment, closure, or relocation, or to seek additional tenant activity growth from the Department of Defense or federal government or (ii) disclose trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Council or such commission or organizations in connection with their work. In order to invoke the trade secret protection provided by clause (ii), the submitting entity shall, in writing and at the time of submission (a) invoke this exclusion, (b) identify with specificity the information for which such protection is sought, and (c) state the reason why such protection is necessary. Nothing in this subdivision shall be construed to authorize the withholding of all or part of any record, other than a trade secret that has been specifically identified as required by this subdivision, after the Department of Defense or federal agency has issued a final, unappealable decision, or in the event of litigation, a court of competent jurisdiction has entered a final, unappealable order concerning the closure, realignment, or expansion of the military installation or tenant activities, or the relocation of the national security facility, for which records are sought.

13. Documentation or other information as determined by the State Comptroller that describes the design, function, operation, or implementation of internal controls over the Commonwealth's financial processes and systems, and the assessment of risks and vulnerabilities of those controls, including the annual assessment of internal controls mandated by the State Comptroller, the disclosure of which would jeopardize the security of the Commonwealth's financial assets. However, records relating to the investigation of and findings concerning the soundness of any fiscal process shall be disclosed in a form that does not compromise internal controls. Nothing in this subdivision shall be construed to prohibit the Auditor of Public Accounts or the Joint Legislative Audit and Review Commission from reporting internal control deficiencies discovered during the course of an audit.

14. Documentation or other information relating to the Statewide Agencies Radio System (STARS) or any other similar local or regional public safety communications system that (i) describes the design, function, programming, operation, or access control features of the overall system, components, structures, individual networks, and subsystems of the STARS or any other similar local or regional communications system or (ii) relates to radio frequencies assigned to or utilized by STARS or any other similar local or regional communications system, code plugs, circuit routing, addressing schemes, talk groups, fleet maps, encryption, programming maintained by or utilized by STARS or any other similar local or regional public safety communications system; those portions of engineering and construction drawings and plans that reveal critical structural components, interconnectivity, security equipment and systems, network monitoring, network operation center, master sites, ventilation systems, fire protection equipment, mandatory building emergency equipment, electrical systems, and other utility equipment and systems related to STARS or any other similar local or regional public safety communications system; and special event plans, operational plans, storm plans, or other pre-arranged programming, the disclosure of which would reveal surveillance techniques, personnel deployments, alarm or security systems or technologies, or operational and transportation plans or protocols, to the extent such disclosure would jeopardize the security of any governmental facility, building, or structure or the safety of any person.

15. Records of a salaried or volunteer Fire/EMS company or Fire/EMS department, to the extent that the records disclose the telephone numbers for cellular telephones, pagers, or comparable portable communication devices provided to its personnel for use in the performance of their official duties.

16. Records of hospitals and nursing homes regulated by the Board of Health pursuant to Chapter 5 (§ 32.1-123 et seq.) of Title 32.1 provided to the Department of Health, to the extent such records reveal the disaster recovery plans or the evacuation plans for such facilities in the event of fire, explosion, natural disaster, or other catastrophic event. Nothing in this subdivision shall be construed to prohibit the disclosure of records relating to the effectiveness of executed evacuation plans after the occurrence of fire, explosion, natural disaster, or other catastrophic event.

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

CHAPTER 718

An Act to amend and reenact § 19.2-306 of the Code of Virginia, relating to restitution; revocation or suspension of probation.

[H 605]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 19.2-306 of the Code of Virginia are amended and reenacted as follows:

§ 19.2-306. Revocation of suspension of sentence and probation.

A. In any case in which the court has suspended the execution or imposition of sentence, the court may revoke the suspension of sentence for any cause the court deems sufficient that occurred at any time within the probation period, or within the period of suspension fixed by the court. If neither a probation period nor a period of suspension was fixed by the court, then the court may revoke the suspension for any cause the court deems sufficient that occurred within the maximum period for which the defendant might originally have been sentenced to be imprisoned.

B. The court may not conduct a hearing to revoke the suspension of sentence unless the court, ~~within one year after the expiration of the period of probation or the period of suspension,~~ issues process to notify the accused or to compel his appearance before the court *within one year after the expiration of the period of probation or the period of suspension or, in the case of a failure to pay restitution, within three years after such expiration.* If neither a probation period nor a period of suspension was fixed by the court, then the court shall issue process within one year after the expiration of the maximum period for which the defendant might originally have been sentenced to be incarcerated. Such notice and service of process may be waived by the defendant, in which case the court may proceed to determine whether the defendant has violated the conditions of suspension.

C. If the court, after hearing, finds good cause to believe that the defendant has violated the terms of suspension, then: (i) if the court originally suspended the imposition of sentence, the court shall revoke the suspension, and the court may pronounce whatever sentence might have been originally imposed or (ii) if the court originally suspended the execution of the sentence, the court shall revoke the suspension and the original sentence shall be in full force and effect. The court may again suspend all or any part of this sentence and may place the defendant upon terms and conditions or probation.

D. If any court has, after hearing, found no cause to impose a sentence that might have been originally imposed, or to revoke a suspended sentence or probation, then any further hearing to impose a sentence or revoke a suspended sentence or probation, based solely on the alleged violation for which the hearing was held, shall be barred.

E. Nothing contained herein shall be construed to deprive any person of his right to appeal in the manner provided by law to the circuit court having criminal jurisdiction from a judgment or order revoking any suspended sentence.

CHAPTER 719

An Act to amend and reenact § 55-516.2 of the Code of Virginia, relating to the Virginia Property Owners' Association Act; condemnation of common area; valuation.

[S 237]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 55-516.2 of the Code of Virginia is amended and reenacted as follows:

§ 55-516.2. Condemnation of common area; procedure.

When any portion of the common area is taken or damaged under the power of eminent domain, any award or payment therefor shall be paid to the association, which shall be a party in interest in the condemnation proceeding. *The common area that is affected shall be valued on the basis of the common area's highest and best use as though it were free from restriction to sole use as a common area.*

Except to the extent the declaration or any rules and regulations duly adopted pursuant thereto otherwise provide, the board of directors shall have the authority to negotiate with the condemning authority, agree to an award or payment amount with the condemning authority without instituting condemnation proceedings and, upon such agreement, convey the subject common area to the condemning authority. Thereafter, the president of the association may unilaterally execute and record the deed of conveyance to the condemning authority.

A member of the association, by virtue of his membership, shall be estopped from contesting the action of the association in any proceeding held pursuant to this section.

2. That the purposes of this act shall apply solely to condemnation actions, and no common area shall be reassessed for property tax purposes due to the passage of this act or the valuation standards described in this act.

CHAPTER 720

An Act to amend and reenact §§ 22.1-129.1, 22.1-199.4, 22.1-209.1:3, 22.1-227.1, 22.1-253.13:3, and 22.1-253.13:4 of the Code of Virginia, relating to the Board of Education; high school graduation requirements.

[S 336]

Approved April 6, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-129.1, 22.1-199.4, 22.1-209.1:3, 22.1-227.1, 22.1-253.13:3, and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-129.1. Transfer of assistive technology devices.

A. For the purposes of this section:

"Assistive technology device" means any device, including equipment or a product system, which is used to increase, maintain, or improve functional capabilities of a child with a disability. Assistive technology device shall not include surgically implanted medical devices, such as cochlear implants.

"Child with a disability" means the same as that term is defined in § 22.1-213.

"Transfer" means the process by which a school division that has purchased an assistive technology device may sell, lease, donate, or loan the device pursuant to subsection B.

B. An assistive technology device may be transferred to (i) the school division to which a child with a disability transfers from the school division that purchased the device; (ii) a state agency, including the Department for Aging and Rehabilitative Services, that provides services to a child with a disability following the child's graduation ~~with a standard or advanced studies diploma~~ or when a school division ceases to provide special education services for the student; or (iii) the parents of a child with a disability, or the child with a disability if the child with a disability is age 18 or older and has capacity to enter into a contract.

§ 22.1-199.4. At-Risk Student Academic Achievement Program and Fund.

A. From such funds as may be appropriated for such purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby established the At-Risk Student Academic Achievement Program, to be administered by the Board of Education, and a special nonreverting fund within the Department of the Treasury known as the At-Risk Student Academic Achievement Fund, hereafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

The Department of the Treasury shall administer and manage the Fund, subject to the authority of the Board of Education to provide for its disbursement. The Fund shall be disbursed to award noncompetitive grants to public school divisions to implement research-based programs or programs identified as best practices that are designed to ~~(i)~~ improve the academic achievement of at-risk public school students on the Standards of Learning assessments; ~~(ii)~~ and decrease the rate of dropout among at-risk public school students; ~~and (iii) increase the number of such students obtaining the advanced studies diploma.~~

B. The amount of grants and required local matching funds shall be determined as provided in the appropriation act.

Funds received through this Program shall be used to supplement, not supplant, any local funds currently provided for at-risk programs within the school division.

C. The Board may issue guidelines governing the Program as it deems necessary and appropriate.

§ 22.1-209.1:3. Advancement Via Individual Determination (AVID) Programs.

A. With such funds as may be appropriated by the General Assembly for this purpose, local school boards may establish Advancement Via Individual Determination Programs in their respective school divisions to prepare at-risk students enrolled in the secondary grades in the public schools of the school division for post-secondary education eligibility.

B. Any school board adopting the Advancement Via Individual Determination Program shall establish policies and guidelines to ensure compliance with the provisions of this section. Programs established pursuant to subsection A shall include the following components:

1. A procedure for identifying at-risk students enrolled in the secondary grades in the public schools of the school division who demonstrate academic potential, a desire to attend college, and the willingness to pursue a rigorous academic program of study ~~or the advanced studies program~~ leading to eligibility for college admission;

2. A procedure for obtaining participation in or support for the program by the parent, guardian or other person having charge or control of a child engaged in the program;

3. An agreement executed with a two-year or four-year institution of higher education located within or in the proximity of the school division to provide relevant support services including, but not limited to, access to advanced course work, student mentorships and tutorials, and cultural and enrichment experiences;

4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students;

5. An emphasis on college preparation and college awareness, access to advanced level college preparatory courses at the high school level, building self-esteem and the promotion of personal and social responsibility, the availability of support services for students enrolled in the AVID Program, and the development and fostering of a positive attitude toward learning and the advantages of higher education;

6. A low pupil-teacher ratio to promote a high level of interaction between the students and the teacher;

7. A current program of staff development and training in the organizational structure, instructional methods, strategies, and process used in and unique to the AVID Program for all teachers and administrators assigned to the program;

8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children;

9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in preparing students participating in the program for college, increasing academic achievement, and lessening the need for remediation of such students who attend college.

C. Upon completion of the initial school year of the Advancement Via Individual Determination Program and at least annually thereafter, each school board implementing such program shall require submission of interim evaluation reports of the program. If funded by an appropriation pursuant to subsection A, each school board having an Advancement Via Individual Determination Program shall report the status, effectiveness, and results of such program no later than November 30 of the year following the completion of the initial school year to the Board of Education, which shall transmit such reports to the Governor and the General Assembly.

§ 22.1-227.1. Career and technical education.

A. The Board of Education shall incorporate into career and technical education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate. The Board may also authorize, in its regulations for accrediting public schools in Virginia, the substitution of industry certification and state licensure examinations for Standards of Learning assessments for the purpose of awarding ~~verified units of~~ credit for career and technical education courses, where appropriate.

B. The Board shall also develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education. The plan shall include an annual goal for school divisions. Where there is an accepted national industry certification for career and technical education instructional personnel and programs for automotive technology, such certification shall be mandatory.

C. With such funds as may be appropriated for such purpose, there shall be established, within the Department of Education, a unit of specialists in career and technical education. The unit shall (i) assist in developing and revising local career and technical curriculum to integrate the Standards of Learning, (ii) provide professional development for career and technical instructional personnel to improve the quality of career and technical education, (iii) conduct site visits to the schools providing career and technical education, and (iv) seek the input of business and industry representatives regarding the content and direction of career and technical education programs in the public schools of the Commonwealth.

D. The Board shall develop guidelines for the establishment of High School to Work Partnerships, hereafter referred to as "Partnerships," between public high schools and local businesses to create opportunities for students who may not seek further education after high school to (i) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (ii) tour local businesses and meet with owners and employees. These guidelines shall include a model waiver form to be used by high schools and local businesses in connection with Partnership programs to protect both the students and the businesses from liability.

Each local school board may encourage the local school division's career and technical education administrator or his designee to collaborate with the guidance counselor office of each public high school in the Commonwealth to establish Partnerships and to educate the student body about available opportunities.

Students who miss a partial or full day of school while participating in Partnership programs shall not be counted as absent for the purposes of calculating average daily membership, but each local school board shall develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in a Partnership program.

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, ~~course and credit~~ requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth. However, the Board may review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year

of that triennial review period the Board may accredit the school for another three years. The Board shall review the accreditation status of any school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected ~~verified~~ credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science and may be integrated to include multiple subject areas.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, and mathematics in grade eight; (e) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department of Education shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall

require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who ~~earn the units of credit meet the requirements~~ prescribed by the Board of Education; ~~pass the prescribed tests~~; and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards for accreditation. ~~Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the~~ The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia. Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) the ~~number and subject area requirements of standard and verified units of credit required~~ requirements for graduation pursuant to the standards for accreditation and (ii) the ~~remaining number and subject area requirements of such units of credit that have yet to be completed by the individual student~~ requires for graduation.

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the *graduation* requirements for a ~~standard or advanced studies diploma~~ of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve ~~the number of verified units of credit required~~ for graduation requirements as provided in the standards for accreditation. If such student who does not graduate or ~~achieve complete~~ such ~~verified units of credit requirements~~ is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing ~~course and credit graduation~~ requirements for a ~~high school diploma~~, the Board shall:

1. *Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.*

2. *Emphasize the development of core skill sets in the early years of high school.*

3. *Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.*

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation ~~credit~~ requirements, which shall include Standards of Learning testing, as necessary.

~~2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include~~
5. *Require students to complete at least one credit course in fine or performing arts or career and technical education and, one credit course in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least, and two sequential electives elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide that provides a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.*

~~Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to~~ 6. *Graduation requirements shall include a requirement that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements earn credit. The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.*

7. ~~Beginning with first-time ninth grade students in the 2016-2017 school year, requirements for the standard and advanced diplomas shall include a requirement~~ *require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.*

~~The Board shall make~~ 8. *Make provision in its regulations for students with disabilities to earn a standard diploma.*

~~3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of~~ 9. *Require students to complete one virtual course. The virtual course, which may be a noncredit-bearing course.*

4. 10. ~~Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing who complete elective classes into which the Standards of Learning for any required course have been integrated may take and achieve a passing score on the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.~~

5. 11. *Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of demonstrating mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall*

~~earn a verified credit~~ on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.

~~6-12.~~ Provide for the award of ~~verified units of~~ credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding ~~verified units of~~ credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, ~~the appropriate verified units of~~ credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

~~7-13.~~ Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.

~~8-14.~~ Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.

~~9-15.~~ Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction ~~to~~ ~~earn a standard unit of credit~~ upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. (Effective until July 1, 2016) To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

G. (Effective July 1, 2016) To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. (Effective July 1, 2016) The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. (Effective July 1, 2016) The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

2. That no later than August 1, 2016, the Board of Education shall notify each local school board of its plan for the implementation of the provisions of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act, which plan shall include provisions by which the Board shall solicit comments from each local school board and from the public on its website for a period of at least 12 months.

3. That no later than July 31, 2017, the Board of Education shall conduct at least one public hearing in each of the eight superintendent's regions relating to its plan for the implementation of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act.

4. That no later than September 1, 2017, the Board of Education shall submit (i) to the Registrar of Regulations proposed regulations to establish graduation requirements pursuant to the provisions of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act and (ii) to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health a report on such proposed regulations.

5. That after September 1, 2017, the Board of Education shall conduct at least one public hearing in each of the eight superintendent's regions relating to its proposed regulations to establish graduation requirements pursuant to the provisions of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act.

6. That no later than December 1, 2017, the Board of Education shall submit to the Registrar of Regulations final regulations to establish graduation requirements pursuant to the provisions of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act.

7. That the graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act, shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021.

CHAPTER 721

An Act to amend and reenact § 15.2-2157 of the Code of Virginia, relating to onsite sewage systems.

[S 407]

Approved April 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 15.2-2157 of the Code of Virginia is amended and reenacted as follows:

§ 15.2-2157. Onsite sewage systems when sewers not available; civil penalties.

A. Any locality may require the installation, maintenance and operation of, regulate and inspect onsite sewage systems or other means of disposing of sewage when sewers or sewerage disposal facilities are not available; without liability to the owner thereof, may prevent the maintenance and operation of onsite sewage systems or such other means of disposing of sewage when they contribute or are likely to contribute to the pollution of public or private water supplies or the contraction or spread of infectious, contagious and dangerous diseases; and may regulate and inspect the disposal of human excreta.

B. Any locality that (i) has a record of the location of alternative *and conventional* onsite sewage systems *and alternative discharging systems*; (ii) has notified owners of their maintenance responsibility for such systems; and (iii) has a method to identify property transfer may adopt an ordinance establishing a uniform schedule of civil penalties for violations of specified provisions for the operation and maintenance of alternative *and conventional* onsite sewage systems *and alternative discharging systems*, as defined in § 32.1-163, that are not abated or remedied within 30 days after receipt of notice of violation from the local health director or his designee. No civil action authorized under this section shall proceed while a criminal action is pending *and no criminal action shall proceed if the violation has been abated or remedied through civil enforcement*.

This schedule of civil penalties shall be uniform for each type of specified violation, and the penalty for any one violation shall be a civil penalty of not more than \$100 for the initial summons and not more than \$150 for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties exceeding a total of \$3,000. If the violation is not abated after the imposition of the maximum fine, the locality may pursue other remedies as provided by law. Designation of a particular ordinance violation for a civil penalty pursuant to

this section shall be in lieu of criminal penalties, except for any violation that contributes to or is likely to contribute to the pollution of public or private water supplies or the contraction or spread of infectious, contagious, and dangerous diseases.

The local health director or his designee may issue a civil summons ticket as provided by law for a scheduled violation. Any person summoned or issued a ticket for a scheduled violation may make an appearance in person or in writing by mail to the department of finance or the treasurer of the locality prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged.

If a person charged with a scheduled violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided for by law. In any trial for a scheduled violation, the locality shall have the burden of proving by a preponderance of the evidence the liability of the alleged violator. An admission of liability or finding of liability under this section shall not be deemed an admission at a criminal proceeding.

This section shall be not interpreted to allow the imposition of civil penalties for activities related to land development.

C. When sewers or sewerage disposal facilities are not available, a locality shall not prohibit the use of alternative onsite sewage systems that have been approved by the Virginia Department of Health for use in the particular circumstances and conditions in which the proposed system is to be operating.

D. A locality shall not require maintenance standards and requirements for alternative onsite sewage systems that exceed those allowed under or established by the State Board of Health pursuant to § 32.1-164.

E. The State Health Commissioner shall require, as a precondition to the issuance of an alternative onsite sewage system permit pursuant to § 32.1-164 to serve a residential structure, that the property owner record an instrument identifying by reference the applicable maintenance regulations for each component of the system in the land records of the clerk of the circuit court in the jurisdiction where all or part of the site or proposed site of the onsite sewage system is to be located, which shall be transferred with the title to the property upon the sale or transfer of the land that is the subject of the permit.

CHAPTER 722

An Act for the relief of Michael Kenneth McAlister.

[H 700]

Approved April 8, 2016

Whereas, on September 24, 1986, Michael Kenneth McAlister (Mr. McAlister) was convicted of attempted rape and abduction with the intent to defile in the Circuit Court for the City of Richmond and on December 1, 1986, Mr. McAlister was sentenced to serve 10 years for attempted rape and 40 years for abduction with the intent to defile; and

Whereas, on the night of February 23, 1986, in the laundry room of the Town & Country apartment complex in Richmond, a female resident of the complex was attacked by a white male approximately six feet tall wearing a plaid shirt and a stocking mask over his face and brandishing a knife; and

Whereas, during the investigation of the attack on February, 23, 1986, a picture of Mr. McAlister in a plaid shirt was shown to the victim and the victim positively identified Mr. McAlister; and

Whereas, in the year prior to and directly after this attack, a white male approximately six feet tall wearing a stocking mask over his face and carrying a knife attacked women five other times in four other apartment complex laundry rooms; two such attacks occurred while Mr. McAlister was held in the Richmond City jail; and

Whereas, as a result of such attacks a special action police force (SAF) including several police jurisdictions, including the Henrico County Police Department, began following a man named Norman Bruce Derr (Derr), whom they suspected of being a serial rapist and who bore a striking resemblance to Mr. McAlister and who police investigators had followed to a laundry room at the same Town & Country apartment complex and witnessed him prepare to attack a female police decoy in that laundry room; and

Whereas, the lead detective on the investigation only learned about the SAF investigation of Derr and of his striking resemblance to Mr. McAlister after the victim had identified Mr. McAlister in the photo line-up; and

Whereas, Derr was convicted of numerous other rapes, including a 1984 rape, forcible sodomy, and armed burglary of a Hanover county woman; the 1984 rape of a Charles County, Maryland, woman; the 1985 robbery of a Spotsylvania County woman; and the 1988 rape, forcible sodomy, burglary, and abduction of a Fredericksburg woman; and

Whereas, Mr. McAlister was scheduled to be released on January 15, 2015, but was held in prison beyond that date as part of the Commonwealth's civil commitment process; and

Whereas, Mr. McAlister's indefinite detention as well as the accumulation of evidence of Derr's criminal history over the years and other indications of Mr. McAlister's innocence led the Richmond Attorney for the Commonwealth, Michael Herring, to support Mr. McAlister's efforts to obtain an absolute pardon from Governor McAuliffe, and on April 8, 2015, Mr. McAlister, together with Mr. Herring, submitted his Joint Petition for Absolute Pardon to Governor McAuliffe; and

Whereas, on April 29, 2015, Derr confessed to the February 23, 1986, attempted rape and abduction with intent to defile; and

Whereas, on May 13, 2015, Governor McAuliffe granted Mr. McAlister's request for an absolute pardon; and

Whereas, Mr. McAlister has no other means to obtain adequate relief except by action of this body; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. That there is hereby appropriated from the general fund of the state treasury the sum of \$1,268,694 for the relief of Mr. McAlister, to be paid by check issued by the State Treasurer on warrant of the Comptroller upon execution of a release of any present or future claims Mr. McAlister may have against (i) the Commonwealth or any agency, instrumentality, officer, employee, or political subdivision thereof, (ii) any legal counsel appointed pursuant to § 19.2-159 of the Code of Virginia, and (iii) all other parties of interest in connection with the aforesaid occurrence.

The compensation, subject to the execution of the release described herein, shall be paid as follows: (a) an initial lump sum of \$253,740 to be paid to Mr. McAlister by check issued by the State Treasurer on warrant of the Comptroller within 60 days immediately following the execution of such release and (b) the sum of \$1,014,954 to purchase an annuity no later than September 30, 2016, for the primary benefit of Mr. McAlister, the terms of such annuity structured in Mr. McAlister's best interests based on consultation among Mr. McAlister or his representatives, the State Treasurer, and other necessary parties.

The State Treasurer shall purchase the annuity at the lowest cost available from any A+ rated company authorized to sell annuities in the Commonwealth, including any A+ rated company from which the State Lottery Department may purchase an annuity. The annuity shall provide that it shall not be sold, discounted, or used as securitization for loans and mortgages. The annuity shall, however, contain beneficiary provisions providing for the annuity's continued disbursement in the event of Mr. McAlister's death.

2. That the provisions of § 8.01-195.12 of the Code of Virginia shall apply to any compensation awarded under this act.

CHAPTER 723

An Act to amend the Code of Virginia by adding in Title 59.1 a chapter numbered 22.10, consisting of a section numbered 59.1-284.29, relating to a grant program for certain shipbuilding facilities and activities.

[H 1068]

Approved April 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 59.1 a chapter numbered 22.10, consisting of a section numbered 59.1-284.29, as follows:

CHAPTER 22.10.

ADVANCED SHIPBUILDING PRODUCTION FACILITY GRANT PROGRAM.

§ 59.1-284.29. Advanced Shipbuilding Production Facility Grant Program.

A. As used in this section:

"Advanced shipbuilding" means (i) the manufacture, construction, assembly, overhaul, repair, and testing of nuclear vessels and submarines for the United States Navy; (ii) the design or development of nuclear vessels and submarines for the United States Navy; or (iii) the manufacturing activities of a private company described under 2007 index number 336611 of the North American Industry Classification System.

"Capital investment" means an investment in real property, tangible personal property, or both, within the eligible city.

"Eligible city" means the City of Newport News or its industrial development authority.

"Foundry" means a facility and equipment used to cast metal components used in advanced shipbuilding.

"Grant" means the advanced shipbuilding production facility grant as described in this section.

"Memorandum of understanding" means a performance agreement entered into on or before August 31, 2016, among a qualified shipbuilder, the Commonwealth, and others as appropriate, such as the eligible city, setting forth the requirements for capital investment and the creation of new full-time jobs that will make the qualified shipbuilder eligible for a grant under this section.

"New full-time job" means employment of an indefinite duration in an eligible city, and engaged in the construction of a class of vessel or submarine not being built in that eligible city prior to January 1, 2016, for which the average annual wage is at least equal to the prevailing average annual wage in that eligible city and for which the standard fringe benefits are paid by the qualified shipbuilder, requiring a minimum of either (i) 35 hours of an employee's time per week for the entire normal year of such qualified shipbuilder's operations, which "normal year" must consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions and positions created when a job function is shifted from an existing location in the Commonwealth shall not qualify as new full-time jobs under this section. Other positions, which may or may not be of indefinite duration, including supplemental employees of affiliates, subsidiaries, joint ventures, contractors, or subcontractors of the qualified shipbuilder, may be considered new full-time jobs if designated as such in the memorandum of understanding between such qualified shipbuilder, the Commonwealth, and others.

"New production facility" means a facility or equipment that, pursuant to a memorandum of understanding with the Secretary, is constructed or purchased after January 1, 2016, and operated by the qualified shipbuilder for use in the construction of or manufacture of components for a class of nuclear vessels or submarines not being built in that eligible city as of January 1, 2016. Such new production facility may be owned by the qualified shipbuilder or may be operated by the qualified shipbuilder through a lease agreement with the eligible city or a local industrial development authority.

"Qualified shipbuilder" means a shipbuilder located in an eligible city that (i) makes a new capital investment of at least \$750 million from January 1, 2015, through December 31, 2020, related to advanced shipbuilding in an eligible city; (ii) creates at least 1,000 new full-time jobs in an eligible city for advanced shipbuilding or activities ancillary to or supportive of advanced shipbuilding; and (iii) builds a new production facility.

"Secretary" means the Secretary of Commerce and Trade or his designee.

B. Any qualified shipbuilder located in an eligible city or the eligible city shall be eligible to receive a grant each fiscal year beginning with the Commonwealth's fiscal year starting on July 1, 2022, and ending with the Commonwealth's fiscal year starting on July 1, 2026, unless such time frame is extended in accordance with subsection C or D. The grants under this section (i) shall be paid, subject to appropriation by the General Assembly, from the fund entitled the Advanced Shipbuilding Production Facility Grant Fund established in subsection G; (ii) shall not exceed \$40 million in the aggregate; (iii) shall be paid to a qualified shipbuilder or eligible city during each fiscal year contingent upon the qualified shipbuilder's meeting the requirements for the aggregate of (a) number of new full-time jobs created and the substantial retention of the same and (b) amount of the capital investment made, as set forth in the memorandum of understanding; and (iv) shall be expended by the qualified shipbuilder or the eligible city on the capital or lease cost of a new production facility or a new or existing foundry.

1. The amount of the grant to be paid in each fiscal year shall be conditional upon the qualified shipbuilder's meeting the requirements for (i) the aggregate number of new full-time jobs created and the substantial retention of the same throughout the calendar year that immediately precedes the beginning of such fiscal year and (ii) the aggregate amount of the capital investment made as of the last day of the calendar year that immediately precedes the beginning of such fiscal year. If the qualified shipbuilder has not fully met the grant requirements by December 31, 2020, the period of eligibility may be extended for up to three years, provided that the grants in any given fiscal year shall not exceed \$8 million, plus any amounts deferred in accordance with subsection C or D.

2. The aggregate amount of grants that may be awarded in a particular fiscal year shall not exceed the following:

- a. \$8 million for the Commonwealth's fiscal year beginning July 1, 2022;
- b. \$16 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2023;
- c. \$24 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2024;
- d. \$32 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2025; and
- e. \$40 million, less the total amount of grants previously awarded pursuant to this subsection, for the Commonwealth's fiscal year beginning July 1, 2026.

C. Any qualified shipbuilder or eligible city applying for a grant under this section shall provide evidence, satisfactory to the Secretary, of (i) the aggregate number of new full-time jobs created and the substantial retention of the same throughout the calendar year that immediately precedes the beginning of the fiscal year in which the grant is to be paid and (ii) the aggregate amount of the capital investment made as of the last day of the calendar year that immediately precedes the beginning of the fiscal year in which the grant is to be paid. The application and evidence shall be filed with the Secretary in person or by mail no later than April 1 each year following the calendar year in which the qualified shipbuilder meets such aggregate new full-time job requirements and aggregate capital investments. Failure to meet the filing deadline shall result in a deferral of a scheduled grant payment set forth in subsection B. For filings by mail, the postmark cancellation shall govern the date of the filing determination.

D. The memorandum of understanding may provide that if a grant payment has been deferred for any reason, including the initial failure to meet the aggregate capital investment or the aggregate new full-time job requirements set forth in the memorandum of understanding or the occurrence of any substantial reduction in such new full-time job requirements after such requirements have been met but before the grant payment has been made, payment in a subsequent fiscal year for which such requirements have been met for the immediately preceding calendar year shall include both the deferred payment and the scheduled grant payment as provided in subsection B or that a proportional payment, based on the proportional share of the required additional full-time jobs, be made.

E. The memorandum of understanding may also provide that a shipbuilder or eligible city that has qualified for and received grants under § 59.1-284.23 may qualify for up to a separate and additional \$6 million in one or more grants payable after July 1, 2016, but before July 1, 2022, to be used in the construction, lease, expansion, or renovation of a foundry in the eligible city. The memorandum of understanding shall require that the total amount of grants received pursuant to this subsection shall not exceed 25 percent of the total cost of improvements needed to meet standards for making castings for the construction of a class of vessel or submarine not being built in that eligible city prior to January 1, 2016, and that those standards are subsequently met. The memorandum of understanding may also set forth requirements for certain employment levels at the foundry. For clarification, such grants are not included in and shall not be subject to the overall limitation of the aggregate grant amount set forth in subsection B.

F. As a condition of receipt of a grant, a qualified shipbuilder shall make available to the Secretary or his designee for inspection upon his request relevant and applicable documents to determine whether the qualified shipbuilder has met the requirements for the receipt of grants as set forth in this section and subject to the memorandum of understanding. The Comptroller shall not draw any warrants to issue checks for the grant program under this section without a specific

appropriation for the same. All such documents appropriately identified by the qualified shipbuilder shall be considered confidential and proprietary.

G. There is hereby created in the state treasury a special nonreverting fund to be known as the Advanced Shipbuilding Production Facility Grant Fund (the Fund). The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used for the purposes stated in this section.

CHAPTER 724

An Act to amend and reenact §§ 2.2-3705.6, 2.2-3711, 15.2-2160, 15.2-7202, 15.2-7203, 15.2-7205 through 15.2-7208, and 56-265.4:4 of the Code of Virginia and to repeal § 15.2-2108.18 of the Code of Virginia, relating to the BVU Authority.

[S 329]

Approved April 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.6, 2.2-3711, 15.2-2160, 15.2-7202, 15.2-7203, 15.2-7205 through 15.2-7208, and 56-265.4:4 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.
 11. a. Memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and

b. Records provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the records specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education Facilities and Infrastructure Act of 2002.

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary records that are not generally available to the public through regulatory disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the records relate to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Documents and other information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

15. Records and reports related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. Records submitted as a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records

contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

18. Confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the records or portions thereof for which protection is sought, and (c) state the reasons why protection is necessary. *However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).*

19. Confidential proprietary records and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that records required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial records of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Documents and other information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
2. Identifying with specificity the data or other materials for which protection is sought; and
3. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Records submitted as a grant application, or accompanying a grant application, to the Tobacco Region Revitalization Commission to the extent such records contain (i) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (ii) financial records of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (iii) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other records prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
2. Identifying with specificity the data, records or other materials for which protection is sought; and
3. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial records or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Records of the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if public disclosure would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records to the Authority; or

b. Records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected.

In order for the records specified in clauses (i), (ii), and (iii) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Documents and other information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Documents and other information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if the records were made public, the financial interest of the public-use airport would be adversely affected.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not

traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This exemption shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6. *However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).*

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 15.2-2160. Provision of telecommunications services.

A. Any locality that operates an electric distribution system may provide telecommunications services, including local exchange telephone service as defined in § 56-1, within or outside its boundaries if the locality obtains a certificate pursuant to § 56-265.4:4. Such locality may provide telecommunications services within any locality in which it has electric distribution system facilities as of March 1, 2002. Any locality providing telecommunications services on March 1, 2002, may provide telecommunications, Internet access, broadband, information, and data transmission services within any locality within 75 miles of the geographic boundaries of its electric distribution system as such system existed on March 1, 2002. *The BVU Authority may provide telecommunications, Internet access, broadband, information, and data transmission services as provided in the BVU Authority Act (§ 15.2-7200 et seq.).*

B. A locality that has obtained a certificate pursuant to § 56-265.4:4 shall (i) comply with all applicable laws and regulations for the provision of telecommunications services; (ii) make a reasonable estimate of the amount of all federal, state, and local taxes (including income taxes and consumer utility taxes) that would be required to be paid or collected for each fiscal year if the locality were a for-profit provider of telecommunications services, (iii) prepare reasonable estimates of the amount of any franchise fees and other state and local fees (including permit fees and pole rental fees), and right-of-way charges that would be incurred in each fiscal year if the locality were a for-profit provider of telecommunications services, (iv) prepare and publish annually financial statements in accordance with generally accepted accounting principles showing the results of operations of its provision of telecommunications services, and (v) maintain records demonstrating compliance with the provisions of this section that shall be made available for inspection and copying pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. Each locality that has obtained a certificate pursuant to § 56-265.4:4 shall provide nondiscriminatory access to for-profit providers of telecommunications services on a first-come, first-served basis to rights-of-way, poles, conduits or other permanent distribution facilities owned, leased or operated by the locality unless the facilities have insufficient capacity for such access and additional capacity cannot reasonably be added to the facilities.

D. The prices charged and the revenue received by a locality for providing telecommunications services shall not be cross-subsidized by other revenues of the locality or affiliated entities, except (i) in areas where no offers exist from for-profit providers of such telecommunications services, or (ii) as permitted by the provisions of subdivision B 5 of § 56-265.4:4. The provisions of this subsection shall not apply to Internet access, broadband, information, and data transmission services provided by any locality providing telecommunications services on March 1, 2002.

E. No locality providing such services shall acquire by eminent domain the facilities or other property of any telecommunications service provider to offer cable, telephone, data transmission or other information or online programming services.

F. Public records of a locality that has obtained a certificate pursuant to § 56-265.4:4, which records contain confidential proprietary information or trade secrets pertaining to the provision of telecommunications service, shall be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.). As used in this subsection, a public record contains confidential proprietary information or trade secrets if its acquisition by a competing provider of telecommunications services would provide the competing provider with a competitive benefit. *However, the exemption provided by this subsection shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).*

G. As used in this section, "locality" shall mean any county, city, town, authority, or other governmental entity which provides or seeks to provide telecommunications services. Every locality shall comply with the requirements of § 56-265.4:4 or 56-484.7:1 unless otherwise specifically exempt. Any locality that has obtained a certificate pursuant to § 56-265.4:4, and which surrenders or transfers such certificate shall continue to remain subject to subsections C, D, and E if any substantial part of its telecommunications assets or operations are transferred to an entity in which the locality has the right to appoint board members, directors, or managers.

§ 15.2-7202. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means the BVU Authority created by entity conversion of Bristol Virginia Utilities by this chapter.

"Board," "Authority Board," or "Board of Directors" means the governing body of the Authority.

"Bonds" means any bonds, notes, debentures, bond acceptance notes, or other evidence of financial indebtedness either issued or assumed by the Authority pursuant to this chapter.

"Bristol Virginia Utilities Board" means the Board of Directors of Bristol Virginia Utilities governing that entity until the Authority Board takes office on July 1, 2010.

"City" means the City of Bristol, Virginia.

"City Council" means the City Council of the City of Bristol, Virginia.

"Commission" means the Virginia State Corporation Commission.

"Commonwealth" means the Commonwealth of Virginia.

"Infrastructure" means all property, whether attached to real property or not, now used by Bristol Virginia Utilities and hereafter used by the Authority for the provision of (i) electric, water, sewer, telecommunications, internet, and cable television services and (ii) all other utility, ~~management, and consulting~~ services the Authority may lawfully provide.

"MLEC" means any city, county, or town certificated to provide local exchange and/or interexchange telecommunications services pursuant to § 56-265.4:4 and any authority granted such powers pursuant to § 15.2-7209.

"Political subdivision" means, *when referring to an entity other than the Authority*, a locality, authority, or other public body of the Commonwealth or of any state in which the Authority does business.

"Utility," "utilities," or "utility services" means and includes electric, water, sewer, and telecommunications, internet and cable television services, including all other services that might be lawfully rendered by use of its fiber optic system.

§ 15.2-7203. BVU Authority; operating name or names.

The name of the Authority shall be "BVU Authority."

The BVU Authority is hereby authorized to operate under the names BVU, BVU OptiNet, CPC OptiNet, and BVU Focus. The name of the Authority and any division or operating name may be changed upon approval of a simple majority of the Board of Directors. The Board of Directors may adopt additional operating names in the future. ~~If it does so, it~~ The Authority shall comply with requisite fictitious name recording requirements for any areas in which it is doing business.

§ 15.2-7205. Board of Directors; membership.

A. The powers of the Authority shall be vested in ~~an~~ the Authority Board of Directors consisting of ~~nine~~ seven directors. The number of ~~Directors on the Board~~ ~~may~~ ~~directors~~ shall not be ~~increased~~ ~~altered~~ by the Authority Board.

B. ~~The Authority's Authority Board, which~~ will initially take office on July 1, 2010. ~~However, beginning on July 1, 2016, the Authority Board shall be constituted as follows:~~

1. ~~Four~~ ~~One director who is a citizen of the City of Bristol, Virginia, citizen appointees and is not a member of the Bristol City Council, appointed by the Speaker of the House of Delegates. The four Bristol, Virginia, citizen appointees currently on the Bristol Virginia Utilities Board are hereby directors on the Authority's Board and their respective terms are extended on the Authority Board as follows:~~

- a. ~~The term ending June 30, 2010, will be extended to end June 30, 2014.~~
- b. ~~The term ending June 30, 2011, will be extended to end June 30, 2015.~~
- e. ~~The second term ending June 30, 2011, will be extended to end June 30, 2016.~~
- d. ~~The term ending June 30, 2012, will be extended to end June 30, 2016.~~

~~Each of said members will thereafter be eligible for one additional consecutive four-year term pursuant to the limitation set forth herein.~~

2. ~~Two members appointed by One director who is a member of the Bristol City Council who are members of, appointed by the Bristol City Council serving on the Bristol Virginia Utilities Board as of June 1, 2010. Such members shall to serve a four-year term, coterminous with their his term on the Council, commencing July 1, 2010. Should no present member of Council serving on the Bristol Virginia Utilities Board be a member of Council on that date, Council may appoint two other members of Council to serve on the initial Authority Board for a term that is coterminous with that member's term on Council.~~

3. ~~One new Bristol, Virginia, citizen, who is not a city council member. Such citizen will be director who is a citizen of Washington County and is not a member of the Washington County Board of Supervisors, appointed by the Bristol, Virginia, City Council and shall serve a term from July 1, 2010, until June 30, 2015 Senate Committee on Rules.~~

4. ~~One new member, a director who is a citizen of the City of Bristol, Virginia, citizen, appointed by the Bristol Virginia Utilities Board whose term will start July 1, 2010, and end June 30, 2014 who is engaged in business and is not a member of the Bristol City Council, appointed by the Authority Board. However, the first such director shall be appointed by the Bristol City Council for a term that ends the sooner of July 1, 2017, or the date upon which the Authority Board appoints a director to this position to serve the remainder of the initial four-year term. The Authority Board shall appoint a director to this position thereafter.~~

5. ~~One director who is a member of the Board of Supervisors of Washington County, Virginia, who will be Board of Supervisors, appointed by that the Washington County Board of Supervisors to serve a four-year term coterminous with his or her term on the Board of Supervisors commencing July 1, 2010.~~

6. ~~One director who is a member of the Abingdon Town Council, appointed by the Abingdon Town Council to serve a four-year term coterminous with his term on the Town Council.~~

7. ~~One director who is a Scott County citizen and is not a member of the Scott County Board of Supervisors, appointed by the Speaker of the House of Delegates.~~

C. ~~If any appointments to the initial Board are made prior to the effective date of this chapter, such appointments shall be deemed valid and effective as of such date The four-year term of all directors shall begin July 1, 2016. The term of Authority Board membership for any director thereafter shall be four years.~~

D. ~~The City Council shall elect, in addition to its Council members, three of the Bristol, Virginia, citizen Board members when the above terms expire. The remaining three Bristol, Virginia, citizen members will be elected by the Authority Board when the above terms expire. The City Council and the Authority Board will alternate electing persons to fill an expiring term until each has appointed the number it appoints to the Board. Any vacancy in a term shall be filled by the body making the original appointment and shall be for the remainder of the term. Said appointment shall be made within 30 days from the date the vacancy occurs.~~

E. ~~The term of the Council members shall be for four years coterminous with those members' terms of office on the City Council. Those City Council Members Each director who is a member of the Abingdon Town Council, Bristol City Council, or Washington County Board of Supervisors may serve as many terms as the City Council appointing governing body decides as long as the appointees are members appointee remains a member of the City Council relevant governing body. The City Council governing body may appoint other members a different member of the City Council or Board of~~

Supervisors at the end of any *appointee's* four-year Council or Board term or upon *the* exit of the ~~Council~~ member from the ~~Council governing body~~. In the latter case, the ~~Council Member~~ *will new appointee shall* serve for the remainder of the term vacated by an exiting ~~City Council~~ member *of the governing body*.

~~F. All other directors shall serve four-year terms, except for the longer appointments to the initial Board. Those directors may serve a maximum of two terms and then must be off the Board for one full year before election to fill another full term or to fill the remainder of a vacated term.~~

~~G. E.~~ If funds are available, each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his duties. Such expense allowance shall constitute a cost of operation and maintenance of such utility systems and shall be prorated among each of the systems it manages using the ~~"3-Factor"~~ *"Three-Factor"* allocation method approved by the Commission. The three factors consist of the percentages that each division comprises of total plant in service, total operating revenues, and total customer accounts. Once each operating division's percentage of each of the three factors is calculated, the sum of the three factors divided by ~~3~~ *three* results in the operating division's share of the total direct or indirect costs.

§ 15.2-7206. Organization; compensation.

A. *The following provisions apply to the Board of Directors:*

~~A simple majority~~ *1. Five* of the directors ~~in office~~ shall constitute a quorum. No vacancy in the Board of Directors shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

~~2. The Board of Directors shall hold regular meetings at such times and places as may be established by its bylaws. The Board shall hold its meetings as provided in § 2.2-3707.~~

~~3. The Board of Directors shall hold its first organizational meeting on July 1, 2010.~~

~~Bylaws~~ *4. The Board shall adopt bylaws governing the conduct of business by the Board and the Authority. Proposed bylaws shall be made available before being duly adopted and published at said at each annual meeting. The Board is authorized to adopt bylaws governing the amendment of bylaws at any time.*

~~Also at said meeting,~~ *5. The Board of Directors shall annually elect a chairman and a vice-chairman from its membership and a secretary of the Board from either its membership or the staff of the Authority to take office as of that same date. Thereafter the Board of Directors shall annually elect a chairman and a vice-chairman from its membership and a secretary from the staff of the Authority at its June annual meeting, to take office on the following July 1. The terms of such officers shall be for one year.*

~~The Board of Directors shall continue to appoint and contract with a president and CEO to manage the operations of the Authority and a licensed attorney to serve as general counsel for the Authority, and the contracts with the president and general counsel of Bristol Virginia Utilities shall continue in effect and be binding upon the Authority. The Board of Directors shall also authorize the position of executive vice-president and CFO, to be filled and managed by the president. The president shall have the authority to hire, fire, and manage such staff as the president deems expedient to the operation of the Authority, subject to the availability of budgeted funds; and to assign such positions, titles, powers, and duties at such salaries as the president deems most effective for the efficient operation of the Authority.~~

~~Except for the purpose of inquiry,~~ *6. The Board and its individual members shall deal with Authority employees solely through the president. Neither the Board nor any member thereof shall The Board shall not give orders to any of the subordinates of the president, either publicly or privately. Any such orders or other interferences on the part of the Board or any of its members with subordinates or appointees of the president, instead of dealing or communicating directly with the president, are prohibited.*

~~Neither shall the Board or any of its members~~ *7. The Board shall not direct the appointment or removal of any person from any office or employment by Authority contractor or employee other than the president or any of his subordinates. Nothing herein shall be construed to limit or prohibit contact with the president and general counsel, both of whom report directly to the Board.*

~~The Board of Directors shall make and, by recorded affirmative vote of three-fourths of all members, amend and repeal bylaws governing the manner in which the Authority's business may be transacted and in which the power granted to it may be enjoyed not inconsistent with this chapter. The initial set of such bylaws shall be adopted at the first regular meeting of the Board following the Board's first organizational meeting. The Board of Directors may appoint such committees as it may deem advisable and fix the duties and responsibilities of such committees. The Board of Directors shall have the power to request amendments to this chapter as set forth by the Code of Virginia that the Board deems necessary and expedient for the proper operation of the Authority.~~

~~8. The Board may appoint committees from among its membership in accordance with its bylaws.~~

~~9. No Board member shall receive any financial compensation for service on the Board. The Board may reimburse members for reasonable expenses they incur while serving on the Board. Any member seeking reimbursement shall itemize and document by receipts such expenses pursuant to subsection E of § 15.2-7205.~~

~~10. The Board shall adopt a travel and expense policy that applies to Board members and Authority employees and addresses what expenditures are appropriate in furtherance of the activities of the Authority.~~

~~11. The Board shall adopt a conflict of interest policy addressing the acceptance by Board members or Authority employees of gifts of travel or entertainment from any vendor that seeks or maintains a contract with the Authority.~~

~~12. Each member of the Board shall file with the president a disclosure form containing a statement of economic interests as provided in § 2.2-3117 according to the schedule required by § 2.2-3115.~~

B. The following provisions apply to the president:

1. The Board shall continue to appoint and contract with a president to manage the operations of the Authority, and the contract with the president that is in effect as of January 1, 2016, shall continue in effect and be binding upon the Authority.

2. The term of the president's employment contract shall not exceed three years. The board may vote to renew the contract of the president for additional terms not to exceed three years each.

3. The president's employment contract shall not contain a severance payout upon termination amounting to more than 12 months of his base salary.

4. The president shall have the sole authority to hire, fire, and manage such staff and contractors as the president deems expedient to the operation of the Authority, subject to the availability of budgeted funds, and to assign such positions, titles, powers, and duties at such salaries as the president deems most effective for the efficient operation of the Authority.

5. The president shall not have the power to enter into an employment contract with any employee of the Authority unless the Board ratifies such contract by a majority vote in an open meeting. Such contract shall be subject to the term and severance payout restrictions applicable to the president's contract as provided in subdivisions 2 and 3.

6. The Board may appoint an employee as acting president during any period of vacancy. The Board shall advertise the vacancy of the presidency and accept applications from candidates interested in filling the vacancy.

C. The Board shall vote annually to retain outside legal counsel to advise the Authority on legal matters. The legal counsel shall be licensed to practice law in the Commonwealth, shall not be an employee of the Authority, and shall be separate from and independent of any legal counsel for the City of Bristol, Scott County, or Washington County. The legal counsel shall provide annual training to the Board on the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).

D. The Board may authorize the position of executive vice-president, to be filled and managed by the president.

E. Notwithstanding the quorum requirement in subsection A, any decision of the Board related to the provision, use, operation, or maintenance of water or sewer systems shall be made by a majority vote of the three members of the Board representing the City of Bristol, Virginia, and the director who is a member of the Washington County Board of Supervisors.

§ 15.2-7207. Powers generally.

A. The Authority is hereby granted all powers *reasonably* necessary or appropriate to carry out the purposes of this chapter in order to provide electric, water, sewer, and telecommunication and related services, including without limitation, cable television internet, and all other services that might be lawfully rendered by use of the Authority's fiber optic system, subject to all ~~existing~~ *applicable* limitations and restrictions thereon. Such powers include, without limitation, except as set forth hereafter, the following:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business;

2. To sue and be sued in the Authority's name;

~~3. To have perpetual succession;~~

~~4.~~ To adopt a corporate seal and alter the same at its pleasure;

~~5.~~ 4. To maintain offices at such places as it may designate;

~~6.~~ 5. To appoint, employ, or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;

~~7.~~ 6. To establish personnel rules;

~~8.~~ 7. To make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;

~~9.~~ 8. To borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;

~~10.~~ 9. To provide electric, water, sewer, and telecommunication and related services, including without limitation, cable television, internet, and all other services that might be lawfully rendered by use of the Authority's fiber optic system as set forth in § 15.2-7208 subject to all ~~existing~~ *applicable* restrictions and limitations thereon;

~~11.~~ 10. To determine fees, rates, and charges for the services and products it provides, subject only to such state or federal regulation as the Tennessee Valley Authority (TVA) or other cognizant state or federal agency may impose by order, rulemaking, contract or otherwise, including, without limitation, electric, water and sewer, and internet and cable television services, including all other services that might be rendered by use of its fiber optic system, furnished by the Authority. MLEC telephone service, including rates, is regulated by the Commission. All rate increases for services other than electric, which are set by the TVA, and telephone, which are set by the Commission and applicable law, shall require a favorable vote at two meetings, one of which must be a regular meeting of the BVU Authority Board-

~~The Authority may assess such rates and charges for such services or products in such manner mutatis mutandis as BVU or the City has the authority to do so at present subject to the same restrictions and limitations thereon;~~

~~12.~~ 11. To adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and utility services and governing the conduct of persons and organizations using its facilities or obtaining its utility services and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities and services, as authorized by the enacting body of such rules, regulations, ordinances, and statutes. The civil penalty for violation of any such rules and regulations shall be set forth in the rules and may be enforced by the Authority by direct action in terminating services and by the imposition of monetary penalties to be billed to the customer. The Authority may

request the governing body of each locality in which it does business to impose by ordinance such penal liability for violation of such rules and regulations as such body deems appropriate;

~~13. 12.~~ Subject to subdivision 20, to apply for and accept gifts or grants of money or gifts, grants or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, this Commonwealth and political subdivisions, agencies and instrumentalities thereof, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance, or repair of its infrastructure or for the payment of principal of any indebtedness of the Authority, interest thereon, or other cost incident thereto, or for the operation of any of its services, or for any other purpose of the Authority, and to this end the Authority shall have the power to render such services, comply with such conditions, and execute such agreements and legal instruments as may be necessary, convenient or desirable or imposed as a condition to such financial aid;

~~14. 13.~~ Subject to subdivision ~~16 15~~ and all existing limitations and restrictions thereon, to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate electric, water, sewer, telecommunications, internet and cable television services, including all other services that might be rendered by use of its fiber optic system, and other infrastructure and facilities that are owned or managed by the Authority within the territorial areas in which it operates or provides services;

~~15. 14.~~ To construct, install, maintain, and operate facilities and infrastructure for managing its utility, consulting and operational management services. The Authority shall have the power and duty to manage and operate the electric, public lighting, water, sewerage, telecommunications, internet and cable television services, including all other services that might be rendered by use of its fiber optic system directly subject to all existing limitations and restrictions thereon, or it may subcontract such functions. The Authority shall construct, maintain, and operate all facilities necessary thereto; shall sell and distribute to the public electric power, light, water, sewer, telecommunications, internet and cable television, and other services as they now exist or may exist in the future subject to all existing limitations and restrictions thereon; and shall collect the rates and charges provided for all such services;

~~16. 15.~~ To own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property and dispose of any or all such properties as is deemed appropriate by the Board. The Authority shall have the power of eminent domain to acquire property and easements as needed for its ~~various utility~~ electric power, light, water, and sewer services within the areas it provides or can provide such services. The power of eminent domain shall not include the power to acquire existing telecommunications, internet or cable facilities, which is expressly prohibited, and the Authority shall not accept or receive any telecommunications, internet or cable facilities from an entity that acquired such facilities by use of eminent domain *for the purpose of conveying them to the Authority*;

~~17. 16.~~ To purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee, or agent of the Authority and on behalf of the Authority itself against any liability asserted against it or him or incurred by it or him in any such capacity or arising out of his status as such;

~~18. 17.~~ To establish and charge such fees as it deems appropriate for attachment to or inclusion in the Authority's infrastructure, including but not limited to its poles, conduits, and ~~collocation~~ co-location sites, subject to all existing limitations and restrictions thereon;

~~19. 18.~~ To fund economic development projects and, in advance of economic development projects, to enter into contracts, to borrow money and to do all other such acts as will allow it to encourage and support economic development.

Before the Authority expends any funds for an economic development project that is funded in whole or in part by funds allocated by the Board pursuant to a power purchase agreement with the Tennessee Valley Authority, a determination shall be made that the electric system benefit is expected to be commensurate with the expenditure.

Within 30 days of the end of the Authority's fiscal year, the Authority shall publish on its website the details of any incentive awarded to an economic development project; and

~~20. 19.~~ To have police powers on all of the properties of the Authority within the Commonwealth, exercised through appointment of an armed conservator of the peace. The ~~President~~ president of the Authority may apply to the circuit court for any locality in which the Authority has property for the appointment of one or more special conservators of the peace under procedures specified by Chapter 2 (§ 19.2-12 et seq.) of Title 19.2 of the Code of Virginia or any successor provisions. Any such special conservator of the peace shall have, within the lands and facilities controlled by the Authority, the powers, functions, duties, responsibilities, and authority of any other armed conservator of the peace. Nothing in this section shall be construed to prevent the conservator of the peace currently serving Bristol Virginia Utilities from continuing as an armed special conservator of the peace for the Authority during the remainder of his term, if not removed for cause; *and*

20. To build or facilitate the building of, as the first broadband priority of the Authority, wired broadband infrastructure to serve residents in the Authority's lawful service area who are not served by any wired broadband service provider. The president of the Authority shall annually provide the Board with a report detailing (i) the number of requests for broadband services received from residents in unserved areas, (ii) the number of such requests for which the Authority has provided a connection to broadband services, and (iii) the costs of providing such broadband service.

B. The Authority is authorized to (i) operate only in Virginia and Tennessee; (ii) offer broadband services only in Sullivan, Unicoi, and Washington Counties, Tennessee; the City of Bristol, Virginia; and Bland, Buchanan, Dickenson, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties in Virginia, together with any towns located in such counties; and (iii) offer cable television services or other video services only within the electric utility service territory of

Bristol Virginia Utilities as it existed on December 31, 2009, in the City of Bristol, Virginia, Scott County, and Washington County, including within the Town of Abingdon. Notwithstanding the geographic limitations of this subsection, the Authority shall have the right to sell any of its non-electric utility services at wholesale to an independent third party in which the Authority has no ownership or management interest and no economic interest apart from the sale of utility services, to allow such independent third party to distribute and sell the utility services at retail in areas outside of the Authority's geographic limitations.

C. Whenever any grant, loan, or application for such grant or loan includes or refers to funding for broadband deployment, the Authority shall ensure that (i) funds are allocated to the maximum extent possible to projects that expand broadband deployment to areas, residents, or businesses that are unserved by wired broadband; (ii) in any funding of grants for broadband deployment that include areas already served by wired broadband, such areas already served are incidental to and are crossed only for the purpose of reaching an unserved area; and (iii) any broadband network built will be operated on an open-access basis, available to multiple broadband providers, with dark fibers and capacity sufficient for competitive broadband providers to lease the same from the Authority at commercially reasonable rates.

D. The Authority shall not seek to become or establish a wireless service authority under the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) or contract for services with such an authority.

E. The Authority shall not solicit or contract with any locality or other entity possessing the power of eminent domain in order to cause such a third party to exercise its power of eminent domain to acquire any easements or other property where the Authority itself lacks such power.

F. The Authority shall not have the power to make charitable donations.

§ 15.2-7208. Powers.

~~The~~ *Unless limited elsewhere in this chapter, the Authority shall have those powers possessed by the City of Bristol necessary and convenient for the provision of electric, water and sanitary sewer services, and those powers possessed by the Bristol Virginia Utilities Board and the division of the city known as Bristol Virginia Utilities as they existed on July 1, 2001, in the Charter of the City of Bristol, Virginia, and the general laws of the Commonwealth.* ~~The~~ *Unless limited elsewhere in this chapter, the Authority shall also possess all those powers, subject to the limitations and restrictions thereon, as granted to the City, the Bristol Virginia Utilities Board, and BVU by Chapter 479 of the Acts of Assembly of 2002, Chapters 539, 546, and 677 of the Acts of Assembly 2003, Chapter 586 of the Acts of Assembly of 2004, Chapter 258 of the Acts of Assembly of 2005, Chapters 607 and 682 of the Acts of Assembly of 2007, and Chapters 99 and 323 of the Acts of Assembly of 2008.*

§ 56-265.4:4. Certificate to operate as a telephone utility.

A. The Commission may grant certificates to competing telephone companies, or any county, city or town that operates an electric distribution system, for interexchange service where it finds that such action is justified by public interest, and is in accordance with such terms, conditions, limitations, and restrictions as may be prescribed by the Commission for competitive telecommunications services. A certificate to provide interexchange services shall not authorize the holder to provide local exchange services. The Commission may grant a certificate to a carrier, or any county, city or town that operates an electric distribution system, to furnish local exchange services as provided in subsection B.

B. 1. After notice to all local exchange carriers certificated in the Commonwealth and other interested parties and following an opportunity for hearing, the Commission may grant certificates to any telephone company, or any county, city or town that operates an electric distribution system, proposing to furnish local exchange telephone service in the Commonwealth. In determining whether to grant a certificate under this subsection, the Commission may require that the applicant show that it possesses sufficient technical, financial, and managerial resources. Before granting any such certificate, the Commission shall: (i) consider whether such action reasonably protects the affordability of basic local exchange telephone service, as such service is defined by the Commission, and reasonably assures the continuation of quality local exchange telephone service; and (ii) find that such action will not unreasonably prejudice or disadvantage any class of telephone company customers or telephone service providers, including the new entrant and any incumbent local exchange telephone company, and is in the public interest. Except as provided in subsection A of § 15.2-2160, all local exchange certificates granted by the Commission after July 1, 2002, shall be to provide service in any territory in the Commonwealth unless the applicant specifically requests a different certificated service territory. The Commission shall amend the certificated service territory of each local exchange carrier that was previously certificated to provide service in only part of the Commonwealth to permit such carrier's provision of local exchange service throughout the Commonwealth beginning on September 1, 2002, unless that local exchange carrier notifies the Commission prior to September 1, 2002, that it elects to retain its existing certificated service territory. A local exchange carrier shall only be considered an incumbent in any certificated service territory in which it was considered an incumbent prior to July 1, 2002, except that the Commission may make changes to a local exchange carrier's incumbent certificated service territory at the request of those incumbent local exchange carriers that are directly involved in a proposed change in the certificated service territory.

2. A Commission order, including appropriate findings of fact and conclusions of law, denying or approving, with or without modification, an application for certification of a new entrant shall be entered no more than 180 days from the filing of the application, except that the Commission, upon notice to all parties in interest, may extend that period in additional 30-day increments not to exceed an additional 90 days in all.

3. The Commission shall (i) promote and seek to assure the provision of competitive services to all classes of customers throughout all geographic areas of the Commonwealth by a variety of service providers; (ii) require equity in the

treatment of the certificated local exchange telephone companies so as to encourage competition based on service, quality, and price differences between alternative providers; (iii) consider the impact on competition of any government-imposed restrictions limiting the markets to be served or the services offered by any provider; (iv) determine the form of rate regulation, if any, for the local exchange services to be provided by the applicant and, upon application, the form of rate regulation for the comparable services of the incumbent local exchange telephone company provided in the geographical area to be served by the applicant; and (v) promulgate standards to assure that there is no cross-subsidization of the applicant's competitive local exchange telephone services by any other of its services over which it has a monopoly, whether or not those services are telephone services. The Commission shall also adopt safeguards to ensure that the prices charged and the revenue received by a county, city or town for providing telecommunications services shall not be cross-subsidized from other revenues of the county, city or town or affiliated entities, except (i) in areas where no offers exist from for-profit providers of such telecommunications services, or (ii) as authorized pursuant to subdivision 5 of this subsection.

4. The Commission shall discharge the responsibilities of state commissions as set forth in the federal Telecommunications Act of 1996 (P.L. 104-104) (the Act) and applicable law and regulations, including, but not limited to, the arbitration of interconnection agreements between local exchange carriers; however, the Commission may exercise its discretion to defer selected issues under the Act. If the Commission incurs additional costs in arbitrating such agreements or resolving related legal actions or disputes that cannot be recovered through the maximum levy authorized pursuant to § 58.1-2660, that levy shall be increased above the levy authorized by that section to the extent necessary to recover such additional costs.

5. Upon the Commission's granting of a certificate to a county, city or town under this section, such county, city, or town (i) shall be subject to regulation by the Commission for intrastate telecommunications services, (ii) shall have the same duties and obligations as other certificated providers of telecommunications services, (iii) shall separately account for the revenues, expenses, property, and source of investment dollars associated with the provision of such services, and (iv) to ensure that there is no unreasonable advantage gained from a government agency's taxing authority and control of government-owned land, shall charge an amount for such services that (a) does not include any subsidies, unless approved by the Commission, and (b) takes into account, by imputation or allocation, equivalent charges for all taxes, pole rentals, rights of way, licenses, and similar costs incurred by for-profit providers. Each certificated county, city, or town that provides telecommunications services regulated by the Commission shall file an annual report with the Commission demonstrating that the requirements of clauses (iii) and (iv) of this subdivision have been met. The Commission may approve a subsidy under this section if deemed to be in the public interest and provided that such subsidy does not result in a price for the service lower than the price for the same service charged by the incumbent provider in the area.

6. A locality that has obtained a certificate pursuant to this section shall (i) comply with all applicable laws and regulations for the provision of telecommunications services; (ii) make a reasonable estimate of the amount of all federal, state, and local taxes (including income taxes and consumer utility taxes) that would be required to be paid or collected for each fiscal year if the locality were a for-profit provider of telecommunications services, (iii) prepare reasonable estimates of the amount of any franchise fees and other state and local fees (including permit fees and pole rental fees), and right-of-way charges that would be incurred in each fiscal year if the locality were a for-profit provider of telecommunications services, (iv) prepare and publish annually financial statements in accordance with generally accepted accounting principles showing the results of operations of its provision of telecommunications services, and (v) maintain records demonstrating compliance with the provisions of this section that shall be made available for inspection and copying pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

7. Each locality that has obtained a certificate pursuant to this section shall provide nondiscriminatory access to for-profit providers of telecommunications services on a first-come, first-served basis to rights-of-way, poles, conduits or other permanent distribution facilities owned, leased or operated by the locality unless the facilities have insufficient capacity for such access and additional capacity cannot reasonably be added to the facilities.

8. The prices charged and the revenue received by a locality for providing telecommunications services shall not be cross-subsidized by other revenues of the locality or affiliated entities, except (i) in areas where no offers exist from for-profit providers of such telecommunications services, or (ii) as permitted by the provisions of subdivision ~~B~~ 5. The provisions of this subdivision shall not apply to Internet access, broadband, information, and data transmission services provided by any locality providing telecommunications services on March 1, 2002, *except for an authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.)*.

9. The Commission shall promulgate rules necessary to implement this section. In no event, however, shall the rules necessary to implement ~~subdivisions B clauses (iii) and (iv) of subdivision 5 iii and iv, B clauses (ii) through (v) of subdivision 6 ii through v, and B subdivision 8~~ impose any obligations on a locality that has obtained a certificate pursuant to this section, but is not yet providing telecommunications services regulated by the Commission.

10. Public records of a locality that has obtained a certificate pursuant to this section, which records contain confidential proprietary information or trade secrets pertaining to the provision of telecommunications service, shall be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.). As used in this subdivision, a public record contains confidential proprietary information or trade secrets if its acquisition by a competing provider of telecommunications services would provide the competing provider with a competitive benefit. *However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.)*.

C. Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of this title shall not apply to a county, city, or town that has obtained a certificate pursuant to this section.

D. Any county, city, or town that has obtained a certificate pursuant to this section may construct, own, maintain, and operate a fiber optic or communications infrastructure to provide consumers with Internet services, data transmission services, and any other communications service that its infrastructure is capable of delivering; provided, however, nothing in this subsection shall authorize the provision of cable television services or other multi-channel video programming service. Furthermore, nothing in this subsection shall alter the authority of the Commission.

E. Any county, city, or town that has obtained a certificate pursuant to this section and that had installed a cable television headend prior to December 31, 2002, is authorized to own and operate a cable television system or other multi-channel video programming service and shall be exempt from the provisions of §§ 15.2-2108.4 through 15.2-2108.8. Nothing in this subsection shall authorize the Commission to regulate cable television service.

2. That §§ 15.2-7205 and 15.2-7206 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-7205. Board of Directors; membership.

A. The powers of the Authority shall be vested in ~~an~~ the Authority Board of Directors consisting of ~~nine~~ five directors. The number of ~~Directors on the Board~~ ~~may~~ ~~directors~~ shall not be ~~increased~~ altered by the Authority Board.

B. The ~~Authority's~~ Authority Board; which will initially take office on July 1, 2010; shall be constituted as follows:

1. ~~Four~~ One director who is a citizen of the City of Bristol, Virginia, ~~citizen appointees and is not a member of the Bristol City Council, appointed by the Speaker of the House of Delegates.~~ The four Bristol, Virginia, citizen appointees currently on the Bristol Virginia Utilities Board are hereby directors on the Authority's Board and their respective terms are extended on the Authority Board as follows:

- a. The term ending June 30, 2010; will be extended to end June 30, 2014.
- b. The term ending June 30, 2011; will be extended to end June 30, 2015.
- c. The second term ending June 30, 2011; will be extended to end June 30, 2016.
- d. The term ending June 30, 2012; will be extended to end June 30, 2016.

Each of said members will thereafter be eligible for one additional consecutive four-year term pursuant to the limitation set forth herein.

2. ~~Two~~ members appointed by ~~One~~ director who is a member of the Bristol City Council who are members of, appointed by the Bristol City Council serving on the Bristol Virginia Utilities Board as of June 1, 2010. Such members shall to serve a four-year term; coterminous with their ~~his~~ term on the Council; ~~commencing~~ July 1, 2010. Should no present member of Council serving on the Bristol Virginia Utilities Board be a member of Council on that date, Council may appoint two other members of Council to serve on the initial Authority Board for a term that is coterminous with that member's term on Council.

3. One new Bristol, Virginia, citizen, who is not a city council member. Such citizen will be director who is a citizen of Washington County and is not a member of the Washington County Board of Supervisors, appointed by the Bristol, Virginia, City Council and shall serve a term from July 1, 2010; until June 30, 2015. *Senate Committee on Rules.*

4. One new member, a director who is a citizen of the City of Bristol, Virginia, citizen, appointed by the Bristol Virginia Utilities Board whose term will start July 1, 2010, and end June 30, 2014 who is engaged in business and is not a member of the Bristol City Council, appointed by the Authority Board. However, the first such director shall be appointed by the Bristol City Council for a term that ends the sooner of July 1, 2017, or the date upon which the Authority Board appoints a director to this position to serve the remainder of the initial four-year term. The Authority Board shall appoint a director to this position thereafter.

5. One director who is a member of the Board of Supervisors of Washington County, Virginia, who will be Board of Supervisors, appointed by ~~that~~ the Washington County Board of Supervisors to serve a four-year term coterminous with his or her term on the Board of Supervisors ~~commencing~~ July 1, 2010.

C. If any appointments to the initial Board are made prior to the effective date of this chapter, such appointments shall be deemed valid and effective as of such date. *The four-year term of all directors shall begin July 1, 2016. The term of Authority Board membership for any director thereafter shall be four years.*

D. The City Council shall elect, in addition to its Council members, three of the Bristol, Virginia, citizen Board members when the above terms expire. The remaining three Bristol, Virginia, citizen members will be elected by the Authority Board when the above terms expire. The City Council and the Authority Board will alternate electing persons to fill an expiring term until each has appointed the number it appoints to the Board. Any vacancy in a term shall be filled by the body making the original appointment and shall be for the remainder of the term. Said appointment shall be made within 30 days from the date the vacancy occurs.

E. The term of the Council members shall be for four years coterminous with those members' terms of office on the City Council. ~~Those City Council Members~~ Each director who is a member of the Bristol City Council or Washington County Board of Supervisors may serve as many terms as the City Council appointing governing body decides as long as the appointees are members. ~~appointee remains a member of the City Council relevant governing body.~~ The City Council governing body may appoint other members a different member of the City Council or Board of Supervisors at the end of any appointee's four-year Council or Board term or upon the exit of the Council member from the Council governing body. In the latter case, the Council Member will new appointee shall serve for the remainder of the term vacated by an exiting City Council member of the governing body.

F. All other directors shall serve four-year terms, except for the longer appointments to the initial Board. Those directors may serve a maximum of two terms and then must be off the Board for one full year before election to fill another full term or to fill the remainder of a vacated term.

G. E. If funds are available, each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his duties. Such expense allowance shall constitute a cost of operation and maintenance of such utility systems and shall be prorated among each of the systems it manages using the "3-Factor" "Three-Factor" allocation method approved by the Commission. The three factors consist of the percentages that each division comprises of total plant in service, total operating revenues, and total customer accounts. Once each operating division's percentage of each of the three factors is calculated, the sum of the three factors divided by 3 *three* results in the operating division's share of the total direct or indirect costs.

§ 15.2-7206. Organization; compensation.

A. The following provisions apply to the Board of Directors:

~~A simple majority~~ 1. Three of the directors ~~in office~~ shall constitute a quorum. No vacancy in the Board of Directors shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.

2. The Board of Directors shall hold regular meetings at such times and places as may be established by its bylaws. ~~The Board shall hold its meetings as provided in § 2.2-3707.~~

3. The Board of Directors shall hold its first organizational meeting on July 1, 2010.

~~Bylaws~~ 4. The Board shall adopt bylaws governing the conduct of business by the Board and the Authority. Proposed bylaws shall be made available before being duly adopted and published ~~at said~~ at each annual meeting. The Board is authorized to adopt bylaws governing the amendment of bylaws at any time.

~~Also at said meeting,~~ 5. The Board of Directors shall annually elect a chairman and a vice-chairman from its membership and a secretary of the Board from ~~either its membership or the staff of the Authority to take office as of that same date.~~ Thereafter the Board of Directors shall annually elect a chairman and a vice-chairman from its membership and a secretary from the staff of the Authority at its ~~June annual meeting;~~ to take office on the following July 1. The terms of such officers shall be for one year.

The Board of Directors shall continue to appoint and contract with a president and CEO to manage the operations of the Authority and a licensed attorney to serve as general counsel for the Authority, and the contracts with the president and general counsel of Bristol Virginia Utilities shall continue in effect and be binding upon the Authority. The Board of Directors shall also authorize the position of executive vice-president and CFO, to be filled and managed by the president. The president shall have the authority to hire, fire, and manage such staff as the president deems expedient to the operation of the Authority, subject to the availability of budgeted funds, and to assign such positions, titles, powers, and duties at such salaries as the president deems most effective for the efficient operation of the Authority.

Except for the purpose of inquiry, ~~the~~ 6. The Board and its individual members shall deal with Authority employees solely through the president. Neither the Board nor any member thereof shall ~~The Board shall not~~ give orders to any of the subordinates of the president, either publicly or privately. Any such orders or other interferences on the part of the Board or any of its members with subordinates or appointees of the president, instead of dealing or communicating directly with the president, are prohibited.

Neither shall the Board or any of its members 7. The Board shall not direct the appointment or removal of any person from any office or employment by Authority contractor or employee other than the president or any of his subordinates. Nothing herein shall be construed to limit or prohibit contact with the president and general counsel, both of whom report directly to the Board.

The Board of Directors shall make and, by recorded affirmative vote of three-fourths of all members, amend and repeal bylaws governing the manner in which the Authority's business may be transacted and in which the power granted to it may be enjoyed not inconsistent with this chapter. The initial set of such bylaws shall be adopted at the first regular meeting of the Board following the Board's first organizational meeting. The Board of Directors may appoint such committees as it may deem advisable and fix the duties and responsibilities of such committees. The Board of Directors shall have the power to request amendments to this chapter as set forth by the Code of Virginia that the Board deems necessary and expedient for the proper operation of the Authority.

8. The Board may appoint committees from among its membership in accordance with its bylaws.

9. No Board member shall receive any financial compensation for service on the Board. The Board may reimburse members for reasonable expenses they incur while serving on the Board. Any member seeking reimbursement shall itemize and document by receipts such expenses pursuant to subsection E of § 15.2-7205.

10. The Board shall adopt a travel and expense policy that applies to Board members and Authority employees and addresses what expenditures are appropriate in furtherance of the activities of the Authority.

11. The Board shall adopt a conflict of interest policy addressing the acceptance by Board members or Authority employees of gifts of travel or entertainment from any vendor that seeks or maintains a contract with the Authority.

12. Each member of the Board shall file with the president a disclosure form containing a statement of economic interests as provided in § 2.2-3117 according to the schedule required by § 2.2-3115.

B. The following provisions apply to the president:

1. The Board shall continue to appoint and contract with a president to manage the operations of the Authority, and the contract with the president that is in effect as of January 1, 2016, shall continue in effect and be binding upon the Authority.

2. *The term of the president's employment contract shall not exceed three years. The board may vote to renew the contract of the president for additional terms not to exceed three years each.*

3. *The president's employment contract shall not contain a severance payout upon termination amounting to more than 12 months of his base salary.*

4. *The president shall have the sole authority to hire, fire, and manage such staff and contractors as the president deems expedient to the operation of the Authority, subject to the availability of budgeted funds, and to assign such positions, titles, powers, and duties at such salaries as the president deems most effective for the efficient operation of the Authority.*

5. *The president shall not have the power to enter into an employment contract with any employee of the Authority unless the Board ratifies such contract by a majority vote in an open meeting. Such contract shall be subject to the term and severance payout restrictions applicable to the president's contract as provided in subdivisions 2 and 3.*

6. *The Board may appoint an employee as acting president during any period of vacancy. The Board shall advertise the vacancy of the presidency and accept applications from candidates interested in filling the vacancy.*

C. *The Board shall vote annually to retain outside legal counsel to advise the Authority on legal matters. The legal counsel shall be licensed to practice law in the Commonwealth, shall not be an employee of the Authority, and shall be separate from and independent of any legal counsel for the City of Bristol, Virginia, or Washington County. The legal counsel shall provide annual training to the Board on the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).*

D. *The Board may authorize the position of executive vice-president, to be filled and managed by the president.*

E. *Notwithstanding the quorum requirement in subsection A, any decision of the Board related to the provision, use, operation, or maintenance of water or sewer systems shall be made by a majority vote of the three members of the Board representing the City of Bristol, Virginia, and the director who is a member of the Washington County Board of Supervisors.*

3. That upon the completion of the transfer to a third party of ownership of the Authority's broadband service, commonly known as BVU OptiNet, the director who is a member of the Abingdon Town Council, appointed by the Abingdon Town Council, and the director who is a Scott County citizen and not a member of the Scott County Board of Supervisors, appointed by the Speaker of the House of Delegates, shall both be removed from their directorships, and the second enactment of this act shall become effective.

4. That § 15.2-2108.18 of the Code of Virginia is repealed.

5. That this act shall not be construed to affect the contract of employment existing between the BVU Authority or BVU Board of Directors and the Executive Vice-President and Chief Financial Officer of the BVU Authority as of the effective date of this act.

6. That the members of the Board of Directors of the BVU Authority in office on June 30, 2016, are hereby removed from office as of July 1, 2016. Notwithstanding the appointment of any director on or before July 1, 2010, or of his successor, any term of office begun before July 1, 2016, and scheduled to end after that date is hereby terminated. No person who was a member of the Board of Directors in office on June 30, 2016, shall be eligible for reappointment to the Board prior to July 1, 2018.

7. That no later than July 1, 2016, the Auditor of Public Accounts or his legally authorized representative shall examine the accounts and books of the BVU Authority.

8. That any sale or disposition of any of the Authority's assets shall be made in accordance with the BVU Authority Transition Agreement made between the City of Bristol, Virginia, and Bristol Virginia Utilities, dated November 2, 2009, as it may be amended, except to the extent necessary to comply with any federal tax laws.

9. That notwithstanding any contrary provision of law, general or special, the Bristol City Council shall, as of the effective date of this act, have the authority to make the appointment of a member of the Bristol City Council pursuant to subdivision B 2 of § 15.2-7205 of the Code of Virginia, as amended by this act, for the term ending July 1, 2020.

10. That notwithstanding any contrary provision of law, general or special, the Bristol City Council shall, as of the effective date of this act, have the authority to make the appointment of a citizen of the City of Bristol, Virginia, who is engaged in business and is not a member of the Bristol City Council pursuant to subdivision B 4 of § 15.2-7205 of the Code of Virginia, as amended by this act, for the term ending July 1, 2020.

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

CHAPTER 725

An Act to amend and reenact §§ 2.2-3705.6, 2.2-3711, 15.2-2160, 15.2-7202, 15.2-7203, 15.2-7205 through 15.2-7208, and 56-265.4:4 of the Code of Virginia and to repeal § 15.2-2108.18 of the Code of Virginia, relating to the BVU Authority.

[H 1255]

Approved April 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.6, 2.2-3711, 15.2-2160, 15.2-7202, 15.2-7203, 15.2-7205 through 15.2-7208, and 56-265.4:4 of the Code of Virginia are amended and reenacted as follows:

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
 2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
 3. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.
 4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
 5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
 6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
 7. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
 8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
 9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
 10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.
 11. a. Memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public-Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and
b. Records provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the records specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:
 1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
 2. Identifying with specificity the data or other materials for which protection is sought; and
 3. Stating the reasons why protection is necessary.
- The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the

responsible public entity, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education Facilities and Infrastructure Act of 2002.

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary records that are not generally available to the public through regulatory disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the records relate to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Documents and other information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

15. Records and reports related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. Records submitted as a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

18. Confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the records or portions thereof for which protection is sought, and (c) state the reasons why protection is necessary. *However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).*

19. Confidential proprietary records and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that records required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial records of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure

or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Documents and other information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Records submitted as a grant application, or accompanying a grant application, to the Tobacco Region Revitalization Commission to the extent such records contain (i) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (ii) financial records of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (iii) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other records prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data, records or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial records or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Records of the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if public disclosure would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records to the Authority; or

b. Records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected.

In order for the records specified in clauses (i), (ii), and (iii) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Documents and other information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Documents and other information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if the records were made public, the financial interest of the public-use airport would be adversely affected.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
2. Identifying with specificity the data or other materials for which protection is sought; and
3. Stating the reasons why protection is necessary.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or

marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This exemption shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6. *However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).*

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system,

acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 15.2-2160. Provision of telecommunications services.

A. Any locality that operates an electric distribution system may provide telecommunications services, including local exchange telephone service as defined in § 56-1, within or outside its boundaries if the locality obtains a certificate pursuant to § 56-265.4:4. Such locality may provide telecommunications services within any locality in which it has electric distribution system facilities as of March 1, 2002. Any locality providing telecommunications services on March 1, 2002, may provide telecommunications, Internet access, broadband, information, and data transmission services within any locality within 75 miles of the geographic boundaries of its electric distribution system as such system existed on March 1, 2002. *The BVU Authority may provide telecommunications, Internet access, broadband, information, and data transmission services as provided in the BVU Authority Act (§ 15.2-7200 et seq.).*

B. A locality that has obtained a certificate pursuant to § 56-265.4:4 shall (i) comply with all applicable laws and regulations for the provision of telecommunications services; (ii) make a reasonable estimate of the amount of all federal, state, and local taxes (including income taxes and consumer utility taxes) that would be required to be paid or collected for each fiscal year if the locality were a for-profit provider of telecommunications services, (iii) prepare reasonable estimates of the amount of any franchise fees and other state and local fees (including permit fees and pole rental fees), and right-of-way charges that would be incurred in each fiscal year if the locality were a for-profit provider of telecommunications services, (iv) prepare and publish annually financial statements in accordance with generally accepted accounting principles showing the results of operations of its provision of telecommunications services, and (v) maintain records demonstrating compliance with the provisions of this section that shall be made available for inspection and copying pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

C. Each locality that has obtained a certificate pursuant to § 56-265.4:4 shall provide nondiscriminatory access to for-profit providers of telecommunications services on a first-come, first-served basis to rights-of-way, poles, conduits or other permanent distribution facilities owned, leased or operated by the locality unless the facilities have insufficient capacity for such access and additional capacity cannot reasonably be added to the facilities.

D. The prices charged and the revenue received by a locality for providing telecommunications services shall not be cross-subsidized by other revenues of the locality or affiliated entities, except (i) in areas where no offers exist from for-profit providers of such telecommunications services, or (ii) as permitted by the provisions of subdivision B 5 of § 56-265.4:4. The provisions of this subsection shall not apply to Internet access, broadband, information, and data transmission services provided by any locality providing telecommunications services on March 1, 2002.

E. No locality providing such services shall acquire by eminent domain the facilities or other property of any telecommunications service provider to offer cable, telephone, data transmission or other information or online programming services.

F. Public records of a locality that has obtained a certificate pursuant to § 56-265.4:4, which records contain confidential proprietary information or trade secrets pertaining to the provision of telecommunications service, shall be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.). As used in this subsection, a public record contains confidential proprietary information or trade secrets if its acquisition by a competing provider of telecommunications services would provide the competing provider with a competitive benefit. *However, the exemption provided by this subsection shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.).*

G. As used in this section, "locality" shall mean any county, city, town, authority, or other governmental entity which provides or seeks to provide telecommunications services. Every locality shall comply with the requirements of § 56-265.4:4 or 56-484.7:1 unless otherwise specifically exempt. Any locality that has obtained a certificate pursuant to § 56-265.4:4, and which surrenders or transfers such certificate shall continue to remain subject to subsections C, D, and E if any substantial part of its telecommunications assets or operations are transferred to an entity in which the locality has the right to appoint board members, directors, or managers.

§ 15.2-7202. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Authority" means the BVU Authority created by entity conversion of Bristol Virginia Utilities by this chapter.

"Board," "Authority Board," or "Board of Directors" means the governing body of the Authority.

"Bonds" means any bonds, notes, debentures, bond acceptance notes, or other evidence of financial indebtedness either issued or assumed by the Authority pursuant to this chapter.

"Bristol Virginia Utilities Board" means the Board of Directors of Bristol Virginia Utilities governing that entity until the Authority Board takes office on July 1, 2010.

"City" means the City of Bristol, Virginia.

"City Council" means the City Council of the City of Bristol, Virginia.

"Commission" means the Virginia State Corporation Commission.

"Commonwealth" means the Commonwealth of Virginia.

"Infrastructure" means all property, whether attached to real property or not, now used by Bristol Virginia Utilities and hereafter used by the Authority for the provision of (i) electric, water, sewer, telecommunications, internet, and cable television services and (ii) all other utility, management, and consulting services the Authority may lawfully provide.

"MLEC" means any city, county, or town certificated to provide local exchange and/or interexchange telecommunications services pursuant to § 56-265.4:4 and any authority granted such powers pursuant to § 15.2-7209.

"Political subdivision" means, *when referring to an entity other than the Authority*, a locality, authority, or other public body of the Commonwealth or of any state in which the Authority does business.

"Utility," "utilities," or "utility services" means and includes electric, water, sewer, and telecommunications, internet and cable television services, including all other services that might be lawfully rendered by use of its fiber optic system.

§ 15.2-7203. BVU Authority; operating name or names.

The name of the Authority shall be "BVU Authority."

The BVU Authority is hereby authorized to operate under the names BVU, BVU OptiNet, CPC OptiNet, and BVU Focus. The name of the Authority and any division or operating name may be changed upon approval of a simple majority of the Board of Directors. The Board of Directors may adopt additional operating names in the future. ~~If it does so, # The Authority shall comply with requisite fictitious name recording requirements for any areas in which it is doing business.~~

§ 15.2-7205. Board of Directors; membership.

A. The powers of the Authority shall be vested in ~~an~~ the Authority Board of Directors consisting of ~~nine~~ seven directors. The number of ~~Directors on the Board may~~ directors shall not be ~~increased~~ altered by the Authority Board.

B. ~~The Authority's Authority Board, which~~ will initially take office on July 1, 2010. ~~However, beginning on July 1, 2016, the Authority Board shall be constituted as follows:~~

1. ~~Four~~ One director who is a citizen of the City of Bristol, Virginia, ~~citizen appointees and is not a member of the Bristol City Council, appointed by the Speaker of the House of Delegates. The four Bristol, Virginia, citizen appointees currently on the Bristol Virginia Utilities Board are hereby directors on the Authority's Board and their respective terms are extended on the Authority Board as follows:~~

a. ~~The term ending June 30, 2010, will be extended to end June 30, 2014.~~

- b. The term ending June 30, 2011, will be extended to end June 30, 2015.
- e. The second term ending June 30, 2011, will be extended to end June 30, 2016.
- d. The term ending June 30, 2012, will be extended to end June 30, 2016.

Each of said members will thereafter be eligible for one additional consecutive four-year term pursuant to the limitation set forth herein.

2. ~~Two members appointed by One director who is a member of the Bristol City Council who are members of, appointed by the Bristol City Council serving on the Bristol Virginia Utilities Board as of June 1, 2010. Such members shall to serve a four-year term, coterminous with their his term on the Council, commencing July 1, 2010. Should no present member of Council serving on the Bristol Virginia Utilities Board be a member of Council on that date, Council may appoint two other members of Council to serve on the initial Authority Board for a term that is coterminous with that member's term on Council.~~

3. ~~One new Bristol, Virginia, citizen, who is not a city council member. Such citizen will be director who is a citizen of Washington County and is not a member of the Washington County Board of Supervisors, appointed by the Bristol, Virginia, City Council and shall serve a term from July 1, 2010, until June 30, 2015 Senate Committee on Rules.~~

4. ~~One new member, a director who is a citizen of the City of Bristol, Virginia, citizen, appointed by the Bristol Virginia Utilities Board whose term will start July 1, 2010, and end June 30, 2014 who is engaged in business and is not a member of the Bristol City Council, appointed by the Authority Board. However, the first such director shall be appointed by the Bristol City Council for a term that ends the sooner of July 1, 2017, or the date upon which the Authority Board appoints a director to this position to serve the remainder of the initial four-year term. The Authority Board shall appoint a director to this position thereafter.~~

5. ~~One director who is a member of the Board of Supervisors of Washington County, Virginia, who will be Board of Supervisors, appointed by that the Washington County Board of Supervisors to serve a four-year term coterminous with his or her term on the Board of Supervisors commencing July 1, 2010.~~

6. ~~One director who is a member of the Abingdon Town Council, appointed by the Abingdon Town Council to serve a four-year term coterminous with his term on the Town Council.~~

7. ~~One director who is a Scott County citizen and is not a member of the Scott County Board of Supervisors, appointed by the Speaker of the House of Delegates.~~

C. ~~If any appointments to the initial Board are made prior to the effective date of this chapter, such appointments shall be deemed valid and effective as of such date. The four-year term of all directors shall begin July 1, 2016. The term of Authority Board membership for any director thereafter shall be four years.~~

D. ~~The City Council shall elect, in addition to its Council members, three of the Bristol, Virginia, citizen Board members when the above terms expire. The remaining three Bristol, Virginia, citizen members will be elected by the Authority Board when the above terms expire. The City Council and the Authority Board will alternate electing persons to fill an expiring term until each has appointed the number it appoints to the Board. Any vacancy in a term shall be filled by the body making the original appointment and shall be for the remainder of the term. Said appointment shall be made within 30 days from the date the vacancy occurs.~~

E. ~~The term of the Council members shall be for four years coterminous with those members' terms of office on the City Council. Those City Council Members Each director who is a member of the Abingdon Town Council, Bristol City Council, or Washington County Board of Supervisors may serve as many terms as the City Council appointing governing body decides as long as the appointees are members. appointee remains a member of the City Council relevant governing body. The City Council governing body may appoint other members a different member of the City Council or Board of Supervisors at the end of any appointee's four-year Council or Board term or upon the exit of the Council member from the Council governing body. In the latter case, the Council Member will new appointee shall serve for the remainder of the term vacated by an exiting City Council member of the governing body.~~

F. ~~All other directors shall serve four-year terms, except for the longer appointments to the initial Board. Those directors may serve a maximum of two terms and then must be off the Board for one full year before election to fill another full term or to fill the remainder of a vacated term.~~

G. ~~E. If funds are available, each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his duties. Such expense allowance shall constitute a cost of operation and maintenance of such utility systems and shall be prorated among each of the systems it manages using the "3-Factor" "Three-Factor" allocation method approved by the Commission. The three factors consist of the percentages that each division comprises of total plant in service, total operating revenues, and total customer accounts. Once each operating division's percentage of each of the three factors is calculated, the sum of the three factors divided by 3 three results in the operating division's share of the total direct or indirect costs.~~

§ 15.2-7206. Organization; compensation.

A. ~~The following provisions apply to the Board of Directors:~~

~~A simple majority 1. Five of the directors in office shall constitute a quorum. No vacancy in the Board of Directors shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.~~

~~2. The Board of Directors shall hold regular meetings at such times and places as may be established by its bylaws. The Board shall hold its meetings as provided in § 2.2-3707.~~

~~3. The Board of Directors shall hold its first organizational meeting on July 1, 2010.~~

~~Bylaws 4. The Board shall adopt bylaws governing the conduct of business by the Board and the Authority. Proposed bylaws shall be made available before being duly adopted and published at said at each annual meeting. The Board is authorized to adopt bylaws governing the amendment of bylaws at any time.~~

~~Also at said meeting, the 5. The Board of Directors shall annually elect a chairman and a vice-chairman from its membership and a secretary of the Board from either its membership or the staff of the Authority to take office as of that same date. Thereafter the Board of Directors shall annually elect a chairman and a vice-chairman from its membership and a secretary from the staff of the Authority at its June annual meeting, to take office on the following July 1. The terms of such officers shall be for one year.~~

~~The Board of Directors shall continue to appoint and contract with a president and CEO to manage the operations of the Authority and a licensed attorney to serve as general counsel for the Authority, and the contracts with the president and general counsel of Bristol Virginia Utilities shall continue in effect and be binding upon the Authority. The Board of Directors shall also authorize the position of executive vice-president and CFO, to be filled and managed by the president. The president shall have the authority to hire, fire, and manage such staff as the president deems expedient to the operation of the Authority, subject to the availability of budgeted funds, and to assign such positions, titles, powers, and duties at such salaries as the president deems most effective for the efficient operation of the Authority.~~

~~Except for the purpose of inquiry, the 6. The Board and its individual members shall deal with Authority employees solely through the president. Neither the Board nor any member thereof shall The Board shall not give orders to any of the subordinates of the president, either publicly or privately. Any such orders or other interferences on the part of the Board or any of its members with subordinates or appointees of the president, instead of dealing or communicating directly with the president, are prohibited.~~

~~Neither shall the Board or any of its members 7. The Board shall not direct the appointment or removal of any person from any office or employment by Authority contractor or employee other than the president or any of his subordinates. Nothing herein shall be construed to limit or prohibit contact with the president and general counsel, both of whom report directly to the Board.~~

~~The Board of Directors shall make and, by recorded affirmative vote of three-fourths of all members, amend and repeal bylaws governing the manner in which the Authority's business may be transacted and in which the power granted to it may be enjoyed not inconsistent with this chapter. The initial set of such bylaws shall be adopted at the first regular meeting of the Board following the Board's first organizational meeting. The Board of Directors may appoint such committees as it may deem advisable and fix the duties and responsibilities of such committees. The Board of Directors shall have the power to request amendments to this chapter as set forth by the Code of Virginia that the Board deems necessary and expedient for the proper operation of the Authority.~~

~~8. The Board may appoint committees from among its membership in accordance with its bylaws.~~

~~9. No Board member shall receive any financial compensation for service on the Board. The Board may reimburse members for reasonable expenses they incur while serving on the Board. Any member seeking reimbursement shall itemize and document by receipts such expenses pursuant to subsection E of § 15.2-7205.~~

~~10. The Board shall adopt a travel and expense policy that applies to Board members and Authority employees and addresses what expenditures are appropriate in furtherance of the activities of the Authority.~~

~~11. The Board shall adopt a conflict of interest policy addressing the acceptance by Board members or Authority employees of gifts of travel or entertainment from any vendor that seeks or maintains a contract with the Authority.~~

~~12. Each member of the Board shall file with the president a disclosure form containing a statement of economic interests as provided in § 2.2-3117 according to the schedule required by § 2.2-3115.~~

~~B. The following provisions apply to the president:~~

~~1. The Board shall continue to appoint and contract with a president to manage the operations of the Authority, and the contract with the president that is in effect as of January 1, 2016, shall continue in effect and be binding upon the Authority.~~

~~2. The term of the president's employment contract shall not exceed three years. The board may vote to renew the contract of the president for additional terms not to exceed three years each.~~

~~3. The president's employment contract shall not contain a severance payout upon termination amounting to more than 12 months of his base salary.~~

~~4. The president shall have the sole authority to hire, fire, and manage such staff and contractors as the president deems expedient to the operation of the Authority, subject to the availability of budgeted funds, and to assign such positions, titles, powers, and duties at such salaries as the president deems most effective for the efficient operation of the Authority.~~

~~5. The president shall not have the power to enter into an employment contract with any employee of the Authority unless the Board ratifies such contract by a majority vote in an open meeting. Such contract shall be subject to the term and severance payout restrictions applicable to the president's contract as provided in subdivisions 2 and 3.~~

~~6. The Board may appoint an employee as acting president during any period of vacancy. The Board shall advertise the vacancy of the presidency and accept applications from candidates interested in filling the vacancy.~~

~~C. The Board shall vote annually to retain outside legal counsel to advise the Authority on legal matters. The legal counsel shall be licensed to practice law in the Commonwealth, shall not be an employee of the Authority, and shall be separate from and independent of any legal counsel for the City of Bristol, Scott County, or Washington County. The legal counsel shall provide annual training to the Board on the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).~~

D. The Board may authorize the position of executive vice-president, to be filled and managed by the president.

E. Notwithstanding the quorum requirement in subsection A, any decision of the Board related to the provision, use, operation, or maintenance of water or sewer systems shall be made by a majority vote of the three members of the Board representing the City of Bristol, Virginia, and the director who is a member of the Washington County Board of Supervisors.

§ 15.2-7207. Powers generally.

A. The Authority is hereby granted all powers *reasonably* necessary or appropriate to carry out the purposes of this chapter in order to provide electric, water, sewer, and telecommunication and related services, including without limitation, cable television internet, and all other services that might be lawfully rendered by use of the Authority's fiber optic system, subject to all ~~existing~~ *applicable* limitations and restrictions thereon. Such powers include, without limitation, except as set forth hereafter, the following:

1. To adopt bylaws for the regulation of its affairs and the conduct of its business;
2. To sue and be sued in the Authority's name;
3. ~~To have perpetual succession;~~
- ~~4.~~ To adopt a corporate seal and alter the same at its pleasure;
- ~~5.~~ 4. To maintain offices at such places as it may designate;
- ~~6.~~ 5. To appoint, employ, or engage such officers, employees, architects, engineers, attorneys, accountants, financial advisors, investment bankers, and other advisors, consultants, and agents as may be necessary or appropriate, and to fix their duties and compensation;
- ~~7.~~ 6. To establish personnel rules;
- ~~8.~~ 7. To make, assume, and enter into all contracts, leases, and arrangements necessary or incidental to the exercise of its powers, including contracts for the management or operation of all or any part of its facilities;
- ~~9.~~ 8. To borrow money, as hereinafter provided, and to borrow money for the purpose of meeting casual deficits in its revenues;
- ~~10.~~ 9. To provide electric, water, sewer, and telecommunication and related services, including without limitation, cable television, internet, and all other services that might be lawfully rendered by use of the Authority's fiber optic system as set forth in § 15.2-7208 subject to all ~~existing~~ *applicable* restrictions and limitations thereon;
- ~~11.~~ 10. To determine fees, rates, and charges for the services and products it provides, subject only to such state or federal regulation as the Tennessee Valley Authority (TVA) or other cognizant state or federal agency may impose by order, rulemaking, contract or otherwise, including, without limitation, electric, water and sewer, and internet and cable television services, including all other services that might be rendered by use of its fiber optic system, furnished by the Authority. MLEC telephone service, including rates, is regulated by the Commission. All rate increases for services other than electric, which are set by the TVA, and telephone, which are set by the Commission and applicable law, shall require a favorable vote at two meetings, one of which must be a regular meeting of the BVU Authority Board:

~~The Authority may assess such rates and charges for such services or products in such manner mutatis mutandis as BVU or the City has the authority to do so at present subject to the same restrictions and limitations thereon;~~

~~12.~~ 11. To adopt, amend, and repeal rules and regulations for the use, maintenance, and operation of its facilities and utility services and governing the conduct of persons and organizations using its facilities or obtaining its utility services and to enforce such rules and regulations and all other rules, regulations, ordinances, and statutes relating to its facilities and services, as authorized by the enacting body of such rules, regulations, ordinances, and statutes. The civil penalty for violation of any such rules and regulations shall be set forth in the rules and may be enforced by the Authority by direct action in terminating services and by the imposition of monetary penalties to be billed to the customer. The Authority may request the governing body of each locality in which it does business to impose by ordinance such penal liability for violation of such rules and regulations as such body deems appropriate;

~~13.~~ ~~12.~~ *Subject to subdivision 20, to apply for and accept gifts or grants of money or gifts, grants or loans of other property or other financial assistance from the United States of America and agencies and instrumentalities thereof, this Commonwealth and political subdivisions, agencies and instrumentalities thereof, or any other person or entity, for or in aid of the construction, acquisition, ownership, operation, maintenance, or repair of its infrastructure or for the payment of principal of any indebtedness of the Authority, interest thereon, or other cost incident thereto, or for the operation of any of its services, or for any other purpose of the Authority, and to this end the Authority shall have the power to render such services, comply with such conditions, and execute such agreements and legal instruments as may be necessary, convenient or desirable or imposed as a condition to such financial aid;*

~~14.~~ 13. Subject to subdivision ~~16~~ 15 and all existing limitations and restrictions thereon, to acquire, establish, construct, enlarge, improve, maintain, equip, operate, and regulate electric, water, sewer, telecommunications, internet and cable television services, including all other services that might be rendered by use of its fiber optic system, and other infrastructure and facilities that are owned or managed by the Authority within the territorial areas in which it operates or provides services;

~~15.~~ 14. To construct, install, maintain, and operate facilities and infrastructure for managing its utility, consulting and operational management services. The Authority shall have the power and duty to manage and operate the electric, public lighting, water, sewerage, telecommunications, internet and cable television services, including all other services that might be rendered by use of its fiber optic system directly subject to all existing limitations and restrictions thereon, or it may subcontract such functions. The Authority shall construct, maintain, and operate all facilities necessary thereto; shall sell

and distribute to the public electric power, light, water, sewer, telecommunications, internet and cable television, and other services as they now exist or may exist in the future subject to all existing limitations and restrictions thereon; and shall collect the rates and charges provided for all such services;

~~16-15.~~ To own, purchase, lease, obtain options upon, acquire by gift, grant, or bequest or otherwise acquire any property, real or personal, or any interest therein, and in connection therewith to assume or take subject to any indebtedness secured by such property and dispose of any or all such properties as is deemed appropriate by the Board. The Authority shall have the power of eminent domain to acquire property and easements as needed for its ~~various utility~~ *electric power, light, water, and sewer* services within the areas it provides or can provide such services. The power of eminent domain shall not include the power to acquire existing telecommunications, internet or cable facilities, which is expressly prohibited, and the Authority shall not accept or receive any telecommunications, internet or cable facilities from an entity that acquired such facilities by use of eminent domain *for the purpose of conveying them to the Authority*;

~~17-16.~~ To purchase and maintain insurance or provide indemnification on behalf of any person who is or was a director, officer, employee, or agent of the Authority and on behalf of the Authority itself against any liability asserted against it or him or incurred by it or him in any such capacity or arising out of his status as such;

~~18-17.~~ To establish and charge such fees as it deems appropriate for attachment to or inclusion in the Authority's infrastructure, including but not limited to its poles, conduits, and ~~collocation~~ *co-location* sites, subject to all existing limitations and restrictions thereon;

~~19-18.~~ To fund economic development projects and, in advance of economic development projects, to enter into contracts, to borrow money and to do all other such acts as will allow it to encourage and support economic development.

Before the Authority expends any funds for an economic development project that is funded in whole or in part by funds allocated by the Board pursuant to a power purchase agreement with the Tennessee Valley Authority, a determination shall be made that the electric system benefit is expected to be commensurate with the expenditure.

Within 30 days of the end of the Authority's fiscal year, the Authority shall publish on its website the details of any incentive awarded to an economic development project; and

~~20-19.~~ To have police powers on all of the properties of the Authority within the Commonwealth, exercised through appointment of an armed conservator of the peace. The ~~President~~ *president* of the Authority may apply to the circuit court for any locality in which the Authority has property for the appointment of one or more special conservators of the peace under procedures specified by Chapter 2 (§ 19.2-12 et seq.) of Title 19.2 ~~of the Code of Virginia~~ or any successor provisions. Any such special conservator of the peace shall have, within the lands and facilities controlled by the Authority, the powers, functions, duties, responsibilities, and authority of any other armed conservator of the peace. Nothing in this section shall be construed to prevent the conservator of the peace currently serving Bristol Virginia Utilities from continuing as an armed special conservator of the peace for the Authority during the remainder of his term, if not removed for cause; *and*

20. To build or facilitate the building of, as the first broadband priority of the Authority, wired broadband infrastructure to serve residents in the Authority's lawful service area who are not served by any wired broadband service provider. The president of the Authority shall annually provide the Board with a report detailing (i) the number of requests for broadband services received from residents in unserved areas, (ii) the number of such requests for which the Authority has provided a connection to broadband services, and (iii) the costs of providing such broadband service.

B. The Authority is authorized to (i) operate only in Virginia and Tennessee; (ii) offer broadband services only in Sullivan, Unicoi, and Washington Counties, Tennessee; the City of Bristol, Virginia; and Bland, Buchanan, Dickenson, Russell, Scott, Smyth, Tazewell, Washington, Wise, and Wythe Counties in Virginia, together with any towns located in such counties; and (iii) offer cable television services or other video services only within the electric utility service territory of Bristol Virginia Utilities as it existed on December 31, 2009, in the City of Bristol, Virginia, Scott County, and Washington County, including within the Town of Abingdon. Notwithstanding the geographic limitations of this subsection, the Authority shall have the right to sell any of its non-electric utility services at wholesale to an independent third party in which the Authority has no ownership or management interest and no economic interest apart from the sale of utility services, to allow such independent third party to distribute and sell the utility services at retail in areas outside of the Authority's geographic limitations.

C. Whenever any grant, loan, or application for such grant or loan includes or refers to funding for broadband deployment, the Authority shall ensure that (i) funds are allocated to the maximum extent possible to projects that expand broadband deployment to areas, residents, or businesses that are unserved by wired broadband; (ii) in any funding of grants for broadband deployment that include areas already served by wired broadband, such areas already served are incidental to and are crossed only for the purpose of reaching an unserved area; and (iii) any broadband network built will be operated on an open-access basis, available to multiple broadband providers, with dark fibers and capacity sufficient for competitive broadband providers to lease the same from the Authority at commercially reasonable rates.

D. The Authority shall not seek to become or establish a wireless service authority under the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) or contract for services with such an authority.

E. The Authority shall not solicit or contract with any locality or other entity possessing the power of eminent domain in order to cause such a third party to exercise its power of eminent domain to acquire any easements or other property where the Authority itself lacks such power.

F. The Authority shall not have the power to make charitable donations.

§ 15.2-7208. Powers.

~~The~~ *Unless limited elsewhere in this chapter, the* Authority shall have those powers possessed by the City of Bristol necessary and convenient for the provision of electric, water and sanitary sewer services, and those powers possessed by the Bristol Virginia Utilities Board and the division of the city known as Bristol Virginia Utilities as they existed on July 1, 2001, in the Charter of the City of Bristol, Virginia, and the general laws of the Commonwealth. ~~The~~ *Unless limited elsewhere in this chapter, the* Authority shall also possess all those powers, subject to the limitations and restrictions thereon, as granted to the City, the Bristol Virginia Utilities Board, and BVU by Chapter 479 of the Acts of Assembly of 2002, Chapters 539, 546, and 677 of the Acts of Assembly 2003, Chapter 586 of the Acts of Assembly of 2004, Chapter 258 of the Acts of Assembly of 2005, Chapters 607 and 682 of the Acts of Assembly of 2007, and Chapters 99 and 323 of the Acts of Assembly of 2008.

§ 56-265.4:4. Certificate to operate as a telephone utility.

A. The Commission may grant certificates to competing telephone companies, or any county, city or town that operates an electric distribution system, for interexchange service where it finds that such action is justified by public interest, and is in accordance with such terms, conditions, limitations, and restrictions as may be prescribed by the Commission for competitive telecommunications services. A certificate to provide interexchange services shall not authorize the holder to provide local exchange services. The Commission may grant a certificate to a carrier, or any county, city or town that operates an electric distribution system, to furnish local exchange services as provided in subsection B.

B. 1. After notice to all local exchange carriers certificated in the Commonwealth and other interested parties and following an opportunity for hearing, the Commission may grant certificates to any telephone company, or any county, city or town that operates an electric distribution system, proposing to furnish local exchange telephone service in the Commonwealth. In determining whether to grant a certificate under this subsection, the Commission may require that the applicant show that it possesses sufficient technical, financial, and managerial resources. Before granting any such certificate, the Commission shall: (i) consider whether such action reasonably protects the affordability of basic local exchange telephone service, as such service is defined by the Commission, and reasonably assures the continuation of quality local exchange telephone service; and (ii) find that such action will not unreasonably prejudice or disadvantage any class of telephone company customers or telephone service providers, including the new entrant and any incumbent local exchange telephone company, and is in the public interest. Except as provided in subsection A of § 15.2-2160, all local exchange certificates granted by the Commission after July 1, 2002, shall be to provide service in any territory in the Commonwealth unless the applicant specifically requests a different certificated service territory. The Commission shall amend the certificated service territory of each local exchange carrier that was previously certificated to provide service in only part of the Commonwealth to permit such carrier's provision of local exchange service throughout the Commonwealth beginning on September 1, 2002, unless that local exchange carrier notifies the Commission prior to September 1, 2002, that it elects to retain its existing certificated service territory. A local exchange carrier shall only be considered an incumbent in any certificated service territory in which it was considered an incumbent prior to July 1, 2002, except that the Commission may make changes to a local exchange carrier's incumbent certificated service territory at the request of those incumbent local exchange carriers that are directly involved in a proposed change in the certificated service territory.

2. A Commission order, including appropriate findings of fact and conclusions of law, denying or approving, with or without modification, an application for certification of a new entrant shall be entered no more than 180 days from the filing of the application, except that the Commission, upon notice to all parties in interest, may extend that period in additional 30-day increments not to exceed an additional 90 days in all.

3. The Commission shall (i) promote and seek to assure the provision of competitive services to all classes of customers throughout all geographic areas of the Commonwealth by a variety of service providers; (ii) require equity in the treatment of the certificated local exchange telephone companies so as to encourage competition based on service, quality, and price differences between alternative providers; (iii) consider the impact on competition of any government-imposed restrictions limiting the markets to be served or the services offered by any provider; (iv) determine the form of rate regulation, if any, for the local exchange services to be provided by the applicant and, upon application, the form of rate regulation for the comparable services of the incumbent local exchange telephone company provided in the geographical area to be served by the applicant; and (v) promulgate standards to assure that there is no cross-subsidization of the applicant's competitive local exchange telephone services by any other of its services over which it has a monopoly, whether or not those services are telephone services. The Commission shall also adopt safeguards to ensure that the prices charged and the revenue received by a county, city or town for providing telecommunications services shall not be cross-subsidized from other revenues of the county, city or town or affiliated entities, except (i) in areas where no offers exist from for-profit providers of such telecommunications services, or (ii) as authorized pursuant to subdivision 5 of ~~this subsection~~.

4. The Commission shall discharge the responsibilities of state commissions as set forth in the federal Telecommunications Act of 1996 (P.L. 104-104) (the Act) and applicable law and regulations, including, but not limited to, the arbitration of interconnection agreements between local exchange carriers; however, the Commission may exercise its discretion to defer selected issues under the Act. If the Commission incurs additional costs in arbitrating such agreements or resolving related legal actions or disputes that cannot be recovered through the maximum levy authorized pursuant to § 58.1-2660, that levy shall be increased above the levy authorized by that section to the extent necessary to recover such additional costs.

5. Upon the Commission's granting of a certificate to a county, city or town under this section, such county, city, or town (i) shall be subject to regulation by the Commission for intrastate telecommunications services, (ii) shall have the

same duties and obligations as other certificated providers of telecommunications services, (iii) shall separately account for the revenues, expenses, property, and source of investment dollars associated with the provision of such services, and (iv) to ensure that there is no unreasonable advantage gained from a government agency's taxing authority and control of government-owned land, shall charge an amount for such services that (a) does not include any subsidies, unless approved by the Commission, and (b) takes into account, by imputation or allocation, equivalent charges for all taxes, pole rentals, rights of way, licenses, and similar costs incurred by for-profit providers. Each certificated county, city, or town that provides telecommunications services regulated by the Commission shall file an annual report with the Commission demonstrating that the requirements of clauses (iii) and (iv) of this subdivision have been met. The Commission may approve a subsidy under this section if deemed to be in the public interest and provided that such subsidy does not result in a price for the service lower than the price for the same service charged by the incumbent provider in the area.

6. A locality that has obtained a certificate pursuant to this section shall (i) comply with all applicable laws and regulations for the provision of telecommunications services; (ii) make a reasonable estimate of the amount of all federal, state, and local taxes (including income taxes and consumer utility taxes) that would be required to be paid or collected for each fiscal year if the locality were a for-profit provider of telecommunications services, (iii) prepare reasonable estimates of the amount of any franchise fees and other state and local fees (including permit fees and pole rental fees), and right-of-way charges that would be incurred in each fiscal year if the locality were a for-profit provider of telecommunications services, (iv) prepare and publish annually financial statements in accordance with generally accepted accounting principles showing the results of operations of its provision of telecommunications services, and (v) maintain records demonstrating compliance with the provisions of this section that shall be made available for inspection and copying pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

7. Each locality that has obtained a certificate pursuant to this section shall provide nondiscriminatory access to for-profit providers of telecommunications services on a first-come, first-served basis to rights-of-way, poles, conduits or other permanent distribution facilities owned, leased or operated by the locality unless the facilities have insufficient capacity for such access and additional capacity cannot reasonably be added to the facilities.

8. The prices charged and the revenue received by a locality for providing telecommunications services shall not be cross-subsidized by other revenues of the locality or affiliated entities, except (i) in areas where no offers exist from for-profit providers of such telecommunications services, or (ii) as permitted by the provisions of subdivision ~~B~~ 5. The provisions of this subdivision shall not apply to Internet access, broadband, information, and data transmission services provided by any locality providing telecommunications services on March 1, 2002, *except for an authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.)*.

9. The Commission shall promulgate rules necessary to implement this section. In no event, however, shall the rules necessary to implement ~~subdivisions B clauses (iii) and (iv) of subdivision 5 iii and iv, B clauses (ii) through (v) of subdivision 6 ii through v, and B subdivision 8~~ impose any obligations on a locality that has obtained a certificate pursuant to this section, but is not yet providing telecommunications services regulated by the Commission.

10. Public records of a locality that has obtained a certificate pursuant to this section, which records contain confidential proprietary information or trade secrets pertaining to the provision of telecommunications service, shall be exempt from disclosure under the Freedom of Information Act (§ 2.2-3700 et seq.). As used in this subdivision, a public record contains confidential proprietary information or trade secrets if its acquisition by a competing provider of telecommunications services would provide the competing provider with a competitive benefit. *However, the exemption provided by this subdivision shall not apply to any authority created pursuant to the BVU Authority Act (§ 15.2-7200 et seq.)*.

C. Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 ~~of this title~~ shall not apply to a county, city, or town that has obtained a certificate pursuant to this section.

D. Any county, city, or town that has obtained a certificate pursuant to this section may construct, own, maintain, and operate a fiber optic or communications infrastructure to provide consumers with Internet services, data transmission services, and any other communications service that its infrastructure is capable of delivering; provided, however, nothing in this subsection shall authorize the provision of cable television services or other multi-channel video programming service. Furthermore, nothing in this subsection shall alter the authority of the Commission.

E. Any county, city, or town that has obtained a certificate pursuant to this section and that had installed a cable television headend prior to December 31, 2002, is authorized to own and operate a cable television system or other multi-channel video programming service and shall be exempt from the provisions of §§ 15.2-2108.4 through 15.2-2108.8. Nothing in this subsection shall authorize the Commission to regulate cable television service.

2. That §§ 15.2-7205 and 15.2-7206 of the Code of Virginia are amended and reenacted as follows:

§ 15.2-7205. Board of Directors; membership.

A. The powers of the Authority shall be vested in ~~an~~ the Authority Board of Directors consisting of ~~nine~~ five directors. The number of ~~Directors on the Board may~~ directors shall not be ~~increased~~ altered by the Authority Board.

B. The Authority's Authority Board, which will initially take office on July 1, 2010, shall be constituted as follows:

1. ~~Four~~ One director who is a citizen of the City of Bristol, Virginia, ~~citizen appointees and is not a member of the Bristol City Council, appointed by the Speaker of the House of Delegates. The four Bristol, Virginia, citizen appointees currently on the Bristol Virginia Utilities Board are hereby directors on the Authority's Board and their respective terms are extended on the Authority Board as follows:~~

a. ~~The term ending June 30, 2010, will be extended to end June 30, 2014.~~

- b. ~~The term ending June 30, 2011, will be extended to end June 30, 2015.~~
- c. ~~The second term ending June 30, 2011, will be extended to end June 30, 2016.~~
- d. ~~The term ending June 30, 2012, will be extended to end June 30, 2016.~~

~~Each of said members will thereafter be eligible for one additional consecutive four-year term pursuant to the limitation set forth herein.~~

~~2. Two members appointed by One director who is a member of the Bristol City Council who are members of, appointed by the Bristol City Council serving on the Bristol Virginia Utilities Board as of June 1, 2010. Such members shall to serve a four-year term, coterminous with their his term on the Council, commencing July 1, 2010. Should no present member of Council serving on the Bristol Virginia Utilities Board be a member of Council on that date, Council may appoint two other members of Council to serve on the initial Authority Board for a term that is coterminous with that member's term on Council.~~

~~3. One new Bristol, Virginia, citizen, who is not a city council member. Such citizen will be director who is a citizen of Washington County and is not a member of the Washington County Board of Supervisors, appointed by the Bristol, Virginia, City Council and shall serve a term from July 1, 2010, until June 30, 2015 Senate Committee on Rules.~~

~~4. One new member, a director who is a citizen of the City of Bristol, Virginia, citizen, appointed by the Bristol Virginia Utilities Board whose term will start July 1, 2010, and end June 30, 2014 who is engaged in business and is not a member of the Bristol City Council, appointed by the Authority Board. However, the first such director shall be appointed by the Bristol City Council for a term that ends the sooner of July 1, 2017, or the date upon which the Authority Board appoints a director to this position to serve the remainder of the initial four-year term. The Authority Board shall appoint a director to this position thereafter.~~

~~5. One director who is a member of the Board of Supervisors of Washington County, Virginia, who will be Board of Supervisors, appointed by that the Washington County Board of Supervisors to serve a four-year term coterminous with his or her term on the Board of Supervisors commencing July 1, 2010.~~

~~C. If any appointments to the initial Board are made prior to the effective date of this chapter, such appointments shall be deemed valid and effective as of such date. The four-year term of all directors shall begin July 1, 2016. The term of Authority Board membership for any director thereafter shall be four years.~~

~~D. The City Council shall elect, in addition to its Council members, three of the Bristol, Virginia, citizen Board members when the above terms expire. The remaining three Bristol, Virginia, citizen members will be elected by the Authority Board when the above terms expire. The City Council and the Authority Board will alternate electing persons to fill an expiring term until each has appointed the number it appoints to the Board. Any vacancy in a term shall be filled by the body making the original appointment and shall be for the remainder of the term. Said appointment shall be made within 30 days from the date the vacancy occurs.~~

~~E. The term of the Council members shall be for four years coterminous with those members' terms of office on the City Council. Those City Council Members Each director who is a member of the Bristol City Council or Washington County Board of Supervisors may serve as many terms as the City Council appointing governing body decides as long as the appointees are members appointee remains a member of the City Council relevant governing body. The City Council governing body may appoint other members a different member of the City Council or Board of Supervisors at the end of any appointee's four-year Council or Board term or upon the exit of the Council member from the Council governing body. In the latter case, the Council Member will new appointee shall serve for the remainder of the term vacated by an exiting City Council member of the governing body.~~

~~F. All other directors shall serve four-year terms, except for the longer appointments to the initial Board. Those directors may serve a maximum of two terms and then must be off the Board for one full year before election to fill another full term or to fill the remainder of a vacated term.~~

~~G. E. If funds are available, each director may be reimbursed by the Authority for the amount of actual expenses incurred by him in the performance of his duties. Such expense allowance shall constitute a cost of operation and maintenance of such utility systems and shall be prorated among each of the systems it manages using the "3-Factor" "Three-Factor" allocation method approved by the Commission. The three factors consist of the percentages that each division comprises of total plant in service, total operating revenues, and total customer accounts. Once each operating division's percentage of each of the three factors is calculated, the sum of the three factors divided by 3 three results in the operating division's share of the total direct or indirect costs.~~

§ 15.2-7206. Organization; compensation.

~~A. The following provisions apply to the Board of Directors:~~

~~A simple majority 1. Three of the directors in office shall constitute a quorum. No vacancy in the Board of Directors shall impair the right of a quorum to exercise all the rights and perform all the duties of the Authority.~~

~~2. The Board of Directors shall hold regular meetings at such times and places as may be established by its bylaws. The Board shall hold its meetings as provided in § 2.2-3707.~~

~~3. The Board of Directors shall hold its first organizational meeting on July 1, 2010.~~

~~Bylaws 4. The Board shall adopt bylaws governing the conduct of business by the Board and the Authority. Proposed bylaws shall be made available before being duly adopted and published at said at each annual meeting. The Board is authorized to adopt bylaws governing the amendment of bylaws at any time.~~

~~Also at said meeting, the 5. The Board of Directors shall annually elect a chairman and a vice-chairman from its membership and a secretary of the Board from either its membership or the staff of the Authority to take office as of that same date. Thereafter the Board of Directors shall annually elect a chairman and a vice-chairman from its membership and a secretary from the staff of the Authority at its June annual meetings, to take office on the following July 1. The terms of such officers shall be for one year.~~

~~The Board of Directors shall continue to appoint and contract with a president and CEO to manage the operations of the Authority and a licensed attorney to serve as general counsel for the Authority, and the contracts with the president and general counsel of Bristol Virginia Utilities shall continue in effect and be binding upon the Authority. The Board of Directors shall also authorize the position of executive vice-president and CFO, to be filled and managed by the president. The president shall have the authority to hire, fire, and manage such staff as the president deems expedient to the operation of the Authority, subject to the availability of budgeted funds, and to assign such positions, titles, powers, and duties at such salaries as the president deems most effective for the efficient operation of the Authority.~~

~~Except for the purpose of inquiry, the 6. The Board and its individual members shall deal with Authority employees solely through the president. Neither the Board nor any member thereof shall The Board shall not give orders to any of the subordinates of the president, either publicly or privately. Any such orders or other interferences on the part of the Board or any of its members with subordinates or appointees of the president, instead of dealing or communicating directly with the president, are prohibited.~~

~~Neither shall the Board or any of its members 7. The Board shall not direct the appointment or removal of any person from any office or employment by Authority contractor or employee other than the president or any of his subordinates. Nothing herein shall be construed to limit or prohibit contact with the president and general counsel, both of whom report directly to the Board.~~

~~The Board of Directors shall make and, by recorded affirmative vote of three-fourths of all members, amend and repeal bylaws governing the manner in which the Authority's business may be transacted and in which the power granted to it may be enjoyed not inconsistent with this chapter. The initial set of such bylaws shall be adopted at the first regular meeting of the Board following the Board's first organizational meeting. The Board of Directors may appoint such committees as it may deem advisable and fix the duties and responsibilities of such committees. The Board of Directors shall have the power to request amendments to this chapter as set forth by the Code of Virginia that the Board deems necessary and expedient for the proper operation of the Authority.~~

~~8. The Board may appoint committees from among its membership in accordance with its bylaws.~~

~~9. No Board member shall receive any financial compensation for service on the Board. The Board may reimburse members for reasonable expenses they incur while serving on the Board. Any member seeking reimbursement shall itemize and document by receipts such expenses pursuant to subsection E of § 15.2-7205.~~

~~10. The Board shall adopt a travel and expense policy that applies to Board members and Authority employees and addresses what expenditures are appropriate in furtherance of the activities of the Authority.~~

~~11. The Board shall adopt a conflict of interest policy addressing the acceptance by Board members or Authority employees of gifts of travel or entertainment from any vendor that seeks or maintains a contract with the Authority.~~

~~12. Each member of the Board shall file with the president a disclosure form containing a statement of economic interests as provided in § 2.2-3117 according to the schedule required by § 2.2-3115.~~

~~B. The following provisions apply to the president:~~

~~1. The Board shall continue to appoint and contract with a president to manage the operations of the Authority, and the contract with the president that is in effect as of January 1, 2016, shall continue in effect and be binding upon the Authority.~~

~~2. The term of the president's employment contract shall not exceed three years. The board may vote to renew the contract of the president for additional terms not to exceed three years each.~~

~~3. The president's employment contract shall not contain a severance payout upon termination amounting to more than 12 months of his base salary.~~

~~4. The president shall have the sole authority to hire, fire, and manage such staff and contractors as the president deems expedient to the operation of the Authority, subject to the availability of budgeted funds, and to assign such positions, titles, powers, and duties at such salaries as the president deems most effective for the efficient operation of the Authority.~~

~~5. The president shall not have the power to enter into an employment contract with any employee of the Authority unless the Board ratifies such contract by a majority vote in an open meeting. Such contract shall be subject to the term and severance payout restrictions applicable to the president's contract as provided in subdivisions 2 and 3.~~

~~6. The Board may appoint an employee as acting president during any period of vacancy. The Board shall advertise the vacancy of the presidency and accept applications from candidates interested in filling the vacancy.~~

~~C. The Board shall vote annually to retain outside legal counsel to advise the Authority on legal matters. The legal counsel shall be licensed to practice law in the Commonwealth, shall not be an employee of the Authority, and shall be separate from and independent of any legal counsel for the City of Bristol, Virginia, or Washington County. The legal counsel shall provide annual training to the Board on the State and Local Government Conflict of Interests Act (§ 2.2-3100 et seq.).~~

~~D. The Board may authorize the position of executive vice-president, to be filled and managed by the president.~~

~~E. Notwithstanding the quorum requirement in subsection A, any decision of the Board related to the provision, use, operation, or maintenance of water or sewer systems shall be made by a majority vote of the three members of the Board representing the City of Bristol, Virginia, and the director who is a member of the Washington County Board of Supervisors.~~

3. That upon the completion of the transfer to a third party of ownership of the Authority's broadband service, commonly known as BVU OptiNet, the director who is a member of the Abingdon Town Council, appointed by the Abingdon Town Council, and the director who is a Scott County citizen and not a member of the Scott County Board of Supervisors, appointed by the Speaker of the House of Delegates, shall both be removed from their directorships, and the second enactment of this act shall become effective.
4. That § 15.2-2108.18 of the Code of Virginia is repealed.
5. That this act shall not be construed to affect the contract of employment existing between the BVU Authority or BVU Board of Directors and the Executive Vice-President and Chief Financial Officer of the BVU Authority as of the effective date of this act.
6. That the members of the Board of Directors of the BVU Authority in office on June 30, 2016, are hereby removed from office as of July 1, 2016. Notwithstanding the appointment of any director on or before July 1, 2016, or of his successor, any term of office begun before July 1, 2016, and scheduled to end after that date is hereby terminated. No person who was a member of the Board of Directors in office on June 30, 2016, shall be eligible for reappointment to the Board prior to July 1, 2018.
7. That no later than July 1, 2016, the Auditor of Public Accounts or his legally authorized representative shall examine the accounts and books of the BVU Authority.
8. That any sale or disposition of any of the Authority's assets shall be made in accordance with the BVU Authority Transition Agreement made between the City of Bristol, Virginia, and Bristol Virginia Utilities, dated November 2, 2009, as it may be amended, except to the extent necessary to comply with any federal tax laws.
9. That notwithstanding any contrary provision of law, general or special, the Bristol City Council shall, as of the effective date of this act, have the authority to make the appointment of a member of the Bristol City Council pursuant to subdivision B 2 of § 15.2-7205 of the Code of Virginia, as amended by this act, for the term ending July 1, 2020.
10. That notwithstanding any contrary provision of law, general or special, the Bristol City Council shall, as of the effective date of this act, have the authority to make the appointment of a citizen of the City of Bristol, Virginia, who is engaged in business and is not a member of the Bristol City Council pursuant to subdivision B 4 of § 15.2-7205 of the Code of Virginia, as amended by this act, for the term ending July 1, 2020.
11. That an emergency exists and this act is in force from its passage.

CHAPTER 726

An Act to amend the Code of Virginia by adding a section numbered 16.1-274.2, relating to minors; education records; evidence.

[H 1213]

Approved April 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 16.1-274.2 as follows:

§ 16.1-274.2. *Certain education records as evidence.*

A. In any proceeding where (i) a juvenile is alleged to have committed a delinquent act that would be a misdemeanor if committed by an adult and whether such act was committed intentionally or willfully by the juvenile is an element of the delinquent act and (ii) such act was committed (a) during school hours, and during school-related or school-sponsored activities upon the property of a public or private elementary or secondary school or child day center; (b) on any school bus as defined in § 46.2-100; or (c) upon any property, public or private, during hours when such property is solely being used by a public or private elementary or secondary school for a school-related or school-sponsored activity, the juvenile shall be permitted to introduce into evidence as relevant to whether he acted intentionally or willfully any document created prior to the commission of the alleged delinquent act that relates to (a) an Individualized Education Program developed pursuant to the federal Individuals with Disabilities Education Act, 20 U.S.C. § 1400 et seq.; (b) a Section 504 Plan prepared pursuant to § 504 of the federal Rehabilitation Act of 1973, 29 U.S.C. § 794; (c) a behavioral intervention plan as defined in 8VAC20-81-10; or (d) a functional behavioral assessment as defined in 8VAC20-81-10.

Any such document shall be admitted as evidence of the facts stated therein.

B. At least 10 days prior to the commencement of the proceeding in which a document listed in subsection A will be offered as evidence, the juvenile intending to offer the document shall notify the attorney for the Commonwealth, in writing, of the intent to offer the document and shall provide or make available copies of the document to be introduced.

C. Copies of documents listed in subsection A shall be received as evidence, provided that such copies are authenticated to be true and accurate copies by the custodian thereof, or by the person to whom the custodian reports if they are different. An affidavit signed by the custodian of such documents, or by the person to whom the custodian reports if they are different, stating that such documents are true and accurate copies of such documents shall be valid authentication for the purposes of this section.

D. Upon motion of the juvenile, any document admitted pursuant to this section shall be placed under seal by the court.

CHAPTER 727

An Act to amend and reenact § 18.2-308.2:2 of the Code of Virginia, relating to transfer of certain firearms; identification requirement.

[H 206]

Approved April 8, 2016

Be it enacted by the General Assembly of Virginia:**1. That § 18.2-308.2:2 of the Code of Virginia is amended and reenacted as follows:****§ 18.2-308.2:2. Criminal history record information check required for the transfer of certain firearms.**

A. Any person purchasing from a dealer a firearm as herein defined shall consent in writing, on a form to be provided by the Department of State Police, to have the dealer obtain criminal history record information. Such form shall include only the written consent; the name, birth date, gender, race, citizenship, and social security number and/or any other identification number; the number of firearms by category intended to be sold, rented, traded, or transferred; and answers by the applicant to the following questions: (i) has the applicant been convicted of a felony offense or found guilty or adjudicated delinquent as a juvenile 14 years of age or older at the time of the offense of a delinquent act that would be a felony if committed by an adult; (ii) is the applicant subject to a court order restraining the applicant from harassing, stalking, or threatening the applicant's child or intimate partner, or a child of such partner, or is the applicant subject to a protective order; and (iii) has the applicant ever been acquitted by reason of insanity and prohibited from purchasing, possessing or transporting a firearm pursuant to § 18.2-308.1:1 or any substantially similar law of any other jurisdiction, been adjudicated legally incompetent, mentally incapacitated or adjudicated an incapacitated person and prohibited from purchasing a firearm pursuant to § 18.2-308.1:2 or any substantially similar law of any other jurisdiction, or been involuntarily admitted to an inpatient facility or involuntarily ordered to outpatient mental health treatment and prohibited from purchasing a firearm pursuant to § 18.2-308.1:3 or any substantially similar law of any other jurisdiction.

B. 1. No dealer shall sell, rent, trade or transfer from his inventory any such firearm to any other person who is a resident of Virginia until he has (i) obtained written consent and the other information on the consent form specified in subsection A, and provided the Department of State Police with the name, birth date, gender, race, citizenship, and social security and/or any other identification number and the number of firearms by category intended to be sold, rented, traded or transferred and (ii) requested criminal history record information by a telephone call to or other communication authorized by the State Police and is authorized by subdivision 2 to complete the sale or other such transfer. To establish personal identification and residence in Virginia for purposes of this section, a dealer must require any prospective purchaser to present one photo-identification form issued by a governmental agency of the Commonwealth or by the United States Department of Defense, and other documentation of residence. Except where the photo-identification was issued by the United States Department of Defense, the other documentation of residence shall show an address identical to that shown on the photo-identification form, such as evidence of currently paid personal property tax or real estate tax, or a current (a) lease, (b) utility or telephone bill, (c) voter registration card, (d) bank check, (e) passport, (f) automobile registration, or (g) hunting or fishing license; other current identification allowed as evidence of residency by Part 178.124 of Title 27 of the Code of Federal Regulations and ATF Ruling 2001-5; or other documentation of residence determined to be acceptable by the Department of Criminal Justice Services, that corroborates that the prospective purchaser currently resides in Virginia. Where the photo-identification was issued by the Department of Defense, permanent orders assigning the purchaser to a duty post in Virginia, including the Pentagon, shall be the only other required documentation of residence that demonstrates that the prospective purchaser resides in Virginia. For the purposes of this section and establishment of residency for firearm purchase, residency of a member of the armed forces shall include both the state in which the member's permanent duty post is located and any nearby state in which the member resides and from which he commutes to the permanent duty post. *A member of the armed forces whose photo identification issued by the Department of Defense does not have a Virginia address may establish his Virginia residency with such photo identification and either permanent orders assigning the purchaser to a duty post, including the Pentagon, in Virginia or the purchaser's Leave and Earnings Statement.* When the photo-identification photo identification presented to a dealer by the prospective purchaser is a driver's license or other photo-identification photo identification issued by the Department of Motor Vehicles, and such identification form contains a date of issue, the dealer shall not, except for a renewed driver's license or other photo-identification photo identification issued by the Department of Motor Vehicles, sell or otherwise transfer a firearm to the prospective purchaser until 30 days after the date of issue of an original or duplicate driver's license unless the prospective purchaser also presents a copy of his Virginia Department of Motor Vehicles driver's record showing that the original date of issue of the driver's license was more than 30 days prior to the attempted purchase.

In addition, no dealer shall sell, rent, trade or transfer from his inventory any assault firearm to any person who is not a citizen of the United States or who is not a person lawfully admitted for permanent residence. To establish citizenship or lawful admission for a permanent residence for purposes of purchasing an assault firearm, a dealer shall require a prospective purchaser to present a certified birth certificate or a certificate of birth abroad issued by the United States State Department, a certificate of citizenship or a certificate of naturalization issued by the United States Citizenship and Immigration Services, an unexpired U.S. passport, a United States citizen identification card, a current voter registration

card, a current selective service registration card, or an immigrant visa or other documentation of status as a person lawfully admitted for permanent residence issued by the United States Citizenship and Immigration Services.

Upon receipt of the request for a criminal history record information check, the State Police shall ~~(1)~~ (a) review its criminal history record information to determine if the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law, ~~(2)~~ (b) inform the dealer if its record indicates that the buyer or transferee is so prohibited, and ~~(3)~~ (c) provide the dealer with a unique reference number for that inquiry.

2. The State Police shall provide its response to the requesting dealer during the dealer's request, or by return call without delay. If the criminal history record information check indicates the prospective purchaser or transferee has a disqualifying criminal record or has been acquitted by reason of insanity and committed to the custody of the Commissioner of Behavioral Health and Developmental Services, the State Police shall have until the end of the dealer's next business day to advise the dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. If not so advised by the end of the dealer's next business day, a dealer who has fulfilled the requirements of subdivision 1 may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer. In case of electronic failure or other circumstances beyond the control of the State Police, the dealer shall be advised immediately of the reason for such delay and be given an estimate of the length of such delay. After such notification, the State Police shall, as soon as possible but in no event later than the end of the dealer's next business day, inform the requesting dealer if its records indicate the buyer or transferee is prohibited from possessing or transporting a firearm by state or federal law. A dealer who fulfills the requirements of subdivision 1 and is told by the State Police that a response will not be available by the end of the dealer's next business day may immediately complete the sale or transfer and shall not be deemed in violation of this section with respect to such sale or transfer.

3. Except as required by subsection D of § 9.1-132, the State Police shall not maintain records longer than 30 days, except for multiple handgun transactions for which records shall be maintained for 12 months, from any dealer's request for a criminal history record information check pertaining to a buyer or transferee who is not found to be prohibited from possessing and transporting a firearm under state or federal law. However, the log on requests made may be maintained for a period of 12 months, and such log shall consist of the name of the purchaser, the dealer identification number, the unique approval number and the transaction date.

4. On the last day of the week following the sale or transfer of any firearm, the dealer shall mail or deliver the written consent form required by subsection A to the Department of State Police. The State Police shall immediately initiate a search of all available criminal history record information to determine if the purchaser is prohibited from possessing or transporting a firearm under state or federal law. If the search discloses information indicating that the buyer or transferee is so prohibited from possessing or transporting a firearm, the State Police shall inform the chief law-enforcement officer in the jurisdiction where the sale or transfer occurred and the dealer without delay.

5. Notwithstanding any other provisions of this section, rifles and shotguns may be purchased by persons who are citizens of the United States or persons lawfully admitted for permanent residence but residents of other states under the terms of subsections A and B upon furnishing the dealer with proof of citizenship or status as a person lawfully admitted for permanent residence and one photo-identification form issued by a governmental agency of the person's state of residence and one other form of identification determined to be acceptable by the Department of Criminal Justice Services.

6. For the purposes of this subsection, the phrase "dealer's next business day" shall not include December 25.

C. No dealer shall sell, rent, trade or transfer from his inventory any firearm, except when the transaction involves a rifle or a shotgun and can be accomplished pursuant to the provisions of subdivision B 5 to any person who is not a resident of Virginia unless he has first obtained from the Department of State Police a report indicating that a search of all available criminal history record information has not disclosed that the person is prohibited from possessing or transporting a firearm under state or federal law. The dealer shall obtain the required report by mailing or delivering the written consent form required under subsection A to the State Police within 24 hours of its execution. If the dealer has complied with the provisions of this subsection and has not received the required report from the State Police within 10 days from the date the written consent form was mailed to the Department of State Police, he shall not be deemed in violation of this section for thereafter completing the sale or transfer.

D. Nothing herein shall prevent a resident of the Commonwealth, at his option, from buying, renting or receiving a firearm from a dealer in Virginia by obtaining a criminal history record information check through the dealer as provided in subsection C.

E. If any buyer or transferee is denied the right to purchase a firearm under this section, he may exercise his right of access to and review and correction of criminal history record information under § 9.1-132 or institute a civil action as provided in § 9.1-135, provided any such action is initiated within 30 days of such denial.

F. Any dealer who willfully and intentionally requests, obtains, or seeks to obtain criminal history record information under false pretenses, or who willfully and intentionally disseminates or seeks to disseminate criminal history record information except as authorized in this section shall be guilty of a Class 2 misdemeanor.

G. For purposes of this section:

"Actual buyer" means a person who executes the consent form required in subsection B or C, or other such firearm transaction records as may be required by federal law.

"Antique firearm" means:

1. Any firearm (including any firearm with a matchlock, flintlock, percussion cap, or similar type of ignition system) manufactured in or before 1898;

2. Any replica of any firearm described in subdivision 1 of this definition if such replica (i) is not designed or redesigned for using rimfire or conventional centerfire fixed ammunition or (ii) uses rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade;

3. Any muzzle-loading rifle, muzzle-loading shotgun, or muzzle-loading pistol that is designed to use black powder, or a black powder substitute, and that cannot use fixed ammunition. For purposes of this subdivision, the term "antique firearm" shall not include any weapon that incorporates a firearm frame or receiver, any firearm that is converted into a muzzle-loading weapon, or any muzzle-loading weapon that can be readily converted to fire fixed ammunition by replacing the barrel, bolt, breech-block, or any combination thereof; or

4. Any curio or relic as defined in this subsection.

"Assault firearm" means any semi-automatic center-fire rifle or pistol which expels single or multiple projectiles by action of an explosion of a combustible material and is equipped at the time of the offense with a magazine which will hold more than 20 rounds of ammunition or designed by the manufacturer to accommodate a silencer or equipped with a folding stock.

"Curios or relics" means firearms that are of special interest to collectors by reason of some quality other than is associated with firearms intended for sporting use or as offensive or defensive weapons. To be recognized as curios or relics, firearms must fall within one of the following categories:

1. Firearms that were manufactured at least 50 years prior to the current date, which use rimfire or conventional centerfire fixed ammunition that is no longer manufactured in the United States and that is not readily available in the ordinary channels of commercial trade, but not including replicas thereof;

2. Firearms that are certified by the curator of a municipal, state, or federal museum that exhibits firearms to be curios or relics of museum interest; and

3. Any other firearms that derive a substantial part of their monetary value from the fact that they are novel, rare, bizarre, or because of their association with some historical figure, period, or event. Proof of qualification of a particular firearm under this category may be established by evidence of present value and evidence that like firearms are not available except as collectors' items, or that the value of like firearms available in ordinary commercial channels is substantially less.

"Dealer" means any person licensed as a dealer pursuant to 18 U.S.C. § 921 et seq.

"Firearm" means any handgun, shotgun, or rifle that will or is designed to or may readily be converted to expel single or multiple projectiles by action of an explosion of a combustible material.

"Handgun" means any pistol or revolver or other firearm originally designed, made and intended to fire single or multiple projectiles by means of an explosion of a combustible material from one or more barrels when held in one hand.

"Lawfully admitted for permanent residence" means the status of having been lawfully accorded the privilege of residing permanently in the United States as an immigrant in accordance with the immigration laws, such status not having changed.

H. The Department of Criminal Justice Services shall promulgate regulations to ensure the identity, confidentiality and security of all records and data provided by the Department of State Police pursuant to this section.

I. The provisions of this section shall not apply to (i) transactions between persons who are licensed as firearms importers or collectors, manufacturers or dealers pursuant to 18 U.S.C. § 921 et seq.; (ii) purchases by or sales to any law-enforcement officer or agent of the United States, the Commonwealth or any local government, or any campus police officer appointed under Chapter 17 (§ 23-232 et seq.) of Title 23; or (iii) antique firearms, curios or relics.

J. The provisions of this section shall not apply to restrict purchase, trade or transfer of firearms by a resident of Virginia when the resident of Virginia makes such purchase, trade or transfer in another state, in which case the laws and regulations of that state and the United States governing the purchase, trade or transfer of firearms shall apply. A National Instant Criminal Background Check System (NICS) check shall be performed prior to such purchase, trade or transfer of firearms.

J1. All licensed firearms dealers shall collect a fee of \$2 for every transaction for which a criminal history record information check is required pursuant to this section, except that a fee of \$5 shall be collected for every transaction involving an out-of-state resident. Such fee shall be transmitted to the Department of State Police by the last day of the month following the sale for deposit in a special fund for use by the State Police to offset the cost of conducting criminal history record information checks under the provisions of this section.

K. Any person willfully and intentionally making a materially false statement on the consent form required in subsection B or C or on such firearm transaction records as may be required by federal law, shall be guilty of a Class 5 felony.

L. Except as provided in § 18.2-308.2:1, any dealer who willfully and intentionally sells, rents, trades or transfers a firearm in violation of this section shall be guilty of a Class 6 felony.

L1. Any person who attempts to solicit, persuade, encourage, or entice any dealer to transfer or otherwise convey a firearm other than to the actual buyer, as well as any other person who willfully and intentionally aids or abets such person, shall be guilty of a Class 6 felony. This subsection shall not apply to a federal law-enforcement officer or a law-enforcement officer as defined in § 9.1-101, in the performance of his official duties, or other person under his direct supervision.

M. Any person who purchases a firearm with the intent to (i) resell or otherwise provide such firearm to any person who he knows or has reason to believe is ineligible to purchase or otherwise receive from a dealer a firearm for whatever reason or (ii) transport such firearm out of the Commonwealth to be resold or otherwise provided to another person who the transferor knows is ineligible to purchase or otherwise receive a firearm, shall be guilty of a Class 4 felony and sentenced to a mandatory minimum term of imprisonment of one year. However, if the violation of this subsection involves such a transfer of more than one firearm, the person shall be sentenced to a mandatory minimum term of imprisonment of five years. The prohibitions of this subsection shall not apply to the purchase of a firearm by a person for the lawful use, possession, or transport thereof, pursuant to § 18.2-308.7, by his child, grandchild, or individual for whom he is the legal guardian if such child, grandchild, or individual is ineligible, solely because of his age, to purchase a firearm.

N. Any person who is ineligible to purchase or otherwise receive or possess a firearm in the Commonwealth who solicits, employs or assists any person in violating subsection M shall be guilty of a Class 4 felony and shall be sentenced to a mandatory minimum term of imprisonment of five years.

O. Any mandatory minimum sentence imposed under this section shall be served consecutively with any other sentence.

P. All driver's licenses issued on or after July 1, 1994, shall carry a letter designation indicating whether the driver's license is an original, duplicate or renewed driver's license.

Q. Prior to selling, renting, trading, or transferring any firearm owned by the dealer but not in his inventory to any other person, a dealer may require such other person to consent to have the dealer obtain criminal history record information to determine if such other person is prohibited from possessing or transporting a firearm by state or federal law. The Department of State Police shall establish policies and procedures in accordance with 28 C.F.R. § 25.6 to permit such determinations to be made by the Department of State Police, and the processes established for making such determinations shall conform to the provisions of this section.

CHAPTER 728

An Act to amend and reenact § 16.1-69.6:1 of the Code of Virginia, relating to number of district court judges.

[S 57]

Approved April 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 16.1-69.6:1 of the Code of Virginia is amended and reenacted as follows:

§ 16.1-69.6:1. Number of judges.

For the several judicial districts there shall be full-time general district court judges and juvenile and domestic relations district court judges, the maximum number as hereinafter set forth, who shall during their service reside within their respective districts, except as provided in § 16.1-69.16, and whose compensation and powers shall be the same as now and hereafter prescribed for general district court judges and juvenile and domestic relations district court judges.

The maximum number of judges of the districts shall be as follows:

	General District Court Judges	Juvenile and Domestic Relations District Court Judges
First	4	4
Second	7	7
Two-A	1	1
Third	2	3
Fourth	6	5
Fifth	2	2
Sixth	4	2
Seventh	4	4
Eighth	3	3
Ninth	3	4
Tenth	3	4
Eleventh	3	3
Twelfth	5	6
Thirteenth	6	4
Fourteenth	5	5
Fifteenth	8	10

Sixteenth	4	6
Seventeenth	3	2
Eighteenth	2	2
Nineteenth	11	7 8
Twentieth	4	3
Twenty-first	1	2
Twenty-second	2	4
Twenty-third	4	5
Twenty-fourth	3	6
Twenty-fifth	3 4	5
Twenty-sixth	5	7
Twenty-seventh	5	5
Twenty-eighth	2	3
Twenty-ninth	2	3
Thirtieth	2	2
Thirty-first	5	5

The election or appointment of any district judge shall be subject to the provisions of § 16.1-69.9:3.

2. That the provisions of this act shall become effective on July 1, 2018.

CHAPTER 729

An Act to amend and reenact §§ 2.2-106, 2.2-107, 2.2-3705.1, and 2.2-3705.7 of the Code of Virginia, relating to the Virginia Freedom of Information Act; public access to resumes and other information related to gubernatorial appointees.

[H 220]

Approved April 8, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-106, 2.2-107, 2.2-3705.1, and 2.2-3705.7 of the Code of Virginia are amended and reenacted as follows: § 2.2-106. Appointment of agency heads; disclosure of resumes; severance.

A. Notwithstanding any provision of law to the contrary, the Governor shall appoint the administrative head of each agency of the executive branch of state government except the:

1. Executive Director of the Virginia Port Authority;
2. Director of the State Council of Higher Education for Virginia;
3. Executive Director of the Department of Game and Inland Fisheries;
4. Executive Director of the Jamestown-Yorktown Foundation;
5. Executive Director of the Motor Vehicle Dealer Board;
6. Librarian of Virginia;
7. Administrator of the Commonwealth's Attorneys' Services Council;
8. Executive Director of the Virginia Housing Development Authority; and
9. Executive Director of the Board of Accountancy.

However, the manner of selection of those heads of agencies chosen as set forth in the Constitution of Virginia shall continue without change. Each administrative head and Secretary appointed by the Governor pursuant to this section shall (i) be subject to confirmation by the General Assembly, (ii) have the professional qualifications prescribed by law, and (iii) serve at the pleasure of the Governor.

B. As part of the confirmation process for each administrative head and Secretary, the Secretary of the Commonwealth shall provide copies of the resumes and statements of economic interests filed pursuant to § 2.2-3117 to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For appointments made before January 1, copies shall be provided to the chairs within 30 days of the appointment or by January 7 whichever time is earlier; and for appointments made after January 1 through the regular session of that year, copies shall be provided to the chairs within seven days of the appointment. Each appointee shall be available for interviews by the Committees on Privileges and Elections or other applicable standing committee. For the purposes of this section and § 2.2-107, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of

Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this subsection pertaining to the confirmation process.

C. For the purpose of this section, "agency" includes all administrative units established by law or by executive order that are not (i) arms of the legislative or judicial branches of government; (ii) institutions of higher education as classified under §§ 23-253.7, 22.1-346, 23-14, and 23-252; (iii) regional planning districts, regional transportation authorities or districts, or regional sanitation districts; and (iv) assigned by law to other departments or agencies, not including assignments to secretaries under Article 7 (§ 2.2-215 et seq.) of Chapter 2 of this title.

D. *The resumes and applications for appointment submitted by persons who are appointed by the Governor pursuant to this section shall be available to the public upon request.*

E. Severance benefits provided to any departing agency head, whether or not appointed by the Governor, shall be publicly announced by the appointing authority prior to such departure.

§ 2.2-107. Appointment of members of commissions, boards, and other collegial bodies; disclosure of resumes.

A. Except as provided in the Constitution of Virginia, or where the manner of selection of members of boards and commissions is by election by the General Assembly, or as provided in Title 3.2 or § 54.1-901, but notwithstanding any other provision of law to the contrary, the Governor shall appoint all members of boards, commissions, councils or other collegial bodies created by the General Assembly in the executive branch of state government to terms of office as prescribed by law. Each member appointed pursuant to this section shall be subject to confirmation by the General Assembly and shall have the professional qualifications prescribed by law.

As part of the confirmation process for each gubernatorial appointee, the Secretary of the Commonwealth shall provide copies of the resume and statement of economic interests filed pursuant to § 2.2-3117 or 2.2-3118, as appropriate, to the chairs of the House of Delegates and Senate Committees on Privileges and Elections. For the purposes of this section and § 2.2-106, there shall be a joint subcommittee of the House of Delegates and Senate Committees on Privileges and Elections consisting of five members of the House Committee and three members of the Senate Committee appointed by the respective chairs of the committees to review the resumes and statements of economic interests of gubernatorial appointees. The members of the House of Delegates shall be appointed in accordance with the principles of proportional representation contained in the Rules of the House of Delegates. No appointment confirmed by the General Assembly shall be subject to challenge by reason of a failure to comply with the provisions of this paragraph pertaining to the confirmation process.

B. The resumes and applications for appointment submitted by persons who are appointed by the Governor pursuant to this section shall be available to the public upon request.

§ 2.2-3705.1. Exclusions to application of chapter; exclusions of general application to public bodies.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Personnel records containing information concerning identifiable individuals, except that access shall not be denied to the person who is the subject thereof. Any person who is the subject of any personnel record and who is 18 years of age or older may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying. *Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.*

2. Written advice of legal counsel to state, regional or local public bodies or the officers or employees of such public bodies, and any other records protected by the attorney-client privilege.

3. Legal memoranda and other work product compiled specifically for use in litigation or for use in an active administrative investigation concerning a matter that is properly the subject of a closed meeting under § 2.2-3711.

4. Any test or examination used, administered or prepared by any public body for purposes of evaluation of (i) any student or any student's performance, (ii) any employee or employment seeker's qualifications or aptitude for employment, retention, or promotion, or (iii) qualifications for any license or certificate issued by a public body.

As used in this subdivision, "test or examination" shall include (a) any scoring key for any such test or examination and (b) any other document that would jeopardize the security of the test or examination. Nothing contained in this subdivision shall prohibit the release of test scores or results as provided by law, or limit access to individual records as provided by law. However, the subject of such employment tests shall be entitled to review and inspect all records relative to his performance on such employment tests.

When, in the reasonable opinion of such public body, any such test or examination no longer has any potential for future use, and the security of future tests or examinations will not be jeopardized, the test or examination shall be made available to the public. However, minimum competency tests administered to public school children shall be made available to the public contemporaneously with statewide release of the scores of those taking such tests, but in no event shall such tests be made available to the public later than six months after the administration of such tests.

5. Records recorded in or compiled exclusively for use in closed meetings lawfully held pursuant to § 2.2-3711. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been reviewed or discussed in a closed meeting.

6. Vendor proprietary information software that may be in the official records of a public body. For the purpose of this subdivision, "vendor proprietary software" means computer programs acquired from a vendor for purposes of processing data for agencies or political subdivisions of the Commonwealth.

7. Computer software developed by or for a state agency, state-supported institution of higher education or political subdivision of the Commonwealth.

8. Appraisals and cost estimates of real property subject to a proposed purchase, sale or lease, prior to the completion of such purchase, sale or lease.

9. Records concerning reserves established in specific claims administered by the Department of the Treasury through its Division of Risk Management as provided in Article 5 (§ 2.2-1832 et seq.) of Chapter 18 of this title, or by any county, city, or town; and investigative notes, correspondence and information furnished in confidence with respect to an investigation of a claim or a potential claim against a public body's insurance policy or self-insurance plan. However, nothing in this subdivision shall prohibit the disclosure of information taken from inactive reports upon expiration of the period of limitations for the filing of a civil suit.

10. Personal information, as defined in § 2.2-3801, including electronic mail addresses, furnished to a public body for the purpose of receiving electronic mail from the public body, provided that the electronic mail recipient has requested that the public body not disclose such information. However, access shall not be denied to the person who is the subject of the record.

11. Communications and materials required to be kept confidential pursuant to § 2.2-4119 of the Virginia Administrative Dispute Resolution Act (§ 2.2-4115 et seq.).

12. Records relating to the negotiation and award of a specific contract where competition or bargaining is involved and where the release of such records would adversely affect the bargaining position or negotiating strategy of the public body. Such records shall not be withheld after the public body has made a decision to award or not to award the contract. In the case of procurement transactions conducted pursuant to the Virginia Public Procurement Act (§ 2.2-4300 et seq.), the provisions of this subdivision shall not apply, and any release of records relating to such transactions shall be governed by the Virginia Public Procurement Act.

13. Those portions of records that contain account numbers or routing information for any credit card, debit card, or other account with a financial institution of any person or public body. However, access shall not be denied to the person who is the subject of the record. For the purposes of this subdivision, "financial institution" means any organization authorized to do business under state or federal laws relating to financial institutions, including, without limitation, banks and trust companies, savings banks, savings and loan companies or associations, and credit unions.

§ 2.2-3705.7. Exclusions to application of chapter; records of specific public bodies and certain other limited exemptions.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. State income, business, and estate tax returns, personal property tax returns, scholastic and confidential records held pursuant to § 58.1-3.

2. Working papers and correspondence of the Office of the Governor; Lieutenant Governor; the Attorney General; the members of the General Assembly, the Division of Legislative Services, or the Clerks of the House of Delegates and the Senate of Virginia; the mayor or chief executive officer of any political subdivision of the Commonwealth; or the president or other chief executive officer of any public institution of higher education in Virginia. However, no record, which is otherwise open to inspection under this chapter, shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any working paper or correspondence. *Nothing in this subdivision shall be construed to authorize the withholding of any resumes or applications submitted by persons who are appointed by the Governor pursuant to § 2.2-106 or 2.2-107.*

As used in this subdivision:

"Members of the General Assembly" means each member of the Senate of Virginia and the House of Delegates and their legislative aides when working on behalf of such member.

"Office of the Governor" means the Governor; his chief of staff, counsel, director of policy, Cabinet Secretaries, and the Assistant to the Governor for Intergovernmental Affairs; and those individuals to whom the Governor has delegated his authority pursuant to § 2.2-104.

"Working papers" means those records prepared by or for an above-named public official for his personal or deliberative use.

3. Library records that can be used to identify both (i) any library patron who has borrowed material from a library and (ii) the material such patron borrowed.

4. Contract cost estimates prepared for the confidential use of the Department of Transportation in awarding contracts for construction or the purchase of goods or services, and records and automated systems prepared for the Department's Bid Analysis and Monitoring Program.

5. Lists of registered owners of bonds issued by a political subdivision of the Commonwealth, whether the lists are maintained by the political subdivision itself or by a single fiduciary designated by the political subdivision.

6. Records and writings furnished by a member of the General Assembly to a meeting of a standing committee, special committee or subcommittee of his house established solely for the purpose of reviewing members' annual disclosure

statements and supporting materials filed under § 30-110 or of formulating advisory opinions to members on standards of conduct, or both.

7. Customer account information of a public utility affiliated with a political subdivision of the Commonwealth, including the customer's name and service address, but excluding the amount of utility service provided and the amount of money paid for such utility service.

8. Personal information, as defined in § 2.2-3801, (i) filed with the Virginia Housing Development Authority concerning individuals who have applied for or received loans or other housing assistance or who have applied for occupancy of or have occupied housing financed, owned or otherwise assisted by the Virginia Housing Development Authority; (ii) concerning persons participating in or persons on the waiting list for federally funded rent-assistance programs; (iii) filed with any local redevelopment and housing authority created pursuant to § 36-4 concerning persons participating in or persons on the waiting list for housing assistance programs funded by local governments or by any such authority; or (iv) filed with any local redevelopment and housing authority created pursuant to § 36-4 or any other local government agency concerning persons who have applied for occupancy or who have occupied affordable dwelling units established pursuant to § 15.2-2304 or 15.2-2305. However, access to one's own information shall not be denied.

9. Records regarding the siting of hazardous waste facilities, except as provided in § 10.1-1441, if disclosure of them would have a detrimental effect upon the negotiating position of a governing body or on the establishment of the terms, conditions and provisions of the siting agreement.

10. Records containing information on the site specific location of rare, threatened, endangered or otherwise imperiled plant and animal species, natural communities, caves, and significant historic and archaeological sites if, in the opinion of the public body that has the responsibility for such information, disclosure of the information would jeopardize the continued existence or the integrity of the resource. This exemption shall not apply to requests from the owner of the land upon which the resource is located.

11. Records, memoranda, working papers, graphics, video or audio tapes, production models, data and information of a proprietary nature produced by or for or collected by or for the Virginia Lottery relating to matters of a specific lottery game design, development, production, operation, ticket price, prize structure, manner of selecting the winning ticket, manner of payment of prizes to holders of winning tickets, frequency of drawings or selections of winning tickets, odds of winning, advertising, or marketing, where such official records have not been publicly released, published, copyrighted or patented. Whether released, published or copyrighted, all game-related information shall be subject to public disclosure under this chapter upon the first day of sales for the specific lottery game to which it pertains.

12. Records of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of a local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or of the Virginia College Savings Plan, acting pursuant to § 23-38.77, relating to the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that: (i) such records contain confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or the Virginia College Savings Plan, or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity; and (ii) disclosure of such confidential analyses would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of records relating to the identity of any investment held, the amount invested, or the present value of such investment.

13. Names and addresses of subscribers to Virginia Wildlife magazine, published by the Department of Game and Inland Fisheries, provided the individual subscriber has requested in writing that the Department not release such information.

14. Financial, medical, rehabilitative and other personal information concerning applicants for or recipients of loan funds submitted to or maintained by the Assistive Technology Loan Fund Authority under Chapter 11 (§ 51.5-53 et seq.) of Title 51.5.

15. Records of the Virginia Commonwealth University Health System Authority pertaining to any of the following: an individual's qualifications for or continued membership on its medical or teaching staffs; proprietary information gathered by or in the possession of the Authority from third parties pursuant to a promise of confidentiality; contract cost estimates prepared for confidential use in awarding contracts for construction or the purchase of goods or services; data, records or information of a proprietary nature produced or collected by or for the Authority or members of its medical or teaching staffs; financial statements not publicly available that may be filed with the Authority from third parties; the identity, accounts or account status of any customer of the Authority; consulting or other reports paid for by the Authority to assist the Authority in connection with its strategic planning and goals; the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority; and data, records or information of a proprietary nature produced or collected by or for employees of the Authority, other than the Authority's financial or administrative records, in the conduct of or as a result of study or research on medical, scientific, technical or scholarly issues, whether sponsored by the Authority alone or in conjunction with a governmental body or a private concern, when such data, records or information have not been publicly released, published, copyrighted or patented. This exemption shall also apply when such records are in the possession of the Virginia Commonwealth University.

16. Records of the Department of Environmental Quality, the State Water Control Board, State Air Pollution Control Board or the Virginia Waste Management Board relating to (i) active federal environmental enforcement actions that are considered confidential under federal law and (ii) enforcement strategies, including proposed sanctions for enforcement actions. Upon request, such records shall be disclosed after a proposed sanction resulting from the investigation has been proposed to the director of the agency. This subdivision shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any environmental contamination that may have occurred or similar documents.

17. As it pertains to any person, records related to the operation of toll facilities that identify an individual, vehicle, or travel itinerary including, but not limited to, vehicle identification data, vehicle enforcement system information; video or photographic images; Social Security or other identification numbers appearing on driver's licenses; credit card or bank account data; home addresses; phone numbers; or records of the date or time of toll facility use.

18. Records of the Virginia Lottery pertaining to (i) the social security number, tax identification number, state sales tax number, home address and telephone number, personal and lottery banking account and transit numbers of a retailer, and financial information regarding the nonlottery operations of specific retail locations; and (ii) individual lottery winners, except that a winner's name, hometown, and amount won shall be disclosed.

19. Records of the Board for Branch Pilots relating to the chemical or drug testing of a person regulated by the Board, where such person has tested negative or has not been the subject of a disciplinary action by the Board for a positive test result.

20. Records, investigative notes, correspondence, and information pertaining to the planning, scheduling and performance of examinations of holder records pursuant to the Uniform Disposition of Unclaimed Property Act (§ 55-210.1 et seq.) prepared by or for the State Treasurer, his agents, employees or persons employed to perform an audit or examination of holder records.

21. Records of the Virginia Department of Emergency Management or a local governing body relating to citizen emergency response teams established pursuant to an ordinance of a local governing body, to the extent that such records reveal the name, address, including e-mail address, telephone or pager numbers, or operating schedule of an individual participant in the program.

22. Records of state or local park and recreation departments and local and regional park authorities to the extent such records contain information identifying a person under the age of 18 years. However, nothing in this subdivision shall operate to prohibit the disclosure of information defined as directory information under regulations implementing the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g, unless the public body has undertaken the parental notification and opt-out requirements provided by such regulations. Access shall not be denied to the parent, including a noncustodial parent, or guardian of such person, unless the parent's parental rights have been terminated or a court of competent jurisdiction has restricted or denied such access. For records of such persons who are emancipated, the right of access may be asserted by the subject thereof. Any parent or emancipated person who is the subject of the record may waive, in writing, the protections afforded by this subdivision. If the protections are so waived, the public body shall open such records for inspection and copying.

23. Records submitted for inclusion in the Statewide Alert Network administered by the Department of Emergency Management, to the extent that they reveal names, physical addresses, email addresses, computer or internet protocol information, telephone numbers, pager numbers, other wireless or portable communications device information, or operating schedules of individuals or agencies, where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

24. Records of the Judicial Inquiry and Review Commission made confidential by § 17.1-913.

25. Records of the Virginia Retirement System acting pursuant to § 51.1-124.30, of a local retirement system acting pursuant to § 51.1-803 (hereinafter collectively referred to as the retirement system), or of the Virginia College Savings Plan, acting pursuant to § 23-38.77 relating to:

a. Internal deliberations of or decisions by the retirement system or the Virginia College Savings Plan on the pursuit of particular investment strategies, or the selection or termination of investment managers, prior to the execution of such investment strategies or the selection or termination of such managers, to the extent that disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan; and

b. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided by a private entity to the retirement system or the Virginia College Savings Plan, to the extent disclosure of such records would have an adverse impact on the financial interest of the retirement system or the Virginia College Savings Plan.

For the records specified in subdivision b to be excluded from the provisions of this chapter, the entity shall make a written request to the retirement system or the Virginia College Savings Plan:

(1) Invoking such exclusion prior to or upon submission of the data or other materials for which protection from disclosure is sought;

(2) Identifying with specificity the data or other materials for which protection is sought; and

(3) Stating the reasons why protection is necessary.

The retirement system or the Virginia College Savings Plan shall determine whether the requested exclusion from disclosure meets the requirements set forth in subdivision b.

Nothing in this subdivision shall be construed to authorize the withholding of the identity or amount of any investment held or the present value and performance of all asset classes and subclasses.

26. Records of the Department of Corrections made confidential by § 53.1-233.

27. Records maintained by the Department of the Treasury or participants in the Local Government Investment Pool (§ 2.2-4600 et seq.), to the extent such records relate to information required to be provided by such participants to the Department to establish accounts in accordance with § 2.2-4602.

28. Personal information, as defined in § 2.2-3801, contained in the Veterans Care Center Resident Trust Funds concerning residents or patients of the Department of Veterans Services Care Centers, except that access shall not be denied to the person who is the subject of the record.

29. Records maintained in connection with fundraising activities by the Veterans Services Foundation pursuant to § 2.2-2716 to the extent that such records reveal the address, electronic mail address, facsimile or telephone number, social security number or other identification number appearing on a driver's license, or credit card or bank account data of identifiable donors, except that access shall not be denied to the person who is the subject of the record. Nothing in this subdivision, however, shall be construed to authorize the withholding of records relating to the amount, date, purpose, and terms of the pledge or donation or the identity of the donor, unless the donor has requested anonymity in connection with or as a condition of making a pledge or donation. The exclusion provided by this subdivision shall not apply to protect from disclosure (i) the identities of sponsors providing grants to or contracting with the foundation for the performance of services or other work or (ii) the terms and conditions of such grants or contracts.

30. Names, physical addresses, telephone numbers, and email addresses contained in correspondence between an individual and a member of the governing body, school board, or other public body of the locality in which the individual is a resident, unless the correspondence relates to the transaction of public business. However, no record that is otherwise open to inspection under this chapter shall be deemed exempt by virtue of the fact that it has been attached to or incorporated within any such correspondence.

31. Records of the Commonwealth's Attorneys' Services Council, to the extent such records are prepared for and utilized by the Commonwealth's Attorneys' Services Council in the training of state prosecutors or law-enforcement personnel, where such records are not otherwise available to the public and the release of such records would reveal confidential strategies, methods or procedures to be employed in law-enforcement activities, or materials created for the investigation and prosecution of a criminal case.

32. Records provided to the Department of Aviation by other entities of the Commonwealth in connection with the operation of aircraft, where the records would not be subject to disclosure by the entity providing the records. The entity providing the records to the Department of Aviation shall identify the specific portion of the records to be protected and the applicable provision of this chapter that exempts the record or portions thereof from mandatory disclosure.

33. Records created or maintained by or on the behalf of the judicial performance evaluation program related to an evaluation of any individual justice or judge made confidential by § 17.1-100.

34. (Effective July 1, 2018) Records of the Virginia Alcoholic Beverage Control Authority to the extent such records contain (i) information of a proprietary nature gathered by or in the possession of the Authority from a private entity pursuant to a promise of confidentiality; (ii) trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), of any private entity; (iii) financial records of a private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; (iv) contract cost estimates prepared for the (a) confidential use in awarding contracts for construction or (b) purchase of goods or services; or (v) the determination of marketing and operational strategies where disclosure of such strategies would be harmful to the competitive position of the Authority.

In order for the records identified in clauses (i) through (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

b. Identifying with specificity the data or other materials for which protection is sought; and

c. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect such records of the private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

2. That the provisions of this act shall apply to persons appointed by the Governor on or after July 1, 2016.

CHAPTER 730

An Act to authorize the issuance of bonds, in an amount up to \$40,987,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth.

[H 1063]

Approved April 8, 2016

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher education of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Title.

This act shall be known and may be cited as the "Commonwealth of Virginia Institutions of Higher Education Bond Act of 2016."

§ 2. Authorization of bonds and bond anticipation notes.

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Institutions of Higher Education Bonds, Series" in an aggregate principal amount not exceeding \$40,987,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth as follows:

Institution	Project Title	Amount
Norfolk State University	Renovate and Upgrade Dormitories	\$9,237,000
Richard Bland College	Convert Former Humanities and Social Science Building into Student Housing	\$2,650,000
The College of William and Mary in Virginia	Renovate Dormitories	\$2,500,000
James Madison University	Renovate Phillips Hall	\$26,600,000
Total		\$40,987,000

§ 3. Application of proceeds.

The proceeds, including any premium, of bonds and BANs, except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs, shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of acquiring, constructing, renovating, enlarging, improving, and equipping the authorized capital projects, including financing costs. The proceeds of (a) bonds the issuance of which has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details; sale of bonds and BANs.

Bonds and BANs shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series"

§ 5. Execution of bonds and BANs.

Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN although, at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses.

All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2, or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues.

The institutions of higher education named in § 2 are hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project named in § 2 or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. The institution is further authorized to create debt service and sinking funds for the payments of the principal of and premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs, including refunding bonds and BANs, to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs, they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into or maintaining any (i) agreement that secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs.

The net revenues of the capital projects set forth in § 2 and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs, unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise, issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of and premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this act, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county,

city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth and to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c) of the Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability.

The provisions of this act, or the application thereof to any person or circumstance, that are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

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

CHAPTER 731

An Act to authorize the issuance of bonds, in an amount up to \$40,987,000 plus financing costs, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, for paying costs of acquiring, constructing, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth.

[S 61]

Approved April 8, 2016

Whereas, Article X, Section 9 (c) of the Constitution of Virginia provides that the General Assembly may authorize the creation of debt secured by a pledge of net revenues derived from rates, fees, or other charges and the full faith and credit of the Commonwealth of Virginia, provided that such debt is created for specific revenue-producing capital projects, including their enlargement or improvement, at, among others, institutions of higher education of the Commonwealth; and

Whereas, in accordance with Article X, Section 9 (c) of the Constitution of Virginia, the Governor has certified in writing, filed with the Auditor of Public Accounts, his opinion that the anticipated net revenues of each of the capital projects identified below to be pledged to the payment of the principal of and the interest on that portion of such debt issued for each such project will be sufficient to meet such payments as the same become due and to provide such reserves as may be required by law and that each of the capital projects complies with the requirements of Article X, Section 9 (c) of the Constitution of Virginia; now, therefore,

Be it enacted by the General Assembly of Virginia:

1. § 1. Title.

This act shall be known and may be cited as the "Commonwealth of Virginia Institutions of Higher Education Bond Act of 2016."

§ 2. Authorization of bonds and bond anticipation notes.

The Treasury Board is hereby authorized, by and with the consent of the Governor, to sell and issue, pursuant to Article X, Section 9 (c) of the Constitution of Virginia, at one time or from time to time, bonds of the Commonwealth, to be designated "Commonwealth of Virginia Institutions of Higher Education Bonds, Series" in an aggregate principal amount not exceeding \$40,987,000, plus amounts needed to fund issuance costs, reserve funds, construction period interest, and other financing expenses. The Treasury Board is further hereby authorized, by and with the consent of the Governor, to borrow money in anticipation of the issuance of bonds by the issuance of bond anticipation notes (BANs), including BANs issued as commercial paper. The proceeds of such bonds and BANs, excluding amounts needed to fund issuance costs, reserve funds, and other financing expenses, shall be used exclusively for the purpose of providing funds, with any other available funds, for paying all or a portion of the costs of acquiring, constructing, renovating, enlarging, improving, and equipping revenue-producing capital projects at institutions of higher education of the Commonwealth as follows:

Institution	Project Title	Amount
Norfolk State University	Renovate and Upgrade Dormitories	\$9,237,000

Richard Bland College	Convert Former Humanities and Social Science Building into Student Housing	\$2,650,000
The College of William and Mary in Virginia	Renovate Dormitories	\$2,500,000
James Madison University	Renovate Phillips Hall	\$26,600,000
Total		\$40,987,000

§ 3. Application of proceeds.

The proceeds, including any premium, of bonds and BANs, except the proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs, shall be deposited in a special capital outlay fund in the state treasury and, together with the investment income thereon, shall be disbursed by the State Treasurer for paying costs of acquiring, constructing, renovating, enlarging, improving, and equipping the authorized capital projects, including financing costs. The proceeds of (a) bonds the issuance of which has been anticipated by BANs, (b) refunding bonds, and (c) refunding BANs shall be used to pay such BANs, refunded bonds, and refunded BANs.

§ 4. Details; sale of bonds and BANs.

Bonds and BANs shall be dated and may be made redeemable before their maturity or maturities at such price or prices or within such price parameters, all as may be determined by the Treasury Board, by and with the consent of the Governor. Bonds and BANs shall be in such form, shall bear interest at such rate or rates, either at fixed rates or at rates established by formula or other method, and may contain such other provisions, all as determined by the Treasury Board or, when authorized by the Treasury Board, the State Treasurer. The principal of and premium, if any, and interest on bonds and BANs shall be payable in lawful money of the United States of America. Bonds and BANs may be certificated or uncertificated as determined by the Treasury Board. The Treasury Board may contract for services of such registrars, transfer agents, or other authenticating agents as it deems appropriate to maintain a record of the persons entitled to the bonds and BANs. Bonds and BANs issued in certificated form may be issued under a system of book entry for recording the ownership and transfer of ownership of rights to receive payments on the bonds and BANs. The Treasury Board shall fix the authorized denomination or denominations of the bonds and the place or places of payment of certificated bonds and BANs, which may be at the Office of the State Treasurer or at any bank or trust company within or without the Commonwealth. Bonds shall mature at such time or times not exceeding 30 years from their date or dates, and BANs shall mature at such time or times not exceeding five years from their date or dates.

The Treasury Board may sell bonds and BANs in such manner, by competitive bidding, negotiated sale, or private placement and for such price or within such price parameters as it may determine, by and with the consent of the Governor, to be in the best interest of the Commonwealth.

In the discretion of the Treasury Board, bonds and BANs may be issued at one time or from time to time and may be sold and issued at the same time with other general obligation bonds and BANs, respectively, of the Commonwealth authorized pursuant to Article X, Section 9 (a) (3), (b), and (c) of the Constitution of Virginia, as separate issues or as a combined issue, designated "Commonwealth of Virginia General Obligation Bonds Bond Anticipation Notes, Series"

§ 5. Execution of bonds and BANs.

Certificated bonds and BANs shall be signed on behalf of the Commonwealth by the Governor and by the State Treasurer, or shall bear their facsimile signatures, and shall bear the lesser seal of the Commonwealth or a facsimile thereof. If the bonds or BANs bear the facsimile signature of the State Treasurer, they shall be signed by such administrative assistant as the State Treasurer shall determine or by such registrar or paying agent as may be designated to sign them by the Treasury Board. If any officer whose signature or facsimile signature appears on any bonds or BANs ceases to be such officer before delivery, such signature or facsimile signature shall nevertheless be valid and sufficient for all purposes the same as if such officer had remained in office until such delivery, and any bond or BAN may bear the facsimile signature of, or may be signed by, such persons as at the actual time of execution are the proper officers to sign such bond or BAN although, at the date of such bond or BAN, such persons may not have been such officers.

§ 6. Sources for payment of expenses.

All expenses incurred under this act shall be paid from the proceeds of bonds or BANs, from payments made by the institutions for which the capital projects were authorized in § 2, or from any other available funds as the Treasury Board shall determine.

§ 7. Revenues.

The institutions of higher education named in § 2 are hereby authorized (i) to fix, revise, charge, and collect rates, fees, and charges for or in connection with the use, occupancy, and services of each capital project named in § 2 or the system of which such capital project is a part and (ii) to pledge to the portion of the bonds or BANs issued for such capital project the net revenues resulting from such rates, fees, and charges and remaining after payment of the expenses of operating the project or system, as the case may be. The institution is further authorized to create debt service and sinking funds for the payments of the principal of and premium, if any, and interest on the bonds and other reserves required by any agency of the United States of America purchasing the bonds or any portion thereof.

§ 8. Investments and contracts.

A. Pending the application of the proceeds of the bonds or BANs, including refunding bonds and BANs, to the purpose for which they have been authorized and the application of funds set aside for the purpose to the payment of bonds or BANs,

they may be invested by the State Treasurer in securities that are legal investments under the laws of the Commonwealth for public funds and sinking funds, as the case may be. Whenever the State Treasurer receives interest from the investment of the proceeds of bonds or any BANs, such interest shall become a part of the principal of the bonds or any BANs and shall be used in the same manner as required for principal of the bonds or BANs.

B. The Commonwealth may enter into any contract or other arrangement that is determined to be necessary or appropriate to place the obligation or investment of the Commonwealth, as represented by bonds, BANs, or investments, in whole or in part, on the interest rate, cash flow, or other basis desired by the Commonwealth. Such contract or other arrangement may include, without limitation, contracts commonly known as interest rate swap agreements and futures or contracts providing for payments based on levels of, or changes in, interest rates. These contracts or arrangements may be entered into by the Commonwealth in connection with, or incidental to, entering into or maintaining any (i) agreement that secures bonds or BANs or (ii) investment, or contract providing for investment, otherwise authorized by law. These contracts and arrangements may contain such payment, security, default, remedy, and other terms and conditions as determined by the Commonwealth, after giving due consideration to the creditworthiness of the counterparty or other obligated party, including any rating by any nationally recognized rating agency, and any other criteria as may be appropriate. The determinations referred to in this subsection may be made by the Treasury Board or any public funds manager with professional investment capabilities duly authorized by the Treasury Board to make such determinations.

C. Any money set aside and pledged to secure payments of bonds, BANs, or any of the contracts entered into pursuant to this section may be invested in accordance with subsection A and may be pledged to and used to service any of the contracts or other arrangements entered into pursuant to subsection B.

§ 9. Security for bonds and BANs.

The net revenues of the capital projects set forth in § 2 and the full faith and credit of the Commonwealth are hereby irrevocably pledged for the payment of the principal of and the interest on bonds and BANs, unless the Treasury Board, by and with the consent of the Governor, shall provide otherwise, issued under this act. The proceeds of (i) bonds the issuance of which has been anticipated by BANs, (ii) refunding bonds, and (iii) refunding BANs are hereby irrevocably pledged for the payment of principal of and interest and any premium on the BANs or bonds to be paid or redeemed thereby. In the event the net revenues pledged to the payment of the bonds or BANs are insufficient in any fiscal year for the timely payment of the principal of and premium, if any, and interest on the bonds or BANs, where the full faith and credit of the Commonwealth have been pledged, the General Assembly shall appropriate a sum sufficient therefor or the Governor shall direct payment therefor from the general fund revenues of the Commonwealth.

§ 10. Exemption of interest from tax.

The bonds and BANs issued under the provisions of this act, their transfer, and the income therefrom, including any profit made on the sale thereof, shall at all times be free and exempt from taxation by the Commonwealth and by any county, city, or town or other political subdivision thereof. The Treasury Board is authorized to take or refrain from taking any and all actions and to covenant to such effect, and to require the participating institutions to do and to covenant likewise, to the extent that, in the judgment of the Treasury Board, it is appropriate in order that interest on the bonds and BANs may be exempt from federal income tax. Alternatively, interest on bonds and BANs may be made subject to inclusion in gross income of the holders thereof for federal income tax purposes.

§ 11. Refunding bonds and BANs.

The Treasury Board is authorized, by and with the consent of the Governor, to sell and issue, at one time or from time to time, refunding bonds and BANs of the Commonwealth and to refund any or all of the bonds and BANs, respectively, issued under this act or otherwise authorized pursuant to Article X, Section 9 (c) of the Constitution of Virginia. Refunding bonds and BANs may be issued in a principal amount up to the amount necessary to pay at maturity or redeem the bonds and BANs to be refunded and pay all issuance costs and other financing expenses of the refunding. Such refunding bonds and BANs may be issued whether or not the obligations to be refunded are then subject to redemption.

§ 12. Defeasance.

Any bond or BAN for which cash or direct obligations of the United States of America shall have been set aside in escrow with the State Treasurer or a bank or trust company, within or without the Commonwealth, shall be deemed no longer outstanding under the applicable authorizing instrument, this act, and Article X, Section 9 (c) or (b), as the case may be, of the Constitution of Virginia.

§ 13. Severability.

The provisions of this act, or the application thereof to any person or circumstance, that are held invalid shall not affect the validity of other provisions or applications of this act which can be given effect without the invalid provisions or applications.

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

VIRGINIA ACTS OF ASSEMBLY - CHAPTER 732

An Act to amend and reenact Chapter 665 of the 2015 Acts of Assembly, which appropriated the public revenues and provided a portion of such revenues for the two years ending, respectively, on the thirtieth day of June, 2015, and the thirtieth day of June, 2016.

[H 29]

Approved - April 10, 2016

Be it enacted by the General Assembly of Virginia:

1. That Items 6, 25.20, 32, 40, 41, 42, 44, 50, 67, 70, 76, 81, 82, 87, 101, 102, 135, 136, 226, 241, 261, 276, 279, 290, 298, 300, 301, 303, 304, 307, 308, 312, 332, 334, 335, 336, 337, 338, 339, 341, 342, 343, 352, 369, 372, 379, 384, 385, 389, 398, 400, 401, 406, 425, 433, 442, 443, 444, 445, 446, 447, 448, 449, 458, 461, 465, 467, 468, 476, 479, 482, 484, C-41, § 3-1.01, § 3-3.03, § 3-5.03, and § 4-6.01 of Chapter 665 of the 2015 Acts of Assembly, be hereby amended and reenacted.

2. §1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	First Year	Second Year	Total
Unreserved Balance, June 30, 2014	\$405,810,000		\$405,810,000
Additions to Balance	\$835,153,067		\$835,153,067
	(\$219,394,360)	\$1,900,446	(\$217,493,914)
		(\$425,117,598)	(\$644,511,958)
Official Revenue Estimates	\$17,186,022,255	\$17,720,628,857	\$34,906,651,112
Revenue Stabilization Fund	\$470,000,000	\$235,000,000	\$705,000,000
Transfers	\$644,994,561	\$564,512,975	\$1,209,507,536
		\$571,980,613	\$1,216,975,174
Total General Fund			
Resources Available for Appropriation	\$18,487,432,456	\$18,522,042,278	\$37,009,474,734
	\$18,916,775,523	\$18,690,910,084	\$37,607,685,607

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	First Year	Second Year	Total
Balance, June 30, 2014	\$4,945,503,350		\$4,945,503,350
Official Revenue Estimates	\$25,734,466,497	\$26,305,964,356	\$52,040,430,853
		\$26,467,368,074	\$52,201,834,571
Lottery Proceeds Fund	\$557,555,450	\$531,667,925	\$1,089,223,375
		\$538,955,547	\$1,096,510,997
Internal Service Fund	\$1,771,892,976	\$1,801,509,481	\$3,573,402,457
		\$1,908,509,481	\$3,680,402,457
Bond Proceeds	\$792,874,586	\$248,608,000	\$1,041,482,586
Total Nongeneral Fund			
Revenues Available for	\$33,802,292,859	\$28,887,749,762	\$62,690,042,621

Appropriation		\$29,163,441,102	\$62,965,733,961
TOTAL PROJECTED REVENUES	\$52,289,725,315 \$52,719,068,382	\$47,409,792,040 \$47,854,351,186	\$99,699,517,355 \$100,573,419,568

§ 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts respectively establishing them.

§ 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

§ 6. When used in this act the term:

A. "Current biennium" means the period from the first day of July two thousand fourteen, through the thirtieth day of June two thousand sixteen, inclusive.

B. "Previous biennium" means the period from the first day of July two thousand twelve, through the thirtieth day of June two thousand fourteen, inclusive.

C. "Next biennium" means the period from the first day of July two thousand sixteen, through the thirtieth day of June two thousand eighteen, inclusive.

D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and which is designated in this act by title and a three-digit agency code.

E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.

F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations are shown.

G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the appropriations are shown.

H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent employment.

I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation Act if required to carry out the purpose for which the appropriation is made.

J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for information reference only.

K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the instructions for preparation of the Executive Budget.

§ 7. The total appropriations from all sources in this act have been allocated as follows:

	BIENNIUM 2014-16		
	General Fund	Nongeneral Fund	Total
OPERATING EXPENSES	\$36,862,786,001 \$37,200,730,810	\$58,629,837,945 \$59,325,657,561	\$95,492,623,946 \$96,526,388,371
LEGISLATIVE DEPARTMENT	\$150,877,301	\$6,779,589 \$7,129,424	\$157,656,890 \$158,006,725
JUDICIAL DEPARTMENT	\$908,038,408 \$908,581,497	\$68,425,968 \$68,494,696	\$976,464,376 \$977,076,193
EXECUTIVE DEPARTMENT	\$35,801,469,713 \$36,139,746,728	\$57,558,996,772 \$58,248,917,525	\$93,360,466,485 \$94,388,664,253
INDEPENDENT AGENCIES	\$2,400,579 \$1,525,284	\$995,635,616 \$1,001,115,916	\$998,036,195 \$1,002,641,200
STATE GRANTS TO NONSTATE AGENCIES	\$0	\$0	\$0
CAPITAL OUTLAY EXPENSES	\$141,618,476	\$1,329,915,402	\$1,471,533,878

TOTAL	\$37,004,404,477	\$59,959,753,347	\$96,964,157,824
	\$37,342,349,286	\$60,655,572,963	\$97,997,922,249

§ 8. This chapter shall be known and may be cited as the "2016 Amendments to the 2015 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

PART 1: OPERATING EXPENSES

LEGISLATIVE DEPARTMENT

- 1. Not set out.
- 2. Not set out.
- 3. Not set out.
- 4. Not set out.
- 5. Not set out.

§ 1-1. DIVISION OF LEGISLATIVE SERVICES (107)

6.	Legislative Research and Analysis (78400).....			\$6,451,460	\$6,187,288 \$6,537,123
	Fund Sources: General.....	\$6,166,977	\$6,167,260		
	Special.....	\$284,483	\$20,028 \$369,863		

Authority: Title 30, Chapter 2.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Services, \$154,288 from July 1, 2014, to June 24, 2015 and \$154,288 from June 25, 2015, to June 30, 2016.

B. Notwithstanding the salary set out in paragraph A. of this item, the Committee on Joint Rules may establish a salary range for the Director, Division of Legislative Services.

C. The Division of Legislative Services shall continue to provide administrative support to include payroll processing, accounting, and travel expense processing at no charge to the Chesapeake Bay Commission, the Joint Commission on Health Care, the Virginia Commission on Youth, and the Virginia State Crime Commission.

D. The Director of the Division of Legislative Services is authorized to expend up to \$25,000 in the first year and \$25,000 the second year of the general fund amounts appropriated for this item to support costs associated with the 2015 national conference of the Uniform Law Commission which will be held in Williamsburg Virginia in July of 2015.

E. The Division of Legislative Services is hereby directed to lead a technical staff working group, including staff of the Joint Commission on Technology and Science, the Joint Legislative Audit and Review Commission (JLARC), the Office of the Secretary of Technology, the Virginia Information Technologies Agency (VITA), and the Office of the Attorney General, and others as may be deemed appropriate to review VITA's existing responsibilities, as set forth in the Code of Virginia, in uncodified Acts of Assembly, and in the Appropriation Act. The working group shall develop legislation that reorganizes, clarifies, and codifies, but does not substantively amend, such responsibilities. The technical working group shall present its proposal to JLARC no later than November 1, 2015, so that it may be considered for introduction at the 2016 Session of the General Assembly.

F. Included in this item is \$264,462 the first year and \$349,835 the second year from dedicated special revenue to implement the recommendations of the Chesapeake Bay Restoration Fund Advisory Committee.

	Total for Division of Legislative Services.....			\$6,451,460	\$6,187,288 \$6,537,123
	General Fund Positions.....	56.00	56.00		

ITEM 6.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Position Level.....	56.00	56.00		
Fund Sources: General.....	\$6,166,977	\$6,167,260		
Special.....	\$284,483	\$20,028		
		\$369,863		
7. Not set out.				
8. Not set out.				
9. Not set out.				
10. Not set out.				
11. Not set out.				
12. Not set out.				
13. Not set out.				
14. Not set out.				
15. Not set out.				
16. Not set out.				
17. Not set out.				
18. Not set out.				
19. Not set out.				
20. Not set out.				
21. Not set out.				
22. Not set out.				
23. Not set out.				
24. Not set out.				
25. Not set out.				
25.10 Not set out.				
Virginia Conflict of Interest and Ethics Advisory Council (876)				
25.20 Personnel Management Services (70400).....			\$0	\$393,000
Fund Sources: General.....	\$0	\$393,000		
Authority: Chapters 792 and 804 of the 2014 Acts of Assembly.				
Total for Virginia Conflict of Interest and Ethics Advisory Council.....			\$0	\$393,000
General Fund Positions.....	0.00	3.00 5.00		

ITEM 25.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Position Level.....	0.00	3.00 5.00		
Fund Sources: General.....	\$0	\$393,000		
25.30 Not set out.				
25.40 Not set out.				
Grand Total for Division of Legislative Services.....			\$10,191,421	\$8,112,816 \$8,462,651
General Fund Positions.....	62.50	67.50 69.50		
Position Level.....	62.50	67.50 69.50		
Fund Sources: General.....	\$9,282,771	\$7,968,581		
Special.....	\$908,650	\$144,235 \$494,070		
26. Not set out.				
27. Not set out.				
28. Not set out.				
29. Not set out.				
30. Not set out.				
31. Not set out.				

§ 1-2. LEGISLATIVE DEPARTMENT REVERSION CLEARING ACCOUNT (102)

32. Across the Board Reductions (71400).....			(\$194,600)	(\$194,600)
Fund Sources: General.....	(\$194,600)	(\$194,600)		

Authority: Discretionary Inclusion.

A. On or before June 30, 2015, the Committee on Joint Rules shall authorize the reversion to the general fund of \$1,017,084 from the appropriation for the Auditor of Public Accounts (agency 133).

B. On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert an amount of \$500,000 from the House of Delegates and \$500,000 from the Senate of Virginia.

C. On or before June 30, 2015, the Committee on Joint Rules shall authorize the reversion to the general fund of \$2,395,112, representing savings generated by legislative agencies in the first year. The total savings amount includes estimated savings within legislative agencies of:

Legislative Agency	Estimated Savings
Division of Legislative Services (107)	\$400,000
Division of Legislative Automated Systems (109)	\$794,065
Virginia Disability Commission (837)	\$18,163
Joint Commission on Health Care (844)	\$35,000
Joint Commission on Technology and Science (847)	\$109,498
Virginia Sesquicentennial of the American Civil War Commission (859)	\$1,027,950
Small Business Commission (862)	\$10,436

D. On or before June 30, 2016, the Committee on Joint Rules shall authorize the reversion to

ITEM 32.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<i>the general fund of \$1,425,264, representing savings generated by legislative agencies in the second year. The total savings amount includes estimated savings within the following legislative agencies:</i>				
Legislative Agency			Estimated Savings	
<i>Auditor of Public Accounts (133)</i>			\$375,264	
<i>Division of Legislative Services (107)</i>			\$950,000	
<i>Division of Legislative Automated Systems (109)</i>			\$100,000	
33.	Not set out.			
	Total for Legislative Department Reversion Clearing Account.....		\$165,715	\$165,715
	General Fund Positions.....	1.00	1.00	
	Position Level.....	1.00	1.00	
	Fund Sources: General.....	\$165,715	\$165,715	
	TOTAL FOR LEGISLATIVE DEPARTMENT.....		\$79,811,848	\$77,845,042 \$78,194,877
	General Fund Positions.....	579.50	584.50 586.50	
	Nongeneral Fund Positions.....	29.50	29.50	
	Position Level.....	609.00	614.00 616.00	
	Fund Sources: General.....	\$76,040,249	\$74,837,052	
	Special.....	\$3,518,378	\$2,754,737 \$3,104,572	
	Trust and Agency.....	\$115,708	\$115,717	
	Federal Trust.....	\$137,513	\$137,536	

ITEM 34.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

JUDICIAL DEPARTMENT

§ 1-3. SUPREME COURT (111)

- 34. Not set out.
- 35. Not set out.
- 36. Not set out.
- 37. Not set out.
- 38. Not set out.
- 39. Not set out.

General District Courts (114)

40.	Pre-Trial, Trial, and Appellate Processes (32100).....		\$102,790,634	\$104,197,501 \$104,644,473
	Fund Sources: General.....	\$102,790,634		\$104,197,501 \$104,644,473

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-137, 19.2-163 and 37.2-809 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all General District Court judges, \$146,599 from July 1, 2014, to November 24, 2014, \$146,599 from November 25, 2014, to November 24, 2015, and \$146,599 from November 25, 2015, to June 30, 2016. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for General District Court Judges and incorporate all supplements formerly paid by the various localities.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2014, in the appropriation made in Item 43, Chapter 806, Acts of Assembly of 3 in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2015.

C. Any balance, or portion thereof, in the item detail Involuntary Mental Commitments, may be transferred between Items 39, 40, 41, and 298, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$40,000 the first year and not to exceed \$40,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.

F. A district court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

G. Upon the retirement or separation from employment of any chief general district court

ITEM 40.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
clerks from the 7th judicial district or the 13th judicial district, any vacant chief clerk positions in excess of one chief clerk for each general district court shall be reallocated by the Committee on District Courts to district courts with the highest documented unmet staffing requirements.				
Total for General District Courts.....			\$102,790,634	\$104,197,501 \$104,644,473
General Fund Positions.....	1,056.10	1,056.10		
Position Level.....	1,056.10	1,056.10		
Fund Sources: General.....	\$102,790,634	\$104,197,501 \$104,644,473		

Juvenile and Domestic Relations District Courts (115)

41.	Pre-Trial, Trial, and Appellate Processes (32100)....		\$89,233,072	\$91,092,639 \$91,120,617
	Fund Sources: General.....	\$89,233,072		\$91,092,639 \$91,120,617

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-69.58, 16.1-226 through 16.1-334, 19.2-163 and 37.1-67.1 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all full-time Juvenile and Domestic Relations District Court Judges, \$146,599 from July 1, 2014, to November 24, 2014, \$146,599 from November 25, 2014, to November 24, 2015, and \$146,599 from November 25, 2015, to June 30, 2016. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for Juvenile and Domestic Relations District Court Judges.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2014, in the appropriation made in Item 44, Chapter 806, Acts of Assembly of 2013, in the Item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2015.

C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 40, 41, 42, and 298, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Notwithstanding any other provision of law, when a Guardian ad Litem is appointed for a child by the Commonwealth, the juvenile and domestic relations district court or the circuit court, as the case may be, shall order the parent, parents, adoptive parent or adoptive parents of the child, or another party with a legitimate interest therein who has filed a petition with the court to reimburse the Commonwealth the costs of such services in an amount not to exceed the amount awarded the Guardian ad Litem by the court. If the court determines such party is unable to pay, the required reimbursement may be reduced or eliminated. In addition, it is the intent of the General Assembly that the Supreme Court actively administer the Guardian ad Litem program to ensure that payments made to Guardians ad Litem do not exceed that which is required. The Executive Secretary of the Supreme Court shall report August 1 and January 1 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on the amounts paid for Guardian ad Litem purposes, amounts reimbursed by parents and/or guardians, savings achieved, and management actions taken to further enhance savings under this program.

F. Out of the amount appropriated from the general fund for Other Court Costs and

ITEM 41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$870,000 the first year and not to exceed \$870,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission for the administration of the physical evidence recovery kit (PERK) program.				
Total for Juvenile and Domestic Relations District Courts.....			\$89,233,072	\$91,092,639 \$91,120,617
General Fund Positions.....			617.10	617.10
Position Level.....			617.10	617.10
Fund Sources: General.....			\$89,233,072	\$91,092,639 \$91,120,617
Combined District Courts (116)				
42.	Pre-Trial, Trial, and Appellate Processes (32100).....		\$24,431,065	\$24,702,502 \$24,770,641
Fund Sources: General.....			\$24,431,065	\$24,702,502 \$24,770,641
Authority: Article VI, Section 8, Constitution of Virginia, §§ 16.1-69.1 through 16.1-137, 16.1-226 through 16.1-334, 19.2-163, and 37.1-67.1 et seq., Code of Virginia.				
A. Out of the amounts in this Item for Trial Processes shall be paid the salaries of substitute judges and court personnel.				
B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2014, in the appropriation made in Item 45, Chapter 806, Acts of Assembly of 2013, in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2015.				
C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 40, 41, 42, and 298, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.				
D. The appropriation in this Item for Other Court Costs and Allowances shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.				
E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$95,000 the first year and not to exceed \$95,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.				
Total for Combined District Courts.....			\$24,431,065	\$24,702,502 \$24,770,641
General Fund Positions.....			204.55	204.55
Position Level.....			204.55	204.55
Fund Sources: General.....			\$24,431,065	\$24,702,502 \$24,770,641
43.	Not set out.			
Grand Total for Supreme Court.....			\$412,113,664	\$413,315,199 \$413,858,288
General Fund Positions.....			2,708.71	2,708.71
Nongeneral Fund Positions.....			6.00	6.00
Position Level.....			2,714.71	2,714.71
Fund Sources: General.....			\$401,379,085	\$402,576,141 \$403,119,230

ITEM 43.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Special.....	\$308,655	\$308,655		
Dedicated Special Revenue.....	\$9,000,000	\$9,000,000		
Federal Trust.....	\$1,425,924	\$1,430,403		

§ 1-4. BOARD OF BAR EXAMINERS (233)

44.	Regulation of Professions and Occupations (56000).....			\$1,500,077	\$1,500,328 \$1,569,056
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Fund Sources: Special.....	\$1,500,077	\$1,500,328 \$1,569,056
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Authority: Title 54.1, Chapter 39, Articles 3 and 4 and § 54.1-3934, Code of Virginia.

The State Comptroller shall continue the Board of Bar Examiners Fund on the Commonwealth Accounting and Reporting System. Revenues collected from fees paid by applicants for admission to the bar shall be deposited into the Board of Bar Examiners Fund. The source of nongeneral funds included in this item is the Board of Bar Examiners Fund. Interest generated by the fund shall be retained by the fund.

Total for Board of Bar Examiners.....			\$1,500,077	\$1,500,328 \$1,569,056
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Nongeneral Fund Positions.....	8.00	8.00
Position Level.....	8.00	8.00

Fund Sources: Special.....	\$1,500,077	\$1,500,328 \$1,569,056
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45. Not set out.

46. Not set out.

47. Not set out.

48. Not set out.

49. Not set out.

§ 1-5. JUDICIAL DEPARTMENT REVERSION CLEARING ACCOUNT (104)

50.	Across the Board Reductions (71400).....			\$0	\$855,795
	Fund Sources: General.....	\$0	\$855,795		

Authority: Discretionary Inclusion.

A. On or before June 30, 2015, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of \$300,000, representing additional savings generated within the Indigent Defense Commission.

B. On or before June 30, 2016, the Director of the Department of Planning and Budget shall authorize the reversion to the general fund of \$300,000, representing additional savings generated within the Indigent Defense Commission.

C. On or before June 30, 2015, the Director of the Department of Planning and Budget shall revert an amount estimated at \$700,000 from Judicial agency balances.

D. Sufficient funding is included within the Judicial Department to support a total of 405 circuit and district court judgeships. The vacant judgeships to be filled as of July 1, 2015, are as follows:

1. Circuit Court judgeships: one each in the 7th, 9th, 11th, 13th, 14th, 20th, and 27th Circuits; two each in the 19th, 24th, and 26th Circuits; and, three in the 31st Circuit, for a

ITEM 50.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
total of 16 Circuit Court judgeships to be filled as of July 1, 2015.				
2. General District Court judgeships: one each in the 1st, 2nd, 4th, 7th, 14th, and 26th Districts; and, two in the 19th District, for a total of eight General District Court judgeships to be filled as of July 1, 2015.				
3. Juvenile and Domestic Relations District Court judgeships: one each in the 4th, 22nd, 24th, 26th, and 28th Districts; two in the 23rd District; and, three in the 15th, for a total of ten Juvenile and Domestic Relations District Court judgeships to be filled as of July 1, 2015.				
4. Included in the appropriation for this item is \$855,795 from the general fund in the second year to support the filling of judgeships. The Executive Secretary of the Supreme Court is authorized to request the transfer of funds between this Item and Items 39, 40, and 41 as needed, to reflect the distribution of the 405 judgeships.				
<i>E. On or before June 30, 2016, the Director, Department of Planning and Budget, shall authorize the reversion to the general fund of \$400,000, representing estimated Judicial agency balances.</i>				
Total for Judicial Department Reversion Clearing Account.....			\$0	\$855,795
Fund Sources: General.....	\$0	\$855,795		
TOTAL FOR JUDICIAL DEPARTMENT.....			\$486,780,643	\$489,683,733 \$490,295,550
General Fund Positions.....	3,261.71	3,261.71		
Nongeneral Fund Positions.....	103.00	103.00		
Position Level.....	3,364.71	3,364.71		
Fund Sources: General.....	\$452,612,774	\$455,425,634 \$455,968,723		
Special.....	\$9,740,743	\$9,741,019 \$9,809,747		
Dedicated Special Revenue.....	\$23,001,202	\$23,086,677		
Federal Trust.....	\$1,425,924	\$1,430,403		

ITEM 51.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

EXECUTIVE DEPARTMENT

EXECUTIVE OFFICES

- 51. Not set out.
- 52. Not set out.
- 53. Not set out.
- 54. Not set out.
- 55. Not set out.
- 56. Not set out.
- 57. Not set out.
- 58. Not set out.
- 59. Not set out.
- 60. Not set out.
- 61. Not set out.
- 62. Not set out.
- 63. Not set out.
- 64. Not set out.

TOTAL FOR EXECUTIVE OFFICES.....			\$62,461,904	\$63,898,587
General Fund Positions.....	289.67	287.67		
Nongeneral Fund Positions.....	221.33	221.33		
Position Level.....	511.00	509.00		
Fund Sources: General.....	\$32,988,200	\$32,902,813		
Special.....	\$17,947,230	\$18,476,770		
Commonwealth Transportation.....	\$1,920,670	\$1,921,708		
Federal Trust.....	\$9,605,804	\$10,597,296		

ITEM 65.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF ADMINISTRATION

65. Not set out.

§ 1-6. COMPENSATION BOARD (157)

66. Not set out.

67. Financial Assistance for Confinement of Inmates in Local and Regional Facilities (35600).....		\$63,923,778	\$50,115,331 \$61,390,363
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Fund Sources: General.....	\$63,923,778	\$50,115,331 \$61,390,363
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Authority: §§ 53.1-83.1, 53.1-84 and 53.1-85, Code of Virginia.

A. In the event the appropriation in this Item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2015, and June 1, 2016, may be reallocated among localities on a pro rata basis according to such deficiency.

B. For the purposes of this Item, the following definitions shall be applicable:

1. Effective sentence--a convicted offender's sentence as rendered by the court less any portion of the sentence suspended by the court.

2. Local responsible inmate--(a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, Code of Virginia, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) twelve months or less or (ii) less than one year.

3. State responsible inmate--any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than two years.

C. The individual or entity responsible for operating any facility which receives funds from this Item may, if requested by the Department of Corrections, enter into an agreement with the department to accept the transfer of convicted felons, from other local facilities or from facilities operated by the Department of Corrections. In entering into any such agreements, or in effecting the transfer of offenders, the Department of Corrections shall consider the security requirements of transferred offenders and the capability of the local facility to maintain such offenders. For purposes of calculating the amount due each locality, all funds earned by the locality as a result of an agreement with the Department of Corrections shall be included as receipts from these appropriations.

D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined by § 53.1-1, Code of Virginia, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

1. For local responsible inmates--\$4 per inmate day, or, if the inmate is housed and maintained in a jail farm not under the control of the sheriff, the rate shall be \$18 per inmate day.

2. For state responsible inmates--\$12 per inmate day.

F. For the payment specified in paragraph E 1 of this Item for prisoners in alternative

ITEM 67.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

punishment or alternative to incarceration programs:

1. Such payment is intended to be made for prisoners that would otherwise be housed in a local correctional facility. It is not intended for prisoners that would otherwise be sentenced to community service or placed on probation.

2. No such payment shall be made unless the program has been approved by the Department of Corrections or the Department of Criminal Justice Services. Alternative punishment or alternative to incarceration programs, however, may include supervised work experience, treatment, and electronic monitoring programs.

G.1. Except as provided for in paragraph G 2, and notwithstanding any other provisions of this Item, the Compensation Board shall provide payment to any locality with an average daily jail population of under ten in FY 1995 an inmate per diem rate of \$22 per day for local responsible inmates and \$28 per day for state responsible inmates held in these jails in lieu of personal service costs for corrections' officers.

2. Any locality covered by the provisions of this paragraph shall be exempt from the provisions thereof provided that the locally elected sheriff, with the assistance of the Compensation Board, enters into good faith negotiations to house his prisoners in an existing local or regional jail. In establishing the per diem rate and capital contribution, if any, to be charged to such locality by a local or regional jail, the Compensation Board and the local sheriff or regional jail authority shall consider the operating support and capital contribution made by the Commonwealth, as required by §§ 15.2-1613, 15.2-1615.1, 53.1-80, and 53.1-81, Code of Virginia. The Compensation Board shall report periodically to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of these negotiations and may withhold the exemption granted by this paragraph if, in the board's opinion, the local sheriff fails to negotiate in good faith.

H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day operating costs provided by the Commonwealth, excluding payments otherwise provided for in this Item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth.

2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates. Should the next quarterly per diem payment owed the locality not be sufficient against which to net the total quarterly recovery amount, the locality shall remit the remaining amount not recovered to the Compensation Board.

3. Any local or regional jail which receives funding from the Compensation Board shall give priority to the housing of local-responsible, state-responsible, and state contract inmates, in that order, as provided in paragraph H 1.

4. The Compensation Board shall not provide any inmate per diem payments to any local or regional jail which holds federal inmates in excess of the number of beds contracted for with the Department of Corrections, unless the Director, Department of Corrections, certifies to the Chairman of the Compensation Board that a) such contract beds are not required; b) the facility has operational capacity built under contract with the federal government; c) the facility has received a grant from the federal government for a portion of the capital costs; or d) the facility has applied to the Department of Corrections for participation in the contract bed program with a sufficient number of beds to meet the Department of Corrections' need or ability to fund contract beds at that facility in any given fiscal year.

ITEM 67.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
5. The Compensation Board shall apply the cost recovery methodology set out in paragraph H 1 of this Item to any jail which holds inmates from another state on a contractual basis. However, recovery in such circumstances shall not be made for inmates held pending extradition to other states or pending transfer to the Virginia Department of Corrections.				
6. The provisions of this paragraph shall not apply to any local or regional jail where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.				
7. For a local or regional jail which operates bed space specifically built utilizing federal capital or grant funds for the housing of federal inmates and for which Compensation Board funding has never been authorized for staff for such bed space, the Compensation Board shall allow an exemption from the recovery provided in paragraph H.1. for a defined number of federal prisoners upon certification by the sheriff or superintendent that the federal government has paid for the construction of bed space in the facility or provided a grant for a portion of the capital cost. Such certification shall include specific funding amounts paid by the federal government, localities, and/or regional jail authorities, and the Commonwealth for the construction of bed space specifically built for the housing of federal inmates and for the construction of the jail facility in its entirety. The defined number of federal prisoners to be exempted from the recovery provided in paragraph H.1. shall be based upon the proportion of funding paid by the federal government and localities and/or regional jail authorities for the construction of bed space to house federal prisoners to the total funding paid by all sources, including the Commonwealth, for all construction costs for the jail facility in its entirety.				
8. Beginning March 1, 2013, federal inmates placed in the custody of a regional jail pursuant to a work release program operated by the federal Bureau of Prisons shall be exempt from the recovery of costs associated with housing federal inmates pursuant to paragraph H.1. of this item if such federal inmates have been assigned by the federal Bureau of Prisons to a home electronic monitoring program in place for such inmates by agreement with the jail on or before January 1, 2012 and are not housed in the jail facility. However, no such exemption shall apply to any federal inmate while they are housed in the regional jail facility.				
I. Any amounts in the program Financial Assistance for Confinement of Inmates in Local and Regional Facilities, may be transferred between Items 66 and 67, as needed, to cover any deficits incurred in the programs Financial Assistance for Sheriffs' Offices and Regional Jails and Financial Assistance for Confinement of Inmates in Local and Regional Facilities.				
J. Projected growth in per diem payments for the support of prisoners in local and regional jails shall be based on actual inmate population counts up through the first quarter of the affected fiscal year.				
K. The Compensation Board shall provide an annual report on the number and diagnoses of inmates with mental illnesses in local and regional jails, the treatment services provided, and expenditures on jail mental health programs. The report shall be prepared in cooperation with the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia Association of Community Services Boards, and the Department of Behavioral Health and Developmental Services, and shall be coordinated with the data submissions required for the annual jail cost report. Copies of this report shall be provided by November 1 of each year to the Governor, Director, Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees.				
68. Not set out.				
69. Not set out.				
70. Financial Assistance for Attorneys for the Commonwealth (77200).....			\$69,935,657	\$69,935,657
Fund Sources: General.....	\$69,935,657	\$69,935,657		
Authority: Title 15.2, Chapter 16, Articles 4 and 6.1, Code of Virginia.				
A.1. The annual salaries of attorneys for the Commonwealth shall be as hereinafter prescribed according to the population of the city or county served except as otherwise provided in §				

ITEM 70.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
15.2-1636.12, Code of Virginia.				
	July 1, 2014 to June 30, 2015	July 1, 2015 to November 30, 2015	December 1, 2015 to June 30, 2016	
Less than 10,000	\$53,257	\$53,257	\$53,257	
10,000-19,999	\$59,182	\$59,182	\$59,182	
20,000-34,999	\$65,098	\$65,098	\$65,098	
35,000-44,999	\$117,173	\$117,173	\$117,173	
45,000-99,999	\$130,189	\$130,189	\$130,189	
100,000-249,999	\$135,073	\$135,073	\$135,073	
250,000 and above	\$139,958	\$139,958	\$139,958	

2. The attorneys for the Commonwealth and their successors who serve on a full-time basis pursuant to §§ 15.2-1627.1, 15.2-1628, 15.2-1629, 15.2-1630 or § 15.2-1631, Code of Virginia, shall receive salaries as if they served localities with populations between 35,000 and 44,999.

3. Whenever an attorney for the Commonwealth is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such attorney for the Commonwealth under the provisions of this paragraph and such attorney for the Commonwealth shall receive as additional compensation the sum of one thousand dollars.

B. No expenditure shall be made out of this Item for the employment of investigators, clerk-investigators or other investigative personnel in the office of an attorney for the Commonwealth.

C. Consistent with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may, in addition to the options otherwise provided by law, employ individuals to assist in collection of outstanding fines, costs, forfeitures, penalties, and restitution. Notwithstanding any other provision of law, beginning on the date upon which the order or judgment is entered, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. The attorneys for the Commonwealth shall account for the amounts collected and apportion costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.

D. The provisions of this act notwithstanding, no Commonwealth's attorney, public defender or employee of a public defender, shall be paid or receive reimbursement for the state portion of a salary in excess of the salary paid to judges of the circuit court. Nothing in this paragraph shall be construed to limit the ability of localities to supplement the salaries of locally elected constitutional officers or their employees.

E. The Statewide Juvenile Justice project positions, as established under the provisions of Item 74 E, of Chapter 912, 1996 Acts of Assembly, and Chapter 924, 1997 Acts of Assembly, are continued under the provisions of this act. The Commonwealth's attorneys receiving such positions shall annually certify to the Compensation Board that the positions are used primarily, if not exclusively, for the prosecution of delinquency and domestic relations felony cases, as defined by Chapters 912 and 924. In the event the positions are not primarily or exclusively used for the prosecution of delinquency and domestic relations felony cases, the Compensation Board shall reallocate such positions by using the allocation provisions as provided for the board in Item 74 E of Chapters 912 and 924.

F. The Compensation Board shall monitor the Department of Taxation program regarding the collection of unpaid fines and court costs by private debt collection firms contracted by Commonwealth's attorneys and shall include, in its annual report to the General Assembly on the collection of court-ordered fines and fees for clerks of the courts and Commonwealth's attorneys, the amount of unpaid fines and costs collected by this

ITEM 70.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
program.				
G. Out of this appropriation, \$389,165 the first year and \$389,165 the second year from the general fund is designated for the Compensation Board to fund five additional positions in Commonwealth's attorney's offices that shall be dedicated to prosecuting gang-related criminal activities. The board shall ensure that these positions work across jurisdictional lines, serving the Northern Virginia area (counties of Fairfax, Loudoun, Prince William, and Arlington and the cities of Falls Church, Alexandria, Manassas, Manassas Park and Fairfax).				
H. Included within this appropriation is \$2,120,757 the first year and \$2,120,757 the second year from the general fund to increase the salary of each assistant Commonwealth's attorney by \$3,308.				
I. In accordance with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may employ individuals, or contract with private attorneys, private collection agencies, or other state or local agencies, to assist in collection of delinquent fines, costs, forfeitures, penalties, and restitution. If the attorney for the Commonwealth employs individuals, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. If the attorney for the Commonwealth does not undertake collection, the attorney for the Commonwealth shall, as soon as practicable, take steps to ensure that any agreement or contract with an individual, attorney or agency complies with the terms of the current Master Guidelines Governing Collection of Unpaid Delinquent Court-Ordered Fines and Costs Pursuant to Virginia Code § 19.2-34 9 promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court, the Department of Taxation, and the Compensation Board ("the Master Guidelines"). Notwithstanding any other provision of law, the delinquent amounts owed shall be increased by seventeen (17) percent to help offset the costs associated with employing such individuals or contracting with such agencies or individuals. If such increase would exceed the contracted collection agent's fee, then the delinquent amount owed shall be increased by the percentage or amount of the collection agent's fee. Effective July 1, 2015, as provided in § 19.2-349, Code of Virginia, treasurers not being compensated on a contingency basis as of January 1, 2015 shall be prohibited from being compensated on a contingency basis but shall be instead compensated administrative cost pursuant to § 58.1-3958, Code of Virginia. Treasurers currently collecting a contingency fee shall be eligible to contract on a contingency fee basis. until June 30, 2018 . Effective July 1, 2015, any treasurer collecting a contingency fee shall retain only the expenses of collection, and the excess collection shall be divided between the state and the locality in the same manner as if the collection had been done by the attorney for the Commonwealth. The attorneys for the Commonwealth shall account for the amounts collected and the fees and costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.				
71. Not set out.				
72. Not set out.				
73. Not set out.				
Total for Compensation Board.....			\$665,928,659	\$656,978,220 \$668,253,252
General Fund Positions.....	20.00	20.00		
Nongeneral Fund Positions.....	1.00	1.00		
Position Level.....	21.00	21.00		
Fund Sources: General.....	\$649,927,947	\$640,977,508 \$652,252,540		
Trust and Agency.....	\$8,000,712	\$8,000,712		
Dedicated Special Revenue.....	\$8,000,000	\$8,000,000		

§ 1-7. DEPARTMENT OF GENERAL SERVICES (194)

ITEM 74.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
74.	Not set out.				
75.	Not set out.				
76.	Procurement Services (73000).....			\$61,313,173	\$61,898,935 \$61,300,836
	Fund Sources: General.....	\$2,331,693	\$2,331,693		
	Special.....	\$1,709,454	\$2,054,471 \$1,456,372		
	Enterprise.....	\$22,470,126	\$22,710,871		
	Internal Service.....	\$34,801,900	\$34,801,900		

Authority: Title 2.2, Chapter 11, Articles 3 and 6, Code of Virginia.

A. 1. Out of this appropriation, \$936,900 the first year and \$936,900 the second year for federal surplus property is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

2. Out of this appropriation, \$1,865,000 the first year and \$1,865,000 the second year for state surplus property is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

B. Out of this appropriation, \$32,000,000 the first year and \$32,000,000 the second year for Statewide Cooperative Procurement and Distribution Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

C.1. The Commonwealth's statewide electronic procurement system and program known as eVA will be financed by fees assessed to state agencies and institutions of higher education and vendors.

2. The Department of General Services, in consultation with the Department of Accounts, shall develop an implementation timetable, scope, and cost for real time integration between eVA and the statewide financial management system known as Cardinal, with the objective that the integration be completed within one year of the Cardinal Wave 2 rollout, no later than February 15, 2017. The Secretaries of Administration and Finance shall submit a final timetable, no later than July 1, 2015, to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. The Department of General Services and the Department of Accounts are authorized to fund all approved costs of the integration, including associated integration costs incurred by the Department of Accounts' Cardinal project team. All approved integration costs are to be paid from the existing eVA special fund balances. No integration costs shall be paid from eVA fees collected after July 1, 2014. The Department of General Services is authorized, where necessary, to procure all integration services required for this integration project by the Department of General Services and the Department of Accounts to fulfill the requirements of this subsection. Department of Accounts costs for integration services it procures must be approved by the Department of General Services prior to issuing a purchase order or incurring such costs, as the Department of General Services is expected to pay those costs. The Department of General Services and the Department of Accounts shall work collaboratively to implement and complete the integration in accordance with the Secretaries of Administration and Finance approved timetable. The Department of General Services and the Department of Accounts shall jointly submit quarterly implementation progress reports to the Secretaries of Administration and Finance for submission to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.

D. The Department of General Services shall allow nonprofit food banks operating in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from the Virginia Distribution Center.

77. Not set out.

78. Not set out.

ITEM 79.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
79.	Not set out.				
80.	Not set out.				
	Total for Department of General Services.....			\$229,996,608	\$233,249,425 \$232,651,326
	General Fund Positions.....	252.00	253.00		
	Nongeneral Fund Positions.....	408.50	408.50		
	Position Level.....	660.50	661.50		
	Fund Sources: General.....	\$21,455,642	\$21,199,643		
	Special.....	\$5,696,526	\$7,041,543 \$6,443,444		
	Enterprise.....	\$31,043,119	\$31,419,864		
	Internal Service.....	\$163,981,914	\$165,768,968		
	Federal Trust.....	\$7,819,407	\$7,819,407		

§ 1-8. DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (129)

81.	Personnel Management Services (70400).....			\$16,267,149	\$16,421,397
	Fund Sources: General.....	\$8,308,714	\$8,320,849		
	Special.....	\$6,599,466	\$6,741,579		
	Trust and Agency.....	\$1,358,969	\$1,358,969		

Authority: Title 2.2, Chapters 12, 28, and 29, Code of Virginia.

A. The Department of Human Resource Management shall report any proposed changes in premiums, benefits, carriers, or provider networks to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees at least sixty days prior to implementation.

B.1. The Department of Human Resource Management shall operate a human resource service center to support the human resource needs of those agencies identified by the Secretary of Administration in consultation with the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Human Resource Management by transferring such records and functions as may be required.

2. Out of this appropriation, \$590,353 the first year and \$590,353 the second year from the general fund shall be used to support the human resource service center.

3. Nothing in this paragraph shall prohibit additional agencies from using the services of the center; however, these additional agencies' use of the human resource service center shall be subject to approval by the affected cabinet secretary and the Secretary of Administration.

4. a. Agencies that are partially or fully funded with nongeneral funds that receive approval by the affected cabinet secretary and the Secretary of Administration to join the human resource service center, on or after July 1, 2014, shall pay the Department of Human Resource Management the costs to support the human resource service center. The agency's share of the costs to support the human resource service center shall be based on the agency's applicable nongeneral fund expenditures as set out in § 4-5.03 of this act.

b. The rates required to recover the costs of the human resource service center shall be provided by the Department of Human Resource Management to the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate.

C. The institutions of higher education shall be exempt from the centralized advertising requirements identified in Executive Order 73 (01).

D.1. To ensure fair and equitable performance reviews, the Department of Human Resource Management, within available resources, is directed to provide performance management training to agencies and institutions of higher education with classified employees.

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2.				
Agency heads in the Executive Department are directed to require appropriate performance management training for all agency supervisors and managers.				
E.1.				
The Department of Human Resource Management shall take into account the claims experience of each agency and institution when setting premiums for the workers' compensation program.				
2.				
All financial obligations of the Commonwealth to the Virginia Workers' Compensation Commission for payroll taxes on behalf of the state employees' workers' compensation program are satisfied in full through calendar year 2009.				
F.1.				
The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by October 1 of each year, on its recommended workers' compensation premiums for state agencies for the following biennium. This report shall also include the basis for the department's recommendations, the number and amount of workers' compensation settlements concluded in the previous fiscal year, and the impact of those settlements on the workers' compensation program's reserves.				
2.				
The Department of Human Resource Management shall conduct a study, with the cooperation of all executive, legislative, judicial, and independent agencies, to include, but not be limited to, the impact of settling appropriate claims, the potential need for a risk management position in the Department of Human Resource Management to further assist state agencies not staffed with a risk management position, and the need for a risk management position for state agencies with a high incidence of claims who are not staffed with a risk management position. The department shall report its findings and cost savings recommendations for the state employee's workers' compensation program to the Governor and Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2014.				
3.				
Notwithstanding § 2.2-2821, Code of Virginia, the Department of Human Resource Management may use up to \$30,000 the first year from the Workers' Compensation Trust Fund for the administrative costs associated with paragraph F.2.				
4.				
Beginning July 1, 2015, the Department of Human Resource Management shall conduct an annual review of each state agency's loss control history, to include the severity of workers' compensation claims, experience modification factor, and frequency normalized by payroll. Based on the annual review, state agencies deemed by the Department of Human Resource Management as having higher than normal loss history shall be required to participate in a loss control program. All executive, judicial, legislative, and independent agencies required to participate in the loss control program shall fully cooperate with the Department of Human Resource Management's review. The Department of Human Resource Management shall provide a report to the Governor, Director, Department of Planning and Budget, and Chairmen of the House Appropriations and Senate Finance Committees on the status and recommendations of the loss control program no later than October 30 of each year.				
5. a.				
A working capital advance of up to \$20,000,000 shall be provided to the Department of Human Resource Management to identify and potentially settle certain workers' compensation claims open for more than one year but less than 10 years. The Department of Human Resource Management shall pay back the working capital advance from annual premiums over a seven year period. The Department of Human Resource Management shall provide a report to the Governor, Director, Department of Planning and Budget, and Chairmen of the House Appropriations and Senate Finance Committees on the status of the settlement program, the number of claims settled, and the estimated state costs avoided from the settlements no later than October 30 of each year.				
b.				
The Secretary of Finance and Secretary of Administration shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.				
G.				
The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees, by October 15 of				

ITEM 81.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

each year, on the renewal cost of the state employee health insurance program premiums that will go into effect on July 1 of the following year. This report shall include the impact of the renewal cost on employee and employer premiums and a valuation of liabilities as required by Other Post Employment Benefits reporting standards.

H. Out of this appropriation, \$606,439 the first year and \$606,439 the second year from the general fund is provided for the time, attendance and leave system.

I. The Department of Human Resource Management shall develop and distribute instructions and guidelines to all executive department agencies for the provision of an annual statement of total compensation for each classified employee. The statement should account for the full cost to the Commonwealth and the employee of cash compensation as well as Social Security, Medicare, retirement, deferred compensation, health insurance, life insurance, and any other benefits. The Director, Department of Human Resources Management, shall ensure that all executive department agencies provide this notice to each employee. The Department of Accounts and the Virginia Retirement System shall provide assistance upon request. Further, the Director of the Department of Human Resources Management shall provide instructions and guidelines for the development notices of total compensation to all independent, legislative, and judicial agencies, and institutions of higher education for preparation of annual statements to their employees.

J.1. Out of this appropriation, \$2,747,200 the first year and \$2,747,200 the second year from the general fund is provided for the migration of the Personnel Management Information System (PMIS) and its subsystems from the Unisys mainframe to the Windows SQL servers platform. The Department of Human Resource Management shall submit a report on the status of the migration of PMIS and its subsystems to the Chairmen of the House Appropriations and Senate Finance Committees, no later than October 1, 2015.

2. Any unexpended balances from paragraph J.1. of this item at the close of business on June 30, 2015, shall not revert to the surplus of the general fund but shall be carried forward on the books of the State Comptroller and appropriated in the succeeding year for the same purpose.

Total for Department of Human Resource Management.....			\$16,267,149	\$16,421,397
General Fund Positions.....	58.40	58.40 58.46		
Nongeneral Fund Positions.....	47.60	48.60 49.54		
Position Level.....	106.00	107.00 108.00		
Fund Sources: General.....	\$8,308,714	\$8,320,849		
Special.....	\$6,599,466	\$6,741,579		
Trust and Agency.....	\$1,358,969	\$1,358,969		

Administration of Health Insurance (149)

82.	Personnel Management Services (70400).....			\$1,573,501,777	\$1,619,464,330 \$1,760,464,330
	Fund Sources: Enterprise.....	\$337,035,284	\$358,268,507 \$392,268,507		
	Internal Service.....	\$1,236,466,493	\$1,261,195,823 \$1,368,195,823		

Authority: § 2.2-2818, Code of Virginia.

A. The appropriation for Health Benefits Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues paid by state agencies to the Department of Human Resource Management.

B. The amounts for Local Health Benefits Services include estimated revenues received from localities for the local choice health benefits program.

C.1. In the event that the total of all eligible claims exceeds the balance in the state employee

ITEM 82.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

medical reimbursement account, there is hereby appropriated a sum sufficient from the general fund of the state treasury to enable the payment of such eligible claims.

2. The term "employee medical reimbursement account" means the account administered by the Department of Human Resource Management pursuant to § 125 of the Internal Revenue Code in connection with the health insurance program for state employees (§ 2.2-2818, Code of Virginia).

D. Any balances remaining in the reserved component of the Employee Health Insurance Fund shall be considered part of the overall Health Insurance Fund. It is the intent of the General Assembly that future premiums for the state employee health insurance program shall be set in a manner so that the balance in the Health Insurance Fund will be sufficient to meet the estimated Incurred But Not Paid liability for the Fund and maintain a contingency reserve at a level recommended by the Department of Human Resource Management for a self-insured plan subject to the approval of the General Assembly.

E. The Department of Human Resource Management shall implement a Medication Therapy Management pilot program for state employees with certain disease states including Type II diabetes. The department shall continue to consult with all provider stakeholders in order to establish program parameters.

F. Concurrent with the date the Governor introduces the budget bill, the Directors of the Departments of Planning and Budget and Human Resource Management shall provide to the Chairmen of the House Appropriations and Senate Finance Committees a report detailing the assumptions included in the Governor's introduced budget for the state employee health insurance plan. The report shall include the proposed premium schedule that would be effective for the upcoming fiscal year and any proposed changes to the benefit structure.

G. Of money appropriated for the state employee health insurance fund, \$250,000 the first year and \$500,000 the second year shall be held separate and apart from the fund to pay for any required fees due to the Patient-Centered Outcomes Research Institute.

H.1 The Department of Human Resource Management shall conduct a comprehensive review of the public employee health programs in the Commonwealth. The Department shall provide a report detailing the findings and recommendations to the chairmen of the House Appropriations Committee and Senate Finance Committee by October 31, 2015.

2. As part of the review, the Department shall conduct an actuarial review of the impact on the state, the school boards, and other political subdivisions, from including the employees, and their dependents, of local governments including local school divisions in the state employee health program or in one statewide pooled plan for employees of political subdivisions.

3. Local school boards and localities shall provide information to the Department as requested for the actuarial analysis.

4. The review shall also include an examination of The Local Choice program's policies, including its pooling and rating methodology, to determine whether overall improvements may be made to the program, with a specific goal of trying to increase The Local Choice program's appeal among rural school divisions and local governments. During this effort, the Department shall hold a series of meetings with stakeholders to educate them about The Local Choice program and solicit their feedback.

5. The Director of the Department of Planning and Budget is authorized to transfer up to \$250,000 general fund from program 757 (agency 995, Central Appropriations) from unobligated balances from prior year appropriation to the Department of Human Resource Management as needed to fund the review and outreach efforts.

1. The Department of Human Resource Management shall compile a list of the one hundred (100) most currently prescribed drugs in the state's employee healthcare plan, and the average cost to the member associated with each of the 100 most currently prescribed drugs. The Department shall make this list accessible prior to the annual open enrollment period to assist in plan selection.

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Administration of Health Insurance.....			\$1,573,501,777	\$1,619,464,330 \$1,760,464,330
Fund Sources: Enterprise.....	\$337,035,284	\$358,268,507 \$392,268,507		
Internal Service.....	\$1,236,466,493	\$1,261,195,823 \$1,368,195,823		
Grand Total for Department of Human Resource Management.....			\$1,589,768,926	\$1,635,885,727 \$1,776,885,727
General Fund Positions.....	58.40	58.40 58.46		
Nongeneral Fund Positions.....	47.60	48.60 49.54		
Position Level.....	106.00	107.00 108.00		
Fund Sources: General.....	\$8,308,714	\$8,320,849		
Special.....	\$6,599,466	\$6,741,579		
Enterprise.....	\$337,035,284	\$358,268,507 \$392,268,507		
Internal Service.....	\$1,236,466,493	\$1,261,195,823 \$1,368,195,823		
Trust and Agency.....	\$1,358,969	\$1,358,969		
83. Not set out.				
84. Not set out.				
TOTAL FOR OFFICE OF ADMINISTRATION.....			\$2,501,072,513	\$2,543,390,653 \$2,695,067,586
General Fund Positions.....	371.40	372.40 372.46		
Nongeneral Fund Positions.....	464.10	465.10 466.04		
Position Level.....	835.50	837.50 838.50		
Fund Sources: General.....	\$689,551,224	\$680,458,721 \$691,733,753		
Special.....	\$12,413,498	\$13,899,372 \$13,301,273		
Enterprise.....	\$368,078,403	\$389,688,371 \$423,688,371		
Internal Service.....	\$1,400,448,407	\$1,426,964,791 \$1,533,964,791		
Trust and Agency.....	\$14,672,994	\$16,471,411		
Dedicated Special Revenue.....	\$8,000,000	\$8,000,000		
Federal Trust.....	\$7,907,987	\$7,907,987		

ITEM 85.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF AGRICULTURE AND FORESTRY

85. Not set out.

§ 1-9. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (301)

86. Not set out.

87. Animal and Poultry Disease Control (53100)..... \$6,694,791 ~~\$6,898,565~~
\$7,148,320

Fund Sources: General.....	\$4,132,492	\$4,336,266
		\$4,586,021
Special.....	\$1,613,223	\$1,613,223
Federal Trust.....	\$949,076	\$949,076

Authority: Title 3.2, Chapters 60 and 65, Code of Virginia.

88. Not set out.

89. Not set out.

90. Not set out.

91. Not set out.

92. Not set out.

93. Not set out.

94. Not set out.

95. Not set out.

96. Not set out.

97. Not set out.

Total for Department of Agriculture and Consumer Services.....			\$62,757,274	\$63,822,327
				\$64,072,082

General Fund Positions.....	321.00	321.00
Nongeneral Fund Positions.....	205.00	205.00
Position Level.....	526.00	526.00
Fund Sources: General.....	\$33,176,063	\$34,241,116
		\$34,490,871
Special.....	\$5,532,424	\$5,532,424
Trust and Agency.....	\$6,606,146	\$6,606,146
Dedicated Special Revenue.....	\$8,523,086	\$8,523,086
Federal Trust.....	\$8,919,555	\$8,919,555

98. Not set out.

99. Not set out.

99.10 Not set out.

ITEM 99.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
99.20	Not set out.				
	TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....			\$95,471,198	\$97,064,085 \$97,313,840
	General Fund Positions.....	497.59	498.59		
	Nongeneral Fund Positions.....	328.41	328.41		
	Position Level.....	826.00	827.00		
	Fund Sources: General.....	\$49,430,868	\$51,027,632 \$51,277,387		
	Special.....	\$16,363,076	\$16,359,199		
	Trust and Agency.....	\$6,708,976	\$6,708,976		
	Dedicated Special Revenue.....	\$9,087,955	\$9,087,955		
	Federal Trust.....	\$13,880,323	\$13,880,323		

ITEM 100.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF COMMERCE AND TRADE

§ 1-10. SECRETARY OF COMMERCE AND TRADE (192)

100. Not set out.

Economic Development Incentive Payments (312)

101.	Economic Development Services (53400).....			\$62,076,436	\$79,363,444 \$80,363,444
	Fund Sources: General.....	\$61,826,436	\$79,113,444 \$80,113,444		
	Dedicated Special Revenue.....	\$250,000	\$250,000		

Authority: Discretionary Inclusion.

A.1. Out of the amounts in this Item, \$19,916,000 the first year and ~~\$20,750,000~~ \$21,750,000 the second year from the general fund shall be deposited to the Commonwealth's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Commonwealth's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.

2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans shall be approved by the Governor and made in accordance with procedures established by the Virginia Economic Development Partnership and approved by the State Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the general fund of the state treasury. The Governor may establish the interest rate to be charged, otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the State Comptroller as required.

3. Funds may be used for public and private utility extension or capacity development on and off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and other activity required to prepare a site for construction; construction or build-out of publicly-owned buildings; grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision pursuant to their duties or powers; training; or anything else permitted by law.

4. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

5. It is the intent of the General Assembly that the Virginia Economic Development Partnership shall work with localities awarded grants from the Commonwealth's Development Opportunity Fund to recover such moneys when the economic development projects fail to meet minimal agreed-upon capital investment and job creation targets. All such recoveries shall be deposited and credited to the Commonwealth's Development Opportunity Fund.

6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Commonwealth's Development

ITEM 101.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Opportunity Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.			
	<i>7. In addition to all other economic incentive payments already approved for the project, the Governor may authorize an additional \$1,500,000 from the Commonwealth Opportunity Fund as needed to assist with site development improvements for a regional economic development project related to the location of a major automotive supplier manufacturer in Botetourt County.</i>			
	B. Out of the appropriation for this Item, \$5,400,000 the first year and \$3,800,000 the second year from the general fund shall be deposited to the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Fund to be used to pay semiconductor memory or logic wafer manufacturing performance grants in accordance with § 59.1-284.14.1, Code of Virginia.			
	C.1. Out of the appropriation for this Item, \$3,957,289 the first year and \$3,602,914 the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.			
	2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.			
	D.1. Out of the appropriation for this Item, \$6,800,000 the first year and \$6,800,000 the second year from the general fund shall be deposited to the Major Eligible Employer Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102, Code of Virginia.			
	2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.			
	E. Out of the appropriation for this Item, \$2,400,000 the first year and \$2,400,000 the second year from the general fund and an amount estimated at \$250,000 the first year and \$250,000 the second year from nongeneral funds shall be deposited to the Governor's Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund revenues shall be deposited to the fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the discretion of the Governor to attract film industry production activity to the Commonwealth.			
	F. Out of the appropriation for this Item, \$648,000 the first year and \$13,842,000 the second year from the general fund shall be used in support of the location of an aerospace engine facility in Prince George County. The funds may be used for grants in accordance with §§ 59.1-284.20, 59.1-284.21, and 59.1-284.22, Code of Virginia. The Director, Department of Planning and Budget shall transfer these funds to the impacted state agencies upon request to the Director, Department of Planning and Budget by the respective state agency.			
	G.1. Out of the appropriation for this Item, \$4,500,000 the first year and \$5,900,000 the second year from the general fund shall be deposited to the Virginia Economic Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of Virginia.			
	2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.			
	H. 1. Out of the appropriation for this Item, \$8,029,323 the first year and \$7,592,582 the second year from the general fund shall be deposited to the Advanced Shipbuilding Training Facility Fund to be used to pay grants in accordance with § 59.1-284.23, F., Code of Virginia.			
	2. In addition to the amounts provided above, out of the appropriation in this Item \$250,000 from the general fund the second year is provided as a grant for one-time seed funding for expansion of the Pre-Hire Immersion Training Program for ship repair skilled workers. This program will be conducted in collaboration with the Virginia Ship Repair Association.			

ITEM 101.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

3. The Virginia Ship Repair Association will report on the success of this program regarding the number of skilled workers trained and hired and the ability of the program to be self-funded through employer pay-back provisions for the training once a worker has been successfully hired.

4. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2016.

I. Out of the appropriation for this Item, \$2,800,000 the first year and \$2,800,000 the second year from the general fund and \$1,000,000 in the first year and \$1,000,000 in the second year from amounts appropriated under Item 101 A.1. of this act shall be deposited into the Commonwealth Research Commercialization Fund created pursuant to § 2.2-2233.1, Code of Virginia. Of the amounts provided for the Commonwealth Research Commercialization Fund, up to \$1,500,000 the first year and \$1,500,000 the second year shall be used for a Small Business Innovation Research Matching Fund Program for Virginia-based technology businesses and, for matching funds for recipients of federal Small Business Technology Transfer (STTR) awards for Virginia-based small businesses. Any monies from these amounts that have not been allocated at the end of each fiscal year shall not revert to the general fund but shall be distributed for other purposes designated by the Research and Technology Investment Advisory Committee and aligned with the Research and Technology Roadmap.

Businesses meeting the following criteria shall be eligible to apply for an award to be administered by the Research and Technology Investment Advisory Committee:

1. The applicant has received an STTR award targeted at the development of qualified research or technologies;
2. At least 51 percent of the applicant's employees reside in Virginia; and
3. At least 51 percent of the applicant's property is located in Virginia.

Applicants shall be eligible for matching grants of up to \$100,000 for Phase I awards and up to \$500,000 for Phase II awards. All applicants shall be required to submit a commercialization plan with their application. Any unused funds shall not revert to the general fund but shall remain in the Commonwealth Research and Commercialization Fund. Notwithstanding the provisions of § 2.2-2233.1 D.6 unused funding from the Fund shall be awarded as originally intended by the Research and Technology Investment Advisory Committee and only reallocated if sufficient demand does not exist for the original allocation.

J.1. Out of the appropriation for this Item, \$2,500,000 the second year from the general fund shall be provided for a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. In addition, the consortium is authorized to utilize up to \$2,500,000 in the first year from unobligated funding previously appropriated to the consortium for FY 2013 in Item 105 M.1. of Chapter 3, 2012 Special Session I. The consortium will contract with private entities, foundations and other governmental sources to capture and perform research in the biosciences. Initial exclusive focus will be around the Virginia core strength areas of Bio-Informatics and Medical Informatics, Point of Care Diagnostics and Drug Discovery and Delivery. The funding to be provided for research under this Item must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. The Director, Department of Planning and Budget, is authorized to provide these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Director, Department of Planning and Budget by the non-stock corporation research consortium.

2. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium as participating institutions. Participation in the consortium by the five founding institutions and by other participating institutions choosing to join will require a cash contribution from each institution in each year of participation of at least \$50,000, or a larger amount to be determined by the consortium.

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3. No research will be funded by the consortium unless at least two of the participating institutions, including the five founding institutions and any other institutions choosing to join, are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The consortium will have near-term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.				
4. Of these funds, up to \$250,000 the first year and \$250,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.				
5. The Virginia Economic Development Partnership, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Governor, and the Chairmen of the Senate Finance and House Appropriations committees, by November 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth.				
6. The accounts and records of the consortium shall be made available for review and audit by the Auditor of Public Accounts upon request.				
K.1. Out of this appropriation, \$200,272 the first year and \$200,347 the second year from the general fund shall be provided to the Virginia-Israel Advisory Board.				
2. The Virginia-Israel Advisory Board shall seek prior approval of all travel and related expenditures from the Secretary of Commerce and Trade.				
3. The Virginia-Israel Advisory Board shall report by January 15 of each year to the Chairmen of the Senate Finance and House Appropriations Committees on the board's activities and expenditure of state funds.				
L. Out of this appropriation, \$5,669,833 the first year and \$5,669,833 the second year from the general fund shall be available for eligible businesses under the Virginia Jobs Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the appropriation provided for the Virginia Jobs Investment Program for eligible businesses shall be deposited to the Virginia Jobs Investment Program Fund.				
M.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be deposited into the Biofuels Production Fund established pursuant to § 45.1-393, Code of Virginia, to be used solely for the purposes of providing grants to a producer of neat biofuels commencing qualifying sales on or after January 1, 2014, but before June 30, 2014. With the exception of the provisions of subparagraphs M.2. and M.4. of this item, grant payments from the Fund shall be made in accordance with the provisions of § 45.1-394, Code of Virginia.				
2. A producer shall be eligible for a grant from the Biofuels Production Fund established under § 45.1-393, Code of Virginia, only for each gallon of neat biofuels that it produces in the Commonwealth on or after January 1, 2014, which gallon has also been sold by the producer to customers.				
3. The Secretary of Agriculture and Forestry shall assist any producer that commences qualifying sales of neat biofuels within the period specified in subparagraph M.1. of this item in identifying potential producers of agricultural feedstock sources within 100 miles of the primary biofuels production site and shall examine the feasibility of establishing a cooperative association to meet the feedstock requirements of any such producer. The Secretary of Agriculture and Forestry and the Secretary of Natural Resources shall work within the structure of existing funding for agricultural best management practices from the Water Quality Improvement Fund to develop additional incentives to encourage farmers to produce winter cover crops utilized in biofuels production.				

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<p>4. As part of the certification process required pursuant to § 45.1-394 D., Code of Virginia, to be eligible for a grant pursuant to this appropriation, the producer shall also provide evidence that feedstock used in the production of the qualifying neat biofuels was derived from Virginia-grown agricultural products to the greatest extent such feedstock materials are available from Virginia sources.</p>				
<p>5. To be eligible for a grant under this section for 2015 production of neat advanced biofuels or neat biofuels, a producer must show he has made a good faith effort to produce the same using feedstock that is not derived from corn or the corn kernel, stalk, or any other part of the plant. Further, no grant shall be awarded for neat advanced biofuels or neat biofuels produced in 2016 or thereafter using feedstock derived from corn or the corn kernel, stalk, or any other part of the plant.</p>				
<p>N. Out of this appropriation, \$1,000,000 the second year from the general fund shall be provided to Fairfax County to support efforts to host an international athletic competition in 2015. The funds shall be used in accordance with a memorandum of understanding between the Commonwealth and Fairfax County.</p>				
<p>O. Out of this appropriation \$500,000 from the general fund in the second year is provided for the purpose of attracting new tourism and hospitality projects and expanding existing tourism and hospitality projects in the Commonwealth. Funds shall be disbursed through the Virginia Tourism Authority as grants or loans to political subdivisions or business entities authorized to transact business in the Commonwealth based on criteria as approved by the Governor. The Governor shall transmit his specific criteria for awarding and distributing these funds to the Chairmen of the House Committee on Appropriations and the Senate Finance Committee prior to any expenditure of this appropriation.</p>				
Total for Economic Development Incentive Payments.....			\$62,076,436	\$79,363,444 \$80,363,444
Fund Sources: General.....			\$61,826,436	\$79,113,444 \$80,113,444
Dedicated Special Revenue.....			\$250,000	\$250,000
Grand Total for Secretary of Commerce and Trade.			\$62,735,371	\$80,023,392 \$81,023,392
General Fund Positions.....			7.00	7.00
Position Level.....			7.00	7.00
Fund Sources: General.....			\$62,485,371	\$79,773,392 \$80,773,392
Dedicated Special Revenue.....			\$250,000	\$250,000
§ 1-11. BOARD OF ACCOUNTANCY (226)				
102.	Regulation of Professions and Occupations (56000).....		\$1,648,449	\$1,648,465 \$1,748,465
	Fund Sources: Dedicated Special Revenue.....		\$1,648,449	\$1,648,465 \$1,748,465
	Authority: Title 54.1, Chapter 44, Code of Virginia.			
	Total for Board of Accountancy.....		\$1,648,449	\$1,648,465 \$1,748,465
	Nongeneral Fund Positions.....		12.00	12.00
	Position Level.....		12.00	12.00
	Fund Sources: Dedicated Special Revenue.....		\$1,648,449	\$1,648,465 \$1,748,465
103.	Not set out.			

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
104.				
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126.				
TOTAL FOR OFFICE OF COMMERCE AND TRADE.....			\$892,970,953	\$1,091,922,245 \$1,093,022,245
General Fund Positions.....	363.34	363.34		
Nongeneral Fund Positions.....	1,318.66	1,320.16		
Position Level.....	1,682.00	1,683.50		
Fund Sources: General.....	\$181,916,915	\$197,028,483 \$198,028,483		
Special.....	\$21,246,792	\$19,790,060		
Commonwealth Transportation.....	\$1,453,283	\$1,453,283		

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	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Trust and Agency.....	\$590,777,360	\$603,796,694		
Dedicated Special Revenue.....	\$23,416,629	\$23,416,645 \$23,516,645		
Federal Trust.....	\$74,159,974	\$246,437,080		

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF EDUCATION

127. Not set out.

§ 1-12. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)

128. Not set out.

129. Not set out.

130. Not set out.

131. Not set out.

132. Not set out.

133. Not set out.

134. Not set out.

Direct Aid to Public Education (197)

135.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....		\$14,263,849	\$22,513,649 \$22,189,149
	Fund Sources: General.....	\$14,263,849	\$22,513,649 \$22,189,149	

Authority: Discretionary Inclusion.

A. Out of this appropriation, the Department of Education shall provide \$373,776 the first year and \$573,776 the second year from the general fund for the Jobs for Virginia Graduates initiative.

B. Out of this appropriation, the Department of Education shall provide \$124,011 the first year and \$124,011 the second year from the general fund for the Southwest Virginia Public Education Consortium at the University of Virginia's College at Wise. An additional \$71,849 the first year and \$71,849 the second year from the general fund is provided to the Consortium to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and expand the program to the twelve school divisions in Southwest Virginia.

C. This appropriation includes \$58,905 the first year and \$108,905 the second year from the general fund for the Southside Virginia Regional Technology Consortium to expand the research and development phase of a technology linkage.

D. An additional state payment of \$145,896 the first year and \$145,896 the second year from the general fund is provided as a Small School Division Assistance grant for the City of Norton. To receive these funds, the local school board shall certify to the Superintendent of Public Instruction that its division has entered into one or more educational, administrative or support service cost-sharing arrangements with another local school division. In addition, this Item includes \$123,000 the first year and \$123,000 the second year from the general fund to address the need for a review and reconciliation of school-aged population reported and student membership in Norton City Public School Division.

E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from the general fund shall be allocated for the Career and Technical Education Resource Center to provide vocational curriculum and resource instructional materials free of charge to all school divisions.

F. It is the intent of the General Assembly that the Department of Education provide bonuses

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from state funds to classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards. Such bonuses shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of the certificate. This appropriation includes an amount estimated at \$5,735,000 the first year and ~~\$5,885,000~~ \$5,437,500 the second year from the general fund for the purpose of paying these bonuses. By October 15 of each year, school divisions shall notify the Department of Education of the number of classroom teachers under contract for that school year that hold such certification.

G. This appropriation includes \$708,000 the first year and \$708,000 the second year from the general fund for the Virginia Teaching Scholarship Loan Program. These scholarships shall be for undergraduate students at or beyond the sophomore year in college with a cumulative grade point average of at least 2.7, who were in the top 10 percent of their high school class or alternative measure of achievement as selected by the institution, who are nominated by their college and students at the graduate level, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia. Awards shall be made to students who are enrolled full-time or part-time in approved undergraduate or graduate teacher education programs for (i) critical teacher shortage disciplines, such as special education, chemistry, physics, earth and space science, foreign languages, or technology education or (ii) as students meeting the qualifications in § 22.1-290.01, Code of Virginia, who have been identified by a local school board to teach in any discipline or at any grade level in which the school board has determined that a shortage of teachers exists; however, such persons shall meet the qualifications for awards granted pursuant to this Item; or (iii) those students seeking degrees in Career and Technical education. Minority students may be enrolled in any content area for teacher preparation and male students may be enrolled in any approved elementary or middle school teacher preparation program; therefore, this provision shall satisfy the requirements for the Diversity in Teaching Initiative and Fund, pursuant to Chapters 570, 597, 623, 645, and 719 of the Acts of Assembly of 2000. Scholarship recipients may fulfill the teaching obligation by accepting a teaching position (i) in one of the critical teacher shortage disciplines; or (ii) regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced price lunch; or (iii) in any discipline or at grade levels with a shortage of teachers; or (iv) in a rural or urban region of the state with a teacher shortage. For the purposes of this Item, "critical teacher shortage area and discipline" means subject areas and grade levels identified by the Board of Education in which the demand for classroom teachers exceeds the supply of teachers, as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas. Scholarship amounts are based on \$10,000 per year for full-time students, and shall be prorated for part-time students based on the number of credit hours. The Department of Education shall report annually on the critical shortage teaching areas in Virginia.

2. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program.

3. The Department of Education is authorized to recover total funds awarded as scholarships, or the appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated teaching obligation. Any funds collected by the Department on behalf of this program shall revert to the general fund on June 30 each year. Such reversion shall be the net of any administrative or legal fees associated with the collection of these funds.

H. Out of the amounts for this Item, shall be provided \$31,003 the first year and \$31,003 the second year from the general fund for the Virginia Career Education Foundation.

I. Out of this appropriation, \$212,500 the first year and \$400,000 the second year from the general fund shall be distributed to the Great Aspirations Scholarship Program (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students.

J. Out of this appropriation, the Department of Education shall provide \$794,400 the first year and \$794,400 the second year from the general fund to Communities in Schools.

ITEM 135.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
K.	This appropriation includes \$100,000 the first year and \$100,000 the second year from the general fund for the Superintendent of Public Education to award supplemental grants to charter schools.			
L.	This appropriation includes \$543,176 the first year and \$543,176 the second year from the general fund to support the Youth Development Academy for rising 9th and 10th grade students.			
M.	Out of this appropriation, \$808,000 the first year and \$808,000 the second year from the general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and high schools. A teacher with up to three years of teaching experience employed full-time in a Virginia school division who has been issued a five-year Virginia teaching license with an endorsement in Middle Education 6-8: Mathematic, Mathematics-Algebra-I, mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science, physics, or technology education and assigned to a teaching position in a corresponding STEM subject area is eligible to receive a \$5,000 initial incentive award after the completion of the first, second, or third year of teaching with a satisfactory performance evaluation and a signed contract in the same school division for the following school year. A teacher, holding one or more of the aforementioned endorsements and assigned to a teaching position in a corresponding STEM subject area and regardless of teaching experience, who is reassigned from a fully accredited school in a Virginia school division to a hard-to-staff school or a school that is not fully accredited and receives a satisfactory performance evaluation and a signed contract in the same school division for the following year is also eligible to receive an initial incentive award of \$5,000. An additional \$1,000 incentive award may be granted for each year the eligible teacher receives a satisfactory evaluation and teaches a qualifying STEM subject in which the teacher has an endorsement for up to three years in a Virginia school division following the year in which the teacher receives the initial incentive award. The maximum incentive award for each eligible teacher is \$8,000. Funding will be awarded on a first-come, first-served basis with preference to teachers assigned to teach in hard-to-staff schools or low-performing schools not fully accredited.			
N.	Out of this appropriation, the Department of Education shall provide \$700,000 the first year and \$425,000 the second year from the general fund for Project Discovery. These funds are towards the cost of the program in Abingdon, Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick, Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal officer for Project Discovery. The Department of Education shall administer the Project Discovery funding distributions to each community action agency. Distributions to each community action agency shall be based on performance measures established by the Board of Directors of Project Discovery. The contract with Project Discovery should specify the allocations to each local program and require the submission of a financial and budget report and program evaluation performance measures.			
O.	Out of this appropriation, the Department of Education shall provide \$225,000 the first year and \$250,000 the second year from the general fund for the Virginia Student Training and Refurbishment Program.			
P.	Out of this appropriation, \$400,000 the first year and \$400,000 the second year from the general fund is provided to establish a comprehensive pilot initiative to recruit students to major in the fields of mathematics and science to help alleviate the shortage of qualified teachers in these fields.			
Q.	Out of this appropriation, \$598,000 the first year and \$598,000 the second year from the general fund is provided to expand the number of schools implementing a system of positive behavioral interventions and supports with the goal of improving school climate and reducing disruptive behavior in the classroom. Such a system may be implemented as part of a tiered system of supports that utilizes evidence-based, system-wide practices to provide a response to academic and behavioral needs. Any school division which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school-year in which the program is to be implemented. The proposal must define student outcome objectives including, but not limited to, reductions in disciplinary referrals and out-			

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of-school suspension rates. In making the competitive grant awards, the Department of Education shall give priority to school divisions proposing to serve schools identified by the Department as having high suspension rates. No funds awarded to a school division under this grant may be used to supplant funding for schools already implementing the program.

R. Targeted Extended School Year Payments

1. Out of this appropriation, \$1,000,000 the first year from the general fund is provided for start-up grants of up to \$300,000 per school per year, depending on the extended school year model adopted. First priority shall be given to the school divisions awarded planning grants in fiscal year 2014 and the College Readiness Center pilot. Next priority shall be given to schools based on need, relative to the most current state accreditation ratings or similar federal designations.

2. Out of this appropriation, \$7,150,000 the second year from the general fund is provided for a targeted extended school year incentive in order to improve student achievement. Annual start-up grants of up to \$300,000 per school may be awarded for a period of up to two years after the initial implementation year. The per school amount may be up to \$400,000 in the case of schools that have a Denied Accreditation status. After the third consecutive year of successful participation, an eligible school's grant amount shall be based on a shared split of the grant between the state and participating school division's local composite index. Such continuing schools shall remain eligible to receive a grant based on the 2012 JLARC Review of Year Round Schools' researched base findings.

3. Except for school divisions with schools that are in Denied Accreditation status, any other school division applying for such a grant shall be required to provide a twenty percent local match to the grant amount received from either an extended year start-up or planning grant in the second year.

4. In the case of any school division with schools that are in Denied Accreditation status that apply for funds, the school division shall also consult with the Superintendent of Public Instruction or designee on all recommendations regarding instructional programs or instructional personnel prior to submission to the local board for approval.

5. Out of this appropriation, \$613,312 each year from the general fund is provided for planning grants of no more than \$50,000 each for local school divisions pursuing the creation of new year-round school programs for divisions or individual schools in support of the findings from the 2012 JLARC Review of Year Round Schools. School divisions must submit applications to the Department of Education by August 1 of each year. Priority shall be given to schools based on need, relative to the state accreditation ratings or similar federal designations. Applications shall include evidence of commitment to pursue implementation in the upcoming school year. If balances exist, existing extended school year programs may be eligible to apply for remaining funds.

6. A school division that has been awarded an extended school year start-up grant, a year-round program start-up grant, or an extended year planning grant for the development of an extended year or a new year-round program may spend the awarded grant over two consecutive fiscal years.

7. a) Any such school division receiving funding from a Targeted Extended School Year grant shall provide an annual progress report to the Department of Education that evaluates end of year success of the extended year or year-round model implemented as compared to the prior school year performance as measured by an appropriate evaluation matrix no later than August 1 each year.

b) The Department of Education shall develop such evaluation matrix that would be appropriate for a comprehensive evaluation for such models implemented. Further, the Department of Education is directed to submit the annual progress reports from the participating school divisions and an executive summary of the program's overall status and levels of measured success to the Chairmen of House Appropriations and Senate Finance Committees no later than October 1 each year.

8. Any funds remaining in this paragraph following grant awards may be disbursed by the Department of Education as grants to school divisions to support innovative approaches to

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instructional delivery or school governance models.				
<p>S. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided through grants to school divisions for the cost of fees associated with hiring teachers through Teach for America. School divisions may apply for these funds through application submission to the Department of Education. Any remaining unspent available balance each fiscal year in Teach For America will be carried over to the next fiscal year for the same purposes in supporting this program.</p>				
<p>T. This appropriation includes \$100,000 the first year from the general fund to support the next phase of work toward the goal of establishing the Virginia Science, Technology, Engineering, and Applied Mathematics (STEAM) Academy. In addition, \$100,000 the second year from the general fund is provided to expand the summer enrichment academies and continue preparation toward establishment of the Virginia STEAM Academy boarding high school.</p>				
<p>U. Out of this appropriation, \$325,000 the second year from the general fund is provided for the Accomack, Fairfax, Loudoun, Petersburg, and Wythe Public Schools to support implementation of a STEM model program for kindergarten and preschool students. Each developed model will focus on enhancing children's learning experiences through the arts.</p>				
<p>V. Out of this appropriation, \$500,000 the second year from the general fund is provided for the Achievable Dream partnership with Newport News School Division. This funding is in lieu of a like amount from the Neighborhood Assistance Program Tax Credits for An Achievable Dream Middle and High School, Inc.</p>				
<p>W. Out of this appropriation, \$500,000 the second year from the general fund is provided for grants for two teacher residency partnerships between one or two university teacher preparation programs and the Petersburg and Norfolk school divisions to help improve new teacher training and retention for hard-to-staff schools. The grants will support a site-specific residency model program for preparation, planning, development and implementation, including possible stipends in the program to attract qualified candidates and mentors. Applications must be submitted to the Department of Education by August 1, 2015.</p>				
<p>X. Out of this appropriation, \$60,300 the second year from the general fund is provided to the Northern Neck Regional Technical Center to expand the workforce readiness education and industry based skills and certification development efforts supporting that region in the state. These funds support the Center's programs that serve high school students from the surrounding counties of Essex, Lancaster, Northumberland, Rappahannock, Westmoreland and Colonial Beach.</p>				
<p>Y. Out of this appropriation, \$250,000 the second year from the general fund is provided to the Virginia Early Childhood Foundation.</p>				
<p>Z. This appropriation includes \$250,000 the second year from the general fund to support five competitive grants, not to exceed \$50,000 each, for planning the implementation of systemic High School Program Innovation by either individual school division or consortium of school divisions. The local applicant(s) selected to conduct this systemic approach to high school reform, in consultation with the Department of Education, will develop and plan innovative approaches to engage and to motivate students through personalized learning and instruction leading to demonstrated mastery of content, as well as skills development of career readiness. Essential elements of high school innovation include: (1) student centered learning, with progress based on student demonstrated proficiency; (2) 'real-world' connections that promote alignment with community work-force needs and emphasize transition to college and/or career; and (3) varying models for educator supports and staffing. Individual school divisions or consortia will be invited to apply on a competitive basis by submitting a grant application that includes descriptions of key elements of innovations, a detailed budget, expectations for outcomes and student achievement benefits, evaluation methods, and plans for sustainability. The Department of Education will make the final determination of which school divisions or consortia of divisions will receive the year-long planning grant for High School Innovation. Any school division or consortium of divisions which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school year in which the planning for systemic high school innovation is to take place.</p>				

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		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
136.	State Education Assistance Programs (17800).....			\$6,136,741,780	\$6,429,624,890 \$6,397,963,009
	Fund Sources: General.....	\$5,391,182,625	\$5,537,750,362 \$5,498,800,859		
	Special.....	\$895,000	\$895,000		
	Commonwealth Transportation.....	\$855,027	\$803,778		
	Trust and Agency.....	\$743,809,128	\$890,175,750 \$897,463,372		

Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section 2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through 22.1-198, 22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters 1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.

Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1 through 22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended; P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended, Federal Code.

Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of 1677 between Virginia and the Indians; §§ 22.1-3.4, 22.1-101, 22.1-108, 22.1-199 through 22.1-212.2:3, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73, as amended; P.L. 105-220, as amended, Federal Code.

Distribution of Lottery Funds (17805): §§ 58.1-4022 and 58.1-4022.1, Code of Virginia

Appropriation Detail of Education Assistance Programs (17800)

Standards of Quality (17801)	FY 2015	FY 2016
Basic Aid	\$3,089,811,888	\$3,077,198,033 \$3,068,019,027
Sales Tax	\$1,274,500,000	\$1,322,300,000 \$1,316,900,000
Textbooks (split funded)	\$0	\$21,908,342 \$4,209,784
Vocational Education	\$50,921,566	\$50,846,321 \$50,747,750
Gifted Education	\$33,203,673	\$33,345,916 \$33,238,640
Special Education	\$368,248,470	\$369,516,783 \$368,136,558
Prevention, Intervention, and Remediation	\$100,686,259	\$100,910,614 \$100,487,258
VRS Retirement (includes RHCC)	\$380,366,918	\$370,821,518 \$369,597,518
Social Security	\$186,980,415	\$187,635,124 \$187,015,723
Group Life	\$11,769,458	\$11,812,797 \$11,773,666
Remedial Summer School (split funded)	\$3,296,232	\$27,118,392 \$25,524,750
Total	\$5,499,784,879	\$5,573,413,841 \$5,535,650,674

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Incentive Programs (17802)				
Compensation Supplement		\$0	\$52,431,889	\$51,771,609
Governor's School	\$15,602,255		\$16,065,691	\$15,853,447
Governor's School Planning and Startup/ Expansion Grants		\$0		\$100,000
Governor's School Planning Grant – Career and Technical Education	\$100,000			\$0
Clinical Faculty	\$318,750		\$318,750	
Career Switcher Mentoring Grants	\$279,983		\$279,983	
Special Education Endorsement Program	\$600,000		\$600,000	
Special Education – Vocational Education	\$200,089		\$200,089	
Virginia Workplace Readiness Skills Assessment	\$308,655		\$308,655	
Math/Reading Instructional Specialists Initiative	\$1,697,841		\$1,834,538	
Early Reading Specialists Initiative	\$1,237,723		\$1,476,790	
Shared Services Agreement – Chesterfield/Petersburg	\$0		\$600,000	
FY 2014 School Division Payment Revisions	\$668,918			\$0
Breakfast After the Bell Incentive	\$0		\$537,297	\$555,634
Total	\$21,014,215		\$74,753,683	\$73,899,495
Categorical Programs (17803)				
Adult Education	\$1,051,800		\$1,051,800	
Adult Literacy	\$2,480,000		\$2,480,000	
Virtual Virginia	\$4,347,808		\$4,597,808	
American Indian Treaty Commitment	\$50,258		\$59,063	\$49,112
School Lunch Program	\$5,801,932		\$5,801,932	
Special Education - Homebound	\$5,380,383		\$5,488,057	
Special Education - Jails	\$3,521,484		\$3,688,850	\$3,366,653
Special Education - State Operated Programs	\$32,755,271		\$33,737,931	
Total	\$55,388,936		\$56,905,441	\$56,573,293
Lottery (17805)				
Foster Care	\$8,689,453		\$8,824,359	\$9,110,683
At-Risk Add-On	\$89,587,381		\$89,641,183	\$89,191,285
Virginia Preschool Initiative	\$68,300,254		\$71,996,399	\$70,651,478
Early Reading Intervention	\$17,714,461		\$17,778,143	\$17,501,316
Mentor Teacher	\$1,000,000		\$1,000,000	
K-3 Primary Class Size Reduction	\$113,675,099		\$117,634,756	\$112,230,445

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School Breakfast Program	\$3,484,111		\$3,948,823	\$3,796,205
SOL Algebra Readiness	\$12,107,540		\$12,159,318	\$11,989,787
Regional Alternative Education	\$8,075,871		\$8,219,783	\$8,141,554
ISAEP	\$2,247,581		\$2,247,581	
Special Education – Regional Tuition	\$79,503,166		\$84,204,352	\$83,126,575
Career and Technical Education – Categorical	\$10,400,829		\$10,400,829	
Project Graduation	\$2,774,478		\$2,774,478	
Virginia Teacher Corps (NCLB/EFAL)	\$415,000		\$415,000	
Race to GED (NCLB/EFAL)	\$2,410,988		\$2,410,988	
Path to Industry Certification (NCLB/EFAL)	\$1,331,464		\$1,331,464	
Supplemental Basic Aid	\$921,278		\$932,161	\$986,771
English as a Second Language	\$49,367,794		\$50,817,295	\$49,233,201
Textbooks (split funded)	\$66,576,395		\$44,931,013	\$62,415,907
Remedial Summer School (split funded)	\$21,970,607			\$0
Total	\$560,553,750		\$531,667,925	\$538,955,547
Technology – VPSA	\$66,556,300		\$71,163,200	\$66,880,700
Security Equipment - VPSA	\$6,000,000		\$6,000,000	
Special one-time payment to teacher retirement fund		\$0	\$192,884,000	

Payments out of the above amounts shall be subject to the following conditions:

A. Definitions

1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school division's average daily membership for grades K-12 including (1) handicapped students ages 5-21 and (2) students for whom English is a second language who entered school for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year, for the first seven (7) months (or equivalent period) of the school year through March 31 in which state funds are distributed from this appropriation. Preschool and postgraduate students shall not be included in March 31 ADM.

a. School divisions shall take a count of September 30 fall membership and report this information to the Department of Education no later than October 15 of each year.

b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to the Department of Education shall be calculated using March 31 ADM unadjusted for half-day kindergarten programs, estimated at 1,236,529.34 the first year and ~~1,244,214.54~~ 1,239,594.01 the second year. March 31 ADM for half-day kindergarten shall be adjusted at 85 percent.

c. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis in any mathematics, science, English, history, social science, vocational education, health education or physical education, fine arts or foreign language course, or receiving special education services required by a student's individualized education plan,

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	shall be counted in the funded fall membership and March 31 ADM of the responsible school division. Each course shall be counted as 0.25, up to a cap of 0.5 of a student.			
	d. Students enrolled in an Individualized Student Alternative Education Program (ISAEP) pursuant to § 22.1-254 D shall be counted in the March 31 Average Daily Membership of the responsible school division. School divisions shall report these students separately in their March 31 reports of Average Daily Membership.			
	2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as prescribed by the Board of Education subject to revision by the General Assembly.			
	3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of instructional personnel required by the Standards of Quality for each school division with a minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and including provision for driver, gifted, occupational-vocational, and special education, library materials and other teaching materials, teacher sick leave, general administration, division superintendents' salaries, free textbooks (including those for free and reduced price lunch pupils), school nurses, operation and maintenance of school plant, transportation of pupils, instructional television, professional and staff improvement, remedial work, fixed charges and other costs in programs not funded by other state and/or federal aid.			
	b. The state and local shares of funding resulting from the support cost calculation for school nurses shall be specifically identified as such and reported to school divisions annually. School divisions may spend these funds for licensed school nurse positions employed by the school division or for licensed nurses contracted by the local school division to provide school health services.			
	4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality. The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March 31 ADM reported for the first seven (7) months of the 2011-2012 school year and 1/3 of the index of wealth per capita (population estimates for 2011 as determined by the Weldon Cooper Center for Public Service of the University of Virginia) multiplied by the local nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are determined by combining the following constituent index elements with the indicated weighting: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2011 - 50 percent; (2) adjusted gross income for the calendar year 2011 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2011 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent index element for a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state average per March 31 ADM, or per capita, for the same element. A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing all payments based on the composite index of local ability-to-pay. Each constituent index element for a locality used to determine the composite index of local ability-to-pay for the current biennium shall be the latest available data for the specified official base year provided to the Department of Education by the responsible source agencies no later than November 15, 2013.			
	b. For any locality whose total calendar year 2011 Virginia Adjusted Gross Income is comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income shall be excluded in computing the composite index of ability-to-pay. The Department of Education shall compute the composite index for such localities by using adjusted gross income data which exclude nonresident income, but shall not adjust the composite index of any other localities. The Department of Taxation shall furnish to the Department of Education such data as are necessary to implement this provision.			
	c.1) Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional state funding for future consolidations shall be as set forth in future Appropriation Acts.			
	2) In the case of the consolidation of Clifton Forge and Alleghany County school divisions, the fifteen year period for the application of a new composite index shall apply beginning with the fiscal year that starts on July 1, 2004. The composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2004, of			

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any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.

3) If the composite index of a consolidated school division is reduced during the course of the fifteen year period to a level that would entitle the school division to a lower interest rate for a Literary Fund loan than it received when the loan was originally released, the Board of Education shall reduce the interest rate of such loan for the remainder of the period of the loan. Such reduction shall be based on the interest rate that would apply at the time of such adjustment. This rate shall remain in effect for the duration of the loan and shall apply only to those years remaining to be paid.

4) In the case of the consolidation of Bedford County and Bedford City school divisions, the fifteen year period for the application of a new composite shall apply beginning with the fiscal year that starts on July 1, 2013. The composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2013, of any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.

5) JLARC is hereby directed, with assistance from the Commission on Local Government, to analyze and make recommendations going forward regarding the most effective balance between the costs of incentives for government and school consolidations with the expected resulting savings and operational benefits, and how best to structure such state incentives to achieve both clarity for localities as well as justification that incentives are adequate, but not more than necessary. JLARC shall complete its study and submit a final report no later than October 1, 2014.

d. When it is determined that a substantial error exists in a constituent index element, the Department of Education will make adjustments in funding for the current school year only in the division where the error occurred. The composite index of any other locality shall not be changed as a result of the adjustment. No adjustment during the biennium will be made as a result of updating of data used in a constituent index element.

e. In the event that any school division consolidates two or more small schools, the division shall continue to receive Standards of Quality funding and provide for the required local expenditure for a period of five years as if the schools had not been consolidated. Small schools are defined as any elementary, middle, or high school with enrollment below 200, 300 and 400 students, respectively.

5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on the composite index of local ability-to-pay of the cost required by all the Standards of Quality minus its estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins.

6. "Required Local Match" - The locality's required share of program cost based on the composite index of local ability-to-pay for all Lottery and Incentive programs, where required, in which the school division has elected to participate in a fiscal year.

7. "Planning District Eight" - The nine localities which comprise Planning District Eight are Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.

8. "State Share of the Standards of Quality" - The state share of the Standards of Quality (SOQ) shall be equal to the total funded SOQ cost for a school division less the school division's estimated revenues from the state sales and use tax dedicated to public education based on the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, adjusted for the state's share of the composite index of local ability to pay.

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9. In the event that the general fund appropriations in this Item are not sufficient to meet the entitlements payable to school divisions pursuant to the provisions of this Item, the Department of Education is authorized to transfer any available general fund funds between these Items to address such insufficiencies. If the total general fund appropriations after such transfers remain insufficient to meet the entitlements of any program funded with general fund dollars, the Department of Education is authorized to prorate such shortfall proportionately across all of the school divisions participating in any program where such shortfall occurred. In addition, the Department of Education is authorized each year to temporarily suspend textbook payments made to school divisions from Lottery funds to ensure that any shortfall in Lottery revenue can be accounted for in the remaining textbook payments to be made for the year.

10. The Department of Education is directed to apply a cap on inflation rates in the same manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school divisions during the biennial rebenchmarking process.

11. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to combine the end-of-year Average Daily Membership (ADM) for those school divisions who have partnered together as a fiscal agent division and a contractual division for the purposes of calculating prevailing costs included in the Standards of Quality (SOQ).

12. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to include zeroes in the linear weighted average calculation of support non-personal costs for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

13. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported travel expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

14. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported leases and rental and facility expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

15. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to fund transportation costs using a 15 year replacement schedule, which is the national standard guideline, for school bus replacement schedule for the purpose of calculating funded transportation costs included in the Standards of Quality (SOQ).

16. To provide temporary flexibility, notwithstanding any other provision in statute or in this Item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through twelve by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, English as a Second Language, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, librarians and guidance counselors staffing ratios for new hires are waived.

17. To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1, Code of Virginia, any school division that was granted a waiver regarding the opening date of the school year for the 2011-12 school year under the good cause requirements shall continue to be granted a waiver for the 2014-15 school year and the 2015-2016 school year.

I VETO THIS ITEM WHICH CONTINUES ON PAGE 1549. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)

19. Out of this appropriation, up to \$600,000 the second year from the general fund may be used to support transitional incentive costs of a mutually beneficial School Services Agreement and Tuition Contract between Petersburg and Chesterfield. Upon signed agreement by the relevant local governments and school divisions, the parties may jointly

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submit application to the State Superintendent of Public Instruction for transitional incentive costs which may be based on part of the difference in per pupil spending between the two school divisions.

B. General Conditions

1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for instructional staff members to the employer's cost for a number not exceeding the number of instructional positions required by the Standards of Quality for each school division and for their salaries at the statewide prevailing salary levels as printed below.

Instructional Position	First Year Salary	Second Year Salary
Elementary Teachers	\$45,822	\$45,822
Elementary Assistant Principals	\$65,037	\$65,037
Elementary Principals	\$79,796	\$79,796
Secondary Teachers	\$48,125	\$48,125
Secondary Assistant Principals	\$68,863	\$68,863
Secondary Principals	\$87,954	\$87,954
Instructional Aides	\$16,613	\$16,613

a.1) Payment by the state to a local school division shall be based on the state share of fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the composite index.

2) A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing fringe benefit funds under this provision.

3) The state payment to each school division for retirement, social security, and group life insurance costs for non-instructional personnel is included in and distributed through Basic Aid.

b. Payments to school divisions from this Item shall be calculated using March 31 Average Daily Membership adjusted for half-day kindergarten programs.

c. Payments for health insurance fringe benefits are included in and distributed through Basic Aid.

2. Each locality shall offer a school program for all its eligible pupils which is acceptable to the Department of Education as conforming to the Standards of Quality program requirements.

3. In the event the statewide number of pupils in March 31 ADM results in a state share of cost exceeding the general fund appropriation in this Item, the locality's state share of Basic Aid shall be reduced proportionately so that this general fund appropriation will not be exceeded. In addition, the required local share of Basic Aid shall also be reduced proportionately to the reduction in the state's share.

4. The Department of Education shall make equitable adjustments in the computation of indices of wealth and in other state-funded accounts for localities affected by annexation, unless a court of competent jurisdiction makes such adjustments. However, only the indices of wealth and other state-funded accounts of localities party to the annexation will be adjusted.

5. In the event that the actual revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item (both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service) for sales in the fiscal year in which the school year begins are different from the number estimated as the basis for this appropriation, the estimated state sales and use tax revenues shall not be adjusted.

6. This appropriation shall be apportioned to the public schools with guidelines established by the Department of Education consistent with legislative intent as expressed in this act.

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7.a.	<p>Appropriations of state funds in this Item include the number of positions required by the Standards of Quality. This Item includes a minimum of 51 professional instructional positions and aide positions (C 2); Education of the Gifted, 1.0 professional instructional position (C 3); Occupational-Vocational Education Payments and Special Education Payments; a minimum of 6.0 professional instructional positions and aide positions (C 4 and C 5) for each 1,000 pupils in March 31 ADM each year in support of the current Standards of Quality. Funding in support of one hour of additional instruction per day based on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio range of 18:1 to 10:1, depending upon a school division's combined failure rate on the English and Math Standards of Learning, is included in Remedial Education Payments (C 8).</p>			
b.	<p>No actions provided in this section signify any intent of the General Assembly to mandate an increase in the number of instructional personnel per 1,000 students above the numbers explicitly stated in the preceding paragraph.</p>			
c.	<p>Appropriations in this Item include programs supported in part by transfers to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act. These transfers combined together with other appropriations from the general fund in this Item funds the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support technology position per 1,000 students; one instructional technology position per 1,000 students; and a full daily planning period for teachers at the middle and high school levels in order to relieve the financial pressure these education programs place on local real estate taxes.</p>			
d.	<p>To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers required by the Standards of Quality to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these SOQ funds in this manner shall only employ instructional personnel licensed by the Board of Education.</p>			
e.	<p>To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.</p>			
f.	<p>To provide flexibility in the provision of mathematics intervention services, school divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.</p>			
8.a.1)	<p>Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to make calculations at the start of the school year to ensure that school divisions have appropriated adequate funds to support their estimated required local expenditure for the corresponding state fiscal year. In an effort to reduce the administrative burden on school divisions resulting from state data collections, such as the one needed to make the aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to the adequacy of estimated required local expenditures, shall be satisfied by signed certification by each division superintendent at the beginning of each school year that sufficient local funds have been budgeted to meet all state required local effort and required local match amounts. This provision shall only apply to calculations required of the Department of Education related to estimated required local expenditures and shall not pertain to the calculations associated with actual required local expenditures after the close of the school year.</p>			

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2) The Department of Education shall also make calculations after the close of the school year to verify that the required local effort level, based on actual March 31 Average Daily Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of Education shall report annually, no later than the first day of the General Assembly session, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health, the results of such calculations made after the close of the school year and the degree to which each school division has met, failed to meet, or surpassed its required local expenditure. The Department of Education shall specify the calculations to determine if a school division has expended its required local expenditure for the Standards of Quality. This calculation may include but is not limited to the following calculations:

b. The total expenditures for operation, defined as total expenditures less all capital outlays, expenditures for debt service, facilities, non-regular day school programs (such as adult education, preschool, and non-local education programs), and any transfers to regional programs will be calculated.

c. The following state funds will be deducted from the amount calculated in paragraph a. above: revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item) for sales in the fiscal year in which the school year begins; total receipts from state funds (except state funds for non-regular day school programs and state funds used for capital or debt service purposes); and the state share of any balances carried forward from the previous fiscal year. Any qualifying state funds that remain unspent at the end of the fiscal year will be added to the amount calculated in paragraph a. above.

d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also be deducted from the amount calculated in paragraph a. above. Any federal funds that remain unspent at the end of the fiscal year and any capital expenditures paid from federal funds will be added to the amount calculated in paragraph a. above.

e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will also be deducted from the amount calculated in paragraph a, then

f. The final amount calculated as described above must be equal to or greater than the required local expenditure defined in paragraph A. 5.

g. The Department of Education shall collect the data necessary to perform the calculations of required local expenditure as required by this section.

h. A locality whose expenditure in fact exceeds the required amount from local funds may not reduce its expenditures unless it first complies with all of the Standards of Quality.

9.a. Any required local matching funds which a locality, as of the end of a school year, has not expended, pursuant to this Item, for the Standards of Quality shall be paid by the locality into the general fund of the state treasury. Such payments shall be made not later than the end of the school year following that in which the under expenditure occurs.

b. Whenever the Department of Education has recovered funds as defined in the preceding paragraph a, the Secretary of Education is authorized to repay to the locality affected by that action, seventy-five percent (75%) of those funds upon his determination that:

1) The local school board agrees to include the funds in its June 30 ending balance for the year following that in which the under expenditure occurs;

2) The local governing body agrees to reappropriate the funds as a supplemental appropriation to the approved budget for the second year following that in which the under expenditure occurs, in an appropriate category as requested by the local school board, for the direct benefit of the students;

3) The local school board agrees to expend these funds, over and above the funds required to meet the required local expenditure for the second year following that in which the under expenditure occurs, for a special project, the details of which must be furnished to the Department of Education for review and approval;

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4) The local school board agrees to submit quarterly reports to the Department of Education on the use of funds provided through this project award; and				
5) The local governing body and the local school board agree that the project award will be cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of the second year following that in which the under expenditure occurs.				
c. There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient, not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding paragraph a.				
10. The Department of Education shall specify the manner for collecting the required information and the method for determining if a school division has expended the local funds required to support the actual local match based on all Lottery and Incentive programs in which the school division has elected to participate. Unless specifically stated otherwise in this Item, school divisions electing to participate in any Lottery or Incentive program that requires a local funding match in order to receive state funding, shall certify to the Department of Education its intent to participate in each program by July 1 each fiscal year in a manner prescribed by the Department of Education. As part of this certification process, each division superintendent must also certify that adequate local funds have been appropriated, above the required local effort for the Standards of Quality, to support the projected required local match based on the Lottery and Incentive programs in which the school division has elected to participate. State funding for such program(s) shall not be made until such time that the school division can certify that sufficient local funding has been appropriated to meet required local match. The Department of Education shall make calculations after the close of the fiscal year to verify that the required local match was met based on the state funds that were received.				
11. Any sum of local matching funds for Lottery and Incentive program which a locality has not expended as of the end of a fiscal year in support of the required local match pursuant to this Item shall be paid by the locality into the general fund of the state treasury unless the carryover of those unspent funds is specifically permitted by other provisions of this act. Such payments shall be made no later than the end of the school year following that in which the under expenditure occurred.				
12. The Superintendent of Public Instruction shall provide a report annually, no later than the first day of the General Assembly session, on the status of teacher salaries, by local school division, to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees. In addition to information on average salaries by school division and statewide comparisons with other states, the report shall also include information on starting salaries by school division and average teacher salaries by school.				
13. All state and local matching funds required by the programs in this Item shall be appropriated to the budget of the local school board.				
14. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Education, shall prepare and submit a preliminary forecast of Standards of Quality expenditures, based upon the most current data available, to the Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered years, the forecast for the current and subsequent two fiscal years shall be provided. In even-numbered years, the forecast for the current and subsequent fiscal year shall be provided. The forecast shall detail the projected March 31 Average Daily Membership and the resulting impact on the education budget.				
15. School divisions may choose to use state payments provided for Standards of Quality Prevention, Intervention, and Remediation in both years as a block grant for remediation purposes, without restrictions or reporting requirements, other than reporting necessary as a basis for determining funding for the program.				
16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall provide guidelines for the distribution and expenditure of general fund appropriations and such additional federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.				

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17. At the Department of Education's option, fees for audio-visual services may be deducted from state Basic Aid payments for individual local school divisions.				
18. For distributions not otherwise specified, the Department of Education, at its option, may use prior year data to calculate actual disbursements to individual localities.				
19. Payments for accounts related to the Standards of Quality made to localities for public education from the general fund, as provided herein, shall be payable in twenty-four semi-monthly installments at the middle and end of each month.				
20. Notwithstanding §22.1-638 D., Code of Virginia, and other language in this Item, the Department of Education shall, for purposes of calculating the state and local shares of the Standards of Quality, apportion state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2012, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2013, estimate of school age population provided by the Weldon Cooper Center for Public Service.				
Notwithstanding §22.1-638 D., Code of Virginia, and other language in this Item, the State Comptroller shall distribute the state sales and use tax revenues dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2012, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2013, estimate of school age population provided by the Weldon Cooper Center for Public Service.				
21. The school divisions within the Tobacco Region, as defined by the Tobacco Indemnification and Community Revitalization Commission, shall jointly explore ways to maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.				
22. This Item includes appropriations totaling an estimated \$560,553,750 the first year and \$531,667,925 \$538,955,547 the second year from the revenues deposited to the Lottery Proceeds Fund. These amounts are appropriated for distribution to counties, cities, and towns to support public education programs pursuant to Article X, Section 7-A Constitution of Virginia. Any county, city, or town which accepts a distribution from this fund shall provide its portion of the cost of maintaining an educational program meeting the Standards of Quality pursuant to Section 2 of Article VIII of the Constitution without the use of distributions from the fund.				
23. For reporting purposes, the Department of Education shall include Lottery Proceeds Funds as state funds.				
24.a. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2015 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2015 may carry over into FY 2016 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2016 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2016.				
b. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2016 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2016 may carry over into FY 2017 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2017 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2017.				
25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.				

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26. The Department of Education shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this report, the Department of Education shall establish a methodology for allocating each school division's expenditures to instructional and non-instructional costs in a manner that is consistent with the funding of the Standards of Quality as approved by the General Assembly.				
27. It is the intent of the General Assembly that all school divisions annually provide their employees, upon request, with a user-friendly statement of total compensation, including contract duration if less than 12 months.				
28. Notwithstanding Title 22.1, Chapter 4.1, Code of Virginia, no schools shall be transferred to the supervision of the Opportunity Educational Institution nor shall any funds be transferred to the Institution.				
29. It is the intent of the General Assembly that the Department of Planning and Budgeting will develop a matrix of best practices and common recommendations previously reported in School Efficiency Reviews such that school divisions may use the model as a guideline for self-directed improvements toward better financial management and use of school division resources.				
C. Apportionment				
1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each locality shall receive sums as listed above within this program for the basic operation cost and payments in addition to that cost. The apportionment herein directed shall be inclusive of, and without further payment by reason of, state funds for library and other teaching materials.				
2. School Employee Retirement Contributions				
a. This Item provides funds to each local school board for the state share of the employer's retirement cost incurred by it, on behalf of instructional personnel, for subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter 1, Code of Virginia.				
b. Notwithstanding § 51.1-1401, Code of Virginia, the Commonwealth shall provide payments for only the state share of the Standards of Quality fringe benefit cost of the retiree health care credit. This Item includes payments in both years based on the state share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of Quality instructional positions, distributed based on the composite index of the local ability-to-pay.				
c. This appropriation includes \$192,884,000 the second year from the Literary Fund to be paid to the Virginia Retirement System teacher retirement fund as a one-time payment toward the ten year deferred contribution balance. The Department of Education is authorized to transfer the amount to the Virginia Retirement System on July 1, 2015. The Director of the Department of Planning and Budget is authorized to move this appropriation to the first year in the event that Literary Fund proceeds from unclaimed property are sufficient to make the full payment before June 30, 2015.				
3. School Employee Social Security Contributions				
a. This Item provides funds to each local school board for the state share of the employer's Social Security cost incurred by it, on behalf of the instructional personnel for subsequent transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.				
b. Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article III, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$182,855,378 the first year and \$165,223,825 the second year.				
4. School Employee Insurance Contributions				
This Item provides funds to each local school board for the state share of the employer's Group Life Insurance cost incurred by it on behalf of instructional personnel who participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of Virginia.				
5. Basic Aid Payments				

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	FY2015	FY2016	FY2015	FY2016

a.1) A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is established individually for each local school division based on the number of instructional personnel required by the Standards of Quality and the statewide prevailing salary levels (adjusted in Planning District Eight for the cost of competing) as well as recognized support costs calculated on a prevailing basis for an estimated March 31 ADM.

2) This appropriation includes funding to recognize the common labor market in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area. Standards of Quality salary payments for instructional positions in school divisions of the localities set out below have been adjusted for the equivalent portion of the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in Planning District 8. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments have been increased by 25 percent each year of the COCA rates paid to school divisions in Planning District 8.

b. The state share for a locality shall be equal to the Basic Operation Cost for that locality less the locality's estimated revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item), in the fiscal year in which the school year begins and less the required local expenditure.

c. For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use tax estimates are as cited in this Item.

d. 1) In accordance with the provisions of § 37.2-713, Code of Virginia, the Department of Education shall deduct the locality's share for the education of handicapped pupils residing in institutions within the Department of Behavioral Health and Developmental Services from the locality's Basic Aid payments.

2) The amounts deducted from Basic Aid for the education of intellectually disabled persons shall be transferred to the Department of Behavioral Health and Developmental Services in support of the cost of educating such persons; the amount deducted from Basic Aid for the education of emotionally disturbed persons shall be used to cover extraordinary expenses incurred in the education of such persons. The Department of Education shall establish guidelines to implement these provisions and shall provide for the periodic transfer of sums due from each local school division to the Department of Behavioral Health and Developmental Services and for Special Education categorical payments. The amount of the actual transfers will be based on data accumulated during the prior school year.

e. 1) The apportionment to localities of all driver education revenues received during the school year shall be made as an undesignated component of the state share of Basic Aid in accordance with the provisions of this Item. Only school divisions complying with the standardized program established by the Board of Education shall be entitled to participate in the distribution of state funds appropriated for driver education. The Department of Education will deduct a designated amount per pupil from a school division's Basic Aid payment when the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount will be computed by dividing the current appropriation for the Driver Education Fund by actual March 31 ADM.

2) Local school boards may charge a per pupil fee for behind-the-wheel driver education provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a pro rata reduction in Basic Aid payments to school divisions.

f. Textbooks

1) The appropriation in this Item includes ~~\$21,908,342~~ \$4,209,784 the second year from the general fund and \$66,576,395 the first year and ~~\$44,931,013~~ \$62,415,907 the second year from the Lottery Proceeds Fund as the state's share of the cost of textbooks based on a per pupil amount of \$96.22 the first year and \$96.22 the second year. The state's share of textbooks will be fund split between the general fund and Lottery Proceeds Fund in the second year only. A school division shall appropriate these funds for textbooks or any

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	other public education instructional expenditure by the school division. The state's distributions for textbooks shall be based on adjusted March 31 ADM. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.			
	2) School divisions shall provide free textbooks to all students.			
	3) School divisions may use a portion of this funding to purchase Standards of Learning instructional materials. School divisions may also use these funds to purchase electronic textbooks or other electronic media resources integral to the curriculum and classroom instruction and the technical equipment required to read and access the electronic textbooks and electronic curriculum materials.			
	4) Any funds provided to school divisions for textbook costs that are unexpended as of June 30, 2015, or June 30, 2016, shall be carried on the books of the locality to be appropriated to the school division the following year to be used for same purpose. School divisions are permitted to carry forward any remaining balance of textbook funds until the funds are expended for a qualifying purpose.			
	g. The one-cent state sales and use tax earmarked for education and the sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item which are distributed to localities on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item shall be reflected in each locality's annual budget for educational purposes as a separate revenue source for the current fiscal year.			
	h. The appropriation for the Standards of Quality for Public Education (SOQ) includes amounts estimated at \$350,300,000 the first year and \$362,900,000 \$366,700,000 the second year from the amounts transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this act which are derived from the 0.375 cent increase in the state sales and use tax levied pursuant to § 58.1-638, Code of Virginia. These additional funds are provided to local school divisions and local governments in order to relieve the financial pressure education programs place on local real estate taxes.			
	i. From the total amounts in paragraph h. above, an amount estimated at \$233,600,000 the first year and \$241,900,000 \$244,500,000 the second year (approximately 1/4 cent of sales and use tax) is appropriated to support a portion of the cost of the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support and one instructional technology position per 1,000 students; a full daily planning period for teachers at the middle and high school levels in order to relieve the pressure on local real estate taxes and shall be taken into account by the governing body of the county, city, or town in setting real estate tax rates.			
	j. From the total amounts in paragraph h. above, an amount estimated at \$122,800,000 the first year and \$127,500,000 \$122,200,000 the second year (approximately 1/8 cent of sales and use tax) is appropriated in this Item to distribute the remainder of the revenues collected and deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item.			
	k. For the purposes of funding certain support positions in Basic Aid a funding ratio methodology is used based upon the prevailing ratio of support positions to SOQ funded instructional positions as established in Chapter 781, 2009 Acts of Assembly. For the purposes of making the required spending adjustments, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.			
	6. Education of the Gifted Payments			
	a. An additional payment shall be disbursed by the Department of Education to local school divisions to support the state share of one full-time equivalent instructional position per 1,000 students in adjusted March 31 ADM.			

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<p>b. Local school divisions are required to spend, as part of the required local expenditure for the Standards of Quality the established per pupil cost for gifted education (state and local share) on approved programs for the gifted.</p>				
<p>7. Occupational-Vocational Education Payments</p>				
<p>a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Vocational Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.</p>				
<p>b. An amount estimated at \$108,906,772 the first year and \$109,140,109 the second year from the general fund included in Basic Aid Payments relates to vocational education programs in support of the Standards of Quality.</p>				
<p>8. Special Education Payments</p>				
<p>a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Special Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.</p>				
<p>b. Out of the amounts for special education payments, general fund support is provided to fund the caseload standards for speech pathologists at 68 students for each year of the biennium.</p>				
<p>9. Remedial Education Payments</p>				
<p>a. An additional payment estimated at \$100,686,259 the first year and \$100,910,614 \$100,487,258 the second year from the general fund shall be disbursed by the Department of Education to support the Board of Education's Standards of Quality Prevention, Intervention, and Remediation program adopted in June 2003.</p>				
<p>b. The payment shall be calculated based on one hour of additional instruction per day for identified students, using the three year average percent of students eligible for the federal Free Lunch program as a proxy for students needing such services. Fall membership shall be multiplied by the three year average division-level Free Lunch eligibility percentage to determine the estimated number of students eligible for services. Pupil-teacher ratios shall be applied to the estimated number of eligible students to determine the number of instructional positions needed for each school division. The pupil-teacher ratio applied for each school division shall range from 10:1 for those divisions with the most severe combined three year average failure rates for English and math Standards of Learning test scores to 18:1 for those divisions with the lowest combined three year average failure rates for English and math Standards of Learning test scores.</p>				
<p>c. Funding shall be matched by the local government based on the composite index of local ability-to-pay.</p>				
<p>d. To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided through the SOQ staffing standard of 17 instructional positions per 1,000 limited English proficiency students. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.</p>				
<p>e. An additional state payment estimated at \$89,587,381 the first year and \$89,641,183 \$89,191,285 the second year from the Lottery Proceeds Fund shall be disbursed based on the estimated number of federal Free Lunch participants, in support of programs for students who are educationally at risk. The additional payment shall be based on the state share of:</p>				

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1) A minimum one percent add-on, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program; and				
2) An addition to the add-on, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive between 1 and 12 percent in additional basic aid per Free Lunch participant. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.				
3a) Local school divisions are required to spend the established at-risk payment (state and local share) on approved programs for students who are educationally at risk.				
b) To receive these funds, each school division shall certify to the Department of Education that the state and local share of the at-risk payment will be used to support approved programs for students who are educationally at risk. These programs may include: Dropout Prevention, community and school-based truancy officer programs, Advancement Via Individual Determination (AVID), Project Discovery, Reading Recovery, programs for students who speak English as a second language, or programs related to increasing the success of disadvantaged students in completing a high school degree and providing opportunities to encourage further education and training. Further, any new funds a school division receives in excess of the amounts received in FY 2008 may be used first to provide data coordinators or to purchase similar services for schools that have not met Adequate Yearly Progress (AYP) under the federal No Child Left Behind Act or are not fully accredited under the Standards of Accreditation. The data coordinator position is intended to provide schools with needed support in the area of data analysis and interpretation for instructional purposes, as well as overall data management and the administration of state assessments. The position would primarily focus on data related to instruction and school improvement, including: student assessment, student attendance, student/teacher engagement, behavior referrals, suspensions, retention, and graduation rates.				
f. Regional Alternative Education Programs				
1) An additional state payment of \$8,075,871 the first year and \$8,219,783 \$8,141,554 the second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative Education programs. Such programs shall be for the purpose of educating certain expelled students and, as appropriate, students who have received suspensions from public schools and students returned to the community from the Department of Juvenile Justice.				
2) Each regional program shall have a small student/staff ratio. Such staff shall include, but not be limited to education, mental health, health, and law enforcement professionals, who will collaborate to provide for the academic, psychological, and social needs of the students. Each program shall be designed to ensure that students make the transition back into the "mainstream" within their local school division.				
3) a) Regional alternative education programs are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs. This incremental per pupil payment shall be adjusted for the composite index of local ability-to-pay of the school division that counts such students attending such program in its March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the regional programs for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the school day or school year that the student does not attend such program.				
b) In the event a school division does not use all of the student slots it is allocated under this program, the unused slots may be reallocated or transferred to another school division.				
1. A school division must request from the Department of Education the availability and possible use of any unused student slots. If any unused slots are available and if the requesting school division chooses to utilize any of the unused slots, the requesting school division shall only receive the state's share of tuition for the unused slot that was allocated in this Item for the originally designated school division.				

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2. However, no requesting school division shall receive more tuition funding from the state for any requested unused slot than what would have been the calculated amount for the requesting school division had the unused slot been allocated to the requesting school division in the original budget. Furthermore, the requesting school division shall pay for any remaining tuition payment necessary for using a previously unused slot.

3. The Department of Education shall provide assistance for the state share of the incremental cost of Regional Alternative Education program operations based on the composite index of local ability-to-pay.

g. Remedial Summer School

1) This appropriation includes \$3,296,232 the first year and ~~\$27,118,392~~ \$25,524,750 the second year from the general fund and \$21,970,607 the first year from the Lottery Proceeds Fund for the state's share of Remedial Summer School Programs. These funds are available to school divisions for the operation of programs designed to remediate students who are required to attend such programs during a summer school session or during an intersession in the case of year-round schools. These funds may be used in conjunction with other sources of state funding for remediation or intervention. School divisions shall have maximum flexibility with respect to the use of these funds and the types of remediation programs offered; however, in exercising this flexibility, students attending these programs shall not be charged tuition and no high school credit may be awarded to students who participate in this program.

2) For school divisions charging students tuition for summer high school credit courses, consideration shall be given to students from households with extenuating financial circumstances who are repeating a class in order to graduate.

10. K-3 Primary Class Size Reduction Payments

a. An additional payment estimated at \$113,675,099 the first year and ~~\$117,634,756~~ \$112,230,445 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education as an incentive for reducing class sizes in the primary grades.

b. The Department of Education shall calculate the payment based on the incremental cost of providing the lower class sizes based on the lower of the division average per pupil cost of all divisions or the actual division per pupil cost.

c. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay.

d. By October 15 of each year school divisions must provide data to the Department of Education that each participating school has a September 30 pupil/teacher ratio in grades K through 3 that meet the following criteria:

Qualifying School Percentage of Students Approved

Eligible for Free Lunch, Three-Year Average	Grades K-3 School Ratio	Maximum Individual K-3 Class Size
30% but less than 45%	19 to 1	24
45% but less than 55%	18 to 1	23
55% but less than 65%	17 to 1	22
65% but less than 70%	16 to 1	21
70% but less than 75%	15 to 1	20
75% or more	14 to 1	19

e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a portion of grades kindergarten through three, with a commensurate reduction of state and required local funds, if local conditions do not permit participation at the established ratio and/or maximum individual class size. In the event that a school division requires additional actions to ensure participation at the established ratio and/or maximum individual class size, such actions must be completed by December 1 of the impacted school year. Special education teachers and instructional aides shall not be counted towards meeting these required pupil/teacher ratios in grades kindergarten through three.

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<p>f. The Superintendent of Public Instruction may grant waivers to school divisions for the class size requirement in eligible schools that have only one class in an affected grade level in the school.</p>				
<p>11. Literary Fund Subsidy Program Payments</p>				
<p>a. The Department of Education and the Virginia Public School Authority (VPSA) shall provide a program of funding for school construction and renovation through the Literary Fund and through VPSA bond sales. The program shall be used to provide funds, through Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the First or Second Literary Fund Waiting List, or other critical projects which may receive priority placement on the First or Second Literary Fund Waiting List by the Department of Education. Interest rate subsidies will provide school divisions with the present value difference in debt service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The VPSA shall work with the Department of Education in selecting those projects to be funded through the interest rate subsidy/bond financing program, so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond Pool.</p>				
<p>b. The Department of Education may offer up to \$52,884,000 million in the second year as school construction loans from the Literary Fund. In addition, the Department of Education may offer Literary Fund loans from the uncommitted balances of the Literary Fund after meeting the obligations of the interest rate subsidy sales and the amounts set aside from the Literary Fund for Debt Service Payments for Education Technology in this Item.</p>				
<p>c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities, counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt service due on such bonds of the VPSA on such date, there is hereby appropriated to the VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a sum equal to such deficiency.</p>				
<p>2) The Commonwealth shall be subrogated to the VPSA to the extent of any such appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with respect to the defaulting locality and to full recovery of the amount of such deficiency, together with interest at the rate of the defaulting locality's bonds.</p>				
<p>d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds of the VPSA issued and projected to be issued during such biennium pursuant to the bond resolution referred to in paragraph a above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.</p>				
<p>12. Educational Technology Payments</p>				
<p>a. Any unobligated amounts transferred to the educational technology fund shall be disbursed on a pro rata basis to localities. The additional funds shall be used for technology needs identified in the division's technology plan approved by the Department of Education.</p>				
<p>b. The Department of Education shall authorize amounts estimated at \$11,912,250 the first year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2010.</p>				
<p>c. The Department of Education shall authorize amounts estimated at \$11,670,000 the first year and \$11,670,750 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2011.</p>				

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d. 1) The Department of Education shall authorize amounts estimated at \$11,617,000 the first year and \$11,620,250 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2012.				
2) It is the intent of the General Assembly to authorize sufficient appropriate Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2016-18 biennial budget for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in FY 2016.				
e. 1) The Department of Education shall authorize amounts estimated at \$12,130,750 the first year and \$12,131,750 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2013.				
2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2016-18 biennial budget for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in FY 2017 and FY 2018.				
f. 1) The Department of Education shall authorize amounts estimated at \$13,245,122 the first year and \$13,243,250 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2014.				
2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2016-18 and 2018-20 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in fiscal years 2017, 2018, and 2019.				
g. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at \$66,566,300 in FY 2015 and \$71,163,200 \$66,880,700 in FY 2016. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.				
2) The Department of Education shall authorize amounts estimated at \$13,993,403 \$13,808,931 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in FY 2015.				
3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs in FY 2015 and in FY 2016. In developing the proposed 2016-2018, 2018-2020, and 2020-2022 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2017, 2018, 2019, 2020, and 2021.				
4) Grant funds from the issuance of \$66,556,300 in FY 2015 and \$71,163,200 \$66,880,700 in FY 2016 in equipment notes are based on a grant of \$26,000 per school and \$50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2014, for the FY 2015 issuance, and September 30,				

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2015, for the FY 2016 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the School for the Deaf and the Blind. Schools that serve only pre-kindergarten students shall not be eligible for this grant.				
5) Supplemental grants shall be allocated to eligible divisions to support schools that are not fully accredited in accordance with this paragraph. Schools that include a ninth grade that administer SOL tests in Spring 2014 and that are not fully accredited for the second consecutive year, based on school accreditation ratings in effect for FY 2014 and FY 2015, or that have 15 percent of students in the English as a Second Language count and also have free lunch eligibility for the school of over one-third of the students, will qualify to participate in the Virginia e-Learning Backpack Initiative in FY 2015 and receive: (1) a supplemental grant of \$400 per student reported in ninth grade fall membership in a qualifying school for the purchase of a laptop or tablet for that student and (2) a supplemental grant of \$2,400 per qualifying school to purchase two content creation packages for teachers. Schools eligible to receive this supplemental grant in FY 2015 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Schools that administer SOL tests in Spring 2015 and that are not fully accredited for the second consecutive year based on school accreditation ratings in effect for FY 2015 and FY 2016 will qualify to participate in the initiative in FY 2016. Schools eligible for the supplemental grants in previous fiscal years shall continue to be eligible for the remaining years of their grant award. Schools eligible to receive this supplemental grant in FY 2016 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Grants awarded to qualifying schools that do not have grades 10, 11, or 12 may transition with the students to the primary receiving school for all years subsequent to grade 9. Schools are eligible to receive these grants for a period of up to four years beginning in FY 2014 shall not be eligible to receive a separate award in the future once the original award period has concluded. Schools that are fully accredited or that are new schools with conditional accreditation in their first year shall not be eligible to receive this supplemental grant.				
6) Required local match:				
a) Localities are required to provide a match for these funds equal to 20 percent of the grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At least 25 percent of the local match, including the match for supplemental grants, shall be used for teacher training in the use of instructional technology, with the remainder spent on other required uses. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.				
b) School divisions that administer 100 percent of SOL tests online in all elementary, middle, and high schools may use up to 75 percent of their required local match to purchase targeted technology-based interventions. Such interventions may include the necessary technology and software to support online learning, technology-based content systems, content management systems, technology equipment systems, information and data management systems, and other appropriate technologies that support the individual needs of learners. School divisions that receive supplemental grants pursuant to paragraph g.5) above shall use the funds in qualifying schools to purchase laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers.				
7) The goal of the education technology grant program is to improve the instructional, remedial, and testing capabilities of the Standards of Learning for local school divisions and to increase the number of schools achieving full accreditation.				
8) Funds shall be used in the following manner:				
a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed access to the Internet. School connectivity (computers, LANs and network access) shall include sufficient download/upload capability to ensure that each student will have adequate access to Internet-based instructional, remedial and assessment programs.				
b) When each high school in a division meets the goals established in paragraph a) above, the				

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<p>remaining funds shall be used to develop similar capability in first the middle schools and then the elementary schools.</p>				
<p>c) For purposes of establishing or enhancing a computer-based instructional program supporting the Standards of Learning pursuant to paragraph g. 1) above, these grant funds may be used to purchase handheld multifunctional computing devices that support a broad range of applications and that are controlled by operating systems providing full multimedia support and mobile Internet connectivity. School divisions that elect to use these grant funds to purchase such qualifying handheld devices must continue to meet the on-line testing requirements stated in paragraph g. 1) above.</p>				
<p>d) School divisions shall be eligible to receive supplemental grants pursuant to paragraph g.5) above. These supplemental grants shall be used in qualifying schools for the purchase of laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers. Participating school divisions will be required to select a core set of electronic textbooks, applications and online services for productivity, learning management, collaboration, practice, and assessment to be included on all devices. In addition, participating school divisions will assume recurring costs for electronic textbook purchases and maintenance.</p>				
<p>e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.</p>				
<p>9) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.</p>				
<p>h. The Department of Education shall maintain criteria to determine if high schools, middle schools, or elementary schools have the capacity to meet the goals of this initiative. The Department of Education shall be responsible for the project management of this program.</p>				
<p>i. 1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes of the VPSA on such date, there is hereby appropriated to the VPSA from the general fund a sum equal to such deficiency.</p>				
<p>2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes of the VPSA issued and projected to be issued during such biennium pursuant to the resolution referred to in paragraph 1) above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.</p>				
<p>j. Unobligated proceeds of the notes, including investment income derived from the proceeds of the notes may be used to pay interest on, or to decrease principal of the notes or to fund a portion of such other educational technology grants as authorized by the General Assembly.</p>				
<p>k. 1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by a Telephone Company for the State Government" shall be deemed to include communications lines into public schools which are used for educational technology. The rate structure for such lines shall be negotiated by the Superintendent of Public Instruction and the Chief Information Officer of the Virginia Information Technologies Agency. Further, the Superintendent and Director are authorized to encourage the development of "by-pass" infrastructure in localities where it fails to obtain competitive prices or prices</p>				

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consistent with the best rates obtained in other parts of the state.

2) The State Corporation Commission, in its consideration of the discount for services provided to elementary schools, secondary schools, and libraries and the universal service funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is hereby encouraged to make the discounts for intrastate services provided to elementary schools, secondary schools, and libraries for educational purposes as large as is prudently possible and to fund such discounts through the universal fund as provided in § 254 of the Telecommunications Act of 1996. The commission shall proceed as expeditiously as possible in implementing these discounts and the funding mechanism for intrastate services, consistent with the rules of the Federal Communications Commission aimed at the preservation and advancement of universal service.

1. The Department of Education shall survey school divisions in the second year regarding their interest in using the education technology grants for lease expenditures if allowable sources of funding were available for such expenditures. School divisions shall submit responses to the survey by September 1, 2015, and the Department of Education shall provide a summary of the responses to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by October 15, 2015.

13. Security Equipment Payments

1) A security equipment grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at up to \$6,000,000 in fiscal year 2015 and \$6,000,000 in fiscal year 2016 in conjunction with the Virginia Public School Authority technology notes program authorized in C.12. of this Item. Proceeds of the notes will be used to help offset the related costs associated with the purchase of appropriate security equipment that will improve and help ensure the safety of students attending public schools in Virginia.

2) The Department of Education shall authorize amounts estimated at \$2,439,878 the first year and ~~\$3,699,745~~ \$3,683,430 the second year from the Literary Fund to provide debt service payments for the security equipment grant programs conducted through the Virginia Public School Authority in fiscal years 2013, 2014, and 2015.

3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2016-18, 2018-2020, and 2020-2022 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2017, 2018, 2019, 2020, and 2021.

4) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes on such date, there is hereby appropriated to the Virginia Public School Authority from the general fund a sum equal to such deficiency.

5) The Chairman of the Board of Commissioners of the Virginia Public School Authority shall, on or before November 1 of each year, deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes issued and projected to be issued during such biennium. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

6) Grant award funds from the issuance of up to \$6,000,000 in fiscal year 2015 and \$6,000,000 in fiscal year 2016 in equipment notes shall be distributed to eligible school divisions. The grant awards will be based on a competitive grant basis of up to \$100,000 per school division. School divisions will be permitted to apply annually for grant funding. For purposes of this program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2014, for the fiscal year 2015 issuance, and September 30, 2015, for the fiscal year 2016 issuance, as

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well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the Virginia School for the Deaf and the Blind.

7) School divisions would submit their application to Department of Education by August 1 of each year based on the criteria developed by the Department of Education in collaboration with the Department of Criminal Justice Services who will provide requested technical support. Furthermore, the Department of Education will have the authority to make such grant awards to such school divisions.

8) It is also the intent of the General Assembly that the total amount of the grant awards shall not exceed \$30,000,000 over any ongoing revolving five year period.

9) Required local match:

a) Localities are required to provide a match for these funds equal to 25 percent of the grant amount. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.

b) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

c) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

14. Virginia Preschool Initiative Payments

a.1) It is the intent of the General Assembly that a payment estimated at \$68,300,254 the first year and ~~\$71,996,399~~ \$70,651,478 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds unserved by Head Start program funding. In no event shall distributions from the Lottery Proceeds Fund be made directly to community-based or private providers.

2) These state funds and required local matching funds shall be used to provide programs for at-risk four-year-old children, which include quality preschool education, health services, social services, parental involvement and transportation. It shall be the policy of the Commonwealth that state funds and required local matching funds for the Virginia Preschool Initiative not be used for capital outlay. Programs must provide full-day or half-day and, at least, school-year services.

3) The Department of Education, in cooperation with the Council on Child Day Care and Early Childhood Programs, shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating school division and the school divisions must certify that the Virginia Preschool Initiative program follows the established standards in order to receive the funding for quality preschool education and criteria for the service components. Such guidelines shall be consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.

4) a) Grants shall be distributed based on an allocation formula providing the state share of a \$6,000 grant for 100 percent of the unserved at-risk four-year-olds in each locality for a full-day program. The number of unserved at-risk four-year-olds in each locality shall be based on the projected number of kindergarten students, updated once each biennium for the Governor's introduced biennial budget. In the first year only, the Department shall adjust the additional slots calculated to fund such school divisions at the same number of

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<p>slots actually used in FY 2014 on a prorated basis up to \$1,000,000. For the second year only, in no case shall a school division be eligible for fewer slots than they actually used for this program in FY 2014 on a prorated basis up to \$3,631,581. Programs operating half-day shall receive state funds based on a fractional basis determined by the pro-rata portion of a full-day, school year program provided. Half-day programs shall operate for a minimum of three hours of classroom instructional time per day, excluding breaks for lunch or recess, and grants to half-day programs shall be funded based on the state share of \$3,000 per unserved at-risk four-year-old in each locality. Full-day programs shall operate for a minimum of five and one-half instructional hours, excluding breaks for meals and recess. No additional state funding is provided for programs operating greater than three hours per day but less than five and one-half hours per day. In determining the state and local shares of funding, the composite index of local ability-to-pay is capped at 0.5000.</p>				
<p>b) For new programs in the first year of implementation only, programs operating less than a full school year shall receive state funds on a fractional basis determined by the pro-rata portion of a school year program provided. In determining the prorated state funds to be received, a school year shall be 180 days.</p>				
<p>b.1) Any locality which desires to participate in this grant program must submit a proposal through its chief administrator (county administrator or city manager) by May 15 of each year. The chief administrator, in conjunction with the school superintendent, shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk children which demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk four-year-old children.</p>				
<p>2) The proposal must demonstrate coordination with all parties necessary for the successful delivery of comprehensive services, including the schools, child care providers, local social services agency, Head Start, local health department, and other groups identified by the lead agency.</p>				
<p>3) A local match, based on the composite index of local ability-to-pay, shall be required. For purposes of meeting the local match, localities may use local expenditures for existing qualifying programs, however, at least seventy-five percent of the local match will be cash and no more than twenty-five percent will be in-kind. In-kind contributions are defined as cash outlays that are made by the locality that benefit the program but are not directly charged to the program. The value of fixed assets cannot be considered as an in-kind contribution. Localities shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program must be used to supplement, not supplant, any funds currently provided for programs within the locality. However, in the event a locality is prohibited from continuing the previous level of support to programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary Education Act (ESEA), the state and local funds provided in this grants program may be used to continue services to these Title I students. Such prohibition may occur due to amendments to the allocation formula in the reauthorization of ESEA as the No Child Left Behind Act of 2001 or due to a percentage reduction in a locality's Title I allocation in 2014-2015 or 2015-2016. Any locality so affected shall provide written evidence to the Superintendent of Public Instruction and request his approval to continue the services to Title I students.</p>				
<p>c. Local plans must provide clear methods of service coordination for the purpose of reducing the per child cost for the service, increasing the number of at-risk children served and/or extending services for the entire year. Examples of these include:</p>				
<p>1) "Wraparound Services" -- methods for combining funds such as child care subsidy dollars administered by local social service agencies with dollars for quality preschool education programs.</p>				
<p>2) "Wrap-out Services" - methods for using grant funds to purchase quality preschool services to at-risk four-year-old children through an existing child care setting by purchasing comprehensive services within a setting which currently provides quality preschool education.</p>				
<p>3) "Expansion of Service" - methods for using grant funds to purchase slots within existing programs, such as Head Start, which provide comprehensive services to at-risk four-year-old children.</p>				

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d.1) Local plans must indicate the number of at-risk four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the 2014-2015 programs guidelines that are specific to: (i) family income at or below 200 percent of poverty, (ii) homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family income is less than 350 percent of federal poverty guidelines in the case of students with special needs or disabilities.

2) The Department of Education is directed to compile from each school division the aggregated information as to the number of enrolled students whose families are (i) at or below 130 percent of poverty, and (ii) above 130 percent but below 200 percent of poverty. The Department shall report this information annually, after the application and fall participation reports are submitted to the Department from the school divisions, to the Chairmen of House Appropriations and Senate Finance Committees. In addition, the Department will post and maintain the summary information by division on the Department's website in keeping with current student privacy policies.

e.1) The Department of Education and the Council on Child Day Care and Early Childhood Programs shall provide technical assistance for the administration of this grant program to provide assistance to localities in developing a comprehensive, coordinated, quality preschool program for serving at-risk four-year-old children.

2) A pre-application session shall be provided by the Department and the Council on Child Day Care and Early Childhood Programs prior to the proposal deadline. The Department shall provide interested localities with information on models for service delivery, methods of coordinating funding streams, such as funds to match federal IV-A child care dollars, to maximize funding without supplanting existing sources of funding for the provision of services to at-risk four-year-old children. A priority for technical assistance in the design of programs shall be given to localities where the majority of the at-risk four-year-old population is currently unserved.

f. The Department of Education shall include in the program's application package specific information regarding the potential availability of funding for supplemental grants that may be used for one-time expenses, other than capital, related to start-up or expansion of programs, with priority given to proposals for expanding the use of partnerships with either nonprofit or for-profit providers. Furthermore, the Department is mandated to communicate to all eligible school divisions the remaining available balances in the program's adopted budget, after the fall participation reports have been submitted and finalized for such grants.

15. Early Reading Intervention Payments

a. An additional payment of \$17,714,461 the first year and ~~\$17,778,143~~ \$17,501,316 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing early reading intervention services to students in grades kindergarten through 3 who demonstrate deficiencies based on their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests of any local school board which requests authority to use a test other than the state-provided test to ensure that such local test uses criteria for the early diagnosis of reading deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of five to one. The estimated number of students in each school division in each year shall be determined by multiplying the projected number of students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3 by the percent of students who are determined to need services based on diagnostic tests administered in the previous year in that school division and adjusted in the following manner:

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		Year 1		Year 2
Kindergarten		100%	100%	
Grade 1		100%	100%	
Grade 2		100%	100%	
Grade 3		100%	100%	

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. At the beginning of the school year, local school divisions shall partner with the parents of those third grade students in the division who demonstrate reading deficiencies, discussing with them a developed plan for remediation and retesting. Such intervention programs, at the discretion of the local school division, may include, but not be limited to, the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; or extended instructional time in the school day or year for these students. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

d. In the event that a school division does not use the diagnostic test provided by the Department of Education in the year that serves as the basis for updating the funding formula for this program but has used it in past years, the Department of Education shall use the most recent data available for the division for the state-provided diagnostic test.

e. The results of all reading diagnostic tests and reading remediation shall be discussed with the student and the student's parent prior to the student being promoted to grade four.

f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation, Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of this program.

16. Standards of Learning Algebra Readiness Payments

a. An additional payment of \$12,107,540 the first year and ~~\$12,159,318~~ \$11,989,787 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing math intervention services to students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests to ensure that such local test uses state-provided criteria for diagnosis of math deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of ten to one. The estimate number of students in each school division shall be determined by multiplying the projected number of students reported in each school division's fall membership by the percent of students that qualify for the federal Free Lunch Program.

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

17. School Construction Grants Program Escrow

Notwithstanding the requirements of Section 22.1-175.5, Code of Virginia, school divisions are permitted to withdraw funds from local escrow accounts established pursuant to Section

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22.1-175.5 to pay for recurring operational expenses incurred by the school division. Localities are not required to provide a local match of the withdrawn funds.				
18. English as a Second Language Payments				
A payment of \$49,367,794 the first year and \$50,817,295 \$49,233,201 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions to support the state share of 17 professional instructional positions per 1,000 students for whom English is a second language. Local school divisions shall provide a local match based on the composite index of local ability-to-pay.				
19. Special Education Instruction Payments				
a. The Department of Education shall establish rates for all elements of Special Education Instruction Payments.				
b. Out of the appropriations in this Item, the Department of Education shall make available, subject to implementation by the Superintendent of Public Instruction, an amount estimated at \$79,503,166 the first year and \$84,204,352 \$83,126,575 the second year from the Lottery Proceeds Fund for the purpose of the state's share of the tuition rates for approved public school regional programs. Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be based on the composite index of local ability-to-pay.				
c. Out of the amounts for Financial Assistance for Categorical Programs, \$32,755,271 the first year and \$33,737,931 the second year from the general fund is appropriated to permit the Department of Education to enter into agreements with selected local school boards for the provision of educational services to children residing in certain hospitals, clinics, and detention homes by employees of the local school boards. The portion of these funds provided for educational services to children residing in local or regional detention homes shall only be determined on the basis of children detained in such facilities through a court order issued by a court of the Commonwealth. The selection and employment of instructional and administrative personnel under such agreements will be the responsibility of the local school board in accordance with procedures as prescribed by the local school board. State payments for the first year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2014 and the first three quarters of FY 2015. State payments for the second year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2015 and the first three quarters of FY 2016.				
d. By October 15, 2014, the Department of Education shall present to the Virginia Board of Education, options for increasing student to teacher ratios or other savings, including requesting the State Board of Education or federal government to consider waiving certain teacher staffing requirements given the uniqueness of the setting, prorating funding if localities choose to operate based on unnecessary gender separation, whether there may be options for achieving efficiencies in the 23 centers based on regional groupings based on proximity, working with the Department of Juvenile Justice and Department of Correctional Education if appropriate, and a review of how other states handle education in juvenile detention centers. The Department shall also submit the report to the Chairmen of the Senate Finance and House Appropriations Committees by October 31, 2014.				
20. Vocational Education Instruction Payments				
a. It is the intention of the General Assembly that the Department of Education explore initiatives that will encourage greater cooperation between jurisdictions and the Virginia Community College System in meeting the needs of public school systems.				
b. This appropriation includes \$1,800,000 the first year from the Lottery Proceeds Fund and \$1,800,000 the second year from the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of \$2,000 each year shall be available for all divisions, with the remainder of the funding distributed on the basis of student enrollment in secondary vocational-technical courses. State funds received for secondary vocational-technical equipment must be used to supplement, not supplant, any funds currently provided for secondary vocational-technical equipment within the locality. Local school divisions are not required to provide a local match in order to receive these state funds.				

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21. Adult Education Payments				
	State funds shall be used to reimburse general adult education programs on a fixed cost per pupil or cost per class basis. No state funds shall be used to support vocational noncredit courses.			
22. General Education Payments				
	a. This appropriation includes \$2,410,988 the first year and \$2,410,988 the second year from the Lottery Proceeds Fund to support Race to GED. Out of this appropriation, \$465,375 the first year and \$465,375 the second year shall be used for PluggedIn VA.			
	b. This appropriation includes \$2,774,478 the first year from the general fund and \$2,774,478 the second year from the Lottery Proceeds Fund to support Project Graduation and any associated administrative and contractual service expenditures related to this initiative.			
23. Virtual Virginia Payments				
	a. From appropriations in this Item, the Department of Education shall provide assistance for the Virtual Virginia program.			
	b. The local share of costs associated with the operation of the Virtual Virginia program shall be computed using the composite index of local ability-to-pay.			
24. Individual Student Alternative Education Program (ISAEP) Payments				
	Out of this appropriation, \$2,247,581 the first year from the Lottery Proceeds Fund and \$2,247,581 in the second year from the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the 1999 Session of the General Assembly.			
25. Foster Children Education Payments				
	a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's local operations costs, as determined by the Department of Education, for each pupil of school age as defined in § 22.1-1, Code of Virginia, not a resident of the school division providing his education (a) who has been placed in foster care or other custodial care within the geographical boundaries of such school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children; (b) who has been placed in an orphanage or children's home which exercises legal guardianship rights; or (c) who is a resident of Virginia and has been placed, not solely for school purposes, in a child-caring institution or group home.			
	b. This appropriation provides \$8,689,453 the first year and \$8,824,359 \$9,110,683 the second year from the Lottery Proceeds Fund to support children attending public school who have been placed in foster care or other such custodial care across jurisdictional lines, as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these funds are not adequate to cover the full costs specified therein, the Department is authorized to expend unobligated balances in this Item for this support.			
26. Sales Tax Payments				
	a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a portion of net revenue from the state sales and use tax, in support of the Standards of Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion of August 3, 1982).			
	b. Certification of payments and distribution of this appropriation shall be made by the State Comptroller.			
	c. The distribution of state sales tax funds shall be made in equal bimonthly payments at the middle and end of each month.			
27. Adult Literacy Payments				
	a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second year from the general fund for the ongoing literacy programs conducted by Mountain Empire			

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

Community College.

b. Out of this appropriation, the Department of Education shall provide \$100,000 the first year and \$100,000 the second year from the general fund for the Virginia Literacy Foundation grants to support programs for adult literacy including those delivered by community-based organizations and school divisions providing services for adults with 0-9th grade reading skills.

28. Governor's School Payments

a. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of regular school year Governor's Schools based on each participating locality's composite index of local ability-to-pay. Participating school divisions must certify that no tuition is assessed to students for participation in this program.

b. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of summer residential Governor's Schools and Foreign Language Academies to be based on the greater of the state's share of the composite index of local ability-to-pay or 50 percent. Participating school divisions must certify that no tuition is assessed to students for participation in this program if they are enrolled in a public school.

c. For the Summer Governor's Schools and Foreign Language Academies programs, the Superintendent of Public Instruction is authorized to adjust the tuition rates, types of programs offered, length of programs, and the number of students enrolled in order to maintain costs within the available state and local funds for these programs.

d. It shall be the policy of the Commonwealth that state general fund appropriations not be used for capital outlay, structural improvements, renovations, or fixed equipment costs associated with initiation of existing or proposed Governor's schools. State general fund appropriations may be used for the purchase of instructional equipment for such schools, subject to certification by the Superintendent of Public Instruction that at least an equal amount of funds has been committed by participating school divisions to such purchases.

e. The Board of Education shall not take any action that would increase the state's share of costs associated with the Governor's Schools as set forth in this Item. This provision shall not prohibit the Department of Education from submitting requests for the increased costs of existing programs resulting from updates to student enrollment for school divisions currently participating in existing programs or for school divisions that begin participation in existing programs.

f.1) Regular school year Governor's Schools are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs for each student attending a Governor's School up to a cap of 1,725 students per Governor's School in the first year and a cap of 1,725 students per Governor's School in the second year. This incremental per pupil payment shall be adjusted for the composite index of the school division that counts such students attending an academic year Governor's School in their March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the Governor's Schools for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the day that the student does not attend a Governor's School.

2) Students attending a revolving Academic Year Governor's School program for only one semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only fifty percent of the full-year funded per pupil amount. Funding for students attending a revolving Academic Year program will be adjusted based upon actual September 30th and January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall mean Academic Year Governor's School programs that admit students on a semester basis.

3) Students attending a continuous, non-revolving Academic Year Governor's School

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	<p>program shall be counted as a full-time equivalent student and will be funded for the full-year funded per pupil amount. Funding for students attending a continuous, non-revolving Academic Year Governor's School program will be adjusted based upon actual September 30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving programs shall mean Academic Year Governor's School programs that only admit students at the beginning of the school year. Fairfax County Public Schools shall not reduce local per pupil funding for the Thomas Jefferson Governor's School below the amounts appropriated for the 2003-2004 school year.</p>			
	<p>g. All regional Governor's Schools are encouraged to provide full-day grades 9 through 12 programs. Out of the amounts in this Item, \$100,000 the second year from the general fund is provided for existing Governor's Schools, as distributed by the Superintendent of Public Instruction, to plan for or study the feasibility of expanding, including via a merger with another Governor's School.</p>			
	<p>h. Out of this appropriation, \$100,000 the first year from the general fund is available for the Department of Education to develop a model proposal that establishes a Governor's School that focuses on Career and Technical Education.</p>			
	<p>i. Out of the appropriation included in paragraph 36, a.1., of this Item, \$218,854 \$218,825 the second year from the general fund is included for the Academic Year Governor's School funding allocation to increase the per pupil amount up to an additional \$74.97 \$74.91 per pupil amount as an add-on for a 1.5 percent compensation incentive supplement with an effective date of August 16, 2015. In order to receive the state's allocation for the 1.5 percent compensation incentive supplement in the second year, participating Academic Year Governor's Schools shall comply with the provisions set out in paragraph 36 of this Item.</p>			
	<p>29. School Nutrition Payments</p> <p>It is provided that, subject to implementation by the Superintendent of Public Instruction, no disbursement shall be made out of the appropriation for school nutrition to any locality in which the schools permit the sale of competitive foods in food service facilities or areas during the time of service of food funded pursuant to this Item.</p>			
	<p>30. School Breakfast Payments</p> <p>a. Out of this appropriation, \$3,484,111 the first year and \$3,948,823 \$3,796,205 the second year from the Lottery Proceeds Fund is included for the purpose of establishing a state funded incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. These funds are available to any school division as a reimbursement for breakfast meals served that are in excess of the baseline established by the Department of Education. The per meal reimbursement shall be \$0.22; however, the department is authorized, but not required to reduce this amount proportionately in the event that the actual number of meals to be reimbursed exceeds the number on which this appropriation is based so that this appropriation is not exceeded.</p> <p>b. In order to receive these funds, school divisions must certify that these funds will be used to supplement existing funds provided by the local governing body and that local funds derived from sources that are not generated by the school nutrition programs have not been reduced or eliminated. The funds shall be used to improve student participation in the school breakfast program. These efforts may include, but are not limited to, reducing the per meal price paid by students, reducing competitive food sales in order to improve the quality of nutritional offerings in schools, increasing access to the school breakfast program, or providing programs to increase parent and student knowledge of good nutritional practices. In no event shall these funds be used to reduce local tax revenues below the level appropriated to school nutrition programs in the prior year. Further, these funds must be provided to the school nutrition programs and may not be used for any other school purpose.</p> <p>c1. Out of this appropriation, \$537,297 \$555,634 the second year from the general fund is provided to fund during the 2015-2016 school year either, an elementary school breakfast pilot program available on a voluntary basis at elementary schools where student eligibility for free or reduced lunch exceeds 45.0 percent for the participating school, or to provide additional reimbursement for eligible meals served in the current traditional school breakfast program at all grade levels in any participating school. The elementary schools participating</p>			

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in the pilot program shall evaluate the educational impact of the models implemented that provide school breakfasts to students after the first bell of the school day, based on the guidelines developed by the Department of Education and submit the required report to the Department of Education no later June 30, 2016.

2) The Department of Education shall communicate, through Superintendent's Memo, to school divisions the types of breakfast serving models and the criteria that will meet the requirements for this State reimbursement, which may include, but are not limited to, breakfast in the classroom, grab and go breakfast, or a breakfast after first period. School divisions may determine the breakfast serving model that best applies to its students, so long as it occurs after the instructional day has begun. For the 2015-2016 school year, the Department of Education shall monthly transfer to each school division a reimbursement rate of \$0.05 per breakfast meal that meets either of the established criteria.

3) No later than July 1, 2015, the Department of Education shall provide for a pilot breakfast program application process for school divisions with eligible elementary schools, including guidelines regarding specified required data to be compiled from the prior school year or years and during the one-year pilot. The number of approved applications shall be based on the estimated number of pilot sites that can be accommodated within the approved funding level. The reporting requirements must include: student attendance and tardy arrivals, office discipline referrals, student achievement measures, teachers' responses to the impact of the pilot program before and after implementation, and the financial impact on the division's school food program. The Department of Education shall collect and compile the results of the pilot breakfast program and no later than August 1, 2016 shall submit the report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees.

31. Clinical Faculty and Mentor Teacher Program Payments

This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher Programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. This appropriation also includes \$318,750 the first year and \$318,750 the second year from the general fund for Clinical Faculty programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. Such programs shall include elements which are consistent with the following:

- a. An application process for localities and school/higher education partnerships that wish to participate in the programs;
- b. For Clinical Faculty programs only, provisions for a local funding or institutional commitment of 50 percent, to match state grants of 50 percent;
- c. Program plans which include a description of the criteria for selection of clinical faculty and mentor teachers, training, support, and compensation for clinical faculty and mentor teachers, collaboration between the school division and institutions of higher education, the clinical faculty and mentor teacher assignment process, and a process for evaluation of the programs;
- d. The Department of Education shall allow flexibility to local school divisions and higher education institutions regarding compensation for clinical faculty and mentor teachers consistent with these elements of the programs; and
- e. It is the intent of the General Assembly that no preference between pre-service or beginning teacher programs be construed by the language in this Item. School divisions operating beginning teacher mentor programs shall receive equal consideration for funding.

32. Career Switcher/Alternative Licensure Payments

Appropriations in this Item include \$279,983 the first year and \$279,983 the second year from the general fund to provide grants to school divisions that employ mentor teachers for new teachers entering the profession through the alternative route to licensure as prescribed by the Board of Education.

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
33. Virginia Workplace Readiness Skills Assessment				
<p>Appropriations in this Item include \$308,655 the first year and \$308,655 the second year from the general fund to provide support grants to school divisions for standard diploma graduates. To provide flexibility, school divisions may use the state grants for the actual assessment or for other industry certification preparation and testing.</p>				
34. Reading Specialists Initiative				
<p>a. An additional payment of \$1,237,723 the first year and \$1,476,790 the second year from the general fund shall be disbursed by the Department of Education to qualifying local school divisions for the purpose of providing a reading specialist for any school with a third grade that has a school-wide pass rate of less than 75 percent on the reading Standards of Learning (SOL) assessments.</p> <p>b. These payments shall be based on the state's share of the cost of providing one reading specialist per qualifying school. School divisions with schools participating in this program in fiscal year 2014 shall be eligible to receive funding at 100 percent of the state share the first year and 50 percent of the state share the second year for the same schools and such schools are granted a one-year extension of the two-year waiver referenced in subsection c. for a third year in fiscal year 2016. The Department of Education is authorized to disburse additional payments to divisions from any remaining funds each year to support additional qualifying schools and shall give priority to such schools with the lowest SOL pass rates for reading or the greatest number of years accredited with warning in English. Payments to school divisions in support of such additional qualifying schools each year shall be based on 100 percent of the state share of cost.</p> <p>c. These payments are available to any school division with a qualifying school that (1) certifies to the Department of Education that the division has hired a reading specialist to provide direct services to children reading below grade level in the school to improve reading achievement and (2) applies and receives a waiver for up to two years from the Board of Education for the administration of third grade SOL assessments in science or history and social science or both for the purpose of creating additional instructional time for reading specialists to work with students reading below grade level to improve reading achievement.</p> <p>d. School divisions receiving these payments are required to match these funds based on the composite index of local ability-to-pay.</p>				
35. Math/Reading Instructional Specialist Initiative				
<p>a. Included in this appropriation is \$1,697,841 the first year and \$1,834,538 the second year from the general fund in additional payments for reading or math instructional specialists at underperforming schools. From this amount, the state share of one reading or math specialist shall be provided to local school divisions with schools which have been denied accreditation or were accredited with warning for the third consecutive year based on school accreditation ratings for the 2013-2014 school year. Such schools shall be eligible to receive the state share of funding for both years of the biennium. In addition, following the academic review required by §22.1-253.13:3, Code of Virginia, the Department of Education shall identify up to 20 additional schools to also receive the state share of a reading or math instructional specialist. The schools eligible for such personnel are those which were accredited with warning for the second consecutive year based on school accreditation ratings for the 2012-2013 and 2013-2014 school years and that have shown no or limited improvement in student achievement in the past year. Such schools shall also be eligible to receive the state share of funding for both years of the biennium. If, following certification from a school division that it will not participate in the program, the Department is authorized to identify additional eligible schools.</p> <p>b. These payments are available to any school division with a qualifying school that certifies to the Department of Education that the division has hired a math or reading instructional specialist. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.</p> <p>c. The Department of Education is authorized to utilize available funding appropriated to the Early Reading Specialist Initiative contained in this Item to pay for instructional specialists at</p>				

ITEM 136.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
additional eligible schools.				
36. Compensation Supplements				
a.1) The appropriation in this Item includes \$52,650,743 \$51,771,609 the second year from the general fund for the state share of a payment equivalent to a 1.5 percent salary incentive increase, effective August 16, 2015, for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, guidance counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. The \$52,650,743 \$51,771,609 includes \$218,854 \$218,825 referenced in paragraph 28. i., for the Academic Year Governor's Schools for a 1.5 percent salary incentive increase, effective August 16, 2015, for instructional and support positions.				
2) It is the intent of the General Assembly that the instructional and support position salaries be improved in school divisions throughout the state by at least an average of 1.5 percent in the second year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 1.5 percent salary increase for funded SOQ instructional and support positions, effective August 16, 2015, to school divisions which certify to the Department of Education, by June 15, 2015, that salary increases of a minimum average of 1.5 percent have been provided in the second year by January 1, 2016, to instructional and support personnel. In certifying that the salary increases have been provided, school divisions may not include any salary increases that were provided in the second year solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144, Code of Virginia.				
b. The state funds for which the division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of January 1, 2016, as the basis for the local match requirement for both funded SOQ instructional and support positions.				
c. This funding is not intended as a mandate to increase salaries.				
137.	Not set out.			
	Total for Direct Aid to Public Education.....		\$7,022,410,629	\$7,339,205,436 \$7,307,219,055
	Fund Sources: General.....	\$5,405,446,474	\$5,560,264,011 \$5,520,990,008	
	Special.....	\$895,000	\$895,000	
	Commonwealth Transportation.....	\$855,027	\$803,778	
	Trust and Agency.....	\$743,809,128	\$890,175,750 \$897,463,372	
	Federal Trust.....	\$871,405,000	\$887,066,897	
	Grand Total for Department of Education, Central Office Operations.....		\$7,116,151,268	\$7,437,491,205 \$7,405,504,824
	General Fund Positions.....	136.00	141.00	
	Nongeneral Fund Positions.....	178.50	178.50	
	Position Level.....	314.50	319.50	
	Fund Sources: General.....	\$5,456,536,245	\$5,615,260,435 \$5,575,986,432	
	Special.....	\$5,356,475	\$5,356,690	
	Commonwealth Transportation.....	\$1,098,946	\$1,047,697	
	Trust and Agency.....	\$744,088,791	\$890,455,413 \$897,743,035	
	Federal Trust.....	\$909,070,811	\$925,370,970	
138.	Omitted.			
139.	Not set out.			

ITEM 140.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
140.	Not set out.				
141.	Not set out.				
142.	Not set out.				
142.10	Not set out.				
143.	Not set out.				
144.	Not set out.				
145.	Not set out.				
146.	Not set out.				
147.	Not set out.				
148.	Not set out.				
149.	Not set out.				
150.	Not set out.				
151.	Not set out.				
152.	Not set out.				
153.	Not set out.				
154.	Not set out.				
155.	Not set out.				
156.	Not set out.				
157.	Not set out.				
158.	Not set out.				
159.	Not set out.				
160.	Not set out.				
161.	Not set out.				
162.	Not set out.				
163.	Not set out.				
164.	Not set out.				
165.	Not set out.				
166.	Not set out.				

ITEM 167.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
167.	Not set out.			
168.	Not set out.			
169.	Not set out.			
170.	Not set out.			
171.	Not set out.			
172.	Not set out.			
173.	Not set out.			
174.	Not set out.			
175.	Not set out.			
176.	Not set out.			
177.	Not set out.			
178.	Not set out.			
179.	Not set out.			
180.	Not set out.			
181.	Not set out.			
182.	Not set out.			
183.	Not set out.			
184.	Not set out.			
185.	Not set out.			
186.	Not set out.			
187.	Not set out.			
188.	Not set out.			
189.	Not set out.			
190.	Not set out.			
191.	Not set out.			
192.	Not set out.			
193.	Not set out.			
194.	Not set out.			

ITEM 195.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
195.	Not set out.				
196.	Not set out.				
197.	Not set out.				
198.	Not set out.				
199.	Not set out.				
200.	Not set out.				
201.	Not set out.				
202.	Not set out.				
203.	Not set out.				
204.	Not set out.				
205.	Not set out.				
206.	Not set out.				
207.	Not set out.				
208.	Not set out.				
209.	Not set out.				
210.	Not set out.				
211.	Not set out.				
212.	Not set out.				
213.	Not set out.				
214.	Not set out.				
215.	Not set out.				
216.	Not set out.				
217.	Not set out.				
218.	Not set out.				
219.	Not set out.				
220.	Not set out.				
§ 1-13. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)					
221.	Not set out.				

ITEM 221.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
222.	Not set out.				
223.	Not set out.				
224.	Not set out.				
225.	Not set out.				

Virginia Cooperative Extension and Agricultural Experiment Station (229)

226.	Educational and General Programs (10000).....			\$84,018,057	\$84,492,025 \$84,517,656
	Fund Sources: General.....	\$65,244,945	\$65,717,694 \$65,743,325		
	Higher Education Operating.....	\$18,773,136	\$18,774,355		
	Federal Trust.....	(\$24)	(\$24)		

Authority: § 23-132.1 through § 23-132.11, Code of Virginia.

A. Appropriations for this agency shall include operating expenses for research and investigations, and the several regional and county agricultural experiment stations under its control, in accordance with law.

B.1. It is the intent of the General Assembly that the Cooperative Extension Service gives highest priority to programs and services which comprised the original mission of the Extension Service, especially agricultural programs at the local level. The university shall ensure that the service utilizes information technology to the extent possible in the delivery of programs.

2. The budget of this agency shall include and separately account for local payments. Virginia Polytechnic Institute and State University, in conjunction with Virginia State University, shall report, by fund source, actual expenditures for each program area and total actual expenditures for the agency, annually, by September 1, to the Department of Planning and Budget and the House Appropriations and Senate Finance Committees. The report shall include all expenditures from local support funds.

C. The Virginia Cooperative Extension and Agricultural Experiment Station shall not charge a fee for testing the soil on property used for commercial farming.

D. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Polytechnic Institute and State University and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

E. Out of this appropriation, \$413,750 the first year from the general fund and \$47,001 from nongeneral funds, and \$413,750 from the general fund and \$48,220 from nongeneral funds the second year is for the operation and maintenance of the new Human and Agricultural Biosciences building coming on line.

F. In addition to the amounts provided in this item, and authorized pursuant to Item 467, P.7., the institution may reallocate from educational and general program funds in the second year to provide an additional 2.50 percent average faculty salary increase for teaching and research faculty. The institution may provide these increases consistent with its faculty pay plan.

	Total for Virginia Cooperative Extension and Agricultural Experiment Station.....			\$84,018,057	\$84,492,025 \$84,517,656
	General Fund Positions.....	726.24	726.24		
	Nongeneral Fund Positions.....	388.27	388.27		

ITEM 226.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Position Level.....	1,114.51	1,114.51		
Fund Sources: General.....	\$65,244,945	\$65,717,694 \$65,743,325		
Higher Education Operating.....	\$18,773,136	\$18,774,355		
Federal Trust.....	(\$24)	(\$24)		
Grand Total for Virginia Polytechnic Institute and State University.....			\$1,323,918,888	\$1,329,374,229 \$1,329,399,860
General Fund Positions.....	2,637.77	2,616.77		
Nongeneral Fund Positions.....	5,321.72	5,321.72		
Position Level.....	7,959.49	7,938.49		
Fund Sources: General.....	\$234,807,411	\$240,261,525 \$240,287,156		
Higher Education Operating.....	\$1,078,761,001	\$1,078,762,228		
Debt Service.....	\$10,350,500	\$10,350,500		
Federal Trust.....	(\$24)	(\$24)		
227. Not set out.				
228. Not set out.				
229. Not set out.				
230. Not set out.				
231. Not set out.				
232. Not set out.				
233. Not set out.				
234. Not set out.				
235. Not set out.				
236. Not set out.				
237. Not set out.				
238. Not set out.				
239. Not set out.				

§ 1-14. VIRGINIA COMMISSION FOR THE ARTS (148)

240. Not set out.				
241. Museum and Cultural Services (14500).....			\$408,115	\$548,339 \$601,166
Fund Sources: General.....	\$308,085	\$448,213 \$501,040		
Special.....	\$15,001	\$15,001		
Federal Trust.....	\$85,029	\$85,125		

Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.

ITEM 241.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Total for Virginia Commission for the Arts.....			\$4,771,164	\$4,774,388 <i>\$4,827,215</i>
General Fund Positions.....	5.00	5.00		
Position Level.....	5.00	5.00		
Fund Sources: General.....	\$3,907,459	\$3,910,587 <i>\$3,963,414</i>		
Special.....	\$50,001	\$50,001		
Dedicated Special Revenue.....	\$8,000	\$8,000		
Federal Trust.....	\$805,704	\$805,800		
242. Not set out.				
243. Not set out.				
244. Not set out.				
245. Not set out.				
246. Not set out.				
247. Not set out.				
248. Not set out.				
249. Not set out.				
250. Not set out.				
251. Not set out.				
TOTAL FOR OFFICE OF EDUCATION.....			\$17,215,668,176	\$17,697,583,674 <i>\$17,665,675,751</i>
General Fund Positions.....	18,426.24	18,419.14		
Nongeneral Fund Positions.....	38,931.79	39,072.19		
Position Level.....	57,358.03	57,491.33		
Fund Sources: General.....	\$7,270,128,231	\$7,480,723,653 <i>\$7,441,528,108</i>		
Special.....	\$42,289,946	\$39,296,341		
Higher Education Operating.....	\$7,889,877,621	\$7,999,613,743		
Commonwealth Transportation.....	\$1,098,946	\$1,047,697		
Enterprise.....	\$5,328,468	\$5,328,468		
Internal Service.....	\$290,000	\$290,000		
Trust and Agency.....	\$744,088,791	\$890,455,413 <i>\$897,743,035</i>		
Debt Service.....	\$325,963,669	\$327,925,405		
Dedicated Special Revenue.....	\$11,519,457	\$11,519,457		
Federal Trust.....	\$925,083,047	\$941,383,497		

ITEM 252.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF FINANCE

252. Not set out.

§ 1-15. DEPARTMENT OF ACCOUNTS (151)

253. Not set out.

254. Not set out.

255. Not set out.

256. Not set out.

257. Not set out.

258. Not set out.

259. Not set out.

260. Not set out.

Department of Accounts Transfer Payments (162)

261.	Financial Assistance to Localities - General (72800) a sum sufficient, estimated at.....			\$558,465,000	\$561,465,000 \$561,565,000
	Fund Sources: General.....	\$49,465,000	\$49,465,000 \$49,565,000		
	Trust and Agency.....	\$36,000,000	\$36,000,000		
	Dedicated Special Revenue.....	\$473,000,000	\$476,000,000		

Authority: §§ 4.1-116, 4.1-117, 4.1-235, 15.2-5814, 15.2-5914, 58.1-608.3, 58.1-662, 58.1-815.1, 58.1-816, 58.1-1736, 58.1-1741, 58.1-2658.1, and 58.1-3406, Code of Virginia.

A. Out of this appropriation, amounts estimated at \$20,000,000 the first year and \$20,000,000 the second year from the general fund shall be deposited into the Northern Virginia Transportation District Fund, as provided in § 33.2-2400, Code of Virginia. Said amount shall consist of recordation taxes attributable to and transferable to the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the counties of Arlington, Fairfax, Loudoun, and Prince William, pursuant to § 58.1-816, Code of Virginia. This amount shall be transferred to Item 448 of this act and shall be used to support the Northern Virginia Transportation District Program as defined in § 33.2-2401, Code of Virginia. The Commonwealth Transportation Board shall make such allocations and expenditures from the fund as are provided in the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993 (Chapter 391, 1993 Acts of Assembly). The Commonwealth Transportation Board also shall make such allocations and expenditures from the fund as are provided in Chapters 470 and 597 of the 1994 Acts of Assembly (amendments to Chapter 391, 1993 Acts of Assembly).

B. Pursuant to Chapters 233 and 662, 1994 Acts of Assembly, out of this appropriation, an amount estimated at \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited into the set-aside fund as requested in an ordinance adopted March 28, 1995, and in compliance with the requirements provided for in § 58.1-816.1, Code of Virginia, for an account for the City of Chesapeake. These amounts shall be transferred to Item 448 of this act and shall be allocated by the Commonwealth Transportation Board to provide for the debt service pursuant to the Oak Grove Connector, City of Chesapeake, Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994 (Chapters

ITEM 261.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
233 and 662, 1994 Acts of Assembly).				
C. Out of this appropriation, the Virginia Baseball Stadium Authority shall be paid a sum sufficient equal to the state personal, corporate, and pass-through entity income and sales and use tax revenues to which the authority is entitled.				
D.1. In order to carry out the provisions of § 58.1-645 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$440,000,000 in the first year and \$440,000,000 in the second year equal to the revenues collected pursuant to § 58.1-645 et seq., Code of Virginia, from the Virginia Communications Sales and Use Tax. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia and Item 282 of this act. For the purposes of the State Comptroller's preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the fund shall be accounted for as part of the general fund of the state treasury.				
2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and to the Department of Taxation for the costs of administering the Virginia Communications Sales and Use Tax Fund.				
E. In order to carry out the provisions of § 58.1-1734 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$36,000,000 in the first year and \$36,000,000 in the second year equal to the revenues collected pursuant to A. 2 of § 58.1-1736 Code of Virginia, from the Virginia Motor Vehicle Rental Tax.				
F. In order to carry out the provisions of § 56-484.17 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$33,000,000 in the first year and \$36,000,000 in the second year equal to the revenues collected pursuant to § 56-484.17.1 Code of Virginia, from the Virginia Wireless Tax.				
262.	Not set out.			
263.	Not set out.			
264.	Not set out.			
265.	Not set out.			
266.	Not set out.			
267.	Not set out.			
Total for Department of Accounts Transfer Payments.....			\$1,924,800,577	\$1,555,130,529 \$1,555,230,529
Nongeneral Fund Positions.....			1.00	1.00
Position Level.....			1.00	1.00
Fund Sources: General.....			\$1,372,135,048	\$999,465,000 \$999,565,000
Trust and Agency.....			\$78,339,185	\$78,339,185
Dedicated Special Revenue.....			\$474,326,344	\$477,326,344
Grand Total for Department of Accounts.....			\$1,961,566,524	\$1,593,153,164 \$1,593,253,164
General Fund Positions.....			109.00	115.00
Nongeneral Fund Positions.....			60.00	54.00
Position Level.....			169.00	169.00

ITEM 267.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Fund Sources: General.....	\$1,384,001,633	\$1,012,235,740 \$1,012,335,740		
	Special.....	\$821,956	\$821,956		
	Internal Service.....	\$24,077,406	\$24,429,939		
	Trust and Agency.....	\$78,339,185	\$78,339,185		
	Dedicated Special Revenue.....	\$474,326,344	\$477,326,344		
268.	Not set out.				
269.	Not set out.				
270.	Not set out.				
271.	Not set out.				
272.	Not set out.				
273.	Not set out.				
274.	Not set out.				
275.	Not set out.				

§ 1-16. TREASURY BOARD (155)

276.	Bond and Loan Retirement and Redemption (74300).			\$722,161,855	\$733,814,234 \$725,129,831
	Fund Sources: General.....	\$672,084,088	\$683,730,096 \$675,045,693		
	Special.....	\$349,214	\$349,363		
	Higher Education Operating.....	\$29,774,267	\$30,011,174		
	Dedicated Special Revenue.....	\$645,000	\$645,000		
	Federal Trust.....	\$19,309,286	\$19,078,601		

Authority: Title 2.2, Chapter 18; Title 33.1, Chapter 3, Article 5, Code of Virginia; Article X, Section 9, Constitution of Virginia.

A. The Director, Department of Planning and Budget is authorized to transfer appropriations between Items in the Treasury Board to address legislation affecting the Treasury Board passed by the General Assembly.

B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the following amounts are hereby appropriated from the general fund for debt service on general obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:

Series	FY 2015		FY 2016	
	General Fund	Federal Funds	General Fund	Federal Funds
2004B Refunding	\$0	\$0	\$0	\$0
2005	\$6,247,500	\$0	\$0	\$0
2006A Refunding	\$7,932,750	\$0	\$0	\$0
2006	\$6,512,000	\$0	\$6,216,000	\$0
2007A	\$7,437,501	\$0	\$7,125,001	\$0
2007B	\$5,119,550	\$0	\$4,919,550 \$4,400,000	\$0
2008A	\$7,863,563	\$0	\$7,617,313 \$5,614,050	\$0
2008B	\$8,301,438	\$0	\$8,101,438	\$0

ITEM 276.			Item Details(\$)		Appropriations(\$)	
			First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
				\$5,647,850		
2009A	\$6,685,000	\$0	\$0	\$6,485,000		\$0
2009B	\$3,374,355	\$522,943		\$3,326,424 \$3,323,933		\$498,110
2009 Refunding	\$6,064,750	\$0		\$14,174,750		\$0
2012 Refunding	\$15,943,250	\$0		\$7,203,450		\$0
2013 Refunding	\$5,567,750	\$0		\$11,657,750		\$0
2014 Refunding	\$9,166,350	\$0		\$9,995,900		\$0
2015B Refunding				\$4,909,550		\$0
Projected debt service & expenses	\$40,000	\$0		\$40,000 \$45,000		\$0
Total Service Area	\$96,255,757	\$522,943		\$86,862,576 \$86,798,233		\$498,110

2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed to fund issuance costs and other expenses are hereby appropriated.

C. Out of the amounts for Capital Lease Payments, the following amounts are hereby appropriated for capital lease payments:

	FY 2015	FY 2016
Big Stone Gap RHA (DOC) (Wallens Ridge, 1995)	\$6,001,750	\$5,996,250
Norfolk RHA (VCCS-TCC), Series 1995	\$2,016,800	\$2,014,159
Virginia Biotech Research Park, 2009	\$4,755,150	\$4,756,950
Total Capital Lease Payments	\$12,773,700	\$12,767,359

D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority Bonds shall be paid to the Virginia Public Building Authority the following amounts for use by the authority for its various bond issues:

Series	FY 2015		FY 2016	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
2003 Refunding	\$998,375	\$0	\$0	\$0
2004A Refunding	\$22,691,503	\$0	\$0	\$0
2004B	\$14,810,281	\$0	\$0	\$0
2004C	\$4,457,500	\$0	\$0	\$0
2004D Refunding	\$10,888,607	\$0	\$0	\$0
2005A Refunding	\$4,892,375	\$0	\$4,695,000 \$4,151,250	\$0
2005B Refunding	\$14,950,186	\$349,214	\$14,942,162 \$13,575,262	\$349,363
2005C	\$4,376,750	\$0	\$4,269,125	\$0
STARS 2005C	\$12,251,750	\$0	\$12,248,750	\$0
2005D	\$750,000	\$0	\$1,250,000	\$0
2006A	\$4,558,867	\$0	\$4,009,575 \$3,852,375	\$0
STARS 2006A	\$7,147,750	\$0	\$7,144,250	\$0
2006B	\$9,952,900	\$0	\$8,620,500	\$0
STARS 2006B	\$4,468,875	\$0	\$4,466,625	\$0
2007A	\$11,853,925	\$0	\$8,994,500	\$0
STARS 2007A	\$7,514,750	\$0	\$7,516,125	\$0
2008B	\$11,995,600	\$0	\$11,995,406 \$7,121,394	\$0

ITEM 276.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	2009A	\$4,678,775	\$0	\$4,678,871	\$0
	2009B	\$16,676,805	\$0	\$16,677,405	\$0
	2009B STARS	\$6,584,850	\$0	\$6,584,050	\$0
	2009C	\$1,086,770	\$0	\$1,091,015	\$0
	2009D	\$6,277,100	\$0	\$6,266,525	\$0
	2010A	\$21,759,082	\$4,511,477	\$21,689,457	\$4,511,477
	2010B	\$22,230,957	\$3,483,595	\$22,224,907	\$3,483,595
	2011A STARS	\$626,750	\$0	\$629,625	\$0
	2011A	\$20,811,675	\$0	\$20,811,550	\$0
	2011B	\$1,300,324	\$0	\$1,295,624	\$0
	2012A Refunding	\$3,474,600	\$0	\$3,474,600	\$0
	2013A	\$10,282,850	\$0	\$10,282,925	\$0
	2013B	\$3,478,000	\$0	\$3,478,000	\$0
	2014A	\$1,545,304	\$645,000	\$9,202,775	\$645,000
	2014B	\$303,683	\$0	\$2,014,665	\$0
	2014C Refunding	\$5,200,484	\$0	\$29,820,075	\$0
	2015A			\$6,691,747	\$0
	2015B Refunding			\$4,087,602	\$0
	Projected debt service and expenses	\$683,640	\$0	\$11,686,640 \$679,944	\$0
	Total Service Area	\$275,561,643	\$8,989,286	\$262,060,727 \$254,891,518	\$8,989,435

2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of the approved capital costs as determined by the Board of Corrections and other interest costs as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:

Project	Commonwealth Share of Approved Capital Costs
Richmond City Jail Replacement	\$31,238,755
RSW Regional Jail	\$32,840,850
Prince William – Manassas Regional Jail	\$21,032,421
Southwest Virginia Regional Jail	\$18,143,780
Central Virginia Regional Jail	\$8,464,891
Chesapeake City Jail	\$5,130,673
Pamunkey Regional Jail Authority	\$288,575
Total Approved Capital Costs	\$117,139,945

b. The Commonwealth's share of the total construction cost of the projects listed in the table in paragraph D.2.a. shall not exceed the amount listed for each project. Reimbursement of the Commonwealth's portion of the construction costs of these projects shall be subject to the approval of the Department of Corrections of the final expenditures.

c. This paragraph shall constitute the authority for the Virginia Public Building Authority to issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.

E.1. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for use by the Authority for payments on obligations issued for financing authorized projects under the 21st Century College Program:

Series	FY 2015	FY2016
2004B Refunding	\$0	\$0
2005A	\$3,239,250	\$0
2006	\$7,449,000	\$8,284,500
2007A Refunding	\$3,865,100	\$9,626,500

ITEM 276.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
2007B	\$2,852,125		\$2,851,925	\$2,418,850
2008A	\$7,444,731		\$7,443,231	\$5,278,656
2009A&B	\$33,310,221		\$33,299,703	\$27,178,965
2009C Refunding	\$5,781,200			\$0
2009E Refunding	\$21,309,750		\$24,546,800	
2009F	\$38,751,636		\$38,543,486	
2010B	\$28,160,064		\$28,160,564	
2011 A	\$17,779,300		\$17,777,300	
2012A	\$21,494,900		\$21,497,400	
2012B	\$23,775,450		\$23,797,950	
2012 C	\$1,748,824		\$1,729,118	
2013 A	\$21,956,592		\$21,960,013	
2014A	\$19,548,396		\$19,544,400	
2014B	\$7,080,285		\$9,704,400	
2015A			\$24,506,222	
2015B Refunding			\$7,283,400	
2015C			\$1,176,359	
2015D			\$9,126,970	
Projected 21st Century debt service & expenses	\$887,764		\$40,575,987	\$861,047
Subtotal 21st Century	\$266,434,588		\$309,343,277	\$303,002,900

2. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for the payment of debt service on authorized bond issues to finance equipment:

Series	FY 2015	FY 2016
2008A	\$8,232,000	\$0
2009D	\$9,048,425	\$9,046,250
2010A	\$8,336,500	\$8,236,000
2011A	\$8,538,000	\$8,538,500
2012A	\$8,360,000	\$8,362,500
2013A	\$9,449,257	\$9,453,500
2014A	\$9,659,756	\$9,656,000
2015		\$4,889,525
Projected debt service & expenses	\$0	\$0
Subtotal Equipment	\$61,623,938	\$53,292,750
		\$58,182,275
Total Service Area	\$328,058,526	\$362,636,027
		\$361,185,175

3. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the Treasury Board shall amortize equipment purchases at seven years, which is consistent with the useful life of the equipment.

4. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state students at institutions of higher education shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the 21st Century Program:

Institution	FY 2015	FY 2016
George Mason University	\$2,535,489	\$2,644,092

ITEM 276.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Old Dominion University	\$1,059,300			\$1,047,123
University of Virginia	\$4,670,622			\$4,721,706
Virginia Polytechnic Institute and State University	\$4,656,663			\$4,867,731
Virginia Commonwealth University	\$2,132,460			\$2,224,530
College of William and Mary	\$1,493,811			\$1,549,053
Christopher Newport University	\$112,167			\$122,562
University of Virginia's College at Wise	\$48,510			\$45,540
James Madison University	\$2,635,578			\$2,675,079
Norfolk State University	\$458,766			\$402,831
Longwood University	\$111,276			\$97,911
University of Mary Washington	\$293,535			\$222,750
Radford University	\$275,022			\$281,556
Virginia Military Institute	\$370,260			\$377,190
Virginia State University	\$845,856			\$739,233
Richard Bland College	\$9,900			\$9,900
Virginia Community College System	\$3,222,450			\$3,139,785
TOTAL	\$24,931,665			\$25,168,572

5. Out of the amounts for Debt Service Payments of College Building Authority Bonds, the following is the estimated general and nongeneral fund breakdown of each institution's share of the debt service on the Virginia College Building Authority bond issues to finance equipment. The nongeneral fund amounts shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the equipment program:

Institution	FY 2015		FY 2016	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
College of William & Mary	\$1,971,989	\$259,307	\$2,055,788	\$259,307
University of Virginia	\$10,279,755	\$1,088,024	\$10,864,008	\$1,088,024
Virginia Polytechnic Institute and State University	\$10,028,546	\$992,321	\$10,681,639	\$992,321
Virginia Military Institute	\$669,067	\$88,844	\$668,917	\$88,844
Virginia State University	\$1,087,459	\$108,886	\$1,079,829	\$108,886
Norfolk State University	\$986,193	\$108,554	\$980,968	\$108,554
Longwood University	\$606,167	\$54,746	\$600,196	\$54,746
University of Mary Washington	\$514,380	\$97,063	\$494,933	\$97,063
James Madison University	\$1,842,565	\$254,504	\$1,808,591	\$254,504
Radford University	\$1,380,677	\$135,235	\$1,386,733	\$135,235
Old Dominion University	\$3,987,893	\$374,473	\$4,079,283	\$374,473
Virginia Commonwealth University	\$7,694,791	\$401,647	\$7,811,983	\$401,647
Richard Bland College	\$138,250	\$2,027	\$136,610	\$2,027
Christopher Newport University	\$640,698	\$17,899	\$635,957	\$17,899
University of Virginia's College at Wise	\$214,116	\$19,750	\$207,311	\$19,750
George Mason University	\$3,442,578	\$205,665	\$3,507,381	\$205,665

ITEM 276.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
	Virginia Community College System	\$10,729,855	\$633,657	\$10,906,346	\$633,657
	Virginia Institute of Marine Science	\$517,521	\$0	\$507,607	\$0
	Roanoke Higher Education Authority	\$66,522	\$0	\$66,465	\$0
	Southwest Virginia Higher Education Center	\$66,899	\$0	\$68,594	\$0
	Institute for Advanced Learning and Research	\$206,894	\$0	\$234,759	\$0
	Southern Virginia Higher Education Center	\$45,769	\$0	\$53,828	\$0
	New College Institute	\$53,496	\$0	\$57,722	\$0
	TOTAL	\$57,172,080	\$4,842,602	\$58,895,448	\$4,842,602

F. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders by the Treasury Board after transfer of these funds to the Treasury Board from the Commonwealth Transportation Board pursuant to Item 448, paragraph E of this act and §§ 33.2-2300, 33.2-2400, and 58.1-816.1, Code of Virginia.

G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use as lease, rental, or debt service payments to be used for any type of financing where the proceeds are used to acquire equipment and to finance associated costs, including but not limited to issuance and other financing costs. In the event such transfers occur, the transfers shall be deemed an appropriation to the Treasury Board for the purpose of making the lease, rental, or debt service payments described herein.

277. Not set out.

Total for Treasury Board.....			\$722,161,855	\$733,814,234	\$725,129,831
Fund Sources: General.....	\$672,084,088	\$683,730,096			
		\$675,045,693			
Special.....	\$349,214	\$349,363			
Higher Education Operating.....	\$29,774,267	\$30,011,174			
Dedicated Special Revenue.....	\$645,000	\$645,000			
Federal Trust.....	\$19,309,286	\$19,078,601			
TOTAL FOR OFFICE OF FINANCE.....			\$2,815,921,505	\$2,461,377,426	\$2,452,793,023
General Fund Positions.....	1,104.50	1,098.50			
Nongeneral Fund Positions.....	194.50	200.50			
Position Level.....	1,299.00	1,299.00			
Fund Sources: General.....	\$2,163,300,716	\$1,804,251,699			
		\$1,795,667,296			
Special.....	\$14,662,585	\$15,067,734			
Higher Education Operating.....	\$29,774,267	\$30,011,174			
Commonwealth Transportation.....	\$435,187	\$435,187			
Internal Service.....	\$24,077,406	\$24,429,939			
Trust and Agency.....	\$88,214,201	\$88,955,235			
Dedicated Special Revenue.....	\$476,147,857	\$479,147,857			
Federal Trust.....	\$19,309,286	\$19,078,601			

ITEM 278.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF HEALTH AND HUMAN RESOURCES

§ 1-17. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)

278. Not set out.

Children's Services Act (200)

279.	Protective Services (45300).....		\$270,024,810	\$270,024,810 \$288,106,861
	Fund Sources: General.....	\$217,417,064	\$217,417,064 \$235,499,115	
	Federal Trust.....	\$52,607,746	\$52,607,746	

Authority: Title 2.2, Chapter 52, Code of Virginia.

A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.

B.1.a. Out of this appropriation, \$159,855,199 the first year and \$161,237,160 the second year from the general fund and \$51,609,746 the first year and \$51,607,746 the second year from nongeneral funds shall be used for the state pool of funds pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.

b. The Medicaid state pool allocation shall consist of \$28,526,197 the first year and \$28,526,197 the second year from the general fund and \$43,187,748 the first year and \$43,187,748 the second year from nongeneral funds. The Office of Comprehensive Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.

c. The non-Medicaid state pool allocation shall consist of \$131,329,002 the first year and \$132,710,963 the second year from the general fund and \$8,419,998 the first year and \$8,419,998 the second year from nongeneral funds. The nongeneral funds shall be transferred from the Department of Social Services.

d. The Office of Comprehensive Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.

e. The Office of Comprehensive Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.

2.a. Out of this appropriation, \$55,666,865 the first year and ~~\$55,666,865~~\$73,748,916 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from nongeneral funds shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.

b. In each year, the director of the Office of Comprehensive Services for At-Risk Youth and Families may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.

c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the Comprehensive Services Act.

d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall

ITEM 279.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2015	FY2016	FY2015	FY2016

seek to ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public. Each locality shall submit to the Office of Comprehensive Services information on utilization of residential facilities for treatment of children and length of stay in such facilities. By December 15 of each year, the Office of Comprehensive Services shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on utilization rates and average lengths of stays statewide and for each locality.

3. Each locality receiving funds for activities under the Comprehensive Services Act (CSA) shall have a utilization management process, including a uniform assessment, approved by the State Executive Council, covering all CSA services. Utilizing a secure electronic site, each locality shall also provide information as required by the Office of Comprehensive Services to include, but not be limited to case specific information, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by the uniform assessment instrument. The State Executive Council, utilizing this information, shall track and report on child specific outcomes for youth whose services are funded under the Comprehensive Services Act. Only non-identifying demographic, service, cost and outcome information shall be released publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b. must demonstrate compliance with all CSA provisions to receive pool funding.

4. The Secretary of Health and Human Resources, in consultation with the Secretary of Education and the Secretary of Public Safety and Homeland Security, shall direct the actions for the Departments of Social Services, Education, and Juvenile Justice, Medical Assistance Services, Health, and Behavioral Health and Developmental Services, to implement, as part of ongoing information systems development and refinement, changes necessary for state and local agencies to fulfill CSA reporting needs.

5. The State Executive Council shall provide localities with technical assistance on ways to control costs and on opportunities for alternative funding sources beyond funds available through the state pool.

6. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for a combination of regional and statewide meetings for technical assistance to local community policy and management teams, family assessment and planning teams, and local fiscal agents. Training shall include, but not be limited to, cost containment measures, building community-based services, including creation of partnerships with private providers and non-profit groups, utilization management, use of alternate revenue sources, and administrative and fiscal issues. A state-supported institution of higher education, in cooperation with the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council, may assist in the provisions of this paragraph. A training plan shall be presented to and approved by the State Executive Council before the beginning of each fiscal year. A training calendar and timely notice of programs shall be provided to Community Policy and Management Teams and family assessment and planning team members statewide as well as to local fiscal agents and chief administrative officers of cities and counties. A report on all regional and statewide training sessions conducted during the fiscal year, including (i) a description of each program and trainers, (ii) the dates of the training and the number of attendees for each program, (iii) a summary of evaluations of these programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations and Senate Finance Committees and to the members of the State Executive Council by December 1 of each year. Any funds unexpended for this purpose in the first year shall be reappropriated for the same use in the second year.

7. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund is provided for the Office of Comprehensive Services to contract for the support of uniform CSA reporting requirements.

8. The State Executive Council shall require a uniform assessment instrument.

9. The Office of Comprehensive Services, in conjunction with the Department of Social

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Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for the Comprehensive Services Act for At-Risk Youth and Families.				
10. For purposes of defining cases involving only the payment of foster care maintenance, pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the Virginia Department of Social Services for federal Title IV-E shall be used.				
C. The funding formula to carry out the provisions of the Comprehensive Services Act for At-Risk Youth and Families is as follows:				
1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts specified in paragraphs B.1.b. and B.1.c. in this Item. These funds shall be distributed to each locality in each year of the biennium based on the greater of that locality's percentage of actual 1997 Comprehensive Services Act pool fund program expenditures to total 1997 pool fund program expenditures or the latest available three-year average of actual pool fund program expenditures as reported to the state fiscal agent.				
2. Local Match. All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Comprehensive Services Act for At-Risk Youth and Families. This local match rate shall also apply to all reimbursements from the state pool of funds in this Item and carryforward expenditures submitted prior to September 30 each year for the preceding fiscal year, including administrative reimbursements under paragraph C.4. in this Item.				
3.a. Notwithstanding the provisions of C.2. of this Item, beginning July 1, 2008, the local match rate for community based services for each locality shall be reduced by 50 percent.				
b. Localities shall review their caseloads for those individuals who can be served appropriately by community-based services and transition those cases to the community for services. Beginning July 1, 2009, the local match rate for non-Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011, the local match rate for Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base.				
c. By October 1 of each year, The State Executive Council (SEC) shall provide an update to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the outcomes of this initiative.				
d. At the direction of the State Executive Council, local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their service areas to develop a local plan for intensive care coordination (ICC) services that best meets the needs of the children and families. If there is more than one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a region to develop a plan for ICC services. Local CPMTs and CSBs shall also work together to determine the most appropriate and cost-effective provider of ICC services for children in their community who are placed in, or at-risk of being placed in, residential care through the Comprehensive Services Act for At-Risk Youth and Families program, in accordance with guidelines developed by the State Executive Council. The State Executive Council and Office of Comprehensive Services shall establish guidelines for reasonable rates for ICC services and provide training and technical assistance to CPMTs and fiscal agents regarding these services.				
e. The local match rate for all non-Medicaid services provided in the public schools after June 30, 2011 shall equal the fiscal year 2007 base.				
4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of the fiscal year 1997 pool fund allocations, not to exceed \$1,560,000 the first year and \$1,560,000 the second year from the general fund, shall be allocated among all localities for administrative costs. Every locality shall be required to appropriate a local match based on the local match contribution in paragraph C.2. of this Item. Inclusive of the state allocation and local matching funds, every locality shall receive the larger of \$12,500 or an amount equal to two percent of the total pool allocation. No locality shall receive more than \$50,000, inclusive of the state allocation and local matching funds. Localities are encouraged to use administrative funding to hire a full-time or part-time local coordinator for the Comprehensive Services Act program. Localities may pool this administrative funding to hire				

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regional coordinators.

5. Definition. For purposes of the funding formula in the Comprehensive Services Act for At-Risk Youth and Families, "locality" means city or county.

D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Comprehensive Services Act for At-Risk Children and Youth. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.

E. Pursuant to subdivision 3 of §2.2-5206, Code of Virginia, Community Policy and Management Teams shall enter into agreements with the parents or legal guardians of children receiving services under the Comprehensive Services Act for At-Risk Children and Youth. The Office of Comprehensive Services shall be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action cannot be referred to the Division of Child Support Enforcement of the Department of Social Services, upon the request of the community policy management team, the Office of Comprehensive Services shall make a claim against the parent or legal guardian for such payment through the Department of Law's Division of Debt Collection in the Office of the Attorney General.

F. The Office of Comprehensive Services, in cooperation with the Department of Medical Assistance Services, shall provide technical assistance and training to assist residential and treatment foster care providers who provide Medicaid-reimbursable services through the Comprehensive Services Act for At-Risk Children and Youth (CSA) to become Medicaid-certified providers.

G. The Office of Comprehensive Services shall work with the State Executive Council and the Department of Medical Assistance Services to assist Community Policy and Management Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible children and youth through the Comprehensive Services Act for At-Risk Children and Youth, thereby increasing Medicaid reimbursement for treatment services and decreasing the number of denials for Medicaid services related to medical necessity and utilization review activities.

H. Pursuant to subdivision 19 of §2.2-2648, Code of Virginia, no later than December 20 in the odd-numbered years, the State Executive Council shall biennially publish and disseminate to members of the General Assembly and Community Policy and Management Teams a progress report on comprehensive services for children, youth, and families and a plan for such services for the succeeding biennium.

I. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the general fund shall be used to purchase and maintain an information system to provide quality and timely child demographic, service, expenditure, and outcome data.

J. The State Executive Council shall work with the Department of Education to ensure that funding in this Item is sufficient to pay for the educational services of students that have been placed in or admitted to state or privately operated psychiatric or residential treatment facilities to meet the educational needs of the students as prescribed in the student's Individual Educational Plan (IEP).

K. The State Executive Council (SEC) shall authorize guidelines for therapeutic foster care (TFC) services, including a standardized definition of therapeutic foster care services, uniform service needs criteria required for the utilization of therapeutic foster care services, uniform placement outcome goals to include length of stay targets when the service is indicated and uniform contracting requirements when purchasing therapeutic foster care services. The SEC shall authorize the use of regional contracts for the provision of TFC services. The SEC shall direct the Office of Comprehensive Services to (i) work with stakeholders to develop these guidelines for the provision of TFC and (ii) develop regional contracts for the provision of TFC, with the goal of decreasing the unit cost of social services and maintaining or increasing the quality and effectiveness of the services. The SEC shall focus its attention on rural areas and areas with few service providers.

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<p>Training will be provided for all local departments of social services, family assessment and planning teams, community policy and management teams and therapeutic foster care services providers on these guidelines. The Director of the Office of Comprehensive Services shall report the progress of these efforts to the SEC at its regularly scheduled meetings.</p> <p>L.1. The Office of Comprehensive Services (OCS) shall report on funding for therapeutic foster care services including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition. In addition, the OCS shall provide guidance and training to assist localities in negotiating contracts with therapeutic foster care providers.</p> <p>2. The Office of Comprehensive Services shall report on funding for special education day treatment and residential services, including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition.</p> <p>3. The Office of Comprehensive Services shall report the information included in this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees beginning September 1, 2011 and each year thereafter.</p> <p>M. Out of this appropriation, the Director, Office of Comprehensive Services, shall allocate \$2,200,000 the first year and \$2,200,000 the second year from the general fund to localities for wrap-around services for students with disabilities as defined in the Comprehensive Services Act policy manual.</p> <p>N. The State Executive Council shall convene a work group to examine options and make recommendations for funding the educational costs for students whose placement in or admittance to state or privately operated psychiatric or residential treatment facilities for non-educational reasons has been authorized by Medicaid. The work group shall include representatives of the Office of Comprehensive Services, the Department of Education, the Department of Medical Assistance Services, the Department of Behavioral Health and Developmental Services, local school divisions, and public and private service providers. The State Executive Council shall report on its recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015.</p>				
281.	Not set out.			
	Total for Children's Services Act.....		\$271,693,156	\$271,704,898 \$289,786,949
	General Fund Positions.....	13.00	13.00	
	Position Level.....	13.00	13.00	
	Fund Sources: General.....	\$219,085,410	\$219,097,152 \$237,179,203	
	Federal Trust.....	\$52,607,746	\$52,607,746	
	Grand Total for Secretary of Health and Human Resources.....		\$272,365,395	\$272,528,155 \$290,610,206
	General Fund Positions.....	18.00	18.00	
	Position Level.....	18.00	18.00	
	Fund Sources: General.....	\$219,757,649	\$219,920,409 \$238,002,460	
	Federal Trust.....	\$52,607,746	\$52,607,746	
282.	Not set out.			

§ 1-18. DEPARTMENT OF HEALTH (601)

283. Not set out.

284. Not set out.

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
285.	Not set out.			
286.	Not set out.			
287.	Not set out.			
288.	Not set out.			
289.	Not set out.			
290.	Community Health Services (44000).....		\$238,309,634	\$238,684,548
	Fund Sources: General.....	\$96,665,713	\$96,876,528	
	Special.....	\$97,968,592	\$98,132,691	
	Dedicated Special Revenue.....	\$2,472,715	\$2,472,715	
	Federal Trust.....	\$41,202,614	\$41,202,614	

Authority: §§ 32.1-11 through 32.1-12, 32.1-31, 32.1-163 through 32.1-176, 32.1-198 through 32.1-211, 32.1-246, and 35.1-1 through 35.1-26, Code of Virginia; Title V of the U.S. Social Security Act; and Title X of the U.S. Public Health Service Act.

A.1. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$425.00, for a construction permit for on-site sewage systems designed for less than 1,000 gallons per day, and alternative discharging systems not supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

2. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$350.00, for the certification letter for less than 1,000 gallons per day not supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

3. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$225.00, for a construction permit for an onsite sewage system designed for less than 1,000 gallons per day when the application is supported with certified work from a licensed onsite soil evaluator.

4. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$320.00, for the certification letter for less than 1,000 gallons per day supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

5. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$300.00, for a construction permit for a private well.

6. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$1,400.00, for a construction permit or certification letter designed for more than 1,000 gallons per day.

7. The State Health Commissioner shall appoint two manufacturers to the Advisory Committee on Sewage Handling and Disposal, representing one system installer and the Association of Onsite Soil Engineers.

B. The State Health Commissioner is authorized to develop, in consultation with the regulated entities, a hotel, campground, and summer camp plan and specification review fee, not to exceed \$40.00, a restaurant plan and specification review fee, not to exceed \$40.00, an annual hotel, campground, and summer camp permit renewal fee, not to exceed \$40.00, and an annual restaurant permit renewal fee, not to exceed \$40.00 to be collected from all establishments, except K-12 public schools, that are subject to inspection by the

ITEM 290.	Item Details(\$)		Appropriations(\$)	
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<p>Department of Health pursuant to §§ 35.1-13, 35.1-14, 35.1-16, and 35.1-17, Code of Virginia. However, any such establishment that is subject to any health permit fee, application fee, inspection fee, risk assessment fee or similar fee imposed by any locality as of January 1, 2002, shall be subject to this annual permit renewal fee only to the extent that the Department of Health fee and the locally imposed fee, when combined, do not exceed the fee amount listed in this paragraph. This fee structure shall be subject to the approval of the Secretary of Health and Human Resources.</p>				
<p>C. Pursuant to the Department of Health's Policy Implementation Manual (#07-01), individuals who participate in a local festival, fair, or other community event where food is sold, shall be exempt from the annual temporary food establishment permit fee of \$40.00 provided the event is held only one time each calendar year and the event takes place within the locality where the individual resides.</p>				
<p>D. The State Health Commissioner shall work with public and private dental providers to develop options for delivering dental services in underserved areas, including the use of public-private partnerships in the development and staffing of facilities, the use of dental hygiene and dental students to expand services and enhance learning experiences, and the availability of reimbursement mechanisms and other public and private resources to expand services.</p>				
<p>E. The Department of Health shall continue to implement a sustainable preventive model to begin July 1, 2014, except in the Mount Rogers, Western Tidewater, and Norfolk Health districts, and full transition by January 1, 2016. The model shall ensure that (i) trained personnel are in place; (ii) the focus on those areas of the Commonwealth in the most need of these dental services, including those areas with higher risk factors including a concentration of diabetic and free lunch populations and a higher than average Medicaid-eligible population; and (iii) the development of evaluation metrics to assist in ensuring efficient and effective use of funding and services.</p>				
<p>F. Out of this appropriation, \$176,929 the first year and \$387,744 the second year from the general fund and \$103,503 the first year and \$267,602 the second year from nongeneral funds is provided to address the cost of leasing or expanding local health department facilities.</p>				
291.	Not set out.			
292.	Not set out.			
293.	Not set out.			
294.	Not set out.			
295.	Not set out.			
	Total for Department of Health.....		\$641,233,340	\$646,112,683
	General Fund Positions.....	1,485.00	1,488.00	
	Nongeneral Fund Positions.....	2,191.00	2,191.00 2,192.00	
	Position Level.....	3,676.00	3,679.00 3,680.00	
	Fund Sources: General.....	\$160,729,959	\$165,510,117	
	Special.....	\$138,106,828	\$138,270,927	
	Dedicated Special Revenue.....	\$106,068,122	\$106,068,122	
	Federal Trust.....	\$236,328,431	\$236,263,517	
296.	Not set out.			
297.	Not set out.			

§ 1-19. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)

ITEM 297.	Item Details(\$)		Appropriations(\$)	
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298.			\$15,069,989	\$15,742,428 \$16,807,820
	Fund Sources: General.....	\$15,069,989		\$15,742,428 \$16,807,820

Authority: § 37.2-809, Code of Virginia.

A. Any balance, or portion thereof, in Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107), may be transferred between Items 40, 41, 42, and 298 as needed, to address any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

B. Out of this appropriation, payments may be made to licensed health care providers for medical screening and assessment services provided to persons with mental illness while in emergency custody pursuant to § 37.2-808, Code of Virginia.

C. To the extent that the appropriation in this Item is insufficient, the Department of Planning and Budget shall transfer general fund appropriation from Items 300, 301, and 303 to this Item, if available.

D. The Director of the Department of Medical Assistance Services, in consultation with the Commissioner of the Department of Behavioral Health and Developmental Services, shall review the current rate that is paid for medical costs associated with involuntary mental health commitments. The review shall assess whether the current rate paid for medical services is adequate to serve individuals who may require highly specialized staffing and treatment needs while under detention. The director shall report his findings and recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2014.

299. Not set out.

300.	Children's Health Insurance Program Delivery (44600).....		\$156,690,535	\$179,113,399 \$140,710,084
	Fund Sources: General.....	\$40,794,373		\$17,727,001 \$10,910,413
	Dedicated Special Revenue.....	\$14,065,627		\$14,065,627
	Federal Trust.....	\$101,830,535		\$147,320,771 \$115,734,044

Authority: Title 32.1, Chapter 13, Code of Virginia; Title XXI, Social Security Act, Federal Code.

A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of the Commonwealth to transfer such amounts to the Family Access to Medical Insurance Security Plan Trust Fund as established on the books of the State Comptroller.

B. As a condition of this appropriation, revenues from the Family Access to Medical Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children's Health Insurance Program.

C. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13, Code of Virginia, shall be enrolled and served in the program.

D. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation from Items 301 and 303, if available, into this Item, to be used as state match for federal Title XXI funds.

E. The Department of Medical Assistance Services shall make the monthly capitation

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payment to managed care organizations for the member months of each month in the first week of the subsequent month.

F. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.

301.	Medicaid Program Services (45600).....			\$8,136,412,131	\$8,494,567,407
	Fund Sources: General.....	\$3,694,399,164	\$3,987,155,922		\$4,159,548,054
	Dedicated Special Revenue.....	\$430,248,427	\$346,848,632		
	Federal Trust.....	\$4,011,764,540	\$4,160,562,853		\$4,331,030,081

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Title XIX, Social Security Act, Federal Code.

A. Out of this appropriation, \$98,647,645 the first year and ~~\$75,849,135~~ \$82,453,706 the second year from the general fund and \$98,647,644 the first year and ~~\$75,849,134~~ \$82,453,705 the second year from the federal trust fund is provided for reimbursement to the institutions within the Department of Behavioral Health and Developmental Services.

B.1. Included in this appropriation is \$75,856,682 the first year and ~~\$82,016,765~~ \$64,154,140 the second year from the general fund and \$91,101,458 the first year and ~~\$98,731,727~~ \$80,869,101 the second year from nongeneral funds to reimburse the Virginia Commonwealth University Health System for indigent health care costs. This funding is composed of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

2. Included in this appropriation is \$43,284,148 the first year and ~~\$44,688,169~~ \$37,081,720 the second year from the general fund and \$54,386,197 the first year and ~~\$57,112,685~~ \$49,506,236 the second year from nongeneral funds to reimburse the University of Virginia Health System for indigent health care costs. This funding is comprised of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

3. The general fund amounts for the state teaching hospitals have been reduced to mirror the general fund impact of no inflation for inpatient services in FY 2015 and FY 2016 for private hospitals reflected in paragraph CCC. of this Item. It also includes reductions for prior year inflation reductions and indigent care reductions. However, the nongeneral funds are appropriated. In order to receive the nongeneral funds in excess of the amount of the general fund appropriated, the health systems shall certify the public expenditures.

4. The Department of Medical Assistance Service shall have the authority to increase Medicaid payments for Type One hospitals and physicians consistent with the appropriations to compensate for limits on disproportionate share hospital (DSH) payments to Type One hospitals that the department would otherwise make. In particular, the department shall have the authority to amend the State Plan for Medical Assistance to increase physician supplemental payments for physician practice plans affiliated with Type One hospitals up to the average commercial rate as demonstrated by University of Virginia Health System and Virginia Commonwealth University Health System, to change reimbursement for Graduate Medical Education to cover costs for Type One hospitals, to case mix adjust the formula for

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indirect medical education reimbursement for HMO discharges for Type One hospitals and to increase the adjustment factor for Type One hospitals to 1.0. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

C.1. The estimated revenue for the Virginia Health Care Fund is \$430,248,427 the first year and \$346,848,632 the second year, to be used pursuant to the uses stated in §32.1-367, Code of Virginia.

2. Notwithstanding §32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5 percent of the Commonwealth's allocation of the Master Settlement Agreement with tobacco product manufacturers, as defined in §3.2-3100, Code of Virginia, to the Virginia Health Care Fund.

3. Notwithstanding any other provision of law, the State Comptroller shall deposit 50 percent of the Commonwealth's allocation of the Strategic Contribution Fund payment pursuant to the Master Settlement Agreement with tobacco product manufacturers into the Virginia Health Care Fund.

4. Notwithstanding any other provision of law, revenues deposited to the Virginia Health Care Fund shall only be used as the state share of Medicaid unless specifically authorized by this act.

D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.

E.1. The Director, Department of Medical Assistance Services shall seek the necessary waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover health care services and delivery systems, as may be permitted by Title XIX of the Social Security Act, which may provide less expensive alternatives to the State Plan for Medical Assistance.

2. The director shall promulgate such regulations as may be necessary to implement those programs which may be permitted by Titles XIX and XXI of the Social Security Act, in conformance with all requirements of the Administrative Process Act.

F. It is the intent of the General Assembly to develop and cause to be developed appropriate, fiscally responsible methods for addressing the issues related to the cost and funding of long-term care. It is the further intent of the General Assembly to promote home-based and community-based care for individuals who are determined to be in need of nursing facility care.

G. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation from Item 300 and 303, if available, to be used as state match for federal Title IX funds.

H. It is the intent of the General Assembly that the medically needy income limits for the Medicaid program are adjusted annually to account for changes in the Consumer Price Index.

I. It is the intent of the General Assembly that the use of the new atypical medications to treat seriously mentally ill Medicaid recipients should be supported by the formularies used to reimburse claims under the Medicaid fee-for-service and managed care plans.

J. The Department of Medical Assistance Services shall establish a program to more

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	<p>effectively manage those Medicaid recipients who receive the highest cost care. To implement the program, the department shall establish uniform criteria for the program, including criteria for the high cost recipients, providers and reimbursement, service limits, assessment and authorization limits, utilization review, quality assessment, appeals and other such criteria as may be deemed necessary to define the program. The department shall seek any necessary approval from the Centers for Medicare and Medicaid Services, and shall promulgate such regulations as may be deemed necessary to implement this program.</p>			
	<p>K. The Department of Medical Assistance Services and the Virginia Department of Health shall work with representatives of the dental community: to expand the availability and delivery of dental services to pediatric Medicaid recipients; to streamline the administrative processes; and to remove impediments to the efficient delivery of dental services and reimbursement thereof. The Department of Medical Assistance Services shall report its efforts to expand dental services to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget by December 15 each year.</p>			
	<p>L. The Department of Medical Assistance Services shall not require dentists who agree to participate in the delivery of Medicaid pediatric dental care services, or services provided to enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation of FAMIS, to also deliver services to subscribers enrolled in commercial plans of the managed care vendor, unless the dentist is a willing participant in the commercial managed care plan.</p>			
	<p>M. The Department of Medical Assistance Services shall implement continued enhancements to the drug utilization review (DUR) program. The department shall continue the Pharmacy Liaison Committee and the DUR Board. The department shall continue to work with the Pharmacy Liaison Committee to implement initiatives for the promotion of cost-effective services delivery as may be appropriate. The department shall report on the Pharmacy Liaison Committee's and the DUR Board's activities to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than December 15 each year of the biennium.</p>			
	<p>N.1. The Department of Medical Assistance Services shall have the authority to seek federal approval of changes to its MEDALLION waiver and its Medallion II waiver.</p>			
	<p>2. In order to conform the state regulations to the federally approved changes and to implement the provisions of this act, the department shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act. The department shall implement these necessary regulatory changes to be consistent with federal approval of the waiver changes.</p>			
	<p>O.1. The Department of Medical Assistance Services shall develop and pursue cost saving strategies internally and with the cooperation of the Department of Social Services, Virginia Department of Health, Office of the Attorney General, Comprehensive Services Act program, Department of Education, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of the Treasury, University of Virginia Health System, Virginia Commonwealth University Health System Authority, Department of Corrections, federally qualified health centers, local health departments, local school divisions, community service boards, local hospitals, and local governments, that focus on optimizing Medicaid claims and cost recoveries. Any revenues generated through these activities shall be transferred to the Virginia Health Care Fund to be used for the purposes specified in this Item.</p>			
	<p>2. The Department of Medical Assistance Services shall retain the savings necessary to reimburse a vendor for its efforts to implement paragraph. O.1. of this Item. However, prior to reimbursement, the department shall identify for the Secretary of Health and Human Resources each of the vendor's revenue maximization efforts and the manner in which each vendor would be reimbursed. No reimbursement shall be made to the vendor without the prior approval of the above plan by the Secretary.</p>			
	<p>P. The Department of Medical Assistance Services shall have the authority to pay contingency fee contractors, engaged in cost recovery activities, from the recoveries that are generated by those activities. All recoveries from these contractors shall be deposited to a special fund. After payment of the contingency fee any prior year recoveries shall be</p>			

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transferred to the Virginia Health Care Fund. The Director, Department of Medical Assistance Services, shall report to the Chairmen of the House Appropriations and Senate Finance Committees the increase in recoveries associated with this program as well as the areas of audit targeted by contractors by November 1 each year.

Q. The Department of Medical Assistance Services in cooperation with the State Executive Council, shall provide semi-annual training to local Comprehensive Services Act teams on the procedures for use of Medicaid for residential treatment and treatment foster care services, including, but not limited to, procedures for determining eligibility, billing, reimbursement, and related reporting requirements. The department shall include in this training information on the proper utilization of inpatient and outpatient mental health services as covered by the Medicaid State Plan.

R.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a Preferred Drug List. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.

2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the development and ongoing administration of the Preferred Drug List program. The Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including the Commissioner, Department of Behavioral Health and Developmental Services, or his designee. Other members shall be selected or approved by the department. The membership shall include a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at least one-half of the physicians and pharmacists are either direct providers or are employed with organizations that serve recipients for all segments of the Medicaid population. Physicians on the committee shall be licensed in Virginia, one of whom shall be a psychiatrist, and one of whom specializes in care for the aging. Pharmacists on the committee shall be licensed in Virginia, one of whom shall have clinical expertise in mental health drugs, and one of whom has clinical expertise in community-based mental health treatment. The Pharmacy and Therapeutics Committee shall recommend to the department (i) which therapeutic classes of drugs should be subject to the Preferred Drug List program and prior authorization requirements; (ii) specific drugs within each therapeutic class to be included on the preferred drug list; (iii) appropriate exclusions for medications, including atypical anti-psychotics, used for the treatment of serious mental illnesses such as bi-polar disorders, schizophrenia, and depression; (iv) appropriate exclusions for medications used for the treatment of brain disorders, cancer and HIV-related conditions; (v) appropriate exclusions for therapeutic classes in which there is only one drug in the therapeutic class or there is very low utilization, or for which it is not cost-effective to include in the Preferred Drug List program; and (vi) appropriate grandfather clauses when prior authorization would interfere with established complex drug regimens that have proven to be clinically effective. In developing and maintaining the preferred drug list, the cost effectiveness of any given drug shall be considered only after it is determined to be safe and clinically effective.

b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually and may meet at other times at the discretion of the chairperson and members. At the meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject to the Preferred Drug List that is newly approved by the Federal Food and Drug Administration, provided there is at least thirty (30) days notice of such approval prior to the date of the quarterly meeting.

3. The department shall establish a process for acting on the recommendations made by the Pharmacy and Therapeutics Committee, including documentation of any decisions which deviate from the recommendations of the committee.

4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-hour emergency supply of the prescribed drug when requested by a physician and a dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to be made within 24 hours and timely notification of the recipient and/or the prescribing physician of any delays or negative decisions; (iii) an expedited review

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	process of denials by the department; and (iv) consumer and provider education, training and information regarding the Preferred Drug List prior to implementation, and ongoing communications to include computer access to information and multilingual material.			
	5. The Preferred Drug List program shall generate savings as determined by the department that are net of any administrative expenses to implement and administer the program.			
	6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the Department of Medical Assistance Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act. With respect to such state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of Virginia, shall not apply. In addition, the department shall work with the Department of Behavioral Health and Development Services to consider utilizing a Preferred Drug List program for its non-Medicaid clients.			
	7. The Department of Medical Assistance Services shall (i) continually review utilization of behavioral health medications under the State Medicaid Program for Medicaid recipients; and (ii) ensure appropriate use of these medications according to federal Food and Drug Administration (FDA) approved indications and dosage levels. The department may also require retrospective clinical justification according to FDA approved indications and dosage levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger who are prescribed three or more behavioral health drugs, the department may implement clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in accordance with FDA-approved indications and dosage levels.			
	8. The Department of Medical Assistance Services shall ensure that in the process of developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the value of including those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems.			
	S.1. The Department of Medical Assistance Services may amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a specialty drug program. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy Liaison Committee, and others as appropriate.			
	2. In developing the specialty drug program to implement appropriate care management and control drug expenditures, the department shall contract with a vendor who will develop a methodology for the reimbursement and utilization through appropriate case management of specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization guidelines to medical and pharmacy providers in a timely manner prior to the implementation of the specialty drug program and publish the same on the department's website.			
	3. In the event that the Department of Medical Assistance Services contracts with a vendor, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.			
	4. The department shall: (i) review, update and publish the list of authorized specialty drugs, utilization guidelines, and rates at least quarterly; (ii) implement and maintain a procedure to revise the list or modify specialty drug program utilization guidelines and rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow dispensing or prescribing provider to contest the listed specialty drugs and rates.			
	5. The department shall report on savings and quality improvements achieved through the implementation measures for the specialty drug program to the Chairmen of the House Appropriations and Senate Finance Committees, the Joint Commission on Health Care, and the Department of Planning and Budget by November 1 of each year.			

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6. The department shall have authority to enact emergency regulations under § 2.2-4011 of the Administrative Process Act to effect these provisions.				
T.1. The Department of Medical Assistance Services shall reimburse school divisions who sign an agreement to provide administrative support to the Medicaid program and who provide documentation of administrative expenses related to the Medicaid program 50 percent of the Federal Financial Participation by the department.				
2. The Department of Medical Assistance Services shall retain five percent of the Federal Financial Participation for reimbursement to school divisions for medical and transportation services.				
U. In the event that the Department of Medical Assistance Services decides to contract for pharmaceutical benefit management services to administer, develop, manage, or implement Medicaid pharmacy benefits, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.				
V. The Department of Medical Assistance Services, in cooperation with the Department of Social Services' Division of Child Support Enforcement (DSCE), shall identify and report third party coverage where a medical support order has required a custodial or noncustodial parent to enroll a child in a health insurance plan. The Department of Medical Assistance Services shall also report to the DCSE third party information that has been identified through their third party identification processes for children handled by DCSE.				
W.1. Within the limits of this appropriation, the Department of Medical Assistance Services shall work with its contracted managed care organizations and fee-for-service health care providers to: (i) raise awareness among the providers who serve the Medicaid population about the health risks of chronic kidney disease; (ii) establish effective means of identifying patients with this condition; and (iii) develop strategies for improving the health status of these patients. The department shall work with the National Kidney Foundation to prepare and disseminate information for physicians and other health care providers regarding generally accepted standards of clinical care and the benefits of early identification of individuals at highest risk of chronic kidney disease.				
2. The department shall request any clinical laboratory performing a serum creatinine test on a Medicaid recipient over the age of 18 years to calculate and report to the physician the estimated glomerular filtration rate (eGFR) of the patient and shall report it as a percent of kidney function remaining.				
X.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying that an overpayment for medical assistance services has been made to a provider, the Director, Department of Medical Assistance Services shall notify the provider of the amount of the overpayment. Such notification of overpayment shall be issued within the earlier of (i) four years after payment of the claim or other payment request, or (ii) four years after filing by the provider of the complete cost report as defined in the Department of Medical Assistance Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost report as defined in the Department of Medical Assistance Services' regulations subsequent to sale of the facility or termination of the provider.				
2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue an informal fact-finding conference decision concerning provider reimbursement in accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of Virginia, and applicable federal law. The informal fact-finding conference decision shall be issued within 180 days of the receipt of the appeal request. If the agency does not render an informal fact-finding conference decision within 180 days of the receipt of the appeal request, the decision is deemed to be in favor of the provider. An appeal of the director's informal fact-finding conference decision concerning provider reimbursement				

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	<p>shall be heard in accordance with § 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the State Plan for Medical Assistance provided for in § 32.1-325, Code of Virginia. Once a final agency case decision has been made, the director shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the informal fact-finding conference decision or the final agency case decision. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the Director's agency case decision becomes final.</p>			
	<p>Y. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in 42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.</p>			
	<p>Z. The Department of Medical Assistance Services shall implement one or more Program for All Inclusive Care for the Elderly (PACE) programs.</p>			
	<p>AA. The Department of Medical Assistance Services shall amend its State Plan for Medical Assistance Services to develop and implement a regional model for the integration of acute and long-term care services. This model would be offered to elderly and disabled clients on a mandatory basis. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.</p>			
	<p>BB.1. Contingent upon approval by the Centers for Medicare and Medicaid Services as part of the Money Follows the Person demonstration grant, the Department of Medical Assistance Services shall seek federal approval for necessary changes to home and community-based 1915(c) waivers to allow individuals transitioning from institutions to receive care in the community. The Department of Medical Assistance Services shall promulgate any necessary emergency regulations within 280 days or less from the enactment date of this act.</p>			
	<p>2. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) Waiver to add up to 30 new slots (up to 15 each fiscal year) and the Intellectual Disabilities (ID) Waiver to add up to 220 new slots (up to 110 each fiscal year) which will be reserved for individuals transitioning out of institutional settings through the Money Follows the Person Demonstration. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD and ID waiver applications to add the additional slots.</p>			
	<p>CC. The Department of Medical Assistance Services shall have the authority to implement prior authorization and utilization review for community-based mental health services for children and adults. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.</p>			
	<p>DD. The Department of Medical Assistance Services shall delay the last quarterly payment of certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first quarter of the following year. Quarterly payments that shall be delayed from each June to each July shall be Disproportionate Share Hospital payments, Indirect Medical Education payments, and Direct Medical Education payments. The department shall have the authority to implement this reimbursement change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>EE. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month. The department shall have the authority to implement this reimbursement schedule change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>FF. In every June the remittance that would normally be paid to providers on the last remittance date of the state fiscal year shall be delayed one week longer than is normally the practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This change does not apply to providers who are paid a per-month capitation payment. The department shall have the authority to implement this reimbursement change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>GG. Upon approval by the Centers for Medicare and Medicaid Services of the application for</p>			

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	<p>renewal of the Intellectual Disabilities Waiver, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act. Therefore, to meet this emergency situation, the Department of Medical Assistance Services shall promulgate emergency regulations to implement the provisions of this act.</p>			
	<p>HH. The Department of Medical Assistance Services shall provide information to personal care agency providers regarding the options available to meet staffing requirements for personal care aides including the completion of provider-offered training or DMAS Personal Care Aide Training Curriculum.</p>			
	<p>II. The Department of Medical Assistance Services shall impose an assessment equal to 5.5 percent of revenue on all ICF-MR providers. The department shall determine procedures for collecting the assessment, including penalties for non-compliance. The department shall have the authority to adjust interim rates to cover new Medicaid costs as a result of this assessment.</p>			
	<p>JJ. The Department of Medical Assistance Services shall make programmatic changes in the provision of Intensive In-Home services and Community Mental Health services in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.</p>			
	<p>KK. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and §32.1-323.2 of the Code of Virginia, the Department of Medical Assistance Services shall not add any slots to the Intellectual Disabilities Medicaid Waiver or the Individual and Family Developmental Disabilities and Support Medicaid Waiver other than those slots authorized to specifically to support the Money Follows the Person Demonstration, individuals who are exiting state institutions, any slots authorized under Chapters 724 and 729 of the 2011 Virginia Acts of Assembly or §37.2-319, Code of Virginia, or authorized elsewhere in this act.</p>			
	<p>LL. The Department of Medical Assistance Services shall not adjust rates or the rate ceiling of residential psychiatric facilities for inflation.</p>			
	<p>MM. The Department of Medical Assistance Services shall have the authority to modify reimbursement for Durable Medical Equipment for incontinence supplies based on competitive bidding subject to approval by the Centers for Medicare and Medicaid Services (CMS). The department shall have the authority to promulgate regulations to become effective within 280 days or less from the enactment of this act.</p>			
	<p>NN. The Department of Medical Assistance Services shall work with the Department of Behavioral Health and Developmental Services in consultation with the Virginia Association of Community Services Boards, the Virginia Network of Private Providers, the Virginia Coalition of Private Provider Associations, and the Association of Community Based Providers, to establish rates for the Intensive In-Home Service based on quality indicators and standards, such as the use of evidence-based practices.</p>			
	<p>OO. The Department of Medical Assistance Services shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to expand principles of care coordination to all geographic areas, populations, and services under programs administered by the department. The expansion of care coordination shall be based on the principles of shared financial risk such as shared savings, performance benchmarks or risk and improving the value of care delivered by measuring outcomes, enhancing quality, and monitoring expenditures. The department shall engage stakeholders, including beneficiaries, advocates, providers, and health plans, during the development and implementation of the care coordination projects. Implementation shall include specific requirements for data collection to ensure the ability to monitor utilization, quality of care, outcomes, costs, and cost savings. The department shall report by November 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees detailing implementation progress including, but not limited to, the number of individuals enrolled in care coordination, the</p>			

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<p>geographic areas, populations and services affected and cost savings achieved. Unless otherwise delineated, the department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change. The intent of this Item may be achieved through several steps, including, but not limited to, the following:</p> <p>a. In fulfillment of this item, the department may seek federal authority to implement a care coordination program for Elderly or Disabled with Consumer Direction (EDCD) waiver participants effective October 1, 2011. This service would be provided to adult ED CD waiver participants on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.</p> <p>b. In fulfillment of this item, the department may seek federal authority through amendments to the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to allow individuals enrolled in Home and Community Based Care (HCBC) waivers to also be enrolled in contracted Medallion II managed care organizations for the purposes of receiving acute and medical care services. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.</p> <p>c. In fulfillment of this item, the department and the Department of Behavioral Health and Developmental Services, in collaboration with the Community Services Boards and in consultation with appropriate stakeholders, shall develop a blueprint for the development and implementation of a care coordination model for individuals in need of behavioral health services not currently provided through a managed care organization. The overall goal of the project is to improve the value of behavioral health services purchased by the Commonwealth of Virginia without compromising access to behavioral health services for vulnerable populations. Targeted case management services will continue to be the responsibility of the Community Services Boards. The blueprint shall: (i) describe the steps for development and implementation of the program model(s) including funding, populations served, services provided, timeframe for program implementation, and education of clients and providers; (ii) set the criteria for medical necessity for community mental health rehabilitation services; and (iii) include the following principles:</p> <ol style="list-style-type: none"> 1. Improves value so that there is better access to care while improving equity. 2. Engages consumers as informed and responsible partners from enrollment to care delivery. 3. Provides consumer protections with respect to choice of providers and plans of care. 4. Improves satisfaction among providers and provides technical assistance and incentives for quality improvement. 5. Improves satisfaction among consumers by including consumer representatives on provider panels for the development of policy and planning decisions. 6. Improves quality, individual safety, health outcomes, and efficiency. 7. Develops direct linkages between medical and behavioral services in order to make it easier for consumers to obtain timely access to care and services, which could include up to full integration. 8. Builds upon current best practices in the delivery of behavioral health services. 9. Accounts for local circumstances and reflects familiarity with the community where services are provided. 10. Develops service capacity and a payment system that reduces the need for involuntary commitments and prevents default (or diversion) to state hospitals. 11. Reduces and improves the interface of vulnerable populations with local law enforcement, courts, jails, and detention centers. 12. Supports the responsibilities defined in the Code of Virginia relating to Community Services Boards and Behavioral Health Authorities. 				

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13. Promotes availability of access to vital supports such as housing and supported employment.				
14. Achieves cost savings through decreasing avoidable episodes of care and hospitalizations, strengthening the discharge planning process, improving adherence to medication regimens, and utilizing community alternatives to hospitalizations and institutionalization.				
15. Simplifies the administration of acute psychiatric, community mental health rehabilitation, and medical health services for the coordinating entity, providers, and consumers.				
16. Requires standardized data collection, outcome measures, customer satisfaction surveys, and reports to track costs, utilization of services, and outcomes. Performance data should be explicit, benchmarked, standardized, publicly available, and validated.				
17. Provides actionable data and feedback to providers.				
18. In accordance with federal and state regulations, includes provisions for effective and timely grievances and appeals for consumers.				
d. The department may seek the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to develop and implement a care coordination model, that is consistent with the principles in Paragraph e, for individuals in need of behavioral health services not currently provided through managed care to be effective July 1, 2012. This model may be applied to individuals on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.				
e.1. The department may seek the necessary waiver(s) and/or State Plan authorization under Title XIX of the Social Security Act to develop and implement a care coordination model for individuals dually eligible for services under both Medicare and Medicaid. The Director of the Department of Medical Assistance Services, in consultation with the Secretary of Health and Human Resources, shall establish a stakeholder advisory committee to support implementation of dual-eligible care coordination systems. The advisory committee shall support the dual-eligible initiatives by identifying care coordination and quality improvement priorities, assisting in securing analytic and care management support resources from federal, private and other sources and helping design and communicate performance reports. The advisory committee shall include representation from health systems, health plans, long-term care providers, health policy researchers, physicians, and others with expertise in serving the aged, blind, and disabled, and dual-eligible populations. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
2. There is hereby created in the state treasury a special nonreverting fund to be known as the Commonwealth Coordinated Care Pay for Performance Fund, hereafter referred to as the "fund." The fund shall be established on the books of the Comptroller and any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the fund. Moneys deposited to the fund shall be used solely for bonus payments to managed care organizations participating in the Commonwealth Coordinated Care program that meet the performance criteria of the pay for performance program specified in paragraph OO.e.1.				
3. The department is authorized to implement a quality withhold program in the context of the initiative implemented pursuant to OO.e.1. Quality withhold funds, withheld from health plan capitation payments, shall be deposited in the fund created pursuant to OO.e.2. At the time and in the amounts determined by DMAS and Centers for Medicare and Medicaid Services, DMAS shall be authorized to make payments from the fund to health plans that meet quality performance measures stipulated in the Memorandum of Understanding and contract with health plans entered into pursuant to OO.e.1. Funds deposited in the fund may be used only for such payments.				
4. The Department of Planning and Budget in collaboration with the Department of				

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	<p>Medical Assistance services shall transfer general fund appropriation withheld from funds set aside in connection with a pay for performance program related to the dual eligible initiative pursuant to paragraph OO.e.1., to the fund.</p>			
	<p>PP. The Department of Medical Assistance Services shall make programmatic changes in the provision of Residential Treatment Facility (Level C) and Levels A and B residential services (group homes) for children with serious emotional disturbances in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The department shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.</p>			
	<p>QQ. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall seek federal authority to implement a pricing methodology to modify or replace the current pricing methodology for pharmaceutical products as defined in 12 VAC 30-80-40, including the dispensing fee, with an alternative methodology that is budget neutral or that creates cost savings. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.</p>			
	<p>RR. The Department of Medical Assistance Services shall make programmatic changes to the recipient utilization (Client Medical Management) program in order ensure appropriate utilization, prevent abuse, and promote improved and cost efficient medical management of essential Medicaid client health care. The department shall consider all available options including, but not limited to, utilization review, program criteria, and client enrollment. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.</p>			
	<p>SS. The Department of Medical Assistance Services shall mandate that payment rates negotiated between participating Medicaid managed care organizations and out-of-network providers for emergency or otherwise authorized treatment shall be considered payment in full. In the absence of rates negotiated between the managed care organization and the out-of-network provider, these services shall be reimbursed at the Virginia Medicaid fees and/or rates and shall be considered payment in full. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.</p>			
	<p>TT. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance to convert the current cost-based reimbursement methodology for outpatient hospitals to an Enhanced Ambulatory Patient Group (EAPG) methodology. Reimbursement for laboratory services shall be included in the new outpatient hospital reimbursement methodology. The new EAPG reimbursement methodology shall be implemented in a budget-neutral manner. The department shall have the authority to promulgate regulations to become effective within 280 days or less from the enactment of this act.</p>			
	<p>UU. The Department of Medical Assistance Services shall seek federal authority to move the family planning eligibility group from a demonstration waiver to the State Plan for Medical Assistance. The department shall seek approval of coverage under this new state plan option for individuals with income up to 200 percent of the federal poverty level. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>VV. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing centers accredited by the Commission for the Accreditation of Birthing Centers. Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology applied in a manner similar to the reimbursement methodology for ambulatory surgery centers. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			

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WW. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to pay Medicare rates for primary care services performed by primary care physicians as mandated in §1202 of the federal Health Care and Education Reconciliation Act of 2010 (“HCERA”; P.L. 111-152). Primary care services are defined as certain evaluation and management (E&M) services and services related to immunization administration for vaccines and toxoids. Eligible physicians are defined as physicians with a primary specialty designation of family medicine, general internal medicine, or pediatric medicine. The department shall have the authority to establish procedures to determine which providers meet the criteria. The rate increase shall be effective for a two-year period with dates of service beginning January 1, 2013, through December 31, 2014. As prescribed in HCERA, the department shall claim 100 percent federal matching funds for the difference in payments between the Medicaid fee schedule effective July 1, 2009, and the Medicare rate effective January 1, 2013. HCERA also mandates that the increase be applied to Managed Care services. The department shall have authority to implement these reimbursement changes, and consistent with the federal rule implementing § 1202 of HCERA and State Plan Amendment approved by the Centers for Medicare and Medicaid Services.

XX.1. In response to the unfavorable outcome to an appeal by the Department of Medical Assistance Services in federal court regarding reimbursement for services furnished to Medicaid members in a residential treatment center or freestanding psychiatric hospital, the department shall revise reimbursement for services furnished Medicaid members in residential treatment centers and freestanding psychiatric hospitals to include professional, pharmacy and other services to be reimbursed separately as long as the services are in the plan of care developed by the residential treatment center or the freestanding psychiatric hospital and arranged by the residential treatment center or the freestanding psychiatric hospital. The department shall require residential treatment centers to include all services in the plan of care needed to meet the member's physical and psychological well-being while in the facility but may also include services in the community or as part of an emergency.

2. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days from the enactment of this act.

YY. The Department of Medical Assistance Services may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to allow foster care children, on a regional basis to be determined by the department, to be enrolled in Medicaid managed care (Medallion II). The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

ZZ. The Department of Medical Assistance Services shall have the authority to amend the State Plans under Title XIX and Title XXI of the Social Security Act in order to comply with the mandated provider screening provisions of the federal Affordable Care Act (P.L. 111-148 and 111-152). The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.

AAA. The department may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to develop and implement programmatic and system changes that allow expedited enrollment of Medicaid eligible recipients into Medicaid managed care, most importantly for pregnant women. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this act.

BBB.1. The Department of Medical Assistance Services, related to appeals administered by and for the department, shall have authority to amend regulations to:

- i. Utilize the method of transmittal of documentation to include email, fax, courier, and electronic transmission.
- ii. Clarify that the day of delivery ends at normal business hours of 5:00 pm.

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iii. Eliminate an automatic dismissal against DMAS for alleged deficiencies in the case summary that do not relate to DMAS's obligation to substantively address all issues specified in the provider's written notice of informal appeal. A process shall be added, by which the provider shall file with the informal appeals agent within 12 calendar days of the provider's receipt of the DMAS case summary, a written notice that specifies any such alleged deficiencies that the provider knows or reasonably should know exist. DMAS shall have 12 calendar days after receipt of the provider's timely written notification to address or cure any of said alleged deficiencies. The current requirement that the case summary address each adjustment, patient, service date, or other disputed matter identified in the provider's written notice of informal appeal in the detail set forth in the current regulation shall remain in force and effect, and failure to file a written case summary with the Appeals Division in the detail specified within 30 days of the filing of the provider's written notice of informal appeal shall result in dismissal in favor of the provider on those issues not addressed by DMAS.				
iv. Clarify that appeals remanded to the informal appeal level via Final Agency Decision or court order shall reset the timetable under DMAS' appeals regulations to start running from the date of the remand.				
v. Clarify the department's authority to administratively dismiss untimely filed appeal requests.				
vi. Clarify the time requirement for commencement of the formal administrative hearing.				
2. The Department of Medical Assistance Services shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this act.				
CCC. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate hospital inflation for FY 2015 and FY 2016. This shall apply to inpatient hospital operating rates (including long-stay and freestanding psychiatric), graduate medical education (GME) payments and disproportionate share hospital (DSH) payments. Similar reductions shall be made to the general fund share for Type One hospitals as reflected in Item 301 B. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.				
DDD. The Department of Medical Assistance Services shall amend the 1915 (c) home- and community-based Intellectual Disabilities waiver to add 115 slots effective July 1, 2014 and an additional 410 slots effective July 1, 2015.				
EEE. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) waiver to add 15 new slots effective July 1, 2014 and an additional 40 slots effective July 1, 2015. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD waiver to add the additional slots.				
FFF. The Department of Medical Assistance Services shall amend its regulations, subject to the federal Centers for Medicare and Medicaid Services approval, to strengthen the qualifications and responsibilities of the Consumer Directed Service Facilitator to ensure the health, safety and welfare of Medicaid home- and community-based waiver enrollees. The department shall have the authority to promulgate emergency regulations to implement this change effective July 1, 2012.				
GGG. It is the intent of the General Assembly that the implementation and administration of the care coordination contract for behavioral health services be conducted in a manner that insures system integrity and engages private providers in the independent assessment process. In addition, it is the intent that in the provision of services that ethical and professional conflicts are avoided and that sound clinical decisions are made in the best interests of the individuals receiving behavioral health services. As part of this process, the department shall monitor the performance of the contract to ensure that these principles are met and that stakeholders are involved in the assessment, approval, provision, and use of behavioral health services provided as a result of this contract.				
HHH. 1. Notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the Department of Medical Assistance Services shall amend the state plan and appropriate				

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waivers under Title XIX of the Social Security Act to implement a process for administrative appeals of Medicaid/Medicare dual eligible recipients in accordance with terms of the Memorandum of Understanding between the department and the Centers for Medicare and Medicaid Services for the financial alignment demonstration program for dual eligible recipients. The department shall implement this change within 280 days or less from the enactment of this Appropriation Act.

2. The department shall report by November 1 of each year to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget detailing implementation progress of the financial alignment demonstration. This report shall include, but is not limited to, costs of implementation, projected cost savings, number of individuals enrolled, and any other implementation issues that arise.

III. Effective July 1, 2013, the Department of Medical Assistance Services shall have the authority, to establish a 25 percent higher reimbursement rate for congregate residential services for individuals with complex medical or behavioral needs currently residing in an institution and unable to transition to integrated settings in the community due to the need for services that cannot be provided within the maximum allowable rate, or individuals whose needs present imminent risk of institutionalization and enhanced waiver services are needed beyond those available within the maximum allowable rate. The department shall have authority to promulgate regulations to implement this change within 280 days or less from the enactment of this act.

JJJ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to allow for delivery of notices of program reimbursement or other items referred to in the regulations related to provider appeals by electronic means consistent with the Uniform Electronic Transactions Act. The department shall implement this change effective July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect such changes.

KKK. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to convert the current cost-based payment methodology for nursing facility operating rates in 12 VAC 30-90-41 to a price-based methodology effective July 1, 2014. The new price-based payment methodology shall be implemented in a budget neutral manner.

1. The department shall calculate prospective operating rates for direct and indirect costs in the following manner:

a. The department shall calculate the cost per day in the base year for direct and indirect operating costs for each nursing facility. The department shall use existing definitions of direct and indirect costs.

b. The initial base year for calculating the cost per day is cost reports ending in calendar year 2011. The department shall rebase prices in fiscal year 2018 and every three years thereafter using the most recent reliable calendar year cost-settled cost reports for freestanding nursing facilities that have been completed as of September 1.

c. Each nursing facility's direct cost per day shall be neutralized by dividing the direct cost per day by the raw Medicaid facility case-mix that corresponds to the base year by facility.

d. Costs per day shall be inflated to the midpoint of the fiscal year rate period using the moving average Virginia Nursing Home inflation index for the 4th quarter of each year (the midpoint of the fiscal year). Costs in the 2011 base year shall be inflated from the midpoint of the cost report year to the midpoint of fiscal year 2012 by pro-rating fiscal year 2012 inflation and annual inflation after that. Annual inflation adjustments shall be based on the last available report prior to the beginning of the fiscal year and corrected for any revisions to prior year inflation.

e. Prices will be established for the following peer groups using a combination of Medicare wage regions and Medicaid rural and bed size modifications based on similar costs.

1) Direct Peer groups

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- Northern Virginia MSA				
- Other MSAs				
- Northern Rural				
- Southern Rural				
2) Indirect Peer Groups				
- Northern Virginia MSA				
- Rest of State – Greater than 60 Beds				
- Other MSAs				
- Northern Rural				
- Southern Rural				
- Rest of State – 60 Beds or Less				
f. The price for each peer group shall be based on the following adjustment factors:				
1) Direct - 105 percent of the peer group day-weighted median neutralized and inflated cost per day for freestanding nursing facilities.				
2) Indirect - 100.7 percent of the peer group day-weighted median inflated cost per day for freestanding nursing facilities.				
g. Facilities with costs projected to the rate year below 95 percent of the price shall have an adjusted price equal to the price minus the difference between their cost and 95 percent of the unadjusted price. Adjusted prices will be established at each rebasing. New facilities after the base year shall not have an adjusted price until the next rebasing. The “spending floor” limits the potential gain of low cost facilities, thereby making it possible to implement higher adjustment factors for other facilities at less cost.				
h. Individual claim payment for direct costs shall be based on each resident's Resource Utilization Group (RUG) during the service period times the facility direct price (similar to Medicare).				
i. Resource Utilization Group (RUG) is a resident classification system that groups nursing facility residents according to resource utilization and assigns weights related to the resource utilization for each classification. The department shall use RUGS to determine facility case mix for cost neutralization in determining the direct costs used in setting the price and for adjusting the claim payments for residents. The department may elect to transition from the RUG-III 34 Medicaid grouper to the RUG-IV 48 grouper in the following manner.				
1) The department shall neutralize direct costs per day in the base year using the most current RUG grouper applicable to the base year.				
2) The department shall utilize RUG-III 34 groups and weights in fiscal year 2015 for claim payments.				
3) Beginning in fiscal year 2016, the department may elect to implement RUG-IV 48 Medicaid groups and weights for claim payments.				
4) RUG-IV 48 weights used for claim payments will be normalized to RUG-III 34 weights as long as base year costs are neutralized by the RUG-III 34 group. In that the weights are not the same under RUG IV as under RUG III, normalization will insure that total payments in direct using the RUGs IV 48 weights will be the same as total payments in direct using the RUGs-III 34 grouper.				
j. The department shall transition to the price-based methodology over a period of four years, blending the price-based rate described here with the cost-based rate based on current law with the following adjustments. The facility cost-based operating rates shall be the direct and indirect rates for fiscal year 2015 based on facility case-mix neutral rates modeled after the				

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law that would have been in effect in fiscal year 2015 absent this amendment and using base year data from calendar year 2011 inflated to the rate year. Based on a four-year transition, the rate will be based on the following blend:

- 1) Fiscal year 2015 - 25 percent of the price-based rate and 75 percent of the cost-based rate.
- 2) Fiscal year 2016 - 50 percent of the price-based rate and 50 percent of the cost-based rate.
- 3) Fiscal year 2017 - 75 percent of the price-based rate and 25 percent of the cost-based rate.
- 4) Fiscal year 2018 - 100 percent of the price-based (fully implemented).

During the first transition year for the period July 1, 2014 through October 31, 2014, DMAS shall case-mix adjust each direct cost component of the rates using the average facility case-mix from the two most recent finalized quarters (September and December 2013) instead of adjusting this component claim by claim.

Cost-based rates to be used in the transition for facilities without cost data in the base year but placed in service prior to July 1, 2013 shall be determined based on the most recently settled cost data. If there is no settled cost report at the beginning of a fiscal year, then 100 percent of the price-based rate shall be used for that fiscal year. Facilities placed in service after June 30, 2013 shall be paid 100 percent of the price-based rate.

2. Prospective capital rates shall be calculated in the following manner.
 - a. Fair rental value per diem rates for the fiscal year shall be calculated for all freestanding nursing facilities based on the prior calendar year information aged to the fiscal year and using RS Means factors and rental rates corresponding to the fiscal year. There will be no separate calculation for beds subject to and not subject to transition.
 - b. The department shall develop a procedure for mid-year fair rental value per diem rate changes for nursing facilities that put into service a major renovation or new beds. A major renovation shall be defined as an increase in capital of \$3,000 per bed. The nursing facility shall submit complete pro forma documentation at least 60 days prior to the effective date and the new rate shall be effective at the beginning of the month following the end of the 60 days. The provider shall submit final documentation within 60 days of the new rate effective date and the department shall review final documentation and modify the rate if necessary effective 90 days after the implementation of the new rate. No mid-year rate changes shall be made for an effective date after April 30 of the fiscal year.
 - c. Effective July 1, 2014, the rental rate shall be 8.0 percent.
 - d. These FRV changes shall also apply to specialized care facilities.
 - e. The capital per diem rate for hospital-based nursing facilities shall be the last settled capital per diem.
3. Prospective Nurse Aide Training and Competency Evaluation Programs (NATCEP) rates shall be the Medicaid per diem rate in the base year inflated to the rate year based on inflation used in the operating rate calculations.
4. A prospective rate for criminal records checks shall be the per diem rate in the base year.
5. The department shall have the authority to implement these payment changes effective July 1, 2014 and prior to completion of any regulatory process in order to effect such changes.
6. The department shall amend the State Plan for Medical Assistance to reimburse the price-based operating rate rather than the transition operating rate to any nursing facility whose licensed bed capacity decreased by at least 30 beds after 2011 and whose occupancy increased from less than 70 percent in 2011 to more than 80 percent in 2013. The department shall have the authority to implement this reimbursement change effective

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	July 1, 2015, and prior to completion of any regulatory process in order to effect such change.			
	<p>LLL. The Department of Medical Assistance Services shall amend its State Plan under Title XIX of the Social Security Act to implement reasonable restrictions on the amount of incurred dental expenses allowed as a deduction from income for nursing facility residents. Such limitations shall include: (i) that routine exams and x-rays, and dental cleaning shall be limited to twice yearly; (ii) full mouth x-rays shall be limited to once every three years; and (iii) deductions for extractions and fillings shall be permitted only if medically necessary as determined by the department.</p>			
	<p>MMM. Notwithstanding §32.1-325, et seq. and §32.1-351, et seq. of the Code of Virginia, and effective upon the availability of subsidized private health insurance offered through a Health Benefits Exchange in Virginia as articulated through the federal Patient Protection and Affordable Care Act (PPACA), the Department of Medical Assistance Services shall eliminate, to the extent not prohibited under federal law, Medicaid Plan First and FAMIS Moms program offerings to populations eligible for and enrolled in said subsidized coverage in order to remove disincentives for subsidized private healthcare coverage through publicly-offered alternatives. To ensure, to the extent feasible, a smooth transition from public coverage, DMAS shall endeavor to phase out such coverage for existing enrollees once subsidized private insurance is available through a Health Benefits Exchange in Virginia. The department shall implement any necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>NNN. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA) as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>OOO. Effective July 1, 2013, the Department of Medical Assistance Services shall establish a Medicaid Physician and Managed Care Liaison Committee including, but not limited to, representatives from the following organizations: the Virginia Academy of Family Physicians; the American Academy of Pediatricians – Virginia Chapter; the Virginia College of Emergency Physicians; the American College of Obstetrics and Gynecology – Virginia Section; Virginia Chapter, American College of Radiology; the Psychiatric Society of Virginia; the Virginia Medical Group Management Association; and the Medical Society of Virginia. The committee shall also include representatives from each of the department's contracted managed care organizations and a representative from the Virginia Association of Health Plans. The committee will work with the department to investigate the implementation of quality, cost-effective health care initiatives, to identify means to increase provider participation in the Medicaid program, to remove administrative obstacles to quality, cost-effective patient care, and to address other matters as raised by the department or members of the committee. The committee shall meet semi-annually, or more frequently if requested by the department or members of the committee. The department, in cooperation with the committee, shall report on the committee's activities annually to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than October 1 each year.</p>			
	<p>PPP. The Department of Medical Assistance Services shall establish a work group of representatives of providers of home- and community-based care services to continue improvements in the audit process and procedures for home- and community-based utilization and review audits. The Department of Medical Assistance Services shall report on any revisions to the methodology for home- and community-based utilization and review audits, including progress made in addressing provider concerns and solutions to improve the process for providers while ensuring program integrity. In addition, the report shall include documentation of the past year's audits, a summary of the number of audits to which retractions were assessed and the total amount, the number of appeals received and the results of appeals. The report shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees by December 1 of each year.</p>			
	<p>QQQ. The Department of Medical Assistance Services shall amend the State Plan for Medical</p>			

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<p>Assistance to calculate an indirect medical education (IME) factor for Virginia freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009. Total payments for IME in combination with other payments for freestanding children's hospitals with greater than 50 percent Medicaid utilization in 2009 may not exceed the federal uncompensated care cost limit that disproportionate share hospital payments are subject to. The department shall have the authority to implement these reimbursement changes effective July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>RRR. The Department of Medical Assistance Services shall realign the billable activities paid for individual supported employment provided under the Medicaid home- and community-based waivers to be consistent with job development and job placement services provided through employment services organizations that are reimbursed by the Department for Aging and Rehabilitative Services. The department shall have the authority to implement this reimbursement change effective July 1, 2013, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>SSS. Effective July 1, 2013, the Department of Medical Assistance Services shall take the steps necessary to amend the Intellectual Disability Waiver and the Individual and Family Developmental Disabilities Support Waiver to change the unit of service for skilled and private duty nursing from the current one hour to one-quarter of an hour. The department shall implement this change using a methodology that is budget neutral.</p>				
<p>TTT.1. The Department of Medical Assistance Services shall seek federal authority through any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to implement a comprehensive value-driven, market-based reform of the Virginia Medicaid/FAMIS programs. This reform shall be implemented in three phases as outlined in paragraphs 2, 3 and 4. The department shall have authority to implement necessary changes when feasible after federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>2. In the first phase of reform, the Department of Medical Assistance Services shall continue currently authorized reforms of the Virginia Medicaid/FAMIS service delivery model that shall, at a minimum, include (i) implementation of a Medicare-Medicaid Enrollee (dual eligible) Financial Alignment demonstration as evidenced by a Memorandum of Understanding with the Centers for Medicare and Medicaid Services (CMS), signing of a three-way contract with CMS and participating plans, and approval of the necessary amendments to the State Plan for Medical Assistance and any waivers thereof; (ii) enhanced program integrity and fraud prevention efforts to include at a minimum: recovery audit contracting (RAC), data mining, service authorization, enhanced coordination with the Medicaid Fraud Control Unit (MFCU), and Payment Error Rate Measurement (PERM); (iii) inclusion of children enrolled in foster care in managed care; (iv) implementation of a new eligibility and enrollment information system for Medicaid and other social services; (v) improved access to Veterans services through creation of the Veterans Benefit Enhancement Program; and (vi) expedite the tightening of standards, services limits, provider qualifications, and licensure requirements for community behavioral health services.</p>				
<p>3. In the second phase of reform, the Department of Medical Assistance Services shall implement value-based purchasing reforms for all recipients subject to a Modified Adjusted Gross Income (MAGI) methodology for program eligibility and any other recipient categories not excluded from the Medallion II managed care program. Such reforms shall, at a minimum, include the following: (i) the services and benefits provided are the types of services and benefits provided by commercial insurers and may include appropriate and reasonable limits on services such as occupational, physical, and speech therapy, and home care with the exception of non-traditional behavioral health and substance use disorder services; (ii) reasonable limitations on non-essential benefits such as non-emergency transportation are implemented; and (iii) patient responsibility is required including reasonable cost-sharing and active patient participation in health and wellness activities to improve health and control costs.</p>				
<p>To administer this reformed delivery model, the department is authorized to contract with qualified health plans to offer recipients a Medicaid benefit package adhering to these principles. Any coordination of non-traditional behavioral health services covered under</p>				

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contract with qualified health plans or through other means shall adhere to the principles outlined in paragraph OO. c. This reformed service delivery model shall be mandatory, to the extent allowed under the relevant authority granted by the federal government and shall, at a minimum, include (i) limited high-performing provider networks and medical/health homes; (ii) financial incentives for high quality outcomes and alternative payment methods; (iii) improvements to encounter data submission, reporting, and oversight; (iv) standardization of administrative and other processes for providers; and (v) support of the health information exchange.

The second phase of reform shall also include administrative simplification of the Medicaid program through any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act and outline agreed upon parameters and metrics to provide maximum flexibility and expedited ability to develop and implement pilot programs to test innovative models that (i) leverage innovations and variations in regional delivery systems; (ii) link payment and reimbursement to quality and cost containment outcomes; or (iii) encourage innovations that improve service quality and yield cost savings to the Commonwealth. Upon federal approval, the department shall have authority to implement such pilot programs prior to the completion of the regulatory process.

4. In the third phase of reform, the Department of Medical Assistance Services shall seek reforms to include all remaining Medicaid populations and services, including long-term care and home- and community-based waiver services into cost-effective, managed and coordinated delivery systems. The department shall begin designing the process and obtaining federal authority to transition all remaining Medicaid beneficiaries into a coordinated delivery system.

5. The Department of Medical Assistance Services shall provide a report to the Medicaid Innovation and Reform Commission on the specific waiver and/or State Plan changes that have been approved and status of implementing such changes, and associated cost savings or cost avoidance to Medicaid/FAMIS expenditures.

[VETO THIS ITEM WHICH IS UNCONSTITUTIONAL. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)

6.a. The Department shall seek the approval of the Medicaid Innovation and Reform Commission to amend the State Plan for Medicaid Assistance under Title XIX of the Social Security Act, and any waivers thereof, to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act. If the Medicaid Innovation and Reform Commission determines that the conditions in paragraphs 2, 3, 4, and 5 have been met, then the Commission shall approve implementation of coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act.

b. Upon approval by the Medicaid Innovation and Reform Commission, the department shall implement the provisions in paragraph 6.a. of this item by July 1, 2014, or as soon as feasible thereafter.

7.a. Contingent upon the expansion of eligibility in paragraph 6.a., there is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Health Reform and Innovation Fund, hereafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller and any moneys remaining in the Fund at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. For purposes of the Comptroller's preliminary and final annual reports required by § 2.2-813, however, all deposits to and disbursements from the Fund shall be accounted for as part of the general fund of the state treasury.

b. The Director of the Department of Medical Assistance Services, in consultation with the Director of the Department of Planning and Budget, shall annually identify projected general fund savings attributable to enrollment of newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA, including behavioral health services, inmate health care, and indigent care. Beginning with development of the fiscal year 2015 budget, these projected savings shall be reflected in reduced appropriations to the affected agencies and the amounts deposited into the Fund net of any appropriation increases necessary to meet resulting programmatic requirements of the Department of Medical Assistance Services. Beginning in fiscal year 2015, funding to support health innovations described in Paragraph 3 shall be appropriated from the Fund not to exceed \$3.5 million annually. Funding shall be distributed through health innovation grants to private and public entities in order to reduce the annual

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rate of growth in health care spending or improve the delivery of health care in the Commonwealth. When the department, in consultation with the Department of Planning and Budget, determines that the general fund expenses incurred from coverage of newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA exceed any associated savings, a percentage of the principle of the Fund as determined necessary by the department and the Department of Planning and Budget to cover the cost of the newly eligible population shall be reallocated to the general fund and appropriated to the department to offset the cost of this population. Principle shall be allocated on an annual basis for as long as funding is available.

8. In the event that the increased federal medical assistance percentages for newly eligible individuals included in 42 U.S.C. § 1396d(y)(1)[2010] of the PPACA is modified through federal law or regulation from the methodology in effect on January 1, 2014, resulting in a reduction in federal medical assistance as determined by the department in consultation with the Department of Planning and Budget, the Department of Medical Assistance Services shall disenroll and eliminate coverage for individuals who obtained coverage through 42 U.S.C. § 1396d(y)(1) [2010] of the PPACA. The disenrollment process shall include written notification to affected Medicaid beneficiaries, Medicaid managed care plans, and other providers that coverage will cease as soon as allowable under federal law from the date the department is notified of a reduction in Federal Medical Assistance Percentage.

9. That notwithstanding any other provision of this act, or any other law, no general or nongeneral funds shall be appropriated or expended for such costs as may be incurred to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, unless included in an appropriation bill adopted by the General Assembly on or after July 1, 2014.

UUU.1. The Director of the Department of Medical Assistance Services shall continue to make improvements in the provision of health and long-term care services under Medicaid/FAMIS that are consistent with evidence-based practices and delivered in a cost effective manner to eligible individuals.

2. In order to effect such improvements and ensure that reform efforts are cost effective relative to current forecasted Medicaid/FAMIS expenditure levels, the Department of Medical Assistance Services shall (i) develop a five-year consensus forecast of expenditures and savings associated with the Virginia Medicaid/FAMIS reform efforts by November 15 of each year in conjunction with the Department of Planning and Budget, and with input from the House Appropriations and Senate Finance Committees, and (ii) engage stakeholder involvement in meeting annual targets for quality and cost-effectiveness.

VVV. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the AP-DRG grouper with the APR-DRG grouper for hospital inpatient reimbursement. The department shall develop budget neutral case rates and Virginia-specific weights for the APR-DRG grouper based on the FY 2011 base year. The department shall phase in the APR-DRG weights by blending in 50 percent of the full APR-DRG weights with 50 percent of FY 2014 AP-DRG weights in the first year and 75 percent of the full APR-DRG weights with 25 percent of the FY 2014 AP-DRG weights in the second year for each APR-DRG group and severity. FY 2014 AP-DRG weights shall be calculated as a weighted average FY 2014 AP-DRG weight for all claims in the base year that group to each APR-DRG group and severity. Full APR-DRG weights shall be used in the third year and succeeding years for each APR-DRG group and severity. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.

WWW.1. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the current Disproportionate Share Hospital (DSH) methodology with the following methodology:

a) DSH eligible hospitals must have a total Medicaid Inpatient Utilization Rate equal to 14 percent or higher in the base year using Medicaid days eligible for Medicare DSH or a Low Income Utilization Rate in excess of 25 percent and meet other federal requirements. Eligibility for out of state cost reporting hospitals shall be based on total Medicaid

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	utilization or on total Medicaid NICU utilization equal to 14 percent or higher.			
	b) Each hospital's DSH payment shall be equal to the DSH per diem multiplied by each hospital's eligible DSH days in a base year. Days reported in provider fiscal years in state FY 2011 will be the base year for FY 2015 prospective DSH payments. DSH will be recalculated annually with an updated base year. DSH payments are subject to applicable federal limits.			
	c) Eligible DSH days are the sum of all Medicaid inpatient acute, psychiatric and rehabilitation days above 14 percent for each DSH hospital subject to special rules for out of state cost reporting hospitals. Eligible DSH days for out of state cost reporting hospitals shall be the higher of the number of eligible days based on the calculation in the first sentence times Virginia Medicaid utilization (Virginia Medicaid days as a percent of total Medicaid days) or the Medicaid NICU days above 14 percent times Virginia NICU Medicaid utilization (Virginia NICU Medicaid days as a percent of total NICU Medicaid days). Eligible DSH days for out of state cost reporting hospitals who qualify for DSH but who have less than 12 percent Virginia Medicaid utilization shall be 50 percent of the days that would have otherwise been eligible DSH days.			
	d) Additional eligible DSH days are days that exceed 28 percent Medicaid utilization for Virginia Type Two hospitals (excluding Children's Hospital of the Kings Daughters).			
	e) The DSH per diem shall be calculated in the following manner:			
	a. The DSH per diem for Type Two hospitals is calculated by dividing the total Type Two DSH allocation by the sum of eligible DSH days for all Type Two DSH hospitals. For purposes of DSH, Type Two hospitals do not include Children's Hospital of the Kings Daughters (CHKD) or any hospital whose reimbursement exceeds its federal uncompensated care cost limit. The Type Two Hospital DSH allocation shall equal the amount of DSH paid to Type Two hospitals in state FY 2014 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.			
	b. The DSH per diem for State Inpatient Psychiatric Hospitals is calculated by dividing the total State Inpatient Psychiatric Hospital DSH allocation by the sum of eligible DSH days. The State Inpatient Psychiatric Hospital DSH allocation shall equal the amount of DSH paid in state FY 2013 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.			
	c. The DSH per diem for CHKD shall be three times the DSH per diem for Type Two hospitals.			
	d. The DSH per diem for Type One hospitals shall be 17 times the DSH per diem for Type Two hospitals.			
	2. Each year, the department shall determine how much Type Two DSH has been reduced as a result of the Affordable Care Act and adjust the percent of cost reimbursed for outpatient hospital reimbursement.			
	3. The department shall convene the Hospital Payment Policy Advisory Council at least once a year to consider additional changes to the DSH methodology.			
	4. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.			
	XXX. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to pay rates for Durable Medical Equipment items subject to the Medicare competitive bidding program equal to the lower of the current DMERC minus 10 percent or the average of the Medicare competitive bid rates in Virginia markets. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.			
	YYY. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable			

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<p>Care Act (PPACA), P.L. 111-148, as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology and, notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the process for administrative appeals of MAGI-related eligibility determinations. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>ZZZ. The Department of Medical Assistance Services (DMAS) shall not change the unit of service or rate of reimbursement for Mental Health Skill-Building Services (MHSS) until the 2015 General Assembly has reviewed the impact of the December 1, 2013 emergency regulations that changed the eligibility and service description for Mental Health Skill-Building Services. DMAS and the Department of Behavioral Health and Developmental Services shall jointly prepare a report to be delivered by November 1, 2014 to the Chairmen of the House Appropriations and Senate Finance Committees. The report shall document the impact of the MHSS regulations implemented on December 1, 2013 and shall include an assessment of the fiscal impact, consumer and family impact, service delivery impact, and impact upon other agencies and facilities in Virginia.</p>				
<p>AAAA. The Department of Medical Assistance Services shall have the authority to contract with other public and private entities to conduct the required screening process for the Individual and Family Developmental Disabilities Support waiver. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>BBBB. The Department of Medical Assistance Services shall have authority to amend its regulations, subject to the federal Centers for Medicare and Medicaid Services approval, to strengthen all program requirements and policies of the consumer-directed services programs to ensure the health, safety and welfare of Medicaid home- and community-based waiver enrollees. The department shall submit a detailed report on proposed regulatory changes to the consumer-directed services programs and the issues and problems the department is attempting to resolve. The department shall submit the report to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees at least 30 days prior to beginning the regulatory process.</p>				
<p>CCCC. Effective July 1, 2014, the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to reduce clinical laboratory fees by 12 percent. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.</p>				
<p>DDDD.1. There is hereby appropriated sum-sufficient nongeneral funds for the Department of Medical Assistance Services (DMAS) to pay the state share of supplemental payments for qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. Qualifying private hospitals shall consist of any hospital currently enrolled as a Virginia Medicaid provider and owned or operated by a private entity in which a Type One hospital has a non-majority interest. The supplemental payments shall be based upon the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance Services. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.</p>				
<p>2.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental payments to Medicaid physician providers with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth. The amount of the supplemental payment shall be based on the difference between the average commercial rate approved by the Centers for Medicare and Medicaid Services (CMS) and the</p>				

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	<p>payments otherwise made to physicians. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.</p>			
	<p>b. The department shall increase payments to Medicaid managed care organizations for the purpose of securing access to Medicaid physician services in Eastern Virginia, through higher rates to physicians affiliated with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth subject to applicable limits. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments, and provider payment requirements, subject to approval by CMS. No payment shall be made without approval from CMS.</p>			
	<p>c. Funding for the state share for these Medicaid payments is authorized in Item 243.</p>			
	<p>3. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance Services (State Plan) to implement a supplemental Medicaid payment for local government-owned nursing homes. The total supplemental Medicaid payment for local government-owned nursing homes shall be based on the difference between the Upper Payment Limit of 42 CFR §447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. There is hereby appropriated sum-sufficient funds for DMAS to pay the state share of the supplemental Medicaid payment hereunder. However, DMAS shall not submit such State Plan amendment to CMS until it has entered into an intergovernmental agreement with eligible local government-owned nursing homes or the local government itself which requires them to transfer funds to DMAS for use as the state share for the supplemental Medicaid payment each nursing home is entitled to and to represent that each has the authority to transfer funds to DMAS and that the funds used will comply with federal law for use as the state share for the supplemental Medicaid payment. If a local government-owned nursing home or the local government itself is unable to comply with the intergovernmental agreement, DMAS shall have the authority to modify the State Plan. The department shall have the authority to implement the reimbursement change consistent with the effective date in the State Plan amendment approved by CMS and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>4. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance Services to implement a supplemental payment for clinic services furnished by the Virginia Department of Health (VDH) effective July 1, 2015. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Medicaid payments. VDH is required to transfer funds to the department funds already appropriated to VDH to cover the non-federal share of the Medicaid payments. The department shall have the authority to implement the reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such changes.</p>			
	<p>EEEE. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide coverage for cessation services for tobacco users, including pharmacology, group and individual counseling, and other treatment services including the most current version of or an official update to the Clinical Health Guideline "Treating Tobacco Use and Dependence" published by the Public Health Service of the U.S. Department of Health and Human Services. These services shall be subject to copayment requirements. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.</p>			
	<p>FFFF. The Department of Medical Assistance Services shall have the authority to amend the 1915 (c) home- and community-based Elderly or Consumer-Direction (EDCD) waiver, Individual and Family Developmental Disabilities (DD) Support Waiver, Intellectual Disabilities (ID) waiver and Technology-Assisted (TECH) waiver, and associated regulations, to specify that transition services includes the first month's rent for qualified housing as an allowable cost. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.</p>			

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<p>GGGG. The Department of Medical Assistance Services shall have the authority to implement Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act to provide Medicaid benefits up until the age of 26 to individuals who are or were in foster care at least until the age of 18 in any state.</p>				
<p>HHHH. Effective July 1, 2014 the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide that the reimbursement floor for the nursing facility FRV "rental rate" shall be 8.0 percent in fiscal year 2015 and fiscal year 2016. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>IIII. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate nursing facility inflation for fiscal year 2016. This shall apply to nursing facility operating rates. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>JJJJ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate inflation for outpatient rehabilitation agencies and home health agencies for FY 2015 and FY 2016. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to the completion of any regulatory process in order to effect such changes.</p>				
<p>KKKK. The Department of Medical Assistance Services shall assess and report on the impact of the requirement that nurses providing private duty nursing services to individuals receiving services through the Technology Assisted Waiver program to have six months of work experience in order to be reimbursed through the Medicaid program. The assessment shall examine access to qualified nurses by individuals eligible for waiver services as well as hiring, turnover, and retention of nurses providing private duty nursing services through the waiver. The department shall provide a report on its findings by November 1, 2014, to the Chairmen of the House Appropriations and Senate Finance Committees.</p>				
<p>LLLL.1. The Department of Medical Assistance Services shall amend the Medicaid demonstration project (Project Number 11-W-00297/3) to modify eligibility provided through the project to individuals with serious mental illness to be effective July 1, 2015. Income eligibility shall be modified to limit services to seriously mentally ill adults with effective household incomes up to 60 percent of the federal poverty level (FPL). All individuals enrolled in this Medicaid demonstration project with incomes between 61% and 100% of the Federal Poverty Level as of May 15, 2015 who continue to meet other program eligibility rules, shall maintain enrollment in the demonstration until their next eligibility renewal period or July 1, 2016, whichever comes first. Benefits shall include the following services: (i) primary care office visits including diagnostic and treatment services performed in the physician's office, (ii) outpatient specialty care, consultation, and treatment, (iii) outpatient hospital including observation and ambulatory diagnostic procedures, (iv) outpatient laboratory, (v) outpatient pharmacy, (vi) outpatient telemedicine, (vii) medical equipment and supplies for diabetic treatment, (viii) outpatient psychiatric treatment, (ix) mental health case management, (x) psychosocial rehabilitation assessment and psychosocial rehabilitation services, (xi) mental health crisis intervention, (xii) mental health crisis stabilization, (xiii) therapeutic or diagnostic injection, (xiv) behavioral telemedicine, (xv) outpatient substance abuse treatment services, and (xvi) intensive outpatient substance abuse treatment services. Care coordination, Recovery Navigation (peer supports), crisis line and prior authorization for services shall be provided through the agency's Behavioral Health Services Administrator. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.</p>				
<p>2. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XIX of the Social Security Act to add coverage for comprehensive dental services to pregnant women receiving services under the Medicaid program to include: (i) diagnostic, (ii) preventive, (iii) restorative, (iv) endodontics, (v) periodontics, (vi) prosthodontics both removable and fixed, (vii) oral surgery, and (viii) adjunctive general services.</p>				

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3. The Department of Medical Assistance Services is authorized to amend the FAMIS MOMS and FAMIS Select demonstration waiver (No. 21-W-00058/3) for FAMIS MOMS enrollees to add coverage for dental services to align with pregnant women's coverage under Medicaid.				
4. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XXI of the Social Security Act to plan to allow enrollment for dependent children of state employees who are otherwise eligible for coverage.				
5. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.				
MMMM. Out of this appropriation, \$8,179,904 from the general fund and \$8,179,904 from nongeneral funds the second year shall be used to increase rates by two percent for congregate residential services (except sponsored placement), 5.5 percent for in-home residential services, two percent for day support services and prevocational services, 10 percent for therapeutic consultation services, 15.7 percent for skilled nursing services in the Intellectual Disability and IFDDS waivers and six percent for EPSDT nursing to be equal to the private duty nursing rates in the Technology Assisted Waiver effective July 1, 2015.				
2. The Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, shall report on plans to redesign the Medicaid comprehensive Intellectual and Developmental Disability waivers prior to the submission of a request to the Centers for Medicare and Medicaid Services to amend the waivers. In developing the report, the departments shall include plans for the list of services to be included in each waiver; service limitations, provider qualifications, and proposed licensing regulatory changes; and proposed changes to the rate structure for services and the cost to implement such changes. In addition, the Department of Medical Assistance Services, in collaboration with the Department of Behavioral Health and Developmental Services, shall report on how the individuals currently served in the existing waivers and those expected to transition to the community will be served in the redesigned waivers based on their expected level of need for services. The departments shall complete their work and submit the report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.				
NNNN. The Department of Medical Assistance Services shall increase the rates for agency and consumer-directed personal and respite care services by two percent, effective July 1, 2015.				
OOOO. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services to eliminate the requirement for pending, reviewing and reducing fees for emergency room claims for 99283 codes. The department shall have the authority to implement this reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such change.				
PPPP. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for practice plans affiliated with a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization in fiscal year 2009 to the maximum allowed by the Centers for Medicare and Medicaid Services. The department shall have the authority to implement these reimbursement changes effective July 1, 2015, and prior to completion of any regulatory process undertaken in order to effect such change.				
QQQQ.I. Notwithstanding § 32.1-330 of the Code of Virginia, the Department of Medical Assistance Services shall improve the preadmission screening process for individuals who will be eligible for long-term care services, as defined in the state plan for medical assistance. The community-based screening team shall consist of a licensed health care professional and a social worker who are employees or contractors of the Department of Health or the local department of social services, or other assessors contracted by the department. The department shall not contract with any entity for whom there exists a conflict of interest. For community-based screening for children, the screening shall be performed by an individual or entity with whom the department has entered into a contract for the performance of such screenings.				

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<p>2. The department shall track and monitor all requests for screenings and report on those screenings that have not been completed within 30 days of an individual's request for screening. The screening teams and contracted entities shall use the reimbursement and tracking mechanisms established by the department.</p> <p>3. The department shall report on the progress of meeting the requirements for completion of preadmission screenings within 30 days of an individual's request for screening, the implementation of the contract for screening children, and make recommendations for changes to improve the process to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.</p> <p>4. The Department of Medical Assistance Services shall promulgate regulations to implement these provisions to be effective within 280 days of its enactment. The department may implement any changes necessary to implement these provisions prior to the promulgation of regulations undertaken in order to effect such changes.</p> <p>RRRR.1. The Department of Medical Assistance Services (DMAS) shall provide quarterly reports beginning on July 1, 2015, to the Chairmen of the House Appropriations and Senate Finance Committees on the implementation of the Commonwealth Coordinated Care program, including information on program enrollment, the ability of Medicare and Medicaid Managed Care Plans to ensure a robust provider network, resolution of provider concerns regarding the cost and technical difficulties in participating in the program, quality of care, and progress in resolving issues related to federal Medicare requirements which impede the efficient and effective delivery of care.</p> <p>2. The Department of Medical Assistance Services (DMAS) shall require providers to use a National Provider Identifier number, effective July 1, 2015, in order to participate in the Commonwealth Coordinated Care program.</p> <p>SSSS. The Department of Medical Assistance Services (DMAS) shall amend its July 1, 2016, managed care contracts in order to conform to the requirement pursuant to House Bill 1942 / Senate Bill 1262, passed during the 2015 Regular Session, for prior authorization of drug benefits. The Department shall report the necessary amendments to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.</p> <p>TTTT. Notwithstanding 12VAC30-120-1600 et seq., a resident of a "safe, secure environment" as defined in 22VAC40-72-10 shall be deemed to have met the requirements of 12VAC30-120-1610 B for the purposes of the Alzheimer's Assisted Living Waiver.</p>				
302.	Not set out.			
303.	Medical Assistance Services for Low Income Children (46600).....		\$132,223,833	\$136,969,363 \$129,189,052
	Fund Sources: General.....	\$46,278,049	\$24,312,062 \$22,931,057	
	Federal Trust.....	\$85,945,784	\$112,657,301 \$106,257,995	
<p>Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.</p> <p>To the extent that appropriations in this Item are insufficient, the Director, Department of Planning and Budget shall transfer general fund appropriation from Items 300 and 301, if available, into this Item, to be used as state match for federal Title XXI funds.</p>				
304.	Administrative and Support Services (49900).....		\$143,769,927	\$160,659,411 \$166,656,557
	Fund Sources: General.....	\$49,524,364	\$53,475,433 \$55,752,006	
	Special.....	\$1,565,000	\$1,565,000	

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Federal Trust.....	\$92,680,563	\$105,618,978 \$109,339,551		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.

A. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Medical Assistance Services, shall prepare and submit a forecast of Medicaid expenditures, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

B. The Department of Medical Assistance Services shall submit expenditure reports of the Medicaid program to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees. These reports shall be submitted on a quarterly basis.

C. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the special fund is appropriated to the Department of Medical Assistance Services for the administration of the disbursement of civil money penalties levied against and collected from Medicaid nursing facilities for violations of rules identified during survey and certification as required by federal law and regulation. Based on the nature and seriousness of the deficiency, the Agency or the Centers for Medicare and Medicaid Services may impose a civil money penalty, consistent with the severity of the violations, for the number of days a facility is not in substantial compliance with the facility's Medicaid participation agreement. Civil money penalties collected by the Commonwealth must be applied to the protection of the health or property of residents of nursing facilities found to be deficient. Penalties collected are to be used for (1) the payment of costs incurred by the Commonwealth for relocating residents to other facilities; (2) payment of costs incurred by the Commonwealth related to operation of the facility pending correction of the deficiency or closure of the facility; and (3) reimbursement of residents for personal funds or property lost at a facility as a result of actions by the facility or individuals used by the facility to provide services to residents. These funds are to be administered in accordance with the revised federal regulations and law, 42 CFR 488.400 and the Social Security Act § 1919(h), for Enforcement of Compliance for Long-Term Care Facilities with Deficiencies. Any special fund revenue received for this purpose, but unexpended at the end of the fiscal year, shall remain in the fund for use in accordance with this provision.

D. The Department of Medical Assistance Services, to the extent permissible under federal law, shall enter into an agreement with the Department of Behavioral Health and Developmental Services to share Medicaid claims and expenditure data on all Medicaid-reimbursed mental health, intellectual disability and substance abuse services, and any new or expanded mental health, intellectual disability retardation and substance abuse services that are covered by the State Plan for Medical Assistance. The information shall be used to increase the effective and efficient delivery of publicly funded mental health, intellectual disability and substance abuse services.

E. In addition to any regional offices that may be located across the Commonwealth, any statewide, centralized call center facility that operates in conjunction with a brokerage transportation program for persons enrolled in Medicaid or the Family Access to Medical Insurance Security plan shall be located in Norton, Virginia.

F. The Department of Planning and Budget, is authorized to transfer amounts, as needed, from Medicaid Program Services (45600), Medical Assistance Services for Low Income Children (46600) and Children's Health Insurance Program Delivery (44600), to Administrative and Support Services (49900), to fund administrative expenditures associated with contracts between the department and companies providing dental benefit services, consumer-directed payroll services, claims processing, behavioral health management services and disease state / chronic care programs for Medicaid and FAMIS recipients.

G. The Department of Medical Assistance Services shall, to the extent possible, require web-based electronic submission of provider enrollment applications, revalidations and other related documents necessary for participation in the fee-for-service program under the State Plans for Title XIX and XXI of the Social Security Act.

ITEM 304.	Item Details(\$)		Appropriations(\$)	
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<p>H. The Department of Medical Assistance Services shall report on efforts to ensure validation of meaningful and reliable encounter data for the purposes of rate setting, program monitoring, providing data to policy makers and the general public, and detection of fraud, waste and abuse. The department shall submit the report to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015.</p>				
<p>I. The Department of Medical Assistance Services shall report on the operations and costs of the Medicaid call center (also known as the Cover Virginia Call Center). This report shall include number of calls received on a monthly basis, the purpose of the call, the number of applications for Medicaid submitted through the call center, and the costs of the contract. The department shall submit the report for FY 2015 by August 15, 2015, and for FY 2016 by August 15, 2016. The report shall be submitted to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.</p>				
<p>J.1. Out of the this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund and \$150,000 the first year and \$150,000 the second year from nongeneral funds shall be provided for Medicaid's share of the costs of participating in the Commonwealth's Health Information Exchange (ConnectVirginia). This appropriation is contingent on approval by the federal Centers for Medicare and Medicaid Services of federal financial participation for these costs.</p>				
<p>2. Out of this appropriation \$100,000 the first year and \$100,000 the second year from the general fund and \$900,000 the first year and \$900,000 the second year from nongeneral funds shall be provided to assist in the costs of onboarding Medicaid providers to the Commonwealth's Health Information Exchange (ConnectVirginia).</p>				
<p>K. Out of this appropriation, \$100,000 the second year from the general fund shall be provided to contract with the Virginia Center for Health Innovation for research, development and tracking of innovative approaches to healthcare delivery.</p>				
<p>L. The Department of Medical Assistance Services shall report on the implementation of provisions in Chapter 196, 2014 Acts of Assembly, which authorizes the agency to provide payments or transfers to the Virginia Retirement System's deferred compensation plan for dentist or oral and maxillofacial surgeons who are independent contractors that provide services for the Medicaid program. The department shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2015.</p>				
<p>M. Out of this appropriation, \$3,283,004 the second year from the general fund and \$9,839,000 the second year from nongeneral funds is provided for the enhanced operation of the Cover Virginia Call Center as a centralized eligibility processing unit (CPU) that shall be limited to processing Medicaid applications received from the Federally Facilitated Marketplace, telephonic applications through the call center, or electronically submitted Medicaid-only applications. The enhancement to the Cover Virginia Call Center contract to operate as a CPU is limited to fiscal year 2016. The department shall report the number of applications processed on a monthly basis and payments made to the contractor to the Director, Department of Planning and Budget and the Chairman of the House Appropriations and Senate Finance Committees. The report shall be submitted no later than 30 days after the end of each quarter of the fiscal year.</p>				
<p>Total for Department of Medical Assistance Services.....</p>			<p>\$8,633,799,062</p>	<p>\$9,036,684,655 \$9,340,422,927</p>
General Fund Positions.....	210.37	225.02		
Nongeneral Fund Positions.....	216.63	234.98		
Position Level.....	427.00	460.00		
Fund Sources: General.....	\$3,846,847,641	\$4,099,194,548 \$4,266,731,052		
Special.....	\$1,565,000	\$1,565,000		
Dedicated Special Revenue.....	\$444,354,054	\$360,954,259		
Federal Trust.....	\$4,341,032,367	\$4,574,970,848 \$4,711,172,616		

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§ 1-20. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)

305.	Not set out.			
306.	Not set out.			
307.	Administrative and Support Services (49900).....		\$71,784,395	\$75,885,382 \$76,285,382
	Fund Sources: General.....	\$44,268,192	\$47,736,305 \$48,136,305	
	Special.....	\$16,653,770	\$15,756,506	
	Federal Trust.....	\$10,862,433	\$12,392,571	

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. The Commissioner, Department of Behavioral Health and Developmental Services shall, at the beginning of each fiscal year, establish the current capacity for each facility within the system. When a facility becomes full, the commissioner or his designee shall give notice of the fact to all sheriffs.

B. The Commissioner, Department of Behavioral Health and Developmental Services shall work in conjunction with community services boards to develop and implement a graduated plan for the discharge of eligible facility clients to the greatest extent possible, utilizing savings generated from statewide gains in system efficiencies.

C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured. The trust fund will receive any savings resulting from facility restructuring. Thereafter, the fund will be used to enhance services to individuals with mental illness, intellectual disability and substance abuse problems.

D. The Department of Behavioral Health and Developmental Services shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of acute-care psychiatric beds for children and adolescents.

E. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Juvenile Justice, where appropriate, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are mentally retarded, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.

F. Out of this appropriation, \$656,538 the first year and \$656,538 the second year from the general fund shall be provided for placement and restoration services for juveniles found to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of Virginia.

G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to pay for legal and medical examinations needed for individuals living in the community and in need of guardianship services.

H. Out of this appropriation, \$2,059,930 the first year and \$2,419,930 the second year from the general fund shall be provided for services for the civil commitment of sexually violent predators including the following: (i) clinical evaluations and court testimony for sexually violent predators who are being considered for release from state correctional facilities and who will be referred to the Clinical Review Committee for psycho-sexual evaluations prior to the state seeking civil commitment, (ii) conditional release services, including treatment, and (iii) costs associated with contracting with a Global Positioning System service to closely

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monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released.

I. Out of this appropriation, \$136,715 the first year and \$146,871 the second year from the general fund shall be used to operate a real-time reporting system for public and private acute psychiatric beds in the Commonwealth.

J. The Department of Behavioral Health and Developmental Services shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1 of each year for the preceding fiscal year that provides information on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.

K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS), in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.

L.1. Beginning October 1, 2013, the Commissioner of the Department of Behavioral Health and Developmental Services shall provide quarterly reports to the House Appropriations and Senate Finance Committees on progress in implementing the plan to close state training centers and transition residents to the community. The reports shall provide the following information on each state training center: (i) the number of authorized representatives who have made decisions regarding the long-term type of placement for the resident they represent and the type of placement they have chosen; (ii) the number of authorized representatives who have not yet made such decisions; (iii) barriers to discharge; (iv) the general fund and nongeneral fund cost of the services provided to individuals transitioning from training centers; and (v) the use of increased Medicaid reimbursement for congregate residential services to meet exceptional needs of individuals transitioning from state training centers.

2. At least six months prior to the closure of a state intellectual disabilities training center, the Commissioner of Behavioral Health and Developmental Services shall complete a comprehensive survey of each individual residing in the facility slated for closure to determine the services and supports the individual will need to receive appropriate care in the community. The survey shall also determine the adequacy of the community to provide care and treatment for the individual, including but not limited to, the appropriateness of current provider rates, adequacy of waiver services, and availability of housing. The Commissioner shall report quarterly findings to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.

3. The department shall convene quarterly meetings with authorized representatives, families, and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to (i) promote routine collaboration between families and authorized representatives, the department, community services boards, and private providers; (ii) ensure the successful transition of training center residents to the community; and (iii) gather input on Medicaid waiver redesign to better serve individuals with intellectual and developmental disability. ~~In its Medicaid waiver redesign, the department shall include as stakeholders and eligible participants, individuals with acquired brain injury regardless of age in which the injury was sustained, who have serious physical, cognitive, and/or behavioral health issues who are at risk for institutionalization or who are institutionalized but could live in the community with adequate supports.~~

4. In the event that provider capacity cannot meet the needs of individuals transitioning from training centers to the community, the department shall work with community

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services boards and private providers to explore the feasibility of developing (i) a limited number of small community group homes or intermediate care facilities to meet the needs of residents transitioning to the community, and/or (ii) a regional support center to provide specialty services to individuals with intellectual and developmental disabilities whose medical, dental, rehabilitative or other special needs cannot be met by community providers. The Commissioner shall report on these efforts to the House Appropriations and Senate Finance Committees as part of the quarterly report, pursuant to paragraph L.1.				
M. The State Comptroller shall provide the Department of Behavioral Health and Developmental Services an interest-free anticipation loan not to exceed \$3,100,000 to serve as an advance stream of funds in anticipation of Medicare Meaningful Use funds related to successful implementation of the Electronic Health Records project at state-operated behavioral health and intellectual disability facilities. The loan will be repaid no later than June 30, 2015.				
N.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in collaboration with the Secretary of Health and Human Resources and the Department of Behavioral Health and Developmental Services, shall continue to monitor and review the closure plans for the three remaining training centers scheduled to close by 2020. As part of this review process the joint subcommittee may evaluate options for those individuals in training centers with the most intensive medical and behavioral needs to determine the appropriate types of facility or residential settings necessary to ensure the care and safety of those residents is appropriately factored into the overall plan to transition to a more community-based system. In addition, the joint subcommittee may review the plans for the redesign of the Intellectual Disability, Developmental Disability and Day Support Waivers.				
2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental Services shall provide a quarterly accounting of the costs to operate and maintain each of the existing training centers at a level of detail as determined by the joint subcommittee. The quarterly reports shall be submitted to the joint subcommittee 20 days after the close of each quarter with the first report due October 20, 2015 and every three months thereafter.				
O. The Department of Behavioral Health and Developmental Services in collaboration with the Department of Medical Assistance Services shall provide a detailed report for each fiscal year on the budget, expenditures, and number of recipients for each specific intellectual disability (ID) and developmental disability (DD) service provided through the Medicaid program or other programs in the Department of Behavioral Health and Developmental Services. This report shall also include the overall budget and expenditures for the ID, DD and Day Support waivers separately. The Department of Medical Assistance Services shall provide the necessary information to the Department of Behavioral Health and Developmental Services 90 days after the end of each fiscal year. This information shall be published on the Department of Behavioral Health and Developmental Services' website within 120 days after the end of each fiscal year.				
P. The Department of Behavioral Health and Developmental Services shall report on the number of individuals with acquired brain injury exhibiting behavioral/mental health problems requiring services in state mental health facilities and/or community services boards to the House Appropriations and Senate Finance Committees by October 1 of each year. The report shall provide, to the extent possible, the following information: (i) the general fund and nongeneral fund cost of the services provided to individuals; and (ii) the types and amounts of services received by these individuals.				
Q. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services shall not charge any fee to Community Services Boards or private providers for use of the knowledge center, an on-line training system.				
R. The Department of Behavioral Health and Developmental Services shall undertake a review of Piedmont Geriatric and Catawba Hospitals. This review shall evaluate the operational, maintenance and capital costs of these hospitals, and study alternate options of care, especially geriatric psychiatric care for patients residing in these hospitals. The department shall develop recommendations and report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.				
S. The Department of Behavioral Health and Developmental Services in collaboration with				

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the Community Services Boards shall compile and report all available information regarding the services and support needs of the individuals on waiting lists for Intellectual and Developmental Disability (I/DD) waiver services, including an estimate of the number of graduates with I/DD who are exiting secondary education each fiscal year. The department shall submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.

T. 1. Out of this appropriation, ~~\$400,000~~ \$800,000 the second year from the general fund is included to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenic Sterilization Act and who were living as of February 1, 2015. *Any funds that are appropriated but remain unspent at the end of the fiscal year shall be carried forward into the subsequent fiscal year in order to provide compensation to individuals who qualify for compensation.*

2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of, an individual who dies on or after February 1, 2015.

3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to verify the claim under guidelines established by the department.

4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.

5. Should the funding provided for compensation be exhausted prior to the end of fiscal year 2016, the department shall continue to collect applications. The department shall provide a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have been applied.

6. The Department of Medical Assistance Services shall seek federal authority to ensure that funds received through this act shall not be counted in determination of Medicaid eligibility.

7. In order for the Department of Behavioral Health and Developmental Services, and the Department of Medical Assistance Services to implement the provisions of this act, both departments shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act.

Total for Department of Behavioral Health and Developmental Services.....			\$74,176,098	\$78,277,085 \$78,677,085
General Fund Positions.....	224.85	225.85		
Nongeneral Fund Positions.....	13.40	13.40		
Position Level.....	238.25	239.25		
Fund Sources: General.....	\$46,609,895	\$50,078,008 \$50,478,008		
Special.....	\$16,703,770	\$15,806,506		
Federal Trust.....	\$10,862,433	\$12,392,571		

Grants to Localities (790)

308.	Financial Assistance for Health Services (44500)....			\$349,012,156	\$378,756,136 \$380,465,193
	Fund Sources: General.....	\$287,332,709	\$317,076,689 \$318,035,746		
	Dedicated Special Revenue.....	\$0	\$750,000		
	Federal Trust.....	\$61,679,447	\$61,679,447		

Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.

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A.	It is the intent of the General Assembly that community mental health, intellectual disability and substance abuse services are to be improved throughout the state. Funds provided in this Item shall not be used to supplant the funding effort provided by localities for services existing as of June 30, 1996.			
B.	Further, it is the intent of the General Assembly that funds appropriated for this Item may be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in accordance with §§ 37.2-504 and 37.2-605, Code of Virginia, real property necessary to the provision of residential services funded by this Item.			
C.	Out of the appropriation for this Item, funds are provided to Community Services Boards in an amount sufficient to reimburse the Virginia Housing Development Authority for principal and interest payments on residential projects for the mentally disabled financed by the Housing Authority.			
D.	The Department of Behavioral Health and Developmental Services shall make payments to the Community Services Boards from this Item in twenty-four equal semimonthly installments, except for necessary budget revisions or the operational phase-in of new programs.			
E.	Failure of a board to participate in Medicaid covered services and to meet all requirements for provider participation shall result in the termination of a like amount of state grant support.			
F.	Community Services Boards may establish a line of credit loan for up to three months' operating expenses to assure adequate cash flow.			
G.	Out of this appropriation \$190,000 the first year and \$190,000 the second year from the general fund shall be provided to Virginia Commonwealth University for the continued operation and expansion of the Virginia Autism Resource Center.			
H.1.	Out of this appropriation, \$13,203,366 the first year and \$13,808,366 the second year from the general fund shall be provided for Virginia's Part C Early Intervention System for infants and toddlers with disabilities.			
2.	By November 15 of each year, the department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the (a) total revenues used to support Part C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and families served using all Part C revenues, and (d) services provided to those infants, toddlers, and families.			
I.	Out of this appropriation \$6,148,128 the first year and \$6,148,128 the second year from the general fund shall be provided for mental health services for children and adolescents with serious emotional disturbances and related disorders, with priority placed on those children who, absent services, are at-risk for custody relinquishment, as determined by the Family and Assessment Planning Team of the locality. The Department of Behavioral Health and Developmental Services shall provide these funds to Community Services Boards through the annual Performance Contract. These funds shall be used exclusively for children and adolescents, not mandated for services under the Comprehensive Services Act for At-Risk Youth, who are identified and assessed through the Family and Assessment Planning Teams and approved by the Community Policy and Management Teams of the localities. The department shall provide these funds to the Community Services Boards based on an individualized plan of care methodology.			
J.	The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal Community Mental Health Services Block Grant for two specialized geriatric mental health services programs. One program shall be located in Health Planning Region II and one shall be located in Health Planning Region V. The programs shall serve elderly populations with mental illness who are transitioning from state mental health geriatric units to the community or who are at risk of admission to state mental health geriatric units. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.			

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<p>K. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$750,000 the first year and \$750,000 the second year from the federal Community Mental Health Services Block Grant for consumer-directed programs offering specialized mental health services that promote wellness, recovery and improved self-management. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.</p>				
<p>L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year from the general fund shall be used for jail diversion and reentry services. Funds shall be distributed to community-based contractors based on need and community preparedness as determined by the commissioner.</p>				
<p>M. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year from the general fund shall be used for treatment and support services for substance use disorders, including individuals with acquired brain injury and co-occurring substance use disorders. Funded services shall focus on recovery models and the use of best practices.</p>				
<p>N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 the second year from the general fund shall be used to provide outpatient clinician services to children with mental health needs. Each Community Services Board shall receive funding as determined by the commissioner to increase the availability of specialized mental health services for children. The department shall require that each Community Services Board receiving these funds agree to cooperate with Court Service Units in their catchment areas to provide services to mandated and nonmandated children, in their communities, who have been brought before Juvenile and Domestic Relations Courts and for whom treatment services are needed to reduce the risk these children pose to themselves and their communities or who have been referred for services through family assessment and planning teams through the Comprehensive Services Act for At-Risk Youth and Families.</p>				
<p>O. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 the second year from the general fund shall be used to provide emergency services, crisis stabilization services, case management, and inpatient and outpatient mental health services for individuals who are in need of emergency mental health services or who meet the criteria for mental health treatment set forth pursuant to House Bill 559 and Senate Bill 246, 2008 Session of the General Assembly. Funding provided in this item also shall be used to offset the fiscal impact of (i) establishing and providing mandatory outpatient treatment, pursuant to House Bill 499 and Senate Bill 246, 2008 Session of the General Assembly; and (ii) attendance at involuntary commitment hearings by community services board staff who have completed the prescreening report, pursuant to House Bill 560 and Senate Bill 246, 2008 Session of the General Assembly.</p>				
<p>P. Out of this appropriation, \$8,800,000 the first year and \$8,800,000 the second year from the general fund shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.</p>				
<p>Q. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year from the general fund shall be used to expand community-based services in Health Planning Region V. These funds shall be used for services intended to delay or deter placement, or provide discharge assistance for patients in a state mental health facility.</p>				
<p>R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be used to expand crisis stabilization and related services statewide intended to delay or deter placement in a state mental health facility.</p>				
<p>S. Out of this appropriation, \$4,150,000 the first year and \$6,650,000 the second year from the general fund shall be used to provide child psychiatry and children's crisis response services for children with mental health and behavioral disorders. These funds, divided among the health planning regions based on the current availability of the services, shall be used to hire or contract with child psychiatrists who can provide direct clinical services, including crisis response services, as well as training and consultation with other children's health care providers in the health planning region such as general practitioners, pediatricians, nurse practitioners, and community service boards staff, to</p>				

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<p>increase their expertise in the prevention, diagnosis, and treatment of children with mental health disorders. Funds may also be used to create new or enhance existing community-based crisis response services in a health planning region, including mobile crisis teams and crisis stabilization services, with the goal of diverting children from inpatient psychiatric hospitalization to less restrictive services in or near their communities. The Department of Behavioral Health and Developmental Services shall report on the use and impact of this funding to the Chairmen of the House Appropriations and Senate Finance Committees beginning on October 1, 2014 and each year thereafter.</p>				
<p>T. Out of this appropriation, \$3,300,000 the first year and \$10,500,000 the second year from the general fund shall be used for up to 32 drop-off centers to provide an alternative to incarceration for people with serious mental illness and individuals with acquired brain injury and co-occurring serious mental health illness. Priority for new funding shall be given to programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-187 et seq. of the Code of Virginia and have undergone planning to implement drop-off centers.</p>				
<p>U. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be used to develop and implement crisis services for children with intellectual or developmental disabilities.</p>				
<p>V. Out of this appropriation, \$1,750,000 the first year and \$2,000,000 the second year from the general fund shall be used to provide community-based services to individuals residing in state hospitals who have been determined clinically ready for discharge.</p>				
<p>W. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund shall be used to provide mental health first aid training and certification to recognize and respond to mental or emotional distress. Funding shall be used to cover the cost of personnel dedicated to this activity, training and certification, and manuals and certification for all those receiving the training.</p>				
<p>X. Out of this appropriation, \$1,132,620 the first year and \$620,000 the second year from the general fund shall be used to expand access to telepsychiatry services.</p>				
<p>Y. Out of this appropriation, \$950,000 the first year and \$6,800,000 the second year from the general fund shall be used to implement seven new Programs of Assertive Community Treatment (PACT).</p>				
<p>Z. Out of this appropriation, \$3,500,000 the first year and \$4,000,000 the second year from the general fund shall be used to increase availability of community-based mental health outpatient services for youth and young adults.</p>				
<p>AA. Out of this appropriation, \$2,750,000 the first year from the general fund shall be used for the provision of services for individuals transitioning out of Northern Virginia Training Center into community settings.</p>				
<p>BB. Out of this appropriation, \$250,000 the first year and \$500,000 the second year from the general fund shall be used to increase mental health inpatient treatment purchased in community hospitals. Priority shall be given to regions that exhaust available resources before the end of the year in order to ensure treatment is provided in the community and do not result in more restrictive placements.</p>				
<p>CC. Out of this appropriation, \$2,127,600 the second year from the general fund is provided for permanent supportive housing to support rental subsidies and services to be administered by community services boards or private entities to provide stable, supportive housing for persons with serious mental illness.</p>				
<p>DD. Out of this appropriation, \$250,000 the second year from the general fund is provided to contract with the ARC of Greater Prince William for assistance with construction or acquisition of appropriate accessible housing and appropriate <i>and transportation or other appropriate therapeutic</i> clinical services to support individuals transitioning out of the Northern Virginia Training Center into the community. This funding is one-time to provide necessary support until the transition to the new redesigned Intellectual and Developmental Disability waivers with more appropriate services and an improved rate structure is complete. The ARC of Greater Prince William shall report on the use of this funding to support needs of</p>				

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<p>individuals transitioning from the Northern Virginia Training Center. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by September 1, 2015 June 30, 2016.</p> <p><i>EE.1. Out of this appropriation, \$750,000 the second year from the Behavioral Health and Developmental Services Trust Fund, established pursuant to § 37.2-318 of the Code of Virginia, shall be used for one-time capital and transition costs associated with the development of community-based waiver group homes and/or community-based intermediate care facilities for individuals with intellectual disabilities who are transitioning to community living from Southwestern Virginia Training Center and who choose to remain in Southwest Virginia. The housing options shall be located in Virginia no farther than 100 miles from the Southwestern Virginia Training Center. The Department of Behavioral Health and Developmental Services shall give preference to projects involving existing Virginia Providers to expand service capacity.</i></p> <p><i>2. Expenditures of any remaining balances in the Behavioral Health and Developmental Services Trust Fund shall be subject to an appropriation included in an appropriation bill passed by the General Assembly.</i></p> <p><i>3. Any remaining balances in the Behavioral Health and Developmental Services Trust Fund shall be carried forward to the subsequent fiscal year.</i></p>				
Total for Grants to Localities.....			\$349,012,156	\$378,756,136 \$380,465,193
Fund Sources: General.....			\$287,332,709	\$317,076,689 \$318,035,746
<i>Dedicated Special Revenue</i>			\$0	\$750,000
Federal Trust.....			\$61,679,447	\$61,679,447

Mental Health Treatment Centers (792)

309.	Not set out.			
310.	Not set out.			
311.	Not set out.			
312.	State Health Services (43000).....		\$213,986,268	\$211,621,250 \$212,139,912
Fund Sources: General.....			\$152,233,330	\$161,646,947 \$162,165,609
Special.....			\$61,752,938	\$49,974,303

Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.

A. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the general fund shall be used to continue operating up to 13 beds at Northern Virginia Mental Health Institute (NVMHI) that had been scheduled for closure in fiscal year 2013. The Commissioner of the Department of Behavioral Health and Developmental Services shall ensure continued operation of at least 123 beds.

B.1. Out of this appropriation, \$4,070,663 the first year and \$4,070,663 the second year from the general fund shall be used to provide additional inpatient bed capacity at Southwestern Mental Health Institute, Northern Virginia Mental Health Institute, and Hiram Davis Medical Center.

2. Out of this appropriation, \$375,000 the first year from the general fund shall be used for capital costs at Hiram Davis Medical Center to ensure sufficient medical capacity is available to serve patients with medical needs when the state becomes the facility of last resort.

313. Not set out.

ITEM 314.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
314.	Not set out.				
	Total for Mental Health Treatment Centers.....			\$341,295,555	\$335,939,416 \$336,458,078
	General Fund Positions.....	4,197.00	4,216.00		
	Nongeneral Fund Positions.....	665.00	665.00		
	Position Level.....	4,862.00	4,881.00		
	Fund Sources: General.....	\$250,498,607	\$259,711,672 \$260,230,334		
	Special.....	\$90,596,948	\$76,027,744		
	Federal Trust.....	\$200,000	\$200,000		
315.	Not set out.				
316.	Not set out.				
317.	Not set out.				
318.	Not set out.				
319.	Not set out.				
320.	Not set out.				
321.	Not set out.				
322.	Not set out.				
323.	Not set out.				
324.	Not set out.				
	Grand Total for Department of Behavioral Health and Developmental Services.....			\$1,006,748,428	\$1,051,041,498 \$1,053,669,217
	General Fund Positions.....	6,344.35	6,370.35		
	Nongeneral Fund Positions.....	1,895.40	1,895.40		
	Position Level.....	8,239.75	8,265.75		
	Fund Sources: General.....	\$656,398,773	\$700,024,671 \$701,902,390		
	Special.....	\$277,407,775	\$276,544,809		
	Dedicated Special Revenue.....	\$0	\$750,000		
	Federal Trust.....	\$72,941,880	\$74,472,018		

§ 1-21. DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES (262)

- 325. Not set out.
- 326. Not set out.
- 327. Not set out.
- 328. Not set out.
- 329. Not set out.

ITEM 330.		Item Details(\$)		Appropriations(\$)	
		First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
330.	Not set out.				
331.	Not set out.				

Wilson Workforce and Rehabilitation Center (203)

332.	Rehabilitation Assistance Services (45400).....			\$11,689,804	\$11,331,745 \$11,431,745
	Fund Sources: General.....	\$2,813,508	\$2,655,449 \$2,755,449		
	Special.....	\$8,576,296	\$8,576,296		
	Federal Trust.....	\$300,000	\$100,000		

Authority: Title 51.5, Chapter 3, Code of Virginia; P.L. 89-313, P.L. 93-112, P.L. 94-482 and P.L. 95-602, Federal Code.

Out of this appropriation, \$100,000 from the general fund the second year shall be provided to establish a Manufacturing Skills Training Program.

333.	Not set out.				
	Total for Wilson Workforce and Rehabilitation Center.....			\$24,103,114	\$23,911,641 \$24,011,641
	General Fund Positions.....	58.80	58.80		
	Nongeneral Fund Positions.....	222.20	222.20		
	Position Level.....	281.00	281.00		
	Fund Sources: General.....	\$5,132,243	\$4,940,770 \$5,040,770		
	Special.....	\$18,670,871	\$18,670,871		
	Federal Trust.....	\$300,000	\$300,000		
	Grand Total for Department for Aging and Rehabilitative Services.....			\$247,184,397	\$249,794,457 \$249,894,457
	General Fund Positions.....	126.80	126.80		
	Nongeneral Fund Positions.....	1,192.20	1,192.20		
	Position Level.....	1,319.00	1,319.00		
	Fund Sources: General.....	\$56,595,122	\$59,205,182 \$59,305,182		
	Special.....	\$29,896,916	\$29,896,916		
	Dedicated Special Revenue.....	\$1,694,918	\$1,694,918		
	Federal Trust.....	\$158,997,441	\$158,997,441		

§ 1-22. DEPARTMENT OF SOCIAL SERVICES (765)

334.	Program Management Services (45100).....			\$37,069,533	\$36,943,718 \$36,529,530
	Fund Sources: General.....	\$15,594,758	\$15,478,926 \$15,044,973		
	Special.....	\$100,000	\$100,000		
	Federal Trust.....	\$21,374,775	\$21,364,792 \$21,384,557		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 2 and 21, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. The Department of Social Services, in collaboration with the Office of Comprehensive

ITEM 334.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the foster care services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local departments of social services. Training shall be provided on a regional basis at least once per year. Written guidance shall be updated and provided to local Comprehensive Services Act teams whenever there is a change in allowable expenses under federal or state guidelines. In addition, the Department of Social Services shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.</p>				
<p>B. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Social Services, shall prepare and submit a forecast of expenditures for cash assistance provided through the Temporary Assistance for Needy Families (TANF) program, mandatory child day care services under TANF, foster care maintenance and adoption subsidy payments, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.</p>				
<p>C. The Department of Social Services shall provide administrative support and technical assistance to the Family and Children's Trust Fund (FACT) Board of Trustees established in Sections 63.2-2100 through 63.2-2103, Code of Virginia.</p>				
<p>D. Out of this appropriation, \$1,829,111 the first year and \$1,829,111 the second year from the general fund and \$1,829,111 the first year and \$1,829,111 the second year from nongeneral funds shall be provided to fund the Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) contract cost.</p>				
<p>E. The Department of Social Services may revise the current schedule for the issuance of federal Supplemental Nutrition Assistance Program (SNAP) benefits over a two-month conversion period while minimizing the impact on current recipients, provided that no general fund dollars are required to implement the conversion. If the department determines that there are any general fund costs required to implement the conversion, the department may revise the current schedule for the issuance of federal Supplemental Nutrition Assistance Program (SNAP) benefits for new enrollees only. The department may spread out the issuance of SNAP benefits over nine calendar days with payments occurring on the first, fourth, seventh, and ninth day of the month.</p>				
<p>F.1. Out of this appropriation, ten positions and the associated funding shall be dedicated to providing on-going financial oversight of foster care services. Each of the ten positions, with two working out of each regional office, shall assess and review all foster care spending to ensure that state and federal standards are met. None of these positions shall be used for quality, information technology, or clerical functions.</p>				
<p>2. By September 1 of each year, the department shall report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the foster care program's statewide spending, error rates and compliance with state and federal reviews.</p>				
<p>G. Out of this appropriation, \$100,000 the first year from the general fund shall be used to contract with a private entity, with expertise in government systems, finance, and child welfare services, to develop a plan for implementing the provisions of the federal Foster Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351; P.L. 111-148). This plan shall 1) include a six year projection of the fiscal impact associated with the Department of Social Services (DSS), the Comprehensive Services Act, and local departments of social services; 2) review of all necessary statutory, regulatory and administrative changes that are required by the federal law; 3) include a draft of any necessary legislative and regulatory changes; 4) include a draft of any necessary amendments to the Title IV-E state plan; 5) outline the impact on other child welfare services; and 6) assess any impact on children and families. The final implementation plan must be approved by the Commissioner, DSS and Director, Office of Comprehensive Services. By October 15, 2014, DSS shall provide this plan to the Governor, Chairmen of the House Appropriations and Senate Finance Committees, Secretary of Health and Human Resources, and the Director, Department of</p>				

ITEM 334.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Planning and Budget.				
335.	Financial Assistance for Self-Sufficiency Programs and Services (45200).....		\$254,884,230	\$260,952,028 \$268,490,853
	Fund Sources: General.....	\$82,675,388	\$82,765,121	
	Federal Trust.....	\$172,208,842	\$178,186,907 \$185,725,732	

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. It is hereby acknowledged that as of June 30, 2013 there existed with the federal government an unexpended balance of \$39,078,902 in federal Temporary Assistance for Needy Families (TANF) block grant funds which are available to the Commonwealth of Virginia to reimburse expenditures incurred in accordance with the adopted State Plan for the TANF program. Based on projected spending levels and appropriations in this act, the Commonwealth's accumulated balance for authorized federal TANF block grant funds is estimated at \$47,528,489 on June 30, 2014; ~~\$39,226,072~~ \$72,735,005 on June 30, 2015; and ~~\$27,164,943~~ \$70,522,775 on June 30, 2016.

B. No less than 30 days prior to submitting any amendment to the federal government related to the State Plan for the Temporary Assistance for Needy Families program, the Commissioner of the Department of Social Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees as well as the Director, Department of Planning and Budget written documentation detailing the proposed policy changes. This documentation shall include an estimate of the fiscal impact of the proposed changes and information summarizing public comment that was received on the proposed changes.

C. Notwithstanding any other provision of state law, the Department of Social Services shall maintain a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the purpose of providing welfare cash assistance payments to able-bodied two-parent families. The separate state program shall be funded by state funds and operated outside of the TANF program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state program provided for in this paragraph. Although various conditions and eligibility requirements may be different under the separate state program, the basic benefit payment for which two-parent families are eligible under the separate state program shall not be less than what they would have received under TANF. The Department of Social Services shall establish regulations to govern this separate state program.

D. As a condition of this appropriation, the Department of Social Services shall disregard the value of one motor vehicle per assistance unit in determining eligibility for cash assistance in the Temporary Assistance for Needy Families (TANF) program and in the separate state program for able-bodied two-parent families.

E. The Department of Social Services, in collaboration with local departments of social services, shall maintain minimum performance standards for all local departments of social services participating in the Virginia Initiative for Employment, Not Welfare (VIEW) program. The department shall allocate VIEW funds to local departments of social services based on these performance standards and VIEW caseloads. The allocation formula shall be developed and revised in cooperation with the local social services departments and the Department of Planning and Budget.

F. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance is terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of Virginia, or due to the closure of the TANF case prior to the completion of 24 months of TANF assistance, excluding cases closed with a sanction for noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be eligible to receive employment and training assistance for up to 12 months after

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>termination, if needed, in addition to other transitional services provided pursuant to § 63.2-611, Code of Virginia.</p> <p>G. The Department of Social Services, in conjunction with the Department of Correctional Education, shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections, including but not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new grant programs authorized under the federal Temporary Assistance for Needy Families (TANF) block grant program.</p> <p>H.1. Out of this appropriation, \$6,500,000 the first year and \$6,500,000 the second year from nongeneral funds is included for Head Start wraparound child care services.</p> <p>2. Included in this Item is funding to carry out the former responsibilities of the Virginia Council on Child Day Care and Early Childhood Programs. Nongeneral fund appropriations allocated for uses associated with the Head Start program shall not be transferred for any other use until eligible Head Start families have been fully served. Any remaining funds may be used to provide services to enrolled low-income families in accordance with federal and state requirements. Families, who are working or in education and training programs, with income at or below the poverty level, whose children are enrolled in Head Start wraparound programs paid for with the federal block grant funding in this Item shall not be required to pay fees for these wraparound services.</p> <p>I. Out of this appropriation, \$2,647,305 the second year from the general fund and \$64,781,649 the first year and \$57,260,335 the second year from federal funds shall be provided to support state child care programs which will be administered on a sliding scale basis to income eligible families. The sliding fee scale and eligibility criteria are to be set according to the rules and regulations of the State Board of Social Services, except that the income eligibility thresholds for child care assistance shall account for variations in the local cost of living index by metropolitan statistical areas. The Department of Social Services shall report on the sliding fee scale and eligibility criteria adopted by the Board of Social Services by December 15 of each year. The Department of Social Services shall make the necessary amendments to the Child Care and Development Funds Plan to accomplish this intent. Funds shall be targeted to families who are most in need of assistance with child care costs. Localities may exceed the standards established by the state by supplementing state funds with local funds.</p> <p>J. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from nongeneral funds shall be used to provide scholarships to students in early childhood education and related majors who plan to work in the field, or already are working in the field, whether in public schools, child care or other early childhood programs, and who enroll in a state community college or a state supported senior institution of higher education.</p> <p>K. Out of this appropriation, \$505,000 the first year and \$505,000 the second year from nongeneral funds shall be used to provide training of individuals in the field of early childhood education.</p> <p>L. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from nongeneral funds shall be used to provide child care assistance for children in homeless and domestic violence shelters.</p> <p>M. The Department of Social Services shall increase Temporary Assistance for Needy Families (TANF) cash benefits by 2.5 percent on January 1, 2016.</p> <p><i>N. The Director, Department of Planning and Budget, shall, on or before June 30, 2016, unallot \$500,000 from the general fund in this item, which reflects unused balances in the Unemployed Parents Cash Assistance program.</i></p>				
336.	Financial Assistance for Local Social Services Staff (46000).....		\$411,764,571	\$418,157,879 \$424,499,840

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$112,125,468	\$114,372,395		
Dedicated Special Revenue.....	\$3,000,000	\$3,000,000		
Federal Trust.....	\$296,639,103	\$300,785,484 \$307,127,445		

Authority: Title 63.2, Chapters 1 through 7 and 9 through 16, Code of Virginia; P.L. 104-193, Titles IV A, XIX, and XXI, Social Security Act, Federal Code, as amended.

A. The amounts in this Item shall be expended under regulations of the Board of Social Services to reimburse county and city welfare/social services boards pursuant to § 63.2-401, Code of Virginia, and subject to the same percentage limitations for other administrative services performed by county and city public welfare/social services boards and superintendents of public welfare/social services pursuant to other provisions of the Code of Virginia, as amended.

B. Pursuant to the provisions of §§ 63.2-403, 63.2-406, 63.2-407, 63.2-408, and 63.2-615 Code of Virginia, all moneys deducted from funds otherwise payable out of the state treasury to the counties and cities pursuant to the provisions of § 63.2-408, Code of Virginia, shall be credited to the applicable general fund account.

C. Included in this appropriation are funds to reimburse local social service agencies for eligibility workers who interview applicants to determine qualification for public assistance benefits which include but are not limited to: Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); and Medicaid.

D. Included in this appropriation are funds to reimburse local social service agencies for social workers who deliver program services which include but are not limited to: child and adult protective services complaint investigations; foster care and adoption services; and adult services.

E. Out of the federal fund appropriation for local social services staff, amounts estimated at \$55,000,000 the first year and \$55,000,000 the second year shall be set aside for allowable local costs which exceed available general fund reimbursement and amounts estimated at \$16,000,000 the first year and \$16,000,000 the second year shall be set aside to reimburse local governments for allowable costs incurred in administering public assistance programs.

F. Out of this appropriation, \$439,338 the first year and \$439,338 the second year from the general fund and \$422,109 the first year and \$422,109 the second year from nongeneral funds is provided to cover the cost of the health insurance credit for retired local social services employees.

337.	Child Support Enforcement Services (46300).....			\$769,061,898	\$769,061,898 \$770,108,474
	Fund Sources: General.....	\$12,539,322	\$12,039,322 \$12,513,126		
	Special.....	\$694,397,989	\$694,897,989		
	Federal Trust.....	\$62,124,587	\$62,124,587 \$62,697,359		

Authority: Title 20, Chapters 2 through 3.1 and 4.1 through 9; Title 63.2, Chapter 19, Code of Virginia; P.L. 104-193, as amended; P.L. 105-200, P.L. 106-113, Federal Code.

A. Any net revenue from child support enforcement collections, after all disbursements are made in accordance with state and federal statutes and regulations, and after the state's share of the cost of administering the program is paid, shall be estimated and deposited into the general fund by June 30 of the fiscal year in which it is collected. Any additional moneys determined to be available upon final determination of a fiscal year's costs of administering the program shall be deposited to the general fund by September 1 of the subsequent fiscal year in which it is collected.

B. In determining eligibility and amounts for cash assistance, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the department shall continue to disregard up to \$100 per month in child support payments and return to recipients of cash assistance up to \$100 per month in child support payments

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collected on their behalf.

C. The state share of amounts disbursed to recipients of cash assistance pursuant to paragraph B of this Item shall be considered part of the Commonwealth's required Maintenance of Effort spending for the federal Temporary Assistance for Needy Families program established by the Social Security Act.

D. The department shall expand collections of child support payments through contracts with private vendors. However, the Department of Social Services and the Office of the Attorney General shall not contract with any private collection agency, private attorney, or other private entity for any child support enforcement activity until the State Board of Social Services has made a written determination that the activity shall be performed under a proposed contract at a lower cost than if performed by employees of the Commonwealth.

E. The Division of Child Support Enforcement, in cooperation with the Department of Medical Assistance Services, shall identify cases for which there is a medical support order requiring a noncustodial parent to contribute to the medical cost of caring for a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS) Programs. Once identified, the division shall work with the Department of Medical Assistance Services to take appropriate enforcement actions to obtain medical support or repayments for the Medicaid program.

338.	Adult Programs and Services (46800).....		\$38,461,169	\$39,561,169
	Fund Sources: General.....	\$22,756,141	\$23,856,141	
	Federal Trust.....	\$15,705,028	\$15,705,028	

Authority: Title 63.2, Chapters 1, 16 and 22, Code of Virginia; Title XVI, federal Social Security Act, as amended.

A.1. Effective January 1, 2015, the Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of \$1,219 per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.

2. Effective January 1, 2013, the monthly personal care allowance for auxiliary grant recipients who reside in licensed assisted living facilities and approved adult foster care homes shall be \$82 per month, unless modified as indicated below.

3. The Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to increase the assisted living facility and adult foster care home rates and/or the personal care allowance cited above on January 1 of each year in which the federal government increases Supplemental Security Income or Social Security rates or at any other time that the department determines that an increase is necessary to ensure that the Commonwealth continues to meet federal requirements for continuing eligibility for federal financial participation in the Medicaid program. Any such increase is subject to the prior concurrence of the Department of Planning and Budget. Within thirty days after its effective date, the Department of Social Services shall report any such increase to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with an explanation of the reasons for the increase.

B. Out of this appropriation, \$4,185,189 the first year and \$4,185,189 in the second year from the federal Social Services Block Grant shall be allocated to provide adult companion services for low-income elderly and disabled adults.

C. The toll-free telephone hotline operated by the Department of Social Services to receive child abuse and neglect complaints shall also be publicized and used by the department to receive complaints of adult abuse and neglect.

D. Out of this appropriation, \$248,750 the first year and \$248,750 the second year from the general fund and \$1,346,792 the first year and \$1,346,792 the second year from federal Temporary Assistance for Needy Families (TANF) funds shall be provided as a grant to local

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<p>domestic violence programs for purchase of crisis and core services for victims of domestic violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other crisis services as a first priority.</p> <p>E. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds shall be provided for the purchase of services for victims of domestic violence as stated in § 63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.</p> <p>F. Out of this appropriation \$1,100,000 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from federal Temporary Assistance to Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for services.</p> <p>G. The Director, Department of Planning and Budget, shall, on or before June 30, 2015, unallot \$400,000 from the general fund in this item, which reflects unused balances in the auxiliary grants program.</p> <p><i>H. The Director, Department of Planning and Budget, shall, on or before June 30, 2016, unallot \$1,000,000 from the general fund in this item, which reflects unused balances in the Auxiliary Grant program.</i></p>				
339.	Child Welfare Services (46900).....		\$181,856,821	\$181,882,938 \$190,092,155
	Fund Sources: General.....	\$96,360,229	\$96,365,182 \$98,041,701	
	Special.....	\$325,030	\$325,030	
	Dedicated Special Revenue.....	\$235,265	\$235,265	
	Federal Trust.....	\$84,936,297	\$84,957,461 \$91,490,159	
<p>Authority: Title 63.2, Chapters 1, 2, 4 and 8 through 15, Code of Virginia; P.L. 100-294, P.L. 101-126, P.L. 101-226, P.L. 105-89, P.L. 110-351, P.L. 111-320, as amended, Federal Code.</p> <p>A. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully reimbursed except that expenditures otherwise subject to a standard local matching share under applicable state policy, including local staffing, shall continue to require local match. The commissioner shall ensure that local social service boards obtain reimbursement for all children eligible for Title IV-E coverage.</p> <p>B. The commissioner, in cooperation with the Department of Planning and Budget, shall establish a reasonable, automatic adjustment for inflation each year to be applied to the room and board maximum rates paid to foster parents. However, this provision shall apply only in fiscal years following a fiscal year in which salary increases are provided for state employees.</p> <p>C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the purchase of services for victims child abuse and neglect prevention activities as stated in § 63.2-1502, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.</p> <p>D. Out of this appropriation, \$180,200 the first year and \$180,200 the second year from the general fund and \$99,800 the first year and \$99,800 the second year from nongeneral funds shall be provided to continue respite care for foster parents.</p> <p>E. Notwithstanding the provisions of §§ 63.2-1300 through 63.2-1303, Code of Virginia, adoption assistance subsidies and supportive services shall not be available for children adopted through parental placements. This restriction does not apply to existing adoption assistance agreements.</p> <p>F.1. Out of this appropriation, \$1,500,000 the first year from federal funds and \$1,500,000 the second year from the general fund shall be provided to implement pilot programs that increase the number of foster care children adopted.</p>				

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2. Beginning October 1, 2013, the department shall provide a quarterly report, within 30 days of quarter end, on the use and effectiveness of this funding including, but not limited to, the additional number of special needs children adopted from foster care as a result of this effort and the types of ongoing supportive services provided, to the Governor, Chairmen of House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.				
G. Out of this appropriation, \$33,207,631 the first year and \$33,985,779 \$34,774,377 the second year from the general fund and \$7,000,000 the first year and \$7,000,000 the second year from nongeneral funds shall be provided for special needs adoptions.				
H. Out of this appropriation \$37,603,764 the first year and \$38,835,831 \$40,488,144 the second year from the general fund and \$37,603,764 the first year and \$38,835,831 \$40,488,144 the second year from nongeneral funds shall be provided for Title IV-E adoption subsidies.				
I. The Commissioner, Department of Social Services, shall ensure that local departments that provide independent living services to persons between 18 and 21 years of age make certain information about and counseling regarding the availability of independent living services is provided to any person who chooses to leave foster care or who chooses to terminate independent living services before his twenty-first birthday. Information shall include the option for restoration of independent living services following termination of independent living services, and the processes whereby independent living services may be restored should he choose to seek restoration of such services in accordance with § 63.2-905.1 of the Code of Virginia.				
J. Notwithstanding the provisions of § 63.2-1302, Code of Virginia, the Department of Social Services shall negotiate all adoption assistance agreements with both existing and prospective adoptive parents on behalf of local departments of social services. This provision shall not alter the legal responsibilities of the local departments of social services set out in Chapter 13 of Title 63.2, Code of Virginia, nor alter the rights of the adoptive parents to appeal.				
2. Out of this appropriation, \$358,246 the first year and \$342,414 the second year from the general fund and \$225,883 the first year and \$215,900 the second year from nongeneral funds shall be provided for five positions to execute these negotiations.				
K. The Commissioner, Department of Social Services, shall report on all efforts undertaken by the agency to increase adoptions of children from foster care. The report shall include the number, ages and other appropriate demographic data of children in foster care who are eligible for adoption, available information on the number who have special needs, and barriers to adoption of children in foster care. In addition, the report shall include information on current efforts to help foster care children who age out of the system transition to adulthood and options to improve that transition. The report shall include current trends for this population as compared to the general population related to employment, secondary and post-secondary educational attainment, living arrangements, dependence on public assistance, early parenthood and family situations, health care access, and involvement with the criminal justice system to the extent data are available. Furthermore, the department shall analyze the adequacy of independent living services and other current efforts to assist foster care youth with the transition to independence and provide recommendations to modify the appropriate services and programs in order to improve outcomes for this population in their transition to adulthood. The department shall engage other appropriate state agencies and stakeholders as necessary to develop the report. The department shall submit the report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2015.				
<i>L.1. The Department of Social Services shall establish a pilot program to partner with Patrick Henry Family Services in Planning District 11 for the temporary placements of children in families in crisis. This pilot program would allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person, by a properly executed power of attorney, any powers regarding care, custody, or property of the minor for a temporary placement for a period that is not greater than 90 days. This program would allow for an option of a one-time 90 day extension. Prior to the expiration of the 180 day period, if the child is unable to return to his home, then Patrick Henry Family Services shall</i>				

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contact the local department of social services and request an assessment of the child and an evaluation of services needed and to determine if a petition to assess the care and custody of the child should be filed in the local juvenile and domestic relations court. DSS shall ensure that this pilot program meets the following specific programmatic and safety requirements outlined in Virginia Administrative Code § 22 VAC 40-131 and § 22 VAC 40-191.

2. The Department of Social Services shall ensure that the pilot program organization shall meet the background check requirements described in Virginia Administrative Code § 22 VAC 40-191. The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint pursuant to Virginia Administrative Code § 22 VAC 40-131-90. In addition, the pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff pursuant to Virginia Administrative Code § 22 VAC 40-131-210 and § 22 VAC 40-131-150.

3. The Department of Social Services shall evaluate the pilot program and determine if this model of prevention is effective. A report of the evaluation findings and recommendations shall be submitted to the Governor and Chairmen of the House Appropriations and Senate Finance Committees, and Commission on Youth by December 1, 2017.

340. Not set out.

341.	Financial Assistance to Community Human Services Organizations (49200).....		\$25,700,789	\$26,475,789 \$27,613,410
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Fund Sources: General.....	\$4,098,621	\$3,848,621		
Federal Trust.....	\$21,602,168	\$22,627,168		\$23,764,789

Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A.1. All increased state or federal funds distributed to Community Action Agencies shall be distributed as follows: The funds shall be distributed to all local Community Action Agencies according to the Department of Social Services funding formula (75 percent based on low-income population, 20 percent based on number of jurisdictions served, and five percent based on square mileage served), adjusted to ensure that no agency receives less than 1.5 percent of any increase.

2. Out of this appropriation, \$185,725 the first year from the general fund and \$185,725 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Virginia Community Action Partnership to provide outreach, education and tax preparation services via the Virginia Earned Income Tax Coalition and other community non-profit organizations to citizens who may be eligible for the federal Earned Income Tax Credit. The contract shall require the Virginia Community Action Partnership to report on its efforts to expand the number of Virginians who are able to claim the federal EITC, including the number of individuals identified who could benefit from the credit, the number of individuals counseled on the availability of federal EITC, and the number of individuals assisted with tax preparation to claim the federal EITC. The annual report from the Virginia Community Action Partnership shall also detail actual expenditures for the program including the sub-contractors that were utilized. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1 each year.

3. Out of this appropriation, \$1,000,000 the first year and \$2,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with local Community Action Agencies to provide an array of services

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	<p>designed to meet the needs of low-income individuals and families, including the elderly and migrant workers. Services may include, but are not limited to, child care, community and economic development, education, employment, health and nutrition, housing, and transportation.</p>			
	<p>B. The department shall continue to fund from this Item all organizations recognized by the Commonwealth as community action agencies as defined in §2.2-540 et seq.</p>			
	<p>C. Out of this appropriation, \$4,285,501 the first year and \$4,285,501 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with programs that follow the evidence-based Healthy Families America home visiting model that promotes positive parenting, improves child health and development, and reduces child abuse and neglect. The Department of Social Services shall use a portion of the funds from this item to contract with the statewide office of Prevent Child Abuse Virginia for providing the coordination, technical support, quality assurance, training and evaluation of the Virginia Healthy Families programs.</p>			
	<p>D. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for Volunteer Emergency Families for Children to expand its shelter care network for abused, neglected, runaway, homeless, and at-risk children throughout Virginia.</p>			
	<p>E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for the Child Abuse Prevention Play (the play) administered by Virginia Repertory Theatre. The contract shall include production and live performances of the play that teach child safety awareness to prevent child abuse.</p>			
	<p>F. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund shall be provided to contract with the Virginia Alzheimer's Association Chapters to provide dementia-specific training to long-term care workers in licensed nursing facilities, assisted living facilities and adult day care centers who deal with Alzheimer's disease and related disorders.</p>			
	<p>G. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to contract with Northern Virginia Family Services (NVFS) to provide supportive services that address the basic needs of families in crisis, including the provision of food, financial assistance to prevent homelessness, and access to health services. The contract shall require NVFS to provide an intake process that identifies the needs and appropriate services for those in crisis. Outcomes will be measured utilizing surveys provided to those who receive services and NVFS will report quarterly on survey results.</p>			
	<p>H. Out of this appropriation, \$931,000 the first year and \$931,000 the second year from the general fund shall be provided to contract with child advocacy centers (CAC) to provide a comprehensive, multidisciplinary team response to allegations of child abuse in a dedicated, child-friendly setting. The contracts shall require CACs to provide forensic interviews, victim support and advocacy services, medical evaluations, and mental health services to victims of child abuse and neglect with the expected outcome of reducing child abuse and neglect. The department shall allocate four percent to Children's Advocacy Centers of Virginia (CACVA), the recognized chapter of the National Children's Alliance for Virginia's Child Advocacy Centers, for the purpose of assisting and supporting the development, continuation, and sustainability of community-coordinated, child-focused services delivered by children's advocacy centers (CACs). Of the remaining 96 percent, (i) 65 percent shall be distributed to a baseline allocation determined by the accreditation status of the CAC: (a) developing and associate centers 100 percent of base; (b) accredited centers 150 percent of base; and (c) accredited centers with satellite facilities 175 percent of base; and (ii) 35 percent shall be allocated according to established criteria to include: (a) 25 percent determined by the rate of child abuse per 1,000; (b) 25 percent determined by child population; and (c) 50 percent determined by the number of counties and independent cities serviced.</p>			
	<p>I. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with Youth for Tomorrow (YFT) to provide comprehensive residential, education and counseling services to at-risk youth of the Commonwealth of Virginia who have been sexually exploited, including victims of sex trafficking. The contract shall require YFT to provide individual assessments/individual</p>			

ITEM 341.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>service planning; individual and group counseling; room and board; coordination of medical and mental health services and referrals; independent living services for youth transitioning out of foster care; active supervision; education; and family and family reunification services. Youth for Tomorrow shall submit monthly progress reports on activities conducted and progress achieved on outputs, outcomes and other functions/activities during the reporting period. On October 1 of each year, YFT shall provide an annual report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees that details program services, outputs and outcomes.</p> <p>J. Out of this appropriation, \$25,000 the first year and \$25,000 the second year from the federal Temporary Assistance For Needy Families (TANF) block grant shall be provided to contract with the Visions of Truth Community Development Corporation (Visions of Truth) to support self-sufficiency programs for at-risk youth by improving education performance. The contract shall require Visions of Truth Community Development Corporation to provide at-risk students in grades 7-12 with a personalized learning program including standards of learning preparation and homework assistance from certified teachers and college students. Visions of Truth shall report expenditures and performance on a quarterly basis and shall provide an annual report with detailed program results.</p> <p>K.1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be provided to contract with the Virginia Early Childhood Foundation (VECF) to support the health and school readiness of Virginia's young children prior to school entry. These funds shall be matched with local public and private resources with a goal of leveraging a dollar for each state dollar provided.</p> <p>2. Of the amounts in paragraph K.1. above, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be used to provide information and assistance to parents and families and to facilitate partnerships with both public and private providers of early childhood services. VECF will track and report statewide and local progress on a biennial basis. The Foundation shall account for the expenditure of these funds by providing the Governor, Secretary of Health and Human Resources, and the Chairmen of the House Appropriations and Senate Finance Committees with a certified audit and full report on Foundation initiatives and results not later than October 1 of each year for the preceding fiscal year ending June 30.</p> <p>3. On or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation.</p> <p>L. Out of this appropriation, \$250,000 the first year from the general fund shall be used to contract with Elevate Early Education for the purpose of developing a pilot program for a kindergarten readiness assessment. The contract with Elevate Early Education to administer this program shall require the submission of a final report from the organization detailing the assessment method(s) utilized, actual expenditures for the program, and outcome analysis and evaluation. This report shall be submitted to the Governor, Chairmen of the House Appropriations and Senate Finance Committees, and the Secretaries of Health and Human Resources and Education no later than January 1, 2015. Prior to the receipt of any state funding for this purpose, Elevate Early Education must provide evidence of private matching funds secured for this purpose.</p> <p>M. Out of this appropriation, \$25,000 the second year from the federal Temporary Assistance to Needy Families block grant shall be provided to Zion Innovative Opportunities Network.</p>				
342.	Regulation of Public Facilities and Services (56100).....		\$16,378,167	\$33,602,272 \$25,460,980
	Fund Sources: General.....	\$4,031,782	\$4,031,782 \$3,831,782	
	Special.....	\$1,869,187	\$1,869,187 \$2,274,446	

ITEM 342.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Federal Trust.....	\$10,477,198	\$27,701,303 \$19,354,752		

Authority: Title 63.2, Chapters 17 and 18, Code of Virginia.

A. The state nongeneral fund amounts collected and paid into the state treasury pursuant to the provisions of § 63.2-1700, Code of Virginia, shall be used for the development and delivery of training for operators and staff of assisted living facilities, adult day care centers, and child welfare agencies.

B. As a condition of this appropriation, the Department of Social Services shall (i) promptly fill all position vacancies that occur in licensing offices so that positions shall not remain vacant for longer than 120 days and (ii) hire sufficient child care licensing specialists to ensure that all child care facilities receive, at a minimum, the two visits per year mandated by § 63.2-1706, Code of Virginia, and that facilities with compliance problems receive additional inspection visits as necessary to ensure compliance with state laws and regulations.

C. As a condition of this appropriation, the Department of Social Services shall utilize a risk assessment instrument for child and adult care enforcement. This instrument shall include criteria for determining when the following sanctions may be used: (i) the imposition of intermediate sanctions, (ii) the denial of licensure renewal or revocation of license of a licensed facility, (iii) injunctive relief against a child care provider, and (iv) additional inspections and intensive oversight of a facility by the Department of Social Services.

D. Out of this appropriation, the Department of Social Services shall implement training for new assisted living facility owners and managers to focus on health and safety issues, and resident rights as they pertain to adult care residences.

E. Out of this appropriation, \$17,224,105 from the federal Child Care and Development Fund (CCDF) and 79 positions the second year are provided to handle the workload associated with licensing, inspecting and monitoring family day homes, pursuant to legislation passed during the 2015 Regular Session of the General Assembly. On July 1, 2015, the Director of the Department of Planning and Budget (DPB) shall unallot \$12,918,078 of this appropriation. At such time as the department demonstrates a sufficient increase in family day home licensure, inspection and monitoring activity to necessitate additional staff, the Director of DPB may allot additional resources. The Department of Social Services shall provide a quarterly report on the implementation of House Bill 1570 / Senate Bill 1168 to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.

F. The Department of Social Services shall work with localities that currently inspect child day care centers and family day homes to minimize duplication and overlap of inspections pursuant to the implementation of House Bill 1570 / Senate Bill 1168, passed during the 2015 Regular Session.”

G. No child day center, family day home, or family day system licensed in accordance with Chapter 17, Title 63.2; child day center exempt from licensure pursuant to § 63.2-1716; registered family day home; family day home approved by a family day system; or any child day center or family day home that enters into a contract with the Department of Social Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant shall employ; continue to employ; or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All employees and volunteers shall undergo the following background check by July 1, 2017 and every 5 years thereafter, as required by the federal Child Care and Development Block Grant Act of 2014 (CCDBG).

343. Administrative and Support Services (4990).....			\$147,618,208	\$104,477,260 \$131,608,873
Fund Sources: General.....	\$41,670,532	\$40,713,111 \$48,478,136		
Special.....	\$175,000	\$175,000		
Federal Trust.....	\$105,772,676	\$63,589,149 \$82,955,737		

Authority: Title 63.2, Chapter 1; § 2.2-4000 et seq., Code of Virginia; P.L. 98-502, P.L. 104-

ITEM 343.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>156, P.L. 104-193, P.L. 104-327, P.L. 105-33, as amended, P.L. 105-89, Federal Code; Titles IV-A, IV-B, IV-D, IV-E, XIX, XX, XXI of the federal Social Security Act, as amended.</p>				
<p>A. The Department of Social Services shall require localities to report all expenditures on designated social services, regardless of reimbursement from state and federal sources. The Department of Social Services is authorized to include eligible costs in its claim for Temporary Assistance for Needy Families Maintenance of Effort requirements.</p>				
<p>B. It is the intent of the General Assembly that the Commissioner, Department of Social Services shall work with localities that seek to voluntarily merge and consolidate their respective local departments of social services. No funds appropriated under this act shall be used to require a locality to merge or consolidate local departments of social services.</p>				
<p>C. The Commissioner, Department of Social Services, in consultation with relevant state and local agencies, shall develop proposed criteria for assessing funding requests for addressing space needs among local departments of social services, as well as proposed consolidated human services buildings. The criteria shall include but not be limited to compliance with the Americans with Disabilities Act, access to public transportation, life safety issues, condition of current space and related major building systems, impact on service delivery, and other factors as may be appropriate. The department shall use the criteria to prioritize local requests for increased state reimbursement for renovating existing space, relocating or constructing new space. For those jurisdictions that, when applying such criteria, achieve high priority ranking for increased state reimbursement, yet initiate local funding actions to address critical space needs or to consolidate human services, they shall nevertheless retain their ranking on the prioritized list of projects for increased state reimbursement for renovating existing space, relocating or constructing new space. The department shall forward a prioritized list of projects to the Secretary of Health and Human Resources and the Department of Planning and Budget by November 1 of each year for consideration by the Governor in the development of the budget. The department shall also submit a copy of the list of prioritized projects by November 1 of each year, to the Chairmen of the House Appropriations and Senate Finance Committees.</p>				
<p>D.1. Out of this appropriation, \$473,844 the first year and \$473,844 the second year from the general fund and \$781,791 the first year and \$781,791 the second year from nongeneral funds shall be provided to support the statewide 2-1-1 Information and Referral System which provides resource and referral information on many of the specialized health and human resource services available in the Commonwealth, including child day care availability and providers in localities throughout the state, and publish consumer-oriented materials for those interested in learning the location of child day care providers.</p>				
<p>2. The Department of Social Services shall request that all state and local child-serving agencies within the Commonwealth be included in the Virginia Statewide Information and Referral System as well as any agency or entity that receives state general fund dollars and provides services to families and youth. The Secretary of Health and Human Resources, the Secretary of Education and Workforce, and the Secretary of Public Safety and Homeland Security shall assist in this effort by requesting all affected agencies within their secretariats to submit information to the statewide Information and Referral System and ensure that such information is accurate and updated annually. Agencies shall also notify the Virginia Information and Referral System of any changes in services that may occur throughout the year.</p>				
<p>3. The Department of Social Services shall communicate with child-serving agencies within the Commonwealth about the availability of the statewide Information and Referral System. This information shall also be communicated via the Department of Social Services' broadcast system on their agency-wide Intranet so that all local and regional offices can be better informed about the Statewide Information and Referral System. Information on the Statewide Information and Referral System shall also be included within the department's electronic mailings to all local and regional offices at least biannually.</p>				
<p>E.1. Out of this appropriation, \$4,100,000 the first year and \$5,005,061 \$7,131,072 the second year from the general fund and \$50,727,496 the first year and \$10,172,218</p>				

ITEM 343.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p><i>\$18,949,130</i> the second year from nongeneral funds shall be provided to complete the base contract to modernize the eligibility determination systems in the Department of Social Services. If any additional funding is needed, the department shall complete modernization efforts within existing resources.</p> <p>2. Within 30 days of awarding a contract related to the eligibility project, the Department of Social Services shall provide the Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget with a copy of the contract including costs.</p> <p>3. Beginning July 1, 2012, the Department of Social Services shall also provide semi-annual progress reports that must include a current project summary, implementation status, accounting of project expenditures and future milestones. All reports shall be submitted to the Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.</p> <p>F. Out of this appropriation, \$522,286 the first year and \$522,286 the second year from the general fund and \$1,924,019 the first year and \$1,924,019 the second year from nongeneral funds shall be provided to supplement management and programmatic support of the agency's eligibility systems modernization effort. In addition, eight positions are added in FY 2013. These resources shall be dedicated to the modernization project until its completion or the end of FY 2017, whichever comes first.</p>				
344.	Not set out.			
345.	Not set out.			
	Total for Department of Social Services.....		\$1,961,552,836	\$1,949,872,401 \$1,992,722,734
	General Fund Positions.....	559.21	615.21	
	Nongeneral Fund Positions.....	1,162.29	1,213.29	
	Position Level.....	1,721.50	1,828.50	
	Fund Sources: General.....	\$392,352,241	\$393,970,601 \$403,251,996	
	Special.....	\$696,867,206	\$697,367,206 \$697,772,465	
	Dedicated Special Revenue.....	\$3,235,265	\$3,235,265	
	Federal Trust.....	\$869,098,124	\$855,299,329 \$888,463,008	
346.	Not set out.			
347.	Not set out.			
§ 1-23. DEPARTMENT FOR THE BLIND AND VISION IMPAIRED (702)				
348.	Not set out.			
349.	Not set out.			
350.	Not set out.			
351.	Not set out.			
352.	Rehabilitative Industries (81000).....		\$31,489,478	\$31,489,478 \$45,757,928
	Fund Sources: Enterprise.....	\$31,489,478	\$31,489,478 \$45,757,928	

Authority: § 51.5-72, Code of Virginia; P.L. 92-29 and P.L. 93-112, Federal Code.

ITEM 352.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
The Industry Production Workers with the Virginia Industries for the Blind shall not be counted in the classified employment levels of the Department for the Blind and Vision Impaired.				
353.	Not set out.			
	Total for Department for the Blind and Vision Impaired.....		\$49,754,735	\$49,325,014 \$63,593,464
	General Fund Positions.....	62.60	62.60	
	Nongeneral Fund Positions.....	84.40	84.40	
	Position Level.....	147.00	147.00	
	Fund Sources: General.....	\$6,564,461	\$6,116,691	
	Special.....	\$983,589	\$983,589	
	Enterprise.....	\$32,261,293	\$32,261,293 \$46,529,743	
	Trust and Agency.....	\$205,000	\$205,000	
	Federal Trust.....	\$9,740,392	\$9,758,441	
354.	Not set out.			
355.	Not set out.			
	Grand Total for Department for the Blind and Vision Impaired.....		\$52,352,241	\$51,922,562 \$66,191,012
	General Fund Positions.....	62.60	62.60	
	Nongeneral Fund Positions.....	110.40	110.40	
	Position Level.....	173.00	173.00	
	Fund Sources: General.....	\$6,732,344	\$6,284,616	
	Special.....	\$1,002,589	\$1,002,589	
	Enterprise.....	\$32,261,293	\$32,261,293 \$46,529,743	
	Trust and Agency.....	\$205,000	\$205,000	
	Federal Trust.....	\$12,151,015	\$12,169,064	
	TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....		\$12,856,730,246	\$13,294,939,428 \$13,676,606,253
	General Fund Positions.....	8,815.45	8,915.10	
	Nongeneral Fund Positions.....	6,998.80	7,072.15 7,073.15	
	Position Level.....	15,814.25	15,987.25 15,988.25	
	Fund Sources: General.....	\$5,340,526,203	\$5,645,227,245 \$5,842,104,914	
	Special.....	\$1,155,749,488	\$1,150,550,621 \$1,150,955,880	
	Enterprise.....	\$32,261,293	\$32,261,293 \$46,529,743	
	Trust and Agency.....	\$993,798	\$993,798	
	Dedicated Special Revenue.....	\$582,075,554	\$499,159,602 \$499,909,602	
	Federal Trust.....	\$5,745,123,910	\$5,966,746,869 \$6,136,112,316	

ITEM 356.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF NATURAL RESOURCES

- 356. Not set out.
- 357. Not set out.
- 358. Not set out.
- 359. Not set out.
- 360. Not set out.
- 361. Not set out.
- 362. Not set out.
- 363. Not set out.
- 364. Not set out.
- 365. Not set out.
- 366. Not set out.
- 367. Not set out.
- 368. Not set out.

§ 1-24. DEPARTMENT OF HISTORIC RESOURCES (423)

369.	Historic and Commemorative Attraction Management (50200).....		\$6,647,495		\$7,624,575 \$7,692,215
	Fund Sources: General.....	\$4,539,332			\$5,516,309 \$5,583,949
	Special.....	\$671,584			\$671,687
	Commonwealth Transportation.....	\$100,000			\$100,000
	Federal Trust.....	\$1,336,579			\$1,336,579

Authority: Title 10.1, Chapters 22 and 23, Code of Virginia.

A. General fund appropriations for historic and commemorative attractions not identified in § 10.1-2211 or § 10.1-2211.1, Code of Virginia, shall be matched by local or private sources, either in cash or in-kind, in amounts at least equal to the appropriation and which are deemed to be acceptable to the department.

B. In emergency situations which shall be defined as those posing a threat to life, safety or property, § 10.1-2213, Code of Virginia, shall not apply.

C.1. Out of the amounts for Financial Assistance for Historic Preservation shall be paid from the general fund grants to the following organization for the purposes prescribed in § 10.1-2211, Code of Virginia:

ORGANIZATION	FY 2015	FY 2016
United Daughters of the Confederacy	\$82,585	\$82,585

Notwithstanding the cited Code section, the United Daughters of the Confederacy shall make disbursements to the treasurers of Confederate memorial associations and chapters of the

ITEM 369.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>United Daughters of the Confederacy for the purposes stated in that section. By November 1 of each year, the United Daughters of the Confederacy shall submit to the Director, Department of Historic Resources a report documenting the disbursement of these funds for their specified purpose.</p>				
<p>2. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$7,500 each year shall be distributed to the Ladies Memorial Association of Petersburg.</p>				
<p>3. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$90 the first year and \$90 the second year shall be distributed to the Town of Coeburn Municipal Graveyard.</p>				
<p>D. Notwithstanding the requirements of § 10.1-2211.1, Code of Virginia, \$2,850 the first year and \$2,850 the second year from the general fund shall be disbursed to the Sons of the American Revolution for the care of Revolutionary War graves and cemeteries.</p>				
<p>E. Included in this appropriation is \$100,000 the first year and \$100,000 the second year in nongeneral funds from the Highway Maintenance and Operating Fund to support the Department of Historic Resources' required reviews of transportation projects.</p>				
<p>F. The Department of Historic Resources is authorized to accept a devise of certain real property under the will of Elizabeth Rust Williams known as Clermont Farm located on Route 7 east of the town of Berryville in Clarke County. If, after due consideration of options, the department determines that the property should be sold or leased to a different public or private entity, and notwithstanding the provisions of § 2.2-1156, Code of Virginia, then the department is further authorized to sell or lease such property, provided such sale or lease is not in conflict with the terms of the will. The proceeds of any such sale or lease shall be deposited to the Historic Resources Fund established under § 10.1-2202.1, Code of Virginia.</p>				
<p>G.† Notwithstanding the requirements of § 10.1-2213.1, Code of Virginia, \$459,382 the first year and \$459,382 \$527,022 the second year from the general fund is provided as a matching grant for charitable contributions received by the Montpelier Foundation on or after July 1, 2003, that were actually spent in the material restoration of Montpelier between July 1, 2003, and September 30, 2009. <i>This appropriation meets the provisions of § 10.1-2213.1, Code of Virginia.</i></p>				
<p>2. It is the intent of the General Assembly that over the remaining term of the grant authorized by § 10.1-2213.1, Code of Virginia, Montpelier shall receive the full amount of matching funds provided by the Code of Virginia. In order to meet this provision, level funding will be provided for the remainder of the grant.</p>				
<p>H. The Department of Historic Resources shall follow and provide input on federal legislation designed to establish a new national system of recognizing and funding Presidential Libraries for those entities that are not included in the 1955 Presidential Library Act.</p>				
<p>I. Included in this appropriation is \$1,000,000 the first year and \$2,000,000 the second year from the general fund to be deposited into the Civil War Historic Site Preservation Fund for grants to be made in accordance with § 10.1-2202.4, Code of Virginia. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.</p>				
<p>J. The Department of Historic Resources is authorized to require applicants for tax credits for historic rehabilitation projects under § 58.1-339.2, Code of Virginia, to provide an audit by a certified public accountant licensed in Virginia, in accordance with guidelines developed by the department in consultation with the Auditor of Public Accounts. The department is also authorized to contract with tax, financial, and other professionals to assist the department with the oversight of historic rehabilitation projects for which tax credits are anticipated.</p>				

ITEM 369.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p>K. Included in this appropriation is \$100,000 the second year from the general fund to support Appomattox County's efforts and activities surrounding the Sesquicentennial Celebration of the surrender of Confederate Robert E. Lee to Union General Ulysses S. Grant at Appomattox Court House National Historic Park.</p>				
370.	Not set out.			
	Total for Department of Historic Resources.....		\$7,375,140	\$8,353,150 \$8,420,790
	General Fund Positions.....	29.00	29.00	
	Nongeneral Fund Positions.....	18.00	18.00	
	Position Level.....	47.00	47.00	
	Fund Sources: General.....	\$5,058,342	\$6,036,249 \$6,103,889	
	Special.....	\$703,584	\$703,687	
	Commonwealth Transportation.....	\$100,000	\$100,000	
	Federal Trust.....	\$1,513,214	\$1,513,214	
§ 1-25. MARINE RESOURCES COMMISSION (402)				
371.	Not set out.			
372.	Coastal Lands Surveying and Mapping (51000).....		\$1,899,881	\$1,882,881 \$1,905,881
	Fund Sources: General.....	\$941,778	\$924,778 \$947,778	
	Dedicated Special Revenue.....	\$776,103	\$776,103	
	Federal Trust.....	\$182,000	\$182,000	
	<p>Authority: Title 28.2, Chapters 12, 13, 14, 15 and 16; Title 62.1, Chapters 16 and 19, Code of Virginia.</p> <p>Out of this appropriation, \$23,000 the first year and \$6,000 \$29,000 the second year from the general fund is designated for Virginia's share of an Army Corps of Engineers project to construct a seawall to preserve the harbor on Tangier Island.</p>			
373.	Not set out.			
374.	Not set out.			
	Total for Marine Resources Commission.....		\$22,613,067	\$22,847,572 \$22,870,572
	General Fund Positions.....	128.50	128.50	
	Nongeneral Fund Positions.....	30.00	33.00	
	Position Level.....	158.50	161.50	
	Fund Sources: General.....	\$11,694,600	\$11,558,369 \$11,581,369	
	Special.....	\$6,182,582	\$6,187,518	
	Commonwealth Transportation.....	\$313,768	\$313,768	
	Dedicated Special Revenue.....	\$1,357,117	\$1,357,117	
	Federal Trust.....	\$3,065,000	\$3,430,800	
375.	Not set out.			
	TOTAL FOR OFFICE OF NATURAL RESOURCES.....		\$396,734,638	\$409,122,481 \$409,213,121
	General Fund Positions.....	1,022.50	1,022.50	

ITEM 375.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Nongeneral Fund Positions.....	1,157.50	1,160.50		
Position Level.....	2,180.00	2,183.00		
Fund Sources: General.....	\$134,874,293	\$123,354,364 \$123,445,004		
Special.....	\$41,551,250	\$41,302,539		
Commonwealth Transportation.....	\$413,768	\$413,768		
Enterprise.....	\$12,359,321	\$12,359,321		
Trust and Agency.....	\$37,120,570	\$37,120,570		
Debt Service.....	\$236,144	\$236,144		
Dedicated Special Revenue.....	\$91,297,683	\$115,088,366		
Federal Trust.....	\$78,881,609	\$79,247,409		

ITEM 376.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

- 376. Not set out.
- 376.05 Not set out.
- 377. Not set out.

§ 1-26. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (999)

378.	Not set out.			
379.	Alcoholic Beverage Merchandising (80100).....		\$579,604,844	\$633,548,848 \$633,859,848
	Fund Sources: Enterprise.....	\$579,604,844	\$633,548,848 \$633,859,848	

Authority: §§ 4-1 through 4-118.2, Code of Virginia and Item 643, Chapter 966 of the 1994 Acts of Assembly.

A. The Secretary of Finance shall chair an advisory committee to review the progress of the Department of Alcoholic Beverage Control in planning, financing, procuring, and implementing the information technology systems necessary to sustain the department's business enterprise. Members of this committee shall include the Secretary of Public Safety and Homeland Security; the Director, Department of Planning and Budget; the Director, Department of Accounts; the Chief Information Officer of the Commonwealth; the Auditor of Public Accounts; and the Staff Directors of the House Appropriations and Senate Finance Committees and/or their designees.

B. Funds appropriated for services related to state lottery operations shall be used solely for lottery ticket purchases and prize payouts.

C. The Alcoholic Beverage Control Board shall open additional stores in locations deemed to have the greatest potential for total increased sales in order to maximize profitability.

Total for Department of Alcoholic Beverage Control.			\$598,031,789	\$651,975,793 \$652,286,793
	Nongeneral Fund Positions.....	1,141.00	1,167.00	
	Position Level.....	1,141.00	1,167.00	
	Fund Sources: Enterprise.....	\$597,331,789	\$651,275,793 \$651,586,793	
	Federal Trust.....	\$700,000	\$700,000	

§ 1-27. DEPARTMENT OF CORRECTIONS (799)

380.	Not set out.			
381.	Not set out.			
382.	Not set out.			
383.	Not set out.			
384.	Operation of Secure Correctional Facilities (39800)....		\$909,096,240	\$935,217,673 \$935,668,586
	Fund Sources: General.....	\$849,774,318	\$875,895,751 \$876,346,664	
	Special.....	\$57,410,835	\$57,410,835	
	Dedicated Special Revenue.....	\$990,047	\$990,047	

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Federal Trust.....	\$921,040	\$921,040		

Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.

A. Included in this appropriation is \$1,005,000 in the first year and \$1,005,000 the second year from nongeneral funds for the purposes listed below. The source of the funds is commissions generated by prison commissary operations:

1. \$170,000 the first year and \$170,000 the second year for Assisting Families of Inmates, Inc., to provide transportation for family members to visit offenders in prison and other ancillary services to family members;
2. \$780,000 the first year and \$780,000 the second year for distribution to organizations that work to enhance faith-based services to inmates; and
3. \$75,000 the first year and \$75,000 the second year for the "Pen Pals" program.

B.1. The Department of Corrections is authorized to contract with other governmental entities to house male and female prisoners from those jurisdictions in facilities operated by the department.

2. The State Comptroller shall continue the Contract Prisoners Special Revenue Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Commonwealth of Virginia and other governmental entities for the housing of prisoners in facilities operated by the Virginia Department of Corrections.

3. The Department of Corrections shall determine whether it may be possible to contract to house additional federal inmates or inmates from other states in space available within state correctional facilities. The department may, subject to the approval of the Governor, enter into such contracts, to the extent that sufficient bedspace may become available in state facilities for this purpose.

C. The Department of Corrections may enter into agreements with local and regional jails to house state-responsible offenders in such facilities and to effect transfers of convicted state felons between and among such jails. Such agreements shall be governed by the provisions of Item 67 of this act.

D. To the extent that the Department of Corrections privatizes food services, the department shall also seek to maximize agribusiness operations.

E. Notwithstanding the provisions of § 53.1-45, Code of Virginia, the Department of Corrections is authorized to sell on the open market and through the Virginia Farmers' Market Network any dairy, animal, or farm products of which the Commonwealth imports more than it exports.

F. It is the intention of the General Assembly that § 53.1-47, the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles.

G. Out of this appropriation, \$921,040 the first year and \$921,040 the second year from nongeneral funds is included for inmate medical costs. The sources of the nongeneral funds are an award from the State Criminal Alien Assistance Program, administered by the U.S. Department of Justice.

H.1. The Department of Corrections, in coordination with the Virginia Supreme Court, shall continue to operate a behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in § 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of §§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of three years or more in facilities operated by the Department of Corrections; and (iii) whom the court determines require treatment for drug or alcohol substance abuse. For any such offender, the court may impose the appropriate sentence with the stipulation that the Department of Corrections place the offender in an intensive therapeutic community-style substance abuse treatment program as soon as possible after

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receiving the offender. Upon certification by the Department of Corrections that the offender has successfully completed such a program of a duration of 24 months or longer, the court may suspend the remainder of the sentence imposed by the court and order the offender released to supervised probation for a period specified by the court.

2. If an offender assigned to the program voluntarily withdraws from the program, is removed from the program by the Department of Corrections for intractable behavior, fails to participate in program activities, or fails to comply with the terms and conditions of the program, the Department of Corrections shall notify the court, outlining specific reasons for the removal and shall reassign the defendant to another incarceration assignment as appropriate. Under such terms, the offender shall serve out the balance of the sentence imposed by the court, as provided by law.

3. The Department of Corrections shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation. The department shall submit a report periodically on the program to the Chief Justice as he may require and shall submit a report on the implementation of the program and its usage to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Appropriations and Senate Finance Committees by June 30 of each year.

I. Included in the appropriation for this Item is \$250,000 the first year and \$250,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program. The State Comptroller shall continue the Inmate Culinary Arts Training Program Fund in the Commonwealth Accounting and Reporting System to reflect the revenue and expenditures of this program.

J.1. The Department of Corrections shall continue to coordinate with the Department of Medical Assistance Services and the Department of Social Services to enroll eligible inmates in Medicaid. To the extent possible, the Department of Corrections shall work to identify potentially eligible inmates on a proactive basis, prior to the time inpatient hospitalization occurs. Procedures shall also include provisions for medical providers to bill the Department of Medical Assistance Services, rather than the Department of Corrections, for eligible inmate inpatient medical expenses. Due to the multiple payor sources associated with inpatient and outpatient health care services, the Department of Corrections and the Department of Medical Assistance Services shall consult with the applicable provider community to ensure that administrative burdens are minimized and payment for health care services is rendered in a prompt manner. The Departments of Medical Assistance Services and Corrections shall provide a joint report on the implementation of this initiative and the expected cost savings to the Commonwealth. Copies of this report shall be provided to the Secretaries of Health and Human Services and Public Safety, and to the Chairmen of the House Appropriations and Senate Finance Committees, by October 1, 2014.

2. The Department of Medical Assistance Services shall modify state regulations and the state plan for medical assistance, if necessary, to permit the director of the Department of Corrections, or his designee, to sign the Medicaid application form for any inmate who refuses, or is unable, to sign for the purposes of Medicaid reimbursement for eligible inmates. The Department of Medical Assistance Services shall have the authority to implement these changes prior to the completion of any regulatory process undertaken to effect such change.

K. Federal funds received by the Department of Corrections from the federal Residential Substance Abuse Treatment Program shall be exempt from payment of statewide and agency indirect cost recoveries into the general fund.

L. Included in the appropriation for this item is funding for the first year and the second year from the general fund for six medical contract monitors. The persons filling these positions shall have the responsibility of closely monitoring the adequacy and quality of inmate medical services in those correctional facilities for which the department has contracted with a private vendor to provide inmate medical services.

M. The Department of Corrections shall continue to operate a separate program for inmates

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<p>under 18 years old who have been tried and convicted as adults and committed to the Department of Corrections. This separation of these offenders from the general prison population is required by the requirements of the federal Prison Rape Elimination Act.</p>				
<p>N. The property known as the Culpeper Juvenile Correctional Center shall be transferred to the Department of Corrections for operation as an adult correctional facility. The transfer shall be made in a form approved by the Attorney General. The appropriate officials of the Commonwealth shall prepare, execute, and deliver such documents as may be necessary to accomplish the transfer.</p>				
<p>O. The amounts paid into the Corrections Special Reserve Fund established pursuant to § 30-19.1:4, Code of Virginia, shall be used in the first year to offset a portion of the budgeted amounts for the operation of secure correctional facilities.</p>				
<p>P.1. The Department of Corrections shall develop and issue a Request for Information for the comprehensive management and provision of health care services for (i) all inmates confined at facilities not covered by the August 4, 2014, solicitation for health care management services, and (ii) all inmates confined at Department facilities statewide. This request for information shall focus on identifying health care management models that use the best practices and cost containment methods employed by Medicaid managed care organizations in delivering provider-managed and outcome-based comprehensive health care services. These services shall include consolidated management and operational responsibility for delivering all primary and specialty care, nursing, x-ray, dialysis, dental, medical supplies, laboratory services, and pharmaceuticals, as well as all off-site care, case management, and related services. Specific information shall be sought on 1) how existing state-funded managed care networks can be leveraged; 2) federal health care funding opportunities; 3) identifying state-of-the-art practices in care coordination and utilization review; and 4) identifying innovative correctional health care management systems being used or developed in other states. A report summarizing the responses to the Request for Information and estimating the potential long-term savings from the approaches identified in the responses shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget no later than October 1, 2015.</p>				
<p>2. The Department shall provide to the Secretary of Public Safety and Homeland Security, the Directors of the Departments of Planning and Budget and Human Resources Management, and the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2016, a report assessing:</p>				
<p>a. The costs, benefits, and administrative actions required to eliminate the Department's reliance on a private contractor for the delivery of inmate health care at multiple facilities, and to provide the same services internally using either state employees or individual contract medical personnel.</p>				
<p>b. The costs, benefits, and administrative actions required to transition to a statewide health care management model that uses best practices and cost containment methods employed by prison health care management and Medicaid managed care organizations to deliver provider-managed and outcome-based comprehensive health care services through a single statewide contract for all of the Department's adult correctional centers.</p>				
<p>c. A review of the Department's actual cost experience comparing the previous arrangement in which the contractor assumed full financial risk for the payment of off-site inpatient and outpatient services, and the current and proposed arrangement in which the Department assumes that risk and also receives any Medicaid reimbursement for such off-site expenses. For purposes of analyzing the first arrangement, it is assumed that the benefit of any Medicaid or other third-party reimbursement for hospital or other services would accrue to the contractor. This review shall also compare cost trends experienced by other states which have adopted these two arrangements.</p>				
<p>d. A comparison of the costs and benefits of the Department's current management of inmate health care, including the model envisioned in its August 2014 Request for Proposals, to the alternative models the Department is directed to assess in subsections a, b, and c above.</p>				

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e. The Department of Human Resources Management, the Department of Planning and Budget and other executive branch agencies shall provide technical assistance to the Department as needed.				
Q. Out of the amounts appropriated for this item, \$6,939,908 the second year from the general fund is provided for a \$1,000 increase in the salaries for all correctional officers and all correctional officers senior who are employed at Department of Corrections facilities statewide, effective August 10, 2015. The \$1,000 salary increase shall not be included for the purposes of calculating the two percent salary increase authorized in Item 467 of this act.				
385. Administrative and Support Services (39900).....			\$100,506,587	\$101,568,441 \$102,001,774
Fund Sources: General.....	\$91,496,708	\$93,129,648 \$93,562,981		
Special.....	\$8,859,879	\$8,288,793		
Dedicated Special Revenue.....	\$150,000	\$150,000		

Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A.1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$5,509,879 the first year and \$4,938,793 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing the offender management system, including the development of an electronic health records system. In addition to any general fund appropriations, the Department of Corrections may, subject to the authorization of the Director, Department of Planning and Budget, utilize additional revenue deposited in the Contract Prisoners Special Revenue Fund to support the development of the offender management system.

B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.

C. Included in this appropriation is \$2,800,000 the first year and \$2,800,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The State Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.

D. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and Homeland Security and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.

E. The Department of Corrections is exempted from the approval requirements of Chapter 11 of the Construction and Professional Services Manual as issued by the Division of Engineering and Buildings. The Department of Corrections may authorize and initiate design-build contracts as deemed appropriate by the Director, Department of Corrections, in accordance with §§ 2.2-4301 and 2.2-4306, Code of Virginia.

F. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the

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<p>Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.</p>				
<p>G. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned county needs.</p>				
<p>H. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.</p>				
<p>I. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.</p>				
<p>J. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.</p>				
<p>K. Included in the appropriation for this Item is \$566,663 the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.</p>				
<p>a. Senate Bill 14.....\$50,000</p>				
<p>b. Senate Bill 65 and House Bill 810.....\$50,000</p>				
<p>c. Senate Bill 454 and House Bill 235.....\$50,000</p>				
<p>d. Senate Bill 476.....\$50,000</p>				
<p>e. Senate Bill 594 and House Bill 1112.....\$66,663</p>				
<p>f. House Bill 567.....\$50,000</p>				
<p>g. House Bill 575.....\$50,000</p>				
<p>h. House Bill 708.....\$50,000</p>				

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i. House Bill 972.....	\$50,000			
j. House Bill 976	\$50,000			
k. House Bill 1251.....	\$50,000.			
<p>L. Out of the appropriation for this Item, \$142,644 the first year and \$142,644 the second year from the general fund is continued for the ongoing financing costs of purchasing a generator for Deep Meadow Correctional Center through the state's master equipment lease purchase program.</p>				
<p>M. From the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.</p>				
<p>N. Included in the appropriation for this Item is \$500,000 the second year from the general fund and six positions to enable the agency to bolster its recruitment efforts of medical professionals and to strengthen the coordination and administration of medical services for inmates.</p>				
<p>O. Included in the appropriation for this Item is \$600,000 the second year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.</p>				
1. House Bill 1493 --	\$50,000			
2. House Bill 1702 --	\$50,000			
3. House Bill 1807 and Senate Bill 1231 --	\$50,000			
4. House Bill 1839 --	\$50,000			
5. House Bill 1964 and Senate Bill 1188 --	\$200,000			
6. House Bill 2040 --	\$50,000			
7. House Bill 2070 and Senate Bill 1424 --	\$50,000			
8. House Bill 2385 --	\$50,000			
9. Senate Bill 1056 --	\$50,000			
<p>P. No funding appropriated in this act for the Department of Corrections shall be used to distribute or make available to prisoners incarcerated in state correctional facilities obscene materials, as defined in Article 5 (§ 18.2-372 et seq.) of Chapter 8 of Title 18.2.</p>				
<p>Q. The Department of Corrections is authorized to use funds from the amounts paid into the Corrections Special Reserve Fund pursuant to paragraph O. of Item 385 to conduct a replanning study relating to replacement of the Powhatan Correctional Center.</p>				
<p>R. Included in the appropriation for this Item is \$833,333 the second year from the general fund for the cost of security technology and hardware for the inmate telephone system.</p>				
Total for Department of Corrections.....			\$1,145,584,240	\$1,172,974,239 \$1,173,858,485
General Fund Positions.....	12,607.50	12,623.50 12,648.50		
Nongeneral Fund Positions.....	240.50	240.50		
Position Level.....	12,848.00	12,864.00 12,889.00		

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Fund Sources: General.....	\$1,073,216,829	\$1,101,177,914 <i>\$1,102,062,160</i>		
Special.....	\$68,055,714	\$67,484,628		
Dedicated Special Revenue.....	\$2,480,379	\$2,480,379		
Federal Trust.....	\$1,831,318	\$1,831,318		

§ 1-28. DEPARTMENT OF CRIMINAL JUSTICE SERVICES (140)

386. Not set out.

387. Not set out.

388. Not set out.

389. Financial Assistance for Administration of Justice Services (39000)..... \$79,010,071 ~~\$79,060,071~~
\$79,088,711

Fund Sources: General.....	\$35,922,292	\$35,972,292 \$36,000,932
Special.....	\$100,000	\$100,000
Trust and Agency.....	\$10,000,000	\$10,000,000
Dedicated Special Revenue.....	\$11,487,779	\$11,487,779
Federal Trust.....	\$21,500,000	\$21,500,000

Authority: Title 9.1, Chapter 1, Code of Virginia.

A.1. This appropriation includes an estimated \$12,000,000 the first year and an estimated \$12,000,000 the second year from federal funds pursuant to the Omnibus Crime Control Act of 1968, as amended. Of these amounts, nine percent is available for administration, and the remainder is available for grants to state agencies and local units of government. The remaining federal funds are to be passed through as grants to localities, with a required 25 percent local match. Also included in this appropriation is \$729,930 the first year and \$729,930 the second year from the general fund for the required matching funds for state agencies.

2. The Department of Criminal Justice Services shall provide a summary report on federal anti-crime and related grants which will require state general funds for matching purposes during FY 2013 and beyond. The report shall include a list of each grant and grantee, the purpose of the grant, and the amount of federal and state funds recommended, organized by topical area and fiscal period. The report shall indicate whether each grant represents a new program or a renewal of an existing grant. Copies of this report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees by January 1 of each year.

B. The Department of Criminal Justice Services is authorized to make grants and provide technical assistance out of this appropriation to state agencies, local governments, regional, and nonprofit organizations for the establishment and operation of programs for the following purposes and up to the amounts specified:

1.a. Regional training academies for criminal justice training, \$496,546 the first year and \$496,546 the second year from the general fund and an estimated \$1,649,315 the first year and an estimated \$1,649,315 the second year from nongeneral funds. The Criminal Justice Services Board shall adopt such rules as may reasonably be required for the distribution of funds and for the establishment, operation and service boundaries of state-supported regional criminal justice training academies.

b. The Board of Criminal Justice Services, consistent with § 9.1-102, Code of Virginia, and § 6VAC-20-20-61 of the Administrative Code, shall not approve or provide funding for the establishment of any new criminal justice training academy from July 1, 2014, through June 30, 2016.

2. Virginia Crime Victim-Witness Fund, \$5,124,059 the first year and \$5,124,059 the second year from dedicated special revenue, and \$2,635,000 the first year and \$2,635,000

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the second year from the general fund. The Department of Criminal Justice Services shall provide a report on the current and projected status of federal, state and local funding for victim-witness programs supported by the Fund. Copies of the report shall be provided annually to the Secretary of Public Safety and Homeland Security, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16 of each year.

3.a. Court Appointed Special Advocate (CASA) programs, \$1,176,179 the first year and \$1,176,179 the second year from the general fund.

b. In the event that the federal government reduces or removes support for the CASA programs, the Governor is authorized to provide offsetting funding for those impacted programs out of the unappropriated balances in this Act.

4. Domestic Violence Fund, \$3,000,000 the first year and \$3,000,000 the second year from the dedicated special revenue fund to provide grants to local programs and prosecutors that provide services to victims of domestic violence.

5. Offender Reentry and Transition Services (ORTS), \$2,286,144 the first year and \$2,286,144 the second year from general fund to support pre and post incarceration professional services and guidance that increase the opportunity for, and the likelihood of, successful reintegration into the community by adult offenders upon release from prisons and jails.

6. To the Department of Behavioral Health and Developmental Services for the following activities and programs: (i) a partnership program between a local community services board and the district probation and parole office for a jail diversion program; (ii) forensic discharge planners; (iii) advanced training on veterans' issues to local crisis intervention teams; and (iv) cross systems mapping targeting juvenile justice and behavioral health.

7. To the Department of Corrections for the following activities and programs: (i) community residential re-entry programs for female offenders; (ii) establishment of a pilot day reporting center; and (iii) establishment of a pilot program whereby non-violent state offenders would be housed in a local or regional jail, rather than a prison or other state correctional facility, with rehabilitative services provided by the jail.

8. To Drive to Work, \$75,000 the first year and \$75,000 the second year from such federal funds as may be available to provide assistance to low income and previously incarcerated persons to restore their driving privileges so they can drive to work and keep a job.

C.1. Out of this appropriation, \$23,817,037 the first year and \$23,817,037 the second year from the general fund is authorized to make discretionary grants and to provide technical assistance to cities, counties or combinations thereof to develop, implement, operate and evaluate programs, services and facilities established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§ 53.1-182.1, Code of Virginia) and the Pretrial Services Act (§ 19.2-152.4, Code of Virginia). Out of these amounts, the Director, Department of Criminal Justice Services, is authorized to expend no more than five percent per year for state administration of these programs.

2. The Department of Criminal Justice Services, in conjunction with the Office of the Executive Secretary of the Supreme Court and the Virginia Criminal Sentencing Commission, shall conduct information and training sessions for judges and other judicial officials on the programs, services and facilities available through the Pretrial Services Act and the Comprehensive Community Corrections Act for Local-Responsible Offenders.

D.1. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Central Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.

2. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Southwest Virginia Regional Jail Authority. These

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amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.

E. In the event the federal government should make available additional funds pursuant to the Violence Against Women Act, the department shall set aside 33 percent of such funds for competitive grants to programs providing services to domestic violence and sexual assault victims.

F.1. Out of this appropriation, \$1,700,000 the first year and \$1,700,000 the second year from the general fund and \$1,710,000 the first year and \$1,710,000 the second year from such federal funds as are available shall be deposited to the School Resource Officer Incentive Grants Fund established pursuant to § 9.1-110, Code of Virginia.

2. The Director, Department of Criminal Justice Services, is authorized to expend \$357,285 the first year and \$357,285 the second year from the School Resource Officer Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to § 9.1-110, Code of Virginia.

3. Subject to the development of criteria for the distribution of grants from the fund, including procedures for the application process and the determination of the actual amount of any grant issued by the department, the department shall award grants to either local law-enforcement agencies, where such local law-enforcement agencies and local school boards have established a collaborative agreement for the employment of school resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school resource officers, or to local school divisions for the employment of school security officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school security officers in any public school. The application process shall provide for the selection of either school resource officers, school security officers, or both by localities. The department shall give priority to localities requesting school resource officers, school security officers, or both where no such personnel are currently in place. Localities shall match these funds based on the composite index of local ability-to-pay.

4. Pursuant to the adoption of House Bills 2344 and 2345 by the 2013 Session of the General Assembly, included in this appropriation is \$202,300 the first year and \$202,300 the second year from the general fund for the development of a model critical incident response training program for public school personnel and others providing services to public schools, and the development of a model policy for the establishment of threat assessment teams for each public school, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of public school staff or other students.

G. Included in the amounts appropriated in this Item is \$382,500 the first year and \$382,500 the second year from the general fund for grants to local sexual assault crisis centers (SACCs) to provide core and comprehensive services to victims of sexual violence.

H.1. Out of the amounts appropriated for this Item, \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds is provided, to be distributed as follows: for the Southern Virginia Internet Crimes Against Children Task Force, \$600,000 the first year and \$600,000 the second year; and, for the creation of a grant program to law enforcement agencies for the prevention of internet crimes against children, \$500,000 the first year and \$500,000 the second year.

2. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces shall each provide an annual report, in a format specified by the Department of Criminal Justice Services, on their actual expenditures and performance results. Copies of these reports shall be provided to the Secretary of Public Safety and Homeland Security, the Chairmen of the Senate Finance and House Appropriations Committees, and Director, Department of Planning and Budget prior to the distribution of these funds each year.

3. Subject to compliance with the reports and distribution thereof as required in paragraph 2 above and notwithstanding the provisions of paragraph AA. of § 3-1.01 in Part 3 of this

ITEM 389.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
act, the Governor shall allocate all additional funding, not to exceed actual collections, for the prevention of Internet Crimes Against Children as contained in this item; paragraph E. of Item 339 of this act; and, Item 414 of this act, pursuant to § 17.1-275.12, Code of Virginia.				
I. The Department of Criminal Justice Services shall publish and disseminate a model policy for law-enforcement personnel involved in criminal investigations or assigned to vehicle or street patrol duties to ensure that law-enforcement personnel are aware of human trafficking offenses and the identification of victims of human trafficking.				
J. Out of the amounts appropriated for this item, \$50,000 the second year from the general fund is provided for training to local law enforcement to aid in their identifying and interacting with individuals suffering from Alzheimer's and/or dementia.				
390.	Not set out.			
391.	Not set out.			
392.	Not set out.			
	Total for Department of Criminal Justice Services.....		\$265,164,553	\$265,295,930 \$265,324,570
	General Fund Positions.....	48.50	48.50	
	Nongeneral Fund Positions.....	68.50	68.50	
	Position Level.....	117.00	117.00	
	Fund Sources: General.....	\$211,603,531	\$211,713,192 \$211,741,832	
	Special.....	\$10,572,592	\$10,587,783	
	Trust and Agency.....	\$10,000,000	\$10,000,000	
	Dedicated Special Revenue.....	\$11,487,779	\$11,487,779	
	Federal Trust.....	\$21,500,651	\$21,507,176	
393.	Not set out.			
394.	Not set out.			
395.	Not set out.			
396.	Not set out.			
397.	Not set out.			

§ 1-29. DEPARTMENT OF FIRE PROGRAMS (960)

398.	Fire Training and Technical Support Services (74400).....		\$7,507,398	\$7,507,398 \$7,622,733
	Fund Sources: Special.....	\$7,507,398	\$7,507,398 \$7,622,733	
Authority: Title 9.1, Chapter 2 and § 38.2-401, Code of Virginia.				
Notwithstanding the provisions of § 38.2-401, Code of Virginia, up to 25 percent of the revenue available from the Fire Programs Fund, after making the distributions set out in § 38.2-401 D, Code of Virginia, may be used by the Department of Fire Programs to pay for the administrative costs of all activities assigned to it by law.				
399.	Not set out.			
400.	Regulation of Structure Safety (56200).....		\$2,910,209	\$2,930,222 \$3,007,112

ITEM 400.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$2,368,475	\$2,370,100 \$2,446,990		
Special.....	\$541,734	\$560,122		
Authority: §§ 9.1-201, 9.1-206, and 27-94 through 27-99, Code of Virginia.				
The State Fire Marshal may charge no fee for any permits or inspections of any school, whether it be public or private.				
Total for Department of Fire Programs.....			\$40,242,607	\$40,262,620 \$40,454,845
General Fund Positions.....	29.00	29.00		
Nongeneral Fund Positions.....	43.00	43.00		
Position Level.....	72.00	72.00		
Fund Sources: General.....	\$2,368,475	\$2,370,100 \$2,446,990		
Special.....	\$37,624,132	\$37,642,520 \$37,757,855		
Federal Trust.....	\$250,000	\$250,000		

§ 1-30. DEPARTMENT OF FORENSIC SCIENCE (778)

401. Law Enforcement Scientific Support Services (30900).....			\$40,822,427	\$41,457,793 \$41,732,890
Fund Sources: General.....	\$38,315,431	\$38,950,797 \$39,225,894		
Federal Trust.....	\$2,506,996	\$2,506,996		

Authority: §§ 9.1-1100 through 9.1-1113, Code of Virginia.

A. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Forensic Science shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

B.1. The Forensic Science Board shall ensure that all individuals who were convicted due to criminal investigations, for which its case files for the years between 1973 and 1988 were found to contain evidence possibly suitable for DNA testing, are informed that such evidence exists and is available for testing. To effectuate this requirement, the Board shall prepare two form letters, one sent to each person whose evidence was tested, and one sent to each person whose evidence was not tested. Copies of each such letter shall be sent to the Chairman of the Forensic Science Board and to the respective Chairmen of the House and Senate Committees for Courts of Justice. The Department of Corrections shall assist the board in effectuating this requirement by providing the addresses for all such persons to whom letters shall be sent, whether currently incarcerated, on probation, or on parole. In cases where the current address of the person cannot be ascertained, the Department of Corrections shall provide the last known address. The Chairman of the Forensic Science Board shall report on the progress of this notification process at each meeting of the Forensic Science Board.

2. Upon a request pursuant to the Virginia Freedom of Information Act for a certificate of analysis that has been issued in connection with the Post Conviction DNA Testing Program and that reflects that a convicted person's DNA profile was not indicated on items of evidence tested, the Department of Forensic Science shall make available for inspection and copying such requested record after all personal and identifying information about the victims, their family members, and consensual partners has been redacted, except where disclosure of the information contained therein is expressly prohibited by law or the Commonwealth's Attorney to whom the certificate was issued states that the certificate is critical to an ongoing active investigation and that disclosure jeopardizes the investigation.

Total for Department of Forensic Science.....			\$40,822,427	\$41,457,793 \$41,732,890
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ITEM 401.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
General Fund Positions.....	310.00	310.00		
Position Level.....	310.00	310.00		
Fund Sources: General.....	\$38,315,431	\$38,950,797		
		\$39,225,894		
Federal Trust.....	\$2,506,996	\$2,506,996		

§ 1-31. DEPARTMENT OF JUVENILE JUSTICE (777)

402.	Not set out.			
403.	Not set out.			
404.	Not set out.			
405.	Not set out.			
406.	Operation of Secure Correctional Facilities (39800)....		\$64,237,223	\$64,702,254
	Fund Sources: General.....	\$60,641,799	\$61,106,830	
	Special.....	\$2,092,691	\$2,092,691	
	Dedicated Special Revenue.....	\$48,000	\$48,000	
	Federal Trust.....	\$1,454,733	\$1,454,733	

Authority: §§ 16.1-278.8, 16.1-285.1, 66-13, 66-16, 66-18, 66-19, 66-22 and 66-25.1, Code of Virginia.

A. The Department of Juvenile Justice shall retain all funds paid for the support of children committed to the department to be used for the security, care, and treatment of said children.

B. The Director, Department of Juvenile Justice, in response to the continuing downward trend of the juvenile population and requirements imposed by the federal government, is directed to implement the downsizing and repurposing of its juvenile facilities. It is anticipated that by relocating the juveniles at the Culpeper Juvenile Correctional Center, the agency will be able to increase the efficiency and effectiveness of its operations and enhance the services provided to juveniles committed to state facilities in the areas of education, re-entry, mental health treatment, health services, and various other programmatic areas.

C. Included in the appropriation for this Item is \$3,906,720 and 72 juvenile correctional officer positions in the second year from the general fund to meet requirements of the Prison Rape Elimination Act (PREA).

D.1. The Director, Department of Juvenile Justice, (the "Department") shall develop a transformation plan to provide more effective and efficient services for juveniles, using data-based decision-making, that improves outcomes, including reduced recidivism, and to reduce the number of juveniles housed in state-operated juvenile correctional centers, consistent with public safety. Prior to implementation, the plan shall be approved by the Secretary of Public Safety and Homeland Security. A progress report on actions taken and additional recommendations under consideration shall be provided no later than June 30, 2016 to the Director of the Department of Planning and Budget, the Chairman of the Virginia Commission on Youth, and the Chairmen of the House Appropriations and Senate Finance Committees.

2. To accomplish these objectives, the Department will provide, when appropriate, alternative placements and services for juveniles committed to the Department that offer treatment, supervision and programs that meet the levels of risk and need, as identified by the Department's risk and needs assessment instruments, for each juvenile placed in such placements or programs.

3. The Department shall reallocate any savings from the reduced cost of operating state juvenile correctional centers to support the goals of the transformation plan including, but not limited to: (a) increasing the number of male and female local placement options, and post-dispositional treatment programs and services; (b) ensuring that appropriate placements

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
<p><i>and treatment programs are available across all regions of the Commonwealth; and (c) providing appropriate levels of educational, career readiness, rehabilitative, and mental health services for these juveniles in state, regional, or local programs and facilities, including but not limited to, community placement programs, independent living programs, and group homes. The goals of such transformation services shall be to reduce the risks for reoffending for juveniles supervised or committed to the Department and to improve and promote the skills and resiliencies necessary for the juveniles to lead successful lives in their communities.</i></p> <p><i>4. The Director, Department of Planning and Budget, is authorized to transfer appropriations between items and programs within the Department of Juvenile Justice to reallocate any savings achieved through transformation to accomplish the goals of transformation.</i></p>				
407.	Not set out.			
	Total for Department of Juvenile Justice.....		\$206,627,222	\$206,924,974
	General Fund Positions.....	2,149.50	2,149.50	
	Nongeneral Fund Positions.....	21.00	21.00	
	Position Level.....	2,170.50	2,170.50	
	Fund Sources: General.....	\$196,447,317	\$196,743,693	
	Special.....	\$3,442,366	\$3,443,742	
	Dedicated Special Revenue.....	\$48,000	\$48,000	
	Federal Trust.....	\$6,689,539	\$6,689,539	
408.	Not set out.			
409.	Not set out.			
410.	Not set out.			
411.	Not set out.			
412.	Not set out.			
413.	Not set out.			
414.	Not set out.			
415.	Not set out.			
416.	Not set out.			
417.	Not set out.			
	TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....		\$2,735,442,327	\$2,816,146,443 \$2,817,837,651
	General Fund Positions.....	17,809.82	17,828.82 17,853.82	
	Nongeneral Fund Positions.....	2,308.18	2,334.18	
	Position Level.....	20,118.00	20,163.00 20,188.00	
	Fund Sources: General.....	\$1,790,976,868	\$1,821,269,030 \$1,822,533,903	
	Special.....	\$159,521,838	\$156,230,410 \$156,345,745	
	Commonwealth Transportation.....	\$9,337,444	\$9,337,444	

ITEM 417.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Enterprise.....	\$597,331,789	\$651,275,793 \$651,586,793		
Trust and Agency.....	\$10,020,000	\$10,020,000		
Dedicated Special Revenue.....	\$27,963,975	\$28,663,975		
Federal Trust.....	\$140,290,413	\$139,349,791		

ITEM 418.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF TECHNOLOGY

- 418. Not set out.
- 419. Not set out.

§ 1-32. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)

420.	Not set out.			
421.	Not set out.			
422.	Not set out.			
423.	Not set out.			
424.	Not set out.			
425.	Administrative and Support Services (89900).....		\$30,895,672	\$30,124,976
	Fund Sources: Special.....	\$7,778,099	\$7,243,005	
	Internal Service.....	\$23,117,573	\$22,881,971	

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. Out of this appropriation, \$23,117,573 the first year and \$23,215,967 the second year for Administrative and Support Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from charges to other programs within this agency.

2. In accordance with § 2.2-2013 D., Code of Virginia, the surcharge rate used to fund expenses for operations and staff of services administered by VITA shall be no more than 8.26% the first year and 7.91% the second year.

3. Included in the amounts for Administrative and Support Services are funds from the Acquisition Services Special Fund which is paid solely from receipts from vendor information technology contracts. These funds will be used to finance procurement and contracting activities and costs unallowable for federal fund reimbursement.

B. The provisions of Title 2.2, Chapter 20.1 of the Code of Virginia shall not apply to the Virginia Port Authority.

C. The requirement that the Department of Behavioral Health and Developmental Services purchase information technology equipment or services from the Virginia Information Technologies Agency (VITA) according to the provisions of Chapters 981 and 1021 of the Acts of Assembly of 2003 shall not adversely impact the provision of services to mentally disabled clients.

D. The Chief Information Officer and the Secretary of Technology shall provide the Governor and the Chairmen of the Senate Finance and House Appropriations Committees with a report detailing any amendments or modifications to the comprehensive infrastructure agreement. The report shall include statements describing the fiscal impact of such amendments or modifications and shall be submitted within 30 days following the signing of any amended agreement.

E. An annual assessment of the VITA organization and in-scope information technology and telecommunications costs will be provided to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by September 15 of each year. This assessment should (i) include a review of agency productivity, efficiency, and effectiveness, (ii) identify opportunities to reduce the number of retained employees, (iii) establish and update standards for hardware, such as the number of printers per employees and using docking stations instead of laptops and desktops, and (iv) offer options for

ITEM 425.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
decreasing agency overhead costs.				
<p>F. The Chief Information Officer shall provide the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no later than December 1, each year, an update to the December 1, 2013, assessment of the comprehensive infrastructure agreement. The updated assessment shall (i) include a detailed overview of all in-scope agency infrastructure transition timelines and costs, including untransformed agencies; (ii) describe all efforts undertaken to ensure the market competitiveness of the fees paid by the Commonwealth to Northrop Grumman; (iii) assess whether the financial and contractual terms of the comprehensive agreement ensure that the Commonwealth's needs are met, including whether any modifications thereto are required; and (iv) identify options available to the Commonwealth at the expiry of the current agreement including any anticipated steps required to plan for its expiration.</p> <p>G.1. From the amounts appropriated in this Item, \$1,000,000 the second year from the internal service fund shall be allocated to develop an information technology (IT) sourcing strategy for contract transition in preparation for the expiration of the IT contract with Northrop Grumman.</p> <p>2. From the amounts appropriated in this Item, \$1,150,235 the first year and \$600,000 the second year from the Acquisitions Services Special Fund shall be allocated to develop an information technology sourcing strategy for contract transition in preparation for the expiration of the IT contract with Northrop Grumman.</p> <p>H. From the amounts appropriated in this Item, \$1,721,245 the first year and \$721,624 the second year from the internal service fund shall be allocated to implement a new telecommunications expense management (TEM) and billing solution system.</p>				
426.	Not set out.			
	Total for Virginia Information Technologies Agency.		\$382,316,627	\$386,196,939
	General Fund Positions.....	26.00	26.00	
	Nongeneral Fund Positions.....	245.00	244.00 243.00	
	Position Level.....	271.00	270.00 269.00	
	Fund Sources: General.....	\$2,183,330	\$2,184,211	
	Special.....	\$7,778,099	\$7,361,363	
	Internal Service.....	\$347,077,163	\$349,824,751	
	Dedicated Special Revenue.....	\$24,845,942	\$26,826,614	
	Federal Trust.....	\$432,093	\$0	
	TOTAL FOR OFFICE OF TECHNOLOGY.....		\$391,343,482	\$394,946,075
	General Fund Positions.....	31.00	31.00	
	Nongeneral Fund Positions.....	245.00	244.00 243.00	
	Position Level.....	276.00	275.00 274.00	
	Fund Sources: General.....	\$11,210,185	\$10,933,347	
	Special.....	\$7,778,099	\$7,361,363	
	Internal Service.....	\$347,077,163	\$349,824,751	
	Dedicated Special Revenue.....	\$24,845,942	\$26,826,614	
	Federal Trust.....	\$432,093	\$0	

ITEM 427.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF TRANSPORTATION

- 427. Not set out.
- 428. Not set out.
- 429. Not set out.
- 430. Not set out.
- 431. Not set out.
- 432. Not set out.

§ 1-33. DEPARTMENT OF MOTOR VEHICLES (154)

433.	Ground Transportation Regulation (60100).....		\$166,482,775	\$171,109,999
	Fund Sources: Commonwealth Transportation.....	\$158,386,175	\$163,313,399	
	Trust and Agency.....	\$6,096,600	\$5,796,600	
	Federal Trust.....	\$2,000,000	\$2,000,000	

Authority: Title 46.2, Chapters 1, 2, 3, 6, 8, 10, 12, 15, 16, and 17; §§ 18.2-266 through 18.2-272; Title 58.1, Chapters 21 and 24, Code of Virginia. Title 33, Chapter 4, United States Code.

A. The Commissioner, Department of Motor Vehicles, is authorized to establish, where feasible and cost efficient, contracts with private/public partnerships with commercial operations, to provide for simplification and streamlining of service to citizens through electronic means. Provided, however, that such commercial operations shall not be entitled to compensation as established under § 46.2-205, Code of Virginia, but rather at rates limited to those established by the commissioner.

B. The Department of Motor Vehicles shall work to increase the use of alternative service delivery methods. As part of its effort to shift customers to internet usage where applicable, the department shall not charge its customers for the use of credit cards for internet or other types of transactions.

C. In order to provide citizens of the Commonwealth greater access to the Department of Motor Vehicles, the agency is authorized to enter into an agreement with any local constitutional officer or combination of officers to act as a license agent for the department, with the consent of the chief administrative officer of the constitutional officer's county or city, and to negotiate a separate compensation schedule for such office other than the schedule set out in § 46.2-205, Code of Virginia. Notwithstanding any other provision of law, any compensation due to a constitutional officer serving as a license agent shall be remitted by the department to the officer's county or city on a monthly basis, and not less than 80 percent of the sums so remitted shall be appropriated by such county or city to the office of the constitutional officer to compensate such officer for the additional work involved with processing transactions for the department. Funds appropriated to the constitutional office for such work shall not be used to supplant existing local funding for such office, nor to reduce the local share of the Compensation Board-approved budget for such office below the level established pursuant to general law.

D. The base compensation for DMV Select Agents shall be set at 4.5 percent of gross collections for the first \$500,000 and 5.0 percent of all gross collections in excess of \$500,000 made by the entity during each fiscal year on such taxes and fees in place as a matter of law. The commissioner shall supply the agents with all necessary agency forms to provide services to the public, and shall cause to be paid all freight and postage, but shall not be responsible for any extra clerk hire or other business-related expenses or business equipment expenses occasioned by their duties.

ITEM 433.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
E. Out of the amounts identified in this Item, \$299,991 the first year and \$299,991 the second year from the Commonwealth Transportation Fund shall be paid to the Washington Metropolitan Area Transit Commission.				
F.1. Notwithstanding any other provision of law, the department shall assess a minimum fee of \$10 for all replacement and supplemental titles. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
2. Notwithstanding any other provision of law, the department shall assess a \$10 late fee on all registration renewal transactions that occur after the expiration date. The late fee shall not apply to those exceptions granted under § 46.2-221.4, Code of Virginia. In assessing the late renewal fee the department shall provide a ten day grace period for transactions conducted by mail to allow for administrative processing. This grace period shall not apply to registration renewals for vehicles registered under the International Registration Plan. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
3. Notwithstanding any other provision of law, the department shall establish a \$20 minimum fee for original driver's licenses and replacements. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
G. The Department of Motor Vehicles is hereby granted approval to renew or extend existing capital leases due to expire during the current biennium for existing customer service centers.				
H. The Department of Motor Vehicles is hereby appropriated revenues from the additional sales tax on fuel in certain transportation districts to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-2295, Code of Virginia.				
I. The Commissioner of the Department of Motor Vehicles, in consultation with the Commissioner of Highways, shall take such steps as may be necessary to expand access to the E-ZPass program through its customer service channels using such locations and methods as are practicable.				
J. The Commissioner of the Department of Motor Vehicles, in consultation with the Commissioner of Highways, shall report on the feasibility and advisability of entering into reciprocal agreements with other states for the purpose of toll enforcement. Such report shall be made to the Chairmen of the House Appropriations, Senate Finance, and House and Senate Transportation Committees no later than December 1, 2014.				
K. Included in the amounts for this item is \$650,000 in the first year and \$350,000 in the second year to support the start-up and on-going costs associated with the regulation of Transportation Network Companies in Virginia pursuant to the provisions of House Bill 1662, 2015 Session of the General Assembly.				
<i>L. Notwithstanding the provisions of Chapter 21 of Title 46.2, the Commissioner of the Department of Motor Vehicles shall be authorized to grant temporary authority to a motor carrier to transport property for compensation on an intrastate basis utilizing a digital platform that connects persons seeking a property transportation service with persons authorized by the motor carrier to transport property. Such temporary authority shall be subject to such reasonable conditions as the Commissioner may impose, and shall be valid only for passenger cars and pickup or panel trucks, as those terms are defined in § 46.2-100, which vehicles shall not be required to be issued for-hire license plates under § 46.2-711. Such temporary authority, unless suspended or revoked, shall be valid for such time as the Department shall specify, but such authority shall not extend beyond 130 days following the adjournment of the next regular session of the General Assembly and shall create no presumption that corresponding permanent authority will be granted thereafter.</i>				
434. Not set out.				
435. Not set out.				
Total for Department of Motor Vehicles.....			\$237,026,954	\$244,236,208
Nongeneral Fund Positions.....	2,038.00	2,038.00		

ITEM 435.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Position Level.....	2,038.00	2,038.00		
Fund Sources: Commonwealth Transportation.....	\$224,961,030	\$232,470,284		
Trust and Agency.....	\$6,096,600	\$5,796,600		
Federal Trust.....	\$5,969,324	\$5,969,324		
436. Not set out.				
437. Not set out.				
Grand Total for Department of Motor Vehicles.....			\$348,973,483	\$356,182,737
Nongeneral Fund Positions.....	2,038.00	2,038.00		
Position Level.....	2,038.00	2,038.00		
Fund Sources: Commonwealth Transportation.....	\$225,352,530	\$232,861,784		
Trust and Agency.....	\$11,596,600	\$11,296,600		
Dedicated Special Revenue.....	\$79,800,000	\$79,800,000		
Federal Trust.....	\$32,224,353	\$32,224,353		
438. Not set out.				
439. Not set out.				
440. Not set out.				
441. Not set out.				

§ 1-34. DEPARTMENT OF TRANSPORTATION (501)

442. Environmental Monitoring and Evaluation (51400).			\$13,251,385	\$12,534,800 \$13,170,831
Fund Sources: Commonwealth Transportation.....	\$13,251,385	\$12,534,800 \$13,170,831		

Authority: Title 33.1, Code of Virginia.

A. Included in the amounts for Environmental Monitoring and Evaluation is \$187,443 in the first year and \$55,717 in the second year to establish baseline air quality measures of nitrogen dioxide and fine particulate matter at the terminus of the I-395 express lane at Turkeycock Run. Funding shall be used for a two-phased study including a six-month baseline monitoring commencing as soon after July 1, 2014 as practicable, prior to the opening of the ramp, and twelve-month monitoring upon completion of the project; provided, however, that nothing required herein shall delay the opening of the ramp or the project or affect the continuing operation of the 95 Express lanes project. The study shall be conducted by the Department of Environmental Quality pursuant to a Memorandum of Agreement with the Department of Transportation.

443. Ground Transportation Planning and Research (60200).....			\$67,936,320	\$68,490,623 \$67,615,730
Fund Sources: Commonwealth Transportation.....	\$67,936,320	\$68,490,623 \$67,615,730		

Authority: Title 33.2, Code of Virginia.

A. Included in the amount for ground transportation system planning and research is no less than \$4,500,000 the first year and no less than \$4,500,000 the second year from the highway share of the Transportation Trust Fund for the planning and evaluation of options to address transportation needs.

B. In addition, the Commonwealth Transportation Board may approve the expenditures of up to \$500,000 the first year and \$500,000 the second year from the highway share of the

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Transportation Trust Fund for the completion of advance activities, prior to the initiation of an individual project's design along existing highway corridors, to determine short-term and long-term improvements to the corridor. Such activities shall consider safety, access management, alternative modes, operations, and infrastructure improvements. Such funds shall be used for, but are not limited to, the completion of activities prior to the initiation of an individual project's design or to benefit identification of needs throughout the state or the prioritization of those needs. For federally eligible activities, the activity or item shall be included in the Commonwealth Transportation Board's annual update of the Six-Year Improvement program so that (i) appropriate federal funds may be allocated and reimbursed for the activities and (ii) all requirements of the federal Statewide Transportation Improvement Program can be achieved.

C.1. The Office of Intermodal Planning and Investment shall recommend to the Commonwealth Transportation Board all allocations of such funds in this paragraph. The planning and evaluation may be conducted or managed by the Department of Transportation, Department of Rail and Public Transportation, or another qualified entity selected and/or approved by the Commonwealth Transportation Board.

2. The office shall work directly with affected Metropolitan Planning Organizations to develop and implement quantifiable and achievable goals relating to congestion reduction and safety, transit and HOV usage, job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and/or per-capita vehicle miles traveled pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly.

3. For allocation of funds under Paragraph 1, the office may give a higher priority for planning grants to (i) regional organizations to analyze various land development scenarios for their long range transportation plans, (ii) local governments to revise their comprehensive plans and other applicable local ordinances to designate urban development areas pursuant to Chapter 896 of the 2007 Acts of Assembly and incorporate the principles included in such act, and (iii) local governments, regional organizations, transit agencies and other appropriate entities to develop plans for transit oriented development and the expansion of transit service. Such analyses, plans, and ordinances shall be shared with the regional planning district commission or metropolitan planning organization and the department.

D. Notwithstanding the provisions of Chapter 729 and Chapter 733 of the 2012 Acts of Assembly, the Commonwealth Transportation Board shall not reallocate any funds from projects on roadways controlled by any county that has withdrawn or elects to withdraw from the secondary system of state highways, nor from any roadway controlled by a city or town as part of the state's urban roadway system, based on a determination of nonconformity with the Commonwealth Transportation Board's Statewide Transportation Plan or the Six-Year Improvement Program. In jurisdictions that maintain roadways within their boundaries, the provisions of § 33.2-214 shall apply only to highways controlled by the Department of Transportation.

E. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from the federal apportionments in the State Planning and Research Program.

444.	Highway Construction Programs (60300).....			\$1,521,576,851	\$1,860,792,607 \$2,197,835,660
	Fund Sources: Commonwealth Transportation.....	\$1,071,314,483	\$1,259,235,059 \$1,596,856,102		
	Trust and Agency.....	\$450,262,368	\$601,557,548 \$600,979,558		

Authority: Title 33.2, Chapter 3; Code of Virginia; Chapters 8, 9, and 12, Acts of Assembly of 1989, Special Session II.

A. From the appropriation for dedicated and statewide construction, the Commonwealth Transportation Board shall determine an amount each year, not less than \$15,000,000 and not to exceed \$200,000,000 from the Commonwealth Transportation Fund, which shall be allocated to localities for revenue sharing. No additional amount shall be appropriated from the proceeds of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds for this program.

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B. Notwithstanding § 33.2-358 of the Code of Virginia, the proceeds from the lease or sale of surplus and residue property purchased under this program in excess of related costs shall be applied to the system and locality where the residue property is located. This funding shall be provided as an increase to the allocations distributed to the systems and localities according to § 33.2-358 of the Code of Virginia.

C. The Director, Department of Planning and Budget, is authorized to increase the appropriation as needed to utilize amounts available from prior year balances in the dedicated funds.

D. Included in the amounts for dedicated and statewide construction is the reappropriation of \$448,300,000 the first year and \$238,500,000 the second year from bond proceeds or dedicated special revenues for anticipated expenditure of amounts collected in prior years. The amounts will be provided from balances in the Capital Projects Revenue Bond Fund, Federal Transportation Grant Anticipation Revenue Bond Fund, Northern Virginia Transportation District Fund, State Route 28 Highway Improvement District Fund, U.S. Route 58 Corridor Development Fund and the Priority Transportation Fund. These amounts were originally appropriated when received or forecasted and are not related to FY 2015 and FY 2016 estimated revenues.

E. Projects being developed and procured through adopted state, local or regional design-build provisions, other than those required by § 33.2-209 B., Code of Virginia, may be considered for funding from the Transportation Partnership Opportunity Fund. In addition, an application requesting funding from the fund shall be limited to requesting only one form of assistance and the limitations included in § 33.2-1508 (E), Code of Virginia.

F. Prior to annual adoption of the Six Year Improvement Program, the Commonwealth Transportation Board may allocate funding from the highway portion of the Transportation Trust Fund to undertake any park and ride lot improvements for the I-95 Corridor required pursuant to the Comprehensive Agreement for the I-95 High Occupancy Toll Lanes project.

G. Out of the amounts provided for dedicated and statewide construction, the Commonwealth Transportation Board is hereby directed to utilize any balances remaining of the amounts provided in Item 446 H, Chapter 806 of the 2013 Acts of Assembly for an environmental study for the replacement of the I-64 High Rise Bridge in Chesapeake, Virginia to begin preliminary engineering on such project.

H. The Commissioner is directed to investigate methods through which to fund the replacement of the Churchland Bridge in Portsmouth and report to the Chairmen of the House Appropriations and Senate Finance Committees on the feasibility of including federal and or state funding for the project in the Six Year Improvement Program by October 1, 2014.

I. Out of the funds provided for the Transportation Alternatives Program or other sources available to the Board, an amount estimated at \$90,000 shall be provided to remove the concrete barrier closing the middle of a tunnel in Crozet, Virginia to allow for the development of a trails project and \$50,000 in the first year and \$50,000 in the second year shall be provided for gateway signage along Interstates 95 and 64 in the Richmond Regional Planning District.

445.	Highway System Maintenance and Operations (60400).....			\$1,580,560,866	\$1,558,118,156 \$1,573,950,444
	Fund Sources: Commonwealth Transportation.....	\$1,580,560,866	\$1,558,118,156 \$1,573,950,444		

Authority: Title 33.1, Chapter 1, Code of Virginia.

A. Out of the funds provided in this program, an amount estimated at \$332,900,000 the first year and \$240,643,000 the second year from federal funds shall be used to address the maintenance of pavements and bridges and the operations of the transportation system. These funds shall be matched by other funds appropriated to this Item.

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<p>B. The department is authorized to enter into agreements with state and local law enforcement officials to facilitate the enforcement of high occupancy vehicle (HOV) restrictions throughout the Commonwealth and metropolitan planning regions.</p> <p>C. Should federal law be changed to permit privatization of rest area operations, the department is hereby authorized to accept or solicit proposals for their development and/or operation under the Public Private Transportation Act.</p> <p>D. The Director, Department of Planning and Budget, is authorized to increase the appropriation in this Item as needed to utilize amounts available from prior year balances in the dedicated funds.</p> <p>E. The Department is hereby directed to utilize the data collected for its State of the Pavement Report to review the conditions of secondary pavements by county within the VDOT Richmond District. By October 15, 2014 the Department shall report to the Chairmen of the House Appropriations, Senate Finance, and House and Senate Transportation Committees on the conditions of secondary pavements by county, and the expenditure of funds for secondary pavement maintenance in the Richmond District by county in fiscal year 2013. If the report indicates that there are significant disparities in the condition of secondary pavements between counties in the Richmond District then the Department is hereby directed to ensure that the expenditure of funds for secondary pavements maintenance within the Richmond District in fiscal year 2015 and fiscal year 2016 shall be adjusted to achieve a minimal level of disparity between the pavement conditions in each county, provided that the Department take all steps necessary to ensure the safety of the driving public in the event of unforeseen events that may require the expenditure of funds to deviate from this directive. An update to the report, which shall include an update on the availability of condition data on the secondary system and the Department's progress at implementing the requirements of Chapter 290 of the 2013 Acts of Assembly shall be presented to the Chairmen of the House Appropriations, Senate Finance, and House and Senate Transportation Committees by October 15, 2015.</p> <p>F. Consistent with the provisions of § 33.2-232 and § 33.2-371, Code of Virginia, as amended by the 2015 General Assembly, the Commissioner of the Department of Transportation is hereby directed to publish for each construction district the amount of money expended for system maintenance and for secondary system improvements by jurisdiction for the preceding year. The report shall also include a calculation for each district of the amount that would be spent if such funds were distributed annually on the basis of population estimates by locality as updated by the Weldon Cooper Center for Public Service. Finally, the report shall include an assessment of whether the department has met its secondary road pavement targets, by district and on a statewide basis. An update to the report, which shall include an update on the availability of condition data on the secondary system and detail on the Department's proposed condition indices for the measurement of bridge and pavement condition, shall be provided to the Chairmen of the House Committees of Transportation and Appropriations and the Senate Committees on Transportation and Finance no later than November 15, 2015.</p>				
446.	Commonwealth Toll Facilities (60600).....		\$33,871,726	\$35,121,166 \$41,228,350
	Fund Sources: Commonwealth Transportation.....	\$27,871,726	\$29,121,166 \$34,600,000	
	Trust and Agency.....	\$6,000,000	\$6,000,000 \$6,628,350	
	Authority: §§ 33.1-23.03:1 and 33.1-267 through 33.1-295, Code of Virginia.			
	A. Included in this Item are funds for the installation and implementation of a statewide Electronic Toll Customer Service/Violation Enforcement System.			
	B. Funds as appropriated are provided for other toll facility initiatives as needed during the biennium including but not limited to funding activities to advance projects pursuant to the Public-Private Transportation Act.			
447.	Financial Assistance to Localities for Ground Transportation (60700).....		\$879,209,191	\$894,274,652 \$923,907,139

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Fund Sources: Commonwealth Transportation.....	\$424,004,724	\$438,050,498 \$440,382,985		
Dedicated Special Revenue.....	\$455,204,467	\$456,224,154 \$483,524,154		

Authority: Title 33.2, Chapter 1, Code of Virginia.

A. Out of the amounts for Financial Assistance for Planning, Access Road, and Special Projects, \$7,000,000 the first year and \$7,000,000 the second year from the Commonwealth Transportation Fund shall be allocated for purposes set forth in §§ 33.2-1509, 33.2-1600, and 33.2-1510, Code of Virginia. Of this amount, the allocation for Recreational Access Roads shall be \$1,500,000 the first year ~~and \$1,500,000 the second year.~~

B. For any city or town that assumes responsibility for its construction program as outlined in § 33.2-362 E, Code of Virginia, the matching highway fund requirement contained in § 33.2-348, Code of Virginia, shall be waived for all new projects approved on or after July 1, 2005.

C. The Department of Transportation is encouraged to promote the construction and improvement of primary and secondary highways by counties, consistent with § 33.2-338 of the Code of Virginia, whether or not such improvements are contained in the Six-Year Improvement Program or Plan. If such improvements are not contained in the Six-Year Improvement Program or Plan, the counties may not seek reimbursement from the department for the improvements.

D. Distribution of Northern Virginia Transportation Authority Fund Revenues represents direct payments, of the revenue collected and deposited into the Fund, to the Northern Virginia Transportation Authority for uses contained in Chapter 766, 2013 Acts of Assembly. Notwithstanding any other provision of law, moneys deposited into the Hampton Roads Transportation Fund shall be transferred to the Hampton Roads Transportation Accountability Commission for use in accordance with § 33.2-2611, Code of Virginia, which use may include as a source of funds for administrative expenses of the Hampton Roads Transportation Accountability Commission.

E. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from federal apportionments in the Metropolitan Planning Program.

448. Non-Toll Supported Transportation Debt Service (61200).....			\$315,173,181	\$352,307,131 \$309,318,503
Fund Sources: General.....	\$12,000,000	\$68,000,000		
Commonwealth Transportation.....	\$75,233,388	\$108,273,569 \$64,240,338		
Trust and Agency.....	\$220,255,872	\$168,384,759 \$169,430,489		
Federal Trust.....	\$7,683,921	\$7,648,803 \$7,647,676		

Authority: Titles 15, 33, and 58 of the Code of Virginia; Chapters 827 and 914, Acts of Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as amended by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of Assembly of 2000; Chapter 799, Acts of Assembly of 2002; Chapter 896, Acts of Assembly of 2007; and Chapters 830 and 868, Acts of Assembly of 2011

A.1. The amount shown for Highway Transportation Improvement District Construction shall be derived from payments made to the Transportation Trust Fund pursuant to the Contract between the State Route 28 Highway Transportation Improvement District and the Commonwealth Transportation Board dated September 1, 1988 as amended by the Amended and Restated District Contract by and among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission (the "District Commission") dated August 30, 2002, and May 1, 2012 (the "District Contract").

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2. There is hereby appropriated for payment immediately upon receipt to a third party approved by the Commonwealth Transportation Board, or a bond trustee selected by such third party, a sum sufficient equal to the special tax revenues collected by the Counties of Fairfax and Loudoun within the State Route 28 Highway Transportation Improvement District and paid to the Commonwealth Transportation Board by or on behalf of the District Commission (the "contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and the District Contract between the Commonwealth Transportation Board and the District Commission.				
3. The contract payments may be supplemented from primary funds allocated to the highway construction district in which the project financed is located, or from the secondary system construction allocation to the county or counties in which the project financed is located, and from any other lawfully available revenues of the Transportation Trust Fund, as may be necessary to meet debt service obligations. The payment of debt service shall be for the bonds (the Series 2012 Bonds) issued under the "Commonwealth of Virginia Transportation Contract Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of Assembly of 1988 as amended by Chapters 827 and 914 of the Acts of Assembly of 1990). Funds required to pay the total debt service on the Series 2012 Bonds shall be made available in the amounts indicated in paragraph E of this Item.				
B.1. Out of the amounts for Designated Highway Corridor Construction, \$12,000,000 the first year and \$68,000,000 the second year from the general fund shall be paid to the U.S. Route 58 Corridor Development Fund, hereinafter referred to as the "Fund", established pursuant to § 58.1-815, Code of Virginia. This payment shall be in lieu of the deposit of state recordation taxes to the Fund, as specified in the cited Code section. Said recordation taxes which would otherwise be deposited to the Fund shall be retained by the general fund. Additional appropriations required for the U.S. Route 58 Corridor Development Fund, an amount estimated at \$9,000,000 the first year and \$ 9,000,000 the second year shall be transferred from the highway share of the Transportation Trust Fund.				
2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly), the amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.				
3. The Commissioner of Highways shall report on or before July 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees on the cash balances in the Route 58 Corridor Development Fund. In addition, the report shall include the following program-to-date information: (i) a comparison of actual spending to allocations by project and district; (ii) expenditures by project, district, and funding source; and (iii) a six-year plan for planned future expenditures from the Fund by project and district.				
C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 58.1-815.1, Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the Fund shall include at least the following elements:				
a. Amounts transferred from Item 261 of this act to this Item.				
b. An amount estimated at \$ 6,000,000 the first year and \$ 6,000,000 the second year, which shall be transferred from the highway share of the Transportation Trust Fund.				
c. Any public right-of-way use fees allocated by the Department of Transportation pursuant to § 56-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and Prince William, the amounts estimated at \$4,786,250 the first year and \$4,786,250 the second year.				
d. Any amounts which may be deposited into the Fund pursuant to a contract between the Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the Northern Virginia Transportation District Program, the amounts estimated to be \$816,000 the first year and \$816,000 the second year.				
2. The Fund shall support the issuance of bonds at a total authorized level of \$500,200,000 for the purposes provided in the "Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993," Chapter 391, Acts of Assembly of 1993 as amended by				

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Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly.

3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.

4. Should the actual distribution of recordation taxes to the localities set forth in § 58.1-815.1, Code of Virginia, exceed the amount required for debt service on the bonds issued pursuant to the above act, such excess amount shall be transferred to the Northern Virginia Transportation District Fund in furtherance of the program described in § 33.2-2401, Code of Virginia.

5. Should the actual distribution of recordation taxes to said localities be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, to the extent required, from funds identified in Enactment No. 1, Section 11, of Chapter 391, Acts of Assembly of 1993.

D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake account of the Set-aside Fund, pursuant to § 58.1-816.1, Code of Virginia, which shall include funds transferred from Item 265 of this act to this Item, and an amount estimated at \$1,500,000 the first year and \$1,500,000 the second year received from the City of Chesapeake pursuant to a contract or other alternative mechanism for the purpose provided in the “Oak Grove Connector, City of Chesapeake Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994,” Chapters 233 and 662, Acts of Assembly of 1994 (hereafter referred to as the “Oak Grove Connector Act”).

2. The amounts shown in paragraph E of this Item shall be available from the City of Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant to the Oak Grove Connector Act.

3. Should the actual distribution of recordation taxes and such local revenues from the City of Chesapeake as may be received pursuant to a contract or other alternative mechanism to the City of Chesapeake account of the Set-aside Fund be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, pursuant to Enactment No. 1, Section 11 of the Oak Grove Connector Act.

E. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on the following Commonwealth Transportation Board bonds shall be transferred to the Treasury Board as follows:

	FY 2015	FY 2016
Transportation Contract Revenue Refund Bonds, Series 2012 (Refunding Route 28)	\$7,216,819	\$7,212,819
Commonwealth of Virginia Transportation Revenue Bonds: U.S. Route 58 Corridor Development Program:		
Series 2006C	\$3,173,000	\$3,173,000
Series 2007B	\$15,034,000	\$15,030,000
Series 2012B (Refunding)	\$6,377,400	\$6,382,200
Series 2014B (Refunding)	\$24,143,100	\$24,138,500

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Northern Virginia Transportation District Program:				
Series 2006B		\$2,778,363		\$2,776,650
Series 2007A		\$4,563,900		\$4,575,650
Series 2009A-2		\$5,515,719		\$5,484,609
Series 2012A (Refunding)		\$9,885,538		\$9,885,538
Series 2014A (Refunding)		\$9,631,450		\$9,640,250
Transportation Program Revenue Bonds:				
Series 2006A (Oak Grove Connector, City of Chesapeake)		\$2,224,500		\$2,229,250
Capital Projects Revenue Bonds:				
Series 2010A-1		\$16,513,500		\$16,364,250
Series 2010A-2		\$20,351,593		\$20,351,593
Series 2011		\$42,112,363		\$42,112,363
Series 2012		\$40,276,250		\$40,280,250
Series 2014		\$8,201,923		\$18,224,950

F.1. Out of the amounts provided for in this Item, an estimated \$31,717,220 the first year and \$7,925,392 the second year from federal highway and highway assistance reimbursements shall be provided for the debt service payments on the Federal Highway Reimbursement Anticipation Notes.

2. Notwithstanding Chapters 1019 and 1044, Acts of Assembly of 2000, this act, or any other provision of law, any additional amounts needed to offset the debt service payment requirements on the Transportation Trust Fund attributable to the issuance of Federal Highway Reimbursement Anticipation Notes shall be provided from the Priority Transportation Fund to the extent available and then from the portion of the Transportation Trust Fund available for highway construction purposes prior to making the allocations required by § 33.2-358 C of the Code of Virginia.

G. Out of the amounts provided for in this Item, an estimated \$64,733,388 the first year and \$78,532,246 the second year from federal reimbursements shall be provided for debt service payments on the Federal Transportation Grant Anticipation Revenue Notes.

H. Out of the amounts provided for this Item, an estimated \$127,455,628 the first year and \$147,303,405 the second year from the Priority Transportation Fund shall be provided for debt service payments on the Commonwealth Transportation Capital Projects Revenue Bonds. Any additional amounts needed to offset the debt service payment requirements attributable to the issuance of the Capital Projects Revenue Bonds shall be provided from the Transportation Trust Fund.

I. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the applicable provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq., Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" at one or more times in an aggregate principal amount not to exceed \$180,000,000, after all costs. The net proceeds of the bonds shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of Assembly of 2007, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related

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improvements; and any financing costs and other financing expenses. Such costs may include the payment of interest on the bonds for a period during construction and not exceeding one year after completion of construction of the projects.				
449. Administrative and Support Services (69900).....			\$261,807,836	\$246,598,956 \$258,127,173
Fund Sources: General.....	\$173,953	\$141,060		
Commonwealth Transportation.....	\$261,633,883	\$246,457,896 \$257,986,113		

Authority: Title 33.2, Code of Virginia.

A. Notwithstanding any other provision of law, the highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

B. Administrative and Support Services shall include funding for management, direction, and administration to support the department's activities that cannot be directly attributable to individual programs and/or projects.

C. Out of the amounts for General Management and Direction, allocations shall be provided to the Commonwealth Transportation Board to support its operations, the payment of financial advisory and legal services, and the management of the Transportation Trust Fund.

D. Notwithstanding any other provision of law, the department may assess and collect the costs of providing services to other entities, public and private. The department shall take all actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and understood as a condition to providing such service.

E. Each year, as part of the six-year financial planning process, the commissioner shall implement a long-term business strategy that considers appropriate staffing levels for the department. In addition, the commissioner shall identify services, programs, or projects that will be evaluated for devolution or outsourcing in the upcoming year. In undertaking such evaluations, the commissioner is authorized to use the appropriate resources, both public and private, to competitively procure those identified services, programs, or projects and shall identify total costs for such activities.

F. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be exempt from recovering statewide and agency indirect costs from the Federal Highway Administration until an indirect cost plan can be evaluated and developed by the agency and approved by the Federal Highway Administration.

G. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Virginia Department of Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.

H. Out of the amounts for General Management and Direction, allocations shall be provided to support the capital lease agreement with Fairfax County for the Northern Virginia District building. An amount estimated at \$7,800,000 the first year and \$7,800,000 the second year from Commonwealth Transportation Funds shall be provided.

I. Notwithstanding any other provisions of law, the Commonwealth Transportation Commissioner may enter into a contract with homeowner associations for grounds-keeping, mowing, and litter removal services.

J. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from federal apportionments out of the Surface Transportation Program utilized for Employee Training and Development.

K. Notwithstanding the provisions § 2.2-2402 of the Code of Virginia, no construction, erection, repair, upgrade, removal or demolition of any building, fixture or structure located or to be located on property of the Commonwealth of Virginia under the control of the Virginia Department of Transportation (VDOT) and within the secured area of a

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residency, area headquarters or district complex shall be subject to review or approval by the Art and Architectural Review Board as contemplated by that section. However, for changes to any building or fixture located on property owned or controlled by VDOT that has been designated or is under consideration for designation as a historic property, then VDOT shall submit such changes to the Art and Architectural Review Board for review and approval by the Board.				
<i>L. The Department of Transportation is authorized to donate a surplus Volvo-manufactured dump truck, owned by the department, to the Virginia Transportation Museum to promote Virginia's transportation history.</i>				
450. Not set out.				
Total for Department of Transportation.....			\$4,673,387,356	\$5,028,238,091 \$5,385,153,830
Nongeneral Fund Positions.....	7,485.00	7,485.00		
Position Level.....	7,485.00	7,485.00		
Fund Sources: General.....	\$12,173,953	\$68,141,060		
Commonwealth Transportation.....	\$3,521,806,775	\$3,720,281,767 \$4,048,802,543		
Trust and Agency.....	\$676,518,240	\$775,942,307 \$777,038,397		
Dedicated Special Revenue.....	\$455,204,467	\$456,224,154 \$483,524,154		
Federal Trust.....	\$7,683,921	\$7,648,803 \$7,647,676		
451. Not set out.				
452. Not set out.				
453. Not set out.				
454. Not set out.				
455. Not set out.				
456. Not set out.				
TOTAL FOR OFFICE OF TRANSPORTATION.....			\$5,761,855,548	\$6,217,561,596 \$6,574,477,335
Nongeneral Fund Positions.....	9,784.00	9,855.00		
Position Level.....	9,784.00	9,855.00		
Fund Sources: General.....	\$13,154,398	\$69,121,540		
Special.....	\$129,928,836	\$149,100,152		
Commonwealth Transportation.....	\$4,352,244,733	\$4,632,703,687 \$4,961,224,463		
Trust and Agency.....	\$688,114,840	\$787,238,907 \$788,334,997		
Dedicated Special Revenue.....	\$535,004,467	\$536,024,154 \$563,324,154		
Federal Trust.....	\$43,408,274	\$43,373,156 \$43,372,029		

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OFFICE OF VETERANS AND DEFENSE AFFAIRS

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457.	Not set out.			
458.	Economic Development Services (53400).....		\$3,138,400	\$2,350,000 \$2,600,000
	Fund Sources: <i>General</i>	\$0	\$250,000	
	Dedicated Special Revenue.....	\$3,138,400	\$2,350,000	

Authority: Discretionary Inclusion

A.1. In accordance with Chapter 653 of the 2008 Virginia Acts of Assembly, this item includes the Commonwealth's contribution to addressing the encroachment upon the United States Navy Master Jet Base and an auxiliary landing field used in connection with flight operations arising from such Master Jet Base. The Commonwealth's contribution consists of \$3,138,400 from nongeneral funds provided in this item.

2. The Commonwealth's contribution shall be only expensed for purchasing property or development rights and to otherwise convert such property to an appropriate compatible use and to prohibit new uses or development deemed incompatible with air operations at such facilities as established under Chapter 653.

3. Of the total amount provided by the Commonwealth, \$2,092,267 shall be initially allocated to the locality in which the Master Jet Base is located and \$1,046,133 shall be initially allocated to the locality in which the auxiliary landing field for the Master Jet Base is located. Should either locality advise the Secretary of Veterans and Defense Affairs and the Secretary of Finance that it will be unable to use all of its allocated amount during the term of the grant, then the portion that will not be used may be re-allocated to the other locality upon written application for such request to the Secretary of Veterans and Defense Affairs .

B.1. The Secretary of Veterans and Defense Affairs shall develop an annual grant application which shall include, at a minimum, requirements for the Grantee to (1) report expenditures each quarter, (2) retain all invoices, bills, receipts, cancelled checks, proof of payment and similar documentation to substantiate expenditures of grant funding, (3) provide a 50 percent cash match from non-state funds, (4) return excess state grant funding within thirty (30) days after the term of the grant expires, and (5) *for all property purchased using state grant funds pursuant to Chapter 653 of the 2008 Acts of Assembly or Chapter 266 of the 2006 Virginia Acts of Assembly and later sold or leased by the grantee (i) upon disposition of the interest, return to the Commonwealth half of all proceeds received by the grantee from the sale of any properties acquired using grant funds pursuant to Chapter 653 of the 2008 Acts of Assembly or Chapter 266 of the 2006 Virginia Acts of Assembly; 50% of the sales or lease proceeds or 50% of the purchase price initially paid to acquire the grantee's interest in the property, whichever is less; and (ii) if the grantee has sold an easement over the property or leased the property and returned 50 percent of those easement or rental proceeds to the Commonwealth, the amount returned to the Commonwealth shall be credited against the amount owed to the Commonwealth for any future sale of the land.*

2. Prior to the distribution of any funds, any grantee seeking funding under this Item shall submit a grant application to the Secretary of Veterans and Defense Affairs for consideration.

3. Payments to grantees shall be made in equal quarterly installments. After the initial payment, the Secretary of Veterans and Defense Affairs shall make additional quarterly payments to the grantee based on the quarterly expenditure reports. In making subsequent payments, the Secretary shall ensure the grantee's match funding is being expensed at the appropriate rate and adjust state quarterly payments, as appropriate, to account for any surplus state funding not yet spent from previous quarterly payments.

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<p>4. Notwithstanding the provisions of paragraph 3. above, the Secretary of Veterans and Defense Affairs may approve a request by the grantee for additional state funding in a particular quarterly payment if supporting documentation is provided.</p> <p>5. The Secretary of Veterans and Defense Affairs may extend the term of the FY 2014 grant to June 30, 2015, if in the Secretary's opinion such extension is warranted to meet the purposes of this appropriation.</p> <p>C. The Commonwealth shall have the right to make inspections and copies of the books and records of the grantees at any time. The grantees shall undergo an audit for the grant period and provide a copy of the audit report to the Secretary of Veterans and Defense Affairs .</p> <p>D. 1. In addition to the amounts provided in paragraph A.1. of this item, an amount estimated at \$2,100,000 from dedicated special revenues shall be provided to the locality in which the United States Navy Master Jet Base auxiliary landing field is located, for the purpose of purchasing property or development rights and otherwise converting such property to an appropriate compatible use and prohibiting new uses or development which is deemed incompatible with air operations arising from such Master Jet Base. In addition, \$250,000 from dedicated special revenues shall be provided to a locality in which a U.S. Air Force Base is located to purchase property in the Clear Zone and Accident Potential Zones and mitigate adverse impacts on military operations and employment levels caused by encroachment of incompatible uses, in advance of further actions by the federal Base Realignment and Closure Commission or any similar federal actions. The provisions of paragraph B. of this item shall apply to the distribution of the funds in this paragraph.</p> <p>2. <i>In the event that dedicated special revenues exceed the amounts needed to fund the requirements in D.1 above, any excess dedicated special fund revenue up to \$2,500,000 is hereby appropriated to provide additional assistance to the locality in which the United States Navy Master Jet Base auxiliary landing field is located for the purpose of purchasing property or development rights and otherwise converting such property to an appropriate compatible use and prohibiting new uses or development which is deemed incompatible with air operations arising from such Master Jet Base.</i></p> <p>E. The Secretary of Veterans and Defense Affairs may submit project requests that improve, expand, develop, or redevelop a federal or state military installation or its supporting infrastructure, to enhance its military value to the MEI Project Approval Commission established pursuant to § 30-309, Code of Virginia, for its consideration. The authority of the Commission to consider and evaluate such projects shall be in addition to the authorities provided to the MEI Project Approval Commission and § 30-310, Code of Virginia.</p> <p>F. <i>Included in this appropriation is \$250,000 in the second year from the general fund to support the recommendations of the Governor's Commission on Military Installations and Defense Activities.</i></p>				
Total for Secretary of Veterans and Defense Affairs...			\$4,726,618	\$3,391,252 \$3,641,252
General Fund Positions.....	6.00	6.00		
Nongeneral Fund Positions.....	3.00	3.00		
Position Level.....	9.00	9.00		
Fund Sources: General.....	\$699,823	\$691,320 \$941,320		
Dedicated Special Revenue.....	\$3,138,400	\$2,350,000		
Federal Trust.....	\$888,395	\$349,932		

§ 1-36. DEPARTMENT OF VETERANS SERVICES (912)

459.	Not set out.			
460.	Not set out.			
461.	Veterans Benefit Services (46700).....		\$8,782,763	\$11,797,591

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$7,604,463	\$10,519,291		
Special.....	\$25,000	\$0		
Dedicated Special Revenue.....	\$375,000	\$600,000		
Federal Trust.....	\$778,300	\$678,300		
Authority: Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.				
A. 1. Out of this appropriation, up to \$500,000 from the general fund the second year shall be provided to address the costs associated with support of a grant program to create employment opportunities for veterans by assisting Virginia employers in hiring and retaining veterans. The Department of Veterans Services shall develop program guidelines to ensure that the funding mechanism effectively attracts maximum participation of firms to increase the number of veterans hired.				
2. Such funds shall be used to provide grants beginning July 1, 2015, to any business located in Virginia with 300 or fewer employees which has hired a veteran on or after July 1, 2014, with the following additional requirements: (a) each such veteran shall have been hired within one five years of the date of his or her discharge from active military service; and (b) each such veteran shall have been continuously employed by the business in a full-time job for at least one year.; and (c) each such veteran shall have been paid at least the prevailing average wage of the jurisdiction in which the job is located: The grant shall equal \$1,000 per qualifying business for each veteran who has been hired, and who qualifies under the provisions of this item, up to a maximum grant of \$10,000 per business in the fiscal year.				
3. Grants shall be issued in the order that each completed eligible application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.				
4. The Department shall report no later than October 1 of each fiscal year after the program is implemented on the demand for the program, and any shortage of funding resulting from requests in excess of the available appropriation.				
462.	Not set out.			
463.	Not set out.			
			\$58,216,565	\$61,195,499
Total for Department of Veterans Services.....				
General Fund Positions.....	113.00	124.00		
Nongeneral Fund Positions.....	563.00	563.00		
Position Level.....	676.00	687.00		
Fund Sources: General.....	\$11,073,397	\$14,088,521		
Special.....	\$30,312,194	\$30,109,004		
Dedicated Special Revenue.....	\$510,000	\$735,000		
Federal Trust.....	\$16,320,974	\$16,262,974		
TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....			\$62,943,183	\$64,586,751 \$64,836,751
General Fund Positions.....	119.00	130.00		
Nongeneral Fund Positions.....	566.00	566.00		
Position Level.....	685.00	696.00		
Fund Sources: General.....	\$11,773,220	\$14,779,841 \$15,029,841		
Special.....	\$30,312,194	\$30,109,004		
Dedicated Special Revenue.....	\$3,648,400	\$3,085,000		
Federal Trust.....	\$17,209,369	\$16,612,906		

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CENTRAL APPROPRIATIONS

§ 1-37. CENTRAL APPROPRIATIONS (995)

464. Omitted.

464.10 Not set out.

465. Revenue Administration Services (73200)..... a sum sufficient

Fund Sources: General..... a sum sufficient

Authority: Discretionary Inclusion.

A. *There is hereby appropriated from the affected funds in the state treasury, for refunds of taxes and fees, and the interest thereon, in accordance with law, a sum sufficient.* There is hereby established a special fund in the state treasury to be known as the Refund Suspense Fund, hereinafter referred to as the Fund. The Tax Commissioner is hereby authorized to contract with nongovernmental entities for review of requests for refunds of taxes to enhance, expand and/or modify the administration of the refund review program, and to perform analysis of refund processing techniques. The amount of any refund identified by the nongovernmental entity as potentially erroneous shall be deposited to the Fund pending review of the refund request. Amounts in the Fund may be used to pay refunds subsequently determined to be valid, to pay the contracted nongovernmental entity for its services, to perform oversight of their operations, to upgrade necessary refund processing systems and data interfaces to facilitate the contractor's work, to offset any administrative or other costs related to any contracts authorized under this provision, and to retain experts to perform analysis of refund processing techniques. Any balance in the fund remaining after such payments, or provision therefore, shall be deposited into the appropriate general, nongeneral, or local fund.

B. There is hereby appropriated from the affected funds in the state treasury for, (1) refunds of previously paid taxes imposed by the Commonwealth at 100 percent of face value up to the amount of the coalfield employment enhancement tax credit authorized by § 58.1-439.2, Code of Virginia, (2) refunds of any remaining credit at 90 percent of face value for credits earned in taxable years beginning before January 1, 2002, and 85 percent of face value for credits earned in taxable years beginning on and after January 1, 2002, and (3) payment of the remaining 10 or 15 percent credit to the Coalfields Economic Development Authority, a sum sufficient.

466. Not set out.

467. Compensation and Benefit Adjustments (75700)..... \$98,525,081 \$228,923,535
\$399,342,529

Fund Sources: General..... \$98,525,081 \$228,923,535
\$399,342,529

Authority: Discretionary Inclusion.

A. Transfers to or from this Item may be made to decrease or supplement general fund appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;
5. Employer costs of employee benefit programs when required by salary-based pay adjustments;

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6. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and				
7. Adjustments to the cost of employee benefits to include but not limited to health insurance premiums and retirement and related contribution rates.				
B. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this Item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this Item.				
C. Except as provided for elsewhere in this Item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits as required by this Item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.				
D. Any supplemental salary payment to a state employee or class of state employees by a local governing body shall be governed by a written agreement between the agency head of the employee or class of employees receiving the supplement and the chief executive officer of the local governing body. Such agreement shall also be reviewed and approved by the Director of the State Department of Human Resource Management. At a minimum, the agreement shall specify the percent of state salary or fixed amount of the supplement, the resultant total salary of the employee or class of employees, the frequency and method of payment to the agency of the supplement, and whether or not such supplement shall be included in the employee's state benefit calculations. A copy of the agreement shall be made available annually to all employees receiving the supplement. The receipt of a local salary supplement shall not subject employees to any personnel or payroll rules and practices other than those promulgated by the State Department of Human Resource Management.				
E. The Governor is hereby authorized to transfer funds from agency appropriations to the accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the requirements of the Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:				
1. The maximum cash match provided to eligible employees shall not be less than \$20.00 per pay period, or \$40.00 per month, in each year of the biennium. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing appropriations to meet these requirements.				
2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.				
4. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.				
F. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity, efficiency, and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House				

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<p>Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.</p>				
<p>G.1. Out of the appropriation for this Item, amounts estimated at \$22,997,759 the first year and \$36,539,221 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.</p>				
<p>2. Out of the amounts included in subparagraph 1 of this paragraph, \$327,646 the first year and \$341,891 the second year from the general fund shall be transferred to the University of Virginia to cover the state share of the increases in employer premiums for state employees participating in the University of Virginia's health care plan.</p>				
<p>3. Notwithstanding any contrary provision of law, the health benefit plans for state employees resulting from the additional funding in this Item shall allow for a portion of employee medical premiums to be charged to employees.</p>				
<p>4. The Department of Human Resource Management shall explore options within the health insurance plan for state employees to promote value-based health choices aimed at creating greater employee satisfaction with lower overall health care costs. It is the General Assembly's intent that any savings associated with this employee health care initiative be retained and used towards funding state employee salary or fringe benefit cost increases.</p>				
<p>5. Notwithstanding any other provision of law, it shall be the sole responsibility and authority of the Department of Human Resource Management to establish and enforce employer contribution rates for any health insurance plan established pursuant to § 2.2-2818, Code of Virginia.</p>				
<p>6. The Department of Human Resource Management is prohibited from establishing a retail maintenance network for maintenance drugs that includes penalties for non-use of the retail maintenance network.</p>				
<p>7. The Department of Human Resource Management shall not increase the annual out-of-pocket maximum included in the plans above the limits in effect for the plan year which began on July 1, 2014.</p>				
<p>H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of public school teachers, state employees, state police officers, state judges, and state law enforcement officers eligible for the Virginia Law Officers Retirement System shall be based on a valuation of retirement assets and liabilities that are consistent with the provisions of Chapters 701 and 823, Acts of Assembly of 2012.</p>				
<p>2. Retirement contribution rates for the first year and the second year, excluding the five percent employee portion, shall be: 14.50 percent in the first year and 14.06 percent in the second year, for public school teachers, 12.33 percent for state employees, 25.82 percent for state police officers, 17.67 percent for the Virginia Law Officers Retirement System, and 51.66 percent the first year and 49.62 percent the second year for the Judicial Retirement System. These rates include both the regular contribution rate and the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium.</p>				
<p>3. Payments to the Virginia Retirement System shall be made no later than the tenth day following the close of each month of the fiscal year.</p>				
<p>4.a. Out of the general fund appropriation for this Item is included \$71,597,876 the first year and \$70,367,427 the second year to support the general fund portion of the net costs resulting from changes in employer contributions for state employee retirement as provided for in this paragraph.</p>				
<p>b. Out of the amounts included in subparagraph 4.a of this paragraph, \$23,374,502 the first year and \$23,374,502 the second year is included for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium.</p>				
<p>5. The funding necessary to support the cost of reimbursements to Constitutional Officers for</p>				

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retirement contributions are appropriated elsewhere in this act under the Compensation Board.				
6. The funding necessary to support the cost of the employer retirement contribution rate for public school teachers is appropriated elsewhere in this act under Direct Aid to Public Education.				
I.1. Except as authorized in Paragraph I.2. of this Item, rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the higher of: a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium, eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium, ninety percent of the results of the June 30, 2015 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2016-18 biennium, one-hundred percent of the results of the June 30, 2017 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2018-20 biennium.				
2. Rates paid to the VRS on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions may, at each participating employers option, be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.				
3. Every participating employer must certify to the board of the Virginia Retirement System by resolution adopted by its local governing body that it: has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of electing or not electing to utilize the employer contribution rates certified by the Virginia Retirement System Board of Trustees, as provided for in paragraph I.2.				
4. Prior to electing to utilize the employer contribution rates certified by the Virginia Retirement System Board of Trustees, as authorized in paragraph I.2, local public school divisions must receive the concurrence of the local governing body. Such concurrence must be documented by a resolution of the governing body.				
5. The board of the Virginia Retirement System shall provide all employers participating in the Virginia Retirement System with a summary of the implications inherent in the use of the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees set out in paragraph K.2, and the alternate employer contribution rates set out in paragraph I.1				
J.1. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for subsequent biennia, the board shall calculate a separate, supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the board's assumed long-term rate of return. The Governor shall include funds to support payment of such board-approved, supplemental employer contribution rates in the budget submitted to the General Assembly.				
2. For purposes of setting rates for the 2014-16 biennium, and future biennia, the board shall treat any lump-sum deposits into the retirement system as an expedited repayment of the 2010-2012 deferred contributions for the appropriate system. Should these deposits exceed the remaining amounts owed for the deferred contributions, the balance shall remain in these specific systems to address the overall unfunded liability.				
K.1. Contribution rates paid to the Virginia Retirement System for other employee				

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benefits to include the public employee group life insurance program, the Virginia Sickness and Disability Program, the state employee retiree health insurance credit, and the public school teacher retiree health insurance credit, shall be set at 90 percent of the rate based on a valuation of assets and liabilities that assume an investment return of seven percent and an amortization period of 30 years.

2. Contribution rates paid on behalf of public employees for other programs administered by the Virginia Retirement System in the first year and the second year shall be: 1.19 percent for the state employee group life insurance program, 0.48 percent for the employer share of the public school teacher group life insurance program, 1.05 percent for the state employee retiree health insurance credit, and 1.06 percent for the public school teacher retiree health insurance credit. The contribution rate paid on behalf of public employees for the Virginia Sickness and Disability Program shall be 0.66 percent of covered payroll. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.56 percent of total payroll.

3. Out of the general fund appropriation for this Item is included \$3,065,528 the first year and \$3,065,528 the second year to support the general fund portion of the net costs resulting from changes in employer contributions for state employee benefits as provided for in this paragraph.

4. Out of the general fund appropriation for this Item is included \$863,918 the first year and \$863,918 the second year to support the general fund portion of the net costs resulting from changes in the retiree health insurance credit contributions for state supported local public employees through the Compensation Board, the Department of Social Services, and the Department of Elections pursuant to § 51.1-1403, Code of Virginia.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for public employee group life insurance contributions is appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer public school teacher group life insurance and retiree health insurance credit rates is appropriated elsewhere in this act under Direct Aid to Public Education.

L. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who are involuntarily separated from employment with the Commonwealth if the Director of the Department of Planning and Budget certifies that such action results from 1. budget reductions enacted in the Appropriation Act, 2. budget reductions executed in response to the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3. reorganization or reform actions taken by state agencies to increase efficiency of operations or improve service delivery provided such actions have been previously approved by the Governor, or 4. downsizing actions taken by state agencies as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue, and if the Director of the Department of Human Resource Management certifies that the action comports with personnel policy. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.

M. The purpose of this paragraph is to provide a transitional severance benefit, under the conditions specified, to eligible city, county, school division or other political subdivision employees who are involuntarily separated from employment with their employer.

1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.

b. The governing authority of a city, county, school division or other political subdivision electing to cover its employees under the provisions of this paragraph shall adopt a resolution, as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An election by a school division shall be evidenced by a resolution approved by the Board of

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such school division and its local governing authority.

2.a. Any (i) "eligible employee" as defined in § 51.1-132, (ii) "teacher" as defined in § 51.1-124.3, and (iii) any "local officer" as defined in § 51.1-124.3 except for the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, and (a) for whom reemployment with his employer is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this paragraph. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.

b. Eligibility shall commence on the date of involuntary separation.

3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.

b. Transitional severance benefits shall be computed by the terminating employer's payroll department. Partial years of service shall be rounded up to the next highest year of service.

c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.

d. For twelve months after the employee's date of involuntary separation, the employee shall continue to be covered under the (i) health insurance plan administered by the employer for its employees, if he participated in such plan prior to his date of involuntary separation, and (ii) group life insurance plan administered by the Virginia Retirement System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life insurance plan as may be administered by the employer. During such twelve months, the terminating employer shall continue to pay its share of the terminated employee's premiums. Upon expiration of such twelve month period, the terminated employee shall be eligible to purchase continuing health insurance coverage under COBRA.

e. Transitional severance benefit payments shall cease if a terminated employee is reemployed or hired in an individual capacity as an independent contractor or consultant by the employer during the time he is receiving such payments.

f. All transitional severance benefits payable pursuant to this section shall be subject to applicable federal laws and regulations.

4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any

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<p>years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and 51.1-205, and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.</p> <p>b. In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this paragraph and (ii) the retirement program provided in this subsection, any employee who is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-155.2.</p> <p>c. The retirement allowance for any employee electing to retire under this paragraph who, by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on the actuarial basis provided in subdivision A. 2. of § 51.1-155.</p> <p>d. The retirement program provided in this subparagraph shall be otherwise governed by policies and procedures developed by the Virginia Retirement System.</p> <p>e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System.</p> <p>N. The final sentence of § 51.1-145 (N), Code of Virginia providing that the employer contribution rate established for each employer may include the annual rate of contribution payable by such employer with respect to employees enrolled in optional defined contribution retirement plans, shall not apply to optional defined retirement plans established under § 51.1-126 for employees engaged in teaching, administrative or research duties at institutions of higher education, § 51.1-126.1 for employees of teaching hospitals other than VCU and UVA Medical Centers, and § 51.1-126.3 for University of Virginia Medical Center employees.</p> <p>O.1. The Governor is hereby authorized to allocate a sum of up to \$113,912,441 from this appropriation to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2015 and 2016 after the enactment by the General Assembly of the 2015 Appropriation Act. If within 5 days of the preliminary close of the fiscal year ending on June 30, 2015, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such appropriation shall be used only for employee compensation purposes as stated in paragraphs P., Q., R., S., T., and U. below.</p> <p>2. Furthermore, the \$52,865,368 allocated to support the state share of a one and one-half percent salary adjustment for SOQ funded positions authorized in Item 136 of this act shall be unallotted if the provisions of paragraph O.1. are not met and the actions authorized in paragraphs P., Q., R., S., T., and U. of this item are not effectuated.</p> <p>P.1. Contingent on the provisions of paragraph O.1. above, the base salary of the following employees shall be increased by two percent on August 10, 2015, for state employees:</p> <p>a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;</p> <p>b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote;</p> <p>c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c; and</p> <p>d. Full-time professional staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries Offices, including the Deputy Secretaries, the Virginia Liaison Office, and the Secretary of the Commonwealth's Office.</p> <p>e. Heads of agencies in the Legislative Department;</p>				

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f. Full-time employees in the Legislative Department, other than officials elected by popular vote; and				
g. Secretaries and administrative assistants as provided for in Item 1 of this act.				
h. Judges and Justices in the Judicial Department;				
i. Heads of agencies in the Judicial Department; and,				
j. Full-time employees in the Judicial Department.				
k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System;				
l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.				
2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.				
b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. However, notwithstanding anything herein to the contrary, the governing authorities of those state institutions of higher education with employees not subject to the Virginia Personnel Act may implement salary increases for such employees that may vary based on performance and other employment-related factors. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.				
3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by two percent on August 10, 2015. The Department of Human Resource Management shall increase the maximum salary for each band within the Commonwealth's Classified Compensation Plan by two percent plus an additional \$2,400 on August 10, 2015, for purposes of implementing the salary compression compensation adjustment authorized in paragraph Q. of this item. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances where employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.				
4. Out of the amounts for Supplements to Employee Compensation is included \$37,847,008 the second year from the general fund to support the general fund portion of costs associated with the salary increase provided in this paragraph.				
5. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:				
a. The heads of agencies in the Legislative and Judicial Departments;				
b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;				
c. The Attorney General;				
d. The Director of the Virginia Retirement System;				
e. The Director of the Virginia Lottery;				

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f. The Director of the University of Virginia Medical Center;				
g. The Executive Director of the Virginia College Savings Plan; and				
h. The Executive Director of the Virginia Port Authority.				
6. The base rates of pay, and related employee benefits, for wage employees may be increased by up to two percent no earlier than August 10, 2015. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.				
7. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the two percent increase on average.				
Q. Contingent on the provisions of paragraph O.1. above and subsequent to effectuating the salary adjustment authorized in paragraphs P. and T. of this item, the base salary of employees listed in P.1. above, except those specifically excluded in subparagraph Q.1, shall be adjusted to address state employee salary compression effective August 10, 2015 as follows:				
1. Employees excluded from the compression adjustment include:				
a) Faculty at public institutions of higher education;				
b) Judges and Justices of the Judicial Department;				
c) Commissioners of the State Corporation Commission;				
d) Commissioners of the Virginia Workers' Compensation Commission;				
e) Employees of public institutions of higher education who are not faculty but are also not subject to the Virginia Personnel Act;				
f) Legislative Assistants who are employees of individual members of the General Assembly.				
2. Sworn employees of the Department of State Police, who have three or more years of continuous state service shall receive \$80 for each full year of service up to thirty years.				
3. Except for those listed in subparagraph 2. above, employees who have five years or more of continuous state service shall be increased by \$65 for each full year of service up to thirty years.				
4. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.				
5. The Department of Human Resource Management shall develop guidelines and procedures for implementation of this salary compression compensation adjustment.				
6. Out of the appropriation Employee Compensation Supplements, \$26,277,547 the second year from the general fund is included to support the general fund costs associated with the salary adjustment authorized in this paragraph.				
R.1. Contingent on the provisions of paragraph O.1. above, the base salary of the following employees shall be increased by two percent on September 1, 2015:				
a. Locally elected constitutional officers;				
b. General Registrars and members of local electoral boards;				
c. Full-time employees of locally elected constitutional officers and,				
d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.				

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2. Out of the appropriation for Supplements to Employee Compensation is included \$13,302,324 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.				
S. Contingent on the provisions of paragraph O.1. above, \$357,664 from the general fund is provided to support the general fund costs associated with increases in the internal service fund rates for the Virginia Information Technology Agency and the Department of General Services to reflect the impact of the salary actions authorized in paragraphs P and Q of this Item.				
T.1. Contingent on the provisions of paragraph O.1. above, and pursuant to the recommendation of the state employee compensation work group established by paragraph B of Item 255, Chapter 806 of the Acts of Assembly of 2013, there is herewith appropriated a sum of \$3,786,466 to be used exclusively for a two percent adjustment to the base salary of state employees in the following high turnover job roles effective August 10, 2015 for the purposes of relieving salary compression and maintaining market relevance:				
a. Law Enforcement Officer I				
b. Direct Service Associate I				
c. Direct Service Associate II				
d. Direct Service Associate III				
e. Housekeeping and/or Apparel Worker I				
f. Probation Officer Assistant				
g. Emergency Coordinator I				
h. Emergency Coordinator II				
i. Registered Nurse I				
j. Registered Nurse II/Nurse Practitioner I/Physician's Assistant				
k. Licensed Practical Nurse				
l. Therapy Assistant/Therapist I				
m. Therapist II				
n. Compliance / Safety Officer II				
o. District Court Deputy Clerk, Grade 6				
p. District Court Deputy Clerk, Grade 7				
q. District Court Deputy Clerk, Grade 8				
2.a Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.				
b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. The governing authorities of those agencies and state institutions of higher education with employees not subject to the Virginia Personnel Act shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.				
3. The salary increase authorized in this paragraph is intended to be in addition to any				

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other salary increase authorized in this act.

U. Contingent on the provisions of subparagraph O.1. above, included in the amounts appropriated for employee benefits in this item is \$32,341,432 from the general fund the second year to increase the employer retirement contribution rates authorized in paragraph H.2. of this item, effective August 10, 2015, up to ninety percent of the board certified rate for state employees (14.22%), state police officers (27.83%), members of the Virginia Law Officers Retirement System (19.00%), and members of the judicial retirement system (50.02%).

V. Out of the appropriation for this item, \$3,675,000 the second year shall be transferred to the Department of State Police for salary supplements, subject to the approval by the Secretary of Public Safety and Homeland Security of a salary compression plan for fiscal year 2016. No funds shall be included within such plan for employees of the Department of State Police with less than three years of service as of July 1, 2015. The plan shall be implemented effective August 10, 2015 and the total annualized cost of the pay plan shall not exceed \$4,410,000. No employee receiving an adjustment under this plan shall receive a salary adjustment pursuant to the funding provided in this paragraph of more than seven percent. Prior to the implementation of this plan, copies of the approved plan shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees.

W. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of travel time.

2. Out of the general fund appropriation for this Item, \$500,000 is included in the second year to support the costs resulting from the changes in the per diem amounts provided for in paragraph W.1. The Director, Department of Planning and Budget, shall disburse funding from this Item to all affected judicial and independent agencies upon request.

X. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, an amount estimated at \$599,676 the second year from the general fund appropriations of state agencies and institutions of higher education, representing savings from the Line of Duty Act premiums provided by the Virginia Retirement System.

Y. The Director, Department of Planning and Budget, shall withhold and transfer to this Item, an amount estimated at \$1,664,278 the second year from the general fund appropriations of state agencies and institutions of higher education, representing savings from the workers' compensation premiums provided by the Department of Human Resource Management.

Z. On or before June 30, 2016, the State Comptroller shall deposit \$172,682,948 from the general fund into the Virginia Retirement System (VRS) trust fund representing the expedited repayment to the VRS for the contributions that were deferred during the 2010-12 biennium. Of the amount provided, \$145,606,674 from the deposit shall be allocated to the state employee plan; \$8,465,759 shall be allocated to the Judicial Retirement System; \$16,491,559 shall be allocated to the Virginia Law Officers Retirement System; and \$2,118,956 shall be allocated to the State Police Officers Retirement System.

468.	Payments for Special or Unanticipated Expenditures (75800).....			\$7,660,169	\$9,783,298 \$14,413,298
	Fund Sources: General.....	\$7,660,169	\$9,783,298 \$14,413,298		

A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed \$2,000,000 from the unappropriated balance derived by subtracting the general fund appropriations from the projected general fund revenues in this act, to provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made only when (1) sufficient funds are not available within the agency's appropriation and (2) additional funds must be provided prior to the end of the next General Assembly Session.

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<p>B.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.</p>				
<p>2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.</p>				
<p>3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.</p>				
<p>a. Agencies in the Legislative and Judicial Departments;</p>				
<p>b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the Virginia Lottery , Virginia College Savings Plan, and the Virginia Office for Protection and Advocacy;</p>				
<p>c. The Office of the Attorney General and the Department of Law; and</p>				
<p>d. State-supported institutions of higher education.</p>				
<p>C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.</p>				
<p>D. Out of the appropriation for this item is included \$1,500,000 the first year and \$1,500,000 the second year from the general fund to be used by the Governor as he may determine to be needed for the following purposes:</p>				
<p>1. To address the six conditions listed in § 4-1.03 c 5 of this act.</p>				
<p>2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities and services which cannot be absorbed within agency appropriations to include unbudgeted benefits associated with Workforce Transition Act requirements.</p>				
<p>3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.</p>				
<p>4. To make additional payments to public institutions of higher education pursuant to Item 464 of this Act, up to a maximum of \$1,000,000, in the event that amounts appropriated for that purpose are insufficient.</p>				
<p>5. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for the continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.</p>				
<p>6. In addition, if the amounts appropriated in this Item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year</p>				

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and \$1,000,000 the second year from the general fund amounts appropriated for the Commonwealth's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.5. of this Item.

7. In addition, to provide for payment of monetary rewards to persons who have disclosed information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act.

8. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.

9. Out of this appropriation, the Director, Department of Planning and Budget is authorized to transfer an amount up to \$300,000 in the second year, to the Department of Behavioral Health and Developmental Services for the purpose of paying for community-based services for current residents of any state operated Intellectual Disability Training Center who request community placement and who are also not eligible for Medicaid funded Intellectual Disability Waiver services.

E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 56, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 56, Paragraph B of this act.

F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.

G.1.a. The Federal Action Contingency Trust (FACT) Fund will have a balance estimated at \$5,998,093 from the amounts appropriated in Item 470 K.1 of Chapter 2, 2012 Special Session I. This balance is hereby appropriated for the following purposes:

b. Up to \$1,199,495 the first year and \$436,998 the second year from the FACT Fund shall be provided to the Virginia Polytechnic Institute and State University for unmanned aircraft systems research and development.

I VETO THIS ITEM. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)

c. The Director, Department of Planning and Budget shall revert the first year the undesignated and unobligated balances of the FACT Fund, estimated at \$4,361,600, to the General Fund.

2. There is hereby created an advisory commission to provide advice to the Governor concerning the use of the Federal Action Contingency Trust (FACT) Fund. The FACT Fund Advisory Commission is established as an advisory commission in the legislative branch and shall consist of 10 members, including the Chairman of the House Appropriations Committee and four members of the House Appropriations Committee selected by the chairman, the Chairman of the Senate Finance Committee and four members of the Senate Finance Committee selected by the chairman. The secretaries of Commerce and Trade, Health and Human Resources and Finance shall also be available to provide technical assistance to the advisory commission.

3. Prior to the distribution of any funds from the Federal Action Contingency Trust (FACT) Fund, The FACT Fund Advisory Commission shall review all prospective uses of the FACT Fund and recommend approval or denial of such uses to the Governor. The Governor shall also notify the chairmen of the Senate Finance Committee and the House Appropriations Committee in writing within ten days concerning his decision to distribute money from the FACT reserve.

H. Out of this appropriation, up to \$1,000,000 the first year from the general fund is provided

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to reimburse the Department of General Services for the costs incurred to relocate the Department of Small Business and Supplier Diversity from private-leased space to a state-owned facility.

I.1. Out of this appropriation, \$2,000,000 the second year from the general fund shall be provided to the City of Richmond for expenses incurred for the development of the Slavery and Freedom Heritage Site in Richmond, including Lumpkin's Pavilion and Slave Trail improvements. Of this amount, \$1,000,000 shall be used for improvements to the Slave Trail, and \$1,000,000 for costs associated with Lumpkin's Pavilion.

2. Prior to the receipt of state funds for the purpose set out in paragraph I.1., the Richmond City Council shall pass a resolution outlining its approval of and financial commitment to the proposed project and local matching funds in an amount totaling at least \$5,000,000 which shall be appropriated by the City of Richmond for the project prior to receipt of any state funds. Release of state funding for Lumpkin's Pavilion shall also require evidence that the City of Richmond has raised at least fifty percent of the remaining funding required for that portion of the project from private or other sources.

3. At such time that the City of Richmond has completed construction of the respective improvements, the City of Richmond shall be eligible for reimbursement from the Commonwealth of an amount not to exceed \$9,000,000, or up to twenty five percent of the total costs of each project.

4. State funding appropriated in paragraph I.1 and future appropriations considered in paragraph I.3, shall be allocated only as follows: no more than \$5,000,000 shall be allocated for the planning, design, and construction of the Pavilion at Lumpkin's Jail, no more than \$1,000,000 shall be allocated for improvements to the Richmond Slave Trail, and no more than \$5,000,000 shall be allocated for the planning, design and construction of a slavery museum.

5. The City of Richmond shall provide documentation to the Department of General Services on the progress of this project and actual expenditures incurred for it in a form acceptable to the Secretaries of Finance and Administration.

6. In addition to the matching requirements set out in paragraph I.2, the City of Richmond shall provide and dedicate appropriate contiguous real estate prior to the receipt of any state funding for the purposes outlined in paragraph I.1 above.

7. The Department of General Services shall act as the fiscal agent for these funds. The director shall oversee the expenditure of state appropriations to ensure that payments to the City of Richmond are made consistent with the purposes set out in paragraphs I.1 and I.4. The Director, Department of Planning and Budget, is authorized to transfer these funds to the Department of General Services to implement this appropriation.

8. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05 of the act.

L. The State Comptroller shall revert to the general fund savings that are realized as a result of vacant judgeships. The reversion is estimated to be \$1,500,000 on or before June 30, 2015 .

M. The Director, Department of Planning and Budget, shall transfer from this item, general fund amounts estimated at \$4,860,169 the first year and \$5,983,298 the second year to state agencies and institutions of higher education to support the general fund portion of costs resulting from the estimated usage of technology services provided by the Virginia Information Technologies Agency.

N. Out of this appropriation, \$3,830,000 the second year from the general fund is provided to cover the costs associated with the 2016 presidential primary. Out of this amount, up to \$3,540,000 may be used by the Department of Elections to reimburse localities for their presidential primary expenditures and up to \$290,000 may be used to cover costs incurred directly by the Department of Elections.

O.1 Out of this appropriation, \$800,000 the second year from the general fund is provided to assist the Center for Innovative Technology in addressing a projected operating

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<p><i>shortfall for fiscal year 2016. Beginning in April 2016, the Center for Innovative Technology shall provide the Director, Department of Planning and Budget, and the Staff Directors of the House Appropriations Committee and the Senate Finance Committee, with monthly progress reports that depict the cash position of the Center and the itemized specific corrective actions taken to address the shortfall. If review of the monthly documentation indicates a good faith effort on the part of the Center to properly track and minimize the projected shortfall, the Director, Department of Planning and Budget, upon request of the Secretary of Technology, may transfer up to the \$800,000 provided in this item to the Innovation and Entrepreneurship Investment Authority by June 30, 2016.</i></p> <p><i>2. Furthermore, any form of proposed increase in employee compensation above the base salaries of employees, including one-time bonuses, except for salary adjustments explicitly authorized in this Act, must be communicated to the Director, Department of Planning and Budget, and the Staff Directors of the House Appropriations Committee and the Senate Finance Committee, more than ninety days in advance of effectuating such increase.</i></p>				
469.	Not set out.			
470.	Not set out.			
471.	Not set out.			
471.10	Not set out.			
471.30	Not set out.			
471.40	Not set out.			
	Total for Central Appropriations.....		\$139,777,485	\$279,533,883 \$454,582,877
	Fund Sources: General.....	\$20,354,046	\$160,205,978 \$335,254,972	
	Trust and Agency.....	\$119,423,439	\$119,327,905	
	TOTAL FOR CENTRAL APPROPRIATIONS.....		\$139,777,485	\$279,533,883 \$454,582,877
	Fund Sources: General.....	\$20,354,046	\$160,205,978 \$335,254,972	
	Trust and Agency.....	\$119,423,439	\$119,327,905	
	TOTAL FOR EXECUTIVE DEPARTMENT.....		\$45,928,393,158	\$47,432,073,327 \$48,460,271,095
	General Fund Positions.....	48,850.51	48,967.06 48,992.12	
	Nongeneral Fund Positions.....	62,518.27	62,839.52 62,840.46	
	Position Level.....	111,368.78	111,806.58 111,832.58	
	Fund Sources: General.....	\$17,710,185,367	\$18,091,284,346 \$18,429,561,361	
	Special.....	\$1,649,764,832	\$1,657,543,565 \$1,657,466,060	
	Higher Education Operating.....	\$7,919,651,888	\$8,029,624,917	
	Commonwealth Transportation.....	\$4,366,904,031	\$4,647,312,774 \$4,975,833,550	
	Enterprise.....	\$1,015,359,274	\$1,090,913,246 \$1,139,492,696	
	Internal Service.....	\$1,771,892,976	\$1,801,509,481 \$1,908,509,481	
	Trust and Agency.....	\$2,300,134,969	\$2,561,088,909 \$2,569,472,621	

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Debt Service.....	\$326,199,813	\$328,161,549		
Dedicated Special Revenue.....	\$1,793,007,919	\$1,740,019,625 <i>\$1,768,169,625</i>		
Federal Trust.....	\$7,075,292,089	\$7,484,614,915 <i>\$7,653,979,235</i>		

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INDEPENDENT AGENCIES

§ 1-38. STATE CORPORATION COMMISSION (171)

472.	Not set out.				
473.	Not set out.				
474.	Not set out.				
475.	Not set out.				
476.	Plan Management (40800).....			\$1,200,133	\$1,200,446 \$200,446
	Fund Sources: General.....	\$1,200,133	\$1,200,446 \$200,446		

Authority: §§ 38.2-316.1 and 38.2-326, Code of Virginia; §42.18041 c, United States Code.

A. There is hereby appropriated to the State Corporation Commission an amount not to exceed \$1,200,133 the first year and ~~\$1,200,446~~ \$200,446 the second year from the general fund to pay for the plan management functions authorized in Chapter 670 of the Acts of Assembly of 2013. The ~~commission~~ *State Corporation Commission* shall reimburse the general fund for the plan management activities performed by the commission, as part of the Federal Health Benefit Exchange, only for those funds that have been reimbursed by the U.S. Department of Health and Human Services for carrying out the plan management activities as part of the Federal Health Benefit Exchange.

B. On or before June 30, 2015 and June 30, 2016, the Director, Department of Planning and Budget shall authorize the reversion to the general fund of \$1,200,133 the first year and ~~\$1,200,446~~ *the unexpended appropriation from this Item* in the second year representing the reimbursement from federal funds received by the State Corporation Commission (~~commission~~) for the plan management activities performed by the ~~Commission~~ as part of the Federal Health Benefit Exchange as specified in Item 476.10 of Chapter 806, 2013 Acts of Assembly.

	Total for State Corporation Commission.....			\$95,611,736	\$95,612,049 \$94,612,049
	General Fund Positions.....	13.00	13.00 0.00		
	Nongeneral Fund Positions.....	665.00	665.00		
	Position Level.....	678.00	678.00 665.00		
	Fund Sources: General.....	\$1,200,133	\$1,200,446 \$200,446		
	Special.....	\$82,422,495	\$82,422,495		
	Trust and Agency.....	\$6,856,941	\$6,856,941		
	Dedicated Special Revenue.....	\$1,782,167	\$1,782,167		
	Federal Trust.....	\$3,350,000	\$3,350,000		

477. Not set out.

478. Not set out.

§ 1-39. VIRGINIA COLLEGE SAVINGS PLAN (174)

479.	Investment, Trust, and Insurance Services (72500) a sum sufficient, estimated at.....			\$165,540,967	\$192,326,809 \$193,328,109
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ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: Enterprise.....	\$165,540,967	\$192,326,809 \$193,328,109		
Authority: Title 23, Chapter 4.9, Code of Virginia.				
A. Amounts for Payments for Tuition and Educational Expense Benefits represent the payment of benefits to postsecondary educational institutions on behalf of program participants under the Virginia529 prePAID Program, estimated at \$156,000,000 the first year and \$183,000,000 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.				
B. Any moneys collected, distributed or held for the benefit of participants under the Virginia529 inVEST Program and other higher education savings programs, including any income from such funds, are not subject to the provisions of §§ 2.2-1800 through 2.2-1825, inclusive, or § 23-38.76 (A) of the Code of Virginia requiring deposit in the State Treasury. This provision does not apply to the Virginia529 prePAID Program, or Plan administrative fee revenue.				
C. Amounts for Payments for Tuition and Educational Expense Benefits cover the current obligations of the fund as provided for in Title 23, Chapter 4.9, Code of Virginia.				
D. Amounts for Investment, Trust and Related Services cover variable or unpredictable costs of the Virginia529 prePAID Program, estimated at \$4,701,300 the first year and \$4,769,504 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.				
E. Amounts for Investment, Trust and Related Services cover variable and unpredictable costs of the Virginia529 inVEST Program and other higher education savings programs, estimated at \$4,539,667 the first year and \$4,557,305 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.				
480.	Not set out.			
481.	Not set out.			
			\$178,598,894	\$205,337,282 \$206,338,582
	Nongeneral Fund Positions.....	105.00	105.00	
	Position Level.....	105.00	105.00	
	Fund Sources: Enterprise.....	\$178,598,894	\$205,337,282 \$206,338,582	

§ 1-40. VIRGINIA RETIREMENT SYSTEM (158)

482.	Personnel Management Services (70400).....		\$12,386,585	\$12,386,585 \$12,511,290
	Fund Sources: <i>General</i>	\$0	\$124,705	
	Trust and Agency.....	\$12,386,585	\$12,386,585	

Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

A. The Board of Trustees of the Virginia Retirement System is hereby authorized to charge a participation fee to each employer served by the Virginia Retirement System for any services provided pursuant to Title 51.1, Code of Virginia. The fee shall be utilized to pay the administrative expenses of all administrative services, including non-retirement programs. Retirement contributions required by the Board shall be reduced to pay such fees in a manner prescribed by the Board of Trustees.

B. State agencies and institutions of higher education shall make payments to the Virginia Retirement System (VRS) for VRS-administered benefits no less often than monthly.

C.1. The Virginia Retirement System shall make those changes to administrative policies, procedures, and systems as are necessary for implementation of the public employee

ITEM 482.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
retirement reforms provided for in Chapter 701 of the Acts of Assembly of 2012.				
2. Out of the amounts appropriated to this Item, \$1,420,956 the first year and \$1,420,956 the second year is designated to implement the employee retirement reforms provided for in Chapter 701 of the Acts of Assembly of 2012.				
<i>D. Out of this appropriation, \$124,705 the second year from the general fund is provided for expenses associated with the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund.</i>				
483.	Not set out.			
484.	Administrative and Support Services (79900).....		\$29,120,424	\$29,801,924 \$34,280,924
	Fund Sources: Trust and Agency.....	\$29,120,424	\$29,801,924 \$34,280,924	
Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.				
Out of the amounts appropriated to this Item, the director is authorized to expend an amount not to exceed \$25,000 the first year and \$25,000 the second year for expenses commonly borne by business enterprises. Such expenses shall be recorded separately by the agency.				
485.	Not set out.			
	Total for Virginia Retirement System.....		\$70,641,983	\$71,323,483 \$75,927,188
	Nongeneral Fund Positions.....	335.00	335.00	
	Position Level.....	335.00	335.00	
	Fund Sources: <i>General</i>	\$0	\$124,705	
	Trust and Agency.....	\$70,641,983	\$71,323,483 \$75,802,483	
486.	Not set out.			
487.	Not set out.			
	TOTAL FOR INDEPENDENT AGENCIES.....		\$484,581,539	\$513,454,656 \$518,059,661
	General Fund Positions.....	13.00	13.00 0.00	
	Nongeneral Fund Positions.....	1,688.00	1,688.00	
	Position Level.....	1,701.00	1,701.00 1,688.00	
	Fund Sources: General.....	\$1,200,133	\$1,200,446 \$325,151	
	Special.....	\$82,422,495	\$82,422,495	
	Enterprise.....	\$275,891,541	\$302,656,483 \$303,657,783	
	Trust and Agency.....	\$77,498,924	\$78,180,424 \$82,659,424	
	Dedicated Special Revenue.....	\$43,648,446	\$44,144,808	
	Federal Trust.....	\$3,920,000	\$4,850,000	

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	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

STATE GRANTS TO NONSTATE ENTITIES

488. Not set out.

TOTAL FOR STATE GRANTS TO NONSTATE ENTITIES.....			\$0	\$0
TOTAL FOR PART 1: OPERATING EXPENSES.			\$46,979,567,188	\$48,513,056,758
				\$49,546,821,183
General Fund Positions.....	52,704.72	52,826.27 52,840.33		
Nongeneral Fund Positions.....	64,338.77	64,660.02 64,660.96		
Position Level.....	117,043.49	117,486.29 117,501.29		
Fund Sources: General.....	\$18,240,038,523	\$18,622,747,478 \$18,960,692,287		
Special.....	\$1,745,446,448	\$1,752,461,816 \$1,752,802,874		
Higher Education Operating.....	\$7,919,651,888	\$8,029,624,917		
Commonwealth Transportation.....	\$4,366,904,031	\$4,647,312,774 \$4,975,833,550		
Enterprise.....	\$1,291,250,815	\$1,393,569,729 \$1,443,150,479		
Internal Service.....	\$1,771,892,976	\$1,801,509,481 \$1,908,509,481		
Trust and Agency.....	\$2,377,749,601	\$2,639,385,050 \$2,652,247,762		
Debt Service.....	\$326,199,813	\$328,161,549		
Dedicated Special Revenue.....	\$1,859,657,567	\$1,807,251,110 \$1,835,401,110		
Federal Trust.....	\$7,080,775,526	\$7,491,032,854 \$7,660,397,174		

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PART 2: CAPITAL PROJECT EXPENSES

§ 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to paragraph G of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. The Director, Department of Planning and Budget, may transfer appropriations listed in Part 2 of this act from the second year to the first year in accordance with § 4-1.03 a 5 of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals must come from the affected agency's existing resources.

2. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services. The purpose of this review is to avoid unnecessary expenditures for each project, in the interest of assuring the overall cost of the project is reasonable in relation to the purpose intended, regardless of discrete design choices.

E.1. Expenditures from Items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant, and equipment as defined in § 4-4.01c of this act to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient.

2. Agencies and institutions of higher education can expend up to \$1,000,000 for a single repair or project through the maintenance reserve appropriation without a separate appropriation. Such expenditures shall be subject to rules and regulations prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this threshold or state agency has identified a potential project that exceeds the threshold prescribed in the rules or regulations, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

3. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities supported entirely by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.

F. Conditions Applicable to Bond Projects

1. The capital projects listed in §§ 2-23 and 2-24 for the indicated agencies and institutions of higher education are hereby authorized and sums from the sources and in the amount indicated are hereby appropriated and reappropriated. The issuance of bonds in a principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest for any project listed in §§ 2-23 and 2-24 is hereby authorized.

2. The issuance of bonds for any project listed in § 2-23 is to be separately authorized pursuant to Article X, Section 9 (c), Constitution of Virginia.

3. The issuance of bonds for any project listed in §§ 2-23 or 2-24 shall be authorized pursuant to § 23-19, Code of Virginia.

4. In the event that the cost of any capital project listed in §§ 2-23 and 2-24 shall exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is hereby authorized, upon request of the affected institution, to approve an increase in appropriation authority of not more than ten percent of the amount designated in §§ 2-23 and 2-24 for such project, from any available nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for such capital project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest earnings derived from the investment of bond proceeds in addition to the amount designated in §§ 2-23 and 2-24 for such capital project.

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5. The interest on bonds to be issued for these projects may be subject to inclusion in gross income for federal income tax purposes.

6. Inclusion of a project in this act does not imply a commitment of state funds for temporary construction financing. In the absence of such commitment, the institution may be responsible for securing short-term financing and covering the costs from other sources of funds.

7. In the event that the Treasury Board determines not to finance all or any portion of any project listed in § 2-23 of this act with the issuance of bonds pursuant to Article X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the contrary, this act shall constitute the approval of the General Assembly to finance all or such portion of such project under the authorization of § 2-24 of this act.

8. The General Assembly further declares and directs that, notwithstanding any other provision of law to the contrary, 50 percent of the proceeds from the sale of surplus real property pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund, and which were under the control of an institution of higher education prior to the sale, shall be deposited in a special fund set up on the books of the State Comptroller, which shall be known as the Higher Education Capital Projects Fund. Such sums shall be held in reserve, and may be used, upon appropriation, to pay debt service on bonds for the 21st Century College Program as authorized in Item C-7.10 of Chapter 924 of the Acts of Assembly of 1997.

G. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:

1. Construction is in progress.
2. Equipment purchases have been authorized by the Governor but not received.
3. Plans and specifications have been authorized by the Governor but not completed.
4. Obligations were outstanding at the end of the previous biennium.

H. The Department of Planning and Budget is hereby authorized to administratively appropriate any nongeneral fund component of any capital project authorized in Chapters 859/827 (2002), Chapters 884/854 (2002), or Chapters 887/855 (2002).

I. Alternative Financing

1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, shall provide a report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no less than 30 days prior to entering into such alternative financing agreement. This report shall provide:

- a. a description of the purpose to be achieved by the proposal;
- b. a description of the financing options available, including the alternative financing, which will delineate the revenue streams or client populations pledged or encumbered by the alternative financing;
- c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the Commonwealth;
- d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the clients of the agency or institution; and
- e. a recommendation and planned course of action based on this analysis.

J. Conditions Applicable to Alternative Financing

The following authorizations to construct, purchase, lease or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, are continued until revoked:

1. James Madison University

a. Subject to the provisions of this act, the General Assembly authorizes James Madison University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23-19(d)(4), Code of Virginia.

b. The General Assembly authorizes James Madison University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in

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accordance with the guidelines cited in paragraph 1 of this item. James Madison University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

c. The General Assembly further authorizes James Madison University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

2. Longwood University

a. Subject to the provisions of this act, the General Assembly authorizes Longwood University to enter into a written agreement or agreements with the Longwood University Real Estate Foundation (LUREF) for the development, design, construction and financing of student housing projects, a convocation center, parking, and operational and recreational facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Longwood is further authorized to enter into a written agreement with the LUREF for the support of such student housing, convocation center, parking, and operational and recreational facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes Longwood University to enter into a written agreement with a public or private entity to plan, design, develop, construct, finance, manage and operate a facility or facilities to provide additional student housing and/or operational-related facilities. Longwood University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for the benefit of LUREF will provide construction and/or permanent financing.

d. Longwood University is further authorized to convey fee simple title in and to one or more parcels of land to LUREF, which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

3. Christopher Newport University

a. Subject to the provisions of this act, the General Assembly authorizes Christopher Newport University to enter into, continue, extend or amend written agreements with the Christopher Newport University Educational Foundation (CNUEF) or the Christopher Newport University Real Estate Foundation (CNUREF) in connection with the refinancing of certain housing and office space projects.

b. Christopher Newport University is further authorized to enter into, continue, extend or amend written agreements with CNUEF or CNUREF to support such facilities including agreements to (i) lease all or a portion of such facilities from CNUEF or CNUREF, (ii) include such facilities in the University's building inventory, (iii) manage the operation and maintenance of the facilities, including collection of any rental fees from University students in connection with the use of such facilities, and (iv) otherwise support the activities at such facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligation under any documents or instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

4. Radford University

a. Subject to the provisions of this act, the General Assembly authorizes Radford University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23-19(d)(4), Code of Virginia.

b. The General Assembly authorizes Radford University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. Radford University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

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c. The General Assembly further authorizes Radford University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

5. University of Mary Washington

a. Subject to the provisions of this act, the General Assembly authorizes the University of Mary Washington to enter into a written agreement or agreements with the University of Mary Washington Foundation (UMWF) to support student housing projects and/or operational-related facilities through alternative financing agreements including public-private partnerships.

b. The University of Mary Washington is further authorized to enter into written agreements with UMWF to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's students housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) seek to obtain police power over the student housing as provided by law; and (v) otherwise support the students housing facilities consistent with law, provided that the University's obligation under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes the University of Mary Washington to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional student housing and/or operational-related facilities. The facility or facilities may or may not be located on property owned by the Commonwealth. The University of Mary Washington is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for UMWF will provide construction and/or permanent financing.

6. Norfolk State University

a. Subject to the provisions of this act, the General Assembly authorizes Norfolk State University to enter into a written agreement or agreements with a Foundation of the University for the development of one or more student housing projects on or adjacent to campus, subject to the conditions outlined in the Public-Private Education Facilities Infrastructure Act of 2002.

b. Norfolk State University is further authorized to enter into written agreements with a Foundation of the University to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's student housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) restrict construction of competing student housing projects; (v) seek to obtain police power over the student housing as provided by law; and (vi) otherwise support the student housing facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

7. Northern Virginia Community College - Alexandria Campus

The General Assembly authorizes Northern Virginia Community College, Alexandria Campus to enter into a written agreement either with its affiliated foundation or a private contractor to construct a facility to provide on-campus housing on College land to be leased to said foundation or private contractor for such purposes. Northern Virginia Community College, Alexandria Campus, is also authorized to enter into a written agreement with said foundation or private contractor for the support of such student housing facilities and management of the operation and maintenance of the same.

8. Virginia State University

a. Subject to the provisions of this act, the General Assembly authorizes Virginia State University (University) to enter into a written agreement or agreements with the Virginia State University Foundation (VSUF), Virginia State University Real Estate Foundation (VSUREF), and other entities owned or controlled by the university for the development, design, construction, financing, and management of a mixed-use economic development corridor comprising student housing, parking, and dining facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Virginia State University is further authorized to enter into a written agreement with the VSUREF, VSUF, and other entities owned or controlled by the university for the support of such a mixed-use economic development corridor comprising student housing, parking, and dining facilities by including these projects in the university's facility inventory and managing their operation and

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maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other university facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the university shall not be required to take any action that would constitute a breach of the university's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the university or the Commonwealth of Virginia.

9. The following individuals, and members of their immediate family, may not engage in an alternative financing arrangement with any agency or institution of the Commonwealth, where the potential for financial gain, or other factors may cause a conflict of interest:

a. A member of the agency or institution's governing body;

b. Any elected or appointed official of the Commonwealth or its agencies and institutions who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement; or

c. Any elected or appointed official of a participating political subdivision, or authority who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement.

K. The budget bill submitted by the Governor shall include a synopsis of previous appropriations for capital projects from the General Assembly and authorizations by the Governor for such projects.

L. Appropriations contained in this act for capital project planning shall be used as specified for each capital project and construction funding for the project shall be considered by the General Assembly after determining that (1) project cost is reasonable; (2) the project remains a highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from a space and programmatic perspective.

M. Any capital project that has received a supplemental appropriation due to cost overruns must be completed within the revised budget provided. If a project requires an additional supplement, the Governor should also consider reduction in project scope or cancelling the project before requesting additional appropriations. Agencies and institutions with nongeneral funds may bear the costs of additional overruns from nongeneral funds.

N. The Governor shall consider the project life cycle cost that provides the best long-term benefit to the Commonwealth when conducting capital project reviews, design and construction decisions, and project scope changes.

O. The Governor shall provide the Chairmen of the Senate Finance and House Appropriations Committees an opportunity to review the six year capital improvement plan prior to the beginning of each new biennial budget cycle.

P. No structure, improvement or renovation shall occur on the state property located at the Carillon in Byrd Park in the City of Richmond without the approval of the General Assembly.

Q. All Agencies of the Commonwealth and Institutions of Higher Education shall provide information and/or use systems and processes in the method and format as directed by the Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan Advisory Committee, to provide necessary information for state-wide reporting. This requirement shall apply to all projects, including those funded from general and nongeneral fund sources.

R. Notwithstanding any other provision of law, the following shall govern the real estate purchase and exchange agreement for Western State Hospital between the Commonwealth of Virginia and the City of Staunton. The City of Staunton shall remit the \$15 million for the property sale as follows:

- 1) the first payment of \$5 million on October 1, 2012;
- 2) the second payment of \$5 million on January 1, 2013; and,
- 3) the final payment of \$5 million on April 1, 2013.

Further, this item eliminates the requirement that the City of Staunton maintain a \$15 million line of credit to ensure its payment.

S. Working in collaboration with the members of the Supreme Court of Virginia and the members of the Court of Appeals of Virginia, the Executive Secretary of the Supreme Court, in consultation with the Director of the Department of General Services, is directed to develop a comprehensive plan that meets the future space needs around Capitol Square of both courts, and which is acceptable to the Chief Justice of the Supreme Court of Virginia and the Chief Judge of the Court of Appeals of Virginia.

EXECUTIVE DEPARTMENT

OFFICE OF ADMINISTRATION

C-1. Not set out.

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TOTAL FOR OFFICE OF ADMINISTRATION.....			\$0	\$0

OFFICE OF AGRICULTURE AND FORESTRY

C-1.05 Not set out.

TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....			\$0	\$1,821,000
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Fund Sources: Special.....	\$0	\$1,821,000		
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OFFICE OF EDUCATION

C-2. Not set out.

C-3. Not set out.

C-4. Not set out.

C-4.10 Not set out.

C-5. Not set out.

C-6. Not set out.

C-6.50 Not set out.

C-7. Not set out.

C-7.10 Not set out.

C-7.20 Not set out.

C-8. Not set out.

C-8.10 Not set out.

C-8.20 Not set out.

C-8.30 Not set out.

C-8.35 Not set out.

C-8.40 Not set out.

C-8.50 Not set out.

C-9. Not set out.

C-10. Not set out.

C-11. Not set out.

C-12. Not set out.

C-13. Not set out.

ITEM C-13.05.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
C-13.05	Not set out.			
C-13.10	Not set out.			
C-13.20	Not set out.			
C-13.30	Not set out.			
C-14.	Not set out.			
C-14.10	Not set out.			
C-15.	Not set out.			
C-16.	Not set out.			
C-17.	Not set out.			
C-17.10	Not set out.			
C-18.	Not set out.			
C-19.01	Not set out.			
C-19.02	Not set out.			
C-19.03	Not set out.			
C-19.04	Not set out.			
C-19.05	Not set out.			
C-19.06	Not set out.			
C-19.10	Not set out.			
C-20.	Omitted.			
C-20.10	Not set out.			
C-20.20	Not set out.			
C-21.	Not set out.			
TOTAL FOR OFFICE OF EDUCATION.....			\$490,331,705	\$182,850,351
Fund Sources: General.....	\$0	\$8,438,013		
Special.....	\$0	\$190,000		
Higher Education Operating.....	\$44,794,000	\$51,322,338		
Bond Proceeds.....	\$445,537,705	\$122,900,000		

OFFICE OF HEALTH AND HUMAN RESOURCES

C-21.05 Omitted.

TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			\$0	\$0
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ITEM C-21.05.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016

OFFICE OF NATURAL RESOURCES

- C-22. Not set out.
- C-23. Not set out.
- C-24. Not set out.
- C-25. Not set out.
- C-25.10 Not set out.
- C-25.20 Not set out.
- C-25.30 Not set out.
- C-25.40 Not set out.
- C-25.50 Not set out.

TOTAL FOR OFFICE OF NATURAL RESOURCES.....			\$4,080,000	\$8,122,463
Fund Sources: General.....	\$0	\$3,130,463		
Special.....	\$0	\$2,242,000		
Dedicated Special Revenue.....	\$2,196,522	\$1,864,022		
Federal Trust.....	\$1,883,478	\$885,978		

OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

- C-26. Not set out.
- C-26.10 Not set out.
- C-26.20 Not set out.

§ 2-1. DEPARTMENT OF MILITARY AFFAIRS (123)

- C-27. Not set out.
- C-28. Not set out.
- C-29. Not set out.
- C-30. Omitted.
- C-30.10 Not set out.
- C-30.20 Not set out.

Total for Department of Military Affairs.....			\$3,821,000	\$39,548,400
Fund Sources: Special.....	\$0	\$25,000		
Federal Trust.....	\$3,821,000	\$39,523,400		

- C-31. Not set out.

ITEM C-31.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....			\$14,321,000	\$39,548,400
Fund Sources: Special.....	\$1,500,000	\$25,000		
Federal Trust.....	\$3,821,000	\$39,523,400		
Bond Proceeds.....	\$9,000,000	\$0		

OFFICE OF VETERANS AND DEFENSE AFFAIRS

C-32. Not set out.

C-32.05 Not set out.

TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....			\$561,539	\$561,539
Fund Sources: Special.....	\$161,539	\$161,539		
Federal Trust.....	\$400,000	\$400,000		

OFFICE OF TRANSPORTATION

C-33. Not set out.

C-34. Not set out.

C-34.10 Not set out.

C-35. Not set out.

C-36. Not set out.

C-37. Not set out.

§ 2-2. VIRGINIA PORT AUTHORITY (407)

C-38. Omitted.

C-39. Omitted.

C-40. Not set out.

C-40.10 Not set out.

C-40.20 Not set out.

Total for Virginia Port Authority.....			\$37,000,000	\$0
Fund Sources: Special.....	\$37,000,000	\$0		
TOTAL FOR OFFICE OF TRANSPORTATION.....			\$77,891,817	\$41,787,683
Fund Sources: Special.....	\$37,000,000	\$0		
Commonwealth Transportation.....	\$40,891,817	\$41,787,683		

CENTRAL APPROPRIATIONS

§ 2-3. CENTRAL CAPITAL OUTLAY (949)

C-41. Central Maintenance Reserve (15776)..... \$75,200,000 \$84,500,000

ITEM C-41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
Fund Sources: General.....	\$200,000	\$9,500,000		
Bond Proceeds.....	\$75,000,000	\$75,000,000		

A.1. A total of \$75,000,000 the first year and \$75,000,000 the second year is hereby authorized for issuance by the Virginia Public Building Authority pursuant to § 2.2-2263 Code of Virginia, and/or the Virginia College Building Authority pursuant to § 23-30.24 et seq., Code of Virginia, for capital costs of maintenance reserve projects.

2. Out of this appropriation \$9,500,000 the second year from the general fund is designated for capital costs of maintenance reserve projects.

B. The proceeds of such bonds previously authorized in paragraph A.1. and the general fund provided from paragraph A.2. are hereby appropriated for the capital costs of the following maintenance reserve projects:

Agency Name/Code	Project Code	FY 2015	FY 2016
Department of Military Affairs (123)	10893	\$626,652	\$666,528
Department of Emergency Management (127)	15989	\$100,000	\$100,000
The Science Museum of Virginia (146)	13634	\$404,353	\$633,655
Department of State Police (156)	10886	\$313,964	\$537,514
Department of General Services (194)	14260	\$5,450,537	\$6,577,729
Department of Conservation and Recreation (199)	16646	\$2,285,849	\$2,431,305
The Library of Virginia (202)	17423	\$100,000	\$167,857
Woodrow Wilson Rehabilitation Center (203)	10885	\$381,197	\$473,311
The College of William and Mary (204)	12713	\$1,948,551	\$2,072,544
University of Virginia (207)	12704	\$7,231,247	\$7,691,395
Virginia Polytechnic Institute and State University (208)	12707	\$8,021,374	\$8,531,800
Virginia Military Institute (211)	12732	\$1,146,150	\$1,219,083
Virginia State University (212)	12733	\$2,858,055	\$3,039,923
Norfolk State University (213)	12724	\$3,065,618	\$3,260,693
Longwood University (214)	12722	\$1,105,456	\$1,175,800
University of Mary Washington (215)	12723	\$723,046	\$1,108,341
James Madison University (216)	12718	\$2,830,846	\$3,010,983
Radford University (217)	12731	\$1,272,534	\$1,353,509
Virginia School for the Deaf and Blind (218)	14082	\$230,604	\$380,992
Old Dominion University (221)	12710	\$1,952,035	\$2,076,249
Virginia Commonwealth University (236)	12708	\$3,326,873	\$3,538,573
Virginia Museum of Fine Arts (238)	13633	\$673,496	\$716,353
Frontier Culture Museum of Virginia (239)	15045	\$362,633	\$521,423
Richard Bland College (241)	12716	\$112,928	\$391,543
Christopher Newport University (242)	12719	\$479,371	\$577,732
University of Virginia's College at Wise (246)	12706	\$259,728	\$445,898

ITEM C-41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
George Mason University (247)	12712	\$3,200,463		\$3,404,119
Virginia Community College System (260)	12611	\$6,046,516		\$6,431,276
Virginia Institute of Marine Science (268)	12331	\$286,612		\$508,422
Eastern Virginia Medical School (274)	18190	\$0		\$318,929
Department of Agriculture and Consumer Services (301)	12253	\$332,386		\$353,537
Marine Resources Commission (402)	16498	\$100,000		\$100,000
Department of Mines, Minerals, and Energy (409)	13096	\$100,000		\$100,000
Department of Forestry (411)	13986	\$321,572		\$342,035
Gunston Hall (417)	12382	\$100,000		\$167,857
Jamestown-Yorktown Foundation (425)	13605	\$1,377,273		\$1,600,628
Department for the Blind and Vision Impaired (702)	13942	\$210,555		\$359,668
Department of Behavioral Health and Developmental Services (720)	10880	\$4,413,719		\$4,694,578
Department of Juvenile Justice (777)	15081	\$827,786		\$880,461
Department of Forensic Science (778)	16320	\$278,282		\$431,705
Department of Corrections (799)	10887	\$9,156,497		\$9,739,155
Institute for Advanced Learning and Research (885)	18044	\$100,000		\$303,571
Department of Veterans Services (912)	17073	\$249,315		\$400,894
Innovation and Entrepreneurship Investment Authority (934)	17943	\$100,000		\$100,000
Roanoke Higher Education Center (935)	17916	\$135,927		\$348,148
Southern Virginia Higher Education Center (937)	18131	\$100,000		\$303,571
New College Institute (938)	18132	\$100,000		\$303,571
Virginia Museum of Natural History (942)	14439	\$100,000		\$303,571
Southwest Virginia Higher Education Center (948)	16499	\$100,000		\$303,571
Total		\$75,000,000		\$84,500,000

C. Expenditures for amounts appropriated in this Item are subject to conditions defined in §2-0 E of this act.

D. Agencies and institutions of higher education may use maintenance reserve funds to finance the following capital costs: to repair or replace damaged or inoperable equipment, components of plant, and utility systems; to correct deficiencies in property and plant required to conform with building and safety codes or those associated with hazardous condition corrections, including asbestos abatement; to correct deficiencies in fire protection, energy conservation and handicapped access; and to address such other physical plant deficiencies as the Director, Department of Planning and Budget may approve. Agencies and institutions of higher education may also use maintenance reserve funds to make other necessary improvements that do not meet the criteria for maintenance reserve funding with the prior approval of the Director, Department of Planning and Budget.

ITEM C-41.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
E. 1. The Department of General Services is authorized to use these funds from its maintenance reserve allocation for necessary repairs and improvements in and around Capitol Square for items such as repair and conservation of the historic fence, repair and improvements to the grounds, upkeep and ongoing repairs to the exterior of the Capitol and Bell Tower, and conservation and maintenance of monuments and statues. The use of and allocation of these funds shall be as deemed appropriate by the Director, Department of General Services.				
2. A total of \$200,000 the first year from the general fund is hereby authorized for the planning and other costs associated with the construction of permanent monuments for the Women's Monument Commission and the Virginia Indian Commemorative Commission.				
3. The Department of General Services shall provide support to both groups in implementing this project, as provided for in paragraph E.2.				
4. The Commissions and the Department of General Services shall report quarterly to the General Assembly on the progress made on site selection, project design, projected costs, and project finances associated with these monuments as specified in paragraph E.2.				
F.1. The Jamestown-Yorktown Foundation may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this item for the conservation of art and artifacts.				
2. The Virginia Museum of Fine Arts may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this item for the conservation of art works owned by the Museum.				
G. The Department of Corrections may use a portion of its annual maintenance reserve allocation to make modifications to correctional facilities needed to enable the agency to meet the requirements of the federal Prison Rape Elimination Act.				
H. The Department of Conservation and Recreation shall give priority in the use of maintenance reserve funds for roof replacements, or other improvements, to help preserve historic buildings at Walnut Valley Farms, located at Chippokes Plantation State Park, with an estimated cost of \$200,000. The historic buildings consist of a 1785 farmhouse, summer kitchen, and slave quarters. It is the intent that the buildings be preserved and protected from further decay, to the extent possible, until planning, and building restorations can be initiated. Item C-44 in this act contains funds for detailed planning.				
I. The Frontier Culture Museum may use its maintenance reserve allocation to pave the loop roads, paths, and parking lots, repair and replace restroom facilities, improve public entrance accessibility, and improve the grounds at the museum.				
J. 1. Any balances remaining from the maintenance reserve allocation identified in this item for the Jamestown-Yorktown Foundation shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the Jamestown-Yorktown Foundation for the purposes of the maintenance reserve program in the subsequent fiscal year.				
2. Any balances remaining from the maintenance reserve allocation identified in this item for the Virginia Museum of Fine Art shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the Virginia Museum of Fine Art for the purposes of the maintenance reserve program in the subsequent fiscal year.				
K. The Jamestown-Yorktown Foundation may utilize its annual maintenance reserve allocation to restore, repair or renew exhibits.				
L. The Department of Corrections may use up to \$1,500,000 of its annual maintenance reserve allocation to retrofit the correctional facility in Culpeper County that has been used in the past by the Department of Juvenile Justice to house juvenile defenders, but will, effective July 1, 2014, be used to house adult offenders.				
C-42. Not set out.				

ITEM C-43.	Item Details(\$)		Appropriations(\$)	
	First Year FY2015	Second Year FY2016	First Year FY2015	Second Year FY2016
C-43.	Not set out.			
C-44.	Not set out.			
C-45.	Not set out.			
C-46.	Omitted.			
C-46.10	Not set out.			
C-46.15	Not set out.			
C-46.20	Not set out.			
C-46.30	Omitted.			
	Total for Central Capital Outlay.....		\$354,098,381	\$255,558,000
	Fund Sources: General.....		\$200,000	\$129,850,000
	Trust and Agency.....		\$400,000	\$0
	Dedicated Special Revenue.....		\$13,276,000	\$0
	Federal Trust.....		\$1,885,500	\$0
	Bond Proceeds.....		\$338,336,881	\$125,708,000
C-47.	Not set out.			
C-48.	Not set out.			
	TOTAL FOR CENTRAL APPROPRIATIONS.....		\$354,098,381	\$255,558,000
	Fund Sources: General.....		\$200,000	\$129,850,000
	Trust and Agency.....		\$400,000	\$0
	Dedicated Special Revenue.....		\$13,276,000	\$0
	Federal Trust.....		\$1,885,500	\$0
	Bond Proceeds.....		\$338,336,881	\$125,708,000
	TOTAL FOR PART 2: CAPITAL PROJECT EXPENSES.....		\$941,284,442	\$530,249,436
	Fund Sources: General.....		\$200,000	\$141,418,476
	Special.....		\$38,661,539	\$4,439,539
	Higher Education Operating.....		\$44,794,000	\$51,322,338
	Commonwealth Transportation.....		\$40,891,817	\$41,787,683
	Trust and Agency.....		\$400,000	\$0
	Dedicated Special Revenue.....		\$15,472,522	\$1,864,022
	Federal Trust.....		\$7,989,978	\$40,809,378
	Bond Proceeds.....		\$792,874,586	\$248,608,000

PART 3: MISCELLANEOUS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of June.

	FY 2015	FY 2016
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
b) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)	\$30,757	\$30,757 \$20,971
For collection by Department of Taxation		
3. Peanut Fund (§3.2-1906, Code of Virginia)	\$2,646	\$2,646 \$2,539
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$86,913	\$86,913 \$43,980
b) Soft Drink Excise Tax	\$2,935	\$2,935 \$1,875
c) Virginia Litter Tax	\$12,748	\$12,748 \$8,151
5. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency)		
For postage by the Department of the Treasury	\$34,500	\$34,500
7. Department of Alcoholic Beverage Control (Enterprise)		
For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628
TOTAL	\$74,972,973	\$74,972,973 \$74,914,490

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at \$83,300,000 the first year and ~~\$80,200,000~~ \$84,000,000 the second year.

b. Pursuant to § 4.1-116 B, Code of Virginia, the Department of Alcoholic Beverage Control shall notify the State Comptroller

of the amount to be deducted quarterly from the net profits for transfer to the reserve fund established by the cited section.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.02 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$7,416,469	\$7,416,469
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts, the Property Tax Unit, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at \$5,540,285 the first year and ~~\$5,540,285~~ \$5,511,428 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts and revenue forecasting for the Transportation Trust Fund by the Department of Taxation estimated at \$2,765,777 the first year and ~~\$2,765,777~~ \$2,783,614 the second year.

F. On or before June 30 of each year, the State Comptroller shall transfer \$6,233,551 the first year and \$6,116,866 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Name	Fund Group	FY 2015	FY 2016
Department of Forestry (411)	0200	\$24,698	\$7,574
Board of Accountancy (226)	0900	\$6,828	\$4,810
Department of Labor and Industry (181)	0200	\$3,392	\$0
Tobacco Indemnification and Community Revitalization Commission (851)	0900	\$81,802	\$0
Virginia Museum of Fine Arts (238)	0200	\$8,561	\$23,816
Southwest Virginia Higher Education Center (948)	0200	\$23,778	\$21,582
Department for the Deaf and Hard-Of- Hearing (751)	0200	\$15,730	\$16,552
Department of Health Professions (223)	0900	\$41,588	\$0
Department of Behavioral Health and Developmental Services (720)	0200	\$0	\$55,173
Department of Behavioral Health and Developmental Services (720)	0900	\$1,214	\$0
Department for Aging and Rehabilitative Services (262)	0200	\$62,397	\$43,316
Department for Aging and Rehabilitative Services (262)	0900	\$7,896	\$0
Department of Conservation and Recreation (199)	0200	\$90,143	\$108,837
Department of Game and Inland Fisheries (403)	0900	\$627,000	\$696,215
Marine Resources Commission (402)	0200	\$23,833	\$4,373
Department of Criminal Justice Services (140)	0200	\$58,422	\$56,643
Department of Fire Programs (960)	0200	\$14,376	\$12,856
Department of Aviation (841)	0400	\$72,030	\$68,030

Department of Motor Vehicles (154)	0400	\$1,034,919	\$0
Department of Rail and Public Transportation (505)	0400	\$488,769	\$537,977
Department of Transportation (501)	0400	\$3,028,317	\$3,849,441
Motor Vehicle Dealer Board (506)	0200	\$4,312	\$6,448
Virginia Port Authority (407)	0200	\$124,297	\$140,436
Virginia Port Authority (407)	0400	\$52,693	\$47,742
Virginia College Savings Plan (174)	0500	\$336,556	\$415,045
		\$6,233,551	\$6,116,866

G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia, an amount estimated at \$557,555,450 the first year and ~~\$531,667,925~~ \$538,955,547 the second year, from the Virginia Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall transfer the balance of the Virginia Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis. Prior to June 20 of each year, the Virginia Lottery Director shall estimate the amount of profits in the Virginia Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund for the prior fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State Comptroller shall adjust the next monthly transfer from the Virginia Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4022.1, Code of Virginia.

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be paid into the general fund of the state treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and \$50,000 the second year, and shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$1,700,000 the first year and ~~\$2,000,000~~ \$4,700,000 the second year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the State Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$8,270,640 the first year and \$8,000,000 the second year.

N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$4,589,914 the first year and \$5,089,914 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$8,900,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$6,500,000 the first year and an amount estimated at \$6,500,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

R. The Department of Alcoholic Beverage Control shall sell the building in which the Alexandria Regional office is currently located. Notwithstanding the provisions of §2.2-1156, Code of Virginia, all the proceeds from the sale of such property, estimated to be \$12,500,000, shall be deposited into the general fund no later than June 30, 2015.

S. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$1,901,785 the first year and \$2,464,585 the second year from operating efficiencies to be implemented by the Department of Alcoholic Beverage Control.

T. The State Comptroller shall transfer quarterly, one-half of the revenue received pursuant to § 18.2-270.01, of the Code of Virginia, and consistent with the provisions of § 3-6.03 of this act, to the general fund in an amount not to exceed \$9,055,000 the first year, and \$9,055,000 the second year from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).

U. On or before June 30 each year, the State Comptroller shall transfer \$600,000 the first year and \$600,000 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

V. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

W.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. ~~The estimated amount of the proceeds to be received is \$20,000,000.~~ The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.

2. Notwithstanding the provisions of § 2.2.-1156, Code of Virginia or any other provisions of law, ~~up to \$10,000,000 from the proceeds of the sale of the Brunswick Correctional Center shall be paid into the general fund and any amount above \$10,000,000 shall be paid into the Federal Action Contingency Trust (FACT) Fund contained in Central Appropriations. Any proceeds deposited into the Federal Action Contingency Trust (FACT) Fund pursuant to this paragraph are hereby appropriated.~~

X. On or before June 30 each year the State Comptroller shall transfer all amounts collected for the fund created pursuant to § 17.1-

275.12 of the Code of Virginia, to Items 339, 389, and 414 of this act, for the purposes enumerated in Section 17.1-275.12.

Y. On or before June 30 each year, the State Comptroller shall transfer \$10,518,587 the first year and \$10,518,587 the second year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

Z. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0926), the Department of Taxation's indirect costs of administering this tax estimated at \$127,864 the first year and ~~\$127,864~~ *\$134,894* the second year.

AA. Any amount designated by the State Comptroller from the June 30, 2014, or June 30, 2015, general fund balance for transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.

BB. The State Comptroller shall transfer balances from the Foundation for Virginia's Natural Resources Trust Fund to the Virginia Land Conservation Fund to promote environmental education, pollution prevention, and citizen monitoring by fostering and supporting collaborative efforts among businesses, citizens, communities, local governments, and state agencies.

CC. The Department of General Services, with the cooperation and support of the Department of Behavioral Health and Developmental Services, is authorized to sell to Virginia Electric and Power Company, a Virginia corporation d/b/a Dominion Virginia Power, for such consideration as the Governor may approve, a parcel of land containing approximately 15 acres along the northern property line of Southside Virginia Training Center. After deduction of the expenses incurred by the Department of General Services in the sale of the property, the proceeds of the sale shall be deposited to the Behavioral Health and Developmental Services Trust Fund established pursuant to § 37.2-318, Code of Virginia. Any conveyance shall be approved by the Governor or his designee in the manner set forth in § 2.2-1150, Code of Virginia.

DD. On or before June 30, 2015, and June 30, 2016, the State Comptroller shall transfer amounts estimated at \$5,000,000 the first year and \$3,000,000 the second year to the general fund from unobligated nongeneral fund balances at the State Corporation Commission.

EE. On or before June 30 of each year, the State Comptroller shall transfer an additional ~~\$439,180~~ *\$619,180* to the general fund from the fees generated by the Firearms Transaction Program.

FF. The State Comptroller shall transfer in the second year \$18,000,000 in nongeneral fund cash to the Virginia Retirement System, to be managed by VRS for the benefit of the Commonwealth's Attorneys Services Council, pursuant to Senate Bill 1360 and House Bill 2222 of the 2015 General Assembly.

GG.1. On or before June 30 the first year, the State Comptroller shall transfer to the general fund \$31,070,647 from the Transportation Trust Fund, an amount equivalent to the unexpended balances remaining from the 2007 Transportation Initiative authorized in Chapter 847, 2007 Acts of Assembly.

HH. Notwithstanding the provisions of § 10.1-2128.1 of the Code of Virginia, on or before June 30 each year, the State Comptroller shall transfer to the general fund amounts estimated at \$1,000,000 the first year and \$1,000,000 the second year, from the nongeneral funds deposited into the Natural Resources Commitment Fund as provided for in Item 357 D.2.

II.I. On or before June 30, 2015, the State Comptroller shall transfer to the general fund an amount estimated at \$950,000 from Special Fund balances of the Commission on the Virginia Alcohol Safety Action Program.

2. On or before June 30, 2016, the State Comptroller shall transfer to the general fund an amount estimated at \$1,000,000 from Special Fund balances of the Commission on the Virginia Alcohol Safety Action Program.

JJ.1. As required by §4-1.05 b of Chapter 3, 2014 Special Session I, \$105,062 in various inactive nongeneral fund accounts were reverted by the State Comptroller to the general fund in the first year *and \$66,111 were reverted in the second year.*

2. On or before June 30, 2015, the State Comptroller shall restore \$7,500 to the Public-Private Education Act Fund (Fund 0275) in George Mason University, pursuant to Section 4-1.05 b. of this act.

KK. On or before June 30 each year, the State Comptroller shall transfer amounts estimated at \$1,600,000 the first year and \$300,000 the second year to the general fund from the Vehicle Emissions Inspection Program Fund (Fund 0919) at the Department of Environmental Quality.

LL. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$300,000 from the Department of General Services' State Surplus Property Suspense Fund (0260) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

MM. On or before June 30 each year, the State Comptroller shall transfer amounts estimated at \$240,160 the first year and \$240,160 the second year to the general fund from Fund 0200 in the Department of Agriculture and Consumer Services.

NN. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$4,518,234 from the Virginia Information Technologies Agency's internal service fund (0600) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

OO. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$663,799 from the Department of General Services' State Surplus Property Program Fund (0603) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

PP. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$1,729,626 from the Department of General Services' Fleet Management Fund (0610) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

QQ. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$3,116,527 from the Department of General Services' eVA Procurement Program Fund (0505) to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

RR. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$247,117 from the Training and Forms Recovery Fund (Fund 0202) at the Department of Human Resource Management to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

SS. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$91,179 from the Employee Dispute Resolution Services Fund (Fund 0250) at the Department of Human Resource Management to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

TT. On or before June 30, 2015, the State Comptroller shall transfer an amount estimated at \$507,787 from the Workers' Compensation Funding Account (Fund 0711) at the Department of Human Resource Management to the general fund. Out of this amount, the Comptroller shall transfer into the Federal Repayment Reserve Fund an amount estimated to be sufficient to pay the federal government in anticipation of a federal repayment resulting from this transfer. The State Comptroller shall notify the Director, Department of Planning and Budget of the final federal repayment transfer amount prior to making the transfer into the Federal Repayment Reserve Fund.

UU.1. On or before June 30, 2015 the State Comptroller shall transfer \$1,763,697 from the Department of Human Resource Management's Special Fund (Fund 0200) to the State Health Insurance Fund (Fund 0620).

2. On or before June 30, 2015 the State Comptroller shall transfer \$10,979,143 from the Administration of Health Insurance's Health Insurance Fund – State Restricted (Fund 0621) to the State Health Insurance Fund (Fund 0620)

3. On or before June 30, 2016, the State Comptroller shall transfer to the State Health Insurance Fund (Fund 0620) the balance from the Special Fund (Fund 0200) at the Department of Human Resource Management. The balance in the Department of Human Resource's Special Fund represents a portion of the payments deposited into the State Health Insurance Fund used to pay the state health insurance program's administrative expenses.

VV. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds, ~~estimated at \$20,000,000,~~ from the sale of the following properties currently owned by the Department of Corrections shall be deposited into the general fund no later than June 30, 2016: Pulaski Correctional Center; ~~Botetourt Correctional Center;~~ and White Post Detention and Diversion Center.

WW. Notwithstanding the provisions of Section 2.2-1156, Code of Virginia, the proceeds, estimated at \$50,000, from the sale by the Department of State Police of the airplane based in Richmond, Virginia, shall be deposited into the general fund no later than June 30, 2015.

XX.1. The Department of Agriculture and Consumer Services is authorized to sell the Southwest Virginia Farmers' Market, located at 497 Farmers Market Drive, Hillsville, Virginia 24343. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. Any proceeds that remain after the implementation of such remediation options shall be deposited to the general fund no later than June 30, 2015.

2. The Department of Agriculture and Consumer Services is authorized to sell the Warrenton office building located at 234 West Shirley Avenue, Warrenton, Virginia 22186. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. Any proceeds that remain after the implementation of such remediation options shall be deposited to the general fund no later than June 30, 2015.

3. The Department of Agriculture and Consumer Services is authorized to sell the Northern Neck of Virginia Farmers Market, located at 1647 Kings Highway, Oak Grove, Virginia, 22443. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. Any proceeds that remain after the implementation of such remediation options shall be deposited to the general fund no later than June 30, 2015.

YY. The Department of Forestry is authorized to sell property located at 8818 Courthouse Road, Spotsylvania, Virginia. Notwithstanding the provisions of Section 2.2-1156, Code of Virginia, the proceeds, estimated at \$177,146, shall first be applied toward remediation options under federal tax law of any outstanding tax-exempt bonds on the property. Any proceeds that remain after the implementation of such remediation options shall be deposited to the general fund no later than June 30, 2015.

ZZ.1. On or before June 30 of each year, the State Comptroller shall transfer amounts estimated at \$33,195,521 the first year and \$2,075,000 the second year from the agencies and fund sources listed below to the general fund of the state treasury.

	Fund	FY 2015	FY 2016
Compensation Board (157)			
Capture unspent nongeneral funding	0708	\$30,068	\$0
Department of General Services (194)			
Revert excess nongeneral fund program balances	0261	\$246,043	\$0
Revert excess nongeneral fund program balances	0502	\$347,781	\$0
Revert Office Depot rebate funds	0700	\$159,262	\$0
Department of Agriculture and Consumer Services (301)			
Transfer Beehive Grant Fund balance to the general fund	0215	\$77,000	\$0
Transfer Fire Safe Cigarette Fund balance to the general fund	0933	\$215,000	\$0
Department of Forestry (411)			
Transfer one-time nongeneral fund cash to the general fund	0212	\$3,000	\$0
Department of Housing and Community Development (165)			
Transfer one-time cash balance to the general fund	0200	\$484,408	\$0
Department of Mines, Minerals and Energy (409)			
Transfer special fund cash balance to the general fund	0200	\$15,820	\$0
Department of Small Business and Supplier Diversity (350)			
Transfer a one-time cash balance to the general fund	0245	\$1,000,000	\$0
Virginia Employment Commission (182)			
Transfer cash balances from the Special Fund	0200	\$105,000	\$0
State Council of Higher Education for Virginia (245)			
Sweep nongeneral fund cash	0200	\$0	\$250,000

Department of Taxation (161)

Revert excess nongeneral fund balances	0287	\$4,930	\$0
Revert excess nongeneral fund balances	0200	\$61,958	\$0
Revert excess nongeneral fund balances	0251	\$30,000	\$0
Transfer one-time nongeneral fund balances to the general fund	0214	\$1,800,000	\$0

Department of Health (601)

Capture balance from indirect cost recoveries	0280	\$6,600,000	\$0
Capture balance from the Emergency Medical Services Fund	0213	\$4,000,000	\$1,000,000
Capture excess revenue from bedding and upholstery fund	0203	\$650,000	\$225,000
Capture excess revenue from radioactive materials fund	0931	\$500,000	\$0
Capture Trauma Center fund nongeneral fund balances	0902	\$500,000	\$0

Department of Conservation and Recreation (199)

Transfer cash balance from the Dam Safety/Flood Prevention Assistance Fund	0910	\$500,000	\$0
Transfer cash balances from the State Parks Acquisition and Development Fund	0265	\$590,000	\$0
Transfer cash balances from the Virginia Land Conservation Fund	0918	\$300,000	\$0

Department of Environmental Quality (440)

Transfer cash balances from the Environmental Covenants Fund	0904	\$36,364	\$0
Transfer cash balances from the Fish Killing Investigation Fund	0232	\$51,639	\$0
Transfer cash balances from the Surplus Supplies and Equipment Sales Fund	0287	\$70,395	\$0
Transfer cash from the Waste Tire Trust Fund	0906	\$997,630	\$0
Transfer cash in the Hazardous Waste Management Fund	0245	\$800,000	\$0

Department of Corrections (799)

Capture nongeneral fund balance from local supplements	0205	\$95,000	\$0
Transfer out-of-state inmate revenue to general fund	0255	\$7,294,971	\$0

Department of Emergency Management (127)

Capture surplus special fund balances	0218	\$151	\$0
Capture surplus special fund balances	0246	\$38,669	\$0
Capture surplus special fund balances	0286	\$723	\$0

Department of Forensic Science (778)

Revert nongeneral fund cash balances from sale of surplus property	0287	\$1,157	\$0
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Department of Military Affairs (123)

Capture nongeneral fund balances	0287	\$1,116	\$0
Capture nongeneral fund balances	0901	\$37,800	\$0

Department of State Police (156)

Transfer various FY 2014 nongeneral fund cash balances	0261	\$1,394,168	\$0
Transfer various FY 2014 nongeneral fund cash balances	0916	\$1,852,215	\$0
Transfer various FY 2014 nongeneral fund cash balances	0914	\$1,586,280	\$0
Transfer various FY 2014 nongeneral fund cash balances	0290	\$5,527	\$0

Transfer various FY 2014 nongeneral fund cash balances	0280	\$110,858	\$0
Transfer various FY 2014 nongeneral fund cash balances	0246	\$20,342	\$0
Transfer various FY 2014 nongeneral fund cash balances	0227	\$179,865	\$0
Transfer various FY 2014 nongeneral fund cash balances	0206	\$41,085	\$0
Transfer various FY 2014 nongeneral fund cash balances	0287	\$438	\$0
Transfer FY 2016 balance from the insurance fraud fund	0916	\$0	\$600,000
Virginia Information Technologies Agency (136)			
Revert nongeneral fund balances	0905	\$139,897	\$0
Department of Veterans Services (912)			
Capture surplus nongeneral fund support	0200	\$218,961	\$0
		\$33,195,521	\$2,075,000

2. Prior to such transfer, the Department of Planning and Budget is authorized to adjust the above-cited amounts between fund/fund detail amounts, so as to increase or decrease the amounts for a designated fund/fund detail code, provided, however, that such adjustments shall not increase the total transfers amount for an agency in excess of the sums cited above. The Department of Planning and Budget shall notify the State Comptroller of such adjustments.

AAA. On or before June 30, 2016, the State Comptroller shall transfer a balance estimated at \$64,000 from the Disaster Recovery Fund in the Department of Emergency Management to the general fund.

BBB. On or before June 30, 2016, the State Comptroller shall transfer to the general fund \$500,000 in nongeneral fund cash balances from the Department of Small Business and Supplier Diversity (agency code 350), representing excess balances in the Small Business Investment Grant Fund.

CCC. On or before June 30, 2016, the State Comptroller shall transfer to the general fund \$1,000,000 in unobligated nongeneral fund cash balances from the Virginia Workers Compensation Commission (agency code 191).

DDD.1 On or before June 30, 2016, the State Comptroller shall transfer \$16,201,272 from unobligated nongeneral fund cash balances within the Virginia Department of Transportation (VDOT) to the Virginia Retirement System representing VDOT's portion of the remaining liability from the VRS contributions that were deferred during the 2010-12 biennium.

2. On or before June 30, 2016, the State Comptroller shall transfer \$598,327 from unobligated nongeneral fund cash balances within the Virginia Department of Game and Inland Fisheries (DGIF) to the Virginia Retirement System (VRS) representing DGIF's portion of the remaining liability from the VRS contributions that were deferred during the 2010-12 biennium.

§ 3-1.02 INTERAGENCY TRANSFERS

The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$388,254 the first year and \$388,254 the second year to the Department of General Services for motor fuels testing.

§ 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

A. To meet the occasional short-term cash needs of the general fund during the course of the year when cumulative year-to-date disbursements exceed temporarily cumulative year-to-date revenue collections, the State Comptroller is authorized to draw cash temporarily from nongeneral fund cash balances deemed to be available, although special dedicated funds related to commodity boards are exempt from this provision. Such cash drawdowns shall be limited to the amounts immediately required by the general fund to meet disbursements made in pursuance of an authorized appropriation. However, the amount of the cash drawdown from any particular nongeneral fund shall be limited to the excess of the cash balance of such fund over the amount otherwise necessary to meet the short-term disbursement requirements of that nongeneral fund. The State Comptroller will ensure that those funds will be replenished in the normal course of business.

B. In the event that nongeneral funds are not sufficient to compensate for the operating cash needs of the general fund, the State Treasurer is authorized to borrow, temporarily, required funds from cash balances within the Transportation Trust Fund, where such trust fund balances, based upon assessments provided by the Commonwealth Transportation Commissioner, are not otherwise needed to meet the short-term disbursement needs of the Transportation Trust Fund, including any debt service and debt coverage needs, over the life of the borrowing. In addition, the State Treasurer shall ensure that such borrowings are consistent with the terms and conditions of all bond documents, if any, that are relevant to the Transportation Trust Fund.

C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the

rate per annum equal to the then current one-year United States Treasury Obligation Note rate.

D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the annual rate of interest. Prepayment of temporary loans shall be without penalty and with interest calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest payments to the Transportation Trust Fund.

§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT

§ 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of each year, the amount of \$125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30 of each year.

§ 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

The State Comptroller may periodically charge the appropriation of any state agency for the expenses incurred for services received from any program financed and accounted for by working capital funds. Such charge may be made upon receipt of such documentation as in the opinion of the State Comptroller provides satisfactory evidence of a claim, charge or demand against the appropriations made to any agency. The amounts so charged shall be recorded to the credit of the appropriate working capital fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute may be restored to the agency appropriation by direction of the Governor.

§ 3-2.03 LINES OF CREDIT

a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

Administration of Health Insurance	\$150,000,000
Department of Accounts, for the Payroll Service Bureau	\$400,000
Department of Accounts, Transfer Payments	\$5,250,000
Department of Accounts, for Enterprise Applications	\$90,000,000
Department of Alcoholic Beverage Control	\$60,000,000
Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
Department of Emergency Management	\$150,000
Department of Environmental Quality	\$5,000,000
Department of Human Resource Management, for the Workers' Compensation Self Insurance Trust Fund	\$10,000,000
Department of Behavioral Health and Developmental Services	\$30,000,000
Department of Motor Vehicles	\$5,000,000
Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
Department of the Treasury, for the State Insurance Reserve Trust Fund	\$25,000,000
Virginia Lottery	\$40,000,000
Virginia Information Technologies Agency	\$40,000,000
Virginia Tobacco Settlement Foundation	\$3,000,000
Department of Historic Resources	\$600,000
Department of Fire Programs	\$30,000,000
Compensation Board	\$8,000,000
Department of Conservation and Recreation	\$4,000,000
Department of Military Affairs	\$5,000,000
Innovation and Entrepreneurship Authority	\$2,500,000

b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit, including, but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of this act shall not apply to these lines of credit.

c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with implementation of office space consolidation, relocation and/or office space co-location strategies, where such line of credit shall be repaid by the agency or institution based on the cost savings and efficiencies realized by the agency or institution resulting from the consolidation and/or relocation. In such cases the terms of office space consolidation or co-location strategies shall be approved by the Secretary of Administration, in consultation with the Secretary of Finance, as demonstrating cost benefit to the Commonwealth. In no case shall the advances to an agency or institution exceed \$1,000,000 nor the repayment begin more than one year following the

implementation or extend beyond a repayment period of seven years.

d. The State Comptroller is hereby authorized to provide lines of credit of up to \$2,500,000 to the Department of Motor Vehicles and up to \$2,500,000 to the Department of State Police to be repaid from revenues provided under the federal government's establishment of Uniform Carrier Registration.

e. The Virginia Lottery is hereby authorized to use its line of credit to meet cash flow needs for operations at any time during the year and to provide cash to the Virginia Lottery Fund to meet the required transfer of estimated lottery profits to the Lottery Proceeds Fund in the month of June, as specified in provisions of § 3-1.01G. of this act. The Virginia Lottery shall repay the line of credit as actual cash flows become available. The Secretary of Finance is authorized to increase the line of credit to the Virginia Lottery if necessary to meet operating needs.

f. The State Comptroller is hereby authorized to provide a line of credit of up to \$200,000 to the Department of Health to cover the actual costs of expanding the availability of vital records through the Department Motor Vehicles to be repaid from administrative processing fees provided under Code of Virginia, § 32.1-273 until such time as the line of credit is repaid.

g. The State Comptroller is hereby authorized to provide a line of credit of up to \$5,000,000 to the Department of Military Affairs to cover the actual costs of responding to State Active Duty. The line of credit will be repaid as the Department of Military Affairs is reimbursed from federal or other funds, other than Department of Military Affairs funds.

h. The Innovation and Entrepreneurship Investment Authority is hereby authorized to use its line of credit to meet cash flow needs at any time during the year in support of operational costs in anticipation of reimbursement of said expenditures from signed contracts and grant awards. The Innovation and Entrepreneurship Investment Authority shall repay the line of credit by June 30 of each fiscal year.

§ 3-3.00 GENERAL FUND DEPOSITS

§ 3-3.01 PAYMENT BY THE VIRGINIA PUBLIC SCHOOL AUTHORITY

The Virginia Public School Authority shall transfer to the general fund an amount estimated at \$201,000 on or before June 30, 2015 to reimburse the Commonwealth for staff and other administrative services provided to the Authority by the Department of the Treasury.

§ 3-3.02 PAYMENT BY THE STATE TREASURER

The state Treasurer shall transfer an amount estimated at \$2,000 on or before June 30, 2015 and an amount estimated at \$2,000 on or before June 30, 2016, to the general fund from excess 9(c) sinking fund balances.

§ 3-3.03 INTEREST EARNINGS

A. Notwithstanding any other provision of law, the State Comptroller shall not allocate interest earnings to the following agencies and funds in either the first year or the second year of the biennium. The estimated amount of interest earnings that shall remain in the general fund as a result of this provision is \$9,967,081 the first year ~~and \$9,898,738 the second year.~~

Agency	Agency Code	Fund Name	Fund/Fund Detail
Supreme Court	111	Pro Hac Vice Fund	0254
Supreme Court	111	Court Technology Fund	0905
Department of Military Affairs	123	Armory Control Board Fund	0901
Department of Military Affairs	123	Virginia Military Family Relief Fund	0916
Department of Human Resource Management	129	Worker's Compensation Funding Account	0700
Department of Human Resource Management	129	Worker's Compensation Trust Fund	0742
Virginia Information Technologies Agency	136	GIS Fund	0905
Virginia Information Technologies Agency	136	Wireless E-911 Fund	0928
Virginia Information Technologies Agency	136	Virginia Technology Infrastructure Fund	0931
Department of Criminal Justice Services	140	School Resource Officer Incentive Grants Fund	0903
Department of Criminal Justice Services	140	Virginia Domestic Violence Victim Fund	0912
Department of Criminal Justice Services	140	Virginia Crime Victim - Witness Fund	0930
Department of Criminal Justice Services	140	Intensified Drug Enforcement	0935

		Jurisdictions Fund	
Department of Criminal Justice Services	140	Regional Criminal Justice Academy Training Fund	0940
Department of Criminal Justice Services	140	Court Fees Suspense Fund	0975
Attorney General and Department of Law	141	Youth Internet Safety Fund	0237
Attorney General and Department of Law	141	Regulatory And Consumer Advocacy Revolving Trust	0239
Virginia Commission for the Arts	148	Virginia Arts Foundation Fund	0910
Administration of Health Insurance	149	Pre-Medicare Eligible Retiree Health Benefits Trust Fund	0720
Department of Accounts	151	Commonwealth Health Research Fund	0936
Department of Treasury	152	Property Insurance Trust Fund	0740
Department of Treasury	152	Miscellaneous Insurance Trust Fund	0741
Department of Treasury	152	Liability Trust Fund	0743
Department of Treasury	152	Automobile Trust Fund	0744
Department of Treasury	152	Local Entities Bond Program	0745
Department of Treasury	152	Public Officials Insurance	0746
Department of Treasury	152	Law Enforcement Insurance	0747
Department of Treasury	152	George Washington Regional Commission	0748
Department of Treasury	152	Commuter Rail Trust Fund (First year only)	0749
Department of Treasury	152	Workforce Training Access Fund	0901
Department of Motor Vehicles	154	State Asset Forfeiture Fund	0430
Department of State Police	156	State Asset Forfeiture Fund	0233
Department of State Police	156	Drug Investigation Trust Account - Federal	0236
Department of State Police	156	Insurance Fraud	0250
Department of State Police	156	Drug Investigation Trust Account-State	0253
Department of State Police	156	State Asset Forfeiture Suspense Fund	0733
Department of State Police	156	Wireless E-911 Fund	0928
Compensation Board	157	Wireless E-911 Fund	0928
Department of Taxation	161	Communications Sales And Use Tax Trust Fund	0926
Department of Taxation	161	Governor's Motion Picture Opportunity Fund	0902
Department of Accounts Transfer Payments	162	Edvantage Reserve Fund	0708
Department of Accounts Transfer Payments	162	Line Of Duty Death And Health Benefits Trust Fund	0742
Department of Housing and Community Development	165	Derelict Structure Fund	0916
Department of Housing and Community Development	165	Virginia Manufactured Housing Transaction Recovery Fund	0925
Department of Housing and Community Development	165	Virginia Water Quality Improvement Fund	0934
State Corporation Commission	171	Fire Programs Fund	0218
State Corporation Commission	171	Underground Utility Damage Prevention Fund	0902
State Corporation Commission	171	Virginia State Police-Insurance Fraud Fund	0905
Virginia College Savings Plan	174	Special Revenue	0500
Virginia Employment Commission	182	Workforce Development Training Fund	0910

Secretary of Finance	190	Workforce Training Access Fund	0901
Secretary of Commerce and Trade	192	Governor's Motion Picture Opportunity Fund	0902
Secretary of Commerce & Trade	192	Commonwealth's Development Opportunity Fund	0910
Department of General Services	194	Main Street Station Property	0922
Department of Education - Direct Aid to Public Education	197	School Nurse Incentive Grants Fund	0905
Department of Education - Direct Aid to Public Education	197	Va Public School Educational Technology Trust Fund	0928
Department of Education - Direct Aid to Public Education	197	Va Public School Construction Grants Fund	0930
Department of Education - Direct Aid to Public Education	197	Public Ed SOQ/Local Re Property Tax Relief Fund	0931
Department of Conservation and Recreation	199	Natural Area Preservation Fund	0215
Department of Conservation and Recreation	199	Chesapeake Bay Restoration Fund	0252
Department of Conservation and Recreation	199	Flood Prevention And Protection Assistance Fund	0910
Department of Conservation and Recreation	199	Va Land Conservation Fund - Restricted	0917
Department of Conservation and Recreation	199	Virginia Land Conservation Fund - Unrestricted	0918
Department of Conservation and Recreation	199	Soil/Water Conservation District Dam Maintenance Fund	0925
Department of Conservation and Recreation	199	Virginia Water Quality Improvement Fund	0934
Department of Conservation and Recreation	199	Virginia Water Quality Improvement Fund Reserve	0935
Department of Conservation and Recreation	199	Virginia Natural Resources Commitment Fund	0936
Department of Conservation and Recreation	199	VOF - Open-Space Lands Preservation Trust Fund	0958
Department of Education - Central Office Operations	201	Virginia Teaching Scholarship Loan Fund	0908
Department of Education - Central Office Operations	201	Families In Education Incentive Grants Fund	0912
Department of Education - Central Office Operations	201	Community-Based Intervention-Susp/Expelled Student	0915
Department of Education - Central Office Operations	201	Artists In The Classroom Grants Fund	0916
Department of Education - Central Office Operations	201	School-To-Work Transition Grants Fund	0932
Department of Education - Central Office Operations	201	National Teacher Certification Incentive Reward Pg	0940
Department of Professional and Occupational Regulation	222	Common Interest Community Management Information Fund	0259
Board of Accountancy	226	Board Of Accountancy Trust Fund	0202
Board of Accountancy	226	Dedicated Special Revenue	0900
State Board of Bar Examiners	233	Special Revenue	0200
State Council of Higher Education for Virginia	245	VA Undergrad/Vocational Incentive Scholarship Fund	0905
State Council of Higher Education for Virginia	245	Brown V Board Of Education Scholarship Pgm Fund	0912
Department of Rehabilitative Services	262	Statewide Independent Living Fund	0903
Department of Rehabilitative Services	262	Commonwealth Neurotrauma Initiative Trust Fund	0915

Department of Agriculture and Consumer Services	301	Contested Pesticide Penalties	0708
Department of Agriculture and Consumer Services	301	Tobacco Loss Assistance Program Fund	0710
Department of Agriculture and Consumer Services	301	Virginia Farm Loan Revolving Account	0716
Department of Agriculture and Consumer Services	301	Certification Of Agricultural Products Trust Fund	0729
Virginia Agricultural Council	307	Dedicated Special Revenue	0900
Department of Small Business and Supplier Diversity	350	Capital Access Fund For Disadvantaged Businesses	0901
Department of Small Business and Supplier Diversity	350	Small Business Environmental Compliance Assistance Fund	0930
Department of Small Business and Supplier Diversity	350	Virginia Small Business Growth Fund	0957
Marine Resources Commission	402	Forfeited Asset Sharing Program Fund	0265
Marine Resources Commission	402	Marine Habitat And Waterways Improvement Fund	0916
Department of Game and Inland Fisheries	403	Boating Safety And Regulation	0902
Department of Game and Inland Fisheries	403	Non Game Cash Fund	0904
Department of Game and Inland Fisheries	403	Feed The Hungry Fund	0913
Department of Game and Inland Fisheries	403	Virginia Fish Passage Grant And Revolving Loan Fund	0922
Virginia Racing Commission	405	Special Revenue	0200
Virginia Racing Commission	405	Virginia Breeders Fund	0220
Department of Mines, Minerals and Energy	409	Exxon Oil Overcharge Fund	0738
Department of Mines, Minerals and Energy	409	Coal Surface Mining Cont'l & Reclamation Act Cvl	0754
Department of Mines, Minerals and Energy	409	Gas And Oil Plugging And Restoration Fund	0755
Department of Mines, Minerals and Energy	409	Orphaned Well Fund	0952
Department of Forestry	411	Forfeited Asset Sharing Program Fund	0265
Department of Forestry	411	State Forests System Fund	0901
Department of Forestry	411	Virginia's Natural Resources Trust Fund	0909
Department of Forestry	411	Virginia Forest Water Quality Fund	0926
Department of Historic Resources	423	Historic Resources Fund	0910
Department of Environmental Quality	440	Operating Permits Program	0510
Department of Environmental Quality	440	Underground Petroleum Storage Tank Fund	0748
Department of Environmental Quality	440	Dupont Shenandoah River Mercury Monitoring	0755
Department of Environmental Quality	440	Virginia Stormwater Management Fund	0902
Department of Environmental Quality	440	Waste Tire Trust Fund	0906
Department of Environmental Quality	440	Virginia Environmental Emergency Response Fund	0907
Department of Environmental Quality	440	Air Pollution Permit Program	0909
Department of Environmental Quality	440	Virginia Waste Management Board Permit Program Fund	0911
Department of Environmental Quality	440	State Water Control Board Permit Program Fund	0914
Department of Environmental Quality	440	Marine Habitat And Waterways Improvement Fund	0916
Department of Environmental Quality	440	Vehicle Emissions Inspection Program Fund	0919
Department of Environmental Quality	440	VA Motor Vehicle Emission Reduction	0924

		Program Fund	
Department of Environmental Quality	440	Litter Control And Recycling Fund	0925
Department of Environmental Quality	440	Small Business Environmental Compliance Assistance Fund	0930
Department of Environmental Quality	440	Virginia Water Quality Improvement Fund	0934
Department of Environmental Quality	440	Virginia Water Quality Improvement Fund Reserve	0935
Motor Vehicle Dealer Board	506	Motor Vehicle Dealer Board Fund	0212
Department of Health	601	Waterworks Technical Assistance Fund	0248
Department of Health	601	Virginia Pregnant Women Support Fund	0276
Department of Health	601	Donations - Local Health Departments	0901
Department of Health	601	Trauma Center Fund	0902
Department of Health	601	Virginia Transplant Council Education Fund	0905
Department of Health	601	Virginia Rescue Squads Assistance Fund	0910
Department of Health	601	Water Supply Assistance Grant Fund	0922
Department of Health	601	Radioactive Materials Facility Licensure/Inspec Fd	0931
Department of Health	601	Medical And Physicans Assistant Scholarship And Loan Repayment Fund	0932
Department of Health	601	Nursing Scholarship And Loan Repayment Fund	0934
Department of Health	601	Nurse Practitioner Scholarship And Loan Repayment Fund	0936
Department of Health	601	Dental Scholarship & Loan Repayment Fd	0938
Department of Medical Assistance Services	602	Uninsured Medical Catastrophe Fund	0910
Department of Behavioral Health and Developmental Services	720	Mental Health/Retard Substance Abuse Srvs Trust Fd	0908
Department of Social Services	765	Putative Father Registry Fund	0914
Department of Social Services	765	Home Energy Assistance Fund	0925
Department of Corrections	767	Drug Offender Access Fund	0953
Department of Corrections	795	Corrections Special Reserve Fund	0230
Department of Corrections	799	Ded Impact Funds	0230
Department of Corrections	799	Drug Offender Access Fund	0953
Tobacco Indemnification & Revitalization	851	Tobacco Indemnification/Community Revitalization	0942
Virginia Tobacco Settlement Fund	852	Virginia Tobacco Settlement Fund	0943
Virginia Commission on Energy and Environment	868	Virginia Commission On Energy & Environment Fund	0223
Dept of Veterans Services	912	Veterans Services Fund	0941
Sitter-Barfoot Veterans Care Center	922	Veterans Services Fund	0941
Innovative Technology Authority	934	Advanced Communications Assistance Fund	0265
Department of Fire Programs	960	Fire Programs Fund	0218
DPB - Central Appropriations - Admin	995	Texaco Oil Overcharge Fund	0734
DPB - Central Appropriations - Admin	995	Stripper Well Oil Overcharge Fund	0739
DPB - Central Appropriations - Admin	995	Diamond Shamrock Oil Overcharge Fund	0740
Central Appropriations	995	Commonwealth Technology Research Fund	0951
Department of Accounts-Statewide Activity	997	Drug Offender Access Fund	0953
Department of Alcoholic Beverage Control	999	Enterprise	0500

Department of Alcoholic Beverage Control

999

State Asset Forfeiture Fund

0533

B. If actual general fund transfers in any year exceed the amount shown for "transfers" in the resources available for appropriation from the general fund in the first enactment of this act, the interest earnings retained by the general fund as a result of this provision shall be capped at \$11,389,754 the first year and ~~\$11,389,754~~ the second year. Any interest earnings above this amount will be distributed proportionately back to the nongeneral funds shown in this item.

C. Notwithstanding any other provision of law, on or before June 30 of each year, the State Comptroller shall transfer \$1,243,189 the first year and ~~\$1,243,819~~ the second year to the general fund, from the College of William and Mary, the University of Virginia, the University of Virginia's College at Wise, Virginia Commonwealth University, Virginia Tech and Virginia Tech Extension for the estimated payments of interest earned on tuition and fees from Educational and General Revenues deposited in the state treasury.

§ 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION

§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

A. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of Public accounts. The State Comptroller shall credit those institutions meeting this requirement with the interest earned by the investment of the funds of their auxiliary enterprise programs.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

§ 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS

§ 3-5.01 RETALIATORY COSTS TO OTHER STATES TAX CREDIT

Notwithstanding any other provision of law, the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531 shall not be reduced by more than \$266,667 by any refund of the Tax Credit for Retaliatory Costs to Other States available under § 58.1-2510.

§3-5.02 PAYMENT OF AUTO RENTAL TAX TO THE GENERAL FUND

Notwithstanding the provisions of § 58.1-1741, Code of Virginia, or any other provision of law, all revenues resulting from the fee imposed under subdivision A3 of § 58.1-1736, Code of Virginia, shall be deposited into the general fund after the direct costs of administering the fee are recovered by the Department of Taxation.

§ 3-5.03 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers are \$350,300,000 the first year and ~~\$362,900,000~~ \$366,700,000 the second year.

§ 3-5.04 NEIGHBORHOOD ASSISTANCE ACT TAX CREDIT

A. The \$125,000 limit on donations for which tax credits may be issued for taxable year 2014 pursuant to § 58.1-439.24 of the Code of Virginia shall not apply if, after an equitable allocation of tax credits for Fiscal Year 2015 under the Neighborhood Assistance Act Tax Credit Program, the total amount of tax credits allocated for all programs approved under the Act was less than \$16 million.

The \$125,000 limit on donations for which tax credits may be issued for taxable year 2015 pursuant to § 58.1-439.24 of the Code of Virginia shall not apply if, after an equitable allocation of tax credits for Fiscal Year 2016 under the Neighborhood Assistance Act Tax Credit Program, the total amount of tax credits allocated for all programs approved under the Act was less than \$17 million. However, in no event shall (i) more than \$16 million in tax credits be issued for Fiscal Year 2015 and (ii) more than \$17 million in tax credits be issued for Fiscal Year 2016 under the Act.

B. Notwithstanding § 58.1-439.20 or any other provision of law, for Fiscal Year 2015, the amount of the Neighborhood Assistance Act Tax Credit available under § 58.1-439.18 et seq., Code of Virginia, shall be limited to \$16 million allocated as follows: \$8.5 million for education proposals for approval by the Superintendent of Public Instruction and \$7.5 million for all other proposals for approval by the Commissioner of the State Department of Social Services. For Fiscal Year 2016, the amount of the Neighborhood Assistance Act Tax Credit available under § 58.1-439.18 et seq., Code of Virginia, shall be limited to \$17 million allocated as follows: \$9 million for education proposals for approval by the Superintendent of Public Instruction and \$8 million for all other

proposals for approval by the Commissioner of the State Department of Social Services.

C. For purposes of this section, the term "individual" means the same as that term is defined in § 58.1-302, but excluding any individual included in the definition of a "business firm" as such term is defined in § 58.1-439.18.

§ 3-5.05 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

Notwithstanding any other provision of law, for purchases made on or after July 1, 2006, any exemption from the retail sales and use tax applicable to production, distribution, and other equipment used to provide Internet-access services by providers of Internet service, as defined in § 58.1-602, Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax Commissioner shall develop procedures for such refunds.

§ 3-5.06 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

Notwithstanding §§ 15.2-540, 15.2-639, 15.2-848, 17.1-285, and any other provision of law general or special, effective July 1, 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as required to be reported under § 17.1-283. In making the calculations of excess fees required by this paragraph the Compensation Board shall exclude, in the first year, courts in the thirty-first judicial circuit, but pay them in accordance with § 17.1-285 in the first year.

§ 3-5.07 ACCELERATED SALES TAX

A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and 58.1-616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and purchases of \$1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding calendar year, shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June. Such tax payments shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as defined in § 58.1-202.1. If payment is made by other than electronic funds transfer, such payment shall be made on or before the 25th day of June. Every dealer or direct payment holder shall be entitled to a credit for the payment under this section on the return for June of the current year due July 20.

B. The Tax Commissioner may develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form ST-7, Consumer's Use Tax Return.

D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on the first day following the due date set forth in this section if not paid.

E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the provisions of §§ 58.1-605, 58.1-606, 58.1-638(A), 58.1-638(G)-(H), 58.1-638.2, and 58.1-638.3 of the Code of Virginia.

F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with §§ 58.1-605, 58.1-606, 58.1-638, 58.1-638.1, 58.1-638.2 and 58.1-638.3 of the Code of Virginia until the Tax Commissioner makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax revenues have been paid into the state treasury in any month for the preceding month. If the Governor determines on July 31 of each year, that funds are available to transfer such collections in accordance with §§ 58.1-638(B)-(F) and 58.1-638.1, Code of Virginia, he shall direct the State Comptroller to make such allocation. The Secretary of Finance will report the Governor's determination to the Chairman of the House Appropriations and Senate Finance Committees on August 15 of each year.

G. Beginning with the tax payment that would be remitted on or before June 25, 2015, if the payment is made by other than electronic fund transfers, the provisions of § 3.5-08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$2,500,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.

§ 3-5.08 DISCOUNTS AND ALLOWANCES

A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia, by electronic funds transfer pursuant to § 58.1-202.1, Code of Virginia, and

the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

Monthly Taxable Sales	Percentage
\$0 to \$62,500	1.6%
\$62,501 to \$208,000	1.2%
\$208,001 and above	0.8%

B. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation available under §§ 58.1-642, 58.1-656, 58.1-1021.03, and 58.1-1730, Code of Virginia, shall be suspended.

C. Beginning with the return for June 2011, due July 2011, the compensation under § 58.1-1021.03 shall be reinstated.

§ 3-5.09 SALES TAX COMMITMENT TO HIGHWAY MAINTENANCE AND OPERATING FUND

The sales and use tax revenue for distribution to the Highway Maintenance and Operating Fund shall be consistent with Chapter 766, 2013 Acts of Assembly.

§ 3-5.10 INTANGIBLE HOLDING COMPANY ADDBACK

Notwithstanding the provisions of § 58.1-402(B)(8), Code of Virginia, for taxable years beginning on and after January 1, 2004:

(i) The exception in § 58.1-402(B)(8)(a)(1) for income that is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government shall be limited and apply only to the portion of such income received by the related member, which portion is attributed to a state or foreign government in which the related member has sufficient nexus to be subject to such taxes; and

(ii) The exception in § 58.1-402(B)(8)(a)(2) for a related member deriving at least one-third of its gross revenues from licensing to unrelated parties shall be limited and apply only to the portion of such income derived from licensing agreements for which the rates and terms are comparable to the rates and terms of agreements that the related member has actually entered into with unrelated entities.

§ 3-5.11 REGIONAL FUELS TAX

Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions. However, no funds shall be collected pursuant to § 58.1-2291 et seq., Code of Virginia, from levying the additional sales tax on aviation fuel as that term is defined in § 58.1-2201, Code of Virginia.

§ 3-5.12. Omitted.

§ 3-5.13. Omitted.

§ 3-5.14. Omitted.

§ 3-5.15. Omitted.

§ 3-5.16. Omitted.

§ 3-5.17. Omitted.

§ 3-5.18. Omitted.

§ 3-5.19. Omitted.

§ 3-5.20 ADMISSIONS TAX

Notwithstanding the provisions of § 58.1-3818.02, Code of Virginia, or any other provision of law, subject to the execution of a memorandum of understanding between an entertainment venue and the County of Stafford, Stafford County is authorized to impose a tax on admissions to an entertainment venue located in the county that (i) is licensed to do business in the county for the first time on or after July 1, 2015, and (ii) requires at least 75 acres of land for its operations, and (iii) such land is purchased or leased by the entertainment venue owner on or after June 1, 2015. The tax shall not exceed 10 percent of the amount of charge for admission to any such venue. The provisions of this section shall expire on July 1, 2019 if no entertainment venue exists in Stafford County upon

which the tax authorized is imposed.

§ 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

§ 3-6.01 RECORDATION TAX FEE

There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§ 58.1-801 A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55-66.6, Code of Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1 - 2128.1, Code of Virginia.

§ 3-6.02 ANNUAL VEHICLE REGISTRATION FEE (\$4.25 FOR LIFE)

Notwithstanding § 46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be \$6.25.

§ 3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

Notwithstanding § 46.2-411 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be \$100.

§ 3-6.04 QUALIFIED EQUITY AND SUBORDINATED DEBT INVESTMENT TAX CREDIT

Notwithstanding any other provision of law, for taxable years beginning on or after January 1, 2006, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$3,000,000 for calendar years 2006 and thereafter, except that for taxable years beginning on or after January 1, 2010, and before December 31, 2010, the credit shall be capped at \$5,000,000. For taxable years beginning on and after January 1, 2011, and before December 31, 2011, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$3,000,000. For taxable years beginning on and after January 1, 2012, and before December 31, 2012, the amount of the Qualified Equity and Subordinated Debt Investments Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$4,000,000. For taxable years beginning on or after January 1, 2013, and before December 31, 2013 the amount of the Qualified Equity and Subordinated Debt Investment Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$4,500,000. For taxable years beginning on or after January 1, 2014, and before December 31, 2014 the amount of the Qualified Equity and Subordinated Debt Investment Tax Credit available under § 58.1-339.4, Code of Virginia, shall be limited to \$5,000,000.

§ 3-6.05 DEPOSIT OF FINES AND FEES

A.1. The Auditor of Public Accounts shall annually during fiscal year 2015 calculate the amount of total fines and fees collected by the District Courts. The Auditor of Public Accounts will determine those localities in which total local fines and fee collections exceed 50 percent of the total collections. Using the Auditor of Public Accounts' calculation for fiscal year 2011, the State Comptroller shall deduct half of the amount in excess of 50 percent from any current payment of local fines and fees before remitting to the localities their remaining collections. When the State Comptroller has recovered in total, the half of the amount exceeding 50 percent, he shall pay all local collections monthly directly to the locality's treasury. The State Comptroller shall promptly and without delay transmit any and all non-withheld local fees and fines to the locality's treasury not later than sixty (60) days after these fines and fees were deposited and recorded in the state treasury by the District Courts. Furthermore, the State Comptroller and the Executive Secretary of the Supreme Court shall work with the District Courts and the localities to develop a process to provide the localities a complete accounting of when these fees were collected. The State Comptroller shall deposit the withheld funds in the Literary Fund, as they become available.

2. By May 1, 2015 the Auditor of Public Accounts shall calculate the fines reversion amount defined as equal to one-quarter of (i) the total of the local fines and forfeitures collected by the District Courts in the immediately preceding fiscal year less (ii) 65 percent of the total fines and forfeitures collected by the District Courts for such prior fiscal year for each locality.

3. It is the intent of the General Assembly to increase the reversion amount from one-quarter of the excess fees calculation in the fiscal year ending June 30, 2016, to one-third of the excess for the calculation in the fiscal year ending June 30, 2017, and to one-half of the excess for the calculation in the fiscal year ending June 30, 2018.

B. The Auditor of Public Accounts shall provide the State Comptroller the annual calculation by May 1 in the first year for future withholdings. The State Comptroller will act as a fiscal agent, holding the amounts of local fine and fee collections in an agency fund.

C. Effective July 1, 2015, the Auditor of Public Accounts shall provide written notice to each locality year the amount of its fines reversion as defined in A. above and shall provide a copy of the notice to the State Comptroller.

D. Effective July 1, 2015, each locality receiving notice that it has a fines reversion as defined in A. above shall submit a payment to the State Comptroller for the entire amount of the reversion by August 1 for deposit into the Literary Fund.

§ 3-6.06. Omitted.

PART 4: GENERAL PROVISIONS
§ 4-0.00 OPERATING POLICIES

§ 4-0.01 OPERATING POLICIES

- a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.
- b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.
- c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.
- d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

§ 4-1.00 APPROPRIATIONS

§ 4-1.01 PREREQUISITES FOR PAYMENT

- a. The State Comptroller shall not pay any money out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.
- b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03 Appropriation Transfers, § 4-4.01 Capital Projects, or § 4-5.01 a. Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.
- c. Exclusive of revenues paid into the general fund of the state treasury, all revenues earned or collected by an agency, and contained in an appropriation item to the agency shall be expended first during the fiscal year, prior to the expenditure of any general fund appropriation within that appropriation item, unless prohibited by statute or by the terms and conditions of any gift, grant or donation.

§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

- a. For purposes of this subsection, withholding of spending authority is defined as any action pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding.
 - b.1. Changed Expenditure Factors: The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated from the withholding action shall not be reallocated for any other purpose, provided the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.
 2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.
- c. Increased Nongeneral Fund Revenue:
 1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations

to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or intellectually disabled payable from the Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.

2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations, which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.

d. Reduced General Fund Resources:

1. The term "general fund resources" as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the current biennium, and all unexpended balances brought forward from the previous biennium.

2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.

3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations.

b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget reduction plan.

6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.05 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate dead.

d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting revenues for such appropriation are estimated to be insufficient to pay the appropriation.

7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the maximum of 15 percent, as prescribed in subdivision 6a of this subsection.

8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations; however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

10. The Director, Department of Planning and Budget, shall make available via electronic means a report of spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.

11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

§ 4-1.03 APPROPRIATION TRANSFERS

GENERAL

a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or other agency to another, to effect the following:

- 1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;
- 2) distribution of pass-through grants or other funds held by an agency as fiscal agent;
- 3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House Appropriations and Senate Finance Committees;
- 4) proper accounting between fund sources 0100 and 0300 in higher education institutions;
- 5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;
- 6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or
- 7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant to a signed agreement between the respective agencies.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority within an agency to effect proper accounting between fund sources and to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act or as specified in the Code of Virginia. However, appropriation authority for local aid programs and aid to individuals, with the exception of student financial aid, shall not be transferred elsewhere without advance notice to the Chairmen of the House Appropriations and Senate Finance Committees. Further, any transfers between capital projects shall be made only to realize efficiencies or provide for cost overruns unrelated to changes in size or scope.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among sub-agencies within the Judicial System, the Department of Corrections, and the Department of Behavioral Health and Developmental Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Behavioral Health and Developmental Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

- a) address a threat to life, safety, health or property, or
- b) provide for unbudgeted cost increases for statutorily required services or federally mandated services, in order to continue those services at the present level, or
- c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or
- d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia and for payments to the beneficiaries of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, as authorized in § 44-93.1 B., Code of Virginia, or
- e) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or
- f) to address unanticipated business or industrial development opportunities which will benefit the state's economy, provided that any such appropriations be used in a manner consistent with the purposes of the program as originally appropriated.

6. An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

7. The Director, Department of Planning and Budget, may transfer from any other agency, appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

8. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 of Title 15.2, Code of Virginia (§ 15.2-3500 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

§ 4-1.04 APPROPRIATION INCREASES

a. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriation authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

- 1) address a threat to life, safety, health or property or
- 2) provide for unbudgeted increases in costs for services required by statute or services mandated by the federal government, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or
- 3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or
- 4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or
- 5) participate in a federal or sponsored program provided that the provisions of § 4-5.03 shall also apply to increases in appropriations for additional gifts, grants, and other nongeneral fund revenue which require a general fund match as a condition of their acceptance; or
- 6) realize cost savings in excess of the additional funds provided, or
- 7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or
- 8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or
- 9) address caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director, Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject

to the provisions of §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise. Revenues deposited to the Virginia Health Care Fund shall be used only as the state share of Medicaid, unless the General Assembly specifically authorizes an alternate use. With regard to the appropriation of other nongeneral fund cash balances, the Director shall make a listing of such transactions available to the public via electronic means no less than ten business days following the approval of the appropriation of any such balance.

5. Reporting:

The Director, Department of Planning and Budget, shall make available via electronic means a report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

The Director of the Department of Planning and Budget may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of any annual amounts in excess of fiscal year 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified shall not be used to reduce the general fund appropriations for the Department of Corrections.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable, in the determination of the Governor, to address any of the six conditions listed in § 4-1.03 c.5 of this act or to provide financial incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium or the last day of the first year of the current biennium shall revert to the general fund.

General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund appropriations shall also be reappropriated for institutions of higher education, subject to § 2.2-5005, Code of Virginia.

2. a. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency in the Executive Department. He shall provide a preliminary report of reappropriation actions on or before November 1 and a final report on or before December 20 to the Chairmen of the House Appropriations and Senate Finance Committees.

b. The Director, Department of Planning and Budget, may transfer reappropriated amounts within an agency to cover nonrecurring costs.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. The general fund resources available for appropriation in the first enactment of this act include the reversion of certain unexpended balances in operating appropriations as of June 30 of the prior fiscal year, which were otherwise required to be reappropriated by language in the Appropriation Act.

5. Upon request, the Director, Department of Planning and Budget, shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees showing the amount reverted for each agency and the total amount of such reversions.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of 24 months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it

is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget shall include repayment in the next budget bill submitted to the General Assembly. This provision does not apply to funds held in trust by the Commonwealth.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds.

3. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS.

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS.

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about 10 days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

§ 4-2.00 REVENUES

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds, except that donations or gifts to the Virginia War Memorial Foundation that are small in size and number and valued at less than \$5,000, such as library items or small display items, may be approved by the Executive Director of the Virginia War

Memorial in consultation with the Secretary of Veterans Affairs and Homeland Security. All other gifts and donations to the Virginia War Memorial Foundation must receive written approval from the Secretary of Veterans Affairs and Homeland Security.

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

3. The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the state agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority.

4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

b. HIGHER EDUCATION TUITION AND FEES

1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, all nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

5. It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its educational and general program closely approximate the anticipated annual budget each fiscal year.

6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and paid at an annual contract rate of \$4,000 or more may be considered resident students for the purposes of charging tuition and fees.

7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

8. a) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond five percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly. Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision, provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.

b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General Assembly.

c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community College System, increases in any one year of no more than \$15 shall be allowed on a cost-justified case-by-case basis, subject to approval by the State Board for Community Colleges.

9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the Code of Virginia must absorb the cost of any discretionary waivers.

10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01 b Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.

2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.

3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the basis for funding in subsequent biennia.

4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.

5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 a.3 Gifts, Grants, and Other Nongeneral Funds of this act.

§ 4-2.02 GENERAL FUND REVENUE

a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:

a) Marine Resources Commission, from all sources, except:

1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.

2) Revenue payable to the Virginia Marine Products Fund established by § 3.2-2705, Code of Virginia.

3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.

4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.

5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.

b1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.

2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.

c) All state institutions for the mentally ill or intellectually disabled, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.

d) Secretary of the Commonwealth, from all sources.

e) The Departments of Corrections, Juvenile Justice, and Correctional Education, as required by law, including revenues from sales of dairy and other farm products.

f) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.

g) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.

h) Department of the Treasury, from the following source:

Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.

i) Attorney General, from recoveries of attorneys' fees and costs of litigation.

j) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.

k) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.

l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections, Juvenile Justice and Correctional Education for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Department of Correctional Education for work performed shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.

m) the Department of State Police, from the fees generated by the Firearms Transaction Program Fund, the Concealed Weapons Program, and the Conservator of the Peace Program pursuant to §§ 18.2-308, 18.2-308.2:2 and 19.2-13, Code of Virginia

2. The provisions of § 4-2.02 a.1. State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds – Sale of Surplus Materials of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

n) Without regard to § 4-2.02 a.1 above, payments to the Treasurer of Virginia assessed to insurance companies for the safekeeping and handling of securities or surety bonds deposited as insurance collateral shall be deposited into the Insurance Collateral

Assessment Fund to defray such safekeeping and handling expenses.

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required and/or authorized to be paid into the general fund of the treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1., of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

I VETO THIS ITEM WHICH CONTINUES ON PAGE 1750. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)

d. SETTLEMENTS NEGOTIATED BY THE OFFICE OF THE ATTORNEY GENERAL:

1. There is hereby created the Disbursement Review Committee (the "Committee"), the members of which are the Attorney General, who shall serve as chairman; the Chairman of the House Committee on Appropriations and one Delegate appointed by him, or their designees; the Chairman of the Senate Committee on Finance and one Senator appointed by him, or their designees; and two individuals appointed by the Governor. Whenever the Attorney General reasonably expects that there will be money or any real, tangible, or intangible property ("money or property"), or both, other than criminal fines (which would go to the Literary Fund) or attorney's fees (i) due or available to the Commonwealth as a result of any civil or criminal dispute or (ii) available to the Commonwealth or to any state or local governmental entity in the Commonwealth from any federal entity pursuant to an asset forfeiture equitable sharing agreement or other legal action, including a compromise, settlement, or agreement in a multistate action in which the Attorney General has participated on behalf of the Commonwealth or an agency of the Commonwealth, he shall forthwith notify all members of the Committee of the pertinent facts, and may convene a meeting of the Committee, but shall convene a meeting of the Committee at the request of any member.

2. For a compromise, settlement, or agreement under subdivision 1(i) above, the Attorney General shall prepare and recommend to the Committee a proposed Distribution Plan (the "Plan") regarding the distribution and use of money or property, or both, to be received by the Commonwealth as a result of any such compromise, settlement, or agreement. The Committee may propose the same or a modified Plan to the General Assembly for the distribution or use, or both, of such money or property, or both.

3. For a compromise, settlement, or agreement under subdivision 1(ii) above, if the distribution or use, or both, of any money or property, or both, to be received by the Commonwealth is determined by a court order, federal law, or by a federal entity pursuant to federal law (such as a federal asset forfeiture sharing agreement), the Attorney General shall prepare and provide to the Committee a proposed Plan for the distribution and use of any such money or property, or both, that is consistent with such court order, federal law, or regulations or policies of such federal agency. If the permissible purpose(s) for the distribution or use, or both, of such money or property, or both, is described in general terms (for example, it must be used for "law enforcement purposes" or for "consumer education"), the Committee may propose a modified Plan with a more particular distribution or use, or both, that falls within such general permissible purpose(s). If a federal entity must approve the final Plan for such distribution or use, or both, and does not approve the Plan submitted to it by the Attorney General, he shall so inform the Committee, and the Plan may be revised if deemed appropriate and resubmitted to the federal entity for approval. If the federal entity approves the original Plan or a revised Plan, the Attorney General shall so inform the Committee, and the Committee shall recommend to the General Assembly distribution or use, or both, of such money or property, or both, that is consistent with the Plan approved by the federal entity.

4. The Attorney General shall not enter into any compromise, settlement, or agreement for the distribution of money or property, or both, to be received by the Commonwealth under subdivision 1(i) or 1(ii) unless the compromise, settlement, or agreement provides that such money or property, or both, is to be deposited into the state treasury. No such distribution shall occur without a specific appropriation by the General Assembly that is consistent with the permissible purpose(s) set forth in the court order or federal law or by the federal entity. If a federal entity must approve the final Plan for such distribution or use, or both, and the General Assembly's appropriation in an appropriation act differs from the Plan approved by the federal entity, the appropriation shall be submitted to the federal entity for approval. The distribution of any money or property, or both, shall be done in a manner as prescribed by the State Comptroller in order to ensure proper accounting on the books of the Commonwealth.

5. The provisions of subdivisions 1) through 4) shall not apply to any negotiation, compromise, settlement, or agreement

ITEM VETO CONTINUED FROM PAGE 1749. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)

involving money or property, or both (a) where the distribution and use of such money or property, or both, is governed specifically by this act or by the constitution or other law of the Commonwealth, (b) in which the total value of such moneys or property does not exceed \$250,000, or (c) in which the entire amount of the settlement is for services provided, or for property sold or provided, under a contract with a governmental entity. "Governmental entity" shall include, without limitation, public institutions of higher education. The General Assembly hereby appropriates a sum sufficient amount for any settlement or agreement authorized solely by virtue of this subdivision 5. The provisions of this § 4-2.02.d. shall not apply to state teaching hospitals.

§ 4-2.03 INDIRECT COSTS

a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by all agencies other than institutions of higher education:

1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations shall reflect the indirect costs in the program incurring the costs.
2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.
3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in excess of the exempted sum shall be deposited to the general fund of the state treasury.

c. INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued by or for the institution pursuant to § 23-19, Code of Virginia, for any appropriate purpose of the institution, including, but not limited to, the conduct and enhancement of research and research-related requirements.
2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution to meet administrative costs.
3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an additional incentive for increasing externally funded research activities.

d. REPORTS

The Director, Department of Planning and Budget, shall make available via electronic means a report to the Chairmen of the Senate Finance and House Appropriations Committees and the public no later than September 1 of each year on the indirect cost recovery moneys administratively appropriated.

e. REGULATIONS:

The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS

§ 4-3.01 DEFICITS

a. GENERAL:

1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.
2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

- a) an unanticipated federal or judicial mandate has been imposed,
- b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or
- c) delay pending action by the General Assembly at its next legislative session will result in the curtailment of services required by statute or those required by federal mandate or will produce a threat to life, safety, health or property.
- d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a Authorized Deficit Loans of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00 Capital Projects, of this act provided such projects a) are delineated in the Virginia Transportation Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; and b) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that c) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. UNAUTHORIZED DEFICITS: If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of such notification.

c. TOTAL AUTHORIZED DEFICITS: The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined in § 4-2.02 b. of this act during the last year of the previous biennium and the first year of the current biennium.

d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

§ 4-3.02 TREASURY LOANS

a. AUTHORIZED DEFICIT LOANS: A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. ANTICIPATION LOANS: Authorization for anticipation loans are limited to the provisions below.

1.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the anticipated collections of such revenues and shall be repaid only from such revenues when collected.

b) When the payment of authorized obligations for capital expenses is required prior to the collection of nongeneral fund revenues or proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation

and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans in anticipation of bond proceeds shall not exceed the amount of the anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

2. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet the projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed twelve months.

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from authorized debt and have anticipation loans.

6. Unless otherwise prohibited by federal or state law, the State Treasurer shall charge current market interest rates on anticipation loans made for operating purposes and capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects or nongeneral fund operating expenses shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

c. ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under § 4-4.01 m are limited to the provisions below:

1. Such loans are limited to those projects that shall be repaid from revenues derived from nongeneral fund sources.

2.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sum with the prior written approval of the Secretary of Finance or his designee as to the amount, terms, and sources of such funds. Such loans shall not exceed the amount of the anticipated collections of such nongeneral fund revenues and shall be repaid only from such nongeneral fund revenues when collected.

b) When the payment of obligations for capital expenses for projects authorized under § 4-4.01 m is required prior to the collection of nongeneral fund revenues, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed 12 months.

4. Before an anticipation loan is provided for a capital project authorized under § 4-4.01 m, the agency shall develop a plan for repayment of such loan and approval of the Director of the Department of Planning and Budget shall be obtained for all such plans and reported to the Chairman of the House Appropriations and Senate Finance Committees.

5. Anticipation loans for capital projects authorized under § 4-4.01 m shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium. Such loans shall be repaid only from nongeneral fund revenues associated with the project.

6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan without the approval of the Director of the Department of Planning and Budget.

a) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

§ 4-3.03 CAPITAL LEASES

a. GENERAL:

1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects that may qualify as capital lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer. The Secretary of Finance may promulgate guidelines for the review and approval of such requests.

2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director, Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as capital lease agreements. The State Treasurer shall be responsible for incorporating existing and authorized capital lease agreements in the annual Debt Capacity Advisory Committee reports.

b. APPROVAL OF FINANCINGS:

1. For any project which qualifies as a capital lease, as defined in the preceding subdivisions a 1 and 2, and which is financed through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to § 2.2-2416, Code of Virginia.

2. For any project for which costs will exceed \$5,000,000 and which is financed through a capital lease transaction, the Treasury Board shall approve the financing terms and structure of such capital lease in addition to such other reviews and approvals as may be required by law. Prior to consideration by the Treasury Board, the Departments of Accounts, General Services, and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a capital lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its action.

c. REPORTS: Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with recommendations involving proposed capital lease agreements.

d. This section shall not apply to capital leases that are funded entirely with nongeneral fund revenues and are entered into by public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly. Furthermore, the Department of General Services is authorized to enter into capital leases for executive branch agencies provided that the resulting capital lease is funded entirely with nongeneral funds, is approved based on the requirements of § 4-3.03 b.1 and 2 above, and would not be considered tax supported debt of the Commonwealth.

§ 4-4.00 CAPITAL PROJECTS

§ 4-4.01 GENERAL

a. Definition:

1. Unless defined otherwise, when used in this section, "capital project" or "project" means acquisition of property and new construction and improvements related to state-owned property, plant or equipment (including plans therefor), as the terms "acquisition", "new construction", and "improvements" are defined in the instructions for the preparation of the Executive Budget. "Capital project" or "project" shall also mean any improvements to property leased for use by a state agency, and not owned by the state, when such improvements are financed by public funds, except as hereinafter provided in subdivisions 3 and 4 of this subsection.

2. The provisions of this section are applicable equally to acquisition of property and plant by purchase, gift, or any other means, including the acquisition of property through a lease/purchase contract, regardless of the method of financing or the source of funds. Acquisition of property by lease shall be subject to § 4-3.03 of this act.

3. The provisions of this section shall not apply to property or equipment acquired by lease or improvements to leased property and equipment when the improvements are provided by the lessor pursuant to the terms of the lease and upon expiration of the lease remain the property of the lessor.

4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151 C and 33.1-93, Code of Virginia.

b. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the following:

1. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the

director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to similar public and private sector projects.

2. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, financings for capital projects shall comply, where applicable, with the Treasury Board Guidelines issued pursuant to § 2.2-2416, Code of Virginia, and any subsequent amendments thereto.

3. As part of any request for appropriations for an armory, the Department of Military Affairs shall obtain a written commitment from the host locality to share in the operating expense of the armory.

c. Each agency head shall provide annually to the Director, Department of Planning and Budget, a report on the use of the maintenance reserve appropriation of the agency in Part 2 of this act. In the use of its maintenance reserve appropriation, an agency shall give first priority to the repair or replacement of roof on buildings under control of the agency. The agency head shall certify in the agency's annual maintenance reserve report that to the best of his or her knowledge, all necessary roof repairs have been accomplished or are in the process of being accomplished. Such roof repairs and replacements shall be in accord with the technical requirements of the Commonwealth's Construction and Professional Services Manual.

d. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and make available via electronic means a report of any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees and the public prior to its implementation. Such report shall include an analysis of the impact of the suggested change on affected agencies and institutions.

e. Nothing in §§ 2-0 and 4-4.00 of this act shall be deemed to override the provisions of §§ 2.2-1132 and 62.1-132.6, Code of Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and procurement activities.

f. It is the intent of the General Assembly that the Department of Conservation and Recreation shall be authorized to initiate and accept by gift or purchase with nongeneral fund dollars any lands for State Park or Natural Area purposes which may become available, and that are not specifically appropriated by the General Assembly, when such acquisitions are made in accordance with the provisions of this section and other applicable provisions of state law including approval by the Governor.

g. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph m, all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education, shall be pursuant to approvals by the General Assembly as provided in the Six-Year Capital Outlay Plan established pursuant to § 2.2-1515, et seq., Code of Virginia. Otherwise, the consideration of capital projects shall be limited to:

1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and

2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in cost or otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing facilities.

3. This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the central appropriations for capital project expenses in this act.

h. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to this act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or is considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need for other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and specifications for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for the purposes intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or construction of such project can and will be obtained at reasonable cost; and (4) to determine whether or not the project conforms to a site or master plan approved by the agency head or board of visitors of an institution of higher education for a program approved by the General Assembly.

i. Initiation Generally:

1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or revised without the prior written approval of the Governor or his designee.

2. The requirements of § 10.1-1190, Code of Virginia, shall be met prior to the release of funds for a major state project, provided, however, that the Governor or his designee is authorized to release from any appropriation for a major state project made pursuant to this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report required by § 10.1-1188, Code of Virginia.

3. The Governor, at his discretion, or his designee may release from any capital project appropriation or reappropriation made pursuant to this act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and

engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the appropriation.

4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or activity.

j. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii) 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall be reviewed as follows:

1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in accordance with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher Education for Virginia, if the project is requested by an institution of higher education.

2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education for Virginia shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Prior to the issuance of debt for 9(c) general obligation projects, when more than one year has elapsed since the review of financial feasibility specified in § 4-4.01 j 1 above, an updated feasibility study shall be prepared by the agency and reviewed by the State Treasurer prior to requesting the Governor's Opinion of Financial Feasibility required under Article X, Section 9 (c), of the Constitution of Virginia.

k. Transfers to supplement capital projects from nongeneral funds may be made under the conditions set forth in §§ 4-1.03 a, 4-1.04 a.3, and 4-4.01 m of this act.

l.1. Change in Size and Scope: Unless otherwise provided by law, the scope, which is the function or intended use, of any capital project may not be substantively changed, nor its size increased or decreased by more than five percent in size beyond the plans and justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to § 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. Furthermore, this prohibition shall not apply to minor increases, beyond five percent, in square footage determined by the Director, Department of General Services, to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; nor to decreases in size beyond five percent to offset unbudgeted costs when such costs are determined by the Director, Department of Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of the unbudgeted costs and the types of actions that will be taken to decrease the size of the project. The written justification shall also include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent of the appropriations.

2. If space planning, energy conservation, and environmental standards guides for any type of construction have been approved by the Governor or the General Assembly, the Governor shall require capital projects to conform to such planning guides.

m. Projects Not Included In This Act:

1. Authorization by Governor:

a) The Governor may authorize initiation of, planning for, construction of or acquisition of a nongeneral fund capital project not specifically included in this act or provided for a program approved by the General Assembly through appropriations, under one or more of the following conditions:

1) The project is required to meet an emergency situation.

2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will be

fully funded by revenues of auxiliary enterprises or sponsored programs.

3) The project is to be operated as an educational and general program in an institution of higher education and will be fully funded by nongeneral fund revenues of educational and general programs or from private gifts and indirect cost recoveries.

4) The project consists of plant or property which has become available or has been received as a gift.

5) The project has been recommended for funding by the Tobacco Indemnification and Community Revitalization Commission or the Virginia Tobacco Settlement Foundation.

b) The foregoing conditions are subject to the following criteria:

1) Funds are available within the appropriations made by this act (including those subject to §§ 4-1.03 a, 4-1.04 a.3, and 4-2.03) without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.

2) In the Governor's opinion such action may avoid an increase in cost or otherwise result in a measurable benefit to the state.

3) The authorization includes a detailed description of the project, the project need, the total project cost, the estimated operating costs, and the fund sources for the project and its operating costs.

4) The Chairmen of the House Appropriations and Senate Finance Committees shall be notified by the Governor prior to the authorization of any capital project under the provisions of this subsection.

5) Permanent funding for any project initiated under this section shall only be from nongeneral fund sources.

2. Authorization by Director, Department of Planning and Budget:

a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.

3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:

a) In accordance with § 4-5.06 of this act, the board of visitors of any public institution of higher education that: i) has met the eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in § 4-4.01 m 1 of this act.

b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.

c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher education in accordance with this provision.

n. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject to the following policies:

1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for acquisition, construction, maintenance, operation, and repairs.

2. Expenditures for land acquisition, site preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of indebtedness authorized by the General Assembly.

3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking facilities.

4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting, sidewalks, and other infrastructure facilities may be made from any appropriated funds.

5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing on a community college campus as of July 1, 1988.

6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative authority as set forth in Chapters 933 and 945 of the 2005 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly, any repair, renovation, or new construction project costing up to \$2,000,000 shall be exempt from the capital outlay review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which in combination would exceed the \$2,000,000 maximum.

2. All institutions of higher education shall be exempt from the capital review and approval process for repair, renovation, or new construction projects costing up to \$2,000,000.

b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to \$2,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold.

7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant" subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House Appropriations and Senate Finance Committees.

o. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such appropriations are made in this act or any other act are required to report progress as specified by the Governor. If, in the opinion of the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-8.00, Reporting Requirements.

p. No expenditure from a general fund appropriation in this act shall be made to expand or enhance a capital outlay project beyond that anticipated when the project was initially approved by the General Assembly except to comply with requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. General fund appropriations in excess of those necessary to complete the project shall not be reallocated to expand or enhance the project, or be reallocated to a different project. The prohibitions in this subsection shall not apply to transfers from projects for which reappropriations have been authorized.

q. Local or private funds to be used for the acquisition, construction or improvement of capital projects for state agency use as owner or lessee shall be deposited into the state treasury for appropriation prior to their expenditure for such projects.

r. State-owned Registered Historic Landmarks: To guarantee that the historical and/or architectural integrity of any state-owned properties listed on the Virginia Landmarks Register and the knowledge to be gained from archaeological sites will not be adversely affected because of inappropriate changes, the heads of those agencies in charge of such properties are directed to submit all plans for significant alterations, remodeling, redecoration, restoration or repairs that may basically alter the appearance of the structure, landscaping, or demolition to the Department of Historic Resources. Such plans shall be reviewed within thirty days and the comments of that department shall be submitted to the Governor through the Department of General Services for use in making a final determination.

s.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with local or private funds or by gift or grant to or for the use of the institution, and not with funds appropriated to the institution by the General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon, such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the conveyance of any interest in the property shall be deemed to be local or private funds and may be used by the foundation for any foundation purpose.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

t.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and

Chapters 675 and 685 of the 2009 Acts of Assembly.

u. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be treated as follows:

1. Such improvements shall be considered an operating expense, provided that:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the total cost does not exceed \$3,000,000; and

e) if the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, the energy savings from the project offset the total cost of the project, including debt service and interest payments.

2. If (a) the total cost of the improvement exceeds \$7,000,000 or (b) the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, and the energy savings from the project do not fully offset the total cost of the project, including debt services and interest payments, the improvement shall be considered a capital expense regardless of the type of improvement and the following conditions must be met:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the project has been reviewed by the Department of Planning and Budget; and

e) the project has been approved by the Governor.

3. If the total project exceeds \$250,000, the agency director will submit written notification to the Director, Department of Planning and Budget, verifying that the project meets all of the conditions in subparagraph 1 above.

The provisions of §§ 2.0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to energy conservation projects that qualify as capital expenses.

4. As used in this paragraph, "improvement" does not include (a) constructing, enlarging, altering, repairing or demolishing a building or structure, (b) changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures. If the projected scope of an energy-efficiency project includes any of these elements, it shall be subject to the capital outlay process as set out in this section.

5. The Director, Department of Planning and Budget, shall notify the Chairmen of the House Appropriations and Senate Finance Committees upon the initiation of any energy-efficiency projects under the provisions of this paragraph.

v. No expenditures shall be authorized for the purchase of fee simple title to any real property to be used for a correctional facility or for the actual construction of a correctional facility provided for in this act, or by reference hereto, that involves acquisition or new construction of youth or adult correctional facilities on real property which was not owned by the Commonwealth on January 1, 1995, until the governing body of the county, city or town wherein the project is to be located has adopted a resolution supporting the location of such project within the boundaries of the affected jurisdiction. The foregoing does not prohibit expenditures for site studies, real estate options, correctional facility design and related expenditures.

w. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

x. Prior to requesting authorization for new dormitory capital projects, institutions of higher education shall conduct a cost study to

determine whether an alternative financing arrangement or public-private transaction would provide a more effective option for the construction of the proposed facility. This study shall be submitted to the Department of Planning and Budget as part of the budget development process and shall be evaluated by the Governor prior to submitting his proposed budget.

y. Any new construction project developed by or for the Chippokes Plantation Farm Foundation, with an estimated cost of \$750,000 or less, shall be exempt from the capital outlay review and approval process.

z. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review process when the state procurement process is utilized, except for those projects with both an estimated cost of \$3,000,000 or less and are 100 percent federally reimbursed. The Department of Military Affairs shall submit by July 30 of each year to the Department of Planning and Budget a list of such projects that were funded pursuant to this exemption in the previous fiscal year and any projects that would be eligible for such funding in future fiscal years.

§ 4-4.02 PLANNING AND BUDGETING

a. It shall be the intent of the General Assembly to make biennial appropriations for a capital improvements program sufficient to address the program needs of the Commonwealth. The capital improvements program shall include maintenance and deferred maintenance of the Commonwealth's existing facilities, and of the facility requirements necessary to deliver the programs of state agencies and institutions.

b. In effecting these policies, the Governor shall establish a capital budget plan to address the renewal and replacement of the Commonwealth's physical plant, using such guidelines as recommended by industry or government to maintain the Commonwealth's investment in its property and plant.

§ 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES

§ 4-5.01 TRANSACTIONS WITH INDIVIDUALS

a. **SETTLEMENT OF CLAIMS:** Whenever a dispute, claim or controversy involving the interest of the Commonwealth is settled pursuant to § 2.2-514, Code of Virginia, payment may be made out of any appropriations, designated by the Governor, to the state agency(ies) which is (are) party to the settlement.

b. **STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:**

1. General:

a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-half time in a degree, certificate, industry-based certification and related programs that do not qualify for other sources of student financial assistance or diploma program; grants to full-time graduate students; graduate assistantships; grants to students enrolled full-time in a dual or concurrent undergraduate and graduate program. The institutions may also use these appropriations for the purpose of supporting work study programs. The institution is required to transfer to educational and general appropriations all funds used for work study or to pay graduate assistantships. Institutions may also contribute to federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its general fund appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently. No limitations shall be placed on the awarding of nongeneral fund appropriations made in this act to state institutions of higher education within the Items for student financial assistance other than those found previously in this paragraph and as follows: (i) funds derived from in-state student tuition will not subsidize out-of-state students, (ii) students receiving these funds must be making satisfactory academic progress, (iii) awards made to students should be based primarily on financial need, and (iv) institutions should make larger grant and scholarship awards to students taking the number of credit hours necessary to complete a degree in a timely manner.

b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subdivision b 2 c)1) hereof, the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to the remaining need of individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than the need of the student shall be used to determine the award amount. Because of the low cost of attendance and recognizing that federal grants provide a much higher portion of cost than at other institutions, a modified approach and minimum award amount for the neediest VGAP student should be implemented for community college and Richard Bland College students based on remaining need and the combination of federal and grant state aid. Student financial need shall be determined by a need-analysis system approved by the Council.

c)1) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the

Council.

2) As part of the six-year financial plans required in the provisions of Chapters 933 and 945 of the 2005 Acts of Assembly, each institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate student aid and graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

d) A student who receives a grant under such Items and who, during a semester, withdraws from the institution which made the award must surrender the unearned portion. The institution shall calculate the unearned portion of the award based on the percentage used for federal Return to Title IV program purposes.

e) An award made under such Items to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards made in that institution's regular session.

f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to (1) the soil scientist scholarships authorized under § 23-38.3, Code of Virginia and (2) need-based financial aid programs for industry-based certification and related programs that do not qualify for other sources of student financial assistance, which will be subject to guidelines developed by the State Council of Higher Education for Virginia.

g) Unless noted elsewhere in this act, general fund awards shall be named "Commonwealth" grants.

h) Unless otherwise provided by statute, undergraduate awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree seeking students are fully met.

2. Grants To Undergraduate Students:

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes of eligibility under Title IV of the federal Higher Education Act, as amended.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent remaining need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

c) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except in cases where the persons meet the criteria outlined in § 4-2.01b.6.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

C. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES:

Notwithstanding any other provision of law, executive branch agencies shall not pay compensation to citizen members of boards, commissions, authorities, councils, or other bodies from any fund for the performance of such members' duties in the work of the board, commission, authority, council, or other body.

§ 4-5.02 THIRD PARTY TRANSACTIONS

a. EMPLOYMENT OF ATTORNEYS:

1.a. All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the provisions of Title 2.2, Chapter 5, Code of Virginia, to the extent not to conflict with Title 12.1, Chapter 4, Code of Virginia; provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency or from the moneys appropriated to the Office of the Attorney General.

b. For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency.

2. This section does not apply to attorneys employed by state agencies in the Legislative Department, Judicial Department or Independent Agencies.

3. Reporting on employment of attorneys shall be in accordance with § 4-8.00, Reporting Requirements.

b. STUDIES AND CONSULTATIVE SERVICES REQUIRED BY GENERAL ASSEMBLY: No expenditure for payments on third party nongovernmental contracts for studies or consultative services shall be made out of any appropriation to the General Assembly or to any study group created by the General Assembly, nor shall any such expenditure for third party nongovernmental contracts be made by any Executive Department agency in response to a legislative request for a study, without the prior approval of two of the following persons: the Chairman of the House Appropriations Committee; the Chairman of the Senate Finance Committee; the Speaker of the House of Delegates; the President pro tempore of the Senate. All such expenditures shall be made only in accordance with the terms of a written contract approved as to form by the Attorney General.

c. USE OF CONSULTING SERVICES: All state agencies and institutions of higher education shall make a determination of "return on investment" as part of the criteria for awarding contracts for consulting services.

d. DEBT COLLECTION SERVICES:

1. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Virginia Commonwealth University Health System Authority shall have the option to participate in the Office of the Attorney General's debt collection process. Should the Authority choose not to participate, the Authority shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims.

2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt Collection in cases where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney General.

3. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation shall be exempt from participating in the debt collection process of the Office of the Attorney General.

§ 4-5.03 SERVICES AND CLIENTS

a. CHANGED COST FACTORS:

1. No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change.

2. Notwithstanding any other provision of law, the Department of Planning and Budget, with assistance from agencies that operate internal service funds as requested, shall establish policies and procedures for annually reviewing and approving internal service fund overhead surcharge rates and working capital reserves.

3. By September 1 each year, state agencies that operate an internal service fund, pursuant to §§ 2.2-803, 2.2-1101, and 2.2-2013, Code of Virginia, that have an impact on agency expenditures, shall submit a report to the Department of Planning and Budget and the Joint Legislative Audit and Review Commission to include all information as required by the Department of Planning and Budget to conduct a thorough review of overhead surcharge rates, revenues, expenditures, full-time positions, and working capital reserves for each internal service fund. The report shall include any proposed modifications in rates to be charged by internal service funds for review and approval by the Department of Planning and Budget. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions. The format by which agencies submit the operating plan for each internal service fund shall be determined by the Department of Planning and Budget with assistance from agencies that operate internal service funds as requested.

4. State agencies that operate internal service funds may not change a billable overhead surcharge rate to another state agency unless the resulting change is provided in the final General Assembly enacted budget.

5. State agencies that operate more than one internal service fund shall comply with the review and approval requirements detailed in this Item for each internal service fund.

6. As determined by the Director, Department of Planning and Budget, state agencies that operate select programs where an agency provides a service to and bills other agencies shall be subject to the annual review of the agency's internal service funds consistent with the provisions of this Item, unless such payment for services is pursuant to a memorandum of understanding authorized by § 4-1.03 a. 7 of this act.

7. The Governor is authorized to change internal service fund overhead surcharge rates, including the creation of new rates, beyond the rates enacted in the budget in the event of an emergency upon prior notice to the Chairmen of the House Appropriations and Senate Finance Committees. Such prior notice shall be no less than five days prior to enactment of a revised or new rate and shall include the basis of the emergency and the impact on state agencies.

8. Notwithstanding any other provision of law, the Commonwealth's statewide electronic procurement system and program known as eVA shall have all rates and working capital reserves reviewed and approved by the Department of Planning and Budget consistent with the provisions of this Item.

9. State agencies that are partially or fully funded with nongeneral funds and are billed for services provided by another state agency shall pay the nongeneral fund cost for the service from the agency's applicable nongeneral fund revenue source consistent with an appropriation proration of such expenses.

b. NEW SERVICES:

1. No state agency shall begin any new service that will call for future additional property, plant or equipment or that will require an increase in subsequent general or nongeneral fund operating expenses without first obtaining the authorization of the General

Assembly.

2. Pursuant to the policies and procedures of the State Council of Higher Education regarding approval of academic programs and the concomitant enrollment, no state institution of higher education shall operate any academic program with funds in this act unless approved by the Council and included in the Executive Budget, or approved by the General Assembly. The Council may grant exemptions to this policy in exceptional circumstances.

3. Reporting on all new services shall be in accordance with § 4-8.00, Reporting Requirements.

c. OFF-CAMPUS SITES OF INSTITUTIONS OF HIGHER EDUCATION:

No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section.

1. A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

2. For the colleges of the Virginia Community College System, the State Board for Community Colleges shall be responsible for approving off-campus locations. Sites governed by this requirement are those at any locations not contiguous to the main campus of the institution, including locations outside Virginia.

3. a) The provisions herein shall not apply to credit offerings on the site of a public or private entity if the offerings are supported entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely by course offerings at the site.

b) Offerings at previously approved off-campus locations shall also not be subject to these provisions.

c) Further, the provisions herein do not govern the establishment and operations of campus sites with a primary function of carrying out grant and contract research where direct and indirect costs from such research are covered through external funding sources. Such locations may offer limited graduate education as appropriate to support the research mission of the site.

d) Nothing herein shall prohibit an institution from offering non-credit continuing education programs at sites away from the main campus of a college or university.

4. The State Council of Higher Education shall establish guidelines to implement this provision.

d. PERFORMANCE MEASUREMENT

1. In accordance with § 2.2-1501, Code of Virginia, the Department of Planning and Budget shall develop a programmatic budget and accounting structure for all new programs and activities to ensure that it provides the appropriate financial and performance measures to determine if programs achieve desired results and outcomes. The Department of Accounts shall provide assistance as requested by the Department of Planning and Budget. The Department of Planning and Budget shall provide this information each year when the Governor submits the budget in accordance with § 2.2-1509, Code of Virginia, to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall make available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees and the public a list of the new initiatives for which appropriations are provided in this act.

b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget, shall make available via electronic means a report on the performance of each new initiative contained in the list, to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees and the public. The report shall compare the actual results, including expenditures, of the initiative with the anticipated results and the appropriation for the initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period. In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and Budget.

§ 4-5.04 GOODS AND SERVICES

a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. Public Information Encouraged: Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for

registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. Excessive Promotion Prohibited: Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. Remedial Education: Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions.

4. Compliance: The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions, or authorize other state agencies or institutions to undertake such procurements on their own.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, or any procurement of information technology and telecommunications goods and services by public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § 2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the

development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

5. This section shall not apply to public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly.

6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or funds used to purchase the equipment.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education to like vehicles under the state contract. If the comparison demonstrates for a given institution that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution pursuant to this subparagraph c.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the Virginia Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the Virginia Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-2427, Code of Virginia.

e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the IRS rate. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be the IRS rate;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;

5. State employees traveling on official business of state government shall be reimbursed for their travel costs using the same bank account authorized by the employee in which their net pay is direct deposited; and

6. This section shall not apply to members and employees of public school boards.

f. **SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT:** The State Comptroller is hereby authorized to charge state agencies a fee of \$5 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.

g. **PURCHASES OF APPLIANCES AND EQUIPMENT:** State agencies and institutions shall purchase Energy Star rated appliances and equipment in all cases where such appliances and equipment are available.

h. **ELECTRONIC PAYMENTS:** Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify non-electronic payment.

i. **LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES:** It is the intent of the General Assembly that State agencies shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance, procurement, social services programs, and facilities management.

j. **MEDICAL SERVICES:** No expenditures from general or nongeneral fund sources may be made out of any appropriation by the General Assembly for providing abortion services, except as otherwise required by federal law or state statute.

k. **TELECOMMUNICATION SERVICES AND DEVICES:**

1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment, evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an acceptable use agreement template clearly defining an employee's responsibility when they receive and use a telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.

2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the assignment or a public health, welfare and safety need.

3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure these services and provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make informed purchasing decisions and minimize costs.

4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and individual users.

l. **ALTERNATIVE PROCUREMENT:** If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth's Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.

§ 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

a. The accounts of any agency, however titled, which receives funds from this or any other appropriating act, and is not owned or controlled by the Commonwealth of Virginia, shall be subject to audit or shall present an audit acceptable to the Auditor of Public Accounts when so directed by the Governor or the Joint Legislative Audit and Review Commission.

b.1. For purposes of this subsection, the definition of "nonstate agency" is that contained in § 2.2-1505, Code of Virginia.

2. Allotment of appropriations to nonstate agencies shall be subject to the following criteria:

a) Such agency is located in and operates in Virginia.

b) The agency must be open to the public or otherwise engaged in activity of public interest, with expenditures having actually been

incurred for its operation.

3. No allotment of appropriations shall be made to a nonstate agency until such agency has certified to the Secretary of Finance that cash or in-kind contributions are on hand and available to match equally all or any part of an appropriation which may be provided by the General Assembly, unless the organization is specifically exempted from this requirement by language in this act. Such matching funds shall not have been previously used to meet the match requirement in any prior appropriation act.

4. Operating appropriations for nonstate agencies equal to or in excess of \$150,000 shall be disbursed to nonstate agencies in twelve or fewer equal monthly installments depending on when the first payment is made within the fiscal year. Operating appropriations for nonstate agencies of less than \$150,000 shall be disbursed in one payment once the nonstate agency has successfully met applicable match and application requirements.

5. The provisions of § 2.2-4343 A 14, Code of Virginia shall apply to any expenditure of state appropriations by a nonstate agency.

c.1. Each interstate compact commission and each organization in which the Commonwealth of Virginia or a state agency thereof holds membership, and the dues for which are provided in this act or any other appropriating act, shall submit its biennial budget request to the state agency under which such commission or organization is listed in this act. The state agency shall include the request of such commission or organization within its own request, but identified separately. Requests by the commission or organization for disbursements from appropriations shall be submitted to the designated state agency.

2. Each state agency shall submit by November 1 each year, a report to the Director, Department of Planning and Budget, listing the name and purpose for organizational memberships held by that agency with annual dues of \$5,000 or more. The institutions of higher education shall be exempt from this reporting requirement.

§ 4-5.06 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-104 , Code of Virginia.

b. The nongeneral fund capital outlay decentralization programs initiated pursuant to § 4-5.08b of Chapter 912, 1996 Acts of Assembly as continued in subsequent appropriation acts are hereby made permanent. Decentralization programs for which institutions have executed memoranda of understanding with the Secretary of Administration pursuant to the provisions of § 4-5.08b of Chapter 912, 1996 Acts of Assembly shall no longer be considered pilot projects, and shall remain in effect until revoked.

c. Institutions wishing to participate in a nongeneral fund capital outlay decentralization program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution's request to participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a decentralization program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a decentralization program and whether the institutions have been granted authority to participate in the decentralization program.

d. The provisions identified in § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003 pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability program.

e. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees.

f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

g. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

h. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

§ 4-5.07 LEASE, LICENSE OR USE AGREEMENTS

a. Agencies shall not acquire or occupy real property through lease, license or use agreement until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease, license or use agreement and (ii) except for good cause as determined by the Department of General Services, the volume of such space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. The Department of General Services shall acquire and hold such space for use by state departments, agencies and institutions within the Executive Branch and may utilize brokerage services, portfolio management strategies, strategic planning, transaction management, project and construction management, and lease administration strategies consistent with industry best practices as adopted by the Department from time to time. These provisions may be waived in writing by the Director, Department of General Services. However, these provisions shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23-38.88, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

§ 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

a. The Comptroller shall not draw any warrants to issue checks for semiconductor manufacturing performance grant programs, pursuant to Title 59.1, Chapter 22.3, Code of Virginia, without a specific legislative appropriation. The appropriation shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a qualified manufacturer and the Commonwealth. These terms and conditions shall supplement the provisions of the Semiconductor Manufacturing Performance Grant Program, the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, and the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II, as applicable, and shall include but not be limited to the numbers and types of semiconductor wafers that are produced; the level of investment directly related to the building and equipment for manufacturing of wafers or activities ancillary to or supportive of such manufacturer within the eligible locality; and the direct employment related to these programs. To that end, the Secretary of Commerce and Trade shall certify in writing to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees the extent to which a qualified manufacturer met the terms and conditions. The appropriation shall be made in full or in proportion to a qualified manufacturer's fulfillment of the memorandum of understanding.

b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the Commonwealth.

§ 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

a. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the departments, divisions, institutions, or agencies of the Commonwealth, or the Governor, shall sell or lease surplus real property only under the following circumstances:

1. Any emergency declared in accordance with §§ 44-146.18:2 or 44-146.28, Code of Virginia, or
2. Not less than thirty days after the Governor notifies, in writing, the Chairmen of the House Appropriations and Senate Finance Committees regarding the planned conveyance, including a statement of the proceeds to be derived from such conveyance and the individual or entity taking title to such property.
3. Surplus property valued at less than \$5,000,000 that is possessed and controlled by a public institution of higher education, pursuant to §§ 2.2-1149 and 2.2-1153, Code of Virginia.

b. In any circumstance provided for in subsection a of this section, the cognizant board or governing body of the agency or institution holding title or otherwise controlling the state-owned property shall approve, in writing, the proposed conveyance of the property.

c. In accordance with § 15.2-2005, Code of Virginia, the consent of the General Assembly is herein provided for the road known as Standpipe Road, that was relocated and established on a portion of the Virginia Department of Transportation's Culpeper District Office property, identified as Tax Map No. 50-28, to improve the operational efficiency of the local road network in the Town of Culpeper. Further, the Virginia Department of Transportation is hereby authorized to convey to the Town of Culpeper, upon such terms and conditions as the Department deems proper and for such considerations the Department may determine, the property on which "Standpipe Road (Relocated)(Variable Width R/W)" on the plat entitled "plat Showing Property and Various Easements for Standpipe Road Relocated, Tax Map 50-28, Town of Culpeper, Culpeper County, Virginia" prepared by ATCS P.L.C and sealed March 14, 2012, together with easements to the Town of Culpeper for electric utility, slopes and drainage as shown on said plat. The conveyance shall be made with the approval of the Governor and in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

d. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, if tax-exempt bonds were issued by the Commonwealth or its related authorities, boards or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the sale or disposition of such property and any improvements may first be applied toward remediation options

available under federal law to maintain the tax-exempt status of such bonds.

§ 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

- a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.
- b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the Commonwealth's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D, Code of Virginia.
- c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.
- d. Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006.

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

- a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.
- b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown.

	July 1, 2014 to June 24, 2015	June 25, 2015 to November 24, 2015	November 25, 2015 to June 30, 2016
Chief of Staff	\$164,448	\$164,448	\$164,448
Secretary of Administration	\$156,629	\$156,629	\$156,629
Secretary of Agriculture and Forestry	\$156,174	\$156,174	\$156,174
Secretary of Commerce and Trade	\$163,642	\$163,642	\$163,642
Secretary of the Commonwealth	\$155,849	\$155,849	\$155,849
Secretary of Education	\$156,824	\$156,824	\$156,824
Secretary of Finance	\$165,592	\$165,592	\$165,592
Secretary of Health and Human Resources	\$155,849	\$155,849	\$155,849
Secretary of Natural Resources	\$155,849	\$155,849	\$155,849
Secretary of Public Safety and Homeland	\$165,527	\$165,527	\$165,527

Security

Secretary of Technology	\$155,849	\$155,849	\$155,849
Secretary of Transportation	\$163,642	\$163,642	\$163,642
Secretary of Veterans and Defense Affairs	\$160,433	\$160,433	\$160,433

c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less than a ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range.

c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the public sector.

2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance with an assessment of performance and service to the Commonwealth.

2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries listed in this act, and shall not become part of the base rate of pay.

2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to the Department of Human Resource Management for retention in its records.

3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees and, notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, Gunston Hall, and the Library Board may supplement the salary of the Director of each museum, and the Librarian of Virginia from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

July 1, 2014	June 25, 2015	November 25, 2015
to	to	to
June 24, 2015	November 24, 2015	June 30, 2016

Level I Range	\$146,318 - \$204,044	\$146,318 - \$204,044	\$146,318 - \$204,044
Midpoint	\$175,181	\$175,181	\$175,181
Chief Information Officer, Virginia Information Technologies Agency	\$160,650	\$160,650	\$160,650
Commissioner, Department of Motor Vehicles	\$156,706	\$156,706	\$156,706
Commissioner, Department of Social Services	\$147,000	\$147,000	\$147,000
Commissioner, Department of Behavioral Health and Developmental Services	\$196,090	\$196,090	\$196,090
Commonwealth Transportation Commissioner	\$204,044	\$204,044	\$204,044
Director, Department of Corrections	\$153,000	\$153,000	\$153,000
Director, Department of Environmental Quality	\$162,834	\$162,834	\$162,834
Director, Department of Medical Assistance Services	\$170,932	\$170,932	\$170,932
Director, Department of Planning and Budget	\$162,470	\$162,470	\$162,470
State Health Commissioner	\$185,130	\$185,130	\$185,130
State Tax Commissioner	\$148,144	\$155,000	\$155,000
Superintendent of Public Instruction	\$180,796	\$180,796	\$180,796
Superintendent of State Police	\$158,088	\$158,088	\$158,088
	July 1, 2014 to June 24, 2015	June 25, 2015 to November 24, 2015	November 25, 2015 to June 30, 2016
Level II Range	\$103,153 - \$162,344	\$103,153 - \$162,344	\$103,153 - \$162,344
Midpoint	\$132,749	\$132,749	\$132,749
Alcoholic Beverage Control Commissioner	\$124,440	\$124,440	\$124,440
Alcoholic Beverage Control Commissioner	\$124,440	\$124,440	\$124,440
Chairman, Alcoholic Beverage Control Board	\$133,598	\$133,598	\$133,598

Commissioner, Department for Aging and Rehabilitative Services	\$147,558	\$147,558	\$147,558
Commissioner, Department of Agriculture and Consumer Services	\$122,400	\$122,400	\$122,400
Commissioner, Department of Veterans Services	\$122,400	\$122,400	\$122,400
Commissioner, Virginia Employment Commission	\$130,662	\$130,662	\$130,662
Executive Director, Department of Game and Inland Fisheries	\$135,547	\$135,547	\$135,547
Commissioner, Marine Resources Commission	\$119,653	\$119,653	\$119,653
Director, Department of Forensic Science	\$158,221	\$158,221	\$158,221
Director, Department of General Services	\$152,104	\$152,104	\$152,104
Director, Department of Human Resource Management	\$141,689	\$141,689	\$141,689
Director, Department of Juvenile Justice	\$123,165	\$123,165	\$123,165
Director, Department of Mines, Minerals and Energy	\$129,336	\$129,336	\$129,336
Director, Department of Rail and Public Transportation	\$134,775	\$134,775	\$134,775
Director, Department of Small Business and Supplier Diversity	\$103,153	\$103,153	\$103,153
Executive Director, DMV Dealer Board	\$119,509	\$119,509	\$119,509
Executive Director, Virginia Port Authority	\$137,186	\$137,186	\$137,186
State Comptroller	\$162,344	\$162,344	\$162,344
State Treasurer	\$162,214	\$162,214	\$162,214
	July 1, 2014	June 25, 2015	November 25, 2015
	to	to	to
	June 24, 2015	November 24, 2015	June 30, 2016
Level III Range	\$104,173- \$144,276	\$104,173- \$144,276	\$104,173- \$144,276
Midpoint	\$124,225	\$124,225	\$124,225

Adjutant General	\$135,548	\$135,548	\$135,548
Chairman, Virginia Parole Board	\$124,985	\$124,985	\$124,985
Commissioner, Department of Labor and Industry	\$113,040	\$113,040	\$113,040
Coordinator, Department of Emergency Management	\$124,741	\$124,741	\$124,741
Director, Department of Aviation	\$131,016	\$131,016	\$131,016
Director, Department of Conservation and Recreation	\$130,560	\$130,560	\$130,560
Director, Department of Criminal Justice Services	\$115,668	\$115,668	\$115,668
Director, Department of Health Professions	\$128,650	\$128,650	\$128,650
Director, Department of Historic Resources	\$108,463	\$108,463	\$108,463
Director, Department of Housing and Community Development	\$128,772	\$128,772	\$128,772
Director, Department of Professional and Occupational Regulation	\$114,240	\$114,240	\$114,240
Director, The Science Museum of Virginia	\$131,667	\$131,667	\$131,667
Director, Virginia Museum of Fine Arts	\$136,791	\$136,791	\$136,791
Director, Virginia Museum of Natural History	\$112,455	\$112,455	\$112,455
Executive Director, Jamestown-Yorktown Foundation	\$132,254	\$132,254	\$132,254
Executive Secretary, Virginia Racing Commission	\$110,641	\$110,641	\$110,641
Librarian of Virginia	\$144,276	\$144,276	\$144,276
State Forester, Department of Forestry	\$104,173	\$104,173	\$104,173
	July 1, 2014	June 25, 2015	November 25, 2015
	to	to	to
	June 24, 2015	November 24, 2015	June 30, 2016
Level IV Range	\$101,933 - \$113,009	\$101,933 - \$113,009	\$101,933 - \$113,009

Midpoint	\$107,471	\$107,471	\$107,471
Administrator, Commonwealth's Attorneys' Services Council	\$101,933	\$101,933	\$101,933
Commissioner, Virginia Department for the Blind and Vision Impaired	\$112,245	\$112,245	\$112,245
Executive Director, Board of Accountancy	\$113,009	\$113,009	\$113,009
Executive Director, Frontier Culture Museum of Virginia	\$108,977	\$108,977	\$108,977
Commissioner, Department of Elections	\$106,080	\$106,080	\$106,080
	July 1, 2014 to June 24, 2015	June 25, 2015 to November 24, 2015	November 25, 2015 to June 30, 2016
Level V Range	\$22,383 - \$92,045	\$22,383 - \$92,045	\$22,383 - \$92,045
Midpoint	\$57,214	\$57,214	\$57,214
Director, Gunston Hall	\$86,176	\$86,176	\$86,176
Director, Virginia Department for the Deaf and Hard-of- Hearing	\$92,045	\$92,045	\$92,045
Executive Director, Department of Fire Programs	\$89,887	\$89,887	\$89,887
Executive Director, Virginia Commission for the Arts	\$88,724	\$88,724	\$88,724
Chairman of Board Chairman, Compensation Board	\$22,383	\$22,383	\$22,383

7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

	July 1, 2014 to June 24, 2015	June 25, 2015 to November 24, 2015	November 25, 2015 to June 30, 2016
Independent Range	\$147,198 - \$175,709	\$147,198 - \$175,709	\$147,198 - \$175,709
Midpoint	\$161,453	\$161,453	\$161,453
Director, Virginia Lottery	\$147,198	\$147,198	\$147,198
Director, Virginia Retirement System	\$175,709	\$175,709	\$175,709
Chief Executive Officer, Virginia College Savings Plan	\$174,084	\$174,084	\$174,084

8. Notwithstanding any provision of this Act, the Board of Trustees of the Virginia Retirement System may supplement the salary of its Director. The Board should be guided by criteria, which provide a reasonable limit on the total additional income of the Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials in comparable public pension plans. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

9. Notwithstanding any provision of this Act, the Board of the Virginia College Savings Plan may supplement the compensation of its Chief Executive Officer. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without limitation, a consideration of compensation paid to similar officials in comparable qualified tuition programs, independent public agencies or other entities with similar responsibilities and size. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

2.a) The board of visitors of each institution of higher education or the boards of directors for Southern Virginia Higher Education Center, Southwest Virginia Higher Education Center, and the New College Institute may annually supplement the salary of a president or director from private gifts, endowment funds, foundation funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors or board of directors should be guided by criteria which provide a reasonable limit on the total additional income of a president or director. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors or board of directors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to \$17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	July 1, 2014 to June 24, 2015	June 25, 2015 to November 24, 2015	November 25, 2015 to June 30, 2016
NEW COLLEGE INSTITUTE			
Executive Director, New College Institute	\$173,759	\$173,759	\$173,759
STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA			
Director, State Council of Higher Education for Virginia	\$187,960	\$187,960	\$187,960
SOUTHERN VIRGINIA HIGHER EDUCATION CENTER			

Director, Southern Virginia Higher Education Center	\$127,424	\$127,424	\$127,424
SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER			
Director, Southwest Virginia Higher Education Center	\$128,300	\$128,300	\$128,300
VIRGINIA COMMUNITY COLLEGE SYSTEM			
Chancellor of Community Colleges	\$171,368	\$171,368	\$171,368
SENIOR COLLEGE PRESIDENTS' SALARIES			
Chancellor, University of Virginia's College at Wise	\$127,213	\$127,213	\$127,213
President, Christopher Newport University	\$134,526	\$134,526	\$134,526
President, The College of William and Mary in Virginia	\$160,394	\$160,394	\$160,394
President, George Mason University	\$151,273	\$151,273	\$151,273
President, James Madison University	\$156,247	\$156,247	\$156,247
President, Longwood University	\$150,395	\$150,395	\$150,395
President, Norfolk State University	\$143,627	\$143,627	\$143,627
President, Old Dominion University	\$170,328	\$170,328	\$170,328
President, Radford University	\$154,991	\$154,991	\$154,991
President, Richard Bland College	\$131,784	\$131,784	\$131,784
President, University of Mary Washington	\$145,011	\$145,011	\$145,011
President, University of Virginia	\$179,635	\$179,635	\$179,635
President, Virginia Commonwealth University	\$181,369	\$181,369	\$181,369
President, Virginia Polytechnic Institute and State University	\$190,567	\$190,567	\$190,567
President, Virginia State University	\$146,496	\$146,496	\$146,496
Superintendent, Virginia Military Institute	\$146,566	\$146,566	\$146,566

e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and classification

plans established by the Governor.

2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing any such system shall be paid from any funds appropriated to the affected agencies.

g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for in § 2.2-1201, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the affected agencies.

i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries which enable the Commonwealth to maintain a competitive position in the relevant labor market.

j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.

k.1. Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.

2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.

3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.

l. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.

m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23-9.2:3.1 B and the cash payment offered under such compensation plans pursuant to § 23-9.2:3.1 D, Code of Virginia. Notwithstanding the limitations in § 23-9.2:3.1 D, the total cost in any fiscal year for any such compensation plan, shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.

2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.

n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent

of their sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed \$5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.

q. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in this item, and other items in the Act, to reflect the compensation adjustments authorized in Item 468 of this Act.

r. Any public institution of higher education shall not provide general fund monies above \$100,000 for any individual athletic coaching salaries after July 1, 2013. Athletic coaching salaries with general fund monies above this amount shall be phased-down over a five-year period at 20 percent per year until reaching the cap of \$100,000.

s. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in this item, and other items in the Act, to reflect the compensation adjustments authorized in Item 467 of this Act.

t.1. Notwithstanding the salaries set out in Items 2, 4, 5, and 6, the Committee on Joint Rules may establish salary ranges for such agency heads consistent with the provisions and salary ranges included in § 4-6.01 of this act.

2. Notwithstanding the salaries listed in Item 3 of this act, the Commission on the Virginia Alcohol Safety Action Program may establish a salary range for the Executive Director of the program.

3. Notwithstanding the salaries listed in Item 30 of this act, the Joint Legislative Audit and Review Commission (JLARC) may establish a salary range for the Director of JLARC.

§ 4-6.02 EMPLOYEE TRAINING AND STUDY

Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose, compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the state service. The rules and regulations shall include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the employee should he not return to state service.

§ 4-6.03 EMPLOYEE BENEFITS

a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the employer paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made by the Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general rate shall be borne by the employee or, in the case of a political subdivision, by the employer.

c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such programs and any agency program must be developed in accordance with such guidelines. The guidelines shall be in accordance with the federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that exceeds the actual costs incurred by the employee.

d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State Employee Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a participating provider in the network, contracted by the Department of Human Resource Management, that serves state employees and (2) such hospital enters into a written agreement with the Department of Human Resource Management as to the rates of reimbursement. The

department shall accept the lowest rates offered by the hospital from among the rates charged by the hospital to (1) its largest purchaser of care, (2) any state or federal public program, or (3) any special rate developed by the hospital for the state employee health benefits program which is lower than either of the rates above. If the department and the hospital cannot come to an agreement, the department shall reimburse the hospital at the rates contained in its final offer to the hospital until the dispute is resolved. Any dispute shall be resolved through arbitration or through the procedures established by the Administrative Process Act, as the hospital may decide, without impairment of any residual right to judicial review.

e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and independent agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be considered a full-time employee for the purposes of participation in the Virginia Retirement System's group life insurance and retirement programs. Any part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs under this provision.

f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who: 1) returns to work in a position that is covered by the provisions of § 51.1-155.1, Code of Virginia after a break of not less than four years, 2) receives no other compensation for service to a public employer than that provided for the position covered by § 51.1-155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any annual cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional months of service and compensation received during the period of reemployment, or

b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any purchase of service that may be eligible for purchase under the provisions of § 51.1-142.2, Code of Virginia.

2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits provided for in this paragraph.

g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member of the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service.

i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers' Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher, when calculating average compensation, and

2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the United States in the calculation of creditable service.

j. The provisions in § 51.1-144, Code of Virginia, that require a member to contribute five percent of his creditable compensation for each pay period for which he receives compensation on a salary reduction basis, shall not apply to any (i) "state employee," as defined in § 51.1-124.3, Code of Virginia, who is an elected official, or (ii) member of the Judicial Retirement System under Chapter 3 of Title 51.1 (§ 51.1-300 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-124.3, Code of Virginia.

k. Notwithstanding the provisions of subsection G of § 51.1-156, any employee of a school division who completed a period of 24 months of leave of absence without pay during October 2013 and who had previously submitted an application for disability retirement to VRS in 2011 may submit an application for disability retirement under the provisions of § 51.1-156. Such application shall be received by the Virginia Retirement System no later than October 1, 2014. This provision shall not be construed to grant relief in any case for which a court of competent jurisdiction has already rendered a decision, as contemplated by Article II, Section 14 of the Constitution of Virginia.

l. Notwithstanding the provisions of subsection B of § 51.1-155, any person who (i) has attained age 62, (ii) is receiving a service retirement allowance under Chapter 1 of Title 51.1, and (iii) was employed in an otherwise covered position as interim president and chief executive officer of an institution of higher education, who were appointed prior to January 1, 2014, for a period necessary to rectify significant management deficiencies, may elect to continue to receive the retirement allowance

during such employment. If the person elects to continue to receive the retirement allowance, then his service performed and compensation received during the period of time he receives the retirement allowance will not increase, decrease, or affect in any way his retirement benefits before, during, or after such employment.

§ 4-6.04 CHARGES

a. **FOOD SERVICES:** Except as exempted by the prior written approval of the Director, Department of Human Resource Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state facilities. Charges for meals will be determined by the agency. Such charges shall be not less than the value of raw food and the cost of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections and Juvenile Justice.

b. HOUSING SERVICES:

1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of General Services may waive the requirement for collection of fees.

2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

c. PARKING SERVICES:

1. State-owned parking facilities

Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor, for payment of costs for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. -

2. Leased parking facilities in metropolitan Richmond area

Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space. In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will be retained by the leasing agency to be used to offset the cost of the lease to which it pertains. Any lease for private parking space must be approved by the Director, Department of General Services.

3. The assignment of Lot P1A of the Department of General Services, Capitol Area Site Plan, to include parking spaces 1 through 37, but excluding spaces 34 and 36, which shall be reserved for the Department of General Services, and the surrounding surfaces around those spaces shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Any employee permanently assigned to any of these spaces shall be subject to the provisions of paragraph 1 of this item.

§ 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

§ 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

Except as provided in subsection A of § 23-38.114 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, with regard to their participating covered employees, as that term is

defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an employee.

§ 4-7.00 STATEWIDE PLANS

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director, Department of Planning and Budget.

5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited

without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.

g. All state employees, including those in the legislative, judicial, and executive branches and the independent agencies of the Commonwealth, who are not eligible for benefits under a health care plan established and administered by the Department of Human Resource Management (DHRM) pursuant to Va. Code § 2.2-2818, or by an agency administering its own health care plan, may not work more than 29 hours per week on average over a twelve month period. Adjunct faculty at institutions of higher education may not work more than 29 hours per week on average over a twelve month period, including classroom or other instructional time plus additional hours determined by the institution as necessary to perform the adjunct faculty's duties. DHRM shall provide relevant program requirements to agencies and employees, including, but not limited to, information on wage, variable and seasonal employees. All state agencies/employers in all branches of government shall provide information requested by DHRM concerning hours worked by employees as needed to comply with the Affordable Care Act (the "Act") and this provision. State agencies/employers are accountable for compliance with this provision, and are responsible for any costs associated with maintaining compliance with it and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. The provisions of this paragraph shall not apply to employees of state teaching hospitals that have their own health insurance plan; however, the state teaching hospitals are accountable for compliance with, and are responsible for any costs associated with maintaining compliance with the Act and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. Subject to approval of the Governor, DHRM shall modify this provision consistent with any updates or changes to federal law and regulations.

§ 4-8.00 REPORTING REQUIREMENTS

§ 4-8.01 GOVERNOR

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget.

2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources, and the amounts for each agency affected.

3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific reporting requirements that the Governor may consider suspending.

b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or modified as specified below:

Agency	Report Title of Descriptor	Authority	Action
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23-1.1.	Suspend reporting.
Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive -- Executive Order 89 (2005)	Suspend reporting.
Department of General Services	Gas Report/Repair Charge	Agency Directive--Executive Order 89 (2005)	Suspend reporting.

Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Suspend reporting.
Department of Human Resource Management	Human Capital Report (Full-Time, Part-Time, Temporary, Contractual employees funded by the Commonwealth)	Code of Virginia § 2.2-1201. A. 14.	Change reporting from annually to monthly.
Department of Human Resource Management State Employee Workers' Compensation Program	Work-related injuries and illnesses report -- goals, strategies, and results	Agency Directive -- Executive Order 94 (2005)	Suspend reporting.
Governor's Office	Small, Women-and Minority-owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive -- Executive Order 14 (2006)	Suspend reporting.

d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of nongeneral fund revenue from institutions of higher education.

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments, transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees, and the public by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.
2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.
3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for economic contingency.
4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.
5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.
6. Status of approvals of deficits.

c. Employment Reports:

1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions and the agencies affected.
2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter 1 of Title 33.1, Code of Virginia, on behalf of the Commonwealth Transportation Commissioner, as authorized by § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).
3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.
4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state

services and completing state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year by October 1.

d. Capital Appropriations Reports:

1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).
2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

e. Utilization of State Owned and Leased Real Property:

1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be required by the Governor and the General Assembly to identify and dispose of property not being efficiently and effectively utilized.

2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

f. Services Reports:

Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the operation of any academic program by any state institution of higher education, unless approved by the Council and included in the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

g. Standard State Agency Abbreviations:

The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of state agencies. The Department shall make a listing of agency standard abbreviations available via electronic means on a continuous basis to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies Agency, and the public.

h. Educational and General Program Nongeneral Fund Administrative Appropriations Approved by the Department of Planning and Budget:

The Secretary of Finance and Secretary of Education, in collaboration with the Director, Department of Planning and Budget, shall report in December and June of each year to the Chairmen of the House Appropriations and Senate Finance Committees on adjustments made to higher education operating funds in the Educational and General Programs (10000) items for each public college and university contained in this budget. The report shall include actual or projected adjustments which increase nongeneral funds or actual or projected adjustments that transfer nongeneral funds to other items within the institution. The report shall provide the justification for the increase or transfer and the relative impact on student groups.

§ 4-8.02 STATE AGENCIES

a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and to the State Comptroller.

I VETO THIS ITEM. /s/ Terence R. McAuliffe (6/21/14) (Vetoed item is enclosed in brackets.)

b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit, electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees, including all attachments that were submitted separately as part of these budget requests, amendment briefs, or requests for amendments and are not fully incorporated into the electronic submission by the Director, Department of Planning and Budget.

c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

§ 4-9.00 HIGHER EDUCATION RESTRUCTURING

§ 4-9.01 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

Consistent with § 23-9.6:1.01, Code of Virginia, the following education-related and financial and administrative management measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no later than October 1 of each even-numbered year. Institutional performance on measures set forth in paragraph D of this section shall be evaluated year-to-date by the Secretaries of Finance, Administration, and Technology as appropriate, and communicated to the State Council of Higher Education before October 1 of each even-numbered year. Financial benefits provided to each institution in accordance with § 2.2-5005 will be evaluated in light of that institution's performance.

In general, institutions are expected to achieve all performance measures in order to be certified by SCHEV, but it is understood that there can be circumstances beyond an institution's control that may prevent achieving one or more performance measures. The Council shall consider, in consultation with each institution, such factors in its review: (1) institutions meeting all performance measures will be certified by the Council and recommended to receive the financial benefits, (2) institutions that do not meet all performance measures will be evaluated by the Council and the Council may take one or more of the following actions: (a) request the institution provide a remediation plan and recommend that the Governor withhold release of financial benefits until Council review of the remediation plan or (b) recommend that the Governor withhold all or part of financial benefits.

Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of performance.

The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the certification process.

a. BIENNIAL ASSESSMENTS

1. Institution meets at least 95 percent of its State Council-approved biennial projections for in-state undergraduate headcount enrollment.
2. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state associate and bachelor degree awards.
3. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state STEM-H (Science, Technology, Engineering, Mathematics, and Health professions) associate and bachelor degree awards.
4. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state, upper level - sophomore level for two-year institutions and junior and senior level for four-year institutions - program-placed, full-time equivalent students.
5. Maintain or increase the number of in-state associate and bachelor degrees awarded to students from under-represented populations.
6. Maintain or increase the number of in-state two-year transfers to four-year institutions.

b. Elementary and Secondary Education

1. The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production and retention of teachers, and the exiting of teachers from the teaching profession.
2. a) The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally identifiable information from education records in order to evaluate and study student preparation for and enrollment and performance at state institutions of higher education in order to improve educational policy and instruction in the Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of students by persons other than representatives of the Department of Education or the State Council for Higher Education for Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.
b) Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use, share, and maintain de-identified student data to improve student and program performance including those for career readiness.
3. Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards

of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes of studying the content and rigor of the Standards of Learning.

c. SIX-YEAR PLAN

Institution prepares six-year financial plan consistent with § 23-9.2:3.02.

d. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and administrative standards:

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specified period.

3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent from the established goal will be acceptable.

4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable.

The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet procurement system (eVA) from vendor locations registered in eVA.

5. The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun.

6. The institution will complete major information technology projects (with an individual cost of over \$1,000,000) within the budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay.

e. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative performance measures with the administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

1. Financial

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Debt Management

- a) The institution shall maintain a bond rating of AA- or better;
- b) The institution achieves a three-year average rate of return at least equal to the imoney.net money market index fund; and
- c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt management policy.

3. Human Resources

- a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate for state classified employees within a variance of 15 percent; and
- b) The institution achieves a rate of internal progression within a range of 40 to 60 percent of the total salaried staff hires for the fiscal year.

4. Procurement

- a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and
- b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.

5. Capital Outlay

- a) The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun;
- b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2 percent of the guaranteed maximum price (GMP) or construction price; and
- c) The institution shall pay competitive rates for leased office space – the average cost per square foot for office space leased by the institution is within 5 percent of the average commercial business district lease rate for similar quality space within reasonable proximity to the institution's campus.

6. Information Technology

- a) The institution will complete major information technology projects (with an individual cost of over \$1,000,000) on time and on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay; and
- b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The institution will have no significant audit deficiencies unresolved beyond one year.

f. REPORTING

The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education

governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data.

g. EXEMPTION

The requirements of this section shall not be in effect if they conflict with § 23-9.6:1.01.D. of Chapters 828 and 869 of the Acts of Assembly of 2011.

§ 4-9.02 LEVEL II AUTHORITY

a. Notwithstanding the provisions of § 5 of Chapter 824 and 829 of the 2008 Acts of Assembly, institutions of higher education that have met the eligibility criteria for additional operational and administrative authority set forth in Chapters 824 and 829 of the 2008 Acts of Assembly shall be allowed to enter into separate negotiations for additional operational authority for a third and separate functional area listed in Chapter 824 and 829 of the 2008 Acts of Assembly, provided they have:

1. successfully completed at least three years of effectiveness and efficiencies operating under such additional authority granted by an original memorandum of understanding;
2. successfully renewed an additional memoranda of understanding for a five year term for each of the original two areas.

The institutions shall meet all criteria and follow policies for negotiating and establishing a memorandum of understanding with the Commonwealth of Virginia as provided in § 2.0 (Information Technology), § 3.0 (Procurement), and § 4.0 (Capital Outlay) of Chapter 824 and 829 of the 2008 Acts of Assembly.

b. As part of the memorandum of understanding, each institution shall be required to adopt at least one new education-related measure for the new area of operational authority. Each education-related measure and its respective target shall be developed in consultation with the Secretary of Finance, Secretary of Education, the appropriate Cabinet Secretary, and the State Council of Higher Education for Virginia. Each education-related measure and its respective target must be approved by the State Council of Higher Education for Virginia and shall become part of the certification required by § 23-9.6:1.01.

§ 4-9.03 LEVEL III AUTHORITY

The Management Agreements negotiated by the institutions contained in Chapters 675 and 685 of the 2009 Acts of Assembly shall continue in effect unless the Governor, the General Assembly, or the institutions determine that the Management Agreements need to be renegotiated or revised.

§ 4-9.04 IMPLEMENT JLARC RECOMMENDATIONS

a. The Boards of Visitors at each Virginia public four-year higher education institution, to the extent practicable, shall:

1. require their institutions to clearly list the amount of the athletic fee on their website's tuition and fees information page. The page should include a link to the State Council of Higher Education for Virginia's tuition and fee information. The boards should consider requiring institutions to list the major components of all mandatory fees, including the portion attributable to athletics, on a separate page attached to student invoices;
2. assess the feasibility and impact of raising additional revenue through campus recreation and fitness enterprises to reduce reliance on mandatory student fees. The assessments should address the feasibility and impact of raising additional revenue through charging for specialized programs and services, expanding membership, and/or charging all users of recreation facilities;
3. direct staff to perform a comprehensive review of the institution's organizational structure, including an analysis of spans of control and a review of staff activities and workload, and identify opportunities to streamline the organizational structure. Boards should further direct staff to implement the recommendations of the review to streamline their organizational structures where possible;
4. require periodic reports on average and median spans of control and the number of supervisors with six or fewer direct reports;
5. direct staff to revise human resource policies to eliminate unnecessary supervisory positions by developing standards that establish and promote broader spans of control. The new policies and standards should (i) set an overall target span of control for the institution, (ii) set a minimum number of direct reports per supervisor, with guidelines for exceptions, (iii) define the circumstances that necessitate the use of a supervisory position, (iv) prohibit the establishment of supervisory positions for the purpose of recruiting or retaining employees, and (v) establish a periodic review of departments where spans of control are unusually narrow; and,
6. direct institution staff to set and enforce policies to maximize standardization of purchases of commonly procured goods, including use of institution-wide contracts;
7. consider directing institution staff to provide an annual report on all institutional purchases, including small purchases, that are exceptions to the institutional policies for standardizing purchases.

b. The State Council on Higher Education for Virginia, to the extent practicable, shall:

1. convene a working group of institution financial officers, with input from the Department of Accounts, the Department of Planning and Budget, and the Auditor of Public Accounts, to create a standard way of calculating and publishing mandatory non-E&G fees, including for intercollegiate athletics;
2. update the state's Chart of Accounts for higher education in order to improve comparability and transparency of mandatory non-E&G fees, with input from the Department of Accounts, the Department of Planning and Budget, the Auditor of Public Accounts, and institutional staff. This process should be coordinated with the standardization of tuition and fee reporting;
3. convene a working group of institutional staff to develop instructional and research space guidelines that adequately measure current use of space and plans for future use of space at Virginia's public higher education institutions;
4. coordinate a committee of institutional representatives, such as the previously authorized Learning Technology Advisory Committee. In addition to the objectives set out in the Appropriation Act for the Learning Technology Advisory Committee, the committee should identify instructional technology initiatives and best practices for directly or indirectly lowering institutions' instructional expenditures per student while maintaining or enhancing student learning.

c. Notwithstanding the provisions of § 23-9.14:1, the State Council of Higher Education for Virginia shall annually train boards of visitors members on the types of information members should request from institutions to inform decision making, such as performance measures, benchmarking data, the impact of financial decisions on student costs, and past and projected cost trends. Boards of Visitors members serving on finance and facilities subcommittees should, at a minimum, participate in the training within their first year of membership on the subcommittee. SCHEV should obtain assistance in developing or delivering the training from relevant agencies such as the Department of General Services and past or present finance officers at Virginia's public four-year institutions, as appropriate.

d. The Department of Planning and Budget shall revise the formula used to make allocation recommendations for the state's maintenance reserve funding to account for higher maintenance needs resulting from poor facility condition, aging of facilities, and differences in facility use. Beginning with fiscal year 2016, the Department of Planning and Budget shall submit these recommendations to the Governor and General Assembly no later than November 1 of each year.

e. The Six-Year Capital Outlay Plan Advisory Committee, the Department of Planning and Budget, and others as appropriate shall use the results of the prioritization process established by the State Council of Higher Education for Virginia in determining which capital projects should receive funding.

f. Beginning with fiscal year 2016, the Auditor of Public Accounts shall include in its audit plan for each public institution of higher education a review of progress in implementing the JLARC recommendations contained in paragraph § 4-9.04 a.

§ 4-11.00 STATEMENT OF FINANCIAL CONDITION

Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by the Auditor of Public Accounts.

§ 4-12.00 SEVERABILITY

If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if such application had not been made.

§ 4-13.00 CONFLICT WITH OTHER LAWS

Notwithstanding any other provision of law, and until June 30, 2016, the provisions of this act shall prevail over any conflicting provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s) of this act and the provision of such other law.

§ 4-14.00 EFFECTIVE DATE

This act is effective on its passage as provided in §1-214, Code of Virginia.

ADDITIONAL ENACTMENTS

3. No provision of this act shall result in the expiration of any provision of: (i) Chapter 896 of the Acts of Assembly of 2007 pursuant to the 22nd enactment of that chapter or (ii) Chapter 766 of the Acts of Assembly of 2013 pursuant to the 14th enactment of that chapter.

4. That (i) for taxable years including those implicated by § 3-5.10 of this Act but notwithstanding any other provision of that section and in addition to the exemptions provided pursuant to §§ 58.1-402(B)(8)(a)(1) and (2) of the Code of Virginia, any applicable addition that might otherwise be required pursuant to § 58.1-402(B)(8)(a) of the Code shall not be required if (a) during each of the five taxable years commencing after July 1, 2004, and also during the then current taxable year, the related member or members conducted substantial business operations relating to protecting the assets of the related member or members, pursuant to which, in each such taxable year, the related member or members paid payroll and consulting expenses in excess of \$600,000 and employed at least three full-time equivalent employees whose sole responsibility was to maintain, manage, defend or otherwise be responsible for operations or administration relating to protecting the assets of the related member, (b) during each of the five taxable years commencing after July 1, 2004, and also during the then current taxable year, the corporation and its wholly owned subsidiaries collectively employed more than 25,000 employees, and (c) the corporation is a fully integrated agriculture production manufacturer such that it or its wholly owned subsidiary produces a product that is related to the core business of such corporation, processes such product, and sells the product both at wholesale and retail; (ii) nothing in this enactment , or in § 3-5.10, shall be construed to open the statute of limitations of an otherwise closed taxable year; and (iii) each of the provisions of this enactment is integral to its purpose and, therefore, shall not be deemed severable from the remainder of the enactment.

5. That the provisions of the first and second enactment of this act shall expire at midnight on June 30, 2016. The provisions of the third and fourth enactments of this act shall have no expiration date.

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CHAPTER 733

HOUSE JOINT RESOLUTION NO. 2

Proposing an amendment to the Constitution of Virginia by adding in Article I a section numbered 11-A, relating to the right to work.

Agreed to by the House of Delegates, February 2, 2016

Agreed to by the Senate, February 15, 2016

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2015 and referred to this, the next regular session held after the 2015 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article I a section numbered 11-A as follows:

ARTICLE I

BILL OF RIGHTS

Section 11-A. Right to work.

Any agreement or combination between any employer and any labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

CHAPTER 734

HOUSE JOINT RESOLUTION NO. 123

Proposing an amendment to the Constitution of Virginia by adding in Article X a section numbered 6-B, relating to real property tax exemptions.

Agreed to by the House of Delegates, February 2, 2016

Agreed to by the Senate, February 15, 2016

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2015 and referred to this, the next regular session held after the 2015 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article X a section numbered 6-B as follows:

ARTICLE X

TAXATION AND FINANCE

Section 6-B. Property tax exemptions for spouses of certain emergency services providers.

Notwithstanding the provisions of Section 6, the General Assembly by general law, and within the restrictions and conditions prescribed therein, may provide for a local option to exempt from taxation the real property of the surviving spouse of any law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel who was killed in the line of duty, who occupies the real property as his or her principal place of residence. The exemption under this section shall cease if the surviving spouse remarries and shall not be claimed thereafter. This exemption applies regardless of whether the spouse was killed in the line of duty prior to the effective date of this section, but the exemption shall not be applicable for any period of time prior to the effective date. This exemption applies to the surviving spouse's principal place of residence without any restriction on the spouse's moving to a different principal place of residence and without any requirement that the spouse reside in the Commonwealth at the time of death of the law-enforcement officer, firefighter, search and rescue personnel, or emergency medical services personnel.

CHAPTER 735**SENATE JOINT RESOLUTION NO. 70**

Proposing an amendment to the Constitution of Virginia by adding in Article I a section numbered 11-A, relating to the right to work.

Agreed to by the Senate, February 2, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the regular session of 2015 and referred to this, the next regular session held after the 2015 general election of members of the House of Delegates, as required by the Constitution of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article I a section numbered 11-A as follows:

**ARTICLE I
BILL OF RIGHTS**

Section 11-A. Right to work.

Any agreement or combination between any employer and any labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

CHAPTER 736**SENATE JOINT RESOLUTION NO. 127**

Submitting to the voters a proposed amendment to the Constitution of Virginia in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia.

Agreed to by the Senate, February 15, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, a proposed amendment to the Constitution of Virginia, hereinafter set forth, was agreed to by a majority of the members elected to each of the two houses of the General Assembly at the 2015 Regular Session and referred to this, the next regular session held after the 2015 general election of members of the House of Delegates, as required by the Constitution of Virginia; and

WHEREAS, Section 2 of Article XII of the Constitution of Virginia provides that if any such amendment is agreed to by a majority of all the members elected to each house at this, the next regular session held after the 2015 general election of members of the House of Delegates, it shall be the duty of the General Assembly to submit the proposed amendment to the voters qualified to vote in elections by the people, in such manner as it shall prescribe; and

WHEREAS, § 30-19 of the Code of Virginia provides that such amendment shall be submitted to the people by a bill or resolution introduced for such purpose; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the following amendment to the Constitution of Virginia be, and the same hereby is, proposed in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia, namely:

Amend the Constitution of Virginia by adding in Article I a section numbered 11-A as follows:

**ARTICLE I
BILL OF RIGHTS**

Section 11-A. Right to work.

Any agreement or combination between any employer and any labor union or labor organization whereby nonmembers of the union or organization are denied the right to work for the employer, or whereby such membership is made a condition of employment or continuation of employment by such employer, or whereby any such union or organization acquires an employment monopoly in any enterprise, is against public policy and constitutes an illegal combination or conspiracy and is void.

RESOLVED FURTHER, That the officers conducting the election to be held on the Tuesday after the first Monday in November 2016, at the places appointed for holding the same, open a poll and take the sense of the qualified voters upon the ratification or rejection of the proposed amendment to the Constitution; and, be it

RESOLVED FURTHER, That the ballot contain the following question:

"Question: Should Article I of the Constitution of Virginia be amended to prohibit any agreement or combination between an employer and a labor union or labor organization whereby (i) nonmembers of the union or organization are denied the right to work for the employer, (ii) membership to the union or organization is made a condition of employment or continuation of employment by such employer, or (iii) the union or organization acquires an employment monopoly in any such enterprise?"; and, be it

RESOLVED FURTHER, That the ballots be prepared, distributed, and voted, and the results of the election be ascertained and certified, in the manner prescribed by § 24.2-684 of the Code of Virginia. The State Board of Elections shall comply with §§ 30-19.9 of the Code of Virginia and shall cause to be sent to the electoral boards of each county and city sufficient copies of the full text of the amendment and question contained herein for the officers of election to post in each polling place on election day; and, be it

RESOLVED FURTHER, That the electoral board of each county and city make out, certify, and forward an abstract of the votes cast for and against such proposed amendment in the manner now prescribed by law in relation to votes cast in general elections; and, be it

RESOLVED FURTHER, That the State Board of Elections open and canvass such abstracts and examine and report the whole number of votes cast at the election for and against such amendment in the manner now prescribed by law in relation to votes cast in general elections. The State Board of Elections shall record a certified copy of such report in its office and without delay make out and transmit to the Governor an official copy of such report, certified by it. The Governor shall without delay make proclamation of the result, stating therein the aggregate vote for and against the amendment; and, be it

RESOLVED FURTHER, That if a majority of those voting vote in favor of the amendment, it shall become effective on January 1, 2017; and, be it

RESOLVED FINALLY, That the Clerk of the Senate transmit a copy of this resolution to the Governor and the Department of Elections in order that they may be apprised of the actions of the General Assembly taken in furtherance of its duty to submit to the voters any proposed amendment agreed to by a majority of the members elected to each of the two houses of the General Assembly, in conformity with the provisions of Section 1 of Article XII of the Constitution of Virginia and in accordance with the authority set forth in § 30-19 of the Code of Virginia.

CHAPTER 737

An Act to amend and reenact § 22.1-253.13:1 of the Code of Virginia, relating to high school government courses at public high schools; civics portion of the U.S. Naturalization Test.

[H 36]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 22.1-253.13:1 of the Code of Virginia is amended and reenacted as follows:

§ 22.1-253.13:1. Standard 1. Instructional programs supporting the Standards of Learning and other educational objectives.

A. The General Assembly and the Board of Education believe that the fundamental goal of the public schools of the Commonwealth must be to enable each student to develop the skills that are necessary for success in school, preparation for life, and reaching their full potential. The General Assembly and the Board of Education find that the quality of education is dependent upon the provision of (i) the appropriate working environment, benefits, and salaries necessary to ensure the availability of high-quality instructional personnel; (ii) the appropriate learning environment designed to promote student achievement; (iii) quality instruction that enables each student to become a productive and educated citizen of Virginia and the United States of America; and (iv) the adequate commitment of other resources. In keeping with this goal, the General Assembly shall provide for the support of public education as set forth in Article VIII, Section 1 of the Constitution of Virginia.

B. The Board of Education shall establish educational objectives known as the Standards of Learning, which shall form the core of Virginia's educational program, and other educational objectives, which together are designed to ensure the development of the skills that are necessary for success in school and for preparation for life in the years beyond. At a minimum, the Board shall establish Standards of Learning for English, mathematics, science, and history and social science. The Standards of Learning shall not be construed to be regulations as defined in § 2.2-4001.

The Board shall seek to ensure that the Standards of Learning are consistent with a high-quality foundation educational program. The Standards of Learning shall include, but not be limited to, the basic skills of communication (listening, speaking, reading, and writing); computation and critical reasoning, including problem solving and decision making; proficiency in the use of computers and related technology; and the skills to manage personal finances and to make sound financial decisions.

The English Standards of Learning for reading in kindergarten through grade three shall be based on components of effective reading instruction, to include, at a minimum, phonemic awareness, phonics, fluency, vocabulary development, and text comprehension.

The Standards of Learning in all subject areas shall be subject to regular review and revision to maintain rigor and to reflect a balance between content knowledge and the application of knowledge in preparation for eventual employment and

lifelong learning. The Board of Education shall establish a regular schedule, in a manner it deems appropriate, for the review, and revision as may be necessary, of the Standards of Learning in all subject areas. Such review of each subject area shall occur at least once every seven years. Nothing in this section shall be construed to prohibit the Board from conducting such review and revision on a more frequent basis.

To provide appropriate opportunity for input from the general public, teachers, and local school boards, the Board of Education shall conduct public hearings prior to establishing revised Standards of Learning. Thirty days prior to conducting such hearings, the Board shall give notice of the date, time, and place of the hearings to all local school boards and any other persons requesting to be notified of the hearings and publish notice of its intention to revise the Standards of Learning in the Virginia Register of Regulations. Interested parties shall be given reasonable opportunity to be heard and present information prior to final adoption of any revisions of the Standards of Learning.

In addition, the Department of Education shall make available and maintain a website, either separately or through an existing website utilized by the Department of Education, enabling public elementary, middle, and high school educators to submit recommendations for improvements relating to the Standards of Learning, when under review by the Board according to its established schedule, and related assessments required by the Standards of Quality pursuant to this chapter. Such website shall facilitate the submission of recommendations by educators.

School boards shall implement the Standards of Learning or objectives specifically designed for their school divisions that are equivalent to or exceed the Board's requirements. Students shall be expected to achieve the educational objectives established by the school division at appropriate age or grade levels. The curriculum adopted by the local school division shall be aligned to the Standards of Learning.

The Board of Education shall include in the Standards of Learning for history and social science the study of contributions to society of diverse people. For the purposes of this subsection, "diverse" includes consideration of disability, ethnicity, race, and gender.

The Board of Education shall include in the Standards of Learning for health instruction in emergency first aid, cardiopulmonary resuscitation, and the use of an automated external defibrillator, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation. Such instruction shall be based on the current national evidence-based emergency cardiovascular care guidelines for cardiopulmonary resuscitation and the use of an automated external defibrillator, such as a program developed by the American Heart Association or the American Red Cross. No teacher who is in compliance with subdivision D 5 of § 22.1-298.1 shall be required to be certified as a trainer of cardiopulmonary resuscitation to provide instruction for non-certification.

With such funds as are made available for this purpose, the Board shall regularly review and revise the competencies for career and technical education programs to require the full integration of English, mathematics, science, and history and social science Standards of Learning. Career and technical education programs shall be aligned with industry and professional standard certifications, where they exist.

C. Local school boards shall develop and implement a program of instruction for grades K through 12 that is aligned to the Standards of Learning and meets or exceeds the requirements of the Board of Education. The program of instruction shall emphasize reading, writing, speaking, mathematical concepts and computations, proficiency in the use of computers and related technology, and scientific concepts and processes; essential skills and concepts of citizenship, including knowledge of Virginia history and world and United States history, economics, government, foreign languages, international cultures, health and physical education, environmental issues, and geography necessary for responsible participation in American society and in the international community; fine arts, which may include, but need not be limited to, music and art, and practical arts; knowledge and skills needed to qualify for further education, gainful employment, or training in a career or technical field; and development of the ability to apply such skills and knowledge in preparation for eventual employment and lifelong learning and to achieve economic self-sufficiency.

Local school boards shall also develop and implement programs of prevention, intervention, or remediation for students who are educationally at risk including, but not limited to, those who fail to achieve a passing score on any Standards of Learning assessment in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs shall include components that are research-based.

Any student who achieves a passing score on one or more, but not all, of the Standards of Learning assessments for the relevant grade level in grades three through eight may be required to attend a remediation program.

Any student who fails to achieve a passing score on all of the Standards of Learning assessments for the relevant grade level in grades three through eight or who fails an end-of-course test required for the award of a verified unit of credit shall be required to attend a remediation program or to participate in another form of remediation. Division superintendents shall require such students to take special programs of prevention, intervention, or remediation, which may include attendance in public summer school programs, in accordance with clause (ii) of subsection A of § 22.1-254 and § 22.1-254.01.

Remediation programs shall include, when applicable, a procedure for early identification of students who are at risk of failing the Standards of Learning assessments in grades three through eight or who fail an end-of-course test required for the award of a verified unit of credit. Such programs may also include summer school for all elementary and middle school grades and for all high school academic courses, as defined by regulations promulgated by the Board of Education, or other forms of remediation. Summer school remediation programs or other forms of remediation shall be chosen by the division superintendent to be appropriate to the academic needs of the student. Students who are required to attend such summer school programs or to participate in another form of remediation shall not be charged tuition by the school division.

The requirement for remediation may, however, be satisfied by the student's attendance in a program of prevention, intervention or remediation that has been selected by his parent, in consultation with the division superintendent or his designee, and is either (i) conducted by an accredited private school or (ii) a special program that has been determined to be comparable to the required public school remediation program by the division superintendent. The costs of such private school remediation program or other special remediation program shall be borne by the student's parent.

The Board of Education shall establish standards for full funding of summer remedial programs that shall include, but not be limited to, the minimum number of instructional hours or the equivalent thereof required for full funding and an assessment system designed to evaluate program effectiveness. Based on the number of students attending and the Commonwealth's share of the per pupil instructional costs, state funds shall be provided for the full cost of summer and other remediation programs as set forth in the appropriation act, provided such programs comply with such standards as shall be established by the Board, pursuant to § 22.1-199.2.

D. Local school boards shall also implement the following:

1. Programs in grades K through three that emphasize developmentally appropriate learning to enhance success.

2. Programs based on prevention, intervention, or remediation designed to increase the number of students who earn a high school diploma and to prevent students from dropping out of school. Such programs shall include components that are research-based.

3. Career and technical education programs incorporated into the K through 12 curricula that include:

a. Knowledge of careers and all types of employment opportunities, including, but not limited to, apprenticeships, entrepreneurship and small business ownership, the military, and the teaching profession, and emphasize the advantages of completing school with marketable skills;

b. Career exploration opportunities in the middle school grades;

c. Competency-based career and technical education programs that integrate academic outcomes, career guidance, and job-seeking skills for all secondary students. Programs shall be based upon labor market needs and student interest. Career guidance shall include counseling about available employment opportunities and placement services for students exiting school. Each school board shall develop and implement a plan to ensure compliance with the provisions of this subdivision. Such plan shall be developed with the input of area business and industry representatives and local community colleges and shall be submitted to the Superintendent of Public Instruction in accordance with the timelines established by federal law; and

d. Annual notice on its website to enrolled high school students and their parents of the availability of the postsecondary education and employment data published by the State Council of Higher Education on its website pursuant to § 23-9.2:3.04.

4. Educational objectives in middle and high school that emphasize economic education and financial literacy pursuant to § 22.1-200.03.

5. Early identification of students with disabilities and enrollment of such students in appropriate instructional programs consistent with state and federal law.

6. Early identification of gifted students and enrollment of such students in appropriately differentiated instructional programs.

7. Educational alternatives for students whose needs are not met in programs prescribed elsewhere in these standards. Such students shall be counted in average daily membership (ADM) in accordance with the regulations of the Board of Education.

8. Adult education programs for individuals functioning below the high school completion level. Such programs may be conducted by the school board as the primary agency or through a collaborative arrangement between the school board and other agencies.

9. A plan to make achievements for students who are educationally at risk a divisionwide priority that shall include procedures for measuring the progress of such students.

10. An agreement for postsecondary degree attainment with a community college in the Commonwealth specifying the options for students to complete an associate's degree or a one-year Uniform Certificate of General Studies from a community college concurrent with a high school diploma. Such agreement shall specify the credit available for dual enrollment courses and Advanced Placement courses with qualifying exam scores of three or higher.

11. A plan to notify students and their parents of the availability of dual enrollment and advanced placement classes, the International Baccalaureate Program, and Academic Year Governor's School Programs, the qualifications for enrolling in such classes and programs, and the availability of financial assistance to low-income and needy students to take the advanced placement and International Baccalaureate examinations. This plan shall include notification to students and parents of the agreement with a community college in the Commonwealth to enable students to complete an associate's degree or a one-year Uniform Certificate of General Studies concurrent with a high school diploma.

12. Identification of students with limited English proficiency and enrollment of such students in appropriate instructional programs.

13. Early identification, diagnosis, and assistance for students with reading and mathematics problems and provision of instructional strategies and reading and mathematics practices that benefit the development of reading and mathematics skills for all students.

Local school divisions shall provide reading intervention services to students in kindergarten through grade three who demonstrate deficiencies based on their individual performance on the Standards of Learning reading test or any reading

diagnostic test that meets criteria established by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives early intervention reading services will be assessed again at the end of that school year. The local school division, in its discretion, shall provide such reading intervention services prior to promoting a student from grade three to grade four. Reading intervention services may include the use of: special reading teachers; trained aides; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; and extended instructional time in the school day or school year for these students. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or early intervention reading may be used to meet the requirements of this subdivision.

Local school divisions shall provide algebra readiness intervention services to students in grades six through nine who are at risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on any diagnostic test that has been approved by the Department of Education. Local school divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis, at a time to be determined by the Superintendent of Public Instruction. Each student who receives algebra readiness intervention services will be assessed again at the end of that school year. Funds appropriated for prevention, intervention, and remediation; summer school remediation; at-risk; or algebra readiness intervention services may be used to meet the requirements of this subdivision.

14. Incorporation of art, music, and physical education as a part of the instructional program at the elementary school level.

15. A program of physical fitness available to all students with a goal of at least 150 minutes per week on average during the regular school year. Such program may include any combination of (i) physical education classes, (ii) extracurricular athletics, or (iii) other programs and physical activities deemed appropriate by the local school board. Each local school board shall incorporate into its local wellness policy a goal for the implementation of such program during the regular school year.

16. A program of student services for kindergarten through grade 12 that shall be designed to aid students in their educational, social, and career development.

17. The collection and analysis of data and the use of the results to evaluate and make decisions about the instructional program.

18. *A program of instruction in the high school Virginia and U.S. Government course on all information and concepts contained in the civics portion of the U.S. Naturalization Test.*

E. From such funds as may be appropriated or otherwise received for such purpose, there shall be established within the Department of Education a unit to (i) conduct evaluative studies; (ii) provide the resources and technical assistance to increase the capacity for school divisions to deliver quality instruction; and (iii) assist school divisions in implementing those programs and practices that will enhance pupil academic performance and improve family and community involvement in the public schools. Such unit shall identify and analyze effective instructional programs and practices and professional development initiatives; evaluate the success of programs encouraging parental and family involvement; assess changes in student outcomes prompted by family involvement; and collect and disseminate among school divisions information regarding effective instructional programs and practices, initiatives promoting family and community involvement, and potential funding and support sources. Such unit may also provide resources supporting professional development for administrators and teachers. In providing such information, resources, and other services to school divisions, the unit shall give priority to those divisions demonstrating a less than 70 percent passing rate on the Standards of Learning assessments.

F. Each local school board may enter into agreements for postsecondary credential, certification, or license attainment with community colleges or other public institutions of higher education or educational institutions established pursuant to Title 23 that offer a career and technical education curriculum. Such agreements shall specify (i) the options for students to take courses as part of the career and technical education curriculum that lead to an industry-recognized credential, certification, or license concurrent with a high school diploma and (ii) the credentials, certifications, or licenses available for such courses.

CHAPTER 738

An Act to amend the Code of Virginia by adding a section numbered 22.1-199.6, relating to the establishment of the Mixed-Delivery Preschool Fund and Grant Program.

[H 47]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-199.6 as follows:

§ 22.1-199.6. *Mixed-Delivery Preschool Fund and Grant Program established.*

A. As used in this section, "mixed-delivery" includes public, nonsectarian private, and faith-based early education programs.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Mixed-Delivery Preschool Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Any gifts, donations, grants, bequests, or other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants to successful applicants under the Mixed-Delivery Preschool Grant Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction.

C. The Mixed-Delivery Preschool Grant Program is hereby established for the purpose of awarding grants on a competitive basis to urban, suburban, and rural community applicants to field-test innovative strategies and evidence-based practices that support a robust system of mixed-delivery preschool services in the Commonwealth.

D. The Virginia Early Childhood Foundation shall administer a request for proposal process to invite community applicants to respond with localized innovations and approaches to a system of mixed-delivery preschool services.

E. Grants shall be awarded by the Virginia Early Childhood Foundation, in consultation with the Department of Education, and the Foundation shall notify the Department of grant recipients. Priority shall be given to applicants who (i) commit to pursuing models of local governance that promote the successful mixed delivery of preschool services, (ii) compare classroom and child outcomes among teachers with different credentials and qualifications, (iii) utilize incentives to encourage participation, and (iv) utilize strategic assessment to discern student outcomes.

F. In order to provide program flexibility and maximize local innovation, grant recipients are eligible to request and receive waivers of Board regulations and guidelines. Notwithstanding the provisions of § 22.1-299, and in order for grant recipients to compare classroom and child outcomes among teachers with different credentials and qualifications pursuant to clause (ii) of subsection E, the Board shall waive teacher licensure requirements upon the request of any grant recipient so long as the teachers for whom such licensure requirements have been waived meet certain basic conditions for licensure prescribed by the Board. Such basic conditions for licensure shall include education and experience qualifications that do not exceed the education and experience qualifications for program leaders of licensed child day centers as set forth in 22VAC40-185-210. Upon the request of any grant recipient, other relevant state agencies and boards may grant additional waivers from agency or board regulations and guidelines, as deemed appropriate. Nothing in this subsection shall be construed to permit individuals or entities other than grant recipients to request and receive waivers pursuant to this subsection.

G. Each grant recipient shall annually report on its mixed-delivery preschool services system and any waiver received pursuant to subsection F to the Chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

2. That six two-year grants shall be awarded under the Mixed-Delivery Preschool Grant Program in each year of the 2016-2018 biennium.

3. That the provisions of this act shall expire on July 1, 2019.

CHAPTER 739

An Act to amend and reenact §§ 59.1-475 through 59.1-477.1 of the Code of Virginia, relating to the Structured Settlement Protection Act.

[H 52]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 59.1-475 through 59.1-477.1 of the Code of Virginia are amended and reenacted as follows:

§ 59.1-475. Definitions.

For purposes of this chapter:

"Annuity issuer" means an insurer that has issued a contract to fund periodic payments under a structured settlement.

"Applicable federal rate" means the most recently published applicable federal rate for determining the present value of an annuity, as prescribed by the U.S. Internal Revenue Service pursuant to 26 U.S.C. § 7520, as amended.

"Assignee" means a party acquiring or proposing to acquire structured settlement payment rights directly or indirectly from a transferee of such rights.

"Dependents" include a payee's spouse and minor children and all other persons for whom the payee is legally obligated to provide support, including alimony.

"Discounted present value" means the present value of future payments determined by discounting such payments to the present using the most recently published Applicable Federal Rate for determining the present value of an annuity, as issued by the United States Internal Revenue Service.

"Gross advance amount" means the sum payable to the payee or for the payee's account as consideration for a transfer of structured settlement payment rights before any reductions for transfer expenses or other deductions to be made from such consideration.

"Independent professional advice" means advice of an attorney, certified public accountant, actuary or other licensed professional adviser.

"Interested parties" means, with respect to any structured settlement, ~~the~~:

1. ~~The payee; any;~~
2. Any beneficiary irrevocably designated under the annuity contract to receive payments following the payee's death ~~or, the if such beneficiary is a minor, the designated beneficiary's parent or guardian;~~
3. ~~The annuity issuer; the;~~
4. ~~The structured settlement obligor; and any~~
5. Any other party to such structured settlement that has continuing rights or obligations to receive or make payments under such structured settlement.

"Net advance amount" means the gross advance amount less the aggregate amount of the actual and estimated transfer expenses required to be disclosed under subdivision 5 of § 59.1-475.1.

"Payee" means an individual who is receiving tax free payments under a structured settlement and proposes to make a transfer of payment rights thereunder.

"Periodic payments" includes both recurring payments and scheduled future lump sum payments.

"Qualified assignment agreement" means an agreement providing for a qualified assignment within the meaning of § 130 of the United States Internal Revenue Code, United States Code Title 26, as amended from time to time.

~~"Responsible administrative authority" means, with respect to a structured settlement, any governmental authority vested by law with exclusive jurisdiction over the settled claim resolved by such structured settlement.~~

"Settled claim" means the original tort claim resolved by a structured settlement.

"Structured settlement" means an arrangement for periodic payment of damages for personal injuries or sickness established by settlement or judgment in resolution of a tort claim.

"Structured settlement agreement" means the agreement, judgment, stipulation, or release embodying the terms of a structured settlement.

"Structured settlement obligor" means, with respect to any structured settlement, ~~the a~~ party that has ~~the a~~ continuing obligation to make periodic payments to the payee under a structured settlement agreement or a qualified assignment agreement.

~~"Structured settlement payment rights" means rights to receive periodic payments under a structured settlement, whether from the structured settlement obligor or the annuity issuer, where the payee is domiciled in, or the domicile or principal place of business of the structured settlement obligor or the annuity issuer is located in, this the Commonwealth; or the structured settlement agreement was approved by a court or responsible administrative authority in this Commonwealth; or the structured settlement agreement is expressly governed by the laws of this in the Commonwealth.~~

"Terms of the structured settlement" include, with respect to any structured settlement, the terms of the structured settlement agreement, the annuity contract, any qualified assignment agreement, and any order or other approval of any court ~~or responsible administrative authority~~ or other government authority that authorized or approved such structured settlement.

"Transfer" means any sale, assignment, pledge, hypothecation, or other alienation or encumbrance of structured settlement payment rights made by a payee for consideration; however, the term "transfer" shall not include the creation or perfection of a security interest in structured settlement payment rights under a blanket security agreement entered into with an insured depository institution, in the absence of any action to redirect the structured settlement payments to such insured depository institution, or an agent or successor in interest thereof, or otherwise to enforce such blanket security interest against the structured settlement payment rights.

"Transfer agreement" means the agreement providing for transfer of structured settlement payment rights.

"Transfer expenses" means all expenses of a transfer that are required under the transfer agreement to be paid by the payee or deducted from the gross advance amount, including, without limitation, court filing fees, attorneys' fees, escrow fees, lien recordation fees, judgment and lien search fees, finders' fees, commissions, and other payments to a broker or other intermediary; however, "transfer expenses" shall not include preexisting obligations of the payee payable for the payee's account from the proceeds of a transfer.

"Transferee" means a party acquiring or proposing to acquire structured settlement payment rights through a transfer.

§ 59.1-475.1. Required disclosures to payee.

Not less than three days prior to the date on which a payee signs a transfer agreement, the transferee shall provide to the payee a separate disclosure statement, in bold type no smaller than fourteen points, setting forth:

1. The amounts and due dates of the structured settlement payments to be transferred;
2. The aggregate amount of such payments;
3. The discounted present value of the payments to be transferred, which shall be identified as the "calculation of current value of the transferred structured settlement payments under federal standards for valuing annuities," and the amount of the Applicable Federal Rate used in calculating such discounted present value;
4. The gross advance amount;
5. An itemized listing of all applicable transfer expenses, other than ~~attorneys'~~ attorney fees and related disbursements payable in connection with the transferee's application for approval of the transfer, and the transferee's best estimate of the amount of any such fees and disbursements;

6. *The effective annual interest rate, which shall be disclosed in a statement in the following form: "On the basis of the net amount that you will receive from us and the amounts and timing of the structured settlement payments that you are transferring to us, you will in effect be paying interest to us at a rate of ___ percent per year";*

7. The net advance amount;

7-8. The amount of any penalties or liquidated damages payable by the payee in the event of any breach of the transfer agreement by the payee; and

8-9. A statement that the payee has the right to cancel the transfer agreement, without penalty or further obligation, not later than the third business day after the date the agreement is signed by the payee.

§ 59.1-476. Approval of transfers of structured settlement payment rights.

No direct or indirect transfer of structured settlement payment rights shall be effective and no structured settlement obligor or annuity issuer shall be required to make any payment directly or indirectly to any transferee or assignee of structured settlement payment rights unless the transfer has been authorized in advance in a final court order or order of a responsible administrative authority based on express findings by such court or responsible administrative authority that:

1. The transfer is in the best interest of the payee, taking into account the welfare and support of the payee's dependents;

2. The payee has been advised in writing by the transferee to seek independent professional advice regarding the transfer and has either received such advice or knowingly waived *in writing the opportunity to seek and receive such advice in writing*; and

3. The transfer does not contravene any applicable statute or the order of any court or other government authority.

§ 59.1-476.1. Effects of transfer of structured settlement payment rights.

Following *issuance of a court order approving* a transfer of structured settlement payment rights under this chapter:

1. The structured settlement obligor and the annuity issuer *may rely on the court order in redirecting periodic payments to an assignee or transferee in accordance with the order and* shall, as to all parties except the transferee or an assignee designated by the transferee, be discharged and released from any and all liability for the ~~transferred~~ *redirected* payments, and such discharge and release shall not be affected by the failure of any party to the transfer to comply with this chapter or with the order of the court approving the transfer;

2. The transferee shall be liable to the structured settlement obligor and the annuity issuer:

a. If the transfer contravenes the terms of the structured settlement, for any taxes incurred by such parties as a consequence of the transfer; and

b. For any other liabilities or costs, including reasonable costs and attorneys' attorney fees, arising from compliance by such parties the structured settlement obligor or annuity issuer with the order of the court or responsible administrative authority or arising as a consequence of the transferee's from the failure of any party to the transfer to comply with this chapter;

3. Neither the annuity issuer nor the structured settlement obligor may be required to divide any periodic payment between the payee and any transferee or assignee or between two or more transferees or assignees; and

4. Any further transfer of structured settlement payment rights by the payee may be made only after compliance with all of the requirements of this chapter.

§ 59.1-477. Procedure for approval of transfers.

A. An application under this chapter for approval of a transfer of structured settlement payment rights shall be made by the transferee and ~~may~~ shall be brought in the ~~state circuit court for the county or city in which the payee resides; is domiciled in the state in which Commonwealth, except that if the structured settlement obligor or the annuity issuer maintains its principal place of business, or in any court or before any responsible administrative authority~~ *payee is not domiciled in the Commonwealth, the application may be brought in the court in the Commonwealth that approved the structured settlement agreement. Applications brought in Virginia shall be brought in circuit court, and such* The circuit court may refer the matter to a commissioner of accounts for a report to such court and a recommendation on the findings required by § 59.1-476. Such report and recommendation shall be filed with the court and mailed to all interested parties served under subsection B of this section, and such report and recommendation and any exceptions thereto shall be examined by the court and confirmed or corrected as provided in § 64.2-1212.

B. A timely hearing shall be held on an application for approval of a transfer of structured settlement payment rights. The payee shall appear in person at the hearing unless the court determines that good cause exists to excuse the payee from appearing in person. Not less than ~~twenty~~ 20 days prior to the scheduled hearing on ~~any~~ an application for approval of a transfer of structured settlement payment rights under § 59.1-476, the transferee shall file with the court or responsible administrative authority and serve on all interested parties a notice of the proposed transfer and the application for its approval; ~~including with such notice.~~ In addition to complying with the other requirements of this chapter, the application shall include:

1. ~~A copy of the transferee's application;~~

~~2.~~ A copy of the transfer agreement;

~~3.~~ 2. A copy of the disclosure statement required under § 59.1-475.1;

~~4.~~ ~~A listing~~ 3. The payee's name, age, and county or city of domicile and the number and ages of each of the payee's dependents; ~~together with each dependent's age;~~

4. A summary of:

a. Any prior transfers by the payee to the transferee or an affiliate, or through the transferee or an affiliate to an assignee, within the four years preceding the date of the transfer agreement and any proposed transfers by the payee to the transferee or an affiliate, or through the transferee or an affiliate, applications for approval of which were denied within the two years preceding the date of the transfer agreement; and

b. Any prior transfers by the payee to any person or entity other than the transferee or an affiliate or an assignee of the transferee or an affiliate within the three years preceding the date of the transfer agreement and any prior proposed transfers by the payee to any person or entity other than the transferee or an affiliate or an assignee of a transferee or affiliate, applications for approval of which were denied within the one year preceding the date of the current transfer agreement, to the extent that the transfers or proposed transfers have been disclosed to the transferee by the payee in writing or otherwise are actually known by the transferee;

5. Notification that any interested party is entitled to support, oppose or otherwise respond to the transferee's application, either in person or by counsel, by submitting written comments to the court or responsible administrative authority or by participating in the hearing; and

6. Notification of the time and place of the hearing and notification of the manner in which and the time by which written responses to the application must be filed, (which shall be not less than ~~fifteen~~ five days after service of prior to the transferee's notice) hearing, in order to be considered by the court or the responsible administrative authority.

§ 59.1-477.1. General provisions, construction.

A. ~~The~~ Compliance with the provisions of this chapter may not be waived by any payee.

B. Any transfer agreement entered into on or after the effective date of the act of the General Assembly enacting this section by a payee who resides in ~~this~~ the Commonwealth shall provide that disputes under such transfer agreement, including any claim that the payee has breached the agreement, shall be determined in and under the laws of ~~this~~ the Commonwealth. No such transfer agreement shall authorize the transferee or any other party to confess judgment or consent to entry of judgment against the payee.

C. No transfer of structured settlement payment rights shall extend to any payments that are life-contingent unless, prior to the date on which the payee signs the transfer agreement, the transferee has established and has agreed to maintain procedures reasonably satisfactory to the annuity issuer and the structured settlement obligor for periodically confirming the payee's survival, and giving the annuity issuer and the structured settlement obligor prompt written notice in the event of the payee's death.

D. No payee who proposes to make a transfer of structured settlement payment rights shall incur any penalty, forfeit any application fee or other payment, or otherwise incur any liability to the proposed transferee or any assignee based on any failure of such transfer to satisfy the conditions of this chapter.

E. Nothing contained in this chapter shall be construed to authorize any transfer of structured settlement payment rights in contravention of any law or to imply that any transfer under a transfer agreement entered into prior to July 1, 2001, is valid or invalid. A court shall not be precluded from hearing an application for approval of a transfer of payment rights under a structured settlement where the terms of the structured settlement prohibit the sale, assignment, or encumbrance of such payment rights, nor shall the interested parties be precluded from waiving or asserting their rights under those terms. The provisions of this chapter shall not be applicable to transfers of workers' compensation claims, awards, benefits, settlements or payments made or payable pursuant to Title 65.2.

F. Compliance with the requirements set forth in § 59.1-475.1 and fulfillment of the conditions set forth in §§ 59.1-476 and 59.1-477 shall be solely the responsibility of the transferee in any transfer of structured settlement payment rights, and neither the structured settlement obligor nor the annuity issuer shall bear any responsibility for, or any other liability arising from, non-compliance with such requirements or failure to fulfill such conditions.

2. That the provisions of this act shall apply to any transfer of structured settlement payment rights under a transfer agreement that is entered into on or after July 1, 2016.

CHAPTER 740

An Act to amend the Code of Virginia by adding a section numbered 44-39.1, relating to possession of handguns by members of the Virginia National Guard.

[H 90]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 44-39.1 as follows:

§ 44-39.1. Possession of handguns by members at National Guard facilities.

To the extent permitted by federal law and by the terms of any contract between the Virginia National Guard and a privately owned facility, any member of the Virginia National Guard who possesses a valid concealed handgun permit issued pursuant to Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7 of Title 18.2 shall be permitted to possess a concealed handgun owned by such member at all facilities of the Virginia National Guard and at all privately owned facilities under contract with the Virginia National Guard. Nothing herein precludes the commanding officer of any member from prohibiting such member from possessing a concealed handgun while such member is participating in any training or other exercises where

the commanding officer determines that (i) such possession would interfere with the conduct of such training or other exercises, (ii) such possession may result in mission impairment, or (iii) the member is unfit to carry a handgun.

CHAPTER 741

An Act to direct the Department of Transportation to conduct, with the Fredericksburg Area Metropolitan Planning Organization, an evaluation of traffic congestion on the Interstate 95 corridor in the George Washington Regional Commission region and an evaluation of alternative solutions to such traffic congestion, which may include but not be limited to extending the HOT lanes south on Interstate 95.

[H 97]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. *The Department of Transportation and the Fredericksburg Area Metropolitan Planning Organization shall conduct a joint evaluation of traffic congestion occurring in the George Washington Regional Commission region on Interstate 95 between mile marker 145 in Stafford County and mile marker 125 in Spotsylvania County and an evaluation of alternative solutions to such traffic congestion, which may include but not be limited to extending the HOT lanes south on Interstate 95. The results of such evaluation shall be submitted to the General Assembly as an executive summary. To the extent that the Department of Transportation is in possession of or develops information or data that would assist or expedite the Fredericksburg Area Metropolitan Planning Organization's evaluation and development of an improvement program to address the congestion and needs of the Interstate 95 corridor in the area, the Department of Transportation shall make such information available to the Fredericksburg Area Metropolitan Planning Organization upon request, provided that such information does not constitute confidential or proprietary information of a private entity.*

2. That the executive summary shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2019 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

CHAPTER 742

An Act to amend and reenact § 18.2-57.3 of the Code of Virginia, relating to assault against a family or household member.

[H 485]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-57.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-57.3. Persons charged with first offense of assault and battery against a family or household member may be placed on local community-based probation; conditions; education and treatment programs; costs and fees; violations; discharge.

A. When a person is charged with a *simple assault in violation of subsection A of § 18.2-57 where the victim was a family or household member of the person* or a violation of § 18.2-57.2, the court may defer the proceedings against such person, without a finding of guilt, and place him on probation under the terms of this section.

B. For a person to be eligible for such deferral, the court shall find that (i) the person was an adult at the time of the commission of the offense, (ii) the person has not previously been convicted of any offense under this article or under any statute of the United States or of any state or any ordinance of any local government relating to *an assault or assault and battery against a family or household member*, (iii) the person has not previously had a proceeding against him for violation of such an offense dismissed as provided in this section, (iv) the person pleads guilty to, or enters a plea of not guilty or nolo contendere and the court finds the evidence is sufficient to find the person guilty of, *simple assault in violation of subsection A of § 18.2-57 where the victim was a family or household member of the person* or a violation of § 18.2-57.2, and (v) the person consents to such deferral.

C. The court may (i) where a local community-based probation services agency established pursuant to Article 9 (§ 9.1-173 et seq.) of Chapter 1 of Title 9.1 is available, order that the eligible person be placed with such agency and require, as a condition of local community-based probation, the person to successfully complete all treatment, education programs or services, or any combination thereof indicated by an assessment or evaluation obtained by the local community-based probation services agency if such assessment, treatment or education services are available; or (ii) require successful completion of treatment, education programs or services, or any combination thereof, such as, in the opinion of the court, may be best suited to the needs of the person.

D. The court shall require the person entering such education or treatment program or services under the provisions of this section to pay all or part of the costs of the program or services, including the costs of any assessment, evaluation, testing, education and treatment, based upon the person's ability to pay. Such programs or services shall offer a sliding-scale fee structure or other mechanism to assist participants who are unable to pay the full costs of the required programs or services.

The court shall order the person to be of good behavior for a total period of not less than two years following the deferral of proceedings, including the period of supervised probation, if available.

The court shall, unless done at arrest, order the person to report to the original arresting law-enforcement agency to submit to fingerprinting.

E. Upon fulfillment of the terms and conditions specified in the court order, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this section shall be without adjudication of guilt and is a conviction only for the purposes of applying this section in subsequent proceedings. No charges dismissed pursuant to this section shall be eligible for expungement under § 19.2-392.2.

F. Upon violation of a term or condition of supervised probation or of the period of good behavior, the court may enter an adjudication of guilt and proceed as otherwise provided by law.

G. Notwithstanding any other provision of this section, whenever a court places a person on probation upon terms and conditions pursuant to this section, such action shall be treated as a conviction for purposes of Article 6.1 (§ 18.2-307.1 et seq.) of Chapter 7.

CHAPTER 743

An Act to amend and reenact §§ 32.1-292.2, 46.2-342, and 46.2-345 of the Code of Virginia, relating to consent to organ donation.

[H 653]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 32.1-292.2, 46.2-342, and 46.2-345 of the Code of Virginia are amended and reenacted as follows:

§ 32.1-292.2. The Virginia Donor Registry.

A. In order to save lives by reducing the shortage of organs and tissues for transplantation and to implement cost savings for patients and various state agencies by eliminating needless bureaucracy, there is hereby established the Virginia Donor Registry (hereinafter referred to as the Registry), which shall be created, compiled, operated, maintained, and modified as necessary by the Virginia Transplant Council in accordance with the regulations of the Board of Health and the administration of the Department of Health. At its sole discretion, the Virginia Transplant Council may contract with a third party or parties to create, compile, operate, maintain or modify the Registry. Pertinent information on all Virginians who have indicated a willingness to donate organs and tissues in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) shall be compiled, maintained, and modified as necessary in the Registry by the Virginia Transplant Council.

B. The Registry and all information therein shall be confidential and subject to access only by personnel of the Department of Health and designated organ procurement organizations, eye banks, and tissue banks, operating in or serving Virginia that are members of the Virginia Transplant Council, for the purpose of identifying and determining the suitability of a potential donor according to the provisions of subdivision B 4 of § 32.1-127 or subsection ~~H~~ G of § 46.2-342.

C. The purpose of the Registry shall include, but not be limited to:

1. Providing a means of recovering an anatomical gift for transplantation, therapy, education or research as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) and subsection G of § 46.2-342; and
2. Collecting data to develop and evaluate the effectiveness of educational initiatives promoting organ, eye, and tissue donation that are conducted or coordinated by the Virginia Transplant Council or its members.

D. The Board, in consultation with the Virginia Transplant Council, shall promulgate regulations necessary to create, compile, operate, maintain, modify as necessary, and administer the Virginia Donor Registry. The regulations shall include, but not be limited to:

1. Recording the data subject's full name, address, sex, birth date, age, driver's license number or unique identifying number, and other pertinent identifying personal information;
2. Authorizing the Virginia Transplant Council to analyze Registry data under research protocols that are designed to identify and assess the effectiveness of mechanisms to promote and increase organ, eye, and tissue donation within the Commonwealth; and
3. Providing that any Virginian whose name has been placed in the registry may have his name deleted by filing an appropriate form with the Virginia Transplant Council or in accordance with the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.) ~~or subsection I of § 46.2-342.~~

§ 46.2-342. What license to contain; organ donor information; Uniform Donor Document.

A. Every license issued under this chapter shall bear:

1. For licenses issued or renewed on or after July 1, 2003, a license number which shall be assigned by the Department to the licensee and shall not be the same as the licensee's social security number;
2. A photograph of the licensee;
3. The licensee's full name, year, month, and date of birth;
4. The licensee's address, subject to the provisions of subsection B ~~of this section~~;
5. A brief description of the licensee for the purpose of identification;

6. A space for the signature of the licensee; and
 7. Any other information deemed necessary by the Commissioner for the administration of this title.
- No abbreviated names or nicknames shall be shown on any license.

B. At the option of the licensee, the address shown on the license may be either the post office box, business, or residence address of the licensee, provided such address is located in Virginia. However, regardless of which address is shown on the license, the licensee shall supply the Department with his residence address, which shall be an address in Virginia. This residence address shall be maintained in the Department's records. Whenever the licensee's address shown either on his license or in the Department's records changes, he shall notify the Department of such change as required by § 46.2-324.

C. The Department may contract with the United States Postal Service or an authorized agent to use the National Change of Address System for the purpose of obtaining current address information for a person whose name appears in customer records maintained by the Department. If the Department receives information from the National Change of Address System indicating that a person whose name appears in a Department record has submitted a permanent change of address to the Postal Service, the Department may then update its records with the mailing address obtained from the National Change of Address System.

D. The license shall be made of a material and in a form to be determined by the Commissioner.

E. Licenses issued to persons less than 21 years old shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. The Department shall establish a method by which an applicant for a driver's license or an identification card may ~~designate~~ *indicate* his ~~willingness~~ *consent* to make an anatomical gift for transplantation, therapy, research, and education ~~as provided in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1 pursuant to § 32.1-291.5~~, and shall cooperate with the Virginia Transplant Council to ensure that such method is designed to encourage organ, tissue, and eye donation with a minimum of effort on the part of the donor and the Department.

G. If an applicant ~~designates~~ *indicates* his ~~willingness~~ *consent* to be a donor pursuant to subsection F, the Department may make a notation of this designation on his license or card and shall make a notation of this designation in his driver record. ~~H. The donor designation authorized in subsection G notation shall remain on the individual's license or card until he revokes his consent to make an anatomical gift by requesting removal of the notation from his license or card or otherwise in accordance with § 32.1-291.6. Inclusion of a notation indicating consent to making an organ donation on an applicant's license or card pursuant to this subsection shall be sufficient legal authority for the removal, following death, of the subject's organs or tissues without additional authority from the donor, or his family or estate, in accordance with the provisions of § 32.1-291.8. No family member, guardian, agent named pursuant to an advance directive or person responsible for the decedent's estate shall refuse to honor the donor designation or, in any way, seek to avoid honoring the donor designation.~~

~~I. The donor designation provided pursuant to subsection F may be rescinded by notifying the Department. In addition, the Department shall remove from the driver's license or identification card any donor designation made pursuant to subsection F, if, at the time the applicant renews or replaces the license or identification card, the applicant does not again designate his willingness to be a donor pursuant to subsection F.~~

~~J. H.~~ A minor may make a donor designation pursuant to subsection F without the consent of a parent or legal guardian as authorized by the Revised Uniform Anatomical Gift Act (§ 32.1-291.1 et seq.).

~~K. I.~~ The Department shall provide a method by which an applicant conducting a Department of Motor Vehicles transaction using electronic means may make a voluntary contribution to the Virginia Donor Registry and Public Awareness Fund (Fund) established pursuant to § 32.1-297.1. The Department shall inform the applicant of the existence of the Fund and also that contributing to the Fund is voluntary.

~~L. J.~~ The Department shall collect all moneys contributed pursuant to subsection ~~K~~ I and transmit the moneys on a regular basis to the Virginia Transplant Council, which shall credit the contributions to the Fund.

~~M. K.~~ When requested by the applicant, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's driver's license that the applicant (i) is an insulin-dependent diabetic, (ii) is hearing or speech impaired, or (iii) has an intellectual disability, as defined in § 37.2-100, or autism spectrum disorder, as defined in § 38.2-3418.17.

~~N. L.~~ In the absence of gross negligence or willful misconduct, the Department and its employees shall be immune from any civil or criminal liability in connection with the making of or failure to make a notation of donor designation on any license or card or in any person's driver record.

~~O. Notwithstanding the foregoing provisions of this section, the Department shall continue to use the uniform donor document, as formerly set forth in subsection F, for organ donation designation until such time as a new method is fully implemented, which shall be no later than July 1, 1994. Any such uniform donor document shall, when properly executed, remain valid and shall continue to be subject to all conditions for execution, delivery, amendment, and revocation as set out in Article 2 (§ 32.1-289.2 et seq.) of Chapter 8 of Title 32.1.~~

~~P. M.~~ The Department shall, in coordination with the Virginia Transplant Council, prepare an organ donor information brochure describing the organ donor program and providing instructions for completion of the uniform donor document

information describing the bone marrow donation program and instructions for registration in the National Bone Marrow Registry. The Department shall include a copy of such brochure with every driver's license renewal notice or application mailed to licensed drivers in Virginia.

§ 46.2-345. Issuance of special identification cards; fee; confidentiality; penalties.

A. On the application of any person who is a resident of the Commonwealth or the parent or legal guardian of any such person who is under the age of 15, the Department shall issue a special identification card to the person provided:

1. Application is made on a form prescribed by the Department and includes the applicant's full legal name; year, month, and date of birth; social security number; sex; and residence address;

2. The applicant presents, when required by the Department, proof of identity, legal presence, residency, and social security number or non-work authorized status;

3. The Department is satisfied that the applicant needs an identification card or the applicant shows he has a bona fide need for such a card; and

4. The applicant does not hold a driver's license, commercial driver's license, temporary driver's permit, learner's permit, or motorcycle learner's permit.

Persons 70 years of age or older may exchange a valid Virginia driver's license for a special identification card at no fee. Special identification cards subsequently issued to such persons shall be subject to the regular fees for special identification cards.

B. The fee for the issuance of an original or renewal special identification card is \$5. The fee for the issuance of a duplicate or reissue of a special identification card is \$5. Persons 21 years old or older may be issued a scenic special identification card for an additional fee of \$5.

C. Every special identification card shall expire on the last day of the month of birth of the applicant in years in which the applicant attains an age exactly divisible by five. At no time shall any special identification card be issued for less than three nor more than seven years, except under the provisions of subsection B of § 46.2-328.1 and except that those cards issued to children under the age of 15 shall expire on the child's sixteenth birthday, thereafter the special identification card may be renewed on or before the last day of the month of birth of the applicant and shall be valid for five years, expiring in the next year in which the applicant's age is exactly divisible by five, except under the provisions of subsection B of § 46.2-328.1. Notwithstanding these limitations, the Commissioner may extend the validity period of an expiring card if (i) the Department is unable to process an application for renewal due to circumstances beyond its control, (ii) the extension has been authorized under a directive from the Governor, and (iii) the card was not issued as a temporary special identification card under the provisions of subsection B of § 46.2-328.1. However, in no event shall the validity period be extended more than 90 days per occurrence of such conditions.

D. A special identification card issued under this section may be similar in size, shape, and design to a driver's license, and include a photograph of its holder, but the card shall be readily distinguishable from a driver's license and shall clearly state that it does not authorize the person to whom it is issued to drive a motor vehicle. Every applicant for a special identification card shall appear in person before the Department to apply for a renewal, duplicate or reissue unless specifically permitted by the Department to apply in another manner.

E. Special identification cards, for persons at least 15 years old but less than 21 years old, shall be immediately and readily distinguishable from those issued to persons 21 years old or older. Distinguishing characteristics shall include unique design elements of the document and descriptors within the photograph area to identify persons who are at least 15 years old but less than 21 years old. These descriptors shall include the month, day, and year when the person will become 21 years old.

F. Special identification cards for persons under age 15 shall bear a full face photograph. The special identification card issued to persons under age 15 shall be readily distinguishable from a driver's license and from other special identification cards issued by the Department. Such cards shall clearly indicate that it does not authorize the person to whom it is issued to drive a motor vehicle.

G. Unless otherwise prohibited by law, a valid Virginia driver's license may be surrendered for a special identification card without the applicant's having to present proof of legal presence as required by § 46.2-328.1 if the Virginia driver's license is unexpired and it has not been revoked, suspended, or cancelled. The special identification card shall be considered a reissue and the expiration date shall be the last day of the month of the surrendered driver's license's month of expiration.

H. Any personal information, as identified in § 2.2-3801, which is retained by the Department from an application for the issuance of a special identification card is confidential and shall not be divulged to any person, association, corporation, or organization, public or private, except to the legal guardian or the attorney of the applicant or to a person, association, corporation, or organization nominated in writing by the applicant, his legal guardian, or his attorney. This subsection shall not prevent the Department from furnishing the application or any information thereon to any law-enforcement agency.

I. Any person who uses a false or fictitious name or gives a false or fictitious address in any application for an identification card or knowingly makes a false statement or conceals a material fact or otherwise commits a fraud in any such application shall be guilty of a Class 2 misdemeanor. However, where the name or address is given, or false statement is made, or fact is concealed, or fraud committed, with the intent to purchase a firearm or where the identification card is obtained for the purpose of committing any offense punishable as a felony, a violation of this section shall constitute a Class 4 felony.

J. The Department may promulgate regulations necessary for the effective implementation of the provisions of this section.

K. The Department shall utilize the various communications media throughout the Commonwealth to inform Virginia residents of the provisions of this section and to promote and encourage the public to take advantage of its provisions.

L. The Department shall electronically transmit application information to the Department of State Police, in a format approved by the State Police, for comparison with information contained in the Virginia Criminal Information Network and National Crime Information Center Convicted Sexual Offender Registry Files, at the time of issuance of a special identification card. Whenever it appears from the records of the State Police that a person has failed to comply with the duty to register or reregister pursuant to Chapter 9 (§ 9.1-900 et seq.) of Title 9.1, the State Police shall promptly investigate and, if there is probable cause to believe a violation has occurred, obtain a warrant or assist in obtaining an indictment charging a violation of § 18.2-472.1 in the jurisdiction in which the person made application for the special identification card.

M. When requested by the applicant, the applicant's parent if the applicant is a minor, or the applicant's guardian, and upon presentation of a signed statement by a licensed physician confirming the applicant's condition, the Department shall indicate on the applicant's special identification card that the applicant has any condition listed in subsection ~~M~~ K of § 46.2-342.

CHAPTER 744

An Act to amend and reenact §§ 55-225.9, 55-237.1, 55-248.4, 55-248.5, 55-248.9, 55-248.9:1, 55-248.11:1, 55-248.16, 55-248.18, 55-248.18:2, and 55-248.24 of the Code of Virginia, relating to landlord and tenant laws.

[H 735]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 55-225.9, 55-237.1, 55-248.4, 55-248.5, 55-248.9, 55-248.9:1, 55-248.11:1, 55-248.16, 55-248.18, 55-248.18:2, and 55-248.24 of the Code of Virginia are amended and reenacted as follows:

§ 55-225.9. Relocation of tenant where mold remediation needs to be performed in the dwelling unit.

Where a mold condition in a dwelling unit materially affects the health or safety of any tenant or authorized occupant, the landlord may require the tenant to temporarily vacate the dwelling unit in order for the landlord to perform mold remediation in accordance with professional standards as defined in § 55-225.8 for a period not to exceed 30 days. The landlord shall provide the tenant with either (i) a comparable dwelling unit, as selected by the landlord, at no expense or cost to the tenant, or (ii) a hotel room, as selected by the landlord, at no expense or cost to the tenant. The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation and for the remainder of the term of the rental agreement following the remediation. Nothing in this section shall be construed as entitling the tenant to a termination of a tenancy where or when the landlord has remediated a mold condition in accordance with professional standards as defined in § 55-225.8. The landlord shall pay all costs of the *relocation and the* mold remediation, unless the tenant is at fault for the mold condition.

§ 55-237.1. Authority of sheriffs to store and sell personal property removed from premises; recovery of possession by owner; disposition or sale.

Notwithstanding the provisions of § 8.01-156, when personal property is removed from any leased or rented commercial or residential premises pursuant to an action of unlawful detainer or ejection, or pursuant to any other action in which personal property is removed from the premises in order to restore such premises to the person entitled thereto, the sheriff shall oversee the removal of such personal property to be placed into the public way. The tenant shall have the right to remove his personal property from the public way during the 24-hour period after eviction. Upon the expiration of the 24-hour period after eviction, the landlord shall remove, or dispose of, any such personal property remaining in the public way.

At the landlord's request, any personal property removed pursuant to this section shall be placed into a storage area designated by the landlord, which may be the leased or rented premises. The tenant shall have the right to remove his personal property from the landlord's designated storage area at reasonable times during the 24 hours after eviction from the premises or at such other reasonable times until the landlord has disposed of the property as provided herein. During that 24-hour period and until the landlord disposes of the remaining personal property of the tenant, the landlord and the sheriff shall not have any liability for the loss of such personal property. If the landlord fails to allow reasonable access to the tenant to remove his personal property as provided herein, the tenant shall have a right to injunctive relief and such other relief as may be provided by law.

Any property remaining in the landlord's storage area upon the expiration of the 24-hour period after eviction may be disposed of by the landlord as the landlord sees fit or appropriate. If the landlord receives any funds from any sale of such remaining property, the landlord shall pay such funds to the account of the tenant and apply same to any amounts due the landlord by the tenant, including the reasonable costs incurred by the landlord in the eviction process described in this section or the reasonable costs incurred by the landlord in selling or storing such property. If any funds are remaining after application, the remaining funds shall be treated as security deposit under applicable law.

The notice posted by the sheriff setting the date and time of the eviction, pursuant to § 8.01-470, shall provide notice to the tenant of the rights afforded to tenants in this section and shall include in the notice a copy of this statute attached to, or made a part of, this notice.

Nothing herein shall affect the right of a landlord to enforce an inchoate or perfected lien of the landlord on the personal property of a tenant of any leased or rented commercial or residential premises, or of a landlord to distress, levy, and seize such personal property as otherwise provided by law.

§ 55-248.4. Definitions.

When used in this chapter, unless expressly stated otherwise:

"Action" means recoupment, counterclaim, set off, or other civil suit and any other proceeding in which rights are determined, including without limitation actions for possession, rent, unlawful detainer, unlawful entry, and distress for rent.

"Application deposit" means any refundable deposit of money, however denominated, including all money intended to be used as a security deposit under a rental agreement, or property, which is paid by a tenant to a landlord for the purpose of being considered as a tenant for a dwelling unit.

"Application fee" means any nonrefundable fee, which is paid by a tenant to a landlord or managing agent for the purpose of being considered as a tenant for a dwelling unit. An application fee shall not exceed \$50, exclusive of any actual out-of-pocket expenses paid by the landlord to a third party performing background, credit, or other pre-occupancy checks on the applicant. However, where an application is being made for a dwelling unit which is a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development, an application fee shall not exceed \$32, exclusive of any actual out-of-pocket expenses paid to a third party by the landlord performing background, credit, or other pre-occupancy checks on the applicant.

"Assignment" means the transfer by any tenant of all interests created by a rental agreement.

"Authorized occupant" means a person entitled to occupy a dwelling unit with the consent of the landlord, but who has not signed the rental agreement and therefore does not have the financial obligations as a tenant under the rental agreement.

"Building or housing code" means any law, ordinance or governmental regulation concerning fitness for habitation, or the construction, maintenance, operation, occupancy, use or appearance of any structure or that part of a structure that is used as a home, residence or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

"Commencement date of rental agreement" means the date upon which the tenant is entitled to occupy the dwelling unit as a tenant.

"Dwelling unit" means a structure or part of a structure that is used as a home or residence by one or more persons who maintain a household, including, but not limited to, a manufactured home.

"Effective date of rental agreement" means the date upon which the rental agreement is signed by the landlord and the tenant obligating each party to the terms and conditions of the rental agreement.

"Facility" means something that is built, constructed, installed or established to perform some particular function.

"Good faith" means honesty in fact in the conduct of the transaction concerned.

"Guest or invitee" means a person, other than the tenant or person authorized by the landlord to occupy the premises, who has the permission of the tenant to visit but not to occupy the premises.

"Interior of the dwelling unit" means the inside of the dwelling unit, consisting of interior walls, floor, and ceiling, that enclose the dwelling unit as conditioned space from the outside air.

"Landlord" means the owner, lessor or sublessor of the dwelling unit or the building of which such dwelling unit is a part. "Landlord" also includes a managing agent of the premises who fails to disclose the name of such owner, lessor or sublessor. Such managing agent shall be subject to the provisions of § 16.1-88.03. Landlord shall not, however, include a community land trust as defined in § 55-221.1.

"Managing agent" means a person authorized by the landlord to act on behalf of the landlord under an agreement.

"Mold remediation in accordance with professional standards" means mold remediation of that portion of the dwelling unit or premises affected by mold, or any personal property of the tenant affected by mold, performed consistent with guidance documents published by the United States Environmental Protection Agency, the U.S. Department of Housing and Urban Development, the American Conference of Governmental Industrial Hygienists (the Bioaerosols Manual), Standard Reference Guides of the Institute of Inspection, Cleaning and Restoration for Water Damage Restoration and Professional Mold Remediation, or any protocol for mold remediation prepared by an industrial hygienist consistent with said guidance documents.

"Natural person," wherever the chapter refers to an owner as a "natural person," includes co-owners who are natural persons, either as tenants in common, joint tenants, tenants in partnership, tenants by the entirety, trustees or beneficiaries of a trust, general partnerships, limited liability partnerships, registered limited liability partnerships or limited liability companies, or any lawful combination of natural persons permitted by law.

"Notice" means notice given in writing by either regular mail or hand delivery, with the sender retaining sufficient proof of having given such notice, which may be either a United States postal certificate of mailing or a certificate of service confirming such mailing prepared by the sender. However, a person shall be deemed to have notice of a fact if he has actual knowledge of it, he has received a verbal notice of it, or from all of the facts and circumstances known to him at the time in question, he has reason to know it exists. A person "notifies" or "gives" a notice or notification to another by taking steps reasonably calculated to inform another person whether or not the other person actually comes to know of it. If notice is

given that is not in writing, the person giving the notice has the burden of proof to show that the notice was given to the recipient of the notice.

"Organization" means a corporation, government, governmental subdivision or agency, business trust, estate, trust, partnership or association, two or more persons having a joint or common interest, or any combination thereof, and any other legal or commercial entity.

"Owner" means one or more persons or entities, jointly or severally, in whom is vested:

1. All or part of the legal title to the property, or

2. All or part of the beneficial ownership and a right to present use and enjoyment of the premises, and the term includes a mortgagee in possession.

"Person" means any individual, group of individuals, corporation, partnership, business trust, association or other legal entity, or any combination thereof.

"Premises" means a dwelling unit and the structure of which it is a part and facilities and appurtenances therein and grounds, areas and facilities held out for the use of tenants generally or whose use is promised to the tenant.

"Processing fee for payment of rent with bad check" means the processing fee specified in the rental agreement, not to exceed \$50, assessed by a landlord against a tenant for payment of rent with a check drawn by the tenant on which payment has been refused by the payor bank because the drawer had no account or insufficient funds.

"Readily accessible" means areas within the interior of the dwelling unit available for observation at the time of the move-in inspection that do not require removal of materials, personal property, equipment or similar items.

"Rent" means all money, other than a security deposit, owed or paid to the landlord under the rental agreement, including prepaid rent paid more than one month in advance of the rent due date.

"Rental agreement" or "lease agreement" means all agreements, written or oral, and valid rules and regulations adopted under § 55-248.17 embodying the terms and conditions concerning the use and occupancy of a dwelling unit and premises.

"Rental application" means the written application or similar document used by a landlord to determine if a prospective tenant is qualified to become a tenant of a dwelling unit. A landlord may charge an application fee as provided in this chapter and may request a prospective tenant to provide information that will enable the landlord to make such determination. The landlord may photocopy each applicant's driver's license or other similar photo identification, containing either the applicant's social security number or control number issued by the Department of Motor Vehicles pursuant to § 46.2-342. However, a landlord shall not photocopy a U.S. government-issued identification so long as to do so is a violation of Title 18 U.S.C. Part I, Chapter 33, § 701. The landlord may require that each applicant provide a social security number issued by the U.S. Social Security Administration or an individual taxpayer identification number issued by the U.S. Internal Revenue Service, for the purpose of determining whether each applicant is eligible to become a tenant in the landlord's dwelling unit.

"Roomer" means a person occupying a dwelling unit that lacks a major bathroom or kitchen facility, in a structure where one or more major facilities are used in common by occupants of the dwelling unit and other dwelling units. Major facility in the case of a bathroom means toilet, and either a bath or shower, and in the case of a kitchen means refrigerator, stove, or sink.

"Security deposit" means any refundable deposit of money that is furnished by a tenant to a landlord to secure the performance of the terms and conditions of a rental agreement, as a security for damages to the leased premises, or as a pet deposit. However, such money shall be deemed an application deposit until the commencement date of the rental agreement. Security deposit shall not include a damage insurance policy or renter's insurance policy as those terms are defined in § 55-248.7:2 purchased by a landlord to provide coverage for a tenant.

"Single-family residence" means a structure, other than a multi-family residential structure, maintained and used as a single dwelling unit, *condominium unit*, or any *other* dwelling unit ~~which~~ *that* has direct access to a street or thoroughfare and shares neither heating facilities, hot water equipment, nor any other essential facility or service with any other dwelling unit.

"Sublease" means the transfer by any tenant of any but not all interests created by a rental agreement.

"Tenant" means a person entitled only under the terms of a rental agreement to occupy a dwelling unit to the exclusion of others and shall include roomer. Tenant shall not include (i) an authorized occupant, (ii) a guest or invitee, or (iii) any person who guarantees or cosigns the payment of the financial obligations of a rental agreement but has no right to occupy a dwelling unit.

"Tenant records" means all information, including financial, maintenance, and other records about a tenant or prospective tenant, whether such information is in written or electronic form or other medium. *A tenant may request copies of his tenant records pursuant to § 55-248.9:1.*

"Utility" means electricity, natural gas, water and sewer provided by a public service corporation or such other person providing utility services as permitted under § 56-1.2. If the rental agreement so provides, a landlord may use submetering equipment or energy allocation equipment as defined in § 56-245.2, or a ratio utility billing system as defined in § 55-226.2.

"Visible evidence of mold" means the existence of mold in the dwelling unit that is visible to the naked eye by the landlord or tenant in areas within the interior of the dwelling unit readily accessible at the time of the move-in inspection.

"Written notice" means notice given in accordance with § 55-248.6, including any representation of words, letters, symbols, numbers, or figures, whether (i) printed in or inscribed on a tangible medium or (ii) stored in an electronic form or other medium, retrievable in a perceivable form, and regardless of whether an electronic signature authorized by

Chapter 42.1 (§ 59.1-479 et seq.) of Title 59.1 is affixed. The landlord may, in accordance with a written agreement, delegate to a managing agent or other third party the responsibility of providing any written notice required by this chapter.

§ 55-248.5. Exemptions; exception to exemption; application of chapter to certain occupants.

A. Except as specifically made applicable by § 55-248.21:1, the following conditions are not governed by this chapter:

1. Residence at a public or private institution, if incidental to detention or the provision of medical, geriatric, educational, counseling, religious or similar services;
2. Occupancy under a contract of sale of a dwelling unit or the property of which it is a part, if the occupant is the purchaser or a person who succeeds to his interest;
3. Occupancy by a member of a fraternal or social organization in the portion of a structure operated for the benefit of the organization;
4. Occupancy in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging as provided in subsection B;
5. Occupancy by an employee of a landlord whose right to occupancy is conditioned upon employment in and about the premises or an ex-employee whose occupancy continues less than sixty days;
6. Occupancy by an owner of a condominium unit or a holder of a proprietary lease in a cooperative;
7. Occupancy under a rental agreement covering premises used by the occupant primarily in connection with business, commercial or agricultural purposes;
8. Occupancy in a public housing unit or other housing unit subject to regulation by the Department of Housing and Urban Development where such regulation is inconsistent with this chapter;
9. Occupancy by a tenant who pays no rent;
10. Occupancy in single-family residences *located in Virginia* where the owners are natural persons or their estates who own in their own name no more than two single-family residences subject to a rental agreement; and
11. Occupancy in a campground as defined in § 35.1-1.

B. A guest who is an occupant in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar lodging shall not be construed to be a tenant living in a dwelling unit if such person does not reside in such lodging as his primary residence. Such guest shall be exempt from this chapter and the innkeeper or property owner, or agent thereof, shall have the right to use self-help eviction under Virginia law, without the necessity of the filing of an unlawful detainer action in a court of competent jurisdiction and the execution of a writ of possession issued pursuant thereto, which would otherwise be required under this chapter. For purposes of this chapter, a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging shall be exempt from the provisions of this chapter if overnight sleeping accommodations are furnished to a person for consideration if such person does not reside in such lodging as his primary residence.

C. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging as his primary residence for fewer than 90 consecutive days, such lodging shall not be subject to the provisions of this chapter. However, the owner of such lodging establishment shall give a five-day written notice of nonpayment to a person residing in such lodging and, upon the expiration of the five-day period specified in the notice, may exercise self-help eviction if payment in full has not been received.

D. If a person resides in a hotel, motel, extended stay facility, vacation residential facility, boardinghouse, or similar transient lodging as their primary residence for more than 90 consecutive days or is subject to a written lease for more than 90 days, such lodging shall be subject to the provisions of this chapter.

E. Notwithstanding the provisions of subsection A, the landlord may specifically provide for the applicability of the provisions of this chapter in the rental agreement.

§ 55-248.9. Prohibited provisions in rental agreements.

A. A rental agreement shall not contain provisions that the tenant:

1. Agrees to waive or forego rights or remedies under this chapter;
2. Agrees to waive or ~~forego~~ *forgo* rights or remedies pertaining to the 120-day conversion or rehabilitation notice required in the Condominium Act (§ 55-79.39 et seq.), the Virginia Real Estate Cooperative Act (§ 55-424 et seq.) or Chapter 13 (§ 55-217 et seq.) of this title, *except where the tenant is on a month-to-month lease pursuant to § 55-222;*
3. Authorizes any person to confess judgment on a claim arising out of the rental agreement;
4. Agrees to pay the landlord's attorney's fees except as provided in this chapter;
5. Agrees to the exculpation or limitation of any liability of the landlord to the tenant arising under law or to indemnify the landlord for that liability or the costs connected therewith;
6. Agrees as a condition of tenancy in public housing to a prohibition or restriction of any lawful possession of a firearm within individual dwelling units unless required by federal law or regulation; or
7. Agrees to both the payment of a security deposit and the provision of a bond or commercial insurance policy purchased by the tenant to secure the performance of the terms and conditions of a rental agreement, if the total of the security deposit and the bond or insurance premium exceeds the amount of two months' periodic rent.

B. A provision prohibited by subsection A included in a rental agreement is unenforceable. If a landlord brings an action to enforce any of the prohibited provisions, the tenant may recover actual damages sustained by him and reasonable attorney's fees.

§ 55-248.9:1. Confidentiality of tenant records.

A. No landlord or managing agent shall release information about a tenant or prospective tenant in the possession of the landlord to a third party unless:

1. The tenant or prospective tenant has given prior written consent;
2. The information is a matter of public record as defined in § 2.2-3701;
3. The information is a summary of the tenant's rent payment record, including the amount of the tenant's periodic rent payment;
4. The information is a copy of a material noncompliance notice that has not been remedied or, termination notice given to the tenant under § 55-248.31 and the tenant did not remain in the premises thereafter;
5. The information is requested by a local, state, or federal law-enforcement or public safety official in the performance of his duties;
6. The information is requested pursuant to a subpoena in a civil case;
7. The information is requested by a local commissioner of the revenue in accordance with § 58.1-3901;
8. The information is requested by a contract purchaser of the landlord's property; provided the contract purchaser agrees in writing to maintain the confidentiality of such information;
9. The information is requested by a lender of the landlord for financing or refinancing of the property;
10. The information is requested by the commanding officer, military housing officer, or military attorney of the tenant;
11. The third party is the landlord's attorney *or the landlord's collection agency*;
12. The information is otherwise provided in the case of an emergency; or
13. The information is requested by the landlord to be provided to the managing agent, or a successor to the managing agent.

B. A tenant may designate a third party to receive duplicate copies of a summons that has been issued pursuant to § 8.01-126 and of written notices from the landlord relating to the tenancy. Where such a third party has been designated by the tenant, the landlord shall mail the duplicate copy of any summons issued pursuant to § 8.01-126 or notice to the designated third party at the same time the summons or notice is mailed to or served upon the tenant. Nothing in this subsection shall be construed to grant standing to any third party designated by the tenant to challenge actions of the landlord in which notice was mailed pursuant to this subsection. The failure of the landlord to give notice to a third party designated by the tenant shall not affect the validity of any judgment entered against the tenant.

C. A landlord or managing agent may enter into an agreement with a third-party service provider to maintain tenant records in electronic form or other medium. In such case, the landlord and managing agent shall not be liable under this section in the event of a breach of the electronic data of such third-party service provider, except in the case of gross negligence or intentional act. Nothing herein shall be construed to require a landlord or managing agent to indemnify such third-party service provider.

D. A tenant may request a copy of his tenant records in paper or electronic form. If the rental agreement so provides, a landlord may charge a tenant requesting more than one copy of his records the actual costs of preparing copies of such records. However, if the landlord makes available tenant records to each tenant by electronic portal, the tenant shall not be required to pay for access to such portal.

§ 55-248.11:1. Inspection of premises.

The landlord shall, within five days after occupancy of a dwelling unit, submit a written report to the tenant, for his safekeeping, itemizing damages to the dwelling unit existing at the time of occupancy, which record shall be deemed correct unless the tenant objects thereto in writing within five days after receipt thereof. The landlord may adopt a written policy allowing the tenant to prepare the written report of the move-in inspection, in which case the tenant shall submit a copy to the landlord, which record shall be deemed correct unless the landlord objects thereto in writing within five days after receipt thereof. Such written policy adopted by the landlord may also provide for the landlord and the tenant to prepare the written report of the move-in inspection jointly, in which case both the landlord and the tenant shall sign the written report and receive a copy thereof, at which time the inspection record shall be deemed correct. *If any damages are reflected on the written report, a landlord is not required to make repairs to address such damages unless required to do so under § 55-248.11:2 or 55-248.13.*

§ 55-248.16. Tenant to maintain dwelling unit.

A. In addition to the provisions of the rental agreement, the tenant shall:

1. Comply with all obligations primarily imposed upon tenants by applicable provisions of building and housing codes materially affecting health and safety;
2. Keep that part of the dwelling unit and the part of the premises that he occupies and uses as clean and safe as the condition of the premises permit;
3. Keep that part of the dwelling unit and the part of the premises that he occupies free from insects and pests, as those terms are defined in § 3.2-3900, and to promptly notify the landlord of the existence of any insects or pests;
4. Remove from his dwelling unit all ashes, garbage, rubbish and other waste in a clean and safe manner and in the appropriate receptacles provided by the landlord pursuant to § 55-248.13, if such disposal is on the premises;
5. Keep all plumbing fixtures in the dwelling unit or used by the tenant as clean as their condition permits;
6. Use in a reasonable manner all utilities and all electrical, plumbing, sanitary, heating, ventilating, air-conditioning and other facilities and appliances including elevators in the premises, and keep all utility services paid for by the tenant to the utility service provider or its agent on at all times during the term of the rental agreement;

7. Not deliberately or negligently destroy, deface, damage, impair or remove any part of the premises or permit any person to do so whether known by the tenant or not;

8. Not remove or tamper with a properly functioning smoke detector installed by the landlord, including removing any working batteries, so as to render the detector inoperative and shall maintain the smoke detector in accordance with the uniform set of standards for maintenance of smoke detectors established in the Uniform Statewide Building Code (§ 36-97 et seq.);

9. Not remove or tamper with a properly functioning carbon monoxide alarm installed by the landlord, including removing any working batteries, so as to render the carbon monoxide detector inoperative *and shall maintain the carbon monoxide alarm in accordance with the uniform set of standards for maintenance of carbon monoxide alarms established in the Uniform Statewide Building Code (§ 36-97 et seq.)*;

10. Use reasonable efforts to maintain the dwelling unit and any other part of the premises that he occupies in such a condition as to prevent accumulation of moisture and the growth of mold, and to promptly notify the landlord of any moisture accumulation that occurs or of any visible evidence of mold discovered by the tenant;

11. Not paint or disturb painted surfaces or make alterations in the dwelling unit without the prior written approval of the landlord provided (i) the dwelling unit was constructed prior to 1978 and therefore requires the landlord to provide the tenant with lead-based paint disclosures and (ii) the landlord has provided the tenant with such disclosures and the rental agreement provides that the tenant is required to obtain the landlord's prior written approval before painting, disturbing painted surfaces or making alterations in the dwelling unit;

12. Be responsible for his conduct and the conduct of other persons on the premises with his consent whether known by the tenant or not, to ensure that his neighbors' peaceful enjoyment of the premises will not be disturbed; and

13. Abide by all reasonable rules and regulations imposed by the landlord pursuant to § 55-248.17.

B. If the duty imposed by subdivision 1 of subsection A is greater than any duty imposed by any other subdivision of that subsection, the tenant's duty shall be determined by reference to subdivision 1.

§ 55-248.18. Access; consent; correction of nonemergency conditions; relocation of tenant.

A. The tenant shall not unreasonably withhold consent to the landlord to enter into the dwelling unit in order to inspect the premises, make necessary or agreed repairs, decorations, alterations or improvements, supply necessary or agreed services or exhibit the dwelling unit to prospective or actual purchasers, mortgagees, tenants, workmen or contractors. *If, upon inspection of a dwelling unit during the term of a tenancy, the landlord determines there is a violation by the tenant of § 55-248.16 or the rental agreement materially affecting health and safety that can be remedied by repair, replacement of a damaged item or cleaning in accordance with § 55-248.32, the landlord may make such repairs and send the tenant an invoice for payment. If, upon inspection of the dwelling unit during the term of a tenancy, the landlord discovers a violation of the rental agreement, this chapter, or other applicable law, the landlord may send a written notice of termination pursuant to § 55-248.31. If the rental agreement so provides and if a tenant without reasonable justification declines to permit the landlord or managing agent to exhibit the dwelling unit for sale or lease, the landlord may recover damages, costs, and reasonable attorney fees against such tenant.*

The landlord may enter the dwelling unit without consent of the tenant in case of emergency. The landlord shall not abuse the right of access or use it to harass the tenant. Except in case of emergency or if it is impractical to do so, the landlord shall give the tenant notice of his intent to enter and may enter only at reasonable times. Unless impractical to do so, the landlord shall give the tenant at least 24-hours' notice of routine maintenance to be performed that has not been requested by the tenant. If the tenant makes a request for maintenance, the landlord is not required to provide notice to the tenant.

B. Upon the sole determination by the landlord of the existence of a nonemergency property condition in the dwelling unit that requires the tenant to temporarily vacate the dwelling unit in order for the landlord to properly remedy such property condition, the landlord may, upon at least 30 days' written notice to the tenant, require the tenant to temporarily vacate the dwelling unit for a period not to exceed 30 days to a comparable dwelling unit, as selected by the landlord, and at no expense or cost to the tenant. The landlord and tenant may agree for the tenant to temporarily vacate the dwelling unit in less than 30 days. For purposes of this subsection, "nonemergency property condition" means (i) a condition in the dwelling unit that, in the determination of the landlord, is necessary for the landlord to remedy in order for the landlord to be in compliance with § 55-248.13; (ii) the condition does not need to be remedied within a 24-hour period, with any condition that needs to be remedied within 24 hours being defined as an "emergency condition"; and (iii) the condition can only be effectively remedied by the temporary relocation of the tenant pursuant to the provisions of this subsection.

The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation. The landlord shall pay all costs of repairs or remediation required to address the property condition. Refusal of the tenant to cooperate with a temporary relocation pursuant to this subsection shall be deemed a breach of the rental agreement, unless the tenant agrees to vacate the unit and terminate the rental agreement within the 30-day notice period. If the landlord properly remedies the nonemergency property condition within the 30-day period, nothing herein shall be construed to entitle the tenant to terminate the rental agreement. Further, nothing herein shall be construed to limit the landlord from taking legal action against the tenant for any noncompliance that occurs during the period of any temporary relocation pursuant to this section.

C. The landlord has no other right to access except by court order or that permitted by §§ 55-248.32 and 55-248.33 or if the tenant has abandoned or surrendered the premises.

D. The tenant may install, within the dwelling unit, new burglary prevention, including chain latch devices approved by the landlord, and fire detection devices, that the tenant may believe necessary to ensure his safety, provided:

1. Installation does no permanent damage to any part of the dwelling unit.

2. A duplicate of all keys and instructions of how to operate all devices are given to the landlord.

3. Upon termination of the tenancy the tenant shall be responsible for payment to the landlord for reasonable costs incurred for the removal of all such devices and repairs to all damaged areas.

E. Upon written request of the tenant, the landlord shall install a carbon monoxide alarm in the tenant's dwelling unit within 90 days of such request and may charge the tenant a reasonable fee to recover the costs of such installation. The landlord's installation of a carbon monoxide alarm shall be in compliance with the Uniform Statewide Building Code.

§ 55-248.18:2. Relocation of tenant where mold remediation needs to be performed in the dwelling unit.

Where a mold condition in the dwelling unit materially affects the health or safety of any tenant or authorized occupant, the landlord may require the tenant to temporarily vacate the dwelling unit in order for the landlord to perform mold remediation in accordance with professional standards as defined in § 55-248.4 for a period not to exceed 30 days. The landlord shall provide the tenant with either (i) a comparable dwelling unit, as selected by the landlord, at no expense or cost to the tenant, or (ii) a hotel room, at no expense or cost to the tenant. The tenant shall continue to be responsible for payment of rent under the rental agreement during the period of any temporary relocation and for the remainder of the term of the rental agreement following the remediation. Nothing in this section shall be construed as entitling the tenant to a termination of a tenancy where or when the landlord has remediated a mold condition in accordance with professional standards as defined in § 55-248.4. The landlord shall pay all costs of the *relocation and the* mold remediation, unless the mold is a result of the tenant's failure to comply with § 55-248.16.

§ 55-248.24. Fire or casualty damage.

If the dwelling unit or premises are damaged or destroyed by fire or casualty to an extent that the tenant's enjoyment of the dwelling unit is substantially impaired or required repairs can only be accomplished if the tenant vacates the dwelling unit, either the tenant or the landlord may terminate the rental agreement. The tenant may terminate the rental agreement by vacating the premises and within 14 days thereafter, serve on the landlord a written notice of his intention to terminate the rental agreement, in which case the rental agreement terminates as of the date of vacating; or if continued occupancy is lawful, § 55-226 shall apply.

The landlord may terminate the rental agreement by giving the tenant 14 days' notice of his intention to terminate the rental agreement based upon the landlord's determination that such damage requires the removal of the tenant and the use of the premises is substantially impaired, in which case the rental agreement terminates as of the expiration of the notice period.

If the rental agreement is terminated, the landlord shall return all security deposits in accordance with § 55-248.15:1 and prepaid rent, plus accrued interest, recoverable by law unless the landlord reasonably believes that the tenant, tenant's guests, invitees or authorized occupants were the cause of the damage or casualty, in which case the landlord shall account to the tenant for the security and prepaid rent, plus accrued interest based upon the damage or casualty, *and may recover actual damages sustained pursuant to § 55-248.35*. Accounting for rent in the event of termination or apportionment shall be made as of the date of the casualty.

CHAPTER 745

An Act to amend and reenact § 18.2-60.3 of the Code of Virginia, relating to stalking; penalty.

[H 752]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 18.2-60.3 of the Code of Virginia is amended and reenacted as follows:

§ 18.2-60.3. Stalking; penalty.

A. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor. *If the person contacts or follows or attempts to contact or follow the person at whom the conduct is directed after being given actual notice that the person does not want to be contacted or followed, such actions shall be prima facie evidence that the person intended to place that other person, or reasonably should have known that the other person was placed, in reasonable fear of death, criminal sexual assault, or bodily injury to himself or a family or household member.*

B. Any person who is convicted of a second offense of subsection A occurring within five years of a prior conviction of such an offense when the person was also convicted within the five-year period prior to the instant offense of a violation of (i) § 18.2-51, 18.2-51.2, 18.2-51.6, 18.2-52, or 18.2-57 and the victim of that crime was the same person who is the victim of the stalking activity in the instant conviction, (ii) § 18.2-57.2, or (iii) a protective order, is guilty of a Class 6 felony.

C. Any person convicted of a third or subsequent conviction of subsection A occurring within five years of a conviction for an offense under this section or for a similar offense under the law of any other jurisdiction is guilty of a Class 6 felony.

D. A person may be convicted under this section irrespective of the jurisdiction or jurisdictions within the Commonwealth wherein the conduct described in subsection A occurred, if the person engaged in that conduct on at least one occasion in the jurisdiction where the person is tried. Evidence of any such conduct that occurred outside the Commonwealth may be admissible, if relevant, in any prosecution under this section provided that the prosecution is based upon conduct occurring within the Commonwealth.

E. Upon finding a person guilty under this section, the court shall, in addition to the sentence imposed, issue an order prohibiting contact between the defendant and the victim or the victim's family or household member.

F. The Department of Corrections, sheriff or regional jail director shall give notice prior to the release from a state correctional facility or a local or regional jail of any person incarcerated upon conviction of a violation of this section, to any victim of the offense who, in writing, requests notice, or to any person designated in writing by the victim. The notice shall be given at least 15 days prior to release of a person sentenced to a term of incarceration of more than 30 days or, if the person was sentenced to a term of incarceration of at least 48 hours but no more than 30 days, 24 hours prior to release. If the person escapes, notice shall be given as soon as practicable following the escape. The victim shall keep the Department of Corrections, sheriff or regional jail director informed of the current mailing address and telephone number of the person named in the writing submitted to receive notice.

All information relating to any person who receives or may receive notice under this subsection shall remain confidential and shall not be made available to the person convicted of violating this section.

For purposes of this subsection, "release" includes a release of the offender from a state correctional facility or a local or regional jail (i) upon completion of his term of incarceration or (ii) on probation or parole.

No civil liability shall attach to the Department of Corrections nor to any sheriff or regional jail director or their deputies or employees for a failure to comply with the requirements of this subsection.

G. For purposes of this section:

"Family or household member" has the same meaning as provided in § 16.1-228.

2. That the provisions of this act may result in a net increase in periods of imprisonment or commitment. Pursuant to § 30-19.1:4, the estimated amount of the necessary appropriation is \$0 for periods of imprisonment in state adult correctional facilities and \$0 for periods of commitment to the custody of the Department of Juvenile Justice.

CHAPTER 746

An Act to amend and reenact § 2.2-401.01 of the Code of Virginia, relating to powers and duties of the Secretary of the Commonwealth; creation of a Virginia Indian advisory board.

[H 814]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-401.01 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-401.01. Liaison to Virginia Indian tribes.

A. The Secretary of the Commonwealth shall:

1. Serve as the Governor's liaison to the Virginia Indian tribes; and
2. Report annually on the status of Indian tribes in Virginia.

B. The Secretary of the Commonwealth may establish a Virginia Indian advisory board to assist the Secretary in reviewing applications seeking recognition as a Virginia Indian tribe and to make recommendations to the Secretary, the Governor, and the General Assembly on such applications and other matters relating to recognition as follows:

1. The members of any such board shall be composed of no more than seven members to be appointed by the Secretary as follows: at least three of the members shall be members of Virginia recognized tribes to represent the Virginia Indian community, and one nonlegislative citizen member shall represent the Commonwealth's scholarly community. The Librarian of Virginia, the Director of the Department of Historic Resources, and the Superintendent of Public Instruction, or their designees, shall serve ex officio with voting privileges. Nonlegislative citizen members of any such board shall be citizens of the Commonwealth. Ex officio members shall serve terms coincident with their terms of office. Nonlegislative citizen members shall be appointed for a term of two years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. All members may be reappointed. The Secretary of the Commonwealth shall appoint a chairperson from among the members for a two-year term. Members shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

2. Any such board shall have the following powers and duties:

a. Establish guidance for documentation required to meet the criteria for full recognition of the Virginia Indian tribes that is consistent with the principles and requirements of federal tribal recognition;

b. Establish a process for accepting and reviewing all applications for full tribal recognition;

c. *Appoint and establish a workgroup on tribal recognition composed of nonlegislative citizens at large who have knowledge of Virginia Indian history and current status. Such workgroup (i) may be activated in any year in which an application for full tribal recognition has been submitted and in other years as deemed appropriate by any such board and (ii) shall include at a minimum a genealogist and at least two scholars with recognized familiarity with Virginia Indian tribes. No member of the workgroup shall be associated in any way with the applicant. Members of the workgroup shall be reimbursed for reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825;*

d. *Solicit, accept, use, and dispose of gifts, grants, donations, bequests, or other funds or real or personal property for the purpose of aiding or facilitating the work of the board;*

e. *Make recommendations to the Secretary for full tribal recognition based on the findings of the workgroup and the board; and*

f. *Perform such other duties, functions, and activities as may be necessary to facilitate and implement the objectives of this subsection.*

CHAPTER 747

An Act to amend and reenact § 53.1-234 of the Code of Virginia, relating to method of execution.

[H 815]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 53.1-234 of the Code of Virginia is amended and reenacted as follows:

§ 53.1-234. Transfer of prisoner; how death sentence executed; who to be present.

The clerk of the circuit court in which is pronounced the sentence of death against any person shall, after such judgment becomes final in the circuit court, deliver a certified copy thereof to the Director. Such person so sentenced to death shall be confined prior to the execution of the sentence in a state correctional facility designated by the Director. Prior to the time fixed in the judgment of the court for the execution of the sentence, the Director shall cause the condemned prisoner to be conveyed to the state correctional facility housing the death chamber.

The Director, or the assistants appointed by him, shall at the time named in the sentence, unless a suspension of execution is ordered, cause the prisoner under sentence of death to be electrocuted or injected with a lethal substance, until he is dead. The method of execution shall be chosen by the prisoner. In the event the prisoner refuses to make a choice at least ~~fifteen~~ 15 days prior to the scheduled execution, the method of execution shall be by lethal injection. Execution by lethal injection shall be permitted in accordance with procedures developed by the Department. At the execution there shall be present the Director or an assistant, a physician employed by the Department or his assistant, such other employees of the Department as may be required by the Director and, in addition thereto, at least six citizens who shall not be employees of the Department. In addition, the counsel for the prisoner and a clergyman may be present.

The Director may make and enter into contracts with a pharmacy, as defined in § 54.1-3300, or outsourcing facility, as defined in § 54.1-3401, for the compounding of drugs necessary to carry out an execution by lethal injection. Any such drugs provided to the Department pursuant to the terms of such a contract shall be used only for the purpose of carrying out an execution by lethal injection. The compounding of such drugs pursuant to the terms of such a contract (i) shall not constitute the practice of pharmacy as defined in § 54.1-3300; (ii) is not subject to the jurisdiction of the Board of Pharmacy, the Board of Medicine, or the Department of Health Professions; and (iii) is exempt from the provisions of Chapter 33 (§ 54.1-3300 et seq.) of Title 54.1 and the Drug Control Act (§ 54.1-3400 et seq.). The pharmacy or outsourcing facility providing such drugs to the Department pursuant to the terms of such a contract shall label each such drug with the drug name, its quantity, a projected expiration date for the drug, and a statement that the drug shall be used only by the Department for the purpose of carrying out an execution by lethal injection.

The identities of any pharmacy or outsourcing facility that enters into a contract with the Department for the compounding of drugs necessary to carry out an execution by lethal injection, any officer or employee of such pharmacy or outsourcing facility, and any person or entity used by such pharmacy or outsourcing facility to obtain equipment or substances to facilitate the compounding of such drugs and any information reasonably calculated to lead to the identities of such persons or entities, including their names, residential and office addresses, residential and office telephone numbers, social security numbers, and tax identification numbers, shall be confidential, shall be exempt from the Freedom of Information Act (§ 2.2-3700 et seq.), and shall not be subject to discovery or introduction as evidence in any civil proceeding unless good cause is shown.

CHAPTER 748

An Act to amend and reenact § 2.2-3704.1 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 2.2-3704.2, relating to the Virginia Freedom of Information Act; designation of FOIA officer; posting of FOIA rights and responsibilities.

[H 818]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-3704.1 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 2.2-3704.2 as follows:

§ 2.2-3704.1. Posting of notice of rights and responsibilities by state and local public bodies; assistance by the Freedom of Information Advisory Council.

A. All state public bodies ~~created in the executive branch of state government and~~ subject to the provisions of this chapter ~~and any county or city, and any town with a population of more than 250,~~ shall make available the following information to the public upon request and shall post ~~such information on a link to such information on the homepage of~~ their respective public government websites:

1. A plain English explanation of the rights of a requester under this chapter, the procedures to obtain public records from the public body, and the responsibilities of the public body in complying with this chapter. For purposes of this section, "plain English" means written in nontechnical, readily understandable language using words of common everyday usage and avoiding legal terms and phrases or other terms and words of art whose usage or special meaning primarily is limited to a particular field or profession;

2. Contact information for the ~~person~~ FOIA officer designated by the public body pursuant to § 2.2-3704.2 to (i) assist a requester in making a request for records or (ii) respond to requests for public records;

3. A general description, summary, list, or index of the types of public records maintained by such state public body;

4. A general description, summary, list, or index of any exemptions in law that permit or require such public records to be withheld from release;

5. Any policy the public body has concerning the type of public records it routinely withholds from release as permitted by this chapter or other law; and

6. The following statement: "A public body may make reasonable charges not to exceed its actual cost incurred in accessing, duplicating, supplying, or searching for the requested records. No public body shall impose any extraneous, intermediary, or surplus fees or expenses to recoup the general costs associated with creating or maintaining records or transacting the general business of the public body. Any duplicating fee charged by a public body shall not exceed the actual cost of duplication. All charges for the supplying of requested records shall be estimated in advance at the request of the citizen as set forth in subsection F of § 2.2-3704 of the Code of Virginia."

B. The Freedom of Information Advisory Council, created pursuant to § 30-178, shall assist in the development and implementation of the provisions of subsection A, upon request.

§ 2.2-3704.2. Public bodies to designate FOIA officer.

A. All state public bodies, including state authorities, that are subject to the provisions of this chapter and all local public bodies that are subject to the provisions of this chapter, shall designate and publicly identify one or more Freedom of Information Act officers (FOIA officer) whose responsibility is to serve as a point of contact for members of the public in requesting public records and to coordinate the public body's compliance with the provisions of this chapter.

B. For such state public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available to the public upon request and be posted on the respective public body's website at the time of designation and maintained thereafter on such website for the duration of the designation.

C. For such local public bodies, the name and contact information of the public body's FOIA officer to whom members of the public may direct requests for public records and who will oversee the public body's compliance with the provisions of this chapter shall be made available in a way reasonably calculated to provide notice to the public, including posting at the public body's place of business, posting on its website, or including such information in its publications.

D. For the purposes of this section, local public bodies shall include constitutional officers.

E. Any such FOIA officer shall possess specific knowledge of the provisions of this chapter and be trained at least annually by legal counsel for the public body or the Virginia Freedom of Information Advisory Council.

CHAPTER 749

An Act to amend and reenact §§ 2.2-204 and 62.1-129 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 27 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2738 through 2.2-2743, relating to the Virginia International Trade Corporation.

[H 858]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-204 and 62.1-129 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 27 of Title 2.2 an article numbered 11, consisting of sections numbered 2.2-2738 through 2.2-2743, as follows:

§ 2.2-204. Position established; agencies for which responsible; additional duties.

The position of Secretary of Commerce and Trade (the Secretary) is created. The Secretary shall be responsible to the Governor for the following agencies: Virginia Economic Development Partnership Authority, *Virginia International Trade Corporation*, Virginia Tourism Authority, Department of Labor and Industry, Department of Mines, Minerals and Energy, Virginia Employment Commission, Department of Professional and Occupational Regulation, Department of Housing and Community Development, Department of Small Business and Supplier Diversity, Virginia Housing Development Authority, Virginia Resources Authority, Tobacco Region Revitalization Commission, and Board of Accountancy. The Governor, by executive order, may assign any state executive agency to the Secretary, or reassign any agency listed in this section to another Secretary.

The Secretary shall implement the provisions of the Virginia Biotechnology Research Act (§ 2.2-5500 et seq.).

*Article 11.**Virginia International Trade Corporation.***§ 2.2-2738. Virginia International Trade Corporation; purpose; membership; meetings.**

A. *The Virginia International Trade Corporation (the Corporation) is established in the executive branch of state government. The purpose of the Corporation shall be to promote international trade in the Commonwealth.*

B. *The Corporation shall be governed by a board of directors (the Board) composed of 17 members as follows: the Secretaries of Agriculture and Forestry, Commerce and Trade, Finance, Technology, and Transportation, or their designees, serving ex officio with voting privileges, and 12 nonlegislative citizen members appointed by the Governor, subject to confirmation by the General Assembly. The members appointed by the Governor shall have experience as senior management personnel or leaders in the areas of agriculture, finance, development, international business, manufacturing, and trade with at least two having background and experience specific to agriculture. Ex officio members of the Board shall serve terms coincident with their terms of office. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of six years. Nonlegislative citizen members shall be citizens of the Commonwealth.*

C. *The Board shall elect a chairman and a vice-chairman from among its members. The Secretaries of Agriculture and Forestry, Commerce and Trade, Finance, Technology, and Transportation shall not be eligible to serve as chairman or vice-chairman.*

D. *The Board shall meet at least four times annually and more often if deemed necessary or advisable by the chairman.*

E. *Members of the Board shall receive no compensation for their services but shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.*

§ 2.2-2739. Appointment of Chief Executive Officer.

The Governor, in consultation with the Board, shall appoint a Chief Executive Officer of the Corporation. The Chief Executive Officer shall perform the duties and exercise the functions the Corporation assigns to him. He shall receive a salary for his services to be paid by the Corporation subject to the approval of the Governor. The Chief Executive Officer shall employ or retain such agents or employees subordinate to him as may be necessary to fulfill the duties of the Corporation as conferred upon the Chief Executive Officer. Employees of the Corporation, including the Chief Executive Officer, shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.

§ 2.2-2740. Powers and duties of the Corporation.

The Corporation shall have the power and duty to:

1. *Periodically assess (i) product and services promotion activities with the Virginia Economic Development Partnership Authority and the Department of Agriculture and Consumer Services and (ii) suggestions from relevant industries on ways to increase exports of Virginia products;*

2. *Ensure the preparation and execution of effective international trade development marketing and promotional programs, inclusive of both international export and international import programs when economic benefit accrues to Virginia's economy and businesses;*

3. Make available to businesses across the Commonwealth, in conjunction and cooperation with business trade associations, chambers of commerce, universities, and other public and private groups, international trade development programs and services;

4. Encourage and solicit private sector involvement, support, and funding for international trade development in the Commonwealth;

5. Encourage the coordination of international trade development efforts of public institutions, business associations, chambers of commerce, and private industry and collect and maintain data on the development and utilization of international trade development capabilities;

6. Offer a program for the issuance of international documentation for companies located in the Commonwealth if no federal agency or other regulatory body or issuing entity will provide international documentation in a form deemed necessary for international commerce;

7. Adopt, amend, and repeal bylaws, rules, and regulations, not inconsistent with this article, for the administration and regulation of its affairs, to carry into effect the powers and purposes of the Corporation, and for the conduct of its business;

8. Maintain an office at any place within or without the Commonwealth that it designates;

9. Make and execute contracts and all other instruments and agreements necessary or convenient for the performance of its duties and the exercise of its owners and functions under this article;

10. Employ officers, employees, agents, advisers, and consultants, including without limitation financial advisers and other technical advisers and public accountants, and, the provisions of any other law to the contrary notwithstanding, to determine their duties and compensation without the approval of any other agency or instrumentality;

11. Sell, convey, mortgage, pledge, lease, exchange, transfer, and otherwise dispose of all or any part of its properties and assets;

12. Procure insurance, in amounts and from insurers of its choice, or provide self-insurance, against any loss, cost, or expense in connection with its property, assets, or activities, including insurance or self-insurance against liability for its acts or the acts of its directors, employees, or agents and for the indemnification of the members of its Board and its employees and agents;

13. Establish and revise, amend and repeal, and charge and collect fees and charges in connection with any activities or services of the Corporation;

14. Make grants with any funds of the Corporation available for this purpose;

15. Develop policies and procedures generally applicable to the procurement of goods, services, and construction based on competitive principles;

16. Raise money in the corporate, nonprofit, and nonstate communities to finance the Corporation's activities;

17. Receive and accept from any source aid, grants, and contributions of money, property, labor, or other things of value to be held, used, and applied to carry out the purposes of this article subject to the conditions upon which the aid, grants, or contributions are made;

18. Enter into agreements with any department, agency, or instrumentality of the United States, the Commonwealth, the District of Columbia, or any state for purposes consistent with its mission;

19. Maintain accounts and records as prescribed by the Auditor of Public Accounts, who shall annually audit the accounts of the Corporation; and

20. Do any acts necessary or convenient to the exercise of the powers granted or reasonably implied by this article and not otherwise inconsistent with state law.

§ 2.2-2741. Grants from the Commonwealth.

The Commonwealth may make grants of money or property to the Corporation for the purpose of enabling it to carry out its purposes and for the exercise of its duties. This section shall not be construed to limit any other power the Commonwealth may have to make grants to the Corporation.

§ 2.2-2742. Exemption from taxation.

The Corporation shall be performing an essential governmental function in the exercise of the powers conferred upon it by this article. Accordingly, the Corporation shall not be required to pay any taxes or assessments upon any project or any property or upon any operations of the Corporation or the income therefrom. Agents, lessees, sublessees, or users of tangible personal property owned by or leased to the Corporation also shall not be required to pay any sales or use tax upon such property or the revenue derived therefrom.

§ 2.2-2743. Exemptions from personnel and procurement procedures.

The provisions of the Virginia Public Procurement Act (§ 2.2-4300 et seq.) and the Virginia Personnel Act (§ 2.2-2900 et seq.) shall not apply to the Corporation.

§ 62.1-129. Board of Commissioners; members and officers; Executive Director; agents and employees.

A. All powers, rights, and duties conferred by this chapter, or other provisions of law, upon the Authority shall be exercised by the Board of Commissioners of the Virginia Port Authority, hereinafter referred to as *the Board* or Board of Commissioners. The Board shall consist of the State Treasurer, the Chief Executive Officer of the Virginia Economic Development Partnership, the Chief Executive Officer of the Virginia International Trade Corporation, and 11 members appointed by the Governor, subject to confirmation by the General Assembly, who shall serve at the pleasure of the Governor. The terms of members of the Board of Commissioners appointed or reappointed by the Governor on or after

January 1, 1981, shall be for five years. Any appointment to fill a vacancy shall be for the unexpired term. Members of the Board shall receive their expenses and shall be compensated at the rate provided in § 2.2-2813 for each day spent on business of the Board. No member appointed by the Governor shall be eligible to serve more than two successive terms. A person appointed to fill a vacancy may be appointed to serve two additional terms. Beginning with those members of the Board of Commissioners appointed or reappointed by the Governor on or after January 1, 1981: (i) appointments shall be made by the Governor in such a manner as to ensure the widest possible geographical representation of all parts of the Commonwealth, and (ii) no resident of the Cities of Chesapeake, Hampton, Newport News, Norfolk, Portsmouth, or Virginia Beach shall be eligible for appointment or reappointment to the Board of Commissioners if his appointment or reappointment would increase or maintain the number of members of the Board of Commissioners residing in such cities above the number of five. One of the members appointed or reappointed from the cities previously mentioned in this section shall be a resident of the City of Portsmouth or the City of Chesapeake, one of the members appointed or reappointed shall be a resident of the City of Norfolk or the City of Virginia Beach, one of the members appointed or reappointed shall be a resident of the City of Newport News or the City of Hampton, one of the members appointed or reappointed shall be a resident of Greater Hampton Roads, and one of the members appointed or reappointed shall be a resident of Greater Hampton Roads, but not a resident of any of the above-mentioned cities. Additionally, one member shall be appointed from the City of Richmond or the County of Chesterfield, Hanover, or Henrico to serve as a nonvoting ex officio member representing the Port of Richmond, and one member shall be appointed from the City of Winchester or the County of Clarke, Frederick, or Warren to serve as a nonvoting ex officio member representing the Virginia Inland Port. Of the members appointed by the Governor, all members shall have executive level experience and represent one of the following industries: agriculture, distribution and warehousing, manufacturing, logistics and transportation, mining, marketing, legal, financial, or transportation infrastructure. In addition, the Governor shall appoint at least one member with maritime shipping experience from a list of at least three nominees provided by the Virginia Maritime Association, who shall not be a paid member of the Virginia Maritime Association or have any other conflict of interest with the Virginia Port Authority.

The Board shall elect from its membership a chairman and vice-chairman and may also elect from its membership, or appoint from its staff, a secretary and treasurer and prescribe their powers and duties.

The Board of Commissioners shall appoint the chief executive officer of the Authority, who shall not be a member of the Board, who shall be known as the Executive Director and who shall serve at the pleasure of the Board. The Executive Director's compensation from the Commonwealth shall be fixed by the Board in accordance with law. This compensation shall be established at a level which will enable the Authority to attract and retain a capable Executive Director.

The Board may also appoint from the staff an assistant secretary and an assistant treasurer, who shall, in addition to other duties, discharge such functions of the secretary and treasurer, respectively, as may be directed by the Board.

B. The Board may, at its discretion and from time to time, also form a Maritime Advisory Council, consisting of representatives from the maritime industry, to provide advice and counsel to the Board of Commissioners on all matters associated with the Authority with the exception of the annual budget and personnel matters.

2. That § 2.2-204 of the Code of Virginia, as amended by this act, and §§ 2.2-2738 and 2.2-2739 of the Code of Virginia, as created by this act, shall become effective on December 1, 2016.

3. That §§ 2.2-2740 and 2.2-2741 of the Code of Virginia, as created by this act, and § 62.1-129 of the Code of Virginia, as amended by this act, shall become effective on April 1, 2017.

4. That the initial appointments by the Governor of nonlegislative citizen members to the Virginia International Trade Corporation shall be staggered as follows: seven members for terms of four years and five members for terms of two years.

5. That the Virginia International Trade Corporation (the Corporation) created pursuant to this act shall enter into a Memorandum of Agreement with the Virginia Economic Development Partnership Authority (the Authority) for the Authority to provide administrative and support services for the Corporation until July 1, 2018, or until the Corporation is able to provide such services. Further, the Authority shall transfer as part of the Memorandum of Agreement all portions of its budget currently allocated for trade-related programs, personnel, and costs to the Corporation.

6. That the Virginia International Trade Corporation, as created by this act, shall provide to the General Assembly not later than November 1, 2017, a plan for the establishment of a coalition of organizations providing international trade programs and services in the Commonwealth, including standardized performance measures and organizational structure, to enhance the services required by the first enactment of this act to serve small and medium enterprises (SMEs). Entities that shall be considered by the Virginia International Trade Corporation for inclusion in the coalition of organizations shall include GENEDGE Alliance, the Metropolitan Washington Airports Authority, the Virginia Department of Agriculture and Consumer Services, the Virginia Department of Housing and Community Development, the Virginia Chamber of Commerce and other statewide chambers, the Virginia Manufacturers Association, the Virginia Maritime Association, the Virginia Port Authority, the Virginia Small Business Development Center Network, the U.S. Department of Commerce, the U.S. Export Assistance Centers, the Virginia District Office of the U.S. Small Business Administration, and localities and regional entities providing international trade programs.

7. That the Secretary of Commerce and Trade shall provide to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, not later than September 1, 2016, a proposed budget, a

business plan, and performance metrics that address the structure and duties of and staff support for the Virginia International Trade Corporation (the Corporation) as well as any proposed Memorandum of Agreement between the Corporation and the Virginia Economic Development Partnership Authority (the Authority) for the Authority to provide administrative and support services for the Corporation. The Chairmen of the House Committee on Appropriations and the Senate Committee on Finance shall review the information submitted and provide findings and recommendations to the Secretary of Commerce and Trade on or before December 1, 2016.

8. That the Secretary of Agriculture and Forestry shall provide to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, by November 1, 2017, recommendations regarding the structure and duties of and staff support for the Virginia International Trade Corporation, as created by this act, that would enhance and accelerate export marketing services performed by the Virginia Department of Agriculture and Consumer Services, with consideration given to the possible transfer of such export marketing services into the Virginia International Trade Corporation.

CHAPTER 750

An Act to amend and reenact §§ 22.1-129.1, 22.1-199.4, 22.1-209.1:3, 22.1-227.1, 22.1-253.13:3, and 22.1-253.13:4 of the Code of Virginia, relating to the Board of Education; high school graduation requirements.

[H 895]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-129.1, 22.1-199.4, 22.1-209.1:3, 22.1-227.1, 22.1-253.13:3, and 22.1-253.13:4 of the Code of Virginia are amended and reenacted as follows:

§ 22.1-129.1. Transfer of assistive technology devices.

A. For the purposes of this section:

"Assistive technology device" means any device, including equipment or a product system, which is used to increase, maintain, or improve functional capabilities of a child with a disability. Assistive technology device shall not include surgically implanted medical devices, such as cochlear implants.

"Child with a disability" means the same as that term is defined in § 22.1-213.

"Transfer" means the process by which a school division that has purchased an assistive technology device may sell, lease, donate, or loan the device pursuant to subsection B.

B. An assistive technology device may be transferred to (i) the school division to which a child with a disability transfers from the school division that purchased the device; (ii) a state agency, including the Department for Aging and Rehabilitative Services, that provides services to a child with a disability following the child's graduation with a standard or advanced studies diploma or when a school division ceases to provide special education services for the student; or (iii) the parents of a child with a disability, or the child with a disability if the child with a disability is age 18 or older and has capacity to enter into a contract.

§ 22.1-199.4. At-Risk Student Academic Achievement Program and Fund.

A. From such funds as may be appropriated for such purpose and from such gifts, donations, grants, bequests, and other funds as may be received on its behalf, there is hereby established the At-Risk Student Academic Achievement Program, to be administered by the Board of Education, and a special nonreverting fund within the Department of the Treasury known as the At-Risk Student Academic Achievement Fund, hereafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller, and any moneys remaining in such Fund at the end of the biennium shall not revert to the general fund but shall remain in the Fund. Interest earned on such funds shall remain in the Fund and be credited to it.

The Department of the Treasury shall administer and manage the Fund, subject to the authority of the Board of Education to provide for its disbursement. The Fund shall be disbursed to award noncompetitive grants to public school divisions to implement research-based programs or programs identified as best practices that are designed to (†) improve the academic achievement of at-risk public school students on the Standards of Learning assessments; (††) and decrease the rate of dropout among at-risk public school students; and (†††) increase the number of such students obtaining the advanced studies diploma.

B. The amount of grants and required local matching funds shall be determined as provided in the appropriation act.

Funds received through this Program shall be used to supplement, not supplant, any local funds currently provided for at-risk programs within the school division.

C. The Board may issue guidelines governing the Program as it deems necessary and appropriate.

§ 22.1-209.1:3. Advancement Via Individual Determination (AVID) Programs.

A. With such funds as may be appropriated by the General Assembly for this purpose, local school boards may establish Advancement Via Individual Determination Programs in their respective school divisions to prepare at-risk students enrolled in the secondary grades in the public schools of the school division for post-secondary education eligibility.

B. Any school board adopting the Advancement Via Individual Determination Program shall establish policies and guidelines to ensure compliance with the provisions of this section. Programs established pursuant to subsection A shall include the following components:

1. A procedure for identifying at-risk students enrolled in the secondary grades in the public schools of the school division who demonstrate academic potential, a desire to attend college, and the willingness to pursue a rigorous academic program of study ~~or the advanced studies program~~ leading to eligibility for college admission;
2. A procedure for obtaining participation in or support for the program by the parent, guardian or other person having charge or control of a child engaged in the program;
3. An agreement executed with a two-year or four-year institution of higher education located within or in the proximity of the school division to provide relevant support services including, but not limited to, access to advanced course work, student mentorships and tutorials, and cultural and enrichment experiences;
4. A curriculum developed for intensive, accelerated instruction designed to establish high standards and academic achievement for participating students;
5. An emphasis on college preparation and college awareness, access to advanced level college preparatory courses at the high school level, building self-esteem and the promotion of personal and social responsibility, the availability of support services for students enrolled in the AVID Program, and the development and fostering of a positive attitude toward learning and the advantages of higher education;
6. A low pupil-teacher ratio to promote a high level of interaction between the students and the teacher;
7. A current program of staff development and training in the organizational structure, instructional methods, strategies, and process used in and unique to the AVID Program for all teachers and administrators assigned to the program;
8. Community outreach to build strong school, business, and community partnerships, and to promote parental involvement in the educational process of participating children;
9. Specific, measurable goals and objectives and an evaluation component to determine the program's effectiveness in preparing students participating in the program for college, increasing academic achievement, and lessening the need for remediation of such students who attend college.

C. Upon completion of the initial school year of the Advancement Via Individual Determination Program and at least annually thereafter, each school board implementing such program shall require submission of interim evaluation reports of the program. If funded by an appropriation pursuant to subsection A, each school board having an Advancement Via Individual Determination Program shall report the status, effectiveness, and results of such program no later than November 30 of the year following the completion of the initial school year to the Board of Education, which shall transmit such reports to the Governor and the General Assembly.

§ 22.1-227.1. Career and technical education.

A. The Board of Education shall incorporate into career and technical education the Standards of Learning for mathematics, science, English, and social studies, including history, and other subject areas as may be appropriate. The Board may also authorize, in its regulations for accrediting public schools in Virginia, the substitution of industry certification and state licensure examinations for Standards of Learning assessments for the purpose of awarding ~~verified units of credit~~ for career and technical education courses, where appropriate.

B. The Board shall also develop a plan for increasing the number of students receiving industry certification and state licensure as part of their career and technical education. The plan shall include an annual goal for school divisions. Where there is an accepted national industry certification for career and technical education instructional personnel and programs for automotive technology, such certification shall be mandatory.

C. With such funds as may be appropriated for such purpose, there shall be established, within the Department of Education, a unit of specialists in career and technical education. The unit shall (i) assist in developing and revising local career and technical curriculum to integrate the Standards of Learning, (ii) provide professional development for career and technical instructional personnel to improve the quality of career and technical education, (iii) conduct site visits to the schools providing career and technical education, and (iv) seek the input of business and industry representatives regarding the content and direction of career and technical education programs in the public schools of the Commonwealth.

D. The Board shall develop guidelines for the establishment of High School to Work Partnerships, hereafter referred to as "Partnerships," between public high schools and local businesses to create opportunities for students who may not seek further education after high school to (i) participate in an apprenticeship, internship, or job shadow program in a variety of trades and skilled labor positions or (ii) tour local businesses and meet with owners and employees. These guidelines shall include a model waiver form to be used by high schools and local businesses in connection with Partnership programs to protect both the students and the businesses from liability.

Each local school board may encourage the local school division's career and technical education administrator or his designee to collaborate with the guidance counselor office of each public high school in the Commonwealth to establish Partnerships and to educate the student body about available opportunities.

Students who miss a partial or full day of school while participating in Partnership programs shall not be counted as absent for the purposes of calculating average daily membership, but each local school board shall develop policies and procedures for students to make up missed work and may determine the maximum number of school days per academic year that a student may spend participating in a Partnership program.

§ 22.1-253.13:3. Standard 3. Accreditation, other standards, assessments, and releases from state regulations.

A. The Board of Education shall promulgate regulations establishing standards for accreditation pursuant to the Administrative Process Act (§ 2.2-4000 et seq.), which shall include, but not be limited to, student outcome measures, requirements and guidelines for instructional programs and for the integration of educational technology into such instructional programs, administrative and instructional staffing levels and positions, including staff positions for supporting educational technology, student services, auxiliary education programs such as library and media services, ~~course and credit~~ requirements for graduation from high school, community relations, and the philosophy, goals, and objectives of public education in Virginia.

The Board of Education shall promulgate regulations establishing standards for accreditation of public virtual schools under the authority of the local school board that enroll students full time.

The Board shall review annually the accreditation status of all schools in the Commonwealth. However, the Board may review the accreditation status of a school once every three years if the school has been fully accredited for three consecutive years. Upon such triennial review, the Board shall review the accreditation status of the school for each individual year within that triennial review period. If the Board finds that the school would have been accredited every year of that triennial review period the Board may accredit the school for another three years. The Board shall review the accreditation status of any school that (i) in any individual year within the triennial review period would have failed to achieve full accreditation or (ii) in the previous year has had an adjustment of its boundaries by a school board pursuant to subdivision 4 of § 22.1-79 that affects at least 10 percent of the student population of the school.

Each local school board shall maintain schools that are fully accredited pursuant to the standards for accreditation as prescribed by the Board of Education. Each local school board shall review the accreditation status of all schools in the local school division annually in public session. Within the time specified by the Board of Education, each school board shall submit corrective action plans for any schools within its school division that have been designated as not meeting the standards as approved by the Board.

When the Board of Education has obtained evidence through the school academic review process that the failure of schools within a division to achieve full accreditation status is related to division level failure to implement the Standards of Quality, the Board may require a division level academic review. After the conduct of such review and within the time specified by the Board of Education, each school board shall submit for approval by the Board a corrective action plan, consistent with criteria established by the Board and setting forth specific actions and a schedule designed to ensure that schools within its school division achieve full accreditation status. Such corrective action plans shall be part of the relevant school division's comprehensive plan pursuant to § 22.1-253.13:6.

With such funds as are appropriated or otherwise received for this purpose, the Board shall adopt and implement an academic review process, to be conducted by the Department of Education, to assist schools that are accredited with warning. The Department shall forward a report of each academic review to the relevant local school board, and such school board shall report the results of such academic review and the required annual progress reports in public session. The local school board shall implement any actions identified through the academic review and utilize them for improvement planning.

B. The Superintendent of Public Instruction shall develop and the Board of Education shall approve criteria for determining and recognizing educational performance in the Commonwealth's public school divisions and schools. Such criteria, when approved, shall become an integral part of the accreditation process and shall include student outcome measurements. The Superintendent of Public Instruction shall annually identify to the Board those school divisions and schools that exceed or do not meet the approved criteria. Such identification shall include an analysis of the strengths and weaknesses of public education programs in the various school divisions in Virginia and recommendations to the General Assembly for further enhancing student learning uniformly across the Commonwealth. In recognizing educational performance in the school divisions, the Board shall include consideration of special school division accomplishments, such as numbers of dual enrollments and students in Advanced Placement and International Baccalaureate courses, and participation in academic year Governor's Schools.

The Superintendent of Public Instruction shall assist local school boards in the implementation of action plans for increasing educational performance in those school divisions and schools that are identified as not meeting the approved criteria. The Superintendent of Public Instruction shall monitor the implementation of and report to the Board of Education on the effectiveness of the corrective actions taken to improve the educational performance in such school divisions and schools.

C. With such funds as are available for this purpose, the Board of Education shall prescribe assessment methods to determine the level of achievement of the Standards of Learning objectives by all students. Such assessments shall evaluate knowledge, application of knowledge, critical thinking, and skills related to the Standards of Learning being assessed. The Board shall, with the assistance of independent testing experts, conduct a regular analysis and validation process for these assessments. The Department of Education shall make available to school divisions Standards of Learning assessments typically administered by the middle and high schools by December 1 of the school year in which such assessments are to be administered or when newly developed assessments are available, whichever is later.

The Board shall also provide the option of industry certification and state licensure examinations as a student-selected ~~verified~~ credit.

The Board of Education shall make publicly available such assessments in a timely manner and as soon as practicable following the administration of such tests, so long as the release of such assessments does not compromise test security or

deplete the bank of assessment questions necessary to construct subsequent tests, or limit the ability to test students on demand and provide immediate results in the web-based assessment system.

The Board shall include in the student outcome measures that are required by the Standards for Accreditation end-of-course or end-of-grade assessments for various grade levels and classes, including the completion of the alternative assessments implemented by each local school board, in accordance with the Standards of Learning. These assessments shall include end-of-course or end-of-grade tests for English, mathematics, science, and history and social science and may be integrated to include multiple subject areas.

The Standards of Learning assessments administered to students in grades three through eight shall not exceed (a) reading and mathematics in grades three and four; (b) reading, mathematics, and science in grade five; (c) reading and mathematics in grades six and seven; (d) reading, writing, and mathematics in grade eight; (e) science after the student receives instruction in the grade six science, life science, and physical science Standards of Learning and before the student completes grade eight; and (f) Virginia Studies and Civics and Economics once each at the grade levels deemed appropriate by each local school board.

Each school board shall annually certify that it has provided instruction and administered an alternative assessment, consistent with Board guidelines, to students in grades three through eight in each Standards of Learning subject area in which a Standards of Learning assessment was not administered during the school year. Such guidelines shall (1) incorporate options for age-appropriate, authentic performance assessments and portfolios with rubrics and other methodologies designed to ensure that students are making adequate academic progress in the subject area and that the Standards of Learning content is being taught; (2) permit and encourage integrated assessments that include multiple subject areas; and (3) emphasize collaboration between teachers to administer and substantiate the assessments and the professional development of teachers to enable them to make the best use of alternative assessments.

Local school divisions shall provide targeted mathematics remediation and intervention to students in grades six through eight who show computational deficiencies as demonstrated by their individual performance on any diagnostic test or grade-level Standards of Learning mathematics test that measures non-calculator computational skills.

In addition, to assess the educational progress of students, the Board of Education shall (A) develop appropriate assessments, which may include criterion-referenced tests and other assessment instruments that may be used by classroom teachers; (B) select appropriate industry certification and state licensure examinations; and (C) prescribe and provide measures, which may include nationally normed tests to be used to identify students who score in the bottom quartile at selected grade levels. An annual justification that includes evidence that the student meets the participation criteria defined by the Virginia Department of Education shall be provided for each student considered for the Virginia Grade Level Alternative. Each Individual Education Program team shall review such justification and make the final determination as to whether or not the Virginia Grade Level Alternative is appropriate for the student. The superintendent and the school board chairman shall certify to the Board of Education, as a part of certifying compliance with the Standards of Quality, that there is a justification in the Individual Education Program for every student who takes the Virginia Grade Level Alternative. Compliance with this requirement shall be monitored as a part of the special education monitoring process conducted by the Department of Education. The Board shall report to the Governor and General Assembly in its annual reports pursuant to § 22.1-18 any school division that is not in compliance with this requirement.

The Standards of Learning requirements, including all related assessments, shall be waived for any student awarded a scholarship under the Brown v. Board of Education Scholarship Program, pursuant to § 30-231.2, who is enrolled in a preparation program for a high school equivalency examination approved by the Board of Education or in an adult basic education program or an adult secondary education program to obtain the high school diploma or a high school equivalency certificate.

The Department of Education shall develop processes for informing school divisions of changes in the Standards of Learning.

The Board of Education may adopt special provisions related to the administration and use of any Standards of Learning test or tests in a content area as applied to accreditation ratings for any period during which the Standards of Learning content or assessments in that area are being revised and phased in. Prior to statewide administration of such tests, the Board of Education shall provide notice to local school boards regarding such special provisions.

D. The Board of Education may pursue all available civil remedies pursuant to § 22.1-19.1 or administrative action pursuant to § 22.1-292.1 for breaches in test security and unauthorized alteration of test materials or test results.

The Board may initiate or cause to be initiated a review or investigation of any alleged breach in security, unauthorized alteration, or improper administration of tests, including the exclusion of students from testing who are required to be assessed, by local school board employees responsible for the distribution or administration of the tests.

Records and other information furnished to or prepared by the Board during the conduct of a review or investigation may be withheld pursuant to subdivision 11 of § 2.2-3705.3. However, this section shall not prohibit the disclosure of records to (i) a local school board or division superintendent for the purpose of permitting such board or superintendent to consider or to take personnel action with regard to an employee or (ii) any requester, after the conclusion of a review or investigation, in a form that (a) does not reveal the identity of any person making a complaint or supplying information to the Board on a confidential basis and (b) does not compromise the security of any test mandated by the Board. Any local school board or division superintendent receiving such records or other information shall, upon taking personnel action

against a relevant employee, place copies of such records or information relating to the specific employee in such person's personnel file.

Notwithstanding any other provision of state law, no test or examination authorized by this section, including the Standards of Learning assessments, shall be released or required to be released as minimum competency tests, if, in the judgment of the Board, such release would breach the security of such test or examination or deplete the bank of questions necessary to construct future secure tests.

E. With such funds as may be appropriated, the Board of Education may provide, through an agreement with vendors having the technical capacity and expertise to provide computerized tests and assessments, and test construction, analysis, and security, for (i) web-based computerized tests and assessments, including computer-adaptive Standards of Learning assessments, for the evaluation of student progress during and after remediation and (ii) the development of a remediation item bank directly related to the Standards of Learning.

F. To assess the educational progress of students as individuals and as groups, each local school board shall require the use of Standards of Learning assessments, alternative assessments, and other relevant data, such as industry certification and state licensure examinations, to evaluate student progress and to determine educational performance. Each local school shall require the administration of appropriate assessments to students, which may include criterion-referenced tests and teacher-made tests and shall include the Standards of Learning assessments, the local school board's alternative assessments, and the National Assessment of Educational Progress state-by-state assessment. Each school board shall analyze and report annually, in compliance with any criteria that may be established by the Board of Education, the results from the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, if administered, industry certification examinations, and the Standards of Learning Assessments to the public.

The Board of Education shall not require administration of the Stanford Achievement Test Series, Ninth Edition (Stanford Nine) assessment, except as may be selected to facilitate compliance with the requirements for home instruction pursuant to § 22.1-254.1.

The Board shall include requirements for the reporting of the Standards of Learning assessment scores and averages for each year, regardless of accreditation frequency, as part of the Board's requirements relating to the School Performance Report Card. Such scores shall be disaggregated for each school by student subgroups on the Virginia assessment program as appropriate and shall be reported to the public within three months of their receipt. These reports (i) shall be posted on the portion of the Department of Education's website relating to the School Performance Report Card, in a format and in a manner that allows year-to-year comparisons, and (ii) may include the National Assessment of Educational Progress state-by-state assessment.

G. Each local school division superintendent shall regularly review the division's submission of data and reports required by state and federal law and regulations to ensure that all information is accurate and submitted in a timely fashion. The Superintendent of Public Instruction shall provide a list of the required reports and data to division superintendents annually. The status of compliance with this requirement shall be included in the Board of Education's annual report to the Governor and the General Assembly as required by § 22.1-18.

H. Any school board may request the Board of Education for release from state regulations or, on behalf of one or more of its schools, for approval of an Individual School Accreditation Plan for the evaluation of the performance of one or more of its schools as authorized for certain other schools by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code. Waivers of regulatory requirements may be granted by the Board of Education based on submission of a request from the division superintendent and chairman of the local school board. The Board of Education may grant, for a period up to five years, a waiver of regulatory requirements that are not (i) mandated by state or federal law or (ii) designed to promote health or safety. The school board shall provide in its waiver request a description of how the releases from state regulations are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The Department of Education shall provide (a) guidance to any local school division that requests releases from state regulations and (b) information about opportunities to form partnerships with other agencies or entities to any local school division in which the school or schools granted releases from state regulations have demonstrated improvement in the quality of instruction and the achievement of students.

The Board of Education may also grant local school boards waivers of specific requirements in § 22.1-253.13:2, based on submission of a request from the division superintendent and chairman of the local school board, permitting the local school board to assign instructional personnel to the schools with the greatest needs, so long as the school division employs a sufficient number of personnel divisionwide to meet the total number required by § 22.1-253.13:2 and all pupil/teacher ratios and class size maximums set forth in subsection C of § 22.1-253.13:2 are met. The school board shall provide in its request a description of how the waivers from specific Standards of Quality staffing standards are designed to increase the quality of instruction and improve the achievement of students in the affected school or schools. The waivers may be renewed in up to five-year increments, or revoked, based on student achievement results in the affected school or schools.

§ 22.1-253.13:4. Standard 4. Student achievement and graduation requirements.

A. Each local school board shall award diplomas to all secondary school students, including students who transfer from nonpublic schools or from home instruction, who ~~earn the units of credit~~ *meet the requirements* prescribed by the Board of Education, ~~pass the prescribed tests,~~ and meet such other requirements as may be prescribed by the local school board and approved by the Board of Education. Provisions shall be made to facilitate the transfer and appropriate grade placement of students from other public secondary schools, from nonpublic schools, or from home instruction as outlined in the standards

for accreditation. ~~Course credits earned for online courses taken in the Department of Education's Virtual Virginia program shall transfer to Virginia public schools in accordance with provisions of the~~ *The standards for accreditation shall include provisions relating to the completion of graduation requirements through Virtual Virginia.* Further, reasonable accommodation to meet the requirements for diplomas shall be provided for otherwise qualified students with disabilities as needed.

In addition, each local school board may devise, vis-a-vis the award of diplomas to secondary school students, a mechanism for calculating class rankings that takes into consideration whether the student has taken a required class more than one time and has had any prior earned grade for such required class expunged.

Each local school board shall notify the parents of rising eleventh and twelfth grade students of (i) ~~the number and subject area requirements of standard and verified units of credit required~~ *requirements for graduation pursuant to the standards for accreditation* and (ii) ~~the remaining number and subject area requirements of such units of credit that have yet to be completed by the individual student~~ *requires for graduation.*

B. Students identified as disabled who complete the requirements of their individualized education programs and meet certain requirements prescribed by the Board pursuant to regulations but do not meet the requirements for any named diploma shall be awarded Applied Studies diplomas by local school boards.

Each local school board shall notify the parent of such students with disabilities who have an individualized education program and who fail to meet the *graduation requirements for a standard or advanced studies diploma* of the student's right to a free and appropriate education to age 21, inclusive, pursuant to Article 2 (§ 22.1-213 et seq.) of Chapter 13.

C. Students who have completed a prescribed course of study as defined by the local school board shall be awarded certificates of program completion by local school boards if they are not eligible to receive a Board of Education-approved diploma.

Each local school board shall provide notification of the right to a free public education for students who have not reached 20 years of age on or before August 1 of the school year, pursuant to Chapter 1 (§ 22.1-1 et seq.), to the parent of students who fail to graduate or who have failed to achieve ~~the number of verified units of credit required for graduation requirements~~ as provided in the standards for accreditation. If such student who does not graduate or ~~achieve complete~~ such ~~verified units of credit requirements~~ is a student for whom English is a second language, the local school board shall notify the parent of the student's opportunity for a free public education in accordance with § 22.1-5.

D. In establishing ~~course and credit graduation requirements for a high school diploma~~, the Board shall:

1. *Develop and implement, in consultation with stakeholders representing elementary and secondary education, higher education, and business and industry in the Commonwealth and including parents, policymakers, and community leaders in the Commonwealth, a Profile of a Virginia Graduate that identifies the knowledge and skills that students should attain during high school in order to be successful contributors to the economy of the Commonwealth, giving due consideration to critical thinking, creative thinking, collaboration, communication, and citizenship.*

2. *Emphasize the development of core skill sets in the early years of high school.*

3. *Establish multiple paths toward college and career readiness for students to follow in the later years of high school. Each such pathway shall include opportunities for internships, externships, and credentialing.*

4. Provide for the selection of integrated learning courses meeting the Standards of Learning and approved by the Board to satisfy graduation ~~credit~~ requirements, which shall include Standards of Learning testing, as necessary.

~~2. Establish the requirements for a standard and an advanced studies high school diploma, which shall each include~~
5. *Require students to complete at least one credit course in fine or performing arts or career and technical education and, one credit course in United States and Virginia history. The requirements for a standard high school diploma shall, however, include at least, and two sequential electives elective courses chosen from a concentration of courses selected from a variety of options that may be planned to ensure the completion of a focused sequence of elective courses. Such focused sequence of elective courses shall provide that provides a foundation for further education or training or preparation for employment. The advanced studies diploma shall be the recommended diploma for students pursuing baccalaureate study. Both the standard and the advanced studies diploma shall prepare students for post-secondary education and the career readiness required by the Commonwealth's economy.*

~~Beginning with first-time ninth grade students in the 2013-2014 school year, requirements for the standard diploma shall include a requirement to~~ 6. *Graduation requirements shall include a requirement that students either (i) complete an Advanced Placement, honors, or International Baccalaureate course or (ii) earn a career and technical education credential that has been approved by the Board, except when a career and technical education credential in a particular subject area is not readily available or appropriate or does not adequately measure student competency, in which case the student shall receive satisfactory competency-based instruction in the subject area to satisfy the standard diploma requirements earn credit.* The career and technical education credential, when required, could include the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment.

7. Beginning with first-time ninth grade students in the 2016-2017 school year, ~~requirements for the standard and advanced diplomas shall include a requirement~~ *require students to be trained in emergency first aid, cardiopulmonary resuscitation, and the use of automated external defibrillators, including hands-on practice of the skills necessary to perform cardiopulmonary resuscitation.*

~~The Board shall make~~ 8. *Make provision in its regulations for students with disabilities to earn a standard diploma.*

~~3. Provide, in the requirements to earn a standard or advanced studies diploma, the successful completion of 9. Require students to complete one virtual course. The virtual course, which may be a noncredit-bearing course.~~

~~4. 10. Provide, in the requirements for the verified units of credit stipulated for obtaining the standard or advanced studies diploma, that students completing who complete elective classes into which the Standards of Learning for any required course have been integrated may take and achieve a passing score on the relevant Standards of Learning test for the relevant required course and receive, upon achieving a satisfactory score on the specific Standards of Learning assessment, a verified unit of credit for such elective class that shall be deemed to satisfy the Board's requirement for verified credit for the required course.~~

~~5. 11. Establish a procedure to facilitate the acceleration of students that allows qualified students, with the recommendation of the division superintendent, without completing the 140-hour class, to obtain credit for such class upon demonstration of demonstrating mastery of the course content and objectives. Having received credit for the course, the student shall be permitted to sit for the relevant Standards of Learning assessment and, upon receiving a passing score, shall earn a verified credit on the relevant Standards of Learning assessment. Nothing in this section shall preclude relevant school division personnel from enforcing compulsory attendance in public schools.~~

~~6. 12. Provide for the award of verified units of credit for passing scores on industry certifications, state licensure examinations, and national occupational competency assessments approved by the Board of Education.~~

School boards shall report annually to the Board of Education the number of Board-approved industry certifications obtained, state licensure examinations passed, national occupational competency assessments passed, Virginia workplace readiness skills assessments passed, and the number of career and technical education completers who graduated. These numbers shall be reported as separate categories on the School Performance Report Card.

For the purposes of this subdivision, "career and technical education completer" means a student who has met the requirements for a career and technical concentration or specialization and all requirements for high school graduation or an approved alternative education program.

In addition, the Board may:

a. For the purpose of awarding verified units of credit, approve the use of additional or substitute tests for the correlated Standards of Learning assessment, such as academic achievement tests, industry certifications or state licensure examinations; and

b. Permit students completing career and technical education programs designed to enable such students to pass such industry certification examinations or state licensure examinations to be awarded, upon obtaining satisfactory scores on such industry certification or licensure examinations, the appropriate verified units of credit for one or more career and technical education classes into which relevant Standards of Learning for various classes taught at the same level have been integrated. Such industry certification and state licensure examinations may cover relevant Standards of Learning for various required classes and may, at the discretion of the Board, address some Standards of Learning for several required classes.

~~7. 13. Provide for the waiver of certain graduation requirements (i) upon the Board's initiative or (ii) at the request of a local school board. Such waivers shall be granted only for good cause and shall be considered on a case-by-case basis.~~

~~8. 14. Consider all computer science course credits earned by students to be science course credits, mathematics course credits, or career and technical education credits. The Board of Education shall develop guidelines addressing how computer science courses can satisfy graduation requirements.~~

~~9. 15. Permit local school divisions to waive the requirement for students to receive 140 clock hours of instruction to earn a standard unit of credit upon providing the Board with satisfactory proof, based on Board guidelines, that the students for whom such requirements are waived have learned the content and skills included in the relevant Standards of Learning.~~

E. In the exercise of its authority to recognize exemplary performance by providing for diploma seals:

1. The Board shall develop criteria for recognizing exemplary performance in career and technical education programs by students who have completed the requirements for a Board of Education-approved diploma and shall award seals on the diplomas of students meeting such criteria.

2. The Board shall establish criteria for awarding a diploma seal for advanced mathematics and technology for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) technology courses; (ii) technical writing, reading, and oral communication skills; (iii) technology-related training; and (iv) industry, professional, and trade association national certifications.

3. The Board shall establish criteria for awarding a diploma seal for excellence in civics education and understanding of our state and federal constitutions and the democratic model of government for the Board of Education-approved diplomas. The Board shall consider including criteria for (i) successful completion of history, government, and civics courses, including courses that incorporate character education; (ii) voluntary participation in community service or extracurricular activities that includes the types of activities that shall qualify as community service and the number of hours required; and (iii) related requirements as it deems appropriate.

4. The Board shall establish criteria for awarding a diploma seal of biliteracy to any student who demonstrates proficiency in English and at least one other language for the Board of Education-approved diplomas. The Board shall consider criteria including the student's (i) score on a College Board Advanced Placement foreign language examination, (ii) score on an SAT II Subject Test in a foreign language, (iii) proficiency level on an ACTFL Assessment of Performance

toward Proficiency in Languages (AAPPL) measure or another nationally or internationally recognized language proficiency test, or (iv) cumulative grade point average in a sequence of foreign language courses approved by the Board.

F. The Board shall establish, by regulation, requirements for the award of a general achievement adult high school diploma for those persons who are not subject to the compulsory school attendance requirements of § 22.1-254 and have (i) achieved a passing score on a high school equivalency examination approved by the Board of Education; (ii) successfully completed an education and training program designated by the Board of Education; (iii) earned a Board of Education-approved career and technical education credential such as the successful completion of an industry certification, a state licensure examination, a national occupational competency assessment, or the Virginia workplace readiness skills assessment; and (iv) satisfied other requirements as may be established by the Board for the award of such diploma.

G. (Effective until July 1, 2016) To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, and report high school graduation and dropout data using a formula prescribed by the Board.

The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data.

G. (Effective July 1, 2016) To ensure the uniform assessment of high school graduation rates, the Board shall collect, analyze, report, and make available to the public high school graduation and dropout data using a formula prescribed by the Board.

H. (Effective July 1, 2016) The Board shall also collect, analyze, report, and make available to the public high school graduation and dropout data using a formula that excludes any student who fails to graduate because such student is in the custody of the Department of Corrections, the Department of Juvenile Justice, or local law enforcement. For the purposes of the Standards of Accreditation, the Board shall use the graduation rate required by this subsection.

I. (Effective July 1, 2016) The Board may promulgate such regulations as may be necessary and appropriate for the collection, analysis, and reporting of such data required by subsections G and H.

2. That no later than August 1, 2016, the Board of Education shall notify each local school board of its plan for the implementation of the provisions of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act, which plan shall include provisions by which the Board shall solicit comments from each local school board and from the public on its website for a period of at least 12 months.

3. That the Board of Education shall, in accordance with Chapter 40 (§ 2.2-4000 et seq.) of Title 2.2 of the Code of Virginia, widely solicit and accept public comments relating to the implementation of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act, through the acceptance of public comments on its website and through public hearings to be held throughout the Commonwealth.

4. That the Board of Education shall submit a report on the status of the implementation of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act, to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health no later than December 1, 2016.

5. That no later than December 1, 2017, the Board of Education shall submit to the Registrar of Regulations final regulations to establish graduation requirements pursuant to the provisions of subdivisions D 1, 2, and 3 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act.

6. That the graduation requirements established by the Board of Education pursuant to the provisions of subdivisions D 1, 2, 3, 5, and 6 of § 22.1-253.13:4 of the Code of Virginia, as amended by this act, shall apply to each student who enrolls in high school as (i) a freshman after July 1, 2018; (ii) a sophomore after July 1, 2019; (iii) a junior after July 1, 2020; or (iv) a senior after July 1, 2021.

CHAPTER 751

An Act to amend and reenact §§ 58.1-439.26 and 58.1-439.28 of the Code of Virginia, relating to education improvement scholarships tax credits.

[H 1017]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

**1. That §§ 58.1-439.26 and 58.1-439.28 of the Code of Virginia are amended and reenacted as follows:
§ 58.1-439.26. Tax credit for donations to certain scholarship foundations.**

A. Notwithstanding the provisions of § 30-19.1:11, for taxable years beginning on or after January 1, 2013, but before January 1, 2028, a person shall be eligible to earn a credit against any tax due under Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 in an amount equal to 65 percent of the value of the monetary or marketable securities donation made by the person to a scholarship foundation included on the list published annually by the Department of Education in accordance with the provisions of § 58.1-439.28.

No tax credit shall be allowed under this article if the value of the monetary or marketable securities donation made by an individual is less than \$500. In addition, tax credits shall be issued only for the first \$125,000 in value of donations made by the individual during the taxable year. The maximum aggregate donations of \$125,000 for the taxable year for which tax credits may be issued and the minimum required donation of \$500 shall apply on an individual basis. Such limitation on the

maximum amount of tax credits issued to an individual shall not apply to credits issued to any business entity, including a sole proprietorship.

B. Tax credits shall be issued to persons making monetary or marketable securities donations to scholarship foundations by the Department of Education on a first-come, first-served basis in accordance with procedures established by the Department of Education under the following conditions:

1. The total amount of tax credits that may be issued each fiscal year under this article shall not exceed \$25 million.

2. The amount of the credit shall not exceed the person's tax liability pursuant to Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26, as applicable, for the taxable year for which the credit is claimed. Any credit not usable for the taxable year for which first allowed may be carried over for credit against the taxes imposed upon the person pursuant to Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26, as applicable, in the next five succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

The amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

C. In a form approved by the Department of Education, the person seeking to make a monetary or marketable securities donation to a scholarship foundation or a scholarship foundation on behalf of such person shall request preauthorization for a specified tax credit amount from the Superintendent of Public Instruction. The Department of Education's preauthorization notice shall accompany the monetary or marketable securities donation from the person to the scholarship foundation, which shall, within ~~20~~ 40 days, return the notice to the Department of Education certifying the value and type of donation and date received. Upon receipt and approval by the Department of Education of the preauthorization notice with required supporting documentation and certification of the value and type of the donation by the scholarship foundation, the Superintendent of Public Instruction shall as soon as practicable, and in no case longer than 30 days, issue a tax credit certificate to the person eligible for the tax credit. The person shall attach the tax credit certificate to the applicable tax return filed with the Department of Taxation or the State Corporation Commission, as applicable. The Department of Education shall provide a copy of the tax credit certificate to the scholarship foundation.

Preauthorization notices not acted upon by a donor within 180 days of issuance shall be void. No tax credit shall be approved by the Department of Education for activities that are a part of a person's normal course of business.

§ 58.1-439.28. Guidelines for scholarship foundations.

A. As a condition for qualification by the Department of Education, a scholarship foundation, as defined in § 58.1-439.25 and included on the list published annually by the Department of Education pursuant to this section, shall disburse an amount at least equal to 90 percent of the value of the donations it receives (for which tax credits were issued under this article) during each 12-month period ending on June 30 by the immediately following June 30 for qualified educational expenses through scholarships to eligible students. Tax-credit-derived funds not used for such scholarships may only be used for the administrative expenses of the scholarship foundation. Any scholarship foundation that fails to ~~disburse at least 90 percent of any donated amount within the appropriate one-year period~~ meet such disbursement requirement shall, for the first offense, be required to pay a civil penalty equal to 200 percent of the difference between 90 percent of the ~~donated amount~~ value of the tax-credit-derived donations it received in the applicable 12-month period and the amount that was actually disbursed. Such civil penalty shall be remitted by the scholarship foundation to the Department of Education within 30 days after the end of the one-year period and deposited to the general fund. For a second offense within a five-year period, the scholarship foundation shall be removed from the annual list published pursuant to this section and shall not be entitled to request preauthorization for additional tax credits, nor shall it be entitled to receive and administer additional tax-credit-derived funds for two years. After two years, the scholarship foundation shall be eligible to reapply to be included on the annual list to receive and administer tax-credit derived funds. If a scholarship foundation is authorized to be added to the annual list after such reapplication, the scholarship foundation shall not be considered to have any previous offenses for purposes of this subsection. The required disbursement under this section shall begin with donations received for the period January 1, 2013, through June 30, 2014.

B. By September 30 of each year beginning in ~~2014~~ 2016, the scholarship foundation shall provide the following information to the Department of Education: (i) the total number and value of ~~contributions~~ donations received by the foundation ~~in its most recent fiscal year ended~~ during the 12-month period ending on June 30 of the prior calendar year for which tax credits were issued by the Superintendent of Public Instruction, (ii) the dates when such ~~contributions~~ donations were received, and (iii) the total number and dollar amount of qualified educational expenses scholarships ~~awarded from tax-credit-derived donations and~~ disbursed by the scholarship foundation during ~~its most recent fiscal year ended~~ the 24-month period ending on June 30 of the current calendar year. Any scholarship foundation that fails to provide this report by September 30 shall, for the first offense, be required to pay a \$1,000 civil penalty. Such civil penalty shall be remitted by the scholarship foundation to the Department of Education by November 1 of the same year and deposited to the general fund. For a second offense within a five-year period, the scholarship foundation shall be removed from the annual list published pursuant to this section and shall not be entitled to request preauthorization for additional tax credits, nor shall it be entitled to receive and administer additional tax-credit-derived funds. After two years, the scholarship foundation shall be eligible to reapply to be included on the annual list to receive and administer tax-credit derived funds. If a scholarship

foundation is authorized to be added to the annual list after such reapplication, the scholarship foundation shall not be considered to have any previous offenses for purposes of this subsection.

C. In awarding scholarships from tax-credit-derived funds, the scholarship foundation shall (i) provide scholarships for qualified educational expenses only to students whose family's annual household income is not in excess of 300 percent of the current poverty guidelines or eligible students with a disability, (ii) not limit scholarships to students of one school, and (iii) comply with Title VI of the Civil Rights Act of 1964, as amended. Payment of scholarships from tax-credit-derived funds by the eligible scholarship foundation shall be by individual warrant or check made payable to and mailed to the eligible school that the student's parent or legal guardian indicates. In mailing such scholarship payments, the eligible scholarship foundation shall include a written notice to the eligible school that the source of the scholarship was donations made by persons receiving tax credits for the same pursuant to this article.

D. Scholarship foundations shall ensure that schools selected by students to which tax-credit-derived funds may be paid (i) are in compliance with the Commonwealth's and locality's health and safety laws and codes; (ii) hold a valid occupancy permit as required by the locality; (iii) comply with Title VI of the Civil Rights Act of 1964, as amended; and (iv) are nonpublic schools that comply with nonpublic school accreditation requirements as set forth in § 22.1-19 and administered by the Virginia Council for Private Education or nonpublic schools that maintain an assessment system that annually measures scholarship students' progress in reading and math using a national norm-referenced achievement test, including but not limited to the Stanford Achievement Test, California Achievement Test, and Iowa Test of Basic Skills.

Eligible schools shall compile the results of any national norm-referenced achievement test for each of its students receiving tax-credit-derived scholarships and shall provide the respective parents or legal guardians of such students with a copy of the results on an annual basis, beginning with the first year of testing of the student. Such schools also shall annually provide to the Department of Education for each such student the achievement test results, beginning with the first year of testing of the student, and student information that would allow the Department to aggregate the achievement test results by grade level, gender, family income level, number of years of participation in the scholarship program, and race. Beginning with the third year of testing of each such student and test-related data collection, the Department of Education shall ensure that the achievement test results and associated learning gains are published on the Department of Education's website in accordance with such classifications and in an aggregate form as to prevent the identification of any student. Eligible schools shall annually provide to the Superintendent of Public Instruction graduation rates of its students participating in the scholarship program in a manner consistent with nationally recognized standards. In publishing and disseminating achievement test results and other information, the Superintendent of Public Instruction and the Department of Education shall ensure compliance with all student privacy laws.

E. The aggregate amount of scholarships provided to each student for any single school year by all eligible scholarship foundations from eligible donations shall not exceed the lesser of (i) the actual qualified educational expenses of the student or (ii) 100 percent of the per-pupil amount distributed to the local school division (in which the student resides) as the state's share of the standards of quality costs using the composite index of ability to pay as defined in the general appropriation act.

F. Scholarship foundations shall develop procedures for disbursing scholarships in quarterly or semester payments throughout the school year to ensure scholarships are portable.

G. Scholarship foundations that receive donations of marketable securities for which tax credits were issued under this article shall be required to sell such securities and convert the donation into cash immediately, but in no case more than 421 days after receipt of the donation.

H. Each scholarship foundation with total revenues (including the value of all donations) (i) in excess of \$100,000 for the foundation's most recent *fiscal* year ended shall have an audit or review performed by an independent certified public accountant of the foundation's donations received in such year for which tax credits were issued under this article; or (ii) of \$100,000 or less for the foundation's most recent *fiscal* year ended shall have a compilation performed by an independent certified public accountant of the foundation's donations received in such year for which tax credits were issued under this article. A summary report of the audit, review, or compilation shall be made available to the public and the Department of Education upon request. ~~As an appendix to the report, the scholarship foundation's board of directors shall certify (a) the total number and value of donations per locality received during the foundation's most recent year ended; (b) the total number and dollar amount of qualified educational expenses scholarships disbursed during the foundation's most recent year ended to every (1) student whose family's annual household income was not in excess of 300 percent of the current poverty guidelines or (2) eligible student with a disability; and (c) the percentage of first-time recipients to whom qualified educational expenses scholarships were disbursed in the foundation's most recent year ended.~~

I. The Department of Education shall publish annually on its website a list of each scholarship foundation qualified under this article. Once a foundation has been qualified by the Department of Education, it shall remain qualified until the Department removes the foundation from its annual list. The Department of Education shall remove a foundation from the annual list if it no longer meets the requirements of this article. The Department of Education may periodically require a qualified foundation to submit updated or additional information for purposes of determining whether or not the foundation continues to meet the requirements of this article.

J. Actions of the Superintendent of Public Instruction or the Department of Education relating to the awarding of tax credits under this article and the qualification of scholarship foundations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Decisions of the Superintendent of Public Instruction or the Department of Education shall be final and not subject to review or appeal.

CHAPTER 752

An Act to amend and reenact §§ 24.2-103 and 24.2-115 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-115.2, relating to officers of election; required training.

[H 1030]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-103 and 24.2-115 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-115.2 as follows:

§ 24.2-103. Powers and duties in general.

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training. The State Board shall set the training standards for the officers of election ~~to be fulfilled by the local electoral boards and general registrars. The State Board shall require certification that officers of election have been trained consistent with the training standards set by the Board. Such certification shall be submitted each year prior to the November general election by the local electoral board and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.~~

C. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

E. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

F. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

G. A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

§ 24.2-115. Appointment, qualifications, and terms of officers of election.

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed.

Not less than three competent citizens shall be appointed for each precinct. However, a precinct having more than 4,000 registered voters shall have not less than five officers of election serving for a presidential election, and the electoral board shall appoint additional officers as needed to satisfy this requirement. Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing

the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an even number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

The electoral board shall designate one officer as the chief officer of election and one officer as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political party as the chief officer for the precinct. Notwithstanding any other provision of this section, where representatives for one or both of the two political parties having the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, the electoral board may designate as the chief officer and the assistant chief officer citizens who do not represent any political party. In such case, the electoral board shall provide notice to representatives of both parties at least 10 days prior to the election that it intends to use nonaffiliated officers so that each party shall have the opportunity to provide additional nominations. The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall instruct each chief officer and assistant in his duties not less than three nor more than 30 days before each election. Each electoral board may instruct each officer of election in his duties at an appropriate time or times before each November general election, and shall conduct training of the officers of election ~~consistent with the standards set by the State Board pursuant to subsection B of § 24.2-103. Each electoral board shall certify to the State Board that such training has been conducted every four years as provided by § 24.2-115.2.~~

Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed or as required by law.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board shall inform the political parties of its decision to make such appointments and the party shall file its nominations with the secretary of the electoral board within five business days.

The secretary of the electoral board shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

§ 24.2-115.2. Officers of election; required training.

A. Each officer of election shall receive training consistent with the standards set by the State Board pursuant to § 24.2-103. This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the State Board for this purpose. However, any electoral board and general registrar may instead require that the officers of election complete the online training course provided by the State Board pursuant to subsection B of § 24.2-103. Each officer of election shall receive such training, or complete the online training course, before the first election in which he will be serving as an officer of election. Such requirement shall apply to each term for which the officer of election is appointed.

B. Notwithstanding the provisions of subsection A, each officer of election shall receive additional training or instruction whenever a change to election procedures is made to this title or to regulations that alters the duties or conduct of the officers of election. Such changes shall include changes to voting systems, electronic pollbook equipment or programming, voter identification requirements, and provisional ballot requirements. Such additional training shall be conducted or instruction given promptly after the law or regulation has taken effect, but not less than three days prior to the November general election.

C. Following any training conducted pursuant to this section, the electoral boards shall certify to the State Board that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.

CHAPTER 753

An Act to amend and reenact §§ 33.2-500, 33.2-503, 33.2-504, 46.2-208, 46.2-819, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, and 46.2-819.6 of the Code of Virginia; to amend the Code of Virginia by adding in Chapter 6 of Title 33.2 a section numbered 33.2-615 and by adding in Article 1.1 of Chapter 8 of Title 46.2 sections numbered 46.2-819.8, 46.2-819.9, and 46.2-819.10; and to repeal § 46.2-819.7 of the Code of Virginia, relating to tolling; toll collection procedures, fees, and penalties; period of nonpayment; notice of nonpayment; reciprocity agreements.

[H 1069]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 33.2-500, 33.2-503, 33.2-504, 46.2-208, 46.2-819, 46.2-819.1, 46.2-819.3, 46.2-819.3:1, and 46.2-819.6 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 6 of Title 33.2 a section numbered 33.2-615 and by adding in Article 1.1 of Chapter 8 of Title 46.2 sections numbered 46.2-819.8, 46.2-819.9, and 46.2-819.10 as follows:

§ 33.2-500. Definitions.

As used in this chapter, unless the context requires a different meaning:

"High-occupancy requirement" means the number of persons required to be traveling in a vehicle for the vehicle to use HOT lanes without the payment of a toll. Emergency vehicles, law-enforcement vehicles being used in HOT lanes in the performance of law-enforcement duties, which shall not include the use of such vehicles for commuting to and from the workplace or for any purpose other than responding to an emergency incident, patrolling HOT lanes pursuant to an agreement by a state agency with the HOT lanes operator, or the time-sensitive investigation, active surveillance, or actual pursuit of persons known or suspected to be engaged in or with knowledge of criminal activity, and mass transit vehicles and commuter buses shall meet the high-occupancy requirement for HOT lanes, regardless of the number of occupants in the vehicle.

"High-occupancy toll lanes" or "HOT lanes" means a *highway or* portion of a highway containing one or more travel lanes separated from other lanes that (i) has an electronic toll collection system; (ii) provides for free passage by vehicles that meet the high-occupancy requirement, *including mass transit vehicles and commuter buses*; and (iii) contains a photo-enforcement system for use in such electronic toll collection. HOT lanes shall not be a "toll facility" or "HOV lanes" for the purposes of any other provision of law or regulation.

"High-occupancy vehicle lanes" or "HOV lanes" means a *highway or* portion of a highway containing one or more travel lanes for the travel of high-occupancy vehicles or buses as designated pursuant to § 33.2-501.

"HOT lanes operator" means the operator of the facility containing HOT lanes, which may include the Department of Transportation or some other entity.

"Mass transit vehicles" and "commuter buses" means vehicles providing a scheduled transportation service to the general public. Such vehicles shall comprise nonprofit, publicly or privately owned or operated transportation services, programs, or systems that may be funded pursuant to § 58.1-638.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not ~~mean~~ include a vehicle rental or vehicle leasing company.

"Photo-enforcement system" means a sensor installed in conjunction with a toll collection device to detect the presence of a vehicle that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle's license plate at the time it is detected by the toll collection device.

"Unauthorized vehicle" means a motor vehicle that is restricted from use of the HOT lanes pursuant to subdivision 4 a of § 33.2-503 or does not meet the high-occupancy requirement and indicates with its electronic toll collection device that it meets the applicable high-occupancy requirements.

§ 33.2-503. HOT lanes enforcement.

Any person operating a motor vehicle on designated HOT lanes shall make arrangements with the HOT lanes operator for payment of the required toll prior to entering such HOT lanes. The ~~driver~~ operator of a vehicle who enters the HOT lanes in an unauthorized vehicle, in violation of the conditions for use of such HOT lanes established pursuant to § 33.2-502, without payment of the required toll or without having made arrangements with the HOT lanes operator for payment of the required toll shall have committed a violation of this section, which may be enforced in the following manner:

1. On a form prescribed by the Supreme Court, a summons for ~~civil~~ a violation of this section may be executed by a law-enforcement officer, when such violation is observed by such officer. The form shall contain the option for the ~~driver~~ operator of the vehicle to prepay the unpaid toll and all penalties, administrative fees, and costs.

2. a. A HOT lanes operator shall install and operate, or cause to be installed or operated, a photo-enforcement system at locations where tolls are collected for the use of such HOT lanes.

b. A summons for ~~civil~~ a violation of this section may be executed when such violation is evidenced by information obtained from a photo-enforcement system as defined in this chapter. A certificate, sworn to or affirmed by a technician employed or authorized by the HOT lanes operator, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-enforcement system, shall be prima facie

evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this subdivision 2. Any vehicle rental or vehicle leasing company, if named in a summons, shall be released as a party to the action if it provides to the HOT lanes operator a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a summons shall be issued for the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.).

c. On a form prescribed by the Supreme Court, a summons issued under this subdivision 2 may be executed pursuant to as provided in § 19.2-76.2. Such form shall contain the option for the driver or registered owner or operator to prepay the unpaid toll and all penalties, administrative fees, and costs. ~~HOT lanes operator personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction.~~ Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subdivision e, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

d. No summons may be issued by a HOT lanes operator for a violation of this section unless the HOT lanes operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons. For purposes of this subdivision, "debt collection" means the collection of unpaid tolls and applicable administrative fees by (a) retention of a third-party debt collector or (b) collection practices undertaken by employees of a HOT lanes operator that are materially similar to a third-party debt collector.

~~d. e.~~ The registered owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subdivision 2 that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing and notice of the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subdivision 2 was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to § 33.2-504 and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit with the court at least 14 days prior to the hearing date by the registered owner of the vehicle stating that he was not the driver operator of the vehicle on the date of the violation and providing the legal name and address of the driver operator of the vehicle at the time of the violation, a summons will also be issued to the alleged driver operator of the vehicle at the time of the offense. The affidavit shall constitute prima facie evidence that the person named in the affidavit was driving the vehicle at all the relevant times relating to the matter named in the affidavit.

If the registered owner of the vehicle produces a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the court shall dismiss the summons issued to the registered owner of the vehicle.

3. a. The HOT lanes operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. The operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in a notice or invoice issued by a HOT lanes operator. If paid within 30 60 days of notification, the administrative fee shall not exceed \$25. *The HOT lanes operator shall notify the owner of the vehicle of any unpaid tolls and administrative fees by mailing an invoice pursuant to § 46.2-819.6.*

b. Upon a finding by a court of competent jurisdiction that the driver operator of the vehicle observed by a law-enforcement officer under subdivision 1 or the vehicle described in the summons for ~~civil~~ a violation issued pursuant to evidence obtained by a photo-enforcement system under subdivision 2 was in violation of this section, the court shall impose a civil penalty upon the driver operator of such vehicle issued a summons under subdivision 1, or upon the driver operator or registered owner of such vehicle issued a summons under subdivision 2, payable to the HOT lanes operator as follows: for a first offense, \$50; for a second offense, ~~\$250~~ \$100; for a third offense within a period of two years of the second offense, ~~\$500~~ \$250; and for a fourth and subsequent offense within a period of three years of the second offense, ~~\$1,000~~ \$500, together with, in each case, the unpaid toll, all accrued administrative fees imposed by the HOT lanes operator as authorized by this section, and applicable court costs. The court shall remand penalties, the unpaid toll, and administrative fees assessed for violation of this section to the treasurer or director of finance of the county or city in which the violation occurred for payment to the HOT lanes operator for expenses associated with operation of the HOT lanes and payments against any bonds or other liens issued as a result of the construction of the HOT lanes. No person shall be subject to prosecution under both subdivisions 1 and 2 for actions arising out of the same transaction or occurrence.

c. *Notwithstanding subdivisions a and b, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.*

d. Upon a finding by a court that a ~~person~~ *resident of the Commonwealth* has violated this section, in the event such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall suspend all of the registration certificates and license plates issued for any motor vehicles registered solely in the name of such person and shall not issue any registration certificate or license plate for any other vehicle that such person seeks to register solely in his name until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. *Upon a finding by a court that a nonresident of the Commonwealth has violated this section, in the event that such person fails to pay the required penalties, fees, and costs, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner of the Department of Motor Vehicles that such penalties, fees, and costs have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment.* The HOT lanes operator and the Commissioner of the Department of Motor Vehicles may enter into an agreement whereby the HOT lanes operator may reimburse the Department of Motor Vehicles for its reasonable costs to develop, implement, and maintain this enforcement mechanism, and that specifies that the Commissioner of the Department of Motor Vehicles shall have an obligation to suspend such registration certificates *or to provide notice to such entities in other states* so long as the HOT lanes operator makes the required reimbursements in a timely manner in accordance with the agreement.

~~e.~~ *An action brought under subdivision 1 or 2 shall be commenced within two years of the commission of the offense and shall be considered a traffic infraction.* Except as provided in subdivisions 4 and 5, imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator of a motor vehicle under Title 46.2 and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. *The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of subdivision 1 or 2.*

4. a. The HOT lanes operator may restrict the usage of the HOT lanes to designated vehicle classifications pursuant to an interim or final comprehensive agreement executed pursuant to § 33.2-1808 or 33.2-1809. Notice of any such vehicle classification restrictions shall be provided through the placement of signs or other markers prior to and at all HOT lanes entrances.

b. Any person driving an unauthorized vehicle on the designated HOT lanes is guilty of a traffic infraction, which shall not be a moving violation, and shall be punishable as follows: for a first offense, by a fine of \$125; for a second offense within a period of five years from a first offense, by a fine of \$250; for a third offense within a period of five years from a first offense, by a fine of \$500; and for a fourth and subsequent offense within a period of five years from a first offense, by a fine of \$1,000. *No person shall be subject to prosecution under both this subdivision and subdivision 1 or 2 for actions arising out of the same transaction or occurrence.*

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles, in accordance with § 46.2-383, an abstract of the record of such conviction, which shall become a part of the person's driving record. Notwithstanding the provisions of § 46.2-492, no driver demerit points shall be assessed for any violation of this subdivision, except that persons convicted of a second, third, fourth, or subsequent violation within five years of a first offense shall be assessed three demerit points for each such violation.

5. The ~~driver~~ *operator* of a vehicle who enters the HOT lanes by crossing through any barrier, buffer, or other area separating the HOT lanes from other lanes of travel is guilty of a violation of § 46.2-852, unless the vehicle is a state or local law-enforcement vehicle, firefighting truck, or emergency medical services vehicle used in the performance of its official duties. No person shall be subject to prosecution both under this subdivision and under subdivision 1, 2, or 4 for actions arising out of the same transaction or occurrence.

Upon a conviction under this subdivision, the court shall furnish to the Commissioner of the Department of Motor Vehicles in accordance with § 46.2-383 an abstract of the record of such conviction, which shall become a part of the convicted person's driving record.

6. No person shall be subject to prosecution both under this section and under § 33.2-501, 46.2-819, or 46.2-819.1 for actions arising out of the same transaction or occurrence.

7. Any action under this section shall be brought in the general district court of the county or city in which the violation occurred.

§ 33.2-504. Release of personal information to or by HOT lanes operators; penalty.

A. The HOT lanes operator may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the ~~registered~~ owners of vehicles that use HOT lanes and with the Department of Transportation to obtain any information that is necessary to conduct electronic toll collection and otherwise operate HOT lanes. *Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9.*

No HOT lanes operator shall disclose or release any personal information received from the Department of Motor Vehicles or the Department of Transportation to any third party, except in the issuance of a summons and institution of court proceedings in accordance with § 33.2-503. Information in the possession of a HOT lanes operator under this section shall be exempt from disclosure under the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

B. Information collected by a photo-enforcement system shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-enforcement system shall be used exclusively for the collection of unpaid tolls and shall not be (i) open to the public; (ii) sold or used for sales, solicitation, or marketing purposes; (iii) disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; or (iv) used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of § 33.2-503 or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, or civil penalties. Any entity operating a photo-enforcement system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection constitutes a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

§ 33.2-615. Electronic notification of unpaid tolls.

For the purpose of electronic notification of unpaid tolls, the Department shall request email addresses and personal cell phone numbers from all holders of an account for an electronic toll collection device that is the property of the Commonwealth.

The Department shall electronically notify a holder of an account for an electronic toll collection device that is the property of the Commonwealth of each unpaid toll, within 108 hours of such unpaid toll, (i) when such device is detected by the toll operator or (ii) when such device is not detected by the toll operator but whose vehicle is associated with such account. The Department shall provide a second electronic notification on the eighth day after the unpaid toll. Such notification requirements shall only apply to accounts where the account holder has provided the Department with an email address or cell phone number. Such notification shall be for informational purposes only and the notice, or lack thereof, shall not alter or amend the requirement that an owner or operator pay all required tolls, fines, penalties, and fees.

All toll operators in the Commonwealth shall notify the Department of an unpaid toll on a facility it operates related to an account for an electronic toll collection device that is the property of the Commonwealth within 96 hours of such violation.

§ 46.2-208. Records of Department; when open for inspection; release of privileged information.

A. All records in the office of the Department containing the specific classes of information outlined below shall be considered privileged records:

1. Personal information, including all data defined as "personal information" in § 2.2-3801;
2. Driver information, including all data that relates to driver's license status and driver activity; and
3. Vehicle information, including all descriptive vehicle data and title, registration, and vehicle activity data.

B. The Commissioner shall release such information only under the following conditions:

1. Notwithstanding other provisions of this section, medical data included in personal data shall be released only to a physician, physician assistant, or nurse practitioner as provided in § 46.2-322.

2. Insurance data may be released as specified in §§ 46.2-372, 46.2-380, and 46.2-706.

3. Notwithstanding other provisions of this section, information disclosed or furnished shall be assessed a fee as specified in § 46.2-214.

4. When the person requesting the information is (i) the subject of the information, (ii) the parent or guardian of the subject of the information, (iii) the authorized representative of the subject of the information, or (iv) the owner of the vehicle that is the subject of the information, the Commissioner shall provide him with the requested information and a complete explanation of it. Requests for such information need not be made in writing or in person and may be made orally or by telephone, provided that the Department is satisfied that there is adequate verification of the requester's identity. When so requested in writing by (a) the subject of the information, (b) the parent or guardian of the subject of the information, (c) the authorized representative of the subject of the information, or (d) the owner of the vehicle that is the subject of the information, the Commissioner shall verify and, if necessary, correct the personal information provided and furnish driver and vehicle information in the form of an abstract of the record.

5. On the written request of any insurance carrier, surety, or representative of an insurance carrier or surety, the Commissioner shall furnish such insurance carrier, surety, or representative an abstract of the record of any person subject to the provisions of this title. The abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which he was involved and a report of which is required by § 46.2-372. No such report of any conviction or accident shall be made after 60 months from the date of the conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall not be reported after 60 months from the date that the driver's license or driving privilege has been reinstated. This abstract shall not be admissible in evidence in any court proceedings.

6. On the written request of any business organization or its agent, in the conduct of its business, the Commissioner shall compare personal information supplied by the business organization or agent with that contained in the Department's records and, when the information supplied by the business organization or agent is different from that contained in the Department's records, provide the business organization or agent with correct information as contained in the Department's records. Personal information provided under this subdivision shall be used solely for the purpose of pursuing remedies that require locating an individual.

7. The Commissioner shall provide vehicle information to any business organization or agent on such business' or agent's written request. Disclosures made under this subdivision shall not include any personal information and shall not be subject to the limitations contained in subdivision 6.

8. On the written request of any motor vehicle rental or leasing company or its designated agent, the Commissioner shall (i) compare personal information supplied by the company or agent with that contained in the Department's records and, when the information supplied by the company or agent is different from that contained in the Department's records, provide the company or agent with correct information as contained in the Department's records and (ii) provide the company or agent with driver information in the form of an abstract of any person subject to the provisions of this title. Such abstract shall include any record of any conviction of a violation of any provision of any statute or ordinance relating to the operation or ownership of a motor vehicle or of any injury or damage in which the subject of the abstract was involved and a report of which is required by § 46.2-372. No such abstract shall include any record of any conviction or accident more than 60 months after the date of such conviction or accident unless the Commissioner or court used the conviction or accident as a reason for the suspension or revocation of a driver's license or driving privilege, in which case the revocation or suspension and any conviction or accident pertaining thereto shall cease to be included in such abstract after 60 months from the date on which the driver's license or driving privilege was reinstated. No abstract released under this subdivision shall be admissible in evidence in any court proceedings.

9. On the request of any federal, state, or local governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, the Commissioner shall (i) compare personal information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with that contained in the Department's records and, when the information supplied by the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, is different from that contained in the Department's records, provide the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, with correct information as contained in the Department's records and (ii) provide driver and vehicle information in the form of an abstract of the record showing all convictions, accidents, driver's license suspensions or revocations, and other appropriate information as the governmental entity, local government group self-insurance pool, law-enforcement officer, attorney for the Commonwealth, court, or the authorized agent of any of the foregoing, may require in order to carry out its official functions. The abstract shall be provided free of charge.

10. On request of the driver licensing authority in any other state or foreign country, the Commissioner shall provide whatever classes of information the requesting authority shall require in order to carry out its official functions. The information shall be provided free of charge.

11. On the written request of any employer, prospective employer, or authorized agent of either, and with the written consent of the individual concerned, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide the employer, prospective employer, or agent with driver information in the form of an abstract of an individual's record showing all convictions, accidents, driver's license suspensions or revocations, and any type of driver's license that the individual currently possesses, provided that the individual's position or the position that the individual is being considered for involves the operation of a motor vehicle.

12. On the written request of any member of or applicant for membership in a volunteer fire company or any volunteer emergency medical services personnel or applicant to serve as volunteer emergency medical services personnel, the Commissioner shall (i) compare personal information supplied by the volunteer fire company or volunteer emergency medical services agency with that contained in the Department's records and, when the information supplied by the volunteer fire company or volunteer emergency medical services agency is different from that contained in the Department's records, provide the volunteer fire company or volunteer emergency medical services agency with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the member's, personnel, or applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person is a member of or applicant for membership in a volunteer fire company or a volunteer emergency medical services agency to serve as a member of a volunteer emergency medical services agency and the abstract is needed by a volunteer fire company or volunteer emergency medical services agency to establish the qualifications of the member, volunteer, or applicant to operate equipment owned by the volunteer fire company or volunteer emergency medical services agency.

13. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Big Brothers/Big Sisters of America is different from that contained in the Department's records, provide the Virginia affiliate of Big Brothers/Big Sisters of America with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Big Brothers/Big Sisters of America.

14. On the written request of any person who has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153, the Commissioner shall provide an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided free of charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a court-appointed special advocate program pursuant to § 9.1-153.

15. Upon the request of any employer, prospective employer, or authorized representative of either, the Commissioner shall (i) compare personal information supplied by the employer, prospective employer, or agent with that contained in the Department's records and, when the information supplied by the employer, prospective employer, or agent is different from that contained in the Department's records, provide the employer, prospective employer, or agent with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the driving record of any individual who has been issued a commercial driver's license, provided that the individual's position or the position that the individual is being considered for involves the operation of a commercial motor vehicle. Such abstract shall show all convictions, accidents, license suspensions, revocations, or disqualifications, and any type of driver's license that the individual currently possesses.

16. Upon the receipt of a completed application and payment of applicable processing fees, the Commissioner may enter into an agreement with any governmental authority or business to exchange information specified in this section by electronic or other means.

17. Upon the request of an attorney representing a person in a motor vehicle accident, the Commissioner shall provide vehicle information, including the owner's name and address, to the attorney.

18. Upon the request, in the course of business, of any authorized representative of an insurance company or of any not-for-profit entity organized to prevent and detect insurance fraud, or perform rating and underwriting activities, the Commissioner shall provide to such person (i) all vehicle information, including the owner's name and address, descriptive data and title, registration, and vehicle activity data as requested or (ii) all driver information including name, license number and classification, date of birth, and address information for each driver under the age of 22 licensed in the Commonwealth of Virginia meeting the request criteria designated by such person, with such request criteria consisting of driver's license number or address information. No such information shall be used for solicitation of sales, marketing, or other commercial purposes.

19. Upon the request of an officer authorized to issue criminal warrants, for the purpose of issuing a warrant for arrest for unlawful disposal of trash or refuse in violation of § 33.2-802 the Commissioner shall provide vehicle information, including the owner's name and address.

20. Upon written request of the compliance agent of a private security services business, as defined in § 9.1-138, which is licensed by the Department of Criminal Justice Services, the Commissioner shall provide the name and address of the owner of the vehicle under procedures determined by the Commissioner.

21. Upon the request of the operator of a toll facility or traffic light photo-monitoring system acting on behalf of a government entity, or of the Dulles Access Highway, or an authorized agent or employee of a toll facility operator or traffic light photo-monitoring system operator acting on behalf of a government entity or the Dulles Access Highway, for the purpose of obtaining vehicle owner data under subsection E M of § 46.2-819.1 or subsection H of § 15.2-968.1 or subsection N of § 46.2-819.5. Information released pursuant to this subdivision shall be limited to the name and address of the registered owner of the vehicle having failed to pay a toll or having failed to comply with a traffic light signal or having improperly used the Dulles Access Highway and the vehicle information, including all descriptive vehicle data and title and registration data of the same vehicle.

22. On the written request of any person who has applied to be a volunteer with a Virginia affiliate of Compeer, the Commissioner shall (i) compare personal information supplied by a Virginia affiliate of Compeer with that contained in the Department's records and, when the information supplied by a Virginia affiliate of Compeer is different from that contained in the Department's records, provide the Virginia affiliate of Compeer with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with a Virginia affiliate of Compeer.

23. Upon the request of the Department of Environmental Quality for the purpose of obtaining vehicle owner data in connection with enforcement actions involving on-road testing of motor vehicles, pursuant to § 46.2-1178.1.

24. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the American Red Cross with that contained in the Department's records and, when the information supplied by a Virginia chapter of the American Red Cross is different from that contained in the Department's records, provide the Virginia chapter of the American Red Cross with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the American Red Cross.

25. On the written request of any person who has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol, the Commissioner shall (i) compare personal information supplied by a Virginia chapter of the Civil Air Patrol with that contained in the Department's records and, when the information supplied by a Virginia chapter of the Civil Air Patrol is different from that contained in the Department's records, provide the Virginia chapter of the Civil Air Patrol with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with a Virginia chapter of the Civil Air Patrol.

26. On the written request of any person who has applied to be a volunteer vehicle operator with Faith in Action, the Commissioner shall (i) compare personal information supplied by Faith in Action with that contained in the Department's records and, when the information supplied by Faith in Action is different from that contained in the Department's records, provide Faith in Action with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer vehicle operator with Faith in Action.

27. On the written request of the surviving spouse or child of a deceased person or the executor or administrator of a deceased person's estate, the Department shall, if the deceased person had been issued a driver's license or special identification card by the Department, supply the requestor with a hard copy image of any photograph of the deceased person kept in the Department's records.

28. On the written request of any person who has applied to be a volunteer with a Virginia Council of the Girl Scouts of the USA, the Commissioner shall (i) compare personal information supplied by a Virginia Council of the Girl Scouts of the USA with that contained in the Department's records and, when the information supplied by a Virginia Council of the Girl Scouts of the USA is different from that contained in the Department's records, provide a Virginia Council of the Girl Scouts of the USA with correct information as contained in the Department's records and (ii) provide driver information in the form of an abstract of the applicant's record showing all convictions, accidents, license suspensions or revocations, and any type of driver's license that the individual currently possesses. Such abstract shall be provided at a fee that is one-half the normal charge if the request is accompanied by appropriate written evidence that the person has applied to be a volunteer with the Virginia Council of the Girl Scouts of the USA.

C. Whenever the Commissioner issues an order to suspend or revoke the driver's license or driving privilege of any individual, he may notify the National Driver Register Service operated by the United States Department of Transportation and any similar national driver information system and provide whatever classes of information the authority may require.

D. Accident reports may be inspected under the provisions of §§ 46.2-379 and 46.2-380.

E. Whenever the Commissioner takes any licensing action pursuant to the provisions of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), he may provide information to the Commercial Driver License Information System, or any similar national commercial driver information system, regarding such action.

F. In addition to the foregoing provisions of this section, vehicle information may also be inspected under the provisions of §§ 46.2-633, 46.2-644.02, 46.2-644.03, and §§ 46.2-1200.1 through 46.2-1237.

G. The Department may promulgate regulations to govern the means by which personal, vehicle, and driver information is requested and disseminated.

H. Driving records of any person accused of an offense involving the operation of a motor vehicle shall be provided by the Commissioner upon request to any person acting as counsel for the accused. If such counsel is from the public defender's office or has been appointed by the court, such records shall be provided free of charge.

I. The Department shall maintain the records of persons convicted of violations of § 18.2-36.2, subsection B of § 29.1-738, and §§ 29.1-738.02, 29.1-738.2, and 29.1-738.4 which shall be forwarded by every general district court or circuit court or the clerk thereof, pursuant to § 46.2-383. Such records shall be electronically available to any law-enforcement officer as provided for under clause (ii) of subdivision B 9.

J. Whenever the Commissioner issues a certificate of title for a motor vehicle, he may notify the National Motor Vehicle Title Information System, or any other nationally recognized system providing similar information, or any entity contracted to collect information for such system, and may provide whatever classes of information are required by such system.

Article 1.1.

Toll Violations and Enforcement.

§ 46.2-819. Use of toll facility without payment of toll; circumstances to be considered in assessing penalty.

Except for those permitted free use of toll facilities under § 33.2-613, it ~~shall be~~ *is* unlawful for the ~~driver~~ *operator* of a motor vehicle to use a toll facility without payment of the specified toll.

However, in considering the case of anyone accused of violating this section, the court shall take into consideration (i) except for lanes equipped for payment of tolls through an automatic vehicle identification system, whether the toll booth or collection facility at which the defendant failed to pay the toll was manned at the time; (ii) whether the defendant was required to pay the toll with the exact amount in change; (iii) whether the defendant had *the exact* change to make the payment; and (iv) whether the defendant had been afforded appropriate advance notice, by signs or other means, that he would be required to pay a toll and pay it with the exact change. No person shall be subject to both prosecution under this section and to the provisions of § 46.2-819.1 or § 46.2-819.3 for actions arising out of the same transaction or occurrence.

§ 46.2-819.1. Installation and use of photo-monitoring system or automatic vehicle identification system in conjunction with electronic or manual toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle leasing company.

"Photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a photo-monitoring system or automatic vehicle identification system, or both, at locations where tolls are collected for the use of such toll facility. The operator of a toll facility shall send an invoice or bill for unpaid tolls to the ~~registered~~ owner of a vehicle as part of an electronic or manual toll collection process; *pursuant to § 46.2-819.6* prior to seeking remedies under this section.

~~B.~~ C. Information collected by a photo-monitoring system or automatic vehicle identification system installed and operated pursuant to subsection ~~A~~ *B* shall be limited exclusively to that information that is necessary for the collection of unpaid tolls. Notwithstanding any other provision of law, all photographs, microphotographs, electronic images, or other data collected by a photo-monitoring system or automatic vehicle identification system shall be used exclusively for the collection of unpaid tolls and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a photo-monitoring system or automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee may be levied upon the operator of the vehicle after the first unpaid toll has been documented. The operator of the vehicle shall pay the unpaid toll and any administrative fee detailed in an invoice for the unpaid toll issued by a toll facility operator. If paid within ~~30~~ *60* days of notification, the administrative fee shall not exceed \$25.

~~C.~~ D. If the matter proceeds to court, the ~~registered~~ owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a photo-monitoring system or

automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

~~D. G.~~ Any action under this section shall be brought in the ~~General District Court~~ general district court of the ~~city or county or city~~ in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E. H.~~ Proof of a violation of this section shall be evidenced by information obtained from a photo-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a photo-monitoring system, or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the ~~Virginia~~ Department of Transportation.

~~F. It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection K was operated in violation of this section.~~

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to this subsection, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to this subsection ~~K~~ was in violation of this section, the court shall impose a civil penalty upon the ~~registered~~ owner or operator of such vehicle in accordance with the amounts specified in subsection ~~E~~ D, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court ~~which that~~ adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court ~~which that~~ adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The ~~registered~~ owner of such vehicle shall be given reasonable notice by way of a summons as provided in this subsection ~~K~~ that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense. The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the ~~registered~~ owner of the vehicle, and the court shall dismiss upon such motion.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to this subsection was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to § 46.2-208 and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon either (i) the filing of an affidavit with the toll facility operator within 14 days of receipt of an invoice for an unpaid toll from the toll facility operator or (ii) the filing of an affidavit with the court at least 14 days prior to the hearing date by the ~~registered~~ owner of the vehicle stating that he was not the ~~driver~~ operator of the vehicle on the date of the

violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice and/or summons, as appropriate, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the ~~registered~~ owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the ~~registered~~ owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll and, if a summons has been issued, the court shall dismiss the summons issued to the ~~registered~~ owner of the vehicle.

~~G. J.~~ Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense *or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment.* If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection ~~F I~~ as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person *or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment.* Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account *or, in the case of an action initiated by an operator of a toll facility other than the Virginia Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.* The Commissioner shall collect a \$40 administrative fee from the ~~registered~~ owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

~~H.~~ For purposes of this section, "operator of a toll facility other than the Virginia Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company; "photo-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section; "automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

~~I. K.~~ Any vehicle rental or vehicle leasing company, if it receives an invoice or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or at least 14 days prior to the date of hearing set forth in the summons. Upon receipt of such rental agreement, lease, or affidavit, a notice shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

~~J. L.~~ Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.

~~K.~~ On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed pursuant to § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department of Motor Vehicles or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection F, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

~~L.~~ *M.* The operator of a toll facility may enter into an agreement with the Department of Motor Vehicles, in accordance with the provisions of subdivision B 21 of subsection B of § 46.2-208, to obtain vehicle owner information regarding the registered owners of vehicles that fail to pay tolls required for the use of toll facilities and with the Virginia Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. *Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9.* Information provided to the operator of a toll facility shall only be used for the collection of unpaid tolls and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection B C.

~~M.~~ *N.* No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3. Use of toll facility without payment of toll; enforcement; penalty.

A. For purposes of this section:

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not include a vehicle rental or vehicle leasing company.

B. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied on a first unpaid toll unless the written promise to pay executed pursuant to subsection E F remains unpaid after 30 days. The person who executed the written promise to pay pursuant to subsection E F shall pay the unpaid toll and any administrative fee detailed in an invoice or bill issued by a toll facility operator. If paid within ~~30~~ 60 days of notification, the administrative fee shall not exceed \$25.

~~B.~~ *C.* If the matter proceeds to court, the owner or operator of the vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500 plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator and applicable court costs if the vehicle operator is found, as evidenced by information obtained from the toll facility operator, to have used such a toll facility without payment of the required toll.

D. Notwithstanding subsections B and C, for a first conviction of an operator or owner of a vehicle under this section, the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

E. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

~~C.~~ *F.* A written promise to pay an unpaid toll within a specified period of time executed by the ~~driver~~ operator of a motor vehicle, accompanied by a certificate sworn to or affirmed by an authorized agent of the toll facility that the unpaid toll was not paid within such specified period, shall be prima facie evidence of the facts contained therein.

~~D.~~ *G.* The operator of a toll facility ~~may~~ shall send an invoice or bill to the ~~driver~~ owner of a motor vehicle using a toll facility without payment of the specified toll as part of an electronic or manual toll collection process pursuant to § 46.2-819.6, prior to seeking remedies under this section. Any action under this section shall be brought in the general district court of the ~~city or county or city~~ in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such an action shall be considered a traffic infraction but shall be tried as a civil case. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E.~~ *H.* Upon a finding by a court of competent jurisdiction that the ~~driver~~ operator of a motor vehicle identified in the summons issued pursuant to subsection I J was in violation of this section, the court shall impose a civil penalty upon the ~~driver~~ operator of a motor vehicle in accordance with the amounts specified in subsection B C, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the

~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court ~~which that~~ adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court ~~which that~~ adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

~~F. I.~~ The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of *not more than* \$25 for a first or second offense or *not more than* \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the ~~registered~~ owner of the vehicle, and the court shall dismiss upon such motion.

J. A summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the operator of a motor vehicle as shown on the written promise to pay executed pursuant to subsection F or records of the Department of Motor Vehicles. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this subsection, the summons shall be executed in the manner set out in § 19.2-76.3.

~~G. K.~~ Upon a finding by a court that a person has three or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by the offender *or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement. Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment.* The Commissioner shall collect a \$40 administrative fee from the owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

~~H.~~ For purposes of this section, "operator of a toll facility other than the Virginia Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

~~F. L.~~ Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.

~~J. A summons for a violation of this section may be executed pursuant to § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons for a violation of this section may be executed by mailing by first-class mail a copy thereof to the address of the driver of a motor vehicle as shown on the written promise to pay executed pursuant to subsection C or records of the Department of Motor Vehicles. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.~~

~~K. M.~~ No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.3:1. Installation and use of video-monitoring system and automatic vehicle identification system in conjunction with all-electronic toll facilities; penalty.

A. For purposes of this section:

"Automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

"Automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility.

"Debt collection" means the collection of unpaid tolls and applicable administrative fees by (i) retention of a third-party debt collector or (ii) collection practices undertaken by employees of a toll facility operator that are materially similar to a third-party debt collector.

"Operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle.

"Operator of a toll facility other than the Department of Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility.

"Owner" means the registered owner of a vehicle on record with the Department of Motor Vehicles or with the equivalent agency in another state. "Owner" does not mean a vehicle rental or vehicle leasing company.

"Video-monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section.

B. The operator of any toll facility or the locality within which such toll facility is located may install and operate or cause to be installed and operated a video-monitoring system in conjunction with an automatic vehicle identification system on facilities for which tolls are collected for the use of such toll facility and that do not offer manual toll collection. A video-monitoring system shall include, but not be limited to, electronic systems that monitor and capture images of vehicles using a toll facility to enable toll collection for vehicles that do not pay using a toll collection device. The operator of a toll facility shall send an invoice for unpaid tolls in accordance with the requirements of § 46.2-819.6 to the ~~registered~~ owner of a vehicle as part of a video-monitoring toll collection process, prior to seeking remedies under this section.

~~B.~~ C. Information collected by a video-monitoring system in conjunction with an automatic vehicle identification system installed and operated pursuant to subsection ~~A~~ B shall be limited exclusively to that information that is necessary for the collection of unpaid tolls and establishing when violations occur, including use in any proceeding to determine whether a violation occurred. Notwithstanding any other provision of law, all images or other data collected by a video-monitoring system in conjunction with an automatic vehicle identification system shall be protected in a database with security comparable to that of the Department of Motor Vehicles' system and used exclusively for the collection of unpaid tolls and for efforts to pursue violators of this section and shall not (i) be open to the public; (ii) be sold and/or used for sales, solicitation, or marketing purposes other than those of the toll facility operator to facilitate toll payment; (iii) be disclosed to any other entity except as may be necessary for the collection of unpaid tolls or to a vehicle owner or operator as part of a challenge to the imposition of a toll; and/or (iv) be used in a court in a pending action or proceeding unless the action or proceeding relates to a violation of this section or upon order from a court of competent jurisdiction. Except as provided above, information collected under this section shall be purged and not retained later than 30 days after the collection and reconciliation of any unpaid tolls, administrative fees, and/or civil penalties. Any entity operating a video-monitoring system in conjunction with an automatic vehicle identification system shall annually certify compliance with this section and make all records pertaining to such system available for inspection and audit by the Commissioner of Highways or the Commissioner of the Department of Motor Vehicles or their designee. Any violation of this subsection shall constitute a Class 1 misdemeanor. In addition to any fines or other penalties provided for by law, any money or other thing of value obtained as a result of a violation of this section shall be forfeited to the Commonwealth.

If a vehicle uses a toll facility without paying the toll, the owner or operator shall be in violation of this section if he refuses to pay the toll within 30 days of notification. The toll facility operator may impose and collect an administrative fee in addition to the unpaid toll so as to recover the expenses of collecting the unpaid toll, which administrative fee shall be reasonably related to the actual cost of collecting the unpaid toll and not exceed \$100 per violation. Such fee shall not be levied upon the owner or operator of the vehicle unless the toll has not been paid by the owner or operator within 30 days after receipt of the invoice for the unpaid toll, which nonpayment for 30 days shall constitute the violation of this section. Once such a violation has occurred, the owner or operator of the vehicle shall pay the unpaid tolls and any administrative fee detailed in the invoice for the unpaid toll issued by a toll facility operator. If paid within ~~30~~ 60 days of the toll violation, the administrative fee shall not exceed \$25.

The toll facility operator may levy charges for the direct cost of use of and processing for a video-monitoring system and to cover the cost of the invoice, which are in addition to the toll and may not exceed double the amount of the base toll, provided that potential toll facility users are provided notice before entering the facility by conspicuous signs that clearly indicate that the toll for use of the facility could be tripled for any vehicle that does not have an active, functioning automatic vehicle identification device registered for and in use in the vehicle using the toll facility, and such signs are posted at a location where the ~~driver~~ operator can still choose to avoid the use of the toll facility if he chooses not to pay the toll.

A person receiving an invoice for an unpaid toll under this section may (a) pay the toll and administrative fees directly to the toll facility operator or (b) file with the toll facility operator a notice, on a form provided by the toll facility operator as required under subsection B of § 46.2-819.6, to contest liability for a toll violation. The notice to contest liability for a toll violation may be filed by any person receiving an invoice for an unpaid toll by mailing or delivering the notice to the toll facility operator within 60 days of receiving such invoice for an unpaid toll. Upon receipt of such notice, the toll facility operator may issue a summons pursuant to subsection ~~K~~ I and may not seek withholding of registration or renewal thereof under subsection ~~G~~ L until a court of competent jurisdiction has found the alleged violator liable for tolls under this section.

~~C.~~ D. If the matter proceeds to court, the ~~registered~~ owner or operator of a vehicle shall be liable for a civil penalty as follows: for a first offense, \$50; for a second offense within one year from the first offense, \$100; for a third offense within two years from the second offense, \$250; and for a fourth and any subsequent offense within three years from the second offense, \$500; plus, in each case, the unpaid toll, all accrued administrative fees imposed by the toll facility operator, and applicable court costs if the vehicle is found, as evidenced by information obtained from a video-monitoring system in conjunction with an automatic vehicle identification system as provided in this section, to have used such a toll facility without payment of the required toll within 30 days of receipt of the invoice for the toll.

E. Notwithstanding subsections C and D, for a first conviction of an operator or owner of a vehicle under this section the total amount for the first conviction shall not exceed \$2,200, including civil penalties and administrative fees regardless of the total number of offenses the operator or owner of a vehicle is convicted of on that date.

F. No summons may be issued by a toll facility operator for a violation of this section unless the toll facility operator can demonstrate that (i) there was an attempt to collect the unpaid tolls and applicable administrative fees through debt collection not less than 30 days prior to issuance of the summons and (ii) 120 days have elapsed since the unpaid toll or, in a summons for multiple violations, 120 days have elapsed since the most recent unpaid toll noticed on the summons.

~~D. G.~~ Any action under this section shall be brought in the general district court of the ~~city or~~ county or city in which the toll facility is located and shall be commenced within two years of the commission of the offense. Such action shall be considered a traffic infraction ~~but shall be tried as a civil case~~. The attorney for the Commonwealth may represent the interests of the toll facility operator. Any authorized agent or employee of a toll facility operator acting on behalf of a governmental entity shall be allowed the privileges accorded by § 16.1-88.03 in such cases.

~~E. H.~~ Proof of a violation of this section shall be evidenced by information obtained from a video-monitoring system or automatic vehicle identification system as provided in this section. A certificate, sworn to or affirmed by a technician employed or authorized by the operator of a toll facility or by the locality wherein the toll facility is located, or a facsimile of such a certificate, based on inspection of photographs, microphotographs, videotapes, or other recorded images produced by a video-monitoring system or of electronic data collected by an automatic vehicle identification system, shall be prima facie evidence of the facts contained therein. Any photographs, microphotographs, videotape, or other recorded images or electronic data evidencing such a violation shall be available for inspection in any proceeding to adjudicate the liability for such violation under this section. A record of communication by an automatic vehicle identification device with the automatic vehicle identification system at the time of a violation of this section shall be prima facie evidence that the automatic vehicle identification device was located in the vehicle registered to use such device in the records of the ~~Virginia~~ Department of Transportation.

~~F. It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection K was operated in violation of this section.~~

I. On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed as provided in § 19.2-76.2. A summons for a violation of this section may set forth multiple violations occurring within one jurisdiction. Notwithstanding the provisions of § 19.2-76, a summons for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner or, if the owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection J, such named operator of the vehicle. Such summons shall be signed either originally or by electronic signature. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

J. Upon a finding by a court of competent jurisdiction that the vehicle described in the summons issued pursuant to subsection ~~K~~ *I* was in violation of this section, the court shall impose a civil penalty upon the ~~registered~~ owner or operator of such vehicle in accordance with the amounts specified in subsection ~~C~~ *D*, together with applicable court costs, the operator's administrative fee, and the toll due. Penalties assessed as the result of action initiated by the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account. Penalties assessed as the result of action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation shall be remanded by the clerk of the court that adjudicated the action to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator.

The ~~registered~~ owner of such vehicle shall be given reasonable notice by way of a summons as provided in subsection ~~K~~ *I* that his vehicle had been used in violation of this section, and such owner shall be given notice of the time and place of the hearing as well as the civil penalty and costs for such offense.

It shall be prima facie evidence that the vehicle described in the summons issued pursuant to subsection I was operated in violation of this section. Records obtained from the Department of Motor Vehicles pursuant to subsection P and certified in accordance with § 46.2-215 or from the equivalent agency in another state and certified as true and correct copies by the head of such agency or his designee identifying the owner of such vehicle shall give rise to a rebuttable presumption that the owner of the vehicle is the person named in the summons.

Upon the filing of an affidavit by the ~~registered~~ owner of the vehicle with the toll facility operator within 14 days of receipt of an invoice for unpaid toll or a summons stating that such owner was not the ~~driver~~ operator of the vehicle on the date of the violation and providing the legal name and address of the operator of the vehicle at the time of the violation, an invoice for unpaid toll or summons, whichever the case may be, will also be issued to the alleged operator of the vehicle at the time of the offense.

In any action against a vehicle operator, an affidavit made by the ~~registered~~ owner providing the name and address of the vehicle operator at the time of the violation shall constitute prima facie evidence that the person named in the affidavit was operating the vehicle at all the relevant times relating to the matter named in the affidavit.

If the ~~registered~~ owner of the vehicle produces for the toll facility operator or the court a certified copy of a police report showing that the vehicle had been reported to the police as stolen prior to the time of the alleged offense and

remained stolen at the time of the alleged offense, then the toll facility operator shall not pursue the owner for the unpaid toll contained in the invoice for unpaid toll or the court shall dismiss the summons issued to the ~~registered~~ owner of the vehicle.

~~G~~ ~~H~~ ~~I~~ ~~J~~ ~~K~~. Upon a finding by a court that a person has two or more unpaid tolls and such person fails to pay the required penalties, fees, and unpaid tolls, then the court or toll facility operator shall notify the Commissioner of the Department of Motor Vehicles, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for the vehicle driven in the commission of the offense *or, when the vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement*, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. *Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment.* If it is proven that the vehicle owner was not the operator at the time of the offense and upon a finding by a court that the person identified in an affidavit pursuant to subsection ~~F~~ ~~J~~ as the operator violated this section and such person fails to pay the required penalties, fees, and unpaid tolls, the court shall notify the Commissioner, who shall refuse to issue or renew any vehicle registration certificate of any applicant or the license plate issued for any vehicle owned or co-owned by such person *or, when such vehicle is registered in a state with which the Commonwealth has entered into an agreement to enforce tolling violations pursuant to § 46.2-819.9, who shall provide to the entity authorized to issue vehicle registration certificates or license plates in the state in which the vehicle is registered sufficient evidence of the court's finding to take action against the vehicle registration certificate or license plates in accordance with the terms of the agreement*, until the court has notified the Commissioner that such penalties, fees, and unpaid tolls have been paid. *Upon receipt of such notification from the court, the Commissioner of the Department of Motor Vehicles shall notify the state where the vehicle is registered of such payment.* Such funds representing payment of unpaid tolls and all administrative fees of the toll facility operator shall be transferred from the court to the ~~Virginia~~ Department of Transportation's Toll Facilities Revolving Account or, in the case of an action initiated by an operator of a toll facility other than the ~~Virginia~~ Department of Transportation, to the treasurer or director of finance of the county or city in which the violation occurred for payment to the toll facility operator. The Commissioner shall collect a \$40 administrative fee from the ~~registered~~ owner or operator of the vehicle to defray the cost of processing and removing an order to deny registration or registration renewal.

~~2~~ ~~L~~. If an owner of a vehicle has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and has (i) failed to pay the unpaid tolls and administrative fees and (ii) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew the vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle driven in the commission of the offense until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

If the vehicle owner was not the operator at the time of the offense and the person identified in an affidavit pursuant to subsection ~~F~~ ~~J~~ as the operator has received at least one invoice for two or more unpaid tolls in accordance with § 46.2-819.6 by certified mail and such person has ~~(i)~~ (a) failed to pay the unpaid tolls and administrative fees and ~~(ii)~~ (b) failed to file a notice to contest liability for a toll violation, then the toll facility operator may notify the Commissioner, who shall, if no form contesting liability has been timely filed with the toll facility operator pursuant to this section, refuse to issue or renew any vehicle registration certificate of any applicant therefor or the license plate issued for any vehicle owned or co-owned by such person until the toll facility operator has notified the Commissioner that such fees and unpaid tolls have been paid.

The Commissioner may only refuse to issue or renew any vehicle registration pursuant to this subsection upon the request of a toll facility operator if such toll facility operator has entered into an agreement with the Commissioner whereby the Commissioner will refuse to issue or renew any vehicle registration of any applicant therefor who owes unpaid tolls and administrative fees to the toll facility operator. The toll facility operator seeking to collect unpaid tolls and administrative fees through the withholding of registration or renewal thereof by the Commissioner as provided for in this subsection shall notify the Commissioner in the manner provided for in his agreement with the Commissioner and supply to the Commissioner information necessary to identify the violator whose registration or renewal is to be denied. The Commissioner shall charge a \$40 fee to defray the cost of processing and withholding the registration or registration renewal, and the toll facility operator may add this fee to the amount of the unpaid tolls and administrative fees. Any agreement entered into pursuant to the provisions of this subsection shall provide for the Department to send the violator notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration and such notice shall include a form, as required under subsection B of § 46.2-819.6, to contest liability of the underlying toll violation. The notice provided by the Commissioner shall include instructions for filing the form to contest liability with the toll facility operator within 21 days after the date of mailing of the Commissioner's notice. Upon timely receipt of the form, the toll facility operator shall notify the Commissioner, who shall refrain from withholding the registration or renewal thereof, after which the toll facility operator may proceed to issue a summons for unpaid toll. For the purposes of this subsection, notice by first-class mail to the registrant's address as maintained in the records of the Department shall be deemed sufficient.

~~H~~. For purposes of this section, "operator" means a person who was driving a vehicle that was the subject of a toll violation but who is not the owner of the vehicle; "operator of a toll facility other than the Virginia Department of

"Transportation" means any agency, political subdivision, authority, or other entity that operates a toll facility; "owner" means the registered owner of a vehicle on record with the Department or, in the case of a vehicle where the owner of the vehicle is a vehicle leasing entity, the lessee. For purposes of this section, "owner" does not mean a vehicle rental or vehicle leasing company; "video monitoring system" means a vehicle sensor installed to work in conjunction with a toll collection device that automatically produces one or more photographs, one or more microphotographs, a videotape, or other recorded images of each vehicle at the time it is used or operated in violation of this section; "automatic vehicle identification system" means an electronic vehicle identification system installed to work in conjunction with a toll collection device that automatically produces an electronic record of each vehicle equipped with an automatic vehicle identification device that uses a toll facility; and "automatic vehicle identification device" means an electronic device that communicates by wireless transmission with an automatic vehicle identification system.

~~F. M.~~ Any vehicle rental or vehicle leasing company, if it receives an invoice for unpaid toll or is named in a summons, shall be released as a party to the action if it provides the operator of the toll facility a copy of the vehicle rental agreement or lease or an affidavit identifying the renter or lessee within 30 days of receipt of the invoice or summons. Upon receipt of such rental agreement, lease, or affidavit, an invoice for unpaid toll shall be mailed to the renter or lessee identified therein. Release of this information shall not be deemed a violation of any provision of the Government Data Collection and Dissemination Practices Act (§ 2.2-3800 et seq.) or the Insurance Information and Privacy Protection Act (§ 38.2-600 et seq.). The toll facility operator shall allow at least 30 days from the date of such mailing before pursuing other remedies under this section. In any action against the vehicle operator, a copy of the vehicle rental agreement, lease, or affidavit identifying the renter or lessee of the vehicle at the time of the violation is prima facie evidence that the person named in the rental agreement, lease, or affidavit was operating the vehicle at all the relevant times relating to the matter named in the summons.

~~J. N.~~ Imposition of a civil penalty pursuant to this section shall not be deemed a conviction as an operator and shall not be made part of the driving record of the person upon whom such civil penalty is imposed, nor shall it be used for insurance purposes in the provision of motor vehicle insurance coverage. The provisions of § 46.2-395 shall not be applicable to any civil penalty, fee, unpaid toll, fine, or cost imposed or ordered paid under this section for a violation of this section.

~~K.~~ On a form prescribed by the Supreme Court, a summons for a violation of this section may be executed pursuant to § 19.2-76.2. Toll facility personnel or their agents mailing such summons shall be considered conservators of the peace for the sole and limited purpose of mailing such summons. Notwithstanding the provisions of § 19.2-76, a summons or summonses for a violation of unpaid tolls may be executed by mailing by first-class mail a copy thereof to the address of the owner of the vehicle as shown on the records of the Department or, if the registered owner has named and provided a valid address for the operator of the vehicle at the time of the violation in an affidavit executed pursuant to subsection F, such named operator of the vehicle. If the summoned person fails to appear on the date of return set out in the summons mailed pursuant to this section, the summons shall be executed in the manner set out in § 19.2-76.3.

~~L. O.~~ The toll facility operator may offer to the owner an option to pay the unpaid toll and fees plus a reduced civil penalty of \$25 for a first or second offense or \$50 for a third, fourth, or subsequent offense, as specified on the summons, provided the owner actually pays to the toll facility operator the entire amount so calculated at least 14 days prior to the hearing date specified on the summons. If the owner accepts such offer and such amount is actually received by the toll facility operator at least 14 days prior to the hearing date specified on the summons, the toll facility operator shall move the court at least five business days prior to the date set for trial to dismiss the summons issued to the ~~registered~~ owner of the vehicle, and the court shall dismiss upon such motion.

~~M. P.~~ The operator of a toll facility may enter into an agreement with the Department, in accordance with the provisions of subdivision B 21 of § 46.2-208, to obtain vehicle owner information regarding the ~~registered~~ owners of vehicles that fail to pay tolls required for the use of toll facilities and with the ~~Virginia~~ Department of Transportation to obtain any information that is necessary to conduct electronic toll collection. *Such agreement may include any information that may be obtained by the Department of Motor Vehicles in accordance with any agreement entered into pursuant to § 46.2-819.9.* Information provided to the operator of a toll facility shall be used only for the collection of unpaid tolls, and the operator of the toll facility shall be subject to the same conditions and penalties regarding release of the information as contained in subsection ~~B C~~.

~~N. Q.~~ No person shall be subject to both the provisions of this section and to prosecution under § 46.2-819 for actions arising out of the same transaction or occurrence.

§ 46.2-819.6. Invoice for unpaid toll.

A. The operator of a toll facility shall send an invoice for the unpaid toll pursuant to ~~§ 46.2-819.7 subsection C~~ to the registered owner of the vehicle. An invoice for the unpaid toll shall contain the following:

1. The name and address of the registered owner alleged to be liable under this section;
2. The registration number of the motor vehicle involved in such violation or information obtained from an automatic vehicle identification system if the vehicle is identified by an automatic vehicle identification system for the purpose of violation detection;
3. The location where such violation took place;
4. The date and time of such violation;
5. The amount of the toll not paid;
6. The amount of the administrative fee;

7. The date by which the toll and administrative fee must be paid;

8. The statutory defenses available under this chapter, including a notice of (i) the summoned person's ability to provide the name and address of the vehicle operator at the time of the violation through the filing of an affidavit as provided in § 33.2-503, 46.2-819.1, or 46.2-819.3:1 and (ii) instructions for filing such affidavit, including the address to which the affidavit is to be sent;

9. A warning describing the penalties for nonpayment of the invoice for the unpaid toll or failure to file a notice to contest liability for the unpaid toll ~~violation~~; and

10. The procedures and time limits for filing a notice to contest liability for ~~a~~ *an unpaid toll violation* as provided in subsection ~~B~~ C of § 46.2-819.3:1.

B. The toll facility operator shall include with the invoice a form to be used by the registered owner or operator of the vehicle to contest liability for ~~a~~ *an unpaid toll violation*. This form shall include the mailing address to which it should be sent.

C. *Whenever an invoice for an unpaid toll is to be provided to any person by the toll facility operator, it may be executed by mailing by first-class mail a copy of the invoice to the address of the owner of the vehicle as shown on the records of the Department.*

§ 46.2-819.8. Toll grace period.

When a vehicle has been operated in violation of § 33.2-503, 46.2-819.1, 46.2-819.3, or 46.2-819.3:1, no holder of an account for an electronic toll collection device that is property of the Commonwealth when (i) such device is detected by the toll operator or (ii) such device is not detected by the toll operator but such vehicle is associated with such an account shall owe any penalties, fees, or costs in addition to the unpaid toll, unless and until the toll operator or HOT lanes operator has attempted to process the collection of the toll through the Commonwealth's electronic toll account system at least twice and at least 10 days have elapsed since the unpaid toll. A toll operator shall make an attempt to process and collect an unpaid toll on the sixth day after the unpaid toll and shall make an additional attempt on the tenth day after the unpaid toll if earlier attempts to process and collect the unpaid toll were unsuccessful.

§ 46.2-819.9. Agreements for enforcement of tolling violations against nonresidents.

A. *The Governor or his designee may enter into an agreement on behalf of the Commonwealth with another state that provides for reciprocal enforcement of HOT lanes violations or toll violations, in accordance with this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2, between the Commonwealth and the other state.*

B. *Any agreement made under this section shall provide that drivers and vehicles licensed or registered in the Commonwealth, while operating on the highways and bridges of another state, shall receive benefits, privileges, and exemptions of a similar kind with regard to toll enforcement as are extended to the drivers and vehicles licensed or registered in the other state while they are operating on the highways and bridges of the Commonwealth.*

C. *Any agreement made under this section shall provide for enforcement of HOT lanes violations or toll violations by refusal or suspension of the registration of the owner's or operator's motor vehicle in accordance with the provisions of this article and Chapter 5 (§ 33.2-500 et seq.) of Title 33.2 for Virginia residents and enforcement of HOT lanes violations or toll violations in accordance with the laws of the state in which the vehicle is registered for nonresidents. Furthermore, such agreement shall provide that any notice required to be sent between the Commonwealth and the other state for enforcement under the provisions of the agreement shall be sent via electronic means.*

D. *Any agreement made under this section shall provide that any vehicle owner or operator identified as a violator pursuant to the terms of the agreement shall be afforded the opportunity to challenge or otherwise contest liability for the unpaid toll in accordance with the laws or regulations of the state in which the violation occurred.*

§ 46.2-819.10. Withholding of vehicle registration for enforcement of out-of-state toll violations.

A. *Upon receipt of notice from a state that has entered into an agreement with the Commonwealth pursuant to § 46.2-819.9 that a resident of Virginia owes unpaid tolls, administrative fees, or penalties to that state, the Commissioner shall refuse to issue or renew the vehicle registration certificate or the license plate issued for a vehicle or vehicles owned by such resident in accordance with this section until such state has notified the Commissioner that such tolls, fees, or penalties have been paid.*

If the resident is the owner and operator of the vehicle used in the commission of the offense, the Commissioner shall refuse to issue or renew the vehicle registration certificate or the license plate issued for that vehicle. If the resident was the operator of the vehicle, but not the owner, the Commissioner shall refuse to issue or renew any vehicle registration certificate or license plates for any vehicle owned by the resident.

B. *The Department shall send each resident identified pursuant to subsection A notice of the intent to deny renewal of registration at least 30 days prior to the expiration date of a current vehicle registration. Such notice shall include instructions for contacting the state to which the unpaid tolls, administrative fees, or penalties are owed by the resident and indicate that such contact information is provided for the purpose of payment of the amounts owed.*

C. *Upon receipt of notice from the applicable state that the resident has satisfied all outstanding obligations to that state, the Commissioner shall release the hold on the vehicle registrations and permit the same to be issued or renewed.*

D. *The Commissioner shall charge a \$40 fee to defray the cost of processing and withholding the registration or registration renewal under this section.*

2. That the provisions of § 33.2-615 of the Code of Virginia, as created by this act, shall become effective on January 1, 2017.

3. That § 46.2-819.7 of the Code of Virginia is repealed.

4. That the provisions of this act shall apply to violations that occur on or after July 1, 2016.

CHAPTER 754

An Act to amend and reenact §§ 2.2-4302.1 and 2.2-4302.2 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 1 of Title 11 a section numbered 11-9.8, relating to the Virginia Public Procurement Act and contracting generally; conditioning eligibility on a bidder's experience modification factor prohibited.

[H 1108]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-4302.1 and 2.2-4302.2 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 11 a section numbered 11-9.8 as follows:

§ 2.2-4302.1. Process for competitive sealed bidding.

The process for competitive sealed bidding shall include the following:

1. Issuance of a written Invitation to Bid containing or incorporating by reference the specifications and contractual terms and conditions applicable to the procurement. Unless the public body has provided for prequalification of bidders, the Invitation to Bid shall include a statement of any requisite qualifications of potential contractors. *No Invitation to Bid for construction services shall condition a successful bidder's eligibility on having a specified experience modification factor.* When it is impractical to prepare initially a purchase description to support an award based on prices, an Invitation to Bid may be issued requesting the submission of unpriced offers to be followed by an Invitation to Bid limited to those bidders whose offers have been qualified under the criteria set forth in the first solicitation;

2. Public notice of the Invitation to Bid at least 10 days prior to the date set for receipt of bids by posting on the Department of General Services' central electronic procurement website or other appropriate websites. In addition, public bodies may publish in a newspaper of general circulation. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, bids may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity;

3. Public opening and announcement of all bids received;

4. Evaluation of bids based upon the requirements set forth in the Invitation to Bid, which may include special qualifications of potential contractors, life-cycle costing, value analysis, and any other criteria such as inspection, testing, quality, workmanship, delivery, and suitability for a particular purpose, which are helpful in determining acceptability; and

5. Award to the lowest responsive and responsible bidder. When the terms and conditions of multiple awards are so provided in the Invitation to Bid, awards may be made to more than one bidder.

For the purposes of subdivision 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

§ 2.2-4302.2. Process for competitive negotiation.

A. The process for competitive negotiation shall include the following:

1. Issuance of a written Request for Proposal indicating in general terms that which is sought to be procured, specifying the factors that will be used in evaluating the proposal, indicating whether a numerical scoring system will be used in evaluation of the proposal, and containing or incorporating by reference the other applicable contractual terms and conditions, including any unique capabilities, specifications or qualifications that will be required. In the event that a numerical scoring system will be used in the evaluation of proposals, the point values assigned to each of the evaluation criteria shall be included in the Request for Proposal or posted at the location designated for public posting of procurement notices prior to the due date and time for receiving proposals. *No Request for Proposal for construction authorized by this chapter shall condition a successful offeror's eligibility on having a specified experience modification factor;*

2. Public notice of the Request for Proposal at least 10 days prior to the date set for receipt of proposals by posting on the Department of General Services' central electronic procurement website or other appropriate websites. Additionally, public bodies shall publish in a newspaper of general circulation in the area in which the contract is to be performed so as to provide reasonable notice to the maximum number of offerors that can be reasonably anticipated to submit proposals in response to the particular request. Posting on the Department of General Services' central electronic procurement website shall be required of any state public body. Local public bodies are encouraged to utilize the Department of General Services' central electronic procurement website to provide the public with centralized visibility and access to the Commonwealth's procurement opportunities. In addition, proposals may be solicited directly from potential contractors. Any additional solicitations shall include certified businesses selected from a list made available by the Department of Small Business and Supplier Diversity; and

3. For goods, nonprofessional services, and insurance, selection shall be made of two or more offerors deemed to be fully qualified and best suited among those submitting proposals, on the basis of the factors involved in the Request for

Proposal, including price if so stated in the Request for Proposal. Negotiations shall then be conducted with each of the offerors so selected. Price shall be considered, but need not be the sole or primary determining factor. After negotiations have been conducted with each offeror so selected, the public body shall select the offeror which, in its opinion, has made the best proposal and provides the best value, and shall award the contract to that offeror. When the terms and conditions of multiple awards are so provided in the Request for Proposal, awards may be made to more than one offeror. Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified, or that one offeror is clearly more highly qualified than the others under consideration, a contract may be negotiated and awarded to that offeror; or

4. For professional services, the public body shall engage in individual discussions with two or more offerors deemed fully qualified, responsible and suitable on the basis of initial responses and with emphasis on professional competence, to provide the required services. Repetitive informal interviews shall be permissible. The offerors shall be encouraged to elaborate on their qualifications and performance data or staff expertise pertinent to the proposed project, as well as alternative concepts. In addition, offerors shall be informed of any ranking criteria that will be used by the public body in addition to the review of the professional competence of the offeror. The Request for Proposal shall not, however, request that offerors furnish estimates of man-hours or cost for services. At the discussion stage, the public body may discuss nonbinding estimates of total project costs, including, but not limited to, life-cycle costing, and where appropriate, nonbinding estimates of price for services. In accordance with § 2.2-4342, proprietary information from competing offerors shall not be disclosed to the public or to competitors. At the conclusion of discussion, outlined in this subdivision, on the basis of evaluation factors published in the Request for Proposal and all information developed in the selection process to this point, the public body shall select in the order of preference two or more offerors whose professional qualifications and proposed services are deemed most meritorious.

Negotiations shall then be conducted, beginning with the offeror ranked first. If a contract satisfactory and advantageous to the public body can be negotiated at a price considered fair and reasonable, the award shall be made to that offeror. Otherwise, negotiations with the offeror ranked first shall be formally terminated and negotiations conducted with the offeror ranked second, and so on until such a contract can be negotiated at a fair and reasonable price.

Notwithstanding the foregoing, if the terms and conditions for multiple awards are included in the Request for Proposal, a public body may award contracts to more than one offeror.

Should the public body determine in writing and in its sole discretion that only one offeror is fully qualified or that one offeror is clearly more highly qualified and suitable than the others under consideration, a contract may be negotiated and awarded to that offeror.

B. Multiphase professional services contracts satisfactory and advantageous to the completion of large, phased, or long-term projects may be negotiated and awarded based on a fair and reasonable price for the first phase only, where the completion of the earlier phases is necessary to provide information critical to the negotiation of a fair and reasonable price for succeeding phases. Prior to entering into any such contract, the public body shall (i) state the anticipated intended total scope of the project and (ii) determine in writing that the nature of the work is such that the best interests of the public body require awarding the contract.

For the purposes of subdivision A 1, "experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

§ 11-9.8. Construction of certain terms of offer to contract; use of experience modification factor prohibited.

A. As used in this section:

"Contract" means an agreement for the provision of construction services under which the contractor will be required to have and maintain a policy of insurance as defined in § 38.2-119.

"Experience modification factor" means a value assigned to an employer as determined by a rate service organization in accordance with its uniform experience rating plan required to be filed pursuant to subsection D of § 38.2-1913.

"Offer to contract" means a solicitation of bids, Request for Proposals, or similar invitation to enter into a contract that is extended to potential contractors for construction services.

"Person" means any individual; firm; cooperative; association; corporation; limited liability company; trust; business trust; syndicate; partnership; limited liability partnership; joint venture; receiver; trustee in bankruptcy; club, society, or other group or combination acting as a unit; or public body, including but not limited to (i) the Commonwealth; (ii) any other state; and (iii) any agency, department, institution, political subdivision, or instrumentality of the Commonwealth or any other state.

B. A term of an offer to contract issued that requires that the successful bidder have a specified experience modification factor is prohibited.

C. Any contract or offer to contract that requires the contractor or bidder responding to the offer to contract to have a specified experience modification factor is prohibited.

2. That the provisions of this act shall apply to any offer to contract, as defined in § 11-9.8 of the Code of Virginia, as created in this act; Invitation to Bid; or Request for Proposal for construction services issued on or after July 1, 2016.

CHAPTER 755

An Act to amend and reenact § 58.1-1204 of the Code of Virginia, relating to bank franchise tax.

[H 1224]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-1204 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-1204. Rate of tax.

The franchise tax imposed under this chapter shall be at the rate of \$1 on each \$100 of net capital as hereinafter defined. *The total tax liability per taxpayer under this chapter shall not exceed \$18 million annually. If at least five banks pay such maximum amount of franchise tax for three consecutive calendar years, beginning in 2017, as determined by the Department of Taxation, then such maximum amount shall increase to \$20 million beginning in the calendar year immediately following the third consecutive year. After two years at \$20 million, such maximum amount shall increase by three percent annually.* There shall be no deduction in respect to shares owned by exempt institutions.

2. That the Department of Taxation shall notify all bank and trust companies in the Commonwealth of the increase in the maximum annual tax liability no later than August 15 of the year immediately prior to the year of such increase.

CHAPTER 756

An Act to amend and reenact §§ 54.1-828 through 54.1-831 and 54.1-834 of the Code of Virginia, relating to the Department of Professional and Occupational Regulation; boxing and wrestling events; sanctioning organizations.

[H 1228]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 54.1-828 through 54.1-831 and 54.1-834 of the Code of Virginia are amended and reenacted as follows:

§ 54.1-828. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Amateur" means an individual who has never participated in a boxing, martial arts, or professional wrestling event for money, compensation, or reward other than a suitably inscribed memento.

"Boxer" means a person competing in the sport of boxing ~~or martial arts~~.

"Boxing" means the contact sport of attack or defense using fists, ~~feet, or both, including kick boxing, boxing, martial arts, or any similar contest~~.

"Cable television system" means any facility consisting of a set of closed transmission paths and associated equipment designed to provide video programming to multiple subscribers when subscriber interaction is required to select a specific video program for an access fee established by the cable television system for that specific video program.

"Contractor" means any person who has been recognized by the Director, through a contract *pursuant to § 54.1-832*, as an appropriate responsible party to provide services to assist the Commonwealth in complying with the provisions of this chapter.

"Department" means the Department of Professional and Occupational Regulation or its successor.

"Director" means the Director of the Department of Professional and Occupational Regulation.

"Event" means any boxing, martial arts, or professional wrestling show that includes one or more *bouts*, contests, or matches.

"Exhibition" means any occurrence in which boxers or martial artists show or display skills without striving to win.

~~"License" means a method of regulation whereby any person arranging, conducting or participating in boxing, martial arts, or professional wrestling activities is required to obtain a prior authorization from the Department.~~

~~"Licensee" means any person holding a valid license under the provisions of this chapter.~~

"Manager" means any person who serves as a representative or agent of a boxer, martial artist, or professional wrestler to arrange for his participation in an event.

"Martial artist" means a person competing in the sport of martial arts.

"Martial arts" or "mixed martial arts" means any of several Asian arts of combat or self-defense, alone or in combination, including but not limited to aikido, karate, judo, muay thai, or tae kwon do, usually practiced as sport and which may involve the use of striking weapons.

"Matchmaker" means any person who proposes, selects, arranges for, or in any manner procures specific individuals to be contestants in an event.

"Person" means a natural person, corporation, partnership, sole proprietorship, firm, enterprise, franchise, association or any other entity.

"Professional" means a person who participates or has ever participated for money, compensation, or reward other than a suitably inscribed memento in any boxing, martial arts, or professional wrestling event.

"Professional wrestler" means any professional participating in professional wrestling.

"Professional wrestling" means an event in which contestants incorporate the sport of wrestling into choreographed performances.

"Promote" or "promotion" means to organize, arrange, publicize, or conduct an event or exhibition in the Commonwealth.

"Promoter" means any person who undertakes to promote an event or exhibition.

"Regulant" means any person required by this chapter to obtain a prior authorization from the Department.

"Sanctioning organization" means an entity approved by the Director pursuant to § 54.1-829.1.

"Trainer," "second" or "cut man" means an individual who undertakes to assure the well-being of a boxer or martial artist by providing instruction or advice concerning techniques or strategies of boxing or martial arts, and who may work in the corner with a boxer or martial artist between the rounds of a match to assure his well-being and provide necessary equipment and advice concerning match participation.

"Wrestler" means any person competing or participating as an opponent in wrestling.

"Wrestling" means any of several styles of physical competition in which individuals attempt to subdue or unbalance an opponent, including Greco-Roman, freestyle, grappling, or submission, usually practiced as a sport.

§ 54.1-829. Authorization from Director required; bond; physical examination; emergency medical services vehicles; physician; and health insurance.

~~A. No person shall promote or conduct a boxing, martial arts, or professional wrestling event in the Commonwealth without first having obtained a license for such event from the Department. No such license shall be granted except to a licensed promoter.~~

~~B. No person shall act as a promoter, matchmaker, trainer, boxer, martial artist, or professional wrestler in the Commonwealth without first having obtained a license authorization for such activity from the Department or sanctioning organization approved by the Director pursuant to § 54.1-829.1 and such license authorization remains in full force and effect.~~

~~C. B. No license authorization to act as a promoter shall be granted unless the applicant executes and files with the Department a bond, in such penalty as the Department shall determine through regulation, conditioned on the payment of the fees and penalties imposed by this chapter and for the fulfillment of contracts made with professional contestants in accordance with Department regulations. This subsection shall not apply to a promoter applying to conduct an amateur-only event under the authority of a sanctioning organization approved by the Director pursuant to § 54.1-829.1.~~

~~D. C. Each boxer and martial artist shall, and each professional wrestler may, be examined prior to entering the ring by a physician who has been licensed to practice medicine in the Commonwealth for at least five years. The physician shall be appointed by the Department or sanctioning organization and shall certify in writing that the contestant's physical condition is such that he is physically able to engage in the contest.~~

~~E. D. No event in which boxers or martial artists are contestants shall be conducted without the continuous presence at ringside of a physician who has been licensed to practice medicine in the Commonwealth for at least five years, and unless an emergency medical services vehicle is at the site of the event.~~

~~F. E. No boxer or martial artist shall participate in any event unless covered by a health insurance policy with minimum coverage in an amount determined by Department regulation.~~

§ 54.1-829.1. Sanctioning organization; amateur martial arts events.

A. No event in which amateur participants compete in ~~boxing or~~ martial arts shall be ~~permitted~~ authorized in the Commonwealth unless the amateur event is conducted by a sanctioning organization approved by the Director. *Only the results of amateur events conducted by a sanctioning organization in good standing and in compliance with this section shall be recognized for purposes of reporting bout results to a national database or official registry. Every sanctioning organization, insofar as practicable, shall observe and apply the unified rules adopted by the Association of Boxing Commissions. Notwithstanding any other provision of law or regulation, for purposes of amateur martial arts events, weight classes and bout rules governing round length, judging, and scoring shall conform with the Association of Boxing Commissions unified rules.*

B. No amateur martial artist shall compete in an event who has:

1. Not attained the age of 18 years;
2. Been knocked out in the 60 days immediately preceding the date of the event;
3. Been technically knocked out in the 30 days preceding the date of the event;
4. Been a contestant in an event consisting of (i) more than six rounds during the 15 days preceding the date of the event or (ii) six or fewer rounds during the seven days preceding the event;
5. Suffered a cerebral hemorrhage or other serious physical injury;
6. Been found to be blind or vision impaired in one or both eyes;
7. Been denied a license or approval to compete by another jurisdiction for medical reasons;
8. Failed to provide negative test results, dated within 180 days preceding the date of the event, for the following: (i) antibodies to the human immunodeficiency virus; (ii) hepatitis B surface antigen (HBsAg); and (iii) antibodies to the hepatitis C virus; or
9. Failed to provide written certification from a licensed physician, dated within 180 days preceding the date of the event, attesting to the contestant's good physical health and absence of any preexisting conditions or observed

abnormalities that would prevent participation in the event. The examination performed by the ringside physician at the event pursuant to clause (ii) of subdivision C 3 shall not satisfy this requirement.

C. For each amateur martial arts event, the sanctioning organization shall:

1. Review the records, experience, and consecutive losses for each amateur martial artist prior to each event to determine, to the extent possible, that contestants scheduled to compete are substantially equal in skills and ability;
2. Verify that each amateur martial artist scheduled to compete is covered by health insurance;
3. Appoint a physician licensed to practice medicine in the Commonwealth for at least five years to remain at ringside on a continuous basis. Duties of the ringside physician shall include (i) conducting a physical examination of each referee immediately prior to the event to assure his fitness to act in such capacity, (ii) conducting a physical examination and taking a medical history of each amateur martial artist prior to the contestant's entering the ring and certifying the contestant's physical condition, (iii) signaling the referee immediately in the event that an injury is observed, (iv) rendering immediate medical aid to any amateur martial artist injured during an event, and (v) ensuring that all substances in the possession of seconds, trainers, or cut men are appropriate for use on amateur martial artists during the course of the event;
4. Assign a sufficient number of qualified officials, including locker room inspectors, judges, timekeepers, and referees, to protect the health and safety of amateur martial artists and the public. Duties of the referee shall include (i) providing preflight instructions to the contestants; (ii) ensuring that each amateur martial artist is wearing gloves supplied by the sanctioning organization or event promoter that are in new or good condition, weighing between four and six ounces; (iii) exercising supervision over the conduct of the bout and taking immediate corrective action when necessary; (iv) immediately stopping any bout when, in his judgment, one contestant is outclassed by the other, injured, or otherwise unable to continue safely; (v) striving to perform his duties in a manner that does not impede the fair participation of either contestant; (vi) consulting, when he deems appropriate, with the ringside physician on the advisability of stopping the bout if either contestant appears injured or unable to continue; (vii) counting for knockdowns and knockouts, determining fouls and stopping contests, and immediately stopping any bout if one or both contestants are not putting forth their best effort; and (viii) ensuring the health and well-being of the amateur martial artists to the greatest extent possible; and
5. Require a fully equipped emergency medical services vehicle with a currently trained ambulance crew at the site of every amateur event for its entire duration.

D. Any sanctioning organization seeking approval under this section shall make a written application on a form prescribed by the Director. The application shall be accompanied by a fee of \$500. The Director shall annually approve such sanctioning organizations that apply for and whose applications satisfactorily demonstrate evidence of standards and operations in place that are at least as rigorous as and limited to those required by this chapter section. ~~The Following an informal fact-finding proceeding conducted pursuant to § 2.2-4019, the Director may withdraw his approval for a of any sanctioning organization's failure organization that has failed to comply with this chapter, associated regulations, section or any administrative requirements for demonstrating compliance based on (i) the review of the annual report submitted by the sanctioning organization or (ii) review of a complaint received pursuant to subdivision A 8 of § 54.1-201 or § 54.1-307.1.~~

~~C. Minimum provisions for approval as an amateur sanctioning organization shall include that the sanctioning organization (i) has at least five years' documented experience without adverse financial or disciplinary action in any jurisdiction; (ii) provides evidence that none of its officers, employees, or agents, directly or indirectly, have any pecuniary interest in, or hold any position with, any business associated with a licensee; (iii) certifies the contestants' physical condition prior to any contest and at ringside; and (iv) ensures the continuous presence of a ringside physician and an on-site ambulance.~~

~~D. Approved sanctioning organizations shall ensure that each boxer and martial artist provides a negative test for the following prior to an event in order to participate:~~

- ~~1. Antibodies to the human immunodeficiency virus;~~
- ~~2. Hepatitis B surface antigen (HBsAg); and~~
- ~~3. Antibodies to virus hepatitis C.~~

~~Such tests shall be conducted within the 180 days preceding the event. A boxer or martial artist who fails to provide negative results for all required tests shall not be permitted to compete in the event.~~

~~E. A sanctioning organization seeking approval from the Director shall provide documented evidence (i) of operation as a business for at least the immediately preceding three years; (ii) of at least five years of experience as a sanctioning organization representing at least two different promotions during such five-year period or that the principal officers have at least eight years of experience working as a referee or head official for an established sanctioning organization without adverse financial or disciplinary action in any jurisdiction; (iii) indicating that none of its officers, employees, or agents, directly or indirectly, has any pecuniary interest in, or holds any position with, any business associated with a promoter or otherwise operates for the sole benefit of a single promoter; and (iv) of assurance that events will be conducted in a fair and impartial manner with avoidance of any impropriety or appearance of impropriety.~~

~~E. F. Each approved sanctioning organization shall submit an annual report to the Director on or before February 1, with a summary of the events conducted for the preceding calendar year. The Director may address any operational or compliance issues with the sanctioning organization consistent with and in furtherance of the objectives of this section. The Director shall not intervene in the internal activities of a sanctioning organization except to the extent necessary to prevent or cure violations of this section or any statute governing the persons or activities regulated pursuant to this chapter.~~

G. The Commonwealth, the Director, the Department, and any employee or representative shall be indemnified and held harmless from any liability resulting from or caused by a sanctioning organization or persons conducting activities on behalf of such regulant.

§ 54.1-830. Exemptions.

The provisions of this chapter shall not apply to:

1. Amateur wrestling bouts;
2. Amateur exhibitions and the amateur participants therein; ~~or~~
3. Engagements involving amateur ~~boxing or~~ martial arts that are conducted by or held under the sponsorship of (i) any elementary or secondary school or public or private institution of higher education located in the Commonwealth ~~or~~, (ii) the Department of Corrections involving inmates of any state correctional institution, *or (iii) the United States Olympic Committee; or*
4. Amateur boxing.

§ 54.1-831. Powers and duties of the Department.

The Department shall administer and enforce the provisions of this chapter. In addition to the powers and duties otherwise conferred by law, the Director shall have the powers and duties of a regulatory board as contained in §§ 54.1-201 and 54.1-202, and shall have the power and duty to:

1. Promulgate regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) which implement the federal Professional Boxing Safety Act of 1996 (15 U.S.C. § 6301 et seq.) and protect the public against incompetent, unqualified, unscrupulous or unfit persons engaging in the activities regulated by this chapter.

The regulations shall include requirements for (i) initial *authorization* and renewal ~~licensee~~, *of the authorization*; (ii) ~~licensee~~ *authorization* and conduct of events; (iii) standards of practice for persons arranging, promoting, conducting, supervising, and participating in events; (iv) grounds for disciplinary actions against ~~licensees, regulants~~; (v) records to be kept and maintained by ~~licensees, regulants~~; (vi) *the manner in which fees are to be accounted for and submitted to the Department, provided, however, that no gate fee shall be required for amateur-only events conducted by a sanctioning organization approved by the Director pursuant to § 54.1-829.1*; and (vii) minimum health coverage for injuries sustained in a boxing or martial arts match. The Department shall have direct oversight of *professional* events to assure the safety and well-being of boxers, martial artists, and professional wrestlers, *except that those portions of an event containing amateur bouts shall be conducted under the oversight of a sanctioning organization. Sanctioning organizations shall have sole responsibility for direct oversight of amateur-only events in which martial artists compete.*

2. Charge each applicant for ~~licensee~~ *authorization* and for renewals of ~~licensee~~ *authorization* a nonrefundable fee subject to the provisions of § 54.1-113 and subdivision A 4 of § 54.1-201. *A sanctioning organization shall be subject to the application fee provisions of subsection C of § 54.1-829.1.*

3. Conduct investigations to determine the suitability of applicants for ~~licensee~~ *authorization* and to determine the ~~licensee's~~ *regulant's* compliance with applicable statutes and regulations.

4. Conduct investigations as to whether monopolies, combinations, or other circumstances exist to restrain matches or exhibitions of boxing, martial arts, or professional wrestling anywhere in the Commonwealth. The Attorney General may assist investigations at the request of the Department.

5. Exercise jurisdiction over all boxing, martial arts, and professional wrestling conducted within the Commonwealth by any person, except where otherwise exempted.

§ 54.1-834. Prohibited activities; penalties.

A. No betting or wagering shall be permitted at an event or exhibition ~~authorized to be conducted by a promoter or other licensee~~ before, during, or after the event in the building where the event is held.

B. No ~~licensee~~ *person* shall participate in a sham or fake boxing *or martial arts* contest. The Department shall have the authority to order, without a hearing, the person controlling the purse to hold the distribution to contestants, promoters, and trainers pending a public hearing by the Department. The Department shall, simultaneously with the issuance of such order to retain the share or purse, institute proceedings for a hearing to determine whether a sham or fake boxing *or martial arts* contest has occurred.

C. It shall be a Class 1 misdemeanor for any person to violate this section or any statute or regulation governing a ~~profession~~ *the persons or activities* regulated pursuant to this chapter.

D. The third or any subsequent conviction for violating any provision of this section during a 36-month period shall constitute a Class 6 felony.

2. That an emergency exists and the provisions of this act amending §§ 54.1-828 and 54.1-830 of the Code of Virginia are in force from its passage.

CHAPTER 757

An Act to amend and reenact § 3.2-6552 of the Code of Virginia, relating to dogs chasing livestock.

Be it enacted by the General Assembly of Virginia:

1. That § 3.2-6552 of the Code of Virginia is amended and reenacted as follows:

§ 3.2-6552. Dogs killing, injuring, or chasing livestock or poultry.

A. It shall be the duty of any animal control officer or other officer who may find a dog in the act of killing or injuring livestock or poultry to seize or kill such dog forthwith whether such dog bears a tag or not. Any person finding a dog committing any of the depredations mentioned in this section shall have the right to kill such dog on sight as shall any owner of livestock or his agent finding a dog chasing livestock on land utilized by the livestock when the circumstances show that such chasing is harmful to the livestock. Any court shall have the power to order the animal control officer or other officer to kill any dog known to be a confirmed livestock or poultry killer, and any dog killing poultry for the third time shall be considered a confirmed poultry killer. The court, through its contempt powers, may compel the owner, custodian, or harbinger of the dog to produce the dog.

B. Any animal control officer who has reason to believe that any dog is killing livestock or poultry shall be empowered to seize such dog solely for the purpose of examining such dog in order to determine whether it committed any of the depredations mentioned herein. Any animal control officer or other person who has reason to believe that any dog is killing livestock, or committing any of the depredations mentioned in this section, shall apply to a magistrate serving the locality wherein the dog may be, who shall issue a warrant requiring the owner or custodian, if known, to appear before a general district court at a time and place named therein, at which time evidence shall be heard. If it shall appear that the dog is a livestock killer, or has committed any of the depredations mentioned in this section, the district court shall order that the dog be: (i) killed or euthanized immediately by the animal control officer or other officer designated by the court; or (ii) removed to another state that does not border on the Commonwealth and prohibited from returning to the Commonwealth. Any dog ordered removed from the Commonwealth that is later found in the Commonwealth shall be ordered by a court to be killed or euthanized immediately.

C. Notwithstanding the provisions of subsection B, if it is determined that the dog has killed or injured only poultry, the district court may, instead of ordering killing, euthanasia, or removal to another state pursuant to this section, order either (a) that the dog be transferred to another owner whom the court deems appropriate and permanently fitted with an identifying microchip registered to that owner or (b) that the dog be fitted with an identifying microchip registered to the owner and confined indoors or in a securely enclosed and locked structure of sufficient height and design to prevent the dog's escape; direct contact with the dog by minors, adults, or other animals; or entry by minors, adults, or other animals. The structure shall be designed to provide the dog with shelter from the elements of nature. When off its owner's property, any dog found to be a poultry killer shall be kept on a leash and muzzled in such a manner as not to cause injury to the dog or interfere with its vision or respiration, but so as to prevent it from biting a person or another animal.

CHAPTER 758

An Act to amend and reenact §§ 10.1-2500, 15.2-2403.3, 62.1-44.3, 62.1-44.5, 62.1-44.15, 62.1-44.15:24, 62.1-44.15:25, 62.1-44.15:27, 62.1-44.15:28, 62.1-44.15:29, 62.1-44.15:30, 62.1-44.15:31, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:35, 62.1-44.15:37, 62.1-44.15:39, 62.1-44.15:40, 62.1-44.15:41, 62.1-44.15:46, 62.1-44.15:48 through 62.1-44.15:55, 62.1-44.15:57, 62.1-44.15:58, 62.1-44.15:60, 62.1-44.15:62 through 62.1-44.15:65, 62.1-44.15:69, 62.1-44.15:74, 62.1-44.19:22, 62.1-44.22, 62.1-44.23, 62.1-44.25, 62.1-44.26, 62.1-44.29, 62.1-44.31, and 62.1-44.32 of the Code of Virginia; to amend the Code of Virginia by adding sections numbered 62.1-44.15:25.1, 62.1-44.15:27.1, 62.1-44.15:29.1, and 62.1-44.15:51.1; and to repeal §§ 62.1-44.15:26, 62.1-44.15:32, 62.1-44.15:36, 62.1-44.15:38, 62.1-44.15:42 through 62.1-44.15:45, 62.1-44.15:47, 62.1-44.15:56, 62.1-44.15:61, and 62.1-44.15:71 of the Code of Virginia, relating to State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act.

[H 1250]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 10.1-2500, 15.2-2403.3, 62.1-44.3, 62.1-44.5, 62.1-44.15, 62.1-44.15:24, 62.1-44.15:25, 62.1-44.15:27, 62.1-44.15:28, 62.1-44.15:29, 62.1-44.15:30, 62.1-44.15:31, 62.1-44.15:33, 62.1-44.15:34, 62.1-44.15:35, 62.1-44.15:37, 62.1-44.15:39, 62.1-44.15:40, 62.1-44.15:41, 62.1-44.15:46, 62.1-44.15:48 through 62.1-44.15:55, 62.1-44.15:57, 62.1-44.15:58, 62.1-44.15:60, 62.1-44.15:62 through 62.1-44.15:65, 62.1-44.15:69, 62.1-44.15:74, 62.1-44.19:22, 62.1-44.22, 62.1-44.23, 62.1-44.25, 62.1-44.26, 62.1-44.29, 62.1-44.31, and 62.1-44.32 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 62.1-44.15:25.1, 62.1-44.15:27.1, 62.1-44.15:29.1, and 62.1-44.15:51.1 as follows:

§ 10.1-2500. Virginia Environmental Emergency Response Fund established.

A. There is hereby established the Virginia Environmental Emergency Response Fund, hereafter referred to as the Fund, to be used (i) for the purpose of emergency response to environmental pollution incidents and for the development and implementation of corrective actions for pollution incidents, other than pollution incidents addressed through the Virginia Underground Petroleum Storage Tank Fund, as described in § 62.1-44.34:11 of the State Water Control Law; (ii) to conduct assessments of potential sources of toxic contamination in accordance with the policy developed pursuant to § 62.1-44.19:10; and (iii) to assist small businesses for the purposes described in § 10.1-1197.3.

B. The Fund shall be a nonlapsing revolving fund consisting of grants, general funds, and other such moneys as appropriated by the General Assembly, and moneys received by the State Treasurer for:

1. Noncompliance penalties assessed pursuant to § 10.1-1311, civil penalties assessed pursuant to subsection B of § 10.1-1316, and civil charges assessed pursuant to subsection C of § 10.1-1316.

2. Civil penalties assessed pursuant to subsection C of § 10.1-1418.1, civil penalties assessed pursuant to subsections A and E of § 10.1-1455, and civil charges assessed pursuant to subsection F of § 10.1-1455.

3. Civil charges assessed pursuant to subdivision ~~8d~~ (8d) of § 62.1-44.15 and civil penalties assessed pursuant to subsection (a) of § 62.1-44.32, excluding assessments made for violations of Article 2.3 (§ 62.1-44.15:24 *et seq.*), 2.4 (§ 62.1-44.15:51 *et seq.*), 2.5 (§ 62.1-44.15:67 *et seq.*), 9 (§ 62.1-44.34:8 *et seq.*), or 10 (§ 62.1-44.34:10 *et seq.*), of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles.

4. Civil penalties and civil charges assessed pursuant to § 62.1-270.

5. Civil penalties assessed pursuant to subsection A of § 62.1-252 and civil charges assessed pursuant to subsection B of § 62.1-252.

6. Civil penalties assessed in conjunction with special orders by the Director pursuant to § 10.1-1186 and by the Waste Management Board pursuant to subsection G of § 10.1-1455.

§ 15.2-2403.3. Stormwater service districts; allocation of revenues.

Any town located within a stormwater service district created pursuant to this chapter shall be entitled to any revenues collected within the town pursuant to subdivision 6 of § 15.2-2403, subject to the limitations set forth therein, so long as the town maintains its own ~~MS4 permit issued pursuant to § 62.1-44.15:26~~ *municipal separate storm sewer system (MS4) permit issued by the State Water Control Board* or maintains its own stormwater service district.

§ 62.1-44.3. Definitions.

Unless a different meaning is required by the context, the following terms as used in this chapter shall have the meanings hereinafter respectively ascribed to them:

"Beneficial use" means both instream and offstream uses. Instream beneficial uses include, but are not limited to, the protection of fish and wildlife resources and habitat, maintenance of waste assimilation, recreation, navigation, and cultural and aesthetic values. The preservation of instream flows for purposes of the protection of navigation, maintenance of waste assimilation capacity, the protection of fish and wildlife resources and habitat, recreation, cultural and aesthetic values is an instream beneficial use of Virginia's waters. Offstream beneficial uses include, but are not limited to, domestic (including public water supply), agricultural uses, electric power generation, commercial, and industrial uses.

"Board" means the State Water Control Board.

"Certificate" means any certificate *or permit* issued by the Board.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Establishment" means any industrial establishment, mill, factory, tannery, paper or pulp mill, mine, coal mine, colliery, breaker or coal-processing operations, quarry, oil refinery, boat, vessel, and every other industry or plant or works the operation of which produces industrial wastes or other wastes or which may otherwise alter the physical, chemical or biological properties of any state waters.

"Excavate" or "excavation" means ditching, dredging, or mechanized removal of earth, soil or rock.

"Industrial wastes" means liquid or other wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resources.

"*Land-disturbance approval*" means an approval allowing a land-disturbing activity to commence issued by (i) a Virginia Erosion and Stormwater Management Program authority after the requirements of § 62.1-44.15:34 have been met or (ii) a Virginia Erosion and Sediment Control Program authority after the requirements of § 62.1-44.15:55 have been met.

"The law" or "this law" means the law contained in this chapter as now existing or hereafter amended.

"Member" means a member of the Board.

"*Municipal separate storm sewer*" means a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains, that is:

1. Owned or operated by a federal entity, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including a special district under state law such as a sewer district, flood control district, drainage district or similar entity, or a designated and approved management agency under § 208 of the federal Clean Water Act (33 U.S.C. § 1251 *et seq.*) that discharges to surface waters;

2. Designed or used for collecting or conveying stormwater;

3. Not a combined sewer; and

4. Not part of a publicly owned treatment works.

"Normal agricultural activities" means those activities defined as an agricultural operation in § 3.2-300 and any activity that is conducted as part of or in furtherance of such agricultural operation but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Normal silvicultural activities" means any silvicultural activity as defined in § 10.1-1181.1 and any activity that is conducted as part of or in furtherance of such silvicultural activity but shall not include any activity for which a permit would have been required as of January 1, 1997, under 33 U.S.C. § 1344 or any regulations promulgated pursuant thereto.

"Other wastes" means decayed wood, sawdust, shavings, bark, lime, garbage, refuse, ashes, offal, tar, oil, chemicals, and all other substances except industrial wastes and sewage which may cause pollution in any state waters.

"Owner" means the Commonwealth or any of its political subdivisions, including but not limited to sanitation district commissions and authorities and any public or private institution, corporation, association, firm, or company organized or existing under the laws of this or any other state or country, or any officer or agency of the United States, or any person or group of persons acting individually or as a group that owns, operates, charters, rents, or otherwise exercises control over or is responsible for any actual or potential discharge of sewage, industrial wastes, or other wastes to state waters, or any facility or operation that has the capability to alter the physical, chemical, or biological properties of state waters in contravention of § 62.1-44.5.

"Person" means an individual, corporation, partnership, association, governmental body, municipal corporation, or any other legal entity.

"Policies" means policies established under subdivisions (3a) and (3b) of § 62.1-44.15.

"Pollution" means such alteration of the physical, chemical, or biological properties of any state waters as will or is likely to create a nuisance or render such waters (a) harmful or detrimental or injurious to the public health, safety, or welfare or to the health of animals, fish, or aquatic life; (b) unsuitable with reasonable treatment for use as present or possible future sources of public water supply; or (c) unsuitable for recreational, commercial, industrial, agricultural, or other reasonable uses, provided that (i) an alteration of the physical, chemical, or biological property of state waters or a discharge or deposit of sewage, industrial wastes or other wastes to state waters by any owner which by itself is not sufficient to cause pollution but which, in combination with such alteration of or discharge or deposit to state waters by other owners, is sufficient to cause pollution; (ii) the discharge of untreated sewage by any owner into state waters; and (iii) contributing to the contravention of standards of water quality duly established by the Board, are "pollution" for the terms and purposes of this chapter.

"Pretreatment requirements" means any requirements arising under the Board's pretreatment regulations including the duty to allow or carry out inspections, entry, or monitoring activities; any rules, regulations, or orders issued by the owner of a publicly owned treatment works; or any reporting requirements imposed by the owner of a publicly owned treatment works or by the regulations of the Board.

"Pretreatment standards" means any standards of performance or other requirements imposed by regulation of the Board upon an industrial user of a publicly owned treatment works.

"Reclaimed water" means water resulting from the treatment of domestic, municipal, or industrial wastewater that is suitable for a direct beneficial or controlled use that would not otherwise occur. Specifically excluded from this definition is "gray water."

"Reclamation" means the treatment of domestic, municipal, or industrial wastewater or sewage to produce reclaimed water for a direct beneficial or controlled use that would not otherwise occur.

"Regulation" means a regulation issued under *subdivision (10) of § 62.1-44.15* ~~(10)~~.

"Reuse" means the use of reclaimed water for a direct beneficial use or a controlled use that is in accordance with the requirements of the Board.

"Rule" means a rule adopted by the Board to regulate the procedure of the Board pursuant to *subdivision (7) of § 62.1-44.15* ~~(7)~~.

"Ruling" means a ruling issued under *subdivision (9) of § 62.1-44.15* ~~(9)~~.

"Sewage" means the water-carried human wastes from residences, buildings, industrial establishments or other places together with such industrial wastes and underground, surface, storm, or other water as may be present.

"Sewage treatment works" or "treatment works" means any device or system used in the storage, treatment, disposal, or reclamation of sewage or combinations of sewage and industrial wastes, including but not limited to pumping, power, and other equipment, and appurtenances, and any works, including land, that are or will be (i) an integral part of the treatment process or (ii) used for the ultimate disposal of residues or effluent resulting from such treatment. These terms shall not include onsite sewage systems or alternative discharging sewage systems.

"Sewerage system" means pipelines or conduits, pumping stations, and force mains, and all other construction, devices, and appliances appurtenant thereto, used for conducting sewage or industrial wastes or other wastes to a point of ultimate disposal.

"Special order" means a special order issued under subdivisions (8a), (8b), and (8c) of § 62.1-44.15.

"Standards" means standards established under subdivisions (3a) and (3b) of § 62.1-44.15.

"State waters" means all water, on the surface and under the ground, wholly or partially within or bordering the Commonwealth or within its jurisdiction, including wetlands.

"Wetlands" means those areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas.

§ 62.1-44.5. Prohibition of waste discharges or other quality alterations of state waters except as authorized by permit; notification required.

A. Except in compliance with a certificate, *land-disturbance approval*, or permit issued by the Board or other entity authorized by the Board to issue a certificate, *land-disturbance approval*, or permit pursuant to this chapter, it shall be unlawful for any person to:

1. Discharge into state waters sewage, industrial wastes, other wastes, or any noxious or deleterious substances;
2. Excavate in a wetland;
3. Otherwise alter the physical, chemical, or biological properties of state waters and make them detrimental to the public health, or to animal or aquatic life, or to the uses of such waters for domestic or industrial consumption, or for recreation, or for other uses; ~~or~~
4. On and after October 1, 2001, conduct the following activities in a wetland:
 - a. New activities to cause draining that significantly alters or degrades existing wetland acreage or functions;
 - b. Filling or dumping;
 - c. Permanent flooding or impounding; or
 - d. New activities that cause significant alteration or degradation of existing wetland acreage or functions; *or*
5. Discharge stormwater into state waters from Municipal Separate Storm Sewer Systems or land disturbing activities.

B. Any person in violation of the provisions of subsection A who discharges or causes or allows (i) a discharge of sewage, industrial waste, other wastes, or any noxious or deleterious substance into or upon state waters or (ii) a discharge that may reasonably be expected to enter state waters shall, upon learning of the discharge, promptly notify, but in no case later than 24 hours the Board, the Director of the Department of Environmental Quality, or the coordinator of emergency services appointed pursuant to § 44-146.19 for the political subdivision reasonably expected to be affected by the discharge. Written notice to the Director of the Department of Environmental Quality shall follow initial notice within the time frame specified by the federal Clean Water Act.

§ 62.1-44.15. Powers and duties; civil penalties.

It shall be the duty of the Board and it shall have the authority:

- (1) [Repealed.]
- (2) To study and investigate all problems concerned with the quality of state waters and to make reports and recommendations.
 - (2a) To study and investigate methods, procedures, devices, appliances, and technologies that could assist in water conservation or water consumption reduction.
 - (2b) To coordinate its efforts toward water conservation with other persons or groups, within or without the Commonwealth.
 - (2c) To make reports concerning, and formulate recommendations based upon, any such water conservation studies to ensure that present and future water needs of the citizens of the Commonwealth are met.
 - (3a) To establish such standards of quality and policies for any state waters consistent with the general policy set forth in this chapter, and to modify, amend, or cancel any such standards or policies established and to take all appropriate steps to prevent quality alteration contrary to the public interest or to standards or policies thus established, except that a description of provisions of any proposed standard or policy adopted by regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the standard or policy are most properly referable. The Board shall, from time to time, but at least once every three years, hold public hearings pursuant to § 2.2-4007.01 but, upon the request of an affected person or upon its own motion, hold hearings pursuant to § 2.2-4009, for the purpose of reviewing the standards of quality, and, as appropriate, adopting, modifying, or canceling such standards. Whenever the Board considers the adoption, modification, amendment, or cancellation of any standard, it shall give due consideration to, among other factors, the economic and social costs and benefits which can reasonably be expected to obtain as a consequence of the standards as adopted, modified, amended, or cancelled. The Board shall also give due consideration to the public health standards issued by the Virginia Department of Health with respect to issues of public health policy and protection. If the Board does not follow the public health standards of the Virginia Department of Health, the Board's reason for any deviation shall be made in writing and published for any and all concerned parties.
 - (3b) Except as provided in subdivision (3a), such standards and policies are to be adopted or modified, amended, or cancelled in the manner provided by the Administrative Process Act (§ 2.2-4000 et seq.).
 - (4) To conduct or have conducted scientific experiments, investigations, studies, and research to discover methods for maintaining water quality consistent with the purposes of this chapter. To this end the Board may cooperate with any public or private agency in the conduct of such experiments, investigations, and research and may receive in behalf of the Commonwealth any moneys that any such agency may contribute as its share of the cost under any such cooperative agreement. Such moneys shall be used only for the purposes for which they are contributed and any balance remaining after the conclusion of the experiments, investigations, studies, and research, shall be returned to the contributors.
 - (5) To issue, revoke, or amend certificates and *land-disturbance approvals* under prescribed conditions for: (a) the discharge of sewage, *stormwater*, industrial wastes, and other wastes into or adjacent to state waters; (b) the alteration otherwise of the physical, chemical, or biological properties of state waters; (c) excavation in a wetland; or (d) on and after October 1, 2001, the conduct of the following activities in a wetland: (i) new activities to cause draining that significantly alters or degrades existing wetland acreage or functions, (ii) filling or dumping, (iii) permanent flooding or impounding, or (iv) new activities that cause significant alteration or degradation of existing wetland acreage or functions. However, to the

extent allowed by federal law, any person holding a certificate issued by the Board that is intending to upgrade the permitted facility by installing technology, control equipment, or other apparatus that the permittee demonstrates to the satisfaction of the Director will result in improved energy efficiency, reduction in the amount of nutrients discharged, and improved water quality shall not be required to obtain a new, modified, or amended permit. The permit holder shall provide the demonstration anticipated by this subdivision to the Department no later than 30 days prior to commencing construction.

(5a) All certificates issued by the Board under this chapter shall have fixed terms. The term of a Virginia Pollution Discharge Elimination System permit shall not exceed five years. The term of a Virginia Water Protection Permit shall be based upon the projected duration of the project, the length of any required monitoring, or other project operations or permit conditions; however, the term shall not exceed 15 years. The term of a Virginia Pollution Abatement permit shall not exceed 10 years, except that the term of a Virginia Pollution Abatement permit for confined animal feeding operations shall be 10 years. The Department of Environmental Quality shall inspect all facilities for which a Virginia Pollution Abatement permit has been issued to ensure compliance with statutory, regulatory, and permit requirements. Department personnel performing inspections of confined animal feeding operations shall be certified under the voluntary nutrient management training and certification program established in § 10.1-104.2. The term of a certificate issued by the Board shall not be extended by modification beyond the maximum duration and the certificate shall expire at the end of the term unless an application for a new permit has been timely filed as required by the regulations of the Board and the Board is unable, through no fault of the permittee, to issue a new permit before the expiration date of the previous permit.

(5b) Any certificate *or land-disturbance approval* issued by the Board under this chapter may, after notice and opportunity for a hearing, be amended or revoked on any of the following grounds or for good cause as may be provided by the regulations of the Board:

1. The owner has violated any regulation or order of the Board, any condition of a certificate *or land-disturbance approval*, any provision of this chapter, or any order of a court, where such violation results in a release of harmful substances into the environment ~~or~~ poses a substantial threat of release of harmful substances into the environment, *causes unreasonable property degradation*, or presents a hazard to human health or the violation is representative of a pattern of serious or repeated violations which, in the opinion of the Board, demonstrates the owner's disregard for or inability to comply with applicable laws, regulations, or requirements;

2. The owner has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a certificate *or land-disturbance approval*, or in any other report or document required under this law or under the regulations of the Board;

3. The activity for which the certificate *or land-disturbance approval* was issued endangers human health or the environment *or causes unreasonable property degradation* and can be regulated to acceptable levels *or practices* by amendment or revocation of the certificate *or land-disturbance approval*; or

4. There exists a material change in the basis on which the *certificate, land-disturbance approval, or permit* was issued that requires either a temporary or a permanent reduction or elimination of any discharge *or land-disturbing activity* controlled by the certificate, *land-disturbance approval, or permit* necessary to protect human health or the environment *or stop or prevent unreasonable degradation of property*.

(5c) Any certificate issued by the Board under this chapter relating to dredging projects governed under Chapter 12 (§ 28.2-1200 et seq.) or Chapter 13 (§ 28.2-1300 et seq.) of Title 28.2 may be conditioned upon a demonstration of financial responsibility for the completion of compensatory mitigation requirements. Financial responsibility may be demonstrated by a letter of credit, a certificate of deposit, or a performance bond executed in a form approved by the Board. If the U.S. Army Corps of Engineers requires demonstration of financial responsibility for the completion of compensatory mitigation required for a particular project, then the mechanism and amount approved by the U.S. Army Corps of Engineers shall be used to meet this requirement.

(6) To make investigations and inspections, to ensure compliance with *the conditions of* any certificates, *land-disturbance approvals*, standards, policies, rules, regulations, rulings, and ~~special orders which~~ that it may adopt, issue, or establish, and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance. In recognition of §§ 32.1-164 and 62.1-44.18, the Board and the State Department of Health shall enter into a memorandum of understanding establishing a common format to consolidate and simplify inspections of sewage treatment plants and coordinate the scheduling of the inspections. The new format shall ensure that all sewage treatment plants are inspected at appropriate intervals in order to protect water quality and public health and at the same time avoid any unnecessary administrative burden on those being inspected.

(7) To adopt rules governing the procedure of the Board with respect to: (a) hearings; (b) the filing of reports; (c) the issuance of certificates and ~~special orders~~; and (d) all other matters relating to procedure; and to amend or cancel any rule adopted. Public notice of every rule adopted under this section shall be by such means as the Board may prescribe.

(8a) Except as otherwise provided in ~~Articles 2.4 (§ 62.1-44.15:51 et seq.) and 2.5 (§ 62.1-44.15:67 et seq.) subdivision (19) and Article 2.3 (§ 62.1-44.15:24 et seq.)~~, to issue special orders to owners ~~(i)~~, including owners as defined in § 62.1-44.15:24, who (i) are permitting or causing the pollution, as defined by § 62.1-44.3, of state waters *or the unreasonable degradation of property* to cease and desist from such pollution *or degradation*, (ii) ~~who~~ have failed to construct facilities in accordance with final approved plans and specifications to construct such facilities in accordance with final approved plans and specifications, (iii) ~~who~~ have violated the terms and provisions of a certificate *or land-disturbance approval* issued by the Board to comply with such terms and provisions, (iv) ~~who~~ have failed to comply with a directive

from the Board to comply with such directive, (v) ~~who~~ have contravened duly adopted and promulgated water quality standards and policies to cease and desist from such contravention and to comply with such water quality standards and policies, (vi) ~~who~~ have violated the terms and provisions of a pretreatment permit issued by the Board or by the owner of a publicly owned treatment works to comply with such terms and provisions, or (vii) ~~who~~ have contravened any applicable pretreatment standard or requirement to comply with such standard or requirement; and also to issue such orders to require any owner to comply with the provisions of this chapter and any decision of the Board. Except as otherwise provided by a separate article, orders issued pursuant to this ~~subsection~~ *subdivision* may include civil penalties of up to \$32,500 per violation, not to exceed \$100,000 per order. The Board may assess penalties under this ~~subsection~~ *subdivision* if (a) the person has been issued at least two written notices of alleged violation by the Department for the same or substantially related violations at the same site, (b) such violations have not been resolved by demonstration that there was no violation, by an order issued by the Board or the Director, or by other means, (c) at least 130 days have passed since the issuance of the first notice of alleged violation, and (d) there is a finding that such violations have occurred after a hearing conducted in accordance with subdivision (8b). The actual amount of any penalty assessed shall be based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty. The Board shall provide the person with the calculation for the proposed penalty prior to any hearing conducted for the issuance of an order that assesses penalties pursuant to this ~~subsection~~ *subdivision*. The issuance of a notice of alleged violation by the Department shall not be considered a case decision as defined in § 2.2-4001. Any notice of alleged violation shall include a description of each violation, the specific provision of law violated, and information on the process for obtaining a final decision or fact finding from the Department on whether or not a violation has occurred, and nothing in this section shall preclude an owner from seeking such a determination. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), except that civil penalties assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or Article 11 (§ 62.1-44.34:14 et seq.) shall be paid into the Virginia Petroleum Storage Tank Fund in accordance with § 62.1-44.34:11, and except that civil penalties assessed for violations of *subdivision (19)* or Article 2.3 (§ 62.1-44.15:24 et seq.) shall be paid into the *Stormwater Local Assistance Fund* in accordance with ~~the provisions of § 62.1-44.15:48~~ *62.1-44.15:29.1*.

(8b) Such special orders are to be issued only after a hearing before a hearing officer appointed by the Supreme Court in accordance with § 2.2-4020 or, if requested by the person, before a quorum of the Board with at least 30 days' notice to the affected owners, of the time, place, and purpose thereof, and they shall become effective not less than 15 days after service as provided in § 62.1-44.12; provided that if the Board finds that any such owner is grossly affecting or presents an imminent and substantial danger to (i) the public health, safety, or welfare, or the health of animals, fish, or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural, or other reasonable uses, it may issue, without advance notice or hearing, an emergency special order directing the owner to cease such pollution or discharge immediately, and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof to the owner, to affirm, modify, amend, or cancel such emergency special order. If an owner who has been issued such a special order or an emergency special order is not complying with the terms thereof, the Board may proceed in accordance with § 62.1-44.23, and where the order is based on a finding of an imminent and substantial danger, the court shall issue an injunction compelling compliance with the emergency special order pending a hearing by the Board. If an emergency special order requires cessation of a discharge, the Board shall provide an opportunity for a hearing within 48 hours of the issuance of the injunction.

(8c) The provisions of this section notwithstanding, the Board may proceed directly under § 62.1-44.32 for any past violation or violations of any provision of this chapter or any regulation duly promulgated hereunder.

(8d) ~~With~~ *Except as otherwise provided in subdivision (19), subdivision 2 of § 62.1-44.15:25, or § 62.1-44.15:63, with the consent of any owner who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any condition of a certificate, land-disturbance approval, or permit, or any provision of this chapter, the Board may provide, in an order issued by the Board against such person, for the payment of civil charges for past violations in specific sums not to exceed the limit specified in subsection (a) of § 62.1-44.32 (a).* Such civil charges shall be instead of any appropriate civil penalty which could be imposed under *subsection (a) of § 62.1-44.32 (a)* and shall not be subject to the provisions of § 2.2-514. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund (§ 10.1-2500 et seq.), excluding civil charges assessed for violations of Article 9 (§ 62.1-44.34:8 et seq.) or 10 (§ 62.1-44.34:10 et seq.) of Chapter 3.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles, or civil charges assessed for violations of Article 2.3 (§ 62.1-44.15:24 et seq.); *or 2.5 (§ 62.1-44.15:67 et seq.) or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under that article Article 2.3 or 2.5.*

The amendments to this section adopted by the 1976 Session of the General Assembly shall not be construed as limiting or expanding any cause of action or any other remedy possessed by the Board prior to the effective date of said amendments.

(8e) The Board shall develop and provide an opportunity for public comment on guidelines and procedures that contain specific criteria for calculating the appropriate penalty for each violation based upon the severity of the violations, the extent of any potential or actual environmental harm, the compliance history of the facility or person, any economic benefit realized from the noncompliance, and the ability of the person to pay the penalty.

(8f) Before issuing a special order under subdivision (8a) or by consent under (8d), with or without an assessment of a civil penalty, to an owner of a sewerage system requiring corrective action to prevent or minimize overflows of sewage from such system, the Board shall provide public notice of and reasonable opportunity to comment on the proposed order. Any such order under subdivision (8d) may impose civil penalties in amounts up to the maximum amount authorized in § 309(g) of the Clean Water Act. Any person who comments on the proposed order shall be given notice of any hearing to be held on the terms of the order. In any hearing held, such person shall have a reasonable opportunity to be heard and to present evidence. If no hearing is held before issuance of an order under subdivision (8d), any person who commented on the proposed order may file a petition, within 30 days after the issuance of such order, requesting the Board to set aside such order and provide a formal hearing thereon. If the evidence presented by the petitioner in support of the petition is material and was not considered in the issuance of the order, the Board shall immediately set aside the order, provide a formal hearing, and make such petitioner a party. If the Board denies the petition, the Board shall provide notice to the petitioner and make available to the public the reasons for such denial, and the petitioner shall have the right to judicial review of such decision under § 62.1-44.29 if he meets the requirements thereof.

(9) To make such rulings under §§ 62.1-44.16, 62.1-44.17, and 62.1-44.19 as may be required upon requests or applications to the Board, the owner or owners affected to be notified by certified mail as soon as practicable after the Board makes them and such rulings to become effective upon such notification.

(10) To adopt such regulations as it deems necessary to enforce the general *soil erosion control and stormwater management program* and water quality management program of the Board in all or part of the Commonwealth, except that a description of provisions of any proposed regulation which are more restrictive than applicable federal requirements, together with the reason why the more restrictive provisions are needed, shall be provided to the standing committee of each house of the General Assembly to which matters relating to the content of the regulation are most properly referable.

(11) To investigate any large-scale killing of fish.

(a) Whenever the Board shall determine that any owner, whether or not he shall have been issued a certificate for discharge of waste, has discharged sewage, industrial waste, or other waste into state waters in such quantity, concentration, or manner that fish are killed as a result thereof, it may effect such settlement with the owner as will cover the costs incurred by the Board and by the Department of Game and Inland Fisheries in investigating such killing of fish, plus the replacement value of the fish destroyed, or as it deems proper, and if no such settlement is reached within a reasonable time, the Board shall authorize its executive secretary to bring a civil action in the name of the Board to recover from the owner such costs and value, plus any court or other legal costs incurred in connection with such action.

(b) If the owner is a political subdivision of the Commonwealth, the action may be brought in any circuit court within the territory embraced by such political subdivision. If the owner is an establishment, as defined in this chapter, the action shall be brought in the circuit court of the city or the circuit court of the county in which such establishment is located. If the owner is an individual or group of individuals, the action shall be brought in the circuit court of the city or circuit court of the county in which such person or any of them reside.

(c) For the purposes of this subsection the State Water Control Board shall be deemed the owner of the fish killed and the proceeds shall be as though the State Water Control Board were the owner of the fish. The fact that the owner has or held a certificate issued under this chapter shall not be raised as a defense in bar to any such action.

(d) The proceeds of any recovery had under this subsection shall, when received by the Board, be applied, first, to reimburse the Board for any expenses incurred in investigating such killing of fish. The balance shall be paid to the Board of Game and Inland Fisheries to be used for the fisheries' management practices as in its judgment will best restore or replace the fisheries' values lost as a result of such discharge of waste, including, where appropriate, replacement of the fish killed with game fish or other appropriate species. Any such funds received are hereby appropriated for that purpose.

(e) Nothing in this subsection shall be construed in any way to limit or prevent any other action which is now authorized by law by the Board against any owner.

(f) Notwithstanding the foregoing, the provisions of this subsection shall not apply to any owner who adds or applies any chemicals or other substances that are recommended or approved by the State Department of Health to state waters in the course of processing or treating such waters for public water supply purposes, except where negligence is shown.

(12) To administer programs of financial assistance for planning, construction, operation, and maintenance of water quality control facilities for political subdivisions in the Commonwealth.

(13) To establish policies and programs for effective area-wide or basin-wide water quality control and management. The Board may develop comprehensive pollution abatement and water quality control plans on an area-wide or basin-wide basis. In conjunction with this, the Board, when considering proposals for waste treatment facilities, is to consider the feasibility of combined or joint treatment facilities and is to ensure that the approval of waste treatment facilities is in accordance with the water quality management and pollution control plan in the watershed or basin as a whole. In making such determinations, the Board is to seek the advice of local, regional, or state planning authorities.

(14) To establish requirements for the treatment of sewage, industrial wastes, and other wastes that are consistent with the purposes of this chapter; however, no treatment shall be less than secondary or its equivalent, unless the owner can demonstrate that a lesser degree of treatment is consistent with the purposes of this chapter.

(15) To promote and establish requirements for the reclamation and reuse of wastewater that are protective of state waters and public health as an alternative to directly discharging pollutants into waters of the state. The requirements shall address various potential categories of reuse and may include general permits and provide for greater flexibility and less

stringent requirements commensurate with the quality of the reclaimed water and its intended use. The requirements shall be developed in consultation with the Department of Health and other appropriate state agencies. This authority shall not be construed as conferring upon the Board any power or duty duplicative of those of the State Board of Health.

(16) To establish and implement policies and programs to protect and enhance the Commonwealth's wetland resources. Regulatory programs shall be designed to achieve no net loss of existing wetland acreage and functions. Voluntary and incentive-based programs shall be developed to achieve a net resource gain in acreage and functions of wetlands. The Board shall seek and obtain advice and guidance from the Virginia Institute of Marine Science in implementing these policies and programs.

(17) To establish additional procedures for obtaining a Virginia Water Protection Permit pursuant to §§ 62.1-44.15:20 and 62.1-44.15:22 for a proposed water withdrawal involving the transfer of water resources between major river basins within the Commonwealth that may impact water basins in another state. Such additional procedures shall not apply to any water withdrawal in existence as of July 1, 2012, except where the expansion of such withdrawal requires a permit under §§ 62.1-44.15:20 and 62.1-44.15:22, in which event such additional procedures may apply to the extent of the expanded withdrawal only. The applicant shall provide as part of the application (i) an analysis of alternatives to such a transfer, (ii) a comprehensive analysis of the impacts that would occur in the source and receiving basins, (iii) a description of measures to mitigate any adverse impacts that may arise, (iv) a description of how notice shall be provided to interested parties, and (v) any other requirements that the Board may adopt that are consistent with the provisions of this section and §§ 62.1-44.15:20 and 62.1-44.15:22 or regulations adopted thereunder. This subdivision shall not be construed as limiting or expanding the Board's authority under §§ 62.1-44.15:20 and 62.1-44.15:22 to issue permits and impose conditions or limitations on the permitted activity.

(18) To be the lead agency for the Commonwealth's nonpoint source pollution management program, including coordination of the nonpoint source control elements of programs developed pursuant to certain state and federal laws, including § 319 of the federal Clean Water Act and § 6217 of the federal Coastal Zone Management Act. Further responsibilities include the adoption of regulations necessary to implement a nonpoint source pollution management program in the Commonwealth, the distribution of assigned funds, the identification and establishment of priorities to address nonpoint source related water quality problems, the administration of the Statewide Nonpoint Source Advisory Committee, and the development of a program for the prevention and control of soil erosion, sediment deposition, and nonagricultural runoff to conserve Virginia's natural resources.

(19) *To review for compliance with the provisions of this chapter the Virginia Erosion and Stormwater Management Programs adopted by localities pursuant to § 62.1-44.15:27, the Virginia Erosion and Sediment Control Programs adopted by localities pursuant to subdivision B 3 of § 62.1-44.15:27, and the programs adopted by localities pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The Board shall develop and implement a schedule for conducting such program reviews as often as necessary but at least once every five years. Following the completion of a compliance review in which deficiencies are found, the Board shall establish a schedule for the locality to follow in correcting the deficiencies and bringing its program into compliance. If the locality fails to bring its program into compliance in accordance with the compliance schedule, then the Board is authorized to (i) issue a special order to any locality imposing a civil penalty not to exceed \$5,000 per violation with the maximum amount not to exceed \$50,000 per order for noncompliance with the state program, to be paid into the state treasury and deposited in the Stormwater Local Assistance Fund established in § 62.1-44.15:29.1 or (ii) with the consent of the locality, provide in an order issued against the locality for the payment of civil charges for violations in lieu of civil penalties, in specific sums not to exceed the limit stated in this subdivision. Such civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subsection (a) of § 62.1-44.32 and shall not be subject to the provisions of § 2.2-514. The Board shall not delegate to the Department its authority to issue special orders pursuant to clause (i). In lieu of issuing an order, the Board is authorized to take legal action against a locality pursuant to § 62.1-44.23 to ensure compliance.*

Article 2.3.

Virginia Erosion and Stormwater Management Act (VESMA).

§ 62.1-44.15:24. Definitions.

As used in this article, unless the context requires a different meaning:

"Agreement in lieu of a ~~stormwater management~~ plan" means a contract between the VESMP authority or the Board acting as a VSMP authority and the owner or permittee that specifies methods that shall be implemented to comply with the requirements of a ~~VSMP~~ *this article* for the construction of a single-family ~~residence~~ *detached residential structure*; such contract may be executed by the ~~VSMP~~ VESMP authority in lieu of a *soil erosion control and stormwater management plan* or by the Board acting as a VSMP authority in lieu of a *stormwater management plan*.

"~~Chesapeake Bay Preservation Act land-disturbing activity~~" means a *land-disturbing activity including clearing, grading, or excavation that results in a land disturbance equal to or greater than 2,500 square feet and less than one acre in all areas of jurisdictions designated as subject to the regulations adopted pursuant to the Chesapeake Bay Preservation provisions of this chapter.*

"Applicant" means *any person submitting a soil erosion control and stormwater management plan to a VESMP authority, or a stormwater management plan to the Board when it is serving as a VSMP authority, for approval in order to obtain authorization to commence a land-disturbing activity.*

"CWA" means the federal Clean Water Act (33 U.S.C. § 1251 et seq.), formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972, P.L. 92-500, as amended by P.L. 95-217, P.L. 95-576, P.L. 96-483, and P.L. 97-117, or any subsequent revisions thereto.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"Erosion impact area" means an area of land that is not associated with a current land-disturbing activity but is subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or any shoreline where the erosion results from wave action or other coastal processes.

"Flooding" means a volume of water that is too great to be confined within the banks or walls of the stream, water body, or conveyance system and that overflows onto adjacent lands, thereby causing or threatening damage.

"Land disturbance" or "land-disturbing activity" means a man-made change to the land surface that ~~potentially changes~~ may result in soil erosion or has the potential to change its runoff characteristics, including construction activity such as the clearing, grading, or excavation, ~~except that the term shall not include those exemptions specified in § 62.1-44.15:34 excavating, or filling of land.~~

"Land-disturbance approval" means the same as that term is defined in § 62.1-44.3.

"Municipal separate storm sewer" or "MS4" means ~~a conveyance or system of conveyances otherwise known as a municipal separate storm sewer system or "MS4," including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains:~~

1. ~~Owned or operated by a federal, state, city, town, county, district, association, or other public body, created by or pursuant to state law, having jurisdiction or delegated authority for erosion and sediment control and stormwater management, or a designated and approved management agency under § 208 of the CWA that discharges to surface waters;~~
2. ~~Designed or used for collecting or conveying stormwater;~~
3. ~~That is not a combined sewer; and~~
4. ~~That is not part of a publicly owned treatment works the same as that term is defined in § 62.1-44.3.~~

"Municipal Separate Storm Sewer System Management Program" means a management program covering the duration of a state permit for a municipal separate storm sewer system that includes a comprehensive planning process that involves public participation and intergovernmental coordination, to reduce the discharge of pollutants to the maximum extent practicable, to protect water quality, and to satisfy the appropriate water quality requirements of the CWA and regulations, and this article and its attendant regulations, using management practices, control techniques, and system, design, and engineering methods, and such other provisions that are appropriate.

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Nonpoint source pollution" means pollution such as sediment, nitrogen, phosphorus, hydrocarbons, heavy metals, and toxics whose sources cannot be pinpointed but rather are washed from the land surface in a diffuse manner by stormwater runoff.

"Owner" means the same as that term is defined in § 62.1-44.3. For a regulated land-disturbing activity that does not require a permit, "owner" also means the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.

"Peak flow rate" means the maximum instantaneous flow from a prescribed design storm at a particular location.

~~"Permit" or "VSMP authority permit" means an approval to conduct a land-disturbing activity issued by the VSMP authority for the initiation of a land-disturbing activity after evidence of state VSMP general permit coverage has been provided where applicable a Virginia Pollutant Discharge Elimination System (VPDES) permit issued by the Board pursuant to § 62.1-44.15 for stormwater discharges from a land-disturbing activity or MS4.~~

~~"Permittee" means the person to which whom the permit or state permit is issued.~~

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

~~"State permit" means an approval to conduct a land-disturbing activity issued by the Board in the form of a state stormwater individual permit or coverage issued under a state general permit or an approval issued by the Board for stormwater discharges from an MS4. Under these permits, the Commonwealth imposes and enforces requirements pursuant to the federal Clean Water Act and regulations and this article and its attendant regulations.~~

"Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

"Soil Erosion Control and Stormwater Management plan" or "plan" means a document describing methods for controlling soil erosion and managing stormwater in accordance with the requirements adopted pursuant to this article.

"Stormwater," for the purposes of this article, means precipitation that is discharged across the land surface or through conveyances to one or more waterways and that may include stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater management plan" means a document containing material describing methods for complying with the requirements of a VSMP.

"Subdivision" means the same as *that term* is defined in § 15.2-2201.

"Virginia Erosion and Sediment Control Program" or "VESCP" means a program approved by the Board that is established by a VESCP authority pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The VESCP shall include, where applicable, such items as local ordinances, rules, policies and guidelines, technical materials, and requirements for plan review, inspection, and evaluation consistent with the requirements of Article 2.4 (§ 62.1-44.15:51 et seq.).

"Virginia Erosion and Sediment Control Program authority" or "VESCP authority" means a locality that is approved by the Board to operate a Virginia Erosion and Sediment Control Program in accordance with Article 2.4 (§ 62.1-44.15:51 et seq.). Only a locality for which the Department administered a Virginia Stormwater Management Program as of July 1, 2017, is authorized to choose to operate a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.).

"Virginia Erosion and Stormwater Management Program" or "VESMP" means a program established by a VESMP authority for the effective control of soil erosion and sediment deposition and the management of the quality and quantity of runoff resulting from land-disturbing activities to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. The program shall include such items as local ordinances, rules, requirements for permits and land-disturbance approvals, policies and guidelines, technical materials, and requirements for plan review, inspection, and enforcement consistent with the requirements of this article.

"Virginia Erosion and Stormwater Management Program authority" or "VESMP authority" means the Board or a locality approved by the Board to operate a Virginia Erosion and Stormwater Management Program. For state agency or federal entity land-disturbing activities and land-disturbing activities subject to approved standards and specifications, the Board shall serve as the VESMP authority.

"Virginia Stormwater Management Program" or "VSMP" means a program approved by the Soil and Water Conservation Board after September 13, 2011, and until June 30, 2013, or the State Water Control Board on and after June 30, 2013, that has been established by a VSMP authority the Board pursuant to § 62.1-44.15:27.1 on behalf of a locality on or after July 1, 2014, to manage the quality and quantity of runoff resulting from any land-disturbing activities and shall include such items as local ordinances, rules, permit requirements, annual standards and specifications, policies and guidelines, technical materials, and requirements for plan review, inspection, enforcement, where authorized in this article, and evaluation consistent with the requirements of this article and associated regulations activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or more of land disturbance.

"Virginia Stormwater Management Program authority" or "VSMP authority" means an authority approved by the Board after September 13, 2011, to operate a Virginia Stormwater Management Program or the Department. An authority may include a locality, state entity, including the Department, federal entity, or, for linear projects subject to annual standards and specifications in accordance with subsection B of § 62.1-44.15:31, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 45.2-5102 when administering a VSMP on behalf of a locality that, pursuant to subdivision B 3 of § 62.1-44.15:27, has chosen not to adopt and administer a VESMP.

"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project technical criteria" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control nonpoint source pollution.

"Water quantity technical criteria" means standards set forth in regulations adopted pursuant to this article that establish minimum design criteria for measures to control localized flooding and stream channel erosion.

"Watershed" means a defined land area drained by a river or stream, karst system, or system of connecting rivers or streams such that all surface water within the area flows through a single outlet. In karst areas, the karst feature to which water drains may be considered the single outlet for the watershed.

§ 62.1-44.15:25. Further powers and duties of the State Water Control Board.

In addition to other powers and duties conferred upon the Board by this chapter, it shall permit, regulate, and control soil erosion and stormwater runoff in the Commonwealth. The Board may issue, deny, revoke, terminate, or amend state stormwater individual permits or coverage issued under state general permits; adopt regulations; approve and periodically review Virginia Stormwater Management Programs and management programs developed in conjunction with a state municipal separate storm sewer permit; enforce the provisions of this article; and *and may* otherwise act to ensure the general health, safety, and welfare of the citizens of the Commonwealth as well as protect the quality and quantity of state waters from the potential harm of unmanaged stormwater. The Board may and soil erosion. It shall be the duty of the Board and it shall have the authority to:

1. Issue, deny, amend, revoke, terminate, and enforce state permits for the control of stormwater discharges from Municipal Separate Storm Sewer Systems and land-disturbing activities.

2. Take administrative and legal actions to ensure compliance with the provisions of this article by any person subject to state or VSMP authority permit requirements under this article, and those entities with an approved Virginia Stormwater Management Program and management programs developed in conjunction with a state municipal separate storm sewer system permit, including the proper enforcement and implementation of, and continual compliance with, this article.

3. In accordance with procedures of the Administrative Process Act (§ 2-2-4000 et seq.); amend or revoke any state permit issued under this article on the following grounds or for good cause as may be provided by the regulations of the Board:

a. Any person subject to state permit requirements under this article has violated or failed, neglected, or refused to obey any order or regulation of the Board, any order, notice, or requirement of the Department, any condition of a state permit, any provision of this article, or any order of a court, where such violation results in the unreasonable degradation of properties; water quality; stream channels; and other natural resources; or the violation is representative of a pattern of serious or repeated violations; including the disregard for or inability to comply with applicable laws; regulations; permit conditions; orders; rules; or requirements;

b. Any person subject to state permit requirements under this article has failed to disclose fully all relevant material facts or has misrepresented a material fact in applying for a state permit, or in any other report or document required under this law or under the regulations of the Board;

e. The activity for which the state permit was issued causes unreasonable degradation of properties; water quality; stream channels; and other natural resources; or

d. There exists a material change in the basis on which the state permit was issued that requires either a temporary or a permanent reduction or elimination of any discharge or land-disturbing activity controlled by the state permit necessary to prevent unreasonable degradation of properties; water quality; stream channels; and other natural resources.

4. Cause investigations and inspections to ensure compliance with any state or VSMP authority permits, conditions, policies, rules, regulations, rulings, and orders which it may adopt, issue, or establish and to furnish advice, recommendations, or instructions for the purpose of obtaining such compliance.

5. In accordance with procedures of the Administrative Process Act (§ 2-2-4000 et seq.); adopt rules governing (i) hearings; (ii) the filing of reports; (iii) the issuance of permits and special orders; and (iv) all other matters relating to procedure; and amend or cancel any rule adopted.

6. Issue special orders to any person subject to state or VSMP authority permit requirements under this article (i) who is permitting or causing the unreasonable degradation of properties; water quality; stream channels; and other natural resources to cease and desist from such activities; (ii) who has failed to construct facilities in accordance with final approved plans and specifications to construct such facilities; (iii) who has violated the terms and provisions of a state or VSMP authority permit issued by the Board or VSMP authority to comply with the provisions of the state or VSMP authority permit; this article; and any decision of the VSMP authority, the Department, or the Board; or (iv) who has violated the terms of an order issued by the court, the VSMP authority, the Department, or the Board to comply with the terms of such order; and also to issue orders to require any person subject to state or VSMP authority permit requirements under this article to comply with the provisions of this article and any decision of the Board.

Such special orders are to be issued in accordance with the procedures of the Administrative Process Act (§ 2-2-4000 et seq.) and shall become effective not less than 15 days after the date of mailing with confirmation of delivery of the notice to the last known address of any person subject to state or VSMP authority permit requirements under this article, provided that if the Board finds that any such person subject to state or VSMP authority permit requirements under this article is grossly affecting or presents an imminent and substantial danger to (i) the public health, safety, or welfare or the health of animals; fish; or aquatic life; (ii) a public water supply; or (iii) recreational, commercial, industrial, agricultural, or other reasonable uses; it may issue, without advance notice or hearing, an emergency special order directing any person subject to state or VSMP authority permit requirements under this article to cease such pollution or discharge immediately; and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof to any person subject to state or VSMP authority permit requirements under this article; to affirm, modify, amend, or cancel such emergency special order. If any person subject to state or VSMP authority permit requirements under this article who has been issued such a special order or an emergency special order is not complying with the terms thereof, the Board may proceed in accordance with § 62.1-44.15:48; and where the order is based on a finding of an imminent and substantial danger, the court shall issue an injunction compelling compliance with the emergency special order pending a hearing by the Board. If an emergency special order requires cessation of a discharge, the recipient of the order may appeal its issuance to the circuit court of the jurisdiction wherein the discharge was alleged to have occurred *special orders pursuant to subdivision (8a) or (8b) of § 62.1-44.15 to any owner subject to requirements under this article, except that for any land-disturbing activity that disturbs an area measuring not less than 10,000 square feet but less than one acre in an area of a locality that is not designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and that is not part of a larger common plan of development or sale that disturbs one acre or more of land, such special orders may include civil penalties of up to \$5,000 per violation, not to exceed \$50,000 per order. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.*

The provisions of this section notwithstanding, the Board may proceed directly under § 62.1-44.15:48 or Article 5 (§ 62.1-44.20 et seq.) for any past violation or violations of any provision of this article or any regulation duly adopted hereunder.

2. With the consent of any person *owner* subject to state or VSMP authority permit requirements under this article who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the Department or VSMP authority; any condition of a state or VSMP authority permit; or any provision of this article, the

Board may provide, in an order issued by the Board pursuant to subdivision (8d) of § 62.1-44.15 against such person owner, for the payment of civil charges for violations in specific sums. Such sums shall not to exceed the limit specified in subsection A subdivision A 1 or B 1, as applicable, of § 62.1-44.15:48. Such civil charges shall be collected in lieu of any appropriate civil penalty that could be imposed pursuant to subsection A of § 62.1-44.15:48 and shall not be subject to the provisions of § 2.2-514. Such civil charges shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Stormwater Management Local Assistance Fund established pursuant to § 62.1-44.15:29 62.1-44.15:29.1.

§ 62.1-44.15:25.1. Additional local authority.

Any locality serving as a VESMP authority shall have the authority to:

1. Issue orders in accordance with the procedures of subdivision 10 a of § 15.2-2122 to any owner subject to the requirements of this article. Such orders may include civil penalties in specific sums not to exceed the limit specified in subdivision A 2 or B 2, as applicable, of § 62.1-44.15:48, and such civil penalties shall be paid into the treasury of the locality in accordance with subdivision A 2 of § 62.1-44.15:48. The provisions of this section notwithstanding, the locality may proceed directly under § 62.1-44.15:48 for any past violation or violations of any provision of this article or any ordinance duly adopted hereunder.

2. Issue consent orders with the consent of any person who has violated or failed, neglected, or refused to obey any ordinance adopted pursuant to the provisions of this article, any condition of a locality's land-disturbance approval, or any order of a locality serving as a VESMP authority. Such consent order may provide for the payment of civil charges not to exceed the limits specified in subdivision A 2 or B 2, as applicable, of § 62.1-44.15:48. Such civil charges shall be in lieu of any appropriate civil penalty that could be imposed under this article. Any civil charges collected shall be paid to the treasury of the locality in accordance with subdivision A 2 of § 62.1-44.15:48.

§ 62.1-44.15:27. Virginia Programs for Erosion Control and Stormwater Management.

A. Any locality that operates a regulated MS4 or that notifies the Department of its decision to participate in the establishment of a VSMP administers a Virginia Stormwater Management Program (VSMP) as of July 1, 2017, shall be required to adopt a VSMP for land-disturbing activities and administer a VESMP consistent with the provisions of this article according to a schedule set by the Department. Such schedule shall require implementation no later than July 1, 2014. Thereafter, the Department shall provide an annual schedule by which localities can submit applications to implement a VSMP. Localities subject to this subsection are authorized to coordinate plan review and inspections with other entities in accordance with subsection H. The Department shall operate a VSMP on behalf of any that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). The VESMP shall be adopted according to a process established by the Department.

B. Any locality that does not operate a regulated MS4 and that does not for which the Department administers a VSMP as of July 1, 2017, shall choose one of the following options and shall notify the Department, of its choice according to a schedule set process established by the Department, of its decision to participate in the establishment of a VSMP. A locality that decides not to establish a VSMP shall still comply:

1. Adopt and administer a VESMP consistent with the requirements set forth in provisions of this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.); A locality that is subject to the provisions of that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.);

2. Adopt and administer a VESMP consistent with the provisions of this article that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), except that the Department shall provide the locality with review of the plan required by § 62.1-44.15:34 and provide a recommendation to the locality on the plan's compliance with the water quality and water quantity technical criteria; or

3. Adopt and administer a VESCP pursuant to Article 2.4 (§ 62.1-44.15:51 et seq.) that regulates any land-disturbing activity that (i) disturbs 10,000 square feet or more or (ii) disturbs 2,500 square feet or more in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). For such a land-disturbing activity in a Chesapeake Bay Preservation Area, the VESCP authority also shall adopt requirements set forth in this article and attendant regulations as required to regulate Chesapeake Bay Preservation Act land-disturbing those activities in accordance with §§ 62.1-44.15:28 and 62.1-44.15:34.

Notwithstanding any other provision of this subsection, any county that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect, on a schedule set by the Department, to defer the implementation of the county's VSMP until no later than January 1, 2015. During this deferral period, when such county thus lacks the legal authority to operate a VSMP, the Department shall operate a VSMP on behalf of the county and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls. Any such county electing to defer the establishment of its VSMP shall still comply with the requirements set forth in this article and attendant regulations as required to satisfy the stormwater flow rate capacity and velocity requirements set forth in the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.).

~~B.~~ The Board shall administer a VSMP on behalf of each VESCP authority for any land-disturbing activity that (a) disturbs one acre or more of land or (b) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance.

C. Any town that is required to or elects to adopt and administer a VESMP or VESCP, as applicable, may choose one of the following options and shall notify the Department of its choice according to a process established by the Department:

1. Any town, including a town that operates a regulated MS4, lying within a county that has adopted a VSMP in accordance with subsection A may decide, but shall not be required, to enter into an agreement with the county to become subject to the county's VSMP. ~~Any VESMP. If a town lying lies within a the boundaries of more than one county, it may enter into an agreement with any of those counties that operates an MS4 that became a regulated MS4 on or after January 1, 2014 may elect a VESMP.~~

2. Any town that chooses not to adopt and administer a VESMP pursuant to subdivision B 3 and that lies within a county may enter into an agreement with the county to become subject to the county's VSMP according to the deferred schedule established in subsection A. During the county's deferral period, the Department shall operate a VSMP on behalf of the town and address post-construction stormwater runoff and the required design criteria for stormwater runoff controls for the town as provided in subsection A VESMP or VESCP, as applicable. If a town lies within the boundaries of more than one county, the town shall be considered to be wholly within the county in which the larger portion of the town lies. Towns shall inform the Department of their decision according to a schedule established by the Department. Thereafter, the Department shall provide an annual schedule by which towns can submit applications to adopt a VSMP it may enter into an agreement with any of those counties.

~~C.~~ 3. Any town that is subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may enter into an agreement with a county pursuant to subdivision C 1 or 2 only if the county administers a VESMP for land-disturbing activities that disturb 2,500 square feet or more.

D. Any locality that chooses not to implement a VESMP pursuant to subdivision B 3 may notify the Department at any time that it has chosen to implement a VESMP pursuant to subdivision B 1 or 2. Any locality that chooses to implement a VESMP pursuant to subdivision B 2 may notify the Department at any time that it has chosen to implement a VESMP pursuant to subdivision B 1. A locality may petition the Board at any time for approval to change from fully administering a VESMP pursuant to subdivision B 1 to administering a VESMP in coordination with the Department pursuant to subdivision B 2 due to a significant change in economic conditions or other fiscal emergency in the locality. The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall govern any appeal of the Board's decision.

E. In support of VSMP VESMP authorities, the Department shall:

~~1. Provide assistance grants to localities not currently operating a local stormwater management program to help the localities to establish their VSMP.~~

~~2. Provide provide technical assistance and training.~~

~~3. Provide qualified services in specified geographic areas to a VSMP to assist localities in the administration of components of their programs. The Department shall actively assist and general assistance to localities in the establishment and administration of their individual or regional programs and in the selection of a contractor or other entity that may provide support to the locality or regional support to several localities.~~

~~D.~~ F. The Department shall develop a model ordinance for establishing a VSMP VESMP consistent with this article and its associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.

E. G. Each locality that administers an approved VSMP that operates a regulated MS4 or that chooses to administer a VESMP shall, by ordinance, establish a VSMP VESMP that shall be administered in conjunction with a local MS4 program and a local erosion and sediment control program if required pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) management program, if applicable, and which shall include the following:

1. ~~Consistency~~ Ordinances, policies, and technical materials consistent with regulations adopted in accordance with provisions of this article;

2. Requirements for land-disturbance approvals;

3. Requirements for plan review, inspection, and enforcement consistent with the requirements of this article, including provisions requiring periodic inspections of the installation of stormwater management measures. A VESMP authority may require monitoring and reports from the person responsible for meeting the permit conditions to ensure compliance with the permit and to determine whether the measures required in the permit provide effective stormwater management;

4. Provisions charging each applicant a reasonable fee to defray the cost of program administration for a regulated land-disturbing activity that does not require permit coverage. Such fee may be in addition to any fee charged pursuant to the statewide fee schedule established in accordance with subdivision 9 of § 62.1-44.15:28, although payment of fees may be consolidated in order to provide greater convenience and efficiency for those responsible for compliance with the program. A VESMP authority shall hold a public hearing prior to establishing such fees. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and the VESMP authority's expense involved;

5. Provisions for long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff; and

~~3. 6. Provisions for the integration of the VSMP with local erosion and sediment control, coordination of the VESMP with flood insurance, flood plain management, and other programs requiring compliance prior to authorizing construction land disturbance in order to make the submission and approval of plans, issuance of permits land-disturbance approvals, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.~~

~~F. The Board may approve a state entity, including the Department, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102 to operate a Virginia Stormwater Management Program consistent with the requirements of this article and its associated regulations and the VSMP authority's Department approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article.~~

~~G. The Board shall approve a VSMP when it deems a program consistent with this article and associated regulations, including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities.~~

~~H. A VSMP The Board shall approve a VESMP when it deems a program consistent with this article and associated regulations.~~

~~I. A VESMP authority may enter into agreements or contracts with the Department, soil and water conservation districts, adjacent localities, planning district commissions, or other public or private entities to carry out or assist with the responsibilities of this article plan review and inspections.~~

~~J. If a locality establishes a VSMP, it shall issue a consolidated stormwater management and erosion and sediment control permit that is consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.). When available in accordance with subsection J, such permit, where applicable, shall also include a copy of or reference to state VSMP permit coverage authorization to discharge.~~

~~J. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP A VESMP authority shall then be required to obtain evidence of state VSMP permit coverage where it from the Department's online reporting system, where such coverage is required, prior to providing land-disturbance approval to begin land disturbance.~~

~~K. Any VSMP adopted pursuant to and consistent with this article shall be considered to meet the stormwater management requirements under the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and attendant regulations, and effective July 1, 2014, shall not be subject to local program review under the stormwater management provisions of the Chesapeake Bay Preservation Act.~~

~~L. All VSMP authorities shall comply with the provisions of this article and the stormwater management provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and related regulations. The VSMP VESMP authority responsible for regulating the land-disturbing activity shall require compliance with the issued permit, permit its applicable ordinances and the conditions, of its land-disturbance approval and plan specifications. The state Board shall enforce state permits and require compliance with its applicable regulations, including when serving as a VSMP authority in a locality that chose not to adopt a VESMP in accordance with subdivision B 3.~~

§ 62.1-44.15:27.1. Virginia Stormwater Management Programs administered by the Board.

~~A. The Board shall administer a Virginia Stormwater Management Program (VSMP) on behalf of any locality that notifies the Department pursuant to subsection B of § 62.1-44.15:27 that it has chosen to not administer a VESMP as provided by subdivision B 3 of § 62.1-44.15:27. In such a locality:~~

~~1. The Board shall implement a VSMP in order to manage the quality and quantity of stormwater runoff resulting from any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance, as required by this article.~~

~~2. No person shall conduct a land-disturbing activity until he has obtained land-disturbance approval from the VESCP authority and, if required, submitted to the Department an application that includes a permit registration statement and stormwater management plan, and the Department has issued permit coverage.~~

~~B. The Board shall adopt regulations establishing specifications for the VSMP, including permit requirements and requirements for plan review, inspection, and enforcement that reflect the analogous stormwater management requirements for a VESMP set forth in applicable provisions of this article.~~

§ 62.1-44.15:28. Development of regulations.

~~A. The Board is authorized to adopt regulations that establish requirements for the effective control of soil erosion, sediment deposition, and stormwater, including nonagricultural runoff, that shall be met in any VESMP to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources, and that specify minimum technical criteria and administrative procedures for Virginia Stormwater Management Programs VESMPs. The regulations shall:~~

~~1. Establish standards and procedures for administering a VSMP VESMP;~~

~~2. Establish minimum design criteria for measures to control nonpoint source pollution and localized flooding, and incorporate the stormwater management regulations adopted pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), as they relate to the prevention of stream channel erosion standards of effectiveness of the VESMP~~

and criteria and procedures for reviewing and evaluating its effectiveness. The minimum standards of program effectiveness established by the Board shall provide that (i) no soil erosion control and stormwater management plan shall be approved until it is reviewed by a plan reviewer certified pursuant to § 62.1-44.15:30, (ii) each inspection of a land-disturbing activity shall be conducted by an inspector certified pursuant to § 62.1-44.15:30, and (iii) each VESMP shall contain a program administrator, a plan reviewer, and an inspector, each of whom is certified pursuant to § 62.1-44.15:30 and all of whom may be the same person;

3. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

4. Include any survey of lands and waters as the Board deems appropriate or as any applicable law requires to identify areas, including multijurisdictional and watershed areas, with critical soil erosion and sediment problems;

5. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of soil erosion and sediment resulting from land-disturbing activities;

6. Establish water quality and water quantity technical criteria. These criteria shall be periodically modified as required in order to reflect current engineering methods;

~~7.~~ 7. Require the provision of long-term responsibility for and maintenance of stormwater management control devices and other techniques specified to manage the quality and quantity of runoff;

~~4.~~ 8. Require as a minimum the inclusion in ~~VSMPs~~ VESMPs of certain administrative procedures that include, but are not limited to, specifying the time period within which a ~~VSMP~~ VESMP authority shall grant ~~land-disturbing activity~~ land-disturbance approval, the conditions and processes under which *such* approval shall be granted, the procedures for communicating disapproval, the conditions under which an approval may be changed, and requirements for inspection of approved projects;

~~5.~~ 9. Establish ~~by regulations a statewide permit~~ a statewide fee schedule to cover all costs associated with the implementation of a ~~VSMP~~ VESMP related to land-disturbing activities ~~of one acre or greater where permit coverage is required, and for land-disturbing activities where the Board serves as a VESMP authority or VSMP authority.~~ Such fee attributes include the costs associated with plan review, ~~VSMP~~ permit registration statement review, permit issuance, ~~state coverage permit coverage~~ permit coverage verification, inspections, reporting, and compliance activities associated with the land-disturbing activities as well as program oversight costs. The fee schedule shall also include a provision for a reduced fee for ~~land-disturbing activities between 2,500 square feet and up to one acre in a land-disturbing activity that disturbs 2,500 square feet or more but less than one acre in an area of a locality designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) localities.~~ The fee schedule shall be governed by the following:

a. The revenue generated from the statewide ~~stormwater permit~~ fee shall be collected utilizing, where practicable, an online payment system, and the Department's portion shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund established pursuant to § 62.1-44.15:29. However, whenever the Board has approved a ~~VSMP~~ VESMP, no more than 30 percent of the total revenue generated by the statewide ~~stormwater permit~~ fees collected shall be remitted to the State Treasurer for deposit in the Virginia Stormwater Management Fund, with the balance going to the ~~VSMP~~ VESMP authority;

b. Fees collected pursuant to this section shall be in addition to any general fund appropriation made to the Department or other supporting revenue from a ~~VSMP~~ VESMP; however, the fees shall be set at a level sufficient for the Department, *the Board*, and the ~~VSMP~~ VESMP to fully carry out their responsibilities under this article and ~~its attendant regulations and~~ local ordinances or standards and specifications where applicable. When establishing a ~~VSMP~~, ~~the VSMP~~ VESMP, *the VESMP* authority shall assess the statewide ~~fee fees pursuant to the~~ schedule and shall have the authority to reduce or increase such fees, and to consolidate such fees with other program-related charges, but in no case shall such fee changes affect the amount established in the regulations as available to the Department for program oversight responsibilities pursuant to subdivision ~~5~~ a. A ~~VSMP's~~ VESMP's portion of the fees shall be used solely to carry out the ~~VSMP's~~ VESMP's responsibilities under this article and ~~its attendant regulations, associated ordinances, or annual standards and specifications;~~

c. ~~Until July 1, 2014, the fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities issued by the Board, or where the Board has issued an individual permit or coverage under the General Permit for Discharges of Stormwater from Construction Activities for an entity for which it has approved annual standards and specifications, shall be \$750 for each large construction activity with sites or common plans of development equal to or greater than five acres and \$450 for each small construction activity with sites or common plans of development equal to or greater than one acre and less than five acres. On and after July 1, 2014, such fees shall only apply where coverage has been issued under the Board's General Permit for Discharges of Stormwater from Construction Activities to a state agency or federal entity for which it has approved annual standards and specifications. After establishment, such fees may be modified in the future through regulatory actions.~~

d. ~~Until July 1, 2014, the Department is authorized to assess a \$125 reinspection fee for each visit to a project site that was necessary to check on the status of project site items noted to be in noncompliance and documented as such on a prior project inspection.~~

~~e.~~ In establishing the fee schedule under this subdivision, the Department shall ensure that the ~~VSMP~~ *VESMP* authority portion of the statewide ~~permit~~ fee for coverage under the General Permit for Discharges of Stormwater from Construction Activities for small construction activity involving a ~~single family~~ *single-family* detached residential structure with a site or area, within or outside a common plan of development or sale, that is equal to or greater than one acre but less than five acres shall be no greater than the ~~VSMP~~ *VESMP* authority portion of the fee for coverage of sites or areas with a land-disturbance acreage of less than one acre within a common plan of development or sale;

~~f.~~ *d.* When any fees are collected pursuant to this section by credit cards, business transaction costs associated with processing such payments may be additionally assessed;

~~6.~~ Establish statewide standards for stormwater management from land-disturbing activities of one acre or greater, except as specified otherwise within this article, and allow for the consolidation in the permit of a comprehensive approach to addressing stormwater management and erosion and sediment control, consistent with the provisions of the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and this article. However, such standards shall also apply to land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations;

~~7.~~ Establish a procedure by which a stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;

~~8.~~ *e.* Notwithstanding the other provisions of this subdivision ~~A 5 9~~, establish a procedure by which neither a registration statement nor payment of the Department's portion of the statewide ~~permit~~ fee established pursuant to ~~that~~ this subdivision 9 shall be required for coverage under the General Permit for Discharges of Stormwater from Construction Activities for construction activity involving a single-family detached residential structure, within or outside a common plan of development or sale;

~~9.~~ *10.* Establish statewide standards for soil erosion control and stormwater management from land-disturbing activities;

~~11.~~ Establish a procedure by which a soil erosion control and stormwater management plan or stormwater management plan that is approved for a residential, commercial, or industrial subdivision shall govern the development of the individual parcels, including those parcels developed under subsequent owners;

~~12.~~ Provide for reciprocity with programs in other states for the certification of proprietary best management practices;

~~10.~~ *13.* Require that ~~VSMPs~~ *VESMPs* maintain after-development runoff rate of flow and characteristics that replicate, as nearly as practicable, the existing predevelopment runoff characteristics and site hydrology, or improve upon the contributing share of the existing predevelopment runoff characteristics and site hydrology if stream channel erosion or localized flooding is an existing predevelopment condition.

a. Except where more stringent requirements are necessary to address total maximum daily load requirements or to protect exceptional state waters, any land-disturbing activity that ~~provides for stormwater management~~ *shall* ~~was subject to the water quantity requirements that were in effect pursuant to this article prior to July 1, 2014, shall be deemed to satisfy the conditions of this subsection if the practices are designed to~~ (i) detain the water ~~quality~~ volume *equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project* and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition; ~~and. Any land-disturbing activity that complies with these requirements shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or any ordinances adopted pursuant to § 62.1-44.15:27 or 62.1-44.15:33;~~

b. ~~Any stream restoration or relocation project that incorporates natural channel design concepts is not a man-made channel and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this article;~~

~~11.~~ *14.* Encourage low-impact development designs, regional and watershed approaches, and nonstructural means for controlling stormwater;

~~12.~~ *15.* Promote the reclamation and reuse of stormwater for uses other than potable water in order to protect state waters and the public health and to minimize the direct discharge of pollutants into state waters;

~~13.~~ *16.* Establish procedures to be followed when a locality ~~that operates a VSMP wishes to transfer administration of the VSMP to the Department~~ *chooses to change the type of program it administers pursuant to subsection D of § 62.1-44.15:27;*

~~14.~~ *17.* Establish a statewide permit fee schedule for stormwater management related to ~~municipal separate storm sewer system~~ *MS4* permits; and

~~15.~~ *18.* Provide for the evaluation and potential inclusion of emerging or innovative stormwater control technologies that may prove effective in reducing nonpoint source pollution.

~~B.~~ The Board may integrate and consolidate components of the regulations implementing the Erosion and Sediment Control program and the Chesapeake Bay Preservation Area Designation and Management program with the regulations

governing the Virginia Stormwater Management Program (VSMP) Permit program or repeal components so that these programs may be implemented in a consolidated manner that provides greater consistency, understanding, and efficiency for those regulated by and administering a VSMP.

§ 62.1-44.15:29. Virginia Stormwater Management Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Stormwater Management Fund, hereafter referred to as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys collected by the Department pursuant to §§ § 62.1-44.15:28, ~~62.1-44.15:38, and 62.1-44.15:71~~ and all civil penalties collected pursuant to § 62.1-44.19:22 shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of carrying out the Department's responsibilities under this article. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.

An accounting of moneys received by and distributed from the Fund shall be kept by the State Comptroller.

§ 62.1-44.15:29.1. Stormwater Local Assistance Fund.

A. *The State Comptroller shall continue in the state treasury the Stormwater Local Assistance Fund (the Fund) established by Chapter 806 of the Acts of Assembly of 2013, which shall be administered by the Department. All civil penalties and civil charges collected by the Board pursuant to §§ 62.1-44.15:25, 62.1-44.15:48, 62.1-44.15:63, and 62.1-44.15:74, subdivision (19) of § 62.1-44.15, and § 62.1-44.19:22 shall be paid into the state treasury and credited to the Fund, together with such other funds as may be made available to the Fund, which shall also receive bond proceeds from bonds authorized by the General Assembly, sums appropriated to it by the General Assembly, and other grants, gifts, and moneys as may be made available to it from any other source, public or private. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.*

B. *The purpose of the Fund is to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads. Moneys in the Fund shall be used to meet (i) obligations related to the Chesapeake Bay total maximum daily load (TMDL) requirements, (ii) requirements for local impaired stream TMDLs, (iii) water quality measures of the Chesapeake Bay Watershed Implementation Plan, and (iv) water quality requirements related to the permitting of small municipal separate storm sewer systems. The grants shall be used solely for stormwater capital projects, including (a) new stormwater best management practices, (b) stormwater best management practice retrofitting or maintenance, (c) stream restoration, (d) low-impact development projects, (e) buffer restoration, (f) pond retrofitting, and (g) wetlands restoration. Such grants shall be made in accordance with eligibility determinations made by the Department pursuant to criteria established by the Board.*

C. *Moneys in the Fund shall be used solely for the purpose set forth herein and disbursements from it shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Director.*

§ 62.1-44.15:30. Training and certification.

A. ~~The Board shall issue certificates of competence separate or combined certifications concerning the content and application of specified subject areas of this article and accompanying regulations, including program administration, plan review, and project inspection, to personnel of VSMP authorities and to any other persons who have completed training programs or in other ways demonstrated adequate knowledge to the satisfaction of the Board. As part of The Board also shall issue a Responsible Land Disturber certificate to personnel and contractors who have demonstrated adequate knowledge to the satisfaction of the Board.~~

~~B. The Department shall administer education and training programs authorized pursuant to subsection E of § 62.1-44.15:52, the Department shall develop or certify expanded components to address program administration, plan review, and project inspection elements for specified subject areas of this article and attendant regulations. Reasonable and is authorized to charge persons attending such programs reasonable fees to cover the costs of these additional components may be charged administering the programs.~~

~~B. Effective July 1, 2014, personnel~~ C. *Personnel of VSMP or VESMP authorities who are administering programs, reviewing plans, or conducting inspections pursuant to this chapter article shall hold a certificate of competence certification in the appropriate subject area as provided in subsection A. This requirement shall not apply to third-party individuals who prepare and submit plans to a VESMP or VSMP authority.*

D. *The Department shall establish procedures and requirements for issuance and periodic renewal of certifications.*

E. *Professionals registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 shall be deemed to have met the provisions of this section for the purposes of renewals of such certifications.*

§ 62.1-44.15:31. Standards and specifications for state agencies, federal entities, and other specified entities.

A. ~~State entities, including the Department of Transportation, and for linear projects set out in subsection B, As an alternative to submitting soil erosion control and stormwater management plans for its land-disturbing activities pursuant to § 62.1-44.15:34, the Virginia Department of Transportation shall, and any other state agency or federal entity may, submit standards and specifications for its conduct of land-disturbing activities for Department of Environmental Quality approval. Approved standards and specifications shall be consistent with this article. The Department of Environmental~~

Quality shall have 60 days after receipt in which to act on any standards and specifications submitted or resubmitted to it for approval.

B. As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and federal entities, and authorities created pursuant to § 15.2-5102 may, annually submit a single set of standards and specifications for Department approval that describes describe how land-disturbing activities shall be conducted. Such standards and specifications shall be consistent with the requirements of this article and associated regulations, including the regulations governing the General Virginia Stormwater Management Program (VSMP) Permit for Discharges of Stormwater from Construction Activities and the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) and associated regulations. Each project constructed in accordance with the requirements of this article, its attendant regulations, and where required standards and specifications shall obtain coverage issued under the state general permit prior to land disturbance. The standards may be submitted for the following types of projects:

- 1. Construction, installation, or maintenance of electric transmission and distribution lines, oil or gas transmission and distribution pipelines, communication utility lines, and water and sewer lines; and*
- 2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.*

The Department shall have 60 days after receipt in which to act on any standards and specifications submitted or resubmitted to it for approval. A linear project not included in subdivision 1 or 2, or for which the owner chooses not to submit standards and specifications, shall comply with the requirements of the VESMP or the VESCP and VSMP, as appropriate, in any locality within which the project is located.

C. As an alternative to submitting soil erosion control and stormwater management plans pursuant to § 62.1-44.15:34, any person engaging in more than one jurisdiction in the creation and operation of a wetland mitigation or stream restoration bank that has been approved and is operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of a wetlands mitigation or stream restoration bank, pursuant to a mitigation banking instrument signed by the Department, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may submit standards and specifications for Department approval that describe how land-disturbing activities shall be conducted. The Department shall have 60 days after receipt in which to act on standards and specifications submitted to it or resubmitted to it for approval.

D. All standards and specifications submitted to the Department shall be periodically updated according to a schedule to be established by the Department and shall be consistent with the requirements of this article. Approval of standards and specifications by the Department does not relieve the owner or operator of the duty to comply with any other applicable local ordinances or regulations. Standards and specifications shall include:

- 1. Technical criteria to meet the requirements of this article and regulations developed under this article;*
- 2. Provisions for the long-term responsibility and maintenance of any stormwater management control devices and other techniques specified to manage the quantity and quality of runoff;*
- 3. Provisions for erosion and sediment control and stormwater management program administration, of the standards and specifications program, project-specific plan design, plan review and plan approval, and construction inspection and enforcement compliance;*
- 4. Provisions for ensuring that responsible personnel and contractors assisting the owner in carrying out the land-disturbing activity obtain training or qualifications for soil erosion control and stormwater management as set forth in regulations adopted pursuant to this article;*
- 5. Provisions for ensuring that personnel implementing approved standards and specifications pursuant to this section obtain certifications or qualifications for erosion and sediment control and stormwater management comparable to those required for local government VESMP personnel pursuant to subsection C of § 62.1-44.15:30;*
- 6. Implementation of a project tracking and notification system that ensures notification to the Department of all land-disturbing activities covered under this article; and*
- 7. Requirements for documenting onsite changes as they occur to ensure compliance with the requirements of the this article.*

B. Linear projects subject to annual standards and specifications include:

- 1. Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and*
- 2. Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.*

Linear projects not included in subdivisions 1 and 2 shall comply with the requirements of the local or state VSMP in the locality within which the project is located.

E. The Department shall perform random site inspections or inspections in response to a complaint to assure ensure compliance with this article, the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.), and regulations adopted thereunder. The Department may take enforcement actions in accordance with this article and related regulations.

F. The Department shall assess an administrative charge to cover the costs of services rendered associated with its responsibilities pursuant to this section, including standards and specifications review and approval, project inspections, and compliance. The Board may take enforcement actions in accordance with this article and related regulations.

§ 62.1-44.15:33. Authorization for more stringent ordinances.

A. Localities that are ~~VSM~~ *serv*ing as VESMP authorities are authorized to adopt more stringent *soil erosion control* or stormwater management ordinances than those necessary to ensure compliance with the Board's minimum regulations, provided that the more stringent ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of ~~a~~ *an* MS4 permit or a locally adopted watershed management study and are determined by the locality to be necessary to prevent any further degradation to water resources, to address ~~TMDL~~ *total maximum daily load* requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ordinances a public hearing is held after giving due notice. *This process shall not be required when a VESMP authority chooses to reduce the threshold for regulating land-disturbing activities to a smaller area of disturbed land pursuant to § 62.1-44.15:34. However, this section shall not be construed to authorize a VESMP authority to impose a more stringent timeframe for land-disturbance review and approval than those provided in this article.*

B. Localities that are ~~VSM~~ *serv*ing as VESMP authorities shall submit a letter report to the Department when more stringent stormwater management ordinances or more stringent requirements authorized by such *stormwater management* ordinances, such as may be set forth in design manuals, policies, or guidance documents developed by the localities, are determined to be necessary pursuant to this section within 30 days after adoption thereof. Any such letter report shall include a summary explanation as to why the more stringent ordinance or requirement has been determined to be necessary pursuant to this section. Upon the request of an affected landowner or his agent submitted to the Department with a copy to be sent to the locality, within 90 days after adoption of any such ordinance or derivative requirement, localities shall submit the ordinance or requirement and all other supporting materials to the Department for a determination of whether the requirements of this section have been met and whether any determination made by the locality pursuant to this section is supported by the evidence. The Department shall issue a written determination setting forth its rationale within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

C. Localities shall not prohibit or otherwise limit the use of any best management practice (BMP) approved for use by the Director or the Board except as follows:

1. When the Director or the Board approves the use of any BMP in accordance with its stated conditions, the locality serving as a ~~VSM~~ VESMP authority shall have authority to preclude the onsite use of the approved BMP, or to require more stringent conditions upon its use, for a specific land-disturbing project based on a review of the stormwater management plan and project site conditions. Such limitations shall be based on site-specific concerns. Any project or site-specific determination purportedly authorized pursuant to this subsection may be appealed to the Department and the Department shall issue a written determination regarding compliance with this section to the requesting party within 90 days of submission. Any such determination, or a failure by the Department to make any such determination within the 90-day period, may be appealed to the Board.

2. When a locality is seeking to uniformly preclude jurisdiction-wide or otherwise limit geographically the use of a BMP approved by the Director or Board, or to apply more stringent conditions to the use of a BMP approved by the Director or Board, upon the request of an affected landowner or his agent submitted to the Department, with a copy submitted to the locality, within 90 days after adoption, such authorizing ordinances, design manuals, policies, or guidance documents developed by the locality that set forth the BMP use policy shall be provided to the Department in such manner as may be prescribed by the Department that includes a written justification and explanation as to why such more stringent limitation or conditions are determined to be necessary. The Department shall review all supporting materials provided by the locality to determine whether the requirements of this section have been met and that any determination made by the locality pursuant to this section is reasonable under the circumstances. The Department shall issue its determination to the locality in writing within 90 days of submission. Such a determination, or a failure by the Department to make such a determination within the 90-day period, may be appealed to the Board.

D. Based on a determination made in accordance with subsection B or C, any ordinance or other requirement enacted or established by a locality that is found to not comply with this section shall be null and void, replaced with state minimum standards, and remanded to the locality for revision to ensure compliance with this section. Any such ordinance or other requirement that has been proposed but neither enacted nor established shall be remanded to the locality for revision to ensure compliance with this section.

E. Any provisions of a local *erosion and sediment control* or stormwater management program in existence before January 1, ~~2013~~ 2016, that contains more stringent provisions than this article shall be exempt from the requirements of this section *if the locality chooses to retain such provisions when it becomes a VESMP authority*. However, such provisions shall be reported to the Board at the time of *submission of the locality's* ~~VSM~~ VESMP approval package.

§ 62.1-44.15:34. Regulated activities; submission and approval of a permit application; security for performance; exemptions.

A. A person shall not conduct any land-disturbing activity until (i) he has submitted ~~a permit to the appropriate VESMP authority an application to the VSM authority~~ that includes a ~~state VSM~~ permit registration statement, ~~if such statement is required, and, after July 1, 2014, a required, a soil erosion control and stormwater management plan or an executed agreement in lieu of a stormwater management plan, and has obtained VSM authority approval to begin land~~

disturbance. A locality that is not a VSMP authority shall provide a general notice to applicants of the state permit coverage requirement and report all approvals pursuant to the Erosion and Sediment Control Law (§ 62.1-44.15:51 et seq.) to begin land disturbance of one acre or greater to the Department at least monthly. Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VSMP authority shall be required to obtain evidence of state VSMP permit coverage where it is required prior to providing approval to begin land disturbance. The VSMP authority shall act on any permit plan, if required, and (ii) the VESMP authority has issued its land-disturbance approval. In addition, as a prerequisite to engaging in an approved land-disturbing activity, the name of the individual who will be assisting the owner in carrying out the activity and holds a Responsible Land Disturber certificate pursuant to § 62.1-44.15:30 shall be submitted to the VESMP authority. Any VESMP authority may waive the Responsible Land Disturber certificate requirement for an agreement in lieu of a plan for construction of a single-family detached residential structure; however, if a violation occurs during the land-disturbing activity for the single-family detached residential structure, then the owner shall correct the violation and provide the name of the individual holding a Responsible Land Disturber certificate as provided by § 62.1-14:30. Failure to provide the name of an individual holding a Responsible Land Disturber certificate prior to engaging in land-disturbing activities may result in revocation of the land-disturbance approval and shall subject the owner to the penalties provided in this article.

1. A VESMP authority that is implementing its program pursuant to subsection A of § 62.1-44.15:27 or subdivision B 1 of § 62.1-44.15:27 shall determine the completeness of any application within 15 days after receipt, and shall act on any application within 60 days after it has been determined by the VSMP VESMP authority to be a complete application. The VSMP authority may either issue project VESMP authority shall issue either land-disturbance approval or denial and shall provide written rationale for the any denial. The VSMP authority shall act on any permit application that has been previously disapproved within 45 days after the application has been revised, resubmitted for approval, and deemed complete. Prior to issuance of any approval, the VSMP authority shall be required to obtain evidence of permit coverage when such coverage is required. The VESMP authority also shall determine whether any resubmittal of a previously disapproved application is complete within 15 days after receipt and shall act on the resubmitted application within 45 days after receipt.

2. A VESMP authority implementing its program in coordination with the Department pursuant to subdivision B 2 of § 62.1-44.15:27 shall determine the completeness of any application within 15 days after receipt, and shall act on any application within 60 days after it has been determined by the VESMP authority to be complete. The VESMP authority shall forward a soil erosion control and stormwater management plan to the Department for review within five days of receipt. If the plan is incomplete, the Department shall return the plan to the locality immediately and the application process shall start over. If the plan is complete, the Department shall review it for compliance with the water quality and water quantity technical criteria and provide its recommendation to the VESMP authority. The VESMP authority shall either (i) issue the land-disturbance approval or (ii) issue a denial and provide a written rationale for the denial. In no case shall a locality have more than 60 days for its decision on an application after it has been determined to be complete. Prior to issuing a land-disturbance approval, a VESMP authority shall be required to obtain evidence of permit coverage when such coverage is required.

The VESMP authority also shall forward to the Department any resubmittal of a previously disapproved application within five days after receipt, and the VESMP authority shall determine whether the plan is complete within 15 days of its receipt of the plan. The Department shall review the plan for compliance with the water quality and water quantity technical criteria and provide its recommendation to the VESMP authority, and the VESMP authority shall act on the resubmitted application within 45 days after receipt.

3. When a state agency or federal entity submits a soil erosion control and stormwater management plan for a project, land disturbance shall not commence until the Board has reviewed and approved the plan and has issued permit coverage when it is required.

a. The Board shall not approve a soil erosion control and stormwater management plan submitted by a state agency or federal entity for a project involving a land-disturbing activity (i) in any locality that has not adopted a local program with more stringent ordinances than those of the state program or (ii) in multiple jurisdictions with separate local programs, unless the plan is consistent with the requirements of the state program.

b. The Board shall not approve a soil erosion control and stormwater management plan submitted by a state agency or federal entity for a project involving a land-disturbing activity in one locality with a local program with more stringent ordinances than those of the state program, unless the plan is consistent with the requirements of the local program.

c. If onsite changes occur, the state agency or federal entity shall submit an amended soil erosion control and stormwater management plan to the Department.

d. The state agency or federal entity responsible for the land-disturbing activity shall ensure compliance with the approved plan. As necessary, the Board shall provide project oversight and enforcement.

4. Prior to issuance of any land-disturbance approval, the VESMP authority may also require an applicant, excluding state agencies and federal entities, to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the VSMP VESMP authority, to ensure that measures could be taken by the VSMP VESMP authority at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate actions that may be required of him by the permit conditions comply with the conditions imposed by the VESMP authority as a result of his land-disturbing activity. If the VSMP VESMP authority takes

such action upon such failure by the applicant, the ~~VSM~~ *VESMP* authority may collect from the applicant the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the completion of the ~~requirements of the permit~~ *VESMP* authority's conditions, such bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated. ~~These requirements are in addition to all other provisions of law relating to the issuance of permits and are not intended to otherwise affect the requirements for such permits.~~

~~B. A Chesapeake Bay Preservation Act Land Disturbing Activity shall be subject to coverage under the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities until July 1, 2014, at which time it shall no longer be considered a small construction activity but shall be then regulated under the requirements of this article. The VESMP authority may require changes to an approved soil erosion control and stormwater management plan in the following cases:~~

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations or ordinances; or

2. Where the owner finds that because of changed circumstances or for other reasons the plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article, are agreed to by the VESMP authority and the owner.

C. In order to prevent further erosion, a VESMP authority may require approval of a soil erosion control and stormwater management plan for any land identified as an erosion impact area by the VESMP authority.

D. A VESMP authority may enter into an agreement with an adjacent VESMP authority regarding the administration of multijurisdictional projects, specifying who shall be responsible for all or part of the administrative procedures. Should adjacent VESMP authorities fail to reach such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.

E. The following requirements shall apply to land-disturbing activities in the Commonwealth:

1. Any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance may, in accordance with regulations adopted by the Board, be required to obtain permit coverage.

2. For a land-disturbing activity occurring in an area not designated as a Chesapeake Bay Preservation Area subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.):

a. Soil erosion control requirements and water quantity technical criteria adopted pursuant to this article shall apply to any activity that disturbs 10,000 square feet or more, although the locality may reduce this regulatory threshold to a smaller area of disturbed land. A plan addressing these requirements shall be submitted to the VESMP authority in accordance with subsection A. This subdivision shall also apply to additions or modifications to existing single-family detached residential structures.

b. Soil erosion control requirements and water quantity and water quality technical criteria shall apply to any activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance, although the locality may reduce this regulatory threshold to a smaller area of disturbed land. A plan addressing these requirements shall be submitted to the VESMP authority in accordance with subsection A.

3. For a land-disturbing activity occurring in an area designated as a Chesapeake Bay Preservation Area subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.):

a. Soil erosion control and water quantity and water quality technical criteria shall apply to any land-disturbing activity that disturbs 2,500 square feet or more of land, other than a single-family detached residential structure. However, the governing body of any affected locality may reduce this regulatory threshold to a smaller area of disturbed land. A plan addressing these requirements shall be submitted to the VESMP authority in accordance with subsection A.

b. For land-disturbing activities for single-family detached residential structures, soil erosion control and water quantity technical criteria shall apply to any land-disturbing activity that disturbs 2,500 square feet or more of land, and the locality also may require compliance with the water quality technical criteria. A plan addressing these requirements shall be submitted to the VESMP authority in accordance with subsection A.

~~€~~ *F. Notwithstanding any other provisions of this article, the following activities are ~~exempt~~, not required to comply with the requirements of this article unless otherwise required by federal law:*

1. Minor land-disturbing activities, including home gardens and individual home landscaping, repairs, and maintenance work;

2. Installation, maintenance, or repair of any individual service connection;

3. Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;

4. Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;

5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted ~~under the provisions of~~ pursuant to Title 45.1;

~~2-~~ *6. Clearing of lands specifically for bona fide agricultural purposes and, the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; or as ~~additionally set forth by the~~*

~~Board in regulations, including; agricultural engineering operations as follows, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;~~

~~3. Single-family residences separately built and disturbing less than one acre and not part of a larger common plan of development or sale, including additions or modifications to existing single-family detached residential structures. However, localities subject to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) may regulate these single-family residences where land disturbance exceeds 2,500 square feet;~~

~~4. Land-disturbing activities that disturb less than one acre of land area except for land-disturbing activity exceeding an area of 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations adopted pursuant to the provisions of the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) or activities that are part of a larger common plan of development or sale that is one acre or greater of disturbance; however, the governing body of any locality that administers a VSMP may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;~~

~~5. 7. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;~~

~~8. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto;~~

~~9. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;~~

~~10. Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity; and~~

~~11. Discharges to a sanitary sewer or a combined sewer system; that are not from a land-disturbing activity.~~

~~G. Notwithstanding any other provision of this article, the following activities are required to comply with the soil erosion control requirements but are not required to comply with the water quantity and water quality technical criteria, unless otherwise required by federal law:~~

~~6. 1. Activities under a state or federal reclamation program to return an abandoned property to an agricultural or open land use;~~

~~7. 2. Routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original construction of the project. The paving of an existing road with a compacted or impervious surface and reestablishment of existing associated ditches and shoulders shall be deemed routine maintenance if performed in accordance with this subsection; and~~

~~8. Conducting land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VSMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity~~

~~3. Discharges from a land-disturbing activity to a sanitary sewer or a combined sewer system.~~

§ 62.1-44.15:35. Nutrient credit use and additional offsite options for construction activities.

A. As used in this section:

"Nutrient credit" or "credit" means a type of offsite option that is a nutrient credit certified pursuant to Article 4.02 (§ 62.1-44.19:12 et seq.).

"Offsite option" means an alternative available, away from the real property where land disturbance is occurring, to address water quality or water quantity technical criteria established pursuant to § 62.1-44.15:28.

"Tributary," within the Chesapeake Bay watershed, has the same meaning as in § 62.1-44.19:13. For areas outside of the Chesapeake Bay watershed, "tributary" includes the following watersheds: Albemarle Sound, Coastal; Atlantic Ocean, Coastal; Big Sandy; Chowan; Clinch-Powell; New Holston (Upper Tennessee); New River; Roanoke; and Yadkin.

"Virginia Stormwater Management Program Authority" or "VSMP authority" has the same meaning as in § 62.1-44.15:24 and includes, until July 1, 2014, any locality that has adopted a local stormwater management program.

B. A VSMP authority is authorized to allow compliance with stormwater nonpoint nutrient runoff water quality criteria established pursuant to § 62.1-44.15:28, in whole or in part, through the use of the applicant's acquisition of nutrient credits in the same tributary.

C. No applicant shall use nutrient credits to address water quantity control requirements. No applicant shall use nutrient credits or other offsite options. No offsite option shall be used in contravention of local water quality-based limitations (i) determined pursuant to subsection B of § 62.1-44.19:14, (ii) adopted pursuant to § 62.1-44.15:33 or other applicable authority, (iii) deemed necessary to protect public water supplies from demonstrated adverse nutrient impacts, or

(iv) as otherwise may be established or approved by the Board. Where such a limitation exists, offsite options may be used provided that such options do not preclude or impair compliance with the local limitation.

~~D. A VSMP authority shall allow offsite options in accordance with subsection I C. Unless prohibited by subsection B, a VESMP authority or a VSMP authority:~~

~~1. May allow the use of offsite options for compliance with water quality and water quantity technical criteria established pursuant to § 62.1-44.15:28, in whole or in part; and~~

~~2. Shall allow the use of nutrient credits for compliance with the water quality technical criteria when:~~

~~1. a. Less than five acres of land will be disturbed;~~

~~2. The postconstruction phosphorous control b. The phosphorous water quality reduction requirement is less than 10 pounds per year; or~~

~~3. The state permit applicant demonstrates c. It is demonstrated to the satisfaction of the VESMP or VSMP authority that (i) alternative site designs have been considered that may accommodate onsite best management practices, (ii) onsite best management practices have been considered in alternative site designs to the maximum extent practicable, (iii) appropriate onsite best management practices will be implemented, and (iv) full compliance with postdevelopment nonpoint nutrient runoff compliance requirements water quality technical criteria cannot practically be met onsite. For purposes of this subdivision, if an applicant demonstrates The requirements of clauses (i) through (iv) shall be deemed to have been met if it is demonstrated that onsite control of at least 75 percent of the required phosphorous nutrient reductions; the applicant shall be deemed to have met the requirements of clauses (i) through (iv) water quality reduction will be achieved.~~

~~E. Documentation of the applicant's acquisition of nutrient credits shall be provided to the VSMP authority and the Department in a certification from the credit provider documenting the number of phosphorus nutrient credits acquired and the associated ratio of nitrogen nutrient credits at the credit-generating entity. Until the effective date of regulations establishing application fees in accordance with § 62.1-44.19:20, the credit provider shall pay the Department a water quality enhancement fee equal to six percent of the amount paid by the applicant for the credits. Such fee shall be deposited into the Virginia Stormwater Management Fund established by § 62.1-44.15:29.~~

~~F. Nutrient credits used pursuant to subsection B shall be generated in the same or adjacent eight-digit hydrologic unit code as defined by the United States Geological Survey as the permitted site except as otherwise limited in subsection C. Nutrient credits outside the same or adjacent eight-digit hydrologic unit code may only be used if it is determined by the VSMP authority that no credits are available within the same or adjacent eight-digit hydrologic unit code when the VSMP authority accepts the final site design. In such cases, and subject to other limitations imposed in this section, credits available within the same tributary may be used. In no case shall credits from another tributary be used.~~

~~G. For that portion of a site's compliance with stormwater nonpoint nutrient runoff water quality criteria being obtained through nutrient credits, the applicant shall (i) comply with a 1:1 ratio of the nutrient credits to the site's remaining postdevelopment nonpoint nutrient runoff compliance requirement being met by credit use and (ii) use credits certified as perpetual credits pursuant to Article 4.02 (§ 62.1-44.19:12 et seq.).~~

~~H. D. No VSMP or VESMP authority may grant an exception to, or waiver of, postdevelopment post-development nonpoint nutrient runoff compliance requirements unless offsite options have been considered and found not available.~~

~~I. E. The VSMP or VESMP authority shall require that nutrient credits and other offsite options approved by the Department or applicable state board, including locality pollutant loading pro rata share programs established pursuant to § 15.2-2243, achieve the necessary nutrient phosphorous water quality reductions prior to the commencement of the applicant's land-disturbing activity. A pollutant loading pro rata share program established by a locality pursuant to § 15.2-2243 and approved by the Department or applicable state board prior to January 1, 2011, including those that may achieve nutrient reductions after the commencement of the land-disturbing activity, may continue to operate in the approved manner for a transition period ending July 1, 2014. The applicant In the case of a phased project, the land disturber may acquire or achieve the offsite nutrient reductions prior to the commencement of each phase of the land-disturbing activity in an amount sufficient for each such phase. The land disturber shall have the right to select between the use of nutrient credits or other offsite options, except during the transition period in those localities to which the transition period applies. The locality may use funds collected for nutrient reductions pursuant to a locality pollutant loading pro rata share program under § 15.2-2243 for nutrient reductions in the same tributary within the same locality as the land-disturbing activity or for the acquisition of nutrient credits. In the case of a phased project, the applicant may acquire or achieve the offsite nutrient reductions prior to the commencement of each phase of the land-disturbing activity in an amount sufficient for each such phase.~~

~~J. Nutrient reductions obtained through nutrient credits shall be credited toward compliance with any nutrient allocation assigned to a municipal separate storm sewer system in a Virginia Stormwater Management Program Permit or Total Maximum Daily Load applicable to the location where the activity for which the nutrient credits are used takes place. If the activity for which the nutrient credits are used does not discharge to a municipal separate storm sewer system, the nutrient reductions shall be credited toward compliance with the applicable nutrient allocation.~~

~~K. A F. With the consent of the land disturber, in resolving enforcement actions, the VESMP authority or the Board may include the use of offsite options to compensate for (i) nutrient control deficiencies occurring during the period of noncompliance and (ii) permanent nutrient control deficiencies.~~

G. This section shall not be construed as limiting the authority established under § 15.2-2243; however, under any pollutant loading pro rata share program established thereunder, the subdivider or developer shall be given appropriate credit for nutrient reductions achieved through offsite options. The locality may use funds collected for nutrient reductions pursuant to a locality pollutant loading pro rata share program for nutrient reductions in the same tributary within the same locality as the land-disturbing activity, or for the acquisition of nutrient credits.

H. Nutrient credits shall not be used to address water quantity technical criteria. Nutrient credits shall be generated in the same or adjacent fourth order subbasin, as defined by the hydrologic unit boundaries of the National Watershed Boundary Dataset, as the land-disturbing activity. If no credits are available within these subbasins when the VESMP or VSMP authority accepts the final site design, credits available within the same tributary may be used. The following requirements apply to the use of nutrient credits:

1. Documentation of the acquisition of nutrient credits shall be provided to the VESMP authority and the Department or the VSMP authority in a certification from the credit provider documenting the number of phosphorus nutrient credits acquired and the associated ratio of nitrogen nutrient credits at the credit-generating entity.

2. Until the effective date of regulations establishing application fees in accordance with § 62.1-44.19:20, the credit provider shall pay the Department a water quality enhancement fee equal to six percent of the amount paid for the credits. Such fee shall be deposited into the Virginia Stormwater Management Fund established by § 62.1-44.15:29.

3. For that portion of a site's compliance with water quality technical criteria being obtained through nutrient credits, the land disturber shall (i) comply with a 1:1 ratio of the nutrient credits to the site's remaining post-development nonpoint nutrient runoff compliance requirement being met by credit use and (ii) use credits certified as perpetual credits pursuant to Article 4.02 (§ 62.1-44.19:12 et seq.).

4. A VESMP or VSMP authority shall allow the full or partial substitution of perpetual nutrient credits for existing onsite nutrient controls when (i) the nutrient credits will compensate for 10 or fewer pounds of the annual phosphorous requirement associated with the original land-disturbing activity or (ii) existing onsite controls are not functioning as anticipated after reasonable attempts to comply with applicable maintenance agreements or requirements and the use of nutrient credits will account for the deficiency. Upon determination by the VESMP or VSMP authority that the conditions established by clause (i) or (ii) have been met, the party responsible for maintenance shall be released from maintenance obligations related to the onsite phosphorous controls for which the nutrient credits are substituted.

~~*L. To the extent available, with the consent of the applicant, the VSMP authority, the Board or the Department may include the use of nutrient credits or other offsite measures in resolving enforcement actions to compensate for (i) nutrient control deficiencies occurring during the period of noncompliance and (ii) permanent nutrient control deficiencies.*~~

~~*M. This section shall not be construed as limiting the authority established under § 15.2-2243; however, under any pollutant loading pro rata share program established thereunder, the subdivider or developer shall be given appropriate credit for nutrient reductions achieved through nutrient credits or other offsite options.*~~

~~*N. In order to properly account for allowed nonpoint nutrient offsite reductions, an applicant shall report to the Department, in accordance with Department procedures, information regarding all offsite reductions that have been authorized to meet stormwater postdevelopment nonpoint nutrient runoff compliance requirements.*~~

~~*O. An applicant or a permittee found to be in noncompliance with the requirements of this section shall be subject to the enforcement and penalty provisions of this article.*~~

I. The use of nutrient credits to meet post-construction nutrient control requirements shall be accounted for in the implementation of total maximum daily loads and MS4 permits as specified in subdivisions 1, 2, and 3. In order to ensure that the nutrient reduction benefits of nutrient credits used to meet post-construction nutrient control requirements are attributed to the location of the land-disturbing activity where the credit is used, the following account method shall be used:

1. Chesapeake Bay TMDL.

a. Where nutrient credits are used to meet nutrient reduction requirements applicable to redevelopment projects, a 1:1 credit shall be applied toward MS4 compliance with the Chesapeake Bay TMDL waste load allocation or related MS4 permit requirement applicable to the MS4 service area, including the site of the land-disturbing activity, such that the nutrient reductions of redevelopment projects are counted as part of the MS4 nutrient reductions to the same extent as when land-disturbing activities use onsite measures to comply.

b. Where nutrient credits are used to meet post-construction requirements applicable to new development projects, the nutrient reduction benefits represented by such credits shall be attributed to the location of the land-disturbing activity where the credit is used to the same extent as when land-disturbing activities use onsite measures to comply.

c. A 1:1 credit shall be applied toward compliance by a locality that operates a regulated MS4 with its Chesapeake Bay TMDL waste load allocation or related MS4 permit requirement to the extent that nutrient credits are obtained by the MS4 jurisdiction from a nutrient credit-generating entity as defined in § 62.1-44.19:13 independent of or in excess of those required to meet the post-construction requirements.

2. Local nutrient-related TMDLs adopted prior to the land-disturbing activity.

a. Where nutrient credits are used to meet nutrient reduction requirements applicable to redevelopment projects, a 1:1 credit shall be applied toward MS4 compliance with any local TMDL waste load allocation or related MS4 permit requirement applicable to the MS4 service area, including the site of the land-disturbing activity, such that the nutrient reductions of redevelopment projects are counted as part of the MS4 nutrient reductions to the same extent as when

land-disturbing activities use onsite measures to comply, provided the nutrient credits are generated upstream of where the land-disturbing activity discharges to the water body segment that is subject to the TMDL.

b. Where nutrient credits are used to meet post-construction requirements applicable to new development projects, the nutrient reduction benefits represented by such credits shall be attributed to the location of the land-disturbing activity where the credit is used to the same extent as when land-disturbing activities use onsite measures to comply, provided the nutrient credits are generated upstream of where the land-disturbing activity discharges to the water body segment that is subject to the TMDL.

c. A 1:1 credit shall be applied toward MS4 compliance with any local TMDL waste load allocation or related MS4 permit requirement to the extent that nutrient credits are obtained by the MS4 jurisdiction from a nutrient credit-generating entity as defined in § 62.1-44.19:13 independent of or in excess of those required to meet the post-construction requirements. However, such credits shall be generated upstream of where the land-disturbing activity discharges to the water body segment that is subject to the TMDL.

3. Future local nutrient-related TMDLs.

This subdivision applies only to areas where there has been a documented prior use of nutrient credits to meet nutrient control requirements in an MS4 service area that flows to or is upstream of a water body segment for which a nutrient-related TMDL is being developed. For a TMDL waste load allocation applicable to the MS4, the Board shall develop the TMDL waste load allocation with the nutrient reduction benefits represented by the nutrient credit use being attributed to the MS4, except when the Board determines during the TMDL development process that reasonable assurance of implementation cannot be provided for nonpoint source load allocations due to the nutrient reduction benefits being attributed in this manner. The Board shall have no obligation to account for nutrient reduction benefits in this manner if the MS4 does not provide the Board with adequate documentation of (i) the location of the land-disturbing activities, (ii) the number of nutrient credits, and (iii) the generation of the nutrient credits upstream of the site at which the land-disturbing activity discharges to the water body segment addressed by the TMDL. Such attribution shall not be interpreted as amending the requirement that the TMDL be established at a level necessary to meet the applicable water quality standard.

§ 62.1-44.15:37. Notices to comply and stop work orders.

A. ~~The VSMP authority (i) shall provide for periodic inspections of the installation of stormwater management measures; (ii) may require monitoring and reports from the person responsible for meeting the permit conditions to ensure compliance with the permit and to determine whether the measures required in the permit provide effective stormwater management; and (iii) shall conduct such investigations and perform such other actions as are necessary to carry out the provisions of this article. If the VSMP authority, where authorized to enforce this article, or the Department When the VESMP authority or the Board determines that there is a failure to comply with the permit conditions; notice shall be served upon the permittee or person responsible for carrying out the permit conditions or conditions of land-disturbance approval, or to obtain an approved plan, permit, or land-disturbance approval prior to commencing land-disturbing activities, the VESMP authority or the Board may serve a notice to comply upon the owner, permittee, or person conducting land-disturbing activities without an approved plan, permit, or approval. Such notice to comply shall be served by delivery by facsimile, email, or other technology; by mailing with confirmation of delivery to the address specified in the permit or land-disturbance application, if available, or in the land records of the locality; or by delivery at the site of the development activities to the agent or employee supervising such activities to a person previously identified to the VESMP authority by the permittee or owner. The notice to comply shall specify the measures needed to comply with the permit conditions and shall specify the or land-disturbance approval conditions, or shall identify the plan approval or permit or land-disturbance approval needed to comply with this article, and shall specify a reasonable time within which such measures shall be completed. In any instance in which a required permit or land-disturbance approval has not been obtained, the VESMP authority or the Board may require immediate compliance. In any other case, the VESMP authority or the Board may establish the time for compliance by taking into account the risk of damage to natural resources and other relevant factors. Notwithstanding any other provision in this subsection, a VESMP authority or the Board may count any days of noncompliance as days of violation should the VESMP authority or the Board take an enforcement action. The issuance of a notice to comply by the Board shall not be considered a case decision as defined in § 2.2-4001.~~

~~B. Upon failure to comply within the time specified; a stop work order may be issued in accordance with subsection B by the VSMP authority, where authorized to enforce this article; or by the Board, or the permit may be revoked by the VSMP authority, or the state permit may be revoked by the Board. The Board or the VSMP authority, where authorized to enforce this article; may pursue enforcement in accordance with § 62.1-44.15:48.~~

~~B. If a permittee fails to comply with a notice issued in accordance with subsection A within the time specified, the VSMP authority, where authorized to enforce this article, or the Department may issue an in a notice to comply issued in accordance with subsection A, a locality serving as the VESMP authority or the Board may issue a stop work order requiring the owner, permittee, person responsible for carrying out an approved plan, or person conducting the land-disturbing activities without an approved plan or required permit or land-disturbance approval to cease all land-disturbing activities until the violation of the permit has ceased, or an approved plan and required permits and approvals are obtained, and specified corrective measures have been completed. The VESMP authority or the Board shall lift the order immediately upon completion and approval of corrective action or upon obtaining an approved plan or any required permits or approvals.~~

Such orders shall be issued (i) in accordance with local procedures if issued by a locality serving as a VSMP authority or (ii) after a hearing held in accordance with the requirements C. When such an order is issued by the Board, it shall be issued in accordance with the procedures of the Administrative Process Act (§ 2.2-4000 et seq.) if issued by the Department. Such orders shall become effective upon service on the person in the manner set forth in subsection A. However, where the alleged noncompliance is causing or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, the locality serving as the VESMP authority or the Board may issue, without advance notice or procedures, an emergency order directing such person to cease immediately all land-disturbing activities on the site and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.

D. The owner, permittee, or person conducting a land-disturbing activity may appeal the issuance of any order to the circuit court of the jurisdiction wherein the violation was alleged to occur or other appropriate court.

E. An aggrieved owner of property sustaining pecuniary damage from soil erosion or sediment deposition resulting from a violation of an approved plan or required land-disturbance approval, or from the conduct of a land-disturbing activity commenced without an approved plan or required land-disturbance approval, may give written notice of an alleged violation to the locality serving as the VESMP authority and to the Board.

1. If the VESMP authority has not responded to the alleged violation in a manner that causes the violation to cease and abates the damage to the aggrieved owner's property within 30 days following receipt of the notice from the aggrieved owner, the aggrieved owner may request that the Board conduct an investigation and, if necessary, require the violator to stop the alleged violation and abate the damage to the property of the aggrieved owner.

2. Upon receipt of the request, the Board shall conduct an investigation of the aggrieved owner's complaint. If the Board's investigation of the complaint indicates that (i) there is a violation and the VESMP authority has not responded to the violation as required by the VESMP and (ii) the VESMP authority has not responded to the alleged violation in a manner that causes the violation to cease and abates the damage to the aggrieved owner's property within 30 days from receipt of the notice from the aggrieved owner, then the Board shall give written notice to the VESMP authority that the Board intends to issue an order pursuant to subdivision 3.

3. If the VESMP authority has not instituted action to stop the violation and abate the damage to the aggrieved owner's property within 10 days following receipt of the notice from the Board, the Board is authorized to issue an order requiring the owner, person responsible for carrying out an approved plan, or person conducting the land-disturbing activity without an approved plan or required land-disturbance approval to cease all land-disturbing activities until the violation of the plan has ceased or an approved plan and required land-disturbance approval are obtained, as appropriate, and specified corrective measures have been completed. The Board also may immediately initiate a program review of the VESMP.

4. Such orders are to be issued in accordance with the procedures of the Administrative Process Act (§ 2.2-4000 et seq.) and they shall become effective upon service on the person by mailing, with confirmation of delivery, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the VSMP authority or Department Board. Any subsequent identical mail or notice that is sent by the Board may be sent by regular mail. However, if the VSMP authority or the Department Board finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth or otherwise substantially impacting water quality, it may issue, without advance notice or hearing, an emergency order directing such person to cease immediately all land-disturbing activities on the site immediately and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.

5. If a person who has been issued an order or an emergency order is not complying with the terms thereof, the VSMP authority or the Department Board may institute a proceeding in accordance with § 62.1-44.15:42 the appropriate circuit court for an injunction, mandamus, or other appropriate remedy compelling the person to comply with such order. Any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty in accordance with the provisions of § 62.1-44.15:48. Any civil penalties assessed by a court shall be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.

§ 62.1-44.15:39. Right of entry.

The Department, the VSMP authority, where authorized to enforce this article, any duly authorized agent of the Department or VSMP authority, or any locality that is the operator of a regulated municipal separate storm sewer system In addition to the Board's authority set forth in § 62.1-44.20, a locality serving as a VESMP authority or any duly authorized agent thereof may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article. For operators of localities that operate regulated municipal separate storm sewer systems, this authority shall apply only to those properties from which a discharge enters their municipal separate storm sewer systems.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, a VSMP VESMP authority may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by the permit conditions associated

with conditions imposed by the VESMP authority on a land-disturbing activity when a permittee an owner, after proper notice, has failed to take acceptable action within the time specified.

§ 62.1-44.15:40. Information to be furnished.

The Board, the Department, or the VSMP authority, where authorized to enforce this article, may require every permit applicant, every permittee, or any person subject to state permit requirements under this article a locality serving as a VESMP authority may require every owner, including every applicant for a permit or land-disturbance approval, to furnish when requested such application materials, plans, specifications, and other pertinent information as may be necessary to determine the effect of his discharge on the quality of state waters, or such other information as may be necessary to accomplish the purposes of this article. The Board or Department also may require any locality that is a VESMP authority to furnish when requested any information as may be required to accomplish the purposes of this article. Any personal information shall not be disclosed except to an appropriate official of the Board, Department, U.S. Environmental Protection Agency, or VSMP VESMP authority or as may be authorized pursuant to the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). However, disclosure of records of the Department, the Board, or the VSMP VESMP authority relating to (i) active federal environmental enforcement actions that are considered confidential under federal law, (ii) enforcement strategies, including proposed sanctions for enforcement actions, and (iii) any secret formulae, secret processes, or secret methods other than effluent data used by any permittee owner or under that permittee's owner's direction is prohibited. Upon request, such enforcement records shall be disclosed after a proposed sanction resulting from the investigation has been determined by the Department, the Board, or the VSMP locality serving as a VESMP authority. This section shall not be construed to prohibit the disclosure of records related to inspection reports, notices of violation, and documents detailing the nature of any land-disturbing activity that may have occurred, or similar documents.

§ 62.1-44.15:41. Liability of common interest communities.

A- Whenever a common interest community cedes responsibility for the maintenance, repair, and replacement of a stormwater management facility on its real property to the Commonwealth or political subdivision thereof, such common interest community shall be immune from civil liability in relation to such stormwater management facility. In order for the immunity established by this subsection to apply, (i) the common interest community must cede such responsibility by contract or other instrument executed by both parties and (ii) the Commonwealth or the governing body of the political subdivision shall have accepted the responsibility ceded by the common interest community in writing or by resolution. As used in this section, maintenance, repair, and replacement shall include, without limitation, cleaning of the facility, maintenance of adjacent grounds that are part of the facility, maintenance and replacement of fencing where the facility is fenced, and posting of signage indicating the identity of the governmental entity that maintains the facility. Acceptance or approval of an easement, subdivision plat, site plan, or other plan of development shall not constitute the acceptance by the Commonwealth or the governing body of the political subdivision required to satisfy clause (ii). The immunity granted by this section shall not apply to actions or omissions by the common interest community constituting intentional or willful misconduct or gross negligence. For the purposes of this section, "common interest community" means the same as that term is defined in § 55-528.

B. Except as provided in subsection A, the fact that any permittee holds or has held a permit or state permit issued under this article shall not constitute a defense in any civil action involving private rights.

§ 62.1-44.15:46. Appeals.

Any permittee or party aggrieved by a state permit or (i) a permit or permit enforcement decision of the Department or Board under this article or (ii) a decision of the Board under this article concerning a land-disturbing activity in a locality subject to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), or any person who has participated, in person or by submittal of written comments, in the public comment process related to a final such decision of the Department or Board under this article, whether such decision is affirmative or negative, is entitled to judicial review thereof in accordance with § 62.1-44.29. Appeals of other final decisions of the Board under this article shall be subject to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.) if such person meets the standard for obtaining judicial review of a case or controversy pursuant to Article III of the Constitution of the United States. A person shall be deemed to meet such standard if (i) such person has suffered an actual or imminent injury that is an invasion of a legally protected interest and that is concrete and particularized; (ii) such injury is fairly traceable to the decision of the Department or the Board and not the result of the independent action of some third party not before the court; and (iii) such injury will likely be redressed by a favorable decision by the court.

The provisions of the Administrative Process Act (§ 2.2-4000 et seq.) shall not apply to decisions rendered by localities. Appeals of decisions rendered by localities shall be conducted in accordance with local appeal procedures and shall include an opportunity for judicial review in the circuit court of the locality in which the land disturbance occurs or is proposed to occur. Unless otherwise provided by law, the circuit court shall conduct such review in accordance with the standards established in § 2.2-4027, and the decisions of the circuit court shall be subject to review by the Court of Appeals, as in other cases under this article.

A final decision by a locality, when serving as a VESMP authority, shall be subject to judicial review, provided that an appeal is filed in the appropriate court within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in a land-disturbing activity.

§ 62.1-44.15:48. Penalties, injunctions, and other legal actions.

A. For a land-disturbing activity that disturbs 2,500 square feet or more of land in an area of a locality that is designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.), or that disturbs one acre or more of land or is part of a larger common plan of development or sale that disturbs one acre or more of land anywhere else in the Commonwealth:

1. Any person who violates any applicable provision of this article or of any regulation, ordinance permit, or standard and specification adopted or approved by the Board hereunder, or who fails, neglects, or refuses to comply with any order of the Board, or a court, issued as herein provided, shall be subject to a civil penalty pursuant to § 62.1-44.32. The court shall direct that any penalty be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.

2. Any person who violates any applicable provision of this article, or any ordinance adopted pursuant to this article, including those adopted pursuant to the conditions of an MS4 permit, or any condition of a local land-disturbance approval, or who fails, neglects, or refuses to comply with any order of a VSMP authority authorized to enforce this article, the Department, the Board, locality serving as a VESMP authority or a court, issued as herein provided, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense. The Board shall adopt a regulation establishing a schedule of civil penalties to be utilized by the VSMP authority in enforcing the provisions of this article. The Board, Department, or VSMP authority may issue a summons for collection of the civil penalty and the action may be prosecuted in the appropriate court. Such civil penalties shall be paid into the treasury of the locality in which the violation occurred and are to be used solely for stormwater management capital projects, including (i) new stormwater best management practices; (ii) stormwater best management practice maintenance, inspection, or retrofitting; (iii) stream restoration; (iv) low-impact development projects; (v) buffer restoration; (vi) pond retrofitting; and (vii) wetlands restoration.

Where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.

B. For a land-disturbing activity that disturbs an area measuring not less than 10,000 square feet but less than one acre in an area that is not designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and is not part of a larger common plan of development or sale that disturbs one acre or more of land:

1. Any person who violates any applicable provision of this article or of any regulation or order of the Board issued pursuant to this article, or any condition of a land-disturbance approval issued by the Board, or fails to obtain a required land-disturbance approval, shall be subject to a civil penalty not to exceed \$5,000 for each violation with a limit of \$50,000 within the discretion of the court in a civil action initiated by the Board. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$50,000. The court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.

2. Any locality serving as a VESMP authority shall adopt an ordinance providing that a violation of any ordinance or provision of its program adopted pursuant to this article, or any condition of a land-disturbance approval, shall be subject to a civil penalty. Such ordinance shall provide that any person who violates any applicable provision of this article or any ordinance or order of a locality issued pursuant to this article, or any condition of a land-disturbance approval issued by the locality, or fails to obtain a required land-disturbance approval, shall be subject to a civil penalty not to exceed \$5,000 for each violation with a limit of \$50,000 within the discretion of the court in a civil action initiated by the locality. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$50,000. Any civil penalties assessed by a court as a result of a summons issued by a locality as an approved VSMP authority shall be paid into the treasury of the locality wherein the land lies, except where the violator is the locality itself, or its agent. When the penalties are assessed by the court as a result of a summons issued by the Board or Department, or and used pursuant to subdivision A 2, except that where the violator is the locality itself, or its agent, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the Virginia Stormwater Management Local Assistance Fund established pursuant to § 62.1-44.15:29. Such civil penalties paid into the treasury of the locality in which the violation occurred are to be used for the purpose of minimizing, preventing, managing, or mitigating pollution of the waters of the locality and abating environmental pollution therein in such manner as the court may, by order, direct § 62.1-44.15:29.1.

B. Any person who willfully or negligently violates any provision of this article, any regulation or order of the Board, any order of a VSMP authority authorized to enforce this article or the Department, any ordinance of any locality approved as a VSMP authority, any condition of a permit or state permit, or any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$2,500 nor more than \$32,500, either or both. Any person who knowingly violates any provision of this article, any regulation or order of the Board, any order of the VSMP authority or the Department, any ordinance of any locality approved as a VSMP authority, any condition of a permit or state permit, or any order of a court issued as herein provided, or who knowingly makes any false statement in any form required to be submitted under this article or knowingly renders inaccurate any monitoring device or method required to be maintained under this article, shall be guilty of a felony punishable by a term of imprisonment of not less than one year nor more than three years, or in the discretion of the jury or the court trying the case without a jury, confinement in

jail for not more than 12 months and a fine of not less than \$5,000 nor more than \$50,000 for each violation. Any defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day of violation of each requirement shall constitute a separate offense.

C. Any person who knowingly violates any provision of this article, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not less than two years nor more than 15 years and a fine of not more than \$250,000, either or both. A defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine not exceeding the greater of \$1 million or an amount that is three times the economic benefit realized by the defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and imprisonment for any subsequent conviction of the same person under this subsection.

D. Violation of any provision of this article may also include the following sanctions:

1. The Board, Department, or the VSMP authority, where authorized to enforce this article;

C. The violation of any provision of this article may also result in the following sanctions:

1. The Board may seek an injunction, mandamus, or other appropriate remedy pursuant to § 62.1-44.23. A locality serving as a VESMP authority may apply to the appropriate court in any jurisdiction wherein the land lies to enjoin a violation or a threatened violation of the provisions of this article or of the local ordinance without the necessity of showing that an adequate remedy at law does not exist a local ordinance or order or the conditions of a local land-disturbance approval. Any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this article shall be subject, in the discretion of the court, to a civil penalty that shall be assessed and used in accordance with the provisions of subsection A or B, as applicable.

2. With the consent of any person who has violated or failed, neglected, or refused to obey any ordinance, any condition of a permit or state permit, any regulation or order of the Board, any order of the VSMP authority or the Department, or any provision of this article, the Board, Department, or VSMP authority may provide, in an order issued against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in this section. Such civil charges shall be instead of any appropriate civil penalty that could be imposed under this section. Any civil charges collected shall be paid to the locality or state treasury pursuant to subsection A. The Board or a locality serving as a VESMP authority may use the criminal provisions provided in § 62.1-44.32.

§ 62.1-44.15:49. Enforcement authority of MS4 localities.

A. Localities shall adopt a stormwater ordinance pursuant to the conditions of a MS4 permit that is consistent with this article and its associated regulations and that contains provisions including the Virginia Stormwater Management Program (VSMP) General Permit for Discharges of Stormwater from Construction Activities and shall include additional provisions. Each locality subject to an MS4 permit shall adopt an ordinance to implement a municipal separate storm sewer system management program that is consistent with this chapter and that contains provisions as required to comply with a state an MS4 permit. Such locality may utilize the civil penalty provisions in subsection A subdivision A 2 of § 62.1-44.15:48, the injunctive authority as provided for in subdivision D + subsection C of § 62.1-44.15:48, and the civil charges as authorized in subdivision D 2 of § 62.1-44.15:48 § 62.1-44.15:25.1, and the criminal provisions in § 62.1-44.32, to enforce the ordinance. At the request of another MS4, the locality may apply the penalties provided for in this section to direct or indirect discharges to any MS4 located within its jurisdiction.

B. Any person who willfully and knowingly violates any provision of such an ordinance is guilty of a Class 4 misdemeanor.

C. The local ordinance authorized by this section shall remain in full force and effect until the locality has been approved as a VSMP authority.

§ 62.1-44.15:50. Cooperation with federal and state agencies.

A VSMP VESMP authority and the Department are authorized to cooperate and enter into agreements with any federal or state agency in connection with the requirements for land-disturbing activities for stormwater management.

Article 2.4.

Erosion and Sediment Control Law for Localities Not Administering a Virginia Erosion and Stormwater Management Program.

§ 62.1-44.15:51. Definitions.

As used in this article, unless the context requires a different meaning:

"Agreement in lieu of a plan" means a contract between the plan-approving VESCP authority and the owner that specifies conservation measures that must be implemented in the construction of a single-family residence detached residential structure; this contract may be executed by the plan-approving VESCP authority in lieu of a formal site plan.

"Applicant" means any person submitting an erosion and sediment control plan for approval or requesting the issuance of a permit, when required, authorizing in order to obtain authorization for land-disturbing activities to commence.

"Certified inspector" means an employee or agent of a VESCP authority who (i) holds a certificate of competence certification from the Board in the area of project inspection or (ii) is enrolled in the Board's training program for project inspection and successfully completes such program within one year after enrollment.

"Certified plan reviewer" means an employee or agent of a VESCP authority who (i) holds a certificate of competence certification from the Board in the area of plan review, (ii) is enrolled in the Board's training program for plan review and successfully completes such program within one year after enrollment, or (iii) is licensed as a professional engineer,

architect, landscape architect, land surveyor pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1, or professional soil scientist as defined in § 54.1-2200.

"Certified program administrator" means an employee or agent of a VESCP authority who (i) holds a ~~certificate of competence~~ *certification* from the Board in the area of program administration or (ii) is enrolled in the Board's training program for program administration and successfully completes such program within one year after enrollment.

"Department" means the Department of Environmental Quality.

"Director" means the Director of the Department of Environmental Quality.

"District" or "soil and water conservation district" means a political subdivision of the Commonwealth organized in accordance with the provisions of Article 3 (§ 10.1-506 et seq.) of Chapter 5 of Title 10.1.

"Erosion and sediment control plan" or "plan" means a document containing material for the conservation of soil and water resources of a unit or group of units of land. It may include appropriate maps, an appropriate soil and water plan inventory and management information with needed interpretations, and a record of decisions contributing to conservation treatment. The plan shall contain all major conservation decisions to ensure that the entire unit or units of land will be so treated to achieve the conservation objectives.

"Erosion impact area" means an area of land *that is* not associated with a current land-disturbing activity but *is* subject to persistent soil erosion resulting in the delivery of sediment onto neighboring properties or into state waters. This definition shall not apply to any lot or parcel of land of 10,000 square feet or less used for residential purposes or to shorelines where the erosion results from wave action or other coastal processes.

~~"Land-disturbing activity" "Land disturbance" or "land-disturbing activity" means any man-made change to the land surface that may result in soil erosion from water or wind and the movement of sediments into state waters or onto lands in the Commonwealth, including, but not limited to, or has the potential to change its runoff characteristics, including the clearing, grading, excavating, transporting, and filling of land; except that the term shall not include:~~

~~1. Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;~~

~~2. Individual service connections;~~

~~3. Installation, maintenance, or repair of any underground public utility lines when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;~~

~~4. Septic tank lines or drainage fields unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;~~

~~5. Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1;~~

~~6. Tilling, planting, or harvesting of agricultural, horticultural, or forest crops, livestock feedlot operations, or as additionally set forth by the Board in regulation, including engineering operations as follows: construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; however, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;~~

~~7. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company;~~

~~8. Agricultural engineering operations, including but not limited to the construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds not required to comply with the provisions of the Dam Safety Act (§ 10.1-604 et seq.), ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation;~~

~~9. Disturbed land areas of less than 10,000 square feet in size or 2,500 square feet in all areas of the jurisdictions designated as subject to the Chesapeake Bay Preservation Area Designation and Management Regulations; however, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;~~

~~10. Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;~~

~~11. Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto; and~~

~~12. Emergency work to protect life, limb, or property, and emergency repairs; however, if the land-disturbing activity would have required an approved erosion and sediment control plan, if the activity were not an emergency, then the land area disturbed shall be shaped and stabilized in accordance with the requirements of the VESCP authority.~~

"Natural channel design concepts" means the utilization of engineering analysis and fluvial geomorphic processes to create, rehabilitate, restore, or stabilize an open conveyance system for the purpose of creating or recreating a stream that conveys its bankfull storm event within its banks and allows larger flows to access its bankfull bench and its floodplain.

"Owner" means *the same as provided in § 62.1-44.3. For a land-disturbing activity that is regulated under this article, "owner" also includes the owner or owners of the freehold of the premises or lesser estate therein, mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee, or other person, firm, or corporation in control of a property.*

"Peak flow rate" means the maximum instantaneous flow from a given storm condition at a particular location.

~~"Permittee" means the person to whom the local permit authorizing land-disturbing activities is issued or the person who certifies that the approved erosion and sediment control plan will be followed.~~

"Person" means any individual, partnership, firm, association, joint venture, public or private corporation, trust, estate, commission, board, public or private institution, utility, cooperative, county, city, town, or other political subdivision of the Commonwealth, governmental body, including a federal or state entity as applicable, any interstate body, or any other legal entity.

"Runoff volume" means the volume of water that runs off the land development project from a prescribed storm event.

"Soil erosion" means the movement of soil by wind or water into state waters or onto lands in the Commonwealth.

"Town" means an incorporated town.

"Virginia Erosion and Sediment Control Program" or "VESC" means a program approved by the Board that has been established by a VESC authority for the effective control of soil erosion, sediment deposition, and nonagricultural runoff associated with a land-disturbing activity to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources and shall include such items where applicable as local ordinances, rules, ~~permit requirements, annual standards and specifications,~~ policies and guidelines, technical materials, and requirements for plan review, inspection, ~~enforcement where authorized in this article,~~ and evaluation consistent with the requirements of this article ~~and its associated regulations.~~

~~"Virginia Erosion and Sediment Control Program authority" or "VESC authority" means an authority a locality approved by the Board to operate a Virginia Erosion and Sediment Control Program. An authority may include a state entity, including the Department, a federal entity, a district, county, city, or town; or for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, railroad companies, or authorities created pursuant to § 15.2-5102. A locality that has chosen not to establish a Virginia Erosion and Stormwater Management Program pursuant to subdivision B 3 of § 62.1-44.15:27 is required to become a VESC authority in accordance with this article.~~

"Virginia Stormwater Management Program" or "VSMP" means a program established by the Board pursuant to § 62.1-44.15:27.1 on behalf of a locality on or after July 1, 2014, to manage the quality and quantity of runoff resulting from any land-disturbing activity that (i) disturbs one acre or more of land or (ii) disturbs less than one acre of land and is part of a larger common plan of development or sale that results in one acre or greater of land disturbance.

~~"Water quality volume" means the volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project.~~

§ 62.1-44.15:51.1. Applicability.

The requirements of this article shall apply in any locality that has chosen not to establish a Virginia Erosion and Stormwater Management Program (VESMP) pursuant to subdivision B 3 of § 62.1-44.15:27. Each such locality shall be required to adopt and administer a Board-approved VESC.

§ 62.1-44.15:52. Virginia Erosion and Sediment Control Program.

A. The Board shall develop a program and adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) for the effective control of soil erosion, sediment deposition, and nonagricultural runoff that shall be met in any control program to prevent the unreasonable degradation of properties, stream channels, waters, and other natural resources. Stream restoration and relocation projects that incorporate natural channel design concepts are not man-made channels and shall be exempt from any flow rate capacity and velocity requirements for natural or man-made channels as defined in any regulations promulgated pursuant to this section or § 62.1-44.15:54 or 62.1-44.15:65. Any plan approved prior to July 1, 2014, that provides for stormwater management that addresses any flow rate capacity and velocity requirements for natural or man-made channels shall satisfy the flow rate capacity and velocity requirements for natural or man-made channels if the practices are designed to (i) detain the water ~~quality volume equal to the first one-half inch of runoff multiplied by the impervious surface of the land development project~~ and to release it over 48 hours; (ii) detain and release over a 24-hour period the expected rainfall resulting from the one-year, 24-hour storm; and (iii) reduce the allowable peak flow rate resulting from the 1.5-year, two-year, and 10-year, 24-hour storms to a level that is less than or equal to the peak flow rate from the site assuming it was in a good forested condition, achieved through multiplication of the forested peak flow rate by a reduction factor that is equal to the runoff volume from the site when it was in a good forested condition divided by the runoff volume from the site in its proposed condition, and shall be exempt from any flow rate capacity and velocity requirement for natural or man-made channels as defined in regulations promulgated pursuant to § 62.1-44.15:54 or 62.1-44.15:65. For plans approved on and after July 1, 2014, the flow rate capacity and velocity requirements of this subsection shall be satisfied by compliance with water quantity requirements in the *Virginia Erosion and Stormwater Management Act* (§ 62.1-44.15:24 et seq.) and attendant regulations, unless such land-disturbing activities are in accordance with the grandfathering provisions of the *Virginia Erosion and Stormwater Management Program (VSMP) Permit (VESMP) Regulations* or exempt pursuant to subdivision ~~€ 7 G 2~~ of § 62.1-44.15:34.

The regulations shall:

1. Be based upon relevant physical and developmental information concerning the watersheds and drainage basins of the Commonwealth, including, but not limited to, data relating to land use, soils, hydrology, geology, size of land area being disturbed, proximate water bodies and their characteristics, transportation, and public facilities and services;

2. Include such survey of lands and waters as may be deemed appropriate by the Board or required by any applicable law to identify areas, including multijurisdictional and watershed areas, with critical erosion and sediment problems; and

3. Contain conservation standards for various types of soils and land uses, which shall include criteria, techniques, and methods for the control of erosion and sediment resulting from land-disturbing activities.

B. The Board shall provide technical assistance and advice to, and conduct and supervise educational programs for VESCP authorities.

C. The Board shall adopt regulations establishing minimum standards of effectiveness of erosion and sediment control programs, and criteria and procedures for reviewing and evaluating the effectiveness of VESCPs. In developing minimum standards for program effectiveness, the Board shall consider information and standards on which the regulations promulgated pursuant to subsection A are based.

D. The Board shall approve VESCP authorities and shall periodically conduct a comprehensive program compliance review and evaluation to ensure that all VESCPs operating under the jurisdiction of this article meet minimum standards of effectiveness in controlling soil erosion, sediment deposition, and nonagricultural runoff. The Department shall develop a schedule for conducting periodic reviews and evaluations of the effectiveness of VESCPs unless otherwise directed by the Board. Such reviews where applicable shall be coordinated with those being implemented in accordance with the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations and the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.) and associated regulations. The Department may also conduct a comprehensive or partial program compliance review and evaluation of a VESCP at a greater frequency than the standard schedule pursuant to subdivision (19) of § 62.1-44.15.

E. The Board shall issue certificates of competence certifications concerning the content, application, and intent of specified subject areas of this article and accompanying regulations, including program administration, plan review, and project inspection, to personnel of program authorities and to any other persons who have completed training programs or in other ways demonstrated adequate knowledge. The Department shall administer education and training programs for specified subject areas of this article and accompanying regulations, and is authorized to charge persons attending such programs reasonable fees to cover the costs of administering the programs. Such education and training programs shall also contain expanded components to address plan review and project inspection elements of the Virginia Erosion and Stormwater Management Act (§ 62.1-44.15:24 et seq.) and attendant regulations in accordance with § 62.1-44.15:30.

F. Department personnel conducting inspections pursuant to this article shall hold a certificate of competence certification as provided in subsection E.

§ 62.1-44.15:53. Certification of program personnel.

A. The minimum standards of VESCP effectiveness established by the Board pursuant to subsection C of § 62.1-44.15:52 shall provide that (i) an erosion and sediment control plan shall not be approved until it is reviewed by a certified plan reviewer; (ii) inspections of land-disturbing activities shall be conducted by a certified inspector; and (iii) a VESCP shall contain a certified program administrator, a certified plan reviewer, and a certified project inspector, who may be the same person.

B. Any person who holds a certificate of competence from the Board in the area of plan review, project inspection, or program administration that was attained prior to the adoption of the mandatory certification provisions of subsection A shall be deemed to satisfy the requirements of that area of certification.

C. Professionals registered in the Commonwealth pursuant to Article 1 (§ 54.1-400 et seq.) of Chapter 4 of Title 54.1 or a professional soil scientist as defined in § 54.1-2200 shall be deemed to satisfy the certification requirements have met the provisions of this section for the purposes of renewals of certifications.

§ 62.1-44.15:54. Virginia Erosion and Sediment Control Program.

A. Counties and cities shall adopt and administer a VESCP.

Any town lying within a county that has adopted its own VESCP may adopt its own program or shall become subject to the county program. If a town lies within the boundaries of more than one county, the town shall be considered for the purposes of this article to be wholly within the county in which the larger portion of the town lies. Any locality that has chosen not to establish a Virginia Erosion and Stormwater Management Program (VESMP) pursuant to subdivision B 3 of § 62.1-44.15:27 shall administer a VESCP in accordance with this article; however, a town may enter into an agreement with a county to administer the town's VESCP pursuant to subsection C of § 62.1-44.15:27.

B. A VESCP authority may enter into agreements or contracts with soil and water conservation districts, adjacent localities, or other public or private entities to assist with carrying out the provisions of this article, including the review and determination of adequacy of erosion and sediment control plans submitted for land-disturbing activities on a unit or units of land as well as for monitoring, reports, inspections, and enforcement where authorized in this article, of such land-disturbing activities.

C. Any VESCP adopted by a county, city, or town shall be approved by the Board if it establishes by ordinance requirements that are consistent with this article and associated regulations.

D. Each approved VESCP operated by a county, city, or town shall include provisions for the integration coordination of the VESCP with Virginia stormwater management, flood insurance, flood plain management, and other programs

requiring compliance prior to authorizing a land-disturbing activity in order to make the submission and approval of plans, issuance of permits, payment of fees, and coordination of inspection and enforcement activities more convenient and efficient both for the local governments and those responsible for compliance with the programs.

E. The Board may approve a state entity, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies; interstate and intrastate natural gas pipeline companies; railroad companies; or authorities created pursuant to § 15.2-5102 to operate a VESCP consistent with the requirements of this article and its associated regulations and the VESCP authority's Department approved annual standards and specifications. For these programs, enforcement shall be administered by the Department and the Board where applicable in accordance with the provisions of this article shall conduct compliance reviews of VESCPs in accordance with subdivision (19) of § 62.1-44.15. The Board or Department also may require any locality that is a VESCP authority to furnish when requested any information as may be required to accomplish the purposes of this article.

F. Following completion of a compliance review of a VESCP in accordance with subsection D of § 62.1-44.15:52, the Department shall provide results and compliance recommendations to the Board in the form of a corrective action agreement if deficiencies are found; otherwise, the Board may find the program compliant. If a comprehensive or partial program compliance review conducted by the Department of a VESCP indicates that the VESCP authority has not administered, enforced where authorized to do so, or conducted its VESCP in a manner that satisfies the minimum standards of effectiveness established pursuant to subsection C of § 62.1-44.15:52, the Board shall establish a schedule for the VESCP authority to come into compliance. The Board shall provide a copy of its decision to the VESCP authority that specifies the deficiencies, actions needed to be taken, and the approved compliance schedule required to attain the minimum standard of effectiveness and shall include an offer to provide technical assistance to implement the corrective action. If the VESCP authority has not implemented the necessary compliance actions identified by the Board within 30 days following receipt of the corrective action agreement, or such additional period as is granted to complete the implementation of the corrective action, then the Board shall have the authority to (i) issue a special order to any VESCP, imposing a civil penalty not to exceed \$5,000 per day with the maximum amount not to exceed \$20,000 per violation for noncompliance with the state program; to be paid into the state treasury and deposited in the Virginia Stormwater Management Fund established by § 62.1-44.15:29 or (ii) revoke its approval of the VESCP. The Administrative Process Act (§ 2.2-4000 et seq.) shall govern the activities and proceedings of the Board and the judicial review thereof.

In lieu of issuing a special order or revoking the program, the Board is authorized to take legal action against a VESCP to ensure compliance.

G. If the Board revokes its approval of the VESCP of a county, city, or town, and the locality is in a district, the district, upon approval of the Board, shall adopt and administer a VESCP for the locality. To carry out its program, the district shall adopt regulations in accordance with the Administrative Process Act (§ 2.2-4000 et seq.) consistent with this article and associated regulations. The regulations may be revised from time to time as necessary. The program and regulations shall be available for public inspection at the principal office of the district.

H. If the Board (i) revokes its approval of a VESCP of a district, or of a county, city, or town not in a district, or (ii) finds that a local program consistent with this article and associated regulations has not been adopted by a district or a county, city, or town that is required to adopt and administer a VESCP, the Board shall find the VESCP authority provisional, and have the Department assist with the administration of the program until the Board finds the VESCP authority compliant with the requirements of this article and associated regulations. "Assisting with administration" includes but is not limited to the ability to review and comment on plans to the VESCP authority, to conduct inspections with the VESCP authority, and to conduct enforcement in accordance with this article and associated regulations.

I. If the Board revokes its approval of a state entity, federal entity, or, for linear projects subject to annual standards and specifications, electric, natural gas, and telephone utility companies; interstate and intrastate natural gas pipeline companies; railroad companies; or authorities created pursuant to § 15.2-5102, the Board shall find the VESCP authority provisional, and have the Department assist with the administration of the program until the Board finds the VESCP authority compliant with the requirements of this article and associated regulations. "Assisting with administration" includes the ability to review and comment on plans to the VESCP authority and to conduct inspections with the VESCP authority in accordance with this article and associated regulations.

J. F. Any VESCP authority that administers an erosion and sediment control program may charge applicants a reasonable fee to defray the cost of program administration. Such fee may be in addition to any fee charged for administration of a Virginia Stormwater Management Program, although payment of fees may be consolidated in order to provide greater convenience and efficiency for those responsible for compliance with the programs. A VESCP authority shall hold a public hearing prior to establishing a schedule of fees. The fee shall not exceed an amount commensurate with the services rendered, taking into consideration the time, skill, and the VESCP authority's expense involved.

K. The governing body of any county, city, or town, or a district board G. Any locality that is authorized to administer a VESCP, may adopt an ordinance or regulation where applicable providing that violations of any regulation or order of the Board, any provision of its program, any condition of a permit land-disturbance approval, or any provision of this article shall be subject to a civil penalty. The civil penalty for any one violation shall be not less than \$100 nor more than \$1,000. Each day during which the violation is found to have existed shall constitute a separate offense. In no event shall a series of specified violations arising from the same operative set of facts result in civil penalties that exceed a total of \$10,000, except that a series of violations arising from the commencement of land-disturbing activities without an approved plan for any site

shall not result in civil penalties that exceed a total of \$10,000. ~~Adoption of such an ordinance providing that violations are subject to a civil penalty shall be in lieu of criminal sanctions and shall preclude the prosecution of such violation as a misdemeanor under subsection A of § 62.1-44.15:63.~~ The penalties set out in this subsection are also available to the Board in its enforcement actions.

§ 62.1-44.15:55. Regulated land-disturbing activities; submission and approval of erosion and sediment control plan.

A. ~~Except as provided in § 62.1-44.15:56 for state agency and federal entity land-disturbing activities § 62.1-44.15:31 for a land-disturbing activity conducted by a state agency, federal entity, or other specified entity,~~ no person shall engage in any land-disturbing activity until he has submitted to the VESCP authority an erosion and sediment control plan for the land-disturbing activity and the plan has been reviewed and approved. ~~Upon the development of an online reporting system by the Department, but no later than July 1, 2014, a VESCP authority shall then be required to obtain evidence of Virginia Stormwater Management Program permit coverage where it is required prior to providing approval to begin land disturbance. Where land-disturbing activities involve lands under the jurisdiction of more than one VESCP, an erosion and sediment control plan may, at the request of one or all of the VESCP authorities, be submitted to the Department for review and approval rather than to each jurisdiction concerned. The Department may charge the jurisdictions requesting the review a fee sufficient to cover the cost associated with conducting the review. A VESCP may enter into an agreement with an adjacent VESCP regarding the administration of multijurisdictional projects whereby the jurisdiction that contains the greater portion of the project shall be responsible for all or part of the administrative procedures. Where Virginia Pollutant Discharge Elimination System permit coverage is required, a VESCP authority shall be required to obtain evidence of such coverage from the Department's online reporting system prior to approving the erosion and sediment control plan. A VESCP authority may enter into an agreement with an adjacent VESCP or VESMP authority regarding the administration of multijurisdictional projects specifying who shall be responsible for all or part of the administrative procedures. Should adjacent authorities fail to come to such an agreement, each shall be responsible for administering the area of the multijurisdictional project that lies within its jurisdiction.~~ Where the land-disturbing activity results from the construction of a single-family residence, an agreement in lieu of a plan may be substituted for an erosion and sediment control plan if executed by the VESCP authority.

B. The VESCP authority shall review erosion and sediment control plans submitted to it and grant written approval within 60 days of the receipt of the plan if it determines that the plan meets the requirements of this article and the Board's regulations and if the person responsible for carrying out the plan certifies that he will properly perform the erosion and sediment control measures included in the plan and shall comply with the provisions of this article. In addition, as a prerequisite to engaging in the land-disturbing activities shown on the approved plan, the person responsible for carrying out the plan shall provide the name of an individual holding a certificate of ~~competence~~ to the VESCP authority, as provided by § 62.1-44.15:52, who will be in charge of and responsible for carrying out the land-disturbing activity. However, any VESCP authority may waive the certificate of ~~competence~~ requirement for an agreement in lieu of a plan for construction of a single-family residence. If a violation occurs during the land-disturbing activity, then the person responsible for carrying out the agreement in lieu of a plan shall correct the violation and provide the name of an individual holding a certificate of ~~competence~~, as provided by § 62.1-44.15:52. Failure to provide the name of an individual holding a certificate of ~~competence~~ prior to engaging in land-disturbing activities may result in revocation of the approval of the plan and the person responsible for carrying out the plan shall be subject to the penalties provided in this article.

When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant within 45 days. The notice shall specify the modifications, terms, and conditions that will permit approval of the plan. If no action is taken by the VESCP authority within the time specified in this subsection, the plan shall be deemed approved and the person authorized to proceed with the proposed activity. The VESCP authority shall act on any erosion and sediment control plan that has been previously disapproved within 45 days after the plan has been revised, resubmitted for approval, and deemed adequate.

C. The VESCP authority may require changes to an approved plan in the following cases:

1. Where inspection has revealed that the plan is inadequate to satisfy applicable regulations; or
2. Where the person responsible for carrying out the approved plan finds that because of changed circumstances or for other reasons the approved plan cannot be effectively carried out, and proposed amendments to the plan, consistent with the requirements of this article and associated regulations, are agreed to by the VESCP authority and the person responsible for carrying out the plan.

~~D. Electric, natural gas, and telephone utility companies, interstate and intrastate natural gas pipeline companies, and railroad companies shall, and authorities created pursuant to § 15.2-5102 may, file general erosion and sediment control standards and specifications annually with the Department for review and approval. Such standards and specifications shall be consistent with the requirements of this article and associated regulations and the Stormwater Management Act (§ 62.1-44.15:24 et seq.) and associated regulations where applicable. The specifications shall apply to:~~

1. ~~Construction, installation, or maintenance of electric transmission, natural gas, and telephone utility lines and pipelines, and water and sewer lines; and~~
2. ~~Construction of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of the railroad company.~~

The Department shall have 60 days in which to approve the standards and specifications. If no action is taken by the Department within 60 days, the standards and specifications shall be deemed approved. Individual approval of separate projects within subdivisions 1 and 2 is not necessary when approved specifications are followed. Projects not included in subdivisions 1 and 2 shall comply with the requirements of the appropriate VESCP. The Board shall have the authority to enforce approved specifications and charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, project inspections, and compliance.

E. Any person engaging, in more than one jurisdiction, in the creation and operation of a wetland mitigation or stream restoration bank or banks, which have been approved and are operated in accordance with applicable federal and state guidance, laws, or regulations for the establishment, use, and operation of wetlands mitigation or stream restoration banks, pursuant to a mitigation banking instrument signed by the Department of Environmental Quality, the Marine Resources Commission, or the U.S. Army Corps of Engineers, may, at the option of that person, file general erosion and sediment control standards and specifications for wetland mitigation or stream restoration banks annually with the Department for review and approval consistent with guidelines established by the Board.

The Department shall have 60 days in which to approve the specifications. If no action is taken by the Department within 60 days, the specifications shall be deemed approved. Individual approval of separate projects under this subsection is not necessary when approved specifications are implemented through a project-specific erosion and sediment control plan. Projects not included in this subsection shall comply with the requirements of the appropriate local erosion and sediment control program. The Board shall have the authority to enforce approved specifications and charge fees equal to the lower of (i) \$1,000 or (ii) an amount sufficient to cover the costs associated with standard and specification review and approval, projection inspections, and compliance. Approval of general erosion and sediment control specifications by the Department does not relieve the owner or operator from compliance with any other local ordinances and regulations including requirements to submit plans and obtain permits as may be required by such ordinances and regulations.

F. D. In order to prevent further erosion, a VESCP authority may require approval of an erosion and sediment control plan for any land identified by the VESCP authority as an erosion impact area.

G. E. For the purposes of subsections A and B, when land-disturbing activity will be required of a contractor performing construction work pursuant to a construction contract, the preparation, submission, and approval of an erosion and sediment control plan shall be the responsibility of the owner.

F. *Notwithstanding any other provisions of this article, the following activities are not required to comply with the requirements of this article unless otherwise required by federal law:*

1. *Disturbance of a land area of less than 10,000 square feet in size or less than 2,500 square feet in an area designated as a Chesapeake Bay Preservation Area pursuant to the Chesapeake Bay Preservation Act (§ 62.1-44.15:67 et seq.). However, the governing body of the program authority may reduce this exception to a smaller area of disturbed land or qualify the conditions under which this exception shall apply;*

2. *Minor land-disturbing activities such as home gardens and individual home landscaping, repairs, and maintenance work;*

3. *Installation, maintenance, or repair of any individual service connection;*

4. *Installation, maintenance, or repair of any underground utility line when such activity occurs on an existing hard surfaced road, street, or sidewalk, provided the land-disturbing activity is confined to the area of the road, street, or sidewalk that is hard surfaced;*

5. *Installation, maintenance, or repair of any septic tank line or drainage field unless included in an overall plan for land-disturbing activity relating to construction of the building to be served by the septic tank system;*

6. *Permitted surface or deep mining operations and projects, or oil and gas operations and projects conducted pursuant to Title 45.1;*

7. *Clearing of lands specifically for bona fide agricultural purposes; the management, tilling, planting, or harvesting of agricultural, horticultural, or forest crops; livestock feedlot operations; agricultural engineering operations, including construction of terraces, terrace outlets, check dams, desilting basins, dikes, ponds, ditches, strip cropping, lister furrowing, contour cultivating, contour furrowing, land drainage, and land irrigation; or as additionally set forth by the Board in regulations. However, this exception shall not apply to harvesting of forest crops unless the area on which harvesting occurs is reforested artificially or naturally in accordance with the provisions of Chapter 11 (§ 10.1-1100 et seq.) of Title 10.1 or is converted to bona fide agricultural or improved pasture use as described in subsection B of § 10.1-1163;*

8. *Installation of fence and sign posts or telephone and electric poles and other kinds of posts or poles;*

9. *Shoreline erosion control projects on tidal waters when all of the land-disturbing activities are within the regulatory authority of and approved by local wetlands boards, the Marine Resources Commission, or the United States Army Corps of Engineers; however, any associated land that is disturbed outside of this exempted area shall remain subject to this article and the regulations adopted pursuant thereto;*

10. *Land-disturbing activities in response to a public emergency where the related work requires immediate authorization to avoid imminent endangerment to human health or the environment. In such situations, the VESMP authority shall be advised of the disturbance within seven days of commencing the land-disturbing activity, and compliance with the administrative requirements of subsection A is required within 30 days of commencing the land-disturbing activity;*

11. *Discharges to a sanitary sewer or a combined sewer system that are not from a land-disturbing activity; and*

12. Repair or rebuilding of the tracks, rights-of-way, bridges, communication facilities, and other related structures and facilities of a railroad company.

§ 62.1-44.15:57. Approved plan required for issuance of grading, building, or other permits; security for performance.

Agencies authorized under any other law to issue grading, building, or other permits for activities involving land-disturbing activities regulated under this article shall not issue any such permit unless the applicant submits with his application an approved erosion and sediment control plan ~~and~~, certification that the plan will be followed, and, ~~upon the development of an online reporting system by the Department but no later than July 1, 2014,~~ evidence of Virginia Stormwater Management Program Pollutant Discharge Elimination System permit coverage where it is required. Prior to issuance of any permit, the agency may also require an applicant to submit a reasonable performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement acceptable to the agency, to ensure that measures could be taken by the agency at the applicant's expense should he fail, after proper notice, within the time specified to initiate or maintain appropriate conservation action that may be required of him by the approved plan as a result of his land-disturbing activity. The amount of the bond or other security for performance shall not exceed the total of the estimated cost to initiate and maintain appropriate conservation action based on unit price for new public or private sector construction in the locality and a reasonable allowance for estimated administrative costs and inflation, which shall not exceed 25 percent of the estimated cost of the conservation action. If the agency takes such conservation action upon such failure by the permittee, the agency may collect from the permittee the difference should the amount of the reasonable cost of such action exceed the amount of the security held. Within 60 days of the achievement of adequate stabilization of the land-disturbing activity in any project or section thereof, the bond, cash escrow, letter of credit, or other legal arrangement, or the unexpended or unobligated portion thereof, shall be refunded to the applicant or terminated based upon the percentage of stabilization accomplished in the project or section thereof. These requirements are in addition to all other provisions of law relating to the issuance of such permits and are not intended to otherwise affect the requirements for such permits.

§ 62.1-44.15:58. Monitoring, reports, and inspections.

A. The VESCP authority (i) shall provide for periodic inspections of the land-disturbing activity and require that an individual holding a certificate of competence, as provided by § 62.1-44.15:52, ~~who~~ will be in charge of and responsible for carrying out the land-disturbing activity and (ii) may require monitoring and reports from the person responsible for carrying out the erosion and sediment control plan, to ensure compliance with the approved plan and to determine whether the measures required in the plan are effective in controlling erosion and sediment. However, any VESCP authority may waive the certificate of competence requirement for an agreement in lieu of a plan for construction of a single-family residence detached residential structure. The owner, permittee, or person responsible for carrying out the plan shall be given notice of the inspection. ~~If the VESCP authority, where authorized to enforce this article, or the Department determines that there is a failure to comply with the plan following an inspection, notice shall be served upon the permittee or person responsible for carrying out the plan by mailing with confirmation of delivery to the address specified in the permit application or in the plan certification, or by delivery at the site of the land-disturbing activities to the agent or employee supervising such activities. When the VESCP authority or the Board determines that there is a failure to comply with the conditions of land-disturbance approval or to obtain an approved plan or a land-disturbance approval prior to commencing land-disturbing activity, the VESCP authority or the Board may serve a notice to comply upon the owner or person responsible for carrying out the land-disturbing activity. Such notice to comply shall be served by delivery by facsimile, e-mail, or other technology; by mailing with confirmation of delivery to the address specified in the plan or land-disturbance application, if available, or in the land records of the locality; or by delivery at the site to a person previously identified to the VESCP authority by the owner. The notice to comply shall specify the measures needed to comply with the plan land-disturbance approval conditions or shall identify the plan approval or land-disturbance approval needed to comply with this article and shall specify the a reasonable time within which such measures shall be completed. In any instance in which a required land-disturbance approval has not been obtained, the VESCP authority or the Board may require immediate compliance. In any other case, the VESCP authority or the Board may establish the time for compliance by taking into account the risk of damage to natural resources and other relevant factors. Notwithstanding any other provision in this subsection, a VESCP authority or the Board may count any days of noncompliance as days of violation should the VESCP authority or the Board take an enforcement action. The issuance of a notice to comply by the Board shall not be considered a case decision as defined in § 2.2-4001. Upon failure to comply within the time specified, the permit any plan approval or land-disturbance approval may be revoked and the VESCP authority, where authorized to enforce this article, the Department,~~ or the Board may pursue enforcement as provided by § 62.1-44.15:63.

B. Notwithstanding the provisions of subsection A, a VESCP authority is authorized to enter into agreements or contracts with districts, adjacent localities, or other public or private entities to assist with the responsibilities of this article, including but not limited to the review and determination of adequacy of erosion and sediment control plans submitted for land-disturbing activities as well as monitoring, reports, inspections, and enforcement ~~where an authority is granted such powers by this article.~~

C. Upon issuance of an inspection report denoting a violation of this section, ~~or § 62.1-44.15:55 or 62.1-44.15:56,~~ in conjunction with or subsequent to a notice to comply as specified in subsection A, a VESCP authority, ~~where authorized to enforce this article, or the Department or the Board~~ may issue ~~an~~ a stop work order requiring that all or part of the

land-disturbing activities ~~permitted~~ on the site be stopped until the specified corrective measures have been taken or, if land-disturbing activities have commenced without an approved plan as provided in § 62.1-44.15:55, requiring that all of the land-disturbing activities be stopped until an approved plan ~~or any required permits are~~ is obtained. *When such an order is issued by the Board, it shall be issued in accordance with the procedures of the Administrative Process Act (§ 2.2-4000 et seq.).* Where the alleged noncompliance is causing or is in imminent danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, or where the land-disturbing activities have commenced without an approved erosion and sediment control plan ~~or any required permits, such an~~, such a stop work order may be issued whether or not the alleged violator has been issued a notice to comply as specified in subsection A. Otherwise, such an order may be issued only after the alleged violator has failed to comply with a notice to comply. The order for noncompliance with a plan shall be served in the same manner as a notice to comply, and shall remain in effect for seven days from the date of service pending application by the VESCP authority, the ~~Department Board~~, or alleged violator for appropriate relief to the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court. The *stop work* order for disturbance without an approved plan ~~or permits~~ shall be served upon the owner by mailing with confirmation of delivery to the address specified in the land records of the locality, shall be posted on the site where the disturbance is occurring, and shall remain in effect until such time as ~~permits and~~ plan approvals are secured, except in such situations where an agricultural exemption applies. If the alleged violator has not obtained an approved erosion and sediment control plan ~~or any required permit~~ within seven days from the date of service of the *stop work* order, the ~~Department Board~~ or the chief administrative officer or his designee on behalf of the VESCP authority may issue a subsequent order to the owner requiring that all construction and other work on the site, other than corrective measures, be stopped until an approved erosion and sediment control plan ~~and any required permits have~~ has been obtained. The subsequent order shall be served upon the owner by mailing with confirmation of delivery to the address specified in the ~~permit application plan~~ or the land records of the locality in which the site is located. The owner may appeal the issuance of any order to the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court. Any person violating or failing, neglecting, or refusing to obey an order issued by the ~~Department Board~~ or the chief administrative officer or his designee on behalf of the VESCP authority may be compelled in a proceeding instituted in the circuit court of the jurisdiction wherein the violation was alleged to have occurred or other appropriate court to obey same and to comply therewith by injunction, mandamus, or other appropriate remedy. Upon completion and approval of corrective action or obtaining an approved plan ~~or any required permits~~, the order shall immediately be lifted. Nothing in this section shall prevent ~~the Department, the Board, or the chief administrative officer or his designee on behalf of the VESCP authority~~ from taking any other action specified in § 62.1-44.15:63.

§ 62.1-44.15:60. Right of entry.

~~The Department, the VESCP authority, where authorized to enforce this article, In addition to the Board's authority set forth in § 62.1-44.20, a locality serving as a VESCP authority or any duly authorized agent of the Department or such VESCP authority thereof~~ may, at reasonable times and under reasonable circumstances, enter any establishment or upon any property, public or private, for the purpose of obtaining information or conducting surveys or investigations necessary in the enforcement of the provisions of this article.

In accordance with a performance bond with surety, cash escrow, letter of credit, any combination thereof, or such other legal arrangement, a VESCP authority may also enter any establishment or upon any property, public or private, for the purpose of initiating or maintaining appropriate actions that are required by the ~~permit conditions associated with conditions imposed by the VESCP authority on a land-disturbing activity when a permittee an owner~~, after proper notice, has failed to take acceptable action within the time specified.

§ 62.1-44.15:62. Judicial appeals.

A. A final decision by a county, city, or town, when serving as a VESCP authority under this article, shall be subject to judicial review, provided that an appeal is filed within 30 days from the date of any written decision adversely affecting the rights, duties, or privileges of the person engaging in or proposing to engage in land-disturbing activities.

B. Final decisions of the Board; ~~Department, or district~~ shall be subject to judicial review in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 62.1-44.15:63. Penalties, injunctions and other legal actions.

~~A. Violators of § 62.1-44.15:55; 62.1-44.15:56, or 62.1-44.15:58 shall be guilty of a Class 4 misdemeanor.~~

~~B. Any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the Department or VESCP authority, any condition of a permit land-disturbance approval, or any provision of this article or associated regulation shall, upon a finding of an appropriate court, be assessed a civil penalty. If a locality or district serving as a VESCP authority has adopted a uniform schedule of civil penalties as permitted by subsection K G of § 62.1-44.15:54, such assessment shall be in accordance with the schedule. The VESCP authority or the Department Board may issue a summons for collection of the civil penalty. In any trial for a scheduled violation, it shall be the burden of the locality or Department Board or the VESCP authority to show the liability of the violator by a preponderance of the evidence. An admission or finding of liability shall not be a criminal conviction for any purpose. Any civil penalties assessed by a court shall be paid into the treasury of the locality wherein the land lies, except that where and are to be used solely for stormwater management capital projects, including (i) new stormwater best management practices; (ii) stormwater best management practice maintenance, inspection, or retrofitting; (iii) stream restoration; (iv) low-impact development projects; (v) buffer restoration; (vi) pond retrofitting; and (vii) wetlands restoration. Where the~~

violator is the locality itself, or its agent, or where the ~~Department Board~~ is issuing the summons, the court shall direct the penalty to be paid into the state treasury *and deposited by the State Treasurer into the Stormwater Local Assistance Fund established pursuant to § 62.1-44.15:29.1.*

~~Ⓒ. B.~~ The VESCP authority, the ~~Department Board~~, or the owner of property that has sustained damage or which is in imminent danger of being damaged may apply to the circuit court in any jurisdiction wherein the land lies or other appropriate court to enjoin a violation or a threatened violation under § 62.1-44.15:55; ~~62.1-44.15:56~~; or 62.1-44.15:58 without the necessity of showing that an adequate remedy at law does not exist; however, an owner of property shall not apply for injunctive relief unless (i) he has notified in writing the person who has violated the VESCP, the ~~Department Board~~, and the VESCP authority that a violation of the VESCP has caused, or creates a probability of causing, damage to his property, and (ii) neither the person who has violated the VESCP, the ~~Department Board~~, nor the VESCP authority has taken corrective action within 15 days to eliminate the conditions that have caused, or create the probability of causing, damage to his property.

~~Ⓒ. C.~~ In addition to any ~~criminal or~~ civil penalties provided under this article, any person who violates any provision of this article may be liable to the VESCP authority or the ~~Department Board~~, as appropriate, in a civil action for damages.

~~Ⓒ. D.~~ Without limiting the remedies that may be obtained in this section, any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to this section shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. A civil action for such violation or failure may be brought by the VESCP authority wherein the land lies or the ~~Department Board~~. Any civil penalties assessed by a court shall be paid into the treasury of the locality wherein the land lies; ~~except that where and used pursuant to requirements of subsection A. Where~~ the violator is the locality itself, or its agent, ~~or other VESCP authority~~, or where the penalties are assessed as the result of an enforcement action brought by the ~~Department Board~~, the court shall direct the penalty to be paid into the state treasury *and deposited by the State Treasurer into the Stormwater Local Assistance Fund (§ 62.1-44.15:29.1).*

~~Ⓒ. E.~~ With the consent of any person who has violated or failed, neglected, or refused to obey any regulation or order of the Board, any order, notice, or requirement of the ~~Department or~~ VESCP authority, any condition of a ~~permit land-disturbance approval~~, or any provision of this article or associated regulations, the Board, the Director, or VESCP authority may provide, in an order issued by the Board or VESCP authority against such person, for the payment of civil charges for violations in specific sums, not to exceed the limit specified in subsection ~~Ⓒ. D.~~ Such civil charges shall be instead of any appropriate civil penalty that could be imposed under subsection ~~Ⓒ. B. or Ⓒ. A. or Ⓒ. D.~~

~~Ⓒ. F.~~ Upon request of a VESCP authority, the attorney for the Commonwealth shall take legal action to enforce the provisions of this article. Upon request of the Board, ~~the Department, or the district~~, the Attorney General shall take appropriate legal action on behalf of the Board; ~~the Department, or the district~~ to enforce the provisions of this article.

~~H. Compliance with the provisions of this article shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.~~

§ 62.1-44.15:64. Stop work orders by Board; civil penalties.

A. An aggrieved owner of property sustaining pecuniary damage resulting from a violation of an approved erosion and sediment control plan or required ~~permit land-disturbance approval~~, or from the conduct of land-disturbing activities commenced without an approved plan or required ~~permit land-disturbance approval~~, may give written notice of the alleged violation to the VESCP authority and to the ~~Director Board~~.

~~B. Upon receipt of the notice from the aggrieved owner and notification to the VESCP authority, the Director shall conduct an investigation of the aggrieved owner's complaint.~~

~~Ⓒ.~~ If the VESCP authority has not responded to the alleged violation in a manner that causes the violation to cease and abates the damage to the aggrieved owner's property within 30 days following receipt of the notice from the aggrieved owner, the aggrieved owner may request that the ~~Director Board~~ *conduct an investigation and, if necessary*, require the violator to stop the *alleged* violation and abate the damage to his property.

~~Ⓒ. If (i) the Director's~~ *C. If the Board's* investigation of the complaint indicates that (i) the VESCP authority has not responded to the alleged violation as required by the VESCP, (ii) the VESCP authority has not responded to the alleged violation within 30 days from the date of the notice given pursuant to subsection A, and (iii) ~~the Director is requested by the aggrieved owner there is a violation and it is necessary to require the violator to cease the violation as requested by the aggrieved owner~~, then the ~~Director Board~~ shall give written notice to the VESCP authority that the ~~Department Board~~ intends to issue an order pursuant to subsection ~~Ⓒ. D.~~

~~Ⓒ. D.~~ If the VESCP authority has not instituted action to stop the violation and abate the damage to the aggrieved owner's property within 10 days following receipt of the notice from the ~~Director, the Department Board, the Board~~ is authorized to issue an order requiring the owner, ~~permittee~~, person responsible for carrying out an approved erosion and sediment control plan, or person conducting the land-disturbing activities without an approved plan or required ~~permit land-disturbance approval~~ to cease all land-disturbing activities until the violation of the plan ~~or permit~~ has ceased or an approved plan and required ~~permits land-disturbance approval~~ are obtained, as appropriate, and specified corrective measures have been completed. The ~~Department Board~~ also may immediately initiate a program review of the VESCP.

~~Ⓒ. E.~~ Such orders are to be issued ~~after a hearing held~~ in accordance with the ~~requirements~~ *procedures* of the Administrative Process Act (§ 2.2-4000 et seq.), and they shall become effective upon service on the person by mailing with

confirmation of delivery, sent to his address specified in the land records of the locality, or by personal delivery by an agent of the ~~Director Board~~. Any subsequent identical mail or notice that is sent by the ~~Department Board~~ may be sent by regular mail. However, if the ~~Department Board~~ finds that any such violation is grossly affecting or presents an imminent and substantial danger of causing harmful erosion of lands or sediment deposition in waters within the watersheds of the Commonwealth, it may issue, without advance notice or hearing, an emergency order directing such person to cease all land-disturbing activities on the site immediately and shall provide an opportunity for a hearing, after reasonable notice as to the time and place thereof, to such person, to affirm, modify, amend, or cancel such emergency order.

~~G. F.~~ If a person who has been issued an order or emergency order is not complying with the terms thereof, the Board may institute a proceeding in the appropriate circuit court for an injunction, mandamus, or other appropriate remedy compelling the person to comply with such order.

~~H. G.~~ Any person violating or failing, neglecting, or refusing to obey any injunction, mandamus, or other remedy obtained pursuant to subsection G shall be subject, in the discretion of the court, to a civil penalty not to exceed \$2,000 for each violation. Any civil penalties assessed by a court shall be paid into the state treasury *and deposited by the State Treasurer into the Stormwater Local Assistance Fund (§ 62.1-44.15:29.1)*.

§ 62.1-44.15:65. Authorization for more stringent ordinances.

A. As part of a VESCP, a ~~district or~~ locality is authorized to adopt more stringent soil erosion and sediment control ~~regulations or~~ ordinances than those necessary to ensure compliance with the Board's regulations, provided that the more stringent ~~regulations or~~ ordinances are based upon factual findings of local or regional comprehensive watershed management studies or findings developed through the implementation of ~~an MS4 permit or~~ a locally adopted watershed management study and are determined by the ~~district or~~ locality to be necessary to prevent any further degradation to water resources, to address total maximum daily load requirements, to protect exceptional state waters, or to address specific existing water pollution including nutrient and sediment loadings, stream channel erosion, depleted groundwater resources, or excessive localized flooding within the watershed and that prior to adopting more stringent ~~regulations or~~ ordinances, a public hearing is held after giving due notice. The VESCP authority shall report to the Board when more stringent ~~stormwater management regulations or erosion and sediment control~~ ordinances are determined to be necessary pursuant to this section. ~~However, this~~ *This process shall not be required when a VESCP authority chooses to reduce the threshold for regulating land-disturbing activities to a smaller area of disturbed land pursuant to § 62.1-44.15:55. This section shall not be construed to authorize any ~~district or locality~~ VESCP authority to impose any more stringent ~~regulations for plan approval or permit issuance~~ ordinances for land-disturbance review and approval than those specified in §§ 62.1-44.15:55 and 62.1-44.15:57.*

B. Any provisions of an erosion and sediment control program in existence before July 1, 2012, that contains more stringent provisions than this article shall be exempt from the analysis requirements of subsection A.

§ 62.1-44.15:69. Powers and duties of the Board.

The Board is responsible for carrying out the purposes and provisions of this article and is authorized to:

1. Provide land use and development and water quality protection information and assistance to the various levels of local, regional, and state government within the Commonwealth.
2. Consult, advise, and coordinate with the Governor, the Secretary, the General Assembly, other state agencies, regional agencies, local governments, and federal agencies for the purpose of implementing this article.
3. Provide financial and technical assistance and advice to local governments and to regional and state agencies concerning aspects of land use and development and water quality protection pursuant to this article.
4. Promulgate regulations pursuant to the Administrative Process Act (§ 2.2-4000 et seq.).
5. Develop, promulgate, and keep current the criteria required by § 62.1-44.15:72.
6. Provide technical assistance and advice or other aid for the development, adoption, and implementation of local comprehensive plans, zoning ordinances, subdivision ordinances, and other land use and development and water quality protection measures utilizing criteria established by the Board to carry out the provisions of this article.
7. Develop procedures for use by local governments to designate Chesapeake Bay Preservation Areas in accordance with the criteria developed pursuant to § 62.1-44.15:72.
8. Ensure that local government comprehensive plans, zoning ordinances, and subdivision ordinances are in accordance with the provisions of this article. Determination of compliance shall be in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).
9. Make application for federal funds that may become available under federal acts and to transmit such funds when applicable to any appropriate person.
10. Take administrative and legal actions *pursuant to subdivision (19) of § 62.1-44.15* to ensure compliance by counties, cities, and towns with the provisions of this article including the proper enforcement and implementation of, and continual compliance with, this article.
11. Perform such other duties and responsibilities related to the use and development of land and the protection of water quality as the Secretary may assign.

§ 62.1-44.15:74. Local governments to designate Chesapeake Bay Preservation Areas; incorporate into local plans and ordinances; impose civil penalties.

A. Counties, cities, and towns in Tidewater Virginia shall use the criteria developed by the Board to determine the extent of the Chesapeake Bay Preservation Area within their jurisdictions. Designation of Chesapeake Bay Preservation

Areas shall be accomplished by every county, city, and town in Tidewater Virginia not later than 12 months after adoption of criteria by the Board.

B. Counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters into each locality's comprehensive plan consistent with the provisions of this article.

C. All counties, cities, and towns in Tidewater Virginia shall have zoning ordinances that incorporate measures to protect the quality of state waters in the Chesapeake Bay Preservation Areas consistent with the provisions of this article. Zoning in Chesapeake Bay Preservation Areas shall comply with all criteria set forth in or established pursuant to § 62.1-44.15:72.

D. Counties, cities, and towns in Tidewater Virginia shall incorporate protection of the quality of state waters in Chesapeake Bay Preservation Areas into their subdivision ordinances consistent with the provisions of this article. Counties, cities, and towns in Tidewater Virginia shall ensure that all subdivisions developed pursuant to their subdivision ordinances comply with all criteria developed by the Board.

E. In addition to any other remedies which may be obtained under any local ordinance enacted to protect the quality of state waters in Chesapeake Bay Preservation Areas, counties, cities, and towns in Tidewater Virginia may incorporate the following penalties into their zoning, subdivision, or other ordinances:

1. Any person who (i) violates any provision of any such ordinance or (ii) violates or fails, neglects, or refuses to obey any local governmental body's or official's final notice, order, rule, regulation, or variance or permit condition authorized under such ordinance shall, upon such finding by an appropriate circuit court, be assessed a civil penalty not to exceed \$5,000 for each day of violation. Such civil penalties may, at the discretion of the court assessing them, be directed to be paid into the treasury of the county, city, or town in which the violation occurred for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, in such a manner as the court may direct by order, except that where the violator is the county, city, or town itself, or its agent, the court shall direct the penalty to be paid into the state treasury *and deposited by the State Treasurer into the Stormwater Local Assistance Fund established by § 62.1-44.15:29.1.*

2. With the consent of any person who (i) violates any provision of any local ordinance related to the protection of water quality in Chesapeake Bay Preservation Areas or (ii) violates or fails, neglects, or refuses to obey any local governmental body's or official's notice, order, rule, regulation, or variance or permit condition authorized under such ordinance, the local government may provide for the issuance of an order against such person for the one-time payment of civil charges for each violation in specific sums, not to exceed \$10,000 for each violation. Such civil charges shall be paid into the treasury of the county, city, or town in which the violation occurred for the purpose of abating environmental damage to or restoring Chesapeake Bay Preservation Areas therein, except that where the violator is the county, city, or town itself, or its agent, the civil charges shall be paid into the state treasury *and deposited by the State Treasurer into the Stormwater Local Assistance Fund established by § 62.1-44.15:29.1.* Civil charges shall be in lieu of any appropriate civil penalty that could be imposed under subdivision 1. Civil charges may be in addition to the cost of any restoration required or ordered by the local governmental body or official.

F. Localities that are subject to the provisions of this article may by ordinance adopt an appeal period for any person aggrieved by a decision of a board that has been established by the locality to hear cases regarding ordinances adopted pursuant to this article. The ordinance shall allow the aggrieved party a minimum of 30 days from the date of such decision to appeal the decision to the circuit court.

§ 62.1-44.19:22. Enforcement and penalties.

A. Transfer of certified nutrient credits by an operator of a nutrient credit-generating entity may be suspended by the Department until such time as the operator comes into compliance with this article and attendant regulations.

B. Any operator of a nutrient credit-generating entity who violates any provision of this article, or of any regulations adopted hereunder, shall be subject to a civil penalty not to exceed \$10,000 within the discretion of the court. The Department may issue a summons for collection of the civil penalty, and the action may be prosecuted in the appropriate circuit court. When the penalties are assessed by the court as a result of a summons issued by the Department, the court shall direct the penalty to be paid into the state treasury and deposited by the State Treasurer into the ~~Virginia~~ *Stormwater Management Local Assistance Fund established pursuant to § 62.1-44.15:29 § 62.1-44.15:29.1.*

§ 62.1-44.22. Private actions.

The fact that any owner holds or has held a certificate *or land-disturbance approval* issued under this chapter shall not constitute a defense in any civil action involving private rights.

Compliance with the provisions of this chapter shall be prima facie evidence in any legal or equitable proceeding for damages caused by erosion or sedimentation that all requirements of law have been met and the complaining party must show negligence in order to recover any damages.

§ 62.1-44.23. Enforcement by injunction, etc.

Any person violating or failing, neglecting or refusing to obey any rule, regulation, order, water quality standard, pretreatment standard, *approved standard and specification*, or requirement of or any provision of any certificate *or land-disturbance approval* issued by the Board, or by the owner of a publicly owned treatment works issued to an industrial user, or any provisions of this chapter, except as provided by a separate article, may be compelled in a proceeding instituted in any appropriate court by the Board to obey same and to comply therewith by injunction, mandamus or other appropriate remedy.

§ 62.1-44.25. Right to hearing.

Any owner under §§ Article 2.3 (§ 62.1-44.15:24 *et seq.*), Article 2.5 (§ 62.1-44.15:67 *et seq.*), or § 62.1-44.16, 62.1-44.17, ~~and~~ or 62.1-44.19 aggrieved by any action of the Board taken without a formal hearing, or by inaction of the Board, may demand in writing a formal hearing of such owner's grievance, provided a petition requesting such hearing is filed with the Board. In cases involving actions of the Board, such petition must be filed within ~~thirty~~ 30 days after notice of such action is mailed to such owner by certified mail.

§ 62.1-44.26. Hearings.

A. The formal hearings held by the Board under this chapter shall be conducted pursuant to § 2.2-4009 or 2.2-4020 and may be conducted by the Board itself at a regular or special meeting of the Board, or by at least one member of the Board designated by the chairman to conduct such hearings on behalf of the Board at any other time and place authorized by the Board.

B. A verbatim record of the proceedings of such hearings shall be taken and filed with the Board. Depositions may be taken and read as in actions at law.

C. The Board shall have power to issue subpoenas and subpoenas duces tecum, and at the request of any party shall issue such subpoenas. The failure of a witness without legal excuse to appear or to testify or to produce documents shall be acted upon by the Board in the manner prescribed in § 2.2-4022. Witnesses who are subpoenaed shall receive the same fees and mileage as in civil actions.

§ 62.1-44.29. Judicial review.

Any owner aggrieved by or any person who has participated, in person or by submittal of written comments, in the public comment process related to a final decision of the Board under *subdivision (5), (8a), (8b), (8c), or (19) of § 62.1-44.15 (5), 62.1-44.15 (8a), (8b), and (8c), or § 62.1-44.15:20, 62.1-44.15:21, 62.1-44.15:22, 62.1-44.15:23, 62.1-44.16, 62.1-44.17, 62.1-44.19, or 62.1-44.25*, whether such decision is affirmative or negative, is entitled to judicial review thereof in accordance with the provisions of the Administrative Process Act (§ 2.2-4000 *et seq.*) if such person meets the standard for obtaining judicial review of a case or controversy pursuant to Article III of the United States Constitution. A person shall be deemed to meet such standard if (i) such person has suffered an actual or imminent injury which is an invasion of a legally protected interest and which is concrete and particularized; (ii) such injury is fairly traceable to the decision of the Board and not the result of the independent action of some third party not before the court; and (iii) such injury will likely be redressed by a favorable decision by the court.

§ 62.1-44.31. Violation of order or certificate or failure to cooperate with Board.

It shall be unlawful for any owner to fail to comply with any special order adopted by the Board, which has become final under the provisions of this chapter, or to fail to comply with a pretreatment condition incorporated into the permit issued to it by the owner of a publicly owned treatment works or to fail to comply with any pretreatment standard or pretreatment requirement, or to discharge sewage, industrial waste or other waste in violation of any condition contained in a certificate or land-disturbance approval issued by the Board or in excess of the waste covered by such certificate or land-disturbance approval, or to fail or refuse to furnish information, plans, specifications or other data reasonably necessary and pertinent required by the Board under this chapter.

For the purpose of this section, the term "owner" shall mean, in addition to the definition contained in §§ 62.1-44.3 and 62.1-44.15:24, any responsible corporate officer so designated in the applicable discharge permit.

§ 62.1-44.32. Penalties.

(a) Except as otherwise provided in this chapter, any person who violates any provision of this chapter, or who fails, neglects, or refuses to comply with any regulation, certificate, land-disturbance approval, or order of the Board, or order of a court, issued as herein provided, shall be subject to a civil penalty not to exceed \$32,500 for each violation within the discretion of the court. Each day of violation of each requirement shall constitute a separate offense. Such civil penalties shall be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 (§ 10.1-2500 *et seq.*) of Title 10.1, excluding penalties assessed for violations of Article 2.3 (§ 62.1-44.15:24 *et seq.*), 2.4 (§ 62.1-44.15:51 *et seq.*), 2.5 (§ 62.1-44.15:67 *et seq.*), 9 (§ 62.1-44.34:8 *et seq.*), or 10 (§ 62.1-44.34:10 *et seq.*) of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles.

Such civil penalties may, in the discretion of the court assessing them, be directed to be paid into the treasury of the county, city, or town in which the violation occurred, to be used for the purpose of abating environmental pollution therein in such manner as the court may, by order, direct, except that where the owner in violation is such county, city, or town itself, or its agent, the court shall direct such penalty to be paid into the state treasury and deposited by the State Treasurer into the Virginia Environmental Emergency Response Fund pursuant to Chapter 25 of Title 10.1, excluding penalties assessed for violations of Article 2.3, 2.4, 2.5, 9, or 10 of Chapter 3.1 of Title 62.1, or a regulation, administrative or judicial order, or term or condition of approval relating to or issued under those articles.

In the event that a county, city, or town, or its agent, is the owner, such county, city, or town, or its agent, may initiate a civil action against any user or users of a waste water treatment facility to recover that portion of any civil penalty imposed against the owner proximately resulting from the act or acts of such user or users in violation of any applicable federal, state, or local requirements.

(b) Except as otherwise provided in this chapter, any person who willfully or negligently violates (1) any provision of this chapter, any regulation or order of the Board, or any condition of a certificate or land-disturbance approval of the

Board, (2) any land-disturbance approval, ordinance, or order of a locality serving as a Virginia Erosion and Stormwater Management Program authority, or (3) any order of a court shall be guilty of a misdemeanor punishable by confinement in jail for not more than 12 months and a fine of not less than \$2,500 nor more than \$32,500, either or both. Any person who knowingly violates (A) any provision of this chapter, any regulation or order of the Board, or any condition of a certificate or land-disturbance approval of the Board, (B) any land-disturbance approval, ordinance, or order of a locality serving as a Virginia Erosion and Stormwater Management Program authority, or (C) any order of a court issued as herein provided, or who knowingly makes any false statement in any form required to be submitted under this chapter or knowingly renders inaccurate any monitoring device or method required to be maintained under this chapter, shall be guilty of a felony punishable by a term of imprisonment of not less than one year nor more than three years, or in the discretion of the jury or the court trying the case without a jury, confinement in jail for not more than 12 months and a fine of not less than \$5,000 nor more than \$50,000 for each violation. Any defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine of not less than \$10,000. Each day of violation of each requirement shall constitute a separate offense.

(c) Except as otherwise provided in this chapter, any person who knowingly violates any provision of this chapter, and who knows at that time that he thereby places another person in imminent danger of death or serious bodily harm, shall, upon conviction, be guilty of a felony punishable by a term of imprisonment of not less than two years nor more than 15 years and a fine of not more than \$250,000, either or both. A defendant that is not an individual shall, upon conviction of a violation under this subsection, be sentenced to pay a fine not exceeding the greater of \$1 million or an amount that is three times the economic benefit realized by the defendant as a result of the offense. The maximum penalty shall be doubled with respect to both fine and imprisonment for any subsequent conviction of the same person under this subsection.

(d) Criminal prosecution under this section shall be commenced within three years of discovery of the offense, notwithstanding the limitations provided in any other statute.

2. That §§ 62.1-44.15:26, 62.1-44.15:32, 62.1-44.15:36, 62.1-44.15:38, 62.1-44.15:42 through 62.1-44.15:45, 62.1-44.15:47, 62.1-44.15:56, 62.1-44.15:61, and 62.1-44.15:71 of the Code of Virginia are repealed.

3. That any locality that operates a regulated municipal separate storm sewer system (MS4) and was required to adopt a Virginia Stormwater Management Program (VSMP) as of July 1, 2014, is authorized to continue to operate its Virginia Erosion and Sediment Control Program (VESCP) and its VSMP until the State Water Control Board approves its consolidated VESMP.

4. That any locality that does not operate a regulated MS4 and elected to adopt a VSMP is authorized to continue to operate its VESCP and its VSMP until the State Water Control Board approves its consolidated VESMP.

5. That any locality that does not operate a regulated MS4, did not elect to adopt a VSMP, and chooses to fully administer a VESMP pursuant to subdivision B 1 of § 62.1-44.15:27 of the Code of Virginia, as amended by this act, is authorized to continue to operate its VESCP until the State Water Control Board approves its consolidated VESMP. For any such locality that does not, as of the effective date of this act, employ a person holding a certificate of competence in the area of stormwater management plan review, project inspection, or program administration, the Department of Environmental Quality (the Department) shall assist with those responsibilities until new training and certifications have been obtained according to a timeframe to be established by the Department.

6. That any locality that does not operate a regulated MS4, did not elect to adopt a VSMP, and chooses to administer a VESMP with the Department's assistance pursuant to subdivision B 2 of § 62.1-44.15:27 of the Code of Virginia, as amended by this act, is authorized to continue to operate its VESCP until the State Water Control Board approves its consolidated VESMP. For any such locality that, as of the effective date of this act, does not employ a person holding a certificate of competence in the area of stormwater management plan review, project inspection, or program administration, the Department shall assist with those responsibilities until new training and certifications have been obtained according to a timeframe to be established by the Department. The Department shall be responsible for stormwater management plan review in any such locality.

7. That any person who holds a valid separate, combined, or dual certificate of competence from the State Water Control Board in the area of erosion and sediment control plan review, project inspection, or program administration, or such a certificate in stormwater management plan review, project inspection, or program administration, shall retain such certification until the Department establishes new training and certifications and provides a schedule according to which such a person may meet the eligibility requirements for certification or recertification, as applicable. The State Water Control Board shall incorporate the valid certificates of competence into the new eligibility requirements for certification or recertification purposes as appropriate.

8. That the Department shall conduct an evaluation of fees related to the consolidated Virginia Erosion and Stormwater Management Program in order to determine whether the program can be funded adequately under the current fee structure. The Department shall conduct its evaluation based on revenues and resource needs from July 1, 2014, to June 30, 2016, and shall complete its assessment by September 1, 2016. Every VSMP authority and VESCP authority shall submit information to the Department by August 1, 2016, concerning its use of the fees that it received under the Virginia Stormwater Management Program and Virginia Erosion and Sediment Control Program between July 1, 2014, and June 30, 2016. The information shall be submitted on a form to be provided by the Department. The Department shall then convene a Stakeholders Advisory Group (SAG) to review the Department's evaluation and consider the need to establish revised fees to fund the consolidated VESMP and any

other issues of concern regarding the Virginia Erosion and Stormwater Management Program. The Department shall report the results of its evaluation and the SAG's discussion to the Governor and the chairs of the Senate Finance Committee, the House Appropriations Committee, the Senate Agriculture, Conservation and Natural Resources Committee, and the House Agriculture, Chesapeake and Natural Resources Committee by the first day of the 2017 Regular Session.

9. That the State Water Control Board (the Board) shall adopt regulations to implement the requirements of this act. The adoption of such regulations shall be exempt from the requirements of Article 2 (§ 2.2-4006 et seq.) of the Administrative Process Act (§ 2.2-4000 et seq.) of the Code of Virginia. However, the Department shall (i) provide a Notice of Intended Regulatory Action, (ii) form a stakeholders advisory group, (iii) provide for a 60-day public comment period prior to the Board's adoption of the regulations, and (iv) provide the Board with a written summary of comments received and responses to comments prior to the Board's adoption of the regulations.

10. That the provisions of this act shall become effective July 1, 2017, or 30 days after the adoption by the State Water Control Board of the regulations required by the ninth enactment of this act, whichever occurs later.

CHAPTER 759

An Act to authorize the Virginia Public Building Authority and the Virginia College Building Authority to issue bonds in an aggregate principal amount not to exceed \$2,235,432,677 plus certain costs to fund certain capital projects and to appropriate the proceeds of such bonds.

[H 1344]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. A. That pursuant to § 2.2-2264 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority (VPBA) to undertake the following projects, including, without limitation, constructing, improving, furnishing, equipping, acquiring, and renovating buildings, facilities, improvements, and land therefor, and to exercise any and all powers granted to it by law in connection therewith, including the power to finance all or any portion of the cost thereof by the issuance of revenue bonds in a principal amount not to exceed \$426,818,771 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section. Debt service on projects contained in this section shall be provided from appropriations to the Treasury Board.

Agency Code	Institution/Agency	Project Title
146	Science Museum of Virginia	Construct Parking Facility / Master Site Plan
199	Department of Conservation and Recreation	Renovate Walnut Valley Farm at Chippokes State Park
199	Department of Conservation and Recreation	Provide Various Utility/ADA Upgrades
199	Department of Conservation and Recreation	Construct Retaining Wall on Lover's Leap Trail at Natural Tunnel State Park
199	Department of Conservation and Recreation	Repair/Replace Trestles at New River Trail State Park
199	Department of Conservation and Recreation	Replace Existing Bulkheads at False Cape State Park
199	Department of Conservation and Recreation	Replace Bridge to Amphitheater at Hungry Mother State Park
199	Department of Conservation and Recreation	Complete Bridge Repair at Staunton River Battlefield State Park
199	Department of Conservation and Recreation	Construct Restroom at 64th Street Entrance at First Landing State Park
199	Department of Conservation and Recreation	Construct Restroom at Massie Gap in Grayson Highlands State Park
199	Department of Conservation and Recreation	Renovate Foster Falls Hotel at New River Trail State Park

199	Department of Conservation and Recreation	Construct Various Cabins at Pocahontas and Powhatan State Parks	
199	Department of Conservation and Recreation	Renovate Various Cabins	
199	Department of Conservation and Recreation	Renovate Various Campgrounds	
199	Department of Conservation and Recreation	Construct Wadewater Phase I	
199	Department of Conservation and Recreation	Develop Clinch River State Park	
203	Wilson Workforce and Rehabilitation Center	Renovate and Expand Anderson Vocational Training Building, Phase II	
218	Virginia School for the Deaf and the Blind	Renovate Bradford Hall	
238	Virginia Museum of Fine Arts	Replace Air Handling Units	
239	Frontier Culture Museum	Construct Early American Industry Exhibit	
425	Jamestown-Yorktown Foundation	Renovate Exhibits	
720	Department of Behavioral Health and Developmental Services	Expand Western State Hospital	
720	Department of Behavioral Health and Developmental Services	Expand Sexually Violent Predator Facility	
777	Department of Juvenile Justice	Construct New Juvenile Correctional Center, Chesapeake	
778	Department of Forensic Science	Expand Central Forensic Laboratory and Office of the Chief Medical Examiner Facility	
799	Department of Corrections	Renovate Marion Correctional Center	
799	Department of Corrections	Replace Roofs—Red Onion and Wallens Ridge	
799	Department of Corrections	Replace Generators Statewide	
	Total		\$426,818,771

B. Funding for the planning phase of the project "Construct New Juvenile Correctional Center, Chesapeake," for the Department of Juvenile Justice may not be released until 30 days after the submission of the interim report of the task force required to be established by Item 415 of the 2016-2018 Appropriation Act (House Bill 30), enacted by the 2016 Session of the General Assembly.

§ 2. That pursuant to § 23-30.28 of the Code of Virginia, the General Assembly hereby authorizes the Virginia College Building Authority to undertake the following projects, including, without limitation, constructing, improving, furnishing, equipping, acquiring, and renovating buildings, facilities, improvements, and land therefor, to exercise any and all powers granted to it by law in connection therewith; and to finance all or any portion of the cost thereof by the issuance of revenue bonds in a principal amount not to exceed \$1,351,813,906 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. Bonds of the Virginia College Building Authority issued to finance such projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Virginia College Building Authority as separate issues or as a combined issue. The Authority may pay all or any part of the cost of any project listed in this section or authorized or any portion thereof with any income and reserve funds of the Authority available for such purpose, and in such case may transfer such funds of the Authority, with the approval of the Governor. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section. Debt service on projects contained in this section shall be provided from appropriations to the Treasury Board.

Agency Code	Institution/Agency	Project Title
204	The College of William and Mary	Construct Fine and Performing Arts Complex, Phases I & II
204	The College of William and Mary	Construct West Utilities Plant
207	University of Virginia	Renovate Gilmer Hall and Chemistry Building
208	Virginia Polytechnic Institute and State University	Renovate Holden Hall (Engineering)

208	<i>Virginia Polytechnic Institute and State University</i>	<i>Construct VT Carilion Research Institute Biosciences Addition</i>
208	<i>Virginia Polytechnic Institute and State University</i>	<i>Construct Central Chiller Plant, Phase II</i>
211	<i>Virginia Military Institute</i>	<i>Renovate Preston Library</i>
211	<i>Virginia Military Institute</i>	<i>Post Infrastructure Improvements, Phase I, II, and III</i>
211	<i>Virginia Military Institute</i>	<i>Renovate Scott Shipp Hall</i>
212	<i>Virginia State University</i>	<i>Maintenance Reserve Supplement / Master Plan Update</i>
213	<i>Norfolk State University</i>	<i>Maintenance Reserve Supplement / Master Plan Update</i>
214	<i>Longwood University</i>	<i>Construct New Academic Building</i>
214	<i>Longwood University</i>	<i>Replace Steam Distribution System, Wheeler Mall</i>
214	<i>Longwood University</i>	<i>Construct Admissions Office</i>
215	<i>University of Mary Washington</i>	<i>Construct Jepson Science Center Addition</i>
215	<i>University of Mary Washington</i>	<i>Renovate Seacobeck Hall</i>
215	<i>University of Mary Washington</i>	<i>Repair/Replace Underground Utilities</i>
216	<i>James Madison University</i>	<i>Construct New School of Business</i>
216	<i>James Madison University</i>	<i>Renovate Wilson Hall</i>
217	<i>Radford University</i>	<i>Renovate Curie and Reed Halls</i>
221	<i>Old Dominion University</i>	<i>Construct Chemistry Building</i>
229	<i>Virginia Cooperative Extension and Agricultural Experiment Station</i>	<i>Construct Livestock and Poultry Research Facilities, Phase I</i>
236	<i>Virginia Commonwealth University</i>	<i>Construct School of Allied Health Professions Building</i>
236	<i>Virginia Commonwealth University</i>	<i>Expand School of Engineering</i>
236	<i>Virginia Commonwealth University</i>	<i>Construct Commonwealth Center for Advanced Logistics Systems (CCALS)</i>
242	<i>Christopher Newport University</i>	<i>Construct and Renovate Fine Arts and Rehearsal Space</i>
242	<i>Christopher Newport University</i>	<i>Construct Library, Phase II</i>
247	<i>George Mason University</i>	<i>Renovate Robinson Hall and Harris Theater</i>
247	<i>George Mason University</i>	<i>Construct Utilities Distribution Infrastructure</i>
260	<i>Virginia Community College System</i>	<i>Renovate Seefeldt Academic Building / Replace Building Envelope, Woodbridge Campus, Northern Virginia</i>
260	<i>Virginia Community College System</i>	<i>Renovate Bird Hall and Renovate / Expand Nicholas Center, Chester Campus, John Tyler</i>
260	<i>Virginia Community College System</i>	<i>Renovate Howsmon/Colgan Building, Manassas Campus, Northern Virginia</i>
260	<i>Virginia Community College System</i>	<i>Repair or Replace Major Mechanical Systems, Northern Virginia, New River and Mountain Empire</i>
260	<i>Virginia Community College System</i>	<i>Construct Bioscience Building, Blue Ridge</i>
260	<i>Virginia Community College System</i>	<i>Construct Academic Building, Fauquier Campus, Lord Fairfax</i>

260	Virginia Community College System	Replace Phase I Academic and Administration Building, Eastern Shore	
260	Virginia Community College System	Construct Student Service and Learning Resources Center, Christianna Campus, Southside Virginia	
260	Virginia Community College System	Improve Life Safety and Security, Systemwide, Phase I	
268	Virginia Institute of Marine Science	Replace Mechanical Systems and Repair Building Envelope of Chesapeake Bay Hall	
268	Virginia Institute of Marine Science	Construct Facilities Management Building	
274	Eastern Virginia Medical School	Construct New Education and Academic Administration Building	
274	Eastern Virginia Medical School	Renovate Hofheimer Hall	
274	Eastern Virginia Medical School	Renovate Lewis Hall	
935	Roanoke Higher Education Authority	Renovate and Expand Clinical Simulation Labs for Nursing	
937	Southern Virginia Higher Education Center	Replace Roof, HVAC, and Make Other Repairs	
948	Southwest Virginia Higher Education Center	Construct Service Corridor, Storage Area; Replace Generator	
	<i>Total</i>		\$1,351,813,906

2. § 1. That the Virginia Public Building Authority, pursuant to § 2.2-2264 of the Code of Virginia, or the Virginia College Building Authority pursuant to § 23-30.28 of the Code of Virginia, is authorized to issue revenue bonds in a principal amount not to exceed \$12,200,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. The proceeds of such bonds shall be used to supplement the prior funding for the projects in this enactment. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section. Debt service on projects contained in this section shall be provided from appropriations to the Treasury Board.

Agency Code	Institution/Agency	Project Title	
238	Virginia Museum of Fine Arts	Renovate Robinson House	
912	Department of Veterans Services	Expand Virginia War Memorial	
425	Jamestown Yorktown Foundation	Yorktown Museum Generators (Supplement)	
935	Roanoke Higher Education Authority	Renovate Claude Moore Building	
	<i>Total</i>		\$12,200,000

3. § 1. That the Virginia Public Building Authority, pursuant to § 2.2-2264 of the Code of Virginia, or the Virginia College Building Authority pursuant to § 23-30.28 of the Code of Virginia, is authorized to issue revenue bonds in a principal amount not to exceed \$15,600,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses to provide funds for equipment for the following projects for which funding for construction was previously provided, or to maintain existing operational capability. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section. Debt service on projects contained in this section shall be provided from appropriations to the Treasury Board.

Agency Code	Institution/Agency	Project Title	
146	Science Museum of Virginia	Construct Event Space (17974)	
214	Longwood University	Construct Student Success Center (17982)	
216	James Madison University	Renovate/ Addition Madison Hall (18085)	
217	Radford University	Renovate Whitt Hall (18067)	
236	Virginia Commonwealth University	Renovate Sanger Hall, Phase II (18070)	

236	Virginia Commonwealth University	Renovate Raleigh Building (18071)	
247	George Mason University	Construct Academic VII / Research III, Phase I (17999)	
912	Department of Veterans Services	Expand Virginia War Memorial (18010)	
238	Virginia Museum of Fine Arts	Art Conservation Laboratory	
	Total		\$15,600,000

4. § 1. A. That beginning July 1, 2017, the following projects shall be funded for detailed planning from amounts in the Central Capital Planning Fund established under § 2.2-1520 of the Code of Virginia, and amounts are hereby appropriated from the Central Capital Planning Fund for such purposes as provided in this enactment.

Agency Code	Institution/Agency	Project Title
123	Department of Military Affairs	Renovate Roanoke Readiness Center
156	Department of State Police	Construct Division Six Headquarters
194	Department of General Services	Expand Consolidated Labs, 1st Floor
194	Department of General Services	Renovate Morson Row
204	The College of William and Mary	Construct Integrated Science Center, Phase IV
207	University of Virginia	Renovate Physics Building
207	University of Virginia	Renovate Alderman Library, Life Safety, Phase I
208	Virginia Polytechnic Institute and State University	Construct Undergraduate Lab Building
212	Virginia State University	Demolish / Replace Daniel Gym and Demolish Harris Hall
216	James Madison University	Renovate Jackson Hall
221	Old Dominion University	Construct Health Sciences Building
236	Virginia Commonwealth University	Construct STEM Class Lab Building
241	Richard Bland College	Construct Center for Innovation and Educational Development
246	University of Virginia's College at Wise	Renovate / Convert Wyllie Library
247	George Mason University	Improve Telecommunications Infrastructure
260	Virginia Community College System	Replace French Slaughter Building, Locust Grove, Germanna
260	Virginia Community College System	Renovate Diggs/Moore/Harrison Complex, Hampton, Thomas Nelson
260	Virginia Community College System	Construct Advanced Technical Training Center, Piedmont Virginia
260	Virginia Community College System	Renovate Amherst/Campbell Hall, Central Virginia
268	Virginia Institute of Marine Science	Replace Oyster Hatchery
777	Department of Juvenile Justice	Renovate or Construct Juvenile Correctional Center

B. Funding for detailed planning for the project "Renovate or Construct Juvenile Correctional Center" for the Department of Juvenile Justice may not be released until 30 days after the submission of the final report of the task force required to be established by Item 415 of the 2016-2018 Appropriation Act (House Bill 30), enacted by the 2016 Session of the General Assembly, but not before July 1, 2017.

§ 2. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, each institution and agency shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation.

§ 3. Each public college and university is authorized to use additional higher education operating nongeneral funds to move to working drawings for the projects listed in § 1.

§ 4. Each agency may utilize other nongeneral funds to move to working drawings for the projects authorized in § 1.

§ 5. Each agency or institution shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.

§ 6. *In accordance with § 2.2-1520 of the Code of Virginia, the Director of the Department of Planning and Budget shall authorize the reimbursement of the Central Capital Planning Fund for the amounts provided for detailed planning when the project is funded to move into the construction phase.*

§ 7. *No planning documents pursuant to this enactment shall be submitted to the Governor or the General Assembly prior to July 1, 2018.*

5. That pursuant to § 2.2-2263 of the Code of Virginia, the Virginia Public Building Authority is authorized to issue bonds in an aggregate amount not to exceed \$350,000,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. The proceeds of such bonds shall be used to fund capital projects at Norfolk International Terminal. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this enactment. Debt service on projects contained in this enactment shall be provided from appropriations to the Treasury Board.

6. That pursuant to § 2.2-2263 of the Code of Virginia, the Virginia Public Building Authority is authorized to issue bonds in an aggregate amount not to exceed \$59,000,000 plus amounts to fund related issuance costs and other financing expenses. The proceeds of such bonds shall be provided to the Department of Environmental Quality to reimburse entities as provided in Chapter 21.1 (§ 10.1-2117 et seq.) of Title 10.1 of the Code of Virginia, considered as eligible Significant and Non-Significant Dischargers in the Chesapeake Bay watershed, for capital costs incurred for the design and installation of nutrient removal technology. Such reimbursements shall be in accordance with eligibility determinations made by the Department pursuant to the provisions of this enactment and Chapter 21.1 (§ 10.1-2117 et seq.) of Title 10.1 of the Code of Virginia. The Department of Environmental Quality shall submit cash flow requirements for this program to the Director of the Department of Planning and Budget and the State Treasurer. The cash flows shall indicate quarterly cash needs to the program's completion. The appropriations under this enactment are subject to the conditions in § 2-0 F of Chapter 665 of the Acts of Assembly of 2015, but are not subject to the other provisions of § 2-0, the provisions of 4-4.01 of Chapter 665 of the Acts of Assembly of 2015, or the provisions of § 2.2-1132 of the Code of Virginia. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this enactment. Debt service on projects contained in this enactment shall be provided from appropriations to the Treasury Board.

7. That pursuant to § 2.2-2263 of the Code of Virginia, the Virginia Public Building Authority is authorized to issue bonds in an aggregate amount not to exceed \$20,000,000 plus amounts to fund related issuance costs and other financing expenses. The proceeds of such bonds shall be deposited into the Stormwater Local Assistance Fund, established in Item 360 of Chapter 806 of the Acts of Assembly of 2013 and continued in paragraph C. 1. of Item 363 of Chapter 665 of the Acts of Assembly of 2015, and used by the Department of Environmental Quality to provide grants solely for capital projects consistent with the purpose of the Fund, including: (i) new stormwater best management practices; (ii) stormwater best management practice retrofits; (iii) stream restoration; (iv) low impact development projects; (v) buffer restoration; (vi) pond retrofits; and (vii) wetlands restoration. Such grants shall be in accordance with eligibility determinations made by the Department of Environmental Quality. The appropriations under this enactment are subject to the conditions in § 2-0 F of Chapter 665 of the Acts of Assembly of 2015, but are not subject to the other provisions of § 2-0, the provisions of 4-4.01 of Chapter 665 of the Acts of Assembly of 2015, or the provisions of § 2.2-1132 of the Code of Virginia. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this enactment. Debt service on projects contained in this enactment shall be provided from appropriations to the Treasury Board.

8. That the provisions of Item C-46.10 of Chapter 665 of the Acts of Assembly of 2015, as it relates to the Advanced Manufacturing Apprentice Academy Center and Regional Centers of Excellence, are hereby extended without change.

9. That out of the amounts authorized in Item C-43, D 1 of Chapter 665 of the Acts of Assembly of 2015, \$5,250,000 is designated and appropriated to renovate the Post Library as a visitor center for Fort Monroe.

10. That the appropriations for the capital projects authorized in §§ 1 and 2 of the first enactment of this act are subject to the conditions in § 2-0 F of Chapter 665 of the Acts of Assembly of 2015. In addition, not more than a total aggregate principal amount of \$300 million in debt obligations shall be issued excluding refunding bonds in any fiscal year for such capital projects, provided, however, that if less than a total aggregate principal amount of \$300 million in debt obligations is incurred in any fiscal year for such capital projects, the unused amount may be added to any other subsequent fiscal year. Issuance of debt shall proceed so that the projected average annual debt service on all tax-supported debt over the 10-year horizon shall be in accordance with the guidelines established by the Debt Capacity Advisory Committee. The Six-Year Capital Outlay Plan Advisory Committee shall establish procedures to ensure compliance with the annual issuance limits and shall meet at least quarterly to review project progress. The Auditor of Public Accounts shall issue a report annually to the Governor, the Speaker of the House of Delegates, the President pro tempore of the Senate, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, regarding the adherence to the annual issuance limits.

11. That funding for the projects in the first and fourth enactments of this act shall not be released until the Governor approves a decision brief that directs the Department of General Services to proceed with all due speed with hazardous material abatement, demolition, and construction services to complete Commonwealth of Virginia

construction project code 194-18081-001 having a project title: Capitol Complex Infrastructure and Security and a sub-project title: New Construction of General Assembly Building. All funds for all phases of the stated project code shall be released as necessary to the Department of General Services to execute each contract or contracts for the project pursuant to funding authorized in paragraph E. 1. of Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, Special Session I. A copy of such approved decision brief shall be provided to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance. Beginning July 1, 2016, the Director of the Department of Planning and Budget and the Director of the Department of General Services shall report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance on a quarterly basis on the status of the completion of the General Assembly Building project. The Auditor of Public Accounts shall monitor any release of funding for the projects in the first and fourth enactments for compliance with the conditions of this enactment and report any noncompliance to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance.

.CHAPTER 760

An Act to amend and reenact § 8.01-195.6 of the Code of Virginia, relating to Virginia Tort Claims Act; notice of claim; electronic filing when notice filed with Department of Transportation.

[S 240]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-195.6 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-195.6. Notice of claim.

A. Every claim cognizable against the Commonwealth or a transportation district shall be forever barred unless the claimant or his agent, attorney or representative has filed a written statement of the nature of the claim, which includes the time and place at which the injury is alleged to have occurred and the agency or agencies alleged to be liable, within one year after such cause of action accrued. However, if the claimant was under a disability at the time the cause of action accrued, the tolling provisions of § 8.01-229 shall apply.

B. If the claim is against the Commonwealth, the statement shall be filed with the Director of the Division of Risk Management or the Attorney General, *except as otherwise provided herein*. If the claim is against a transportation district, the statement shall be filed with the chairman of the commission of the transportation district. *If the claim is against the Commonwealth and the agency alleged to be liable is the Department of Transportation, then notice of such claim shall be filed with the Commissioner of Highways. If notice of such claim is filed with the Commissioner of Highways and is outside of any settlement authority delegated to the Department of Transportation by the Attorney General, then the Commissioner of Highways shall promptly deliver the notice of such claim to the Attorney General.*

C. The notice is deemed filed when it is received in the office of the official to whom the notice is directed. The notice may be delivered by hand, by any form of United States mail service (including regular, certified, registered or overnight mail), or by commercial delivery service. *If notice is to be filed with the Commissioner of Highways, it may also be delivered electronically in a manner prescribed by the Commissioner of Highways.*

D. In any action contesting the filing of the notice of claim, the burden of proof shall be on the claimant to establish receipt of the notice in conformity with this section. A signed United States mail return receipt indicating the date of delivery, or any other form of signed and dated acknowledgment of delivery given by authorized personnel in the office of the official with whom the statement is filed, shall be prima facie evidence of filing of the notice under this section.

E. Claims against the Commonwealth involving medical malpractice shall be subject to the provisions of this article and to the provisions of Chapter 21.1 (§ 8.01-581.1 et seq.) of this title. However, the recovery in such a claim involving medical malpractice shall not exceed the limits imposed by § 8.01-195.3.

CHAPTER 761

An Act to amend the Code of Virginia by adding in Title 22.1 a chapter numbered 25, consisting of sections numbered 22.1-362 and 22.1-363, relating to grants for science, technology, engineering, and mathematics competition teams at qualified schools.

[S 246]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 22.1 a chapter numbered 25, consisting of sections numbered 22.1-362 and 22.1-363, as follows:

CHAPTER 25.

SCIENCE, TECHNOLOGY, ENGINEERING, AND MATHEMATICS COMPETITION TEAM GRANT PROGRAM AND FUND.

§ 22.1-362. STEM Competition Team Grant Program.

A. As used in this chapter:

"Fund" means the STEM Competition Team Grant Fund established in § 22.1-363.

"Qualified school" means a public secondary school in the Commonwealth at which at least 40 percent of students qualify for free or reduced lunch.

"STEM" means science, technology, engineering, and mathematics.

"STEM" includes computer science, computational thinking, and computer coding.

"STEM competition team" means an extracurricular team-building activity that has a primary objective of engaging students in STEM-related team-building activities and may include participating in project-based team competitions.

B. Beginning January 1, 2017, a qualified school may apply for a grant from the Fund. Such grant shall be designated to establish or support STEM competition teams, not to exceed \$10,000 per school per year. Grants shall be issued in the order that each completed eligible application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.

C. The Board shall develop guidelines setting forth the general requirements of qualifying for a grant to include a grant application form. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 22.1-363. STEM Competition Team Grant Fund.

From such funds as may be available from public or private sources, there is hereby created in the state treasury a special nonreverting fund to be known as the STEM Competition Team Grant Fund to be administered by the Board of Education. The Fund shall be established on the books of the Comptroller. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing grants for science, technology, engineering, and mathematics education competition teams at qualified schools. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction.

2. That the provisions of this act shall expire on July 1, 2018.

CHAPTER 762

An Act to amend the Code of Virginia by adding in Chapter 6 of Title 10.1 an article numbered 1.3, consisting of sections numbered 10.1-603.24 through 10.1-603.27, relating to the Virginia Shoreline Resiliency Fund.

[S 282]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 6 of Title 10.1 an article numbered 1.3, consisting of sections numbered 10.1-603.24 through 10.1-603.27, as follows:

Article 1.3.

Virginia Shoreline Resiliency Fund.

§ 10.1-603.24. Definitions.

As used in this article, unless the context requires a different meaning:

"Authority" means the Virginia Resources Authority.

"Cost," as applied to any project financed under the provisions of this article, means the total of all costs incurred by the local government as reasonable and necessary for carrying out all works and undertakings necessary or incident to the accomplishment of any project.

"Department" means the Virginia Department of Emergency Management.

"Fund" means the Virginia Shoreline Resiliency Fund.

"Local government" means any county, city, town, municipal corporation, authority, district, commission, or political subdivision created by the General Assembly or pursuant to the Constitution of Virginia or laws of the Commonwealth.

§ 10.1-603.25. Virginia Shoreline Resiliency Fund.

There shall be set apart a permanent and perpetual fund, to be known as the Virginia Shoreline Resiliency Fund, consisting of such sums that may be appropriated to the Fund by the General Assembly, all receipts by the Fund from loans made by it to local governments, all income from the investment of moneys held in the Fund, and any other sums designated for deposit to the Fund from any source, public or private. The Fund shall be administered by the Department as prescribed in this article. The Department shall establish guidelines regarding the distribution of loans from the Fund and prioritization of such loans. The Authority shall manage the Fund and shall establish interest rates and repayment terms of

such loans as provided in this article. The Authority may disburse from the Fund its reasonable costs and expenses incurred in the management of the Fund.

Localities shall use moneys from the Fund primarily for the purpose of creating a low-interest loan program to help residents and businesses that are subject to recurrent flooding as confirmed by a locality-certified floodplain manager. Moneys in the Fund may be used to mitigate future flood damage.

Any locality is authorized to secure a loan made through such a low-interest loan program by placing a lien up to the value of the loan against any property that benefits from the loan. Such a lien shall be subordinate to each prior lien on such property, except prior liens for which the prior lienholder executes a written subordination agreement, in a form and substance acceptable to the prior lienholder in its sole and exclusive discretion, that is recorded in the land records where the property is located.

§ 10.1-603.26. Deposit of moneys; expenditures; investments.

All moneys in the Fund shall be deposited in an account or accounts in banks or trust companies organized under the laws of the Commonwealth or in national banking associations located in Virginia or in savings institutions located in Virginia organized under the laws of the Commonwealth or the United States. The moneys in these accounts shall be paid by check signed by the Executive Director of the Authority or other officers or employees designated by the Board of Directors of the Authority. All deposits of moneys shall, if required by the Authority, be secured in a manner determined by the Authority to be prudent, and all banks, trust companies, and savings institutions are authorized to give security for the deposits. Moneys in the Fund shall not be commingled with other moneys of the Authority. Moneys in the Fund not needed for immediate use or disbursement may be invested or reinvested by the Authority in obligations or securities that are considered lawful investments for public funds under the laws of the Commonwealth.

§ 10.1-603.27. Annual audit.

The Auditor of Public Accounts, or his legally authorized representatives, shall annually audit the accounts of the Authority, and the cost of such audit services as shall be required shall be borne by the Authority. The audit shall be performed at least each fiscal year, in accordance with generally accepted auditing standards and, accordingly, include such tests of the accounting records and such auditing procedures as are considered necessary under the circumstances. The Authority shall furnish copies of such audit to the Governor.

CHAPTER 763

An Act to establish a telehealth pilot program to expand access to and improve coordination and quality of health care services in rural and medically underserved areas of the Commonwealth.

[S 369]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. *§ 1. That the Center for Telehealth of the University of Virginia shall, together with the Virginia Telehealth Network, establish a telehealth pilot program to expand access to and improve the coordination and quality of health care services in rural areas of the Commonwealth and areas of the Commonwealth that have been identified as medically underserved by the State Department of Health through the use of telemedicine services, as defined in § 38.2-3418.16 of the Code of Virginia, for the purpose of providing access to health care services that would not be available to individuals in rural and medically underserved areas of the Commonwealth without the use of telehealth technology. Such pilot program shall include a process for establishing and providing support to patient care teams, as defined in § 54.1-2900 of the Code of Virginia, that deliver telemedicine services through the pilot program. Patient care teams participating in the pilot program shall include one or more patient care team physicians, as defined in § 54.1-2900, who provide leadership of the patient care team through the use of telemedicine, and one or more nurse practitioners who are licensed in accordance with § 54.1-2957 of the Code of Virginia and who presently practice in or who relocate to rural or medically underserved areas of the Commonwealth served by the pilot program.*

The pilot program shall include a process for assisting nurse practitioners who seek to participate in the pilot program with identifying and developing a written or electronic practice agreement with a patient care team physician who will provide the required leadership of the patient care team through the use of telemedicine, which shall include developing and maintaining a list of physicians who are ready to serve as patient care team physicians and making such list available to nurse practitioners seeking physicians to serve as a patient care team physician in order to participate in the pilot program. The Center for Telehealth, the Virginia Telehealth Network, and the Department of Health Professions shall make such list available on their respective websites for the use of nurse practitioners seeking patient care team physicians.

The pilot program shall provide technology, training, and protocols to participating patient care teams to assist such teams in the delivery of telemedicine services in accordance with the goals of the pilot program. The Center for Telehealth shall provide oversight of patient care teams providing telemedicine services as part of the pilot program and shall evaluate the success of patient care teams in improving access to care and coordination of care through evaluation of established clinical evidence.

The pilot program shall, to the extent possible, leverage existing resources within the Center for Telehealth, the Virginia Telehealth Network, and communities served by the pilot program.

2. That the Center for Telehealth shall consult all appropriate stakeholders in establishing the pilot program created by this act, including but not limited to the Medical Society of Virginia, the Virginia Council of Nurse Practitioners, the Virginia Academy of Family Physicians, the Virginia Chapter of the American Academy of Pediatrics, the Virginia Hospital and Healthcare Association, the Virginia Community Healthcare Association, and public and private institutions of higher education located in the Commonwealth that award medical degrees.
3. That the Center for Telehealth of the University of Virginia shall report to the Governor and the General Assembly on the results of the pilot program established pursuant to this act in establishing and supporting patient care teams providing health care services in accordance with this act and improving access to health care services and coordination and quality of health care services in rural and medically underserved areas of the Commonwealth by October 15, 2017.
4. That in the case of psychiatric services provided to individuals receiving services from a community services board, free health clinic, or federally qualified health center by a practitioner engaged by the Center for Telehealth of the University of Virginia to deliver such services, the requirement for an appropriate examination set forth in § 54.1-3303 of the Code of Virginia may be satisfied through the use of telemedicine.
5. That the provisions of this act shall expire on July 1, 2018.

CHAPTER 764

An Act to amend and reenact § 46.2-100 of the Code of Virginia, relating to pickup or panel trucks registered for personal use.

[S 375]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 46.2-100 of the Code of Virginia is amended and reenacted as follows:

§ 46.2-100. Definitions.

As used in this title, unless the context requires a different meaning:

"All-terrain vehicle" means a motor vehicle having three or more wheels that is powered by a motor and is manufactured for off-highway use. "All-terrain vehicle" does not include four-wheeled vehicles commonly known as "go-carts" that have low centers of gravity and are typically used in racing on relatively level surfaces, nor does the term include any riding lawn mower.

"Antique motor vehicle" means every motor vehicle, as defined in this section, which was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Antique trailer" means every trailer or semitrailer, as defined in this section, that was actually manufactured or designated by the manufacturer as a model manufactured in a calendar year not less than 25 years prior to January 1 of each calendar year and is owned solely as a collector's item.

"Autocycle" means a three-wheeled motor vehicle that has a steering wheel and seating that does not require the operator to straddle or sit astride and is manufactured to comply with federal safety requirements for motorcycles. Except as otherwise provided, an autocycle shall not be deemed to be a motorcycle.

"Automobile or watercraft transporters" means any tractor truck, lowboy, vehicle, or combination, including vehicles or combinations that transport motor vehicles or watercraft on their power unit, designed and used exclusively for the transportation of motor vehicles or watercraft.

"Bicycle" means a device propelled solely by human power, upon which a person may ride either on or astride a regular seat attached thereto, having two or more wheels in tandem, including children's bicycles, except a toy vehicle intended for use by young children. For purposes of Chapter 8 (§ 46.2-800 et seq.), a bicycle shall be a vehicle while operated on the highway.

"Bicycle lane" means that portion of a roadway designated by signs and/or pavement markings for the preferential use of bicycles, electric power-assisted bicycles, and mopeds.

"Business district" means the territory contiguous to a highway where 75 percent or more of the property contiguous to a highway, on either side of the highway, for a distance of 300 feet or more along the highway, is occupied by land and buildings actually in use for business purposes.

"Camping trailer" means every vehicle that has collapsible sides and contains sleeping quarters but may or may not contain bathing and cooking facilities and is designed to be drawn by a motor vehicle.

"Cancel" or "cancellation" means that the document or privilege cancelled has been annulled or terminated because of some error, defect, or ineligibility, but the cancellation is without prejudice and reapplication may be made at any time after cancellation.

"Chauffeur" means every person employed for the principal purpose of driving a motor vehicle and every person who drives a motor vehicle while in use as a public or common carrier of persons or property.

"Circular intersection" means an intersection that has an island, generally circular in design, located in the center of the intersection, where all vehicles pass to the right of the island. Circular intersections include roundabouts, rotaries, and traffic circles.

"Commission" means the State Corporation Commission.

"Commissioner" means the Commissioner of the Department of Motor Vehicles of the Commonwealth.

"Converted electric vehicle" means any motor vehicle, other than a motorcycle or auticycle, that has been modified subsequent to its manufacture to replace an internal combustion engine with an electric propulsion system. Such vehicles shall retain their original vehicle identification number, line-make, and model year. A converted electric vehicle shall not be deemed a "reconstructed vehicle" as defined in this section unless it has been materially altered from its original construction by the removal, addition, or substitution of new or used essential parts other than those required for the conversion to electric propulsion.

"Crosswalk" means that part of a roadway at an intersection included within the connections of the lateral lines of the sidewalks on opposite sides of the highway measured from the curbs or, in the absence of curbs, from the edges of the traversable roadway; or any portion of a roadway at an intersection or elsewhere distinctly indicated for pedestrian crossing by lines or other markings on the surface.

"Decal" means a device to be attached to a license plate that validates the license plate for a predetermined registration period.

"Department" means the Department of Motor Vehicles of the Commonwealth.

"Disabled parking license plate" means a license plate that displays the international symbol of access in the same size as the numbers and letters on the plate and in a color that contrasts with the background.

"Disabled veteran" means a veteran who (i) has either lost, or lost the use of, a leg, arm, or hand; (ii) is blind; or (iii) is permanently and totally disabled as certified by the U.S. Department of Veterans Affairs. A veteran shall be considered blind if he has a permanent impairment of both eyes to the following extent: central visual acuity of 20/200 or less in the better eye, with corrective lenses, or central visual acuity of more than 20/200, if there is a field defect in which the peripheral field has contracted to such an extent that the widest diameter of visual field subtends an angular distance no greater than 20 degrees in the better eye.

"Driver's license" means any license, including a commercial driver's license as defined in the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.), issued under the laws of the Commonwealth authorizing the operation of a motor vehicle.

"Electric personal assistive mobility device" means a self-balancing two-nontandem-wheeled device that is designed to transport only one person and powered by an electric propulsion system that limits the device's maximum speed to 15 miles per hour or less. For purposes of Chapter 8 (§ 46.2-800 et seq.), an electric personal assistive mobility device shall be a vehicle when operated on a highway.

"Electric power-assisted bicycle" means a vehicle that travels on not more than three wheels in contact with the ground and is equipped with (i) pedals that allow propulsion by human power and (ii) an electric motor with an input of no more than 1,000 watts that reduces the pedal effort required of the rider. For the purposes of Chapter 8 (§ 46.2-800 et seq.), an electric power-assisted bicycle shall be a vehicle when operated on a highway.

"Essential parts" means all integral parts and body parts, the removal, alteration, or substitution of which will tend to conceal the identity of a vehicle.

"Farm tractor" means every motor vehicle designed and used as a farm, agricultural, or horticultural implement for drawing plows, mowing machines, and other farm, agricultural, or horticultural machinery and implements, including self-propelled mowers designed and used for mowing lawns.

"Farm utility vehicle" means a vehicle that is powered by a motor and is designed for off-road use and is used as a farm, agricultural, or horticultural service vehicle, generally having four or more wheels, bench seating for the operator and a passenger, a steering wheel for control, and a cargo bed. "Farm utility vehicle" does not include pickup or panel trucks, golf carts, low-speed vehicles, or riding lawn mowers.

"Federal safety requirements" means applicable provisions of 49 U.S.C. § 30101 et seq. and all administrative regulations and policies adopted pursuant thereto.

"Financial responsibility" means the ability to respond in damages for liability thereafter incurred arising out of the ownership, maintenance, use, or operation of a motor vehicle, in the amounts provided for in § 46.2-472.

"Foreign market vehicle" means any motor vehicle originally manufactured outside the United States, which was not manufactured in accordance with 49 U.S.C. § 30101 et seq. and the policies and regulations adopted pursuant to that Act, and for which a Virginia title or registration is sought.

"Foreign vehicle" means every motor vehicle, trailer, or semitrailer that is brought into the Commonwealth otherwise than in the ordinary course of business by or through a manufacturer or dealer and that has not been registered in the Commonwealth.

"Golf cart" means a self-propelled vehicle that is designed to transport persons playing golf and their equipment on a golf course.

"Governing body" means the board of supervisors of a county, council of a city, or council of a town, as context may require.

"Gross weight" means the aggregate weight of a vehicle or combination of vehicles and the load thereon.

"Highway" means the entire width between the boundary lines of every way or place open to the use of the public for purposes of vehicular travel in the Commonwealth, including the streets and alleys, and, for law-enforcement purposes, (i) the entire width between the boundary lines of all private roads or private streets that have been specifically designated "highways" by an ordinance adopted by the governing body of the county, city, or town in which such private roads or streets are located and (ii) the entire width between the boundary lines of every way or place used for purposes of vehicular travel on any property owned, leased, or controlled by the United States government and located in the Commonwealth.

"Intersection" means (i) the area embraced within the prolongation or connection of the lateral curblines or, if none, then the lateral boundary lines of the roadways of two highways that join one another at, or approximately at, right angles, or the area within which vehicles traveling on different highways joining at any other angle may come in conflict; (ii) where a highway includes two roadways 30 feet or more apart, then every crossing of each roadway of such divided highway by an intersecting highway shall be regarded as a separate intersection, in the event such intersecting highway also includes two roadways 30 feet or more apart, then every crossing of two roadways of such highways shall be regarded as a separate intersection; or (iii) for purposes only of authorizing installation of traffic-control devices, every crossing of a highway or street at grade by a pedestrian crosswalk.

"Lane-use control signal" means a signal face displaying indications to permit or prohibit the use of specific lanes of a roadway or to indicate the impending prohibition of such use.

"Law-enforcement officer" means any officer authorized to direct or regulate traffic or to make arrests for violations of this title or local ordinances authorized by law. For the purposes of access to law-enforcement databases regarding motor vehicle registration and ownership only, "law-enforcement officer" also includes city and county commissioners of the revenue and treasurers, together with their duly designated deputies and employees, when such officials are actually engaged in the enforcement of §§ 46.2-752, 46.2-753, and 46.2-754 and local ordinances enacted thereunder.

"License plate" means a device containing letters, numerals, or a combination of both, attached to a motor vehicle, trailer, or semitrailer to indicate that the vehicle is properly registered with the Department.

"Light" means a device for producing illumination or the illumination produced by the device.

"Low-speed vehicle" means any four-wheeled electrically-powered vehicle, except a motor vehicle or low-speed vehicle that is used exclusively for agricultural or horticultural purposes or a golf cart, whose maximum speed is greater than 20 miles per hour but not greater than 25 miles per hour and is manufactured to comply with safety standards contained in Title 49 of the Code of Federal Regulations, § 571.500.

"Manufactured home" means a structure subject to federal regulation, transportable in one or more sections, which in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

"Moped" means every vehicle that travels on not more than three wheels in contact with the ground that (i) has a seat that is no less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; (ii) has a gasoline, electric, or hybrid motor that (a) displaces 50 cubic centimeters or less or (b) has an input of 1500 watts or less; (iii) is power-driven, with or without pedals that allow propulsion by human power; and (iv) is not operated at speeds in excess of 35 miles per hour. For purposes of this title, a moped shall be a motorcycle when operated at speeds in excess of 35 miles per hour. For purposes of Chapter 8 (§ 46.2-800 et seq.), a moped shall be a vehicle while operated on a highway.

"Motor-driven cycle" means every motorcycle that has a gasoline engine that (i) displaces less than 150 cubic centimeters; (ii) has a seat less than 24 inches in height, measured from the middle of the seat perpendicular to the ground; and (iii) has no manufacturer-issued vehicle identification number.

"Motor home" means every private motor vehicle with a normal seating capacity of not more than 10 persons, including the driver, designed primarily for use as living quarters for human beings.

"Motor vehicle" means every vehicle as defined in this section that is self-propelled or designed for self-propulsion except as otherwise provided in this title. Any structure designed, used, or maintained primarily to be loaded on or affixed to a motor vehicle to provide a mobile dwelling, sleeping place, office, or commercial space shall be considered a part of a motor vehicle. Except as otherwise provided, for the purposes of this title, any device herein defined as a bicycle, electric personal assistive mobility device, electric power-assisted bicycle, or moped shall be deemed not to be a motor vehicle.

"Motorcycle" means every motor vehicle designed to travel on not more than three wheels in contact with the ground and is capable of traveling at speeds in excess of 35 miles per hour. "Motorcycle" does not include any "autocycle," "electric personal assistive mobility device," "electric power-assisted bicycle," "farm tractor," "golf cart," "moped," "motorized skateboard or foot-scooter," "utility vehicle," or "wheelchair or wheelchair conveyance" as defined in this section.

"Motorized skateboard or foot-scooter" means every vehicle, regardless of the number of its wheels in contact with the ground, that (i) has no seat, but is designed to be stood upon by the operator, (ii) has no manufacturer-issued vehicle identification number, and (iii) is powered by an electric motor having an input of no more than 1,000 watts or a gasoline engine that displaces less than 36 cubic centimeters. "Motorized skateboard or foot-scooter" includes vehicles with or without handlebars but does not include "electric personal assistive mobility devices."

"Nonresident" means every person who is not domiciled in the Commonwealth, except: (i) any foreign corporation that is authorized to do business in the Commonwealth by the State Corporation Commission shall be a resident of the Commonwealth for the purpose of this title; in the case of corporations incorporated in the Commonwealth but doing

business outside the Commonwealth, only such principal place of business or branches located within the Commonwealth shall be dealt with as residents of the Commonwealth; (ii) a person who becomes engaged in a gainful occupation in the Commonwealth for a period exceeding 60 days shall be a resident for the purposes of this title except for the purposes of Chapter 3 (§ 46.2-300 et seq.); (iii) a person, other than a nonresident student as defined in this section, who has actually resided in the Commonwealth for a period of six months, whether employed or not, or who has registered a motor vehicle, listing an address in the Commonwealth in the application for registration shall be deemed a resident for the purposes of this title, except for the purposes of the Virginia Commercial Driver's License Act (§ 46.2-341.1 et seq.).

"Nonresident student" means every nonresident person who is enrolled as a full-time student in an accredited institution of learning in the Commonwealth and who is not gainfully employed.

"Off-road motorcycle" means every motorcycle designed exclusively for off-road use by an individual rider with not more than two wheels in contact with the ground. Except as otherwise provided in this chapter, for the purposes of this chapter off-road motorcycles shall be deemed to be "motorcycles."

"Operation or use for rent or for hire, for the transportation of passengers, or as a property carrier for compensation," and "business of transporting persons or property" mean any owner or operator of any motor vehicle, trailer, or semitrailer operating over the highways in the Commonwealth who accepts or receives compensation for the service, directly or indirectly; but these terms do not mean a "truck lessor" as defined in this section and do not include persons or businesses that receive compensation for delivering a product that they themselves sell or produce, where a separate charge is made for delivery of the product or the cost of delivery is included in the sale price of the product, but where the person or business does not derive all or a substantial portion of its income from the transportation of persons or property except as part of a sales transaction.

"Operator" or "driver" means every person who either (i) drives or is in actual physical control of a motor vehicle on a highway or (ii) is exercising control over or steering a vehicle being towed by a motor vehicle.

"Owner" means a person who holds the legal title to a vehicle; however, if a vehicle is the subject of an agreement for its conditional sale or lease with the right of purchase on performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then the conditional vendee or lessee or mortgagor shall be the owner for the purpose of this title. In all such instances when the rent paid by the lessee includes charges for services of any nature or when the lease does not provide that title shall pass to the lessee on payment of the rent stipulated, the lessor shall be regarded as the owner of the vehicle, and the vehicle shall be subject to such requirements of this title as are applicable to vehicles operated for compensation. A "truck lessor" as defined in this section shall be regarded as the owner, and his vehicles shall be subject to such requirements of this title as are applicable to vehicles of private carriers.

"Passenger car" means every motor vehicle other than a motorcycle or autocycle designed and used primarily for the transportation of no more than 10 persons, including the driver.

"Payment device" means any credit card as defined in 15 U.S.C. § 1602 (k) or any "accepted card or other means of access" set forth in 15 U.S.C. § 1693a (1). For the purposes of this title, this definition shall also include a card that enables a person to pay for transactions through the use of value stored on the card itself.

"Pickup or panel truck" means (i) every motor vehicle designed for the transportation of property and having a registered gross weight of 7,500 pounds or less or (ii) every motor vehicle registered for personal use, designed to transport property on its own structure independent of any other vehicle, and having a registered gross weight in excess of 7,500 pounds but not in excess of 10,000 pounds.

"Private road or driveway" means every way in private ownership and used for vehicular travel by the owner and those having express or implied permission from the owner, but not by other persons.

"Reconstructed vehicle" means every vehicle of a type required to be registered under this title materially altered from its original construction by the removal, addition, or substitution of new or used essential parts. Such vehicles, at the discretion of the Department, shall retain their original vehicle identification number, line-make, and model year. Except as otherwise provided in this title, this definition shall not include a "converted electric vehicle" as defined in this section.

"Replica vehicle" means every vehicle of a type required to be registered under this title not fully constructed by a licensed manufacturer but either constructed or assembled from components. Such components may be from a single vehicle, multiple vehicles, a kit, parts, or fabricated components. The kit may be made up of "major components" as defined in § 46.2-1600, a full body, or a full chassis, or a combination of these parts. The vehicle shall resemble a vehicle of distinctive name, line-make, model, or type as produced by a licensed manufacturer or manufacturer no longer in business and is not a reconstructed or specially constructed vehicle as herein defined.

"Residence district" means the territory contiguous to a highway, not comprising a business district, where 75 percent or more of the property abutting such highway, on either side of the highway, for a distance of 300 feet or more along the highway consists of land improved for dwelling purposes, or is occupied by dwellings, or consists of land or buildings in use for business purposes, or consists of territory zoned residential or territory in residential subdivisions created under Chapter 22 (§ 15.2-2200 et seq.) of Title 15.2.

"Revoke" or "revocation" means that the document or privilege revoked is not subject to renewal or restoration except through reapplication after the expiration of the period of revocation.

"Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, exclusive of the shoulder. A highway may include two or more roadways if divided by a physical barrier or barriers or an unpaved area.

"Safety zone" means the area officially set apart within a roadway for the exclusive use of pedestrians and that is protected or is so marked or indicated by plainly visible signs.

"School bus" means any motor vehicle, other than a station wagon, automobile, truck, or commercial bus, which is: (i) designed and used primarily for the transportation of pupils to and from public, private or religious schools, or used for the transportation of the mentally or physically handicapped to and from a sheltered workshop; (ii) painted yellow and bears the words "School Bus" in black letters of a specified size on front and rear; and (iii) is equipped with warning devices prescribed in § 46.2-1090. A yellow school bus may have a white roof provided such vehicle is painted in accordance with regulations promulgated by the Department of Education.

"Semitrailer" means every vehicle of the trailer type so designed and used in conjunction with a motor vehicle that some part of its own weight and that of its own load rests on or is carried by another vehicle.

"Shared-use path" means a bikeway that is physically separated from motorized vehicular traffic by an open space or barrier and is located either within the highway right-of-way or within a separate right-of-way. Shared-use paths may also be used by pedestrians, skaters, users of wheel chairs or wheel chair conveyances, joggers, and other nonmotorized users.

"Shoulder" means that part of a highway between the portion regularly traveled by vehicular traffic and the lateral curbline or ditch.

"Sidewalk" means the portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for use by pedestrians.

"Snowmobile" means a self-propelled vehicle designed to travel on snow or ice, steered by skis or runners, and supported in whole or in part by one or more skis, belts, or cleats.

"Special construction and forestry equipment" means any vehicle which is designed primarily for highway construction, highway maintenance, earth moving, timber harvesting or other construction or forestry work and which is not designed for the transportation of persons or property on a public highway.

"Specially constructed vehicle" means any vehicle that was not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not a reconstructed vehicle as herein defined.

"Stinger-steered automobile or watercraft transporter" means an automobile or watercraft transporter configured as a semitrailer combination wherein the fifth wheel is located on a drop frame behind and below the rearmost axle of the power unit.

"Superintendent" means the Superintendent of the Department of State Police of the Commonwealth.

"Suspend" or "suspension" means that the document or privilege suspended has been temporarily withdrawn, but may be reinstated following the period of suspension unless it has expired prior to the end of the period of suspension.

"Tow truck" means a motor vehicle for hire (i) designed to lift, pull, or carry another vehicle by means of a hoist or other mechanical apparatus and (ii) having a manufacturer's gross vehicle weight rating of at least 10,000 pounds. "Tow truck" also includes vehicles designed with a ramp on wheels and a hydraulic lift with a capacity to haul or tow another vehicle, commonly referred to as "rollbacks." "Tow truck" does not include any "automobile or watercraft transporter," "stinger-steered automobile or watercraft transporter," or "tractor truck" as those terms are defined in this section.

"Towing and recovery operator" means a person engaged in the business of (i) removing disabled vehicles, parts of vehicles, their cargoes, and other objects to facilities for repair or safekeeping and (ii) restoring to the highway or other location where they either can be operated or removed to other locations for repair or safekeeping vehicles that have come to rest in places where they cannot be operated.

"Toy vehicle" means any motorized or propellant-driven device that has no manufacturer-issued vehicle identification number that is designed or used to carry any person or persons, on any number of wheels, bearings, glides, blades, runners, or a cushion of air. "Toy vehicle" does not include electric personal assistive mobility devices, electric power-assisted bicycles, mopeds, or motorcycles, nor does it include any nonmotorized or nonpropellant-driven devices such as bicycles, roller skates, or skateboards.

"Tractor truck" means every motor vehicle designed and used primarily for drawing other vehicles and not so constructed as to carry a load other than a part of the load and weight of the vehicle attached thereto.

"Traffic control device" means a sign, signal, marking, or other device used to regulate, warn, or guide traffic placed on, over, or adjacent to a street, highway, private road open to public travel, pedestrian facility, or shared-use path by authority of a public agency or official having jurisdiction, or in the case of a private road open to public travel, by authority of the private owner or private official having jurisdiction.

"Traffic infraction" means a violation of law punishable as provided in § 46.2-113, which is neither a felony nor a misdemeanor.

"Traffic lane" or "lane" means that portion of a roadway designed or designated to accommodate the forward movement of a single line of vehicles.

"Trailer" means every vehicle without motive power designed for carrying property or passengers wholly on its own structure and for being drawn by a motor vehicle, including manufactured homes.

"Truck" means every motor vehicle designed to transport property on its own structure independent of any other vehicle and having a registered gross weight in excess of 7,500 pounds. "Truck" does not include any pickup or panel truck.

"Truck lessor" means a person who holds the legal title to any motor vehicle, trailer, or semitrailer that is the subject of a bona fide written lease for a term of one year or more to another person, provided that: (i) neither the lessor nor the lessee is a common carrier by motor vehicle or restricted common carrier by motor vehicle or contract carrier by motor vehicle as

defined in § 46.2-2000; (ii) the leased motor vehicle, trailer, or semitrailer is used exclusively for the transportation of property of the lessee; (iii) the lessor is not employed in any capacity by the lessee; (iv) the operator of the leased motor vehicle is a bona fide employee of the lessee and is not employed in any capacity by the lessor; and (v) a true copy of the lease, verified by affidavit of the lessor, is filed with the Commissioner.

"Utility vehicle" means a motor vehicle that is (i) designed for off-road use, (ii) powered by a motor, and (iii) used for general maintenance, security, agricultural, or horticultural purposes. "Utility vehicle" does not include riding lawn mowers.

"Vehicle" means every device in, on or by which any person or property is or may be transported or drawn on a highway, except devices moved by human power or used exclusively on stationary rails or tracks. For the purposes of Chapter 8 (§ 46.2-800 et seq.), bicycles, electric personal assistive mobility devices, electric power-assisted bicycles, and mopeds shall be vehicles while operated on a highway.

"Wheel chair or wheel chair conveyance" means a chair or seat equipped with wheels, typically used to provide mobility for persons who, by reason of physical disability, are otherwise unable to move about as pedestrians. "Wheel chair or wheel chair conveyance" includes both three-wheeled and four-wheeled devices. So long as it is operated only as provided in § 46.2-677, a self-propelled wheel chair or self-propelled wheel chair conveyance shall not be considered a motor vehicle.

CHAPTER 765

An Act to amend the Code of Virginia by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, relating to mobile food vending in commuter lots in Planning District 8; fees.

[S 515]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118 as follows:
§ 33.2-118. Mobile food vending in commuter lots in Planning District 8.

A. In Planning District 8, any mobile food vending unit with a mobile food establishment permit from the Department of Health may, after securing the appropriate approval from the locality in which the commuter parking lot is located, apply for an additional permit with the Department of Transportation and pay a fee in order to operate such mobile food vending unit in a commuter parking lot owned by the Department of Transportation and vend to commuters. A mobile food vending unit shall not be deemed to be parking for the purposes of § 46.2-1219.2 while it is vending pursuant to a permit issued under this section.

B. The Department shall develop guidelines, consistent with the Board's regulations and policies, to permit mobile food vending as provided in subsection A. Such guidelines shall (i) provide for the issuance of permits by the Department to mobile food vendors authorizing such vendors to operate in commuter parking lots owned by the Department, (ii) establish criteria that the Department will use in evaluating each permit application to ensure that neither the function and purpose of the affected commuter parking lot nor the motor vehicle traffic flow and motorist and pedestrian safety will be adversely affected by the operation of the mobile food vendors, (iii) establish fees for mobile food vending, and (iv) address any other issues related to permit issuance as deemed necessary by the Department.

C. The Department shall publish on its website a permit application form for mobile food vending units to apply for such permit to vend to commuters in commuter lots in Planning District 8 and the established fee for such permit and vending.

2. That any regulatory changes deemed necessary by the Department of Transportation as a result of implementing the provisions of this act shall be exempt from the Administrative Process Act (§ 2.2-4000 et seq. of the Code of Virginia).

CHAPTER 766

An Act to amend and reenact §§ 24.2-103 and 24.2-115 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 24.2-115.2, relating to officers of election; required training.

[S 574]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 24.2-103 and 24.2-115 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 24.2-115.2 as follows:

§ 24.2-103. Powers and duties in general.

A. The State Board, through the Department of Elections, shall supervise and coordinate the work of the county and city electoral boards and of the registrars to obtain uniformity in their practices and proceedings and legality and purity in all elections. It shall make rules and regulations and issue instructions and provide information consistent with the election laws to the electoral boards and registrars to promote the proper administration of election laws. Electoral boards and

registrars shall provide information requested by the State Board and shall follow (i) the elections laws and (ii) the rules and regulations of the State Board insofar as they do not conflict with Virginia or federal law. The State Board shall post on the Internet within three business days any rules or regulations made by the State Board. Upon request and at a reasonable charge not to exceed the actual cost incurred, the State Board shall provide to any requesting political party or candidate, within three days of the receipt of the request, copies of any instructions or information provided by the State Board to the local electoral boards and registrars.

B. The State Board, through the Department of Elections, shall ensure that the members of the electoral boards and general registrars are properly trained to carry out their duties by offering training annually, or more often, as it deems appropriate, and without charging any fees to the electoral boards and general registrars for the training. The State Board shall set the training standards for the officers of election ~~to be fulfilled by the local electoral boards and general registrars. The State Board shall require certification that officers of election have been trained consistent with the training standards set by the Board. Such certification shall be submitted each year prior to the November general election by the local electoral board~~ and shall develop standardized training programs for the officers of election to be conducted by the local electoral boards and the general registrars. Training of the officers of election shall be conducted and certified as provided by § 24.2-115.2. The State Board shall provide standardized training materials for such training and shall also offer on the Department of Elections website a training course for officers of election. The content of the online training course shall be consistent with the standardized training programs developed pursuant to this section. The State Board shall review the standardized training materials and the content of the online training course every two years in the year immediately following a general election for federal office.

C. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of any member of an electoral board who fails to discharge the duties of his office in accordance with law. The State Board may petition the local electoral board to remove from office any general registrar who fails to discharge the duties of his office according to law. The State Board may institute proceedings pursuant to § 24.2-234 for the removal of a general registrar if the local electoral board refuses to remove the general registrar and the State Board finds that the failure to remove the general registrar has a material adverse effect upon the conduct of either the registrar's office or any election. Any action taken by the State Board pursuant to this subsection shall require a recorded majority vote of the Board.

D. The State Board may petition a circuit court or the Supreme Court, whichever is appropriate, for a writ of mandamus or prohibition, or other available legal relief, for the purpose of ensuring that elections are conducted as provided by law.

E. The Department of Elections shall supervise its own staff to assure that no member of its staff shall serve (i) as the chairman of a political party or other officer of a state-, local-, or district-level political party committee or (ii) as a paid or volunteer worker in the campaign of a candidate for nomination or election to an office filled by election in whole or in part by the qualified voters of the Commonwealth.

F. The State Board shall adopt a seal for its use and bylaws for its own proceedings.

G. A telephone call between two members of the Board preparing for a meeting shall not constitute a meeting under the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), provided that no discussion or deliberation takes place that would otherwise constitute a meeting.

§ 24.2-115. Appointment, qualifications, and terms of officers of election.

Each electoral board at its regular meeting in the first week of February of the year in which the terms of officers of election are scheduled to expire shall appoint officers of election. Their terms of office shall begin on March 1 following their appointment and continue, at the discretion of the electoral board, for a term not to exceed three years or until their successors are appointed.

Not less than three competent citizens shall be appointed for each precinct. However, a precinct having more than 4,000 registered voters shall have not less than five officers of election serving for a presidential election, and the electoral board shall appoint additional officers as needed to satisfy this requirement. Insofar as practicable, each officer shall be a qualified voter of the precinct he is appointed to serve, but in any case a qualified voter of the Commonwealth. In appointing the officers of election, representation shall be given to each of the two political parties having the highest and next highest number of votes in the Commonwealth for Governor at the last preceding gubernatorial election. The representation of the two parties shall be equal at each precinct having an even number of officers and shall vary by no more than one at each precinct having an odd number of officers. If practicable, officers shall be appointed from lists of nominations filed by the political parties entitled to appointments. The party shall file its nominations with the secretary of the electoral board at least 10 days before February 1 each year. The electoral board may appoint additional citizens who do not represent any political party to serve as officers. If practicable, no more than one-third of the total number of officers appointed for each precinct may be citizens who do not represent any political party.

Officers of election shall serve for all elections held in their respective precincts during their terms of office unless a substitute is required to be appointed pursuant to § 24.2-117 or the electoral board decides that fewer officers are needed for a particular election, in which case party representation shall be maintained as provided above. For a primary election involving only one political party, persons representing the political party holding the primary shall serve as the officers of election if possible.

The electoral board shall designate one officer as the chief officer of election and one officer as the assistant for each precinct. The officer designated as the assistant for a precinct, whenever practicable, shall not represent the same political

party as the chief officer for the precinct. Notwithstanding any other provision of this section, where representatives for one or both of the two political parties having the largest number of votes for Governor in the last preceding gubernatorial election are unavailable, the electoral board may designate as the chief officer and the assistant chief officer citizens who do not represent any political party. In such case, the electoral board shall provide notice to representatives of both parties at least 10 days prior to the election that it intends to use nonaffiliated officers so that each party shall have the opportunity to provide additional nominations. The electoral board may also appoint at least one officer of election who reports to the precinct at least one hour prior to the closing of the precinct and whose primary responsibility is to assist with closing the precinct and reporting the results of the votes at the precinct.

The electoral board shall instruct each chief officer and assistant in his duties not less than three nor more than 30 days before each election. Each electoral board may instruct each officer of election in his duties at an appropriate time or times before each November general election, and shall conduct training of the officers of election ~~consistent with the standards set by the State Board pursuant to subsection B of § 24.2-103. Each electoral board shall certify to the State Board that such training has been conducted every four years as provided by § 24.2-115.2.~~

Notwithstanding the provisions of § 24.2-117, if an officer of election is unable to serve at any election during his term of office, the electoral board may at any time appoint a substitute who shall hold office and serve for the unexpired term.

Additional officers shall be appointed in accordance with this section at any time that the electoral board determines that they are needed or as required by law.

If practicable, substitute officers or additional officers appointed after the electoral board's regular meeting in the first week of February shall be appointed from lists of nominations filed by the political parties entitled to appointments. The electoral board shall inform the political parties of its decision to make such appointments and the party shall file its nominations with the secretary of the electoral board within five business days.

The secretary of the electoral board shall prepare a list of the officers of election that shall be available for inspection and posted in the general registrar's office prior to March 1 each year. Whenever substitute or additional officers are appointed, the secretary shall promptly add the names of the appointees to the public list. Upon request and at a reasonable charge not to exceed the actual cost incurred, the secretary shall provide a copy of the list of the officers of election, including their party designation and precinct to which they are assigned, to any requesting political party or candidate.

§ 24.2-115.2. Officers of election; required training.

A. *Each officer of election shall receive training consistent with the standards set by the State Board pursuant to § 24.2-103. This training shall be conducted by the electoral boards and general registrars, using the standardized training programs and materials developed by the State Board for this purpose. However, any electoral board and general registrar may instead require that the officers of election complete the online training course provided by the State Board pursuant to subsection B of § 24.2-103. Each officer of election shall receive such training, or complete the online training course, before the first election in which he will be serving as an officer of election. Such requirement shall apply to each term for which the officer of election is appointed.*

B. *Notwithstanding the provisions of subsection A, each officer of election shall receive additional training or instruction whenever a change to election procedures is made to this title or to regulations that alters the duties or conduct of the officers of election. Such changes shall include changes to voting systems, electronic pollbook equipment or programming, voter identification requirements, and provisional ballot requirements. Such additional training shall be conducted or instruction given promptly after the law or regulation has taken effect, but not less than three days prior to the November general election.*

C. *Following any training conducted pursuant to this section, the electoral boards shall certify to the State Board that the officers of election in its jurisdiction have received the required training. Such certification shall include the dates of each completed training.*

CHAPTER 767

An Act to amend and reenact §§ 58.1-439.26 and 58.1-439.28 of the Code of Virginia, relating to education improvement scholarships tax credits.

[S 589]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 58.1-439.26 and 58.1-439.28 of the Code of Virginia are amended and reenacted as follows:

§ 58.1-439.26. Tax credit for donations to certain scholarship foundations.

A. Notwithstanding the provisions of § 30-19.1:11, for taxable years beginning on or after January 1, 2013, but before January 1, 2028, a person shall be eligible to earn a credit against any tax due under Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26 in an amount equal to 65 percent of the value of the monetary or marketable securities donation made by the person to a scholarship foundation included on the list published annually by the Department of Education in accordance with the provisions of § 58.1-439.28.

No tax credit shall be allowed under this article if the value of the monetary or marketable securities donation made by an individual is less than \$500. In addition, tax credits shall be issued only for the first \$125,000 in value of donations made by the individual during the taxable year. The maximum aggregate donations of \$125,000 for the taxable year for which tax credits may be issued and the minimum required donation of \$500 shall apply on an individual basis. Such limitation on the maximum amount of tax credits issued to an individual shall not apply to credits issued to any business entity, including a sole proprietorship.

B. Tax credits shall be issued to persons making monetary or marketable securities donations to scholarship foundations by the Department of Education on a first-come, first-served basis in accordance with procedures established by the Department of Education under the following conditions:

1. The total amount of tax credits that may be issued each fiscal year under this article shall not exceed \$25 million.

2. The amount of the credit shall not exceed the person's tax liability pursuant to Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26, as applicable, for the taxable year for which the credit is claimed. Any credit not usable for the taxable year for which first allowed may be carried over for credit against the taxes imposed upon the person pursuant to Article 2 (§ 58.1-320 et seq.) or Article 10 (§ 58.1-400 et seq.), Chapter 12 (§ 58.1-1200 et seq.), Chapter 25 (§ 58.1-2500 et seq.), or Article 2 (§ 58.1-2620 et seq.) of Chapter 26, as applicable, in the next five succeeding taxable years or until the total amount of the tax credit has been taken, whichever is sooner.

The amount of any credit attributable to a partnership, electing small business corporation (S corporation), or limited liability company shall be allocated to the individual partners, shareholders, or members, respectively, in proportion to their ownership or interest in such business entities.

C. In a form approved by the Department of Education, the person seeking to make a monetary or marketable securities donation to a scholarship foundation or a scholarship foundation on behalf of such person shall request preauthorization for a specified tax credit amount from the Superintendent of Public Instruction. The Department of Education's preauthorization notice shall accompany the monetary or marketable securities donation from the person to the scholarship foundation, which shall, within ~~20~~ 40 days, return the notice to the Department of Education certifying the value and type of donation and date received. Upon receipt and approval by the Department of Education of the preauthorization notice with required supporting documentation and certification of the value and type of the donation by the scholarship foundation, the Superintendent of Public Instruction shall as soon as practicable, and in no case longer than 30 days, issue a tax credit certificate to the person eligible for the tax credit. The person shall attach the tax credit certificate to the applicable tax return filed with the Department of Taxation or the State Corporation Commission, as applicable. The Department of Education shall provide a copy of the tax credit certificate to the scholarship foundation.

Preauthorization notices not acted upon by a donor within 180 days of issuance shall be void. No tax credit shall be approved by the Department of Education for activities that are a part of a person's normal course of business.

§ 58.1-439.28. Guidelines for scholarship foundations.

A. As a condition for qualification by the Department of Education, a scholarship foundation, as defined in § 58.1-439.25 and included on the list published annually by the Department of Education pursuant to this section, shall disburse an amount at least equal to 90 percent of the value of the donations it receives (for which tax credits were issued under this article) during each 12-month period ending on June 30 by the immediately following June 30 for qualified educational expenses through scholarships to eligible students. Tax-credit-derived funds not used for such scholarships may only be used for the administrative expenses of the scholarship foundation. Any scholarship foundation that fails to ~~disburse at least 90 percent of any donated amount within the appropriate one-year period~~ *meet such disbursement requirement* shall, for the first offense, be required to pay a civil penalty equal to 200 percent of the difference between 90 percent of the ~~donated amount~~ *value of the tax-credit-derived donations it received in the applicable 12-month period* and the amount that was actually disbursed. Such civil penalty shall be remitted by the scholarship foundation to the Department of Education within 30 days after the end of the one-year period and deposited to the general fund. For a second offense within a five-year period, the scholarship foundation shall be removed from the annual list published pursuant to this section and shall not be entitled to request preauthorization for additional tax credits, nor shall it be entitled to receive and administer additional tax-credit-derived funds for two years. After two years, the scholarship foundation shall be eligible to reapply to be included on the annual list to receive and administer tax-credit derived funds. If a scholarship foundation is authorized to be added to the annual list after such reapplication, the scholarship foundation shall not be considered to have any previous offenses for purposes of this subsection. The required disbursement under this section shall begin with donations received for the period January 1, 2013, through June 30, 2014.

B. By September 30 of each year beginning in ~~2014~~ 2016, the scholarship foundation shall provide the following information to the Department of Education: (i) the total number and value of ~~contributions~~ *donations* received by the foundation ~~in its most recent fiscal year ended~~ *during the 12-month period ending on June 30 of the prior calendar year* for which tax credits were issued by the Superintendent of Public Instruction, (ii) the dates when such ~~contributions~~ *donations* were received, and (iii) the total number and dollar amount of qualified educational expenses scholarships ~~awarded from tax-credit-derived donations and~~ *disbursed by the scholarship foundation during its most recent fiscal year ended the 24-month period ending on June 30 of the current calendar year*. Any scholarship foundation that fails to provide this report by September 30 shall, for the first offense, be required to pay a \$1,000 civil penalty. Such civil penalty shall be remitted by the scholarship foundation to the Department of Education by November 1 of the same year and deposited to the general

fund. For a second offense within a five-year period, the scholarship foundation shall be removed from the annual list published pursuant to this section and shall not be entitled to request preauthorization for additional tax credits, nor shall it be entitled to receive and administer additional tax-credit-derived funds. After two years, the scholarship foundation shall be eligible to reapply to be included on the annual list to receive and administer tax-credit derived funds. If a scholarship foundation is authorized to be added to the annual list after such reapplication, the scholarship foundation shall not be considered to have any previous offenses for purposes of this subsection.

C. In awarding scholarships from tax-credit-derived funds, the scholarship foundation shall (i) provide scholarships for qualified educational expenses only to students whose family's annual household income is not in excess of 300 percent of the current poverty guidelines or eligible students with a disability, (ii) not limit scholarships to students of one school, and (iii) comply with Title VI of the Civil Rights Act of 1964, as amended. Payment of scholarships from tax-credit-derived funds by the eligible scholarship foundation shall be by individual warrant or check made payable to and mailed to the eligible school that the student's parent or legal guardian indicates. In mailing such scholarship payments, the eligible scholarship foundation shall include a written notice to the eligible school that the source of the scholarship was donations made by persons receiving tax credits for the same pursuant to this article.

D. Scholarship foundations shall ensure that schools selected by students to which tax-credit-derived funds may be paid (i) are in compliance with the Commonwealth's and locality's health and safety laws and codes; (ii) hold a valid occupancy permit as required by the locality; (iii) comply with Title VI of the Civil Rights Act of 1964, as amended; and (iv) are nonpublic schools that comply with nonpublic school accreditation requirements as set forth in § 22.1-19 and administered by the Virginia Council for Private Education or nonpublic schools that maintain an assessment system that annually measures scholarship students' progress in reading and math using a national norm-referenced achievement test, including but not limited to the Stanford Achievement Test, California Achievement Test, and Iowa Test of Basic Skills.

Eligible schools shall compile the results of any national norm-referenced achievement test for each of its students receiving tax-credit-derived scholarships and shall provide the respective parents or legal guardians of such students with a copy of the results on an annual basis, beginning with the first year of testing of the student. Such schools also shall annually provide to the Department of Education for each such student the achievement test results, beginning with the first year of testing of the student, and student information that would allow the Department to aggregate the achievement test results by grade level, gender, family income level, number of years of participation in the scholarship program, and race. Beginning with the third year of testing of each such student and test-related data collection, the Department of Education shall ensure that the achievement test results and associated learning gains are published on the Department of Education's website in accordance with such classifications and in an aggregate form as to prevent the identification of any student. Eligible schools shall annually provide to the Superintendent of Public Instruction graduation rates of its students participating in the scholarship program in a manner consistent with nationally recognized standards. In publishing and disseminating achievement test results and other information, the Superintendent of Public Instruction and the Department of Education shall ensure compliance with all student privacy laws.

E. The aggregate amount of scholarships provided to each student for any single school year by all eligible scholarship foundations from eligible donations shall not exceed the lesser of (i) the actual qualified educational expenses of the student or (ii) 100 percent of the per-pupil amount distributed to the local school division (in which the student resides) as the state's share of the standards of quality costs using the composite index of ability to pay as defined in the general appropriation act.

F. Scholarship foundations shall develop procedures for disbursing scholarships in quarterly or semester payments throughout the school year to ensure scholarships are portable.

G. Scholarship foundations that receive donations of marketable securities for which tax credits were issued under this article shall be required to sell such securities and convert the donation into cash immediately, but in no case more than 421 days after receipt of the donation.

H. Each scholarship foundation with total revenues (including the value of all donations) (i) in excess of \$100,000 for the foundation's most recent *fiscal* year ended shall have an audit or review performed by an independent certified public accountant of the foundation's donations received in such year for which tax credits were issued under this article; or (ii) of \$100,000 or less for the foundation's most recent *fiscal* year ended shall have a compilation performed by an independent certified public accountant of the foundation's donations received in such year for which tax credits were issued under this article. A summary report of the audit, review, or compilation shall be made available to the public and the Department of Education upon request. ~~As an appendix to the report, the scholarship foundation's board of directors shall certify (a) the total number and value of donations per locality received during the foundation's most recent year ended; (b) the total number and dollar amount of qualified educational expenses scholarships disbursed during the foundation's most recent year ended to every (1) student whose family's annual household income was not in excess of 300 percent of the current poverty guidelines or (2) eligible student with a disability; and (c) the percentage of first-time recipients to whom qualified educational expenses scholarships were disbursed in the foundation's most recent year ended.~~

I. The Department of Education shall publish annually on its website a list of each scholarship foundation qualified under this article. Once a foundation has been qualified by the Department of Education, it shall remain qualified until the Department removes the foundation from its annual list. The Department of Education shall remove a foundation from the annual list if it no longer meets the requirements of this article. The Department of Education may periodically require a qualified foundation to submit updated or additional information for purposes of determining whether or not the foundation continues to meet the requirements of this article.

J. Actions of the Superintendent of Public Instruction or the Department of Education relating to the awarding of tax credits under this article and the qualification of scholarship foundations shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.). Decisions of the Superintendent of Public Instruction or the Department of Education shall be final and not subject to review or appeal.

CHAPTER 768

An Act to amend and reenact § 58.1-3912 of the Code of Virginia, relating to local tax officials; electronic dissemination of tax bills and tax documents.

[S 690]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 58.1-3912 of the Code of Virginia is amended and reenacted as follows:

§ 58.1-3912. Local tax officials to mail certain tax documents to taxpayers; penalties; electronic transmission.

A. The treasurer of every city and county shall, as soon as reasonably possible in each year, but not later than 14 days prior to the due date of the taxes, send or cause to be sent by United States mail to each taxpayer assessed with taxes and levies for that year a bill or bills setting forth the amounts due. The treasurer may elect not to send a bill amounting to \$20 or less as shown by an assessment book in such treasurer's office. The treasurer may employ the services of a mailing service or other vendor for fulfilling the requirements of this section. The failure of any such treasurer to comply with this section shall be a Class 4 misdemeanor. Such treasurer shall be deemed in compliance with this section as to any taxes due on real estate if, upon certification by the obligee of any note or other evidence of debt secured by a mortgage or deed of trust on such real estate that an agreement has been made with the obligor in writing within the mortgage or deed of trust instrument that such arrangements be made, he mails the bill for such taxes to the obligee thereof. Upon nonpayment of taxes by either the obligee or obligor, a past-due tax bill will be sent to the taxpayer. No governing body shall publish the name of a taxpayer in connection with a tax debt for which a bill was not sent, without first sending a notice of deficiency to his last known address at least two weeks before such publication.

B. The governing body of any county, city or town may attach to or mail with all real estate and tangible personal property tax bills, prepared for taxpayers in such locality, information indicating how the tax rate charged upon such property and revenue derived therefrom is apportioned among the various services and governmental functions provided by the locality.

C. Notwithstanding the provisions of subsection A of this section, in any county which has adopted the urban county executive form of government, and in any county contiguous thereto which has adopted the county executive form of government, tangible personal property tax bills shall be mailed not later than 30 days prior to the due date of such taxes.

D. Notwithstanding the provisions of subsection A of this section, any county and town, the governing bodies of which mutually agree, shall be allowed to send, to each taxpayer assessed with taxes, by United States mail no later than 14 days prior to the due date of the taxes, a single real property tax bill and a single tangible personal property tax bill.

E. Beginning with tax year 2006, in addition to all other information currently appearing on tangible personal property tax bills, each such bill required to be sent pursuant to subsection A shall state on its face (i) whether the vehicle is a qualifying vehicle as defined in § 58.1-3523; (ii) a statement indicating the reduced tangible personal property tax rates applied to qualifying vehicles resulting from the Commonwealth's reimbursements for tangible personal property tax relief pursuant to § 58.1-3524, and the locality's tangible personal property tax rate for its general class of tangible personal property, provided that such statement shall not be required for tax bills in any county, city, or town that will not receive any reimbursement pursuant to subsection B of § 58.1-3524; (iii) the vehicle's registration number pursuant to § 46.2-604; (iv) the amount of tangible personal property tax levied on the vehicle; and (v) if the locality prorates personal property tax pursuant to § 58.1-3516, the number of months for which a bill is being sent.

F. 1. Notwithstanding the provisions of subsection A *or the provisions of § 58.1-3330, 58.1-3518, or 58.1-3518.1*, the treasurer, *commissioner of the revenue, or other local tax official*, consistent with guidelines promulgated by the Department of Taxation implementing the provisions of subdivision 2 of § 58.1-1820, may convey, with the written consent of the taxpayer, any tax bill *or other tax document* by electronic means chosen by the taxpayer, including without limitation facsimile transmission or electronic mail (~~e-mail~~) (*email*), in lieu of posting such bill by first-class mail. The treasurer, *commissioner of the revenue, or other local tax official* conveying a bill *or other tax document* by means authorized in this subdivision shall maintain a copy (in written form or electronic media) of the bill *or document* reflecting the date of transmission until such time as the bill has been satisfied or otherwise removed from the ~~treasurer's~~ *books of the treasurer, commissioner of the revenue, or other local tax official* by operation of law. Transmission of a bill *or tax document* pursuant to this subsection shall have the same force and effect for all purposes arising under this subtitle as mailing to the taxpayer by first-class mail on the date of transmission.

2. The treasurer, *commissioner of the revenue, or other local taxing official* also may convey, with the consent of the taxpayer, any tax bill *or other document* by permitting the taxpayer to access his ~~tax bill information~~ *tax bill information* online from a database on the ~~treasurer's locality's or official's~~ *treasurer's locality's or official's* website. ~~Consent of the taxpayer under this subdivision may be obtained by the taxpayer indicating his consent online on the website, subject to reasonable verification of the taxpayer's identity.~~

3. Consent of the taxpayer under this subsection may be obtained from the taxpayer electronically, subject to reasonable verification of the taxpayer's identity.

G. Any solid waste disposal fee imposed by a county may be attached to, mailed with, or stated on the appropriate real estate tax bill.

CHAPTER 769

An Act to authorize the Virginia Public Building Authority and the Virginia College Building Authority to issue bonds in an aggregate principal amount not to exceed \$2,235,432,677 plus certain costs to fund certain capital projects and to appropriate the proceeds of such bonds.

[S 731]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. § 1. A. That pursuant to § 2.2-2264 of the Code of Virginia, the General Assembly hereby authorizes the Virginia Public Building Authority (VPBA) to undertake the following projects, including, without limitation, constructing, improving, furnishing, equipping, acquiring, and renovating buildings, facilities, improvements, and land therefor, and to exercise any and all powers granted to it by law in connection therewith, including the power to finance all or any portion of the cost thereof by the issuance of revenue bonds in a principal amount not to exceed \$426,818,771 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section. Debt service on projects contained in this section shall be provided from appropriations to the Treasury Board.

Agency Code	Institution/Agency	Project Title
146	Science Museum of Virginia	Construct Parking Facility / Master Site Plan
199	Department of Conservation and Recreation	Renovate Walnut Valley Farm at Chippokes State Park
199	Department of Conservation and Recreation	Provide Various Utility/ADA Upgrades
199	Department of Conservation and Recreation	Construct Retaining Wall on Lover's Leap Trail at Natural Tunnel State Park
199	Department of Conservation and Recreation	Repair/Replace Trestles at New River Trail State Park
199	Department of Conservation and Recreation	Replace Existing Bulkheads at False Cape State Park
199	Department of Conservation and Recreation	Replace Bridge to Amphitheater at Hungry Mother State Park
199	Department of Conservation and Recreation	Complete Bridge Repair at Staunton River Battlefield State Park
199	Department of Conservation and Recreation	Construct Restroom at 64th Street Entrance at First Landing State Park
199	Department of Conservation and Recreation	Construct Restroom at Massie Gap in Grayson Highlands State Park
199	Department of Conservation and Recreation	Renovate Foster Falls Hotel at New River Trail State Park
199	Department of Conservation and Recreation	Construct Various Cabins at Pocahontas and Powhatan State Parks
199	Department of Conservation and Recreation	Renovate Various Cabins
199	Department of Conservation and Recreation	Renovate Various Campgrounds
199	Department of Conservation and Recreation	Construct Widewater Phase I
199	Department of Conservation and Recreation	Develop Clinch River State Park
203	Wilson Workforce and Rehabilitation Center	Renovate and Expand Anderson Vocational Training Building, Phase II
218	Virginia School for the Deaf and the Blind	Renovate Bradford Hall

238	Virginia Museum of Fine Arts	Replace Air Handling Units	
239	Frontier Culture Museum	Construct Early American Industry Exhibit	
425	Jamestown-Yorktown Foundation	Renovate Exhibits	
720	Department of Behavioral Health and Developmental Services	Expand Western State Hospital	
720	Department of Behavioral Health and Developmental Services	Expand Sexually Violent Predator Facility	
777	Department of Juvenile Justice	Construct New Juvenile Correctional Center, Chesapeake	
778	Department of Forensic Science	Expand Central Forensic Laboratory and Office of the Chief Medical Examiner Facility	
799	Department of Corrections	Renovate Marion Correctional Center	
799	Department of Corrections	Replace Roofs—Red Onion and Wallens Ridge	
799	Department of Corrections	Replace Generators Statewide	
	Total		\$426,818,771

B. Funding for the planning phase of the project "Construct New Juvenile Correctional Center, Chesapeake," for the Department of Juvenile Justice may not be released until 30 days after the submission of the interim report of the task force required to be established by Item 415 of the 2016-2018 Appropriation Act (House Bill 30), enacted by the 2016 Session of the General Assembly.

§ 2. That pursuant to § 23-30.28 of the Code of Virginia, the General Assembly hereby authorizes the Virginia College Building Authority to undertake the following projects, including, without limitation, constructing, improving, furnishing, equipping, acquiring, and renovating buildings, facilities, improvements, and land therefor, to exercise any and all powers granted to it by law in connection therewith; and to finance all or any portion of the cost thereof by the issuance of revenue bonds in a principal amount not to exceed \$1,351,813,906 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. Bonds of the Virginia College Building Authority issued to finance such projects may be sold and issued under the 21st Century College Program at the same time with other obligations of the Virginia College Building Authority as separate issues or as a combined issue. The Authority may pay all or any part of the cost of any project listed in this section or authorized or any portion thereof with any income and reserve funds of the Authority available for such purpose, and in such case may transfer such funds of the Authority, with the approval of the Governor. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section. Debt service on projects contained in this section shall be provided from appropriations to the Treasury Board.

Agency Code	Institution/Agency	Project Title
204	The College of William and Mary	Construct Fine and Performing Arts Complex, Phases I & II
204	The College of William and Mary	Construct West Utilities Plant
207	University of Virginia	Renovate Gilmer Hall and Chemistry Building
208	Virginia Polytechnic Institute and State University	Renovate Holden Hall (Engineering)
208	Virginia Polytechnic Institute and State University	Construct VT Carilion Research Institute Biosciences Addition
208	Virginia Polytechnic Institute and State University	Construct Central Chiller Plant, Phase II
211	Virginia Military Institute	Renovate Preston Library
211	Virginia Military Institute	Post Infrastructure Improvements, Phase I, II, and III
211	Virginia Military Institute	Renovate Scott Shipp Hall
212	Virginia State University	Maintenance Reserve Supplement / Master Plan Update

213	Norfolk State University	Maintenance Reserve Supplement / Master Plan Update
214	Longwood University	Construct New Academic Building
214	Longwood University	Replace Steam Distribution System, Wheeler Mall
214	Longwood University	Construct Admissions Office
215	University of Mary Washington	Construct Jepson Science Center Addition
215	University of Mary Washington	Renovate Seacobeck Hall
215	University of Mary Washington	Repair/Replace Underground Utilities
216	James Madison University	Construct New School of Business
216	James Madison University	Renovate Wilson Hall
217	Radford University	Renovate Curie and Reed Halls
221	Old Dominion University	Construct Chemistry Building
229	Virginia Cooperative Extension and Agricultural Experiment Station	Construct Livestock and Poultry Research Facilities, Phase I
236	Virginia Commonwealth University	Construct School of Allied Health Professions Building
236	Virginia Commonwealth University	Expand School of Engineering
236	Virginia Commonwealth University	Construct Commonwealth Center for Advanced Logistics Systems (CCALS)
242	Christopher Newport University	Construct and Renovate Fine Arts and Rehearsal Space
242	Christopher Newport University	Construct Library, Phase II
247	George Mason University	Renovate Robinson Hall and Harris Theater
247	George Mason University	Construct Utilities Distribution Infrastructure
260	Virginia Community College System	Renovate Seefeldt Academic Building / Replace Building Envelope, Woodbridge Campus, Northern Virginia
260	Virginia Community College System	Renovate Bird Hall and Renovate / Expand Nicholas Center, Chester Campus, John Tyler
260	Virginia Community College System	Renovate Howsmon/Colgan Building, Manassas Campus, Northern Virginia
260	Virginia Community College System	Repair or Replace Major Mechanical Systems, Northern Virginia, New River and Mountain Empire
260	Virginia Community College System	Construct Bioscience Building, Blue Ridge
260	Virginia Community College System	Construct Academic Building, Fauquier Campus, Lord Fairfax
260	Virginia Community College System	Replace Phase I Academic and Administration Building, Eastern Shore
260	Virginia Community College System	Construct Student Service and Learning Resources Center, Christianna Campus, Southside Virginia
260	Virginia Community College System	Improve Life Safety and Security, Systemwide, Phase I

268	Virginia Institute of Marine Science	Replace Mechanical Systems and Repair Building Envelope of Chesapeake Bay Hall	
268	Virginia Institute of Marine Science	Construct Facilities Management Building	
274	Eastern Virginia Medical School	Construct New Education and Academic Administration Building	
274	Eastern Virginia Medical School	Renovate Hofheimer Hall	
274	Eastern Virginia Medical School	Renovate Lewis Hall	
935	Roanoke Higher Education Authority	Renovate and Expand Clinical Simulation Labs for Nursing	
937	Southern Virginia Higher Education Center	Replace Roof, HVAC, and Make Other Repairs	
948	Southwest Virginia Higher Education Center	Construct Service Corridor, Storage Area; Replace Generator	
	<i>Total</i>		\$1,351,813,906

2. § 1. That the Virginia Public Building Authority, pursuant to § 2.2-2264 of the Code of Virginia, or the Virginia College Building Authority pursuant to § 23-30.28 of the Code of Virginia, is authorized to issue revenue bonds in a principal amount not to exceed \$12,200,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. The proceeds of such bonds shall be used to supplement the prior funding for the projects in this enactment. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section. Debt service on projects contained in this section shall be provided from appropriations to the Treasury Board.

Agency Code	Institution/Agency	Project Title	
238	Virginia Museum of Fine Arts	Renovate Robinson House	
912	Department of Veterans Services	Expand Virginia War Memorial	
425	Jamestown Yorktown Foundation	Yorktown Museum Generators (Supplement)	
935	Roanoke Higher Education Authority	Renovate Claude Moore Building	
	<i>Total</i>		\$12,200,000

3. § 1. That the Virginia Public Building Authority, pursuant to § 2.2-2264 of the Code of Virginia, or the Virginia College Building Authority pursuant to § 23-30.28 of the Code of Virginia, is authorized to issue revenue bonds in a principal amount not to exceed \$15,600,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses to provide funds for equipment for the following projects for which funding for construction was previously provided, or to maintain existing operational capability. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this section. Debt service on projects contained in this section shall be provided from appropriations to the Treasury Board.

Agency Code	Institution/Agency	Project Title	
146	Science Museum of Virginia	Construct Event Space (17974)	
214	Longwood University	Construct Student Success Center (17982)	
216	James Madison University	Renovate/ Addition Madison Hall (18085)	
217	Radford University	Renovate Whitt Hall (18067)	
236	Virginia Commonwealth University	Renovate Sanger Hall, Phase II (18070)	
236	Virginia Commonwealth University	Renovate Raleigh Building (18071)	
247	George Mason University	Construct Academic VII / Research III, Phase I (17999)	
912	Department of Veterans Services	Expand Virginia War Memorial (18010)	
238	Virginia Museum of Fine Arts	Art Conservation Laboratory	
	<i>Total</i>		\$15,600,000

4. § 1 A. That beginning July 1, 2017, the following projects shall be funded for detailed planning from amounts in the Central Capital Planning Fund established under § 2.2-1520 of the Code of Virginia, and amounts are hereby appropriated from the Central Capital Planning Fund for such purposes as provided in this enactment.

Agency Code	Institution/Agency	Project Title
123	Department of Military Affairs	Renovate Roanoke Readiness Center
156	Department of State Police	Construct Division Six Headquarters
194	Department of General Services	Expand Consolidated Labs, 1st Floor
194	Department of General Services	Renovate Morson Row
204	The College of William and Mary	Construct Integrated Science Center, Phase IV
207	University of Virginia	Renovate Physics Building
207	University of Virginia	Renovate Alderman Library, Life Safety, Phase I
208	Virginia Polytechnic Institute and State University	Construct Undergraduate Lab Building
212	Virginia State University	Demolish / Replace Daniel Gym and Demolish Harris Hall
216	James Madison University	Renovate Jackson Hall
221	Old Dominion University	Construct Health Sciences Building
236	Virginia Commonwealth University	Construct STEM Class Lab Building
241	Richard Bland College	Construct Center for Innovation and Educational Development
246	University of Virginia's College at Wise	Renovate / Convert Wyllie Library
247	George Mason University	Improve Telecommunications Infrastructure
260	Virginia Community College System	Replace French Slaughter Building, Locust Grove, Germanna
260	Virginia Community College System	Renovate Diggs/Moore/Harrison Complex, Hampton, Thomas Nelson
260	Virginia Community College System	Construct Advanced Technical Training Center, Piedmont Virginia
260	Virginia Community College System	Renovate Amherst/Campbell Hall, Central Virginia
268	Virginia Institute of Marine Science	Replace Oyster Hatchery
777	Department of Juvenile Justice	Renovate or Construct Juvenile Correctional Center

B. Funding for detailed planning for the project "Renovate or Construct Juvenile Correctional Center" for the Department of Juvenile Justice may not be released until 30 days after the submission of the final report of the task force required to be established by Item 415 of the 2016-2018 Appropriation Act (House Bill 30), enacted by the 2016 Session of the General Assembly, but not before July 1, 2017.

§ 2. In accordance with Chapter 15.1 (§ 2.2-1515 et seq.) of Title 2.2 of the Code of Virginia, each institution and agency shall submit its completed detailed planning documents to the Six-Year Capital Outlay Plan Advisory Committee for its review and recommendation.

§ 3. Each public college and university is authorized to use additional higher education operating nongeneral funds to move to working drawings for the projects listed in § 1.

§ 4. Each agency may utilize other nongeneral funds to move to working drawings for the projects authorized in § 1.

§ 5. Each agency or institution shall be reimbursed for all nongeneral funds used when the project is funded to move into the construction phase.

§ 6. In accordance with § 2.2-1520 of the Code of Virginia, the Director of the Department of Planning and Budget shall authorize the reimbursement of the Central Capital Planning Fund for the amounts provided for detailed planning when the project is funded to move into the construction phase.

§ 7. No planning documents pursuant to this enactment shall be submitted to the Governor or the General Assembly prior to July 1, 2018.

5. That pursuant to § 2.2-2263 of the Code of Virginia, the Virginia Public Building Authority is authorized to issue bonds in an aggregate amount not to exceed \$350,000,000 plus amounts needed to fund issuance costs, reserve funds, original issue discount, interest prior to and during acquisition, construction, or renovation and for one year after completion thereof, and other financing expenses. The proceeds of such bonds shall be used to fund capital projects

at Norfolk International Terminal. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this enactment. Debt service on projects contained in this enactment shall be provided from appropriations to the Treasury Board.

6. That pursuant to § 2.2-2263 of the Code of Virginia, the Virginia Public Building Authority is authorized to issue bonds in an aggregate amount not to exceed \$59,000,000 plus amounts to fund related issuance costs and other financing expenses. The proceeds of such bonds shall be provided to the Department of Environmental Quality to reimburse entities as provided in Chapter 21.1 (§ 10.1-2117 et seq.) of Title 10.1 of the Code of Virginia, considered as eligible Significant and Non-Significant Dischargers in the Chesapeake Bay watershed, for capital costs incurred for the design and installation of nutrient removal technology. Such reimbursements shall be in accordance with eligibility determinations made by the Department pursuant to the provisions of this enactment and Chapter 21.1 (§ 10.1-2117 et seq.) of Title 10.1 of the Code of Virginia. The Department of Environmental Quality shall submit cash flow requirements for this program to the Director of the Department of Planning and Budget and the State Treasurer. The cash flows shall indicate quarterly cash needs to the program's completion. The appropriations under this enactment are subject to the conditions in § 2-0 F of Chapter 665 of the Acts of Assembly of 2015, but are not subject to the other provisions of § 2-0, the provisions of 4-4.01 of Chapter 665 of the Acts of Assembly of 2015, or the provisions of § 2.2-1132 of the Code of Virginia. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this enactment. Debt service on projects contained in this enactment shall be provided from appropriations to the Treasury Board.

7. That pursuant to § 2.2-2263 of the Code of Virginia, the Virginia Public Building Authority is authorized to issue bonds in an aggregate amount not to exceed \$20,000,000 plus amounts to fund related issuance costs and other financing expenses. The proceeds of such bonds shall be deposited into the Stormwater Local Assistance Fund, established in Item 360 of Chapter 806 of the Acts of Assembly of 2013 and continued in paragraph C. 1. of Item 363 of Chapter 665 of the Acts of Assembly of 2015, and used by the Department of Environmental Quality to provide grants solely for capital projects consistent with the purpose of the Fund, including: (i) new stormwater best management practices; (ii) stormwater best management practice retrofits; (iii) stream restoration; (iv) low impact development projects; (v) buffer restoration; (vi) pond retrofits; and (vii) wetlands restoration. Such grants shall be in accordance with eligibility determinations made by the Department of Environmental Quality. The appropriations under this enactment are subject to the conditions in § 2-0 F of Chapter 665 of the Acts of Assembly of 2015, but are not subject to the other provisions of § 2-0, the provisions of 4-4.01 of Chapter 665 of the Acts of Assembly of 2015, or the provisions of § 2.2-1132 of the Code of Virginia. The General Assembly hereby appropriates the proceeds from any such bonds for the projects listed in this enactment. Debt service on projects contained in this enactment shall be provided from appropriations to the Treasury Board.

8. That the provisions of Item C-46.10 of Chapter 665 of the Acts of Assembly of 2015, as it relates to the Advanced Manufacturing Apprentice Academy Center and Regional Centers of Excellence, are hereby extended without change.

9. That out of the amounts authorized in Item C-43, D 1 of Chapter 665 of the Acts of Assembly of 2015, \$5,250,000 is designated and appropriated to renovate the Post Library as a visitor center for Fort Monroe.

10. That the appropriations for the capital projects authorized in §§ 1 and 2 of the first enactment of this act are subject to the conditions in § 2-0 F of Chapter 665 of the Acts of Assembly of 2015. In addition, not more than a total aggregate principal amount of \$300 million in debt obligations shall be issued excluding refunding bonds in any fiscal year for such capital projects, provided, however, that if less than a total aggregate principal amount of \$300 million in debt obligations is incurred in any fiscal year for such capital projects, the unused amount may be added to any other subsequent fiscal year. Issuance of debt shall proceed so that the projected average annual debt service on all tax-supported debt over the 10-year horizon shall be in accordance with the guidelines established by the Debt Capacity Advisory Committee. The Six-Year Capital Outlay Plan Advisory Committee shall establish procedures to ensure compliance with the annual issuance limits and shall meet at least quarterly to review project progress. The Auditor of Public Accounts shall issue a report annually to the Governor, the Speaker of the House of Delegates, the President pro tempore of the Senate, and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance, regarding the adherence to the annual issuance limits.

11. That funding for the projects in the first and fourth enactments of this act shall not be released until the Governor approves a decision brief that directs the Department of General Services to proceed with all due speed with hazardous material abatement, demolition, and construction services to complete Commonwealth of Virginia construction project code 194-18081-001 having a project title: Capitol Complex Infrastructure and Security and a sub-project title: New Construction of General Assembly Building. All funds for all phases of the stated project code shall be released as necessary to the Department of General Services to execute each contract or contracts for the project pursuant to funding authorized in paragraph E. 1. of Item C-39.40 of Chapter 1 of the Acts of Assembly of 2014, Special Session I. A copy of such approved decision brief shall be provided to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance. Beginning July 1, 2016, the Director of the Department of Planning and Budget and the Director of the Department of General Services shall report to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance on a quarterly basis on the status of the completion of the General Assembly Building project. The Auditor of Public Accounts shall monitor

any release of funding for the projects in the first and fourth enactments for compliance with the conditions of this enactment and report any noncompliance to the Chairmen of the House Committee on Appropriations and Senate Committee on Finance.

CHAPTER 770

An Act to amend and reenact §§ 22.1-212.6, 22.1-212.7, 22.1-212.8, and 22.1-212.13 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 22.1-212.6:1, relating to public charter schools.

[S 734]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 22.1-212.6, 22.1-212.7, 22.1-212.8, and 22.1-212.13 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding a section numbered 22.1-212.6:1 as follows:

§ 22.1-212.6. Establishment and operation of public charter schools; requirements.

~~A. A public charter school shall be subject to all federal and state laws and regulations and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services and shall be subject to any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, any court-ordered desegregation plan in effect for relevant school divisions.~~

Enrollment in a public charter school shall be open to any child who is deemed to reside within the relevant school division or, in the case of a regional public charter school, within any of the relevant school divisions, as set forth in § 22.1-3, through a lottery process on a space-available basis, except that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process. A waiting list shall be established if adequate space is not available to accommodate all students whose parents have requested to be entered in the lottery process. Such waiting list shall also be prioritized through a lottery process and parents shall be informed of their student's position on the list.

B. A public charter school shall be administered and managed by a management committee, composed of parents of students enrolled in the school, teachers and administrators working in the school, and representatives of any community sponsors, in a manner agreed to by the public charter school applicant and the local school board. Pursuant to a charter contract ~~and as specified in § 22.1-212.7~~, a public charter school may operate free from specified school division policies and state regulations, and, as public schools, shall be subject to the requirements of the Standards of Quality, including the Standards of Learning and the Standards of Accreditation.

C. Pursuant to a charter agreement, a public charter school shall be responsible for its own operations, including, but not limited to, such budget preparation, contracts for services, and personnel matters as are specified in the charter agreement. A public charter school may negotiate and contract with a school division, the governing body of a public institution of higher education, or any third party for the use of a school building and grounds, the operation and maintenance thereof, and the provision of any service, activity, or undertaking which the public charter school is required to perform in order to carry out the educational program described in its charter. Any services for which a public charter school contracts with a school division shall not exceed the division's costs to provide such services.

D. As negotiated by contract, the local school board or the relevant school boards, in the case of regional public charter schools, may allow a public charter school to use vacant or unused properties or real estate owned by the school board. In no event shall a public charter school be required to pay rent for space which is deemed available, as negotiated by contract, in school division facilities. All other costs for the operation and maintenance of the facilities used by the public charter school shall be subject to negotiation between the public charter school and the school division or, in the case of a regional public charter school, between the regional public charter school and the relevant school divisions.

E. A public charter school shall not charge tuition.

§ 22.1-212.6:1. Applicability of other laws, regulations, policies, and procedures.

A. Public charter schools are subject to all federal laws and authorities as set forth in this article and the charter contract with the local school board.

B. Public charter schools are subject to the same civil rights, health, and safety requirements applicable to other public schools in the Commonwealth, except as otherwise provided in this article.

C. Public charter schools are subject to the student assessment and accountability requirements applicable to other public schools in the Commonwealth, but nothing in this article precludes a public charter school from establishing additional student assessment measures that go beyond state requirements if the school's authorizer approves such measures.

D. Management committees of public charter schools are subject to and shall comply with the Virginia Freedom of Information Act (§ 2.2-3700 et seq.).

E. No public charter school shall discriminate against any individual on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services or any other unlawful basis, and each public charter school shall be subject to any court-ordered desegregation plan in effect for the school division.

F. No public charter school shall discriminate against any student on the basis of limited proficiency in English, and each public charter school shall provide students who have limited proficiency in English with appropriate services designed to teach such students English and the general curriculum, consistent with federal civil rights laws.

G. No public charter school shall engage in any sectarian practices in its educational program, admissions or employment policies, or operations.

§ 22.1-212.7. Contracts for public charter schools.

An approved charter application shall constitute an agreement, and its terms shall be the terms of a contract between the public charter school and the local school board or, in the case of a regional public charter school, between the regional public charter school and the relevant school boards. The contract between the public charter school and the local school board or relevant school boards shall reflect all agreements regarding the release of the public charter school from school division policies. Such contract between the public charter school and the local school board or relevant school boards shall reflect all requests for release of the public charter school from state regulations, consistent with the requirements of subsection B of § 22.1-212.6. The local school board or relevant school boards, on behalf of the public charter school, shall request such releases from the Board of Education. In addition to any such releases granted by the Board, all purchases made by a public charter school shall be exempt from the Virginia Public Procurement Act (§ 2.2-4300 et seq.), unless otherwise negotiated by contract.

A. Within 90 days of approval of a charter application, the local school board and the management committee of the approved public charter school shall execute a charter contract that clearly sets forth (i) the academic and operational performance expectations and measures by which the public charter school will be judged and (ii) the administrative relationship between the local school board and public charter school, including each party's rights and duties. Such 90-day period may be extended by a period not to exceed 30 days by mutual agreement of the parties. Such performance expectations and measures shall include applicable federal and state accountability requirements and may be refined or amended by mutual agreement after the public charter school has collected baseline achievement data for its enrolled students.

B. The academic and operational performance expectations and measures in the charter contract shall be based on a performance framework that clearly sets forth the academic and operational performance indicators, measures, and metrics that will guide the local school board's evaluations of each public charter school. The performance framework shall include indicators, measures, and metrics for:

- 1. Student academic proficiency;*
- 2. Student academic growth;*
- 3. Achievement gaps in both proficiency and growth between the major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status;*
- 4. Attendance;*
- 5. Recurrent annual enrollment;*
- 6. Postsecondary education readiness of high school students;*
- 7. Financial performance and sustainability; and*
- 8. The performance and stewardship of the management committee, including compliance with all applicable laws, regulations, and terms of the charter contract.*

C. The performance framework shall allow the inclusion of additional rigorous, valid, and reliable indicators proposed by a public charter school to augment external evaluations of its performance, provided that the local school board approves the quality and rigor of such indicators and such indicators are consistent with the purposes of this article.

D. The performance framework shall require the disaggregation of all student performance data by major student subgroups based on gender, race, poverty status, special education status, English language learner status, and gifted status.

E. Annual performance targets shall be set by each public charter school and the local school board and shall be designed to help each school meet applicable federal, state, and local school board expectations.

F. The charter contract shall be signed by the chairman of the local school board and the president or chairman of the public charter school's management committee. Within 10 days of executing a charter contract, the local school board shall submit to the Board written notification of the charter contract execution, including a copy of the executed charter contract and any attachments.

G. No public charter school shall commence operations without a charter contract executed in accordance with this section and approved in an open meeting of the local school board.

H. If the charter application proposes a program to increase the educational opportunities for at-risk students, including those proposals for residential charter schools for at-risk students, the local school board or relevant school boards, as the case may be, on behalf of the public charter school, shall also request that the Board of Education approve an Individual School Accreditation Plan for the evaluation of the performance of the school as authorized by the Standards of Accreditation pursuant to 8 VAC 20-131-280 C of the Virginia Administrative Code.

I. Any material revision of the terms of the contract may be made only with the approval of the local school board or relevant school boards and the management committee of the public charter school.

§ 22.1-212.8. Charter application.

- A. Any person, group, or organization, including any institution of higher education, may submit an application for the formation of a public charter school.
- B. The public charter school application shall be a proposed agreement and shall include:
1. ~~The~~ *An executive summary.*
 2. A mission statement of the public charter school that ~~must be~~ *is* consistent with the principles of the Standards of Quality, *including identification of the targeted academic program of study.*
 2. ~~The goals and educational objectives to be achieved by the public charter school; which educational objectives must meet or exceed the Standards of Learning.~~
 3. Evidence that an adequate number of parents, teachers, pupils, or any combination thereof, support the formation of a public charter school.
 4. A statement of the need for a public charter school in a school division or relevant school divisions in the case of a regional public charter school, or in a geographic area within a school division or relevant school divisions, as the case may be.
 5. A description of the public charter school's educational program, pupil performance standards, and curriculum, which must meet or exceed any applicable Standards of Quality; any assessments to be used to measure pupil progress towards achievement of the school's pupil performance standards; in addition to the Standards of Learning assessments prescribed by § 22.1-253.13:3; the timeline for achievement of such standards; and the procedures for taking corrective action in the event that pupil performance at the public charter school falls below such standards.
 6. A description of the lottery process to be used to determine enrollment; including a provision that in the case of the conversion of an existing public school, students who attend the school and the siblings of such students shall be given the opportunity to enroll in advance of the lottery process. A lottery process shall also be developed for the establishment of a waiting list for such students for whom space is unavailable and; if appropriate, a tailored admission policy that meets the specific mission or focus of the public charter school and is consistent with all federal and state laws and regulations and constitutional provisions prohibiting discrimination that are applicable to public schools and with any court-ordered desegregation plan in effect for the school division or, in the case of a regional public charter school, in effect for any of the relevant school divisions.
 7. Evidence that the plan for the public charter school is economically sound for both the public charter school and the school division or relevant school divisions, as the case may be; a proposed budget for the term of the charter; and a description of the manner in which an annual audit of the financial and administrative operations of the public charter school, including any services provided by the school division or relevant school divisions, as the case may be, is to be conducted.
 8. A plan for the displacement of pupils, teachers, and other employees who will not attend or be employed in the public charter school, in instances of the conversion of an existing public school to a public charter school, and for the placement of public charter school pupils, teachers, and employees upon termination or revocation of the charter.
 9. A description of the management and operation of the public charter school; including the nature and extent of parental, professional educator, and community involvement in the management and operation of the public charter school.
 10. ~~An explanation of the relationship that will exist between the proposed public charter school and its employees; including evidence that the terms and conditions of employment have been addressed with affected employees.~~
 11. ~~An agreement between the parties regarding their respective legal liability and applicable insurance coverage.~~
 12. ~~A description of how the public charter school plans to meet the transportation needs of its pupils.~~
 13. ~~4. The location or geographic area proposed for the public charter school.~~
 5. ~~The grades to be served each year for the full term of the charter contract.~~
 6. ~~Minimum, planned, and maximum enrollment per grade level per year for the term of the charter contract.~~
 7. ~~Evidence of need and community support for the proposed public charter school.~~
 8. ~~Background information on the proposed founding management committee members and, if identified, the proposed public charter school leadership and management team.~~
 9. ~~The public charter school's proposed calendar and a sample daily schedule.~~
 10. ~~A description of the academic program that is aligned with the Standards of Learning.~~
 11. ~~A description of the public charter school's instructional design, including the type of learning environment, such as classroom-based or independent study; class size and structure; curriculum overview; and teaching methods.~~
 12. ~~The public charter school's plans for identifying and successfully serving students with disabilities, students who are English language learners, students who lag behind academically, and gifted students, including compliance with applicable laws and regulations.~~
 13. ~~A description of cocurricular or extracurricular programs and how such programs will be funded and delivered.~~
 14. ~~Plans and timelines for student recruitment and enrollment, including lottery procedures.~~
 15. ~~The public charter school's student discipline policies, including discipline policies for special education students.~~
 16. ~~An organization chart that clearly presents the public charter school's organizational structure, including lines of authority and reporting between the management committee; staff; any related bodies, such as advisory bodies or parent and teacher councils; and any external organizations that will play a role in managing the public charter school.~~
 17. ~~A clear description of the roles and responsibilities for the management committee, the public charter school's leadership and management team, and any other entities shown in the organization chart.~~
 18. ~~A staffing chart for the public charter school's first year and a staffing plan for the term of the charter contract.~~

19. Plans for recruiting and developing the public charter school's leadership and staff.
20. The public charter school's leadership and teacher employment policies.
21. Proposed governing bylaws.
22. Explanations of any partnerships or contractual relationships central to the public charter school's operations or mission.
23. The public charter school's plans for providing transportation, food service, and all other significant operational and ancillary services.
24. A statement of opportunities and expectations for parent involvement.
25. A detailed public charter school start-up plan that identifies tasks, timelines, and responsible individuals.
26. A description of the public charter school's financial plan and policies, including financial controls and audit requirements.
27. A description of the insurance coverage that the public charter school will obtain.
28. Start-up and five-year budgets with clearly stated assumptions.
29. Start-up and first-year cash-flow projections with clearly stated assumptions.
30. Evidence of anticipated fundraising contributions, if claimed in the application.
31. A sound facilities plan, including backup or contingency plans, if appropriate.
32. Assurances that the public charter school (i) is nonreligious in its programs, admission policies, employment practices, and all other operations and (ii) does not charge tuition.
14. ~~In the case of a residential charter school for at-risk students, a description of (i) the residential program, facilities, and staffing; (ii) any parental education and after-care initiatives; (iii) the funding sources for the residential and other services provided; and (iv) any counseling or other social services to be provided and their coordination with any current state or local initiatives.~~
15. ~~[Expired.]~~
16. 33. Disclosure of any ownership or financial interest in the public charter school, by the charter applicant and the governing body, administrators, and other personnel of the proposed public charter school, and a requirement that the successful applicant and the governing body, administrators, and other personnel of the public charter school shall have a continuing duty to disclose such interests during the term of any charter.

C. ~~[Expired.]~~

~~D.~~ The charter applicant shall include in the proposed agreement the results of any Board of Education review of the public charter school application that may have been conducted as provided in subsection C of § 22.1-212.9.

§ 22.1-212.13. Employment of professional, licensed personnel.

A. At the discretion of the local school board, charter school personnel may be employees of the local school board, or boards, granting the charter. Any personnel not employed by the local school board shall remain subject to the provisions of §§ 22.1-296.1, 22.1-296.2, and 22.1-296.4.

B. Professional, licensed education personnel may volunteer for assignment to a public charter school. Assignment in a public charter school shall be for one contract year. Upon request of the employee and the recommendation of the management committee of the public charter school, reassignment to the public charter school shall occur on an annual basis.

C. At the completion of each contract year, professional, licensed education personnel who request assignment to a public noncharter school in the relevant school division or who are not recommended for reassignment in the public charter school, other than for the grounds cited in § 22.1-307, shall be guaranteed an involuntary transfer to a public noncharter school in the school division according to the employment policies of the school division.

D. Professional, licensed personnel of a public charter school shall be granted the same employment benefits given to professional, licensed personnel in public noncharter schools in accordance with the policies of the relevant school board or boards.

~~E. Nothing in this section shall be construed to restrict the authority of the local school board to assign professional, licensed personnel to a public charter school or any other public school as provided in §§ 22.1-293 and 22.1-295.~~

~~F.~~ School boards may employ such health, mental health, social services, and other related personnel to serve in residential charter schools for at-risk pupils as set forth in the charter agreement between such school board and the charter school; however, nothing herein shall require a school board to fund the residential or other services provided by a residential charter school.

CHAPTER 771

An Act to amend the Code of Virginia by adding a section numbered 56-235.11, relating to the Economic Development Infrastructure Act of 2016; voluntary program authorizing public utilities to acquire utility right-of-way for qualified economic development sites.

[S 748]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 56-235.11 as follows:

§ 56-235.11. Economic Development Programs.

A. As used in this section:

"Acquire utility right-of-way" means the planning, surveying, permitting, and acquisition of land, including options, easements, and other estates in land.

"Costs" includes depreciation, taxes, return on investment, and other land-related costs associated with costs incurred to acquire utility right-of-way pursuant to a Program.

"Economic Development Program" or "Program" means a program under which a utility is authorized by the Commission under this section to acquire utility right-of-way for a qualified economic development site.

"Partnership" means the Virginia Economic Development Partnership Authority.

"Qualified economic development site" means a site within the Commonwealth that has been certified by the Partnership pursuant to subsection B.

"Utility" means a public utility providing electric or natural gas service to retail customers in the Commonwealth.

B. The Partnership is authorized to certify that a site is a qualified economic development site if its President and Chief Executive Officer finds that:

1. The person with legal authority to develop the site is authorized to contract for the extension of utility service to the site;

2. The proposed development of the site is compliant with applicable zoning requirements and is consistent with the locality's comprehensive plan;

3. Applicable environmental surveys and reviews, including any wetlands survey, geotechnical borings, a topographical survey, a cultural resources review, an endangered species review, or a Phase I environmental site assessment, if required, are completed;

4. An estimate of the costs of the development of the site has been prepared and provided to the Partnership; and

5. The acquisition of utility right-of-way for the site will further the creation of new jobs and capital investment in the Commonwealth by facilitating the location of one or more significant economic development projects in the Commonwealth.

C. A utility proposing an Economic Development Program shall file a proposal with the Commission for review. A proposal for approval of a Program shall (i) include an analysis of how implementation of the Program will provide significant economic development benefits and (ii) identify prospective customers to be served under the Program, to the extent reasonably foreseeable.

D. The Commission shall approve, or approve with appropriate modifications, a proposed Program if it finds that:

1. The implementation of the proposed Program will provide significant economic development benefits that might not otherwise be attained absent the Commission's approval of the proposed Program;

2. The Program, if proposed:

a. By a natural gas utility, authorizes the utility to recover its costs incurred in implementing the Program through a supplemental surcharge payable only by its retail customers at the qualified economic development site that connect to natural gas line extensions installed in utility right-of-way or other interests in real property acquired through the Program. The Program shall require the utility to charge any such customers for service at standard tariff provisions applicable to such customers, in addition to the surcharge. The amount of the surcharge shall provide only for the recovery of that portion of the costs, including costs deferred from the time incurred until the Commission authorizes the utility to commence assessing such surcharge, that would not be supported by the utility's estimated revenue from such customers under the utility's otherwise applicable rate schedules. The surcharge shall remain in effect until the costs are recovered from such customers; however, the Commission shall be authorized from time to time to adjust the surcharge payable by each such customer if the number of customers changes during such period in order to provide that the surcharges are assessed in an equitable and nondiscriminatory manner based on each customer's consumption of natural gas at the qualified economic development site; or

b. By an electric utility, will authorize the utility to recover its transmission-related costs incurred in implementing the Program through a rate adjustment clause pursuant to subdivision A 4 of § 56-585.1.

3. The proposed acquisition of utility right-of-way would not otherwise be immediately supported by expected revenues from new loads served under the Program at the qualified economic development site;

4. The utility's capital investment does not exceed \$10 million in the aggregate of all of the utility's Programs or \$5 million for any specific qualified economic development site;

5. The associated charges resulting from implementation of the Program if proposed by a natural gas utility will not impact the rates of customers other than customers receiving service at the qualified economic development site;

6. The proposed Program otherwise meets the requirements of this section;

7. The Partnership has certified pursuant to subsection B that the site for which the utility proposes to acquire utility right-of-way under the proposed Program is a qualified economic development site;

8. The utility's assumptions regarding prospective loads connected to service extensions made under the Program are not unduly speculative; and

9. The Program is not otherwise contrary to the public interest.

E. After Commission review and absent action by the Commission to the contrary, the Program shall take effect 180 days following the date on which the proposal for the Program was filed. Any proposed amendment to a Program following

its implementation shall be submitted to the Commission at least 90 days prior to the proposed effective date thereof and, absent action by the Commission to the contrary, the amendment shall become effective on such date.

F. The Commission's approval of a proposed Program shall authorize:

1. The utility to acquire utility right-of-way for the ordinary extension of utility facilities in the normal course of business to one or more qualified economic development sites as provided in the approved Program; and

2. A natural gas utility to recover costs incurred in implementing the Program through a supplemental surcharge as described in subdivision D 2 a.

G. A utility, in implementing a Program, shall in good faith coordinate the acquisition of right-of-way with other utilities so that any facilities ultimately to be constructed may be collocated to the extent feasible.

H. In calculating the natural gas utility's return on the investment with regard to costs incurred in implementing a Program, the Commission shall use the natural gas utility's regulatory capital structure, including the cost of equity most recently approved by the Commission. If the natural gas utility's cost of capital at the time its proposed surcharge is filed has not been changed by order of the Commission within the preceding five years, the Commission may require the natural gas utility to file an updated weighted average cost of capital, and the natural gas utility may propose an updated weighted average cost of capital.

I. Nothing in this section shall:

1. Be deemed to prevent one or more utilities from jointly filing a Program under this section, and the Commission may consolidate consideration of Programs filed to serve the same qualified economic development site; or

2. Otherwise impair or enlarge the powers granted to public service companies by this title.

J. A utility may request proprietary treatment of any and all supporting materials regarding prospective loads to be served under a Program.

K. A Program shall not have as its primary purpose the conversion of propane customers to natural gas or electricity.

L. Nothing in this section shall authorize any natural gas utility or any firm, corporation, company, or partnership that is organized for the bona fide purpose of operating as a natural gas company as defined in 15 U.S.C. § 717a to acquire utility right-of-way for or in furtherance of an interstate natural gas pipeline or related infrastructure.

2. That nothing in this act shall change any existing law governing electric utility ratemaking and cost recovery. If an electric utility elects to file a plan as set forth in this act, any cost recovery shall be in accordance with existing law governing electric utility ratemaking and cost recovery.

3. That the provisions of this act shall not become effective unless reenacted by the 2017 Session of the General Assembly.

CHAPTER 772

An Act to amend and reenact §§ 8.01-195.6, 8.01-195.7, and 15.2-209 of the Code of Virginia, relating to notice of tort claim against the Commonwealth, transportation district, or locality; statute of limitations.

[S 611]

Approved May 16, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 8.01-195.6, 8.01-195.7, and 15.2-209 of the Code of Virginia are amended and reenacted as follows:

§ 8.01-195.6. Notice of claim.

A. Every claim cognizable against the Commonwealth or a transportation district shall be forever barred unless the claimant or his agent, attorney or representative has filed a written statement of the nature of the claim, which includes the time and place at which the injury is alleged to have occurred and the agency or agencies alleged to be liable, within one year after such cause of action accrued. *Failure to provide such statement shall not bar a claim against the Commonwealth or a transportation district, provided that (i) for claims against the Commonwealth, the Division of Risk Management or any insurer or entity providing coverage or indemnification of the claim or the Attorney General or (ii) for claims against a transportation district, the chairman of the commission of the transportation district, had actual knowledge of the claim, which includes the nature of the claim, the time and place at which the injury is alleged to have occurred, and the agency or agencies alleged to be liable, within one year after such cause of action accrued.* However, if the claimant was under a disability at the time the cause of action accrued, the tolling provisions of § 8.01-229 shall apply.

B. If the claim is against the Commonwealth, the statement shall be filed with the Director of the Division of Risk Management or the Attorney General. If the claim is against a transportation district, the statement shall be filed with the chairman of the commission of the transportation district.

C. The notice is deemed filed when it is received in the office of the official to whom the notice is directed. The notice may be delivered by hand, by any form of United States mail service (including regular, certified, registered or overnight mail), or by commercial delivery service.

D. In any action contesting the filing of the notice of claim, the burden of proof shall be on the claimant to establish receipt of the notice in conformity with this section. A signed United States mail return receipt indicating the date of delivery, or any other form of signed and dated acknowledgment of delivery given by authorized personnel in the office of the official with whom the statement is filed, shall be prima facie evidence of filing of the notice under this section.

E. Claims against the Commonwealth involving medical malpractice shall be subject to the provisions of this article and to the provisions of Chapter 21.1 (§ 8.01-581.1 et seq.) of this title. However, the recovery in such a claim involving medical malpractice shall not exceed the limits imposed by § 8.01-195.3.

§ 8.01-195.7. Statute of limitations.

Every claim cognizable against the Commonwealth or a transportation district under this article shall be forever barred, unless within one year after the cause of action accrues to the claimant the notice of claim required by § 8.01-195.6 is properly filed. An action may be commenced pursuant to § 8.01-195.4 (i) upon denial of the claim by the Attorney General or the Director of the Division of Risk Management or, in the case of a transportation district, by the chairman of the commission of that district or (ii) after the expiration of six months from the date of filing the notice of claim unless, within that period, the claim has been compromised and discharged pursuant to § 8.01-195.5. All claims against the Commonwealth or a transportation district under this article shall be forever barred unless such action is commenced within ~~eighteen~~ 18 months of the filing of the notice of claim, or within two years after the cause of action accrues.

The limitations periods prescribed by this section and § 8.01-195.6 shall be subject to the tolling provision of § 8.01-229 and the pleading provision of § 8.01-235. Additionally, claims involving medical malpractice in which the notice required by this section and § 8.01-195.6 has been given shall be subject to the provisions of § 8.01-581.9. Notwithstanding the provisions of this section, if notice of claim against the Commonwealth was filed prior to July 1, 1984, any claimant so filing shall have two years from the date such notice was filed within which to commence an action pursuant to § 8.01-195.4.

§ 15.2-209. Notice to be given to counties, cities, and towns of tort claims for damages.

A. Every claim cognizable against any county, city, or town for negligence shall be forever barred unless the claimant or his agent, attorney, or representative has filed a written statement of the nature of the claim, which includes the time and place at which the injury is alleged to have occurred, within six months after such cause of action accrued. *Failure to provide such statement shall not bar a claim against any county, city, or town, provided that the attorney, chief executive, or mayor of such locality, or any insurer or entity providing coverage or indemnification of the claim, had actual knowledge of the claim, which includes the nature of the claim and the time and place at which the injury is alleged to have occurred, within six months after such cause of action accrued.* However, if the claimant was under a disability at the time the cause of action accrued, the tolling provisions of § 8.01-229 shall apply.

B. The statement shall be filed with the county, city, or town attorney or with the chief executive or mayor of the county, city, or town.

C. The notice is deemed filed when it is received in the office of the official to whom the notice is directed. The notice may be delivered by hand, by any form of United States mail service (including regular, certified, registered or overnight mail), or by commercial delivery service.

D. In any action contesting the filing of the notice of claim, the burden of proof shall be on the claimant to establish receipt of the notice in conformity with this section. A signed United States mail return receipt indicating the date of delivery, or any other form of signed and dated acknowledgment of delivery, given by authorized personnel in the office of the official with whom the statement is filed, shall be prima facie evidence of filing of the notice under this section.

E. This section does not, and shall not be construed to, abrogate, limit, expand or modify the sovereign immunity of any county, city, town, or any officer, agent or employee of the foregoing.

F. This section, on and after June 30, 1954, shall take precedence over the provisions of all charters and amendments thereto of municipal corporations in conflict herewith granted prior to such date. It is further declared that as to any such charter or amendment thereto, granted on and after such date, that any provision therein in conflict with this section shall be deemed to be invalid as being in conflict with Article IV, Section 12 of the Constitution of Virginia unless such conflict be stated in the title to such proposed charter or amendment thereto by the words "conflicting with § 15.2-209 of the Code" or substantially similar language.

G. The provisions of this section are mandatory and shall be strictly construed. This section is procedural and compliance with its provisions is not jurisdictional.

CHAPTER 773

An Act to amend and reenact §§ 2.2-419, 2.2-426, 2.2-427, 2.2-3101, 2.2-3106, 2.2-3109.1, 2.2-3114, 2.2-3115, 2.2-3116, as it is currently effective and as it shall become effective, 2.2-3117, 2.2-3118, 2.2-3118.1, 24.2-502, 30-101, 30-110, 30-111, 30-356, and 30-356.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-3114.2, 30-110.1, and 30-356.2, relating to lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; definition of gift; separate report of gifts; definition of procurement action; technical amendments.

[H 1362]

Approved May 16, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-419, 2.2-426, 2.2-427, 2.2-3101, 2.2-3106, 2.2-3109.1, 2.2-3114, 2.2-3115, 2.2-3116, as it is currently effective and as it shall become effective, 2.2-3117, 2.2-3118, 2.2-3118.1, 24.2-502, 30-101, 30-110, 30-111, 30-356, and

30-356.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-3114.2, 30-110.1, and 30-356.2 as follows:

§ 2.2-419. Definitions.

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or
2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor. "Executive action" includes procurement transactions.

"Executive agency" means an agency, board, commission, or other body in the executive branch of state government.

"Executive agency" includes the State Corporation Commission, the Virginia Workers' Compensation Commission, and the Virginia Lottery.

"Executive official" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor, Lieutenant Governor, or Attorney General other than a clerical or secretarial employee;
5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100, however selected.

"Expenditure" means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;
2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official's immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or

7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

"Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Fair market value" means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value, including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value, and includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"Gift" does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A devise or inheritance;
4. A gift of a value of \$50 or less than \$20;
5. Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
6. Any food or beverages provided to an individual at an event at which the individual is performing official duties related to his public service;
7. Any food and beverages received at or registration or attendance fees waived for any event at which the individual is a featured speaker, presenter, or lecturer;
8. An unsolicited award of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service;
9. Any gift from to an individual's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse;
10. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House *Committee on Rules or its Chairman* or the Senate *Committee on Rules or its Chairman*; or
11. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

"Immediate family" means (i) the spouse and (ii) any other person who resides in the same household as the executive or legislative official and who is a dependent of the official.

"Legislative action" means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;
2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or
3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

"Legislative official" means:

1. A member or member-elect of the General Assembly;
2. A member of a committee, subcommittee, commission, or other entity established by and responsible to the General Assembly or either house of the General Assembly; or
3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or
2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;
2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;
3. The solicitation of an association by its members to influence legislative or executive action; or
4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

- 1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;
- 2. An individual who represents an organization, association, or other group for the purpose of lobbying; or
- 3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

- 1. Any county, city, town, or other local or regional political subdivision;
- 2. Any school division;
- 3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or
- 4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Procurement transaction" means all functions that pertain to obtaining all goods, services, or construction on behalf of an executive agency, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration *where the stated or expected value of the contract is \$5 million or more.*

"Secretary" means the Secretary of the Commonwealth.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

§ 2.2-426. Lobbyist reporting; penalty.

A. Each lobbyist shall file with the Council a separate ~~semiannual~~ *annual* report of expenditures, including gifts, for each principal for whom he lobbies by ~~December 15 for the preceding six-month period complete through the last day of October and June 15~~ *July 1 for the preceding six-month 12-month period complete through the last day of April.*

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. (Effective January 1, 2016, through July 1, 2016) The report shall be on a form ~~provided~~ *prescribed* by the Council, ~~which shall be substantially similar to the following~~ and shall be accompanied by instructions provided by the Council.

C. (Effective July 1, 2016) The report shall be on a form ~~provided~~ *prescribed* by the Council, ~~which shall be substantially similar to the following~~ and shall be accompanied by instructions provided by the Council. All reports shall be submitted electronically and in accordance with the standards approved by the Council pursuant to the provisions of § 30-356.

~~LOBBYIST'S DISCLOSURE STATEMENT~~

~~PART I:~~

~~(1) PRINCIPAL: _____~~

~~In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a.~~

~~(2a) Name: _____~~

~~(2b) Permanent Business Address: _____~~

~~(2c) Business Telephone: _____~~

~~(3) Provide a list of executive and legislative actions (with as much specificity as possible) for which you lobbied and a description of activities conducted.~~

~~(4) INCORPORATED FILINGS: If you are filing an incorporated disclosure statement, please complete the following:~~

~~Individual filing financial information: _____~~

~~Individuals to be included in the filing: _____~~

~~(5) Please indicate which schedules will be attached to your disclosure statement:~~

- Schedule A: Entertainment Expenses
- Schedule B: Gifts
- Schedule C: Other Expenses

(6) EXPENDITURE TOTALS:

a) ENTERTAINMENT	\$ _____
b) GIFTS	\$ _____
c) COMMUNICATIONS	\$ _____
d) PERSONAL LIVING AND TRAVEL EXPENSES	\$ _____
e) COMPENSATION OF LOBBYISTS	\$ _____
f) HONORARIA	\$ _____
g) OTHER	\$ _____
TOTAL	\$ _____

PART II:

- (1a) NAME OF LOBBYIST: _____
- (1b) Permanent Business Address: _____
- (1c) Business Telephone: _____

- (2) As a lobbyist, you are (check one)
 - EMPLOYED (on the payroll of the principal)
 - RETAINED (not on the payroll of the principal, however compensated)
 - NOT COMPENSATED (not compensated; expenses may be reimbursed)

- (3) List all lobbyists other than yourself who registered to represent your principal.

- (4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your job title.

PLEASE NOTE: Some lobbyists are not individually compensated for lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.

- (5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist? (If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6e.
- (5b) Explain how you arrived at your answer to Part II, item 5a.

PART III:

PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT complete this section.

- (1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.

- (2) Indicate the total amount paid to your firm, organization, association, corporation, or other entity for services rendered. Transfer your answer to this item to Part I, item 6e. _____

SCHEDULE A
ENTERTAINMENT EXPENSES

PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than \$50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)

_____	\$ _____
_____	\$ _____
_____	\$ _____
_____	\$ _____

TOTAL "OTHER" EXPENSES _____ \$ _____

PART IV: STATEMENTS

The following items are mandatory and if they are not properly completed, the entire filing will be rejected and returned to the lobbyist:

- (1) All signatures on the statement must be ORIGINAL in the format specified in the instructions provided by the Council that accompany this form. No stamps, or other reproductions of the individual's signature will be accepted.
- (2) An individual MAY NOT sign the disclosure statement as lobbyist and principal officer.

STATEMENT OF LOBBYIST

I, the undersigned registered lobbyist, do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

Signature of lobbyist

Date

STATEMENT OF PRINCIPAL

I, the undersigned principal (or an authorized official thereof), do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

Signature of principal

Date

D. A person who knowingly and intentionally makes a false statement of a material fact on the disclosure statement is guilty of a Class 5 felony.

E. *The name of a legislative or executive official, or a member of his immediate family, attending any reportable entertainment event shall not be required to be disclosed by the principal if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be calculated using the average value for each person attending the event.*

F. Each lobbyist shall send to each legislative and executive official who is required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or a summary of the information pertaining to that official. Copies or summaries shall be provided to the official by ~~November 21~~ *December 15* for the preceding ~~six-month~~ *12-month* period complete through ~~the last day of October and by May 21 for the preceding six-month period complete through the last day of April~~ *November 30*.

§ 2.2-427. Filings; inspection.

Registration statements ~~and lobbying reports~~ shall be open to public inspection and copying during the regular business hours of the office of the Secretary of the Commonwealth. *Lobbying reports shall be open to public inspection and copying during the regular business hours of the Council.*

~~Such~~ Registration statements ~~and reports~~ shall be deemed to have been filed only when actually received in the office of the Secretary or mailed to the Secretary by registered, certified, or regular mail with the sender retaining sufficient proof of mailing, which may be a United States Postal Certificate of Mailing. *Lobbying reports shall be deemed to have been filed only when received by the Council in accordance with the standards approved by the Council pursuant to § 30-356.*

§ 2.2-3101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business

entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House *Committee on Rules or its Chairman* or the Senate *Committee on Rules or its Chairman*; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; ~~or~~ (xiv) *gifts with a value of less than \$20; or* (xv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv) above.

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a state institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;

3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;

4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;

5. An employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;

6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;

7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in Virginia that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;

8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before ~~December~~ *January* 15; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before ~~December~~ *January* 15; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's

or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

§ 2.2-3109.1. Prohibited contracts; additional exclusions for contracts by officers and employees of hospital authorities.

A. As used in this section, "hospital authority" means a hospital authority established pursuant to Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 or an Act of Assembly.

B. The provisions of § 2.2-3109 shall not apply to:

1. The personal interest of an officer or employee of a hospital authority in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are licensed members of the medical profession or hold administrative support positions at the hospital authority, (ii) the governing board of the hospital authority finds that it is in the best interests of the hospital authority and the county, city, or town for such dual employment to exist, and (iii) after such finding, the governing board of the hospital authority ensures that neither the officer or employee, nor the immediate family member, has sole authority to supervise, evaluate, or make personnel decisions regarding the other;

2. Subject to approval by the governing board of the hospital authority, an officer or employee's personal interest in a contract between his hospital authority and a professional entity that operates a clinical practice at any medical facilities of such other hospital authority and of which such officer or employee is a member or employee;

3. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract for research and development or commercialization of intellectual property between the hospital authority and a business in which the employee has a personal interest, provided (i) the officer or employee's personal interest has been disclosed to and approved by the hospital authority prior to the time at which the contract is entered into; (ii) the officer or employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before ~~December~~ *January* 15; (iii) the local hospital authority has established a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its governing body; and (iv) no later than December 31 of each year, the local hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of such hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council; or

4. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract between the hospital authority and a business in which the officer or employee has a personal interest, provided (i) the personal interest has been disclosed to the hospital authority prior to the time the contract is entered into; (ii) the officer or employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before ~~December~~ *January* 15; (iii) the officer or employee does not participate in the hospital authority's decision to contract; (iv) the president or chief executive officer of the hospital authority finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by any of the hospital authority's medical facilities or any of its affiliated organizations, or is otherwise necessary for the fulfillment of its mission, including but not limited to the acquisition of drugs, therapies, and medical technologies; and (v) no later than December 31 of each year, the hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council.

C. Notwithstanding the provisions of subdivisions B 3 and B 4, if the research and development or commercialization of intellectual property or the officer or employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interest, the policies established by the hospital authority pursuant to such federal requirements shall constitute compliance with subdivisions B 3 and B 4, upon notification by the hospital authority to the Virginia Conflict of Interest and Ethics Advisory Council by January 31 of each year of evidence of its compliance with such federal policies and regulations.

D. The governing body may delegate the authority granted under subdivision B 2 to the president or chief executive officer of hospital authority. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision B 3. In those instances where the board has delegated such authority, on or before December 1 of each year, the president or chief executive officer of the hospital authority shall file a report with the relevant governing body disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the governing body.

§ 2.2-3114. Disclosure by state officers and employees.

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Virginia Alcoholic Beverage Control Board, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is ~~specified~~ *required* on the form ~~set forth in prescribed by the Council pursuant to § 2.2-3117~~ and thereafter shall file such a statement ~~semiannually by December annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April~~. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is ~~specified~~ *required* on the form ~~set forth in prescribed by the Council pursuant to § 2.2-3118~~ and thereafter shall file such form annually on or before ~~December~~ *January 15*. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that ~~set forth in prescribed by the Council pursuant to § 2.2-3118~~.

C. (Effective January 1, 2016, until July 1, 2016) The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed and maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after filing.

C. (Effective July 1, 2016) The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after filing.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by *the Council pursuant to* § 2.2-3117 or 2.2-3118.

§ 2.2-3114.2. Report of gifts by certain officers and employees of state government.

The Governor, Lieutenant Governor, Attorney General, and each member of the Governor's Cabinet shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 2.2-3117.

§ 2.2-3115. Disclosure by local government officers and employees.

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is ~~specified required~~ on the form ~~set forth in~~ *prescribed by the Council pursuant to* § 2.2-3117 and thereafter shall file such a statement ~~semiannually by December annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.~~

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is ~~specified required~~ on the form ~~set forth in~~ *prescribed by the Council pursuant to* § 2.2-3118 and thereafter shall file such a statement annually on or before ~~December~~ *January 15*, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117 ~~semiannually by December 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.~~

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is ~~specified required~~ on the form ~~set forth in~~ *prescribed by the Council pursuant to* § 2.2-3117 and thereafter shall file such a statement ~~semiannually by December annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.~~

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is ~~specified required~~ on the form ~~set forth in~~ *prescribed by the Council pursuant to* § 2.2-3117 and thereafter shall file such a statement ~~semiannually by December annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.~~

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is ~~specified required~~ on the form ~~set forth in~~ *prescribed by the Council pursuant to* § 2.2-3118 and thereafter shall file such form annually on or before ~~December~~ *January 15*.

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after filing.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which

such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before ~~December~~ *January* 15. Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after filing. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

§ 2.2-3116. (Effective from January 1, 2016, until July 1, 2016) Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city shall be required to file with the Council, as a condition to assuming office, the Statement of Economic Interests ~~set forth in prescribed by the Council pursuant to § 2.2-3117.~~ These officers shall file statements ~~semiannually by December~~ *annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.* Candidates shall file statements as required by § 24.2-502. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

§ 2.2-3116. (Effective July 1, 2016) Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city shall be required to file with the Council, as a condition to assuming office, the Statement of Economic Interests ~~set forth in prescribed by the Council pursuant to § 2.2-3117.~~ These officers shall file statements ~~semiannually by December~~ *annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.* Candidates shall file statements as required by § 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

§ 2.2-3117. Disclosure form.

(Effective from January 1, 2016, until July 1, 2016) The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be ~~substantially similar to the following prescribed by the Council.~~ Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

(Effective July 1, 2016) The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be ~~substantially similar to the following prescribed by the Council.~~ Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

STATEMENT OF ECONOMIC INTERESTS:

Name _____
Office or position held or sought _____
Address _____
Names of members of immediate family _____

DEFINITIONS AND EXPLANATORY MATERIAL:

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment, or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information.

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities?

(Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past six months did you receive in your capacity as an officer or employee of your agency lodging, transportation, money, or anything else of value with a combined value exceeding \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency?

EITHER check NO // OR check YES // and complete Schedule D.

5. Gifts.

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here //

7. Business Interests.

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F.

8. Payments for Representation and Other Services.

8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)

EITHER check NO // OR check YES // and complete Schedule G-2.

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under item 8A or 8B.

EITHER check NO // OR check YES // and complete Schedule G-3.

9. Real Estate.

9A. State Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-1.

9B. Local Officers and Employees.

Do you or a member of your immediate family hold an interest, including a partnership interest, or option, easement, or land contract, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-2.

10. Real Estate Contracts with Governmental Agencies.

Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past six months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I.

Statements of Economic Interests are open for public inspection.

AFFIRMATION BY ALL FILERS.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature _____

(Return only if needed to complete Statement.)

SCHEDULES to STATEMENT OF ECONOMIC INTERESTS.

NAME _____

SCHEDULE A - OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B - PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check	Check one
appropriate categories	\$5,001 to \$50,000 More than \$50,000
Banks	_____
Savings institutions	_____
Other loan or finance companies	_____
Insurance companies	_____
Stock, commodity or other brokerage companies	_____
Other businesses:	_____
(State principal business activity for each creditor and its name.)	_____
_____	_____
_____	_____

Individual creditors:

(State principal business or occupation of each creditor and its name.)

_____	_____
_____	_____
_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check	Check one
appropriate categories	\$5,001 to \$50,000 More than \$50,000
Banks	_____
Savings institutions	_____
Other loan or finance companies	_____

SCHEDULE I – REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past six months, with a governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000. List all contracts with a governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

State officers and employees report contracts with state agencies.
Local officers and employees report contracts with local agencies.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity. List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located. State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.

§ 2.2-3118. Disclosure form; certain citizen members.

A. (Effective from January 1, 2016, until July 1, 2016) The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall be substantially as follows: prescribed by the Council.

A. (Effective July 1, 2016) The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall be substantially similar to the following prescribed by the Council. Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual.

"Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the filer and who is a dependent of the filer.

"Personal interest" means, for the purposes of this form only, a personal and financial benefit or liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property,

tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name _____

Office or position held or to be held _____

Address _____

I. FINANCIAL INTERESTS

My personal interests and those of my immediate family are as follows:

Include all forms of personal interests held at the time of filing: real estate, stocks, bonds, equity interests in proprietorships and partnerships. You may exclude:

- 1. Deposits and interest bearing accounts in banks, savings institutions and other institutions accepting such deposits or accounts;
- 2. Interests in any business, other than a news medium, representing less than three percent of the total equity value of the business;
- 3. Liability on behalf of any business representing less than three percent of the total assets of such business; and
- 4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

1. Residence, address, or, if no address, location _____

2. Other real estate, address, or, if no address, location _____

3. Name or principal business activity of each business in which stock, bond or equity interest is held _____

B. The personal interests of my immediate family are:

1. Real estate, address or, if no address, location _____

2. Name or principal business activity of each business in which stock, bond or equity interest is held _____

II. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows:

(You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

Position held	Name of business
_____	_____
_____	_____
_____	_____
_____	_____

B. The paid offices, paid directorships and salaried employments of members of my immediate family are:

Position held	Name of business
_____	_____
_____	_____
_____	_____
_____	_____

III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

Name of business	Name of governmental agency

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of business	Name of state governmental agency

C. All other businesses listed below that operate in Virginia to which services were furnished §an agreement between you and such businesses and for which total compensation in excess of \$1,000 was received during the preceding year:

Check each category of business to which services were furnished:

- _____ Electric utilities _____
- _____ Gas utilities _____
- _____ Telephone utilities _____
- _____ Water utilities _____
- _____ Cable television companies _____
- _____ Intrastate transportation companies _____
- _____ Interstate transportation companies _____
- _____ Oil or gas retail companies _____
- _____ Banks _____
- _____ Savings institutions _____
- _____ Loan or finance companies _____
- _____ Manufacturing companies (state type _____
of product, e.g., textile, furniture, _____
etc.) _____
- _____ Mining companies _____
- _____ Life insurance companies _____
- _____ Casualty insurance companies _____
- _____ Other insurance companies _____
- _____ Retail companies _____
- _____ Beer, wine or liquor companies or _____
distributors _____
- _____ Trade associations _____
- _____ Professional associations _____
- _____ Associations of public employees or _____
officials _____
- _____ Counties, cities or towns _____
- _____ Labor organizations _____

IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of \$100 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

Name of Source	Description of occasion	Amount of remuneration for each occasion

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.

A. The filing of a single current statement of economic interests by a ~~state officer or employee~~ *an individual* required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all ~~state~~ positions or offices held or sought by such individual during a single reporting period. The filing of a single current financial disclosure statement by a ~~state officer or employee~~ *an individual* required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all ~~state~~ positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during a single reporting period.

B. Any individual who has met the requirement for periodically filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within six months after filing a statement pursuant to § 2.2-3117 and within 12 months after filing a statement pursuant to § 2.2-3118.

§ 24.2-502. Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General ~~with the Secretary of the Commonwealth,~~ (ii) a candidate for *the* Senate or House of Delegates ~~with the clerk of the appropriate house,~~ (iii) *and* a candidate for a constitutional office with the ~~general registrar for the county or city,~~ *Virginia Conflict of Interest and Ethics Advisory Council* and ~~(iv)~~ (ii) a candidate for member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, or 30-110.

The ~~Secretary of the Commonwealth and the clerks of the Senate and House of Delegates~~ *Virginia Conflict of Interest and Ethics Advisory Council* shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall transmit to the local electoral board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.

§ 30-101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for election to the General Assembly in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this section upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such candidate of the provisions of this chapter.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported

pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House *Committee on Rules or its Chairman* or the Senate *Committee on Rules or its Chairman*; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; ~~or~~ (xiv) gifts with a value of less than \$20; or (xv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (b) a lobbyist's principal as defined in § 2.2-419.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the legislator and who is a dependent of the legislator.

"Legislator" means a member of the General Assembly.

"Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that a legislator has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented or served by the legislator is affected in a way that is substantially different from the general public or from persons comprising a profession, occupation, trade, business or other comparable and generally recognizable class or group of which he or the individual or business he represents or serves is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

§ 30-110. Disclosure.

A. (Effective January 1, 2016, through July 1, 2016) Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is ~~specified~~ *required* on the form ~~set forth in~~ *prescribed by the Council pursuant to § 30-111* and thereafter shall file such a statement ~~semiannually by December annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.~~ When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline. Members of the Senate and members of the House of Delegates shall file their disclosure forms with the Virginia Conflict of Interest and Ethics Advisory Council. The disclosure forms of the members of

the General Assembly shall be maintained as public records for five years in the office of the Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be made public no later than six weeks after filing.

A. (Effective July 1, 2016) Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is ~~specified~~ *required* on the form ~~set forth in prescribed by the Council pursuant to § 30-111~~ and thereafter shall file such a statement ~~semiannually by December~~ *annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April*. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Virginia Conflict of Interest and Ethics Advisory Council in accordance with the standards approved by it pursuant to § 30-356. The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be made public no later than six weeks after filing.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

§ 30-110.1. Report of gifts.

Every legislator shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 30-111.

§ 30-111. Disclosure form.

A. (Effective from January 1, 2016, until July 1, 2016) The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be ~~substantially similar to the following~~ *prescribed by the Council*.

A. (Effective July 1, 2016) The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be ~~substantially similar to the following~~ *prescribed by the Council*. All completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

STATEMENT OF ECONOMIC INTERESTS.

Name _____

Office or position held or sought _____

Address _____

Names of members of immediate family _____

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) the receipt of compensation for work performed by the legislator as an independent contractor of a business that represents an entity before any state governmental agency when the legislator has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of

public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (b) a lobbyist's principal as defined in § 2.2-419.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the legislator and who is a dependent of the legislator.

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth or (ii) a greater than three percent ownership interest by a member or member-elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (a) constitute a waiver of any attorney-client or other privilege, (b) require a waiver of any attorney-client or other privilege for a third party, or (c) be required where a member or member-elect is employed or engaged by a person and such person also employs or engages a person in a lobbyist relationship so long as the member or member-elect has no financial interest in the lobbyist relationship.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information:

1. Offices and Directorships:

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

2. Personal Liabilities:

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

3. Securities:

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

4. Payments for Talks, Meetings, and Publications:

During the past six months did you receive in your capacity as a legislator lodging, transportation, money, or anything else of value with a combined value exceeding \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

EITHER check NO // OR check YES // and complete Schedule D.

5. Gifts:

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E-

6. Salary and Wages-

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

If no reportable salary or wages, check here //

7. Business Interests and Lobbyist Relationships-

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F-1-

7B. Do you have a lobbyist relationship as that term is defined above?

EITHER check NO // OR check YES // and complete Schedule F-2-

8. Payments for Representation and Other Services-

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000; excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO // OR check YES // and complete Schedule G-1-

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000?

EITHER check NO // OR check YES // and complete Schedule G-2-

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia, pursuant to an agreement between you and such businesses; or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under question 8A or 8B above.

EITHER check NO // OR check YES // and complete Schedule G-3-

9. Real Estate-

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-

10. Real Estate Contracts with State Governmental Agencies-

Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past six months, with a state governmental agency?

If the real estate contract provides for the leasing of the property to a state governmental agency, do you or a member of your immediate family hold an interest in the real estate, including a corporate, partnership, or trust interest, option, easement, or land contract valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F or H. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I-

11. Payments by the Commonwealth for Meetings-

During the past six months did you receive lodging, transportation, money, or anything else of value with a combined value exceeding \$100 from the Commonwealth for a single meeting attended out-of-state in your capacity as a legislator? Do not include reimbursements from the Commonwealth for meetings attended in the Commonwealth.

EITHER check NO // OR check YES // and complete Schedule D-2-

For Statements filed in June 2016 and each two years thereafter, complete the following statement indicating whether you completed the ethics orientation sessions provided pursuant to law:

I certify that I completed ethics training as required by § 30-129.1. YES // or NO //

Statements of Economic Interests are open for public inspection.

AFFIRMATION-

In accordance with the rules of the house in which I serve, if I receive a request that this disclosure statement be corrected, augmented, or revised in any respect, I hereby pledge that I shall respond promptly to the request. I understand that if a determination is made that the statement is insufficient, I will satisfy such request or be subjected to disciplinary action of my house.

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature _____

(Return only if needed to complete Statement.)

SCHEDULES to STATEMENT OF ECONOMIC INTERESTS.

NAME _____

SCHEDULE A – OFFICES AND DIRECTORSHIPS.

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 2

SCHEDULE B – PERSONAL LIABILITIES.

Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check appropriate categories	Check one \$5,001 to \$50,000	Check one More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses:	_____	_____

(State principal business activity for each creditor and its name.)

Individual creditors:
(State principal business or occupation of each creditor and its name.)

_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check appropriate categories	Check one \$5,001 to \$50,000	Check one More than \$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses:	_____	_____

(State principal business activity for each creditor and its name.)

Individual creditors:

(State principal business or occupation of each creditor and its name.)

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name each issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / /.

Name of Issuer	Type of Security (stocks, bonds, mutual funds, etc.)	Check one		
		\$5,001 to \$50,000	\$50,001 to \$250,000	More than \$250,000

RETURN TO ITEM 4

SCHEDULE D-1 - PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past six months in your capacity as a legislator lodging, transportation, money, or any other thing of value with a combined value exceeding \$100 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator. Any lodging, transportation, money, or other thing of value received by a legislator that does not satisfy the criteria of clause (i), (ii)(a), or (ii)(b) shall be listed as a gift on Schedule E. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here / /.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Honoraria, Travel reimbursement, etc.)

RETURN TO ITEM 5

SCHEDULE D-2 - PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past six months to you for lodging, transportation, money, or any other thing of value with a combined value exceeding \$100 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

If no payment must be listed, check here / /.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Travel reimbursement, etc.)

SCHEDULE E – GIFTS.

List each business, governmental entity, or individual that, during the past six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event.

Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value

RETURN TO ITEM 6

SCHEDULE F-1 – BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business Corporation, Partnership, Farm;	Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Gross income \$50,001 or more than \$250,000	Gross income \$50,000 or less than \$250,000

RETURN TO ITEM 8

SCHEDULE F-2 – LOBBYIST RELATIONSHIPS AND PAYMENTS.

Complete this Schedule for each lobbyist relationship with the following:

(i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth, or

(ii) any business in which you have a greater than three percent ownership interest and that business employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

List each person or business	Describe each relationship	Dates of relationship	Payments to Lobbyist	
			\$10,000 or less	More than \$10,000

THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE; (II) REQUIRE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY; OR (III) BE REQUIRED WHERE A MEMBER OR MEMBER-ELECT IS EMPLOYED OR ENGAGED BY A PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER-ELECT HAS NO FINANCIAL INTEREST IN THE LOBBYIST RELATIONSHIP.

SCHEDULE G-1 - PAYMENTS FOR REPRESENTATION BY YOU.

List the businesses you represented before any state governmental agency, excluding any court or judge, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Name of Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	\$250,001 and over

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000. Amount Received _____.

SCHEDULE G-2 - PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency

SCHEDULE G-3 - PAYMENTS FOR OTHER SERVICES GENERALLY.

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past six months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2 above.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

Check if Type services were vice rendered	ser- ren- dered	of ren- dered	Value of Compensation				
			\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,001	\$100,001 to \$250,001	\$250,001 and over
Electric utilities							
Gas utilities							
Telephone utilities							
Water utilities							
Cable television							
companies							
Interstate							
transportation							
companies							
Intrastate							
transportation							
companies							
Oil or gas retail							
companies							
Banks							
Savings							
institutions							
Loan or finance							
companies							
Manufacturing							
companies (state							
type of product,							
e.g., textile,							
furniture, etc.)							
Mining companies							
Life insurance							
companies							
Casualty insurance							
companies							
Other insurance							
companies							
Retail companies							
Beer, wine or							
liquor companies							
or distributors							
Trade associations							
Professional							
associations							
Associations of							
public employees							
or officials							
Counties, cities							
or towns							
Labor organizations							
Other							

RETURN TO ITEM 9

SCHEDULE H -- REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$5,000 or more. Each parcel shall be listed individually.

_____	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	_____	If the real estate is owned or recorded in a name other than your own, list that name
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

RETURN TO ITEM 10

SCHEDULE I -- REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past six months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

_____	List your real estate interest and the person or entity, including the type of entity, which is party to the contract.	_____	State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
_____	Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	_____	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

B. Any legislator who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony and shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. The Statement of Economic Interests of all members of each house shall be reviewed by the Council. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house,

each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

§ 30-356. Powers and duties of the Council.

The Council shall:

1. *Prescribe the forms required for complying with the disclosure requirements of Article 3 and the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or the Acts. The Council shall make available the disclosure forms and shall provide guidance and other instructions to assist in the completion of the forms;*

2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government officers and employees and legislators pursuant to the Acts. The Council may review disclosure forms for completeness, including reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and requesting any amendments to ensure the completeness of and correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

~~2-3.~~ 3. (Effective until July 1, 2016) Accept any disclosure forms by computer or electronic means in accordance with the standards approved by the Council and using software meeting standards approved by it. The Council shall provide software or electronic access for filing the required disclosure forms to all filers without charge. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). *The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant such extensions;*

~~2-3.~~ 3. (Effective July 1, 2016) Require all disclosure forms to be filed electronically in accordance with the standards approved by the Council. The Council shall provide software or electronic access for filing the required disclosure forms to all filers without charge. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). *The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant such extensions;*

~~3-4.~~ 4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3;

~~4-5.~~ 5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising disclosure forms filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;

~~5-6.~~ 6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be *available to the public or published* until such opinion has been approved by the Council. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved *or other persons supplying information*. Informal advice given by the Council or the Council's designee is confidential; ~~protected by the attorney-client privilege~~; and is excluded from the *mandatory disclosure* provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). *Other records relating to formal advisory opinions or informal advice, including records of requests, notes, correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act;*

~~6-7.~~ 7. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees, legislators, and other interested persons on the requirements of Article 3 and the Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;

~~7-8.~~ 8. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;

~~8-9.~~ 9. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;

~~9-10.~~ 10. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

~~10.~~ 11. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

~~11.~~ 12. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, or signature contained on that document or form; and

~~12.~~ 13. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

§ 30-356.1. Request for approval for certain travel.

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of § 30-103.1. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);

2. Travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;

3. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House *Committee on Rules or its Chairman* or the Senate *Committee on Rules or its Chairman*; or

4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference, or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the purpose of the proposed travel and the official duties of the requester. In making such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or requested additional information within such five-day period, such travel shall be deemed to have been approved by the Council. Nothing in this subsection shall preclude a person from amending or resubmitting a request for the approval of travel. The Council may authorize a designee to review and grant or deny requests for the approval of travel.

E. A request for the approval of travel shall be on a form prescribed by the Council and made available on its website. Such form may be submitted by electronic means, facsimile, in-person submission, or mail or commercial mail delivery.

F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a travel-related thing of value if he accepted the travel-related thing of value after receiving approval under this section, regardless of whether such approval is later withdrawn, provided the travel occurred prior to the withdrawal of the approval.

§ 30-356.2. Right to grant extensions in special circumstances.

Notwithstanding any other provision of law, any person required to file the disclosure form prescribed in Article 3 or the Acts shall be entitled to an extension where good cause for granting such an extension has been shown, as determined by the Council. Good cause shall include:

1. *The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or the Acts.*

2. *A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.*

3. *The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.*

4. *A failure of the electronic filing system and the failure of such system prevents the timely filing of disclosure forms.*

2. That an emergency exists and the provisions of § 30-356.2 as created by this act and the provisions (i) amending the definition of "procurement transaction" in § 2.2-419 of the Code of Virginia, (ii) amending the requirement to

disclose the names of officials or members of their family attending entertainment events in § 2.2-426 of the Code of Virginia, and (iii) amending § 30-356 of the Code of Virginia are in force from the passage of this act and that the remaining provisions of this act shall become effective in due course except as provided in the third enactment.

3. That the provisions of this act eliminating the forms set forth in §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia shall become effective on January 1, 2017, and that the Virginia Conflict of Interest and Ethics Advisory Council shall prescribe on or before January 1, 2017, the forms required for complying with the disclosure requirements of §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111.

4. That, notwithstanding the effective date of this act, a lobbyist shall not be required to file a report of expenditures pursuant to § 2.2-426 of the Code of Virginia until July 1, 2017, for the preceding 12-month period complete through the last day of April.

5. That the Supreme Court of Virginia shall report to the Virginia Conflict of Interest and Ethics Advisory Council on the application of the State and Local Government Conflict of Interests Act to members of the judiciary. Such report shall be made no later than October 1, 2016, and shall include an evaluation of the feasibility of creating separate statutory provisions applicable to members of the judiciary. In making its report, the Supreme Court of Virginia shall consult with staff of the Virginia Conflict of Interest and Ethics Advisory Council, statewide bar associations, and others as the Court deems necessary.

CHAPTER 774

An Act to amend and reenact §§ 2.2-419, 2.2-426, 2.2-427, 2.2-3101, 2.2-3106, 2.2-3109.1, 2.2-3114, 2.2-3115, 2.2-3116, as it is currently effective and as it shall become effective, 2.2-3117, 2.2-3118, 2.2-3118.1, 24.2-502, 30-101, 30-110, 30-111, 30-356, and 30-356.1 of the Code of Virginia and to amend the Code of Virginia by adding sections numbered 2.2-3114.2, 30-110.1, and 30-356.2, relating to lobbyist reporting, the State and Local Government Conflict of Interests Act, and the General Assembly Conflicts of Interests Act; annual filing of required disclosures; definition of gift; separate report of gifts; definition of procurement action; technical amendments.

[S 692]

Approved May 16, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-419, 2.2-426, 2.2-427, 2.2-3101, 2.2-3106, 2.2-3109.1, 2.2-3114, 2.2-3115, 2.2-3116, as it is currently effective and as it shall become effective, 2.2-3117, 2.2-3118, 2.2-3118.1, 24.2-502, 30-101, 30-110, 30-111, 30-356, and 30-356.1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding sections numbered 2.2-3114.2, 30-110.1, and 30-356.2 as follows:

§ 2.2-419. Definitions.

As used in this article, unless the context requires a different meaning:

"Anything of value" means:

1. A pecuniary item, including money, or a bank bill or note;
2. A promissory note, bill of exchange, order, draft, warrant, check, or bond given for the payment of money;
3. A contract, agreement, promise, or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money;
4. A stock, bond, note, or other investment interest in an entity;
5. A receipt given for the payment of money or other property;
6. A right in action;
7. A gift, tangible good, chattel, or an interest in a gift, tangible good, or chattel;
8. A loan or forgiveness of indebtedness;
9. A work of art, antique, or collectible;
10. An automobile or other means of personal transportation;
11. Real property or an interest in real property, including title to realty, a fee simple or partial interest, present or future, contingent or vested within realty, a leasehold interest, or other beneficial interest in realty;
12. An honorarium or compensation for services;
13. A rebate or discount in the price of anything of value unless the rebate or discount is made in the ordinary course of business to a member of the public without regard to that person's status as an executive or legislative official, or the sale or trade of something for reasonable compensation that would ordinarily not be available to a member of the public;
14. A promise or offer of employment; or
15. Any other thing of value that is pecuniary or compensatory in value to a person.

"Anything of value" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Compensation" means:

1. An advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value; or

2. A contract, agreement, promise or other obligation for an advance, conveyance, forgiveness of indebtedness, deposit, distribution, loan, payment, gift, pledge, or transfer of money or anything of value, for services rendered or to be rendered.

"Compensation" does not mean reimbursement of expenses if the reimbursement does not exceed the amount actually expended for the expenses and it is substantiated by an itemization of expenses.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Executive action" means the proposal, drafting, development, consideration, amendment, adoption, approval, promulgation, issuance, modification, rejection, or postponement by an executive agency or official of legislation or executive orders issued by the Governor. "Executive action" includes procurement transactions.

"Executive agency" means an agency, board, commission, or other body in the executive branch of state government. "Executive agency" includes the State Corporation Commission, the Virginia Workers' Compensation Commission, and the Virginia Lottery.

"Executive official" means:

1. The Governor;
2. The Lieutenant Governor;
3. The Attorney General;
4. Any officer or employee of the office of the Governor, Lieutenant Governor, or Attorney General other than a clerical or secretarial employee;
5. The Governor's Secretaries, the Deputy Secretaries, and the chief executive officer of each executive agency; or
6. Members of supervisory and policy boards, commissions and councils, as defined in § 2.2-2100, however selected.

"Expenditure" means:

1. A purchase, payment, distribution, loan, forgiveness of a loan or payment of a loan by a third party, advance, deposit, transfer of funds, a promise to make a payment, or a gift of money or anything of value for any purpose;
2. A payment to a lobbyist for salary, fee, reimbursement for expenses, or other purpose by a person employing, retaining, or contracting for the services of the lobbyist separately or jointly with other persons;
3. A payment in support of or assistance to a lobbyist or the lobbyist's activities, including the direct payment of expenses incurred at the request or suggestion of the lobbyist;
4. A payment that directly benefits an executive or legislative official or a member of the official's immediate family;
5. A payment, including compensation, payment, or reimbursement for the services, time, or expenses of an employee for or in connection with direct communication with an executive or legislative official;
6. A payment for or in connection with soliciting or urging other persons to enter into direct communication with an executive or legislative official; or
7. A payment or reimbursement for categories of expenditures required to be reported pursuant to this chapter.

"Expenditure" does not mean a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2.

"Fair market value" means the price that a good or service would bring between a willing seller and a willing buyer in the open market after negotiations. If the fair market value cannot be determined, the actual price paid for the good or service shall be given consideration.

"Gift" means anything of value, including any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value, and includes services as well as gifts of transportation, local travel, lodgings, and meals, whether provided in-kind or by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred.

"Gift" does not mean:

1. Printed informational or promotional material;
2. A gift that is not used and, no later than 60 days after receipt, is returned to the donor or delivered to a charitable organization and is not claimed as a charitable contribution for federal income tax purposes;
3. A devise or inheritance;
4. A gift of a value of ~~\$50~~ or less than \$20;
5. Any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used;
6. Any food or beverages provided to an individual at an event at which the individual is performing official duties related to his public service;
7. Any food and beverages received at or registration or attendance fees waived for any event at which the individual is a featured speaker, presenter, or lecturer;
8. An unsolicited award of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service;
9. Any gift ~~from~~ to an individual's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse;
10. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House *Committee on Rules or its Chairman* or the Senate *Committee on Rules or its Chairman*; or

11. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

"Immediate family" means (i) the spouse and (ii) any other person who resides in the same household as the executive or legislative official and who is a dependent of the official.

"Legislative action" means:

1. Preparation, research, drafting, introduction, consideration, modification, amendment, approval, passage, enactment, tabling, postponement, defeat, or rejection of a bill, resolution, amendment, motion, report, nomination, appointment, or other matter by the General Assembly or a legislative official;

2. Action by the Governor in approving, vetoing, or recommending amendments for a bill passed by the General Assembly; or

3. Action by the General Assembly in overriding or sustaining a veto by the Governor, considering amendments recommended by the Governor, or considering, confirming, or rejecting an appointment of the Governor.

"Legislative official" means:

1. A member or member-elect of the General Assembly;

2. A member of a committee, subcommittee, commission, or other entity established by and responsible to the General Assembly or either house of the General Assembly; or

3. Persons employed by the General Assembly or an entity established by and responsible to the General Assembly.

"Lobbying" means:

1. Influencing or attempting to influence executive or legislative action through oral or written communication with an executive or legislative official; or

2. Solicitation of others to influence an executive or legislative official.

"Lobbying" does not mean:

1. Requests for appointments, information on the status of pending executive and legislative actions, or other ministerial contacts if there is no attempt to influence executive or legislative actions;

2. Responses to published notices soliciting public comment submitted to the public official designated in the notice to receive the responses;

3. The solicitation of an association by its members to influence legislative or executive action; or

4. Communications between an association and its members and communications between a principal and its lobbyists.

"Lobbyist" means:

1. An individual who is employed and receives payments, or who contracts for economic consideration, including reimbursement for reasonable travel and living expenses, for the purpose of lobbying;

2. An individual who represents an organization, association, or other group for the purpose of lobbying; or

3. A local government employee who lobbies.

"Lobbyist's principal" or "principal" means the entity on whose behalf the lobbyist influences or attempts to influence executive or legislative action. An organization whose employees conduct lobbying activities on its behalf is both a principal and an employer of the lobbyists. In the case of a coalition or association that employs or retains others to conduct lobbying activities on behalf of its membership, the principal is the coalition or association and not its individual members.

"Local government" means:

1. Any county, city, town, or other local or regional political subdivision;

2. Any school division;

3. Any organization or entity that exercises governmental powers that is established pursuant to an interstate compact; or

4. Any organization composed of members representing entities listed in subdivisions 1, 2, or 3 of this definition.

"Local government employee" means a public employee of a local government.

"Person" means an individual, proprietorship, firm, partnership, joint venture, joint stock company, syndicate, business trust, estate, company, corporation, association, club, committee, organization, or group of persons acting in concert.

"Procurement transaction" means all functions that pertain to obtaining all goods, services, or construction on behalf of an executive agency, including description of requirements, selection and solicitation of sources, preparation and award of contract, and all phases of contract administration *where the stated or expected value of the contract is \$5 million or more.*

"Secretary" means the Secretary of the Commonwealth.

"Value" means the actual cost or fair market value of an item or items, whichever is greater. If the fair market value cannot be determined, the actual amount paid for the item or items shall be given consideration.

"Widely attended event" means an event at which at least 25 persons have been invited to attend or there is a reasonable expectation that at least 25 persons will attend the event and the event is open to individuals (i) who share a common interest, (ii) who are members of a public, civic, charitable, or professional organization, (iii) who are from a particular industry or profession, or (iv) who represent persons interested in a particular issue.

§ 2.2-426. Lobbyist reporting; penalty.

A. Each lobbyist shall file with the Council a separate ~~semiannual~~ *annual* report of expenditures, including gifts, for each principal for whom he lobbies by ~~December 15 for the preceding six-month period complete through the last day of October and June 15 July 1 for the preceding six-month~~ *12-month* period complete through the last day of April.

B. Each principal who expends more than \$500 to employ or compensate multiple lobbyists shall be responsible for filing a consolidated lobbyist report pursuant to this section in any case in which the lobbyists are each exempt under the provisions of subdivision 7 or 8 of § 2.2-420 from the reporting requirements of this section.

C. (Effective January 1, 2016, through July 1, 2016) The report shall be on a form ~~provided prescribed~~ by the Council; ~~which shall be substantially similar to the following~~ and shall be accompanied by instructions provided by the Council.

C. (Effective July 1, 2016) The report shall be on a form ~~provided prescribed~~ by the Council; ~~which shall be substantially similar to the following~~ and shall be accompanied by instructions provided by the Council. All reports shall be submitted electronically and in accordance with the standards approved by the Council pursuant to the provisions of § 30-356.

~~LOBBYIST'S DISCLOSURE STATEMENT~~

~~PART I:~~

~~(1) PRINCIPAL: _____
In Part I, item 2a, provide the name of the individual authorizing your employment as a lobbyist. The lobbyist filing this statement MAY NOT list his name in item 2a.~~

~~(2a) Name: _____~~

~~(2b) Permanent Business Address: _____~~

~~(2c) Business Telephone: _____~~

~~(3) Provide a list of executive and legislative actions (with as much specificity as possible) for which you lobbied and a description of activities conducted.

_____~~

~~(4) INCORPORATED FILINGS: If you are filing an incorporated disclosure statement, please complete the following:
Individual filing financial information: _____
Individuals to be included in the filing: _____
_____~~

~~(5) Please indicate which schedules will be attached to your disclosure statement:
 Schedule A: Entertainment Expenses
 Schedule B: Gifts
 Schedule C: Other Expenses~~

(6) EXPENDITURE TOTALS:	
a) ENTERTAINMENT \$ _____
b) GIFTS \$ _____
c) COMMUNICATIONS \$ _____
d) PERSONAL LIVING AND TRAVEL EXPENSES \$ _____
e) COMPENSATION OF LOBBYISTS \$ _____
f) HONORARIA \$ _____
g) OTHER \$ _____
TOTAL \$ _____

~~PART II:~~

~~(1a) NAME OF LOBBYIST: _____~~

~~(1b) Permanent Business Address: _____~~

~~(1c) Business Telephone: _____~~

~~(2) As a lobbyist, you are (check one)
 EMPLOYED (on the payroll of the principal)
 RETAINED (not on the payroll of the principal, however compensated)
 NOT COMPENSATED (not compensated; expenses may be reimbursed)~~

~~(3) List all lobbyists other than yourself who registered to represent your principal.

_____~~

~~(4) If you selected "EMPLOYED" as your answer to Part II, item 2, provide your job title.

_____~~

~~PLEASE NOTE: Some lobbyists are not individually compensated for~~

lobbying activities. This may occur when several members of a firm represent a single principal. The principal, in turn, makes a single payment to the firm. If this describes your situation, do not answer Part II, items 5a and 5b. Instead, complete Part III, items 1 and 2.

(5a) What was the DOLLAR AMOUNT OF YOUR COMPENSATION as a lobbyist?

(If you have job responsibilities other than those involving lobbying, you may have to prorate to determine the part of your salary attributable to your lobbying activities.) Transfer your answer to this item to Part I, item 6e.

(5b) Explain how you arrived at your answer to Part II, item 5a.

PART III:

PLEASE NOTE: If you answered Part II, items 5a and 5b, you WILL NOT complete this section.

(1) List all members of your firm, organization, association, corporation, or other entity who furnished lobbying services to your principal.

(2) Indicate the total amount paid to your firm, organization, association, corporation, or other entity for services rendered. Transfer your answer to this item to Part I, item 6e.

SCHEDULE A

ENTERTAINMENT EXPENSES

PLEASE NOTE: Any single entertainment event included in the expense totals of the principal, with a value greater than \$50, should be itemized below. Transfer any totals from this schedule to Part I, item 6a. (Please duplicate as needed.)

Date and Location of Event:

Description of Event (including whether or not it meets the criteria of a widely attended event):

Total Number of Persons Attending:

Names of Legislative and Executive Officials or Members of Their Immediate Families Attending: (List names only if the average value for each person attending the event was greater than \$50.)

Food	\$	_____
Beverages	\$	_____
Transportation of Legislative and Executive Officials or Members of Their Immediate Families	\$	_____
Lodging of Legislative and Executive Officials or Members of Their Immediate Families	\$	_____
Performers, Speakers, Etc.	\$	_____
Displays	\$	_____
Rentals	\$	_____
Service Personnel	\$	_____
Miscellaneous	\$	_____
TOTAL	\$	_____

SCHEDULE B

GIFTS

PLEASE NOTE: Any single gift reported in the expense totals of the principal, with a value greater than \$50, should be itemized below. (Report meals, entertainment and travel under Schedule A.) Transfer any totals from this schedule to Part I, item 6b. (Please duplicate as needed.)

Date of gift:	Description of gift:	Name of each legislative or executive official or member of his immediate family who is a recipient of a gift:	Cost of individual gift:
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
_____	_____	_____	\$ _____
TOTAL COST TO PRINCIPAL			\$ _____

SCHEDULE C

OTHER EXPENSES

PLEASE NOTE: This section is provided for any lobbying related expenses not covered in Part I, items 6a - 6f. An example of an expenditure to be listed on schedule C would be the rental of a bill box during the General Assembly session. Transfer the total from this schedule to Part I, item 6g. (Please duplicate as needed.)

DATE OF EXPENSE	DESCRIPTION OF EXPENSE	AMOUNT
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
_____	_____	\$ _____
TOTAL "OTHER" EXPENSES		\$ _____

PART IV: STATEMENTS

The following items are mandatory and if they are not properly completed, the entire filing will be rejected and returned to the lobbyist:

- (1) All signatures on the statement must be ORIGINAL in the format specified in the instructions provided by the Council that accompany this form. No stamps, or other reproductions of the individual's signature will be accepted.
- (2) An individual MAY NOT sign the disclosure statement as lobbyist and principal officer.

STATEMENT OF LOBBYIST

I, the undersigned registered lobbyist, do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

Signature of lobbyist

Date

STATEMENT OF PRINCIPAL

I, the undersigned principal (or an authorized official thereof), do state that the information furnished on this disclosure statement and on all accompanying attachments required to be made thereto is, to the best of my knowledge and belief, complete and accurate.

~~Signature of principal~~

~~_____~~
~~_____~~
Date

D. A person who knowingly and intentionally makes a false statement of a material fact on the disclosure statement is guilty of a Class 5 felony.

E. *The name of a legislative or executive official, or a member of his immediate family, attending any reportable entertainment event shall not be required to be disclosed by the principal if that legislative or executive official reimburses the principal for, or otherwise pays for, his attendance, or the attendance of a member of his immediate family, at the entertainment event. Reimbursement shall be calculated using the average value for each person attending the event.*

F. Each lobbyist shall send to each legislative and executive official who is required to be identified by name on Schedule A or B of the Lobbyist's Disclosure Form a copy of Schedule A or B or a summary of the information pertaining to that official. Copies or summaries shall be provided to the official by ~~November 21~~ *December 15* for the preceding ~~six-month~~ *12-month* period complete through ~~the last day of October and by May 21 for the preceding six-month period complete through the last day of April~~ *November 30*.

§ 2.2-427. Filings; inspection.

Registration statements ~~and lobbying reports~~ shall be open to public inspection and copying during the regular business hours of the office of the Secretary of the Commonwealth. *Lobbying reports shall be open to public inspection and copying during the regular business hours of the Council.*

~~Such~~ Registration statements ~~and reports~~ shall be deemed to have been filed only when actually received in the office of the Secretary or mailed to the Secretary by registered, certified, or regular mail with the sender retaining sufficient proof of mailing, which may be a United States Postal Certificate of Mailing. *Lobbying reports shall be deemed to have been filed only when received by the Council in accordance with the standards approved by the Council pursuant to § 30-356.*

§ 2.2-3101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Affiliated business entity relationship" means a relationship, other than a parent-subsidary relationship, that exists when (i) one business entity has a controlling ownership interest in the other business entity, (ii) a controlling owner in one entity is also a controlling owner in the other entity, or (iii) there is shared management or control between the business entities. Factors that may be considered in determining the existence of an affiliated business entity relationship include that the same person or substantially the same person owns or manages the two entities, there are common or commingled funds or assets, the business entities share the use of the same offices or employees, or otherwise share activities, resources or personnel on a regular basis, or there is otherwise a close working relationship between the entities.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for an office of the Commonwealth or one of its governmental units in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this chapter upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections or general registrar shall notify each such candidate of the provisions of this chapter. Notification made by the general registrar shall consist of information developed by the State Board of Elections.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the officer's or employee's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Employee" means all persons employed by a governmental or advisory agency, unless otherwise limited by the context of its use.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, local travel, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession

or occupation of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House *Committee on Rules or its Chairman* or the Senate *Committee on Rules or its Chairman*; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; ~~or~~ (xiv) gifts with a value of less than \$20; or (xv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2; (b) a lobbyist's principal as defined in § 2.2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. For purposes of this definition, "person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties. Corporations organized or controlled by the Virginia Retirement System are "governmental agencies" for purposes of this chapter.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

"Officer" means any person appointed or elected to any governmental or advisory agency including local school boards, whether or not he receives compensation or other emolument of office. Unless the context requires otherwise, "officer" includes members of the judiciary.

"Parent-subsidiary relationship" means a relationship that exists when one corporation directly or indirectly owns shares possessing more than 50 percent of the voting power of another corporation.

"Personal interest" means a financial benefit or liability accruing to an officer or employee or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv) above.

"Personal interest in a contract" means a personal interest that an officer or employee has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of an officer or employee in any matter considered by his agency. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business or governmental agency, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. Notwithstanding the above, such personal interest in a transaction shall not be deemed to exist where (a) an elected member of a local governing body serves without remuneration as a member of the board of trustees of a not-for-profit entity and such elected member or member of his immediate family has no personal interest related to the not-for-profit entity or (b) an officer, employee, or elected member of a local governing body is appointed by such local governing body to serve on a governmental agency, or an officer, employee, or elected member of a separate local governmental agency formed by a local governing body is appointed to serve on a governmental agency, and the personal interest in the transaction of the governmental agency is the result of the salary, other compensation, fringe benefits, or

benefits provided by the local governing body or the separate governmental agency to the officer, employee, elected member, or member of his immediate family.

"State and local government officers and employees" shall not include members of the General Assembly.

"State filer" means those officers and employees required to file a disclosure statement of their personal interests pursuant to subsection A or B of § 2.2-3114.

"Transaction" means any matter considered by any governmental or advisory agency, whether in a committee, subcommittee, or other entity of that agency or before the agency itself, on which official action is taken or contemplated.

§ 2.2-3106. Prohibited contracts by officers and employees of state government and Eastern Virginia Medical School.

A. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with the governmental agency of which he is an officer or employee, other than his own contract of employment.

B. No officer or employee of any governmental agency of state government or Eastern Virginia Medical School shall have a personal interest in a contract with any other governmental agency of state government unless such contract is (i) awarded as a result of competitive sealed bidding or competitive negotiation as set forth in § 2.2-4302.1 or 2.2-4302.2 or (ii) is awarded after a finding, in writing, by the administrative head of the governmental agency that competitive bidding or negotiation is contrary to the best interest of the public.

C. The provisions of this section shall not apply to:

1. An employee's personal interest in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided the employee does not exercise any control over the employment or the employment activities of the member of his immediate family and the employee is not in a position to influence those activities;

2. The personal interest of an officer or employee of a state institution of higher education or the Eastern Virginia Medical School in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are engaged in teaching, research or administrative support positions at the educational institution or the Eastern Virginia Medical School, (ii) the governing board of the educational institution finds that it is in the best interests of the institution or the Eastern Virginia Medical School and the Commonwealth for such dual employment to exist, and (iii) after such finding, the governing board of the educational institution or the Eastern Virginia Medical School ensures that the officer or employee, or the immediate family member, does not have sole authority to supervise, evaluate or make personnel decisions regarding the other;

3. An officer's or employee's personal interest in a contract of employment with any other governmental agency of state government;

4. Contracts for the sale by a governmental agency or the Eastern Virginia Medical School of services or goods at uniform prices available to the general public;

5. An employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a publisher or wholesaler of textbooks or other educational materials for students, which accrues to him solely because he has authored or otherwise created such textbooks or materials;

6. An employee's personal interest in a contract with his or her employing public institution of higher education to acquire the collections or scholarly works owned by the employee, including manuscripts, musical scores, poetry, paintings, books or other materials, writings, or papers of an academic, research, or cultural value to the institution, provided the president of the institution approves the acquisition of such collections or scholarly works as being in the best interests of the institution's public mission of service, research, or education;

7. Subject to approval by the board of visitors, an employee's personal interest in a contract between the Eastern Virginia Medical School or a public institution of higher education in Virginia that operates a school of medicine or dentistry and a not-for-profit nonstock corporation that operates a clinical practice within such public institution of higher education or the Eastern Virginia Medical School and of which such employee is a member or employee;

8. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract for research and development or commercialization of intellectual property between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the employee's personal interest has been disclosed to and approved by such public institution of higher education or the Eastern Virginia Medical School prior to the time at which the contract is entered into; (ii) the employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before ~~December~~ *January* 15; (iii) the institution has established a formal policy regarding such contracts, approved by the State Council of Higher Education or, in the case of the Eastern Virginia Medical School, a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its board of visitors; and (iv) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the

Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth; or

9. Subject to approval by the relevant board of visitors, an employee's personal interest in a contract between a public institution of higher education in Virginia or the Eastern Virginia Medical School and a business in which the employee has a personal interest, if (i) the personal interest has been disclosed to the institution or the Eastern Virginia Medical School prior to the time the contract is entered into; (ii) the employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before ~~December~~ *January* 15; (iii) the employee does not participate in the institution's or the Eastern Virginia Medical School's decision to contract; (iv) the president of the institution or the Eastern Virginia Medical School finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by the institution's medical center or the Eastern Virginia Medical School, its affiliated teaching hospitals and other organizations necessary for the fulfillment of its mission, including the acquisition of drugs, therapies and medical technologies; and (v) no later than December 31 of each year, the institution or the Eastern Virginia Medical School files an annual report with the Secretary of the Commonwealth disclosing each open contract entered subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, and any other information requested by the Secretary of the Commonwealth.

D. Notwithstanding the provisions of subdivisions C 8 and C 9, if the research and development or commercialization of intellectual property or the employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interests, the policies established by the Eastern Virginia Medical School pursuant to such federal requirements shall constitute compliance with subdivisions C 8 and C 9, upon notification by the Eastern Virginia Medical School to the Secretary of the Commonwealth by January 31 of each year of evidence of their compliance with such federal policies and regulations.

E. The board of visitors may delegate the authority granted under subdivision C 8 to the president of the institution. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision C 8. In those instances where the board has delegated such authority, on or before December 1 of each year, the president of the relevant institution shall file a report with the relevant board of visitors disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the institution's or the Eastern Virginia Medical School's employee responsible for administering each contract, the details of the institution's or the Eastern Virginia Medical School's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the board of visitors.

§ 2.2-3109.1. Prohibited contracts; additional exclusions for contracts by officers and employees of hospital authorities.

A. As used in this section, "hospital authority" means a hospital authority established pursuant to Chapter 53 (§ 15.2-5300 et seq.) of Title 15.2 or an Act of Assembly.

B. The provisions of § 2.2-3109 shall not apply to:

1. The personal interest of an officer or employee of a hospital authority in additional contracts of employment with his own governmental agency that accrue to him because of a member of his immediate family, provided (i) the officer or employee and the immediate family member are licensed members of the medical profession or hold administrative support positions at the hospital authority, (ii) the governing board of the hospital authority finds that it is in the best interests of the hospital authority and the county, city, or town for such dual employment to exist, and (iii) after such finding, the governing board of the hospital authority ensures that neither the officer or employee, nor the immediate family member, has sole authority to supervise, evaluate, or make personnel decisions regarding the other;

2. Subject to approval by the governing board of the hospital authority, an officer or employee's personal interest in a contract between his hospital authority and a professional entity that operates a clinical practice at any medical facilities of such other hospital authority and of which such officer or employee is a member or employee;

3. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract for research and development or commercialization of intellectual property between the hospital authority and a business in which the employee has a personal interest, provided (i) the officer or employee's personal interest has been disclosed to and approved by the hospital authority prior to the time at which the contract is entered into; (ii) the officer or employee promptly files a disclosure statement pursuant to § 2.2-3117 and thereafter files such statement annually on or before ~~December~~ *January* 15; (iii) the local hospital authority has established a formal policy regarding such contracts in conformity with any applicable federal regulations that has been approved by its governing body; and (iv) no later than December 31 of each year, the local hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of such hospital

authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council; or

4. Subject to approval by the relevant governing body, an officer or employee's personal interest in a contract between the hospital authority and a business in which the officer or employee has a personal interest, provided (i) the personal interest has been disclosed to the hospital authority prior to the time the contract is entered into; (ii) the officer or employee files a disclosure statement pursuant to § 2.2-3117 and thereafter annually on or before ~~December~~ *January* 15; (iii) the officer or employee does not participate in the hospital authority's decision to contract; (iv) the president or chief executive officer of the hospital authority finds and certifies in writing that the contract is for goods and services needed for quality patient care, including related medical education or research, by any of the hospital authority's medical facilities or any of its affiliated organizations, or is otherwise necessary for the fulfillment of its mission, including but not limited to the acquisition of drugs, therapies, and medical technologies; and (v) no later than December 31 of each year, the hospital authority files an annual report with the Virginia Conflict of Interest and Ethics Advisory Council disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, and any other information requested by the Virginia Conflict of Interest and Ethics Advisory Council.

C. Notwithstanding the provisions of subdivisions B 3 and B 4, if the research and development or commercialization of intellectual property or the officer or employee's personal interest in a contract with a business is subject to policies and regulations governing conflicts of interest promulgated by any agency of the United States government, including the adoption of policies requiring the disclosure and management of such conflicts of interest, the policies established by the hospital authority pursuant to such federal requirements shall constitute compliance with subdivisions B 3 and B 4, upon notification by the hospital authority to the Virginia Conflict of Interest and Ethics Advisory Council by January 31 of each year of evidence of its compliance with such federal policies and regulations.

D. The governing body may delegate the authority granted under subdivision B 2 to the president or chief executive officer of hospital authority. If the board elects to delegate such authority, the board shall include this delegation of authority in the formal policy required by clause (iii) of subdivision B 3. In those instances where the board has delegated such authority, on or before December 1 of each year, the president or chief executive officer of the hospital authority shall file a report with the relevant governing body disclosing each open contract entered into subject to this provision, the names of the parties to each contract, the date each contract was executed and its term, the subject of each contractual arrangement, the nature of the conflict of interest, the hospital authority's employee responsible for administering each contract, the details of the hospital authority's commitment or investment of resources or finances for each contract, the details of how revenues are to be dispersed, and any other information requested by the governing body.

§ 2.2-3114. Disclosure by state officers and employees.

A. The Governor, Lieutenant Governor, Attorney General, Justices of the Supreme Court, judges of the Court of Appeals, judges of any circuit court, judges and substitute judges of any district court, members of the State Corporation Commission, members of the Virginia Workers' Compensation Commission, members of the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, members of the Virginia Alcoholic Beverage Control Board, and members of the Virginia Lottery Board and other persons occupying such offices or positions of trust or employment in state government, including members of the governing bodies of authorities, as may be designated by the Governor, or officers or employees of the legislative branch, as may be designated by the Joint Rules Committee of the General Assembly, shall file with the Council, as a condition to assuming office or employment, a disclosure statement of their personal interests and such other information as is ~~specified~~ *required* on the form ~~set forth in~~ *prescribed by the Council pursuant to § 2.2-3117* and thereafter shall file such a statement ~~semiannually by December~~ *annually on or before January 15* ~~for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April~~. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday.

B. Nonsalaried citizen members of all policy and supervisory boards, commissions and councils in the executive branch of state government, other than the Commonwealth Transportation Board, members of the Board of Trustees of the Virginia Retirement System, and the Virginia Lottery Board, shall file with the Council, as a condition to assuming office, a disclosure form of their personal interests and such other information as is ~~specified~~ *required* on the form ~~set forth in~~ *prescribed by the Council pursuant to § 2.2-3118* and thereafter shall file such form annually on or before ~~December~~ *January* 15. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Nonsalaried citizen members of other boards, commissions and councils, including advisory boards and authorities, may be required to file a disclosure form if so designated by the Governor, in which case the form shall be that ~~set forth in~~ *prescribed by the Council pursuant to § 2.2-3118*.

C. (Effective January 1, 2016, until July 1, 2016) The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed and maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after filing.

C. (Effective July 1, 2016) The disclosure forms required by subsections A and B shall be made available by the Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. All forms shall be maintained as public records for five years in the office of the Council. Such forms shall be made public no later than six weeks after filing.

D. Candidates for the offices of Governor, Lieutenant Governor or Attorney General shall file a disclosure statement of their personal interests as required by § 24.2-502.

E. Any officer or employee of state government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112, or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall also be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental agency or advisory agency or, if the agency has a clerk, in the clerk's office.

F. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

G. An officer or employee of state government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

H. Notwithstanding any other provision of law, chairs of departments at a public institution of higher education in the Commonwealth shall not be required to file the disclosure form prescribed by *the Council pursuant to § 2.2-3117 or 2.2-3118.*

§ 2.2-3114.2. Report of gifts by certain officers and employees of state government.

The Governor, Lieutenant Governor, Attorney General, and each member of the Governor's Cabinet shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 2.2-3117.

§ 2.2-3115. Disclosure by local government officers and employees.

A. The members of every governing body and school board of each county and city and of towns with populations in excess of 3,500 shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is ~~specified required~~ on the form ~~set forth in~~ prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a statement ~~semiannually by December~~ annually on or before January 15 for the preceding ~~six-month period complete through the last day of October~~ and by June 15 for the preceding six-month period complete through the last day of April.

The members of the governing body of any authority established in any county or city, or part or combination thereof, and having the power to issue bonds or expend funds in excess of \$10,000 in any fiscal year, shall file, as a condition to assuming office, a disclosure statement of their personal interests and other information as is ~~specified required~~ on the form ~~set forth in~~ prescribed by the Council pursuant to § 2.2-3118 and thereafter shall file such a statement annually on or before ~~December~~ January 15, unless the governing body of the jurisdiction that appoints the members requires that the members file the form set forth in § 2.2-3117 ~~semiannually by December 15~~ for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.

Persons occupying such positions of trust appointed by governing bodies and persons occupying such positions of employment with governing bodies as may be designated to file by ordinance of the governing body shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is ~~specified required~~ on the form ~~set forth in~~ prescribed by the Council pursuant to § 2.2-3117 and thereafter shall file such a

statement ~~semiannually by December~~ *annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

Persons occupying such positions of trust appointed by school boards and persons occupying such positions of employment with school boards as may be designated to file by an adopted policy of the school board shall file, as a condition to assuming office or employment, a disclosure statement of their personal interests and other information as is ~~specified required on the form set forth in prescribed by the Council pursuant to § 2.2-3117~~ and thereafter shall file such a statement ~~semiannually by December~~ *annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.*

B. Nonsalaried citizen members of local boards, commissions and councils as may be designated by the governing body shall file, as a condition to assuming office, a disclosure form of their personal interests and such other information as is ~~specified required on the form set forth in prescribed by the Council pursuant to § 2.2-3118~~ and thereafter shall file such form ~~annually on or before December~~ *January 15.*

C. No person shall be mandated to file any disclosure not otherwise required by this article.

D. The disclosure forms required by subsections A and B shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline, and the clerks of the governing body and school board shall distribute the forms to designated individuals at least 20 days prior to the filing deadline. Forms shall be filed and maintained as public records for five years in the office of the clerk of the respective governing body or school board. Forms filed by members of governing bodies of authorities shall be filed and maintained as public records for five years in the office of the clerk of the governing body of the county or city. Such forms shall be made public no later than six weeks after filing.

E. Candidates for membership in the governing body or school board of any county, city or town with a population of more than 3,500 persons shall file a disclosure statement of their personal interests as required by § 24.2-502.

F. Any officer or employee of local government who has a personal interest in any transaction before the governmental or advisory agency of which he is an officer or employee and who is disqualified from participating in that transaction pursuant to subdivision A 1 of § 2.2-3112 or otherwise elects to disqualify himself, shall forthwith make disclosure of the existence of his interest, including the full name and address of the business and the address or parcel number for the real estate if the interest involves a business or real estate, and his disclosure shall be reflected in the public records of the agency for five years in the office of the administrative head of the officer's or employee's governmental or advisory agency.

G. In addition to any disclosure required by subsections A and B, in each county and city and in towns with populations in excess of 3,500, members of planning commissions, boards of zoning appeals, real estate assessors, and all county, city and town managers or executive officers shall make annual disclosures of all their interests in real estate located in the county, city or town in which they are elected, appointed, or employed. Such disclosure shall include any business in which such persons own an interest, or from which income is received, if the primary purpose of the business is to own, develop or derive compensation through the sale, exchange or development of real estate in the county, city or town. Such disclosure shall be filed as a condition to assuming office or employment, and thereafter shall be filed annually with the clerk of the governing body of such county, city, or town on or before ~~December~~ *January 15.* Such disclosures shall be filed and maintained as public records for five years. Such forms shall be made public no later than six weeks after filing. Forms for the filing of such reports shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council to the clerk of each governing body.

H. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 2 of § 2.2-3112 shall declare his interest by stating (i) the transaction involved, (ii) the nature of the officer's or employee's personal interest affected by the transaction, (iii) that he is a member of a business, profession, occupation, or group the members of which are affected by the transaction, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day. The officer or employee shall also orally disclose the existence of the interest during each meeting of the governmental or advisory agency at which the transaction is discussed and such disclosure shall be recorded in the minutes of the meeting.

I. An officer or employee of local government who is required to declare his interest pursuant to subdivision A 3 of § 2.2-3112, shall declare his interest by stating (i) the transaction involved, (ii) that a party to the transaction is a client of his firm, (iii) that he does not personally represent or provide services to the client, and (iv) that he is able to participate in the transaction fairly, objectively, and in the public interest. The officer or employee shall either make his declaration orally to be recorded in written minutes for his agency or file a signed written declaration with the clerk or administrative head of his governmental or advisory agency, as appropriate, who shall, in either case, retain and make available for public inspection such declaration for a period of five years from the date of recording or receipt. If reasonable time is not available to comply with the provisions of this subsection prior to participation in the transaction, the officer or employee shall prepare and file the required declaration by the end of the next business day.

§ 2.2-3116. (Effective from January 1, 2016, until July 1, 2016) Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city shall be required to file with the Council, as a condition to assuming office, the Statement of Economic Interests ~~set forth in prescribed by the Council pursuant to § 2.2-3117.~~ These officers shall file statements ~~semiannually by December~~ *annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.* Candidates shall file statements as required by § 24.2-502. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

§ 2.2-3116. (Effective July 1, 2016) Disclosure by certain constitutional officers.

For the purposes of this chapter, holders of the constitutional offices of treasurer, sheriff, attorney for the Commonwealth, clerk of the circuit court, and commissioner of the revenue of each county and city shall be required to file with the Council, as a condition to assuming office, the Statement of Economic Interests ~~set forth in prescribed by the Council pursuant to § 2.2-3117.~~ These officers shall file statements ~~semiannually by December~~ *annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April.* Candidates shall file statements as required by § 24.2-502. Statements shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. These officers shall be subject to the prohibition on certain gifts set forth in subsection B of § 2.2-3103.1.

§ 2.2-3117. Disclosure form.

(Effective from January 1, 2016, until July 1, 2016) The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be ~~substantially similar to the following prescribed by the Council.~~ Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

(Effective July 1, 2016) The disclosure form to be used for filings required by subsections A and D of § 2.2-3114 and subsections A and E of § 2.2-3115 shall be ~~substantially similar to the following prescribed by the Council.~~ Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. Any person who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony.

STATEMENT OF ECONOMIC INTERESTS.

Name _____
Office or position held or sought _____
Address _____
Names of members of immediate family _____

DEFINITIONS AND EXPLANATORY MATERIAL.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed; or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of an officer or employee or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission,

authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2-2-418 et seq.) of Chapter 4 of Title 2-2; (b) a lobbyist's principal as defined in § 2-2-419; (c) for an officer or employee of a local governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the local agency of which he is an officer or an employee; or (d) for an officer or employee of a state governmental or advisory agency, a person, organization, or business who is a party to or is seeking to become a party to a contract with the Commonwealth. "Person, organization, or business" includes individuals who are officers, directors, or owners of or who have a controlling ownership interest in such organization or business.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the officer or employee and who is a dependent of the officer or employee.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 10. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information:

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities? (Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past six months did you receive in your capacity as an officer or employee of your agency lodging, transportation, money, or anything else of value with a combined value exceeding \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency?

EITHER check NO // OR check YES // and complete Schedule D.

5. Gifts.

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$50; and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually. (Exclude state or local government or advisory agencies.)

If no reportable salary or wages, check here //

7. Business Interests.

Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F:

8. Payments for Representation and Other Services:

8A. Did you represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000; excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-1.)

EITHER check NO // OR check YES // and complete Schedule G-1:

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent, excluding activity defined as lobbying in § 2.2-419, any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000? (Officers and employees of local governmental and advisory agencies do NOT need to answer this question or complete Schedule G-2.)

EITHER check NO // OR check YES // and complete Schedule G-2:

8C. Did you or persons with whom you have a close financial association furnish services to businesses operating in Virginia pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses for which total compensation in excess of \$1,000 was received during the past six months? Services reported under this provision shall not include services involving the representation of businesses that are reported under item 8A or 8B.

EITHER check NO // OR check YES // and complete Schedule G-3:

9. Real Estate:

9A. State Officers and Employees:

Do you or a member of your immediate family hold an interest, including a partnership interest, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-1:

9B. Local Officers and Employees:

Do you or a member of your immediate family hold an interest, including a partnership interest, or option, easement, or land contract, valued at more than \$5,000 in real property (other than your principal residence) for which you have not already listed the full address on Schedule F? Account for real estate held in trust.

EITHER check NO // OR check YES // and complete Schedule H-2:

10. Real Estate Contracts with Governmental Agencies:

Do you or a member of your immediate family hold an interest valued at more than \$5,000 in real estate, including a corporate, partnership, or trust interest, option, easement, or land contract, which real estate is the subject of a contract, whether pending or completed within the past six months, with a governmental agency? If the real estate contract provides for the leasing of the property to a governmental agency, do you or a member of your immediate family hold an interest in the real estate valued at more than \$1,000? Account for all such contracts whether or not your interest is reported in Schedule F, H-1, or H-2. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

EITHER check NO // OR check YES // and complete Schedule I:

Statements of Economic Interests are open for public inspection:

AFFIRMATION BY ALL FILERS:

I swear or affirm that the foregoing information is full, true and correct to the best of my knowledge.

Signature _____

(Return only if needed to complete Statement.)

SCHEDULES to STATEMENT OF ECONOMIC INTERESTS:

NAME _____

SCHEDULE A -- OFFICES AND DIRECTORSHIPS:

Identify each business of which you or a member of your immediate family is a paid officer or paid director.

Name of Business	Address of Business	Position Held and by Whom

RETURN TO ITEM 2

SCHEDULE B -- PERSONAL LIABILITIES:

Report personal liability by checking each category. Report only debts in excess of \$5,000. Do not report debts to any government. Do not report loans secured by recorded liens on property at least equal in value to the loan.

Report contingent liabilities below and indicate which debts are contingent.

1. My personal debts are as follows:

Check	Check one	Check one
appropriate	\$5,001 to	More than
categories	\$50,000	\$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses:	_____	_____
(State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors:	_____	_____
(State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

2. The personal debts of the members of my immediate family are as follows:

Check	Check one	Check one
appropriate	\$5,001 to	More than
categories	\$50,000	\$50,000
Banks	_____	_____
Savings institutions	_____	_____
Other loan or finance companies	_____	_____
Insurance companies	_____	_____
Stock, commodity or other brokerage companies	_____	_____
Other businesses:	_____	_____
(State principal business activity for each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____
Individual creditors:	_____	_____
(State principal business or occupation of each creditor and its name.)	_____	_____
_____	_____	_____
_____	_____	_____

RETURN TO ITEM 3

SCHEDULE C – SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name each issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / /

	Check one
--	-----------

Name of Issuer	Type of Security	\$5,001	\$50,001	More
	(stocks, bonds, mutual funds, etc.)	to	to	than
		\$50,000	\$250,000	\$250,000

RETURN TO ITEM 4

SCHEDULE D – PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past six months in your capacity as an officer or employee of your agency lodging, transportation, money, or any other thing of value with combined value exceeding \$100 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as an officer or employee of your agency or (b) enhance your knowledge and skills relative to your duties as an officer or employee of your agency. Any lodging, transportation, money, or other thing of value received by an officer or employee that does not satisfy the provisions of clause (i), (ii) (a), or (ii) (b) shall be listed as a gift on Schedule E.

List payments or reimbursements by an advisory or governmental agency only for meetings or travel outside the Commonwealth.

List a payment even if you donated it to charity.

Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here / /.

Payer	Approximate Value	Circumstances	Type of payment
			(e.g., honoraria, travel reimbursement, etc.)

RETURN TO ITEM 5

SCHEDULE E – GIFTS.

List each business, governmental entity, or individual that, during the past six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event. Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Recipient	Name of Business, Organization, or Individual	City or County and State	Exact Gift or Event	Approximate Value

RETURN TO ITEM 6

SCHEDULE F – BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work), partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business, Corporation, Partnership, Farm; Address of Rental Property	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Gross Income \$50,001 to \$250,000	More than \$250,000

RETURN TO ITEM 8

SCHEDULE G-1 – PAYMENTS FOR REPRESENTATION BY YOU.

List the businesses you represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Only STATE officers and employees should complete this Schedule.

Name of Business	Type of Business	Name of Representative	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,000	\$100,001 to \$250,000	More than \$250,000

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000.

Amount Received: _____

SCHEDULE G-2 – PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Only STATE officers and employees should complete this Schedule.

Type of business	Name of state governmental agency

SCHEDULE G-3 – PAYMENTS FOR OTHER SERVICES GENERALLY.

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past six months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

	Check		Value of Compensation				
	if	Type					
	ser-	of					
	vices ser-						
	were vice	\$1,001	\$10,001	\$50,001	\$100,001	\$250,001	
	ren ren	to	to	to	to	and	
	dered dered	\$10,000	\$50,000	\$100,000	\$250,000	over	
Electric utilities							
Gas utilities							
Telephone utilities							
Water utilities							
Cable television							
— companies							
Interstate							
— transportation							
— companies							
Intrastate							
— transportation							
— companies							
Oil or gas retail							
— companies							
Banks							
Savings institutions							
Loan or finance							
— companies							
Manufacturing							
— companies (state							
— type of product,							
— e.g., textile,							
— furniture, etc.)							
Mining companies							
Life insurance							
— companies							
Casualty insurance							
— companies							
Other insurance							
— companies							
Retail companies							
Beer, wine or liquor							
— companies or							
— distributors							
Trade associations							
Professional							
— associations							
Associations of							
— public employees							
— or officials							
Counties, cities							
— or towns							
Labor organizations							
Other							

RETURN TO ITEM 9

SCHEDULE H-1 -- REAL ESTATE -- STATE OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually.

Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.). If the real estate is owned or recorded in a name other than your own, list that name. List each location (state, and county or city) where you own real estate.

SCHEDULE H-2 -- REAL ESTATE -- LOCAL OFFICERS AND EMPLOYEES.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest or option, easement, or land contract, valued at more than \$5,000. Each parcel shall be listed individually. Also list the names of any co-owners of such property, if applicable.

Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.). If the real estate is owned or recorded in a name other than your own, list that name. List the names of any co-owners, if applicable. List each location (state, and county or city) where you own real estate.

SCHEDULE I -- REAL ESTATE CONTRACTS WITH GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past six months, with a governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000. List all contracts with a governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

State officers and employees report contracts with state agencies. Local officers and employees report contracts with local agencies.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract. Describe any management role and the percentage List each governmental agency which is a State the annual income from the contract, and the amount, if any, of

ownership	party to the contract	income you or any
interest you or your	and indicate the	immediate family
immediate family	county or city where	member derives
member has in the real	the real estate	annually from the
estate or entity.	is located.	contract.

§ 2.2-3118. Disclosure form; certain citizen members.

~~A:~~ (Effective from January 1, 2016, until July 1, 2016) The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall be ~~substantially as follows:~~ *prescribed by the Council.*

~~A:~~ (Effective July 1, 2016) The financial disclosure form to be used for filings required pursuant to subsection B of § 2.2-3114 and subsection B of § 2.2-3115 shall be filed in accordance with the provisions of § 30-356. The financial disclosure form shall be ~~substantially similar to the following~~ *prescribed by the Council.* Except as otherwise provided in § 2.2-3115, all completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

DEFINITIONS AND EXPLANATORY MATERIAL:

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the person filing shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual.

"Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the person filing this statement is no longer employed, or (ii) the receipt of compensation for work performed by the person filing as an independent contractor of a business that represents an entity before any state governmental agency when the person filing has no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the filer and who is a dependent of the filer.

"Personal interest" means, for the purposes of this form only, a personal and financial benefit or liability accruing to a filer or a member of his immediate family. Such interest shall exist by reason of (i) ownership in real or personal property, tangible or intangible; (ii) ownership in a business; (iii) income from a business; or (iv) personal liability on behalf of a business; however, unless the ownership interest in a business exceeds three percent of the total equity of the business, or the liability on behalf of a business exceeds three percent of the total assets of the business, or the annual income, and/or property or use of such property, from the business exceeds \$10,000 or may reasonably be anticipated to exceed \$10,000, such interest shall not constitute a "personal interest."

Name _____

Office or position held or to be held _____

Address _____

I. FINANCIAL INTERESTS

My personal interests and those of my immediate family are as follows:

Include all forms of personal interests held at the time of filing: real estate; stocks; bonds; equity interests in proprietorships and partnerships. You may exclude:

1. Deposits and interest bearing accounts in banks; savings institutions and other institutions accepting such deposits or accounts;
2. Interests in any business; other than a news medium; representing less than three percent of the total equity value of the business;
3. Liability on behalf of any business representing less than three percent of the total assets of such business; and
4. Income (other than from salary) less than \$10,000 annually from any business. You need not state the value of any interest. You must state the name or principal business activity of each business in which you have a personal interest.

A. My personal interests are:

1. Residence; address; or, if no address; location _____

2. Other real estate; address; or, if no address; location _____

3. Name or principal business activity of each business in which stock, bond or equity interest is held

B. The personal interests of my immediate family are:

1. Real estate, address or, if no address, location

2. Name or principal business activity of each business in which stock, bond or equity interest is held

H. OFFICES, DIRECTORSHIPS AND SALARIED EMPLOYMENTS

The paid offices, paid directorships and salaried employments which I hold or which members of my immediate family hold and the businesses from which I or members of my immediate family receive retirement benefits are as follows:

(You need not state any dollar amounts.)

A. My paid offices, paid directorships and salaried employments are:

Position held	Name of business

B. The paid offices, paid directorships and salaried employments of members of my immediate family are:

Position held	Name of business

III. BUSINESSES TO WHICH SERVICES WERE FURNISHED

A. The businesses I have represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, for which I have received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by name and name the state governmental agencies before which you appeared on behalf of such businesses.

Name of business	Name of governmental agency

B. The businesses that, to my knowledge, have been represented, excluding activity defined as lobbying in § 2.2-419, before any state governmental agency, excluding any court or judge, by persons with whom I have a close financial association and who received total compensation in excess of \$1,000 during the preceding year, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers, are as follows:

Identify businesses by type and name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of business	Name of state governmental agency

C. All other businesses listed below that operate in Virginia to which services were furnished pursuant to an agreement between you and such businesses and for which total compensation in excess of \$1,000 was received during the preceding year:

Check each category of business to which services were furnished:

Electric utilities _____

- Gas utilities _____
- Telephone utilities _____
- Water utilities _____
- Cable television companies _____
- Intrastate transportation companies _____
- Interstate transportation companies _____
- Oil or gas retail companies _____
- Banks _____
- Savings institutions _____
- Loan or finance companies _____
- Manufacturing companies (state type
— of product, e.g., textile, furniture,
— etc.) _____
- Mining companies _____
- Life insurance companies _____
- Casualty insurance companies _____
- Other insurance companies _____
- Retail companies _____
- Beer, wine or liquor companies or
— distributors _____
- Trade associations _____
- Professional associations _____
- Associations of public employees or
— officials _____
- Counties, cities or towns _____
- Labor organizations _____

IV. COMPENSATION FOR EXPENSES

The persons, associations, or other sources other than my governmental agency from which I or a member of my immediate family received remuneration in excess of \$100 during the preceding year, in cash or otherwise, as honorariums or payment of expenses in connection with my attendance at any meeting or other function to which I was invited in my official capacity are as follows:

Name of Source	Description of occasion	Amount of remuneration for each occasion

B. The provisions of Part III A and B of the disclosure form prescribed by this section shall not be applicable to officers and employees of local governmental and local advisory agencies.

C. Except for real estate located within the county, city or town in which the officer or employee serves or a county, city or town contiguous to the county, city or town in which the officer or employee serves, officers and employees of local governmental or advisory agencies shall not be required to disclose under Part I of the form any other interests in real estate.

§ 2.2-3118.1. Special provisions for individuals serving in or seeking multiple positions or offices; reappointees.

A. The filing of a single current statement of economic interests by a ~~state officer or employee~~ *an individual* required to file the form prescribed in § 2.2-3117 shall suffice for the purposes of this chapter as filing for all ~~state~~ positions or offices held or sought by such individual during a single reporting period. The filing of a single current financial disclosure statement by a ~~state officer or employee~~ *an individual* required to file the form prescribed in § 2.2-3118 shall suffice for the purposes of this chapter as filing for all ~~state~~ positions or offices held or sought by such individual and requiring the filing of the § 2.2-3118 form during a single reporting period.

B. Any individual who has met the requirement for periodically filing a statement provided in § 2.2-3117 or 2.2-3118 shall not be required to file an additional statement upon such individual's reappointment to the same office or position for which he is required to file, provided such reappointment occurs within six months after filing a statement pursuant to § 2.2-3117 and within 12 months after filing a statement pursuant to § 2.2-3118.

§ 24.2-502. Statement of economic interests as requirement of candidacy.

It shall be a requirement of candidacy that a written statement of economic interests shall be filed by (i) a candidate for Governor, Lieutenant Governor, or Attorney General ~~with the Secretary of the Commonwealth,~~ (ii) a candidate for the Senate or House of Delegates ~~with the clerk of the appropriate house,~~ (iii) ~~and~~ a candidate for a constitutional office with the ~~general registrar for the county or city,~~ *Virginia Conflict of Interest and Ethics Advisory Council* and ~~(iv)~~ (ii) a candidate for

member of the governing body or elected school board of any county, city, or town with a population in excess of 3,500 persons with the general registrar for the county or city. The statement of economic interests shall be that specified in § 30-111 for candidates for the General Assembly and in § 2.2-3117 for all other candidates. The foregoing requirement shall not apply to a candidate for reelection to the same office who has met the requirement of annually filing a statement pursuant to § 2.2-3114, 2.2-3115, or 30-110.

The ~~Secretary of the Commonwealth and the clerks of the Senate and House of Delegates~~ *Virginia Conflict of Interest and Ethics Advisory Council* shall transmit to the State Board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests. The general registrar, the clerk of the local governing body, or the clerk of the school board, as appropriate, shall transmit to the local electoral board, immediately after the filing deadline, a list of the candidates who have filed initial or annual statements of economic interests.

§ 30-101. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Advisory agency" means any board, commission, committee or post which does not exercise any sovereign power or duty, but is appointed by a governmental agency or officer or is created by law for the purpose of making studies or recommendations, or advising or consulting with a governmental agency.

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Candidate" means a person who seeks or campaigns for election to the General Assembly in a general, primary, or special election and who is qualified to have his name placed on the ballot for the office. The candidate shall become subject to the provisions of this section upon the filing of a statement of qualification pursuant to § 24.2-501. The State Board of Elections shall notify each such candidate of the provisions of this chapter.

"Contract" means any agreement to which a governmental agency is a party, or any agreement on behalf of a governmental agency that involves the payment of money appropriated by the General Assembly or a political subdivision, whether or not such agreement is executed in the name of the Commonwealth, or some political subdivision thereof. "Contract" includes a subcontract only when the contract of which it is a part is with the legislator's own governmental agency.

"Council" means the Virginia Conflict of Interest and Ethics Advisory Council established in § 30-355.

"Financial institution" means any bank, trust company, savings institution, industrial loan association, consumer finance company, credit union, broker-dealer as defined in subsection A of § 13.1-501, or investment company or advisor registered under the federal Investment Advisors Act or Investment Company Act of 1940.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance, or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House *Committee on Rules or its Chairman* or the Senate *Committee on Rules or its Chairman*; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; ~~or~~ (xiv) *gifts with a value of less than \$20; or* (xv) gifts from relatives or personal friends. For the purpose of this definition, "relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. For the purpose of this definition, "personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (b) a lobbyist's principal as defined in § 2.2-419.

"Governmental agency" means each component part of the legislative, executive or judicial branches of state and local government, including each office, department, authority, post, commission, committee, and each institution or board created by law to exercise some regulatory or sovereign power or duty as distinguished from purely advisory powers or duties.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the legislator and who is a dependent of the legislator.

"Legislator" means a member of the General Assembly.

"Personal interest" means a financial benefit or liability accruing to a legislator or to a member of his immediate family. Such interest shall exist by reason of (i) ownership in a business if the ownership interest exceeds three percent of the total equity of the business; (ii) annual income that exceeds, or may reasonably be anticipated to exceed, \$5,000 from ownership in real or personal property or a business; (iii) salary, other compensation, fringe benefits, or benefits from the use of property, or any combination thereof, paid or provided by a business or governmental agency that exceeds, or may reasonably be anticipated to exceed, \$5,000 annually; (iv) ownership of real or personal property if the interest exceeds \$5,000 in value and excluding ownership in a business, income, or salary, other compensation, fringe benefits or benefits from the use of property; (v) personal liability incurred or assumed on behalf of a business if the liability exceeds three percent of the asset value of the business; or (vi) an option for ownership of a business or real or personal property if the ownership interest will consist of clause (i) or (iv).

"Personal interest in a contract" means a personal interest that a legislator has in a contract with a governmental agency, whether due to his being a party to the contract or due to a personal interest in a business that is a party to the contract.

"Personal interest in a transaction" means a personal interest of a legislator in any matter considered by the General Assembly. Such personal interest exists when an officer or employee or a member of his immediate family has a personal interest in property or a business, or represents or provides services to any individual or business and such property, business or represented or served individual or business (i) is the subject of the transaction or (ii) may realize a reasonably foreseeable direct or indirect benefit or detriment as a result of the action of the agency considering the transaction. A "personal interest in a transaction" exists only if the legislator or member of his immediate family or an individual or business represented or served by the legislator is affected in a way that is substantially different from the general public or from persons comprising a profession, occupation, trade, business or other comparable and generally recognizable class or group of which he or the individual or business he represents or serves is a member.

"Transaction" means any matter considered by the General Assembly, whether in a committee, subcommittee, or other entity of the General Assembly or before the General Assembly itself, on which official action is taken or contemplated.

§ 30-110. Disclosure.

A. (Effective January 1, 2016, through July 1, 2016) Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is ~~specified required~~ on the form ~~set forth in prescribed by the Council pursuant to § 30-111~~ and thereafter shall file such a statement ~~semiannually by December annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April~~. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline. Members of the Senate and members of the House of Delegates shall file their disclosure forms with the Virginia Conflict of Interest and Ethics Advisory Council. The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be made public no later than six weeks after filing.

A. (Effective July 1, 2016) Every legislator and legislator-elect shall file, as a condition to assuming office, a disclosure statement of his personal interests and such other information as is ~~specified required~~ on the form ~~set forth in prescribed by the Council pursuant to § 30-111~~ and thereafter shall file such a statement ~~semiannually by December annually on or before January 15 for the preceding six-month period complete through the last day of October and by June 15 for the preceding six-month period complete through the last day of April~~. When the filing deadline falls on a Saturday, Sunday, or legal holiday, the disclosure statement shall be filed on the next day that is not a Saturday, Sunday, or legal holiday. Disclosure forms shall be made available by the Virginia Conflict of Interest and Ethics Advisory Council at least 30 days prior to the filing deadline. Disclosure forms shall be filed electronically with the Virginia Conflict of Interest and Ethics Advisory Council in accordance with the standards approved by it pursuant to § 30-356. The disclosure forms of the members of the General Assembly shall be maintained as public records for five years in the office of the Virginia Conflict of Interest and Ethics Advisory Council. Such forms shall be made public no later than six weeks after filing.

B. Candidates for the General Assembly shall file a disclosure statement of their personal interests as required by §§ 24.2-500 through 24.2-503.

C. Any legislator who has a personal interest in any transaction pending before the General Assembly and who is disqualified from participating in that transaction pursuant to § 30-108 and the rules of his house shall disclose his interest in accordance with the applicable rule of his house.

§ 30-110.1. Report of gifts.

Every legislator shall file, on or before May 1, a report of gifts accepted or received by him or a member of his immediate family during the period beginning on January 1 complete through adjournment sine die of the regular session of the General Assembly. The gift report shall be on a form prescribed by the Council and shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356. For purposes of this section, "adjournment sine die" means adjournment on the last legislative day of the regular session and does not include the ensuing reconvened

session. Any gifts reported pursuant to this section shall not be listed on the annual disclosure form prescribed by the Council pursuant to § 30-111.

§ 30-111. Disclosure form.

A. (Effective from January 1, 2016, until July 1, 2016) The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially similar to the following prescribed by the Council.

A. (Effective July 1, 2016) The disclosure form to be used for filings required by subsections A and B of § 30-110 shall be substantially similar to the following prescribed by the Council. All completed forms shall be filed electronically with the Council in accordance with the standards approved by it pursuant to § 30-356.

STATEMENT OF ECONOMIC INTERESTS:

Name _____

Office or position held or sought _____

Address _____

Names of members of immediate family _____

DEFINITIONS AND EXPLANATORY MATERIAL:

"Business" means a corporation, partnership, sole proprietorship, firm, enterprise, franchise, association, trust or foundation, or any other individual or entity carrying on a business or profession, whether or not for profit.

"Close financial association" means an association in which the filer shares significant financial involvement with an individual and the filer would reasonably be expected to be aware of the individual's business activities and would have access to the necessary records either directly or through the individual. "Close financial association" does not mean an association based on (i) the receipt of retirement benefits or deferred compensation from a business by which the legislator is no longer employed, or (ii) the receipt of compensation for work performed by the legislator as an independent contractor of a business that represents an entity before any state governmental agency when the legislator has had no communications with the state governmental agency.

"Contingent liability" means a liability that is not presently fixed or determined, but may become fixed or determined in the future with the occurrence of some certain event.

"Gift" means any gratuity, favor, discount, entertainment, hospitality, loan, forbearance, or other item having monetary value. It includes services as well as gifts of transportation, lodgings and meals, whether provided in-kind, by purchase of a ticket, payment in advance or reimbursement after the expense has been incurred. "Gift" does not include (i) any offer of a ticket, coupon, or other admission or pass unless the ticket, coupon, admission, or pass is used; (ii) honorary degrees; (iii) any athletic, merit, or need-based scholarship or any other financial aid awarded by a public or private school, institution of higher education, or other educational program pursuant to such school, institution, or program's financial aid standards and procedures applicable to the general public; (iv) a campaign contribution properly received and reported pursuant to Chapter 9-3 (§ 24.2-945 et seq.) of Title 24.2; (v) any gift related to the private profession or occupation of a legislator or of a member of his immediate family; (vi) food or beverages consumed while attending an event at which the filer is performing official duties related to his public service; (vii) food and beverages received at or registration or attendance fees waived for any event at which the filer is a featured speaker, presenter, or lecturer; (viii) unsolicited awards of appreciation or recognition in the form of a plaque, trophy, wall memento, or similar item that is given in recognition of public, civic, charitable, or professional service; (ix) a devise or inheritance; (x) travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.); (xi) travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state; (xii) travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House or Senate Committee on Rules; (xiii) travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment; or (xiv) gifts from relatives or personal friends. "Relative" means the donee's spouse, child, uncle, aunt, niece, nephew, or first cousin; a person to whom the donee is engaged to be married; the donee's or his spouse's parent, grandparent, grandchild, brother, sister, step-parent, step-grandparent, step-grandchild, step-brother, or step-sister; or the donee's brother's or sister's spouse. "Personal friend" does not include any person that the filer knows or has reason to know is (a) a lobbyist registered pursuant to Article 3 (§ 2.2-418 et seq.) of Chapter 4 of Title 2.2 or (b) a lobbyist's principal as defined in § 2.2-419.

"Immediate family" means (i) a spouse and (ii) any other person who resides in the same household as the legislator and who is a dependent of the legislator.

"Lobbyist relationship" means (i) an engagement, agreement, or representation that relates to legal services, consulting services, or public relations services, whether gratuitous or for compensation, between a member or member-elect and any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth or (ii) a greater than three percent ownership interest by a member or member-elect in a business that employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth. The disclosure of a lobbyist relationship shall not (a) constitute a waiver of any attorney-client or other privilege, (b) require a waiver of any attorney-client or other privilege for a third party, or (c) be required where a member or member-elect is employed or engaged by a person and such person also employs or engages a person in a lobbyist relationship so long as the member or member-elect has no financial interest in the lobbyist relationship.

TRUST. If you or your immediate family, separately or together, are the only beneficiaries of a trust, treat the trust's assets as if you own them directly. If you or your immediate family has a proportional interest in a trust, treat that proportion of the trust's assets as if you own them directly. For example, if you and your immediate family have a one-third interest in a trust, complete your Statement as if you own one-third of each of the trust's assets. If you or a member of your immediate family created a trust and can revoke it without the beneficiaries' consent, treat its assets as if you own them directly.

REPORT TO THE BEST OF INFORMATION AND BELIEF. Information required on this Statement must be provided on the basis of the best knowledge, information, and belief of the individual filing the Statement as of the date of this report unless otherwise stated.

COMPLETE ITEMS 1 THROUGH 11. REFER TO SCHEDULES ONLY IF DIRECTED.

You may attach additional explanatory information:

1. Offices and Directorships.

Are you or a member of your immediate family a paid officer or paid director of a business?

EITHER check NO // OR check YES // and complete Schedule A.

2. Personal Liabilities.

Do you or a member of your immediate family owe more than \$5,000 to any one creditor including contingent liabilities?

(Exclude debts to any government and loans secured by recorded liens on property at least equal in value to the loan.)

EITHER check NO // OR check YES // and complete Schedule B.

3. Securities.

Do you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000 invested in one business? Account for mutual funds, limited partnerships and trusts.

EITHER check NO // OR check YES // and complete Schedule C.

4. Payments for Talks, Meetings, and Publications.

During the past six months did you receive in your capacity as a legislator lodging, transportation, money, or anything else of value with a combined value exceeding \$100 (i) for a single talk, meeting, or published work or (ii) for a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator? Do not include payments and reimbursements from the Commonwealth for meetings attended in your capacity as a legislator; see Question 11 and Schedule D2 to report such meetings.

EITHER check NO // OR check YES // and complete Schedule D.

5. Gifts.

During the past six months did a business, government, or individual other than a relative or personal friend (i) furnish you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnish you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange? Account for entertainment events only if the average value per person attending the event exceeded \$50. Account for all business entertainment (except if related to the private profession or occupation of you or the member of your immediate family who received such business entertainment) even if unrelated to your official duties.

EITHER check NO // OR check YES // and complete Schedule E.

6. Salary and Wages.

List each employer that pays you or a member of your immediate family salary or wages in excess of \$5,000 annually.

(Exclude any salary received as a member of the General Assembly pursuant to § 30-19.11.)

If no reportable salary or wages, check here //

7. Business Interests and Lobbyist Relationships.

7A. Do you or a member of your immediate family, separately or together, operate your own business, or own or control an interest in excess of \$5,000 in a business?

EITHER check NO // OR check YES // and complete Schedule F-1.

7B. Do you have a lobbyist relationship as that term is defined above?

EITHER check NO // OR check YES // and complete Schedule F-2.

8. Payments for Representation and Other Services.

8A. Did you represent any businesses before any state governmental agencies, excluding courts or judges, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers?

EITHER check NO // OR check YES // and complete Schedule G-1.

8B. Subject to the same exceptions as in 8A, did persons with whom you have a close financial association (partners, associates or others) represent any businesses before any state governmental agency for which total compensation was received during the past six months in excess of \$1,000?

EITHER check NO // OR check YES // and complete Schedule G-2.

Banks _____
 Savings institutions _____
 Other loan or finance companies _____
 Insurance companies _____
 Stock, commodity or other brokerage _____
 companies _____
 Other businesses:
 (State principal business activity for each
 creditor and its name.)

Individual creditors:
 (State principal business or occupation of
 each creditor and its name.)

2. The personal debts of the members of my immediate family are as follows:

_____	Check	_____	Check one
_____	appropriate	\$5,001 to	More than
_____	categories	\$50,000	\$50,000

Banks _____
 Savings institutions _____
 Other loan or finance companies _____
 Insurance companies _____
 Stock, commodity or other brokerage _____
 companies _____
 Other businesses:
 (State principal business activity for each
 creditor and its name.)

Individual creditors:
 (State principal business or occupation of
 each creditor and its name.)

RETURN TO ITEM 3

SCHEDULE C - SECURITIES.

"Securities" INCLUDES stocks, bonds, mutual funds, limited partnerships, and commodity futures contracts.

"Securities" EXCLUDES certificates of deposit, money market funds, annuity contracts, and insurance policies.

Identify each business or Virginia governmental entity in which you or a member of your immediate family, directly or indirectly, separately or together, own securities valued in excess of \$5,000. Name each issuer and type of security individually.

Do not list U.S. Bonds or other government securities not issued by the Commonwealth of Virginia or its authorities, agencies, or local governments. Do not list organizations that do not do business in this Commonwealth, but most major businesses conduct business in Virginia. Account for securities held in trust.

If no reportable securities, check here / /

_____	Type of Security	\$5,001	\$50,001	More
_____	(stocks, bonds, mutual	to	to	than
_____	Name of Issuer	\$50,000	\$250,000	\$250,000
_____	funds, etc.)			

RETURN TO ITEM 4

SCHEDULE D-1 -- PAYMENTS FOR TALKS, MEETINGS, AND PUBLICATIONS.

List each source from which you received during the past six months in your capacity as a legislator lodging, transportation, money, or any other thing of value with a combined value exceeding \$100 (i) for your presentation of a single talk, participation in one meeting, or publication of a work or (ii) for your attendance at a meeting, conference, or event where your attendance at the meeting, conference, or event was designed to (a) educate you on issues relevant to your duties as a legislator, including issues faced by your constituents, or (b) enhance your knowledge and skills relative to your duties as a legislator. Any lodging, transportation, money, or other thing of value received by a legislator that does not satisfy the criteria of clause (i), (ii)(a), or (ii)(b) shall be listed as a gift on Schedule E. Do not list payments or reimbursements by the Commonwealth. (See Schedule D-2 for such payments or reimbursements.) List a payment even if you donated it to charity. Do not list information about a payment if you returned it within 60 days or if you received it from an employer already listed under Item 6 or from a source of income listed on Schedule F.

If no payment must be listed, check here *///*.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Honoraria, Travel reimbursement, etc.)

RETURN TO ITEM 5

SCHEDULE D-2 -- PAYMENTS BY THE COMMONWEALTH FOR MEETINGS.

List each meeting for which the Commonwealth provided payments or reimbursements during the past six months to you for lodging, transportation, money, or any other thing of value with a combined value exceeding \$100 for your participation in your capacity as a legislator. Do not list payments or reimbursements by the Commonwealth for meetings or travel within the Commonwealth.

If no payment must be listed, check here *///*.

Payer	Approximate Value	Circumstances	Type of Payment (e.g., Travel reimbursement, etc.)

SCHEDULE E -- GIFTS.

List each business, governmental entity, or individual that, during the past six months, (i) furnished you or a member of your immediate family with any gift or entertainment at a single event, and the value received exceeded \$50 or (ii) furnished you or a member of your immediate family with gifts or entertainment in any combination and the total value received exceeded \$50, and for which you or the member of your immediate family neither paid nor rendered services in exchange. List each such gift or event.

Do not list entertainment events unless the average value per person attending the event exceeded \$50. Do not list business entertainment related to the private profession or occupation of you or the member of your immediate family who received such business entertainment. Do not list gifts or other things of value given by a relative or personal friend for reasons clearly unrelated to your public position. Do not list campaign contributions publicly reported as required by Chapter 9.3 (§ 24.2-945 et seq.) of Title 24.2 of the Code of Virginia.

Name of Business, City or Exact

Name of Recipient	Organization, or Individual	County and State	Gift or Event	Approximate Value

RETURN TO ITEM 6

SCHEDULE F-1 -- BUSINESS INTERESTS.

Complete this Schedule for each self-owned or family-owned business (including rental property, a farm, or consulting work); partnership, or corporation in which you or a member of your immediate family, separately or together, own an interest having a value in excess of \$5,000.

If the enterprise is owned or operated under a trade, partnership, or corporate name, list that name; otherwise, merely explain the nature of the enterprise. If rental property is owned or operated under a trade, partnership, or corporate name, list the name only; otherwise, give the address of each property. Account for business interests held in trust.

Name of Business Corporation, Partnership, Farm;	City or County and State	Nature of Enterprise (farming, law, rental property, etc.)	Gross income \$50,001 to \$250,000	More than \$250,000

RETURN TO ITEM 8

SCHEDULE F-2 -- LOBBYIST RELATIONSHIPS AND PAYMENTS.

Complete this Schedule for each lobbyist relationship with the following:

- (i) any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth; or
- (ii) any business in which you have a greater than three percent ownership interest and that business employs, or engages as an independent contractor, any person who is, or has been within the prior calendar year, registered as a lobbyist with the Secretary of the Commonwealth.

List each person or business	Describe each relationship	Dates of relationship	Payments to Lobbyist \$10,000 or less	More than \$10,000

THE DISCLOSURE OF A LOBBYIST RELATIONSHIP SHALL NOT (I) CONSTITUTE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE; (II) REQUIRE A WAIVER OF ANY ATTORNEY-CLIENT OR OTHER PRIVILEGE FOR A THIRD PARTY; OR (III) BE REQUIRED WHERE A MEMBER OR MEMBER ELECT IS EMPLOYED OR ENGAGED BY A PERSON AND SUCH PERSON ALSO EMPLOYS OR ENGAGES A PERSON IN A LOBBYIST RELATIONSHIP SO LONG AS THE MEMBER OR MEMBER ELECT HAS NO FINANCIAL INTEREST IN THE LOBBYIST RELATIONSHIP.

SCHEDULE G-1 -- PAYMENTS FOR REPRESENTATION BY YOU.

List the businesses you represented before any state governmental agency, excluding any court or judge, for which you received total compensation during the past six months in excess of \$1,000, excluding compensation for other services to such businesses and representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by you.

Identify each business, the nature of the representation and the amount received by dollar category from each such business. You may state the type, rather than name, of the business if you are required by law not to reveal the name of the business represented by you.

Name of Business	Type of Business	Purpose of Representation	Name of Agency	Amount Received				
				\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,001	\$100,001 to \$250,001	\$250,001 and over

If you have received \$250,001 or more from a single business within the reporting period, indicate the amount received, rounded to the nearest \$10,000. Amount Received _____.

SCHEDULE G-2 – PAYMENTS FOR REPRESENTATION BY ASSOCIATES.

List the businesses that have been represented before any state governmental agency, excluding any court or judge, by persons who are your partners, associates or others with whom you have a close financial association and who received total compensation in excess of \$1,000 for such representation during the past six months, excluding representation consisting solely of the filing of mandatory papers and subsequent representation regarding the mandatory papers filed by your partners, associates or others with whom you have a close financial association.

Identify such businesses by type and also name the state governmental agencies before which such person appeared on behalf of such businesses.

Type of Business	Name of State Governmental Agency

SCHEDULE G-3 – PAYMENTS FOR OTHER SERVICES GENERALLY.

Indicate below types of businesses that operate in Virginia to which services were furnished by you or persons with whom you have a close financial association pursuant to an agreement between you and such businesses, or between persons with whom you have a close financial association and such businesses and for which total compensation in excess of \$1,000 was received during the past six months. Services reported in this Schedule shall not include services involving the representation of businesses that are reported in Schedule G-1 or G-2 above.

Identify opposite each category of businesses listed below (i) the type of business, (ii) the type of service rendered and (iii) the value by dollar category of the compensation received for all businesses falling within each category.

Type of Business	Type of Service	Value of Compensation				
		\$1,001 to \$10,000	\$10,001 to \$50,000	\$50,001 to \$100,001	\$100,001 to \$250,001	\$250,001 and over
Electric utilities						
Gas utilities						
Telephone utilities						
Water utilities						
Cable television companies						
Interstate transportation companies						
Intrastate						

- transportation
- companies
- Oil or gas retail
- companies
- Banks
- Savings
- institutions
- Loan or finance
- companies
- Manufacturing
- companies (state
- type of product,
- e.g., textile,
- furniture, etc.)
- Mining companies
- Life insurance
- companies
- Casualty insurance
- companies
- Other insurance
- companies
- Retail companies
- Beer, wine or
- liquor companies
- or distributors
- Trade associations
- Professional
- associations
- Associations of
- public employees
- or officials
- Counties, cities
- or towns
- Labor organizations
- Other

RETURN TO ITEM 9

SCHEDULE H – REAL ESTATE.

List real estate other than your principal residence in which you or a member of your immediate family holds an interest, including a partnership interest, option, easement, or land contract, valued at \$5,000 or more. Each parcel shall be listed individually.

List the location (state, and county or city where you own real estate	Describe the type of real estate you own in each location (business, recreational, apartment, commercial, open land, etc.)	If the real estate is owned or recorded in a name other than your own, list that name

RETURN TO ITEM 10

SCHEDULE I – REAL ESTATE CONTRACTS WITH STATE GOVERNMENTAL AGENCIES.

List all contracts, whether pending or completed within the past six months, with a state governmental agency for the sale or exchange of real estate in which you or a member of your immediate family holds an interest, including a corporate, partnership or trust interest, option, easement, or land contract, valued at more than \$10,000. List all contracts with a state governmental agency for the lease of real estate in which you or a member of your immediate family holds such an interest

valued at more than \$1,000. This requirement to disclose an interest in a lease does not apply to an interest derived through an ownership interest in a business unless the ownership interest exceeds three percent of the total equity of the business.

List your real estate interest and the person or entity, including the type of entity, which is party to the contract.		State the annual income from the contract, and the amount, if any, of income you or any immediate family member derives annually from the contract.
Describe any management role and the percentage ownership interest you or your immediate family member has in the real estate or entity.	List each governmental agency which is a party to the contract and indicate the county or city where the real estate is located.	

B. Any legislator who knowingly and intentionally makes a false statement of a material fact on the Statement of Economic Interests is guilty of a Class 5 felony and shall be subject to disciplinary action for such violations by the house in which the legislator sits.

C. The Statement of Economic Interests of all members of each house shall be reviewed by the Council. If a legislator's Statement is found to be inadequate as filed, the legislator shall be notified in writing and directed to file an amended Statement correcting the indicated deficiencies, and a time shall be set within which such amendment shall be filed. If the Statement of Economic Interests, in either its original or amended form, is found to be adequate as filed, the legislator's filing shall be deemed in full compliance with this section as to the information disclosed thereon.

D. Ten percent of the membership of a house, on the basis of newly discovered facts, may in writing request the house in which those members sit, in accordance with the rules of that house, to review the Statement of Economic Interests of another member of that house in order to determine the adequacy of his filing. In accordance with the rules of each house, each Statement of Economic Interests shall be promptly reviewed, the adequacy of the filing determined, and notice given in writing to the legislator whose Statement is in issue. Should it be determined that the Statement requires correction, augmentation or revision, the legislator involved shall be directed to make the changes required within such time as shall be set under the rules of each house.

If a legislator, after having been notified in writing in accordance with the rules of the house in which he sits that his Statement is inadequate as filed, fails to amend his Statement so as to come into compliance within the time limit set, he shall be subject to disciplinary action by the house in which he sits. No legislator shall vote on any question relating to his own Statement.

§ 30-356. Powers and duties of the Council.

The Council shall:

1. *Prescribe the forms required for complying with the disclosure requirements of Article 3 and the Acts. These forms shall be the only forms used to comply with the provisions of Article 3 or the Acts. The Council shall make available the disclosure forms and shall provide guidance and other instructions to assist in the completion of the forms;*

2. Review all disclosure forms filed by lobbyists pursuant to Article 3 and by state government officers and employees and legislators pursuant to the Acts. The Council may review disclosure forms for completeness, including reviewing the information contained on the face of the form to determine if the disclosure form has been fully completed and comparing the disclosures contained in any disclosure form filed by a lobbyist pursuant to § 2.2-426 with other disclosure forms filed with the Council, and requesting any amendments to ensure the completeness of and correction of errors in the forms, if necessary. If a disclosure form is found to have not been filed or to have been incomplete as filed, the Council shall notify the filer in writing and direct the filer to file a completed disclosure form within a prescribed period of time, and such notification shall be confidential and is excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.);

2.3. (Effective until July 1, 2016) Accept any disclosure forms by computer or electronic means in accordance with the standards approved by the Council and using software meeting standards approved by it. The Council shall provide software or electronic access for filing the required disclosure forms to all filers without charge. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized

by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). *The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant such extensions;*

~~2-~~ 3. (Effective July 1, 2016) Require all disclosure forms to be filed electronically in accordance with the standards approved by the Council. The Council shall provide software or electronic access for filing the required disclosure forms to all filers without charge. The Council shall prescribe the method of execution and certification of electronically filed forms, including the use of an electronic signature as authorized by the Uniform Electronic Transactions Act (§ 59.1-479 et seq.). *The Council may grant extensions as provided in § 30-356.2 and may authorize a designee to grant such extensions;*

~~3-~~ 4. Accept and review any statement received from a filer disputing the receipt by such filer of a gift that has been disclosed on the form filed by a lobbyist pursuant to Article 3;

4. 5. Beginning July 1, 2016, establish and maintain a searchable electronic database comprising disclosure forms filed pursuant to §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111. Such database shall be available to the public through the Council's official website;

~~5-~~ 6. Furnish, upon request, formal advisory opinions or guidelines and other appropriate information, including informal advice, regarding ethics, conflicts issues arising under Article 3 or the Acts, or a person's duties under Article 3 or the Acts to any person covered by Article 3 or the Acts or to any agency of state or local government, in an expeditious manner. The Council may authorize a designee to furnish formal opinions or informal advice. Formal advisory opinions are public record and shall be published on the Council's website; however, no formal advisory opinion furnished by a designee of the Council shall be *available to the public or published until such opinion has been approved by the Council*. Published formal advisory opinions may have such deletions and changes as may be necessary to protect the identity of the person involved or *other persons supplying information*. Informal advice given by the Council or the Council's designee is confidential, ~~protected by the attorney-client privilege~~, and is excluded from the *mandatory disclosure* provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). *Other records relating to formal advisory opinions or informal advice, including records of requests, notes, correspondence, and draft versions of such opinions or advice, shall also be confidential and excluded from the mandatory disclosure provisions of the Virginia Freedom of Information Act;*

~~6-~~ 7. Conduct training seminars and educational programs for lobbyists, state and local government officers and employees, legislators, and other interested persons on the requirements of Article 3 and the Acts and provide ethics orientation sessions for legislators in compliance with Article 6 (§ 30-129.1 et seq.) of Chapter 13;

~~7-~~ 8. Approve orientation courses conducted pursuant to § 2.2-3128 and, upon request, review the educational materials and approve any training or course on the requirements of Article 3 and the Acts conducted for state and local government officers and employees;

~~8-~~ 9. Publish such educational materials as it deems appropriate on the provisions of Article 3 and the Acts;

~~9-~~ 10. Review actions taken in the General Assembly with respect to the discipline of its members for the purpose of offering nonbinding advice;

~~10-~~ 11. Request from any agency of state or local government such assistance, services, and information as will enable the Council to effectively carry out its responsibilities. Information provided to the Council by an agency of state or local government shall not be released to any other party unless authorized by such agency;

~~11-~~ 12. Redact from any document or form that is to be made available to the public any residential address, personal telephone number, or signature contained on that document or form; and

~~12-~~ 13. Report on or before December 1 of each year on its activities and findings regarding Article 3 and the Acts, including recommendations for changes in the laws, to the General Assembly and the Governor. The annual report shall be submitted by the chairman as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be published as a state document.

§ 30-356.1. Request for approval for certain travel.

A. The Council shall receive and review a request for the approval of travel submitted by a person required to file the disclosure form prescribed in § 2.2-3117 or 30-111 to accept any travel-related transportation, lodging, hospitality, food or beverage, or other thing of value that has a value exceeding \$100 where such approval is required pursuant to subsection G of § 2.2-3103.1 or subsection F of § 30-103.1. A request for the approval of travel shall not be required for the following, but such travel shall be disclosed as may be required by the Acts:

1. Travel disclosed pursuant to the Campaign Finance Disclosure Act (§ 24.2-945 et seq.);

2. Travel paid for or provided by the government of the United States, any of its territories, or any state or any political subdivision of such state;

3. Travel provided to facilitate attendance by a legislator at a regular or special session of the General Assembly, a meeting of a legislative committee or commission, or a national conference where attendance is approved by the House *Committee on Rules or its Chairman* or the Senate *Committee on Rules or its Chairman*; or

4. Travel related to an official meeting of the Commonwealth, its political subdivisions, or any board, commission, authority, or other entity, or any charitable organization established pursuant to § 501(c)(3) of the Internal Revenue Code affiliated with such entity, to which such person has been appointed or elected or is a member by virtue of his office or employment.

B. When reviewing a request for the approval of travel, the Council shall consider the purpose of the travel as it relates to the official duties of the requester. The Council shall approve any request for travel that bears a reasonable relationship between the purpose of the travel and the official duties of the requester. Such travel shall include any meeting, conference,

or other event (i) composed primarily of public officials, (ii) at which public policy related to the duties of the requester will be discussed in a substantial manner, (iii) reasonably expected to educate the requester on issues relevant to his official duties or to enhance the requester's knowledge and skills relative to his official duties, or (iv) at which the requester has been invited to speak regarding matters reasonably related to the requester's official duties.

C. The Council shall not approve any travel requests that bear no reasonable relationship between the purpose of the proposed travel and the official duties of the requester. In making such determination, the Council shall consider the duration of travel, the destination of travel, the estimated value of travel, and any previous or recurring travel.

D. Within five business days of receipt of a request for the approval of travel, the Council shall grant or deny the request, unless additional information has been requested. If additional information has been requested, the Council shall grant or deny the request for the approval within five business days of receipt of such information. If the Council has not granted or denied the request for approval of travel or requested additional information within such five-day period, such travel shall be deemed to have been approved by the Council. Nothing in this subsection shall preclude a person from amending or resubmitting a request for the approval of travel. The Council may authorize a designee to review and grant or deny requests for the approval of travel.

E. A request for the approval of travel shall be on a form prescribed by the Council and made available on its website. Such form may be submitted by electronic means, facsimile, in-person submission, or mail or commercial mail delivery.

F. No person shall be prosecuted, assessed a civil penalty, or otherwise disciplined for acceptance of a travel-related thing of value if he accepted the travel-related thing of value after receiving approval under this section, regardless of whether such approval is later withdrawn, provided the travel occurred prior to the withdrawal of the approval.

§ 30-356.2. Right to grant extensions in special circumstances.

Notwithstanding any other provision of law, any person required to file the disclosure form prescribed in Article 3 or the Acts shall be entitled to an extension where good cause for granting such an extension has been shown, as determined by the Council. Good cause shall include:

1. *The death of a relative of the filer, as relative is defined in the definition of "gift" in Article 3 or the Acts.*
2. *A state of emergency is declared by the Governor pursuant to Chapter 3.2 (§ 44-146.13 et seq.) of Title 44 or declared by the President of the United States or the governor of another state pursuant to law and confirmed by the Governor by an executive order, and such an emergency interferes with the timely filing of disclosure forms. The extension shall be granted only for those filers in areas affected by such emergency.*
3. *The filer is a member of a uniformed service of the United States and is on active duty on the date of the filing deadline.*
4. *A failure of the electronic filing system and the failure of such system prevents the timely filing of disclosure forms.*

2. That an emergency exists and the provisions of § 30-356.2 as created by this act and the provisions (i) amending the definition of "procurement transaction" in § 2.2-419 of the Code of Virginia, (ii) amending the requirement to disclose the names of officials or members of their family attending entertainment events in § 2.2-426 of the Code of Virginia, and (iii) amending § 30-356 of the Code of Virginia are in force from the passage of this act and that the remaining provisions of this act shall become effective in due course except as provided in the third enactment.

3. That the provisions of this act eliminating the forms set forth in §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111 of the Code of Virginia shall become effective on January 1, 2017, and that the Virginia Conflict of Interest and Ethics Advisory Council shall prescribe on or before January 1, 2017, the forms required for complying with the disclosure requirements of §§ 2.2-426, 2.2-3117, 2.2-3118, and 30-111.

4. That, notwithstanding the effective date of this act, a lobbyist shall not be required to file a report of expenditures pursuant to § 2.2-426 of the Code of Virginia until July 1, 2017, for the preceding 12-month period complete through the last day of April.

5. That the Supreme Court of Virginia shall report to the Virginia Conflict of Interest and Ethics Advisory Council on the application of the State and Local Government Conflict of Interests Act to members of the judiciary. Such report shall be made no later than October 1, 2016, and shall include an evaluation of the feasibility of creating separate statutory provisions applicable to members of the judiciary. In making its report, the Supreme Court of Virginia shall consult with staff of the Virginia Conflict of Interest and Ethics Advisory Council, statewide bar associations, and others as the Court deems necessary.

CHAPTER 775

An Act to amend and reenact §§ 2.2-3705.6, 2.2-3711, and 23-9.6:1 of the Code of Virginia and to amend the Code of Virginia by adding in Title 23 a chapter numbered 28, consisting of sections numbered 23-304 through 23-307, and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.38, relating to research and development in the Commonwealth.

[H 1343]

Approved May 16, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-3705.6, 2.2-3711, and 23-9.6:1 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Title 23 a chapter numbered 28, consisting of sections numbered 23-304 through 23-307, and by adding in Article 3.1 of Chapter 1 of Title 51.1 a section numbered 51.1-124.38 as follows:

§ 2.2-3705.6. Exclusions to application of chapter; proprietary records and trade secrets.

The following records are excluded from the provisions of this chapter but may be disclosed by the custodian in his discretion, except where such disclosure is prohibited by law:

1. Proprietary information gathered by or for the Virginia Port Authority as provided in § 62.1-132.4 or 62.1-134.1.
2. Financial statements not publicly available filed with applications for industrial development financings in accordance with Chapter 49 (§ 15.2-4900 et seq.) of Title 15.2.
3. Confidential proprietary records, voluntarily provided by private business pursuant to a promise of confidentiality from a public body, used by the public body for business, trade and tourism development or retention; and memoranda, working papers or other records related to businesses that are considering locating or expanding in Virginia, prepared by a public body, where competition or bargaining is involved and where, if such records are made public, the financial interest of the public body would be adversely affected.
4. Information that was filed as confidential under the Toxic Substances Information Act (§ 32.1-239 et seq.), as such Act existed prior to July 1, 1992.
5. Fisheries data that would permit identification of any person or vessel, except when required by court order as specified in § 28.2-204.
6. Confidential financial statements, balance sheets, trade secrets, and revenue and cost projections provided to the Department of Rail and Public Transportation, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration.
7. Confidential proprietary records related to inventory and sales, voluntarily provided by private energy suppliers to the Department of Mines, Minerals and Energy, used by that Department for energy contingency planning purposes or for developing consolidated statistical information on energy supplies.
8. Confidential proprietary information furnished to the Board of Medical Assistance Services or the Medicaid Prior Authorization Advisory Committee pursuant to Article 4 (§ 32.1-331.12 et seq.) of Chapter 10 of Title 32.1.
9. Proprietary, commercial or financial information, balance sheets, trade secrets, and revenue and cost projections provided by a private transportation business to the Virginia Department of Transportation and the Department of Rail and Public Transportation for the purpose of conducting transportation studies needed to obtain grants or other financial assistance under the Transportation Equity Act for the 21st Century (P.L. 105-178) for transportation projects, provided such information is exempt under the federal Freedom of Information Act or the federal Interstate Commerce Act or other laws administered by the Surface Transportation Board or the Federal Railroad Administration with respect to data provided in confidence to the Surface Transportation Board and the Federal Railroad Administration. However, the exemption provided by this subdivision shall not apply to any wholly owned subsidiary of a public body.
10. Confidential information designated as provided in subsection F of § 2.2-4342 as trade secrets or proprietary information by any person who has submitted to a public body an application for prequalification to bid on public construction projects in accordance with subsection B of § 2.2-4317.
11. a. Memoranda, staff evaluations, or other records prepared by the responsible public entity, its staff, outside advisors, or consultants exclusively for the evaluation and negotiation of proposals filed under the Public-Private Transportation Act of 1995 (§ 33.2-1800 et seq.) or the Public Private Education Facilities and Infrastructure Act of 2002 (§ 56-575.1 et seq.), where (i) if such records were made public prior to or after the execution of an interim or a comprehensive agreement, § 33.2-1820 or 56-575.17 notwithstanding, the financial interest or bargaining position of the public entity would be adversely affected, and (ii) the basis for the determination required in clause (i) is documented in writing by the responsible public entity; and
b. Records provided by a private entity to a responsible public entity, affected jurisdiction, or affected local jurisdiction pursuant to the provisions of the Public-Private Transportation Act of 1995 or the Public-Private Education Facilities and Infrastructure Act of 2002, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public prior to the execution of an interim agreement or a comprehensive agreement, the financial interest or bargaining position of the public or private entity would be adversely affected. In order for the records specified in clauses (i), (ii), and (iii) to be excluded from the provisions of this chapter, the private entity shall make a written request to the responsible public entity:
 1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
 2. Identifying with specificity the data or other materials for which protection is sought; and
 3. Stating the reasons why protection is necessary.

The responsible public entity shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the responsible public entity shall determine whether public disclosure prior to the execution of an interim agreement or a comprehensive agreement would adversely affect the financial interest or bargaining position of the public or private entity. The responsible public entity shall make a written determination of the nature and scope of the protection to be afforded by the responsible public entity under this subdivision. Once a written determination is made by the responsible public entity, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of any affected jurisdiction or affected local jurisdiction.

Except as specifically provided in subdivision 11 a, nothing in this subdivision shall be construed to authorize the withholding of (a) procurement records as required by § 33.2-1820 or 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by the responsible public entity and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of any private entity developing or operating a qualifying transportation facility or a qualifying project.

For the purposes of this subdivision, the terms "affected jurisdiction," "affected local jurisdiction," "comprehensive agreement," "interim agreement," "qualifying project," "qualifying transportation facility," "responsible public entity," and "private entity" shall mean the same as those terms are defined in the Public-Private Transportation Act of 1995 or in the Public-Private Education Facilities and Infrastructure Act of 2002.

12. Confidential proprietary information or trade secrets, not publicly available, provided by a private person or entity to the Virginia Resources Authority or to a fund administered in connection with financial assistance rendered or to be rendered by the Virginia Resources Authority where, if such information were made public, the financial interest of the private person or entity would be adversely affected, and, after June 30, 1997, where such information was provided pursuant to a promise of confidentiality.

13. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), or confidential proprietary records that are not generally available to the public through regulatory disclosure or otherwise, provided by a (a) bidder or applicant for a franchise or (b) franchisee under Chapter 21 (§ 15.2-2100 et seq.) of Title 15.2 to the applicable franchising authority pursuant to a promise of confidentiality from the franchising authority, to the extent the records relate to the bidder's, applicant's, or franchisee's financial capacity or provision of new services, adoption of new technologies or implementation of improvements, where such new services, technologies or improvements have not been implemented by the franchisee on a nonexperimental scale in the franchise area, and where, if such records were made public, the competitive advantage or financial interests of the franchisee would be adversely affected.

In order for trade secrets or confidential proprietary information to be excluded from the provisions of this chapter, the bidder, applicant, or franchisee shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reason why protection is necessary.

No bidder, applicant, or franchisee may invoke the exclusion provided by this subdivision if the bidder, applicant, or franchisee is owned or controlled by a public body or if any representative of the applicable franchising authority serves on the management board or as an officer of the bidder, applicant, or franchisee.

14. Documents and other information of a proprietary nature furnished by a supplier of charitable gaming supplies to the Department of Agriculture and Consumer Services pursuant to subsection E of § 18.2-340.34.

15. Records and reports related to Virginia apple producer sales provided to the Virginia State Apple Board pursuant to § 3.2-1215.

16. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) of Title 59.1, submitted by CMRS providers as defined in § 56-484.12 to the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, relating to the provision of wireless E-911 service.

17. Records submitted as a grant or loan application, or accompanying a grant or loan application, to the Innovation and Entrepreneurship Investment Authority pursuant to Article 3 (§ 2.2-2233.1 et seq.) of Chapter 22 of Title 2.2 or to the Commonwealth Health Research Board pursuant to Chapter 22 (§ 23-277 et seq.) of Title 23 to the extent such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.

18. Confidential proprietary records and trade secrets developed and held by a local public body (i) providing telecommunication services pursuant to § 56-265.4:4 and (ii) providing cable television services pursuant to Article 1.1 (§ 15.2-2108.2 et seq.) of Chapter 21 of Title 15.2, to the extent that disclosure of such records would be harmful to the competitive position of the locality. In order for confidential proprietary information or trade secrets to be excluded from the provisions of this chapter, the locality in writing shall (a) invoke the protections of this subdivision, (b) identify with specificity the records or portions thereof for which protection is sought, and (c) state the reasons why protection is necessary.

19. Confidential proprietary records and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) to provide qualifying communications services as

authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56, where disclosure of such information would be harmful to the competitive position of the authority, except that records required to be maintained in accordance with § 15.2-2160 shall be released.

20. Trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or financial records of a business, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, provided to the Department of Small Business and Supplier Diversity as part of an application for certification as a small, women-owned, or minority-owned business in accordance with Chapter 16.1 (§ 2.2-1603 et seq.). In order for such trade secrets or financial records to be excluded from the provisions of this chapter, the business shall (i) invoke such exclusion upon submission of the data or other materials for which protection from disclosure is sought, (ii) identify the data or other materials for which protection is sought, and (iii) state the reasons why protection is necessary.

21. Documents and other information of a proprietary or confidential nature disclosed by a carrier to the State Health Commissioner pursuant to §§ 32.1-276.5:1 and 32.1-276.7:1.

22. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), including, but not limited to, financial records, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, and revenue and cost projections supplied by a private or nongovernmental entity to the State Inspector General for the purpose of an audit, special investigation, or any study requested by the Office of the State Inspector General in accordance with law.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the private or nongovernmental entity shall make a written request to the State Inspector General:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The State Inspector General shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. The State Inspector General shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

23. Records submitted as a grant application, or accompanying a grant application, to the Tobacco Region Revitalization Commission to the extent such records contain (i) trade secrets as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), (ii) financial records of a grant applicant that is not a public body, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise, or (iii) research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant; and memoranda, staff evaluations, or other records prepared by the Commission or its staff exclusively for the evaluation of grant applications. The exclusion provided by this subdivision shall apply to grants that are consistent with the powers of and in furtherance of the performance of the duties of the Commission pursuant to § 3.2-3103.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the applicant shall make a written request to the Commission:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data, records or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The Commission shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets, financial records or research-related information of the applicant. The Commission shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

24. a. Records of the Commercial Space Flight Authority relating to rate structures or charges for the use of projects of, the sale of products of, or services rendered by the Authority if public disclosure would adversely affect the financial interest or bargaining position of the Authority or a private entity providing records to the Authority; or

b. Records provided by a private entity to the Commercial Space Flight Authority, to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.); (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise; or (iii) other information submitted by the private entity, where, if the records were made public, the financial interest or bargaining position of the Authority or private entity would be adversely affected.

In order for the records specified in clauses (i), (ii), and (iii) of subdivision 24 b to be excluded from the provisions of this chapter, the private entity shall make a written request to the Authority:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

The Authority shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. To protect other records submitted by the private entity from disclosure, the Authority shall determine whether public disclosure would adversely affect the financial interest or bargaining position of the Authority or private entity. The Authority shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision.

25. Documents and other information of a proprietary nature furnished by an agricultural landowner or operator to the Department of Conservation and Recreation, the Department of Environmental Quality, the Department of Agriculture and Consumer Services or any political subdivision, agency, or board of the Commonwealth pursuant to §§ 10.1-104.7, 10.1-104.8, and 10.1-104.9, other than when required as part of a state or federal regulatory enforcement action.

26. Trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), provided to the Department of Environmental Quality pursuant to the provisions of § 10.1-1458. In order for such trade secrets to be excluded from the provisions of this chapter, the submitting party shall (i) invoke this exclusion upon submission of the data or materials for which protection from disclosure is sought, (ii) identify the data or materials for which protection is sought, and (iii) state the reasons why protection is necessary.

27. Documents and other information of a proprietary nature furnished by a licensed public-use airport to the Department of Aviation for funding from programs administered by the Department of Aviation or the Virginia Aviation Board, where if the records were made public, the financial interest of the public-use airport would be adversely affected.

In order for the records specified in this subdivision to be excluded from the provisions of this chapter, the public-use airport shall make a written request to the Department of Aviation:

1. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;

2. Identifying with specificity the data or other materials for which protection is sought; and

3. Stating the reasons why protection is necessary.

28. *Records submitted as a grant or loan application, or accompanying a grant or loan application, for an award from the Virginia Research Investment Fund pursuant to Chapter 28 (§ 23-304 et seq.) of Title 23, to the extent that such records contain proprietary business or research-related information produced or collected by the applicant in the conduct of or as a result of study or research on medical, rehabilitative, scientific, technical, technological, or scholarly issues, when such information has not been publicly released, published, copyrighted, or patented, if the disclosure of such information would be harmful to the competitive position of the applicant.*

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This exemption shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

48. *Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 28 of § 2.2-3705.6 related to the submission of an application for an award from the Virginia Research Investment Fund pursuant to Chapter 28 (§ 23-304 et seq.) of Title 23.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

§ 23-9.6:1. Duties of Council generally.

In addition to such other duties as may be prescribed elsewhere, the State Council of Higher Education shall:

1. Develop a statewide strategic plan that (i) reflects the goals set forth in subsection B of § 23-38.88 or (ii) once adopted, reflects the goals and objectives developed pursuant to subdivision B 5 of § 23-38.87:20 for higher education in the Commonwealth, identifies a coordinated approach to such state and regional goals, and emphasizes the future needs for higher education in Virginia at both the undergraduate and the graduate levels, as well as the mission, programs, facilities

and location of each of the existing institutions of higher education, each public institution's six-year plan, and such other matters as the Council deems appropriate. The Council shall revise such plans at least once every six years and shall submit such recommendations as are necessary for the implementation of the plan to the Governor and the General Assembly.

2. Review and approve or disapprove any proposed change in the statement of mission of any presently existing public institution of higher education and to define the mission of all public institutions of higher education created after the effective date of this provision. The Council shall, within the time prescribed in subdivision 1, make a report to the Governor and the General Assembly with respect to its actions hereunder. No such actions shall become effective until 30 days after adjournment of the session of the General Assembly next following the filing of such a report. Nothing contained in this provision shall be construed to authorize the Council to modify any mission statement adopted by the General Assembly, nor to empower the Council to affect, either directly or indirectly, the selection of faculty or the standards and criteria for admission of any public institution, whether related to academic standards, residence or other criteria; it being the intention of this section that faculty selection and student admission policies shall remain a function of the individual institutions.

3. Study any proposed escalation of any public institution to a degree-granting level higher than that level to which it is presently restricted and to submit a report and recommendation to the Governor and the General Assembly relating to the proposal. The study shall include the need for and benefits or detriments to be derived from the escalation. No such institution shall implement any such proposed escalation until the Council's report and recommendation have been submitted to the General Assembly and the General Assembly approves the institution's proposal.

4. Review and approve or disapprove all enrollment projections proposed by each public institution of higher education. The Council's projections shall be in numerical terms by level of enrollment and shall be used for budgetary and fiscal planning purposes only. The Council shall develop estimates of the number of degrees to be awarded by each institution and include those estimates in its reports of enrollment projections. The student admissions policies for the institutions and their specific programs shall remain the sole responsibility of the individual boards of visitors; however, all four-year institutions shall adopt dual admissions policies with the community colleges, as required by § 23-9.2:3.02.

5. Review and approve or disapprove all new academic programs which any public institution of higher education proposes. As used herein, "academic programs" include both undergraduate and graduate programs.

6. Review and require the discontinuance of any undergraduate or graduate academic program that is presently offered by any public institution of higher education when the Council determines that such academic program is (i) nonproductive in terms of the number of degrees granted, the number of students served by the program, the program's effectiveness, and budgetary considerations, or (ii) supported by state funds and is unnecessarily duplicative of academic programs offered at other public institutions of higher education in the Commonwealth. The Council shall make a report to the Governor and the General Assembly with respect to the discontinuance of any such academic program. No such discontinuance shall become effective until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

7. Review and approve or disapprove the creation and establishment of any department, school, college, branch, division or extension of any public institution of higher education that such institution proposes to create and establish. This duty and responsibility shall be applicable to the proposed creation and establishment of departments, schools, colleges, branches, divisions and extensions, whether located on or off the main campus of the institution in question. If any organizational change is determined by the Council to be proposed solely for the purpose of internal management and the institution's curricular offerings remain constant, the Council shall approve the proposed change. Nothing in this provision shall be construed to authorize the Council to disapprove the creation and establishment of any department, school, college, branch, division or extension of any institution that has been created and established by the General Assembly.

8. Review the proposed closure of any academic program in a high demand or critical shortage area, as defined by the Council, by any public institution of higher education and assist in the development of an orderly closure plan, when needed.

9. Develop a uniform, comprehensive data information system designed to gather all information necessary to the performance of the Council's duties. The system shall include information on admissions, enrollments, self-identified students with documented disabilities, personnel, programs, financing, space inventory, facilities and such other areas as the Council deems appropriate. When consistent with the Government Data Collection and Dissemination Practices Act, the Virginia Unemployment Compensation Act, and applicable federal law, the Council, acting solely or in partnership with the Virginia Department of Education or the Virginia Employment Commission, may contract with private entities to create de-identified student records for the purpose of assessing the performance of institutions and specific programs relative to the workforce needs of the Commonwealth. For the purposes of this section, "de-identified student records" means records in which all personally identifiable information has been removed.

10. Develop in cooperation with institutions of higher education guidelines for the assessment of student achievement. An institution shall use an approved program that complies with the guidelines of the Council and is consistent with the institution's mission and educational objectives in the development of such assessment. The Council shall report the institutions' assessments of student achievement in the biennial revisions to the state's master plan for higher education.

11. Develop in cooperation with the appropriate state financial and accounting officials and to establish uniform standards and systems of accounting, record keeping and statistical reporting for the public institutions of higher education.

12. Review biennially and approve or disapprove all changes in the inventory of educational and general space that any public institution of higher education may propose, and to make a report to the Governor and the General Assembly with

respect thereto. No such change shall be made until 30 days after the adjournment of the session of the General Assembly next following the filing of such report.

13. Visit and study the operations of each of the public institutions of higher education at such times as the Council shall deem appropriate and to conduct such other studies in the field of higher education as the Council deems appropriate or as may be requested by the Governor or the General Assembly.

14. Provide advisory services to private, accredited and nonprofit institutions of higher education, whose primary purpose is to provide collegiate or graduate education and not to provide religious training or theological education, on academic, administrative, financial and space utilization matters. The Council may also review and advise on joint activities, including contracts for services between such public and private institutions of higher education or between such private institutions and any agency of the Commonwealth or political subdivision thereof.

15. Adopt such rules and regulations as the Council believes necessary to implement all of the Council's duties and responsibilities as set forth in this Code. The various public institutions of higher education shall comply with such rules and regulations.

16. Issue guidelines consistent with the provisions of the federal Family Education Rights and Privacy Act (FERPA), 20 U.S.C. § 1232g requiring public institutions of higher education to release a student's academic and disciplinary record to a student's parent.

17. Require that each institution of higher education formed, chartered, or established in the Commonwealth after July 1, 1980, shall ensure the preservation of student transcripts in the event of institutional closure or revocation of approval to operate in the Commonwealth of Virginia. An institution may provide for the preservation of student transcripts by binding agreement with another institution of higher education with which it is not corporately connected or in such other way as the Council may authorize by regulation. In the event an institution closes, or has its approval to operate in the Commonwealth revoked, the Council, through its Director, may take such action as is necessary to secure and preserve the student transcripts until such time as an appropriate institution accepts all or some of the transcripts. Nothing in this section shall be deemed to interfere with the right of a student to his own transcripts; nor shall this section authorize disclosure of student records except as may otherwise be authorized by law.

18. Require the development and submission of articulation, dual admissions, and guaranteed admissions agreements between two-year and four-year public institutions of higher education in Virginia.

19. Provide periodic updates of base adequacy funding guidelines adopted by the Joint Subcommittee Studying Higher Education Funding Policies for the various public institutions.

20. Develop a uniform certificate of general studies program, in consultation with the Virginia Community College System and Virginia public institutions of higher education, to be offered at each community college in Virginia. Such program shall ensure that a community college student who completes the one-year certificate program shall be able to transfer all credits earned in academic subject coursework to a four-year public institution of higher education in the Commonwealth upon acceptance to the institution.

21. *Assist the Virginia Research Investment Committee with the administration of the Virginia Research Investment Fund consistent with the provisions of Chapter 28 (§ 23-304 et seq.).*

In carrying out its duties and responsibilities, the Council, insofar as practicable, shall preserve the individuality, traditions and sense of responsibility of the respective institutions. The Council, insofar as practicable, shall seek the assistance and advice of the respective institutions in fulfilling all of its duties and responsibilities.

CHAPTER 28.

VIRGINIA RESEARCH INVESTMENT FUND.

§ 23-304. *Definitions.*

As used in this chapter, unless the context requires a different meaning:

"Board" means a policy board in the executive branch of government that (i) was created by the 2016 Session of the General Assembly, (ii) has a legislatively stated purpose of promoting collaborative regional economic and workforce development opportunities and activities, and (iii) has membership consisting of members of the House of Delegates, members of the Senate, members of the Governor's Cabinet, and nonlegislative citizen appointees.

"Committee" means the Virginia Research Investment Committee established pursuant to § 23-306.

"Council" means the State Council of Higher Education for Virginia.

"Fund" means the Virginia Research Investment Fund established in § 23-305.

§ 23-305. *Virginia Research Investment Fund.*

A. *There is hereby created in the state treasury a special nonreverting revolving fund to be known as the Virginia Research Investment Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources public or private, shall be paid into the state treasury and credited to the Fund. Interest and other income earned on the Fund shall be credited to the Fund. Any moneys remaining in the Fund, including interest and other income thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.*

B. 1. *Notwithstanding any other provision of law, the General Assembly may specifically designate that certain moneys appropriated to the Fund be invested, reinvested, and managed by the Board of the Virginia Retirement System as provided in § 51.1-124.38. The State Treasurer shall not be held liable for losses suffered by the Virginia Retirement System on investments made under the authority of this subsection.*

2. No more than \$4 million of moneys so invested, net of any administrative fee assessed pursuant to subsection E of § 51.1-124.38, may be awarded through grants or loans in a fiscal year for any purpose permitted by this chapter. At the direction of the Committee, the State Comptroller may annually request a disbursement of \$4 million from the moneys invested by the Board of the Virginia Retirement System, to be held with other moneys in the Fund not subject to such investment. At the end of each fiscal year, if less than \$4 million of such annual allocation is awarded as grants or loans in a calendar year, the Comptroller shall return the remainder of the annual \$4 million allocation to the Board of the Virginia Retirement System for reinvestment pursuant to § 51.1-124.38.

3. Any loans awarded pursuant to this chapter shall be paid by the Comptroller from the \$4 million annual allocation set forth in subdivision 2. The recipient of a loan shall repay the loan pursuant to the terms set forth by the Committee. At the end of each fiscal year, the Comptroller shall return any repayments received from loan recipients to the Board of the Virginia Retirement System for reinvestment pursuant to § 51.1-124.38.

C. Moneys in the Fund shall be used solely for grants and loans to (i) promote research and development excellence in the Commonwealth; (ii) foster innovative and collaborative research, development, and commercialization efforts in the Commonwealth in projects and programs with a high potential for economic development and job creation opportunities; (iii) position the Commonwealth as a national leader in science-based and technology-based research, development, and commercialization; (iv) attract and effectively recruit and retain eminent researchers to enhance research superiority at public institutions of higher education; and (v) encourage cooperation and collaboration among higher education research institutions, and with the private sector, in areas and with activities that foster economic development and job creation in the Commonwealth. Areas of focus for awards shall be those areas identified in the Commonwealth Research and Technology Strategic Roadmap, and shall include but not be limited to the biosciences, personalized medicine, cybersecurity, data analytics, and other areas designated in the general appropriation act.

D. The disbursement of grants and loans from the Fund shall be made by the State Comptroller at the written request of the Committee.

§ 23-306. Virginia Research Investment Committee established; report.

A. There is hereby established the Virginia Research Investment Committee to evaluate and award grants and loans from the Fund pursuant to the provisions of this chapter.

B. The Committee shall consist of the following members: the Director of the Council, the Secretary of Technology, the Secretary of Finance, the staff directors of the House Committee on Appropriations and the Senate Committee on Finance, one nonlegislative citizen member appointed by the Speaker of the House, one nonlegislative citizen member appointed by the Senate Committee on Rules, and two nonlegislative citizen members appointed by the Governor. If the Board exists, the nonlegislative citizen members appointed by the Speaker of the House, the Senate Committee on Rules, and the Governor shall be nonlegislative citizen members of the Board.

C. Ex officio members shall serve terms coincident with their terms of office. If the Board does not exist, nonlegislative citizen members shall be appointed to a term of four years, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. If the Board exists, nonlegislative citizen members shall serve terms coincident with their terms on the Board.

D. The Director of the Council shall serve as the chairman of the Committee.

E. The Committee shall report to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance no later than November 1 of each year. The report shall include details about awards made from the Fund in the immediately preceding fiscal year and updates on the research, development, and commercialization efforts resulting from such awards.

§ 23-307. Award from Virginia Research Investment Fund.

A. The Council, in consultation with the Committee, shall establish guidelines, procedures, and objective criteria for the application for and award of grants and loans from the Fund. Such guidelines, procedures, and criteria, and any updates thereto, shall be submitted to the House Committee on Appropriations and the Senate Committee on Finance. The criteria for the award of grants and loans shall consider other grants, awards, loans, or funds awarded to the proposed program or project by the Commonwealth and shall require an applicant to indicate other applications for state grants, awards, loans, or funds currently pending at the time of the application for an award from the Fund. The criteria shall consider the potential of the program or project for which a grant or loan is sought to (i) culminate in the commercialization of research; (ii) culminate in the formation or spin-off of viable bioscience, biotechnology, cybersecurity, genomics, or similar companies; (iii) promote the build-out of scientific areas of expertise in science and technology; (iv) promote applied research and development; (v) provide modern facilities or infrastructure for research and development; (vi) result in significant capital investment and job creation; or (vii) promote collaboration among the public institutions of higher education in the Commonwealth. Such criteria shall also require that the program or project for which a grant or loan is sought be related to an area identified in the Commonwealth Research Technology Strategic Roadmap.

B. Grants and loans may be awarded to public institutions of higher education in the Commonwealth or collaborations between public institutions of higher education in the Commonwealth and private entities. Any award from the Fund shall require a match of funds at least equal to the amount of the award.

C. Applications for grants and loans from the Fund shall be received by the Council in accordance with the procedures developed pursuant to subsection A. Upon confirmation that an application is complete, the Council shall forward the application to an entity with recognized science and technology expertise for a review and certification of the scientific

merits of the proposal, including a scoring or prioritization of applicant programs and projects deemed viable by the reviewing entity. Such entities include, but are not limited to, the Virginia Biosciences Health Research Corporation, the Innovation and Entrepreneurship Investment Authority, the Virginia Academy of Science, Engineering and Medicine, or any other entity deemed appropriate by the Council, including a scientific advisory committee created by the Council for the sole purpose of reviewing one or more applications received pursuant to this article.

D. Any proposal receiving a favorable evaluation pursuant to subsection C shall be forwarded, along with the scoring or prioritization, to the Committee for further review and a decision whether to award the proposal a grant or loan from the Fund. The award of a grant or loan from the Fund shall be subject to any terms and conditions set forth by the Committee for the award. All decisions by the Committee shall be final and not subject to further review or appeal. The Governor may announce any award approved by the Committee.

§ 51.1-124.38. Investment of assets of the Virginia Research Investment Fund.

A. In addition to such other powers as shall be vested in the Board, the Board shall have the full power to invest, reinvest, and manage those portions of the Virginia Research Investment Fund (the Fund), established pursuant to Chapter 28 (§ 23-304 et seq.) of Title 23, designated by the General Assembly for investment by the Board pursuant to subsection B of § 23-305. The Board shall maintain a separate accounting for the assets of the Fund invested with it. The Board shall make an annual distribution of such invested moneys to the Comptroller pursuant to subdivision B of § 23-305.

B. The Board shall invest the assets of the Fund with the care, skill, prudence, and diligence under the circumstances then prevailing that a prudent person acting in a like capacity and familiar with such matters would use in the conduct of an enterprise of a like character and with like aims. The Board shall also diversify such investments so as to minimize the risk of large losses unless under the circumstances it is clearly prudent not to do so.

C. No officer, director, or member of the Board or of any advisory committee of the Retirement System or any of its tax-exempt subsidiary corporations whose actions are within the standard of care set forth in subsection B shall be held personally liable for losses suffered by the Retirement System on investments made under the authority of this section.

D. The provisions of §§ 51.1-124.32, 51.1-124.33, 51.1-124.34, and 51.1-124.35 shall apply to the Board's activities with respect to moneys in the Fund.

E. The Board may assess the Virginia Research Investment Committee a reasonable administrative fee for its services.

CHAPTER 776

An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 51.1, consisting of sections numbered 2.2-5105 through 2.2-5108, relating to the Virginia Collaborative Economic Development Act.

[S 459]

Approved May 16, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 51.1, consisting of sections numbered 2.2-5105 through 2.2-5108, as follows:

CHAPTER 51.1.

VIRGINIA COLLABORATIVE ECONOMIC DEVELOPMENT ACT.

§ 2.2-5105. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Basic employment" means employment in an industry sector or function that directly or indirectly derives more than 50 percent of its revenue from out-of-state sources.

"Board" means the Virginia Growth and Opportunity Board as may be established under law.

"Capital investment" means an investment in real property or tangible personal property, or both, by an eligible company within the Commonwealth. Expenditures for the maintenance or repair of existing machinery, tools, and real property shall not constitute a capital investment; however, expenditures for the replacement of property shall not be ineligible for designation as a capital investment if such replacement results in a measurable increase in productivity.

"Certified company" means a Virginia employer that has been certified by the Partnership to have (i) created or caused to be created at least 200 net new basic employment jobs in the Commonwealth that are located in the participating localities with average salaries at least equal to the average wage in the participating localities and (ii) made a capital investment of at least \$25 million in the participating localities. However, if the Board makes a written finding of significant fiscal distress in or extraordinary economic opportunity for the participating localities, the Board may modify the job creation and capital investment requirements for a certified company to not fewer than 25 net new basic employment jobs and not less than \$1 million of capital investment.

"Collaborative economic development plan" means an agreement among two or more localities that identifies commitments made by each locality to implement a collaborative approach to economic development, whether the collaboration relates to general economic development and diversification efforts by the participating localities or relates to specific economic development needs, including infrastructure and workforce training, of a company. Such plan shall address the commitments made by the participating localities, which shall include the sharing of costs and local tax revenues by the participating localities and timing thereof, and how, if awarded, moneys from the Fund will be distributed

among and used by the participating localities. If the plan relates to general economic development and diversification efforts, the plan shall be updated at the time of application for a grant from the Fund to indicate which company or companies, as a result of the efforts, are eligible to be certified companies. Parties to the plan may include political subdivisions and bodies corporate and politic, in addition to the participating localities. Such plan shall be subject to approval by the Partnership.

"Fund" means the Virginia Collaborative Economic Development Performance Grant Fund created pursuant to § 2.2-5108.

"New job" means employment of an indefinite duration at the eligible facility, created as the direct result of the capital investment, for which the standard fringe benefits are provided by the firm for the employee, requiring a minimum of either (i) 35 hours of an employee's time a week for the entire normal year of the firm's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to such facility, retail positions, and positions with construction, contractors, suppliers, and similar multiplier or spin-off jobs shall not qualify as new jobs under this chapter. Up to 100 full-time employees whose positions existed at a company prior to its certification as a certified company may be used to determine the number of new jobs created if the wages of the existing employees increase by more than 10 percent because of the new capital investment to be made by the company.

"Participating localities" means two or more localities that participate in a collaborative economic development plan.

"Partnership" means the Virginia Economic Development Partnership Authority.

"Secretary" means the Secretary of Commerce and Trade.

§ 2.2-5106. Virginia Collaborative Economic Development Performance Grants.

A. Subject to the appropriation by the General Assembly of sufficient moneys to the Virginia Collaborative Economic Development Performance Grant Fund, participating localities may be eligible for grants as provided in this section, subject to the conditions set forth in this section and in the guidelines developed pursuant to subsection E. In order to be eligible to apply for a grant, the participating localities shall have contributed to a project or effort described in a collaborative economic development plan an amount as determined pursuant to subsection C, and the participating localities shall demonstrate that the projects or efforts undertaken pursuant to the collaborative economic development plan induced or resulted in the location or expansion of a certified company in the participating localities.

B. Grants shall be paid to the participating localities in the year following certification by the Partnership of a certified company. Grants may be paid annually for up to six years so long as the certified company substantially maintains the new jobs and capital investment, and the participating localities continue to implement any relevant provisions of the collaborative economic development plan.

C. 1. After taking into consideration other state and local financial commitments made to the certified company, the annual amount of a grant from the Fund shall be not more than an amount equal to 45 percent of the total annual amount of personal income tax withheld for payment to the Virginia Department of Taxation from employees holding new jobs at the applicable certified company. By March 31 of each year, the Partnership and the Virginia Department of Taxation shall determine whether a certified company has met or substantially maintained the new job and capital investment requirements and shall compute, based on the amount of personal income tax withheld from employees holding new jobs, the moneys available to be disbursed as performance grants to the participating localities. If an application for a grant is approved pursuant to subsection D, the aggregate amount of grants awarded for that application over a six-year period shall not exceed 50 percent of the total investment or contributions of the participating localities to the economic development project or effort. Approved grants shall be disbursed annually to or for the benefit of the participating localities in accordance with the terms of the collaborative economic development plan. The aggregate amount of grants payable pursuant to this chapter shall not exceed \$20 million in any fiscal year. The Board may prorate the grants payable in a fiscal year if the amount of grants applied for and awarded exceeds \$20 million.

2. Notwithstanding the provisions of subdivision 1, if the Board makes a written finding of significant fiscal distress in or extraordinary economic opportunity for the participating localities, the Board may award an aggregate amount of grants for an application approved pursuant to subsection D that is up to 100 percent of the total investment or contributions of the participating localities.

D. The Partnership shall forward to the Board the economic development project or effort for which it approved a collaborative economic development plan and certified a company. The Board shall review such economic development project or effort, following the criteria included in the guidelines developed pursuant to subsection E, and vote whether to award a grant pursuant to this chapter. The Board shall determine the annual amount and the aggregate amount of the grant to be awarded for each approved economic development project or effort, subject to the provisions of subsection C.

E. The Board shall develop guidelines implementing the provisions of this chapter. No grant shall be awarded until the Board provides copies of such guidelines for review to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. The preparation of the guidelines shall be exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.).

F. The Fund shall be audited annually by the Auditor of Public Accounts or his legally authorized representatives. Copies of the annual audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

§ 2.2-5107. Grant payments.

The Comptroller shall not draw any warrants to issue checks for grants or disburse funds under this chapter without a specific legislative appropriation as specified in conditions and restrictions on expenditures in the appropriation act and following receipt of a certification from the Partnership and the Virginia Department of Taxation of the amount of personal income taxes paid by the eligible company on account of the new jobs.

§ 2.2-5108. Virginia Collaborative Economic Development Performance Grant Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Collaborative Economic Development Performance Grant Fund. The Fund shall be established on the books of the Comptroller and administered by the Board. All funds appropriated for such purpose shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing grants to participating localities pursuant to this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Board.

2. Notwithstanding the provisions of any other law, no funds shall be awarded by the Virginia Growth and Opportunity Board pursuant to this act unless authorized by a subsequent enactment of the General Assembly on or after July 1, 2016.

3. That the provisions of this act shall expire on July 1, 2026. However, the expiration of this act shall not affect the validity of any grant awarded prior to July 1, 2026, and such grant shall continue to be paid in accordance with the provisions of this act as it was in effect when such grant was awarded and subject to the provisions of the award of the grant.

CHAPTER 777

An Act to amend the Code of Virginia by adding in Title 2.2 a chapter numbered 51.1, consisting of sections numbered 2.2-5105 through 2.2-5108, relating to the Virginia Collaborative Economic Development Act.

[H 846]

Approved May 16, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Title 2.2 a chapter numbered 51.1, consisting of sections numbered 2.2-5105 through 2.2-5108, as follows:

CHAPTER 51.1.

VIRGINIA COLLABORATIVE ECONOMIC DEVELOPMENT ACT.

§ 2.2-5105. Definitions.

As used in this chapter, unless the context requires a different meaning:

"Basic employment" means employment in an industry sector or function that directly or indirectly derives more than 50 percent of its revenue from out-of-state sources.

"Board" means the Virginia Growth and Opportunity Board as may be established under law.

"Capital investment" means an investment in real property or tangible personal property, or both, by an eligible company within the Commonwealth. Expenditures for the maintenance or repair of existing machinery, tools, and real property shall not constitute a capital investment; however, expenditures for the replacement of property shall not be ineligible for designation as a capital investment if such replacement results in a measurable increase in productivity.

"Certified company" means a Virginia employer that has been certified by the Partnership to have (i) created or caused to be created at least 200 net new basic employment jobs in the Commonwealth that are located in the participating localities with average salaries at least equal to the average wage in the participating localities and (ii) made a capital investment of at least \$25 million in the participating localities. However, if the Board makes a written finding of significant fiscal distress in or extraordinary economic opportunity for the participating localities, the Board may modify the job creation and capital investment requirements for a certified company to not fewer than 25 net new basic employment jobs and not less than \$1 million of capital investment.

"Collaborative economic development plan" means an agreement among two or more localities that identifies commitments made by each locality to implement a collaborative approach to economic development, whether the collaboration relates to general economic development and diversification efforts by the participating localities or relates to specific economic development needs, including infrastructure and workforce training, of a company. Such plan shall address the commitments made by the participating localities, which shall include the sharing of costs and local tax revenues by the participating localities and timing thereof, and how, if awarded, moneys from the Fund will be distributed among and used by the participating localities. If the plan relates to general economic development and diversification efforts, the plan shall be updated at the time of application for a grant from the Fund to indicate which company or companies, as a result of the efforts, are eligible to be certified companies. Parties to the plan may include political subdivisions and bodies corporate and politic, in addition to the participating localities. Such plan shall be subject to approval by the Partnership.

"Fund" means the Virginia Collaborative Economic Development Performance Grant Fund created pursuant to § 2.2-5108.

"New job" means employment of an indefinite duration at the eligible facility, created as the direct result of the capital investment, for which the standard fringe benefits are provided by the firm for the employee, requiring a minimum of either (i) 35 hours of an employee's time a week for the entire normal year of the firm's operations, which "normal year" shall consist of at least 48 weeks, or (ii) 1,680 hours per year. Seasonal or temporary positions, positions created when a job function is shifted from an existing location in the Commonwealth to such facility, retail positions, and positions with construction, contractors, suppliers, and similar multiplier or spin-off jobs shall not qualify as new jobs under this chapter. Up to 100 full-time employees whose positions existed at a company prior to its certification as a certified company may be used to determine the number of new jobs created if the wages of the existing employees increase by more than 10 percent because of the new capital investment to be made by the company.

"Participating localities" means two or more localities that participate in a collaborative economic development plan.

"Partnership" means the Virginia Economic Development Partnership Authority.

"Secretary" means the Secretary of Commerce and Trade.

§ 2.2-5106. Virginia Collaborative Economic Development Performance Grants.

A. Subject to the appropriation by the General Assembly of sufficient moneys to the Virginia Collaborative Economic Development Performance Grant Fund, participating localities may be eligible for grants as provided in this section, subject to the conditions set forth in this section and in the guidelines developed pursuant to subsection E. In order to be eligible to apply for a grant, the participating localities shall have contributed to a project or effort described in a collaborative economic development plan an amount as determined pursuant to subsection C, and the participating localities shall demonstrate that the projects or efforts undertaken pursuant to the collaborative economic development plan induced or resulted in the location or expansion of a certified company in the participating localities.

B. Grants shall be paid to the participating localities in the year following certification by the Partnership of a certified company. Grants may be paid annually for up to six years so long as the certified company substantially maintains the new jobs and capital investment, and the participating localities continue to implement any relevant provisions of the collaborative economic development plan.

C. 1. After taking into consideration other state and local financial commitments made to the certified company, the annual amount of a grant from the Fund shall be not more than an amount equal to 45 percent of the total annual amount of personal income tax withheld for payment to the Virginia Department of Taxation from employees holding new jobs at the applicable certified company. By March 31 of each year, the Partnership and the Virginia Department of Taxation shall determine whether a certified company has met or substantially maintained the new job and capital investment requirements and shall compute, based on the amount of personal income tax withheld from employees holding new jobs, the moneys available to be disbursed as performance grants to the participating localities. If an application for a grant is approved pursuant to subsection D, the aggregate amount of grants awarded for that application over a six-year period shall not exceed 50 percent of the total investment or contributions of the participating localities to the economic development project or effort. Approved grants shall be disbursed annually to or for the benefit of the participating localities in accordance with the terms of the collaborative economic development plan. The aggregate amount of grants payable pursuant to this chapter shall not exceed \$20 million in any fiscal year. The Board may prorate the grants payable in a fiscal year if the amount of grants applied for and awarded exceeds \$20 million.

2. Notwithstanding the provisions of subdivision 1, if the Board makes a written finding of significant fiscal distress in or extraordinary economic opportunity for the participating localities, the Board may award an aggregate amount of grants for an application approved pursuant to subsection D that is up to 100 percent of the total investment or contributions of the participating localities.

D. The Partnership shall forward to the Board the economic development project or effort for which it approved a collaborative economic development plan and certified a company. The Board shall review such economic development project or effort, following the criteria included in the guidelines developed pursuant to subsection E, and vote whether to award a grant pursuant to this chapter. The Board shall determine the annual amount and the aggregate amount of the grant to be awarded for each approved economic development project or effort, subject to the provisions of subsection C.

E. The Board shall develop guidelines implementing the provisions of this chapter. No grant shall be awarded until the Board provides copies of such guidelines for review to the Governor and the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. The preparation of the guidelines shall be exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.).

F. The Fund shall be audited annually by the Auditor of Public Accounts or his legally authorized representatives. Copies of the annual audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

§ 2.2-5107. Grant payments.

The Comptroller shall not draw any warrants to issue checks for grants or disburse funds under this chapter without a specific legislative appropriation as specified in conditions and restrictions on expenditures in the appropriation act and following receipt of a certification from the Partnership and the Virginia Department of Taxation of the amount of personal income taxes paid by the eligible company on account of the new jobs.

§ 2.2-5108. Virginia Collaborative Economic Development Performance Grant Fund.

There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Collaborative Economic Development Performance Grant Fund. The Fund shall be established on the books of the Comptroller and administered by the Board. All funds appropriated for such purpose shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of providing grants to participating localities pursuant to this chapter. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Board.

2. Notwithstanding the provisions of any other law, no funds shall be awarded by the Virginia Growth and Opportunity Board pursuant to this act unless authorized by a subsequent enactment of the General Assembly on or after July 1, 2016.

3. That the provisions of this act shall expire on July 1, 2026. However, the expiration of this act shall not affect the validity of any grant awarded prior to July 1, 2026, and such grant shall continue to be paid in accordance with the provisions of this act as it was in effect when such grant was awarded and subject to the provisions of the award of the grant.

CHAPTER 778

An Act to amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective, and 2.2-3711 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 26, consisting of sections numbered 2.2-2484 through 2.2-2490, relating to Virginia Growth and Opportunity Act; creation of Virginia Growth and Opportunity Board and Fund; establishment of regional councils; report.

[S 449]

Approved May 16, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2101, as it is currently effective and as it shall become effective, and 2.2-3711 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 26, consisting of sections numbered 2.2-2484 through 2.2-2490, as follows:

§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13;10; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; ~~or~~ to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; *or to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485.*

§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; ~~or~~ to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; *or to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485.*

Article 26.

Virginia Growth and Opportunity Act.

§ 2.2-2484. Definitions.

As used in this article, unless the context requires a different meaning:

"Board" means the Virginia Growth and Opportunity Board.

"Fund" means the Virginia Growth and Opportunity Fund.

"Qualifying region" means a region with a regional council.

"Region" means one or more planning districts or otherwise defined areas designated as a region by the Board for the purpose of administering grants provided pursuant to this article.

"Regional activity" means an economic or workforce development-focused collaborative project or program that is (i) endorsed by a regional council, (ii) consistent with the economic growth and diversification plan developed by the regional council, and (iii) carried out, performed on behalf of, or contracted for by two or more localities, political subdivisions, or public bodies corporate and politic within a region.

"Regional council" means a public body certified by the Board as eligible to receive grants pursuant to this article and that is supported by or affiliated with an existing or newly established organization that engages in collaborative planning or execution of economic or workforce development activities within a region.

§ 2.2-2485. Virginia Growth and Opportunity Board; membership; terms; compensation.

A. The Virginia Growth and Opportunity Board is established as a policy board in the executive branch of state government. The purpose of the Board is to promote collaborative regional economic and workforce development opportunities and activities.

B. The Board shall have a total membership of 24 members that shall consist of seven legislative members, 14 nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: four members of the House of Delegates, consisting of the Chairman of the House Committee on Appropriations and three members appointed by the Speaker of the House of Delegates; three members of the Senate, consisting of the Chairman of the Senate Committee on Finance and two members appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Senate Committee on Rules, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Governor, who shall be from different regions of the Commonwealth and have significant private-sector business experience; and eight nonlegislative citizen members to be appointed by the Governor, subject to the confirmation of the General Assembly, who shall have significant private-sector business experience. Of the Governor's nonlegislative citizen appointments subject to General Assembly confirmation, no more than two appointees may be from any one region of the Commonwealth. The Speaker of the House of Delegates and the Senate Committee on Rules shall submit a list of recommended nonlegislative citizens with significant private-sector

business experience for the Governor to consider in making his nonlegislative citizen appointments. The Governor shall also appoint three Secretaries from the following, who shall serve *ex officio* with voting privileges: the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, and the Secretary of Technology. Nonlegislative citizen members shall be citizens of the Commonwealth.

C. Legislative members and *ex officio* members of the Board shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No House member appointed by the Speaker of the House shall serve more than four consecutive two-year terms, no Senate member appointed by the Senate Committee on Rules shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. The Board shall elect a chairman and vice-chairman from among its membership. The chairman shall be a nonlegislative citizen member. A majority of the members shall constitute a quorum.

E. Any decision by the Board shall require an affirmative vote of a majority of the members of the Board.

F. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

G. Staff support and technical assistance to the Board and the Governor in carrying out the provisions of this article shall be provided by the agencies of the Secretariats of Commerce and Trade, Education, and Finance.

§ 2.2-2486. Powers and duties of the Board.

A. The Board shall have the power and duty to:

1. Designate regions for the purpose of administering this article;
 2. Certify qualifying regions and regional councils, including developing and implementing guidelines or procedures for such certification;
 3. Develop and implement guidelines and procedures for the application for and use of any moneys in the Fund;
 4. Receive and assess applications for awards from the Fund submitted by regional councils and determine the distribution, duration, and termination of awards from the Fund for uses identified in such applications;
 5. Advise the Governor on the allocation and prioritization of other funds available within the executive branch that may be used to promote economic and workforce development on a regional basis;
 6. Advise the Governor on the provision of technical assistance regarding the organization and operation of regional councils, the preparation of applications for Fund awards, and the development, validation, and assessment of regional economic growth and diversification plans and regional activities that receive grants from the Fund;
 7. Provide for the collection and dissemination of information concerning local, state, national, and other best practices related to collaborative regional economic and workforce development initiatives that focus on private-sector growth and opportunity;
 8. Designate advisory committees with expertise in the industries or clusters around which grant requests are proposed to assist in carrying out the Board's duties;
 9. Seek independent analytical assistance from outside consultants, including post-grant assessments and reviews to evaluate the results and outcomes of grants awarded pursuant to this article;
 10. Enter into contracts to provide services to regional councils to assist with prioritization, analysis, planning, and implementation of regional activities;
 11. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than December 1. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website; and
 12. Perform such other activities and functions as the Governor and General Assembly may direct.
- B. The development of guidelines and procedures to implement the provisions of this article shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 2.2-2487. Virginia Growth and Opportunity Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Growth and Opportunity Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, included interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Board.

B. Moneys in the Fund shall be used to facilitate regional collaboration on economic growth and diversification. Specifically, the Fund shall be used to incentivize and encourage cooperation among business, education, and government on regional strategic economic development and workforce development efforts. Available moneys in the Fund shall be allocated as follows:

1. A portion of the Fund may be used to support the initial organizational efforts of each regional council, such as capacity-building activities, project prioritization, and studies and analyses related to the development of an economic growth and diversification plan for the region, including identification of existing and prospective gaps in education and skills within the region;

2. A portion shall be reserved for specific projects in each region on the basis of a region's share of state population, based on population estimates made by the Weldon Cooper Center for Public Service at the University of Virginia. However, the Board may cancel such reservation in whole or in part if, in the Board's judgment, the region has failed to establish a certified regional council or to otherwise meet the qualifications for grant funding in accordance with this article; and

3. A portion shall be competitively awarded on the basis of expected economic impact and outcomes without regard to a region's population.

Except for initial grants awarded pursuant to subdivision 1, no more than eight percent of any grants from the Fund to a single regional council shall be used for administrative or planning purposes.

C. Public comment shall be received by the Board when making decisions regarding awards from the Fund.

D. No more than 90 percent of moneys in the Fund shall be awarded or allocated in any fiscal year.

§ 2.2-2488. Formation of regional councils.

A. A regional council may be established in each region identified by the Board. Regional councils shall solicit, review, and recommend regional activity projects to the Board in accordance with this article.

B. When there is no certified regional council in existence in a region, the Board may provide for the formation of a regional council by designating a formation committee chairman and two members from the region. The formation committee chairman shall be a nonlegislative citizen member of the Board, and the chairman may designate up to two additional members of the formation committee. The formation committee shall be responsible for such consultation and recruitment within the region as is likely to result in certification of a regional council for the region. The formation committee chairman and members may serve as officers and members of the regional council.

C. A regional council shall include representatives from (i) the education sector, including school divisions, community colleges, and public institutions of higher education; (ii) the economic and workforce development sector; (iii) local government; (iv) planning district commissions; (v) nonprofit organizations; and (vi) other entities that significantly affect regional economic or workforce development. Membership may include one or more nonlegislative citizen members of the Board from the region. A majority of the members of a regional council shall be from the private sector with demonstrated significant private-sector business experience. A regional council shall be chaired by a citizen member from the region with significant private-sector business experience.

D. The Board shall certify that the regional council member selection process, membership, governance, structure, composition, and leadership meet the requirements of this article and the program guidelines and procedures. The Board shall certify that the regional council has adopted bylaws and taken other such steps in its organizational activities and business plan as are necessary or required by Board guidelines and procedures to provide for accountability for and oversight of regional activities funded from the Fund.

E. Public comment shall be received by the Board when certifying a regional council.

§ 2.2-2489. Award of grants to regional councils.

A. The Board shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund to regional councils.

B. In order to qualify to receive grants from the Fund, a regional council shall develop an economic growth and diversification plan to (i) promote private-sector growth and opportunity in the region; (ii) identify issues of economic competitiveness for the region, including gaps in education and skills required to meet existing and prospective employer needs within the region; and (iii) outline steps that the collaborating business, education, and government entities in the region will pursue to expand economic opportunity, diversify the economy, and align workforce development activities with the education and skills needed by employers in the region. A regional council shall review such plan not less than biennially while the regional council is receiving grants from the Fund.

C. The Board shall only consider those regional activities endorsed by a regional council in its application for grants from the Fund. For any regional activity included in a regional council's application, the regional council shall identify (i) the amount of grants requested and the number of years for which grants are sought; (ii) the participating business, education, and government entities and their respective roles and contributions; (iii) the private, local, and other sources of nonstate funding that the grant from the Fund will assist in generating, including specific amounts pledged by such sources as of the application date; (iv) how the regional activity addresses the skills gaps identified in the council's economic growth and diversification plan; and (v) the economic impact or other outcomes that are reasonably expected to result from the proposed regional activity, including timetables and means of measurement.

D. Regional activities eligible for grants from the Fund shall be focused on high-impact, collaborative projects in a region that promote new job creation, entrepreneurship, and new capital investment; leverage nonstate resources to enhance collaboration; foster research, development, and commercialization activities; encourage cooperation among

public bodies to reduce costs and duplication of government services; and promote other economic or workforce development activities consistent with this article that are authorized by the Board. The Board shall give initial priority to grant proposals that promote workforce development and other activities focused on eliminating skills gaps identified in a region's economic growth and diversification plan.

E. In determining a regional council's eligibility to receive grants from the Fund, and the amount of such grants, the Board shall review and score the proposed regional activities. Scores shall be assigned on the basis of predetermined criteria established by the Board in its guidelines and procedures based on the following factors:

1. The expected economic impact or outcome of the activity, with particular emphasis on goals identified in the regional council's plan for economic growth and diversification;
2. The fiscal resources from non-Fund sources that will be committed to the activity, including local or federal funds, private contributions, and cost savings expected to be achieved through regional collaboration;
3. The number and percentage of localities, including political subdivisions and bodies corporate and politic, within the region that are participating in the activity, the portion of the region's population represented by the participating localities, and the participation of localities that are outside of the applicant region;
4. The compatibility with other projects, programs, or existing infrastructure in a region to maximize the leverage of grants from the Fund to encourage new collaborative activities;
5. The expected economic impact and outcomes of the project and the complexity of the project relative to the size of the economy of the region or to the population of the participating localities;
6. The projected cost savings and other efficiencies generated by the proposed activity, and the local resources generated by collaboration that have been or will be repurposed to support the activity;
7. The character of the regional collaboration, including the nature and extent of the regional effort involved in developing and implementing the proposed activity, the complexity of the activity, the prospective impact on relations between and among the affected localities, and the prospective impact on collaboration between and among business, education, and government entities in the region;
8. Interstate, inter-regional, and other beneficial forms of collaboration, if any, that will accompany, result from, or be encouraged by the activity;
9. Efficiency in the administration and oversight of regional activities; and
10. Other factors deemed to be appropriate by the Board.

F. Each regional council awarded a grant from the Fund shall issue an annual report that shall include, at a minimum, an assessment of the impact and outcomes from regional activities supported by grants from the Fund and the region's overall progress in addressing the goals and strategies identified in the region's plan for economic growth and diversification. Such assessment shall address performance criteria prescribed in the program guidelines and procedures.

G. Subject to the provisions of § 2.2-2488 and this section, once a regional council becomes eligible for grants from the Fund, the regional council may continue to apply for and receive grants from the Fund to support economic activities consistent with the regional council's economic growth and diversification plan in such amounts and for such duration as the Board may determine in accordance with its guidelines and procedures. The Board may terminate any payments to regional councils that fail to perform in accordance with this article, the Board's guidelines or procedures, or any conditions expressly agreed upon as part of a grant award, or for malfeasance. The Board may require the refund of moneys from the Fund upon such termination. Grants that are terminated shall revert to the Fund for distribution on an unallocated competitive basis.

H. In making Fund recommendations and awards, the Board may consider regional activities that commenced prior to the enactment of this article, provided that the grant-funded program or project will expand the scope of, or increase the number of localities participating in, such preexisting activity.

I. No regional council may have outstanding grant commitments of more than 25 percent of the total amount appropriated to the Fund.

J. The year for grant payments shall be the Commonwealth's fiscal year following the calendar year in which the region qualifies, with payments made annually by the Comptroller upon certification by the Board. Grant amounts shall be made at the sole discretion of the Board.

K. Any grant awarded from the Fund to a regional council shall require matching funds at least equal to the grant, provided, however, that the Board shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Board of fiscal distress or an exceptional economic opportunity in a region. Such matching funds may be from local, regional, federal, or private funds, but shall not include any state general or nongeneral funds, from whatever source.

L. Decisions of the Board shall be final and not subject to review or appeal.

§ 2.2-2490. Annual audit.

The accounts of the Board shall be audited annually by the Auditor of Public Accounts or his legally authorized representatives. Copies of the annual audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review

of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This exemption shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is

the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

48. *Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

2. That the initial appointments of nonlegislative citizen members to the Virginia Growth and Opportunity Board shall be staggered as follows: (i) two members for two years appointed by the Speaker of the House of Delegates; (ii) two members for three years appointed by the Senate Committee on Rules; and (iii) three members for two years, three members for three years, and four members for four years appointed by the Governor.

3. That the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations shall convene a working group to assist the Virginia Growth and Opportunity Board in the development of guidelines and procedures to implement the provisions of this act. The working group shall include representatives of state and regional economic development organizations, regional workforce entities, planning district commissions, manufacturing and small business associations, local government, and other such entities and individuals as the Chairmen deems appropriate. The working group shall conclude its work on the guidelines by October 15, 2016, but shall remain constituted and shall convene upon the call of the Chairmen to provide guidance on future changes to the guidelines and procedures or other activities related to the implementation of this act.

4. That it is the intent of the General Assembly that by fiscal year 2019, the Virginia Growth and Opportunity Board shall create an affiliated entity, funded wholly from non-state sources, to provide staff support and to provide other services necessary for the Board to carry out the duties set forth in this act.

5. Notwithstanding the provisions of any other law, including subsection M of Item 109 of House Bill 30 of the 2016 Session of the General Assembly, no funds shall be awarded by the Virginia Growth and Opportunity Board as grants to qualifying regions based on each region's share of population, as set forth in subdivision B 2 of § 2.2-2487 as added by this act, or as grants to regional councils on a competitive basis, as set forth in subdivision B 3 of § 2.2-2487 as added by this act, unless authorized by a subsequent enactment of the General Assembly on or after July 1, 2016.

CHAPTER 779

An Act to amend and reenact §§ 2.2-2101, as it is currently effective and as it shall become effective, and 2.2-3711 of the Code of Virginia and to amend the Code of Virginia by adding in Chapter 24 of Title 2.2 an article numbered 26, consisting of sections numbered 2.2-2484 through 2.2-2490, relating to Virginia Growth and Opportunity Act; creation of Virginia Growth and Opportunity Board and Fund; establishment of regional councils; report.

[H 834]

Approved May 16, 2016

Be it enacted by the General Assembly of Virginia:

1. That §§ 2.2-2101, as it is currently effective and as it shall become effective, and 2.2-3711 of the Code of Virginia are amended and reenacted and that the Code of Virginia is amended by adding in Chapter 24 of Title 2.2 an article numbered 26, consisting of sections numbered 2.2-2484 through 2.2-2490, as follows:

§ 2.2-2101. (Effective until July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the Council on Virginia's Future, who shall be appointed as provided for in § 2.2-2685; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; ~~or~~ to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; *or to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485.*

§ 2.2-2101. (Effective July 1, 2017) Prohibition against service by legislators on boards, commissions, and councils within the executive branch; exceptions.

Members of the General Assembly shall be ineligible to serve on boards, commissions, and councils within the executive branch of state government who are responsible for administering programs established by the General Assembly. Such prohibition shall not extend to boards, commissions, and councils engaged solely in policy studies or commemorative activities. If any law directs the appointment of any member of the General Assembly to a board, commission, or council in the executive branch of state government that is responsible for administering programs established by the General Assembly, such portion of such law shall be void, and the Governor shall appoint another person from the Commonwealth at large to fill such a position.

The provisions of this section shall not apply to members of the Board for Branch Pilots, who shall be appointed as provided for in § 54.1-901; to members of the Board of Trustees of the Southwest Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.3; to members of the Board of Trustees of the Southern Virginia Higher Education Center, who shall be appointed as provided for in § 23-231.25; to members of the Board of Directors of the New College Institute who shall be appointed as provided for in § 23-231.31; to members of the Virginia Interagency Coordinating Council who shall be appointed as provided for in § 2.2-5204; to members of the Board of Veterans Services, who shall be appointed as provided for in § 2.2-2452; to members appointed to the Board of Trustees of the Roanoke Higher Education Authority pursuant to § 23-231.15; to members of the Virginia Geographic Information Network Advisory Board, who shall be appointed as provided for in § 2.2-2423; to members of the Standards of Learning Innovation Committee, who shall be appointed as provided for in § 22.1-253.13:10; to members of the Board of Visitors of the Virginia School for the Deaf and the Blind, who shall be appointed as provided for in § 22.1-346.2; to members of the Substance Abuse Services Council, who shall be appointed as provided for in § 2.2-2696; to members of the Criminal Justice Services Board, who shall be appointed as provided in § 9.1-108; to members of the State Executive Council for Children's Services, who shall be appointed as provided in § 2.2-2648; to members of the Virginia Board of Workforce Development, who shall be appointed as provided for in § 2.2-2471; to members of the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund Board, who shall be appointed as provided for in § 51.1-1201; to members of the Secure Commonwealth Panel, who shall be appointed as provided for in § 2.2-222.3; to members of the Forensic Science Board, who shall be appointed as provided for in § 9.1-1109; ~~or~~ to members of the Southwest Virginia Cultural Heritage Foundation, who shall be appointed as provided in § 2.2-2735; *or to members of the Virginia Growth and Opportunity Board, who shall be appointed as provided in § 2.2-2485.*

Article 26.

Virginia Growth and Opportunity Act.

§ 2.2-2484. Definitions.

As used in this article, unless the context requires a different meaning:

"Board" means the Virginia Growth and Opportunity Board.

"Fund" means the Virginia Growth and Opportunity Fund.

"Qualifying region" means a region with a regional council.

"Region" means one or more planning districts or otherwise defined areas designated as a region by the Board for the purpose of administering grants provided pursuant to this article.

"Regional activity" means an economic or workforce development-focused collaborative project or program that is (i) endorsed by a regional council, (ii) consistent with the economic growth and diversification plan developed by the regional council, and (iii) carried out, performed on behalf of, or contracted for by two or more localities, political subdivisions, or public bodies corporate and politic within a region.

"Regional council" means a public body certified by the Board as eligible to receive grants pursuant to this article and that is supported by or affiliated with an existing or newly established organization that engages in collaborative planning or execution of economic or workforce development activities within a region.

§ 2.2-2485. Virginia Growth and Opportunity Board; membership; terms; compensation.

A. The Virginia Growth and Opportunity Board is established as a policy board in the executive branch of state government. The purpose of the Board is to promote collaborative regional economic and workforce development opportunities and activities.

B. The Board shall have a total membership of 24 members that shall consist of seven legislative members, 14 nonlegislative citizen members, and three ex officio members. Members shall be appointed as follows: four members of the House of Delegates, consisting of the Chairman of the House Committee on Appropriations and three members appointed by the Speaker of the House of Delegates; three members of the Senate, consisting of the Chairman of the Senate Committee on Finance and two members appointed by the Senate Committee on Rules; two nonlegislative citizen members to be appointed by the Speaker of the House of Delegates, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Senate Committee on Rules, who shall be from different regions of the Commonwealth and have significant private-sector business experience; two nonlegislative citizen members to be appointed by the Governor, who shall be from different regions of the Commonwealth and have significant private-sector business experience; and eight nonlegislative citizen members to be appointed by the Governor, subject to the confirmation of the General Assembly, who shall have significant private-sector business experience. Of the Governor's nonlegislative citizen appointments subject to General Assembly confirmation, no more than two appointees may be from any one region of the Commonwealth. The Speaker of the House of Delegates and the Senate Committee on Rules shall submit a list of recommended nonlegislative citizens with significant private-sector business experience for the Governor to consider in making his nonlegislative citizen appointments. The Governor shall also appoint three Secretaries from the following, who shall serve ex officio with voting privileges: the Secretary of Agriculture and Forestry, the Secretary of Commerce and Trade, the Secretary of Education, the Secretary of Finance, and the Secretary of Technology. Nonlegislative citizen members shall be citizens of the Commonwealth.

C. Legislative members and ex officio members of the Board shall serve terms coincident with their terms of office. After the initial staggering of terms, nonlegislative citizen members shall be appointed for a term of four years. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. No House member appointed by the Speaker of the House shall serve more than four consecutive two-year terms, no Senate member appointed by the Senate Committee on Rules shall serve more than two consecutive four-year terms, and no nonlegislative citizen member shall serve more than two consecutive four-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

D. The Board shall elect a chairman and vice-chairman from among its membership. The chairman shall be a nonlegislative citizen member. A majority of the members shall constitute a quorum.

E. Any decision by the Board shall require an affirmative vote of a majority of the members of the Board.

F. Legislative members of the Board shall receive such compensation as provided in § 30-19.12, and nonlegislative citizen members shall receive compensation as provided in § 2.2-2813 for the performance of their duties. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825.

G. Staff support and technical assistance to the Board and the Governor in carrying out the provisions of this article shall be provided by the agencies of the Secretariats of Commerce and Trade, Education, and Finance.

§ 2.2-2486. Powers and duties of the Board.

A. The Board shall have the power and duty to:

1. Designate regions for the purpose of administering this article;
2. Certify qualifying regions and regional councils, including developing and implementing guidelines or procedures for such certification;
3. Develop and implement guidelines and procedures for the application for and use of any moneys in the Fund;
4. Receive and assess applications for awards from the Fund submitted by regional councils and determine the distribution, duration, and termination of awards from the Fund for uses identified in such applications;
5. Advise the Governor on the allocation and prioritization of other funds available within the executive branch that may be used to promote economic and workforce development on a regional basis;

6. Advise the Governor on the provision of technical assistance regarding the organization and operation of regional councils, the preparation of applications for Fund awards, and the development, validation, and assessment of regional economic growth and diversification plans and regional activities that receive grants from the Fund;

7. Provide for the collection and dissemination of information concerning local, state, national, and other best practices related to collaborative regional economic and workforce development initiatives that focus on private-sector growth and opportunity;

8. Designate advisory committees with expertise in the industries or clusters around which grant requests are proposed to assist in carrying out the Board's duties;

9. Seek independent analytical assistance from outside consultants, including post-grant assessments and reviews to evaluate the results and outcomes of grants awarded pursuant to this article;

10. Enter into contracts to provide services to regional councils to assist with prioritization, analysis, planning, and implementation of regional activities;

11. Submit to the Governor and the General Assembly an annual report for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports. The chairman shall submit to the Governor and the General Assembly an annual executive summary of the interim activity and work of the Board no later than December 1. The executive summary shall be submitted for publication as a report document as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website; and

12. Perform such other activities and functions as the Governor and General Assembly may direct.

B. The development of guidelines and procedures to implement the provisions of this article shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

§ 2.2-2487. Virginia Growth and Opportunity Fund.

A. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia Growth and Opportunity Fund. The Fund shall be established on the books of the Comptroller. All moneys appropriated by the General Assembly for the Fund, and from any other sources, public or private, shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, included interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the chairman of the Board.

B. Moneys in the Fund shall be used to facilitate regional collaboration on economic growth and diversification. Specifically, the Fund shall be used to incentivize and encourage cooperation among business, education, and government on regional strategic economic development and workforce development efforts. Available moneys in the Fund shall be allocated as follows:

1. A portion of the Fund may be used to support the initial organizational efforts of each regional council, such as capacity-building activities, project prioritization, and studies and analyses related to the development of an economic growth and diversification plan for the region, including identification of existing and prospective gaps in education and skills within the region;

2. A portion shall be reserved for specific projects in each region on the basis of a region's share of state population, based on population estimates made by the Weldon Cooper Center for Public Service at the University of Virginia. However, the Board may cancel such reservation in whole or in part if, in the Board's judgment, the region has failed to establish a certified regional council or to otherwise meet the qualifications for grant funding in accordance with this article; and

3. A portion shall be competitively awarded on the basis of expected economic impact and outcomes without regard to a region's population.

Except for initial grants awarded pursuant to subdivision 1, no more than eight percent of any grants from the Fund to a single regional council shall be used for administrative or planning purposes.

C. Public comment shall be received by the Board when making decisions regarding awards from the Fund.

D. No more than 90 percent of moneys in the Fund shall be awarded or allocated in any fiscal year.

§ 2.2-2488. Formation of regional councils.

A. A regional council may be established in each region identified by the Board. Regional councils shall solicit, review, and recommend regional activity projects to the Board in accordance with this article.

B. When there is no certified regional council in existence in a region, the Board may provide for the formation of a regional council by designating a formation committee chairman and two members from the region. The formation committee chairman shall be a nonlegislative citizen member of the Board, and the chairman may designate up to two additional members of the formation committee. The formation committee shall be responsible for such consultation and recruitment within the region as is likely to result in certification of a regional council for the region. The formation committee chairman and members may serve as officers and members of the regional council.

C. A regional council shall include representatives from (i) the education sector, including school divisions, community colleges, and public institutions of higher education; (ii) the economic and workforce development sector; (iii) local government; (iv) planning district commissions; (v) nonprofit organizations; and (vi) other entities that significantly affect regional economic or workforce development. Membership may include one or more nonlegislative citizen members of the Board from the region. A majority of the members of a regional council shall be from the private sector with demonstrated

significant private-sector business experience. A regional council shall be chaired by a citizen member from the region with significant private-sector business experience.

D. The Board shall certify that the regional council member selection process, membership, governance, structure, composition, and leadership meet the requirements of this article and the program guidelines and procedures. The Board shall certify that the regional council has adopted bylaws and taken other such steps in its organizational activities and business plan as are necessary or required by Board guidelines and procedures to provide for accountability for and oversight of regional activities funded from the Fund.

E. Public comment shall be received by the Board when certifying a regional council.

§ 2.2-2489. Award of grants to regional councils.

A. The Board shall establish guidelines, procedures, and objective criteria for the award and distribution of grants from the Fund to regional councils.

B. In order to qualify to receive grants from the Fund, a regional council shall develop an economic growth and diversification plan to (i) promote private-sector growth and opportunity in the region; (ii) identify issues of economic competitiveness for the region, including gaps in education and skills required to meet existing and prospective employer needs within the region; and (iii) outline steps that the collaborating business, education, and government entities in the region will pursue to expand economic opportunity, diversify the economy, and align workforce development activities with the education and skills needed by employers in the region. A regional council shall review such plan not less than biennially while the regional council is receiving grants from the Fund.

C. The Board shall only consider those regional activities endorsed by a regional council in its application for grants from the Fund. For any regional activity included in a regional council's application, the regional council shall identify (i) the amount of grants requested and the number of years for which grants are sought; (ii) the participating business, education, and government entities and their respective roles and contributions; (iii) the private, local, and other sources of nonstate funding that the grant from the Fund will assist in generating, including specific amounts pledged by such sources as of the application date; (iv) how the regional activity addresses the skills gaps identified in the council's economic growth and diversification plan; and (v) the economic impact or other outcomes that are reasonably expected to result from the proposed regional activity, including timetables and means of measurement.

D. Regional activities eligible for grants from the Fund shall be focused on high-impact, collaborative projects in a region that promote new job creation, entrepreneurship, and new capital investment; leverage nonstate resources to enhance collaboration; foster research, development, and commercialization activities; encourage cooperation among public bodies to reduce costs and duplication of government services; and promote other economic or workforce development activities consistent with this article that are authorized by the Board. The Board shall give initial priority to grant proposals that promote workforce development and other activities focused on eliminating skills gaps identified in a region's economic growth and diversification plan.

E. In determining a regional council's eligibility to receive grants from the Fund, and the amount of such grants, the Board shall review and score the proposed regional activities. Scores shall be assigned on the basis of predetermined criteria established by the Board in its guidelines and procedures based on the following factors:

1. The expected economic impact or outcome of the activity, with particular emphasis on goals identified in the regional council's plan for economic growth and diversification;

2. The fiscal resources from non-Fund sources that will be committed to the activity, including local or federal funds, private contributions, and cost savings expected to be achieved through regional collaboration;

3. The number and percentage of localities, including political subdivisions and bodies corporate and politic, within the region that are participating in the activity, the portion of the region's population represented by the participating localities, and the participation of localities that are outside of the applicant region;

4. The compatibility with other projects, programs, or existing infrastructure in a region to maximize the leverage of grants from the Fund to encourage new collaborative activities;

5. The expected economic impact and outcomes of the project and the complexity of the project relative to the size of the economy of the region or to the population of the participating localities;

6. The projected cost savings and other efficiencies generated by the proposed activity, and the local resources generated by collaboration that have been or will be repurposed to support the activity;

7. The character of the regional collaboration, including the nature and extent of the regional effort involved in developing and implementing the proposed activity, the complexity of the activity, the prospective impact on relations between and among the affected localities, and the prospective impact on collaboration between and among business, education, and government entities in the region;

8. Interstate, inter-regional, and other beneficial forms of collaboration, if any, that will accompany, result from, or be encouraged by the activity;

9. Efficiency in the administration and oversight of regional activities; and

10. Other factors deemed to be appropriate by the Board.

F. Each regional council awarded a grant from the Fund shall issue an annual report that shall include, at a minimum, an assessment of the impact and outcomes from regional activities supported by grants from the Fund and the region's overall progress in addressing the goals and strategies identified in the region's plan for economic growth and diversification. Such assessment shall address performance criteria prescribed in the program guidelines and procedures.

G. Subject to the provisions of § 2.2-2488 and this section, once a regional council becomes eligible for grants from the Fund, the regional council may continue to apply for and receive grants from the Fund to support economic activities consistent with the regional council's economic growth and diversification plan in such amounts and for such duration as the Board may determine in accordance with its guidelines and procedures. The Board may terminate any payments to regional councils that fail to perform in accordance with this article, the Board's guidelines or procedures, or any conditions expressly agreed upon as part of a grant award, or for malfeasance. The Board may require the refund of moneys from the Fund upon such termination. Grants that are terminated shall revert to the Fund for distribution on an unallocated competitive basis.

H. In making Fund recommendations and awards, the Board may consider regional activities that commenced prior to the enactment of this article, provided that the grant-funded program or project will expand the scope of, or increase the number of localities participating in, such preexisting activity.

I. No regional council may have outstanding grant commitments of more than 25 percent of the total amount appropriated to the Fund.

J. The year for grant payments shall be the Commonwealth's fiscal year following the calendar year in which the region qualifies, with payments made annually by the Comptroller upon certification by the Board. Grant amounts shall be made at the sole discretion of the Board.

K. Any grant awarded from the Fund to a regional council shall require matching funds at least equal to the grant, provided, however, that the Board shall have the authority to reduce the match requirement to no less than half of the grant upon a finding by the Board of fiscal distress or an exceptional economic opportunity in a region. Such matching funds may be from local, regional, federal, or private funds, but shall not include any state general or nongeneral funds, from whatever source.

L. Decisions of the Board shall be final and not subject to review or appeal.

§ 2.2-2490. Annual audit.

The accounts of the Board shall be audited annually by the Auditor of Public Accounts or his legally authorized representatives. Copies of the annual audit shall be distributed to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance.

§ 2.2-3711. Closed meetings authorized for certain limited purposes.

A. Public bodies may hold closed meetings only for the following purposes:

1. Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body; and evaluation of performance of departments or schools of public institutions of higher education where such evaluation will necessarily involve discussion of the performance of specific individuals. Any teacher shall be permitted to be present during a closed meeting in which there is a discussion or consideration of a disciplinary matter that involves the teacher and some student and the student involved in the matter is present, provided the teacher makes a written request to be present to the presiding officer of the appropriate board.

2. Discussion or consideration of admission or disciplinary matters or any other matters that would involve the disclosure of information contained in a scholastic record concerning any student of any Virginia public institution of higher education or any state school system. However, any such student, legal counsel and, if the student is a minor, the student's parents or legal guardians shall be permitted to be present during the taking of testimony or presentation of evidence at a closed meeting, if such student, parents, or guardians so request in writing and such request is submitted to the presiding officer of the appropriate board.

3. Discussion or consideration of the acquisition of real property for a public purpose, or of the disposition of publicly held real property, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body.

4. The protection of the privacy of individuals in personal matters not related to public business.

5. Discussion concerning a prospective business or industry or the expansion of an existing business or industry where no previous announcement has been made of the business' or industry's interest in locating or expanding its facilities in the community.

6. Discussion or consideration of the investment of public funds where competition or bargaining is involved, where, if made public initially, the financial interest of the governmental unit would be adversely affected.

7. Consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body; and consultation with legal counsel employed or retained by a public body regarding specific legal matters requiring the provision of legal advice by such counsel. For the purposes of this subdivision, "probable litigation" means litigation that has been specifically threatened or on which the public body or its legal counsel has a reasonable basis to believe will be commenced by or against a known party. Nothing in this subdivision shall be construed to permit the closure of a meeting merely because an attorney representing the public body is in attendance or is consulted on a matter.

8. In the case of boards of visitors of public institutions of higher education, discussion or consideration of matters relating to gifts, bequests and fund-raising activities, and grants and contracts for services or work to be performed by such institution. However, the terms and conditions of any such gifts, bequests, grants, and contracts made by a foreign government, a foreign legal entity, or a foreign person and accepted by a public institution of higher education in Virginia

shall be subject to public disclosure upon written request to the appropriate board of visitors. For the purpose of this subdivision, (i) "foreign government" means any government other than the United States government or the government of a state or a political subdivision thereof; (ii) "foreign legal entity" means any legal entity created under the laws of the United States or of any state thereof if a majority of the ownership of the stock of such legal entity is owned by foreign governments or foreign persons or if a majority of the membership of any such entity is composed of foreign persons or foreign legal entities, or any legal entity created under the laws of a foreign government; and (iii) "foreign person" means any individual who is not a citizen or national of the United States or a trust territory or protectorate thereof.

9. In the case of the boards of trustees of the Virginia Museum of Fine Arts, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, and The Science Museum of Virginia, discussion or consideration of matters relating to specific gifts, bequests, and grants.

10. Discussion or consideration of honorary degrees or special awards.

11. Discussion or consideration of tests, examinations, or other records excluded from this chapter pursuant to subdivision 4 of § 2.2-3705.1.

12. Discussion, consideration, or review by the appropriate House or Senate committees of possible disciplinary action against a member arising out of the possible inadequacy of the disclosure statement filed by the member, provided the member may request in writing that the committee meeting not be conducted in a closed meeting.

13. Discussion of strategy with respect to the negotiation of a hazardous waste siting agreement or to consider the terms, conditions, and provisions of a hazardous waste siting agreement if the governing body in open meeting finds that an open meeting will have an adverse effect upon the negotiating position of the governing body or the establishment of the terms, conditions and provisions of the siting agreement, or both. All discussions with the applicant or its representatives may be conducted in a closed meeting.

14. Discussion by the Governor and any economic advisory board reviewing forecasts of economic activity and estimating general and nongeneral fund revenues.

15. Discussion or consideration of medical and mental health records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.5.

16. Deliberations of the Virginia Lottery Board in a licensing appeal action conducted pursuant to subsection D of § 58.1-4007 regarding the denial or revocation of a license of a lottery sales agent; and discussion, consideration or review of Virginia Lottery matters related to proprietary lottery game information and studies or investigations exempted from disclosure under subdivision 6 of § 2.2-3705.3 and subdivision 11 of § 2.2-3705.7.

17. Those portions of meetings by local government crime commissions where the identity of, or information tending to identify, individuals providing information about crimes or criminal activities under a promise of anonymity is discussed or disclosed.

18. Those portions of meetings in which the Board of Corrections discusses or discloses the identity of, or information tending to identify, any prisoner who (i) provides information about crimes or criminal activities, (ii) renders assistance in preventing the escape of another prisoner or in the apprehension of an escaped prisoner, or (iii) voluntarily or at the instance of a prison official renders other extraordinary services, the disclosure of which is likely to jeopardize the prisoner's life or safety.

19. Discussion of plans to protect public safety as it relates to terrorist activity or specific cybersecurity threats or vulnerabilities and briefings by staff members, legal counsel, or law-enforcement or emergency service officials concerning actions taken to respond to such matters or a related threat to public safety; discussion of records excluded from this chapter pursuant to subdivision 3 or 4 of § 2.2-3705.2, where discussion in an open meeting would jeopardize the safety of any person or the security of any facility, building, structure, information technology system, or software program; or discussion of reports or plans related to the security of any governmental facility, building or structure, or the safety of persons using such facility, building or structure.

20. Discussion by the Board of the Virginia Retirement System, acting pursuant to § 51.1-124.30, or of any local retirement system, acting pursuant to § 51.1-803, or of the Rector and Visitors of the University of Virginia, acting pursuant to § 23-76.1, or by the Board of the Virginia College Savings Plan, acting pursuant to § 23-38.80, regarding the acquisition, holding or disposition of a security or other ownership interest in an entity, where such security or ownership interest is not traded on a governmentally regulated securities exchange, to the extent that such discussion (i) concerns confidential analyses prepared for the Rector and Visitors of the University of Virginia, prepared by the retirement system or by the Virginia College Savings Plan or provided to the retirement system or the Virginia College Savings Plan under a promise of confidentiality, of the future value of such ownership interest or the future financial performance of the entity, and (ii) would have an adverse effect on the value of the investment to be acquired, held or disposed of by the retirement system, the Rector and Visitors of the University of Virginia, or the Virginia College Savings Plan. Nothing in this subdivision shall be construed to prevent the disclosure of information relating to the identity of any investment held, the amount invested or the present value of such investment.

21. Those portions of meetings in which individual child death cases are discussed by the State Child Fatality Review team established pursuant to § 32.1-283.1, those portions of meetings in which individual child death cases are discussed by a regional or local child fatality review team established pursuant to § 32.1-283.2, those portions of meetings in which individual death cases are discussed by family violence fatality review teams established pursuant to § 32.1-283.3, those portions of meetings in which individual adult death cases are discussed by the state Adult Fatality Review Team

established pursuant to § 32.1-283.5, and those portions of meetings in which individual adult death cases are discussed by a local or regional adult fatality review team established pursuant to § 32.1-283.6.

22. Those portions of meetings of the University of Virginia Board of Visitors or the Eastern Virginia Medical School Board of Visitors, as the case may be, and those portions of meetings of any persons to whom management responsibilities for the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, have been delegated, in which there is discussed proprietary, business-related information pertaining to the operations of the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, including business development or marketing strategies and activities with existing or future joint venturers, partners, or other parties with whom the University of Virginia Medical Center or Eastern Virginia Medical School, as the case may be, has formed, or forms, any arrangement for the delivery of health care, if disclosure of such information would adversely affect the competitive position of the Medical Center or Eastern Virginia Medical School, as the case may be.

23. In the case of the Virginia Commonwealth University Health System Authority, discussion or consideration of any of the following: the acquisition or disposition of real or personal property where disclosure would adversely affect the bargaining position or negotiating strategy of the Authority; operational plans that could affect the value of such property, real or personal, owned or desirable for ownership by the Authority; matters relating to gifts, bequests and fund-raising activities; grants and contracts for services or work to be performed by the Authority; marketing or operational strategies where disclosure of such strategies would adversely affect the competitive position of the Authority; members of its medical and teaching staffs and qualifications for appointments thereto; and qualifications or evaluations of other employees. This exemption shall also apply when the foregoing discussions occur at a meeting of the Virginia Commonwealth University Board of Visitors.

24. Those portions of the meetings of the Health Practitioners' Monitoring Program Committee within the Department of Health Professions to the extent such discussions identify any practitioner who may be, or who actually is, impaired pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1.

25. Meetings or portions of meetings of the Board of the Virginia College Savings Plan wherein personal information, as defined in § 2.2-3801, which has been provided to the Board or its employees by or on behalf of individuals who have requested information about, applied for, or entered into prepaid tuition contracts or savings trust account agreements pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23 is discussed.

26. Discussion or consideration, by the Wireless Carrier E-911 Cost Recovery Subcommittee created pursuant to § 56-484.15, of trade secrets, as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.), submitted by CMRS providers as defined in § 56-484.12, related to the provision of wireless E-911 service.

27. Those portions of disciplinary proceedings by any regulatory board within the Department of Professional and Occupational Regulation, Department of Health Professions, or the Board of Accountancy conducted pursuant to § 2.2-4019 or 2.2-4020 during which the board deliberates to reach a decision or meetings of health regulatory boards or conference committees of such boards to consider settlement proposals in pending disciplinary actions or modifications to previously issued board orders as requested by either of the parties.

28. Discussion or consideration of records excluded from this chapter pursuant to subdivision 11 of § 2.2-3705.6 by a responsible public entity or an affected locality or public entity, as those terms are defined in § 33.2-1800, or any independent review panel appointed to review information and advise the responsible public entity concerning such records.

29. Discussion of the award of a public contract involving the expenditure of public funds, including interviews of bidders or offerors, and discussion of the terms or scope of such contract, where discussion in an open session would adversely affect the bargaining position or negotiating strategy of the public body.

30. Discussion or consideration of grant or loan application records excluded from this chapter pursuant to subdivision 17 of § 2.2-3705.6 by (i) the Commonwealth Health Research Board or (ii) the Innovation and Entrepreneurship Investment Authority or the Research and Technology Investment Advisory Committee appointed to advise the Innovation and Entrepreneurship Investment Authority.

31. Discussion or consideration by the Commitment Review Committee of records excluded from this chapter pursuant to subdivision 9 of § 2.2-3705.2 relating to individuals subject to commitment as sexually violent predators under Chapter 9 (§ 37.2-900 et seq.) of Title 37.2.

32. [Expired.]

33. Discussion or consideration of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 18 of § 2.2-3705.6.

34. Discussion or consideration by a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) of confidential proprietary records and trade secrets excluded from this chapter pursuant to subdivision 19 of § 2.2-3705.6.

35. Discussion or consideration by the State Board of Elections or local electoral boards of voting security matters made confidential pursuant to § 24.2-625.1.

36. Discussion or consideration by the Forensic Science Board or the Scientific Advisory Committee created pursuant to Article 2 (§ 9.1-1109 et seq.) of Chapter 11 of Title 9.1 of records excluded from this chapter pursuant to subdivision A 2 a of § 2.2-3706.

37. Discussion or consideration by the Brown v. Board of Education Scholarship Program Awards Committee of records or confidential matters excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.4, and meetings of the

Committee to deliberate concerning the annual maximum scholarship award, review and consider scholarship applications and requests for scholarship award renewal, and cancel, rescind, or recover scholarship awards.

38. Discussion or consideration by the Virginia Port Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.6.

39. Discussion or consideration by the Board of Trustees of the Virginia Retirement System acting pursuant to § 51.1-124.30, by the Investment Advisory Committee appointed pursuant to § 51.1-124.26, by any local retirement system, acting pursuant to § 51.1-803, by the Board of the Virginia College Savings Plan acting pursuant to § 23-38.80, or by the Virginia College Savings Plan's Investment Advisory Committee appointed pursuant to § 23-38.79:1 of records excluded from this chapter pursuant to subdivision 25 of § 2.2-3705.7.

40. Discussion or consideration of records excluded from this chapter pursuant to subdivision 3 of § 2.2-3705.6.

41. Discussion or consideration by the Board of Education of records relating to the denial, suspension, or revocation of teacher licenses excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.3.

42. Those portions of meetings of the Virginia Military Advisory Council or any commission created by executive order for the purpose of studying and making recommendations regarding preventing closure or realignment of federal military and national security installations and facilities located in Virginia and relocation of such facilities to Virginia, or a local or regional military affairs organization appointed by a local governing body, during which there is discussion of records excluded from this chapter pursuant to subdivision 12 of § 2.2-3705.2.

43. Discussion or consideration by the Board of Trustees of the Veterans Services Foundation of records excluded from this chapter pursuant to subdivision 29 of § 2.2-3705.7.

44. Discussion or consideration by the Virginia Tobacco Region Revitalization Commission of records excluded from this chapter pursuant to subdivision 23 of § 2.2-3705.6.

45. Discussion or consideration by the board of directors of the Commercial Space Flight Authority of records excluded from this chapter pursuant to subdivision 24 of § 2.2-3705.6.

46. Discussion or consideration of personal and proprietary information that are excluded from the provisions of this chapter pursuant to (i) subdivision 25 of § 2.2-3705.6 or (ii) subsection E of § 10.1-104.7. This exemption shall not apply to the discussion or consideration of records that contain information that has been certified for release by the person who is the subject of the information or transformed into a statistical or aggregate form that does not allow identification of the person who supplied, or is the subject of, the information.

47. (Effective July 1, 2018) Discussion or consideration by the Board of Directors of the Virginia Alcoholic Beverage Control Authority of records excluded from this chapter pursuant to subdivision 1 of § 2.2-3705.3 or subdivision 34 of § 2.2-3705.7.

48. *Discussion or development of grant proposals by a regional council established pursuant to Article 26 (§ 2.2-2484 et seq.) of Chapter 24 to be submitted for consideration to the Virginia Growth and Opportunity Board.*

B. No resolution, ordinance, rule, contract, regulation or motion adopted, passed or agreed to in a closed meeting shall become effective unless the public body, following the meeting, reconvenes in open meeting and takes a vote of the membership on such resolution, ordinance, rule, contract, regulation, or motion that shall have its substance reasonably identified in the open meeting.

C. Public officers improperly selected due to the failure of the public body to comply with the other provisions of this section shall be de facto officers and, as such, their official actions are valid until they obtain notice of the legal defect in their election.

D. Nothing in this section shall be construed to prevent the holding of conferences between two or more public bodies, or their representatives, but these conferences shall be subject to the same procedures for holding closed meetings as are applicable to any other public body.

E. This section shall not be construed to (i) require the disclosure of any contract between the Department of Health Professions and an impaired practitioner entered into pursuant to Chapter 25.1 (§ 54.1-2515 et seq.) of Title 54.1 or (ii) require the board of directors of any authority created pursuant to the Industrial Development and Revenue Bond Act (§ 15.2-4900 et seq.), or any public body empowered to issue industrial revenue bonds by general or special law, to identify a business or industry to which subdivision A 5 applies. However, such business or industry shall be identified as a matter of public record at least 30 days prior to the actual date of the board's authorization of the sale or issuance of such bonds.

2. That the initial appointments of nonlegislative citizen members to the Virginia Growth and Opportunity Board shall be staggered as follows: (i) two members for two years appointed by the Speaker of the House of Delegates; (ii) two members for three years appointed by the Senate Committee on Rules; and (iii) three members for two years, three members for three years, and four members for four years appointed by the Governor.

3. That the Chairmen of the Senate Committee on Finance and the House Committee on Appropriations shall convene a working group to assist the Virginia Growth and Opportunity Board in the development of guidelines and procedures to implement the provisions of this act. The working group shall include representatives of state and regional economic development organizations, regional workforce entities, planning district commissions, manufacturing and small business associations, local government, and other such entities and individuals as the Chairmen deems appropriate. The working group shall conclude its work on the guidelines by October 15, 2016, but shall remain constituted and shall convene upon the call of the Chairmen to provide guidance on future changes to the guidelines and procedures or other activities related to the implementation of this act.

4. That it is the intent of the General Assembly that by fiscal year 2019, the Virginia Growth and Opportunity Board shall create an affiliated entity, funded wholly from non-state sources, to provide staff support and to provide other services necessary for the Board to carry out the duties set forth in this act.

5. Notwithstanding the provisions of any other law, including subsection M of Item 109 of House Bill 30 of the 2016 Session of the General Assembly, no funds shall be awarded by the Virginia Growth and Opportunity Board as grants to qualifying regions based on each region's share of population, as set forth in subdivision B 2 of § 2.2-2487 as added by this act, or as grants to regional councils on a competitive basis, as set forth in subdivision B 3 of § 2.2-2487 as added by this act, unless authorized by a subsequent enactment of the General Assembly on or after July 1, 2016.

VIRGINIA ACTS OF ASSEMBLY - CHAPTER 780

REENROLLED

An Act for all appropriations of the Budget submitted by the Governor of Virginia in accordance with the provisions of § 2.2-1509, Code of Virginia, and to provide a portion of revenues for the two years ending respectively on the thirtieth day of June, 2017, and the thirtieth day of June, 2018.

[H 30]

Approved - May 20, 2016

Be it enacted by the General Assembly of Virginia:

1. §1. The following are hereby appropriated, for the current biennium, as set forth in succeeding parts, sections and items, for the purposes stated and for the years indicated:

A. The balances of appropriations made by previous acts of the General Assembly which are recorded as unexpended, as of the close of business on the last day of the previous biennium, on the final records of the State Comptroller; and

B. The public taxes and arrears of taxes, as well as moneys derived from all other sources, which shall come into the state treasury prior to the close of business on the last day of the current biennium. The term "moneys" means nontax revenues of all kinds, including but not limited to fees, licenses, services and contract charges, gifts, grants, and donations, and projected revenues derived from proposed legislation contingent upon General Assembly passage.

§ 2. Such balances, public taxes, arrears of taxes, and monies derived from all other sources as are not segregated by law to other funds, which funds are defined by the State Comptroller, pursuant to § 2.2-803, Code of Virginia, shall establish and constitute the general fund of the state treasury.

§ 3. The appropriations made in this act from the general fund are based upon the following:

	First Year	Second Year	Total
Unreserved Balance, June 30, 2016	\$265,336,321		\$265,336,321
Additions to Balance	\$680,905,000	(\$500,000)	\$680,405,000
Official Revenue Estimates	\$18,902,391,274	\$19,633,121,954	\$38,535,513,228
Transfer	\$577,749,718	\$596,782,957	\$1,174,532,675
Total General Fund Resources Available for Appropriation	\$20,426,382,313	\$20,229,404,911	\$40,655,787,224

The appropriations made in this act from nongeneral fund revenues are based upon the following:

	First Year	Second Year	Total
Balance, June 30, 2016	\$4,728,561,193		\$4,728,561,193
Official Revenue Estimates	\$27,087,129,137	\$27,422,707,612	\$54,509,836,749
Lottery Proceeds Fund	\$561,527,170	\$541,231,250	\$1,102,758,420
Internal Service Fund	\$2,027,184,365	\$2,127,218,076	\$4,154,402,441
Bond Proceeds	\$342,336,000	\$99,900,000	\$442,236,000
Total Nongeneral Fund Revenues Available for Appropriation	\$34,746,737,865	\$30,191,056,938	\$64,937,794,803
TOTAL PROJECTED REVENUES	\$55,173,120,178	\$50,420,461,849	\$105,593,582,027

§ 4. Nongeneral fund revenues which are not otherwise segregated pursuant to this act shall be segregated in accordance with the acts respectively establishing them.

§ 5. The sums herein appropriated are appropriated from the fund sources designated in the respective items of this act.

§ 6. When used in this act the term:

A. "Current biennium" means the period from the first day of July two thousand sixteen, through the thirtieth day of June two thousand eighteen, inclusive.

B. "Previous biennium" means the period from the first day of July two thousand fourteen, through the thirtieth day of June two thousand sixteen, inclusive.

C. "Next biennium" means the period from the first day of July two thousand eighteen, through the thirtieth day of June two thousand twenty, inclusive.

D. "State agency" means a court, department, institution, office, board, council or other unit of state government located in the legislative, judicial, or executive departments or group of independent agencies, or central appropriations, as shown in this act, and which is designated in this act by title and a three-digit agency code.

E. "Nonstate agency" means an organization or entity as defined in § 2.2-1505 C, Code of Virginia.

F. "Authority" sets forth the general enabling statute, either state or federal, for the operation of the program for which appropriations are shown.

G. "Discretionary" means there is no continuing statutory authority which infers or requires state funding for programs for which the appropriations are shown.

H. "Appropriation" shall include both the funds authorized for expenditure and the corresponding level of full-time equivalent employment.

I. "Sum sufficient" identifies an appropriation for which the Governor is authorized to exceed the amount shown in the Appropriation Act if required to carry out the purpose for which the appropriation is made.

J. "Item Details" indicates that, except as provided in § 6 H above, the numbers shown under the columns labeled Item Details are for information reference only.

K. Unless otherwise defined, terms used in this act dealing with budgeting, planning and related management actions are defined in the instructions for preparation of the Executive Budget.

§ 7. The total appropriations from all sources in this act have been allocated as follows:

	BIENNIUM 2016-18		
	General Fund	Nongeneral Fund	Total
OPERATING EXPENSES	\$40,623,774,591	\$63,014,448,199	\$103,638,222,790
LEGISLATIVE			
DEPARTMENT	\$160,532,764	\$6,378,883	\$166,911,647
JUDICIAL DEPARTMENT	\$969,807,137	\$66,307,900	\$1,036,115,037
EXECUTIVE DEPARTMENT	\$39,491,949,557	\$61,773,767,182	\$101,265,716,739
INDEPENDENT AGENCIES	\$1,485,133	\$1,167,994,234	\$1,169,479,367
STATE GRANTS TO			
NONSTATE AGENCIES	\$0	\$0	\$0
CAPITAL OUTLAY			
EXPENSES	\$10,800,000	\$646,876,700	\$657,676,700
TOTAL	\$40,634,574,591	\$63,661,324,899	\$104,295,899,490

§ 8. This chapter shall be known and may be cited as the "2016 Appropriation Act."

ITEM 1.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

PART 1: OPERATING EXPENSES

LEGISLATIVE DEPARTMENT

§ 1-1. GENERAL ASSEMBLY OF VIRGINIA (101)

1.	Enactment of Laws (78200) a sum sufficient, estimated at.....			\$41,576,606	\$41,577,738
	Legislative Sessions (78204).....	\$41,576,606	\$41,577,738		
	Fund Sources: General.....	\$41,576,606	\$41,577,738		

Authority: Article IV, Constitution of Virginia.

A. Out of this appropriation, the House of Delegates is funded \$25,032,589 the first year and \$25,033,562 the second year from the general fund. The Senate is funded \$13,888,527 the first year and \$13,894,993 the second year from the general fund.

B. Out of this appropriation shall be paid:

1. The salaries of the Speaker of the House of Delegates and other members, and personnel employed by each House; the mileage of members, officers and employees, including salaries and mileage of members of legislative committees sitting during recess; public printing and related expenses required by or for the General Assembly; and the incidental expenses of the General Assembly (§§ 30-19.11 through 30-19.20, inclusive, and § 30-19.4, Code of Virginia). The salary of the Speaker of the House of Delegates shall be \$36,321 per year. The salaries of other members of the House of Delegates shall be \$17,640 per year. The salaries of the members of the Senate shall be \$18,000 per year.

2. The annual salary of the Clerk of the House of Delegates, \$151,375 from July 1, 2016 to June 24, 2017 and \$151,375 from June 25, 2017 to June 30, 2018.

3. The annual salary of the Clerk of the Senate, \$148,184 from July 1, 2016 to June 24, 2017 and \$148,184 from June 25, 2017 to June 30, 2018.

4. Expenses of the Speaker of the House of Delegates not otherwise reimbursed, \$16,200 each year, to be paid in equal monthly installments during the year.

5. In accordance with § 30-19.4, Code of Virginia, and subject to all other conditions of that section except as otherwise provided in the following paragraphs:

a. \$98,793 per calendar year for the compensation of one or more secretaries of the Speaker of the House of Delegates. After June 30, 2016, salary increases shall be governed by the provisions of Item 475 of this act.

b. \$148,189 per calendar year for the compensation of one or more legislative assistants of the Speaker of the House of Delegates. After June 30, 2016, salary increases shall be governed by the provisions of Item 475 of this act.

c. \$187,500 per calendar year for the compensation of one or more secretaries or legislative assistants for the Senate majority and minority leadership, as determined by the Majority Leader in consultation with the Chairman of the Senate Committee on Rules. After June 30, 2016, salary increases shall be governed by the provisions of Item 475 of this act.

d.1. \$40,800 per calendar year for the compensation of legislative assistants for each member of the House of Delegates and \$45,900 for the compensation of legislative assistants for each member of the Senate. After June 30, 2016, salary increases granted shall be governed by the provisions of Item 475 of this act.

2. In addition, \$15,300 per calendar year for each member of the House of Delegates and \$10,200 per calendar year for each member of the Senate to provide compensation for

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additional legislative assistant support costs incurred during the legislative session and in the operation of legislative offices within members' districts. After June 30, 2016, salary increases granted shall be governed by the provisions of Item 475 of this act.

e. The per diem for each legislative assistant of each member of the General Assembly, including the Speaker of the House of Delegates. Such per diem shall equal the amount authorized per session day for General Assembly members in paragraph B 7, if such legislative assistant maintains a temporary residence during the legislative session or an extension thereof and if the establishment of such temporary residence results from the person's employment by the member. The per diem for a legislative assistant who is domiciled in the City of Richmond or whose domicile is within twenty miles of the Capitol shall equal thirty-five percent of the amount paid to a legislative assistant who maintains a temporary residence during such session. For purposes of this paragraph, (i) a session day shall include such days as shall be established by the Rules Committee of each respective House and (ii) a temporary residence is defined as a residence certified by the member served by the legislative assistant as occupied only by reason of employment during the legislative session or extension thereof. Notwithstanding the provisions of (i) of the preceding sentence, if the House from which the legislative assistant is paid is in adjournment during a regular or special session, he must show to the satisfaction of the Clerk that he worked each day during such adjournment for which such per diem is claimed.

f. A mileage allowance as provided in § 2.2-2823 A, Code of Virginia, and as certified by the member. Such mileage allowance shall be paid to a legislative assistant for one round trip between the City of Richmond and such person's home each week during the legislative session or an extension thereof when such person is maintaining a temporary residence.

g. Per diem and mileage shall be paid only to a person who is paid compensation pursuant to § 30-19.4, Code of Virginia.

h. Not more than one person shall be paid per diem or mileage during a single weekly pay period for serving a member as legislative assistant during a legislative session or extension thereof.

i. No person, by virtue of concurrently serving more than one member, shall be paid mileage or per diem in excess of the daily rates specified in this Item.

j. \$20,277 per calendar year additional allowance for secretaries or legislative assistants to the Majority and Minority Leaders of the House of Delegates and the Senate and for secretaries or legislative assistants to the President Pro Tempore of the Senate and the Chairman Emeritus of the Senate Finance Committee, and to the Chairmen of the House Appropriations and Senate Finance Committees. After June 30, 2016, salary increases shall be governed by the provisions of Item 475 of this act.

6.a. All compensation and reimbursement of expenses to members of the General Assembly and non-General Assembly members for attending a meeting described in paragraphs B.6.c., B.6.d., B.7., and B.8. shall be paid solely as provided pursuant to this item.

b. The provisions of paragraphs B.6.c. and B.6.d. of this item shall not apply during any regular session of the General Assembly or extension thereof, or during any special session of the General Assembly; provided, however, that the provisions of such paragraphs shall apply during any recess of the same.

c. Notwithstanding any other provision of law, each General Assembly member shall receive compensation for each day, or portion thereof, of attendance at an official meeting of any joint subcommittee, board, commission, authority, council, compact, or other body that has been created or established by the General Assembly or by resolution of a house of the General Assembly, provided that the member has been appointed to, or designated an official member of, such joint subcommittee, board, commission, authority, council, compact, or other body pursuant to an act of the General Assembly or a resolution of a house of the General Assembly that provides for the appointment or designation.

Notwithstanding any other provision of law, each General Assembly member shall also receive compensation for each day, or portion thereof, of attendance at an official meeting of (i) any standing committee or subcommittee thereof of the House of Delegates to which the member has been appointed, (ii) any standing committee or subcommittee thereof or

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Committee on Rules of the Senate to which the member has been appointed, or (iii) the Joint Rules Committee of the General Assembly. Any official meeting of a subcommittee of any of the committees described in clauses (i), (ii), or (iii) shall also be an official meeting for which the member shall receive compensation.

Notwithstanding any other provision of law, any General Assembly member whose attendance, in the written opinion of the chairman of (a) any joint subcommittee, board, commission, authority, council, or other body that has been created or established in the legislative branch of state government by the General Assembly or by resolution of a house of the General Assembly; (b) any such standing committee of the House of Delegates or of the Senate; (c) the Committee on Rules of the Senate; or (d) the Joint Rules Committee of the General Assembly, is required at an official meeting of the body shall also receive compensation for each day, or portion thereof, of attendance at such official meeting.

Any General Assembly member receiving compensation pursuant to this paragraph for attending an official meeting shall be reimbursed for his or her reasonable and necessary expenses incurred in attending such meeting. Notwithstanding any other provision of law, the reimbursement shall be provided by the respective body holding the meeting or by the entity that supports the work of the body.

d. Compensation to General Assembly members for attendance at any official meeting described under B.6.c.of this item shall be at the rate of \$300 for each day, or portion thereof, of attendance. In no case shall a member be paid more than an aggregate of \$300 in compensation for each day, or portion thereof, regardless of whether the member attends more than one official meeting during the day. The payment of such compensation shall be subject to the restrictions and limitations set forth in subsections B., C., and G. of § 30-19.12, Code of Virginia. Notwithstanding any other provision of law, compensation to General Assembly members for attendance at such official meetings shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. The body holding the meeting shall as soon as practicable report the member's attendance at any official meeting of such body to the Clerk of the House of Delegates or the Clerk of the Senate, as applicable, in order to facilitate payment of the compensation. Such body shall report the member's attendance in such manner as prescribed by the respective Clerk.

7. Notwithstanding any other provision of law, whenever any General Assembly member is required to travel for official attendance as a representative of the General Assembly at any meeting, conference, seminar, workshop, or conclave, which is not conducted by the Commonwealth of Virginia or any of its agencies or instrumentalities, such member shall be entitled to (i) compensation in an amount not to exceed the per day rate set forth in paragraph B.6.d., and (ii) reimbursement for reasonable and necessary expenses incurred. Such compensation and reimbursement for expenses shall be set by the Speaker of the House of Delegates for members of the House of Delegates and by the Senate Committee on Rules for members of the Senate.

8. The provisions of this paragraph shall apply only to non-General Assembly members (hereinafter, "citizen members") of any (i) board, commission, authority, council, or other body created or established in the legislative branch of state government by the General Assembly or by resolution of a house of the General Assembly, or (ii) joint legislative committee or subcommittee.

Notwithstanding any other provision of law, any citizen member of any body described in this paragraph who is appointed at the state level, or designated an official member of such body, pursuant to an act of the General Assembly or a resolution of a house of the General Assembly that provides for the appointment or designation, shall receive compensation solely for each day, or portion thereof, of attendance at an official meeting of the same. In no event shall any citizen member be paid compensation for attending a meeting of an advisory committee or other advisory body. Subject to any contrary law that provides for a higher amount of compensation to be paid, compensation shall be paid at the rate of \$50 for each day, or portion thereof, of attendance at an official meeting.

Such citizen members shall also be reimbursed for reasonable and necessary expenses incurred in attending (i) an official meeting of any body described in this paragraph, or (ii) a meeting of an advisory committee or advisory body of any body described in this

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paragraph.				
Compensation and reimbursement of expenses to such citizen members shall be paid by the body holding the meeting (or for meetings of advisory committees or advisory bodies, the body on whose behalf the meeting is being held) or by the entity that supports the work of the body.				
A citizen member, however, who is a full-time employee of the Commonwealth or any of its local political subdivisions, including any full-time faculty member of a public institution of higher education, shall not be entitled to compensation under this paragraph and shall be limited to reimbursement for his reasonable and necessary expenses incurred, which shall be reimbursed by his employer.				
A citizen member who is also currently a treasurer, sheriff, clerk of court, commissioner of the revenue, or attorney for the Commonwealth by reason of election of the qualified county or city voters shall not be entitled to compensation under this paragraph and shall be limited to reimbursement for his reasonable and necessary expenses incurred, which shall be reimbursed within the budget already established by the Compensation Board and in the same manner as other reasonable and necessary expenses of his office are reimbursed. Full-time employees of one of the foregoing constitutional offices shall also not be entitled to compensation under this paragraph and shall be limited to reimbursement for their reasonable and necessary expenses incurred, which shall be reimbursed within the budget already established by the Compensation Board and in the same manner as other reasonable and necessary expenses of the constitutional office are reimbursed.				
9. Pursuant to § 30-19.13, Code of Virginia, allowances for expenses of members of the General Assembly during any regular session of the General Assembly or extension thereof or during any special session of the General Assembly shall be paid in an amount not to exceed the maximum daily amount permitted by the Internal Revenue Service under rates established by the U.S. General Services Administration.				
10. Allowance for office expenses and supplies of members of the General Assembly, in the amount of \$1,250 for each month of each calendar year. An additional \$500 for each month of each calendar year shall be paid to the Majority and Minority Leaders of the House of Delegates and the Senate and to the President Pro Tempore of the Senate, the Chairman or Chairs of the Senate Finance Committee, and the Chairman of the House Appropriations Committee.				
C. One legislative assistant of a member of the General Assembly regularly employed on a twelve (12) consecutive month salary basis receiving 60 percent or more of the salary allotted pursuant to paragraph A.5.c.1, may, for the purposes of §§ 51.1-124.3 and 51.1-152, Code of Virginia, be deemed a "state employee" and as such will be eligible for participation in the Virginia Retirement System, the group life insurance plan, the VRS short and long term disability plans, and the state health insurance plan. Upon approval by the Joint Rules Committee, legislative assistants shall be eligible to participate in the short and long-term disability plans sponsored by the Virginia Retirement System pursuant to Chapter 11 of Title 51.1, Code of Virginia. Such legislative assistants shall not receive sick leave and family and personal leave benefits under this plan. Short-term disability benefits shall be payable from the Legislative Reversion Clearing Account.				
D. Out of this appropriation the Clerk of the House of Delegates shall pay the routine maintenance and operating expenses of the General Assembly Building as apportioned to the Senate, House of Delegates, Division of Legislative Services, Joint Legislative Audit and Review Commission, or other legislative agencies. The funds appropriated to each agency in the Legislative Department for routine maintenance and operating expenses during the current biennium shall be transferred to the account established for this purpose.				
E. An amount of up to \$10,000 per year shall be transferred from Item 36 of this act, to reflect equivalent compensation allowances for the Lieutenant Governor as were authorized by the 1994 General Assembly. The Lieutenant Governor shall report such increases to the Speaker of the House and the Chairman of the House Appropriations Committee and the Chairman of the Senate Finance Committee.				
F.1. The Chairmen of the House Appropriations and Senate Finance Committees shall each				

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<p>appoint four members from their respective committees to a joint subcommittee to review public higher education funding policies and to make recommendations to their respective committees. The objective of the review is to develop policies and formulas to provide the public institutions of higher education with an equitable funding methodology that: (a) recognizes differences in institutional mission; (b) provides incentives for achievement and productivity; (c) recognizes enrollment growth; and (d) establishes funding objectives in areas such as faculty salaries, financial aid, and the appropriate share of educational and general costs that should be borne by resident students. In addition, the review shall include the development of comparable cost data concerning the delivery of higher education through an analysis of the relationship of each public institution to its national peers. The public institutions of higher education and the staff of the State Council of Higher Education for Virginia are directed to provide technical assistance, as required, to the joint subcommittee.</p>				
<p>2. The Joint Subcommittee on Higher Education Funding Policies shall conduct an assessment of the adequacy of the current educational and general funding levels for Virginia's public institutions of higher education. The assessment shall be used to develop guidelines against which to measure funding requests for higher education. The assessment shall include, but not be limited to, the following components:</p>				
<p>a) Updated student-to-faculty ratios based on current practice or industry norms.</p>				
<p>b) Consideration of support staff needs and the changing requirements of support staff due to technology and privatization of services previously performed by the institutions.</p>				
<p>c) Costs of instruction, such as equipment, utilities, facilities maintenance, and other nonpersonal services expenses.</p>				
<p>d) Recognition of the individual mission of the institution, student characteristics, location, or other factors that may influence the costs of instruction.</p>				
<p>e) Benchmarking of the funding guidelines against a group of peer institutions, or other appropriate comparator group, to assess the validity of the guidelines.</p>				
<p>f) Means by which measures of institutional performance can be assessed and incorporated into funding and policy guidelines for higher education.</p>				
<p>3. The Joint Subcommittee on Higher Education Funding Policies shall develop a more precise methodology for determining funding needs at Virginia's public institutions of higher education related to enrollment growth. The methodology should take into consideration that support staff and operations may need to be expanded when enrollment growth reaches certain levels.</p>				
<p>4. The Joint Subcommittee may seek support from the staff of the Senate Finance and House Appropriations Committees, the public institutions of higher education, or other higher education or state agency representatives, as requested by the Joint Subcommittee. At its discretion, the Joint Subcommittee may contract for consulting services.</p>				
<p>5. The Joint Subcommittee is hereby continued to provide direction and oversight of higher education funding policies. The Joint Subcommittee shall review and articulate policies and funding methodologies on: (a) the appropriate share of educational and general costs that should be borne by students; (b) student financial aid; (c) undergraduate medical education funding; (d) the mix of full-time and part-time faculty; (e) the mix of in-state and out-of-state students as it relates to tuition policy; and (f) the viability of statewide articulation agreements between four-year and two-year public institutions.</p>				
<p>6. a. It is the objective of the General Assembly that funding for Virginia's public colleges and universities shall be based primarily on the funding guidelines outlined in the November, 2001 report of the Joint Subcommittee on Higher Education Funding Policies.</p>				
<p>b. Based on the findings and recommendations of its November, 2001 report, the Joint Subcommittee shall coordinate with the State Council of Higher Education, the Secretary of Education, and the Department of Planning and Budget in incorporating the higher education funding guidelines into the development of budget recommendations.</p>				

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c. As part of its responsibilities to ensure the fair and equitable distribution and use of public funds among the public institutions of higher education, the State Council of Higher Education shall incorporate the funding guidelines established by the Joint Subcommittee into its budget recommendations to the Governor and the General Assembly.				
G. The Chairmen of the Senate Finance and House Appropriations Committees shall each appoint four members from their respective committees to a joint subcommittee to review compensation of state agency heads and cabinet secretaries. The Department of Human Resource Management, the Virginia Retirement System and all other agencies and institutions of the Commonwealth are directed to provide technical assistance, as required, to the joint subcommittee.				
H. 1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint up to five members from their respective committees to a joint subcommittee to provide on-going direction and oversight of Standards of Quality funding cost policies and to make recommendations to their respective committees.				
2. The Joint Subcommittee on Elementary and Secondary Education Funding shall: a) study the Commonwealth's use of the prevailing salary and cost approaches to funding the Standards of Quality, as compared with alternative approaches, such as a fixed point in time salary base that is increased annually by some minimum percentage or funding the national average teacher salary; and b) review the "federal revenue deduct" methodology, including the current use of a cap on the deduction; and c) review the methodology for establishing a consistent funding cap process for all state funded instructional and certain support positions.				
3. The school divisions, the staff of the Virginia Department of Education, and staff of the Joint Legislative Audit and Review Commission, are directed to provide technical assistance, as required, to the joint subcommittee.				
I. Notwithstanding the salaries listed in Item 1, paragraph B.2., of this act, the Speaker of the House may establish a salary range for the Clerk of the House of Delegates.				
J. Notwithstanding the salaries listed in Item 1, paragraph B.3. of this act, the Senate Committee on Rules may establish a salary range for the Clerk of the Senate.				
K. Notwithstanding the salaries set out in Items 2, 4, 5, and 6, the Committee on Joint Rules may establish salary ranges for such agency heads consistent with the provisions and salary ranges included in § 4-6.01 of this act.				
L. Included within this appropriation is \$15,400 each year from the general fund for expenses related to the Joint Subcommittee on Tax Preferences, pursuant to House Bill 777 of the 2012 Session. This includes \$6,622 each year to be allocated by the Clerk of the Senate and \$8,778 each year to be allocated by the Clerk of the House of Delegates.				
M. Included in the appropriations for this item is \$25,000 the first year and \$25,000 the second year from the general fund for the operations of the Virginia Indian Commemorative Commission and the development of a monument commemorating the life, achievements, and legacy of Native Americans in the Commonwealth.				
N. The Special Joint Subcommittee to Consult on the Plan to Close State Training Centers shall continue to conduct a review of the assumptions behind the cost and cost savings of implementing the U.S. Department of Justice (DOJ) settlement agreement including but not limited to a review of the cost of providing care in the state intellectual disability (ID) training centers and in the community and an explanation of the difference in costs.				
O. The Joint Commission on Transportation Accountability shall regularly review, and provide oversight of the usage of funding generated pursuant to the provisions of House Bill 2313, 2013 Session of the General Assembly. To this end, by November 15 the Secretary of Transportation, the Northern Virginia Transportation Authority and the Hampton Roads Transportation Accountability Commission shall each prepare a report on the uses of the Intercity Passenger Rail Operating and Capital Funds, the Northern Virginia Transportation Authority Fund, and the Hampton Roads Transportation Fund, respectively, each year to be presented to the Joint Commission on Transportation Accountability.				
P.1. There is hereby created in the legislative branch the Virginia World War I and World				

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<p>War II Commemoration Commission. The Commission shall plan, develop, and carry out programs and activities appropriate to commemorate the 100th anniversary of World War I and the 75th anniversary of World War II.</p>				
<p>2. The Commission shall have a total membership of ten members consisting of six legislative members, two nonlegislative citizen members, and two ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; two members of the Senate of Virginia to be appointed by the Senate Committee on Rules, one nonlegislative citizen member who shall be a World War II historian, to be appointed by the Speaker of the House of Delegates; one nonlegislative citizen member who shall be a World War II veteran or a family member of a World War II veteran, to be appointed by the Senate Committee on Rules; and two ex-officio members, to include the Commissioner of the Virginia Department of Veterans Services or his designee and the Executive Director of the Virginia War Memorial. The nonlegislative and ex-officio members shall be non-voting members. The nonlegislative citizen members shall be citizens of the Commonwealth, unless otherwise approved in writing by the chairman of the committee and the respective Clerk, and shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. The voting members of the Commission shall elect a Chairman and Vice-Chairman from among its membership, who shall be members of the Virginia General Assembly.</p>				
<p>3. Legislative members of the Commission and Advisory Council shall receive such compensation as provided in § 30-19.12, Code of Virginia, and nonlegislative citizen members of the Commission shall receive such compensation for the performance of their duties as provided in § 2.2-2813. All members shall be reimbursed for all reasonable and necessary expenses incurred in the performance of their duties as provided in §§ 2.2-2813 and 2.2-2825. Compensation to members of the General Assembly for attendance at official meetings of the Commission shall be paid by the offices of the Clerk of the House of Delegates or Clerk of the Senate, as applicable. All other compensation and expenses shall be paid from existing appropriations to the Commission.</p>				
<p>4. There is hereby created in the state treasury a special nonreverting fund to be known as the Virginia World War I and World War II Commemoration Commission Fund, hereafter referred to as the "Fund." The Fund shall be established on the books of the Comptroller and shall consist of gifts, grants, donations, bequests, or other funds from any source as may be received by the Commission for its work. Moneys shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of enabling the Commission to perform its duties. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request of the chairman of the Commission.</p>				
<p>5. The Virginia Department of Veterans Services and the Virginia War Memorial shall provide technical assistance to the Commission. The Division of Legislative Services shall act as the fiscal agent for the Commission. Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the Commission shall be provided by the Division of Legislative Services, and by other state agencies and institutions as may be requested by the Commission.</p>				
<p>6. The Director of the Department of Planning and Budget is authorized to transfer \$1,000,000 in the first year from unexpended balances from the Virginia Sesquicentennial of the American Civil War Commission to the Division of Legislative Services to support the activities of the Virginia World War I and World War II Commemoration Commission.</p>				
<p>7. The Commission may appoint and establish an Advisory Council composed of nonlegislative citizens at large and public officials who have knowledge of World War I and World War II and their respective anniversary commemorations, to serve in a consultative capacity to assist the Commission in its work. Nonlegislative citizen members</p>				

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of the Advisory Council shall serve without compensation but may be reimbursed for travel expenses to attend a meeting of the Advisory Council within the Commonwealth of Virginia. The Advisory Council shall have a Chairman and Vice-Chairman, one of whom shall be a member of the House of Delegates, to be appointed by the Speaker of the House of Delegates, and one of whom shall be a member of the Senate, to be appointed by the Senate Committee on Rules.				
Q.1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint up to five members from their respective committees to a Joint Subcommittee to provide recommendations for reforming the Virginia Preschool Initiative. The goals and objectives of the Joint Subcommittee will be to consider increasing accountability, flexibility, innovation, clarification of the state's role and policy relating to providing a preschool for economically disadvantaged children, and to further develop the facilitation of partnerships between school divisions and private providers for the Virginia Preschool Initiative. The Subcommittee will also review and consider possible recommendations regarding the development of a competency-based professional development framework for early childhood teachers in public schools and early learning practitioners in private early learning settings.				
2. The staff of the elementary and secondary Education subcommittees for the House Appropriations and Senate Finance Committees and the Department of Education will help with facilitating the scope of work to be completed by the Joint Subcommittee. The Virginia Early Childhood Foundation will provide support and resources to the members and staff of the Joint Subcommittee. Other stakeholders, such as those from the Virginia Department of Social Services, the Virginia Community College System, local school divisions, private and faith-based child day-care providers, accredited organizations, education associations and businesses may provide additional information if requested.				
3. A report of any preliminary findings and recommendations shall be submitted to the Chairmen of House Appropriations and Senate Finance Committees by November 1, 2017.				
R. 1. The Chairmen of the House Appropriations and Senate Finance Committees shall each appoint four members from their respective committees to a Joint Subcommittee on the Future Competitiveness of Virginia Higher Education to (a) review ways to maintain and improve the quality of higher education, while providing for broad access and affordability; (b) examine the impact of financial, demographic, and competitive changes on the sustainability of individual institutions and the system as a whole; (c) identify best practices to make the system more efficient, including shared services, institutional flexibility, and easily accessible academic pathways; (d) evaluate the use of distance education and online instruction across the Commonwealth and appropriate business models for such programs; (e) review current need-based financial aid programs and alternative models to best provide for student affordability and completion; (f) review the recommendations of the Joint Legislative Audit and Review Commission on the study of the cost efficiency of higher education institutions and make recommendations to their respective committees on the implementation of those recommendations; (g) study the effectiveness and value of transfer students; (h) evaluate the effectiveness of dual enrollment in reducing the cost of higher education; and (i) study the effectiveness of preparing teachers to enter the K-12 system.				
2. As the Joint Subcommittee conducts its analysis, it shall consider the mission, vision, goals and strategies outlined in the statewide strategic plan for higher education developed and approved by the State Council of Higher Education for Virginia, and endorsed by the General Assembly in House Joint Resolution 555 of the 2015 Session of the General Assembly.				
3. As part of its deliberations, the Joint Subcommittee shall review alternative tuition and fee structures and programs that could result in lower costs to in-state undergraduate students.				
4. The Joint Subcommittee may seek support and technical assistance from the staff of the House Appropriations and Senate Finance Committees, the public institutions of higher education, the staff of the Joint Legislative Audit and Review Commission, and the staff of the State Council of Higher Education for Virginia. Other state agency or higher education representatives shall provide support upon request. At its discretion, the Joint Subcommittee may contract for consulting services.				
5. The members of the Joint Subcommittee shall develop a two-year workplan for the review and assessment detailed above, and provide an interim report to their respective committees				

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by November 1, 2016 and a final report by November 1, 2017.				
S. The Joint Subcommittee to Evaluate Tax Preferences established pursuant to Chapter 777, 2012 Session of the General Assembly, is hereby directed, as part of its work during calendar year 2016, to undertake a review of the Neighborhood Assistance Act tax credit program and to report to the General Assembly on any proposed changes to the program structure, eligibility requirements, distribution of funding or overall funding amounts made available for the credit by November 15, 2016.				
Total for General Assembly of Virginia.....			\$41,576,606	\$41,577,738
General Fund Positions.....	224.00	224.00		
Position Level.....	224.00	224.00		
Fund Sources: General.....	\$41,576,606	\$41,577,738		

§ 1-2. AUDITOR OF PUBLIC ACCOUNTS (133)

2.	Legislative Evaluation and Review (78300).....			\$12,807,644	\$12,808,050
	Financial and Compliance Audits (78301).....	\$12,807,644	\$12,808,050		
	Fund Sources: General.....	\$11,800,799	\$11,801,167		
	Special.....	\$1,006,845	\$1,006,883		

Authority: Article IV, Section 18, Constitution of Virginia; Title 30, Chapter 14, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Auditor of Public Accounts, \$178,950 from July 1, 2016 to June 24, 2017 and \$178,950 from June 25, 2017 to June 30, 2018.

B. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year pursuant to § 2.2-1829, Code of Virginia. The Auditor shall, at the same time, provide his report on (i) the 15 percent limitation and the amount that could be paid into the Revenue Stabilization Fund and (ii) any amounts necessary for deposit into the Fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

C. The specifications of the Auditor of Public Accounts for the independent certified public accountants auditing localities shall include requirements for any money received by the sheriff. These requirements shall include that the independent certified public accountant must submit a letter to the Auditor of Public Accounts annually providing assurance as to whether the sheriff has maintained a proper system of internal controls and records in accordance with the Code of Virginia. This letter shall be submitted along with the locality's audit report.

D.1. Each locality establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, shall provide to the Auditor of Public Accounts by October 1 of each year, in a format specified by the Auditor, a report as to each program funded by these fees and the expected nutrient and sediment reductions for each of these programs. For any specific stormwater outfall generating more than \$200,000 in annual fees, such report shall include identification of specific actions to remediate nutrient and sediment reduction from the specific outfall.

2. The Auditor of Public Accounts shall include in the Specifications for Audits of Counties, Cities, and Towns regulations for all local governments establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, a requirement to ensure that each impacted local government is in compliance with the provisions of § 15.2-2114 A., Code of Virginia. Any such adjustment to the Specifications for Audits of Counties, Cities, and Towns regulations shall be exempt from the Administrative Process Act and shall be required for all audits completed after July 1, 2014.

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Total for Auditor of Public Accounts.....			\$12,807,644	\$12,808,050
General Fund Positions.....	120.00	120.00		
Nongeneral Fund Positions.....	10.00	10.00		
Position Level.....	130.00	130.00		
Fund Sources: General.....	\$11,800,799	\$11,801,167		
Special.....	\$1,006,845	\$1,006,883		

§ 1-3. COMMISSION ON THE VIRGINIA ALCOHOL SAFETY ACTION PROGRAM (413)

3.	Ground Transportation System Safety Services (60500).....			\$1,505,873	\$1,505,990
	Ground Transportation Safety Promotion (60503).....	\$1,505,873	\$1,505,990		
	Fund Sources: Special.....	\$1,505,873	\$1,505,990		

Authority: §§ 18.2-271.1 and 18.2-271.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Executive Director, \$117,923 from July 1, 2016 to June 24, 2017 and \$117,923 from June 25, 2017 to June 30, 2018.

B. Notwithstanding the salaries listed in paragraph A. of this item, the Commission on the Virginia Alcohol Safety Action Program may establish a salary range for the Executive Director of the program.

Total for Commission on the Virginia Alcohol Safety Action Program.....			\$1,505,873	\$1,505,990
Nongeneral Fund Positions.....	11.50	11.50		
Position Level.....	11.50	11.50		
Fund Sources: Special.....	\$1,505,873	\$1,505,990		

§ 1-4. DIVISION OF CAPITOL POLICE (961)

4.	Administrative and Support Services (39900).....			\$8,212,877	\$8,214,260
	Security Services (39923).....	\$8,212,877	\$8,214,260		
	Fund Sources: General.....	\$8,212,877	\$8,214,260		

Authority: Title 30, Chapter 3.1, Code of Virginia.

Out of this appropriation shall be paid the annual salary of the Chief, Division of Capitol Police, \$120,000 from July 1, 2016 to June 30, 2017 and \$120,000 from July 1, 2017 to June 30, 2018.

Total for Division of Capitol Police.....			\$8,212,877	\$8,214,260
General Fund Positions.....	108.00	108.00		
Position Level.....	108.00	108.00		
Fund Sources: General.....	\$8,212,877	\$8,214,260		

§ 1-5. DIVISION OF LEGISLATIVE AUTOMATED SYSTEMS (109)

5.	Information Technology Development and Operations (82000).....			\$3,717,293	\$3,717,402
	Computer Operations Services (82001).....	\$3,717,293	\$3,717,402		
	Fund Sources: General.....	\$3,438,734	\$3,438,843		
	Special.....	\$278,559	\$278,559		

Authority: Title 30, Chapter 3.2, Code of Virginia.

Out of this appropriation shall be paid the annual salary of the Director, Division of

ITEM 5.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Legislative Automated Systems, \$158,821 from July 1, 2016 to June 24, 2017 and \$158,821 from June 25, 2017 to June 30, 2018.				
Total for Division of Legislative Automated Systems.....			\$3,717,293	\$3,717,402
General Fund Positions.....			19.00	19.00
Position Level.....			19.00	19.00
Fund Sources: General.....			\$3,438,734	\$3,438,843
Special.....			\$278,559	\$278,559

§ 1-6. DIVISION OF LEGISLATIVE SERVICES (107)

6.	Legislative Research and Analysis (78400).....			\$6,612,073	\$6,612,233
	Bill Drafting and Preparation (78401).....	\$6,612,073	\$6,612,233		
	Fund Sources: General.....	\$6,592,039	\$6,592,199		
	Special.....	\$20,034	\$20,034		

Authority: Title 30, Chapter 2.2, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Division of Legislative Services, \$157,374 from July 1, 2016, to June 24, 2017 and \$157,374 from June 25, 2017, to June 30, 2018.

B. Notwithstanding the salary set out in paragraph A. of this item, the Committee on Joint Rules may establish a salary range for the Director, Division of Legislative Services.

C. The Division of Legislative Services shall continue to provide administrative support to include payroll processing, accounting, and travel expense processing at no charge to the Chesapeake Bay Commission, the Joint Commission on Health Care, the Virginia Commission on Youth, and the Virginia State Crime Commission.

Total for Division of Legislative Services.....			\$6,612,073	\$6,612,233
General Fund Positions.....			56.00	56.00
Position Level.....			56.00	56.00
Fund Sources: General.....			\$6,592,039	\$6,592,199
Special.....			\$20,034	\$20,034

Capitol Square Preservation Council (820)

7.	Architectural and Antiquity Research Planning and Coordination (74800).....			\$218,451	\$218,472
	Architectural Research (74801).....	\$218,451	\$218,472		
	Fund Sources: General.....	\$218,451	\$218,472		

Authority: Title 30, Chapter 28, Code of Virginia.

Total for Capitol Square Preservation Council.....			\$218,451	\$218,472
General Fund Positions.....			2.00	2.00
Position Level.....			2.00	2.00
Fund Sources: General.....			\$218,451	\$218,472

Virginia Disability Commission (837)

8.	Social Services Research, Planning, and Coordination (45000).....			\$25,646	\$25,649
	Social Services Coordination (45001).....	\$25,646	\$25,649		
	Fund Sources: General.....	\$25,646	\$25,649		

ITEM 8.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	Authority: Title 30, Chapter 35, Code of Virginia.			
			\$25,646	\$25,649
	Total for Virginia Disability Commission.....			
	Fund Sources: General.....	\$25,646	\$25,649	
Dr. Martin Luther King, Jr. Memorial Commission (845)				
9.	Human Relations Management (14600).....		\$50,755	\$50,768
	Human Relations Management (14601).....	\$50,755	\$50,768	
	Fund Sources: General.....	\$50,755	\$50,768	
	Authority: Title 30, Chapter 27, Code of Virginia.			
	Total for Dr. Martin Luther King, Jr. Memorial Commission.....		\$50,755	\$50,768
	Fund Sources: General.....	\$50,755	\$50,768	
Joint Commission on Technology and Science (847)				
10.	Technology Research, Planning, and Coordination (53700).....		\$219,738	\$219,775
	Technology Research (53701).....	\$219,738	\$219,775	
	Fund Sources: General.....	\$219,738	\$219,775	
	Authority: Title 30, Chapter 11, Code of Virginia.			
	Total for Joint Commission on Technology and Science.....		\$219,738	\$219,775
	General Fund Positions.....	2.00	2.00	
	Position Level.....	2.00	2.00	
	Fund Sources: General.....	\$219,738	\$219,775	
Commissioners for the Promotion of Uniformity of Legislation in the United States (145)				
11.	Governmental Affairs Services (70100).....		\$87,520	\$87,520
	Interstate Affairs (70103).....	\$87,520	\$87,520	
	Fund Sources: General.....	\$87,520	\$87,520	
	Authority: Title 30, Chapter 29, Code of Virginia.			
	Total for Commissioners for the Promotion of Uniformity of Legislation in the United States.....		\$87,520	\$87,520
	Fund Sources: General.....	\$87,520	\$87,520	
State Water Commission (971)				
12.	Environmental Policy and Program Development (51600).....		\$10,243	\$10,246
	Environmental Policy and Program Development (51601).....	\$10,243	\$10,246	
	Fund Sources: General.....	\$10,243	\$10,246	
	Authority: Title 30, Chapter 24, Code of Virginia.			
	Total for State Water Commission.....		\$10,243	\$10,246
	Fund Sources: General.....	\$10,243	\$10,246	

Virginia Coal and Energy Commission (118)

ITEM 12.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
13.	Resource Management Research, Planning, and Coordination (50700).....			\$21,644	\$21,645
	Energy Conservation Advisory Services (50703).....	\$21,644	\$21,645		
	Fund Sources: General.....	\$21,644	\$21,645		
	Authority: Title 30, Chapter 25, Code of Virginia.				
	Total for Virginia Coal and Energy Commission.....			\$21,644	\$21,645
	Fund Sources: General.....	\$21,644	\$21,645		

Virginia Code Commission (108)

14.	Enactment of Laws (78200).....			\$93,674	\$93,686
	Code Modernization (78201).....	\$93,674	\$93,686		
	Fund Sources: General.....	\$69,580	\$69,589		
	Special.....	\$24,094	\$24,097		
	Authority: Title 30, Chapter 15, Code of Virginia.				
	The Code Commission shall not authorize, or undertake, a re-numbering or re-codification of the Code of Virginia, 1950 as amended unless there is a specific appropriation included in a general Appropriation Act addressing the fiscal impact of such an action. The Commission is authorized to develop a proposal, for review by the Committee on Joint Rules, to re-number the Code of Virginia, including the proposed re-numbering structure and a detailed estimate of any potential fiscal impact on state agencies from the restructuring.				
	Total for Virginia Code Commission.....			\$93,674	\$93,686
	Fund Sources: General.....	\$69,580	\$69,589		
	Special.....	\$24,094	\$24,097		

Virginia Freedom of Information Advisory Council (834)

15.	Governmental Affairs Services (70100).....			\$203,716	\$203,746
	Public Information Services (70109).....	\$203,716	\$203,746		
	Fund Sources: General.....	\$203,716	\$203,746		
	Authority: Title 30, Chapter 21, Code of Virginia.				
	Total for Virginia Freedom of Information Advisory Council.....			\$203,716	\$203,746
	General Fund Positions.....	1.50	1.50		
	Position Level.....	1.50	1.50		
	Fund Sources: General.....	\$203,716	\$203,746		

Virginia Housing Commission (840)

16.	Housing Assistance Services (45800).....			\$21,260	\$21,269
	Housing Research and Planning (45803).....	\$21,260	\$21,269		
	Fund Sources: General.....	\$21,260	\$21,269		
	Authority: § 30-257, Code of Virginia.				
	Total for Virginia Housing Commission.....			\$21,260	\$21,269
	Fund Sources: General.....	\$21,260	\$21,269		

Brown v. Board of Education Scholarship Committee (858)

ITEM 17.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
17.	Human Relations Management (14600).....			\$25,338	\$25,339
	Human Relations Management (14601).....	\$25,338	\$25,339		
	Fund Sources: General.....	\$25,338	\$25,339		
	Authority: Title 30, Chapter 34.1, Code of Virginia.				
	Pursuant to § 30-231.5, Code of Virginia, there is provided \$25,000 each year from the general fund to support the operations of the Brown v. Board of Education Scholarship Awards Committee. This operational support shall be used to provide for the expenses incurred by the members of the committee and may be used for such other services as deemed necessary to accomplish the purposes for which it was created.				
	Total for Brown v. Board of Education Scholarship Committee.....			\$25,338	\$25,339
	Fund Sources: General.....	\$25,338	\$25,339		
	Virginia Sesquicentennial of the American Civil War Commission (859)				
18.	Human Relations Management (14600).....			\$207,966	\$207,999
	Human Relations Management (14601).....	\$207,966	\$207,999		
	Fund Sources: General.....	\$107,386	\$107,403		
	Special.....	\$100,580	\$100,596		
	Authority: Title 30, Chapter 40, Code of Virginia.				
	A.1. The Virginia Sesquicentennial of the American Civil War Commission is extended through June 30, 2017. Appointments to the Commission shall continue to be made as provided in Chapter 465 of the Acts of Assembly of 2006. The Commission shall retain all of its powers and duties as provided for in Chapter 465 of the Acts of Assembly of 2006, through June 30, 2017, including the authorization of expenditures from this appropriation to complete the ongoing work of the Commission. As of June 30, 2017, any unexpended general fund balances remaining in this appropriation shall be transferred to the general fund.				
	2. As of June 30, 2017, any unexpended special fund balances shall be transferred to the Virginia Sesquicentennial of the American Civil War Foundation, conditional upon the approval by the Commission of a bona fide contract and work plan, submitted to the Commission by the Foundation, specifying the educational and other services to be provided by the Foundation in consideration of the funds provided. The Commission shall provide a report on its activities and accomplishments to the 2017 General Assembly and a final report to the 2018 General Assembly.				
	B. Pursuant to the provisions of Chapter 465 of the Acts of Assembly of 2006, funding in this Item is appropriated to support the Virginia Sesquicentennial of the American Civil War Commission and Fund. Such funds shall be used for expenses incurred by the members of the Commission, to appoint staff as may be deemed necessary to assist the Commission in performing its duties, and to pay for the services of professional personnel, consultants, advisors, or other services which the Commission may deem necessary to accomplish the purposes for which it was created.				
	Total for Virginia Sesquicentennial of the American Civil War Commission.....			\$207,966	\$207,999
	General Fund Positions.....	1.00	1.00		
	Position Level.....	1.00	1.00		
	Fund Sources: General.....	\$107,386	\$107,403		
	Special.....	\$100,580	\$100,596		
	Commission on Unemployment Compensation (860)				
19.	Consumer Affairs Services (55000).....			\$6,071	\$6,073
	Consumer Assistance (55002).....	\$6,071	\$6,073		

ITEM 19.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: General.....	\$6,071	\$6,073		
Authority: Title 30, Chapter 33, Code of Virginia.				
Total for Commission on Unemployment Compensation.....			\$6,071	\$6,073
Fund Sources: General.....	\$6,071	\$6,073		
Small Business Commission (862)				
20. Economic Development Services (53400).....			\$15,256	\$15,264
Economic Development Research, Planning, and Coordination (53401).....	\$15,256	\$15,264		
Fund Sources: General.....	\$15,256	\$15,264		
Authority: Title 30, Chapter 22, Code of Virginia.				
Total for Small Business Commission.....			\$15,256	\$15,264
Fund Sources: General.....	\$15,256	\$15,264		
Commission on Electric Utility Regulation (863)				
21. Resource Management Research, Planning, and Coordination (50700).....			\$10,015	\$10,015
Resource Management Policy and Program Development (50701).....	\$10,015	\$10,015		
Fund Sources: General.....	\$10,015	\$10,015		
Authority: Title 30, Chapter 31, Code of Virginia.				
Total for Commission on Electric Utility Regulation.....			\$10,015	\$10,015
Fund Sources: General.....	\$10,015	\$10,015		
Manufacturing Development Commission (864)				
22. Economic Development Services (53400).....			\$12,155	\$12,160
Economic Development Research, Planning, and Coordination (53401).....	\$12,155	\$12,160		
Fund Sources: General.....	\$12,155	\$12,160		
Authority: Title 30, Chapter 41, Code of Virginia.				
Total for Manufacturing Development Commission.....			\$12,155	\$12,160
Fund Sources: General.....	\$12,155	\$12,160		
Joint Commission on Administrative Rules (865)				
23. Governmental Affairs Services (70100).....			\$10,015	\$10,015
Intragovernmental Services (70104).....	\$10,015	\$10,015		
Fund Sources: General.....	\$10,015	\$10,015		
Authority: Title 30, Chapter 8.1, Code of Virginia.				
Total for Joint Commission on Administrative Rules.....			\$10,015	\$10,015
Fund Sources: General.....	\$10,015	\$10,015		

ITEM 23.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Virginia Bicentennial of the American War of 1812 Commission (867)					
24.	Human Relations Management (14600).....			\$23,412	\$23,414
	Human Relations Management (14601).....	\$23,412	\$23,414		
	Fund Sources: General.....	\$23,412	\$23,414		
	Authority: Title 30, Chapter 45, Code of Virginia.				
	Total for Virginia Bicentennial of the American War of 1812 Commission.....			\$23,412	\$23,414
	Fund Sources: General.....	\$23,412	\$23,414		
Autism Advisory Council (871)					
25.	Health Research, Planning, and Coordination (40600).....			\$6,472	\$6,478
	Health Policy Research (40606).....	\$6,472	\$6,478		
	Fund Sources: General.....	\$6,472	\$6,478		
	Authority: Title 30, Chapter 50, Code of Virginia.				
	Total for Autism Advisory Council.....			\$6,472	\$6,478
	Fund Sources: General.....	\$6,472	\$6,478		
Virginia Conflict of Interest and Ethics Advisory Council (876)					
26.	Personnel Management Services (70400).....			\$473,000	\$408,000
	Fund Sources: General.....	\$473,000	\$408,000		
	Authority: Chapters 792 and 804 of the 2014 Acts of Assembly.				
	Total for Virginia Conflict of Interest and Ethics Advisory Council.....			\$473,000	\$408,000
	General Fund Positions.....	5.00	5.00		
	Position Level.....	5.00	5.00		
	Fund Sources: General.....	\$473,000	\$408,000		
Commission for the Commemoration of the Centennial of Women's Right to Vote (874)					
27.	Human Relations Management (14600).....			\$20,000	\$20,000
	Fund Sources: General.....	\$20,000	\$20,000		
	Total for Commission for the Commemoration of the Centennial of Women's Right to Vote.....			\$20,000	\$20,000
	Fund Sources: General.....	\$20,000	\$20,000		
Joint Commission on Transportation Accountability (875)					
28.	Ground Transportation Planning and Research (60200).....			\$28,200	\$28,200
	Fund Sources: General.....	\$28,200	\$28,200		
	Total for Joint Commission on Transportation Accountability.....			\$28,200	\$28,200
	Fund Sources: General.....	\$28,200	\$28,200		

Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities (877)

ITEM 28.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
28.10	Economic Development Services (53400).....			\$10,560	\$10,560
	Economic Development Research, Planning, and Coordination (53401).....	\$10,560	\$10,560		
	Fund Sources: General.....	\$10,560	\$10,560		
	Authority: Discretionary Inclusion				
	Total for Commission on Economic Opportunity for Virginians in Aspiring and Diverse Communities.....			\$10,560	\$10,560
	Fund Sources: General.....	\$10,560	\$10,560		
	Grand Total for Division of Legislative Services.....			\$8,413,180	\$8,348,526
	General Fund Positions.....	67.50	67.50		
	Position Level.....	67.50	67.50		
	Fund Sources: General.....	\$8,268,472	\$8,203,799		
	Special.....	\$144,708	\$144,727		

§ 1-7. CHESAPEAKE BAY COMMISSION (842)

29.	Resource Management Research, Planning, and Coordination (50700).....			\$292,204	\$330,217
	Resource Management Policy and Program Development (50701).....	\$292,204	\$330,217		
	Fund Sources: General.....	\$292,204	\$330,217		
	Authority: Title 30, Chapter 36, Code of Virginia.				
	Included in the amounts for this item is \$38,000 the second year from the general fund representing Virginia's share of contributions to the six-state Chesapeake Bay Region efforts to hire an independent outside evaluator responsible for reviewing and submitting reports to Congress according to the schedule prescribed in the Chesapeake Bay Accountability and Recovery Act of 2014. Such funds shall not be released until such time as all six states in the Region have committed equal amounts of funding to the project. If such commitment has not been achieved by June 30, 2018, the amounts will revert to the general fund.				
	Total for Chesapeake Bay Commission.....			\$292,204	\$330,217
	General Fund Positions.....	1.00	1.00		
	Position Level.....	1.00	1.00		
	Fund Sources: General.....	\$292,204	\$330,217		

§ 1-8. JOINT COMMISSION ON HEALTH CARE (844)

30.	Health Research, Planning, and Coordination (40600).....			\$764,215	\$764,260
	Health Policy Research (40606).....	\$764,215	\$764,260		
	Fund Sources: General.....	\$764,215	\$764,260		
	Authority: Title 30, Chapter 18, Code of Virginia.				
	Total for Joint Commission on Health Care.....			\$764,215	\$764,260
	General Fund Positions.....	6.00	6.00		
	Position Level.....	6.00	6.00		
	Fund Sources: General.....	\$764,215	\$764,260		

§ 1-9. VIRGINIA COMMISSION ON YOUTH (839)

ITEM 30.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
31.	Social Services Research, Planning, and Coordination (45000).....			\$348,255	\$348,297
	Social Services Research and Planning (45003).....	\$348,255	\$348,297		
	Fund Sources: General.....	\$348,255	\$348,297		
	Authority: Title 30, Chapter 20, Code of Virginia.				
	Total for Virginia Commission on Youth.....			\$348,255	\$348,297
	General Fund Positions.....	3.00	3.00		
	Position Level.....	3.00	3.00		
	Fund Sources: General.....	\$348,255	\$348,297		

§ 1-10. VIRGINIA STATE CRIME COMMISSION (142)

32.	Criminal Justice Research, Planning and Coordination (30500).....			\$807,255	\$807,291
	Criminal Justice Research (30503).....	\$807,255	\$807,291		
	Fund Sources: General.....	\$669,606	\$669,635		
	Federal Trust.....	\$137,649	\$137,656		
	Authority: Title 30, Chapter 16, Code of Virginia.				
	Total for Virginia State Crime Commission.....			\$807,255	\$807,291
	General Fund Positions.....	5.00	5.00		
	Nongeneral Fund Positions.....	4.00	4.00		
	Position Level.....	9.00	9.00		
	Fund Sources: General.....	\$669,606	\$669,635		
	Federal Trust.....	\$137,649	\$137,656		

§ 1-11. JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (110)

33.	Legislative Evaluation and Review (78300).....			\$4,090,287	\$4,140,445
	Performance Audits and Evaluation (78303).....	\$4,090,287	\$4,140,445		
	Fund Sources: General.....	\$3,974,570	\$4,024,728		
	Trust and Agency.....	\$115,717	\$115,717		

Authority: Title 30, Chapters 7 and 8, Code of Virginia.

A. Out of this appropriation shall be paid the annual salary of the Director, Joint Legislative Audit and Review Commission (JLARC), \$156,749 from July 1, 2016, to June 24, 2017, and \$156,749 from June 25, 2017, to June 30, 2018.

B. JLARC, upon request of the Department of Planning and Budget and approval of the Chairman, shall review and provide comments to the department on its use of performance measures in the state budget process. JLARC staff shall review the methodology and proposed uses of such performance measures and provide periodic status reports to the Commission.

C. Expenses associated with the oversight responsibility of the Virginia Retirement System by JLARC and the House Appropriations and Senate Finance Committees shall be reimbursed by the Virginia Retirement System upon documentation by the Director, JLARC of the expenses incurred.

D. Out of this appropriation, funds are provided to continue the technical support staff of JLARC, in order to assist with legislative fiscal impact analysis when an impact statement is referred from the Chairman of a standing committee of the House or Senate, and to conduct oversight of the expenditure forecasting process. Pursuant to existing statutory authority, all agencies of the Commonwealth shall provide access to information necessary to accomplish these duties.

ITEM 33.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

E.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to review and evaluate the Virginia Information Technologies Agency (VITA) on a continuing basis and to make such special studies and reports as may be requested by the General Assembly, the House Appropriations Committee, or the Senate Finance Committee.

2. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) VITA's infrastructure outsourcing contracts and any amendments thereto; (ii) adequacy of VITA's planning and oversight responsibilities, including VITA's oversight of information technology projects and the security of governmental information; (iii) cost-effectiveness and adequacy of VITA's procurement services and its oversight of the procurement activities of State agencies.

3. For the purpose of carrying out its duties and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the information, records, facilities, and employees of VITA.

4. Records provided to VITA by a private entity pertaining to VITA's comprehensive infrastructure agreement or any successor contract, or any contractual amendments thereto for the operation of the Commonwealth's information technology infrastructure shall be exempt from the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), to the extent that such records contain (i) trade secrets of the private entity as defined in the Uniform Trade Secrets Act (§ 59.1-336 et seq.) or (ii) financial records of the private entity, including balance sheets and financial statements, that are not generally available to the public through regulatory disclosure or otherwise. In order for the records specified in clauses (i) and (ii) to be excluded from the Virginia Freedom of Information Act, the private entity shall make a written request to VITA:

- a. Invoking such exclusion upon submission of the data or other materials for which protection from disclosure is sought;
- b. Identifying with specificity the data or other materials for which protection is sought; and
- c. Stating the reasons why protection is necessary.

VITA shall determine whether the requested exclusion from disclosure is necessary to protect the trade secrets or financial records of the private entity. VITA shall make a written determination of the nature and scope of the protection to be afforded by it under this subdivision. Once a written determination is made by VITA, the records afforded protection under this subdivision shall continue to be protected from disclosure when in the possession of VITA or JLARC.

Except as specifically provided in this item, nothing in this item shall be construed to authorize the withholding of (a) procurement records as required by § 56-575.17; (b) information concerning the terms and conditions of any interim or comprehensive agreement, service contract, lease, partnership, or any agreement of any kind entered into by VITA and the private entity; (c) information concerning the terms and conditions of any financing arrangement that involves the use of any public funds; or (d) information concerning the performance of the private entity under the comprehensive infrastructure agreement, or any successor contract, or any contractual amendments thereto for the operation of the Commonwealth's information technology infrastructure.

5. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for VITA review and evaluation activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

6. All agencies of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority.

F.1. To assist JLARC in conducting its study of the Virginia Economic Development Partnership Authority (VEDP) pursuant to House Joint Resolution 7 of the 2016 General Assembly, JLARC shall have the legal authority to access the facilities, employees, information and records, including confidential information of VEDP and its contractors

ITEM 33.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

and the public and executive session meetings and records of the board of directors of VEDP, for the purpose of conducting this study in accordance with the established standards, processes, and practices exercised by JLARC pursuant to its statutory authority. Access shall include the right to attend such meetings for the purpose of conducting this study.

2. Records provided by VEDP and its contractors to JLARC in connection with its study of VEDP, where the records would not be subject to disclosure by VEDP, shall be excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.). VEDP shall identify the specific portion of the records to be protected and the applicable provision of the Freedom of Information Act or other provision of law that excludes the record or portions thereof from mandatory disclosure.

G. As a component of its review of water resource planning and management pursuant to House Joint Resolution 623 from the 2015 Session of the General Assembly, the Joint Legislative Audit and Review Commission shall also (i) identify and report a list of the water systems and other water dependent facilities that could be affected by changes, including those that may relate to current "grandfathering" provisions, to the state's water protection permit regulations pursuant to 9 VAC 25-210; and (ii) describe the nature and magnitude of the impact on affected water systems and other water dependent facilities.

H.1. The General Assembly hereby designates the Joint Legislative Audit and Review Commission (JLARC) to conduct, on a continuing basis, a review and evaluation of economic development initiatives and policies and to make such special studies and reports as may be requested by the General Assembly, the House Appropriations Committee, or the Senate Finance Committee.

2. The areas of review and evaluation to be conducted by the Commission shall include, but are not limited to, the following: (i) spending on and performance of individual economic development incentives, including grants, tax preferences, and other assistance; (ii) economic benefits to Virginia of total spending on economic development initiatives at least biennially; (iii) effectiveness, value to taxpayers, and economic benefits to Virginia of individual economic development initiatives on a cycle approved by the Commission; and (iv) design, oversight, and accountability of economic development entities, initiatives, and policies as needed.

3. For the purpose of carrying out its duties under this authority and notwithstanding any contrary provision of law, JLARC shall have the legal authority to access the facilities, employees, information, and records, including confidential information, and the public and executive session meetings and records of the board of VEDP, involved in economic development initiatives and policies for the purpose of carrying out such duties in accordance with the established standards, processes, and practices exercised by JLARC pursuant to its statutory authority. Access shall include the right to attend such meetings for the purpose of carrying out such duties. Any non-disclosure agreement that VEDP enters into on or after July 1, 2016, for the provision of confidential and proprietary information to VEDP by a third party shall require that JLARC also be allowed access to such information for the purposes of carrying out its duties.

4. Notwithstanding the provisions of subsection A or B of § 58.1-3 or any other provision of law, unless prohibited by federal law, an agreement with a federal entity, or a court decree, the Tax Commissioner is authorized to provide to JLARC such tax information as may be necessary to conduct oversight of economic development initiatives and policies.

5. The following records shall be excluded from the provisions of the Virginia Freedom of Information Act (§ 2.2-3700 et seq.), and shall not be disclosed by JLARC:

(a) records provided by a public body as defined in § 2.2-3701, Code of Virginia, to JLARC in connection with its oversight of economic development initiatives and policies, where the records would not be subject to disclosure by the public body providing the records. The public body providing the records to JLARC shall identify the specific portion of the records to be protected and the applicable provision of the Freedom of Information Act or other provision of law that excludes the record or portions thereof from mandatory disclosure.

(b) confidential proprietary records provided by private entities pursuant to a promise of confidentiality from JLARC, used by JLARC in connection with its oversight of economic

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development initiatives and policies where, if such records are made public, the financial interest of the private entity would be adversely affected.

6. By August 15 of each year, the Secretary of Commerce and Trade shall provide to JLARC all information collected pursuant to § 2.2-206.1, Code of Virginia, in a format and manner specified by JLARC to ensure that the final report to be submitted by the Secretary fulfills the intent of the General Assembly and provides the data and evaluation in a meaningful manner for decision-makers.

7. JLARC shall assist the agencies submitting information to the Secretary of Commerce and Trade pursuant to the provisions of § 2.2-206.1, Code of Virginia, to ensure that the agencies work together to effectively develop standard definitions and measures for the data required to be reported and facilitate the development of appropriate unique project identifiers to be used by the impacted agencies.

8. The Chairman of JLARC may appoint a permanent subcommittee to provide guidance and direction for ongoing review and evaluation activities, subject to the full Commission's supervision and such guidelines as the Commission itself may provide.

9. JLARC may employ on a consulting basis such professional or technical experts as may be reasonably necessary for the Commission to fulfill its responsibilities under this authority.

10. All agencies of the Commonwealth shall cooperate as requested by JLARC in the performance of its duties under this authority.

I. Notwithstanding the salaries listed in paragraph A. of this item, the Joint Legislative Audit and Review Commission (JLARC) may establish a salary range for the Director of JLARC.

Total for Joint Legislative Audit and Review Commission.....			\$4,090,287	\$4,140,445
General Fund Positions.....	38.00	38.00		
Nongeneral Fund Positions.....	1.00	1.00		
Position Level.....	39.00	39.00		
Fund Sources: General.....	\$3,974,570	\$4,024,728		
Trust and Agency.....	\$115,717	\$115,717		

§ 1-12. VIRGINIA COMMISSION ON INTERGOVERNMENTAL COOPERATION (105)

34.	Governmental Affairs Services (70100).....			\$741,024	\$741,028
	Interstate Affairs (70103).....	\$741,024	\$741,028		
	Fund Sources: General.....	\$741,024	\$741,028		

Authority: Title 30, Chapter 19, Code of Virginia.

Out of this appropriation may be paid from the general fund the annual assessments:

1. To the National Conference of State Legislatures;
2. To the Council of State Governments;
3. To the Southern Regional Education Board; and
4. To the Education Commission of the States.

Included within this appropriation is \$146,035 each year for the annual dues for the Council of State Governments. Of this amount, one-third (\$48,678) shall represent the dues payable on behalf of the Executive Department, one-third (\$48,678) shall represent the dues payable on behalf of the Judicial Department, and the remaining one-third (\$48,679) shall represent the dues payable on behalf of the Legislative Department. Of the amount for annual dues payable on behalf of the Legislative Department, \$13,908 each year shall be allocated at the discretion of the Senate Committee on Rules and \$34,771

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each year shall be allocated at the discretion of the Speaker of the House of Delegates.				
	Total for Virginia Commission on Intergovernmental Cooperation.....		\$741,024	\$741,028
	Fund Sources: General.....		\$741,024	\$741,028
§ 1-13. LEGISLATIVE DEPARTMENT REVERSION CLEARING ACCOUNT (102)				
35.	Across the Board Reductions (71400).....		(\$194,600)	(\$194,600)
	Across the Board Reduction (71401).....		(\$194,600)	(\$194,600)
	Fund Sources: General.....		(\$194,600)	(\$194,600)
Authority: Discretionary Inclusion.				
36.	Enactment of Laws (78200).....		\$360,315	\$360,315
	Undesignated Support for Enactment of Laws Services (78205).....		\$360,315	\$360,315
	Fund Sources: General.....		\$360,315	\$360,315
Authority: Discretionary Inclusion.				
A. Transfers out of this appropriation may be made to fund unanticipated costs in the budgets of legislative agencies or other such costs approved by the Joint Rules Committee.				
B. Included within this appropriation is \$200,000 the first year and \$200,000 the second year from the general fund and one position for the operation of the Capitol Guides program. The allocation of these funds shall be subject to the approval of the Committee on Joint Rules. The Capitol Guides program shall be jointly administered by the Clerk of the House of Delegates and the Clerk of the Senate.				
	Total for Legislative Department Reversion Clearing Account.....		\$165,715	\$165,715
	General Fund Positions.....		1.00	1.00
	Position Level.....		1.00	1.00
	Fund Sources: General.....		\$165,715	\$165,715
	TOTAL FOR LEGISLATIVE DEPARTMENT.....		\$83,442,428	\$83,469,219
	General Fund Positions.....		592.50	592.50
	Nongeneral Fund Positions.....		26.50	26.50
	Position Level.....		619.00	619.00
	Fund Sources: General.....		\$80,253,077	\$80,279,687
	Special.....		\$2,935,985	\$2,936,159
	Trust and Agency.....		\$115,717	\$115,717
	Federal Trust.....		\$137,649	\$137,656

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JUDICIAL DEPARTMENT

§ 1-14. SUPREME COURT (111)

37.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$14,173,686	\$14,173,686
	Appellate Review (32101).....	\$8,838,861	\$8,838,861		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$5,334,825	\$5,334,825		
	Fund Sources: General.....	\$13,994,406	\$13,994,406		
	Special.....	\$179,280	\$179,280		

Authority: Article VI, Sections 1 through 6, Constitution of Virginia; Title 17.1, Chapter 3 and § 19.2-163, Code of Virginia.

A. Out of the amounts for Appellate Review shall be paid:

1. The annual salary of the Chief Justice, \$190,793 from July 1, 2016, to November 24, 2016, \$190,793 from November 25, 2016, to November 24, 2017, and \$190,793 from November 25, 2017, to June 30, 2018.

2. The annual salaries of the six (6) Associate Justices, each \$178,958 from July 1, 2016, to November 24, 2016, \$178,958 from November 25, 2016, to November 24, 2017, and \$178,958 from November 25, 2017, to June 30, 2018.

3. To each justice, \$13,500 the first year and \$13,500 the second year, for expenses not otherwise reimbursed, said expenses to be paid out of the current appropriation to the Court.

B. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2016, in the appropriation made in Item 34, Chapter 665, Acts of Assembly of 2015, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2017.

C. Out of the amounts appropriated in this Item, \$4,650,000 the first year and \$4,650,000 the second year from the general fund is included for increased reimbursements for court-appointed counsel pursuant to § 19.2-163, Code of Virginia.

D. The Executive Secretary of the Supreme Court of Virginia shall encourage training of Juvenile and Domestic Relations District Court judges regarding the options available for court-ordered services for families in truancy cases prior to the initiation of other remedies.

E. Out of the amounts appropriated in this Item, \$310,300 the first year and \$310,300 the second year from the general fund is included to cover the cost of fee changes to mediators appointed in any custody and support or visitation cases, consistent with the provisions of House Bill 287 of the 2016 General Assembly.

F. Notwithstanding the provisions of § 20-124.4, Code of Virginia, the fee paid to mediators shall be \$120 per appointment mediated. For such purpose, \$303,000 the first year and \$303,000 the second year from the general fund is included in the appropriation for this item.

38.	Law Library Services (32300).....			\$1,032,728	\$1,032,328
	Law Library Services (32301).....	\$1,032,728	\$1,032,328		
	Fund Sources: General.....	\$1,032,728	\$1,032,328		

Authority: §§ 42.1-60 through 42.1-64, Code of Virginia.

39.	Adjudication Training, Education, and Standards (32600).....			\$899,140	\$899,140
	Judicial Training (32603).....	\$899,140	\$899,140		
	Fund Sources: General.....	\$899,140	\$899,140		

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Authority: Title 16.1, Chapter 9; Title 17.1, Chapter 7; §§ 2.2-4025, 19.2-38.1 and 19.2-43, Code of Virginia.				
40.	Administrative and Support Services (39900).....		\$30,447,541	\$30,684,302
	General Management and Direction (39901).....	\$30,447,541	\$30,684,302	
	Fund Sources: General.....	\$21,316,432	\$21,552,624	
	Special.....	\$124,375	\$124,375	
	Dedicated Special Revenue.....	\$7,500,000	\$7,500,000	
	Federal Trust.....	\$1,506,734	\$1,507,303	

Authority: §§ 16.1-69.30, 16.1-69.33, 17.1-314 through 17.1-320 and 17.1-502, Code of Virginia.

A. The Executive Secretary of the Supreme Court shall submit an annual fiscal year summary, on or before September 1 of each year, to the Chairmen of the House Appropriations and Senate Finance Committees and to the Director, Department of Planning and Budget, which will report the number of individuals for whom legal or medical services were provided and the nature and cost of such services as are authorized for payment from the criminal fund or the involuntary mental commitment fund.

B. Notwithstanding the provisions of § 19.2-326, Code of Virginia, the amount of attorney's fees allowed counsel for indigent defendants in appeals to the Supreme Court shall be in the discretion of the Supreme Court.

C. The Chief Justice is authorized to reallocate legal support staff between the Supreme Court and the Court of Appeals of Virginia, in order to meet changing workload demands.

D. Prior to January 1 of each year, the Judicial Council and the Committee on District Courts are requested to submit a fiscal impact assessment of their recommendations for the creation of any new judgeships, including the cost of judicial retirement, to the Chairmen of the House and Senate Committees on Courts of Justice, and the House Appropriations and Senate Finance Committees.

E. Included in this Item is \$3,750,000 the first year and \$3,750,000 the second year from the general fund, which may support computer system improvements for the several circuit and district courts. The Executive Secretary of the Supreme Court shall submit an annual report to the Director, Department of Planning and Budget on or before September 1 of each year outlining the improvement projects undertaken and the project status of each project. Each project in the report should include the life to date cost of the project, the amount spent on the project in the most recently completed fiscal year, the year the project began, the estimated cost to complete the remainder of the project and an estimated project completion date.

F. Given the continued concern about providing adequate compensation levels for court-appointed attorneys providing criminal indigent defense in the Commonwealth, the Executive Secretary of the Supreme Court, in conjunction with the Governor, Attorney General, Indigent Defense Commission, representatives of the Indigent Defense Stakeholders Group and Chairmen of the House and Senate Courts of Justice Committees, shall continue to study and evaluate all available options to enhance Virginia's Indigent Defense System.

G. In addition to any filing fee or other fee permitted by law, an electronic access fee may be charged for each case filed electronically pursuant to Rule 1:17 of the Rules of the Supreme Court of Virginia. The amount of this fee shall be set by the Supreme Court of Virginia. Moneys collected pursuant to this fee shall be deposited into the State Treasury to the credit of the Courts Technology Fund established pursuant to § 17.1-132, to be used to support the costs of statewide electronic filing systems.

H. 1. No state funds used to support the operation of drug court programs shall be provided to programs that serve first-time substance abuse offenders only or do not include probation violators. This restriction shall not apply to juvenile drug court programs.

2. Notwithstanding the provisions of subsection O. of § 18.2-254.1, Code of Virginia, any locality is authorized to establish a drug treatment court supported by existing state resources and by federal or local resources that may be available. This authorization is subject to the

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	<p>requirements and conditions regarding the establishment and operation of a local drug treatment court advisory committee as provided by § 18.2-254.1 and the requirements and conditions established by the state Drug Treatment Court Advisory Committee. Any drug court treatment program established after July 1, 2012, shall limit participation in the program to offenders who have been determined, through the use of a nationally recognized, validated assessment tool, to be addicted to or dependent on drugs. However, no such drug court treatment program shall limit its participation to first-time substance abuse offenders only; nor shall it exclude probation violators from participation.</p>			
	<p>3. The evaluation of drug treatment court programs required by § 18.2-254.1 shall include the collection of data needed for outcome measures, including recidivism. Drug treatment court programs shall provide to the Office of the Executive Secretary of the Supreme Court the information needed to conduct such an evaluation.</p>			
	<p>4. The Executive Secretary of the Supreme Court of Virginia shall identify eligible adult drug court sites for participation in a pilot program to provide substance abuse treatment utilizing non-narcotic, non-addictive, long-acting, injectable prescription drug treatment regimens. The Executive Secretary shall identify the state funding resources necessary to support pilot program medication, provider fees, counseling, and patient monitoring, as well as any available local or regional funding resources available. The Executive Secretary shall meet with and solicit feedback from stakeholders including requesting information on the success of comparable pilot programs in other states. The Executive Secretary shall report the results of this review, as well as recommendations for establishment of the pilot program to other drug courts, to the Secretaries of Public Safety and Homeland Security and Health and Human Resources, the Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2016. All Adult Drug Courts in the Commonwealth shall provide all necessary information to the Office of the Executive Secretary of the Supreme Court of Virginia in order to conduct such a review.</p>			
	<p>5. Included in this item is \$100,000 the first year and \$100,000 the second year from the general fund to support two substance abuse treatment pilot programs at the Norfolk Adult Drug Court and the Henrico County Adult Drug Court utilizing non-narcotic, non-addictive, long-acting, injectable prescription drug treatment regimens. The Norfolk and Henrico County Adult Drug Courts shall utilize these resources to support pilot program medication, provider fees, counseling, and patient monitoring. The Executive Secretary of the Supreme Court shall report the results of the pilot program, as well as recommendations for expansion of the pilot program to other drug courts, to the Secretaries of Public Safety and Homeland Security and Health and Human Resources, the Director of the Department of Planning and Budget, the Chairman of the Virginia State Crime Commission, and the Chairmen of the House Appropriations and Senate Finance Committees by October 1 each year of the pilot program. The Norfolk and Henrico County Adult Drug Courts shall provide all necessary information to the Office of the Executive Secretary to conduct such an evaluation.</p>			
	<p>6. Included within this appropriation is \$300,000 the first year and \$960,000 the second year from the general fund for drug courts in jurisdictions with high drug caseloads, to be allocated by the State Drug Treatment Court Advisory Committee to existing drug courts which have been approved by the Supreme Court of Virginia but have not previously received state funding.</p>			
	<p>I. Notwithstanding the provisions of § 16.1-69.48, Code of Virginia, the Executive Secretary of the Supreme Court shall ensure the deposit of all Commonwealth collections directly into the State Treasury for Item 43 General District Courts, Item 44 Juvenile and Domestic Relations District Courts, Item 45 Combined District Courts, and Item 46 Magistrate System.</p>			
	<p>J. Included in this appropriation, \$240,000 the first year and \$240,000 the second year from the general fund is provided to implement the Judicial Performance Evaluation Program established by § 17.1-100 of the Code of Virginia.</p>			
	<p>K. Out of the amounts appropriated for this item, \$250,000 the first year from the general fund is included for the Supreme Court of Virginia to contract with the National Center for State Courts to reevaluate the November 2013 results of the weighted caseload system</p>			

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<p>study that measured and compared judicial caseloads throughout the Commonwealth on the circuit court, general district court, and juvenile and domestic relations district court levels. In addition to the factors considered during the earlier study, the National Center shall also consider factors identified by the Supreme Court such as the use of interpreters, law clerks, retired or substitute judges, the effect of pro se litigants on judicial time, and the effect of population growth or decline, if any. The Supreme Court shall report to the General Assembly by November 15, 2017, on the weighted caseload in each court in each county and city, and in each circuit and district based on the current circuit and district boundaries.</p>				
<p>L. Working in collaboration with the Chief Justice and Associate Justices of the Supreme Court of Virginia and the Chief Judge and Associate Judges of the Court of Appeals of Virginia, the Executive Secretary of the Supreme Court, in consultation with the Director of the Department of General Services, is directed to develop a comprehensive plan that meets the future space needs of both courts around Capitol Square, which is acceptable to the Chief Justice of the Supreme Court of Virginia and the Chief Judge of the Court of Appeals of Virginia.</p>				
<p>M. Included in the appropriation for this Item is \$175,950 in the first year from the general fund to cover the cost of an electronic submission system to transmit case papers from general district court to circuit court.</p>				
Total for Supreme Court.....			\$46,553,095	\$46,789,456
General Fund Positions.....		150.63	150.63	
Nongeneral Fund Positions.....		6.00	6.00	
Position Level.....		156.63	156.63	
Fund Sources: General.....		\$37,242,706	\$37,478,498	
Special.....		\$303,655	\$303,655	
Dedicated Special Revenue.....		\$7,500,000	\$7,500,000	
Federal Trust.....		\$1,506,734	\$1,507,303	

Court of Appeals of Virginia (125)

41.	Pre-Trial, Trial, and Appellate Processes (32100).....			\$9,569,436	\$9,569,657
	Appellate Review (32101).....	\$9,564,436	\$9,564,657		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$5,000	\$5,000		
	Fund Sources: General.....	\$9,569,436	\$9,569,657		

Authority: Title 17.1, Chapter 4 and § 19.2-163, Code of Virginia.

A. Out of the amounts in this Item for Appellate Review shall be paid:

1. 1. The annual salary of the Chief Justice, \$173,010 from July 1, 2016, to November 24, 2016, \$173,010 from November 25, 2016, to November 24, 2017, and \$173,010 from November 25, 2017, to June 30, 2018.

2. The annual salaries of the ten (10) judges, each at \$170,010 from July 1, 2016, to November 24, 2016, \$170,010 from November 25, 2016, to November 24, 2017, and \$170,010 from November 25, 2017, to June 30, 2018.

3. Salaries of the judges are to be 95 percent of the salaries of justices of the Supreme Court except for the Chief Judge, who shall receive an additional \$3,000 annually.

4. To each judge, \$6,500 the first year and \$6,500 the second year, for expenses not otherwise reimbursed, said expenses to be paid out of the current appropriation to the Court.

B. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2016, in the appropriation made in Item 38, Chapter 665, Acts of Assembly of 2015, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2017.

C. The amount of attorney's fees allowed counsel to indigent defendants in appeals to the

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Court of Appeals shall be in the discretion of the court.				
Total for Court of Appeals of Virginia.....			\$9,569,436	\$9,569,657
General Fund Positions.....	69.13	69.13		
Position Level.....	69.13	69.13		
Fund Sources: General.....	\$9,569,436	\$9,569,657		

Circuit Courts (113)

42.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$113,655,476	\$113,670,662
	Trial Processes (32103).....	\$49,225,247	\$49,240,433		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$64,430,229	\$64,430,229		
	Fund Sources: General.....	\$113,650,476	\$113,665,662		
	Special.....	\$5,000	\$5,000		

Authority: Article VI, Section 1, Constitution of Virginia; Title 17.1, Chapter 5; § 19.2-163, Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of Circuit Court judges, each at \$166,136 from July 1, 2016, to November 24, 2016, \$166,136 from November 25, 2016, to November 24, 2017, and \$166,136 from November 25, 2017, to June 30, 2018. Such salaries shall represent the total compensation from all sources for Circuit Court judges.

2. Expenses necessarily incurred for the position of judge of the Circuit Court, including clerk hire not exceeding \$1,500 a year for each judge.

3. The state's share of expenses incident to the prosecution of a petition for a writ of habeas corpus by an indigent petitioner, including payment of counsel fees as fixed by the Court; the expenses shall be paid upon receipt of an appropriate order from a Circuit Court.

4. A circuit court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

B. The Chief Circuit Court Judge shall restrict the appointment of special justices to conduct involuntary mental commitment hearings to those unusual instances when no General District Court or Juvenile and Domestic Relations District Court Judge can be made available or when the volume of the hearings would require more than eight hours a week.

C. There is hereby reappropriated the unexpended balance remaining at the close of business on June 30, 2016, in the appropriation made in Item 39, Chapter 665, Acts of Assembly of 2015, in the item detail Other Court Costs and Allowances (Criminal Fund) and the balance remaining in this item detail on June 30, 2017.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E.1. General fund appropriations for Other Court Costs and Allowances (Criminal Fund) total \$123,560,148 the first year and \$123,560,148 the second year in this Item and Items 37, 41, 43, 44 and 45.

2. The Chief Justice of the Supreme Court of Virginia shall determine how the amounts appropriated to Other Courts Costs and Allowances (Criminal Fund) will be allocated, consistent with statutory provisions in the Code of Virginia. Funds within these appropriations are to be used to fund fully the statutory caps on compensation applicable to attorneys appointed by the court to defend criminal charges. Should this appropriation not be sufficient to fund fully all of the statutory caps on compensation as established by §

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	19.2-163, Code of Virginia, that this appropriation shall be applied first to fully fund the statutory caps for the most serious noncapital felonies and then, should funds still remain in this appropriation, to the other statutory caps, in declining order of the severity of the charges to which each cap is applicable.			
	3. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$880,000 the first year and not to exceed \$880,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.			
	4. Notwithstanding the provisions of § 19.2-163, Code of Virginia, the amount of compensation allowed to counsel appointed by the court to defend a felony charge that may be punishable by death shall be calculated on an hourly basis at a rate set by the Supreme Court of Virginia.			
	F.1. For any hearing conducted pursuant to § 19.2-306, Code of Virginia, the circuit court shall have presented to it a sentencing revocation report prepared on a form designated by the Virginia Criminal Sentencing Commission indicating the condition or conditions of the suspended sentence, good behavior, or probation supervision that the defendant has allegedly violated.			
	2. For any hearing conducted pursuant to § 19.2-306 in which the defendant is cited for violation of a condition or conditions other than a new criminal offense conviction, the court shall also have presented to it the applicable probation violation guideline worksheets established pursuant to Chapter 1042 of the Acts of Assembly 2003. The court shall review and consider the suitability of the discretionary probation violation guidelines. Before imposing sentence, the court shall state for the record that such review and consideration have been accomplished and shall make the completed worksheets a part of the record of the case and open for inspection. In hearings in which the court imposes a sentence that is either greater or less than that indicated by the discretionary probation violation guidelines, the court shall file with the record of the case a written explanation of such departure.			
	3. Following any hearing conducted pursuant to § 19.2-306 and the entry of a final order, the clerk of the circuit court in which the hearing was held shall cause a copy of such order or orders, the original sentencing revocation report, any applicable probation violation guideline worksheets prepared in the case, and a copy of any departure explanation prepared pursuant to subsection F.2., to be forwarded to the Virginia Criminal Sentencing Commission within 30 days.			
	4. The failure to follow any or all of the provisions specified in F.1. through F.3 or the failure to follow any or all of these provisions in the prescribed manner shall not be reviewable on appeal or the basis of any other post-hearing relief.			
	G. Mandated changes or improvements to court facilities pursuant to § 15.2-1643, Code of Virginia, or otherwise, including any new construction, shall be delayed at the request of the local governing body in which the court is located until June 30, 2018. The provisions of this item shall not apply to facilities that were subject to litigation on or before November 30, 2008.			
	H. In order to reduce expenditures through the Criminal Fund for court-appointed counsel, effective July 1, 2014, compensation paid to attorneys appointed pursuant to Virginia Code § 53.1-40 shall be limited to \$55 per hour, with a maximum per diem compensation of \$200, plus reasonable expenses, to be paid from the Criminal Fund.			
	I.1. Notwithstanding the provisions of § 19.2-155, Code of Virginia, in cases where an Attorney for the Commonwealth must recuse himself from a case or a special prosecutor must be appointed, the circuit court judge must appoint an Attorney for the Commonwealth or an Assistant Attorney for the Commonwealth from another jurisdiction. If the circuit court judge determines that the appointment of such Attorney for the Commonwealth or such Assistant Attorney for the Commonwealth is not appropriate or that such an attorney or assistant is unavailable then the judge must request approval from the Executive Secretary of the Supreme Court for an exception to this requirement.			
	2. The Executive Secretary of the Supreme Court shall include in the annual report required in			

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paragraph A. of Item 40 information on the number of exceptions granted related to special prosecutors and the related expenditures.				
J. Notwithstanding any other provisions of Chapter 23 of Title 8.1 of the Code of Virginia, a reasonable fee not to exceed \$150 may be charged by Commissioners of Accounts for any foreclosures on a timeshare estate to reimburse them for the reasonable costs associated therewith.				
Total for Circuit Courts.....			\$113,655,476	\$113,670,662
General Fund Positions.....	165.00	165.00		
Position Level.....	165.00	165.00		
Fund Sources: General.....	\$113,650,476	\$113,665,662		
Special.....	\$5,000	\$5,000		

General District Courts (114)

43.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$111,292,744	\$111,305,772
	Trial Processes (32103).....	\$90,294,414	\$90,307,442		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$15,313,835	\$15,313,835		
	Involuntary Mental Commitments (32105).....	\$5,684,495	\$5,684,495		
	Fund Sources: General.....	\$111,292,744	\$111,305,772		

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-137, 19.2-163 and 37.2-809 et seq., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all General District Court judges, \$149,531 from July 1, 2016, to November 24, 2016, \$149,531 from November 25, 2016, to November 24, 2017, and \$149,531 from November 25, 2017, to June 30, 2018. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for General District Court Judges and incorporate all supplements formerly paid by the various localities.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2016, in the appropriation made in Item 40, Chapter 665, Acts of Assembly of 2015 in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2017.

C. Any balance, or portion thereof, in the item detail Involuntary Mental Commitments, may be transferred between Items 43, 44, 45, and 303, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$40,000 the first year and not to exceed \$40,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.

F. A district court judge shall only be reimbursed for mileage for commuting if the judge has to travel to a courthouse in a county or city other than the one in which the judge resides and the distance between the judge's residence and the courthouse is greater than 25 miles.

ITEM 43.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
G. Upon the retirement or separation from employment of any chief general district court clerks from the 7th judicial district or the 13th judicial district, any vacant chief clerk positions in excess of one chief clerk for each general district court shall be reallocated by the Committee on District Courts to district courts with the highest documented unmet staffing requirements.				
			\$111,292,744	\$111,305,772
Total for General District Courts.....				
General Fund Positions.....	1,056.10	1,056.10		
Position Level.....	1,056.10	1,056.10		
Fund Sources: General.....	\$111,292,744	\$111,305,772		

Juvenile and Domestic Relations District Courts (115)

44.	Pre-Trial, Trial, and Appellate Processes (32100).....		\$95,397,113	\$95,408,588
	Trial Processes (32103).....	\$63,199,016	\$63,210,491	
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$31,827,761	\$31,827,761	
	Involuntary Mental Commitments (32105).....	\$370,336	\$370,336	
	Fund Sources: General.....	\$95,397,113	\$95,408,588	

Authority: Article VI, Section 8, Constitution of Virginia; §§ 16.1-69.1 through 16.1-69.58, 16.1-226 through 16.1-334, 19.2-163 and 37.2-809 through 37.2-813., Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid:

1. The annual salaries of all full-time Juvenile and Domestic Relations District Court Judges, \$149,531 from July 1, 2016, to November 24, 2016, \$149,531 from November 25, 2016, to November 24, 2017, and \$149,531 from November 25, 2017, to June 30, 2018. Such salary shall be 90 percent of the annual salary fixed by law for judges of the Circuit Courts and shall represent the total compensation for Juvenile and Domestic Relations District Court Judges.

2. The salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2016, in the appropriation made in Item 41, Chapter 665, Acts of Assembly of 2015, in the Item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2017.

C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 43, 44, 45, and 303, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances (Criminal Fund) shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Notwithstanding any other provision of law, when a Guardian ad Litem is appointed for a child by the Commonwealth, the juvenile and domestic relations district court or the circuit court, as the case may be, shall order the parent, parents, adoptive parent or adoptive parents of the child, or another party with a legitimate interest therein who has filed a petition with the court to reimburse the Commonwealth the costs of such services in an amount not to exceed the amount awarded the Guardian ad Litem by the court. If the court determines such party is unable to pay, the required reimbursement may be reduced or eliminated. In addition, it is the intent of the General Assembly that the Supreme Court actively administer the Guardian ad Litem program to ensure that payments made to Guardians ad Litem do not exceed that which is required. The Executive Secretary of the Supreme Court shall report August 1 and January 1 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on the amounts paid for Guardian ad Litem purposes, amounts reimbursed by parents and/or guardians, savings achieved, and management actions taken to further enhance savings under this program.

F. Out of the amount appropriated from the general fund for Other Court Costs and

ITEM 44.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$870,000 the first year and not to exceed \$870,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission for the administration of the physical evidence recovery kit (PERK) program.				
Total for Juvenile and Domestic Relations District Courts.....			\$95,397,113	\$95,408,588
General Fund Positions.....			617.10	617.10
Position Level.....			617.10	617.10
Fund Sources: General.....			\$95,397,113	\$95,408,588

Combined District Courts (116)

45.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$26,294,376	\$26,300,126
	Trial Processes (32103).....	\$17,007,813	\$17,013,563		
	Other Court Costs And Allowances (Criminal Fund) (32104).....	\$7,772,423	\$7,772,423		
	Involuntary Mental Commitments (32105).....	\$1,514,140	\$1,514,140		
	Fund Sources: General.....	\$26,294,376	\$26,300,126		

Authority: Article VI, Section 8, Constitution of Virginia, §§ 16.1-69.1 through 16.1-137, 16.1-226 through 16.1-334, 19.2-163, and 37.2-809 through 37.2-813, Code of Virginia.

A. Out of the amounts in this Item for Trial Processes shall be paid the salaries of substitute judges and court personnel.

B. There is hereby reappropriated the unexpended balances remaining at the close of business on June 30, 2016, in the appropriation made in Item 42, Chapter 665, Acts of Assembly of 2015, in the item details Other Court Costs and Allowances (Criminal Fund) and Involuntary Mental Commitments and the balances remaining in these item details on June 30, 2017.

C. Any balance, or portion thereof, in the Item detail Involuntary Mental Commitments, may be transferred between Items 43, 44, 45, and 303, as needed, to cover any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

D. The appropriation in this Item for Other Court Costs and Allowances shall be used to implement the provisions of § 8.01-384.1:1, Code of Virginia.

E. Out of the amount appropriated from the general fund for Other Court Costs and Allowances (Criminal Fund) in this Item, there shall be transferred an amount not to exceed \$95,000 the first year and not to exceed \$95,000 the second year to the Criminal Injuries Compensation Fund, administered by the Virginia Workers' Compensation Commission, for the administration of the physical evidence recovery kit (PERK) program.

Total for Combined District Courts.....			\$26,294,376	\$26,300,126
General Fund Positions.....			204.55	204.55
Position Level.....			204.55	204.55
Fund Sources: General.....			\$26,294,376	\$26,300,126

Magistrate System (103)

46.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$32,538,067	\$32,539,816
	Appellate Review (32101).....	\$2,182,372	\$2,182,372		
	Pre-Trial Assistance (32102).....	\$30,355,695	\$30,357,444		
	Fund Sources: General.....	\$32,538,067	\$32,539,816		

Authority: Article VI, Section 8, Constitution of Virginia; Title 19.2, Chapter 3, Code of

ITEM 46.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Virginia.				
Total for Magistrate System.....			\$32,538,067	\$32,539,816
General Fund Positions.....	446.20	446.20		
Position Level.....	446.20	446.20		
Fund Sources: General.....	\$32,538,067	\$32,539,816		
Grand Total for Supreme Court.....			\$435,300,307	\$435,584,077
General Fund Positions.....	2,708.71	2,708.71		
Nongeneral Fund Positions.....	6.00	6.00		
Position Level.....	2,714.71	2,714.71		
Fund Sources: General.....	\$425,984,918	\$426,268,119		
Special.....	\$308,655	\$308,655		
Dedicated Special Revenue.....	\$7,500,000	\$7,500,000		
Federal Trust.....	\$1,506,734	\$1,507,303		

§ 1-15. BOARD OF BAR EXAMINERS (233)

47.	Regulation of Professions and Occupations (56000)...			\$1,571,480	\$1,571,613
	Lawyer Regulation (56019).....	\$1,571,480	\$1,571,613		
	Fund Sources: Special.....	\$1,571,480	\$1,571,613		

Authority: Title 54.1, Chapter 39, Articles 3 and 4 and § 54.1-3934, Code of Virginia.

The State Comptroller shall continue the Board of Bar Examiners Fund on the Commonwealth Accounting and Reporting System. Revenues collected from fees paid by applicants for admission to the bar shall be deposited into the Board of Bar Examiners Fund. The source of nongeneral funds included in this item is the Board of Bar Examiners Fund. Interest generated by the fund shall be retained by the fund.

Total for Board of Bar Examiners.....			\$1,571,480	\$1,571,613
Nongeneral Fund Positions.....	8.00	8.00		
Position Level.....	8.00	8.00		
Fund Sources: Special.....	\$1,571,480	\$1,571,613		

§ 1-16. JUDICIAL INQUIRY AND REVIEW COMMISSION (112)

48.	Adjudication Training, Education, and Standards (32600).....			\$639,602	\$639,629
	Judicial Standards (32602).....	\$639,602	\$639,629		
	Fund Sources: General.....	\$639,602	\$639,629		

Authority: Article VI, Section 10, Constitution of Virginia; Title 17.1, Chapter 9, Code of Virginia.

Total for Judicial Inquiry and Review Commission....			\$639,602	\$639,629
General Fund Positions.....	3.00	3.00		
Position Level.....	3.00	3.00		
Fund Sources: General.....	\$639,602	\$639,629		

§ 1-17. INDIGENT DEFENSE COMMISSION (848)

49.	Legal Defense (32700).....			\$49,545,735	\$49,139,877
	Criminal Indigent Defense Services (32701).....	\$42,483,638	\$42,112,854		
	Capital Indigent Defense Services (32702).....	\$3,805,455	\$3,776,479		
	Legal Defense Regulatory Services (32703).....	\$210,488	\$210,488		

ITEM 49.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Administrative Services (32722).....	\$3,046,154	\$3,040,056		
Fund Sources: General.....	\$49,533,747	\$49,127,888		
Special.....	\$11,988	\$11,989		
Authority: §§ 19.2-163.01 through 19.2-163.8, Code of Virginia				
A. Pursuant to § 19.2-163.01, Code of Virginia, the Executive Director of the Indigent Defense Commission shall serve at the pleasure of the commission.				
B. Out of the amounts in this Item, \$200,000 the first year and \$200,000 the second year from the general fund is provided to support two positions to enforce and monitor compliance with the new Standards of Practice for court-appointed counsel.				
Total for Indigent Defense Commission.....			\$49,545,735	\$49,139,877
General Fund Positions.....	546.00	546.00		
Position Level.....	546.00	546.00		
Fund Sources: General.....	\$49,533,747	\$49,127,888		
Special.....	\$11,988	\$11,989		

§ 1-18. VIRGINIA CRIMINAL SENTENCING COMMISSION (160)

50. Adjudicatory Research, Planning, and Coordination (32400).....			\$1,161,125	\$1,161,173
Adjudicatory Research And Planning (32403).....	\$1,161,125	\$1,161,173		
Fund Sources: General.....	\$1,091,094	\$1,091,142		
Special.....	\$70,031	\$70,031		

Authority: Title 17.1, Chapter 8, Code of Virginia

A. For any fiscal impact statement prepared by the Virginia Criminal Sentencing Commission pursuant to § 30-19.1:4, Code of Virginia, for which the commission does not have sufficient information to project the impact, the commission shall assign a minimum fiscal impact of \$50,000 to the bill and this amount shall be printed on the face of each such bill, but shall not be codified. The provisions of § 30-19.1:4, paragraph H. shall be applicable to any such bill.

B.1. Notwithstanding the provisions of § 19.2-303.5 of the Code of Virginia, the provisions of that section shall not expire on July 1, 2016, but shall continue in effect until July 1, 2017, and may be implemented in up to four sites.

2. The Virginia Criminal Sentencing Commission, with the concurrence of the chief judge of the circuit court and the Commonwealth's attorney of the locality, shall designate each immediate sanction probation program site. The Virginia Criminal Sentencing Commission shall develop guidelines and procedures for implementing the program, administer the program, and evaluate the results of the program. As part of its administration of the program, the commission shall designate a standard, validated substance abuse assessment instrument to be used by probation and parole districts to assess probationers subject to the immediate sanction probation program. The commission shall also determine outcome measures and collect data for evaluation of the results of the program at the designated sites. The commission shall present a report on the implementation of the immediate sanction probation program, including recidivism results to the Chief Justice, Governor, and the Chairmen of the House and Senate Courts of Justice Committees, the House Appropriations Committee, and the Senate Finance Committee by November 1, 2016.

C. The clerk of each circuit court shall provide the Virginia Criminal Sentencing Commission case data in an electronic format from its own case management system or the statewide Circuit Case Management System. If the statewide Circuit Case Management System is used by the clerk, when requested by the Commission, the Executive Secretary of the Supreme Court shall provide for the transfer of such data to the Commission. The Commission may use the data for research, evaluation, or statistical

ITEM 50.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>purposes only and shall ensure the confidentiality and security of the data. The Commission shall only publish statistical reports and analyses based on this data as needed for its annual reports or for other reports as required by the General Assembly. The Commission shall not publish personal or case identifying information, including names, social security numbers and dates of birth, that may be included in the data from a case management system. Upon transfer to the Virginia Criminal Sentencing Commission, such data shall not be subject to the Virginia Freedom of Information Act.</p>				
Total for Virginia Criminal Sentencing Commission..			\$1,161,125	\$1,161,173
General Fund Positions.....		10.00	10.00	
Position Level.....		10.00	10.00	
Fund Sources: General.....		\$1,091,094	\$1,091,142	
Special.....		\$70,031	\$70,031	

§ 1-19. VIRGINIA STATE BAR (117)

51.	Legal Defense (32700).....			\$12,141,216	\$12,141,644
	Criminal Indigent Defense Services (32701).....	\$352,500	\$352,500		
	Indigent Defense, Civil (32704).....	\$11,788,716	\$11,789,144		
	Fund Sources: General.....	\$4,791,216	\$4,791,644		
	Special.....	\$7,350,000	\$7,350,000		

Authority: § 17.1-278, Code of Virginia.

A. The Virginia State Bar and the Legal Services Corporation of Virginia shall not use funds provided for in this act, and those available from financial institutions pursuant to § 54.1-3916, Code of Virginia, to file lawsuits on behalf of aliens present in the United States in violation of law.

B.1. The amounts for Indigent Defense, Civil, include up to \$75,000 the first year and up to \$75,000 the second year from the general fund for the Community Tax Law Project, to provide indigent defense services in matters related to taxation disputes, and educational services involving the rights and responsibilities of taxpayers.

2. The amounts for Indigent Defense, Civil, include up to \$4,350,000 the first year and up to \$4,350,000 the second year from the general fund to provide grants for high quality civil legal assistance to low income Virginians and to promote equal access to justice.

3. The amounts for Indigent Defense, Criminal, include up to \$352,500 the first year and up to \$352,500 the second year from the general fund to provide grants to the Virginia Capital Representation Resource Center for representation to people sentenced to death in Virginia and to promote equal access to justice.

C. The Virginia State Bar and the Legal Services Corporation of Virginia shall annually, on or about January 1, provide a report to the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the status of legal services assistance programs in the Commonwealth. The report shall include, but not be limited to, efforts to maintain and improve the accuracy of caseload data, case opening and case closure information, and program activity levels as it relates to clients.

52.	Regulation of Professions and Occupations (56000)...			\$14,833,608	\$14,835,813
	Lawyer Regulation (56019).....	\$14,833,608	\$14,835,813		
	Fund Sources: Dedicated Special Revenue.....	\$14,833,608	\$14,835,813		

Authority: Title 54.1, Chapter 39, Article 2 and §§ 54.1-3935 through 54.1-3938, Code of Virginia.

A. It is the intention of the General Assembly that the Virginia State Bar strictly direct its activities toward the purposes of regulating the legal profession and improving the quality of legal services available to the people of the Commonwealth, and that, insofar as reasonably possible, the Virginia State Bar shall refrain from commercial or other undertakings not necessarily or reasonably related to the above stated purposes.

ITEM 52.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>B. Out of the amounts appropriated for this Item, \$1,000,000 the first year and \$1,000,000 the second year from revenues generated from the assessment of annual fees by the Supreme Court of Virginia upon members of the Virginia State Bar, pursuant to Chapter 847, 2007 Acts of Assembly, is provided for transfer to the Clients' Protection Fund of the Virginia State Bar.</p> <p>C. The Virginia State Bar shall review its member fee structure and make changes necessary to ensure fees are set at amounts needed only to cover costs and to provide for an appropriate balance.</p>				
Total for Virginia State Bar.....			\$26,974,824	\$26,977,457
Nongeneral Fund Positions.....	89.00	89.00		
Position Level.....	89.00	89.00		
Fund Sources: General.....	\$4,791,216	\$4,791,644		
Special.....	\$7,350,000	\$7,350,000		
Dedicated Special Revenue.....	\$14,833,608	\$14,835,813		

§ 1-20. JUDICIAL DEPARTMENT REVERSION CLEARING ACCOUNT (104)

53. Across the Board Reductions (71400).....			\$2,470,743	\$3,377,395
Fund Sources: General.....	\$2,470,743	\$3,377,395		

Authority: Discretionary Inclusion.

A. Sufficient funding is included within the Judicial Department to support a total of 408 circuit and district court judgeships. The vacant judgeships to be filled as of July 1, 2016, are as follows:

1. Circuit Court judgeships: one each in the 10th, 19th, and 23rd Circuits; and two each in the 15th and 25th Circuits, for a total of seven Circuit Court judgeships to be filled as of July 1, 2016.
2. General District Court judgeships: one each in the 7th, 16th, 19th, 21st, 24th and 31st Districts; and two in the 15th District, for a total of eight General District Court judgeships to be filled as of July 1, 2016. The general district court judges of the seventh district shall render assistance on a regular basis to the general district court judges of the eighth district by appropriate designation.
3. Juvenile and Domestic Relations District Court judgeships: one each in the 5th, 17th, and 29th Districts, for a total of three Juvenile and Domestic Relations District Court judgeships to be filled as of July 1, 2016, and one in the 13th District to be filled as of August 1, 2016.

B. Included within this item is \$1,593,348 the first year and \$2,500,000 the second year from the general fund for a compensation initiative for district court clerks and deputy clerks, effective November 10, 2016. The annualized cost of the compensation initiative shall not exceed \$2,500,000 and the implementation is subject to approval by the Committee on District Courts.

Total for Judicial Department Reversion Clearing Account.....			\$2,470,743	\$3,377,395
Fund Sources: General.....	\$2,470,743	\$3,377,395		
TOTAL FOR JUDICIAL DEPARTMENT.....			\$517,663,816	\$518,451,221
General Fund Positions.....	3,267.71	3,267.71		
Nongeneral Fund Positions.....	103.00	103.00		
Position Level.....	3,370.71	3,370.71		
Fund Sources: General.....	\$484,511,320	\$485,295,817		
Special.....	\$9,312,154	\$9,312,288		
Dedicated Special Revenue.....	\$22,333,608	\$22,335,813		

ITEM 53.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Federal Trust.....	\$1,506,734	\$1,507,303		

ITEM 54.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

EXECUTIVE DEPARTMENT

EXECUTIVE OFFICES

§ 1-21. OFFICE OF THE GOVERNOR (121)

54.	Administrative and Support Services (79900).....			\$4,047,738	\$4,047,990
	General Management and Direction (79901).....	\$4,047,738	\$4,047,990		
	Fund Sources: General.....	\$4,047,738	\$4,047,990		

Authority: Article V, Constitution of Virginia; Title 2.2, Chapter 1, Code of Virginia.

Out of this appropriation shall be paid the salary of the Governor, \$175,000 the first year and \$175,000 the second year.

55.	Historic and Commemorative Attraction Management (50200).....			\$757,444	\$763,036
	Executive Mansion Operations (50207).....	\$757,444	\$763,036		
	Fund Sources: General.....	\$757,444	\$763,036		

Authority: Title 2.2, Chapter 1, Code of Virginia.

56.	Governmental Affairs Services (70100).....			\$492,664	\$492,664
	Intergovernmental Relations (70101).....	\$492,664	\$492,664		
	Fund Sources: General.....	\$340,780	\$340,780		
	Commonwealth Transportation.....	\$151,884	\$151,884		

Authority: Title 2.2, Chapter 3, Code of Virginia.

57.	Disaster Planning and Operations (72200).....				a sum sufficient
	Disaster Operations (72202).....		a sum sufficient		
	Disaster Assistance (72203).....		a sum sufficient		

Authority: Title 44, Chapter 3.2, Code of Virginia.

A.1. The amount for Disaster Assistance is from all funds of the state treasury, not constitutionally restricted, and is to be effective only in the event of a declared state of emergency or authorization by the Governor of the sum sufficient, pursuant to § 44-146.28, Code of Virginia. Any appropriation authorized by this Item shall be transferred to state agencies for payment of eligible costs according to written directions of the Governor or by such other person or persons as may be designated by him for this purpose.

2. Any amount authorized for expenditure pursuant to § 44-146.28, Code of Virginia, shall be paid to eligible jurisdictions in accordance with guidelines and procedures established by the Department of Emergency Management, pursuant to § 44-146.28, Code of Virginia.

B. In the event of a Presidentially declared disaster, the state and local share of any federal assistance, hazard mitigation, or flood control programs in which the state participates will be determined in accordance with the procedures in the "Commonwealth of Virginia Emergency Operations Plan, Basic Plan," promulgated by the Department of Emergency Management. The state share of any such program shall be no less than 10 percent.

Total for Office of the Governor.....				\$5,297,846	\$5,303,690
General Fund Positions.....	41.67	41.67			
Nongeneral Fund Positions.....	1.33	1.33			
Position Level.....	43.00	43.00			
Fund Sources: General.....	\$5,145,962	\$5,151,806			
Commonwealth Transportation.....	\$151,884	\$151,884			

ITEM 57.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
§ 1-22. LIEUTENANT GOVERNOR (119)					
58.	Administrative and Support Services (79900).....			\$368,927	\$368,967
	General Management and Direction (79901).....	\$368,927	\$368,967		
	Fund Sources: General.....	\$368,927	\$368,967		
	Authority: Article V, Sections 13, 14, and 16, Constitution of Virginia; and Title 24.2, Chapter 2, Article 3, Code of Virginia.				
	Out of this appropriation shall be paid:				
	1. The salary of the Lieutenant Governor, \$36,321 the first year and \$36,321 the second year;				
	2. Expenses of the Lieutenant Governor during sessions of the General Assembly on the same basis as for the members of the General Assembly;				
	3. Salaries and benefits for compensation of up to three staff positions in the Office of the Lieutenant Governor.				
	Total for Lieutenant Governor.....			\$368,927	\$368,967
	General Fund Positions.....	4.00	4.00		
	Position Level.....	4.00	4.00		
	Fund Sources: General.....	\$368,927	\$368,967		

§ 1-23. ATTORNEY GENERAL AND DEPARTMENT OF LAW (141)

59.	Legal Advice (32000).....			\$30,808,369	\$30,810,242
	State Agency/Local Legal Assistance and Advice (32002).....	\$30,808,369	\$30,810,242		
	Fund Sources: General.....	\$20,804,247	\$20,805,007		
	Special.....	\$9,429,379	\$9,430,492		
	Federal Trust.....	\$574,743	\$574,743		

Authority: Title 2.2 Chapter 5, Code of Virginia.

A. Out of this appropriation shall be paid:

1. The salary of the Attorney General, \$150,000 the first year and \$150,000 the second year.
2. Expenses of the Attorney General not otherwise reimbursed, \$9,000 each year in equal monthly installments.
3. Salary expenses necessary to provide legal services pursuant to Title 2.2, Chapter 5, Code of Virginia.

B. Out of this appropriation, \$738,536 the first year and \$738,536 the second year from the general fund is designated for efforts to enforce the 1998 Tobacco Master Settlement Agreement and Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia. The Department of Law shall be responsible for enforcement of Article 1 (§ 3.2-4200, et seq.), Chapter 42, Title 3.2, Code of Virginia and the 1998 Tobacco Master Settlement Agreement. The general fund shall be reimbursed on a proportional basis from the Tobacco Indemnification and Community Revitalization Fund and the Virginia Tobacco Settlement Fund for costs associated with the enforcement of the 1998 Tobacco Master Settlement Agreement pursuant to transfers directed by Item 474, paragraphs A.2 and B.2, and § 3-1.01, Paragraph N of this act.

C. Upon notification by the Attorney General, agencies that administer programs which are funded wholly or partially from nongeneral fund appropriations shall transfer to the Department of Law the necessary funds to cover the costs of legal services that are related to such nongeneral funds. The Attorney General, in consultation with the respective agency heads, shall determine the amounts for transfer. It is the intent of the General Assembly that legal services provided by the Office of the Attorney General for general fund-supported

ITEM 59.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

programs shall be provided out of this appropriation.

D. At the request of the Attorney General, the Director, Department of Planning and Budget, shall provide an amount not to exceed \$100,000 per year from the Miscellaneous Contingency Reserve Account to pay the compensation, fees, and expenses of (i) counsel appointed by the Office of the Attorney General in actions brought pursuant to § 15.2-1643, Code of Virginia, to cause court facilities to be made secure, or put in good repair, or rendered otherwise safe, and (ii) counsel representing court personnel, including clerks, judges, and Justices in actions arising out of their official duties.

E.1. Pursuant to Chapter 577 of the Acts of Assembly of 2008, the Office of the Attorney General shall provide legal service in civil matters and consultation and legal advice in suits and other legal actions to soil and water conservation district directors and districts upon the request of those district directors or districts at no charge, inclusive of all fees, expenses, or other costs associated with litigation, excluding the payment of damages.

2. If the Office of the Attorney General is unable to provide legal services to the soil and water conservation districts, and as a result the districts incur costs from retaining other counsel, then the Director of the Department of Planning and Budget shall transfer general fund appropriations from the Office of the Attorney General to the Department of Conservation and Recreation in an amount equal to the cost incurred by the soil and water conservation districts to be used to reimburse the districts for costs incurred.

F. The Attorney General shall prepare and submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by November 1 of each year detailing expenditures in the prior fiscal year for special outside counsel by any executive branch agencies. The report shall include the reasoning why outside counsel is necessary, the hourly rate charged by outside counsel, total expenditures, and funding source.

60.	Medicaid Program Services (45600).....			\$13,550,426	\$13,550,426
	Medicaid Fraud Investigation and Prosecution (45614).....	\$13,550,426	\$13,550,426		
	Fund Sources: Special.....	\$3,554,322	\$3,554,322		
	Federal Trust.....	\$9,996,104	\$9,996,104		
	Authority: Title 32.1, Chapter 9, Code of Virginia.				
61.	Regulation of Business Practices (55200).....			\$3,540,386	\$3,540,386
	Regulatory and Consumer Advocacy (55201).....	\$3,540,386	\$3,540,386		
	Fund Sources: General.....	\$1,620,729	\$1,620,729		
	Special.....	\$1,919,657	\$1,919,657		

Authority: Title 2.2, Chapter 5, Code of Virginia.

Included in this Item is \$1,250,000 the first year and \$1,250,000 the second year from special funds for the Regulatory, Consumer Advocacy, Litigation, and Enforcement Revolving Trust Fund as established in Item 48 of Chapter 966 of the Acts of Assembly 1994 and amended herein. The Department of Law is authorized to deposit to the fund any fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of regulatory and consumer advocacy litigation, litigation in which the Office of the Attorney General participates, or civil enforcement efforts including, but not limited to, those brought pursuant to Article 1 (§ 3.2-4200 et seq.) and Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2 of the Code of Virginia. The Department of Law is also authorized to deposit to the fund any attorneys' fees which from time to time may be obtained. Any deposit to, and interest earnings on, the fund shall be retained in the fund, provided, however, that any amounts contained in the fund that exceed \$1,250,000 on the final day of the fiscal year shall be deposited to the credit of the general fund. In addition to the uses of the fund permitted by Item 48 of Chapter 966 of the Acts of Assembly of 1994, the fund may be used to pay costs associated with enforcement efforts pursuant to Article 1 (§ 3.2-4200 et seq.) and Article 3 (§ 3.2-4204 et seq.) of Chapter 42 of Title 3.2 of the Code of Virginia, costs associated with litigation initiated by the Office of the Attorney General, and costs associated with civil commitment procedures pursuant to Chapter 9 of Title 37.2 of the Code of Virginia.

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62.	Any judgment rendered pursuant to the Virginia Tort Claims Act shall be paid out of the state treasury under the direction of the Attorney General. Claims against agencies funded solely from the general fund shall be paid from the general fund. Claims against agencies funded by both general and nongeneral funds shall be paid from a combination of funds based upon the appropriations from such funds.			
63.	Personnel Management Services (70400).....		\$429,222	\$429,222
	Compliance and Enforcement (70414).....		\$429,222	\$429,222
	Fund Sources: General.....		\$402,773	\$402,773
	Federal Trust.....		\$26,449	\$26,449
	Authority: Title 2.2, Chapter 26, Article 12, and Chapter 39; Title 15.2, Chapter 16, § 15.2-1604, Code of Virginia.			
	Total for Attorney General and Department of Law....		\$48,328,403	\$48,330,276
	General Fund Positions.....		218.00	218.00
	Nongeneral Fund Positions.....		194.00	194.00
	Position Level.....		412.00	412.00
	Fund Sources: General.....		\$22,827,749	\$22,828,509
	Special.....		\$14,903,358	\$14,904,471
	Federal Trust.....		\$10,597,296	\$10,597,296

Division of Debt Collection (143)

64.	Collection Services (74000).....		\$2,512,562	\$2,512,562
	State Collection Services (74001).....		\$2,293,746	\$2,293,746
	State Fraud Recovery Services (74002).....		\$218,816	\$218,816
	Fund Sources: Special.....		\$2,512,562	\$2,512,562

Authority: Title 2.2, Chapter 5 and Title 8.01, Chapter 3, Code of Virginia.

A. 1. The Division of Debt Collection shall provide legal services and advice related to the collection of funds owed the Commonwealth, including the recovery of certain funds pursuant to the Virginia Fraud Against Taxpayers Act (FATA) (§ 8.01-216.1 et seq.) by the Commonwealth as defined by 8.01-216.2. All agencies and institutions shall follow the procedures for collection of funds owed the Commonwealth as specified in §§ 2.2-518 and 2.2-4800 et seq. of the Code of Virginia, and all agencies, institutions, and political subdivisions shall follow the procedures for recovery of funds as specified in §§ 2.2-518 and 8.01-216.1 et seq. of the Code of Virginia, except as provided otherwise therein or in this act.

2. The provisions of this section shall not apply to any investigations, litigation, or recoveries related to matters handled under the authority granted to the Medicaid Fraud Control Unit within the Department of Law pursuant to the provisions of 42 C.F.R. § 1007 et seq. All matters pertaining to the recovery of such Medicaid funds, including damages, fines, and penalties received pursuant to FATA, are specifically excluded from the provisions of this section.

B.1. The Division of Debt Collection is entitled to retain as fees up to 30 percent of any revenues generated by its collection services pursuant to paragraph A. to pay operating costs supported by the appropriation in this item.

2. Upon closing its books at the end of the fiscal year, after the execution of all transfers to state agencies having claims collected by the Division of Debt Collection, the Division may retain up to a \$400,000 balance in its operating accounts. Any amounts contained in the operating accounts that exceed \$400,000 on the final day of the fiscal year shall be deposited to the credit of the general fund no later than September 1 of the succeeding fiscal year.

3. The Division of Debt Collection is entitled to retain as special revenue up to 30 percent of any funds recovered on behalf of the Commonwealth as well as any separate attorney's fees awarded to the Commonwealth pursuant to FATA for its fraud recovery services pursuant to

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	FY2017	FY2018	FY2017	FY2018

paragraph A., to pay operating costs supported by the appropriation in this item.

4. There shall be created on the books of the Comptroller a special, nonreverting, revolving fund to be known as the Fraud Recovery Fund (FATA Fund). The Division is authorized to deposit to the FATA Fund any revenue, fees, civil penalties, costs, recoveries, or other moneys which from time to time may become available as a result of its fraud recovery services. The Division is also authorized to deposit to the FATA Fund any attorneys' fees which from time to time may be awarded to the Commonwealth. Any deposit to, and interest earnings on, the FATA Fund shall be retained in the FATA Fund. The Division shall retain 30% of any funds recovered as well as any separate attorney's fees awarded to the Commonwealth pursuant to FATA, and shall transfer the remaining funds to the appropriate state agencies and political subdivisions on a periodic basis or such other period of time approved by the Division.

5. The Director, Department of Planning and Budget, may grant an exception to the provisions in paragraph B.2. if the Division of Debt Collection can show just cause.

C. The Division of Debt Collection may contract with private collection agents for the collection of debts amounting to less than \$15,000.

Total for Division of Debt Collection.....			\$2,512,562	\$2,512,562
Nongeneral Fund Positions.....	26.00	26.00		
Position Level.....	26.00	26.00		
Fund Sources: Special.....	\$2,512,562	\$2,512,562		
Grand Total for Attorney General and Department of Law.....			\$50,840,965	\$50,842,838
General Fund Positions.....	218.00	218.00		
Nongeneral Fund Positions.....	220.00	220.00		
Position Level.....	438.00	438.00		
Fund Sources: General.....	\$22,827,749	\$22,828,509		
Special.....	\$17,415,920	\$17,417,033		
Federal Trust.....	\$10,597,296	\$10,597,296		

§ 1-24. SECRETARY OF THE COMMONWEALTH (166)

65. Central Records Retention Services (73800).....			\$2,160,703	\$2,184,148
Appointments (73801).....	\$1,407,033	\$1,407,434		
Authentications (73802).....	\$65,622	\$65,622		
Judicial Support Services (73803).....	\$539,571	\$562,615		
Lobbyist and Organization Registrations (73804)....	\$11,961	\$11,961		
Notaries Commissioning (73805).....	\$136,516	\$136,516		
Fund Sources: General.....	\$2,071,820	\$2,095,265		
Dedicated Special Revenue.....	\$88,883	\$88,883		

Authority: §§ 2.2-400 through 2.2-435, 2.2-3106, Code of Virginia.

A. The fee charged by the Secretary of the Commonwealth under the provisions of § 2.2-409, Code of Virginia, for a Service of Process shall be \$28.00.

B. Included in the general fund appropriation for this item is \$18,470 each year for costs related to the Virginia Indian Advisory Board, pursuant to the provisions of House Bill 814 of the 2016 General Assembly.

Total for Secretary of the Commonwealth.....			\$2,160,703	\$2,184,148
General Fund Positions.....	17.00	17.00		
Position Level.....	17.00	17.00		
Fund Sources: General.....	\$2,071,820	\$2,095,265		
Dedicated Special Revenue.....	\$88,883	\$88,883		

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§ 1-25. OFFICE OF THE STATE INSPECTOR GENERAL (147)				
66.	Inspection, Monitoring, and Auditing Services (78700).....		\$6,734,823	\$6,735,117
	Inspection and Compliance of Program Operations (78701).....		\$6,734,823	\$6,735,117
	Fund Sources: General.....		\$4,600,806	\$4,601,100
	Special.....		\$282,390	\$282,390
	Commonwealth Transportation.....		\$1,851,627	\$1,851,627
Authority: Title 2.2, Chapter 3.2, Code of Virginia.				
A. Out of this appropriation shall be paid the annual salary of the State Inspector General \$157,945 from July 1, 2016 to June 30, 2017 and \$157,945 from July 1, 2017 to June 30, 2018.				
B. The Office of the State Inspector General shall be responsible for investigating the management and operations of state agencies and nonstate agencies to determine whether acts of fraud, waste, abuse, or corruption have been committed or are being committed by state officers or employees or any officers or employees of a nonstate agency, including any allegations of criminal acts affecting the operations of state agencies or nonstate agencies. However, no investigation of an elected official of the Commonwealth to determine whether a criminal violation has occurred, is occurring, or is about to occur under the provisions of § 52-8.1 shall be initiated, undertaken, or continued except upon the request of the Governor, the Attorney General, or a grand jury.				
C. The Office of the State Inspector General shall be responsible for coordinating and recommending standards for those internal audit programs in existence as of July 1, 2012, and developing and maintaining other internal audit programs in state agencies and nonstate agencies as needed in order to ensure that the Commonwealth's assets are subject to appropriate internal management controls. The State Inspector General shall assess the condition of the accounting, financial, and administrative controls of state agencies and nonstate agencies.				
D. The Office of the State Inspector General shall be responsible for providing timely notification to the appropriate attorney for the Commonwealth and law-enforcement agencies whenever the State Inspector General has reasonable grounds to believe there has been a violation of state criminal law.				
E. The Office of the State Inspector General shall be responsible for assisting citizens in understanding their rights and the processes available to them to express concerns regarding the activities of a state agency or nonstate agency or any officer or employee of the foregoing;				
F.1. The Office of the State Inspector General shall be responsible for development, coordination and management of a program to train internal auditors. The Office of the State Inspector General shall assist internal auditors of state agencies and institutions in receiving continued professional education as required by professional standards. The Office of the State Inspector General shall coordinate its efforts with state institutions of higher education and offer training programs to the internal auditors as well as coordinate any special training programs for the internal auditors.				
2. To fund the direct costs of hiring training instructors, the Office of the State Inspector General is authorized to collect fees from training participants to provide training events for internal auditors. A nongeneral fund appropriation of \$125,000 the first year and \$125,000 the second year is provided for use by the Office of the State Inspector General to facilitate the collection of payments from training participants for this purpose.				
	Total for Office of the State Inspector General.....		\$6,734,823	\$6,735,117
	General Fund Positions.....		24.00	24.00
	Nongeneral Fund Positions.....		16.00	16.00
	Position Level.....		40.00	40.00

ITEM 66.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: General.....	\$4,600,806	\$4,601,100		
Special.....	\$282,390	\$282,390		
Commonwealth Transportation.....	\$1,851,627	\$1,851,627		
§ 1-26. INTERSTATE ORGANIZATION CONTRIBUTIONS (921)				
67. Governmental Affairs Services (70100).....			\$190,938	\$190,938
Interstate Affairs (70103).....	\$190,938	\$190,938		
Fund Sources: General.....	\$190,938	\$190,938		
Authority: Discretionary Inclusion.				
Out of the amounts for Interstate Affairs funding is provided for the following organizational memberships:				
1. National Association of State Budget Officers				
2. National Governors' Association				
3. Federal Funds Information for States				
Total for Interstate Organization Contributions.....			\$190,938	\$190,938
Fund Sources: General.....	\$190,938	\$190,938		
TOTAL FOR EXECUTIVE OFFICES.....			\$65,594,202	\$65,625,698
General Fund Positions.....	304.67	304.67		
Nongeneral Fund Positions.....	237.33	237.33		
Position Level.....	542.00	542.00		
Fund Sources: General.....	\$35,206,202	\$35,236,585		
Special.....	\$17,698,310	\$17,699,423		
Commonwealth Transportation.....	\$2,003,511	\$2,003,511		
Dedicated Special Revenue.....	\$88,883	\$88,883		
Federal Trust.....	\$10,597,296	\$10,597,296		

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

OFFICE OF ADMINISTRATION

§ 1-27. SECRETARY OF ADMINISTRATION (180)

68.	Administrative and Support Services (79900).....			\$1,281,613	\$1,281,706
	General Management and Direction (79901).....	\$514,947	\$514,947		
	Accounting and Budgeting Services (79903).....	\$766,666	\$766,759		
	Fund Sources: General.....	\$1,281,613	\$1,281,706		
	Authority: Title 2.2, Chapter 2, Code of Virginia.				
	Total for Secretary of Administration.....			\$1,281,613	\$1,281,706
	General Fund Positions.....	11.00	11.00		
	Position Level.....	11.00	11.00		
	Fund Sources: General.....	\$1,281,613	\$1,281,706		

§ 1-28. COMPENSATION BOARD (157)

69.	Financial Assistance for Sheriffs' Offices and Regional Jails (30700).....			\$459,750,097	\$465,971,870
	Financial Assistance for Regional Jail Operations (30710).....	\$149,816,206	\$152,453,826		
	Financial Assistance for Local Law Enforcement (30712).....	\$92,361,763	\$93,469,338		
	Financial Assistance for Local Court Services (30713).....	\$54,630,110	\$55,293,094		
	Financial Assistance to Sheriffs (30716).....	\$12,281,873	\$12,296,149		
	Financial Assistance for Local Jail Operations (30718).....	\$150,660,145	\$152,459,463		
	Fund Sources: General.....	\$451,750,097	\$457,971,870		
	Dedicated Special Revenue.....	\$8,000,000	\$8,000,000		

Authority: Title 15.2, Chapter 16, Articles 3 and 6.1; and §§ 53.1-83.1 and 53.1-85, Code of Virginia.

A.1. The annual salaries of the sheriffs of the counties and cities of the Commonwealth shall be as hereinafter prescribed, according to the population of the city or county served and whether the sheriff is charged with civil processing and courtroom security responsibilities only, or the added responsibilities of law enforcement or operation of a jail, or both. Execution of arrest warrants shall not, in and of itself, constitute law enforcement responsibilities for the purpose of determining the salary for which a sheriff is eligible.

2. Whenever a sheriff is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such sheriff under the provisions of this item and such sheriff shall receive as additional compensation the sum of one thousand dollars.

	July 1, 2016	July 1, 2017	December 1, 2017
	to	to	to
	June 30, 2017	November 30, 2017	June 30, 2018

Law Enforcement and Jail Responsibility

Less than 10,000	\$68,077	\$68,077	\$68,077
10,000 to 19,999	\$78,248	\$78,248	\$78,248
20,000 to 39,999	\$85,988	\$85,988	\$85,988
40,000 to 69,999	\$93,466	\$93,466	\$93,466
70,000 to 99,999	\$103,850	\$103,850	\$103,850

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100,000 to 174,999	\$115,391	\$115,391	\$115,391	\$115,391
175,000 to 249,999	\$121,463	\$121,463	\$121,463	\$121,463
250,000 and above	\$134,958	\$134,958	\$134,958	\$134,958
Law Enforcement or Jail				
Less than 10,000	\$66,714	\$66,714	\$66,714	\$66,714
10,000 to 19,999	\$76,683	\$76,683	\$76,683	\$76,683
20,000 to 39,999	\$84,267	\$84,267	\$84,267	\$84,267
40,000 to 69,999	\$91,596	\$91,596	\$91,596	\$91,596
70,000 to 99,999	\$101,774	\$101,774	\$101,774	\$101,774
100,000 to 174,999	\$113,081	\$113,081	\$113,081	\$113,081
175,000 to 249,999	\$119,034	\$119,034	\$119,034	\$119,034
250,000 and above	\$132,934	\$132,934	\$132,934	\$132,934
No Law Enforcement or Jail Responsibility				
Less than 10,000	\$62,686	\$62,686	\$62,686	\$62,686
10,000 to 19,999	\$69,651	\$69,651	\$69,651	\$69,651
20,000 to 39,999	\$77,388	\$77,388	\$77,388	\$77,388
40,000 to 69,999	\$85,988	\$85,988	\$85,988	\$85,988
70,000 to 99,999	\$95,543	\$95,543	\$95,543	\$95,543
100,000 to 174,999	\$106,158	\$106,158	\$106,158	\$106,158
175,000 to 249,999	\$111,743	\$111,743	\$111,743	\$111,743
250,000 and above	\$125,511	\$125,511	\$125,511	\$125,511

B. Out of the amounts provided for in this Item, no expenditures shall be made to provide security devices such as magnetometers in standard use in major metropolitan airports. Personnel expenditures for operation of such equipment incidental to the duties of courtroom and courthouse security deputies may be authorized, provided that no additional expenditures for personnel shall be approved for the principal purpose of operating these devices.

C. Notwithstanding the provisions of § 53.1-120, or any other section of the Code of Virginia, unless a judge provides the sheriff with a written order stating that a substantial security risk exists in a particular case, no courtroom security deputies may be ordered for civil cases, not more than one deputy may be ordered for criminal cases in a district court, and not more than two deputies may be ordered for criminal cases in a circuit court. In complying with such orders for additional security, the sheriff may consider other deputies present in the courtroom as part of his security force.

D. Should the scheduled opening date of any facility be delayed for which funds are available in this Item, the Director, Department of Planning and Budget, may allot such funds as the Compensation Board may request to allow the employment of staff for training purposes not more than 45 days prior to the rescheduled opening date for the facility.

E. Consistent with the provisions of paragraph B of Item 76, the board shall allocate the additional jail deputies provided in this appropriation using a ratio of one jail deputy for every 3.0 beds of operational capacity. Operational capacity shall be determined by the Department of Corrections. No additional deputy sheriffs shall be provided from this appropriation to a local jail in which the present staffing exceeds this ratio unless the jail is overcrowded. Overcrowding for these purposes shall be defined as when the average annual daily population exceeds the operational capacity. In those jails experiencing overcrowding, the board may allocate one additional jail deputy for every five average annual daily prisoners above operational capacity. Should overcrowding be reduced or eliminated in any jail, the Compensation Board shall reallocate positions previously assigned due to overcrowding to other jails in the Commonwealth that are experiencing overcrowding.

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F. Two-thirds of the salaries set by the Compensation Board of medical, treatment, and inmate classification positions approved by the Compensation Board for local correctional facilities shall be paid out of this appropriation.				
G.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a master deputy pay grade to those sheriffs' offices which had certified, on or before January 1, 1997, having a career development plan for deputy sheriffs that meet the minimum criteria set forth by the Compensation Board for such plans. The Compensation Board shall allow for additional grade 9 positions, at a level not to exceed one grade 9 master deputy per every five Compensation Board grade 7 and 8 deputy positions in each sheriff's office.				
2. Each sheriff who desires to participate in the Master Deputy Program who had not certified a career development plan on or before January 1, 1997, may elect to participate by certifying to the Compensation Board that the career development plan in effect in his office meets the minimum criteria for such plans as set by the Compensation Board. Such election shall be made by July 1 for an effective date of participation the following July 1.				
3. Subject to appropriations by the General Assembly for this purpose, funding shall be provided by the Compensation Board for participation in the Master Deputy Program to sheriffs' offices electing participation after January 1, 1997, according to the date of receipt by the Compensation Board of the election by the sheriff.				
H. The Compensation Board shall estimate biannually the number of additional law enforcement deputies which will be needed in accordance with § 15.2-1609.1, Code of Virginia. Such estimate of the number of positions and related costs shall be included in the board's biennial budget request submission to the Governor and General Assembly. The allocation of such positions, established by the Governor and General Assembly in Item 76 of this act, shall be determined by the Compensation Board on an annual basis. The annual allocation of these positions to local sheriffs' offices shall be based upon the most recent final population estimate for the locality that is available to the Compensation Board at the time when the agency's annual budget request is completed. The source of such population estimates shall be the Weldon Cooper Center for Public Service of the University of Virginia or the United States Bureau of the Census. For the first year of the biennium, the Compensation Board shall allocate positions based upon the most recent provisional population estimates available at the time the agency's annual budget is completed.				
I. Any amount in the program Financial Assistance for Sheriffs' Offices and Regional Jails may be transferred between Items 69 and 70, as needed, to cover any deficits incurred in the programs Financial Assistance for Confinement of Inmates in Local and Regional Facilities, and Financial Assistance for Sheriffs' Offices and Regional Jails.				
J.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Sheriffs' Career Development Program.				
2. Following receipt of a sheriff's certification that the minimum requirements of the Sheriffs' Career Development Program have been met, and provided that such certification is submitted by sheriffs as part of their annual budget request to the Compensation Board on or before February 1 of each year, the Compensation Board shall increase the annual salary shown in paragraph A of this Item by the percentage shown herein for a twelve-month period effective the following July 1.				
a. 9.3 percent increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program where such criteria includes that a sheriff has achieved certification in a program agreed upon by the Compensation Board and the Virginia Sheriffs' Institute by Virginia Commonwealth University, or, where such criteria include that a sheriff's office seeking accreditation has been assessed and will be considered for accreditation by the accrediting body no later than March 1, and have achieved accreditation by March 1 from the Virginia Law Enforcement Professional Standards Commission, or the Commission on Accreditation of Law Enforcement agencies, or the American Correctional Association.				
b. For sheriffs that have not achieved one of the above accreditations:				
1. 3.1 percent for all sheriffs who certify their compliance with the established minimum				

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criteria for the Sheriffs' Career Development Program; and				
2. 3.1 percent additional increase for sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and operate a jail; and				
3. 3.1 percent additional increase for all sheriffs who certify their compliance with the established minimum criteria for the Sheriffs' Career Development Program and provide primary law enforcement services in the county.				
4. The provisions of subparagraphs 2.b.1. through 2.b.3. of this paragraph shall apply only to sheriffs certifying their compliance with the established minimum criteria for the Sheriffs' Career Development Program prior to July 1, 2016, and shall expire on June 30, 2018.				
5. Other constitutional officers' associations may request the General Assembly to include certification in a program agreed upon by the Compensation Board and the officers' associations by the Weldon Cooper Center for Public Service to the requirements for participation in their respective career development programs.				
K. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$8,000,000 the first year and \$8,000,000 the second year from the Wireless E-911 Fund is included in this appropriation for local law enforcement dispatchers to offset dispatch center operations and related costs.				
L. Notwithstanding the provisions of §§ 53.1-131 through 53.1 -131.3, Code of Virginia, local and regional jails may charge inmates participating in inmate work programs a reasonable daily amount, not to exceed the actual daily cost, to operate the program.				
M. Included in this appropriation is \$1,064,770 the first year and \$1,064,770 the second year from the general fund for the Compensation Board to contract for services to be provided by the Virginia Center for Policing Innovation to implement and maintain the interface between all local and regional jails in the Commonwealth and the Statewide Automated Victim Notification (SAVIN) system, to provide for SAVIN program coordination, and to maintain the interface between SAVIN and the Virginia Sex Offender Registry. All law enforcement agencies receiving general funds pursuant to this item shall provide the data requirements necessary to participate in the SAVIN system.				
N. Included in this appropriation is \$14,276 in the first year and \$28,552 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Sheriffs' Career Development Program.				
O. Included in this appropriation is \$939,021 in the first year and \$1,878,042 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Sheriff's Master Deputy Career Development Program.				
P. Included in this appropriation is \$1,824,731 in the first year and \$1,992,042 in the second year from the general fund to support staffing costs associated with the expansion project at Central Virginia Regional Jail.				
Q. Included in this appropriation is \$171,693 in the first year and \$179,474 in the second year from the general fund to support staffing costs associated with the expansion project at Pamunkey Regional Jail.				
R. Included in this appropriation is \$3,633,037 in the first year and \$8,719,289 in the second year from the general fund to implement a salary compression plan for sheriffs' offices and regional jails, effective January 1, 2017. The base salary of each sworn officer with three or more years of continuous service shall be increased by an amount equal to \$80 for each full year of service, up to a maximum of thirty years. The base salary of each non-sworn officer with three or more years of continuous service shall be increased by an amount equal to \$65 for each full year of service, up to a maximum of thirty years.				
70. Financial Assistance for Confinement of Inmates in Local and Regional Facilities (35600).....			\$60,609,993	\$61,348,245

ITEM 70.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Financial Assistance for Local Jail Per Diem (35601)	\$25,857,183	\$26,174,631		
Financial Assistance for Regional Jail Per Diem (35604).....	\$34,752,810	\$35,173,614		
Fund Sources: General.....	\$60,609,993	\$61,348,245		

Authority: §§ 53.1-83.1, 53.1-84 and 53.1-85, Code of Virginia.

A. In the event the appropriation in this Item proves to be insufficient to fund all of its provisions, any amount remaining as of June 1, 2017, and June 1, 2018, may be reallocated among localities on a pro rata basis according to such deficiency.

B. For the purposes of this Item, the following definitions shall be applicable:

1. Effective sentence--a convicted offender's sentence as rendered by the court less any portion of the sentence suspended by the court.
2. Local responsible inmate--(a) any person arrested on a state warrant and incarcerated in a local correctional facility, as defined by § 53.1-1, Code of Virginia, prior to trial; (b) any person convicted of a misdemeanor offense and sentenced to a term in a local correctional facility; or (c) any person convicted of a felony offense and given an effective sentence of (i) twelve months or less or (ii) less than one year.
3. State responsible inmate--any person convicted of one or more felony offenses and (a) the sum of consecutive effective sentences for felonies, committed on or after January 1, 1995, is (i) more than 12 months or (ii) one year or more, or (b) the sum of consecutive effective sentences for felonies, committed before January 1, 1995, is more than two years.

C. The individual or entity responsible for operating any facility which receives funds from this Item may, if requested by the Department of Corrections, enter into an agreement with the department to accept the transfer of convicted felons, from other local facilities or from facilities operated by the Department of Corrections. In entering into any such agreements, or in effecting the transfer of offenders, the Department of Corrections shall consider the security requirements of transferred offenders and the capability of the local facility to maintain such offenders. For purposes of calculating the amount due each locality, all funds earned by the locality as a result of an agreement with the Department of Corrections shall be included as receipts from these appropriations.

D. Out of this appropriation, an amount not to exceed \$377,010 the first year and \$377,010 the second year from the general fund, is designated to be held in reserve for unbudgeted medical expenses incurred by local correctional facilities in the care of state responsible felons.

E. The following amounts shall be paid out of this appropriation to compensate localities for the cost of maintaining prisoners in local correctional facilities, as defined by § 53.1-1, Code of Virginia, or if the prisoner is not housed in a local correctional facility, in an alternative to incarceration program operated by, or under the authority of, the sheriff or jail board:

1. For local responsible inmates--\$4 per inmate day, or, if the inmate is housed and maintained in a jail farm not under the control of the sheriff, the rate shall be \$18 per inmate day.
2. For state responsible inmates--\$12 per inmate day.

F. For the payment specified in paragraph E 1 of this Item for prisoners in alternative punishment or alternative to incarceration programs:

1. Such payment is intended to be made for prisoners that would otherwise be housed in a local correctional facility. It is not intended for prisoners that would otherwise be sentenced to community service or placed on probation.
2. No such payment shall be made unless the program has been approved by the Department of Corrections or the Department of Criminal Justice Services. Alternative punishment or alternative to incarceration programs, however, may include supervised work experience, treatment, and electronic monitoring programs.

ITEM 70.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

G.1. Except as provided for in paragraph G 2, and notwithstanding any other provisions of this Item, the Compensation Board shall provide payment to any locality with an average daily jail population of under ten in FY 1995 an inmate per diem rate of \$22 per day for local responsible inmates and \$28 per day for state responsible inmates held in these jails in lieu of personal service costs for corrections' officers.

2. Any locality covered by the provisions of this paragraph shall be exempt from the provisions thereof provided that the locally elected sheriff, with the assistance of the Compensation Board, enters into good faith negotiations to house his prisoners in an existing local or regional jail. In establishing the per diem rate and capital contribution, if any, to be charged to such locality by a local or regional jail, the Compensation Board and the local sheriff or regional jail authority shall consider the operating support and capital contribution made by the Commonwealth, as required by §§ 15.2-1613, 15.2-1615.1, 53.1-80, and 53.1-81, Code of Virginia. The Compensation Board shall report periodically to the Chairmen of the House Appropriations and Senate Finance Committees on the progress of these negotiations and may withhold the exemption granted by this paragraph if, in the board's opinion, the local sheriff fails to negotiate in good faith.

H.1. The Compensation Board shall recover the state-funded costs associated with housing federal inmates, District of Columbia inmates or contract inmates from other states. The Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day salary funds provided by the Commonwealth, as identified in the most recent Jail Cost Report prepared by the Compensation Board. Beginning July 1, 2009, the Compensation Board shall determine, by individual jail, the amount to be recovered by the Commonwealth by multiplying the jail's current inmate days for this population by the proportion of the jail's per inmate day operating costs provided by the Commonwealth, excluding payments otherwise provided for in this Item, as identified in the most recent Jail Cost Report prepared by the Compensation Board. If a jail is not included in the most recent Jail Cost Report, the Compensation Board shall use the statewide average of per inmate day salary funds provided by the Commonwealth.

2. The Compensation Board shall deduct the amount to be recovered by the Commonwealth from the facility's next quarterly per diem payment for state-responsible and local-responsible inmates. Should the next quarterly per diem payment owed the locality not be sufficient against which to net the total quarterly recovery amount, the locality shall remit the remaining amount not recovered to the Compensation Board.

3. Any local or regional jail which receives funding from the Compensation Board shall give priority to the housing of local-responsible, state-responsible, and state contract inmates, in that order, as provided in paragraph H 1.

4. The Compensation Board shall not provide any inmate per diem payments to any local or regional jail which holds federal inmates in excess of the number of beds contracted for with the Department of Corrections, unless the Director, Department of Corrections, certifies to the Chairman of the Compensation Board that a) such contract beds are not required; b) the facility has operational capacity built under contract with the federal government; c) the facility has received a grant from the federal government for a portion of the capital costs; or d) the facility has applied to the Department of Corrections for participation in the contract bed program with a sufficient number of beds to meet the Department of Corrections' need or ability to fund contract beds at that facility in any given fiscal year.

5. The Compensation Board shall apply the cost recovery methodology set out in paragraph H 1 of this Item to any jail which holds inmates from another state on a contractual basis. However, recovery in such circumstances shall not be made for inmates held pending extradition to other states or pending transfer to the Virginia Department of Corrections.

6. The provisions of this paragraph shall not apply to any local or regional jail where the cumulative federal share of capital costs exceeds the Commonwealth's cumulative capital contribution.

7. For a local or regional jail which operates bed space specifically built utilizing federal

ITEM 70.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

capital or grant funds for the housing of federal inmates and for which Compensation Board funding has never been authorized for staff for such bed space, the Compensation Board shall allow an exemption from the recovery provided in paragraph H.1. for a defined number of federal prisoners upon certification by the sheriff or superintendent that the federal government has paid for the construction of bed space in the facility or provided a grant for a portion of the capital cost. Such certification shall include specific funding amounts paid by the federal government, localities, and/or regional jail authorities, and the Commonwealth for the construction of bed space specifically built for the housing of federal inmates and for the construction of the jail facility in its entirety. The defined number of federal prisoners to be exempted from the recovery provided in paragraph H.1. shall be based upon the proportion of funding paid by the federal government and localities and/or regional jail authorities for the construction of bed space to house federal prisoners to the total funding paid by all sources, including the Commonwealth, for all construction costs for the jail facility in its entirety.

8. Beginning March 1, 2013, federal inmates placed in the custody of a regional jail pursuant to a work release program operated by the federal Bureau of Prisons shall be exempt from the recovery of costs associated with housing federal inmates pursuant to paragraph H.1. of this item if such federal inmates have been assigned by the federal Bureau of Prisons to a home electronic monitoring program in place for such inmates by agreement with the jail on or before January 1, 2012 and are not housed in the jail facility. However, no such exemption shall apply to any federal inmate while they are housed in the regional jail facility.

I. Any amounts in the program Financial Assistance for Confinement of Inmates in Local and Regional Facilities, may be transferred between Items 69 and 70, as needed, to cover any deficits incurred in the programs Financial Assistance for Sheriffs' Offices and Regional Jails and Financial Assistance for Confinement of Inmates in Local and Regional Facilities.

J. The Compensation Board shall provide an annual report on the number and diagnoses of inmates with mental illnesses in local and regional jails, the treatment services provided, and expenditures on jail mental health programs. The report shall be prepared in cooperation with the Virginia Sheriffs Association, the Virginia Association of Regional Jails, the Virginia Association of Community Services Boards, and the Department of Behavioral Health and Developmental Services, and shall be coordinated with the data submissions required for the annual jail cost report. Copies of this report shall be provided by November 1 of each year to the Governor, Director, Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees.

K. Out of the amounts appropriated in this item, \$100,000 the first year and \$100,000 the second year from the general fund is provided for the purpose of reimbursing the County of Nottoway for the expense of confining residents of the Virginia Center for Behavioral Rehabilitation arrested for new offenses and held in Piedmont Regional Jail at the expense of the County.

71.	Financial Assistance for Local Finance Directors (71700).....			\$5,515,432	\$5,515,432
	Financial Assistance to Local Finance Directors (71701).....	\$654,837	\$654,837		
	Financial Assistance for Operations of Local Finance Directors (71702).....	\$4,860,595	\$4,860,595		
	Fund Sources: General.....	\$5,515,432	\$5,515,432		

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia, shall be as hereinafter prescribed, based on the services provided, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

July 1, 2016	July 1, 2017	December 1, 2017
to	to	to
June 30, 2017	November 30, 2017	June 30, 2018

ITEM 71.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Less than 10,000	\$61,297	\$61,297		\$61,297
10,000-19,999	\$68,111	\$68,111		\$68,111
20,000-39,999	\$75,679	\$75,679		\$75,679
40,000-69,999	\$84,085	\$84,085		\$84,085
70,000-99,999	\$93,429	\$93,429		\$93,429
100,000-174,999	\$103,807	\$103,807		\$103,807
175,000 to 249,999	\$109,274	\$109,274		\$109,274
250,000 and above	\$124,175	\$124,175		\$124,175

2. Whenever any officer whether elected or appointed, who holds that combined office of city treasurer and commissioner of the revenue, is such for two or more cities or for a county and city together, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such officer under the provisions of this Item.

B.1. Subject to appropriations by the General Assembly for this purpose, the Treasurers' Career Development Program shall be made available by the Compensation Board to appointed officers who hold the combined office of city or county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia.

2. The Compensation Board may increase the annual salary in paragraph A 1 of this Item following receipt of the appointed officer's certification that the minimum requirements of the Treasurers' Career Development Program have been met, provided that such certifications are submitted by appointed officers as part of their annual budget request to the Compensation Board on February 1 of each year.

72.	Financial Assistance for Local Commissioners of the Revenue (77100).....			\$18,138,194	\$18,257,002
	Financial Assistance to Local Commissioners of the Revenue for Tax Value Certification (77101).....	\$9,811,932	\$9,930,740		
	Financial Assistance for Operations of Local Commissioners of the Revenue (77102).....	\$7,467,083	\$7,467,083		
	Financial Assistance for State Tax Services by Commissioners of the Revenue (77103).....	\$859,179	\$859,179		
	Fund Sources: General.....	\$18,138,194	\$18,257,002		

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A. The annual salaries of county or city commissioners of the revenue shall be as hereinafter prescribed, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2016 to June 30, 2017	July 1, 2017 to November 30, 2017	December 1, 2017 to June 30, 2018
Less than 10,000	\$61,297	\$61,297	\$61,297
10,000-19,999	\$68,111	\$68,111	\$68,111
20,000-39,999	\$75,679	\$75,679	\$75,679
40,000-69,999	\$84,085	\$84,085	\$84,085
70,000-99,999	\$93,429	\$93,429	\$93,429
100,000-174,999	\$103,807	\$103,807	\$103,807
175,000 to 249,999	\$109,274	\$109,274	\$109,274
250,000 and above	\$124,175	\$124,175	\$124,175

B. 1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Commissioners of the Revenue Career Development Program.

2. Following receipt of the commissioner's certification that the minimum requirements of

ITEM 72.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

the Commissioners of the Revenue Career Development Program have been met, and provided that such certification is submitted by commissioners of the revenue as part of their annual budget request to the Compensation Board on or before February 1 of each year, the Compensation Board shall increase the annual salary shown in Paragraph A of this Item by the amount shown herein for a 12-month period effective the following July 1. The salary supplement shall be based upon the levels of service offered by the commissioner of the revenue for his/her locality and shall be in accordance with the following schedule:

a. 4.7 percent increase for all commissioners of the revenue who certify their compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program;

b. 2.3 percent additional increase for all commissioners of the revenue who certify their compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program and provide state income tax or real estate services as described in the minimum criteria for the Commissioners of the Revenue Career Development Program; and

c. 2.3 percent additional increase for all commissioners of the revenue who certify their compliance with the established minimum criteria for the Commissioners of the Revenue Career Development Program and provide state income tax and real estate services, as described in the minimum criteria for the Commissioners of the Revenue Career Development Program.

C.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Deputy Commissioners Career Development Program.

2. For each deputy commissioner selected by the commissioner of the revenue for participation in the Deputy Commissioners Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent, following receipt of the commissioner of the revenue's certification that the minimum requirements of the Deputy Commissioners Career Development Program have been met, and provided that such certification is submitted by the commissioner of the revenue as part of the annual budget request to the Compensation Board on or before February 1st of each year for an effective date of salary increase of the following July 1.

D. Included in this appropriation is \$56,390 in the first year and \$112,780 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Commissioners of the Revenue Career Development Program.

E. Included in this appropriation is \$62,417 in the first year and \$124,835 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Deputy Commissioners of the Revenue Career Development Program.

73.	Financial Assistance for Attorneys for the Commonwealth (77200).....			\$71,696,067	\$71,976,155
	Financial Assistance to Attorneys for the Commonwealth (77201).....	\$15,886,864	\$16,170,115		
	Financial Assistance for Operations of Local Attorneys for the Commonwealth (77202).....	\$55,809,203	\$55,806,040		
	Fund Sources: General.....	\$71,696,067	\$71,976,155		

Authority: Title 15.2, Chapter 16, Articles 4 and 6.1, Code of Virginia.

A.1. The annual salaries of attorneys for the Commonwealth shall be as hereinafter prescribed according to the population of the city or county served except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2016 to June 30, 2017	July 1, 2017 to November 30, 2017	December 1, 2017 to June 30, 2018
Less than 10,000	\$54,322	\$54,322	\$54,322
10,000-19,999	\$60,366	\$60,366	\$60,366

ITEM 73.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
20,000-34,999	\$66,400	\$66,400		\$66,400
35,000-44,999	\$119,516	\$119,516		\$119,516
45,000-99,999	\$132,793	\$132,793		\$132,793
100,000-249,999	\$137,774	\$137,774		\$137,774
250,000 and above	\$142,757	\$142,757		\$142,757

2. The attorneys for the Commonwealth and their successors who serve on a full-time basis pursuant to §§ 15.2-1627.1, 15.2-1628, 15.2-1629, 15.2-1630 or § 15.2-1631, Code of Virginia, shall receive salaries as if they served localities with populations between 35,000 and 44,999.

3. Whenever an attorney for the Commonwealth is such for a county and city together, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such attorney for the Commonwealth under the provisions of this paragraph and such attorney for the Commonwealth shall receive as additional compensation the sum of one thousand dollars.

B. No expenditure shall be made out of this Item for the employment of investigators, clerk-investigators or other investigative personnel in the office of an attorney for the Commonwealth.

C. Consistent with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may, in addition to the options otherwise provided by law, employ individuals to assist in collection of outstanding fines, costs, forfeitures, penalties, and restitution. Notwithstanding any other provision of law, beginning on the date upon which the order or judgment is entered, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. The attorneys for the Commonwealth shall account for the amounts collected and apportion costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.

D. The provisions of this act notwithstanding, no Commonwealth's attorney, public defender or employee of a public defender, shall be paid or receive reimbursement for the state portion of a salary in excess of the salary paid to judges of the circuit court. Nothing in this paragraph shall be construed to limit the ability of localities to supplement the salaries of locally elected constitutional officers or their employees.

E. The Statewide Juvenile Justice project positions, as established under the provisions of Item 74 E, of Chapter 912, 1996 Acts of Assembly, and Chapter 924, 1997 Acts of Assembly, are continued under the provisions of this act. The Commonwealth's attorneys receiving such positions shall annually certify to the Compensation Board that the positions are used primarily, if not exclusively, for the prosecution of delinquency and domestic relations felony cases, as defined by Chapters 912 and 924. In the event the positions are not primarily or exclusively used for the prosecution of delinquency and domestic relations felony cases, the Compensation Board shall reallocate such positions by using the allocation provisions as provided for the board in Item 74 E of Chapters 912 and 924.

F. The Compensation Board shall monitor the Department of Taxation program regarding the collection of unpaid fines and court costs by private debt collection firms contracted by Commonwealth's attorneys and shall include, in its annual report to the General Assembly on the collection of court-ordered fines and fees for clerks of the courts and Commonwealth's attorneys, the amount of unpaid fines and costs collected by this program.

G. Out of this appropriation, \$389,165 the first year and \$389,165 the second year from the general fund is designated for the Compensation Board to fund five additional positions in Commonwealth's attorney's offices that shall be dedicated to prosecuting gang-related criminal activities. The board shall ensure that these positions work across jurisdictional lines, serving the Northern Virginia area (counties of Fairfax, Loudoun, Prince William, and Arlington and the cities of Falls Church, Alexandria, Manassas, Manassas Park and Fairfax).

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

H. In accordance with the provisions of § 19.2-349, Code of Virginia, attorneys for the Commonwealth may employ individuals, or contract with private attorneys, private collection agencies, or other state or local agencies, to assist in collection of delinquent fines, costs, forfeitures, penalties, and restitution. If the attorney for the Commonwealth employs individuals, the costs associated with employing such individuals may be paid from the proceeds of the amounts collected provided that the cost is apportioned on a pro rata basis according to the amount collected which is due the state and that which is due the locality. If the attorney for the Commonwealth does not undertake collection, the attorney for the Commonwealth shall, as soon as practicable, take steps to ensure that any agreement or contract with an individual, attorney or agency complies with the terms of the current Master Guidelines Governing Collection of Unpaid Delinquent Court-Ordered Fines and Costs Pursuant to Virginia Code § 19.2-349 promulgated by the Office of the Attorney General, the Executive Secretary of the Supreme Court, the Department of Taxation, and the Compensation Board ("the Master Guidelines"). Notwithstanding any other provision of law, the delinquent amounts owed shall be increased by seventeen (17) percent to help offset the costs associated with employing such individuals or contracting with such agencies or individuals. If such increase would exceed the contracted collection agent's fee, then the delinquent amount owed shall be increased by the percentage or amount of the collection agent's fee. Effective July 1, 2015, as provided in § 19.2-349, Code of Virginia, treasurers not being compensated on a contingency basis as of January 1, 2015 shall be prohibited from being compensated on a contingency basis but shall instead be compensated for administrative costs pursuant to § 58.1-3958, Code of Virginia. Treasurers currently collecting a contingency fee shall be eligible to contract on a contingency fee basis. Effective July 1, 2015, any treasurer collecting a contingency fee shall retain only the expenses of collection, and the excess collection shall be divided between the state and the locality in the same manner as if the collection had been done by the attorney for the Commonwealth. The attorneys for the Commonwealth shall account for the amounts collected and the fees and costs associated with the collections consistent with procedures issued by the Auditor of Public Accounts.

I. Included in this appropriation is \$283,250 in the first year and \$566,501 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Assistant Commonwealth's Attorneys Career Development Program.

74.	Financial Assistance for Circuit Court Clerks (77300).....			\$53,108,614	\$53,418,022
	Financial Assistance to Circuit Court Clerks (77301).....	\$13,474,083	\$13,783,491		
	Financial Assistance for Operations for Circuit Court Clerks (77302).....	\$22,020,298	\$22,020,298		
	Financial Assistance for Circuit Court Clerks' Land Records (77303).....	\$17,614,233	\$17,614,233		
	Fund Sources: General.....	\$45,107,902	\$45,417,310		
	Trust and Agency.....	\$8,000,712	\$8,000,712		

Authority: Title 15.2, Chapter 16, Article 6.1; §§ 51.1-706 and 51.1-137, Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. The annual salaries of clerks of circuit courts shall be as hereinafter prescribed.

	July 1, 2016 to June 30, 2017	July 1, 2017 to November 30, 2017	December 1, 2017 to June 30, 2018
Less than 10,000	\$77,013	\$77,013	\$77,013
10,000 to 19,999	\$94,897	\$94,897	\$94,897
20,000-39,999	\$108,652	\$108,652	\$108,652
40,000-69,999	\$114,152	\$114,152	\$114,152
70,000-99,999	\$123,775	\$123,775	\$123,775
100,000-174,999	\$134,780	\$134,780	\$134,780
175,000-249,999	\$138,963	\$138,963	\$138,963

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
250,000 and above	\$143,035	\$143,035		\$143,035

2. Whenever a clerk of a circuit court is such for a county and a city, for two or more counties, or for two or more cities, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of the circuit court clerk under the provisions of this Item.

3. Except as provided in Item 76 A 2, the annual salary herein prescribed shall be full compensation for services performed by the office of the circuit court clerk as prescribed by general law, and for the additional services of acting as general receiver of the court pursuant to § 8.01-582, Code of Virginia, indexing and filing land use application fees pursuant to § 58.1-3234, Code of Virginia, and all other services provided from, or utilizing the facilities of, the office of the circuit court clerk. Pursuant to § 8.01-589, Code of Virginia, the court shall provide reasonable compensation to the office of the clerk of the circuit court for acting as general receiver of the court. Out of the compensation so allowed, the clerk shall pay his bond or bonds. The remainder of the compensation so allowed shall be fee and commission income to the office of the circuit court clerk.

4. In any county or city operating under provisions of law which authorizes the governing body to fix the compensation of the clerk on a salary basis, such clerk shall receive such salary as shall be allowed by the governing body. Such salary shall not be fixed at an amount less than the amount that would be allowed the clerk under paragraphs A 1 through A 3 of this Item.

5. All clerks shall deposit all clerks' fees and state revenue with the State Treasurer in a manner consistent with § 2.2-806, Code of Virginia, unless otherwise provided by the Compensation Board as set forth in § 17.1-284, Code of Virginia or otherwise provided by law.

B. The reports filed by each circuit court clerk pursuant to § 17.1-283, Code of Virginia, for each calendar year shall include all income derived from the performance of any office, function or duty described or authorized by the Code of Virginia whether directly or indirectly related to the office of circuit court clerk, including, by way of description and not limitation, services performed as a commissioner of accounts, receiver, or licensed agent, but excluding private services performed on a personal basis which are completely unrelated to the office. The Compensation Board may suspend the allowance for office expenses for any clerk who fails to file such reports within the time prescribed by law, or when the board determines that such report does not comply with the provisions of this paragraph.

C. Each clerk of the circuit court shall submit to the Compensation Board a copy of the report required pursuant to § 19.2-349, Code of Virginia, at the same time that it is submitted to the Commonwealth's attorney.

D. Included within this appropriation are Trust and Agency funds necessary to support one position to assist circuit court clerks in implementing the recommendations of the Land Records Management Task Force Report dated January 1, 1998.

E. Notwithstanding the provisions of § 17.1-279 E, Code of Virginia, the Compensation Board may allocate to the clerk of any circuit court funds for the acquisition of equipment and software for a pilot project for the automated application for, and issuance of, marriage licenses by such court. Any such funds allocated shall be deemed to have been expended pursuant to clause (iii) of § 17.1-279 E for the purposes of the limitation on allocations set forth in that subsection.

F. Notwithstanding the provisions of § 17.1-279, Code of Virginia, the Compensation Board may allocate up to \$2,978,426 the first year and \$2,978,426 the second year of Technology Trust Fund moneys for operating expenses in the clerks' offices.

G. Notwithstanding § 17.1-287, Code of Virginia, any elected official funded through this Item may elect to relinquish any portion of his state funded salary established in paragraph A 1 of this Item. In any office where the official elects this option, the Compensation Board shall ensure the amount relinquished is used to fund salaries of other office staff.

H.1. For audits of clerks of the circuit court completed after July 1, 2004, the Auditor of

ITEM 74.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>Public Accounts shall report any internal control matter that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability. The Auditor of Public Accounts will also report on compliance with appropriate law and other financial matters of the clerks' office.</p>				
<p>2. For internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability, the clerk shall provide the Auditor of Public Accounts a written corrective action plan to any such audit findings within 10 business days of the audit exit conference, which will state what actions the clerk will take to remediate the finding. The clerk's response may also address the other matters in the report. During the next audit, the Auditor of Public Accounts shall determine and report if the clerk has corrected the finding related to internal control matters that could be reasonably expected to lead to the loss of revenues or assets, or otherwise compromise fiscal accountability.</p>				
<p>3. Notwithstanding the provisions of Item 475, the Compensation Board shall not provide any salary increase to any circuit court clerk identified by the Auditor of Public Accounts who has not taken corrective action for the matters reported above.</p>				
<p>I.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Circuit Court Clerks' Career Development Program.</p>				
<p>2. Following receipt of a clerk's certification that the minimum requirements of the Clerks' Career Development Program have been met, and provided that such certification is submitted by Clerks as part of their annual budget request to the Compensation Board by February 1 of each year, the Compensation Board shall increase the annual salary shown in Paragraph A.1. of this item by 9.3 percent with the salary increase becoming effective on the following July 1 for a 12-month period.</p>				
<p>J.1. Subject to appropriation by the General Assembly for this purpose, the Compensation Board may implement a Deputy Clerks of Circuit Courts' Career Development Program.</p>				
<p>2. For each deputy clerk selected by the clerk for participation in the Deputy Clerks' Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent following receipt of the clerk's certification that the minimum requirements of the Deputy Clerks' Career Development Program have been met and provided that such certification is submitted by clerks as part of their annual budget request to the Compensation Board by February 1 of each year.</p>				
<p>K. Upon request of the attorney for the Commonwealth, the clerk of the circuit court shall contemporaneously provide the attorney for the Commonwealth copies of all documents provided to the Virginia Criminal Sentencing Commission pursuant to § 19.2-298.01 E, Code of Virginia.</p>				
<p>L. The Compensation Board may obligate Trust and Agency funds in excess of the current biennium appropriation for the automation efforts of the clerks' offices from the Technology Trust Fund provided that sufficient cash is available to cover projected costs in each year and that sufficient revenues are projected to meet all cash obligations for new obligations as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.</p>				
<p>M. Offices of the Clerks of the Circuit Court, jails, adult detention centers, and the Department of Corrections are further authorized to enter into agreements to electronically transmit and process criminal court orders to assure timely and accurate recordation and processing of such records.</p>				
<p>N. Included in this appropriation is \$155,646 in the first year and \$311,292 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Circuit Court Clerks' Career Development Program.</p>				
<p>O. Included in this appropriation is \$153,763 in the first year and \$307,525 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Deputy Circuit Court Clerks' Career Development Program.</p>				
75.	Financial Assistance for Local Treasurers (77400).....		\$17,061,248	\$17,127,404
	Financial Assistance to Local Treasurers (77401).....	\$9,880,704	\$9,946,860	

ITEM 75.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Financial Assistance for Operations of Local Treasurers (77402).....	\$6,977,737	\$6,977,737		
Financial Assistance for State Tax Services by Local Treasurers (77403).....	\$202,807	\$202,807		
Fund Sources: General.....	\$17,061,248	\$17,127,404		

Authority: Title 15.2, Chapter 16, Articles 2 and 6.1, Code of Virginia.

A.1. The annual salaries of treasurers, elected or appointed officers who hold the combined office of city treasurer and commissioner of the revenue, or elected or appointed officers who hold the combined office of county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia, shall be as hereinafter prescribed, based on the services provided, except as otherwise provided in § 15.2-1636.12, Code of Virginia.

	July 1, 2016 to June 30, 2017	July 1, 2017 to November 30, 2017	December 1, 2017 to June 30, 2018
Less than 10,000	\$61,297	\$61,297	\$61,297
10,000 to 19,999	\$68,111	\$68,111	\$68,111
20,000-39,999	\$75,679	\$75,679	\$75,679
40,000-69,999	\$84,085	\$84,085	\$84,085
70,000-99,999	\$93,429	\$93,429	\$93,429
100,000-174,999	\$103,807	\$103,807	\$103,807
175,000-249,999	\$109,274	\$109,274	\$109,274
250,000 and above	\$124,175	\$124,175	\$124,175

2. Provided, however, that in cities having a treasurer who neither collects nor disburses local taxes or revenue or who distributes local revenues but does not collect the same, such salaries shall be seventy-five percent of the salary prescribed above for the population range in which the city falls except that in no case shall any such treasurer, or any officer whether elected or appointed, who holds that combined office of city treasurer and commissioner of the revenue, receive an increase in salary less than the annual percentage increase provided from state funds to any other treasurer, within the same population range, who was at the maximum prescribed salary in effect for the fiscal year 1980.

3. Whenever a treasurer is such for two or more cities or for a county and city together, the aggregate population of such political subdivisions shall be the population for the purpose of arriving at the salary of such treasurer under the provisions of this Item.

B.1. Subject to appropriations by the General Assembly for this purpose, the Treasurers' Career Development Program shall be made available by the Compensation Board to appointed officers who hold the combined office of city or county treasurer and commissioner of the revenue subject to the provisions of § 15.2-1636.17, Code of Virginia.

2. The Compensation Board may increase the annual salary in paragraph A 1 of this Item by 9.3 percent following receipt of the treasurer's certification that the minimum requirements of the Treasurers' Career Development Program have been met, provided that such certifications are submitted by treasurers as part of their annual budget request to the Compensation Board on February 1 of each year.

C.1. Subject to appropriations by the General Assembly for this purpose, the Compensation Board shall provide for a Deputy Treasurers' Career Development Program.

2. For each deputy treasurer selected by the treasurer for participation in the Deputy Treasurers' Career Development Program, the Compensation Board shall increase the annual salary established for that position by 9.3 percent following receipt of the treasurer's certification that the minimum requirements of the Deputy Treasurers' Career Development Program have been met, and provided that such certification is submitted by

ITEM 75.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	the treasurer as part of the annual budget request to the Compensation Board on or before February 1 of each year for an effective date of salary increase of the following July 1st.			
	D. Included in this appropriation is \$46,572 in the first year and \$93,144 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Treasurers' Career Development Program			
	E. Included in this appropriation is \$19,584 in the first year and \$39,169 in the second year from the general fund to provide for increased participation, effective December 1, 2016, in the Deputy Treasurers' Career Development Program.			
76.	Administrative and Support Services (79900).....		\$3,490,949	\$3,496,947
	General Management and Direction (79901).....	\$2,573,056		
	Information Technology Services (79902).....	\$836,070		
	Training Services (79925).....	\$81,823		
	Fund Sources: General.....	\$3,490,949		\$3,496,947

Authority: Title 2.2-1839; Title 15.2, Chapter 16, Articles 2, 3, 4 and 6.1; Title 17.1, Chapter 2, Article 7, Code of Virginia.

A.1. In determining the salary of any officer specified in Items 69, 71, 72, 73, 74, and 75 of this act, the Compensation Board shall use the greater of the most recent actual United States census count or the most recent provisional population estimate from the United States Bureau of the Census or the Weldon Cooper Center for Public Service of the University of Virginia available when fixing the officer's annual budget and shall adjust such population estimate, where applicable, for any annexation or consolidation order by a court when such order becomes effective. There shall be no reduction in salary by reason of a decline in population during the terms in which the incumbent remains in office.

2. In determining the salary of any officer specified in Items 69, 71, 72, 73, 74, and 75 of this act, nothing herein contained shall prevent the governing body of any county or city from supplementing the salary of such officer in such county or city for the provisions of Chapter 822, 2012 Acts of Assembly or for additional services not required by general law; provided, however, that any such supplemental salary shall be paid wholly by such county or city.

3. Any officer whose salary is specified in Items 69, 71, 72, 73, 74, and 75 of this act shall provide reasonable access to his work place, files, records, and computer network as may be requested by his duly elected successor after the successor has been certified.

B.1. Notwithstanding any other provision of law, the Compensation Board shall authorize and fund permanent positions for the locally elected constitutional officers, subject to appropriation by the General Assembly, including the principal officer, at the following levels:

	FY 2017	FY 2018
Sheriffs	11,327	11,327
Partially Funded: Jail Medical, Treatment, and Classification and Records Positions	786	786
Commissioners of the Revenue	851	851
Treasurers	861	861
Directors of Finance	383	383
Commonwealth's Attorneys	1,266	1,266
Clerks of the Circuit Court	1,144	1,144
TOTAL	16,618	16,618

2. The Compensation Board is authorized to provide funding for 597 temporary positions the first year and 597 temporary positions the second year.

3. The board is authorized to adjust the expenses and other allowances for such officers to maintain approved permanent and temporary manpower levels.

4. Paragraphs B 1 and B 2 of this Item shall not apply to the clerks of the circuit courts and

ITEM 76.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

their employees specified in § 17.1-288, Code of Virginia, or those under contract pursuant to § 17.1-290, Code of Virginia.

C.1. Reimbursement by the Compensation Board for the use of vehicles purchased or leased with public funds used in the discharge of official duties shall be at a rate equal to that approved by the Joint Legislative Audit and Review Commission for Central Garage Car Pool services. No vehicle purchased or leased with public funds on or after July 1, 2002, shall display lettering on the exterior of the vehicle that includes the name of the incumbent sheriff.

2. Reimbursement by the Compensation Board for the use of personal vehicles in the discharge of official duties shall be at a rate equal to that established in § 4-5.04 e 2. of this act. All such requests for reimbursement shall be accompanied by a certification that a publicly owned or leased vehicle was unavailable for use.

D. The Compensation Board is directed to examine the current level of crowding of inmates in local jails among the several localities and to reallocate or reduce temporary positions among local jails as may be required, consistent with the provisions of this act.

E. Any new positions established in Item 76 of this act shall be allocated by the Compensation Board upon request of the constitutional officers in accordance with staffing standards and ranking methodologies approved by the Compensation Board to fulfill the requirements of any court order occurring from proceedings under § 15.2-1636.8, Code of Virginia, in accordance with the provisions of Item 69 of this act.

F. Any funds appropriated in this act for performance pay increases for designated deputies or employees of constitutional officers shall be allocated by the Compensation Board upon certification of the constitutional officer that the performance pay plan for that office meets the minimum standards for such plans as set by the Compensation Board. Nothing herein, and nothing in any performance pay plan set by the Compensation Board or adopted by a constitutional officer, shall change the status of employees or deputies of constitutional officers from employees at will or create a property or contractual right to employment. Such deputies and employees shall continue to be employees at will who serve at the pleasure of the constitutional officers.

G. The Compensation Board shall apply the current fiscal stress factor, as determined by the Commission on Local Government, to any general fund amounts approved by the board for the purchase, lease or lease purchase of equipment for constitutional officers. In the case of equipment requests from regional jail superintendents and regional special prosecutors, the highest stress factor of a member jurisdiction will be used.

H. The Compensation Board shall not approve or commit additional funds for the operational cost, including salaries, for any local or regional jail construction, renovation, or expansion project which was not approved for reimbursement by the State Board of Corrections prior to January 1, 1996, unless: (1) the Secretary of Public Safety and Homeland Security certifies that such additional funding results in an actual cost savings to the Commonwealth or (2) an exception has been granted as provided for in Item 391 of this act.

I. Subject to appropriations by the General Assembly for this purpose, the Compensation Board may provide funding for executive management, lawful employment practices, and jail management training for constitutional officers, their employees, and regional jail superintendents.

J. Any local or regional jail that receives funding from the Compensation Board shall report inmate populations to the Compensation Board, through the local inmate data system, no less frequently than weekly. Each local or regional jail that receives funding from the Compensation Board shall use the Virginia Crime Codes (VCC) in identifying and describing offenses for persons arrested and/or detained in local and regional jails in Virginia.

K.1. The Compensation Board shall provide the Chairmen of the Senate Finance and House Appropriations Committees and the Secretaries of Finance and Administration with an annual report, on December 1 of each year, of jail revenues and expenditures for all local and regional jails and jail farms which receive funds from the Compensation Board.

ITEM 76.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	Information provided to the Compensation Board is to include an audited statement of revenues and expenses for inmate canteen accounts, telephone commission funds, inmate medical co-payment funds, any other fees collected from inmates and investment/interest monies for inclusion in the report.			
	2. Local and regional jails and jail farms and local governments receiving funds from the Compensation Board shall, as a condition of receiving such funds, provide such information as may be required by the Compensation Board, necessary to prepare the annual jail cost report.			
	3. If any sheriff, superintendent, county administrator, or city manager fails to send such information within five working days after the information should be forwarded, the Chairman of the Compensation Board shall notify the sheriff, superintendent, county administrator or city manager of such failure. If the information is not provided within ten working days from that date, then the chairman shall cause the information to be prepared from the books of the city, county, or regional jail and shall certify the cost thereof to the State Comptroller. The State Comptroller shall issue his warrant on the state treasury for that amount, deducting the same from any funds that may be due the sheriff or regional jail from the Commonwealth.			
	L. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 (§ 15.2-4100 et seq.) of Title 15.2, Code of Virginia, or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 (§ 15.2-3500 et seq.) of Title 15.2, Code of Virginia, subsequent to July 1, 1999, the Compensation Board shall provide funding from Items 69, 72, 73, 74, and 75 of this act, consistent with the requirements of § 15.2-1302, Code of Virginia. Notwithstanding the provisions of paragraph E of this Item, any positions in the constitutional offices of the former city or former county which are available for reallocation as a result of the transition or consolidation shall be first reallocated in accordance with Compensation Board staffing standards to the constitutional officers in the county in which the town is situated or to the consolidated city, without regard to the Compensation Board's priority of need ranking for reallocated positions. The salary and fringe benefit costs for these positions shall be deducted from any amounts due the county or to the consolidated city, as provided in § 15.2-1302, Code of Virginia.			
	M. Notwithstanding any other provisions of § 15.2-1605, Code of Virginia, the Compensation Board shall provide no reimbursement for accumulated vacation time for employees of Constitutional Officers.			
	N. The Compensation Board is hereby authorized to deduct, from reimbursements made each year to localities out of the amounts in Items 69, 71, 72, 73, 74, and 75 of this act, an amount equal to 100 percent of each locality's share of the insurance premium paid by the Compensation Board on behalf of the constitutional officers, directors of finance, and regional jails. From the amount deducted from the share for sheriffs and regional jails, the Compensation Board shall retain \$80,000 each year for the costs of conducting training on managing risk in the operation of local and regional jails.			
	O. Effective July 1, 2007, the Compensation Board is authorized to withhold reimbursements due the locality for sheriff and jail expenses upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by a locality to the Department of State Police in accordance with § 52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the Superintendent that the data is accurate, the Compensation Board shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.			
	P. Notwithstanding the provisions of § 51.1-1403 A, Code of Virginia, the Compensation Board is hereby authorized to deduct, from reimbursements made each year to localities out of the amounts in Items 69, 71, 72, 73, 74, and 75 of this act, an amount equal to each locality's retiree health premium paid by the Compensation Board on behalf of the constitutional offices, directors of finance, and regional jails.			
	Q.1. Compensation Board payments of, or reimbursements for, the employer paid contribution to the Virginia Retirement System, or any system offering like benefits, shall not exceed the Commonwealth's proportionate share of the following, whichever is less: (a) the			

ITEM 76.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>actual retirement rate for the local constitutional officer's office or regional correctional facility as set by the Board of the Virginia Retirement System or (b) the employer rate established for the general classified workforce of the Commonwealth covered under and payable to the Virginia Retirement System.</p> <p>2. The rate specified in paragraph Q.1. shall exclude the cost of any early retirement program implemented by the Commonwealth.</p> <p>3. Any employer paid contribution costs for rates exceeding those specified in paragraph Q.1. shall be borne by the employer.</p> <p>4. The benefits rate reimbursed by the Compensation Board to localities and regional jails shall not exceed the rate identified for fiscal year 2011 in Chapter 890, Item 469, paragraph I.1.</p> <p>R. Localities shall not utilize Compensation Board funding to supplant local funds provided for the salaries of constitutional officers and their employees under the provisions of Chapter 822, 2012 Acts of Assembly, who were affected members in service on June 30, 2012.</p> <p>S. Effective July 1, 2016, the Compensation Board is authorized to withhold reimbursements due to the locality for sheriff's law enforcement expenses if the sheriff fails to certify to the Board that the sheriff's office is compliant with the sex offender registration requirements of § 9.1-903, Code of Virginia. Upon subsequent certification by the sheriff that the sheriff's office is compliant with the sex offender registration requirements of § 9.1-903, Code of Virginia, the Compensation Board shall make reimbursement of withheld funding due to the locality when such subsequent certification is made within the same fiscal year that funds have been withheld.</p> <p>T. 1. The State Compensation Board is hereby directed to convene a group of stakeholders comprised of, and representing the interests of, constitutional officers, regional jail authorities, and local governments to jointly review current and alternative primary liability, medical malpractice, and employee malfeasance policy coverages and contracts, and alternatives for liability reinsurance, for such coverage currently paid for by localities under VARisk.</p> <p>2. In its review, the group shall consider the premiums which have been and are currently being charged to local governments by VARisk for primary liability, medical malpractice, and employee malfeasance policy coverages for the current and prior five (5) years, and the educational and training services that have been and are currently being provided to constitutional officers in coordination with the VARisk coverage over the same time period. These findings shall be compared by the State Compensation Board and stakeholders to potential alternative coverage and contracts which could be provided by public and private providers of primary liability, medical malpractice, and employee malfeasance policy coverage, and reinsurance coverage to insure constitutional officers, regional jails authorities, and local governments, and the premiums that would be charged for such coverage. In its review, the group shall also identify and compare any and all policy limits, exclusions, and terms and conditions of VARisk and comparable coverages available from public or private insurance providers.</p> <p>3. The State Compensation Board and stakeholders shall determine whether the available alternative coverage and service options are competitive with or preferable to the coverage and service options provided under VARisk, and the potential financial benefits or liabilities to the stakeholders or the Commonwealth resulting from the provision of primary liability, medical malpractice, employee malfeasance, and reinsurance coverage by alternative providers, and shall report their findings by December 1, 2016, to the Chairmen of the House Appropriations Committee and the Senate Finance Committee.</p> <p>4. The Director, Division of Risk Management, shall provide technical assistance to the stakeholder group upon request of the Executive Secretary of the Compensation Board.</p>				
Total for Compensation Board.....			\$689,370,594	\$697,111,077
General Fund Positions.....	20.00	20.00		
Nongeneral Fund Positions.....	1.00	1.00		

ITEM 76.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Position Level.....	21.00	21.00		
Fund Sources: General.....	\$673,369,882	\$681,110,365		
Trust and Agency.....	\$8,000,712	\$8,000,712		
Dedicated Special Revenue.....	\$8,000,000	\$8,000,000		

§ 1-29. DEPARTMENT OF GENERAL SERVICES (194)

77.	Laboratory Services (72600).....			\$32,913,746	\$32,916,520
	Statewide Laboratory Services (72604).....	\$32,913,746	\$32,916,520		
	Fund Sources: General.....	\$12,863,261	\$12,863,261		
	Special.....	\$20,000	\$20,000		
	Enterprise.....	\$9,023,770	\$9,025,235		
	Internal Service.....	\$4,668,330	\$4,668,665		
	Federal Trust.....	\$6,338,385	\$6,339,359		

Authority: Title 2.2, Chapter 11, Article 2, Code of Virginia.

A. The provisions of § 2.2-1104, Code of Virginia, notwithstanding, the Division of Consolidated Laboratory Services shall ensure that no individual is denied the benefits of laboratory tests mandated by the Department of Health for reason of inability to pay for such services.

B. Out of this appropriation, \$4,668,330 the first year and \$4,668,665 the second year for Statewide Laboratory Services is sum sufficient and these amounts are estimates from an internal service fund which shall be paid from revenues derived from charges collected from state agencies and institutions of higher education for laboratory testing services. The internal service fund shall also consist of revenues transferred from the Department of Transportation for motor fuel testing as stated in § 3-1.02 of this act.

C.1. The provisions of § 2.2-1104 B, Code of Virginia, notwithstanding, the Division of Consolidated Laboratory Services may charge a fee for the limited and specific purpose of analyses of water samples where (i) testing is required by Department of Health regulations as mandated by the federal Safe Drinking Water Act, (ii) funding to support such testing is not otherwise provided for in this act, and (iii) fees shall not be increased unless a plan is first approved by the Governor.

2. The Division of Consolidated Laboratory Services may charge a fee to recover its costs to certify laboratories under the requirements of §§ 2.2-1104 A. 4 and 2.2-1105, Code of Virginia, where certification of these laboratories is required by the Department of Health regulations mandated by the federal Safe Drinking Water Act, Chapter 13 (§ 10.1-1300 et seq.) of Title 10.1, the Virginia Waste Management Act (§ 10.1-1400 et seq.), or the State Water Control Law (§ 62.1-44.2 et seq.), Code of Virginia.

3.a. Any regulations or guidelines necessary to implement or change the amount of the fees charged for testing of water samples or certification of laboratories may be adopted without complying with the Administrative Process Act (§2.2-4000 et seq.) provided that input is solicited from the public. Such input requires only that notice and an opportunity to submit written comments be given.

b. Notwithstanding any other provision of law, changes to fees charged for testing of water samples or certification of laboratories shall be subject to the provisions of § 4-5.03 of this act, effective July 1, 2016.

c. Fees charged for testing of water samples or certification of laboratories shall not exceed the cost of providing such services.

78.	Real Estate Services (72700).....			\$63,058,520	\$63,059,428
	Statewide Leasing and Disposal Services (72705).....	\$63,058,520	\$63,059,428		
	Fund Sources: Internal Service.....	\$63,058,520	\$63,059,428		

Authority: Title 2.2, Chapter 11, Article 4, § 2.2-1156, Code of Virginia.

ITEM 78.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>A. Out of this appropriation, \$63,058,520 the first year and \$63,059,428 the second year for Statewide Leasing and Disposal Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues from rent payments or fees to be paid by state agencies and institutions for their occupancy of facilities and management of real property transactions, including, but not necessarily limited to, leases of non-state owned office space throughout the Commonwealth for use by such agencies and institutions. Also included are funds to pay costs associated with the disposal of state-owned real property and interests therein. In implementing the program, the Department of General Services may utilize brokerage services, portfolio management strategies, personnel policies, and compensation practices generally consistent with prevailing industry best practices.</p> <p>B.1. The costs paid for each sale of state-owned property shall be returned to the fund upon sale of the property in an amount calculated at 115 percent of such costs.</p> <p>2. The rate charged for administration of single-agency leases shall be three percent of lease costs and the rate for administration of master leases shall be four percent of lease costs. Fees approved in accordance with § 4-5.03 of this act may also be charged for one-time transactions.</p> <p>C. The Department of General Services shall issue guidelines to ensure that site selection for new state facilities is accomplished in a way that is consistent with the Principles of Sustainable Community Investment identified in Executive Order 69 (2008) and Executive Order 82 (2009).</p> <p>D.1. Upon notification from the State Treasurer that all debt service and capital lease obligations have been met, the Department of General Services, on behalf of the Commonwealth of Virginia, shall transfer ownership of the property located at the Center for Innovative Technology Complex at 2214 Rock Hill Road, Herndon, Virginia, formerly known as the Software Consortium Productivity Building and now known as the Mid-Rise Building from the Innovation and Entrepreneurship Investment Authority (IEIA), to the Department of General Services.</p> <p>2. The Department of General Services shall honor all existing leases and contracts and manage the property as part of its real estate services operation. However, the Department of General Services shall allow IEIA to continue to manage and maintain the facility in accordance with Item 428 Q of this act unless otherwise directed by the Governor.</p>				
79.	Procurement Services (73000).....		\$60,149,643	\$60,247,766
	Statewide Procurement Services (73002).....	\$25,772,658		\$25,869,606
	Surplus Property Programs (73007).....	\$2,180,724		\$2,181,220
	Statewide Cooperative Procurement and Distribution Services (73008).....	\$32,196,261		\$32,196,940
	Fund Sources: General.....	\$2,250,108		\$2,250,108
	Special.....	\$2,615,987		\$2,616,027
	Enterprise.....	\$20,906,563		\$21,003,471
	Internal Service.....	\$34,376,985		\$34,378,160

Authority: Title 2.2, Chapter 11, Articles 3 and 6, Code of Virginia.

A. 1. Out of this appropriation, \$606,796 the first year and \$606,840 the second year for federal surplus property is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

2. Out of this appropriation, \$1,573,928 the first year and \$1,574,380 the second year for state surplus property is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

B. Out of this appropriation, \$32,196,261 the first year and \$32,196,940 the second year for Statewide Cooperative Procurement and Distribution Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.

C.1. The Commonwealth's statewide electronic procurement system and program known

ITEM 79.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>as eVA will be financed by fees assessed to state agencies and institutions of higher education and vendors.</p> <p>2. Planning for integration between eVA and the statewide financial management system known as Cardinal shall continue and the Department of General Services shall reserve \$2,000,000 of existing eVA special fund balances derived from eVA fees collected before July 2, 2014, for the costs of integration between eVA and Cardinal. The planning shall take into consideration the results of modernization efforts of other state agencies that integrate a comparable version of PeopleSoft with eVA.</p> <p>3. Upon approval of an integration plan by the Secretaries of Administration and Finance, the Department of General Services and the Department of Accounts are authorized to fund all approved costs of the integration in accordance with the approved integration plan, including associated integration costs incurred by the Department of Accounts' Cardinal project team. All approved integration costs are to be paid from the existing eVA special fund balances. No integration costs shall be paid from eVA fees collected after July 1, 2014. The Department of General Services is authorized, where necessary, to procure all integration services required for this integration project by the Department of General Services and the Department of Accounts to fulfill the requirements of this subsection. Department of Accounts costs for integration services it procures must be approved by the Department of General Services prior to issuing a purchase order or incurring such costs, as the Department of General Services is expected to pay those costs. The Department of General Services and the Department of Accounts shall work collaboratively to implement and complete the integration in accordance with the Secretaries of Administration and Finance approved plan.</p> <p>D. The Department of General Services shall allow nonprofit food banks operating in Virginia and granted tax-exempt status under § 501(c)(3) of the Internal Revenue Code to purchase directly from the Virginia Distribution Center.</p>				
80.	Physical Plant Management Services (74100).....		\$52,183,307	\$52,340,498
	Parking Facilities Management (74105).....	\$4,902,897		\$4,902,963
	Statewide Building Management (74106).....	\$42,011,506		\$42,015,253
	Statewide Engineering and Architectural Services (74107).....	\$4,737,063		\$4,890,441
	Seat of Government Mail Services (74108).....	\$531,841		\$531,841
	Fund Sources: General.....	\$1,153,257		\$1,305,766
	Special.....	\$4,902,897		\$4,902,963
	Internal Service.....	\$46,127,153		\$46,131,769

Authority: Title 2.2, Chapter 11, Articles 4, 6, and 8; § 58.1-3403, Code of Virginia.

A.1. Out of this appropriation, \$41,390,090 the first year and \$41,393,837 the second year for Statewide Building Management represent a sum sufficient internal service fund which shall be paid from revenues from rental charges assessed to occupants of seat of government buildings controlled, maintained, and operated by the Department of General Services and fees paid for other building maintenance and operation services provided through service agreements and special work orders. The internal service fund shall support the facilities at the seat of government and maintenance and operation of such other state-owned facilities as the Governor or department may direct, as otherwise provided by law.

2. Out of the amounts included above in paragraph A.1, \$7,280,481 the first year and \$7,280,481 the second year represent amounts estimated for Statewide Building Management consisting of fees derived from service agreements and special work orders.

3. Out of the amounts included above in paragraph A.1, \$34,109,609 the first year and \$34,113,356 the second year represent amounts estimated for Statewide Building Management consisting of revenues derived from rental charges assessed to occupants of seat of government buildings controlled, maintained, and operated by the Department of General Services, excluding the building occupants that currently have maintenance service agreements with the department.

4. The rent rate for occupants of office space in seat of government facilities operated and maintained by the Department of General Services, excluding the building occupants that

ITEM 80.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

currently have maintenance service agreements with the department, shall be \$15.96 per square foot the first year and \$15.96 the second year.

5. On or before September 1 of each year, the Department of General Services shall report to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Administration, and the Department of Planning and Budget regarding the operations and maintenance costs of all buildings controlled, maintained, and operated by the Department of General Services. The report shall include, but not be limited to, the cost and fund source associated with the following: utilities, maintenance and repairs, security, custodial services, groundskeeping, direct administration and other overhead, and any other operations or maintenance costs for the most recently concluded fiscal year. The amount of unleased space in each building shall also be reported.

6. Further, out of the estimated cost for Statewide Building Management, amounts estimated at \$2,198,215 the first year and \$2,198,215 the second year shall be paid for Payment in Lieu of Taxes. In addition to the amounts for Statewide Building Management, the following sums, estimated at the amounts shown for this purpose, are included in the appropriations for the agencies identified:

	FY 2017	FY 2018
Department of Alcoholic Beverage Control	\$66,205	\$66,205
Department of Game and Inland Fisheries	\$28,458	\$28,458
Department of Motor Vehicles	\$104,121	\$104,121
Department of State Police	\$665	\$665
Department of Transportation	\$216,783	\$216,783
Department for the Blind and Vision Impaired	\$3,732	\$3,732
Virginia Employment Commission	\$61,185	\$61,185
Virginia Museum of Fine Arts	\$158,513	\$158,513
Virginia Retirement System	\$45,550	\$45,550
Veterans Services	\$138,828	\$138,828
Workers' Compensation Commission	\$20,865	\$20,865
TOTAL	\$844,905	\$844,905

B.1. Out of this appropriation, \$4,737,063 the first year and \$4,737,932 the second year for Statewide Engineering and Architectural Services provided by the Bureau of Capital Outlay Management represent a sum sufficient internal service fund which shall be paid from revenues from fees paid by state agencies and institutions of higher education for the review of architectural, mechanical, and life safety plans of capital outlay projects.

2. In administering this internal service fund, the Bureau of Capital Outlay Management (BCOM) shall provide capital project cost review services to state agencies and institutions of higher education and produce capital project cost analysis work products for the Department of Planning and Budget. BCOM shall collect fees, consistent with those fees authorized above in paragraph B.1, from state agencies and institutions of higher education for completed capital project cost review services or work products.

3. The hourly rate for engineering and architectural services shall be \$142.00 the first year and \$142.00 the second year, excluding contracted services and other special rates as authorized pursuant to § 4-5.03 of this act.

4. Out of the amounts appropriated in this Item, \$152,509 the second year from the general fund is provided for the Bureau of Capital Outlay Management to support the Commonwealth's capital budget and capital pool process for which fees authorized in this paragraph cannot otherwise be assessed.

C. Interest on the employee vehicle parking fund authorized by § 4-6.04 c of this act shall be added to the fund as earned.

D. The Department of General Services shall, in conjunction with affected agencies, develop, implement, and administer a consolidated mail function to process inbound and outbound mail for agencies located in the Richmond metropolitan area. The consolidated mail function shall include the establishment of a centralized mail receiving and outbound

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>processing location or locations, and the enhancement of mail security capabilities within these location(s).</p> <p>E. All new and renovated state-owned facilities, if the renovations are in excess of 50 percent of the structure's assessed value, that are over 5,000 gross square feet shall be designed and constructed consistent with energy performance standards at least as stringent as the U.S. Green Building Council's LEED rating system or the Green Globes rating system.</p> <p>F. Effective July 1, 2009, the total service charge for the property known as the General Assembly Building and the State Capitol Building shall not exceed \$70,000 per fiscal year.</p> <p>G. The Department of General Services, in consultation with the Department of Behavioral Health and Developmental Services, the Department of Corrections, and all other applicable state agencies, shall evaluate the feasibility and cost-effectiveness of using inmate labor to assist in the demolition of vacant buildings on state property. The Department shall develop a plan that includes an inventory of vacant buildings on properties owned by the Commonwealth, which might appropriately be considered for demolition using inmate labor, and an estimated cost of demolition using inmate labor. The Department shall report its findings to the affected agencies, the Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2016.</p>				
81.	Printing and Reproduction (82100).....		\$145,600	\$145,600
	Statewide Graphic Design Services (82101).....	\$145,600	\$145,600	
	Fund Sources: Internal Service.....	\$145,600	\$145,600	
<p>Authority: Title 2.2, Chapter 11, Articles 3 and 6, Code of Virginia.</p> <p>1. The appropriation for Statewide Graphic Design Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges for services.</p> <p>2. The hourly rate charged for graphic design services shall be \$85.00 the first year and \$85.00 the second year. The amount charged for contracted services shall be 115 percent of the actual cost of such contracted services.</p>				
82.	Transportation Pool Services (82300).....		\$19,004,522	\$19,005,140
	Statewide Vehicle Management Services (82302).....	\$19,004,522	\$19,005,140	
	Fund Sources: Internal Service.....	\$19,004,522	\$19,005,140	
<p>Authority: Title 2.2, Chapter 11, Article 7; § 2.2-120, Code of Virginia.</p> <p>A. The appropriation for Statewide Vehicle Management Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues derived from charges to agencies for fleet management services.</p> <p>B. Charges for central fleet vehicles leased by state agencies and institutions shall be the vehicle purchase cost and interest charges amortized over a period of 84 months or less, in addition to a standard monthly operating charge of \$127.32 the first year and \$127.32 the second year per vehicle for the cost of maintenance and support.</p> <p>C. In addition to providing services to state agencies and institutions, fleet management services may also be provided to local public bodies on a fee for service basis in accordance with established Department of General Services Fleet Management policies and procedures.</p> <p>D. The Department of General Services shall manage the Commonwealth's consolidation of bulk and commercial fuel contracts awarded in response to Chapter 879, Acts of Assembly of 2008, Item 1-83 C. The intent of this consolidation is to leverage the Commonwealth's state and local public entities, gasoline and diesel fuel purchase volume to achieve the most favored pricing from private sector fuel providers, and reduce procurement administration workload from state agencies, institutions, local government entities, and other authorized users of awarded contracts that would have otherwise procured and contracted separately for these commodities.</p>				

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<p>E. The Commonwealth of Virginia, Department of General Services may enter into a comprehensive agreement, or multiple comprehensive agreements, pursuant to the Public-Private Education Facilities and Infrastructure Act – 2002 (§ 56-575.1 et seq.), to achieve the purposes of § 2.2-1176 (B) and result in the replacement of state-owned or operated vehicles with vehicles that operate on alternative fuels. Any agreement entered into must be cost neutral or result in a reduction in the Commonwealth's combined vehicle acquisition and operational costs, and result in lower environmental emissions. The agreements shall not be subject to the requirements found in Title 30, Chapter 42, Code of Virginia (§ 30-278 et. seq.). The Director, Department of General Services, in consultation with the Governor's Senior Advisor on Energy and the Secretary of Finance, shall determine whether the agreement is cost neutral or results in cost savings to the Commonwealth.</p> <p>F. The comprehensive agreement referenced in paragraph E. above, may allow for the Department of General Services (DGS) to establish alternative fuels (natural gas, propane, electric) fueling sites at its office of fleet management facility in Richmond, Virginia. Such sites may be open to the general public for the purchase of alternative fuels when such fuels are not available on the retail market within 10 miles of the DGS fleet management facility. Rates for fuel purchased by the general public will be established by the private vendor operating the fueling site. In emergency situations or fuel shortages, the Commonwealth retains the ability to restrict access to such sites as necessary.</p>				
83.	Administrative and Support Services (79900).....		\$4,521,284	\$4,523,228
	General Management and Direction (79901).....	\$2,676,003	\$2,677,947	
	Information Technology Services (79902).....	\$1,845,281	\$1,845,281	
	Fund Sources: General.....	\$4,521,284	\$4,523,228	
<p>Authority: Title 2.2, Chapter 11 and Chapter 24, Article 1, Code of Virginia.</p>				
	Total for Department of General Services.....		\$231,976,622	\$232,238,180
	General Fund Positions.....	252.00	252.00	
	Nongeneral Fund Positions.....	405.50	405.50	
	Position Level.....	657.50	657.50	
	Fund Sources: General.....	\$20,787,910	\$20,942,363	
	Special.....	\$7,538,884	\$7,538,990	
	Enterprise.....	\$29,930,333	\$30,028,706	
	Internal Service.....	\$167,381,110	\$167,388,762	
	Federal Trust.....	\$6,338,385	\$6,339,359	

§ 1-30. DEPARTMENT OF HUMAN RESOURCE MANAGEMENT (129)

84.	Personnel Management Services (70400).....		\$15,949,645	\$15,573,382
	Agency Human Resource Services (70401).....	\$2,998,734	\$2,998,848	
	Human Resource Service Center (70402).....	\$1,254,584	\$1,254,584	
	Equal Employment Services (70403).....	\$819,418	\$819,418	
	Health Benefits Services (70406).....	\$4,768,597	\$4,768,882	
	Personnel Development Services (70409).....	\$1,036,577	\$659,577	
	Employee Dispute Resolution Services (70416).....	\$949,598	\$949,598	
	State Employee Program Services (70417).....	\$1,815,577	\$1,815,577	
	State Employee Workers' Compensation Services (70418).....	\$1,367,467	\$1,367,467	
	Administrative and Support Services (70419).....	\$939,093	\$939,431	
	Fund Sources: General.....	\$6,915,977	\$6,539,315	
	Special.....	\$7,666,201	\$7,666,600	
	Trust and Agency.....	\$1,367,467	\$1,367,467	

Authority: Title 2.2, Chapters 12 and 28 through 32, Code of Virginia.

A. The Department of Human Resource Management shall report any proposed changes in

ITEM 84.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>premiums, benefits, carriers, or provider networks to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees at least sixty days prior to implementation.</p>				
<p>B.1. The Department of Human Resource Management shall operate a human resource service center to support the human resource needs of those agencies identified by the Secretary of Administration in consultation with the Department of Planning and Budget. The agencies identified shall cooperate with the Department of Human Resource Management by transferring such records and functions as may be required.</p>				
<p>2. Out of this appropriation, \$590,353 the first year and \$590,353 the second year from the general fund shall be used to support the human resource service center.</p>				
<p>3. Nothing in this paragraph shall prohibit additional agencies from using the services of the center; however, these additional agencies' use of the human resource service center shall be subject to approval by the affected cabinet secretary and the Secretary of Administration.</p>				
<p>4. a. Agencies that are partially or fully funded with nongeneral funds that receive approval by the affected cabinet secretary and the Secretary of Administration to join the human resource service center, on or after July 1, 2014, shall pay the Department of Human Resource Management the costs to support the human resource service center. The agency's share of the costs to support the human resource service center shall be based on the agency's applicable nongeneral fund expenditures as set out in § 4-5.03 of this act.</p>				
<p>b. The rates required to recover the costs of the human resource service center shall be provided by the Department of Human Resource Management to the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate in accordance with § 4-5.03 of this act.</p>				
<p>c. The rates for the human resource service center shall be \$995.00 per full-time equivalent and \$398.00 per wage employee the first year and \$995.00 per full-time equivalent and \$398.00 per wage employee the second year.</p>				
<p>C. The institutions of higher education shall be exempt from the centralized advertising requirements identified in Executive Order 73 (01).</p>				
<p>D.1. To ensure fair and equitable performance reviews, the Department of Human Resource Management, within available resources, is directed to provide performance management training to agencies and institutions of higher education with classified employees.</p>				
<p>2. Agency heads in the Executive Department are directed to require appropriate performance management training for all agency supervisors and managers.</p>				
<p>E. The Department of Human Resource Management shall take into account the claims experience of each agency and institution when setting premiums for the workers' compensation program.</p>				
<p>F.1. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by October 1 of each year, on its recommended workers' compensation premiums for state agencies for the following biennium. This report shall also include the basis for the department's recommendations, the number and amount of workers' compensation settlements concluded in the previous fiscal year, and the impact of those settlements on the workers' compensation program's reserves.</p>				
<p>2. Beginning July 1, 2015, the Department of Human Resource Management shall conduct an annual review of each state agency's loss control history, to include the severity of workers' compensation claims, experience modification factor, and frequency normalized by payroll. Based on the annual review, state agencies deemed by the Department of Human Resource Management as having higher than normal loss history shall be required to participate in a loss control program. All executive, judicial, legislative, and independent agencies required to participate in the loss control program shall fully cooperate with the Department of Human Resource Management's review. The Department of Human Resource Management shall provide a report to the Governor, Director, Department of Planning and Budget, and Chairmen of the House Appropriations and Senate Finance Committees on the status and</p>				

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	FY2017	FY2018	FY2017	FY2018

recommendations of the loss control program no later than October 30 of each year.

3. a. A working capital advance of up to \$20,000,000 shall be provided to the Department of Human Resource Management to identify and potentially settle certain workers' compensation claims open for more than one year but less than 10 years. The Department of Human Resource Management shall pay back the working capital advance from annual premiums over a seven year period. The Department of Human Resource Management shall provide a report to the Governor, Director, Department of Planning and Budget, and Chairmen of the House Appropriations and Senate Finance Committees on the status of the settlement program, the number of claims settled, and the estimated state costs avoided from the settlements no later than October 30 of each year.

b. The Secretary of Finance and Secretary of Administration shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.

G. The Department of Human Resource Management shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees, by October 15 of each year, on the renewal cost of the state employee health insurance program premiums that will go into effect on July 1 of the following year. This report shall include the impact of the renewal cost on employee and employer premiums and a valuation of liabilities as required by Other Post Employment Benefits reporting standards.

H. Out of this appropriation, \$606,439 the first year and \$606,439 the second year from the general fund is provided for the time, attendance and leave system.

I. The Department of Human Resource Management shall develop and distribute instructions and guidelines to all executive department agencies for the provision of an annual statement of total compensation for each classified employee. The statement should account for the full cost to the Commonwealth and the employee of cash compensation as well as Social Security, Medicare, retirement, deferred compensation, health insurance, life insurance, and any other benefits. The Director, Department of Human Resource Management, shall ensure that all executive department agencies provide this notice to each employee. The Department of Accounts and the Virginia Retirement System shall provide assistance upon request. Further, the Director of the Department of Human Resource Management shall provide instructions and guidelines for the development notices of total compensation to all independent, legislative, and judicial agencies, and institutions of higher education for preparation of annual statements to their employees.

Total for Department of Human Resource Management.....			\$15,949,645	\$15,573,382
General Fund Positions.....	60.46	60.46		
Nongeneral Fund Positions.....	52.54	52.54		
Position Level.....	113.00	113.00		
Fund Sources: General.....	\$6,915,977	\$6,539,315		
Special.....	\$7,666,201	\$7,666,600		
Trust and Agency.....	\$1,367,467	\$1,367,467		

Administration of Health Insurance (149)

85.	Personnel Management Services (70400).....			\$1,884,464,330	\$2,018,464,330
	Health Benefits Services (70406).....	\$1,465,195,823	\$1,569,195,823		
	Local Health Benefit Services (70407).....	\$419,268,507	\$449,268,507		
	Fund Sources: Enterprise.....	\$419,268,507	\$449,268,507		
	Internal Service.....	\$1,465,195,823	\$1,569,195,823		

Authority: § 2.2-2818, Code of Virginia.

A. The appropriation for Health Benefits Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid from revenues paid by state

ITEM 85.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
agencies to the Department of Human Resource Management.				
B. The amounts for Local Health Benefits Services include estimated revenues received from localities for the local choice health benefits program.				
C.1. In the event that the total of all eligible claims exceeds the balance in the state employee medical reimbursement account, there is hereby appropriated a sum sufficient from the general fund of the state treasury to enable the payment of such eligible claims.				
2. The term "employee medical reimbursement account" means the account administered by the Department of Human Resource Management pursuant to § 125 of the Internal Revenue Code in connection with the health insurance program for state employees (§ 2.2-2818, Code of Virginia).				
D. Any balances remaining in the reserved component of the Employee Health Insurance Fund shall be considered part of the overall Health Insurance Fund. It is the intent of the General Assembly that future premiums for the state employee health insurance program shall be set in a manner so that the balance in the Health Insurance Fund will be sufficient to meet the estimated Incurred But Not Paid liability for the Fund and maintain a contingency reserve at a level recommended by the Department of Human Resource Management for a self-insured plan subject to the approval of the General Assembly.				
E. The Department of Human Resource Management shall implement a Medication Therapy Management pilot program for state employees with certain disease states including Type II diabetes. The department shall continue to consult with all provider stakeholders in order to establish program parameters.				
F. Concurrent with the date the Governor introduces the budget bill, the Directors of the Departments of Planning and Budget and Human Resource Management shall provide to the Chairmen of the House Appropriations and Senate Finance Committees a report detailing the assumptions included in the Governor's introduced budget for the state employee health insurance plan. The report shall include the proposed premium schedule that would be effective for the upcoming fiscal year and any proposed changes to the benefit structure.				
G. Of money appropriated for the state employee health insurance fund, \$500,000 the first year and \$650,000 the second year shall be held separate and apart from the fund to pay for any required fees due to the Patient-Centered Outcomes Research Institute.				
H. The Director of the Department of Human Resource Management shall analyze pharmacy claims data from the past biennium in order to assess the value of payments made to the state employee health program's contracted third party administrators, and the value of payments made by the contracted third party administrators to their contracted prescription benefit managers (PBMs). The Director shall identify and report any difference in value in payments made to the contracted PBMs and payments made to the state employee health program's contracted third party administrators and shall make recommendations to the Chairmen of the House Appropriations Committee and Senate Finance Committees by October 1, 2016.				
Total for Administration of Health Insurance.....			\$1,884,464,330	\$2,018,464,330
Fund Sources: Enterprise.....	\$419,268,507	\$449,268,507		
Internal Service.....	\$1,465,195,823	\$1,569,195,823		
Grand Total for Department of Human Resource Management.....			\$1,900,413,975	\$2,034,037,712
General Fund Positions.....	60.46	60.46		
Nongeneral Fund Positions.....	52.54	52.54		
Position Level.....	113.00	113.00		
Fund Sources: General.....	\$6,915,977	\$6,539,315		
Special.....	\$7,666,201	\$7,666,600		
Enterprise.....	\$419,268,507	\$449,268,507		
Internal Service.....	\$1,465,195,823	\$1,569,195,823		
Trust and Agency.....	\$1,367,467	\$1,367,467		

ITEM 85.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

§ 1-31. DEPARTMENT OF ELECTIONS (132)

86.	Electoral Services (72300).....			\$11,028,856	\$10,190,808
	Electoral Uniformity, Legality, and Quality Assurance Services (72302).....	\$1,797,681	\$1,771,882		
	Statewide Voter Registration System Services (72304).....	\$5,512,974	\$5,332,056		
	Campaign Finance Disclosure Administration Services (72309).....	\$409,371	\$259,371		
	Election Administration Services (72310).....	\$1,500,661	\$1,224,574		
	Voter Services (72311).....	\$1,113,656	\$914,687		
	Administrative Services (72312).....	\$694,513	\$688,238		
	Fund Sources: General.....	\$3,579,876	\$2,958,044		
	Special.....	\$116,250	\$116,250		
	Trust and Agency.....	\$7,244,150	\$7,116,514		
	Federal Trust.....	\$88,580	\$0		

Authority: Title 24.2, Chapter 1, Code of Virginia.

A. It is the intention of the General Assembly that all local precincts, other than central absentee precincts established under § 24.2-712, Code of Virginia, will use electronic pollbooks for elections held beginning in November, 2010.

B. Any locality using paper pollbooks for elections held beginning in November, 2010, shall be responsible for entering voting credit as provided in § 24.2-668. Additionally, any locality using paper pollbooks for elections held after November, 2010 may be required to reimburse the Department of Elections for state costs associated with providing paper pollbooks.

C. Municipalities will pay all expenses associated with May elections after June 30, 2009, including those costs incurred by the Department of Elections.

D. The State Board of Elections shall by regulation provide for an administrative fee up to \$25 for each non-electronic report filed with the State Board under § 24.2-947.5. The regulation shall provide for waiver of the fee based upon indigence.

E. All unpaid charges and civil penalties assessed under Title 24.2 shall be subject to interest, the administrative collection fee and late penalties authorized in the Virginia Debt Collection Act, Chapter 48 of Title 2.2, § 2.2-4800 et seq.

F. Out of this appropriation, \$212,687 the first year and \$212,687 the second year from the general fund is provided for voter outreach and education required to inform voters about the photo identification requirements pursuant to Chapter 725 of the Acts of Assembly of 2013. It is the intent of the General Assembly that registration cards containing the voter's photograph and signature be provided free to any eligible voter upon request to the general registrar.

G. Out of this appropriation, \$212,423 the first year and \$212,423 the second year from the general fund is provided for conducting list maintenance mailings as required by the National Voter Registration Act.

H. Out of this appropriation, \$196,000 the first year from the general fund is provided to advertise two proposed amendments to the Constitution of Virginia that will appear on the ballot in November 2016, pursuant to Chapter 12 and Chapter 17 of the Acts of Assembly of 2016, and as required pursuant to § 30-19.9 of the Code of Virginia.

87.	Financial Assistance for Electoral Services (78000)			\$5,832,810	\$5,832,810
	Financial Assistance for General Registrar Compensation (78001).....	\$4,925,097	\$4,925,097		
	Financial Assistance for Local Electoral Board Compensation and Expenses (78002).....	\$907,713	\$907,713		
	Fund Sources: General.....	\$5,832,810	\$5,832,810		

ITEM 87.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

Authority: Title 24.2, Chapter 1, Code of Virginia.

A.1.a. In determining the salary for each general registrar, the Department of Elections shall use the most recent provisional population estimate from the Weldon Cooper Center for Public Service of the University of Virginia. The Department of Elections shall adjust such population estimate, where applicable, for any annexation or consolidation order by a court when such order becomes effective. There shall be no reduction in salary by reason of a decline in population during the terms in which the incumbent general registrar remains in office.

b. The annual salaries of general registrars, in accordance with the provisions of § 24.2-111, Code of Virginia, shall be as hereinafter prescribed.

Population	July 1, 2016 to June 30, 2017	July 1, 2017 to November 30, 2017	December 1, 2017 to June 30, 2018
0-25,000	\$45,557	\$45,557	\$45,557
25,001-50,000	\$50,058	\$50,058	\$50,058
50,001-100,000	\$54,862	\$54,862	\$54,862
100,001-150,000	\$61,312	\$61,312	\$61,312
150,001-200,000	\$67,148	\$67,148	\$67,148
200,001 and above	\$88,750	\$88,750	\$88,750

c. Any locality required to supplement the salary of a general registrar on June 30, 1981, shall continue that supplement at the identical annual amount as paid in FY 1982. This supplement shall continue as long as the incumbent general registrar on July 1, 1982, continues in office. Further, any locality may supplement the annual salary of the general registrar. There shall be no reimbursement out of the state treasury for such supplements.

2. General registrars in the Counties of Arlington, Fairfax, Loudoun, and Prince William and the Cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park shall receive a cost of competition supplement equal to 15 percent of the salaries authorized in paragraph A.1.a. The cost of this supplement shall be paid out of the general fund of the state treasury.

B.1.a. The Department of Elections shall set the annual compensation for secretaries and members of local electoral boards on July 1 of each year. In determining such compensation, the Department of Elections shall use the most recent population estimate from the United States Bureau of the Census. However, should more recent population estimates from the Weldon Cooper Center for Public Service of the University of Virginia indicate that the population of any county or city has, since the last United States census, increased so as to entitle such county or city to be placed in a higher compensation bracket, such county or city shall be considered as being within the higher bracket for the purpose of fixing the annual compensation.

b. The annual compensation of the secretary of each local electoral board shall be as hereinafter prescribed.

Population Size of Locality	July 1, 2016 to June 30, 2017	July 1, 2017 to November 30, 2017	December 1, 2017 to June 30, 2018
0-10,000	\$2,067	\$2,067	\$2,067
10,001-25,000	\$3,097	\$3,097	\$3,097
25,001-50,000	\$4,129	\$4,129	\$4,129
50,001-100,000	\$5,162	\$5,162	\$5,162
100,001-150,000	\$6,192	\$6,192	\$6,192

ITEM 87.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
150,001-200,000	\$7,241	\$7,241		\$7,241
200,001-350,000	\$8,264	\$8,264		\$8,264
Above 350,000	\$9,291	\$9,291		\$9,291

c. The annual compensation of other members of local electoral boards shall be fixed at one-half the annual compensation provided to the secretary of the board.

d. The governing body of any county or city may pay to a full-time secretary of an electoral board such supplemental compensation as it deems appropriate. There shall be no reimbursement out of the state treasury for such supplements.

2. Nothing herein contained shall prevent the governing body of any county or city from paying the secretary of its electoral board such additional allowance for expenses as it deems appropriate but there shall be no reimbursement out of the state treasury for such expenses.

3. Notwithstanding § 24.2-108, Code of Virginia, counties and cities shall not be reimbursed for mileage paid to members of electoral boards.

Total for Department of Elections.....			\$16,861,666	\$16,023,618
General Fund Positions.....	30.00	30.00		
Nongeneral Fund Positions.....	7.00	7.00		
Position Level.....	37.00	37.00		
Fund Sources: General.....	\$9,412,686	\$8,790,854		
Special.....	\$116,250	\$116,250		
Trust and Agency.....	\$7,244,150	\$7,116,514		
Federal Trust.....	\$88,580	\$0		
TOTAL FOR OFFICE OF ADMINISTRATION....			\$2,839,904,470	\$2,980,692,293
General Fund Positions.....	373.46	373.46		
Nongeneral Fund Positions.....	466.04	466.04		
Position Level.....	839.50	839.50		
Fund Sources: General.....	\$711,768,068	\$718,664,603		
Special.....	\$15,321,335	\$15,321,840		
Enterprise.....	\$449,198,840	\$479,297,213		
Internal Service.....	\$1,632,576,933	\$1,736,584,585		
Trust and Agency.....	\$16,612,329	\$16,484,693		
Dedicated Special Revenue.....	\$8,000,000	\$8,000,000		
Federal Trust.....	\$6,426,965	\$6,339,359		

ITEM 88.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
OFFICE OF AGRICULTURE AND FORESTRY				
§ 1-32. SECRETARY OF AGRICULTURE AND FORESTRY (193)				
88.	Administrative and Support Services (79900).....		\$381,457	\$381,556
	General Management and Direction (79901).....	\$381,457	\$381,556	
	Fund Sources: General.....	\$381,457	\$381,556	
	Authority: Title 2.2, Chapter 2, Article 2.1; § 2.2-203.3, Code of Virginia.			
	Total for Secretary of Agriculture and Forestry.....		\$381,457	\$381,556
	General Fund Positions.....	3.00	3.00	
	Position Level.....	3.00	3.00	
	Fund Sources: General.....	\$381,457	\$381,556	
§ 1-33. DEPARTMENT OF AGRICULTURE AND CONSUMER SERVICES (301)				
89.	Nutritional Services (45700).....		\$4,676,016	\$4,676,016
	Distribution of USDA Donated Food (45708).....	\$4,676,016	\$4,676,016	
	Fund Sources: General.....	\$292,735	\$292,735	
	Federal Trust.....	\$4,383,281	\$4,383,281	
	Authority: Title 3.2, Chapter 47, Code of Virginia.			
	The Virginia Departments of Education, Health, and Agriculture and Consumer Services shall develop a plan for the transfer of the Summer Food Services Program and the Child and Adult Care Feeding Program from the Virginia Department of Health, and the Fresh Fruit and Vegetable Program, National School Lunch Program, School Breakfast Program, and Special Milk Program from the Virginia Department of Education to the Virginia Department of Agriculture and Consumer Services in an effort to house feeding programs under one agency, and shall submit such plan to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15, 2016. Such plan shall detail the funding amounts and positions associated with the impacted programs, and include an estimate of whether cost savings or additional costs would be incurred, both during the transition and over the long-term, from the transfer of these programs. The review shall also assess any potential administrative impacts on the local school divisions, the Department of Education and the Department of Health. No transfer of positions or funding shall occur without prior approval of the General Assembly at the 2017 Regular Session.			
90.	Animal and Poultry Disease Control (53100).....		\$7,418,531	\$7,392,491
	Animal Disease Prevention and Control (53101).....	\$3,088,613	\$3,088,613	
	Diagnostic Services (53102).....	\$4,121,991	\$4,095,951	
	Animal Welfare (53104).....	\$207,927	\$207,927	
	Fund Sources: General.....	\$4,670,924	\$4,644,884	
	Special.....	\$1,661,632	\$1,661,632	
	Federal Trust.....	\$1,085,975	\$1,085,975	
	Authority: Title 3.2, Chapters 60 and 65, Code of Virginia.			
91.	Agricultural Industry Marketing, Development, Promotion, and Improvement (53200).....		\$21,875,845	\$21,812,845
	Grading and Certification of Virginia Products (53201).....	\$7,214,196	\$7,214,196	
	Milk Marketing Regulation (53204).....	\$802,494	\$802,494	
	Marketing Research (53205).....	\$272,806	\$272,806	
	Market Virginia Agricultural and Forestry Products Nationally and Internationally (53206).....	\$5,001,995	\$4,951,995	
	Agricultural Commodity Boards (53208).....	\$6,468,643	\$6,468,643	

ITEM 91.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018
Agribusiness Development Services and Farmland Preservation (53209).....	\$2,115,711	\$2,102,711		
Fund Sources: General.....	\$9,251,548	\$9,188,548		
Special.....	\$108,125	\$108,125		
Trust and Agency.....	\$6,704,556	\$6,704,556		
Dedicated Special Revenue.....	\$5,090,718	\$5,090,718		
Federal Trust.....	\$720,898	\$720,898		

Authority: Title 3.2, Chapters 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 26, 27, 30, 32, 34, 36.2; Title 28.2, Chapter 2; and Title 61.1, Chapter 4, Code of Virginia.

A. Agricultural Commodity Boards shall be paid from the special fund taxes levied in the following estimated amounts:

1. To the Tobacco Board, \$143,000 the first year and \$143,000 the second year.
2. To the Corn Board, \$390,000 the first year and \$390,000 the second year.
3. To the Egg Board, \$210,000 the first year and \$210,000 the second year.
4. To the Soybean Board, \$980,000 the first year and \$980,000 the second year.
5. To the Peanut Board, \$320,000 the first year and \$320,000 the second year.
6. To the Cattle Industry Board, \$425,000 the first year and \$425,000 the second year.
7. To the Virginia Small Grains Board, \$750,000 the first year and \$750,000 the second year.
8. To the Virginia Horse Industry Board, \$320,000 the first year and \$320,000 the second year.
9. To the Virginia Sheep Industry Board, \$35,000 the first year and \$35,000 the second year.
10. To the Virginia Potato Board, \$25,000 the first year and \$25,000 the second year.
11. To the Virginia Cotton Board, \$180,000 the first year and \$180,000 the second year.
12. To the State Apple Board, \$257,650 the first year and \$257,650 the second year.

B. Each commodity board is authorized to expend funds in accordance with its authority as stated in the Code of Virginia. Such expenditures will be limited to available revenue levels.

C. Each commodity board specified in this Item shall provide an annual notification to its excise tax paying producers which summarizes the purpose of the board and the excise tax, current tax rate, amount of excise taxes collected in the previous tax year, the previous fiscal year expenditures and the board's past year activities. The manner of notification shall be determined by each board.

D. The Commissioner shall take all necessary actions to ensure that the fees collected are adequate to cover the nongeneral fund portion of the Grain Inspection Program expenses, including those related to product inspections that are requested by parties financially interested in any agricultural products pursuant to § 3.2-3400, Code of Virginia.

E. Out of the amounts in this Item shall be paid from certain special fund license taxes, license fees, and permit fees levied or imposed under Title 28.2, Chapters 2, 3, 4, 5, 6 and 7, Code of Virginia, to the Virginia Marine Products Board, \$402,543 and two positions the first year and \$402,543 and two positions the second year.

F. Out of the amounts in this Item, \$1,941,231 the first year and \$1,941,231 the second year from the general fund shall be deposited to the Virginia Wine Promotion Fund as established in § 3.2-3005, Code of Virginia.

G. Out of the amounts in this Item, \$1,000,000 the first year and \$1,000,000 the second

ITEM 91.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>year from the general fund shall be deposited to the Virginia Farmland Preservation Fund established in § 3.2-201, Code of Virginia. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.</p> <p>H. Out of the amounts in this Item, the Commissioner is authorized to expend from the general fund amounts not to exceed \$25,000 the first year and \$25,000 the second year for entertainment expenses commonly borne by businesses. Further, such expenses shall be recorded separately by the agency.</p> <p>I. Out of the amounts in this Item, the Commissioner is authorized to expend \$1,295,226 the first year and \$1,295,226 the second year from the general fund for the promotion of Virginia's agricultural products overseas. Such efforts shall be conducted in concert with the international offices opened by the Virginia Economic Development Partnership.</p> <p>J. Out of the amounts in this Item, \$25,000 the first year and \$25,000 the second year from the general fund shall be provided to support 4-H and Future Farmers of America youth participation educational costs at the State Fair of Virginia. These funds shall not be used for administrative costs by the State Fair.</p> <p>K. 1. Out of the amounts in this Item, \$75,000 the first year and \$75,000 the second year from the general fund shall be used for research, development and the applied commercialization of specialty crops. For the purpose of these funds, specialty crops shall be defined as those crops not currently under widespread commercial production in Virginia, (not listed in the top 20 commodities in Virginia as reported annually by the National Agricultural Statistics Service) but which are commercially produced in other regions of the United States or other regions of the world.</p> <p>2. Projects supported with these funds will encompass a crop, or crops, which have a unique potential for successful commercialization due to an existing commercial end market for the crop, or crops, having been identified within the Commonwealth. In selecting projects, priority shall be given to crops for which a commercial processor(s) or packer(s), operates within Virginia, and due to the specialty crop not currently being commercially grown in Virginia, this crop is currently imported into Virginia. The goal of the project is to improve the productivity and competitiveness of existing commercial food and agribusiness processors in Virginia through accelerated crop development of selected specialty crops that can be used as inputs and substitutes for an imported commodity.</p> <p>L. Out of the amounts in this item, \$373,944 the first year and \$373,944 the second year from the general fund and two full-time equivalent positions shall be used to establish the Virginia Farm Business Development Program. This program shall provide farmers and small agribusinesses that qualify under guidelines as established by the Department with grants not to exceed \$5,000 to assist with business planning, market research, and other related activities including in-depth research, website design, social media strategy, food innovation, packaging design, modernization of facilities and business certification. The authorized positions shall be used for management of the grant program and to conduct regional workshops on marketing and business development. Not later than November 15, 2016, the Department shall report to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance on the efforts undertaken by the Department to establish the program, the grant guidelines, and the number of grants awarded.</p> <p>M. Out of the amounts in this item, \$50,000 the first year from the general fund shall be provided for the renovation of the Appomattox 4-H Center.</p>				
92.	Economic Development Services (53400).....		\$2,328,835	\$2,328,835
	Financial Assistance for Economic Development (53410).....	\$2,328,835	\$2,328,835	
	Fund Sources: General.....	\$2,328,835	\$2,328,835	

Authority: Title 3.2, Chapter 3.1, Code of Virginia.

A. Out of the amounts in this Item, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be deposited to the Governor's Agriculture and Forestry Industries Development Fund for the payment of grants or loans in accordance § 3.2-303 et seq., Code of Virginia. Notwithstanding any other provision of law, at the discretion of the Governor, the

ITEM 92.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>cap on the amount of funding that may be awarded to an individual project as provided in § 3.2-305, Code of Virginia, may be waived for qualifying projects of regional or statewide interest.</p> <p>B. Out of the amounts in this Item, \$328,835 the first year and \$328,835 the second year may be used by the department to pay administrative costs.</p>				
93.	Plant Pest and Disease Control (53500).....		\$3,252,110	\$3,252,110
	Plant Pest and Disease Prevention and Control Services (53504).....	\$3,252,110	\$3,252,110	
	Fund Sources: General.....	\$2,096,839	\$2,096,839	
	Special.....	\$309,528	\$309,528	
	Federal Trust.....	\$845,743	\$845,743	
<p>Authority: Title 3.2, Chapters 7, 8, 9, 10, 28, 38, 41.4 and 44; Title 15.2, Chapter 18, Code of Virginia.</p> <p>A. Out of the amounts in this Item, \$125,000 the first year and \$125,000 the second year from the general fund shall be deposited to the Beehive Grant Fund for the payment of grants in accordance with § 3.2-4415 et seq., Code of Virginia. The department may disburse from the Fund its reasonable costs and expenses incurred in the administration and management of the Fund up to \$25,000 in each year.</p> <p>B. The Commissioner shall enter into agreements with local and state agencies, or other persons, for the control of black vultures, coyotes, and other wildlife that pose danger to agricultural animals. The Commissioner shall enter into an agreement with the federal government to establish and maintain the Virginia Cooperative Wildlife Damage Management Program. Pursuant to this requirement, the memorandum of agreement with the U.S. Department of Agriculture Animal and Plant Health Inspection Service (APHIS) Wildlife Services (WS) shall be updated on or before December 31, 2016 to ensure continuation of the partnership.</p>				
94.	Agriculture and Food Homeland Security (54100)...		\$398,277	\$398,277
	Agricultural and Food Emergencies Prevention and Response (54101).....	\$398,277	\$398,277	
	Fund Sources: General.....	\$169,519	\$169,519	
	Special.....	\$99,152	\$99,152	
	Federal Trust.....	\$129,606	\$129,606	
<p>Authority: Title 3.2, Chapters 7, 51, 60, and 65, Code of Virginia.</p>				
95.	Consumer Affairs Services (55000).....		\$1,484,485	\$1,484,485
	Consumer Affairs - Regulation and Consumer Education (55001).....	\$1,484,485	\$1,484,485	
	Fund Sources: General.....	\$33,726	\$33,726	
	Special.....	\$1,450,759	\$1,450,759	
<p>Authority: Title 3.2, Chapter 1; Title 57, Chapter 5; Title 59.1, Chapters 24, 25, 25.1, 34, 34.1 and 36, Code of Virginia.</p>				
96.	Regulation of Business Practices (55200).....		\$3,319,418	\$3,170,818
	Regulation of Grain Commodity Sales (55207).....	\$98,514	\$98,514	
	Regulation of Weights and Measures and Motor Fuels (55212).....	\$3,220,904	\$3,072,304	
	Fund Sources: General.....	\$3,126,131	\$2,977,531	
	Special.....	\$193,287	\$193,287	
<p>Authority: Title 3.2, Chapters 43, 47, 55.1, 56, 57, and 58; and Title 59.1, Chapter 12, Code of Virginia.</p> <p>In lieu of periodic inspections by the Commissioner, Department of Agriculture and Consumer Services, any person whose weights and measures devices, as defined in § 3.2-</p>				

ITEM 96.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>5600, et seq., Code of Virginia, which are used for a commercial purpose may select to provide for the inspection and testing of all such weights and measures to determine the accuracy and correct operation of the equipment or device. The owner shall have all such weights and measures devices tested at least annually by a service agency that is registered pursuant to § 3.2-5703, Code of Virginia. Weights and measures that have been rejected by a service agency shall not be used again commercially until they have been officially reexamined by the rejecting authority or an inspector employed by the Commissioner, and found to be in compliance with Chapter 56, Title 3.2, Code of Virginia. The owner of such weights and measures devices, or third-party agencies on behalf of the owner, shall report to the Commissioner on an annual basis in a manner prescribed by the Commissioner the results of all testing, including (i) the number of inspections completed, (ii) the number of failures in the weights and measures equipment or devices, and (iii) the actions taken to correct any inaccuracies in the equipment or devices.</p>				
97.	Food Safety and Security (55400).....		\$9,183,330	\$9,182,130
	Regulation of Food Establishments and Processors (55401).....			
	\$4,068,906	\$4,068,906		
	Regulation of Meat Products (55402).....			
	\$3,937,211	\$3,936,011		
	Regulation of Milk and Dairy Industry (55403).....			
	\$1,177,213	\$1,177,213		
	Fund Sources: General.....			
	\$5,515,787	\$5,515,187		
	Special.....			
	\$615,990	\$615,990		
	Federal Trust.....			
	\$3,051,553	\$3,050,953		
<p>Authority: Title 3.2, Chapters 51, 52, 53, 54, 55, and 60, Code of Virginia.</p> <p>A. Each establishment under the authority of the Regulation of Meat Products that is requesting overtime or holiday inspection shall pay that part of the actual cost of the inspection services.</p> <p>B. The Commissioner, Department of Agriculture and Consumer Services, is authorized to collect an annual inspection fee, not to exceed \$40, from all establishments that are subject to inspection pursuant to Title 3.2, Chapter 51, Code of Virginia. However, any such establishment that is subject to any permit fee, application fee, inspection fee, risk assessment fee, or similar fee imposed by any locality shall be subject to this annual inspection fee only to the extent that the annual inspection fee and the locally-imposed fee, when combined, do not exceed \$40. This fee structure shall be subject to the approval of the Secretary of Agriculture and Forestry. Any food bank, second harvest certified food bank, food bank member charity, or other food related activity which is exempt from taxation under 26 U.S.C. § 501 (c) (3), which maintains a food handling or storage facility, or any food-related program operated by any Community Services Board, as defined in Title 37.2, Chapter 5, Code of Virginia, shall be exempt from this inspection fee. Also, a producer of fruits and herbs that are dried, without the addition of any other ingredients, and sold only at a local farmers' market shall be exempt from the fee.</p>				
98.	Regulation of Products (55700).....		\$5,692,080	\$5,692,080
	Pesticide Regulation and Applicator Certification (55704).....			
	\$3,605,059	\$3,605,059		
	Regulation of Feed, Seed, and Fertilizer Products (55706).....			
	\$2,087,021	\$2,087,021		
	Fund Sources: General.....			
	\$562,648	\$562,648		
	Dedicated Special Revenue.....			
	\$4,428,659	\$4,428,659		
	Federal Trust.....			
	\$700,773	\$700,773		
<p>Authority: Title 3.2, Chapters 1, 36, 37, 39, 40, 43, 47, 48, and 49; Title 18.2, Chapter 6; and Title 59.1, Chapter 12, Code of Virginia.</p> <p>The Office of Pesticide Services shall publish a report on the activities, educational programs, research, and grants administered through the Pesticide Control Act Fund to the Board of Agriculture and Consumer Services by October 15 of each year.</p>				
99.	Regulation of Charitable Gaming Organizations (55900).....		\$1,382,067	\$1,382,067

ITEM 99.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Charitable Gaming Regulation and Enforcement (55907).....	\$1,382,067	\$1,382,067		
Fund Sources: General.....	\$1,282,067	\$1,282,067		
Dedicated Special Revenue.....	\$100,000	\$100,000		

Authority: Title 2.2, Chapter 24; and Title 18.2, Chapter 8, Code of Virginia.

A. Notwithstanding § 18.2-340.31, Code of Virginia, any and all fees paid by any organization conducting charitable gaming under a permit issued by the department, including audit and administrative fees and permit fees, shall be deposited to the general fund.

B. The department shall deposit into the Investigation Fund any assets it receives as a result of a law enforcement seizure and subsequent forfeiture by either a state or federal court. The fund shall be used to defray the expenses of investigation and enforcement actions and to purchase equipment for enforcement purposes.

C. Included in these amounts is \$100,000 the first year and \$100,000 the second year in nongeneral funds from annual registration fees paid by operators of fantasy contests to support both direct and indirect expenses of the department in the regulation of fantasy contests in Virginia.

100.	Administrative and Support Services (59900).....			\$10,560,048	\$10,566,773
	General Management and Direction (59901).....	\$10,560,048	\$10,566,773		
	Fund Sources: General.....	\$8,945,728	\$8,949,158		
	Special.....	\$1,338,509	\$1,341,804		
	Trust and Agency.....	\$158,734	\$158,734		
	Federal Trust.....	\$117,077	\$117,077		

Authority: Title 3.2, Chapters 1, 5, 6 and 29; Title 10.1, Chapter 5, Code of Virginia.

	Total for Department of Agriculture and Consumer Services.....			\$71,571,042	\$71,338,927
	General Fund Positions.....	333.00	333.00		
	Nongeneral Fund Positions.....	206.00	206.00		
	Position Level.....	539.00	539.00		
	Fund Sources: General.....	\$38,276,487	\$38,041,677		
	Special.....	\$5,776,982	\$5,780,277		
	Trust and Agency.....	\$6,863,290	\$6,863,290		
	Dedicated Special Revenue.....	\$9,619,377	\$9,619,377		
	Federal Trust.....	\$11,034,906	\$11,034,306		

§ 1-34. DEPARTMENT OF FORESTRY (411)

101.	Forest Management (50100).....			\$31,734,533	\$32,466,232
	Reforestation Incentives to Private Forest Land Owners (50102).....	\$3,676,449	\$3,676,449		
	Forest Conservation, Wildfire & Watershed Services (50103).....	\$23,480,801	\$24,212,500		
	Tree Restoration and Improvement, Nurseries & State-Owned Forest Lands (50104).....	\$3,852,283	\$3,852,283		
	Financial Assistance for Forest Land Management (50105).....	\$725,000	\$725,000		
	Fund Sources: General.....	\$17,969,536	\$18,700,323		
	Special.....	\$8,793,225	\$8,794,137		
	Trust and Agency.....	\$106,538	\$106,538		
	Dedicated Special Revenue.....	\$89,535	\$89,535		
	Federal Trust.....	\$4,775,699	\$4,775,699		

Authority: Title 10.1, Chapter 11, and Title 58.1, Chapter 32, Article 4, Code of Virginia.

ITEM 101.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>A. The State Forester is hereby authorized to utilize any unobligated balances in the fire suppression fund authorized by § 10.1-1124, Code of Virginia, for the purpose of acquiring replacement equipment for forestry management and protection operations.</p> <p>B. In the event that budgeted amounts for forest fire suppression are insufficient to meet forest fire suppression demands, such amounts as may be necessary for this purpose may be transferred from Item 476 of this act to the Department of Forestry, with the approval of the Director, Department of Planning and Budget.</p> <p>C. The department shall provide technical assistance and project supervision in the aerial spraying of herbicides on timberland on landowner property. In addition to recovering the direct cost associated with the spraying contract, the department may charge an administrative fee for this service.</p> <p>D. The Department of Forestry, in cooperation with the Department of Corrections, shall increase the use of inmate labor for routine and special work projects in state forests.</p> <p>E. The department shall report by December 15 of each year on the progress of implementing the silvicultural water quality laws in Virginia. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees.</p> <p>F. The appropriation in Reforestation Incentives to Private Forest Land Owners include \$1,833,239 the first year and \$1,833,239 the second year from the general fund for the Reforestation of Timberlands Program. This appropriation matches the anticipated revenue from the forest products severance tax as provided in Section 58.1, Code of Virginia, and meets the provisions of Section 10.1, Code of Virginia.</p> <p>G. Out of this appropriation, \$1,292,956 the first year and \$2,126,126 the second year from the general fund is included for the purchase of forest fire protection equipment through the state's master equipment lease purchase program.</p> <p>H. The department is authorized to enter into agreements with private entities for the active operational life of the tower located at 900 Natural Resources Drive in Albemarle County, Virginia. Notwithstanding any other provision of law, any revenues received from such agreements shall be retained by the department and used for forest land management.</p> <p>I.1. The State Comptroller shall continue the Virginia State Forest Mitigation and Acquisition Fund and the Long Term Mitigation Fund as established in Item 102, Chapter 806, 2013 Acts of Assembly. All moneys in these funds shall be used as provided for in this Item and in Item 102, Chapter 806, 2013 Acts of Assembly, and Item 98, Chapter 665, 2015 Acts of Assembly.</p> <p>2.a. With the exception of the amounts prescribed in paragraph I.2.b. of this item, the Virginia State Forest Mitigation and Acquisition Fund shall be used solely for forest land or conservation easement acquisition.</p> <p>b. The Long Term Mitigation Fund shall be used solely for long term management of the Cumberland State Forest Stream Buffer Preservation Stewardship Plan.</p> <p>3. For any such future mitigation projects, no state forest land shall be used to provide compensatory mitigation for wetland or stream impacts of any public or private project until such time as due consideration has been given to the availability of mitigation credits available from private sources. State forest land means all sites, roadways, game food patches, ponds, lakes, streams, rivers, beaches, and lakes to which the Department of Forestry holds title for use, development, and administration.</p>				
Total for Department of Forestry.....			\$31,734,533	\$32,466,232
General Fund Positions.....	170.59	170.59		
Nongeneral Fund Positions.....	113.41	113.41		
Position Level.....	284.00	284.00		
Fund Sources: General.....	\$17,969,536	\$18,700,323		
Special.....	\$8,793,225	\$8,794,137		
Trust and Agency.....	\$106,538	\$106,538		
Dedicated Special Revenue.....	\$89,535	\$89,535		

ITEM 101.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	Federal Trust.....	\$4,775,699	\$4,775,699		
§ 1-35. AGRICULTURAL COUNCIL (307)					
102.	Agricultural and Seafood Product Promotion and Development Services (53000).....			\$490,334	\$490,334
	Grants for Agriculture, Research, Education and Services (53001).....	\$490,334	\$490,334		
	Fund Sources: Dedicated Special Revenue.....	\$490,334	\$490,334		
	Authority: Title 3.2, Chapter 29, Code of Virginia.				
	Total for Agricultural Council.....			\$490,334	\$490,334
	Fund Sources: Dedicated Special Revenue.....	\$490,334	\$490,334		
§ 1-36. VIRGINIA RACING COMMISSION (405)					
103.	Economic Development Services (53400).....			\$1,500,000	\$1,500,000
	Financial Assistance to the Horse Breeding Industry (53411).....	\$1,500,000	\$1,500,000		
	Fund Sources: Special.....	\$1,500,000	\$1,500,000		
	Authority: Title 59.1, Chapter 29, Code of Virginia.				
104.	Regulation of Horse Racing and Pari-Mutuel Betting (55800).....			\$1,651,791	\$1,651,791
	License and Regulate Horse Racing and Pari-mutuel Wagering (55801).....	\$1,651,791	\$1,651,791		
	Fund Sources: Special.....	\$1,651,791	\$1,651,791		
	Authority: Title 59.1, Chapter 29, Code of Virginia.				
	A. Out of this appropriation, the members of the Virginia Racing Commission shall receive compensation and reimbursement for their reasonable expenses in the performance of their duties, as provided in § 2.2-2104, Code of Virginia.				
	B. Notwithstanding the provisions of § 59.1-392, Code of Virginia, up to \$255,000 the first year and \$255,000 the second year shall be transferred to Virginia Polytechnic Institute and State University to support the Virginia-Maryland Regional College of Veterinary Medicine.				
	C. Any revenues received during the biennium and which are due to the commission pursuant to § 59.1-364 et seq., Code of Virginia, shall be used first to fund the operating expenses of the commission as appropriated in this item. Any change in operating expenses as herein appropriated requires the approval of the Department of Planning and Budget. Any revenues in excess of amounts required for commission operations as appropriated under the provisions of this act and amounts payable to specific entities pursuant to § 59.1-392 and appropriated in paragraphs B and D of this item, shall revert to the general fund.				
	D. Out of these amounts, the obligations set out in § 59.1-392 D. 5., D.6., G.5., G.6., K.3., K.4., K.5., N.3., N.4., and N.5., Code of Virginia, shall be fully funded.				
	E. In the event revenues exceed the appropriated amounts in this item, the Virginia Racing Commission is authorized to seek an administrative appropriation, up to \$700,000, from the Director, Department of Planning and Budget, to develop programs or award grants for the promotion and marketing, sustenance and growth of the Virginia horse industry, including horse breeding.				
	Total for Virginia Racing Commission.....			\$3,151,791	\$3,151,791
	Nongeneral Fund Positions.....	10.00	10.00		
	Position Level.....	10.00	10.00		

ITEM 104.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: Special.....	\$3,151,791	\$3,151,791		
TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY.....			\$107,329,157	\$107,828,840
General Fund Positions.....	506.59	506.59		
Nongeneral Fund Positions.....	329.41	329.41		
Position Level.....	836.00	836.00		
Fund Sources: General.....	\$56,627,480	\$57,123,556		
Special.....	\$17,721,998	\$17,726,205		
Trust and Agency.....	\$6,969,828	\$6,969,828		
Dedicated Special Revenue.....	\$10,199,246	\$10,199,246		
Federal Trust.....	\$15,810,605	\$15,810,005		

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OFFICE OF COMMERCE AND TRADE

§ 1-37. SECRETARY OF COMMERCE AND TRADE (192)

105.	Administrative and Support Services (79900).....		\$803,632	\$853,779
	General Management and Direction (79901).....		\$803,632	\$853,779
	Fund Sources: General.....		\$803,632	\$853,779

Authority: Title 2.2, Chapter 2, Article 3; § 2.2-201, Code of Virginia.

A. It is the intent of the General Assembly that state programs providing financial, technical, or training assistance to local governments for economic development projects or directly to businesses seeking to relocate or expand operations in Virginia should not be used to help a company relocate or expand its operations in one or more Virginia communities when the same company is simultaneously closing facilities in other Virginia communities. It is the responsibility of the Secretary of Commerce and Trade to enforce this policy and to inform the Chairmen of the Senate Finance and House Appropriations Committees in writing of the justification to override this policy for any exception.

B. The Secretary shall develop and implement, as a component of the comprehensive economic development policy requirements as established in § 2.2-205, Code of Virginia, a strategic workforce development plan for the Commonwealth.

C. Out of the appropriation for this item, \$100,000 the first year and \$150,000 the second year from the general fund is provided to support the establishment of the Virginia International Trade Corporation created pursuant to the passage of House Bill 858 of the 2016 General Assembly Session.

D.1. The Secretary of Commerce and Trade shall initiate a management and accounting review of the portfolio of programs within the Department of Small Business and Supplier Diversity and develop a remediation plan to address any deficiencies identified, including the audit findings noted in the Virginia Auditor of Public Accounts' report on the audit of the Virginia Small Business Financing Authority (VSBFA) for the fiscal year ended June 30, 2014. In addition, the review shall examine the purpose and appropriateness of transfers between funds under the management of the Department of Small Business and Supplier Diversity, including those funds managed by the VSBFA.

2. The review shall specifically include a review of the Small Business Job Grant Fund to ensure the program is being administered in a manner consistent with the Code and that the fund is being sufficiently promoted.

3. The Secretary shall report his findings and recommendations to the Governor and Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2016.

	Total for Secretary of Commerce and Trade.....		\$803,632	\$853,779
	General Fund Positions.....	8.00	8.00	
	Position Level.....	8.00	8.00	
	Fund Sources: General.....		\$803,632	\$853,779

Economic Development Incentive Payments (312)

106.	Economic Development Services (53400).....		\$63,984,360	\$54,809,529
	Financial Assistance for Economic Development (53410).....		\$63,984,360	\$54,809,529
	Fund Sources: General.....		\$63,834,360	\$53,859,529
	Dedicated Special Revenue.....		\$150,000	\$950,000

Authority: Discretionary Inclusion.

A.1. Out of the amounts in this Item, \$20,750,000 the first year and \$20,750,000 the

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<p>second year from the general fund shall be deposited to the Commonwealth's Development Opportunity Fund, as established in § 2.2-115, Code of Virginia. Such funds shall be used at the discretion of the Governor, subject to prior consultation with the Chairmen of the House Appropriations and Senate Finance Committees, to attract economic development prospects to locate or expand in Virginia. If the Governor, pursuant to the provisions of § 2.2-115, E.1., Code of Virginia, determines that a project is of regional or statewide interest and elects to waive the requirement for a local matching contribution, such action shall be included in the report on expenditures from the Commonwealth's Development Opportunity Fund required by § 2.2-115, F., Code of Virginia. Such report shall include an explanation on the jobs anticipated to be created, the capital investment made for the project, and why the waiver was provided.</p> <p>2. The Governor may allocate these funds as grants or loans to political subdivisions. Loans shall be approved by the Governor and made in accordance with procedures established by the Virginia Economic Development Partnership and approved by the State Comptroller. Loans shall be interest-free unless otherwise determined by the Governor and shall be repaid to the general fund of the state treasury. The Governor may establish the interest rate to be charged, otherwise, any interest charged shall be at market rates as determined by the State Treasurer and shall be indicative of the duration of the loan. The Virginia Economic Development Partnership shall be responsible for monitoring repayment of such loans and reporting the receivables to the State Comptroller as required.</p> <p>3. Funds may be used for public and private utility extension or capacity development on and off site; road, rail, or other transportation access costs beyond the funding capability of existing programs; site acquisition; grading, drainage, paving, and other activity required to prepare a site for construction; construction or build-out of publicly-owned buildings; grants or loans to an industrial development authority, housing and redevelopment authority, or other political subdivision pursuant to their duties or powers; training; or anything else permitted by law.</p> <p>4. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.</p> <p>5. It is the intent of the General Assembly that the Virginia Economic Development Partnership shall work with localities awarded grants from the Commonwealth's Development Opportunity Fund to recover such moneys when the economic development projects fail to meet minimal agreed-upon capital investment and job creation targets. All such recoveries shall be deposited and credited to the Commonwealth's Development Opportunity Fund.</p> <p>6. Up to \$5,000,000 of previously awarded funds and funds repaid by political subdivisions or business beneficiaries and deposited to the Commonwealth's Development Opportunity Fund may be used to assist Prince George County with site improvements related to the location of a major aerospace engine manufacturer to the Commonwealth.</p> <p>B.1. Out of the appropriation for this Item, \$3,665,060 the first year and \$5,295,060 the second year from the general fund shall be deposited to the Investment Performance Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5101, Code of Virginia.</p> <p>2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.</p> <p>C.1. Out of the appropriation for this Item, \$1,800,000 the first year and \$1,800,000 the second year from the general fund shall be deposited to the Major Eligible Employer Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102, Code of Virginia.</p> <p>2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.</p> <p>D. Out of the appropriation for this Item, \$6,000,000 the first year and \$3,000,000 the second year from the general fund and an amount estimated at \$150,000 the first year and \$150,000</p>				

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the second year from nongeneral funds shall be deposited to the Governor's Motion Picture Opportunity Fund, as established in § 2.2-2320, Code of Virginia. These nongeneral fund revenues shall be deposited to the fund from revenues generated by the digital media fee established pursuant to § 58.1-1731, et seq., Code of Virginia. Such funds shall be used at the discretion of the Governor to attract film industry production activity to the Commonwealth.

E. Out of the appropriation for this Item, \$8,878,000 the first year and \$3,729,000 the second year from the general fund shall be used in support of the location of an aerospace engine facility in Prince George County. The funds may be used for grants in accordance with §§ 59.1-284.20, 59.1-284.21, and 59.1-284.22, Code of Virginia. The Director, Department of Planning and Budget shall transfer these funds to the impacted state agencies upon request to the Director, Department of Planning and Budget by the respective state agency.

F.1. Out of the appropriation for this Item, \$4,200,000 the first year and \$4,400,000 the second year from the general fund shall be deposited to the Virginia Economic Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund to be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of Virginia. In the second year, \$800,000 from the Virginia Economic Development Incentive Grant subfund of the Virginia Investment Partnership Grant Fund is hereby appropriated and shall be used to pay investment performance grants in accordance with § 2.2-5102.1, Code of Virginia.

2. Consideration should be given to economic development projects that 1) are in areas of high unemployment; 2) link commercial development along existing transportation/transit corridors within regions; and 3) are located near existing public infrastructure.

G. Out of the appropriation for this Item, \$7,155,840 the first year from the general fund shall be deposited to the Advanced Shipbuilding Training Facility Fund to be used to pay grants in accordance with § 59.1-284.23, F., Code of Virginia.

H. Out of the appropriation for this Item, \$2,000,000 the first year and \$3,000,000 the second year from the general fund shall be deposited to the Pulp, Paper, and Fertilizer Advanced Manufacturing Performance Grant Program Fund to be used for performance grants in accordance with § 59.1-284.28, Code of Virginia.

I.1. Out of the appropriation for this Item, \$2,500,000 the first year and \$5,000,000 the second year from the general fund shall be provided for the Virginia Biosciences Health Research Corporation (VBHRC), a non-stock corporation research consortium initially comprised of the University of Virginia, Virginia Commonwealth University, Virginia Polytechnic Institute and State University, George Mason University and the Eastern Virginia Medical School. The consortium will contract with private entities, foundations and other governmental sources to capture and perform research in the biosciences, as well as promote the development of bioscience infrastructure tools which can be used to facilitate additional research activities. The Director, Department of Planning and Budget, is authorized to provide these funds to the non-stock corporation research consortium referenced in this paragraph upon request filed with the Director, Department of Planning and Budget by VBHRC.

2. Of the amounts provided in J.1. for the research consortium, up to \$2,500,000 the first year and \$5,000,000 the second year may be used to develop or maintain investments in research infrastructure tools to facilitate bioscience research.

3. The remaining funding shall be used to capture and perform research in the biosciences and must be matched at least dollar-for-dollar by funding provided by such private entities, foundations and other governmental sources. No research will be funded by the consortium unless at least two of the participating institutions, including the five founding institutions and any other institutions choosing to join, are actively and significantly involved in collaborating on the research. No research will be funded by the consortium unless the research topic has been vetted by a scientific advisory board and holds potential for high impact near-term success in generating other sponsored research, creating spin-off companies or otherwise creating new jobs. The consortium will set guidelines to disburse research funds based on advisory board findings. The consortium will have near-

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	term sustainability as a goal, along with corporate-sponsored research gains, new Virginia company start-ups, and job creation milestones.			
	4. Other publicly-supported institutions of higher education in the Commonwealth may choose to join the consortium as participating institutions. Participation in the consortium by the five founding institutions and by other participating institutions choosing to join will require a cash contribution from each institution in each year of participation of at least \$50,000.			
	5. Of these funds, up to \$500,000 the first year and \$500,000 the second year may be used to pay the administrative, promotional and legal costs of establishing and administering the consortium, including the creation of intellectual property protocols, and the publication of research results.			
	6. The Virginia Economic Development Partnership, in consultation with the publicly-supported institutions of higher education in the Commonwealth participating in the consortium, shall provide to the Governor, and the Chairmen of the Senate Finance and House Appropriations committees, by November 1 of each year a written report summarizing the activities of the consortium, including, but not limited to, a summary of how any funds disbursed to the consortium during the previous fiscal year were spent, and the consortium's progress during the fiscal year in expanding upon existing research opportunities and stimulating new research opportunities in the Commonwealth.			
	7. The accounts and records of the consortium shall be made available for review and audit by the Auditor of Public Accounts upon request.			
	8. Up to \$2,500,000 of the funds managed by the Commonwealth Health Research Board (CHRB), created pursuant to § 23-278, Code of Virginia, shall be directed toward collaborative research projects, approved by the boards of the VBHRC and CHRB, to support Virginia's core bioscience strengths, improve human health, and demonstrate commercial viability and a high likelihood of creating new companies and jobs in Virginia.			
	J.1. Out of this appropriation, \$209,859 the first year and \$209,868 the second year from the general fund shall be provided to the Virginia-Israel Advisory Board.			
	2. The Virginia-Israel Advisory Board shall seek prior approval of all travel and related expenditures from the Secretary of Commerce and Trade.			
	3. The Virginia-Israel Advisory Board shall report by January 15 of each year to the Chairmen of the Senate Finance and House Appropriations Committees on the board's activities and expenditure of state funds.			
	K. Out of this appropriation, \$5,669,833 the first year and \$5,669,833 the second year from the general fund shall be available for eligible businesses under the Virginia Jobs Investment Program. Pursuant to § 2.2-1611, Code of Virginia, the appropriation provided for the Virginia Jobs Investment Program for eligible businesses shall be deposited to the Virginia Jobs Investment Program Fund.			
	L. Out of this appropriation \$500,000 the first year and \$500,000 the second year from the general fund is provided for the purpose of attracting new tourism and hospitality projects and expanding existing tourism and hospitality projects in the Commonwealth. Funds shall be disbursed through the Virginia Tourism Authority as grants or loans to political subdivisions or business entities authorized to transact business in the Commonwealth based on criteria as approved by the Governor. The Governor shall transmit his specific criteria for awarding and distributing these funds to the Chairmen of the House Committee on Appropriations and the Senate Finance Committee prior to any expenditure of this appropriation.			
	M. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund may be provided to the Virginia Economic Development Partnership to facilitate additional domestic and international marketing and trade missions approved by the Governor. The Director, Department of Planning and Budget, is authorized to provide these funds to the Virginia Economic Development Partnership upon written approval of the Governor.			

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Total for Economic Development Incentive Payments.....			\$63,984,360	\$54,809,529
Fund Sources: General.....	\$63,834,360	\$53,859,529		
Dedicated Special Revenue.....	\$150,000	\$950,000		
Grand Total for Secretary of Commerce and Trade.			\$64,787,992	\$55,663,308
General Fund Positions.....	8.00	8.00		
Position Level.....	8.00	8.00		
Fund Sources: General.....	\$64,637,992	\$54,713,308		
Dedicated Special Revenue.....	\$150,000	\$950,000		

§ 1-38. BOARD OF ACCOUNTANCY (226)

107.	Regulation of Professions and Occupations (56000).....			\$2,414,828	\$1,917,446
	Accountant Regulation (56001).....	\$2,414,828	\$1,917,446		
	Fund Sources: Dedicated Special Revenue.....	\$2,414,828	\$1,917,446		
	Authority: Title 54.1, Chapter 44, Code of Virginia.				
	Total for Board of Accountancy.....			\$2,414,828	\$1,917,446
	Nongeneral Fund Positions.....	13.00	13.00		
	Position Level.....	13.00	13.00		
	Fund Sources: Dedicated Special Revenue.....	\$2,414,828	\$1,917,446		

§ 1-39. DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT (165)

108.	Housing Assistance Services (45800).....			\$51,215,827	\$51,215,827
	Housing Assistance (45801).....	\$34,733,932	\$34,733,932		
	Homeless Assistance (45804).....	\$12,937,143	\$12,937,143		
	Financial Assistance for Housing Services (45805).	\$3,544,752	\$3,544,752		
	Fund Sources: General.....	\$19,263,285	\$19,263,285		
	Special.....	\$344,537	\$344,537		
	Dedicated Special Revenue.....	\$100,000	\$100,000		
	Federal Trust.....	\$31,508,005	\$31,508,005		

Authority: Title 36, Chapters 1.4, 8, 9, and 11; and Title 58.1, Chapter 3, Articles 4 and 13, Code of Virginia.

A. Out of the amounts in this Item, \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the first year and \$3,482,705 from the general fund, \$100,000 from dedicated special revenue, and \$3,427,000 from federal trust funds the second year shall be provided to support services for persons at risk of or experiencing homelessness and housing for populations with special needs, and \$4,050,000 the first year and \$4,050,000 the second year from the general fund shall be provided for homeless prevention. Of the general fund amount provided, the department is authorized to use up to two percent in each year for program administration. The amounts allocated for services for persons at risk of or experiencing homelessness shall be matched through local or private sources. Any balances for the purposes specified in this paragraph which are unexpended on June 30, 2017, and June 30, 2018, shall not revert to the general fund but shall be carried forward and reappropriated.

B. The department shall report to the Chairmen of the Senate Finance, the House Appropriations Committees, and the Director, Department of Planning and Budget, by November 4 of each year on the state's homeless programs, including, but not limited to, the number of (i) emergency shelter beds, (ii) transitional housing units, (iii) single room occupancy dwellings, (iv) homeless intervention programs, (v) homeless prevention programs, and (vi) the number of homeless individuals supported by the permanent

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<p>housing state funding on a locality and statewide basis and the accomplishments achieved by the additional state funding provided to the program in the first year. The report shall also include the number of Virginians served by these programs, the costs of the programs, and the financial and in-kind support provided by localities and nonprofit groups in these programs. In preparing the report, the department shall consult with localities and community-based groups.</p> <p>C. Out of the amounts in this Item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be provided for rapid re-housing efforts. In keeping with the specific goals of the Balance of State Continuum of Care, \$100,000 of this amount in each year shall be focused on ensuring that no veteran is homeless or in a shelter for more than 30 days. These funds shall be used to supplement other state and federal programs, shall be directed to areas throughout the state where federal funds are not available, and shall be used to serve those veterans ineligible for federal benefits.</p> <p>D. The department shall continue to collaborate with the Department of Veteran Services to ensure coordinated efforts towards reducing homelessness among veterans.</p> <p>E.1. Out of the amounts in this Item, \$5,500,000 the first year and \$5,500,000 the second year from the general fund shall be deposited to the Virginia Housing Trust Fund, established pursuant to § 36-142 et seq., Code of Virginia. Notwithstanding § 36-142, Code of Virginia, when awarding grants through eligible organizations for targeted efforts to reduce homelessness, priority consideration shall be given to efforts to reduce the number of homeless youth and families.</p> <p>2. As part of the plan required by § 36-142 E., Code of Virginia, the department shall also report on the impact of the loans and grants awarded through the fund, including but not limited to: (i) the number of affordable rental housing units repaired or newly constructed, (ii) the number of individuals receiving down payments and/or closing assistance, and (iii) the progress and accomplishments in reducing homelessness achieved by the additional support provided through the fund.</p> <p>F. Out of the amounts in this Item, \$15,800,000 the first year and \$15,800,000 the second year from federal trust funds shall be provided to support Virginia affordable housing programs and the Indoor Plumbing Program.</p> <p>G. Out of the amounts in this Item, \$50,000 the first year and \$50,000 the second year from the general fund and one position shall be provided to support the administrative costs associated with administering the tax credits authorized pursuant to §§ 36-55.63 and 58.1-435, Code of Virginia.</p>				
109.	Community Development Services (53300).....		\$44,737,001	\$68,330,398
	Community Development and Revitalization (53301)	\$17,499,555		
	Financial Assistance for Regional Cooperation (53303).....	\$7,862,251		
	Financial Assistance for Community Development (53305).....	\$19,375,195		
	Fund Sources: General.....	\$21,633,213		
	Special.....	\$212,012		
	Trust and Agency.....	\$150,000		
	Federal Trust.....	\$22,741,776		

Authority: Title 15.2, Chapter 13, Article 3 and Chapter 42; Title 36, Chapters 8, 10 and 11; and Title 59.1, Chapter 22, Code of Virginia.

A. Out of the amounts in this Item, \$351,930 the first year and \$351,930 the second year from the general fund is provided for annual membership dues to the Appalachian Regional Commission. These dues are payable from the amounts for Community Development and Revitalization.

B. The department and local program administrators shall make every reasonable effort to provide participants basic financial counseling to enhance their ability to benefit from the Indoor Plumbing Program and to foster their movement to economic self-sufficiency.

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C. Out of the amounts in this Item shall be paid from the general fund in four equal quarterly installments each year:				
1. To the Lenowisco Planning District Commission, \$75,971 the first year and \$75,971 the second year, which includes \$38,610 the first year and \$38,610 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.				
2. To the Cumberland Plateau Planning District Commission, \$75,971 the first year and \$75,971 the second year, which includes \$42,390 the first year and \$42,390 the second year for responsibilities originally undertaken and continued pursuant to § 15.2-4207, Code of Virginia, and the Virginia Coalfield Economic Development Authority.				
3. To the Mount Rogers Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
4. To the New River Valley Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
5. To the Roanoke Valley-Alleghany Regional Commission, \$75,971 the first year and \$75,971 the second year.				
6. To the Central Shenandoah Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
7. To the Northern Shenandoah Valley Regional Commission, \$75,971 the first year and \$75,971 the second year.				
8. To the Northern Virginia Regional Commission, \$151,943 the first year and \$151,943 the second year.				
9. To the Rappahannock-Rapidan Regional Commission, \$75,971 the first year and \$75,971 the second year.				
10. To the Thomas Jefferson Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
11. To the Region 2000 Local Government Council, \$75,971 the first year and \$75,971 the second year.				
12. To the West Piedmont Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
13. To the Southside Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
14. To the Commonwealth Regional Council, \$75,971 the first year and \$75,971 the second year.				
15. To the Richmond Regional Planning District Commission, \$113,957 the first year and \$113,957 the second year.				
16. To the George Washington Regional Commission, \$75,971 the first year and \$75,971 the second year.				
17. To the Northern Neck Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
18. To the Middle Peninsula Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
19. To the Crater Planning District Commission, \$75,971 the first year and \$75,971 the second year.				
20. To the Accomack-Northampton Planning District Commission, \$75,971 the first year and \$75,971 the second year.				

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21. To the Hampton Roads Planning District Commission \$151,943 the first year, and \$151,943 the second year.				
D. Out of the amounts in this Item, \$968,442 the first year and \$968,442 the second year from the general fund shall be provided for the Southeast Rural Community Assistance Project (formerly known as the Virginia Water Project) operating costs and water and wastewater grants. The department shall disburse the total payment each year in twelve equal monthly installments.				
E. The department shall leverage any appropriation provided for the capital costs for safe drinking water and wastewater treatment in the Lenowisco, Cumberland Plateau, or Mount Rogers planning districts with other state moneys, federal grants or loans, local contributions, and private or nonprofit resources.				
F.1. Out of the amounts in this Item, \$95,000 the first year and \$95,000 the second year from the general fund shall be provided for the Center for Rural Virginia. The department shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the status, needs and accomplishments of the center.				
2. As part of its mission, the Center for Rural Virginia shall monitor the implementation of the budget initiatives approved by the 2005 Session of the General Assembly for rural Virginia and shall report periodically to the Chairmen of the Senate Finance and House Appropriations Committees on the effectiveness of these various programs in addressing rural economic development problems.				
G. Out of the amounts in this Item, \$71,250 the first year and \$71,250 the second year from the general fund shall be provided to support The Crooked Road: Virginia's Heritage Music Trail.				
H. Out of the amounts in this Item, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund to support industrial site revitalization.				
I. Out of the amounts in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the Virginia Main Street Program. This amount shall be in addition to other appropriations for this activity.				
J. Of the general fund amounts provided for Building Entrepreneurial Economies, Building Collaborative Communities, the Virginia Main Street Program, the Indoor Plumbing Rehabilitation Program, and the water and wastewater planning and construction projects in Southwest Virginia, the department is authorized to use up to two percent of the appropriation in each year for program administration.				
K.1. Out of the amounts in this Item, \$875,000 the first year and \$875,000 the second year from the general fund shall be provided for the Southwest Virginia Cultural Heritage Foundation.				
2. The foundation shall report by September 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the expenditures of the foundation and its ongoing efforts to generate revenues sufficient to sustain operations.				
L.1. Out of the amounts in this Item, \$1,250,000 the first year and \$1,250,000 the second year from the general fund is provided for the Virginia Telecommunication Initiative. The funds shall be used for providing financial assistance to supplement construction costs by private sector broadband service providers to extend service to areas that presently are unserved by any broadband provider.				
2. The department shall develop appropriate criteria and guidelines for the use of the funding provided to the Virginia Telecommunication Initiative. Such criteria and guidelines shall facilitate the extension of broadband networks by the private sector and shall focus solely on unserved areas. Areas designated to receive funds for construction through the federal Connect America program or receiving other state or federal funds for construction are not eligible to receive funds through the Virginia Telecommunication Initiative. The Department shall encourage additional assistance from the local governments in areas designated to receive funds to lower the overall cost and further assist in the timely completion of				

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<p>construction, including assistance with permits, rights of way, easement and other issues that may hinder or delay timely construction.</p> <p>3. The Department shall consult with the Broadband Advisory Council to designate the unserved areas to receive funds. The Department shall report annually to the Governor's Broadband Advisory Council on the progress by the private sector on the designated projects.</p> <p>M.1. Out of the amounts in this Item, \$5,500,000 the first year and \$30,000,000 the second year from the general fund shall be deposited to the Virginia Growth and Opportunity Fund to encourage regional cooperation among business, education, and government on strategic economic and workforce development efforts.</p> <p>2. Of the amounts provided in this paragraph, the appropriation shall be distributed as follows: (i) \$5,500,000 the first year and \$3,500,000 the second year shall be allocated to qualifying regions to support organizational and capacity building activities as well as preparing regional gap analyses on existing skill levels in the workforce versus the skills most likely needed over time based on expected employment and organizational changes; (ii) \$12,200,000 the second year shall be allocated to qualifying regions based on each region's share of the state population; and (iii) \$14,300,000 the second year shall be awarded to regional councils on a competitive basis.</p> <p>3. The appropriation for this paragraph is contingent on the passage of House Bill 834 of the 2016 Session. If the bill should fail, the amounts appropriated in this item shall be transferred to Item 475 P. as part of the Revenue Reserve.</p> <p>N. Out of the amounts in this Item, \$500,000 the first year from the general fund is provided to the City of Bristol to support the Birthplace of Country Music Museum.</p> <p>O. Out of the amounts in this Item, \$132,400 the first year from the general fund is provided to the Town of Farmville to support the vice presidential debate to be hosted at Longwood University.</p> <p>P. Out of the amounts appropriated in this item, \$600,000 from the general fund the first year and \$325,797 from the general fund the second year is provided to support efforts to restore the Center for Advanced Engineering and Research and Integrated Systems Test back to operational conditions. The appropriation of these funds is contingent upon the appropriation of federal funds from the United States Department of Energy or other sources that exceed \$3,000,000.</p>				
110.	Economic Development Services (53400).....		\$13,423,354	\$13,423,354
	Financial Assistance for Economic Development (53410).....	\$13,423,354	\$13,423,354	
	Fund Sources: General.....	\$13,423,354	\$13,423,354	
<p>Authority: Title 59.1, Chapters 22 and 49, Code of Virginia.</p> <p>Out of the amounts in this Item, \$13,150,000 the first year and \$13,150,000 the second year from the general fund shall be provided to carry out the provisions of §§ 59.1-547 and 59.1-548, Code of Virginia, related to the Enterprise Zone Grant Act. Notwithstanding the provisions of §§ 59.1-547 and 59.1-548, Code of Virginia, the department is authorized to prorate, with no payment of the unpaid portion of the grant necessary in the next fiscal year, the amount of awards each business receives to match the appropriation for this Item. Should actual grants awarded in each fiscal year be less than the amounts provided in this Item, the excess shall not revert to the general fund but shall be deposited to the Virginia Removal or Rehabilitation of Derelict Structures Fund for revitalization purposes.</p>				
111.	Regulation of Structure Safety (56200).....		\$2,773,534	\$2,773,534
	State Building Code Administration (56202).....	\$2,773,534	\$2,773,534	
	Fund Sources: General.....	\$483,706	\$483,706	
	Special.....	\$1,989,828	\$1,989,828	
	Dedicated Special Revenue.....	\$300,000	\$300,000	

ITEM 111.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	Authority: Title 15.2, Chapter 9; Title 27, Chapters 1, 6, and 9; Title 36, Chapters 4, 4.1, 4.2, 6, and 8; Title 58.1, Chapter 36, Article 5; and Title 63.2, Chapter 17, Code of Virginia.			
112.	Governmental Affairs Services (70100).....		\$339,624	\$339,624
	Intergovernmental Relations (70101).....	\$339,624	\$339,624	
	Fund Sources: General.....	\$339,624	\$339,624	
	Authority: Title 15.2, Subtitle III, Code of Virginia.			
113.	Administrative and Support Services (59900).....		\$3,157,796	\$3,158,965
	General Management and Direction (59901).....	\$3,157,796	\$3,158,965	
	Fund Sources: General.....	\$2,599,641	\$2,600,199	
	Special.....	\$558,155	\$558,766	
	Authority: Title 36, Chapter 8, Code of Virginia.			
	Total for Department of Housing and Community Development.....		\$115,647,136	\$139,241,702
	General Fund Positions.....	60.25	60.25	
	Nongeneral Fund Positions.....	51.75	51.75	
	Position Level.....	112.00	112.00	
	Fund Sources: General.....	\$57,742,823	\$81,336,778	
	Special.....	\$3,104,532	\$3,105,143	
	Trust and Agency.....	\$150,000	\$150,000	
	Dedicated Special Revenue.....	\$400,000	\$400,000	
	Federal Trust.....	\$54,249,781	\$54,249,781	
§ 1-40. DEPARTMENT OF LABOR AND INDUSTRY (181)				
114.	Economic Development Services (53400).....		\$2,002,275	\$2,002,275
	Apprenticeship Program (53409).....	\$2,002,275	\$2,002,275	
	Fund Sources: General.....	\$2,002,275	\$2,002,275	
	Authority: Title 40.1, Chapter 6, Code of Virginia.			
115.	Regulation of Business Practices (55200).....		\$905,119	\$905,119
	Labor Law Services (55206).....	\$905,119	\$905,119	
	Fund Sources: General.....	\$905,119	\$905,119	
	Authority: Title 40.1, Chapters 1, 3, 4, and 5, Code of Virginia.			
116.	Regulation of Individual Safety (55500).....		\$9,997,562	\$9,997,562
	Virginia Occupational Safety and Health Services (55501).....	\$9,997,562	\$9,997,562	
	Fund Sources: General.....	\$3,540,255	\$3,540,255	
	Special.....	\$860,307	\$860,307	
	Federal Trust.....	\$5,597,000	\$5,597,000	
	Authority: Title 40.1, Chapters 1, 3, 3.2, and 3.3; Title 54.1, Chapter 5; Title 59.1, Chapter 30, Code of Virginia.			
	Notwithstanding § 40.1-49.4 D., Code of Virginia, and § 4-2.02 of this act, the Department of Labor and Industry may retain up to \$481,350 in civil penalties assessed pursuant to § 40.1-49.4, Code of Virginia, as the required federal grant match for voluntary protection and voluntary compliance programs.			
117.	Regulation of Structure Safety (56200).....		\$520,702	\$520,702
	Boiler and Pressure Vessel Safety Services (56201)....	\$520,702	\$520,702	
	Fund Sources: General.....	\$520,702	\$520,702	

ITEM 117.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Authority: Title 40.1, Chapter 3.1, Code of Virginia.				
118.	Administrative and Support Services (59900).....		\$3,062,075	\$3,064,252
	General Management and Direction (59901).....	\$3,062,075	\$3,064,252	
	Fund Sources: General.....	\$2,198,402	\$2,199,462	
	Special.....	\$863,673	\$864,790	
Authority: Title 40.1, Chapters 1, 3, 3.1, 3.2, 3.3, 4, 5, and 6; Title 54.1, Chapter 5; Title 59.1, Chapter 30, Code of Virginia.				
	Total for Department of Labor and Industry.....		\$16,487,733	\$16,489,910
	General Fund Positions.....	114.66	114.66	
	Nongeneral Fund Positions.....	76.34	76.34	
	Position Level.....	191.00	191.00	
	Fund Sources: General.....	\$9,166,753	\$9,167,813	
	Special.....	\$1,723,980	\$1,725,097	
	Federal Trust.....	\$5,597,000	\$5,597,000	

§ 1-41. DEPARTMENT OF MINES, MINERALS AND ENERGY (409)

119.	Minerals Management (50600).....		\$29,258,267	\$29,228,627
	Geologic and Mineral Resource Investigations, Mapping, and Utilization (50601).....	\$1,150,509	\$1,116,863	
	Mineral Mining Environmental Protection, Worker Safety and Land Reclamation (50602).....	\$2,794,332	\$2,794,640	
	Gas and Oil Environmental Protection, Worker Safety and Land Reclamation (50603).....	\$1,602,970	\$1,603,141	
	Coal Environmental Protection and Land Reclamation (50604).....	\$18,435,249	\$18,438,525	
	Coal Worker Safety (50605).....	\$5,275,207	\$5,275,458	
	Fund Sources: General.....	\$9,937,329	\$9,938,470	
	Special.....	\$5,877,439	\$5,877,439	
	Trust and Agency.....	\$525,000	\$525,000	
	Dedicated Special Revenue.....	\$173,000	\$173,000	
	Federal Trust.....	\$12,745,499	\$12,714,718	

Authority: Title 45.1, Code of Virginia.

A. Out of this appropriation, \$31,224 the first year and \$31,224 the second year from special funds shall be provided for annual membership dues to the Interstate Mining Compact Commission.

B. Out of this appropriation shall be provided reimbursement for expenses associated with administrative and judicial review when so ordered by a court of competent jurisdiction.

C. Out of this appropriation, \$6,119 the first year and \$6,119 the second year from the general fund shall be provided for annual membership dues to the Interstate Oil and Gas Compact Commission.

D. The application fee for a coal mine license or a renewal or transfer of a license pursuant to § 45.1-161.58, Code of Virginia, shall be in the amount of \$350.

E. The application fee for a mineral mine license or a renewal or transfer of a license pursuant to § 45.1-161.292:31, Code of Virginia, shall be in the amount of \$400, except applications submitted electronically, which shall be accompanied by a fee of \$330. However, the fee for any person engaged in mining sand or gravel on an area of five acres or less shall be required to pay a fee of \$100, except applications submitted electronically, which shall be accompanied by a fee of \$80.

F. The application fee for a new oil or gas well permit pursuant to § 45.1-361.29, Code of

ITEM 119.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Virginia, shall be in the amount of \$600 and the application fee for permit modifications shall be \$300.				
120.	Resource Management Research, Planning, and Coordination (50700).....		\$3,110,922	\$3,111,422
	Energy Conservation and Alternative Energy Supply Programs (50705).....		\$3,110,922	\$3,111,422
	Fund Sources: General.....		\$1,031,243	\$1,031,643
	Special.....		\$95,978	\$95,978
	Federal Trust.....		\$1,983,701	\$1,983,801

Authority: Title 45.1, Chapter 26, Code of Virginia.

A. Out of this appropriation, \$38,362 the first year and \$38,362 the second year from the general fund shall be provided for dues and expenses for the Southern States Energy Board.

B. To defray the costs of implementing the Virginia Energy Management Program, the Department of Mines, Minerals and Energy is authorized to have included in state fuel oil, natural gas, electricity, and similar energy contracts a provision for suppliers to collect from using agencies and remit to the department an administrative surcharge. The surcharge shall reflect the department's actual costs to administer the program. Additionally, the department is authorized, consistent with federal funding rules, to distribute energy-related federal funds as grants or as loans to other state or nonstate agencies for use in financing energy-related projects, and to recover from the recipient an administrative service charge to recover the department's costs of administering such grant or loan programs.

121.	Administrative and Support Services (59900).....		\$3,902,342	\$3,902,827
	General Management and Direction (59901).....		\$3,902,342	\$3,902,827
	Fund Sources: General.....		\$2,234,913	\$2,235,398
	Special.....		\$1,375,729	\$1,375,729
	Dedicated Special Revenue.....		\$291,700	\$291,700

Authority: Title 45.1, Chapter 14.1, Code of Virginia.

Total for Department of Mines, Minerals and Energy. **\$36,271,531** **\$36,242,876**

General Fund Positions.....	161.43	161.43
Nongeneral Fund Positions.....	74.57	74.57
Position Level.....	236.00	236.00
Fund Sources: General.....	\$13,203,485	\$13,205,511
Special.....	\$7,349,146	\$7,349,146
Trust and Agency.....	\$525,000	\$525,000
Dedicated Special Revenue.....	\$464,700	\$464,700
Federal Trust.....	\$14,729,200	\$14,698,519

§ 1-42. DEPARTMENT OF PROFESSIONAL AND OCCUPATIONAL REGULATION (222)

122.	Regulation of Professions and Occupations (56000)...		\$23,393,856	\$23,396,149
	Licensure, Certification, and Registration of Professions and Occupations (56046).....		\$6,776,959	\$6,777,634
	Enforcement of Licensing, Regulating and Certifying Professions and Occupations (56047).....		\$8,216,672	\$8,217,399
	Administrative Services (56048).....		\$8,400,225	\$8,401,116
	Fund Sources: Special.....		\$1,296,267	\$1,296,267
	Dedicated Special Revenue.....		\$21,762,589	\$21,764,882
	Federal Trust.....		\$335,000	\$335,000

Authority: Title 54.1, Chapters 1, 2, 3, 4, 5, 6, 7, 8.1, 9, 11, 14, 15, 17, 18, 20.1, 21, 22, 22.1, 23, 23.1, and 23.2; Title 55, Chapters 4.1, 4.2, 19, 21, 24, 26, 27, 28, and 29; and Title 36, Chapter 5.1, Code of Virginia.

ITEM 122.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Costs for professional and occupational regulation may be met by fees paid by the respective professions and occupations.				
Total for Department of Professional and Occupational Regulation.....			\$23,393,856	\$23,396,149
Nongeneral Fund Positions.....	203.00	203.00		
Position Level.....	203.00	203.00		
Fund Sources: Special.....	\$1,296,267	\$1,296,267		
Dedicated Special Revenue.....	\$21,762,589	\$21,764,882		
Federal Trust.....	\$335,000	\$335,000		

§ 1-43. DEPARTMENT OF SMALL BUSINESS AND SUPPLIER DIVERSITY (350)

123.	Economic Development Services (53400).....			\$7,667,752	\$7,668,059
	Minority Business Enterprise Procurement Reporting and Coordination (53406).....	\$544,350	\$544,350		
	Minority Business Enterprise Outreach (53407).....	\$1,113,982	\$1,114,090		
	Minority Business Enterprise Certification (53414).....	\$430,155	\$430,155		
	Business Information Services (53418).....	\$1,522,619	\$1,522,619		
	Administrative Services (53422).....	\$769,636	\$769,835		
	Financial Services for Economic Development (53423).....	\$3,287,010	\$3,287,010		
	Fund Sources: General.....	\$5,166,421	\$5,166,620		
	Special.....	\$801,201	\$801,201		
	Commonwealth Transportation.....	\$1,535,130	\$1,535,238		
	Trust and Agency.....	\$100,000	\$100,000		
	Dedicated Special Revenue.....	\$65,000	\$65,000		

Authority: Title 2.2, Chapters 16.1 and 22, Code of Virginia.

A. The Department of Small Business and Supplier Diversity, in conjunction with the Department of General Services, the Virginia Employment Commission, and the Virginia Department of Transportation, is authorized to conduct analyses of the availability of minority business enterprises in Virginia and the utilization of such businesses by the Commonwealth of Virginia, localities, or private industry in the acquisition of goods and services. The department also is authorized to receive and accept from the United States government, or any agency thereof, and from any other source, private or public, any and all gifts, grants, allotments, bequests or devises of any nature that would assist the department in conducting such analyses or otherwise strengthen its services to minority business enterprises. The Director, Department of Planning and Budget, is authorized to establish a nongeneral fund appropriation for the purposes of expending revenues that may be received for this effort.

B.1. Out of the amounts in this Item, \$629,981 the first year and \$629,981 the second year from the general fund shall be deposited to the Small Business Jobs Grant Fund pursuant to § 2.2-1615, Code of Virginia.

2. By April 1 of each year, the department shall report to the Governor and the Secretary of Commerce and Trade the expenditures of the Small Business Jobs Grant Fund and anticipated needs for small business development in order to monitor the effective use of these funds.

C. Out of the amounts in this Item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited to the Small Business Investment Grant Fund pursuant to § 2.2-1616, Code of Virginia. The department shall aggressively market the program and shall report to the Governor and the Secretary of Commerce and Trade on the status of the program by November 1 of each year.

D. Out of the amounts in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided to support the Business One-Stop Program.

ITEM 123.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>E.1. Out of the amounts in this Item, \$163,690 from the general fund and \$966,201 from nongeneral funds the first year and \$163,690 from the general fund and \$966,201 from nongeneral funds the second year shall be provided for the Virginia Small Business Financing Authority. The general fund amount shall be used to support operating expenses of the authority.</p> <p>2. To meet changing financing needs of small businesses, the Executive Director, Virginia Small Business Financing Authority, with the approval of the Director, Department of Small Business and Supplier Diversity, may transfer moneys between funds managed by the authority. These include the Virginia Small Business Growth Fund (§ 2.2-2310, Code of Virginia); the Virginia Export Fund (§ 2.2-2309, Code of Virginia); and the Insurance or Guarantee Fund (§ 2.2-2290, Code of Virginia). The Executive Director, Virginia Small Business Financing Authority, shall report, by fund, the transfers made by January 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees.</p> <p>3. The Virginia Small Business Financing Authority is authorized to insure additional loans for eligible small businesses, pursuant to § 2.2-2290, Code of Virginia, up to an aggregate amount not to exceed four times the principal amount in the Insurance or Guarantee Fund, or up to an aggregate amount of \$15,000,000. In the event that the authority is called upon to pay on guaranties of loans of more than 10 percent of the aggregate amount of all outstanding insured loans, the authority shall not insure any further loans and shall immediately notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees. Pursuant to § 4-1.03 of this act, the Director, Department of Planning and Budget, is authorized to transfer a sum sufficient to the Insurance or Guarantee Fund in the event the amount in the fund falls below the amount needed to honor any guarantee.</p> <p>4. For the I-95 HOV/HOT Lanes project as evidenced by the Comprehensive Agreement approved pursuant to the Public-Private Transportation Act of 1995, the maximum fee and/or premium charged by the Virginia Small Business Financing Authority pursuant to §§ 2.2-2285 and 2.2-2291, Code of Virginia, for acting as the conduit issuer for any bond financing is not to exceed \$25,000 per annum.</p> <p>F. The Department of Small Business and Supplier Diversity shall include employment services organizations within the development and operation of any state procurement program or program goal and targets for small, women-owned, and minority-owned businesses consistent with requirements in the Code of Virginia requiring the Department to certify employment service organizations.</p>				
Total for Department of Small Business and Supplier Diversity.....			\$7,667,752	\$7,668,059
General Fund Positions.....		34.00	34.00	
Nongeneral Fund Positions.....		28.00	28.00	
Position Level.....		62.00	62.00	
Fund Sources: General.....		\$5,166,421	\$5,166,620	
Special.....		\$801,201	\$801,201	
Commonwealth Transportation.....		\$1,535,130	\$1,535,238	
Trust and Agency.....		\$100,000	\$100,000	
Dedicated Special Revenue.....		\$65,000	\$65,000	

§ 1-44. FORT MONROE AUTHORITY (360)

124.	Economic Development Services (53400).....			\$5,298,368	\$5,298,372
	Administrative Services (53422).....	\$5,298,368	\$5,298,372		
	Fund Sources: General.....	\$5,298,368	\$5,298,372		

Authority: Title 2.2, Chapter 22, Code of Virginia.

A.1. Out of the amounts in this Item, \$5,298,368 the first year and \$5,298,372 the second year from the general fund shall be provided for the Commonwealth's share of the estimated operating expenses of the Fort Monroe Authority (FMA). This appropriation represents the Commonwealth's share of the FMA's estimated operating expenses. These expenses may not

ITEM 124.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>be reimbursed by the federal government and shall be reduced by any federal funding the authority may receive for expenditures funded through the Commonwealth's contribution that ultimately qualify for federal reimbursement. Any such reimbursements shall be repaid to the general fund. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments.</p> <p>2. All moneys of the FMA, from whatever source derived, shall be paid to the treasurer of the FMA. The Auditor of Public Accounts or his legally authorized representatives shall annually examine the accounts of the books of the FMA.</p> <p>3. Employees of the FMA shall be eligible for membership in the Virginia Retirement System and participation in all of the health and related insurance and other benefits, including premium conversion and flexible benefits, available to state employees as provided by law.</p> <p>4. Pursuant to § 2.2-2338, Code of Virginia, the Board of Trustees of the FMA shall be deemed a state public body and may meet by electronic communication means in accordance with the requirements set forth in § 2.2-3708, Code of Virginia. Electronic communication shall mean the same as that term is defined in § 2.2-3701, Code of Virginia.</p> <p>5. Notwithstanding any other provision of law or agreement, the amount paid from all sources of funds by the FMA to the City of Hampton pursuant to § 2.2-2342, Code of Virginia, shall not exceed \$983,960 in FY 2017 and \$983,960 in FY 2018. Beginning July 1, 2016, the FMA shall not pay any such amount to the City of Hampton until the City has recorded among the land records in the Office of the Circuit Court Clerk of the City of Hampton an instrument removing any liens or claims of liens on the real property of the Commonwealth at Fort Monroe. Such instrument shall state that the City acknowledges that in the event of conflict between any fees in lieu of taxes provided for under § 2.2-2342 of the Code of Virginia and the Appropriations Act, the Appropriations Act shall prevail. Such instrument shall further state that the FMA has paid all amounts set by the Appropriations Act for fiscal year 2014, fiscal year 2015 and fiscal year 2016 and that the City does not assert nor will it assert in the future any liens of any kind on the real property of the Commonwealth at Fort Monroe. Such instrument shall be in a form acceptable to, and have the written approval of the Attorney General of the Commonwealth in advance of recordation.</p>				
Total for Fort Monroe Authority.....			\$5,298,368	\$5,298,372
Fund Sources: General.....		\$5,298,368	\$5,298,372	

§ 1-45. VIRGINIA ECONOMIC DEVELOPMENT PARTNERSHIP (310)

125.	Economic Development Services (53400).....		\$26,851,544	\$27,351,546
	Economic Development Services (53412).....	\$26,851,544	\$27,351,546	
	Fund Sources: General.....	\$26,851,544	\$27,351,546	

Authority: Title 2.2, Chapter 22, Article 4 and Chapter 51; and § 15.2-941, Code of Virginia.

A. Upon authorization of the Governor, the Virginia Economic Development Partnership may transfer funds appropriated to it by this act to a nonstock corporation.

B. Prior to July 1 of each fiscal year, the Virginia Economic Development Partnership shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a report of its operating plan. Prior to September 1 of each fiscal year, the Partnership shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a detailed expenditure report and a listing of the salaries and bonuses for all partnership employees for the prior fiscal year. All three reports shall be prepared in the formats as previously approved by the Department of Planning and Budget.

C. In developing the criteria for any pay for performance plan, the board shall include, but

ITEM 125.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

not be limited to, these variables: 1) the number of economic development prospects committed to move to or expand operations in Virginia; 2) dollar investment made in Virginia for land acquisition, construction, buildings, and equipment; 3) number of full-time jobs directly related to an economic development project; and 4) location of the project. To that end, the pay for performance plan shall be weighted to recognize and reward employees who successfully recruit new economic development prospects or cause existing prospects to expand operations in localities with fiscal stress greater than the statewide average. Fiscal Stress shall be based on the Index published by the Commission on Local Government. If a prospect is physically located in more than one contiguous locality, the highest Fiscal Stress Index of the participating localities will be used.

D.1. The Virginia Economic Development Partnership shall report before the General Assembly convenes in January of each year on the status of the implementation of the state's comprehensive economic development strategy, and shall recommend legislative actions related to the implementation of the comprehensive economic development strategy. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, and shall include the number of site visits made by employees of the Virginia Economic Development Partnership with potential economic development prospects.

2. The Virginia Economic Development Partnership shall identify and target industries suited for location in the southside and southwest regions of the state.

E. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments. The Director, Department of Planning and Budget may authorize an increase in disbursements for any month, not to exceed the total appropriation for the fiscal year, if such an advance is necessary to meet payment obligations.

F. The Virginia Economic Development Partnership shall provide administrative and support services for the Virginia Tourism Authority as prescribed in the Memorandum of Agreement until July 1, 2018, or until the authority is able to provide such services.

G. The Virginia Economic Development Partnership shall report one month after the close of each quarter to the Chairmen of the Senate Finance and House Appropriations Committees on the Commonwealth's Development Opportunity Fund. The report shall include, but not be limited to, total appropriations made or transferred to the fund, total grants awarded, cash balances, and balances available for future commitments.

H. Prior to purchasing airline and hotel accommodations related to overseas trade shows, the Virginia Economic Development Partnership shall provide an itemized list of projected costs for review by the Secretary of Commerce and Trade.

I. The amounts for Economic Development Services include \$500,000 the first year and \$500,000 the second year from the general fund to market distressed areas of the Commonwealth.

J. Out of the amounts for Economic Development Services shall be provided \$215,000 the first year and \$215,000 the second year from the general fund to assist small manufacturers with the export of advanced manufacturing products.

K. Out of the amounts for economic development services shall be provided \$500,000 the first year and \$500,000 the second year from the general fund for an expanded international and domestic marketing campaign to market Virginia to attract additional businesses to the Commonwealth.

L. The Virginia Economic Development Partnership shall investigate additional ways in which it might encourage the export of products and services from the Commonwealth to international markets, including researching potential methods through which to support broader availability of bridge loans and shipment insurance for Virginia exporters.

M. Out of this appropriation, \$1,097,957 the first year and \$1,097,957 the second year from the general fund is provided for administration and operating expenses of the Virginia Jobs Investment Program.

N.1. Out of the amounts for Economic Development Services shall be provided \$2,250,000 in the first year and \$2,250,000 in the second year from the general fund to be deposited in the

ITEM 125.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Virginia Brownfields Restoration and Economic Redevelopment Assistance Fund established pursuant to § 10.1-1237, Code of Virginia.				
2. Before July 1, 2016, the Virginia Economic Development Partnership, in consultation with the Department of Environmental Quality, shall develop updated guidelines governing the use of the Fund and providing for grants of up to \$500,000 for site remediation. The guidelines shall include a requirement that sites with potential for redevelopment and economic benefits to the surrounding community be prioritized for consideration of such grants.				
O. The Virginia Economic Development Partnership shall transfer to the Department of Environmental Quality up to \$250,000 of the amounts appropriated in this item to conduct research and for other appropriate costs associated with the development of a long-term offsetting methods within the Virginia Nutrient Credit Exchange. The Virginia Economic Development Partnership shall work in conjunction with the Department of Environmental Quality to develop the long-term offsetting methods.				
P. Out of the general fund appropriation in this item, the Virginia Economic Development Partnership shall provide \$1,000,000 the first year and \$1,000,000 the second year to the Commonwealth Center for Advanced Manufacturing for rent and operating support.				
Q. Out of the amounts in this item, \$5,160,700 the first year and \$5,160,700 the second year from the general fund shall be provided to strengthen and promote economic development initiatives. The funding shall be allocated on an annual basis as follows: \$466,000 to expand and rebrand the Virginia Jobs Investment Program, \$1,000,000 to support the Virginia International Trade Alliance, \$2,000,000 to match federal grants for the Going Global Defense Initiative, Virginia International Trade Alliance, and the State Trade Export Promotion (STEP) grant program, \$650,000 to Support Virginia exporters, \$250,000 to implement the recommendations of the Virginia Sustained Growth Study and \$794,700 to support US and international business attraction.				
Total for Virginia Economic Development Partnership.....			\$26,851,544	\$27,351,546
Fund Sources: General.....			\$26,851,544	\$27,351,546

§ 1-46. VIRGINIA EMPLOYMENT COMMISSION (182)

126.	Workforce Systems Services (47000).....			\$608,548,028	\$608,548,028
	Job Placement Services (47001).....	\$29,889,191	\$29,889,191		
	Unemployment Insurance Services (47002).....	\$577,799,063	\$577,799,063		
	Workforce Development Services (47003).....	\$859,774	\$859,774		
	Fund Sources: Special.....	\$5,847,388	\$5,847,388		
	Trust and Agency.....	\$602,700,640	\$602,700,640		

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

A. Revenues deposited into the Special Unemployment Compensation Administration Fund shall be used for the purposes set out in the following order of priority: 1) to make payment of any interest owed on loans from the U.S. Treasury for payment of unemployment compensation benefits; 2) to support essential services of the Commission, particularly in the event of reductions in federal funding; 3) to finance the cost of capital projects; and 4) to fund the discretionary fund established in § 60.2-315, Code of Virginia. Funding may be transferred from the capital budget to the operating budget consistent with this language.

B. Reed Act funds distributed by the Balanced Budget Act of 1997 and credited to the unemployment trust fund with respect to federal fiscal years 2000, 2001, and 2002, under § 1103 of the Social Security Act (42 U.S.C.), as amended, shall be used only for the administration of the unemployment compensation program, under the direction of the Virginia Employment Commission and shall not be subject to the requirements of § 60.2-305, Code of Virginia.

C. There is hereby appropriated out of the funds made available to this state under § 1103

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<p>of the Social Security Act (42 U.S.C.) as amended, the balance of the \$51,067,866 of Reed Act funds, if any, provided in Item 120 E. of Chapter 847, 2007 Acts of Assembly, for upgrading obsolete information technology systems, to include staff costs. This appropriation is subject to the provisions of § 60.2-305, Code of Virginia. Savings as a result of the new systems shall be retained by the commission.</p>				
<p>D. Notwithstanding any other provision of law, all fees incurred by the Virginia Employment Commission with respect to the collection of debts authorized to be collected under § 2.2-4806 of the Code of Virginia, using the Treasury Offset Program of the United States, shall become part of the debt owed the Commission and may be recovered accordingly.</p>				
127.	Economic Development Services (53400).....		\$3,087,549	\$3,087,549
	Economic Information Services (53402).....	\$3,087,549	\$3,087,549	
	Fund Sources: Special.....	\$562,573	\$562,573	
	Trust and Agency.....	\$2,524,976	\$2,524,976	

Authority: Title 60.2, Chapters 1 through 6, Code of Virginia.

128.	<p>For payment to the Secretary of the Treasury of the United States to the credit of the federal unemployment trust fund established by the Social Security Act, to be held for the state upon the terms and conditions provided in the said Social Security Act, there is hereby appropriated the amount remaining in the clearing account of the Unemployment Compensation Fund created by § 60.2-301, Code of Virginia, after deducting the refunds payable therefrom pursuant to § 60.2-301, Code of Virginia, a sum sufficient.</p>			
	Total for Virginia Employment Commission.....		\$611,635,577	\$611,635,577
	Nongeneral Fund Positions.....	865.00	865.00	
	Position Level.....	865.00	865.00	
	Fund Sources: Special.....	\$6,409,961	\$6,409,961	
	Trust and Agency.....	\$605,225,616	\$605,225,616	

§ 1-47. VIRGINIA TOURISM AUTHORITY (320)

129.	Tourist Promotion (53600).....		\$21,746,335	\$21,046,337
	Tourist Promotion Services (53607).....	\$21,746,335	\$21,046,337	
	Fund Sources: General.....	\$21,746,335	\$21,046,337	

Authority: Title 2.2, Chapter 22, Article 8, Code of Virginia.

A.1. The Department of Transportation shall pay to the Virginia Tourism Authority \$1,200,000 each year for continued operation of the Welcome Centers. The Department of Transportation shall fund maintenance at each facility based on the agreed-upon service levels contained in the Memorandum of Agreement between the Virginia Tourism Authority and the Department of Transportation. Included in the amounts in this paragraph is \$100,000 each year for maintenance of the Danville Welcome Center.

2. To the extent necessary to fund the operations of the Welcome Centers, the Virginia Tourism Authority is authorized to collect fees paid by businesses for display space at the Welcome Centers.

B. Upon authorization of the Governor, the Virginia Tourism Authority may transfer funds appropriated to it by this act to a nonstock corporation.

C. Prior to July 1 of each fiscal year, the Virginia Tourism Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a report of its operating plan. Prior to September 1 of each fiscal year, the authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget a detailed expenditure report and a listing of the salaries and bonuses for all authority employees for the prior fiscal year. All three reports shall be prepared in the formats as previously approved by the Department of Planning and Budget.

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D. The State Comptroller shall disburse the first and second year appropriations in twelve equal monthly installments. The Director, Department of Planning and Budget may authorize an increase in disbursements for any month, not to exceed the total appropriation for the fiscal year, if such an advance is necessary to meet payment obligations.

E. Out of the amounts for Tourist Promotion shall be provided \$1,700,000 the first year and \$1,700,000 the second year from the general fund to promote the Virginia tourism industries. These funds shall be used, among other purposes, to initiate strategies to expand growth tourism industries such as Virginia history tours, wine and epicurean tours and other packaged travel itineraries.

F.1 Out of the amounts for Tourist Promotion shall be provided \$2,500,000 the first year and \$2,250,000 the second year from the general fund for grants to regional and local tourism authorities and other tourism entities to support their efforts. From the grants provided from the amounts included in this paragraph, priority consideration shall be given to funding for the Coalfield Regional Tourism Authority, the Daniel Boone Visitor Center, and \$50,000 the first year and \$50,000 the second year for events sponsored by Special Olympics Virginia, \$500,000 the first year and \$250,000 the second year for the City of Portsmouth for a regional tourism entity, and \$300,000 the first year and \$300,000 the second year to the Southwest Virginia Regional Recreation Authority for the Spearhead Trails initiative.

2. Prior to payment of any grants provided from the amounts included in paragraph F.1 above to the City of Portsmouth for the benefit of a regional tourism entity, and no later than November 1, 2016, the City of Portsmouth shall provide to the Chairmen of the House Appropriations and Senate Finance Committees a report detailing the financial condition of the regional tourism entity and a plan for achieving its long-term financial sustainability. The report shall include the following for the three most recent fiscal years: (i) a statement of financial position summarizing the assets, liabilities and net assets of the organization; (ii) a statement of activity showing total attendance, income and expenses; and (iii) a statement of cash flow.

G. The Virginia Tourism Authority shall place a high priority on marketing rural areas of the state.

H. Out of the amounts for Tourist Promotion, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to expand electronic marketing of Virginia tourism and conduct major media events with travel industry partners and maintain Welcome Center operations.

I. Out of the amounts provided for Tourist Promotion shall be provided \$3,100,000 in the first year and \$3,100,000 in the second year from the general fund to supplement appropriations to promote Virginia's tourism industries through an enhanced advertising campaign. Of these amounts, at least \$1,000,000 the first year and \$1,000,000 the second year shall be used to support a cooperative advertising program to partner with private sector tourism businesses and regional tourism entities to advertise Virginia as a tourism destination. The state dollars shall be used to incentivize private and regional tourism marketing funds on a \$1.00 for \$1.00 basis whereby the Virginia Tourism Corporation shall enter into agreements to undertake joint advertising purchases to promote Virginia and specific facilities with private sector and regional partners.

J. Out of the amounts provided for Tourist Promotion shall be provided \$330,012 the first year and \$330,012 the second year from the general fund to promote and advertise tourism in Virginia through a competitively awarded public-private partnership program, matched on at least a three to one basis by each recipient. These amounts include \$130,012 in the first year and \$130,012 in the second year for "See Virginia First," a partnership operated by the Virginia Association of Broadcasters to advertise Virginia Tourism, provided the Association contributes a total of at least \$390,036 in television and radio advertising value to promote tourism in Virginia in the first year and \$390,036 in the second year. Also included in these amounts is \$100,000 the first year and \$100,000 the second year to promote Virginia Parks, and \$100,000 the first year and \$100,000 the second year to promote Virginia's wineries.

K. Of the amounts provided for Tourism Promotion shall be provided \$497,544 the first

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year and \$497,544 the second year from the general fund to purchase media in the Washington, D.C., Virginia, and Baltimore, Maryland markets through the "See Virginia First," a partnership operated by the Virginia Association of Broadcasters, in association with its affiliates in other states in the region, provided that the Association can obtain contributions of at least \$1,492,632 in television, radio and station-related internet advertising value to promote tourism in Virginia.				
L. Out of the amounts for Tourist Promotion shall be provided \$450,000 the first year from the general fund to promote and market tourism between the Commonwealth and China in accordance with a signed agreement entered into with the Virginia Tourism Corporation.				
Total for Virginia Tourism Authority.....			\$21,746,335	\$21,046,337
Fund Sources: General.....	\$21,746,335	\$21,046,337		
TOTAL FOR OFFICE OF COMMERCE AND TRADE.....			\$932,202,652	\$945,951,282
General Fund Positions.....	378.34	378.34		
Nongeneral Fund Positions.....	1,311.66	1,311.66		
Position Level.....	1,690.00	1,690.00		
Fund Sources: General.....	\$203,813,721	\$217,286,285		
Special.....	\$20,685,087	\$20,686,815		
Commonwealth Transportation.....	\$1,535,130	\$1,535,238		
Trust and Agency.....	\$606,000,616	\$606,000,616		
Dedicated Special Revenue.....	\$25,257,117	\$25,562,028		
Federal Trust.....	\$74,910,981	\$74,880,300		

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OFFICE OF EDUCATION

§ 1-48. SECRETARY OF EDUCATION (185)

130.	Administrative and Support Services (79900).....			\$674,735	\$674,794
	General Management and Direction (79901).....	\$674,735	\$674,794		
	Fund Sources: General.....	\$674,735	\$674,794		

Authority: Title 2.2, Chapter 2, § 2.2-208 Code of Virginia.

A. The Secretary of Education is hereby authorized to make allocations to qualified zone academies of the portion of the national zone academy bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to Section 1397E of the Internal Revenue Code of 1986, as amended, and to provide for carryovers of any unused limitation amount. In making such allocations, the Secretary of Education is directed to give priority to allocation requests for qualified zone academies having at least 35 percent free lunch participation or either located in federal enterprise communities or located in cities and counties within which federal enterprise communities are located.

B. The Secretary of Education is hereby authorized to make allocations of the portion of the tax-exempt private activity bond limitation amount to be allocated annually to the Commonwealth of Virginia pursuant to the Economic Growth and Tax Relief Reconciliation Act of 2001 (PL 107-16)(Section 142(k)(5) of the Internal Revenue Code of 1986, as amended) for the development of education facilities using public-private partnerships, and to provide for carryovers of any unused limitation amount. In making such allocations, the Secretary is directed to give priority to public-private partnership proposals that will serve as demonstration projects concerning the leveraging of private sector contributions and resources, the achievement of economies or efficiencies associated with private sector innovation, and other benefits that are or may be derived from public-private partnerships in contrast to more traditional approaches to public school construction and renovation. The Secretary is directed to report annually not later than August 31 to the Chairmen of the Senate Finance and House Appropriations Committees regarding any guidelines implemented and any allocations made pursuant to this paragraph.

C. For the funds identified for reallocation in each of the higher education institutions' educational and general programs, each respective institution shall report the amounts and the specific purposes for which they were used in its six-year academic plans finalized in the fall of 2016 and the fall of 2017.

D. The Secretary of Education, in consultation with the Secretary of Finance, shall develop certain approaches for incentives for joint contracting by a school division with an adjacent school division. Such approaches shall consider all of the educational services available to the school divisions subject to the joint contract and shall only apply to circumstances where at least one of the school divisions is equal to or fewer than 4,000 students. A report on the approaches considered by the Secretaries shall be submitted to the Chairmen of Senate Finance and House Appropriations by October 15, 2016.

	Total for Secretary of Education.....			\$674,735	\$674,794
	General Fund Positions.....	5.00	5.00		
	Position Level.....	5.00	5.00		
	Fund Sources: General.....	\$674,735	\$674,794		

§ 1-49. DEPARTMENT OF EDUCATION, CENTRAL OFFICE OPERATIONS (201)

131.	Instructional Services (18100).....			\$22,273,413	\$22,273,579
	Public Education Instructional Services (18101).....	\$11,643,503	\$11,643,562		
	Program Administration and Assistance for Instructional Services (18102).....	\$8,957,867	\$8,957,961		
	Adult Education and Literacy (18104).....	\$1,672,043	\$1,672,056		

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Fund Sources: General.....	\$8,417,030	\$8,417,030		
Special.....	\$300,000	\$300,000		
Commonwealth Transportation.....	\$263,327	\$263,327		
Trust and Agency.....	\$5,000	\$5,000		
Federal Trust.....	\$13,288,056	\$13,288,222		

Authority: Public Education Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L.108-447, P.L. 102-305, Federal Code.

Program Administration and Assistance for Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, P.L. 102-305, Federal Code.

Compliance and Monitoring of Instructional Services: Title 22.1, Chapter 13, Code of Virginia; P.L. 107-110, P.L. 105-332, P.L. 108-447, Federal Code.

Adult Education and Literacy: §§ 2.2-2472, 22.1-223-226, 22.1-253.13:1, 22.1-254.2, Code of Virginia; P.L. 105-220, Federal Code.

A. The Superintendent of Public Instruction is encouraged to implement school/community team training.

B. The Superintendent of Public Instruction shall provide direction and technical assistance to local school divisions in the revision of their Vocational Education curriculum and instructional practices.

C. The Superintendent of Public Instruction, in cooperation with the Commissioner of Social Services, shall encourage local departments of social services and local school divisions to work together to develop cooperative arrangements for the use of school resources, especially computer labs, for the purpose of training Temporary Assistance for Needy Families (TANF) recipients for the workforce.

D. Notwithstanding § 4-1.04 a 3 of this act, the Superintendent of Public Instruction may apply for grant funding to be used by local school divisions consistent with the provisions of Chapter 447, 1999 Acts of Assembly. The nongeneral fund appropriation for this agency shall be adjusted by the amount of the proceeds of any such grant awards.

E. 1. Out of the appropriations in this item, \$1,500,000 the first year and \$1,500,000 the second year from the general fund is provided to support students and teachers pursuing information technology industry certifications. The funding shall be used to provide outreach, training, instructional resources, industry recognized certification opportunities for teachers and students enrolled in Virginia public high schools and regional career and technical education programs, and information technology curriculum resources for use by students' parents.

2. The funds provided in this initiative shall be used to support the following priority objectives: a) increase the percentage of students enrolled in career and technical education courses who receive instruction in information technology leading to an increased number of students achieving industry recognized certifications in information technology; b) increase the number of high schools and regional career and technical education programs that receive the training and technical support to be ready to implement information technology curricula leading to increased statewide implementation and use; c) increase the number of teachers teaching targeted career and technical education courses and other high school teachers who receive training in information technology and in industry recognized certifications leading to an increased number of teachers achieving industry recognized certifications in information technology; and, d) support implementation of information technology curricula in school divisions in Southside and Southwest Virginia so that implementation in those regions is at least comparable to implementation in other regions of Virginia.

F. Out of the appropriation in this Item, \$713,000 the first year and \$713,000 the second year from the general fund is provided for the Department of Education to continue a professional development program intended to increase the capacity of principals as school leaders in under-performing schools.

G. Out of the appropriation in this Item, \$366,000 the first year and \$366,000 the second year from the general fund is provided to the Department of Education to assist local school

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divisions, as needed, to establish criteria for the professional development of teachers and principals on the subject of issues related to high-needs students.

H. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is provided through the Department of Education to the University of Virginia to continue statewide implementation of the Virginia Kindergarten Readiness Program.

132.	Special Education and Student Services (18200).....			\$13,825,424	\$13,725,513
	Special Education Instructional Services (18201).....	\$9,028,627	\$8,928,684		
	Special Education Administration and Assistance Services (18202).....	\$793,459	\$793,459		
	Special Education Compliance and Monitoring Services (18203).....	\$2,101,237	\$2,101,269		
	Student Assistance and Guidance Services (18204).	\$1,902,101	\$1,902,101		
	Fund Sources: General.....	\$575,598	\$475,598		
	Special.....	\$120,000	\$120,000		
	Federal Trust.....	\$13,129,826	\$13,129,915		

Authority: Special Education Instructional Services: §§ 22.1-213 through 22.1-221, 22.1-253.13:1 through 22.1-253.13:8, 22.1-319 through 22.1-332, Code of Virginia; P.L. 108-446, Federal Code.

Special Education Administration and Assistance Services: §§ 22.1-253.13:1 through 22.1-253.13:8, Code of Virginia; P.L. 108-446, Federal Code.

Special Education Compliance and Monitoring Services: §§ 22.1-213 through 22.1-221, 22.1-253.13:1 through 22.1-253.13:8, 22.1-319 through 22.1-332, Code of Virginia; P.L. 108-446, Federal Code.

Student Assistance and Guidance Services: Title 22.1, Chapters 1, 13, 14, 16; §§ 22.1-16.2, 22.1-17.1, 22.1-17.2, 22.1-199.4, 22.1-206, 22.1-207.1, 22.1-208.01, 22.1-209.2, Code of Virginia; P.L. 107-110 and P.L. 108-446, Federal Code.

A. The Department of Education, in collaboration with the Office of Children's Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the special education services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local school divisions. In addition, the Department of Education shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B. The Board of Education shall consider the caseload standards for speech-language pathologists as part of its review of the Standards of Quality, pursuant to § 22.1-18.01, Code of Virginia.

C. The Board of Education shall consider the inclusion of instructional positions needed for blind and visually impaired students enrolled in public schools and shall consider developing a caseload requirement for these instructional positions as part of its review of the Standards of Quality, pursuant to § 22.1-18.01, Code of Virginia.

D. Out of this appropriation, \$197,416 the first year and \$197,416 the second year from the general fund is provided to the Department of Education to provide training, technical assistance, and on-site coaching to public school teachers and administrators on implementation of a positive behavioral interventions and supports program with the goal of improving school climate and reducing disruptive behavior in the classroom. Such training and other assistance may be provided as part of the Department's ongoing efforts to assist schools with implementation of a tiered system of supports that addresses both academic and behavioral needs.

E. The Department shall convene an interagency workgroup to assess the barriers to serving students with disabilities in their local public schools. The workgroup shall assess

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<p>existing policies and funding formulas including school divisions' program requirements, localities' composite indices, local Children's Services Act (CSA) match rate allocations, local CSA rate setting practices, the impact of caps on support positions, policies for transitioning students back to the public school, and funding for local educational programming based on models which are collaborative and create savings for both local and state government while providing youth an educational option within their communities. Membership shall include a balance of local and state representatives, all impacted state agencies, Local Education Agency (LEA) representatives, local CSA representatives, local government officials, local special education administrators, stakeholder organizations, parent representatives, the Arc of Virginia, the Coalition for Students with Disabilities, and members of the Virginia General Assembly. The workgroup shall make recommendations to the Virginia Commission on Youth prior to the 2017 General Assembly Session.</p>				
133.	Pupil Assessment Services (18400).....		\$41,607,554	\$39,807,573
	Test Development and Administration (18401).....	\$41,607,554	\$39,807,573	
	Fund Sources: General.....	\$30,848,716	\$29,048,716	
	Special.....	\$261,788	\$261,788	
	Federal Trust.....	\$10,497,050	\$10,497,069	
<p>Authority: § 22.1-253.13:3, sections C and E, Code of Virginia; P.L. 107-110, Federal Code.</p> <p>A. Out of this appropriation, \$25,380,678 the first year and \$25,380,678 the second year from the general fund is provided to support the costs of contracts for test development, administration, scoring, and reporting as well as other program-related costs of the Standards of Learning testing program.</p> <p>B. Out of this appropriation, \$4,132,000 the first year and \$2,332,000 the second year from the general fund is provided to transition the grades three through five Standards of Learning mathematics tests and grades three through eight Standards of Learning reading tests to a computer adaptive format to improve the testing process and better identify students' strengths and areas in need of additional instructional focus.</p> <p>C. Notwithstanding any contrary provisions of law, the Department of Education shall not be required to administer the Stanford 9 norm-referenced test.</p>				
134.	School and Division Assistance (18500).....		\$4,061,592	\$4,061,611
	School Improvement (18501).....	\$2,032,302	\$2,032,302	
	School Nutrition (18502).....	\$1,614,085	\$1,614,104	
	Pupil Transportation (18503).....	\$415,205	\$415,205	
	Fund Sources: General.....	\$2,556,377	\$2,556,377	
	Special.....	\$31,000	\$31,000	
	Federal Trust.....	\$1,474,215	\$1,474,234	
<p>Authority: School Improvement: § 22.1-253.13:1 et seq., Code of Virginia; P. L. 107-110, Federal Code.</p> <p>School Nutrition: §§ 22.1-24, 22.1-89.1, and 22.1-207.3, Code of Virginia; P.L. 79-396, P.L. 89-642, P.L. 108-265, Federal Code.</p> <p>Pupil Transportation: Title 22.1, Chapter 12, and Title 46.2, Code of Virginia; P. L. 103-272 and P.L. 109-20, Federal Code.</p> <p>A. This appropriation includes \$1,100,183 the first year and \$1,100,183 the second year from the general fund for contractual services related to assisting schools that do not meet the Standards of Accreditation as prescribed by the Board of Education.</p> <p>B. Notwithstanding the provisions of § 2.2-1502.1, Code of Virginia, the Board of Education, in cooperation with the Department of Planning and Budget, is authorized to invite a school division to participate in the school efficiency review program described in § 2.2-1502.1, Code of Virginia, as a component of a division level academic review pursuant to § 22.1-253.13:3, Code of Virginia.</p>				
135.	Technology Assistance Services (18600).....		\$2,092,931	\$2,092,946

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Instructional Technology (18601).....	\$574,884	\$574,895		
Distance Learning and Electronic Classroom (18602).....	\$1,518,047	\$1,518,051		
Fund Sources: General.....	\$1,678,107	\$1,678,107		
Special.....	\$105,000	\$105,000		
Trust and Agency.....	\$274,559	\$274,563		
Federal Trust.....	\$35,265	\$35,276		

Authority: Instructional Technology: §§ 22.1-20.1, 22.1-70.2, 22.1-199.1, 22.1-253.13:1 through 22.1-253.13:8, Code of Virginia; P.L. 107-110, Federal Code.

Distance Learning and Electronic Classroom: § 22.1-212.2, Code of Virginia.

A. This appropriation includes \$900,000 the first year and \$900,000 the second year from the general fund for statewide digital content development, online learning, and related support services, as prescribed through contract with the Department of Education. All digital content produced and delivery of online learning shall meet criteria established by the Department of Education, meet or exceed applicable Standards of Learning, and be correlated to such state standards.

B. In developing the deliverables for each contract, the Department of Education shall consult with division superintendents or their designated representatives to assess school divisions' needs for digital content, online learning, teacher training, and support services that advance technology integration into the K-12 classroom, as well as for additional educational resources that may be made available to school divisions throughout the Commonwealth.

136.	Teacher Licensure and Education (56600).....			\$2,181,226	\$2,181,251
	Teacher Licensure and Certification (56601).....	\$1,806,726	\$1,806,751		
	Teacher Education and Assistance (56602).....	\$374,500	\$374,500		
	Fund Sources: General.....	\$244,197	\$244,197		
	Special.....	\$1,937,029	\$1,937,054		

Authority: Teacher Licensure and Certification: §§ 22.1-16, 22.1-298.1, 22.1-299, 22.1-299.2, 22.1-302, 22.1-303, 22.1-305.2, 22.1-316 to 22.1-318, Code of Virginia; P.L. 107-110, Federal Code.

Teacher Education and Assistance: §§ 22.1-290; 22.1-290.01; 22.1-290.1, 22.1-298, 22.1-305.2, 22.1-305.1, 23-9.2:3.4, Code of Virginia; P. L. 108-446 and P. L. 107-110, Federal Code.

A. Proceeds from the fee schedule for the issuance of teaching certificates shall be utilized to defray all, or any part of, the expenses incurred by the Department of Education in issuing or accounting for teaching certificates. The fee schedule shall take into account the actual costs of issuing certificates. Any portion of the general fund appropriation for this Item may be supplemented by such fees.

B. The Board of Education is authorized to approve changes in the licensure fee amounts charged to school personnel pursuant to 8VAC20-22-40 A.2.

C. In furtherance of the General Assembly's interest in understanding trends in Virginia's teaching work force, teacher turnover rates, and the market for teachers, as evidenced by such metrics as the number of applicants per position, the Department shall develop and provide a model exit questionnaire that Virginia school divisions may administer to their exiting teachers.

137.	Administrative and Support Services (19900).....			\$19,353,680	\$18,955,311
	General Management and Direction (19901).....	\$3,849,398	\$3,849,545		
	Information Technology Services (19902).....	\$9,764,372	\$9,264,372		
	Accounting and Budgeting Services (19903).....	\$3,922,834	\$3,929,318		
	Policy, Planning, and Evaluation Services (19929)..	\$1,817,076	\$1,912,076		
	Fund Sources: General.....	\$16,763,126	\$16,363,156		

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Special.....	\$1,890,831	\$1,892,432		
Federal Trust.....	\$699,723	\$699,723		

Authority: Article VIII, Sections 2, 4, 5, 6, 8, Constitution of Virginia; Title 2.2, Chapters 10, 12, 29, 30, 31, and 32; Title 22.1, 22.1-8 through 20, 22.1-21 through 24; Title 51.1, Chapters 4, 5, 6.1, and 11; Title 60.2, Chapters 60.2-100, 60.2-106; Title 65.2, Chapters 1, 6, and 9, Code of Virginia; P.L. 108-446, P.L. 107-110, Federal Code.

A. Out of this appropriation, \$9,000 the first year and \$9,000 the second year from the general fund is designated to support annual membership dues to the Southern Regional Education Board. In addition, \$5,000 the first year and \$5,000 the second year from the general fund is designated to pay registration and travel expenses of citizens appointed as Virginia commissioners for the Southern Regional Education Board.

B. Out of this appropriation \$70,000 the first year and \$70,000 the second year from the general fund is provided for the fees and travel expenses associated with the Interstate Compact on Educational Opportunity for Military Children, established pursuant to Chapter 187, of the 2009 Acts of Assembly.

C. The Department of Education is authorized to collect proceeds from the sale of educational resources it has developed, such as technology applications, on-line course content, assessments, and other educational content, to out-of-state individuals or entities and to in-state, for-profit entities. The Department of Education is further authorized to deposit such proceeds in a non-reverting special fund account established in its financial records for this purpose. Net proceeds from such sales shall be expended by the Department of Education to further develop existing educational resources or to create new educational resources for the benefit of the commonwealth's public schools and which may also be sold under the provisions of this paragraph. The Secretary of Administration shall authorize any licensing agreements executed by the Department of Education pursuant to this paragraph.

D. Out of this appropriation, \$69,250 the first year and \$69,250 the second year from the general fund shall be used to provide performance evaluation training to teachers, principals, division superintendents, and other affected school division personnel in support of the transition from continuing employment contracts to annual employment contracts for teachers and principals.

E. Included in this appropriation is \$657,688 the first year and \$679,974 the second year from the general fund for costs to cover ongoing operational and maintenance costs of the Performance Budgeting System and the Cardinal System charged to Direct Aid for Public Education.

F. Out of this appropriation, \$155,000 the first year and \$250,000 the second year from the general fund is provided for the Board of Education, in consultation with the Standards of Learning Innovation Committee, to redesign the School Performance Report Card so that it is more effective in communicating to parents and the public regarding information about the status and achievements of the schools and school divisions.

G.1. Out of this appropriation, \$500,000 the first year is provided from the general fund for a pilot program to provide personalized instructional and academic planning for students, facilitate data-driven school improvement efforts, and support the state's accountability and accreditation systems.

2. Preliminary results shall be provided to the President of the State Board of Education and the Chairmen of the Senate Finance and House Appropriations Committees in order to help evaluate whether a statewide approach should be implemented.

H. The Department of Education is directed to holistically review the statewide use of technology in the classroom and all sources of digital content development, and online learning such as virtual courses and innovative blended learning language and literacy technology options. The review shall include, but not be limited to, various types of technology currently used in the classroom such as personal computers, tablets, laptops, or other hand held devices, and how any such technology are used and coordinated with the various types of digital content or on-line options that support student academic improvement. The Department of Education shall report its preliminary findings to the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2017.

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Total for Department of Education, Central Office Operations.....			\$105,395,820	\$103,097,784
General Fund Positions.....	150.00	150.00		
Nongeneral Fund Positions.....	178.50	178.50		
Position Level.....	328.50	328.50		
Fund Sources: General.....	\$61,083,151	\$58,783,181		
Special.....	\$4,645,648	\$4,647,274		
Commonwealth Transportation.....	\$263,327	\$263,327		
Trust and Agency.....	\$279,559	\$279,563		
Federal Trust.....	\$39,124,135	\$39,124,439		

Direct Aid to Public Education (197)

138.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$28,200,095	\$30,723,945
	Financial Assistance for Supplemental Education (14304).....	\$28,200,095	\$30,723,945		
	Fund Sources: General.....	\$28,200,095	\$30,723,945		

Authority: Discretionary Inclusion.

Appropriation Detail of Educational, Cultural, Community, and Artistic Affairs (14300)

Supplemental Education Assistance Programs (14304)	FY 2017	FY 2018
Achievable Dream	\$500,000	\$500,000
Career and Technical Education Resource Center	\$298,021	\$298,021
Career Council at Northern Neck Career & Technical Center	\$60,300	\$60,300
Charter School Supplement	\$100,000	\$100,000
Communities in Schools (CIS)	\$1,244,400	\$1,244,400
Computer Science Training For Teachers	\$550,000	\$550,000
Great Aspirations Scholarship Program (GRASP)	\$400,000	\$400,000
High School Program Innovation	\$500,000	\$500,000
Jobs for Virginia Graduates (JVG)	\$573,776	\$573,776
National Board Certification Program	\$5,885,000	\$5,885,000
Newport News Aviation Academy - STEM Program	\$100,000	\$100,000
Petersburg Executive Leadership Recruitment Incentives	\$350,000	\$350,000
Positive Behavioral Interventions & Support (PBIS)	\$1,098,000	\$1,098,000
Project Discovery	\$425,000	\$612,500
Small School Division Assistance	\$145,896	\$145,896
Southside Virginia Regional Technology Consortium	\$108,905	\$108,905
Southwest Virginia Public Education Consortium	\$124,011	\$124,011
STEM Program / Research Study (VA Air & Space Center)	\$870,625	\$681,975
STEM Competition Team Grants	\$100,000	\$200,000
Targeted Extended School Year Grants	\$7,763,312	\$7,763,312

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Teach for America	\$500,000			\$500,000
Teacher Improvement Funding Initiative	\$50,000			\$2,075,000
Teacher Recruitment & Retention Grant Programs	\$2,331,000			\$2,331,000
Teacher Residency Program	\$500,000			\$500,000
Van Gogh Outreach Program	\$71,849			\$71,849
Virginia Early Childhood Foundation (VECF)	\$2,350,000			\$2,750,000
Virginia Reading Corps Pilot	\$300,000			\$300,000
Virginia Student Training and Refurbishment (VA STAR) Program	\$300,000			\$300,000
Wolf Trap Model STEM Program	\$600,000			\$600,000
Total	\$28,200,095			\$30,723,945

A. Out of this appropriation, the Department of Education shall provide \$573,776 the first year and \$573,776 the second year from the general fund for the Jobs for Virginia Graduates initiative.

B. Out of this appropriation, the Department of Education shall provide \$124,011 the first year and \$124,011 the second year from the general fund for the Southwest Virginia Public Education Consortium at the University of Virginia's College at Wise. An additional \$71,849 the first year and \$71,849 the second year from the general fund is provided to the Consortium to continue the Van Gogh Outreach program with Lee and Wise County Public Schools and expand the program to the twelve school divisions in Southwest Virginia.

C. This appropriation includes \$108,905 the first year and \$108,905 the second year from the general fund for the Southside Virginia Regional Technology Consortium to expand the research and development phase of a technology linkage.

D. An additional state payment of \$145,896 the first year and \$145,896 the second year from the general fund is provided as a Small School Division Assistance grant for the City of Norton. To receive these funds, the local school board shall certify to the Superintendent of Public Instruction that its division has entered into one or more educational, administrative or support service cost-sharing arrangements with another local school division.

E. Out of this appropriation, \$298,021 the first year and \$298,021 the second year from the general fund shall be allocated for the Career and Technical Education Resource Center to provide vocational curriculum and resource instructional materials free of charge to all school divisions.

F. It is the intent of the General Assembly that the Department of Education provide bonuses from state funds to classroom teachers in Virginia's public schools who hold certification from the National Board of Professional Teaching Standards. Such bonuses shall be \$5,000 the first year of the certificate and \$2,500 annually thereafter for the life of the certificate. This appropriation includes an amount estimated at \$5,885,000 the first year and \$5,885,000 the second year from the general fund for the purpose of paying these bonuses. By October 15 of each year, school divisions shall notify the Department of Education of the number of classroom teachers under contract for that school year that hold such certification.

G. This appropriation includes \$2,331,000 the first year and \$2,331,000 the second year from the general fund for grants, scholarships, and incentive payments to attract, recruit, and retain high-quality teachers and fill critical teacher shortage disciplines in Virginia's public schools.

1. Out of this appropriation, \$708,000 the first year and \$708,000 the second year from the general fund is provided for teaching scholarship loans. These scholarships shall be for undergraduate students at or beyond the sophomore year in college with a cumulative grade point average of at least 2.7, who were in the top 10 percent of their high school class or alternative measure of achievement as selected by the institution, who are nominated by their college and students at the graduate level, and who meet the criteria and qualifications, pursuant to § 22.1-290.01, Code of Virginia. Awards shall be made to students who are enrolled full-time or part-time in approved undergraduate or graduate teacher education

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programs for (i) critical teacher shortage disciplines, such as special education, chemistry, physics, earth and space science, foreign languages, or technology education or (ii) as students meeting the qualifications in § 22.1-290.01, Code of Virginia, who have been identified by a local school board to teach in any discipline or at any grade level in which the school board has determined that a shortage of teachers exists; however, such persons shall meet the qualifications for awards granted pursuant to this Item; or (iii) those students seeking degrees in Career and Technical education. Minority students may be enrolled in any content area for teacher preparation and male students may be enrolled in any approved elementary or middle school teacher preparation program; therefore, this provision shall satisfy the requirements for the Diversity in Teaching Initiative and Fund, pursuant to Chapters 570, 597, 623, 645, and 719 of the Acts of Assembly of 2000. Scholarship recipients may fulfill the teaching obligation by accepting a teaching position (i) in one of the critical teacher shortage disciplines; or (ii) regardless of teaching discipline, in a school with a high concentration of students eligible for free or reduced price lunch; or (iii) in any discipline or at grade levels with a shortage of teachers; or (iv) in a rural or urban region of the state with a teacher shortage. For the purposes of this Item, "critical teacher shortage area and discipline" means subject areas and grade levels identified by the Board of Education in which the demand for classroom teachers exceeds the supply of teachers, as defined in the Board of Education's Regulations Governing the Determination of Critical Teacher Shortage Areas. Scholarship amounts are based on \$10,000 per year for full-time students, and shall be prorated for part-time students based on the number of credit hours. The Department of Education shall report annually on the critical shortage teaching areas in Virginia.

- a. The Department of Education shall make payments on behalf of the scholarship recipients directly to the Virginia institution of higher education where the scholarship recipient is enrolled full-time or part-time in an approved undergraduate or graduate teacher education program.
- b. The Department of Education is authorized to recover total funds awarded as scholarships, or the appropriate portion thereof, in the event that scholarship recipients fail to honor the stipulated teaching obligation.
- c. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

2. Out of this appropriation, \$808,000 the first year and \$808,000 the second year from the general fund is provided to attract, recruit, and retain high-quality diverse individuals to teach science, technology, engineering, or mathematics (STEM) subjects in Virginia's middle and high schools. A teacher with up to three years of teaching experience employed full-time in a Virginia school division who has been issued a five-year Virginia teaching license with an endorsement in Middle Education 6-8: Mathematic, Mathematics-Algebra-I, mathematics, Middle Education 6-8: Science, Biology, Chemistry, Earth and Space Science, physics, or technology education and assigned to a teaching position in a corresponding STEM subject area is eligible to receive a \$5,000 initial incentive award after the completion of the first, second, or third year of teaching with a satisfactory performance evaluation and a signed contract in the same school division for the following school year. A teacher, holding one or more of the aforementioned endorsements and assigned to a teaching position in a corresponding STEM subject area and regardless of teaching experience, who is reassigned from a fully accredited school in a Virginia school division to a hard-to-staff school or a school that is not fully accredited and receives a satisfactory performance evaluation and a signed contract in the same school division for the following year is also eligible to receive an initial incentive award of \$5,000. An additional \$1,000 incentive award may be granted for each year the eligible teacher receives a satisfactory evaluation and teaches a qualifying STEM subject in which the teacher has an endorsement for up to three years in a Virginia school division following the year in which the teacher receives the initial incentive award. The maximum incentive award for each eligible teacher is \$8,000. Funding will be awarded on a first-come, first-served basis with preference to teachers assigned to teach in hard-to-staff schools or low-performing schools not fully accredited. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.

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3. Out of this appropriation, \$400,000 the first year and \$400,000 the second year from the general fund is provided to establish a comprehensive pilot initiative to recruit students to major in the fields of mathematics and science to help alleviate the shortage of qualified teachers in these fields. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.				
4. Out of this appropriation, \$415,000 the first year and \$415,000 the second year from the general fund is provided to help school divisions recruit and retain qualified middle-school mathematics teachers. Within the fiscal year, any funds not awarded from this program may be applied toward the other teacher preparation, recruitment, and retention programs under paragraph G.				
H. Out of this appropriation, \$400,000 the first year and \$400,000 the second year from the general fund shall be distributed to the Great Aspirations Scholarship Program (GRASP) to provide students and families in need access to financial aid, scholarships, and counseling to maximize educational opportunities for students.				
I. Out of this appropriation, the Department of Education shall provide \$1,244,400 the first year and \$1,244,400 the second year from the general fund to Communities in Schools. These funds will be used to continue existing Communities in Schools programming in Petersburg and Richmond City, expand programming to all Petersburg schools, and expand the Pathways to Parents as Partners program to two additional Richmond City elementary schools.				
J. This appropriation includes \$100,000 the first year and \$100,000 the second year from the general fund for the Superintendent of Public Education to award supplemental grants to charter schools.				
K. 1. Out of this appropriation, the Department of Education shall provide \$425,000 the first year and \$612,500 the second year from the general fund for Project Discovery. These funds are towards the cost of the program in Abingdon, Accomack/Northampton, Alexandria, Amherst, Appomattox, Arlington, Bedford, Bland, Campbell, Charlottesville, Cumberland, Danville/Pittsylvania, Fairfax, Franklin/Patrick, Goochland/Powhatan, Lynchburg, Newport News, Norfolk, Richmond City, Roanoke City, Smyth, Surry/Sussex, Tazewell, Williamsburg/James City, and Wythe and the salary of a fiscal officer for Project Discovery. The Department of Education shall administer the Project Discovery funding distributions to each community action agency. Distributions to each community action agency shall be based on performance measures established by the Board of Directors of Project Discovery. The contract with Project Discovery should specify the allocations to each local program and require the submission of a financial and budget report and program evaluation performance measures.				
2. Each participating community action agency shall submit annual performance metrics for services provided through the Project Discovery program that provide measurable evaluations and outcomes of participating students. Such performance metrics shall include evidenced-based data that effectively measure academic improvement outcomes. In addition, the performance metrics shall also include evidenced-based data to evaluate the specific effectiveness of the program for participating students on a longitudinal basis. Further, the performance metrics shall include the coordination and collaboration efforts the program staff regularly have with the school-based personnel, such as teachers and guidance counselors, that support and maximize opportunities of participating students to successfully graduate from high school and then to enroll and graduate from an institution of higher learning. Project Discovery shall submit a comprehensive and cumulative program performance metrics evaluation to the Department of Education and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2016.				
L. Out of this appropriation, the Department of Education shall provide \$300,000 the first year and \$300,000 the second year from the general fund for the Virginia Student Training and Refurbishment Program.				
M. Out of this appropriation, \$1,098,000 the first year and \$1,098,000 the second year from the general fund is provided to expand the number of schools implementing a system of positive behavioral interventions and supports with the goal of improving school climate and reducing disruptive behavior in the classroom. Such a system may be implemented as part of				

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a tiered system of supports that utilizes evidence-based, system-wide practices to provide a response to academic and behavioral needs. Any school division which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school-year in which the program is to be implemented. The proposal must define student outcome objectives including, but not limited to, reductions in disciplinary referrals and out-of-school suspension rates. In making the competitive grant awards, the Department of Education shall give priority to school divisions proposing to serve schools identified by the Department as having high suspension rates. No funds awarded to a school division under this grant may be used to supplant funding for schools already implementing the program.

N. Targeted Extended School Year Payments

1. Out of this appropriation, \$7,150,000 the first year and \$7,150,000 the second year from the general fund is provided for a targeted extended school year incentive in order to improve student achievement. Annual start-up grants of up to \$300,000 per school may be awarded for a period of up to two years after the initial implementation year. The per school amount may be up to \$400,000 in the case of schools that have a Denied Accreditation status. After the third consecutive year of successful participation, an eligible school's grant amount shall be based on a shared split of the grant between the state and participating school division's local composite index. Such continuing schools shall remain eligible to receive a grant based on the 2012 JLARC Review of Year Round Schools' researched base findings.

2. Except for school divisions with schools that are in Denied Accreditation status, any other school division applying for such a grant shall be required to provide a twenty percent local match to the grant amount received from either an extended year start-up or planning grant.

3. In the case of any school division with schools that are in Denied Accreditation status that apply for funds, the school division shall also consult with the Superintendent of Public Instruction or designee on all recommendations regarding instructional programs or instructional personnel prior to submission to the local board for approval.

4. Out of this appropriation, \$613,312 the first year and \$613,312 the second year from the general fund is provided for planning grants of no more than \$50,000 each for local school divisions pursuing the creation of new year-round school programs for divisions or individual schools in support of the findings from the 2012 JLARC Review of Year Round Schools. School divisions must submit applications to the Department of Education by August 1 of each year. Priority shall be given to schools based on need, relative to the state accreditation ratings or similar federal designations. Applications shall include evidence of commitment to pursue implementation in the upcoming school year. If balances exist, existing extended school year programs may be eligible to apply for remaining funds.

5. A school division that has been awarded an extended school year start-up grant, a year-round program start-up grant, or an extended year planning grant for the development of an extended year or a new year-round program may spend the awarded grant over two consecutive fiscal years.

6. a) Any such school division receiving funding from a Targeted Extended School Year grant shall provide an annual progress report to the Department of Education that evaluates end of year success of the extended year or year-round model implemented as compared to the prior school year performance as measured by an appropriate evaluation matrix no later than August 1 each year.

b) The Department of Education shall develop such evaluation matrix that would be appropriate for a comprehensive evaluation for such models implemented. Further, the Department of Education is directed to submit the annual progress reports from the participating school divisions and an executive summary of the program's overall status and levels of measured success to the Chairmen of House Appropriations and Senate Finance Committees no later than October 1 each year.

7. Any funds remaining in this paragraph following grant awards may be disbursed by the

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Department of Education as grants to school divisions to support innovative approaches to instructional delivery or school governance models.				
<p>O. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided through grants or contracts for the cost of fees and financial incentives associated with hiring teachers in challenged schools. These funds may be used for grants or contracts awarded and expenses associated with supporting the Teach for America program. School divisions or their partners may apply for those funds through applications submitted to the Department of Education. Applications must be submitted to the Department of Education by September 1 each year. Any unobligated balance each fiscal year shall be carried over to the next fiscal year for the Teach for America program. However, out of any carried over balances from a prior year, up to fifty percent of the balance may be used for the Teacher Residency program.</p>				
<p>P. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund is provided for the Accomack, Arlington, Chesterfield, Fairfax, Loudoun, Norfolk, Petersburg, Richmond City, and Wythe Public Schools to support expansion of a STEM model program for kindergarten and preschool students. Each developed model will focus on enhancing children's learning experiences through the arts.</p>				
<p>Q. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided for the Achievable Dream partnership with Newport News School Division. This funding is in lieu of a like amount from the Neighborhood Assistance Program Tax Credits for An Achievable Dream Middle and High School, Inc.</p>				
<p>R. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided for grants for teacher residency partnerships between university teacher preparation programs and the Petersburg, Norfolk, and Richmond City school divisions to help improve new teacher training and retention for hard-to-staff schools. The grants will support a site-specific residency model program for preparation, planning, development and implementation, including possible stipends in the program to attract qualified candidates and mentors. Applications must be submitted to the Department of Education by August 1 each year.</p>				
<p>S. Out of this appropriation, \$60,300 the first year and \$60,300 the second year from the general fund is provided to the Northern Neck Regional Technical Center to expand the workforce readiness education and industry based skills and certification development efforts supporting that region in the state. These funds support the Center's programs that serve high school students from the surrounding counties of Essex, Lancaster, Northumberland, Rappahannock, Westmoreland and Colonial Beach.</p>				
<p>T. Out of this appropriation, \$2,350,000 the first year and \$2,750,000 the second year from the general fund is provided to the Virginia Early Childhood Foundation.</p>				
<p>1. Of this amount, \$250,000 the first year and \$250,000 the second year is provided for general operations of the Foundation's grant program to strengthen the capacity of local communities to promote school readiness for young children through innovative regional partnerships.</p>				
<p>2. Of this amount, \$600,000 the first year and \$1,000,000 the second year is provided to operate a scholarship program to increase the skills of Virginia's early education workforce.</p>				
<p>3. Of this amount, \$1,500,000 the first year and \$1,500,000 the second year is provided to pilot an initiative to promote public-private delivery of pre-kindergarten services to high-risk children and communities.</p>				
<p>U. This appropriation includes \$500,000 the first year and \$500,000 the second year from the general fund to support ten competitive grants, not to exceed \$50,000 each, for planning the implementation of systemic High School Program Innovation by either individual school divisions or consortia of school divisions or implementing a plan for High School Program Innovation previously approved by the Department of Education. The local applicant(s) selected to conduct this systemic approach to high school reform, in consultation with the Department of Education, will develop and plan or implement innovative approaches to engage and to motivate students through personalized learning and instruction leading to demonstrated mastery of content, as well as skills development of career readiness. Essential</p>				

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elements of high school innovation include: (1) student centered learning, with progress based on student demonstrated proficiency; (2) 'real-world' connections that promote alignment with community work-force needs and emphasize transition to college and/or career; and (3) varying models for educator supports and staffing. Individual school divisions or consortia will be invited to apply on a competitive basis by submitting a grant application that includes descriptions of key elements of innovations, a detailed budget, expectations for outcomes and student achievement benefits, evaluation methods, and plans for sustainability. The Department of Education will make the final determination of which individual school divisions or consortia of divisions will receive the year-long planning grant for High School Innovation or a grant to implement a High School Program Innovation plan previously approved by the Department of Education. Any school division or consortium of divisions which desires to apply for this competitive grant must submit a proposal to the Department of Education by June 1 preceding the school year in which the planning or implementation for systemic high school innovation is to take place.

V. Out of this appropriation, \$550,000 the first year and \$550,000 the second year from the general fund is provided to train new teachers in computer science and develop an in-state infrastructure for training existing teachers to teach computer science curricula.

W. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is provided to support the Newport News Aviation Academy's four-year high school STEM program, which focuses on piloting, aircraft maintenance, engineering, computers, and electronics.

X.1. Out of this appropriation, \$50,000 the first year is provided for grants to school divisions of up to \$5,000 each to explore alternative teacher compensation approaches that move away from tenure-based step increases toward compensation systems based on teacher performance and student progress. Priority will be given to school divisions that have not previously explored alternative compensation approaches and have schools not achieving full accreditation, or that have high numbers of at-risk students needing qualified teachers in hard-to-staff subjects.

2. In the second year, \$2,075,000 from the general fund shall be available for the first year of five-year competitive grants to school divisions to implement performance-based teacher compensation systems. Priority for funding will be given to school divisions with high numbers of at-risk students needing qualified teachers in hard-to-staff subjects. Grantees should combine teacher improvement programs with performance-based compensation systems that consider teacher performance through gains in individual student academic achievement. The approved compensation programs should provide teachers with incentives to take on additional training and responsibilities. The compensation program must include an effective evaluation system.

Y. Out of this appropriation, \$100,000 the first year and \$200,000 the second year from the general fund is provided for STEM Competition Team Grants. Notwithstanding § 22.1-362, Code of Virginia, Paragraph B, grants may not exceed \$5,000 each.

Z. Out of this appropriation, \$870,625 the first year and \$681,975 the second year from the general fund is provided to support a multi-platform STEM education engagement program and research study, via the Virginia Air & Space Center.

AA. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the general fund is provided for executive leadership incentives in the Petersburg City Public Schools to strengthen the impact of division and school level executive leadership on student achievement in the school division. Such incentives may include, but not be limited to, supplements to locally funded salaries, deferred salary compensation, bonuses, housing and commuting supplements, and professional development supplements. The Department of Education shall provide such executive management incentive payments directly to the Petersburg City Public Schools accounts pursuant to a Memorandum of Understanding entered into between the Board of Education and the Petersburg City School Board. Such Agreement shall be approved by both parties by July 1, 2016, shall cover no less than both years of the biennium, and may be amended with the consent of both parties. Such Agreement shall include operational and student achievement metrics and include provisions for the achievement of such metrics as a condition of payment of

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the incentive funds by the Department of Education. The Department of Education shall provide updates on implementation of the Agreement to the Chairmen of the Senate Finance and House Appropriations Committees.				
BB. Out of this amount, \$300,000 the first year and \$300,000 the second year from the general fund shall be reserved for school divisions to partner with the Virginia Reading Corps program. The Virginia Reading Corps shall report annually to the school divisions and Department of Education on the outcomes of this program.				
139.	State Education Assistance Programs (17800).....		\$6,540,664,099	\$6,800,820,055
	Standards of Quality for Public Education (SOQ) (17801).....	\$5,846,977,341	\$6,006,415,015	
	Financial Incentive Programs for Public Education (17802).....	\$73,563,071	\$193,932,292	
	Financial Assistance for Categorical Programs (17803).....	\$58,596,517	\$59,241,498	
	Distribution of Lottery Funds (17805).....	\$561,527,170	\$541,231,250	
	Fund Sources: General.....	\$5,810,690,628	\$6,101,140,457	
	Special.....	\$895,000	\$895,000	
	Commonwealth Transportation.....	\$803,778	\$803,778	
	Trust and Agency.....	\$728,274,693	\$697,980,820	

Authority: Standards of Quality for Public Education (SOQ) (17801): Article VIII, Section 2, Constitution of Virginia; Chapter 667, Acts of Assembly, 1980; §§ 22.1-176 through 22.1-198, 22.1-199.1, 22.1-199.2, 22.1-213 through 22.1-221, 22.1-227 through 22.1-237, 22.1-253.13:1 through 22.1-253.13:8, 22.1-254.01, Code of Virginia; Title 51.1, Chapters 1, 5, 6.2, 7, and 14, Code of Virginia; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 98-524, as amended, Federal Code.

Financial Incentive Programs for Public Education (17802): §§ 22.1-24, 22.1-289.1 through 22.1-318, Code of Virginia; P.L. 79-396, as amended; P.L. 89-10, as amended; P.L. 89-642, as amended; P.L. 108-265, as amended; Title II P.L. 99-159, as amended, Federal Code.

Financial Assistance for Categorical Programs (17803): Discretionary Inclusion; Treaty of 1677 between Virginia and the Indians; §§ 22.1-3.4, 22.1-108, 22.1-199 through 22.1-212.2:2, 22.1-213 through 22.1-221, 22.1-223 through 22.1-237, 22.1-254, Code of Virginia; P.L. 89-10, as amended; P.L. 91-230, as amended; P.L. 93-380, as amended; P.L. 94-142, as amended; P.L. 94-588; P.L. 95-561, as amended; P.L. 98-211, as amended; P.L. 98-524, as amended; P.L. 99-570; P.L. 100-297, as amended; P.L. 102-73, as amended; P.L. 105-220, as amended, Federal Code.

Distribution of Lottery Funds (17805): §§ 58.1-4022 and 58.1-4022.1, Code of Virginia

Appropriation Detail of Education Assistance Programs (17800)

Standards of Quality (17801)	FY 2017	FY 2018
Basic Aid	\$3,175,990,598	\$3,168,247,958
Sales Tax	\$1,382,928,676	\$1,432,928,676
Textbooks (spilt funded)	\$12,742,776	\$76,878,557
Vocational Education	\$52,453,336	\$52,407,414
Gifted Education	\$34,407,670	\$34,546,718
Special Education	\$382,966,484	\$384,066,920
Prevention, Intervention, and Remediation	\$114,133,767	\$114,313,454
English as a Second Language	\$52,499,242	\$54,904,712
VRS Retirement (includes RHCC)	\$402,200,555	\$449,134,786
Social Security	\$195,070,635	\$195,732,204
Group Life	\$13,298,374	\$13,286,706
Remedial Summer School	\$28,285,228	\$29,966,909
Total	\$5,846,977,341	\$6,006,415,015

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Incentive Programs (17802)				
Compensation Supplement	\$48,904,958		\$84,991,609	
Governor's School	\$18,465,308		\$19,103,335	
Governor's School Planning Grant - Career and Technical Education	\$100,000		\$0	
At-Risk Add-On (split funded)	\$0		\$83,744,543	
Clinical Faculty	\$318,750		\$318,750	
Career Switcher Mentoring Grants	\$279,983		\$279,983	
Special Education Endorsement Program	\$600,000		\$600,000	
Special Education – Vocational Education	\$200,089		\$200,089	
Virginia Workplace Readiness Skills Assessment	\$308,655		\$308,655	
Math/Reading Instructional Specialists Initiative	\$1,834,538		\$1,834,538	
Early Reading Specialists Initiative	\$1,476,790		\$1,476,790	
Breakfast After the Bell Incentive	\$1,074,000		\$1,074,000	
Total	\$73,563,071		\$193,932,292	
Categorical Programs (17803)				
Adult Education	\$1,051,800		\$1,051,800	
Adult Literacy	\$2,480,000		\$2,480,000	
Virtual Virginia	\$5,355,808		\$5,425,808	
American Indian Treaty Commitment	\$47,916		\$49,095	
School Lunch Program	\$5,801,932		\$5,801,932	
Special Education - Homebound	\$5,496,525		\$5,606,456	
Special Education - Jails	\$3,489,980		\$3,608,527	
Special Education - State Operated Programs	\$34,872,556		\$35,217,880	
Total	\$58,596,517		\$59,241,498	
Lottery (17805)				
Foster Care	\$7,933,839		\$7,937,440	
At-Risk Add-On (split funded)	\$98,327,638		\$14,797,598	
Virginia Preschool Initiative	\$70,657,776		\$70,912,925	
Early Reading Intervention	\$18,142,819		\$18,203,496	
Mentor Teacher	\$1,000,000		\$1,000,000	
K-3 Primary Class Size Reduction	\$129,745,062		\$131,721,587	
School Breakfast Program	\$3,926,014		\$4,226,897	
SOL Algebra Readiness	\$12,921,689		\$12,955,205	
Supplemental Lottery Per Pupil Allocation	\$36,581,405		\$157,167,568	
Regional Alternative Education	\$8,624,267		\$8,922,130	
Individualized Student Alternative Education Program (ISAEP)	\$2,247,581		\$2,247,581	
Special Education – Regional Tuition	\$87,362,717		\$90,918,109	
Career and Technical Education – Categorical	\$12,400,829		\$12,400,829	
Project Graduation	\$2,774,478		\$2,774,478	
Race to GED (NCLB/EFAL)	\$2,410,988		\$2,410,988	
Path to Industry Certification	\$1,831,464		\$1,831,464	

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(NCLB/EFAL)				
Supplemental Basic Aid		\$764,764		\$802,955
Textbooks (split funded)		\$63,873,840		\$0
Total		\$561,527,170		\$541,231,250
Technology – VPSA		\$72,660,000		\$74,830,800
Security Equipment - VPSA		\$6,000,000		\$6,000,000

Payments out of the above amounts shall be subject to the following conditions:

A. Definitions

1. "March 31 Average Daily Membership," or "March 31 ADM" - The responsible school division's average daily membership for grades K-12 including (1) handicapped students ages 5-21 and (2) students for whom English is a second language who entered school for the first time after reaching their twelfth birthday, and who have not reached twenty-two years of age on or before August 1 of the school year, for the first seven (7) months (or equivalent period) of the school year through March 31 in which state funds are distributed from this appropriation. Preschool and postgraduate students shall not be included in March 31 ADM.

a. School divisions shall take a count of September 30 fall membership and report this information to the Department of Education no later than October 15 of each year.

b. Except as otherwise provided herein, by statute, or by precedent, all appropriations to the Department of Education shall be calculated using March 31 ADM unadjusted for half-day kindergarten programs, estimated at 1,245,710.22 the first year and 1,252,626.58 the second year. March 31 ADM for half-day kindergarten shall be adjusted at 85 percent.

c. Students who are either (i) enrolled in a nonpublic school or (ii) receiving home instruction pursuant to § 22.1-254.1 and who are enrolled in a public school on less than a full-time basis in any mathematics, science, English, history, social science, vocational education, health education or physical education, fine arts or foreign language course, or receiving special education services required by a student's individualized education plan, shall be counted in the funded fall membership and March 31 ADM of the responsible school division. Each course shall be counted as 0.25, up to a cap of 0.5 of a student.

d. Students enrolled in an Individualized Student Alternative Education Program (ISAEP) pursuant to § 22.1-254 E shall be counted in the March 31 Average Daily Membership of the responsible school division. School divisions shall report these students separately in their March 31 reports of Average Daily Membership.

2. "Standards of Quality" - Operations standards for grades kindergarten through 12 as prescribed by the Board of Education subject to revision by the General Assembly.

3.a. "Basic Operation Cost" - The cost per pupil, including provision for the number of instructional personnel required by the Standards of Quality for each school division with a minimum ratio of 51 professional personnel for each 1,000 pupils or proportionate number thereof, in March 31 ADM for the same fiscal year for which the costs are computed, and including provision for driver, gifted, occupational-vocational, and special education, library materials and other teaching materials, teacher sick leave, general administration, division superintendents' salaries, free textbooks (including those for free and reduced price lunch pupils), school nurses, operation and maintenance of school plant, transportation of pupils, instructional television, professional and staff improvement, remedial work, fixed charges and other costs in programs not funded by other state and/or federal aid.

b. The state and local shares of funding resulting from the support cost calculation for school nurses shall be specifically identified as such and reported to school divisions annually. School divisions may spend these funds for licensed school nurse positions employed by the school division or for licensed nurses contracted by the local school division to provide school health services.

4.a. "Composite Index of Local Ability-to-Pay" - An index figure computed for each locality. The composite index is the sum of 2/3 of the index of wealth per pupil in unadjusted March

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31 ADM reported for the first seven (7) months of the 2013-2014 school year and 1/3 of the index of wealth per capita (population estimates for 2013 as determined by the Weldon Cooper Center for Public Service of the University of Virginia) multiplied by the local nominal share of the costs of the Standards of Quality of 0.45 in each year. The indices of wealth are determined by combining the following constituent index elements with the indicated weighting: (1) true values of real estate and public service corporations as reported by the State Department of Taxation for the calendar year 2013 - 50 percent; (2) adjusted gross income for the calendar year 2013 as reported by the State Department of Taxation - 40 percent; (3) the sales for the calendar year 2013 which are subject to the state general sales and use tax, as reported by the State Department of Taxation - 10 percent. Each constituent index element for a locality is its sum per March 31 ADM, or per capita, expressed as a percentage of the state average per March 31 ADM, or per capita, for the same element. A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing all payments based on the composite index of local ability-to-pay. Each constituent index element for a locality used to determine the composite index of local ability-to-pay for the current biennium shall be the latest available data for the specified official base year provided to the Department of Education by the responsible source agencies no later than November 15, 2015.

b. For any locality whose total calendar year 2013 Virginia Adjusted Gross Income is comprised of at least 3 percent or more by nonresidents of Virginia, such nonresident income shall be excluded in computing the composite index of ability-to-pay. The Department of Education shall compute the composite index for such localities by using adjusted gross income data which exclude nonresident income, but shall not adjust the composite index of any other localities. The Department of Taxation shall furnish to the Department of Education such data as are necessary to implement this provision.

c.1) Notwithstanding the funding provisions in § 22.1-25 D, Code of Virginia, additional state funding for future consolidations shall be as set forth in future Appropriation Acts.

2) In the case of the consolidation of Clifton Forge and Alleghany County school divisions, the fifteen year period for the application of a new composite index shall apply beginning with the fiscal year that starts on July 1, 2004. The composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2004, of any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.

3) If the composite index of a consolidated school division is reduced during the course of the fifteen year period to a level that would entitle the school division to a lower interest rate for a Literary Fund loan than it received when the loan was originally released, the Board of Education shall reduce the interest rate of such loan for the remainder of the period of the loan. Such reduction shall be based on the interest rate that would apply at the time of such adjustment. This rate shall remain in effect for the duration of the loan and shall apply only to those years remaining to be paid.

4) In the case of the consolidation of Bedford County and Bedford City school divisions, the fifteen year period for the application of a new composite shall apply beginning with the fiscal year that starts on July 1, 2013. The composite index established by the Board of Education shall equal the lowest composite index that was in effect prior to July 1, 2013, of any individual localities involved in such consolidation, and this index shall remain in effect for a period of fifteen years, unless a lower composite index is calculated for the combined division through the process for computing an index as set forth above.

d. When it is determined that a substantial error exists in a constituent index element, the Department of Education will make adjustments in funding for the current school year only in the division where the error occurred. The composite index of any other locality shall not be changed as a result of the adjustment. No adjustment during the biennium will be made as a result of updating of data used in a constituent index element.

e. In the event that any school division consolidates two or more small schools, the division shall continue to receive Standards of Quality funding and provide for the

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<p>required local expenditure for a period of five years as if the schools had not been consolidated. Small schools are defined as any elementary, middle, or high school with enrollment below 200, 300 and 400 students, respectively.</p>				
<p>5. "Required Local Expenditure for the Standards of Quality" - The locality's share based on the composite index of local ability-to-pay of the cost required by all the Standards of Quality minus its estimated revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item, both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item, collected by the Department of Education and distributed to school divisions in the fiscal year in which the school year begins.</p>				
<p>6. "Required Local Match" - The locality's required share of program cost based on the composite index of local ability-to-pay for all Lottery and Incentive programs, where required, in which the school division has elected to participate in a fiscal year.</p>				
<p>7. "Planning District Eight" - The nine localities which comprise Planning District Eight are Arlington County, Fairfax County, Loudoun County, Prince William County, Alexandria City, Fairfax City, Falls Church City, Manassas City, and Manassas Park City.</p>				
<p>8. "State Share of the Standards of Quality" - The state share of the Standards of Quality (SOQ) shall be equal to the total funded SOQ cost for a school division less the school division's estimated revenues from the state sales and use tax dedicated to public education based on the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, adjusted for the state's share of the composite index of local ability to pay.</p>				
<p>9. Entitlements under this Item that use school-level or division-level Free Lunch eligibility percentages to determine the entitlement amounts are based on the most recent data available as of the biennial rebenchmarking calculations made for the current biennium. However, October 2013 Free Lunch eligibility data is used in the case of schools that participate in the Community Eligibility Provision program.</p>				
<p>10. In the event that the general fund appropriations in this Item are not sufficient to meet the entitlements payable to school divisions pursuant to the provisions of this Item, the Department of Education is authorized to transfer any available general fund funds between these Items to address such insufficiencies. If the total general fund appropriations after such transfers remain insufficient to meet the entitlements of any program funded with general fund dollars, the Department of Education is authorized to prorate such shortfall proportionately across all of the school divisions participating in any program where such shortfall occurred. In addition, the Department of Education is authorized each year to temporarily suspend textbook payments made to school divisions from Lottery funds to ensure that any shortfall in Lottery revenue can be accounted for in the remaining textbook payments to be made for the year.</p>				
<p>11. The Department of Education is directed to apply a cap on inflation rates in the same manner prescribed in § 51.1-166.B, Code of Virginia, when updating funding to school divisions during the biennial rebenchmarking process.</p>				
<p>12. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to combine the end-of-year Average Daily Membership (ADM) for those school divisions who have partnered together as a fiscal agent division and a contractual division for the purposes of calculating prevailing costs included in the Standards of Quality (SOQ).</p>				
<p>13. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to include zeroes in the linear weighted average calculation of support non-personal costs for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).</p>				
<p>14. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported travel expenditures included the linear weighted average non-personal cost</p>				

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calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

15. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to eliminate the corresponding and appropriate object code(s) related to reported leases and rental and facility expenditures included the linear weighted average non-personal cost calculations for the purpose of calculating prevailing costs included in the Standards of Quality (SOQ).

16. Notwithstanding any other provision in statute or in this Item, the Department of Education is directed to fund transportation costs using a 15 year replacement schedule, which is the national standard guideline, for school bus replacement schedule for the purpose of calculating funded transportation costs included in the Standards of Quality (SOQ).

17. To provide temporary flexibility, notwithstanding any other provision in statute or in this Item, school divisions may elect to increase the teacher to pupil staffing ratios in kindergarten through grade 7 and English classes for grades 6 through twelve by one additional student; the teacher to pupil staffing ratio requirements for Elementary Resource teachers, Prevention, Intervention and Remediation, English as a Second Language, Gifted and Talented, Career and Technical funded programs (other than on Career and Technical courses where school divisions will have to maintain a maximum class size based on federal Occupational Safety & Health Administration safety requirements) are waived; and the instructional and support technology positions, librarians and guidance counselors staffing ratios for new hires are waived.

18. To provide additional flexibility, notwithstanding the provisions of § 22.1-79.1, Code of Virginia, any school division that was granted a waiver regarding the opening date of the school year for the 2011-12 school year under the good cause requirements shall continue to be granted a waiver for the 2016-17 school year and the 2017-2018 school year.

B. General Conditions

1. The Standards of Quality cost in this Item related to fringe benefits shall be limited for instructional staff members to the employer's cost for a number not exceeding the number of instructional positions required by the Standards of Quality for each school division and for their salaries at the statewide prevailing salary levels as printed below.

Instructional Position	First Year Salary	Second Year Salary
Elementary Teachers	\$47,185	\$47,185
Elementary Assistant Principals	\$67,119	\$67,119
Elementary Principals	\$82,846	\$82,846
Secondary Teachers	\$49,744	\$49,744
Secondary Assistant Principals	\$72,057	\$72,057
Secondary Principals	\$92,041	\$92,041
Instructional Aides	\$17,108	\$17,108

a.1) Payment by the state to a local school division shall be based on the state share of fringe benefit costs of 55 percent of the employer's cost distributed on the basis of the composite index.

2) A locality whose composite index exceeds 0.8000 shall be considered as having an index of 0.8000 for purposes of distributing fringe benefit funds under this provision.

3) The state payment to each school division for retirement, social security, and group life insurance costs for non-instructional personnel is included in and distributed through Basic Aid.

b. Payments to school divisions from this Item shall be calculated using March 31 Average Daily Membership adjusted for half-day kindergarten programs.

c. Payments for health insurance fringe benefits are included in and distributed through

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Basic Aid.				
2. Each locality shall offer a school program for all its eligible pupils which is acceptable to the Department of Education as conforming to the Standards of Quality program requirements.				
3. In the event the statewide number of pupils in March 31 ADM results in a state share of cost exceeding the general fund appropriation in this Item, the locality's state share of Basic Aid shall be reduced proportionately so that this general fund appropriation will not be exceeded. In addition, the required local share of Basic Aid shall also be reduced proportionately to the reduction in the state's share.				
4. The Department of Education shall make equitable adjustments in the computation of indices of wealth and in other state-funded accounts for localities affected by annexation, unless a court of competent jurisdiction makes such adjustments. However, only the indices of wealth and other state-funded accounts of localities party to the annexation will be adjusted.				
5. In the event that the actual revenues from the state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item (both of which are returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service) for sales in the fiscal year in which the school year begins are different from the number estimated as the basis for this appropriation, the estimated state sales and use tax revenues shall not be adjusted.				
6. This appropriation shall be apportioned to the public schools with guidelines established by the Department of Education consistent with legislative intent as expressed in this act.				
7.a. Appropriations of state funds in this Item include the number of positions required by the Standards of Quality. This Item includes a minimum of 51 professional instructional positions and aide positions (C 5); Education of the Gifted, 1.0 professional instructional position (C 6); Occupational-Vocational Education Payments and Special Education Payments; a minimum of 6.0 professional instructional positions and aide positions (C 7 and C 8) for each 1,000 pupils in March 31 ADM each year in support of the current Standards of Quality. Funding in support of one hour of additional instruction per day based on the percent of students eligible for the federal free lunch program with a pupil-teacher ratio range of 18:1 to 10:1, depending upon a school division's combined failure rate on the English and Math Standards of Learning, is included in Remedial Education Payments (C 9).				
b. No actions provided in this section signify any intent of the General Assembly to mandate an increase in the number of instructional personnel per 1,000 students above the numbers explicitly stated in the preceding paragraph.				
c. Appropriations in this Item include programs supported in part by transfers to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this Act. These transfers combined together with other appropriations from the general fund in this Item funds the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support technology position per 1,000 students; one instructional technology position per 1,000 students; and a full daily planning period for teachers at the middle and high school levels in order to relieve the financial pressure these education programs place on local real estate taxes.				
d. To provide flexibility, school divisions may use the state and local funds for instructional technology resource teachers required by the Standards of Quality to employ a data coordinator position, an instructional technology resource teacher position, or a data coordinator/instructional resource teacher blended position. The data coordinator position is intended to serve as a resource to principals and classroom teachers in the area of data analysis and interpretation for instructional and school improvement purposes, as well as for overall data management and administration of state assessments. School divisions using these SOQ funds in this manner shall only employ instructional personnel licensed by the Board of Education.				
e. To provide flexibility in the provision of reading intervention services, school divisions may use the state Early Reading Intervention initiative funding provided from the Lottery				

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Proceeds Fund and the required local matching funds to employ reading specialists to provide the required reading intervention services. School divisions using the Early Reading Intervention Initiative funds in this manner shall only employ instructional personnel licensed by the Board of Education.

f. To provide flexibility in the provision of mathematics intervention services, school divisions may use the state Standards of Learning Algebra Readiness initiative funding provided from the Lottery Proceeds Fund and the required local matching funds to employ mathematics teacher specialists to provide the required mathematics intervention services. School divisions using the Standards of Learning Algebra Readiness initiative funding in this manner shall only employ instructional personnel licensed by the Board of Education.

8.a.1) Pursuant to § 22.1-97, Code of Virginia, the Department of Education is required to make calculations at the start of the school year to ensure that school divisions have appropriated adequate funds to support their estimated required local expenditure for the corresponding state fiscal year. In an effort to reduce the administrative burden on school divisions resulting from state data collections, such as the one needed to make the aforementioned calculations, the requirements of § 22.1-97, Code of Virginia, pertaining to the adequacy of estimated required local expenditures, shall be satisfied by signed certification by each division superintendent at the beginning of each school year that sufficient local funds have been budgeted to meet all state required local effort and required local match amounts. This provision shall only apply to calculations required of the Department of Education related to estimated required local expenditures and shall not pertain to the calculations associated with actual required local expenditures after the close of the school year.

2) The Department of Education shall also make calculations after the close of the school year to verify that the required local effort level, based on actual March 31 Average Daily Membership, was met. Pursuant to § 22.1-97, Code of Virginia, the Department of Education shall report annually, no later than the first day of the General Assembly session, to the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health, the results of such calculations made after the close of the school year and the degree to which each school division has met, failed to meet, or surpassed its required local expenditure. The Department of Education shall specify the calculations to determine if a school division has expended its required local expenditure for the Standards of Quality. This calculation may include but is not limited to the following calculations:

b. The total expenditures for operation, defined as total expenditures less all capital outlays, expenditures for debt service, facilities, non-regular day school programs (such as adult education, preschool, and non-local education programs), and any transfers to regional programs will be calculated.

c. The following state funds will be deducted from the amount calculated in paragraph a. above: revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item) for sales in the fiscal year in which the school year begins; total receipts from state funds (except state funds for non-regular day school programs and state funds used for capital or debt service purposes); and the state share of any balances carried forward from the previous fiscal year. Any qualifying state funds that remain unspent at the end of the fiscal year will be added to the amount calculated in paragraph a. above.

d. Federal funds, and any federal funds carried forward from the previous fiscal year, will also be deducted from the amount calculated in paragraph a. above. Any federal funds that remain unspent at the end of the fiscal year and any capital expenditures paid from federal funds will be added to the amount calculated in paragraph a. above.

e. Tuition receipts, receipts from payments from other cities or counties, and fund transfers will also be deducted from the amount calculated in paragraph a, then

f. The final amount calculated as described above must be equal to or greater than the required local expenditure defined in paragraph A. 5.

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g.	The Department of Education shall collect the data necessary to perform the calculations of required local expenditure as required by this section.			
h.	A locality whose expenditure in fact exceeds the required amount from local funds may not reduce its expenditures unless it first complies with all of the Standards of Quality.			
9.a.	Any required local matching funds which a locality, as of the end of a school year, has not expended, pursuant to this Item, for the Standards of Quality shall be paid by the locality into the general fund of the state treasury. Such payments shall be made not later than the end of the school year following that in which the under expenditure occurs.			
b.	Whenever the Department of Education has recovered funds as defined in the preceding paragraph a., the Secretary of Education is authorized to repay to the locality affected by that action, seventy-five percent (75%) of those funds upon his determination that:			
	1) The local school board agrees to include the funds in its June 30 ending balance for the year following that in which the under expenditure occurs;			
	2) The local governing body agrees to reappropriate the funds as a supplemental appropriation to the approved budget for the second year following that in which the under expenditure occurs, in an appropriate category as requested by the local school board, for the direct benefit of the students;			
	3) The local school board agrees to expend these funds, over and above the funds required to meet the required local expenditure for the second year following that in which the under expenditure occurs, for a special project, the details of which must be furnished to the Department of Education for review and approval;			
	4) The local school board agrees to submit quarterly reports to the Department of Education on the use of funds provided through this project award; and			
	5) The local governing body and the local school board agree that the project award will be cancelled and the funds withdrawn if the above conditions have not been met as of June 30 of the second year following that in which the under expenditure occurs.			
c.	There is hereby appropriated, for the purposes of the foregoing repayment, a sum sufficient, not to exceed 75 percent of the funds deposited in the general fund pursuant to the preceding paragraph a.			
10.	The Department of Education shall specify the manner for collecting the required information and the method for determining if a school division has expended the local funds required to support the actual local match based on all Lottery and Incentive programs in which the school division has elected to participate. Unless specifically stated otherwise in this Item, school divisions electing to participate in any Lottery or Incentive program that requires a local funding match in order to receive state funding, shall certify to the Department of Education its intent to participate in each program by July 1 each fiscal year in a manner prescribed by the Department of Education. As part of this certification process, each division superintendent must also certify that adequate local funds have been appropriated, above the required local effort for the Standards of Quality, to support the projected required local match based on the Lottery and Incentive programs in which the school division has elected to participate. State funding for such program(s) shall not be made until such time that the school division can certify that sufficient local funding has been appropriated to meet required local match. The Department of Education shall make calculations after the close of the fiscal year to verify that the required local match was met based on the state funds that were received.			
11.	Any sum of local matching funds for Lottery and Incentive program which a locality has not expended as of the end of a fiscal year in support of the required local match pursuant to this Item shall be paid by the locality into the general fund of the state treasury unless the carryover of those unspent funds is specifically permitted by other provisions of this act. Such payments shall be made no later than the end of the school year following that in which the under expenditure occurred.			
12.	The Superintendent of Public Instruction shall provide a report annually, no later than the first day of the General Assembly session, on the status of teacher salaries, by local school			

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division, to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees. In addition to information on average salaries by school division and statewide comparisons with other states, the report shall also include information on starting salaries by school division and average teacher salaries by school.

13. All state and local matching funds required by the programs in this Item shall be appropriated to the budget of the local school board.

14. By November 15 of each year, the Department of Planning and Budget, in cooperation with the Department of Education, shall prepare and submit a preliminary forecast of Standards of Quality expenditures, based upon the most current data available, to the Chairmen of the House Appropriations and Senate Finance Committees. In odd-numbered years, the forecast for the current and subsequent two fiscal years shall be provided. In even-numbered years, the forecast for the current and subsequent fiscal year shall be provided. The forecast shall detail the projected March 31 Average Daily Membership and the resulting impact on the education budget.

15. School divisions may choose to use state payments provided for Standards of Quality Prevention, Intervention, and Remediation in both years as a block grant for remediation purposes, without restrictions or reporting requirements, other than reporting necessary as a basis for determining funding for the program.

16. Except as otherwise provided in this act, the Superintendent of Public Instruction shall provide guidelines for the distribution and expenditure of general fund appropriations and such additional federal, private and other funds as may be made available to aid in the establishment and maintenance of the public schools.

17. At the Department of Education's option, fees for audio-visual services may be deducted from state Basic Aid payments for individual local school divisions.

18. For distributions not otherwise specified, the Department of Education, at its option, may use prior year data to calculate actual disbursements to individual localities.

19. Payments for accounts related to the Standards of Quality made to localities for public education from the general fund, as provided herein, shall be payable in twenty-four semi-monthly installments at the middle and end of each month.

20. Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the Department of Education shall, for purposes of calculating the state and local shares of the Standards of Quality, apportion state sales and use tax dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2014, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2015, estimate of school age population provided by the Weldon Cooper Center for Public Service.

Notwithstanding § 58.1-638 D., Code of Virginia, and other language in this Item, the State Comptroller shall distribute the state sales and use tax revenues dedicated to public education and those sales tax revenues transferred to the general fund from the Public Education Standards of Quality/ Local Real Estate Property Tax Relief Fund in the first year based on the July 1, 2014, estimate of school age population provided by the Weldon Cooper Center for Public Service and, in the second year, based on the July 1, 2015, estimate of school age population provided by the Weldon Cooper Center for Public Service.

21. The school divisions within the Tobacco Region, as defined by the Tobacco Indemnification and Community Revitalization Commission, shall jointly explore ways to maximize their collective expenditure reimbursement totals for all eligible E-Rate funding.

22. This Item includes appropriations totaling an estimated \$561,527,170 the first year and \$541,231,250 the second year from the revenues deposited to the Lottery Proceeds Fund. These amounts are appropriated for distribution to counties, cities, and towns to support public education programs pursuant to Article X, Section 7-A Constitution of Virginia. Any county, city, or town which accepts a distribution from this fund shall provide its portion of the cost of maintaining an educational program meeting the Standards of

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Quality pursuant to Section 2 of Article VIII of the Constitution without the use of distributions from the fund.

23. For reporting purposes, the Department of Education shall include Lottery Proceeds Funds as state funds.

24.a. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2017 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2017 may carry over into FY 2018 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2018 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2018.

b. Any locality that has met its required local effort for the Standards of Quality accounts for FY 2018 and that has met its required local match for incentive or Lottery-funded programs in which the locality elected to participate in FY 2018 may carry over into FY 2019 any remaining state Direct Aid to Public Education fund balances available to help minimize any FY 2019 revenue adjustments that may occur in state funding to that locality. Localities electing to carry forward such unspent state funds must appropriate the funds to the school division for expenditure in FY 2019.

25. Localities are encouraged to allow school boards to carry over any unspent local allocations into the next fiscal year. Localities are also encouraged to provide increased flexibility to school boards by appropriating state and local funds for public education in a lump sum.

26. The Department of Education shall include in the annual School Performance Report Card for school divisions the percentage of each division's annual operating budget allocated to instructional costs. For this report, the Department of Education shall establish a methodology for allocating each school division's expenditures to instructional and non-instructional costs in a manner that is consistent with the funding of the Standards of Quality as approved by the General Assembly.

27. It is the intent of the General Assembly that all school divisions annually provide their employees, upon request, with a user-friendly statement of total compensation, including contract duration if less than 12 months.

28. The Department of Education, in collaboration with the Virginia Community College System, will ensure that the same policies regarding the cost for dual enrollment courses held at a community college, are consistently applied to public school students and home-schooled students alike. These policies will clearly address the school division contributions and any student charges for dual enrollment courses, and will ensure that public school students and home-school students are treated in the same manner.

C. Apportionment

1. Subject to the conditions stated in this paragraph and in paragraph B of this Item, each locality shall receive sums as listed above within this program for the basic operation cost and payments in addition to that cost. The apportionment herein directed shall be inclusive of, and without further payment by reason of, state funds for library and other teaching materials.

2. School Employee Retirement Contributions

a. This Item provides funds to each local school board for the state share of the employer's retirement cost incurred by it, on behalf of instructional personnel, for subsequent transfer to the retirement allowance account as provided by Title 51.1, Chapter 1, Code of Virginia.

b. Notwithstanding § 51.1-1401, Code of Virginia, the Commonwealth shall provide payments for only the state share of the Standards of Quality fringe benefit cost of the retiree health care credit. This Item includes payments in both years based on the state share of fringe benefit costs of 55 percent of the employer's cost on funded Standards of Quality instructional positions, distributed based on the composite index of the local ability-to-pay.

3. School Employee Social Security Contributions

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a.	This Item provides funds to each local school board for the state share of the employer's Social Security cost incurred by it, on behalf of the instructional personnel for subsequent transfer to the Contribution Fund pursuant to Title 51.1, Chapter 7, Code of Virginia.			
b.	Appropriations for contributions in paragraphs 2 and 3 above include payments from funds derived from the principal of the Literary Fund in accordance with Article VIII, Section 8, of the Constitution of Virginia. The amounts set aside from the Literary Fund for these purposes shall not exceed \$166,347,523 the first year and \$156,349,570 the second year.			
4.	School Employee Insurance Contributions			
	This Item provides funds to each local school board for the state share of the employer's Group Life Insurance cost incurred by it on behalf of instructional personnel who participate in group insurance under the provisions of Title 51.1, Chapter 5, Code of Virginia.			
5.	Basic Aid Payments			
a.1)	A state share of the Basic Operation Cost, which cost per pupil in March 31 ADM is established individually for each local school division based on the number of instructional personnel required by the Standards of Quality and the statewide prevailing salary levels (adjusted in Planning District Eight for the cost of competing) as well as recognized support costs calculated on a prevailing basis for an estimated March 31 ADM.			
2)	This appropriation includes funding to recognize the common labor market in the Washington-Baltimore-Northern Virginia, DC-MD-VA-WV Combined Statistical Area. Standards of Quality salary payments for instructional and support positions in school divisions of the localities set out below have been adjusted for the equivalent portion of the Cost of Competing Adjustment (COCA) rates that are paid to local school divisions in Planning District Eight. For the counties of Stafford, Fauquier, Spotsylvania, Clarke, Warren, Frederick, and Culpeper and the Cities of Fredericksburg and Winchester, the SOQ payments for instructional positions have been increased by 25 percent each year of the COCA rates paid to school divisions in Planning District Eight, and the SOQ payments for support positions have been increased by 25 percent in the second year of the COCA rates paid to school divisions in Planning District Eight.			
	The support COCA rate is 10.6 percent.			
b.	The state share for a locality shall be equal to the Basic Operation Cost for that locality less the locality's estimated revenues from the state sales and use tax (returned on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service, as specified in this Item), in the fiscal year in which the school year begins and less the required local expenditure.			
c.	For the purpose of this paragraph, the Department of Taxation's fiscal year sales and use tax estimates are as cited in this Item.			
d. 1)	In accordance with the provisions of § 37.2-713, Code of Virginia, the Department of Education shall deduct the locality's share for the education of handicapped pupils residing in institutions within the Department of Behavioral Health and Developmental Services from the locality's Basic Aid payments.			
2)	The amounts deducted from Basic Aid for the education of intellectually disabled persons shall be transferred to the Department of Behavioral Health and Developmental Services in support of the cost of educating such persons; the amount deducted from Basic Aid for the education of emotionally disturbed persons shall be used to cover extraordinary expenses incurred in the education of such persons. The Department of Education shall establish guidelines to implement these provisions and shall provide for the periodic transfer of sums due from each local school division to the Department of Behavioral Health and Developmental Services and for Special Education categorical payments. The amount of the actual transfers will be based on data accumulated during the prior school year.			
e. 1)	The apportionment to localities of all driver education revenues received during the			

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<p>school year shall be made as an undesignated component of the state share of Basic Aid in accordance with the provisions of this Item. Only school divisions complying with the standardized program established by the Board of Education shall be entitled to participate in the distribution of state funds appropriated for driver education. The Department of Education will deduct a designated amount per pupil from a school division's Basic Aid payment when the school division is not in compliance with § 22.1-205 C, Code of Virginia. Such amount will be computed by dividing the current appropriation for the Driver Education Fund by actual March 31 ADM.</p>				
<p>2) Local school boards may charge a per pupil fee for behind-the-wheel driver education provided, however, that the fee charged plus the per pupil basic aid reimbursement for driver education shall not exceed the actual average per pupil cost. Such fees shall not be cause for a pro rata reduction in Basic Aid payments to school divisions.</p>				
<p>f. Textbooks</p>				
<p>1) The appropriation in this Item includes \$12,742,776 the first year and \$76,878,557 the second year from the general fund and \$63,873,840 the first year from the Lottery Proceeds Fund as the state's share of the cost of textbooks based on a per pupil amount of \$109.78 the first year and \$109.78 the second year. A school division shall appropriate these funds for textbooks or any other public education instructional expenditure by the school division. The state's distributions for textbooks shall be based on adjusted March 31 ADM. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.</p>				
<p>2) School divisions shall provide free textbooks to all students.</p>				
<p>3) School divisions may use a portion of this funding to purchase Standards of Learning instructional materials. School divisions may also use these funds to purchase electronic textbooks or other electronic media resources integral to the curriculum and classroom instruction and the technical equipment required to read and access the electronic textbooks and electronic curriculum materials.</p>				
<p>4) Any funds provided to school divisions for textbook costs that are unexpended as of June 30, 2017, or June 30, 2018, shall be carried on the books of the locality to be appropriated to the school division the following year to be used for same purpose. School divisions are permitted to carry forward any remaining balance of textbook funds until the funds are expended for a qualifying purpose.</p>				
<p>g. The one-cent state sales and use tax earmarked for education and the sales tax revenues transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund and appropriated in this Item which are distributed to localities on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item shall be reflected in each locality's annual budget for educational purposes as a separate revenue source for the current fiscal year.</p>				
<p>h. The appropriation for the Standards of Quality for Public Education (SOQ) includes amounts estimated at \$385,109,559 the first year and \$398,609,559 the second year from the amounts transferred to the general fund from the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund pursuant to Part 3 of this act which are derived from the 0.375 cent increase in the state sales and use tax levied pursuant to § 58.1-638, Code of Virginia. These additional funds are provided to local school divisions and local governments in order to relieve the financial pressure education programs place on local real estate taxes.</p>				
<p>i. From the total amounts in paragraph h. above, an amount estimated at \$256,739,719 the first year and \$265,739,719 the second year (approximately 1/4 cent of sales and use tax) is appropriated to support a portion of the cost of the state's share of the following revisions to the Standards of Quality pursuant to Chapters 939 & 955 of the Acts of Assembly of 2004: five elementary resource teachers per 1,000 students; one support and one instructional technology position per 1,000 students; a full daily planning period for teachers at the middle and high school levels in order to relieve the pressure on local real estate taxes and shall be taken into account by the governing body of the county, city, or town in setting real estate tax rates.</p>				

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<p>j. From the total amounts in paragraph h. above, an amount estimated at \$128,369,840 the first year and \$132,869,840 the second year (approximately 1/8 cent of sales and use tax) is appropriated in this Item to distribute the remainder of the revenues collected and deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund on the basis of the latest yearly estimate of school age population provided by the Weldon Cooper Center for Public Service as specified in this Item.</p>				
<p>k. For the purposes of funding certain support positions in Basic Aid, a funding ratio methodology is used based upon the prevailing ratio of actual support positions, consistent with those recognized for SOQ funding, to actual instructional positions, consistent with those recognized for SOQ funding, as established in Chapter 781, 2009 Acts of Assembly. For the purposes of making the required spending adjustments, the appropriation and distribution of Basic Aid shall reflect this methodology. Local school divisions shall have the discretion as to where the adjustment may be made, consistent with the Standards of Quality funded in this Act.</p>				
<p>6. Education of the Gifted Payments</p>				
<p>a. An additional payment shall be disbursed by the Department of Education to local school divisions to support the state share of one full-time equivalent instructional position per 1,000 students in adjusted March 31 ADM.</p>				
<p>b. Local school divisions are required to spend, as part of the required local expenditure for the Standards of Quality the established per pupil cost for gifted education (state and local share) on approved programs for the gifted.</p>				
<p>7. Occupational-Vocational Education Payments</p>				
<p>a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Vocational Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.</p>				
<p>b. An amount estimated at \$110,043,313 the first year and \$110,283,838 the second year from the general fund included in Basic Aid Payments relates to vocational education programs in support of the Standards of Quality.</p>				
<p>8. Special Education Payments</p>				
<p>a. An additional payment shall be disbursed by the Department of Education to the local school divisions to support the state share of the number of Special Education instructors required by the Standards of Quality. These funds shall be disbursed on the same basis as the payment is calculated.</p>				
<p>b. Out of the amounts for special education payments, general fund support is provided to fund the caseload standards for speech pathologists at 68 students for each year of the biennium.</p>				
<p>9. Remedial Education Payments</p>				
<p>a. An additional payment estimated at \$114,133,767 the first year and \$114,313,454 the second year from the general fund shall be disbursed by the Department of Education to support the Board of Education's Standards of Quality Prevention, Intervention, and Remediation program adopted in June 2003.</p>				
<p>b. The payment shall be calculated based on one hour of additional instruction per day for identified students, using the three year average percent of students eligible for the federal Free Lunch program as a proxy for students needing such services. Fall membership shall be multiplied by the three year average division-level Free Lunch eligibility percentage to determine the estimated number of students eligible for services. Pupil-teacher ratios shall be applied to the estimated number of eligible students to determine the number of instructional positions needed for each school division. The pupil-teacher ratio applied for each school division shall range from 10:1 for those divisions with the most severe combined three year average failure rates for English and math Standards of Learning test scores to 18:1 for those divisions with the lowest combined three year average failure rates</p>				

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for English and math Standards of Learning test scores.

c. Funding shall be matched by the local government based on the composite index of local ability-to-pay.

d. To provide flexibility in the instruction of English Language Learners who have limited English proficiency and who are at risk of not meeting state accountability standards, school divisions may use state and local funds from the SOQ Prevention, Intervention, and Remediation account to employ additional English Language Learner teachers to provide instruction to identified limited English proficiency students. Using these funds in this manner is intended to supplement the instructional services provided through the SOQ staffing standard of 17 instructional positions per 1,000 limited English proficiency students. School divisions using the SOQ Prevention, Intervention, and Remediation funds in this manner shall only employ instructional personnel licensed by the Board of Education.

e. An additional state payment estimated at \$83,744,543 the second year from the general fund and \$98,327,638 the first year and \$14,797,598 the second year from the Lottery Proceeds Fund shall be disbursed based on the estimated number of federal Free Lunch participants, in support of programs for students who are educationally at risk. The additional payment shall be based on the state share of:

1) A minimum 1.0 percent add-on, as a percent of the per pupil basic aid cost, for each child who qualifies for the federal Free Lunch Program; and

2) An addition to the add-on, based on the concentration of children qualifying for the federal Free Lunch Program. Based on its percentage of Free Lunch participants, each school division will receive between 1.0 and 13.0 percent in additional basic aid per Free Lunch participant. These funds shall be matched by the local government, based on the composite index of local ability-to-pay.

3a) Local school divisions are required to spend the established at-risk payment (state and local share) on approved programs for students who are educationally at risk.

b) To receive these funds, each school division shall certify to the Department of Education that the state and local share of the at-risk payment will be used to support approved programs for students who are educationally at risk. These programs may include: Dropout Prevention, community and school-based truancy officer programs, Advancement Via Individual Determination (AVID), Project Discovery, Reading Recovery, programs for students who speak English as a second language, or programs related to increasing the success of disadvantaged students in completing a high school degree and providing opportunities to encourage further education and training. Further, each school division shall report to the Department, in the manner prescribed and date set by the Department, the uses of (i) increased funds in fiscal year 2017 above the levels in fiscal year 2016, as well as (ii) the uses of the base level of these funds. The Department shall compile the responses and provide them to the Chairmen of Senate Finance and House Appropriations Committees no later than the first day of the 2017 Session.

4) If the Board of Education has required a local school board to submit a corrective action plan pursuant to § 22.1-253.13:3, Code of Virginia, either for the school division pursuant to a division level review, or for any schools within its division that have been designated as not meeting the standards as approved by the Board of Education, the Superintendent of Public Instruction shall determine and report to the Board of Education whether each such local school board has met its obligation to develop and submit such corrective action plan(s) and is making adequate and timely progress in implementing the plan(s). Additionally, if an academic review process undertaken pursuant to § 22.1-253.13:3, Code of Virginia, has identified actions for a local school board to implement, the Superintendent of Public Instruction shall determine and report to the Board of Education whether the local school board has implemented required actions. If the Superintendent certifies that a local school board has failed or refused to meet any of those obligations, the Board of Education shall withhold payment of some or all At-Risk Add-On funds otherwise allocated to the affected division pursuant to this allocation for the pending fiscal year. In determining the amount of At-Risk Add-On funds to be withheld, the Board of Education shall take into consideration the extent to which such funds have already been expended or contractually obligated. The local school board shall be given an opportunity to correct its failure and, if

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successful in a timely manner, may have some or all of its At-Risk Add-On funds restored at the Board of Education's discretion.

f. Regional Alternative Education Programs

1) An additional state payment of \$8,624,267 the first year and \$8,922,130 the second year from the Lottery Proceeds Fund shall be disbursed for Regional Alternative Education programs. Such programs shall be for the purpose of educating certain expelled students and, as appropriate, students who have received suspensions from public schools and students returned to the community from the Department of Juvenile Justice.

2) Each regional program shall have a small student/staff ratio. Such staff shall include, but not be limited to education, mental health, health, and law enforcement professionals, who will collaborate to provide for the academic, psychological, and social needs of the students. Each program shall be designed to ensure that students make the transition back into the "mainstream" within their local school division.

3) a) Regional alternative education programs are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs. This incremental per pupil payment shall be adjusted for the composite index of local ability-to-pay of the school division that counts such students attending such program in its March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the regional programs for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the school day or school year that the student does not attend such program.

b) In the event a school division does not use all of the student slots it is allocated under this program, the unused slots may be reallocated or transferred to another school division.

1. A school division must request from the Department of Education the availability and possible use of any unused student slots. If any unused slots are available and if the requesting school division chooses to utilize any of the unused slots, the requesting school division shall only receive the state's share of tuition for the unused slot that was allocated in this Item for the originally designated school division.

2. However, no requesting school division shall receive more tuition funding from the state for any requested unused slot than what would have been the calculated amount for the requesting school division had the unused slot been allocated to the requesting school division in the original budget. Furthermore, the requesting school division shall pay for any remaining tuition payment necessary for using a previously unused slot.

3. The Department of Education shall provide assistance for the state share of the incremental cost of Regional Alternative Education program operations based on the composite index of local ability-to-pay.

g. Remedial Summer School

1) This appropriation includes \$28,285,228 the first year and \$29,966,909 the second year from the general fund for the state's share of Remedial Summer School Programs. These funds are available to school divisions for the operation of programs designed to remediate students who are required to attend such programs during a summer school session or during an intersession in the case of year-round schools. These funds may be used in conjunction with other sources of state funding for remediation or intervention. School divisions shall have maximum flexibility with respect to the use of these funds and the types of remediation programs offered; however, in exercising this flexibility, students attending these programs shall not be charged tuition and no high school credit may be awarded to students who participate in this program.

2) For school divisions charging students tuition for summer high school credit courses, consideration shall be given to students from households with extenuating financial circumstances who are repeating a class in order to graduate.

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10. K-3 Primary Class Size Reduction Payments

a. An additional payment estimated at \$129,745,062 the first year and \$131,721,587 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education as an incentive for reducing class sizes in the primary grades.

b. The Department of Education shall calculate the payment based on the incremental cost of providing the lower class sizes based on the lower of the division average per pupil cost of all divisions or the actual division per pupil cost.

c. Localities are required to provide a match for these funds based on the composite index of local ability-to-pay.

d. By October 15 of each year school divisions must provide data to the Department of Education that each participating school has a September 30 pupil/teacher ratio in grades K through 3 that meet the following criteria:

Qualifying School Percentage of Students Approved

Eligible for Free Lunch, Three-Year Average	Grades K-3 School Ratio	Maximum Individual K-3 Class Size
30% but less than 45%	19 to 1	24
45% but less than 55%	18 to 1	23
55% but less than 65%	17 to 1	22
65% but less than 70%	16 to 1	21
70% but less than 75%	15 to 1	20
75% or more	14 to 1	19

e. School divisions may elect to have eligible schools participate at a higher ratio, or only in a portion of grades kindergarten through three, with a commensurate reduction of state and required local funds, if local conditions do not permit participation at the established ratio and/or maximum individual class size. In the event that a school division requires additional actions to ensure participation at the established ratio and/or maximum individual class size, such actions must be completed by December 1 of the impacted school year. Special education teachers and instructional aides shall not be counted towards meeting these required pupil/teacher ratios in grades kindergarten through three.

f. The Superintendent of Public Instruction may grant waivers to school divisions for the class size requirement in eligible schools that have only one class in an affected grade level in the school.

11. Literary Fund Subsidy Program Payments

a. The Department of Education and the Virginia Public School Authority (VPSA) shall provide a program of funding for school construction and renovation through the Literary Fund and through VPSA bond sales. The program shall be used to provide funds, through Literary Fund loans and subsidies, and through VPSA bond sales, to fund a portion of the projects on the First or Second Literary Fund Waiting List, or other critical projects which may receive priority placement on the First or Second Literary Fund Waiting List by the Department of Education. Interest rate subsidies will provide school divisions with the present value difference in debt service between a Literary Fund loan and a borrowing through the VPSA. To qualify for an interest rate subsidy, the school division's project must be eligible for a Literary Fund loan and shall be subject to the same restrictions. The VPSA shall work with the Department of Education in selecting those projects to be funded through the interest rate subsidy/bond financing program, so as to ensure the maximum leverage of Literary Fund moneys and a minimum impact on the VPSA Bond Pool.

b. The Department of Education may offer Literary Fund loans from the uncommitted balances of the Literary Fund after meeting the obligations of the interest rate subsidy sales and the amounts set aside from the Literary Fund for Debt Service Payments for Education Technology in this Item.

c. 1) In the event that on any scheduled payment date of bonds of the Virginia Public School Authority (VPSA) authorized under the provisions of a bond resolution adopted subsequent to

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<p>June 30, 1997, issued subsequent to June 30, 1997, and not benefiting from the provisions of either § 22.1-168 (iii), (iv), and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the sum of (i) the payments on general obligation school bonds of cities, counties, and towns (localities) paid to the VPSA and (ii) the proceeds derived from the application of the provisions of § 15.2-2659, Code of Virginia, to such bonds of localities, is less than the debt service due on such bonds of the VPSA on such date, there is hereby appropriated to the VPSA, first, from available moneys of the Literary Fund and, second, from the general fund a sum equal to such deficiency.</p>				
<p>2) The Commonwealth shall be subrogated to the VPSA to the extent of any such appropriation paid to the VPSA and shall be entitled to enforce the VPSA's remedies with respect to the defaulting locality and to full recovery of the amount of such deficiency, together with interest at the rate of the defaulting locality's bonds.</p>				
<p>d. The chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds of the VPSA issued and projected to be issued during such biennium pursuant to the bond resolution referred to in paragraph a above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.</p>				
<p>12. Educational Technology Payments</p>				
<p>a. Any unobligated amounts transferred to the educational technology fund shall be disbursed on a pro rata basis to localities. The additional funds shall be used for technology needs identified in the division's technology plan approved by the Department of Education.</p>				
<p>b. The Department of Education shall authorize amounts estimated at \$11,618,250 the first year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2012.</p>				
<p>c. The Department of Education shall authorize amounts estimated at \$12,127,750 the first year and \$12,132,750 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2013.</p>				
<p>d. 1) The Department of Education shall authorize amounts estimated at \$13,248,500 the first year and \$13,246,250 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2014.</p>				
<p>2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2018-2020 biennial budget for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in fiscal year 2019.</p>				
<p>e. 1) The Department of Education shall authorize amounts estimated at \$13,808,000 the first year and \$13,805,000 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2015.</p>				
<p>2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2018-2020 biennial budget for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in fiscal years 2019 and 2020.</p>				
<p>f. 1) The Department of Education shall authorize amounts estimated at \$14,988,495 the first year and \$14,988,495 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia</p>				

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Public School Authority in 2016.				
2) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this program. In developing the proposed 2018-2020 and 2020-2022 biennial budget for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for this program in fiscal years 2019, 2020, and 2021.				
g. 1) An education technology grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at \$72,660,000 in fiscal year 2017 and \$74,830,800 in fiscal year 2018. Proceeds of the notes will be used to establish a computer-based instructional and testing system for the Standards of Learning (SOL) and to develop the capability for high speed Internet connectivity at high schools followed by middle schools followed by elementary schools. School divisions shall use these funds first to develop and maintain the capability to support the administration of online SOL testing for all students with the exception of students with a documented need for a paper SOL test.				
2) The Department of Education shall authorize amounts estimated at \$14,988,495 the second year from the Literary Fund to provide debt service payments for the education technology grant program conducted through the Virginia Public School Authority in 2017.				
3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for education technology grant programs in fiscal year 2017 and in fiscal year 2018. In developing the proposed 2018-2020, 2020-2022, and 2022-2024 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2019, 2020, 2021, 2022, and 2023.				
4) Grant funds from the issuance of \$72,660,000 in fiscal year 2017 and \$74,830,800 in fiscal year 2018 in equipment notes are based on a grant of \$26,000 per school and \$50,000 per school division. For purposes of this grant program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2016, for the fiscal year 2017 issuance, and September 30, 2017, for the fiscal year 2018 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the School for the Deaf and the Blind. Schools that serve only pre-kindergarten students shall not be eligible for this grant.				
5) Supplemental grants shall be allocated to eligible divisions to support schools that are not fully accredited in accordance with this paragraph. Schools that include a ninth grade that administer SOL tests in Spring 2016 and that are not fully accredited for the second consecutive year, based on school accreditation ratings in effect for fiscal year 2016 and fiscal year 2017 will qualify to participate in the Virginia e-Learning Backpack Initiative in fiscal year 2017 and receive: (1) a supplemental grant of \$400 per student reported in ninth grade fall membership in a qualifying school for the purchase of a laptop or tablet for that student and (2) a supplemental grant of \$2,400 per qualifying school to purchase two content creation packages for teachers. Schools eligible to receive this supplemental grant in fiscal year 2017 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Schools that administer SOL tests in Spring 2017 and that are not fully accredited for the second consecutive year based on school accreditation ratings in effect for fiscal year 2017 and fiscal year 2018 will qualify to participate in the initiative in fiscal year 2018. Schools eligible for the supplemental grants in previous fiscal years shall continue to be eligible for the remaining years of their grant award. Schools eligible to receive this supplemental grant in fiscal year 2018 shall continue to receive the grant for the number of subsequent years equaling the number of grades 9 through 12 in the qualifying school up to a maximum of four years. Grants awarded to qualifying schools that do not have grades 10, 11, or 12 may transition with the students to the primary receiving school for all years subsequent to grade 9. Schools are eligible to receive these grants for a period of up to four years beginning in fiscal year 2014 and shall not be eligible to receive a separate award in the future once the original award period has concluded. Schools that are fully accredited or that are new schools with				

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conditional accreditation in their first year shall not be eligible to receive this supplemental grant.				
6) Required local match:				
a) Localities are required to provide a match for these funds equal to 20 percent of the grant amount, including the supplemental grants provided pursuant to paragraph g. 5). At least 25 percent of the local match, including the match for supplemental grants, shall be used for teacher training in the use of instructional technology, with the remainder spent on other required uses. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.				
b) School divisions that administer 100 percent of SOL tests online in all elementary, middle, and high schools may use up to 75 percent of their required local match to purchase targeted technology-based interventions. Such interventions may include the necessary technology and software to support online learning, technology-based content systems, content management systems, technology equipment systems, information and data management systems, and other appropriate technologies that support the individual needs of learners. School divisions that receive supplemental grants pursuant to paragraph g.5) above shall use the funds in qualifying schools to purchase laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers.				
7) The goal of the education technology grant program is to improve the instructional, remedial, and testing capabilities of the Standards of Learning for local school divisions and to increase the number of schools achieving full accreditation.				
8) Funds shall be used in the following manner:				
a) Each division shall use funds to reach a goal, in each high school, of: (1) a 5-to-1 student to computer ratio; (2) an Internet-ready local area network (LAN) capability; and (3) high speed access to the Internet. School connectivity (computers, LANs and network access) shall include sufficient download/upload capability to ensure that each student will have adequate access to Internet-based instructional, remedial and assessment programs.				
b) When each high school in a division meets the goals established in paragraph a) above, the remaining funds shall be used to develop similar capability in first the middle schools and then the elementary schools.				
c) For purposes of establishing or enhancing a computer-based instructional program supporting the Standards of Learning pursuant to paragraph g. 1) above, these grant funds may be used to purchase handheld multifunctional computing devices that support a broad range of applications and that are controlled by operating systems providing full multimedia support and mobile Internet connectivity. School divisions that elect to use these grant funds to purchase such qualifying handheld devices must continue to meet the on-line testing requirements stated in paragraph g. 1) above.				
d) School divisions shall be eligible to receive supplemental grants pursuant to paragraph g.5) above. These supplemental grants shall be used in qualifying schools for the purchase of laptops and tablets for ninth grade students reported in fall membership and content creation packages for teachers. Participating school divisions will be required to select a core set of electronic textbooks, applications and online services for productivity, learning management, collaboration, practice, and assessment to be included on all devices. In addition, participating school divisions will assume recurring costs for electronic textbook purchases and maintenance.				
e) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.				
9) Local school divisions shall maximize the use of available federal funds, including E-				

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	Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.			
	h. The Department of Education shall maintain criteria to determine if high schools, middle schools, or elementary schools have the capacity to meet the goals of this initiative. The Department of Education shall be responsible for the project management of this program.			
	i. 1) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority (VPSA) issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes of the VPSA on such date, there is hereby appropriated to the VPSA from the general fund a sum equal to such deficiency.			
	2) The Chairman of the Board of Commissioners of the VPSA shall, on or before November 1 of each year, make and deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes of the VPSA issued and projected to be issued during such biennium pursuant to the resolution referred to in paragraph 1) above. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.			
	j. Unobligated proceeds of the notes, including investment income derived from the proceeds of the notes may be used to pay interest on, or to decrease principal of the notes or to fund a portion of such other educational technology grants as authorized by the General Assembly.			
	k. 1) For the purposes of § 56-232, Code of Virginia, "Contracts of Telephone Companies with State Government" and for the purposes of § 56-234 "Contracts for Service Rendered by a Telephone Company for the State Government" shall be deemed to include communications lines into public schools which are used for educational technology. The rate structure for such lines shall be negotiated by the Superintendent of Public Instruction and the Chief Information Officer of the Virginia Information Technologies Agency. Further, the Superintendent and Director are authorized to encourage the development of "by-pass" infrastructure in localities where it fails to obtain competitive prices or prices consistent with the best rates obtained in other parts of the state.			
	2) The State Corporation Commission, in its consideration of the discount for services provided to elementary schools, secondary schools, and libraries and the universal service funding mechanisms as provided under § 254 of the Telecommunications Act of 1996, is hereby encouraged to make the discounts for intrastate services provided to elementary schools, secondary schools, and libraries for educational purposes as large as is prudently possible and to fund such discounts through the universal fund as provided in § 254 of the Telecommunications Act of 1996. The commission shall proceed as expeditiously as possible in implementing these discounts and the funding mechanism for intrastate services, consistent with the rules of the Federal Communications Commission aimed at the preservation and advancement of universal service.			
	13. Security Equipment Payments			
	1) A security equipment grant program shall be conducted through the Virginia Public School Authority, through the issuance of equipment notes in an amount estimated at up to \$6,000,000 in fiscal year 2017 and \$6,000,000 in fiscal year 2018 in conjunction with the Virginia Public School Authority technology notes program authorized in C.12. of this Item. Proceeds of the notes will be used to help offset the related costs associated with the purchase of appropriate security equipment that will improve and help ensure the safety of students attending public schools in Virginia.			
	2) The Department of Education shall authorize amounts estimated at \$4,949,979 the first year and \$6,214,457 the second year from the Literary Fund to provide debt service payments for the security equipment grant programs conducted through the Virginia Public School Authority in fiscal years 2013, 2014, 2015, 2016, and 2017.			
	3) It is the intent of the General Assembly to authorize sufficient Literary Fund revenues to pay debt service on the Virginia Public School Authority bonds or notes authorized for this			

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program. In developing the proposed 2018-2020, and 2020-2022, and 2022-2024 biennial budgets for public education, the Department of Education shall include a recommendation to the Governor to authorize sufficient Literary Fund revenues to make debt service payments for these programs in fiscal years 2019, 2020, 2021, 2022, and 2023.

4) In the event that, on any scheduled payment date of bonds or notes of the Virginia Public School Authority issued for the purpose described in § 22.1-166.2, Code of Virginia, and not benefiting from the provisions of either § 22.1-168 (iii), (iv) and (v), Code of Virginia, or § 22.1-168.1, Code of Virginia, the available moneys in the Literary Fund are less than the amounts authorized for debt service due on such bonds or notes on such date, there is hereby appropriated to the Virginia Public School Authority from the general fund a sum equal to such deficiency.

5) The Chairman of the Board of Commissioners of the Virginia Public School Authority shall, on or before November 1 of each year, deliver to the Governor and the Secretary of Finance a certificate setting forth his estimate of total debt service during each fiscal year of the biennium on bonds and notes issued and projected to be issued during such biennium. The Governor's budget submission each year shall include provisions for the payment of debt service pursuant to paragraph 1) above.

6) Grant award funds from the issuance of up to \$6,000,000 in fiscal year 2017 and \$6,000,000 in fiscal year 2018 in equipment notes shall be distributed to eligible school divisions. The grant awards will be based on a competitive grant basis of up to \$100,000 per school division. School divisions will be permitted to apply annually for grant funding. For purposes of this program, eligible schools shall include schools that are subject to state accreditation and reporting membership in grades K through 12 as of September 30, 2016, for the fiscal year 2017 issuance, and September 30, 2017, for the fiscal year 2018 issuance, as well as regional vocational centers, special education centers, alternative education centers, regular school year Governor's Schools, and the Virginia School for the Deaf and the Blind.

7) School divisions would submit their application to Department of Education by August 1 of each year based on the criteria developed by the Department of Education in collaboration with the Department of Criminal Justice Services who will provide requested technical support. Furthermore, the Department of Education will have the authority to make such grant awards to such school divisions.

8) It is also the intent of the General Assembly that the total amount of the grant awards shall not exceed \$30,000,000 over any ongoing revolving five year period.

9) Required local match:

a) Localities are required to provide a match for these funds equal to 25 percent of the grant amount. The Superintendent of Public Instruction is authorized to reduce the required local match for school divisions with a composite index of local ability-to-pay below 0.2000. The Virginia School for the Deaf and the Blind is exempt from the match requirement.

b) Pursuant to § 15.2-1302, Code of Virginia, and in the event that two or more school divisions became one school division, whether by consolidation of only the school divisions or by consolidation of the local governments, such resulting division shall be provided funding through this program on the basis of having the same number of school divisions as existed prior to September 30, 2000.

c) Local school divisions shall maximize the use of available federal funds, including E-Rate Funds, and to the extent possible, use such funds to supplement the program and meet the goals of this program.

14. Virginia Preschool Initiative Payments

a.1) It is the intent of the General Assembly that a payment estimated at \$70,657,776 the first year and \$70,912,925 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to schools and community-based organizations to provide quality preschool programs for at-risk four-year-olds who are residents of

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	Virginia and unserved by Head Start program funding. In no event shall distributions from the Lottery Proceeds Fund be made directly to community-based or private providers.			
	2) These state funds and required local matching funds shall be used to provide programs for at-risk four-year-old children, which include quality preschool education, health services, social services, parental involvement and transportation. It shall be the policy of the Commonwealth that state funds and required local matching funds for the Virginia Preschool Initiative not be used for capital outlay. Programs must provide full-day or half-day and, at least, school-year services.			
	3) The Department of Education, in cooperation with the Council on Child Day Care and Early Childhood Programs, shall establish academic standards that are in accordance with appropriate preparation for students to be ready to successfully enter kindergarten. These standards shall be established in such a manner as to be measurable for student achievement and success. Students shall be required to be evaluated in the fall and in the spring by each participating school division and the school divisions must certify that the Virginia Preschool Initiative program follows the established standards in order to receive the funding for quality preschool education and criteria for the service components. Such guidelines shall be consistent with the findings of the November 1993 study by the Board of Education, the Department of Education, and the Council on Child Day Care and Early Childhood Programs.			
	4) a) Grants shall be distributed based on an allocation formula providing the state share of a \$6,125 grant for 100 percent of the unserved at-risk four-year-olds in each locality for a full-day program. The number of unserved at-risk four-year-olds in each locality shall be based on the projected number of kindergarten students, updated once each biennium for the Governor's introduced biennial budget. Half-day programs shall operate for a minimum of three hours of classroom instructional time per day, excluding breaks for lunch or recess, and grants to half-day programs shall be funded based on the state share of \$3,062 per unserved at-risk four-year-old in each locality. Full-day programs shall operate for a minimum of five and one-half instructional hours, excluding breaks for meals and recess. No additional state funding is provided for programs operating greater than three hours per day but less than five and one-half hours per day. In determining the state and local shares of funding, the composite index of local ability-to-pay is capped at 0.5000.			
	b) For new programs in the first year of implementation only, programs operating less than a full school year shall receive state funds on a fractional basis determined by the pro-rata portion of a school year program provided. In determining the prorated state funds to be received, a school year shall be 180 days.			
	b.1) Any locality which desires to participate in this grant program must submit a proposal through its chief administrator (county administrator or city manager) by May 15 of each year. The chief administrator, in conjunction with the school superintendent, shall identify a lead agency for this program within the locality. The lead agency shall be responsible for developing a local plan for the delivery of quality preschool services to at-risk children which demonstrates the coordination of resources and the combination of funding streams in an effort to serve the greatest number of at-risk four-year-old children.			
	2) The proposal must demonstrate coordination with all parties necessary for the successful delivery of comprehensive services, including the schools, child care providers, local social services agency, Head Start, local health department, and other groups identified by the lead agency.			
	3) A local match, based on the composite index of local ability-to-pay, shall be required. For purposes of meeting the local match, localities may use local expenditures for existing qualifying programs, however, at least seventy-five percent of the local match will be cash and no more than twenty-five percent will be in-kind. In-kind contributions are defined as cash outlays that are made by the locality that benefit the program but are not directly charged to the program. The value of fixed assets cannot be considered as an in-kind contribution. Localities shall also continue to pursue and coordinate other funding sources, including child care subsidies. Funds received through this program must be used to supplement, not supplant, any funds currently provided for programs within the locality. However, in the event a locality is prohibited from continuing the previous level of support to programs for at-risk four-year-olds from Title I of the federal Elementary and Secondary Education Act (ESEA), the state and local funds provided in this grants program may be used to continue services to			

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these Title I students. Such prohibition may occur due to amendments to the allocation formula in the reauthorization of ESEA as the No Child Left Behind Act of 2001 or due to a percentage reduction in a locality's Title I allocation in 2016-2017 or 2017-2018. Any locality so affected shall provide written evidence to the Superintendent of Public Instruction and request his approval to continue the services to Title I students.

c. Local plans must provide clear methods of service coordination for the purpose of reducing the per child cost for the service, increasing the number of at-risk children served and/or extending services for the entire year. Examples of these include:

1) "Wraparound Services" -- methods for combining funds such as child care subsidy dollars administered by local social service agencies with dollars for quality preschool education programs.

2) "Wrap-out Services" - methods for using grant funds to purchase quality preschool services to at-risk four-year-old children through an existing child care setting by purchasing comprehensive services within a setting which currently provides quality preschool education.

3) "Expansion of Service" - methods for using grant funds to purchase slots within existing programs, such as Head Start, which provide comprehensive services to at-risk four-year-old children.

d.1) Local plans must indicate the number of at-risk four-year-old children to be served, and the eligibility criteria for participation in this program shall be consistent with the economic and educational risk factors stated in the 2015-2016 programs guidelines that are specific to: (i) family income at or below 200 percent of poverty, (ii) homelessness, (iii) student's parents or guardians are school dropouts, or (iv) family income is less than 350 percent of federal poverty guidelines in the case of students with special needs or disabilities. Up to 15 percent of a division's slots may be filled based on locally established eligibility criteria so as to meet the unique needs of at-risk children in the community.

2) The Department of Education is directed to compile from each school division the aggregated information as to the number of enrolled students whose families are (i) at or below 130 percent of poverty, and (ii) above 130 percent but below 200 percent of poverty. The Department shall report this information annually, after the application and fall participation reports are submitted to the Department from the school divisions, to the Chairmen of House Appropriations and Senate Finance Committees. In addition, the Department will post and maintain the summary information by division on the Department's website in keeping with current student privacy policies.

e.1) The Department of Education and the Council on Child Day Care and Early Childhood Programs shall provide technical assistance for the administration of this grant program to provide assistance to localities in developing a comprehensive, coordinated, quality preschool program for serving at-risk four-year-old children.

2) A pre-application session shall be provided by the Department and the Council on Child Day Care and Early Childhood Programs prior to the proposal deadline. The Department shall provide interested localities with information on models for service delivery, methods of coordinating funding streams, such as funds to match federal IV-A child care dollars, to maximize funding without supplanting existing sources of funding for the provision of services to at-risk four-year-old children. A priority for technical assistance in the design of programs shall be given to localities where the majority of the at-risk four-year-old population is currently unserved.

f. The Department of Education shall include in the program's application package specific information regarding the potential availability of funding for supplemental grants that may be used for one-time expenses, other than capital, related to start-up or expansion of programs, with priority given to proposals for expanding the use of partnerships with either nonprofit or for-profit providers. Furthermore, the Department is mandated to communicate to all eligible school divisions the remaining available balances in the program's adopted budget, after the fall participation reports have been submitted and finalized for such grants.

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15. Early Reading Intervention Payments

a. An additional payment of \$18,142,819 the first year and \$18,203,496 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing early reading intervention services to students in grades kindergarten through 3 who demonstrate deficiencies based on their individual performance on diagnostic tests which have been approved by the Department of Education. The Department of Education shall review the tests of any local school board which requests authority to use a test other than the state-provided test to ensure that such local test uses criteria for the early diagnosis of reading deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of five to one. The estimated number of students in each school division in each year shall be determined by multiplying the projected number of students reported in each school division's fall membership in grades kindergarten, 1, 2, and 3 by the percent of students who are determined to need services based on diagnostic tests administered in the previous year in that school division and adjusted in the following manner:

	Year 1	Year 2
Kindergarten	100%	100%
Grade 1	100%	100%
Grade 2	100%	100%
Grade 3	100%	100%

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. At the beginning of the school year, local school divisions shall partner with the parents of those third grade students in the division who demonstrate reading deficiencies, discussing with them a developed plan for remediation and retesting. Such intervention programs, at the discretion of the local school division, may include, but not be limited to, the use of: special reading teachers; trained aides; full-time early literacy tutors; volunteer tutors under the supervision of a certified teacher; computer-based reading tutorial programs; aides to instruct in-class groups while the teacher provides direct instruction to the students who need extra assistance; or extended instructional time in the school day or year for these students. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

d. In the event that a school division does not use the diagnostic test provided by the Department of Education in the year that serves as the basis for updating the funding formula for this program but has used it in past years, the Department of Education shall use the most recent data available for the division for the state-provided diagnostic test.

e. The results of all reading diagnostic tests and reading remediation shall be discussed with the student and the student's parent prior to the student being promoted to grade four.

f. Funds appropriated for Standards of Quality Prevention, Intervention, and Remediation, Remedial Summer School, or At-Risk Add-On may also be used to meet the requirements of this program.

16. Standards of Learning Algebra Readiness Payments

a. An additional payment of \$12,921,689 the first year and \$12,955,205 the second year from the Lottery Proceeds Fund shall be disbursed by the Department of Education to local school divisions for the purposes of providing math intervention services to students in grades 6, 7, 8 and 9 who are at-risk of failing the Algebra I end-of-course test, as demonstrated by their individual performance on diagnostic tests which have been approved by the Department of

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Education. The Department of Education shall review the tests to ensure that such local test uses state-provided criteria for diagnosis of math deficiencies which are similar to those criteria used in the state-provided test. The Department of Education shall make the state-provided diagnostic test used in this program available to local school divisions. School divisions shall report the results of the diagnostic tests to the Department of Education on an annual basis at a time to be determined by the Superintendent of Public Instruction.

b. These payments shall be based on the state's share of the cost of providing two and one-half hours of additional instruction each week for an estimated number of students in each school division at a student to teacher ratio of ten to one. The estimate number of students in each school division shall be determined by multiplying the projected number of students reported in each school division's fall membership by the percent of students that qualify for the federal Free Lunch Program.

c. These payments are available to any school division that certifies to the Department of Education that an intervention program will be offered to such students and that each student who receives an intervention will be assessed again at the end of that school year. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

17. School Construction Grants Program Escrow

Notwithstanding the requirements of § 22.1-175.5, Code of Virginia, school divisions are permitted to withdraw funds from local escrow accounts established pursuant to § 22.1-175.5 to pay for recurring operational expenses incurred by the school division. Localities are not required to provide a local match of the withdrawn funds.

18. English as a Second Language Payments

A payment of \$52,499,242 the first year and \$54,904,712 the second year from the general fund shall be disbursed by the Department of Education to local school divisions to support the state share of 17 professional instructional positions per 1,000 students for whom English is a second language. Local school divisions shall provide a local match based on the composite index of local ability-to-pay.

19. Special Education Instruction Payments

a. The Department of Education shall establish rates for all elements of Special Education Instruction Payments.

b. Out of the appropriations in this Item, the Department of Education shall make available, subject to implementation by the Superintendent of Public Instruction, an amount estimated at \$87,362,717 the first year and \$90,918,109 the second year from the Lottery Proceeds Fund for the purpose of the state's share of the tuition rates for approved public school regional programs. Notwithstanding any contrary provision of law, the state's share of the tuition rates shall be based on the composite index of local ability-to-pay.

c. Out of the amounts for Financial Assistance for Categorical Programs, \$34,872,556 the first year and \$35,217,880 the second year from the general fund is appropriated to permit the Department of Education to enter into agreements with selected local school boards for the provision of educational services to children residing in certain hospitals, clinics, and detention homes by employees of the local school boards. The portion of these funds provided for educational services to children residing in local or regional detention homes shall only be determined on the basis of children detained in such facilities through a court order issued by a court of the Commonwealth. The selection and employment of instructional and administrative personnel under such agreements will be the responsibility of the local school board in accordance with procedures as prescribed by the local school board. State payments for the first year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2016 and the first three quarters of FY 2017. State payments for the second year to the local school boards operating these programs will be based on certified expenditures from the fourth quarter of FY 2017 and the first three quarters of FY 2018.

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20. Vocational Education Instruction Payments				
a. It is the intention of the General Assembly that the Department of Education explore initiatives that will encourage greater cooperation between jurisdictions and the Virginia Community College System in meeting the needs of public school systems.				
b. This appropriation includes \$1,800,000 the first year from the Lottery Proceeds Fund and \$1,800,000 the second year from the Lottery Proceeds Fund for secondary vocational-technical equipment. A base allocation of \$2,000 each year shall be available for all divisions, with the remainder of the funding distributed on the basis of student enrollment in secondary vocational-technical courses. State funds received for secondary vocational-technical equipment must be used to supplement, not supplant, any funds currently provided for secondary vocational-technical equipment within the locality. Local school divisions are not required to provide a local match in order to receive these state funds.				
c.1) This appropriation includes an additional \$2,000,000 the first year and \$2,000,000 the second year from the Lottery Proceeds Fund to update vocational-technical equipment to industry standards providing students with classroom experience that translates to the workforce.				
2) Of this amount, \$1,400,000 the first year and \$1,400,000 the second year is provided for vocational-technical equipment in high-demand, high-skill, and fast-growth industry sectors as identified by the Virginia Board of Workforce Development and based on data from the Bureau of Labor Statistics and the Virginia Employment Commission.				
3) Of this amount, \$600,000 the first year and \$600,000 the second year will be awarded based on competitive innovative program grants for high-demand and fast-growth industry sectors with priority given to state-identified challenged schools, the Governor's Science Technology, Engineering, and Mathematics (STEM) academies, and the Governor's Health Science Academies.				
d. This appropriation includes \$500,000 the first year and \$500,000 the second year from the Lottery Proceeds Fund to support credentialing testing materials for students and professional development for instructors in science, technology, engineering, and mathematics-health sciences (STEM-H) career and technical education programs.				
21. Adult Education Payments				
State funds shall be used to reimburse general adult education programs on a fixed cost per pupil or cost per class basis. No state funds shall be used to support vocational noncredit courses.				
22. General Education Payments				
a. This appropriation includes \$2,410,988 the first year and \$2,410,988 the second year from the Lottery Proceeds Fund to support Race to GED. Out of this appropriation, \$465,375 the first year and \$465,375 the second year shall be used for PluggedIn VA.				
b. This appropriation includes \$2,774,478 the first year and \$2,774,478 the second year from the Lottery Proceeds Fund to support Project Graduation and any associated administrative and contractual service expenditures related to this initiative.				
23. Virtual Virginia Payments				
a. From appropriations in this Item, the Department of Education shall provide assistance for the Virtual Virginia program.				
b. This appropriation includes \$498,000 the first year and \$498,000 the second year from the general fund to expand the Virtual Virginia full-time pilot program to 200 students in grades nine through 12.				
c. This appropriation includes \$260,000 the first year and \$330,000 the second year from the general fund to expand the virtual mathematics outreach pilot program to offer additional mathematics courses.				
d. The local share of costs associated with the operation of the Virtual Virginia program shall				

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be computed using the composite index of local ability-to-pay.

24. Individual Student Alternative Education Program (ISAEP) Payments

Out of this appropriation, \$2,247,581 the first year from the Lottery Proceeds Fund and \$2,247,581 in the second year from the Lottery Proceeds Fund shall be provided for the secondary schools' Individual Student Alternative Education Program (ISAEP), pursuant to Chapter 488 and Chapter 552 of the 1999 Session of the General Assembly.

25. Foster Children Education Payments

a. An additional state payment is provided from the Lottery Proceeds Fund for the prior year's local operations costs, as determined by the Department of Education, for each pupil of school age as defined in § 22.1-1, Code of Virginia, not a resident of the school division providing his education (a) who has been placed in foster care or other custodial care within the geographical boundaries of such school division by a Virginia agency, whether state or local, which is authorized under the laws of this Commonwealth to place children; (b) who has been placed in an orphanage or children's home which exercises legal guardianship rights; or (c) who is a resident of Virginia and has been placed, not solely for school purposes, in a child-caring institution or group home.

b. This appropriation provides \$7,933,839 the first year and \$7,937,440 the second year from the Lottery Proceeds Fund to support children attending public school who have been placed in foster care or other such custodial care across jurisdictional lines, as provided by subsections A and B of § 22.1-101.1, Code of Virginia. To the extent these funds are not adequate to cover the full costs specified therein, the Department is authorized to expend unobligated balances in this Item for this support.

26. Sales Tax Payments

a. This is a sum-sufficient appropriation for distribution to counties, cities and towns a portion of net revenue from the state sales and use tax, in support of the Standards of Quality (Title 22.1, Chapter 13.2, Code of Virginia) (See the Attorney General's opinion of August 3, 1982).

b. Certification of payments and distribution of this appropriation shall be made by the State Comptroller.

c. The distribution of state sales tax funds shall be made in equal bimonthly payments at the middle and end of each month.

27. Adult Literacy Payments

a. Appropriations in this Item include \$125,000 the first year and \$125,000 the second year from the general fund for the ongoing literacy programs conducted by Mountain Empire Community College.

b. Out of this appropriation, the Department of Education shall provide \$100,000 the first year and \$100,000 the second year from the general fund for the Virginia Literacy Foundation grants to support programs for adult literacy including those delivered by community-based organizations and school divisions providing services for adults with 0-9th grade reading skills.

28. Governor's School Payments

a. Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of regular school year Governor's Schools based on each participating locality's composite index of local ability-to-pay. Participating school divisions must certify that no tuition is assessed to students for participation in this program.

b.1) Out of the amounts for Governor's School Payments, the Department of Education shall provide assistance for the state share of the incremental cost of summer residential Governor's Schools and Foreign Language Academies to be based on the greater of the state's share of the composite index of local ability-to-pay or 50 percent. Participating school divisions must certify that no tuition is assessed to students for participation in this

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program if they are enrolled in a public school.				
2) Out of the amounts for Governor's School Payments, \$93,000 the first year and \$41,000 the second year is provided to support the Hanover Regional Summer Governor's School for Career and Technical Advancement, which was established pursuant to Chapter 425, 2014 Acts of Assembly, and Chapter 665, 2015 Acts of Assembly.				
c. For the Summer Governor's Schools and Foreign Language Academies programs, the Superintendent of Public Instruction is authorized to adjust the tuition rates, types of programs offered, length of programs, and the number of students enrolled in order to maintain costs within the available state and local funds for these programs.				
d. It shall be the policy of the Commonwealth that state general fund appropriations not be used for capital outlay, structural improvements, renovations, or fixed equipment costs associated with initiation of existing or proposed Governor's schools. State general fund appropriations may be used for the purchase of instructional equipment for such schools, subject to certification by the Superintendent of Public Instruction that at least an equal amount of funds has been committed by participating school divisions to such purchases.				
e. The Board of Education shall not take any action that would increase the state's share of costs associated with the Governor's Schools as set forth in this Item. This provision shall not prohibit the Department of Education from submitting requests for the increased costs of existing programs resulting from updates to student enrollment for school divisions currently participating in existing programs or for school divisions that begin participation in existing programs.				
f.1) Regular school year Governor's Schools are funded through this Item based on the state's share of the incremental per pupil cost for providing such programs for each student attending a Governor's School up to a cap of 1,800 students per Governor's School in the first year and a cap of 1,800 students per Governor's School in the second year. This incremental per pupil payment shall be adjusted for the composite index of the school division that counts such students attending an academic year Governor's School in their March 31 Average Daily Membership. It is the intent of the General Assembly that this incremental per pupil amount be in addition to the basic aid per pupil funding provided to the affected school division for such students. Therefore, local school divisions are encouraged to provide the appropriate portion of the basic aid per pupil funding to the Governor's Schools for students attending these programs, adjusted for costs incurred by the school division for transportation, administration, and any portion of the day that the student does not attend a Governor's School.				
2) Students attending a revolving Academic Year Governor's School program for only one semester shall be counted as 0.50 of a full-time equivalent student and will be funded for only fifty percent of the full-year funded per pupil amount. Funding for students attending a revolving Academic Year program will be adjusted based upon actual September 30th and January 30th enrollment each fiscal year. For purposes of this Item, revolving programs shall mean Academic Year Governor's School programs that admit students on a semester basis.				
3) Students attending a continuous, non-revolving Academic Year Governor's School program shall be counted as a full-time equivalent student and will be funded for the full-year funded per pupil amount. Funding for students attending a continuous, non-revolving Academic Year Governor's School program will be adjusted based upon actual September 30th student enrollment each fiscal year. For purposes of this Item, continuous, non-revolving programs shall mean Academic Year Governor's School programs that only admit students at the beginning of the school year. Fairfax County Public Schools shall not reduce local per pupil funding for the Thomas Jefferson Governor's School below the amounts appropriated for the 2003-2004 school year.				
4) This appropriation includes an additional \$1,370,160 the first year and \$1,680,704 the second year from the general fund to provide the state's share of a 2.5 percent increase in the tuition amount, and the state's share of \$50.00 per course per student adjustment added after the 2.5 percent increase. The 2.5 percent increase and the \$50.00 per course adjustment shall only be effective for fiscal year 2017 and fiscal year 2018. The local funding contribution of each school division participating in an Academic Year Governor's Schools program in either year of the biennium shall not be reduced on a per pupil basis below the amount in fiscal year				

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2016.

5) The Department of Education shall review the distribution methodology used to determine the Governor's School tuition payments by November 4, 2016, and submit the findings of the review to the Chairmen of House Appropriations and Senate Finance Committees. The review shall include, but not be limited to, consideration of the length of the academic program day with the intent to determine and provide an equitable distribution of tuition payments based on the actual length of academic program day, the appropriate state and local shares, and the academic model used by Governor's Schools in the configuration of the funding formula.

g. All regional Governor's Schools are encouraged to provide full-day grades 9 through 12 programs.

h. Out of the appropriation included in paragraph 36, a.1., of this Item, \$103,041 the first year and \$357,852 the second year from the general fund is included for the Academic Year Governor's School funding allocation to increase the per pupil amount up to an additional \$70.19 the first year and \$119.98 the second year per pupil amount as an add-on for a 2.0 percent compensation incentive supplement with an effective date of December 1, 2016. In order to receive the state's allocation for the 2.0 percent compensation incentive supplement in the first year, participating Academic Year Governor's Schools shall comply with the provisions set out in paragraph 36 of this Item.

i. Out of this appropriation, \$100,000 the first year from the general fund is available for the Department of Education to develop, in collaboration with the school divisions and community colleges in the Roanoke Valley region, a model proposal that establishes a Regional Career and Technical Governor's School Center.

29. School Nutrition Payments

It is provided that, subject to implementation by the Superintendent of Public Instruction, no disbursement shall be made out of the appropriation for school nutrition to any locality in which the schools permit the sale of competitive foods in food service facilities or areas during the time of service of food funded pursuant to this Item.

30. School Breakfast Payments

a. Out of this appropriation, \$3,926,014 the first year and \$4,226,897 the second year from the Lottery Proceeds Fund is included to continue a state funded incentive program to maximize federal school nutrition revenues and increase student participation in the school breakfast program. These funds are available to any school division as a reimbursement for breakfast meals served that are in excess of the baseline established by the Department of Education. The per meal reimbursement shall be \$0.22; however, the department is authorized, but not required to reduce this amount proportionately in the event that the actual number of meals to be reimbursed exceeds the number on which this appropriation is based so that this appropriation is not exceeded.

b. In order to receive these funds, school divisions must certify that these funds will be used to supplement existing funds provided by the local governing body and that local funds derived from sources that are not generated by the school nutrition programs have not been reduced or eliminated. The funds shall be used to improve student participation in the school breakfast program. These efforts may include, but are not limited to, reducing the per meal price paid by students, reducing competitive food sales in order to improve the quality of nutritional offerings in schools, increasing access to the school breakfast program, or providing programs to increase parent and student knowledge of good nutritional practices. In no event shall these funds be used to reduce local tax revenues below the level appropriated to school nutrition programs in the prior year. Further, these funds must be provided to the school nutrition programs and may not be used for any other school purpose.

c.1) Out of this appropriation, \$1,074,000 the first year and \$1,074,000 the second year from the general fund is provided to fund an elementary school After-the-Bell Model breakfast pilot program available on a voluntary basis only to elementary schools where student eligibility for free or reduced lunch exceeds 45.0 percent for the participating eligible elementary school, and to provide additional reimbursement for eligible meals

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	<p>served in the current traditional school breakfast program at all grade levels in any participating school. The Department of Education is directed to ensure that only eligible elementary schools receive reimbursement funding for participating in the After-the-Bell school breakfast model. The elementary schools participating in the pilot program shall evaluate the educational impact of the models implemented that provide school breakfasts to students after the first bell of the school day, based on the guidelines developed by the Department of Education and submit the required report to the Department of Education no later June 30, 2017 for the 2016-2017 school year and no later than June 30, 2018 for the 2017-2018 school year.</p>			
	<p>2) The Department of Education shall communicate, through Superintendent's Memo, to school divisions the types of breakfast serving models and the criteria that will meet the requirements for this State reimbursement, which may include, but are not limited to, breakfast in the classroom, grab and go breakfast, or a breakfast after first period. School divisions may determine the breakfast serving model that best applies to its students, so long as it occurs after the instructional day has begun. For the 2016-2017 and 2017-2018 school years, the Department of Education shall monthly transfer to each school division a reimbursement rate of \$0.05 per breakfast meal that meets either of the established criteria.</p>			
	<p>3) No later than July 1, 2016 for the 2016-2017 school year and no later than July 1, 2017 for the 2017-2018 school year, the Department of Education shall provide for a pilot breakfast program application process for school divisions with eligible elementary schools, including guidelines regarding specified required data to be compiled from the prior school year or years and during the one-year pilot. The number of approved applications shall be based on the estimated number of pilot sites that can be accommodated within the approved funding level. The reporting requirements must include: student attendance and tardy arrivals, office discipline referrals, student achievement measures, teachers' responses to the impact of the pilot program before and after implementation, and the financial impact on the division's school food program. The Department of Education shall collect and compile the results of the pilot breakfast program and shall submit the report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 following each school year.</p>			
	<p>31. Clinical Faculty and Mentor Teacher Program Payments</p> <p>This appropriation includes \$1,000,000 the first year and \$1,000,000 the second year from the Lottery Proceeds Fund to be paid to local school divisions for statewide Mentor Teacher Programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. This appropriation also includes \$318,750 the first year and \$318,750 the second year from the general fund for Clinical Faculty programs to assist pre-service teachers and beginning teachers to make a successful transition into full-time teaching. Such programs shall include elements which are consistent with the following:</p> <ol style="list-style-type: none"> An application process for localities and school/higher education partnerships that wish to participate in the programs; For Clinical Faculty programs only, provisions for a local funding or institutional commitment of 50 percent, to match state grants of 50 percent; Program plans which include a description of the criteria for selection of clinical faculty and mentor teachers, training, support, and compensation for clinical faculty and mentor teachers, collaboration between the school division and institutions of higher education, the clinical faculty and mentor teacher assignment process, and a process for evaluation of the programs; The Department of Education shall allow flexibility to local school divisions and higher education institutions regarding compensation for clinical faculty and mentor teachers consistent with these elements of the programs; and It is the intent of the General Assembly that no preference between pre-service or beginning teacher programs be construed by the language in this Item. School divisions operating beginning teacher mentor programs shall receive equal consideration for funding. 			
	<p>32. Career Switcher/Alternative Licensure Payments</p>			

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Appropriations in this Item include \$279,983 the first year and \$279,983 the second year from the general fund to provide grants to school divisions that employ mentor teachers for new teachers entering the profession through the alternative route to licensure as prescribed by the Board of Education.

33. Virginia Workplace Readiness Skills Assessment

Appropriations in this Item include \$308,655 the first year and \$308,655 the second year from the general fund to provide support grants to school divisions for standard diploma graduates. To provide flexibility, school divisions may use the state grants for the actual assessment or for other industry certification preparation and testing.

34. Reading Specialists Initiative

a. An additional payment of \$1,476,790 the first year and \$1,476,790 the second year from the general fund shall be disbursed by the Department of Education to qualifying local school divisions for the purpose of providing a reading specialist for any school with a third grade that has a school-wide pass rate of less than 75 percent on the reading Standards of Learning (SOL) assessments.

b. These payments shall be based on the state's share of the cost of providing one reading specialist per qualifying school. School divisions with schools participating in this program in fiscal year 2016 shall be eligible to receive funding at 100 percent of the state share the first year and 50 percent of the state share the second year for the same schools and such schools are granted a one-year extension of the two-year waiver referenced in subsection c. for a third year in fiscal year 2018. The Department of Education is authorized to disburse additional payments to divisions from any remaining funds each year to support additional qualifying schools and shall give priority to such schools with the lowest SOL pass rates for reading or the greatest number of years accredited with warning in English. Payments to school divisions in support of such additional qualifying schools each year shall be based on 100 percent of the state share of cost.

c. These payments are available to any school division with a qualifying school that (1) certifies to the Department of Education that the division has hired a reading specialist to provide direct services to children reading below grade level in the school to improve reading achievement and (2) applies and receives a waiver for up to two years from the Board of Education for the administration of third grade SOL assessments in science or history and social science or both for the purpose of creating additional instructional time for reading specialists to work with students reading below grade level to improve reading achievement.

d. These payments also are available to any school division with a qualifying school that certifies to the Department of Education that the division is supporting tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a reading specialist.

e. School divisions receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

35. Math/Reading Instructional Specialist Initiative

a. Included in this appropriation is \$1,834,538 the first year and \$1,834,538 the second year from the general fund in additional payments for reading or math instructional specialists at underperforming schools. From this amount, the state share of one reading or math specialist shall be provided to local school divisions with schools which have been denied accreditation or were accredited with warning for the third consecutive year based on school accreditation ratings for the 2015-2016 school year. Such schools shall be eligible to receive the state share of funding for both years of the biennium. In addition, following the academic review required by § 22.1-253.13:3, Code of Virginia, the Department of Education shall identify up to 20 additional schools to also receive the state share of a reading or math instructional specialist. The schools eligible for such personnel are those which were accredited with warning for the second consecutive year based on school accreditation ratings for the 2014-2015 and 2015-2016 school years and that have shown no or limited improvement in student achievement in the past year. Such schools

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shall also be eligible to receive the state share of funding for both years of the biennium. If, following certification from a school division that it will not participate in the program, the Department is authorized to identify additional eligible schools.

b. These payments are available to any school division with a qualifying school that certifies to the Department of Education that the division has (1) hired a math or reading instructional specialist, or (2) is supporting tuition for collegiate programs and instruction for currently employed instructional school personnel to earn the credentials necessary to meet licensure requirements to be endorsed as a math specialist or a reading specialist. Localities receiving these payments are required to match these funds based on the composite index of local ability-to-pay.

c. The Department of Education is authorized to utilize available funding appropriated to the Early Reading Specialist Initiative contained in this Item to pay for instructional specialists at additional eligible schools, or to support tuition for collegiate programs and instruction for currently employed instructional school personnel at additional eligible schools to earn the credentials necessary to meet licensure requirements to be endorsed as an instructional specialist.

36. Compensation Supplements

a.1) The appropriation in this Item includes \$49,007,999 the first year and \$85,349,461 the second year from the general fund for the state share of a payment equivalent to a 2.0 percent salary incentive increase, effective December 1, 2016, for funded SOQ instructional and support positions. Funded SOQ instructional positions shall include the teacher, guidance counselor, librarian, instructional aide, principal, and assistant principal positions funded through the SOQ staffing standards for each school division in the biennium. This amount includes \$103,041 the first year and \$357,852 the second year referenced in paragraph 28. h., for the Academic Year Governor's Schools for a 2.0 percent salary incentive increase, effective December 1, 2016, for instructional and support positions.

2) It is the intent that the instructional and support position salaries be improved in school divisions throughout the state by at least an average of 2.0 percent in the first year. Sufficient funds are appropriated in this act to finance, on a statewide basis, the state share of a 2.0 percent salary increase for funded SOQ instructional and support positions, effective December 1, 2016, to school divisions which certify to the Department of Education, by October 1, 2016, that salary increases of a minimum average of 2.0 percent have been provided in the first year by December 1, 2016, to instructional and support personnel. In certifying that the salary increases have been provided, school divisions may not include any salary increases that were provided in the first year solely to offset the cost of required member contributions to the Virginia Retirement System under § 51.1-144, Code of Virginia.

b. The state funds for which the division is eligible to receive shall be matched by the local government, based on the composite index of local ability-to-pay, which shall be calculated using an effective date of December 1, 2016, as the basis for the local match requirement for both funded SOQ instructional and support positions.

c. This funding is not intended as a mandate to increase salaries.

37. Broadband Connectivity Capabilities

By November 1 each year, school divisions shall report to the Department of Education the status of broadband connectivity capability of schools in the division on a form to be provided by the Department. Such report shall include school-level information on the method of Internet service delivery, the level of bandwidth capacity and the degree such capacity is sufficient for delivery of school-wide digital resources and instruction, degree of internet connectivity via Wi-Fi, cost information related to Internet connectivity, data security, and such other pertinent information as determined by the Department of Education. The Department shall provide a summary of the division responses in a report to be made available on its agency Web site.

38. Supplemental Lottery Per Pupil Allocation Payments

a. Out of this appropriation, an amount estimated at \$36,581,405 the first year and \$157,167,568 the second year from the Lottery Proceeds Fund shall be disbursed by the

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<p>Department of Education to local school divisions to support the state share of an estimated \$52.42 per pupil the first year and \$224.43 per pupil the second year in adjusted March 31 average daily membership. These per pupil amounts are subject to change for the purpose of payment to school divisions based on the actual March 31 ADM collected each year. No locality shall be required to maintain a per pupil expenditure each year from local funds which is greater than the per pupil amount expended by the locality for such purposes in the year upon which the 2016-18 biennial Standards of Quality expenditure data were based.</p> <p>b. Of the amounts listed above, no more than 50 percent shall be used for recurring costs and at least 50 percent shall be spent on nonrecurring expenditures by the relevant school divisions. Nonrecurring costs shall include school construction, additions, infrastructure, site acquisition, renovations, technology, school buses and other expenditures related to modernizing classroom equipment, and debt service payments on school projects completed during the last 10 years.</p> <p>c. Any lottery funds provided to school divisions from this item that are unexpended as of June 30, 2017, and June 30, 2018, shall be carried on the books of the locality to be appropriated to the school division in the following year.</p>				
140.	Federal Education Assistance Programs (17900).....		\$887,066,897	\$887,066,897
	Federal Assistance to Local Education Programs (17901).....	\$887,066,897	\$887,066,897	
	Fund Sources: Federal Trust.....	\$887,066,897	\$887,066,897	
<p>Authority: PL 107-110, PL 108-446, PL 105-332, PL 105-220, PL 105-220, Federal Code.</p> <p>a. The appropriation to support payments to school divisions from federal program grant funds is contained in this Item.</p> <p>b. The Department of Education will encourage localities to apply for Medicaid reimbursements for eligible special education expenditures which will help to increase available state and local funding for other educational activities and expenditures.</p> <p>c. It is the intent of the General Assembly that in any fiscal year when revenues received or budgeted by the Commonwealth, applicable to any public education program, which were derived from a federally funded grant or program and subsequently realize a decrease in such funding levels, that the Commonwealth will not supplant any of the decreased federal funding received or budgeted with any general fund revenues from the Commonwealth.</p>				
	Total for Direct Aid to Public Education.....		\$7,455,931,091	\$7,718,610,897
	Fund Sources: General.....	\$5,838,890,723	\$6,131,864,402	
	Special.....	\$895,000	\$895,000	
	Commonwealth Transportation.....	\$803,778	\$803,778	
	Trust and Agency.....	\$728,274,693	\$697,980,820	
	Federal Trust.....	\$887,066,897	\$887,066,897	
	Grand Total for Department of Education, Central Office Operations.....		\$7,561,326,911	\$7,821,708,681
	General Fund Positions.....	150.00	150.00	
	Nongeneral Fund Positions.....	178.50	178.50	
	Position Level.....	328.50	328.50	
	Fund Sources: General.....	\$5,899,973,874	\$6,190,647,583	
	Special.....	\$5,540,648	\$5,542,274	
	Commonwealth Transportation.....	\$1,067,105	\$1,067,105	
	Trust and Agency.....	\$728,554,252	\$698,260,383	
	Federal Trust.....	\$926,191,032	\$926,191,336	

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141.	Instruction (19700).....			\$5,603,799	\$5,381,359
	Classroom Instruction (19701).....	\$5,326,478	\$5,104,038		
	Occupational-Vocational Instruction (19703).....	\$153,121	\$153,121		
	Outreach and Community Assistance (19710).....	\$124,200	\$124,200		
	Fund Sources: General.....	\$4,767,081	\$4,544,641		
	Special.....	\$111,371	\$111,371		
	Federal Trust.....	\$725,347	\$725,347		

Authority: §§ 22.1-346 through 22.1-349, Code of Virginia.

This item includes \$222,440 the first year from the general fund to facilitate a change in the faculty and staff contract year as a result of adjusting the academic year to align with surrounding localities starting in school year 2016-2017.

142.	Residential Support (19800).....			\$5,202,587	\$5,098,280
	Food and Dietary Services (19801).....	\$253,151	\$253,151		
	Medical and Clinical Services (19802).....	\$363,021	\$343,183		
	Physical Plant Services (19803).....	\$2,081,162	\$2,081,162		
	Residential Services (19804).....	\$2,143,444	\$2,058,975		
	Transportation Services (19805).....	\$361,809	\$361,809		
	Fund Sources: General.....	\$4,859,874	\$4,755,567		
	Special.....	\$204,220	\$204,220		
	Federal Trust.....	\$138,493	\$138,493		

Authority: Title 22.1, Chapter 19, Code of Virginia.

This item includes \$104,307 the first year from the general fund to facilitate a change in the faculty and staff contract year as a result of adjusting the academic year to align with surrounding localities starting in school year 2016-2017.

143.	Administrative and Support Services (19900).....			\$1,099,182	\$1,100,438
	General Management and Direction (19901).....	\$1,099,182	\$1,100,438		
	Fund Sources: General.....	\$998,737	\$999,853		
	Special.....	\$77,043	\$77,115		
	Federal Trust.....	\$23,402	\$23,470		

Authority: Title 22.1, Chapter 19, Code of Virginia.

A. Notwithstanding any other provision of law, the Virginia School for the Deaf and Blind is authorized to retain the income generated by the rental of facilities on the Staunton campus to outside entities.

B. The Board of Visitors of the Virginia School for the Deaf and the Blind is authorized to accept title to, and assume the ownership of, certain real property, with the improvements thereon, containing 0.95 acres, more or less, known as 4164 Stone Mountain Road, located near Coeburn in Wise County, Virginia, which real property was given and devised to the said school under the Will of Jerold Maxwell Grizzle, deceased alumnus of the school. Acceptance thereof shall be subject to the provisions of §2.2-1149, Code of Virginia. Once the property has been accepted, the Board is authorized to transfer and convey all its right, title and interest in and to the said real property to the VSDB Foundation, a Virginia non-stock corporation, which serves and supports the school. Any such conveyance shall be exempt from §2.2-1156, Code of Virginia, and any other statute concerning the conveyance, transfer or sale of state property. If the VSDB Foundation leases, sells or conveys any interest in the said real property or any improvements thereon, such lease, sale or conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the Foundation's lease, sale or conveyance of any interest in the said real property shall be deemed to be local or private funds and may be used by the VSDB Foundation for any foundation purpose.

	Total for Virginia School for the Deaf and the Blind...			\$11,905,568	\$11,580,077
	General Fund Positions.....	185.50	185.50		

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Position Level.....	185.50	185.50		
Fund Sources: General.....	\$10,625,692	\$10,300,061		
Special.....	\$392,634	\$392,706		
Federal Trust.....	\$887,242	\$887,310		

§ 1-51. STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA (245)

144.	Higher Education Student Financial Assistance (10800).....			\$76,287,665	\$104,886,328
	Scholarships (10810).....	\$76,097,665	\$104,696,328		
	Regional Financial Assistance for Education (10813).....	\$190,000	\$190,000		
	Fund Sources: General.....	\$76,027,665	\$104,626,328		
	Special.....	\$10,000	\$10,000		
	Dedicated Special Revenue.....	\$250,000	\$250,000		

Authority: Code of Virginia; Tuition Assistance Grant Program: Title 23, Chapter 4.1, Code of Virginia, Regional Grants and Contracts: Discretionary Inclusion; Undergraduate and Graduate Assistance: Discretionary Inclusion; § 23-31.1; and § 23-7.4:1, §§ 23-38.10:9 through 23-38.10:13

A. Appropriations in this Item are subject to the conditions specified in paragraphs B, C, D, E, F, G, and H hereof.

B. Those private institutions which participate in the programs provided by the appropriations in this Item shall, upon request by the State Council of Higher Education, submit financial and other information which the Council deems appropriate.

C. Out of the amounts for Scholarships the following sums shall be made available for:

1. Tuition Assistance Grant Program, \$65,812,665 the first year and \$65,812,665 the second year from the general fund is designated for full-time undergraduate and graduate students.

2. Virginia Space Grant Consortium Scholarships, \$695,000 the first year and \$695,000 the second year from the general fund.

3. Out of this appropriation, \$20,000 the first year and \$20,000 the second year from the general fund is designated to provide grants of up to \$5,000 per year for Virginia students who attend schools and colleges of optometry. Each student receiving a grant shall agree to set up practice in the Commonwealth for a period of not less than two years upon completion of instruction.

4. No amount, or part of an amount, listed for any program specified under paragraph C shall be expended for any other program in this appropriation.

D. Tuition Assistance Grant Program

1. Payments to students out of this appropriation shall not exceed \$3,200 the first year and \$3,300 the second year for qualified undergraduate students and \$2,200 each year for qualified graduate and medical students attending not-for-profit, independent institutions in accordance with §§ 23-38.12 through 23-38.19, Code of Virginia.

2. The private institutions which participate in this program shall, during the spring semester previous to the commencement of a new academic year or as soon as a student is admitted for that year, whichever is later, notify their enrolled and newly admitted Virginia students about the availability of tuition assistance awards under the program. The information provided to students and their parents must include information about the eligibility requirements, the application procedures, and the fact that the amount of the award is an estimate and is not guaranteed. The number of students applying for participation and the funds appropriated for the program determine the amount of the award. Conditions for reduction of award amount and award eligibility are described in this Item and in the regulations issued by the State Council of Higher Education. The

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	institutions shall certify to the council that such notification has been completed and shall indicate the method by which it was carried out.			
	3. Institutions participating in this program must submit annually to the council copies of audited financial statements.			
	4. To be eligible for a fall or full-year award out of this appropriation, a student's application must have been received by a participating independent college or by the State Council of Higher Education by July 31. Returning students who received the award in the previous year will be prioritized with the July 31 award. Applications for a fall or full-year award received after July 31 but no later than September 14 will be held for consideration if funds are available after July 31 and returning student awards have been made. Applications for spring semester only awards must be received by December 1 and will be considered only if funds remain available.			
	5. No limitations shall be placed on the award of Tuition Assistance Grants other than those set forth herein or in the Code of Virginia.			
	6. All eligible institutions not previously approved by the State Council of Higher Education to participate in the Tuition Assistance Grant Program shall have received accreditation by a nationally recognized regional accrediting agency, prior to participation in the program or by the Commission on Osteopathic College Accreditation of the American Osteopathic Association in the case of freestanding institutions of higher education that offer the Doctor of Osteopathic Medicine as the sole degree program.			
	7. Payments to undergraduate students shall be greater than payments to graduate and medical students and shall be based on a differential established by the State Council of Higher Education for Virginia.			
	8. No awards shall be provided to graduate students except in health-related professional programs to include allied health, nursing, pharmacy, medicine, and osteopathic medicine. Notwithstanding application deadlines contained in the Virginia Administrative Code for the Tuition Assistance Grant program, provided that the institution has received accreditation by the Liaison Committee on Medical Education, the Virginia Tech - Carilion School of Medicine shall be deemed eligible to participate in the Tuition Assistance Grant program.			
	9. Notwithstanding any other provisions of law, Eastern Virginia Medical School is not eligible to participate in the Tuition Assistance Grant Program.			
	10. Any general fund appropriation in the Tuition Assistance Grant Program which is unexpended at the close of business June 30 of any fiscal year shall be reappropriated for use in the program in the following year.			
	E.1. Regional Grants and Contracts: Out of this appropriation, \$170,000 the first year and \$170,000 the second year from the general fund is designated to support Virginia's participation in the Southern Regional Education Board initiative to increase the number of minority doctoral graduates.			
	2. The amounts listed in paragraph E.1 shall be expended in accordance with the agreements between the Commonwealth of Virginia and the Southern Regional Education Board.			
	F.1. Out of this appropriation, \$1,980,000 the first year and \$1,980,000 the second year from the general fund is designated to support the Virginia Military Survivors and Dependents program, § 23-7.4:1, Code of Virginia, to provide up to a \$1,800 annual stipend to offset the costs of room, board, books and supplies for qualified survivors and dependents of military service members.			
	2. The amount of the stipend is an estimate depending on the number of students eligible under § 23-7.4:1, Code of Virginia. Changes that increase or decrease the grant amount shall be determined by the State Council of Higher Education for Virginia.			
	3. The Director, State Council of Higher Education for Virginia, shall allocate these funds to public institutions of higher education on behalf of students qualifying under this provision.			
	4. Each institution of higher education shall report the number of recipients for this program to the State Council of Higher Education for Virginia by April 1 of each year. The State			

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Council of Higher Education for Virginia shall report this information to the Chairmen of the House Appropriations and Senate Finance Committees by May 15 of each year.

5. The Department of Veterans Services shall consult with the State Council of Higher Education for Virginia prior to the dissemination of any information related to the financial benefits provided under this program.

G.1. Out of the appropriation for this Item, \$2,850,000 the first year and \$2,850,000 the second year from the general fund is designated to support the Two-Year College Transfer Grant Program.

2. The State Council of Higher Education for Virginia shall disburse these funds for full-time students consistent with §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. Beginning with students who are entering a senior institution as a two-year transfer student for the first time in the fall 2013 academic year, and who otherwise meet the eligibility criteria of § 23-38.10:10, Code of Virginia, the maximum EFC is raised to \$12,000.

3. The actual amount of the award depends on the number of students eligible under §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. Changes that decrease the grant amount shall be determined by the State Council of Higher Education for Virginia.

4. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund is designated to support students eligible for the first time under §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. The State Council of Higher Education for Virginia shall transfer these funds to Norfolk State University, Old Dominion University, Radford University, the University of Virginia at Wise, Virginia Commonwealth University and Virginia State University so that each institution can provide for grants of \$1,000 from these funds for these students.

a. Each institution shall award grants from these funds for one year and students shall not receive subsequent awards until they have satisfied the requirements to move to the next class level. Each recipient may receive a maximum of one year of support per class level for a maximum total of two years of support.

b. Any balances remaining from the appropriation identified in paragraph G.4 shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the State Council of Higher Education for Virginia for the purposes specified in paragraph G.4 in the subsequent fiscal year.

c. It is anticipated that the institutions shift by a total of 600 the number of students each enrolls from first time freshman to transfers eligible under §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. Institutional goals under this fund are estimated as follows:

Institution	Transfer Target
Norfolk State University	80
Old Dominion University	140
Radford University	140
University of Virginia's College at Wise	20
Virginia Commonwealth University	140
Virginia State University	80

d. The State Council of Higher Education for Virginia may allocate these funds among the institutions in Paragraph G.4.c as necessary to meet the actual number of transfers each institution generates for students eligible for the first time under §§ 23-38.10:9 through 23-38.10:13, Code of Virginia. Each institution shall report its progress toward the targets in Paragraph G.4.c to the Chairmen of the House Appropriations and Senate Finance Committees by May 1 each year.

e. The report shall include a detailed accounting of the use of the funds provided and a plan for achieving the goals identified in this item.

H. Out of this appropriation, \$24,098,663 the second year from the general fund is designated for need-based in-state undergraduate financial aid. Based on the

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recommendations of the Joint Subcommittee on the Future Competitiveness of Virginia Higher Education, the State Council of Higher Education for Virginia will allocate these funds to each institution in fiscal year 2018.

I. 1.Out of this appropriation, \$4,000,000 the first year and \$8,500,000 the second year from the general fund is designated for the New Economy Workforce Credential Grant Program.

2. The State Council of Higher Education for Virginia shall develop guidelines for the program, collect data, evaluate and approve grant funds for allocation to eligible institutions.

J. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated for cybersecurity public service scholarships. This award requires a state government employment commitment in the Commonwealth by the recipient equal to the number of years the scholarship is awarded. The State Council of Higher Education for Virginia shall develop eligibility criteria for this program, as well as establish the award amounts.

145.	Financial Assistance For Educational and General Services (11000).....			\$75,000	\$75,000
	Outstanding Faculty Recognition (11009).....	\$75,000	\$75,000		
	Fund Sources: Special.....	\$75,000	\$75,000		

Authority: Outstanding Faculty Recognition Program: Discretionary Inclusion.

Outstanding Faculty Recognition Program

1. The State Council of Higher Education for Virginia shall annually provide a grant to faculty members selected to be honored under this program from such private funds as may be designated for this purpose.

2. The faculty members shall be selected from public and private institutions of higher education in Virginia, but recipients of Outstanding Faculty Recognition Awards shall not be eligible for the awards in subsequent years.

146.	Higher Education Academic, Fiscal, and Facility Planning and Coordination (11100).....			\$16,984,678	\$17,996,219
	Higher Education Coordination and Review (11104)..	\$15,768,614	\$16,780,097		
	Regulation of Private and Out-of-State Institutions (11105).....	\$1,216,064	\$1,216,122		
	Fund Sources: General.....	\$15,618,614	\$16,630,097		
	Special.....	\$1,176,064	\$1,176,122		
	Trust and Agency.....	\$190,000	\$190,000		

Authority: §§ 23-9.3, 23-9.6:1, 23-20, 23-38.13.

A. 1. It is the intent of the General Assembly to provide general fund support to contract at a level equivalent to the Tuition Assistance Grant undergraduate award with Mary Baldwin College for Virginia women resident students to participate in the Virginia Women's Institute for Leadership at Mary Baldwin College.

2. The amounts included in this Item are \$307,899 from the general fund the first year and \$307,899 the second year from the general fund for the programmatic administration of this program.

3. General fund appropriations provided under this contract include financial incentive for the participating students at Mary Baldwin College in the Virginia Women's Institute for Leadership Program. Students receiving this financial incentive will not be eligible for Tuition Assistance Grants.

4. By September 1 of each year, Mary Baldwin College shall report to the Chairmen of the House Appropriations and Senate Finance Committees, the Director, State Council of Higher Education for Virginia, and the Director, Department of Planning and Budget, on the number of students participating in the Virginia Women's Leadership Program, the number of in-state and out-of-state students receiving awards, the amount of the awards, the number of students

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graduating, and the number of students receiving commissions in the military.

B. In discharging the responsibilities specified in § 23-272 D, Code of Virginia, the State Council of Higher Education for Virginia shall provide exemptions to individual proprietorships, associations, co-partnerships or corporations which are now or in the future will be using the words "college" or "university" in their training programs solely for their employees or customers, which do not offer degree-granting programs, and whose name includes the word "college" or "university" in a context from which it clearly appears that such entity is not an educational institution.

C. Out of the appropriation for Higher Education Coordination and Review, \$8,254,013 the first year and \$8,315,064 the second year from the general fund is provided for continuation of the Virtual Library of Virginia. Funding for the Virtual Library of Virginia is provided for the benefit of students and faculty at the Commonwealth's public institutions of higher education and participating nonprofit, independent private colleges and universities. Out of this amount, \$396,785 the first year and \$396,785 the second year is earmarked to allow the participation of nonprofit, independent private colleges and universities.

D. Out of this appropriation, \$950,366 and eight positions the first year and \$950,366 and eight positions the second year from nongeneral funds is provided to support higher education coordination and review services, including expenses incurred in the regulation and oversight of the private and out-of-state postsecondary institutions and proprietary schools operating in Virginia. These funds will be generated through fee schedules developed pursuant to § 23-276.9, Code of Virginia. Out of this amount, \$190,000 the first year and \$190,000 the second year from nongeneral funds is designated to administration of the Student Tuition Guarantee Fund.

E. The State Council of Higher Education for Virginia, in consultation with the House Appropriations Committee, the Senate Finance Committee, the Department of General Services, and the Department of Planning and Budget, shall develop a six-year capital outlay plan for higher education institutions including affiliated entities. As a part of this plan SCHEV shall consider (i) current funding mechanisms for capital projects and improvements at the Commonwealth's institutions of higher education, including general obligation bonds and other viable funding methods; (ii) mechanisms to assist private institutions of higher education in the Commonwealth with their capital needs.

F. The Executive Director, State Council of Higher Education for Virginia, may appoint an advisory committee to assist the council with technology-enriched learning initiatives. The advisory committee may assist the council in (i) developing innovative, cost-effective, technology-enriched teaching and learning initiatives, including distance and distributed learning initiatives; (ii) improving cooperation among and between the public and private institutions of higher education in the Commonwealth; (iii) improving efficiency and expand the availability of technology-enriched courses; and (iv) facilitating the sharing of research and experience to improve student learning.

G. The State Council of Higher Education for Virginia shall include Eastern Virginia Medical School in any calculations used to determine the funding requirements for state medical schools.

H. In addition to the reviews conducted under §§ 23-9.6:1.01 and 23-38.87:17, Code of Virginia, the State Council of Higher Education shall evaluate the progress of individual initiatives funded in this Act as part of the incentive funding provided to colleges and universities with regard to improvements in retention, graduation, degree production and other criteria the Council deems appropriate.

I. Out of this appropriation, \$160,295 the first year and \$160,295 the second year from the general fund is designated to support research and analysis and the enhancement of consumer information regarding higher education.

J. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund is designated to support initiatives related to the statewide plan for higher education and to help implement the recommendations of the Joint Legislative Audit and Review Commission's series of higher education reports.

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<p>K. 1. Out of this appropriation, \$100,000 the first year from the general fund is designated to design a pilot program to create a regional center for the investigation of incidents of sexual and gender-based violence similar to the multi-disciplinary approach used in child advocacy centers. The pilot program shall include a partnership between higher education, law enforcement, and state government where criminal incidents of sexual and gender-based violence could be reported directly to the center for independent and neutral investigation. The center would be staffed with trauma-informed investigators who would coordinate with both colleges and universities and law enforcement to carry out the investigative responsibilities outlined by Title IX and the Violence Against Women Act. The program design shall include start-up and operational costs, staffing needs, sample memorandum of understanding between higher education institutions, law enforcement and Commonwealth's attorneys' offices, any legislative requirements, and a model for long-term shared financial support. The center's scope would apply only to allegations of criminal behavior.</p> <p>2. The State Council shall communicate the pilot design to the Secretaries of Education and Public Safety and Homeland Security and to the Chairs of the House Appropriations and Education and Senate Finance and Education and Health Committees by August 1, 2017.</p> <p>L. Out of this appropriation, \$357,500 each year from the general fund is designated to support research and analysis and the administration of a multi-agency longitudinal data system to improve consumer information and policy recommendations.</p> <p>M. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated to establish and maintain a fund for excellence and innovation. The fund is designed to stimulate collaboration among public school divisions, community colleges and universities to create and expand affordable student pathways and to pursue shared services and other efficiency initiatives at colleges and universities that lead to measurable cost reductions. Grants will be awarded on a competitive basis, with eligibility criteria determined by the State Council of Higher Education for Virginia.</p> <p>N. Out of this appropriation, \$550,000 and three positions the first year and \$600,000 and three positions the second year from the general fund is designated to assist the State Council of Higher Education for Virginia in addressing the responsibilities placed on the agency.</p> <p>O. 1. Out of this appropriation, \$1,000,000 the first year and \$2,000,000 the second year from the general fund is designated for the Virginia Degree Completion Network (VDCN). The State Council of Higher Education for Virginia shall work with George Mason University and Old Dominion University to develop a plan for the Network to serve adult learners, nontraditional students, and other students seeking access to an on-line degree program that is more cost-effective than a traditional degree.</p> <p>2. The amounts appropriated in the first year may be used to further develop a plan that serves the targeted populations and to invest in equipment. The Council shall report the plan to the Governor and the Chairmen of the House Appropriations and the Senate Finance Committees by September 1, 2016.</p>				
147.	Higher Education Federal Programs Coordination (11200).....		\$2,440,426	\$2,440,426
	Higher Education Federal Programs Coordination (11201).....	\$2,440,426	\$2,440,426	
	Fund Sources: Federal Trust.....	\$2,440,426	\$2,440,426	
	Authority: Title 23, Chapter 20, Code of Virginia.			
	Out of this appropriation, \$2,440,426 the first year and \$2,440,426 the second year from nongeneral funds is designated for grants to improve teacher quality (No Child Left Behind Act grant).			
148.	Financial Assistance for Public Education (Categorical) (17100).....		\$3,000,000	\$3,000,000
	Early Awareness and Readiness Programs (17117)....	\$3,000,000	\$3,000,000	
	Fund Sources: Federal Trust.....	\$3,000,000	\$3,000,000	
	Authority: Discretionary Inclusion.			

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	Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from nongeneral funds is designated for the Gaining Early Awareness and Readiness for Undergraduate Programs (GEAR-UP) grant.			
149.			\$100,000	\$100,000
	Technology Assistance Services (18600).....			
	Distance Learning and Electronic Classroom (18602).....	\$100,000	\$100,000	
	Fund Sources: Special.....	\$100,000	\$100,000	
	Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds is designated to cover the costs of coordination and administration of the Virginia State Authorization Reciprocity Agreement (SARA) program as administered by the Southern Regional Education Board (SREB) and the National Council on State Authorization Reciprocity Agreements (NC-SARA).			
	Total for State Council of Higher Education for Virginia.....		\$98,887,769	\$128,497,973
	General Fund Positions.....	45.00	45.00	
	Nongeneral Fund Positions.....	17.00	17.00	
	Position Level.....	62.00	62.00	
	Fund Sources: General.....	\$91,646,279	\$121,256,425	
	Special.....	\$1,361,064	\$1,361,122	
	Trust and Agency.....	\$190,000	\$190,000	
	Dedicated Special Revenue.....	\$250,000	\$250,000	
	Federal Trust.....	\$5,440,426	\$5,440,426	

§ 1-52. CHRISTOPHER NEWPORT UNIVERSITY (242)

150.	Educational and General Programs (10000).....		\$70,008,157	\$70,413,753
	Higher Education Instruction (100101).....	\$35,160,822	\$35,565,806	
	Higher Education Research (100102).....	\$1,961,180	\$1,961,180	
	Higher Education Academic (100104).....	\$8,940,277	\$8,940,277	
	Higher Education Student Services (100105).....	\$6,080,103	\$6,080,103	
	Higher Education Institutional Support (100106)....	\$8,029,253	\$8,029,865	
	Operation and Maintenance Of Plant (100107).....	\$9,836,522	\$9,836,522	
	Fund Sources: General.....	\$28,055,607	\$28,461,203	
	Higher Education Operating.....	\$41,952,550	\$41,952,550	

Authority: Title 23, Chapter 5.3, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Out of this appropriation, \$878,335 the first year and \$1,281,164 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition

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<p>rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.</p>				
151.	Higher Education Student Financial Assistance (10800).....		\$6,560,601	\$6,377,566
	Scholarships (10810).....	\$6,548,994	\$6,362,403	
	Fellowships (10820).....	\$11,607	\$15,163	
	Fund Sources: General.....	\$4,875,601	\$4,692,566	
	Higher Education Operating.....	\$1,685,000	\$1,685,000	
<p>Authority: Title 23, Chapter 5.3, Code of Virginia.</p>				
152.	Financial Assistance For Educational and General Services (11000).....		\$1,498,882	\$1,498,882
	Sponsored Programs (11004).....	\$1,498,882	\$1,498,882	
	Fund Sources: Higher Education Operating.....	\$1,498,882	\$1,498,882	
<p>Authority: Title 23, Chapter 5.3, Code of Virginia.</p>				
<p>The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.</p>				
153.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$73,946,909	\$74,337,409
	Food Services (80910).....	\$15,727,071	\$15,977,571	
	Bookstores And Other Stores (80920).....	\$709,300	\$709,300	
	Residential Services (80930).....	\$28,788,680	\$28,788,680	
	Parking And Transportation Systems And Services (80940).....	\$1,734,901	\$1,734,901	
	Student Unions And Recreational Facilities (80970).....	\$5,774,978	\$5,774,978	
	Recreational And Intramural Programs (80980).....	\$165,737	\$165,737	
	Other Enterprise Functions (80990).....	\$12,177,323	\$12,317,323	
	Intercollegiate Athletics (80995).....	\$8,868,919	\$8,868,919	
	Fund Sources: Higher Education Operating.....	\$55,857,589	\$56,248,089	
	Debt Service.....	\$18,089,320	\$18,089,320	
<p>Authority: Title 23, Chapter 5.3, Code of Virginia.</p>				
	Total for Christopher Newport University.....		\$152,014,549	\$152,627,610
	General Fund Positions.....	341.56	341.56	
	Nongeneral Fund Positions.....	573.18	577.18	
	Position Level.....	914.74	918.74	
	Fund Sources: General.....	\$32,931,208	\$33,153,769	
	Higher Education Operating.....	\$100,994,021	\$101,384,521	
	Debt Service.....	\$18,089,320	\$18,089,320	
<p style="text-align: center;">§ 1-53. THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA (204)</p>				
154.	Educational and General Programs (10000).....		\$194,470,435	\$194,520,805
	Higher Education Instruction (100101).....	\$109,849,580	\$110,399,950	
	Higher Education Research (100102).....	\$851,474	\$851,474	
	Higher Education Public Services (100103).....	\$508,498	\$8,498	
	Higher Education Academic (100104).....	\$26,372,007	\$26,372,007	
	Higher Education Student Services (100105).....	\$8,031,844	\$8,031,844	

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Higher Education Institutional Support (100106).....	\$20,866,720	\$20,866,720		
Operation and Maintenance Of Plant (100107).....	\$27,990,312	\$27,990,312		
Fund Sources: General.....	\$43,552,342	\$43,602,712		
Higher Education Operating.....	\$141,256,042	\$141,256,042		
Debt Service.....	\$9,662,051	\$9,662,051		

Authority: Title 23, Chapter 5, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Out of this appropriation, \$245,000 the first year and \$245,000 the second year from the general fund is designated to support the Lewis B. Puller Jr. Veterans Benefits Clinic.

D. Out of this appropriation, \$500,000 the first year from the general fund is designated to provide a one-time grant to the Presidential Precinct, a collaborative effort among the College of William and Mary, University of Virginia, Monticello, Montpelier, and Ash Lawn-Highland, with the mission of empowering the next generation of young leaders from the world's emerging democracies, through education, collaboration, and digital networking. The College of William and Mary may expend funds as deemed appropriate - including hiring additional staff and strengthening fundraising capabilities - to enable the Presidential Precinct to become a globally significant, self-sustaining organization.

E. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the College of William and Mary and the Commonwealth, as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.

F. Out of this appropriation, \$1,194,758 the first year and \$1,742,708 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.

155.	Higher Education Student Financial Assistance (10800).....			\$31,232,619	\$31,155,916
	Scholarships (10810).....	\$21,295,953	\$21,164,034		
	Fellowships (10820).....	\$9,936,666	\$9,991,882		
	Fund Sources: General.....	\$4,338,431	\$4,261,728		
	Higher Education Operating.....	\$26,894,188	\$26,894,188		

Authority: Title 23, Chapter 5, Code of Virginia.

A. Higher education operating funds appropriated in this program may be allocated for

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need-based aid to Virginia undergraduate students to enhance the quality and diversity of the student body.				
B. The appropriation for the fund source Higher Education Operating in this Item shall be considered sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.				
156.	Financial Assistance For Educational and General Services (11000).....		\$31,166,028	\$31,166,028
	Sponsored Programs (11004).....	\$31,166,028	\$31,166,028	
	Fund Sources: General.....	\$75,000	\$75,000	
	Higher Education Operating.....	\$30,905,834	\$30,905,834	
	Debt Service.....	\$185,194	\$185,194	
Authority: Title 23, Chapter 5, Code of Virginia.				
A. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds are designated to build research capacity in biomedical research and biomaterials engineering.				
B. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the college to cover sponsored program operations.				
157.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$79,715,000	\$79,715,000
	Food Services (80910).....	\$15,448,700	\$15,448,700	
	Bookstores And Other Stores (80920).....	\$3,875,918	\$3,875,918	
	Residential Services (80930).....	\$27,002,327	\$27,002,327	
	Parking And Transportation Systems And Services (80940).....	\$1,924,715	\$1,924,715	
	Telecommunications Systems And Services (80950).....	\$4,548,498	\$4,548,498	
	Student Health Services (80960).....	\$3,605,724	\$3,605,724	
	Student Unions And Recreational Facilities (80970).....	\$6,295,078	\$6,295,078	
	Recreational And Intramural Programs (80980).....	\$748,349	\$748,349	
	Other Enterprise Functions (80990).....	\$7,963,968	\$7,963,968	
	Intercollegiate Athletics (80995).....	\$8,301,723	\$8,301,723	
	Fund Sources: Higher Education Operating.....	\$62,351,460	\$62,351,460	
	Debt Service.....	\$17,363,540	\$17,363,540	
Authority: Title 23, Chapter 5, Code of Virginia.				
Total for The College of William and Mary in Virginia.....			\$336,584,082	\$336,557,749
	General Fund Positions.....	545.16	545.16	
	Nongeneral Fund Positions.....	882.96	882.96	
	Position Level.....	1,428.12	1,428.12	
	Fund Sources: General.....	\$47,965,773	\$47,939,440	
	Higher Education Operating.....	\$261,407,524	\$261,407,524	
	Debt Service.....	\$27,210,785	\$27,210,785	
Richard Bland College (241)				
158.	Educational and General Programs (10000).....		\$11,316,156	\$11,452,554
	Higher Education Instruction (100101).....	\$5,188,630	\$5,525,028	
	Higher Education Public Services (100103).....	\$4,500	\$4,500	
	Higher Education Academic (100104).....	\$729,502	\$729,502	
	Higher Education Student Services (100105).....	\$1,016,298	\$1,016,298	

ITEM 158.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Higher Education Institutional Support (100106).....	\$2,870,310	\$2,670,310		
Operation and Maintenance Of Plant (100107).....	\$1,506,916	\$1,506,916		
Fund Sources: General.....	\$6,434,240	\$6,570,638		
Higher Education Operating.....	\$4,881,916	\$4,881,916		

Authority: Title 23, Chapter 5, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. In order to advance the goals outlined in TJ21 and collaboration and innovation in higher education, Richard Bland College may develop and deliver new, collaborative educational pathways and innovative educational models, including distance learning, technology-based instruction, prior learning assessments, experiential learning, stackable credentials, and competency-based programs that lead to STEM-H and other high-demand credentials and careers, with such funds as are appropriated or made available for this purpose. Richard Bland shall strengthen educational pathways for traditional and nontraditional students, including veterans and military personnel, through the continued establishment and strengthening of cross-institutional and cross-sector partnerships including the use of innovative educational approaches in order to promote entry into high-demand fields and industries critical to the economic development of Virginia. Richard Bland College may:

1. Broker agreements between and among educational, industry, and non-profit partners and establish collaborative, innovative partnership agreements with school districts, public and private colleges and universities, economic development agencies, employers, philanthropic organizations, veterans organizations, public agencies and other partners as necessary to strengthen and streamline educational pathways from high school, to work-based learning, to baccalaureate and advanced degrees that prepare individuals, including nontraditional students and veterans, for entry into STEM-H and other high-demand careers in the Commonwealth;
2. Serve as a clearing house of educational pathway and career pathway information and as a resource and referral agency for traditional and non-traditional students, including veterans;
3. Serve as an educational innovation resource center, referral agency and hub for collaboration, innovation, and information sharing among educational and industry partners to facilitate the vetting, piloting, and effective implementation of innovative, evidence-based educational resources, including open educational resources (OERs) and self-paced, competency-based tools designed to maximize limited resources, improve educational outcomes, or accelerate time to credential completion;
4. Pilot and implement innovative educational approaches and technologies, and promote the development, delivery, and ongoing assessment of innovative, cost-effective degree programs and stackable credentials, including industry-recognized, competency-based credentials that are aligned with and responsive to the educational and workforce development needs of traditional and non-traditional students, including veterans and military personnel, and advance the economic development needs of employers and industries statewide;
5. Identify and implement new strategies to support economic and community development in Virginia and to expand opportunities for traditional and non-traditional

ITEM 158.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
students, including veterans, to prepare for high-demand fields.				
6. Identify opportunities for resource sharing and new operational efficiencies in the delivery of postsecondary education and pursue additional funding by federal, state, corporate, and private philanthropic sources to support collaborative, innovative approaches to education that improve educational access and outcomes, strengthen the alignment between postsecondary education and high-demand career pathways in Virginia, and support improved educational attainment, economic opportunity, and economic development for Virginians.				
7. Richard Bland College may explore shared services and other options for increased collaboration with the College of William and Mary.				
D. Out of this appropriation, \$296,410 the first year and \$432,353 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.				
159.	Higher Education Student Financial Assistance (10800).....		\$697,018	\$639,107
	Scholarships (10810).....	\$697,018	\$639,107	
	Fund Sources: General.....	\$637,018	\$579,107	
	Higher Education Operating.....	\$60,000	\$60,000	
	Authority: Title 23, Chapter 5, Code of Virginia.			
160.	Financial Assistance For Educational and General Services (11000)		\$15,000	\$15,000
	a sum sufficient, estimated at.....			
	Sponsored Programs (11004).....	\$15,000	\$15,000	
	Fund Sources: Higher Education Operating.....	\$15,000	\$15,000	
	Authority: Title 23, Chapter 5, Code of Virginia.			
161.	Higher Education Auxiliary Enterprises (80900)		\$4,195,002	\$4,195,002
	a sum sufficient, estimated at.....			
	Food Services (80910).....	\$438,600	\$438,600	
	Bookstores And Other Stores (80920).....	\$200,000	\$200,000	
	Residential Services (80930).....	\$2,046,902	\$2,046,902	
	Parking And Transportation Systems And Services (80940).....	\$248,000	\$248,000	
	Recreational And Intramural Programs (80980).....	\$29,000	\$29,000	
	Other Enterprise Functions (80990).....	\$882,500	\$882,500	
	Intercollegiate Athletics (80995).....	\$350,000	\$350,000	
	Fund Sources: Higher Education Operating.....	\$4,195,002	\$4,195,002	
	Authority: Title 23, Chapter 5, Code of Virginia.			
	Total for Richard Bland College.....		\$16,223,176	\$16,301,663
	General Fund Positions.....	70.43	70.43	
	Nongeneral Fund Positions.....	41.41	41.41	
	Position Level.....	111.84	111.84	
	Fund Sources: General.....	\$7,071,258	\$7,149,745	
	Higher Education Operating.....	\$9,151,918	\$9,151,918	

ITEM 161.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Virginia Institute of Marine Science (268)				
162.	Educational and General Programs (10000).....		\$22,448,523	\$22,580,827
	Higher Education Instruction (100101).....	\$2,951,042		\$3,077,293
	Higher Education Research (100102).....	\$8,613,098		\$8,619,151
	Higher Education Academic (100104).....	\$4,608,768		\$4,608,768
	Higher Education Institutional Support (100106).....	\$2,327,847		\$2,327,847
	Operation and Maintenance Of Plant (100107).....	\$3,947,768		\$3,947,768
	Fund Sources: General.....	\$20,655,493		\$20,787,797
	Higher Education Operating.....	\$1,793,030		\$1,793,030

Authority: Title 23, Chapter 5, and Title 28.2, Chapter 11, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. If sufficient appropriations are not made available by the Commonwealth, it shall not be necessary for the Virginia Institute of Marine Science to reallocate funds from existing research projects to provide the funding for research mandated in the Code of Virginia or in the Appropriation Act.

C. Out of this appropriation, \$212,772 and four positions the first year and \$212,772 and four positions the second year from the general fund is designated to support an Aquaculture Genetics and Breeding Technology Center at the Virginia Institute of Marine Science. The center shall coordinate its efforts with the repletion program of the Virginia Marine Resources Commission.

D. It is the intent of the General Assembly that the development of a disease resistant native oyster remains a high priority for oyster-related research activities at the Virginia Institute of Marine Science.

E. Out of this appropriation, \$68,391 the first year and \$68,391 the second year from the general fund is provided for the continuation of the Clean Marina Program. This additional funding will allow the Virginia Institute of Marine Science to provide education, outreach, and technical assistance to the Commonwealth's marinas in an effort to improve water quality.

F. Out of this appropriation, \$289,096 the first year and \$289,096 the second year from the general fund is designated for the monitoring of the Chesapeake Bay's blue crab population. This additional support will permit the Virginia Institute of Marine Science to generate the data necessary to develop fishery management plans, determine in-danger habitats, and project the annual blue crab catch.

G. Notwithstanding Chapter 719, 1999 Acts of Assembly, out of this appropriation, \$159,579 the first year and \$159,579 the second year from the general fund shall be provided to the Virginia Institute of Marine Science to support the Fishery Resource Grant Fund and Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the State Comptroller upon written request of the President of the College of William and Mary.

H. Out of this appropriation, \$426,841 and 3.15 positions the first year and \$432,894 and 3.15 positions the second year from the general fund is designated to support research on sea level rise and state-of-the-art storm surge modeling, as well as for subcontracting with the College of William and Mary's Virginia Coastal Policy Center (CWMVCPC) to conduct policy and legal analyses of stakeholder-driven adaptation responses to sea level rise, in support of the Commonwealth Center for Recurrent Flooding Resiliency. The center, a collaborative partnership involving the Virginia Institute of Marine Science, Old Dominion University, and the CWMVCPC, shall work with municipalities both along coastal Virginia and throughout the Commonwealth to develop useful resilience strategies.

I. The appropriation for the fund source Higher Education Operating in this Item shall be

ITEM 162.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the College of William and Mary and the Commonwealth, as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.</p> <p>J. Out of this appropriation, \$500,000 each year from the general fund is designated to support the institution's priorities such as operations and maintenance of new facilities and technology infrastructure.</p> <p>K. Out of this appropriation, \$125,000 the second year from the general fund is designated for the establishment of a marine conservation fellowship program in partnership with Virginia-based marine science education programs and conservation museums.</p>				
163.	Higher Education Student Financial Assistance (10800).....		\$319,617	\$321,002
	Fellowships (10820).....	\$319,617	\$321,002	
	Fund Sources: General.....	\$319,617	\$321,002	
	Authority: Title 23, Chapter 5, Code of Virginia.			
164.	Financial Assistance For Educational and General Services (11000).....		\$23,738,527	\$23,738,527
	Eminent Scholars (11001).....	\$75,000	\$75,000	
	Sponsored Programs (11004).....	\$23,663,527	\$23,663,527	
	Fund Sources: Higher Education Operating.....	\$23,738,527	\$23,738,527	
	Authority: Title 23, Chapter 5 and Title 28.2, Chapter 11, Code of Virginia.			
	<p>A. Out of the amounts for sponsored programs, \$50,000 the first year and \$50,000 the second year from nongeneral funds shall be paid from the Marine Fishing Improvement Fund to support the Mariculture and Marine Product Advisory Program.</p> <p>B. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the institute to cover sponsored program operations.</p>			
	Total for Virginia Institute of Marine Science.....		\$46,506,667	\$46,640,356
	General Fund Positions.....	287.47	287.47	
	Nongeneral Fund Positions.....	99.30	99.30	
	Position Level.....	386.77	386.77	
	Fund Sources: General.....	\$20,975,110	\$21,108,799	
	Higher Education Operating.....	\$25,531,557	\$25,531,557	
	Grand Total for The College of William and Mary in Virginia.....		\$399,313,925	\$399,499,768
	General Fund Positions.....	903.06	903.06	
	Nongeneral Fund Positions.....	1,023.67	1,023.67	
	Position Level.....	1,926.73	1,926.73	
	Fund Sources: General.....	\$76,012,141	\$76,197,984	
	Higher Education Operating.....	\$296,090,999	\$296,090,999	
	Debt Service.....	\$27,210,785	\$27,210,785	
§ 1-54. GEORGE MASON UNIVERSITY (247)				
165.	Educational and General Programs (10000).....		\$482,207,650	\$484,983,720
	Higher Education Instruction (100101).....	\$302,412,935	\$305,189,005	
	Higher Education Research (100102).....	\$8,067,184	\$8,067,184	
	Higher Education Public Services (100103).....	\$1,984,677	\$1,984,677	
	Higher Education Academic (100104).....	\$60,255,054	\$60,255,054	
	Higher Education Student Services (100105).....	\$19,901,002	\$19,901,002	

ITEM 165.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Higher Education Institutional Support (100106).....	\$47,156,708	\$47,156,708		
Operation and Maintenance Of Plant (100107).....	\$42,430,090	\$42,430,090		
Fund Sources: General.....	\$134,542,756	\$137,318,826		
Higher Education Operating.....	\$347,664,894	\$347,664,894		

Authority: Title 23, Chapter 9.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals as described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation, an amount estimated at \$289,614 the first year and \$289,614 the second year from the general fund and \$124,120 the first year and \$124,120 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Out of this appropriation, \$459,125 the first year and \$459,125 the second year from the general fund is designated for the Institute for Conflict Analysis.

D. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

E. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is designated to support the Potomac Bay Science Center.

F. Out of this appropriation, \$400,000 the first year and \$400,000 the second year from the general fund is designated to develop a pathway program to attract and train veterans for cyber security careers.

G. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the five institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

H. Out of this appropriation, \$6,040,599 the first year and \$8,810,991 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.

ITEM 166.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
166.	Higher Education Student Financial Assistance (10800).....		\$32,034,750	\$29,239,211
	\$26,595,111	\$23,530,270		
	Scholarships (10810).....			
	\$5,439,639	\$5,708,941		
	Fellowships (10820).....			
	\$22,338,750	\$19,543,211		
	Fund Sources: General.....			
	Higher Education Operating.....	\$9,696,000	\$9,696,000	
	Authority: Title 23, Chapter 9.1, Code of Virginia.			
	Notwithstanding the provisions of § 4-5.01.5.b) of this Act, George Mason University is hereby authorized to transfer the balance of its discontinued student loan funds to an endowment fund established by the University to be used for undergraduate and graduate students in the Higher Education Student Financial Assistance Program.			
167.	Financial Assistance For Educational and General Services (11000).....		\$255,000,000	\$262,000,000
	\$1,000,000	\$1,000,000		
	Eminent Scholars (11001).....			
	\$254,000,000	\$261,000,000		
	Sponsored Programs (11004).....			
	\$1,831,250	\$1,831,250		
	Fund Sources: General.....			
	Higher Education Operating.....	\$253,168,750	\$260,168,750	
	Authority: Title 23, Chapter 9.1, Code of Virginia.			
	A. 1. Out of this appropriation, \$956,250 the first year and \$956,250 the second year from the general fund and \$5,850,000 the first year and \$5,850,000 the second year from nongeneral funds are designated to build research capacity in biomedical research and biomaterials engineering.			
	2. Out of this appropriation, \$750,000 the first year and \$750,000 the second year from the general fund is designated for applied research in simulation modeling and gaming.			
	B. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the general fund is designated for Lyme Disease research and medical test development.			
	C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.			
168.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$217,268,246	\$217,268,246
	\$32,726,054	\$32,726,054		
	Food Services (80910).....			
	\$1,832,900	\$1,832,900		
	Bookstores And Other Stores (80920).....			
	\$35,988,815	\$35,988,815		
	Residential Services (80930).....			
	\$14,391,828	\$14,391,828		
	Parking And Transportation Systems And Services (80940).....			
	\$513,178	\$513,178		
	Telecommunications Systems And Services (80950).....			
	\$5,023,606	\$5,023,606		
	Student Health Services (80960).....			
	\$10,691,770	\$10,691,770		
	Student Unions And Recreational Facilities (80970).....			
	\$17,512,020	\$17,512,020		
	Recreational And Intramural Programs (80980).....			
	\$75,927,480	\$75,927,480		
	Other Enterprise Functions (80990).....			
	\$22,660,595	\$22,660,595		
	Intercollegiate Athletics (80995).....			
	\$163,126,046	\$163,126,046		
	Fund Sources: Higher Education Operating.....			
	Debt Service.....	\$54,142,200	\$54,142,200	
	Authority: Title 23, Chapter 9.1, Code of Virginia.			
	Total for George Mason University.....		\$986,510,646	\$993,491,177
	1,082.14	1,082.14		
	General Fund Positions.....			
	3,444.57	3,444.57		
	Nongeneral Fund Positions.....			
	4,526.71	4,526.71		
	Position Level.....			

ITEM 168.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018
Fund Sources: General.....	\$158,712,756	\$158,693,287		
Higher Education Operating.....	\$773,655,690	\$780,655,690		
Debt Service.....	\$54,142,200	\$54,142,200		

§ 1-55. JAMES MADISON UNIVERSITY (216)

169.	Educational and General Programs (10000).....			\$295,485,761	\$296,849,336
	Higher Education Instruction (100101).....	\$161,311,017	\$162,674,014		
	Higher Education Research (100102).....	\$771,252	\$771,252		
	Higher Education Public Services (100103).....	\$1,182,023	\$1,182,023		
	Higher Education Academic (100104).....	\$36,998,036	\$36,998,036		
	Higher Education Student Services (100105).....	\$17,594,815	\$17,594,815		
	Higher Education Institutional Support (100106)....	\$43,291,326	\$43,291,904		
	Operation and Maintenance Of Plant (100107).....	\$34,337,292	\$34,337,292		
	Fund Sources: General.....	\$81,684,561	\$83,048,136		
	Higher Education Operating.....	\$211,850,547	\$211,850,547		
	Debt Service.....	\$1,950,653	\$1,950,653		

Authority: Title 23, Chapter 12.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the five institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

D. Out of this appropriation, \$2,958,034 the first year and \$4,314,674 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.

170.	Higher Education Student Financial Assistance (10800).....			\$14,997,356	\$14,812,130
	Scholarships (10810).....	\$14,197,485	\$13,896,159		
	Fellowships (10820).....	\$799,871	\$915,971		

ITEM 170.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: General.....	\$8,620,285	\$8,435,059		
Higher Education Operating.....	\$6,377,071	\$6,377,071		
Authority: Title 23, Chapter 12.1, Code of Virginia.				
171. Financial Assistance For Educational and General Services (11000) a sum sufficient, estimated at.....			\$37,335,958	\$37,335,958
Eminent Scholars (11001).....	\$39,031	\$39,031		
Sponsored Programs (11004).....	\$37,296,927	\$37,296,927		
Fund Sources: Higher Education Operating.....	\$37,335,958	\$37,335,958		
Authority: Title 23, Chapter 12.1, Code of Virginia.				
172. Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....			\$201,182,374	\$208,887,659
Food Services (80910).....	\$60,807,919	\$63,084,747		
Bookstores And Other Stores (80920).....	\$1,536,704	\$1,536,704		
Residential Services (80930).....	\$35,729,579	\$37,106,490		
Parking And Transportation Systems And Services (80940).....	\$5,662,915	\$6,028,125		
Telecommunications Systems And Services (80950).....	\$2,322,981	\$2,322,981		
Student Health Services (80960).....	\$6,202,142	\$6,445,439		
Student Unions And Recreational Facilities (80970).....	\$7,197,590	\$7,471,764		
Recreational And Intramural Programs (80980).....	\$12,706,387	\$13,217,275		
Other Enterprise Functions (80990).....	\$23,801,103	\$24,682,169		
Intercollegiate Athletics (80995).....	\$45,215,054	\$46,991,965		
Fund Sources: Higher Education Operating.....	\$172,467,054	\$180,593,264		
Debt Service.....	\$28,715,320	\$28,294,395		
Authority: Title 23, Chapter 12.1, Code of Virginia.				
Total for James Madison University.....			\$549,001,449	\$557,885,083
General Fund Positions.....	1,118.53	1,118.53		
Nongeneral Fund Positions.....	2,340.47	2,340.47		
Position Level.....	3,459.00	3,459.00		
Fund Sources: General.....	\$90,304,846	\$91,483,195		
Higher Education Operating.....	\$428,030,630	\$436,156,840		
Debt Service.....	\$30,665,973	\$30,245,048		

§ 1-56. LONGWOOD UNIVERSITY (214)

173. Educational and General Programs (10000).....			\$69,428,041	\$69,818,949
Higher Education Instruction (100101).....	\$34,858,567	\$35,248,880		
Higher Education Public Services (100103).....	\$654,990	\$654,990		
Higher Education Academic (100104).....	\$12,278,823	\$12,278,823		
Higher Education Student Services (100105).....	\$4,826,501	\$4,826,501		
Higher Education Institutional Support (100106).....	\$9,872,963	\$9,873,558		
Operation and Maintenance Of Plant (100107).....	\$6,936,197	\$6,936,197		
Fund Sources: General.....	\$27,219,808	\$27,610,716		
Higher Education Operating.....	\$42,208,233	\$42,208,233		

Authority: Title 23, Chapter 15, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

ITEM 173.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this Act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.</p>				
<p>C. Out of this appropriation, \$847,736 the first year and \$1,236,532 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.</p>				
174.	Higher Education Student Financial Assistance (10800).....		\$4,662,825	\$4,302,807
	Scholarships (10810).....	\$4,662,126		\$4,282,143
	Fellowships (10820).....	\$699		\$20,664
	Fund Sources: General.....	\$4,662,825		\$4,302,807
	Authority: Title 23, Chapter 15, Code of Virginia.			
175.	Financial Assistance For Educational and General Services (11000)		\$3,178,393	\$3,178,393
	a sum sufficient, estimated at.....			
	Sponsored Programs (11004).....	\$3,178,393		\$3,178,393
	Fund Sources: Higher Education Operating.....	\$3,178,393		\$3,178,393
	Authority: Title 23, Chapter 15, Code of Virginia.			
176.	Higher Education Auxiliary Enterprises (80900)		\$55,880,263	\$58,220,379
	a sum sufficient, estimated at.....			
	Food Services (80910).....	\$7,810,152		\$7,903,758
	Bookstores And Other Stores (80920).....	\$45,000		\$45,000
	Residential Services (80930).....	\$16,100,508		\$16,381,326
	Parking And Transportation Systems And Services (80940).....	\$1,363,955		\$1,644,773
	Telecommunications Systems And Services (80950).....	\$1,704,201		\$1,985,019
	Student Health Services (80960).....	\$1,135,591		\$1,416,409
	Student Unions And Recreational Facilities (80970).....	\$1,869,873		\$2,150,691
	Recreational And Intramural Programs (80980).....	\$2,496,474		\$2,777,292
	Other Enterprise Functions (80990).....	\$14,926,058		\$15,206,842
	Intercollegiate Athletics (80995).....	\$8,428,451		\$8,709,269
	Fund Sources: Higher Education Operating.....	\$48,292,952		\$50,633,068
	Debt Service.....	\$7,587,311		\$7,587,311
	Authority: Title 23, Chapter 15, Code of Virginia.			
	Total for Longwood University.....		\$133,149,522	\$135,520,528
	General Fund Positions.....	287.89		287.89
	Nongeneral Fund Positions.....	471.67		471.67

ITEM 176.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Position Level.....	759.56	759.56		
Fund Sources: General.....	\$31,882,633	\$31,913,523		
Higher Education Operating.....	\$93,679,578	\$96,019,694		
Debt Service.....	\$7,587,311	\$7,587,311		

§ 1-57. NORFOLK STATE UNIVERSITY (213)

177.	Educational and General Programs (10000).....			\$81,435,383	\$82,042,076
	Higher Education Instruction (100101).....	\$36,723,805	\$37,090,498		
	Higher Education Research (100102).....	\$198,246	\$198,246		
	Higher Education Public Services (100103).....	\$1,304,794	\$1,304,794		
	Higher Education Academic (100104).....	\$9,777,966	\$10,017,966		
	Higher Education Student Services (100105).....	\$5,253,547	\$5,253,547		
	Higher Education Institutional Support (100106).....	\$15,565,694	\$15,565,694		
	Operation and Maintenance Of Plant (100107).....	\$12,611,331	\$12,611,331		
	Fund Sources: General.....	\$45,083,024	\$45,449,717		
	Higher Education Operating.....	\$36,352,359	\$36,592,359		

Authority: Title 23, Chapter 13.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$5,350,128 the first year and \$5,350,128 the second year from the general fund is designated for the recently initiated Bachelor of Science academic programs in Electronics Engineering and Optical Engineering and Master of Science academic programs in Electronics Engineering, Optical Engineering, Computer Science, and Criminal Justice.

2. Out of the amounts for programs listed in paragraph B.1. above, shall be provided \$273,486 the first year and \$273,486 the second year from the general fund for lease payments through the Master Equipment Leasing Program for educational and general equipment.

3. Out of the amounts for Educational and General Programs, \$37,500 the first year and \$37,500 the second year from the general fund is provided to serve in lieu of endowment income from the Eminent Scholars Program.

C.1. Out of the amounts for Educational and General Programs, a maximum of \$70,000 the first year and \$70,000 the second year from the general fund is designated for the Dozoretz National Institute for Minorities in Applied Sciences.

2. Any unexpended balances in paragraphs B.1., B.2., B.3., and C.1. in this Item at the close of business on June 30, 2016 and June 30, 2017 shall not revert to the surplus of the general fund, but shall be carried forward on the books of the State Comptroller and reappropriated in the succeeding year. Norfolk State University may expend any prior year end balances to support its educational and general activities.

D. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

E. Out of this appropriation, \$220,000 the first year and \$220,000 the second year from the general fund is designated to increase retention and graduation of juniors and seniors in good academic standing and who have additional demonstrated need.

ITEM 177.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>F. Out of this appropriation, \$793,421 the first year and \$1,157,307 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.</p>				
178.	Higher Education Student Financial Assistance (10800).....		\$16,548,182	\$13,632,871
	Scholarships (10810).....	\$16,404,763	\$13,454,319	
	Fellowships (10820).....	\$143,419	\$178,552	
	Fund Sources: General.....	\$11,648,182	\$8,732,871	
	Higher Education Operating.....	\$4,900,000	\$4,900,000	
	Authority: Title 23, Chapter 13.1, Code of Virginia.			
179.	Financial Assistance For Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$24,702,644	\$24,702,644
	Sponsored Programs (11004).....	\$24,702,644	\$24,702,644	
	Fund Sources: General.....	\$9,204	\$9,204	
	Higher Education Operating.....	\$24,693,440	\$24,693,440	
	Authority: Title 23, Chapter 13.1, Code of Virginia.			
180.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$41,205,989	\$41,965,589
	Food Services (80910).....	\$1,368,865	\$1,368,865	
	Bookstores And Other Stores (80920).....	\$393,740	\$393,740	
	Residential Services (80930).....	\$13,769,908	\$14,529,508	
	Parking And Transportation Systems And Services (80940).....	\$458,180	\$458,180	
	Student Health Services (80960).....	\$1,000,000	\$1,000,000	
	Student Unions And Recreational Facilities (80970).....	\$9,570,213	\$9,570,213	
	Other Enterprise Functions (80990).....	\$6,477,215	\$6,477,215	
	Intercollegiate Athletics (80995).....	\$8,167,868	\$8,167,868	
	Fund Sources: Higher Education Operating.....	\$37,171,807	\$37,171,807	
	Debt Service.....	\$4,034,182	\$4,793,782	
	Authority: Title 23, Chapter 13.1, Code of Virginia.			
	Total for Norfolk State University.....		\$163,892,198	\$162,343,180
	General Fund Positions.....	488.37	488.37	
	Nongeneral Fund Positions.....	681.75	681.75	
	Position Level.....	1,170.12	1,170.12	
	Fund Sources: General.....	\$56,740,410	\$54,191,792	
	Higher Education Operating.....	\$103,117,606	\$103,357,606	
	Debt Service.....	\$4,034,182	\$4,793,782	

§ 1-58. OLD DOMINION UNIVERSITY (221)

181.	Educational and General Programs (10000).....		\$275,423,028	\$279,889,183
	Higher Education Instruction (100101).....	\$150,970,721	\$154,097,135	

ITEM 181.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Higher Education Research (100102).....	\$5,707,812	\$5,707,812		
Higher Education Public Services (100103).....	\$271,710	\$271,710		
Higher Education Academic (100104).....	\$48,785,754	\$49,336,123		
Higher Education Student Services (100105).....	\$16,541,274	\$17,202,490		
Higher Education Institutional Support (100106).....	\$27,461,847	\$27,534,314		
Operation and Maintenance Of Plant (100107).....	\$25,683,910	\$25,739,599		
Fund Sources: General.....	\$118,868,484	\$120,907,270		
Higher Education Operating.....	\$156,554,544	\$158,981,913		

Authority: Title 23, Chapter 5.2, Code of Virginia.

A.1. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

2. Out of this appropriation, the university may allocate funds to expand enrollment capacity through expansion of distance learning, TELETECHNET and summer school.

B. Out of this appropriation, \$431,013 the first year and \$431,013 the second year from the general fund and \$198,244 the first year and \$198,244 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Notwithstanding § 55-297, Code of Virginia, Old Dominion University is hereby designated as the administrative agency for the Virginia Coordinate System.

D. Notwithstanding § 23-7.4:2, Code of Virginia, the governing board of Old Dominion University may charge reduced tuition to any person enrolled in one of Old Dominion University's TELETECHNET sites or higher education centers who lives within a 50-mile radius of the site/center, is domiciled in, and is entitled to in-state tuition charges in the institutions of higher learning in any state, or the District of Columbia, which is contiguous to Virginia and which has similar reciprocal provisions for persons domiciled in Virginia.

E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

F. Out of this appropriation, \$320,000 the first year and \$320,000 the second year from the general fund is designated to provide opportunity for 80 students per year to be engaged in STEM education using aerospace, high tech science, technology and engineering in partnership with NASA Wallops Flight Facility. Old Dominion University will collaborate with the Virginia Space Grant Consortium and STEM educators to identify the students who will participate in the program each year. The designated funding in this paragraph will not be considered as a resource for purposes of funding guidelines.

G. Out of this appropriation, \$465,100 and four positions the first year and \$409,200 and four positions the second year from the general fund is designated to support modeling of socioeconomic impacts of recurrent flooding in support of the Commonwealth Center for Recurrent Flooding Resiliency. The center, a collaborative partnership involving Old Dominion University, the Virginia Institute of Marine Science, and the College of William and Mary's Virginia Coastal Policy Center, shall work with municipalities both along coastal Virginia and throughout the Commonwealth to develop useful resilience strategies.

H. The 4-VA, a public-private partnership among George Mason University, James Madison

ITEM 181.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>University, the University of Virginia, Virginia Tech, Old Dominion University, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the five institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.</p>				
<p>I. Out of this appropriation, \$4,554,021 the first year and \$6,642,626 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.</p>				
182.	Higher Education Student Financial Assistance (10800).....		\$29,511,732	\$27,956,331
	Scholarships (10810).....	\$26,947,818		\$25,245,636
	Fellowships (10820).....	\$2,563,914		\$2,710,695
	Fund Sources: General.....	\$24,197,896		\$20,004,045
	Higher Education Operating.....	\$5,313,836		\$7,952,286
	Authority: Title 23, Chapter 5.2, Code of Virginia.			
183.	Financial Assistance For Educational and General Services (11000).....		\$17,375,120	\$17,375,120
	Eminent Scholars (11001).....	\$421,387		\$421,387
	Sponsored Programs (11004).....	\$16,953,733		\$16,953,733
	Fund Sources: General.....	\$3,955,203		\$3,955,203
	Higher Education Operating.....	\$13,419,917		\$13,419,917
	Authority: Title 23, Chapter 5.2, Code of Virginia.			
<p>A.1. Out of this appropriation, \$2,099,838 and 14 positions the first year and \$2,099,838 and 14 positions the second year from the general fund and \$4,500,000 the first year and \$4,500,000 the second year from nongeneral funds are designated to build research capacity in modeling and simulation, which shall include efforts to improve traffic management through modeling.</p>				
<p>2. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated to support science, technology, engineering and mathematics (STEM), and health-related programs. Old Dominion University shall use these funds to promote the use of modeling and simulation in the medical industry.</p>				
<p>B. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund is designated to expand research efforts at the Center for Bioelectrics, which uses electrical stimuli in the biomedical area to eliminate cancer cells and tumors without damaging healthy surrounding tissue, accelerate wound healing, and efficiently deliver DNA vaccines. Non-biomedical areas of research include reducing pollutants in exhaust and establishing effective ground penetrating radar.</p>				
<p>C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.</p>				

ITEM 184.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
184.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....			\$108,781,044	\$108,781,044
	Food Services (80910).....	\$4,780,460	\$4,780,460		
	Bookstores And Other Stores (80920).....	\$915,764	\$915,764		
	Residential Services (80930).....	\$32,279,062	\$32,279,062		
	Parking And Transportation Systems And Services (80940).....	\$7,509,248	\$7,509,248		
	Telecommunications Systems And Services (80950)..	\$6,134	\$6,134		
	Student Health Services (80960).....	\$2,687,180	\$2,687,180		
	Student Unions And Recreational Facilities (80970)...	\$7,822,908	\$7,822,908		
	Recreational And Intramural Programs (80980).....	\$2,415,657	\$2,415,657		
	Other Enterprise Functions (80990).....	\$16,848,115	\$16,848,115		
	Intercollegiate Athletics (80995).....	\$33,516,516	\$33,516,516		
	Fund Sources: Higher Education Operating.....	\$86,163,563	\$86,163,563		
	Debt Service.....	\$22,617,481	\$22,617,481		

Authority: Title 23, Chapter 5.2, Code of Virginia.

Old Dominion University is authorized to establish a self-supporting "instructional enterprise" fund to account for the revenues and expenditures of TELETECHNET classes offered at locations outside the Commonwealth of Virginia. Consistent with the self-supporting concept of an "enterprise fund," student tuition and fee revenues for TELETECHNET students at locations outside Virginia shall exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the University's Board of Visitors. Revenue and expenditures of the fund shall be accounted for in such a manner as to be auditable by the State Council of Higher Education for Virginia. Revenues in excess of expenditures shall be retained in the fund to support the entire TELETECHNET program. Full-time equivalent students generated through these programs shall be accounted for separately. Additionally, revenues which remain unexpended on the last day of the previous biennium and the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure in the respective succeeding fiscal year.

Total for Old Dominion University.....			\$431,090,924	\$434,001,678
General Fund Positions.....	1,038.51	1,038.51		
Nongeneral Fund Positions.....	1,428.98	1,458.98		
Position Level.....	2,467.49	2,497.49		
Fund Sources: General.....	\$147,021,583	\$144,866,518		
Higher Education Operating.....	\$261,451,860	\$266,517,679		
Debt Service.....	\$22,617,481	\$22,617,481		

§ 1-59. RADFORD UNIVERSITY (217)

185.	Educational and General Programs (10000).....			\$122,974,144	\$123,658,473
	Higher Education Instruction (100101).....	\$75,779,693	\$76,463,002		
	Higher Education Public Services (100103).....	\$616,976	\$616,976		
	Higher Education Academic (100104).....	\$10,937,603	\$10,937,603		
	Higher Education Student Services (100105).....	\$5,832,434	\$5,832,434		
	Higher Education Institutional Support (100106).....	\$19,253,779	\$19,254,799		
	Operation and Maintenance Of Plant (100107).....	\$10,553,659	\$10,553,659		
	Fund Sources: General.....	\$49,820,087	\$50,504,416		
	Higher Education Operating.....	\$73,154,057	\$73,154,057		

Authority: Title 23, Chapter 11.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

ITEM 185.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.</p>				
<p>C. Out of this appropriation, \$1,482,976 the first year and \$2,163,111 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.</p>				
186.	Higher Education Student Financial Assistance (10800).....		\$11,950,915	\$10,342,836
	Scholarships (10810).....	\$11,109,175	\$9,424,089	
	Fellowships (10820).....	\$841,740	\$918,747	
	Fund Sources: General.....	\$10,043,444	\$8,435,365	
	Higher Education Operating.....	\$1,907,471	\$1,907,471	
	Authority: Title 23, Chapter 11.1, Code of Virginia.			
187.	Financial Assistance For Educational and General Services (11000)		\$8,891,893	\$8,891,893
	a sum sufficient, estimated at.....			
	Eminent Scholars (11001).....	\$47,694	\$47,694	
	Sponsored Programs (11004).....	\$8,844,199	\$8,844,199	
	Fund Sources: Higher Education Operating.....	\$8,891,893	\$8,891,893	
	Authority: Title 23, Chapter 11.1, Code of Virginia.			
188.	Higher Education Auxiliary Enterprises (80900)		\$60,179,912	\$60,179,912
	a sum sufficient, estimated at.....			
	Food Services (80910).....	\$16,958,145	\$16,958,145	
	Bookstores And Other Stores (80920).....	\$534,174	\$534,174	
	Residential Services (80930).....	\$12,935,991	\$12,935,991	
	Parking And Transportation Systems And Services (80940).....	\$1,440,896	\$1,440,896	
	Telecommunications Systems And Services (80950).....	\$576,502	\$576,502	
	Student Health Services (80960).....	\$2,842,458	\$2,842,458	
	Student Unions And Recreational Facilities (80970).....	\$6,249,639	\$6,249,639	
	Recreational And Intramural Programs (80980).....	\$1,465,013	\$1,465,013	
	Other Enterprise Functions (80990).....	\$4,651,091	\$4,651,091	
	Intercollegiate Athletics (80995).....	\$12,526,003	\$12,526,003	
	Fund Sources: Higher Education Operating.....	\$56,779,912	\$56,779,912	
	Debt Service.....	\$3,400,000	\$3,400,000	
	Authority: Title 23, Chapter 11.1, Code of Virginia.			
	Total for Radford University.....		\$203,996,864	\$203,073,114

ITEM 188.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
General Fund Positions.....	631.39	631.39		
Nongeneral Fund Positions.....	812.69	812.69		
Position Level.....	1,444.08	1,444.08		
Fund Sources: General.....	\$59,863,531	\$58,939,781		
Higher Education Operating.....	\$140,733,333	\$140,733,333		
Debt Service.....	\$3,400,000	\$3,400,000		

§ 1-60. UNIVERSITY OF MARY WASHINGTON (215)

189.	Educational and General Programs (10000).....			\$72,409,107	\$74,403,005
	Higher Education Instruction (100101).....	\$37,798,651	\$39,489,822		
	Higher Education Research (100102).....	\$418,561	\$418,561		
	Higher Education Public Services (100103).....	\$316,994	\$316,994		
	Higher Education Academic (100104).....	\$9,698,694	\$9,698,694		
	Higher Education Student Services (100105).....	\$5,918,741	\$6,221,468		
	Higher Education Institutional Support (100106).....	\$9,897,119	\$9,897,119		
	Operation and Maintenance Of Plant (100107).....	\$8,360,347	\$8,360,347		
	Fund Sources: General.....	\$25,533,908	\$26,327,806		
	Higher Education Operating.....	\$46,875,199	\$48,075,199		

Authority: Title 23, Chapter 9.2, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation an amount estimated at \$80,483 the first year and \$80,483 the second year from the general fund and \$36,130 the first year and \$36,130 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. The participating institutions and centers shall jointly submit an annual report and operating plan to the State Council of Higher Education for Virginia in support of these funded activities.

C. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

D. Out of this appropriation, \$1,725,655 the first year and \$2,517,091 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.

E. Notwithstanding any other provision of law, the University of Mary Washington may enter into an agreement with the Fredericksburg Regional Alliance, a nonprofit organization dedicated to cooperative economic development efforts in the Fredericksburg region, for the purpose of expanding regional efforts in the field of economic development and research.

ITEM 190.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
190.	Higher Education Student Financial Assistance (10800).....			\$7,300,386	\$7,570,199
	Scholarships (10810).....	\$7,283,888	\$7,549,066		
	Fellowships (10820).....	\$16,498	\$21,133		
	Fund Sources: General.....	\$3,300,386	\$3,070,199		
	Higher Education Operating.....	\$4,000,000	\$4,500,000		
	Authority: Title 23, Chapter 9.2, Code of Virginia.				
191.	Financial Assistance For Educational and General Services (11000)				
	a sum sufficient, estimated at.....			\$809,533	\$809,533
	Eminent Scholars (11001).....	\$57,396	\$57,396		
	Sponsored Programs (11004).....	\$752,137	\$752,137		
	Fund Sources: Higher Education Operating.....	\$809,533	\$809,533		
	Authority: Title 23, Chapter 9.2, Code of Virginia.				
192.	Museum and Cultural Services (14500).....			\$843,139	\$843,139
	Collections Management and Curatorial Services (14501).....	\$843,139	\$843,139		
	Fund Sources: General.....	\$525,118	\$525,118		
	Special.....	\$318,021	\$318,021		
	Authority: Chapter 51, Acts of Assembly of 1960; § 23-91.35, Code of Virginia.				
	The amounts provided in this appropriation are for the support of the James Monroe Museum and Memorial Library and Belmont, the estate and memorial gallery of American artist Gari Melchers.				
193.	Administrative and Support Services (19900).....			\$1,700,000	\$1,700,000
	Operation of Higher Education Centers (19931).....	\$1,700,000	\$1,700,000		
	Fund Sources: General.....	\$1,250,000	\$1,250,000		
	Special.....	\$450,000	\$450,000		
194.	Historic and Commemorative Attraction Management (50200).....			\$275,897	\$275,897
	Historic and Commemorative Attraction Management (50200).....	\$53,950	\$53,950		
	Historic Landmarks and Facilities Management (50203).....	\$221,947	\$221,947		
	Fund Sources: General.....	\$221,947	\$221,947		
	Special.....	\$53,950	\$53,950		
	Authority: Title 2.2, Chapter 2, § 2.2-208 Code of Virginia.				
195.	Higher Education Auxiliary Enterprises (80900)				
	a sum sufficient, estimated at.....			\$42,026,228	\$42,426,228
	Food Services (80910).....	\$7,316,229	\$7,316,229		
	Bookstores And Other Stores (80920).....	\$3,184,945	\$3,184,945		
	Residential Services (80930).....	\$10,874,522	\$10,874,522		
	Parking And Transportation Systems And Services (80940).....	\$692,417	\$692,417		
	Telecommunications Systems And Services (80950).....	\$1,182,104	\$1,182,104		
	Student Health Services (80960).....	\$592,823	\$592,823		
	Student Unions And Recreational Facilities (80970).....	\$1,805,507	\$1,805,507		
	Recreational And Intramural Programs (80980).....	\$1,965,941	\$1,965,941		
	Other Enterprise Functions (80990).....	\$12,663,456	\$12,663,456		
	Intercollegiate Athletics (80995).....	\$1,748,284	\$2,148,284		

ITEM 195.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: Higher Education Operating.....	\$36,587,600	\$36,987,600		
Debt Service.....	\$5,438,628	\$5,438,628		
Authority: Title 23, Chapter 9.2, Code of Virginia.				
Total for University of Mary Washington.....			\$125,364,290	\$128,028,001
General Fund Positions.....	228.66	228.66		
Nongeneral Fund Positions.....	465.00	465.00		
Position Level.....	693.66	693.66		
Fund Sources: General.....	\$30,831,359	\$31,395,070		
Special.....	\$821,971	\$821,971		
Higher Education Operating.....	\$88,272,332	\$90,372,332		
Debt Service.....	\$5,438,628	\$5,438,628		

§ 1-61. UNIVERSITY OF VIRGINIA (207)

196.	Educational and General Programs (10000).....			\$632,413,218	\$634,119,654
	Higher Education Instruction (100101).....	\$321,726,098	\$323,417,634		
	Higher Education Research (100102).....	\$7,130,695	\$7,130,695		
	Higher Education Public Services (100103).....	\$5,977,764	\$5,992,664		
	Higher Education Academic (100104).....	\$110,900,752	\$110,900,752		
	Higher Education Student Services (100105).....	\$37,614,164	\$37,614,164		
	Higher Education Institutional Support (100106).....	\$41,224,138	\$41,224,138		
	Operation and Maintenance Of Plant (100107).....	\$107,839,607	\$107,839,607		
	Fund Sources: General.....	\$129,061,379	\$130,752,915		
	Higher Education Operating.....	\$500,471,839	\$500,486,739		
	Debt Service.....	\$2,880,000	\$2,880,000		

Authority: Title 23, Chapter 9, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. This appropriation includes an amount not to exceed \$1,393,959 the first year and \$1,393,959 the second year from the general fund for the operation of the Family Practice Residency Program and Family Practice medical student programs. This appropriation for Family Practice programs, whether ultimately implemented by contract, agreement or other means, is considered to be a grant.

2. The university shall report by July 1 annually to the Department of Planning and Budget an operating plan for the Family Practice Residency Program.

3. The University of Virginia, in cooperation with the Virginia Commonwealth University Health System Authority, shall establish elective Family Practice Medicine experiences in Southwest Virginia for both students and residents.

4. In the event the Governor imposes across-the-board general fund reductions, pursuant to his executive authority in § 4-1.02 of this act, the general fund appropriation for the Family Practice programs shall be exempt from any reductions, provided the general fund appropriation for the family practice program is excluded from the total general fund appropriation for the University of Virginia for purposes of determining the university's portion of the statewide general fund reduction requirement.

C. 1. Out of this appropriation, \$1,454,176 the first year and \$1,454,176 the second year from the general fund and \$700,000 the first year and \$714,900 the second year from nongeneral funds is designated for the Virginia Foundation for Humanities and Public Policy. Out of the total funding, \$250,000 and two positions the first year and \$250,000 and two positions the second year from the general fund and \$700,000 and four positions the first year and \$714,900 and four positions the second year from nongeneral funds is provided to support

ITEM 196.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Discovery Virginia, an online archive to preserve elements of Virginia history, culture, and heritage, and make the materials accessible to the public.				
2. Pursuant to House Joint Resolution 762, 1999 Session of the General Assembly, funds in this Item begin to address the objective of appropriating one dollar per capita for the support of the Foundation.				
D. Out of this appropriation, an amount estimated at \$527,610 the first year and \$527,610 the second year from the general fund and at least \$468,850 the first year and at least \$468,850 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.				
E. Out of this appropriation, \$192,954 the first year and \$192,954 the second year from the general fund, and at least \$283,500 the first year and at least \$283,500 the second year from nongeneral funds are designated for the independent Virginia Institute of Government at the University of Virginia Center for Public Service.				
F. Out of this appropriation, at least \$156,397 the first year and \$156,397 the second year from the general fund is designated for support of diabetes education and public service at the Virginia Center for Diabetes Professional Education at the University of Virginia.				
G. Out of this appropriation \$318,946 the first year and \$320,976 the second year from the general fund and \$53,189 the first year and \$53,189 the second year from nongeneral funds are designated for support of the State Arboretum at Blandly Farm.				
H. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.				
I. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the five institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.				
J. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the University of Virginia and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.				
K. Out of this appropriation, \$3,657,388 the first year and \$5,334,772 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the				

ITEM 196.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.				
L. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund is designated for a pilot program to expand health care services to rural and medically underserved areas through the use of nurse practitioners and telemedicine.				
197.	Higher Education Student Financial Assistance (10800).....		\$102,478,803	\$102,503,589
	Scholarships (10810).....	\$51,230,260		\$50,997,525
	Fellowships (10820).....	\$51,248,543		\$51,506,064
	Fund Sources: General.....	\$11,429,370		\$11,454,156
	Higher Education Operating.....	\$91,049,433		\$91,049,433
Authority: Title 23, Chapter 9, Code of Virginia.				
A. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund, shall be provided to support public-private sector partnerships in order to maximize the number of newly licensed nurses and increase the supply of nursing faculty.				
B. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.				
198.	Financial Assistance For Educational and General Services (11000).....		\$323,807,778	\$323,807,778
	Sponsored Programs (11004).....	\$323,807,778		\$323,807,778
	Fund Sources: General.....	\$9,967,767		\$9,967,767
	Higher Education Operating.....	\$291,030,011		\$291,030,011
	Debt Service.....	\$22,810,000		\$22,810,000
Authority: Title 23, Chapter 9, Code of Virginia.				
A. Out of this appropriation, \$1,600,612 the first year and \$1,600,612 the second year from the general fund and \$14,350,000 the first year and \$14,350,000 the second year from nongeneral funds are designated to build research capacity in the areas of bioengineering and biosciences.				
B. Out of this appropriation, \$4,381,720 the first year and \$4,381,720 the second year from the general fund is designated for the support of cancer research.				
C. Out of this appropriation, \$2,750,000 the first year and \$2,750,000 the second year from the general fund is designated for support of the Focused Ultrasound Center to support core programs and research activities.				
D. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is designated to support the creation of the UVA Economic Development Accelerator.				
E. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.				
199.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$222,775,089	\$222,775,089
	Food Services (80910).....	\$5,126,300		\$5,126,300
	Residential Services (80930).....	\$42,416,308		\$42,416,308
	Parking And Transportation Systems And Services (80940).....	\$15,152,588		\$15,152,588
	Telecommunications Systems And Services (80950)..	\$15,564,808		\$15,564,808
	Student Health Services (80960).....	\$9,988,173		\$9,988,173

ITEM 199.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Student Unions And Recreational Facilities (80970).....	\$6,416,529	\$6,416,529		
Recreational And Intramural Programs (80980).....	\$9,719,717	\$9,719,717		
Other Enterprise Functions (80990).....	\$61,109,420	\$61,109,420		
Intercollegiate Athletics (80995).....	\$57,281,246	\$57,281,246		
Fund Sources: Higher Education Operating.....	\$200,917,089	\$200,917,089		
Debt Service.....	\$21,858,000	\$21,858,000		
Authority: Title 23, Chapter 9, Code of Virginia.				
Total for University of Virginia.....			\$1,281,474,888	\$1,283,206,110
General Fund Positions.....	1,084.63	1,084.63		
Nongeneral Fund Positions.....	5,951.17	5,951.17		
Position Level.....	7,035.80	7,035.80		
Fund Sources: General.....	\$150,458,516	\$152,174,838		
Higher Education Operating.....	\$1,083,468,372	\$1,083,483,272		
Debt Service.....	\$47,548,000	\$47,548,000		

University of Virginia Medical Center (209)

200.	State Health Services (43000).....			\$1,580,204,734	\$1,642,546,130
	Inpatient Medical Services (43007).....	\$696,662,156	\$729,662,156		
	Outpatient Medical Services (43011).....	\$384,466,525	\$403,307,921		
	Administrative Services (43018).....	\$499,076,053	\$509,576,053		
	Fund Sources: Higher Education Operating.....	\$1,562,558,269	\$1,624,899,665		
	Debt Service.....	\$17,646,465	\$17,646,465		

Authority: §§ 23-62 through 23-85, Code of Virginia and Chapter 38, Acts of Assembly of 1978.

A. The appropriation to the University of Virginia Medical Center provides for the care, treatment, health related services and education activities associated with Virginia patients, including indigent and medically indigent patients. Inasmuch as the University of Virginia Medical Center is a state teaching hospital, this appropriation is to be used to jointly support the education of health students through patient care provided by this appropriation.

B. By July 1 of each year, the Director, Department of Medical Assistance Services shall approve a common criteria and methodology for determining free care attributable to the appropriations in this Item. The Medical Center will report to the Department of Medical Assistance Services expenditures for indigent, medically indigent, and other patients. The Auditor of Public Accounts and the State Comptroller shall monitor the implementation of these procedures. The Medical Center shall report by October 31 annually to the Department of Medical Assistance Services, the Comptroller and the Auditor of Public Accounts on expenditures related to this Item. Reporting shall be by means of the indigent care cost report and shall follow criteria approved by the Director, Department of Medical Assistance Services.

C. Funding for Family Practice is included in the University of Virginia's Educational and General appropriation. Support for other residencies is included in the hospital appropriation.

D. It is the intent of the General Assembly that the University of Virginia Medical Center – Hospital maintain its efforts to staff residencies and fellow positions to produce sufficient generalist physicians in medically underserved regions of the state.

E. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover medical center operations.

F. Notwithstanding anything contrary to law, the University of Virginia has authority to

ITEM 200.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
determine compensation paid to Medical Center employees in accordance with policies established by the Board of Visitors.				
G. In order to provide the state share for Medicaid supplemental payments to Medicaid provider private hospitals in which the University of Virginia Medical Center has a non-majority interest, the University of Virginia shall transfer to the Department of Medical Assistance Services public funds that comply with 42 C.F.R. § 433.51.				
201. The June 30, 2016 and June 30, 2017 unexpended balances to the University of Virginia Medical Center are hereby reappropriated; their use is subject to approval of allotments by the Department of Planning and Budget.				
202. A full accrual system of accounting shall be effected by the institution, subject to the authority of the State Comptroller, as stated in § 2.2-803, Code of Virginia, with the proviso that appropriations for operating expenses may not be used for capital projects.				
Total for University of Virginia Medical Center.....			\$1,580,204,734	\$1,642,546,130
Nongeneral Fund Positions.....	6,177.22	6,285.22		
Position Level.....	6,177.22	6,285.22		
Fund Sources: Higher Education Operating.....	\$1,562,558,269	\$1,624,899,665		
Debt Service.....	\$17,646,465	\$17,646,465		

University of Virginia's College at Wise (246)

203. Educational and General Programs (10000).....			\$26,042,143	\$26,410,007
Higher Education Instruction (100101).....	\$13,508,948	\$13,876,812		
Higher Education Public Services (100103).....	\$677,361	\$677,361		
Higher Education Academic (100104).....	\$3,578,598	\$3,578,598		
Higher Education Student Services (100105).....	\$1,998,696	\$1,998,696		
Higher Education Institutional Support (100106).....	\$3,565,169	\$3,565,169		
Operation and Maintenance Of Plant (100107).....	\$2,713,371	\$2,713,371		
Fund Sources: General.....	\$15,159,941	\$15,527,805		
Higher Education Operating.....	\$10,882,202	\$10,882,202		

Authority: §§ 23-91.20 through 23-91.23, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. The software engineering curriculum being established to insure success of recent economic development projects in Southwest Virginia, shall be considered on its merits by the State Council of Higher Education for Virginia and shall not be dependent on funding by the Commonwealth.

C. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

D. Out of this appropriation, \$233,358 the first year and \$233,358 the second year from the general fund and \$138,577 the first year and \$138,577 the second year from nongeneral funds are designated to facilitate the technical training programs for the Northrop Grumman state backup data center.

E. The appropriation for the fund source Higher Education Operating in this Item shall be

ITEM 203.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between the University of Virginia and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.</p> <p>F. Out of this appropriation, \$800,146 the first year and \$1,167,116 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.</p>				
204.	Higher Education Student Financial Assistance (10800).....		\$2,615,576	\$2,249,938
	Scholarships (10810).....	\$2,615,576	\$2,249,938	
	Fund Sources: General.....	\$2,565,576	\$2,199,938	
	Higher Education Operating.....	\$50,000	\$50,000	
	Authority: §§ 23-91.20 through 23-91.23, Code of Virginia.			
205.	Financial Assistance For Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$2,109,040	\$2,109,040
	Sponsored Programs (11004).....	\$2,109,040	\$2,109,040	
	Fund Sources: Higher Education Operating.....	\$2,109,040	\$2,109,040	
	Authority: §§ 23-91.20 through 23-91.23, Code of Virginia.			
206.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$12,283,913	\$12,283,913
	Food Services (80910).....	\$294,528	\$294,528	
	Bookstores And Other Stores (80920).....	\$180,575	\$180,575	
	Residential Services (80930).....	\$5,519,305	\$5,519,305	
	Parking And Transportation Systems And Services (80940).....	\$178,514	\$178,514	
	Student Health Services (80960).....	\$159,792	\$159,792	
	Student Unions And Recreational Facilities (80970).....	\$621,663	\$621,663	
	Other Enterprise Functions (80990).....	\$2,902,148	\$2,902,148	
	Intercollegiate Athletics (80995).....	\$2,427,388	\$2,427,388	
	Fund Sources: Higher Education Operating.....	\$9,293,913	\$9,293,913	
	Debt Service.....	\$2,990,000	\$2,990,000	
	Authority: §§ 23-91.20 through 23-91.23, Code of Virginia.			
	Total for University of Virginia's College at Wise...		\$43,050,672	\$43,052,898
	General Fund Positions.....	165.26	165.26	
	Nongeneral Fund Positions.....	168.94	168.94	
	Position Level.....	334.20	334.20	
	Fund Sources: General.....	\$17,725,517	\$17,727,743	
	Higher Education Operating.....	\$22,335,155	\$22,335,155	
	Debt Service.....	\$2,990,000	\$2,990,000	
	Grand Total for University of Virginia.....		\$2,904,730,294	\$2,968,805,138

ITEM 206.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
General Fund Positions.....	1,249.89	1,249.89		
Nongeneral Fund Positions.....	12,297.33	12,405.33		
Position Level.....	13,547.22	13,655.22		
Fund Sources: General.....	\$168,184,033	\$169,902,581		
Higher Education Operating.....	\$2,668,361,796	\$2,730,718,092		
Debt Service.....	\$68,184,465	\$68,184,465		

§ 1-62. VIRGINIA COMMONWEALTH UNIVERSITY (236)

207.	Educational and General Programs (10000).....			\$574,492,907	\$576,659,760
	Higher Education Instruction (100101).....	\$320,993,373	\$323,160,226		
	Higher Education Research (100102).....	\$14,014,438	\$14,014,438		
	Higher Education Public Services (100103).....	\$8,568,028	\$8,568,028		
	Higher Education Academic (100104).....	\$96,223,043	\$96,223,043		
	Higher Education Student Services (100105).....	\$26,280,787	\$26,280,787		
	Higher Education Institutional Support (100106).....	\$53,669,376	\$53,669,376		
	Operation and Maintenance Of Plant (100107).....	\$54,743,862	\$54,743,862		
	Fund Sources: General.....	\$175,892,134	\$178,058,987		
	Higher Education Operating.....	\$398,600,773	\$398,600,773		

Authority: Title 23, Chapter 6.1, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$4,336,607 the first year and \$4,336,607 the second year from the general fund is provided for the operation of the Family Practice Residency Program and Family Practice medical student programs. This appropriation for Family Practice programs, whether ultimately implemented by contract, agreement or other means, is considered to be a grant.

2. The university shall report by July 1 annually to the Department of Planning and Budget an operating plan for the Family Practice Residency Program.

3. The university, in cooperation with the University of Virginia, shall establish elective Family Practice Medicine experiences in Southwest Virginia for both students and residents.

4. In the event the Governor imposes across-the-board general fund reductions, pursuant to his executive authority in § 4-1.02 of this act, the general fund appropriation for the Family Practice programs shall be exempt from any reductions, provided the general fund appropriation for the family practice program is excluded from the total general fund appropriation for Virginia Commonwealth University for purposes of determining the University's portion of the statewide general fund reduction requirement.

C. Out of this appropriation, an amount estimated at \$332,140 the first year and \$332,140 the second year from the general fund and \$168,533 the first year and \$168,533 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

D.1. Out of this appropriation, not less than \$386,685 the first year and not less than \$386,685 the second year from the general fund is designated for the Virginia Center on Aging. This includes \$319,750 the first year and \$319,750 the second year for the Alzheimer's and Related Diseases Research Award Fund.

2. Out of this appropriation, \$253,244 the first year and \$253,244 the second year from the general fund and \$356,250 the first year and \$356,250 the second year from nongeneral funds are designated for the operation of the Virginia Geriatric Education Center and the Geriatric

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Academic Career Awards Program, both to be administered by the Virginia Center on Aging.				
E. All costs for maintenance and operation of the physical plant of the School of Engineering, Phase I and future renovations, repairs, and improvements as they become necessary shall be financed from nongeneral funds.				
F. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from the general fund is designated for support of the Council on Economic Education.				
G. Out of this appropriation, \$32,753 the first year and \$32,753 the second year from the general fund is designated for support of the Education Policy Institute.				
H.1. Notwithstanding any other provisions of law, Virginia Commonwealth University is authorized to remit tuition and fees for merit scholarships for students of high academic achievement subject to the following limitations and restrictions:				
2. The number of such scholarships annually awarded to undergraduate Virginia students shall not exceed 20 percent of the fall headcount enrollment of Virginia students in undergraduate studies in the institution from the preceding academic year. The total value of such merit scholarships annually awarded shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the headcount enrollment of Virginia students in undergraduate studies in the institution for the fall semester from the preceding academic year.				
3. The number of such scholarships annually awarded to undergraduate non-Virginia students shall not exceed 20 percent of the fall headcount enrollment of non-Virginia students in undergraduate studies in the institution from the preceding academic year. The total value of such merit scholarships annually awarded shall not exceed in any year the amount arrived at by multiplying the applicable figure for undergraduate tuition and required fees by 20 percent of the fall headcount enrollment of non-Virginia students in undergraduate studies in the institution during the preceding academic year.				
4. A scholarship awarded under this program shall entitle the holder to receive an annual remission of an amount not to exceed the cost of tuition and required fees to be paid by the student.				
I. Out of this appropriation, \$252,595 the first year and \$252,595 the second year from the general fund is provided for the Medical College of Virginia Palliative Care Partnership.				
J. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.				
K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is designated for the Virginia Commonwealth University School of Pharmacy to support the Center for Compounding Practice and Research. The allocation will serve to support any costs associated with creating the Center including facility-related expenses as well as the purchase of the compounding equipment necessary for this state of the art teaching and research facility and will be leveraged as a matching gift with private funds. The Center will train Pharm.D. students to meet technical compounding demands, provide continuing education to registered pharmacists and conduct ongoing research on compounded medications.				
L. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Commonwealth University and the Commonwealth, as set forth in Chapters 594 and 616, of the 2008 Acts of Assembly.				

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M. Out of this appropriation, \$4,370,112 the first year and \$6,374,371 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.

N. Out of this appropriation, \$25,000 the first year and \$180,000 the second year from the general fund is designated to support a substance abuse fellowship program at the Virginia Commonwealth University School of Medicine.

O. Out of this appropriation, \$125,000 each year from the general fund is designated to support a partnership between Virginia Commonwealth University and the Virginia Repertory Theatre at the historic November Theatre (formally known as the Empire Theatre).

P. Out of this appropriation, \$250,000 each year from the general fund is designated for the Commonwealth Center for Advanced Logistics to serve as state matching funds for industry research and membership fees.

Q. Out of this appropriation, \$125,000 each year from the general fund is designated for the Commonwealth Center for Advanced Logistics to support the traffic optimization modeling and simulation project at the Port of Virginia to improve port operations.

208.	Higher Education Student Financial Assistance (10800).....			\$39,243,354	\$34,988,959
	Scholarships (10810).....	\$35,981,516	\$31,563,975		
	Fellowships (10820).....	\$3,261,838	\$3,424,984		
	Fund Sources: General.....	\$29,900,271	\$25,645,876		
	Higher Education Operating.....	\$9,343,083	\$9,343,083		

Authority: Title 23, Chapter 6.1, Code of Virginia.

The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.

209.	Financial Assistance For Educational and General Services (11000).....			\$285,785,981	\$285,785,981
	Eminent Scholars (11001).....	\$3,045,800	\$3,045,800		
	Sponsored Programs (11004).....	\$282,740,181	\$282,740,181		
	Fund Sources: General.....	\$14,012,500	\$14,012,500		
	Higher Education Operating.....	\$254,267,201	\$254,267,201		
	Debt Service.....	\$17,506,280	\$17,506,280		

Authority: Title 23, Chapter 6.1, Code of Virginia.

A. Out of this appropriation, \$1,162,500 the first year and \$1,162,500 the second year from the general fund and \$6,600,000 the first year and \$6,600,000 the second year from nongeneral funds are designated to build research capacity in the areas of biomedical engineering and regenerative medicine.

B. Out of this appropriation, \$12,500,000 the first year and \$12,500,000 the second year from the general fund is designated for the support of cancer research.

C. Out of this appropriation, \$350,000 the first year and \$350,000 the second year from the

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	general fund is designated to support the Parkinson's and Movement Disorders Center.			
	D. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.			
210.			\$26,575,000	\$26,575,000
	State Health Services (43000).....			
	State Health Services Technical Support And Administration (43012).....	\$26,575,000	\$26,575,000	
	Fund Sources: Higher Education Operating.....	\$26,575,000	\$26,575,000	
	Authority: Discretionary Inclusion.			
	This appropriation includes funding to support 200 instructional and administrative faculty positions and for administrative and classified positions which provide services, through internal service agreements, to the Virginia Commonwealth University Health System Authority.			
211.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$141,822,126	\$141,822,126
	Food Services (80910).....	\$12,531,746	\$12,531,746	
	Bookstores And Other Stores (80920).....	\$4,274,128	\$4,274,128	
	Residential Services (80930).....	\$28,703,531	\$28,703,531	
	Parking And Transportation Systems And Services (80940).....	\$22,338,335	\$22,338,335	
	Telecommunications Systems And Services (80950).....	\$5,042,556	\$5,042,556	
	Student Health Services (80960).....	\$5,891,638	\$5,891,638	
	Student Unions And Recreational Facilities (80970).....	\$12,666,858	\$12,666,858	
	Recreational And Intramural Programs (80980).....	\$10,579,272	\$10,579,272	
	Other Enterprise Functions (80990).....	\$23,741,962	\$23,741,962	
	Intercollegiate Athletics (80995).....	\$16,052,100	\$16,052,100	
	Fund Sources: Higher Education Operating.....	\$110,154,246	\$110,154,246	
	Debt Service.....	\$31,667,880	\$31,667,880	
	Authority: Title 23, Chapter 6.1, Code of Virginia.			
212.	Administrative and Support Services (19900).....		\$45,000,000	\$45,000,000
	Operation of Higher Education Centers (19931).....	\$45,000,000	\$45,000,000	
	Fund Sources: Higher Education Operating.....	\$45,000,000	\$45,000,000	
	Authority: Title 23, Chapter 6.3, Code of Virginia.			
	A.1. Out of this appropriation, \$45,000,000 the first year and \$45,000,000 the second year from nongeneral funds is designated to support the university's branch campus in Qatar.			
	2. Notwithstanding § 2.2-1802 of the Code of Virginia, Virginia Commonwealth University is authorized to maintain a local bank account in Qatar and non-U.S. countries to facilitate business operations the VCU Qatar Campus. These accounts are exempt from the Securities for Public Deposits Act, Title 2.2, Chapter 44 of the Code of Virginia.			
	3. Procurements and expenditures from the local bank account(s) are not subject to the Virginia Public Procurement Act and the Commonwealth Accounting Policies and Procedures (CAPP) Manual. Virginia Commonwealth University will institute procurement policies based on competitive procurement principles, except as otherwise stated within these policies. Expenditures from the local bank account will be recorded in the Commonwealth Accounting and Reporting System by Agency Transaction Vouchers, as appropriated herewith with revenue recognized as equal to the expenditures.			
	4. Notwithstanding § 2.2-1149 of the Code of Virginia, Virginia Commonwealth University is authorized to approve operating, income and capital leases in Qatar under policies and procedures developed by the University.			

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5. Virginia Commonwealth University is authorized to establish and hire staff (non-faculty) positions in Qatar under policies and procedures developed by the University. These employees, who are employed solely to support the Qatar Campus are not considered employees of the Commonwealth of Virginia and are not subject to the Virginia Personnel Act.				
6. The Board of Visitors of Virginia Commonwealth University is authorized to establish policies for the Qatar Campus.				
Total for Virginia Commonwealth University.....			\$1,112,919,368	\$1,110,831,826
General Fund Positions.....	1,507.80	1,507.80		
Nongeneral Fund Positions.....	3,792.29	3,792.29		
Position Level.....	5,300.09	5,300.09		
Fund Sources: General.....	\$219,804,905	\$217,717,363		
Higher Education Operating.....	\$843,940,303	\$843,940,303		
Debt Service.....	\$49,174,160	\$49,174,160		

§ 1-63. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)

213.	Educational and General Programs (10000).....			\$950,300,743	\$953,064,981
	Higher Education Instruction (100101).....	\$451,725,951	\$454,490,189		
	Higher Education Public Services (100103).....	\$2,851,598	\$2,851,598		
	Higher Education Academic (100104).....	\$98,683,365	\$98,683,365		
	Higher Education Student Services (100105).....	\$76,735,650	\$76,735,650		
	Higher Education Institutional Support (100106).....	\$208,574,659	\$208,574,659		
	Operation and Maintenance Of Plant (100107).....	\$111,729,520	\$111,729,520		
	Fund Sources: General.....	\$381,922,309	\$384,686,547		
	Higher Education Operating.....	\$568,378,434	\$568,378,434		

Authority: Title 23, Chapter 16, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. It is the objective of the Commonwealth that a standard of 70 percent full-time faculty be established for the Virginia Community College System. Consistent with higher education funding guidelines, it is expected that the Virginia Community College System will utilize the funds provided for base operating support to achieve this objective. In addition, the first priority for new funding provided to the community college system shall be for operating support at individual community colleges. Thirty days prior to the beginning of each fiscal year, the Virginia Community College System shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the allocation of all new general funds and nongeneral funds in this item and any cost recovery plans between the individual community colleges and the system office.

C. It is the intent of the General Assembly that funds available to the Virginia Community College System be reallocated to accommodate changes in enrollment and other cost factors at each of the community colleges.

D. Tuition and fee revenues from out-of-state students taking distance education courses through the Virginia Community College System must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the State Board for Community Colleges.

E. Out of this appropriation, amounts for the following special programs are designated: at J. Sargeant Reynolds Community College, the Program for the Deaf, \$64,547 and four positions the first year and \$64,547 and four positions the second year from the general fund and the Program for the Intellectually Disabled, \$91,004 and four positions the first year and \$91,004 and four positions the second year from the general fund; and, at New River Community

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<p>College, the Program for the Deaf, \$78,328 and four positions the first year and \$78,328 and four positions the second year from the general fund, and the Program for the Intellectually Disabled, \$69,682 and 4.5 positions the first year and \$69,682 and 4.5 positions the second year from the general fund; and, at Danville Community College, the Program for the Deaf, \$26,001 and one position the first year and \$26,001 and one position the second year from the general fund.</p>				
<p>F. Out of this appropriation, \$39,001 the first year and \$39,001 the second year from the general fund is designated to support the Southwest Virginia Telecommunications Network.</p>				
<p>G. Out of this appropriation, \$261,370 and four positions the first year and \$261,370 and four positions the second year from the general fund is provided to support Virginia Western Community College's participation in the Roanoke Higher Education Center and the Botetourt County Education and Training Center at Greenfield.</p>				
<p>H. Out of this appropriation, \$130,005 the first year and \$130,005 the second year from the general fund is designated to support the Southwestern Virginia Advanced Manufacturing Technology Center at Wytheville Community College.</p>				
<p>I.1. Out of this appropriation, \$345,000 the first year and \$345,000 the second year from the general fund is provided for the annual lease or rental costs of space in the Botetourt County Education and Training Center at Greenfield.</p>				
<p>2. The general fund amounts provided for in this paragraph for workforce training, retraining, programming, and community education facilities at the Botetourt County Education and Training Center shall be matched by local or private sources in a ratio of two-thirds state funds to at least one-third local or private funds, as approved by the State Board for Community Colleges.</p>				
<p>J. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.</p>				
<p>K. Out of this appropriation, \$191,884 the first year and \$191,884 the second year from the general fund shall be provided to Northern Virginia Community College to support public-private sector partnerships in order to maximize the number of newly licensed nurses and increase the supply of nursing faculty.</p>				
<p>L. Out of this appropriation, \$489,000 the first year and \$489,000 the second year from the general fund is designated for Northern Virginia Community College to implement the SySTEMic Solutions initiative which will enable expansion of dual enrollment courses with a STEM focus in all Northern Virginia school districts; opportunities to earn industry-aligned certifications; professional development opportunities for STEM teachers; part-time employment and internship opportunities for students in STEM programs; hands-on SOL-based science lessons at the elementary level with industry input and support; and collaborative robotics programs between the community college and K-12 schools. It is expected that an equal amount of private funds will be generated as a match for the state support.</p>				
<p>M. It is the intent of the General Assembly that 100 percent of the general funds contained in this amendment be allocated to the individual community colleges. As required in paragraph B of this item, the Virginia Community College System shall report to the Chairmen of the House Appropriations and Senate Finance Committees by July 1 of each year, on the allocation of these funds, as well as the allocation of all general and nongeneral funds contained in this item by individual community colleges for fiscal years 2017 and 2018.</p>				
<p>N. Out of this appropriation, \$19,560 the first year and \$19,560 the second year from the general fund shall be provided to Southside Virginia Community College. Out of this</p>				

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amount, \$7,824 each year from the general fund shall be provided to the Estes Community Center in Chase City, \$7,824 each year from the general fund shall be provided to the Lake Country Advanced Knowledge Center in South Hill, and \$3,912 the first year and \$3,912 the second year from the general fund shall be provided to the Clarksville Enrichment Complex.

O. Out of this appropriation, \$115,130 the first year and \$115,130 the second year from the general fund is provided for the Mecklenburg County Job Retraining Center.

P. Out of this appropriation, \$255,000 the first year and \$255,000 the second year from the general fund and \$163,000 the first year and \$163,000 the second year from nongeneral funds is designated for the operation of the Amherst Center of Central Virginia Community College. Central Virginia Community College shall report annually to the Chairmen of the House Appropriations and Senate Finance Committees on the number of students enrolled, the programs provided with number of students served and the number of degrees and certificates awarded by program.

Q. Out of this appropriation, \$200,000 each year from the general fund is designated for Lord Fairfax Community College. Of this amount \$100,000 each year is designated to expand the career and technical education programs at the Middletown Campus and \$100,000 each year is designated for workforce training programs at the Fauquier Campus. The programs will be designed in collaboration with regional employers and high schools.

R. Out of this appropriation, \$1,100,000 and seven positions the first year and \$1,100,000 and seven positions the second year from the general fund is designated for the establishment of a veterans resource center on the campus of each of the seven comprehensive community colleges with the highest number of enrolled students who are veterans to provide access to federal and state veterans resources, to serve as a quiet place for veterans to study, to enable veterans to connect to other veterans, to help veterans renew the bonds of military service, and to be the central hub for all activities on campus related to veterans. The Virginia Community College System, in consultation with the State Council of Higher Education for Virginia, shall determine, no later than August 1, 2016, the seven comprehensive community colleges with the highest number of enrolled students who are veterans.

S. Out of this appropriation, \$250,000 and nine positions the first year and \$250,000 and nine positions the second year from the general fund is designated to support the Rural Horseshoe Initiative.

T. Out of this appropriation, \$6,249,681 the first year and \$9,115,967 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.

214.	Higher Education Student Financial Assistance (10800)			
	a sum sufficient, estimated at.....			\$566,766,889 \$562,839,142
	Scholarships (10810).....	\$566,766,889	\$562,839,142	
	Fund Sources: General.....	\$44,269,583	\$40,341,836	
	Higher Education Operating.....	\$522,497,306	\$522,497,306	

Authority: Title 23, Chapter 16, Code of Virginia.

A. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund is designated for Tidewater Community College to support an apprenticeship program for Virginia's shipyard workers. All general fund amounts appropriated for this apprenticeship program shall be used to provide scholarships to shipyard workers enrolled in the program. The conditions for receiving a scholarship shall be those conditions described in

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§ 23-220.01, Code of Virginia.				
B. Funding in this Item shall be allocated for the Virginia Guaranteed Assistance Program, the Commonwealth Award and need-based student financial assistance for industry-based certifications or related programs that do not qualify for other sources of student financial assistance.				
215.	Financial Assistance For Educational and General Services (11000).....		\$55,236,044	\$55,236,044
	Sponsored Programs (11004).....	\$55,236,044	\$55,236,044	
	Fund Sources: Higher Education Operating.....	\$55,236,044	\$55,236,044	
Authority: Title 23, Chapter 16, Code of Virginia.				
216.	Economic Development Services (53400).....		\$99,649,320	\$99,209,320
	Apprenticeship Program (53409).....	\$2,602,006	\$2,602,006	
	Management of Workforce Development Program Services (53427).....	\$97,047,314	\$96,607,314	
	Fund Sources: General.....	\$10,647,664	\$10,207,664	
	Higher Education Operating.....	\$89,001,656	\$89,001,656	
A. Out of this appropriation, \$53,850,629 and 38 positions the first year, and \$53,850,629 and 38 positions the second year from nongeneral funds is provided for the administration and implementation of workforce development programs as part of the federal Workforce Investment Act.				
B. Out of this appropriation, \$125,000 the first year and \$125,000 the second year from the general fund is provided to continue planning for the advanced integrated manufacturing technology program at Thomas Nelson Community College.				
C.1. Out of this appropriation, \$166,162 the first year and \$166,162 the second year from the general fund is designated for the A. L. Philpott Manufacturing Extension Partnership at Patrick Henry Community College.				
2. Out of this appropriation, \$927,700 the first year and \$927,700 the second year from the general fund is designated for the A. L. Philpott Manufacturing Extension Partnership at Patrick Henry Community College for an ongoing match for a grant from the U.S. Department of Commerce to develop a manufacturer assistance program covering most of Virginia.				
D. It is the intent of the General Assembly that noncredit business and industry work-related training courses and programs offered by community colleges be funded at a ratio of 30 percent from the general fund and 70 percent from nongeneral funds. Out of this appropriation, \$664,647 in the first year and \$664,647 in the second year from the general fund is designated for this purpose. These funds may be combined with funds of \$249,243 the first year and \$249,243 the second year already included in the Virginia Community College System budget for the "Virginia Works" program. The funds will be allocated by formula to all colleges based on the number of individuals served by non-credit activities.				
E.1. As recommended by House Joint Resolution No. 622 (1997), the Joint Subcommittee to Study Noncredit Education for Workforce Training in the Commonwealth, the Virginia Community College System is directed to establish one or more Institutes of Excellence responsible for development of statewide training programs to meet current, high demand workforce needs of the Commonwealth. Out of this appropriation, at least \$664,647 the first year and \$664,647 the second year from the general fund is available to support the Institutes of Excellence.				
2. Under the guidance of the Virginia Workforce Council, authorized in Title 2.2, Chapter 26, Article 25, Code of Virginia, the Virginia Community College System shall submit to the Chairmen of the Senate Finance and House Appropriations Committees by November 4 of each year a report detailing the financing, activities, accomplishments and plans for the Institutes of Excellence and the four workforce development centers, and outcomes of the appropriations for 23 workforce coordinators and for non-credit training. The report				

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shall include, but not be limited to:				
a. performance measures to be used to evaluate the effectiveness of the workforce coordinators at all 23 colleges;				
b. detailed information on number of students trained, employers served and courses offered; the types of certifications awarded; and the participation by local governments and the public or private sector, and other data relevant to the activities of the four regional workforce development centers;				
c. the number of students trained, employers served and courses offered through noncredit instruction, and the amounts of local government, public or private sector funding used to match this appropriation; and				
d. the amount or percentage of private and public funding contributed for the institutes' programming and operating needs; the number of private and public partnerships involved in the institutes' programming; the number of faculty and colleges affected by the institutes' programming; and performance measures to be used to evaluate the sharing or broadcasting of information and new/improved/updated curricula to other Virginia Community College campuses.				
F. Out of this appropriation, \$1,196,820 and 23 positions the first year and \$1,196,820 and 23 positions the second year from the general fund is provided for staff who will be responsible for coordinating workforce training in the campus service area. The staff will work with local business and industry to determine training needs, coordinate with local economic development personnel, the local workforce training council, and other providers. It is the General Assembly's intent that the Virginia Community College System maximize these positions by encouraging funding matches at the local level.				
G. Out of this appropriation, \$470,880 and four positions the first year and \$470,880 and four positions the second year from the general fund is provided for four workforce training centers: the Peninsula Workforce Development Center (Thomas Nelson Community College), \$78,480 and one position the first year and \$78,480 and one position the second year; the Regional Center for Applied Technology Training (Danville Community College), \$156,960 and one position the first year and \$156,960 and one position the second year; a Workforce Development Center at Paul D. Camp Community College, \$156,960 and one position the first year and \$156,960 and one position the second year; and the Central Virginia Manufacturing Technology Training Center in the Lynchburg area, \$78,480 and one position the first year and \$78,480 and one position the second year. Each center shall provide a 25 percent match prior to the release of state funding.				
H. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund is designated to continue the pre-immersion hiring program.				
I. 1. Out of this appropriation, \$900,000 the first year and \$460,000 the second year from the general fund is designated to address the interest gap in the system's noncredit workforce programs through enhancement of the system's veteran's portal.				
2. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund is designated for outreach efforts.				
J. Out of this appropriation, \$104,950 each year from the general fund is designated to support career and technical education at Lord Fairfax Community College's Luray-Page County Center with a focus on healthcare and medical programs.				
217.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$60,821,317	\$60,821,317
	Food Services (80910).....	\$1,238,576	\$1,238,576	
	Bookstores And Other Stores (80920).....	\$16,447,297	\$16,447,297	
	Parking And Transportation Systems And Services (80940).....	\$23,487,416	\$23,487,416	
	Student Unions And Recreational Facilities (80970)...	\$19,648,028	\$19,648,028	
	Fund Sources: Higher Education Operating.....	\$44,710,554	\$44,710,554	
	Debt Service.....	\$16,110,763	\$16,110,763	

ITEM 217.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

Authority: Title 23, Chapter 16, Code of Virginia.

218. The appropriations in this section are for the following community colleges:

College I.D.	Community College	College I.D.	Community College
61	System Office	80	Northern Virginia
70	Utility	85	Patrick Henry
91	Blue Ridge	77	Paul D. Camp
92	Central Virginia	82	Piedmont
87	Dabney S. Lancaster	78	Rappahannock
79	Danville	76	Southside Virginia
84	Eastern Shore	94	Southwest Virginia
97	Germanna	93	Thomas Nelson
83	J. Sargeant Reynolds	95	Tidewater
90	John Tyler	96	Virginia Highlands
98	Lord Fairfax	86	Virginia Western
99	Mountain Empire	88	Wytheville
75	New River		
Total for Virginia Community College System.....			\$1,732,774,313 \$1,731,170,804
General Fund Positions.....	5,559.57	5,559.57	
Nongeneral Fund Positions.....	5,794.58	5,794.58	
Position Level.....	11,354.15	11,354.15	
Fund Sources: General.....	\$436,839,556	\$435,236,047	
Higher Education Operating.....	\$1,279,823,994	\$1,279,823,994	
Debt Service.....	\$16,110,763	\$16,110,763	

§ 1-64. VIRGINIA MILITARY INSTITUTE (211)

219. Educational and General Programs (10000).....			\$38,153,152	\$38,302,660
Higher Education Instruction (100101).....	\$15,995,208	\$16,144,716		
Higher Education Public Services (100103).....	\$71,011	\$71,011		
Higher Education Academic (100104).....	\$5,518,327	\$5,518,327		
Higher Education Student Services (100105).....	\$2,543,380	\$2,543,380		
Higher Education Institutional Support (100106).....	\$7,223,738	\$7,223,738		
Operation and Maintenance Of Plant (100107).....	\$6,801,488	\$6,801,488		
Fund Sources: General.....	\$9,824,232	\$9,973,740		
Higher Education Operating.....	\$27,928,920	\$27,928,920		
Debt Service.....	\$400,000	\$400,000		

Authority: Title 23, Chapter 10, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals as described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

C. Resources determined by the State Council of Higher Education for Virginia to be

ITEM 219.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>uniquely military shall be excluded from the base adequacy funding guidelines.</p> <p>D. Out of this appropriation, \$322,979 the first year and \$471,106 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.</p>				
220.	Higher Education Student Financial Assistance (10800).....		\$5,266,240	\$5,570,928
	Scholarships (10810).....	\$5,266,240	\$5,570,928	
	Fund Sources: General.....	\$1,016,240	\$970,928	
	Higher Education Operating.....	\$4,250,000	\$4,600,000	
<p>Authority: Title 23, Chapter 10, § 23-105, Code of Virginia.</p> <p>Out of the amounts for Scholarships and Loans, the institute shall provide for State Cadetships and for discretionary student aid.</p>				
221.	Financial Assistance For Educational and General Services (11000)			
	a sum sufficient, estimated at.....		\$894,898	\$894,898
	Eminent Scholars (11001).....	\$200,000	\$200,000	
	Sponsored Programs (11004).....	\$694,898	\$694,898	
	Fund Sources: Higher Education Operating.....	\$894,898	\$894,898	
<p>Authority: Title 23, Chapter 10, Code of Virginia.</p>				
222.	Unique Military Activities (11300).....		\$8,772,662	\$8,772,662
	Fund Sources: General.....	\$4,210,058	\$4,210,058	
	Higher Education Operating.....	\$4,562,604	\$4,562,604	
<p>Authority: Discretionary Inclusion.</p> <p>A.1. Personnel associated with performance of activities designated by the State Council of Higher Education for Virginia to be uniquely military shall be excluded from the calculation of employment guidelines.</p> <p>2. It is the intent of the General Assembly that nonresident cadets receive the same general fund support in the Unique Military program as resident cadets.</p>				
223.	Higher Education Auxiliary Enterprises (80900)			
	a sum sufficient, estimated at.....		\$27,942,510	\$28,061,510
	Food Services (80910).....	\$6,897,369	\$6,897,369	
	Bookstores And Other Stores (80920).....	\$1,174,021	\$1,174,021	
	Residential Services (80930).....	\$2,080,471	\$2,080,471	
	Student Health Services (80960).....	\$232,440	\$232,440	
	Student Unions And Recreational Facilities (80970)...	\$1,338,039	\$1,338,039	
	Recreational And Intramural Programs (80980).....	\$555,874	\$555,874	
	Other Enterprise Functions (80990).....	\$10,269,395	\$10,388,395	
	Intercollegiate Athletics (80995).....	\$5,394,901	\$5,394,901	
	Fund Sources: Higher Education Operating.....	\$26,301,510	\$26,420,510	
	Debt Service.....	\$1,641,000	\$1,641,000	
<p>Authority: Title 23, Chapter 10, Code of Virginia.</p>				

ITEM 223.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018
Total for Virginia Military Institute.....			\$81,029,462	\$81,602,658
General Fund Positions.....	187.71	187.71		
Nongeneral Fund Positions.....	281.06	281.06		
Position Level.....	468.77	468.77		
Fund Sources: General.....	\$15,050,530	\$15,154,726		
Higher Education Operating.....	\$63,937,932	\$64,406,932		
Debt Service.....	\$2,041,000	\$2,041,000		

§ 1-65. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)

224.	Educational and General Programs (10000).....			\$647,264,487	\$649,628,927
	Higher Education Instruction (100101).....	\$368,274,498	\$370,638,938		
	Higher Education Research (100102).....	\$22,544,470	\$22,544,470		
	Higher Education Public Services (100103).....	\$22,248,422	\$22,248,422		
	Higher Education Academic (100104).....	\$77,170,463	\$77,170,463		
	Higher Education Student Services (100105).....	\$20,147,462	\$20,147,462		
	Higher Education Institutional Support (100106)....	\$62,594,663	\$62,594,663		
	Operation and Maintenance Of Plant (100107).....	\$74,284,509	\$74,284,509		
	Fund Sources: General.....	\$161,730,359	\$164,094,799		
	Higher Education Operating.....	\$485,534,128	\$485,534,128		

Authority: Title 23, Chapter 11, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B. Out of this appropriation shall be expended an amount estimated at \$869,882 the first year and \$869,882 the second year from the general fund and \$436,357 the first year and \$436,357 the second year from nongeneral funds are designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and General Assembly.

C. Out of this appropriation, \$301,219 the first year and \$301,219 the second year from the general fund is designated to support the Marion duPont Scott Equine Center of the Virginia-Maryland Regional College of Veterinary Medicine.

D. Out of this appropriation, \$225,588 the first year and \$225,588 the second year from the general fund is designated to support tobacco research for medicinal purposes and field tests at sites in Blackstone and Abingdon.

E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.

F. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Polytechnic Institute and State University and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

G. Out of this appropriation, \$288,000 the first year and \$288,000 the second year from

ITEM 224.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

the general fund is designated to develop a STEM Industry Internship program in partnership with the Virginia Space Grant Consortium, Virginia Regional Technology Councils and industry. The program will provide 75 undergraduate students across the Commonwealth an opportunity to centrally apply for real world work experience and provide Virginia's industries with access to qualified interns. Virginia Tech will partner with the Virginia Space Grant Consortium and work with Virginia's Regional Technology Councils who will serve as the program's conduit to industry, advertising the program and linking with interested industry partners.

H. The 4-VA, a public-private partnership among George Mason University, James Madison University, the University of Virginia, Virginia Tech, Old Dominion University, and CISCO Systems, Inc., utilizes emerging technologies to promote collaboration and resource sharing to increase access, reduce time to graduation and reduce unit cost while maintaining and enhancing quality. Instructional talent across the five institutions is leveraged in the delivery of programs in foreign languages, science, technology, engineering and mathematics. The 4-VA Management Board can expand this partnership to additional institutions as appropriate to meet the goals of the 4-VA initiative. It is expected that funding will be pooled by the management board as required to support continuing efforts of the 4-VA priorities and projects.

I. Out of this appropriation, \$5,133,251 the first year and \$7,487,508 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017

J. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund is designated to support a cyber range platform to be used for cyber security training by students in Virginia's public high schools, community colleges, and four-year institutions. Virginia Tech shall form a consortium among participating institutions, and shall serve as the coordinating entity for use of the platform. The consortium should initially include all Virginia public institutions with a certification of academic excellence from the federal government.

225.	Higher Education Student Financial Assistance (10800).....			\$21,792,399	\$21,624,256
	Scholarships (10810).....	\$16,896,919	\$16,546,631		
	Fellowships (10820).....	\$4,895,480	\$5,077,625		
	Fund Sources: General.....	\$20,800,899	\$20,392,756		
	Higher Education Operating.....	\$991,500	\$1,231,500		

Authority: Soil Scientist Scholarships: § 23-38.3, Code of Virginia; Other Scholarships: §§ 23-114 through 23-131, Code of Virginia.

A. Out of the amount for Scholarships, the following sums shall be made available from the general fund for:

1. Soil Scientist Scholarships, \$11,000 the first year and \$11,000 the second year.
2. Scholarships, internships, and graduate assistantships administered by the Multicultural Academic Opportunities Program at the university, \$86,500 the first year and \$86,500 the second year. Eligible students must have financial need and participate in an academic support program.

B. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the revenue collected to meet student financial aid needs, under the terms of the management agreement between the

ITEM 225.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	university and the Commonwealth as set forth in Chapters 933 and 943 of the 2006 Acts of Assembly.			
226.	Financial Assistance For Educational and General Services (11000).....		\$336,801,687	\$336,801,687
	\$2,000,000	\$2,000,000		
	\$334,801,687	\$334,801,687		
	\$5,388,544	\$5,388,544		
	\$331,413,143	\$331,413,143		
	Authority: Title 23, Chapter 11, Code of Virginia.			
	A. Out of this appropriation, \$2,388,544 the first year and \$2,388,544 the second year from the general fund and \$15,000,000 the first year and \$15,000,000 the second year from nongeneral funds are designated to build research capacity in the areas of bioengineering, biomaterials and nanotechnology.			
	B. Virginia Polytechnic Institute and State University is authorized to establish a self-supporting "instructional enterprise" fund to account for the revenues and expenditures of the Institute for Distance and Distributed Learning (IDDL) classes offered to students at locations outside the Commonwealth of Virginia. Consistent with the self-supporting concept of an "enterprise fund," student tuition and fee revenues for IDDL students at locations outside Virginia shall exceed all direct and indirect costs of providing instruction to those students. The Board of Visitors shall set tuition and fee rates to meet this requirement and shall set other policies regarding the IDDL as may be appropriate. Revenue and expenditures of the fund shall be accounted for in such a manner as to be auditable by the Auditor of Public Accounts. As a part of this "instructional enterprise" fund Virginia Tech is authorized to establish a program in which Internet-based (on-line) courses, certificate, and entire degree programs, primarily at the graduate level, are offered to students in Virginia who are not enrolled for classes on the Blacksburg campus or one of the extended campus locations. Tuition generated by Virginia students taking these on-line courses and tuition from IDDL students at locations outside Virginia shall be retained in the fund to support the entire IDDL program and shall not be used by the state to offset other Educational and General costs. Revenues in excess of expenditures shall be retained in the fund to support the entire IDDL program. Full-time equivalent students generated through these programs shall be accounted for separately. Additionally, revenues which remain unexpended on the last day of the previous biennium and the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure in the respective succeeding fiscal year.			
	C. The Higher Education Operating fund source listed in this Item is considered to be a sum sufficient appropriation, which is an estimate of funding required by the university to cover sponsored program operations.			
	D. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year from the general fund is designated to support and enhance brain disorder research.			
227.	Unique Military Activities (11300).....		\$2,284,350	\$2,284,350
	\$2,284,350	\$2,284,350		
	Authority: Discretionary Inclusion.			
	A.1. Personnel associated with performance of activities designated by the State Council of Higher Education for Virginia to be uniquely military shall be excluded from the calculation of employment guidelines.			
	2. It is the intent of the General Assembly that nonresident cadets receive the same general fund support in the Unique Military program as resident cadets.			
228.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$312,946,077	\$312,946,077
	\$58,017,586	\$58,017,586		
	\$54,276,261	\$54,276,261		

ITEM 228.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Parking And Transportation Systems And Services (80940).....	\$13,709,452	\$13,709,452		
Telecommunications Systems And Services (80950).....	\$19,617,224	\$19,617,224		
Student Health Services (80960).....	\$11,308,313	\$11,308,313		
Student Unions And Recreational Facilities (80970).....	\$18,411,985	\$18,411,985		
Recreational And Intramural Programs (80980).....	\$9,123,592	\$9,123,592		
Other Enterprise Functions (80990).....	\$61,298,310	\$61,298,310		
Intercollegiate Athletics (80995).....	\$67,183,354	\$67,183,354		
Fund Sources: Higher Education Operating.....	\$302,595,577	\$302,595,577		
Debt Service.....	\$10,350,500	\$10,350,500		
Authority: Title 23, Chapter 11, Code of Virginia.				
Total for Virginia Polytechnic Institute and State University.....			\$1,321,089,000	\$1,323,285,297
General Fund Positions.....	1,890.53	1,890.53		
Nongeneral Fund Positions.....	4,933.45	4,933.45		
Position Level.....	6,823.98	6,823.98		
Fund Sources: General.....	\$190,204,152	\$192,160,449		
Higher Education Operating.....	\$1,120,534,348	\$1,120,774,348		
Debt Service.....	\$10,350,500	\$10,350,500		

Virginia Cooperative Extension and Agricultural Experiment Station (229)

229.	Educational and General Programs (10000).....			\$88,833,021	\$89,134,563
	Higher Education Research (100102).....	\$38,970,432	\$38,972,098		
	Higher Education Public Services (100103).....	\$46,796,915	\$46,796,915		
	Higher Education Academic (100104).....	\$715,012	\$715,012		
	Operation and Maintenance Of Plant (100107).....	\$2,350,662	\$2,650,538		
	Fund Sources: General.....	\$68,832,189	\$68,963,855		
	Higher Education Operating.....	\$20,000,832	\$20,170,708		

Authority: § 23-132.1 through § 23-132.11, Code of Virginia.

A. Appropriations for this agency shall include operating expenses for research and investigations, and the several regional and county agricultural experiment stations under its control, in accordance with law.

B.1. It is the intent of the General Assembly that the Cooperative Extension Service gives highest priority to programs and services which comprised the original mission of the Extension Service, especially agricultural programs at the local level. The university shall ensure that the service utilizes information technology to the extent possible in the delivery of programs.

2. The budget of this agency shall include and separately account for local payments. Virginia Polytechnic Institute and State University, in conjunction with Virginia State University, shall report, by fund source, actual expenditures for each program area and total actual expenditures for the agency, annually, by September 1, to the Department of Planning and Budget and the House Appropriations and Senate Finance Committees. The report shall include all expenditures from local support funds.

C. The Virginia Cooperative Extension and Agricultural Experiment Station shall not charge a fee for testing the soil on property used for commercial farming.

D. The appropriation for the fund source Higher Education Operating in this Item shall be considered a sum sufficient appropriation, which is an estimate of the amount of revenues to be collected for the educational and general program under the terms of the management agreement between Virginia Polytechnic Institute and State University and the Commonwealth, as set forth in Chapters 933 and 943, of the 2006 Acts of Assembly.

ITEM 229.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Total for Virginia Cooperative Extension and Agricultural Experiment Station.....			\$88,833,021	\$89,134,563
General Fund Positions.....	726.24	726.24		
Nongeneral Fund Positions.....	388.27	388.27		
Position Level.....	1,114.51	1,114.51		
Fund Sources: General.....	\$68,832,189	\$68,963,855		
Higher Education Operating.....	\$20,000,832	\$20,170,708		
Grand Total for Virginia Polytechnic Institute and State University.....			\$1,409,922,021	\$1,412,419,860
General Fund Positions.....	2,616.77	2,616.77		
Nongeneral Fund Positions.....	5,321.72	5,321.72		
Position Level.....	7,938.49	7,938.49		
Fund Sources: General.....	\$259,036,341	\$261,124,304		
Higher Education Operating.....	\$1,140,535,180	\$1,140,945,056		
Debt Service.....	\$10,350,500	\$10,350,500		

§ 1-66. VIRGINIA STATE UNIVERSITY (212)

230.	Educational and General Programs (10000).....			\$70,287,426	\$70,744,975
	Higher Education Instruction (100101).....	\$38,972,886	\$39,430,435		
	Higher Education Research (100102).....	\$2,110,453	\$2,110,453		
	Higher Education Public Services (100103).....	\$120,448	\$120,448		
	Higher Education Academic (100104).....	\$5,701,161	\$5,701,161		
	Higher Education Student Services (100105).....	\$4,335,982	\$4,335,982		
	Higher Education Institutional Support (100106).....	\$11,897,912	\$11,897,912		
	Operation and Maintenance Of Plant (100107).....	\$7,148,584	\$7,148,584		
	Fund Sources: General.....	\$33,630,728	\$34,088,277		
	Higher Education Operating.....	\$36,656,698	\$36,656,698		

Authority: Title 23, Chapter 13, Code of Virginia.

A. This Item includes general and nongeneral fund appropriations to support institutional initiatives that help meet statewide goals described in the Restructured Higher Education Financial and Administrative Operations Act of 2005 (Chapters 933 and 945, 2005 Acts of Assembly).

B.1. Out of this appropriation, \$3,790,639 the first year and \$3,790,639 the second year from the general fund is designated for continued enhancement of the existing Bachelor of Science academic programs in Computer Science, Manufacturing Engineering, Computer Engineering, Mass Communications and Criminal Justice, and the doctoral program in Education.

2. Out of this appropriation, \$37,500 the first year and \$37,500 the second year from the general fund is provided to serve in lieu of endowment income for the Eminent Scholars Program.

3. Any unexpended balances in paragraphs B.1. and B.2. in this Item at the close of business on June 30, 2016 and June 30, 2017, shall not revert to the surplus of the general fund but shall be carried forward on the books of the State Comptroller and reappropriated in the succeeding year.

C. This appropriation includes \$200,000 the first year and \$200,000 the second year from the general fund to increase the number of faculty with terminal degrees to at least 85 percent of the total teaching faculty.

D. Out of this appropriation, Virginia State University is authorized to use up to \$600,000 the first year and \$600,000 the second year from the general fund to address extremely critical deferred maintenance deficiencies in its facilities, including residence halls and dining facilities.

ITEM 230.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>E. As Virginia's public colleges and universities approach full funding of the base adequacy guidelines and as the General Assembly strives to fully fund the general fund share of the base adequacy guidelines, these funds are provided with the intent that, in exercising their authority to set tuition and fees, the Board of Visitors shall take into consideration the impact of escalating college costs for Virginia students and families. In accordance with the cost-sharing goals set forth in § 4-2.01 b. of this act, the Board of Visitors is encouraged to limit increases on tuition and mandatory educational and general fees for in-state, undergraduate students to the extent possible.</p>				
<p>F. Out of this appropriation, \$1,300,000 the first year and \$1,300,000 the second year from the general fund is designated to support the Manufacturing Engineering and Logistics Technology program.</p>				
<p>G. Out of this appropriation, \$994,498 the first year and \$1,450,603 the second year from the general fund is designated to support the goals of access, affordability, quality and increased degrees. Given the increased investment from the general fund during this biennium, it is the expression of the General Assembly that the institution seek to minimize tuition and fee increases for in-state undergraduate students. This language shall be in effect for the 2016-2018 biennium only. The Board of Visitors shall set the tuition rates for the institution, and forward their action to the State Council of Higher Education for Virginia within three business days of such action. The Council shall analyze the Board's actions and report such analysis to the Chairmen of House Appropriations and Senate Finance Committees within three business days of receipt, at which point, the Board's action shall be final. The Director of the Council shall report the final Board actions to the Chairmen by August 1, 2016 and August 1, 2017.</p>				
231.	Higher Education Student Financial Assistance (10800).....		\$15,180,715	\$14,012,976
	Scholarships (10810).....	\$14,813,533	\$13,613,917	
	Fellowships (10820).....	\$367,182	\$399,059	
	Fund Sources: General.....	\$8,583,688	\$7,415,949	
	Higher Education Operating.....	\$6,597,027	\$6,597,027	
<p>Authority: Title 23, Chapter 13, Code of Virginia.</p> <p>Out of this appropriation, \$1,199,616 the first year and \$1,199,616 the second year from the general fund is designated to support in-state undergraduate need-based financial aid. The university is authorized to utilize a portion of this appropriation to support Educational and General Programs if necessary.</p>				
232.	Financial Assistance For Educational and General Services (11000) a sum sufficient, estimated at.....		\$35,538,161	\$35,538,161
	Sponsored Programs (11004).....	\$35,538,161	\$35,538,161	
	Fund Sources: Higher Education Operating.....	\$35,538,161	\$35,538,161	
<p>Authority: Title 23, Chapter 13, Code of Virginia.</p>				
233.	Higher Education Auxiliary Enterprises (80900) a sum sufficient, estimated at.....		\$42,508,117	\$42,508,117
	Food Services (80910).....	\$8,789,606	\$8,789,606	
	Bookstores And Other Stores (80920).....	\$51,001	\$51,001	
	Residential Services (80930).....	\$17,374,870	\$17,374,870	
	Parking And Transportation Systems And Services (80940).....	\$417,467	\$417,467	
	Student Health Services (80960).....	\$1,046,036	\$1,046,036	
	Student Unions And Recreational Facilities (80970)...	\$2,678,662	\$2,678,662	
	Other Enterprise Functions (80990).....	\$6,150,277	\$6,150,277	
	Intercollegiate Athletics (80995).....	\$6,000,198	\$6,000,198	
	Fund Sources: Higher Education Operating.....	\$32,175,572	\$32,175,572	
	Debt Service.....	\$10,332,545	\$10,332,545	

ITEM 233.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Authority: Title 23, Chapter 13, Code of Virginia.				
Total for Virginia State University.....			\$163,514,419	\$162,804,229
General Fund Positions.....	323.47	323.47		
Nongeneral Fund Positions.....	486.89	486.89		
Position Level.....	810.36	810.36		
Fund Sources: General.....	\$42,214,416	\$41,504,226		
Higher Education Operating.....	\$110,967,458	\$110,967,458		
Debt Service.....	\$10,332,545	\$10,332,545		

Cooperative Extension and Agricultural Research Services (234)

234.	Educational and General Programs (10000).....			\$12,159,497	\$12,159,684
	Higher Education Research (100102).....	\$5,860,828	\$5,860,828		
	Higher Education Public Services (100103).....	\$5,681,024	\$5,681,024		
	Higher Education Institutional Support (100106)....	\$191,813	\$192,000		
	Operation and Maintenance Of Plant (100107).....	\$425,832	\$425,832		
	Fund Sources: General.....	\$5,518,181	\$5,518,368		
	Higher Education Operating.....	\$6,641,316	\$6,641,316		

Authority: Title 23, Chapter 11, and § 23-165.11, Title 23, Chapter 13, Code of Virginia.

A. Out this appropriation, \$392,107 the first year and \$392,107 the second year from the general fund is designated for support of research and extension activities aimed at the production of hybrid striped bass in Virginia farm ponds. No expenditures will be made from these funds for other purposes without the prior written permission of the Secretary of Education.

B. The Extension Division budgets shall include and separately account for local payments. Virginia State University, in conjunction with Virginia Polytechnic Institute and State University, shall report, by fund source, actual expenditures for each program area and total actual expenditures for the Extension Division, annually, by September 1, to the Department of Planning and Budget and the House Appropriations and Senate Finance Committees. The report shall include all expenditures from local support funds.

C. Out of this appropriation, \$394,000 the first year and \$394,000 the second year from the general fund is designated for the Small-Farmer Outreach Training and Technical Assistance Program to provide outreach and business management education to small farmers.

Total for Cooperative Extension and Agricultural Research Services.....			\$12,159,497	\$12,159,684
General Fund Positions.....	31.75	31.75		
Nongeneral Fund Positions.....	67.00	67.00		
Position Level.....	98.75	98.75		
Fund Sources: General.....	\$5,518,181	\$5,518,368		
Higher Education Operating.....	\$6,641,316	\$6,641,316		
Grand Total for Virginia State University.....			\$175,673,916	\$174,963,913
General Fund Positions.....	355.22	355.22		
Nongeneral Fund Positions.....	553.89	553.89		
Position Level.....	909.11	909.11		
Fund Sources: General.....	\$47,732,597	\$47,022,594		
Higher Education Operating.....	\$117,608,774	\$117,608,774		
Debt Service.....	\$10,332,545	\$10,332,545		

§ 1-67. FRONTIER CULTURE MUSEUM OF VIRGINIA (239)

ITEM 235.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
235.	Museum and Cultural Services (14500).....			\$2,508,426	\$2,393,451
	Collections Management and Curatorial Services (14501).....	\$184,891	\$184,891		
	Education and Extension Services (14503).....	\$1,041,671	\$1,041,671		
	Operational and Support Services (14507).....	\$1,281,864	\$1,166,889		
	Fund Sources: General.....	\$1,751,721	\$1,752,090		
	Special.....	\$756,705	\$641,361		

Authority: Title 23, Chapter 25, Code of Virginia.

A. Any revenue generated by the Frontier Culture Museum of Virginia from the development of its properties pursuant to § 23-298, Code of Virginia, may be retained by the museum to support agency operations. Such revenues shall be deposited into a special fund which shall be created on the books of the State Comptroller. Amounts in this fund shall be appropriated consistent with the provisions of this act.

B. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the American Frontier Culture Foundation.

Total for Frontier Culture Museum of Virginia.....			\$2,508,426	\$2,393,451
General Fund Positions.....	22.50	22.50		
Nongeneral Fund Positions.....	15.00	15.00		
Position Level.....	37.50	37.50		
Fund Sources: General.....	\$1,751,721	\$1,752,090		
Special.....	\$756,705	\$641,361		

§ 1-68. GUNSTON HALL (417)

236.	Museum and Cultural Services (14500).....			\$673,318	\$673,400
	Collections Management and Curatorial Services (14501).....	\$67,208	\$67,208		
	Education and Extension Services (14503).....	\$94,350	\$94,350		
	Operational and Support Services (14507).....	\$511,760	\$511,842		
	Fund Sources: General.....	\$496,941	\$497,019		
	Special.....	\$176,377	\$176,381		

Authority: Title 23, Chapter 24, Code of Virginia.

Total for Gunston Hall.....			\$673,318	\$673,400
General Fund Positions.....	8.00	8.00		
Nongeneral Fund Positions.....	3.00	3.00		
Position Level.....	11.00	11.00		
Fund Sources: General.....	\$496,941	\$497,019		
Special.....	\$176,377	\$176,381		

§ 1-69. JAMESTOWN-YORKTOWN FOUNDATION (425)

237.	Museum and Cultural Services (14500).....			\$17,995,503	\$17,194,198
	Collections Management and Curatorial Services (14501).....	\$765,613	\$765,613		
	Education and Extension Services (14503).....	\$6,254,309	\$6,247,217		
	Operational and Support Services (14507).....	\$10,975,581	\$10,181,368		
	Fund Sources: General.....	\$9,726,021	\$8,924,716		
	Special.....	\$8,269,482	\$8,269,482		

Authority: Title 23, Chapter 23, Code of Virginia.

A. Out of the amounts for Operational and Support Services, the Director is authorized to

ITEM 237.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>expend from special funds amounts not to exceed \$3,500 the first year and \$3,500 the second year for entertainment expenses commonly borne by businesses. Such expenses shall be recorded separately by the agency.</p> <p>B. With the prior written approval of the Director, Department of Planning and Budget, nongeneral fund revenues which are unexpended by the end of the fiscal year may be paid to the Jamestown-Yorktown Foundation, Inc. for the specific purposes determined by the Board of Trustees in support of Foundation programs.</p> <p>C. It is the intent of the General Assembly that the Jamestown-Yorktown Foundation be authorized to fill all positions authorized in this act and all part-time (wage) positions funded in this act, notwithstanding § 4-7.01 of this act.</p> <p>D. Out of the appropriation for this Item, \$54,777 the first year and \$54,777 the second year from the general fund is included for the purchase of museum electronic security equipment through the state's master equipment lease program.</p>				
Total for Jamestown-Yorktown Foundation.....			\$17,995,503	\$17,194,198
General Fund Positions.....		101.00	102.00	
Nongeneral Fund Positions.....		65.00	65.00	
Position Level.....		166.00	167.00	
Fund Sources: General.....		\$9,726,021	\$8,924,716	
Special.....		\$8,269,482	\$8,269,482	
Jamestown-Yorktown Commemorations (400)				
238.	Historic and Commemorative Attraction Management (50200).....		\$3,868,832	\$7,285,532
	2019 Commemoration (50210).....		\$3,868,832	\$7,285,532
	Fund Sources: General.....		\$3,868,832	\$7,285,532
Total for Jamestown-Yorktown Commemorations..			\$3,868,832	\$7,285,532
General Fund Positions.....		8.00	9.00	
Position Level.....		8.00	9.00	
Fund Sources: General.....		\$3,868,832	\$7,285,532	
Grand Total for Jamestown-Yorktown Foundation..			\$21,864,335	\$24,479,730
General Fund Positions.....		109.00	111.00	
Nongeneral Fund Positions.....		65.00	65.00	
Position Level.....		174.00	176.00	
Fund Sources: General.....		\$13,594,853	\$16,210,248	
Special.....		\$8,269,482	\$8,269,482	
§ 1-70. THE LIBRARY OF VIRGINIA (202)				
239.	Archives Management (13700).....		\$7,973,496	\$7,948,496
	Management of Public Records (13701).....		\$917,342	\$917,342
	Management of Archival Records (13702).....		\$1,848,577	\$1,823,577
	Historical and Cultural Publications (13703).....		\$672,655	\$672,655
	Archival Research Services (13704).....		\$1,871,387	\$1,871,387
	Conservation-Preservation of Historic Records (13705).....		\$663,535	\$663,535
	Circuit Court Record Preservation (13706).....		\$2,000,000	\$2,000,000
Fund Sources: General.....		\$3,139,239	\$3,114,239	
Special.....		\$4,413,414	\$4,413,414	
Federal Trust.....		\$420,843	\$420,843	

ITEM 239.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Authority: Title 42.1, Chapters 1 and 7, Code of Virginia.				
A. The Librarian of Virginia shall report annually to the Secretary of Education on progress in the processing and preserving of circuit court records.				
B. The Librarian of Virginia and the State Archivist shall conduct an annual study of The Library of Virginia's archival preservation needs and priorities, and shall report annually by December 1 to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees of the General Assembly on The Library of Virginia's progress to date in reducing its archival backlog.				
240.	Statewide Library Services (14200).....		\$6,888,719	\$6,888,719
	Cooperative Library Services (14201).....	\$2,459,487		\$2,459,487
	Consultation to Libraries (14203).....	\$811,554		\$811,554
	Research Library Services (14206).....	\$3,617,678		\$3,617,678
	Fund Sources: General.....	\$2,707,809		\$2,707,809
	Special.....	\$40,680		\$40,680
	Federal Trust.....	\$4,140,230		\$4,140,230
Authority: Title 42.1, Chapters 1 and 3, Code of Virginia.				
It is the intent of the General Assembly to continue to provide electronic resources for public libraries and to provide universal access to all citizens of the Commonwealth. First priority shall be the ability to access the Internet in local public libraries.				
241.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....		\$16,253,584	\$15,753,584
	State Formula Aid for Local Public Libraries (14301).....	\$16,253,584		\$15,753,584
	Fund Sources: General.....	\$16,253,584		\$15,753,584
Authority: Title 42.1, Chapter 3, Code of Virginia.				
A. It is the objective of the Commonwealth that all local public libraries receiving state aid provide access to their patrons to worldwide electronic information on the Internet. It is the intent of the General Assembly that local public libraries receiving state aid invest in the technology necessary to provide or enhance this service.				
B. Included in this appropriation is \$190,070 the first year and \$190,070 the second year from the general fund to supplement the state formula aid distribution provided in Title 42.1, Code of Virginia, for Fairfax Public Library System.				
C. Out of this appropriation, \$500,000 the first year from the general fund is designated for the Eastern Shore Public Library to support construction of a new library.				
D. Out of this appropriation, \$20,000 each year from the general fund is designated for the Saltville branch of the Smyth-Bland Regional Library to support operational costs.				
242.	Administrative and Support Services (19900).....		\$8,550,261	\$8,551,528
	General Management and Direction (19901).....	\$6,257,781		\$6,259,048
	Information Technology Services (19902).....	\$1,706,456		\$1,706,456
	Physical Plant Services (19915).....	\$586,024		\$586,024
	Fund Sources: General.....	\$6,816,382		\$6,817,649
	Special.....	\$949,766		\$949,766
	Federal Trust.....	\$784,113		\$784,113
Authority: Title 42.1, Chapter 1, Code of Virginia.				
	Total for The Library Of Virginia.....		\$39,666,060	\$39,142,327
	General Fund Positions.....	134.09		134.09
	Nongeneral Fund Positions.....	63.91		63.91
	Position Level.....	198.00		198.00

ITEM 242.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: General.....	\$28,917,014	\$28,393,281		
Special.....	\$5,403,860	\$5,403,860		
Federal Trust.....	\$5,345,186	\$5,345,186		

§ 1-71. THE SCIENCE MUSEUM OF VIRGINIA (146)

243.	Museum and Cultural Services (14500).....			\$11,493,589	\$11,444,325
	Collections Management and Curatorial Services (14501).....	\$1,372,096	\$1,372,096		
	Education and Extension Services (14503).....	\$5,046,173	\$5,046,173		
	Operational and Support Services (14507).....	\$5,075,320	\$5,026,056		
	Fund Sources: General.....	\$5,325,637	\$5,276,373		
	Special.....	\$5,167,952	\$5,167,952		
	Federal Trust.....	\$1,000,000	\$1,000,000		

Authority: Title 23, Chapter 18, Code of Virginia.

A. This appropriation from the general fund shall be in addition to any appropriation from nongeneral funds, notwithstanding any contrary provisions in this act.

B. Out of this appropriation, \$50,000 and two positions the first year and \$50,000 and two positions the second year from the general fund shall be provided to support the Danville Science Center in Danville, Virginia.

C. Out of this appropriation, \$351,314 the first year and \$351,314 the second year from the general fund is included for the purchase of an IMAX digital projection system through the state's master equipment lease program.

D. Out of this appropriation, \$150,000 the first year and \$150,000 the second year is provided to pilot a STEM partnership between the Science Museum of Virginia, the Virginia Air and Space Center, and the Virginia Living Museum for programs that promote achievement for K-12 students in Hampton Roads and across the state, leveraging technology in the vital STEM component of the workforce pipeline.

	Total for The Science Museum of Virginia.....			\$11,493,589	\$11,444,325
	General Fund Positions.....	59.19	59.19		
	Nongeneral Fund Positions.....	34.81	34.81		
	Position Level.....	94.00	94.00		
	Fund Sources: General.....	\$5,325,637	\$5,276,373		
	Special.....	\$5,167,952	\$5,167,952		
	Federal Trust.....	\$1,000,000	\$1,000,000		

§ 1-72. VIRGINIA COMMISSION FOR THE ARTS (148)

244.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....			\$3,909,308	\$3,909,308
	Financial Assistance to Cultural Organizations (14302).....	\$3,909,308	\$3,909,308		
	Fund Sources: General.....	\$3,188,633	\$3,188,633		
	Federal Trust.....	\$720,675	\$720,675		

Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.

A. In the allocation of grants to arts organizations, the Commission shall give preference to the performing arts.

B. It is the objective of the Commonwealth to fund the Virginia Commission for the Arts at an amount that equals one dollar for each resident of Virginia.

C. In the allocation of grants to arts organizations, the Commission shall not consider any other general fund amounts which may be appropriated to an arts organization elsewhere

ITEM 244.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
in this act, nor shall any funds appropriated elsewhere in this act supplant those grants which may be allocated from this appropriation.				
245.	Museum and Cultural Services (14500).....		\$658,238	\$608,442
	Operational and Support Services (14507).....	\$658,238	\$608,442	
	Fund Sources: General.....	\$573,113	\$523,317	
	Federal Trust.....	\$85,125	\$85,125	
Authority: Title 2.2, Chapter 25, Article 4, Code of Virginia.				
Out of this appropriation, \$50,000 the first year from the general fund is designated for the purchase of a grant management database.				
Total for Virginia Commission for the Arts.....			\$4,567,546	\$4,517,750
	General Fund Positions.....	5.00	5.00	
	Position Level.....	5.00	5.00	
	Fund Sources: General.....	\$3,761,746	\$3,711,950	
	Federal Trust.....	\$805,800	\$805,800	

§ 1-73. VIRGINIA MUSEUM OF FINE ARTS (238)

246.	Museum and Cultural Services (14500).....		\$32,354,442	\$32,357,685
	Collections Management and Curatorial Services (14501).....	\$8,482,678	\$8,482,678	
	Education and Extension Services (14503).....	\$4,800,847	\$4,800,847	
	Operational and Support Services (14507).....	\$19,070,917	\$19,074,160	
	Fund Sources: General.....	\$10,109,639	\$10,110,752	
	Special.....	\$4,850,465	\$4,852,595	
	Enterprise.....	\$5,479,910	\$5,479,910	
	Dedicated Special Revenue.....	\$11,664,428	\$11,664,428	
	Federal Trust.....	\$250,000	\$250,000	
Authority: Title 23, Chapter 18.1, Code of Virginia.				
A. The appropriation in this Item from the general fund shall be in addition to any appropriation from nongeneral funds, notwithstanding any contrary provision of this act.				
B. Nongeneral fund revenues included in this Item under Dedicated Special Revenue will be restricted for the uses specified by the donors and shall not be subject to interagency transfers or appropriation reductions.				
C. The Comptroller of Virginia shall establish a special revenue account fund detail code for nongeneral funds donated to the Virginia Museum of Fine Arts by private donors and volunteers who sponsor fundraising activities to support the museum's general operations, exhibitions, and programs.				
D. Out of this appropriation, \$158,513 in the first year and \$158,513 in the second year from the general fund is provided to cover the service fee in lieu of taxes levied by the City of Richmond.				
Total for Virginia Museum of Fine Arts.....			\$32,354,442	\$32,357,685
	General Fund Positions.....	131.50	131.50	
	Nongeneral Fund Positions.....	106.00	106.00	
	Position Level.....	237.50	237.50	
	Fund Sources: General.....	\$10,109,639	\$10,110,752	
	Special.....	\$4,850,465	\$4,852,595	
	Enterprise.....	\$5,479,910	\$5,479,910	
	Dedicated Special Revenue.....	\$11,664,428	\$11,664,428	
	Federal Trust.....	\$250,000	\$250,000	

ITEM 246.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

§ 1-74. EASTERN VIRGINIA MEDICAL SCHOOL (274)

247.	Financial Assistance For Educational and General Services (11000).....			\$24,475,260	\$25,245,450
	Sponsored Programs (11004).....	\$620,429	\$620,429		
	Medical Education (11005).....	\$23,854,831	\$24,625,021		
	Fund Sources: General.....	\$24,475,260	\$25,245,450		

Authority: Chapter 87, Acts of Assembly of 2002.

A. Out of this appropriation, \$620,429 the first year and \$620,429 the second year from the general fund is designated to build research capacity in medical modeling and simulation.

B. Out of this appropriation, \$6,158,108 the first year and \$6,158,108 the second year from the general fund is designated for treatment, care and maintenance of indigent Virginia patients through the medical school. The aid is to be apportioned on the basis of a plan to be approved, at the beginning of each biennium, by the Director, Department of Medical Assistance Services.

C. Out of this appropriation, \$375,700 the first year and \$375,700 the second year from the general fund is designated to support financial aid for in-state medical and health professions students.

D. Out of this appropriation, \$686,039 the first year and \$686,039 the second year from the general fund is designated for the operation of the Family Practice Residency program and Family Practice Medical Student programs.

E. Out of this appropriation, \$63,146 the first year and \$63,146 the second year from the general fund is designated to support the Eastern Virginia Area Health Education Center.

F. Eastern Virginia Medical School shall transfer funds to the Department of Medical Assistance Services to fully fund the state share for Medicaid supplemental payments to physicians affiliated with Eastern Virginia Medical School for Medicaid supplemental capitation payments to managed care organizations for the purpose of securing access to Medicaid physicians services in Eastern Virginia. The funds to be transferred must comply with 42 CFR 433.51.

248. Appropriations for this agency shall be disbursed in twelve equal monthly installments each fiscal year.

	Total for Eastern Virginia Medical School.....			\$24,475,260	\$25,245,450
	Fund Sources: General.....	\$24,475,260	\$25,245,450		

§ 1-75. NEW COLLEGE INSTITUTE (938)

249.	Administrative and Support Services (19900).....			\$3,592,872	\$3,592,956
	Operation of Higher Education Centers (19931).....	\$3,592,872	\$3,592,956		
	Fund Sources: General.....	\$2,048,181	\$2,048,229		
	Special.....	\$1,544,691	\$1,544,727		

Authority: Discretionary Inclusion.

A. It is the intent of the General Assembly that the New College Institute, the Institute for Advanced Learning and Research, and the Southern Virginia Higher Education Center coordinate their activities, both instructional and research, to the maximum extent possible to best meet the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education and the Department of Planning and Budget on their joint efforts in this regard.

B. The requirements of § 4-5.05 shall not apply to this appropriation.

ITEM 249.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>C. 1. The Governing Board of the New College Institute shall develop a comprehensive plan to provide higher education degree and certification programs in accordance with its mission and shall review options to achieve stated goals.</p> <p>2. Options shall include, but not be limited to: continued operation as an independent public entity with the existing operating structure and partnering with one or more public and/or private entities offering degree or certificate completion.</p> <p>3. For options regarding partnering with other entities, such proposed agreement, if any, shall detail the plan of operational guidance and funding mechanisms and shall be subject to the approval of all governance boards impacted.</p>				
Total for New College Institute.....			\$3,592,872	\$3,592,956
General Fund Positions.....		17.00	17.00	
Nongeneral Fund Positions.....		6.00	6.00	
Position Level.....		23.00	23.00	
Fund Sources: General.....		\$2,048,181	\$2,048,229	
Special.....		\$1,544,691	\$1,544,727	

§ 1-76. INSTITUTE FOR ADVANCED LEARNING AND RESEARCH (885)

250.	Economic Development Services (53400).....			\$6,437,245	\$6,437,103
	Regional Research, Technology, Education, and Commercialization Services (53421).....	\$6,437,245	\$6,437,103		
	Fund Sources: General.....	\$6,437,245	\$6,437,103		

Authority: Title 23, Chapter 16.4, Code of Virginia.

A. It is the intent of the General Assembly that the Institute for Advanced Learning and Research, the New College Institute, and the Southern Virginia Higher Education Center coordinate their activities, both instructional and research, to the maximum extent possible to best meet the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education on their joint efforts in this regard.

B. The requirements of § 4-5.05 shall not apply to this appropriation.

C. This Item includes no funds for the agency's use of leased property for engagement activities.

D. This Item includes \$32,071 the first year and \$31,927 the second year from the general fund for the first two years of debt service on a five-year term loan through the Master Equipment Leasing Program (MELP) to purchase communications infrastructure and 16 telephone handsets. It is intended that the ongoing amount will be removed from the agency's base budget in 2022.

Total for Institute for Advanced Learning and Research.....			\$6,437,245	\$6,437,103
Fund Sources: General.....		\$6,437,245	\$6,437,103	

§ 1-77. ROANOKE HIGHER EDUCATION AUTHORITY (935)

251.	Administrative and Support Services (19900).....			\$1,466,005	\$1,466,008
	Operation of Higher Education Centers (19931).....	\$1,466,005	\$1,466,008		
	Fund Sources: General.....	\$1,466,005	\$1,466,008		

Authority: Title 23, Chapter 16.3, Code of Virginia.

A. The requirements of § 4-5.05 shall not apply to this appropriation.

ITEM 251.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Total for Roanoke Higher Education Authority.....			\$1,466,005	\$1,466,008
Fund Sources: General.....	\$1,466,005	\$1,466,008		

§ 1-78. SOUTHERN VIRGINIA HIGHER EDUCATION CENTER (937)

252.	Administrative and Support Services (19900).....			\$8,790,324	\$9,351,411
	Operation of Higher Education Centers (19931).....	\$8,790,324	\$9,351,411		
	Fund Sources: General.....	\$2,870,883	\$3,211,657		
	Special.....	\$5,919,441	\$6,139,754		

Authority: Title 23, Chapter 16.5, Code of Virginia.

A. It is the intent of the General Assembly that the Southern Virginia Higher Education Center, the Institute for Advanced Learning and Research, and the New College Institute coordinate their activities, both instructional and research, to the maximum extent possible to best meet the needs of the citizens of the region, to ensure effective utilization of resources, and to avoid unnecessary duplication. The three entities shall report annually by October 1 to the Secretary of Education and the State Council of Higher Education for Virginia on their joint efforts in this regard.

B. Out of this appropriation, \$29,050 the first year and \$29,050 the second year from the general fund is designated for the educational telecommunications project to provide graduate engineering education. For supplemental budget requests, the participating institutions and centers jointly shall submit a report in support of such requests to the State Council of Higher Education for Virginia for review and recommendation to the Governor and the General Assembly.

C. Out of this appropriation, \$266,000 and four positions the first year and \$266,000 and four positions the second year from the general fund is designated for additional operational support of the Southern Virginia Higher Education Center and its efforts to provide STEM programs and specialized workforce training to the citizens of Southside Virginia.

D. Out of this appropriation, \$390,625 and seven positions the first year and \$731,250 and eight positions the second year from the general fund and \$562,100 and 3.5 positions the first year and \$782,100 and 3.5 positions the second year from nongeneral funds are designated to maintain workforce advancement programs in the areas of health care, manufacturing, information technology, and STEM that were originally established through short-term grants in order to expand the credentials-to-career pipeline for key industry sectors in Southside Virginia.

E. The Southern Virginia Higher Education Center is authorized to provide specialized workforce training consistent with grant agreements and memoranda of understanding with employers that existed as of January 1, 2016. The center will seek opportunities to collaborate with local community colleges in meeting the continuing goals of these programs and on new training needs identified by employers. If the local community colleges are unable to meet the training needs identified by employers, then the center is authorized to seek other education providers or to offer specialized workforce training independent of the local community colleges.

F. The requirements of § 4-5.05 shall not apply to this appropriation.

Total for Southern Virginia Higher Education Center.....			\$8,790,324	\$9,351,411
General Fund Positions.....	27.80	28.80		
Nongeneral Fund Positions.....	29.50	29.50		
Position Level.....	57.30	58.30		
Fund Sources: General.....	\$2,870,883	\$3,211,657		
Special.....	\$5,919,441	\$6,139,754		

§ 1-79. SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER (948)

ITEM 252.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
253.	Administrative and Support Services (19900).....			\$3,184,010	\$3,184,122
	General Management and Direction (19901).....	\$38,794	\$38,794		
	Operation of Higher Education Centers (19931).....	\$3,145,216	\$3,145,328		
	Fund Sources: General.....	\$2,161,055	\$2,161,167		
	Special.....	\$1,022,955	\$1,022,955		
	Authority: Title 23, Chapter 16.1, Code of Virginia.				
	A. The board of trustees of the Southwest Virginia Higher Education Center may establish and administer agreements with out-of-state institutions certified to operate in Virginia pursuant to § 23-276.4 Code of Virginia for such institutions to provide undergraduate-level and graduate-level instructional programs at the Center.				
	Total for Southwest Virginia Higher Education Center.....			\$3,184,010	\$3,184,122
	General Fund Positions.....	31.00	31.00		
	Nongeneral Fund Positions.....	5.00	5.00		
	Position Level.....	36.00	36.00		
	Fund Sources: General.....	\$2,161,055	\$2,161,167		
	Special.....	\$1,022,955	\$1,022,955		

§ 1-80. SOUTHEASTERN UNIVERSITIES RESEARCH ASSOCIATION DOING BUSINESS FOR JEFFERSON SCIENCE ASSOCIATES, LLC (936)

254.	Financial Assistance For Educational and General Services (11000).....			\$1,342,566	\$1,342,568
	Sponsored Programs (11004).....	\$1,342,566	\$1,342,568		
	Fund Sources: General.....	\$1,342,566	\$1,342,568		
	Authority: Discretionary Inclusion.				
	A. This appropriation represents the Commonwealth of Virginia's contribution to the Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC, for the support of the Thomas Jefferson National Accelerator Facility (Jefferson Lab) located at Newport News, Virginia. This contribution includes funds to support faculty positions and industry-led research that will promote economic development opportunities in the Commonwealth.				
	B. An amount of \$1,400,000 the first year and \$1,000,000 the second year from the general fund is designated for the electron ion collider project from amounts appropriated under Item 106 A.1. of this act.				
	C. This nonstate agency is exempt from the match requirement of § 2.2-1505, Code of Virginia and § 4-5.05 of this act.				
	Total for Southeastern Universities Research Association Doing Business for Jefferson Science Associates, LLC.....			\$1,342,566	\$1,342,568
	Fund Sources: General.....	\$1,342,566	\$1,342,568		

§ 1-81. HIGHER EDUCATION RESEARCH INITIATIVE (989)

255.	Financial Assistance For Educational and General Services (11000).....			\$8,000,000	\$14,000,000
	Sponsored Programs (11004).....	\$8,000,000	\$14,000,000		
	Fund Sources: General.....	\$8,000,000	\$14,000,000		

A.1. Out of this appropriation, \$8,000,000 the first year and \$14,000,000 the second year from the general fund is designated for the Virginia Research Investment Fund. These funds shall be allocated in accordance with provisions established in House Bill 1343 of the 2016 General

ITEM 255.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>Assembly and shall be used to (i) promote research and development excellence in the Commonwealth; (ii) foster innovative and collaborative research, development, and commercialization efforts in projects and programs with a high potential for economic development and job creation opportunities; (iii) position the Commonwealth as a national leader in science-based and technology-based research, development, and commercialization; and (iv) to attract and recruit eminent researchers that enhance research superiority at public institutions of higher education.</p> <p>2. In addition to the funding in this item, \$29,000,000 the first year authorized in Item C-52.10 shall be made available to support the purchase of research equipment or laboratory renovations associated with researcher incentive packages and the translation of research into commercial use subject to the provisions established in House Bill 1343. Any institution of higher education or related research entity pursuing this funding must provide a match of an amount at least equal to the awarded funds.</p> <p>B. The appropriation for this item is contingent on the passage of House Bill 1343 of the 2016 Session. If the bill should fail, the amounts appropriated in this item shall be transferred to Item 475 P. as part of the Revenue Reserve.</p>				
Total for Higher Education Research Initiative.....			\$8,000,000	\$14,000,000
Fund Sources: General.....		\$8,000,000	\$14,000,000	

§ 1-82. VIRGINIA COLLEGE BUILDING AUTHORITY (941)

256. Authority: Chapter 597, Acts of Assembly of 1986.

A.1. The purpose of this Item is to provide an ongoing program for the acquisition and replacement of instructional and research equipment at state-supported institutions of higher education in accordance with the intent and purpose of Chapter 597, Acts of Assembly of 1986.

2. The Governor shall annually present to the General Assembly through the Commonwealth's budget process, the estimated payments and the corresponding total value of equipment to be acquired.

B.1. The State Council of Higher Education for Virginia shall establish and maintain procedures through which institutions of higher education apply for allocations made available under the program, and shall develop guidelines and recommendations for the apportionment of such equipment to each state-supported institution of higher education.

2. The Authority shall finance equipment for educational institutions in accordance with § 23-30.28, Code of Virginia, and according to terms and conditions approved through the Commonwealth's budget and appropriation process. Bonds or notes issued by the Virginia College Building Authority to finance equipment may be sold and issued at the same time with other obligations of the Authority as separate issues or as a combined issue. Each institution shall make available such additional detail on specific equipment to be purchased as may be requested by the Governor or the General Assembly. If emergency acquisitions are necessary when the General Assembly is not in session, the Governor may approve such acquisitions. The Governor shall report his approval of such acquisitions to the Chairmen of the House Appropriations and Senate Finance Committees.

3. Amounts for debt service payments for allocations provided by this Item shall be provided pursuant to Item 281 of this act.

C.1. Transfer of the appropriation in Item 281 of this act to the Virginia College Building Authority shall be subject to the approval of the Secretary of Finance. An allocation of \$128,436,310 made in the 2014-2016 biennium brings the total amount of equipment acquired through the program to approximately \$1,308,319,456.

2. Allocations of \$85,470,000 the first year and \$83,000,000 the second year will be made to support the purchase of additional equipment to enhance instructional and research activity at Virginia's public colleges and universities. Allocations are as follows:

ITEM 256.	Institution	Item Details(\$)		Appropriations(\$)		
		Prior Allocations	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	George Mason University	\$83,398,307	\$4,347,024	\$3,947,024	\$474,407	\$474,407
	Old Dominion University	\$87,854,054	\$5,416,192	\$5,016,192	\$329,078	\$329,078
	University of Virginia	\$229,787,688	\$10,458,476	\$10,458,476	\$5,189,341	\$5,189,341
	Virginia Commonwealth University	\$159,186,893	\$6,853,430	\$6,853,430	\$2,995,552	\$2,995,552
	Virginia Polytechnic Institute and State University	\$241,668,626	\$10,331,639	\$10,331,639	\$6,190,458	\$5,240,458
	College of William and Mary	\$43,900,323	\$2,300,493	\$2,300,493	\$595,857	\$595,857
	Christopher Newport University	\$13,369,430	\$754,464	\$754,464	\$0	\$0
	University of Virginia's College at Wise	\$5,121,439	\$770,681	\$250,681	\$0	\$0
	James Madison University	\$43,111,620	\$2,309,646	\$2,309,646	\$0	\$0
	Longwood University	\$13,400,103	\$743,433	\$743,433	\$0	\$0
	University of Mary Washington	\$15,347,430	\$655,746	\$655,746	\$0	\$0
	Norfolk State University	\$38,832,575	\$1,200,108	\$1,200,108	\$0	\$0
	Radford University	\$30,598,683	1,744,993	\$1,744,993	\$0	\$0
	Virginia Military Institute	\$15,482,346	\$886,084	\$886,084	\$0	\$0
	Virginia State University	\$23,462,131	\$1,342,189	\$1,342,189	\$0	\$0
	Richard Bland College	\$3,095,964	\$360,149	\$160,149	\$0	\$0
	Virginia Community College System	\$243,627,045	\$17,596,542	\$17,596,542	\$0	\$0
	Virginia Institute of Marine Science	\$8,034,702	\$362,100	\$362,100	\$175,307	\$175,307
	Southwest Virginia Higher Education Center	\$1,303,164	\$80,111	\$80,111	\$0	\$0
	Roanoke Higher Education Authority	\$994,347	\$77,623	\$77,623	\$0	\$0
	Institute for Advanced Learning and Research	\$5,468,313	\$274,172	\$274,172	\$0	\$0
	Southern Virginia Higher Education Center	\$432,996	\$95,790	\$95,790	\$0	\$0
	New College Institute	\$341,277	\$34,486	\$34,486	\$0	\$0
	Eastern Virginia Medical School	\$500,000	\$524,429	\$524,429	\$0	\$0

ITEM 256.			Item Details(\$)		Appropriations(\$)	
			First Year	Second Year	First Year	Second Year
			FY2017	FY2018	FY2017	FY2018
TOTAL	\$1,308,319,456	\$69,520,000	\$68,000,000	\$15,950,000	\$15,000,000	

D. Out of the allocations for the Virginia Community College System, \$5,000,000 the first year and \$5,000,000 the second year is designated to support the equipment needs of Workforce Development activities, including those related to the New Economy Industry Credential Assistance Training Grant Program.

E. 1. Out of the research allocations for Virginia Tech, \$950,000 the first year is designated for radar equipment to enhance the unmanned aircraft test range.

2. Out of the allocations for the University of Virginia at Wise, \$520,000 the first year is designated for the acquisition of a Nuclear Magnetic Resonance Spectrometer.

3. Out of the allocations for Richard Bland College, \$200,000 the first year is designated for the acquisition and installation of information technology security devices.

4. Out of the allocations for George Mason University, \$400,000 the first year is designated for the acquisition and installation of equipment for the development and delivery of online courses and programs.

5. Out of the allocations for Old Dominion University, \$400,000 the first year is designated for the acquisition and installation of equipment for the development and delivery of online courses and programs.

Total for Virginia College Building Authority..... \$0 \$0

TOTAL FOR OFFICE OF EDUCATION..... \$18,404,594,722 \$18,788,354,149

General Fund Positions.....	18,527.65	18,530.65
Nongeneral Fund Positions.....	39,806.57	39,948.57
Position Level.....	58,334.22	58,479.22
Fund Sources: General.....	\$7,946,627,755	\$8,271,735,292
Special.....	\$41,228,245	\$41,337,140
Higher Education Operating.....	\$8,400,234,028	\$8,488,731,845
Commonwealth Transportation.....	\$1,067,105	\$1,067,105
Enterprise.....	\$5,479,910	\$5,479,910
Trust and Agency.....	\$728,744,252	\$698,450,383
Debt Service.....	\$329,379,313	\$329,717,988
Dedicated Special Revenue.....	\$11,914,428	\$11,914,428
Federal Trust.....	\$939,919,686	\$939,920,058

ITEM 257.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

OFFICE OF FINANCE

§ 1-83. SECRETARY OF FINANCE (190)

257.	Administrative and Support Services (79900).....			\$488,354	\$488,394
	General Management and Direction (79901).....	\$488,354	\$488,394		
	Fund Sources: General.....	\$488,354	\$488,394		

Authority: Title 2.2, Chapter 2, Article 5; § 2.2-201, Code of Virginia.

A. The Secretary of Finance, in consultation with other affected secretaries, is hereby authorized to order the State Comptroller to transfer to the general fund a reasonable sum, as determined by the State Comptroller, from annual charges of internal service funds and enterprise funds that exceed the cost of providing services or that represent over-recoveries from the general fund.

B. Following every General Assembly session, the financial plan in place required by § 2.2-1503.1, Code of Virginia, shall be updated to reflect policy changes or budget actions adopted by the General Assembly that would alter financial assumptions included in the plan. The revised financial plan shall be posted on the Department of Planning and Budget website no later than September 1 of each year.

	Total for Secretary of Finance.....			\$488,354	\$488,394
	General Fund Positions.....	4.00	4.00		
	Position Level.....	4.00	4.00		
	Fund Sources: General.....	\$488,354	\$488,394		

§ 1-84. DEPARTMENT OF ACCOUNTS (151)

258.	Financial Systems Development and Management (72400).....			\$3,376,976	\$3,376,976
	Financial Systems Development (72401).....	\$736,493	\$736,493		
	Financial Systems Maintenance (72402).....	\$1,060,044	\$1,060,044		
	Computer Services (72404).....	\$1,580,439	\$1,580,439		
	Fund Sources: General.....	\$3,376,976	\$3,376,976		

Authority: Title 2.2, Chapter 8, Code of Virginia.

259.	Accounting Services (73700).....			\$8,651,150	\$8,651,150
	General Accounting (73701).....	\$3,840,834	\$3,840,834		
	Disbursements Review (73702).....	\$1,057,417	\$1,057,417		
	Payroll Operations (73703).....	\$1,249,365	\$1,249,365		
	Financial Reporting (73704).....	\$2,503,534	\$2,503,534		
	Fund Sources: General.....	\$7,788,304	\$7,788,304		
	Special.....	\$862,846	\$862,846		

Authority: Title 2.2, Chapter 8, and § 2.2-1822, Code of Virginia.

A.1. There is hereby created on the books of the State Comptroller the Commonwealth Charge Card Rebate Fund. Rebates earned in any fiscal year on the Commonwealth's statewide charge card program shall be deposited to the Commonwealth Charge Card Rebate Fund. The cost of administration of the program as well as rebates due to political subdivisions and payments due to the federal government are hereby appropriated from the fund. All remaining rebate revenue in the fund shall be deposited to the general fund by June 30 of each year.

2. The Department of Accounts is authorized to include the administrative costs estimated at \$80,000 per year for executing entries in the Commonwealth's accounting system for Level III institutions as defined in Chapter 675, 2009 Acts of Assembly, in the program costs

ITEM 259.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

appropriated from the fund.

B. Notwithstanding the provisions of §§ 17.1-286 and 58.1-3176, Code of Virginia, the State Comptroller shall not make payments to the Circuit Court clerks on amounts directly deposited into the State Treasury by General District Courts, Juvenile and Domestic Relations General District Courts, Combined District Courts, and the Magistrates System. The State Comptroller shall continue to make payments, in accordance with §§ 17.1-286 and 58.1-3176, Code of Virginia, to the respective clerks on those amounts directly deposited into the state treasury by the Circuit Courts.

C.1. There is hereby created in the state treasury a special nonreverting fund that shall be known as the Federal Repayment Reserve Fund. The Fund shall be established on the books of the Comptroller and shall consist of such moneys as the State Comptroller determines will be required to repay the federal government its share of any rebates, Internal Service Fund profits, transfers to the general fund or amounts arising from other sources. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of the fiscal year shall not revert to the general fund but shall remain in the Fund. The Comptroller shall hold all moneys in this Fund until such payment is required by the federal government.

2. Effective upon creation of Federal Repayment Reserve Fund, any agency with cash balances held in reserve for the anticipated federal repayment shall transfer the estimated amount determined by the State Comptroller prior to June 30. On an ongoing basis, agencies shall coordinate with the State Comptroller to identify amounts due to be returned to the federal government. The State Comptroller shall transfer those amounts to the Fund on or before June 30 of each year.

D. The Department of Accounts is authorized to charge employees a mandatory fee of up to 15 cents for each payroll deduction administered under the Supplemental Insurance and Annuities program. Reimbursement by the employing agency is prohibited.

260.	Service Center Administration (82600).....		\$2,653,260	\$2,783,466
	Payroll Service Bureau (82601).....	\$2,653,260	\$2,783,466	
	Fund Sources: Internal Service.....	\$2,653,260	\$2,783,466	

Authority: Title 2.2, Chapter 8, Code of Virginia.

A. The appropriation for the Payroll Service Bureau is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services.

B.1. The Department of Accounts shall operate the payroll service center to support the salaried and wage employees of all agencies identified by the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Accounts in transferring such records and functions as may be required. The payroll service center shall provide services to employees to include, but not be limited to, payroll, benefit enrollment and leave accounting. The Department of Accounts shall be responsible for all accounting reconciliations for these services; however, each employing agency shall remain fully responsible for certifying the accuracy of each payroll paid to its employees. This certification shall be in such form as the Comptroller directs.

2.a. The Department of Accounts shall recover the cost of services provided by the payroll service center through interagency transactions as determined by the State Comptroller.

b. The Department of Accounts is authorized to charge the following rates to agencies participating in the payroll service center based on the type and number of W-2 forms processed and how each customer agency reports employee leave to the department:

Criteria	FY 2017	FY 2018
Wage employees with automatic leave processing	\$106.34	\$111.55
Wage employees with manual leave processing	\$118.85	\$124.67

ITEM 260.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Salaried employees without leave processing		\$125.11		\$131.23
Salaried employees with automatic leave processing		\$131.36		\$137.79
Salaried employees with manual leave processing		\$143.87		\$150.92

C.1. The Department of Accounts shall operate a fiscal service center to support the operations of all agencies identified by the Department of Planning and Budget. The agencies so identified shall cooperate with the Department of Accounts in transferring such records and functions as may be required. The service center shall provide services to agencies to include accounts payable processing, travel voucher processing, related reconciliations, and such other fiscal services as may be appropriate.

2. The Department of Accounts shall recover the cost of services provided by the fiscal service center through interagency transactions as determined by the State Comptroller.

3. The Department of Accounts is authorized to charge fees of up to twenty percent of revenues generated pursuant to non-tax debt collection initiatives to pay the administrative costs of supporting such initiatives. These fees are over and above any fees charged by outside collections contractors and/or enhanced collection revenues returned to the Commonwealth.

D. Nothing in this section shall prohibit additional agencies from using the services of the centers; however, such additions shall be subject to approval by the affected cabinet secretary and the Secretary of Finance.

261.	Information Systems Management and Direction (71100).....			\$24,027,675	\$25,030,659
	Financial Oversight for Performance Budgeting System (71107).....	\$3,967,981	\$3,967,981		
	Financial Oversight for Cardinal System (71108).....	\$20,059,694	\$21,062,678		
	Fund Sources: Internal Service.....	\$24,027,675	\$25,030,659		

Authority: Title 2.2 Chapter 8, Code of Virginia

A.1. The appropriation for Financial Oversight for Performance Budgeting System and Financial Oversight for Cardinal System is sum sufficient and amounts shown are estimates from internal service funds which shall be paid solely from revenues derived from charges for services. Out of this appropriation, the Performance Budgeting System is appropriated \$3,967,981 the first year and \$3,967,981 the second year from internal service fund revenues. Out of this appropriation, the Cardinal system is appropriated \$20,059,694 the first year and \$21,062,678 the second year from internal service fund revenues. The State Comptroller shall establish a fund entitled the Enterprise Applications Internal Service Fund. All users of the Commonwealth's enterprise applications shall be assessed a surcharge based on licenses, transactions, or other meaningful methodology as determined by the Secretary of Finance and the owner of the enterprise application, which shall be deposited in the fund. Additionally, the State Comptroller shall recover the cost of services provided for the administration of the fund through interagency transactions as determined by the State Comptroller.

2. The State Comptroller shall submit revised projections of revenues and expenditures for the internal service fund and estimates of any anticipated changes to fee schedules in accordance with § 4-5.03 of this act.

3. In the event that expenses of the enterprise applications become due before costs have been fully recovered in the department's internal service fund, a treasury loan shall be provided to the department to finance these costs. This treasury loan shall be repaid from the proceeds collected in the fund.

B.1. A working capital advance of up to \$25,000,000 shall be provided to the Department of Accounts to pay the initial costs of the replacement of the Commonwealth Integrated Payroll/Personnel System (CIPPS). Initials costs include any costs necessary for the planning,

ITEM 261.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>development, and configuration of the new payroll system. Initial costs do not include statewide roll-out costs necessary to ensure agencies are prepared for the implementation of the new payroll system and the decommissioning of CIPPS such as applications configuration, agency training, change management costs, or costs incurred by line agencies to develop required interfaces from agency based systems. From this amount up to \$10,000,000 may be directed toward any unforeseen costs associated with the roll-out of the statewide financial management system known as Cardinal.</p> <p>2. The Secretary of Finance and Secretary of Technology shall approve the drawdowns from this working capital advance prior to the expenditure of funds. The State Comptroller shall notify the Governor and the Chairmen of the House Appropriations and Senate Finance Committees of any approved drawdowns.</p> <p>3. Repayment of the working capital advance and ongoing systems operation, maintenance and support costs for the statewide financial management system shall be funded through the Enterprise Applications Internal Service Fund established pursuant to this Item.</p>				
262.	Administrative and Support Services (79900).....		\$1,437,473	\$1,437,885
	General Management and Direction (79901).....	\$1,437,473	\$1,437,885	
	Fund Sources: General.....	\$1,437,473	\$1,437,885	
<p>Authority: Title 2.2, Chapter 8, Code of Virginia.</p> <p>As a condition of the appropriation in this Item, the department shall provide to the Chairmen of the House Appropriations and Senate Finance Committees the expenditure and revenue reports necessary for timely legislative oversight of state finances. The necessary reports include monthly and year-end versions and shall be provided in an interactive electronic format agreed upon by the Chairmen of the House Appropriations and Senate Finance Committees, or their designees, and the Comptroller. Delivery of these reports shall occur by way of electronic mail or other methods to ensure their receipt within 48 hours of their initial run after the close of the business month.</p>				
263.	<p>In the event of default by a unit, as defined in § 15.2-2602, Code of Virginia, on payment of principal of or interest on any of its general obligation bonded indebtedness when due, the State Comptroller, in accordance with § 15.2-2659, Code of Virginia, is hereby authorized to make such payment to the bondholder, or paying agent for the bondholder, and to recover such payment and associated costs of publication and mailing from any funds appropriated and payable by the Commonwealth to the unit for any and all purposes.</p>			
264.	<p>In the event of default by any employer participating in the health insurance program authorized by § 2.2-1204, Code of Virginia, in the remittance of premiums or other fees and costs of the program, the State Comptroller is hereby authorized to pay such premiums and costs and to recover such payments from any funds appropriated and payable by the Commonwealth to the employer for any purpose. The State Comptroller shall make such payments upon receipt of notice from the Director, Department of Human Resource Management, that such payments are due and unpaid from the employer.</p>			
265.	<p>The State Comptroller shall make calculations of payments and transfers related to interest earned on federal funds, interest receivable on state funds advanced on behalf of federal programs, and direct cost reimbursements due from the federal government pursuant to Item 280 of this act.</p>			
	Total for Department of Accounts.....		\$40,146,534	\$41,280,136
	General Fund Positions.....	115.00	115.00	
	Nongeneral Fund Positions.....	53.00	53.00	
	Position Level.....	168.00	168.00	
	Fund Sources: General.....	\$12,602,753	\$12,603,165	
	Special.....	\$862,846	\$862,846	
	Internal Service.....	\$26,680,935	\$27,814,125	

ITEM 265.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Department of Accounts Transfer Payments (162)					
266.	Financial Assistance to Localities - General (72800) a sum sufficient, estimated at.....			\$570,565,000	\$572,065,000
	Distribution of Rolling Stock Taxes (72806).....	\$7,100,000	\$7,100,000		
	Distribution of Recordation Taxes (72808).....	\$40,000,000	\$40,000,000		
	Financial Assistance to Localities - Rental Vehicle Tax (72810).....	\$45,000,000	\$46,500,000		
	Distribution of Sales Tax Revenues from Certain Public Facilities (72811).....	\$1,040,000	\$1,040,000		
	Distribution of Tennessee Valley Authority Payments in Lieu of Taxes (72812).....	\$1,300,000	\$1,300,000		
	Distribution of the Virginia Communications Sales and Use Tax (72816).....	\$440,000,000	\$440,000,000		
	Distribution of Payments to Localities for Enhanced Emergency Communications Services (72817).....	\$36,000,000	\$36,000,000		
	Distribution of Sales Tax Revenues from Certain Tourism Projects (72819).....	\$125,000	\$125,000		
	Fund Sources: General.....	\$49,565,000	\$49,565,000		
	Trust and Agency.....	\$45,000,000	\$46,500,000		
	Dedicated Special Revenue.....	\$476,000,000	\$476,000,000		

Authority: §§ 15.2-5814, 15.2-5914, 33.2-2400, 58.1-608.3, 58.1-662, 58.1-815.1, 58.1-816, 58.1-1736, 58.1-1741, 58.1-2658.1, and 58.1-3406, Code of Virginia.

A. Out of this appropriation, amounts estimated at \$20,000,000 the first year and \$20,000,000 the second year from the general fund shall be deposited into the Northern Virginia Transportation District Fund, as provided in § 33.2-2400, Code of Virginia. Said amount shall consist of recordation taxes attributable to and transferable to the cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park and the counties of Arlington, Fairfax, Loudoun, and Prince William, pursuant to § 58.1-816, Code of Virginia. This amount shall be transferred to Item 457 of this act and shall be used to support the Northern Virginia Transportation District Program as defined in § 33.2-2401, Code of Virginia. The Commonwealth Transportation Board shall make such allocations and expenditures from the fund as are provided in the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993 (Chapter 391, 1993 Acts of Assembly). The Commonwealth Transportation Board also shall make such allocations and expenditures from the fund as are provided in Chapters 470 and 597 of the 1994 Acts of Assembly (amendments to Chapter 391, 1993 Acts of Assembly).

B. Pursuant to Chapters 233 and 662, 1994 Acts of Assembly, out of this appropriation, an amount estimated at \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be deposited into the set-aside fund as requested in an ordinance adopted March 28, 1995, and in compliance with the requirements provided for in § 58.1-816.1, Code of Virginia, for an account for the City of Chesapeake. These amounts shall be transferred to Item 457 of this act and shall be allocated by the Commonwealth Transportation Board to provide for the debt service pursuant to the Oak Grove Connector, City of Chesapeake, Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994 (Chapters 233 and 662, 1994 Acts of Assembly).

C. Out of this appropriation, the Virginia Baseball Stadium Authority shall be paid a sum sufficient equal to the state personal, corporate, and pass-through entity income and sales and use tax revenues to which the authority is entitled.

D.1. In order to carry out the provisions of § 58.1-645 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$440,000,000 in the first year and \$440,000,000 in the second year equal to the revenues collected pursuant to § 58.1-645 et seq., Code of Virginia, from the Virginia Communications Sales and Use Tax. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia and Item 287 of this act. For the purposes of the State Comptroller's

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preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the fund shall be accounted for as part of the general fund of the state treasury.

2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and to the Department of Taxation for the costs of administering the Virginia Communications Sales and Use Tax Fund.

E. In order to carry out the provisions of § 58.1-1734 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$45,000,000 in the first year and \$46,500,000 in the second year equal to the revenues collected pursuant to A. 2 of § 58.1-1736 Code of Virginia, from the Virginia Motor Vehicle Rental Tax.

F. In order to carry out the provisions of § 56-484.17 et seq., Code of Virginia, there is hereby appropriated a sum sufficient amount of nongeneral fund revenues estimated at \$36,000,000 in the first year and \$36,000,000 in the second year equal to the revenues collected pursuant to § 56-484.17.1 Code of Virginia, from the Virginia Wireless Tax.

267.	Revenue Stabilization Fund (73500).....		\$605,552,819	\$0
	Payments to the Revenue Stabilization Fund (73501).....	\$605,552,819	\$0	
	Fund Sources: General.....	\$605,552,819	\$0	

Authority: Title 2.2, Chapter 18, Article 4, Code of Virginia.

A. On or before November 1 of each year, the Auditor of Public Accounts shall report to the General Assembly the certified tax revenues collected in the most recently ended fiscal year. The auditor shall, at the same time, provide his report on the 15 percent limitation and the amount that could be paid into the fund in order to satisfy the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia as well as the additional deposit requirement of § 2.2-1829, Code of Virginia.

B. Out of this appropriation, \$605,552,819 the first year from the general fund attributable to actual tax collections for FY 2015 shall be paid by the State Comptroller on or before June 30, 2017, into the Revenue Stabilization Fund pursuant to § 2.2-1829, Code of Virginia. This amount is based on the certification of the Auditor of Public Accounts of actual tax revenues for FY 2015. This appropriation meets the mandatory deposit requirement of Article X, Section 8 of the Constitution of Virginia.

C. This appropriation includes \$129,500,000 that was provided in Chapter 665, 2015 Acts of Assembly, as an advance payment for the mandatory deposit to the Revenue Stabilization Fund required in FY 2017.

268.	Virginia Education Loan Authority Reserve Fund (73600).....		\$194,778	\$194,778
	Loan Servicing Reserve Fund (73601).....	\$94,778	\$94,778	
	Edvantage Reserve Fund (73602).....	\$100,000	\$100,000	
	Fund Sources: Trust and Agency.....	\$194,778	\$194,778	

Authority: Chapter 384, Acts of Assembly of 1995; Chapter 39, Acts of Assembly of 1998.

A. The General Assembly hereby recognizes and reaffirms the provisions of such Declarations as may have been adopted by the Virginia Education Loan Authority pursuant to Chapter 384, 1995 Acts of Assembly, and dated June 30, 1996. There is hereby appropriated from the VELA Loan Servicing Reserve Fund within the state treasury such sums as may be necessary, not to exceed \$94,778, to be paid out by the State Comptroller consistent with the provisions of the Declarations. There is hereby appropriated from the VELA Loan Servicing Reserve Fund within the state treasury such sums as may be necessary, not to exceed \$100,000, to be paid out by the State Comptroller for the purpose of determining the validity and amount of any claims against the Fund. The State Comptroller is authorized to take such actions as may be necessary to effect the

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provisions of this paragraph.				
B. Funds in the Edvantage Reserve Fund are hereby appropriated for disbursement by the State Comptroller, as provided for by law. All interest earned by the Edvantage Reserve Fund shall remain with the fund.				
269. Line of Duty (76000).....			\$9,458,131	\$9,458,131
Death Benefit Payments Under the Line of Duty Act (76001).....	\$525,000	\$525,000		
Health Insurance Benefit Payments Under the Line of Duty Act (76002).....	\$8,933,131	\$8,933,131		
Fund Sources: Trust and Agency.....	\$9,458,131	\$9,458,131		

Authority: Title 9.1, Chapter 4, Code of Virginia.

A. In addition to such other payments as may be available, the full cost of group health insurance, net of any deductions and credits, for the surviving spouses and dependents of certain public safety officers killed in the line of duty and for certain public safety officers disabled in the line of duty, and the spouses and dependents of such disabled officers, are payable from this Item pursuant to Title 9.1, Chapter 4, Code of Virginia.

B.1. There is hereby established the Line of Duty Act Fund (the Fund) for the payment of benefits prescribed by and administered under the Line of Duty Act. The funds of the Line of Duty Act Fund shall be deemed separate and independent trust funds, shall be segregated and accounted for separately from all other funds of the Commonwealth, and shall be invested and administered solely in the interests of the covered employees and beneficiaries thereof. Neither the General Assembly nor any public officer, employee, or agency shall use or authorize the use of the Fund for any purpose other than as provided in law for benefits and administrative expenses. Fund deposits are irrevocable and are not subject to the claims of creditors. In addition to other such powers as shall be vested in the board, the board shall have the full power to invest, reinvest and manage assets of the Fund in accordance with Article 3.1 (§ 51.1-124.30 et seq.) of Chapter 1 of Title 51.1, and no officer, director, or member of the board or of any advisory committee of the Retirement System or any of its tax exempt subsidiary corporations whose actions are within the standard of care in Article 3.1 of Chapter 1 of Title 51.1 shall be held personally liable for losses suffered by the Fund on investments made under the authority of this article. The board is authorized to establish loans to the Fund from the Group Life program in such amounts and under such terms as may be established by the board. The Fund shall reimburse the Retirement System for all reasonable costs incurred and associated, directly and indirectly, with the administration, management and investment of the Fund.

2. Definitions. As used in this item:

"Board" means the Board of Trustees of the Virginia Retirement System.

"Covered employee" means any employee, sheriff, deputy sheriff, or volunteer of a participating employer or non-participating employer eligible for coverage under the provisions of the Line of Duty Act.

"Fund" means the Line of Duty Act Fund.

"Line of Duty Act" means § 9.1-400 et seq.

"Non-participating employer" means any political subdivision making the irrevocable election, in a manner and on such forms as prescribed by the board, to self-fund Line of Duty Act benefits under paragraph B.4 of this Item.

"Participating employer" means any agency of the Commonwealth with covered employees and any (i) county, city, or town with covered employees that does not make the election under paragraph B.4 of this Item; or (ii) political entity, subdivision, branch, commission, public authority, or body corporate, or other entity of a local government with covered employees that does not make the election under paragraph B.4 of this Item.

"Retirement System" means the Virginia Retirement System.

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3. Payment of benefits; funding of benefits.

a. All payments for benefits provided through the Line of Duty Act shall be paid by the State Comptroller. The State Comptroller shall be reimbursed from the Fund for all benefit payments made on behalf of participating employers that, which payments have been approved by the State Comptroller. The State Comptroller shall be reimbursed on no more than a monthly basis from documentation provided to the Retirement System. Reimbursement from the Fund may include reasonable administrative expenses incurred by the Department of Accounts or the State Comptroller for administering the provisions of the Line of Duty Act.

Each participating employer shall make contributions each year to the Fund in accordance with guidelines adopted by the board. Such contributions shall be for purposes of funding benefits and administrative expenses under the Line of Duty Act. The employer contribution for each participating employer shall be determined by the board on a current disbursement basis in accordance with the provisions of this section.

b. For purposes of this Item, employer contributions for coverage provided to members of the National Guard and United States military reserves on active duty shall be paid by the Commonwealth.

c. For purposes of establishing employer contribution contributions, a member of any fire company or department or rescue squad that has been recognized by an ordinance or a resolution of the governing body of any county, city, or town of the Commonwealth as an integral part of the official safety program of such county, city, or town shall be considered part of the city, county, or town served by the company, department or rescue squad. If a company, department, or rescue squad serves more than one city, county, or town, the affected cities, counties, or towns shall determine the basis and apportionment of the required covered payroll and contributions for each department, company, or rescue squad.

d. Each participating employer shall provide all required data requested by the Board to administer the Fund in a form approved by the board.

e. In the event any participating employer fails to remit contributions or other fees and costs of the Fund as duly prescribed, the board shall inform the State Comptroller and the participating employer of the delinquent amount. The State Comptroller shall forthwith transfer such amounts to the Fund from any moneys otherwise distributable to such participating employer.

4. Irrevocable election to become non-participating employer.

a. A political subdivision with covered employees may make, in a manner and on such forms as prescribed by the board, an irrevocable election on or before July 1, 2012, or for the RSW Regional Jail Authority on or before July 1, 2016, to be deemed a non-participating employer fully responsible for self-funding all benefits relating to its past and present covered employees under the Line of Duty Act from its own funds, including any responsibility apportioned to it under the provisions of paragraph 3(c) above. Non-participating employers shall continue to be subject to the provisions set forth in the Line of Duty Act.

b. A non-participating employer shall not be required to contribute to the Fund, nor shall it be required to contribute to the costs incurred or associated, directly or indirectly, with the administration, management and investment of the Fund.

c. Effective July 1, 2012, non-participating employers shall be responsible for self-administering the payments of benefits in accordance with the requirements of the Line of Duty Act. The eligibility determination process for the Line of Duty benefit shall continue to be determined consistent with the provisions of § 9.1-403 and any other applicable section of Code. The State Comptroller shall determine and collect from a non-participating employer an amount representing reasonable costs incurred and associated, directly and indirectly, with such eligibility determination.

d. In the event any non-participating employer fails to remit benefit and other costs of the Line of Duty Act as prescribed, the State Comptroller shall transfer such amounts from

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<p>any moneys otherwise distributable to such non-participating employer.</p> <p>5. The Virginia Retirement System Medical Board established pursuant to § 51.1-124.23, Code of Virginia shall, upon request by the State Comptroller, make a written report of its conclusions and recommendations on matters referred to it regarding eligibility for benefits under the Line of Duty Act.</p> <p>C. In addition to any other benefit provided by law, an additional death benefit in the amount of \$20,000 for the surviving spouses and dependents of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, are payable pursuant to § 44-93.1.B., Code of Virginia, from the Line of Duty Death and Health Benefits Trust Fund. The Department of Accounts, with support from the Department of Military Affairs, shall determine eligibility for this benefit.</p> <p>D. For any surviving spouse of a "deceased person" or any "disabled person" as those terms are defined in § 9.1-400, who is receiving the benefits described in § 9.1-401 and who would otherwise qualify for the health insurance credit described in Chapter 14 of Title 51.1, Code of Virginia, the amount of such credit shall be calculated and reimbursed to the State Comptroller for deposit into the Line of Duty Death and Health Benefits Trust Fund from the health insurance credit trust fund, in a manner prescribed by the Board of Trustees of the Virginia Retirement System.</p> <p>E. A member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard shall be eligible to receive benefits according to the provisions under the Line of Duty Act, Title 9.1, Chapter 4, Code of Virginia. Funding for the inclusion of a member of any fire company providing fire protection services for facilities of the Virginia National Guard or the Virginia Air National Guard will be paid by the Department of Military Affairs out of its appropriation in Item 410 of this act.</p> <p>F. It is the intent of the General Assembly that expeditious payments for burial expenses be made for persons whose death is determined to be a direct and proximate result of their performance in the line of duty as defined by the Line of Duty Act. The State Comptroller is hereby authorized to release, at the request of the family of a person who may be subject to the line of duty death benefits, payments to a funeral service provider for burial and transportation costs. These payments would be advanced from the death benefit that would be due to the beneficiary of the deceased person if it is determined that the person qualifies for line of duty coverage. Expenses advanced under this provision shall not exceed the coverage amounts outlined in § 65.2-512. In the event a determination is made that the death is not subject to the line of duty benefits, the Virginia Retirement System or other retirement fund to which the deceased is a member, will deduct from benefit payments otherwise due to be paid to the beneficiaries of the deceased, payments previously paid by the State Comptroller for burial and related transportation expenses and return such funds to the State Comptroller. The State Comptroller shall have the right to file a claim with the Virginia Workers' Compensation Commission against any employer to recover burial and related transportation expenses advanced under this provision.</p> <p>G. Any locality that has established a trust, trusts, or equivalent arrangements for the purpose of accumulating and investing assets to fund post-employment benefits other than pensions under § 15.2-1544, Code of Virginia, may fund Line of Duty Act benefits from the assets of the trust, trusts, or equivalent arrangements.</p>				
270.	Personnel Management Services (70400).....		\$32,686,276	\$32,686,276
	Employee Flexible Benefits Services (70420).....	\$32,686,276	\$32,686,276	
	Fund Sources: Trust and Agency.....	\$32,686,276	\$32,686,276	
	Authority: Title 2.2, Chapter 8, Code of Virginia.			
271.	Financial Assistance for Health Research (40700).....		\$1,326,344	\$1,326,344
	Health Research Grant Administration Services (40701).....	\$1,326,344	\$1,326,344	
	Fund Sources: Dedicated Special Revenue.....	\$1,326,344	\$1,326,344	
	Authority: Title 2.2, Chapter 8, Code of Virginia.			

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The Department of Accounts is authorized to disburse, as fiscal agent for the Commonwealth Health Research Board, funds received from the Virginia Retirement System pursuant to § 23-284, Code of Virginia.				
272.	Personal Property Tax Relief Program (74600).....		\$950,000,000	\$950,000,000
	Reimbursements to Localities for Personal Property Tax Relief (74601).....	\$950,000,000	\$950,000,000	
	Fund Sources: General.....	\$950,000,000	\$950,000,000	

Authority: Discretionary Inclusion.

A.1. Out of this appropriation, \$950,000,000 the first year and \$950,000,000 the second year from the general fund is provided to be used to implement a program which provides equitable tax relief from the personal property tax on vehicles.

2. The amounts appropriated in this Item provide for a local reimbursement level of 70 percent in tax years 2004 and 2005. The local reimbursement level for tax year 2006 is set at \$950,000,000 pursuant Chapter 1, 2004 Acts of Assembly, Special Session I. Payments to localities with calendar year 2006 car tax payment due dates prior to July 1, 2006, shall not be reimbursed until after July 1, 2006, except as otherwise provided in paragraph D of this Item.

B. Notwithstanding the provisions of subsection B of § 58.1-3524, Code of Virginia, as amended by Chapter 1, 2004 Acts of Assembly, Special Session I, the determination of each county's, city's and town's share of the total funds available for reimbursement for personal property tax relief pursuant to that subsection shall be pro rata based upon the actual payments to such county, city or town pursuant to Title 58.1, Chapter 35.1, Code of Virginia, for tax year 2004 as compared to the actual payments to all counties, cities and towns pursuant to that chapter for tax year 2004, made with respect to reimbursement requests submitted on or before December 31, 2005, as certified in writing by the Auditor of Public Accounts not later than March 1, 2006. Notwithstanding the provisions of the second enactment of Chapter 1, 2004 Acts of Assembly, Special Session I, this paragraph shall become effective upon the effective date of this act.

C. The requirements of subsection C 2 of § 58.1-3524 and subsection E of § 58.1-3912, Code of Virginia, as amended by Chapter 1, 2004 Acts of Assembly, Special Session I, with respect to the establishment of tax rates for qualifying vehicles and the format of tax bills shall be deemed to have been satisfied if the locality provides by ordinance or resolution, or as part of its annual budget adopted pursuant to Title 15.2, Chapter 25, Code of Virginia, or the provisions of a local government charter or Title 15.2, Chapter 4, 5, 6, 7 or 8, Code of Virginia, if applicable, specific criteria for the allocation of the Commonwealth's payments to such locality for tangible personal property tax relief among the owners of qualifying vehicles, and such locality's tax bills provide a general description of the criteria upon which relief has been allocated and set out, for each qualifying vehicle that is the subject of such bill, the specific dollar amount of relief so allocated.

D. The Secretary of Finance may authorize advance payment, from funds appropriated in this Item, of sums otherwise due a town on and after July 1, 2006, for personal property tax relief under the provisions of Chapter 1, 2004 Acts of Assembly, Special Session I, if the Secretary finds that such town (1) had a due date for tangible personal property taxes on qualified vehicles for tax year 2006 falling between January 1 and June 30, 2006, (2) had a due date for tangible personal property taxes on qualified vehicles for tax year 2004 falling between January 1 and June 30, 2004, (3) received reimbursements pursuant to the provisions of Title 58.1, Chapter 35.1, Code of Virginia, between January 1 and June 30, 2004, (4) utilizes the cash method of accounting, and (5) would suffer fiscal hardship in the absence of such advance payment.

E. It is the intention of the General Assembly that reimbursements to counties, cities and towns that had a billing date for tax year 2004 tangible personal property taxes with respect to qualifying vehicles falling between January 1 and June 30, 2004, and received personal property tax relief reimbursement with respect to tax year 2004 from the Commonwealth between January 1 and June 30, 2004, pursuant to the provisions of Title 58.1, Chapter 35.1, Code of Virginia, as it existed prior to the amendments effected by

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Chapter 1, 2004 Acts of Assembly, Special Session I, be made by the Commonwealth with respect to sums attributable to such spring billing dates not later than August 15 of each fiscal year.				
Total for Department of Accounts Transfer Payments			\$2,169,783,348	\$1,565,730,529
Nongeneral Fund Positions.....	1.00	1.00		
Position Level.....	1.00	1.00		
Fund Sources: General.....	\$1,605,117,819	\$999,565,000		
Trust and Agency.....	\$87,339,185	\$88,839,185		
Dedicated Special Revenue.....	\$477,326,344	\$477,326,344		
Grand Total for Department of Accounts.....			\$2,209,929,882	\$1,607,010,665
General Fund Positions.....	115.00	115.00		
Nongeneral Fund Positions.....	54.00	54.00		
Position Level.....	169.00	169.00		
Fund Sources: General.....	\$1,617,720,572	\$1,012,168,165		
Special.....	\$862,846	\$862,846		
Internal Service.....	\$26,680,935	\$27,814,125		
Trust and Agency.....	\$87,339,185	\$88,839,185		
Dedicated Special Revenue.....	\$477,326,344	\$477,326,344		

§ 1-85. DEPARTMENT OF PLANNING AND BUDGET (122)

273.	Planning, Budgeting, and Evaluation Services (71500).....			\$8,144,587	\$7,614,163
	Budget Development and Budget Execution Services (71502).....	\$5,160,087	\$5,160,251		
	Legislation and Executive Order Review Service (71504).....	\$43,068	\$43,068		
	Forecasting and Regulatory Review Services (71505).....	\$601,370	\$601,370		
	Program Evaluation Services (71506).....	\$1,912,309	\$1,381,660		
	Administrative Services (71598).....	\$427,753	\$427,814		
	Fund Sources: General.....	\$7,844,587	\$7,314,163		
	Special.....	\$300,000	\$300,000		

Authority: Title 2.2, Chapter 15, and Chapter 26, Article 29, Code of Virginia.

A. The Department of Planning and Budget shall be responsible for continued development and coordination of an integrated, systematic policy analysis, planning, budgeting, performance measurement and evaluation process within state government. The department shall collaborate with the Governor's Secretaries and all other agencies of state government and other entities as necessary to ensure that information generated from these processes is useful for managing and improving the efficiency and effectiveness of state government operations.

B. The Department of Planning and Budget shall be responsible for the continued development and coordination of a review process for strategic plans and performance measures of the state agencies. The review process shall assess on a periodic basis the structure and content of the plans and performance measures, the processes used to develop and implement the plans and measures, the degree to which agencies achieve intended goals and results, and the relation between intended and actual results and budget requirements.

C.1. Notwithstanding § 2.2-1508, Code of Virginia, or any other provisions of law, on or before December 20, the Department of Planning and Budget shall deliver to the presiding officer of each house of the General Assembly a copy of the budget document containing the explanation of the Governor's budget recommendations. This copy may be in electronic format.

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<p>2. The Department of Planning and Budget shall include in the budget document the amount of projected spending and projected net tax-supported state debt for each year of the biennium on a per capita basis. For this purpose, "spending" is defined as total appropriations from all funds for the cited fiscal years as shown in the Budget Bill. The most current population estimates from the Weldon Cooper Center for Public Services shall be used to make the calculations.</p> <p>D.1.a. Notwithstanding any contrary provision of law, any school division may also request the Department of Planning and Budget to coordinate a school efficiency review for the division, including but not limited to the selection of the contractor to conduct that school division's review, by entering into an agreement with the Department of Planning and Budget to participate in a locally-funded school efficiency review. Each participating school division shall pay 100 percent of the cost of the review. A nongeneral fund appropriation of \$300,000 the first year and \$300,000 the second year is provided for use by the Department of Planning and Budget to facilitate the collection of payments from school divisions for the purposes of this item.</p> <p>b. Payment shall be made in full from the participating school division to the Department of Planning and Budget prior to making the final award of the contract to conduct the review.</p> <p>E. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the general fund is provided to contract for population projections, notwithstanding the provisions of § 60.2-113, Code of Virginia.</p> <p>F. Included in the appropriation for this item is \$788,000 the first year from the general fund for the operation of the Council on Virginia's Future.</p> <p>G. The Council on Virginia's Future shall work cooperatively with the Department of Housing and Community Development in establishing GO Virginia, pursuant to the provisions of House Bill 834 and Senate Bill 449 of the 2016 Session of the General Assembly.</p>				
Total for Department of Planning and Budget.....			\$8,144,587	\$7,614,163
General Fund Positions.....			64.00	64.00
Nongeneral Fund Positions.....			3.00	3.00
Position Level.....			67.00	67.00
Fund Sources: General.....			\$7,844,587	\$7,314,163
Special.....			\$300,000	\$300,000

§ 1-86. DEPARTMENT OF TAXATION (161)

274.	Planning, Budgeting, and Evaluation Services (71500).....			\$3,784,360	\$3,784,360
	Tax Policy Research and Analysis (71507).....	\$1,842,998	\$1,842,998		
	Appeals and Rulings (71508).....	\$1,241,127	\$1,241,127		
	Revenue Forecasting (71509).....	\$700,235	\$700,235		
	Fund Sources: General.....	\$3,784,360	\$3,784,360		

Authority: §§ 2.2-1503, 15.2-2502, 58.1-202, 58.1-207, 58.1-210, 58.1-213, 58.1-816, and 58.1-3406, and Title 10.1, Chapter 14, Code of Virginia.

A. The Department of Taxation shall continue the staffing and responsibility for the revenue forecasting of the Commonwealth Transportation Funds, including the Department of Motor Vehicles Special Fund, as provided in § 2.2-1503, Code of Virginia. The Department of Motor Vehicles shall provide the Department of Taxation with direct access to all data records and systems required to perform this function. The Department of Planning and Budget shall effectuate the transfer of three full-time equivalent positions and sufficient funding to ensure the successful consolidation of this function.

B. Notwithstanding the provisions of § 58.1-202.2, Code of Virginia, no report on public-private partnership contracts shall be required in years following the final report upon the

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completion of contract or when no such contract is active.				
C. The Department of Taxation shall report no later than September 1 on an annual basis, to the Chairmen of the House Appropriations, House Finance and Senate Finance Committees, on the amount of state sales and use tax revenues authorized to be remitted for the preceding fiscal year under the provisions of § 58.1-608.3, § 58.1-3851.1, and § 58.1-3851.2, of the Code of Virginia, as amended by the 2015 General Assembly.				
275.	Revenue Administration Services (73200).....		\$59,420,243	\$59,514,345
	Tax Return Processing (73214).....	\$10,888,031		\$10,888,031
	Customer Services (73217).....	\$6,705,751		\$6,705,751
	Compliance Audit (73218).....	\$21,332,947		\$21,427,049
	Compliance Collections (73219).....	\$17,868,569		\$17,868,569
	Legal and Technical Services (73222).....	\$2,624,945		\$2,624,945
	Fund Sources: General.....	\$48,923,972		\$49,018,074
	Special.....	\$9,834,786		\$9,834,786
	Dedicated Special Revenue.....	\$661,485		\$661,485

Authority: Title 3.2; Title 58.1, Code of Virginia.

A. Pursuant to § 58.1-1803, Code of Virginia, the Tax Commissioner is hereby authorized to contract with private collection agencies for the collection of delinquent accounts. The State Comptroller is hereby authorized to deposit collections from such agencies into the Contract Collector Fund (§ 58.1-1803, Code of Virginia). Revenue in the Contract Collector Fund may be used to pay private collection agencies/attorneys and perform oversight of their operations, upgrade audit and collection systems and data interfaces, and retain experts to perform analysis of receivables and collection techniques. Any balance in the fund remaining after such payment shall be deposited into the appropriate general, nongeneral, or local fund no later than June 30 of each year.

B.1. The Department of Taxation is authorized to retain, as special revenue, its reasonable share of any court fines and fees to reimburse the department for any ongoing operational collection expenses.

2. Any form of state debt assigned to the Department of Taxation for collection may be collected by the department in the same manner and means as state taxes may be collected pursuant to Title 58.1, Chapter 18, Code of Virginia.

C. The Department of Taxation is hereby appropriated revenues from the Communications Sales and Use Tax Trust Fund to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-662, Code of Virginia.

D. The Tax Commissioner shall have the authority to waive penalties and grant extensions of time to file a return or pay a tax, or both, to any class of taxpayers when the Tax Commissioner in his discretion finds that the normal due date has, or would, cause undue hardship to taxpayers who were, or would be, unable to use electronic means to file a return or pay a tax because of a power or systems failure that causes the department's electronic filing or payment systems to be nonfunctional for all or a portion of a day on or about the due date for a return or payment.

E. The Department of Taxation is hereby appropriated Land Conservation Incentive Act fees imposed under § 58.1-513 C. 2., Code of Virginia, on the transferring of the value of the donated interest. The Code of Virginia specifies such fees will be used by the Departments of Taxation and Conservation and Recreation to recover the direct cost of administration incurred in implementing the Virginia Land Conservation Act.

F. In the event that the United States Congress adopts legislation allowing local governments, with the assistance of the Commonwealth, to collect delinquent local taxes using offsets from federal income taxes, the Department of Accounts shall provide a treasury loan to the Department of Taxation to finance the costs of modifying the agency's computer systems to implement this federal debt setoff program. This treasury loan shall be repaid from the proceeds collected from the offsets of federal income taxes collected on behalf of localities by

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the Department of Taxation.

G. 1. All revenue received by the Commonwealth pursuant to the provisions of § 58.1-645 et seq., Code of Virginia, shall be paid into the state treasury and deposited to the Virginia Communications Sales and Use Tax Fund and shall be distributed pursuant to § 58.1-662, Code of Virginia, and Items 266 and 287 of this act. For the purposes of the Comptroller's preliminary and final annual reports required by § 2.2-813, Code of Virginia, however, all deposits to and disbursements from the Fund shall be accounted for as part of the general fund of the state treasury.

2. It is the intent of the General Assembly that all such revenues be distributed to counties, cities, and towns, the Department for the Deaf and Hard-of-Hearing, and for the costs of administering the Virginia Communications Sales and Use Tax.

H. Notwithstanding the provisions of § 58.1-478, Code of Virginia, effective July 1, 2011, every employer whose average monthly liability can reasonably be expected to be \$1,000 or more and the aggregate amount required to be withheld by any employer exceeds \$500 shall file the annual report required by § 58.1-478, Code of Virginia, and all forms required by § 58.1-472, Code of Virginia, using an electronic medium using a format prescribed by the Tax Commissioner. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the employer. All requests for waiver shall be submitted to the Tax Commissioner in writing.

I. Notwithstanding the provisions of § 58.1-214, Code of Virginia, the department shall not be required to mail its forms and instructions unless requested by a taxpayer or his representative.

J.1. Notwithstanding the provisions of § 58.1-609.12, Code of Virginia, no report on the fiscal, economic and policy impact of the miscellaneous Retail Sales and Use Tax exemptions under § 58.1-609.10, Code of Virginia, shall be required after the completion of the final report in the first five-year cycle of the study, due December 1, 2011. The Department of Taxation shall satisfy the requirement of § 58.1-609.12 that it study and report on the annual fiscal impact of the Retail Sales and Use Tax exemptions for nonprofit entities provided for in § 58.1-609.11, Code of Virginia, by publishing such fiscal impact on its website.

2. Notwithstanding the provisions of § 58.1-202, Code of Virginia, no report detailing the total amount of corporate income tax relief provided in Virginia shall be required after the completion of such report due on October 1, 2013. The Department of Taxation shall satisfy the requirement of § 58.1-202 that it issue an annual report detailing the total amount of corporate income tax relief provided in Virginia by publishing its Annual Report on its website.

K. 1. Notwithstanding any provision of the Code of Virginia or this act to the contrary,

a. Effective January 1, 2013, all corporations are required to file estimated tax payments and their annual income tax return and final payment using an electronic medium in a format prescribed by the Tax Commissioner .

b. Effective July 1, 2013, every employer shall file the annual report required by § 58.1-478 and all forms required by § 58.1-472, Code of Virginia, using an electronic medium in a format prescribed by the Tax Commissioner.

c. Effective July 1, 2014, every employer shall file the annual report required by § 58.1-478 , not later than January 31 of the calendar year succeeding the calendar year in which wages were withheld from employees.

d. Effective January 1, 2015, for taxable years beginning on and after January 1, 2014, every pass-through entity shall file the annual return required by § 58.1-392, Code of Virginia, and make related payments using an electronic medium in a format prescribed by the Tax Commissioner.

2.a. The Tax Commissioner shall have the authority to waive the requirement to file or pay by electronic means. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person required to use an electronic

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<p>medium. All requests for waiver shall be submitted to the Tax Commissioner in writing.</p>				
<p>b. The Tax Commissioner shall have the authority to waive the requirement to file or pay by January 31. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person required to file or pay by January 31. All requests for waiver shall be submitted to the Tax Commissioner in writing.</p>				
<p>L.1. Notwithstanding any other provision of law, Retail Sales and Use Tax returns and payments shall be made using an electronic medium prescribed by the Tax Commissioner beginning with the June 2012 return, due July 2012, for monthly filers and, for less frequent filers, with the first return they are required to file after July 1, 2013.</p>				
<p>2. The Tax Commissioner shall have the authority to waive the requirement to file by electronic means upon a determination that the requirement would cause an undue hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.</p>				
<p>M. The Department of Taxation is hereby appropriated revenues from the Virginia Motor Vehicle Rental Tax to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-1741, Code of Virginia.</p>				
<p>N. Notwithstanding the provisions of § 58.1-490 et seq., Code of Virginia,</p>				
<p>1. Effective for taxable years beginning on or after January 1, 2015, a taxpayer shall be permitted to file a declaration of estimated tax with the Department of Taxation instead of with the commissioner of the revenue and notwithstanding the provisions of § 58.1-306, Code of Virginia, the department may so advise taxpayers.</p>				
<p>2. Effective January 1, 2015, every treasurer who receives an estimated income tax return, declaration or voucher pursuant to § 58.1-495 of the Code of Virginia shall transmit such return, declaration or voucher to the Department of Taxation using an electronic medium in a format prescribed by the Tax Commissioner.</p>				
<p>O. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation is authorized to provide Form 1099 in an electronic format to taxpayers. The Tax Commissioner shall ensure that taxpayers may elect to receive the electronic version of the form.</p>				
<p>P. The Department of Taxation is hereby appropriated revenues from the E-911 Wireless Tax to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 56-484.17:1, Code of Virginia.</p>				
<p>Q. The Department of Taxation is hereby appropriated revenues from the assessment for expenses pursuant to §§ 38.2-400 and 38.2-403, Code of Virginia, to recover any costs related to the Insurance Premiums License Tax that are incurred by the Department of Taxation, as provided in § 58.1-2533, Code of Virginia.</p>				
<p>R. The Department of Taxation is authorized to charge fees of up to twenty percent of revenues generated pursuant to debt collection initiatives associated with the U.S. Treasury Offset Program to pay the administrative costs of supporting such initiatives. These fees are over and above any fees charged by outside collections contractors and/or enhanced collection revenues returned to the Commonwealth.</p>				
<p>S.1. Notwithstanding any other provision of the Code of Virginia or this act to the contrary, effective July 1, 2015, the Department of Taxation is hereby authorized to charge a fee of \$5.00 per copy of a tax return requested by a taxpayer or a representative thereof.</p>				
<p>2. The Tax Commissioner shall have the authority to waive such fee. Waivers shall be granted only if the Tax Commissioner finds that this requirement creates an unreasonable burden on the person requesting such copies. All requests for waiver shall be submitted to the Tax Commissioner in writing.</p>				
<p>T. Notwithstanding any other provision of the Code of Virginia or this act to the contrary, effective January 1, 2016, the Department of Taxation shall not provide to the local commissioners of the revenue or any other local officials copies of federal tax forms or schedules, including but not limited to, federal Schedules C (1040), C-EZ (1040), D (1040), E (1040), or F (1040), or federal Forms 4562 or 2106, or copies of Virginia Schedule 500FED,</p>				

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unless such schedules or forms are attached to a Virginia income tax return and submitted to the department in an electronic format by the taxpayer.

U.1. Notwithstanding any other provision of law, Vending Machine Dealer's Sales Tax, Motor Vehicle Rental Tax and Fee, Communications Taxes, and Tobacco Products Tax returns shall be filed using an electronic medium prescribed by the Tax Commissioner beginning with the July 2016 return, due August 2016, for monthly filers and, for less frequent filers, with the first return they are required to file after July 1, 2016.

2. The Tax Commissioner shall have the authority to waive the requirement to file by electronic means upon a determination that the requirement would cause an undue hardship. All requests for waiver shall be transmitted to the Tax Commissioner in writing.

276.	Tax Value Assistance to Localities (73400).....			\$2,106,495	\$2,106,495
	Training for Local Assessors (73401).....	\$146,401	\$146,401		
	Valuation and Assessment Assistance for Localities (73410).....	\$1,960,094	\$1,960,094		
	Fund Sources: General.....	\$621,878	\$621,878		
	Special.....	\$1,484,617	\$1,484,617		

Authority: Title 58.1, Chapters 32, 34, 35, 36, and 39 and §§ 58.1-202, subdivisions 6, 10, and 11, 58.1-206; §§ 58.1-2655, 58.1-3239, 58.1-3278, and 58.1-3374, Code of Virginia.

A. The department is hereby authorized to recover from participating localities, as special funds, the direct costs associated with assessor/property tax and local valuation and assessments training classes. In accordance with § 58.1-206, Code of Virginia, the assessing officers and board members attending shall continue to be reimbursed for the actual expenses incurred by their attendance at the programs.

B. In the expenditure of funds out of its appropriations for determination of true values of locally taxable real estate for use by the Board of Education in state school fund distributions, the Department of Taxation shall use a sufficiently representative sampling of parcels, in accordance with the classification system as established in § 58.1-208, Code of Virginia, to reflect actual true values; further, the department shall, upon request of any local school board, review its initial determination and promptly inform the Board of Education of corrections in such determination.

C. Notwithstanding any other provision of law, the requirement that the Department of Taxation print and distribute local tax forms, instructions, and property tax books shall be satisfied by the posting of such documents on the department's web site.

277.	Administrative and Support Services (79900).....			\$43,729,350	\$43,135,285
	General Management and Direction (79901).....	\$13,859,383	\$13,875,060		
	Information Technology Services (79902).....	\$29,869,967	\$29,260,225		
	Fund Sources: General.....	\$43,577,058	\$42,981,831		
	Special.....	\$152,292	\$153,454		

Authority: §§ 58.1-200, 58.1-202, and 58.1-213, Code of Virginia.

A. To defray the costs of administration for voluntary contributions made on individual income tax returns for taxable years beginning on or after January 1, 2003, the Department of Taxation may retain up to five percent of the contributions made to each organization, not to exceed a total of \$50,000 from all organizations in any taxable year.

B. The Department is hereby authorized to request and receive a treasury loan to fund the necessary start-up costs associated with the implementation of a sales and use tax modification or other state or local tax imposed pursuant to Chapter 766, 2013 Acts of Assembly. The treasury loan shall be repaid for these costs from the tax revenues. The Department shall also retain sufficient revenues to recover its costs incurred administering these taxes.

C. Out of this appropriation, \$524,670 the first year and \$524,670 the second year from the general fund shall be provided for an initiative to develop new mobile applications and

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purchase computer tablets for the department's field collectors and auditors in order to increase revenue collection efficiency.				
D. Notwithstanding the provisions of §§ 2.2-507 and 2.2-510, when the Tax Commissioner determines that an issue may have a major impact on tax policies, revenues or expenditures, he may request that the Attorney General appoint special counsel to render such assistance or representation as needed. The compensation for such special counsel shall be paid out of the funds appropriated for the administration of the Department of Taxation.				
Total for Department of Taxation.....			\$109,040,448	\$108,540,485
General Fund Positions.....	883.00	883.00		
Nongeneral Fund Positions.....	57.00	57.00		
Position Level.....	940.00	940.00		
Fund Sources: General.....	\$96,907,268	\$96,406,143		
Special.....	\$11,471,695	\$11,472,857		
Dedicated Special Revenue.....	\$661,485	\$661,485		

§ 1-87. DEPARTMENT OF THE TREASURY (152)

278.	Investment, Trust, and Insurance Services (72500).....			\$9,443,307	\$8,000,732
	Debt Management (72501).....	\$1,093,034	\$1,093,034		
	Insurance Services (72502).....	\$3,728,051	\$2,459,400		
	Banking and Investment Services (72503).....	\$4,622,222	\$4,448,298		
	Fund Sources: General.....	\$5,432,322	\$3,989,704		
	Commonwealth Transportation.....	\$185,187	\$185,187		
	Trust and Agency.....	\$3,825,798	\$3,825,841		

Authority: Title 2.2, Chapter 18, Code of Virginia.

A. The Department of the Treasury shall take into account the claims experience of each agency and institution when setting premiums for the general liability program.

B. Coverage provided by the VARISK plan for constitutional officers shall be extended to any action filed against a constitutional officer or appointee of a constitutional officer before the Equal Employment Opportunity Commission or the Virginia State Bar.

C. Notwithstanding the provisions of § 33.2-1919 and § 33.2-1927, Code of Virginia, the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission are authorized to obtain liability policies for the Commissions' joint project, the Virginia Railway Express, consisting of liability insurance and a program of self-insurance maintained by the Commissions and administered by the Department of the Treasury's Division of Risk Management or by an independent third party selected by the Commissions, which liability policies shall be deemed to meet the requirements of § 8.01-195.3, Code of Virginia. In addition, the Director of the Department of Rail and Public Transportation is authorized to work with the Northern Virginia Transportation Commission and the Potomac Rappahannock Transportation Commission to obtain the foregoing liability policies for the Commissions. In obtaining liability policies, the Director of the Department of Rail and Public Transportation shall advise the Commissions regarding compliance with all applicable public procurement and administrative guidelines.

D. By January 15 of each year the Department of the Treasury shall report to the chairmen of the House Appropriations and Senate Finance Committees, in a unified report mutually agreeable to them, summarizing changes in required debt service payments from the general fund as the result of any refinancing, refunding, or issuance actions taken or expected to be taken by the Commonwealth within the next twelve months.

E. The Virginia Public School Authority shall transfer to the Department of the Treasury each year an amount necessary to recover the direct cost incurred by the department in the administration of the Virginia Public School Authority programs.

F. Notwithstanding § 2.2-1836 of the Code of Virginia, the Department of the Treasury is authorized to initiate data breach coverage under the Property Plan for state agencies on a

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<p>pilot basis beginning on July 1, 2016. On or before October 15, 2017, the Department of the Treasury shall provide a report to the Secretary of Finance summarizing the program, loss experiences, and recommendations regarding the continuation of the program.</p> <p>G. The Department of the Treasury shall provide to the State Compensation Board the premiums, by local constitutional office and individual regional jail, required to fund the Constitutional Officer and Regional Jail Fund of the State Insurance Reserve Trust Fund. The premiums provided to the Department of the Treasury by the actuary shall be calculated using factors such claims experience by local constitutional office and individual regional jail, each local constitutional office and individual regional jail's total number of positions, and local and regional jail average daily populations.</p> <p>H. Out of the amounts for this Item shall be paid \$1,268,694 in the first year for the relief of Michael Kenneth McAlister, as provided for and contingent upon the passage of the appropriate relief bill of the 2016 Acts of General Assembly.</p>				
279.	Revenue Administration Services (73200).....		\$13,590,062	\$14,071,625
	Unclaimed Property Administration (73207).....	\$7,258,687		
	Accounting and Trust Services (73213).....	\$1,664,265		
	Check Processing and Bank Reconciliation (73216).....	\$2,474,597		
	Administrative Services (73220).....	\$2,192,513		
	Fund Sources: General.....	\$3,812,525		\$3,815,063
	Special.....	\$335,994		\$335,994
	Trust and Agency.....	\$8,735,786		\$9,214,811
	Dedicated Special Revenue.....	\$705,757		\$705,757

Authority: Title 2.2, Chapter 18 and §§ 55-210.1 through 55-210.30, Code of Virginia.

A. Included in this Item is a sum sufficient nongeneral fund appropriation for personal services and other operating expenses to process checks issued by the Department of Social Services. The estimated cost, excluding actual postage costs, is \$89,000 the first year and \$89,000 the second year.

B. Included in this Item is a sum sufficient nongeneral fund appropriation for administrative expenses to process the Virginia Employment Commission (VEC) and Virginia Retirement System (VRS) checks. The estimated cost for VEC is \$5,500 the first year and \$5,500 the second year, and for VRS is \$25,500 the first year and \$25,500 the second year.

C.1. The amounts for Unclaimed Property Administration are for administrative and related support costs of the Uniform Disposition of Unclaimed Property Act, to be paid solely from revenues derived pursuant to the act.

2. The amounts also include a sum sufficient nongeneral fund amount estimated at \$2,000,000 the first year and \$2,000,000 the second year to pay fees for compliance services and securities portfolio custody services for unclaimed property administration.

3. Any revenue derived from the sale of the Department of the Treasury's new unclaimed property system is hereby appropriated to the department for use in unclaimed property customer service and system enhancements.

4. Notwithstanding § 55-210.13.C of the Uniform Disposition of Unclaimed Property Act, the State Treasurer is not required to publish any item of less than \$250.

D. The State Treasurer is authorized to charge institutions of higher education participating in the private college financing program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Revenue collected from this administrative fee shall be deposited to a special fund in the Department of the Treasury to compensate the department for direct and indirect staff time and expenses involved with this program.

E. The State Treasurer is authorized to sell any securities remitted as unclaimed

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demutualization proceeds of insurance companies at any time after delivery, pursuant to legislation enacted by the 2003 Session of the General Assembly. The funds derived from the sale of said securities shall be handled in accordance with § 55-210.19, Code of Virginia.

F.1. The State Treasurer is authorized to charge qualified public depositories holding public deposits, as defined in § 2.2-4401, Code of Virginia, an annual administrative fee of not more than one-half of one basis point of their average public deposit balances over a twelve month period. The State Treasurer shall issue guidelines to effect the implementation of this fee. However, the total fees collected from all qualified depositories shall not exceed \$100,000 in any one year.

2. Any regulations or guidelines necessary to implement or change the amount of the fee may be adopted without complying with the Administrative Process Act (§ 2.2-4000 et seq.) provided that input is solicited from qualified public depositories. Such input requires only that notice and an opportunity to submit written comments be given.

G. The State Treasurer shall work with universities and community colleges to develop policies and procedures which minimize the use of paper checks when issuing any reimbursements of student loan balances. These efforts should include reimbursement through debit cards, direct deposits, or other electronic means.

H. The Virginia Public School Authority shall transfer to the Department of the Treasury each year an amount necessary to recover the direct cost incurred by the department in the accounting and financial reporting of the Virginia Public School Authority programs.

280. 1. There is hereby appropriated to the Department of the Treasury a sum sufficient for the transfer to the federal government, in accordance with the provisions of the federal Cash Management Improvement Act of 1990 and related federal regulations, of the interest owed by the state on federal funds advanced to the state for federal assistance programs, where such funds are held by the state from the time they are deposited in the state's bank account until they are paid out to redeem warrants, checks or payments by other means. This sum sufficient appropriation is funded from the interest earned on federal funds deposited and invested by the state. The actual amount for transfer shall be established by the State Comptroller.

2. When permitted by applicable federal laws or administrative regulations, the State Comptroller shall first offset and reduce the amount to be transferred by any and all amounts of interest payments calculated to be received by the state from the federal government, where such payments are due to the state because the state was required to disburse its own funds for federal program purposes prior to the receipt of federal funds.

3. Should the interest payments calculated to be made by the federal government to the state exceed the interest calculated to be transferred from the state to the federal government, reduced by the federally approved direct cost reimbursement to the state, the State Comptroller shall then notify the federal government of the net amount of interest due to the state and shall record such net interest, upon its receipt, as interest revenue earned by the general fund.

Total for Department of the Treasury.....			\$23,033,369	\$22,072,357
General Fund Positions.....	32.60	32.60		
Nongeneral Fund Positions.....	90.40	90.40		
Position Level.....	123.00	123.00		
Fund Sources: General.....	\$9,244,847	\$7,804,767		
Special.....	\$335,994	\$335,994		
Commonwealth Transportation.....	\$185,187	\$185,187		
Trust and Agency.....	\$12,561,584	\$13,040,652		
Dedicated Special Revenue.....	\$705,757	\$705,757		

§ 1-88. TREASURY BOARD (155)

281. Bond and Loan Retirement and Redemption (74300). Debt Service Payments on General Obligation Bonds (74301).....			\$784,115,125	\$814,838,773
	\$76,752,331	\$70,169,547		

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Capital Lease Payments (74302).....	\$5,492,400	\$5,493,288		
Debt Service Payments on Public Building Authority Bonds (74303).....	\$288,219,651	\$293,255,074		
Debt Service Payments on College Building Authority Bonds (74304).....	\$413,650,743	\$445,920,864		
Fund Sources: General.....	\$734,892,686	\$766,262,854		
Higher Education Operating.....	\$30,011,174	\$30,011,174		
Dedicated Special Revenue.....	\$645,000	\$645,000		
Federal Trust.....	\$18,566,265	\$17,919,745		

Authority: Title 2.2, Chapter 18, Code of Virginia; Article X, Section 9, Constitution of Virginia.

A. The Director, Department of Planning and Budget is authorized to transfer appropriations between Items in the Treasury Board to address legislation affecting the Treasury Board passed by the General Assembly.

B.1. Out of the amounts for Debt Service Payments on General Obligation Bonds, the following amounts are hereby appropriated from the general fund for debt service on general obligation bonds issued pursuant to Article X, Section 9 (b), of the Constitution of Virginia:

Series	FY 2017		FY 2018	
	General Fund	Federal Funds	General Fund	Federal Funds
2007A	\$6,812,500	\$0	\$6,500,000	\$0
2007B	\$4,200,000	\$0	\$0	\$0
2008A	\$5,362,800	\$0	\$5,116,800	\$0
2008B	\$5,447,850	\$0	\$5,225,850	\$0
2009A	\$6,285,000	\$0	\$6,085,000	\$0
2009B	\$3,238,564	\$470,381	\$3,185,529	\$441,824
2009D Refunding	\$19,659,250	\$0	\$24,849,250	\$0
2012 Refunding	\$4,499,700	\$0	\$4,409,200	\$0
2013 Refunding	\$11,353,250	\$0	\$4,958,750	\$0
2014 Refunding	\$4,436,500	\$0	\$1,107,750	\$0
2015B Refunding	\$4,909,550	\$0	\$8,214,550	\$0
Projected debt service & expenses	\$76,986	\$0	\$75,044	\$0
Total Service Area	\$76,281,950	\$470,381	\$69,727,723	\$441,824

2. Out of the amounts for Debt Service Payments on General Obligation Bonds, sums needed to fund issuance costs and other expenses are hereby appropriated.

C. Out of the amounts for Capital Lease Payments, the following amounts are hereby appropriated for capital lease payments:

	FY 2017	FY 2018
Norfolk RHA (VCCS-TCC), Series 1995	\$739,250	\$739,738
Virginia Biotech Research Park, 2009	\$4,753,150	\$4,753,550
Total Capital Lease Payments	\$5,492,400	\$5,493,288

D.1. Out of the amounts for Debt Service Payments on Virginia Public Building Authority Bonds shall be paid to the Virginia Public Building Authority the following amounts for use by the authority for its various bond issues:

Series	FY 2017		FY 2018	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund

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	2005D	\$1,250,000	\$0	\$1,250,000	\$0
	2006A	\$3,854,000	\$0	\$0	\$0
	STARS 2006A	\$7,144,250	\$0	\$0	\$0
	2006B	\$8,620,250	\$0	\$0	\$0
	STARS 2006B	\$4,469,000	\$0	\$0	\$0
	2007A	\$8,992,375	\$0	\$8,994,375	\$0
	STARS 2007A	\$7,515,875	\$0	\$7,513,250	\$0
	2008B	\$7,120,275	\$0	\$7,121,212	\$0
	2009A	\$4,685,520	\$0	\$4,680,433	\$0
	2009B	\$16,676,505	\$0	\$16,678,755	\$0
	2009B STARS	\$6,585,500	\$0	\$6,582,000	\$0
	2009C	\$1,091,060	\$0	\$1,087,256	\$0
	2009D	\$6,258,800	\$0	\$6,267,750	\$0
	2010A	\$21,922,619	\$4,427,564	\$21,924,262	\$4,245,372
	2010B	\$22,230,332	\$3,483,595	\$22,228,807	\$3,483,595
	2011A STARS	\$631,250	\$0	\$626,750	\$0
	2011A	\$20,808,175	\$0	\$20,815,175	\$0
	2011B	\$1,298,724	\$0	\$1,297,524	\$0
	2012A Refunding	\$10,397,100	\$0	\$14,873,225	\$0
	2013A	\$10,279,800	\$0	\$10,284,425	\$0
	2013B	\$3,478,000	\$0	\$3,478,000	\$0
	2014A	\$9,204,275	\$645,000	\$9,200,150	\$645,000
	2014B	\$2,009,865	\$0	\$2,014,279	\$0
	2014C Refunding	\$47,576,200	\$0	\$39,093,450	\$0
	2015A	\$17,340,371	\$0	\$17,344,371	\$0
	2015B Refunding	\$17,565,080	\$0	\$21,406,330	\$0
	Projected debt service and expenses	\$10,658,291	\$0	\$40,119,328	\$0
	Total Service Area	\$279,663,492	\$8,556,159	\$284,881,107	\$8,373,967

2.a. Funding is included in this Item for the Commonwealth's reimbursement of a portion of the approved capital costs as determined by the Board of Corrections and other interest costs as provided in §§ 53.1-80 through 53.1-82.2 of the Code of Virginia, for the following:

Project	Commonwealth Share of Approved Capital Costs
Richmond City Jail Replacement	\$31,238,755
RSW Regional Jail	\$32,840,850
Prince William – Manassas Regional Jail	\$21,032,421
Southwest Virginia Regional Jail	\$18,143,780
Central Virginia Regional Jail	\$8,464,891
Chesapeake City Jail	\$6,860,886
Pamunkey Regional Jail Authority	\$288,575
Hampton Roads Regional Jail	\$1,759,780
Piedmont Regional Jail	\$2,139,464
Total Approved Capital Costs	\$122,769,402

b. The Commonwealth's share of the total construction cost of the projects listed in the table in paragraph D.2.a. shall not exceed the amount listed for each project. Reimbursement of the Commonwealth's portion of the construction costs of these projects shall be subject to the approval of the Department of Corrections of the final expenditures.

c. This paragraph shall constitute the authority for the Virginia Public Building Authority to issue bonds for the foregoing projects pursuant to § 2.2-2261 of the Code of Virginia.

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	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

E.1. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for use by the Authority for payments on obligations issued for financing authorized projects under the 21st Century College Program:

Series	FY 2017	FY2018
2006	\$8,389,625	\$8,488,250
2007A Refunding	\$13,608,250	\$13,614,000
2007B	\$2,420,250	\$0
2008A	\$5,282,406	\$5,280,656
2009A&B	\$27,185,302	\$27,185,447
2009E Refunding	\$24,552,650	\$26,974,900
2009F	\$38,279,049	\$38,005,836
2010B	\$28,025,164	\$27,863,320
2011 A	\$17,776,300	\$17,775,300
2012A	\$21,495,900	\$21,499,400
2012B	\$23,813,200	\$23,835,200
2012 C	\$1,709,412	\$1,689,706
2013 A	\$21,958,513	\$21,959,513
2014A	\$19,547,900	\$19,545,150
2014B	\$5,746,400	\$1,379,650
2015A	\$30,852,650	\$30,850,550
2015B Refunding	\$7,281,862	\$7,284,369
2015C	\$1,480,181	\$1,478,575
2015D	\$14,129,800	\$14,134,300
Projected 21st Century debt service & expenses	\$24,724,169	\$66,448,361
Subtotal 21st Century	\$338,258,983	\$375,292,483

2. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds shall be paid to the Virginia College Building Authority the following amounts for the payment of debt service on authorized bond issues to finance equipment:

Series	FY 2017	FY 2018
2009D	\$9,051,000	\$0
2010A	\$8,242,500	\$0
2011A	\$8,537,250	\$8,533,500
2012A	\$8,358,500	\$8,362,500
2013A	\$9,450,750	\$9,450,500
2014A	\$9,655,750	\$9,657,500
2015A	\$10,480,000	\$10,484,000
2016A	\$11,616,010	\$11,616,381
Projected debt service & expenses	\$0	\$12,524,000
Subtotal Equipment	\$75,391,760	\$70,628,381
Total Service Area	\$413,650,743	\$445,920,864

3. Beginning with the FY 2008 allocation of the higher education equipment trust fund, the Treasury Board shall amortize equipment purchases at seven years, which is consistent with the useful life of the equipment.

4. Out of the amounts for Debt Service Payments on Virginia College Building Authority Bonds, the following nongeneral fund amounts from a capital fee charged to out-of-state students at institutions of higher education shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the 21st Century Program:

Institution	FY 2017	FY 2018
George Mason University	\$2,644,092	\$2,644,092

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Old Dominion University		\$1,047,123		\$1,047,123
University of Virginia		\$4,721,706		\$4,721,706
Virginia Polytechnic Institute and State University		\$4,867,731		\$4,867,731
Virginia Commonwealth University		\$2,224,530		\$2,224,530
College of William and Mary		\$1,549,053		\$1,549,053
Christopher Newport University		\$122,562		\$122,562
University of Virginia's College at Wise		\$45,540		\$45,540
James Madison University		\$2,675,079		\$2,675,079
Norfolk State University		\$402,831		\$402,831
Longwood University		\$97,911		\$97,911
University of Mary Washington		\$222,750		\$222,750
Radford University		\$281,556		\$281,556
Virginia Military Institute		\$377,190		\$377,190
Virginia State University		\$739,233		\$739,233
Richard Bland College		\$9,900		\$9,900
Virginia Community College System		\$3,139,785		\$3,139,785
TOTAL		\$25,168,572		\$25,168,572

5. Out of the amounts for Debt Service Payments of College Building Authority Bonds, the following is the estimated general and nongeneral fund breakdown of each institution's share of the debt service on the Virginia College Building Authority bond issues to finance equipment. The nongeneral fund amounts shall be paid to the Virginia College Building Authority in each year for debt service on bonds issued under the equipment program:

Institution	FY 2017		FY 2018	
	General Fund	Nongeneral Fund	General Fund	Nongeneral Fund
College of William & Mary	\$2,428,047	\$259,307	\$2,288,559	\$259,307
University of Virginia	\$12,878,320	\$1,088,024	\$12,398,010	\$1,088,024
Virginia Polytechnic Institute and State University	\$12,686,106	\$992,321	\$12,511,190	\$992,321
Virginia Military Institute	\$782,515	\$88,844	\$710,673	\$88,844
Virginia State University	\$1,251,928	\$108,886	\$1,102,177	\$108,886
Norfolk State University	\$1,134,866	\$108,554	\$974,308	\$108,554
Longwood University	\$695,519	\$54,746	\$616,057	\$54,746
University of Mary Washington	\$579,022	\$97,063	\$494,620	\$97,063
James Madison University	\$2,104,753	\$254,504	\$1,829,499	\$254,504
Radford University	\$1,610,466	\$135,235	\$1,439,279	\$135,235
Old Dominion University	\$4,765,064	\$374,473	\$4,411,475	\$374,473
Virginia Commonwealth University	\$9,079,794	\$401,647	\$8,135,604	\$401,647
Richard Bland College	\$157,143	\$2,027	\$142,476	\$2,027
Christopher Newport University	\$732,687	\$17,899	\$662,856	\$17,899
University of Virginia's College at Wise	\$239,458	\$19,750	\$206,441	\$19,750

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		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	George Mason University	\$4,075,025	\$205,665	\$3,715,367	\$205,665
	Virginia Community College System	\$12,777,922	\$633,657	\$11,630,735	\$633,657
	Virginia Institute of Marine Science	\$576,822	\$0	\$486,789	\$0
	Roanoke Higher Education Authority	\$76,416	\$0	\$70,040	\$0
	Southwest Virginia Higher Education Center	\$78,865	\$0	\$72,284	\$0
	Institute for Advanced Learning and Research	\$269,909	\$0	\$247,386	\$0
	Southern Virginia Higher Education Center	\$66,104	\$0	\$72,216	\$0
	New College Institute	\$62,148	\$0	\$45,333	\$0
	Eastern Virginia Medical School	\$0	\$0	\$82,099	\$0
	TOTAL	\$69,108,899	\$4,842,602	\$64,345,473	\$4,842,602

F. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on Commonwealth Transportation Board bonds shall be paid to the Trustee for the bondholders by the Treasury Board after transfer of these funds to the Treasury Board from the Commonwealth Transportation Board pursuant to Item 457, paragraph E of this act and §§ 33.2-2300, 33.2-2400, and 58.1-816.1, Code of Virginia.

G. Under the authority of this act, an agency may transfer funds to the Treasury Board for use as lease, rental, or debt service payments to be used for any type of financing where the proceeds are used to acquire equipment and to finance associated costs, including but not limited to issuance and other financing costs. In the event such transfers occur, the transfers shall be deemed an appropriation to the Treasury Board for the purpose of making the lease, rental, or debt service payments described herein.

H. Notwithstanding the provisions of 2.2-11.56, Code of Virginia, if tax-exempt bonds were used by the Commonwealth or its authorities, boards, or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the subsequent sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law in order to maintain the tax-exempt status of such bonds.

282. A. There is hereby appropriated to the Treasury Board a sum sufficient from the general fund to pay obligations incurred pursuant to Article X, Sections 9 (a), 9 (c), and 9 (d), of the Constitution of Virginia, as follows:

1. Section 9 (a) To meet emergencies and redeem previous debt obligations.
2. Section 9 (c) Debt for certain revenue-producing capital projects.
3. Section 9 (d) Debt for variable rate obligations secured by general fund appropriations and a payment agreement with the Treasury Board.
4. For payment of the principal of and the interest on obligations, issued in accordance with the cited Sections 9 (c) and 9 (d), in the event pledged revenues are insufficient to meet the obligation of the Commonwealth.

B. There is hereby appropriated to the Treasury Board a sum sufficient to pay debt service expected at the time of issuance to be paid from subsidies under federal programs and for arbitrage rebate amounts and other penalties to the United States Government for bonds issued by the Commonwealth pursuant to Article X, Sections 9 (a), 9 (b), 9 (c), and 9 (d)

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(obligations secured by General Fund appropriations to Treasury Board) of the Constitution of Virginia.				
Total for Treasury Board.....			\$784,115,125	\$814,838,773
Fund Sources: General.....	\$734,892,686	\$766,262,854		
Higher Education Operating.....	\$30,011,174	\$30,011,174		
Dedicated Special Revenue.....	\$645,000	\$645,000		
Federal Trust.....	\$18,566,265	\$17,919,745		
283. Omitted.				
TOTAL FOR OFFICE OF FINANCE.....			\$3,134,751,765	\$2,560,564,837
General Fund Positions.....	1,098.60	1,098.60		
Nongeneral Fund Positions.....	204.40	204.40		
Position Level.....	1,303.00	1,303.00		
Fund Sources: General.....	\$2,467,098,314	\$1,890,444,486		
Special.....	\$12,970,535	\$12,971,697		
Higher Education Operating.....	\$30,011,174	\$30,011,174		
Commonwealth Transportation.....	\$185,187	\$185,187		
Internal Service.....	\$26,680,935	\$27,814,125		
Trust and Agency.....	\$99,900,769	\$101,879,837		
Dedicated Special Revenue.....	\$479,338,586	\$479,338,586		
Federal Trust.....	\$18,566,265	\$17,919,745		

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	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

OFFICE OF HEALTH AND HUMAN RESOURCES

§ 1-89. SECRETARY OF HEALTH AND HUMAN RESOURCES (188)

284.	Administrative and Support Services (79900).....			\$742,324	\$742,360
	General Management and Direction (79901).....	\$742,324	\$742,360		
	Fund Sources: General.....	\$728,480	\$728,516		
	Federal Trust.....	\$13,844	\$13,844		

Authority: Title 2.2, Chapter 2; Article 6, and § 2.2-200, Code of Virginia.

A.1. The Secretary of Health and Human Resources, in collaboration with the Office of the Attorney General and the Secretary of Public Safety and Homeland Security, shall present a six-year forecast of the adult offender population presently incarcerated in the Department of Corrections and approaching release who meet the criteria set forth in Chapter 863 and Chapter 914 of the 2006 Acts of Assembly, and who may be eligible for evaluation as sexually violent predators (SVPs) for each fiscal year within the six-year forecasting period. As part of the forecast, the secretary shall report on: (i) the number of Commitment Review Committee (CRC) evaluations to be completed; (ii) the number of eligible inmates recommended by the CRC for civil commitment, conditional release, and full release; (iii) the number of civilly committed residents of the Virginia Center for Behavioral Rehabilitation who are eligible for annual review; and (iv) the number of individuals civilly committed to the Virginia Center for Behavioral Rehabilitation and granted conditional release from civil commitment in a state SVP facility. The secretary shall complete a summary report of current SVP cases and a forecast of SVP eligibility, civil commitments, and SVP conditional releases, including projected bed space requirements, to the Governor and Senate Finance and House Appropriations Committees by November 15 of each year.

2. As part of the forecast process, the Department of Corrections shall administer a STATIC-99 screening to all potential Sexually Violent Predators eligible for civil commitment pursuant to § 37.2-900 et seq., Code of Virginia, within six months of admission to the Department of Corrections. The results of such screenings shall be provided to the commissioner of the Department of Behavioral Health and Developmental Services (DBHDS) on a monthly basis and used for the SVP population forecast process.

3. The Office of the Attorney General shall also provide to the commissioner of DBHDS, on a monthly basis, the status of all SVP cases pending before their office for purposes of forecasting the SVP population.

B. The Secretary of Health and Human Resources, in consultation with the Secretary of Public Safety and the Secretary of Administration, shall convene a work group including, but not limited to, the Department of Medical Assistance Services, Department of Social Services, Department of Health, Department of Behavioral Health and Developmental Services, Department of Corrections, Department of Juvenile Justice, the Compensation Board, the Department of Human Resource Management and other relevant state agencies to examine the current costs of and protocols for purchasing high-cost medications for the populations served by these agencies. After conducting the review, the workgroup shall develop recommendations to improve the cost efficiency and effectiveness of purchasing high-cost medications in order to improve the care and treatment of individuals served by these agencies. The workgroup shall prepare a final report for consideration by the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 15, 2016.

C. The Secretary shall develop a plan to address the data governance structure across all agencies in the Health and Human Resources Secretariat in order to streamline business processes, increase operational efficiency and effectiveness, and minimize duplication and overlap of current and future systems development. The plan shall consider how agencies can participate in such a structure while adhering to privacy provisions set forth in state and federal law and regulations. The Secretary shall report on the plan, including challenges impacting the plan, to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by October 15, 2016.

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<p>D. The Secretary of Health and Human Resources shall report on transition planning for the Health and Human Resources Secretariat, including the achievement of performance metrics by agencies in the Secretariat, current and emerging challenges facing these agencies, the value of services provided by the agencies, and each agency's strategic plan and executive progress report, as well as cross-agency policy issues. The Secretary shall provide this report to the Chairmen of the House Appropriations and Senate Finance Committees, as well as the Chairmen and members of the Health and Human Resources Subcommittees of each respective committee by September 1, 2016 and semi-annually thereafter until a new Governor is elected and sworn into office.</p>				
Total for Secretary of Health and Human Resources...			\$742,324	\$742,360
General Fund Positions.....		5.00		5.00
Position Level.....		5.00		5.00
Fund Sources: General.....		\$728,480		\$728,516
Federal Trust.....		\$13,844		\$13,844

Children's Services Act (200)

285.	Protective Services (45300).....			\$288,522,851	\$287,578,273
	Financial Assistance for Child and Youth Services (45303).....	\$288,522,851	\$287,578,273		
	Fund Sources: General.....	\$235,915,105	\$234,970,527		
	Federal Trust.....	\$52,607,746	\$52,607,746		

Authority: Title 2.2, Chapter 52, Code of Virginia.

A. The Department of Education shall serve as fiscal agent to administer funds cited in paragraphs B and C.

B.1.a. Out of this appropriation, \$177,853,240 the first year and \$176,908,662 the second year from the general fund and \$51,609,746 the first year and \$51,607,746 the second year from nongeneral funds shall be used for the state pool of funds pursuant to § 2.2-5211, Code of Virginia. This appropriation shall consist of a Medicaid pool allocation, and a non-Medicaid pool allocation.

b. The Medicaid state pool allocation shall consist of \$28,526,197 the first year and \$28,526,197 the second year from the general fund and \$43,187,748 the first year and \$43,187,748 the second year from nongeneral funds. The Office of Children's Services will transfer these funds to the Department of Medical Assistance Services as they are needed to pay Medicaid provider claims.

c. The non-Medicaid state pool allocation shall consist of \$149,327,043 the first year and \$148,382,435 the second year from the general fund and \$8,419,998 the first year and \$8,419,998 the second year from nongeneral funds. The nongeneral funds shall be transferred from the Department of Social Services.

d. The Office of Children's Services, with the concurrence of the Department of Planning and Budget, shall have the authority to transfer the general fund allocation between the Medicaid and non-Medicaid state pools in the event that a shortage should exist in either of the funding pools.

e. The Office of Children's Services, per the policy of the State Executive Council, shall deny state pool funding to any locality not in compliance with federal and state requirements pertaining to the provision of special education and foster care services funded in accordance with § 2.2-5211, Code of Virginia.

2.a. Out of this appropriation, \$55,666,865 the first year and \$55,666,865 the second year from the general fund and \$1,000,000 the first year and \$1,000,000 the second year from nongeneral funds shall be set aside to pay for the state share of supplemental requests from localities that have exceeded their state allocation for mandated services. The nongeneral funds shall be transferred from the Department of Social Services.

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
b. In each year, the director of the Office of Children's Services may approve and obligate supplemental funding requests in excess of the amount in 2a above, for mandated pool fund expenditures up to 10 percent of the total general fund appropriation authority in B1a in this Item.				
c. The State Executive Council shall maintain local government performance measures to include, but not be limited to, use of federal funds for state and local support of the Children's Services Act.				
d. Pursuant to § 2.2-5200, Code of Virginia, Community Policy and Management Teams shall seek to ensure that services and funding are consistent with the Commonwealth's policies of preserving families and providing appropriate services in the least restrictive environment, while protecting the welfare of children and maintaining the safety of the public. Each locality shall submit to the Office of Children's Services information on utilization of residential facilities for treatment of children and length of stay in such facilities. By December 15 of each year, the Office of Children's Services shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on utilization rates and average lengths of stays statewide and for each locality.				
3. Each locality receiving funds for activities under the Children's Services Act (CSA) shall have a utilization management process, including a uniform assessment, approved by the State Executive Council, covering all CSA services. Utilizing a secure electronic site, each locality shall also provide information as required by the Office of Children's Services to include, but not be limited to case specific information, expenditures, number of youth served in specific CSA activities, length of stay for residents in core licensed residential facilities, and proportion of youth placed in treatment settings suggested by the uniform assessment instrument. The State Executive Council, utilizing this information, shall track and report on child specific outcomes for youth whose services are funded under the Children's Services Act. Only non-identifying demographic, service, cost and outcome information shall be released publicly. Localities requesting funding from the set aside in paragraph 2.a. and 2.b. must demonstrate compliance with all CSA provisions to receive pool funding.				
4. The Secretary of Health and Human Resources, in consultation with the Secretary of Education and the Secretary of Public Safety and Homeland Security, shall direct the actions for the Departments of Social Services, Education, and Juvenile Justice, Medical Assistance Services, Health, and Behavioral Health and Developmental Services, to implement, as part of ongoing information systems development and refinement, changes necessary for state and local agencies to fulfill CSA reporting needs.				
5. The State Executive Council shall provide localities with technical assistance on ways to control costs and on opportunities for alternative funding sources beyond funds available through the state pool.				
6. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund is provided for a combination of regional and statewide meetings for technical assistance to local community policy and management teams, family assessment and planning teams, and local fiscal agents. Training shall include, but not be limited to, cost containment measures, building community-based services, including creation of partnerships with private providers and non-profit groups, utilization management, use of alternate revenue sources, and administrative and fiscal issues. A state-supported institution of higher education, in cooperation with the Virginia Association of Counties, the Virginia Municipal League, and the State Executive Council, may assist in the provisions of this paragraph. A training plan shall be presented to and approved by the State Executive Council before the beginning of each fiscal year. A training calendar and timely notice of programs shall be provided to Community Policy and Management Teams and family assessment and planning team members statewide as well as to local fiscal agents and chief administrative officers of cities and counties. A report on all regional and statewide training sessions conducted during the fiscal year, including (i) a description of each program and trainers, (ii) the dates of the training and the number of attendees for each program, (iii) a summary of evaluations of these programs by attendees, and (iv) the funds expended, shall be made to the Chairmen of the House Appropriations and Senate Finance Committees and to the members of the State Executive Council by December 1 of each year. Any funds unexpended for this purpose in the first year shall be				

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reappropriated for the same use in the second year.

7. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund is provided for the Office of Children's Services to contract for the support of uniform CSA reporting requirements.

8. The State Executive Council shall require a uniform assessment instrument.

9. The Office of Children's Services, in conjunction with the Department of Social Services, shall determine a mechanism for reporting Temporary Assistance for Needy Families Maintenance of Effort eligible costs incurred by the Commonwealth and local governments for the Children's Services Act.

10. For purposes of defining cases involving only the payment of foster care maintenance, pursuant to § 2.2-5209, Code of Virginia, the definition of foster care maintenance used by the Virginia Department of Social Services for federal Title IV-E shall be used.

C. The funding formula to carry out the provisions of the Children's Services Act is as follows:

1. Allocations. The allocations for the Medicaid and non-Medicaid pools shall be the amounts specified in paragraphs B.1.b. and B.1.c. in this Item. These funds shall be distributed to each locality in each year of the biennium based on the greater of that locality's percentage of actual 1997 Children's Services Act pool fund program expenditures to total 1997 pool fund program expenditures or the latest available three-year average of actual pool fund program expenditures as reported to the state fiscal agent.

2. Local Match. All localities are required to appropriate a local match for the base year funding consisting of the actual aggregate local match rate based on actual total 1997 program expenditures for the Children's Services Act. This local match rate shall also apply to all reimbursements from the state pool of funds in this Item and carryforward expenditures submitted prior to September 30 each year for the preceding fiscal year, including administrative reimbursements under paragraph C.4. in this Item.

3.a. Notwithstanding the provisions of C.2. of this Item, beginning July 1, 2008, the local match rate for community based services for each locality shall be reduced by 50 percent.

b. Localities shall review their caseloads for those individuals who can be served appropriately by community-based services and transition those cases to the community for services. Beginning July 1, 2009, the local match rate for non-Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base. Beginning July 1, 2011, the local match rate for Medicaid residential services for each locality shall be 25 percent above the fiscal year 2007 base.

c. By October 1 of each year, The State Executive Council (SEC) shall provide an update to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the outcomes of this initiative.

d. At the direction of the State Executive Council, local Community Policy and Management Teams (CPMTs) and Community Services Boards (CSBs) shall work collaboratively in their service areas to develop a local plan for intensive care coordination (ICC) services that best meets the needs of the children and families. If there is more than one CPMT in the CSB's service area, the CPMTs and the CSB may work together as a region to develop a plan for ICC services. Local CPMTs and CSBs shall also work together to determine the most appropriate and cost-effective provider of ICC services for children in their community who are placed in, or at-risk of being placed in, residential care through the Children's Services Act, in accordance with guidelines developed by the State Executive Council. The State Executive Council and Office of Children's Services shall establish guidelines for reasonable rates for ICC services and provide training and technical assistance to CPMTs and fiscal agents regarding these services.

e. The local match rate for all non-Medicaid services provided in the public schools after June 30, 2011 shall equal the fiscal year 2007 base.

4. Local Administrative Costs. Out of this appropriation, an amount equal to two percent of

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<p>the fiscal year 1997 pool fund allocations, not to exceed \$2,060,000 the first year and \$2,060,000 the second year from the general fund, shall be allocated among all localities for administrative costs. Every locality shall be required to appropriate a local match based on the local match contribution in paragraph C.2. of this Item. Inclusive of the state allocation and local matching funds, every locality shall receive the larger of \$12,500 or an amount equal to two percent of the total pool allocation. No locality shall receive more than \$50,000, inclusive of the state allocation and local matching funds. Localities are encouraged to use administrative funding to hire a full-time or part-time local coordinator for the Children's Services Act program. Localities may pool this administrative funding to hire regional coordinators.</p>				
<p>5. Definition. For purposes of the funding formula in the Children's Services Act, "locality" means city or county.</p>				
<p>D. Community Policy and Management Teams shall use Medicaid-funded services whenever they are available for the appropriate treatment of children and youth receiving services under the Children's Services Act. Effective July 1, 2009, pool funds shall not be spent for any service that can be funded through Medicaid for Medicaid-eligible children and youth except when Medicaid-funded services are unavailable or inappropriate for meeting the needs of a child.</p>				
<p>E. Pursuant to subdivision 3 of § 2.2-5206, Code of Virginia, Community Policy and Management Teams shall enter into agreements with the parents or legal guardians of children receiving services under the Children's Services Act. The Office of Children's Services shall be a party to any such agreement. If the parent or legal guardian fails or refuses to pay the agreed upon sum on a timely basis and a collection action cannot be referred to the Division of Child Support Enforcement of the Department of Social Services, upon the request of the community policy management team, the Office of Children's Services shall make a claim against the parent or legal guardian for such payment through the Department of Law's Division of Debt Collection in the Office of the Attorney General.</p>				
<p>F. The Office of Children's Services, in cooperation with the Department of Medical Assistance Services, shall provide technical assistance and training to assist residential and treatment foster care providers who provide Medicaid-reimbursable services through the Children's Services Act to become Medicaid-certified providers.</p>				
<p>G. The Office of Children's Services shall work with the State Executive Council and the Department of Medical Assistance Services to assist Community Policy and Management Teams in appropriately accessing a full array of Medicaid-funded services for Medicaid-eligible children and youth through the Children's Services Act, thereby increasing Medicaid reimbursement for treatment services and decreasing the number of denials for Medicaid services related to medical necessity and utilization review activities.</p>				
<p>H. Pursuant to subdivision 19 of § 2.2-2648, Code of Virginia, no later than December 20 in the odd-numbered years, the State Executive Council shall biennially publish and disseminate to members of the General Assembly and Community Policy and Management Teams a progress report on services for children, youth, and families and a plan for such services for the succeeding biennium.</p>				
<p>I. Out of this appropriation, \$275,000 the first year and \$275,000 the second year from the general fund shall be used to purchase and maintain an information system to provide quality and timely child demographic, service, expenditure, and outcome data.</p>				
<p>J. The State Executive Council shall work with the Department of Education to ensure that funding in this Item is sufficient to pay for the educational services of students that have been placed in or admitted to state or privately operated psychiatric or residential treatment facilities to meet the educational needs of the students as prescribed in the student's Individual Educational Plan (IEP).</p>				
<p>K.1. The Office of Children's Services (OCS) shall report on funding for therapeutic foster care services including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition. In addition, the OCS shall provide guidance and training to assist localities in</p>				

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negotiating contracts with therapeutic foster care providers.					
2. The Office of Children's Services shall report on funding for special education day treatment and residential services, including but not limited to the number of children served annually, average cost of care, type of service provided, length of stay, referral source, and ultimate disposition.					
3. The Office of Children's Services shall report the information included in this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees beginning September 1, 2011 and each year thereafter.					
L. Out of this appropriation, the Director, Office of Children's Services, shall allocate \$2,200,000 the first year and \$2,200,000 the second year from the general fund to localities for wrap-around services for students with disabilities as defined in the Children's Services Act policy manual.					
M. The State Executive Council (SEC) for Children's Services shall continue to review and develop a robust set of options for (i) increasing the integration of children receiving special education private day treatment services into their home school districts, including mechanisms to involve local school districts in tracking, monitoring and obtaining outcome data to assist in making decisions on the appropriate utilization of these services, and (ii) funding the educational costs with local school districts for students whose placement in or admittance to state or privately operated psychiatric or residential treatment facilities for non-educational reasons has been authorized by Medicaid. The SEC shall continue its review with the assistance of relevant stakeholders, including representatives of the Department of Education, the Department of Medical Assistance Services, the Office of Comprehensive Services, the Department of Behavioral Health and Developmental Services, local school districts, local governments, and public and private service providers. The SEC shall present a robust set of options and recommendations that include possible changes to policies, procedures, regulations and statutes, including any fiscal impact for consideration by the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2016.					
286.	Administrative and Support Services (49900).....			\$1,761,624	\$1,847,006
	General Management and Direction (49901).....	\$1,761,624	\$1,847,006		
	Fund Sources: General.....	\$1,761,624	\$1,847,006		
Authority: Title 2.2, Chapter 26, Code of Virginia.					
The Office of Children's Services may enter into a memorandum of understanding with the Department of Social Services for the provision of routine administrative support services.					
	Total for Children's Services Act.....			\$290,284,475	\$289,425,279
	General Fund Positions.....	14.00	14.00		
	Position Level.....	14.00	14.00		
	Fund Sources: General.....	\$237,676,729	\$236,817,533		
	Federal Trust.....	\$52,607,746	\$52,607,746		
	Grand Total for Secretary of Health and Human Resources.....			\$291,026,799	\$290,167,639
	General Fund Positions.....	19.00	19.00		
	Position Level.....	19.00	19.00		
	Fund Sources: General.....	\$238,405,209	\$237,546,049		
	Federal Trust.....	\$52,621,590	\$52,621,590		
§ 1-90. DEPARTMENT FOR THE DEAF AND HARD-OF-HEARING (751)					
287.	Social Services Research, Planning, and Coordination (45000).....			\$6,923,773	\$6,923,950
	Technology Services for Deaf and Hard-of-Hearing (45004).....	\$5,830,413	\$5,830,413		

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Consumer, Interpreter, and Community Support Services (45005).....	\$699,918	\$699,918		
Administrative Services (45006).....	\$393,442	\$393,619		
Fund Sources: General.....	\$971,077	\$971,106		
Special.....	\$5,852,696	\$5,852,844		
Federal Trust.....	\$100,000	\$100,000		

Authority: Title 51.5, Chapter 13, Code of Virginia.

A. Up to \$38,798 the first year and up to \$38,798 the second year from the general fund is provided to the Department of Deaf and Hard-of-Hearing (DDHH) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between DDHH and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported by DARS to the Director, Department of Planning and Budget within 30 days.

B. Notwithstanding § 58.1-662 of the Code of Virginia, prior to the distribution of monies from the Communications Sales and Use Tax Trust Fund to counties, cities and towns, there shall be distributed monies in the fund to pay for the Technology Assistance Program. This requirement shall not change any other distributions required by law from the Communications Sales and Use Tax Trust Fund.

C. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the general fund shall be used to contract with the Connie Reasor Deaf Resource Center in Planning District 1 for the provision of outreach and technical assistance to deaf and hard-of-hearing individuals.

Total for Department for the Deaf and Hard-Of-Hearing.....			\$6,923,773	\$6,923,950
General Fund Positions.....	8.37	8.37		
Nongeneral Fund Positions.....	2.63	2.63		
Position Level.....	11.00	11.00		
Fund Sources: General.....	\$971,077	\$971,106		
Special.....	\$5,852,696	\$5,852,844		
Federal Trust.....	\$100,000	\$100,000		

§ 1-91. DEPARTMENT OF HEALTH (601)

288. Higher Education Student Financial Assistance (10800).....			\$624,000	\$624,000
Scholarships (10810).....	\$624,000	\$624,000		
Fund Sources: General.....	\$150,000	\$150,000		
Dedicated Special Revenue.....	\$85,000	\$85,000		
Federal Trust.....	\$389,000	\$389,000		

Authority: §§ 23-35.9 through 23-35.13, 23-37.1 through 23-37.5, and 32.1-122.5:1 through 32.1-122.10, Code of Virginia.

A. This appropriation shall only be used for the provision of loans or scholarships in accordance with regulations promulgated by the Board of Health, or for the administration, management, and reporting thereof. The department may move appropriation between scholarship or loan repayment programs as long as the scholarship or loan repayment is in accordance with the regulations promulgated by the Board of Health.

B. The Virginia Department of Health shall collaborate with the Virginia Health Care Foundation and the Department of Behavioral Health and Developmental Services, the state teaching hospitals, and other relevant stakeholders on a plan to increase the number of Virginia behavioral health practitioners, including licensed clinical psychologists, licensed clinical social workers, licensed professional counselors, child and adolescent

ITEM 288.	Item Details(\$)		Appropriations(\$)	
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<p>psychiatrists, and psychiatric nurse practitioners, practicing in Virginia's community services boards, behavioral health authorities, state mental health facilities, free clinics, federally qualified health centers and other similar health safety net organizations through the use of a student loan repayment program. The program design shall address the need for behavioral health professionals in behavioral health shortage areas; the types of behavioral health practitioners needed across communities; the results of community health needs assessments that have been completed by hospitals, localities or other organizations; and shortages that may exist in high cost of living areas which may preclude individuals from choosing employment in public and non-profit community behavioral health and safety net organizations and state mental health facilities. The program design shall include a preference for applicants who choose employment in underserved areas of the Commonwealth and contain conditions for recipients to practice in these areas for at least two years. The program shall be implemented by the Virginia Department of Health. The plan shall identify opportunities to leverage state funding for the program with funds from other sources in order to maximize the total funding for such a program. The plan shall determine how the program can complement and coordinate with existing efforts to recruit and retain Virginia behavioral health practitioners. The Virginia Department of Health shall report back on the plan, including projected utilization of such a program and estimated costs to implement such a program to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees and the Chairman of the Joint Subcommittee to Study Mental Health Services in the Twenty-First Century by November 1, 2016.</p>				
289.	Emergency Medical Services (40200).....		\$42,969,058	\$42,969,058
	Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).....	\$35,159,839		\$35,159,839
	State Office of Emergency Medical Services (40204).....	\$7,809,219		\$7,809,219
	Fund Sources: Special.....	\$18,184,334		\$18,184,334
	Dedicated Special Revenue.....	\$24,379,141		\$24,379,141
	Federal Trust.....	\$405,583		\$405,583

Authority: §§ 32.1-111.1 through 32.1-111.16, 32.1-116.1 through 32.1-116.3, and 46.2-694 A 13, Code of Virginia.

A. Out of this appropriation, \$25,000 the first year and \$25,000 the second year from special funds shall be provided to the Department of State Police for administration of criminal history record information for local volunteer fire and rescue squad personnel (pursuant to § 19.2-389 A 11, Code of Virginia).

B.1. Distributions made under § 46.2-694 A 13 b (iii), Code of Virginia, shall be made only to nonprofit emergency medical services organizations.

2. Out of the distribution made from paragraph 1, from the special emergency medical services fund for the Virginia Rescue Squad Assistance Fund, \$840,000 the first year and \$840,000 the second year shall be used for the purchase of new ambulance stretcher retention systems as required by the federal General Services Administration.

C. Out of this appropriation, \$1,045,375 the first year and \$1,045,375 the second year from the Virginia Rescue Squad Assistance Fund and \$2,052,723 the first year and \$2,052,723 the second year from the special emergency medical services fund shall be provided to the Department of State Police for aviation (med-flight) operations.

D. The State Health Commissioner shall review current funding provided to trauma centers to offset uncompensated care losses, report on feasible long-term financing mechanisms, and examine and identify potential funding sources on the federal, state and local level that may be available to Virginia's trauma centers to support the system's capacity to provide quality trauma services to Virginia citizens. As sources are identified, the commissioner shall work with any federal and state agencies and the Trauma System Oversight and Management Committee to assist in securing additional funding for the trauma system.

E. Notwithstanding any other provision of law or regulation, the Board of Health shall not modify the geographic or designated service areas of designated regional emergency medical services councils in effect on January 1, 2008, or make such modifications a criterion in

ITEM 289.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>approving or renewing applications for such designation or receiving and disbursing state funds.</p> <p>F. Notwithstanding any other provision of law or regulation, funds from the \$0.25 of the \$4.25 for Life fee shall be provided for the payment of the initial basic level emergency medical services certification examination provided by the National Registry of Emergency Medical Technicians (NREMT). The Board of Health shall determine an allocation methodology upon recommendation by the State EMS Advisory Board to ensure that funds are available for the payment of initial NREMT testing and distributed to those individuals seeking certification as an Emergency Medical Services provider in the Commonwealth of Virginia.</p> <p>G. Out of this appropriation, up to \$400,000 the first year and up to \$400,000 the second year from the Virginia Rescue Squad Assistance Fund shall be used for grants to emergency medical services organizations to purchase 12-lead electrocardiograph monitors.</p> <p>H. Out of this appropriation, \$90,000 the first year and \$90,000 the second year from the Virginia Rescue Squad Assistance Fund shall be provided for national background checks on persons applying to serve as a licensed provider in a licensed emergency medical services agency. The Office of Emergency Medical Services may transfer funding to the Office of State Police for national background checks as necessary.</p>				
290.	Medical Examiner and Anatomical Services (40300).....		\$11,329,558	\$11,329,558
	Anatomical Services (40301).....	\$549,313	\$549,313	
	Medical Examiner Services (40302).....	\$10,780,245	\$10,780,245	
	Fund Sources: General.....	\$9,783,065	\$9,783,065	
	Special.....	\$713,050	\$713,050	
	Federal Trust.....	\$833,443	\$833,443	
	Authority: §§ 32.1-277 through 32.1-304, Code of Virginia.			
291.	Vital Records and Health Statistics (40400).....		\$7,773,247	\$7,773,247
	Health Statistics (40401).....	\$1,357,169	\$1,357,169	
	Vital Records (40402).....	\$6,416,078	\$6,416,078	
	Fund Sources: Special.....	\$7,156,746	\$7,156,746	
	Federal Trust.....	\$616,501	\$616,501	
	Authority: §§ 8.01-217, 32.1-249 through 32.1-276, Code of Virginia; and P.L. 93-353, as amended, Federal Code.			
<p>A. Effective July 1, 2004, the standard vital records fee shall be \$12.00 and the fee for the expedited record search shall be \$48.00.</p> <p>B. The Department of Health shall report on efforts to address changes to the Electronic Death Registry System that would improve the system to make it easier for filing death certificates, address interoperability concerns by users, and provide technical assistance to system users, and other improvements. The department shall report to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2016.</p>				
292.	Communicable Disease Prevention and Control (40500).....		\$78,625,939	\$78,625,939
	Immunization Program (40502).....	\$5,604,514	\$5,604,514	
	Tuberculosis Prevention and Control (40503).....	\$1,962,442	\$1,962,442	
	Sexually Transmitted Disease Prevention and Control (40504).....	\$2,183,769	\$2,183,769	
	Disease Investigation and Control Services (40505).....	\$2,792,302	\$2,792,302	
	HIV/AIDS Prevention and Treatment Services (40506).....	\$65,508,649	\$65,508,649	
	Pharmacy Services (40507).....	\$574,263	\$574,263	

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: General.....	\$9,584,858	\$9,584,858		
Special.....	\$777,408	\$777,408		
Federal Trust.....	\$68,263,673	\$68,263,673		

Authority: §§ 32.1-11.1 through 32.1-11.2, 32.1-35 through 32.1-73, Code of Virginia; and P.L. 91-464, as amended, Federal Code.

A. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to purchase medications for individuals who have tuberculosis but who do not qualify for free or reduced prescription drugs and who do not have adequate income or insurance coverage to purchase the required prescription drugs.

B. Out of this appropriation, \$40,000 the first year and \$40,000 the second year from the general fund shall be provided to the Division of Tuberculosis Control for the purchase of medications and supplies for individuals who have drug-resistant tuberculosis and require treatment with expensive, second-line antimicrobial agents.

C. The requirement for testing of tuberculosis isolates set out in § 32.1-50 E, Code of Virginia, shall be satisfied by the submission of samples to the Division of Consolidated Laboratory Services, or such other laboratory as may be designated by the Board of Health.

D. Out of this appropriation, \$840,288 the first year and \$840,288 the second year from nongeneral funds shall be used to purchase the Tdap (tetanus/diphtheria/pertussis) vaccine for children without insurance.

E. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to the State Pharmaceutical Assistance Program (SPAP) for insurance premium payments, coinsurance payments, and other out-of-pocket costs for individuals participating in the Virginia AIDS Drug Assistance Program (ADAP) with incomes between 135 percent and 300 percent of the federal poverty income guidelines and who are Medicare Part D beneficiaries.

F. The State Health Commissioner shall monitor patients who have been removed or diverted from the Virginia AIDS Drug Assistance Program due to budget considerations. At a minimum the Commissioner shall monitor patients to determine if they have been successfully enrolled in a private Pharmacy Assistance Program or other program to receive appropriate anti-retroviral medications. The commissioner shall also monitor the program to assess whether a waiting list has developed for services provided through the ADAP program. The commissioner shall report findings to the Chairmen of the House Appropriations and Senate Finance Committees annually on October 1.

293. Health Research, Planning, and Coordination (40600).....			\$17,190,907	\$17,190,907
Health Research, Planning and Coordination (40603).....	\$3,214,122	\$3,214,122		
Regulation of Health Care Facilities (40607).....	\$12,686,457	\$12,686,457		
Certificate of Public Need (40608).....	\$1,290,328	\$1,290,328		
Fund Sources: General.....	\$3,575,610	\$3,575,610		
Special.....	\$2,125,180	\$2,125,180		
Dedicated Special Revenue.....	\$451,798	\$451,798		
Federal Trust.....	\$11,038,319	\$11,038,319		

Authority: §§ 32.1-102.1 through 32.1-102.11; 32.1-122.01 through 32.1-122.08; and 32.1-123 through 32.1-138.5, Code of Virginia; and P.L. 96-79, as amended, Federal Code; and Title XVIII and Title XIX of the U.S. Social Security Act, Federal Code.

A. Supplemental funding for the regional health planning agencies shall be provided from the following sources:

1. Special funds from Certificate of Public Need (40608) application fees in excess of those required to operate the COPN Program, provided the program may retain special fund balances each year equal to of one month's operational needs in case of revenue shortfalls in the subsequent year.

2. The Department of Health shall revise annual agreements with the regional health planning

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	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

agencies to require an annual independent financial audit to examine the use of state funds and the reasonableness of those expenditures.

B. Failure of any regional health planning agency to establish or sustain business operations shall cause funds to revert to the Central Office to support health planning and Certificate of Public Need functions.

C. The State Health Commissioner shall continue implementation of the "Five-Year Action Plan: Improving Access to Primary Health Care Services in Medically Underserved Areas and Populations of the Commonwealth." A minimum of \$150,000 the first year and \$150,000 the second year from the general fund shall be provided to the Virginia Office of Rural Health, as the state match for the federal Office of Rural Health Policy Grant. The commissioner is authorized to contract for services to accomplish the plan.

D. Out of the this appropriation, \$278,000 the first year and \$278,000 the second year is appropriated to the department from statewide indirect cost recoveries to match federal funds and support the programs of the Office of Licensure and Certification. Amounts recovered in excess of the special fund appropriation shall be deposited to the general fund.

E. The Virginia Department of Health (VDH) in collaboration with the Department of Health Professions shall issue risk mitigation guidelines on the prescription of the class of potent pain medicines known as extended-release and long-acting (ER/LA) opioid analgesics to include co-prescription of an opioid antagonist, approved by the U.S. Food and Drug Administration (FDA), for administration by family members or caregivers in a non-medically supervised environment.

294.	State Health Services (43000).....			\$177,202,761	\$177,187,761
	Child and Adolescent Health Services (43002).....	\$11,543,417	\$11,543,417		
	Women's and Infant's Health Services (43005).....	\$8,191,065	\$8,191,065		
	Chronic Disease Prevention, Health Promotion, and Oral Health (43015).....	\$10,396,238	\$10,396,238		
	Injury and Violence Prevention (43016).....	\$4,437,126	\$4,422,126		
	Women, Infants, and Children (WIC) and Community Nutrition Services (43017).....	\$142,634,915	\$142,634,915		
	Fund Sources: General.....	\$4,225,669	\$4,210,669		
	Special.....	\$2,893,641	\$2,893,641		
	Dedicated Special Revenue.....	\$64,967,057	\$64,967,057		
	Federal Trust.....	\$105,116,394	\$105,116,394		

Authority: §§ 32.1-11, 32.1-77, and 32.1-89 through 32.1-90, Code of Virginia; P.L. 94-566, as amended, Title V of the U.S. Social Security Act and Title X of the U.S. Public Health Service Act, Federal Code; and P.L. 95-627, as amended, Federal Code.

A. Out of this appropriation, \$952,807 the first year and \$952,807 the second year from special funds is provided to support the newborn screening program and its expansion pursuant to Chapters 717 and 721, Act of Assembly of 2005. Fee revenues sufficient to fund the Department of Health's costs of the program and its expansion shall be transferred from the Division of Consolidated Laboratory Services.

B. The Special Supplemental Nutrition Program for Women, Infants, and Children is exempt from the requirements of the Administrative Process Act (§ 2.2-4000 et seq.).

C. Out of this appropriation, \$305,000 the first year and \$305,000 the second year from the general fund shall be provided to the department's sickle cell program to address rising pediatric caseloads in the current program. Any remaining funds shall be used to develop transition services for youth who will require adult services to ensure appropriate medical services are available and provided for youth who age out of the current program.

D. It is the intent of the General Assembly that the State Health Commissioner continue providing services through child development clinics and access to children's dental services.

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
E. The Virginia Department of Health shall report on state policies and programs that would improve birth outcomes in the Commonwealth and make recommendations to the General Assembly. The department shall evaluate and report on the most effective models for improving birth outcomes, reducing teen pregnancy, reducing unintended pregnancies, and improving the spacing between births. The report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees by November 15, 2016.				
F. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to the Department of Health for the operation of the Resource Mothers program.				
295. Community Health Services (44000).....			\$252,828,388	\$252,828,388
Local Dental Services (44002).....	\$4,676,787	\$4,676,787		
Restaurant and Food Safety, Well and Septic Permitting and Other Environmental Health Services (44004).....	\$37,227,550	\$37,227,550		
Local Family Planning Services (44005).....	\$26,672,443	\$26,672,443		
Support for Local Management, Business, and Facilities (44009).....	\$62,967,015	\$62,967,015		
Local Maternal and Child Health Services (44010).....	\$43,702,355	\$43,702,355		
Local Immunization Services (44013).....	\$13,967,693	\$13,967,693		
Local Communicable Disease Investigation, Treatment, and Control (44014).....	\$19,294,860	\$19,294,860		
Local Personal Care Services (44015).....	\$4,365,001	\$4,365,001		
Local Chronic Disease and Prevention Control (44016).....	\$11,706,618	\$11,706,618		
Local Nutrition Services (44018).....	\$28,248,066	\$28,248,066		
Fund Sources: General.....	\$99,535,119	\$99,535,119		
Special.....	\$106,425,406	\$106,425,406		
Dedicated Special Revenue.....	\$3,508,809	\$3,508,809		
Federal Trust.....	\$43,359,054	\$43,359,054		

Authority: §§ 32.1-11 through 32.1-12, 32.1-31, 32.1-163 through 32.1-176, 32.1-198 through 32.1-211, 32.1-246, and 35.1-1 through 35.1-26, Code of Virginia; Title V of the U.S. Social Security Act; and Title X of the U.S. Public Health Service Act.

A.1. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$425.00, for a construction permit for on-site sewage systems designed for less than 1,000 gallons per day, and alternative discharging systems not supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

2. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$350.00, for the certification letter for less than 1,000 gallons per day not supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

3. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$225.00, for a construction permit for an onsite sewage system designed for less than 1,000 gallons per day when the application is supported with certified work from a licensed onsite soil evaluator.

4. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$320.00, for the certification letter for less than 1,000 gallons per day supported with certified work from an authorized onsite soil evaluator or a professional engineer working in consultation with an authorized onsite soil evaluator.

5. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$300.00, for a construction permit for a private well.

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6. Notwithstanding § 32.1-163 through § 32.1-176, Code of Virginia, the State Health Commissioner shall charge a fee of no more than \$1,400.00, for a construction permit or certification letter designed for more than 1,000 gallons per day.				
7. The State Health Commissioner shall appoint two manufacturers to the Advisory Committee on Sewage Handling and Disposal, representing one system installer and the Association of Onsite Soil Engineers.				
B. The State Health Commissioner is authorized to develop, in consultation with the regulated entities, a hotel, campground, and summer camp plan and specification review fee, not to exceed \$40.00, a restaurant plan and specification review fee, not to exceed \$40.00, an annual hotel, campground, and summer camp permit renewal fee, not to exceed \$40.00, and an annual restaurant permit renewal fee, not to exceed \$40.00 to be collected from all establishments, except K-12 public schools, that are subject to inspection by the Department of Health pursuant to §§ 35.1-13, 35.1-14, 35.1-16, and 35.1-17, Code of Virginia. However, any such establishment that is subject to any health permit fee, application fee, inspection fee, risk assessment fee or similar fee imposed by any locality as of January 1, 2002, shall be subject to this annual permit renewal fee only to the extent that the Department of Health fee and the locally imposed fee, when combined, do not exceed the fee amount listed in this paragraph. This fee structure shall be subject to the approval of the Secretary of Health and Human Resources.				
C. Pursuant to the Department of Health's Policy Implementation Manual (#07-01), individuals who participate in a local festival, fair, or other community event where food is sold, shall be exempt from the annual temporary food establishment permit fee of \$40.00 provided the event is held only one time each calendar year and the event takes place within the locality where the individual resides.				
D. The State Health Commissioner shall work with public and private dental providers to develop options for delivering dental services in underserved areas, including the use of public-private partnerships in the development and staffing of facilities, the use of dental hygiene and dental students to expand services and enhance learning experiences, and the availability of reimbursement mechanisms and other public and private resources to expand services.				
E. The Department of Health shall continue to implement a sustainable preventive model to begin July 1, 2014, except in the Mount Rogers, Western Tidewater, and Norfolk Health districts, and full transition by January 1, 2016. The model shall ensure that (i) trained personnel are in place; (ii) the focus on those areas of the Commonwealth in the most need of these dental services, including those areas with higher risk factors including a concentration of diabetic and free lunch populations and a higher than average Medicaid-eligible population; and (iii) the development of evaluation metrics to assist in ensuring efficient and effective use of funding and services.				
F. Out of this appropriation, \$387,744 the first year and \$387,744 the second year from the general fund and \$267,602 the first year and \$267,602 the second year from nongeneral funds is provided to address the cost of leasing or expanding local health department facilities.				

296.	Financial Assistance to Community Human Services Organizations (49200).....			\$20,804,761	\$20,604,761
	Payments to Human Services Organizations (49204).....	\$20,804,761	\$20,604,761		
	Fund Sources: General.....	\$18,342,833	\$18,142,833		
	Federal Trust.....	\$2,461,928	\$2,461,928		

Authority: § 32.1-2, Code of Virginia.

A.1. Out of this appropriation, \$832,946 the first year and \$832,946 the second year from the general fund and \$2,400,000 the first year and \$2,400,000 the second year from the federal Temporary Assistance for Needy Families (TANF) block grant shall be used to contract with the Comprehensive Health Investment Project (CHIP) of Virginia.

2. The purpose of the program is to develop, expand, and operate a network of local

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public-private partnerships providing comprehensive care coordination, family support and preventive medical and dental services to low-income, at-risk children.				
3. The general fund appropriation in this Item for the CHIP of Virginia projects shall not be used for administrative costs.				
4. CHIP of Virginia shall continue to pursue raising funds and in-kind contributions from local communities. It is the intent of the General Assembly that the CHIP program increases its efforts to raise funds from local communities and other private or public sources with the goal of reducing reliance on general fund appropriations in the future.				
5. Of this appropriation, from the amounts in paragraph A.1., \$24,679 the first year and \$24,679 the second year from the general fund shall be used to contract with the CHIP of Roanoke and shall be used as matching funds to support three full-time equivalent public health nurse positions to services in the Roanoke Valley and Allegheny Highlands.				
B. Out of this appropriation \$53,241 the first year and \$53,241 the second year from the general fund shall be used to contract with the Alexandria Neighborhood Health Services, Inc. to promote the health of women in Alexandria, Arlington, Fairfax County, and Falls Church, to prevent illness and injury and provide early treatment for serious health conditions. The contract with Alexandria Neighborhood Health Services Inc. (ANHSI) shall require that ANHSI provide comprehensive women's health care with a focus on preventative health services and screenings to low income, uninsured women. Women's health care services shall focus on preventative screenings. Blood pressure screening and body mass index shall be performed at each visit. The organization shall pursue raising funds and in-kind contributions from the local community.				
C. Out of this appropriation \$5,982 the first year and \$5,982 the second year from the general fund shall be used to contract with the Louisa County Resource Council to promote, develop, and encourage activities to deliver community-based services to disadvantaged Louisa County residents. The contract with Louisa County Resource Council shall require that the council provide assistance to income-eligible residents in meeting various needs of the clients including medication assistance, outreach assistance, and medical care referrals by exploring affordable options. The council shall continue to pursue raising funds and in-kind contributions from the local community.				
D. Out of this appropriation, \$7,837 the first year and \$7,837 the second year from the general fund shall be used to contract with the Olde Towne Medical Center. The contract with Olde Towne Medical Center shall require that the center provide cost effective, comprehensive primary and preventive health care (including obstetrical care) and oral health care to the uninsured, Medicaid, and Medicare residents in the City of Williamsburg, James City County, and York County. The population served shall include adults and children.				
E.1. Out of this appropriation, \$433,750 the first year and \$433,750 the second year from the general fund shall be used to contract with the Virginia Community Healthcare Association (VCHA). The contract with VCHA shall require that the association purchase pharmaceuticals and medically necessary pharmacy supplies, and to provide pharmacy services to low-income, uninsured patients of the Community and Migrant Health Centers throughout Virginia. The uninsured patients served with these funds shall have family incomes no greater than 200 percent of the federal poverty level. The amount allocated to each Community and Migrant Health Center shall be determined through an allocation methodology developed by the Virginia Community Healthcare Association. The allocation methodology shall ensure that funds are distributed such that the Community and Migrant Health Centers are able to serve the pharmacy needs of the greatest number of low-income, uninsured persons. The Virginia Community Healthcare Association shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.				
2. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund shall be used to contract with the Virginia Community Healthcare Association. The contract with VCHA shall require that the association expand access to care provided through community health centers.				
3. Out of this appropriation, \$2,800,000 the first year and \$2,800,000 the second year from the				

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general fund shall be used to contract with the Virginia Community Healthcare Association. The contract with VCHA shall require that the association support community health center operating costs for services provided to uninsured clients. The amount allocated to each Community and Migrant Health Center shall be determined through an allocation methodology developed by the Virginia Community Healthcare Association. The allocation methodology shall ensure that funds are distributed such that the Community and Migrant Health Centers are able to serve the needs of the greatest number of uninsured persons. The Virginia Community Healthcare Association shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.

F.1. Out of this appropriation, \$1,321,400 the first year and \$1,321,400 the second year from the general fund shall be used to contract with the Virginia Association of Free and Charitable Clinics (VAFCC). The contract with VAFCC shall require that the organization purchase pharmaceuticals and medically necessary pharmacy supplies, and to provide pharmacy services to low-income, uninsured patients of the Free Clinics throughout Virginia. The amount allocated to each Free Clinic shall be determined through an allocation methodology developed by the Virginia Association of Free and Charitable Clinics. The allocation methodology shall ensure that funds are distributed such that the Free Clinics are able to serve the pharmacy needs of the greatest number of low-income, uninsured adults. The Virginia Association of Free and Charitable Clinics shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.

2. Out of this appropriation, \$175,000 the first year and \$175,000 the second year from the general fund shall be used to contract with the Virginia Association of Free and Charitable Clinics (VAFCC). The contract with VAFCC shall require the organization to expand access to health care services.

3. Out of this appropriation, \$4,800,000 the first year and \$4,800,000 the second year from the general fund shall be used to contract with the Virginia Association of Free and Charitable Clinics (VAFCC). The contract with VAFCC shall require that the organization support free clinic operating costs for services provided to uninsured clients. The amount allocated to each free clinic shall be determined through an allocation methodology developed by the Virginia Association of Free and Charitable Clinics. The allocation methodology shall ensure that funds are distributed such that the free clinics are able to serve the needs of the greatest number of uninsured persons. The Virginia Association of Free and Charitable Clinics shall establish accounting and reporting mechanisms to track the disbursement and expenditure of these funds.

G. Out of this appropriation, \$29,303 the first year and \$29,303 the second year from the general fund shall be used to contract with HealthWorks of Herndon. The contract with HealthWorks of Herndon (HWH) shall require that HWH provide treatment and prevention services, including health care services and mental health counseling, to low income and uninsured adults and children residing in the communities of Herndon, Reston, Chantilly, and Centreville in Fairfax County. These services shall include comprehensive primary health care with integrated behavioral health care to adult and children, prescription medications, diagnostic and lab testing, specialty referrals, and preventive screenings. Children's services shall include school physicals and sports physicals. Patients will also have access to oral health care through HealthWorks Dental Program.

H. Out of this appropriation, \$164,758 the first year and \$164,758 the second year from the general fund shall be used to contract with the Southwest Virginia Graduate Medical Education Consortium. The contract with Southwest Virginia Graduate Medical Education (GMEC) shall require GMEC to create and support medical residency preceptor sites in rural and underserved communities in Southwest Virginia. GMEC is a program of the University of Virginia's College at Wise.

I. Out of this appropriation, \$355,555 the first year and \$355,555 the second year from the general fund shall be used to contract with the regional AIDS resource and consultation centers and one local early intervention and treatment center.

J. Out of this appropriation, \$57,963 the first year and \$57,963 the second year from the

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	general fund shall be used to contract with the Arthur Ashe Health Center in Richmond. The contract with the Arthur Ashe Health Center shall require that the center provide HIV early intervention and treatment for HIV infected patients who reside within the City of Richmond.			
	K. Out of this appropriation, \$10,663 the first year and \$10,663 the second year from the general fund shall be used to contract with the Fan Free Clinic for AIDS related services. The contract with the Fan Free Clinic shall require that the clinic provide financial assistance and support groups and conduct an education and outreach program for HIV positive clients in Central Virginia.			
	L.1. Out of this appropriation, \$4,580,571 the first year and \$4,580,571 the second year from the general fund shall be used to contract with the Virginia Health Care Foundation. The contract with the Virginia Health Care Foundation (VHCF) shall require that the general fund shall be matched with local public and private resources and shall be awarded to proposals which enhance access to primary health care for Virginia's uninsured and medically underserved residents, through innovative service delivery models. The foundation, in coordination with the Virginia Department of Health, the Area Health Education Centers program, the Joint Commission on Health Care, and other appropriate organizations, is encouraged to undertake initiatives to reduce health care workforce shortages. The foundation shall account for the expenditure of these funds by providing the Governor, the Secretary of Health and Human Resources, the Chairmen of the House Appropriations and Senate Finance Committees, the State Health Commissioner, and the Chairman of the Joint Commission on Health Care with a certified audit and full report on the foundation's initiatives and results, including evaluation findings, not later than October 1 of each year for the preceding fiscal year ending June 30.			
	2. The contract with the Virginia Health Care Foundation shall require that on or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation since its inception. The report shall include certification that an amount equal to the state appropriation for the preceding fiscal year ending June 30 has been matched from private and local government sources during that fiscal year.			
	3. Of this appropriation, from the amounts in paragraph L.1., \$125,000 the first year and \$125,000 the second year from the general fund shall be used to contract with the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund shall be provided to the foundation to expand the Pharmacy Connection software program to unserved or underserved regions of the Commonwealth.			
	4. Of this appropriation, from the amounts in paragraph L.1., \$105,000 the first year and \$105,000 the second year from the general fund shall be used to contract with the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund shall be used to contract with the foundation for the Rx Partnership to improve access to free medications for low-income Virginians.			
	5. Of this appropriation, from the amounts in paragraph L.1., \$2,350,000 the first year and \$2,350,000 the second year from the general fund shall be used to contract with the Virginia Health Care Foundation (VHCF). The contract with VHCF shall require that the general fund be provided to the foundation to increase the capacity of the Commonwealth's health safety net providers to expand services to unserved or underserved Virginians. Of this amount, (i) \$850,000 the first year and \$850,000 the second year shall be used to underwrite service expansions and/or increase the number of patients served at existing sites or at new sites, (ii) \$1,350,000 the first year and \$1,350,000 the second year shall be used for Medication Assistance Coordinators who provide outreach assistance, and (iii) \$150,000 the first year and \$150,000 the second year shall be made available for locations with existing medication assistance programs.			
	6. Out of this appropriation, \$150,000 the first year from the general fund shall be used to contract with the Virginia Health Care Foundation (VHCF). The contract with the VHCF shall require that the general fund be used to support the Virginia Student Loan Repayment Program (Va-SLRP).			
	M.1. Out of this appropriation, \$272,313 the first year and \$272,313 the second year from the			

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<p>general fund shall be used to support the administration of the patient level data base, including the outpatient data reporting system. The department shall establish a contract for this service.</p>				
<p>2. Out of this appropriation from the amounts in paragraph M.1., \$25,000 the first year and \$25,000 the second year from the general fund the second year shall be used to contract with the Virginia All Payer Claims Database.</p>				
<p>N. Out of this appropriation, \$302,712 the first year and \$302,712 the second year from the general fund shall be used to contract with the Health Wagon. The contract with the Health Wagon shall require the organization to provide summer outreach programs to low-income and uninsured individuals living in southwest Virginia.</p>				
<p>O. Out of this appropriation, \$105,000 the first year and \$105,000 the second year from the general fund shall be used to contract with the Statewide Sickle Cell Chapters of Virginia (SSCCV). The contract with SSCCV shall require that the general fund shall be used to provide for grants to community-based programs that provide patient assistance, education, and family-centered support for individuals suffering from sickle cell disease. The SSCCV shall develop criteria for distributing these funds including specific goals and outcome measures. A report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees detailing program outcomes by October 1 of each year.</p>				
<p>P. Out of this appropriation, \$116,280 the first year and \$116,280 the second year from the general fund shall be used to contract with the Virginia Dental Health Foundation for the Mission of Mercy (M.O.M.) dental project. The contract with the Virginia Dental Health Foundation for the Mission of Mercy (M.O.M.) dental project shall require the Foundation to conduct Mission of Mercy (M.O.M) Projects that provide no cost dental services in identified underserved areas.</p>				
<p>Q. Out of this appropriation, \$1,000,000 the first year and \$1,000,000 the second year from the general fund shall be used to contract with three poison control centers. The State Health Commissioner shall review existing poison control services and determine how best to provide and enhance use of these services as a resource for patients with mental health disorders and for health care providers treating patients with poison-related suicide attempts, substance abuse, and adverse medication events. The Commissioner shall allocate the general fund amounts between the three centers. The general fund amounts shall be based on the proportion of Virginia's population served by each center.</p>				
<p>R. Out of this appropriation, \$32,559 the first year and \$32,559 the second year from the general fund shall be used to contract with the Community Health Center of the Rappahannock Region to provide medical, dental, and behavioral health services to low income and/or uninsured residents in the Rappahannock region. The contract with the center shall require the center to include acute and chronic disease management services, lab and diagnostic services, medication assistance, physical examinations, diagnosis and treatment of sexually transmitted infections, immunizations, women's health services (including family planning and pap smears), preventive and restorative dental services, and behavioral health services.</p>				
<p>S. Out of this appropriation, \$710,000 the first year and \$510,000 the second year from the general fund shall be used to contract with the Hampton Roads Proton Beam Therapy Institute at Hampton University, LLC. The contract with Hampton Roads Proton Beam Therapy Institute shall require that the institute support efforts for proton therapy in the treatment of cancerous tumors with fewer side effects.</p>				
297.	Drinking Water Improvement (50800).....		\$26,412,542	\$26,412,542
	Drinking Water Regulation (50801).....	\$9,656,423		\$9,656,423
	Drinking Water Construction Financing (50802).....	\$16,321,860		\$16,321,860
	Public Health Toxicology (50805).....	\$434,259		\$434,259
	Fund Sources: General.....	\$4,758,637		\$4,758,637
	Special.....	\$5,567,846		\$5,567,846
	Dedicated Special Revenue.....	\$13,179,660		\$13,179,660
	Federal Trust.....	\$2,906,399		\$2,906,399

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<p>Authority: §§ 32.1-163 through 32.1-176.7, 32.1-246, 32.1-246.1, and 62.1-44.18 through 62.1-44.19:9, Code of Virginia; and P.L. 92-500, P.L. 93-523 and P.L. 95-217, Federal Code.</p> <p>A. It is the intent of the General Assembly that the Department of Health be the agency designated to receive and manage general and nongeneral funds appropriated pursuant to the federal Safe Drinking Water Act of 1996.</p> <p>B. The fee schedule for charges to community waterworks shall be adjusted to the level necessary to cover the cost of operating the Waterworks Technical Assistance Program, consistent with § 32.1-171.1, Code of Virginia, and shall not exceed \$3.00 per connection to all community waterworks.</p>				
298.	Environmental Health Hazards Control (56500).....		\$10,628,997	\$10,628,997
	State Office of Environmental Health Services (56501).....	\$4,237,495		\$4,237,495
	Shellfish Sanitation (56502).....	\$2,604,771		\$2,604,771
	Bedding and Upholstery Inspection (56503).....	\$811,178		\$811,178
	Radiological Health and Safety Regulation (56504)....	\$2,975,553		\$2,975,553
	Fund Sources: General.....	\$5,420,854		\$5,420,854
	Special.....	\$2,487,986		\$2,487,986
	Dedicated Special Revenue.....	\$1,430,613		\$1,430,613
	Federal Trust.....	\$1,289,544		\$1,289,544
<p>Authority: §§ 2.2-4002 B 16; 28.2-800 through 28.2-825; and 32.1-212 through 32.1-245, Code of Virginia.</p> <p>A. Out of this appropriation, \$12,500 the first year and \$12,500 the second year from the general fund shall be provided for the activities of the Sewage Appeals Review Board.</p> <p>B. The Department of Health shall report on the agency's activities to assess the sources of bacterial contamination in shellfish waters and to develop data in support of conditional management plans to allow for the safe harvest of shellfish from contaminated areas. The department shall report on such activities and data development efforts to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2016.</p>				
299.	Emergency Preparedness (77500).....		\$33,088,232	\$33,088,232
	Emergency Preparedness and Response (77504).....	\$33,088,232		\$33,088,232
	Fund Sources: Federal Trust.....	\$33,088,232		\$33,088,232
<p>Authority: §§ 32.1-2, 32.1-39, and 32.1-42, Code of Virginia.</p>				
300.	Administrative and Support Services (49900).....		\$19,669,267	\$19,736,795
	General Management and Direction (49901).....	\$6,841,011		\$6,908,539
	Information Technology Services (49902).....	\$6,352,889		\$6,352,889
	Accounting and Budgeting Services (49903).....	\$3,054,706		\$3,054,706
	Human Resources Services (49914).....	\$2,018,346		\$2,018,346
	Procurement and Distribution Services (49918).....	\$1,402,315		\$1,402,315
	Fund Sources: General.....	\$14,674,118		\$14,690,701
	Special.....	\$3,680,715		\$3,680,715
	Federal Trust.....	\$1,314,434		\$1,365,379
<p>Authority: §§ 3.2-5206 through 3.2-5216, 32.1-11.3 through 32.1-16 through 32.1-23, 35.1-1 through 35.1-7, and 35.1-9 through 35.1-28, Code of Virginia.</p> <p>A. The State Comptroller is hereby authorized to provide a line of credit of up to \$200,000 to the Department of Health to cover the actual costs of expanding the availability of vital records through the Department of Motor Vehicles, to be repaid from administrative processing fees provided under Code of Virginia, § 32.1-273 until such time as the line of credit is repaid.</p> <p>B. Out of this appropriation, \$150,000 the first year and \$150,000 the second year from the</p>				

ITEM 300.	Item Details(\$)		Appropriations(\$)	
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general fund shall be provided for agency costs related to onboarding to ConnectVirginia, transition costs to convert the agency's node on ConnectVirginia to the state agency node, and provide support to other state agencies in their onboarding efforts.				
Total for Department of Health.....			\$699,147,657	\$699,000,185
General Fund Positions.....	1,490.00	1,490.00		
Nongeneral Fund Positions.....	2,192.00	2,192.00		
Position Level.....	3,682.00	3,682.00		
Fund Sources: General.....	\$170,050,763	\$169,852,346		
Special.....	\$150,012,312	\$150,012,312		
Dedicated Special Revenue.....	\$108,002,078	\$108,002,078		
Federal Trust.....	\$271,082,504	\$271,133,449		

§ 1-92. DEPARTMENT OF HEALTH PROFESSIONS (223)

301.	Higher Education Student Financial Assistance (10800).....			\$65,000	\$65,000
	Scholarships (10810).....	\$65,000	\$65,000		
	Fund Sources: Special.....	\$65,000	\$65,000		
	Authority: § 54.1-3011.2, Chapter 30, Code of Virginia.				
302.	Regulation of Professions and Occupations (56000).....			\$29,700,185	\$29,703,874
	Technical Assistance to Regulatory Boards (56044).....	\$29,700,185	\$29,703,874		
	Fund Sources: Trust and Agency.....	\$890,573	\$890,573		
	Dedicated Special Revenue.....	\$28,809,612	\$28,813,301		
	Authority: Title 54.1, Chapter 25, Code of Virginia.				
	Total for Department of Health Professions.....			\$29,765,185	\$29,768,874
	Nongeneral Fund Positions.....	229.00	229.00		
	Position Level.....	229.00	229.00		
	Fund Sources: Special.....	\$65,000	\$65,000		
	Trust and Agency.....	\$890,573	\$890,573		
	Dedicated Special Revenue.....	\$28,809,612	\$28,813,301		

§ 1-93. DEPARTMENT OF MEDICAL ASSISTANCE SERVICES (602)

303.	Pre-Trial, Trial, and Appellate Processes (32100)....			\$16,740,733	\$16,236,238
	Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107).....	\$16,740,733	\$16,236,238		
	Fund Sources: General.....	\$16,740,733	\$16,236,238		

Authority: § 37.2-809, Code of Virginia.

A. Any balance, or portion thereof, in Reimbursements for Medical Services Related to Involuntary Mental Commitments (32107), may be transferred between Items 43, 44, 45, and 303 as needed, to address any deficits incurred for Involuntary Mental Commitments by the Supreme Court or the Department of Medical Assistance Services.

B. Out of this appropriation, payments may be made to licensed health care providers for medical screening and assessment services provided to persons with mental illness while in emergency custody pursuant to § 37.2-808, Code of Virginia.

C. To the extent that appropriation in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600), Medicaid Program Services (45600), and

ITEM 303.	Item Details(\$)		Appropriations(\$)	
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	Medical Assistance Services for Low Income Children (46600), if available, into this Item.			
304.			\$48,810,945	\$48,810,945
	Financial Assistance for Health Research (40700).....			
	Grants for Improving The Quality of Health Services (40703).....			
	\$48,810,945	\$48,810,945		
	Fund Sources: Federal Trust.....			
	\$48,810,945	\$48,810,945		
	Authority: P.L. 111-5, Federal Code.			
305.			\$141,419,666	\$144,692,010
	Children's Health Insurance Program Delivery (44600).....			
	Reimbursements for Medical Services Provided Under the Family Access to Medical Insurance Security Plan (44602).....			
	\$141,419,666	\$144,692,010		
	Fund Sources: General.....			
	\$2,769,009	\$3,119,577		
	Dedicated Special Revenue.....			
	\$14,065,627	\$14,065,627		
	Federal Trust.....			
	\$124,585,030	\$127,506,806		

Authority: Title 32.1, Chapter 13, Code of Virginia; Title XXI, Social Security Act, Federal Code.

A. Pursuant to Chapter 679, Acts of Assembly of 1997, the State Corporation Commission shall annually, on or before June 30, 1998, and each year thereafter, calculate the premium differential between: (i) 0.75 percent of the direct gross subscriber fee income derived from eligible contracts and (ii) the amount of license tax revenue generated pursuant to subdivision A 4 of § 58.1-2501 for the immediately preceding taxable year and notify the Comptroller of the Commonwealth to transfer such amounts to the Family Access to Medical Insurance Security Plan Trust Fund as established on the books of the State Comptroller.

B. As a condition of this appropriation, revenues from the Family Access to Medical Insurance Security Plan Trust Fund, shall be used to match federal funds for the Children's Health Insurance Program.

C. Every eligible applicant for health insurance as provided for in Title 32.1, Chapter 13, Code of Virginia, shall be enrolled and served in the program.

D. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Medicaid Program Services (45600) and Medical Assistance Services for Low Income Children (46600), if available, into this Item to be used as state match for federal Title XXI funds.

E. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month.

F. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.

G. The Department of Medical Assistance Services shall amend the state plan for the Children's Health Insurance Program to add coverage for applied behavior analysis (ABA) services. The department shall have the authority to implement this change effective upon passage of this act, and prior to the completion of any regulatory process undertaken in order to effect such change.

ITEM 306.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
306.	Medicaid Program Services (45600).....			\$9,124,454,594	\$9,336,437,706
	Reimbursements to State-Owned Mental Health and Intellectual Disabilities Facilities (45607).....	\$134,690,148	\$132,540,402		
	Reimbursements for Behavioral Health Services (45608).....	\$799,525,146	\$844,470,582		
	Reimbursements for Medical Services (45609).....	\$5,520,952,500	\$5,579,503,416		
	Reimbursements for Long-Term Care Services (45610).....	\$2,669,286,800	\$2,779,923,306		
	Fund Sources: General.....	\$4,293,904,943	\$4,421,048,258		
	Dedicated Special Revenue.....	\$365,084,952	\$348,446,539		
	Federal Trust.....	\$4,465,464,699	\$4,566,942,909		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Title XIX, Social Security Act, Federal Code.

A. Out of this appropriation, \$63,345,074 the first year and \$62,270,201 the second year from the general fund and \$63,345,074 the first year and \$62,270,201 the second year from the federal trust fund is provided for reimbursement to the institutions within the Department of Behavioral Health and Developmental Services.

B.1. Included in this appropriation is \$67,482,444 the first year and \$71,447,203 the second year from the general fund and \$84,964,396 the first year and \$89,050,312 the second year from nongeneral funds to reimburse the Virginia Commonwealth University Health System for indigent health care costs. This funding is composed of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

2. Included in this appropriation is \$38,588,638 the first year and \$40,525,851 the second year from the general fund and \$51,724,368 the first year and \$53,772,622 the second year from nongeneral funds to reimburse the University of Virginia Health System for indigent health care costs. This funding is comprised of disproportionate share hospital (DSH) payments, indirect medical education (IME) payments, and any Medicaid profits realized by the Health System. Payments made from the federal DSH fund shall be made in accordance with 42 USC 1396r-4.

3. The general fund amounts for the state teaching hospitals have been reduced to mirror the general fund impact of reduced and no inflation for inpatient services in FY 2017 and FY 2018 for private hospitals reflected in paragraph GGGG. of this Item. It also includes reductions for prior year inflation reductions and indigent care reductions. However, the nongeneral funds are appropriated. In order to receive the nongeneral funds in excess of the amount of the general fund appropriated, the health systems shall certify the public expenditures.

4. The Department of Medical Assistance Service shall have the authority to increase Medicaid payments for Type One hospitals and physicians consistent with the appropriations to compensate for limits on disproportionate share hospital (DSH) payments to Type One hospitals that the department would otherwise make. In particular, the department shall have the authority to amend the State Plan for Medical Assistance to increase physician supplemental payments for physician practice plans affiliated with Type One hospitals up to the average commercial rate as demonstrated by University of Virginia Health System and Virginia Commonwealth University Health System, to change reimbursement for Graduate Medical Education to cover costs for Type One hospitals, to case mix adjust the formula for indirect medical education reimbursement for HMO discharges for Type One hospitals and to increase the adjustment factor for Type One hospitals to 1.0. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.

C.1. The estimated revenue for the Virginia Health Care Fund is \$365,084,952 the first year and \$348,446,539 the second year, to be used pursuant to the uses stated in § 32.1-367, Code of Virginia.

2. Notwithstanding §32.1-366, Code of Virginia, the State Comptroller shall deposit 41.5

ITEM 306.	Item Details(\$)		Appropriations(\$)	
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percent of the Commonwealth's allocation of the Master Settlement Agreement with tobacco product manufacturers, as defined in §3.2-3100, Code of Virginia, to the Virginia Health Care Fund.				
3. Notwithstanding any other provision of law, the State Comptroller shall deposit 50 percent of the Commonwealth's allocation of the Strategic Contribution Fund payment pursuant to the Master Settlement Agreement with tobacco product manufacturers into the Virginia Health Care Fund.				
4. Notwithstanding any other provision of law, revenues deposited to the Virginia Health Care Fund shall only be used as the state share of Medicaid unless specifically authorized by this Act.				
D. If any part, section, subsection, paragraph, clause, or phrase of this Item or the application thereof is declared by the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services to be in conflict with a federal law or regulation, such decisions shall not affect the validity of the remaining portions of this Item, which shall remain in force as if this Item had passed without the conflicting part, section, subsection, paragraph, clause, or phrase. Further, if the United States Department of Health and Human Services or the Centers for Medicare and Medicaid Services determines that the process for accomplishing the intent of a part, section, subsection, paragraph, clause, or phrase of this Item is out of compliance or in conflict with federal law and regulation and recommends another method of accomplishing the same intent, the Director, Department of Medical Assistance Services, after consultation with the Attorney General, is authorized to pursue the alternative method.				
E.1. The Director, Department of Medical Assistance Services shall seek the necessary waivers from the United States Department of Health and Human Services to authorize the Commonwealth to cover health care services and delivery systems, as may be permitted by Title XIX of the Social Security Act, which may provide less expensive alternatives to the State Plan for Medical Assistance.				
2. At least 30 days prior to the submission of an application for any new waiver of Title XIX or Title XXI of the Social Security Act, the Department of Medical Assistance Services shall notify the Chairmen of the House Appropriations and Senate Finance Committees of such pending application and provide information on the purpose and justification for the waiver along with any fiscal impact. If the department receives an official letter from either Chairmen raising an objection about the waiver during the 30-day period, the department shall not submit the waiver application and shall request authority for such waiver as part of the normal legislative or budgetary process. If the department receives no objection, then the application may be submitted. Any waiver specifically authorized elsewhere in this item is not subject to this provision. Waiver renewals are not subject to the provisions of this paragraph.				
3. The director shall promulgate such regulations as may be necessary to implement those programs which may be permitted by Titles XIX and XXI of the Social Security Act, in conformance with all requirements of the Administrative Process Act.				
F. It is the intent of the General Assembly to develop and cause to be developed appropriate, fiscally responsible methods for addressing the issues related to the cost and funding of long-term care. It is the further intent of the General Assembly to promote home-based and community-based care for individuals who are determined to be in need of nursing facility care.				
G. To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600) and Medical Assistance Services for Low Income Children (46600), if available, into this Item to be used as state match for federal Title XIX funds.				
H. It is the intent of the General Assembly that the medically needy income limits for the Medicaid program are adjusted annually to account for changes in the Consumer Price Index.				
I. It is the intent of the General Assembly that the use of the new atypical medications to treat seriously mentally ill Medicaid recipients should be supported by the formularies used to reimburse claims under the Medicaid fee-for-service and managed care plans.				

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J. The Department of Medical Assistance Services shall establish a program to more effectively manage those Medicaid recipients who receive the highest cost care. To implement the program, the department shall establish uniform criteria for the program, including criteria for the high cost recipients, providers and reimbursement, service limits, assessment and authorization limits, utilization review, quality assessment, appeals and other such criteria as may be deemed necessary to define the program. The department shall seek any necessary approval from the Centers for Medicare and Medicaid Services, and shall promulgate such regulations as may be deemed necessary to implement this program.

K. The Department of Medical Assistance Services and the Virginia Department of Health shall work with representatives of the dental community: to expand the availability and delivery of dental services to pediatric Medicaid recipients; to streamline the administrative processes; and to remove impediments to the efficient delivery of dental services and reimbursement thereof. The Department of Medical Assistance Services shall report its efforts to expand dental services to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget by December 15 each year.

L. The Department of Medical Assistance Services shall not require dentists who agree to participate in the delivery of Medicaid pediatric dental care services, or services provided to enrollees in the Family Access to Medical Insurance Security (FAMIS) Plan or any variation of FAMIS, to also deliver services to subscribers enrolled in commercial plans of the managed care vendor, unless the dentist is a willing participant in the commercial managed care plan.

M. The Department of Medical Assistance Services shall implement continued enhancements to the drug utilization review (DUR) program. The department shall continue the Pharmacy Liaison Committee and the DUR Board. The department shall continue to work with the Pharmacy Liaison Committee to implement initiatives for the promotion of cost-effective services delivery as may be appropriate. The department shall report on the Pharmacy Liaison Committee's and the DUR Board's activities to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than December 15 each year of the biennium.

N.1. The Department of Medical Assistance Services shall have the authority to seek federal approval of changes to its Medallion 3.0 waiver.

2. In order to conform the state regulations to the federally approved changes and to implement the provisions of this Act, the department shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act. The department shall implement these necessary regulatory changes to be consistent with federal approval of the waiver changes.

O.1. The Department of Medical Assistance Services shall develop and pursue cost saving strategies internally and with the cooperation of the Department of Social Services, Virginia Department of Health, Office of the Attorney General, Children's Services Act program, Department of Education, Department of Juvenile Justice, Department of Behavioral Health and Developmental Services, Department for Aging and Rehabilitative Services, Department of the Treasury, University of Virginia Health System, Virginia Commonwealth University Health System Authority, Department of Corrections, federally qualified health centers, local health departments, local school divisions, community service boards, local hospitals, and local governments, that focus on optimizing Medicaid claims and cost recoveries. Any revenues generated through these activities shall be transferred to the Virginia Health Care Fund to be used for the purposes specified in this Item.

2. The Department of Medical Assistance Services shall retain the savings necessary to reimburse a vendor for its efforts to implement paragraph. O.1. of this Item. However, prior to reimbursement, the department shall identify for the Secretary of Health and Human Resources each of the vendor's revenue maximization efforts and the manner in which each vendor would be reimbursed. No reimbursement shall be made to the vendor

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	without the prior approval of the above plan by the Secretary.			
	<p>P. The Department of Medical Assistance Services shall have the authority to pay contingency fee contractors, engaged in cost recovery activities, from the recoveries that are generated by those activities. All recoveries from these contractors shall be deposited to a special fund. After payment of the contingency fee any prior year recoveries shall be transferred to the Virginia Health Care Fund. The Director, Department of Medical Assistance Services, shall report to the Chairmen of the House Appropriations and Senate Finance Committees the increase in recoveries associated with this program as well as the areas of audit targeted by contractors by November 1 each year.</p>			
	<p>Q. The Department of Medical Assistance Services in cooperation with the State Executive Council, shall provide semi-annual training to local Children's Services Act teams on the procedures for use of Medicaid for residential treatment and treatment foster care services, including, but not limited to, procedures for determining eligibility, billing, reimbursement, and related reporting requirements. The department shall include in this training information on the proper utilization of inpatient and outpatient mental health services as covered by the Medicaid State Plan.</p>			
	<p>R.1. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, the Department of Medical Assistance Services, in consultation with the Department of Behavioral Health and Developmental Services, shall amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a Preferred Drug List. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, and others, as appropriate.</p>			
	<p>2.a. The department shall utilize a Pharmacy and Therapeutics Committee to assist in the development and ongoing administration of the Preferred Drug List program. The Pharmacy and Therapeutics Committee shall be composed of 8 to 12 members, including the Commissioner, Department of Behavioral Health and Developmental Services, or his designee. Other members shall be selected or approved by the department. The membership shall include a ratio of physicians to pharmacists of 2:1 and the department shall ensure that at least one-half of the physicians and pharmacists are either direct providers or are employed with organizations that serve recipients for all segments of the Medicaid population. Physicians on the committee shall be licensed in Virginia, one of whom shall be a psychiatrist, and one of whom specializes in care for the aging. Pharmacists on the committee shall be licensed in Virginia, one of whom shall have clinical expertise in mental health drugs, and one of whom has clinical expertise in community-based mental health treatment. The Pharmacy and Therapeutics Committee shall recommend to the department (i) which therapeutic classes of drugs should be subject to the Preferred Drug List program and prior authorization requirements; (ii) specific drugs within each therapeutic class to be included on the preferred drug list; (iii) appropriate exclusions for medications, including atypical anti-psychotics, used for the treatment of serious mental illnesses such as bi-polar disorders, schizophrenia, and depression; (iv) appropriate exclusions for medications used for the treatment of brain disorders, cancer and HIV-related conditions; (v) appropriate exclusions for therapeutic classes in which there is only one drug in the therapeutic class or there is very low utilization, or for which it is not cost-effective to include in the Preferred Drug List program; and (vi) appropriate grandfather clauses when prior authorization would interfere with established complex drug regimens that have proven to be clinically effective. In developing and maintaining the preferred drug list, the cost effectiveness of any given drug shall be considered only after it is determined to be safe and clinically effective.</p>			
	<p>b. The Pharmacy and Therapeutics Committee shall schedule meetings at least semi-annually and may meet at other times at the discretion of the chairperson and members. At the meetings, the Pharmacy and Therapeutics committee shall review any drug in a class subject to the Preferred Drug List that is newly approved by the Federal Food and Drug Administration, provided there is at least thirty (30) days notice of such approval prior to the date of the quarterly meeting.</p>			
	<p>3. The department shall establish a process for acting on the recommendations made by the Pharmacy and Therapeutics Committee, including documentation of any decisions which deviate from the recommendations of the committee.</p>			
	<p>4. The Preferred Drug List program shall include provisions for (i) the dispensing of a 72-</p>			

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<p>hour emergency supply of the prescribed drug when requested by a physician and a dispensing fee to be paid to the pharmacy for such supply; (ii) prior authorization decisions to be made within 24 hours and timely notification of the recipient and/or the prescribing physician of any delays or negative decisions; (iii) an expedited review process of denials by the department; and (iv) consumer and provider education, training and information regarding the Preferred Drug List prior to implementation, and ongoing communications to include computer access to information and multilingual material.</p>				
<p>5. The Preferred Drug List program shall generate savings as determined by the department that are net of any administrative expenses to implement and administer the program.</p>				
<p>6. Notwithstanding § 32.1-331.12 et seq., Code of Virginia, to implement these changes, the Department of Medical Assistance Services shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this Act. With respect to such state plan amendments and regulations, the provisions of § 32.1-331.12 et seq., Code of Virginia, shall not apply. In addition, the department shall work with the Department of Behavioral Health and Development Services to consider utilizing a Preferred Drug List program for its non-Medicaid clients.</p>				
<p>7. The Department of Medical Assistance Services shall (i) continually review utilization of behavioral health medications under the State Medicaid Program for Medicaid recipients; and (ii) ensure appropriate use of these medications according to federal Food and Drug Administration (FDA) approved indications and dosage levels. The department may also require retrospective clinical justification according to FDA approved indications and dosage levels for the use of multiple behavioral health drugs for a Medicaid patient. For individuals 18 years of age and younger who are prescribed three or more behavioral health drugs, the department may implement clinical edits that target inefficient, ineffective, or potentially harmful prescribing patterns in accordance with FDA-approved indications and dosage levels.</p>				
<p>8. The Department of Medical Assistance Services shall ensure that in the process of developing the Preferred Drug List, the Pharmacy and Therapeutics Committee considers the value of including those prescription medications which improve drug regimen compliance, reduce medication errors, or decrease medication abuse through the use of medication delivery systems that include, but are not limited to, transdermal and injectable delivery systems.</p>				
<p>S.1. The Department of Medical Assistance Services may amend the State Plan for Medical Assistance Services to modify the delivery system of pharmaceutical products to include a specialty drug program. In developing the modifications, the department shall consider input from physicians, pharmacists, pharmaceutical manufacturers, patient advocates, the Pharmacy Liaison Committee, and others as appropriate.</p>				
<p>2. In developing the specialty drug program to implement appropriate care management and control drug expenditures, the department shall contract with a vendor who will develop a methodology for the reimbursement and utilization through appropriate case management of specialty drugs and distribute the list of specialty drug rates, authorized drugs and utilization guidelines to medical and pharmacy providers in a timely manner prior to the implementation of the specialty drug program and publish the same on the department's website.</p>				
<p>3. In the event that the Department of Medical Assistance Services contracts with a vendor, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.</p>				
<p>4. The department shall: (i) review, update and publish the list of authorized specialty drugs, utilization guidelines, and rates at least quarterly; (ii) implement and maintain a</p>				

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<p>procedure to revise the list or modify specialty drug program utilization guidelines and rates, consistent with changes in the marketplace; and (iii) provide an administrative appeals procedure to allow dispensing or prescribing provider to contest the listed specialty drugs and rates.</p>				
<p>5. The department shall report on savings and quality improvements achieved through the implementation measures for the specialty drug program to the Chairmen of the House Appropriations and Senate Finance Committees, the Joint Commission on Health Care, and the Department of Planning and Budget by November 1 of each year.</p>				
<p>6. The department shall have authority to enact emergency regulations under § 2.2-4011 of the Administrative Process Act to effect these provisions.</p>				
<p>T.1. The Department of Medical Assistance Services shall reimburse school divisions who sign an agreement to provide administrative support to the Medicaid program and who provide documentation of administrative expenses related to the Medicaid program 50 percent of the Federal Financial Participation by the department.</p>				
<p>2. The Department of Medical Assistance Services shall retain five percent of the Federal Financial Participation for reimbursement to school divisions for medical and transportation services.</p>				
<p>U. In the event that the Department of Medical Assistance Services decides to contract for pharmaceutical benefit management services to administer, develop, manage, or implement Medicaid pharmacy benefits, the department shall establish the fee paid to any such contractor based on the reasonable cost of services provided. The department may not offer or pay directly or indirectly any material inducement, bonus, or other financial incentive to a program contractor based on the denial or administrative delay of medically appropriate prescription drug therapy, or on the decreased use of a particular drug or class of drugs, or a reduction in the proportion of beneficiaries who receive prescription drug therapy under the Medicaid program. Bonuses cannot be based on the percentage of cost savings generated under the benefit management of services.</p>				
<p>V. The Department of Medical Assistance Services, in cooperation with the Department of Social Services' Division of Child Support Enforcement (DSCE), shall identify and report third party coverage where a medical support order has required a custodial or noncustodial parent to enroll a child in a health insurance plan. The Department of Medical Assistance Services shall also report to the DCSE third party information that has been identified through their third party identification processes for children handled by DCSE.</p>				
<p>W.1. Within the limits of this appropriation, the Department of Medical Assistance Services shall work with its contracted managed care organizations and fee-for-service health care providers to: (i) raise awareness among the providers who serve the Medicaid population about the health risks of chronic kidney disease; (ii) establish effective means of identifying patients with this condition; and (iii) develop strategies for improving the health status of these patients. The department shall work with the National Kidney Foundation to prepare and disseminate information for physicians and other health care providers regarding generally accepted standards of clinical care and the benefits of early identification of individuals at highest risk of chronic kidney disease.</p>				
<p>2. The department shall request any clinical laboratory performing a serum creatinine test on a Medicaid recipient over the age of 18 years to calculate and report to the physician the estimated glomerular filtration rate (eGFR) of the patient and shall report it as a percent of kidney function remaining.</p>				
<p>X.1. Notwithstanding the provisions of § 32.1-325.1:1, Code of Virginia, upon identifying that an overpayment for medical assistance services has been made to a provider, the Director, Department of Medical Assistance Services shall notify the provider of the amount of the overpayment. Such notification of overpayment shall be issued within the earlier of (i) four years after payment of the claim or other payment request, or (ii) four years after filing by the provider of the complete cost report as defined in the Department of Medical Assistance Services' regulations, or (iii) 15 months after filing by the provider of the final complete cost report as defined in the Department of Medical Assistance Services' regulations subsequent to sale of the facility or termination of the provider.</p>				

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<p>2. Notwithstanding the provisions of § 32.1-325.1, Code of Virginia, the director shall issue an informal fact-finding conference decision concerning provider reimbursement in accordance with the State Plan for Medical Assistance, the provisions of § 2.2-4019, Code of Virginia, and applicable federal law. The informal fact-finding conference decision shall be issued within 180 days of the receipt of the appeal request. If the agency does not render an informal fact-finding conference decision within 180 days of the receipt of the appeal request, the decision is deemed to be in favor of the provider. An appeal of the director's informal fact-finding conference decision concerning provider reimbursement shall be heard in accordance with § 2.2-4020 of the Administrative Process Act (§ 2.2-4020 et seq.) and the State Plan for Medical Assistance provided for in § 32.1-325, Code of Virginia. Once a final agency case decision has been made, the director shall undertake full recovery of such overpayment whether or not the provider disputes, in whole or in part, the informal fact-finding conference decision or the final agency case decision. Interest charges on the unpaid balance of any overpayment shall accrue pursuant to § 32.1-313, Code of Virginia, from the date the Director's agency case decision becomes final.</p>				
<p>Y. Any hospital that was designated a Medicare-dependent small rural hospital, as defined in 42 U.S.C. §1395ww (d) (5) (G) (iv) prior to October 1, 2004, shall be designated a rural hospital pursuant to 42 U.S.C. §1395ww (d) (8) (ii) (II) on or after September 30, 2004.</p>				
<p>Z. The Department of Medical Assistance Services shall amend its State Plan for Medical Assistance Services to develop and implement a regional model for the integration of acute and long-term care services. This model would be offered to elderly and disabled clients on a mandatory basis. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.</p>				
<p>AA.1. Contingent upon approval by the Centers for Medicare and Medicaid Services as part of the Money Follows the Person demonstration grant, the Department of Medical Assistance Services shall seek federal approval for necessary changes to home and community-based 1915(c) waivers to allow individuals transitioning from institutions to receive care in the community. The Department of Medical Assistance Services shall promulgate any necessary emergency regulations within 280 days or less from the enactment date of this Act.</p>				
<p>2. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) Waiver to add up to 30 new slots (up to 15 each fiscal year) and the Intellectual Disabilities (ID) Waiver to add up to 220 new slots (up to 110 each fiscal year) which will be reserved for individuals transitioning out of institutional settings through the Money Follows the Person Demonstration. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD and ID waiver applications to add the additional slots.</p>				
<p>BB. The Department of Medical Assistance Services shall have the authority to implement prior authorization and utilization review for community-based mental health services for children and adults. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.</p>				
<p>CC. The Department of Medical Assistance Services shall delay the last quarterly payment of certain quarterly amounts paid to hospitals, from the end of each state fiscal year to the first quarter of the following year. Quarterly payments that shall be delayed from each June to each July shall be Disproportionate Share Hospital payments, Indirect Medical Education payments, and Direct Medical Education payments. The department shall have the authority to implement this reimbursement change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>DD. The Department of Medical Assistance Services shall make the monthly capitation payment to managed care organizations for the member months of each month in the first week of the subsequent month. The department shall have the authority to implement this reimbursement schedule change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>EE. In every June the remittance that would normally be paid to providers on the last</p>				

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	<p>remittance date of the state fiscal year shall be delayed one week longer than is normally the practice. This change shall apply to the remittances of Medicaid and FAMIS providers. This change does not apply to providers who are paid a per-month capitation payment. The department shall have the authority to implement this reimbursement change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>FF. Upon approval by the Centers for Medicare and Medicaid Services of the application for renewal of the Intellectual Disabilities Waiver, expeditious implementation of any revisions shall be deemed an emergency situation pursuant to § 2.2-4002 of the Administrative Process Act. Therefore, to meet this emergency situation, the Department of Medical Assistance Services shall promulgate emergency regulations to implement the provisions of this Act.</p>			
	<p>GG. The Department of Medical Assistance Services shall provide information to personal care agency providers regarding the options available to meet staffing requirements for personal care aides including the completion of provider-offered training or DMAS Personal Care Aide Training Curriculum.</p>			
	<p>HH. The Department of Medical Assistance Services shall impose an assessment equal to 5.5 percent of revenue on all ICF-ID providers. The department shall determine procedures for collecting the assessment, including penalties for non-compliance. The department shall have the authority to adjust interim rates to cover new Medicaid costs as a result of this assessment.</p>			
	<p>II. The Department of Medical Assistance Services shall make programmatic changes in the provision of Intensive In-Home services and Community Mental Health services in order to ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The Department of Medical Assistance Services shall promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.</p>			
	<p>JJ. Notwithstanding Chapters 228 and 303 of the 2009 Virginia Acts of Assembly and §32.1-323.2 of the Code of Virginia, the Department of Medical Assistance Services shall not add any slots to the Intellectual Disabilities Medicaid Waiver or the Individual and Family Developmental Disabilities and Support Medicaid Waiver other than those slots authorized specifically to support the Money Follows the Person Demonstration, individuals who are exiting state institutions, any slots authorized under Chapters 724 and 729 of the 2011 Virginia Acts of Assembly or §37.2-319, Code of Virginia, or authorized elsewhere in this Act.</p>			
	<p>KK. The Department of Medical Assistance Services shall not adjust rates or the rate ceiling of residential psychiatric facilities for inflation.</p>			
	<p>LL. The Department of Medical Assistance Services shall work with the Department of Behavioral Health and Developmental Services in consultation with the Virginia Association of Community Services Boards, the Virginia Network of Private Providers, the Virginia Coalition of Private Provider Associations, and the Association of Community Based Providers, to establish rates for the Intensive In-Home Service based on quality indicators and standards, such as the use of evidence-based practices.</p>			
	<p>MM. The Department of Medical Assistance Services shall seek federal authority through the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to expand principles of care coordination to all geographic areas, populations, and services under programs administered by the department. The expansion of care coordination shall be based on the principles of shared financial risk such as shared savings, performance benchmarks or risk and improving the value of care delivered by measuring outcomes, enhancing quality, and monitoring expenditures. The department shall engage stakeholders, including beneficiaries, advocates, providers, and health plans, during the development and implementation of the care coordination projects. Implementation shall include specific requirements for data collection to ensure the ability to monitor utilization, quality of care, outcomes, costs, and cost savings. The department shall report by November 1 of each year to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees detailing implementation progress including, but not limited to, the number of individuals enrolled in care coordination, the geographic areas, populations and services affected and cost savings achieved. Unless otherwise delineated, the department shall</p>			

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have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change. The intent of this Item may be achieved through several steps, including, but not limited to, the following:

a. In fulfillment of this Item, the department may seek federal authority to implement a care coordination program for Elderly or Disabled with Consumer Direction (EDCD) waiver participants effective October 1, 2011. This service would be provided to adult EDCD waiver participants on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.

b. In fulfillment of this Item, the department may seek federal authority through amendments to the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to allow individuals enrolled in Home and Community Based Care (HCBC) waivers to also be enrolled in contracted Medallion 3.0 managed care organizations for the purposes of receiving acute and medical care services. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.

c. In fulfillment of this Item, the department and the Department of Behavioral Health and Developmental Services, in collaboration with the Community Services Boards and in consultation with appropriate stakeholders, shall develop a blueprint for the development and implementation of a care coordination model for individuals in need of behavioral health services not currently provided through a managed care organization. The overall goal of the project is to improve the value of behavioral health services purchased by the Commonwealth of Virginia without compromising access to behavioral health services for vulnerable populations. Targeted case management services will continue to be the responsibility of the Community Services Boards. The blueprint shall: (i) describe the steps for development and implementation of the program model(s) including funding, populations served, services provided, timeframe for program implementation, and education of clients and providers; (ii) set the criteria for medical necessity for community mental health rehabilitation services; and (iii) include the following principles:

1. Improves value so that there is better access to care while improving equity.
2. Engages consumers as informed and responsible partners from enrollment to care delivery.
3. Provides consumer protections with respect to choice of providers and plans of care.
4. Improves satisfaction among providers and provides technical assistance and incentives for quality improvement.
5. Improves satisfaction among consumers by including consumer representatives on provider panels for the development of policy and planning decisions.
6. Improves quality, individual safety, health outcomes, and efficiency.
7. Develops direct linkages between medical and behavioral services in order to make it easier for consumers to obtain timely access to care and services, which could include up to full integration.
8. Builds upon current best practices in the delivery of behavioral health services.
9. Accounts for local circumstances and reflects familiarity with the community where services are provided.
10. Develops service capacity and a payment system that reduces the need for involuntary commitments and prevents default (or diversion) to state hospitals.
11. Reduces and improves the interface of vulnerable populations with local law enforcement, courts, jails, and detention centers.
12. Supports the responsibilities defined in the Code of Virginia relating to Community Services Boards and Behavioral Health Authorities.

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13. Promotes availability of access to vital supports such as housing and supported employment.				
14. Achieves cost savings through decreasing avoidable episodes of care and hospitalizations, strengthening the discharge planning process, improving adherence to medication regimens, and utilizing community alternatives to hospitalizations and institutionalization.				
15. Simplifies the administration of acute psychiatric, community mental health rehabilitation, and medical health services for the coordinating entity, providers, and consumers.				
16. Requires standardized data collection, outcome measures, customer satisfaction surveys, and reports to track costs, utilization of services, and outcomes. Performance data should be explicit, benchmarked, standardized, publicly available, and validated.				
17. Provides actionable data and feedback to providers.				
18. In accordance with federal and state regulations, includes provisions for effective and timely grievances and appeals for consumers.				
d. The department may seek the necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to develop and implement a care coordination model, that is consistent with the principles in Paragraph e, for individuals in need of behavioral health services not currently provided through managed care to be effective July 1, 2012. This model may be applied to individuals on a mandatory basis. The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this Act.				
e. The department may seek the necessary waiver(s) and/or State Plan authorization under Title XIX of the Social Security Act to develop and implement a care coordination model for individuals dually eligible for services under both Medicare and Medicaid. The Director of the Department of Medical Assistance Services, in consultation with the Secretary of Health and Human Resources, shall establish a stakeholder advisory committee to support implementation of dual-eligible care coordination systems. The advisory committee shall support the dual-eligible initiatives by identifying care coordination and quality improvement priorities, assisting in securing analytic and care management support resources from federal, private and other sources and helping design and communicate performance reports. The advisory committee shall include representation from health systems, health plans, long-term care providers, health policy researchers, physicians, and others with expertise in serving the aged, blind, and disabled, and dual-eligible populations. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
NN. The Department of Medical Assistance Services shall make programmatic changes in the provision of Residential Treatment Facility (Level C) and Levels A and B residential services (group homes) for children with serious emotional disturbances in order ensure appropriate utilization and cost efficiency. The department shall consider all available options including, but not limited to, prior authorization, utilization review and provider qualifications. The department shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.				
OO. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall seek federal authority to implement a pricing methodology to modify or replace the current pricing methodology for pharmaceutical products as defined in 13 VAC 30- 80-40, including the dispensing fee, with an alternative methodology that is budget neutral or that creates a cost savings. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act. The department shall have the authority to implement these changes prior to completion of any regulatory process undertaken in order to effect such change.				
PP. The Department of Medical Assistance Services shall mandate that payment rates negotiated between participating Medicaid managed care organizations and out-of-network providers for emergency or otherwise authorized treatment shall be considered payment in full. In the absence of rates negotiated between the managed care organization and the out-of-network provider, these services shall be reimbursed at the Virginia Medicaid fees and/or				

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rates and shall be considered payment in full. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this Act.

QQ. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance to convert the current cost-based reimbursement methodology for outpatient hospitals to an Enhanced Ambulatory Patient Group (EAPG) methodology. Reimbursement for laboratory services shall be included in the new outpatient hospital reimbursement methodology. The new EAPG reimbursement methodology shall be implemented in a budget-neutral manner. The department shall have the authority to promulgate regulations to become effective within 280 days or less from the enactment of this Act.

RR. The Department of Medical Assistance Services shall seek federal authority to move the family planning eligibility group from a demonstration waiver to the State Plan for Medical Assistance. The department shall seek approval of coverage under this new state plan option for individuals with income up to 200 percent of the federal poverty level. For the purposes of this section, family planning services shall not cover payment for abortion services and no funds shall be used to perform, assist, encourage or make direct referrals for abortions. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

SS. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance to enroll and reimburse freestanding birthing centers accredited by the Commission for the Accreditation of Birthing Centers. Reimbursement shall be based on the Enhanced Ambulatory Patient Group methodology applied in a manner similar to the reimbursement methodology for ambulatory surgery centers. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.

TT.1. In response to the unfavorable outcome to an appeal by the Department of Medical Assistance Services in federal court regarding reimbursement for services furnished to Medicaid members in a residential treatment center or freestanding psychiatric hospital, the department shall revise reimbursement for services furnished Medicaid members in residential treatment centers and freestanding psychiatric hospitals to include professional, pharmacy and other services to be reimbursed separately as long as the services are in the plan of care developed by the residential treatment center or the freestanding psychiatric hospital and arranged by the residential treatment center or the freestanding psychiatric hospital. The department shall require residential treatment centers to include all services in the plan of care needed to meet the member's physical and psychological well-being while in the facility but may also include services in the community or as part of an emergency.

2. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days from the enactment of this Act.

UU. The Department of Medical Assistance Services shall have the authority to amend the State Plans under Title XIX and Title XXI of the Social Security Act in order to comply with the mandated provider screening provisions of the federal Affordable Care Act (P.L. 111-148 and P.L. 111-152). The department shall have authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.

VV. The department may seek federal authority through amendments to the State Plans under Title XIX and XXI of the Social Security Act, and appropriate waivers to such, to develop and implement programmatic and system changes that allow expedited enrollment of Medicaid eligible recipients into Medicaid managed care, most importantly for pregnant women. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment date of this Act.

WW.1. The Department of Medical Assistance Services, related to appeals administered

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	by and for the department, shall have authority to amend regulations to:			
	i. Utilize the method of transmittal of documentation to include email, fax, courier, and electronic transmission.			
	ii. Clarify that the day of delivery ends at normal business hours of 5:00 pm.			
	iii. Eliminate an automatic dismissal against DMAS for alleged deficiencies in the case summary that do not relate to DMAS's obligation to substantively address all issues specified in the provider's written notice of informal appeal. A process shall be added, by which the provider shall file with the informal appeals agent within 12 calendar days of the provider's receipt of the DMAS case summary, a written notice that specifies any such alleged deficiencies that the provider knows or reasonably should know exist. DMAS shall have 12 calendar days after receipt of the provider's timely written notification to address or cure any of said alleged deficiencies. The current requirement that the case summary address each adjustment, patient, service date, or other disputed matter identified in the provider's written notice of informal appeal in the detail set forth in the current regulation shall remain in force and effect, and failure to file a written case summary with the Appeals Division in the detail specified within 30 days of the filing of the provider's written notice of informal appeal shall result in dismissal in favor of the provider on those issues not addressed by DMAS.			
	iv. Clarify that appeals remanded to the informal appeal level via Final Agency Decision or court order shall reset the timetable under DMAS' appeals regulations to start running from the date of the remand.			
	v. Clarify the department's authority to administratively dismiss untimely filed appeal requests.			
	vi. Clarify the time requirement for commencement of the formal administrative hearing.			
	2. The Department of Medical Assistance Services shall have authority to promulgate regulations to implement these changes within 280 days or less from the enactment date of this Act.			
	XX. The Department of Medical Assistance Services shall amend its regulations, subject to the federal Centers for Medicare and Medicaid Services approval, to strengthen the qualifications and responsibilities of the Consumer Directed Service Facilitator to ensure the health, safety and welfare of Medicaid home- and community-based waiver enrollees. The department shall have the authority to promulgate emergency regulations to implement this change effective July 1, 2012.			
	YY. It is the intent of the General Assembly that the implementation and administration of the care coordination contract for behavioral health services be conducted in a manner that insures system integrity and engages private providers in the independent assessment process. In addition, it is the intent that in the provision of services that ethical and professional conflicts are avoided and that sound clinical decisions are made in the best interests of the individuals receiving behavioral health services. As part of this process, the department shall monitor the performance of the contract to ensure that these principles are met and that stakeholders are involved in the assessment, approval, provision, and use of behavioral health services provided as a result of this contract.			
	ZZ. 1. Notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the Department of Medical Assistance Services shall amend the state plan and appropriate waivers under Title XIX of the Social Security Act to implement a process for administrative appeals of Medicaid/Medicare dual eligible recipients in accordance with terms of the Memorandum of Understanding between the department and the Centers for Medicare and Medicaid Services for the financial alignment demonstration program for dual eligible recipients. The department shall implement this change within 280 days or less from the enactment of this Appropriation Act.			
	2. The department shall include in the fall quarterly report required in paragraph AAAA. of this Item an annual update that details the implementation progress of the financial alignment demonstration. This update shall include, but is not limited to, costs of implementation, projected cost savings, number of individuals enrolled, and any other implementation issues that arise.			

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AAA. Effective July 1, 2013, the Department of Medical Assistance Services shall have the authority, to establish a 25 percent higher reimbursement rate for congregate residential services for individuals with complex medical or behavioral needs currently residing in an institution and unable to transition to integrated settings in the community due to the need for services that cannot be provided within the maximum allowable rate, or individuals whose needs present imminent risk of institutionalization and enhanced waiver services are needed beyond those available within the maximum allowable rate. The department shall have authority to promulgate regulations to implement this change within 280 days or less from the enactment of this Act.

BBB. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to allow for delivery of notices of program reimbursement or other items referred to in the regulations related to provider appeals by electronic means consistent with the Uniform Electronic Transactions Act. The department shall implement this change effective July 1, 2013, and prior to completion of any regulatory process undertaken in order to effect such changes.

CCC. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to convert the current cost-based payment methodology for nursing facility operating rates in 12 VAC 30-90-41 to a price-based methodology effective July 1, 2014. The new price-based payment methodology shall be implemented in a budget neutral manner.

1. The department shall calculate prospective operating rates for direct and indirect costs in the following manner:

a. The department shall calculate the cost per day in the base year for direct and indirect operating costs for each nursing facility. The department shall use existing definitions of direct and indirect costs.

b. The initial base year for calculating the cost per day is cost reports ending in calendar year 2011. The department shall rebase prices in fiscal year 2018 and every three years thereafter using the most recent reliable calendar year cost-settled cost reports for freestanding nursing facilities that have been completed as of September 1.

c. Each nursing facility's direct cost per day shall be neutralized by dividing the direct cost per day by the raw Medicaid facility case-mix that corresponds to the base year by facility.

d. Costs per day shall be inflated to the midpoint of the fiscal year rate period using the moving average Virginia Nursing Home inflation index for the 4th quarter of each year (the midpoint of the fiscal year). Costs in the 2011 base year shall be inflated from the midpoint of the cost report year to the midpoint of fiscal year 2012 by pro-rating fiscal year 2012 inflation and annual inflation after that. Annual inflation adjustments shall be based on the last available report prior to the beginning of the fiscal year and corrected for any revisions to prior year inflation.

e. Prices will be established for the following peer groups using a combination of Medicare wage regions and Medicaid rural and bed size modifications based on similar costs.

- 1) Direct Peer groups
 - Northern Virginia MSA
 - Other MSAs
 - Northern Rural
 - Southern Rural
- 2) Indirect Peer Groups
 - Northern Virginia MSA
 - Rest of State – Greater than 60 Beds

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- Other MSAs				
- Northern Rural				
- Southern Rural				
- Rest of State – 60 Beds or Less				
f. The price for each peer group shall be based on the following adjustment factors:				
1) Direct - 105 percent of the peer group day-weighted median neutralized and inflated cost per day for freestanding nursing facilities.				
2) Indirect - 100.7 percent of the peer group day-weighted median inflated cost per day for freestanding nursing facilities.				
g. Facilities with costs projected to the rate year below 95 percent of the price shall have an adjusted price equal to the price minus the difference between their cost and 95 percent of the unadjusted price. Adjusted prices will be established at each rebasing. New facilities after the base year shall not have an adjusted price until the next rebasing. The “spending floor” limits the potential gain of low cost facilities, thereby making it possible to implement higher adjustment factors for other facilities at less cost.				
h. Individual claim payment for direct costs shall be based on each resident's Resource Utilization Group (RUG) during the service period times the facility direct price (similar to Medicare).				
i. Resource Utilization Group (RUG) is a resident classification system that groups nursing facility residents according to resource utilization and assigns weights related to the resource utilization for each classification. The department shall use RUGS to determine facility case mix for cost neutralization in determining the direct costs used in setting the price and for adjusting the claim payments for residents. The department may elect to transition from the RUG-III 34 Medicaid grouper to the RUG-IV 48 grouper in the following manner.				
1) The department shall neutralize direct costs per day in the base year using the most current RUG grouper applicable to the base year.				
2) The department shall utilize RUG-III 34 groups and weights in fiscal year 2015 for claim payments.				
3) Beginning in fiscal year 2016, the department may elect to implement RUG-IV 48 Medicaid groups and weights for claim payments.				
4) RUG-IV 48 weights used for claim payments will be normalized to RUG-III 34 weights as long as base year costs are neutralized by the RUG-III 34 group. In that the weights are not the same under RUG IV as under RUG III, normalization will insure that total payments in direct using the RUGs IV 48 weights will be the same as total payments in direct using the RUGs-III 34 grouper.				
j. The department shall transition to the price-based methodology over a period of four years, blending the price-based rate described here with the cost-based rate based on current law with the following adjustments. The facility cost-based operating rates shall be the direct and indirect rates for fiscal year 2015 based on facility case-mix neutral rates modeled after the law that would have been in effect in fiscal year 2015 absent this amendment and using base year data from calendar year 2011 inflated to the rate year. Based on a four-year transition, the rate will be based on the following blend:				
1) Fiscal year 2015 - 25 percent of the price-based rate and 75 percent of the cost-based rate.				
2) Fiscal year 2016 - 50 percent of the price-based rate and 50 percent of the cost-based rate.				
3) Fiscal year 2017 - 75 percent of the price-based rate and 25 percent of the cost-based rate.				
4) Fiscal year 2018 - 100 percent of the price-based (fully implemented).				
During the first transition year for the period July 1, 2014 through October 31, 2014, DMAS shall case-mix adjust each direct cost component of the rates using the average facility case-				

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mix from the two most recent finalized quarters (September and December 2013) instead of adjusting this component claim by claim.

Cost-based rates to be used in the transition for facilities without cost data in the base year but placed in service prior to July 1, 2013 shall be determined based on the most recently settled cost data. If there is no settled cost report at the beginning of a fiscal year, then 100 percent of the price-based rate shall be used for that fiscal year. Facilities placed in service after June 30, 2013 shall be paid 100 percent of the price-based rate.

2. Prospective capital rates shall be calculated in the following manner.

a. Fair rental value per diem rates for the fiscal year shall be calculated for all freestanding nursing facilities based on the prior calendar year information aged to the fiscal year and using RS Means factors and rental rates corresponding to the fiscal year. There will be no separate calculation for beds subject to and not subject to transition.

b. The department shall develop a procedure for mid-year fair rental value per diem rate changes for nursing facilities that put into service a major renovation or new beds. A major renovation shall be defined as an increase in capital of \$3,000 per bed. The nursing facility shall submit complete pro forma documentation at least 60 days prior to the effective date and the new rate shall be effective at the beginning of the month following the end of the 60 days. The provider shall submit final documentation within 60 days of the new rate effective date and the department shall review final documentation and modify the rate if necessary effective 90 days after the implementation of the new rate. No mid-year rate changes shall be made for an effective date after April 30 of the fiscal year.

c. Effective July 1, 2014, the rental rate shall be 8.0 percent.

d. These FRV changes shall also apply to specialized care facilities.

e. The capital per diem rate for hospital-based nursing facilities shall be the last settled capital per diem.

3. Prospective Nurse Aide Training and Competency Evaluation Programs (NATCEP) rates shall be the Medicaid per diem rate in the base year inflated to the rate year based on inflation used in the operating rate calculations.

4. A prospective rate for criminal records checks shall be the per diem rate in the base year.

5. The department shall have the authority to implement these payment changes effective July 1, 2014 and prior to completion of any regulatory process in order to effect such changes.

6. The department shall amend the State Plan for Medical Assistance to reimburse the price-based operating rate rather than the transition operating rate to any nursing facility whose licensed bed capacity decreased by at least 30 beds after 2011 and whose occupancy increased from less than 70 percent in 2011 to more than 80 percent in 2013. The department shall have the authority to implement this reimbursement change effective July 1, 2015, and prior to completion of any regulatory process in order to effect such change.

7. Effective July 1, 2017, the department shall amend the State Plan for Medical Assistance to increase the direct and indirect operating rates under the nursing facility price based reimbursement methodology by 15 percent for nursing facilities where at least 80 percent of the resident population have one or more of the following diagnoses: quadriplegia, traumatic brain injury, multiple sclerosis, paraplegia, or cerebral palsy. In addition, a qualifying facility must have at least 90 percent Medicaid utilization and a case mix index of 1.15 or higher in fiscal year 2014. The department shall have the authority to implement this reimbursement methodology change for rates on or after July 1, 2017, and prior to completion of any regulatory process in order to effect such change.

DDD. The Department of Medical Assistance Services shall amend its State Plan under Title XIX of the Social Security Act to implement reasonable restrictions on the amount of incurred dental expenses allowed as a deduction from income for nursing facility

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residents. Such limitations shall include: (i) that routine exams and x-rays, and dental cleaning shall be limited to twice yearly; (ii) full mouth x-rays shall be limited to once every three years; and (iii) deductions for extractions and fillings shall be permitted only if medically necessary as determined by the department.				
EEE. Notwithstanding §32.1-325, et seq. and §32.1-351, et seq. of the Code of Virginia, and effective upon the availability of subsidized private health insurance offered through a Health Benefits Exchange in Virginia as articulated through the federal Patient Protection and Affordable Care Act (PPACA), the Department of Medical Assistance Services shall eliminate, to the extent not prohibited under federal law, Medicaid Plan First and FAMIS Moms program offerings to populations eligible for and enrolled in said subsidized coverage in order to remove disincentives for subsidized private healthcare coverage through publicly-offered alternatives. To ensure, to the extent feasible, a smooth transition from public coverage, DMAS shall endeavor to phase out such coverage for existing enrollees once subsidized private insurance is available through a Health Benefits Exchange in Virginia. The department shall implement any necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
FFF. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA) as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such change.				
GGG. Effective July 1, 2013, the Department of Medical Assistance Services shall establish a Medicaid Physician and Managed Care Liaison Committee including, but not limited to, representatives from the following organizations: the Virginia Academy of Family Physicians; the American Academy of Pediatricians – Virginia Chapter; the Virginia College of Emergency Physicians; the American College of Obstetrics and Gynecology – Virginia Section; Virginia Chapter, American College of Radiology; the Psychiatric Society of Virginia; the Virginia Medical Group Management Association; and the Medical Society of Virginia. The committee shall also include representatives from each of the department's contracted managed care organizations and a representative from the Virginia Association of Health Plans. The committee will work with the department to investigate the implementation of quality, cost-effective health care initiatives, to identify means to increase provider participation in the Medicaid program, to remove administrative obstacles to quality, cost-effective patient care, and to address other matters as raised by the department or members of the committee. The Committee shall establish an Emergency Department Care Coordination work group comprised of representatives from the Committee, including the Virginia College of Emergency Physicians, the Medical Society of Virginia, the Virginia Hospital and Healthcare Association, the Virginia Academy of Family Physicians and the Virginia Association of Health Plans to review the following issues: (i) how to improve coordination of care across provider types of Medicaid "super utilizers"; (ii) the impact of primary care provider incentive funding on improved interoperability between hospital and provider systems; and (iii) methods for formalizing a statewide emergency department collaboration to improve care and treatment of Medicaid recipients and increase cost efficiency in the Medicaid program, including recognized best practices for emergency departments. The committee shall meet semi-annually, or more frequently if requested by the department or members of the committee. The department, in cooperation with the committee, shall report on the committee's activities annually to the Board of Medical Assistance Services and to the Chairmen of the House Appropriations and Senate Finance Committees and the Department of Planning and Budget no later than October 1 each year.				
HHH. The Department of Medical Assistance Services shall establish a work group of representatives of providers of home- and community-based care services to continue improvements in the audit process and procedures for home- and community-based utilization and review audits. The Department of Medical Assistance Services shall report on any revisions to the methodology for home- and community-based utilization and review audits, including progress made in addressing provider concerns and solutions to improve the process for providers while ensuring program integrity. In addition, the report shall include				

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<p>documentation of the past year's audits, a summary of the number of audits to which retractions were assessed and the total amount, the number of appeals received and the results of appeals. The report shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees by December 1 of each year.</p>				
<p>III. The Department of Medical Assistance Services shall realign the billable activities paid for individual supported employment provided under the Medicaid home- and community-based waivers to be consistent with job development and job placement services provided through employment services organizations that are reimbursed by the Department for Aging and Rehabilitative Services. The department shall have the authority to implement this reimbursement change effective July 1, 2013, and prior to the completion of any regulatory process undertaken in order to effect such change.</p>				
<p>JJJ.1. The Department of Medical Assistance Services shall seek federal authority through any necessary waiver(s) and/or State Plan authorization under Titles XIX and XXI of the Social Security Act to implement a comprehensive value-driven, market-based reform of the Virginia Medicaid/FAMIS programs.</p>				
<p>2. The department is authorized to contract with qualified health plans to offer recipients a Medicaid benefit package adhering to these principles. Any coordination of non-traditional behavioral health services covered under contract with qualified health plans or through other means shall adhere to the principles outlined in paragraph MM. c. This reformed service delivery model shall be mandatory, to the extent allowed under the relevant authority granted by the federal government and shall, at a minimum, include (i) limited high-performing provider networks and medical/health homes; (ii) financial incentives for high quality outcomes and alternative payment methods; (iii) improvements to encounter data submission, reporting, and oversight; (iv) standardization of administrative and other processes for providers; and (v) support of the health information exchange.</p>				
<p>3. The Department of Medical Assistance Services shall seek reforms to include all remaining Medicaid populations and services, including long-term care and home- and community-based waiver services into cost-effective, managed and coordinated delivery systems. The department shall begin designing the process and obtaining federal authority to transition all remaining Medicaid beneficiaries into a coordinated delivery system. DMAS shall promulgate regulations to implement these provisions to be effective within 280 days of its enactment. The department may implement any changes necessary to implement these provisions prior to the promulgation of regulations undertaken in order to effect such changes.</p>				
<p>4. As a condition on all appropriations in this act and notwithstanding any other provision of this act, or any other law, no general or nongeneral funds shall be appropriated or expended for such costs as may be incurred to implement coverage for newly eligible individuals pursuant to 42 U.S.C. § 1396d(y)(1)[2010] of the Patient Protection and Affordable Care Act, unless included in an appropriation bill adopted by the General Assembly on or after July 1, 2016.</p>				
<p>KKK.1. The Director of the Department of Medical Assistance Services shall continue to make improvements in the provision of health and long-term care services under Medicaid/FAMIS that are consistent with evidence-based practices and delivered in a cost effective manner to eligible individuals.</p>				
<p>2. In order to effect such improvements and ensure that reform efforts are cost effective relative to current forecasted Medicaid/FAMIS expenditure levels, the Department of Medical Assistance Services shall (i) develop a five-year consensus forecast of expenditures and savings associated with the Virginia Medicaid/FAMIS reform efforts by November 15 of each year in conjunction with the Department of Planning and Budget, and with input from the House Appropriations and Senate Finance Committees, and (ii) engage stakeholder involvement in meeting annual targets for quality and cost-effectiveness.</p>				
<p>LLL. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the AP-DRG grouper with the APR-DRG grouper for hospital inpatient reimbursement. The department shall develop budget neutral case rates and Virginia-specific weights for</p>				

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<p>the APR-DRG grouper based on the FY 2011 base year. The department shall phase in the APR-DRG weights by blending in 50 percent of the full APR-DRG weights with 50 percent of FY 2014 AP-DRG weights in the first year and 75 percent of the full APR-DRG weights with 25 percent of the FY 2014 AP-DRG weights in the second year for each APR-DRG group and severity. FY 2014 AP-DRG weights shall be calculated as a weighted average FY 2014 AP-DRG weight for all claims in the base year that group to each APR-DRG group and severity. Full APR-DRG weights shall be used in the third year and succeeding years for each APR-DRG group and severity. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.</p>				
<p>MMM.1. Effective July 1, 2014, the Department of Medical Assistance Services shall replace the current Disproportionate Share Hospital (DSH) methodology with the following methodology:</p>				
<p>a) DSH eligible hospitals must have a total Medicaid Inpatient Utilization Rate equal to 14 percent or higher in the base year using Medicaid days eligible for Medicare DSH or a Low Income Utilization Rate in excess of 25 percent and meet other federal requirements. Eligibility for out of state cost reporting hospitals shall be based on total Medicaid utilization or on total Medicaid NICU utilization equal to 14 percent or higher.</p>				
<p>b) Each hospital's DSH payment shall be equal to the DSH per diem multiplied by each hospital's eligible DSH days in a base year. Days reported in provider fiscal years in state FY 2011 will be the base year for FY 2015 prospective DSH payments. DSH will be recalculated annually with an updated base year. DSH payments are subject to applicable federal limits.</p>				
<p>c) Eligible DSH days are the sum of all Medicaid inpatient acute, psychiatric and rehabilitation days above 14 percent for each DSH hospital subject to special rules for out of state cost reporting hospitals. Eligible DSH days for out of state cost reporting hospitals shall be the higher of the number of eligible days based on the calculation in the first sentence times Virginia Medicaid utilization (Virginia Medicaid days as a percent of total Medicaid days) or the Medicaid NICU days above 14 percent times Virginia NICU Medicaid utilization (Virginia NICU Medicaid days as a percent of total NICU Medicaid days). Eligible DSH days for out of state cost reporting hospitals who qualify for DSH but who have less than 12 percent Virginia Medicaid utilization shall be 50 percent of the days that would have otherwise been eligible DSH days.</p>				
<p>d) Additional eligible DSH days are days that exceed 28 percent Medicaid utilization for Virginia Type Two hospitals (excluding Children's Hospital of the Kings Daughters).</p>				
<p>e) The DSH per diem shall be calculated in the following manner:</p>				
<p>a. The DSH per diem for Type Two hospitals is calculated by dividing the total Type Two DSH allocation by the sum of eligible DSH days for all Type Two DSH hospitals. For purposes of DSH, Type Two hospitals do not include Children's Hospital of the Kings Daughters (CHKD) or any hospital whose reimbursement exceeds its federal uncompensated care cost limit. The Type Two Hospital DSH allocation shall equal the amount of DSH paid to Type Two hospitals in state FY 2014 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.</p>				
<p>b. The DSH per diem for State Inpatient Psychiatric Hospitals is calculated by dividing the total State Inpatient Psychiatric Hospital DSH allocation by the sum of eligible DSH days. The State Inpatient Psychiatric Hospital DSH allocation shall equal the amount of DSH paid in state FY 2013 increased annually by the percent change in the federal allotment, including any reductions as a result of the Affordable Care Act, adjusted for the state fiscal year.</p>				
<p>c. The DSH per diem for CHKD shall be three times the DSH per diem for Type Two hospitals.</p>				
<p>d. The DSH per diem for Type One hospitals shall be 17 times the DSH per diem for Type Two hospitals.</p>				
<p>2. Each year, the department shall determine how much Type Two DSH has been reduced as a result of the Affordable Care Act and adjust the percent of cost reimbursed for outpatient</p>				

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hospital reimbursement.

3. The department shall convene the Hospital Payment Policy Advisory Council at least once a year to consider additional changes to the DSH methodology.

4. The department shall have the authority to implement these reimbursement changes effective July 1, 2014, and prior to completion of any regulatory process in order to effect such changes.

NNN. The Department of Medical Assistance Services shall have authority to amend the State Plans for Medical Assistance under Titles XIX and XXI of the Social Security Act, and any waivers thereof, to implement requirements of the federal Patient Protection and Affordable Care Act (PPACA), P.L. 111-148, as it pertains to implementation of Medicaid and CHIP eligibility determination and case management standards and practices, including the Modified Adjusted Gross Income (MAGI) methodology and, notwithstanding the requirements of Code of Virginia §2.2-4000, et seq., the process for administrative appeals of MAGI-related eligibility determinations. The department shall have authority to implement such standards and practices upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.

OOO. The Department of Medical Assistance Services (DMAS) shall not change the unit of service or rate of reimbursement for Mental Health Skill-Building Services (MHSS) until the 2015 General Assembly has reviewed the impact of the December 1, 2013 emergency regulations that changed the eligibility and service description for Mental Health Skill-Building Services. DMAS and the Department of Behavioral Health and Developmental Services shall jointly prepare a report to be delivered by November 1, 2014 to the Chairmen of the House Appropriations and Senate Finance Committees. The report shall document the impact of the MHSS regulations implemented on December 1, 2013 and shall include an assessment of the fiscal impact, consumer and family impact, service delivery impact, and impact upon other agencies and facilities in Virginia.

PPP.1. The Department of Medical Assistance Services shall have the authority to contract with other public and private entities to conduct the required screening process for the Individual and Family Developmental Disabilities Support waiver. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.

2. Notwithstanding § 32.1-330 of the Code of Virginia, the Department of Medical Assistance Services shall improve the preadmission screening process for individuals who will be eligible for long-term care services, as defined in the state plan for medical assistance. The community-based screening team shall consist of a licensed health care professional and a social worker who are employees or contractors of the Department of Health or the local department of social services, or other assessors contracted by the department. The department shall not contract with any entity for whom there exists a conflict of interest. For community-based screening for children, the screening shall be performed by an individual or entity with whom the department has entered into a contract for the performance of such screenings.

3. The department shall track and monitor all requests for screenings and report on those screenings that have not been completed within 30 days of an individual's request for screening. The screening teams and contracted entities shall use the reimbursement and tracking mechanisms established by the department.

4. The Department of Medical Assistance Services shall promulgate regulations to implement these provisions to be effective within 280 days of its enactment. The department may implement any changes necessary to implement these provisions prior to the promulgation of regulations undertaken in order to effect such changes.

QQQ. The Department of Medical Assistance Services shall have authority to amend its regulations, subject to the federal Centers for Medicare and Medicaid Services approval, to strengthen all program requirements and policies of the consumer-directed services programs to ensure the health, safety and welfare of Medicaid home- and community-based waiver enrollees. The department shall submit a detailed report on proposed regulatory changes to the consumer-directed services programs and the issues and

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	<p>problems the department is attempting to resolve. The department shall submit the report to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees at least 30 days prior to beginning the regulatory process.</p>			
	<p>RRR.1. There is hereby appropriated sum-sufficient nongeneral funds for the Department of Medical Assistance Services (DMAS) to pay the state share of supplemental payments for qualifying private hospital partners of Type One hospitals (consisting of state-owned teaching hospitals) as provided in the State Plan for Medical Assistance Services. Qualifying private hospitals shall consist of any hospital currently enrolled as a Virginia Medicaid provider and owned or operated by a private entity in which a Type One hospital has a non-majority interest. The supplemental payments shall be based upon the reimbursement methodology established for such payments in Attachments 4.19-A and 4.19-B of the State Plan for Medical Assistance Services. DMAS shall enter into a transfer agreement with any Type One hospital whose private hospital partner qualifies for such supplemental payments, under which the Type One hospital shall provide the state share in order to match federal Medicaid funds for the supplemental payments to the private hospital partner. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by the Centers for Medicare and Medicaid Services (CMS) and prior to completion of any regulatory process in order to effect such changes.</p>			
	<p>2.a. The Department of Medical Assistance Services shall promulgate regulations to make supplemental payments to Medicaid physician providers with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth. The amount of the supplemental payment shall be based on the difference between the average commercial rate approved by CMS and the payments otherwise made to physicians. The department shall have the authority to implement these reimbursement changes consistent with the effective date in the State Plan amendment approved by CMS and prior to completion of any regulatory process in order to effect such changes.</p>			
	<p>b. The department shall increase payments to Medicaid managed care organizations for the purpose of securing access to Medicaid physician services in Eastern Virginia, through higher rates to physicians affiliated with a medical school located in Eastern Virginia that is a political subdivision of the Commonwealth subject to applicable limits. The department shall revise its contracts with managed care organizations to incorporate these supplemental capitation payments, and provider payment requirements, subject to approval by CMS. No payment shall be made without approval from CMS.</p>			
	<p>c. Funding for the state share for these Medicaid payments is authorized in Item 247.</p>			
	<p>3. The Department of Medical Assistance Services (DMAS) shall have the authority to amend the State Plan for Medical Assistance Services (State Plan) to implement a supplemental Medicaid payment for local government-owned nursing homes. The total supplemental Medicaid payment for local government-owned nursing homes shall be based on the difference between the Upper Payment Limit of 42 CFR §447.272 as approved by CMS and all other Medicaid payments subject to such limit made to such nursing homes. There is hereby appropriated sum-sufficient funds for DMAS to pay the state share of the supplemental Medicaid payment hereunder. However, DMAS shall not submit such State Plan amendment to CMS until it has entered into an intergovernmental agreement with eligible local government-owned nursing homes or the local government itself which requires them to transfer funds to DMAS for use as the state share for the supplemental Medicaid payment each nursing home is entitled to and to represent that each has the authority to transfer funds to DMAS and that the funds used will comply with federal law for use as the state share for the supplemental Medicaid payment. If a local government-owned nursing home or the local government itself is unable to comply with the intergovernmental agreement, DMAS shall have the authority to modify the State Plan. The department shall have the authority to implement the reimbursement change consistent with the effective date in the State Plan amendment approved by CMS and prior to the completion of any regulatory process undertaken in order to effect such change.</p>			
	<p>4. The Department of Medical Assistance Services shall have the authority to amend the State Plan for Medical Assistance Services to implement a supplemental payment for clinic services furnished by the Virginia Department of Health (VDH) effective July 1, 2015. The total</p>			

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supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Medicaid payments. VDH is required to transfer funds to the department funds already appropriated to VDH to cover the non-federal share of the Medicaid payments. The department shall have the authority to implement the reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such changes.

5. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for physicians employed at a freestanding children's hospital serving children in Planning District 8 with more than 50 percent Medicaid inpatient utilization in fiscal year 2014 to the maximum allowed by the Centers for Medicare and Medicaid Services within the limit of the appropriation provided for this purpose. The total supplemental Medicaid payment shall be based on the Upper Payment Limit approved by the Centers for Medicare and Medicaid Services and all other Virginia Medicaid fee-for-service payments. The department shall have the authority to implement these reimbursement changes effective July 1, 2016, and prior to the completion of any regulatory process undertaken in order to effect such change."

SSS. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide coverage for cessation services for tobacco users, including pharmacology, group and individual counseling, and other treatment services including the most current version of or an official update to the Clinical Health Guideline "Treating Tobacco Use and Dependence" published by the Public Health Service of the U.S. Department of Health and Human Services. These services shall be subject to copayment requirements. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.

TTT. The Department of Medical Assistance Services shall have the authority to amend the 1915 (c) home- and community-based Elderly or Consumer-Direction (EDCD) waiver, Individual and Family Developmental Disabilities (DD) Support Waiver, Intellectual Disabilities (ID) waiver and Technology-Assisted (TECH) waiver, and associated regulations, to specify that transition services includes the first month's rent for qualified housing as an allowable cost. The department shall have authority to implement this reimbursement change effective July 1, 2014 and prior to the completion of any regulatory process undertaken in order to effect such changes.

UUU. The Department of Medical Assistance Services shall have the authority to implement Section 1902(a)(10)(A)(i)(IX) of the federal Social Security Act to provide Medicaid benefits up until the age of 26 to individuals who are or were in foster care at least until the age of 18 in any state.

VVV. Effective July 1, 2014 the Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to provide that the reimbursement floor for the nursing facility FRV "rental rate" shall be 8.0 percent in fiscal year 2015 and fiscal year 2016. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.

WWW. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to eliminate nursing facility inflation for fiscal year 2016. This shall apply to nursing facility operating rates in the first year, but shall not be substituted for published inflation factors in any subsequent scheduled rebasing of nursing facility rates. The department shall have the authority to implement these reimbursement changes prior to the completion of any regulatory process undertaken in order to effect such changes.

XXX.1.a The Department of Medical Assistance Services shall amend the Medicaid demonstration project (Project Number 11-W-00297/3) to modify eligibility provided through the project to individuals with serious mental illness to be effective July 1, 2015. Income eligibility shall be modified to limit services to seriously mentally ill adults with effective household incomes up to 60 percent of the federal poverty level (FPL). All individuals enrolled in this Medicaid demonstration project with incomes between 61% and 100% of the Federal Poverty Level as of May 15, 2015 who continue to meet other program eligibility rules, shall maintain enrollment in the demonstration until their next

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eligibility renewal period or July 1, 2016, whichever comes first. Benefits shall include the following services: (i) primary care office visits including diagnostic and treatment services performed in the physician's office, (ii) outpatient specialty care, consultation, and treatment, (iii) outpatient hospital including observation and ambulatory diagnostic procedures, (iv) outpatient laboratory, (v) outpatient pharmacy, (vi) outpatient telemedicine, (vii) medical equipment and supplies for diabetic treatment, (viii) outpatient psychiatric treatment, (ix) mental health case management, (x) psychosocial rehabilitation assessment and psychosocial rehabilitation services, (xi) mental health crisis intervention, (xii) mental health crisis stabilization, (xiii) therapeutic or diagnostic injection, (xiv) behavioral telemedicine, (xv) outpatient substance abuse treatment services, and (xvi) intensive outpatient substance abuse treatment services. Care coordination, Recovery Navigation (peer supports), crisis line and prior authorization for services shall be provided through the agency's Behavioral Health Services Administrator.				
b. The Department of Medical Assistance Services shall amend the Medicaid demonstration project described in paragraph XXX 1 a to increase the income eligibility for adults with serious mental illness from 60 to 80 percent of the federal poverty level effective July 1, 2016. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.				
c. The Department of Medical Assistance Services, in cooperation with the Department of Social Services and the League of Social Service Executives, shall provide information and conduct outreach activities with the Department of Corrections and local and regional jails to increase access to the Medicaid demonstration waiver for individuals with serious mental illness who are preparing to be released from custody, or are under the supervision of state or local community corrections programs.				
d. The Department of Medical Assistance Services, in cooperation with the Department of Social Services and the League of Social Service Executives, shall provide information and conduct outreach activities with the Department of Corrections and local and regional jails to increase access to the Medicaid demonstration waiver for individuals with serious mental illness who are preparing to be released from custody, or are under the supervision of state or local community corrections programs.				
2. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XIX of the Social Security Act to add coverage for comprehensive dental services to pregnant women receiving services under the Medicaid program to include: (i) diagnostic, (ii) preventive, (iii) restorative, (iv) endodontics, (v) periodontics, (vi) prosthodontics both removable and fixed, (vii) oral surgery, and (viii) adjunctive general services.				
3. The Department of Medical Assistance Services is authorized to amend the FAMIS MOMS and FAMIS Select demonstration waiver (No. 21-W-00058/3) for FAMIS MOMS enrollees to add coverage for dental services to align with pregnant women's coverage under Medicaid.				
4. The Department of Medical Assistance Services is authorized to amend the State Plan under Title XXI of the Social Security Act to plan to allow enrollment for dependent children of state employees who are otherwise eligible for coverage.				
5. The department shall have authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.				
YYY. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance Services to eliminate the requirement for pending, reviewing and reducing fees for emergency room claims for 99283 codes. The department shall have the authority to implement this reimbursement change effective July 1, 2015, and prior to the completion of any regulatory process undertaken in order to effect such change.				
ZZZ. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to increase the supplemental physician payments for practice plans affiliated with a freestanding children's hospital with more than 50 percent Medicaid inpatient utilization in fiscal year 2009 to the maximum allowed by the Centers for Medicare and Medicaid Services. The department shall have the authority to implement these reimbursement changes effective				

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<p>July 1, 2015, and prior to completion of any regulatory process undertaken in order to effect such change.</p>				
<p>AAAA.1. The Department of Medical Assistance Services (DMAS) shall provide quarterly reports beginning on July 1, 2015, to the Governor, Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees on the implementation of the Commonwealth Coordinated Care program, including information on program enrollment, the ability of Medicare and Medicaid Managed Care Plans to ensure a robust provider network, resolution of provider concerns regarding the cost and technical difficulties in participating in the program, quality of care, and progress in resolving issues related to federal Medicare requirements which impede the efficient and effective delivery of care.</p>				
<p>2. The Department of Medical Assistance Services (DMAS) shall require providers to use a National Provider Identifier number, effective July 1, 2015, in order to participate in the Commonwealth Coordinated Care program.</p>				
<p>BBBB. The Department of Medical Assistance Services (DMAS) shall amend its July 1, 2016, managed care contracts in order to conform to the requirement pursuant to House Bill 1942 / Senate Bill 1262, passed during the 2015 Regular Session, for prior authorization of drug benefits.</p>				
<p>CCCC.1. The Department of Medical Assistance Services shall adjust the rates and add new services in accordance with the recommendations of the provider rate study and the published formula for determining the SIS levels and tiers developed as part of the redesign of the Individual and Family Developmental Disabilities Support (DD), Day Support (DS), and Intellectual Disability (ID) Waivers. The department shall have the authority to adjust provider rates and units, effective July 1, 2016, in accordance with those recommendations with the exception that no rate changes for Sponsored Residential services shall take effect until January 1, 2017. The rate increase for skilled nursing services shall be 25 percent.</p>				
<p>2. The Department of Medical Assistance Services shall have the authority to amend the Individual and Family Developmental Disabilities Support (DD), Day Support (DS), and Intellectual Disability (ID) Waivers, to initiate the following new waiver services effective July 1, 2016: Shared Living Residential, Supported Living Residential, Independent Living Residential, Community Engagement, Community Coaching, Workplace Assistance Services, Private Duty Nursing Services, Crisis Support Services, Community Based Crisis Supports, Center-based Crisis Supports, and Electronic Based Home Supports; and the following new waiver services effective July 1, 2017: Community Guide and Peer Support Services, Benefits Planning, and Non-medical Transportation. The rates and units for these new services shall be established consistent with recommendations of the provider rate study and the published formula for determining the SIS levels and tiers developed as part of the waiver redesign, with the exception that private duty nursing rates shall be equal to the rates for private duty nursing services in the Assistive Technology Waiver and the EPSDT program. The implementation of these changes shall be developed in partnership with the Department of Behavioral Health and Developmental Services.</p>				
<p>3. Out of this appropriation, \$328,452 the first year and \$656,903 the second year from the general fund and \$328,452 the first year and \$656,903 the second year from nongeneral funds shall be provided for a Northern Virginia rate differential in the family home payment for Sponsored Residential services. Effective January 1, 2017, the rates for Sponsored Residential services in the Intellectual Disability waiver shall include in the rate methodology a higher differential of 24.5 percent for Northern Virginia providers in the family home payment as compared to the rest-of-state rate. The Department of Medical Assistance Services and the Department of Behavioral Health and Developmental Services shall, in collaboration with sponsored residential providers and family home providers, collect information and feedback related to payments to family homes and the extent to which changes in rates have impacted payments to the family homes statewide.</p>				
<p>4. For any state plan amendments or waiver changes to effectuate the provisions of paragraphs CCCC 1 and CCCC 2 above, the Department of Medical Assistance Services shall provide, prior to submission to the Centers for Medicare and Medicaid Services,</p>				

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notice to the Chairmen of the House Appropriations and Senate Finance Committees, and post such changes and make them easily accessible on the department's website.				
5. The department shall have the authority to implement necessary changes upon federal approval and prior to the completion of any regulatory process undertaken in order to effect such changes.				
DDDD. The Department of Medical Assistance Services shall amend the 1915 (c) home-and-community based Intellectual Disabilities waiver to add 390 slots effective July 1, 2016 and an additional 415 slots effective July 1, 2017. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the ID waiver to add the additional slots.				
EEEE.1. The Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) waiver to add 140 new slots effective July 1, 2016 and an additional 25 slots effective July 1, 2017. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the DD waiver to add the additional slots.				
2. Effective July 1, 2016, the Department of Medical Assistance Services shall amend the Individual and Family Developmental Disabilities Support (DD) waiver to add 200 slots in fiscal year 2017 for individuals at the top of the chronological waiting list as of June 30, 2016.				
3. Out of this appropriation, \$632,040 the first year and \$632,040 the second year from the general fund and \$632,040 the first year and \$632,040 the second year from nongeneral funds shall be used for up to 40 emergency reserve slots for emergencies, for individuals transferring between waivers and for individuals transitioning from an Intermediate Care Facility (ICF) or state nursing facility (SNF) to the community to ensure the health and safety of individuals in crisis. The Department of Medical Assistance Services shall amend the appropriate waiver to add up to 40 emergency reserve slots across the Intellectual Disability (ID) waiver, Individual and Family Developmental Disabilities Support (DD) waiver and Day Support (DS) waiver within the limits of this appropriation, effective July 1, 2016. The Department of Medical Assistance Services shall seek federal approval for necessary changes to the ID, DD and DS waivers to add the additional emergency reserve slots.				
FFFF. Out of this appropriation, \$1,250,000 from the general fund and \$1,250,000 from nongeneral funds the second year shall be used to fund 25 new medical residency slots. The Department of Medical Assistance Services shall submit a State Plan amendment to make supplemental payments for new graduate medical education residency slots effective July 1, 2017. Supplemental payments shall be made for up to 25 new medical residency slots in fiscal year 2018. Of the 25 new residency slots, 13 shall be for primary care and 12 shall be for high need specialties. In addition, preference shall be given for residency slots located in underserved areas. The department shall adopt criteria for primary care, high need specialties and underserved areas developed by the Virginia Health Workforce Development Authority. The authority shall submit these criteria to the department by September 1, 2016. The supplemental payment for each new qualifying residency slot shall be \$100,000 annually minus any Medicare residency payment for which the hospital is eligible. Supplemental payments shall be made for up to three years for each new qualifying resident. The hospital will be eligible for the supplemental payments as long as the hospital maintains the number of residency slots in total and by category as a result of the increase in fiscal year 2018. If the number of qualifying residency slots exceeds the available number of supplemental payments, the Virginia Health Workforce Development Authority shall determine which new residency slots to fund based on priorities developed by the authority. Payments shall be made quarterly following the same schedule for other medical education payments. In order to be eligible for the supplemental payment, the hospital must make an application to the department by November 1, 2016. The department shall identify hospitals and the number of new residency slots to be awarded supplemental payments by April 1, 2017. Subsequent to the award of a supplemental payment, the hospital must provide documentation annually by June 1 that they continue to meet the criteria for the supplemental payments and report any changes during the year to the number of residents. The department shall require all hospitals receiving medical education funding to report annually by June 1 on the number of residents in total and by specialty/subspecialty. The supplemental payments are subject to federal Centers for Medicare and Medicaid Services approval. The department shall have the authority to promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this act.				

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GGGG. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to limit inflation to 50 percent of the inflation factor for fiscal year 2017 and eliminate inflation in fiscal year 2018. This shall apply to inpatient hospital operating rates (including long-stay and freestanding psychiatric hospitals), graduate medical education (GME) payments, disproportionate share hospital (DSH) payments and outpatient hospital rates. Similar reductions shall be made to the general fund share for Type One hospitals as reflected in paragraph B. of this Item. Similar reductions shall also be made to the total reimbursement for Virginia freestanding children's hospitals with greater than 50% Medicaid utilization in 2009 in fiscal year 2018 only. The department shall have the authority to implement these reimbursement changes effective July 1, 2016 and prior to the completion of any regulatory process in order to effect such changes.

HHHH. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to limit inflation to 50 percent of the inflation factor for nursing facility and specialized care operating and NATCEP rates for FY2018. The department shall have the authority to implement these reimbursement changes effective July 1, 2017, and prior to the completion of any regulatory process in order to effect such changes.

IIII. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance to limit inflation to 50 percent of the inflation factor for outpatient rehabilitation agencies and home health agencies for FY2018. The department shall have the authority to implement these reimbursement changes effective July 1, 2017, and prior to the completion of any regulatory process in order to effect such changes.

JJJJ. Effective July 1, 2016, the Department of Medical Assistance Services shall increase the rates for agency and consumer directed personal care, respite and companion services in the EDCD and ID/DD waivers and EPSDT program by two percent from current levels.

KKKK. Effective July 1, 2016, the Department of Medical Assistance Services shall increase the rates for private duty nursing in the Tech waiver and Early and Periodic Screening, Diagnostic and Treatment (EPSDT) program by 11.5 percent from current levels.

LLLL. Out of this appropriation, \$79,505 from the general fund and \$79,505 from the nongeneral fund the first year and \$87,581 from the general fund and \$87,581 from nongeneral funds the second year shall be used to increase reimbursement rates for adult day health services provided through Medicaid home- and community-based waiver programs by 2.5 percent effective July 1, 2016.

MMMM.1. The Department of Medical Assistance Services, in consultation with the appropriate stakeholders, shall amend the state plan for medical assistance and/or seek federal authority through an 1115 demonstration waiver, as soon as feasible, to provide coverage of inpatient detoxification, inpatient substance abuse treatment, residential detoxification, residential substance abuse treatment, and peer support services to Medicaid individuals in the Fee-for-Service and Managed Care Delivery Systems. The department shall have the authority to implement this change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.

2. The Department of Medical Assistance Services shall make programmatic changes in the provision of all Substance Abuse Treatment Outpatient, Community Based and Residential Treatment services (group homes and facilities) for individuals with substance abuse disorders in order to ensure parity between the substance abuse treatment services and the medical and mental health services covered by the department and to ensure comprehensive treatment planning and care coordination for individuals receiving behavioral health and substance use disorder services. The department shall take action to ensure appropriate utilization and cost efficiency, and adjust reimbursement rates within the limits of the funding appropriated for this purpose based on current industry standards. The department shall consider all available options including, but not limited to, service definitions, prior authorization, utilization review, provider qualifications, and reimbursement rates for the following Medicaid services: substance abuse day treatment for pregnant women, substance abuse residential treatment for pregnant women, substance abuse case management, opioid treatment, substance abuse day treatment, and substance

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abuse intensive outpatient. The department shall have the authority to implement this change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.				
3. The Department of Medical Assistance Services shall amend the State Plan for Medical Assistance and any waivers thereof to include peer support services to children and adults with mental health conditions and/or substance use disorders. The department shall work with its contractors, the Department of Behavioral Health and Developmental Services, and appropriate stakeholders to develop service definitions, utilization review criteria and provider qualifications. The department shall have the authority to implement this change effective upon passage of this Act, and prior to the completion of any regulatory process undertaken in order to effect such change.				
4. The Department of Medical Assistance Services shall, prior to the submission of any state plan amendment or waivers to implement paragraphs MMMM 1, MMMM 2, and MMMM 3, submit a plan detailing the changes in provider rates, new services added and any other programmatic changes to the Chairmen of the House Appropriation and Senate Finance Committees.				
NNNN. The Department of Medical Assistances shall amend the State Plan for Medical Assistance to convert the specialized care rates to a prospective rate consistent with the existing cost-based methodology by adding inflation to the per diem costs subject to existing ceilings for direct, indirect and ancillary costs from the most recent settled cost report prior to the state fiscal year for which the rates are being established. The same inflation adjustment shall apply to plant costs for specialized care facilities that do not have prospective capital rates that are based on fair rental value. The department shall use the state fiscal year rate methodology recently adopted for regular nursing facilities. Partial year inflation shall be applied to per diem costs if the provider fiscal year end is different than the state fiscal year. Ceilings shall also be maintained by state fiscal year. The department shall have the authority to implement these changes effective July 1, 2016, and prior to completion of any regulatory process to effect such changes.				
Oooo. The Department of Medical Assistance Services (DMAS), in consultation with the appropriate stakeholders, shall seek federal authority via a state plan amendment to cover low-dose computed tomography (LDCT) lung cancer screenings for high-risk adults. The department shall promulgate emergency regulations to implement this amendment within 280 days or less from the enactment of this Act.				
PPPP. The Department of Medical Assistance Services shall amend the State Plan under Title XIX of the Social Security Act, and any necessary waivers, to reflect that no authority is provided for the payment of overtime for Medicaid-reimbursed consumer-directed personal assistance, respite and companion services. The Department shall implement the necessary regulatory changes and other necessary measures to be consistent with federal approval of any appropriate state plan and/or waiver changes, and prior to the completion of any regulatory process undertaken in order to effect such change."				
QQQQ. The Department of Medical Assistance Services shall convene a work group of stakeholders, which shall include the Department for Aging and Rehabilitative Services, dementia service providers and dementia advocacy organizations to review the Alzheimer's Assisted Living (AAL) Waiver to determine if it can be modified to meet the 2014 Centers for Medicare and Medicaid Services Home and Community Based Services final rule requirements. If the waiver cannot be modified to meet the federal requirements, then the department shall create a plan that: (i) ensures current waiver recipients continue to receive services and (ii) addresses the service needs of the persons with dementia who are currently eligible for the AAL Waiver. The department shall report its plan and implementation recommendations to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2016.				
RRRR. The Department of Medical Assistance Services shall not expend any appropriation for an approved Delivery System Reform Incentive Program (DSRIP) §1115 waiver unless the General Assembly appropriates the funding in the 2017 Session. The department shall notify the Chairmen of the House Appropriations and Senate Finance Committees within 15 days of any final negotiated waiver agreement with the Centers for Medicare and Medicaid Services.				

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<p>SSSS. The Department of Medical Assistance Services shall seek federal authority through a State Plan Amendment under Title XIX of the Social Security Act to permit individuals to use certified appraisals conducted by appraisers licensed by the Virginia Real Estate Appraiser Board as an alternative to the use of the tax assessed value to establish the value of any non-commercial real property for purposes of Medicaid resource eligibility. The cost of the appraisal shall be borne by the applicant or his designee.</p>				
307.	Medical Assistance Services (Non-Medicaid) (46400).....		\$821,702	\$821,702
	Insurance Premium Payments for HIV-Positive Individuals (46403).....	\$556,702	\$556,702	
	Reimbursements from the Uninsured Medical Catastrophe Fund (46405).....	\$265,000	\$265,000	
	Fund Sources: General.....	\$781,702	\$781,702	
	Dedicated Special Revenue.....	\$40,000	\$40,000	
<p>Authority:- §32.1-330.1 and §32.1-324.3, Code of Virginia.</p> <p>A. Out of this appropriation, \$556,702 the first year and \$556,702 the second year from the general fund shall be provided for insurance payment assistance to HIV-infected persons in accordance with § 32.1-330.1, Code of Virginia, except that the eligibility threshold for assistance shall allow a maximum income of no more than 250 percent of the federal poverty threshold.</p> <p>B. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund shall be transferred to the Uninsured Medical Catastrophe Fund under § 32.1-324.3, Code of Virginia.</p>				
308.	Medical Assistance Services for Low Income Children (46600).....		\$130,888,951	\$133,539,648
	Reimbursements for Medical Services Provided to Low-Income Children (46601).....	\$130,888,951	\$133,539,648	
	Fund Sources: General.....	\$15,569,606	\$15,834,390	
	Federal Trust.....	\$115,319,345	\$117,705,258	
<p>Authority: Title 32.1, Chapters 9, 10 and 13, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.</p> <p>To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget shall transfer general fund appropriation, as needed, from Children's Health Insurance Program Delivery (44600) and Medicaid Program Services (45600), if available, into this Item to be used as state match for federal Title XXI funds.</p>				
309.	Medical Assistance Management Services (Forecasted) (49600).....		\$61,650,394	\$77,705,024
	Medicaid payments for enrollment and utilization related contracts (49601).....	\$58,189,991	\$74,230,019	
	CHIP payments for enrollment and utilization related contracts (49632).....	\$3,460,403	\$3,475,005	
	Fund Sources: General.....	\$21,701,895	\$29,502,577	
	Federal Trust.....	\$39,948,499	\$48,202,447	
<p>To the extent that appropriations in this Item are insufficient, the Department of Planning and Budget, is authorized to transfer amounts, as needed, from Medicaid Program Services (45600), Medical Assistance Services for Low Income Children (46600) and Children's Health Insurance Program Delivery (44600), if available, into this Item to fund administrative expenditures associated with contracts between the department and companies providing dental benefit services, consumer-directed payroll services, claims processing, behavioral health management services and disease state/chronic care programs for Medicaid and FAMIS recipients.</p>				
310.	Administrative and Support Services (49900).....		\$215,996,052	\$226,373,684

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General Management and Direction (49901).....	\$198,269,175	\$208,646,807		
Information Technology Services (49902).....	\$14,895,620	\$14,895,620		
Administrative Support for the Family Access to Medical Insurance Security Plan (49932).....	\$2,831,257	\$2,831,257		
Fund Sources: General.....	\$60,065,774	\$61,175,772		
Special.....	\$1,565,000	\$1,565,000		
Federal Trust.....	\$154,365,278	\$163,632,912		

Authority: Title 32.1, Chapters 9 and 10, Code of Virginia; P.L. 89-97, as amended, Titles XIX and XXI, Social Security Act, Federal Code.

A.1. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Medical Assistance Services, shall prepare and submit a forecast of Medicaid expenditures, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

2. The forecast shall be based upon current state and federal laws and regulations. Rebasement and inflation estimates that are required by existing law or regulation for any Medicaid provider shall be included in the forecast. The forecast shall also include an estimate of projected increases or decreases in managed care costs, including estimates regarding changes in managed care rates for the three-year period. In preparing for each year's forecast of the managed care portions of the budget, the department shall submit to its actuarial contractor a letter, with a copy sent to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees. This letter shall document the department's request for a point estimate of the rate of increase in rates, based on application of actuarial principals and methodologies and information available at the time of the forecast, that the contractor estimates will occur in the years being forecast, and shall specify the population groupings for which estimates are requested. The department shall request that the contractor reply in writing with a copy to all parties copied on the department's letter.

3. The Department of Planning and Budget and the Department of Medical Assistance Services shall convene a meeting on or before October 15 of each year with the appropriate staff from the House Appropriations and Senate Finance Committees to review current trends and the assumptions used in the Medicaid forecast prior to its finalization.

B. The Department of Medical Assistance Services shall submit monthly expenditure reports of the Medicaid program by service. The report for the month at the end of each quarter shall compare expenditures to the official Medicaid forecast, adjusted to reflect budget actions from each General Assembly Session. The monthly report shall be submitted to the Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees within 20 days after the end of each month and the quarterly report shall be submitted within 30 days after the end of the quarter.

C. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the special fund is appropriated to the Department of Medical Assistance Services for the administration of the disbursement of civil money penalties levied against and collected from Medicaid nursing facilities for violations of rules identified during survey and certification as required by federal law and regulation. Based on the nature and seriousness of the deficiency, the Agency or the Centers for Medicare and Medicaid Services may impose a civil money penalty, consistent with the severity of the violations, for the number of days a facility is not in substantial compliance with the facility's Medicaid participation agreement. Civil money penalties collected by the Commonwealth must be applied to the protection of the health or property of residents of nursing facilities found to be deficient. Penalties collected are to be used for (1) the payment of costs incurred by the Commonwealth for relocating residents to other facilities; (2) payment of costs incurred by the Commonwealth related to operation of the facility pending correction of the deficiency or closure of the facility; and (3) reimbursement of residents for personal funds or property lost at a facility as a result of actions by the facility or individuals used by the facility to provide services to residents. These funds are to be administered in accordance with the revised federal regulations and law, 42 CFR 488.400 and the Social Security Act § 1919(h), for Enforcement of Compliance for Long-Term Care Facilities with Deficiencies. Any special fund revenue received for this purpose, but unexpended at the end of the fiscal year, shall remain in the fund for use in

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accordance with this provision.

D. The Department of Medical Assistance Services, to the extent permissible under federal law, shall enter into an agreement with the Department of Behavioral Health and Developmental Services to share Medicaid claims and expenditure data on all Medicaid-reimbursed mental health, intellectual disability and substance abuse services, and any new or expanded mental health, intellectual disability retardation and substance abuse services that are covered by the State Plan for Medical Assistance. The information shall be used to increase the effective and efficient delivery of publicly funded mental health, intellectual disability and substance abuse services.

E. In addition to any regional offices that may be located across the Commonwealth, any statewide, centralized call center facility that operates in conjunction with a brokerage transportation program for persons enrolled in Medicaid or the Family Access to Medical Insurance Security plan shall be located in Norton, Virginia.

F. The Department of Medical Assistance Services shall, to the extent possible, require web-based electronic submission of provider enrollment applications, revalidations and other related documents necessary for participation in the fee-for-service program under the State Plans for Title XIX and XXI of the Social Security Act.

G. The Department of Medical Assistance Services shall report on the operations and costs of the Medicaid call center (also known as the Cover Virginia Call Center). This report shall include number of calls received on a monthly basis, the purpose of the call, the number of applications for Medicaid submitted through the call center, and the costs of the contract. The department shall submit the report for FY 2015 by August 15, 2015, and for FY 2016 by August 15, 2016. The report shall be submitted to the Director, Department of Planning and Budget and the Chairmen of the House Appropriations and Senate Finance Committees.

H. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with the Virginia Center for Health Innovation for research, development and tracking of innovative approaches to healthcare delivery.

I. Out of this appropriation, \$3,283,004 the first year and \$3,283,004 the second year from the general fund and \$9,839,000 the first year and \$9,839,000 the second year from nongeneral funds is provided for the enhanced operation of the Cover Virginia Call Center as a centralized eligibility processing unit (CPU) that shall be limited to processing Medicaid applications received from the Federally Facilitated Marketplace, telephonic applications through the call center, or electronically submitted Medicaid-only applications. The department shall report the number of applications processed on a monthly basis and payments made to the contractor to the Director, Department of Planning and Budget and the Chairman of the House Appropriations and Senate Finance Committees. The report shall be submitted no later than 30 days after the end of each quarter of the fiscal year.

J.1. The Department of Medical Assistance Services shall require eligibility workers to verify income, using currently available Virginia Employment Commission data, for applicants and recipients who report no earned or unearned income. The Department shall, at the earliest date feasible but no later than October 1, 2017, require all Medicaid eligibility workers to apply the same protocols when verifying income for all applicants and recipients, including those who report no earned or unearned income.

2. The Department shall amend the Virginia Medicaid application, upon approval of the federal Centers for Medicare and Medicaid, to require a Medicaid applicant to opt out if such applicant does not want to grant permission to the state to use his federal tax returns for the purposes of renewing eligibility. The Department shall implement the necessary regulatory changes and other necessary measures to be consistent with federal approval of any appropriate state plan changes, and prior to the completion of any regulatory process undertaken in order to effect such change.

K. It is the intent of the General Assembly that the Department of Medical Assistance Services provide more data regarding Medicaid and other programs operated by the

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	<p>department on their public website. The department shall create a central website that consolidates data and statistical information to make the information more readily available to the general public. At a minimum the information included on such website shall include monthly enrollment data, expenditures by service, and other relevant data.</p>			
	<p>L.1. Out of this appropriation, \$4,635,000 the first year and \$5,835,000 the second year from the general fund and \$41,715,000 the first year and \$52,515,000 the second year from nongeneral funds shall be provided to replace the Medicaid Management Information System.</p>			
	<p>2. Within 30 days of awarding a contract or contracts related to the replacement project, the Department of Medical Assistance Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget, with a copy of the contract including costs.</p>			
	<p>3. Beginning July 1, 2016, the Department of Medical Assistance Services shall provide annual progress reports that must include a current project summary, implementation status, accounting of project expenditures and future milestones. All reports shall be submitted to the Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.</p>			
	<p>M. The Department of Medical Assistance Services, in collaboration with the departments of Behavioral Health and Developmental Services, Aging and Rehabilitative Services and Health, shall convene a work group with community stakeholders to: (i) recommend methods to improve data capture on the annual incidence of brain injury as defined in the Code of Virginia, and (ii) review expenditure data on Virginians with brain injury receiving care outside of the state, and evaluate options for providing for their care in the Commonwealth. The department shall report on efforts of the workgroup and any recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2016.</p>			
	<p>N. The Department of Medical Assistance Services shall report on the estimated number of Virginians who are eligible but not enrolled in the Virginia Medicaid program as of September 1 of each year.</p>			
	<p>O.1. The Department of Medical Assistance Services, in collaboration with the Department of Social Services, shall require Medicaid eligibility workers to search for unreported assets at the time of initial eligibility determination and renewal, using all currently available sources of electronic data, including local real estate property databases and the Department of Motor Vehicles for all Medicaid applicants and recipients whose assets are subject to an asset limit under Medicaid eligibility requirements.</p>			
	<p>2. The Department of Medical Assistance Services, in collaboration with the Department of Social Services, shall develop a plan to improve the Medicaid estate recovery program in the Commonwealth. The department shall evaluate all public and private resources and data sources available to proactively identify assets, including but not limited to real estate and financial assets, including those identified during the eligibility determination process and those that may not have been reported, of Medicaid recipients and all methods available to initiate recovery from estates for which the value of the assets is likely to exceed the cost of recovery. The department shall also include the cost of initiating and operating such a program with options that include developing an in-house program or contracting with a third party vendor to perform some or all of the identification and recovery. The study shall examine both the cost benefit and legal implications of the various options and also evaluate and propose changes, as may be needed, to the Code of Virginia that may assist in maximizing the recovery of assets of deceased Medicaid beneficiaries.</p>			
	<p>3. The department shall submit its findings and recommendations for developing an improved estate recovery program to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2016.</p>			
	<p>P. The Director, Department of Medical Assistance Services shall analyze pharmacy claims data from the past biennium in order to assess the value of payments made to the Medicaid program's contracted managed care plans, and the value of payments made by the contracted managed care plans to their contracted prescription benefit managers (PBMs). Additionally, the Director shall request and, if made available, analyze the value of payments made by the</p>			

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<p>Medicaid program's managed care plans' contracted PBMs to network pharmacies for the same set of pharmacy claims. The Director shall identify and report any difference in value in payments made to the contracted PBMs, payments made to the contracted managed care plans, and if available, to network pharmacies and shall make recommendations to the Chairmen of the House Appropriations and Senate Finance Committees by October 1, 2016.</p> <p>Q. Out of this appropriation, \$400,000 the first year and \$800,000 the second year from the general fund and \$400,000 the first year and \$800,000 the second year from nongeneral funds is provided to fund cost increases associated with contracts for actuarial and audit services. The Department of Planning and Budget shall unallot these funds on July 1 of each fiscal year, and shall not allot the funds until the Department of Medical Assistance Services provides documentation on the contract award amounts.</p>				
Total for Department of Medical Assistance Services.....			\$9,740,783,037	\$9,984,616,957
General Fund Positions.....		232.02	232.02	
Nongeneral Fund Positions.....		241.98	241.98	
Position Level.....		474.00	474.00	
Fund Sources: General.....		\$4,411,533,662	\$4,547,698,514	
Special.....		\$1,565,000	\$1,565,000	
Dedicated Special Revenue.....		\$379,190,579	\$362,552,166	
Federal Trust.....		\$4,948,493,796	\$5,072,801,277	

§ 1-94. DEPARTMENT OF BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES (720)

311.	Regulation of Public Facilities and Services (56100).....			\$3,710,365	\$3,710,365
	Regulation of Health Care Service Providers (56103).....	\$3,710,365	\$3,710,365		
	Fund Sources: General.....	\$3,254,690	\$3,254,690		
	Special.....	\$95,864	\$95,864		
	Federal Trust.....	\$359,811	\$359,811		

Authority: Title 37.2, Chapter 4, Code of Virginia.

A. The department shall post on its Web site information concerning (i) any application for initial licensure of or renewal of a license, denial of an application for an initial license or renewal of a license, or issuance of provisional licensure of for any residential facility for children located in the locality and (ii) all inspections and investigations of any residential facility for children licensed by the department, including copies of any reports of such inspections or investigations. Information concerning inspections and investigations of residential facilities for children shall be posted on the department's Web site within seven days of the issuance of any report and shall be maintained on the department's website for a period of at least six years from the date on which the report of the inspection or investigation was issued.

B. The Department of Behavioral Health and Developmental Services is authorized to certify individuals as peer support specialists and shall promulgate emergency regulations to become effective within 280 days or less from the enactment of this act.

312.	<p>A. It is the intent of the General Assembly that the Department of Behavioral Health and Developmental Services proceed in transforming its system of care into a model that embodies best practices and state-of-the art services. The consumer-driven system of services and supports shall promote self-determination, empowerment, recovery, resilience, health, and the highest possible level of consumer participation in all aspects of community life. The transformed system shall include investments in a suitable array and adequate quantity of community-based services, with an emphasis on consumer choice and the appropriate use of facility resources. State facilities shall be redesigned to ensure high quality care, efficient operation, and capacity necessary for persons most in need of such care. Amounts authorized herein, and in related legislation, shall be used to support</p>				
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the transformation of the system of care and to promote the provision of behavioral health and developmental services in the most efficient and appropriate setting. The Department of Behavioral Health and Developmental Services may consider the use of public-private partnerships to deliver behavioral health and intellectual disability services as part of the comprehensive behavioral health and intellectual disability system of care, in facilities that are being planned for renovation or replacement. These partnerships may include contracts with private entities for facility operations, unless the Department of Behavioral Health and Developmental Services can demonstrate that continued state operation of the facility is at least as cost effective and provides at least an equivalent or higher level quality care than operation by a private entity.

B. Notwithstanding any law to the contrary, on July 1, of each year, the State Comptroller shall transfer to the general fund any nongeneral fund balance accumulated by the Department of Behavioral Health and Developmental Services, except for federal grant funds, in excess of \$30,000,000.

C.1. Notwithstanding §4-5.10, §4-5.09 of this Act and paragraph C. of § 2.2-1156, Code of Virginia, the Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured. Thereafter, the fund will be used to enhance services to individuals with mental illness, intellectual disability and substance abuse problems.

2. Expenditures from the Behavioral Health and Developmental Services Trust Fund shall be subject to appropriation through an appropriations bill passed by the General Assembly.

3. Any remaining balances in the Behavioral Health and Developmental Services Trust Fund shall be carried forward to the subsequent fiscal year.

D. Any funds appropriated in this Act for the purpose of complying with the settlement agreement with the United States Department of Justice pursuant to civil action no: 3:12cv059-JAG that remain unspent at the end of the fiscal year may be carried forward into the subsequent fiscal year in order to continue implementation of the agreement's requirements.

313.	Administrative and Support Services (49900).....			\$79,395,894	\$78,724,596
	General Management and Direction (49901).....	\$13,374,001	\$13,374,921		
	Information Technology Services (49902).....	\$26,945,594	\$26,246,863		
	Architectural and Engineering Services (49904).....	\$2,660,847	\$2,660,847		
	Collection and Locator Services (49905).....	\$2,999,764	\$2,999,764		
	Human Resources Services (49914).....	\$494,989	\$494,989		
	Program Development and Coordination (49933).....	\$32,920,699	\$32,947,212		
	Fund Sources: General.....	\$46,331,797	\$45,537,580		
	Special.....	\$14,454,916	\$14,509,445		
	Federal Trust.....	\$18,609,181	\$18,677,571		

Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.

A. The Commissioner, Department of Behavioral Health and Developmental Services shall, at the beginning of each fiscal year, establish the current capacity for each facility within the system. When a facility becomes full, the commissioner or his designee shall give notice of the fact to all sheriffs.

B. The Commissioner, Department of Behavioral Health and Developmental Services shall work in conjunction with community services boards to develop and implement a graduated plan for the discharge of eligible facility clients to the greatest extent possible, utilizing savings generated from statewide gains in system efficiencies.

C. Notwithstanding § 4-5.09 of this act and paragraph C of § 2.2-1156, Code of Virginia, the

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<p>Department of Behavioral Health and Developmental Services is hereby authorized to deposit the entire proceeds of the sales of surplus land at state-owned behavioral health and intellectual disability facilities into a revolving trust fund. The trust fund may initially be used for expenses associated with restructuring such facilities. Remaining proceeds after such expenses shall be dedicated to continuing services for current patients as facility services are restructured.</p>				
<p>D. The Department of Behavioral Health and Developmental Services shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of acute-care psychiatric beds for children and adolescents.</p>				
<p>E. The Department of Behavioral Health and Developmental Services, in cooperation with the Department of Juvenile Justice, where appropriate, shall identify and create opportunities for public-private partnerships and develop the incentives necessary to establish and maintain an adequate supply of residential beds for the treatment of juveniles with behavioral health treatment needs, including those who are mentally retarded, aggressive, or sex offenders, and those juveniles who need short-term crisis stabilization but not psychiatric hospitalization.</p>				
<p>F. Out of this appropriation, \$656,538 the first year and \$656,538 the second year from the general fund shall be provided for placement and restoration services for juveniles found to be incompetent to stand trial pursuant to Title 16.1, Chapter 11, Article 18, Code of Virginia.</p>				
<p>G. Out of this appropriation, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to pay for legal and medical examinations needed for individuals living in the community and in need of guardianship services.</p>				
<p>H. Out of this appropriation, \$2,419,930 the first year and \$2,419,930 the second year from the general fund shall be provided for services for the civil commitment of sexually violent predators including the following: (i) clinical evaluations and court testimony for sexually violent predators who are being considered for release from state correctional facilities and who will be referred to the Clinical Review Committee for psycho-sexual evaluations prior to the state seeking civil commitment, (ii) conditional release services, including treatment, and (iii) costs associated with contracting with a Global Positioning System service to closely monitor the movements of individuals who are civilly committed to the sexually violent predator program but conditionally released.</p>				
<p>I. Out of this appropriation, \$146,871 the first year and \$146,871 the second year from the general fund shall be used to operate a real-time reporting system for public and private acute psychiatric beds in the Commonwealth.</p>				
<p>J. The Department of Behavioral Health and Developmental Services shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than December 1 of each year for the preceding fiscal year that provides information on the operation of Virginia's publicly-funded behavioral health and developmental services system. The report shall include a brief narrative and data on the numbers of individuals receiving state facility services or CSB services, including purchased inpatient psychiatric services, the types and amounts of services received by these individuals, and CSB and state facility service capacities, staffing, revenues, and expenditures. The annual report also shall describe major new initiatives implemented during the past year and shall provide information on the accomplishment of systemic outcome and performance measures during the year.</p>				
<p>K. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used for a comprehensive statewide suicide prevention program. The Commissioner of the Department of Behavioral Health and Developmental Services (DBHDS), in collaboration with the Departments of Health, Education, Veterans Services, Aging and Rehabilitative Services, and other partners shall develop and implement a statewide program of public education, evidence-based training, health and behavioral health provider capacity-building, and related suicide prevention activity.</p>				
<p>L.1. Beginning October 1, 2013, the Commissioner of the Department of Behavioral</p>				

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Health and Developmental Services shall provide quarterly reports to the House Appropriations and Senate Finance Committees on progress in implementing the plan to close state training centers and transition residents to the community. The reports shall provide the following information on each state training center: (i) the number of authorized representatives who have made decisions regarding the long-term type of placement for the resident they represent and the type of placement they have chosen; (ii) the number of authorized representatives who have not yet made such decisions; (iii) barriers to discharge; (iv) the general fund and nongeneral fund cost of the services provided to individuals transitioning from training centers; and (v) the use of increased Medicaid reimbursement for congregate residential services to meet exceptional needs of individuals transitioning from state training centers.				
2. At least six months prior to the closure of a state intellectual disabilities training center, the Commissioner of Behavioral Health and Developmental Services shall complete a comprehensive survey of each individual residing in the facility slated for closure to determine the services and supports the individual will need to receive appropriate care in the community. The survey shall also determine the adequacy of the community to provide care and treatment for the individual, including but not limited to, the appropriateness of current provider rates, adequacy of waiver services, and availability of housing. The Commissioner shall report quarterly findings to the Governor and Chairmen of the House Appropriations and Senate Finance Committees.				
3. The department shall convene quarterly meetings with authorized representatives, families, and service providers in Health Planning Regions I, II, III and IV to provide a mechanism to (i) promote routine collaboration between families and authorized representatives, the department, community services boards, and private providers; (ii) ensure the successful transition of training center residents to the community; and (iii) gather input on Medicaid waiver redesign to better serve individuals with intellectual and developmental disability.				
4. In the event that provider capacity cannot meet the needs of individuals transitioning from training centers to the community, the department shall work with community services boards and private providers to explore the feasibility of developing (i) a limited number of small community group homes or intermediate care facilities to meet the needs of residents transitioning to the community, and/or (ii) a regional support center to provide specialty services to individuals with intellectual and developmental disabilities whose medical, dental, rehabilitative or other special needs cannot be met by community providers. The Commissioner shall report on these efforts to the House Appropriations and Senate Finance Committees as part of the quarterly report, pursuant to paragraph L.1.				
M.1. A joint subcommittee of the House Appropriations and Senate Finance Committees, in collaboration with the Secretary of Health and Human Resources and the Department of Behavioral Health and Developmental Services, shall continue to monitor and review the closure plans for the three remaining training centers scheduled to close by 2020. As part of this review process the joint subcommittee may evaluate options for those individuals in training centers with the most intensive medical and behavioral needs to determine the appropriate types of facility or residential settings necessary to ensure the care and safety of those residents is appropriately factored into the overall plan to transition to a more community-based system. In addition, the joint subcommittee may review the plans for the redesign of the Intellectual Disability, Developmental Disability and Day Support Waivers.				
2. To assist the joint subcommittee, the Department of Behavioral Health and Developmental Services shall provide a quarterly accounting of the costs to operate and maintain each of the existing training centers at a level of detail as determined by the joint subcommittee. The quarterly reports shall be submitted to the joint subcommittee 20 days after the close of each quarter.				
N. The Department of Behavioral Health and Developmental Services in collaboration with the Department of Medical Assistance Services shall provide a detailed report for each fiscal year on the budget, expenditures, and number of recipients for each specific intellectual disability (ID) and developmental disability (DD) service provided through the Medicaid program or other programs in the Department of Behavioral Health and Developmental Services. This report shall also include the overall budget and expenditures for the ID, DD and Day Support waivers separately. The Department of Medical Assistance Services shall provide the necessary information to the Department of Behavioral Health and Developmental				

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<p>Services 90 days after the end of each fiscal year. This information shall be published on the Department of Behavioral Health and Developmental Services' website within 120 days after the end of each fiscal year.</p>				
<p>O. Effective July 1, 2015, the Department of Behavioral Health and Developmental Services shall not charge any fee to Community Services Boards or private providers for use of the knowledge center, an on-line training system.</p>				
<p>P. The Department of Behavioral Health and Developmental Services in collaboration with the Community Services Boards shall compile and report all available information regarding the services and support needs of the individuals on waiting lists for Intellectual and Developmental Disability (I/DD) waiver services, including an estimate of the number of graduates with I/DD who are exiting secondary education each fiscal year. The department shall submit a report to the Chairmen of the House Appropriations and Senate Finance Committees by December 1, 2015.</p>				
<p>Q.1. Out of this appropriation, \$400,000 the first year from the general fund is included to provide compensation to individuals who were involuntarily sterilized pursuant to the Virginia Eugenical Sterilization Act and who were living as of February 1, 2015. In addition, any funds carried over from House Bill 29 passed by the 2016 General Assembly from Item 307 T, shall also be used for this purpose.</p>				
<p>2. A claim may be submitted on behalf of an individual by a person lawfully authorized to act on the individual's behalf. A claim may be submitted by the estate of or personal representative of, an individual who dies on or after February 1, 2015.</p>				
<p>3. Reimbursement shall be contingent on the individual or their representative providing appropriate documentation and information to verify the claim under guidelines established by the department.</p>				
<p>4. Reimbursement per verified claim shall be \$25,000 and shall be contingent on funding being available, with disbursements being prioritized based on the date at which sufficient documentation is provided.</p>				
<p>5. Should the funding provided for compensation be exhausted prior to the end of fiscal year 2018, the department shall continue to collect applications. The department shall provide a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on a quarterly basis on the number of additional individuals who have been applied.</p>				
<p>R. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund shall be used to provide mental health first aid training and certification to recognize and respond to mental or emotional distress. Funding shall be used to cover the cost of personnel dedicated to this activity, training, manuals, and certification for all those receiving the training.</p>				
<p>S. The Department of Behavioral Health and Developmental Services shall review and evaluate existing mental health dockets used by courts in the Commonwealth to develop a model that can be replicated in other courts and jurisdictions that determine a need for such a docket. As part of the review, the department shall evaluate mental health dockets in other states and incorporate best practices. The department shall include consideration for a specialty veterans mental health docket and the feasibility for such a docket to handle a population with unique needs. The evaluation shall also review funding practices of these dockets by courts or local governments. The department shall prepare a report on a model program and post it to their website no later than December 1, 2016, and provide notice of the report's availability to courts and local governments.</p>				
<p>T.1. Out of this appropriation, up to \$100,000 the first year from the general fund is provided to the Department of Behavioral Health and Developmental Services to contract with an independent contractor to develop options for the General Assembly. Such contract shall consider the Commonwealth's options of how to operate the Central Virginia Training Center to provide care in the event that sufficient community capacity is not available or is insufficient to meet the care needs of individuals. The options developed shall focus on operating the facility by primarily utilizing the newly renovated buildings and include estimates on operating and capital costs and other operational</p>				

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<p>changes necessary to operate such facility. The department, in collaboration with the Department of Planning and Budget (DPB), shall develop the Request for Proposals (RFP), if the RFP process is utilized. DPB shall review the proposals, along with the department, and no award shall be approved without the concurrence of DPB. If the RFP process is not used for any reason then DPB staff shall be jointly involved with the department in selecting the contractor and shall grant final approval before awarding the contract. The Department of Behavioral Health and Developmental Services shall provide all necessary information in a timely manner as requested by the contractor. The contract shall require the work to be completed and the plan submitted by December 1, 2016, to the Chairmen of the House Appropriations and Senate Finance Committees.</p> <p>2. The Department of Behavioral Health and Developmental Services shall make available relevant information as requested by private entities considering possible submission of proposals in accordance with Chapter 22.1 of the Code of Virginia that are related to Central Virginia Training Center.</p>				
314.	Central Office Managed Community and Individual Health Services (44400).....		\$7,777,734	\$7,749,085
	Individual and Developmental Disability Services (44401).....	\$4,627,734		\$4,599,085
	Mental Health Services (44402).....	\$3,150,000		\$3,150,000
	Fund Sources: General.....	\$7,777,734		\$7,749,085
<p>Authority: Title 16.1, Article 18, and Title 37.2, Chapters 2, 3, 4, 5, 6 and 7, and Title 2.2, Chapters 26 and 53 Code of Virginia; P.L. 102-119, Federal Code.</p> <p>A. Out of this appropriation, \$3,900,000 the first year and \$3,900,000 the second year from the general fund shall be used for Developmental Disability Health Support Networks in regions served, or previously served, by Southside Virginia Training Center, Northern Virginia Training Center, and Southwestern Virginia Training Center.</p> <p>B. Out of this appropriation, \$629,005 the first year and \$629,005 the second year from the general fund shall be used to provide community-based services to individuals transitioning from state training centers to community settings who are not eligible for Medicaid.</p> <p>C. Out of this appropriation, \$2,150,000 the first year and \$2,150,000 the second year from the general fund shall be used for purchase of acute inpatient psychiatric services at private facilities.</p>				
Total for Department of Behavioral Health and Developmental Services.....			\$90,883,993	\$90,184,046
	General Fund Positions.....	393.60		393.60
	Nongeneral Fund Positions.....	29.40		29.40
	Position Level.....	423.00		423.00
	Fund Sources: General.....	\$57,364,221		\$56,541,355
	Special.....	\$14,550,780		\$14,605,309
	Federal Trust.....	\$18,968,992		\$19,037,382
Grants to Localities (790)				
315.	Financial Assistance for Health Services (44500).....		\$397,442,984	\$397,606,524
	Community Substance Abuse Services (44501).....	\$97,162,190		\$97,162,190
	Community Mental Health Services (44506).....	\$230,617,697		\$230,617,697
	Community Developmental Disability Services (44507).....	\$69,663,097		\$69,826,637
	Fund Sources: General.....	\$331,127,537		\$335,447,077
	Dedicated Special Revenue.....	\$4,000,000		\$0
	Federal Trust.....	\$62,315,447		\$62,159,447

Authority: Title 37.2, Chapters 5 and 6; Title 2.2, Chapter 53, Code of Virginia.

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
A.	It is the intent of the General Assembly that community mental health, intellectual disability and substance abuse services are to be improved throughout the state. Funds provided in this Item shall not be used to supplant the funding effort provided by localities for services existing as of June 30, 1996.			
B.	Further, it is the intent of the General Assembly that funds appropriated for this Item may be used by Community Services Boards to purchase, develop, lease, or otherwise obtain, in accordance with §§ 37.2-504 and 37.2-605, Code of Virginia, real property necessary to the provision of residential services funded by this Item.			
C.	Out of the appropriation for this Item, funds are provided to Community Services Boards in an amount sufficient to reimburse the Virginia Housing Development Authority for principal and interest payments on residential projects for the mentally disabled financed by the Housing Authority.			
D.	The Department of Behavioral Health and Developmental Services shall make payments to the Community Services Boards from this Item in twenty-four equal semimonthly installments, except for necessary budget revisions or the operational phase-in of new programs.			
E.	Failure of a board to participate in Medicaid covered services and to meet all requirements for provider participation shall result in the termination of a like amount of state grant support.			
F.	Community Services Boards may establish a line of credit loan for up to three months' operating expenses to assure adequate cash flow.			
G.	Out of this appropriation \$190,000 the first year and \$190,000 the second year from the general fund shall be provided to Virginia Commonwealth University for the continued operation and expansion of the Virginia Autism Resource Center.			
H.1.	Out of this appropriation, \$15,525,327 the first year and \$16,320,367 the second year from the general fund shall be provided for Virginia's Part C Early Intervention System for infants and toddlers with disabilities.			
2.	By November 15 of each year, the department shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the (a) total revenues used to support Part C services, (b) total expenses for all Part C services, (c) total number of infants, toddlers and families served using all Part C revenues, and (d) services provided to those infants, toddlers, and families.			
I.	Out of this appropriation \$6,148,128 the first year and \$6,148,128 the second year from the general fund shall be provided for mental health services for children and adolescents with serious emotional disturbances and related disorders, with priority placed on those children who, absent services, are at-risk for custody relinquishment, as determined by the Family and Assessment Planning Team of the locality. The Department of Behavioral Health and Developmental Services shall provide these funds to Community Services Boards through the annual Performance Contract. These funds shall be used exclusively for children and adolescents, not mandated for services under the Comprehensive Services Act for At-Risk Youth, who are identified and assessed through the Family and Assessment Planning Teams and approved by the Community Policy and Management Teams of the localities. The department shall provide these funds to the Community Services Boards based on an individualized plan of care methodology.			
J.	The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$1,000,000 the first year and \$1,000,000 the second year from the federal Community Mental Health Services Block Grant for two specialized geriatric mental health services programs. One program shall be located in Health Planning Region II and one shall be located in Health Planning Region V. The programs shall serve elderly populations with mental illness who are transitioning from state mental health geriatric units to the community or who are at risk of admission to state mental health geriatric units. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.			

ITEM 315.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
K. The Commissioner, Department of Behavioral Health and Developmental Services shall allocate \$750,000 the first year and \$750,000 the second year from the federal Community Mental Health Services Block Grant for consumer-directed programs offering specialized mental health services that promote wellness, recovery and improved self-management. The commissioner is authorized to reduce the allocation in each year in an amount proportionate to any reduction in the federal Community Mental Health Services Block Grant funds awarded to the Commonwealth.				
L. Out of this appropriation, \$2,197,050 the first year and \$2,197,050 the second year from the general fund shall be used for jail diversion and reentry services. Funds shall be distributed to community-based contractors based on need and community preparedness as determined by the commissioner.				
M. Out of this appropriation, \$2,400,000 the first year and \$2,400,000 the second year from the general fund shall be used for treatment and support services for substance use disorders, including individuals with acquired brain injury and co-occurring substance use disorders. Funded services shall focus on recovery models and the use of best practices.				
N. Out of this appropriation, \$2,780,645 the first year and \$2,780,645 the second year from the general fund shall be used to provide outpatient clinician services to children with mental health needs. Each Community Services Board shall receive funding as determined by the commissioner to increase the availability of specialized mental health services for children. The department shall require that each Community Services Board receiving these funds agree to cooperate with Court Service Units in their catchment areas to provide services to mandated and nonmandated children, in their communities, who have been brought before Juvenile and Domestic Relations Courts and for whom treatment services are needed to reduce the risk these children pose to themselves and their communities or who have been referred for services through family assessment and planning teams through the Comprehensive Services Act for At-Risk Youth and Families.				
O. Out of this appropriation, \$17,701,997 the first year and \$17,701,997 the second year from the general fund shall be used to provide emergency services, crisis stabilization services, case management, and inpatient and outpatient mental health services for individuals who are in need of emergency mental health services or who meet the criteria for mental health treatment set forth pursuant to §§ 19.2-169.6, 19.2-176, 19.2-177.1, 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817 and 53.1-40.2 of the Code of Virginia. Funding provided in this item also shall be used to offset the fiscal impact of (i) establishing and providing mandatory outpatient treatment, pursuant to House Bill 499 and Senate Bill 246, 2008 Session of General Assembly; and (ii) attendance at involuntary commitment hearings by community services board staff who have completed the prescreening report, pursuant to §§ 19.2-169.6, 19.2-176, 19.2-177.1, 37.2-808, 37.2-809, 37.2-813, 37.2-815, 37.2-816, 37.2-817 and 53.1-40.2 of the Code of Virginia.				
P. Out of this appropriation, \$8,800,000 the first year and \$8,800,000 the second year from the general fund shall be used to provide community crisis intervention services in each region for individuals with intellectual or developmental disabilities and co-occurring mental health or behavioral disorders.				
Q. Out of this appropriation, \$1,900,000 the first year and \$1,900,000 the second year from the general fund shall be used to expand community-based services in Health Planning Region V. These funds shall be used for services intended to delay or deter placement, or provide discharge assistance for patients in a state mental health facility.				
R. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund shall be used to expand crisis stabilization and related services statewide intended to delay or deter placement in a state mental health facility.				
S. Out of this appropriation, \$8,400,000 the first year and \$8,400,000 the second year from the general fund shall be used to provide child psychiatry and children's crisis response services for children with mental health and behavioral disorders. These funds, divided among the health planning regions based on the current availability of the services, shall be used to hire or contract with child psychiatrists who can provide direct clinical services, including crisis response services, as well as training and consultation with other children's health care providers in the health planning region such as general practitioners, pediatricians, nurse				

ITEM 315.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>practitioners, and community service boards staff, to increase their expertise in the prevention, diagnosis, and treatment of children with mental health disorders. Funds may also be used to create new or enhance existing community-based crisis response services in a health planning region, including mobile crisis teams and crisis stabilization services, with the goal of diverting children from inpatient psychiatric hospitalization to less restrictive services in or near their communities. The Department of Behavioral Health and Developmental Services shall report on the use and impact of this funding to the Chairmen of the House Appropriations and Senate Finance Committees beginning on October 1, 2014 and each year thereafter.</p>				
<p>T. Out of this appropriation, \$10,500,000 the first year and \$10,500,000 the second year from the general fund shall be used for up to 32 drop-off centers to provide an alternative to incarceration for people with serious mental illness and individuals with acquired brain injury and co-occurring serious mental health illness. Priority for new funding shall be given to programs that have implemented Crisis Intervention Teams pursuant to § 9.1-102 and § 9.1-187 et seq. of the Code of Virginia and have undergone planning to implement drop-off centers.</p>				
<p>U. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be used to develop and implement crisis services for children with intellectual or developmental disabilities.</p>				
<p>V. Out of this appropriation, \$2,652,500 the first year and \$3,305,000 the second year from the general fund shall be used to provide community-based services to individuals residing in state hospitals who have been determined clinically ready for discharge. Of this appropriation, \$652,500 the first year and \$1,305,000 the second year shall be allocated for individuals residing at Western State Hospital who are clinically ready for discharge.</p>				
<p>W. Out of this appropriation, \$620,000 the first year and \$620,000 the second year from the general fund shall be used to expand access to telepsychiatry and telemedicine services.</p>				
<p>X. Out of this appropriation, \$8,800,000 the first year and \$8,800,000 the second year from the general fund shall be used to implement nine new Programs of Assertive Community Treatment (PACT).</p>				
<p>Y. Out of this appropriation, \$4,000,000 the first year and \$4,000,000 the second year from the general fund shall be used to increase availability of community-based mental health outpatient services for youth and young adults. The Department of Behavioral Health and Developmental Services shall report on the use and impact of this funding to the Chairmen of the House Appropriations and Senate Finance Committees on December 1, 2016.</p>				
<p>Z. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to increase mental health inpatient treatment purchased in community hospitals. Priority shall be given to regions that exhaust available resources before the end of the year in order to ensure treatment is provided in the community and do not result in more restrictive placements.</p>				
<p>AA. Out of this appropriation, \$4,270,500 the first year and \$4,270,500 the second year from the general fund is provided for permanent supportive housing to support rental subsidies and services to be administered by community services boards or private entities to provide stable, supportive housing for persons with serious mental illness. The Department of Behavioral Health and Developmental Services shall report by October 1, 2016, the number of individuals being served through Permanent Supportive Housing, how the funds are allocated by organization, the average rental subsidy, and any available outcome-based data to determine effectiveness in preventing hospitalizations, incarceration or homelessness.</p>				
<p>BB.1. Out of this appropriation, up to \$4,000,000 the first year shall be provided from the Behavioral Health and Developmental Services Trust Fund for one-time expenses related to developing housing options, specialized services and making capital improvements to enhance and expand services for individuals with intellectual and developmental disabilities. A minimum of 60 percent of the appropriation shall be used to build</p>				

ITEM 315.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>additional capacity in Northern Virginia for Virginia citizens with intensive behavioral and/or medical needs who currently are not able to access needed services or residential supports. The remaining funding shall be for projects that address the needs of individuals who are transitioning to the community from the Southwestern Virginia Training Center. Such projects shall be located in Virginia within 100 miles of the Southwestern Virginia Training Center. The Department of Behavioral Health and Developmental Services shall give preference to projects involving existing Virginia providers to expand service capacity.</p> <p>2. The Department of Behavioral Health and Developmental Services shall report on the use of the funds from the Trust Fund by December 1, 2016 to the Chairmen of the House Appropriations and Senate Finance Committees.</p> <p>3. Pursuant to language contained in Item 312, paragraph C., any unexpended funds in the Trust Fund shall remain in the Trust Fund and are subject to an appropriation in an appropriation bill passed by the General Assembly.</p> <p>CC. Out of this appropriation, \$400,000 the first year and \$400,000 the second year is provided for rental subsidies and associated costs for individuals served through the Rental Choice VA program.</p> <p>DD. Out of this appropriation, \$1,875,000 the first year and \$3,750,000 the second year from the general fund shall be used to implement a program of rental subsidies for individuals with intellectual and developmental disabilities.</p> <p>EE. Out of this appropriation, \$636,000 the first year and \$480,000 the second year from the Behavioral Health and Developmental Services Trust Fund is provided for the transitional costs of individuals moving from state intellectual disability training centers into alternate settings.</p> <p>FF. The Department of Behavioral Health and Developmental Services shall develop a plan to implement a performance based contracting system for funds provided by the department to the Community Services Boards. The department shall work with the boards to define performance and outcome measures; describe data collection, analysis and reporting requirements and processes; and identify a funding mechanism and the estimated costs, including any incentives and disincentives, of implementing the system. The department shall submit the plan for consideration to the Secretary of Health and Human Resources, the Secretary of Finance, and the chairmen of the House Appropriations and Senate Finance Committees by November 1, 2016.</p>				
			\$397,442,984	\$397,606,524
	Total for Grants to Localities.....			
	Fund Sources: General.....	\$331,127,537	\$335,447,077	
	Dedicated Special Revenue.....	\$4,000,000	\$0	
	Federal Trust.....	\$62,315,447	\$62,159,447	
Mental Health Treatment Centers (792)				
316.	Instruction (19700).....		\$176,397	\$176,397
	Facility-Based Education and Skills Training (19708).....	\$176,397	\$176,397	
	Fund Sources: General.....	\$34,569	\$34,569	
	Special.....	\$5,328	\$5,328	
	Federal Trust.....	\$136,500	\$136,500	
	Authority: §§ 37.2-312 and 37.2-713, Code of Virginia; P.L. 102-73 and P.L. 102-119, Federal Code.			
317.	Secure Confinement (35700).....		\$20,667,330	\$20,667,330
	Forensic and Behavioral Rehabilitation Security (35707).....	\$20,667,330	\$20,667,330	
	Fund Sources: General.....	\$20,222,873	\$20,222,873	
	Special.....	\$444,457	\$444,457	

ITEM 317.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	Authority: Title 37.2, Chapter 9, Code of Virginia.				
318.	Pharmacy Services (42100).....			\$18,108,411	\$18,108,411
	Inpatient Pharmacy Services (42102).....	\$18,108,411	\$18,108,411		
	Fund Sources: General.....	\$5,792,741	\$5,792,741		
	Special.....	\$12,315,670	\$12,315,670		
	Authority: Title 37.2, Chapter 8, Code of Virginia.				
319.	State Health Services (43000).....			\$233,605,479	\$233,763,146
	Geriatric Care Services (43006).....	\$47,675,300	\$47,675,300		
	Inpatient Medical Services (43007).....	\$18,064,424	\$18,064,424		
	State Mental Health Facility Services (43014).....	\$167,865,755	\$168,023,422		
	Fund Sources: General.....	\$182,290,270	\$182,447,937		
	Special.....	\$51,315,209	\$51,315,209		

Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.

A. Out of this appropriation, \$700,000 the first year and \$700,000 the second year from the general fund shall be used to continue operating up to 13 beds at Northern Virginia Mental Health Institute (NVMHI) that had been scheduled for closure in fiscal year 2013. The Commissioner of the Department of Behavioral Health and Developmental Services shall ensure continued operation of at least 123 beds.

B. Out of this appropriation, \$2,500,000 the first year and \$2,500,000 the second year from the general fund shall be made available for the purchase of private inpatient geriatric mental health services and for Discharge Assistance Planning (DAP) funds. Out of the appropriation in the first year, \$652,500 shall be allocated for Discharge Assistance Planning funds for Western State Hospital. The Department of Behavioral Health and Developmental Services shall report annually to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees on the number of individuals served and the types of services provided.

C.1. Out of this appropriation, up to \$450,000 the first year from the general fund shall be provided to the Department of Behavioral Health and Developmental Services to develop and issue a request for proposals to hire a contractor to develop a comprehensive plan for the publicly funded geropsychiatric system of care in Virginia. The plan shall address the appropriate array of community services and state geropsychiatric facility services upon which Virginia's behavioral health system should be modeled. The plan shall address relevant state and federal requirements as well as the need for the state to serve as the provider of last resort and forensic services. The plan shall include an assessment of: (i) the level of care required for individuals residing in state geropsychiatric facilities; (ii) current and historical admission and discharge trends by locality; (iii) the number of individuals on the Extraordinary Barriers List and others who may be clinically ready for discharge, and option to overcome the barriers to discharge; (iv) short and long-term inpatient psychiatric services capacity; (v) the availability of an appropriate array of community based services in each region served by the state geriatric hospitals; and (vi) models of care in other states that demonstrate best practices, integrated service delivery, and appropriate hospital services. The department shall include staff from the Department of Planning and Budget and the Department of Health on the RFP review and selection team.

2. The plan shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees and the Joint Subcommittee to Study Mental Health Services in the Twenty-First Century by November 15, 2016.

3. The Department of Planning and Budget shall unallot these funds on July 1, 2016 and shall not allot these funds until documentation is provided showing the contract award amount.

D.1. Out of this appropriation up to \$250,000 the first year from the general fund shall be provided for the Department of Behavioral Health and Developmental Services to procure an independent contractor, with extensive experience in certification of health care

ITEM 319.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>facilities in accordance with federal requirements, to determine the necessary requirements and to assist staff at Eastern State Hospital in implementing such requirements to seek the appropriate Medicaid certification of all or a portion of the Hancock Geriatric Treatment Center. The department shall include staff from the Department of Planning and Budget and the Department of Health on the procurement review and selection team.</p> <p>2. Upon completion of the recommendations from the contractor and a determination that certification is feasible, the Department of Behavioral Health and Developmental Services shall seek and submit, when feasible, the appropriate application for Medicaid certification from the federal Centers for Medicare and Medicaid Services.</p> <p>3. The Commissioner shall report on the contract and the progress to obtain Medicaid certification of the Center to the Chairmen of the House Appropriation and Senate Finance Committee by December 1, 2016 and provide a final report upon determination of the certification decision from the federal Centers for Medicare and Medicaid Services.</p>				
320.	Facility Administrative and Support Services (49800).....		\$99,978,035	\$100,086,672
	General Management and Direction (49801).....	\$45,284,894	\$45,386,441	
	Information Technology Services (49802).....	\$4,464,339	\$4,471,429	
	Food and Dietary Services (49807).....	\$13,392,918	\$13,392,918	
	Housekeeping Services (49808).....	\$7,987,526	\$7,987,526	
	Linen and Laundry Services (49809).....	\$1,625,663	\$1,625,663	
	Physical Plant Services (49815).....	\$20,487,841	\$20,487,841	
	Power Plant Operation (49817).....	\$4,146,117	\$4,146,117	
	Training and Education Services (49825).....	\$2,588,737	\$2,588,737	
	Fund Sources: General.....	\$85,682,741	\$85,772,122	
	Special.....	\$14,231,794	\$14,251,050	
	Federal Trust.....	\$63,500	\$63,500	
<p>Authority: § 37.2-304, Code of Virginia.</p> <p>A. Out of this appropriation, \$759,000 the first year and \$759,000 the second year from the general fund shall be used to ensure proper billing and maximum reimbursement for prescription drugs purchased by mental health treatment centers through the Medicare Part D drug program.</p> <p>B. Notwithstanding § 37.2-319 of the Code of Virginia, the Commissioner shall prepare a plan to address the capital and programmatic needs of other state mental health facilities and state mental retardation training centers when considering expenditures from the trust fund. No less than 30 days prior to the expenditure of funds, the Commissioner shall present an expenditure plan to the Chairmen of the Senate Finance and House Appropriations Committees for their review and consideration.</p>				
321.	Beginning August 1, 2014, and each year after, the Commissioner, Department of Behavioral Health and Developmental Services, shall report annually to the Secretary of Finance, and the Chairmen of House Appropriations and Senate Finance Committees the general fund and non general fund allocations and authorized position levels for each state-operated behavioral health facility. The report shall be made available on the agency's public website.			
	Total for Mental Health Treatment Centers.....		\$372,535,652	\$372,801,956
	General Fund Positions.....	3,823.00	3,823.00	
	Nongeneral Fund Positions.....	602.00	602.00	
	Position Level.....	4,425.00	4,425.00	
	Fund Sources: General.....	\$294,023,194	\$294,270,242	
	Special.....	\$78,312,458	\$78,331,714	
	Federal Trust.....	\$200,000	\$200,000	

Intellectual Disabilities Training Centers (793)

ITEM 322.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
322.	Instruction (19700).....			\$6,822,335	\$6,612,335
	Facility-Based Education and Skills Training (19708).....	\$6,822,335	\$6,612,335		
	Fund Sources: General.....	\$6,406,684	\$6,406,684		
	Special.....	\$215,651	\$5,651		
	Federal Trust.....	\$200,000	\$200,000		
	Authority: Title 37.2, Chapter 3, Code of Virginia.				
323.	Pharmacy Services (42100).....			\$6,971,298	\$6,831,298
	Inpatient Pharmacy Services (42102).....	\$6,971,298	\$6,831,298		
	Fund Sources: General.....	\$141,443	\$141,443		
	Special.....	\$6,829,855	\$6,689,855		
	Authority: §§ 37.2-312 and 37.2-713, Code of Virginia; P.L. 102-119, Federal Code.				
324.	State Health Services (43000).....			\$112,911,518	\$106,964,635
	Inpatient Medical Services (43007).....	\$40,453,366	\$39,753,366		
	State Intellectual Disabilities Training Center Services (43010).....	\$72,458,152	\$67,211,269		
	Fund Sources: General.....	\$18,411,693	\$16,944,810		
	Special.....	\$94,499,825	\$90,019,825		
	Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.				
	The Commissioner of Behavioral Health and Developmental Services shall comply with all relevant state and federal laws and Supreme Court decisions that govern the discharge of residents from state intellectual disability training centers and the granting of intellectual disability waiver slots.				
325.	Facility Administrative and Support Services (49800).....			\$73,432,055	\$71,324,976
	General Management and Direction (49801).....	\$17,388,489	\$16,541,410		
	Information Technology Services (49802).....	\$2,114,065	\$2,044,065		
	Food and Dietary Services (49807).....	\$15,584,487	\$15,234,487		
	Housekeeping Services (49808).....	\$10,143,226	\$9,933,226		
	Linen and Laundry Services (49809).....	\$2,599,812	\$2,529,812		
	Physical Plant Services (49815).....	\$16,617,224	\$16,197,224		
	Power Plant Operation (49817).....	\$7,286,142	\$7,216,142		
	Training and Education Services (49825).....	\$1,698,610	\$1,628,610		
	Fund Sources: General.....	\$9,738,179	\$9,765,963		
	Special.....	\$63,693,876	\$61,559,013		
	Authority: Title 37.1, Chapters 1 and 2, Code of Virginia; P.L. 74-320, Federal Code.				
326.	Beginning August 1, 2014, and each year after, the Commissioner, Department of Behavioral Health and Developmental Services, shall report annually to the Secretary of Finance, and the Chairmen of House Appropriations and Senate Finance Committees the general fund and non general fund allocations and authorized position levels for each state-operated training center. The report shall be made available on the agency's public website.				
	Total for Intellectual Disabilities Training Centers..			\$200,137,206	\$191,733,244
	General Fund Positions.....	1,154.00	1,154.00		
	Nongeneral Fund Positions.....	971.00	971.00		
	Position Level.....	2,125.00	2,125.00		
	Fund Sources: General.....	\$34,697,999	\$33,258,900		
	Special.....	\$165,239,207	\$158,274,344		
	Federal Trust.....	\$200,000	\$200,000		

ITEM 326.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Virginia Center for Behavioral Rehabilitation (794)				
327.	Instruction (19700).....		\$80,213	\$80,213
	Facility-Based Education and Skills Training (19708).....	\$80,213	\$80,213	
	Fund Sources: General.....	\$80,213	\$80,213	
328.	Secure Confinement (35700).....		\$6,357,005	\$6,357,005
	Forensic and Behavioral Rehabilitation Security (35707).....	\$6,357,005	\$6,357,005	
	Fund Sources: General.....	\$6,357,005	\$6,357,005	
	Authority: Title 37.2, Chapter 9, Code of Virginia.			
329.	Pharmacy Services (42100).....		\$6,229,354	\$6,229,354
	Inpatient Pharmacy Services (42102).....	\$6,229,354	\$6,229,354	
	Fund Sources: General.....	\$6,229,354	\$6,229,354	
330.	State Health Services (43000).....		\$6,770,222	\$6,770,222
	State Mental Health Facility Services (43014).....	\$6,770,222	\$6,770,222	
	Fund Sources: General.....	\$6,770,222	\$6,770,222	
	Authority: Title 37.2, Chapters 1 and 9, Code of Virginia.			
331.	Facility Administrative and Support Services (49800).....		\$15,992,008	\$15,999,871
	General Management and Direction (49801).....	\$14,645,518	\$14,652,676	
	Information Technology Services (49802).....	\$117,170	\$117,875	
	Food and Dietary Services (49807).....	\$329,863	\$329,863	
	Housekeeping Services (49808).....	\$50,185	\$50,185	
	Physical Plant Services (49815).....	\$849,272	\$849,272	
	Fund Sources: General.....	\$15,992,008	\$15,999,871	

Authority: Title 37.2, Chapters 1 through 11, Code of Virginia.

A. In the event that services are not available in Virginia to address the specific needs of an individual committed for treatment at the VCBR or conditionally released, or additional capacity cannot be met at the VCBR, the Commissioner is authorized to seek such services from another state.

B. The Department of Medical Assistance Services shall modify state regulations and the state plan for medical assistance, if necessary, to permit the commissioner of the Department of Behavioral Health and Developmental Services, or designee, to sign the Medicaid application form for any resident of the Virginia Center for Behavioral Rehabilitation who refuses, or is unable, to sign for the purposes of Medicaid reimbursement for eligible residents. The Department of Medical Assistance Services shall have the authority to implement these changes prior to the completion of any regulatory process undertaken to effect such change.

C. Notwithstanding any other provision of this act, the Director, Department of Planning and Budget, shall not transfer operating appropriations to the Virginia Center for Behavioral Rehabilitation from any other sub-agency within the Department of Behavioral Health and Developmental Services unless such transfer is related to a distribution of amounts budgeted in central appropriations or for the purpose of funding special hospitalization costs.

D. The Department of Behavioral Health and Developmental Services shall review and develop options to reduce the census growth and potential need for additional bed capacity at the Virginia Center for Behavioral Rehabilitation. As part of this review the department shall evaluate alternative options such as greater use of conditional release for individuals in order to reduce the future need to increase the physical capacity of the facility. The department shall report its findings to the Chairmen of the House Appropriations and Senate Finance

ITEM 331.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Committees by November 1, 2016.				
Total for Virginia Center for Behavioral Rehabilitation.....			\$35,428,802	\$35,436,665
General Fund Positions.....	564.50	564.50		
Position Level.....	564.50	564.50		
Fund Sources: General.....	\$35,428,802	\$35,436,665		
Grand Total for Department of Behavioral Health and Developmental Services.....			\$1,096,428,637	\$1,087,762,435
General Fund Positions.....	5,935.10	5,935.10		
Nongeneral Fund Positions.....	1,602.40	1,602.40		
Position Level.....	7,537.50	7,537.50		
Fund Sources: General.....	\$752,641,753	\$754,954,239		
Special.....	\$258,102,445	\$251,211,367		
Dedicated Special Revenue.....	\$4,000,000	\$0		
Federal Trust.....	\$81,684,439	\$81,596,829		

§ 1-95. DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES (262)

332.	Rehabilitation Assistance Services (45400).....		\$106,813,335	\$106,813,335
	Vocational Rehabilitation Services (45404).....	\$88,925,966	\$88,925,966	
	Community Rehabilitation Programs (45406).....	\$17,887,369	\$17,887,369	
	Fund Sources: General.....	\$32,442,747	\$32,442,747	
	Special.....	\$819,356	\$819,356	
	Dedicated Special Revenue.....	\$997,123	\$997,123	
	Federal Trust.....	\$72,554,109	\$72,554,109	

Authority: Title 51.5, Chapter 14 , Code of Virginia; P.L. 93-112, Federal Code.

A.1. Out of this appropriation, \$8,984,358 the first year and \$8,984,358 the second year from the general fund shall be used as state matching dollars for the federal Vocational Rehabilitation State Grant provided under the Rehabilitation Act of 1973, as amended, hereafter referred to as the federal vocational rehabilitation grant. The Department for Aging and Rehabilitative Services (DARS) shall not transfer or expend these dollars for any purpose other than to support activities related to vocational rehabilitation.

2. The annual federal vocational rehabilitation grant award that will be received by DARS is estimated at \$57,165,260 for federal fiscal year 2016; \$57,165,260 for federal fiscal year 2017; and \$57,165,260 for federal fiscal year 2018. In addition to the base annual award amount, DARS is expected to request up to \$10,524,396 of additional federal allotment dollars in each of these years. Assuming these amounts, the annual 21.3 percent state matching requirement would equate to \$18,320,072 for federal fiscal year 2016; \$18,320,072 for federal fiscal year 2017; and \$18,320,072 for federal fiscal year 2018.

3. Based on the projection of federal award funding in paragraph A.2., DARS shall not request federal vocational rehabilitation grant dollars in excess of \$67,689,656 for federal fiscal year 2016; \$67,689,656 for federal fiscal year 2017; and \$67,689,656 for federal fiscal year 2018, without prior written concurrence from the Director, Department of Planning and Budget. Any approved increases in grant award requests shall be reported by DARS to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days.

B. Out of this appropriation, \$1,132,073 the first year and \$1,132,073 the second year from the general fund shall be used to provide vocational rehabilitation services for persons recovering from mental health issues, alcohol and other substance abuse issues pursuant to an interagency agreement between the Department of Behavioral Health and Developmental Services and the Department for Aging and Rehabilitative Services.

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C. The Department for Aging and Rehabilitative Services shall use non-federal appropriation in this item to fulfill any necessary match requirement for the federal Supported Employment grant.				
D. Out of this appropriation, \$2,658,198 the first year and \$2,658,198 the second year from the general fund is provided for the Extended Employment Services (EES) program.				
E. Out of this appropriation, \$6,055,229 the first year and \$6,055,229 the second year from the general fund is provided for the Long Term Employment Support Services (LTESS) program.				
F. Recovery of administrative costs for the Long Term Employment Support Services program shall be limited to 1.87 percent each fiscal year.				
G. In allocating funds for Extended Employment Services, Long Term Employment Support Services (LTESS) and Economic Development, the Department for Aging and Rehabilitative Services shall consider recommendations from the established Employment Service Organizations/LTESS Steering Committee.				
H. Of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be used to contract with Didlake Inc., for the purpose of extended employment services and Long Term Employment Support Services for people with disabilities.				
I. A minimum of \$4,682,021 the first year and \$4,682,021 the second year from all funds is allocated to support Centers for Independent Living.				
J. The Department for Aging and Rehabilitative Services shall fulfill the administrative responsibilities pertaining to the Personal Attendant Services program, without interruption or discontinuation of personal attendant services currently provided.				
K. Out of this appropriation, it is estimated that \$2,349,933 the first year and \$2,349,933 the second year from the general fund shall be used for personal assistance services for individuals with disabilities.				
L.1. Out of this appropriation, \$5,433,981 the first year and \$5,433,981 the second year from the general fund shall be provided for expanding the continuum of services used to assist persons with brain injuries in returning to work and community living.				
2. Of this amount, \$1,830,000 the first year and \$1,830,000 the second year from the general fund shall be used to provide a continuum of brain injury services to individuals in unserved or underserved regions of the Commonwealth. Up to \$150,000 each year shall be awarded to successful program applicants. Programs currently receiving more than \$250,000 from the general fund each year are ineligible for additional assistance under this section. To be determined eligible for a grant under this section, program applicants shall submit plans to pursue non-state resources to complement the provision of general fund support.				
3. Of this amount, \$285,000 the first year and \$285,000 the second year shall be provided from the general fund to support direct case management services for brain injured individuals and their families in Southwestern Virginia.				
4. Of this amount, \$150,000 the first year and \$150,000 the second year from the general fund shall be used to support case management services for individuals with brain injuries in unserved or underserved regions of the Commonwealth.				
5. In allocating additional funds for brain injury services, the Department for Aging and Rehabilitative Services shall consider recommendations from the Virginia Brain Injury Council (VBIC).				
6. The Department for Aging and Rehabilitative Services (DARS) shall submit an annual report to the Chairmen of the Senate Finance and House Appropriations Committees documenting the number of individuals served, services provided, and success in attracting non-state resources.				
M.1. For Commonwealth Neurotrauma Initiative Trust Fund grants awarded after July 1, 2004, the commissioner shall require applicants to submit a plan to achieve self-sufficiency				

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by the end of the grant award cycle in order to receive funding consideration.

2. Notwithstanding any other law to the contrary, the commissioner may reallocate up to \$500,000 from unexpended balances in the Commonwealth Neurotrauma Initiative Trust Fund to fund new grant awards for research on traumatic brain and spinal cord injuries.

N. Out of this appropriation, \$388,279 the first year and \$388,279 the second year from the general fund shall be allocated to the Long-Term Rehabilitation Case Management Services Program.

O. Every county and city, either singly or in combination with another political subdivision, may establish a local disability services board to provide input to state agencies on service needs and priorities of persons with physical and sensory disabilities, to provide information and resource referral to local governments regarding the Americans with Disabilities Act, and to provide such other assistance and advice to local governments as may be requested.

P. The Department for Aging and Rehabilitative Services shall report on its progress toward implementing the "Interdisciplinary Memory Assessment Clinics with Dementia Care Management" (IMACDCM) as described in the Dementia State Plan. The report shall include the outcomes of the federal "Family Access to Memory Impairment and Loss Information, Engagement and Supports" (ADSSP grant), the "Dementia Specialized Supportive Services Project" (ADI-SSS grant) and any other relevant data with recommendations for further implementation of IMACDCM. The department shall consult with relevant stakeholders in preparing the report. The department shall provide the report to the Chairmen of the House Appropriations and Senate Finance Committees on December 1, 2016.

333.	Individual Care Services (45500).....			\$34,008,218	\$34,819,218
	Financial Assistance for Local Services to the Elderly (45504).....	\$29,900,287	\$29,650,287		
	Rights and Protection for the Elderly (45506).....	\$4,107,931	\$5,168,931		
	Fund Sources: General.....	\$14,252,403	\$15,063,403		
	Special.....	\$60,000	\$60,000		
	Dedicated Special Revenue.....	\$200,000	\$200,000		
	Federal Trust.....	\$19,495,815	\$19,495,815		

Authority: Title 2.2, Chapter 7, Code of Virginia.

A. Out of this appropriation, \$456,209 the first year and \$456,209 the second year from the general fund shall be provided to continue a statewide Respite Care Initiative program for the elderly and persons suffering from Alzheimer's Disease.

B.1. Out of this appropriation, \$1,476,733 the first year and \$1,726,733 the second year from the general fund shall be provided to support local and regional programs of the Virginia Public Guardian and Conservator Program. This funding is estimated to provide 407 client slots the first year and 457 client slots the second year for unrestricted guardianship services.

2. Out of this appropriation, \$125,500 the first year and \$125,500 the second year from the general fund shall be used to provide services through the Virginia Public Guardian and Conservator Program for individuals with mental illness or intellectual disability (ID). This funding is estimated to provide 40 client slots each year for guardianship services for individuals with mental illness or ID.

3. Out of this appropriation, \$1,495,600 the first year and \$1,970,600 the second year from the general fund shall be used to provide services through the Virginia Public Guardian and Conservator Program for individuals with intellectual disabilities (ID) and developmental disabilities (DD). This funding shall be expended pursuant to an interagency agreement between the Department of Behavioral Health and Developmental Services (DBHDS) and the Department for Aging and Rehabilitative Services. This funding is estimated to provide 359 client slots the first year and 454 client slots the second year for guardianship services for individuals with ID/DD, as authorized by DBHDS.

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<p>4. Out of this appropriation, \$350,000 the first year and \$686,000 the second year from the general fund shall be used to provide services through the Virginia Public Guardian and Conservator Program for individuals with mental illness. This funding shall be expended pursuant to an interagency agreement between the Department of Behavioral Health and Developmental Services (DBHDS) and the Department for Aging and Rehabilitative Services. This funding is estimated to provide 50 client slots the first year and 98 client slots the second year for guardianship services for individuals with mental illness, as authorized by DBHDS.</p> <p>C.1. The 18 Area Agencies on Aging that are authorized to use funding for the Care Coordination for the Elderly Program, shall be authorized to use funding to conduct a program providing mobile, brief intervention and service linking as a form of care coordination. The Department for Aging and Rehabilitative Services, in collaboration with the Area Agencies on Aging, shall analyze the resulting impact in these agencies and determine if this model of service delivery is an appropriate and beneficial use of these funds.</p> <p>2. The Department for Aging and Rehabilitative Services, in collaboration with the 18 Area Agencies on Aging (AAAs) that are authorized to use funding for the Care Coordination for Elderly Program, shall examine and analyze existing state and national care coordination models to determine best practice models. The department and designated AAAs shall determine which models of service delivery are appropriate and demonstrate beneficial use of these funds and develop the accompanying service standards. Each AAA receiving care coordination funding shall submit its plan for care coordination with the annual area plan.</p> <p>D. Area Agencies on Aging shall be designated as the lead agency in each respective area for No Wrong Door.</p> <p>E. The Department for Aging and Rehabilitative Services shall (i) recommend strategies to coordinate services and resources among agencies involved in the delivery of services to Virginians with dementia; (ii) monitor the implementation of the Dementia State Plan; (iii) recommend policies, legislation, and funding needed to implement the Plan; (iv) collect and monitor data related to the impact of dementia on Virginians; and (v) determine the services, resources, and policies that may be needed to address services for individuals with dementia.</p> <p>F. Out of this appropriation, \$201,875 the first year and \$201,875 the second year from the general fund shall be provided to support the distribution of comprehensive health and aging information to Virginia's senior population, their families and caregivers.</p> <p>G. Out of this appropriation, \$250,000 the first year and \$250,000 the second year from the general fund shall be provided for the Pharmacy Connect Program in Southwest Virginia, administered by Mountain Empire Older Citizens, Inc.</p> <p>H. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be used to contract with the Jewish Social Services Agency to provide assistance to low-income seniors who have experienced trauma.</p> <p>I. Out of this appropriation, \$250,000 the first year from the general fund is provided to contract with Bay Aging to be used as bridge funding to support the Eastern Virginia Care Transitions Partnership program.</p>				
334.	Nutritional Services (45700).....		\$22,019,603	\$22,019,603
	Meals Served in Group Settings (45701).....	\$9,521,747		\$9,521,747
	Distribution of Food (45702).....	\$424,342		\$424,342
	Delivery of Meals to Home-Bound Individuals (45703).....	\$12,073,514		\$12,073,514
	Fund Sources: General.....	\$6,278,648		\$6,278,648
	Federal Trust.....	\$15,740,955		\$15,740,955
<p>Authority: Title 2.2, Chapter 7, Code of Virginia.</p> <p>Home delivered meals shall not require cost-sharing until such time as federal law permits cost-sharing with Older Americans Act funding.</p>				
335.	A. Area Agencies on Aging are encouraged to continue seeking funds from a variety of			

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sources which include cost-sharing in programs where not prohibited by funding sources; private sector voluntary contributions from older persons receiving services; families of individuals receiving services; and churches, service groups and other organizations. Such appropriations shall not be included in the appropriations used to match Older Americans Act funding. Revenue generated as a result of these projects shall be retained by the participating area agencies for use in meeting critical care needs of older Virginians. These revenues shall supplement, not supplant, general fund resources.

B. It is the intent of the General Assembly that all Area Agencies on Aging use any new general fund revenue, with the exception of funding provided for the Long-term Care Ombudsman program, to implement sliding fees for services. However, priority for services should be given to applicants in the greatest need, regardless of ability to pay. Revenue from fees shall be retained by the Area Agencies on Aging for use in meeting critical care needs of older Virginians. These revenues shall supplement, not supplant, general fund resources.

C. It is the intent of the General Assembly that Older Americans Act funds and general fund moneys be targeted to services which can assist the elderly to function independently for as long as possible. Area Agencies on Aging may use general fund moneys for consumer-directed services.

D. At the request of the Commissioner, Department for Aging and Rehabilitative Services, the Director, Department of Planning and Budget may transfer state general fund appropriations for services provided by Area Agencies on Aging between service categories. The amounts to be transferred between categories shall not exceed 40 percent of the total state general fund appropriations allocated for each category. Under no circumstances shall any funds be transferred from direct services to administration. State general fund appropriations shall be available to the area agencies on aging beginning July 1 of each year of the biennium, in compliance with the department's General Fund Cash Management Policy.

336.	Continuing Income Assistance Services (46100).....			\$53,813,677	\$53,652,917
	Social Security Disability Determination (46102)....	\$53,813,677	\$53,652,917		
	Fund Sources: General.....	\$1,545,498	\$1,465,118		
	Special.....	\$150,000	\$150,000		
	Federal Trust.....	\$52,118,179	\$52,037,799		

Authority: Title 51.5, Chapter 14, Code of Virginia; Titles II and XVI, P.L. 74-271, Federal Code.

A. The Department for Aging and Rehabilitative Services, in cooperation with the Department of Social Services and local social services agencies, shall develop an expedited process for transitioning hospitalized persons to rehabilitation facilities when the patient may meet the criteria established by the Social Security Administration (SSA) and Medicaid for disability. As part of this expedited process, the Department for Aging and Rehabilitative Services (DARS) shall make Medicaid disability determinations within seven business days of the receipt of social service referrals, when the referrals include sufficient evidence that appropriately documents SSA's definition of disability. If the referrals do not contain sufficient documentation of disability, DARS shall continue to expedite processing of these priority referrals under Medicaid regulations.

B. The general fund appropriation in this item shall only be used for the state match of Medicaid disability determinations and for no other purpose.

337.	Administrative and Support Services (49900).....			\$20,231,285	\$20,251,762
	General Management and Direction (49901).....	\$8,348,196	\$8,348,317		
	Information Technology Services (49902).....	\$6,619,507	\$6,639,863		
	Planning and Evaluation Services (49916).....	\$280,396	\$280,396		
	Program Development and Coordination (49933)....	\$4,983,186	\$4,983,186		
	Fund Sources: General.....	\$2,544,711	\$2,549,722		
	Special.....	\$11,222,480	\$11,222,480		
	Federal Trust.....	\$6,464,094	\$6,479,560		

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Authority: Title 51.5, Chapter 14, Code of Virginia; P.L. 93-112, Federal Code.				
A. 1. Out of this appropriation, \$227,196 the first year and \$227,196 the second year from the general fund shall be used to administer and oversee public guardianship programs and for no other purpose.				
2. Of this amount, \$88,350 the first year and \$88,350 the second year shall be used to support the administrative costs associated with serving individuals pursuant to interagency agreements for the provision of public guardianship services between the Department of Behavioral Health and Developmental Services (DBHDS) and the Department for Aging and Rehabilitative Services.				
B. Out of this appropriation, up to \$5,000 the first year and \$5,000 the second year from the general fund shall be provided to support activities of the Virginia Public Guardianship and Conservator Program Advisory Board, including but not limited to, paying expenses for the members to attend four meetings per year.				
C. Out of this appropriation, \$87,338 the first year and \$87,338 the second year from the general fund is provided to support a position dedicated to monitoring and auditing the auxiliary grant (AG) program. The department shall provide an annual report on AG oversight findings and activities to the Director, Department of Planning and Budget and Chairmen of the House Appropriations and Senate Finance Committees by October 1 of each year.				
338.	Included in the Federal Trust appropriation are amounts estimated at \$361,526 the first year and \$361,526 the second year, to pay for statewide indirect cost recoveries of this agency. Actual recoveries of statewide indirect costs up to the level of these estimates shall be exempt from payment into the general fund, as provided by § 4-2.03 of this act. Amounts recovered in excess of these estimates shall be deposited to the general fund.			
	Total for Department for Aging and Rehabilitative Services.....		\$236,886,118	\$237,556,835
	General Fund Positions.....	77.09	77.09	
	Nongeneral Fund Positions.....	932.93	932.93	
	Position Level.....	1,010.02	1,010.02	
	Fund Sources: General.....	\$57,064,007	\$57,799,638	
	Special.....	\$12,251,836	\$12,251,836	
	Dedicated Special Revenue.....	\$1,197,123	\$1,197,123	
	Federal Trust.....	\$166,373,152	\$166,308,238	
Wilson Workforce and Rehabilitation Center (203)				
339.	Rehabilitation Assistance Services (45400).....		\$12,369,931	\$12,369,931
	Vocational Rehabilitation Services (45404).....	\$6,253,066	\$6,253,066	
	Medical Rehabilitative Services (45405).....	\$6,116,865	\$6,116,865	
	Fund Sources: General.....	\$2,761,946	\$2,761,946	
	Special.....	\$9,537,985	\$9,537,985	
	Federal Trust.....	\$70,000	\$70,000	
Authority: Title 51.5, Chapter 14, Code of Virginia; P.L. 89-313, P.L. 93-112, P.L. 94-482 and P.L. 95-602, Federal Code.				
340.	Facility Administrative and Support Services (49800).....		\$13,037,158	\$13,043,550
	General Management and Direction (49801).....	\$4,037,812	\$4,043,364	
	Information Technology Services (49802).....	\$647,265	\$648,105	
	Security Services (49803).....	\$609,283	\$609,283	
	Residential Services (49804).....	\$1,471,602	\$1,471,602	
	Food and Dietary Services (49807).....	\$1,106,000	\$1,106,000	
	Physical Plant Services (49815).....	\$5,165,196	\$5,165,196	
	Fund Sources: General.....	\$2,293,150	\$2,294,211	

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Special.....	\$10,555,712	\$10,560,376		
Federal Trust.....	\$188,296	\$188,963		
Authority: Title 51.5, Chapter 14, Code of Virginia; P.L. 93-112 and P.L. 95-602, Federal Code.				
Comprehensive services available on-site at Wilson Workforce and Rehabilitation Center shall include, but not be limited to, vocational services, including evaluation, prevocational, academic, and vocational training; independent living services; transition from school to work services; rehabilitative engineering and assistive technology; and medical rehabilitation services, including residential, outpatient, supported living, community reentry, and family support.				
Total for Wilson Workforce and Rehabilitation Center.....			\$25,407,089	\$25,413,481
General Fund Positions.....	58.80	58.80		
Nongeneral Fund Positions.....	222.20	222.20		
Position Level.....	281.00	281.00		
Fund Sources: General.....	\$5,055,096	\$5,056,157		
Special.....	\$20,093,697	\$20,098,361		
Federal Trust.....	\$258,296	\$258,963		
Grand Total for Department for Aging and Rehabilitative Services.....			\$262,293,207	\$262,970,316
General Fund Positions.....	135.89	135.89		
Nongeneral Fund Positions.....	1,155.13	1,155.13		
Position Level.....	1,291.02	1,291.02		
Fund Sources: General.....	\$62,119,103	\$62,855,795		
Special.....	\$32,345,533	\$32,350,197		
Dedicated Special Revenue.....	\$1,197,123	\$1,197,123		
Federal Trust.....	\$166,631,448	\$166,567,201		

§ 1-96. DEPARTMENT OF SOCIAL SERVICES (765)

341.	Program Management Services (45100).....		\$39,354,441	\$39,361,998
	Training and Assistance to Local Staff (45101).....	\$4,389,082	\$4,389,082	
	Central Administration and Quality Assurance for Benefit Programs (45102).....	\$13,260,449	\$13,268,006	
	Central Administration and Quality Assurance for Family Services (45103).....	\$7,901,901	\$7,901,901	
	Central Administration and Quality Assurance for Community Programs (45105).....	\$8,947,984	\$8,947,984	
	Central Administration and Quality Assurance for Child Care Activities (45107).....	\$4,855,025	\$4,855,025	
	Fund Sources: General.....	\$15,568,475	\$15,568,475	
	Special.....	\$100,000	\$100,000	
	Federal Trust.....	\$23,685,966	\$23,693,523	

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 2 and 21, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. The Department of Social Services, in collaboration with the Office of Children's Services, shall provide training to local staff serving on Family Assessment and Planning Teams and Community Policy and Management Teams. Training shall include, but need not be limited to, the federal and state requirements pertaining to the provision of the foster care services funded under § 2.2-5211, Code of Virginia. The training shall also include written guidance concerning which services remain the financial responsibility of the local departments of social services. Training shall be provided on a regional basis at least once per year. Written guidance shall be updated and provided to local Office of

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Children's Services teams whenever there is a change in allowable expenses under federal or state guidelines. In addition, the Department of Social Services shall provide ongoing local oversight of its federal and state requirements related to the provision of services funded under § 2.2-5211, Code of Virginia.

B. By November 1 of each year, the Department of Planning and Budget, in cooperation with the Department of Social Services, shall prepare and submit a forecast of expenditures for cash assistance provided through the Temporary Assistance for Needy Families (TANF) program, mandatory child day care services under TANF, foster care maintenance and adoption subsidy payments, upon which the Governor's budget recommendations will be based, for the current and subsequent two years to the Chairmen of the House Appropriations and Senate Finance Committees.

C. The Department of Social Services shall provide administrative support and technical assistance to the Family and Children's Trust Fund (FACT) Board of Trustees established in Sections 63.2-2100 through 63.2-2103, Code of Virginia.

D. Out of this appropriation, \$1,829,111 the first year and \$1,829,111 the second year from the general fund and \$1,829,111 the first year and \$1,829,111 the second year from nongeneral funds shall be provided to fund the Supplemental Nutrition Assistance Program (SNAP) Electronic Benefit Transfer (EBT) contract cost.

E.1. Out of this appropriation, ten positions and the associated funding shall be dedicated to providing on-going financial oversight of foster care services. Each of the ten positions, with two working out of each regional office, shall assess and review all foster care spending to ensure that state and federal standards are met. None of these positions shall be used for quality, information technology, or clerical functions.

2. By September 1 of each year, the department shall report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget regarding the foster care program's statewide spending, error rates and compliance with state and federal reviews.

342.	Financial Assistance for Self-Sufficiency Programs and Services (45200).....			\$269,284,286	\$274,247,341
	Temporary Assistance for Needy Families (TANF) Cash Assistance (45201).....	\$83,371,593	\$88,393,260		
	Temporary Assistance for Needy Families (TANF) Employment Services (45212).....	\$21,657,832	\$21,657,832		
	Supplemental Nutrition Assistance Program Employment and Training (SNAPET) Services (45213).....	\$8,165,759	\$8,107,147		
	Temporary Assistance for Needy Families (TANF) Child Care Subsidies (45214).....	\$59,062,303	\$59,062,303		
	At-Risk Child Care Subsidies (45215).....	\$90,056,116	\$90,056,116		
	Unemployed Parents Cash Assistance (45216).....	\$6,970,683	\$6,970,683		
	Fund Sources: General.....	\$81,131,902	\$81,131,902		
	Federal Trust.....	\$188,152,384	\$193,115,439		

Authority: Title 2.2, Chapter 54; Title 63.2, Chapters 1 through 7, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A. It is hereby acknowledged that as of June 30, 2015 there existed with the federal government an unexpended balance of \$72,735,005 in federal Temporary Assistance for Needy Families (TANF) block grant funds which are available to the Commonwealth of Virginia to reimburse expenditures incurred in accordance with the adopted State Plan for the TANF program. Based on projected spending levels and appropriations in this act, the Commonwealth's accumulated balance for authorized federal TANF block grant funds is estimated at \$70,522,775 on June 30, 2016; \$48,129,554 on June 30, 2017; and \$20,714,666 on June 30, 2018.

B. No less than 30 days prior to submitting any amendment to the federal government related to the State Plan for the Temporary Assistance for Needy Families program, the

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Commissioner of the Department of Social Services shall provide the Chairmen of the House Appropriations and Senate Finance Committees as well as the Director, Department of Planning and Budget written documentation detailing the proposed policy changes. This documentation shall include an estimate of the fiscal impact of the proposed changes and information summarizing public comment that was received on the proposed changes.

C. Notwithstanding any other provision of state law, the Department of Social Services shall maintain a separate state program, as that term is defined by federal regulations governing the Temporary Assistance for Needy Families (TANF) program, 45 C.F.R. § 260.30, for the purpose of providing welfare cash assistance payments to able-bodied two-parent families. The separate state program shall be funded by state funds and operated outside of the TANF program. Able-bodied two-parent families shall not be eligible for TANF cash assistance as defined at 45 C.F.R. § 260.31 (a)(1), but shall receive benefits under the separate state program provided for in this paragraph. Although various conditions and eligibility requirements may be different under the separate state program, the basic benefit payment for which two-parent families are eligible under the separate state program shall not be less than what they would have received under TANF. The Department of Social Services shall establish regulations to govern this separate state program.

D. As a condition of this appropriation, the Department of Social Services shall disregard the value of one motor vehicle per assistance unit in determining eligibility for cash assistance in the Temporary Assistance for Needy Families (TANF) program and in the separate state program for able-bodied two-parent families.

E. The Department of Social Services, in collaboration with local departments of social services, shall maintain minimum performance standards for all local departments of social services participating in the Virginia Initiative for Employment, Not Welfare (VIEW) program. The department shall allocate VIEW funds to local departments of social services based on these performance standards and VIEW caseloads. The allocation formula shall be developed and revised in cooperation with the local social services departments and the Department of Planning and Budget.

F. A participant whose Temporary Assistance for Needy Families (TANF) financial assistance is terminated due to the receipt of 24 months of assistance as specified in § 63.2-612, Code of Virginia, or due to the closure of the TANF case prior to the completion of 24 months of TANF assistance, excluding cases closed with a sanction for noncompliance with the Virginia Initiative for Employment Not Welfare program, shall be eligible to receive employment and training assistance for up to 12 months after termination, if needed, in addition to other transitional services provided pursuant to § 63.2-611, Code of Virginia.

G. The Department of Social Services, in conjunction with the Department of Correctional Education, shall identify and apply for federal, private and faith-based grants for pre-release parenting programs for non-custodial incarcerated parent offenders committed to the Department of Corrections, including but not limited to the following grant programs: Promoting Responsible Fatherhood and Healthy Marriages, State Child Access and Visitation Block Grant, Serious and Violent Offender Reentry Initiative Collaboration, Special Improvement Projects, § 1115 Social Security Demonstration Grants, and any new grant programs authorized under the federal Temporary Assistance for Needy Families (TANF) block grant program.

H.1. Out of this appropriation, \$6,500,000 the first year and \$6,500,000 the second year from nongeneral funds is included for Head Start wraparound child care services.

2. Included in this Item is funding to carry out the former responsibilities of the Virginia Council on Child Day Care and Early Childhood Programs. Nongeneral fund appropriations allocated for uses associated with the Head Start program shall not be transferred for any other use until eligible Head Start families have been fully served. Any remaining funds may be used to provide services to enrolled low-income families in accordance with federal and state requirements. Families, who are working or in education and training programs, with income at or below the poverty level, whose children are enrolled in Head Start wraparound programs paid for with the federal block grant funding

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in this Item shall not be required to pay fees for these wraparound services.

I. Out of this appropriation, \$2,647,305 the first year and \$2,647,305 the second year from the general fund and \$72,503,762 the first year and \$72,503,762 the second year from federal funds shall be provided to support state child care programs which will be administered on a sliding scale basis to income eligible families. The sliding fee scale and eligibility criteria are to be set according to the rules and regulations of the State Board of Social Services, except that the income eligibility thresholds for child care assistance shall account for variations in the local cost of living index by metropolitan statistical areas. The Department of Social Services shall make the necessary amendments to the Child Care and Development Funds Plan to accomplish this intent. Funds shall be targeted to families who are most in need of assistance with child care costs. Localities may exceed the standards established by the state by supplementing state funds with local funds.

J. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from nongeneral funds shall be used to provide scholarships to students in early childhood education and related majors who plan to work in the field, or already are working in the field, whether in public schools, child care or other early childhood programs, and who enroll in a state community college or a state supported senior institution of higher education.

K. Out of this appropriation, \$505,000 the first year and \$505,000 the second year from nongeneral funds shall be used to provide training of individuals in the field of early childhood education.

L. Out of this appropriation, \$300,000 the first year and \$300,000 the second year from nongeneral funds shall be used to provide child care assistance for children in homeless and domestic violence shelters.

M. Out of this appropriation, the Department of Social Services shall use \$4,800,000 the second year from the federal Temporary Assistance to Needy Families (TANF) block grant to provide to each TANF recipient with two or more children in the assistance unit a monthly TANF supplement equal to the amount the Division of Child Support Enforcement collects up to \$200, less the \$100 disregard passed through to such recipient. The TANF child support supplement shall be paid within two months following collection of the child support payment or payments used to determine the amount of such supplement. For purposes of determining eligibility for medical assistance services, the TANF supplement described in this paragraph shall be disregarded. In the event there are sufficient federal TANF funds to provide all other assistance required by the TANF State Plan, the Commissioner may use unobligated federal TANF block grant funds in excess of this appropriation to provide the TANF supplement described in this paragraph.

N. The Department of Social Services shall increase the Temporary Assistance for Needy Families (TANF) cash benefits by 2.5 percent on July 1, 2016.

343.	Financial Assistance for Local Social Services Staff (46000).....			\$431,538,105	\$431,551,281
	Local Staff and Operations (46010).....	\$431,538,105	\$431,551,281		
	Fund Sources: General.....	\$117,525,003	\$117,525,003		
	Dedicated Special Revenue.....	\$3,000,000	\$3,000,000		
	Federal Trust.....	\$311,013,102	\$311,026,278		

Authority: Title 63.2, Chapters 1 through 7 and 9 through 16, Code of Virginia; P.L. 104-193, Titles IV A, XIX, and XXI, Social Security Act, Federal Code, as amended.

A. The amounts in this Item shall be expended under regulations of the Board of Social Services to reimburse county and city welfare/social services boards pursuant to § 63.2-401, Code of Virginia, and subject to the same percentage limitations for other administrative services performed by county and city public welfare/social services boards and superintendents of public welfare/social services pursuant to other provisions of the Code of Virginia, as amended.

B. Pursuant to the provisions of §§ 63.2-403, 63.2-406, 63.2-407, 63.2-408, and 63.2-615 Code of Virginia, all moneys deducted from funds otherwise payable out of the state treasury

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to the counties and cities pursuant to the provisions of § 63.2-408, Code of Virginia, shall be credited to the applicable general fund account.

C. Included in this appropriation are funds to reimburse local social service agencies for eligibility workers who interview applicants to determine qualification for public assistance benefits which include but are not limited to: Temporary Assistance for Needy Families (TANF); Supplemental Nutrition Assistance Program (SNAP); and Medicaid.

D. Included in this appropriation are funds to reimburse local social service agencies for social workers who deliver program services which include but are not limited to: child and adult protective services complaint investigations; foster care and adoption services; and adult services.

E. Out of the federal fund appropriation for local social services staff, amounts estimated at \$65,000,000 the first year and \$65,000,000 the second year shall be set aside for allowable local costs which exceed available general fund reimbursement and amounts estimated at \$16,000,000 the first year and \$16,000,000 the second year shall be set aside to reimburse local governments for allowable costs incurred in administering public assistance programs.

F. Out of this appropriation, \$439,338 the first year and \$439,338 the second year from the general fund and \$422,109 the first year and \$422,109 the second year from nongeneral funds is provided to cover the cost of the health insurance credit for retired local social services employees.

G. The Department of Social Services shall work with local departments of social services on a pilot project in the western region of the state to evaluate the available data collected by local departments on facilitated care arrangements. The department shall, based on the findings from the pilot project, determine the most appropriate mechanism for collecting and reporting such data on a statewide basis.

344.	Child Support Enforcement Services (46300).....			\$772,660,895	\$772,660,895
	Support Enforcement and Collection Services (46301).....	\$107,754,586	\$107,754,586		
	Public Assistance Child Support Payments (46302)	\$11,000,000	\$11,000,000		
	Non-Public Assistance Child Support Payments (46303).....	\$653,906,309	\$653,906,309		
	Fund Sources: General.....	\$13,288,793	\$13,288,793		
	Special.....	\$694,897,989	\$694,897,989		
	Federal Trust.....	\$64,474,113	\$64,474,113		

Authority: Title 20, Chapters 2 through 3.1 and 4.1 through 9; Title 63.2, Chapter 19, Code of Virginia; P.L. 104-193, as amended; P.L. 105-200, P.L. 106-113, Federal Code.

A. Any net revenue from child support enforcement collections, after all disbursements are made in accordance with state and federal statutes and regulations, and after the state's share of the cost of administering the program is paid, shall be estimated and deposited into the general fund by June 30 of the fiscal year in which it is collected. Any additional moneys determined to be available upon final determination of a fiscal year's costs of administering the program shall be deposited to the general fund by September 1 of the subsequent fiscal year in which it is collected.

B. In determining eligibility and amounts for cash assistance, pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the department shall continue to disregard up to \$100 per month in child support payments and return to recipients of cash assistance up to \$100 per month in child support payments collected on their behalf.

C. The state share of amounts disbursed to recipients of cash assistance pursuant to paragraph B of this Item shall be considered part of the Commonwealth's required Maintenance of Effort spending for the federal Temporary Assistance for Needy Families program established by the Social Security Act.

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<p>D. The department shall expand collections of child support payments through contracts with private vendors. However, the Department of Social Services and the Office of the Attorney General shall not contract with any private collection agency, private attorney, or other private entity for any child support enforcement activity until the State Board of Social Services has made a written determination that the activity shall be performed under a proposed contract at a lower cost than if performed by employees of the Commonwealth.</p> <p>E. The Division of Child Support Enforcement, in cooperation with the Department of Medical Assistance Services, shall identify cases for which there is a medical support order requiring a noncustodial parent to contribute to the medical cost of caring for a child who is enrolled in the Medicaid or Family Access to Medical Insurance Security (FAMIS) Programs. Once identified, the division shall work with the Department of Medical Assistance Services to take appropriate enforcement actions to obtain medical support or repayments for the Medicaid program.</p>				
345.	Adult Programs and Services (46800).....		\$40,061,169	\$40,061,169
	Auxiliary Grants for the Aged, Blind, and Disabled (46801).....	\$21,898,969		\$21,898,969
	Adult In-Home and Supportive Services (46802).....	\$6,822,995		\$6,822,995
	Domestic Violence Prevention and Support Activities (46803).....	\$11,339,205		\$11,339,205
	Fund Sources: General.....	\$23,356,141		\$23,356,141
	Federal Trust.....	\$16,705,028		\$16,705,028

Authority: Title 63.2, Chapters 1, 16 and 22, Code of Virginia; Title XVI, federal Social Security Act, as amended.

A.1. Effective January 1, 2015, the Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to base approved licensed assisted living facility rates for individual facilities on an occupancy rate of 85 percent of licensed capacity, not to exceed a maximum rate of \$1,219 per month, which rate is also applied to approved adult foster care homes, unless modified as indicated below. The department may add a 15 percent differential to the maximum amount for licensed assisted living facilities and adult foster care homes in Planning District Eight.

2. Effective January 1, 2013, the monthly personal care allowance for auxiliary grant recipients who reside in licensed assisted living facilities and approved adult foster care homes shall be \$82 per month, unless modified as indicated below.

3. The Department of Social Services, in collaboration with the Department for Aging and Rehabilitative Services, is authorized to increase the assisted living facility and adult foster care home rates and/or the personal care allowance cited above on January 1 of each year in which the federal government increases Supplemental Security Income or Social Security rates or at any other time that the department determines that an increase is necessary to ensure that the Commonwealth continues to meet federal requirements for continuing eligibility for federal financial participation in the Medicaid program. Any such increase is subject to the prior concurrence of the Department of Planning and Budget. Within thirty days after its effective date, the Department of Social Services shall report any such increase to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees with an explanation of the reasons for the increase.

B. Out of this appropriation, \$4,185,189 the first year and \$4,185,189 in the second year from the federal Social Services Block Grant shall be allocated to provide adult companion services for low-income elderly and disabled adults.

C. The toll-free telephone hotline operated by the Department of Social Services to receive child abuse and neglect complaints shall also be publicized and used by the department to receive complaints of adult abuse and neglect.

D. Out of this appropriation, \$248,750 the first year and \$248,750 the second year from the general fund and \$1,346,792 the first year and \$1,346,792 the second year from federal Temporary Assistance for Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for purchase of crisis and core services for victims of domestic violence, including 24-hour hotlines, emergency shelter, emergency transportation, and other

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crisis services as a first priority.

E. Out of this appropriation, \$75,000 the first year and \$75,000 the second year from the general fund and \$400,000 the first year and \$400,000 the second year from nongeneral funds shall be provided for the purchase of services for victims of domestic violence as stated in § 63.2-1615, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

F. Out of this appropriation \$1,100,000 the first year and \$1,100,000 the second year from the general fund and \$2,000,000 the first year and \$2,000,000 the second year from federal Temporary Assistance to Needy Families (TANF) funds shall be provided as a grant to local domestic violence programs for services.

346.	Child Welfare Services (46900).....			\$203,423,579	\$207,930,566
	Foster Care Payments (46901).....	\$50,399,410	\$53,705,677		
	Supplemental Child Welfare Activities (46902).....	\$27,963,364	\$28,672,287		
	Adoption Subsidy Payments (46903).....	\$125,060,805	\$125,552,602		
	Fund Sources: General.....	\$105,544,700	\$108,164,126		
	Special.....	\$325,030	\$325,030		
	Dedicated Special Revenue.....	\$235,265	\$235,265		
	Federal Trust.....	\$97,318,584	\$99,206,145		

Authority: Title 63.2, Chapters 1, 2, 4 and 8 through 15, Code of Virginia; P.L. 100-294, P.L. 101-126, P.L. 101-226, P.L. 105-89, P.L. 110-351, P.L. 111-320, as amended, Federal Code.

A. Expenditures meeting the criteria of Title IV-E of the Social Security Act shall be fully reimbursed except that expenditures otherwise subject to a standard local matching share under applicable state policy, including local staffing, shall continue to require local match. The commissioner shall ensure that local social service boards obtain reimbursement for all children eligible for Title IV-E coverage.

B. The commissioner, in cooperation with the Department of Planning and Budget, shall establish a reasonable, automatic adjustment for inflation each year to be applied to the room and board maximum rates paid to foster parents. However, this provision shall apply only in fiscal years following a fiscal year in which salary increases are provided for state employees.

C. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund shall be provided for the purchase of services for victims child abuse and neglect prevention activities as stated in § 63.2-1502, Code of Virginia, in accordance with regulations promulgated by the Board of Social Services.

D. Out of this appropriation, \$180,200 the first year and \$180,200 the second year from the general fund and \$99,800 the first year and \$99,800 the second year from nongeneral funds shall be provided to continue respite care for foster parents.

E. Notwithstanding the provisions of §§ 63.2-1300 through 63.2-1303, Code of Virginia, adoption assistance subsidies and supportive services shall not be available for children adopted through parental placements. This restriction does not apply to existing adoption assistance agreements.

F.1. Out of this appropriation, \$1,500,000 the first year and \$1,500,000 the second year from the general fund shall be provided to implement pilot programs that increase the number of foster care children adopted.

2. Beginning October 1, 2013, the department shall provide a quarterly report, within 30 days of quarter end, on the use and effectiveness of this funding including, but not limited to, the additional number of special needs children adopted from foster care as a result of this effort and the types of ongoing supportive services provided, to the Governor, Chairmen of House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.

G. Out of this appropriation, \$34,774,377 the first year and \$34,774,377 the second year

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	<p>from the general fund and \$7,000,000 the first year and \$7,000,000 the second year from nongeneral funds shall be provided for special needs adoptions.</p>			
	<p>H. Out of this appropriation \$44,483,316 the first year and \$44,483,316 the second year from the general fund and \$44,483,316 the first year and \$44,483,316 the second year from nongeneral funds shall be provided for Title IV-E adoption subsidies.</p>			
	<p>I. The Commissioner, Department of Social Services, shall ensure that local departments that provide independent living services to persons between 18 and 21 years of age make certain information about and counseling regarding the availability of independent living services is provided to any person who chooses to leave foster care or who chooses to terminate independent living services before his twenty-first birthday. Information shall include the option for restoration of independent living services following termination of independent living services, and the processes whereby independent living services may be restored should he choose to seek restoration of such services in accordance with § 63.2-905.1 of the Code of Virginia.</p>			
	<p>J.1. Notwithstanding the provisions of § 63.2-1302, Code of Virginia, the Department of Social Services shall negotiate all adoption assistance agreements with both existing and prospective adoptive parents on behalf of local departments of social services. This provision shall not alter the legal responsibilities of the local departments of social services set out in Chapter 13 of Title 63.2, Code of Virginia, nor alter the rights of the adoptive parents to appeal.</p>			
	<p>2. Out of this appropriation, \$342,414 the first year and \$342,414 the second year from the general fund and \$215,900 the first year and \$215,900 the second year from nongeneral funds shall be provided for five positions to execute these negotiations.</p>			
	<p>K.1. The Department of Social Services shall partner with Patrick Henry Family Services to implement a pilot program in the area encompassing Planning District 11 (Amherst, Appomattox, Bedford, Campbell Counties and the City of Lynchburg) for the temporary placements of children for children and families in crisis.</p> <p>The pilot program will allow a parent or legal custodian of a minor, with the assistance of Patrick Henry Family Services, to delegate to another person by a properly executed power of attorney any powers regarding care, custody, or property of the minor for a temporary placement for a period that is not greater than 90 days. The program will allow for an option of a one-time 90 day extension.</p>			
	<p>2. The department shall ensure that this pilot program meets the following specific programmatic and safety requirements outlined in 22 VAC 40-131 and 22 VAC 40-191:</p> <ul style="list-style-type: none"> (i) The pilot program organization shall meet the background check requirements described in 22 VAC 40-191. (ii) The pilot program organization shall develop and implement written policies and procedures for governing active and closed cases, admissions, monitoring the administration of medications, prohibiting corporal punishment, ensuring that children are not subjected to abuse or neglect, investigating allegations of misconduct toward children, implementing the child's back-up emergency care plan, assigning designated casework staff, management of all records, discharge policies, and the use of seclusion and restraint (22 VAC 40-131-90). (iii) The pilot program organization shall provide pre-service and ongoing training for temporary placement providers and staff (22 VAC 40-131-210 and 22 VAC 40-131-150). 			
	<p>3. The Department of Social Services shall evaluate the pilot program and determine if this model of prevention is effective. A report of the evaluation findings and recommendations shall be submitted to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Commission on Youth by December 1, 2017.</p>			
	<p>L.1. Out of this appropriation, \$1,015,451 the first year and \$2,925,954 the second year from the general fund and \$999,050 the first year and \$2,886,611 the second year from nongeneral funds shall be available for the expansion of foster care and adoption assistance as authorized in the federal Foster Connections to Success and Increasing Adoptions Act of 2008 (P.L. 110-351; P.L. 11-148).</p>			

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<p>2. In order to implement the Fostering Futures program, the Department of Social Services shall set out the requirements for program participation in accordance with 42 U.S.C. 675 (8) (B) (iv) and shall provide the format of an agreement to be signed by the local department of social services and the youth. The definition of a child for the purpose of the Fostering Futures program shall be any natural person who has reached the age of 18 years but has not reached the age of 21. The Department of Social Services shall develop guidance setting out the requirements for local implementation including a requirement for six-month reviews of each case and reasons for termination of participation by a youth. The guidance shall also include a definition of a supervised independent living arrangement which does not include group homes or residential facilities. Implementation of this program includes the extension of adoption assistance to age 21 for youth who were adopted at age 16 or older and who meet the program participation requirements set out in guidance by the Department of Social Services.</p> <p>3. The Department of Social Services shall issue guidance for the program's eligibility requirements and shall be available, on a voluntary basis, to an individual upon reaching the age of 18 who:</p> <p>(i) was in the custody of a local department of social services either:</p> <p>(a) prior to reaching 18 years of age, remained in foster care upon turning 18 years of age; or</p> <p>(b) immediately prior to commitment to the Department of Juvenile Justice and is transitioning from such commitment to self-sufficiency.</p> <p>(ii) and who is:</p> <p>(a) completing secondary education or an equivalent credential; or</p> <p>(b) enrolled in an institution that provides post-secondary or vocational education; or</p> <p>(c) employed for at least 80 hours per month; or</p> <p>(d) participating in a program or activity designed to promote employment or remove barriers to employment; or</p> <p>(e) incapable of doing any of the activities described in subdivisions (a) through (d) due to a medical condition, which incapability is supported by regularly updated information in the program participant's case plan.</p> <p>4. Implementation of extended foster care services shall be available for those eligible youth reaching age 18 on or after July 1, 2016.</p> <p>M. Out of this appropriation, \$1,417,846 the first year and \$2,126,769 the second year from the general fund shall be available for the reinvestment of adoption general fund savings as authorized in title IV, parts B and E of the federal Social Security Act (P.L. 110-351).</p>				
347.	Financial Assistance for Supplemental Assistance Services (49100).....		\$78,757,450	\$78,757,450
	General Relief (49101).....	\$500,000	\$500,000	
	Resettlement Assistance (49102).....	\$9,022,000	\$9,022,000	
	Emergency and Energy Assistance (49103).....	\$69,235,450	\$69,235,450	
	Fund Sources: General.....	\$500,000	\$500,000	
	Federal Trust.....	\$78,257,450	\$78,257,450	
	Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 104-193, as amended, Federal Code.			
348.	Financial Assistance to Community Human Services Organizations (49200).....		\$34,975,789	\$34,975,789
	Community Action Agencies (49201).....	\$16,638,048	\$16,638,048	
	Volunteer Services (49202).....	\$3,866,340	\$3,866,340	

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Other Payments to Human Services Organizations (49203).....	\$14,471,401	\$14,471,401		
Fund Sources: General.....	\$3,261,000	\$3,261,000		
Federal Trust.....	\$31,714,789	\$31,714,789		

Authority: Title 2.2, Chapter 54; Title 63.2, Code of Virginia; Title VI, Subtitle B, P.L. 97-35, as amended; P.L. 103-252, as amended; P.L. 104-193, as amended, Federal Code.

A.1. All increased state or federal funds distributed to Community Action Agencies shall be distributed as follows: The funds shall be distributed to all local Community Action Agencies according to the Department of Social Services funding formula (75 percent based on low-income population, 20 percent based on number of jurisdictions served, and five percent based on square mileage served), adjusted to ensure that no agency receives less than 1.5 percent of any increase.

2. Out of this appropriation, \$185,725 the first year and \$185,725 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with the Virginia Community Action Partnership to provide outreach, education and tax preparation services via the Virginia Earned Income Tax Coalition and other community non-profit organizations to citizens who may be eligible for the federal Earned Income Tax Credit. The contract shall require the Virginia Community Action Partnership to report on its efforts to expand the number of Virginians who are able to claim the federal EITC, including the number of individuals identified who could benefit from the credit, the number of individuals counseled on the availability of federal EITC, and the number of individuals assisted with tax preparation to claim the federal EITC. The annual report from the Virginia Community Action Partnership shall also detail actual expenditures for the program including the sub-contractors that were utilized. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by December 1 each year.

3. Out of this appropriation, \$4,250,000 the first year and \$4,250,000 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with local Community Action Agencies to provide an array of services designed to meet the needs of low-income individuals and families, including the elderly and migrant workers. Services may include, but are not limited to, child care, community and economic development, education, employment, health and nutrition, housing, and transportation.

B. The department shall continue to fund from this Item all organizations recognized by the Commonwealth as community action agencies as defined in §2.2-5400 et seq.

C. Out of this appropriation, \$9,035,501 the first year and \$9,035,501 the second year from the Temporary Assistance for Needy Families (TANF) block grant shall be provided to contract with programs that follow the evidence-based Healthy Families America home visiting model that promotes positive parenting, improves child health and development, and reduces child abuse and neglect. The Department of Social Services shall use a portion of the funds from this item to contract with the statewide office of Prevent Child Abuse Virginia for providing the coordination, technical support, quality assurance, training and evaluation of the Virginia Healthy Families programs.

D. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for Volunteer Emergency Families for Children to expand its shelter care network for abused, neglected, runaway, homeless, and at-risk children throughout Virginia.

E. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from nongeneral funds shall be provided for the Child Abuse Prevention Play (the play) administered by Virginia Repertory Theatre. The contract shall include production and live performances of the play that teach child safety awareness to prevent child abuse.

F. Out of this appropriation, \$70,000 the first year and \$70,000 the second year from the general fund shall be provided to contract with the Virginia Alzheimer's Association Chapters to provide dementia-specific training to long-term care workers in licensed nursing facilities, assisted living facilities and adult day care centers who deal with Alzheimer's disease and related disorders.

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<p>G. Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be provided to contract with Northern Virginia Family Services (NVFS) to provide supportive services that address the basic needs of families in crisis, including the provision of food, financial assistance to prevent homelessness, and access to health services. The contract shall require NVFS to provide an intake process that identifies the needs and appropriate services for those in crisis. Outcomes will be measured utilizing surveys provided to those who receive services and NVFS will report quarterly on survey results.</p>				
<p>H. Out of this appropriation, \$1,231,000 the first year and \$1,231,000 the second year from the general fund shall be provided to contract with child advocacy centers (CAC) to provide a comprehensive, multidisciplinary team response to allegations of child abuse in a dedicated, child-friendly setting. The contracts shall require CACs to provide forensic interviews, victim support and advocacy services, medical evaluations, and mental health services to victims of child abuse and neglect with the expected outcome of reducing child abuse and neglect. The department shall allocate four percent to Children's Advocacy Centers of Virginia (CACVA), the recognized chapter of the National Children's Alliance for Virginia's Child Advocacy Centers, for the purpose of assisting and supporting the development, continuation, and sustainability of community-coordinated, child-focused services delivered by children's advocacy centers (CACs). Of the remaining 96 percent, (i) 65 percent shall be distributed to a baseline allocation determined by the accreditation status of the CAC: (a) developing and associate centers 100 percent of base; (b) accredited centers 150 percent of base; and (c) accredited centers with satellite facilities 175 percent of base; and (ii) 35 percent shall be allocated according to established criteria to include: (a) 25 percent determined by the rate of child abuse per 1,000; (b) 25 percent determined by child population; and (c) 50 percent determined by the number of counties and independent cities serviced.</p>				
<p>I. Out of this appropriation, \$100,000 the first year and \$100,000 the second year from the general fund shall be provided to contract with Youth for Tomorrow (YFT) to provide comprehensive residential, education and counseling services to at-risk youth of the Commonwealth of Virginia who have been sexually exploited, including victims of sex trafficking. The contract shall require YFT to provide individual assessments/individual service planning; individual and group counseling; room and board; coordination of medical and mental health services and referrals; independent living services for youth transitioning out of foster care; active supervision; education; and family and family reunification services. Youth for Tomorrow shall submit monthly progress reports on activities conducted and progress achieved on outputs, outcomes and other functions/activities during the reporting period. On October 1 of each year, YFT shall provide an annual report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees that details program services, outputs and outcomes.</p>				
<p>J.1. Out of this appropriation, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be provided to contract with the Virginia Early Childhood Foundation (VECF) to support the health and school readiness of Virginia's young children prior to school entry. These funds shall be matched with local public and private resources with a goal of leveraging a dollar for each state dollar provided.</p>				
<p>2. Of the amounts in paragraph J.1. above, \$1,250,000 the first year and \$1,250,000 the second year from the general fund shall be used to provide information and assistance to parents and families and to facilitate partnerships with both public and private providers of early childhood services. VECF will track and report statewide and local progress on a biennial basis. The Foundation shall account for the expenditure of these funds by providing the Governor, Secretary of Health and Human Resources, and the Chairmen of the House Appropriations and Senate Finance Committees with a certified audit and full report on Foundation initiatives and results not later than October 1 of each year for the preceding fiscal year ending June 30.</p>				
<p>3. On or before October 1 of each year, the foundation shall submit to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees a report on the actual amount, by fiscal year, of private and local government funds received by the foundation.</p>				
<p>K. Out of this appropriation \$1,000,000 the first year and \$1,000,000 the second year from</p>				

ITEM 348.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>the Temporary Assistance to Needy Families (TANF) block grant shall be provided to the Virginia Alliance of Boys and Girls Clubs to expand community-based prevention and mentoring programs.</p> <p>L. Out of this appropriation, \$250,000 the first year and \$250,000 the second year shall be provided to contract with Birmingham Green to provide residential services to low-income, disabled individuals.</p>				
349.	Regulation of Public Facilities and Services (56100)..		\$26,784,680	\$26,769,191
	Regulation of Adult and Child Welfare Facilities (56101).....		\$23,827,865	\$23,882,872
	Interdepartmental Licensure and Certification (56106).....		\$2,956,815	\$2,886,319
	Fund Sources: General.....		\$3,697,640	\$3,697,640
	Special.....		\$2,376,109	\$2,360,620
	Federal Trust.....		\$20,710,931	\$20,710,931

Authority: Title 63.2, Chapters 17 and 18, Code of Virginia.

A. The state nongeneral fund amounts collected and paid into the state treasury pursuant to the provisions of § 63.2-1700, Code of Virginia, shall be used for the development and delivery of training for operators and staff of assisted living facilities, adult day care centers, and child welfare agencies.

B. As a condition of this appropriation, the Department of Social Services shall (i) promptly fill all position vacancies that occur in licensing offices so that positions shall not remain vacant for longer than 120 days and (ii) hire sufficient child care licensing specialists to ensure that all child care facilities receive, at a minimum, the two visits per year mandated by § 63.2-1706, Code of Virginia, and that facilities with compliance problems receive additional inspection visits as necessary to ensure compliance with state laws and regulations.

C. As a condition of this appropriation, the Department of Social Services shall utilize a risk assessment instrument for child and adult care enforcement. This instrument shall include criteria for determining when the following sanctions may be used: (i) the imposition of intermediate sanctions, (ii) the denial of licensure renewal or revocation of license of a licensed facility, (iii) injunctive relief against a child care provider, and (iv) additional inspections and intensive oversight of a facility by the Department of Social Services.

D. Out of this appropriation, the Department of Social Services shall implement training for new assisted living facility owners and managers to focus on health and safety issues, and resident rights as they pertain to adult care residences.

E. Out of this appropriation, \$8,853,833 and 79 positions the first year and \$8,853,833 and 79 positions second year from the federal Child Care and Development Fund (CCDF) shall be provided to address the workload associated with licensing, inspecting and monitoring family day homes, pursuant to § 63.2-1704, Code of Virginia. On July 1, 2016, the Director of the Department of Planning and Budget shall unallot \$8,853,833 of this appropriation. At such time as the department demonstrates a sufficient increase in family day home licensure, inspection and monitoring activity to necessitate additional staff, the Director of the Department of Planning and Budget may allot additional resources. The Department of Social Services shall provide a quarterly report on the implementation of this initiative to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, Department of Planning and Budget.

F. The Department of Social Services shall work with localities that currently inspect child day care centers and family day homes to minimize duplication and overlap of inspections pursuant to § 63.2-1701.1, Code of Virginia.

G. No child day center, family day home, or family day system licensed in accordance with Chapter 17, Title 63.2; child day center exempt from licensure pursuant to § 63.2-1716; registered family day home; family day home approved by a family day system; or any child day center or family day home that enters into a contract with the Department of Social

ITEM 349.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>Services or a local department of social services to provide child care services funded by the Child Care and Development Block Grant shall employ; continue to employ; or permit to serve as a volunteer who will be alone with, in control of, or supervising children any person who has an offense as defined in § 63.2-1719. All employees and volunteers shall undergo the following background check by July 1, 2017 and every 5 years thereafter, as required by the federal Child Care and Development Block Grant Act of 2014 (CCDBG).</p>				
350.	Administrative and Support Services (49900).....		\$118,257,564	\$92,615,728
	General Management and Direction (49901).....	\$3,583,395		\$3,583,395
	Information Technology Services (49902).....	\$93,101,459		\$67,441,540
	Accounting and Budgeting Services (49903).....	\$9,229,000		\$9,242,789
	Human Resources Services (49914).....	\$3,215,152		\$3,219,446
	Planning and Evaluation Services (49916).....	\$3,686,920		\$3,686,920
	Procurement and Distribution Services (49918).....	\$2,904,054		\$2,904,054
	Public Information Services (49919).....	\$2,184,157		\$2,184,157
	Financial and Operational Audits (49929).....	\$353,427		\$353,427
	Fund Sources: General.....	\$46,368,056		\$38,472,352
	Special.....	\$175,000		\$175,000
	Federal Trust.....	\$71,714,508		\$53,968,376

Authority: Title 63.2, Chapter 1; § 2.2-4000 et seq., Code of Virginia; P.L. 98-502, P.L. 104-156, P.L. 104-193, P.L. 104-327, P.L. 105-33, as amended, P.L. 105-89, Federal Code; Titles IV-A, IV-B, IV-D, IV-E, XIX, XX, XXI of the federal Social Security Act, as amended.

A. The Department of Social Services shall require localities to report all expenditures on designated social services, regardless of reimbursement from state and federal sources. The Department of Social Services is authorized to include eligible costs in its claim for Temporary Assistance for Needy Families Maintenance of Effort requirements.

B. It is the intent of the General Assembly that the Commissioner, Department of Social Services shall work with localities that seek to voluntarily merge and consolidate their respective local departments of social services. No funds appropriated under this act shall be used to require a locality to merge or consolidate local departments of social services.

C.1. Out of this appropriation, \$473,844 the first year and \$473,844 the second year from the general fund and \$781,791 the first year and \$781,791 the second year from nongeneral funds shall be provided to support the statewide 2-1-1 Information and Referral System which provides resource and referral information on many of the specialized health and human resource services available in the Commonwealth, including child day care availability and providers in localities throughout the state, and publish consumer-oriented materials for those interested in learning the location of child day care providers.

2. The Department of Social Services shall request that all state and local child-serving agencies within the Commonwealth be included in the Virginia Statewide Information and Referral System as well as any agency or entity that receives state general fund dollars and provides services to families and youth. The Secretary of Health and Human Resources, the Secretary of Education and Workforce, and the Secretary of Public Safety and Homeland Security shall assist in this effort by requesting all affected agencies within their secretariats to submit information to the statewide Information and Referral System and ensure that such information is accurate and updated annually. Agencies shall also notify the Virginia Information and Referral System of any changes in services that may occur throughout the year.

3. The Department of Social Services shall communicate with child-serving agencies within the Commonwealth about the availability of the statewide Information and Referral System. This information shall also be communicated via the Department of Social Services' broadcast system on their agency-wide Intranet so that all local and regional offices can be better informed about the Statewide Information and Referral System. Information on the Statewide Information and Referral System shall also be included within the department's electronic mailings to all local and regional offices at least

ITEM 350.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
biannually.				
D.1. Out of this appropriation, \$3,452,065 the first year from the general fund and \$961,620 the first year from nongeneral funds shall be provided to complete the base contract to modernize the eligibility determination systems in the Department of Social Services. If any additional funding is needed, the department shall complete modernization efforts within existing resources.				
2. Within 30 days of awarding a contract related to the eligibility project, the Department of Social Services shall provide the Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget with a copy of the contract including costs.				
3. Beginning July 1, 2012, the Department of Social Services shall also provide semi-annual progress reports that must include a current project summary, implementation status, accounting of project expenditures and future milestones. All reports shall be submitted to the Chairmen of House Appropriations and Senate Finance Committees, and Director, Department of Planning and Budget.				
E.1. The Department of Social Services shall provide to the Chairmen of the House Appropriations and Senate Finance Committees a report on the implementation of the Asset Verification Service that is part of the Eligibility Modernization Project on or before September 1, 2016. It is the intent of the General Assembly to encourage financial institutions with branches in Virginia to work collaboratively with the department and its vendor in order to maximize participation in the Asset Verification Service program.				
2. The Department shall also develop a plan and submit it to the Chairmen of the House Appropriations and Senate Finance Committees to incorporate searchable national real estate records as part of the Asset Verification Service program as soon as the data are available.				
351. A. In the operation of any program of public assistance, including benefit and service programs in any locality, for which program appropriations are made to the Department of Social Services, it is provided that if a payment or overpayment is made to an individual who is ineligible therefor under federal and/or state statutes and regulations, the amount of such payment or overpayment shall be returned to the Department of Social Services by the locality.				
B. However, no such repayments may be required of the locality if the department determines that such overpayment or payments to ineligibles resulted from the promulgation of vague or conflicting regulations by the department or from the failure of the department to make timely distribution to the localities of the statutes, rules, regulations, and policy decisions, causing the overpayment or payment to ineligible(s) to be made by the locality or from situations where a locality exercised due diligence, yet received incomplete or incorrect information from the client which caused the overpayment or payment to ineligibles. If a locality fails to effect the return, the Department of Social Services shall withhold an equal amount from the next disbursement made by the department to the locality for the same program.				
C. The Department of Social Services shall implement the guidance issued by the U.S. Department of Health and Human Services concerning the obligation of recipients of federal financial assistance to comply with Title VI of the Civil Rights Act of 1964 by ensuring that meaningful access to federally-funded programs, activities and services administered by the department is provided to limited English proficient (LEP) persons, 63 Fed. Reg. 47,311-47,323 (August 8, 2003). At a minimum, the department shall (i) identify the need for language assistance by analyzing the following factors: (1) the number or proportion of LEP persons in the eligible service population, (2) the frequency of contact with such persons, (3) the nature and importance of the program, activity or service, and (4) the costs of providing language assistance and resources available; (ii) translate vital documents into the language of each frequently encountered LEP group eligible to be served; (iii) provide accurate and timely oral interpreter services; and (iv) develop an effective implementation plan to address the identified needs of the LEP populations served.				
352. A. The amount for the Supplemental Nutrition Assistance Program (SNAP) shall be expended				

ITEM 352.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

under regulations of the Board of Social Services to reimburse county and city welfare/social services boards pursuant to § 63.2-401, Code of Virginia, and subject to the same percentage limitations for other administrative services performed by county and city public welfare/social services boards and superintendents of public welfare/social services pursuant to other provisions of the Code of Virginia, as amended.

B. Pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, the Department of Social Services shall, in cooperation with local departments of social services, maintain a waiver of the work requirement for Supplemental Nutrition Assistance Program (SNAP) recipients residing in areas that do not have a sufficient number of jobs to provide employment for such individuals, including those areas designated as labor surplus areas by the U.S. Department of Labor.

C. To the extent permitted by federal law, Supplemental Nutrition Assistance Program (SNAP) recipients subject to a work requirement pursuant to § 824 of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, Public Law 104-193, as amended, shall be permitted to satisfy such work requirement by providing volunteer services to a public or private, nonprofit agency for the number of hours per month determined by dividing the household's monthly SNAP allotment by the federal minimum wage.

D. The Department of Social Services shall, to the extent permitted by federal law, disregard the value of at least one motor vehicle per household in determining eligibility for the Supplemental Nutrition Assistance Program (SNAP).

E. The Department of Social Services shall develop a multi-lingual outreach campaign to inform qualified aliens and their children, who are United States citizens, of their eligibility for the federal Supplemental Nutrition Assistance Program (SNAP) and ensure that they have access to benefits under SNAP. To the extent permitted by federal law, the department shall administer SNAP in a way that minimizes the procedural burden on qualified aliens and addresses concerns about the impact of SNAP receipt on their immigration sponsors and status.

Total for Department of Social Services.....			\$2,015,097,958	\$1,998,931,408
General Fund Positions.....	615.21	618.49		
Nongeneral Fund Positions.....	1,216.29	1,221.01		
Position Level.....	1,831.50	1,839.50		
Fund Sources: General.....	\$410,241,710	\$404,965,432		
Special.....	\$697,874,128	\$697,858,639		
Dedicated Special Revenue.....	\$3,235,265	\$3,235,265		
Federal Trust.....	\$903,746,855	\$892,872,072		

§ 1-97. VIRGINIA BOARD FOR PEOPLE WITH DISABILITIES (606)

353.	Social Services Research, Planning, and Coordination (45000).....			\$1,441,894	\$1,441,894
	Research, Planning, Outreach, Advocacy, and Systems Improvement (45002).....	\$836,452	\$836,452		
	Administrative Services (45006).....	\$605,442	\$605,442		
	Fund Sources: General.....	\$218,019	\$218,019		
	Federal Trust.....	\$1,223,875	\$1,223,875		

Authority: Title 51.5, Chapter 7, Code of Virginia.

Up to \$35,556 the first year and up to \$35,556 the second year is available for the Virginia Board for People with Disabilities (VBPD) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between VBPD and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported by DARS to the Director, Department of Planning and Budget within 30 days.

ITEM 354.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
354.	Financial Assistance for Individual and Family Services (49000).....			\$501,550	\$501,658
	Financial Assistance to Localities for Individual and Family Services (49001).....	\$501,550	\$501,658		
	Fund Sources: General.....	\$173	\$183		
	Federal Trust.....	\$501,377	\$501,475		
	Authority: Title 51.5, Chapter 7, Code of Virginia.				
	Total for Virginia Board for People with Disabilities..			\$1,943,444	\$1,943,552
	General Fund Positions.....	0.60	0.60		
	Nongeneral Fund Positions.....	8.40	8.40		
	Position Level.....	9.00	9.00		
	Fund Sources: General.....	\$218,192	\$218,202		
	Federal Trust.....	\$1,725,252	\$1,725,350		

§ 1-98. DEPARTMENT FOR THE BLIND AND VISION IMPAIRED (702)

355.	Statewide Library Services (14200).....			\$1,232,186	\$1,232,186
	Library and Resource Center Services (14202).....	\$1,232,186	\$1,232,186		
	Fund Sources: General.....	\$1,167,186	\$1,167,186		
	Special.....	\$30,000	\$30,000		
	Trust and Agency.....	\$35,000	\$35,000		

Authority: § 51.5-74, Code of Virginia; P.L. 89-522, and P.L. 101-254, Federal Code.

Out of this appropriation, \$141,163 the first year and \$141,363 the second year from the general fund shall be used to contract for the provision of radio reading services for the blind and vision impaired.

356.	State Education Services (19100).....			\$1,578,098	\$1,578,098
	Braille and Instructional Materials (19101).....	\$855,134	\$855,134		
	Educational and Early Childhood Support Services (19102).....	\$722,964	\$722,964		
	Fund Sources: General.....	\$923,098	\$923,098		
	Trust and Agency.....	\$55,000	\$55,000		
	Federal Trust.....	\$600,000	\$600,000		

Authority: §§ 22.1-214 and 22.1-217, Code of Virginia; P.L. 89-313, P.L. 97-35 and P.L. 102-119, Federal Code.

357.	Rehabilitation Assistance Services (45400).....			\$10,897,486	\$10,897,486
	Low Vision Services (45401).....	\$366,162	\$366,162		
	Vocational Rehabilitation Services (45404).....	\$6,219,394	\$6,219,394		
	Community Based Independent Living Services (45407).....	\$3,661,612	\$3,661,612		
	Vending Stands, Cafeterias, and Snack Bars (45410)..	\$650,318	\$650,318		
	Fund Sources: General.....	\$1,858,863	\$1,858,863		
	Special.....	\$221,463	\$221,463		
	Trust and Agency.....	\$115,000	\$115,000		
	Federal Trust.....	\$8,702,160	\$8,702,160		

Authority: § 51.5-1 and Title 51.5, Chapter 1, Code of Virginia; P.L. 93-516 and P.L. 93-112, Federal Code.

A. It is the intent of the General Assembly that visually handicapped persons who have completed vocational training as food service managers through programs operated by the Department be considered for food service management position openings within the Commonwealth as they arise.

ITEM 357.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>B. 1.The annual federal vocational rehabilitation grant award that will be received by the Department for the Blind and Vision Impaired (DBVI) is estimated at \$11,442,719 for federal fiscal year 2016; \$11,442,719 for federal fiscal year 2017; and \$11,442,719 for federal fiscal year 2018. In addition to the base annual award amount, DBVI may request up to \$1,500,000 of additional federal reallocation dollars in each of these years. Assuming these amounts, the annual 21.3 percent state matching requirement would equate to \$3,632,832 for federal fiscal year 2016; \$3,632,832 for federal fiscal year 2017; and \$3,632,832 for federal fiscal year 2018.</p> <p>2. Based on the projection of federal award funding in paragraph A.2., DBVI shall not request federal vocational rehabilitation grant dollars in excess of \$12,942,719 for federal fiscal year 2016; \$12,942,719 for federal fiscal year 2017; and \$12,942,719 for federal fiscal year 2018, without prior written concurrence from the Director, Department of Planning and Budget. Any approved increases in grant award requests shall be reported by DARS to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days.</p>				
358.	Regional Office Support and Administration (49700).....		\$2,468,935	\$2,468,935
	Regional Office and Field Support Services (49701).....	\$2,468,935	\$2,468,935	
	Fund Sources: General.....	\$1,326,097	\$1,326,097	
	Federal Trust.....	\$1,142,838	\$1,142,838	
	Authority: Title 2.2, Chapter 36; Title 51.5, Chapter 13, Code of Virginia; P.L. 93-112 and P.L. 97-35, Federal Code.			
359.	Rehabilitative Industries (81000).....		\$48,005,966	\$48,005,966
	Manufacturing, Retail, and Contract Operations (81003).....	\$48,005,966	\$48,005,966	
	Fund Sources: Enterprise.....	\$48,005,966	\$48,005,966	
	Authority: § 51.5-72, Code of Virginia; P.L. 92-29 and P.L. 93-112, Federal Code.			
	The Industry Production Workers with the Virginia Industries for the Blind shall not be counted in the classified employment levels of the Department for the Blind and Vision Impaired.			
360.	Administrative and Support Services (49900).....		\$2,977,505	\$2,783,639
	General Management and Direction (49901).....	\$2,193,493	\$1,999,627	
	Physical Plant Services (49915).....	\$784,012	\$784,012	
	Fund Sources: General.....	\$1,327,171	\$1,128,020	
	Special.....	\$749,678	\$749,678	
	Enterprise.....	\$777,394	\$777,394	
	Federal Trust.....	\$123,262	\$128,547	
	Authority: Title 63.2, Chapter 4, Code of Virginia; P.L. 89-313, P.L. 93-112, and P.L. 97-35, Federal Code.			
	A. Up to \$1,244,790 the first year and up to \$1,244,790 the second year is available for the Department for the Blind and Vision Impaired (DBVI) to contract with the Department for Aging and Rehabilitative Services (DARS) for the provision of shared administrative services. The scope of the services and specific costs shall be outlined in a memorandum of understanding (MOU) between DBVI and DARS subject to the approval of the respective agency heads. Any revision to the MOU shall be reported by DARS to the Director, Department of Planning and Budget within 30 days.			
	B. Out of this appropriation, \$200,000 the first year shall be used for one-time security enhancements at the agency's Azalea Road campus. None of the funding provided in this paragraph is to be used to support on-going costs, including personal services.			
	Total for Department for the Blind and Vision Impaired.....		\$67,160,176	\$66,966,310

ITEM 360.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
General Fund Positions.....	62.60	62.60		
Nongeneral Fund Positions.....	84.40	84.40		
Position Level.....	147.00	147.00		
Fund Sources: General.....	\$6,602,415	\$6,403,264		
Special.....	\$1,001,141	\$1,001,141		
Enterprise.....	\$48,783,360	\$48,783,360		
Trust and Agency.....	\$205,000	\$205,000		
Federal Trust.....	\$10,568,260	\$10,573,545		
Virginia Rehabilitation Center for the Blind and Vision Impaired (263)				
361. Rehabilitation Assistance Services (45400).....			\$1,429,165	\$1,429,165
Social and Personal Adjustment to Blindness Training (45408).....	\$1,429,165	\$1,429,165		
Fund Sources: Special.....	\$2,000	\$2,000		
Federal Trust.....	\$1,427,165	\$1,427,165		
Authority: § 51.5-1, Code of Virginia; P.L. 93-112, Federal Code.				
362. Administrative and Support Services (49900).....			\$1,512,535	\$1,512,636
General Management and Direction (49901).....	\$766,997	\$767,098		
Food and Dietary Services (49907).....	\$228,000	\$228,000		
Physical Plant Services (49915).....	\$517,538	\$517,538		
Fund Sources: General.....	\$369,991	\$369,998		
Special.....	\$42,000	\$42,000		
Federal Trust.....	\$1,100,544	\$1,100,638		
Authority: § 51.5-73, Code of Virginia; P.L. 93-112, Federal Code.				
Out of this appropriation, \$200,000 the first year and \$200,000 the second year from the general fund shall be used for training individuals whose cost cannot be covered by federal vocational rehabilitation revenue. It is estimated that this funding will support 25 blind, deafblind, and vision impaired individuals.this appropriation.				
Total for Virginia Rehabilitation Center for the Blind and Vision Impaired.....			\$2,941,700	\$2,941,801
Nongeneral Fund Positions.....	26.00	26.00		
Position Level.....	26.00	26.00		
Fund Sources: General.....	\$369,991	\$369,998		
Special.....	\$44,000	\$44,000		
Federal Trust.....	\$2,527,709	\$2,527,803		
Grand Total for Department for the Blind and Vision Impaired.....			\$70,101,876	\$69,908,111
General Fund Positions.....	62.60	62.60		
Nongeneral Fund Positions.....	110.40	110.40		
Position Level.....	173.00	173.00		
Fund Sources: General.....	\$6,972,406	\$6,773,262		
Special.....	\$1,045,141	\$1,045,141		
Enterprise.....	\$48,783,360	\$48,783,360		
Trust and Agency.....	\$205,000	\$205,000		
Federal Trust.....	\$13,095,969	\$13,101,348		
TOTAL FOR OFFICE OF HEALTH AND HUMAN RESOURCES.....			\$14,213,511,573	\$14,431,993,427
General Fund Positions.....	8,498.79	8,502.07		
Nongeneral Fund Positions.....	6,758.23	6,762.95		

ITEM 362.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Position Level.....	15,257.02	15,265.02		
Fund Sources: General.....	\$6,053,153,875	\$6,185,834,945		
Special.....	\$1,146,862,255	\$1,139,960,500		
Enterprise.....	\$48,783,360	\$48,783,360		
Trust and Agency.....	\$1,095,573	\$1,095,573		
Dedicated Special Revenue.....	\$524,434,657	\$503,799,933		
Federal Trust.....	\$6,439,181,853	\$6,552,519,116		

ITEM 363.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

OFFICE OF NATURAL RESOURCES

§ 1-99. SECRETARY OF NATURAL RESOURCES (183)

363.	Administrative and Support Services (79900).....			\$687,130	\$687,173
	General Management and Direction (79901).....	\$687,130	\$687,173		
	Fund Sources: General.....	\$587,130	\$587,173		
	Federal Trust.....	\$100,000	\$100,000		

Authority: Title 2.2, Chapter 2, Article 7; and § 2.2-201, Code of Virginia.

A. The Secretary of Natural Resources shall report to the Chairmen of the Senate Committees on Finance and Agriculture, Conservation, and Natural Resources, and the House Committees on Appropriations and Conservation and Natural Resources, by November 4 of each year on implementation of the Chesapeake Bay nutrient reduction strategies. The report shall include and address the progress and costs of point source and nonpoint source pollution strategies. The report shall include, but not be limited to, information on levels of dissolved oxygen, acres of submerged aquatic vegetation, computer modeling, variety and numbers of living resources, and other relevant measures for the General Assembly to evaluate the progress and effectiveness of the tributary strategies. In addition, the Secretary shall include information on the status of all of Virginia's commitments to the Chesapeake Bay Agreements.

B. It is the intent of the General Assembly that a reserve be created within the Virginia Water Quality Improvement Fund to support the purposes delineated within the Virginia Water Quality Improvement Act of 1997 (WQIA 1997) when year-end general fund surpluses are unavailable. Consequently, 15 percent of any amounts appropriated to the Virginia Water Quality Improvement Fund due to annual general fund revenue collections in excess of the official estimates contained in the general appropriation act shall be withheld from appropriation, unless otherwise specified. When annual general fund revenue collections do not exceed the official revenue estimates contained in the general appropriation act, the reserve fund may be used for WQIA 1997 purposes as directed by the General Assembly within the general appropriation act.

	Total for Secretary of Natural Resources.....			\$687,130	\$687,173
	General Fund Positions.....	5.00	5.00		
	Position Level.....	5.00	5.00		
	Fund Sources: General.....	\$587,130	\$587,173		
	Federal Trust.....	\$100,000	\$100,000		

§ 1-100. DEPARTMENT OF CONSERVATION AND RECREATION (199)

364.	Land and Resource Management (50300).....			\$100,929,773	\$35,545,383
	Soil and Water Conservation (50301).....	\$20,334,929	\$10,440,719		
	Dam Inventory, Evaluation and Classification and Flood Plain Management (50314).....	\$6,639,343	\$3,063,753		
	Natural Heritage Preservation and Management (50317).....	\$4,849,820	\$4,749,820		
	Financial Assistance to Soil and Water Conservation Districts (50320).....	\$7,291,091	\$7,291,091		
	Technical Assistance to Soil and Water Conservation Districts (50322).....	\$7,417,751	\$1,200,000		
	Agricultural Best Management Practices Cost Share Assistance (50323).....	\$54,396,839	\$8,800,000		
	Fund Sources: General.....	\$79,898,205	\$14,513,815		
	Special.....	\$1,101,328	\$1,101,328		
	Dedicated Special Revenue.....	\$12,349,829	\$12,349,829		
	Federal Trust.....	\$7,580,411	\$7,580,411		

Authority: Title 10.1, Chapters 1, 2, 5, 6, 7, and 21.1; Title 62.1, Chapter 3.1, Code of

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Virginia.

A.1. Out of the amounts appropriated for Financial Assistance to Virginia Soil and Water Conservation Districts, \$7,191,091 the first year and \$7,191,091 the second year from the general fund shall be provided to soil and water conservation districts for administrative and operational support. These funds shall be distributed upon approval by the Virginia Soil and Water Conservation Board to the districts in accordance with the Board's established financial allocation policy. These amounts shall be in addition to any other funding provided to the districts for technical assistance pursuant to subsections B. and D. of this item. Of this amount, \$6,209,091 the first year and \$6,209,091 the second year from the general fund shall be distributed to the districts for core administrative and operational expenses (personnel, training, travel, rent, utilities, office support, and equipment) based on identified budget projections and in accordance with the Board's financial allocation policy; \$312,000 the first year and \$312,000 the second year from the general fund shall be distributed at a rate of \$3,000 per dam for maintenance; \$500,000 the first year and \$500,000 the second year from the general fund for small dam repairs of known or suspected deficiencies; and \$170,000 the first year and \$170,000 the second year to the department to provide district support in accordance with Board policy, including, but not limited to, services related to auditing, bonding, contracts, and training. The amount appropriated for small dam repairs of known or suspected deficiencies is authorized for transfer to the Soil and Water Conservation District Dam Maintenance, Repair, and Rehabilitation Fund.

2. The Department shall provide a semi-annual report on or before February 15 and August 15 of each year to the Chairmen of the House Appropriations and Senate Finance Committees on each Virginia soil and water conservation district's budget, revised budget, previous year's balance budget, and expenditure for the following: (i) the federal Conservation Reserve Enhancement Program, (ii) the use of Agricultural Best Management Cost-Share Program funds within the Chesapeake Bay watershed, (iii) the use of Agricultural Best Management Cost-Share Program funds within the Southern Rivers area, and (iv) the amount of Technical Assistance funding. The August 15 report shall reflect cumulative amounts.

B.1. Notwithstanding § 10.1-2129 A., Code of Virginia, \$61,708,800 the first year from the general fund shall be deposited to the Virginia Water Quality Improvement Fund established under the Water Quality Improvement Act of 1997. Of this amount, \$1,650,000 shall be appropriated to the department for the following specified statewide uses: \$800,000 shall be used for the Commonwealth's match for participation in the Federal Conservation Enhancement Program (CREP), up to \$500,000 may be utilized to develop a financial tracking and reporting module as part of the Agricultural Best Management Practices Database and to make necessary database revisions, \$250,000 shall be transferred to the Department of Forestry for water quality grants, and \$100,000 shall be utilized as cost-share for the development of nutrient management plans for golf courses. The Department of Forestry shall submit a report by August 15, 2017, to the Department of Conservation and Recreation specifying uses of funds received. Pursuant to paragraph B of Item 363, \$8,244,210 is designated for deposit to the reserve within the Virginia Water Quality Improvement Fund.

2. Of the remaining amount, \$51,814,590 is authorized for transfer to the Virginia Natural Resources Commitment Fund, a subfund of the Water Quality Improvement Fund. Notwithstanding any other provision of law, the funds transferred to the Virginia Natural Resources Commitment Fund shall be distributed by the department upon approval of the Virginia Soil and Water Conservation Board in accordance with the board's developed policies, as follows: \$25,990,198 for Agricultural Best Management Practices Cost-Share Assistance where of this amount \$15,594,119 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, \$10,396,079 shall be used for matching grants for Agricultural Best Management Practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed, and \$6,217,751 shall be appropriated for Technical Assistance for Virginia Soil and Water Conservation Districts.

3. Of the remaining amount, \$19,606,641 shall be appropriated for the implementation of previously approved livestock stream exclusion practices. Of this amount, \$9,803,321

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	shall be used for practices on lands in the Commonwealth exclusively or partly within the Chesapeake Bay watershed, and \$9,803,320 shall be used for practices on lands in the Commonwealth exclusively outside the Chesapeake Bay watershed.			
	4. This appropriation meets the mandatory deposit requirements associated with the FY 2015 excess general fund revenue collections and discretionary year-end general fund balances.			
	C. It is the intent of the General Assembly, that notwithstanding the provisions of § 10.1-2132, Code of Virginia, the Department of Conservation and Recreation is authorized to make Water Quality Improvement Grants to state agencies.			
	D.1 Out of this appropriation, \$10,000,000 the first year and \$10,000,000 the second year from nongeneral funds to be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds shall be dispersed by the Department pursuant to § 10.1-2128.1, Code of Virginia.			
	2. The source of an amount estimated at \$10,000,000 the first year and \$10,000,000 the second year to support the nongeneral fund appropriation to the Virginia Natural Resources Commitment Fund shall be the recordation tax fee established in Part 3 of this act.			
	3. Out of this amount, a total of eight percent, or \$1,200,000, whichever is greater, shall be appropriated to Virginia Soil and Water Conservation Districts for technical assistance to farmers implementing agricultural best management practices, and \$8,800,000 for Agricultural Best Management Practices Cost-Share Assistance. Of the amount deposited for Cost-Share Assistance, distributions between watersheds shall be in accordance with the allocation percentages set out in § 10.1-2128.1 B., Code of Virginia.			
	E.1. It is the intent of the General Assembly that all interest earnings of the Water Quality Improvement Fund shall be spent only upon appropriation by the General Assembly, after the recommendation of the Secretary of Natural Resources, pursuant to § 10.1-2129, Code of Virginia.			
	2. Notwithstanding the provisions of §§ 10.1-2128, 10.1-2129 and 10.1-2128.1, Code of Virginia, it is the intent of the General Assembly that the Department of Conservation and Recreation use interest earnings from the Water Quality Improvement Fund and the Virginia Natural Resources Commitment Fund to support one position to administer grants from the fund.			
	F. Out of this appropriation, \$15,000 the first year and \$15,000 the second year from the general fund is provided to support the Rappahannock River Basin Commission. The funds shall be matched by the participating localities and planning district commissions.			
	G. Notwithstanding § 10.1-552, Code of Virginia, Soil and Water Conservation Districts are hereby authorized to recover a portion of the direct costs of services rendered to landowners within the district and to recover a portion of the cost for use of district-owned conservation equipment. Such recoveries shall not exceed the amounts expended by a district on these services and equipment.			
	H. Unless specified otherwise in this Item, it is the intent of the General Assembly that balances in Soil and Water Conservation be used first, and then balances from Agricultural Best Management Practices Cost Share Assistance be used for the Commonwealth's statewide match for participation in the federal Conservation Reserve Enhancement Program (CREP).			
	I.1. Out of the amounts appropriated for Dam Inventory, Evaluation, and Classification and Flood Plain Management, \$4,039,884 the first year and \$464,294 the second year from the general fund shall be deposited to the Dam Safety, Flood Prevention and Protection Assistance Fund, established pursuant § 10.1-603.17, Code of Virginia. Out of these amounts, \$633,100 in the first year from the general fund shall be provided to match federal and local funding for the rehabilitation of the Hearthstone Lake Dam in Augusta County and \$2,942,490 in the first year from the general fund shall be provided to match federal and local funding for the rehabilitation of the Lake Pelham and Mountain Run dams in Culpeper County			
	2. Unobligated balances in the Dam Safety, Flood Prevention and Protection Assistance Fund			

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<p>may be utilized in an amount not to exceed \$60,000 to perform activities necessary to update the flood protection plan for the Commonwealth and to make the plan accessible online. Once these activities are complete, the department will maintain and update the plan as needed within existing resources.</p> <p>J. The Water Quality Agreement Program shall be continued in order to protect the waters of the Commonwealth through voluntary cooperation with lawn care operators across the state. The department shall encourage lawn care operators to voluntarily establish nutrient management plans and annual reporting of fertilizer application. If appropriate, then the program may be transferred to another state agency.</p> <p>K. Out of this appropriation, \$80,000 the first year and \$80,000 the second year from the general fund is provided to the Department of Conservation and Recreation to make available a competitive grant to provide Chesapeake Bay meaningful watershed educational on-the-water field services. The department may enter into a two-year contract contingent on funding being available in the second year of the biennium.</p> <p>L. The Department of Conservation and Recreation, in collaboration with Soil and Water Conservation Districts, shall develop a plan containing cost estimates, for the rehabilitation of high hazard Soil and Water Conservation District owned and managed impounding structures. An interim plan shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees by November 1, 2016, with a final plan due by November 1, 2017.</p> <p>M. Included in this appropriation is \$200,000 in the first year and \$200,000 in the second year from the general fund for the Department of Conservation and Recreation to provide technical assistance to support Shoreline Erosion Advisory Services as established in § 10.1-702, Code of Virginia.</p> <p>N. Out of the amounts in this item, \$500,000 in the first year and \$500,000 in the second year from the general fund shall be provided to the Natural Heritage Program in support of active preserve management activities across Virginia's 61 Natural Area Preserves as identified by the Board of Conservation and Recreation in October 2014.</p> <p>O. Notwithstanding § 54.1, Chapter 4, the U.S. Department of Agriculture's Natural Resources Conservation Service and Department of Conservation and Recreation Central Office staff may provide engineering services to the Department of Conservation and Recreation and the local Soil and Water Conservation Districts for design and construction of agriculture best management practices.</p> <p>P. Out of the amounts in this item, \$100,000 the first year from the general fund shall be made available for the construction, improvement, and marking of trails along the lower Appomattox River from the Lake Chesterfield Dam to Appomattox Manor.</p>				
365.	Leisure and Recreation Services (50400).....		\$59,377,155	\$59,043,790
	Preservation of Open Space Lands (50401).....	\$13,749,857		
	Design and Construction of Outdoor Recreational Facilities (50403).....	\$875,500		
	State Park Management and Operations (50404).....	\$41,283,592		
	Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance (50406).....	\$3,468,206		
	Fund Sources: General.....	\$30,631,055		
	Special.....	\$22,622,592		
	Debt Service.....	\$75,000		
	Dedicated Special Revenue.....	\$1,900,000		
	Federal Trust.....	\$4,148,508		

Authority: Title 10.1, Chapters 1, 2, 3, 4, 4.1, and 17; Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5, and 7, Code of Virginia.

A.1. Out of the amount for Natural Outdoor Recreational and Open Space Resource Research, Planning, and Technical Assistance shall be paid for the operation and maintenance of Breaks Interstate Park, an amount not to exceed \$275,000 the first year

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	and \$275,000 the second year from the general fund.			
	2. The Breaks Interstate Park Commission shall submit an annual audit of a fiscal and compliance nature of its accounts and transactions to the Auditor of Public Accounts, the Director, Department of Conservation and Recreation, and the Director, Department of Planning and Budget.			
	3. The Breaks Interstate Park Commission shall, following the modernization of the Breaks Interstate Park electrical system, enter into negotiations to transfer control of the electrical system serving the park to a local regional electric utility.			
	B. Notwithstanding the provisions of § 10.1-202, Code of Virginia, amounts deposited to the State Park Conservation Resources Fund may be used for a program of in-state travel advertising. Such travel advertising shall feature Virginia State Parks and the localities or regions in which the parks are located. To the extent possible the department shall enter into cooperative advertising agreements with the Virginia Tourism Authority and local entities to maximize the effectiveness of expenditures for advertising. The department is further authorized to enter into a cooperative advertising agreement with the Virginia Association of Broadcasters.			
	C. Included in the amount for Preservation of Open-Space Lands is \$1,752,750 the first year and \$1,752,750 the second year from the general fund for the operating expenses of the Virginia Outdoors Foundation (Title 10.1, Chapter 18, Code of Virginia).			
	D.1. Included in the amount for Preservation of Open Space Lands is \$8,000,000 the first year and \$8,000,000 the second year from the general fund to be deposited into the Virginia Land Conservation Fund, § 10.1-1020, Code of Virginia. Of these funds, after Virginia Outdoors Foundation's Open-Space Lands Preservation Trust Fund statutory distribution obligations have been satisfied, no less than 50 percent of the remaining appropriations are to be used for grants for fee simple acquisitions with public access or acquisitions of easements with public access. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.			
	2. Included in the amounts for Preservation of Open Space Lands is \$2,000,000 the first year and \$2,000,000 the second year from nongeneral funds to be deposited into the Virginia Land Conservation Fund to be distributed by the Virginia Land Conservation Foundation pursuant to the provisions of § 58.1-513, Code of Virginia.			
	E. Upon completion of the construction of the Daniel Boone Wilderness Trail Interpretative Center, the Division of State Parks may accept transfer of the facility, 153 acres of land, and \$450,000 for maintenance of the completed facility for operation as a satellite facility to Natural Tunnel State Park. It is the intent of the General Assembly that at such time as the facility, property, and cash are transferred to the Division of State Parks that positions and ongoing funding for the operation of the satellite facility shall be provided.			
	F. The Department is hereby authorized to enter into an agreement with the non-profit organization that currently owns Natural Bridge to open and operate the facility as a Virginia State Park.			
	G. The Board of Conservation and Recreation shall consider whether public-private partnerships would (i) result in greater operational efficiencies in the planning, development, construction, and operation of new state parks and in the management of existing state parks and (ii) generate cost savings, allow for additional state park amenities, and increase operational revenues for state parks. Technical assistance shall be provided to the Board by the Department of Conservation and Recreation. The Board shall submit a report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15, 2016.			
	H. Out of this appropriation, \$635,000 the first year from the general fund is designated to leverage additional support through a public-private partnership to complete the trail redevelopment and enhancement at Pocahontas State Park consistent with the Pocahontas State Park's Swift Creek Mountain Bike Trail Concept plan, including the design for trailhead facilities accessible for disabled riders.			
	I. Notwithstanding any other provision of the Code of Virginia, as a condition of the			

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expenditure of all amounts included in this item, the Department of Conservation and Recreation shall not initiate or accept by gift, transfer or purchase with nongeneral funds any lands for use as a State Park without a specific appropriation for such purpose by the General Assembly.				
366.	Administrative and Support Services (59900).....		\$9,639,539	\$9,651,642
	General Management and Direction (59901).....	\$9,639,539	\$9,651,642	
	Fund Sources: General.....	\$9,124,539	\$9,136,642	
	Special.....	\$515,000	\$515,000	
Authority: Title 2.2, Chapters 37, 40, 41, 43; and Title 10.1, Chapter 1, Code of Virginia.				
Total for Department of Conservation and Recreation.....			\$169,946,467	\$104,240,815
	General Fund Positions.....	412.50	412.50	
	Nongeneral Fund Positions.....	39.50	39.50	
	Position Level.....	452.00	452.00	
	Fund Sources: General.....	\$119,653,799	\$53,948,147	
	Special.....	\$24,238,920	\$24,238,920	
	Debt Service.....	\$75,000	\$75,000	
	Dedicated Special Revenue.....	\$14,249,829	\$14,249,829	
	Federal Trust.....	\$11,728,919	\$11,728,919	

§ 1-101. DEPARTMENT OF ENVIRONMENTAL QUALITY (440)

367.	Land Protection (50900).....		\$26,846,329	\$26,846,329
	Land Protection Permitting (50925).....	\$3,652,226	\$3,652,226	
	Land Protection Compliance and Enforcement (50926).....	\$22,164,278	\$22,164,278	
	Land Protection Outreach (50927).....	\$765,558	\$765,558	
	Land Protection Planning and Policy (50928).....	\$264,267	\$264,267	
	Fund Sources: General.....	\$2,747,417	\$2,747,417	
	Special.....	\$1,359,676	\$1,359,676	
	Trust and Agency.....	\$10,738,508	\$10,738,508	
	Dedicated Special Revenue.....	\$5,572,100	\$5,572,100	
	Federal Trust.....	\$6,428,628	\$6,428,628	

Authority: Title 10.1, Chapters 11.1, 11.2, 12.1, 14, and 25; Title 44, Chapter 3.5, Code of Virginia.

It is the intent of the General Assembly that balances in the Virginia Environmental Emergency Response Fund be used to meet match requirements for U.S. Environmental Protection Agency Superfund State Support Contracts.

368.	Water Protection (51200).....		\$41,002,971	\$41,002,971
	Water Protection Permitting (51225).....	\$9,507,131	\$9,507,131	
	Water Protection Compliance and Enforcement (51226).....	\$7,866,879	\$7,866,879	
	Water Protection Outreach (51227).....	\$1,997,757	\$1,997,757	
	Water Protection Planning and Policy (51228).....	\$5,229,374	\$5,229,374	
	Water Protection Monitoring and Assessment (51229).....	\$7,520,524	\$7,520,524	
	Water Protection Stormwater Management (51230).....	\$8,881,306	\$8,881,306	
	Fund Sources: General.....	\$19,995,968	\$19,995,968	
	Special.....	\$1,607,265	\$1,607,265	
	Trust and Agency.....	\$25,500	\$25,500	
	Dedicated Special Revenue.....	\$11,502,336	\$11,502,336	
	Federal Trust.....	\$7,871,902	\$7,871,902	

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<p>Authority: Title 10.1, Chapter 11.1; and Title 62.1, Chapters 2, 3.1, 3.2, 3.6, 5, 6, 20, 22, 24, and 25, Code of Virginia.</p> <p>A. Out of this appropriation, \$51,500 the first year and \$51,500 the second year from the general fund is designated for annual membership dues for the Ohio River Valley Water Sanitation Commission.</p> <p>B.1. The permit fee regulations adopted by the State Water Control Board pursuant to paragraphs B.1. and B.2. of § 62.1-44.15:6, Code of Virginia, shall be set at an amount representing not more than 50 percent of the direct costs for the administration, compliance and enforcement of Virginia Pollutant Discharge Elimination System permits and Virginia Pollution Abatement permits.</p> <p>2. The regulations adopted by the State Water Control Board to initially implement the provisions of this Item shall be exempt from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2010. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Article 2 (§ 2.2-4006, et seq.) of Chapter 40 of Title 2.2, Code of Virginia.</p> <p>C. Out of the appropriation for this item, \$151,500 the first year and \$151,500 the second year from the general fund is designated for the annual membership dues for the Interstate Commission on the Potomac River Basin.</p> <p>D.1. Notwithstanding § 62.1-44.15:56, Code of Virginia, public institutions of higher education, including community colleges, colleges, and universities, shall be subject to project review and compliance for state erosion and sediment control requirements by the local program authority of the locality within which the land disturbing activity is located, unless such institution submits annual specifications to the Department of Environmental Quality, in accordance with § 62.1-44.15:56 A (i), Code of Virginia.</p> <p>2. The State Water Control Board is authorized to amend the Erosion and Sediment Control Regulations (9 VAC 25-840 et seq.) to conform such regulations with this project review requirement and to clarify the process. These amendments shall be exempt from Article 2 (§2.2-4006 et seq.) of the Administrative Process Act.</p> <p>E. Beginning October 1, 2015, there shall be a \$3.75 fee imposed on each dry ton of exceptional quality biosolids cake sewage sludge that is land applied pursuant to § 62.1-44.19:3P, Code of Virginia, until such fee is altered, amended or rescinded by the State Water Control Board.</p> <p>F. If the Board of the Appomattox River Water Authority does not approve an action to move forward with the raising of the Brasfield Dam prior to June 30, 2017, the authorization for \$5,000,000 in Virginia Public Building Authority bonds for such project included in Chapter 806, 2013 Acts of Assembly shall expire.</p> <p>G. The Department shall work in conjunction with the Virginia Economic Development Partnership to facilitate the development of long-term offsetting methods within the Virginia Nutrient Credit Exchange as set out in Item 125 of this act.</p>				
369.	Air Protection (51300).....		\$18,347,767	\$18,347,767
	Air Protection Permitting (51325).....	\$6,069,469		
	Air Protection Compliance and Enforcement (51326)	\$6,641,946		
	Air Protection Outreach (51327).....	\$205,587		
	Air Protection Planning and Policy (51328).....	\$2,327,437		
	Air Protection Monitoring and Assessment (51329)....	\$3,103,328		
	Fund Sources: General.....	\$2,333,542		
	Enterprise.....	\$9,613,520		
	Dedicated Special Revenue.....	\$2,437,796		
	Federal Trust.....	\$3,962,909		

Authority: Title 10.1, Chapters 11.1 and 13; and Title 46.2, Chapter 10, Code of Virginia.

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A. The Department of Environmental Quality is authorized to use up to \$300,000 the first year and \$300,000 the second year from the Vehicle Emissions Inspection Program Fund to implement the provisions of Chapter 710, Acts of Assembly of 2002, which authorizes the department to operate a program to subsidize repairs of vehicles that fail to meet emissions standards established by the Air Pollution Control Board when the owner of the vehicle is financially unable to have the vehicle repaired.

B.1. All of the permit program emissions fees collected by the State Air Pollution Control Board pursuant to § 10.1-1322, Code of Virginia, shall be assessed and collected on an annual basis notwithstanding the provisions of that section. The State Air Pollution Control Board shall adopt regulations adjusting permit program emissions fees collected pursuant to § 10.1-1322, Code of Virginia, and establish permit application processing fees and permit maintenance fees sufficient to ensure that the revenues collected from fees cover the total direct and indirect costs of the program consistent with the requirements of Title V of the Clean Air Act, except that the initial adjustment to permit program emissions fees shall not be increased by more than 30 percent over current rates. Notwithstanding the provisions of § 10.1-1322, Code of Virginia, the permit application fees collected pursuant to this paragraph shall not be credited towards the amount of annual fees owed pursuant to § 10.1-1322, Code of Virginia. All of the fees adopted pursuant to this section shall be adjusted annually by the Consumer Price Index.

2. The regulations adopted by the State Air Pollution Control Board to initially implement the provisions of this item shall be exempt from Chapter 40 of Title 2.2, Code of Virginia, and shall become effective no later than July 1, 2012. Thereafter, any amendments to the fee schedule described by these acts shall not be exempted from Chapter 40 of Title 2.2, Code of Virginia.

C. Funding provided in this item is contingent upon no amount contained herein being used to prepare or submit to the Environmental Protection Agency (EPA) a state implementation plan, or other document with respect to the Environmental Protection Agency's "Carbon Pollution Emission Guidelines for Existing Stationary Sources: Electric Utility Generating Units," 80 Fed. Reg. 64,662 (October 23, 2015), unless the stay issued by the United States Supreme Court is released pending disposition of the applicants' petitions for review in the United States Court of Appeals for the District of Columbia Circuit and disposition of the applicants' petition for a writ of certiorari, if such writ is sought.

370.	Environmental Financial Assistance (51500).....			\$62,013,511	\$62,013,511
	Financial Assistance for Environmental Resources Management (51502).....	\$9,125,868	\$9,125,868		
	Virginia Water Facilities Revolving Fund Loans and Grants (51503).....	\$23,588,877	\$23,588,877		
	Financial Assistance for Coastal Resources Management (51507).....	\$1,924,500	\$1,924,500		
	Litter Control and Recycling Grants (51509).....	\$2,039,509	\$2,039,509		
	Petroleum Tank Reimbursement (51511).....	\$25,334,757	\$25,334,757		
	Fund Sources: General.....	\$3,053,614	\$3,053,614		
	Trust and Agency.....	\$25,504,646	\$25,504,646		
	Dedicated Special Revenue.....	\$4,741,509	\$4,741,509		
	Federal Trust.....	\$28,713,742	\$28,713,742		

Authority: Title 10.1, Chapters 11.1, 14, 21.1, and 25 and Title 62.1, Chapters 3.1, 22, 23.2, and 24, Code of Virginia.

A. To the extent available, the authorization included in Chapter 781, 2009 Acts of Assembly, Item 368, paragraph E, is hereby continued for the Virginia Public Building Authority to issue revenue bonds in order to finance Virginia Water Quality Improvement Grants, pursuant to Chapter 851, 2007 Acts of Assembly.

B. To the extent available, the authorization included in Chapter 806, 2013 Acts of Assembly, Item C-39.40, is hereby continued for the Virginia Public Building Authority to issue revenue bonds in order to finance the Stormwater Local Assistance Fund, the Combined Sewer Overflow Matching Fund, Nutrient Removal Grants, the Hopewell

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<p>Regional Wastewater Treatment Authority, and the Appomattox River Water Authority. The administration of several of the water quality programs, including the Stormwater Local Assistance Fund, transferred to the Department of Environmental Quality per Chapter 756, 2013 Acts of Assembly.</p>				
<p>C.1. The State Comptroller is authorized to continue the Stormwater Local Assistance Fund as established in Item 360, Chapter 806, 2013 Acts of Assembly. The fund shall consist of bond proceeds from bonds authorized by the General Assembly and issued pursuant to Item C-39.40 in Chapter 806, 2013 Acts of Assembly, and Item C-43 of Chapter 665, 2015 Acts of Assembly, sums appropriated to it by the General Assembly, and other grants, gifts, and moneys as may be made available to it from any other source, public or private. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund.</p>				
<p>2. The purpose of the Fund is to provide matching grants to local governments for the planning, design, and implementation of stormwater best management practices that address cost efficiency and commitments related to reducing water quality pollutant loads. Moneys in the Fund shall be used to meet: i) obligations related to the Chesapeake Bay total maximum daily load (TMDL) requirements; ii) requirements for local impaired stream TMDLs; iii) water quality requirements of the Chesapeake Bay Watershed Implementation Plan (WIP); and iv) water quality requirements related to the permitting of small municipal stormwater sewer systems. The grants shall be used only for the acquisition of certified nonpoint nutrient credits and capital projects meeting all pre-requirements for implementation, including but not limited to: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration.</p>				
<p>D. The grants shall be used only for the acquisition of certified nonpoint nutrient credits and capital projects meeting all pre-requirements for implementation, including but not limited to: i) new stormwater best management practices; ii) stormwater best management practice retrofits; iii) stream restoration; iv) low impact development projects; v) buffer restoration; vi) pond retrofits; and vii) wetlands restoration. Such grants shall be in accordance with eligibility determinations made by the State Water Control Board under the authority of the Department of Environmental Quality.</p>				
<p>E. The Department of Environmental Quality is authorized to capitalize the Nutrient Offset Fund to the extent necessary to facilitate the development of grants or contracts to support animal waste to energy projects.</p>				
<p>F. The Department of Environmental Quality shall use an amount not to exceed \$3,000,000 from the Water Quality Improvement Fund to conduct the James River chlorophyll study pursuant to the approved Virginia Chesapeake Bay Total Maximum Daily Load, Phase I Watershed Implementation Plan. This amount shall be used solely for contractual support for water quality monitoring and analysis and computer modeling. No portion of this funding may be used for administrative costs of the department.</p>				
<p>G. Out of such funds available in this item, the Department shall provide funding to the Virginia Geographic Information Network in an amount necessary to implement statewide digital orthography to improve land coverage data necessary to assist localities in planning and implementing stormwater management programs. As part of this authorization, the Department shall also include data to update prior LIDAR surveys of elevations along coastal areas to support activities related to management of recurrent coastal flooding.</p>				
<p>H. Out of the amounts appropriated for Financial Assistance for Environmental Resources Management, \$3,292,479 the first year and \$3,292,479 the second year from federal funds is provided to implement stormwater management activities.</p>				
<p>I.1. Each locality establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, shall provide to the Auditor of Public Accounts by October 1 of each year, in a format specified by the Auditor, a report as to each program funded by these fees and the expected nutrient and sediment reductions for each of these programs. The Department of Environmental Quality shall, at the request of the Auditor of Public Accounts, offer assistance to the Auditor's office</p>				

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in the review of the submitted reports.				
2. The Auditor of Public Accounts shall include in the Specifications for Audits of Counties, Cities, and Towns regulations for all local governments establishing a utility or enacting a system of service charges to support a local stormwater management program pursuant to § 15.2-2114, Code of Virginia, a requirement to ensure that each impacted local government is in compliance with the provisions of § 15.2-2114 A., Code of Virginia. Any such adjustment to the Specifications for Audits of Counties, Cities, and Towns regulations shall be exempt from the Administrative Process Act and shall be required for all audits completed after July 1, 2014.				
371.	Administrative and Support Services (59900).....		\$27,154,493	\$27,157,559
	General Management and Direction (59901).....	\$19,644,008		\$19,647,074
	Information Technology Services (59902).....	\$7,510,485		\$7,510,485
	Fund Sources: General.....	\$12,634,058		\$12,637,124
	Special.....	\$5,867,648		\$5,867,648
	Enterprise.....	\$3,325,278		\$3,325,278
	Trust and Agency.....	\$1,239,744		\$1,239,744
	Dedicated Special Revenue.....	\$633,740		\$633,740
	Federal Trust.....	\$3,454,025		\$3,454,025
Authority: Title 10.1, Chapters 11.1, 13 and 14 and Title 62.1, Chapter 3.1, Code of Virginia.				
A. Notwithstanding the provisions of Title 10.1, Chapter 25, Code of Virginia, the department is authorized to expend funds from the balances in the Virginia Environmental Emergency Response Fund for costs associated with its waste management and water programs.				
B. Notwithstanding the provisions of Title 10.1, Chapter 25, Code of Virginia, the department is authorized to expend up to \$600,000 the first year and \$600,000 the second year from the balances in the Virginia Environmental Emergency Response Fund to further develop and implement eGovernment services.				
C. Out of the amounts for this appropriation, \$11,200 the first year and \$11,200 the second year from the general fund is provided for payment of the necessary expenses for Virginia's participation in the Roanoke River Bi-State Commission and Roanoke River Basin Advisory Committee.				
	Total for Department of Environmental Quality.....		\$175,365,071	\$175,368,137
	General Fund Positions.....	408.50		408.50
	Nongeneral Fund Positions.....	564.50		564.50
	Position Level.....	973.00		973.00
	Fund Sources: General.....	\$40,764,599		\$40,767,665
	Special.....	\$8,834,589		\$8,834,589
	Enterprise.....	\$12,938,798		\$12,938,798
	Trust and Agency.....	\$37,508,398		\$37,508,398
	Dedicated Special Revenue.....	\$24,887,481		\$24,887,481
	Federal Trust.....	\$50,431,206		\$50,431,206
§ 1-102. DEPARTMENT OF GAME AND INLAND FISHERIES (403)				
372.	Wildlife and Freshwater Fisheries Management (51100).....		\$45,672,578	\$45,686,094
	Wildlife Information and Education (51102).....	\$4,519,960		\$4,519,960
	Enforcement of Recreational Hunting and Fishing Laws and Regulations (51103).....	\$16,430,863		\$16,444,379
	Wildlife Management and Habitat Improvement (51106).....	\$24,721,755		\$24,721,755
	Fund Sources: Dedicated Special Revenue.....	\$31,323,249		\$31,336,765

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Federal Trust.....	\$14,349,329	\$14,349,329		
Authority: Title 29.1, Chapters 1 through 6, Code of Virginia.				
Out of the amounts appropriated for this Item, \$20,000 the first year and \$20,000 the second year from nongeneral funds is provided for the Smith Mountain Lake Water Quality Monitoring Program.				
373.	Boating Safety and Regulation (62500).....		\$8,095,918	\$8,095,918
	Boat Registration and Titling (62501).....	\$2,253,186		\$2,253,186
	Boating Safety Information and Education (62502)....	\$462,359		\$462,359
	Enforcement of Boating Safety Laws and Regulations (62503).....	\$5,380,373		\$5,380,373
	Fund Sources: Dedicated Special Revenue.....	\$6,387,953		\$6,387,953
	Federal Trust.....	\$1,707,965		\$1,707,965
Authority: Title 29.1, Chapters 7 and 8, Code of Virginia.				
374.	Administrative and Support Services (59900).....		\$9,041,237	\$9,051,353
	General Management and Direction (59901).....	\$7,265,635		\$7,275,751
	Information Technology Services (59902).....	\$1,775,602		\$1,775,602
	Fund Sources: Dedicated Special Revenue.....	\$8,820,388		\$8,830,504
	Federal Trust.....	\$220,849		\$220,849
Authority: Title 29.1, Chapter 1, Code of Virginia.				
A. The department shall recover the cost of reproduction, plus a reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the department.				
B. The department shall not further consolidate its regional offices, field offices, or close any of these offices in presently-served localities or enter into any lease for any new regional office without notification of the Chairman of the House Committee on Agriculture, Chesapeake, and Natural Resources and the Chairman of the Senate Committee on Agriculture, Conservation, and Natural Resources. The department shall not undertake any future reorganization of any division, reporting structures, regional or field offices, or any function it may perform without notifying the Chairmen of the House Committee on Agriculture, Chesapeake, and Natural Resources, the House Committee on Appropriations, the Senate Committee on Agriculture, Conservation, and Natural Resources, and the Senate Committee on Finance.				
C. Funds previously appropriated to the Lake Anna Advisory Committee for hydrilla control and removal may be used at the discretion of the Lake Anna Advisory Committee upon issues related to maintaining the health, safety, and welfare of Lake Anna.				
375.	A. Pursuant to §§ 29.1-101, 58.1-638, and 58.1-1410, Code of Virginia, deposits to the Game Protection Fund include an estimated \$17,700,000 the first year and \$17,700,000 the second year from revenue originating from the general fund.			
	B. Pursuant to § 29.1-101.01, Code of Virginia, the Department of Planning and Budget shall transfer such funds as designated by the Board of Game and Inland Fisheries from the Game Protection Fund (§ 29.1-101) to the Capital Improvement Fund (§ 29.1-101.01) up to an amount equal to 50 percent or less of the revenue deposited to the Game Protection Fund by § 3-1.01, subparagraph M, of this act.			
	C. Out of the amounts transferred pursuant to § 3-1.01, subparagraph K, of this act, \$881,753 the first year and \$881,753 the second year from the Game Protection Fund shall be used for the enforcement of boating laws, boating safety education, and for improving boating access.			
	Total for Department of Game and Inland Fisheries....		\$62,809,733	\$62,833,365
	Nongeneral Fund Positions.....	496.00		496.00
	Position Level.....	496.00		496.00

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: Dedicated Special Revenue.....	\$46,531,590	\$46,555,222		
Federal Trust.....	\$16,278,143	\$16,278,143		

§ 1-103. DEPARTMENT OF HISTORIC RESOURCES (423)

376. Historic and Commemorative Attraction Management (50200).....			\$5,890,828	\$5,891,575
Financial Assistance for Historic Preservation (50204).....	\$1,086,420	\$1,086,420		
Historic Resource Management (50205).....	\$4,804,408	\$4,805,155		
Fund Sources: General.....	\$3,704,256	\$3,704,806		
Special.....	\$690,659	\$690,659		
Commonwealth Transportation.....	\$109,835	\$109,835		
Federal Trust.....	\$1,386,078	\$1,386,275		

Authority: Title 10.1, Chapters 22 and 23, Code of Virginia.

A. General fund appropriations for historic and commemorative attractions not identified in § 10.1-2211 or § 10.1-2211.1, Code of Virginia, shall be matched by local or private sources, either in cash or in-kind, in amounts at least equal to the appropriation and which are deemed to be acceptable to the department.

B. In emergency situations which shall be defined as those posing a threat to life, safety or property, § 10.1-2213, Code of Virginia, shall not apply.

C.1. Out of the amounts for Financial Assistance for Historic Preservation shall be paid from the general fund grants to the following organization for the purposes prescribed in § 10.1-2211, Code of Virginia:

ORGANIZATION	FY 2017	FY 2018
United Daughters of the Confederacy	\$83,570	\$83,570

Notwithstanding the cited Code section, the United Daughters of the Confederacy shall make disbursements to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy for the purposes stated in that section. By November 1 of each year, the United Daughters of the Confederacy shall submit to the Director, Department of Historic Resources a report documenting the disbursement of these funds for their specified purpose.

2. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$7,500 each year shall be distributed to the Ladies Memorial Association of Petersburg.

3. As disbursements are made to the treasurers of Confederate memorial associations and chapters of the United Daughters of the Confederacy by the United Daughters of the Confederacy for the purposes stated in § 10.1-2211, Code of Virginia, an amount equal to \$90 the first year and \$90 the second year shall be distributed to the Town of Coeburn Municipal Graveyard.

D. Notwithstanding the requirements of § 10.1-2211.1, Code of Virginia, \$2,850 the first year and \$2,850 the second year from the general fund shall be disbursed to the Sons of the American Revolution for the care of Revolutionary War graves and cemeteries.

E. Included in this appropriation is \$109,835 the first year and \$109,835 the second year in nongeneral funds from the Highway Maintenance and Operating Fund to support the Department of Historic Resources' required reviews of transportation projects.

F. The Department of Historic Resources is authorized to accept a devise of certain real property under the will of Elizabeth Rust Williams known as Clermont Farm located on Route 7 east of the town of Berryville in Clarke County. If, after due consideration of options, the department determines that the property should be sold or leased to a different public or private entity, and notwithstanding the provisions of § 2.2-1156, Code of

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<p>Virginia, then the department is further authorized to sell or lease such property, provided such sale or lease is not in conflict with the terms of the will. The proceeds of any such sale or lease shall be deposited to the Historic Resources Fund established under § 10.1-2202.1, Code of Virginia.</p> <p>G. The Department of Historic Resources shall follow and provide input on federal legislation designed to establish a new national system of recognizing and funding Presidential Libraries for those entities that are not included in the 1955 Presidential Library Act.</p> <p>H. Included in this appropriation is \$1,000,000 the first year and \$1,000,000 the second year from the general fund to be deposited into the Virginia Battlefield Preservation Fund for grants to be made in accordance with § 10.1-2202.4, Code of Virginia. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. This appropriation shall be deemed sufficient to meet the provisions of § 2.2-1509.4, Code of Virginia.</p> <p>I. The Department of Historic Resources is authorized to require applicants for tax credits for historic rehabilitation projects under § 58.1-339.2, Code of Virginia, to provide an audit by a certified public accountant licensed in Virginia, in accordance with guidelines developed by the department in consultation with the Auditor of Public Accounts. The department is also authorized to contract with tax, financial, and other professionals to assist the department with the oversight of historic rehabilitation projects for which tax credits are anticipated.</p>				
377.	Administrative and Support Services (59900).....		\$916,745	\$916,868
	General Management and Direction (59901).....	\$916,745	\$916,868	
	Fund Sources: General.....	\$691,620	\$691,717	
	Special.....	\$45,500	\$45,500	
	Federal Trust.....	\$179,625	\$179,651	
<p>Authority: Title 10.1, Chapters 10.1, 22 and 23, Code of Virginia.</p> <p>Out of the amounts for Administrative and Support Services, the department shall administer state grants to nonstate agencies pursuant to Item 495 of this act.</p>				
Total for Department of Historic Resources.....			\$6,807,573	\$6,808,443
	General Fund Positions.....	27.00	27.00	
	Nongeneral Fund Positions.....	18.00	18.00	
	Position Level.....	45.00	45.00	
	Fund Sources: General.....	\$4,395,876	\$4,396,523	
	Special.....	\$736,159	\$736,159	
	Commonwealth Transportation.....	\$109,835	\$109,835	
	Federal Trust.....	\$1,565,703	\$1,565,926	

§ 1-104. MARINE RESOURCES COMMISSION (402)

378.	Marine Life Management (50500).....		\$19,864,079	\$19,811,753
	Marine Life Information Services (50501).....	\$1,335,643	\$1,336,855	
	Marine Life Regulation Enforcement (50503).....	\$8,859,589	\$8,862,051	
	Artificial Reef Construction (50506).....	\$69,520	\$69,520	
	Chesapeake Bay Fisheries Management (50507).....	\$5,637,648	\$5,581,648	
	Oyster Propagation and Habitat Improvement (50508).....	\$3,961,679	\$3,961,679	
	Fund Sources: General.....	\$9,407,758	\$9,354,458	
	Special.....	\$6,312,739	\$6,313,713	
	Commonwealth Transportation.....	\$313,768	\$313,768	
	Dedicated Special Revenue.....	\$581,014	\$581,014	
	Federal Trust.....	\$3,248,800	\$3,248,800	

Authority: Title 18.2, Chapters 1 and 5; Title 19.2, Chapters 1, 5 and 7; Title 28.2, Chapters 1 through 10; Title 29.1, Chapter 7; Title 32.1, Chapter 6; Title 33.2, Chapter 1; and Title 62.1,

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Chapters 18 and 20, Code of Virginia.				
A. Out of this appropriation, \$54,098 the first year and \$54,611 the second year from the general fund is provided for annual membership dues to the Atlantic States Marine Fisheries Commission.				
B. Out of this appropriation, \$148,750 the first year and \$148,750 the second year from the general fund is provided for annual membership dues to the Potomac River Fisheries Commission.				
C. Out of the amounts for Marine Life Regulation Enforcement shall be paid into the Marine Patrols Fund, \$169,248 the first year and \$169,248 the second year, pursuant to § 28.2-108, Code of Virginia. For this purpose, cash shall be transferred from the Commonwealth Transportation Fund.				
D. Pursuant to § 58.1-2289 D, Code of Virginia, \$144,520 the first year and \$144,520 the second year shall be transferred to Marine Life Regulation Enforcement from the Commonwealth Transportation Fund from unrefunded motor fuel taxes for boats and paid into the Marine Patrols Fund.				
E. Any unexpended general fund balances designated by the agency for oyster remediation activities remaining in this Item on June 30, 2017, and June 30, 2018, shall be reappropriated and reallocated to the Marine Resources Commission for expenditure.				
F. The commission shall deposit proceeds from the sale of oyster shells, oyster seeds, and other subaqueous materials pursuant to § 28.2-550, Code of Virginia, to the Public Oyster Rock Replenishment Fund established by § 28.2-542, Code of Virginia. The proceeds from such sale shall be used for the same purposes specified in § 28.2-542, Code of Virginia.				
G. Out of this appropriation, \$2,000,000 the first year and \$2,000,000 the second year from the general fund is provided to support oyster replenishment activities.				
379.	Coastal Lands Surveying and Mapping (51000).....		\$2,207,402	\$1,977,335
	Coastal Lands and Bottomlands Management (51001).....	\$1,638,913		\$1,408,846
	Marine Resources Surveying and Mapping (51002).....	\$568,489		\$568,489
	Fund Sources: General.....	\$1,191,054		\$960,987
	Dedicated Special Revenue.....	\$834,348		\$834,348
	Federal Trust.....	\$182,000		\$182,000
Authority: Title 28.2, Chapters 12, 13, 14, 15 and 16; Title 62.1, Chapters 16 and 19, Code of Virginia.				
Out of this appropriation, \$239,000 the first year and \$8,933 the second year from the general fund is designated for Virginia's share of an Army Corps of Engineers project to construct a seawall to preserve the harbor on Tangier Island.				
380.	Tourist Promotion (53600).....		\$220,000	\$220,000
	Virginia Saltwater Sport Fishing Tournament (53601).....	\$220,000		\$220,000
	Fund Sources: Special.....	\$220,000		\$220,000
Authority: Title 28.2, Chapter 2, Code of Virginia				
381.	Administrative and Support Services (59900).....		\$2,303,283	\$2,308,141
	General Management and Direction (59901).....	\$2,303,283		\$2,308,141
	Fund Sources: General.....	\$2,182,183		\$2,186,545
	Special.....	\$121,100		\$121,596
Authority: Title 28.2, Chapters 1 and 2, Code of Virginia.				
A. The Marine Resources Commission shall recover the cost of reproduction, plus a				

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reasonable fee per record, from persons or organizations requesting copies of computerized lists of licenses issued by the commission.				
B. From the amounts collected pursuant to § 28.2-200 et seq., Code of Virginia, and deposited into the Virginia Marine Products Fund (§ 3.2-2705, Code of Virginia), the Marine Resources Commission may retain \$10,000 the first year and \$10,000 the second year for the administrative cost of issuing gear licenses.				
C. Notwithstanding any action of the Virginia Marine Resources Commission pursuant to Chapter 4 VAC 20-1090-10 et. seq., or other provisions of law or policy, fees levied by the Commission for saltwater recreational fishing licenses shall be imposed at the level as they were in effect on October 1, 2014.				
Total for Marine Resources Commission.....			\$24,594,764	\$24,317,229
General Fund Positions.....	128.50	128.50		
Nongeneral Fund Positions.....	35.00	35.00		
Position Level.....	163.50	163.50		
Fund Sources: General.....	\$12,780,995	\$12,501,990		
Special.....	\$6,653,839	\$6,655,309		
Commonwealth Transportation.....	\$313,768	\$313,768		
Dedicated Special Revenue.....	\$1,415,362	\$1,415,362		
Federal Trust.....	\$3,430,800	\$3,430,800		
§ 1-105. VIRGINIA MUSEUM OF NATURAL HISTORY (942)				
382. Museum and Cultural Services (14500).....			\$3,365,964	\$3,309,486
Collections Management and Curatorial Services (14501).....	\$112,299	\$112,299		
Education and Extension Services (14503).....	\$515,380	\$515,380		
Operational and Support Services (14507).....	\$1,999,334	\$1,942,856		
Scientific Research (14508).....	\$738,951	\$738,951		
Fund Sources: General.....	\$2,932,889	\$2,876,411		
Special.....	\$338,075	\$338,075		
Federal Trust.....	\$95,000	\$95,000		
Authority: Title 10.1, Chapter 20, Code of Virginia.				
Total for Virginia Museum of Natural History.....			\$3,365,964	\$3,309,486
General Fund Positions.....	39.00	39.00		
Nongeneral Fund Positions.....	9.50	9.50		
Position Level.....	48.50	48.50		
Fund Sources: General.....	\$2,932,889	\$2,876,411		
Special.....	\$338,075	\$338,075		
Federal Trust.....	\$95,000	\$95,000		
TOTAL FOR OFFICE OF NATURAL RESOURCES.....			\$443,576,702	\$377,564,648
General Fund Positions.....	1,020.50	1,020.50		
Nongeneral Fund Positions.....	1,162.50	1,162.50		
Position Level.....	2,183.00	2,183.00		
Fund Sources: General.....	\$181,115,288	\$115,077,909		
Special.....	\$40,801,582	\$40,803,052		
Commonwealth Transportation.....	\$423,603	\$423,603		
Enterprise.....	\$12,938,798	\$12,938,798		
Trust and Agency.....	\$37,508,398	\$37,508,398		
Debt Service.....	\$75,000	\$75,000		
Dedicated Special Revenue.....	\$87,084,262	\$87,107,894		

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Federal Trust.....	\$83,629,771	\$83,629,994		

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OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

§ 1-106. SECRETARY OF PUBLIC SAFETY AND HOMELAND SECURITY (187)

383.	Administrative and Support Services (79900).....			\$647,038	\$647,093
	General Management and Direction (79901).....	\$647,038	\$647,093		
	Fund Sources: General.....	\$647,038	\$647,093		

Authority: Title 2.2, Chapter 2, Article 8, and § 2.2-201, Code of Virginia.

A. The Secretary of Public Safety and Homeland Security shall present revised state and local juvenile and state and local responsibility adult offender population forecasts to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, and the Chairmen of the House and Senate Courts of Justice Committees by October 15, 2016, for each fiscal year through FY 2022 and by October 15, 2017, for each fiscal year through FY 2023. The secretary shall ensure that the revised forecast for state-responsible adult offenders shall include an estimate of the number of probation violators included each year within the overall population forecast who may be appropriate for alternative sanctions.

B. The secretary shall continue to work with other secretaries to (i) develop services intended to improve the re-entry of offenders from prisons and jails to general society and (ii) enhance the coordination of service delivery to those offenders by all state agencies. The secretary shall provide a status report on actions taken to improve offender transitional and reentry services, as provided in § 2.2-221.1, Code of Virginia, including improvements to the preparation and provision for employment, treatment, and housing opportunities for those being released from incarceration. The report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than November 15 of each year.

384.	Disaster Planning and Operations (72200).....			\$567,489	\$567,489
	Emergency Planning and Homeland Security (72210).....	\$567,489	\$567,489		
	Fund Sources: Federal Trust.....	\$567,489	\$567,489		
	Total for Secretary of Public Safety and Homeland Security.....			\$1,214,527	\$1,214,582
	General Fund Positions.....	6.00	6.00		
	Nongeneral Fund Positions.....	3.00	3.00		
	Position Level.....	9.00	9.00		
	Fund Sources: General.....	\$647,038	\$647,093		
	Federal Trust.....	\$567,489	\$567,489		

§ 1-107. COMMONWEALTH'S ATTORNEYS' SERVICES COUNCIL (957)

385.	Adjudication Training, Education, and Standards (32600).....			\$2,041,805	\$2,041,939
	Prosecutorial Training (32604).....	\$2,041,805	\$2,041,939		
	Fund Sources: General.....	\$631,955	\$632,044		
	Special.....	\$1,409,850	\$1,409,895		

Authority: Title 2.2, Chapter 26, Article 7, Code of Virginia.

	Total for Commonwealth's Attorneys' Services Council.....			\$2,041,805	\$2,041,939
	General Fund Positions.....	7.00	7.00		
	Position Level.....	7.00	7.00		
	Fund Sources: General.....	\$631,955	\$632,044		
	Special.....	\$1,409,850	\$1,409,895		

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§ 1-108. DEPARTMENT OF ALCOHOLIC BEVERAGE CONTROL (999)				
386.	Crime Detection, Investigation, and Apprehension (30400).....		\$18,673,377	\$18,673,377
	Enforcement and Regulation of Alcoholic Beverage Control Laws (30403).....	\$18,673,377	\$18,673,377	
	Fund Sources: Enterprise.....	\$17,973,377	\$17,973,377	
	Federal Trust.....	\$700,000	\$700,000	
	Authority: § 4.1-100 through § 4.1-133, Code of Virginia.			
	A. No funds appropriated for this program shall be used for enforcement personnel to enforce local ordinances.			
	B. Revenues of the fund appropriated in this Item and Item 387 of this act are limited to those received pursuant to Title 4, Code of Virginia, excepting taxes collected by the Alcoholic Beverage Control Board.			
	C. By September 1 of each year, the Alcoholic Beverage Control Board shall report for the prior fiscal year the dollar amount of total wine liter tax collections in Virginia; the portion, expressed in dollars, of such tax collections attributable to the sale of Virginia wine in both ABC stores and in private stores; and, the percentage of total wine liter tax collections attributable to the sale of Virginia wine. Such report shall be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, Director, Department of Planning and Budget and the Virginia Wine Board.			
387.	Alcoholic Beverage Merchandising (80100).....		\$660,569,809	\$677,024,228
	Administrative Services (80101).....	\$64,966,022	\$66,420,441	
	Alcoholic Beverage Control Retail Store Operations (80102).....	\$95,712,014	\$95,712,014	
	Alcoholic Beverage Purchasing, Warehousing and Distribution (80103).....	\$499,891,773	\$514,891,773	
	Fund Sources: Enterprise.....	\$660,569,809	\$677,024,228	
	Authority: § 4.1-100 through § 4.1-133, Code of Virginia.			
	A. The Secretary of Finance shall chair an advisory committee to review the progress of the Department of Alcoholic Beverage Control in planning, financing, procuring, and implementing the information technology systems necessary to sustain the department's business enterprise. Members of this committee shall include the Secretary of Public Safety and Homeland Security; the Director, Department of Planning and Budget; the Director, Department of Accounts; the Chief Information Officer of the Commonwealth; the Auditor of Public Accounts; and the Staff Directors of the House Appropriations and Senate Finance Committees and/or their designees.			
	B. Funds appropriated for services related to state lottery operations shall be used solely for lottery ticket purchases and prize payouts.			
	C. The Alcoholic Beverage Control Board shall open additional stores in locations deemed to have the greatest potential for total increased sales in order to maximize profitability.			
	D. Notwithstanding § 4.1-120, Code of Virginia, the Alcoholic Beverage Control Board may open certain government stores, as determined by the Board, for the sale of alcoholic beverages on New Year's Day and on Sundays after 12:00 p.m.			
	Total for Department of Alcoholic Beverage Control.....		\$679,243,186	\$695,697,605
	Nongeneral Fund Positions.....	1,235.00	1,235.00	
	Position Level.....	1,235.00	1,235.00	
	Fund Sources: Enterprise.....	\$678,543,186	\$694,997,605	
	Federal Trust.....	\$700,000	\$700,000	

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§ 1-109. DEPARTMENT OF CORRECTIONS (799)

388.	Instruction (19700).....			\$28,816,944	\$28,989,332
	Career and Technical Instructional Services for Youth and Adult Schools (19712).....	\$9,788,877	\$9,961,265		
	Adult Instructional Services (19713).....	\$12,458,209	\$12,458,209		
	Instructional Leadership and Support Services (19714).....	\$6,569,858	\$6,569,858		
	Fund Sources: General.....	\$28,306,666	\$28,479,054		
	Federal Trust.....	\$510,278	\$510,278		

Authority: §§ 53.1-5 and 53.1-10, Code of Virginia.

389.	Supervision of Offenders and Re-entry Services (35100).....			\$97,450,960	\$98,850,960
	Probation and Parole Services (35106).....	\$92,156,595	\$93,556,595		
	Community Residential Programs (35108).....	\$3,163,556	\$3,163,556		
	Administrative Services (35109).....	\$2,130,809	\$2,130,809		
	Fund Sources: General.....	\$94,635,581	\$96,035,581		
	Special.....	\$85,000	\$85,000		
	Dedicated Special Revenue.....	\$2,330,379	\$2,330,379		
	Federal Trust.....	\$400,000	\$400,000		

Authority: §§ 53.1-67.2 through 53.1-67.6 and §§ 53.1-140 through 53.1-176.3, Code of Virginia.

A. By September 1 of each year, the Department of Corrections shall provide a status report on the Statewide Community-Based Corrections System for State-Responsible Offenders to the Chairmen of the House Courts of Justice; Health, Welfare and Institutions; and Appropriations Committees and the Senate Courts of Justice; Rehabilitation and Social Services; and Finance Committees and to the Department of Planning and Budget. The report shall include a description of the department's progress in implementing evidence-based practices in probation and parole districts, and its plan to continue expanding this initiative into additional districts. The section of the status report on evidence-based practices shall include an evaluation of the effectiveness of these practices in reducing recidivism and how that effectiveness is measured.

B. Included in the appropriation for this Item is \$150,000 the first year and \$150,000 the second year from nongeneral funds to support the implementation of evidence-based practices in probation and parole districts. The source of the funds is the Drug Offender Assessment Fund.

390.	Financial Assistance for Confinement of Inmates in Local and Regional Facilities (35600).....			\$766,483	\$0
	Financial Assistance for Construction of Local and Regional Jails (35603).....	\$766,483	\$0		
	Fund Sources: General.....	\$766,483	\$0		

Authority: §§ 53.1-80 and 53.1-81, Code of Virginia

The appropriation in this Item shall be used to pay the Commonwealth's share of the costs to construct, renovate, or expand local and regional correctional facilities. After reviewing requests for reimbursement, the Department of Corrections shall reimburse the Commonwealth's share of costs approved by the Board of Corrections for the following facilities, not to exceed the amounts shown:

Newport News Public Safety Building	\$609,255
Southampton Jail Farm	\$84,828
Martinsville City Jail	\$72,400

391. A. The following process shall be applicable in order for any county, city, or regional jail

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authority (hereinafter referred to as “the locality”) to receive state reimbursement for a portion of the costs of the construction, expansion, or renovation of a jail as provided in §§53.1-80 and 53.1-81, Code of Virginia:

1. The locality shall file with the Department of Corrections, by January 1 of the year in which it wishes its request to be considered, the following information in a format specified by the department:

- a. the information and documents required by §53.1-82.1, Code of Virginia;
- b. Specifications for the proposed construction or renovation; and
- c. Detailed cost estimates.

2. The Department of Corrections shall review the request and make its comments and recommendations to the Board of Corrections.

3. The Departments of Corrections and Criminal Justice Services shall review the community-based corrections plan and jail population forecast submitted by the locality and make their comments and recommendation concerning them to the Board of Corrections.

4. The Board of Corrections shall review and take action on the request, after reviewing the comments and recommendations of the Departments of Corrections and Criminal Justice Services. It may modify any aspect of the request before approving it. The board shall not approve any request unless the following conditions have been met:

- a. the project is consistent with the projected number of local and state responsible offenders to be housed in such facility;
- b. the project meets the design criteria set out in the Board of Corrections' Standards for Planning, Design, Construction and Reimbursement of Local Correctional Facilities;
- c. the project is proposed to be built using standards for a minimum security facility, as adopted by the board, unless the use of more expensive construction standards is justified, based on a documented projection of offender populations that would require a higher level of security;
- d. the project can be completed and operated in a cost-efficient manner; and
- e. any other criteria established by the board.

5. If the Board of Corrections approves a request, the Department of Corrections shall notify the Department of Planning and Budget by October 1 of the board's action and submit a summary of the project and a detailed list of the board-approved costs to the department.

6. If the Board of Corrections approves a request, the Department of Criminal Justice Services shall submit to the Department of Planning and Budget by October 1 a summary of the alternatives to incarceration included in the community-based corrections plan approved for the project, along with a projection of the state funds needed to implement these programs.

7. The Department of Planning and Budget shall submit to the Governor, for consideration for inclusion in the budget bill to be submitted by the Governor to the General Assembly, its recommendations concerning the approval of the request for reimbursement of jail construction or renovation costs and whether state funding is appropriate to support the alternatives to incarceration included in the community-based corrections plan.

B. The Department of Corrections shall provide an annual report on the status of jail construction and renovation projects as approved for funding by the General Assembly. The report shall be limited to those projects which increase bed capacity. The report shall include a brief summary description of each project, the total capital cost of the project and the approved state share of the capital cost, the number of beds approved, along with the net number of new beds if existing beds are to be removed, and the closure of any existing facilities, if applicable. The report shall include the six-year population forecast,

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<p>as well as the double-bunking capacity compared to the rated capacity for each project listed. The report shall also include the general fund impact on community corrections programs as reported by the Department of Criminal Justice Services, and the recommended financing arrangements and estimated general fund requirements for debt service as provided by the State Treasurer. Copies of the report shall be provided by October 1 of each year to the Chairmen of the Senate Finance and House Appropriations Committees and to the Director, Department of Planning and Budget.</p> <p>C.1. No city, county, town or regional jail shall authorize the construction, remodeling, renovation or rehabilitation of any facility to house any inmate in secure custody which results in increased jail capacity without the prior approval of the Board of Corrections.</p> <p>2. Any facility operated by any local or regional jail in the Commonwealth which houses any inmate in secure custody shall be subject to the operational provisions of §§ 53.1-5 and 53.1-68, Code of Virginia, as well as all rules, regulations, and inspections established by the Board of Corrections.</p> <p>D. The Board of Corrections shall include within its reporting formats on the capacity of each local and regional jail, a measure of the actual jail capacity, which shall include double-bunking, with exceptions as appropriate, in the judgment of the Board, for isolation, segregation, or medical cells, or similar units which would not normally be double-bunked. Exceptions to this measure of capacity may also be made for jails which were constructed prior to 1980. A report including the double-bunking capacity, as well as the standard Board of Corrections measure of rated capacity, for each jail shall be presented to the Secretary of Public Safety and the Chairmen of the Senate Finance and House Appropriations Committees by October 1 of each year.</p> <p>E. The Commonwealth shall reimburse localities or regional jail authorities for up to 25 percent of the cost of constructing, enlarging, or renovating regional jails, for regional jail projects approved by the Governor on or after July 1, 2015, consistent with the provisions of Chapter 749 of the 2015 General Assembly.</p>				
392.	<p>Operation of State Residential Community Correctional Facilities (36100).....</p> <p>Community Facility Management (36101).....</p> <p>Supervision and Management of Probates (36102).....</p> <p>Rehabilitation and Treatment Services - Community Residential Facilities (36103).....</p> <p>Medical and Clinical Services - Community Residential Facilities (36104).....</p> <p>Food Services - Community Residential Facilities (36105).....</p> <p>Physical Plant Services - Community Residential Facilities (36106).....</p> <p>Fund Sources: General.....</p> <p> Special.....</p>		<p>\$16,419,906</p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p>	<p>\$16,419,906</p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p> <p></p>
<p>Authority: §§ 53.1-67.2 through 53.1-67.8, Code of Virginia.</p> <p>A. Included within this appropriation is \$700,00 the first year and \$700,000 the second year from nongeneral funds to be used for operating expenses of diversion centers operated by the Department of Corrections. The nongeneral funds are to come from the fees collected from probationers, assigned to the diversion centers, to cover a portion of the cost of housing them, pursuant to § 19.2-316.3 C, Code of Virginia.</p> <p>B. Notwithstanding the provisions of § 53.1-67.1, Code of Virginia, the Department of Corrections shall not be required to operate a boot camp program for offenders placed on probation.</p>				
393.	<p>Operation of Secure Correctional Facilities (39800)....</p> <p>Supervision and Management of Inmates (39802).....</p> <p>Rehabilitation and Treatment Services - Prisons (39803).....</p>		<p>\$954,242,819</p> <p>\$484,138,726</p> <p>\$40,675,195</p>	<p>\$976,431,247</p> <p>\$492,283,283</p> <p>\$41,359,252</p>

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Prison Management (39805).....	\$67,684,260	\$70,457,754		
Food Services - Prisons (39807).....	\$43,053,274	\$43,182,334		
Medical and Clinical Services - Prisons (39810).....	\$187,472,385	\$197,929,645		
Agribusiness (39811).....	\$10,051,668	\$10,051,668		
Correctional Enterprises (39812).....	\$49,680,835	\$49,680,835		
Physical Plant Services - Prisons (39815).....	\$71,486,476	\$71,486,476		
Fund Sources: General.....	\$900,740,944	\$922,929,372		
Special.....	\$52,580,835	\$52,580,835		
Federal Trust.....	\$921,040	\$921,040		

Authority: §§ 53.1-1, 53.1-5, 53.1-8, and 53.1-10, Code of Virginia.

A. Included in this appropriation is \$1,195,000 in the first year and \$1,195,000 the second year from nongeneral funds for the purposes listed below. The source of the funds is commissions generated by prison commissary operations:

1. \$170,000 the first year and \$170,000 the second year for Assisting Families of Inmates, Inc., to provide transportation for family members to visit offenders in prison and other ancillary services to family members;
2. \$950,000 the first year and \$950,000 the second year for distribution to organizations that work to enhance faith-based services to inmates; and
3. \$75,000 the first year and \$75,000 the second year for the "FETCH" program.

B.1. The Department of Corrections is authorized to contract with other governmental entities to house male and female prisoners from those jurisdictions in facilities operated by the department.

2. The State Comptroller shall continue to maintain the Contract Prisoners Special Revenue Fund on the books of the Commonwealth to reflect the activities of contracts between the Commonwealth of Virginia and other governmental entities for the housing of prisoners in facilities operated by the Virginia Department of Corrections.

3. The Department of Corrections shall determine whether it may be possible to contract to house additional federal inmates or inmates from other states in space available within state correctional facilities. The department may, subject to the approval of the Governor, enter into such contracts, to the extent that sufficient bedspace may become available in state facilities for this purpose.

C. The Department of Corrections may enter into agreements with local and regional jails to house state-responsible offenders in such facilities and to effect transfers of convicted state felons between and among such jails. Such agreements shall be governed by the provisions of Item 70 of this act.

D. To the extent that the Department of Corrections privatizes food services, the department shall also seek to maximize agribusiness operations.

E. Notwithstanding the provisions of § 53.1-45, Code of Virginia, the Department of Corrections is authorized to sell on the open market and through the Virginia Farmers' Market Network any dairy, animal, or farm products of which the Commonwealth imports more than it exports.

F. It is the intention of the General Assembly that § 53.1-47, the Code of Virginia, concerning articles and services produced or manufactured by persons confined in state correctional facilities, shall be construed such that the term "manufactured" articles shall include "remanufactured" articles.

G. Out of this appropriation, \$921,040 the first year and \$921,040 the second year from nongeneral funds is included for inmate medical costs. The sources of the nongeneral funds are an award from the State Criminal Alien Assistance Program, administered by the U.S. Department of Justice.

H.1. The Department of Corrections, in coordination with the Virginia Supreme Court,

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<p>shall continue to operate a behavioral correction program. Offenders eligible for such a program shall be those offenders: (i) who have never been convicted of a violent felony as defined in § 17.1-805 of the Code of Virginia and who have never been convicted of a felony violation of §§ 18.2-248 and 18.2-248.1 of the Code of Virginia; (ii) for whom the sentencing guidelines developed by the Virginia Criminal Sentencing Commission would recommend a sentence of four years or more in facilities operated by the Department of Corrections; and (iii) whom the court determines require treatment for drug or alcohol substance abuse. For any such offender, the court may impose the appropriate sentence with the stipulation that the Department of Corrections place the offender in an intensive therapeutic community-style substance abuse treatment program as soon as possible after receiving the offender. Upon certification by the Department of Corrections that the offender has successfully completed such a program of a duration of 24 months or longer, the court may suspend the remainder of the sentence imposed by the court and order the offender released to supervised probation for a period specified by the court.</p>				
<p>2. If an offender assigned to the program voluntarily withdraws from the program, is removed from the program by the Department of Corrections for intractable behavior, fails to participate in program activities, or fails to comply with the terms and conditions of the program, the Department of Corrections shall notify the court, outlining specific reasons for the removal and shall reassign the defendant to another incarceration assignment as appropriate. Under such terms, the offender shall serve out the balance of the sentence imposed by the court, as provided by law.</p>				
<p>3. The Department of Corrections shall collect the data and develop the framework and processes that will enable it to conduct an in-depth evaluation of the program three years after it has been in operation. The department shall submit a report periodically on the program to the Chief Justice as he may require and shall submit a report on the implementation of the program and its usage to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Appropriations and Senate Finance Committees by June 30 of each year.</p>				
<p>I. Included in the appropriation for this Item is \$250,000 the first year and \$250,000 the second year from nongeneral funds for a culinary arts program in which inmates are trained to operate food service activities serving agency staff and the general public. The source of the funds shall be revenues generated by the program. Any revenues so generated by the program shall not be subject to § 4-2.02 of this act and shall be used by the agency for the costs of operating the program. The State Comptroller shall continue to maintain the Inmate Culinary Arts Training Program Fund on the books of the Commonwealth to reflect the revenue and expenditures of this program.</p>				
<p>J. The Department of Corrections shall continue to coordinate with the Department of Medical Assistance Services and the Department of Social Services to enroll eligible inmates in Medicaid. To the extent possible, the Department of Corrections shall work to identify potentially eligible inmates on a proactive basis, prior to the time inpatient hospitalization occurs. Procedures shall also include provisions for medical providers to bill the Department of Medical Assistance Services, rather than the Department of Corrections, for eligible inmate inpatient medical expenses. Due to the multiple payor sources associated with inpatient and outpatient health care services, the Department of Corrections and the Department of Medical Assistance Services shall consult with the applicable provider community to ensure that administrative burdens are minimized and payment for health care services is rendered in a prompt manner.</p>				
<p>K. Federal funds received by the Department of Corrections from the federal Residential Substance Abuse Treatment Program shall be exempt from payment of statewide and agency indirect cost recoveries into the general fund.</p>				
<p>L. Included in the appropriation for this item is funding for the first year and the second year from the general fund for six medical contract monitors. The persons filling these positions shall have the responsibility of closely monitoring the adequacy and quality of inmate medical services in those correctional facilities for which the department has contracted with a private vendor to provide inmate medical services.</p>				
<p>M. The Department of Corrections shall continue to operate a separate program for inmates under 18 years old who have been tried and convicted as adults and committed to the</p>				

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<p>Department of Corrections. This separation of these offenders from the general prison population is required by the requirements of the federal Prison Rape Elimination Act.</p> <p>N. The Department shall provide to the Secretary of Public Safety and Homeland Security, the Directors of the Departments of Planning and Budget and Human Resources Management, and the Chairmen of the House Appropriations and Senate Finance Committees by July 1, 2016, a report assessing:</p> <p>a. The costs, benefits, and administrative actions required to eliminate the Department's reliance on a private contractor for the delivery of inmate health care at multiple facilities, and to provide the same services internally using either state employees or individual contract medical personnel.</p> <p>b. The costs, benefits, and administrative actions required to transition to a statewide health care management model that uses best practices and cost containment methods employed by prison health care management and Medicaid managed care organizations to deliver provider-managed and outcome-based comprehensive health care services through a single statewide contract for all of the Department's adult correctional centers.</p> <p>c. A review of the Department's actual cost experience comparing the previous arrangement in which the contractor assumed full financial risk for the payment of off-site inpatient and outpatient services, and the current and proposed arrangement in which the Department assumes that risk and also receives any Medicaid reimbursement for such off-site expenses. For purposes of analyzing the first arrangement, it is assumed that the benefit of any Medicaid or other third-party reimbursement for hospital or other services would accrue to the contractor. This review shall also compare cost trends experienced by other states which have adopted these two arrangements.</p> <p>d. A comparison of the costs and benefits of the Department's current management of inmate health care, including the model envisioned in its August 2014 Request for Proposals, to the alternative models the Department is directed to assess in subsections a, b, and c above.</p> <p>e. The Department of Human Resources Management, the Department of Planning and Budget and other executive branch agencies shall provide technical assistance to the Department as needed.</p>				
394.	Administrative and Support Services (39900).....		\$100,010,244	\$98,801,981
	General Management and Direction (39901).....	\$16,324,842	\$16,324,842	
	Information Technology Services (39902).....	\$35,364,276	\$34,619,790	
	Accounting and Budgeting Services (39903).....	\$4,912,742	\$4,934,287	
	Architectural and Engineering Services (39904).....	\$6,946,969	\$6,363,801	
	Human Resources Services (39914).....	\$5,385,469	\$5,385,469	
	Planning and Evaluation Services (39916).....	\$728,081	\$728,081	
	Procurement and Distribution Services (39918).....	\$12,970,842	\$13,068,688	
	Training Academy (39929).....	\$7,656,522	\$7,656,522	
	Offender Classification and Time Computation Services (39930).....	\$9,720,501	\$9,720,501	
	Fund Sources: General.....	\$94,641,744	\$94,166,481	
	Special.....	\$5,218,500	\$4,485,500	
	Dedicated Special Revenue.....	\$150,000	\$150,000	

Authority: §§ 53.1-1 and 53.1-10, Code of Virginia.

A.1. Any plan to modernize and integrate the automated systems of the Department of Corrections shall be based on developing the integrated system in phases, or modules. Furthermore, any such integrated system shall be designed to provide the department the data needed to evaluate its programs, including that data needed to measure recidivism.

2. The appropriation in this Item includes \$2,868,500 the first year and \$2,135,500 the second year from the Contract Prisoners Special Revenue Fund to defray a portion of the costs of maintaining and enhancing the offender management system, including the development of an electronic health records system. In addition to any general fund

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	<p>appropriations, the Department of Corrections may, subject to the authorization of the Director, Department of Planning and Budget, utilize additional revenue deposited in the Contract Prisoners Special Revenue Fund to support the development of the offender management system.</p>			
	<p>B. Included in this appropriation is \$550,000 the first year and \$550,000 the second year from nongeneral funds to be used for installation and operating expenses of the telemedicine program operated by the Department of Corrections. The source of the funds is revenue from inmate fees collected for medical services.</p>			
	<p>C. Included in this appropriation is \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds to be used by the Department of Corrections for the operations of its Corrections Construction Unit. The State Comptroller shall continue the Corrections Construction Unit Special Operating Fund on the Commonwealth Accounting and Reporting System to reflect the activities of contracts between the Corrections Construction Unit and (i) institutions within the Department of Corrections for work not related to a capital project and (ii) agencies without the Department of Corrections for work performed for those agencies.</p>			
	<p>D. Notwithstanding the provisions of § 53.1-20 A. and B., Code of Virginia, the Director, Department of Corrections, shall receive offenders into the state correctional system from local and regional jails at such time as he determines that sufficient, secure and appropriate housing is available, placing a priority on receiving inmates diagnosed and being treated for HIV, mental illnesses requiring medication, or Hepatitis C. The director shall maximize, consistent with inmate and staff safety, the use of bed space in the state correctional system. The director shall report monthly to the Secretary of Public Safety and Homeland Security and the Department of Planning and Budget on the number of inmates housed in the state correctional system, the number of inmate beds available, and the number of offenders housed in local and regional jails that meet the criteria set out in § 53.1-20 A. and B.</p>			
	<p>E. The Department of Corrections is exempted from the approval requirements of Chapter 11 of the Construction and Professional Services Manual as issued by the Division of Engineering and Buildings. The Department of Corrections may authorize and initiate design-build contracts as deemed appropriate by the Director, Department of Corrections, in accordance with §§ 2.2-4301 and 2.2-4306, Code of Virginia.</p>			
	<p>F. Notwithstanding any requirement to the contrary, any building, fixture, or structure to be placed, erected or constructed on, or removed or demolished from the property of the Commonwealth of Virginia under the control of the Department of Corrections shall not be subject to review and approval by the Art and Architectural Review Board as contemplated by § 2.2-2402, Code of Virginia. However, if the Department of Corrections seeks to construct a facility that is not a secure correctional facility or a structure located on the property of a secure correctional facility, then the Department of Corrections shall submit that structure to the Art and Architectural Review Board for review and approval by that board. Such other structures could include probation and parole district offices or regional offices.</p>			
	<p>G. The Commonwealth of Virginia shall convey 45 acres (more or less) of property, being a portion of Culpeper County Tax Map No. 75, parcel 32, lying in the Cedar Mountain Magisterial District of Culpeper County, Virginia, in consideration of the County's construction of water capacity and service line(s) adequate to serve the needs of the Department of Corrections' Coffeewood Facility and the Department of Juvenile Justice's Culpeper Juvenile Correctional Facility (hereinafter "the facilities"). The cost of the water improvements necessary to serve the facilities, including an eight-inch water service line, and including engineering and land/easement acquisition costs, shall be paid by the Commonwealth, less and except (i) the value of the property for the jail conveyed by the Commonwealth to the County (\$150,382, based on valuation by the Culpeper County Assessor), and (ii) the cost of increasing the size of the water service line from eight inches to twelve inches, in order to accommodate planned county needs.</p>			
	<p>H. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Corrections shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.</p>			
	<p>I. The Department of Corrections shall serve as the Federal Bonding Coordinator and shall work with the Virginia Community College System and its workforce development programs</p>			

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<p>and services to provide fidelity bonds to those offenders released from jails or state correctional centers who are required to provide fidelity bonds as a condition of employment. The department is authorized to use funds from the Contract Prisoners Special Revenue Fund to pay the costs of this activity.</p> <p>J. In the event the Department of Corrections closes a correctional facility for which it has entered into an agreement with any locality to pay a proportionate share of the debt service for the establishment of utilities to serve the facility, the department shall continue to pay its agreed upon share of the debt service, subject to the schedule previously agreed upon.</p> <p>K. Included in the appropriation for this Item is \$1,000,000 the first year and \$1,000,000 the second year from the general fund for the costs of security technology and hardware for the inmate telephone system.</p> <p>L. From the appropriation in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to present seminars on overcoming obstacles to re-entry and to promote family integration in the correctional centers designated for intensive re-entry programs. The department shall submit a report by October 15 of each year to the chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget on the use of this funding.</p> <p>M. Included in the appropriation for this Item is \$583,168 the first year from the general fund for the estimated net increase in the operating cost of adult correctional facilities resulting from the enactment of sentencing legislation as listed below. This amount shall be paid into the Corrections Special Reserve Fund, established pursuant to § 30-19.1:4, Code of Virginia.</p> <ol style="list-style-type: none"> 1. Senate Bill 49 and House Bill 1391, concerning a prohibition against possessing firearms by persons covered by protective orders -- \$50,000. 2. Senate Bill 339 and House Bill 752, concerning stalking -- \$50,000. 3. Senate Bill 354 and House Bill 510, concerning the statute of limitations for sexual crimes against minors -- \$50,000. 4. Senate Bill 715 and House Bill 1386, concerning voluntary background checks at gun shows -- \$50,000. 5. House Bill 177, adding aggravated malicious wounding to the Sex Offender and Crimes Against Minors Registry -- \$50,000. 6. House Bill 610, increasing the penalty for stalking a person protected by a protective order to a Class 6 felony -- \$101,254. 7. House Bill 886, concerning a second offense of stalking within five years -- \$81,914. 8. House Bill 1087 and Senate Bill 323, concerning a violation of a protective order while armed with a firearm -- \$50,000. 9. House Bill 1189, concerning child welfare agencies operating without a license -- \$50,000. 10. House Bill 1292, adding Viberzi to Schedule IV of the Drug Control Act -- \$50,000. 				
Total for Department of Corrections.....			\$1,197,707,356	\$1,219,493,426
General Fund Positions.....	12,352.00	12,352.00		
Nongeneral Fund Positions.....	245.50	251.50		
Position Level.....	12,597.50	12,603.50		
Fund Sources: General.....	\$1,134,611,324	\$1,157,130,394		
Special.....	\$58,784,335	\$58,051,335		
Dedicated Special Revenue.....	\$2,480,379	\$2,480,379		
Federal Trust.....	\$1,831,318	\$1,831,318		

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§ 1-110. DEPARTMENT OF CRIMINAL JUSTICE SERVICES (140)					
395.	Criminal Justice Training and Standards (30300).....			\$1,843,901	\$1,843,901
	Law Enforcement Training and Education Assistance (30306).....	\$1,843,901	\$1,843,901		
	Fund Sources: General.....	\$1,808,901	\$1,808,901		
	Special.....	\$35,000	\$35,000		
	Authority: Title 9.1, Chapter 1, Code of Virginia.				
396.	Criminal Justice Research, Planning and Coordination (30500).....			\$439,292	\$439,292
	Criminal Justice Research, Statistics, Evaluation, and Information Services (30504).....	\$439,292	\$439,292		
	Fund Sources: General.....	\$439,292	\$439,292		
	Authority: Title 9.1, Chapter 1; Title 19.2, Chapter 23.1, Code of Virginia.				
397.	Asset Forfeiture and Seizure Fund Management and Financial Assistance Program (30600).....			\$6,740,538	\$6,740,538
	Coordination of Asset Seizure and Forfeiture Activities (30602).....	\$6,740,538	\$6,740,538		
	Fund Sources: Special.....	\$6,740,538	\$6,740,538		
	Authority: Title 19.2, Chapter 22.1, Code of Virginia.				
398.	Financial Assistance for Administration of Justice Services (39000).....			\$79,103,389	\$81,103,389
	Financial Assistance for Administration of Justice Services (39001).....	\$79,103,389	\$81,103,389		
	Fund Sources: General.....	\$40,317,480	\$42,317,480		
	Special.....	\$100,000	\$100,000		
	Trust and Agency.....	\$4,798,130	\$4,798,130		
	Dedicated Special Revenue.....	\$12,387,779	\$12,387,779		
	Federal Trust.....	\$21,500,000	\$21,500,000		

Authority: Title 9.1, Chapter 1, Code of Virginia.

A.1. This appropriation includes an estimated \$9,000,000 the first year and an estimated \$9,000,000 the second year from federal funds pursuant to the Omnibus Crime Control Act of 1968, as amended. Of these amounts, nine percent is available for administration, and the remainder is available for grants to state agencies and local units of government. The remaining federal funds are to be passed through as grants to localities, with a required 25 percent local match. Also included in this appropriation is \$452,128 the first year and \$452,128 the second year from the general fund for the required matching funds for state agencies.

2. The Department of Criminal Justice Services shall provide a summary report on federal anti-crime and related grants which will require state general funds for matching purposes during FY 2013 and beyond. The report shall include a list of each grant and grantee, the purpose of the grant, and the amount of federal and state funds recommended, organized by topical area and fiscal period. The report shall indicate whether each grant represents a new program or a renewal of an existing grant. Copies of this report shall be provided to the Chairmen of the Senate Finance and House Appropriations Committees and the Director, Department of Planning and Budget by January 1 of each year.

B. The Department of Criminal Justice Services is authorized to make grants and provide technical assistance out of this appropriation to state agencies, local governments, regional, and nonprofit organizations for the establishment and operation of programs for the following purposes and up to the amounts specified:

1.a. Regional training academies for criminal justice training, \$1,001,074 the first year

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<p>and \$1,001,074 the second year from the general fund and an estimated \$1,649,315 the first year and an estimated \$1,649,315 the second year from nongeneral funds. The Criminal Justice Services Board shall adopt such rules as may reasonably be required for the distribution of funds and for the establishment, operation and service boundaries of state-supported regional criminal justice training academies.</p>				
<p>b. The Board of Criminal Justice Services, consistent with § 9.1-102, Code of Virginia, and § 6VAC-20-20-61 of the Administrative Code, shall not approve or provide funding for the establishment of any new criminal justice training academy from July 1, 2016, through June 30, 2018.</p>				
<p>c. Notwithstanding subsection B.1.b. of this item, the Board of Criminal Justice Services may approve a new regional criminal justice academy serving the Counties of Clarke, Frederick, and Warren; the City of Winchester; the Towns of Berryville, Front Royal, Middletown, Stephens City and Strasburg; the Northwestern Adult Detention Center; and, the Frederick County Emergency Communications Center, to be established and operated consistent with a written agreement, provided to the Board, between the local governing bodies, chief executive officers, and chief law enforcement officers of the aforementioned localities, and the Rappahannock Regional Criminal Justice Academy. The new academy shall be eligible to receive state funding in a manner consistent with the currently existing regional criminal justice training academies. However, no current existing regional criminal justice training academy other than the Rappahannock Regional Criminal Justice Academy will receive less funding as a result of the creation of the new regional academy.</p>				
<p>2. Virginia Crime Victim-Witness Fund, \$5,124,059 the first year and \$5,124,059 the second year from dedicated special revenue, and \$2,635,000 the first year and \$2,635,000 the second year from the general fund. The Department of Criminal Justice Services shall provide a report on the current and projected status of federal, state and local funding for victim-witness programs supported by the Fund. Copies of the report shall be provided annually to the Secretary of Public Safety and Homeland Security, the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 16 of each year.</p>				
<p>3.a. Court Appointed Special Advocate (CASA) programs, \$1,615,000 the first year and \$1,615,000 the second year from the general fund.</p>				
<p>b. In the event that the federal government reduces or removes support for the CASA programs, the Governor is authorized to provide offsetting funding for those impacted programs out of the unappropriated balances in this Act.</p>				
<p>4. Domestic Violence Fund, \$3,000,000 the first year and \$3,000,000 the second year from the dedicated special revenue fund to provide grants to local programs and prosecutors that provide services to victims of domestic violence.</p>				
<p>5. Offender Reentry and Transition Services (ORTS), \$2,286,144 the first year and \$2,286,144 the second year from general fund to support pre and post incarceration professional services and guidance that increase the opportunity for, and the likelihood of, successful reintegration into the community by adult offenders upon release from prisons and jails.</p>				
<p>6. To the Department of Behavioral Health and Developmental Services for the following activities and programs: (i) a partnership program between a local community services board and the district probation and parole office for a jail diversion program; (ii) forensic discharge planners; (iii) advanced training on veterans' issues to local crisis intervention teams; and (iv) cross systems mapping targeting juvenile justice and behavioral health.</p>				
<p>7. To the Department of Corrections for the following activities and programs: (i) community residential re-entry programs for female offenders; (ii) establishment of a pilot day reporting center; and (iii) establishment of a pilot program whereby non-violent state offenders would be housed in a local or regional jail, rather than a prison or other state correctional facility, with rehabilitative services provided by the jail.</p>				
<p>8. To Drive to Work, \$50,000 the first year and \$50,000 the second year from the general fund and \$75,000 the first year and \$75,000 the second year from such federal funds as may be available to provide assistance to low income and previously incarcerated persons</p>				

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to restore their driving privileges so they can drive to work and keep a job.

C.1. Out of this appropriation, \$26,538,056 the first year and \$27,038,056 the second year from the general fund is authorized to make discretionary grants and to provide technical assistance to cities, counties or combinations thereof to develop, implement, operate and evaluate programs, services and facilities established pursuant to the Comprehensive Community Corrections Act for Local-Responsible Offenders (§§ 9.1-173 through 9.1-183 Code of Virginia) and the Pretrial Services Act (§§ 19.2-152.2 through 19.2-152.7, Code of Virginia). Out of these amounts, the Director, Department of Criminal Justice Services, is authorized to expend no more than five percent per year for state administration of these programs.

2. The Department of Criminal Justice Services, in conjunction with the Office of the Executive Secretary of the Supreme Court and the Virginia Criminal Sentencing Commission, shall conduct information and training sessions for judges and other judicial officials on the programs, services and facilities available through the Pretrial Services Act and the Comprehensive Community Corrections Act for Local-Responsible Offenders.

D.1. Out of this appropriation, \$225,000 the first year and \$225,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Central Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.

2. Out of this appropriation, \$600,000 the first year and \$600,000 the second year from the general fund is provided for Comprehensive Community Corrections and Pretrial Services Programs for localities that belong to the Southwest Virginia Regional Jail Authority. These amounts are seventy-five percent of the costs projected in the community-based corrections plan submitted by the Authority. The localities shall provide the remaining twenty-five percent as a condition of receiving these funds.

E. In the event the federal government should make available additional funds pursuant to the Violence Against Women Act, the department shall set aside 33 percent of such funds for competitive grants to programs providing services to domestic violence and sexual assault victims.

F.1. Out of this appropriation, \$1,700,000 the first year and \$1,700,000 the second year from the general fund and \$1,710,000 the first year and \$1,710,000 the second year from such federal funds as are available shall be deposited to the School Resource Officer Incentive Grants Fund established pursuant to § 9.1-110, Code of Virginia.

2. The Director, Department of Criminal Justice Services, is authorized to expend \$410,877 the first year and \$410,877 the second year from the School Resource Officer Incentive Grants Fund to operate the Virginia Center for School Safety, pursuant to § 9.1-110, Code of Virginia.

3. Subject to the development of criteria for the distribution of grants from the fund, including procedures for the application process and the determination of the actual amount of any grant issued by the department, the department shall award grants to either local law-enforcement agencies, where such local law-enforcement agencies and local school boards have established a collaborative agreement for the employment of school resource officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school resource officers, or to local school divisions for the employment of school security officers, as such positions are defined in § 9.1-101, Code of Virginia, for the employment of school security officers in any public school. The application process shall provide for the selection of either school resource officers, school security officers, or both by localities. The department shall give priority to localities requesting school resource officers, school security officers, or both where no such personnel are currently in place. Localities shall match these funds based on the composite index of local ability-to-pay.

4. Included in this appropriation is \$202,300 the first year and \$202,300 the second year from the general fund for the implementation of a model critical incident response training program for public school personnel and others providing services to public schools, and the

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maintenance of a model policy for the establishment of threat assessment teams for each public school, including procedures for the assessment of and intervention with students whose behavior poses a threat to the safety of public school staff or other students.

G. Included in the amounts appropriated in this Item is \$1,000,000 the first year and \$1,000,000 the second year from the general fund for grants to local sexual assault crisis centers (SACCs) to provide core and comprehensive services to victims of sexual violence, including ensuring such services are available and accessible to victims of sexual assault committed against college students on- and off-campus.

H.1. Out of the amounts appropriated for this Item, \$1,100,000 the first year and \$1,100,000 the second year from nongeneral funds is provided, to be distributed as follows: for the Southern Virginia Internet Crimes Against Children Task Force, \$600,000 the first year and \$600,000 the second year; and, for the creation of a grant program to law enforcement agencies for the prevention of internet crimes against children, \$500,000 the first year and \$500,000 the second year.

2. The Southern Virginia and Northern Virginia Internet Crimes Against Children Task Forces shall each provide an annual report, in a format specified by the Department of Criminal Justice Services, on their actual expenditures and performance results. Copies of these reports shall be provided to the Secretary of Public Safety and Homeland Security, the Chairmen of the Senate Finance and House Appropriations Committees, and Director, Department of Planning and Budget prior to the distribution of these funds each year.

3. Subject to compliance with the reports and distribution thereof as required in paragraph 2 above, the Governor shall allocate all additional funding, not to exceed actual collections, for the prevention of Internet Crimes Against Children, pursuant to § 17.1-275.12, Code of Virginia.

I. Out of the amounts appropriated for this item, \$50,000 the first year and \$50,000 the second year from the general fund is provided for training to local law enforcement to aid in their identifying and interacting with individuals suffering from Alzheimer's and/or dementia.

J. 1. The Department of Criminal Justice Services shall solicit proposals from local or regional jails to establish pilot programs to provide services to mentally ill inmates, or to provide pre-incarceration crisis intervention services to prevent mentally ill offenders from entering jails. The Department of Criminal Justice Services shall evaluate the proposals in consultation with the Department of Behavioral Health and Developmental Services and the Compensation Board, and shall report a list of up to six recommended pilot sites to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Appropriations and Senate Finance Committees no later than September 15, 2016.

2. In its solicitation for proposals, the Department of Criminal Justice Services shall require submissions to include proposed actions to address the following minimum conditions and criteria:

- a. Use of mental health screening and assessment instruments designated by the Department of Behavioral Health and Developmental Services;
- b. Provision of services to all mentally ill inmates in the designated pilot program, whether state or local responsible;
- c. Use of a collaborative partnership among local agencies and officials, including community services boards, local community corrections and pre-trial services agencies, local law enforcement agencies, attorneys for the Commonwealth, public defenders, courts, non-profit organizations, and other stakeholders;
- d. Establishment of a crisis intervention team or plans to establish such a team;
- e. Training for jail staff in dealing with mentally ill inmates;
- f. Provision of a continuum of services;
- g. Use of evidence-based programs and services; and,

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<p>h. Funding necessary to provide services including, but not limited to: mental health treatment services, behavioral health services, case managers to provide discharge planning for individuals, re-entry services, and transportation services.</p> <p>3. The funding for each pilot program shall supplement, not supplant, existing local spending on these services.</p> <p>4. In evaluating proposals and recommending pilot sites, the Department of Criminal Justice Services, in consultation with the Department of Behavioral Health and Developmental Services and the Compensation Board, shall at minimum give consideration to the following factors:</p> <p>a. The readiness of the local or regional jail to undertake the proposed pilot program;</p> <p>b. The proposed shares of cost to be funded by the Commonwealth, localities, or other sources, respectively;</p> <p>c. The need for such a program demonstrated by the local or regional jail;</p> <p>d. The demonstrated collaborative relationship between the jail and community mental health treatment providers and other stakeholders; and,</p> <p>e. To the extent feasible, ensuring the recommendation of pilot sites representing both rural and urban settings.</p> <p>5. Included in the appropriation for this Item is \$1,000,000 the first year and \$2,500,000 the second year from the general fund to be awarded to local or regional jails to support the proposals recommended pursuant to the report required by Paragraph J.1. of this Item. The funding for each pilot program shall be effective for pilot programs starting as of January 1, 2017.</p> <p>6. The Department of Criminal Justice Services, in consultation with the Department of Behavioral Health and Developmental Services, shall evaluate the implementation and effectiveness of the pilot programs and report to the Governor; the Secretaries of Health and Human Resources and Public Safety and Homeland Security, and the Chairmen of the House Appropriations Committee and the Senate Finance Committee by October 15, 2017, for grants awarded in the first year, and by October 15, 2018, for all grants.</p>				
399.	Regulation of Professions and Occupations (56000)...		\$3,689,944	\$3,689,944
	Business Regulation Services (56033).....	\$3,116,201		\$3,116,201
	Towing Licensing Oversight Services (56035).....	\$573,743		\$573,743
	Fund Sources: Special.....	\$3,689,944		\$3,689,944
	Authority: Title 9.1, Chapter 1, Article 4, §§ 9.1-141, 9.1-139, 9.1-143, and 9.1-149, Code of Virginia.			
400.	Financial Assistance to Localities - General (72800)...		\$177,964,014	\$177,964,014
	Financial Assistance to Localities Operating Police Departments (72813).....	\$177,964,014		\$177,964,014
	Fund Sources: General.....	\$177,964,014		\$177,964,014
	Authority: Title 9.1, Chapter 1, Article 8, Code of Virginia.			
<p>A. The funds appropriated in this Item shall be distributed to localities with qualifying police departments, as defined in §§ 9.1-165 through 9.1-172, Code of Virginia (HB 599), except that, in accordance with the requirements of § 15.2-1302, Code of Virginia, such funds shall also be distributed to a city without a qualifying police force that was created by the consolidation of a city and a county subsequent to July 1, 2011, pursuant to the provisions of § 15.2-3500 et seq. of the Code of Virginia. Notwithstanding the provisions of §§ 9.1-165 through 9.1-172, Code of Virginia, the total amount to be distributed to localities shall be \$177,964,014 the first year and \$177,964,014 the second year. The amount to be distributed to each locality in each year shall be equal to the amount distributed in fiscal year 2016 plus a 3.2 percent increase above the fiscal year 2016 amounts. The amount to be distributed to such a city created by consolidation shall equal the sum distributed to the city during the year prior</p>				

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<p>to the effective date of the consolidation, net of any additional funds allocated by the Compensation Board to the sheriff of the consolidated city as a result of such consolidation, as adjusted in proportion to the increase or decrease in the total amount distributed to all localities during the applicable year. Notwithstanding the provisions of § 9.1-165, Code of Virginia, the amount to be distributed to each locality in each year shall be proportionate to the amount distributed to that locality in FY 2016.</p> <p>B. For purposes of receiving funds in accordance with this program, it is the intention of the General Assembly that the Town of Boone's Mill shall be considered to have had a police department in operation since the 1980-82 biennium and is therefore eligible for financial assistance under Title 9.1, Chapter 1, Article 8, Code of Virginia (House Bill 599).</p> <p>C.1. It is the intent of the General Assembly that state funding provided to localities operating police departments be used to fund local public safety services. Funds provided in this item shall not be used to supplant the funding provided by localities for public safety services.</p> <p>2. To ensure that state funding provided to localities operating police departments does not supplant local funding for public safety services, all localities shall annually certify to the Department of Criminal Justice Services the amount of funding provided by the locality to support public safety services and that the funding provided in this item was used to supplement that local funding. This certification shall be provided in such manner and on such date as determined by the department. The department shall provide this information to the Chairmen of the House Appropriations and Senate Finance Committees within 30 days following the submission of the local certifications.</p> <p>D. The Director of the Department of Criminal Justice Services is authorized to withhold reimbursements due a locality under Title 9.1, Chapter 1, Article 8, Code of Virginia, upon notification from the Superintendent of State Police that there is reason to believe that crime data reported by the locality to the Department of State Police in accordance with § 52-28, Code of Virginia, is missing, incomplete or incorrect. Upon subsequent notification by the superintendent that the data is accurate, the director shall make reimbursement of withheld funding due the locality when such corrections are made within the same fiscal year that funds have been withheld.</p> <p>E. The Director of the Department of Criminal Justice Services is authorized to withhold reimbursements due to a locality under Title 9.1, Chapter 1, Article 8, Code of Virginia, upon notification from the Superintendent of State Police that there is reason to believe the police department within a locality is not registering sex offenders as required in § 9.1-903, Code of Virginia. Upon subsequent notification by the Superintendent that the local law enforcement agency is compliant with the requirements of § 9.1-903, Code of Virginia, the Director shall make reimbursement of withheld funding due to the locality in the same fiscal year in which the local law enforcement agency comes into compliance.</p>				
401.	Administrative and Support Services (39900).....		\$2,404,384	\$2,410,178
	General Management and Direction (39901).....	\$2,356,470		\$2,362,264
	Information Technology Services (39902).....	\$47,914		\$47,914
	Fund Sources: General.....	\$1,582,083		\$1,587,877
	Special.....	\$822,301		\$822,301
	Authority: Title 9.1, Chapter 1, Code of Virginia.			
	Total for Department of Criminal Justice Services...		\$272,185,462	\$274,191,256
	General Fund Positions.....	50.50		50.50
	Nongeneral Fund Positions.....	68.50		68.50
	Position Level.....	119.00		119.00
	Fund Sources: General.....	\$222,111,770		\$224,117,564
	Special.....	\$11,387,783		\$11,387,783
	Trust and Agency.....	\$4,798,130		\$4,798,130
	Dedicated Special Revenue.....	\$12,387,779		\$12,387,779

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Federal Trust.....	\$21,500,000	\$21,500,000		
§ 1-111. DEPARTMENT OF EMERGENCY MANAGEMENT (127)				
402. Emergency Preparedness (77500).....			\$29,983,736	\$29,683,736
Financial Assistance for Emergency Management and Response (77501).....	\$20,334,681	\$20,334,681		
Emergency Training and Exercises (77502).....	\$8,937,194	\$8,637,194		
Emergency Planning Preparedness Assistance (77503).....	\$608,041	\$608,041		
Emergency Management Regional Coordination (77506).....	\$103,820	\$103,820		
Fund Sources: General.....	\$1,547,306	\$1,397,306		
Special.....	\$1,363,518	\$1,363,518		
Federal Trust.....	\$27,072,912	\$26,922,912		

Authority: Title 44, Chapters 3.2, 3.3, 3.4, §§ 44-146.13 through 44-146.28:1 and 44-146.31 through 44-146.40, Code of Virginia.

A. Included within this appropriation is the continuation of \$160,810 the first year and \$160,810 the second year from the Fire Programs Fund to support the department's hazardous materials training program.

B. By October 1 of each year, the Sheltering Coordinator shall provide a status report on the Commonwealth's emergency shelter capabilities and readiness to the Governor, the Secretary of Veterans and Defense Affairs, the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning and Budget, and the Chairmen of the House Appropriations and Senate Finance Committees.

403. Emergency Response and Recovery (77600).....			\$22,860,630	\$22,860,630
Emergency Response and Recovery Services (77601).....	\$3,232,918	\$3,232,918		
Financial Assistance for Emergency Response and Recovery (77602).....	\$19,618,000	\$19,618,000		
Disaster Recovery Services (77604).....	\$9,712	\$9,712		
Fund Sources: General.....	\$492,445	\$492,445		
Special.....	\$288,501	\$288,501		
Commonwealth Transportation.....	\$1,106,877	\$1,106,877		
Federal Trust.....	\$20,972,807	\$20,972,807		

Authority: Title 44, Chapters 3.2 through 3.5, §§ 44-146.17, 44-146.18(c), 44-146.22, 44-146.28(a) Code of Virginia.

A. Subject to authorization by the Governor, the Department of Emergency Management may employ persons to assist in response and recovery operations for emergencies or disasters declared either by the President of the United States or by the Governor of Virginia. Such employees shall be compensated solely with funds authorized by the Governor or the federal government for the emergency, disaster, or other specific event for which their employment was authorized. The Director, Department of Planning and Budget, is authorized to increase the agency's position level based on the number of positions approved by the Governor.

B. The Secretary of Finance, consistent with any Executive Order signed by the Governor, may provide the department anticipation loans in such amounts as may be needed to appropriately reimburse localities and state agencies for costs associated with Emergency Management Assistance Compact (EMAC) mission assignments. Such loans shall be based on the reimbursements anticipated under the Emergency Management Assistance Compact (EMAC) and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months.

C.1. Localities receiving reimbursements from the department for Emergency Management Assistance Compact (EMAC) mission costs shall reimburse the Department of Emergency Management for any overpayments within sixty (60) days of written notification of such

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overpayment.

2. Overpayment amounts shall be based on the difference between the amount reimbursed to the locality by the Department of Emergency Management and the amount reimbursed to the Department of Emergency Management by the state requesting emergency aid under the Compact.

3. If the locality does not reimburse the Department of Emergency Management the overpaid amount within sixty (60) days of being notified, the Comptroller is authorized to withhold from any funds to be transferred to the locality the amount overpaid to the locality and transfer such withheld funds to the Department of Emergency Management.

D. Consistent with any Executive Order signed by the Governor, the Secretary of Finance or his designee may provide the department anticipation loans in such amounts as may be needed to appropriately reimburse the department for disaster related costs. Such loans shall be based on the federal reimbursements anticipated in accordance with the Robert T. Stafford Disaster Relief and Emergency Assistance Act and, notwithstanding the provisions of § 4-3.02 b of this act, may be extended for a period longer than twelve months, if necessary.

404.	Virginia Emergency Operations Center (77800).....			\$2,291,034	\$2,291,034
	Emergency Communications and Warning Point (77801).....	\$2,291,034	\$2,291,034		
	Fund Sources: General.....	\$876,955	\$876,955		
	Special.....	\$589,110	\$589,110		
	Federal Trust.....	\$824,969	\$824,969		

Authority: Title 44 and § 52-47, Code of Virginia.

Included within this appropriation is \$424,874 the first year and \$424,874 the second year from the general fund to support the Integrated Flood Observing and Warning System (IFLOWS) program.

405.	Administrative and Support Services (79900).....			\$8,422,619	\$7,208,921
	General Management and Direction (79901).....	\$7,797,877	\$6,442,667		
	Information Technology Services (79902).....	\$217,000	\$357,000		
	Accounting and Budgeting Services (79903).....	\$37,446	\$38,958		
	Telecommunications (79930).....	\$370,296	\$370,296		
	Fund Sources: General.....	\$5,196,958	\$4,206,912		
	Special.....	\$418,803	\$418,803		
	Commonwealth Transportation.....	\$63,762	\$63,762		
	Federal Trust.....	\$2,743,096	\$2,519,444		

Authority: Title 44, Chapters 3.2, 3.3, 3.4, Code of Virginia.

A. By September 1 of each year, the State Coordinator of Emergency Management shall assess emergencies and disasters that have been authorized sum sufficient funding by the Governor and provide to the Department of Planning and Budget written justification to support continuing sum sufficient funding longer than one year for a locally declared emergency (or disaster), three years for a state declared disaster, and five years for a nationally declared disaster. At the same time, the state coordinator shall identify any disasters that can be closed due to fulfillment of the state's obligations.

B.1. Localities and eligible private non-profit organizations that have received cost reimbursement through state and/or federal assistance programs to support homeland security and eligible recovery and mitigation projects and initiatives associated with disaster events, that are subsequently notified that either a portion or all of the funds provided are to be returned, shall reimburse the Virginia Department of Emergency Management for such overpayments, including any interest accrued on such funds, within sixty (60) days of being notified and receiving the request for reimbursement.

2. Overpayment amounts shall be based on the difference between the amount reimbursed or prepaid to the entity involved by the Department of Emergency Management and the

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<p>final amount approved by the granting agency. Localities and eligible private non-profit organizations shall certify that no interest was earned on overpaid funds if no interest is included in the remittance.</p> <p>3. If the entity does not reimburse the Virginia Department of Emergency Management within 60 days of being notified, the Comptroller is authorized to withhold the amount of overpayment from any eligible funds to be transferred to the locality or organization and redirect the funds withheld to the Virginia Department of Emergency Management to satisfy the outstanding liability.</p> <p>4. The Department of Emergency Management shall not provide future prepayments to any locality or eligible private non-profit organization once the Comptroller has been required to withhold funding.</p> <p>C. Included within this appropriation is \$570,901 the first year and \$570,901 the second year from the general fund that shall only be used for costs associated with transforming the agency's information systems to conform with standards of the Virginia Information Technologies Agency.</p> <p>D. Out of this appropriation, \$57,752 the first year and \$115,504 the second year from the general fund is included for the financing costs of purchasing two vehicles in the first year and an additional two vehicles in the second year through the state's master equipment lease purchase program. It is the intent that the department establish a schedule for replacing emergency response vehicles using the master equipment lease purchase program.</p> <p>E. Included in this appropriation is \$160,000 in the first year from the general fund for the purchase of new computers and other peripheral equipment at the Virginia Fusion Center and the Virginia Emergency Operations Center.</p> <p>F. Included in this appropriation is \$195,000 in the first year from the general fund for communications upgrades related to Medflight alerting capabilities, along with upgrades to cooling, cable management, monitoring systems, and other equipment at the Virginia Emergency Operations Center.</p> <p>G. Included in this appropriation is \$503,000 in the first year and \$35,000 in the second year from the general fund for the purchase of a computer-aided dispatch system.</p> <p>H. Included in this appropriation is \$90,000 in the first year and \$90,000 in the second year from the general fund to support regional satellite communications used by the agency in the event of an emergency.</p> <p>I. Included in this appropriation is \$225,000 in the first year from the general fund and \$225,000 in the first year from nongeneral funds to upgrade the Voice Over Internet Protocol (VOIP) system at the agency headquarters and the Virginia Emergency Operations Center, and support a backup server to allow continued operations in the event of an emergency.</p> <p>J. Included in this appropriation is \$42,000 each year to replace radios for regional coordinators, hazardous materials officers, disaster response and recovery officers, and other regional staff. The radios shall be inter-operable with the State Agencies Radio System (STARS), and shall be acquired through the Master Equipment Lease Program.</p>				
406.	<p>A. All funds transferred to the Department of Emergency Management pursuant to the Governor's authority under § 44-146.28, Code of Virginia, shall be deposited into a special fund account to be used only for Disaster Recovery.</p> <p>B. Included in the Federal Trust appropriation are amounts estimated at \$34,592 the first year and \$34,592 the second year, to pay for statewide indirect cost recoveries of this agency. Actual recoveries of statewide indirect costs up to the level of these estimates shall be exempt from payment into the general fund, as provided by § 4-2.03 of this act. Amounts recovered in excess of these estimates shall be deposited to the general fund.</p>			
	Total for Department of Emergency Management.....		\$63,558,019	\$62,044,321
	General Fund Positions.....	45.85	45.85	
	Nongeneral Fund Positions.....	112.15	112.15	

ITEM 406.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Position Level.....	158.00	158.00		
Fund Sources: General.....	\$8,113,664	\$6,973,618		
Special.....	\$2,659,932	\$2,659,932		
Commonwealth Transportation.....	\$1,170,639	\$1,170,639		
Federal Trust.....	\$51,613,784	\$51,240,132		

§ 1-112. DEPARTMENT OF FIRE PROGRAMS (960)

407.	Fire Training and Technical Support Services (74400).....			\$8,493,742	\$8,498,144
	Fire Services Management and Coordination (74401).....	\$3,684,437	\$3,688,839		
	Virginia Fire Services Research (74402).....	\$302,274	\$302,274		
	Fire Services Training and Professional Development (74403).....	\$2,173,775	\$2,173,775		
	Technical Assistance and Consultation Services (74404).....	\$2,128,643	\$2,128,643		
	Emergency Operational Response Services (74405).....	\$15,000	\$15,000		
	Public Fire and Life Safety Educational Services (74406).....	\$189,613	\$189,613		
	Fund Sources: Special.....	\$8,493,742	\$8,498,144		

Authority: Title 9.1, Chapter 2 and § 38.2-401, Code of Virginia.

Notwithstanding the provisions of § 38.2-401, Code of Virginia, up to 25 percent of the revenue available from the Fire Programs Fund, after making the distributions set out in § 38.2-401 D, Code of Virginia, may be used by the Department of Fire Programs to pay for the administrative costs of all activities assigned to it by law.

408.	Financial Assistance for Fire Services Programs (76400).....			\$29,825,000	\$29,825,000
	Fire Programs Fund Distribution (76401).....	\$26,500,000	\$26,500,000		
	Burn Building Grants (76402).....	\$2,500,000	\$2,500,000		
	Categorical Grants (76403).....	\$825,000	\$825,000		
	Fund Sources: Special.....	\$29,575,000	\$29,575,000		
	Federal Trust.....	\$250,000	\$250,000		

Authority: §§ 38.2-401, Code of Virginia.

409.	Regulation of Structure Safety (56200).....			\$3,034,370	\$3,035,142
	State Fire Prevention Code Administration (56203).....	\$3,034,370	\$3,035,142		
	Fund Sources: General.....	\$2,474,248	\$2,475,020		
	Special.....	\$560,122	\$560,122		

Authority: §§ 9.1-201, 9.1-206, and 27-94 through 27-99, Code of Virginia.

The State Fire Marshal may charge no fee for any permits or inspections of any school, whether it be public or private.

	Total for Department of Fire Programs.....			\$41,353,112	\$41,358,286
	General Fund Positions.....	29.00	29.00		
	Nongeneral Fund Positions.....	48.00	48.00		
	Position Level.....	77.00	77.00		
	Fund Sources: General.....	\$2,474,248	\$2,475,020		
	Special.....	\$38,628,864	\$38,633,266		
	Federal Trust.....	\$250,000	\$250,000		

§ 1-113. DEPARTMENT OF FORENSIC SCIENCE (778)

ITEM 409.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
410. Law Enforcement Scientific Support Services (30900).....			\$45,258,142	\$45,600,887
Biological Analysis Services (30901).....	\$12,879,585	\$12,900,492		
Chemical Analysis Services (30902).....	\$13,543,983	\$14,098,969		
Physical Evidence Services (30904).....	\$9,005,031	\$8,755,850		
Training and Standards Services (30905).....	\$1,855,491	\$1,855,491		
Administrative Services (30906).....	\$7,974,052	\$7,990,085		
Fund Sources: General.....	\$43,228,212	\$43,570,743		
Federal Trust.....	\$2,029,930	\$2,030,144		

Authority: §§ 9.1-1100 through 9.1-1113, Code of Virginia.

A. Notwithstanding the provisions of § 58.1-3403, Code of Virginia, the Department of Forensic Science shall be exempt from the payment of service charges levied in lieu of taxes by any county, city, or town.

B.1. The Forensic Science Board shall ensure that all individuals who were convicted due to criminal investigations, for which its case files for the years between 1973 and 1988 were found to contain evidence possibly suitable for DNA testing, are informed that such evidence exists and is available for testing. To effectuate this requirement, the Board shall prepare two form letters, one sent to each person whose evidence was tested, and one sent to each person whose evidence was not tested. Copies of each such letter shall be sent to the Chairman of the Forensic Science Board and to the respective Chairmen of the House and Senate Committees for Courts of Justice. The Department of Corrections shall assist the board in effectuating this requirement by providing the addresses for all such persons to whom letters shall be sent, whether currently incarcerated, on probation, or on parole. In cases where the current address of the person cannot be ascertained, the Department of Corrections shall provide the last known address. The Chairman of the Forensic Science Board shall report on the progress of this notification process at each meeting of the Forensic Science Board.

2. Upon a request pursuant to the Virginia Freedom of Information Act for a certificate of analysis that has been issued in connection with the Post Conviction DNA Testing Program and that reflects that a convicted person's DNA profile was not indicated on items of evidence tested, the Department of Forensic Science shall make available for inspection and copying such requested record after all personal and identifying information about the victims, their family members, and consensual partners has been redacted, except where disclosure of the information contained therein is expressly prohibited by law or the Commonwealth's Attorney to whom the certificate was issued states that the certificate is critical to an ongoing active investigation and that disclosure jeopardizes the investigation.

C. The Department of Forensic Science, in cooperation with the Office of the Attorney General, shall pursue funding opportunities including federal grants to ensure that Physical Evidence Recovery Kits, associated with sexual assault reports or other investigations, which were collected but not submitted to the Department between July 1, 2014, and June 30, 2016, are analyzed.

Total for Department of Forensic Science.....			\$45,258,142	\$45,600,887
General Fund Positions.....	318.00	318.00		
Position Level.....	318.00	318.00		
Fund Sources: General.....	\$43,228,212	\$43,570,743		
Federal Trust.....	\$2,029,930	\$2,030,144		

§ 1-114. DEPARTMENT OF JUVENILE JUSTICE (777)

411. Instruction (19700).....			\$14,505,382	\$14,505,382
Youth Instructional Services (19711).....	\$7,418,954	\$7,418,954		
Career and Technical Instructional Services for Youth and Adult Schools (19712).....	\$2,860,635	\$2,860,635		
Instructional Leadership and Support Services (19714).....	\$4,225,793	\$4,225,793		

ITEM 411.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: General.....	\$12,004,650	\$12,004,650		
Special.....	\$170,536	\$170,536		
Federal Trust.....	\$2,330,196	\$2,330,196		
Authority: § 66-13.1, Code of Virginia.				
412. Operation of Community Residential and Nonresidential Services (35000).....			\$3,320,293	\$3,320,293
Community Residential and Non-residential Custody and Treatment Services (35008).....	\$3,320,293	\$3,320,293		
Fund Sources: General.....	\$3,247,866	\$3,247,866		
Special.....	\$50,000	\$50,000		
Federal Trust.....	\$22,427	\$22,427		
Authority: §§ 16.1-246 through 16.1-258, 16.1-286, 16.1-291 through 16.1-295, 66-13, 66-14, 66-22 and 66-24, Code of Virginia.				
A. Services funded out of this appropriation may include intensive supervision, day treatment, boot camp, and aftercare services, and should be integrated into existing services for juveniles.				
B. Included in the appropriation for this Item is \$2,920,000 in the first year and \$2,920,000 in the second year from the general fund for a Juvenile Community Placement Program, in which the department may contract with local juvenile detention centers to house juveniles committed to the department prior to their release. The funding provided shall support a minimum of 40 juvenile detention center beds. The department shall develop program guidelines that at a minimum will include which juveniles qualify for placement, length of stay, level of security, mental health services, alcohol and substance abuse services, as well as other services that will be provided to the juvenile while in the detention center.				
413. Supervision of Offenders and Re-entry Services (35100).....			\$61,514,414	\$61,514,414
Juvenile Probation and Aftercare Services (35102)..	\$61,514,414	\$61,514,414		
Fund Sources: General.....	\$60,632,465	\$60,632,465		
Special.....	\$145,000	\$145,000		
Federal Trust.....	\$736,949	\$736,949		
Authority: §§ 16.1-233 through 16.1-238, 16.1-274, 16.1-294, 16.1-322.1 and 66-14, Code of Virginia.				
A. Notwithstanding the provisions of § 16.1-273 of the Code of Virginia, the Department of Juvenile Justice, including locally-operated court services units, shall not be required to provide drug screening and assessment services in conjunction with investigations ordered by the courts.				
B. Included in the appropriation for this Item is \$1,626,575 in the first year and \$1,626,575 in the second year from the general fund to support mental health and substance abuse evaluation and treatment services for juveniles under state probation or parole. Out of this item, up to \$325,315 each year may be used for the provision of inpatient mental health treatment by private providers for residents committed to the Department and found to be in need of mental health treatment pursuant to § 66-20 of the Code of Virginia. The department shall develop a plan to ensure continuation of mental health and substance abuse treatment services, including contracting with local providers as necessary.				
C. Included in the appropriation for this Item is \$240,000 in the first year and \$240,000 in the second year from the general fund that shall be used for emergency housing upon release from department custody. The department shall develop guidelines which at a minimum includes a juvenile selection process for placement and maximum lengths of stay.				

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
414.				
Financial Assistance to Local Governments for Juvenile Justice Services (36000).....			\$48,109,774	\$48,869,594
Financial Assistance for Juvenile Confinement in Local Facilities (36001).....	\$34,567,694	\$35,327,514		
Financial Assistance for Probation and Parole - Local Grants (36002).....	\$2,877,348	\$2,877,348		
Financial Assistance for Community based Alternative Treatment Services (36003).....	\$10,664,732	\$10,664,732		
Fund Sources: General.....	\$46,300,095	\$47,059,915		
Federal Trust.....	\$1,809,679	\$1,809,679		

Authority: §§ 16.1-233 through 16.1-238, 16.1-274, 16.1-322.1 and 66-14, Code of Virginia.

A. From July 1, 2016 to June 30, 2018, the Board of Juvenile Justice shall not approve or commit additional funds for the state share of the cost of construction, enlargement or renovation of local or regional detention centers, group homes or related facilities. The board may grant exceptions only to address emergency maintenance projects needed to resolve immediate life safety issues. For such emergency projects, approval by both the Board of Juvenile Justice and the Secretary of Public Safety and Homeland Security is required. Any emergency projects must also comply with Board of Juvenile Justice standards.

B. Each emergency resolution adopted by the Board of Juvenile Justice approving reimbursement of the state share of the cost of construction, maintenance, or operation of local or regional detention centers, group homes, or related facilities or programs shall include a statement noting that such approval is subject to the availability of funds and approval by the General Assembly at its next regular session.

C. The Department of Juvenile Justice shall reimburse localities, pursuant to § 66-15, Code of Virginia, at the rate of \$50 per day for housing juveniles who have been committed to the department, for each day after the department has received a valid commitment order and other pertinent information as required by § 16.1-287, Code of Virginia.

D. Notwithstanding the provisions of § 16.1-322.1 of the Code of Virginia, the department shall apportion to localities the amounts appropriated in this Item.

E.1. The appropriation for Financial Assistance for Community Based Alternative Treatment Services includes \$10,379,926 the first year and \$10,379,926 the second year from the general fund for the implementation of the financial assistance provisions of the Juvenile Community Crime Control Act (VJCCCA), §§ 16.1-309.2 through 16.1-309.10, Code of Virginia. Notwithstanding § 16.1-309.6, Code of Virginia, localities participating in this program and contributing through their local match an amount of local funds which is greater than they receive from the Commonwealth under this program are authorized, but not required, to provide a contribution greater than the state general fund contribution. In no case shall their local match be less than their state share.

2. Notwithstanding the provisions of §§ 16.1-309.2 through 16.1-309.10, Code of Virginia, the Board of Juvenile Justice shall establish guidelines for use in determining the types of programs for which VJCCCA funding may be expended. The department shall establish a format to receive biennial or annual requests for funding from localities, based on these guidelines. For each program requested, the plan shall document the need for the program, goals, and measurable objectives, and a budget for the proposed expenditure of these funds and any other resources to be committed by localities.

3.a. Notwithstanding the provisions of § 16.1-309.7 B, Code of Virginia, unobligated VJCCCA funds must be returned to the department by each grantee locality no later than October 1 of the fiscal year following the fiscal year in which they were received, or a similar amount may be withheld from the current fiscal year's periodic payments designated by the department for that locality. The Director, Department of Planning and Budget, may increase the general fund appropriation for this Item up to the amount of unobligated VJCCCA funds returned to the Department of Juvenile Justice.

b. All such unobligated and reappropriated balances shall be used by the department for the purpose of awarding short-term supplementary grants to localities, for programs and services which have been demonstrated to improve outcomes, including reduced recidivism, of

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	FY2017	FY2018	FY2017	FY2018

juvenile offenders. Such programs and services must augment and support current VJCCCA-funded programs within each affected locality. The grantee locality shall submit an outcomes report to the department, in accord with a written memorandum of agreement which shall accompany the supplementary grant award. This provision shall apply to funds obligated to and in the possession of the department and its grant recipients. The entity which returns unobligated funds under this provision shall not have a presumptive entitlement to a supplementary grant.

c. The Department of Juvenile Justice, with the assistance of the Department of Corrections, the Virginia Council on Juvenile Detention, juvenile court service unit directors, juvenile and domestic relations district court judges, and juvenile justice advocacy groups, shall provide a report on the types of programs supported by the Juvenile Community Crime Control Act and whether the youth participating in such programs are statistically less likely to be arrested, adjudicated or convicted, or incarcerated for either misdemeanors or crimes that would otherwise be considered felonies if committed by an adult.

F. The department shall consolidate the annual reporting requirements in §§ 2.2-222 and 66-13 and in Chapters 755 and 914 of the 1996 Acts of the General Assembly concerning juvenile offender demographics. The consolidated annual report shall address the progress of Virginia Juvenile Community Crime Control Act programs including the requirements in Article 12.1 of Chapter 11 of Title 16.1 (§ 16.1-309.2 et seq.) relating to the number of juveniles served, the average cost for residential and nonresidential services, the number of employees, and descriptions of the contracts entered into by localities. Notwithstanding any other provisions of the Code of Virginia, the consolidated report shall be submitted to the Governor, the General Assembly, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security, and the Department of Planning and Budget by the first day of the regular General Assembly session.

415.	Operation of Secure Correctional Facilities (39800).....			\$68,201,452	\$68,201,452
	Juvenile Corrections Center Management (39801)...	\$5,553,763	\$5,553,763		
	Food Services - Prisons (39807).....	\$6,363,226	\$6,363,226		
	Medical and Clinical Services - Prisons (39810).....	\$8,758,610	\$8,758,610		
	Physical Plant Services - Prisons (39815).....	\$8,177,440	\$8,177,440		
	Offender Classification and Time Computation Services (39830).....	\$1,414,251	\$1,414,251		
	Juvenile Supervision and Management Services (39831).....	\$27,532,577	\$27,532,577		
	Juvenile Rehabilitation and Treatment Services (39832).....	\$10,401,585	\$10,401,585		
	Fund Sources: General.....	\$64,515,908	\$64,515,908		
	Special.....	\$2,092,691	\$2,092,691		
	Dedicated Special Revenue.....	\$48,000	\$48,000		
	Federal Trust.....	\$1,544,853	\$1,544,853		

Authority: §§ 16.1-278.8, 16.1-285.1, 66-13, 66-16, 66-18, 66-19, 66-22 and 66-25.1, Code of Virginia.

A. The Department of Juvenile Justice shall retain all funds paid for the support of children committed to the department to be used for the security, care, and treatment of said children.

B.1. The Director, Department of Juvenile Justice, (the "Department") shall develop a transformation plan to provide more effective and efficient services for juveniles, using data-based decision-making, that improves outcomes and safely reduces the number of juveniles housed in state-operated juvenile correctional centers, consistent with public safety. To accomplish these objectives, the Department will provide, when appropriate, alternative placements and services for juveniles committed to the Department that offer treatment, supervision and programs that meet the levels of risk and need, as identified by the Department's risk and needs assessment instruments, for each juvenile placed in such

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placements or programs. Prior to implementation, the plan shall be approved by the Secretary of Public Safety and Homeland Security.				
2. The Department shall reallocate any savings from the reduced cost of operating state juvenile correctional centers to support the goals of the transformation plan including, but not limited to: (a) increasing the number of male and female local placement options, and post-dispositional treatment programs and services; (b) ensuring that appropriate placements and treatment programs are available across all regions of the Commonwealth; and (c) providing appropriate levels of educational, career readiness, rehabilitative, and mental health services for these juveniles in state, regional, or local programs and facilities, including but not limited to, community placement programs, independent living programs, and group homes. The goals of such transformation services shall be to reduce the risks for reoffending for juveniles supervised or committed to the Department and to improve and promote the skills and resiliencies necessary for the juveniles to lead successful lives in their communities.				
3. No later than November 1 of each year, the Department of Juvenile Justice shall provide a report to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Public Safety and Homeland Security and the Director, Department of Planning and Budget, assessing the impact and results of the transformation plan and its related actions. The report shall include, but is not limited to, assessing juvenile offender recidivism rates, fiscal and operational impact on detention homes; changes (if any) in commitment orders by the courts; and use of the savings redirected as a result of transformation, including the amount expended for contracted programs and treatment services, including the number of juveniles receiving each specific service. The report should also include the average length of stay for juveniles in each placement option.				
4. The Director, Department of Planning and Budget, is authorized to transfer appropriations between items and programs within the Department of Juvenile Justice to reallocate any savings achieved through transformation to accomplish the goals of transformation.				
C.1. There is hereby established a task force on juvenile correctional centers comprised of the Secretary of Public Safety and Homeland Security, and the Directors of the Departments of Juvenile Justice, Corrections, and Behavioral Health and Developmental Services, and the Office of Children's Services, or their designees. The Secretary of Public Safety and Homeland Security shall chair the task force. The task force shall present an interim report by November 1, 2016, and a final report by July 15, 2017, to the Governor, the Director of the Department of Planning and Budget, the Chairman of the Virginia Commission on Youth, and the Chairmen of the Senate Finance and House Appropriations Committees.				
2.a. The task force shall consider the future capital and operational requirements for Virginia's juvenile correctional centers, including the construction of a new facility in the City of Chesapeake, for which planning was authorized by the 2016 General Assembly, and also including (i) the projected population of state-responsible juvenile offenders, including an assessment of the impact of the Department of Juvenile Justice's length of stay guidelines, (ii) the number of juveniles expected to be held in each facility, (iii) the level and type of mental health, medical, academic and vocational education, and other services to be provided, (iv) the design and size of spaces needed to accommodate the necessary services within state facilities, (v) the accommodation of the treatment needs of state-responsible juvenile offenders with diagnoses of serious mental or behavioral health issues, (vi) the appropriateness of alternative housing models, including cells and rooms (including both single and double-bunking), dormitories, cottages, and other housing configurations, (vii) the number and geographical location of facilities, and (viii) the potential for contracting for the use of space in existing local and regional secure detention facilities, group homes, and private residential facilities.				
b. The task force shall identify existing juvenile correctional centers, including facilities which are not currently operational, and other property currently owned by state agencies, and consider the extent to which the recommendations developed pursuant to Paragraph C.2.a. of this item may be accommodated within such properties, along with the costs of construction or renovation of existing facilities to accommodate these recommendations. The task force shall conduct a cost-benefit analysis to compare the potential revenues realized from the sale of existing real property owned by state agencies, with the projected replacement costs which would be incurred to provide replacement facilities, should existing properties be sold. This analysis should include an assessment of the impact of locational factors on expected program				

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<p>outcomes and on the objective of maintaining the juvenile offenders' relationships with their families and communities.</p> <p>c. In evaluating these alternatives, the task force shall give consideration to and report on the estimated costs of construction, operation and maintenance of facilities, and the potential impact of these alternatives to the outcomes for state-responsible juvenile offenders, including recidivism. The task force shall also give consideration to the projected requirements for state funding for local and regional secure detention facilities, and alternatives to detention, including but not limited to, the Virginia Juvenile Community Crime Control Act.</p> <p>3. The Department of General Services and all other agencies of the Commonwealth shall provide technical assistance upon request of the task force. The task force shall include input from judges, attorneys for the Commonwealth, law enforcement, local government, private providers, and other stakeholders as appropriate.</p> <p>4. The Director, Department of Juvenile Justice, is authorized to procure such consultant or other services as necessary to conduct the task force's review. The Director is authorized to use funds identified in Paragraph A of this item for such purposes.</p> <p>5. If the Department of Juvenile Justice deems it necessary, due to facility population decline, efficient use of resources, and the need to further reduce recidivism, to close a state juvenile correctional center, the Department shall (i) work cooperatively with the affected localities to minimize the effect of the closure on those communities and their residents, and (ii) implement a general closure plan, preferably not less than 12 months from announcement of the closure, to create opportunities to place affected state employees in existing departmental vacancies, assist affected employees with placement in other state agencies, create training opportunities for affected employees to increase their qualifications for additional positions, and safely reduce the population of the facility facing closure, consistent with public safety.</p>				
416.	Administrative and Support Services (39900).....		\$18,211,469	\$18,244,965
	General Management and Direction (39901).....	\$4,695,549	\$4,695,549	
	Information Technology Services (39902).....	\$5,664,781	\$5,664,781	
	Accounting and Budgeting Services (39903).....	\$3,997,437	\$4,030,933	
	Architectural and Engineering Services (39904).....	\$458,908	\$458,908	
	Food and Dietary Services (39907).....	\$381,180	\$381,180	
	Human Resources Services (39914).....	\$2,267,005	\$2,267,005	
	Planning and Evaluation Services (39916).....	\$746,609	\$746,609	
	Fund Sources: General.....	\$16,864,048	\$16,897,373	
	Special.....	\$987,645	\$987,816	
	Federal Trust.....	\$359,776	\$359,776	
	Authority: §§ 66-3 and 66-13, Code of Virginia.			
	Total for Department of Juvenile Justice.....		\$213,862,784	\$214,656,100
	General Fund Positions.....	2,149.50	2,149.50	
	Nongeneral Fund Positions.....	21.00	21.00	
	Position Level.....	2,170.50	2,170.50	
	Fund Sources: General.....	\$203,565,032	\$204,358,177	
	Special.....	\$3,445,872	\$3,446,043	
	Dedicated Special Revenue.....	\$48,000	\$48,000	
	Federal Trust.....	\$6,803,880	\$6,803,880	

§ 1-115. DEPARTMENT OF MILITARY AFFAIRS (123)

417.	Higher Education Student Financial Assistance (10800).....		\$3,028,382	\$3,028,382
	Tuition Assistance (10811).....	\$3,028,382	\$3,028,382	
	Fund Sources: General.....	\$3,028,382	\$3,028,382	

ITEM 417.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Authority: Title 44, Chapters 1 and 2; § 23-7.4:2, Code of Virginia.				
418.	At Risk Youth Residential Program (18700).....		\$5,285,836	\$5,135,836
	Virginia Commonwealth Challenge Program (18701)			
		\$5,285,836		\$5,135,836
	Fund Sources: General.....	\$1,742,103		\$1,592,103
	Dedicated Special Revenue.....	\$50,000		\$50,000
	Federal Trust.....	\$3,493,733		\$3,493,733

Authority: Discretionary Inclusion.

A. The Department of Military Affairs is hereby authorized to designate building space at the State Military Reservation as an in-kind match for the receipt of federal funds under the Commonwealth Challenge program, equivalent to a value of \$253,040 each year.

B. Out of this appropriation, up to \$350,000 the first year and up to \$350,000 the second year in nongeneral funds is provided to establish a STARBASE youth education program to improve math and science skills to prepare students for careers in engineering and other science-related fields of study.

419.	Defense Preparedness (72100).....		\$52,640,289	\$52,640,289
	Armories Operations and Maintenance (72101).....	\$11,579,092		\$11,579,092
	Virginia State Defense Force (72104).....	\$201,217		\$201,217
	Security Services (72105).....	\$4,355,909		\$4,355,909
	Fort Pickett and Camp Pendleton Operations (72109)			
		\$22,775,627		\$22,775,627
	Other Facilities Operations and Maintenance (72110)			
		\$13,728,444		\$13,728,444
	Fund Sources: General.....	\$2,986,474		\$2,986,474
	Special.....	\$1,784,927		\$1,784,927
	Dedicated Special Revenue.....	\$1,730,000		\$1,730,000
	Federal Trust.....	\$46,138,888		\$46,138,888

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

A. The Department is authorized to receive payments from localities resulting from reimbursement agreements with the Virginia Defense Force, an organization of the Virginia National Guard. The Department may disburse up to \$30,000 the first year and \$30,000 the second year from these payments to the Virginia Defense Force. Included in the appropriation for this Item is \$30,000 the first year and \$30,000 the second year from nongeneral funds for this purpose.

B. The Department of Military Affairs may operate, with nongeneral funds, a Morale, Welfare, and Recreation program for the benefit of the Virginia National Guard, Virginia Defense Force, employees of the Department, family members, and other authorized transient users of the Department's facilities, under such policies as approved by the agency.

C. The Department of Military Affairs shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees a prioritized list of operating and capital needs related to its duties to the Commonwealth that are not funded by the federal government, including, but not limited to, training and preparedness for state active duty, armory operations and maintenance, and vehicles. The Department shall provide its report no later than August 15, 2016.

420.	Disaster Planning and Operations (72200).....		a sum sufficient	
	Communications and Warning System (72201).....	a sum sufficient		
	Disaster Assistance (72203).....	a sum sufficient		
	Fund Sources: General.....	a sum sufficient		

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

A. The amount for Disaster Planning and Operations provides for a military contingent fund,

ITEM 420.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
out of which to pay the military forces of the Commonwealth when aiding the civil authorities.				
B. In the event units of the Virginia National Guard shall be in federal service, the sum allocated herein for their support shall not be used for any different purpose, except with the prior written approval of the Governor, other than to provide for the Virginia State Defense Force or for safeguarding properties used by the Virginia National Guard.				
421.	Administrative and Support Services (79900).....		\$7,103,370	\$7,112,661
	General Management and Direction (79901).....	\$4,166,638		\$4,175,929
	Telecommunications (79930).....	\$2,936,732		\$2,936,732
	Fund Sources: General.....	\$3,208,023		\$3,208,984
	Dedicated Special Revenue.....	\$528,374		\$528,374
	Federal Trust.....	\$3,366,973		\$3,375,303

Authority: Title 44, Chapters 1 and 2, Code of Virginia.

A. The Department of Military Affairs shall advise and provide assistance to the Department of Accounts in administering the \$20,000 death benefit provided for certain members of the National Guard and United States military reserves killed in action in any armed conflict as of October 7, 2001, pursuant to § 44-93.1.B., Code of Virginia.

B. Included in this appropriation is \$240,000 the first year and \$240,000 the second year from the general fund and \$100,000 in the first year and \$100,000 the second year from nongeneral funds for the financing costs of purchasing STARS radio communication equipment through the state's master equipment lease program.

Total for Department of Military Affairs.....			\$68,057,877	\$67,917,168
General Fund Positions.....	51.47	51.47		
Nongeneral Fund Positions.....	307.03	307.03		
Position Level.....	358.50	358.50		
Fund Sources: General.....	\$10,964,982	\$10,815,943		
Special.....	\$1,784,927	\$1,784,927		
Dedicated Special Revenue.....	\$2,308,374	\$2,308,374		
Federal Trust.....	\$52,999,594	\$53,007,924		

§ 1-116. DEPARTMENT OF STATE POLICE (156)

422.	Information Technology Systems, Telecommunications and Records Management (30200).....		\$55,315,883	\$53,239,247
	Information Technology Systems and Planning (30201).....	\$15,390,048		\$13,300,827
	Criminal Justice Information Services (30203).....	\$8,417,204		\$8,427,911
	Telecommunications and Statewide Agencies Radio System (STARS) (30204).....	\$26,787,280		\$26,788,751
	Firearms Purchase Program (30206).....	\$1,594,585		\$1,594,795
	Sex Offender Registry Program (30207).....	\$2,835,604		\$2,835,699
	Concealed Weapons Program (30208).....	\$291,162		\$291,264
	Fund Sources: General.....	\$47,283,374		\$45,206,738
	Special.....	\$3,555,913		\$3,555,913
	Dedicated Special Revenue.....	\$3,716,561		\$3,716,561
	Federal Trust.....	\$760,035		\$760,035

Authority: §§ 18.2-308.2:2, 19.2-387, 19.2-388, 27-55, 52-4, 52-4.4, 52-8.5, 52-12, 52-13, 52-15, 52-16, 52-25 and 52-31 through 52-34, Code of Virginia.

A.1. It is the intent of the General Assembly that wireless 911 calls be delivered directly by the Commercial Mobile Radio Service (CMRS) provider to the local Public Safety Answering Point (PSAP), in order that such calls be answered by the local jurisdiction

ITEM 422.	Item Details(\$)		Appropriations(\$)		
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018	
<p>within which the call originates, thereby minimizing the need for call transfers whenever possible.</p> <p>2. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$3,700,000 the first year and \$3,700,000 the second year from the Wireless E-911 Fund is included in this appropriation for telecommunications to offset dispatch center operations and related costs incurred for answering wireless 911 telephone calls.</p> <p>B. Out of the Motor Carrier Special Fund, \$900,000 the first year and \$900,000 the second year shall be disbursed on a quarterly basis to the Department of State Police.</p> <p>C.1. This appropriation includes \$9,175,535 the first year and \$9,175,535 the second year from the general fund for maintaining the Statewide Agencies Radio System (STARS).</p> <p>2. The Secretary of Public Safety and Homeland Security, in conjunction with the STARS Management Group and the Superintendent of State Police, shall provide a status report on (1) annual operating costs; (2) the status of site enhancements to support the system; (3) the project timelines for implementing the enhancements to the system; and (4) other matters as the secretary may deem appropriate. This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.</p> <p>3. Any bond proceeds authorized for the STARS project that remain after the full implementation of the STARS network shall be made available for the STARS equipment needs of the Department of Military Affairs.</p> <p>D. The department shall deposit to the general fund an amount estimated at \$100,000 the first year and \$100,000 the second year resulting from fees generated by additional criminal background checks of local job applicants and prospective licensees collected pursuant to § 15.2-1503.1 of the Code of Virginia.</p> <p>E. Notwithstanding the provisions of §§ 19.2-386.14, 38.2-415, 46.2-1167 and 52-4.3, Code of Virginia, the Department of State Police may use revenue from the State Asset Forfeiture Fund, the Insurance Fraud Fund, the Drug Investigation Trust Account – State, and the Safety Fund to modify, enhance or procure automated systems that focus on the Commonwealth's law enforcement activities and information gathering processes.</p> <p>F. The Superintendent of State Police is authorized to and shall establish a policy and reasonable fee to contract for the bulk transmission of public information from the Virginia Sex Offender Registry. Any fees collected shall be deposited in a special account to be used to offset the costs of administering the registry. The State Superintendent of State Police shall charge no fee for the transfer of any information from the Virginia Sex Offender Registry to the Statewide Automated Victim Notification (SAVIN) system.</p> <p>G. The Virginia State Police shall, upon request, provide to the Department of Behavioral Health and Developmental Services any information it possesses as a result of carrying out the provisions of §§ 19.2-389, 37.2-819 and 64.2-2014, Code of Virginia, to enable the Department to make anonymous the data held pursuant to those provisions and link it with other relevant data held by the Commonwealth for the purpose of evaluating the impact of carrying out these provisions on the public health and safety, pursuant to a grant from the National Science Foundation to Duke University and a subcontract with the University of Virginia.</p> <p>H. Included in the amounts provided for this Item is \$91,189 the first year and \$99,479 the second year from the general fund to establish a public safety information exchange program with those states that share a border with Canada or Mexico and are willing to participate in the exchange program pursuant to § 2.2-224.1, Code of Virginia.</p>					
423.	Law Enforcement and Highway Safety Services (31000).....			\$260,286,447	\$262,360,348
	Aviation Operations (31001).....	\$7,334,764	\$7,335,698		
	Commercial Vehicle Enforcement (31002).....	\$4,946,935	\$4,946,935		
	Counter-Terrorism (31003).....	\$5,589,885	\$5,591,036		
	Help Eliminate Auto Theft (HEAT) (31004).....	\$1,862,413	\$1,862,413		
	Drug Enforcement (31005).....	\$21,139,158	\$21,142,149		

ITEM 423.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Crime Investigation and Intelligence Services (31006).....	\$32,974,604	\$33,619,524		
Uniform Patrol Services (Highway Patrol) (31007).	\$152,079,959	\$153,503,864		
Insurance Fraud Program (31009).....	\$5,560,880	\$5,560,880		
Vehicle Safety Inspections (31010).....	\$22,265,849	\$22,265,849		
Sex Offender Registry Program Enforcement (31011).....	\$6,532,000	\$6,532,000		
Fund Sources: General.....	\$205,410,499	\$207,484,400		
Special.....	\$28,821,310	\$28,821,310		
Commonwealth Transportation.....	\$8,282,115	\$8,282,115		
Trust and Agency.....	\$20,000	\$20,000		
Dedicated Special Revenue.....	\$9,441,061	\$9,441,061		
Federal Trust.....	\$8,311,462	\$8,311,462		

Authority: §§ 27-56, 33.2-1726, 46.2-1157 through 46.2-1187, 52-1, 52-4, 52-4.2, 52-4.3, 52-8, 52-8.1, 52-8.2, 52-8.4 and 56-334, Code of Virginia.

A. Included in this appropriation is \$810,687 the first year and \$810,687 the second year from Commonwealth Transportation Funds for the personal and associated nonpersonal services costs for eight positions. These positions will be dedicated to patrolling the I-95/395/495 Interchange.

B. Included in this appropriation is \$4,831,625 the first year and \$4,831,625 the second year from the Commonwealth Transportation Fund to support enforcement operations at weigh stations statewide.

C. Included in this appropriation is \$1,631,282 the first year and \$1,631,282 the second year from Commonwealth Transportation Funds that shall be used to support the personal and associated nonpersonal services costs for trooper positions. These positions will be assigned to the "Highway Safety Corridors" and work to supplement the Department of State Police's enforcement efforts in those corridors.

D. The Department of State Police shall modify the implementation of the division of drug law enforcement established pursuant to § 52-8.1:1, Code of Virginia, and shall redirect, as may be necessary, resources heretofore provided for that purpose by the General Assembly for the purposes of homeland security, the gathering of intelligence on terrorist activities, the preparation for response to a terrorist attack and any other activity determined by the Governor to be crucial to strengthening the preparedness of the Commonwealth against the threat of natural disasters and emergencies. Nothing in this Item shall be construed to prohibit the Department of State Police from performing drug law enforcement or investigation as otherwise provided for by the Code of Virginia.

E. Included within this appropriation is \$3,098,098 the first year and \$3,098,098 the second year from the Rescue Squad Assistance Fund to support the department's aviation (med-flight) operations.

F. Included within this appropriation is \$400,000 the first year and \$400,000 the second year from the general fund, which shall be provided to the County of Chesterfield for use in funding the paramedics assigned to the Department of State Police for aviation (med-flight) operations, and for related med-flight expenses.

G. In the event that special fund revenues for this Item exceed expenditures, the balance of such revenues may be used for air medical evacuation equipment improvements, information technology upgrades or for motor vehicle replacement.

H. Included in this appropriation is \$110,000 the first year and \$110,000 the second year from the general fund to maintain increased traffic enforcement on Interstate 81. These funds shall be used to provide overtime payments for extended and additional work shifts so as to maintain the enhanced level of State Police patrols on this and other public highways in the Commonwealth.

I.1. Included in the appropriation for this Item is sufficient funding to support, in addition to sworn positions, at least 43 non-sworn positions for monitoring persons required to

ITEM 423.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>comply with the requirements of the Sex Offender Registry. The department shall coordinate monitoring and verification activities related to registry requirements with other state and local law enforcement agencies that have responsibility for monitoring or supervising individuals who are also required to comply with the requirements of the Sex Offender Registry.</p> <p>2. The Secretary of Public Safety and Homeland Security, in conjunction with the Superintendent of State Police, shall report on the implementation of the monitoring of offenders required to comply with the Sex Offender Registry requirements. The report shall include at a minimum: (1) the number of verifications conducted; (2) the number of investigations of violations; (3) the status of coordination with other state and local law enforcement agencies activities to monitor Sex Offender Registry requirements; and (4) an update of the sex offender registration and monitoring section in the department's current "Manpower Augmentation Study." This report shall be provided to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees each year by January 1.</p> <p>J. Included within this appropriation is \$200,000 the first year and \$200,000 the second year from nongeneral funds to be used by the Department of State Police to record revenue related to overtime work performed by troopers at the end of a fiscal year and for which reimbursement was not received by the department until the following fiscal year. The Department of Accounts shall establish a revenue code and fund detail for this revenue.</p> <p>K. Included within this appropriation is \$100,000 the first year and \$100,000 the second year from the general fund for the Department of State Police to enhance its capabilities in recruiting minority troopers. Funding is to support increased marketing and advertising efforts for recruiting minorities.</p> <p>L. Included within this appropriation is \$116,988 the first year and \$116,988 the second year from the Department of Aviation's special fund to support the aviation operations of the Department of State Police.</p> <p>M.1. Out of the amounts appropriated for this Item, \$1,450,000 the first year and \$1,450,000 the second year from nongeneral funds shall be distributed to the department to expand the operations of the Northern Virginia Internet Crimes Against Children Task Force.</p> <p>2. Pursuant to paragraph H.2 of Item 398, the Northern Virginia Internet Crimes Against Children Task Force shall provide a report on the actual expenditures and performance results achieved each year. Copies of this report shall be provided each year to the Secretary of Public Safety and Homeland Security and the Chairmen of the House Appropriations and Senate Finance Committees by October 1.</p> <p>N. Out of the appropriation for this Item, \$1,543,733 the first year and \$1,543,733 the second year from the general fund is continued for the ongoing financing costs of purchasing two helicopters through the state's master equipment lease purchase program.</p> <p>O. Effective July 1, 2015, the Superintendent of State Police shall provide training to all local law enforcement agencies on the proper method to register and re-register persons required to be registered with the Sex Offender and Crimes Against Minors Registry. Should the Superintendent have reason to believe that any local law enforcement agency is not registering sex offenders as required by § 9.1-903, Code of Virginia, the Superintendent shall notify the local law enforcement agency, as well as the Executive Secretary of the Compensation Board and the Director of the Department of Criminal Justice Services.</p> <p>P. The Superintendent of Virginia State Police shall establish a new area office in the New River Valley. Included in the amounts appropriated for this item are \$205,772 the first year and \$234,680 the second year from the general fund to establish the new area office.</p> <p>Q. Included within this appropriation is \$1,050,000 the first year and \$2,400,000 the second year and ten positions the first year and 20 positions the second year from the general fund, to establish a special operations division. The first two tactical teams established under this division will serve the fourth and sixth divisions.</p>				
424.	Administrative and Support Services (39900).....		\$22,887,845	\$24,414,761
	General Management and Direction (39901).....	\$5,654,864	\$5,655,805	

ITEM 424.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Accounting and Budgeting Services (39903).....	\$1,940,478	\$1,945,196		
Human Resources Services (39914).....	\$2,048,184	\$2,048,459		
Physical Plant Services (39915).....	\$5,420,179	\$5,421,328		
Procurement and Distribution Services (39918).....	\$2,188,924	\$2,190,031		
Training Academy (39929).....	\$4,973,673	\$6,492,399		
Cafeteria (39931).....	\$661,543	\$661,543		
Fund Sources: General.....	\$22,419,341	\$23,718,670		
Special.....	\$443,504	\$671,091		
Dedicated Special Revenue.....	\$25,000	\$25,000		

Authority: §§ 52-1 and 52-4, Code of Virginia.

A. The Superintendent of State Police shall establish written procedures for the timely and accurate electronic reporting of crime data reported to the Department of State Police in accordance with the provisions of § 52-28, Code of Virginia. The procedures shall require the principal officer of the reporting organization to certify that the information provided is, to his knowledge and belief, a true and accurate report. Should the superintendent have reason to believe that any crime data is missing, incomplete or incorrect after audit of the data, the superintendent shall notify the reporting organization, as well as the Chairman of the Compensation Board and the Director, Department of Criminal Justice Services. Upon receiving and verifying resubmitted data that corrects the report, the superintendent shall notify the Chairman of the Compensation Board and the Director, Department of Criminal Justice Services that the missing, incomplete or incorrect data has been satisfactorily submitted.

B. The Department of State Police is authorized to charge other law enforcement agencies a fee for the use of the Virginia State Police Blackstone Training Facility related to training activities. The fee structure and subsequent changes must be reviewed and approved by the Secretary of Public Safety and Homeland Security. The Department shall deposit any moneys received from such fees into the Virginia State Police Blackstone Training Facility Fund. The Department shall provide a report on the proposed fee structure and the utilization of the fees for the facility to the Secretary of Public Safety and Homeland Security, the Director of the Department of Planning and Budget, and the Chairmen of the Senate Finance and House Appropriations Committees by October 15, 2016.

C. There is hereby created in the state treasury a special nonreverting fund that shall be known as the Virginia State Police Blackstone Training Facility Fund. The Fund shall be established on the books of the Commonwealth by the Comptroller. Interest earned on the moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of the fiscal year shall not revert to the general fund but shall remain in the Fund. The Department of State Police shall utilize the revenue deposited in the Fund to (1) maintain and repair facilities at the Virginia State Police Blackstone Training Facility, and (2) acquire, maintain, repair or replace equipment at the Virginia State Police Blackstone Training Facility.

425. All revenue received from the sale of motor vehicles shall be reported separately from that received from the sale of other property of the department.

Total for Department of State Police.....			\$338,490,175	\$340,014,356
General Fund Positions.....	2,588.00	2,603.00		
Nongeneral Fund Positions.....	378.00	378.00		
Position Level.....	2,966.00	2,981.00		
Fund Sources: General.....	\$275,113,214	\$276,409,808		
Special.....	\$32,820,727	\$33,048,314		
Commonwealth Transportation.....	\$8,282,115	\$8,282,115		
Trust and Agency.....	\$20,000	\$20,000		
Dedicated Special Revenue.....	\$13,182,622	\$13,182,622		
Federal Trust.....	\$9,071,497	\$9,071,497		

ITEM 425.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
§ 1-117. VIRGINIA PAROLE BOARD (766)				
426.	Probation and Parole Determination (35200).....		\$1,545,204	\$1,545,271
	Adult Probation and Parole Services (35201).....	\$1,545,204	\$1,545,271	
	Fund Sources: General.....	\$1,545,204	\$1,545,271	
	Authority: Title 53.1, Chapter 4, Code of Virginia.			
	Notwithstanding the provisions of § 53.1-40.01, Code of Virginia, the Parole Board shall annually consider for conditional release those inmates who meet the criteria for conditional geriatric release set out in § 53.1-40.01, Code of Virginia, except that upon any such review the Board may schedule the next review as many as three years thereafter. If any such inmate is also eligible for discretionary parole under the provisions of § 53.1-151 et seq., Code of Virginia, the board shall not be required to consider that inmate for conditional geriatric release unless the inmate petitions the board for conditional geriatric release.			
	Total for Virginia Parole Board.....		\$1,545,204	\$1,545,271
	General Fund Positions.....	12.00	12.00	
	Position Level.....	12.00	12.00	
	Fund Sources: General.....	\$1,545,204	\$1,545,271	
	TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....		\$2,924,517,649	\$2,965,775,197
	General Fund Positions.....	17,609.32	17,624.32	
	Nongeneral Fund Positions.....	2,418.18	2,424.18	
	Position Level.....	20,027.50	20,048.50	
	Fund Sources: General.....	\$1,903,006,643	\$1,928,675,675	
	Special.....	\$150,922,290	\$150,421,495	
	Commonwealth Transportation.....	\$9,452,754	\$9,452,754	
	Enterprise.....	\$678,543,186	\$694,997,605	
	Trust and Agency.....	\$4,818,130	\$4,818,130	
	Dedicated Special Revenue.....	\$30,407,154	\$30,407,154	
	Federal Trust.....	\$147,367,492	\$147,002,384	

ITEM 427.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

OFFICE OF TECHNOLOGY

§ 1-118. SECRETARY OF TECHNOLOGY (184)

427.	Administrative and Support Services (79900).....			\$553,182	\$553,264
	General Management and Direction (79901).....	\$553,182	\$553,264		
	Fund Sources: General.....	\$553,182	\$553,264		
	Authority: Title 2.2, Chapter 2, Article 9, Code of Virginia.				
	Total for Secretary of Technology.....			\$553,182	\$553,264
	General Fund Positions.....	5.00	5.00		
	Position Level.....	5.00	5.00		
	Fund Sources: General.....	\$553,182	\$553,264		

§ 1-119. INNOVATION AND ENTREPRENEURSHIP INVESTMENT AUTHORITY (934)

428.	Economic Development Services (53400).....			\$11,538,090	\$11,438,097
	Technology Entrepreneurial Development Services (53415).....	\$5,120,771	\$4,620,778		
	Commonwealth Technology Policy Services (53416).....	\$44,392	\$44,392		
	Technology Industry Development Services (53419).....	\$2,112,511	\$2,362,511		
	Technology Industry Research and Developmental Services (53420).....	\$4,260,416	\$4,410,416		
	Fund Sources: General.....	\$11,538,090	\$11,438,097		

Authority: Title 2.2, Chapter 22, Code of Virginia, and Discretionary Inclusion.

A.1. The appropriation in this Item shall be used for the purpose of and in accordance with the terms and conditions specified in Title 2.2, Chapter 22, Code of Virginia.

2. Out of the amounts appropriated for the Innovation and Entrepreneurship Investment Authority, \$50,000 the first year and \$50,000 the second year from the general fund shall be used to maintain the Commonwealth Innovation and Entrepreneurship Measurement System which measures activities worthy of economic development and institutional focus in furtherance of the Commonwealth Research and Development Roadmap.

B. The Innovation and Entrepreneurship Investment Authority is hereby authorized to transfer funds in this appropriation to the Center for Innovative Technology to expend said funds for realizing the statutory purposes of the Authority, by contracting with governmental and private entities, notwithstanding the provisions of § 4-1.05 b of this act.

C. This appropriation shall be disbursed in twelve equal monthly installments each fiscal year.

D.1. No later than July 15 of each year, the Innovation and Entrepreneurship Investment Authority shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, Secretary of Technology, and the Director, Department of Planning and Budget, a report of its operating plan for each year of the biennium. No later than September 30 of each year, the center shall submit to the same entities a detailed expenditure report for the concluded fiscal year. Both reports shall be prepared in the formats as approved by the Director, Department of Planning and Budget and include, but not be limited to the following:

a. All planned and actual revenue and expenditures along with funding sources, including state, federal, and other revenue sources of both the Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology;

b. A listing of the salaries, bonuses, and benefits of all employees of the Innovation and

ITEM 428.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Entrepreneurship Investment Authority and the Center for Innovative Technology;				
c. By program, total grants made and investments awarded for each grant and investment program, to include the Commonwealth Research Commercialization Fund;				
d. By program, a report of the projected economic impact on the Commonwealth and recoveries of previous grants or investments and sales of equity positions; and				
e. Cash balances by funding source, and a report, by program, of available, committed and projected expenditures of all cash balances.				
2. The President of the Center shall report quarterly to the Center's board of directors, and the Chairmen of the House Appropriations and Senate Finance Committees, Secretary of Technology, and the Director, Department of Planning and Budget in a format approved by the Board the following:				
a. The quarterly financial performance, determined by comparing the budgeted and actual revenues and expenditures to planned revenues and expenditures for the fiscal year;				
b. All investments and grants executed compared to projected investment closings, return on prior investments and grants, including all gains and losses; and				
c. The financial and programmatic performance of all operating entities owned by the Center.				
E. As part of its mission to foster technological innovation in the Commonwealth, the Innovation and Entrepreneurship Investment Authority is encouraged to include in its activities Virginia private research universities.				
F.1. The Center for Innovative Technology shall continue to support efforts of public and quasi-public bodies within the Commonwealth to enhance or facilitate the prompt availability of and access to advanced electronic communications services, commonly known as broadband, throughout the Commonwealth, monitoring trends and advances in advanced electronic communications technology to plan and forecast future needs for such technology, and identify funding options.				
2. Out of the amounts appropriated in this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall be used to support broadband planning and assistance to localities. The Center for Innovative Technology shall provide technical assistance to localities where wired broadband services are not currently available, or where under-served communities have been identified, in order to assist those localities in determining the issues, business practices, and vendor requirements, including an assessment of the existing technologies, for the provision of broadband services to their citizens.				
G. The General Assembly supports the Innovation and Entrepreneurship Investment Authority's stated mission to enhance federal research funding to Virginia's colleges and universities and to industry. It is also the intent of the General Assembly to promote a greater reliance by the authority on nongeneral fund revenues for the authority's operations and programs.				
H. Notwithstanding any other provision of law, any interest earned on moneys in the Advanced Communications Assistance Fund, as well as any moneys remaining in the fund at the end of each fiscal year, including interest thereon, shall be reverted to the general fund.				
I. A total of \$3,100,000 the first year and \$3,100,000 the second year from the general fund shall be allocated to the Commonwealth Growth Accelerator Program fund to foster the development of Virginia-based technology, biosciences, and energy companies. This funding shall be used to underwrite immediate first financing for new early-stage companies and achieve an average rate of return of not less than 11:1.				
J.1. Out of this appropriation, \$500,000 the first year and \$500,000 the second year from the general fund is provided to support the advancement of unmanned systems companies and development of the unmanned systems industry in the Commonwealth.				
2. In addition to the amounts set forth in paragraph J.1., \$350,000 the first year and \$500,000 the second year from the general fund shall be made available for the establishment of an Unmanned Aerial Systems Commercial Center of Excellence and business accelerator in				

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<p>collaboration with the Mid-Atlantic Aviation Partnership and the Virginia Commercial Spaceflight Authority for (i) the development of a strategic plan and roadmap for the recruitment and expansion of commercial UAS entities, and (ii) advancing collaborative public-private UAS partnerships across the Commonwealth at the direction of the Secretary of Technology.</p>				
<p>K. Out of the appropriation for this Item, \$500,000 the first year and \$500,000 the second year from the general fund shall support the Virginia Cyber Security Commission and its recommendations.</p>				
<p>L.1. Included in this Item is \$250,000 in the first year and \$500,000 in the second year from the general fund to support the creation of an Information Sharing and Analysis Organization in Virginia.</p>				
<p>2. No later than November 1, 2016, the Virginia Cyber Security Commission shall provide to the Chairmen of the House Appropriations and Senate Finance Committees, the Secretary of Finance, and the Director of Planning and Budget, a report detailing the development and implementation of an Information Sharing and Analysis Organization (ISAO) in Virginia. The report shall include, but not be limited to, defined roles and responsibilities of members, development of a long-term sustainable funding model, technical means for information sharing among members, and potential growth opportunities the ISAO could seek once information sharing is fully established.</p>				
<p>M. Notwithstanding the definition of qualifying institutions in § 2.2-2233.1, Code of Virginia, a university research consortium that includes Virginia colleges and university member institutions is a qualifying institution for purposes of seeking funding from the Commonwealth Research Commercialization Fund.</p>				
<p>N. Any proceeds from the sale of equity in companies that participated in the cyber security accelerator shall not revert to the general fund but shall be used to support the accelerator program.</p>				
<p>O. By September 1 each year, the President of the Innovation and Entrepreneurship Investment Authority shall report to the Chairmen of the House Appropriations and Senate Finance Committees, Secretary of Technology, and to the Director, Department of Planning and Budget on program activities including, but not limited to the following:</p>				
<p>1. For activities associated with providing localities with broadband assistance: (i) the number of localities assisted by state and other broadband funding sources and (ii) the estimated number of households and localities with populations lacking wired broadband access;</p>				
<p>2. For activities associated with the Growth Accelerator Program (GAP): (i) the number of companies receiving investments from the fund, (ii) the state investment and amount of privately leveraged investments per company, (iii) the estimated number of jobs created, (iv) the estimated tax revenue generated, (v) the number of companies who have received investments from the GAP fund still operating in Virginia, (vi) return on investment, to include the value of proceeds from the sale of equity in companies that received support from the program and economic benefits to the Commonwealth, (vii) the number of state investments that failed and the state investment associated with failed investments, and (viii) the number of new companies created or expanded and the number of patents filed; and</p>				
<p>3. For activities associated with the cyber security accelerator: (i) the number of companies assisted and the number of startups successfully launched through the cyber accelerator program, (ii) the number of companies operating in Virginia as a result of the program, (iii) estimated number of jobs created, (iv) the value of proceeds from the sale of equity in companies that received capital support from the program, (v) the number of state investments that failed and the state investment associated with failed investments, and (vi) the number of new companies created or expanded and the number of patents filed.</p>				
<p>4. Such report shall include the prior fiscal year outcomes as well as the outcomes of each program since inception. In addition, the report shall also include program changes anticipated in the subsequent fiscal year.</p>				

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<p>P.1. Pursuant to § 3-2.03 of this act, a line of credit up to \$2,500,000 shall be provided to the Innovation and Entrepreneurship Investment Authority as a temporary cash flow advance. The Innovation and Entrepreneurship Investment Authority shall transfer such related funds to the Center for Innovative Technology as a temporary cash advance to be repaid by June 30 of each fiscal year. Funds received from the line of credit shall be used only to support operational costs in anticipation of receiving reimbursement of said expenditures from signed contracts and grant awards. The request for the line of credit shall be prepared in the formats as approved by the Secretary of Finance and Secretary of Technology.</p>				
<p>2. The Secretary of Finance and Secretary of Technology shall approve the draw downs from this line of credit prior to the expenditure of funds.</p>				
<p>Q.1. The Innovation and Entrepreneurship Investment Authority shall continue to manage and maintain the Mid-Rise Building located at the Center for Innovative Technology Complex at 2214 Rock Hill Road, Herndon, Virginia, unless otherwise directed by the Governor.</p>				
<p>2. The Authority shall ensure building maintenance meets the standards of the Virginia Maintenance Code 2012, remains at a level to satisfy existing lease agreements, and meets metropolitan Class B office standards.</p>				
<p>3. Consistent with the transfer of ownership of the Mid-Rise Building to the Department of General Services directed in Item 78 D of this act, the Innovation and Entrepreneurship Investment Authority shall make all records and information related to the Mid-Rise Building available to the Department of General Services. The Authority shall also provide any other information requested by the Department of General Services regarding the Center for Innovative Technology Complex and any components thereof due to the nature of the Mid-Rise Building's shared infrastructure and interconnection to other components of the Complex. Notwithstanding § 2.2-2221, Code of Virginia, or any other provision of law, the Center for Innovative Technology Complex, consisting of property located at 2214 and 2205 Rock Hill Road, Herndon, Virginia, shall be subject to the provisions of §§ 2.2-1150 through 2.2-1158, Code of Virginia.</p>				
<p>R. Out of the amounts appropriated in this Item, \$500,000 from the general fund the first year is provided for the continued support of the MACH 37 Cyber Accelerator program. Use of these funds to support the program is contingent on the operating plan report required in paragraph D of this Item clearly demonstrating that Authority has developed a financial plan to ensure that the appropriation included in the Item in the 2016 Appropriation Act is sufficient to support the authority's operations.</p>				
<p>S. Effective July 1, 2016, any form of proposed increase in employee compensation above the base salaries of employees, including one-time bonuses, except for salary adjustments explicitly authorized in this Act, must be communicated to the Director, Department of Planning and Budget, and the Staff Directors of the House Appropriations Committee and the Senate Finance Committee, more than ninety days in advance of effectuating such increase.</p>				
<p>T.1. Out of the appropriation for this Item, \$2,800,000 the first year and \$2,800,000 the second year from the general fund shall be deposited into the Commonwealth Research Commercialization Fund created pursuant to §2.2-2233.1, Code of Virginia. These funds shall not be subject to the equal monthly disbursement requirements provided in paragraph C. of this Item but shall be disbursed as provided for in paragraphs T.2. through T.5. below.</p>				
<p>2. Of the amounts provided for the Commonwealth Research Commercialization Fund in paragraph T.1., up to \$1,500,000 the first year and \$1,500,000 the second year shall be used for a Small Business Innovation Research Matching Fund Program for Virginia-based technology businesses and, for matching funds for recipients of federal Small Business Technology Transfer (STTR) awards for Virginia-based small businesses. Any monies from these amounts that have not been allocated at the end of each fiscal year shall not revert to the general fund but shall be distributed for other purposes designated by the Research and Technology Investment Advisory Committee and aligned with the Research and Technology Strategic Roadmap.</p>				
<p>3.a. Businesses meeting the following criteria shall be eligible to apply for an award to be administered by the Research and Technology Investment Advisory Committee:</p>				

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(i). The applicant has received an STTR award targeted at the development of qualified research or technologies;				
(ii). At least 51 percent of the applicant's employees reside in Virginia; and				
(iii). At least 51 percent of the applicant's property is located in Virginia.				
b. Applicants shall be eligible for matching grants of up to \$100,000 for Phase I awards and up to \$500,000 for Phase II awards. All applicants shall be required to submit a commercialization plan with their application. Any unused funds shall not revert to the general fund but shall remain in the Commonwealth Research and Commercialization Fund. Notwithstanding the provisions of § 2.2-2233.1 D.6, Code of Virginia, unused funding from the Fund shall be awarded as originally intended by the Research and Technology Investment Advisory Committee and only reallocated if sufficient demand does not exist for the original allocation.				
4. Prior to disbursement of these funds to the Authority, the Innovation and Entrepreneurship Investment Authority shall certify that the awards have been made in compliance with the requirements set forth in § 2.2-2233.1, Code of Virginia, and in a format approved by the Director, Department of Planning and Budget.				
5. Notwithstanding § 2.2-2233.1, Code of Virginia, Commonwealth Research Commercialization Fund awards authorized for payment shall be disbursed to the Innovation and Entrepreneurship Investment Authority as provided in paragraph T.4. of this item in addition to the monthly payments as provided in paragraph C of this item. Any funds not expensed in accordance with the award shall be remitted by the Authority to the state treasury and deposited to the Commonwealth Research Commercialization Fund.				
U. 1. Notwithstanding § 2.2-2221, Code of Virginia, the General Assembly finds real property and the improvements thereon to be surplus to the needs of the Commonwealth; specifically, real property and improvements located in Loudoun County (Parcel 035-26) and Fairfax County (Parcels 0152-01-0015 and 0152-01-0017). The Department of General Services shall pursue and is authorized to execute disposal options, with the approval of the Governor, in accordance with § 2.2-1156, Code of Virginia.				
2. The Innovation and Entrepreneurship Investment Authority and the Center for Innovative Technology shall promptly respond to requests for information and provide other assistance as requested by the Department of General Services and other state agencies as necessary to comply with the requirements set forth in § 2.2-1156, Code of Virginia, shall make all records related to the property readily available to the Department of General Services, and shall provide the Department of General Services access to the property. Further, the Innovation and Entrepreneurship Investment Authority shall continue to manage the property in the best interests of the Commonwealth until the property is sold to the successful purchaser. The Innovation and Entrepreneurship Investment Authority shall not convey any interest or allow any new use without the recommendation of the Department of General Services and approval of the Governor or his designee.				
3. The Innovation and Entrepreneurship Investment Authority shall provide monthly reports to the Department of General Services of income and expenses associated with the property. The Department of General Services shall provide quarterly reports to the Chairmen of the House Appropriations and Senate Finance Committees and to the Governor on the Department's progress to determine disposal options of the parcels, beginning with the initial report due October 1, 2016.				
4. Costs incurred by the Department of General Services to carry out the direction in this item shall be accounted for separately from other Department operations and shall be reimbursed from the proceeds of the sale of the property.				
5. The remaining proceeds of the sale shall be deposited to the nonreverting Virginia Research Investment Fund established pursuant to House Bill 1343 of the 2016 General Assembly for the express purpose of promoting research and development excellence in the Commonwealth; positioning the Commonwealth as a national leader in science-based and technology-based research, development, and commercialization; and encouraging cooperation and collaboration among higher education research institutions, and with the				

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private sector, in areas and with activities that foster economic development and job creation in the Commonwealth, with particular emphasis on personalized health, biosciences, data analytics, and cybersecurity. Such proceeds shall herein be appropriated to the portion of the Fund designated for investment, reinvestment and management by the Board of the Virginia Retirement System as provided in § 51.1-124.38, Code of Virginia.				
Total for Innovation and Entrepreneurship Investment Authority.....			\$11,538,090	\$11,438,097
Fund Sources: General.....	\$11,538,090	\$11,438,097		

§ 1-120. VIRGINIA INFORMATION TECHNOLOGIES AGENCY (136)

429.	Information Systems Management and Direction (71100).....			\$2,562,707	\$2,712,707
	Geographic Information Access Services (71105).....	\$2,562,707	\$2,712,707		
	Fund Sources: Dedicated Special Revenue.....	\$2,562,707	\$2,712,707		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. All state and nonstate agencies receiving an appropriation in Part 1 shall comply with the guidelines and related procedures issued by Virginia Information Technologies Agency for effective management of geographic information systems in the Commonwealth.

2. All state and nonstate agencies identified in paragraph A 1 that have a geographic information system, shall assist the department by providing any requested information on the systems including current and planned expenditures and activities, and acquired resources.

3. The State Corporation Commission, Virginia Employment Commission, the Department of Game and Inland Fisheries, and other nongeneral fund agencies are encouraged to use their own fund sources for the acquisition of hardware and development of data for the spatial data library in the Virginia Geographic Information Network.

B. The Virginia Information Technologies Agency, through its Geographic Information Network Division (VGIN), or its counterpart, shall acquire on a four-year cycle high-resolution digital orthophotography of the land base of Virginia pursuant to VGIN's Virginia Base Mapping Program (VBMP) and digital road centerline files. VGIN shall administer the maintenance of the VBMP and appropriate addressing and standardized attribution in collaboration with local governments. All digital orthophotography, Digital Terrain Models and ancillary data produced by the VBMP, but not including digital road centerline files, shall be the property of the Commonwealth of Virginia and administered by VGIN. The VGIN, or its counterpart, will be responsible for protecting the data through appropriate license agreements and establishing appropriate terms, conditions, charges and any limitations on use of the data. VGIN will license the data at no charge (other than media / transfer costs) to Virginia governmental entities or their agents. Such data shall not be subject to release by such entities under the Freedom of Information Act or similar laws. VGIN in its discretion may release certain data by posting to the Internet. Distribution of the data for commercial or private use or to users outside the Commonwealth will be the sole responsibility of VGIN or its agent(s) and shall require payment of a license fee to be determined by VGIN. All fees collected as a result will be added to the GIS Fund as established in the Code of Virginia § 2.2-2028. Collected fees and grants are hereby appropriated for future data updates or to cover the costs of existing digital ortho acquisition or for other purposes authorized in § 2.2-2028.

C. Funding in this Item shall be used to support the efforts of the Virginia Geographic Information Network which provides for the development and use of spatial data to support E-911 wireless activities in partnership with Enhanced Emergency Communications Services. Funding is to be earmarked for major updates of the VBMP and digital road centerline files.

D. Notwithstanding the provisions of Article 7, Chapter 15, Title 56, Code of Virginia, \$1,750,000 the first year and \$1,750,000 the second year from Emergency Response Systems Development Technology Services dedicated special revenue shall be used to support the efforts of the Virginia Geographic Information Network, or its counterpart, for providing the development and use of spatial data to support E-911 wireless activities in partnership with

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Enhanced Emergency Communications Services.				
430.	Emergency Response Systems Development Technology Services (71200).....		\$22,836,784	\$22,836,784
	Emergency Communication Systems Development Services (71201).....	\$6,860,176	\$6,860,176	
	Financial Assistance to Localities for Enhanced Emergency Communications Services (71202).....	\$10,984,640	\$10,984,640	
	Financial Assistance to Service Providers for Enhanced Emergency Communications Services (71203).....	\$4,991,968	\$4,991,968	
	Fund Sources: Dedicated Special Revenue.....	\$22,836,784	\$22,836,784	

Authority: Title 2.2, Chapter 20.1, and Title 56, Chapter 15, Code of Virginia.

A.1.a. Out of the amounts for Emergency Communication Systems Development Services, \$1,000,000 the first year and \$1,000,000 the second year from dedicated special revenue shall be used for development and deployment of improvements to the statewide E-911 network.

b. These funds shall remain unallotted until their expenditure has been approved by the Wireless E-911 Services Board.

2. Out of the amounts for Emergency Communication Systems Development Services, \$4,000,000 the first year and \$4,000,000 the second year from dedicated special revenue shall be used for wireless E-911 service costs as determined by the Wireless E-911 Services Board.

B. The operating expenses, administrative costs, and salaries of the employees of the Public Safety Communications Division shall be paid from the Wireless E-911 Fund created pursuant to § 56-484.17.

431.	Information Technology Development and Operations (82000).....		\$319,870,944	\$313,991,989
	Network Services -- Data, Voice, and Video (82003).....	\$106,627,529	\$108,488,113	
	Data Center Services (82005).....	\$121,056,263	\$118,822,946	
	Desktop and End User Services (82006).....	\$88,566,495	\$82,929,482	
	Computer Operations Security Services (82010).....	\$3,620,657	\$3,751,448	
	Fund Sources: Internal Service.....	\$319,870,944	\$313,991,989	

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A. Out of this appropriation, \$319,870,944 the first year and \$312,755,567 the second year for Information Technology Development and Operations is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services.

B. Political subdivisions and local school divisions are hereby authorized to purchase information technology goods and services of every description from the Virginia Information Technologies Agency and its vendors, provided that such purchases are not prohibited by the terms and conditions of the contracts for such goods and services.

C.1. In consultation with the General Assembly and the Office of the Governor, the Virginia Information Technologies Agency (VITA) is authorized to plan for, procure, and take other actions necessary to replace information technology services currently provided by Northrop Grumman. VITA's plan to replace information technology services currently provided by Northrop Grumman shall involve agencies served by VITA.

2. The Secretary of Finance and Secretary of Technology shall approve the draw downs from the agency's line of credit authorized in § 3-2.03 of this act prior to the expenditure of funds for costs associated with replacing information technology services currently provided by Northrop Grumman.

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<p>3. The Director, Department of Planning and Budget, is authorized to administratively adjust the appropriation in this Item and Item 434 of this act for approved transition costs associated with replacing information technology services currently provided by Northrop Grumman.</p> <p>D. The Chief Information Officer of the Commonwealth shall report to the Governor and Chairmen of the House Appropriations and Senate Finance Committees on progress toward transitioning to new information technology services that will replace the information technology services currently provided by Northrop Grumman under the Comprehensive Infrastructure Agreement. Such a report shall be made at least quarterly, in a format mutually agreeable to them, and shall (i) describe efforts to discontinue the Unisys mainframe, (ii) assess the Virginia Information Technologies Agency's organization and in-scope information technology and telecommunications costs, and (iii) identify options available to the Commonwealth at the expiry of the current agreement including any anticipated steps required to plan for its expiration.</p>				
432.	Central Support Services for Business Solutions (82400).....		\$12,061,385	\$12,061,385
	Information Technology Services for Data Exchange Programs (82401).....	\$11,403,571		\$11,403,571
	Information Technology Services for Productivity Improvements (82402).....	\$657,814		\$657,814
	Fund Sources: Internal Service.....	\$12,061,385		\$12,061,385
<p>Authority: Title 2.2, Chapter 20.1, Code of Virginia.</p> <p>The appropriation for Central Support Services for Business Solutions is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from revenues derived from charges for services. Included in these amounts are the projected first and second year costs for workplace productivity and collaboration solutions. These solutions are offered as optional services to executive branch agencies and other customers.</p>				
433.	Information Technology Planning and Quality Control (82800).....		\$4,047,041	\$3,142,189
	Information Technology Investment Management (ITIM) Oversight Services (82801).....	\$1,653,483		\$1,653,567
	Enterprise Development Services (82803).....	\$2,393,558		\$1,488,622
	Fund Sources: General.....	\$2,033,955		\$2,034,039
	Dedicated Special Revenue.....	\$2,013,086		\$1,108,150

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. Notwithstanding the provisions of §§ 2.2-1509, 2.2-2007 and 2.2-2017, Code of Virginia, the scope of formal reporting on major information technology projects in the Recommended Technology Investment Projects (RTIP) report is reduced. The efforts involved in researching, analyzing, reviewing, and preparing the report will be streamlined and project ranking will be discontinued. Project analysis will be targeted as determined by the Chief Information Officer (CIO) and the Secretary of Technology. Information on major information technology investments will continue to be provided General Assembly members and staff. Specifically, the following tasks will not be required, though the task may be performed in a more streamlined fashion: (i) The annual report to the Governor, the Secretary, and the Joint Commission on Technology and Science; (ii) The annual report from the CIO for submission to the Secretary, the Information Technology Advisory Council, and the Joint Commission on Technology and Science on a prioritized list of Recommended Technology Investment Projects (RTIP Report); (iii) The development by the CIO and regular update of a methodology for prioritizing projects based upon the allocation of points to defined criteria and the inclusion of this information in the RTIP Report; (iv) The indication by the CIO of the number of points and how they were awarded for each project recommended for funding in the RTIP Report; (v) The reporting, for each project listed in the RTIP, of all projected costs of ongoing operations and maintenance activities of the project for the next three biennia following project implementation, a justification and description for each project baseline change, and whether the project fails to incorporate existing standards for the maintenance, exchange, and security of data; and (vii) The reporting of trends in current projected information technology spending by state agencies and secretariats, including spending on

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projects, operations and maintenance, and payments to Virginia Information Technologies Agency.				
2. Notwithstanding any other provision of law and effective July 1, 2015, the Virginia Information Technologies Agency (VITA) shall maintain and update quarterly a list of major information technology projects that are active or are expected to become active in the next fiscal year and have been approved and recommended for funding by the Secretary of Technology. Such list shall serve as the official repository for all ongoing information technology projects in the Commonwealth and shall include all information required by § 2.2-1509.3 (B)(1)-(8), Code of Virginia. VITA shall make such list publically available on its website, updated on a quarterly basis, and shall submit electronically such quarterly update to the Chairmen of the House Appropriations and Senate Finance Committees and the Director, Department of Planning and Budget, in a format mutually agreeable to them. To ensure such list can be maintained and updated quarterly, state agencies with major information technology projects that are active or are expected to become active in the next fiscal year shall provide in a timely manner all data and other information requested by VITA.				
3. The Health Care Reform program office has been established by the Secretary of Health and Human Resources to address the American Recovery and Reinvestment Act (ARRA), the Patient Protection and Patient Affordability Act (PPACA), and the Medicaid Information Technology Architecture (MITA). This program will be generating approximately 23 major as well as non-major projects and the total cost of the program over seven years is expected to be \$93,043,146 with a cost to the Commonwealth of \$9,773,220. Projects will be established over the next four years. The seven year costs include six years of operational expenses associated with the provider incentive program that sunsets in 2021. New recurring Medicaid expenses are also reflected in the seven year cost estimates. The projects and cost estimates in this paragraph include efforts to modernize eligibility determination systems within the Department of Social Services.				
434. Administrative and Support Services (89900).....			\$37,642,432	\$38,615,103
General Management and Direction (89901).....	\$24,137,989	\$25,213,453		
Accounting and Budgeting Services (89903).....	\$5,166,933	\$5,166,933		
Human Resources Services (89914).....	\$287,796	\$287,796		
Procurement and Contracting Services (89918).....	\$4,557,899	\$4,660,073		
Audit Services (89931).....	\$263,705	\$263,705		
Web Development and Support Services (89940)....	\$3,228,110	\$3,023,143		
Fund Sources: General.....	\$343,706	\$0		
Special.....	\$10,025,670	\$11,035,734		
Internal Service.....	\$27,273,056	\$27,579,369		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A.1. Out of this appropriation, \$27,121,075 the first year and \$27,318,830 the second year for Administrative and Support Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from charges to other programs within this agency.

2. In accordance with § 2.2-2013 D, Code of Virginia, the surcharge rate used to fund expenses for operations and staff of services administered by the Virginia Information Technologies Agency shall be no more than 9.34% the first year and 9.09% the second year.

3. Included in the amounts for Administrative and Support Services are funds from the Acquisition Services Special Fund which is paid solely from receipts from vendor information technology contracts. These funds will be used to finance procurement and contracting activities and costs unallowable for federal fund reimbursement.

B. The provisions of Title 2.2, Chapter 20.1 of the Code of Virginia shall not apply to the Virginia Port Authority.

C. The requirement that the Department of Behavioral Health and Developmental Services purchase information technology equipment or services from the Virginia Information

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Technologies Agency according to the provisions of Chapters 981 and 1021 of the Acts of Assembly of 2003 shall not adversely impact the provision of services to mentally disabled clients.

D. The Chief Information Officer and the Secretary of Technology shall provide the Governor and the Chairmen of the Senate Finance and House Appropriations Committees with a report detailing any amendments or modifications to the comprehensive infrastructure agreement. The report shall include statements describing the fiscal impact of such amendments or modifications and shall be submitted within 30 days following the signing of any amended agreement.

E.1. Out of this appropriation, \$343,706 the first year from the general fund is provided for the Virginia Information Technologies Agency to initiate a program to support the use of cloud service providers by state agencies served by the Virginia Information Technologies Agency.

2. As part of the program, the Virginia Information Technologies Agency shall develop policies, standards, and procedures for the use of cloud services providers by state agencies served by the Virginia Information Technologies Agency. These policies, standards, and procedures shall address the security and privacy of Commonwealth and citizen data; ensure compliance with federal and state laws and regulations; and provide for ongoing oversight and management of cloud services to verify performance through service level agreements or other means. VITA shall also establish a statewide contract of approved vendors authorized to offer cloud based services to state agencies.

3. Requests to use cloud providers shall be submitted by participating agencies to the Virginia Information Technologies Agency, which shall review such requests in accordance with the Commonwealth's policies, standards, and procedures. For approved requests, and consistent with Chapter 20.1 of Title 2.2, the Virginia Information Technologies Agency will procure cloud services on behalf of other agencies or may, upon request, authorize other state agencies to undertake such procurements on their own. The Virginia Information Technologies Agency shall also administer and oversee all contracts for cloud services used by agencies participating in the cloud services center, including verification of security and performance.

4. The Virginia Information Technologies Agency shall work with state agencies to assess opportunities for additional use of cloud services, including infrastructure, platform, and software as a service. This assessment shall include a review of options for use of service brokers and integrators, and options for providing storage and server services through cloud or on-premises means.

5. By October 1, 2016, the Virginia Information Technologies Agency shall develop and submit to the Department of Planning and Budget a proposed method for recovering costs associated with providing oversight and management of cloud based services.

435.	Information Technology Security Oversight (82900)..			\$8,904,694	\$8,115,527
	Technology Security Oversight Services (82901).....	\$4,556,365	\$3,627,206		
	Information Technology Security Service Center (82902).....	\$4,348,329	\$4,488,321		
	Fund Sources: General.....	\$463,587	\$425,164		
	Special.....	\$129,495	\$129,495		
	Internal Service.....	\$8,311,612	\$7,560,868		

Authority: Title 2.2, Chapter 20.1, Code of Virginia.

A. Out of this appropriation, \$4,275,798 the first year and \$3,346,639 the second year for Technology Security Oversight Services is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from charges to other programs within this agency.

B.1. The Virginia Information Technologies Agency shall operate an information technology security service center to support the information technology security needs of agencies electing to participate in the information technology security service center. Support for participating agencies shall include, but not be limited to, vulnerability scans, information technology security audits, and Information Security Officer services. Participating agencies

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shall cooperate with the Virginia Information Technologies Agency by transferring such records and functions as may be required.				
2.a. The Virginia Information Technologies Agency shall perform vulnerability scans of all public-facing websites and systems operated by state agencies. All state agencies which operate such websites and systems shall cooperate with the Virginia Information Technologies Agency in order to complete the vulnerability scans.				
b. Out of this appropriation, \$312,515 the first year and \$274,092 the second year from the general fund shall be used to support vulnerability scanning of public-facing websites and systems of the Commonwealth.				
3. Agencies electing to participate in the information technology security service center shall enter into a memorandum of understanding with the Virginia Information Technologies Agency. Such memorandums shall outline the services to be provided by the Virginia Information Technologies Agency and the costs to provide those services. If a participating agency elects to not renew its memorandum of understanding, the agency shall notify the Virginia Information Technologies Agency twelve months prior to the scheduled renewal date of its intent to become a non-participating agency.				
4. Non-participating agencies shall be required by July 1 each year to notify the Chief Information Officer of the Commonwealth that the agency has met the requirements of the Commonwealth's information security standards. If the agency has not met the requirements of the Commonwealth's information security standards, the agency shall report to the Chief Information Officer of the Commonwealth the steps and procedures the agency is implementing in order to satisfy the requirements.				
5. Out of this appropriation, \$4,035,814 the first year and \$4,214,229 the second year for Information Technology Security Service Center is sum sufficient and amounts shown are estimates from an internal service fund which shall be paid solely from internal service fund revenues.				
6. Notwithstanding any other provision of state law, and to the extent and in the manner permitted by federal law, the Virginia Information Technologies Agency shall have the legal authority to access, use, and view data and other records transferred to or in the custody of the information technology security service center pursuant to this Item. The services of the center are intended to enhance data security, and no state law or regulation imposing data security or dissemination restrictions on particular records shall prevent or burden the custodian agency's authority under this Item to transfer such records to the center for the purpose of receiving the center's services. All such transfers and any access, use, or viewing of data by center personnel in support of the center's provision of such services to the transferring agency shall be deemed necessary to assist in valid administrative needs of the transferring agency's program that received, used, or created the records transferred, and personnel of the center shall, to the extent necessary, be deemed agents of the transferring agency's administrative unit that is responsible for the program. Without limiting the foregoing, no transfer of records under this Item shall trigger any requirement for notice or consent under the Government Data Collection and Dissemination Practices Act (GDCDPA) (§ 2.2-3800 et. seq.) or other law or regulation of the Commonwealth. The transferring agency shall continue to be deemed the custodian of any record transferred to the center for purposes of the GDCDPA, the Freedom Of Information Act, and other laws or regulations of the Commonwealth pertaining to agencies that administer the transferred records and associated programs. Custody of such records for security purposes shall not make the Virginia Information Technologies Agency a custodian of such records. Any memorandum of understanding under authority of this Item shall specify the records to be transferred, security requirements, and permitted use of data provided. VITA and any contractor it uses in the provision of the center's services shall hold such data in confidence and implement and maintain all information security safeguards defined in the memorandum of understanding or required by federal or state laws, regulations, or policies for the protection of sensitive data.				
7. The rates required to recover the costs of the information technology security service center shall be provided by the Virginia Information Technologies Agency to the Department of Planning and Budget by September 1 each year for review and approval of the subsequent fiscal year's rate.				

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Total for Virginia Information Technologies Agency.			\$407,925,987	\$401,475,684
General Fund Positions.....	16.00	14.00		
Nongeneral Fund Positions.....	230.00	230.00		
Position Level.....	246.00	244.00		
Fund Sources: General.....	\$2,841,248	\$2,459,203		
Special.....	\$10,155,165	\$11,165,229		
Internal Service.....	\$367,516,997	\$361,193,611		
Dedicated Special Revenue.....	\$27,412,577	\$26,657,641		
TOTAL FOR OFFICE OF TECHNOLOGY.....			\$420,017,259	\$413,467,045
General Fund Positions.....	21.00	19.00		
Nongeneral Fund Positions.....	230.00	230.00		
Position Level.....	251.00	249.00		
Fund Sources: General.....	\$14,932,520	\$14,450,564		
Special.....	\$10,155,165	\$11,165,229		
Internal Service.....	\$367,516,997	\$361,193,611		
Dedicated Special Revenue.....	\$27,412,577	\$26,657,641		

ITEM 436.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

OFFICE OF TRANSPORTATION

§ 1-121. SECRETARY OF TRANSPORTATION (186)

436.	Administrative and Support Services (79900).....			\$888,357	\$888,474
	General Management and Direction (79901).....	\$888,357	\$888,474		
	Fund Sources: Commonwealth Transportation.....	\$888,357	\$888,474		

Authority: Title 2.2, Chapter 2, Article 10, § 2.2-201, and Titles 33, 46, and 58, Code of Virginia.

A. The transportation policy goals enumerated in this act shall be implemented by the Secretary of Transportation, including the Secretary acting as Chairman of the Commonwealth Transportation Board.

1. The maintenance of existing transportation assets to ensure the safety of the public shall be the first priority in budgeting, allocation, and spending. The highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

2. It is in the interest of the Commonwealth to have an efficient and cost-effective transportation system that promotes economic development and all modes of transportation, intermodal connectivity, environmental quality, accessibility for people and freight, and transportation safety. The planning, development, construction, and operations of Virginia's transportation facilities will reflect this goal.

3. To the greatest extent possible, the appropriation of transportation revenues shall reflect planned spending of such revenues by agency and by program.

B. The maximization of all federal transportation funds available to the Commonwealth shall be paramount in the budgetary, spending, and allocation processes.

1. Notwithstanding any provision of law to the contrary, the secretary and all agencies within the transportation secretariat are hereby authorized to take all actions necessary to ensure that federal transportation funds are allocated and utilized for the maximum benefit of the Commonwealth, whether such actions or funds or both are authorized under P.L. 112-141 of the 112th Congress, or any successor or related federal transportation legislation, or regulation, rule, or guidance issued by the U.S. Department of Transportation or any federal agency. The secretary and agencies within the transportation secretariat shall utilize, to the maximum extent practicable, the flexibility provided in federal law, regulation, rule, or guidance to use federal funds in a manner consistent with the Code of Virginia.

2. The secretary shall ensure that the allocation of transportation funds apportioned and for which obligation authority is expected to be available under federal law shall be in accordance with such laws and in support of the transportation policy goals enumerated in section A. of this Item. Furthermore, the secretary is authorized to take all actions necessary to allocate the required match for federal highway funds to ensure their appropriate and timely obligation and expenditure within the fiscal constraints of state transportation revenues. By June 1 of each year, the secretary, as Chairman of the Board, shall report to the Governor and General Assembly on the allocation of such federal transportation funds and the actions taken to provide the required match.

3. The board shall only make allocations providing the required match for federal Regional Surface Transportation Program funds to those Metropolitan Planning Organizations in urbanized areas greater than 200,000 that, in consultation with the Office of Intermodal Planning and Investment, have developed regional transportation and land use performance measures pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly and have been approved by the board.

4. Projects funded, in whole or part, from federal funds referred to as congestion mitigation and air quality improvement, shall be selected as directed by the board. Such funds shall be federally obligated within 12 months of their allocation by the board and

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	expended within 36 months of such obligation. If the requirements included in this paragraph are not met by such agency or recipient, then the board shall use such federal funds for any other project eligible under 23 USC 149.			
	5. Funds apportioned under federal law for the Surface Transportation Program shall be distributed and administered in accordance with federal requirements, including the 22 percent of the non-suballocated portion that is required to be allocated for public transportation purposes. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to the 22 percent share of the non-suballocated portion allocated for public transportation purposes.			
	6. Funds made available to the Metropolitan Planning Organizations known as the Regional Surface Transportation Program for urbanized areas greater than 200,000 shall be federally obligated within 12 months of their allocation by the board and expended within 36 months of such obligation. If the requirements included in this paragraph are not met by the recipient, then the board may rescind the required match for such federal funds.			
	7. Notwithstanding paragraph B.2. of this Item, the required matching funds for Transportation Alternatives projects are to be provided by the project sponsor of the federal-aid funding.			
	8. Federal transportation funds as well as the required state matching funds may be allocated by the Commonwealth Transportation Board for transit purposes under the same rules and conditions authorized by federal law. The Commonwealth Transportation Board, in consultation with the appropriate local and regional entities, may allocate state revenues to local and regional public transit operators, for operating and/or capital purposes.			
	9. If a regional area (or areas) of the Commonwealth is determined to be not in compliance with Clean Air Act rules regarding conformity and as a result federal and/or state allocations, apportionments or obligations cannot be used to fund or support transportation projects or programs in that area, such funds may be used to finance demand management, conformity, and congestion mitigation projects to the extent allowed by federal law. Any remaining amount of such allocations, apportionments, or obligations shall be set aside to the extent possible under law for use in that regional area.			
	10. Appropriations in this act related to federal revenues outlined in this section may be adjusted by the Director, Department of Planning and Budget, upon request from the Secretary of Transportation, as needed to utilize and allocate additional federal funds that may become available.			
	11. The secretary shall ensure that any bonds issued pursuant to Article 4, Chapter 15 of Title 33.2 shall be programmed to eligible projects selected and funded through the High Priority Projects Program pursuant § 33.2-370 or the Construction District Grant Program pursuant to §33.2-371. In any year such bond proceeds are allocated to one or both of the programs, the secretary shall take all necessary action to ensure that each program is provided with the same overall amount of monies though the mix of bond proceeds, state revenues, and federal revenues provided to each program may vary as deemed appropriate by the secretary.			
	C.1. The secretary may ensure that appropriate action is taken to maintain a minimum cash balance and/or cash reserve in the Highway Maintenance and Operating fund.			
	2. Notwithstanding the original programmatic allocation, funds provided by the previous primary, secondary and urban construction formulas prior to fiscal year 2010 that are not committed and expected to be expended as of January 1, 2018 may be consolidated to fully fund and advance priority transportation projects within the respective district or locality. If after taking said actions and the determination of the respective locality and the Department of Transportation that formula funds will remain, the funds may be used for other transportation purposes provided by § 33.2, Code of Virginia. All unspent primary, secondary and urban formula funds allocated prior to 2010 unspent as of January 1, 2018 shall be de-allocated and transferred to the State of Good Repair Program pursuant to § 33.2-369, Code of Virginia, unless such funds are allocated to a fully funded and active project.			
	D.1. The Office of Intermodal Planning and Investment shall recommend to the Commonwealth Transportation Board all allocations of funds made available in subsections A. and B. of Item 452. The planning and evaluation may be conducted or managed by the			

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Department of Transportation, Department of Rail and Public Transportation, or another qualified entity selected and/or approved by the Commonwealth Transportation Board.				
2. The office shall be responsible for implementing the statewide prioritization process pursuant to § 33.2-214.1 for the Commonwealth Transportation Board.				
3. The office shall work directly with affected Metropolitan Planning Organizations to develop and implement quantifiable and achievable goals relating to congestion reduction and safety, transit and HOV usage, job/housing ratios, job and housing access to transit and pedestrian facilities, air quality, and/or per-capital vehicle miles traveled pursuant to Chapters 670 and 690 of the 2009 Acts of Assembly.				
4. For allocation of funds under Paragraph 1, the office may give a higher priority for planning grants to (i) regional organizations to analyze various land development scenarios for their long range transportation plans, (ii) local governments to revise their comprehensive plans and other applicable local ordinances to designate urban development areas pursuant to Chapter 896 of the 2007 Acts of Assembly and incorporate the principles included in such act, and (iii) local governments, regional organizations, transit agencies and other appropriate entities to develop plans for transit oriented development and the expansion of transit service. Such analyses, plans, and ordinances shall be shared with the regional planning district commission or metropolitan planning organization and the Commonwealth Transportation Board.				
E.1. The Commonwealth Transportation Board is hereby authorized to apply for, execute, and/or endorse applications submitted by private entities to obtain federal credit assistance for one or more qualifying transportation infrastructure projects or facilities to be developed pursuant to the Public-Private Transportation Act of 1995, as amended. Any such application, agreement and/or endorsement shall not financially obligate the Commonwealth or be construed to implicate the credit of the Commonwealth as security for any such federal credit assistance.				
2. The Commonwealth Transportation Board is hereby authorized to pursue or otherwise apply for, and execute, an agreement to obtain financing using a federal credit instrument for project financings otherwise authorized by this Act or other Acts of Assembly.				
F. Revenues generated pursuant to the provisions of § 58.1-3221.3, Code of Virginia, shall only be used to supplement, not supplant, any local funds provided for transportation programs within the localities authorized to impose the fees under the provisions of § 58.1-3221.3, Code of Virginia.				
G. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Transportation Capital Projects Revenue Bonds which were authorized in the prior fiscal year but not issued, pursuant to Section 2 of Enactment Clause 2 of Chapter 896 of the 2007 General Assembly Session.				
H. The Director, Department of Planning and Budget, is authorized to adjust the appropriation of transportation agencies in order to utilize proceeds from the sale of Commonwealth of Virginia Federal Transportation Grant Anticipation Revenue Notes.				
I. Notwithstanding any provision of law, any agreement to transfer money from the Commonwealth Transportation Funds to the Metropolitan Washington Airports Authority (MWAA) in connection with Phase II of the Dulles Corridor Metrorail Project beyond Wiehle Avenue in Fairfax County to Washington Dulles International Airport and on to Virginia Route 772 in Loudoun County shall include provisions stating that the MWAA has addressed all of the recommendations included in the November 2012 report of the Inspector General of the U.S. Department of Transportation as a condition of transferring such money. The Governor may waive this requirement for one or more specific recommendations that have not been implemented by notifying the Chairmen of the House Appropriations and Senate Finance Committees of his reason for granting the waiver or waivers.				
J. In programming funds for the reconstruction and rehabilitation of structurally deficient bridges pursuant to § 33.2-358 C.(i), Code of Virginia, the Commonwealth Transportation Board shall consider both state and locally-owned bridges.				

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>K. All revenues generated under Chapter 896 of the Acts of Assembly of 2007 (HB 3202) and Chapter 766 of the Acts of Assembly of 2013 (HB 2313) that were dedicated to transportation-related funds have been appropriated in conformity with the requirements of those respective chapters.</p>				
<p>L. The Secretary of Transportation shall assure that no funds appropriated to any transportation agency are expended directly or indirectly, including by a private contractor, for propaganda purposes in support of any proposed transportation project for which construction funding has not been allocated in the Six Year Improvement Program. This prohibition shall not extend to advertising legally required for public notifications.</p>				
<p>M. 1. Notwithstanding § 33.2-1527 B., Code of Virginia, out of the funds made available in Item 453, \$25,000,000 the first year and \$25,000,000 the second year may be provided to the Metropolitan Washington Airports Authority for the sole purpose of reducing the airline cost per enplanement at Washington Dulles International Airport to help attract new domestic and international airlines and retain existing air carriers. Such funding shall be utilized to reduce the debt service requirements and total operating costs of the Authority. The first year amount shall not be provided before December 31, 2016. Payment shall not occur in either fiscal year unless the Authority has entered into an agreement with one or more airlines currently operating at Washington Dulles International Airport which ensures the retention of a domestic airline hub service at the airport for at least seven years beyond calendar year 2017.</p>				
<p>2. Prior to the release of any funds authorized in Paragraph M.1. to the Authority, the Secretary of Transportation shall certify in writing to the Governor and the General Assembly that provision of the funds authorized under this item are in the public interest, that the funds will be used to supplement not supplant funds otherwise available to the Authority, and that the Authority has set-forth an attainable plan for long-term cost reductions. Funding shall further be conditioned upon the following requirements:</p>				
<p>a. No payments shall occur unless and until the Authority has entered into an agreement with the Virginia Department of Transportation that (i) identifies to the Department future efforts of the Authority to reduce airline cost per enplanement at Washington Dulles International Airport using financing efficiency savings, available funds, and future revenues in an amount that meets or exceeds the amount of the appropriation provided in this section over the course of the agreement through calendar year 2024, (ii) provides full access to the financial records of the Airports Authority recognizing such financial information will be considered confidential and proprietary and will only be used to verify targets for cost per enplanement reductions, and (iii) sets forth a long-range plan for financial viability of the airport and continued lower levels of cost per enplanement beyond the fiscal year 2016-2018 biennium without additional state support beyond the amounts provided pursuant to § 58.1-538, Code of Virginia. Such agreement shall be subject to the provisions established in § 2.2-3705.6, Code of Virginia.</p>				
<p>3. By December 1, 2016 and December 1, 2017, the Authority shall report to the Secretary of Transportation and the Chairmen of the House Appropriations and Senate Finance Committees on the actual and forecasted changes to the cost per enplanement at the Washington Dulles International Airport over the prior year, what portion of the reduction is attributable to state support, what portion attributable to cost reduction measures implemented by the Authority and what portion is attributable to increased passenger traffic at the Airports. Further, the Authority shall report the additional measures taken by the Authority to reduce airline cost per enplanement including, but not limited to, an estimate of revenues that could be generated by development or disposal of property owned by the Authority as a means to further reduce long term cost per enplanement. Such report shall also include an outline of additional measures to be taken by the Authority to further reduce cost per enplanement through calendar year 2024.</p>				
<p>N. The Commonwealth Transportation Board's rail subcommittee shall review the long range service plan and financial analysis of Virginia Railway Express and assess the conclusions of that analysis with respect to the long-term financial viability of the service, their ability to maintain appropriately costed-services to maintain and expand market share, and the Virginia Railway Express's impact on traffic volumes on the Interstate 66 and Interstate 95 / 395 corridors of statewide significance. The Board shall consult with interested stakeholders and report its findings to the Secretary of Transportation, and the Chairmen of the House</p>				

ITEM 436.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Committees on Appropriations and Transportation and the Senate Committees on Finance and Transportation no later than November 15, 2016.				
<p>O. 1. No later than October 31, 2016 the Secretary of Transportation shall report to the Chairmen of the House Appropriations and Senate Finance Committees on the outcome of the negotiations pursuant to the procurement for the Commonwealth of Virginia Transform I-66 Corridor Outside the Beltway project and whether the parties were able to deliver the project in a manner that meets all of the terms published in the request for qualifications dated September 17, 2015, as clarified by the term sheet published on October 1, 2015, and subsequently amended, and the draft request for proposals dated December 17, 2015.</p> <p>2. If the Transportation Public-Private Partnership Advisory Committee established pursuant to § 33.2-1803.2 of the Code of Virginia and the Commissioner of Highways find that the private parties did not meet the terms published in the request for qualifications dated September 17, 2015, as clarified by the term sheet published on October 1, 2015, and subsequently amended, and the draft request for proposals dated December 17, 2015, and state that it is in the public interest to proceed with public financing for this project; and the Secretary of Finance concurs in writing with Commissioner of Highways' finding that the private parties did not meet the terms and that it is in the public interest to proceed with the issuance of bonds, the Secretary shall notify the Chairmen of such finding to enable the respective Committees to consider Senate Bill 60 and House Bill 1067, continued to the 2017 Session by the 2016 General Assembly, prior to the procedural deadline for action on such legislation.</p> <p>P. The Commonwealth Transportation Board is hereby directed to enter into discussions with Arlington and Fairfax Counties regarding use of air rights over Interstate 66 in their respective jurisdictions no later than October 1, 2016. A report on the progress and outcome of such discussions shall be submitted to the Chairmen of the House Appropriations and Transportation Committees and the Senate Finance and Transportation Committees no later than July 15, 2017.</p>				
Total for Secretary of Transportation.....			\$888,357	\$888,474
Nongeneral Fund Positions.....			6.00	6.00
Position Level.....			6.00	6.00
Fund Sources: Commonwealth Transportation.....			\$888,357	\$888,474
§ 1-122. VIRGINIA COMMERCIAL SPACE FLIGHT AUTHORITY (509)				
437.	Space Flight Support Services (60800).....		\$15,800,020	\$15,800,021
	Maintenance and Operation of Space Flight Facilities (60801).....	\$15,800,020	\$15,800,021	
	Fund Sources: Commonwealth Transportation.....	\$15,800,020	\$15,800,021	
Authority: Title 2.2, Chapter 22, Code of Virginia.				
Pursuant to the provisions of Chapters 779 and 817, 2012 Session of the General Assembly, \$15,800,020 in the first year and \$15,800,021 in the second year shall be transferred to the Commonwealth Space Flight Fund as set forth in § 33.2-1526 to support the maintenance and operations of the Virginia Commercial Space Flight Authority. From the funds appropriated in this item, \$500,000 the first year shall be made available for development of an Aircraft Intermediate Maintenance Department in support of the Wallops Island unmanned aircraft systems test range.				
Total for Virginia Commercial Space Flight Authority.....			\$15,800,020	\$15,800,021
Fund Sources: Commonwealth Transportation.....			\$15,800,020	\$15,800,021
§ 1-123. DEPARTMENT OF AVIATION (841)				
438.	Financial Assistance for Airports (65400).....		\$28,351,475	\$28,351,475

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Financial Assistance for Airport Maintenance (65401).....	\$1,000,000	\$1,000,000		
Financial Assistance for Airport Development (65404).....	\$25,976,475	\$25,976,475		
Financial Assistance for Aviation Promotion (65405)	\$1,375,000	\$1,375,000		
Fund Sources: Commonwealth Transportation.....	\$28,351,475	\$28,351,475		
Authority: Title 5.1, Chapters 1, 3, and 5; Title 58.1, Chapter 6, Code of Virginia.				
<p>A. It is the intent of the General Assembly that the Department of Aviation match federal funds for Airport Assistance to the maximum extent possible. In furtherance of this maximization, the Commonwealth Transportation Board may request funding from the Commonwealth Airport Fund for surface transportation projects that provide airport access. The Aviation Board shall consider such requests and provide funding as it so approves. However, the legislative intent expressed herein shall not be construed to prohibit the Virginia Aviation Board from allocating funds for promotional activities in the event that federal matching funds are unavailable.</p> <p>B. The department is authorized to expend up to \$400,000 the first year and \$400,000 the second year from Aviation Special Funds to support a partnership between industry, academia, and Virginia Small Aircraft Transportation System. The project shall target research efforts to promote safety and greater access for rural airports.</p> <p>C. The department is authorized to pay to the Civil Air Patrol \$100,000 the first year and \$100,000 the second year from Aviation Special Funds. The provisions of § 2.2-1505, Code of Virginia, and § 4-5.05 of this act shall not apply to the Civil Air Patrol.</p> <p>D. Out of the amounts included in this Item, \$500,000 the first year and \$500,000 the second year shall be paid to the Washington Airports Task Force.</p> <p>E. The Department of Aviation is directed to undertake a review of the programs and funding supported by the share of revenues from the Transportation Trust Fund dedicated to the department and to provide a report to the Chairmen of the House Appropriations, Senate Finance, and House and Senate Transportation Committees by November 15, 2016. Such report shall include (i) the allocation of funds by airport, annually and cumulatively over the preceding five fiscal years; (ii) a review of revenues, expenditures and balances by program for each of the preceding five fiscal years; (iii) a description of the goals, objectives and outcomes for each program funded by the Department; (iv) gaps in funding requested and allocated by program and by airport; and, (v) the statutory dedication of funding to the Metropolitan Washington Airports Authority.</p>				
439.	Air Transportation System Planning, Regulation, Communication and Education (65500).....		\$2,866,836	\$2,866,836
	Aviation Licensing and Regulation (65501).....	\$113,073	\$113,073	
	Aviation Communication and Education (65502).....	\$862,782	\$862,782	
	General Aviation Personnel Development (65503).....	\$26,400	\$26,400	
	Air Transportation Planning and Development (65504).....	\$1,864,581	\$1,864,581	
	Fund Sources: Commonwealth Transportation.....	\$2,366,836	\$2,366,836	
	Federal Trust.....	\$500,000	\$500,000	
Authority: Title 5.1, Chapter 1, Code of Virginia.				
440.	State Aircraft Flight Operations (65600).....		\$2,214,856	\$2,214,856
	State Aircraft Operations and Maintenance (65602)....	\$2,214,856	\$2,214,856	
	Fund Sources: General.....	\$30,246	\$30,246	
	Commonwealth Transportation.....	\$2,184,610	\$2,184,610	
Authority: Title 5.1, Chapter 1, Code of Virginia.				
441.	Administrative and Support Services (69900).....		\$2,186,481	\$2,186,481
	General Management and Direction (69901).....	\$2,186,481	\$2,186,481	

ITEM 441.	Item Details(\$)		Appropriations(\$)	
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Fund Sources: General.....	\$7	\$7		
Commonwealth Transportation.....	\$2,186,474	\$2,186,474		
Authority: Title 5.1, Chapter 1, Code of Virginia.				
A. The Director, Department of Aviation, shall prepare general guidelines regarding aircraft acquisition and use that shall include a requirement for state agencies to develop written policies on usage, charge rates and record-keeping. The Director shall examine the aircraft needs of state agencies and determine the most efficient and effective method of organizing and managing the Commonwealth's aircraft operations. The Director shall implement the aircraft management system he determines to be most suitable and revise it periodically as the need arises.				
B. The Virginia Aviation Board and the Department of Aviation may obligate funds in excess of the current biennium appropriation for aviation financial assistance programs supported by the Commonwealth Transportation Fund provided 1) sufficient cash is available to cover projected costs in each year and 2) sufficient revenues are projected to meet all cash obligations for new obligations as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.				
Total for Department of Aviation.....			\$35,619,648	\$35,619,648
Nongeneral Fund Positions.....	34.00	34.00		
Position Level.....	34.00	34.00		
Fund Sources: General.....	\$30,253	\$30,253		
Commonwealth Transportation.....	\$35,089,395	\$35,089,395		
Federal Trust.....	\$500,000	\$500,000		

§ 1-124. DEPARTMENT OF MOTOR VEHICLES (154)

442.	Ground Transportation Regulation (60100).....			\$179,622,359	\$179,622,359
	Customer Service Centers Operations (60101).....	\$124,033,251	\$124,033,251		
	Ground Transportation Regulation and Enforcement (60103).....	\$41,894,958	\$41,894,958		
	Motor Carrier Regulation Services (60105).....	\$13,694,150	\$13,694,150		
	Fund Sources: Commonwealth Transportation.....	\$172,175,759	\$172,175,759		
	Trust and Agency.....	\$5,446,600	\$5,446,600		
	Federal Trust.....	\$2,000,000	\$2,000,000		

Authority: Title 46.2, Chapters 1, 2, 3, 6, 8, 10, 12, 15, 16, and 17; §§ 18.2-266 through 18.2-272; Title 58.1, Chapters 21 and 24, Code of Virginia. Title 33, Chapter 4, United States Code.

A. The Commissioner, Department of Motor Vehicles, is authorized to establish, where feasible and cost efficient, contracts with private/public partnerships with commercial operations, to provide for simplification and streamlining of service to citizens through electronic means. Provided, however, that such commercial operations shall not be entitled to compensation as established under § 46.2-205, Code of Virginia, but rather at rates limited to those established by the commissioner.

B. The Department of Motor Vehicles shall work to increase the use of alternative service delivery methods, which may include offering discounts on certain transactions conducted online, as determined by the department. As part of its effort to shift customers to internet usage where applicable, the department shall not charge its customers for the use of credit cards for internet or other types of transactions; however, this restriction shall not apply with respect to any credit or debit card transactions the department conducts on behalf of another agency, provided (i) the other agency is authorized to charge customers for the use of credit or debit cards and (ii) the merchant's fees and other transaction costs imposed by the card issuer are charged to the department.

C. In order to provide citizens of the Commonwealth greater access to the Department of Motor Vehicles, the agency is authorized to enter into an agreement with any local

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constitutional officer or combination of officers to act as a license agent for the department, with the consent of the chief administrative officer of the constitutional officer's county or city, and to negotiate a separate compensation schedule for such office other than the schedule set out in § 46.2-205, Code of Virginia. Notwithstanding any other provision of law, any compensation due to a constitutional officer serving as a license agent shall be remitted by the department to the officer's county or city on a monthly basis, and not less than 80 percent of the sums so remitted shall be appropriated by such county or city to the office of the constitutional officer to compensate such officer for the additional work involved with processing transactions for the department. Funds appropriated to the constitutional office for such work shall not be used to supplant existing local funding for such office, nor to reduce the local share of the Compensation Board-approved budget for such office below the level established pursuant to general law.				
D. The base compensation for DMV Select Agents shall be set at 4.5 percent of gross collections for the first \$500,000 and 5.0 percent of all gross collections in excess of \$500,000 made by the entity during each fiscal year on such state taxes and fees in place as a matter of law. The commissioner shall supply the agents with all necessary agency forms to provide services to the public, and shall cause to be paid all freight and postage, but shall not be responsible for any extra clerk hire or other business-related expenses or business equipment expenses occasioned by their duties.				
E. Out of the amounts identified in this Item, \$299,991 the first year and \$299,991 the second year from the Commonwealth Transportation Fund shall be paid to the Washington Metropolitan Area Transit Commission.				
F.1. Notwithstanding any other provision of law, the department shall assess a minimum fee of \$10 for all replacement and supplemental titles. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
2. Notwithstanding any other provision of law, the department shall assess a \$10 late fee on all registration renewal transactions that occur after the expiration date. The late fee shall not apply to those exceptions granted under § 46.2-221.4, Code of Virginia. In assessing the late renewal fee the department shall provide a ten day grace period for transactions conducted by mail to allow for administrative processing. This grace period shall not apply to registration renewals for vehicles registered under the International Registration Plan. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
3. Notwithstanding any other provision of law, the department shall establish a \$20 minimum fee for original driver's licenses and replacements. The revenue generated from this fee shall be set aside to meet the expenses of the department.				
G. The Department of Motor Vehicles is hereby granted approval to renew or extend existing capital leases due to expire during the current biennium for existing customer service centers.				
H. The Department of Motor Vehicles is hereby appropriated revenues from the additional sales tax on fuel in certain transportation districts to recover the direct cost of administration incurred by the department in implementing and collecting this tax as provided by § 58.1-2295, Code of Virginia.				
I. The Commissioner of the Department of Motor Vehicles, in consultation with the Commissioner of Highways, shall take such steps as may be necessary to expand access to the E-ZPass program through its customer service channels using such locations and methods as are practicable.				
J. Included in the amounts for this item is \$350,000 in the first year and \$350,000 in the second year to support the on-going costs associated with the regulation of Transportation Network Companies in Virginia pursuant to the provisions of Chapter 2, 2015 Session of the General Assembly.				
K. Notwithstanding the provisions of Chapter 21 of Title 46.2, Code of Virginia, the Commissioner of the Department of Motor Vehicles shall be authorized to grant temporary authority to a motor carrier to transport property for compensation on an intrastate basis utilizing a digital platform that connects persons seeking a property transportation service with persons authorized by the motor carrier to transport property. Such temporary authority shall be subject to such reasonable conditions as the Commissioner may impose, and shall be				

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valid only for passenger cars and pickup or panel trucks, as those terms are defined in § 46.2-100, Code of Virginia, which vehicles shall not be required to be issued for-hire license plates under the provisions of § 46.2-711, Code of Virginia. Such temporary authority, unless suspended or revoked, shall be valid for such time as the Department shall specify, but such authority shall not extend beyond 130 days following the adjournment of the next regular session of the General Assembly and shall create no presumption that corresponding permanent authority will be granted thereafter.				
443.	Ground Transportation System Safety Services (60500).....		\$7,058,337	\$7,058,337
	Highway Safety Services (60508).....	\$7,058,337	\$7,058,337	
	Fund Sources: Commonwealth Transportation.....	\$5,326,013	\$5,326,013	
	Federal Trust.....	\$1,732,324	\$1,732,324	
Authority: §§ 46.2-222 through 46.2-224, Code of Virginia; Chapter 4, United States Code.				
444.	Administrative and Support Services (69900).....		\$71,524,792	\$71,613,989
	General Management and Direction (69901).....	\$29,701,089	\$29,790,286	
	Information Technology Services (69902).....	\$36,713,702	\$36,713,702	
	Facilities and Grounds Management Services (69915).....	\$5,110,001	\$5,110,001	
	Fund Sources: Commonwealth Transportation.....	\$69,287,792	\$69,376,989	
	Federal Trust.....	\$2,237,000	\$2,237,000	
Authority: Title 46.2, Chapters 1 and 2, and § 46.2-214.3; Title 58.1, Chapters 17, 21, and 24, Code of Virginia.				
The Department of Transportation shall reimburse the Department of Motor Vehicles for the operating costs of the Fuels Tax Evasion Program.				
	Total for Department of Motor Vehicles.....		\$258,205,488	\$258,294,685
	Nongeneral Fund Positions.....	2,038.00	2,038.00	
	Position Level.....	2,038.00	2,038.00	
	Fund Sources: Commonwealth Transportation.....	\$246,789,564	\$246,878,761	
	Trust and Agency.....	\$5,446,600	\$5,446,600	
	Federal Trust.....	\$5,969,324	\$5,969,324	
Department of Motor Vehicles Transfer Payments (530)				
445.	Ground Transportation System Safety Services (60500).....		\$26,255,029	\$26,255,029
	Financial Assistance for Transportation Safety (60507).....	\$26,255,029	\$26,255,029	
	Fund Sources: Federal Trust.....	\$26,255,029	\$26,255,029	
Authority: §§ 46.2-222 through 46.2-223, Code of Virginia; Chapter 4, United States Code.				
446.	Financial Assistance to Localities - General (72800).....		\$85,691,500	\$85,691,500
	Financial Assistance to Localities - Mobile Home Tax (72803).....	\$5,500,000	\$5,500,000	
	Financial Assistance to Localities for the Disposal of Abandoned Vehicles (72814).....	\$391,500	\$391,500	
	Distribution of Sales Tax on Fuel in Certain Transportation Districts (72815).....	\$79,800,000	\$79,800,000	
	Fund Sources: Commonwealth Transportation.....	\$391,500	\$391,500	
	Trust and Agency.....	\$5,500,000	\$5,500,000	

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	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Dedicated Special Revenue.....	\$79,800,000	\$79,800,000		
Authority: §§ 46.2-416, 58.1-2402, and 58.1-2425, and 46.2-1200 through 46.2-1207, Code of Virginia.				
Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions.				
Total for Department of Motor Vehicles Transfer Payments.....			\$111,946,529	\$111,946,529
Fund Sources: Commonwealth Transportation.....	\$391,500	\$391,500		
Trust and Agency.....	\$5,500,000	\$5,500,000		
Dedicated Special Revenue.....	\$79,800,000	\$79,800,000		
Federal Trust.....	\$26,255,029	\$26,255,029		
Grand Total for Department of Motor Vehicles.....			\$370,152,017	\$370,241,214
Nongeneral Fund Positions.....	2,038.00	2,038.00		
Position Level.....	2,038.00	2,038.00		
Fund Sources: Commonwealth Transportation.....	\$247,181,064	\$247,270,261		
Trust and Agency.....	\$10,946,600	\$10,946,600		
Dedicated Special Revenue.....	\$79,800,000	\$79,800,000		
Federal Trust.....	\$32,224,353	\$32,224,353		

§ 1-125. DEPARTMENT OF RAIL AND PUBLIC TRANSPORTATION (505)

447.	Ground Transportation Planning and Research (60200).....			\$3,743,598	\$3,743,598
	Rail and Public Transportation Planning, Regulation, and Safety (60203).....	\$3,743,598	\$3,743,598		
	Fund Sources: Commonwealth Transportation.....	\$3,743,598	\$3,743,598		
Authority: Titles 33.2 and 58.1, Code of Virginia.					
448.	Financial Assistance for Public Transportation (60900).....			\$435,536,141	\$443,248,455
	Public Transportation Programs (60901).....	\$412,417,287	\$420,042,153		
	Congestion Management Programs (60902).....	\$13,344,000	\$13,344,000		
	Human Service Transportation Programs (60903).....	\$9,774,854	\$9,862,302		
	Fund Sources: Special.....	\$1,122,396	\$1,139,844		
	Commonwealth Transportation.....	\$434,413,745	\$442,108,611		

Authority: Titles 33.2 and 58.1, Code of Virginia.

A.1. Except as provided in Item 450, the Commonwealth Transportation Board shall allocate all monies in the Commonwealth Mass Transit Fund, as provided in § 58.1-638, Code of Virginia. The total appropriation for the Commonwealth Mass Transit Fund is estimated to be \$247,794,000 the first year and \$255,422,000 the second year from the Transportation Trust Fund. From these funds, the following estimated allocations shall be made:

a. \$182,608,000 the first year and \$187,826,000 the second year to statewide Operating Assistance as provided in § 58.1-638, Code of Virginia.

b. \$55,837,000 the first year and \$58,030,000 the second year from the Commonwealth Mass Transit Fund to statewide Capital Assistance.

c. Notwithstanding the provisions of paragraph A.1.a and A.1.b. of this Item, prior to the annual adoption of the Six-Year Improvement Program, the Commonwealth Transportation Board may allocate funding from the Commonwealth Mass Transit Fund to implement the transit and transportation demand management improvements identified for the I-95 corridor.

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	FY2017	FY2018	FY2017	FY2018

Such costs shall include only direct transit capital and operating costs as well as transportation demand management activities. Costs associated with additional park and ride lots required to be funded by the Commonwealth under the provisions of the Comprehensive Agreement for the Interstate 95 High Occupancy Toll Lanes project shall be borne by the Department of Transportation as set out in Item 455 of this act.

2. Included in this Item is \$1,500,000 the first year and \$1,500,000 the second year from the Commonwealth Mass Transit Trust Fund. These allocations are designated for "paratransit" capital projects and enhanced transportation services for the elderly and disabled.

3. a. From the amounts appropriated in this Item from the Commonwealth Mass Transit Fund, \$7,849,000 the first year and \$8,066,000 the second year is the estimated allocation to statewide Special Programs as provided in § 58.1-638, Code of Virginia.

b. From the amounts provided for Special Programs, the Commonwealth Transportation Board shall operate a program entitled the Transportation Efficiency Improvement Fund (TEIF). The purpose of the TEIF program is to reduce traffic congestion by supporting transportation demand management programs and projects designed to reduce the movement of passengers and freight on Virginia's highway system.

c. From the amounts appropriated in this Item from the Commonwealth Mass Transit Fund, up to \$1,975,000 the first year and up to \$1,975,000 the second year may be allocated by the Board for the expansion of vanpool service throughout the Commonwealth. Such efforts may include partnering with private operators to provide vanpool services on a statewide basis. All or a portion of any increase to the amounts appropriated in subparagraph B.5 of Item 436 as a result of the Federal Fixing America's Surface Transportation (FAST) Act may also be allocated by the Board for this purpose.

4. Not included in this appropriation is an amount estimated at \$25,583,000 the first year and \$25,583,000 the second year allocated to transit agencies from federal sources for the Surface Transportation Program (STP).

B. 1. Funds from a stable and reliable source, as required in Public Law 96-184, as amended, are to be provided to Metro from payments authorized and allocated in this program and pursuant to §§ 58.1-1720 and 58.1-2295, Code of Virginia. Notwithstanding any other provision of law, funds allocated to Metro under this program may be disbursed by the Department of Rail and Public Transportation directly to Metro or to any other transportation entity that has an agreement to provide funding to Metro as deemed appropriate by the Department. In appointing the Virginia members of the board of directors of the Washington Metropolitan Area Transit Authority (WMATA), the Northern Virginia Transportation Commission shall include the Secretary of Transportation or his designee as a principal member on the WMATA board of directors.

2. To ensure that all revenues provided to support the Washington Metropolitan Area Transit Authority (WMATA) are used efficiently and appropriately, the WMATA Board of Directors shall submit to the Director, Department of Rail and Public Transportation, and the Chairmen of the House and Senate Transportation Committees and the House Appropriations and Senate Finance Committees, a report on the actions taken to address all the recommendations cited in the Federal Transit Administration of the U. S. Department of Transportation's "Full Scope of Systems Review of the Washington Metropolitan Transit Authority" dated June 10, 2014. Such reports shall be submitted no more than 30 days after the close of each quarter of the fiscal year, and shall include any further findings issued by the appropriate compliance officer of the Federal Transit Administration. In addition, the WMATA Board of Directors shall provide, immediately upon its issuance, a copy of the audited financial statements and shall submit a plan to remedy any deficiencies within 30 days of receipt of the report.

C. All Commonwealth Mass Transit Funds appropriated for Financial Assistance for Public Transportation shall be used only for public transportation purposes as defined by the Federal Transit Administration or outlined in § 58.1-638 A.4. or in § 58.1-638 A.5., Code of Virginia.

D. It is the intent of the General Assembly that no transit operating assistance funding be

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<p>used to support any new transit system or route at a level higher than such project would be eligible for under the allocation formula set out in § 58.1-638 A 4. e., Code of Virginia, beyond the first two years of its operation.</p> <p>E.1. The Department of Rail and Public Transportation, in conjunction with the Transit Capital Project Revenue Advisory Board, shall develop a proposal to be submitted to the Commonwealth Transportation Board and the General Assembly for a statewide prioritization process for the use of funds allocated pursuant to § 33.2-365, or allocated to the Commonwealth Mass Transit Fund established pursuant to subdivision A 4 of § 58.1-638. Such prioritization process would be used for the development of a Six-Year Improvement Program for transit capital expenditures to be included in the Program adopted annually by the Commonwealth Transportation Board pursuant to § 33.2-214. The proposal development should be undertaken with input from localities, metropolitan planning organizations, transit authorities, transportation authorities, and other stakeholders.</p> <p>2. Any prioritization process should be based on an objective and quantifiable analysis. For transit capital projects that establish new transit service or expand existing service, the prioritization process should consider, at a minimum, the following factors relative to the cost of the project or strategy: congestion mitigation, economic development, accessibility, safety, environmental quality, and land use. For state of good repair projects, the prioritization process should consider asset condition and other factors determined to be appropriate by the Department. Such a process for the allocation and distribution of funding would be in addition to the tiered approach established by the Commonwealth Transportation Board for capital purposes based on asset need and anticipated state participation level and revenues and is intended to foster project-specific prioritization within the asset tiers.</p> <p>3. The Department shall submit its report on the feasibility and proposed content of such a prioritization scheme to the Chairmen of the House and Senate Transportation Committees, the House Appropriations Committee and the Senate Finance Committee not later than August 1, 2017.</p>				
449.	Financial Assistance for Rail Programs (61000).....		\$129,339,969	\$129,339,969
	Rail Industrial Access (61001).....	\$3,000,000		\$3,000,000
	Rail Preservation Programs (61002).....	\$14,583,720		\$14,583,720
	Passenger and Freight Rail Financial Assistance Programs (61003).....	\$111,756,249		\$111,756,249
	Fund Sources: Special.....	\$1,000,000		\$1,000,000
	Commonwealth Transportation.....	\$123,939,969		\$123,939,969
	Federal Trust.....	\$4,400,000		\$4,400,000

Authority: Title 33.2, Code of Virginia.

A. 1. Except as provided in Item 450, the Commonwealth Transportation Board shall operate the Shortline Railway Preservation and Development program in accordance with § 33.2-1602, Code of Virginia. As determined by the board, funds apportioned pursuant to § 33.2-1530 or § 33.2-1601, Code of Virginia, shall be appropriated to the Shortline Railway Preservation and Development Program. Total funding appropriated to the Shortline Railway Preservation and Development Program shall not exceed \$4,000,000 the first year and \$4,000,000 the second year.

2. The board may allocate up to 20 percent of the annual revenue of the Rail Enhancement Fund established through § 33.2-1601, Code of Virginia, to the Shortline Railway Preservation and Development Fund. Should funds established in § 33.2-1601, Code of Virginia, be allocated for the purposes outlined in § 33.2-1602, Code of Virginia, the Director of the Department of Rail and Public Transportation shall administer and expend the funds subject to the approval of the board and according to the authority outlined in § 33.2-1602; the requirements of § 33.2-1601 shall not apply.

B. The Commonwealth Transportation Board shall operate the Rail Industrial Access Program in accordance with § 33.2-1600, Code of Virginia. The board may allocate funds pursuant to § 33.2-358, Code of Virginia, to the fund for construction of industrial access railroad tracks.

C. Of the funds appropriated pursuant to Chapters 1019 and 1044 of the 2000 Acts of

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<p>Assembly for passenger rail capacity improvements in the I-95 passenger rail corridor between Richmond and the District of Columbia, the Director of the Department of Rail and Public Transportation is authorized to utilize any remaining funds along the described corridor for the development of intercity passenger rail enhancements to include rail improvements and passenger station facilities.</p> <p>D. Because of the overwhelming need for the delivery of services provided by the investment in a balanced transportation system in the Commonwealth, and in an effort to deliver intercity passenger trains utilizing the Commonwealth's investments and to increase passenger train frequencies to Norfolk and Roanoke, notwithstanding the provisions of § 33.2-1601 and § 33.2-1603, Code of Virginia, the Commonwealth Transportation Board may only make further investments in intercity passenger rail capacity to serve new markets in North Carolina, provided the Six-Year Improvement Plan adopted pursuant to § 33.2-214, Code of Virginia includes sufficient funding to complete projects underway to deliver train capacity improvements and provides the funding for service for additional passenger rail frequency to Norfolk and an extension of passenger rail to Roanoke. Any Rail Enhancement Funds utilized for the purposes of the service delivery outlined in this paragraph shall be administered according to the guidelines governing the use of Intercity Passenger Rail Operating and Capital Funds.</p> <p>E. The Department of Rail and Public Transportation shall evaluate both the costs of providing service to the Town of Bedford as well as the available funding and provide this information to the Chairmen of the House Committees on Transportation and Appropriations, the Senate Committees on Transportation and Finance, and the Joint Commission on Transportation Accountability no later than December 1, 2016.</p>					
450.	Administrative and Support Services (69900).....			\$13,351,725	\$13,858,964
	General Management and Direction (69901).....	\$13,351,725	\$13,858,964		
	Fund Sources: Commonwealth Transportation.....	\$13,351,725	\$13,858,964		
	Authority: Titles 33.2 and 58.1, Code of Virginia.				
	A. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Department of Rail and Public Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.				
	B. The Commonwealth Transportation Board may allocate up to 3.5 percent of the funds appropriated in Item 448 and Item 449 to support costs of project development, project administration and project compliance incurred by the Department of Rail and Public Transportation in implementing rail, public transportation, and congestion management grants, programs set out in §§ 58.1-638, 33.2-1601 and 33.2-1602 and 33.2-1603, Code of Virginia.				
	Total for Department of Rail and Public Transportation.....			\$581,971,433	\$590,190,986
	Nongeneral Fund Positions.....	60.00	60.00		
	Position Level.....	60.00	60.00		
	Fund Sources: Special.....	\$2,122,396	\$2,139,844		
	Commonwealth Transportation.....	\$575,449,037	\$583,651,142		
	Federal Trust.....	\$4,400,000	\$4,400,000		
§ 1-126. DEPARTMENT OF TRANSPORTATION (501)					
451.	Environmental Monitoring and Evaluation (51400).			\$13,412,237	\$13,674,514
	Environmental Monitoring and Compliance for Highway Projects (51408).....	\$10,766,957	\$10,963,364		
	Environmental Monitoring Program Management and Direction (51409).....	\$2,645,280	\$2,711,150		
	Fund Sources: Commonwealth Transportation.....	\$13,412,237	\$13,674,514		
452.	Ground Transportation Planning and Research (60200).....			\$68,995,247	\$64,625,062

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Ground Transportation System Planning (60201).....	\$56,151,798	\$51,508,270		
Ground Transportation System Research (60202).....	\$9,086,239	\$9,266,770		
Ground Transportation Program Management and Direction (60204).....	\$3,757,210	\$3,850,022		
Fund Sources: Commonwealth Transportation.....	\$68,995,247	\$64,625,062		

Authority: Title 33.2, Code of Virginia.

A. Included in the amount for ground transportation system planning and research is no less than \$6,500,000 the first year and no less than \$6,500,000 the second year from the highway share of the Transportation Trust Fund for the planning and evaluation of options to address transportation needs.

B. In addition, the Commonwealth Transportation Board may approve the expenditures of up to \$500,000 the first year and \$500,000 the second year from the highway share of the Transportation Trust Fund for the completion of advance activities, prior to the initiation of an individual project's design along existing highway corridors, to determine short-term and long-term improvements to the corridor. Such activities shall consider safety, access management, alternative modes, operations, and infrastructure improvements. Such funds shall be used for, but are not limited to, the completion of activities prior to the initiation of an individual project's design or to benefit identification of needs throughout the state or the prioritization of those needs. For federally eligible activities, the activity or item shall be included in the Commonwealth Transportation Board's annual update of the Six-Year Improvement program so that (i) appropriate federal funds may be allocated and reimbursed for the activities and (ii) all requirements of the federal Statewide Transportation Improvement Program can be achieved.

C. Notwithstanding the provisions of Chapter 729 and Chapter 733 of the 2012 Acts of Assembly, the Commonwealth Transportation Board shall not reallocate any funds from projects on roadways controlled by any county that has withdrawn or elects to withdraw from the secondary system of state highways, nor from any roadway controlled by a city or town as part of the state's urban roadway system, based on a determination of nonconformity with the Commonwealth Transportation Board's Statewide Transportation Plan or the Six-Year Improvement Program. In jurisdictions that maintain roadways within their boundaries, the provisions of § 33.2-214, Code of Virginia, shall apply only to highways controlled by the Department of Transportation.

D. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from the federal apportionments in the State Planning and Research Program.

453.	Highway Construction Programs (60300).....		\$2,262,220,703	\$1,812,622,400
	Highway Construction Program Management (60315).....	\$26,741,888	\$27,397,557	
	State of Good Repair Program (60320).....	\$164,835,012	\$103,997,402	
	High Priority Projects Program (60321).....	\$95,776,727	\$45,444,527	
	Construction District Grant Programs (60322).....	\$95,776,727	\$45,444,527	
	Specialized State and Federal Programs (60323).....	\$1,226,436,233	\$933,338,307	
	Legacy Construction Formula Programs (60324).....	\$652,654,116	\$657,000,080	
	Fund Sources: Commonwealth Transportation.....	\$1,880,227,621	\$1,576,322,400	
	Trust and Agency.....	\$381,993,082	\$236,300,000	

Authority: Title 33.2, Chapter 3; Code of Virginia; Chapters 8, 9, and 12, Acts of Assembly of 1989, Special Session II.

A. From the appropriation for specialized state and federal programs funds shall be distributed as follows:

1. \$99,958,646 the first year and \$105,299,506 the second year in federal state and matching funds shall be allocated for regional Surface Transportation Funds and distributed to applicable metropolitan planning organizations pursuant to 23 USC 133;
2. \$53,871,340 the first year and \$55,272,403 the second year in federal and state matching

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funds shall be allocated for the Highway Safety Improvement Program pursuant to 23 USC 148;				
3. \$70,981,544 the first year and \$69,805,236 the second year in federal and state matching funds shall be allocated for the Congestion Mitigation Air Quality program pursuant to 23 USC 149;				
4. \$150,000,000 the first year and \$100,000,000 the second year shall be allocated for the Revenue Sharing Program pursuant to § 33.2-357, Code of Virginia;				
5. \$20,481,315 the first year and \$20,104,007 the second year in federal funds shall be allocated for the Surface Transportation Block Grant Program Set-Aside to 23 USC 133(h).				
6. \$2,736,051 the first year and \$4,183,261 the second year in state funds shall be allocated to the Virginia Transportation Infrastructure Bank pursuant to § 33.2-1500 et seq. Code of Virginia.				
7. \$1,368,025 the first year and \$2,091,630 the second year in state funds shall be allocated to the Transportation Partnership Opportunity Fund pursuant to § 33.2-1529.1, Code of Virginia.				
B. Notwithstanding § 33.2-358, Code of Virginia, the proceeds from the lease or sale of surplus and residue property purchased under this program in excess of related costs shall be applied to the State of Good Repair Program pursuant to § 33.2-369, Code of Virginia. Proceeds must be used on Federal Title 23 eligible projects.				
C. The Director of the Department of Planning and Budget is authorized to increase the appropriation as needed to utilize amounts available from prior year balances in the dedicated funds and adjust items to the most recent Commonwealth Transportation Board budget.				
D. Funds appropriated for legacy formula construction programs shall be used for the purposes enumerated in subsection C of § 33.2-358, Code of Virginia, or as previously appropriated.				
E. Included in the amounts for specialized state and federal programs is the reappropriation of \$145,700,000 the first year and \$131,300,000 the second year from bond proceeds or dedicated special revenues for anticipated expenditure of amounts collected in prior years. The amounts will be provided from balances in the Capital Projects Revenue Bond Fund, Federal Transportation Grant Anticipation Revenue Bond Fund, Northern Virginia Transportation District Fund, State Route 28 Highway Improvement District Fund, U.S. Route 58 Corridor Development Fund and the Priority Transportation Fund. These amounts were originally appropriated when received or forecasted and are not related to FY 2017 and FY 2018 estimated revenues.				
F. Revenue collected through innovative revenue efforts authorized by § 33.2-213, Code of Virginia, shall be dedicated to State of Good Repair efforts as outlined in § 33.2-369, Code of Virginia, after all related program and collection costs incurred by the Department are considered.				
G. Of the amounts provided in Item 449.10, Chapter 847 of the 2008 Acts of Assembly, \$31,070,647 was dedicated to enumerated projects funded from the Transportation Partnership Opportunity Fund. This amount represents available authorization remaining after the completed advancement of acquisition and construction of the projects in the Item. Of this amount, \$23,110,000 is now directed to Road Improvements at military installations in the Commonwealth. As part of the ongoing negotiations of a memorandum of agreement between the Department of the U.S. Army and the U.S. Department of Transportation and the Virginia Department of Transportation for the delivery of transportation projects as in-kind payments for parcel A-2 and A-3 at the former Ft. Monroe under the economic development conveyance in the Commonwealth of Virginia, the Virginia Department of Transportation shall request that the Department of the U.S. Army consider the reservation of funding included in this paragraph for improvements to the Ft. Eustis Boulevard interchange with I-64 at mile marker 250 which directly benefits Joint Base Langley-Eustis and the United States Army Training and Doctrine Command.				

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Of this amount, \$7,960,647 is now directed to Improvements at interstate rest areas throughout the Commonwealth.

H. For funds allocated in § 58.1-1741, Code of Virginia, to state of good repair purposes for fiscal year 2017 and fiscal year 2018, the distribution of funding in subsections (B) and (C) of § 33.2-369, Code of Virginia, will not apply. The Commonwealth Transportation Board may allocate funds to state of good repair purposes for reconstruction and replacement of structurally deficient state and locally owned bridges and reconstruction and rehabilitation of pavement on the interstate system and primary state highway system determined to be deteriorated by the board, including municipality-maintained primary extensions, as well as to work related to the condition assessment and pavement rehabilitation of secondary highways and other related work to improve secondary highways. Prior to this allocation, the Commonwealth Transportation Board will provide \$11,929,353 for Improvements at Interstate Rest Areas throughout the Commonwealth.

I. The Secretary may establish a pilot program for unpaved roads sections that (i) are more than 2 miles in length, (ii) is not a dead-end, (iii) intersects with existing paved roads at both ends and (iv) have a traffic volume of 100 or more vehicles in a context sensitive manner. Up to \$1,000,000 in the first year and \$1,000,000 in the second year from funds available under subdivision (C)(v) of § 33.2-358, Code of Virginia, may be used for this pilot program.

J. Notwithstanding the provisions of § 33.2-358, Code of Virginia, the unanticipated amounts available for construction from the December 2015 revenue forecast and from the increased federal funding from the passage of the Fixing America's Surface Transportation (FAST) Act shall be distributed following the new construction formula defined by § 33.2-358, Code of Virginia, advancing the distribution of funds under this formula and provide 45 percent of the additional funding to the State of Good Repair Program, 27.5 percent to the High Priority Projects Program, and 27.5 percent to the District Grant Program.

K.1. Notwithstanding any other provision of the Code of Virginia, as a condition on the expenditure of all amounts included in this item, the Commonwealth Transportation Board shall include all amounts needed, not to exceed \$140,000,000, in the fiscal year 2017 through fiscal year 2022 Six-Year Improvement Program adopted pursuant to § 33.2-214, for improvements to the Interstate 66 corridor inside the Capitol Beltway, including but not limited to the addition of a third eastbound travel lane on Interstate 66 from the Dulles Connector Road to State Route 237, North Fairfax Drive/N. Glebe Road exit of Interstate 66.

2. Environmental work pursuant to the National Environmental Policy Act for the project outlined in paragraph J.1. shall commence no later than July 15, 2016, and the Department shall complete a minimum of 30 percent of the design work for such capacity expansion by November 1, 2017. Amounts dedicated to such project shall not reduce amounts made available to the High Priority Projects Program or the District Grant Program.

3. It is the intent of the General Assembly that tolling on Interstate 66 inside the Capitol Beltway shall not extend beyond four hours during the morning rush hour and four hours during the evening rush hour on Mondays, Tuesdays, Wednesdays, Thursdays and Fridays, exclusive of national holidays, and tolling shall not apply on weekends.

454.	Highway System Maintenance and Operations (60400).....			\$1,697,946,180	\$1,711,761,575
	Interstate Maintenance (60401).....	\$341,106,819	\$347,845,934		
	Primary Maintenance (60402).....	\$487,940,892	\$492,032,519		
	Secondary Maintenance (60403).....	\$597,154,768	\$599,494,559		
	Transportation Operations Services (60404).....	\$188,047,830	\$188,518,707		
	Highway Maintenance Operations, Program Management and Direction (60405).....	\$83,695,871	\$83,869,856		
	Fund Sources: Commonwealth Transportation.....	\$1,697,946,180	\$1,711,761,575		

A. The department is authorized to enter into agreements with state and local law enforcement officials to facilitate the enforcement of high occupancy vehicle (HOV) restrictions throughout the Commonwealth and metropolitan planning regions.

B. Should federal law be changed to permit privatization of rest area operations, the

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department is hereby authorized to accept or solicit proposals for their development and/or operation.				
C. The Director, Department of Planning and Budget, is authorized to increase the appropriation in this Item as needed to utilize amounts available from prior year balances in the dedicated funds.				
D. The Commissioner's annual report pursuant to § 33.2-232, Code of Virginia, shall include an assessment of whether the department has met its secondary road pavement targets, by district and on a statewide basis.				
455.	Commonwealth Toll Facilities (60600).....		\$48,248,250	\$79,794,150
	Toll Facility Acquisition and Construction (60601).	\$12,300,000	\$42,700,000	
	Toll Facility Debt Service (60602).....	\$3,188,200	\$3,193,400	
	Toll Facility Maintenance And Operation (60603)...	\$12,912,050	\$13,000,750	
	Toll Facilities Revolving Fund (60604).....	\$19,848,000	\$20,900,000	
	Fund Sources: Commonwealth Transportation.....	\$42,248,250	\$73,750,750	
	Trust and Agency.....	\$6,000,000	\$6,043,400	

Authority: §§ 33.2-1524 and 33.2-1700 through 33.2-1729, Code of Virginia.

A. Included in this Item are funds for the installation and implementation of a statewide Electronic Toll Customer Service/Violation Enforcement System.

B. Funds as appropriated are provided for other toll facility initiatives as needed during the biennium including but not limited to funding activities to advance projects pursuant to the Public-Private Transportation Act.

C. Outstanding obligations due to the Toll Facility Revolving Account that were to be repaid from future Urban Construction allocations are hereby released.

456.	Financial Assistance to Localities for Ground Transportation (60700).....		\$953,883,265	\$975,994,130
	Financial Assistance for City Road Maintenance (60701).....	\$370,126,317	\$376,415,683	
	Financial Assistance for County Road Maintenance (60702).....	\$65,998,123	\$67,119,622	
	Financial Assistance for Planning, Access Roads, and Special Projects (60704).....	\$14,458,825	\$14,458,825	
	Distribution of Northern Virginia Transportation Authority Fund Revenues (60706).....	\$331,900,000	\$340,900,000	
	Distribution of Hampton Roads Transportation Fund Revenues (60707).....	\$171,400,000	\$177,100,000	
	Fund Sources: Commonwealth Transportation.....	\$450,583,265	\$457,994,130	
	Dedicated Special Revenue.....	\$503,300,000	\$518,000,000	

Authority: Title 33.2, Chapter 1, Code of Virginia.

A. Out of the amounts for Financial Assistance for Planning, Access Road, and Special Projects, \$7,000,000 the first year and \$7,000,000 the second year from the Commonwealth Transportation Fund shall be allocated for purposes set forth in §§ 33.2-1509, 33.2-1600, and 33.2-1510, Code of Virginia. Of this amount, the allocation for Recreational Access Roads shall be \$1,500,000 the first year and \$1,500,000 the second year, of which an amount up to \$1,000,000 each year may be provided to repair or upgrade highway signage for Virginia State Parks, State Boat Landing Sites and Highway Historical Markers throughout the Commonwealth. The department will work with the Department of Conservation and Recreation, the Department of Game and Inland Fisheries and the Department of Historic Resources to identify the related signage needs.

B. The Department of Transportation is encouraged to promote the construction and improvement of highways and transit facilities by localities, whether or not such improvements are contained in the Six-Year Improvement Program or Plan. If such improvements are not contained in the Six-Year Improvement Program or Plan, the

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localities may not seek reimbursement from the department for the improvements.

C. Distribution of Northern Virginia Transportation Authority Fund Revenues represents direct payments, of the revenue collected and deposited into the Fund, to the Northern Virginia Transportation Authority for uses contained in Chapter 766, 2013 Acts of Assembly. Notwithstanding any other provision of law, moneys deposited into the Hampton Roads Transportation Fund shall be transferred to the Hampton Roads Transportation Accountability Commission for use in accordance with § 33.2-2611, Code of Virginia, which use may include as a source of funds for administrative expenses of the Hampton Roads Transportation Accountability Commission.

D. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from federal apportionments in the Metropolitan Planning Program.

457.	Non-Toll Supported Transportation Debt Service (61200).....			\$338,454,628	\$383,211,784
	Highway Transportation Improvement District Debt Service (61201).....	\$7,215,019	\$7,212,269		
	Designated Highway Corridor Debt Service (61202)..	\$66,590,136	\$67,372,022		
	Commonwealth Transportation Capital Projects Bond Act Debt Service (61204).....	\$189,784,202	\$214,423,212		
	Federal Transportation Grant Anticipation Revenue Notes Debt Service (61205).....	\$74,865,271	\$94,204,281		
	Fund Sources: General.....	\$40,000,000	\$40,000,000		
	Commonwealth Transportation.....	\$98,356,730	\$133,097,882		
	Trust and Agency.....	\$192,480,536	\$202,728,151		
	Federal Trust.....	\$7,617,362	\$7,385,751		

Authority: Titles 15.2, 33.2, and 58.1 of the Code of Virginia; Chapters 827 and 914, Acts of Assembly of 1990; Chapters 233 and 662, Acts of Assembly of 1994; Chapter 8, as amended by Chapter 538, Acts of Assembly of 1999; Chapters 1019 and 1044, Acts of Assembly of 2000; Chapter 799, Acts of Assembly of 2002; Chapter 896, Acts of Assembly of 2007; and Chapters 830 and 868, Acts of Assembly of 2011

A.1. The amount shown for Highway Transportation Improvement District Construction shall be derived from payments made to the Transportation Trust Fund pursuant to the Contract between the State Route 28 Highway Transportation Improvement District and the Commonwealth Transportation Board dated September 1, 1988 as amended by the Amended and Restated District Contract by and among the Commonwealth Transportation Board, the Fairfax County Economic Development Authority and the State Route 28 Highway Transportation Improvement District Commission (the "District Commission") dated August 30, 2002, and May 1, 2012 (the "District Contract").

2. There is hereby appropriated for payment immediately upon receipt to a third party approved by the Commonwealth Transportation Board, or a bond trustee selected by such third party, a sum sufficient equal to the special tax revenues collected by the Counties of Fairfax and Loudoun within the State Route 28 Highway Transportation Improvement District and paid to the Commonwealth Transportation Board by or on behalf of the District Commission (the "contract payments") pursuant to § 15.2-4600 et seq., Code of Virginia, and the District Contract between the Commonwealth Transportation Board and the District Commission.

3. The contract payments may be supplemented from the Construction District Grant Program pursuant to § 33.2-371 allocated to the highway construction district in which the project financed is located, or any other lawfully available revenues of the Transportation Trust Fund, as may be necessary to meet debt service obligations. The payment of debt service shall be for the bonds (the Series 2012 Bonds) issued under the "Commonwealth of Virginia Transportation Contract Revenue Bond Act of 1988" (Chapters 653 and 676, Acts of Assembly of 1988 as amended by Chapters 827 and 914 of the Acts of Assembly of 1990). Funds required to pay the total debt service on the Series 2012 Bonds shall be made available in the amounts indicated in paragraph E of this Item.

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<p>B.1. Out of the amounts for Designated Highway Corridor Construction, \$40,000,000 the first year and \$40,000,000 the second year from the general fund shall be paid to the U.S. Route 58 Corridor Development Fund, hereinafter referred to as the "Fund", established pursuant to § 33.2-2300, Code of Virginia. This payment shall be in lieu of the deposit of state recordation taxes to the Fund, as specified in the cited Code section. Said recordation taxes which would otherwise be deposited to the Fund shall be retained by the general fund. Additional appropriations required for the U.S. Route 58 Corridor Development Fund, an amount estimated at \$9,000,000 the first year and \$9,000,000 the second year shall be transferred from the highway share of the Transportation Trust Fund.</p>				
<p>2. Pursuant to the "U.S. Route 58 Commonwealth of Virginia Transportation Revenue Bond Act of 1989" (as amended by Chapter 538 of the 1999 Acts of Assembly and Chapter 296 of the 2013 Acts of Assembly), the amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.</p>				
<p>C.1. The Commonwealth Transportation Board shall maintain the Northern Virginia Transportation District Fund, hereinafter referred to as the "Fund." Pursuant to § 33.2-2400, Code of Virginia, and for so long as the Fund is required to support the issuance of bonds, the Fund shall include at least the following elements:</p>				
<p>a. Amounts transferred from Item 266 of this act to this Item.</p>				
<p>b. Any public right-of-way use fees allocated by the Department of Transportation pursuant to § 56-468.1 of the Code of Virginia and attributable to the counties of Fairfax, Loudoun, and Prince William, the amounts estimated at \$5,209,445 the first year and \$5,209,445 the second year.</p>				
<p>c. Any amounts which may be deposited into the Fund pursuant to a contract between the Commonwealth Transportation Board and a jurisdiction or jurisdictions participating in the Northern Virginia Transportation District Program, the amounts estimated to be \$816,000 the first year and \$816,000 the second year.</p>				
<p>2. The Fund shall support the issuance of bonds at a total authorized level of \$500,200,000 for the purposes provided in the "Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993," Chapter 391, Acts of Assembly of 1993 as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly.</p>				
<p>3. Pursuant to the Northern Virginia Transportation District, Commonwealth of Virginia Revenue Bond Act of 1993, Chapter 391, Acts of Assembly of 1993, and as amended by Chapters 470 and 597 of the Acts of Assembly of 1994, Chapters 740 and 761 of the Acts of Assembly of 1998, Chapter 538 of the 1999 Acts of Assembly, Chapter 799 of the 2002 Acts of Assembly, and Chapter 621 of the 2005 Acts of Assembly, amounts shown in paragraph E of this Item shall be available from the Fund for debt service for the bonds previously issued and additional bonds issued pursuant to said act.</p>				
<p>4. Should the actual distribution of recordation taxes to the localities set forth in § 33.2-2400, Code of Virginia, exceed the amount required for debt service on the bonds issued pursuant to the above act, such excess amount shall be transferred to the Northern Virginia Transportation District Fund in furtherance of the program described in § 33.2-2401, Code of Virginia.</p>				
<p>5. Should the actual distribution of recordation taxes to said localities be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, to the extent required, from funds identified in Enactment No. 1, Section 11, of Chapter 391, Acts of Assembly of 1993.</p>				
<p>D.1. The Commonwealth Transportation Board shall maintain the City of Chesapeake account of the Set-aside Fund, pursuant to § 58.1-816.1, Code of Virginia, which shall include funds transferred from Item 261 of this act to this Item, and an amount estimated at \$1,500,000 the first year and \$1,500,000 the second year received from the City of Chesapeake pursuant to a contract or other alternative mechanism for the purpose</p>				

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provided in the "Oak Grove Connector, City of Chesapeake Commonwealth of Virginia Transportation Program Revenue Bond Act of 1994," Chapters 233 and 662, Acts of Assembly of 1994 (hereafter referred to as the "Oak Grove Connector Act").				
2. The amounts shown in paragraph E of this Item shall be available from the City of Chesapeake account of the Set-aside Fund for debt service for the bonds issued pursuant to the Oak Grove Connector Act.				
3. Should the actual distribution of recordation taxes and such local revenues from the City of Chesapeake as may be received pursuant to a contract or other alternative mechanism to the City of Chesapeake account of the Set-aside Fund be less than the amount required to pay debt service on the bonds, the Commonwealth Transportation Board is authorized to meet such deficiency, pursuant to Enactment No. 1, Section 11 of the Oak Grove Connector Act.				
E. Pursuant to various Payment Agreements between the Treasury Board and the Commonwealth Transportation Board, funds required to pay the debt service due on the following Commonwealth Transportation Board bonds shall be transferred to the Treasury Board as follows:				
		FY 2017		FY 2018
Transportation Contract Revenue Refund Bonds, Series 2012 (Refunding Route 28)		\$7,215,019		\$7,212,269
Commonwealth of Virginia Transportation Revenue Bonds: U.S. Route 58 Corridor Development Program:				
Series 2006C		\$3,173,000		\$3,173,000
Series 2007B		\$15,031,750		\$15,032,500
Series 2012B (Refunding)		\$6,380,700		\$6,380,100
Series 2014B (Refunding)		\$24,141,750		\$24,140,250
Northern Virginia Transportation District Program:				
Series 2006B		\$816,750		\$2,871,750
Series 2007A		\$4,588,150		\$4,575,650
Series 2009A-2		\$5,515,719		\$5,416,203
Series 2012A (Refunding)		\$11,831,538		\$9,792,038
Series 2014A (Refunding)		\$9,647,250		\$9,645,750
Transportation Program Revenue Bonds:				
Series 2006A (Oak Grove Connector, City of Chesapeake)		\$2,230,000		\$2,226,750
Capital Projects Revenue Bonds:				
Series 2010 A-2		\$36,296,593		\$36,092,710
Series 2011		\$42,108,863		\$42,110,113
Series 2012		\$40,279,000		\$40,276,000
Series 2014		\$18,223,950		\$18,226,200
F. Out of the amounts provided for in this Item, an estimated \$74,865,271 the first year and \$94,204,281 the second year from federal reimbursements shall be provided for debt service payments on the Federal Transportation Grant Anticipation Revenue Notes.				
G. Out of the amounts provided for this Item, an estimated \$156,603,463 the first year and				

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<p>\$175,173,842 the second year from the Priority Transportation Fund shall be provided for debt service payments on the Commonwealth Transportation Capital Projects Revenue Bonds. Any additional amounts needed to offset the debt service payment requirements attributable to the issuance of the Capital Projects Revenue Bonds shall be provided from the Transportation Trust Fund.</p> <p>H. The Commonwealth Transportation Board is hereby authorized, by and with the consent of the Governor, to issue, pursuant to the applicable provisions of the Transportation Development and Revenue Bond Act (§ 33.2-1700 et seq., Code of Virginia) as amended from time to time, revenue obligations of the Commonwealth to be designated "Commonwealth of Virginia Transportation Capital Projects Revenue Bonds, Series XXXX" at one or more times in an aggregate principal amount not to exceed \$180,000,000, after all costs. The net proceeds of the bonds shall be used exclusively for the purpose of providing funds for paying the costs incurred or to be incurred for construction or funding of transportation projects set forth in Item 449.10 of Chapter 847 of the Acts of Assembly of 2007, including but not limited to environmental and engineering studies; rights-of-way acquisition; improvements to all modes of transportation; acquisition, construction and related improvements; and any financing costs and other financing expenses. Such costs may include the payment of interest on the bonds for a period during construction and not exceeding one year after completion of construction of the projects. Notwithstanding the provisions of Item 449.10 of Chapter 847 of the acts of Assembly 2007, any remaining funding may be used for the purposes set forth in subsection G of Item 453 of Chapter 665, 2015 Acts of Assembly.</p>				
458.	Administrative and Support Services (69900).....		\$259,745,870	\$265,724,618
	General Management and Direction (69901).....	\$141,356,888	\$144,670,733	
	Information Technology Services (69902).....	\$86,742,447	\$88,829,308	
	Facilities and Grounds Management Services (69915).....	\$16,182,001	\$16,573,518	
	Employee Training and Development (69924).....	\$15,464,534	\$15,651,059	
	Fund Sources: Commonwealth Transportation.....	\$259,745,870	\$265,724,618	

Authority: Title 33.2, Code of Virginia.

A. Notwithstanding any other provision of law, the highway share of the Transportation Trust Fund shall be used for highway maintenance and operation purposes prior to its availability for new development, acquisition, and construction.

B. Administrative and Support Services shall include funding for management, direction, and administration to support the department's activities that cannot be directly attributable to individual programs and/or projects.

C. Out of the amounts for General Management and Direction, allocations shall be provided to the Commonwealth Transportation Board to support its operations, the payment of financial advisory and legal services, and the management of the Transportation Trust Fund.

D. Notwithstanding any other provision of law, the department may assess and collect the costs of providing services to other entities, public and private. The department shall take all actions necessary to ensure that all such costs are reasonable and appropriate, recovered, and understood as a condition to providing such service.

E. Each year, as part of the six-year financial planning process, the commissioner shall implement a long-term business strategy that considers appropriate staffing levels for the department. In addition, the commissioner shall identify services, programs, or projects that will be evaluated for devolution or outsourcing in the upcoming year. In undertaking such evaluations, the commissioner is authorized to use the appropriate resources, both public and private, to competitively procure those identified services, programs, or projects and shall identify total costs for such activities.

F. Notwithstanding § 4-2.03 of this act, the Virginia Department of Transportation shall be exempt from recovering statewide and agency indirect costs from the Federal Highway Administration until an indirect cost plan can be evaluated and developed by the agency

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and approved by the Federal Highway Administration.				
G. The Director, Department of Planning and Budget, is authorized to adjust appropriations and allotments for the Virginia Department of Transportation to reflect changes in the official revenue estimates for commonwealth transportation funds.				
H. Out of the amounts for General Management and Direction, allocations shall be provided to support the capital lease agreement with Fairfax County for the Northern Virginia District building. An amount estimated at \$7,800,000 the first year and \$7,800,000 the second year from Commonwealth Transportation Funds shall be provided.				
I. Notwithstanding any other provisions of law, the Commonwealth Transportation Commissioner may enter into a contract with homeowner associations for grounds-keeping, mowing, and litter removal services.				
J. The prioritization process developed under subsection B of Chapter 726 of the 2014 Virginia Acts of Assembly shall not apply to use of funds provided in this item from federal apportionments out of the Surface Transportation Program utilized for Employee Training and Development.				
K. Notwithstanding the provisions § 2.2-2402 of the Code of Virginia, no construction, erection, repair, upgrade, removal or demolition of any building, fixture or structure located or to be located on property of the Commonwealth of Virginia under the control of the Virginia Department of Transportation (VDOT) and within the secured area of a residency, area headquarters or district complex shall be subject to review or approval by the Art and Architectural Review Board as contemplated by that section. However, for changes to any building or fixture located on property owned or controlled by VDOT that has been designated or is under consideration for designation as a historic property, then VDOT shall submit such changes to the Art and Architectural Review Board for review and approval by the Board.				
459.	A full accrual system of accounting shall be effected by the Department, subject to the authority of the State Comptroller, as stated in § 2.2-803, Code of Virginia.			
			\$5,642,906,380	\$5,307,408,233
	Total for Department of Transportation.....			
	Nongeneral Fund Positions.....	7,725.00	7,725.00	
	Position Level.....	7,725.00	7,725.00	
	Fund Sources: General.....	\$40,000,000	\$40,000,000	
	Commonwealth Transportation.....	\$4,511,515,400	\$4,296,950,931	
	Trust and Agency.....	\$580,473,618	\$445,071,551	
	Dedicated Special Revenue.....	\$503,300,000	\$518,000,000	
	Federal Trust.....	\$7,617,362	\$7,385,751	
§ 1-127. MOTOR VEHICLE DEALER BOARD (506)				
460.	Consumer Affairs Services (55000).....		\$267,500	\$267,500
	Consumer Assistance (55002).....	\$267,500	\$267,500	
	Fund Sources: Special.....	\$267,500	\$267,500	
	Authority: Title 46.2, Chapter 15, Code of Virginia.			
461.	Regulation of Professions and Occupations (56000)...		\$2,581,625	\$2,581,764
	Motor Vehicle Dealer and Salesman Regulation (56023).....	\$1,394,147	\$1,394,147	
	Administrative Services (56048).....	\$1,187,478	\$1,187,617	
	Fund Sources: Special.....	\$2,581,625	\$2,581,764	
	Authority: Title 46.2, Chapter 15, Code of Virginia.			
	Total for Motor Vehicle Dealer Board.....		\$2,849,125	\$2,849,264
	Nongeneral Fund Positions.....	25.00	25.00	

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Position Level.....	25.00	25.00		
Fund Sources: Special.....	\$2,849,125	\$2,849,264		

§ 1-128. VIRGINIA PORT AUTHORITY (407)

462.	Economic Development Services (53400).....			\$5,288,618	\$5,288,618
	National and International Trade Services (53413)..	\$4,374,365	\$4,374,365		
	Commerce Advertising (53426).....	\$914,253	\$914,253		
	Fund Sources: Special.....	\$5,288,618	\$5,288,618		
	Authority: Title 62.1, Chapter 10, Code of Virginia.				
463.	Port Facilities Planning, Maintenance, Acquisition, and Construction (62600).....			\$95,484,176	\$92,979,251
	Maintenance and Operations of Ports and Facilities (62601).....	\$21,600,000	\$21,600,000		
	Port Facilities Planning (62606).....	\$1,280,247	\$1,280,247		
	Debt Service for Port Facilities (62607).....	\$72,603,929	\$70,099,004		
	Fund Sources: Special.....	\$46,995,757	\$45,676,832		
	Commonwealth Transportation.....	\$45,488,419	\$44,302,419		
	Federal Trust.....	\$3,000,000	\$3,000,000		

Authority: Title 62.1, Chapter 10; Title 33.2, Chapter 1, Code of Virginia.

A. 1. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority refunded bonds issued on October 22, 1996, in the amount of \$38,300,000 for the purposes of completing the Phase II Expansion at Norfolk International Terminals and replacing and improving equipment at other port facilities. The debt service on the 2006 refunding bonds is estimated to be \$1,440,075 the first year and \$1,440,075 the second year and all or a portion of such 2006 refunding bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.

2. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund bonds on April 14, 2005, in the amount of \$60,000,000, for the purpose of regrading and reconstruction of Norfolk International Terminals (South), Phase III, land acquisition, and other improvements, Capital Project 407-16644. The debt service on bonds referenced in this paragraph is estimated to be \$4,033,856 the first year and \$4,033,856 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

3. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue Commonwealth Port Fund bonds up to the amount of \$125,000,000, for the purpose of developing the Craney Island Marine Terminal and creating road and rail access to such terminal, capital project 407-17513. Such bonds may also be used for the purpose of constructing warehouses at a facility owned by the Virginia Port Authority. All or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia. The debt service on the bonds referenced in this paragraph is estimated to be \$9,500,000 the first year and \$9,500,000 the second year.

It is hereby acknowledged that the Virginia Port Authority issued \$57,370,000 of such Commonwealth Port Fund bonds noted in the paragraph above in July 2011 for the purpose of developing the Craney Island Marine Terminal and creating road and rail access to such terminal, capital project 407-17513. The debt service on bonds referenced in this paragraph is estimated to be \$2,868,500 the first year and \$2,868,500 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.

4. In the event revenues of the Commonwealth Port Fund are insufficient to provide for the debt service on the Virginia Port Authority Commonwealth Port Fund Revenue Bonds authorized by paragraphs A 1, A 2, A 3, and A 4; or any bonds payable from the revenues of the Commonwealth Port Fund, there is hereby appropriated a sum sufficient first from

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	the legally available moneys in the Transportation Trust Fund and then from the general fund to provide for this debt service. Total debt service on the bonds referenced in paragraphs A 1, A 2, A 3, and A 4 is estimated at \$31,578,591 the first year and \$31,578,591 the second year.			
	5. Notwithstanding § 62.1-140, Code of Virginia, the aggregate principal amount of Commonwealth Port Fund bonds, and including any other long-term commitment that utilizes the Commonwealth Port Fund, shall not exceed \$440,000,000.			
	6. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund bonds on January 25, 2012 in the amount of \$108,015,000 to refund Commonwealth Port Fund bonds originally issued on July 11, 2002. Debt service on bonds referenced in this paragraph is estimated to be \$9,055,967 the first year and \$9,055,967 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.			
	7. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Commonwealth Port Fund bonds on September 26, 2012 in the amount of \$50,025,000 to refund a portion of Commonwealth Port Fund bonds originally issued on April 14, 2005. Debt service on bonds referenced in the paragraph is estimated to be \$4,680,193 the first year, and \$4,680,193 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.			
	B.1. In accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority has issued Port Facilities Revenue Bonds, Series 1997, in the amount of \$98,065,000 to finance the cost of capital projects for the Virginia Port Authority marine and intermodal terminals. In accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority refunded certain maturities of the bonds in 2007. The debt service on the 2007 refunding bonds is estimated at \$6,347,500 the first year and \$6,347,500 the second year from special funds and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia. The Virginia Port Authority is authorized to transfer to the Virginia International Terminals Inc. (VIT), from the revenues of the authority's port facilities, funds that are available for the purpose under the Authority's applicable Bond Resolution.			
	2. In accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority on June 18, 2003, issued additional Port Facilities Revenue bonds in the amount of \$55,155,000 to regrade and reconstruct the Norfolk International Terminal (South) backlands (Phase II, capital outlay project 407-16644), and to construct security related facilities at Norfolk International Terminals (North) and Portsmouth Marine Terminal (capital outlay project 407-16961). Total debt service on these bonds referenced in this paragraph is estimated at \$688,275 the first year and \$688,275 the second year from special funds, and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.			
	3. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue additional bonds, in an amount of up to \$90,000,000, for the purposes of the reconstruction and expansion of Norfolk International Terminals, and other improvements to port facilities (capital outlay project 407-17252). The debt service on these bonds, estimated to be \$3,983,188 the first year and \$3,983,188 the second year, will be paid from special funds, and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.			
	4. Prior to the 2006-2008 biennium, the Virginia Port Authority purchased, through their master equipment lease program, equipment at a total cost of \$60,163,170 (capital outlay projects 407-16962 and 407-16989). Total debt service on the equipment leases referenced in this paragraph is estimated at \$2,227,023 the first year and \$2,227,023 the second year from special funds, and such lease purchases may be refunded by the authority.			
	5. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority is authorized to purchase, through a purchase agreement (master equipment lease program), terminal operating equipment at a total cost of \$41,493,035 (capital outlay project 407-16962). Total debt service referenced in this paragraph, including any interim financing issued in anticipation of such program, is estimated at \$4,705,242 the first year and \$4,705,242 the second year from special funds, and such lease purchases may be refunded by the authority.			

ITEM 463.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
6. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority on April 21, 2010, issued Port Facilities Revenue Refunding bonds in an amount of \$68,630,000, for the purposes of the reconstruction and expansion of Norfolk International Terminals (NIT), reconstruction and expansion of Portsmouth Marine Terminal (PMT), land acquisitions adjacent to NIT and PMT, and other improvements to port facilities (capital outlay project 407-16644). The debt service on these bonds, estimated to be \$4,823,319 the first year and \$4,823,319 the second year, will be paid from special funds, and all or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia.				
7. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue short-term debt on a revolving basis as interim or anticipation financing in order to cover costs of planning, design, and construction pending the receipt of bond or master equipment lease program proceeds authorized in paragraphs A 4, B 5, and B 6 in an amount not to exceed the authorized amount for the projects. In the aggregate, the short-term debt shall not exceed \$200,000,000 at any point in time and all or a portion of such debt may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia. The debt service, including associated fees, on the short-term debt may be paid, as recommended by the authority and approved by the Board, from the bond or master equipment lease proceeds, special funds, or other revenues or proceeds.				
8. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority may issue additional bonds, in an amount up to \$105,500,000 for purposes of expanding port terminal capacity (capital outlay project 407-17956). All or a portion of such bonds may be refunded by the authority pursuant to § 62.1-140, Code of Virginia. The debt service on these bonds, estimated to be \$8,500,000 the first year and \$8,500,000 the second year, will be paid from special funds.				
9. Total debt service paid from special funds for all bonds, lease agreements, and short-term debt noted herein shall not exceed \$45,000,000 the first year and \$45,000,000 the second year, unless approved by the Governor upon execution of the capital lease authorized by Item C-40.10 of Chapter 665, 2015 Acts of Assembly. Such approval shall be reported to the Chairmen of the House Appropriations and Senate Finance Committees within five days of the Governor's action.				
10. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority issued Port Facilities Revenue bonds on October 22, 2013, in the amount of \$37,945,000 to refund a portion of Port Facilities Revenue bonds originally issued on June 18, 2003 and October 17, 2006. Debt service on bonds referenced in this paragraph is estimated to be \$1,172,500 the first year and \$1,172,500 the second year, and all or a portion of such bonds may be refunded by the Authority pursuant to § 62.1-140, Code of Virginia.				
11. It is hereby acknowledged that, in accordance with § 62.1-140, Code of Virginia, the Virginia Port Authority is authorized to purchase, through a purchase agreement (master equipment lease program), terminal operating equipment at a total estimated cost of \$37,000,000. Total debt service referenced in this paragraph (including any interim financing issued in anticipation of such program), is estimated at \$5,000,000 the first year and \$5,000,000 the second year from special funds, and such lease purchases may be refunded by the Authority.				
C. In order to remain consistent with the grant of authority as provided in Chapter 10, § 62.1-128 et seq. of the Code of Virginia, the Virginia Port Authority is authorized to maintain independent payroll and nonpayroll disbursement systems and, in connection with such systems, to open and maintain an appropriate account with a qualified public depository. As implementation occurs, these systems and related procedures shall be subject to review and approval by the State Comptroller. The Virginia Port Authority shall continue to provide nonpayroll transaction detail to the State Comptroller through the Commonwealth Accounting and Reporting System.				
D. Out of the amounts in this Item, \$10,000,000 the first year and \$10,000,000 the second year from the Commonwealth Port Fund may be used to make lease payments associated with the Virginia International Gateway capital lease.				

ITEM 463.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
<p>E. The Virginia Port Authority shall include the Commonwealth Railway Mainline Safety Relocation Project Phase 2 - I-664 Pughsville Road to Bowers Hill - Feasibility Study as part of its long-range plan for the development of the Craney Island Marine Terminal and creating road and rail access to such terminal.</p>				
464.	Financial Assistance for Port Activities (62800).....		\$3,422,625	\$3,487,625
	Aid to Localities (62801).....	\$1,000,000		\$1,000,000
	Payment in Lieu of Taxes (62802).....	\$2,422,625		\$2,487,625
	Fund Sources: General.....	\$1,000,000		\$1,000,000
	Special.....	\$1,422,625		\$1,487,625
	Commonwealth Transportation.....	\$1,000,000		\$1,000,000
<p>Authority: Title 62.1, Chapter 10, Code of Virginia.</p> <p>A. Of the amounts in this Item, \$1,000,000 the first year and \$1,000,000 the second year from the general fund is appropriated for service charges to be paid to localities in which the Virginia Port Authority owns tax-exempt real estate. The funds shall be transferred to Item 454 of this act for distribution by the Commonwealth Transportation Board for roadway maintenance activities in the jurisdictions hosting Virginia Port Authority facilities and shall be treated as other Commonwealth Transportation Board payments to localities for highway maintenance. These funds shall not be used for other activities nor shall they supplant other local government expenditures for roadway maintenance. These funds shall be distributed to the localities on a pro rata basis in accordance with the formula set out in § 58.1-3403 D, Code of Virginia; however, the proportion of the funds distributed based on cargo traveling through each port facility shall be distributed on a pro rata basis according to twenty-foot equivalent units.</p> <p>B. Of the amounts authorized in Item 106 A. 1., \$2,000,000 the first year and \$2,000,000 the second year from the general fund may be deposited in the Port of Virginia Economic and Infrastructure Development Zone Grant Fund, created pursuant to § 62.1-132.3:2, Code of Virginia. The Executive Director of the Virginia Port Authority shall disburse the funding in the form of grants to qualified companies in accordance with the provisions of § 62.1-132.3:2, Code of Virginia.</p>				
465.	Administrative and Support Services (69900).....		\$97,871,020	\$100,131,020
	General Management and Direction (69901).....	\$86,830,305		\$88,910,305
	Security Services (69923).....	\$11,040,715		\$11,220,715
	Fund Sources: Special.....	\$96,571,020		\$98,831,020
	Commonwealth Transportation.....	\$1,300,000		\$1,300,000
<p>Authority: Title 62.1, Chapter 10, Code of Virginia.</p> <p>A. Out of the amounts in this Item, the Executive Director is authorized to expend from special funds amounts not to exceed \$37,500 the first year and \$37,500 the second year, for entertainment expenses commonly borne by businesses. Further, such expenses shall be recorded separately by the agency.</p> <p>B. Prior to purchasing airline and hotel accommodations related to overseas travel, the Virginia Port Authority shall provide an itemized list of projected costs for review by the Secretary of Transportation.</p> <p>C. It is hereby acknowledged that, in accordance with §§ 62.1-128 and 62.1-147.2, Code of Virginia, in FY 2010, the Port Authority entered into a 20-year lease to operate a privately owned marine terminal in Portsmouth. Included in this Item is an amount estimated at \$58,450,000 the first year and \$61,650,000 the second year from special funds to cover the costs of this lease.</p>				
Total for Virginia Port Authority.....			\$202,066,439	\$201,886,514
	Nongeneral Fund Positions.....	215.00		215.00
	Position Level.....	215.00		215.00
	Fund Sources: General.....	\$1,000,000		\$1,000,000

ITEM 465.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018
Special.....	\$150,278,020	\$151,284,095		
Commonwealth Transportation.....	\$47,788,419	\$46,602,419		
Federal Trust.....	\$3,000,000	\$3,000,000		
TOTAL FOR OFFICE OF TRANSPORTATION...			\$6,852,253,419	\$6,524,884,354
Nongeneral Fund Positions.....	10,103.00	10,103.00		
Position Level.....	10,103.00	10,103.00		
Fund Sources: General.....	\$41,030,253	\$41,030,253		
Special.....	\$155,249,541	\$156,273,203		
Commonwealth Transportation.....	\$5,433,711,692	\$5,226,252,643		
Trust and Agency.....	\$591,420,218	\$456,018,151		
Dedicated Special Revenue.....	\$583,100,000	\$597,800,000		
Federal Trust.....	\$47,741,715	\$47,510,104		

ITEM 466.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

OFFICE OF VETERANS AND DEFENSE AFFAIRS

§ 1-129. SECRETARY OF VETERANS AND DEFENSE AFFAIRS (454)

466.	Disaster Planning and Operations (72200).....			\$1,476,546	\$1,083,197
	Emergency Planning (72205).....	\$1,476,546	\$1,083,197		
	Fund Sources: General.....	\$1,104,627	\$711,167		
	Federal Trust.....	\$371,919	\$372,030		

Authority: Title 2.2, Chapter 3.1, Code of Virginia.

A. Included in this Item is \$200,000 the first year and \$190,000 the second year from the general fund for the grant match required for an Office of Economic Adjustment (OEA) grants.

B.1. There is hereby established a working group comprised of the Secretary of Veterans and Defense Affairs, the Secretary of Health and Human Resources, and the Director, Joint Legislative Audit and Review Commission, or their designees. The working group shall be chaired by the Secretary of Veterans and Defense Affairs.

2. The working group shall conduct a review of mental health and rehabilitative services for veterans, and make recommendations for efficient and effective coordination and monitoring of services for veterans in Virginia, as set forth in § 2.2- 2001.1, Code of Virginia. This review fulfills the requirements of recommendations 13 and 14 of the 2015 JLARC report "Operation and Performance of the Department of Veterans Services".

3. The working group shall conduct a rigorous and objective review to (i) determine the nature of monitoring and coordination needed by veterans in order to receive adequate and timely mental health and rehabilitative services, (ii) measure the current and projected need for coordination and monitoring of mental health and rehabilitative services for veterans; (iii) measure the current and projected capacity of private, federal, state, regional, and local entities to provide monitoring and coordination of mental health and rehabilitative services to veterans, by geographic region of the state; (iv) assess the extent of any gap between need and capacity; and (v) review and report how other states coordinate and monitor mental health and rehabilitative services for veterans. The review of other states shall include an assessment of the advantages and disadvantages of models used by other states.

4. After thoroughly considering alternative approaches, the working group shall recommend how the state can best monitor and coordinate mental health and rehabilitative services to ensure that veterans receive adequate and timely mental health and rehabilitative services as required by statute. The recommendations should include (i) organizational structures, programs, partnerships, staff responsibilities, staff qualifications, and licensure; (ii) statutory or regulatory changes, as necessary; and (iii) estimates of the cost to the state and local governments of implementing these recommendations.

5. All agencies of the Commonwealth shall provide technical or other assistance to the working group, upon request.

6. The working group shall direct the appropriate agency staff to develop a detailed implementation plan for the Virginia Veteran and Family Support program, and present the plan to the Joint Legislative Audit and Review Commission no later than November 15, 2016.

7. Upon unanimous request from the members of the working group, the Director, Department of Planning and Budget, shall transfer \$393,494 from the general fund amounts included within this item to the Department of Veterans Services for the purpose of implementing the recommendations of the working group for the Virginia Veteran and Family Support program.

467.	Economic Development Services (53400).....			\$600,000	\$600,000
	Financial Assistance for Economic Development (53410).....	\$600,000	\$600,000		
	Fund Sources: General.....	\$600,000	\$600,000		

ITEM 467.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

A.1. Any administrative reappropriations or other administrative appropriation increases pursuant to Item 458 of the Appropriation Act for the 2014-2016 biennium to address the encroachment of incompatible uses in localities in which the United States Navy Master Jet Base, an auxiliary landing field, or United States Air Force Base are located shall continue to be governed by the provisions contained in the 2014-2016 Appropriation Act. The recurring, dedicated special (nongeneral) fund component of the U.S. Navy Master Jet Base and Auxiliary Landing Field encroachment mitigation program is continued through June 30, 2018.

2. In the event that dedicated special revenues generated pursuant to the provisions of the 2014-16 Appropriations Act exceed the amounts needed to fund the requirements set out in that Act, any excess dedicated special fund revenue up to \$2,500,000 is hereby appropriated to provide additional assistance to the locality in which the United States Navy Master Jet Base auxiliary landing field is located for the purpose of purchasing property or development rights and otherwise converting such property to an appropriate compatible use and prohibiting new uses or development which is deemed incompatible with air operations arising from such Master Jet Base.

B. Included in this appropriation is \$600,000 in the first year and \$600,000 in the second year from the general fund to support the recommendations of the Governor's Commission on Military Installations and Defense Activities.

C. The Secretary of Veterans and Defense Affairs may submit project requests that improve, expand, develop, or redevelop a federal or state military installation or its supporting infrastructure, to enhance its military value to the MEI Project Approval Commission established pursuant to § 30-309, Code of Virginia. The Commission shall recommend approval or denial of such packages to the General Assembly. The authority of the Commission to consider and evaluate such projects shall be in addition to the authorities provided to the MEI Project Approval Commission and § 30-310, Code of Virginia.

Total for Secretary of Veterans and Defense Affairs.....			\$2,076,546	\$1,683,197
General Fund Positions.....	4.00	4.00		
Nongeneral Fund Positions.....	2.00	2.00		
Position Level.....	6.00	6.00		
Fund Sources: General.....	\$1,704,627	\$1,311,167		
Federal Trust.....	\$371,919	\$372,030		

§ 1-130. DEPARTMENT OF VETERANS SERVICES (912)

468.	Higher Education Student Financial Assistance (10800).....			\$1,024,135	\$1,039,514
	Education Program Certification for Veterans (10814).....	\$1,024,135	\$1,039,514		
	Fund Sources: General.....	\$147,561	\$162,940		
	Federal Trust.....	\$876,574	\$876,574		

Authority: Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.

A. Notwithstanding § 23-7.4:1, Code of Virginia, the department shall provide the State Council of Higher Education in Virginia the information these schools need to administer the Virginia Military Survivors and Dependent Education Program. The department shall retain the responsibility to certify the eligibility of those who apply for financial aid under this program.

B. No surviving spouse or child may receive the education benefits provided by § 23-7.4:1, Code of Virginia, and funded by this or similar state appropriations, for more than four years or its equivalent.

469.	State Health Services (43000).....			\$57,247,739	\$57,440,262
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ITEM 469.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Veterans Care Center Operations (43013).....	\$57,247,739	\$57,440,262		
Fund Sources: General.....	\$0	\$183,333		
Special.....	\$33,538,822	\$33,548,012		
Dedicated Special Revenue.....	\$70,000	\$70,000		
Federal Trust.....	\$23,638,917	\$23,638,917		
Authority: § Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.				
470. Veterans Benefit Services (46700).....			\$13,671,095	\$15,314,180
Case Management Services for Veterans Benefits (46701).....	\$6,832,648	\$7,609,744		
Virginia Veteran and Family Support Services (46702).....	\$3,973,448	\$4,760,436		
Veterans Employment and Transition Services (46703).....	\$2,864,999	\$2,944,000		
Fund Sources: General.....	\$12,389,041	\$14,032,126		
Dedicated Special Revenue.....	\$600,000	\$600,000		
Federal Trust.....	\$682,054	\$682,054		
Authority: Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.				
<p>A. 1. Out of this appropriation, up to \$500,000 in the first year and up to \$500,000 in the second year from the general fund the second year shall be provided to address the costs associated with support of a grant program to create employment opportunities for veterans by assisting Virginia employers in hiring and retaining veterans. The Department of Veterans Services shall develop program guidelines to ensure that the funding mechanism effectively attracts maximum participation of firms to increase the number of veterans hired.</p> <p>2. Such funds shall be used to provide grants beginning July 1, 2015, to any business located in Virginia with 300 or fewer employees which has hired a veteran on or after July 1, 2014, with the following additional requirements: (a) each such veteran shall have been hired within five years of the date of his or her discharge from active military service and (b) each such veteran shall have been continuously employed by the business in a full-time job for at least one year. The grant shall equal \$1,000 per qualifying business for each veteran who has been hired, and who qualifies under the provisions of this item, up to a maximum grant of \$10,000 per business in the fiscal year.</p> <p>3. Grants shall be issued in the order that each completed eligible application is received. In the event that the amount of eligible grants requested in a fiscal year exceeds the funds available in the Fund, such grants shall be paid in the next fiscal year in which funds are available.</p> <p>4. The Department shall report no later than October 1 of each fiscal year after the program is implemented on the demand for the program, and any shortage of funding resulting from requests in excess of the available appropriation.</p>				
471. Historic and Commemorative Attraction Management (50200).....			\$3,016,895	\$3,326,449
State Veterans Cemetery Management and Operations (50206).....	\$1,878,307	\$1,878,307		
Virginia War Memorial Management and Operations (50209).....	\$1,138,588	\$1,448,142		
Fund Sources: General.....	\$2,227,126	\$2,536,680		
Special.....	\$198,466	\$198,466		
Dedicated Special Revenue.....	\$5,000	\$5,000		
Federal Trust.....	\$586,303	\$586,303		

Authority: Title 2.2, Chapters 20, 24, 26, and 27, Code of Virginia.

The Department of General Services shall continue to provide routine building and grounds maintenance for the Virginia War Memorial as part of services provided under the seat of government rental plan.

ITEM 472.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
472.	Administrative and Support Services (49900).....			\$2,819,579	\$2,900,227
	General Management and Direction (49901).....	\$2,819,579	\$2,900,227		
	Fund Sources: General.....	\$2,344,984	\$2,423,929		
	Special.....	\$414,595	\$416,298		
	Dedicated Special Revenue.....	\$60,000	\$60,000		
	Authority: Title 2.2, Chapters 20, 24, 26, 27, Code of Virginia.				
	Total for Department of Veterans Services.....			\$77,779,443	\$80,020,632
	General Fund Positions.....	160.00	168.00		
	Nongeneral Fund Positions.....	600.00	600.00		
	Position Level.....	760.00	768.00		
	Fund Sources: General.....	\$17,108,712	\$19,339,008		
	Special.....	\$34,151,883	\$34,162,776		
	Dedicated Special Revenue.....	\$735,000	\$735,000		
	Federal Trust.....	\$25,783,848	\$25,783,848		
	TOTAL FOR OFFICE OF VETERANS AND DEFENSE AFFAIRS.....			\$79,855,989	\$81,703,829
	General Fund Positions.....	164.00	172.00		
	Nongeneral Fund Positions.....	602.00	602.00		
	Position Level.....	766.00	774.00		
	Fund Sources: General.....	\$18,813,339	\$20,650,175		
	Special.....	\$34,151,883	\$34,162,776		
	Dedicated Special Revenue.....	\$735,000	\$735,000		
	Federal Trust.....	\$26,155,767	\$26,155,878		

ITEM 472.10.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

CENTRAL APPROPRIATIONS

§ 1-131. CENTRAL APPROPRIATIONS (995)

472.10	Higher Education Academic, Fiscal, and Facility Planning and Coordination (11100).....			\$5,000,000	\$5,000,000
	Interest Earned on Educational and General Programs Revenue (11106).....	\$5,000,000	\$5,000,000		
	Fund Sources: General.....	\$4,000,000	\$4,000,000		
	Higher Education Operating.....	\$1,000,000	\$1,000,000		

A. The standards upon which the public institutions of higher education are deemed certified to receive the payment of interest earnings from the tuition and fees and other nongeneral fund Educational and General revenues shall be based upon the standards provided in § 4-9.01 of this act, as approved by the General Assembly.

B. The estimated interest earnings and other revenues shall be distributed to those specific public institutions of higher education that have been certified by the State Council of Higher Education for Virginia as having met the standards provided in § 4-9.01 of this act, based on the distribution methodology developed pursuant to Chapter 933, Enactment 2, Acts of Assembly of 2005 and reported to the Chairmen of the House Appropriations Committee and Senate Finance Committee.

C. In accordance with § 2.2-5004 and 5005, Code of Virginia, this Item provides \$1,750,000 the first year and \$1,750,000 the second year from the general fund, and \$1,000,000 from nongeneral funds in the first year and \$1,000,000 from nongeneral funds in the second year for the estimated total payment to individual institutions of higher education of the interest earned on tuition and fees and other nongeneral fund Education and General Revenues deposited to the state treasury. Upon certification by the State Council of Higher Education of Virginia that all available performance benchmarks have been successfully achieved by the individual institutions of higher education, the Director, Department of Planning and Budget, shall transfer the appropriation in this Item for such estimated interest earnings to the general fund appropriation of each institution's Educational and General program.

D. This Item also includes \$2,250,000 in the first year and \$2,250,000 the second year from the general fund for the payment to individual institutions of higher education of a pro rata amount of the rebate paid to the State Commonwealth on credit card purchases not exceeding \$5,000 during the previous fiscal year. The State Comptroller shall determine the amount owed to each certified institution, net of any payments due to the federal government, using a methodology that equates a pro rata share based upon the total transactions of \$5,000 or less made by the institution using the state-approved credit card in comparison to all transactions of \$5,000 or less using said approved credit card. By October 15, or as soon thereafter as deemed appropriate, following the year of certification, the Comptroller shall reimburse each institution its estimated pro rata share.

E. Once actual financial data from the year of certification are available, the State Comptroller and the Director, Department of Planning and Budget, shall compare the actual data with estimates used to determine the distribution of the interest earnings, nongeneral fund Educational and General revenues, and the pro rata amounts to the certified institutions of higher education. In those cases where variances exist, the Governor shall include in his next introduced budget bill recommended appropriations to make whatever adjustments to each institution's distributed amount to ensure that each institution's incentive payments are accurate based on actual financial data.

473.	Revenue Administration Services (73200).....			a sum sufficient
	Designated Refunds for Taxes and Fees (73215).....		a sum sufficient	
	Fund Sources: General.....		a sum sufficient	

Authority: Discretionary Inclusion.

A. There is hereby appropriated from the affected funds in the state treasury, for refunds of

ITEM 473.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

taxes and fees, and the interest thereon, in accordance with law, a sum sufficient.

B. There is hereby established a special fund in the state treasury to be known as the Refund Suspense Fund, hereinafter referred to as the Fund. The Tax Commissioner is hereby authorized to contract with nongovernmental entities for review of requests for refunds of taxes to enhance, expand and/or modify the administration of the refund review program, and to perform analysis of refund processing techniques. The amount of any refund identified by the nongovernmental entity as potentially erroneous shall be deposited to the Fund pending review of the refund request. Amounts in the Fund may be used to pay refunds subsequently determined to be valid, to pay the contracted nongovernmental entity for its services, to perform oversight of their operations, to upgrade necessary refund processing systems and data interfaces to facilitate the contractor's work, to offset any administrative or other costs related to any contracts authorized under this provision, and to retain experts to perform analysis of refund processing techniques. Any balance in the fund remaining after such payments, or provision therefore, shall be deposited into the appropriate general, nongeneral, or local fund.

C. There is hereby appropriated from the affected funds in the state treasury for, (1) refunds of previously paid taxes imposed by the Commonwealth at 100 percent of face value up to the amount of the coalfield employment enhancement tax credit authorized by § 58.1-439.2, Code of Virginia, (2) refunds of any remaining credit at 90 percent of face value for credits earned in taxable years beginning before January 1, 2002, and 85 percent of face value for credits earned in taxable years beginning on and after January 1, 2002, and (3) payment of the remaining 10 or 15 percent credit to the Coalfields Economic Development Authority, a sum sufficient.

474.	Distribution of Tobacco Settlement (74500) a sum sufficient, estimated at.....			\$119,327,905	\$119,327,905
	Payments to Tobacco Producers and Tobacco Growing Communities (74501).....	\$110,000,000	\$110,000,000		
	Payments for Tobacco Usage Prevention (74502)....	\$9,327,905	\$9,327,905		
	Fund Sources: Trust and Agency.....	\$119,327,905	\$119,327,905		

Authority: Title 3.2, Chapters 31, 42 and 46, and Title 32.1, Chapter 14, Code of Virginia.

A.1. There is hereby appropriated a sum sufficient estimated at \$110,000,000 the first year and \$110,000,000 the second year from nongeneral funds for expenditures of securitized proceeds and earnings up to the amount transferred from the endowment to the Tobacco Indemnification and Community Revitalization Fund in accordance with § 3.2-3104, Code of Virginia. Such expenditures shall be made pursuant to § 3.2-3108, Code of Virginia.

2. From the amount deposited into the Tobacco Indemnification and Community Revitalization Fund pursuant to § 3.2-3106, Code of Virginia, shall be paid 50 percent of the costs associated with the diligent enforcement of the non-participating manufacturer statute of the 1998 Tobacco Master Settlement Agreement, § 3.2-4201, Code of Virginia, and Item 56, Paragraph B of this act. These costs shall be paid pursuant to the transfer to the general fund directed by § 3-1.01, Paragraph N.1, of this act.

B.1. Notwithstanding the provisions of §§ 32.1-354, 32.1-360 and 32.1-361.1, Code of Virginia, the State Comptroller shall deposit 8.5 percent of the Commonwealth's Allocation pursuant to the Master Settlement Agreement with tobacco product manufacturers to the Virginia Tobacco Settlement Fund. There is hereby appropriated a sum sufficient estimated at \$9,423,439 the first year and \$9,327,905 the second year from available balances in the fund for the purposes set forth in § 32.1-361, Code of Virginia. No less than \$1,000,000 the first year and \$1,000,000 the second year shall be allocated for obesity prevention activities.

2. From the amount deposited into the Virginia Tobacco Settlement Fund shall be paid 8.5 percent of the costs associated with the diligent enforcement of the non-participating manufacturer statute of the 1998 Tobacco Master Settlement Agreement, § 3.2-4201, Code of Virginia, and Item 59, Paragraph B, of this act. These costs shall be paid pursuant to the transfer to the general fund directed by § 3-1.01, Paragraph N.2, of this act.

ITEM 474.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
3. Beginning November 1, 2010, and each year thereafter, the Director, Virginia Healthy Youth Foundation, shall report to the Chairmen of the House Appropriations and Senate Finance Committees on funding provided to community-based organizations for obesity prevention activities pursuant to § 32.1-355, Code of Virginia.				
C. The amounts deposited by the State Comptroller pursuant to paragraph B.1. of this Item shall be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524, Code of Virginia.				
475. Compensation and Benefit Adjustments (75700).....			\$111,897,013	\$209,873,830
Adjustments to Employee Compensation (75701).....	(\$26,915,362)	\$54,198,108		
Adjustments to Employee Benefits (75702).....	\$138,812,375	\$155,675,722		
Fund Sources: General.....	\$111,897,013	\$209,873,830		

Authority: Discretionary Inclusion.

A. Transfers to or from this Item may be made to decrease or supplement general fund appropriations to state agencies for:

1. Adjustments to base rates of pay;
2. Adjustments to rates of pay for budgeted overtime of salaried employees;
3. Salary changes for positions with salaries listed elsewhere in this act;
4. Salary changes for locally elected constitutional officers and their employees;
5. Employer costs of employee benefit programs when required by salary-based pay adjustments;
6. Salary changes for local employees supported by the Commonwealth, other than those funded through appropriations to the Department of Education; and
7. Adjustments to the cost of employee benefits to include but not limited to health insurance premiums and retirement and related contribution rates.

B. Transfers from this Item may be made when appropriations to the state agencies concerned are insufficient for the purposes stated in paragraph A of this Item, as determined by the Department of Planning and Budget, and subject to guidelines prescribed by the department. Further, the Department of Planning and Budget may transfer appropriations within this Item from the second year of the biennium to the first year, when necessary to accomplish the purposes stated in paragraph A of this Item.

C. Except as provided for elsewhere in this Item, agencies supported in whole or in part by nongeneral fund sources, shall pay the proportionate share of changes in salaries and benefits as required by this Item, subject to the rules and regulations prescribed by the appointing or governing authority of such agencies. Nongeneral fund revenues and balances required for this purpose are hereby appropriated.

D. Any supplemental salary payment to a state employee or class of state employees by a local governing body shall be governed by a written agreement between the agency head of the employee or class of employees receiving the supplement and the chief executive officer of the local governing body. Such agreement shall also be reviewed and approved by the Director of the State Department of Human Resource Management. At a minimum, the agreement shall specify the percent of state salary or fixed amount of the supplement, the resultant total salary of the employee or class of employees, the frequency and method of payment to the agency of the supplement, and whether or not such supplement shall be included in the employee's state benefit calculations. A copy of the agreement shall be made available annually to all employees receiving the supplement. The receipt of a local salary supplement shall not subject employees to any personnel or payroll rules and practices other than those promulgated by the State Department of Human Resource Management.

E. The Governor is hereby authorized to transfer funds from agency appropriations to the accounts of participating state employees in such amounts as may be necessary to match the contributions of the qualified participating employees, consistent with the requirements of the

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Code of Virginia governing the deferred compensation cash match program. Such transfers shall be made consistent with the following:				
1. The maximum cash match provided to eligible employees shall not be less than \$20.00 per pay period, or \$40.00 per month, in each year of the biennium. The Governor may direct the agencies of the Commonwealth to utilize funds contained within their existing appropriations to meet these requirements.				
2. The Governor may direct agencies supported in whole or in part with nongeneral funds to utilize existing agency appropriations to meet these requirements. Such nongeneral revenues and balances are hereby appropriated for this purpose, subject to the provisions of § 4-2.01 b of this act. The use of such nongeneral funds shall be consistent with any existing conditions and restrictions otherwise placed upon such nongeneral funds.				
4. The procurement of services related to the implementation of this program shall be governed by standards set forth in § 51.1-124.30 C, Code of Virginia, and shall not be subject to the provisions of Chapter 7 (§ 11-35 et seq.), Title 11, Code of Virginia.				
F. The Secretary of Administration, in conjunction with the Secretary of Finance, may establish a program that allows for the sharing of cost savings from improved productivity, efficiency, and performance with agencies and employees. Such gain sharing programs require a management philosophy of open communication encouraging employee participation; a system which seeks, evaluates and implements employee input on increasing productivity; and a formula for measuring productivity gains and sharing these gains between employees and the agency. The Department of Human Resource Management, in conjunction with the Department of Planning and Budget, shall develop specific gain sharing program guidelines for use by agencies. The Department of Human Resource Management shall provide to the Governor, the Chairmen of the House Appropriations and Senate Finance Committees an annual report no later than October 1 of each year detailing identified savings and their usage.				
G.1. Out of the appropriation for this Item, amounts estimated at \$45,575,724 the first year and \$91,731,143 the second year from the general fund shall be transferred to state agencies and institutions of higher education to support the general fund portion of costs associated with changes in the employer's share of premiums paid for the Commonwealth's health benefit plans.				
2. Notwithstanding any contrary provision of law, the health benefit plans for state employees resulting from the additional funding in this Item shall allow for a portion of employee medical premiums to be charged to employees.				
3. The Department of Human Resource Management shall explore options within the health insurance plan for state employees to promote value-based health choices aimed at creating greater employee satisfaction with lower overall health care costs. It is the General Assembly's intent that any savings associated with this employee health care initiative be retained and used towards funding state employee salary or fringe benefit cost increases.				
4. Notwithstanding any other provision of law, it shall be the sole responsibility and authority of the Department of Human Resource Management to establish and enforce employer contribution rates for any health insurance plan established pursuant to §2.2-2818, Code of Virginia.				
5. The Department of Human Resource Management is prohibited from establishing a retail maintenance network for maintenance drugs that includes penalties for non-use of the retail maintenance network.				
6. The Department of Human Resource Management shall not increase the annual out-of-pocket maximum included in the plans above the limits in effect for the plan year which began on July 1, 2014.				
7. The Department of Human Resource Management shall develop and implement a pilot program beginning on July 1, 2017 for a single payment per episode for all services and costs spanning multiple providers across multiple settings for musculoskeletal injury claims to the maximum extent possible. The results of this pilot program, to include				

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changes in return-to-work following injury times and costs of single payment per episode versus traditional payment per visit claim payments, shall be reported to the Governor, the Chairmen of the House Appropriations Committee and the Senate Finance Committee by August 1, 2018.

H.1. Contribution rates paid to the Virginia Retirement System for the retirement benefits of public school teachers, state employees, state police officers, state judges, and state law enforcement officers eligible for the Virginia Law Officers Retirement System shall be based on a valuation of retirement assets and liabilities that are consistent with the provisions of Chapters 701 and 823, Acts of Assembly of 2012.

2. Retirement contribution rates, excluding the five percent employee portion, shall be as set out below and include both the regular contribution rate and for the public school teacher plan the rate calculated by the Virginia Retirement System actuary for the 10-year payback of the retirement contribution payments deferred for the 2010-12 biennium:

	FY 2017	FY2018
Public school teachers	14.66%	16.32%
State employees	13.49%	13.49%
State Police Officers' Retirement System	28.54%	28.54%
Virginia Law Officers' Retirement System	21.05%	21.05%
Judicial Retirement System	41.97%	41.97%

3. Payments to the Virginia Retirement System shall be made no later than the tenth day following the close of each month of the fiscal year.

4. The Director of Department of Planning and Budget shall withhold and transfer to this item, amounts estimated at \$10,022,276 the first year and \$10,458,009 the second year, from the general fund appropriations of state agencies and institutions of higher education, representing the net savings resulting from the changes in employer contributions for state employee retirement as provided for in this paragraph.

5. The funding necessary to support the cost of reimbursements to Constitutional Officers for retirement contributions are appropriated elsewhere in this act under the Compensation Board.

6. The funding necessary to support the cost of the employer retirement contribution rate for public school teachers is appropriated elsewhere in this act under Direct Aid to Public Education.

I.1. Except as authorized in Paragraph I.2. of this Item, rates paid to the Virginia Retirement System on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia.

2. Rates paid to the VRS on behalf of employees of participating (i) counties, (ii) cities, (iii) towns, (iv) local public school divisions (only to the extent that the employer contribution rate is not otherwise specified in this act), and (v) other political subdivisions shall be based on the employer contribution rates certified by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia, unless the participating employer notifies VRS that it has opted to base the employer contribution rate on the higher of: a) the contribution rate in effect for FY 2012, or b) seventy percent of the results of the June 30, 2011 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2012-14 biennium, eighty percent of the results of the June 30, 2013 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2014-16 biennium, ninety percent of the results of the June 30, 2015 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2016-18 biennium, and one-hundred percent of the results of the June 30, 2017 actuarial valuation of assets and liabilities as approved by the Virginia Retirement System Board of Trustees for the 2018-20 biennium.

3. Every participating employer that opts not to use the employer contribution rates certified

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by the Virginia Retirement System Board of Trustees pursuant to § 51.1-145(I), Code of Virginia, must certify to the board of the Virginia Retirement System by resolution adopted by its local governing body that it: has reviewed and understands the information provided by the Virginia Retirement System outlining the potential future fiscal implications of electing or not electing to utilize the employer contribution rates certified by the Virginia Retirement System Board of Trustees, as provided for in paragraph I.1.

4. Local public school divisions must receive the concurrence of the local governing body if electing to pay the alternate contribution rate set out in paragraph I.2. Such concurrence must be documented by a resolution of the governing body.

5. The board of the Virginia Retirement System shall provide all employers participating in the Virginia Retirement System with a summary of the implications inherent in the use of the employer contribution rates certified by the Virginia Retirement System (VRS) Board of Trustees set out in paragraph I.1, and the alternate employer contribution rates set out in paragraph I.2.

J.1. The Virginia Retirement System Board of Trustees shall account for the employer retirement contribution payments deferred for the 2010-2012 biennium based on limiting employer retirement contributions to the Virginia Retirement System to the actuarial normal cost. In setting the employer retirement contribution rates for subsequent biennia, the board shall calculate a separate, supplemental employer contribution rate that will amortize such deferred payments over a period of ten years using the board's assumed long-term rate of return. The Governor shall include funds to support payment of such board-approved, supplemental employer contribution rates in the budget submitted to the General Assembly.

2. For purposes of setting rates for the 2014-16 biennium, and future biennia, the board shall treat any lump-sum deposits into the retirement system as an expedited repayment of the 2010-2012 deferred contributions for the appropriate system. Should these deposits exceed the remaining amounts owed for the deferred contributions, the balance shall remain in these specific systems to address the overall unfunded liability.

K.1. Contribution rates paid to the Virginia Retirement System for other employee benefits to include the public employee group life insurance program, the Virginia Sickness and Disability Program, the state employee retiree health insurance credit, and the public school teacher retiree health insurance credit, shall be based on a valuation of assets and liabilities that assume an investment return of seven percent and an amortization period of 30 years.

2. Contribution rates paid on behalf of public employees for other programs administered by the Virginia Retirement System shall be:

	FY 2017	FY 2018
State employee retiree health insurance credit	1.18%	1.18%
Public school teacher retiree health insurance credit	1.11%	1.23%
State employee group life insurance program	1.31%	1.31%
Employer share of the public school teacher group life insurance program	0.52%	0.52%
Virginia Sickness and Disability Program	0.66%	0.66%

3. Funding for the Virginia Sickness and Disability Program is calculated on a rate of 0.55 percent of total payroll.

4. Out of the general fund appropriation for this Item is included \$6,055,177 the first year and \$6,318,390 the second year to support the general fund portion of the net costs resulting from changes in employer contributions for state employee benefits as provided for in this paragraph.

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5. The funding necessary to support the cost of reimbursements to Constitutional Officers for public employee group life insurance contributions is appropriated elsewhere in this act under the Compensation Board.				
6. The funding necessary to support the cost of the employer public school teacher group life insurance and retiree health insurance credit rates is appropriated elsewhere in this act under Direct Aid to Public Education.				
L.1. The retiree health insurance credit contribution rates for the following groups of state supported local public employees shall be: 0.36 percent for constitutional officers and employees of constitutional officers, 0.42 percent for employees of local social services boards, and 0.41 percent for General Registrars and employees of General Registrars.				
2. Out of the general fund appropriation for this Item is included \$661,062 the first year and \$661,062 the second year to support the general fund portion of the net costs resulting from changes in the retiree health insurance credit contribution rates for state supported local public employees through the Compensation Board, the Department of Social Services, and the Department of Elections pursuant to § 51.1-1403, Code of Virginia.				
M. Notwithstanding the provisions of § 2.2-3205(A), Code of Virginia, the terminating agency shall not be required to pay the Virginia Retirement System the costs of enhanced retirement benefits provided for in § 2.2-3204(A), Code of Virginia for employees who are involuntarily separated from employment with the Commonwealth if the Director of the Department of Planning and Budget certifies that such action results from 1. budget reductions enacted in the Appropriation Act, 2. budget reductions executed in response to the withholding of appropriations by the Governor pursuant to §4-1.02 of the Act, 3. reorganization or reform actions taken by state agencies to increase efficiency of operations or improve service delivery provided such actions have been previously approved by the Governor, or 4. downsizing actions taken by state agencies as the result of the loss of federal or other grants, private donations, or other nongeneral fund revenue, and if the Director of the Department of Human Resource Management certifies that the action comports with personnel policy. Under these conditions, the entire cost of such benefits for involuntarily separated employees shall be factored into the employer contribution rates paid to the Virginia Retirement System.				
N. The purpose of this paragraph is to provide a transitional severance benefit, under the conditions specified, to eligible city, county, school division or other political subdivision employees who are involuntarily separated from employment with their employer.				
1.a. "Involuntary separation" includes, but is not limited to, terminations and layoffs from employment with the employer, or being placed on leave without pay-layoff or equivalent status, due to budget reductions, employer reorganizations, workforce downsizings, or other causes not related to the job performance or misconduct of the employee, but shall not include voluntary resignations. As used in this paragraph, a "terminated employee" shall mean an employee who is involuntarily separated from employment with his employer.				
b. The governing authority of a city, county, school division or other political subdivision electing to cover its employees under the provisions of this paragraph shall adopt a resolution, as prescribed by the Board of Trustees of the Virginia Retirement System, to that effect. An election by a school division shall be evidenced by a resolution approved by the Board of such school division and its local governing authority.				
2.a. Any (i) "eligible employee" as defined in § 51.1-132, (ii) "teacher" as defined in § 51.1-124.3, and (iii) any "local officer" as defined in § 51.1.124.3 except for the treasurer, commissioner of the revenue, attorney for the Commonwealth, clerk of a circuit court, or sheriff of any county or city, and (a) for whom reemployment with his employer is not possible because there is no available position for which the employee is qualified or the position offered to the employee requires relocation or a reduction in salary and (b) whose involuntary separation was due to causes other than job performance or misconduct, shall be eligible, under the conditions specified, for the transitional severance benefit conferred by this paragraph. The date of involuntary separation shall mean the date an employee was terminated from employment or placed on leave without pay-layoff or equivalent status.				
b. Eligibility shall commence on the date of involuntary separation.				

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3.a. On his date of involuntary separation, an eligible employee with (i) two years' service or less to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary; (ii) three years through and including nine years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to four weeks of salary plus one additional week of salary for every year of service over two years; (iii) ten years through and including fourteen years of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to twelve weeks of salary plus two additional weeks of salary for every year of service over nine years; or (iv) fifteen years or more of consecutive service to the employer shall be entitled to receive a transitional severance benefit equivalent to two weeks of salary for every year of service, not to exceed thirty-six weeks of salary.				
b. Transitional severance benefits shall be computed by the terminating employer's payroll department. Partial years of service shall be rounded up to the next highest year of service.				
c. Transitional severance benefits shall be paid by the employer in the same manner as normal salary. In accordance with § 60.2-229, transitional severance benefits shall be allocated to the date of involuntary separation. The right of any employee who receives a transitional severance benefit to also receive unemployment compensation pursuant to § 60.2-100 et seq. shall not be denied, abridged, or modified in any way due to receipt of the transitional severance benefit; however, any employee who is entitled to unemployment compensation shall have his transitional severance benefit reduced by the amount of such unemployment compensation. Any offset to a terminated employee's transitional severance benefit due to reductions for unemployment compensation shall be paid in one lump sum at the time the last transitional severance benefit payment is made.				
d. For twelve months after the employee's date of involuntary separation, the employee shall continue to be covered under the (i) health insurance plan administered by the employer for its employees, if he participated in such plan prior to his date of involuntary separation, and (ii) group life insurance plan administered by the Virginia Retirement System pursuant to Chapter 5 (§ 51.1-500 et seq.) of Title 51.1, or such other group life insurance plan as may be administered by the employer. During such twelve months, the terminating employer shall continue to pay its share of the terminated employee's premiums. Upon expiration of such twelve month period, the terminated employee shall be eligible to purchase continuing health insurance coverage under COBRA.				
e. Transitional severance benefit payments shall cease if a terminated employee is reemployed or hired in an individual capacity as an independent contractor or consultant by the employer during the time he is receiving such payments.				
f. All transitional severance benefits payable pursuant to this section shall be subject to applicable federal laws and regulations.				
4.a. In lieu of the transitional severance benefit provided in subparagraph 3 of this paragraph, any otherwise eligible employee who, on the date of involuntary separation, is also (i) a vested member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, and (ii) at least fifty years of age, may elect to have the employer purchase on his behalf years to be credited to either his age or creditable service or a combination of age and creditable service, except that any years of credit purchased on behalf of a member of the Virginia Retirement System, including a member eligible for the benefits described in subsection B of § 51.1-138, who is eligible for unreduced retirement shall be added to his creditable service and not his age. The cost of each year of age or creditable service purchased by the employer shall be equal to fifteen percent of the employee's present annual compensation. The number of years of age or creditable service to be purchased by the employer shall be equal to the quotient obtained by dividing (i) the cash value of the benefits to which the employee would be entitled under subparagraphs 3.a. and 3.d. of this paragraph by (ii) the cost of each year of age or creditable service. Partial years shall be rounded up to the next highest year. Deferred retirement under the provisions of subsection C of §§ 51.1-153 and 51.1-205, and disability retirement under the provisions of § 51.1-156 et seq., shall not be available under this paragraph.				
b. In lieu of the (i) transitional severance benefit provided in subparagraph 3 of this paragraph and (ii) the retirement program provided in this subsection, any employee who				

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is otherwise eligible may take immediate retirement pursuant to §§ 51.1-155.1 or 51.1-155.2.				
<p>c. The retirement allowance for any employee electing to retire under this paragraph who, by adding years to his age, is between ages fifty-five and sixty-five, shall be reduced on the actuarial basis provided in subdivision A. 2. of § 51.1-155.</p> <p>d. The retirement program provided in this subparagraph shall be otherwise governed by policies and procedures developed by the Virginia Retirement System.</p> <p>e. Costs associated with the provisions of this subparagraph shall be factored into the employer contribution rates paid to the Virginia Retirement System.</p> <p>O. The final sentence of § 51.1-145 (N), Code of Virginia providing that the employer contribution rate established for each employer may include the annual rate of contribution payable by such employer with respect to employees enrolled in optional defined contribution retirement plans, shall not apply to optional defined retirement plans established under § 51.1-126 for employees engaged in teaching, administrative or research duties at institutions of higher education, § 51.1-126.1 for employees of teaching hospitals other than VCU and UVA Medical Centers, and § 51.1-126.3 for University of Virginia Medical Center employees.</p> <p>P.1. The Governor is hereby authorized to allocate a sum of up to \$69,127,326 the first year and \$121,121,244 the second year from this appropriation to the extent necessary to offset any downward revisions of the general fund revenue estimate prepared for fiscal years 2017 and 2018 after the enactment by the General Assembly of the 2016 Appropriation Act. If within 5 days of the preliminary close of the fiscal year ending on June 30, 2016, the Comptroller's analysis does not determine that a revenue re-forecast is required pursuant to § 2.2-1503.3, Code of Virginia, then such appropriation shall be used only for employee compensation purposes as stated in paragraphs Q., R., and S. below.</p> <p>2. Furthermore, the \$48,958,949 the first year and \$85,478,906 the second year from the general fund allocated to support the state share of a two percent salary adjustment for SOQ funded positions authorized in Item 139 of this act shall be unallotted if the provisions of paragraph P.1. are not met and the actions authorized in paragraphs Q., R., and S. of this item are not effectuated.</p> <p>3. Furthermore, \$5,363,957 the first year and \$12,181,129 the second year from the general fund appropriated within the Compensation Board, Items 69, 72, 73, 74 and 75, to support increased participation in the career development programs and provide a compression salary adjustment for employees of sheriffs' offices and regional jails shall be unallotted if the provisions of paragraph P.1. are not met and the actions authorized in paragraphs Q., R., and S. of this item are not effectuated.</p> <p>4. Furthermore, \$1,593,348 the first year and \$2,500,000 the second year from the general fund appropriated within Item 53 of this Act for the purposes of providing compensation adjustments to district court clerks shall be unallotted if the provisions of paragraph P.1. are not met and the actions authorized in paragraphs Q., R., and S. of this item are not effectuated.</p> <p>Q.1. Contingent on the provisions of paragraph P.1. above, the base salary of the following employees shall be increased by three percent on November 10, 2016:</p> <p>a. Full-time and other classified employees of the Executive Department subject to the Virginia Personnel Act;</p> <p>b. Full-time employees of the Executive Department not subject to the Virginia Personnel Act, except officials elected by popular vote;</p> <p>c. Any official whose salary is listed in § 4-6.01 of this act, subject to the ranges specified in the agency head salary levels in § 4-6.01 c;</p> <p>d. Full-time staff of the Governor's Office, the Lieutenant Governor's Office, the Attorney General's Office, Cabinet Secretaries' Offices, including the Deputy Secretaries, the Virginia Liaison Office, and the Secretary of the Commonwealth's Office;</p> <p>e. Heads of agencies in the Legislative Department;</p>				

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f. Full-time employees in the Legislative Department, other than officials elected by popular vote;				
g. Legislative Assistants as provided for in Item 1 of this act;				
h. Judges and Justices in the Judicial Department;				
i. Heads of agencies in the Judicial Department;				
j. Full-time employees in the Judicial Department;				
k. Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission, the Chief Executive Officer of the Virginia College Savings Plan, and the Directors of the Virginia Lottery, and the Virginia Retirement System; and				
l. Full-time employees of the State Corporation Commission, the Virginia College Savings Plan, the Virginia Lottery, Virginia Workers' Compensation Commission, and the Virginia Retirement System.				
2.a. Employees in the Executive Department subject to the Virginia Personnel Act shall receive the salary increases authorized in this paragraph only if they attained at least a rating of "Contributor" on their latest performance evaluation.				
b. Salary increases authorized in this paragraph for employees in the Judicial and Legislative Departments, employees of Independent agencies, and employees of the Executive Department not subject to the Virginia Personnel Act shall be consistent with the provisions of this paragraph, as determined by the appointing or governing authority. However, notwithstanding anything herein to the contrary, the governing authorities of those state institutions of higher education with employees not subject to the Virginia Personnel Act may implement salary increases for such employees that may vary based on performance and other employment-related factors. The appointing or governing authority shall certify to the Department of Human Resource Management that employees receiving the awards are performing at levels at least comparable to the eligible employees as set out in subparagraph 2.a. of this paragraph.				
3. The Department of Human Resource Management shall increase the minimum and maximum salary for each band within the Commonwealth's Classified Compensation Plan by three percent on November 10, 2016. No salary increase shall be granted to any employee as a result of this action. The department shall develop policies and procedures to be used in instances when employees fall below the entry level for a job classification due to poor performance. Movement through the revised pay band shall be based on employee performance.				
4. Out of the amounts for Supplements to Employee Compensation is included \$57,427,676 the first year and \$98,447,339 the second year from the general fund to support the general fund portion of costs associated with the salary increase provided in this paragraph.				
5. The following agency heads, at their discretion, may utilize agency funds or the funds provided pursuant to this paragraph to implement the provisions of new or existing performance-based pay plans:				
a. The heads of agencies in the Legislative and Judicial Departments;				
b. The Commissioners of the State Corporation Commission and the Virginia Workers' Compensation Commission;				
c. The Attorney General;				
d. The Director of the Virginia Retirement System;				
e. The Director of the Virginia Lottery;				
f. The Director of the University of Virginia Medical Center;				
g. The Chief Executive Officer of the Virginia College Savings Plan; and				

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h. The Executive Director of the Virginia Port Authority.				
6. The base rates of pay, and related employee benefits, for wage employees may be increased by up to three percent no earlier than November 10, 2016. The cost of such increases for wage employees shall be borne by existing funds appropriated to each agency.				
7. The governing authorities of those state institutions of higher education with employees may provide a salary adjustment based on performance and other employment-related factors, as long as the increases do not exceed the three percent increase on average.				
R.1. Contingent on the provisions of paragraph P.1. above, the appropriations in this item include funds to increase the base salary of the following employees by two percent on December 1, 2016, provided that the governing authority of such employees certifies that the listed employees will receive the stated pay increase.				
a. Locally-elected constitutional officers;				
b. General Registrars and members of local electoral boards;				
c. Full-time employees of locally-elected constitutional officers and,				
d. Full-time employees of Community Services Boards, Centers for Independent Living, secure detention centers supported by Juvenile Block Grants, juvenile delinquency prevention and local court service units, local social services boards, local pretrial services act and comprehensive community corrections act employees, and local health departments where a memorandum of understanding exists with the Virginia Department of Health.				
2. Out of the appropriation for Supplements to Employee Compensation is included \$9,366,317 the first year and \$18,673,905 the second year from the general fund to support the costs associated with the salary increase provided in this paragraph.				
S. Contingent on the provisions of paragraph P.1. above, \$2,333,333 the first year and \$4,000,000 the second year from the general fund shall be transferred from this Item to the Department of State Police for salary supplements effective November 10, 2016, subject to approval by the Secretary of Public Safety and Homeland Security of a salary compression plan for fiscal year 2017 and for fiscal year 2018. No funds shall be included within such plan for employees of the Department of State Police with less than three years of service as of July 1, 2016. No employee receiving an adjustment under this plan shall receive a salary adjustment pursuant to the funding provided in this paragraph of more than seven percent. The total annualized cost of the salary compression plan can be no more than \$4,000,000 a year. Prior to the implementation of this plan, copies of the approved plan shall be provided to the Chairmen of the House Appropriations and Senate Finance Committees.				
T. 1. Notwithstanding the provisions of § 17.1-327, Code of Virginia, any justice, judge, member of the State Corporation Commission, or member of the Virginia Workers' Compensation Commission who is retired under the Judicial Retirement System and who is temporarily recalled to service shall be reimbursed for actual expenses incurred during such service and shall be paid a per diem of \$250 for each day the person actually sits, exclusive of travel time.				
2. Out of the general fund appropriation for this Item, \$500,000 in the first year and \$500,000 in the second year is provided to support the costs resulting from the changes in the per diem amounts provided for in paragraph T.1. The Director, Department of Planning and Budget, shall disburse funding from this Item to all affected judicial and independent agencies upon request.				
476. Payments for Special or Unanticipated Expenditures (75800).....			\$15,651,027	\$9,123,901
Miscellaneous Contingency Reserve Account (75801).....	\$2,300,000	\$2,300,000		
Undistributed Support for Designated State Agency Activities (75806).....	\$13,351,027	\$6,823,901		
Fund Sources: General.....	\$15,651,027	\$9,123,901		
Authority: Discretionary Inclusion.				

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A. The Governor is hereby authorized to allocate sums from this appropriation, in addition to an amount not to exceed \$2,000,000 from the unappropriated balance derived by subtracting the general fund appropriations from the projected general fund revenues in this act, to provide for supplemental funds pursuant to paragraph D hereof. Transfers from this Item shall be made only when (1) sufficient funds are not available within the agency's appropriation and (2) additional funds must be provided prior to the end of the next General Assembly Session.

B.1. The Governor is authorized to allocate from the unappropriated general fund balance in this act such amounts as are necessary to provide for unbudgeted cost increases to state agencies incurred as a result of actions to enhance homeland security, combat terrorism, and to provide for costs associated with the payment of a salary supplement for state classified employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard. Any salary supplement provided to state classified employees ordered to active duty, shall apply only to employees who would otherwise earn less in salary and other cash allowances while on active duty as compared to their base salary as a state classified employee. Guidelines for such payments shall be developed by the Department of Human Resource Management in conjunction with the Departments of Accounts and Planning and Budget.

2. The Governor shall submit a report within thirty days to the Chairmen of House Appropriations and Senate Finance Committees which itemizes any disbursements made from this Item for such costs.

3. The governing authority of the agencies listed in this subparagraph may, at its discretion and from existing appropriations, provide such payments to their employees ordered to active duty as part of a reserve component of the Armed Forces of the United States or the Virginia National Guard, as are necessary to provide comparable pay supplements to its employees.

- a. Agencies in the Legislative and Judicial Departments;
- b. The State Corporation Commission, the Virginia Workers' Compensation Commission, the Virginia Retirement System, the Virginia Lottery , Virginia College Savings Plan, and the Virginia Office for Protection and Advocacy;
- c. The Office of the Attorney General and the Department of Law; and
- d. State-supported institutions of higher education.

C. The Governor is authorized to expend from the unappropriated general fund balance in this act such amounts as are necessary, up to \$1,500,000, to provide for indemnity payments to growers, producers, and owners for losses sustained as a result of an infectious disease outbreak or natural disaster in livestock and poultry populations in the Commonwealth. These indemnity payments will compensate growers, producers, and owners for a portion of the difference between the appraised value of each animal destroyed or slaughtered or animal product destroyed in order to control or eradicate an animal disease outbreak and the total of any salvage value plus any compensation paid by the federal government.

D. Out of the appropriation for this item is included \$2,000,000 the first year and \$2,000,000 the second year from the general fund to be used by the Governor as he may determine to be needed for the following purposes:

- 1. To address the six conditions listed in § 4-1.03 c 5 of this act.
- 2. To provide for unbudgeted and unavoidable increases in costs to state agencies for essential commodities, services, and training which cannot be absorbed within agency appropriations including unbudgeted benefits associated with Workforce Transition Act requirements.
- 3. To secure federal funds in the event that additional matching funds are needed for Virginia to participate in the federal Superfund program.
- 4. To provide a payment of up to \$100,000 to the Military Order of the Purple Heart, for

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the continued operation of the National Purple Heart Hall of Honor, provided that at least half of other states have made similar grants.				
5. In addition, if the amounts appropriated in this Item are insufficient to meet the unanticipated events enumerated, the Governor may utilize up to \$1,000,000 the first year and \$1,000,000 the second year from the general fund amounts appropriated for the Commonwealth's Opportunity Fund for the unanticipated purposes set forth in paragraph D.1. through paragraph D.5. of this Item.				
6. In addition, to provide for payment of monetary rewards to persons who have disclosed information of wrongdoing or abuse under the Fraud and Abuse Whistle Blower Protection Act.				
7. The Department of Planning and Budget shall submit a quarterly report of any disbursements made from, commitments made against, and requests made for such sums authorized for allocation pursuant to this paragraph to the Chairmen of the House Appropriations and Senate Finance Committees. This report shall identify each of the conditions specified in this paragraph for which the transfer is made.				
E. Included in this appropriation is \$300,000 the first year and \$300,000 the second year from the general fund to pay for private legal services and the general fund share of unbudgeted costs for enforcement of the 1998 Tobacco Master Settlement Agreement. Transfers for private legal services shall be made by the Director, Department of Planning and Budget upon prior written authorization of the Governor or the Attorney General, pursuant to § 2.2-510, Code of Virginia or Item 59, Paragraph D of this act. Transfers for enforcement of the Master Settlement Agreement shall be made by the Director, Department of Planning and Budget at the request of the Attorney General, pursuant to Item 59, Paragraph B of this act.				
F. Notwithstanding the provisions of § 58.1-608.3B.(v), Code of Virginia, any municipality which has issued bonds on or after July 1, 2001, but before July 1, 2006, to pay the cost, or portion thereof, of any public facility pursuant to § 58.1-608.3, Code of Virginia, shall be entitled to all sales tax revenues generated by transactions taking place in such public facility.				
G. The Director, Department of Planning and Budget, shall transfer from this Item, general fund amounts estimated at \$5,332,350 the first year and \$3,659,945 the second year to state agencies and institutions of higher education to support the general fund portion of costs resulting from the estimated usage of technology services provided by the Virginia Information Technologies Agency.				
H.1. Any unexpended general fund balances as of June 30, 2016 that were appropriated for the purpose of supporting the City of Richmond in the development of the Slavery and Freedom Heritage Site in Richmond shall not revert to the general fund but shall instead be reappropriated for its original purpose. Out of the \$2,000,000 originally appropriated, \$1,000,000 shall be used for improvements to the Slave Trail, and \$1,000,000 for costs associated with Lumpkin's Pavilion.				
2. Prior to the receipt of state funds for the purpose set out in paragraph H.1., the Richmond City Council shall pass a resolution outlining its approval of and financial commitment to the proposed project and local matching funds in an amount totaling at least \$5,000,000 which shall be appropriated by the City of Richmond for the project prior to receipt of any state funds. Release of state funding for Lumpkin's Pavilion shall also require evidence that the City of Richmond has raised at least fifty percent of the remaining funding required for that portion of the project from private or other sources.				
3. At such time that the City of Richmond has completed construction of the respective improvements, the City of Richmond shall be eligible for reimbursement from the Commonwealth of an amount not to exceed \$9,000,000, or up to twenty five percent of the total costs of each project.				
4. State funding appropriated in paragraph H.1. and future appropriations considered in paragraph H.3., shall be allocated only as follows: no more than \$5,000,000 shall be allocated for the planning, design, and construction of the Pavilion at Lumpkin's Jail, no more than \$1,000,000 shall be allocated for improvements to the Richmond Slave Trail, and no more than \$5,000,000 shall be allocated for the planning, design and construction of a slavery museum.				

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5. The City of Richmond shall provide documentation to the Department of General Services on the progress of this project and actual expenditures incurred for it in a form acceptable to the Secretaries of Finance and Administration.				
6. In addition to the matching requirements set out in paragraph H.2., the City of Richmond shall provide and dedicate appropriate contiguous real estate prior to the receipt of any state funding for the purposes outlined in paragraph H.1 above.				
7. The Department of General Services shall act as the fiscal agent for these funds. The director shall oversee the expenditure of state appropriations to ensure that payments to the City of Richmond are made consistent with the purposes set out in paragraphs H.1. and H.4. The Director, Department of Planning and Budget, is authorized to transfer these funds to the Department of General Services to implement this appropriation.				
8. This appropriation shall be exempt from the disbursement procedures specified in § 4-5.05 of the act				
I. Out of this appropriation, the Director, Department of Planning and Budget, is authorized to transfer an amount up to \$5,000,000 the first year, to the Department of State Police for unanticipated costs associated with mitigating security threats, information technology (IT) security gaps, and the data stored on IT systems used by the Department. The costs eligible for reimbursement shall be for information technology and telecommunications goods and services that have been procured in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency. These funds may not be transferred until the requirements of Paragraph I.2. of this item have been fulfilled.				
2.The Superintendent of State Police shall develop a prioritized list of information technology projects for the Department of State Police, justify the need for the projects, and identify costs associated with such projects. The Superintendent shall also identify the potential or expected projects to be addressed using the appropriation provided in Paragraph I.1. of this item. The Superintendent shall report the list of projects to the Chairmen of the House Appropriations and Senate Finance Committees no later than August 15, 2016.				
J. Out of this appropriation, \$3,018,677 the first year and \$3,163,956 the second year from the general fund shall be provided to state agencies to support the costs of information technology security audits and information security officer services. With such funding, agencies are encouraged to work with the Virginia Information Technologies Agency's information technology shared security center created pursuant to Item 435 of this act.				
K. It is the intent of the General Assembly that relief shall be provided to localities for qualifying damages resulting from the tornadoes of February 24, 2016, in accordance with state law and the provisions of Item 57 of this act. Such relief is hereby appropriated in accordance with the provisions of Item 57 of this act from the unexpended balances of the general fund.				
477. Omitted.				
478. A. The Oil Overcharge Expendable Trust Fund shall be established on the books of the Comptroller and the interest earned by investment of funds credited to the Oil Overcharge Expendable Trust Fund shall be allocated to such fund periodically. This fund represents the Commonwealth's proportionate share of the recoveries from the Exxon Corporation, Diamond Shamrock Refining and Marketing Company, Stripper Well and the Texaco Corporation litigations, for petroleum pricing violations between 1973 and 1981.				
B.1. Any expenditure involving oil overcharges by the Exxon Corporation shall be utilized according to regulations and procedures of the five state energy conservation and benefits programs specified in the Warner Amendment (Section 155, P.L. 97-377) to provide restitution to the broad class of parties injured by the alleged overcharges. These programs are:				
a. Low Income Home Energy Assistance Program, 42 U.S.C. § 8621 et seq.				

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b. State Energy Conservation Program, 42 U.S.C. § 6321 et seq.				
c. Energy Extension Service, 42 U.S.C. § 7001 et seq.				
d. Institutional Conservation Program, 42 U.S.C. § 6371 et seq.				
e. Weatherization Assistance Program, 42 U.S.C. § 6861 et seq.				
2. Any expenditure involving oil overcharges from the approved settlement In Re: The Department of Energy Stripper Well Litigation (MDL No. 378) or the approved settlement in the case of the Diamond Shamrock Refining and Marketing Company (Civil Action No. C2-84-1432) shall be utilized to fund one or more energy-related programs which are designed to benefit, directly or indirectly, consumers of petroleum products. These programs shall be limited to:				
a. Administration and operation of the five energy conservation and benefit programs specified under the Warner Amendment (Section 155, P.L. 97-377),				
b. Those programs approved by the U.S. Department of Energy's Office of Hearings and Appeals in Subpart V Refund Proceedings,				
c. Those programs referenced in the Chevron consent order (46 FR 52221), and				
d. Such other restitutionary programs approved by the District Court or the U.S. Department of Energy's Office of Hearings and Appeals.				
C. Before appropriations to the Oil Overcharge Expendable Trust Fund can be expended, approval for the use of the funds must be obtained from the United States Department of Energy. Applications to the United States Department of Energy must be made through the Department of Mines, Minerals and Energy.				
D. The Governor shall submit such statements and reports as are required by court orders, settlements, or the Departments of Energy or Health and Human Services regarding use(s) of these funds and shall also report to the Chairmen of the House Appropriations and Senate Finance Committees on the activities funded by transfers from this Item only in fiscal years in which activities have occurred.				
478.10 A.1. For each year of the biennium, there is hereby appropriated from the general fund of the state treasury an amount as specified in paragraphs A.3. and A.4. below, to fund certain capital projects that are presently authorized for funding from debt issuances by either the Virginia College Building Authority or the Virginia Public Building Authority, to the extent that the existing debt for such capital projects has not been issued. The Governor shall recommend an equivalent reduction in the amount of debt authorization for the affected projects so that overall, there is no decrease or increase in total funding for such projects.				
2. It is the intent of the General Assembly that any appropriation pursuant to this Item only be used to reduce the total authorized but unissued debt such that general fund cash becomes the funding source for certain capital outlay projects rather than debt. In making this substitution, priority shall be given to maintenance reserve or other small capital outlay projects that are better suited to be funded from cash or to taxable debt projects which offer the opportunity to obtain greater debt service cost savings, if funded by cash rather than debt.				
3. For the first fiscal year of the biennium, the appropriation specified in paragraph A.1. above shall be equal to the lesser of \$181,900,000 or the actual total general fund revenue collections for fiscal year ending June 30, 2016, reduced by any amounts needed to meet the Constitutional or statutory deposit to the Revenue Stabilization Fund and the statutory deposit concerning surplus revenue to the Water Quality Improvement Fund, as certified by the State Comptroller, minus the "official revenue estimate" for general fund revenues for the second year of the biennium as contained in the second enactment of Senate Bill 29 of the 2016 General Assembly, as enacted.				
4. For the second year of the biennium the appropriation specified in paragraph A.1. above shall be equal to the lesser of \$188,200,000 or the actual total general fund revenue collections for fiscal year ending June 30, 2017, reduced by any amounts needed to meet the Constitutional or statutory deposit to the Revenue Stabilization Fund and the statutory deposit				

ITEM 478.10.	Item Details(\$)		Appropriations(\$)	
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<p>concerning surplus revenue to the Water Quality Improvement Fund, as certified by the State Comptroller, minus the "official revenue estimate" for general fund revenues for the first year of the biennium as contained in the first enactment of this Act.</p> <p>B. The State Comptroller shall make a commitment for any amount appropriated in this Item pursuant to paragraph A.3. above on the balance sheet of the Commonwealth for June 30, 2016. The State Comptroller shall make a commitment for any amount appropriated in this Item pursuant to paragraph A.4. above on the balance sheet of the Commonwealth for June 30, 2017.</p> <p>C.1. The Director of the Department of Planning and Budget shall report quarterly to the State Treasurer and to the Six Year Capital Outlay Planning Advisory Committee, established by § 2.2-1516 Code of Virginia, identifying the projects for which the debt authorization was replaced by appropriations pursuant to paragraph A1. above.</p> <p>2. Upon notification from the Director of the Department of Planning and Budget that appropriations pursuant to paragraph A1. above have been made, the State Treasurer shall not issue any debt for the affected projects.</p>				
478.20	Financial Assistance For Educational and General Services (11000).....		\$8,000,000	\$0
	Sponsored Programs (11004).....	\$8,000,000	\$0	
	Fund Sources: General.....	\$8,000,000	\$0	
<p>A. 1. Out of this appropriation, \$8,000,000 the first year from the general fund is provided to offer one-time incentive packages to attract high performing researchers with a history of commercialization subject to meeting the conditions of paragraph B.</p> <p>2. Out of the amounts authorized in Item C-52.10, \$20,000,000 the first year shall be made available for lab renovations and enhancements and / or research equipment at the Global Genomics and Bioinformatics Research Institute for George Mason University, Old Dominion University, the University of Virginia, Virginia Commonwealth University, Virginia Tech and the College of William and Mary subject to meeting the conditions in paragraph B.</p> <p>B. The conditions required in order to receive an allocation from this item are:</p> <p>1. For a project to be eligible at least two institutions or one institution and one private sector company must partner with INOVA at the Global Genomics and Bioinformatics Research Institute;</p> <p>2. Projects are required to have undergone the vetting process from the Global Genomics and Bioinformatics Research Institute which would include a peer review board based on scientific expertise;</p> <p>3. Amounts requested from this item by the partnering institutions in paragraph A. shall be matched by two dollars from the INOVA Global Genomics and Bioinformatics Research Institute;</p> <p>4. In addition, amounts requested by the partnering institutions in paragraph A. shall be matched by one dollar from any combination of the partnering entities provided that at least one-half of the one-dollar match is from new resources.</p> <p>C. Upon meeting the conditions of paragraph B., the institutions shall submit their funding request application directly to the Virginia Research Investment Committee established in § 23-306 for review and evaluation. After completing its review, the Virginia Research Investment Committee, pursuant to § 23-307 shall approve or deny the request for an allocation.</p>				
	Total for Central Appropriations.....		\$259,875,945	\$343,325,636
	Fund Sources: General.....	\$139,548,040	\$222,997,731	
	Higher Education Operating.....	\$1,000,000	\$1,000,000	
	Trust and Agency.....	\$119,327,905	\$119,327,905	

ITEM 478.20.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
TOTAL FOR CENTRAL APPROPRIATIONS.....			\$259,875,945	\$343,325,636
Fund Sources: General.....	\$139,548,040	\$222,997,731		
Higher Education Operating.....	\$1,000,000	\$1,000,000		
Trust and Agency.....	\$119,327,905	\$119,327,905		
TOTAL FOR EXECUTIVE DEPARTMENT.....			\$50,677,985,504	\$50,587,731,235
General Fund Positions.....	48,502.92	48,530.20		
Nongeneral Fund Positions.....	63,629.32	63,782.04		
Position Level.....	112,132.24	112,312.24		
Fund Sources: General.....	\$19,772,741,498	\$19,719,208,059		
Special.....	\$1,663,768,226	\$1,658,529,375		
Higher Education Operating.....	\$8,431,245,202	\$8,519,743,019		
Commonwealth Transportation.....	\$5,448,378,982	\$5,240,920,041		
Enterprise.....	\$1,194,944,094	\$1,241,496,886		
Internal Service.....	\$2,026,774,865	\$2,125,592,321		
Trust and Agency.....	\$2,212,398,018	\$2,048,553,514		
Debt Service.....	\$329,454,313	\$329,792,988		
Dedicated Special Revenue.....	\$1,787,971,910	\$1,781,610,793		
Federal Trust.....	\$7,810,308,396	\$7,922,284,239		

ITEM 479.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018

INDEPENDENT AGENCIES

§ 1-132. STATE CORPORATION COMMISSION (171)

479.	Regulation of Business Practices (55200).....			\$63,405,897	\$63,409,235
	Corporation Commission Clerk's Services (55203)..	\$11,977,276	\$11,977,954		
	Regulation of Investment Companies, Products and Services (55210).....	\$7,360,191	\$7,360,574		
	Regulation of Financial Institutions (55215).....	\$15,410,623	\$15,411,285		
	Regulation of Insurance Industry (55216).....	\$28,657,807	\$28,659,422		
	Fund Sources: Special.....	\$63,405,897	\$63,409,235		

Authority: Article IX, Constitution of Virginia; Title 8.9A, Part 4; Title 12.1, Chapter 4; Title 13.1; Title 55, Chapter 6, Article 6; Title 56, Chapter 15, Article 5; Title 58.1, Chapter 28; Title 59.1, Chapter 6.1, Code of Virginia; Title 13.1, Chapter 3.1; Title 38.2; Title 58.1, Chapter 25; and Title 65.2, Chapter 8, Code of Virginia.

A. Out of this appropriation, the State Corporation Commission is authorized to expend an amount not to exceed \$10,000 the first year and \$10,000 the second year for the payment of annual membership dues to the National Conference of Insurance Legislators.

B. Out of this appropriation, \$3,000,000 the first year and \$3,000,000 the second year is designated for replacement of the Clerk's Information System.

480.	Regulation of Public Utilities (56300).....			\$28,927,754	\$28,929,566
	Regulation of Utility Companies (56301).....	\$28,927,754	\$28,929,566		
	Fund Sources: Special.....	\$23,716,317	\$23,717,179		
	Dedicated Special Revenue.....	\$1,861,437	\$1,862,387		
	Federal Trust.....	\$3,350,000	\$3,350,000		

Authority: Title 56, Chapter 10, Code of Virginia.

481.	Distribution of Fees From and To Regulated Entities and Localities (56400).....			\$6,856,941	\$6,856,941
	Distribution of Uninsured Motorist Fee (56401).....	\$6,340,845	\$6,340,845		
	Distribution of Rolling Stock Taxes (56402).....	\$516,096	\$516,096		
	Fund Sources: Trust and Agency.....	\$6,856,941	\$6,856,941		

Authority: § 58.1-2652, Code of Virginia.

482.	Administrative and Support Services (59900).....			\$0	\$0
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Authority: Title 12.1, Code of Virginia; Article IV, Section 14 and Article IX, Constitution of Virginia.

A. Operational costs for this program shall be paid solely from charges to agency programs.

B. Out of the amounts for this Item, shall be paid the annual salary of the chairman, \$171,929 from July 1, 2016, to June 30, 2018, and for the other two Commissioners of the State Corporation Commission, each at \$170,046 from July 1, 2016, to June 30, 2018.

C. Notwithstanding the provisions of § 13.1-775.1, Code of Virginia, the State Corporation Commission shall continue the following annual registration fees for domestic and foreign corporations. The new annual rates shall be \$100 for every foreign and domestic corporation authorized to do business in the Commonwealth whose number of authorized shares is 5,000 shares or less. Any such corporation whose number of authorized shares is more than 5,000 shall pay an annual registration fee of \$100 plus \$30 for each 5,000 shares or fraction thereof in excess of 5,000 up to a maximum of \$1,700. The commission shall deposit these funds into a special fund and transfer three-fourths of the receipts to the general fund semiannually.

ITEM 483.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
483.	Plan Management (40800).....			\$201,256	\$201,292
	Federal Health Benefit Exchange Plan Management (40801).....	\$201,256	\$201,292		
	Fund Sources: General.....	\$201,256	\$201,292		
	Authority: §§ 38.2-316.1 and 38.2-326, Code of Virginia; § 42.18041 c, United States Code.				
	There is hereby appropriated to the State Corporation Commission \$201,256 the first year and \$201,292 the second year from the general fund to pay for the plan management functions authorized in Chapter 670 of the Acts of Assembly of 2013.				
	Total for State Corporation Commission.....			\$99,391,848	\$99,397,034
	Nongeneral Fund Positions.....	665.00	665.00		
	Position Level.....	665.00	665.00		
	Fund Sources: General.....	\$201,256	\$201,292		
	Special.....	\$87,122,214	\$87,126,414		
	Trust and Agency.....	\$6,856,941	\$6,856,941		
	Dedicated Special Revenue.....	\$1,861,437	\$1,862,387		
	Federal Trust.....	\$3,350,000	\$3,350,000		

§ 1-133. VIRGINIA LOTTERY (172)

484.	State Lottery Operations (81100).....			\$99,164,515	\$99,166,361
	Regulation and Law Enforcement (81105).....	\$3,119,677	\$3,119,677		
	Gaming Operations (81106).....	\$82,624,350	\$82,624,350		
	Administrative Services (81107).....	\$13,420,488	\$13,422,334		
	Fund Sources: Enterprise.....	\$99,164,515	\$99,166,361		
	Authority: Title 58.1, Chapter 40, Code of Virginia.				
	Out of the amounts for Virginia Lottery Operations shall be paid:				
	1. Reimbursement for compensation and reasonable expenses of the members of the Virginia Lottery Board in the performance of their duties, as provided in § 2.2-2813, Code of Virginia.				
	2. The total costs for the operation and administration of the state lottery, pursuant to § 58.1-4022, Code of Virginia.				
	3. The costs of informing the public of the purposes of the Lottery Proceeds Fund, established pursuant to Article X, Section 7-A, Constitution of Virginia.				
485.	Disbursement of Lottery Prize Payments (81200).....			a sum sufficient	
	Payment of Lottery Prizes (81201).....	a sum sufficient			
	Fund Sources: Enterprise.....	a sum sufficient			
	Authority: Title 58.1, Chapter 40, Code of Virginia.				
	There is hereby appropriated from affected funds in the state treasury, for payment of prizes awarded by the state lottery and of commissions to lottery sales agents, in accordance with law, a sum sufficient.				
	Total for Virginia Lottery.....			\$99,164,515	\$99,166,361
	Nongeneral Fund Positions.....	308.00	308.00		
	Position Level.....	308.00	308.00		
	Fund Sources: Enterprise.....	\$99,164,515	\$99,166,361		

§ 1-134. VIRGINIA COLLEGE SAVINGS PLAN (174)

486.	Investment, Trust, and Insurance Services (72500) a sum sufficient, estimated at.....			\$214,000,000	\$250,000,000
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ITEM 486.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Payments for Tuition and Educational Expense Benefits (72505).....	\$214,000,000	\$250,000,000		
Fund Sources: Enterprise.....	\$214,000,000	\$250,000,000		

Authority: Title 23, Chapter 4.9, Code of Virginia.

A. Amounts for Payments for Tuition and Educational Expense Benefits represent the payment of benefits to postsecondary educational institutions on behalf of program participants under the Virginia529 prePAID Program, estimated at \$214,000,000 the first year and \$250,000,000 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.

B. Any moneys collected, distributed or held for the benefit of participants under the Virginia529 inVEST Program and other higher education savings programs, including any income from such funds, are not subject to the provisions of §§ 2.2-1800 through 2.2-1825, inclusive, or §23-38.76 (A) of the Code of Virginia requiring deposit in the State Treasury. This provision does not apply to the Virginia529 prePAID Program, or Plan administrative fee revenue.

C. Amounts for Payments for Tuition and Educational Expense Benefits cover the current obligations of the fund as provided for in Title 23, Chapter 4.9, Code of Virginia.

487.	Information Technology Development and Operations (82000).....			\$1,805,562	\$1,906,855
	Information Systems Development Services (82004).....	\$1,805,562	\$1,906,855		
	Fund Sources: Enterprise.....	\$1,805,562	\$1,906,855		

Authority: Title 23, Chapter 4.9, Code of Virginia.

The Virginia College Savings Plan is authorized to establish a self-supporting “operational enterprise” fund to account for the revenues and expenditures of providing services to other college savings plans operated under § 529 of the Internal Revenue Code, as amended, at locations outside of the Commonwealth of Virginia. Consistent with the self-supporting concept of an “enterprise fund,” revenues from operations performed for programs outside of Virginia shall exceed all direct and indirect costs of providing these services. The board shall set rates charged to meet this requirement and shall set other policies as may be appropriate. Revenues and expenses of the fund shall be accounted for in such a manner as to be auditable by the Auditor of Public Accounts. Revenues in excess of expenses shall be retained in the fund to support the entire program. Additionally, revenues that remain unexpended on the last day of the previous biennium and the last day of the first year of the current biennium shall be reappropriated and allotted for expenditure in the respective succeeding fiscal year.

488.	Administrative and Support Services (79900).....			\$25,593,353	\$24,359,984
	General Management and Direction (79901).....	\$10,805,401	\$11,083,552		
	Investment, Trust and Related Services for Virginia529 prePAID Program (79950).....	\$5,873,959	\$5,903,259		
	Trust and Related Services for Virginia529 inVEST Program and other Higher Education Savings Programs (79951).....	\$6,086,155	\$6,115,455		
	Investment, Trust and Related Services for Achieving a Better Life Experience (ABLE) Program (79952).....	\$2,827,838	\$1,257,718		
	Fund Sources: Enterprise.....	\$25,593,353	\$24,359,984		

Authority: Title 23, Chapter 4.9, Code of Virginia.

A. Out of the amounts appropriated to this Item, \$650,000 the first year and \$650,000 the second year from nongeneral funds are designated for a comprehensive compensation plan to link pay to performance.

B. Amounts for Investment, Trust and Related Services cover variable or unpredictable

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costs of the Virginia529 prePAID Program, estimated at \$5,873,959 the first year and \$5,903,259 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.				
C. Amounts for Investment, Trust and Related Services cover variable and unpredictable costs of the Virginia529 inVEST Program and other higher education savings programs, estimated at \$6,086,155 the first year and \$6,115,455 the second year, from nongeneral funds pursuant to § 23-38.76, Code of Virginia.				
Total for Virginia College Savings Plan.....			\$241,398,915	\$276,266,839
Nongeneral Fund Positions.....	115.00	115.00		
Position Level.....	115.00	115.00		
Fund Sources: Enterprise.....	\$241,398,915	\$276,266,839		

§ 1-135. VIRGINIA RETIREMENT SYSTEM (158)

489.	Personnel Management Services (70400).....			\$13,338,829	\$13,381,244
	Administration of Retirement and Insurance Programs (70415).....	\$13,338,829	\$13,381,244		
	Fund Sources: General.....	\$32,585	\$50,000		
	Trust and Agency.....	\$13,306,244	\$13,331,244		

Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

A. The Board of Trustees of the Virginia Retirement System is hereby authorized to charge a participation fee to each employer served by the Virginia Retirement System for any services provided pursuant to Title 51.1, Code of Virginia. The fee shall be utilized to pay the administrative expenses of all administrative services, including non-retirement programs. Retirement contributions required by the board shall be reduced to pay such fees in a manner prescribed by the Board of Trustees.

B. State agencies and institutions of higher education shall make payments to the Virginia Retirement System (VRS) for VRS-administered benefits no less often than monthly.

C. The Virginia Retirement System shall make changes to administrative policies, procedures, and systems as necessary for implementation of the public employee retirement reforms provided in Chapter 701 of the Acts of Assembly of 2012.

D.1. Out of this appropriation, \$32,585 the first year and \$50,000 the second year from the general fund is provided for expenses associated with the Volunteer Firefighters' and Rescue Squad Workers' Service Award Fund.

2. Gains forfeited prior to July 1, 2016 pursuant to § 51.1-1206, Code of Virginia, and the accumulated earnings thereon shall be used to provide the reimbursement described in § 51.1-1200, Code of Virginia. All future gains forfeited pursuant to § 51.1-1206, Code of Virginia, shall also be used to provide the reimbursement described in § 51.1-1200, Code of Virginia.

E. The Board of Trustees of the Virginia Retirement System shall provide notification to the Chairmen of the House Appropriations Committee and Senate Finance Committee when a political subdivision becomes more than 60 days in arrears in their contributions to the Virginia Retirement System. Such notification shall occur within 15 days of when the 60 day period has occurred.

490.	Investment, Trust, and Insurance Services (72500).....			\$30,686,981	\$30,732,829
	Investment Management Services (72504).....	\$30,686,981	\$30,732,829		
	Fund Sources: Trust and Agency.....	\$30,686,981	\$30,732,829		

Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.

By September 30 of each year, the Board of Trustees of the Virginia Retirement System shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees on the prior fiscal year's results obtained by the internal investment management program. The report shall include a comparison of investment performance against the

ITEM 490.	Item Details(\$)		Appropriations(\$)	
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	board's benchmarks and an estimate of the program's fee savings when compared to similar assets managed externally.			
491.	Administrative and Support Services (79900).....		\$38,732,875	\$34,289,177
	General Management and Direction (79901).....	\$21,988,099		\$18,696,540
	Information Technology Services (79902).....	\$16,744,776		\$15,592,637
	Fund Sources: Trust and Agency.....	\$38,732,875		\$34,289,177
	Authority: Title 51.1, Chapters 1, 2, 2.1, and 3, Code of Virginia.			
	A. Out of the amounts appropriated to this Item, the director is authorized to expend an amount not to exceed \$25,000 the first year and \$25,000 the second year for expenses commonly borne by business enterprises. Such expenses shall be recorded separately by the agency.			
	B. Out of the amounts appropriated to this item, an amount not to exceed \$300,000 the first year and \$300,000 the second year is designated to provide retirement-related services in support of the Commission on Employee Retirement Security and Pension Reform created pursuant to the passage of House Bill 665 of the 2016 General Assembly Session.			
492.	In the event any political subdivision of the Commonwealth of Virginia participating in the programs administered by the Virginia Retirement System fails to remit contributions or other fees and costs of the programs as duly prescribed, the Board of Trustees of the Virginia Retirement System shall inform the State Comptroller and the participating political subdivision of the delinquent amount. The State Comptroller shall forthwith transfer such amounts to the appropriate fund from any non earmarked moneys otherwise distributable to such political subdivision by any department or agency of the state.			
	Total for Virginia Retirement System.....		\$82,758,685	\$78,403,250
	Nongeneral Fund Positions.....	337.00		337.00
	Position Level.....	337.00		337.00
	Fund Sources: General.....	\$32,585		\$50,000
	Trust and Agency.....	\$82,726,100		\$78,353,250
	§ 1-136. VIRGINIA WORKERS' COMPENSATION COMMISSION (191)			
493.	Employment Assistance Services (46200).....		\$38,822,874	\$37,827,270
	Workers Compensation Services (46204).....	\$38,822,874		\$37,827,270
	Fund Sources: General.....	\$1,000,000		\$0
	Dedicated Special Revenue.....	\$37,822,874		\$37,827,270
	Authority: Title 65.2, Chapter 2; Title 38.2, Chapter 50, Code of Virginia.			
	A. Out of the amounts for Workers' Compensation Services shall be paid the annual salary of the chairman, \$169,655 from July 1, 2016 to June 30, 2018, and for each of the other two Commissioners of the Virginia Workers' Compensation Commission, \$166,169 from July 1, 2016 to June 30, 2018.			
	B. In addition, retired Commissioners recalled to active duty will be paid as authorized by § 17.1-327, Code of Virginia.			
	C. Out of the amounts appropriated for this item, beginning July 1, 2010, and ending June 30, 2020, payments of \$20,000 per year shall be paid to Kurt E. Beach to offset the continuing costs of his health care.			
494.	Financial Assistance for Supplemental Assistance Services (49100).....		\$8,440,660	\$8,441,116
	Crime Victim Compensation (49104).....	\$8,440,660		\$8,441,116
	Fund Sources: Dedicated Special Revenue.....	\$6,940,660		\$6,941,116
	Federal Trust.....	\$1,500,000		\$1,500,000

ITEM 494.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Authority: Title 19.2, Chapters 21.1 and 21.2, Code of Virginia.				
Total for Virginia Workers' Compensation Commission.....			\$47,263,534	\$46,268,386
Nongeneral Fund Positions.....	292.00	292.00		
Position Level.....	292.00	292.00		
Fund Sources: General.....	\$1,000,000	\$0		
Dedicated Special Revenue.....	\$44,763,534	\$44,768,386		
Federal Trust.....	\$1,500,000	\$1,500,000		
TOTAL FOR INDEPENDENT AGENCIES.....			\$569,977,497	\$599,501,870
Nongeneral Fund Positions.....	1,717.00	1,717.00		
Position Level.....	1,717.00	1,717.00		
Fund Sources: General.....	\$1,233,841	\$251,292		
Special.....	\$87,122,214	\$87,126,414		
Enterprise.....	\$340,563,430	\$375,433,200		
Trust and Agency.....	\$89,583,041	\$85,210,191		
Dedicated Special Revenue.....	\$46,624,971	\$46,630,773		
Federal Trust.....	\$4,850,000	\$4,850,000		

ITEM 495.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018

STATE GRANTS TO NONSTATE ENTITIES

§ 1-137. STATE GRANTS TO NONSTATE ENTITIES-NONSTATE AGENCIES (986)

495.	Financial Assistance for Educational, Cultural, Community, and Artistic Affairs (14300).....		\$0	\$0
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Authority: Discretionary Inclusion.

A. Grants provided for in this Item shall be administered by the Department of Historic Resources. As determined by the department, projects of museums and historic sites, as provided for in § 10.1-2211, 10.1-2212, and 10.1-2213 of the Code of Virginia, shall be administered under the provisions of those sections. Others listed in this Item shall be administered under the provisions of § 4-5.05 of this act.

B. Prior to the distribution of any funds, the organization or entity shall make application to the department in a format prescribed by the department. The application shall state whether grant funds provided under this item will be used for purposes of operating support or capital outlay and shall include project and spending plans. Unless otherwise specified in this item, the matching share for grants funded from this Item may be cash or in-kind contributions as requested by the nonstate organization in its application for state grant funds, but must be concurrent with the grant period. The department shall use applicable federal guidelines assessing the value and eligibility of in-kind contributions to be used as matching amounts.

C. The appropriation to those entities in this Item that are marked with an asterisk (*) shall not be subject to the matching requirements of § 4-5.05 of this act.

D. Grants are hereby made to each of the following organizations and entities subject to the conditions set forth in paragraphs A., B., and C. of this Item:

Total for State Grants to Nonstate Entities-Nonstate Agencies.....		\$0	\$0
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TOTAL FOR STATE GRANTS TO NONSTATE ENTITIES.....		\$0	\$0
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TOTAL FOR PART 1: OPERATING EXPENSES.		\$51,849,069,245	\$51,789,153,545
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General Fund Positions.....	52,363.13	52,390.41	
Nongeneral Fund Positions.....	65,475.82	65,628.54	
Position Level.....	117,838.95	118,018.95	

Fund Sources: General.....	\$20,338,739,736	\$20,285,034,855	
Special.....	\$1,763,138,579	\$1,757,904,236	
Higher Education Operating.....	\$8,431,245,202	\$8,519,743,019	
Commonwealth Transportation.....	\$5,448,378,982	\$5,240,920,041	
Enterprise.....	\$1,535,507,524	\$1,616,930,086	
Internal Service.....	\$2,026,774,865	\$2,125,592,321	
Trust and Agency.....	\$2,302,096,776	\$2,133,879,422	
Debt Service.....	\$329,454,313	\$329,792,988	
Dedicated Special Revenue.....	\$1,856,930,489	\$1,850,577,379	
Federal Trust.....	\$7,816,802,779	\$7,928,779,198	

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PART 2: CAPITAL PROJECT EXPENSES

§ 2-0. GENERAL CONDITIONS

A.1. The General Assembly hereby authorizes the capital projects listed in this act. The amounts hereinafter set forth are appropriated to the state agencies named for the indicated capital projects. Amounts so appropriated and amounts reappropriated pursuant to paragraph G of this section shall be available for expenditure during the current biennium, subject to the conditions controlling the expenditures of capital project funds as provided by law. Reappropriated amounts, unless otherwise stated, are limited to the unexpended appropriation balances at the close of the previous biennium, as shown by the records of the Department of Accounts.

2. The Director, Department of Planning and Budget, may transfer appropriations listed in Part 2 of this act from the second year to the first year in accordance with § 4-1.03 a 5 of this act.

B. The five-digit number following the title of a project is the code identification number assigned for the life of the project.

C. Except as herein otherwise expressly provided, appropriations or reappropriations for structures may be used for the purchase of equipment to be used in the structures for which the funds are provided, subject to guidelines prescribed by the Governor.

D. Notwithstanding any other provisions of law, appropriations for capital projects shall be subject to the following:

1. Appropriations or reappropriations of funds made pursuant to this act for planning of capital projects shall not constitute implied approval of construction funds in a future biennium. Funds, other than the reappropriations referred to above, for the preparation of capital project proposals must come from the affected agency's existing resources.

2. No capital project for which appropriations for planning are contained in this act, nor any project for which appropriations for planning have been previously approved, shall be considered for construction funds until preliminary plans and cost estimates are reviewed by the Department of General Services. The purpose of this review is to avoid unnecessary expenditures for each project, in the interest of assuring the overall cost of the project is reasonable in relation to the purpose intended, regardless of discrete design choices.

E.1. Expenditures from Items in this act identified as "Maintenance Reserve" are to be made only for the maintenance of property, plant, and equipment as defined in § 4-4.01c of this act to the extent that funds included in the appropriation to the agency for this purpose in Part 1 of this act are insufficient.

2. Agencies and institutions of higher education can expend up to \$1,500,000 for a single repair or project through the maintenance reserve appropriation. Such expenditures shall be subject to rules and regulations prescribed by the Governor. To the extent an agency or institution of higher education has identified a potential project that exceeds this threshold, the Director, Department of Planning and Budget, can provide exemptions to the threshold as long as the project still meets the definition of a maintenance reserve project as defined by the Department of Planning and Budget.

3. Only facilities supported wholly or in part by the general fund shall utilize general fund maintenance reserve appropriations. Facilities supported entirely by nongeneral funds shall accomplish maintenance through the use of nongeneral funds.

F. Conditions Applicable to Bond Projects

1. The capital projects listed in §§ 2-53 and 2-54 for the indicated agencies and institutions of higher education are hereby authorized and sums from the sources and in the amount indicated are hereby appropriated and reappropriated. The issuance of bonds in a principal amount plus amounts needed to fund issuance costs, reserve funds, and other financing expenses, including capitalized interest for any project listed in §§ 2-53 and 2-54 is hereby authorized.

2. The issuance of bonds for any project listed in § 2-53 is to be separately authorized pursuant to Article X, Section 9 (c), Constitution of Virginia.

3. The issuance of bonds for any project listed in §§ 2-53 or 2-54 shall be authorized pursuant to § 23-19, Code of Virginia.

4. In the event that the cost of any capital project listed in §§ 2-53 and 2-54 shall exceed the amount appropriated therefore, the Director, Department of Planning and Budget, is hereby authorized, upon request of the affected institution, to approve an increase in appropriation authority of not more than ten percent of the amount designated in §§ 2-53 and 2-54 for such project, from any available nongeneral fund revenues, provided that such increase shall not constitute an increase in debt issuance authorization for such capital project. Furthermore, the Director, Department of Planning and Budget, is hereby authorized to approve the expenditure of all interest earnings derived from the investment of bond proceeds in addition to the amount designated in §§ 2-53 and 2-54 for such capital project.

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5. The interest on bonds to be issued for these projects may be subject to inclusion in gross income for federal income tax purposes.

6. Inclusion of a project in this act does not imply a commitment of state funds for temporary construction financing. In the absence of such commitment, the institution may be responsible for securing short-term financing and covering the costs from other sources of funds.

7. In the event that the Treasury Board determines not to finance all or any portion of any project listed in § 2-53 of this act with the issuance of bonds pursuant to Article X, Section 9 (c), Constitution of Virginia, and notwithstanding any provision of law to the contrary, this act shall constitute the approval of the General Assembly to finance all or such portion of such project under the authorization of § 2-54 of this act.

8. The General Assembly further declares and directs that, notwithstanding any other provision of law to the contrary, 50 percent of the proceeds from the sale of surplus real property pursuant to § 2.2-1147 et seq., Code of Virginia, which pertain to the general fund, and which were under the control of an institution of higher education prior to the sale, shall be deposited in a special fund set up on the books of the State Comptroller, which shall be known as the Higher Education Capital Projects Fund. Such sums shall be held in reserve, and may be used, upon appropriation, to pay debt service on bonds for the 21st Century College Program as authorized in Item C-7.10 of Chapter 924 of the Acts of Assembly of 1997.

G. Upon certification by the Director, Department of Planning and Budget, there is hereby reappropriated the appropriations unexpended at the close of the previous biennium for all authorized capital projects which meet any of the following conditions:

1. Construction is in progress.
2. Equipment purchases have been authorized by the Governor but not received.
3. Plans and specifications have been authorized by the Governor but not completed.
4. Obligations were outstanding at the end of the previous biennium.

H. Alternative Financing

1. Any agency or institution of the Commonwealth that would construct, purchase, lease, or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, shall provide a report to the Governor and the Chairmen of the Senate Finance and House Appropriations Committees no less than 30 days prior to entering into such alternative financing agreement. This report shall provide:

- a. a description of the purpose to be achieved by the proposal;
- b. a description of the financing options available, including the alternative financing, which will delineate the revenue streams or client populations pledged or encumbered by the alternative financing;
- c. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the Commonwealth;
- d. an analysis of the alternatives clearly setting out the advantages and disadvantages of each for the clients of the agency or institution; and
- e. a recommendation and planned course of action based on this analysis.

I. Conditions Applicable to Alternative Financing

The following authorizations to construct, purchase, lease or exchange a capital asset by means of an alternative financing mechanism, such as the Public Private Education Infrastructure Act, or similar statutory authority, are continued until revoked:

1. James Madison University

a. Subject to the provisions of this act, the General Assembly authorizes James Madison University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23-19(d)(4), Code of Virginia.

b. The General Assembly authorizes James Madison University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in accordance with the guidelines cited in paragraph 1 of this item. James Madison University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

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c. The General Assembly further authorizes James Madison University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

d. James Madison University is further authorized to convey fee simple title in and to one or more parcels of land to James Madison University Foundation (JMUF), which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

2. Longwood University

a. Subject to the provisions of this act, the General Assembly authorizes Longwood University to enter into a written agreement or agreements with the Longwood University Real Estate Foundation (LUREF) for the development, design, construction and financing of student housing projects, a convocation center, parking, and operational and recreational facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Longwood is further authorized to enter into a written agreement with the LUREF for the support of such student housing, convocation center, parking, and operational and recreational facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes Longwood University to enter into a written agreement with a public or private entity to plan, design, develop, construct, finance, manage and operate a facility or facilities to provide additional student housing and/or operational-related facilities. Longwood University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for the benefit of LUREF will provide construction and/or permanent financing.

d. Longwood University is further authorized to convey fee simple title in and to one or more parcels of land to LUREF, which will develop and use the land for the purpose of developing and establishing residential housing for students and/or faculty and staff, office, retail, athletics, dining, student services, and other auxiliary activities and commercial land use in accordance with the University's Master Plan.

3. Christopher Newport University

a. Subject to the provisions of this act, the General Assembly authorizes Christopher Newport University to enter into, continue, extend or amend written agreements with the Christopher Newport University Educational Foundation (CNUEF) or the Christopher Newport University Real Estate Foundation (CNUREF) in connection with the refinancing of certain housing and office space projects.

b. Christopher Newport University is further authorized to enter into, continue, extend or amend written agreements with CNUEF or CNUREF to support such facilities including agreements to (i) lease all or a portion of such facilities from CNUEF or CNUREF, (ii) include such facilities in the University's building inventory, (iii) manage the operation and maintenance of the facilities, including collection of any rental fees from University students in connection with the use of such facilities, and (iv) otherwise support the activities at such facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligation under any documents or instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

4. Radford University

a. Subject to the provisions of this act, the General Assembly authorizes Radford University, with the approval of the Governor, to explore and evaluate an alternative financing scenario to provide additional parking, student housing, and/or operational related facilities. The project shall be consistent with the guidelines of the Department of General Services and comply with Treasury Board Guidelines issued pursuant to § 23-19(d)(4), Code of Virginia.

b. The General Assembly authorizes Radford University to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional parking, student housing, and/or operational related facilities. The facility or facilities may be located on property owned by the Commonwealth. All project proposals and approvals shall be in

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accordance with the guidelines cited in paragraph 1 of this item. Radford University is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities.

c. The General Assembly further authorizes Radford University to enter into a written agreement with the public or private entity for the support of such parking, student housing, and/or operational related facilities by including the facilities in the University's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students, and/or operations to the facility or facilities in preference to other University facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

5. University of Mary Washington

a. Subject to the provisions of this act, the General Assembly authorizes the University of Mary Washington to enter into a written agreement or agreements with the University of Mary Washington Foundation (UMWF) to support student housing projects and/or operational-related facilities through alternative financing agreements including public-private partnerships.

b. The University of Mary Washington is further authorized to enter into written agreements with UMWF to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's students housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) seek to obtain police power over the student housing as provided by law; and (v) otherwise support the students housing facilities consistent with law, provided that the University's obligation under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

c. The General Assembly further authorizes the University of Mary Washington to enter into a written agreement with a public or private entity to design, construct, and finance a facility or facilities to provide additional student housing and/or operational-related facilities. The facility or facilities may or may not be located on property owned by the Commonwealth. The University of Mary Washington is also authorized to enter into a written agreement with the public or private entity to lease all or a portion of the facilities. The State Treasurer is authorized to make Treasury loans to provide interim financing for planning, construction and other costs of any of the projects. Revenue bonds issued by or for UMWF will provide construction and/or permanent financing.

6. Norfolk State University

a. Subject to the provisions of this act, the General Assembly authorizes Norfolk State University to enter into a written agreement or agreements with a Foundation of the University for the development of one or more student housing projects on or adjacent to campus, subject to the conditions outlined in the Public-Private Education Facilities Infrastructure Act of 2002.

b. Norfolk State University is further authorized to enter into written agreements with a Foundation of the University to support such student housing facilities; the support may include agreements to (i) include the student housing facilities in the University's student housing inventory; (ii) manage the operation and maintenance of the facilities, including collection of rental fees as if those students occupied University-owned housing; (iii) assign students to the facilities in preference to other University-owned facilities; (iv) restrict construction of competing student housing projects; (v) seek to obtain police power over the student housing as provided by law; and (vi) otherwise support the student housing facilities consistent with law, provided that the University shall not be required to take any action that would constitute a breach of the University's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the University or the Commonwealth of Virginia.

7. Northern Virginia Community College - Alexandria Campus

The General Assembly authorizes Northern Virginia Community College, Alexandria Campus to enter into a written agreement either with its affiliated foundation or a private contractor to construct a facility to provide on-campus housing on College land to be leased to said foundation or private contractor for such purposes. Northern Virginia Community College, Alexandria Campus, is also authorized to enter into a written agreement with said foundation or private contractor for the support of such student housing facilities and management of the operation and maintenance of the same.

8. Virginia State University

a. Subject to the provisions of this act, the General Assembly authorizes Virginia State University (University) to enter into a written agreement or agreements with the Virginia State University Foundation (VSUF), Virginia State University Real Estate Foundation (VSUREF), and other entities owned or controlled by the university for the development, design, construction, financing, and management of a mixed-use economic development corridor comprising student housing, parking, and dining facilities through alternative financing agreements including public-private partnerships. The facility or facilities may be located on property owned by the Commonwealth.

b. Virginia State University is further authorized to enter into a written agreement with the VSUREF, VSUF, and other entities owned

Item Details(\$)		Appropriations(\$)	
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or controlled by the university for the support of such a mixed-use economic development corridor comprising student housing, parking, and dining facilities by including these projects in the university's facility inventory and managing their operation and maintenance; by assigning parking authorizations, students and/or operations to the facility or facilities in preference to other university facilities; by restricting construction of competing projects; and by otherwise supporting the facilities consistent with law, provided that the university shall not be required to take any action that would constitute a breach of the university's obligations under any documents or other instruments constituting or securing bonds or other indebtedness of the university or the Commonwealth of Virginia.

9. The following individuals, and members of their immediate family, may not engage in an alternative financing arrangement with any agency or institution of the Commonwealth, where the potential for financial gain, or other factors may cause a conflict of interest:

- a. A member of the agency or institution's governing body;
- b. Any elected or appointed official of the Commonwealth or its agencies and institutions who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement; or
- c. Any elected or appointed official of a participating political subdivision, or authority who has, or reasonably can be assumed to have, a direct influence on the approval of the alternative financing arrangement.

J. Appropriations contained in this act for capital project planning shall be used as specified for each capital project and construction funding for the project shall be considered by the General Assembly after determining that (1) project cost is reasonable; (2) the project remains a highly-ranked capital priority for the Commonwealth; and (3) the project is fully justified from a space and programmatic perspective.

K. Any capital project that has received a supplemental appropriation due to cost overruns must be completed within the revised budget provided. If a project requires an additional supplement, the Governor should also consider reduction in project scope or cancelling the project before requesting additional appropriations. Agencies and institutions with nongeneral funds may bear the costs of additional overruns from nongeneral funds.

L. The Governor shall consider the project life cycle cost that provides the best long-term benefit to the Commonwealth when conducting capital project reviews, design and construction decisions, and project scope changes.

M. No structure, improvement or renovation shall occur on the state property located at the Carillon in Byrd Park in the City of Richmond without the approval of the General Assembly.

N. All agencies of the Commonwealth and institutions of higher education shall provide information and/or use systems and processes in the method and format as directed by the Director, Department of General Services, on behalf of the Six-Year Capital Outlay Plan Advisory Committee, to provide necessary information for state-wide reporting. This requirement shall apply to all projects, including those funded from general and nongeneral fund sources.

O. The Department of General Services, with the cooperation and support of the Workers' Compensation Commission, is hereby directed to manage acquisition or, construction, or leasing under a capital lease of a new headquarters facility for the commission out of such funds appropriated for such purposes by Item C-38.10, Chapter 1, 2014 Special Session I. Upon completion of the new facility, the department shall transfer the existing headquarters facility located at 1000 DMV Drive in Richmond, Virginia to the Science Museum of Virginia.

EXECUTIVE DEPARTMENT

OFFICE OF AGRICULTURE AND FORESTRY

C-1. Omitted.

TOTAL FOR OFFICE OF AGRICULTURE AND FORESTRY	\$0	\$0
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OFFICE OF COMMERCE AND TRADE

§ 2-1. VIRGINIA EMPLOYMENT COMMISSION (182)

C-2.	Maintenance Reserve (14950).....		\$683,000	\$175,000
	Fund Sources: Special.....	\$683,000	\$175,000	
	Total for Virginia Employment Commission.....		\$683,000	\$175,000

ITEM C-2.	Item Details(\$)		Appropriations(\$)	
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Fund Sources: Special.....	\$683,000	\$175,000		
TOTAL FOR OFFICE OF COMMERCE AND TRADE.....			\$683,000	\$175,000
Fund Sources: Special.....	\$683,000	\$175,000		

OFFICE OF EDUCATION

§ 2-2. THE COLLEGE OF WILLIAM AND MARY IN VIRGINIA (204)

C-3.	Improvements: Renovate Dormitories (18218).....			\$2,500,000	\$0
	Fund Sources: Bond Proceeds.....	\$2,500,000	\$0		
C-4.	Improvements: Improve Auxilliary Facilities (18219).....			\$5,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$5,000,000	\$0		
C-5.	Improvements: Improve Athletic Facilities (18220).....			\$5,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$5,000,000	\$0		
	Total for The College of William and Mary in Virginia.....			\$12,500,000	\$0
	Fund Sources: Bond Proceeds.....	\$12,500,000	\$0		

Richard Bland College (241)

C-6.	Improvements: Convert Former Humanities and Social Sciences Building into Student Housing (18222).....			\$2,650,000	\$0
	Fund Sources: Bond Proceeds.....	\$2,650,000	\$0		
	Total for Richard Bland College.....			\$2,650,000	\$0
	Fund Sources: Bond Proceeds.....	\$2,650,000	\$0		

§ 2-3. GEORGE MASON UNIVERSITY (247)

C-7.	Construct/Renovate Robinson Hall, New Academic and Research Facility and Harris Theater Site (18207).....			\$2,582,000	\$0
	Fund Sources: Bond Proceeds.....	\$2,582,000	\$0		
C-8.	New Construction: Construct Utilities Distribution Infrastructure (18208).....			\$25,228,000	\$0
	Fund Sources: Bond Proceeds.....	\$25,228,000	\$0		
C-8.10	Improvements: Renovate and Upgrade Hazel Hall (18252).....			\$3,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$3,000,000	\$0		
C-8.20	New Construction: Construct Basketball Training, Wrestling and Athlete Academic Support Center (18253).....			\$15,500,000	\$0
	Fund Sources: Higher Education Operating.....	\$15,500,000	\$0		
	Total for George Mason University.....			\$46,310,000	\$0
	Fund Sources: Higher Education Operating.....	\$18,500,000	\$0		
	Bond Proceeds.....	\$27,810,000	\$0		

ITEM C-8.20.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
§ 2-4. JAMES MADISON UNIVERSITY (216)					
C-9.	Acquisition: Blanket Property Acquisition (17821)...			\$3,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$3,000,000	\$0		
C-10.	New Construction: Construct East Campus Parking Deck (18231).....			\$40,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$40,000,000	\$0		
C-10.10	New Construction: Construct Phillips Dining Hall Replacement (18249).....			\$35,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$8,400,000	\$0		
	Bond Proceeds.....	\$26,600,000	\$0		
	Total for James Madison University.....			\$78,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$11,400,000	\$0		
	Bond Proceeds.....	\$66,600,000	\$0		
§ 2-5. LONGWOOD UNIVERSITY (214)					
C-11.	Main Reserve Allocation. (12722).....			\$3,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$3,000,000	\$0		
C-12.	Omitted.				
C-13.	Omitted.				
	Total for Longwood University.....			\$3,000,000	\$0
	Fund Sources: Higher Education Operating.....	\$3,000,000	\$0		
§ 2-6. NORFOLK STATE UNIVERSITY (213)					
C-14.	Improvements: Renovate and Upgrade Dormitories (18221).....			\$9,237,000	\$0
	Fund Sources: Bond Proceeds.....	\$9,237,000	\$0		
	Total for Norfolk State University.....			\$9,237,000	\$0
	Fund Sources: Bond Proceeds.....	\$9,237,000	\$0		
§ 2-7. UNIVERSITY OF MARY WASHINGTON (215)					
C-15.	New Construction: Construct New Parking Deck, Phase I (18226).....			\$7,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$7,000,000	\$0		
	Total for University of Mary Washington.....			\$7,000,000	\$0
	Fund Sources: Bond Proceeds.....	\$7,000,000	\$0		
§ 2-8. UNIVERSITY OF VIRGINIA (207)					
C-16.	New Construction: Construct Contemplative Sciences Center (18234).....			\$53,300,000	\$0
	Fund Sources: Higher Education Operating.....	\$53,300,000	\$0		
C-17.	New Construction: Construct Anheuser-Busch Coastal Research Center, Phase II (18235).....			\$6,280,000	\$0

ITEM C-17.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Fund Sources: Higher Education Operating.....	\$6,280,000	\$0		
Total for University of Virginia.....			\$59,580,000	\$0
Fund Sources: Higher Education Operating.....	\$59,580,000	\$0		
§ 2-9. VIRGINIA COMMONWEALTH UNIVERSITY (236)				
C-18. New Construction: Construct New Allied Health Professions Building (18206).....			\$10,800,000	\$0
Fund Sources: Bond Proceeds.....	\$10,800,000	\$0		
C-19. New Construction: Construct School of Engineering Research Expansion (18243).....			\$41,341,000	\$0
Fund Sources: Bond Proceeds.....	\$41,341,000	\$0		
Total for Virginia Commonwealth University.....			\$52,141,000	\$0
Fund Sources: Bond Proceeds.....	\$52,141,000	\$0		
§ 2-10. VIRGINIA COMMUNITY COLLEGE SYSTEM (260)				
C-20. New Construction: Construct Parking Garage, Virginia Western (18223).....			\$14,307,000	\$0
Fund Sources: Bond Proceeds.....	\$14,307,000	\$0		
Total for Virginia Community College System.....			\$14,307,000	\$0
Fund Sources: Bond Proceeds.....	\$14,307,000	\$0		
§ 2-11. VIRGINIA MILITARY INSTITUTE (211)				
C-21. Improvements: Improve Post Infrastructure Phase I, II, and III (18204).....			\$3,380,000	\$0
Fund Sources: Bond Proceeds.....	\$3,380,000	\$0		
Total for Virginia Military Institute.....			\$3,380,000	\$0
Fund Sources: Bond Proceeds.....	\$3,380,000	\$0		
§ 2-12. VIRGINIA POLYTECHNIC INSTITUTE AND STATE UNIVERSITY (208)				
C-22. New Construction: Renovate student health center (18224).....			\$3,071,000	\$0
Fund Sources: Bond Proceeds.....	\$3,071,000	\$0		
Total for Virginia Polytechnic Institute and State University.....			\$3,071,000	\$0
Fund Sources: Bond Proceeds.....	\$3,071,000	\$0		
C-23. Omitted.				
C-24. Omitted.				
TOTAL FOR OFFICE OF EDUCATION.....			\$291,176,000	\$0
Fund Sources: Higher Education Operating.....	\$92,480,000	\$0		
Bond Proceeds.....	\$198,696,000	\$0		

OFFICE OF NATURAL RESOURCES

§ 2-13. DEPARTMENT OF CONSERVATION AND RECREATION (199)

ITEM C-24.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
C-25.	Acquisition: Acquisition of land for State Parks (18236).....			\$1,000,000	\$0
	Fund Sources: Special.....	\$500,000	\$0		
	Federal Trust.....	\$500,000	\$0		
C-26.	Acquisition: Acquisition of land for Natural Area Preserves (18242).....			\$1,000,000	\$0
	Fund Sources: Federal Trust.....	\$1,000,000	\$0		
	Total for Department of Conservation and Recreation.....			\$2,000,000	\$0
	Fund Sources: Special.....	\$500,000	\$0		
	Federal Trust.....	\$1,500,000	\$0		
§ 2-14. DEPARTMENT OF GAME AND INLAND FISHERIES (403)					
C-27.	Maintenance Reserve (13316).....			\$1,900,000	\$1,900,000
	Fund Sources: Dedicated Special Revenue.....	\$1,150,000	\$1,150,000		
	Federal Trust.....	\$750,000	\$750,000		
C-28.	Improvements: Improve Wildlife Management Areas (18103).....			\$1,000,000	\$1,000,000
	Fund Sources: Dedicated Special Revenue.....	\$500,000	\$500,000		
	Federal Trust.....	\$500,000	\$500,000		
C-29.	Acquisition: Acquire Additional Land (18104).....			\$2,000,000	\$2,000,000
	Fund Sources: Dedicated Special Revenue.....	\$500,000	\$500,000		
	Federal Trust.....	\$1,500,000	\$1,500,000		
C-30.	Improvements: Repair and Upgrade Dams to Comply with the Dam Safety Act (18105).....			\$500,000	\$500,000
	Fund Sources: Dedicated Special Revenue.....	\$500,000	\$500,000		
C-31.	Improvements: Improve Boating Access (18106).....			\$1,000,000	\$2,000,000
	Fund Sources: Dedicated Special Revenue.....	\$250,000	\$500,000		
	Federal Trust.....	\$750,000	\$1,500,000		
	Total for Department of Game and Inland Fisheries....			\$6,400,000	\$7,400,000
	Fund Sources: Dedicated Special Revenue.....	\$2,900,000	\$3,150,000		
	Federal Trust.....	\$3,500,000	\$4,250,000		
	TOTAL FOR OFFICE OF NATURAL RESOURCES.....			\$8,400,000	\$7,400,000
	Fund Sources: Special.....	\$500,000	\$0		
	Dedicated Special Revenue.....	\$2,900,000	\$3,150,000		
	Federal Trust.....	\$5,000,000	\$4,250,000		

OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY

§ 2-15. DEPARTMENT OF CORRECTIONS (799)

C-32.	Acquisition: Acquire central office headquarters building (18217).....			\$30,000	\$0
	Fund Sources: Special.....	\$30,000	\$0		

The Department of Corrections is authorized to exercise its option under a capital lease to purchase the office building and adjacent property, including parking lots, located at 6900

ITEM C-32.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Atmore Drive, Richmond, Virginia. All documents relating to the purchase shall be reviewed and approved by the Office of the Attorney General.				
C-33.	Stand-alone Equipment Acquisition: Equip Correctional Center in Culpeper County (18136).....		\$1,740,000	\$0
	Fund Sources: Bond Proceeds.....	\$1,740,000	\$0	
In addition to amounts previously authorized for this project, the Virginia Public Building Authority, pursuant to § 2.2-2263, Code of Virginia, is authorized to issue bonds to supplement the project listed in this Item. The aggregate principal of the supplemental amount shall not exceed \$1,740,000 plus amounts to fund related issuance costs, and other financing costs, in accordance with § 2.2-2263, Code of Virginia.				
Total for Department of Corrections.....			\$1,770,000	\$0
	Fund Sources: Special.....	\$30,000	\$0	
	Bond Proceeds.....	\$1,740,000	\$0	

§ 2-16. DEPARTMENT OF MILITARY AFFAIRS (123)

C-34.	Acquisition: Exchange parcels of land with City of Staunton (18238).....		\$25,000	\$0
	Fund Sources: Dedicated Special Revenue.....	\$25,000	\$0	
The Department of Military Affairs, with the approval of the Governor, as otherwise authorized by law, is authorized to transfer approximately one acre to the city of Staunton in exchange for approximately one acre owned by the city for mutually beneficial boundary changes. The only costs to the department shall be normal closing costs, to include a survey. The Office of the Attorney General shall review and approve all documents associated with the transaction.				
Total for Department of Military Affairs.....			\$25,000	\$0
	Fund Sources: Dedicated Special Revenue.....	\$25,000	\$0	

§ 2-17. DEPARTMENT OF STATE POLICE (156)

C-35.	Acquisition: Exchange Property with the Economic Development Authority of the City of Staunton (18216).....		\$10,000	\$0
	Fund Sources: Special.....	\$10,000	\$0	

A.1. The Virginia Department of State Police, with the approval of the Governor pursuant to Code of Virginia §§ 2.2-1149 and 2.2-1150, is hereby authorized to convey a parcel of real property owned by the Department, located at 1303 Richmond Avenue, Staunton, Virginia, further identified as all the real property acquired by the Department by deed dated November 13, 1964, and recorded in Deed Book 497, Page 531 in the land records of the Circuit Court of Augusta County, containing approximately 0.957 acre, more or less, in exchange for approximately 1.0 acre of real property owned by the Economic Development Authority of the City of Staunton (“EDA”) located at the northeasterly corner of the intersection formed by National Avenue and Valley Center Drive, Staunton, Virginia, to be improved by the EDA as determined necessary by the Department to render the property suitable for use and ready for operation as the Department’s Area 17 Bureau of Criminal Investigations Office. The approximately 1.0 acre of real property with improvements thereto received by the Department shall, as determined by the Department, be of comparable or greater value to the property conveyed by the Department in the exchange.

2. The exchange and all documentation pursuant thereto shall be in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents pursuant to appropriate law and as may be necessary to accomplish the exchange.

ITEM C-35.		Item Details(\$)		Appropriations(\$)	
		First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
	3. Required improvements to the property to be obtained by the Department for a Bureau of Criminal Investigations Area Office shall be completed by the EDA prior to completion of the exchange authorized herein.				
C-35.10	New Construction: Construct Area 12 Office Building (18250).....			\$800,000	\$0
	Fund Sources: General.....	\$800,000	\$0		
	Total for Department of State Police.....			\$810,000	\$0
	Fund Sources: General.....	\$800,000	\$0		
	Special.....	\$10,000	\$0		
	TOTAL FOR OFFICE OF PUBLIC SAFETY AND HOMELAND SECURITY.....			\$2,605,000	\$0
	Fund Sources: General.....	\$800,000	\$0		
	Special.....	\$40,000	\$0		
	Dedicated Special Revenue.....	\$25,000	\$0		
	Bond Proceeds.....	\$1,740,000	\$0		

OFFICE OF TRANSPORTATION

§ 2-18. DEPARTMENT OF MOTOR VEHICLES (154)

C-36.	Maintenance Reserve (15021).....			\$3,726,000	\$0
	Fund Sources: Commonwealth Transportation.....	\$3,726,000	\$0		
C-37.	Acquisition: Acquire South Hill Customer Service Center (18232).....			\$8,700	\$0
	Fund Sources: Commonwealth Transportation.....	\$8,700	\$0		
C-38.	New Construction: Relocate Dumfries Motor Carrier Service Center (18233).....			\$5,041,000	\$0
	Fund Sources: Commonwealth Transportation.....	\$5,041,000	\$0		
	Total for Department of Motor Vehicles.....			\$8,775,700	\$0
	Fund Sources: Commonwealth Transportation.....	\$8,775,700	\$0		

§ 2-19. DEPARTMENT OF TRANSPORTATION (501)

C-39.	Maintenance Reserve (15732).....			\$4,742,000	\$4,742,000
	Fund Sources: Commonwealth Transportation.....	\$4,742,000	\$4,742,000		
C-40.	Improvements: Acquire, Design, Construct and Renovate Facilities at the Central Office (18129).....			\$1,149,000	\$1,149,000
	Fund Sources: Commonwealth Transportation.....	\$1,149,000	\$1,149,000		
C-41.	Improvements: Acquire, Design, Construct and Renovate Agency Facilities (18130).....			\$34,100,000	\$34,780,000
	Fund Sources: Commonwealth Transportation.....	\$34,100,000	\$34,780,000		
	Total for Department of Transportation.....			\$39,991,000	\$40,671,000
	Fund Sources: Commonwealth Transportation.....	\$39,991,000	\$40,671,000		

§ 2-20. VIRGINIA PORT AUTHORITY (407)

C-42.	Maintenance Reserve (13804).....			\$3,000,000	\$3,000,000
	Fund Sources: Commonwealth Transportation.....	\$3,000,000	\$3,000,000		

ITEM C-42.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
C-43. Omitted.				
Total for Virginia Port Authority.....			\$3,000,000	\$3,000,000
Fund Sources: Commonwealth Transportation.....	\$3,000,000	\$3,000,000		
TOTAL FOR OFFICE OF TRANSPORTATION...			\$51,766,700	\$43,671,000
Fund Sources: Commonwealth Transportation.....	\$51,766,700	\$43,671,000		

CENTRAL APPROPRIATIONS

§ 2-21. CENTRAL CAPITAL OUTLAY (949)

C-44. Central Maintenance Reserve (15776).....			\$94,400,000	\$99,900,000
Fund Sources: General.....	\$10,000,000	\$0		
Bond Proceeds.....	\$84,400,000	\$99,900,000		

A.1. A total of \$84,400,000 the first year and \$99,900,000 the second year is hereby authorized for issuance by the Virginia Public Building Authority pursuant to § 2.2-2263 Code of Virginia, or the Virginia College Building Authority pursuant to § 23-30.24 et seq., Code of Virginia, for capital costs of maintenance reserve projects.

2. Out of this appropriation \$10,000,000 the first year from the general fund is designated for capital costs of maintenance reserve projects.

B. The proceeds of such bonds previously authorized in paragraph A.1. and the general fund amounts provided from paragraph A.2. are hereby appropriated for the capital costs of the following maintenance reserve projects:

Agency Name/Code	Project Code	FY 2017	FY 2018
Department of Military Affairs (123)	10893	\$788,692	\$953,057
Department of Emergency Management (127)	15989	\$101,497	\$103,511
The Science Museum of Virginia (146)	13634	\$652,922	\$678,844
Department of State Police (156)	10886	\$583,507	\$645,389
Department of General Services (194)	14260	\$9,365,823	\$9,753,439
Department of Conservation and Recreation (199)	16646	\$2,528,082	\$2,658,290
The Library of Virginia (202)	17423	\$174,363	\$183,117
Wilson Workforce and Rehabilitation Center (203)	10885	\$500,906	\$538,033
The College of William and Mary (204)	12713	\$2,234,469	\$2,452,332
University of Virginia (207)	12704	\$8,232,934	\$8,961,551
Virginia Polytechnic Institute and State University (208)	12707	\$9,038,037	\$9,719,156
Virginia Military Institute (211)	12732	\$1,269,545	\$1,337,439
Virginia State University (212)	12733	\$4,069,015	\$3,225,429
Norfolk State University (213)	12724	\$3,338,158	\$3,442,384
Longwood University (214)	12722	\$1,247,211	\$1,343,291
University of Mary Washington (215)	12723	\$1,161,043	\$1,231,951
James Madison University (216)	12718	\$3,207,676	\$3,472,317
Radford University (217)	12731	\$1,433,590	\$1,541,335

ITEM C-44.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Virginia School for the Deaf and Blind (218)	14082	\$411,322		\$452,130
Old Dominion University (221)	12710	\$2,232,655		\$2,443,093
Virginia Commonwealth University (236)	12708	\$3,897,561		\$4,380,564
Virginia Museum of Fine Arts (238)	13633	\$760,838		\$820,690
Frontier Culture Museum of Virginia (239)	15045	\$527,685		\$536,110
Richard Bland College (241)	12716	\$404,159		\$421,134
Christopher Newport University (242)	12719	\$611,062		\$655,906
University of Virginia's College at Wise (246)	12706	\$476,176		\$516,913
George Mason University (247)	12712	\$3,663,163		\$4,011,694
Virginia Community College System (260)	12611	\$7,092,905		\$7,983,097
Virginia Institute of Marine Science (268)	12331	\$538,273		\$578,436
Eastern Virginia Medical School (274)	18190	\$318,929		\$318,929
Department of Agriculture and Consumer Services (301)	12253	\$1,127,322		\$409,323
Marine Resources Commission (402)	16498	\$100,627		\$101,472
Department of Mines, Minerals, and Energy (409)	13096	\$104,365		\$110,237
Department of Forestry (411)	13986	\$391,932		\$459,067
Gunston Hall (417)	12382	\$370,186		\$173,320
Jamestown-Yorktown Foundation (425)	13605	\$1,627,996		\$1,664,819
Department for the Blind and Vision Impaired (702)	13942	\$369,151		\$381,910
Department of Behavioral Health and Developmental Services (720)	10880	\$5,039,419		\$5,503,387
Department of Juvenile Justice (777)	15081	\$947,902		\$1,038,641
Department of Forensic Science (778)	16320	\$474,155		\$531,269
Department of Corrections (799)	10887	\$10,538,371		\$11,613,681
Institute for Advanced Learning and Research (885)	18044	\$314,890		\$330,120
Department of Veterans Services (912)	17073	\$425,906		\$459,559
Innovation and Entrepreneurship Investment Authority (934)	17943	\$111,550		\$127,090
Roanoke Higher Education Center (935)	17916	\$361,197		\$378,753
Southern Virginia Higher Education Center (937)	18131	\$303,571		\$303,571
New College Institute (938)	18132	\$303,571		\$303,571
Virginia Museum of Natural History (942)	14439	\$314,527		\$329,269
Southwest Virginia Higher Education Center (948)	16499	\$311,164		\$321,380

ITEM C-44.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018
Total		\$94,400,000		\$99,900,000

C. Expenditures for amounts appropriated in this Item are subject to conditions defined in §2-0 E of this act.

D. 1. In order to reduce building operation costs and repay capital investments, agencies and institutions of higher education may give priority to maintenance reserve projects which result in guaranteed savings to the agency or institution pursuant to § 11-34.3, Code of Virginia.

2. Agencies and institutions of higher education may use maintenance reserve funds to finance the following capital costs: to repair or replace damaged or inoperable equipment, components of plant, and utility systems; to correct deficiencies in property and plant required to conform with building and safety codes or those associated with hazardous condition corrections, including asbestos abatement; to correct deficiencies in fire protection, energy conservation and handicapped access; and to address such other physical plant deficiencies as the Director, Department of Planning and Budget may approve. Agencies and institutions of higher education may also use maintenance reserve funds to make other necessary improvements that do not meet the criteria for maintenance reserve funding with the prior approval of the Director, Department of Planning and Budget.

E. 1. The Department of General Services is authorized to use these funds from its maintenance reserve allocation for necessary repairs and improvements in and around Capitol Square for items such as repair and conservation of the historic fence, repair and improvements to the grounds, upkeep and ongoing repairs to the exterior of the Capitol and Bell Tower, and conservation and maintenance of monuments and statues. The use of and allocation of these funds shall be as deemed appropriate by the Director, Department of General Services.

2. Notwithstanding the provisions of § 2.2-1130, Code of Virginia, the Department of General Services shall resume custody, control and supervision of the Virginia War Memorial Carillon. Out of the amounts provided for the Department of General Services (Project Code 14260), the Department shall provide for maintenance and repair of the Virginia War Memorial Carillon. In addition, notwithstanding the provisions of § 2.2-1130, Code of Virginia, any fund balances held by the Department of General Services and new revenues generated by the Department of General Services under the provisions of § 2.2-1130, Code of Virginia, shall be paid to the Department of General Services by the Comptroller and shall be retained by the Department of General Services for the upkeep, maintenance, and improvement of the Virginia War Memorial Carillon for fiscal years 2017 and 2018. No later than August 31, 2017, the Department will prepare an annual maintenance and operation budget, to include needed resources, to maintain and operate the Carillon, report its findings to the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1, 2017, and include its budget and resource needs in a budget request to be considered for funding during the 2018 Session of the General Assembly. No expenses from this item shall be made until the conditions of this paragraph are met.

F.1. The Jamestown-Yorktown Foundation may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this item for the conservation of art and artifacts.

2. The Virginia Museum of Fine Arts may use an amount not to exceed 20 percent of its annual maintenance reserve allocation from this item for the conservation of art works owned by the Museum.

G. The Department of Corrections may use a portion of its annual maintenance reserve allocation to make modifications to correctional facilities needed to enable the agency to meet the requirements of the federal Prison Rape Elimination Act.

H. The Frontier Culture Museum may use its maintenance reserve allocation to pave the loop roads, paths, and parking lots, repair and replace restroom facilities, improve public entrance accessibility, and improve the grounds at the museum.

ITEM C-44.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
I. 1.	Any balances remaining from the maintenance reserve allocation identified in this item for the Jamestown-Yorktown Foundation shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the Jamestown-Yorktown Foundation for the purposes of the maintenance reserve program in the subsequent fiscal year.			
2.	Any balances remaining from the maintenance reserve allocation identified in this item for the Virginia Museum of Fine Arts shall not revert to the general fund at the end of the fiscal year, but shall be brought forward and made available to the Virginia Museum of Fine Arts for the purposes of the maintenance reserve program in the subsequent fiscal year.			
J.	The Jamestown-Yorktown Foundation may utilize its annual maintenance reserve allocation to restore, repair or renew exhibits.			
K.	The Department of Corrections may use up to \$1,500,000 of its annual maintenance reserve allocation to retrofit the correctional facility in Culpeper County that had been used in the past by the Department of Juvenile Justice to house juvenile defenders, but will, effective January 1, 2016, be used to house adult offenders.			
L.	Out of the amounts provided for Virginia State University (Project Code 12733), \$950,000 the first year is designated to replace heating, ventilation, air-conditioning and controls in the M.T. Carter Building.			
M.	Out of the amounts provided for the Department of Agriculture and Consumer Services (Project Code 12253), \$750,000 the first year is designated to install generators in regional laboratories.			
N.	Out of the amounts provided for Gunston Hall (Project Code 12382), \$200,000 the first year is designated for new water lines.			

C-45. Omitted.

C-46. Omitted.

C-47. Omitted.

C-48. Omitted.

C-49. Omitted.

C-50. The provisions of Item C-46.10, Chapter 665, 2015 Acts of Assembly, as it relates to the Advanced Manufacturing Apprentice Academy Center and Regional Centers of Excellence are hereby extended without change for the 2016-2018 Biennium.

C-51. The authorization for the Virginia Public Building Authority to issue bonds for the projects listed below is reduced by the amounts shown. The Director, Department of Planning and Budget, shall reduce the appropriations for the projects accordingly.

Agency Code	Agency Name	Project Code	Amount
799	Department of Corrections	15167	\$121,248
799	Department of Corrections	16105	\$849,365
799	Department of Corrections	16424	\$18,733
799	Department of Corrections	16433	\$61,199
799	Department of Corrections	16991	\$1,516
799	Department of Corrections	16993	\$115,788
799	Department of Corrections	17139	\$134,875
799	Department of Corrections	17607	\$43,424
799	Department of Corrections	17610	\$186,930
799	Department of Corrections	17615	\$157,649
799	Department of Corrections	17620	\$49,723

ITEM C-51.	Item Details(\$)		Appropriations(\$)	
	First Year	Second Year	First Year	Second Year
	FY2017	FY2018	FY2017	FY2018
777	Department of Juvenile Justice	16723		\$11,299,338
777	Department of Juvenile Justice	16979		\$980,214
777	Department of Juvenile Justice	17254		\$997,716
777	Department of Juvenile Justice	17257		\$700,000
777	Department of Juvenile Justice	17602		\$2,200,000
777	Department of Juvenile Justice	17605		\$394,315

C-52. A. George Mason University is hereby granted approval to enter into a capital lease for Potomac Heights Housing, a GMU foundation-owned student apartment building on the Fairfax campus.

B. The Department of General Services is authorized to enter into capital leases as follows:

1. On behalf of the Department of Social Services, to address lease space needs for the Child Support Enforcement District Office, the Regional Administrative Office and the Regional Training Offices in Abingdon.

2. On behalf of the Department of Social Services, to address lease space needs for the Child Support Enforcement District Office and the Child Support Enforcement Regional Offices in Roanoke and Lynchburg.

3. On behalf of the Department of Motor Vehicles, to address lease space needs for a customer service center to replace or renew the lease for the existing facility in Smithfield.

4. On behalf of the Virginia Marine Resources Commission, to address lease space needs for a headquarter facility to replace or renew the lease for the existing facilities in Newport News.

5. On behalf of the Department of Corrections, to address lease space needs for a probation and parole office to replace or renew the lease for the existing facilities in Petersburg.

C-52.10 Improvements: Research Labs and Equipment (18251)..... \$57,500,000 \$0

Fund Sources: Bond Proceeds..... \$57,500,000 \$0

A. Contingent on the passage of House Bill 1343 of the 2016 General Assembly, the Virginia College Building Authority is authorized to issue, pursuant to § 23-304 et seq., Code of Virginia, bonds in the amount of \$57,500,000 the first year, plus amounts to fund related issuance costs and other financing expenses for lab renovations and enhancements and / or research equipment related to higher education research.

B. Out of the amounts appropriated in this item, the project at the University of Virginia to Renovate Space for the Center for Human Therapeutics shall be funded.

Total for Central Capital Outlay..... \$151,900,000 \$99,900,000

Fund Sources: General..... \$10,000,000 \$0

Bond Proceeds..... \$141,900,000 \$99,900,000

§ 2-22. 9(C) REVENUE BONDS (950)

C-53. A.1. This Item authorizes the capital projects listed below to be financed pursuant to Article X, Section 9(c), Constitution of Virginia.

2. The appropriations for said capital projects are contained in the appropriation Items listed below and are subject to the conditions in § 2-0 F of this act.

3. The total amount listed in this Item includes \$40,987,000 in bond proceeds.

Agency Name/ Project Title	Item #	Project Code	Section 9(c) Bonds
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ITEM C-53.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
College of William and Mary (204)				
Renovate Dormitories	C-3	18218		\$2,500,000
Norfolk State University (213)				
Renovate and Upgrade Dormitories	C-14	18221		\$9,237,000
James Madison University (216)				
Construct Phillips Dining Hall	C-10.10	18249		\$26,600,000
Richard Bland College (241)				
Convert Former Humanities and Social Sciences Building into Student Housing	C-6	18222		\$2,650,000
Total for Nongeneral Fund Obligation Bonds 9(c)				\$40,987,000
Total for 9(C) Revenue Bonds.....			\$0	\$0

§ 2-23. 9(D) REVENUE BONDS (951)

- C-54. 1. This Item authorizes the capital projects listed below to be financed pursuant to Article X, Section 9(d), Constitution of Virginia.
2. The appropriations for said capital projects are contained in the appropriation Items listed below and are subject to the conditions in § 2-0 F of this act.
3. The total amount listed in this Item includes \$157,709,000 in bond proceeds.

Agency Name/ Project Title	Item #	Project Code	Section 9(c) Bonds
College of William and Mary (204)			
Improve Auxiliary Facilities	C-4	18219	\$5,000,000
Improve Athletic Facilities	C-5	18220	\$5,000,000
Virginia Polytechnic Institute and State University (208)			
Renovate Student Health Center	C-22	18224	\$3,071,000
Virginia Military Institute (211)			
Improve Post Infrastructure Phases I, II and III	C-21	18204	\$3,380,000
University of Mary Washington (215)			
Construct New Parking Deck, Phase I	C-15	18226	\$7,000,000
James Madison University (216)			
Construct East Campus Parking Deck	C-10	18231	\$40,000,000
Virginia Commonwealth University (236)			
Construct School of Allied Health Professions Building	C-18	18206	\$10,800,000
Construct School of	C-19	18243	\$41,341,000

ITEM C-54.	Item Details(\$)		Appropriations(\$)	
	First Year FY2017	Second Year FY2018	First Year FY2017	Second Year FY2018
Engineering Research Expansion George Mason University (247)				
Construct/Renovate Robinson Hall, New Academic and Research Facility and Harris Theater	C-7	18207	\$2,582,000	
Construct Utilities Distribution Infrastructure	C-8	18208	\$25,228,000	
Virginia Community College System (260)				
Construct Parking Garage, Virginia Western	C-20	18223	\$14,307,000	
Total for Nongeneral Fund Obligation Bonds 9(d)			\$157,709,000	
Total for 9(D) Revenue Bonds.....			\$0	\$0
TOTAL FOR CENTRAL APPROPRIATIONS.....			\$151,900,000	\$99,900,000
Fund Sources: General.....	\$10,000,000	\$0		
Bond Proceeds.....	\$141,900,000	\$99,900,000		
TOTAL FOR PART 2: CAPITAL PROJECT EXPENSES.....			\$506,530,700	\$151,146,000
Fund Sources: General.....	\$10,800,000	\$0		
Special.....	\$1,223,000	\$175,000		
Higher Education Operating.....	\$92,480,000	\$0		
Commonwealth Transportation.....	\$51,766,700	\$43,671,000		
Dedicated Special Revenue.....	\$2,925,000	\$3,150,000		
Federal Trust.....	\$5,000,000	\$4,250,000		
Bond Proceeds.....	\$342,336,000	\$99,900,000		

PART 3: MISCELLANEOUS

§ 3-1.01 INTERFUND TRANSFERS

A.1. In order to reimburse the general fund of the state treasury for expenses herein authorized to be paid therefrom on account of the activities listed below, the State Comptroller shall transfer the sums stated below to the general fund from the nongeneral funds specified, except as noted, on January 1 of each year of the current biennium. Transfers from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of the quarter. The payment for the fourth quarter of each fiscal year shall be made in the month of JunE.

	FY 2017	FY 2018
1. Alcoholic Beverage Control Enterprise Fund (§ 4.1-116, Code of Virginia)		
a) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from Alcoholic Beverage Control gross profits)	\$65,375,769	\$65,375,769
b) For expenses incurred for care, treatment, study and rehabilitation of alcoholics by the Department of Behavioral Health and Developmental Services and other state agencies (from gross wine liter tax collections as specified in § 4.1-234, Code of Virginia)	\$9,141,363	\$9,141,363
2. Forest Products Tax Fund (§ 58.1-1609, Code of Virginia)	\$20,971	\$20,971
For collection by Department of Taxation		
3. Peanut Fund (§3.2-1906, Code of Virginia)	\$2,539	\$2,539
4. For collection by Department of Taxation		
a) Aircraft Sales & Use Tax (§ 58.1-1509, Code of Virginia)	\$43,980	\$43,980
b) Soft Drink Excise Tax	\$1,875	\$1,875
c) Virginia Litter Tax	\$8,151	\$8,151
5. Proceeds of the Tax on Motor Vehicle Fuels		
For inspection of gasoline, diesel fuel and motor oils	\$97,586	\$97,586
6. Virginia Retirement System (Trust and Agency)		
For postage by the Department of the Treasury	\$34,500	\$34,500
7. Department of Alcoholic Beverage Control (Enterprise)		
For services by the:		
a) Auditor of Public Accounts	\$75,521	\$75,521
b) Department of Accounts	\$64,607	\$64,607
c) Department of the Treasury	\$47,628	\$47,628
TOTAL	\$74,914,490	\$74,914,490

2.a. Transfers of net profits from the Alcoholic Beverage Control Enterprise Fund to the general fund shall be made four times a year, and such transfers shall be made within fifty (50) days of the close of each quarter. The transfer of fourth quarter profits shall be estimated and made in the month of June. In the event actual net profits are less than the estimate transferred in June, the difference shall be deducted from the net profits of the next quarter and the resulting sum transferred to the general fund. Distributions to localities shall be made within fifty (50) days of the close of each quarter. Net profits are estimated at \$84,328,070 the first year and \$89,828,070 the second year.

b. Pursuant to § 4.1-116 B, Code of Virginia, the Department of Alcoholic Beverage Control shall notify the State Comptroller of the amount to be deducted quarterly from the net profits for transfer to the reserve fund established by the cited section.

B.1. If any transfer to the general fund required by any subsections of §§ 3-1.01 through 3-6.02 is subsequently determined to be in violation of any federal statute or regulation, or Virginia constitutional requirement, the State Comptroller is hereby directed to reverse such transfer and to return such funds to the affected nongeneral fund account.

2. There is hereby appropriated from the applicable funds such amounts as are required to be refunded to the federal government for

mutually agreeable resolution of internal service fund over-recoveries as identified by the U. S. Department of Health and Human Services' review of the annual Statewide Indirect Cost Allocation Plans.

C. In order to fund such projects for improvement of the Chesapeake Bay and its tributaries as provided in § 58.1-2289 D, Code of Virginia, there is hereby transferred to the general fund of the state treasury the amounts listed below. The Department of Motor Vehicles shall be responsible for effecting the provisions of this paragraph. The amounts listed below shall be transferred on June 30 of each fiscal year.

154	Department of Motor Vehicles	\$7,416,469	\$7,416,469
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D. The provisions of Chapter 6 of Title 58.1, Code of Virginia notwithstanding, the State Comptroller shall transfer to the general fund from the special fund titled "Collections of Local Sales Taxes" a proportionate share of the costs attributable to increased local sales and use tax compliance efforts, the Property Tax Unit, and State Land Evaluation Advisory Committee (SLEAC) services by the Department of Taxation estimated at \$5,511,428 the first year and \$5,511,428 the second year.

E. The State Comptroller shall transfer to the general fund from the Transportation Trust Fund a proportionate share of the costs attributable to increased sales and use tax compliance efforts and revenue forecasting for the Transportation Trust Fund by the Department of Taxation estimated at \$2,783,614 the first year and \$2,783,614 the second year.

F. On or before June 30 of each year, the State Comptroller shall transfer \$12,629,154 the first year and \$12,629,154 the second year to the general fund the following amounts from the agencies and fund sources listed below, for expenses incurred by central service agencies:

Agency Name	Fund Group	FY 2017	FY 2018
Compensation Board (157)	0900	\$61,074	\$61,074
Department of Elections (132)	0200	\$957	\$957
Department of Agriculture & Consumer Services (301)	0200	\$17,482	\$17,482
Department of Agriculture & Consumer Services (301)	0900	\$35,474	\$35,474
Department of Forestry (411)	0200	\$42,081	\$42,081
Department of Forestry (411)	900	\$334	\$334
Department of Housing and Community Develop. (165)	0900	\$269	\$269
Board of Accountancy (226)	0900	\$10,155	\$10,155
Board of Bar Examiners (233)	0200	\$7,587	\$7,587
Department of Labor and Industry (181)	0200	\$10,226	\$10,226
Department of Professional & Occupational Regulations (222)	0200	\$7,650	\$7,650
Department of Professional & Occupational Regulations (222)	0900	\$3,248	\$3,248
Southwest Virginia Higher Ed. Center (948)	0200	\$22,282	\$22,282
Virginia Museum of Fine Arts (238)	0200	\$25,161	\$25,161
Virginia Museum of Fine Arts (238)	0500	\$19,314	\$19,314
Department of Health (601)	0900	\$220,055	\$220,055
Health Insurance Administration (149)	0500	\$425,602	\$425,602
Tobacco Indemnification & Revit. Commission (851)	0900	\$18,714	\$18,714
Virginia for Health Youth Foundation (852)	0900	\$19,464	\$19,464

Department for the Deaf and Hard-Of-Hearing (751)	0200	\$26,440	\$26,440
Department of Behavioral Health and Developmental Services (720)	0200	\$20,612	\$20,612
Department of Health Professions (223)	0900	\$33,161	\$33,161
Department for Aging and Rehabilitative Services (262)	0200	\$61,116	\$61,116
Department for Aging and Rehabilitative Services (262)	0900	\$373	\$373
Virginia College Savings Plan (174)	0500	\$645,854	\$645,854
Supreme Court (111)	0900	\$273,576	\$273,576
Virginia State Bar (117)	0900	\$73,122	\$73,122
Department of Conservation and Recreation (199)	0200	\$182,537	\$182,537
Department of Conservation and Recreation (199)	0900	\$55,954	\$55,954
Department of Game and Inland Fisheries (403)	0900	\$750,436	\$750,436
Marine Resources Commission (402)	0200	\$20,208	\$20,208
Marine Resources Commission (402)	0900	\$10,075	\$10,075
Virginia Museum of Natural History (942)	0200	\$3,930	\$3,930
Alcoholic Beverage Control (999)	0500	\$150	\$150
Department of Criminal Justice Services (140)	0200	\$56,643	\$56,643
Department of Criminal Justice Services (140)	0900	\$71,485	\$71,485
Department of Fire Programs (960)	0200	\$14,376	\$14,376
Department of State Police (156)	0200	\$103,044	\$103,044
Department of Military Affairs (123)	0900	\$8,722	\$8,722
State Corporation Commission (171)	0900	\$7,120	\$7,120
Innovation & Entrepreneurship Investment Authority (934)	0900	\$1,340	\$1,340
Department of Aviation (841)	0400	\$79,004	\$79,004
Department of Rail and Public Transportation (505)	0400	\$675,667	\$675,667
Department of Motor Vehicles (154)	0400	\$3,728,268	\$3,728,268
Department of Transportation (501)	0400	\$4,566,723	\$4,566,723
Motor Vehicle Dealer Board (506)	0200	\$21,061	\$21,061
Virginia Port Authority (407)	0200	\$143,610	\$143,610
Virginia Port Authority (407)	0400	\$47,418	\$47,418

\$12,629,154

\$12,629,154

G.1. The State Comptroller shall transfer to the Lottery Proceeds Fund established pursuant to § 58.1-4022.1, Code of Virginia, an amount estimated at \$561,527,170 the first year and \$541,231,250 the second year, from the Virginia Lottery Fund. The transfer each year shall be made in two parts: (1) on or before January 1 of each year, the State Comptroller shall transfer the balance of the Virginia Lottery Fund for the first five months of the fiscal year and (2) thereafter, the transfer will be made on a monthly basis. Prior to June 20 of each year, the Virginia Lottery Director shall estimate the amount of profits in the Virginia Lottery Fund for the month of June and shall notify the State Comptroller so that the estimated profits can be transferred to the Lottery Proceeds Fund prior to June 22.

2. No later than 10 days after receipt of the annual audit report required by § 58.1-4022.1, Code of Virginia, the State Comptroller shall transfer to the Lottery Proceeds Fund the remaining audited balances of the Virginia Lottery Fund for the prior fiscal year. If such annual audit discloses that the actual revenue is less than the estimate on which the June transfer was based, the State Comptroller shall adjust the next monthly transfer from the Virginia Lottery Fund to account for the difference between the actual revenue and the estimate transferred to the Lottery Proceeds Fund. The State Comptroller shall take all actions necessary to effect the transfers required by this paragraph, notwithstanding the provisions of § 58.1-4022, Code of Virginia. In preparing the Comprehensive Annual Financial Report, the State Comptroller shall report the Lottery Proceeds Fund as specified in § 58.1-4022.1, Code of Virginia.

H.1. The State Treasurer is authorized to charge up to 20 basis points for each nongeneral fund account which he manages and which receives investment income. The assessed fees, which are estimated to generate \$3,000,000 the first year and \$3,000,000 the second year, will be based on a sliding fee structure as determined by the State Treasurer. The amounts shall be paid into the general fund of the state treasury.

2.a. The State Treasurer is authorized to charge institutions of higher education participating in the pooled bond program of the Virginia College Building Authority an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected from the public institutions of higher education, which are estimated to generate \$100,000 the first year and \$100,000 the second year, shall be paid into the general fund of the state treasury.

3. The State Treasurer is authorized to charge agencies, institutions and all other entities that utilize alternative financing structures and require Treasury Board approval, including capital lease arrangements, up to 10 basis points of the amount financed in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected shall be paid into the general fund of the state treasury.

4. The State Treasurer is authorized to charge projects financed under Article X, Section 9(c) of the Constitution of Virginia, an administrative fee of up to 10 basis points of the amount financed for each project in addition to a share of direct costs of issuance as determined by the State Treasurer. Such amounts collected are estimated to generate \$50,000 the first year and \$50,000 the second year, and shall be paid into the general fund of the state treasury.

I. The State Comptroller shall transfer to the general fund of the state treasury 50 percent of the annual reimbursement received from the Manville Property Damage Settlement Trust for the cost of asbestos abatement at state-owned facilities. The balance of the reimbursement shall be transferred to the state agencies that incurred the expense of the asbestos abatement.

J. The State Comptroller shall transfer to the general fund from the Revenue Stabilization Fund in the state treasury any amounts in excess of the limitation specified in § 2.2-1829, Code of Virginia.

K.1. Not later than 30 days after the close of each quarter during the biennium, the State Comptroller shall transfer, notwithstanding the allotment specified in § 58.1-1410, Code of Virginia, funds collected pursuant to § 58.1-1402, Code of Virginia, from the general fund to the Game Protection Fund. This transfer shall not exceed \$4,700,000 the first year and \$4,700,000 the second year.

2. Notwithstanding the provisions of subparagraph K.1. above, the Governor may, at his discretion, direct the State Comptroller to transfer to the Game Protection Fund, any funds collected pursuant to § 58.1-1402, Code of Virginia, that are in excess of the official revenue forecast for such collections.

L.1. On or before June 30 each year, the State Comptroller shall transfer from the general fund to the Family Access to Medical Insurance Security Plan Trust Fund the amount required by § 32.1-352, Code of Virginia. This transfer shall not exceed \$14,065,627 the first year and \$14,065,627 the second year. The State Comptroller shall transfer 90 percent of the yearly estimated amounts to the Trust Fund on July 15 of each year.

2. Notwithstanding any other provision of law, interest earnings shall not be allocated to the Family Access to Medical Insurance Security Plan Trust Fund (agency code 602, fund detail 0903) in either the first year or the second year of the biennium.

M. Not later than thirty days after the close of each quarter during the biennium, the State Comptroller shall transfer to the

Game Protection Fund the general fund revenues collected pursuant to § 58.1-638 E, Code of Virginia. Notwithstanding § 58.1-638 E, this transfer shall not exceed \$13,000,000 the first year and \$13,000,000 the second year.

N.1. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Indemnification and Community Revitalization Fund to the general fund an amount estimated at \$244,268 the first year and \$244,268 the second year. This amount represents the Tobacco Indemnification and Community Revitalization Commission's 50 percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

2. On or before June 30 each year, the State Comptroller shall transfer from the Tobacco Settlement Fund to the general fund an amount estimated at \$48,854 the first year and \$48,854 the second year. This amount represents the Tobacco Settlement Foundation's ten percent proportional share of the Office of the Attorney General's expenses related to the enforcement of the 1998 Tobacco Master Settlement Agreement and § 3.2-4201, Code of Virginia.

O. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$5,089,914 the first year and \$5,089,914 the second year from the Court Debt Collection Program Fund at the Department of Taxation.

P. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$7,400,000 the first year and \$7,400,000 the second year from the Department of Motor Vehicles' Uninsured Motorists Fund. These amounts shall be from the share that would otherwise have been transferred to the State Corporation Commission.

Q. On or before June 30 each year, the State Comptroller shall transfer an amount estimated at \$6,500,000 the first year and an amount estimated at \$6,500,000 the second year to the general fund from the Intensified Drug Enforcement Jurisdictions Fund at the Department of Criminal Justice Services.

R. On or before June 30 each year, the State Comptroller shall transfer to the general fund \$2,464,585 the first year and \$2,464,585 the second year from operating efficiencies to be implemented by the Department of Alcoholic Beverage Control.

S. The State Comptroller shall transfer quarterly, one-half of the revenue received pursuant to § 18.2-270.01, of the Code of Virginia, and consistent with the provisions of § 3-6.03 of this act, to the general fund in an amount not to exceed \$6,055,000 the first year, and \$6,055,000 the second year from the Trauma Center Fund contained in the Department of Health's Financial Assistance for Non Profit Emergency Medical Services Organizations and Localities (40203).

T. On or before June 30 each year, the State Comptroller shall transfer \$600,000 the first year and \$600,000 the second year to the general fund from the Land Preservation Fund (Fund 0216) at the Department of Taxation.

U. Unless prohibited by federal law or regulation or by the Constitution of Virginia and notwithstanding any contrary provision of state law, on June 30 of each fiscal year, the State Comptroller shall transfer to the general fund of the state treasury the cash balance from any nongeneral fund account that has a cash balance of less than \$100. This provision shall not apply to institutions of higher education, bond proceeds, or trust accounts. The State Comptroller shall consult with the Director of the Department of Planning and Budget in implementing this provision and, for just cause, shall have discretion to exclude certain balances from this transfer or to restore certain balances that have been transferred.

V.1. The Brunswick Correctional Center operated by the Department of Corrections shall be sold. The Commonwealth may enter into negotiations with (1) the Virginia Tobacco Indemnification and Community Revitalization Commission, (2) regional local governments, and (3) regional industrial development authorities for the purchase of this property as an economic development site.

2. Notwithstanding the provisions of § 2.2.-1156, Code of Virginia or any other provisions of law, the proceeds of the sale of the Brunswick Correctional Center shall be paid into the general fund.

W. On or before June 30 each year the State Comptroller shall transfer all amounts collected for the fund created pursuant to § 17.1-275.12 of the Code of Virginia, to Items 346, 398, and 423 of this act, for the purposes enumerated in Section 17.1-275.12.

X. On or before June 30 each year, the State Comptroller shall transfer \$7,518,587 the first year and \$7,518,587 the second year to the general fund from the \$2.00 increase in the annual vehicle registration fee from the special emergency medical services fund contained in the Department of Health's Emergency Medical Services Program (40200).

Y. The provisions of Chapter 6.2, Title 58.1, Code of Virginia, notwithstanding, on or before June 30 each year the State Comptroller shall transfer to the general fund from the proceeds of the Virginia Communications Sales and Use Tax (fund 0926), the Department of Taxation's indirect costs of administering this tax estimated at \$134,894 the first year and \$134,894 the second year.

Z. Any amount designated by the State Comptroller from the June 30, 2016, or June 30, 2017, general fund balance for transportation pursuant to § 2.2-1514B., Code of Virginia, is hereby appropriated.

AA. The Department of General Services, with the cooperation and support of the Department of Behavioral Health and Developmental Services, is authorized to sell to Virginia Electric and Power Company, a Virginia corporation d/b/a Dominion Virginia Power, for such consideration as the Governor may approve, a parcel of land containing approximately 15 acres along the

northern property line of Southside Virginia Training Center. After deduction of the expenses incurred by the Department of General Services in the sale of the property, the proceeds of the sale shall be deposited to the Behavioral Health and Developmental Services Trust Fund established pursuant to § 37.2-318, Code of Virginia. Any conveyance shall be approved by the Governor or his designee in the manner set forth in § 2.2-1150, Code of Virginia.

BB. On or before June 30, of each fiscal year, the State Comptroller shall transfer to the State Health Insurance Fund (Fund 0620) the balance from the Special Fund (Fund 0200) at the Department of Human Resource Management. The balance in the Department of Human Resource's Special Fund represents a portion of the payments deposited into the State Health Insurance Fund used to pay the state health insurance program's administrative expenses.

CC. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the proceeds from the sale of the following properties currently owned by the Department of Corrections shall be deposited into the general fund no later than June 30, 2018: Pulaski Correctional Center and White Post Detention and Diversion Center.

DD. The State Comptroller shall deposit an additional \$280,000 to the general fund on or before June 30, 2017, and an additional \$600,000 to the general fund on or before June 30, 2018, from the fees generated by the Firearms Transaction and Concealed Weapons Permit Programs at the Department of State Police.

EE. On or before June 30, 2017 and June 30, 2018 the State Comptroller shall transfer to the general fund \$764,459 the first year and \$797,698 the second year from nongeneral fund balances within the Department of Motor Vehicles representing the savings that will be realized by the Department of Motor Vehicles as a result of the reduction in retirement contributions rates due to the expedited repayment of the deferred contributions which occurred during the 2010-12 biennium.

§ 3-1.02 INTERAGENCY TRANSFERS

The Virginia Department of Transportation shall transfer, from motor fuel tax revenues, \$388,254 the first year and \$388,254 the second year to the Department of General Services for motor fuels testing.

§ 3-1.03 SHORT-TERM ADVANCE TO THE GENERAL FUND FROM NONGENERAL FUNDS

A. To meet the occasional short-term cash needs of the general fund during the course of the year when cumulative year-to-date disbursements exceed temporarily cumulative year-to-date revenue collections, the State Comptroller is authorized to draw cash temporarily from nongeneral fund cash balances deemed to be available, although special dedicated funds related to commodity boards are exempt from this provision. Such cash drawdowns shall be limited to the amounts immediately required by the general fund to meet disbursements made in pursuance of an authorized appropriation. However, the amount of the cash drawdown from any particular nongeneral fund shall be limited to the excess of the cash balance of such fund over the amount otherwise necessary to meet the short-term disbursement requirements of that nongeneral fund. The State Comptroller will ensure that those funds will be replenished in the normal course of business.

B. In the event that nongeneral funds are not sufficient to compensate for the operating cash needs of the general fund, the State Treasurer is authorized to borrow, temporarily, required funds from cash balances within the Transportation Trust Fund, where such trust fund balances, based upon assessments provided by the Commonwealth Transportation Commissioner, are not otherwise needed to meet the short-term disbursement needs of the Transportation Trust Fund, including any debt service and debt coverage needs, over the life of the borrowing. In addition, the State Treasurer shall ensure that such borrowings are consistent with the terms and conditions of all bond documents, if any, that are relevant to the Transportation Trust Fund.

C. The Secretary of Finance, the State Treasurer and the Commonwealth Transportation Commissioner shall jointly agree on the amounts of such interfund borrowings. Such borrowed amounts shall be repaid to the Transportation Trust Fund at the earliest practical time when they are no longer needed to meet short-term cash needs of the general fund, provided, however, that such borrowed amounts shall be repaid within the biennium in which they are borrowed. Interest shall accrue daily at the rate per annum equal to the then current one-year United States Treasury Obligation Note rate.

D. Any temporary loan shall be evidenced by a loan certificate duly executed by the State Treasurer and the Commonwealth Transportation Commissioner specifying the maturity date of such loan and the annual rate of interest. Prepayment of temporary loans shall be without penalty and with interest calculated to such prepayment date. The State Treasurer is authorized to make, at least monthly, interest payments to the Transportation Trust Fund.

§ 3-2.00 WORKING CAPITAL FUNDS AND LINES OF CREDIT

§ 3-2.01 ADVANCES TO WORKING CAPITAL FUNDS

The State Comptroller shall make available to the Virginia Racing Commission, on July 1 of each year, the amount of \$125,000 from the general fund as a temporary cash flow advance, to be repaid by December 30 of each year.

§ 3-2.02 CHARGES AGAINST WORKING CAPITAL FUNDS

The State Comptroller may periodically charge the appropriation of any state agency for the expenses incurred for services

received from any program financed and accounted for by working capital funds. Such charge may be made upon receipt of such documentation as in the opinion of the State Comptroller provides satisfactory evidence of a claim, charge or demand against the appropriations made to any agency. The amounts so charged shall be recorded to the credit of the appropriate working capital fund accounts. In the event any portion of the charge so made shall be disputed, the amount in dispute may be restored to the agency appropriation by direction of the Governor.

§ 3-2.03 LINES OF CREDIT

a. The State Comptroller shall provide lines of credit to the following agencies, not to exceed the amounts shown:

Administration of Health Insurance	\$150,000,000
Department of Accounts, for the Payroll Service Bureau	\$400,000
Department of Accounts, Transfer Payments	\$5,250,000
Department of Alcoholic Beverage Control	\$60,000,000
Department of Corrections, for Virginia Correctional Enterprises	\$1,000,000
Department of Corrections, for Educational Grant Processing	300,000
Department of Emergency Management	\$150,000
Department of Environmental Quality	\$5,000,000
Department of Human Resource Management, for the Workers' Compensation Self Insurance Trust Fund	\$10,000,000
Department of Behavioral Health and Developmental Services	\$30,000,000
Department of Motor Vehicles	\$5,000,000
Department of the Treasury, for the Unclaimed Property Trust Fund	\$5,000,000
Department of the Treasury, for the State Insurance Reserve Trust Fund	\$25,000,000
Virginia Lottery	\$40,000,000
Virginia Information Technologies Agency	\$60,000,000
Virginia Tobacco Settlement Foundation	\$3,000,000
Department of Historic Resources	\$600,000
Department of Fire Programs	\$30,000,000
Compensation Board	\$8,000,000
Department of Conservation and Recreation	\$4,000,000
Department of Military Affairs, for State Active Duty	\$5,000,000
Department of Military Affairs, for Federal Cooperative Agreements	\$21,000,000
Innovation and Entrepreneurship Authority	\$2,500,000

b. The State Comptroller shall execute an agreement with each agency documenting the procedures for the line of credit, including, but not limited to, applicable interest and the method for the drawdown of funds. The provisions of § 4-3.02 b of this act shall not apply to these lines of credit.

c. The State Comptroller, in conjunction with the Departments of General Services and Planning and Budget, shall establish guidelines for agencies and institutions to utilize a line of credit to support fixed and one-time costs associated with implementation of office space consolidation, relocation and/or office space co-location strategies, where such line of credit shall be repaid by the agency or institution based on the cost savings and efficiencies realized by the agency or institution resulting from the consolidation and/or relocation. In such cases the terms of office space consolidation or co-location strategies shall be approved by the Secretary of Administration, in consultation with the Secretary of Finance, as demonstrating cost benefit to the Commonwealth. In no case shall the advances to an agency or institution exceed \$1,000,000 nor the repayment begin more than one year following the implementation or extend beyond a repayment period of seven years.

d. The State Comptroller is hereby authorized to provide lines of credit of up to \$2,500,000 to the Department of Motor Vehicles and up to \$2,500,000 to the Department of State Police to be repaid from revenues provided under the federal government's establishment of Uniform Carrier Registration.

e. The Virginia Lottery is hereby authorized to use its line of credit to meet cash flow needs for operations at any time during the year and to provide cash to the Virginia Lottery Fund to meet the required transfer of estimated lottery profits to the Lottery Proceeds Fund in the month of June, as specified in provisions of § 3-1.01G. of this act. The Virginia Lottery shall repay the line of credit as actual cash flows become available. The Secretary of Finance is authorized to increase the line of credit to the Virginia Lottery if necessary to meet operating needs.

f. The State Comptroller is hereby authorized to provide a line of credit of up to \$200,000 to the Department of Health to cover the actual costs of expanding the availability of vital records through the Department Motor Vehicles to be repaid from administrative processing fees provided under Code of Virginia, § 32.1-273 until such time as the line of credit is repaid.

g. The State Comptroller is hereby authorized to provide a line of credit of up to \$5,000,000 to the Department of Military Affairs to cover the actual costs of responding to State Active Duty. The line of credit will be repaid as the Department of Military Affairs is reimbursed from federal or other funds, other than Department of Military Affairs funds.

h. The Innovation and Entrepreneurship Investment Authority is hereby authorized to use its line of credit to meet cash flow needs at any time during the year in support of operational costs in anticipation of reimbursement of said expenditures from signed contracts and grant awards. The Innovation and Entrepreneurship Investment Authority shall repay the line of credit by June 30 of each fiscal year.

§ 3-3.00 GENERAL FUND DEPOSITS

§ 3-3.01 PAYMENT BY THE STATE TREASURER

The state Treasurer shall transfer an amount estimated at \$2,000 on or before June 30, 2017 and an amount estimated at \$2,000 on or before June 30, 2018, to the general fund from excess 9(c) sinking fund balances.

§ 3-4.00 AUXILIARY ENTERPRISES AND SPONSORED PROGRAMS IN INSTITUTIONS OF HIGHER EDUCATION

§ 3-4.01 AUXILIARY ENTERPRISE INVESTMENT YIELDS

A. The educational and general programs in institutions of higher education shall recover the full indirect cost of auxiliary enterprise programs as certified by institutions of higher education to the Comptroller subject to annual audit by the Auditor of Public accounts. The State Comptroller shall credit those institutions meeting this requirement with the interest earned by the investment of the funds of their auxiliary enterprise programs.

B. No interest shall be credited for that portion of the fund's cash balance that represents any outstanding loans due from the State Treasurer. The provisions of this section shall not apply to the capital projects authorized under Items C-36.21 and C-36.40 of Chapter 924, 1997 Acts of Assembly.

§ 3-5.00 ADJUSTMENTS AND MODIFICATIONS TO TAX COLLECTIONS

§ 3-5.01 RETALIATORY COSTS TO OTHER STATES TAX CREDIT

Notwithstanding any other provision of law, the amount deposited to the Priority Transportation Trust Fund pursuant to § 58.1-2531 shall not be reduced by more than \$266,667 by any refund of the Tax Credit for Retaliatory Costs to Other States available under § 58.1-2510.

§3-5.02 PAYMENT OF AUTO RENTAL TAX TO THE GENERAL FUND

Notwithstanding the provisions of § 58.1-1741, Code of Virginia, or any other provision of law, all revenues resulting from the fee imposed under subdivision A3 of § 58.1-1736, Code of Virginia, shall be deposited into the general fund after the direct costs of administering the fee are recovered by the Department of Taxation.

§ 3-5.03 IMPLEMENTATION OF CHAPTER 3, ACTS OF ASSEMBLY OF 2004, SPECIAL SESSION I

Revenues deposited into the Public Education Standards of Quality/Local Real Estate Property Tax Relief Fund established under § 58.1-638.1 of the Code of Virginia pursuant to enactments of the 2004 Special Session of the General Assembly shall be transferred to the general fund and used to meet the Commonwealth's responsibilities for the Standards of Quality prescribed pursuant to Article VIII, Section 2, of the Constitution of Virginia. The Comptroller shall take all actions necessary to effect such transfers monthly, no later than 10 days following the deposit to the Fund. The amounts transferred shall be distributed to localities as specified in Direct Aid to Public Education's (197), State Education Assistance Programs (17800) of this Act. The estimated amount of such transfers are \$385,109,559 the first year and \$398,609,559 the second year.

§ 3-5.04 RETAIL SALES & USE TAX EXEMPTION FOR INTERNET SERVICE PROVIDERS

Notwithstanding any other provision of law, for purchases made on or after July 1, 2006, any exemption from the retail sales and use tax applicable to production, distribution, and other equipment used to provide Internet-access services by providers of Internet service, as defined in § 58.1-602, Code of Virginia, shall occur as a refund request to the Tax Commissioner. The Tax Commissioner shall develop procedures for such refunds.

§ 3-5.05 DISPOSITION OF EXCESS FEES COLLECTED BY CLERKS OF THE CIRCUIT COURTS

Notwithstanding §§ 15.2-540, 15.2-639, 15.2-848, 17.1-285, and any other provision of law general or special, effective July 1, 2009, the Commonwealth shall be entitled to two-thirds of the excess fees collected by the clerks of the circuit courts as required to be reported under § 17.1-283.

§ 3-5.06 ACCELERATED SALES TAX

A. Notwithstanding any other provision of law, in addition to the amounts required under the provisions of §§58.1-615 and 58.1-616, any dealer as defined by §58.1-612 or direct payment permit holder pursuant to §58.1-624 with taxable sales and purchases of \$1,000,000 or greater for the 12-month period beginning July 1, and ending June 30 of the immediately preceding calendar year, shall be required to make a payment equal to 90 percent of the sales and use tax liability for the previous June. Such tax payments shall be made on or before the 30th day of June, if payments are made by electronic fund transfer, as defined in § 58.1-202.1. If payment is made by other than electronic funds transfer, such payment shall be made on or before the 25th day of June. Every dealer or direct payment holder shall be entitled to a credit for the payment under this section on the return for June of the current year due July 20.

B. The Tax Commissioner may develop guidelines implementing the provisions of this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq.).

C. For purposes of this section, taxable sales or purchases shall be computed without regard to the number of certificates of registration held by the dealer. The provisions of this section shall not apply to persons who are required to file only a Form ST-7, Consumer's Use Tax Return.

D. In lieu of the penalties provided in § 58.1-635, except with respect to fraudulent returns, failure to make a timely payment or full payment of the sales and use tax liability as provided in subsection A shall subject the dealer or direct payment permit holder to a penalty of six percent of the amount of tax underpayment that should have been properly paid to the Tax Commissioner. Interest shall accrue as provided in § 58.1-15. The payment required by this section shall become delinquent on the first day following the due date set forth in this section if not paid.

E. Payments made pursuant to this section shall be made in accordance with procedures established by the Tax Commissioner and shall be considered general fund revenue, except with respect to those revenues required to be distributed under the provisions of §§ 58.1-605, 58.1-606, 58.1-638(A), 58.1-638(G)-(H), 58.1-638.2, and 58.1-638.3 of the Code of Virginia.

F. That the State Comptroller shall make no distribution of the taxes collected pursuant to this section in accordance with §§ 58.1-605, 58.1-606, 58.1-638, 58.1-638.1, 58.1-638.2 and 58.1-638.3 of the Code of Virginia until the Tax Commissioner makes a written certification to the Comptroller certifying the sales and use tax revenues generated pursuant to this section. The Tax Commissioner shall certify the sales and use tax revenues generated as soon as practicable after the sales and use tax revenues have been paid into the state treasury in any month for the preceding month. If the Governor determines on July 31 of each year, that funds are available to transfer such collections in accordance with §§ 58.1-638(B)-(F) and 58.1-638.1, Code of Virginia, he shall direct the State Comptroller to make such allocation. The Secretary of Finance will report the Governor's determination to the Chairman of the House Appropriations and Senate Finance Committees on August 15 of each year.

G.1. Beginning with the tax payment that would be remitted on or before June 25, 2017, if the payment is made by other than electronic fund transfers, and by June 30, 2017, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$10,000,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.

2. Beginning with the tax payment that would be remitted on or before June 25, 2018, if the payment is made by other than electronic fund transfers, and by June 30, 2018, if payments are made by electronic fund transfer, the provisions of § 3-5.08 of Chapter 874, 2010 Acts of Assembly, shall apply only to those dealers or permit holders with taxable sales and purchases of \$25,000,000 or greater for the 12-month period beginning July 1 and ending June 30 of the immediately preceding calendar year.

§ 3-5.07 DISCOUNTS AND ALLOWANCES

A. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation allowed under § 58.1-622, Code of Virginia, shall be suspended for any dealer required to remit the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia, by electronic funds transfer pursuant to § 58.1-202.1, Code of Virginia, and the compensation available to all other dealers shall be limited to the following percentages of the first three percent of the tax levied under §§ 58.1-603 and 58.1-604, Code of Virginia:

Monthly Taxable Sales	Percentage
\$0 to \$62,500	1.6%
\$62,501 to \$208,000	1.2%
\$208,001 and above	0.8%

B. Notwithstanding any other provision of law, effective beginning with the return for June 2010, due July 2010, the compensation available under §§ 58.1-642, 58.1-656, 58.1-1021.03, and 58.1-1730, Code of Virginia, shall be suspended.

C. Beginning with the return for June 2011, due July 2011, the compensation under § 58.1-1021.03 shall be reinstated.

§ 3-5.08 SALES TAX COMMITMENT TO HIGHWAY MAINTENANCE AND OPERATING FUND

The sales and use tax revenue for distribution to the Highway Maintenance and Operating Fund shall be consistent with Chapter 766, 2013 Acts of Assembly.

§ 3-5.09 INTANGIBLE HOLDING COMPANY ADDBACK

Notwithstanding the provisions of § 58.1-402(B)(8), Code of Virginia, for taxable years beginning on and after January 1, 2004:

(i) The exception in § 58.1-402(B)(8)(a)(1) for income that is subject to a tax based on or measured by net income or capital imposed by Virginia, another state, or a foreign government shall be limited and apply only to the portion of such income received by the related member, which portion is attributed to a state or foreign government in which the related member has sufficient nexus to be subject to such taxes; and

(ii) The exception in § 58.1-402(B)(8)(a)(2) for a related member deriving at least one-third of its gross revenues from licensing to unrelated parties shall be limited and apply only to the portion of such income derived from licensing agreements for which the rates and terms are comparable to the rates and terms of agreements that the related member has actually entered into with unrelated entities.

§ 3-5.10 REGIONAL FUELS TAX

Funds collected pursuant to § 58.1-2291 et seq., Code of Virginia, from the additional sales tax on fuel in certain transportation districts under § 58.1-2291 et seq., Code of Virginia, shall be returned to the respective commissions in amounts equivalent to the shares collected in the respective member jurisdictions. However, no funds shall be collected pursuant to § 58.1-2291 et seq., Code of Virginia, from levying the additional sales tax on aviation fuel as that term is defined in § 58.1-2201, Code of Virginia.

§ 3-5.11 DEDUCTION FOR ABLE ACT CONTRIBUTIONS

A. Effective for taxable years beginning on or after January 1, 2016, an individual shall be allowed a deduction from Virginia adjusted gross income as defined in § 58.1-321, Code of Virginia, for the amount contributed during the taxable year to an ABLE savings trust account entered into with the Virginia College Savings Plan pursuant to Chapter 4.9 (§ 23-38.75 et seq.) of Title 23, Code of Virginia. The amount deducted on any individual income tax return in any taxable year shall be limited to \$2,000 per ABLE savings trust account. No deduction shall be allowed pursuant to this section if such contributions are deducted on the contributor's federal income tax return. If the contribution to an ABLE savings trust account exceeds \$2,000 the remainder may be carried forward and subtracted in future taxable years until the ABLE savings trust contribution has been fully deducted; however, in no event shall the amount deducted in any taxable year exceed \$2,000 per ABLE savings trust account.

B. Notwithstanding the statute of limitations on assessments contained in § 58.1-312, Code of Virginia, any deduction taken hereunder shall be subject to recapture in the taxable year or years in which distributions or refunds are made for any reason other than (i) to pay qualified disability expenses, as defined in § 529A of the Internal Revenue Code; or (ii) the beneficiary's death.

C. A contributor to an ABLE savings trust account who has attained age 70 shall not be subject to the limitation that the amount of the deduction not exceed \$2,000 per ABLE savings trust account in any taxable year. Such taxpayer shall be allowed a deduction for the full amount contributed to an ABLE savings trust account, less any amounts previously deducted.

D. The Tax Commissioner shall develop guidelines implementing the provisions of this section, including but not limited to the computation, carryover, and recapture of the deduction provided under this section. Such guidelines shall be exempt from the provisions of the Administrative Process Act (§ 2.2-4000 et seq., Code of Virginia).

§ 3-5.12 RETAIL SALES AND USE TAX EXEMPTION FOR RESEARCH AND DEVELOPMENT

A. Notwithstanding any other provision of law or regulation, and beginning July 1, 2016, the retail sales and use tax exemption provided for in subdivision 5 of § 58.1-609.3 of the Code of Virginia, applicable to tangible personal property purchased or leased for use or consumption directly and exclusively in basic research or research and development in the experimental or laboratory sense, shall apply to such property used in a federally funded research and development center, regardless of whether such property is used by the purchaser, lessee, or another person or entity.

B. Nothing in this section shall be construed to relieve any federally funded research and development center of any liability for retail sales and use tax due for the purchase of tangible personal property pursuant to the law in effect at the time of the purchase.

§ 3-5.13 ADMISSIONS TAX

Notwithstanding the provisions of § 58.1-3818.02, Code of Virginia, or any other provision of law, subject to the execution of a memorandum of understanding between an entertainment venue and the County of Stafford, Stafford County is authorized to

impose a tax on admissions to an entertainment venue located in the county that (i) is licensed to do business in the county for the first time on or after July 1, 2015, and (ii) requires at least 75 acres of land for its operations, and (iii) such land is purchased or leased by the entertainment venue owner on or after June 1, 2015. The tax shall not exceed 10 percent of the amount of charge for admission to any such venue. The provisions of this section shall expire on July 1, 2019 if no entertainment venue exists in Stafford County upon which the tax authorized is imposed.

§ 3-5.14 SUNSET DATES FOR INCOME TAX CREDITS AND SALES AND USE TAX EXEMPTIONS

A. Notwithstanding any other provision of law the General Assembly shall not advance the sunset date on any existing sales tax exemption or tax credit beyond June 30, 2022. Any new sales tax exemption or tax credit enacted by the General Assembly prior to the 2021 regular legislative session shall have a sunset date not later than June 30, 2022. However, this requirement shall not apply to tax exemptions administered by the Department of Taxation under § 58.1-609.11, relating to exemptions for nonprofit entities nor shall it apply to exemptions or tax credits with sunset dates after June 30, 2022, enacted or advanced during the 2016 Session of the General Assembly.

B. By November 1, 2020, the Department of Taxation shall report to every member of the General Assembly and to the Joint Subcommittee to Evaluate Tax Preferences, on the revenue impact of every sales tax exemption and tax credit scheduled to expire on or before June 30, 2022. The report shall include the prior fiscal year's state and local sales tax impact of each expiring sales tax exemption, and the prior fiscal year's general fund revenue impact of each expiring tax credit. The tax credit revenue impact analysis shall be inclusive of credits claimed against any tax imposed under Title 58.1 of the Code of Virginia.

C. The Department shall provide an updated revenue impact report no later than November 1, 2025, and every five years thereafter, for sales tax exemptions and tax credits set to expire within two years following the date of the report. Such reports shall be distributed to every member of the General Assembly and to the Joint Subcommittee to Evaluate Tax Preferences.

§ 3-6.00 ADJUSTMENTS AND MODIFICATIONS TO FEES

§ 3-6.01 RECORDATION TAX FEE

There is hereby assessed a twenty dollar fee on (i) every deed for which the state recordation tax is collected pursuant to §§ 58.1-801 A and 58.1-803, Code of Virginia; and (ii) every certificate of satisfaction admitted under § 55-66.6, Code of Virginia. The revenue generated from fifty percent of such fee shall be deposited to the general fund. The revenue generated from the other fifty percent of such fee shall be deposited to the Virginia Natural Resources Commitment Fund, a subfund of the Virginia Water Quality Improvement Fund, as established in § 10.1-2128.1, Code of Virginia. The funds deposited to this subfund shall be disbursed for the agricultural best management practices cost share program, pursuant to § 10.1 - 2128.1, Code of Virginia.

§ 3-6.02 ANNUAL VEHICLE REGISTRATION FEE (\$4.25 FOR LIFE)

Notwithstanding § 46.2-694 paragraph 13 of the Code of Virginia, the additional fee that shall be charged and collected at the time of registration of each pickup or panel truck and each motor vehicle shall be \$6.25.

§ 3-6.03 DRIVERS LICENSE REINSTATEMENT FEE

Notwithstanding § 46.2-411 of the Code of Virginia, the drivers license reinstatement fee payable to the Trauma Center Fund shall be \$100.

PART 4: GENERAL PROVISIONS
§ 4-0.00 OPERATING POLICIES

§ 4-0.01 OPERATING POLICIES

- a. Each appropriating act of the General Assembly shall be subject to the following provisions and conditions, unless specifically exempt elsewhere in this act.
- b. All appropriations contained in this act, or in any other appropriating act of the General Assembly, are declared to be maximum appropriations and conditional on receipt of revenue.
- c. The Governor, as chief budget officer of the state, shall ensure that the provisions and conditions as set forth in this section are strictly observed.
- d. Public higher education institutions are not subject to the provisions of § 2.2-4800, Code of Virginia, or the provisions of the Department of Accounts' Commonwealth Accounting Policies and Procedures manual (CAPP) topic 20505 with regard to students who are veterans of the United States armed services and National Guard and are in receipt of federal educational benefits under the G.I. Bill. Public higher education shall establish internal procedures for the continued enrollment of such students to include resolution of outstanding accounts receivable.

§ 4-1.00 APPROPRIATIONS

§ 4-1.01 PREREQUISITES FOR PAYMENT

- a. The State Comptroller shall not pay any money out of the state treasury except pursuant to appropriations in this act or in any other act of the General Assembly making an appropriation during the current biennium.
- b. Moneys shall be spent solely for the purposes for which they were appropriated by the General Assembly, except as specifically provided otherwise by § 4-1.03 Appropriation Transfers, § 4-4.01 Capital Projects, or § 4-5.01 a. Settlement of Claims with Individuals. Should the Governor find that moneys are not being spent in accordance with provisions of the act appropriating them, he shall restrain the State Comptroller from making further disbursements, in whole or in part, from said appropriations. Further, should the Auditor of Public Accounts determine that a state or other agency is not spending moneys in accordance with provisions of the act appropriating them, he shall so advise the Governor or other governing authority, the State Comptroller, the Chairman of the Joint Legislative Audit and Review Commission, and Chairmen of the Senate Finance and House Appropriations Committees.
- c. Exclusive of revenues paid into the general fund of the state treasury, all revenues earned or collected by an agency, and contained in an appropriation item to the agency shall be expended first during the fiscal year, prior to the expenditure of any general fund appropriation within that appropriation item, unless prohibited by statute or by the terms and conditions of any gift, grant or donation.

§ 4-1.02 WITHHOLDING OF SPENDING AUTHORITY

- a. For purposes of this subsection, withholding of spending authority is defined as any action pursuant to a budget reduction plan approved by the Governor to address a declared shortfall in budgeted revenue that impedes or limits the ability to spend appropriated moneys, regardless of the mechanism used to effect such withholding.
 - b.1. Changed Expenditure Factors: The Governor is authorized to reduce spending authority, by withholding allotments of appropriations, when expenditure factors, such as enrollments or population in institutions, are smaller than the estimates upon which the appropriation was based. Moneys generated from the withholding action shall not be reallocated for any other purpose, provided the withholding of allotments of appropriations under this provision shall not occur until at least 15 days after the Governor has transmitted a statement of changed factors and intent to withhold moneys to the Chairmen of the House Appropriations and Senate Finance Committees.
 2. Moneys shall not be withheld on the basis of reorganization plans or program evaluations until such plans or evaluations have been specifically presented in writing to the General Assembly at its next regularly scheduled session.
- c. Increased Nongeneral Fund Revenue:
 1. General fund appropriations to any state agency for operating expenses are supplemental to nongeneral fund revenues collected by the agency. To the extent that nongeneral fund revenues collected in a fiscal year exceed the estimate on which the operating budget was based, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an equivalent amount. However, this limitation shall not apply to (a) restricted excess tuition and fees for educational and general programs in the institutions of higher education, as defined in § 4-2.01 c of this act; (b) appropriations

to institutions of higher education designated for fellowships, scholarships and loans; (c) gifts or grants which are made to any state agency for the direct costs of a stipulated project; (d) appropriations to institutions for the mentally ill or intellectually disabled payable from the Behavioral Health and Developmental Services Revenue Fund; and (e) general fund appropriations for highway construction and mass transit. Moneys unallotted under this provision shall not be reallocated for any other purpose.

2. To the degree that new or additional grant funds become available to supplement general fund appropriations for a program, following enactment of an appropriation act, the Governor is authorized to withhold general fund spending authority, by withholding allotments of appropriations, in an amount equivalent to that provided from grant funds, unless such action is prohibited by the original provider of the grant funds. The withholding action shall not include general fund appropriations, which are required to match grant funds. Moneys unallotted under this provision shall not be reallocated for any other purpose.

d. Reduced General Fund Resources:

1. The term "general fund resources" as applied in this subsection includes revenues collected and paid into the general fund of the state treasury during the current biennium, transfers to the general fund of the state treasury during the current biennium, and all unexpended balances brought forward from the previous biennium.

2. In the event that general fund resources are estimated by the Governor to be insufficient to pay in full all general fund appropriations authorized by the General Assembly, the Governor shall, subject to the qualifications herein contained, withhold general fund spending authority, by withholding allotments of appropriations, to prevent any expenditure in excess of the estimated general fund resources available.

3. In making this determination, the Governor shall take into account actual general fund revenue collections for the current fiscal year and the results of a formal written re-estimate of general fund revenues for the current and next biennium, prepared within the previous 90 days, in accordance with the process specified in § 2.2-1503, Code of Virginia. Said re-estimate of general fund revenues shall be communicated to the Chairmen of the Senate Finance, House Appropriations and House Finance Committees, prior to taking action to reduce general fund allotments of appropriations on account of reduced resources.

4.a) In addition to monthly reports on the status of revenue collections relative to the current fiscal year's estimate, the Governor shall provide a written quarterly assessment of the current economic outlook for the remainder of the fiscal year to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

b) Within five business days after the preliminary close of the state accounts at the end of the fiscal year, the State Comptroller shall provide the Governor with the actual total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes for the just-completed fiscal year, with a comparison of such actual totals with the total of such taxes in the official budget estimate for that fiscal year. If that comparison indicates that the total of (1) individual income taxes, (2) corporate income taxes, and (3) sales taxes, as shown on the preliminary close, was one percent or more below the amount of such taxes in the official budget estimate for the just-completed fiscal year, the Governor shall prepare a written re-estimate of general fund revenues for the current biennium and the next biennium in accordance with § 2.2-1503, Code of Virginia, to be reported to the Chairmen of the Senate Finance, House Finance and House Appropriations Committees, not later than September 1 following the close of the fiscal year.

5.a) The Governor shall take no action to withhold allotments until a written plan detailing specific reduction actions approved by the Governor, identified by program and appropriation item, has been presented to the Chairmen of the House Appropriations and Senate Finance Committees. Subsequent modifications to the approved reduction plan also must be submitted to the Chairmen of the House Appropriations and Senate Finance Committees, prior to withholding allotments of appropriations.

b) In addition to the budget reduction plan approved by the Governor, all budget reduction proposals submitted by state agencies to the Governor or the Governor's staff, including but not limited to the Department of Planning and Budget, the Governor's Cabinet secretaries, or the Chief of Staff, whether submitted electronically or otherwise, shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees concurrently with that budget reduction plan.

6. In effecting the reduction of expenditures, the Governor shall not withhold allotments of appropriations for:

a) More than 15 percent cumulatively of the annual general fund appropriation contained in this act for operating expenses of any one state or nonstate agency or institution designated in this act by title, and the exact amount withheld, by state or nonstate agency or institution, shall be reported within five calendar days to the Chairmen of the Senate Finance and House Appropriations Committees. State agencies providing funds directly to grantees named in this act shall not apportion a larger cut to the grantee than the proportional cut apportioned to the agency. Without regard to § 4-5.05 b.4. of this act, the remaining appropriation to the grantee which is not subject to the cut, equal to at least 85 percent of the annual appropriation, shall be made by July 31, or in two equal installments, one payable by July 31 and the other payable by December 31, if the remaining appropriation is less than or equal to \$500,000, except in cases where the normal conditions of the grant dictate a different payment schedule.

b) The payment of principal and interest on the bonded debt or other bonded obligations of the Commonwealth, its agencies and its authorities, or for payment of a legally authorized deficit.

c) The payments for care of graves of Confederate dead.

d) The employer contributions, and employer-paid member contributions, to the Social Security System, Virginia Retirement System, Judicial Retirement System, State Police Officers Retirement System, Virginia Law Officers Retirement System, Optional Retirement Plan for College and University Faculty, Optional Retirement Plan for Political Appointees, Optional Retirement Plan for Superintendents, the Volunteer Service Award Program, the Virginia Retirement System's group life insurance, sickness and disability, and retiree health care credit programs for state employees, state-supported local employees and teachers. If the Virginia Retirement System Board of Trustees approves a contribution rate for a fiscal year that is lower than the rate on which the appropriation was based, or if the United States government approves a Social Security rate that is lower than that in effect for the current budget, the Governor may withhold excess contributions. However, employer and employee paid rates or contributions for health insurance and matching deferred compensation for state employees, state-supported local employees and teachers may not be increased or decreased beyond the amounts approved by the General Assembly. Payments for the employee benefit programs listed in this paragraph may not be delayed beyond the customary billing cycles that have been established by law or policy by the governing board.

e) The payments in fulfillment of any contract awarded for the design, construction and furnishing of any state building.

f) The salary of any state officer for whom the Constitution of Virginia prohibits a change in salary.

g) The salary of any officer or employee in the Executive Department by more than two percent (irrespective of the fund source for payment of salaries and wages); however, the percentage of reduction shall be uniformly applied to all employees within the Executive Department.

h) The appropriation supported by the State Bar Fund, as authorized by § 54.1-3913, Code of Virginia, unless the supporting revenues for such appropriation are estimated to be insufficient to pay the appropriation.

7. The Governor is authorized to withhold specific allotments of appropriations by a uniform percentage, a graduated reduction or on an individual basis, or apply a combination of these actions, in effecting the authorized reduction of expenditures, up to the maximum of 15 percent, as prescribed in subdivision 6a of this subsection.

8. Each nongeneral fund appropriation shall be payable in full only to the extent the nongeneral fund revenues from which the appropriation is payable are estimated to be sufficient. The Governor is authorized to reduce allotments of nongeneral fund appropriations by the amount necessary to ensure that expenditures do not exceed the supporting revenues for such appropriations; however, the Governor shall take no action to reduce allotments of appropriations for major nongeneral fund sources on account of reduced revenues until such time as a formal written re-estimate of revenues for the current and next biennium, prepared in accordance with the process specified in § 2.2-1503, Code of Virginia, has been reported to the Chairmen of the Senate Finance, House Finance, and House Appropriations Committees. For purposes of this subsection, major nongeneral fund sources are defined as Highway Maintenance and Operating Fund and Transportation Trust Fund.

9. Notwithstanding any contrary provisions of law, the Governor is authorized to transfer to the general fund on June 30 of each year of the biennium, or within 20 days from that date, any available unexpended balances in other funds in the state treasury, subject to the following:

a) The Governor shall declare in writing to the Chairmen of the Senate Finance and House Appropriations Committees that a fiscal emergency exists which warrants the transfer of nongeneral funds to the general fund and reports the exact amount of such transfer within five calendar days of the transfer;

b) No such transfer may be made from retirement or other trust accounts, the State Bar Fund as authorized by § 54.1-3913, Code of Virginia, debt service funds, or federal funds; and

c) The Governor shall include for informative purposes, in the first biennial budget he submits subsequent to the transfer, the amount transferred from each account or fund and recommendations for restoring such amounts.

10. The Director, Department of Planning and Budget, shall make available via electronic means a report of spending authority withheld under the provisions of this subsection to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the action to withhold. Said report shall include the amount withheld by agency and appropriation item.

11. If action to withhold allotments of appropriation under this provision is inadequate to eliminate the imbalance between projected general fund resources and appropriations, the Speaker of the House of Delegates and the President pro tempore of the Senate shall be advised in writing by the Governor, so that they may consider requesting a special session of the General Assembly.

§ 4-1.03 APPROPRIATION TRANSFERS

GENERAL

a. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority from one state or other agency to another, to effect the following:

- 1) distribution of amounts budgeted in the central appropriation to agencies, or withdrawal of budgeted amounts from agencies in accordance with specific language in the central appropriation establishing reversion clearing accounts;
- 2) distribution of pass-through grants or other funds held by an agency as fiscal agent;
- 3) correction of errors within this act, where such errors have been identified in writing by the Chairmen of the House Appropriations and Senate Finance Committees;
- 4) proper accounting between fund sources 0100 and 0300 in higher education institutions;
- 5) transfers specifically authorized elsewhere in this act or as specified in the Code of Virginia;
- 6) to supplement capital projects in order to realize efficiencies or provide for cost overruns unrelated to changes in size or scope; or
- 7) to administer a program for another agency or to effect budgeted program purposes approved by the General Assembly, pursuant to a signed agreement between the respective agencies.

b. During any fiscal year, the Director, Department of Planning and Budget, may transfer appropriation authority within an agency to effect proper accounting between fund sources and to effect program purposes approved by the General Assembly, unless specifically provided otherwise in this act or as specified in the Code of Virginia. However, appropriation authority for local aid programs and aid to individuals, with the exception of student financial aid, shall not be transferred elsewhere without advance notice to the Chairmen of the House Appropriations and Senate Finance Committees. Further, any transfers between capital projects shall be made only to realize efficiencies or provide for cost overruns unrelated to changes in size or scope.

c.1. In addition to authority granted elsewhere in this act, the Director, Department of Planning and Budget, may transfer operating appropriations authority among sub-agencies within the Judicial System, the Department of Corrections, and the Department of Behavioral Health and Developmental Services to effect changes in operating expense requirements which may occur during the biennium.

2. The Director, Department of Planning and Budget, may transfer appropriations from the Department of Behavioral Health and Developmental Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided by its institutions and Community Services Boards.

3. The Director, Department of Planning and Budget, may transfer appropriations from the Office of Comprehensive Services to the Department of Medical Assistance Services, consisting of the general fund amounts required to match federal funds for reimbursement of services provided to eligible children.

4. The Director, Department of Planning and Budget, may transfer an appropriation or portion thereof within a state or other agency, or from one such agency to another, to support changes in agency organization, program or responsibility enacted by the General Assembly to be effective during the current biennium.

5. The Director, Department of Planning and Budget, may transfer appropriations from the second year to the first year, with said transfer to be reported in writing to the Chairmen of the Senate Finance and House Appropriations Committees within five calendar days of the transfer, when the expenditure of such funds is required to:

- a) address a threat to life, safety, health or property, or
- b) provide for unbudgeted cost increases for statutorily required services or federally mandated services, in order to continue those services at the present level, or
- c) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or
- d) provide for payments to the beneficiaries of certain public safety officers killed in the line of duty, as authorized in Title 2.2, Chapter 4, Code of Virginia and for payments to the beneficiaries of certain members of the National Guard and United States military reserves killed in action in any armed conflict on or after October 7, 2001, as authorized in § 44-93.1 B., Code of Virginia, or
- e) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in workload such as enrollment, caseload or like factors, or unanticipated costs, or
- f) to address unanticipated business or industrial development opportunities which will benefit the state's economy, provided that any such appropriations be used in a manner consistent with the purposes of the program as originally appropriated.

6. An appropriation transfer shall not occur except through properly executed appropriation transfer documents designed specifically for that purpose, and all transactions effecting appropriation transfers shall be entered in the state's computerized budgeting and accounting systems.

7. The Director, Department of Planning and Budget, may transfer from any other agency, appropriations to supplement any project of the Virginia Public Building Authority authorized by the General Assembly and approved by the Governor. Such capital project shall be transferred to the state agency designated as the managing agency for the Virginia Public Building Authority.

8. In the event of the transition of a city to town status pursuant to the provisions of Chapter 41 of Title 15.2 of the Code of Virginia (§ 15.2-4100 et seq.) or the consolidation of a city and a county into a single city pursuant to the provisions of Chapter 35 of Title 15.2, Code of Virginia (§ 15.2-3500 et seq.) subsequent to July 1, 1999, the provisions of § 15.2-1302 shall govern distributions from state agencies to the county in which the town is situated or to the consolidated city, and the Director, Department of Planning and Budget, is authorized to transfer appropriations or portions thereof within a state agency, or from one such agency to another, if necessary to fulfill the requirements of § 15.2-1302.

§ 4-1.04 APPROPRIATION INCREASES

a. UNAPPROPRIATED NONGENERAL FUNDS:

1. Sale of Surplus Materials:

The Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of credit resulting from the sale of surplus materials under the provisions of § 2.2-1125, Code of Virginia.

2. Insurance Recovery:

The Director, Department of Planning and Budget, shall increase the appropriation authority for any state agency by the amount of the proceeds of an insurance policy or from the State Insurance Reserve Trust Fund, for expenditures as far as may be necessary, to pay for the repair or replacement of lost, damaged or destroyed property, plant or equipment.

3. Gifts, Grants and Other Nongeneral Funds:

a) Subject to § 4-1.02 c, Increased Nongeneral Fund Revenue, and the conditions stated in this section, the Director, Department of Planning and Budget, is hereby authorized to increase the appropriations to any state agency by the amount of the proceeds of donations, gifts, grants or other nongeneral funds paid into the state treasury in excess of such appropriations during a fiscal year. Such appropriations shall be increased only when the expenditure of moneys is authorized elsewhere in this act or is required to:

1) address a threat to life, safety, health or property or

2) provide for unbudgeted increases in costs for services required by statute or services mandated by the federal government, in order to continue those services at the present level or implement compensation adjustments approved by the General Assembly, or

3) provide for payment of overtime salaries and wages, when the obligations for payment of such overtime were incurred during a situation deemed threatening to life, safety, health, or property, or

4) continue a program at the present level of service or at an increased level of service when required to address unanticipated increases in noncredit instruction at institutions of higher education or business and industrial development opportunities which will benefit the state's economy, or

5) participate in a federal or sponsored program provided that the provisions of § 4-5.03 shall also apply to increases in appropriations for additional gifts, grants, and other nongeneral fund revenue which require a general fund match as a condition of their acceptance; or

6) realize cost savings in excess of the additional funds provided, or

7) permit a state agency or institution to use a donation, gift or grant for the purpose intended by the donor, or

8) provide for cost overruns on capital projects and for capital projects authorized under § 4-4.01 m of this act, or

9) address caseload or workload changes in programs approved by the General Assembly.

b) The above conditions shall not apply to donations and gifts to the endowment funds of institutions of higher education.

c) Each state agency and institution shall ensure that its budget estimates include a reasonable estimate of receipts from donations, gifts or other nongeneral fund revenue. The Department of Planning and Budget shall review such estimates and verify their accuracy, as part of the budget planning and review process.

d) No obligation or expenditure shall be made from such funds until a revised operating budget request is approved by the Director, Department of Planning and Budget. Expenditures from any gift, grant or donation shall be in accordance with the purpose for which it was made; however, expenditures for property, plant or equipment, irrespective of fund source, are subject

to the provisions of §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects General, and 4-5.03 b Services and Clients-New Services, of this act.

e) Nothing in this section shall exempt agencies from complying with § 4-2.01 a Solicitation and Acceptance of Donations, Gifts, Grants, and Contracts of this act.

4. Any nongeneral fund cash balance recorded on the books of the Department of Accounts as unexpended on the last day of the fiscal year may be appropriated for use in the succeeding fiscal year with the prior written approval of the Director, Department of Planning and Budget, unless the General Assembly shall have specifically provided otherwise. Revenues deposited to the Virginia Health Care Fund shall be used only as the state share of Medicaid, unless the General Assembly specifically authorizes an alternate use. With regard to the appropriation of other nongeneral fund cash balances, the Director shall make a listing of such transactions available to the public via electronic means no less than ten business days following the approval of the appropriation of any such balance.

5. Reporting:

The Director, Department of Planning and Budget, shall make available via electronic means a report on increases in unappropriated nongeneral funds in accordance with § 4-8.00, Reporting Requirements, or as modified by specific provisions in this subsection.

b. AGRIBUSINESS EQUIPMENT FOR THE DEPARTMENT OF CORRECTIONS

The Director of the Department of Planning and Budget may increase the Department of Corrections appropriation for the purchase of agribusiness equipment or the repair or construction of agribusiness facilities by an amount equal to fifty percent of any annual amounts in excess of fiscal year 1992 deposits to the general fund from agribusiness operations. It is the intent of the General Assembly that appropriation increases for the purposes specified shall not be used to reduce the general fund appropriations for the Department of Corrections.

§ 4-1.05 REVERSION OF APPROPRIATIONS AND REAPPROPRIATIONS

a. GENERAL FUND OPERATING EXPENSE:

1.a) General fund appropriations which remain unexpended on (i) the last day of the previous biennium or (ii) the last day of the first year of the current biennium, shall be reappropriated and allotted for expenditure where required by the Code of Virginia, where necessary for the payment of preexisting obligations for the purchase of goods or services, or where desirable, in the determination of the Governor, to address any of the six conditions listed in § 4-1.03 c.5 of this act or to provide financial incentives to reduce spending to effect current or future cost savings. With the exception of the unexpended general fund appropriations of agencies in the Legislative Department, the Judicial Department, the Independent Agencies, or institutions of higher education, all other such unexpended general fund appropriations unexpended on the last day of the previous biennium or the last day of the first year of the current biennium shall revert to the general fund.

General fund appropriations for agencies in the Legislative Department, the Judicial Department, and the Independent Agencies shall be reappropriated, except as may be specifically provided otherwise by the General Assembly. General fund appropriations shall also be reappropriated for institutions of higher education, subject to § 2.2-5005, Code of Virginia.

2. a. The Governor shall report within five calendar days after completing the reappropriation process to the Chairmen of the Senate Finance and House Appropriations Committees on the reappropriated amounts for each state agency in the Executive Department. He shall provide a preliminary report of reappropriation actions on or before November 1 and a final report on or before December 20 to the Chairmen of the House Appropriations and Senate Finance Committees.

b. The Director, Department of Planning and Budget, may transfer reappropriated amounts within an agency to cover nonrecurring costs.

3. Pursuant to subsection E of § 2.2-1125, Code of Virginia, the determination of compliance by an agency or institution with management standards prescribed by the Governor shall be made by the Secretary of Finance and the Secretary having jurisdiction over the agency or institution, acting jointly.

4. The general fund resources available for appropriation in the first enactment of this act include the reversion of certain unexpended balances in operating appropriations as of June 30 of the prior fiscal year, which were otherwise required to be reappropriated by language in the Appropriation Act.

5. Upon request, the Director, Department of Planning and Budget, shall provide a report to the Chairmen of the House Appropriations and Senate Finance Committees showing the amount reverted for each agency and the total amount of such reversions.

b. NONGENERAL FUND OPERATING EXPENSE:

Based on analysis by the State Comptroller, when any nongeneral fund has had no increases or decreases in fund balances for a period of 24 months, the State Comptroller shall promptly transfer and pay the balance into the fund balance of the general fund. If it

is subsequently determined that an appropriate need warrants repayment of all or a portion of the amount transferred, the Director, Department of Planning and Budget shall include repayment in the next budget bill submitted to the General Assembly. This provision does not apply to funds held in trust by the Commonwealth.

c. CAPITAL PROJECTS:

1. Upon certification by the Director, Department of Planning and Budget, the State Comptroller is hereby authorized to revert to the fund balance of the general fund any portion of the unexpended general fund cash balance and corresponding appropriation or reappropriation for a capital project when the Director determines that such portion is not needed for completion of the project. The State Comptroller may similarly return to the appropriate fund source any part of the unexpended nongeneral fund cash balance and reduce any appropriation or reappropriation which the Director determines is not needed to complete the project.

2. The unexpended general fund cash balance and corresponding appropriation or reappropriation for capital projects shall revert to and become part of the fund balance of the general fund during the current biennium as of the date the Director, Department of Planning and Budget, certifies to the State Comptroller that the project has been completed in accordance with the intent of the appropriation or reappropriation and there are no known unpaid obligations related to the project. The State Comptroller shall return the unexpended nongeneral fund cash balance, if there be any, for such completed project to the source from which said nongeneral funds were obtained. Likewise, he shall revert an equivalent portion of the appropriation or reappropriation of said nongeneral funds.

3. The Director, Department of Planning and Budget, may direct the restoration of any portion of the reverted amount if he shall subsequently verify an unpaid obligation or requirement for completion of the project. In the case of a capital project for which an unexpended cash balance was returned and appropriation or reappropriation was reverted in the prior biennium, he may likewise restore any portion of such amount under the same conditions.

§ 4-1.06 LIMITED ADJUSTMENTS OF APPROPRIATIONS

a. LIMITED CONTINUATION OF APPROPRIATIONS.

Notwithstanding any contrary provision of law, any unexpended balances on the books of the State Comptroller as of the last day of the previous biennium shall be continued in force for such period, not exceeding 10 days from such date, as may be necessary in order to permit payment of any claims, demands or liabilities incurred prior to such date and unpaid at the close of business on such date, and shown by audit in the Department of Accounts to be a just and legal charge, for values received as of the last day of the previous biennium, against such unexpended balances.

b. LIMITATIONS ON CASH DISBURSEMENTS.

Notwithstanding any contrary provision of law, the State Comptroller may begin preparing the accounts of the Commonwealth for each subsequent fiscal year on or about 10 days before the start of such fiscal year. The books will be open only to enter budgetary transactions and transactions that will not require the receipt or disbursement of funds until after June 30. Should an emergency arise, or in years in which July 1 falls on a weekend requiring the processing of transactions on or before June 30, the State Comptroller may, with notification to the Auditor of Public Accounts, authorize the disbursement of funds drawn against appropriations of the subsequent fiscal year, not to exceed the sum of three million dollars (\$3,000,000) from the general fund. This provision does not apply to debt service payments on bonds of the Commonwealth which shall be made in accordance with bond documents, trust indentures, and/or escrow agreements.

§ 4-1.07 ALLOTMENTS

Except when otherwise directed by the Governor within the limits prescribed in §§ 4-1.02 Withholding of Spending Authority, 4-1.03 Appropriation Transfers, and 4-1.04 Appropriation Increases of this act, the Director, Department of Planning and Budget, shall prepare and act upon the allotment of appropriations required by this act, and by § 2.2-1819, Code of Virginia, and the authorizations for rates of pay required by this act. Such allotments and authorizations shall have the same effect as if the personal signature of the Governor were subscribed thereto. This section shall not be construed to prohibit an appeal by the head of any state agency to the Governor for reconsideration of any action taken by the Director, Department of Planning and Budget, under this section.

§ 4-2.00 REVENUES

§ 4-2.01 NONGENERAL FUND REVENUES

a. SOLICITATION AND ACCEPTANCE OF DONATIONS, GIFTS, GRANTS, AND CONTRACTS:

1. No state agency shall solicit or accept any donation, gift, grant, or contract without the written approval of the Governor except under written guidelines issued by the Governor which provide for the solicitation and acceptance of nongeneral funds, except that donations or gifts to the Virginia War Memorial Foundation that are small in size and number and valued at less than \$5,000, such as library items or small display items, may be approved by the Executive Director of the Virginia War

Memorial in consultation with the Secretary of Veterans Affairs and Homeland Security. All other gifts and donations to the Virginia War Memorial Foundation must receive written approval from the Secretary of Veterans Affairs and Homeland Security.

2. The Governor may issue policies in writing for procedures which allow state agencies to solicit and accept nonmonetary donations, gifts, grants, or contracts except that donations, gifts and grants of real property shall be subject to § 4-4.00 of this act and § 2.2-1149, Code of Virginia. This provision shall apply to donations, gifts and grants of real property to endowment funds of institutions of higher education, when such endowment funds are held by the institution in its own name and not by a separately incorporated foundation or corporation.

3. The preceding subdivisions shall not apply to property and equipment acquired and used by a state agency or institution through a lease purchase agreement and subsequently donated to the state agency or institution during or at the expiration of the lease purchase agreement, provided that the lessor is the Virginia College Building Authority.

4. The use of endowment funds for property, plant or equipment for state-owned facilities is subject to §§ 4-2.03 Indirect Costs, 4-4.01 Capital Projects-General and 4-5.03 Services and Clients of this act.

b. HIGHER EDUCATION TUITION AND FEES

1. Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, all nongeneral fund collections by public institutions of higher education, including collections from the sale of dairy and farm products, shall be deposited in the state treasury in accordance with § 2.2-1802, Code of Virginia, and expended by the institutions of higher education in accordance with the appropriations and provisions of this act, provided, however, that this requirement shall not apply to private gifts, endowment funds, or income derived from endowments and gifts.

2. a) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all resident student groups based on, but not limited to, competitive market rates, provided that the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

b) The Boards of Visitors or other governing bodies of institutions of higher education may set tuition and fee charges at levels they deem to be appropriate for all nonresident student groups based on, but not limited to, competitive market rates, provided that: i) the tuition and mandatory educational and general fee rates for nonresident undergraduate and graduate students cover at least 100 percent of the average cost of their education, as calculated through base adequacy guidelines adopted, and periodically amended, by the Joint Subcommittee Studying Higher Education Funding Policies, and ii) the total revenue generated by the collection of tuition and fees from all students is within the nongeneral fund appropriation for educational and general programs provided in this act.

c) For institutions charging nonresident students less than 100 percent of the cost of education, the State Council of Higher Education for Virginia may authorize a phased approach to meeting this requirement, when in its judgment, it would result in annual tuition and fee increases for nonresident students that would discourage their enrollment.

d) The Boards of Visitors or other governing bodies of institutions of higher education shall not increase the current proportion of nonresident undergraduate students if the institution's nonresident undergraduate enrollment exceeds 25 percent. Norfolk State University, Virginia Military Institute, Virginia State University, and two-year public institutions are exempt from this restriction.

3. a) In setting the nongeneral fund appropriation for educational and general programs at the institutions of higher education, the General Assembly shall take into consideration the appropriate student share of costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

b) In determining the appropriate state share of educational costs for resident students, the General Assembly shall seek to cover at least 67 percent of educational costs associated with providing full funding of the base adequacy guidelines referenced in subparagraph 2. b), raising average salaries for teaching and research faculty to the 60th percentile of peer institutions, and other priorities set forth in this act.

4. a) Each institution and the State Council of Higher Education for Virginia shall monitor tuition, fees, and other charges, as well as the mix of resident and nonresident students, to ensure that the primary mission of providing educational opportunities to citizens of Virginia is served, while recognizing the material contributions provided by the presence of nonresident students. The State Council of Higher Education for Virginia shall also develop and enforce uniform guidelines for reporting student enrollments and the domiciliary status of students.

b) The State Council of Higher Education for Virginia shall report to the Governor and the Chairmen of the House Appropriations and Senate Finance Committees no later than August 1 of each year the annual change in total charges for tuition and all required fees approved and allotted by the Board of Visitors. As it deems appropriate, the State Council of Higher Education for Virginia shall provide comparative national, peer, and market data with respect to charges assessed students for tuition and required fees at institutions outside of the Commonwealth.

c) Institutions of higher education are hereby authorized to make the technology service fee authorized in Chapter 1042, 2003 Acts of Assembly, part of ongoing tuition revenue. Such revenues shall continue to be used to supplement technology resources at the institutions of higher education.

d) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, each institution shall work with the State Council of Higher Education for Virginia and the Virginia College Savings Plan to determine appropriate tuition and fee estimates for tuition savings plans.

5. It is the intent of the General Assembly that each institution's combined general and nongeneral fund appropriation within its educational and general program closely approximate the anticipated annual budget each fiscal year.

6. Nonresident graduate students employed by an institution as teaching assistants, research assistants, or graduate assistants and paid at an annual contract rate of \$4,000 or more may be considered resident students for the purposes of charging tuition and fees.

7. The fund source "Higher Education Operating" within educational and general programs for institutions of higher education includes tuition and fee revenues from nonresident students to pay their proportionate share of the amortized cost of the construction of buildings approved by the Commonwealth of Virginia Educational Institutions Bond Act of 1992 and the Commonwealth of Virginia Educational Facilities Bond Act of 2002.

8. a) Except as provided in Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, mandatory fees for purposes other than educational and general programs shall not be increased for Virginia undergraduates beyond five percent annually, excluding requirements for wage, salary, and fringe benefit increases, authorized by the General Assembly. Fee increases required to carry out actions that respond to mandates of federal agencies are also exempt from this provision, provided that a report on the purposes of the amount of the fee increase is submitted to the Chairmen of the House Appropriations and Senate Finance Committees by the institution of higher education at least 30 days prior to the effective date of the fee increase.

b) This restriction shall not apply in the following instances: fee increases directly related to capital projects authorized by the General Assembly; fee increases to support student health services; and other fee increases specifically authorized by the General Assembly.

c) Due to the small mandatory non-educational and general program fees currently assessed students in the Virginia Community College System, increases in any one year of no more than \$15 shall be allowed on a cost-justified case-by-case basis, subject to approval by the State Board for Community Colleges.

9. Any institution of higher education granting new tuition waivers to resident or nonresident students not authorized by the Code of Virginia must absorb the cost of any discretionary waivers.

10. Tuition and fee revenues from nonresident students taking courses through Virginia institutions from the Southern Regional Education Board's Southern Regional Electronic Campus must exceed all direct and indirect costs of providing instruction to those students. Tuition and fee rates to meet this requirement shall be established by the Board of Visitors of the institution.

c. HIGHER EDUCATION PLANNED EXCESS REVENUES:

An institution of higher education, except for those public institutions governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, may generate and retain tuition and fee revenues in excess of those provided in § 4-2.01 b Higher Education Tuition and Fees, subject to the following:

1. Such revenues are identified by language in the appropriations in this act to any such institution.

2. The use of such moneys is fully documented by the institution to the Governor prior to each fiscal year and prior to allotment.

3. The moneys are supplemental to, and not a part of, ongoing expenditure levels for educational and general programs used as the basis for funding in subsequent biennia.

4. The receipt and expenditure of these moneys shall be recorded as restricted funds on the books of the Department of Accounts and shall not revert to the surplus of the general fund at the end of the biennium.

5. Tuition and fee revenues generated by the institution other than as provided herein shall be subject to the provisions of § 4-1.04 a.3 Gifts, Grants, and Other Nongeneral Funds of this act.

§ 4-2.02 GENERAL FUND REVENUE

a. STATE AGENCY PAYMENTS INTO GENERAL FUND:

1. Except as provided in § 4-2.02 a.2., all moneys, fees, taxes, charges and revenues received at any time by the following agencies from the sources indicated shall be paid immediately into the general fund of the state treasury:

a) Marine Resources Commission, from all sources, except:

1) Revenues payable to the Public Oyster Rocks Replenishment Fund established by § 28.2-542, Code of Virginia.

2) Revenue payable to the Virginia Marine Products Fund established by § 3.2-2705, Code of Virginia.

3) Revenue payable to the Virginia Saltwater Recreational Fishing Development Fund established by § 28.2-302.3, Code of Virginia.

4) Revenue payable to the Marine Fishing Improvement Fund established by § 28.2-208, Code of Virginia.

5) Revenue payable to the Marine Habitat and Waterways Improvement Fund established by § 28.2-1206, Code of Virginia.

b1) Department of Labor and Industry, or any other agency, for the administration of the state labor and employment laws under Title 40.1, Code of Virginia.

2) Department of Labor and Industry, from boiler and pressure vessel inspection certificate fees, pursuant to § 40.1-51.15, Code of Virginia.

c) All state institutions for the mentally ill or intellectually disabled, from fees or per diem paid employees for the performance of services for which such payment is made, except for a fee or per diem allowed by statute to a superintendent or staff member of any such institution when summoned as a witness in any court.

d) Secretary of the Commonwealth, from all sources.

e) The Departments of Corrections and Juvenile Justice, as required by law, including revenues from sales of dairy and other farm products.

f) Auditor of Public Accounts, from charges for audits or examinations when the law requires that such costs be borne by the county, city, town, regional government or political subdivision of such governments audited or examined.

g) Department of Education, from repayment of student scholarships and loans, except for the cost of such collections.

h) Department of the Treasury, from the following source:

Fees collected for handling cash and securities deposited with the State Treasurer pursuant to § 46.2-454, Code of Virginia.

i) Attorney General, from recoveries of attorneys' fees and costs of litigation.

j) Department of Social Services, from net revenues received from child support collections after all disbursements are made in accordance with state and federal statutes and regulations, and the state's share of the cost of administering the programs is paid.

k) Department of General Services, from net revenues received from refunds of overpayments of utilities charges in prior fiscal years, after deduction of the cost of collection and any refunds due to the federal government.

l) Without regard to paragraph e) above, the following revenues shall be excluded from the requirement for deposit to the general fund and shall be deposited as follows: (1) payments to Virginia Correctional Enterprises shall be deposited into the Virginia Correctional Enterprises Fund; (2) payments to the Departments of Corrections and Juvenile Justice for work performed by inmates, work release prisoners, probationers or wards, which are intended to cover the expenses of these inmates, work release prisoners, probationers, or wards, shall be retained by the respective agencies for their use; and (3) payments to the Departments of Corrections and Juvenile Justice for work performed by inmates in educational programs shall be retained by the agency to increase vocational training activities and to purchase work tools and work clothes for inmates, upon release.

m) the Department of State Police, from the fees generated by the Firearms Transaction Program Fund, the Concealed Weapons Program, and the Conservator of the Peace Program pursuant to §§ 18.2-308, 18.2-308.2:2 and 19.2-13, Code of Virginia

2. The provisions of § 4-2.02 a.1. State Agency Payments into General Fund shall not apply to proceeds from the sale of surplus materials pursuant to § 2.2-1125, Code of Virginia. However, the State Comptroller is authorized to transfer to the general fund of the state treasury, out of the credits under § 4-1.04 a.1 Unappropriated Nongeneral Funds – Sale of Surplus Materials of this act, sums derived from the sale of materials originally purchased with general fund appropriations. The State Comptroller may authorize similar transfers of the proceeds from the sale of property not subject to § 2.2-1124, Code of Virginia, if said property was originally acquired with general fund appropriations, unless the General Assembly provides otherwise.

n) Without regard to § 4-2.02 a.1 above, payments to the Treasurer of Virginia assessed to insurance companies for the safekeeping and handling of securities or surety bonds deposited as insurance collateral shall be deposited into the Insurance Collateral

Assessment Fund to defray such safekeeping and handling expenses.

b. DEFINITION OF GENERAL FUND REVENUE FOR PERSONAL PROPERTY RELIEF ACT

Notwithstanding any contrary provision of law, for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia, the term general fund revenues, excluding transfers, is defined as (i) all state taxes, including penalties and interest, required and/or authorized to be collected and paid into the general fund of the state treasury pursuant to Title 58.1, Code of Virginia; (ii) permits, fees, licenses, fines, forfeitures, charges for services, and revenue from the use of money and property required and/or authorized to be paid into the general fund of the treasury; and (iii) amounts required to be deposited to the general fund of the state treasury pursuant to § 4-2.02 a.1., of this act. However, in no case shall (i) lump-sum payments, (ii) one-time payments not generated from the normal operation of state government, or (iii) proceeds from the sale of state property or assets be included in the general fund revenue calculations for purposes of subsection C of § 58.1-3524 and subsection B of § 58.1-3536, Code of Virginia.

c. DATE OF RECEIPT OF REVENUES:

All June general fund collections received under Subtitle I of Title 58.1, Code of Virginia, bearing a postmark date or electronic transactions with a settlement or notification date on or before the first business day in July, when June 30 falls on a Saturday or Sunday, shall be considered as June revenue and recorded under guidelines established annually by the Department of Accounts.

d. RECOVERIES BY THE OFFICE OF THE ATTORNEY GENERAL

1. As a condition of the appropriation for Item 59 of this Act, there is hereby created the Disbursement Review Committee (the "Committee"), the members of which are the Attorney General, who shall serve as chairman; two members of the House of Delegates appointed by the Speaker of the House; two members of the Senate appointed by the Chairman of the Senate Committee on Rules; and two members appointed by the Governor.

2. Whenever forfeitures are available for distribution by the Attorney General through programs overseen by either the U.S. Department of Justice Asset Forfeiture Program or the U.S. Treasury Executive Office for Asset Forfeiture, by virtue of the Attorney General's participation on behalf of the Commonwealth or on behalf of an agency of the Commonwealth, the Attorney General shall seek input from the Committee, to the extent permissible under applicable federal law and guidelines, for the preparation of a proposed Distribution Plan (the "Plan") regarding the distribution and use of money or property, or both. If a federal entity must approve the Plan for such distribution or use, or both, and does not approve the Plan submitted by the Attorney General, the Plan may be revised if deemed appropriate and resubmitted to the federal entity for approval following notification of the Committee. If the federal entity approves the original Plan or a revised Plan, the Attorney General shall inform the Committee, and ensure that such money or property, or both, is distributed or used, or both, in a manner that is consistent with the Plan approved by the federal entity. The distribution of any money or property, or both, shall be done in a manner as prescribed by the State Comptroller and consistent with any federal authorization in order to ensure proper accounting on the books of the Commonwealth.

§ 4-2.03 INDIRECT COSTS

a. INDIRECT COST RECOVERIES FROM GRANTS AND CONTRACTS:

Each state agency, including institutions of higher education, which accepts a grant or contract shall recover full statewide and agency indirect costs unless prohibited by the grantor agency or exempted by provisions of this act.

b. AGENCIES OTHER THAN INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by all agencies other than institutions of higher education:

1. The Governor shall include in the recommended nongeneral fund appropriation for each agency in this act the amount which the agency includes in its revenue estimate as an indirect cost recovery. The recommended nongeneral fund appropriations shall reflect the indirect costs in the program incurring the costs.

2. If actual agency indirect cost recoveries exceed the nongeneral fund amount appropriated in this act, the Director, Department of Planning and Budget, is authorized to increase the nongeneral fund appropriation to the agency by the amount of such excess indirect cost recovery. Such increase shall be made in the program incurring the costs.

3. Statewide indirect cost recoveries shall be paid into the general fund of the state treasury, unless the agency is specifically exempted from this requirement by language in this act. Any statewide indirect cost recoveries received by the agency in excess of the exempted sum shall be deposited to the general fund of the state treasury.

c. INSTITUTIONS OF HIGHER EDUCATION:

The following conditions shall apply to indirect cost recoveries received by institutions of higher education:

1. Seventy percent shall be retained by the institution as an appropriation of moneys for the conduct and enhancement of research and research-related requirements. Such moneys may be used for payment of principal of and interest on bonds issued by or for the institution pursuant to § 23-19, Code of Virginia, for any appropriate purpose of the institution, including, but not limited to, the conduct and enhancement of research and research-related requirements.

2. Thirty percent of the indirect cost recoveries for the level of sponsored programs authorized in the appropriations in Part 1 of Chapter 1042 of the Acts of Assembly of 2003, shall be included in the educational and general revenues of the institution to meet administrative costs.

3. Institutions of higher education may retain 100 percent of the indirect cost recoveries related to research grant and contract levels in excess of the levels authorized in Chapter 1042 of the Acts of Assembly of 2003. This provision is included as an additional incentive for increasing externally funded research activities.

d. REPORTS

The Director, Department of Planning and Budget, shall make available via electronic means a report to the Chairmen of the Senate Finance and House Appropriations Committees and the public no later than September 1 of each year on the indirect cost recovery moneys administratively appropriated.

e. REGULATIONS:

The State Comptroller is hereby authorized to issue regulations to carry out the provisions of this subsection, including the establishment of criteria to certify that an agency is in compliance with the provisions of this subsection.

§ 4-3.00 DEFICIT AUTHORIZATION AND TREASURY LOANS

§ 4-3.01 DEFICITS

a. GENERAL:

1. Except as provided in this section no state agency shall incur a deficit. No state agency receiving general fund appropriations under the provisions of this act shall obligate or expend moneys in excess of its general fund appropriations, nor shall it obligate or expend moneys in excess of nongeneral fund revenues that are collected and appropriated.

2. The Governor is authorized to approve deficit funding for a state agency under the following conditions:

a) an unanticipated federal or judicial mandate has been imposed,

b) insufficient moneys are available in the first year of the biennium for start-up of General Assembly-approved action, or

c) delay pending action by the General Assembly at its next legislative session will result in the curtailment of services required by statute or those required by federal mandate or will produce a threat to life, safety, health or property.

d) Such approval by the Governor shall be in writing under the conditions described in § 4-3.02 a Authorized Deficit Loans of this act and shall be promptly communicated to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval.

3. Deficits shall not be authorized for capital projects.

4. The Department of Transportation may obligate funds in excess of the current biennium appropriation for projects of a capital nature not covered by § 4-4.00 Capital Projects, of this act provided such projects a) are delineated in the Virginia Transportation Six-Year Improvement Program, as approved by the Commonwealth Transportation Board; and b) have sufficient cash allocated to each such project to cover projected costs in each year of the Program; and provided that c) sufficient revenues are projected to meet all cash obligations for such projects as well as all other commitments and appropriations approved by the General Assembly in the biennial budget.

b. UNAUTHORIZED DEFICITS: If any agency contravenes any of the prohibitions stated above, thereby incurring an unauthorized deficit, the Governor is hereby directed to withhold approval of such excess obligation or expenditure. Further, there shall be no reimbursement of said excess, nor shall there be any liability or obligation upon the state to make any appropriation hereafter to meet such unauthorized deficit. Further, those members of the governing board of any such agency who shall have voted therefor, or its head if there be no governing board, making any such excess obligation or expenditure shall be personally liable for the full amount of such unauthorized deficit and, at the discretion of the Governor, shall be deemed guilty of neglect of official duty and be subject to removal therefor. Further, the State Comptroller is hereby directed to make public any such unauthorized deficit, and the Director, Department of Planning and Budget, is hereby directed to set out such unauthorized deficits in the next biennium budget. In addition, the Governor is directed to bring this provision of this act to the attention of the members of the governing board of each state agency, or its head if there be no governing board, within two weeks of the date that this act becomes effective. The governing board or the agency head shall execute and return to the Governor a signed acknowledgment of such notification.

c. **TOTAL AUTHORIZED DEFICITS:** The amount which the Governor may authorize, under the provisions of this section during the current biennium, to be expended from loans repayable out of the general fund of the state treasury, for all state agencies, or other agencies combined, in excess of general fund appropriations for the current biennium, shall not exceed one and one-half percent (1 1/2%) of the revenues collected and paid into the general fund of the state treasury as defined in § 4-2.02 b. of this act during the last year of the previous biennium and the first year of the current biennium.

d. The Governor shall report any such authorized and unauthorized deficits to the Chairmen of the House Appropriations and Senate Finance Committees within five calendar days of deficit approval. By August 15 of each year, the Governor shall provide a comprehensive report to the Chairmen of the House Appropriations and Senate Finance Committees detailing all such deficits.

§ 4-3.02 TREASURY LOANS

a. **AUTHORIZED DEFICIT LOANS:** A state agency requesting authorization for deficit spending shall prepare a plan for the Governor's review and approval, specifying appropriate financial, administrative and management actions necessary to eliminate the deficit and to prevent future deficits. If the Governor approves the plan and authorizes a state agency to incur a deficit under the provisions of this section, the amount authorized shall be obtained by the agency by borrowing the authorized amount on such terms and from such sources as may be approved by the Governor. At the close of business on the last day of the current biennium, any unexpended balance of such loan shall be applied toward repayment of the loan, unless such action is contrary to the conditions of the loan approval. The Director, Department of Planning and Budget, shall set forth in the next biennial budget all such loans which require an appropriation for repayment. A copy of the approved plan to eliminate the deficit shall be transmitted to the Chairmen of the House Appropriations and the Senate Finance Committees within five calendar days of approval.

b. **ANTICIPATION LOANS:** Authorization for anticipation loans are limited to the provisions below.

1.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans shall not exceed the amount of the anticipated collections of such revenues and shall be repaid only from such revenues when collected.

b) When the payment of authorized obligations for capital expenses is required prior to the collection of nongeneral fund revenues or proceeds from authorized debt, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds; such loans in anticipation of bond proceeds shall not exceed the amount of the anticipated proceeds from debt authorized by the General Assembly and shall be repaid only from such proceeds when collected.

2. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet the projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed twelve months.

3. Before an anticipation loan for a capital project is authorized, the agency shall develop a plan for financing such capital project; approval of the State Treasurer shall be obtained for all plans to incur authorized debt.

4. Anticipation loans for capital projects shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium.

5. To ensure that such loans are repaid as soon as practical and economical, the Department of Planning and Budget shall monitor the construction and expenditure schedules of all approved capital projects that will be paid for with proceeds from authorized debt and have anticipation loans.

6. Unless otherwise prohibited by federal or state law, the State Treasurer shall charge current market interest rates on anticipation loans made for operating purposes and capital projects subject to the following:

a) Anticipation loans for capital projects for which debt service will be paid with general fund appropriations shall be exempt from interest payments on borrowed balances.

b) Interest payments on anticipation loans for nongeneral fund capital projects or nongeneral fund operating expenses shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan or from the proceeds of authorized debt without the approval of the State Treasurer.

c) **REPORTING:** All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

c. **ANTICIPATION LOANS FOR PROJECTS NOT INCLUDED IN THIS ACT OR FOR PROJECTS AUTHORIZED**

UNDER § 4-4.01M: Authorization for anticipation loans for projects not included in this act or for projects authorized under § 4-4.01 m are limited to the provisions below:

1. Such loans are limited to those projects that shall be repaid from revenues derived from nongeneral fund sources.
- 2.a) When the payment of authorized obligations for operating expenses is required prior to the collection of nongeneral fund revenues, any state agency may borrow from the state treasury the required sum with the prior written approval of the Secretary of Finance or his designee as to the amount, terms, and sources of such funds. Such loans shall not exceed the amount of the anticipated collections of such nongeneral fund revenues and shall be repaid only from such nongeneral fund revenues when collected.
- b) When the payment of obligations for capital expenses for projects authorized under § 4-4.01 m is required prior to the collection of nongeneral fund revenues, any state agency or body corporate and politic, constituting a public corporation and government instrumentality, may borrow from the state treasury the required sums with the prior written approval of the Secretary of Finance or his designee as to the amount, terms and sources of such funds. Such loans shall be repaid only from nongeneral fund revenues associated with the project.
3. Anticipation loans for operating expenses shall be in amounts not greater than the sum identified by the agency as the minimum amount required to meet projected expenditures. The term of any anticipation loans granted for operating expenses shall not exceed 12 months.
4. Before an anticipation loan is provided for a capital project authorized under § 4-4.01 m, the agency shall develop a plan for repayment of such loan and approval of the Director of the Department of Planning and Budget shall be obtained for all such plans and reported to the Chairman of the House Appropriations and Senate Finance Committees.
5. Anticipation loans for capital projects authorized under § 4-4.01 m shall be in amounts not greater than the sum identified by the agency as required to meet the projected expenditures for the project within the current biennium. Such loans shall be repaid only from nongeneral fund revenues associated with the project.
6. The State Treasurer shall charge current market interest rates on anticipation loans made for capital projects authorized under § 4-4.01 m. Interest payments on anticipation loans for nongeneral fund capital projects authorized under § 4-4.01 m shall be made from appropriated nongeneral fund revenues. Such interest shall not be paid with the funds from the anticipation loan without the approval of the Director of the Department of Planning and Budget.
- a) REPORTING: All outstanding loans shall be reported by the Governor to the Chairmen of the House Appropriations and Senate Finance Committees by August 15 of each year. The report shall include a status of the repayment schedule for each loan.

§ 4-3.03 CAPITAL LEASES

a. GENERAL:

1. As part of their capital budget submission, all agencies and institutions of the Commonwealth proposing building projects that may qualify as capital lease agreements, as defined in Generally Accepted Accounting Principles (GAAP), and that may be supported in whole, or in part, from appropriations provided for in this act, shall submit copies of such proposals to the Directors of the Departments of Planning and Budget and General Services, the State Comptroller, and the State Treasurer. The Secretary of Finance may promulgate guidelines for the review and approval of such requests.
2. The proposals shall be submitted in such form as the Secretary of Finance may prescribe. The Comptroller and the Director, Department of General Services shall be responsible for evaluating the proposals to determine if they qualify as capital lease agreements. The State Treasurer shall be responsible for incorporating existing and authorized capital lease agreements in the annual Debt Capacity Advisory Committee reports.

b. APPROVAL OF FINANCINGS:

1. For any project which qualifies as a capital lease, as defined in the preceding subdivisions a 1 and 2, and which is financed through the issuance of securities, the Treasury Board shall approve the terms and structure of such financing pursuant to § 2.2-2416, Code of Virginia.
2. For any project for which costs will exceed \$5,000,000 and which is financed through a capital lease transaction, the Treasury Board shall approve the financing terms and structure of such capital lease in addition to such other reviews and approvals as may be required by law. Prior to consideration by the Treasury Board, the Departments of Accounts, General Services, and Planning and Budget shall notify the Treasury Board upon their approval of any transaction which qualifies as a capital lease under the terms of this section. The State Treasurer shall notify the Chairmen of the House Appropriations and Senate Finance Committees of the action of the Treasury Board as it regards this subdivision within five calendar days of its action.

- c. REPORTS: Not later than December 20 of each year, the Secretary of Finance and the Secretary of Administration shall jointly be responsible for providing the Chairmen of the House Appropriations and Senate Finance Committees with recommendations involving proposed capital lease agreements.

d. This section shall not apply to capital leases that are funded entirely with nongeneral fund revenues and are entered into by public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly. Furthermore, the Department of General Services is authorized to enter into capital leases for executive branch agencies provided that the resulting capital lease is funded entirely with nongeneral funds, is approved based on the requirements of § 4-3.03 b.1 and 2 above, and would not be considered tax supported debt of the Commonwealth.

§ 4-4.00 CAPITAL PROJECTS

§ 4-4.01 GENERAL

a. Definition:

1. Unless defined otherwise, when used in this section, "capital project" or "project" means acquisition of property and new construction and improvements related to state-owned property, plant or equipment (including plans therefor), as the terms "acquisition", "new construction", and "improvements" are defined in the instructions for the preparation of the Executive Budget. "Capital project" or "project" shall also mean any improvements to property leased for use by a state agency, and not owned by the state, when such improvements are financed by public funds, except as hereinafter provided in subdivisions 3 and 4 of this subsection.

2. The provisions of this section are applicable equally to acquisition of property and plant by purchase, gift, or any other means, including the acquisition of property through a lease/purchase contract, regardless of the method of financing or the source of funds. Acquisition of property by lease shall be subject to § 4-3.03 of this act.

3. The provisions of this section shall not apply to property or equipment acquired by lease or improvements to leased property and equipment when the improvements are provided by the lessor pursuant to the terms of the lease and upon expiration of the lease remain the property of the lessor.

4. The provisions of this section shall not apply to property leased by state agencies for the purposes described in §§ 2.2-1151 C and 33.2-1010, Code of Virginia.

b. Notwithstanding any other provisions of law, requests for appropriations for capital projects shall be subject to the following:

1. The agency shall submit a capital project proposal for all requested capital projects. Such proposals shall be submitted to the Director, Department of Planning and Budget, for review and approval in accordance with guidelines prescribed by the director. Projects shall be developed to meet agency functional and space requirements within a cost range comparable to similar public and private sector projects.

2. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, financings for capital projects shall comply, where applicable, with the Treasury Board Guidelines issued pursuant to § 2.2-2416, Code of Virginia, and any subsequent amendments thereto.

3. As part of any request for appropriations for an armory, the Department of Military Affairs shall obtain a written commitment from the host locality to share in the operating expense of the armory.

c. Each agency head shall provide annually to the Director, Department of Planning and Budget, a report on the use of the maintenance reserve appropriation of the agency in Part 2 of this act. In the use of its maintenance reserve appropriation, an agency shall give first priority to the repair or replacement of roof on buildings under control of the agency. The agency head shall certify in the agency's annual maintenance reserve report that to the best of his or her knowledge, all necessary roof repairs have been accomplished or are in the process of being accomplished. Such roof repairs and replacements shall be in accord with the technical requirements of the Commonwealth's Construction and Professional Services Manual.

d. The Department of Planning and Budget shall review its approach to capital outlay planning and budgeting from time to time and make available via electronic means a report of any proposed change to the Chairmen of the House Appropriations and Senate Finance Committees and the public prior to its implementation. Such report shall include an analysis of the impact of the suggested change on affected agencies and institutions.

e. Nothing in §§ 2-0 and 4-4.00 of this act shall be deemed to override the provisions of §§ 2.2-1132 and 62.1-132.6, Code of Virginia, amended by Chapter 488, 1997 Acts of Assembly, relating to Virginia Port Authority capital projects and procurement activities.

f. Legislative Approval: It is the intent of the General Assembly that, with the exceptions noted in this paragraph and paragraph m, all capital projects to be undertaken by agencies of the Commonwealth, including institutions of higher education, shall be pursuant to approvals by the General Assembly as provided in the Six-Year Capital Outlay Plan established pursuant to § 2.2-1515, et seq., Code of Virginia. Otherwise, the consideration of capital projects shall be limited to:

1. Supplementing projects which have been bid and determined to have insufficient funding to be placed under contract, and

2. Projects declared by the Governor or the General Assembly to be of an emergency nature, which may avoid an increase in cost or otherwise result in a measurable benefit to the state, and/or which are required for the continued use of existing facilities.

3. This paragraph does not prohibit the initiation of projects authorized by § 4-4.01 m hereof, or projects included under the central appropriations for capital project expenses in this act.

g. Preliminary Requirements: In regard to each capital project for which appropriation or reappropriation is made pursuant to this act, or which is hereafter considered by the Governor for inclusion in the Executive Budget, or which is offered as a gift or is considered for purchase, the Governor is hereby required: (1) to determine the urgency of its need, as compared with the need for other capital projects as herein authorized, or hereafter considered; (2) to determine whether the proposed plans and specifications for each capital project are suitable and adequate, and whether they involve expenditures which are excessive for the purposes intended; (3) to determine whether labor, materials, and other requirements, if any, needed for the acquisition or construction of such project can and will be obtained at reasonable cost; and (4) to determine whether or not the project conforms to a site or master plan approved by the agency head or board of visitors of an institution of higher education for a program approved by the General Assembly.

h. Initiation Generally:

1. No architectural or engineering planning for, or construction of, or purchase of any capital project shall be commenced or revised without the prior written approval of the Governor or his designee.

2. The requirements of § 10.1-1190, Code of Virginia, shall be met prior to the release of funds for a major state project, provided, however, that the Governor or his designee is authorized to release from any appropriation for a major state project made pursuant to this act such sum or sums as may be necessary to pay for the preparation of the environmental impact report required by § 10.1-1188, Code of Virginia.

3. The Governor, at his discretion, or his designee may release from any capital project appropriation or reappropriation made pursuant to this act such sum (or sums) as may be necessary to pay for the preparation of plans and specifications by architects and engineers, provided that the estimated cost of the construction covered by such drawings and specifications does not exceed the appropriation therefor; provided, further, however, that the architectural and engineering fees paid on completion of the preliminary design for any such project may be based on such estimated costs as may be approved by the Governor in writing, where it is shown to the satisfaction of the Governor that higher costs of labor or material, or both, or other unforeseen conditions, have made the appropriation inadequate for the completion of the project for which the appropriation was made, and where in the judgment of the Governor such changed conditions justify the payment of architectural or engineering fees based on costs exceeding the appropriation.

4. Architectural or engineering contracts shall not be awarded in perpetuity for capital projects at any state institution, agency or activity.

i. Capital Projects Financed with Bonds: Capital projects proposed to be financed with (i) 9 (c) general obligation bonds or (ii) 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the agency or institution, shall be reviewed as follows:

1. By August 15 of each year, requests for inclusion in the Executive Budget of capital projects to be financed with 9(c) general obligation bonds shall be submitted to the State Treasurer for evaluation of financial feasibility. Submission shall be in accordance with the instructions prescribed by the State Treasurer. The State Treasurer shall distribute copies of financial feasibility studies to the Director, Department of Planning and Budget, the Secretary for the submitting agency or institution, the Chairmen of the House Appropriations and Senate Finance Committees, and the Director, State Council of Higher Education for Virginia, if the project is requested by an institution of higher education.

2. By August 15 of each year, institutions shall also prepare and submit copies of financial feasibility studies to the State Council of Higher Education for Virginia for 9(d) obligations where debt service is expected to be paid from project revenues or revenues of the institution. The State Council of Higher Education for Virginia shall identify the impact of all projects requested by the institutions of higher education, and as described in § 4-4.01 j.1. of this act, on the current and projected cost to students in institutions of higher education and the impact of the project on the institution's need for student financial assistance. The State Council of Higher Education for Virginia shall report such information to the Secretary of Finance and the Chairmen of the House Appropriations and Senate Finance Committees no later than October 1 of each year.

3. Prior to the issuance of debt for 9(c) general obligation projects, when more than one year has elapsed since the review of financial feasibility specified in § 4-4.01 j 1 above, an updated feasibility study shall be prepared by the agency and reviewed by the State Treasurer prior to requesting the Governor's Opinion of Financial Feasibility required under Article X, Section 9 (c), of the Constitution of Virginia.

j. Transfers to supplement capital projects from nongeneral funds may be made under the conditions set forth in §§ 4-1.03 a, 4-1.04 a.3, and 4-4.01 m of this act.

k.1. Change in Size and Scope: Unless otherwise provided by law, the scope, which is the function or intended use, of any capital

project may not be substantively changed, nor its size increased or decreased by more than five percent in size beyond the plans and justification which were the basis for the appropriation or reappropriation in this act or for the Governor's authorization pursuant to § 4-4.01 m of this act. However, this prohibition is not applicable to changes in size and scope required because of circumstances determined by the Governor to be an emergency, or requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. Furthermore, this prohibition shall not apply to minor increases, beyond five percent, in square footage determined by the Director, Department of General Services, to be reasonable and appropriate based on a written justification submitted by the agency stating the reason for the increase, with the provision that such increase will not increase the cost of the project beyond the amount appropriated; nor to decreases in size beyond five percent to offset unbudgeted costs when such costs are determined by the Director, Department of Planning and Budget, to be reasonable based on a written justification submitted by the agency specifying the amount and nature of the unbudgeted costs and the types of actions that will be taken to decrease the size of the project. The written justification shall also include a certification, signed by the agency head, that the resulting project will be consistent with the original programmatic intent of the appropriations.

2. If space planning, energy conservation, and environmental standards guides for any type of construction have been approved by the Governor or the General Assembly, the Governor shall require capital projects to conform to such planning guides.

1. Projects Not Included In This Act:

1. Authorization by Governor:

a) The Governor may authorize initiation of, planning for, construction of or acquisition of a nongeneral fund capital project not specifically included in this act or provided for a program approved by the General Assembly through appropriations, under one or more of the following conditions:

1) The project is required to meet an emergency situation.

2) The project is to be operated as an auxiliary enterprise or sponsored program in an institution of higher education and will be fully funded by revenues of auxiliary enterprises or sponsored programs.

3) The project is to be operated as an educational and general program in an institution of higher education and will be fully funded by nongeneral fund revenues of educational and general programs or from private gifts and indirect cost recoveries.

4) The project consists of plant or property which has become available or has been received as a gift.

5) The project has been recommended for funding by the Tobacco Indemnification and Community Revitalization Commission or the Virginia Tobacco Settlement Foundation.

b) The foregoing conditions are subject to the following criteria:

1) Funds are available within the appropriations made by this act (including those subject to §§ 4-1.03 a, 4-1.04 a.3, and 4-2.03) without adverse effect on other projects or programs, or from unappropriated nongeneral fund revenues or balances.

2) In the Governor's opinion such action may avoid an increase in cost or otherwise result in a measurable benefit to the state.

3) The authorization includes a detailed description of the project, the project need, the total project cost, the estimated operating costs, and the fund sources for the project and its operating costs.

4) The Chairmen of the House Appropriations and Senate Finance Committees shall be notified by the Governor prior to the authorization of any capital project under the provisions of this subsection.

5) Permanent funding for any project initiated under this section shall only be from nongeneral fund sources.

2. Authorization by Director, Department of Planning and Budget:

a) The Director, Department of Planning and Budget, may authorize initiation of a capital project not included in this act, if the General Assembly has enacted legislation to fund the project from bonds of the Virginia Public Building Authority, Virginia College Building Authority, or from reserves created by refunding of bonds issued by those Authorities.

3. Delegated authorization by Boards of Visitors, Public Institutions of Higher Education:

a) In accordance with § 4-5.06 of this act, the board of visitors of any public institution of higher education that: i) has met the eligibility criteria set forth in Chapters 933 and 945 of the 2005 Acts of Assembly for additional operational and administrative autonomy, including having entered into a memorandum of understanding with the Secretary of Administration for delegated authority of nongeneral fund capital outlay projects, and ii) has received a sum sufficient nongeneral fund appropriation for emergency projects as set out in Part 2: Capital Project Expenses of this act, may authorize the initiation of any capital project that is not specifically set forth in this act provided that the project meets at least one of the conditions and criteria identified in § 4-4.01 m 1 of this act.

b) At least 30 days prior to the initiation of a project under this provision, the board of visitors must notify the Governor and Chairmen of the House Appropriations and Senate Finance Committees and must provide a life-cycle budget analysis of the project. Such analysis shall be in a form to be prescribed by the Auditor of Public Accounts.

c) The Commonwealth of Virginia shall have no general fund obligation for the construction, operation, insurance, routine maintenance, or long-term maintenance of any project authorized by the board of visitors of a public institution of higher education in accordance with this provision.

m. Acquisition, maintenance, and operation of buildings and nonbuilding facilities in colleges and universities shall be subject to the following policies:

1. The anticipated program use of the building or nonbuilding facility should determine the funding source for expenditures for acquisition, construction, maintenance, operation, and repairs.

2. Expenditures for land acquisition, site preparation beyond five feet from a building, and the construction of additional outdoor lighting, sidewalks, outdoor athletic and recreational facilities, and parking lots in the Virginia Community College System shall be made only from appropriated federal funds, Trust and Agency funds, including local government allocations or appropriations, or the proceeds of indebtedness authorized by the General Assembly.

3. The general policy of the Commonwealth shall be that parking services are to be operated as an auxiliary enterprise by all colleges and universities. Institutions should develop sufficient reserves for ongoing maintenance and replacement of parking facilities.

4. Except as provided in paragraph 2 above, expenditures for maintenance, replacement, and repair of outdoor lighting, sidewalks, and other infrastructure facilities may be made from any appropriated funds.

5. Expenditures for operations, maintenance, and repair of athletic, recreational, and public service facilities, both indoor and outdoor, should be from nongeneral funds. However, this condition shall not apply to any indoor recreational facility existing on a community college campus as of July 1, 1988.

6.a.1. At institutions of higher education that have met the eligibility criteria for additional operational and administrative authority as set forth in Chapters 933 and 945 of the 2005 Acts of Assembly or Chapters 824 and 829 of the 2008 Acts of Assembly, any repair, renovation, or new construction project costing up to \$2,000,000 shall be exempt from the capital outlay review and approval process. For purposes of this paragraph, projects shall not include any subset of a series of projects, which in combination would exceed the \$2,000,000 maximum.

2. All institutions of higher education shall be exempt from the capital review and approval process for repair, renovation, or new construction projects costing up to \$2,000,000.

b. Blanket authorizations funded entirely by nongeneral funds may be used for 1) renovation and infrastructure projects costing up to \$2,000,000 and 2) the planning of nongeneral fund new construction and renovation projects through bidding, with bid award made after receipt of a construction authorization. The Director, Department of Planning and Budget, may provide exemptions to the threshold.

7. It is the policy of the Commonwealth that the institutions of higher education shall treat the maintenance of their facilities as a priority for the allocation of resources. No appropriations shall be transferred from the "Operation and Maintenance of Plant" subprogram except for closely and definitely related purposes, as approved by the Director, Department of Planning and Budget, or his designee. A report providing the rationale for each approved transfer shall be made to the Chairmen of the House Appropriations and Senate Finance Committees.

n. Legislative Intent and Reporting: Appropriations for capital projects shall be deemed to have been made for purposes which require their expenditure, or being placed under contract for expenditure, during the current biennium. Agencies to which such appropriations are made in this act or any other act are required to report progress as specified by the Governor. If, in the opinion of the Governor, these reports do not indicate satisfactory progress, he is authorized to take such actions as in his judgment may be necessary to meet legislative intent as herein defined. Reporting on the progress of capital projects shall be in accordance with § 4-8.00, Reporting Requirements.

o. No expenditure from a general fund appropriation in this act shall be made to expand or enhance a capital outlay project beyond that anticipated when the project was initially approved by the General Assembly except to comply with requirements imposed by the federal government when such capital project is for armories or other defense-related installations and is funded in whole or in part by federal funds. General fund appropriations in excess of those necessary to complete the project shall not be reallocated to expand or enhance the project, or be reallocated to a different project. The prohibitions in this subsection shall not apply to transfers from projects for which reappropriations have been authorized.

p. Local or private funds to be used for the acquisition, construction or improvement of capital projects for state agency use as owner or lessee shall be deposited into the state treasury for appropriation prior to their expenditure for such projects.

q. State-owned Registered Historic Landmarks: To guarantee that the historical and/or architectural integrity of any state-owned

properties listed on the Virginia Landmarks Register and the knowledge to be gained from archaeological sites will not be adversely affected because of inappropriate changes, the heads of those agencies in charge of such properties are directed to submit all plans for significant alterations, remodeling, redecoration, restoration or repairs that may basically alter the appearance of the structure, landscaping, or demolition to the Department of Historic Resources. Such plans shall be reviewed within thirty days and the comments of that department shall be submitted to the Governor through the Department of General Services for use in making a final determination.

r.1. The Governor may authorize the conveyance of any interest in property or improvements thereon held by the Commonwealth to the educational or real estate foundation of any institution of higher education where he finds that such property was acquired with local or private funds or by gift or grant to or for the use of the institution, and not with funds appropriated to the institution by the General Assembly. Any approved conveyance shall be exempt from § 2.2-1156, Code of Virginia, and any other statute concerning conveyance, transfer or sale of state property. If the foundation conveys any interest in the property or any improvements thereon, such conveyance shall likewise be exempt from compliance with any statute concerning disposition of state property. Any income or proceeds from the conveyance of any interest in the property shall be deemed to be local or private funds and may be used by the foundation for any foundation purpose.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

s.1. Facility Lease Agreements Involving Institutions of Higher Education: In the case of any lease agreement involving state-owned property controlled by an institution of higher education, where the lease has been entered into consistent with the provisions of § 2.2-1155, Code of Virginia, the Governor may amend, adjust or waive any project review and reporting procedures of Executive agencies as may reasonably be required to promote the property improvement goals for which the lease agreement was developed.

2. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

t. Energy-efficiency Projects: Improvements to state-owned properties for the purpose of energy-efficiency shall be treated as follows:

1. Such improvements shall be considered an operating expense, provided that:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the total cost does not exceed \$3,000,000; and

e) if the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, the energy savings from the project offset the total cost of the project, including debt service and interest payments.

2. If (a) the total cost of the improvement exceeds \$7,000,000 or (b) the total cost exceeds \$3,000,000, but does not exceed \$7,000,000, and the energy savings from the project do not fully offset the total cost of the project, including debt services and interest payments, the improvement shall be considered a capital expense regardless of the type of improvement and the following conditions must be met:

a) the scope of the project meets or exceeds the applicable energy-efficiency standards set forth in the American Society of Heating, Refrigerating, and Air Conditioning Engineers (ASHRAE), the Illuminating Engineering Society (IES) standard 90.1-1989 and is limited to measures listed in guidelines issued by the Department of General Services;

b) the project is financed consistent with the provisions of § 2.2-2417, Code of Virginia, which requires Treasury Board approval and is executed through a nonprofessional services contract with a vendor approved by the Department of General Services;

c) the scope of work has been reviewed and recommended by the Department of Mines, Minerals and Energy;

d) the project has been reviewed by the Department of Planning and Budget; and

e) the project has been approved by the Governor.

3. If the total project exceeds \$250,000, the agency director will submit written notification to the Director, Department of Planning and Budget, verifying that the project meets all of the conditions in subparagraph 1 above.

The provisions of §§ 2.0 and 4-4.01 of this act and the provisions of § 2.2-1132, Code of Virginia, shall not apply to energy conservation projects that qualify as capital expenses.

4. As used in this paragraph, "improvement" does not include (a) constructing, enlarging, altering, repairing or demolishing a building or structure, (b) changing the use of a building either within the same use group or to a different use group when the new use requires greater degrees of structural strength, fire protection, exit facilities or sanitary provisions, or (c) removing or disturbing any asbestos-containing materials during demolition, alteration, renovation of or additions to building or structures. If the projected scope of an energy-efficiency project includes any of these elements, it shall be subject to the capital outlay process as set out in this section.

5. The Director, Department of Planning and Budget, shall notify the Chairmen of the House Appropriations and Senate Finance Committees upon the initiation of any energy-efficiency projects under the provisions of this paragraph.

u. No expenditures shall be authorized for the purchase of fee simple title to any real property to be used for a correctional facility or for the actual construction of a correctional facility provided for in this act, or by reference hereto, that involves acquisition or new construction of youth or adult correctional facilities on real property which was not owned by the Commonwealth on January 1, 1995, until the governing body of the county, city or town wherein the project is to be located has adopted a resolution supporting the location of such project within the boundaries of the affected jurisdiction. The foregoing does not prohibit expenditures for site studies, real estate options, correctional facility design and related expenditures.

v. Except for institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, any alternative financing agreement entered into between a state agency or institution of higher education and a private entity or affiliated foundation must be reviewed and approved by the Treasury Board.

w. Prior to requesting authorization for new dormitory capital projects, institutions of higher education shall conduct a cost study to determine whether an alternative financing arrangement or public-private transaction would provide a more effective option for the construction of the proposed facility. This study shall be submitted to the Department of Planning and Budget as part of the budget development process and shall be evaluated by the Governor prior to submitting his proposed budget.

x. Construction or improvement projects of the Department of Military Affairs are not exempt from the capital outlay review process when the state procurement process is utilized, except for those projects with both an estimated cost of \$3,000,000 or less and are 100 percent federally reimbursed. The Department of Military Affairs shall submit by July 30 of each year to the Department of Planning and Budget a list of such projects that were funded pursuant to this exemption in the previous fiscal year and any projects that would be eligible for such funding in future fiscal years.

y. While the competitive sealed bid process is the preferred method of construction procurement for public bodies, institutions of higher education and state agencies considering the use of Design Build or Construction Management procurement methods for capital projects shall proceed as follows:

1. Institutions of higher education governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594, 616, 824 and 829 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, operating under a memorandum of understanding pursuant to § 23-38.90, and those operating under a pilot program under § 4-9.02 shall:

a) Develop a process for determining the selected procurement method which, at a minimum, must consider cost, schedule, complexity, and building use;

b) Submit the process for determining the procurement method to the Department of General Services for review and recommendations;

c) Submit for approval, the process for determining the procurement method with the Department of General Services recommendations, to the Board of Visitors.

2. All other institutions of higher education and state agencies shall submit procurement method requests to the Director, Department of General Services for review and approval.

3. Processes for considering Construction Management procurement method shall include, among other processes as determined by the owning institution of higher education or state agency, the following requirements:

a) Cost and project timeline are critical components of the selection process;

b) Construction Management contract will be initiated no later than the Schematic Phase of design unless prohibited by authorization of funding restrictions; and,

c) A written justification that sealed bidding is not practicable and/or fiscally advantageous and such written justification shall be stated in the Request for Qualifications used to procure the Construction Management services.

4. All state entities, including institutions of higher education governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594, 616, 824 and 829 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, operating under a memorandum of understanding pursuant to § 23-38.90, and those operating under a pilot program under § 4-9.02 shall report annually, on November 1st of each year, to the Director, Department of General Services on completed capital projects, beginning with those authorized for construction under Chapter 665 of the 2015 Virginia Acts of Assembly, to include at a minimum procurement method, project budget, actual project costs, expected timeline, actual completion time and any post-project issues. The Department of General Services shall consolidate received report data and submit the consolidated data to the Governor and Chairmen of the House Appropriations and Senate Finance Committees no later than December 1st of each year.

5. The Auditor of Public Accounts shall, as part of its annual audit plan, determine that institutions of higher education governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594, 616, 824 and 829 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, operating under a memorandum of understanding pursuant to § 23-38.90 and those operating under a pilot program under §4-9.02 complied with their internal review process in the selection of procurement method.

6. All state entities, including institutions of higher education governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594, 616, 824 and 829 of the 2008 Acts of Assembly, Chapters 675 and 685 of the 2009 Acts of Assembly, operating under a memorandum of understanding pursuant to § 23-38.90 and those operating under a pilot program under § 4-9.02 shall post approved capital projects, beginning with those authorized for construction under Chapter 665 of the 2015 Virginia Acts of Assembly, and approved procurement methods and advertise for project delivery services no less than 30 days publicly on the Commonwealth's statewide electronic procurement system and program, eVA.

§ 4-4.02 PLANNING AND BUDGETING

a. It shall be the intent of the General Assembly to make biennial appropriations for a capital improvements program sufficient to address the program needs of the Commonwealth. The capital improvements program shall include maintenance and deferred maintenance of the Commonwealth's existing facilities, and of the facility requirements necessary to deliver the programs of state agencies and institutions.

b. In effecting these policies, the Governor shall establish a capital budget plan to address the renewal and replacement of the Commonwealth's physical plant, using such guidelines as recommended by industry or government to maintain the Commonwealth's investment in its property and plant.

§ 4-5.00 SPECIAL CONDITIONS AND RESTRICTIONS ON EXPENDITURES

§ 4-5.01 TRANSACTIONS WITH INDIVIDUALS

a. SETTLEMENT OF CLAIMS: Whenever a dispute, claim or controversy involving the interest of the Commonwealth is settled pursuant to § 2.2-514, Code of Virginia, payment may be made out of any appropriations, designated by the Governor, to the state agency(ies) which is (are) party to the settlement.

b. STUDENT FINANCIAL ASSISTANCE FOR HIGHER EDUCATION:

1. General:

a) The appropriations made in this act to state institutions of higher education within the Items for student financial assistance may be expended for any one, all, or any combination of the following purposes: grants to undergraduate students enrolled at least one-half time in a degree, certificate, industry-based certification and related programs that do not qualify for other sources of student financial assistance or diploma program; grants to full-time graduate students; graduate assistantships: grants to students enrolled full-time in a dual or concurrent undergraduate and graduate program. The institutions may also use these appropriations for the purpose of supporting work study programs. The institution is required to transfer to educational and general appropriations all funds used for work study or to pay graduate assistantships. Institutions may also contribute to federal or private student grant aid programs requiring matching funds by the institution, except for programs requiring work. The State Council of Higher Education for Virginia shall annually review each institution's plan for the expenditures of its general fund appropriation for undergraduate student financial assistance prior to the start of the fall term to determine program compliance. The institution's plan shall include the institution's assumptions and calculations for determining the cost of attendance, student financial need, and student remaining need as well as an award schedule or description of how funds are awarded. For the purposes of the proposed plan, each community college shall be considered independently. No limitations shall be placed on the awarding of nongeneral fund appropriations made in this act to state institutions of higher education within the Items for student financial assistance other than those found previously in this paragraph and as follows: (i) funds derived from in-state student tuition will not subsidize out-of-state students, (ii) students receiving these funds must be making satisfactory academic progress, (iii) awards made to students should be based primarily on financial need, and (iv) institutions

should make larger grant and scholarship awards to students taking the number of credit hours necessary to complete a degree in a timely manner.

b) All awards made to undergraduate students from such Items shall be for Virginia students only and such awards shall offset all, or portions of, the costs of tuition and required fees, and, in the case of students qualifying under subdivision b 2 c)1) hereof, the cost of books. All undergraduate financial aid award amounts funded by this appropriation shall be proportionate to the remaining need of individual students, with students with higher levels of remaining need receiving grants before other students. No criteria other than the need of the student shall be used to determine the award amount. Because of the low cost of attendance and recognizing that federal grants provide a much higher portion of cost than at other institutions, a modified approach and minimum award amount for the neediest VGAP student should be implemented for community college and Richard Bland College students based on remaining need and the combination of federal and grant state aid. Student financial need shall be determined by a need-analysis system approved by the Council.

c)1) All need-based awards made to graduate students shall be determined by the use of a need-analysis system approved by the Council.

2) As part of the six-year financial plans required in the provisions of Chapters 933 and 945 of the 2005 Acts of Assembly, each institution of higher education shall report the extent to which tuition and fee revenues are used to support graduate student aid and graduate compensation and how the use of these funds impacts planned increases in student tuition and fees.

d) A student who receives a grant under such Items and who, during a semester, withdraws from the institution which made the award must surrender the unearned portion. The institution shall calculate the unearned portion of the award based on the percentage used for federal Return to Title IV program purposes.

e) An award made under such Items to assist a student in attending an institution's summer session shall be prorated according to the size of comparable awards made in that institution's regular session.

f) The provisions of this act under the heading "Student Financial Assistance for Higher Education" shall not apply to (1) the soil scientist scholarships authorized under § 23-38.3, Code of Virginia and (2) need-based financial aid programs for industry-based certification and related programs that do not qualify for other sources of student financial assistance, which will be subject to guidelines developed by the State Council of Higher Education for Virginia.

g) Unless noted elsewhere in this act, general fund awards shall be named "Commonwealth" grants.

h) Unless otherwise provided by statute, undergraduate awards shall not be made to students seeking a second or additional baccalaureate degree until the financial aid needs of first-degree seeking students are fully met.

2. Grants To Undergraduate Students:

a) Each institution which makes undergraduate grants paid from its appropriation for student financial assistance shall expend such sums as approved for that purpose by the Council.

b) A student receiving an award must be duly admitted and enrolled in a degree, certificate or diploma program at the institution making the award, and shall be making satisfactory academic progress as defined by the institution for the purposes of eligibility under Title IV of the federal Higher Education Act, as amended.

c)1) It is the intent of the General Assembly that students eligible under the Virginia Guaranteed Assistance Program (VGAP) authorized in Title 23, Chapter 4.4:2, Code of Virginia, shall receive grants before all other students at the same institution with equivalent remaining need from the appropriations for undergraduate student financial assistance found in Part 1 of this act (service area 1081000 - Scholarships). In each instance, VGAP eligible students shall receive awards greater than other students with equivalent remaining need.

2) The amount of each VGAP grant shall vary according to each student's remaining need and the total of tuition, all required fees and the cost of books at the institution the student will attend upon acceptance for admission. The actual amount of the VGAP award will be determined by the proportionate award schedule adopted by each institution; however, those students with the greatest financial need shall be guaranteed an award at least equal to tuition.

3) It is the intent of the General Assembly that the Virginia Guaranteed Assistance Program serve as an incentive to financially needy students now attending elementary and secondary school in Virginia to raise their expectations and their academic performance and to consider higher education an achievable objective in their futures.

4) Students may not receive a VGAP and a Commonwealth grant in the same semester.

3. Grants To Graduate Students:

a) An individual award may be based on financial need but may, in addition to or instead of, be based on other criteria determined by the institution making the award. The amount of an award shall be determined by the institution making the award; however, the Council shall annually be notified as to the maximum size of a graduate award that is paid from funds in the appropriation.

b) A student receiving a graduate award paid from the appropriation must be duly admitted into a graduate degree program at the institution making the award.

c) Not more than 50 percent of the funds designated by an institution as graduate grants from the appropriation, and approved as such by the Council, shall be awarded to persons not eligible to be classified as Virginia domiciliary resident students except in cases where the persons meet the criteria outlined in § 4-2.01b.6.

4. Matching Funds: Any institution of higher education may, with the approval of the Council, use funds from its appropriation for fellowships and scholarships to provide the institutional contribution to any student financial aid program established by the federal government or private sources which requires the matching of the contribution by institutional funds, except for programs requiring work.

5. Discontinued Loan Program:

a) If any federal student loan program for which the institutional contribution was appropriated by the General Assembly is discontinued, the institutional share of the discontinued loan program shall be repaid to the fund from which the institutional share was derived unless other arrangements for the use of the funds are recommended by the Council and approved by the Department of Planning and Budget. Should the institution be permitted to retain the federal contributions to the program, the funds shall be used according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

b)1) An institution of higher education may discontinue its student loan fund established pursuant to Title 23, Chapter 4.01, Code of Virginia. The full amount of cash in such discontinued loan fund shall be paid into the state treasury into a nonrevertible nongeneral fund account. Prior to such payment, the State Comptroller shall verify its accuracy, including the fact that the cash held by the institution in the loan fund will be fully depleted by such payment. The loan fund shall not be reestablished thereafter for that institution.

2) The cash so paid into the state treasury shall be used only for grants to undergraduate and graduate students in the Higher Education Student Financial Assistance program according to arrangements authorized by the Council and approved by the Department of Planning and Budget.

3) Payments on principal and interest of any promissory notes held by the discontinued loan fund shall continue to be received by the institution, which shall deposit such payments in the state treasury to the nonrevertible nongeneral fund account specified in subdivision (1) preceding, to be used for grants as specified in subdivision (2) preceding.

6. Reporting: The Council shall collect student-specific information for undergraduate students as is necessary for the operation of the Student Financial Assistance Program. The Council shall maintain regulations governing the operation of the Student Financial Assistance Program based on the provisions outlined in this section, the Code of Virginia, and State Council policy.

C. PAYMENTS TO CITIZEN MEMBERS OF NONLEGISLATIVE BODIES:

Notwithstanding any other provision of law, executive branch agencies shall not pay compensation to citizen members of boards, commissions, authorities, councils, or other bodies from any fund for the performance of such members' duties in the work of the board, commission, authority, council, or other body.

§ 4-5.02 THIRD PARTY TRANSACTIONS

a. EMPLOYMENT OF ATTORNEYS:

1.a) All attorneys authorized by this act to be employed by any state agency and all attorneys compensated out of any moneys appropriated in this session of the General Assembly shall be appointed by the Attorney General and be in all respects subject to the provisions of Title 2.2, Chapter 5, Code of Virginia, to the extent not to conflict with Title 12.1, Chapter 4, Code of Virginia; provided, however, that if the Governor certifies the need for independent legal counsel for any Executive Department agency, such agency shall be free to act independently of the Office of the Attorney General in regard to selection, and provided, further, that compensation of such independent legal counsel shall be paid from the moneys appropriated to such Executive Department agency or from the moneys appropriated to the Office of the Attorney General.

b) For purposes of this act, "attorney" shall be defined as an employee or contractor who represents an agency before a court, board or agency of the Commonwealth of Virginia or political subdivision thereof. This term shall not include members of the bar employed by an agency who perform in a capacity that does not require a license to practice law, including but not limited to, instructing, managing, supervising or performing normal or customary duties of that agency.

2. This section does not apply to attorneys employed by state agencies in the Legislative Department, Judicial Department or Independent Agencies.

3. Reporting on employment of attorneys shall be in accordance with § 4-8.00, Reporting Requirements.

4. Notwithstanding § 2.2-510.1 of the Code of Virginia and any other conflicting provision of law, the Virginia Retirement System may enter into agreements to seek recovery of investment losses in foreign jurisdictions. Any such agreements shall be reported to the Office of the Attorney General as soon as practicable.

b. **STUDIES AND CONSULTATIVE SERVICES REQUIRED BY GENERAL ASSEMBLY:** No expenditure for payments on third party nongovernmental contracts for studies or consultative services shall be made out of any appropriation to the General Assembly or to any study group created by the General Assembly, nor shall any such expenditure for third party nongovernmental contracts be made by any Executive Department agency in response to a legislative request for a study, without the prior approval of two of the following persons: the Chairman of the House Appropriations Committee; the Chairman of the Senate Finance Committee; the Speaker of the House of Delegates; the President pro tempore of the Senate. All such expenditures shall be made only in accordance with the terms of a written contract approved as to form by the Attorney General.

c. **USE OF CONSULTING SERVICES:** All state agencies and institutions of higher education shall make a determination of "return on investment" as part of the criteria for awarding contracts for consulting services.

d. **DEBT COLLECTION SERVICES:**

1. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Virginia Commonwealth University Health System Authority shall have the option to participate in the Office of the Attorney General's debt collection process. Should the Authority choose not to participate, the Authority shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims.

2. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the University of Virginia Medical Center shall have the authority to collect its accounts receivable by engaging private collection agents and attorneys to pursue collection actions, and to independently compromise, settle, and discharge accounts receivable claims, provided that the University of Virginia demonstrates to the Secretary of Finance that debt collection by an agent other than the Office of the Attorney General is anticipated to be more cost effective. Nothing in this paragraph is intended to limit the ability of the University of Virginia Medical Center from voluntarily contracting with the Office of the Attorney General's Division of Debt Collection in cases where the Center would benefit from the expertise of legal counsel and collection services offered by the Office of the Attorney General.

3. Notwithstanding any provision of the Code of Virginia or this act to the contrary, the Department of Taxation shall be exempt from participating in the debt collection process of the Office of the Attorney General.

§ 4-5.03 SERVICES AND CLIENTS

a. **CHANGED COST FACTORS:**

1. No state agency, or its governing body, shall alter factors (e.g., qualification level for receipt of payment or service) which may increase the number of eligible recipients for its authorized services or payments, or alter factors which may increase the unit cost of benefit payments within its authorized services, unless the General Assembly has made an appropriation for the cost of such change.

2. Notwithstanding any other provision of law, the Department of Planning and Budget, with assistance from agencies that operate internal service funds as requested, shall establish policies and procedures for annually reviewing and approving internal service fund overhead surcharge rates and working capital reserves.

3. By September 1 each year, state agencies that operate an internal service fund, pursuant to §§ 2.2-803, 2.2-1101, and 2.2-2013, Code of Virginia, that have an impact on agency expenditures, shall submit a report to the Department of Planning and Budget and the Joint Legislative Audit and Review Commission to include all information as required by the Department of Planning and Budget to conduct a thorough review of overhead surcharge rates, revenues, expenditures, full-time positions, and working capital reserves for each internal service fund. The report shall include any proposed modifications in rates to be charged by internal service funds for review and approval by the Department of Planning and Budget. In its review, the Department of Planning and Budget shall determine whether the requested rate modifications are consistent with budget assumptions. The format by which agencies submit the operating plan for each internal service fund shall be determined by the Department of Planning and Budget with assistance from agencies that operate internal service funds as requested.

4. State agencies that operate internal service funds may not change a billable overhead surcharge rate to another state agency unless the resulting change is provided in the final General Assembly enacted budget.

5. State agencies that operate more than one internal service fund shall comply with the review and approval requirements detailed in this Item for each internal service fund.

6. As determined by the Director, Department of Planning and Budget, state agencies that operate select programs where an agency provides a service to and bills other agencies shall be subject to the annual review of the agency's internal service funds consistent with the provisions of this Item, unless such payment for services is pursuant to a memorandum of understanding authorized by § 4-1.03 a. 7 of this act.

7. The Governor is authorized to change internal service fund overhead surcharge rates, including the creation of new rates, beyond the rates enacted in the budget in the event of an emergency or to implement actions approved by the General Assembly, upon prior notice to the Chairmen of the House Appropriations and Senate Finance Committees. Such prior notice shall be no less than five days prior to enactment of a revised or new rate and shall include the basis of the rate change and the impact on state agencies.

8. Notwithstanding any other provision of law, the Commonwealth's statewide electronic procurement system and program known as eVA shall have all rates and working capital reserves reviewed and approved by the Department of Planning and Budget consistent with the provisions of this Item.

9. State agencies that are partially or fully funded with nongeneral funds and are billed for services provided by another state agency shall pay the nongeneral fund cost for the service from the agency's applicable nongeneral fund revenue source consistent with an appropriation proration of such expenses.

b. NEW SERVICES:

1. No state agency shall begin any new service that will call for future additional property, plant or equipment or that will require an increase in subsequent general or nongeneral fund operating expenses without first obtaining the authorization of the General Assembly.

2. Pursuant to the policies and procedures of the State Council of Higher Education regarding approval of academic programs and the concomitant enrollment, no state institution of higher education shall operate any academic program with funds in this act unless approved by the Council and included in the Executive Budget, or approved by the General Assembly. The Council may grant exemptions to this policy in exceptional circumstances.

3. The General Assembly is supportive of the increasing commitment by both Virginia Tech and the Carilion Clinic to the success of the programs at the Virginia Tech/Carilion School of Medicine and the Virginia Tech/Carilion Research Institute, and encourages these two institutions to pursue further developments in their partnership. Therefore, notwithstanding § 4-5.03 c. of the Appropriation Act, if through the efforts of these institutions to further strengthen the partnership, Virginia Tech acquires the Virginia Tech Carilion School of Medicine during the current biennium, the General Assembly approves the creation and establishment of the Virginia Tech/Carilion School of Medicine within the institution notwithstanding §23-9.6:1 Code of Virginia. No additional funds are required to implement establishment of the Virginia Tech/Carilion School of Medicine within the institution.

4. Reporting on all new services shall be in accordance with § 4-8.00, Reporting Requirements.

c. OFF-CAMPUS SITES OF INSTITUTIONS OF HIGHER EDUCATION:

No moneys appropriated by this act shall be used for off-campus sites unless as provided for in this section.

1. A public college or university seeking to create, establish, or operate an off-campus instructional site, funded directly or indirectly from the general fund or with revenue from tuition and mandatory educational and general fees generated from credit course offerings, shall first refer the matter to the State Council of Higher Education for Virginia for its consideration and approval. The State Council of Higher Education for Virginia may provide institutions with conditional approval to operate the site for up to one year, after which time the college or university must receive approval from the Governor and General Assembly, through legislation or appropriation, to continue operating the site.

2. For the colleges of the Virginia Community College System, the State Board for Community Colleges shall be responsible for approving off-campus locations. Sites governed by this requirement are those at any locations not contiguous to the main campus of the institution, including locations outside Virginia.

3. a) The provisions herein shall not apply to credit offerings on the site of a public or private entity if the offerings are supported entirely with private, local, or federal funds or revenue from tuition and mandatory educational and general fees generated entirely by course offerings at the site.

b) Offerings at previously approved off-campus locations shall also not be subject to these provisions.

c) Further, the provisions herein do not govern the establishment and operations of campus sites with a primary function of carrying out grant and contract research where direct and indirect costs from such research are covered through external funding sources. Such locations may offer limited graduate education as appropriate to support the research mission of the site.

d) Nothing herein shall prohibit an institution from offering non-credit continuing education programs at sites away from the main campus of a college or university.

4. The State Council of Higher Education shall establish guidelines to implement this provision.

d. PERFORMANCE MEASUREMENT

1. In accordance with § 2.2-1501, Code of Virginia, the Department of Planning and Budget shall develop a programmatic budget and accounting structure for all new programs and activities to ensure that it provides the appropriate financial and performance measures to determine if programs achieve desired results and outcomes. The Department of Accounts shall provide assistance as requested by the Department of Planning and Budget. The Department of Planning and Budget shall provide this information each year when the Governor submits the budget in accordance with § 2.2-1509, Code of Virginia, to the Chairmen of the House Appropriations, House Finance, and Senate Finance Committees.

2.a) Within thirty days of the enactment of this act, the Director, Department of Planning and Budget, shall make available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees and the public a list of the new initiatives for which appropriations are provided in this act.

b) Not later than ninety days after the end of the first year of the biennium, the Director, Department of Planning and Budget, shall make available via electronic means a report on the performance of each new initiative contained in the list, to be submitted to the Chairmen of the House Appropriations and Senate Finance Committees and the public. The report shall compare the actual results, including expenditures, of the initiative with the anticipated results and the appropriation for the initiative. This information shall be used to determine whether the initiative should be extended beyond the beginning period. In the preparation of this report, all state agencies shall provide assistance as requested by the Department of Planning and Budget.

§ 4-5.04 GOODS AND SERVICES

a. STUDENT ATTENDANCE AT INSTITUTIONS OF HIGHER EDUCATION:

1. **Public Information Encouraged:** Each public institution of higher education is expected and encouraged to provide prospective students with accurate and objective information about its programs and services. The institution may use public funds under the control of the institution's Board of Visitors for the development, preparation and dissemination of factual information about the following subjects: academic programs; special programs for minorities; dates, times and procedures for registration; dates and times of course offerings; admission requirements; financial aid; tuition and fee schedules; and other information normally distributed through the college catalog. This information may be presented in any and all media, such as newspapers, magazines, television or radio where the information may be in the form of news, public service announcements or advertisements. Other forms of acceptable presentation would include brochures, pamphlets, posters, notices, bulletins, official catalogs, flyers available at public places and formal or informal meetings with prospective students.

2. **Excessive Promotion Prohibited:** Each public institution of higher education is prohibited from using public funds under the control of the institution's Board of Visitors for the development, preparation, dissemination or presentation of any material intended or designed to induce students to attend by exaggerating or extolling the institution's virtues, faculty, students, facilities or programs through the use of hyperbole. Artwork and photographs which exaggerate or extol rather than supplement or complement permissible information are prohibited. Mass mailings are generally prohibited; however, either mass mailings or newspaper inserts, but not both, may be used if other methods of distributing permissible information are not economically feasible in the institution's local service area.

3. **Remedial Education:** Senior institutions of higher education shall make arrangements with community colleges for the remediation of students accepted for admission by the senior institutions.

4. **Compliance:** The president or chancellor of each institution of higher education is responsible for the institution's compliance with this subsection.

b. INFORMATION TECHNOLOGY FACILITIES AND SERVICES:

1.a) The Virginia Information Technologies Agency shall procure information technology and telecommunications goods and services of every description for its own benefit or on behalf of other state agencies and institutions, or authorize other state agencies or institutions to undertake such procurements on their own.

b) Except for research projects, research initiatives, or instructional programs at public institutions of higher education, or any non-major information technology project request from the Virginia Community College System, Longwood University, or from an institution of higher education which is a member of the Virginia Association of State Colleges and University Purchasing Professionals (VASCUPP) as of July 1, 2003, or any procurement of information technology and telecommunications goods and services by public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly, requests for authorization from state agencies and institutions to procure information technology and telecommunications goods and services on their own behalf shall be made in writing to the Chief Information Officer or his designee. Members of VASCUPP as of July 1, 2003, are hereby recognized as: The College of William and Mary, George Mason University, James Madison University, Old Dominion University, Radford University, Virginia Commonwealth University, Virginia Military Institute, Virginia Polytechnic Institute and State University, and the University of Virginia.

c) The Chief Information Officer or his designee may grant the authorization upon a written determination that the request conforms

to the statewide information technology plan and the individual information technology plan of the requesting agency or institution.

d) Any procurement authorized by the Chief Information Officer or his designee for information technology and telecommunications goods and services, including geographic information systems, shall be issued by the requesting state agency or institution in accordance with the regulations, policies, procedures, standards, and guidelines of the Virginia Information Technologies Agency.

e) Nothing in this subsection shall prevent public institutions of higher education or the Virginia Community College System from using the services of Network Virginia.

f) To ensure that the Commonwealth's research universities maintain a competitive position with access to the national optical research network infrastructure including the National LambdaRail and Internet2, the Network Virginia Contract Administrator is hereby authorized to renegotiate the term of the existing contracts. Additionally, the contract administrator is authorized to competitively negotiate additional agreements in accordance with the Code of Virginia and all applicable regulations, as required, to establish and maintain research network infrastructure.

2. If the billing rates and associated systems for computer, telecommunications and systems development services to state agencies are altered, the Director, Department of Planning and Budget, may transfer appropriations from the general fund between programs affected. These transfers are limited to actions needed to adjust for overfunding or underfunding the program appropriations affected by the altered billing systems.

3. The provisions of this subsection shall not in any way affect the duties and responsibilities of the State Comptroller under the provisions of § 2.2-803, Code of Virginia.

4. It is the intent of the General Assembly that information technology (IT) systems, products, data, and service costs, including geographic information systems (GIS), be contained through the shared use of existing or planned equipment, data, or services which may be available or soon made available for use by state agencies, institutions, authorities, and other public bodies. State agencies, institutions, and authorities shall cooperate with the Virginia Information Technologies Agency in identifying the development and operational requirements for proposed IT and GIS systems, products, data, and services, including the proposed use, functionality, capacity and the total cost of acquisition, operation and maintenance.

5. This section shall not apply to public institutions of higher education governed by some combination of Chapters 933 and 945 of the 2005 Acts of Assembly, Chapters 933 and 943 of the 2006 Acts of Assembly or Chapters 594 and 616 of the 2008 Acts of Assembly, Chapters 824 and 829 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly.

6. Notwithstanding any other provision of law, state agencies that do not receive computer services from the Virginia Information Technologies Agency may develop their own policies and procedures governing the sale of surplus computers and laptops to their employees or officials. Any proceeds from the sale of surplus computers or laptops shall be deposited into the appropriate fund or funds used to purchase the equipment.

c. MOTOR VEHICLES AND AIRCRAFT:

1. No motor vehicles shall be purchased or leased with public funds by the state or any officer or employee on behalf of the state without the prior written approval of the Director, Department of General Services.

2. The institutions of higher education shall be exempt from this provision but shall be required to report their entire inventory of purchased and leased vehicles including the cost of such to the Director of the Department of General Services by June 30 of each year. The Director of the Department of General Services shall compare the cost of vehicles acquired by institutions of higher education to like vehicles under the state contract. If the comparison demonstrates for a given institution that the cost to the Commonwealth is greater for like vehicles than would be the case based on a contract of statewide applicability, the Governor or his designee may suspend the exemption granted to the institution pursuant to this subparagraph c.

3. The Director, Department of General Services, is hereby authorized to transfer surplus motor vehicles among the state agencies, and determine the value of such surplus equipment for the purpose of maintaining the financial accounts of the state agencies affected by such transfers.

d. MOTION PICTURE, TELEVISION AND RADIO SERVICES PRODUCTION: Except for public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, no state Executive Department agency or the Virginia Lottery Department shall expend any public funds for the production of motion picture films or of programs for television transmission, or for the operation of television or radio transmission facilities, without the prior written approval of the Governor or as otherwise provided in this act, except for educational television programs produced for elementary-secondary education by authority of the Virginia Information Technologies Agency. The Joint Subcommittee on Rules is authorized to provide the approval of such expenditures for legislative agencies. For judicial agencies and independent agencies, other than the Virginia Lottery Department, prior approval action rests with the supervisory bodies of these entities. With respect to television programs which are so approved and other programs which are otherwise authorized or are not

produced for television transmission, state agencies may enter into contracts without competitive sealed bidding, or competitive negotiation, for program production and transmission services which are performed by public telecommunications entities, as defined in § 2.2-2006, Code of Virginia.

e. TRAVEL: Reimbursement for the cost of travel on official business of the state government is authorized to be paid pursuant to law and regulations issued by the State Comptroller to implement such law. Notwithstanding any contrary provisions of law:

1. For the use of personal automobiles in the discharge of official duties outside the continental limits of the United States, the State Comptroller may authorize an allowance not exceeding the actual cost of operation of such automobiles;

2. The first 15,000 miles of use during each fiscal year of personal automobiles in the discharge of official duties within the continental limits of the United States shall be reimbursed at an amount equal to the most recent business standard mileage rate as established by the Internal Revenue Service for employees or self-employed individuals to use in computing their income tax deductible costs for operating passenger vehicles owned or leased by them for business purposes, or in the instance of a state employee, at the lesser of (a) the IRS rate or (b) the lowest combined capital and operational trip pool rate charged by the Department of General Services, Office of Fleet Management Services (OFMS), posted on the OFMS website at time of travel, for the use of a compact state-owned vehicle. If the head of the state agency concerned certifies that a state-owned vehicle was not available, or if, according to regulations issued by the State Comptroller, the use of a personal automobile in lieu of a state-owned automobile is considered to be an advantage to the state, the reimbursement shall be at the rate of the IRS rate. For such use in excess of 15,000 miles in each fiscal year, the reimbursement shall be at a rate of 13.0 cents per mile, unless a state-owned vehicle is not available; then the rate shall be the IRS rate;

3. The State Comptroller may authorize exemptions to restrictions upon use of common carrier accommodations;

4. The State Comptroller may authorize reimbursement by per diem in lieu of actual costs of meals and any other expense category deemed necessary for the efficient and effective operation of state government;

5. State employees traveling on official business of state government shall be reimbursed for their travel costs using the same bank account authorized by the employee in which their net pay is direct deposited; and

6. This section shall not apply to members and employees of public school boards.

f. SMALL PURCHASE CHARGE CARD, ELECTRONIC DATA INTERCHANGE, DIRECT DEPOSIT, AND PAYLINE OPT OUT: The State Comptroller is hereby authorized to charge state agencies a fee of \$5 per check or earnings notice when, in his judgment, agencies have failed to comply with the Commonwealth's electronic commerce initiatives to reduce unnecessary administrative costs for the printing and mailing of state checks and earning notices. The fee shall be collected by the Department of Accounts through accounting entries.

g. PURCHASES OF APPLIANCES AND EQUIPMENT: State agencies and institutions shall purchase Energy Star rated appliances and equipment in all cases where such appliances and equipment are available.

h. ELECTRONIC PAYMENTS: Any recipient of payments from the State Treasury who receives six or more payments per year issued by the State Treasurer shall receive such payments electronically. The State Treasurer shall decide the appropriate method of electronic payment and, through his warrant issuance authority, the State Comptroller shall enforce the provisions of this section. The State Comptroller is authorized to grant administrative relief to this requirement when circumstances justify non-electronic payment.

i. LOCAL AND NON-STATE SAVINGS AND EFFICIENCIES: It is the intent of the General Assembly that State agencies shall encourage and assist local governments, school divisions, and other non-state governmental entities in their efforts to achieve cost savings and efficiencies in the provision of mandated functions and services including but not limited to finance, procurement, social services programs, and facilities management.

j. TELECOMMUNICATION SERVICES AND DEVICES:

1. The Chief Information Officer and the State Comptroller shall develop statewide requirements for the use of cellular telephones and other telecommunication devices by in-scope Executive Department agencies, addressing the assignment, evaluation of need, safeguarding, monitoring, and usage of these telecommunication devices. The requirements shall include an acceptable use agreement template clearly defining an employee's responsibility when they receive and use a telecommunication device. Statewide requirements shall require some form of identification on a device in case it is lost or stolen and procedures to wipe the device clean of all sensitive information when it is no longer in use.

2. In-scope Executive Department agencies providing employees with telecommunication devices shall develop agency-specific policies, incorporating the guidance provided in § 4-5.04 k. 1. of this act and shall maintain a cost justification for the assignment or a public health, welfare and safety need.

3. The Chief Information Officer shall determine the optimal number of telecommunication vendors and plans necessary to meet the needs of in-scope Executive Department agency personnel. The Chief Information Officer shall regularly procure these services and

provide statewide contracts for use by all such agencies. These contracts shall require the vendors to provide detailed usage information in a useable electronic format to enable the in-scope agencies to properly monitor usage to make informed purchasing decisions and minimize costs.

4. The Chief Information Officer shall examine the feasibility of providing tools for in-scope Executive Department agencies to analyze usage and cost data to assist in determining the most cost effective plan combinations for the entity as a whole and individual users.

k. ALTERNATIVE PROCUREMENT: If any payment is declared unconstitutional for any reason or if the Attorney General finds in a formal, written, legal opinion that a payment is unconstitutional, in circumstances where a good or service can constitutionally be the subject of a purchase, the administering agency of such payment is authorized to use the affected appropriation to procure, by means of the Commonwealth's Procurement Act, goods and services, which are similar to those sought by such payment in order to accomplish the original legislative intent.

l. MEDICAL SERVICES: No expenditures from general or nongeneral fund sources may be made out of any appropriation by the General Assembly for providing abortion services, except otherwise as required by federal law or state statute.

§ 4-5.05 NONSTATE AGENCIES, INTERSTATE COMPACTS AND ORGANIZATIONAL MEMBERSHIPS

a. The accounts of any agency, however titled, which receives funds from this or any other appropriating act, and is not owned or controlled by the Commonwealth of Virginia, shall be subject to audit or shall present an audit acceptable to the Auditor of Public Accounts when so directed by the Governor or the Joint Legislative Audit and Review Commission.

b.1. For purposes of this subsection, the definition of "nonstate agency" is that contained in § 2.2-1505, Code of Virginia.

2. Allotment of appropriations to nonstate agencies shall be subject to the following criteria:

a) Such agency is located in and operates in Virginia.

b) The agency must be open to the public or otherwise engaged in activity of public interest, with expenditures having actually been incurred for its operation.

3. No allotment of appropriations shall be made to a nonstate agency until such agency has certified to the Secretary of Finance that cash or in-kind contributions are on hand and available to match equally all or any part of an appropriation which may be provided by the General Assembly, unless the organization is specifically exempted from this requirement by language in this act. Such matching funds shall not have been previously used to meet the match requirement in any prior appropriation act.

4. Operating appropriations for nonstate agencies equal to or in excess of \$150,000 shall be disbursed to nonstate agencies in twelve or fewer equal monthly installments depending on when the first payment is made within the fiscal year. Operating appropriations for nonstate agencies of less than \$150,000 shall be disbursed in one payment once the nonstate agency has successfully met applicable match and application requirements.

5. The provisions of § 2.2-4343 A 14, Code of Virginia shall apply to any expenditure of state appropriations by a nonstate agency.

c.1. Each interstate compact commission and each organization in which the Commonwealth of Virginia or a state agency thereof holds membership, and the dues for which are provided in this act or any other appropriating act, shall submit its biennial budget request to the state agency under which such commission or organization is listed in this act. The state agency shall include the request of such commission or organization within its own request, but identified separately. Requests by the commission or organization for disbursements from appropriations shall be submitted to the designated state agency.

2. Each state agency shall submit by November 1 each year, a report to the Director, Department of Planning and Budget, listing the name and purpose for organizational memberships held by that agency with annual dues of \$5,000 or more. The institutions of higher education shall be exempt from this reporting requirement.

§ 4-5.06 DELEGATION OF AUTHORITY

a. The designation in this act of an officer or agency head to perform a specified duty shall not be deemed to supersede the authority of the Governor to delegate powers under the provisions of § 2.2-104, Code of Virginia.

b. The nongeneral fund capital outlay decentralization programs initiated pursuant to § 4-5.08b of Chapter 912, 1996 Acts of Assembly as continued in subsequent appropriation acts are hereby made permanent. Decentralization programs for which institutions have executed memoranda of understanding with the Secretary of Administration pursuant to the provisions of § 4-5.08b of Chapter 912, 1996 Acts of Assembly shall no longer be considered pilot projects, and shall remain in effect until revoked.

c. Institutions wishing to participate in a nongeneral fund capital outlay decentralization program for the first time shall submit a letter of interest to the appropriate Cabinet Secretary. Within 90 calendar days of the receipt of the institution's request to

participate, the responsible Cabinet Secretary shall determine whether the institution meets the eligibility criteria and, if appropriate, establish a decentralization program at the institution. The Cabinet Secretary shall report to the Governor and Chairmen of the Senate Finance and House Appropriations Committees by December 1 of each year all institutions that have applied for inclusion in a decentralization program and whether the institutions have been granted authority to participate in the decentralization program.

d. The provisions identified in § 4-5.08 f and § 4-5.08 h of Chapter 1042 of the Acts of Assembly of 2003 pertaining to pilot programs for selected capital outlay projects and memoranda of understanding in institutions of higher education are hereby continued. Notwithstanding these provisions, those projects shall be insured through the state's risk management liability program.

e. If during an independent audit conducted by the Auditor of Public Accounts, the audit discloses that an institution is not performing within the terms of the memoranda of understanding or their addenda, the Auditor shall report this information to the Governor, the responsible Cabinet Secretary, and the Chairmen of the Senate Finance and House Appropriations Committees.

f. Institutions that have executed memoranda of understanding with the Secretary of Administration for nongeneral fund capital outlay decentralization programs are hereby granted a waiver from the provisions of § 2.2-4301, Competitive Negotiation, subdivision 3a, Code of Virginia, regarding the not to exceed amount of \$100,000 for a single project, the not to exceed sum of \$500,000 for all projects performed, and the option to renew for two additional one-year terms.

g. Notwithstanding any contrary provision of law or this act, delegations of authority in this act to the Governor shall apply only to agencies and personnel within the Executive Department, unless specifically stated otherwise.

h. This section shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly.

§ 4-5.07 LEASE, LICENSE OR USE AGREEMENTS

a. Agencies shall not acquire or occupy real property through lease, license or use agreement until the agency certifies to the Director, Department of General Services, that (i) funds are available within the agency's appropriations made by this act for the cost of the lease, license or use agreement and (ii) except for good cause as determined by the Department of General Services, the volume of such space conforms with the space planning procedures for leased facilities developed by the Department of General Services and approved by the Governor. The Department of General Services shall acquire and hold such space for use by state departments, agencies and institutions within the Executive Branch and may utilize brokerage services, portfolio management strategies, strategic planning, transaction management, project and construction management, and lease administration strategies consistent with industry best practices as adopted by the Department from time to time. These provisions may be waived in writing by the Director, Department of General Services. However, these provisions shall not apply to institutions of higher education that have met the conditions prescribed in subsection B of § 23-38.88, Code of Virginia.

b. Agencies acquiring personal property in accordance with § 2.2-2417, Code of Virginia, shall certify to the State Treasurer that funds are available within the agency's appropriations made by this act for the cost of the lease.

§ 4-5.08 SEMICONDUCTOR MANUFACTURING PERFORMANCE GRANT PROGRAMS

a. The Comptroller shall not draw any warrants to issue checks for semiconductor manufacturing performance grant programs, pursuant to Title 59.1, Chapter 22.3, Code of Virginia, without a specific legislative appropriation. The appropriation shall be in accordance with the terms and conditions set forth in a memorandum of understanding between a qualified manufacturer and the Commonwealth. These terms and conditions shall supplement the provisions of the Semiconductor Manufacturing Performance Grant Program, the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program, and the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II, as applicable, and shall include but not be limited to the numbers and types of semiconductor wafers that are produced; the level of investment directly related to the building and equipment for manufacturing of wafers or activities ancillary to or supportive of such manufacturer within the eligible locality; and the direct employment related to these programs. To that end, the Secretary of Commerce and Trade shall certify in writing to the Governor and to the Chairmen of the House Appropriations and Senate Finance Committees the extent to which a qualified manufacturer met the terms and conditions. The appropriation shall be made in full or in proportion to a qualified manufacturer's fulfillment of the memorandum of understanding.

b. The Governor shall consult with the House Appropriations and Senate Finance Committees before amending any existing memorandum of understanding. These Committees shall have the opportunity to review any changes prior to their execution by the Commonwealth.

§ 4-5.09 DISPOSITION OF SURPLUS REAL PROPERTY

a. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, the departments, divisions, institutions, or agencies of the Commonwealth, or the Governor, shall sell or lease surplus real property only under the following circumstances:

1. Any emergency declared in accordance with §§ 44-146.18:2 or 44-146.28, Code of Virginia, or
2. Not less than thirty days after the Governor notifies, in writing, the Chairmen of the House Appropriations and Senate Finance

Committees regarding the planned conveyance, including a statement of the proceeds to be derived from such conveyance and the individual or entity taking title to such property.

3. Surplus property valued at less than \$5,000,000 that is possessed and controlled by a public institution of higher education, pursuant to §§ 2.2-1149 and 2.2-1153, Code of Virginia.

b. In any circumstance provided for in subsection a of this section, the cognizant board or governing body of the agency or institution holding title or otherwise controlling the state-owned property shall approve, in writing, the proposed conveyance of the property.

c. In accordance with § 15.2-2005, Code of Virginia, the consent of the General Assembly is herein provided for the road known as Standpipe Road, that was relocated and established on a portion of the Virginia Department of Transportation's Culpeper District Office property, identified as Tax Map No. 50-28, to improve the operational efficiency of the local road network in the Town of Culpeper. Further, the Virginia Department of Transportation is hereby authorized to convey to the Town of Culpeper, upon such terms and conditions as the Department deems proper and for such considerations the Department may determine, the property on which "Standpipe Road (Relocated)(Variable Width R/W)" on the plat entitled "plat Showing Property and Various Easements for Standpipe Road Relocated, Tax Map 50-28, Town of Culpeper, Culpeper County, Virginia" prepared by ATCS P.L.C and sealed March 14, 2012, together with easements to the Town of Culpeper for electric utility, slopes and drainage as shown on said plat. The conveyance shall be made with the approval of the Governor and in a form approved by the Attorney General. The appropriate officials of the Commonwealth are hereby authorized to prepare, execute, and deliver such deed and other documents as may be necessary to accomplish the conveyance.

d. Notwithstanding the provisions of § 2.2-1156, Code of Virginia, if tax-exempt bonds were issued by the Commonwealth or its related authorities, boards or institutions to finance the acquisition, construction, improvement or equipping of real property, proceeds from the sale or disposition of such property and any improvements may first be applied toward remediation options available under federal law to maintain the tax-exempt status of such bonds.

§ 4-5.10 SURPLUS PROPERTY TRANSFERS FOR ECONOMIC DEVELOPMENT

a. The Commonwealth shall receive the fair market value of surplus state property which is designated by the Governor for economic development purposes, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, which shall be assessed by more than one independent appraiser certified as a Licensed General Appraiser. Such property shall not be disposed of for less than its fair market value as determined by the assessments.

b. Recognizing the commercial, business and industrial development potential of certain lands declared surplus, and for any properties owned by an Industrial Development Authority in any county where the Commonwealth has a continuing interest based on the deferred portion of the purchase price, the Governor shall be authorized to utilize funds available in the Governor's discretion, to meet the requirements of the preceding subsection a. Sale proceeds, together with the money from the Commonwealth's Development Opportunity Fund, shall be deposited as provided in § 2.2-1156 D, Code of Virginia.

c. Within thirty days of closing on the sale of surplus property designated for economic development, the Governor or his designee shall report to the Chairmen of the Senate Finance and House Appropriations Committees. The report shall include information on the number of acres sold, sales price, amount of proceeds deposited to the general fund and Conservation Resources Fund, and the fair market value of the sold property.

d. Except for subaqueous lands that have been filled prior to January 1, 2006, the Governor shall not sell or convey those subaqueous lands identified by metes and bounds in Chapter 884 of the Acts of the Assembly of 2006.

§ 4-6.00 POSITIONS AND EMPLOYMENT

§ 4-6.01 EMPLOYEE COMPENSATION

a. The compensation of all kinds and from all sources of each appointee of the Governor and of each officer and employee in the Executive Department who enters the service of the Commonwealth or who is promoted to a vacant position shall be fixed at such rate as shall be approved by the Governor in writing or as is in accordance with rules and regulations established by the Governor. No increase shall be made in such compensation except with the Governor's written approval first obtained or in accordance with the rules and regulations established by the Governor. In all cases where any appointee, officer or employee is employed or promoted to fill a vacancy in a position for which a salary is specified by this act, the Governor may fix the salary of such officer or employee at a lower rate or amount within the respective level than is specified. In those instances where a position is created by an act of the General Assembly but not specified by this act, the Governor may fix the salary of such position in accordance with the provisions of this subsection.

b. Annual salaries of persons appointed to positions by the General Assembly, pursuant to the provisions of §§ 2.2-200 and 2.2-400, Code of Virginia, shall be paid in the amounts shown.

	July 1, 2016 to June 24, 2017	June 25, 2017 to November 24, 2017	November 25, 2017 to June 30, 2018
Chief of Staff	\$167,737	\$167,737	\$167,737
Secretary of Administration	\$159,762	\$159,762	\$159,762
Secretary of Agriculture and Forestry	\$159,817	\$159,817	\$159,817
Secretary of Commerce and Trade	\$166,915	\$166,915	\$166,915
Secretary of the Commonwealth	\$158,966	\$158,966	\$158,966
Secretary of Education	\$159,960	\$159,960	\$159,960
Secretary of Finance	\$170,854	\$170,854	\$170,854
Secretary of Health and Human Resources	\$159,291	\$159,291	\$159,291
Secretary of Natural Resources	\$158,966	\$158,966	\$158,966
Secretary of Public Safety and Homeland Security	\$168,838	\$168,838	\$168,838
Secretary of Technology	\$158,966	\$158,966	\$158,966
Secretary of Transportation	\$166,915	\$166,915	\$166,915
Secretary of Veterans and Defense Affairs	\$163,642	\$163,642	\$163,642

c.1.a) Annual salaries of persons appointed to positions listed in subdivision c 6 hereof shall be paid in the amounts shown for the current biennium, unless changed in accordance with conditions stated in subdivisions c 2 through c 5 hereof.

b) The starting salary of a new appointee shall not exceed the midpoint of the range, except where the midpoint salary is less than a ten percent increase from an appointee's preappointment compensation. In such cases, an appointee's starting salary may be set at a rate which is ten percent higher than the preappointment compensation, provided that the maximum of the range is not exceeded. However, in instances where an appointee's preappointment compensation exceeded the maximum of the respective salary range, then the salary for that appointee may be set at the maximum salary for the respective salary range.

c) Nothing in subdivision c 1 shall be interpreted to supersede the provisions of § 4-6.01 e, f, g, h, i, j, k, l, and m of this act.

d) For new appointees to positions listed in § 4-6.01c.6., the Governor is authorized to provide for fringe benefits in addition to those otherwise provided by law, including post retirement health care and other non-salaried benefits provided to similar positions in the public sector.

2.a)1) The Governor may increase or decrease the annual salary for incumbents of positions listed in subdivision c 6 below at a rate of up to 10 percent in any single fiscal year between the minimum and the maximum of the respective salary range in accordance with an assessment of performance and service to the Commonwealth.

2) The governing boards of the independent agencies may increase or decrease the annual salary for incumbents of positions listed in subdivision c.7. below at a rate of up to 10 percent in any fiscal year between the minimum and maximum of the respective salary range, in accordance with an assessment of performance and service to the Commonwealth.

b)1) The appointing or governing authority may grant performance bonuses of 0-5 percent for positions whose salaries are listed in §§ 1-1 through 1-9, and 4-6.01 b, c, and d of this act, based on an annual assessment of performance, in accordance with policies and procedures established by such appointing or governing authority. Such performance bonuses shall be over and above the salaries listed in this act, and shall not become part of the base rate of pay.

2) The appointing or governing authority shall report performance bonuses which are granted to executive branch employees to the Department of Human Resource Management for retention in its records.

3. From the effective date of the Executive Pay Plan set forth in Chapter 601, Acts of Assembly of 1981, all incumbents holding positions listed in this § 4-6.01 shall be eligible for all fringe benefits provided to full-time classified state employees and,

notwithstanding any provision to the contrary, the annual salary paid pursuant to this § 4-6.01 shall be included as creditable compensation for the calculation of such benefits.

4. Notwithstanding § 4-6.01.c.2.b)1) of this Act, the Board of Commissioners of the Virginia Port Authority may supplement the salary of its Executive Director, with the prior approval of the Governor. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Executive Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable ports of other states. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

5. With the written approval of the Governor, the Board of Trustees of the Virginia Museum of Fine Arts, the Science Museum of Virginia, the Virginia Museum of Natural History, the Jamestown-Yorktown Foundation, Gunston Hall, and the Library Board may supplement the salary of the Director of each museum, and the Librarian of Virginia from nonstate funds. In approving a supplement, the Governor should be guided by criteria which provide a reasonable limit on the total additional income and the criteria should include, without limitation, a consideration of the salaries paid to similar officials at comparable museums and libraries of other states. The respective Boards shall report approved supplements to the Department of Human Resource Management for retention in its records.

6.a) The following salaries shall be paid for the current biennium in the amounts shown, however, all salary changes shall be subject to subdivisions c 2 through c 5 above.

	July 1, 2016 to June 24, 2017	June 25, 2017 to November 24, 2017	November 25, 2017 to June 30, 2018
Level I Range	\$150,915 - \$206,467	\$150,915 - \$206,467	\$150,915 - \$206,467
Midpoint	\$178,691	\$178,691	\$178,691
Chief Information Officer, Virginia Information Technologies Agency	\$175,000	\$175,000	\$175,000
Commissioner, Department of Motor Vehicles	\$160,165	\$160,165	\$160,165
Commissioner, Department of Social Services	\$150,915	\$150,915	\$150,915
Commissioner, Department of Behavioral Health and Developmental Services	\$178,500	\$178,500	\$178,500
Commonwealth Transportation Commissioner	\$202,419	\$202,419	\$202,419
Director, Department of Corrections	\$156,060	\$156,060	\$156,060
Director, Department of Environmental Quality	\$184,649	\$184,649	\$184,649
Director, Department of Medical Assistance Services	\$193,736	\$193,736	\$193,736
Director, Department of Planning and Budget	\$167,669	\$167,669	\$167,669
State Health Commissioner	\$196,139	\$196,139	\$196,139
State Tax Commissioner	\$159,855	\$159,855	\$159,855
Superintendent of Public Instruction	\$206,467	\$206,467	\$206,467

Superintendent of State Police	\$179,325	\$179,325	\$179,325
	July 1, 2016 to June 24, 2017	June 25, 2017 to November 24, 2017	November 25, 2017 to June 30, 2018
Level II Range	\$118,223 - \$167,541	\$118,223 - \$167,541	\$118,223 - \$167,541
Midpoint	\$142,882	\$142,882	\$142,882
Alcoholic Beverage Control Commissioner	\$125,935	\$125,935	\$125,935
Alcoholic Beverage Control Commissioner	\$124,440	\$124,440	\$124,440
Chairman, Alcoholic Beverage Control Board	\$133,598	\$133,598	\$133,598
Commissioner, Department for Aging and Rehabilitative Services	\$151,354	\$151,354	\$151,354
Commissioner, Department of Agriculture and Consumer Services	\$165,552	\$165,552	\$165,552
Commissioner, Department of Veterans Services	\$142,800	\$142,800	\$142,800
Commissioner, Virginia Employment Commission	\$156,900	\$156,900	\$156,900
Executive Director, Department of Game and Inland Fisheries	\$140,208	\$140,208	\$140,208
Commissioner, Marine Resources Commission	\$118,223	\$118,223	\$118,223
Director, Department of Forensic Science	\$162,685	\$162,685	\$162,685
Director, Department of General Services	\$162,344	\$162,344	\$162,344
Director, Department of Human Resource Management	\$145,628	\$145,628	\$145,628
Director, Department of Juvenile Justice	\$123,165	\$123,165	\$123,165
Director, Department of Mines, Minerals and Energy	\$142,500	\$142,500	\$142,500
Director, Department of Rail and Public Transportation	\$147,900	\$147,900	\$147,900
Director, Department of Small	\$135,404	\$135,404	\$135,404

Business and Supplier Diversity			
Executive Director, DMV Dealer Board	\$123,784	\$123,784	\$123,784
Executive Director, Virginia Port Authority	\$137,186	\$137,186	\$137,186
State Comptroller	\$167,541	\$167,541	\$167,541
State Treasurer	\$167,408	\$167,408	\$167,408
	July 1, 2016 to June 24, 2017	June 25, 2017 to November 24, 2017	November 25, 2017 to June 30, 2018
Level III Range	\$107,748 - \$149,112	\$107,748 - \$149,112	\$107,748 - \$149,112
Midpoint	\$128,430	\$128,430	\$128,430
Adjutant General	\$135,548	\$135,548	\$135,548
Chairman, Virginia Parole Board	\$127,485	\$127,485	\$127,485
Vice Chairman, Virginia Parole Board	\$114,704	\$114,704	\$114,704
Member, Virginia Parole Board	\$112,455	\$112,455	\$112,455
Commissioner, Department of Labor and Industry	\$126,710	\$126,710	\$126,710
Coordinator, Department of Emergency Management	\$122,791	\$122,791	\$122,791
Director, Department of Aviation	\$134,286	\$134,286	\$134,286
Director, Department of Conservation and Recreation	\$147,162	\$147,162	\$147,162
Director, Department of Criminal Justice Services	\$121,380	\$121,380	\$121,380
Director, Department of Health Professions	\$131,223	\$131,223	\$131,223
Director, Department of Historic Resources	\$107,748	\$107,748	\$107,748
Director, Department of Housing and Community Development	\$133,297	\$133,297	\$133,297
Director, Department of Professional and Occupational Regulation	\$137,700	\$137,700	\$137,700

Director, The Science Museum of Virginia	\$134,755	\$134,755	\$134,755
Director, Virginia Museum of Fine Arts	\$140,112	\$140,112	\$140,112
Director, Virginia Museum of Natural History	\$115,029	\$115,029	\$115,029
Executive Director, Board of Accountancy	\$117,024	\$117,024	\$117,024
Executive Director, Jamestown-Yorktown Foundation	\$136,784	\$136,784	\$136,784
Executive Secretary, Virginia Racing Commission	\$112,854	\$112,854	\$112,854
Librarian of Virginia	\$149,112	\$149,112	\$149,112
State Forester, Department of Forestry	\$140,760	\$140,760	\$140,760
	July 1, 2016 to June 24, 2017	June 25, 2017 to November 24, 2017	November 25, 2017 to June 30, 2018
Level IV Range	\$96,685 - \$114,945	\$96,685 - \$114,945	\$96,685 - \$114,945
Midpoint	\$105,815	\$105,815	\$105,815
Administrator, Commonwealth's Attorneys' Services Council	\$104,622	\$104,622	\$104,622
Commissioner, Virginia Department for the Blind and Vision Impaired	\$114,945	\$114,945	\$114,945
Executive Director, Frontier Culture Museum of Virginia	\$112,002	\$112,002	\$112,002
Commissioner, Department of Elections	\$108,202	\$108,202	\$108,202
Executive Director, Virginia-Israel Advisory Board	\$96,685	\$96,685	\$96,685
	July 1, 2016 to June 24, 2017	June 25, 2017 to November 24, 2017	November 25, 2017 to June 30, 2018
Level V Range	\$22,831 - \$95,706	\$22,831 - \$95,706	\$22,831 - \$95,706
Midpoint	\$59,268	\$59,268	\$59,268
Director, Gunston Hall	\$87,900	\$87,900	\$87,900
Director, Virginia Department for the Deaf and Hard-of-	\$95,706	\$95,706	\$95,706

Hearing			
Executive Director, Department of Fire Programs	\$92,162	\$92,162	\$92,162
Executive Director, Virginia Commission for the Arts	\$88,009	\$88,009	\$88,009
Chairman of Board Chairman, Compensation Board	\$22,831	\$22,831	\$22,831

7. Annual salaries of the directors of the independent agencies, as listed in this subdivision, shall be paid in the amounts shown. All salary changes shall be subject to subdivisions c 1, c 2, and c 3 above.

	July 1, 2016 to June 24, 2017	June 25, 2017 to November 24, 2017	November 25, 2017 to June 30, 2018
Independent Range	\$166,946 - \$180,458	\$166,946 - \$180,458	\$166,946 - \$180,458
Midpoint	\$173,702	\$173,702	\$173,702
Director, Virginia Lottery	\$166,946	\$166,946	\$166,946
Director, Virginia Retirement System	\$180,458	\$180,458	\$180,458
Chief Executive Officer, Virginia College Savings Plan	\$178,021	\$178,021	\$178,021

8. Notwithstanding any provision of this Act, the Board of Trustees of the Virginia Retirement System may supplement the salary of its Director. The Board should be guided by criteria, which provide a reasonable limit on the total additional income of the Director. The criteria should include, without limitation, a consideration of the salaries paid to similar officials in comparable public pension plans. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

9. Notwithstanding any provision of this Act, the Board of the Virginia College Savings Plan may supplement the compensation of its Chief Executive Officer. The Board should be guided by criteria which provide a reasonable limit on the total additional income of the Chief Executive Officer. The criteria should include, without limitation, a consideration of compensation paid to similar officials in comparable qualified tuition programs, independent public agencies or other entities with similar responsibilities and size. The Board shall report such criteria and potential supplement level to the Chairmen of the Senate Finance and House Appropriations Committees at least 60 days prior to the effectuation of the compensation action. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

d.1. Annual salaries of the presidents of the senior institutions of higher education, the President of Richard Bland College, the Chancellor of the University of Virginia's College at Wise, the Superintendent of the Virginia Military Institute, the Director of the State Council of Higher Education, the Director of the Southern Virginia Higher Education Center, the Director of the Southwest Virginia Higher Education Center and the Chancellor of Community Colleges, as listed in this paragraph, shall be paid in the amounts shown. The annual salaries of the presidents of the community colleges shall be fixed by the State Board for Community Colleges within a salary structure submitted to the Governor prior to June 1 each year for approval.

2.a) The board of visitors of each institution of higher education or the boards of directors for Southern Virginia Higher Education Center, Southwest Virginia Higher Education Center, and the New College Institute may annually supplement the salary of a president or director from private gifts, endowment funds, foundation funds, or income from endowments and gifts. Supplements paid from other than the cited sources prior to June 30, 1997, may continue to be paid. In approving a supplement, the board of visitors or board of directors should be guided by criteria which provide a reasonable limit on the total additional income of a president or director. The criteria should include a consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The board of visitors or board of directors shall report approved supplements to the Department of Human Resource Management for retention in its records.

b) The State Board for Community Colleges may annually supplement the salary of the Chancellor from any available

appropriations of the Virginia Community College System. In approving a supplement, the State Board for Community Colleges should be guided by criteria which provide a reasonable limit on the total additional income of the Chancellor. The criteria should include consideration of additional income from outside sources including, but not being limited to, service on boards of directors or other such services. The Board shall report approved supplements to the Department of Human Resource Management for retention in its records.

c) Norfolk State University is authorized to supplement the salary of its president from educational and general funds up to \$17,000.

d) Should a vacancy occur for the Director of the State Council of Higher Education on or after the date of enactment of this act, the salary for the new director shall be established by the State Council of Higher Education based on the salary range for Level I agency heads. Furthermore, the state council may provide a bonus of up to five percent of the annual salary for the new director.

	July 1, 2016 to June 24, 2017	June 25, 2017 to November 24, 2017	November 25, 2017 to June 30, 2018
NEW COLLEGE INSTITUTE			
Executive Director, New College Institute	\$126,844	\$126,844	\$126,844
STATE COUNCIL OF HIGHER EDUCATION FOR VIRGINIA			
Director, State Council of Higher Education for Virginia	\$193,669	\$193,669	\$193,669
SOUTHERN VIRGINIA HIGHER EDUCATION CENTER			
Director, Southern Virginia Higher Education Center	\$130,362	\$130,362	\$130,362
SOUTHWEST VIRGINIA HIGHER EDUCATION CENTER			
Director, Southwest Virginia Higher Education Center	\$128,300	\$128,300	\$128,300
VIRGINIA COMMUNITY COLLEGE SYSTEM			
Chancellor of Community Colleges	\$175,705	\$175,705	\$175,705
SENIOR COLLEGE PRESIDENTS' SALARIES			
Chancellor, University of Virginia's College at Wise	\$127,210	\$127,210	\$127,210
President, Christopher Newport University	\$138,452	\$138,452	\$138,452
President, The College of William and Mary in Virginia	\$163,602	\$163,602	\$163,602

President, George Mason University	\$154,298	\$154,298	\$154,298
President, James Madison University	\$159,372	\$159,372	\$159,372
President, Longwood University	\$153,858	\$153,858	\$153,858
President, Norfolk State University	\$146,500	\$146,500	\$146,500
President, Old Dominion University	\$173,735	\$173,735	\$173,735
President, Radford University	\$154,991	\$154,991	\$154,991
President, Richard Bland College	\$134,420	\$134,420	\$134,420
President, University of Mary Washington	\$146,711	\$146,711	\$146,711
President, University of Virginia	\$188,749	\$188,749	\$188,749
President, Virginia Commonwealth University	\$181,387	\$181,387	\$181,387
President, Virginia Polytechnic Institute and State University	\$194,378	\$194,378	\$194,378
President, Virginia State University	\$149,426	\$149,426	\$149,426
Superintendent, Virginia Military Institute	\$150,277	\$150,277	\$150,277

e. 1. Salaries for newly employed or promoted employees shall be established consistent with the compensation and classification plans established by the Governor.

2. The State Comptroller is hereby authorized to require payment of wages or salaries to state employees by direct deposit or by credit to a prepaid debit card or card account from which the employee is able to withdraw or transfer funds.

f. The provisions of this section, requiring prior written approval of the Governor relative to compensation, shall apply also to any system of incentive award payments which may be adopted and implemented by the Governor. The cost of implementing any such system shall be paid from any funds appropriated to the affected agencies.

g. No lump sum appropriation for personal service shall be regarded as advisory or suggestive of individual salary rates or of salary schedules to be fixed under law by the Governor payable from the lump sum appropriation.

h. Subject to approval by the Governor of a plan for a statewide employee meritorious service awards program, as provided for in § 2.2-1201, Code of Virginia, the costs for such awards shall be paid from any operating funds appropriated to the affected agencies.

i. The General Assembly hereby affirms and ratifies the Governor's existing authority and the established practice of this body to provide for pay differentials or to supplement base rates of pay for employees in specific job classifications in particular geographic and/or functional areas where, in the Governor's discretion, they are needed for the purpose of maintaining salaries which enable the Commonwealth to maintain a competitive position in the relevant labor market.

j.1. If at any time the Administrator of the Commonwealth's Attorneys' Services Council serves on the faculty of a state-supported institution of higher education, the faculty appointment must be approved by the Council. Such institution shall pay one-half of the salary listed in § 4-6.01 c 6 of this act. Further, such institution may provide compensation in addition to that listed in § 4-6.01 c 6; provided, however, that such additional compensation must be approved by the Council.

2. If the Administrator ceases to be a member of the faculty of a state-supported institution of higher education, the total salary listed in § 4-6.01 c 6 shall be paid from the Council's appropriation.

k.1.a. Except as otherwise provided for in this subdivision, any increases in the salary band assignment of any job role contained in the compensation and classification plans approved by the Governor shall be effective beginning with the first pay period, defined as the pay period from June 25 through July 9, of the fiscal year if: (1) the agency certifies to the Secretary of Finance that funds are available within the agency's appropriation to cover the cost of the increase for the remainder of the current biennium and presents a plan for covering the costs next biennium and the Secretary concurs, or (2) such funds are appropriated by the General Assembly. If at any time the Secretary of Administration shall certify that such change in the salary band assignment for a job role is of an emergency nature and the Secretary of Finance shall certify that funds are available to cover the cost of the increase for the remainder of the biennium within the agency's appropriation, such change in compensation may be effective on a date agreed upon by these two Secretaries. The Secretary of Administration shall provide a monthly report of all such emergency changes in accordance with § 4-8.00, Reporting Requirements.

b. Notwithstanding any other provision of law, state employees will be paid on the first workday of July for the work period June 10 to June 24 in any calendar year in which July 1 falls on a weekend.

2. Salary adjustments for any employee through a promotion, role change, exceptional recruitment and retention incentive options, or in-range adjustment shall occur only if: a) the agency has sufficient funds within its appropriation to cover the cost of the salary adjustment for the remainder of the current biennium or b) such funds are appropriated by the General Assembly.

3. No changes in salary band assignments affecting classified employees of more than one agency shall become effective unless the Secretary of Finance certifies that sufficient funds are available to provide such increase or plan to all affected employees supported from the general fund.

l. Full-time employees of the Commonwealth, including faculty members of state institutions of higher education, who are appointed to a state-level board, council, commission or similar collegial body shall not receive any such compensation for their services as members or chairmen except for reimbursement of reasonable and necessary expenses. The foregoing provision shall likewise apply to the Compensation Board, pursuant to § 15.2-1636.5, Code of Virginia.

m.1. Notwithstanding any other provision of law, the board of visitors or other governing body of any public institution of higher education is authorized to establish age and service eligibility criteria for faculty participating in voluntary early retirement incentive plans for their respective institutions pursuant to § 23-9.2:3.1 B and the cash payment offered under such compensation plans pursuant to § 23-9.2:3.1 D, Code of Virginia. Notwithstanding the limitations in § 23-9.2:3.1 D, the total cost in any fiscal year for any such compensation plan, shall be set forth by the governing body in the compensation plan for approval by the Governor and review for legal sufficiency by the Office of the Attorney General.

2. Notwithstanding any other provision of law, employees holding full-time, academic-year classified positions at public institutions of higher education shall be considered "state employees" as defined in § 51.1-124.3, Code of Virginia, and shall be considered for medical/hospitalization, retirement service credit, and other benefits on the same basis as those individuals appointed to full-time, 12-month classified positions.

n. Notwithstanding the Department of Human Resource Management Policies and Procedures, payment to employees with five or more years of continuous service who either terminate or retire from service shall be paid in one sum for twenty-five percent of their sick leave balance, provided, however, that the total amount paid for sick leave shall not exceed \$5,000 and the remaining seventy-five percent of their sick leave shall lapse. This provision shall not apply to employees who are covered by the Virginia Sickness and Disability Program as defined in § 51.1-1100, Code of Virginia. Such employees shall not be paid for their sick leave balances. However, they will be paid, if eligible as described above, for any disability leave credits they have at separation or retirement or may convert disability credits to service credit under the Virginia Retirement System pursuant to § 51.1-1103 (F), Code of Virginia.

o. It is the intent of the General Assembly that calculation of the faculty salary benchmark goal for the Virginia Community College System shall be done in a manner consistent with that used for four-year institutions, taking into consideration the number of faculty at each of the community colleges. In addition, calculation of the salary target shall reflect an eight percent salary differential in a manner consistent with other public four-year institutions and for faculty at Northern Virginia Community College.

p. Any public institution of higher education that has met the eligibility criteria set out in Chapters 933 and 945 of the 2005 Acts of Assembly may supplement annual salaries for classified employees from private gifts, endowment funds, or income from endowments and gifts, subject to policies approved by the board of visitors. The Commonwealth shall have no general fund obligations for the continuation of such salary supplements.

q. The Governor, or any other appropriate Board or Public Body, is authorized to adjust the salaries of employees specified in this

item, and other items in the Act, to reflect the compensation adjustments authorized in this Act.

r. Any public institution of higher education shall not provide general fund monies above \$100,000 for any individual athletic coaching salaries after July 1, 2013. Athletic coaching salaries with general fund monies above this amount shall be phased-down over a five-year period at 20 percent per year until reaching the cap of \$100,000.

§ 4-6.02 EMPLOYEE TRAINING AND STUDY

Subject to uniform rules and regulations established by the Governor, the head of any state agency may authorize, from any funds appropriated to such department, institution or other agency in this act or subsequently made available for the purpose, compensation or expenses or both compensation and expenses for employees pursuing approved training courses or academic studies for the purpose of becoming better equipped for their employment in the state service. The rules and regulations shall include reasonable provision for the return of any employee receiving such benefits for a reasonable period of duty, or for reimbursement to the state for expenditures incurred on behalf of the employee should he not return to state service.

§ 4-6.03 EMPLOYEE BENEFITS

a. Any medical/hospitalization benefit program provided for state employees shall include the following provision: any state employee, as defined in § 2.2-2818, Code of Virginia, shall have the option to accept or reject coverage.

b. Except as provided for sworn personnel of the Department of State Police, no payment of, or reimbursement for, the employer paid contribution to the State Police Officers' Retirement System, or any system offering like benefits, shall be made by the Compensation Board of the Commonwealth at a rate greater than the employer rate established for the general classified workforce of the Commonwealth covered under the Virginia Retirement System. Any cost for benefits exceeding such general rate shall be borne by the employee or, in the case of a political subdivision, by the employer.

c. Each agency may, within the funds appropriated by this act, implement a transit and ridesharing incentive program for its employees. With such programs, agencies may reimburse employees for all or a portion of the costs incurred from using public transit, car pools, or van pools. The Secretary of Transportation shall develop guidelines for the implementation of such programs and any agency program must be developed in accordance with such guidelines. The guidelines shall be in accordance with the federal National Energy Policy Act of 1992 (P.L. 102-486), and no program shall provide an incentive that exceeds the actual costs incurred by the employee.

d. Any hospital that serves as the primary medical facility for state employees may be allowed to participate in the State Employee Health Insurance Program pursuant to § 2.2-2818, Code of Virginia, provided that (1) such hospital is not a participating provider in the network, contracted by the Department of Human Resource Management, that serves state employees and (2) such hospital enters into a written agreement with the Department of Human Resource Management as to the rates of reimbursement. The department shall accept the lowest rates offered by the hospital from among the rates charged by the hospital to (1) its largest purchaser of care, (2) any state or federal public program, or (3) any special rate developed by the hospital for the state employee health benefits program which is lower than either of the rates above. If the department and the hospital cannot come to an agreement, the department shall reimburse the hospital at the rates contained in its final offer to the hospital until the dispute is resolved. Any dispute shall be resolved through arbitration or through the procedures established by the Administrative Process Act, as the hospital may decide, without impairment of any residual right to judicial review.

e. Any classified employee of the Commonwealth and any person similarly employed in the legislative, judicial and independent agencies who (i) is compensated on a salaried basis and (ii) works at least twenty hours per week shall be considered a full-time employee for the purposes of participation in the Virginia Retirement System's group life insurance and retirement programs. Any part-time magistrate hired prior to July 1, 1999, shall have the option of participating in the programs under this provision.

f.1. Any member of the Virginia Retirement System who is retired under the provisions of § 51.1-155.1, Code of Virginia who: 1) returns to work in a position that is covered by the provisions of § 51.1-155.1, Code of Virginia after a break of not less than four years, 2) receives no other compensation for service to a public employer than that provided for the position covered by § 51.1-155.1, Code of Virginia during such period of reemployment, 3) retires within one year of commencing such period of reemployment, and 4) retires directly from service at the end of such period of reemployment may either:

a) Revert to the previous retirement benefit received under the provisions of § 51.1-155.1, Code of Virginia, including any annual cost of living adjustments granted thereon. This benefit may be adjusted upward to reflect the effect of such additional months of service and compensation received during the period of reemployment, or

b) Retire under the provisions of Title 51.1 in effect at the termination of his or her period of reemployment, including any purchase of service that may be eligible for purchase under the provisions of § 51.1-142.2, Code of Virginia.

2. The Virginia Retirement System shall establish procedures for verification by the employer of eligibility for the benefits provided for in this paragraph.

g. Notwithstanding any other provision of law, no agency head compensated by funds appropriated in this act may be a member

of the Virginia Law Officers' Retirement System created under Title 51.1, Chapter 2.1, Code of Virginia. The provisions of this paragraph are effective on July 1, 2002, and shall not apply to the Chief of the Capitol Police.

h. Full-time employees appointed by the Governor who, except for meeting the minimum service requirements, would be eligible for the provisions of § 51.1-155.1, Code of Virginia, may, upon termination of service, use any severance allowance payment to purchase service to meet, but not exceed, the minimum service requirements of § 51.1-155.1, Code of Virginia. Such service purchase shall be at the rate of 15 percent of the employee's final creditable compensation or average final compensation, whichever is greater, and shall be completed within 90 days of separation of service.

i. When calculating the retirement benefits payable under the Virginia Retirement System (VRS), the State Police Officers' Retirement System (SPORS), the Virginia Law-enforcement Officers' Retirement System (VaLORS), or the Judicial Retirement System (JRS) to any employee of the Commonwealth or its political subdivisions who is called to active duty with the armed forces of the United States, including the United States Coast Guard, the Virginia Retirement System shall:

1) utilize the pre-deployment salary, or the actual salary paid by the Commonwealth or the political subdivision, whichever is higher, when calculating average compensation, and

2) include those months after September 1, 2001 during which the employee was serving on active duty with the armed forces of the United States in the calculation of creditable service.

j. The provisions in § 51.1-144, Code of Virginia, that require a member to contribute five percent of his creditable compensation for each pay period for which he receives compensation on a salary reduction basis, shall not apply to any (i) "state employee," as defined in § 51.1-124.3, Code of Virginia, who is an elected official, or (ii) member of the Judicial Retirement System under Chapter 3 of Title 51.1 (§ 51.1-300 et seq.), who is not a "person who becomes a member on or after July 1, 2010," as defined in § 51.1-124.3, Code of Virginia.

k. Notwithstanding the provisions of subsection G of § 51.1-156, any employee of a school division who completed a period of 24 months of leave of absence without pay during October 2013 and who had previously submitted an application for disability retirement to VRS in 2011 may submit an application for disability retirement under the provisions of § 51.1-156. Such application shall be received by the Virginia Retirement System no later than October 1, 2014. This provision shall not be construed to grant relief in any case for which a court of competent jurisdiction has already rendered a decision, as contemplated by Article II, Section 14 of the Constitution of Virginia.

§ 4-6.04 CHARGES

a. **FOOD SERVICES:** Except as exempted by the prior written approval of the Director, Department of Human Resource Management, and the provisions of § 2.2-3605, Code of Virginia, state employees shall be charged for meals served in state facilities. Charges for meals will be determined by the agency. Such charges shall be not less than the value of raw food and the cost of direct labor and utilities incidental to preparation and service. Each agency shall maintain records as to the calculation of meal charges and revenues collected. Except where appropriations for operation of the food service are from nongeneral funds, all revenues received from such charges shall be paid directly and promptly into the general fund. The provisions of this paragraph shall not apply to on-duty employees assigned to correctional facilities operated by the Departments of Corrections and Juvenile Justice.

b. HOUSING SERVICES:

1. Each agency will collect a fee from state employees who occupy state-owned or leased housing, subject to guidelines provided by the Director, Department of General Services. Each agency head is responsible for establishing a fee for state-owned or leased housing and for documenting in writing why the rate established was selected. In exceptional circumstances, which shall be documented as being in the best interest of the Commonwealth by the agency requesting an exception, the Director, Department of General Services may waive the requirement for collection of fees.

2. All revenues received from housing fees shall be promptly deposited in the state treasury. For housing for which operating expenses or rent are financed by general fund appropriations, such revenues shall be deposited to the credit of the general fund. For housing for which operating expenses or rent are financed by nongeneral fund appropriations, such revenues shall be deposited to the credit of the nongeneral fund. Agencies which provide housing for which operating expenses or rent are financed from both general fund and nongeneral fund appropriations shall allocate such revenues, when deposited in the state treasury, to the appropriate fund sources in the same proportion as the appropriations. However, without exception, any portion of a housing fee attributable to depreciation for housing which was constructed with general fund appropriations shall be paid into the general fund.

c. PARKING SERVICES:

1. State-owned parking facilities

Agencies with parking space for employees in state-owned facilities shall, when required by the Director, Department of General Services, charge employees for such space on a basis approved by the Governor. All revenues received from such charges shall be paid directly and promptly into a special fund in the state treasury to be used, as determined by the Governor, for payment of costs for the provision of vehicle parking spaces. Interest shall be added to the fund as earned. -

2. Leased parking facilities in metropolitan Richmond area

Agencies occupying private sector leased or rental space in the metropolitan Richmond area, not including institutions of higher education, shall be required to charge a fee to employees for vehicle parking spaces that are assigned to them or are otherwise available either incidental to the lease or rental agreement or pursuant to a separate lease agreement for private parking space. In such cases, the individual employee parking fee shall not be less than that paid by employees parking in Department of General Services parking facilities at the Seat of Government. The Director, Department of General Services may amend or waive the fee requirement for good cause. Revenues derived from employees paying for parking spaces in leased facilities will be retained by the leasing agency to be used to offset the cost of the lease to which it pertains. Any lease for private parking space must be approved by the Director, Department of General Services.

3. The assignment of Lot P1A of the Department of General Services, Capitol Area Site Plan, to include parking spaces 1 through 37, but excluding spaces 34 and 36, which shall be reserved for the Department of General Services, and the surrounding surfaces around those spaces shall be under the control of the Committee on Joint Rules and administered by the Clerk of the House and the Clerk of the Senate. Any employee permanently assigned to any of these spaces shall be subject to the provisions of paragraph 1 of this item.

§ 4-6.05 SELECTION OF APPLICANTS FOR CLASSIFIED POSITIONS

It is the responsibility of state agency heads to ensure that all provisions outlined in Title 2.2, Chapter 29, Code of Virginia (the Virginia Personnel Act), and executive orders that govern the practice of selecting applicants for classified positions are strictly observed. The Governor's Secretaries shall ensure this provision is faithfully enforced.

§ 4-6.06 POSITIONS GOVERNED BY CHAPTERS 933 AND 943 OF THE 2006 ACTS OF ASSEMBLY

Except as provided in subsection A of § 23-38.114 of the Code of Virginia, § 4-6.00 shall not apply to public institutions of higher education governed by Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly and Chapters 675 and 685 of the 2009 Acts of Assembly, with regard to their participating covered employees, as that term is defined in those two chapters, except to the extent a specific appropriation or language in this act addresses such an employee.

§ 4-7.00 STATEWIDE PLANS

§ 4-7.01 MANPOWER CONTROL PROGRAM

a.1. The term Position Level is defined as the number of full-time equivalent (FTE) salaried employees assigned to an agency in this act. Except as provided in § 4-7.01 b, the Position Level number stipulated in an agency's appropriation is the upper limit for agency employment which cannot be exceeded during the fiscal year without approval from the Director, Department of Planning and Budget for Executive Department agencies, approval from the Joint Committee on Rules for Legislative Department agencies or approval from the appropriate governing authority for the independent agencies.

2. Any approval granted under this subsection shall be reported in writing to the Chairmen of the House Appropriations Committee and the Senate Finance Committee, the Governor and the Directors of the Department of Planning and Budget and Department of Human Resource Management within ten days of such approval. Approvals for executive department agencies shall be based on threats to life, safety, health, or property, or compliance with judicial orders or federal mandates, to support federal grants or private donations, to administer a program for another agency or to address an immediate increase in workload or responsibility or when to delay approval of increased positions would result in a curtailment of services prior to the next legislative session. Any such position level increases pursuant to this provision may not be approved for more than one year.

b. The Position Levels stipulated for the individual agencies within the Department of Behavioral Health and Developmental Services and the Department of Corrections are for reference only and are subject to changes by the applicable Department, provided that such changes do not result in exceeding the Position Level for that department.

c.1. The Governor shall implement such policies and procedures as are necessary to ensure that the number of employees in the Executive Department, excluding institutions of higher education and the State Council of Higher Education, may be further restricted to the number required for efficient operation of those programs approved by the General Assembly. Such policies and procedures shall include periodic review and analysis of the staffing requirements of all Executive Department agencies by the Department of Planning and Budget with the object of eliminating through attrition positions not necessary for the efficient operation of programs.

2. The institutions of higher education and the State Council of Higher Education are hereby authorized to fill all positions authorized in this act. This provision shall be waived only upon the Governor's official declaration that a fiscal emergency exists requiring a change in the official estimate of general fund revenues available for appropriation.

d.1. Position Levels are for reference only and are not binding on agencies in the legislative department, independent agencies, the Executive Offices other than the offices of the Governor's Secretaries, and the judicial department.

2. Positions assigned to programs supported by internal service funds are for reference only and may fluctuate depending upon workload and funding availability.

3. Positions assigned to sponsored programs, auxiliary enterprises, continuing education, and teaching hospitals in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. Positions assigned to Item Detail 43012, State Health Services Technical Support and Administration, at Virginia Commonwealth University are for reference only and may fluctuate depending upon workload and funding availability.

4. Positions assigned to educational and general programs in the institutions of higher education are for reference only and may fluctuate depending upon workload and funding availability. However, total general fund positions filled by an institution of higher education may not exceed 105 percent of the general fund positions appropriated without prior approval from the Director, Department of Planning and Budget.

5. Positions assigned to Item Details 47001, Job Placement Services; 47002, Unemployment Insurance Services; 47003, Workforce Development Services; and 53402, Economic Information Services, at the Virginia Employment Commission are for reference only and may fluctuate depending upon workload and funding availability. Unless otherwise required by the funding source, after enactment of this act, any new positions hired using this provision shall not be subject to transitional severance benefit provisions of the Workforce Transition Act of 1995, Title 2.2, Chapter 32, Code of Virginia.

e. Prior to implementing any Executive Department hiring freeze, the Governor shall consider the needs of the Commonwealth in regards to the safe and efficient operation of state facilities and performance of essential services to include the exemption of certain positions assigned to agencies and institutions that provide services pertaining to public safety and public health from such hiring freezes.

f.1. Full-time, part-time, wage or contractual state employees assigned to the Governor's Cabinet Secretaries from agencies and institutions under their control for the purpose of carrying out temporary assignments or projects may not be so assigned for a period exceeding 180 days in any calendar year. The permanent transfer of positions from an agency or institution to the Offices of the Secretaries, or the temporary assignment of agency or institutional employees to the Offices of the Secretaries for periods exceeding 180 days in any calendar year regardless of the separate or discrete nature of the projects, is prohibited without the prior approval of the General Assembly.

2. Not more than three positions in total, as described in subsection 1 hereof, may be assigned at any time to the Office of any Cabinet Secretary, unless specifically approved in writing by the Governor. The Governor shall notify the Chairmen of the House Appropriations and Senate Finance Committees in the case of any such approvals.

g. All state employees, including those in the legislative, judicial, and executive branches and the independent agencies of the Commonwealth, who are not eligible for benefits under a health care plan established and administered by the Department of Human Resource Management (DHRM) pursuant to Va. Code § 2.2-2818, or by an agency administering its own health care plan, may not work more than 29 hours per week on average over a twelve month period. Adjunct faculty at institutions of higher education may not work more than 29 hours per week on average over a twelve month period, including classroom or other instructional time plus additional hours determined by the institution as necessary to perform the adjunct faculty's duties. DHRM shall provide relevant program requirements to agencies and employees, including, but not limited to, information on wage, variable and seasonal employees. All state agencies/employers in all branches of government shall provide information requested by DHRM concerning hours worked by employees as needed to comply with the Affordable Care Act (the "Act") and this provision. State agencies/employers are accountable for compliance with this provision, and are responsible for any costs associated with maintaining compliance with it and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. The provisions of this paragraph shall not apply to employees of state teaching hospitals that have their own health insurance plan; however, the state teaching hospitals are accountable for compliance with, and are responsible for any costs associated with maintaining compliance with the Act and for any costs or penalties associated with any violations of the Act or regulations thereunder and any such costs shall be borne by the agency from existing appropriations. Subject to approval of the Governor, DHRM shall modify this provision consistent with any updates or changes to federal law and regulations.

§ 4-8.00 REPORTING REQUIREMENTS

§ 4-8.01 GOVERNOR

a. General:

1. The Governor shall submit the information specified in this section to the Chairmen of the House Appropriations and Senate Finance Committees on a monthly basis, or at such intervals as may be directed by said Chairmen, or as specified elsewhere in this act. The information on agency operating plans and expenditures as well as agency budget requests shall be submitted in such form, and by such method, including electronically, as may be mutually agreed upon. Such information shall be preserved for public inspection in the Department of Planning and Budget.

2. The Governor shall make available annually to the Chairmen of the Senate Finance, House Finance, and House Appropriations

Committees a report concerning the receipt of any nongeneral funds above the amount(s) specifically appropriated, their sources, and the amounts for each agency affected.

3. a) It is the intent of the General Assembly that reporting requirements affecting state institutions of higher education be reduced or consolidated where appropriate. State institutions of higher education, working with the Secretary of Education and Workforce, Secretary of Finance, and the Director, Department of Planning and Budget, shall continue to identify specific reporting requirements that the Governor may consider suspending.

b) Reporting generally should be limited to instances where (1) there is a compelling state interest for state agencies to collect, use, and maintain the information collected; (2) substantial risk to the public welfare or safety would result from failing to collect the information; or (3) the information collected is central to an essential state process mandated by the Code of Virginia.

c) Upon the effective date of this act, and until its expiration date, the following reporting requirements are hereby suspended or modified as specified below:

Agency	Report Title of Descriptor	Authority	Action
Department of Accounts	Intercollegiate Athletics Receipts & Disbursements	Code of Virginia § 23-1.1.	Suspend reporting.
Department of Accounts	Prompt Pay Summary Report	Agency Directive	Change reporting from monthly to quarterly.
Department of General Services	Usage of State-Assigned and State-Owned Vehicles Report	Agency Directive -- Executive Order 89 (2005)	Suspend reporting.
Department of General Services	Gas Report/Repair Charge	Agency Directive--Executive Order 89 (2005)	Suspend reporting.
Department of Human Resource Management	Report of Personnel Development Service	Agency Directive	Suspend reporting.
Department of Human Resource Management	Human Capital Report (Full-Time, Part-Time, Temporary, Contractual employees funded by the Commonwealth)	Code of Virginia § 2.2-1201. A. 14.	Change reporting from annually to monthly.
Department of Human Resource Management State Employee Workers' Compensation Program	Work-related injuries and illnesses report -- goals, strategies, and results	Agency Directive -- Executive Order 94 (2005)	Suspend reporting.
Governor's Office	Small, Women-and Minority-owned Businesses (SWaM)	Executive Directive	Change reporting from weekly to monthly.
Secretary of Commerce and Trade	Recruitment of National and Regional Conferences Report	Agency Directive -- Executive Order 14 (2006)	Suspend reporting.

d) The Department of Planning and Budget (DPB) and the State Council of Higher Education for Virginia (SCHEV) shall work jointly to attempt to consolidate various reporting requirements pertaining to the estimates and projections of nongeneral fund revenues in institutions of higher education. The purpose of this effort shall be aimed at developing a common form for use in collecting nongeneral fund data for DPB's six-year nongeneral fund revenue estimate submission and SCHEV's annual survey of nongeneral fund revenue from institutions of higher education.

b. Operating Appropriations Reports:

1. Status of Adjustments to Appropriations. Such information must include increases and decreases of appropriations or allotments, transfers and additional revenues. A report of appropriation transfers from one agency to another made pursuant to § 4-1.03 of this act shall be made available via electronic means to the Chairmen of the House Appropriations and Senate Finance Committees, and the public by the tenth day of the month following that in which such transfer occurs, unless otherwise specified in § 4-1.03.

2. Status of each sum sufficient appropriation. The information must include the amount of expenditures for the period just

completed and the revised estimates of expenditures for the remaining period of the current biennium, as well as an explanation of differences between the amount of the actual appropriation and actual and/or projected appropriations for each year of the current biennium.

3. Status of Economic Contingency Appropriation. The information must include actions taken related to the appropriation for economic contingency.

4. Status of Withholding Appropriations. The information must include amounts withheld and the agencies affected.

5. Status of reductions occurring in general and nongeneral fund revenues in relation to appropriations.

6. Status of approvals of deficits.

c. Employment Reports:

1. Status of changes in positions and employment of state agencies affected. The information must include the number of positions and the agencies affected.

2. Status of the employment by the Attorney General of special counsel in certain highway proceedings brought pursuant to Chapter 10 of Title 33.2, Code of Virginia, on behalf of the Commissioner of Highways, as authorized by § 2.2-510, Code of Virginia. This report shall include fees for special counsel for the respective county or city for which the expenditure is made and shall be submitted within 60 days of the close of the fiscal year (see § 4-5.02 a.3).

3. Changes in the level of compensation authorized pursuant to § 4-6.01 k, Employee Compensation. Such report shall include a list of the positions changed, the number of employees affected, the source and amount of funds, and the nature of the emergency.

4. Pursuant to requirements of § 2.2-203.1, Code of Virginia, the Secretary of Administration, in cooperation with the Secretary of Technology, shall provide a report describing the Commonwealth's telecommuting policies, which state agencies and localities have adopted telecommuting policies, the number of state employees who telecommute, the frequency with which state employees telecommute by locality, and the efficacy of telecommuting policies in accomplishing the provision of state services and completing state functions. This report shall be provided to the Chairmen of the House Committee on Appropriations, the House Committee on Science and Technology, the Senate Committee on Finance, and the Senate Committee on General Laws and Technology each year by October 1.

d. Capital Appropriations Reports:

1. Status of progress of capital projects on an annual basis (see § 4-4.01 o).

2. Notice of all capital projects authorized under § 4-4.01 m (see § 4-4.01 m. 1. b) 4)).

e. Utilization of State Owned and Leased Real Property:

1. By November 15 of each year, the Department of General Services (DGS) shall consolidate the reporting requirements of § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia into a single report eliminating the individual reports required by § 2.2-1131.1 and § 2.2-1153 of the Code of Virginia. This report shall be submitted to the Governor and the General Assembly and include (i) information on the implementation and effectiveness of the program established pursuant to subsection A of § 2.2-1131.1, (ii) a listing of real property leases that are in effect for the current year, the agency executing the lease, the amount of space leased, the population of each leased facility, and the annual cost of the lease; and, (iii) a report on DGS's findings and recommendations under the provisions of § 2.2-1153, and recommendations for any actions that may be required by the Governor and the General Assembly to identify and dispose of property not being efficiently and effectively utilized.

2. By October 1 of each year, each agency that controls leased property, where such leased property is not under the DGS lease administration program, shall provide a report on each leased facility or portion thereof to DGS in a manner and form prescribed by DGS. Specific data included in the report shall identify at a minimum, the number of square feet occupied, the number of employees and contractors working in the leased space, if applicable, and the cost of the lease.

f. Services Reports:

Status of any exemptions by the State Council of Higher Education to policy which prohibits use of funds in this act for the operation of any academic program by any state institution of higher education, unless approved by the Council and included in the Governor's recommended budget, or approved by the General Assembly (see § 4-5.05 b 2).

g. Standard State Agency Abbreviations:

The Department of Planning and Budget shall be responsible for maintaining a list of standard abbreviations of the names of state agencies. The Department shall make a listing of agency standard abbreviations available via electronic means on a continuous basis to the Chairmen of the House Appropriations and Senate Finance Committees, the State Comptroller, the Director, Department of Human Resource Management and the Chief Information Officer, Virginia Information Technologies Agency, and the public.

h. Educational and General Program Nongeneral Fund Administrative Appropriations Approved by the Department of Planning and Budget:

The Secretary of Finance and Secretary of Education, in collaboration with the Director, Department of Planning and Budget, shall report in December and June of each year to the Chairmen of the House Appropriations and Senate Finance Committees on adjustments made to higher education operating funds in the Educational and General Programs (10000) items for each public college and university contained in this budget. The report shall include actual or projected adjustments which increase nongeneral funds or actual or projected adjustments that transfer nongeneral funds to other items within the institution. The report shall provide the justification for the increase or transfer and the relative impact on student groups.

§ 4-8.02 STATE AGENCIES

a. As received, all state agencies shall forward copies of each federal audit performed on agency or institution programs or activities to the Auditor of Public Accounts and to the State Comptroller. Upon request, all state agencies shall provide copies of all internal audit reports and access to all working papers prepared by such auditors to the Auditor of Public Accounts and to the State Comptroller.

b. Annually: Within five calendar days after state agencies submit their budget requests, amendment briefs, or requests for amendments to the Department of Planning and Budget, the Director, Department of Planning and Budget shall submit, electronically if available, copies to the Chairmen of the Senate Finance and House Appropriations Committees.

c. By September 1 of each year, state agencies receiving any asset as the result of a law-enforcement seizure and subsequent forfeiture by either a state or federal court, shall submit a report identifying all such assets received during the prior fiscal year and their estimated net worth, to the Chairmen of the House Appropriations and Senate Finance Committees.

§ 4-9.00 HIGHER EDUCATION RESTRUCTURING

§ 4-9.01 ASSESSMENT OF INSTITUTIONAL PERFORMANCE

Consistent with § 23-9.6:1.01, Code of Virginia, the following education-related and financial and administrative management measures shall be the basis on which the State Council of Higher Education shall annually assess and certify institutional performance. Such certification shall be completed and forwarded in writing to the Governor and the General Assembly no later than October 1 of each even-numbered year. Institutional performance on measures set forth in paragraph D of this section shall be evaluated year-to-date by the Secretaries of Finance, Administration, and Technology as appropriate, and communicated to the State Council of Higher Education before October 1 of each even-numbered year. Financial benefits provided to each institution in accordance with § 2.2-5005 will be evaluated in light of that institution's performance.

In general, institutions are expected to achieve all performance measures in order to be certified by SCHEV, but it is understood that there can be circumstances beyond an institution's control that may prevent achieving one or more performance measures. The Council shall consider, in consultation with each institution, such factors in its review: (1) institutions meeting all performance measures will be certified by the Council and recommended to receive the financial benefits, (2) institutions that do not meet all performance measures will be evaluated by the Council and the Council may take one or more of the following actions: (a) request the institution provide a remediation plan and recommend that the Governor withhold release of financial benefits until Council review of the remediation plan or (b) recommend that the Governor withhold all or part of financial benefits.

Further, the State Council shall have broad authority to certify institutions as having met the standards on education-related measures. The State Council shall likewise have the authority to exempt institutions from certification on education-related measures that the State Council deems unrelated to an institution's mission or unnecessary given the institution's level of performance.

The State Council may develop, adopt, and publish standards for granting exemptions and ongoing modifications to the certification process.

a. BIENNIAL ASSESSMENTS

1. Institution meets at least 95 percent of its State Council-approved biennial projections for in-state undergraduate headcount enrollment.

2. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state associate and bachelor degree awards.

3. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state STEM-H (Science, Technology, Engineering, Mathematics, and Health professions) associate and bachelor degree awards.

4. Institution meets at least 95 percent of its State Council-approved biennial projections for the number of in-state, upper level - sophomore level for two-year institutions and junior and senior level for four-year institutions - program-placed, full-time

equivalent students.

5. Maintain or increase the number of in-state associate and bachelor degrees awarded to students from under-represented populations.

6. Maintain or increase the number of in-state two-year transfers to four-year institutions.

b. Elementary and Secondary Education

1. The Virginia Department of Education shall share data on teachers, including identifying information, with the State Council of Higher Education for Virginia in order to evaluate the efficacy of approved programs of teacher education, the production and retention of teachers, and the exiting of teachers from the teaching profession.

2. a) The Virginia Department of Education and the State Council of Higher Education for Virginia shall share personally identifiable information from education records in order to evaluate and study student preparation for and enrollment and performance at state institutions of higher education in order to improve educational policy and instruction in the Commonwealth. However, such study shall be conducted in such a manner as to not permit the personal identification of students by persons other than representatives of the Department of Education or the State Council for Higher Education for Virginia, and such shared information shall be destroyed when no longer needed for purposes of the study.

b) Notwithstanding § 2.2-3800 of the Code of Virginia, the Virginia Department of Education, State Council of Higher Education for Virginia, Virginia Community College System, and the Virginia Employment Commission may collect, use, share, and maintain de-identified student data to improve student and program performance including those for career readiness.

3. Institutions of higher education shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the purpose of studying student preparation as it relates to the content and rigor of the Standards of Learning. Furthermore, the superintendent of each school division shall disclose information from a pupil's scholastic record to the Superintendent of Public Instruction or his designee for the same purpose. All information provided to the Superintendent or his designee for this purpose shall be used solely for the purpose of evaluating the Standards of Learning and shall not be redisclosed, except as provided under federal law. All information shall be destroyed when no longer needed for the purposes of studying the content and rigor of the Standards of Learning.

c. SIX-YEAR PLAN

Institution prepares six-year financial plan consistent with § 23-9.2:3.02.

d. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to all institutions except those governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

1. As specified in § 2.2-5004, Code of Virginia, institution takes all appropriate actions to meet the following financial and administrative standards:

a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;

b) No significant audit deficiencies attested to by the Auditor of Public Accounts;

c) Substantial compliance with all financial reporting standards approved by the State Comptroller;

d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and

e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Institution complies with a debt management policy approved by its governing board that defines the maximum percent of institutional resources that can be used to pay debt service in a fiscal year, and the maximum amount of debt that can be prudently issued within a specified period.

3. The institution will achieve the classified staff turnover rate goal established by the institution; however, a variance of 15 percent from the established goal will be acceptable.

4. The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable.

The institution will make no less than 75 percent of dollar purchases through the Commonwealth's enterprise-wide internet procurement system (eVA) from vendor locations registered in eVA.

5. The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board for projects initiated under delegated authority, or the budget set out in the Appropriation Act or other Acts of Assembly. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun.

6. The institution will complete major information technology projects (with an individual cost of over \$1,000,000) within the budgets and schedules originally approved by the institution's governing board. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay.

e. FINANCIAL AND ADMINISTRATIVE STANDARDS

The financial and administrative standards apply to institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly, Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly. They shall be measured by the administrative standards outlined in the Management Agreements and § 4-9.02.d.4. of this act. However, the Governor may supplement or replace those administrative performance measures with the administrative performance measures listed in this paragraph. Effective July 1, 2009, the following administrative and financial measures shall be used for the assessment of institutional performance for institutions governed under Chapters 933 and 943 of the 2006 Acts of Assembly and those governed under Chapters 594 and 616 of the 2008 Acts of Assembly, and Chapters 675 and 685 of the 2009 Acts of Assembly.

1. Financial

- a) An unqualified opinion from the Auditor of Public Accounts upon the audit of the public institution's financial statements;
- b) No significant audit deficiencies attested to by the Auditor of Public Accounts;
- c) Substantial compliance with all financial reporting standards approved by the State Comptroller;
- d) Substantial attainment of accounts receivable standards approved by the State Comptroller, including but not limited to, any standards for outstanding receivables and bad debts; and
- e) Substantial attainment of accounts payable standards approved by the State Comptroller including, but not limited to, any standards for accounts payable past due.

2. Debt Management

- a) The institution shall maintain a bond rating of AA- or better;
- b) The institution achieves a three-year average rate of return at least equal to the imoney.net money market index fund; and
- c) The institution maintains a debt burden ratio equal to or less than the level approved by the Board of Visitors in its debt management policy.

3. Human Resources

- a) The institution's voluntary turnover rate for classified plus university/college employees will meet the voluntary turnover rate for state classified employees within a variance of 15 percent; and
- b) The institution achieves a rate of internal progression within a range of 40 to 60 percent of the total salaried staff hires for the fiscal year.

4. Procurement

- a) The institution will substantially comply with its annual approved Small, Women and Minority (SWAM) procurement plan as submitted to the Department of Small Business and Supplier Diversity; however, a variance of 15 percent from its SWAM purchase goal, as stated in the plan, will be acceptable; and
- b) The institution will make no less than 80 percent of purchase transactions through the Commonwealth's enterprise-wide internet procurement system (eVA) with no less than 75 percent of dollars to vendor locations in eVA.

5. Capital Outlay

- a) The institution will complete capital projects (with an individual cost of over \$1,000,000) within the budget originally approved by the institution's governing board at the preliminary design state for projects initiated under delegated authority, or

the budget set out in the Appropriation Act or other Acts of Assembly which provides construction funding for the project at the preliminary design state. If the institution exceeds the budget for any such project, the Secretaries of Administration and Finance shall review the circumstances causing the cost overrun and the manner in which the institution responded and determine whether the institution shall be considered in compliance with the measure despite the cost overrun;

b) The institution shall complete capital projects with the dollar amount of owner requested change orders not more than 2 percent of the guaranteed maximum price (GMP) or construction price; and

c) The institution shall pay competitive rates for leased office space – the average cost per square foot for office space leased by the institution is within 5 percent of the average commercial business district lease rate for similar quality space within reasonable proximity to the institution's campus.

6. Information Technology

a) The institution will complete major information technology projects (with an individual cost of over \$1,000,000) on time and on budget against their managed project baseline. If the institution exceeds the budget and/or time schedule for any such project, the Secretary of Technology shall review the circumstances causing the cost overrun and/or delay and the manner in which the institution responded and determine whether the institution appropriately adhered to Project Management Institute's best management practices and, therefore, shall be considered in compliance with the measure despite the cost overrun and/or delay; and

b) The institution will maintain compliance with institutional security standards as evaluated in internal and external audits. The institution will have no significant audit deficiencies unresolved beyond one year.

f. REPORTING

The Director, Department of Planning and Budget, with cooperation from the Comptroller and institutions of higher education governed under Management Agreements, shall develop uniform reporting requirements and formats for revenue and expenditure data.

g. EXEMPTION

The requirements of this section shall not be in effect if they conflict with § 23-9.6:1.01.D. of Chapters 828 and 869 of the Acts of Assembly of 2011.

§ 4-9.02 LEVEL II AUTHORITY

a. Notwithstanding the provisions of § 5 of Chapter 824 and 829 of the 2008 Acts of Assembly, institutions of higher education that have met the eligibility criteria for additional operational and administrative authority set forth in Chapters 824 and 829 of the 2008 Acts of Assembly shall be allowed to enter into separate negotiations for additional operational authority for a third and separate functional area listed in Chapter 824 and 829 of the 2008 Acts of Assembly, provided they have:

1. successfully completed at least three years of effectiveness and efficiencies operating under such additional authority granted by an original memorandum of understanding;
2. successfully renewed an additional memoranda of understanding for a five year term for each of the original two areas.

The institutions shall meet all criteria and follow policies for negotiating and establishing a memorandum of understanding with the Commonwealth of Virginia as provided in § 2.0 (Information Technology), § 3.0 (Procurement), and § 4.0 (Capital Outlay) of Chapter 824 and 829 of the 2008 Acts of Assembly.

b. As part of the memorandum of understanding, each institution shall be required to adopt at least one new education-related measure for the new area of operational authority. Each education-related measure and its respective target shall be developed in consultation with the Secretary of Finance, Secretary of Education, the appropriate Cabinet Secretary, and the State Council of Higher Education for Virginia. Each education-related measure and its respective target must be approved by the State Council of Higher Education for Virginia and shall become part of the certification required by § 23-9.6:1.01.

c. 1. As part of a five-year pilot program, George Mason University and James Madison University are authorized, for a period of five years, to exercise additional financial and administrative authority as set out in each of the three functional areas of information technology, procurement and capital projects as set forth and subject to all the conditions in §§ 2.0, 3.0 and 4.0 of the second enactment of Chapter 824 and 829 of the Acts of Assembly of 2008 except that (i) any effective dates contained in Chapter 824 and 829 of the Acts of Assembly of 2008 are superseded by the provisions of this item, and (ii) the institution is not required to have a signed memorandum of understanding with the Secretary of Administration regarding participation in the nongeneral fund decentralization program as provided in subsection C of § 2.2-1132 in order to be eligible for the additional capital project authority.

2. In addition, each institution shall exercise additional financial and administrative authority over financial operations as follows:

a). BOARD OF VISITORS ACCOUNTABILITY AND DELEGATION OF AUTHORITY.

The Board of Visitors of the University shall at all times be fully and ultimately accountable for the proper fulfillment of the duties and responsibilities set forth in, and for the appropriate implementation of, this Policy. Consistent with this full and ultimate accountability, however, the Board may, pursuant to its legally permissible procedures, specifically delegate either herein or by separate Board resolution the duties and responsibilities set forth in this Policy to a person or persons within the University, who, while continuing to be fully accountable for such duties and responsibilities, may further delegate the implementation of those duties and responsibilities pursuant to the University's usual delegation policies and procedures.

b) FINANCIAL MANAGEMENT AND REPORTING SYSTEM.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized by the Board to maintain existing and implement new policies governing the management of University financial resources. These policies shall continue to (i) ensure compliance with Generally Accepted Accounting Principles, (ii) ensure consistency with the current accounting principles employed by the Commonwealth, including the use of fund accounting principles, with regard to the establishment of the underlying accounting records of the University and the allocation and utilization of resources within the accounting system, including the relevant guidance provided by the State Council of Higher Education for Virginia chart of accounts with regard to the allocation and proper use of funds from specific types of fund sources, (iii) provide adequate risk management and internal controls to protect and safeguard all financial resources, including moneys transferred to the University pursuant to a general fund appropriation, and ensure compliance with the requirements of the Appropriation Act.

The financial management system shall continue to include a financial reporting system to satisfy both the requirements for inclusion into the Commonwealth's Comprehensive Annual Financial Report, as specified in the related State Comptroller's Directives, and the University's separately audited financial statements. To ensure observance of limitations and restrictions placed on the use of the resources available to the University, the accounting and bookkeeping system of the University shall continue to be maintained in accordance with the principles prescribed for governmental organizations by the Governmental Accounting Standards Board.

In addition, the financial management system shall continue to provide financial reporting for the President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, and the Board of Visitors to enable them to provide adequate oversight of the financial operations of the University.

c) FINANCIAL MANAGEMENT POLICIES.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall create and implement any and all financial management policies necessary to establish a financial management system with adequate risk management and internal control processes and procedures for the effective protection and management of all University financial resources. Such policies will not address the underlying accounting principles and policies employed by the Commonwealth and the University, but rather will focus on the internal operations of the University's financial management. These policies shall include, but need not be limited to, the development of a tailored set of finance and accounting practices that seek to support the University's specific business and administrative operating environment in order to improve the efficiency and effectiveness of its business and administrative functions. In general, the system of independent financial management policies shall be guided by the general principles contained in the Commonwealth's Accounting Policies and Procedures such as establishing strong risk management and internal accounting controls to ensure University financial resources are properly safeguarded and that appropriate stewardship of public funds is obtained through management's oversight of the effective and efficient use of such funds in the performance of University programs.

The University shall continue to follow the Commonwealth's accounting policies until such time as specific alternate policies can be developed, approved and implemented. Such alternate policies shall include applicable accountability measures and shall be submitted to the State Comptroller for review and comment before they are implemented by the University.

d) FINANCIAL RESOURCE RETENTION AND MANAGEMENT.

The Board of Visitors shall retain the authority to establish tuition, fee, room, board, and other charges, with appropriate commitment provided to need-based grant aid for middle- and lower-income undergraduate Virginians. Except as provided otherwise in the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be exempt from the revenue restrictions in the general provisions of the Appropriation Act related to non-general funds. In addition, unless prohibited by the Appropriation Act, it is the intent of the Commonwealth and the University that the University shall be entitled to retain non-general fund savings generated from changes in Commonwealth rates and charges, including but not limited to health, life, and disability insurance rates, retirement contribution rates, telecommunications charges, and utility rates, rather than reverting such savings back to the Commonwealth. This financial resource policy assists the University by providing the framework for retaining and managing non-general funds, for the receipt of general funds, and for the use and stewardship of all these funds.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to provide oversight of the University's cash management system which is the framework for the retention of non-general funds. The Internal Audit Department of the University shall periodically audit the University's cash management system in

accordance with appropriate risk assessment models and make reports to the Audit and Compliance Committee of the Board of Visitors. Additional oversight shall continue to be provided through the annual audit and assessment of internal controls performed by the Auditor of Public Accounts. For the receipt of general and non-general funds, the University shall conform to the Security for Public Deposits Act, Chapter 44 (§ 2.2-4400 et seq.) of Title 2.2 of the Code of Virginia as it currently exists and from time to time may be amended.

e) ACCOUNTS RECEIVABLE MANAGEMENT AND COLLECTION.

The President, through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized to create and implement any and all Accounts Receivable Management and Collection policies as part of a system for the management of University financial resources. The policies shall be guided by the requirements of the Virginia Debt Collection Act, Chapter 48 (§ 2.2-4800 et seq.) of the Code of Virginia, such that the University shall take all appropriate and cost effective actions to aggressively collect accounts receivable in a timely manner.

These shall include, but not be limited to, establishing the criteria for granting credit to University customers; establishing the nature and timing of collection procedures within the above general principles; and the independent authority to select and contract with collection agencies and, after consultation with the Office of the Attorney General, private attorneys as needed to perform any and all collection activities for all University accounts receivable such as reporting delinquent accounts to credit bureaus, obtaining judgments, garnishments, and liens against such debtors, and other actions. In accordance with sound collection activities, the University shall continue to utilize the Commonwealth's Debt Set-Off Collection Programs, shall develop procedures acceptable to the Tax Commissioner and the State Comptroller to implement such Programs, and shall provide a quarterly summary report of receivables to the Department of Accounts in accordance with the reporting procedures established pursuant to the Virginia Debt Collection Act.

f) DISBURSEMENT MANAGEMENT.

The President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, shall continue to be authorized to create and implement any and all disbursement policies as part of a system for the management of University financial resources. The disbursement management policies shall continue to define the appropriate and reasonable uses of all funds, from whatever source derived, in the execution of the University's operations. These policies also shall continue to address the timing of appropriate and reasonable disbursements consistent with the Prompt Payment Act, and the appropriateness of certain goods or services relative to the University's mission, including travel-related disbursements. Further, the University's disbursement policy shall continue to provide for the mechanisms by which payments are made including the use of charge cards, warrants, and electronic payments.

These disbursement policies shall authorize the President, acting through the Executive Vice President, Chief Operating Officer, or Chief Financial Officer, to independently select, engage, and contract for such consultants, accountants, and financial experts, and other such providers of expert advice and consultation, and, after consultation with the Office of the Attorney General, private attorneys, as may be necessary or desirable in his or her discretion. The policies also shall continue to include the ability to locally manage and administer the Commonwealth's credit card and cost recovery programs related to disbursements, subject to any restrictions contained in the Commonwealth's contracts governing those programs, provided that the University shall submit the credit card and cost recovery aspects of its financial and operations policies to the State Comptroller for review and comment prior to implementing those aspects of those policies. The disbursement policies shall ensure that adequate risk management and internal control procedures shall be maintained over previously decentralized processes for public records, payroll, and non-payroll disbursements. The University shall continue to provide summary quarterly prompt payment reports to the Department of Accounts in accordance with the reporting procedures established pursuant to the Prompt Payment Act.

The University's disbursement policies shall be guided by the principles of the Commonwealth's policies as included in the Commonwealth's Accounting Policy and Procedures Manual. The University shall continue to follow the Commonwealth's disbursement policies until such time as specific alternative policies can be developed, approved and implemented. Such alternate policies shall be submitted to the State Comptroller for review and comment prior to their implementation by the University.

3. The Auditor of Public Accounts or his legally authorized representatives shall audit annually the accounts of each institution and shall distribute copies of each annual audit to the Governor and to the Chairmen of the House Committee on Appropriations and the Senate Committee on Finance. Pursuant to § 30-133, the Auditor of Public Accounts and his legally authorized representatives shall examine annually the accounts and books of each such institution, but the institution shall not be deemed to be a state or governmental agency, advisory agency, public body, or agency or instrumentality for purposes of Chapter 14 (§ 30-130 et seq.) of Title 30 except for those provisions in such chapter that relate to requirements for financial recordkeeping and bookkeeping. Each such institution shall be subject to periodic external review by the Joint Legislative and Audit Review Commission and such other reviews and audits as shall be required by law.

§ 4-9.03 LEVEL III AUTHORITY

The Management Agreements negotiated by the institutions contained in Chapters 675 and 685 of the 2009 Acts of Assembly shall continue in effect unless the Governor, the General Assembly, or the institutions determine that the Management Agreements need to be renegotiated or revised.

§ 4-9.04 IMPLEMENT JLARC RECOMMENDATIONS

a. The Boards of Visitors at each Virginia public four-year higher education institution, to the extent practicable, shall:

1. require their institutions to clearly list the amount of the athletic fee on their website's tuition and fees information page. The page should include a link to the State Council of Higher Education for Virginia's tuition and fee information. The boards should consider requiring institutions to list the major components of all mandatory fees, including the portion attributable to athletics, on a separate page attached to student invoices;
2. assess the feasibility and impact of raising additional revenue through campus recreation and fitness enterprises to reduce reliance on mandatory student fees. The assessments should address the feasibility and impact of raising additional revenue through charging for specialized programs and services, expanding membership, and/or charging all users of recreation facilities;
3. direct staff to perform a comprehensive review of the institution's organizational structure, including an analysis of spans of control and a review of staff activities and workload, and identify opportunities to streamline the organizational structure. Boards should further direct staff to implement the recommendations of the review to streamline their organizational structures where possible;
4. require periodic reports on average and median spans of control and the number of supervisors with six or fewer direct reports;
5. direct staff to revise human resource policies to eliminate unnecessary supervisory positions by developing standards that establish and promote broader spans of control. The new policies and standards should (i) set an overall target span of control for the institution, (ii) set a minimum number of direct reports per supervisor, with guidelines for exceptions, (iii) define the circumstances that necessitate the use of a supervisory position, (iv) prohibit the establishment of supervisory positions for the purpose of recruiting or retaining employees, and (v) establish a periodic review of departments where spans of control are unusually narrow; and,
6. direct institution staff to set and enforce policies to maximize standardization of purchases of commonly procured goods, including use of institution-wide contracts;
7. consider directing institution staff to provide an annual report on all institutional purchases, including small purchases, that are exceptions to the institutional policies for standardizing purchases;
8. participate in national faculty teaching load assessments by discipline and faculty type.

b. The State Council on Higher Education for Virginia, to the extent practicable, shall:

1. convene a working group of institution financial officers, with input from the Department of Accounts, the Department of Planning and Budget, and the Auditor of Public Accounts, to create a standard way of calculating and publishing mandatory non-E&G fees, including for intercollegiate athletics;
2. update the state's Chart of Accounts for higher education in order to improve comparability and transparency of mandatory non-E&G fees, with input from the Department of Accounts, the Department of Planning and Budget, the Auditor of Public Accounts, and institutional staff. This process should be coordinated with the standardization of tuition and fee reporting;
3. convene a working group of institutional staff to develop instructional and research space guidelines that adequately measure current use of space and plans for future use of space at Virginia's public higher education institutions;
4. coordinate a committee of institutional representatives, such as the previously authorized Learning Technology Advisory Committee. In addition to the objectives set out in the Appropriation Act for the Learning Technology Advisory Committee, the committee should identify instructional technology initiatives and best practices for directly or indirectly lowering institutions' instructional expenditures per student while maintaining or enhancing student learning;
5. include factors such as discipline, faculty rank, cost of living, and regional comparisons in developing faculty salary goals;
6. identify instructional technology best practices that directly or indirectly lower student cost while maintaining or enhancing learning.

c. Notwithstanding the provisions of § 23-9.14:1, the State Council of Higher Education for Virginia shall annually train boards of visitors members on the types of information members should request from institutions to inform decision making, such as performance measures, benchmarking data, the impact of financial decisions on student costs, and past and projected cost trends. Boards of Visitors members serving on finance and facilities subcommittees should, at a minimum, participate in the training within their first year of membership on the subcommittee. SCHEV should obtain assistance in developing or delivering the training from relevant agencies such as the Department of General Services and past or present finance officers at Virginia's public four-year institutions, as appropriate.

d. The Department of Planning and Budget shall revise the formula used to make allocation recommendations for the state's maintenance reserve funding to account for higher maintenance needs resulting from poor facility condition, aging of facilities, and differences in facility use. Beginning with fiscal year 2016, the Department of Planning and Budget shall submit these recommendations to the Governor and General Assembly no later than November 1 of each year.

e. The Six-Year Capital Outlay Plan Advisory Committee, the Department of Planning and Budget, and others as appropriate shall use the results of the prioritization process established by the State Council of Higher Education for Virginia in determining which capital projects should receive funding.

f. Beginning with fiscal year 2016, the Auditor of Public Accounts shall include in its audit plan for each public institution of higher education a review of progress in implementing the JLARC recommendations contained in paragraph § 4-9.04 a.

§ 4-11.00 STATEMENT OF FINANCIAL CONDITION

Each agency head handling any state funds shall, at least once each year, upon request of the Auditor of Public Accounts, make a detailed statement, under oath, of the financial condition of his office as of the date of such call, to the Auditor of Public Accounts, and upon such forms as shall be prescribed by the Auditor of Public Accounts.

§ 4-12.00 SEVERABILITY

If any part, section, subsection, paragraph, sentence, clause, phrase, or item of this act or the application thereof to any person or circumstance is for any reason declared unconstitutional, such decisions shall not affect the validity of the remaining portions of this act which shall remain in force as if such act had been passed with the unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, item or such application thereof eliminated; and the General Assembly hereby declares that it would have passed this act if such unconstitutional part, section, subsection, paragraph, sentence, clause, phrase, or item had not been included herein, or if such application had not been made.

§ 4-13.00 CONFLICT WITH OTHER LAWS

Notwithstanding any other provision of law, and until June 30, 2018, the provisions of this act shall prevail over any conflicting provision of any other law, without regard to whether such other law is enacted before or after this act; however, a conflicting provision of another law enacted after this act shall prevail over a conflicting provision of this act if the General Assembly has clearly evidenced its intent that the conflicting provision of such other law shall prevail, which intent shall be evident only if such other law (i) identifies the specific provision(s) of this act over which the conflicting provision of such other law is intended to prevail and (ii) specifically states that the terms of this section are not applicable with respect to the conflict between the provision(s) of this act and the provision of such other law.

§ 4-14.00 EFFECTIVE DATE

This act is effective July 1, 2016.

ADDITIONAL ENACTMENTS

2. That § 33.2-309 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding in Chapter 1 of Title 33.2 a section numbered 33.2-118, as follows:

§ 33.2-118. Limitation on tolling.

A. For purposes of this section, "auxiliary lane" means the portion of the roadway adjoining the traveled way as a shoulder or for speed change, turning, weaving, or the maneuvering of entering and leaving traffic.

B. Notwithstanding any other provision of this title, no toll may be imposed or collected on un-tolled lanes or components of a highway, bridge, or tunnel without approval from the General Assembly. However, such prohibition shall not apply to (i) reconstruction with additional lanes of a highway, bridge, or tunnel provided that the number of un-tolled non-high-occupancy vehicle lanes, excluding auxiliary lanes, after the reconstruction is not less than the number of un-tolled, non-high-occupancy vehicle lanes, excluding auxiliary lanes, prior to such reconstruction; (ii) new construction that is opened to the public as a tolled facility; (iii) new construction that is opened to the public as high-occupancy vehicle lanes; (iv) existing high-occupancy vehicle lanes; or (v) an existing lane on a segment of a highway whose length does not exceed 10 miles and is between an interchange and an interchange or an interchange and a bridge, provided that the number of un-tolled non-high-occupancy vehicle lanes on such segment is equal to the number of un-tolled non-high-occupancy vehicle lanes on the portion of the highway preceding such segment.

C. Notwithstanding the provisions of subsection B, prior approval of the General Assembly shall be required prior to the imposition and collection of any toll for use of all or any portion of (i) a non-limited access highway except for a bridge, tunnel, or the approaches to a bridge or tunnel or (ii) Interstate 81.

§ 33.2-309. Tolls for use of Interstate System components.

A. Subject to the limitations provided in § 33.2-118 and in accordance with all applicable federal and state statutes and requirements, the Board may impose and collect tolls from all classes of vehicles in amounts established by the Board for the use of any component of the Interstate System within the Commonwealth.

B. The toll facilities authorized by this section shall be subject to the provisions of federal law for the purpose of tolling motor vehicles to finance interstate construction and reconstruction, promote efficiency in the use of highways, reduce traffic congestion, and improve air quality and for such other purposes as may be permitted by federal law.

C. In order to mitigate traffic congestion in the vicinity of the toll facilities, no toll facility shall be operated without high-speed automated toll collection technology designed to allow motorists to travel through the toll facilities without stopping to make payments. Nothing in this subsection shall be construed to prohibit a toll facility from retaining means of nonautomated toll collection in some lanes of the facility. The Board shall also consider traffic congestion and mitigation thereof and the impact on local traffic movement as factors in determining the location of the toll facilities authorized pursuant to this section.

D. The revenues collected from each toll facility established pursuant to this section shall be deposited into segregated subaccounts in the Transportation Trust Fund and may be allocated by the Board as the Board deems appropriate to:

1. Pay or finance all or part of the costs of programs or projects, including the costs of planning, operation, maintenance, and improvements incurred in connection with the toll facility, provided that such allocations shall be limited to programs and projects that are reasonably related to or benefit the users of the toll facility. The priorities of metropolitan planning organizations, planning district commissions, local governments, and transportation corridors shall be considered by the Board in making project allocations from such revenues deposited into the Transportation Trust Fund.

2. Repay funds from the Toll Facilities Revolving Account or the Transportation Partnership Opportunity Fund.

3. Pay the Board's reasonable costs and expenses incurred in the administration and management of the toll facility.

2. That the provisions of this act adding § 33.2-118 to the Code of Virginia, as created by this act, and § 33.2-309 of the Code of Virginia, as amended by this act, shall become effective upon the return of the Commonwealth's spot in the Interstate System Reconstruction and Rehabilitation Pilot Program.

3. That the provisions of the first enactment of this act shall expire at midnight on June 30, 2018. The provisions of the second enactment of this act shall have no expiration date.

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**ACTS
OF THE
GENERAL ASSEMBLY**



2016 REGULAR SESSION

VOLUME I

VOLUME II

VOLUME III

ACTS

OF THE

GENERAL ASSEMBLY

OF THE

COMMONWEALTH OF VIRGINIA

2016 REGULAR SESSION

which met at the State Capitol, Richmond

Convened Wednesday, January 13, 2016

Adjourned sine die Friday, March 11, 2016

Reconvened Wednesday, April 20, 2016

Adjourned sine die Wednesday, April 20, 2016

VOLUME III

**RESOLUTIONS
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**COMMONWEALTH OF VIRGINIA
RICHMOND
2016**

Compiled by the Clerk's Office

The House of Delegates

G. Paul Nardo

Clerk of the House of Delegates

and

Keeper of the Rolls of the Commonwealth

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in cooperation with the

Senate of Virginia,

Division of Legislative Services,

and

Division of Legislative Automated Systems

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CERTIFICATION OF THE ACTS OF ASSEMBLY

2016 REGULAR SESSION

I, G. Paul Nardo, Clerk of the House of Delegates and Keeper of the Rolls of the Commonwealth, do hereby certify that the 2016 Regular Session of the General Assembly of the Commonwealth of Virginia, at which the Acts of Assembly herein printed were enacted, convened on Wednesday, January 13, 2016, and adjourned sine die on Friday, March 11, 2016, and the Reconvened Session, pursuant to Section 6 of Article IV of the Constitution of Virginia, convened on Wednesday, April 20, 2016, and adjourned sine die on Wednesday, April 20, 2016.

G. PAUL NARDO
*Clerk of the House of Delegates
and
Keeper of the Rolls of the Commonwealth*

Note: Except as otherwise provided therein, all Acts of the 2016 Regular Session of the General Assembly, including the Reconvened Session, became effective at the first moment of July 1, 2016.

The Act contained in Chapter 218 was signed by the Governor on March 1, 2016, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Act contained in Chapter 246 was signed by the Governor on March 7, 2016, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Act contained in Chapters 324 and 325 were signed by the Governor on March 10, 2016, having been returned to the Governor by the Regular Session, pursuant to Section 6 (b) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 733-736 became a chapter of the Acts of Assembly on April 10, 2016, pursuant to Section 1 of Article XII of the Constitution of Virginia and §§ 30-13, 30-14, and 30-19 of the Code of Virginia. These chapters, agreed to by the General Assembly as House Joint Resolutions and Senate Joint Resolutions, are not subject to presentation, review, and action by the Governor pursuant to Section 6 of Article V of the Constitution of Virginia.

The Acts contained in Chapters 737-771 became law without the signature of the Governor on April 20, 2016, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Acts contained in Chapters 772-779 were signed by the Governor on May 16, 2016, all having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia.

The Act contained in Chapter 780 was signed by the Governor on May 20, 2016, having been returned to the Governor by the Reconvened Session, pursuant to Section 6 (c) (iii) of Article V of the Constitution of Virginia. Pursuant to Section 6 (d) Item 306.JJJ.4 of Chapter 780 was a line item veto by the Governor on May 20, 2016. However, the Clerk of the House of Delegates, in his capacity as Keeper of the Rolls of the Commonwealth determined that vetoed Item 306.JJJ.4 did not comport with the requirements of Section 6 (d) of Article V of the Constitution of Virginia, and therefore this purported veto is not contained in Chapter 780.

[Please reference the 2016 Journal of the House of Delegates for the Clerk's explanation letter to the Governor.]

**RESOLUTIONS OF THE GENERAL ASSEMBLY
2016 REGULAR SESSION**

HOUSE JOINT RESOLUTION NO. 4

Celebrating the life of Emily Elizabeth Selke.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Emily Elizabeth Selke, a beloved daughter, sister, and friend in Nokesville, died on March 24, 2015; and

WHEREAS, a lifelong resident of Nokesville, Emily Selke was a member of the Girl Scouts of the U.S.A. and attended Brentsville High School and Woodbridge High School Center for the Fine and Performing Arts, where she was a member of the choir, choir counsel, physics club, and Beta Club; and

WHEREAS, admired for her leadership abilities, Emily Selke also served as senior class vice president, a choir section leader, and a student ambassador to Australia before graduating from Woodbridge Senior High School with high honors in 2010; and

WHEREAS, Emily Selke attended Drexel University, where she studied music and business administration and was a member of the Gamma Sigma Sigma national service sorority, from which she earned the Cornerstone Award; and

WHEREAS, after graduating magna cum laude from Drexel University, Emily Selke supported music and art events, including the Fringe Festival in Edinburgh and Pittsburgh; she later worked for the Workhouse Arts Center in Lorton and as a client service associate for Carr Workplaces; and

WHEREAS, Emily Selke, who died together with her mother, Yvonne, will be fondly remembered and greatly missed by her father, Raymond; brother, Trevor; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Emily Elizabeth Selke, a beloved member of the Nokesville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Emily Elizabeth Selke as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 5

Celebrating the life of Yvonne Marie Ciarlo Selke.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Yvonne Marie Ciarlo Selke, a beloved mother, wife, and friend in Nokesville who served her country for many years as a member of the United States Army, died on March 24, 2015; and

WHEREAS, a native of Springfield Township, Pennsylvania, Yvonne Selke graduated from Springfield High School; and

WHEREAS, Yvonne Selke earned a bachelor's degree from Gannon University, where she enrolled in the Reserve Officer Training Corps and received the George C. Marshall Award for her integrity, commitment, and leadership abilities; and

WHEREAS, commissioned as a second lieutenant in the United States Army after college, Yvonne Selke served her country at home and abroad for many years, receiving several awards and decorations for her meritorious service; she retired with the rank of major; and

WHEREAS, Yvonne Selke later offered her national defense expertise to Booz Allen Hamilton as a consultant and continued to serve her country with the National Geospatial Intelligence Agency; and

WHEREAS, Yvonne Selke, who died together with her daughter, Emily, will be fondly remembered and greatly missed by her husband, Raymond; son, Trevor; mother, Julia; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Yvonne Marie Ciarlo Selke, a beloved member of the Nokesville community and a respected veteran; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Yvonne Marie Ciarlo Selke as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 6

Commending the Salem High School forensics team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Salem High School forensics team of Salem crowned seven individual champions and claimed its 10th consecutive state title, winning the Virginia High School League Group 4A state championship in 2015; and

WHEREAS, facing worthy competitors from 19 other schools from around the Commonwealth, the Salem High School forensics team bested runner-up E.C. Glass High School by an overall score of 46-22 and won more than half of the individual events for the eighth time in 10 years; and

WHEREAS, Jack Beedle won the individual title in extemporaneous speaking, Emily Brown won in prose interpretation, Ben Lewis won the poetry event, Jordi Shelton took first place in impromptu speaking, and Emma Studtmann took third place in storytelling; and

WHEREAS, Chris Pope won the individual title in humorous interpretation, giving Salem its seventh consecutive state title in that event, and Lauren Wygal and Monica Sexton repeated as the state champions in the humorous duo event; and

WHEREAS, rounding out the Salem High School forensics team's impressive overall score, Maya Cooke, Ben Kennedy, Julie McKnew, Isaac Robertson, and Caleb Turner were each named runner-up in their events, and Samantha Kennedy took second place in her event; and

WHEREAS, the victory is a testament to the talent and dedication of the speakers, the enthusiastic leadership of the coaches and advisers, and the energetic support of the entire Salem High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Salem High School forensics team on winning the 2014-2015 Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Ingerson, head coach of the Salem High School forensics team, as an expression of the General Assembly's admiration for the team's many years of exceptional accomplishments.

HOUSE JOINT RESOLUTION NO. 7

Directing the Joint Legislative Audit and Review Commission to review the Virginia Economic Development Partnership Authority. Report.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, in 2015 Virginia was ranked the 12th best state for business according to Consumer News and Business Channel (CNBC); and

WHEREAS, in 2007, only eight years ago, Virginia was ranked the top state for business by CNBC; and

WHEREAS, economic development opportunities are a decision driver for businesses considering whether to expand or relocate to Virginia; and

WHEREAS, in 1995 the Virginia General Assembly created the Virginia Economic Development Partnership Authority to foster increased expansion of the Commonwealth's economy; and

WHEREAS, the Virginia Economic Development Partnership Authority is a state authority governed by a Board of Directors, consisting of 18 citizens of the Commonwealth appointed by either the General Assembly or the Governor and six state government officials serving ex officio; and

WHEREAS, the Virginia Economic Development Partnership Authority's goal is to recruit new and expanding businesses to invest dollars and create jobs in Virginia and promote international sales of Virginia products and services; and

WHEREAS, the Virginia Economic Development Partnership Authority aims to achieve its goal with various initiatives related to business expansion, business attraction, international trade, and communications and promotions; and

WHEREAS, the Virginia Economic Development Partnership Authority is the central public agency for promoting economic development in Virginia; and

WHEREAS, numerous other state and local entities are engaged in economic development initiatives; and

WHEREAS, economic development operations in the Commonwealth are decentralized; and

WHEREAS, a review of economic development structures and approaches in other states and among other Virginia public entities may be helpful in developing the most effective economic development programs and policies; and

WHEREAS, the Virginia Economic Development Partnership Authority worked with over 5,000 businesses, 19,000 Virginia workers, and 119 Virginia localities in 2015; and

WHEREAS, the Virginia Economic Development Partnership Authority had an operating budget of \$20.4 million in General Funds and employed over 110 individuals in fiscal year 2015; and

WHEREAS, economic growth and job creation are critical priorities in Virginia; and

WHEREAS, the Joint Legislative Audit and Review Commission has not conducted a review of the Virginia Economic Development Partnership Authority; and

WHEREAS, 1991 was the last time that the Joint Legislative Audit and Review Commission undertook a review of state economic development policies, operations, and performance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to review the Virginia Economic Development Partnership Authority. In conducting its study, the Joint Legislative Audit and Review Commission shall review (i) the Authority's operations, including its organizational structure, compensation, staffing, productivity, and efficiency; (ii) the Authority's performance, including the effectiveness of its initiatives; (iii) the Authority's accountability structure, including the level of oversight it receives and its governance; (iv) the level of coordination and integration of economic development programs and initiatives undertaken by other state and local entities; (v) structures and approaches used by other states to carry out their economic development functions; and (vi) any other issues and make recommendations as appropriate.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Virginia Economic Development Partnership Authority. All agencies of the Commonwealth shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 8

Celebrating the life of George Albert Williams.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, George Albert Williams, a devoted minister who was admired throughout Central Virginia for his spiritual leadership and who served the Commonwealth as Chief Deputy Clerk of the Virginia House of Delegates, died on June 7, 2015; and

WHEREAS, a native of Philadelphia, Pennsylvania, George Williams grew up in the Commonwealth, where he graduated from Harrisonburg High School; he earned a bachelor's degree from Lynchburg College and a master's degree from the Presbyterian School of Christian Education; and

WHEREAS, after being ordained into the ministry in 1946, George Williams served as minister to congregations in Louisa County, the City of Richmond, and the Towns of Ashland and Bowling Green; he was named minister emeritus of Slash Christian Church in Hanover County and served as associate executive secretary of the Virginia Council of Churches; and

WHEREAS, George Williams worked as a television producer, then joined the Virginia House of Delegates Clerk's Office as journal clerk, where he served the Commonwealth for nearly 30 years before retiring as chief deputy clerk in 1996; and

WHEREAS, a respected leader in the field of state government, George Williams served as associate vice president and an executive committee member of the American Society of Legislative Clerks and Secretaries, from which he earned a Distinguished Service Award in 1992; and

WHEREAS, George Williams also volunteered his time and talents as a member and past president of the American Camping Association and the Hanover Ruritan Club and a member of the 90&9 Breakfast Club; and

WHEREAS, George Williams will be fondly remembered and greatly missed by his wife of 60 years, Elizabeth Jeannette; daughters, Carole, Nancy, and Janet, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George Albert Williams, a spiritual leader who served the Commonwealth as a member of the Virginia House of Delegates Clerk's Office; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Albert Williams as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 10

Commending Midlothian Masonic Lodge No. 211.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Midlothian Masonic Lodge No. 211 of the Ancient, Free, and Accepted Masons has supported its members in service to the community and strived to make positive contributions to the lives of all Midlothian residents for 150 years; and

WHEREAS, established in 1866, Midlothian Masonic Lodge No. 211 received its charter from the Grand Lodge of Virginia of the Ancient, Free, and Accepted Masons, with A.S. McRae, R. Lindsey Walker, and W.E. Martin as officers; and

WHEREAS, Midlothian Masonic Lodge No. 211 moved to its current location on Westfield Road in 1875; the building has undergone numerous renovations, and a significant addition was completed in 1983 to better serve the growing organization and the community; and

WHEREAS, members of Midlothian Masonic Lodge No. 211 have played an integral role in the history of the community, with numerous brothers working in the area's coal mines and others acting as respected community leaders; and

WHEREAS, Midlothian Masonic Lodge No. 211 supports two local youth groups and numerous civic organizations by allowing use of the lodge for meetings; the organization provides scholarships and makes contributions to the Masonic Home of Virginia, the Scottish Rite Childhood Language Center, Shriners Hospital, Virginia Blood Services, and other charitable causes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Midlothian Masonic Lodge No. 211 for its many contributions to the Midlothian community on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Midlothian Masonic Lodge No. 211 as an expression of the General Assembly's admiration for the organization's legacy of service to all residents of Midlothian.

HOUSE JOINT RESOLUTION NO. 11

Commending Lucindy Lawson.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Lucindy Lawson, an exceptional young athlete in Scott County, received the Allstate Foundation/Virginia High School League Achievement Award in May 2015; and

WHEREAS, the Allstate Foundation/Virginia High School League (VHSL) Achievement Awards are presented to students who have demonstrated excellence in an athletic or academic program while overcoming illness, injury, or disability; and

WHEREAS, a standout in multiple sports at Rye Cove High School, Lucindy Lawson plays basketball and softball and runs on the track team; she is also an all-state volleyball player and holds the school record for digs in a game, season, and career; and

WHEREAS, Lucindy Lawson overcame chronic low blood pressure, which caused lightheadedness and seizures, to achieve success in athletics; her perseverance and dedication is an inspiration to her fellow students and members of the community; and

WHEREAS, Lucindy Lawson and an elite group of 19 other high school seniors from around the Commonwealth received the Allstate Foundation/Virginia High School League Achievement Award on May 11, 2015, at a special ceremony in Charlottesville; she is one of only two Scott County athletes to receive the award, the previous recipient of which is her older sister; and

WHEREAS, Lucindy Lawson will attend the University of Virginia's College at Wise, where she plans to join the softball team and study radiation technology; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lucindy Lawson, recipient of the 2015 Allstate Foundation/Virginia High School League Achievement Award, on her outstanding accomplishments; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lucindy Lawson as an expression of the General Assembly's admiration for her perseverance and skill as an athlete.

HOUSE JOINT RESOLUTION NO. 12

Commending Bronco Federal Credit Union.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Bronco Federal Credit Union, a trusted financial institution in Franklin, has helped members of the community achieve their financial goals for 75 years; and

WHEREAS, founded in 1941, Bronco Federal Credit Union was chartered for the Chesapeake-Camp Corporation and originally offered share accounts and limited loans; by 1968, the credit union had grown to include more than 1,800 members and \$2 million in assets; and

WHEREAS, Bronco Federal Credit Union continued to grow after family members of account holders were invited to join in the 1970s; the institution added many new services, including credit cards and mortgages in the 1980s; and

WHEREAS, in the 1990s, Bronco Federal Credit Union proudly recorded a membership of nearly 7,000 and assets of \$46 million; the credit union also became a primary financial institution to better serve its members in a competitive banking marketplace; and

WHEREAS, in 1999, Bronco Federal Credit Union reorganized its field of membership by inviting city employees, hospital staff, and other local workers to join; that same year, Bronco Federal Credit Union left its mark on the community as the first financial institution in the area to open its doors after Hurricane Floyd; and

WHEREAS, membership grew to nearly 20,000 after Bronco Federal Credit Union introduced a community charter in 2006; like all credit unions, Bronco Federal Credit Union is responsive to member needs and concerns and works diligently to build and maintain trust with local residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bronco Federal Credit Union on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bronco Federal Credit Union as an expression of the General Assembly's admiration for its service to the Franklin community.

HOUSE JOINT RESOLUTION NO. 13

Commending Pilgrim Baptist Church.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, for 100 years, Pilgrim Baptist Church has provided spiritual leadership and opportunities for joyful worship and worked to strengthen and enhance the entire Roanoke community; and

WHEREAS, in 1915, a local prayer group known as the Pilgrim Prayer Band gathered under the Reverend Floyd Patterson to officially form Pilgrim Baptist Church; services moved from members' homes to a Roanoke storefront, which was later demolished for the construction of a new sanctuary; and

WHEREAS, Pilgrim Baptist Church later relocated to the intersection of 13th Street and Rugby Boulevard, where it served members of the community for four decades, before moving to its current home on 8th Street; and

WHEREAS, over the years, Pilgrim Baptist Church benefited from the wise leadership of several pastors, including Benjamin Law, Carl Gill, Thomas Holmes, and Robert Jeffrey; the sixth and current pastor, Dwight O. Steele, Sr., has overseen significant growth in membership and community involvement as the second-longest-serving pastor in church history; and

WHEREAS, with a loyal congregation of more than 1,000 members, Pilgrim Baptist Church is devoted to its mission to live in accordance with the Word of God, evangelize the world, and promote social, economic, and educational welfare in the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pilgrim Baptist Church, on the occasion of its 100th anniversary, for its spiritual leadership of its congregation and support for all residents of Roanoke; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dwight O. Steele, Sr., pastor of Pilgrim Baptist Church, as an expression of the General Assembly's admiration for its storied history and numerous contributions to the community.

HOUSE JOINT RESOLUTION NO. 14

Commending Lois King.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, in 2015, Lois King celebrated more than 55 years of devoted service to the youth of Fauquier County as a school bus driver; and

WHEREAS, Lois King began working as a school bus driver for Fauquier County Public Schools in 1960 as a way to better support her growing family; starting her career at the age of 24, she was able to build a strong rapport with students, which she maintains with each new class to this day; and

WHEREAS, caring deeply for her students, Lois King takes pride in her ability to maintain discipline on her bus by treating students with respect, and she works to instill in students a similar sense of respect for themselves and each other; and

WHEREAS, valuing hard work and responsibility, Lois King enjoys the strict routines of her career, rising early each morning to prepare for the day; she ensures that Fauquier High School students arrive safely, then carries Junior Reserve Officer Training Corps students to Liberty High School; and

WHEREAS, Lois King also tends to a herd of Black Angus cattle and spends her mornings and afternoons working on her farm before picking up students after school; she has earned a reputation for loyalty and dependability over the years and rarely misses work; and

WHEREAS, in May 2015, Fauquier County Public Schools' transportation department honored Lois King with an award recognizing her exceptional career; and

WHEREAS, an enthusiastic servant to the community, Lois King hopes to break the record for longest-serving school bus driver in the Commonwealth, which is currently 56 years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Lois King for her 55 years of dedicated service to Fauquier County as a school bus driver; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lois King as an expression of the General Assembly's admiration for her contributions to the community and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 15

Commending the Kettle Run High School boys' soccer team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Kettle Run High School boys' soccer team of Nokesville claimed the school's first state title, winning the Virginia High School League Group 3A state championship in June 2015; and

WHEREAS, the Kettle Run High School Cougars defeated the Blacksburg High School Bruins 2-1 in a tense rematch of the 2014 Group 3A semifinal; and

WHEREAS, the Blacksburg High School Bruins struck first, bouncing a shot past Kettle Run High School goalkeeper Jakob Schoenike to take the lead near the end of the first half; the Kettle Run High School Cougars rallied to tie the game 1-1 with a strike from Bhayle Kearns in the second half; and

WHEREAS, the game looked destined for overtime, when senior Reece Cooke slipped a ball past the Blacksburg keeper with only 53 seconds left in the game; two of the Bruins attempted to clear the ball but knocked it into the net for an own goal and a Kettle Run High School victory; and

WHEREAS, the Kettle Run High School Cougars finished the season with an impressive 19-1-1 record, and seven-year head coach Philip Roper reached his milestone 100th victory; and

WHEREAS, the victory is a testament to the hard work of all of the athletes, the able leadership of the coaches and staff, and the passionate support of the entire Kettle Run High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Kettle Run High School boys' soccer team on winning the Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Philip Roper, head coach of the Kettle Run High School boys' soccer team, as an expression of the General Assembly's admiration for the team's perseverance and skill.

HOUSE JOINT RESOLUTION NO. 16

Commending Sean Broderick.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Sean Broderick, an aviation professional and journalist in Warrenton, received the 2015 Cecil A. Brownlow Publication Award for his special report "New Approaches to Aviation Safety"; and

WHEREAS, the Cecil A. Brownlow Publication Award is presented annually by the Flight Safety Foundation and celebrates exceptional contributions to aviation safety by journalists; Sean Broderick received the award along with a colleague from *Aviation Week & Space Technology* magazine; and

WHEREAS, a native of Boston, Sean Broderick graduated from Fauquier High School and earned a bachelor's degree from James Madison University and a master's degree from West Virginia University; he has worked in aviation since 1991, when he joined the manufacturer Airbus in Toulouse, France; and

WHEREAS, a highly respected expert in aviation, Sean Broderick also worked with an aviation consultancy group and the American Association of Airport Executives before becoming the senior managing editor for maintenance, repair, and operations for *Aviation Week & Space Technology*; and

WHEREAS, Sean Broderick's award-winning report, "New Approaches to Aviation Safety," explores the tools, training, and techniques available or in development to mitigate the risks of the three most common types of aviation accident; the report clearly presents the current state of industry knowledge while providing insightful analysis and forward-thinking ideas; and

WHEREAS, Sean Broderick received the Cecil A. Brownlow Publication Award at the Flight Safety Foundation's annual Aerospace Media Dinner in Paris; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sean Broderick on receiving the Cecil A. Brownlow Publication Award for his report on aviation safety; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sean Broderick as an expression of the General Assembly's admiration for his valuable work to support and educate pilots in the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 17

Commemorating the life and legacy of Earle Davis Gregory.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, the people of Powhatan, from the earliest years of the Virginia Colony, have never hesitated to defend their liberty with arms; and

WHEREAS, "to honor valor is mankind's delight," as declares the monument on the green of Powhatan Court House to the legendary Powhatan Troop of the War Between the States; and

WHEREAS, this sacred remembrance of soldiers who have laid down their lives in the cause of liberty is an obligation and a conviction of the heart for which the people of Powhatan have always been, and are today, notable; and

WHEREAS, the sons of Virginia arose when summoned by the federal government to enter the Great War of 1914-1918 that the world—so the President of the time, Woodrow Wilson of Virginia, declared, however unsuccessfully—might be "made safe for democracy"; and

WHEREAS, only one Virginian soldier, a son of Powhatan County, on the Western Front of Europe received the United States' highest accolade for military bravery, The Congressional Medal of Honor; and

WHEREAS, during the continuing centennial commemoration of the Great War, it is fitting to remember the bravery of Earle Davis Gregory; and

WHEREAS, Earle Gregory was born at Claysville in southeastern Powhatan County, near both Moseley and Dorset, on October 18, 1897; and

WHEREAS, in 1901, when Earle Gregory's father, W.J. Gregory, was named agent for the Southern Railway at Chase City, the Gregory family relocated to that village in Mecklenburg County, so that Mecklenburg shares with Powhatan the formation of the character of one of the great Virginian soldiers of the 20th Century; and

WHEREAS, Earle Gregory graduated from Fork Union Military Academy, so that Fluvanna County shares in the formation of the character of the future Virginian hero; and

WHEREAS, in 1917, when the United States decided to enter the Great War on the side of Britain and France, Earle Gregory enlisted as a private in the 29th Division, 116th Infantry of the United States Army; and

WHEREAS, having earned promotion to sergeant, Earle Gregory and his men in a mortar platoon were engaged in the Meuse-Argonne Offensive at Bois-de-Consenvoye, north of Verdun, France, where they were pinned down in trenches by heavy fire from the enemy; and

WHEREAS, Earle Gregory, shouting "I will get them!" left his detachment and advanced toward the enemy bearing both his rifle and a trench-mortar shell that he deployed as a grenade; and

WHEREAS, acting alone, Earle Gregory captured a machine gun and three enemy soldiers, and, advancing yet farther, captured a 7.5-centimeter mountain howitzer and then, after shooting to death a German officer, rushed a dugout to capture—again single-handedly—an additional 19 enemy soldiers; and

WHEREAS, The Congressional Medal of Honor was presented to Earle Gregory by Major General Omar Bundy on April 29, 1919, during ceremonies at Fort Lee, Virginia; and

WHEREAS, the French people showered Earle Gregory with their highest awards for valor, the Croix de Guerre, the Medal of the Legion of Honor, the Médaille Militaire, and the Montegrin Order of Merit; and

WHEREAS, after the war Earle Gregory entered Virginia Polytechnic Institute, now Virginia Polytechnic Institute and State University (Virginia Tech), and graduated in 1923, while serving as president of the institute's famed Corps of Cadets; and

WHEREAS, after graduation Earle Gregory moved to Tuscaloosa, Alabama, where he was employed for many years in the Veterans Administration Hospital; and

WHEREAS, Earle Gregory died on January 6, 1972, and is buried in Tuscaloosa Memorial Park; and

WHEREAS, the memory of Earle Gregory is maintained at American Legion Post 1 in France, the Virginia State Library, and Virginia Tech, where the precision marching unit in the Corps of Cadets is known as The Gregory Guard; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Earle Davis Gregory, "the Sergeant York of Virginia," during the Great War of a century ago in Europe; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to American Legion Post 201 of Powhatan County, American Legion Post 79 of South Hill in Mecklenburg County, Fork Union Military Academy in Fluvanna County, and other appropriate institutions of Powhatan County as an expression of the General Assembly's admiration for Earle Davis Gregory's dedicated service to the nation and the Powhatan community.

HOUSE JOINT RESOLUTION NO. 19

Commending Laurie Enright.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Laurie Enright of Warrenton completed a 10,000-mile motorcycle ride, The Long Ride Home, across the United States and Canada, raising thousands of dollars to benefit convalescent veterans and their families; and

WHEREAS, a veteran of the United States Air Force and the Air National Guard, Laurie Enright completed 12 combat deployments in her 29-year military career; she is the cofounder of Molly's Irish Pub in Warrenton and has raised nearly \$500,000 for local and national charitable organizations supporting the community and her fellow veterans; and

WHEREAS, Laurie Enright and her daughter, Molly Michael, established The Long Ride Home to support and raise awareness for Boulder Crest Retreat for Military and Veteran Wellness, a nonprofit rural sanctuary in Bluemont that offers free accommodations, recreational activities, and therapy to veterans and their families; and

WHEREAS, Laurie Enright began The Long Ride Home on May 25, 2015—Memorial Day—envisioning the ride as a metaphorical representation of the long and often painful journey returning veterans face while recovering from wounds and reintegrating into civilian life; and

WHEREAS, The Long Ride Home took Laurie Enright from Tempe, Arizona, to Alaska, back through Canada, and across the United States to finish at Molly's Irish Pub in Warrenton on September 1, 2015; and

WHEREAS, during The Long Ride Home, Laurie Enright passed through 16 national parks, numerous military and public safety memorials, and several veterans' hospitals and support centers; and

WHEREAS, Laurie Enright succeeded in raising national awareness for veterans of the wars in Iraq and Afghanistan, of whom more than 52,000 have been wounded in action and more than 30 percent suffer from post-traumatic stress disorder; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Laurie Enright for her work to raise funds and awareness for convalescent veterans and their families through The Long Ride Home; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laurie Enright as an expression of the General Assembly's admiration for her devoted service to the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 20

Commending the Kettle Run High School competition cheer team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Kettle Run High School competition cheer team claimed its first state title in school history when it won the 2015 Virginia High School League Group 4A competition cheer championship on November 7; and

WHEREAS, with the victory, the cheer team from Nokesville in Fauquier County becomes the first girls' sports team at Kettle Run High School to win a state title, defeating a talented squad from William Byrd High School, 224.5 to 218.5; and

WHEREAS, the members of the Kettle Run Cougars cheer team started the season with high expectations; the enthusiastic and hardworking group had finished in fourth place at the Virginia High School League Group 3A contest in 2014; and

WHEREAS, at the state championship, which was held in Richmond, the members of the Fauquier County High School team started out strong; during the first round, the Cougars had only a two-point deduction for their routine; and

WHEREAS, although the pressure remained high during the tournament, which was held at the Siegel Center, the Kettle Run High School cheer team performed flawlessly in round two, with no deductions; and

WHEREAS, the head coach of the Kettle Run team, Joann Shipe, knew the group was a top contender for the state title based on their talent and discipline; for the last six years, she has observed the cheer program grow and become stronger; and

WHEREAS, an ardent fan base and strong support from family, friends, and the entire school community all contributed to the Kettle Run High School competition cheer team's successful 2015 championship season; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Kettle Run High School competition cheer team for winning the 2015 Virginia High School League Group 4A competition cheer championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to head coach Joann Shipe as an expression of the General Assembly's congratulations and admiration for the outstanding accomplishments of the Kettle Run High School competition cheer team.

HOUSE JOINT RESOLUTION NO. 21

Commending Molly Michael.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Molly Michael of Warrenton completed a 10,000-mile motorcycle ride, The Long Ride Home, across the United States and Canada, raising thousands of dollars to benefit convalescent veterans and their families; and

WHEREAS, a graduate of Arizona State University, Molly Michael is an avid traveler who has visited every continent except Antarctica; growing up in a military family, she understood well the struggles and sacrifices of the nation's veterans; and

WHEREAS, Molly Michael and her mother, Laurie Enright, established The Long Ride Home to support and raise awareness for Boulder Crest Retreat for Military and Veteran Wellness, a nonprofit rural sanctuary in Bluemont that offers free accommodations, recreational activities, and therapy to veterans and their families; and

WHEREAS, Molly Michael began The Long Ride Home on May 25, 2015—Memorial Day—envisioning the ride as a metaphorical representation of the long and often painful journey returning veterans face while recovering from wounds and reintegrating into civilian life; and

WHEREAS, The Long Ride Home took Molly Michael from Tempe, Arizona, to Alaska, back through Canada, and across the United States to finish at Molly's Irish Pub in Warrenton on September 1, 2015; and

WHEREAS, during The Long Ride Home, Molly Michael passed through 16 national parks, numerous military and public safety memorials, and several veterans' hospitals and support centers; and

WHEREAS, Molly Michael succeeded in raising national awareness for veterans of the wars in Iraq and Afghanistan, of whom more than 52,000 have been wounded in action and more than 30 percent suffer from post-traumatic stress disorder; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Molly Michael for her work to raise funds and awareness for convalescent veterans and their families through The Long Ride Home; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Molly Michael as an expression of the General Assembly's admiration for her dedicated support for veterans in the Commonwealth and throughout the United States.

HOUSE JOINT RESOLUTION NO. 22

Celebrating the life of John Waller Maloney.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, John Waller Maloney, a former journalist and financial advisor in Richmond who dedicated much of his life to serving and supporting children with autism and their families, died on April 26, 2015; and

WHEREAS, John Maloney attended St. Christopher's School and graduated from Collegiate School; he earned a bachelor's degree from Hampden-Sydney College and a master's degree from Virginia Commonwealth University; and

WHEREAS, after completing his education, John Maloney worked to inform members of the public as a journalist, writing for *Style Weekly*, the *Winchester Star*, the *Richmond News Leader*, and the *Richmond Times-Dispatch*; he later switched careers to become a vice president of Wells Fargo Advisors; and

WHEREAS, as the father of a child with autism, John Maloney worked to educate members of the community at a time when the spectrum disorder was little understood; he was a tireless advocate for families with autistic children, leading efforts to extend eligibility for benefits to age 10; and

WHEREAS, John Maloney also worked with Collegiate School to establish the Open Gym, a supervised recreational program for autistic children, and with Autism Speaks in Virginia to provide insurance coverage for children and job opportunities for young adults; and

WHEREAS, John Maloney was an active member of the Country Club of Virginia and the board of the Faison School; he enjoyed fellowship and worship with the community as a member of St. Paul's Episcopal Church; and

WHEREAS, John Maloney will be fondly remembered and greatly missed by his children, John, Jr., and Mary, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Waller Maloney, a passionate advocate for autistic children and their families in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Waller Maloney as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 23

Celebrating the life of Ernest B. Vanarsdall, Sr.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Ernest B. Vanarsdall, Sr., a longtime public servant who worked diligently to strengthen and enhance the Henrico County community as planning commissioner, died on August 3, 2015; and

WHEREAS, a native of Crewe, Ernest "Ernie" B. Vanarsdall, Sr., graduated from Crewe High School and honorably served his country as a member of the United States Air Force stationed in England; and

WHEREAS, after returning to the United States, Ernie Vanarsdall began a long and rewarding career in banking in the collections department at the Bank of Virginia in Richmond; and

WHEREAS, Ernie Vanarsdall became the manager of the Bank of Virginia Stratford Hills branch and later the president of Fairfield National Bank before returning to the Bank of Virginia as the head of the bank card program; and

WHEREAS, desirous to be of service to the community, Ernie Vanarsdall joined the Henrico County Planning Commission; representing the Brookland District, a large district with a mix of business, industrial, and residential areas, he earned a reputation as one of the most hard-working and knowledgeable members of the commission; and

WHEREAS, over the course of his 24-year tenure as a planning commissioner, Ernie Vanarsdall helped guide Henrico County through numerous periods of change and encouraged responsible growth, serving through three comprehensive county plans; and

WHEREAS, Ernie Vanarsdall oversaw numerous projects that benefited Henrico County residents, including the creation of new housing subdivisions and apartment complexes; the revitalization of sections of West Broad Street, Lakeside, and the Shops at Willow Lawn; and improvements to Libbie Mill, CrossRidge, the Faison School, and Short Pump Town Center; and

WHEREAS, Ernie Vanarsdall also served Henrico County on the board of Richmond Region Tourism, and he enjoyed fellowship and worship with the community as an active member of Reveille United Methodist Church; and

WHEREAS, Ernie Vanarsdall will be fondly remembered and greatly missed by his wife of 55 years, Effie; sons, Ernie, Jr., and Steve, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ernest B. Vanarsdall, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ernest B. Vanarsdall, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 24

Celebrating the life of Evelyn Thompson Lawrence.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Evelyn Thompson Lawrence of Marion, a devoted educator and a highly admired community leader, died on August 28, 2015; and

WHEREAS, Evelyn Lawrence attended Carnegie High School in Marion and graduated from Gary High School in Gary, West Virginia; she earned a bachelor's degree from West Virginia State College and a master's degree from the University of Michigan; and

WHEREAS, Evelyn Lawrence worked to impart her passion for lifelong learning as a teacher at Carnegie High School until 1965; when the public school system became integrated and Carnegie High School closed, she continued to inspire students at Marion Primary School; and

WHEREAS, a highly respected educator in the region, Evelyn Lawrence was the first teacher in Smyth County to hold a master's degree; and

WHEREAS, working to further strengthen and enhance the region, Evelyn Lawrence served on the board of directors of Smyth County Community Hospital and as chair of the Cultural Relations Committee of the local chapter of the American Association of University Women; and

WHEREAS, Evelyn Lawrence earned numerous awards and accolades for her generous community service, including the 2007 Splendid Senior Among Us award from the Town of Marion and the 1985 Citizen of the Year Award from the Marion Rotary Club; July 22, 2006, was named Evelyn Lawrence Day in the Town of Marion; and

WHEREAS, a woman of deep and abiding faith, Evelyn Lawrence served as choir director and organist at Mount Pleasant United Methodist Church; after the church closed, she enjoyed fellowship and worship with the community as an active member of Grace United Methodist Church and Greenwood United Methodist Church; and

WHEREAS, predeceased by her daughter, Sheila, Evelyn Lawrence will be fondly remembered and greatly missed by numerous family members, friends, and beloved neighbors in Marion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Evelyn Thompson Lawrence, an educator and a servant to the Marion community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Evelyn Thompson Lawrence as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 25

Celebrating the life of Roy L. Skeen.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Roy L. Skeen, a proud veteran and a valued member of the Bristol community, died on October 26, 2015; and
WHEREAS, a native of Washington County, Roy Skeen honorably served his country as a member of the United States Marine Corps and the Tennessee National Guard; and

WHEREAS, Roy Skeen served the community as an employee of Sprint Telephone Company; he retired in 1998 after 40 years of hard work and dedication; and

WHEREAS, Roy Skeen helped honor the service and sacrifices of his fellow veterans as a life member of Veterans of Foreign Wars Post 1994 in Abingdon; and

WHEREAS, Roy Skeen enjoyed fellowship and worship with the community as a faithful member of Belle Meadows Baptist Church; and

WHEREAS, Roy Skeen will be fondly remembered and greatly missed by his wife, Louvennia; children, Michael, Mark, Lori, Robert, and Allan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roy L. Skeen, a respected veteran and an active member of the Bristol community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roy L. Skeen as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 26

Celebrating the life of Sharon Smith Hembree.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Sharon Smith Hembree of Abingdon, a devoted wife and mother, a nurse, an avid horsewoman, and a world traveler, died on August 28, 2015; and

WHEREAS, Sharon "Sherry" Smith Hembree was a dedicated nurse who worked for several private medical practices and the Washington County Health Department; she also was a nurse at Greendale Elementary School and Abingdon Elementary School; and

WHEREAS, in addition to her work in medicine, Sherry Hembree enjoyed horseback riding, and she also derived great satisfaction from exploring different countries as a world traveler; and

WHEREAS, Sherry Hembree's roots in Southwest Virginia run deep; she was the daughter of the late Jewell "Judy" Garland Smith and Jack Smith, who founded K-VA-T Food Stores, which is the parent company of Food City; and

WHEREAS, Sherry Hembree will be greatly missed and fondly remembered by Thomas, her husband of 27 years; children, Drew and Melanie, and their families; and many family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sharon Smith Hembree of Abingdon, a devoted wife and mother, a nurse, an avid horsewoman, and a world traveler; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sharon Smith Hembree as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 27

Celebrating the life of Geraldine Hankins Sword.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Geraldine Hankins Sword, a beloved mother and friend, a hardworking member of the Bristol community, and a member of the local electoral board who encouraged others to do their civic duty, died on October 27, 2015; and

WHEREAS, a native of Belfast, Virginia, Geraldine Sword worked in the banking industry for more than 20 years, and she offered her financial expertise to the Bristol Virginia Republican Committee as treasurer; and

WHEREAS, Geraldine Sword also helped ensure that local elections ran smoothly as a member of the Bristol Electoral Board; and

WHEREAS, predeceased by her husband, Roy, and son, Lynn, Geraldine Sword will be fondly remembered and greatly missed by her children, Rita and James, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Geraldine Hankins Sword, an active member of the Bristol community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Geraldine Hankins Sword as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 28

Celebrating the life of Stephen W. Morris.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Stephen W. Morris of Bristol, a successful businessperson, a loving husband and father, and a friend to many people, all of whom treasured his company, died on November 6, 2015; and

WHEREAS, Stephen "Steve" W. Morris, who was reared in Nicholas County, West Virginia, graduated from Richwood High School and Shepherd College; he then embarked on a long and successful career in the natural resources field; and

WHEREAS, for many years Steve Morris worked as an executive with the Pittston Coal Company; he then became an independent businessman whose ventures included coal, gas, and timber projects; he was known for his business acumen; and

WHEREAS, making friends came easily to Steve Morris; he is remembered for his smile and hearty greetings and for his social nature; he had many friends in Virginia, West Virginia, and Florida and they recall with fondness the excellent company that he provided; and

WHEREAS, in addition to finding success working in the natural resources field, Steve Morris also enjoyed being in the great outdoors; he especially treasured the time he spent with his golfing and fishing buddies; and

WHEREAS, Steve Morris will be greatly missed and fondly remembered by his wife, Barbara; children, Christopher, Christine, and Ellen, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Stephen W. Morris of Bristol, a successful businessperson, a loving husband and father, and a great friend to many people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stephen W. Morris as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 30

Commending Reo Hatfield.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Reo Hatfield, who selflessly served the people of Waynesboro as a longtime member of the Waynesboro Police Department Auxiliary Unit and was chief for the last five years, retired in 2015 after 25 years of dedicated public service; and

WHEREAS, Reo Hatfield joined the Waynesboro Police Department Auxiliary Unit in 1990 and served thousands of hours during 25 years of service to the people and businesses of Waynesboro; he developed great respect for law enforcement professionals and the often-unheralded work they do; and

WHEREAS, when he became an auxiliary unit officer in the Waynesboro Police Department, Reo Hatfield was following in his grandfathers' footsteps; his paternal grandfather was a police chief in West Virginia and his maternal grandfather was a deputy sheriff; and

WHEREAS, in addition to his work with the Waynesboro Police Department, Reo Hatfield is a successful businessman and a former elected city official; he is president of Reo Distribution in Waynesboro and he served two terms on the Waynesboro City Council; and

WHEREAS, Reo Hatfield encourages other people to become involved in community police work as a way of sharing and giving back; he cites the insights he gained from being out in the community and his recognition of the good that law enforcement professionals strive to do; and

WHEREAS, Reo Hatfield's son, Reo Hatfield III, is an officer with the Virginia Beach Police Department and is continuing his father's proud tradition of law enforcement service to the community and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Reo Hatfield, the former chief of the Waynesboro Police Department Auxiliary Unit, for 25 years of work to protect and serve the people of Waynesboro; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Reo Hatfield as an expression of the General Assembly's respect and admiration for his many years of law enforcement work.

HOUSE JOINT RESOLUTION NO. 31

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

Agreed to by the House of Delegates, January 26, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, the Chesapeake Bay is the largest and, at one time, the most productive estuary in the United States, spanning six states and the District of Columbia; and

WHEREAS, the Chesapeake Bay watershed is an extraordinary and vital natural resource, as well as an integral part of the history and heritage of the Commonwealth; and

WHEREAS, the Chesapeake Bay is fed by 50 major tributaries, including the Susquehanna, Potomac, Rappahannock, York, and James Rivers, and contains more than 15 trillion gallons of water; and

WHEREAS, the Chesapeake Bay stretches 200 miles from Havre de Grace, Maryland, to Norfolk, Virginia, has an average depth of 21 feet, and ranges from 3.4 to 35 miles wide; it supports 348 species of finfish, 173 species of shellfish, and more than 3,600 species of plant and animal life, including 2,700 types of plants and more than 16 species of underwater grasses; and

WHEREAS, the Chesapeake Bay area is home to more than 17 million people, many of whom rely upon the bay for their livelihood and recreational activities; and

WHEREAS, an important source of food for the Commonwealth and the east coast of the United States, the Chesapeake Bay produces more than 500 million pounds of seafood harvest each year; and

WHEREAS, the rich history, pivotal economic importance, and astounding beauty of the Chesapeake Bay watershed never cease to amaze residents and visitors alike; and

WHEREAS, all residents of the Commonwealth are encouraged to commemorate Chesapeake Bay Awareness Week with events, activities, and educational programs designed to increase awareness of the importance of the Chesapeake Bay to the Commonwealth, the region, and the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the second week in June, in 2016 and in each succeeding year, as Chesapeake Bay Awareness Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Chesapeake Bay Foundation, the Alliance for the Chesapeake Bay, and the Virginia Conservation Network so that members of those organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this week on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 32

Commending Clyde Bernard Fowler.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Clyde Bernard Fowler has been an inspirational member of the Chesapeake Bay Commission for over 30 years and a tireless and persistent champion of restoring the Chesapeake Bay for nearly half a century; and

WHEREAS, Clyde Bernard "Bernie" Fowler's unwavering vision and commitment to restore his beloved Patuxent River and the Chesapeake Bay has inspired his colleagues on the Chesapeake Bay Commission and spurred them to action in Maryland, Virginia, and Pennsylvania; and

WHEREAS, from his time as a Calvert County Commissioner throughout his service as a state senator and then as a member of the Chesapeake Bay Commission, Bernie Fowler has championed laws, policies, and funding to restore the Chesapeake Bay; and

WHEREAS, Bernie Fowler has made complicated restoration science understandable to the general public and has encouraged the development of citizen scientists through his annual "Wade-in" to gauge water quality on the Patuxent River; and

WHEREAS, Bernie Fowler's emphasis on using sound science to address citizen concerns has resulted in the adoption of restoration plans that will clean the Chesapeake Bay and the rivers that flow into the Bay; and

WHEREAS, Bernie Fowler has never wavered in his vision of restoring the Patuxent River and the Chesapeake Bay to the splendor of his youth; and

WHEREAS, Bernie Fowler's infectious love for the Chesapeake Bay has inspired millions to champion the cause of Bay restoration; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Clyde Bernard Fowler for his dedication to the Chesapeake Bay Commission as its longest-serving member; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Clyde Bernard Fowler as an expression of the General Assembly's admiration for his dedication and contributions to the restoration of the Chesapeake Bay and its tributaries.

HOUSE JOINT RESOLUTION NO. 33

Commending the Friends of Falls Church Homeless Shelter.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, for 20 years the Friends of Falls Church Homeless Shelter has provided temporary shelter and related services to single adults experiencing homelessness in the Falls Church area; and

WHEREAS, the Friends of Falls Church Homeless Shelter, which is on Gordon Road, is a nonprofit organization that began operation in 1996; it features a small-group setting for its residents and relies in large part on the generous help of volunteers; and

WHEREAS, from December 1 through March 31, the Falls Church Homeless Shelter opens its doors to as many as 12 people a night; it keeps two beds—with separate sleeping and shower facilities—reserved for women; and

WHEREAS, each evening volunteers deliver hot meals to the Falls Church Homeless Shelter, most of which are prepared by local families; the senior class at George Mason High School and local restaurants also provide meals, and faith communities stock breakfast items and food staples; and

WHEREAS, the staff of the Falls Church Homeless Shelter offers crisis counseling to guests and provides guidance on additional services that are available; the group also has made arrangements with other organizations to help meet residents' needs during the day; and

WHEREAS, the Friends of Falls Church Homeless Shelter allows guests to reserve a bed for the following night; if the returning guest has not arrived by an established time, then the bed is made available to another person experiencing homelessness; and

WHEREAS, in the last five years, residents stayed at the Falls Church Homeless Shelter for an average of 25 nights; the guests also are encouraged to take part in the shelter's life skills classes and to work with medical professionals who provide flu shots and other assistance; and

WHEREAS, recognizing that guests of the Falls Church Homeless Shelter hope to transition to permanent employment and housing and to greater self-sustainability, the organization contracts with a case manager to work year-round with those who stay at the shelter; and

WHEREAS, the shelter's small size allows residents, volunteers, and service providers to socialize in an easy-going and welcoming atmosphere; in addition, the Friends of Falls Church Homeless Shelter has created an assistance fund to help residents meet their financial goals; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Friends of Falls Church Homeless Shelter for its 20 years of providing comfortable and warm shelter to some of the area's neediest residents during the winter months; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hannah Jordan, chair of the Board of Directors of the Friends of Falls Church Homeless Shelter, as an expression of the General Assembly's respect and appreciation for the vital work the organization does on behalf of individuals experiencing homelessness in the Falls Church area.

HOUSE JOINT RESOLUTION NO. 34

Commending the Waynesboro Public Library.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, in 2015, the Waynesboro Public Library celebrated its 100th anniversary of encouraging a love of learning, personal growth and development, awareness of current events, and helping imaginations soar; and

WHEREAS, the Waynesboro Public Library was founded by a group of forward-thinking young women who were members of the First Baptist Church's Philathea Sunday school class; in 1912, using books sent by the Library of Virginia, they opened a one-day-a-week library at the church; and

WHEREAS, two months after opening, and at the request of the founders, the Waynesboro Town Council assumed responsibility for the operations of the Waynesboro Public Library to better serve the needs of the community; and

WHEREAS, a Board of Directors was formed and held its first meeting on November 7, 1912; the group appointed Virginia Leftwich to be the first librarian of the Waynesboro Public Library, and the library continued to become an important part of the lives of many residents of Waynesboro; and

WHEREAS, circulation and patronage steadily increased at the Waynesboro Public Library; two years later, in 1914, the town purchased land at the corner of First Street and Walnut Avenue to build a standalone library; and

WHEREAS, the Town of Waynesboro also received a grant of \$8,000 from industrialist and philanthropist Andrew Carnegie to construct a library building; with great fanfare and a public ceremony, the Waynesboro Public Library opened on July 15, 1915; and

WHEREAS, throughout the 20th century, the Waynesboro Public Library grew and adapted to the public's needs; the Waynesboro Friends of the Library was formed in 1966, and in 1969, a new library was built at the corner of Wayne Avenue and 14th Street; and

WHEREAS, the main library doubled in size when an addition was added in 1979, and today, the Waynesboro Public Library is a hive of activity with 20 computers available for public use and wireless Internet access throughout the building; and

WHEREAS, the focus of the Waynesboro Public Library has always been to meet the information and educational needs of the community; in addition to thousands of books, the library houses an Internet cafe, a young adult room, and has a large genealogy and local history collection; and

WHEREAS, the Waynesboro Public Library's centennial celebration took place on July 14, 2015, and featured an open house, birthday party, and live entertainment; patrons also discussed what the library has meant to them and their predictions for the future of libraries; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Waynesboro Public Library on the occasion of its 100th anniversary of serving the public, encouraging the dissemination of knowledge, and promoting a love of learning; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Zahir Mahmoud, director of the Waynesboro Public Library, as an expression of the General Assembly's congratulations and admiration for providing many years of dedicated service to the people of Waynesboro.

HOUSE JOINT RESOLUTION NO. 35

Celebrating the life of Adam Ward.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Adam Ward, a hardworking journalist who helped bring the news into the homes of his fellow Roanoke Valley residents as a field cameraman, died on August 26, 2015; and

WHEREAS, Adam Ward grew up in Botetourt County, but from a young age he cultivated a love for the athletics programs at Salem High School, where his father served as a guidance counselor; and

WHEREAS, while attending Virginia Polytechnic Institute and State University, Adam Ward became a lifelong Hokies fan and discovered his passion for journalism; he worked as an intern for the Greg Roberts Radio Show on CBS-affiliate WDBJ-7, where he began his career after graduation; and

WHEREAS, a respected member of the WDBJ team, Adam Ward worked in the production department and served as a studio camera operator before becoming a field cameraman; he relished the opportunity to show, as well as tell, the stories of his fellow Roanoke Valley residents; and

WHEREAS, well known in the community as a loyal and loving friend, Adam Ward lived his life to the fullest and spread joy to others with his bright smile and positive nature; and

WHEREAS, Adam Ward will be fondly remembered and greatly missed by his fiancée, Melissa; parents, Buddy and Mary; siblings, Sarah and Jay, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Adam Ward, a dedicated journalist and cameraman and a beloved member of the Roanoke Valley community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Adam Ward as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 36

Commending Smith Mountain Lake.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, for 50 years, Smith Mountain Lake, nestled in the foothills of the Blue Ridge Mountains, has been a place of respite and relaxation for thousands of sportsmen, water enthusiasts, and nature lovers; and

WHEREAS, Smith Mountain Lake was formed when Appalachian Power, which is a unit of American Electric Power, embarked on a massive hydroelectric power project to dam the Roanoke River; construction began in 1960, and the lake was officially completed in 1966; and

WHEREAS, Smith Mountain Lake, which is southeast of the City of Roanoke and southwest of the City of Lynchburg, has more than 580 miles of shoreline; it teems with wildlife and is a well-known fishing destination; and

WHEREAS, over the years, Smith Mountain Lake, which is the largest inland water recreation area wholly in the Commonwealth, became a popular vacation destination; houses, condominiums, and holiday homes were built by people who were drawn to the spectacular woodland beauty that surrounds the lake; and

WHEREAS, with campgrounds, marinas, golf courses, shops, restaurants, and a variety of lodging options, Smith Mountain Lake has become a premier destination, and today, more than 12,000 people call Smith Mountain Lake home; and

WHEREAS, the population of Smith Mountain Lake increases by another 50,000 people during the summer; vacationers appreciate the serenity and outstanding vistas that surround them, and they frequently take advantage of the many programs and activities that are held around the lake; and

WHEREAS, to celebrate the 50th anniversary of the creation of Smith Mountain Lake, a multitude of events and programs are planned for 2016, including a triathlon, fishing tournaments, a birthday party, regattas, races, festivals, and tours; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Smith Mountain Lake on the occasion its 50th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Vicki Gardner, executive director of the Smith Mountain Lake Regional Chamber of Commerce, as an expression of the General Assembly's admiration and appreciation for the organization's work to ensure that Smith Mountain Lake remains an outstanding destination for all Virginians.

HOUSE JOINT RESOLUTION NO. 37

Providing for a Joint Assembly, establishing a schedule for the conduct of business coming before the 2016 Regular Session of the General Assembly of Virginia, and providing for legislative continuity between the 2016 and 2017 Regular Sessions of the General Assembly.

Agreed to by the House of Delegates, January 13, 2016

Agreed to by the Senate, January 13, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall meet in joint session in the Hall of the House of Delegates on Wednesday, January 13, 2016, at such time as specified by the Speaker of the House of Delegates, to receive the Governor of Virginia, and such address as he may desire to make, and that the rules for the government of the House of Delegates and the Senate, when convened in joint session for such purpose, shall be as follows:

Rule I. At the hour fixed for the meeting of the Joint Assembly, the Senators, accompanied by the President and the Clerk of the Senate, shall proceed to the Hall of the House of Delegates and shall be received by the Delegates standing. Appropriate seats shall be assigned to the Senators by the Sergeant at Arms of the House. The Speaker of the House of Delegates shall assign an appropriate seat for the President of the Senate.

Rule II. The Speaker of the House of Delegates shall be President of the Joint Assembly. In case it shall be necessary for the Speaker to vacate the Chair, the President of the Senate shall serve as the presiding officer.

Rule III. The Clerk of the House of Delegates shall be Clerk of the Joint Assembly and shall be assisted by the Clerk of the Senate. The Clerk of the Joint Assembly shall enter the proceedings of the Joint Assembly in the Journal of the House and shall certify a copy of the same to the Clerk of the Senate, who shall enter the same in the Journal of the Senate.

Rule IV. The Sergeant at Arms and Doorkeepers of the House shall act as such for the Joint Assembly.

Rule V. The Rules of the House of Delegates, as far as applicable, shall be the rules of the Joint Assembly.

Rule VI. In calling the roll of the Joint Assembly, the names of the Senators shall be called in alphabetical order, then the names of the Delegates in like order, except that the name of the Speaker of the House shall be called last.

Rule VII. If, when the Joint Assembly meets, it shall be ascertained that a majority of each house is not present, the Joint Assembly may take measures to secure the attendance of absentees, or adjourn to a succeeding day, as a majority of those present may determine.

Rule VIII. When the Joint Assembly adjourns, the Senators, accompanied by the President and the Clerk of the Senate, shall return to their chamber, and the business of the House shall be continued in the same order as at the time of the entrance of the Senators; and, be it

RESOLVED FURTHER, That notwithstanding any other provision of this resolution and in accordance with the practices of each house, with the exception of commending and memorial joint resolutions, a request to be added as a co-patron shall be received prior to the first vote on the passage of a bill or agreement to a joint resolution or, if the bill or joint resolution is not reported from committee, then prior to the last action on such legislation. A request to be removed as a co-patron shall be received no later than 5:00 p.m., Friday, March 4, 2016; and, be it

RESOLVED FURTHER, That any joint resolution creating or continuing a study shall require a vote of two-thirds of the members voting in each house and any resolution creating or continuing a study shall require a vote of two-thirds of the members voting in the respective house; and, be it

RESOLVED FURTHER, That any member offering for introduction a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is introduced; and, be it

RESOLVED FURTHER, That for purposes of the procedural deadlines established herein for the 2016 Regular Session of the General Assembly:

"Budget Bill" means the general appropriation bill introduced in each house that authorizes the biennial expenditure of public revenues for the period from July 1, 2014, through June 30, 2016, or July 1, 2016, through June 30, 2018.

"Debt bill" means any bill that authorizes the issuance of debt.

"Legislative day" means the period of time that begins with the call to order by the presiding officer and ends when declared adjourned by the presiding officer. Unless another time is specified, any deadline established in this resolution shall expire at the end of the legislative day.

"Prefiled legislation" means any bill or joint resolution requested from the Division of Legislative Services no later than 5:00 p.m., Monday, December 7, 2015, and prefiled no later than 10:00 a.m., Wednesday, January 13, 2016, or any bill or joint resolution not requested from the Division of Legislative Services and prefiled no later than 10:00 a.m., Wednesday, January 13, 2016.

"Revenue bill" means any bill, except the Budget Bill(s) and debt bills, that increases or decreases the total revenues available for appropriation, including any sales tax exemption bill.

"Unanimous consent" means the affirmation of all the members present in the house of origin. Any legislation intended to be offered for introduction with unanimous consent or with the written request of the Governor shall not require the consent of the house in order for the member to request the Division of Legislative Services to draft such legislation. The Division of Legislative Services shall return such legislation after the original introduction deadline.

"Virginia Retirement System bill" means any bill that amends, adds, repeals, or modifies any provision of any retirement system established in Title 51.1 of the Code of Virginia; and, be it

RESOLVED FINALLY, That the 2016 Regular Session of the General Assembly shall be governed by the following procedural rules, which establish introduction limits and time limitations for elections and for all legislation prefiled and introduced for the 2016 Regular Session except:

(i) House and Senate resolutions, except for the time limitations established in Rules 20 and 22;

(ii) Bills and joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, either of its houses, or any of its committees;

(iii) Bills and joint resolutions introduced with unanimous consent either to exceed the introduction limits established in Rule 1 or to exceed the time limitations established in Rules 2, 3, 6, 17, and 22;

(iv) Joint resolutions confirming appointments subject to the confirmation of the General Assembly;

(v) Joint commending and memorial resolutions, except for the time limitations established in Rules 15 and 17;

(vi) Bills and joint resolutions regarding elections held by the General Assembly during the 2016 Regular Session; or

(vii) Bills and joint resolutions requested in writing by the Governor.

Rule 1. After the deadline for filing prefiled legislation established by House Joint Resolution No. 524 (2015), no member of the House of Delegates shall introduce more than a combined total of five bills and joint resolutions and no member of the Senate shall introduce more than a combined total of eight bills and joint resolutions.

Rule 2. No bill or joint resolution creating or continuing a study shall be offered in either house after adjournment of that house on Wednesday, January 13, 2016.

Rule 3. No Virginia Retirement System bill shall be offered in either house after adjournment of that house on Wednesday, January 13, 2016.

Rule 4. Except for bills and joint resolutions required to be requested earlier, requests for the drafting, redrafting, or correction of any bill or joint resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 15, 2016.

Rule 5. No later than Monday, January 18, 2016, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Tuesday, January 19, 2016, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have precedence over all other business of either house, until such time as both houses reach agreement on such election or agree to hold it at another specific time. The Rules of each house, as far as applicable, shall be the rules governing any such election.

Rule 6. Except for bills required to be filed earlier, no bill or joint resolution shall be offered in either house after 3:00 p.m., Friday, January 22, 2016.

Rule 7. No later than Thursday, January 28, 2016, the Board of Trustees of the Virginia Retirement System shall submit, in accordance with § 30-19.1:7, impact statements for all Virginia Retirement System bills filed by the first day of session. For any Virginia Retirement System bill filed later than the first day of session, the Board of Trustees shall use due diligence in preparing the impact statement in time for review by the standing committees.

Rule 8. The committees responsible for the consideration of revenue bills in the houses of introduction shall complete their work on such bills no later than midnight, Tuesday, February 16, 2016.

Rule 9. Except for the Budget Bill(s) and revenue bills, beginning Wednesday, February 17, 2016, the House of Delegates shall consider only Senate bills, Senate joint resolutions, House bills with Senate amendments, and House joint resolutions with Senate amendments; the Senate shall consider only House bills, House joint resolutions, Senate bills with House amendments, and Senate joint resolutions with House amendments; and each house may consider conference reports and other privileged matters relating thereto to the end that the work of each house may be disposed of by the other.

Rule 10. The houses of introduction shall complete their consideration of all revenue bills, except for conference reports and other privileged matters relating thereto, no later than Friday, February 19, 2016.

Rule 11. The committees responsible for the consideration of the Budget Bill(s) in the houses of introduction shall complete their work on such bill(s) no later than midnight, Sunday, February 21, 2016, and any amendments proposed by such committees shall be made available to their respective houses no later than noon, Tuesday, February 23, 2016.

Rule 12. The houses of introduction shall complete their consideration of the Budget Bill(s), except for conference reports and other privileged matters relating thereto, no later than Thursday, February 25, 2016.

Rule 13. The committees responsible for consideration of revenue bills of the other house shall complete their consideration of such bills no later than midnight, Tuesday, March 1, 2016.

Rule 14. No later than midnight, Wednesday, March 2, 2016, each house shall complete consideration of the Budget Bill(s) and all revenue bills of the other house, except for conference reports and other privileged matters relating thereto, and the appointing authority shall appoint the conferees to such bills.

Rule 15. Requests for the drafting, redrafting, or correction of any joint commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, March 4, 2016.

Rule 16. The first conference on any revenue bills shall complete its deliberations no later than midnight, Saturday, March 5, 2016, and the report of such conference shall be made available to all members of the General Assembly no later than noon, Monday, March 7, 2016.

Rule 17. No joint commending or memorial resolution shall be offered in either house after 5:00 p.m., Monday, March 7, 2016.

Rule 18. Beginning Tuesday, March 8, 2016, neither house shall receive from any committee any bill or joint resolution acted on by any committee later than midnight, Monday, March 7, 2016.

Rule 19. No later than Tuesday, March 8, 2016, each house shall begin its consideration of any election to fill any judicial seat in the courts of the Commonwealth, or to fill a seat on any commission or office elected by the General Assembly. In the event that the houses cannot agree on such election before Wednesday, March 9, 2016, such election shall become the subject of a special and continuing joint order in each house, and such special and continuing joint order shall have

precedence over all other business of either house, until such time as both houses reach agreement on such election, or either house votes to suspend or discharge the order. The Rules of each house, as far as applicable, shall be the rules governing any such election.

Rule 20. Requests for the drafting, redrafting, or correction of any single-house commending or memorial resolution shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Tuesday, March 8, 2016.

Rule 21. Any conference committee on the Budget Bill(s) shall complete its deliberations and make the report of such conference available to the General Assembly as soon as practicable. Neither house shall consider such conference report earlier than 48 hours after receipt, unless both houses respectively determine to proceed earlier by a vote of two-thirds of the members voting in each house. No engrossment of the Budget Bill(s) shall be required in either house, and any conference on the Budget Bill(s) shall consider, as the basis of its deliberations, the Budget Bill(s) as recommended by the Governor and introduced in the House and the amendments thereto proposed by each house. A report shall be issued concurrently with the report of the conference committee that identifies the following by item number, narrative description, and dollar amount: (i) any nonstate agency appropriation, (ii) any item in the conference report that was not included in a general appropriation bill as passed by either the House or the Senate, and (iii) any item that represents legislation that failed in either house during the regular or a special session.

Rule 22. No single-house commending or memorial resolution shall be offered in either house after 5:00 p.m., Thursday, March 10, 2016.

Rule 23. Except for joint resolutions affecting the rules of procedure or the schedule of business of the General Assembly, beginning Friday, March 11, 2016, the House shall consider only Senate joint resolutions and House joint resolutions with Senate amendments; the Senate shall consider only House joint resolutions and Senate joint resolutions with House amendments; and each house may consider conference reports or joint resolutions and other privileged matters relating thereto, to the end that the work of each house may be disposed of by the other.

Rule 24. This session of the General Assembly shall adjourn sine die no later than the legislative day of Saturday, March 12, 2016.

Rule 25. Pursuant to Section 6 of Article IV of the Constitution of Virginia, the General Assembly shall reconvene Wednesday, April 20, 2016, for the purpose of considering bills that may have been returned by the Governor with recommendations for their amendment and bills and items of appropriation bills, including the general appropriation act, that may have been returned by the Governor with his objections.

Rule 26. Pursuant to Section 7 of Article IV of the Constitution of Virginia, legislative continuity is hereby provided for between sessions occurring during the terms for which members of the House of Delegates are elected, in conformity with the Rules of the House of Delegates and the Rules of the Senate.

Rule 27. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study commission created pursuant to a House measure shall be governed by the Rules of the House of Delegates; the conduct of the business of any subcommittee of any Senate committee, any joint subcommittee of Senate and House committees, and any interim study commission created pursuant to a Senate measure shall be governed by the Rules of the Senate. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 28. Interim meetings of any standing committee, joint committee, joint subcommittee, legislative commission, or any other interim study subcommittee or study commission shall be held on Monday, Tuesday, or Wednesday during the first and third full weeks of the month, unless otherwise authorized by the Speaker of the House of Delegates or the Chairman of the Senate Committee on Rules, as may be appropriate for the house in which the chairman serves.

Rule 29. Any staff member assigned to work for, and support the efforts of, any committee of the House or Senate, any subcommittee of any such committee, any joint subcommittee of House and Senate committees, or any interim study commission shall work under the direction of the chairman of such committee, subcommittee, joint subcommittee, or interim study commission.

Rule 30. The standing committees of the General Assembly shall complete their consideration of all legislation continued by them from the 2016 Regular Session no later than midnight, Thursday, December 1, 2016.

HOUSE JOINT RESOLUTION NO. 38

Establishing a schedule for the conduct of business for the prefling period of the 2017 Regular Session of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 13, 2016

Agreed to by the Senate, January 13, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the prefling period of the 2017 Regular Session of the General Assembly shall be governed by the following rules:

Rule 1. Requests for drafts of any bill or joint resolution to be prefiled shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Monday, December 5, 2016. The Division shall make such drafts available for review no later than midnight, Friday, December 30, 2016.

Rule 2. Requests for the drafting, redrafting, or correction of any bill or joint resolution creating or continuing a study shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 6, 2017 in order to be filed on the first day of the 2017 Regular Session.

Rule 3. Requests for redrafts and corrections of any draft prepared for prefiling shall be submitted to and received by the Division of Legislative Services no later than 5:00 p.m., Friday, January 6, 2017. The Division shall make such drafts available no later than noon, Tuesday, January 10, 2017.

Rule 4. Bills and joint resolutions offered for prefiling shall be prefiled in either house no later than 10:00 a.m., Wednesday, January 11, 2017. Any member offering for prefiling a bill or joint resolution not submitted to the Division of Legislative Services for drafting is encouraged to submit an electronic version no later than 5:00 p.m. on the day the legislation is prefiled.

HOUSE JOINT RESOLUTION NO. 39

Celebrating the life of Alison Bailey Parker.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Alison Bailey Parker, a passionate and hardworking journalist, a devoted servant to the Roanoke Valley community, and a beloved daughter and friend, died on August 26, 2015; and

WHEREAS, a native of Annapolis, Maryland, Alison Parker grew up in Collinsville and graduated from Martinsville High School, where she excelled in dance, gymnastics, and swimming and was a member of jazz and concert bands; and

WHEREAS, Alison Parker also attended the Piedmont Governor's School for Math, Science, and Technology and was a member of an award-winning robotics team; she earned a bachelor's degree from James Madison University, where she joined Alpha Phi Sorority, served as news editor of the student newspaper, and tutored first-year students in calculus; and

WHEREAS, during her college summers, Alison Parker worked to strengthen and enhance the community through her involvement with the Martinsville Uptown Revitalization Association and the United Way, as well as interning with CBS-affiliate WDBJ-7; and

WHEREAS, after graduation, Alison Parker began her career as a journalist with ABC-affiliate WCTI-12 in North Carolina as the bureau chief covering Camp Lejeune, where she relished the opportunity to cover hard news on a tight schedule; and

WHEREAS, Alison Parker returned to Roanoke as a morning show reporter for WDBJ-7 in 2014; she was a fixture of many local residents' mornings, greeting viewers with her joyful smile and upbeat personality; and

WHEREAS, Alison Parker will be fondly remembered and greatly missed by her parents, Andy and Barbara; brother, Drew; significant other, Chris; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Alison Bailey Parker, a devoted journalist and a beloved member of the Roanoke Valley community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alison Bailey Parker as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 40

Celebrating the life of Richard T. Allan, Jr.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Richard T. Allan, Jr., a proud veteran of the United States Armed Forces and the Central Intelligence Agency and an active member of the Falls Church community, died on October 9, 2015; and

WHEREAS, a native of Battle Creek, Michigan, Richard Allan excelled in his education, earning bachelor's and master's degrees from the University of Michigan and conducting graduate studies at Harvard University; and

WHEREAS, Richard Allan joined many of the other young men of his generation in service to his country as a member of the United States Air Force during World War II; after the war, he deployed to Japan as part of the occupation force for two years, and he returned to Japan during the Korean War as a member of the United States Army; and

WHEREAS, after his military service, Richard Allan joined the Central Intelligence Agency (CIA) as an intelligence analyst; he rose through the ranks and earned the CIA Meritorious Service Medal when he retired as director of Basic and Geographic Intelligence in 1977; and

WHEREAS, in later life, Richard Allan volunteered his time and talents at the Mary Riley Styles Public Library in Falls Church; by organizing daily used book sales and identifying rare and valuable books, he helped raise more than \$250,000 for the library's general fund; and

WHEREAS, seeking to enhance the quality of life of all Falls Church residents, Richard Allan also worked with the Affordable Housing Committee and the Village Preservation and Improvement Society; and

WHEREAS, Richard Allan will be fondly remembered and greatly missed by his beloved wife of 60 years, Betty; children, James, Christian, and Susan, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Richard T. Allan, Jr., a distinguished veteran and a dedicated volunteer in Falls Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard T. Allan, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 41

Commending Pamela L. Michell.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Pamela L. Michell, executive director of New Hope Housing, Inc., in Fairfax County, has tirelessly and compassionately worked for 25 years to provide shelter and an array of services to help end the cycle of homelessness; and

WHEREAS, deeply committed to helping those who are in great need, Pamela "Pam" L. Michell began working as executive director of Route One Corridor Housing, Inc., in 1990; the organization, which opened the first shelter in Fairfax County, had beds and shelter at three sites; and

WHEREAS, over the years, the organization, which changed its name to New Hope Housing and broadened its mission, became the largest provider of shelter beds in Northern Virginia; it now has many services that provide housing to homeless individuals and help them create a better life; and

WHEREAS, under Pam Michell's dedicated leadership, New Hope Housing has expanded its facilities and services to include transitional and permanent supportive housing; the organization also worked to establish a 10-year plan to help end poverty and homelessness in Fairfax County; and

WHEREAS, Pam Michell has overseen New Hope Housing's work in other Northern Virginia localities; the group operates shelters in Arlington County and the City of Alexandria; New Hope Housing also helped open a winter shelter dedicated to preventing deaths from hypothermia; and

WHEREAS, New Hope Housing's accomplishments are many, and Pam Michell is proud of the committed volunteers who work daily to end homelessness; the group's philosophy is to "welcome the unwelcome" by providing hope, hospitality, dignity, and respect, as evidenced by the numerous lives that have been changed; and

WHEREAS, New Hope Housing and Pam Michell have received many accolades and awards for the nonprofit organization's life-affirming work to end homelessness; in 2005, she was named Washingtonian of the Year by *Washingtonian* magazine; and

WHEREAS, Pam Michell also was honored with the Nonprofit Leadership Award from Leadership Fairfax in 2013, and in 2015, New Hope Housing received the Housing First award from the Virginia Coalition to End Homelessness; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pamela L. Michell, executive director of New Hope Housing, Inc., for her tireless efforts over the past 25 years to end homelessness in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pamela L. Michell as an expression of the General Assembly's respect and admiration for her leadership and commitment to bettering the lives of those who are in great need.

HOUSE JOINT RESOLUTION NO. 42

Commending Colonel Donald B. Kaiserman, USA, Ret.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Colonel Donald B. Kaiserman, USA, Ret., a respected former military leader, has dedicated his life to the service of his fellow veterans and strives to maintain the Commonwealth's reputation as one of the best states for members of the military, veterans, and their families to live; and

WHEREAS, Colonel Kaiserman has supported veterans as chair of the Virginia Board of Veterans Services and the Joint Leadership Council of Veterans Service Organizations, which facilitates cooperation between organizations and the Department of Veterans Services; and

WHEREAS, Colonel Kaiserman served as president of the Richmond Chapter of the Military Officers Association of America (MOAA), a nonprofit, nonpartisan organization advocating for military families, and president of the Virginia Council of Chapters of MOAA, where he led and coordinated the Commonwealth's 18 chapters; and

WHEREAS, at the local level, Colonel Kaiserman volunteered his time with the Fort Lee Retiree Council and currently honors the legacies of the Commonwealth's veterans on the Board of Trustees of the Virginia War Memorial; and

WHEREAS, over the course of his career, Colonel Kaiserman has achieved success in many initiatives to support military families, and he has earned the respect of numerous members of Virginia state government and the United States Congress, including members of the Senate and House Committees on Armed Services; and

WHEREAS, with his team-based leadership style, Colonel Kaiserman has inspired countless others to support members of the military and veterans in the Commonwealth and throughout the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Colonel Donald B. Kaiserman, USA, Ret., a respected veteran and a stalwart advocate for the military community in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colonel Donald B. Kaiserman, USA, Ret., as an expression of the General Assembly's admiration for his tireless work to honor the service and sacrifices of members of the military and veterans.

HOUSE JOINT RESOLUTION NO. 43

Commending Neal King.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Neal King of Spotsylvania, a decorated veteran of the United States Armed Forces, proudly served in the United States Marine Corps for 30 years and in retirement helped to raise funds to establish the Fredericksburg Area War Memorial; and

WHEREAS, in 1941, Neal King was with a group of young men at a candy store in his hometown of Canisteo, New York, when they learned of the Japanese attack on Pearl Harbor and were inspired to serve their country; they all later fought in World War II; and

WHEREAS, Neal King joined the Marine Corps in 1942; he served in Guam during World War II, led a machine-gun platoon in Korea, was a founding member of the Marine Corps Force Reconnaissance special operations unit, and was a senior enlisted person during the Vietnam conflict, reporting to the commanding general of the Fleet Marine Force, Pacific; and

WHEREAS, preferring to be with ground troops, Neal King was assigned to a unit that fought in the Tet Offensive campaign in Vietnam; he was wounded in May 1968 and received his first Purple Heart—more than a quarter-century after joining the military; and

WHEREAS, Neal King earned 14 battle stars during his military career; after retiring, he worked to establish the Fredericksburg Area War Memorial, setting out collection jars at area businesses and raising \$35,000 in coins and small bills; and

WHEREAS, Neal King loved being in the military, modestly claiming that he only did what needed to be done; those who know him speak of his service to his country with high praise and say he exemplifies the best qualities of the men and women of the "Greatest Generation"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Neal King of Spotsylvania for his service to the United States of America as a member of the United States Marine Corps for 30 years and for his work to establish the Fredericksburg Area War Memorial; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Neal King as an expression of the General Assembly's respect and gratitude for his service to the people of the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 45

Directing the Health Insurance Reform Commission to continue its study of mandating health insurance coverage for abuse deterrent formulations for opioid medications. Report.

Agreed to by the House of Delegates, February 11, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, House Joint Resolution No. 630 (2015) directed the Health Insurance Reform Commission (Commission) to study mandating health insurance coverage for abuse deterrent formulations for opioid medications; and

WHEREAS, the Commission received testimony on this issue at its meeting on July 15, 2015; and

WHEREAS, the Commission heard testimony that formulations of opioid medications can deter the misuse and abuse of such drugs by making it difficult to snort or inject the drug for a more intense high; and

WHEREAS, as an example of the benefits, reformulated ER oxycodone resulted in savings in medical costs, workplace costs, criminal justice costs, and caregiver costs in 2014 totaling \$1.04 billion; and

WHEREAS, the Commission also was advised while opioids in abuse deterrent formulations may be tamper deterrent, they remain subject to misuse and are addictive; and

WHEREAS, the Bureau of Insurance advised the Commission that there is no specific requirement for health insurance coverage for abuse deterrent formulations of opioid medications and that imposing such a requirement could result in a cost to the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Health Insurance Reform Commission be directed to continue its study of mandating health insurance coverage for abuse deterrent formulations for opioid medications.

The Office of the Clerk of the House of Delegates shall continue to provide administrative staff support. The Division of Legislative Services shall continue to provide legal, research, policy analysis, and other services as requested by the Commission. Technical assistance shall continue to be provided to the Commission by the Bureau of Insurance. All agencies of the Commonwealth shall provide assistance to the Commission for this study, upon request.

The Commission shall complete its meetings by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 46

Commending Angela Ammerman.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Angela Ammerman, an outstanding music teacher and orchestra director at Annandale High School, has been named the 2015-2016 Virginia Orchestra Director of the Year by the American String Teachers Association; and

WHEREAS, from the time she was in middle school, Angela Ammerman knew that music education was her calling; she has been a music teacher and orchestra director at the Fairfax County public school for four years; and

WHEREAS, Angela Ammerman is a graduate of the University of Cincinnati College-Conservatory of Music; she earned a master's degree in music education from Boston University and is studying for a doctoral degree from George Mason University; and

WHEREAS, in striving to instill a lifelong passion for music in her students, Angela Ammerman helps to find a unique role for each of her students and encourages them to feel proud of their accomplishments; and

WHEREAS, Angela Ammerman's classroom at Annandale High School is a "home away from home" for many budding musicians who have named her room Ammermania; they find a place to relax in the room's family-like atmosphere; and

WHEREAS, in addition to her work in the classroom, Angela Ammerman was recognized by the American String Teachers Association for helping to organize a concert that raised more than \$10,000 to benefit a student in need; and

WHEREAS, Angela Ammerman also founded the Future Music Educators Camp for young people interested in pursuing a career teaching music and coordinated a college night program designed especially for students considering majoring in music; and

WHEREAS, besides her teaching duties, Angela Ammerman co-conducts the Annandale Full Symphony whose members are orchestra and band students, and she also made presentations at the 2015 meeting of the International Society for Philosophy of Music Education in Germany; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Angela Ammerman, orchestra director at Annandale High School, for being named the 2015-2016 Virginia Orchestra Director of the Year by the American String Teachers Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Angela Ammerman as an expression of the General Assembly's congratulations and admiration for her enthusiasm and commitment to educating young musicians in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 47

Celebrating the life of Roger Green.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Roger Green, a longtime educator, the executive director of the Colonial Heights Chamber of Commerce, and a community leader who dedicated his life to the service of others, died on October 23, 2015; and

WHEREAS, a native of Scott County, Indiana, Roger Green earned a bachelor's degree from Eastern Kentucky University, a master's degree and a certificate of advanced study from Old Dominion University, and an education specialist degree from Virginia Polytechnic Institute and State University; and

WHEREAS, for 35 years, Roger Green helped students prepare for further education and responsible citizenship as principal of Colonial Heights Middle School, Dublin Middle School, and Pulaski Middle School and assistant principal of Princess Anne High School and Newtown Road Elementary School; and

WHEREAS, desirous to be of further service to his fellow Central Virginia residents, Roger Green promoted responsible growth in Colonial Heights and advocated for the business community as the executive director of the Colonial Heights Chamber of Commerce; and

WHEREAS, admired for his innovative leadership style, professionalism, and care for the well-being of others, Roger Green also served as the vice president of membership for the Virginia Association of Chamber of Commerce Executives; and

WHEREAS, possessed of a servant's heart, Roger Green offered his time and wise leadership to several boards and civic organizations, including the Kiwanis Club of Colonial Heights, Fellowship of Christian Athletes, Old Brick House Foundation, Colonial Heights Food Pantry, Tri-Cities Workcamp, and Arc South of the James; and

WHEREAS, a man of deep and abiding faith, Roger Green was a devout member of the United Methodist Church; he held leadership roles in congregations in Virginia Beach, Dublin, and Colonial Heights and ministered Blackstone Christian Church; and

WHEREAS, Roger Green will be fondly remembered and greatly missed by his wife, Robyn; children, Kathryn and Zac; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roger Green, a devoted educator and a respected leader in the Colonial Heights community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roger Green as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 48

Commending Colonial Heights American Legion Post 284.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Colonial Heights American Legion Post 284, one of the largest American Legion posts in the Commonwealth, has worked to support and honor local veterans and provide dedicated volunteer service to the entire Colonial Heights community and the Tri-Cities area for 70 years; and

WHEREAS, established in 1946 with 86 charter members under Wilbur S. Dishman, American Legion Post 284 held its first meeting at what was then Colonial Heights City Hall; the post held meetings in several local buildings before purchasing its current location on Springdale Avenue in 1958; and

WHEREAS, American Legion Post 284 has grown to include 1,150 members, becoming the largest post in Virginia American Legion District 11 and the third-largest post in the Commonwealth; and

WHEREAS, making significant contributions to Colonial Heights throughout its history, American Legion Post 284 has raised funds for many local causes and projects, including the construction of Shepherd Stadium, which hosts numerous civic activities; and

WHEREAS, American Legion Post 284 supports the Colonial Heights War Memorial, the United States Army Quartermaster's Museum, the United States Army Women's Museum, and the Hunter Holmes McGuire Veterans Administration Medical Center to honor the service and sacrifices of all veterans; and

WHEREAS, American Legion Post 284 empowers the youth of the community through American Legion Boys State and Girls State programs, donations to area schools, and several generous scholarship opportunities; the post supports local families through food deliveries and assistance during the holidays; and

WHEREAS, the American Legion Auxiliary Unit 284, the Sons of the American Legion Squadron 284, and the Post 284 American Legion Riders all make unique contributions to local charitable causes supporting youth, active duty and convalescent veterans and their families, and first responders; and

WHEREAS, American Legion Post 284 leads by example and has inspired countless other members of the community to take an active role in bettering the quality of life of their fellow Colonial Heights residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Colonial Heights American Legion Post 284 for its service to veterans and the residents of Colonial Heights on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Colonial Heights American Legion Post 284 as an expression of the General Assembly's admiration for its contributions to the community.

HOUSE JOINT RESOLUTION NO. 49

Commending Wakefield Masonic Lodge No. 198.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Wakefield Masonic Lodge No. 198 of the Ancient Free and Accepted Masons celebrated its 150th anniversary in 2015; and

WHEREAS, Wakefield Masonic Lodge No. 198 held its first meeting under the dispensation of the Grand Lodge of Virginia and was formally chartered on December 13, 1865; and

WHEREAS, at the time of its founding, Wakefield Masonic Lodge No. 198 elected as officers Worshipful Master T.J. Drumwright, Senior Warden Dr. O.H. Baird, and Junior Warden John C. Morris; and

WHEREAS, Wakefield Masonic Lodge No. 198 supports numerous civic and charitable organizations in the community, such as the National Child ID Program and blood drives by the American Red Cross; and

WHEREAS, Wakefield Masonic Lodge No. 198 commemorated its 150th anniversary with the Grand Master of Masons in Virginia, Most Worshipful James Edward Litten at the Virginia Diner in Wakefield on December 16, 2015; and

WHEREAS, during its anniversary year, Wakefield Masonic Lodge No. 198 was led by Worshipful Master William E. Allmond III, Senior Warden David G. Henson, Junior Warden Michael T. Eggleston, Treasurer Kevin Matthews, Secretary John D. O'Berry, Senior Deacon Stevie Ezzell, Junior Deacon Martin Carter, Chaplain Tom Reese, and Tiler Ken Grover; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wakefield Masonic Lodge No. 198 on the occasion of its historic 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wakefield Masonic Lodge No. 198 as an expression of the General Assembly's admiration for the organization's service to the Wakefield community and best wishes for future success.

HOUSE JOINT RESOLUTION NO. 51

Celebrating the life of Jesse Clingenpeel.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Jesse Clingenpeel of Roanoke, a member of the Roanoke Fire-EMS Department, a proud veteran of the United States military, a man of faith, and a devoted husband and friend, died on November 5, 2015; and

WHEREAS, Jesse Clingenpeel, who had dreamed of serving his country since he was a young boy, enlisted in the United States Army when he was 17; he was stationed in Afghanistan where in 2009 he was gravely injured; and

WHEREAS, the recipient of the Purple Heart, Jesse Clingenpeel left active military service because of his combat injuries; after recovering from his wounds, he sought new opportunities to serve the community and joined the Roanoke Fire-EMS Department in 2013; and

WHEREAS, as part of his work for the City of Roanoke as a first responder, Jesse Clingenpeel started attending emergency medical technician classes and was planning to be a paramedic, thus continuing his life's goal to protect and serve; and

WHEREAS, Jesse Clingenpeel was a man of deep faith and a friend to all who knew him; he is remembered for his ability to light up a room with his presence and his friendly demeanor with all people; and

WHEREAS, Jesse Clingenpeel was a devoted husband who will be greatly missed and fondly remembered by his wife, Amber, whom he married in 2013; his parents; and many other family members, friends, and fellow first responders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jesse Clingenpeel of Roanoke, a proud veteran who also served the community as a member of the Roanoke Fire-EMS Department, a man of great faith, and a devoted husband and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jesse Clingenpeel as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 53

Celebrating the life of Thomas S. Herbert VII.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Thomas S. Herbert VII, a public servant, successful entrepreneur, and generous community leader in Ashland, died on December 15, 2015; and

WHEREAS, a native of Ashland, Thomas "Tommy" S. Herbert VII graduated from Patrick Henry High School and earned a bachelor's degree from the University of Maryland; and

WHEREAS, possessed of an entrepreneurial spirit, Tommy Herbert was co-owner of Herbert Insurance Agency with his wife and father; and

WHEREAS, desirous to be of further service to the community, Tommy Herbert ran for and was elected to the Ashland Town Council, serving from 1996 to 2000, including a two-year term as mayor; and

WHEREAS, Tommy Herbert volunteered his time and leadership with the Boy Scouts of America, Hanover Humane Society, Ashland Kiwanis Club, and Relay for Life; he also helped provide opportunities for local youth as a coach for multiple sports teams; and

WHEREAS, predeceased by one daughter, Holly, Tommy Herbert cared deeply for his family, and he will be fondly remembered and greatly missed by his wife, Michele; children, Hannah, Bailey, Thomas, and Curtis; his parents, William and Patsy; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas S. Herbert VII, a public servant, entrepreneur, and active member of the Ashland community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas S. Herbert VII as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 54

Commending Mary Ann Moran.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Mary Ann Moran, an outstanding community volunteer who has devoted countless hours to the betterment of the people of Arlington County, was honored as the recipient of the 2015 William T. Newman, Jr. Spirit of Community Award by the Arlington Community Foundation; and

WHEREAS, for many years, Mary Ann Moran has had a positive influence on the lives of thousands of residents of Arlington County as a teacher, mentor, change agent, advocate, and community leader; and

WHEREAS, Mary Ann Moran has been an active member of many nonprofit organizations, including Arlington's Task Force on Youth, which led to the formation of The Arlington Partnership for Children, Youth & Families; and

WHEREAS, Mary Ann Moran was named co-chair of The Arlington Partnership for Children, Youth & Families after it was founded; the organization's mission is to improve health, wellbeing, and safety; and

WHEREAS, Mary Ann Moran also helped implement the Developmental Assets program in Arlington County and the Arlington County Public School division; the program aims to positively influence young people's development and help them prepare for success as adults; and

WHEREAS, through the years, many nonprofit organizations in Arlington County have benefited from Mary Ann Moran's leadership and contributions; she is a valued volunteer and exemplifies the spirit of community; and

WHEREAS, with her gentle and unassuming nature, Mary Ann Moran's peers also recognize her as a selfless servant leader who is known throughout Arlington County for her volunteer work and philanthropy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Ann Moran for receiving the 2015 William T. Newman, Jr. Spirit of Community Award from the Arlington Community Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Ann Moran as an expression of the General Assembly's respect and admiration for her dedication to improving the lives of the people of Arlington County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 57

Celebrating the life of Anthony Young.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Anthony Young, a passionate advocate for disability rights who strove to ensure that all residents of the Commonwealth with disabilities could live full, independent lives, died on December 7, 2015; and

WHEREAS, a lifelong resident of Fairfax County, Anthony "Tony" Young worked for United Cerebral Palsy, Inc., and disability rights and rehabilitation organizations in Washington, D.C., then served as senior public policy strategist for SourceAmerica; and

WHEREAS, Tony Young chaired the committee that founded ENDependence Center of Northern Virginia (ECNV), a community-based resource and advocacy center that promotes independent living for people with disabilities, and served as the center's first executive director; and

WHEREAS, during ECVN's first year of operation, Tony Young worked with the Fairfax County Human Rights Commission to adopt a landmark human rights ordinance, protecting individuals with disabilities from discrimination in employment, housing, and public accommodations; in recognition of his exceptional achievements, he was named as ECVN Board Member Emeritus; and

WHEREAS, Tony Young also served as second vice president of Handicaps Unlimited of Virginia, a statewide coalition of people with disabilities with whom he worked to achieve passage of the Virginians with Disabilities Act and the creation of the Department for the Rights of Virginians with Disabilities; and

WHEREAS, Tony Young will be fondly remembered and greatly missed by his beloved wife, Kathleen; son, Cameron; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Anthony Young, a hardworking advocate for disability rights; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Anthony Young as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 59

Commending L. D. Arrington.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, in 2015, L. D. Arrington of Rocky Mount, co-founder of Arrington Enterprises Inc., which owns quick service restaurants and a convenience store, celebrated 50 years as a successful small-business owner and community leader; and

WHEREAS, L. D. Arrington started his career as a meat cutter at a grocery store in Martinsville; his company transferred him to a store in Rocky Mount, which later became an IGA, where he worked his way up to manager; and

WHEREAS, as a co-founder, together with his wife, Ruth, of Arrington Enterprises Inc., L. D. Arrington has led the company with compassion and skill; his entrepreneurial success began in the 1960s when he and his wife assumed operation of Hugh's Drive-Up Snack Bar in Rocky Mount; and

WHEREAS, L. D. and Ruth Arrington also bought a local Dairy Queen restaurant in 1970; soon the Arringtons decided to incorporate their expanding businesses and named the new company Arrington Enterprises Inc.; and

WHEREAS, the snack bar was turned into the couple's second Dairy Queen restaurant, and the business continued to grow; today L. D. Arrington's company, which has more than 200 employees, owns four Dairy Queen restaurants, three Bojangles' restaurants, and a convenience store; and

WHEREAS, Arrington Enterprises is a family-run company, and the second generation is poised to assume major responsibilities; L. D. Arrington's son, David Arrington, daughter, Deborah Arrington Russell, and son-in-law, William Russell, are an important part of the business; and

WHEREAS, L. D. Arrington is grateful for the support his companies have received from the residents of Franklin County, and he gives back to the people of Southwest Virginia in many ways; he also is a supporter of Children's Miracle Network and We Care of Franklin County; and

WHEREAS, L. D. Arrington was a leader in the effort to purchase equipment that lets first-responder vehicles control traffic signals as they approach intersections; \$278,000 was raised for the Town of Rocky Mount in response to the deaths of the town's fire chief and a firefighter in a fire truck crash; and

WHEREAS, L. D. Arrington continues to be at the helm of the family-run business and he strives to be a compassionate employer and businessman; he and his businesses are strong supporters of local law enforcement, and the company also assists with local schools' fund-raising efforts; and

WHEREAS, L. D. Arrington pays close attention to all facets of the company's operations and to his employees; Pat Moran, who has been with Arrington Enterprises for more than four decades, is grateful that she could take time off to care for her husband as he awaited major surgery; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend L. D. Arrington of Rocky Mount, co-founder of Arrington Enterprises Inc., for his 50 years of business success and support of local civic and charitable organizations; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to L. D. Arrington as an expression of the General Assembly's congratulations and admiration for his many achievements.

HOUSE JOINT RESOLUTION NO. 60

Celebrating the life of Charles Rinker.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Charles Rinker, a respected pioneer in affordable housing and a passionate advocate for social justice who founded numerous community development organizations, died on January 8, 2015; and

WHEREAS, a native of Winchester, Charles "Charlie" Rinker attended Drew University in New Jersey, then relocated to Washington, D.C., where he worked with People Against Slum Housing; and

WHEREAS, Charlie Rinker was a founder and president of Arlington Housing Corporation (AHC) and Affordable Home Ownership Made Easier; he represented the community as a member of the Arlington County Housing Commission and offered his wise leadership to other civic groups; and

WHEREAS, as the principal of Rinker and Associates, a development consulting firm, Charlie Rinker helped dozens of tenant associations acquire or renovate more than 1,300 housing units for low-income or moderate-income families in the area; he helped retain housing units at Buckingham Village, Taylor Square Apartments, Lee Gardens, Arna Valley, and other locations; and

WHEREAS, as the president of Buyers and Renters Arlington Voice, Charlie Rinker worked with landlords and tenants to strengthen the community through education, engagement, and innovative programs; and

WHEREAS, in 2004, Charlie Rinker and his wife, Lora, established Arlington New Directions, which has worked to strengthen communities by closing the achievement gap, preserving diversity, and supporting affordable housing and workers' rights initiatives; and

WHEREAS, admired as a moral compass on social justice issues, Charlie Rinker strove to build consensus and find practical solutions to the challenges faced by less fortunate members of the Arlington community; and

WHEREAS, Charlie Rinker earned many awards and accolades for his work, including the James B. Hunter Award and the Alliance for Housing Solutions' Ellen M. Bozman Affordable Housing Award; he was also named to the AHC Hall of Fame and as an Arlington Partnership for Affordable Housing honoree; and

WHEREAS, Charlie Rinker will be fondly remembered and greatly missed by his wife, Lora; children, Matthew, Natalie, and Jeremy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles Rinker, a tireless champion for members of the Arlington community in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Rinker as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 62

Commending the Salem High School football team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Salem High School football team claimed its first state title in 10 years, winning the Virginia High School League Group 4A state championship in December 2015, after an undefeated season; and

WHEREAS, in a rematch of the 2014 state championship, the Salem High School Spartans defeated the reigning champion Lake Taylor High School Titans by a score of 17-14 to finish the season with a perfect 14-0 record; and

WHEREAS, the Salem High School Spartans took an early 14-0 lead in the championship and held the Lake Taylor High School Titans' impressive offense to only 14 points; the Spartans kicked the game-winning field goal on their first drive of double overtime; and

WHEREAS, the victory marked the seventh state title for the Salem High School football program and the third championship win in 12 seasons for head coach Stephen Magenbauer; the Spartans dedicated the season to the memory of Adam Ward, a former Salem High School football player who died in August 2015; and

WHEREAS, Stephen Magenbauer was named the Virginia High School League Group 4A Coach of the Year, and six Salem High School Spartans were selected for the all-state first team, including offensive lineman Braxton Wall, running back Donte Clayborne, wide receiver Viante Tucker, defensive end Shaquille Howell, linebacker Riley Fox, and defensive back Daniel Ponton; and

WHEREAS, the successful season is a testament to the hard work and determination of the student-athletes, the able leadership of the coaches and staff, and the enthusiastic support of the entire Salem High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Salem High School football team on winning the 2015 Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen Magenbauer, head coach of the Salem High School football team, as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 64

Confirming the appointment by the Chief Justice of the Supreme Court of Virginia of the Chairman of the Virginia Criminal Sentencing Commission.

Agreed to by the House of Delegates, January 21, 2016

Agreed to by the Senate, March 2, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointment made by Chief Justice Donald W. Lemons of the Supreme Court of Virginia pursuant to §17.1-802 of the Code of Virginia:

The Honorable Edward L. Hogshire, Judge (retired), Circuit Court of the City of Charlottesville, 100 North Ninth Street, Fifth Floor, **Richmond**, Virginia 23219, Chairman of the Virginia Criminal Sentencing Commission, to serve an unexpired term beginning February 25, 2015, and ending December 31, 2016, to succeed the Honorable F. Bruce Bach.

HOUSE JOINT RESOLUTION NO. 67

Commending SCORE Hampton Roads.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, in 2015, SCORE Hampton Roads celebrated 50 years of promoting responsible growth in the region by advising and supporting local small businesses in the Cities of Chesapeake, Norfolk, Portsmouth, Suffolk, and Virginia Beach; and

WHEREAS, founded in 1965, SCORE (Service Corps of Retired Executives) Hampton Roads serves start-up companies and existing businesses; the organization is a chapter of the SCORE Association, which has helped thousands of clients nationwide; and

WHEREAS, SCORE Hampton Roads has worked with hundreds of clients, offering free, confidential mentoring sessions, either face-to-face, online, or by phone, to impart real-world knowledge to business owners; and

WHEREAS, the mentors at SCORE Hampton Roads include engineers, educators, bankers, accountants, technology specialists, and media and marketing professionals, many of whom have built and operated their own businesses in the region; and

WHEREAS, SCORE Hampton Roads has taken a special interest in members of the military, with programs to help veterans leverage benefits to reintegrate into civilian life by growing their own small businesses; and

WHEREAS, SCORE Hampton Roads also works with other local organizations, including economic development agencies, and the U.S. Small Business Administration to provide the highest-quality services and expertise; and

WHEREAS, to commemorate its 50th anniversary, SCORE Hampton Roads profiled and highlighted the successes of one or more clients in each issue of the organization's monthly newsletter from April to December 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend SCORE Hampton Roads for its work to strengthen and enhance the region on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob Brooks, chair of SCORE Hampton Roads, as an expression of the General Assembly's admiration for the organization's diligent service to the region's business community.

HOUSE JOINT RESOLUTION NO. 68

Commending the Colonial Heights High School boys' volleyball team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Colonial Heights High School boys' volleyball team won the Virginia High School League Group 4A state championship on November 20, 2015, the school's first state championship victory in 29 years; and

WHEREAS, the Colonial Heights Colonials defeated the reigning state champion Midlothian High School Trojans 3-1 in a tense competition at the Siegel Center in Richmond; the Colonials won the first, third, and fourth sets to take home Colonial Heights High School's first state title in any sport since 1986; and

WHEREAS, after achieving a perfect record in the 2014 regular season and Blake Cox, Colonial Heights senior, being named the 2014 Virginia High School League 3A/4A State Player of the Year, the Colonial Heights Colonials fell to Midlothian, who went on to win the 2014 state title; the Colonials opened the 2015 season with a win against Midlothian and bested them in the Group 4A regional game before defeating them once again in the state final; and

WHEREAS, the Colonial Heights High School Colonials earned a host of awards and accolades for the successful season, earning multiple spots on conference, regional, and state teams; Noah Murdock was named the Conference, Region, and State Player of the Year; Stuart Crinkley and Tyler Gingrich were named 1st Team all-Conference, all-Region, and all-State; Noah Sears, Noah Bryant, Cameron Cox, and Dante Jennings were named 1st Team all-Conference and 2nd Team all-Region; and Mark Lee was named Conference, Region, and State Coach of the Year; and

WHEREAS, the victory is a testament to the dedication of each of the student-athletes, the leadership and guidance of the coaches and staff, and the energetic support of the entire Colonial Heights High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Colonial Heights High School boys' volleyball team on winning the Virginia High School League Group 4A state championship in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Lee, head coach of the Colonial Heights boys' volleyball team, as an expression of the General Assembly's admiration for the team's hard work and skill.

HOUSE JOINT RESOLUTION NO. 69

Establishing a joint subcommittee to study the use of driver's license suspension as a collection method for unpaid court fines and costs. Report.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 9, 2016

WHEREAS, the possession of a valid driver's license is often essential for persons to secure and maintain employment, and the loss of a driver's license often results in personal and familial hardship; and

WHEREAS, pursuant to § 46.2-395 of the Code of Virginia, the failure of a person to pay fines, costs, forfeitures, restitution, or penalties assessed against him results in the suspension of such person's driver's license; and

WHEREAS, in order to remove a license suspension, a person must either pay all fines and costs in full or establish a payment plan pursuant to § 19.2-354 of the Code of Virginia; and

WHEREAS, there are significant hurdles to removing a license suspension, as unpaid fines and costs accrue interest at a rate of six percent per year and, if a person owes fines and costs to multiple courts, each court's judgment must be satisfied or each court must agree to the establishment of a payment plan; and

WHEREAS, courts have adopted different guidelines for payment plans, including some that require payment plans to be established within a certain period of time from the imposition of the fines and costs and some that require large initial payments that are beyond the means of many individuals, and such guidelines are not easily accessible to the public; and

WHEREAS, in fiscal year 2012, of the 401,504 suspension orders issued by the Department of Motor Vehicles, approximately 37.3 percent were for unpaid fines and costs, which constitutes the single largest cause of license suspensions; and

WHEREAS, the Supreme Court of Virginia reports that in fiscal year 2012, over \$352 million in fines and costs were assessed but over \$164 million in fines and costs were uncollected; and

WHEREAS, the use of license suspension as a collection method may in fact adversely affect the ability to collect unpaid fines and costs, as such suspensions may limit a person's ability to obtain or retain employment and, therefore, his ability to pay; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint subcommittee be established to study the use of driver's license suspension as a collection method for unpaid court fines and costs. The joint subcommittee shall have a total membership of 14 members that shall consist of seven legislative members and seven nonlegislative citizen members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules; four nonlegislative citizen members, one of whom shall be a judge of a general district court, one of whom shall be a clerk of a circuit court, one of whom shall be a licensed attorney in the Commonwealth, and one of whom shall be a representative of the Supreme Court of Virginia, to be appointed by the Speaker of the House of Delegates; and three nonlegislative citizen members, one of whom shall be a clerk of a general district court, one of whom shall be a licensed attorney in the Commonwealth, and one of whom shall be a representative of the Department of Motor Vehicles, to be appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks

shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its study, the joint subcommittee shall review the current law regarding the use of driver's license suspension as a method for the collection of unpaid fines and costs and the relevant law in other states and (i) determine whether the current law negatively affects the employment opportunities of persons whose licenses are suspended; (ii) consider alternative methods for improving the rate of collection of unpaid fines or costs by lowering obstacles to removing license suspensions, including allowing for the compromise or waiver of unpaid fines, costs, and accrued interest thereon; (iii) consider whether fines assessed as part of a criminal penalty should be treated differently than administrative court costs for purposes of license suspensions; (iv) consider whether there should be greater consistency among courts regarding payment plan guidelines and whether such guidelines should be more accessible; and (v) make recommendations for improvements to the current law.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by the Department of Motor Vehicles. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this study, upon request.

The joint subcommittee shall be limited to four meetings for the 2016 interim, and the direct costs of this study shall not exceed \$15,560 without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and the report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2016 interim.

HOUSE JOINT RESOLUTION NO. 71

Commending Temple Emanuel.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, in 2015, Temple Emanuel, the only Reform Judaism congregation in the Roanoke area, celebrated 125 years of spiritual leadership, joyful worship, and generous outreach to the community; and

WHEREAS, established by a group of 18 families in a home on Henry Street, Temple Emanuel traces its earliest roots to 1889 and was officially organized soon thereafter; Roanoke's second major synagogue, Beth Israel, formed after a split with Temple Emanuel in the 1900s; and

WHEREAS, in 1937, Temple Emanuel erected its first building on McClanahan Place, where the synagogue served the community for two decades; in 1959, the current house of worship was built on Persinger Road to better serve the growing congregation; and

WHEREAS, by 2015, the congregation of Temple Emanuel had grown to include more than 165 families, representing a wide swath of the Southwest Virginia community, with some individuals traveling up to an hour to attend services each week; and

WHEREAS, Temple Emanuel takes its name from a Hebrew word meaning God is with us, and the congregation is committed to the concept of Tikkun Olam, a belief that one has an obligation to work to make society better as a whole; and

WHEREAS, the Temple Emanuel congregation is active in the community through volunteerism and support for social justice; members of the synagogue collect items for Family Promise of Greater Roanoke, an interfaith organization that provides temporary housing and support for the homeless; and

WHEREAS, the members of Temple Emanuel commemorated the synagogue's 125th anniversary with a three-day celebration, featuring a special Shabbat service, musical performances, and other events, in November 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Temple Emanuel on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Temple Emanuel as an expression of the General Assembly's admiration for its long history and legacy of service to the Roanoke community.

HOUSE JOINT RESOLUTION NO. 74

Celebrating the life of James O. Shaw, Jr., M.D.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, James O. Shaw, Jr., M.D., a respected medical professional who dedicated his life to the service of others as the founder of the Lackey Free Clinic, died on July 29, 2015; and

WHEREAS, a native of the Commonwealth, James Shaw graduated from Varina High School and earned a bachelor's degree from Randolph Macon College and a medical degree from what was then known as the Medical College of Virginia; and

WHEREAS, Dr. Shaw completed his internship and residency at Yale University and a fellowship at the University of California, San Diego, where he conducted cancer research at Scripps Research Institute; and

WHEREAS, after teaching pulmonary medicine at the University of Texas, Dr. Shaw returned to the Commonwealth to work in pulmonary medicine and critical care at Riverside Hospital for 16 years; and

WHEREAS, a man who lived his devout faith through his actions, Dr. Shaw was desirous to be of further service to members of the community; in 1995, he founded the Lackey Free Clinic to provide compassionate care and medical counseling to the less fortunate; and

WHEREAS, originally located in a vacant Sunday school classroom, the Lackey Free Clinic grew exponentially under Dr. Shaw's able leadership; in 2014, the clinic recorded more than 12,500 patient visits; and

WHEREAS, after being diagnosed with cancer in 1997, Dr. Shaw continued to support the clinic, serving as medical director until 2009 and seeing patients and attending board meetings for years afterward; and

WHEREAS, Dr. Shaw inspired other medical professionals in the region to follow his selfless example; the clinic has succeeded with the help of more than 450 volunteers, 14 part-time employees, and 16 full-time employees, who all work to ensure high-quality medical, dental, mental health, and specialty care; and

WHEREAS, Dr. Shaw will be fondly remembered and greatly missed by his wife of 50 years, Cooka; children, Travis and Ashley, and their families; and numerous other family members, friends, and patients; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James O. Shaw, Jr., M.D., the highly admired founder of the Lackey Free Clinic; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James O. Shaw, Jr., M.D., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 75

Commending Frank M. Beamer.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Frank M. Beamer, the highly respected head coach of the Virginia Polytechnic Institute and State University football team who guided the team to 23 consecutive winning seasons and bowl game appearances, retired as head coach in 2015; and

WHEREAS, a native of Hillsville, Frank Beamer graduated in 1969 from Virginia Polytechnic Institute and State University (Virginia Tech), where he started at cornerback on the football team for three seasons and helped take the team to two Liberty Bowls in 1966 and 1968; and

WHEREAS, Frank Beamer began his coaching career in 1969 as an assistant coach for the Radford High School football team, while he was earning a master's degree from Radford University; and

WHEREAS, Frank Beamer went on to serve as an assistant coach and defensive coordinator at The Citadel and defensive coordinator at Murray State University, before becoming head coach at Murray State University and leading the football team to a 42-23-2 record; and

WHEREAS, in 1987, Frank Beamer became the first Virginia Tech alumnus to coach the Virginia Tech football team since the 1940s; over the course of his 29-season career, he led the Hokies to four Atlantic Coast Conference (ACC) titles, 23 bowl game appearances, two major bowl game victories, and a national championship game appearance; and

WHEREAS, Frank Beamer pioneered an aggressive style of special teams play that became known as "Beamer Ball"; during the 1990s, the Hokies blocked 66 kicks, more than any team in the country; and

WHEREAS, the Hokies and Frank Beamer made history in 1999 and 2000, posting the winningest seasons in school history with the team's first 11-0 regular season record, back-to-back 11-1 overall records, and a trip to the national championship; and

WHEREAS, Frank Beamer oversaw the Hokies' transition from an independent team to the Big East in 1991 and the ACC in 2004; in the team's first season in the ACC, Frank Beamer was named ACC Coach of the Year for leading a young team to an ACC title and a Bowl Championship Series game, and the team earned the 2004 Fall Sportsmanship award; and

WHEREAS, in 2008, Frank Beamer recorded one of his finest efforts as a head coach, leading one of the youngest teams in his career through one of his toughest schedules to claim an ACC title and a win in the Orange Bowl; and

WHEREAS, Frank Beamer made a promise to his players and their families that he would take care of these young men, and he has kept that promise, as evidenced by the fact that 230 of 244 (94.3 percent) of senior football players from 2001 to 2014 earned their degrees; and

WHEREAS, Frank Beamer finished his career as the winningest active coach in the National Collegiate Athletics Association Football Bowl Subdivision with 280 career wins; he earned numerous awards and accolades, including eight national coach of the year awards in 1999 and the Coach of the Decade award from the Big East in 2000; in 2005, he was voted by 40 college coaches as the coach for whom they had the most respect, and he was the first active head coach inducted into the Virginia Tech Sports Hall of Fame; and

WHEREAS, after his well-earned retirement, Frank Beamer plans to seek new opportunities to serve the community and spend more time with his wife, Cheryl; children, Shane and Casey; and four grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Frank M. Beamer on the occasion of his retirement as head coach of the Virginia Polytechnic Institute and State University football team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frank M. Beamer as an expression of the General Assembly's admiration for his achievements and best wishes on a happy retirement.

HOUSE JOINT RESOLUTION NO. 80

Commending the Highland Springs High School football team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Highland Springs High School football team capped off an impressive season by winning the 2015 Virginia High School League Group 5A championship; and

WHEREAS, the Highland Springs High School football team defeated a talented squad from Stone Bridge High School in Loudoun County 27-7; the title game was held on December 12, 2015, at Scott Stadium in Charlottesville; and

WHEREAS, in the championship contest, the Highland Springs High School Springers started strong and were lightning quick; the team from Henrico County scored a 61-yard touchdown on its third offensive play of the game; and

WHEREAS, the Highland Springs High School Springers possessed power, speed, and agility throughout the season and those talents came to the forefront in the championship game; the team scored on running plays and passes and had a dominating defense; and

WHEREAS, five times during the Highland Springs High School Springers' run to the championship, the opposing team walked off the field scoreless at game's end; the Springers were disciplined and focused, and the coaching staff, which is ably led by head coach Loren Johnson, honed the players' skills all season long; and

WHEREAS, the fans and players of Highland Springs High School have waited many years for a state championship; the Springers last were named the best football team in the Commonwealth in 1961—more than a half century ago; and

WHEREAS, the members of the Highland Springs High School football team were enthusiastically supported by their families, friends, fellow students, the faculty and staff, and the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Highland Springs High School football team for winning the 2015 Virginia High School League Group 5A championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Loren Johnson, head coach of the Highland Springs High School football team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding accomplishment and championship season.

HOUSE JOINT RESOLUTION NO. 81

Commending the Henrico High School boys' basketball team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Henrico High School boys' basketball team capped off an outstanding season by winning the 2015 Virginia High School League Group 5A state championship; and

WHEREAS, the Henrico High School Warriors defeated a talented team from Norview High School 78-64 in a hard-fought contest at the Siegel Center; and

WHEREAS, throughout the game, which was held on March 14, 2015, the Henrico Warriors never lost the lead; they converted almost 70 percent of their shots in the first quarter, and at one point in the second quarter, they led by as many as 23 points; and

WHEREAS, the Henrico High School boys' basketball team is one of the top basketball programs in the Commonwealth; they won the state title in 2013, and the storied program was state runner-up in 2014; and

WHEREAS, members of the Henrico High School Warriors were determined and focused throughout the season; they maintained a high level of intensity, and their mental preparation also played an important role; and

WHEREAS, under the dedicated leadership of Vance Harmon, head coach of the Henrico High School boys' basketball team, the players practiced and competed with discipline and determination; the Warriors ended the season with a 28-1 record; and

WHEREAS, the entire Henrico High School community expected great things from the boys' basketball team, and they were not disappointed; the players' families and friends as well as the school faculty and staff enthusiastically supported the team throughout the 2014-2015 season; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Henrico High School boys' basketball team for winning the 2015 Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Vance Harmon, head coach of the Henrico High School boys' basketball team, as an expression of the General Assembly's congratulations and admiration for the team's stellar performance and championship season.

HOUSE JOINT RESOLUTION NO. 84

Continuing the Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding as the Joint Subcommittee on Coastal Flooding, Report.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 8, 2016

WHEREAS, House Joint Resolution No. 16 (2014) and Senate Joint Resolution No. 3 (2014) established the Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding (the Joint Subcommittee); and

WHEREAS, House Joint Resolution No. 50 (2012) and Senate Joint Resolution No. 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk, and therefore the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution No. 132 (2012) and presented on October 15, 2013, entitled "Review of Disaster Preparedness Planning in Virginia," stated: "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, the Virginia Housing Commission studied this issue through its Housing and Environmental Standards Work Group and found that zoning, building codes, and planning issues will all be affected by recurrent flooding; and

WHEREAS, House Joint Resolution No. 16 (2014) and Senate Joint Resolution No. 3 (2014) established the Joint Subcommittee as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee met four times during the 2014 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee filed an Executive Summary with the General Assembly prior to the 2015 Session that included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee during the 2014 interim resulted in six bills passing the General Assembly during the 2015 Session, all with bipartisan support; and

WHEREAS, the Joint Subcommittee met four times during the 2015 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, recommendations made by the Joint Subcommittee during the 2015 interim resulted in additional recommendations that are both legislative in nature and require additional coordination among federal agencies, state agencies and higher education; and

WHEREAS, the members of the full Joint Subcommittee concurred that the Joint Subcommittee should be continued for two more years in order to keep the Commonwealth on the path of advancing Virginia as the coastal states leader in advancing resiliency strategies and, most importantly, protecting its citizens and business assets; and

WHEREAS, to more accurately reflect its mission, the Joint Subcommittee would be more appropriately named the Joint Subcommittee on Coastal Flooding; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding be continued as the Joint Subcommittee on Coastal Flooding. The joint subcommittee shall have a total membership of 10 members that shall consist of four members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community, appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member who is a local official representing Virginia's flood-prone communities appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its review, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of recurrent flooding and coastal storms.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by Virginia college and university faculty with expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this review, upon request.

The joint subcommittee shall be limited to four meetings for the 2016 interim and four meetings for the 2017 interim, and the direct costs of this subcommittee shall not exceed \$16,760 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for the joint subcommittee's review, extend or delay the period for the conduct of the review, or authorize additional meetings during the 2016 and 2017 interims.

HOUSE JOINT RESOLUTION NO. 85

Commending the Rotary Club of McLean.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Rotary Club of McLean, a service organization whose activities have helped enrich the community—and the world—in many ways, celebrated its 50th anniversary in 2015; and

WHEREAS, the Rotary Club of McLean was chartered on November 10, 1965, and much of the work to bring the club into existence was done by Paul Nastoff, who is considered the father of the organization; and

WHEREAS, after conducting its first fundraiser—a raffle of a Ford automobile which brought in \$600 for the Rotary Club of McLean—members chose to help establish a playground for disabled children at Lewinsville School; and

WHEREAS, that initial gift marked the beginning of the Rotary Club of McLean's generosity to organizations at home and around the world; over the years, the club has donated to worthwhile groups and associations, provided medical assistance, and supported efforts to address some of the world's most pressing issues; and

WHEREAS, the motto of Rotary International is "Service Above Self"; the members of the Rotary Club of McLean meet weekly for fellowship and to learn more about issues in their community, the Commonwealth, and around the world; and

WHEREAS, local organizations that have received support from the Rotary Club of McLean include the Falls Church-McLean Children's Center, the Literacy Council of Northern Virginia, SHARE, Inc., Capital Caring hospice, Langley Residential Support Services, and the Safe Community Coalition; and

WHEREAS, members of the Rotary Club of McLean also have helped improve the lives of those around them; they volunteer at schools and food banks and are bell-ringers for the Salvation Army's Christmas kettle fund-raising program; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rotary Club of McLean on the occasion of its 50th anniversary of providing "Service Above Self," and for its valuable work assisting people and organizations in need; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lynn Heinrichs, president of the Rotary Club of McLean, as an expression of the General Assembly's respect and admiration for its many years of service to the community, the Commonwealth, and the world.

HOUSE JOINT RESOLUTION NO. 87

Designating April, in 2016 and in each succeeding year, as Advance Care Planning Month in Virginia.

Agreed to by the House of Delegates, January 26, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, advance care planning allows individuals to make clear decisions about the care they would want to receive, on the basis of personal values and preferences, should they become unable to speak for themselves; and

WHEREAS, studies indicate that 90 percent of the public recognize the importance of honoring each individual's wishes for treatment at the end of life, but less than 30 percent of all Virginians have executed an advance directive making their wishes known; and

WHEREAS, Advance Care Planning Month is designed to raise public awareness of the importance of planning ahead for end-of-life decisions or medical treatment should one be unable to communicate these wishes and to encourage the specific use of advance directives to document these important health care decisions; and

WHEREAS, the Advance Care Planning Coalition of Eastern Virginia, the Coordinating Committee to Promote Use of Advance Directives in Mental Health Care and its founding partners, the Institute of Law, Psychiatry, and Public Policy at the University of Virginia and the Virginia Department of Behavioral Health and Developmental Services, Honoring Choices Virginia, LeadingAge Virginia, the Medical Society of Virginia, the Richmond Academy of Medicine, the Virginia Association for Hospices and Palliative Care, the Virginia Department for Aging and Rehabilitative Services, the Virginia Department of Health, the Virginia Health Care Association, the Virginia Hospital and Healthcare Association, and the Virginia POST Collaborative engage in educating the public about the importance of discussing health care choices and executing advance directives; and

WHEREAS, one of the primary goals of Advance Care Planning Month is to encourage medical, legal, and human service organizations to participate in a Commonwealth-wide effort to improve public knowledge and increase the number of Virginia residents with advance directives; and

WHEREAS, it is important for all organizations and businesses promoting advance care planning to provide clear and consistent information to the public about advance directives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April, in 2016 and in each succeeding year, as Advance Care Planning Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Advance Care Planning Coalition of Eastern Virginia, the Coordinating Committee to Promote Use of Advance Directives in Mental Health Care and its founding partners, the Institute of Law, Psychiatry, and Public Policy at the University of Virginia and the Virginia Department of Behavioral Health and Developmental Services, Honoring Choices Virginia, LeadingAge Virginia, the Medical Society of Virginia, the Richmond Academy of Medicine, the Virginia Association for Hospices and Palliative Care, the Virginia Department for Aging and Rehabilitative Services, the Virginia Department of Health, the Virginia Health Care Association, the Virginia Hospital and Healthcare Association, and the Virginia POST Collaborative so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 88

Designating June 30, in 2016 and in each succeeding year, as Drinking Water and Wastewater Professionals Appreciation Day in Virginia.

Agreed to by the House of Delegates, January 26, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, before the implementation of reliable drinking water and wastewater treatment, thousands of people in the United States died of waterborne diseases like cholera, dysentery, typhoid, polio, and hepatitis each year; and

WHEREAS, the World Health Organization estimates that unsafe water supplies in developing nations still cause approximately 1.8 million deaths annually; and

WHEREAS, technological advances by water and wastewater professionals have improved the treatment of both drinking water and wastewater in the Commonwealth, the United States, and the world; and

WHEREAS, access to clean drinking water is crucial to the health and safety of more than 8.3 million Virginians; and

WHEREAS, treatment of the Commonwealth's average of more than 620 million gallons of wastewater each day plays a critical role in reducing toxic chemicals and nutrient buildup in Virginia's surface waters, such as the Potomac River and the Chesapeake Bay; and

WHEREAS, much of the drinking water and wastewater infrastructure in the United States is located underground in millions of miles of pipes, unseen by the public; and

WHEREAS, thousands of water and wastewater industry professionals in the Commonwealth dedicate their careers to keeping drinking water and treated wastewater clean and free of disease-carrying organisms that can harm both humans and the environment; and

WHEREAS, the Virginia Section of the American Water Works Association and the Virginia Water Environment Association (member association of the Water Environment Federation), as well as the Washington Metropolitan Council of Governments, the Northern Virginia Regional Commission, and the Virginia Rural Water Association, support the creation of Drinking Water and Wastewater Professionals Appreciation Day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate June 30, in 2016 and in each succeeding year, as Drinking Water and Wastewater Professionals Appreciation Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Virginia Section of the American Water Works Association, the Virginia Water Environment Association, the Washington Metropolitan Council of Governments, the Northern Virginia Regional Commission, and the Virginia Rural Water Association so that members of these organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 89

Celebrating the life of Ernestine K. Middleton.

Agreed to by the House of Delegates, February 1, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Ernestine K. Middleton, a respected community leader in Virginia Beach and a librarian and dedicated supporter of the arts who was passionate about the pursuit of knowledge, died on October 30, 2015; and

WHEREAS, a lifelong resident of Princess Anne County and Virginia Beach, Ernestine Middleton graduated from what is now James Madison University and earned a master's degree from The College of William and Mary, while working as a librarian and raising her family; and

WHEREAS, Ernestine Middleton was a dignified, but assertive advocate for education and public libraries in the Commonwealth and had achieved an impressive institutional knowledge of Virginia's libraries; and

WHEREAS, at the time of her passing, Ernestine Middleton was chair of the Library of Virginia Board and vice chair of the Virginia Beach Public Library Board; a staunch supporter of the fine arts, she was also chair of the Virginia Beach Arts and Humanities Commission and the Virginia Symphony League; and

WHEREAS, Ernestine Middleton worked to strengthen and enhance the community as chair of the Virginia Beach Erosion Commission, president of the Thoroughgood Civic League, and a member and leader of many other organizations; and

WHEREAS, Ernestine Middleton lived her faith through her actions and enjoyed fellowship and worship with the community as an active member of Bayside Presbyterian Church, where she served as an elder; and

WHEREAS, predeceased by her husband, Bev, and one daughter, Gale, Ernestine Middleton was the proud matriarch of a large family; she will be fondly remembered and greatly missed by her children, John, Barry, Shannon, Wayne, Beverly, and Terry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ernestine K. Middleton; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ernestine K. Middleton as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 91

Commending the Virginia Coalition for Open Government.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, established in 1996, the Virginia Coalition for Open Government celebrates its 20th anniversary in 2016; and

WHEREAS, the Virginia Coalition for Open Government is a nonpartisan, nonprofit alliance of citizens, journalists, advocacy groups, government employees and officials, and others who are committed to achieving greater transparency in local and state government in the Commonwealth; and

WHEREAS, the Virginia Coalition for Open Government works collaboratively with legislators, public officials, educators, First Amendment advocates, and interested citizens to strengthen and expand statutory protection for public access to government meetings and records; and

WHEREAS, from 1998 to 2000, the Virginia Coalition for Open Government was a tireless advocate for the successful creation of the Virginia Freedom of Information Advisory Council (FOIA Council), a model for other states seeking to enhance compliance with open-government laws; the FOIA Council's exceptional work has been a fruitful investment for the Commonwealth; and

WHEREAS, the Virginia Coalition for Open Government helped increase the FOIA Council's visibility, cosponsoring educational programs; designing and distributing promotional materials; archiving the council's opinions electronically and distributing them on social media; and including staff from the council as speakers in seminars, workshops, and conferences; and

WHEREAS, the Virginia Coalition for Open Government participates regularly in the FOIA Council's advisory work groups and subcommittees, often gathering data useful to these groups' work in the formulation of Freedom of Information Act (FOIA) reforms; and

WHEREAS, the Virginia Coalition for Open Government publishes free daily, monthly, and annual newsletters on open-government news throughout the Commonwealth and maintains a steady presence on social media platforms to engage with and inform others in Virginia and around the country who follow issues related to transparency in government; and

WHEREAS, on its website, the Virginia Coalition for Open Government maintains the only known free online archive of opinions interpreting FOIA, issued by state and federal courts, the FOIA Council, and the office of the Attorney General; the website also features the full text of FOIA, a citizen's pocket guide to the Act, how-to videos, a records-request template, and an archive of legislative proposals affecting access going back to 2006; and

WHEREAS, the Virginia Coalition for Open Government maintains email and telephone hotlines to assist the public in understanding how FOIA works, handling approximately 600 inquiries each year; and

WHEREAS, the Virginia Coalition for Open Government partnered with a state university in 2013 to assess the ease with which citizens could access their local government's budget online, prompting many localities to make access easier and more understandable; and

WHEREAS, the Virginia Coalition for Open Government sponsors an annual fellowship for a rising second-year law student to review access, privacy, and security issues in depth; in 2015, it launched an internship for college students interested in learning about open government and the legislative process, named in memory of the Honorable Clifton "Chip" A. Woodrum; and

WHEREAS, the Virginia Coalition for Open Government sponsors an annual conference on open-government issues at various historic and unique settings around the state; the conference highlights major contributions to open government by citizens, the media, and government officials throughout the Commonwealth; and

WHEREAS, the Virginia Coalition for Open Government has helped form successful freedom of information advocacy entities in North Carolina, Tennessee, and a number of other states, and it has a leadership role in the National Freedom of Information Coalition; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Coalition for Open Government on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Coalition for Open Government as an expression of the General Assembly's congratulations and gratitude for its outstanding commitment to the tenets of open government in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 95

Commending Snow Creek Elementary School.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Snow Creek Elementary School in Franklin County was honored as a National Title I Distinguished School for 2015-2016; and

WHEREAS, the National Association of State Title I Directors recognized Snow Creek Elementary School in Penhook for its students' outstanding success in exceeding all federal benchmarks for increasing achievement in reading and mathematics for two consecutive years; and

WHEREAS, the goal of Title I of the federal Elementary and Secondary Education Act is to increase the achievement of students who have been identified as being at risk of academic failure; the act also requires states to set goals for schools for increasing student achievement on statewide tests; and

WHEREAS, Snow Creek Elementary School earned full state accreditation for two consecutive years and the pupils also performed well on state assessments in reading and mathematics during the 2014-2015 school year; and

WHEREAS, the students and staff at Snow Creek Elementary School continue to set high standards for themselves, and are proud of their accomplishments; the tireless work of the teachers and the strong support of the community also contributed to the school's success; and

WHEREAS, Snow Creek Elementary School received another outstanding recognition; it was honored as a 2015 National Blue Ribbon School by the U.S. Department of Education—one of the highest honors that a school can receive for its students' academic achievement; and

WHEREAS, the students and staff at Snow Creek Elementary School are committed to educational excellence; the school encourages students to do their best in all areas, knowing that many pupils must overcome great obstacles in their determination to excel; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Snow Creek Elementary School for being named a National Title I Distinguished School for 2015-2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ken Grindstaff, principal of Snow Creek Elementary School, as an expression of the General Assembly's congratulations and admiration for the school's hard work and outstanding achievement.

HOUSE JOINT RESOLUTION NO. 97

Directing the Joint Commission on Technology and Science to study aspects of the Commonwealth's aerospace industry. Report.

Agreed to by the House of Delegates, March 10, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Commonwealth is home to more than 265 aerospace firms due to a skilled workforce, strong economic growth, pro-business environment, and excellent quality of life; and

WHEREAS, the Commonwealth's role in the aerospace industry dates from 1917, when the nation's first civil aeronautics laboratory, now known as the NASA Langley Research Center, was established in Hampton; and

WHEREAS, the aerospace industry is a driving force of the Commonwealth's economy, supplying jobs to 30,500 workers; and

WHEREAS, the Aerospace Advisory Council has recommended that a multi-faceted study of factors affecting the Commonwealth's aerospace industry be conducted to identify ways to encourage growth in the industry, attract new businesses, and improve the Commonwealth's economy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Commission on Technology and Science be directed to study aspects of the Commonwealth's aerospace industry.

In conducting its study, the Joint Commission on Technology and Science (JCOTS) shall (i) identify strategies to grow Denbigh High School's Aviation Academy and encourage its transformation into a statewide program, to be named the

Virginia Aviation Academy; (ii) research and identify federally funded research and development activities in the Commonwealth and recommend strategies to create additional opportunities for such activities; (iii) collect information regarding practices and efforts used successfully in other states to grow their aerospace industries; (iv) analyze the potential advantages and disadvantages of eliminating taxation on aerospace and aviation parts and labor; (v) gather information regarding opportunities in the Commonwealth related to maintenance and rehabilitation of aerospace equipment; (vi) explore any other topics related to growing the Commonwealth's aerospace industry; (vii) request the Virginia Economic Development Partnership (the Partnership) to develop a report recommending economic development strategies related to growing the Commonwealth's aerospace industry, attracting new businesses, and improving the Commonwealth's economy; and (viii) consult with representatives of all relevant stakeholders, including but not limited to public and private institutions of higher education; the Virginia Academy of Science, Engineering and Medicine; the NASA Langley Research Center; the NASA Wallops Flight Facility; and the Mid-Atlantic Regional Spaceport. Based upon its study, JCOTS shall develop a final report, including any report submitted to JCOTS by the Partnership pursuant to clause (vii), entitled "A Blueprint for the Growth of the Virginia Aviation and Aerospace Industry."

Technical assistance shall be provided to JCOTS by the Virginia Economic Development Partnership. All agencies of the Commonwealth shall provide assistance to the Joint Commission on Technology and Science for this study, upon request.

The Joint Commission on Technology and Science shall complete its meetings by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The executive summary shall state whether JCOTS intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 98

Commending Robert Fisher.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Robert Fisher, the owner of Northside Auto Sales, Inc., in Manassas was named the Virginia Independent Automobile Dealer Association's Quality Dealer of the Year for 2014; and

WHEREAS, the Virginia Independent Automobile Dealers Association (VIADA) Quality Dealer of the Year award recognizes independent automobile dealers for their contributions to the industry, community and professional service, and adherence to a code of ethics; and

WHEREAS, Robert Fisher was introduced to the world of automobile sales at age 14, when he worked on the lot at the dealership his father managed, and later attended automotive and business classes; and

WHEREAS, Robert Fisher has been the owner of Northside Auto Sales, Inc., since 1978; under his leadership, Northside Auto Sales, Inc., supports its customers by financing approximately 90 percent of clients who are not able to obtain conventional financing; and

WHEREAS, Robert Fisher contributes to his community by sponsoring soccer and baseball teams and a leadership seminar for high school students and by providing free oil changes and vehicle repairs for Transitional Housing BARN, a home for abused and homeless women and children; and

WHEREAS, Robert Fisher exemplifies the business philosophy that training and morals are important to the success of a business and its employees; and

WHEREAS, Robert Fisher has made many contributions to VIADA throughout his career, serving as president of District 4 and president-elect of VIADA; and

WHEREAS, Robert Fisher is an active member of the Manassas community, serving as a docent at the Manassas Museum, chair of the Museum Collections Committee, and vice chair of the Manassas Historic Resources Board, a position appointed by the mayor and Manassas City Council; and

WHEREAS, Robert Fisher is a hardworking, conscientious businessman who represents the important role of small businesses in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Fisher on his selection as the Virginia Independent Automobile Dealers Association Quality Dealer of the Year for 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Fisher as an expression of the General Assembly's appreciation for his achievements and best wishes in his future endeavors.

HOUSE JOINT RESOLUTION NO. 102

Commending Michael Moore.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Michael Moore, a respected educator and the longtime head coach of the Matoaca High School wrestling team, retired in 2015 after decades of mentorship to local youth; and

WHEREAS, while attending Lock Haven University in Pennsylvania, Michael Moore was a two-time conference champion, a two-time Eastern Wrestling League champion, a three-time national qualifier, and the university's first two-time champion; he was named a Division I All-American and selected for the 1980 United States Olympic wrestling team; and

WHEREAS, during his distinguished career as a wrestling coach, Michael Moore served as the head coach of the Petersburg High School wrestling team, where he coached two individual state title winners; and

WHEREAS, Michael Moore also coached Virginia State University's first national finalist; he joined Matoaca High School in 2005 and inspired 11 individual champions and led the Warriors to several team victories; and

WHEREAS, under Michael Moore's leadership, the Matoaca High School Warriors won back-to-back state team championships in 2014 and 2015, three regular-season district championships, five district tournament championships, and four regional championships; and

WHEREAS, Michael Moore was the first African American head coach to win a team wrestling state title in the Commonwealth; in 2012, he became the first African American to be inducted into the Virginia chapter of the National Wrestling Hall of Fame; and

WHEREAS, in addition to his coaching duties, Michael Moore taught physical education for more than 40 years, including 15 years at Matoaca Middle School; and

WHEREAS, after his well-earned retirement, Michael Moore plans to spend more time with his beloved family and offer his wisdom and sage guidance to other coaches in the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael Moore on the occasion of his retirement as head coach of the Matoaca High School wrestling team; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Moore as an expression of the General Assembly's admiration for his service to the youth of Central Virginia and best wishes on a happy retirement.

HOUSE JOINT RESOLUTION NO. 105

Commending the Martinsville High School boys' basketball team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, the Martinsville High School boys' basketball team capped off an impressive season by winning the 2015 Virginia High School League Group 2A state championship; and

WHEREAS, the Martinsville High School Bulldogs claimed their 14th state basketball title by defeating a talented team from Dan River High School 54-43 in the championship game, which was played on March 11, 2015; and

WHEREAS, during the title game, which was held at the Siegel Center, the Martinsville High School boys' basketball team never trailed and the teams were tied only twice; and

WHEREAS, the Martinsville High School Bulldogs, whose skill and discipline were tightly honed all season long under the able leadership of head coach Jeff Adkins and his staff, often employed a tight zone defense during the title game, which forced their opponents to rely on outside shooting; and

WHEREAS, the victory in Richmond was all the more exciting because the Martinsville High School Bulldogs used only six players throughout the entire game; the players were quick on the perimeter and the athleticism of the defense showed in the number of plays that were blocked; and

WHEREAS, an enthusiastic crowd from Martinsville traveled to the Siegel Center to cheer on the Bulldogs; the team has been strongly supported by their families, friends, fellow students, faculty, staff, and the entire community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Martinsville High School boys' basketball team for winning the 2015 Virginia High School League Class 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Adkins, head coach of the Martinsville High School boys' basketball team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding performance and championship season.

HOUSE JOINT RESOLUTION NO. 106

Commending Tim Davis.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Tim Davis, who has led the Chatham *Star-Tribune* newspaper with responsibility and diligence for 25 years as an award-winning editor and general manager, retired on July 15, 2015; and

WHEREAS, in 1986, Tim Davis, who is a native of Chatham, began working at the former *Gazette* newspaper in Gretna and Hurt as a reporter and editor; in 1990, he was named to his post at the Chatham newspaper; and

WHEREAS, Tim Davis's responsibilities also included serving as editorial director for 15 community newspapers in Virginia and North Carolina that are owned by Womack Publishing Company Inc., parent company of the *Star-Tribune*; and

WHEREAS, during Tim Davis's tenure, the *Star-Tribune* expanded and evolved as technology and reading habits changed; the newspaper became a regional publication covering Danville and Pittsylvania County, and he also oversaw the establishment of a popular weekly sports section; and

WHEREAS, additionally, Tim Davis supervised the development of the *Star Tribune's* many specialty publications, including the annual Progress Edition and a full-color *Discover Southside* magazine; and

WHEREAS, Tim Davis also spearheaded the *Star-Tribune's* move into digital journalism as the newspaper developed a website, social media presence, and began production of an online edition; and

WHEREAS, for Tim Davis, working for a weekly newspaper was one of the best jobs in journalism; he wrote about local government and politics for more than two decades, adroitly covering contentious issues that frequently generated passionate discourse; and

WHEREAS, many honors and accolades were given to the *Star-Tribune* and to Tim Davis during his three decades as a journalist and editor; he was honored by the Virginia Press Association for his writing, photography, and page design skills; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Tim Davis for his many years of service to the people of Chatham and Pittsylvania County as editor and general manager of the Chatham *Star-Tribune*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tim Davis as an expression of the General Assembly's respect and admiration for his leadership, commitment to weekly journalism, and dedication to his community.

HOUSE JOINT RESOLUTION NO. 107

Commending Kenneth Draper.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Kenneth Draper, an accomplished first responder who worked to safeguard the lives and property of the residents of Martinsville, retired as Fire Chief of the Martinsville Fire and EMS Department in 2015; and

WHEREAS, first employed by the City of Martinsville in 1983, Kenneth Draper rose through the ranks to become Fire Chief of the Martinsville Fire and EMS Department, a combination agency that responds to more than 3,100 calls each year with both career and volunteer personnel; and

WHEREAS, over the course of his distinguished 32-year career, Kenneth Draper faithfully carried out the department's mission to provide safe, prompt, and professional services to the people of Martinsville in a responsible and ethical manner; and

WHEREAS, a respected leader, Kenneth Draper ensured that the members of the Martinsville Fire and EMS Department were equipped with the proper tools and training to best serve their fellow Martinsville residents; and

WHEREAS, Kenneth Draper is an exemplar of the integrity, dedication to duty, and care for the community displayed by firefighters and first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kenneth Draper on the occasion of his retirement as Fire Chief of the Martinsville Fire and EMS Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenneth Draper as an expression of the General Assembly's admiration for his service to the City of Martinsville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 111

Celebrating the life of Dan Rudolph Lowe.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Dan Rudolph Lowe, a veteran of the United States Navy and a longtime member of the School Board of the City of Virginia Beach who worked to create new opportunities for students, died on August 27, 2015; and

WHEREAS, a native of Graniteville, South Carolina, Dan Lowe was desirous to be of service to his country and joined the United States Navy; he served honorably for 21 years, including a tour of duty during the Korean War, and retired as a master chief; and

WHEREAS, after his retirement from the military, Dan Lowe continued to serve the country as a government employee for 25 years, and then worked to impart his lifelong love of learning to young men and women as a professor at Golden State University; and

WHEREAS, in 1998, Dan Lowe was elected to the School Board of the City of Virginia Beach, representing District 4 Bayside; he ran on a platform to achieve full accreditation for local schools, which became a reality in 2005; and

WHEREAS, over the course of his 11-year tenure with the School Board, Dan Lowe helped strengthen and enhance the school division by facilitating better communication with teachers and improving technology and dual-enrollment programs at the division's academies; and

WHEREAS, Dan Lowe offered his leadership and expertise to the division as the chair of a committee to develop legislative priorities, chair of the City Council-School Board Capital Improvement Plan Modernization Review Committee, and a member of the City Council-School Board School Site Selection Committee and the superintendent search and contract review committee; and

WHEREAS, Dan Lowe will be fondly remembered and greatly missed by his wife of 38 years, Wanda; children, Carolyn, Katherine, Cynthia, and Mark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dan Rudolph Lowe, a proud veteran and a dedicated servant to the youth of the Virginia Beach community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dan Rudolph Lowe as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 112

Establishing a joint committee of the House Committee on Education and the Senate Committee on Education and Health to study the future of public elementary and secondary education in the Commonwealth. Report.

Agreed to by the House of Delegates, March 10, 2016

Agreed to by the Senate, March 11, 2016

WHEREAS, the House Committee on Education and the Senate Committee on Education and Health consider a wide array of education-related legislative proposals during each regular session of the General Assembly; and

WHEREAS, many education-related legislative proposals require more discussion and study than the House Committee on Education and the Senate Committee on Education and Health are able to devote to such proposals during a regular session of the General Assembly; and

WHEREAS, the House Committee on Education and the Senate Committee on Education and Health recognize the need to jointly examine innovative education reforms and emerging education issues on a year-round basis; and

WHEREAS, public elementary and secondary education in the Commonwealth will benefit from a deliberate, thoughtful, coordinated, and year-round approach to legislative education reform; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That a joint committee of the House Committee on Education and the Senate Committee on Education and Health be established to study the future of public elementary and secondary education in the Commonwealth. The joint committee shall have a total membership of 13 members, consisting of seven members of the House Committee on Education to be appointed by the Speaker of the House of Delegates upon the recommendation of the Chairman of the House Committee on Education and six members of the Senate to be appointed by the Senate Committee on Rules upon the recommendation of the Chairman of the Senate Committee on Education and Health. The joint committee shall elect a chairman and vice-chairman from among its membership.

In conducting its study, the joint committee shall collaborate with the Board of Education, the Superintendent of Public Instruction, the Standards of Learning Innovation Committee, and other interested stakeholders to study (i) the need for revisions to or reorganization of the standards of quality with a particular emphasis on the effective use of educational technology, (ii) emerging education issues in the Commonwealth, and (iii) the future of public elementary and secondary education in the Commonwealth and make legislative recommendations, as necessary.

In conducting its study, the joint committee shall establish and appoint members to work groups in distinct subject matter areas. Members of such work groups shall include representatives of the Department of Education, the Standards of Learning Innovation Committee, the Virginia Association of Counties, the Virginia Association of Elementary School Principals, the Virginia Association of School Superintendents, the Virginia Association of Secondary School Principals, the Virginia Education Association, the Virginia Municipal League, the Virginia School Boards Association, and such other interested stakeholders as the joint committee deems appropriate.

Administrative staff support shall be provided by the Office of the Clerk of the House of Delegates. Legal, research, policy analysis, and other services as requested by the joint committee shall be provided by the Division of Legislative Services. Additional research and advisory services as requested by the joint committee shall be provided by the Joint Legislative Audit and Review Commission and the schools of education of each baccalaureate public institution of higher education in the Commonwealth. Technical assistance shall be provided by the Department of Education. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request.

The joint committee shall be limited to four meetings for the 2016 interim and four meetings for the 2017 interim. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint committee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint committee shall be adopted if a majority of the House members or a majority of the Senate members of the joint committee (a) vote against the recommendation and (b) vote for the recommendation to fail notwithstanding the majority vote of the joint committee.

The joint committee shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2016 and 2017 interims.

HOUSE JOINT RESOLUTION NO. 113

Celebrating the life of Jerry Paul Miller.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Jerry Paul Miller, a respected resident of Edinburg who served and protected the community as Chief of the Woodstock Police Department for nearly three decades, died on August 17, 2015; and

WHEREAS, a lifelong resident of Edinburg, Jerry Miller honorably served his country as a member of the United States Army; desirous to be of further service to his fellow Shenandoah County residents, he joined the Woodstock Police Department in 1974; and

WHEREAS, beginning his career in law enforcement as a patrolman, Jerry Miller rose through the ranks to become chief in 1981; he worked to ensure that the officers and staff of the Woodstock Police Department received the best training and equipment to better serve the community; and

WHEREAS, admired for his leadership style, Jerry Miller built strong relationships with both his officers and local residents, cultivating trust and respect between the department and members of the public; and

WHEREAS, after his well-earned retirement from law enforcement in 2009, Jerry Miller enjoyed spending time with his beloved family and actively supporting his church; and

WHEREAS, Jerry Miller will be fondly remembered and greatly missed by numerous family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jerry Paul Miller, former police chief of Woodstock and a dedicated servant to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jerry Paul Miller as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 114

Celebrating the life of Clyde F. Jackson.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Clyde F. Jackson, an outstanding 4-H agent who mentored young people in Fairfax and Prince William Counties for more than 29 years, died in October 2009, and was posthumously inducted into the National 4-H Hall of Fame on October 19, 2015; and

WHEREAS, Clyde Jackson became involved with the national youth development organization as a child when he joined a 4-H club in Amelia County; he frequently spoke of how his life was shaped by his 4-H experiences; and

WHEREAS, in 1967, Clyde Jackson became the first president of the Black Virginia 4-H Youth Program and was one of seven African American youth leaders to attend the first integrated State 4-H Congress; he later attended the National 4-H Congress; and

WHEREAS, involvement with the 4-H program became the focal point of Clyde Jackson's life; he spent almost three decades as a 4-H extension agent in Fairfax and Prince William Counties, was president of the National Association of Extension 4-H Agents, and was a member of the board of The Joint Council of Extension Professionals; and

WHEREAS, regarded as an outstanding role model for youth and adults, Clyde Jackson was a positive influence in the lives of many people; with a gentle leadership style and an ever-present smile, he sought common ground, listened carefully, and valued the contributions made by those around him; and

WHEREAS, Clyde Jackson had a natural ability to put people at ease and readily formed partnerships; he also stressed to those with whom he worked the importance of remaining flexible and watching for opportunities to help people grow and develop; and

WHEREAS, after retiring in 2008, Clyde Jackson helped establish 4-H clubs at military facilities, offering programs and resources to help boys and girls—who often had parents who were deployed—adjust and cope; and

WHEREAS, Clyde Jackson, who was a director of the Virginia 4-H Foundation Board, received several awards; in addition to his posthumous induction into the National 4-H Hall of Fame in 2015, he was honored with the Meritorious Service Award from the National Association of Extension 4-H Agents for his leadership and work with at-risk youth; and

WHEREAS, Clyde Jackson, who has been greatly missed and fondly remembered by his wife, Sandra, also is remembered as a champion for young men and women from all walks of life and for being an inspiration to hundreds of people; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Clyde F. Jackson, an esteemed and long-serving member of the 4-H national youth development program in the Commonwealth and the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Clyde F. Jackson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 118

Celebrating the life of Alphonzo LaSalle Holland, Sr.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Alphonzo LaSalle Holland, Sr., of Roanoke, a longtime employee of Norfolk and Western Railway, a proud veteran of the United States military, an activist and volunteer who devoted his life to the pursuit of equality and the betterment of his community, and a devoted husband and father, died on December 12, 2015; and

WHEREAS, Alphonzo Holland joined the United States Army as a young man and served in the Philippines during World War II; he was a member of the army for more than 30 years and his military career included both active duty service and the United States Army Reserve; and

WHEREAS, Alphonzo Holland began working for Norfolk and Western Railway, now known as Norfolk Southern Corporation, as a janitor, and when he retired 46 years later, he was an assistant manager for tariff compilations; and

WHEREAS, Alphonzo Holland worked for the betterment of future generations of African Americans at his workplace and in his neighborhood; he helped mediate discrimination issues at the railroad and was involved in a community effort to close a nearby landfill, which today is Washington Park; and

WHEREAS, in tirelessly working to ensure that future generations had opportunities that were not afforded to him, Alphonzo Holland took part in civil rights marches and was a member of a biracial committee that worked peacefully to desegregate businesses in Roanoke during the 1960s; and

WHEREAS, many organizations benefited from Alphonzo Holland's involvement; he was president of the Roanoke Branch of the NAACP, a Boy Scout leader, a member of the board of trustees of two churches, and also served on the board of the Big Brothers Big Sisters of Southwest Virginia; and

WHEREAS, the Roanoke City Council honored Alphonzo Holland as its Citizen of the Year for 2003 for his many contributions to the city and its residents and for his dedication to improving the lives of others, especially the African American community; and

WHEREAS, a man of great faith, Alphonzo Holland served on the board of High Street Baptist Church and God's House Baptist Ministry where he found faith and fellowship, and he also enjoyed singing in church choirs; and

WHEREAS, predeceased by his first wife, Susie, Alphonzo Holland will be greatly missed and fondly remembered by his wife, Sara; children, Al, Jr., Carricoma, Mary Ann, and Tom, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Alphonzo LaSalle Holland, Sr., of Roanoke, an assistant manager for Norfolk and Western Railway, a community activist who worked for equality for all people, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alphonzo LaSalle Holland, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 120

Directing the Joint Legislative Audit and Review Commission to study biosolids and industrial residuals in Virginia. Report.

Agreed to by the House of Delegates, February 11, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, prior to 1994, the Department of Environmental Quality (DEQ) regulated all land application of treated sewage sludge, commonly known as biosolids, when biosolids were applied to agricultural lands; and

WHEREAS, in 1994, the General Assembly directed the Virginia Department of Health (VDH) to adopt regulations to ensure that (i) sewage sludge permitted for land application, marketing, or distribution is properly treated or stabilized; (ii) land application, marketing, and distribution of sewage sludge is performed in a manner that will protect public health and the environment; and (iii) the escape, flow, or discharge of sewage sludge into state waters in a manner that would cause pollution of state waters, as those terms are defined in § 62.1-44.3 of the Code of Virginia, will be prevented; and

WHEREAS, in 2007, the General Assembly authorized the transfer of all regulatory oversight of biosolids from VDH to DEQ; and

WHEREAS, since 2008, biosolids have been land applied in at least 68 localities in the Commonwealth, with at least 54 of those localities receiving biosolids annually; and

WHEREAS, between 2008 and 2013, an average of 221,000 dry tons of biosolids have been beneficially recycled over an average of 63,000 acres annually; and

WHEREAS, this acreage represents less than one percent of the available crop land, pasture land, and forest land in the Commonwealth; and

WHEREAS, the National Academy of Sciences reviewed current practices, public health concerns, and regulatory standards and concluded that the use of biosolids in the production of crops for human consumption, when practiced in accordance with existing federal guidelines and regulations, presents negligible risk to the consumer, to crop production, or to the environment; and

WHEREAS, in accordance with House Joint Resolution No. 694 of the 2007 Session of the General Assembly, the Secretary of Natural Resources and Secretary of Health and Human Resources convened a panel of experts to study the impact of land application of biosolids on human health and the environment; and

WHEREAS, the General Assembly posed specific questions to the panel and requested that it consider the typical contaminant concentrations and application rates of biosolids in its study; and

WHEREAS, the panel included stakeholders from a broad range of disciplines, including medicine, higher education, forestry, agronomy, environmental science, ecology, veterinary medicine, and law; and

WHEREAS, the Secretary of Natural Resources and Secretary of Health and Human Resources published the final report of the panel in 2008 (House Document 27); and

WHEREAS, the panel uncovered no evidence or literature verifying a causal link between biosolids and illness but recognized gaps in the science and knowledge surrounding this issue; and

WHEREAS, the panel stated that these gaps could be reduced through highly controlled epidemiological studies relating to health effects of land-applied biosolids and through additional efforts to reduce the limitations in quantifying all the chemical and biological constituents in biosolids; and

WHEREAS, the panel stated that there are gaps in the research that characterizes the composition, fate, and effects of pharmaceutical and personal care products and other persistent organic compounds in biosolids, as well as in other products, materials, and the environment; and

WHEREAS, House Joint Resolution No. 694 of the 2007 Session of the General Assembly also directed the panel to perform a detailed analysis of the chemical and biological composition of biosolids; and

WHEREAS, detailed analysis of the vast number of constituents of biosolids, combined with the specialized analytical methods employed to detect and quantify these constituents, involves significant cost; and

WHEREAS, because no funding was available to conduct new analyses, the panel was limited in performing a detailed analysis of the chemical and biological constituents of biosolids; and

WHEREAS, under § 405(d)(2)(C) of the federal Clean Water Act, the U.S. Environmental Protection Agency is required to conduct a review of the standards set out in 40 C.F.R. Part 503 not less than every two years for purposes of regulating new pollutants where sufficient data exist; and

WHEREAS, § 62.1-44.3 of the Code of Virginia defines industrial wastes as "liquid or other wastes resulting from any process of industry, manufacture, trade, or business or from the development of any natural resources"; and

WHEREAS, the land application in Virginia of industrial wastes, including industrial residuals, is regulated by the Virginia Department of Agriculture and Consumer Services (VDACS) and DEQ; and

WHEREAS, VDACS regulates certain industrial residuals as "industrial co-products" in accordance with the regulations applicable to agricultural liming materials and fertilizer, providing for the marketing and distribution of industrial wastes; and

WHEREAS, the land application of industrial residuals that is not regulated by VDACS is regulated by the State Water Control Board and DEQ; and

WHEREAS, industrial residuals from more than 35 facilities are land applied in Virginia pursuant to the terms of a Virginia Pollution Abatement or Virginia Pollutant Discharge Elimination System Permit issued by DEQ; and

WHEREAS, since taking over the regulatory program from VDH, DEQ has conducted over 10,000 inspections of biosolids and industrial residual land application sites; and

WHEREAS, biosolids and industrial residuals are beneficially land applied on less than one percent of the cropland, pastureland, and forestland on Virginia farms; and

WHEREAS, on average, less than 10,000 dry tons of industrial wastes are land applied annually in Virginia, an amount representing less than five percent of the annual amounts of biosolids land applied in Virginia; and

WHEREAS, the permits issued by DEQ include authorization for land application of industrial wastes from a variety of facilities, including poultry hatching plants, breweries, rendering plants, chicken and pork processing and packaging plants, plants for the processing of apples, fish, meat, tomatoes, and wood, plants for the manufacturing of concentrated and dried soup stock, confections, beverages, and snack cakes, farmers' markets, and municipal potable water treatment plants; and

WHEREAS, the Department of Environmental Quality's permit application requires the applicant to submit details regarding the design of the industrial wastes treatment works, including the storage facility and land area determination, as well as characterization of the industrial wastes that includes analyses of heavy metals and other constituents; and

WHEREAS, DEQ examines the specific processes used at the facility generating the industrial wastes to determine whether any waste constituents may represent a threat to human health and the environment; and

WHEREAS, DEQ requires the permit applicant to provide analyses to determine the capacity of the land application site to assimilate nutrients, metals, and any other pollutants of concern, in order to demonstrate that the activity may be performed safely and protect the environment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to study biosolids and industrial residuals in Virginia.

In conducting its study, the Joint Legislative Audit and Review Commission (JLARC) shall (i) analyze the current scientific literature regarding the long-term effects of biosolids and industrial residuals on health, including potential impacts on well, surface, and ground water; (ii) evaluate the regulatory requirements for land application and storage; (iii) evaluate the differences between biosolids and industrial residuals rated as "Class A" materials and "Class B" materials; (iv) evaluate the feasibility, especially for local governments, and including an economic impact on citizens of the Commonwealth, of requiring municipal utilities currently permitted to generate, as a byproduct of the municipal wastewater treatment process, "Class B" material to upgrade those facilities to generate "Class A" material; (v) evaluate the effectiveness of the local monitoring component of the programs, while also analyzing the potential for private contractors to serve in a monitoring capacity; (vi) evaluate both the potential outcomes and the probable costs from additional testing requirements for these products; (vii) analyze potential alternatives for waste materials that are currently processed and treated to be land applied, and any potential costs that could be associated with such alternatives; (viii) evaluate the contractual relationships among Virginia localities and the impacts of local agreements and decisions that could affect wastewater treatment and land application, including septic tank pump out requirements; and (ix) where applicable, analyze the potential impacts of Virginia's biosolids and industrial residuals regulations on agricultural interests and future economic development in the Commonwealth.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by the Department of Environmental Quality, the Virginia Department of Agriculture and Consumer Services, the Virginia Department of Health, the United States Geological Survey, and the members of the W3170, a multi-state workgroup composed of representatives of the U.S. Environmental Protection Agency, the U.S. Department of Agriculture, universities, and municipal governments from across the United States that is conducting research on understanding the potential hazards and value of constituents in biosolids and other residuals. All agencies and academic institutions of the Commonwealth, local governments, and other interested parties as necessary shall provide assistance to the Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the

next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 121

Commending Augusta Health.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Augusta Health, a community hospital in Fishersville with a long tradition of excellent patient care, was honored in 2015 as one of America's 50 Best Hospitals by Healthgrades Operating Company, Inc.; and

WHEREAS, as one of the nation's best hospitals, Augusta Health is ranked in the top one percent of hospitals in the country for overall clinical excellence for its variety of treatment options and medical procedures; and

WHEREAS, the mission of Healthgrades is to help consumers find the right doctor and the right hospital; each day more than one million people use the online site to obtain comprehensive information about physicians and hospitals; and

WHEREAS, since 1994, the compassionate, highly trained staff of Augusta Health have continued a tradition of personalized care that began more than 50 years ago with predecessor hospitals in Waynesboro and Staunton; and

WHEREAS, to be named one of America's 50 Best Hospitals by Healthgrades, a hospital such as Augusta Health must show that it provides overall clinical excellence relating to patient care and procedures for a minimum of seven consecutive years; and

WHEREAS, Augusta Health has consistently been named an outstanding health care facility by Healthgrades; for three years, it earned the organization's Distinguished Hospital Award for Clinical Excellence, and it also was named a top 100 hospital for three years; and

WHEREAS, Mary Mannix, president and chief executive officer of Augusta Health, attributed the hospital's signature recognition from Healthgrades to a culture of excellence and the hard work and dedication shown by all of the hospital's staff and volunteers over many years; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Augusta Health community hospital for being named one of America's 50 Best Hospitals by Healthgrades Operating Company, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Mannix, president and chief executive officer of Augusta Health, as an expression of the General Assembly's respect and admiration for its continuing commitment to providing excellent health care to the people of Augusta County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 122

Commending the Turner Ashby High School girls' basketball team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Turner Ashby High School girls' basketball team engineered a remarkable comeback to win—in overtime—the 2015 Virginia High School League Group 3A state championship; and

WHEREAS, the talented and hard-working members of the Turner Ashby team from Bridgewater defeated nearby rival, Broadway High School, 64-60; it was the fifth time the two teams had played since the season began; and

WHEREAS, the game that determined the 2015 state champion was a fierce contest between two excellent and talented teams; the competition was held on March 11, 2015, at the Siegel Center in Richmond; and

WHEREAS, at one point during the game, the Turner Ashby High School Knights trailed by 12 points in the second quarter; later, with less than two minutes to play in regulation, the team from Rockingham County was behind 49-44; and

WHEREAS, the Turner Ashby High School team refused to admit defeat, and the intensity they had displayed throughout their season came to the forefront as time wound down; with a three-point basket and a pair of free throws, the Knights tied the game; and

WHEREAS, during overtime, the Turner Ashby High School team, which ended the season with a 27-3 record, took the lead for good after a steal and subsequent layup gave the squad a five-point advantage; the Knights never trailed for the rest of the game; and

WHEREAS, the 2015 crown is the third state championship for the Turner Ashby High School girls' basketball program; the school also won titles in 1998 and 1999, all under the guidance of head coach Rob Lovell; and

WHEREAS, the members of the Turner Ashby High School girls' basketball team were strongly supported by the coaching staff, fellow teammates, families, friends, basketball fans, and the entire school community during their run to the championship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Turner Ashby High School girls' basketball team for winning the 2015 Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to head coach Rob Lovell as an expression of the General Assembly's congratulations and admiration for the outstanding accomplishments and championship season of the 2015 Turner Ashby High School girls' basketball team.

HOUSE JOINT RESOLUTION NO. 125

Commending the Westfield High School football team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Westfield High School football team capped off an impressive season by winning the 2015 Virginia High School League Group 6A state championship; and

WHEREAS, the Westfield High School Bulldogs from Fairfax County defeated a talented team from Oscar Smith High School 49-42 in the triple-overtime game played on December 12, 2015, at Scott Stadium in Charlottesville; and

WHEREAS, the team from Chantilly had a strong start, leading 14-0 early on; their opponents then tied the game, but the Westfield Bulldogs scored another touchdown just before halftime to take a 21-14 lead; and

WHEREAS, the game was up for grabs during the second half as both teams mounted strong offensive and defensive efforts, and by the end of regulation time the game was tied; it took three overtime periods and a thrilling goal-line defensive effort by Westfield High School to decide the state champion; and

WHEREAS, the Westfield High School football team—holding the lead in the third overtime—stayed calm, determined, and focused as its defense successfully held off a fourth-and-goal play from the Oscar Smith Tigers on the two-yard line; and

WHEREAS, under the direction of Kyle Simmons, head coach of the Westfield High School football team, and his dedicated staff, the players honed their talents and skills throughout a season that was full of challenges; and

WHEREAS, the Westfield High School Bulldogs, who now have three state football trophies, were greatly supported by their families, friends, and the entire school community as they aimed for another state title; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Westfield High School football team for winning the 2015 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kyle Simmons, head coach of the Westfield High School football team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding accomplishments and winning season.

HOUSE JOINT RESOLUTION NO. 126

Commending Penelope Ward Kyle.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Penelope Ward Kyle, who set high standards for student achievement and helped Radford University earn national accolades as its first woman president, retires in 2016 after more than a decade of service; and

WHEREAS, Penelope Kyle joined the Radford University community in 2005 as the university's sixth president and its first woman president; she immediately established the Commission for the Future of Radford, which created the university's strategic plan; and

WHEREAS, Penelope Kyle also helped develop the 2008-2018 Campus Master Plan and established the university's provost position; during her tenure, the university set records for its largest enrollment and largest freshman class, and the student body reached new milestones in diversity; and

WHEREAS, under Penelope Kyle's leadership, Radford University secured hundreds of millions of dollars in funding for capital projects; the university completed major renovations on several campus buildings and opened multiple new buildings and facilities, including the Center for the Sciences, the Student Recreation and Wellness Center, and a new building for the College of Business and Economics; and

WHEREAS, Penelope Kyle helped Radford University receive approval to offer its first doctoral degree in 2008; in 2015, the university offered 67 degree programs and two certificate programs at the undergraduate level and 22 master's and three doctoral degree programs at the graduate level; and

WHEREAS, during Penelope Kyle's presidency, the Radford University Highlanders athletics programs have been recognized for excellence on and off the field, including academic performance, victories in the Big South Conference, and

National Collegiate Athletics Association tournament appearances; Penelope Kyle was named president of the Big South Conference in 2011, becoming the first woman to hold the office; and

WHEREAS, Penelope Kyle reaffirmed Radford University's commitment to protecting the environment by signing the American College and University Presidents' Climate Change Commitment in 2009, and the university has been recognized as a Top Green College by the *Princeton Review* every year since 2010; and

WHEREAS, Penelope Kyle helped Radford University achieve reaccreditation under the Southern Association of Colleges and Schools and earn national recognition from *U.S. News & World Report* as one of the Top Up-and-Coming Schools in the nation in 2010, one of the Best Regional Universities for four consecutive years, and one of the Best Colleges and Universities in the Southeast every year since 2008; and

WHEREAS, in addition to her duties as president of Radford University, Penelope Kyle has served the Southwest Virginia community and the entire Commonwealth as a member of numerous boards and commissions, including the board of directors for the Roanoke Regional Chamber of Commerce and the Foundation for Educational Exchange between the United States and Canada, the Knight Commission on Intercollegiate Athletics, and the Governor's Task Force on Combating Campus Sexual Violence; and

WHEREAS, Penelope Kyle holds degrees from Guilford College, The College of William and Mary, and the University of Virginia; prior to joining Radford University, she worked as an educator, an attorney, and the longtime executive director of the Virginia State Lottery, and she was the first female officer of CSX Corporation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Penelope Ward Kyle, the visionary and highly admired president of Radford University, on the occasion of her retirement in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Penelope Ward Kyle as an expression of the General Assembly's admiration for her commitment to the students of Radford University and leadership in the field of education.

HOUSE JOINT RESOLUTION NO. 127

Commending Glasgow Middle School.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Glasgow Middle School was named a National Demonstration School by Advancement Via Individual Determination for its work to help underperforming students achieve success in and out of the classroom; and

WHEREAS, Advancement Via Individual Determination (AVID) has provided more than 30,000 educators in 5,600 schools, including Glasgow Middle School, with research-based curricula and strategies to help better develop students' critical thinking, literacy, and math skills; and

WHEREAS, Glasgow Middle School received the prestigious AVID National Demonstration School Award for its work to implement AVID strategies school-wide and helped students prepare for higher education, careers, and responsible citizenship; and

WHEREAS, only approximately 150 schools around the country have passed the rigorous screening process to be named an AVID National Demonstration School, and Glasgow Middle School is the only public school in Fairfax County that has earned the honor; and

WHEREAS, using AVID techniques, Glasgow Middle School taught and reinforced behaviors conducive to academic success, provided intensive support and tutorials through strong teacher-student relationships, built positive peer groups for students, and developed an atmosphere where students can succeed through hard work and determination; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Glasgow Middle School, an exceptional public school in Fairfax County, on being named a National Demonstration School by Advancement Via Individual Determination; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Glasgow Middle School as an expression of the General Assembly's admiration for the school's accomplishments and dedication to its students.

HOUSE JOINT RESOLUTION NO. 128

Celebrating the life of Wilford Taylor, Sr.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Wilford Taylor, Sr., an active member of the Hampton community, died on June 27, 2015; and

WHEREAS, a native of Marion, South Carolina, Wilford Taylor relocated to the Commonwealth and graduated from George P. Phenix High School; he earned a bachelor's degree from what was then Hampton Institute; and

WHEREAS, after honorably serving his country with the United States Navy, Wilford Taylor served the Wythe community of Hampton for more than 40 years as a carrier for the United States Postal Service; and

WHEREAS, Wilford Taylor was known for bringing joy into the lives of others by singing as he walked his postal route; he also sang with the Crusaders Male Chorus; and

WHEREAS, Wilford Taylor later served as head chef of Vic Zodda's Restaurant, earning accolades for his delicious, authentic Italian cuisine; after his well-earned retirement, he continued to serve the community as a volunteer in the Hampton Visitor Center; and

WHEREAS, believing strongly in the importance of a good education, Wilford Taylor worked hard to put his children through college and helped his wife achieve a college degree; and

WHEREAS, a man of deep and abiding faith, Wilford Taylor enjoyed fellowship and worship with the community as a member of First Baptist Church of Hampton; and

WHEREAS, Wilford Taylor will be fondly remembered and greatly missed by his wife of nearly 67 years, Zenobia; children, Wilford, Jr., James, Jill, and Michelle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Wilford Taylor, Sr., an admired member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Wilford Taylor, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 129

Celebrating the life of Roger Parker, Jr.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Roger Parker, Jr., an admired entrepreneur in Hampton, died on April 23, 2015; and

WHEREAS, Roger Parker, affectionately known as Plucker, graduated from Huntington High School and attended Virginia Union University and what was then Hampton Institute; and

WHEREAS, after completing his education, Roger Parker pursued a career with Amoco Oil Refinery, then fulfilled his dreams of entrepreneurship; and

WHEREAS, Roger Parker served community members as the owner of a transportation business and was happy to provide his fellow residents with convenient, delicious meals as a hot dog vendor; and

WHEREAS, Roger Parker enjoyed fellowship and worship with the community as a member of World Victory Church and Life Center; and

WHEREAS, Roger Parker will be fondly remembered and greatly missed by his wife, Penny; children, Lori and Roger, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Roger Parker, Jr., an entrepreneur and active member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Roger Parker, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 130

Commending the Harrisonburg-Rockingham Chamber of Commerce.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, for 100 years, the Harrisonburg-Rockingham Chamber of Commerce has provided local businesses with the tools and support to succeed and grow and has worked to strengthen the entire community; and

WHEREAS, established by a group of local residents in 1916, what was then known as the Harrisonburg Chamber of Commerce set out to advance the commercial, industrial, civic, and social interests of the town under the leadership of the organization's first president, J. A. Burruss; and

WHEREAS, in the 1930s, the Harrisonburg Chamber of Commerce facilitated the creation of county fairs and events; the chamber worked with First National Bank to establish the Turkey Festival, featuring the popular turkey toss; and

WHEREAS, having grown to 108 members from throughout the region, the Harrisonburg Chamber of Commerce voted in 1935 to change its name to the Harrisonburg-Rockingham Chamber of Commerce; and

WHEREAS, the Harrisonburg-Rockingham Chamber of Commerce continued to expand and grow, creating the Civic/County Community Fund, Inc., in 1957 to raise funds in support of nonprofit civic organizations; the organization is now known as the United Way of Harrisonburg and Rockingham County; and

WHEREAS, in 1979, the Harrisonburg-Rockingham Chamber of Commerce founded what is now Leadership Harrisonburg-Rockingham, which has graduated more than 850 aspiring local leaders; and

WHEREAS, in 2009, the Harrisonburg-Rockingham Chamber of Commerce initiated a program to discuss the future of the community and the region; the successful dialogue resulted in the creation of the Building Optimal Leaders by Design program, a revitalization of the Shenandoah Valley Partnership's Workforce and Education Committee, and greater coordination of entrepreneur and economic development activities; and

WHEREAS, with nearly 900 members, a 29-member board of directors, and a dedicated staff, the Harrisonburg-Rockingham Chamber of Commerce is one of the largest business associations on the I-81 corridor and it has helped make Harrisonburg and Rockingham County thriving, dynamic communities that are full of opportunities for businesses and residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Harrisonburg-Rockingham Chamber of Commerce on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Harrisonburg-Rockingham Chamber of Commerce as an expression of the General Assembly's admiration for the organization's work to help the Harrisonburg and Rockingham County communities grow.

HOUSE JOINT RESOLUTION NO. 132

Commending the National Historic Preservation Act.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the National Historic Preservation Act was signed into law on October 15, 1966, and established the nation's legal framework for the protection and preservation of historic buildings, landscapes, and archaeological discoveries; and

WHEREAS, the United States and thousands of public, private, and nonprofit sector partners are commemorating the signing of the National Historic Preservation Act throughout 2016 under the banner of Preservation50; and

WHEREAS, the National Historic Preservation Act traces its roots to the publication of *With Heritage So Rich*, a book by Virginia preservationists, that documented the growing losses to the nation's heritage in the absence of a clear policy on historic preservation; and

WHEREAS, over the past 50 years, the National Historic Preservation Act has had a profound and positive impact on communities throughout the Commonwealth and the United States; in the past 25 years alone, 1,600 communities revitalized historic downtowns and main streets and carried out 89,000 historic building renovations, significantly reducing waste from demolition and new construction debris; and

WHEREAS, the Federal Preservation Tax Incentives Program created by the National Historic Preservation Act is the largest federal program supporting historic preservation; it has helped create millions of jobs, saved tens of thousands of historic structures, and attracted billions of dollars in investment; and

WHEREAS, the National Register of Historic Places, also created by the National Historic Preservation Act, contains more than 80,000 historic properties, with at least one place listed in almost every county in the United States and nearly 3,000 places listed in the Commonwealth; and

WHEREAS, as of October 2015, the Commonwealth leads the country in the number of rural historic districts with 30 listed and three pending, and Virginia organizations have preserved numerous important National Historic Landmarks, including Fort Monroe, the Alexandria Historic District, Monticello, Montpelier, the Pentagon, the University of Virginia Historic District, and the Williamsburg Historic District; and

WHEREAS, 2016 also marks the 50th anniversary of the Virginia State Historic Preservation Office, which administers a state tax credit program that generated over 2,500 projects between 1997 and 2012; in 2015, the Commonwealth ranked first in the nation for the number of historic preservation projects certified for federal tax credits; and

WHEREAS, the Virginia State Historic Preservation Office also administers the Federal 106 Review Process, which reviews approximately 4,000 projects annually for their impact on preservation efforts, and the Certified Local Government Program, which provides localities with funding for preservation projects; and

WHEREAS, heritage tourism is a critical component of the Commonwealth's economy, and the Virginia Department of Historic Resources is an active partner in Preservation50, an organization celebrating the first five decades of the National Historic Preservation Act and working to ensure a strong future for historic preservation efforts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the National Historic Preservation Act on the occasion of the 50th anniversary of its passage; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Preservation50 Advisory Committee as an expression of the General Assembly's appreciation for the significance of the act and its many benefits to the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 133*Commending Kelly Brice Walters.*

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, in the more than 80-year history of the Virginia Association of Volunteer Rescue Squads, few individuals have shown the dedication, loyalty, commitment, and leadership of Kelly Brice Walters; and

WHEREAS, after completing high school and working in different careers, Kelly Walters began serving Montgomery County as chief animal control officer, retiring after 19 years; and

WHEREAS, in 1964, Kelly Walters joined the Christiansburg Life Saving and First Aid Crew, where he served as treasurer, first and second lieutenant, captain, and president of the Board of Directors; he also served as chair of every crew committee and assisted in the design of new ambulances; and

WHEREAS, Kelly Walters was appointed by the town council as the first full-time, paid captain of the Christiansburg Rescue Squad on September 1, 2001; over the course of his career, he worked over 80 hours weekly and answered over 1,200 calls for assistance annually, and in 2002, he completed his emergency technician certification at the age of 66; and

WHEREAS, Kelly Walters became active in the Virginia Association of Volunteer Rescue Squads (VAVRS), serving terms as treasurer and vice president in District 7, and he remains active within the district; in 1979, he was elected to the status of life member of the VAVRS; and

WHEREAS, Kelly Walters served on numerous committees for the VAVRS; he was elected vice president and served for two years and then was elected president and served from 1985 to 1987 and continues being active within the association; and

WHEREAS, Kelly Walters has remained active in his community, serving as a member of the Fire and Rescue Task Force and the Christiansburg and Montgomery County Emergency Planning Committee, and

WHEREAS, in February 2011, Kelly Walters became one of the founding charter members of the Riner Volunteer Rescue Squad, where he serves on the board of directors and as its representative to the VAVRS; and

WHEREAS, Kelly Walters was a devoted husband and caregiver to his wife Virginia until her passing in 2013; and

WHEREAS, in September 2003, Kelly Walters was elected by his peers in VAVRS to the Virginia Life Saving and Rescue Hall of Fame; on September 12, 2011, the Montgomery County Board of Supervisors recognized him for his 47 years of service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kelly Brice Walters for his distinguished and unwavering service to the citizens of Christiansburg, Montgomery County, and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kelly Brice Walters as an expression of the General Assembly's admiration for his many years of service and for his dedication and contributions to the emergency medical services movement, his family, friends, and those he has come in contact with, as a true example of those who give and expect nothing in return as citizens of the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 140*Commending David L. Bernd.*

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, David L. Bernd, a dedicated health care and community leader, who has worked to enhance the quality of life of his fellow residents of the Hampton Roads and the Commonwealth for many years, retires as chief executive officer of Sentara Healthcare in 2016, after a distinguished 21-year career; and

WHEREAS, David Bernd earned a bachelor's degree from The College of William and Mary and a master's degree from the Medical College of Virginia, where he answered his calling to facilitate the well-being of others as a health care administrator; and

WHEREAS, David Bernd began his health care career as an administrative resident at what is now Sentara Norfolk General Hospital in 1972 and rose through the ranks within that organization, becoming chief executive officer of what is now Sentara Healthcare in 1995; and

WHEREAS, David Bernd led the evolution of Sentara as an integrated health system headquartered in Norfolk, comprising 12 acute-care hospitals, with health plans covering 450,000 lives, four medical groups with more than 950 providers, and medical staffs of approximately 3,700 physicians, making it the largest health system in the Commonwealth; and

WHEREAS, under David Bernd's leadership, Sentara has developed a national reputation for safety, quality, and innovation, including having facilities and programs recognized in the America's Best Hospitals rankings by *U.S. News & World Report* for the past 15 years and launching the nation's first electronic intensive care unit system in 2000 to remotely monitor ICU patients across multiple hospitals; and

WHEREAS, respected among his peers, David Bernd has served as chair of the Virginia Hospital & Healthcare Association Board of Directors and the American Hospital Association Board of Trustees; and

WHEREAS, David Bernd has given generously of his time and wise leadership as a civilian aide to the Secretary of the Army; he is a current member and former rector of Old Dominion University's Board of Visitors, and he has served as board chair of the United Way of South Hampton Roads, YMCA of South Hampton Roads, and United Way Tocqueville Society, and trustee of the Endowment Association of the College of William and Mary Foundation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David L. Bernd for his years of service to the residents of Virginia, Sentara Healthcare, and the health care field as a whole; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David L. Bernd as an expression of the General Assembly's admiration for his many contributions to health care, the community, and the Commonwealth and best wishes on a well-earned retirement.

HOUSE JOINT RESOLUTION NO. 141

Commending George Y. Birdsong.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, George Y. Birdsong, chair of the Obici Healthcare Foundation, has dedicated his life to improving the health and wellness of all Hampton Roads residents through generous volunteer work and philanthropy; and

WHEREAS, George Birdsong has been active in many Suffolk-based civic organizations, including the Obici Healthcare Foundation, Suffolk Redevelopment and Housing Authority, Hampton Roads Chamber of Commerce, Suffolk Foundation, United Way of South Hampton Roads, Suffolk Family YMCA, Suffolk Center for Cultural Arts, and Nansemond-Suffolk Academy; and

WHEREAS, George Birdsong was the founding chair of the Obici Healthcare Foundation and has led the organization for 10 years, making measurable improvements to the region's overall health, particularly in the areas of access to basic health care, obesity prevention, chronic disease management, and insurance coverage; and

WHEREAS, under George Birdsong's leadership, the Obici Healthcare Foundation has awarded over \$36 million in grant funding that served more than 373,000 people; and

WHEREAS, George Birdsong's commitment to regional volunteerism is evident through his work with Virginia Wesleyan College, Virginia Manufacturers Association, Virginia Foundation for Independent Colleges, Chesapeake Bay Foundation, Nansemond River Preservation Alliance, and Business Consortium for Arts Support; and

WHEREAS, George Birdsong has received numerous awards and accolades for his volunteerism, including the Lenora Mathews Lifetime Achievement Award from Volunteer Hampton Roads, which pays tribute to individuals and groups that have volunteered their time and talents to support worthy causes in Hampton Roads; and

WHEREAS, George Birdsong has also led an effort to combat childhood malnutrition internationally by partnering with Project Peanut Butter and other organizations; he has been credited for being able to "see value a decade out; he's someone who is considered a visionary"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend George Y. Birdsong for his service to the health care community and the Commonwealth as chair of the Obici Healthcare Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George Y. Birdsong as an expression of the General Assembly's admiration for his devotion to enhancing the lives of others in Hampton Roads and throughout the Commonwealth.

HOUSE JOINT RESOLUTION NO. 142

Commending the Nansemond-Suffolk Academy football team.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Nansemond-Suffolk Academy football team capped off an impressive season by winning the 2015 Virginia Independent Schools Athletic Association Division III championship; and

WHEREAS, the Nansemond-Suffolk Academy Saints defeated a talented and previously unbeaten team from Atlantic Shores Christian School 38-18 on November 20, 2015, to claim their fourth state title; and

WHEREAS, in an exciting championship game held at the Virginia Beach Sportsplex, the Nansemond-Suffolk Academy team scored first with a 28-yard touchdown run, followed by a two-point conversion; and

WHEREAS, the Nansemond-Suffolk Academy Saints are best known for their successful running game; however, the team's second and third touchdowns came on passes of 35 yards and 28 yards respectively, each of which was accompanied by a successful two-point conversion; and

WHEREAS, the determination and hard work of the football players from Nansemond-Suffolk Academy in Suffolk was crucial to the 2015 victory; the offensive line stayed focused throughout the game, and impressive rushing plays also helped ensure the momentous win; and

WHEREAS, since 1991, the Saints have won the Virginia Independent Schools Athletic Association (VISAA) Division III football championship under four different coaches, but the 2015 championship was the first state title for head coach Lew Johnston, who praised his talented and versatile team; and

WHEREAS, by winning the 2015 VISAA crown, Lew Johnston ended a rewarding coaching career on a stellar note; he retired at the end of the 2015 season, having been a football coach for 41 years; and

WHEREAS, the enthusiastic support that the Nansemond-Suffolk Academy football team received from their families, friends, coaches, teammates, and the entire school community all contributed to the squad's successful season; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nansemond-Suffolk Academy football team for winning the 2015 Virginia Independent Schools Athletic Association Division III championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Nansemond-Suffolk Academy football team as an expression of the General Assembly's congratulations and admiration for the team's outstanding accomplishments and championship season.

HOUSE JOINT RESOLUTION NO. 143

Commending the Honorable Michael S. Irvine.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, the Honorable Michael S. Irvine, presiding judge of the Buena Vista and Rockbridge Circuit Courts of the 25th Judicial Circuit of Virginia and an active community leader, retired in 2015; and

WHEREAS, Michael Irvine graduated from Virginia Polytechnic Institute and State University and earned a law degree from the University of Richmond, then served the community as an attorney in private practice; and

WHEREAS, in 1985, Michael Irvine became the Commonwealth's Attorney for Buena Vista, which was then a part-time position, and ably served the people of Buena Vista in that capacity for 19 years; and

WHEREAS, in 2004, Michael Irvine was appointed as a judge in the 25th Judicial Circuit of Virginia, where he presided with great fairness and wisdom and was an admired mentor to several new judges; and

WHEREAS, working to better the quality of life of his fellow residents, Michael Irvine volunteered his time and wise leadership with the Buena Vista United Fund, Rockbridge-Buena Vista Bar Association, Buena Vista Lions Club, and the local Chamber of Commerce; and

WHEREAS, Michael Irvine has preserved local history and heritage as a member of the Buena Vista Centennial Committee, director of the Buena Vista Downtown Area Revitalization Effort, and a former trustee of the Paxton House Historical Society; and

WHEREAS, Michael Irvine also served as interim city attorney, worked with Stonewall Jackson Memorial Hospital, Rockbridge Area Community Services, and Alcohol Safety Action Program, and was an honorary member of the Buena Vista Rescue Squad; and

WHEREAS, Michael Irvine lives his faith through his actions and enjoys fellowship and worship with the community at St. John's United Methodist Church, where he is a past chair of the church council, past chair of trustees, chair of the endowment committee, and a Sunday school teacher; and

WHEREAS, a man of great integrity, Michael Irvine served the community and the Commonwealth with the utmost professionalism, dedication, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Michael S. Irvine on the occasion of his retirement as presiding judge of the Buena Vista and Rockbridge Circuit Courts of the 25th Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Michael S. Irvine as an expression of the General Assembly's admiration for his years of service to Rockbridge County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 144

Commending Dan Lyons.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Dan Lyons, an admired teacher, coach, and school administrator who oversaw work to renovate Lylburn Downing Middle School and the construction of Waddell Elementary School, retired as superintendent of Lexington Public Schools in 2015 after 38 years in education; and

WHEREAS, reared in Takoma Park, Maryland, Dan Lyons moved to Florida at a young age, then returned to Maryland, where he graduated from Loyola University Maryland; inspired by his teachers, he pursued a long and fulfilling career in education; and

WHEREAS, Dan Lyons taught ninth-grade and tenth-grade students in Baltimore Public Schools and coached basketball at a Catholic school in Alabama before relocating to Lexington in 1985; he taught biology at Lexington High School and coached basketball at the high school and at Washington and Lee University; and

WHEREAS, after the consolidation of county and city high schools in 1992, Dan Lyons served as assistant principal of Rockbridge County High School and principal of Lylburn Downing Middle School, then was named superintendent of Lexington Public Schools in 2002; and

WHEREAS, Dan Lyons spearheaded efforts to preserve, renovate, and expand the historic Lylburn Downing Middle School, which were completed in 2010, and initiated the construction of the new Waddell Elementary School, which is scheduled for completion in 2016; and

WHEREAS, during his 13-year tenure as superintendent, Dan Lyons helped his schools earn recognition for academic achievement, and he proudly established the Beta Club, a national community service club, at Lylburn Downing Middle School; and

WHEREAS, after his well-earned retirement, Dan Lyons plans to help coach the Lylburn Downing Middle School boys' basketball team, as well as spend more time with his wife, Karen, and daughters, Christine and Kate; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dan Lyons on the occasion of his retirement as superintendent of Lexington Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dan Lyons as an expression of the General Assembly's admiration for his tireless efforts to serve and support the youth of the Lexington community.

HOUSE JOINT RESOLUTION NO. 145

Commending Alfonzo M. Miller.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Alfonzo M. Miller, a dedicated law-enforcement officer who inspired countless local youths through his outreach to schools in the City of Lexington, retired in 2015 as deputy chief of the Lexington Police Department; and

WHEREAS, a native of Rockbridge County, Alfonzo M. "Bucky" Miller graduated from Virginia State University, where he decided to serve the community in law enforcement after going on a ride-along with a police officer and fellow student; and

WHEREAS, Bucky Miller joined the Lexington Police Department in 1985 as a patrol officer, rising through the ranks to become an investigator, sergeant, lieutenant, captain, and deputy chief; and

WHEREAS, throughout his 30-year career in law enforcement, Bucky Miller worked to mentor the youth of the community; he was a fixture at Lylburn Downing Middle School, where he often greeted students in the morning, ate lunch, helped host school dances, and attended sporting events; and

WHEREAS, Bucky Miller also worked at and supported numerous community events, including the Fourth of July Bike Parade, Downtown Trick or Treat, Candlelight Processional, and Jingle Bell Run, and he was well-known and admired by many community members; and

WHEREAS, Bucky Miller was honored as the 2014 People's Choice Award Citizen of the Year, and the City of Lexington named June 10, 2015, Captain Bucky Miller Appreciation Day at a special ceremony at Lylburn Downing Middle School; and

WHEREAS, after his well-earned retirement from law enforcement, Bucky Miller plans to seek new opportunities to serve the community and will help coach the Lylburn Downing Middle School boys' basketball team; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Alfonzo M. Miller on the occasion of his retirement as deputy chief of the Lexington Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alfonzo M. Miller as an expression of the General Assembly's admiration for his work to protect and serve the Lexington community and outreach to local youth.

HOUSE JOINT RESOLUTION NO. 146

Commending The Omni Homestead Resort.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, in 2016, The Omni Homestead Resort in Hot Springs, a historic resort and a premier destination for business and leisure travel, celebrates 250 years of exceptional service to the residents of and visitors to the Commonwealth; and

WHEREAS, The Omni Homestead Resort traces its roots to 1766 when Thomas Bullitt built a small 18-room lodge to serve travelers on 300 acres in the majestic Allegheny Mountains from a land grant given to him by George Washington; the first modern resort was completed in the late 1800s and has become an iconic travel destination that has delighted generations of families; and

WHEREAS, with 483 guest rooms and more than 2,300 acres, The Omni Homestead Resort offers guests easy access to more than 30 recreational activities, including an award-winning golf course and the oldest alpine ski resort in the Commonwealth; and

WHEREAS, The Omni Homestead Resort features natural hot springs, a water park, and a world-class spa, where guests can find rest and rejuvenation year-round; in addition, the resort offers a wealth of fine dining options to please every palate; and

WHEREAS, with 26 meeting rooms, The Omni Homestead Resort has hosted countless meetings and events for guests from around the world; 23 United States presidents, from Thomas Jefferson in 1818 to George W. Bush in 2015, have visited the resort; and

WHEREAS, The Omni Homestead Resort has earned countless awards and accolades over the years; in 2015 alone, the resort was recognized as having the best golf course in Virginia by *Golfweek* magazine, was awarded the AAA Four-Diamond designation, named one of the Top 20 Resorts in the South by the Conde Nast Traveler, and was part of the Trip Advisor Certificate of Excellence Hall of Fame; and

WHEREAS, the more than 1,000 dedicated associates of The Omni Homestead Resort have been essential to the resort's ongoing success; from kitchen staff and groundskeepers to guest services and activities coordinators, the associates display the utmost professionalism and care for all guests; and

WHEREAS, The Omni Homestead Resort will commemorate its 250th anniversary with special events throughout 2016, and the resort will invite past guests to share photos for its anniversary displays; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Omni Homestead Resort, an acclaimed resort in Hot Springs, on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Omni Homestead Resort as an expression of the General Assembly's admiration for its contributions to the Commonwealth's reputation as a world-class destination for business and leisure travel.

HOUSE JOINT RESOLUTION NO. 147

Celebrating the life of Carlton Lee Wingfield.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Carlton Lee Wingfield of Madison Heights, a devoted husband and father, a successful business owner, a strong supporter of the Amherst County community, and a man of great faith, died on September 2, 2015; and

WHEREAS, Carlton Wingfield was born into modest circumstances, yet through a strong drive to succeed and a strong work ethic, he became a self-made man; he founded Wingfield Real Estate and Auction Services, Inc., in Madison Heights and acquired more than 50 years of business experience; and

WHEREAS, throughout his career, Carlton Wingfield shared his wisdom and insight on many boards and organizations in the area, including the boards of directors of the Bank of Virginia and Whitten Funeral Homes; and

WHEREAS, a man with many interests, Carlton Wingfield was an antique car enthusiast, liked to play tennis, and was a great supporter of Amherst County athletics; he gladly attended his grandchildren's sports events and school programs and was his family's strongest advocate; and

WHEREAS, Carlton Wingfield was a person of great faith; he was a longtime member of Randolph Memorial Baptist Church in Madison Heights, where he served as a life deacon and trustee; and

WHEREAS, predeceased by a son, Steven, Carlton Wingfield will be greatly missed and fondly remembered by Jeane, his wife of 63 years; children, C.T. and Melanie, and their families; and many family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Carlton Lee Wingfield of Madison Heights, a devoted husband and father, a successful businessman, a strong supporter of the Amherst County community, and a man of great faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carlton Lee Wingfield as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 148

Celebrating the life of Edith R. Jones.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Edith R. Jones, a devoted educator and a tireless volunteer who worked to serve and support the Amherst County community, died on September 3, 2015, at the age of 107; and

WHEREAS, born on July 12, 1908, Edith Jones was a longtime resident of Amherst County and a witness to the seminal events of the 20th century; and

WHEREAS, for many years, Edith Jones was a teacher of first-grade through seventh-grade students at the one-room Rocky Seat School in Amherst County; she worked to impart her passion for lifelong learning and helped inspire the youth of the community to achieve their full potential; and

WHEREAS, Edith Jones lived her faith through her actions, and she enjoyed fellowship and worship with the community as a member of Mt. Shiloh Baptist Church in Monroe; and

WHEREAS, predeceased by her husband, Henry, Edith Jones will be fondly remembered and greatly missed by numerous family members and close friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Edith R. Jones, a passionate educator and a devoted servant to the Central Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edith R. Jones as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 150

Notifying the Governor of organization.

Agreed to by the House of Delegates, January 13, 2016

Agreed to by the Senate, January 13, 2016

RESOLVED by the House of Delegates, the Senate concurring, That a committee be appointed, composed of six on the part of the House of Delegates and five on the part of the Senate, to notify the Governor that the General Assembly is duly organized and is ready to receive any communication he may desire to make.

HOUSE JOINT RESOLUTION NO. 152

Commending the Christiansburg Lions Club.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, in 2016, the Christiansburg Lions Club celebrates its 75th anniversary of volunteerism and service to the community, the Commonwealth, and the world; and

WHEREAS, the Christiansburg Lions Club was chartered on February 25, 1941, and was sponsored by the nearby Blacksburg Host Lions Club; the Christiansburg club dates to the early years of the Lions International organization; and

WHEREAS, the motto of Lions International is "We Serve!" and the members of the Christiansburg Lions Club are actively engaged in efforts to help the community, with a special emphasis on eyesight conservation and programs that assist the blind and vision impaired; and

WHEREAS, the members of the Christiansburg Lions Club support vision screening efforts for school children, surgeries that will aid in sight restoration, and the Leader Dogs for the Blind program; additionally, the group works to help people with hearing loss; and

WHEREAS, throughout the New River Valley, the Christiansburg Lions Club has collected old eyeglasses that can be reused by people who cannot afford to buy new eyeglasses; each year in the Commonwealth, more than 300,000 eyeglasses are recycled at a nearby Lions Club eyeglass recycling center; and

WHEREAS, the members of the Christiansburg Lions Club are grateful for the community's strong support and encouragement; the club will celebrate its 75th anniversary at its annual Charter Night celebration on February 23, 2016; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Christiansburg Lions Club on the occasion of its 75th anniversary of volunteerism and service to the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Kanney, president of the Christiansburg Lions Club, as an expression of the General Assembly's respect and admiration for the organization's many years of civic involvement and its commitment to improving vision and hearing for people in need in the Commonwealth and the world.

HOUSE JOINT RESOLUTION NO. 153

Celebrating the life of Vaudene Rose Fable Pedigo.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Vaudene Rose Fable Pedigo of Williamsburg, who touched the lives of thousands of children as a teacher and librarian during a long and productive career in public education and whose zest for life kept her active and engaged, died on September 6, 2015; and

WHEREAS, Vaudene "Viky" Rose Fable Pedigo, who was a native of Louisville, Kentucky, earned a bachelor's degree from Butler University and a master's degree from Emory University and was a member of several professional organizations; and

WHEREAS, Viky Pedigo started her career in education as a teacher at Matthew Whaley Elementary School; she became a librarian in 1974 after she had temporarily lost the ability to speak and then followed her doctors' recommendation to find work that required less talking; and

WHEREAS, Viky Pedigo was an employee of the Williamsburg-James City County Public School division for 50 years until her retirement in 2015; she was passionate about literature and worked tirelessly to instill a love of reading in children; and

WHEREAS, Viky Pedigo also was at Rawls Byrd Elementary School for many years and was media specialist at the school when she retired; additionally, she taught children's literature courses at The College of William and Mary and assisted young people who were studying for a GED; and

WHEREAS, Viky Pedigo, who enjoyed staying busy and involved, taught English as a Second Language; in addition to her many varied cultural interests, she was a summer librarian for the school division and also worked with local organizations to encourage literacy; and

WHEREAS, Viky Pedigo will be greatly missed and fondly remembered by her son, Lance; and many family members, friends, colleagues, and the legions of people who as children developed a love of the written word due in part to her devoted efforts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Vaudene Rose Fable Pedigo of Williamsburg, an esteemed teacher and librarian who worked for 50 years to foster a love of reading in her pupils; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Vaudene Rose Fable Pedigo as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 154

Commending Damon S. Radcliffe.

Agreed to by the House of Delegates, January 15, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Damon S. Radcliffe, a highly regarded law enforcement officer for the York-Poquoson Sheriff's Office, was honored as the 2015 Law Enforcement Officer of the Year by Virginia Peninsula Crime Stoppers, Inc.; and

WHEREAS, Virginia Peninsula Crime Stoppers is a citizen-based organization that provides an anonymous, non-threatening way to report criminal activity; the group provides a telephone tip line for the public to use to contact local law enforcement officials; and

WHEREAS, a native of Denbigh, Damon Radcliffe knew when he was just three years old that he wanted to be a law enforcement officer; he has been involved in policing for more than 15 years in the City of Williamsburg, the City of Poquoson, and York County; and

WHEREAS, Damon Radcliffe is a deputy first class with the York-Poquoson Sheriff's Office, where he has worked to protect and serve for more than seven years; previously, he was a police officer for The College of William and Mary and the City of Williamsburg; and

WHEREAS, as a senior deputy, Damon Radcliffe works 12-hour rotating shifts, patrolling throughout York County; he also is a member of the department's emergency response team and is a field training officer; and

WHEREAS, other community activities that benefit from Damon Radcliffe's involvement and contributions are the annual Police Unity Tour, a three-day bicycle trek to honor law-enforcement officers who have died in the line of duty, and he also is a supporter of the National Multiple Sclerosis Society; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Damon S. Radcliffe for being named the 2015 Law Enforcement Officer of the Year by Virginia Peninsula Crime Stoppers, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Damon S. Radcliffe as an expression of the General Assembly's congratulations and respect for his tireless efforts to protect and serve the people of York County, the City of Poquoson, and the City of Williamsburg.

HOUSE JOINT RESOLUTION NO. 155

Commending Joshua Drury.

Agreed to by the House of Delegates, January 15, 2016
Agreed to by the Senate, January 21, 2016

WHEREAS, Joshua Drury, a master officer in the James City County Police Department who is a member of the SWAT team and an outstanding role model and mentor to new officers, was named Officer of the Year for 2015; and

WHEREAS, as he was growing up in Newport News, Joshua "Josh" Drury, made a conscious choice to live the type of life where he could do good and help others; and

WHEREAS, after graduating from Warwick High School and Saint Leo University, Josh Drury entered law enforcement; he was a member of the police force at Thomas Nelson Community College for one year before joining the James City County Police Department; and

WHEREAS, Josh Drury was honored by the James City County Police Department for the exceptional service he provides and the example he sets for fellow law enforcement professionals; he is an active member of the SWAT team, firearms instructor, and field training officer; and

WHEREAS, one of Josh Drury's recent accomplishments was to meticulously research and assemble information the James City County Police Department needed to make an informed decision about new handgun purchases; he also has been involved in many areas of SWAT team operations; and

WHEREAS, Josh Drury, who is a member of the Patrol Officer Advisory Committee, continues to maintain a high degree of effectiveness when he is on patrol; he has a strong work ethic, pays close attention to detail, and has earned great respect from his peers; and

WHEREAS, demonstrating a strong commitment to his community, Josh Drury often helps those who are less fortunate; when a local church donated 14 Thanksgiving dinners, he drove into the community to distribute the food to those who needed a nourishing meal; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joshua Drury, a master officer in the James City County Police Department, for being named Officer of the Year for 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joshua Drury as an expression of the General Assembly's congratulations and admiration for his outstanding work to protect and serve the people and businesses of James City County.

HOUSE JOINT RESOLUTION NO. 156

Commending Bethel Baptist Church.

Agreed to by the House of Delegates, January 15, 2016
Agreed to by the Senate, January 21, 2016

WHEREAS, in 2015, Bethel Baptist Church celebrated 175 years of generous outreach to the Yorktown community and joyful worship in the Baptist tradition; and

WHEREAS, established in 1840, Bethel Baptist Church was a stalwart witness to many historical events in York County; the church continued to grow throughout the years and welcomed a congregation of more than 1000 members in 2015; and

WHEREAS, Bethel Baptist Church partners with thousands of other churches in the Southern Baptist Convention and the Southern Baptist Conservatives of Virginia to spread the Word of God; and

WHEREAS, Bethel Baptist Church offers members of its congregations opportunities to volunteer their time and talents in various ministry groups, including men's, women's, children's, military, and senior's ministries; and

WHEREAS, Bethel Baptist Church also emphasizes the importance of education through its students and education ministry groups, as well as a weekday preschool program; and

WHEREAS, under the able leadership of the Reverend Doug Echols, Bethel Baptist Church is committed to biblical exposition and strives to inspire others to experience the joys of a relationship with Jesus Christ; and

WHEREAS, on October 11, 2015, Bethel Baptist Church commemorated its 175th anniversary with a day-long celebration, featuring Bible fellowship, a worship service, special guests, a dinner, and a concert by the worship choir and orchestra; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bethel Baptist Church on the occasion of its 175th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Echols, senior pastor of Bethel Baptist Church, as an expression of the General Assembly's admiration for its long legacy of service to the Yorktown community.

HOUSE JOINT RESOLUTION NO. 157

Directing the Joint Legislative Audit and Review Commission to review the Virginia Community College System. Report.

Agreed to by the House of Delegates, February 11, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, the Joint Legislative Audit and Review Commission has not comprehensively reviewed Virginia's Community College System since 1991; and

WHEREAS, Virginia's Community College System works with local school systems, four-year public institutions of higher education, and employers to develop credit, noncredit, and dual enrollment courses for those seeking degrees, credentials, and course credits; and

WHEREAS, Virginia's two-year institutions of higher education offer a less costly alternative to four-year institutions of higher education, but enrollment at two-year institutions constitutes a smaller percentage of the Commonwealth's total undergraduate enrollment than a decade ago; and

WHEREAS, between FY 2006 and FY 2015, general fund appropriations to the Virginia Community College System rose \$53 million, the eighth largest increase of all state agencies; and

WHEREAS, between FY 2006 and FY 2015, the Virginia Community College System's central office spending rose 128 percent and staffing rose 39 percent; and

WHEREAS, the Virginia Community College System comprises 23 two-year public institutions of higher education with varying levels of student enrollment and spending and differing circumstances in which to raise revenue from public and private sources; and

WHEREAS, the Virginia Community College System comprises 40 campuses across the Commonwealth with total capital assets valued at \$1.34 billion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Joint Legislative Audit and Review Commission be directed to review the Virginia Community College System.

In conducting its study, the Joint Legislative Audit and Review Commission (the Commission) shall (i) evaluate the system's success in providing Virginians with the education, training, and credentials needed to succeed in the workforce; (ii) determine whether the system's mission is aligned with the Commonwealth's educational and workforce development priorities and complements the missions of the Commonwealth's secondary and four-year higher education systems and its higher education centers, including through dual enrollment and transfer agreements; (iii) assess the system's success in making educational and training opportunities affordable; (iv) assess the spending and allocation of funds within the system; (v) assess how well the system's central office supports each institution; (vi) assess the adequacy of centralized data and information systems to measure institutional effectiveness and to support sound funding decisions; (vii) compare Virginia's Community College System to the community college systems in other states; and (viii) review other issues and make recommendations as appropriate.

All agencies of the Commonwealth, including the Virginia Community College System, the State Council of Higher Education for Virginia, the Department of Education, the Virginia Employment Commission, and local school divisions, shall provide assistance to the Joint Legislative Audit and Review Commission for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 158

Celebrating the life of the Honorable Thomas W. Moss, Jr.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the Honorable Thomas W. Moss, Jr., a distinguished community leader, attorney, and public servant who represented the people of the City of Norfolk in the Virginia House of Delegates as a former Speaker of the House, died on November 26, 2015; and

WHEREAS, a lifelong resident of Norfolk, Thomas Moss graduated from Granby High School and earned a bachelor's degree from Virginia Polytechnic Institute and State University; he honorably served his country as a member of the United States Army during the Korean War; and

WHEREAS, after returning home, Thomas Moss earned a law degree from the University of Richmond and served the community as an attorney in private practice in Norfolk for many years; and

WHEREAS, desirous to be of further service to the Commonwealth, Thomas Moss ran for and was elected to the Virginia House of Delegates and served from 1966 to 2000; he became House Majority Leader, and he was elected Speaker of the House in 1991; and

WHEREAS, over the course of his career, Thomas Moss ably represented the residents of the 88th District; he enacted numerous important pieces of legislation and offered his wisdom and leadership to several committees; and

WHEREAS, after retiring from state government in 2001, Thomas Moss was elected treasurer of the City of Norfolk and served in that capacity for more than a decade; and

WHEREAS, an active member of the Norfolk community, Thomas Moss served as a past president of the Young Democratic Club of Norfolk and the Tidewater Chapter of the Virginia Tech Alumni Association and a former crusade chairman for the American Cancer Society; and

WHEREAS, Thomas Moss earned many awards and accolades for his good work, including the German Club Alumni Foundation Distinguished Achievement Award; the downtown campus of Tidewater Community College and a research building at Virginia Polytechnic Institute and State University are named in his honor; and

WHEREAS, Thomas Moss lived his deep and abiding faith through his actions, and he enjoyed fellowship and worship with the community as a lifelong member of First Lutheran Church of Norfolk; and

WHEREAS, a man of great integrity, Thomas Moss served the Norfolk community and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, predeceased by one daughter, Susan, Thomas Moss will be fondly remembered and greatly missed by his devoted wife, Norma Jean; children, Elizabeth, Thomas III, and Joey, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Thomas W. Moss, Jr., a respected attorney, accomplished public servant, and devoted community leader in Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Thomas W. Moss, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 160

Requesting the Virginia Department of Health to study Virginia's procedures for licensing dogs and cats. Report.

Agreed to by the House of Delegates, February 11, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, the adoption of legal requirements in every state for vaccination of dogs and domesticated cats against rabies has resulted in dramatic declines in the incidence of rabies and human exposure to rabies since 1960; and

WHEREAS, Virginia law has required rabies inoculation of dogs since 1984 and domesticated cats since 1988; and

WHEREAS, under § 3.2-6524 of the Code of Virginia, it is unlawful for a person to own a dog that is four months old or older unless the owner has obtained a license and a locality is authorized to adopt an ordinance that requires the licensing of a cat four months old or older; and

WHEREAS, proof of a rabies vaccination is required to obtain a local license for a dog or cat; and

WHEREAS, in practice, the local licensing requirement provides the principal tool for enforcing the state requirement for vaccination of dogs against rabies; and

WHEREAS, over the past two decades, Virginia has substantially revised its comprehensive animal control laws; and

WHEREAS, in 2006, Virginia adopted a law that required veterinarians to provide a copy of rabies vaccination certificates for dogs to the city or county treasurer, as a means of increasing compliance with licensing requirements; and

WHEREAS, notwithstanding these actions, the present system for licensing at the local level does not ensure a high level of vaccination compliance, is plagued by licensing noncompliance, and leaves animal control officers and other public safety officials without access to a statewide data resource regarding animals, thereby rendering animal control efforts more difficult and less effective; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the Virginia Department of Health be requested to study Virginia's procedures for licensing dogs and cats.

In conducting its study, the Virginia Department of Health shall review Virginia's companion animal licensing procedures and assess the feasibility of establishing a statewide system for recording rabies vaccinations and licensing that may include

a statewide database of licensed companion animals that can be remotely accessed by animal control officers in the field. The Department shall be assisted in its work by a panel of stakeholders chosen by the Commissioner of Health. The panel of stakeholders shall include representatives of local government, the Virginia Animal Control Association, and the Virginia Veterinary Medical Association and citizens experienced in animal welfare issues.

The Virginia Department of Agriculture and Consumer Services shall provide technical assistance to the Virginia Department of Health for this study. All agencies of the Commonwealth shall provide assistance to the Virginia Department of Health for this study, upon request.

The Virginia Department of Health shall complete its meetings by November 15, 2016, and report its findings and recommendations to the Chairman of the House Committee on Health, Welfare and Institutions and the Chairman of the Senate Committee on Education and Health by December 1, 2016, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2017 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 162

Commending Dr. Katherine G. Johnson.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Dr. Katherine G. Johnson of Hampton, a distinguished mathematician with the National Aeronautics and Space Administration who has been an integral member of the nation's space program for more than 30 years, received the Presidential Medal of Freedom in 2015; and

WHEREAS, the Presidential Medal of Freedom, which is the nation's highest civilian honor, recognizes individuals who have made meritorious contributions to the security or national interests of the United States; Dr. Katherine Johnson was selected for her exceptional leadership in the space program from Project Mercury to the modern shuttle program; and

WHEREAS, a native of White Sulphur Springs, West Virginia, Dr. Katherine Johnson was a first-generation college student whose parents rented a house near West Virginia State University so she could complete her degree; exceptionally skilled in mathematics, she graduated college at the age of 18; and

WHEREAS, after relocating to Newport News in 1952, Dr. Katherine Johnson found employment at the National Aeronautics and Space Administration (NASA) Langley Research Center at a time when African American women were typically assigned to all-black computer pools; and

WHEREAS, within only weeks of starting, Dr. Katherine Johnson was asked to assist in the Spacecraft Dynamics Branch of the Flight Dynamics and Control Division, and her expertise would become crucial to every major American space program in the 20th century; and

WHEREAS, Dr. Katherine Johnson calculated the trajectory for the first manned spaceflight by an American in 1961, verified the first flight calculation made by a computer for the first orbit of the earth by an American, and worked on Apollo 11's trajectory to the moon in 1969; she later worked on additional shuttle and satellite programs; and

WHEREAS, an inspirational leader, Dr. Katherine Johnson has encouraged young men and women throughout the United States to pursue careers in science, technology, and mathematics; she has earned numerous other awards and accolades for her service to the Commonwealth, the nation, and the field of space exploration; and

WHEREAS, throughout the course of her career, Dr. Katherine Johnson has received the NASA Lunar Orbiter Achievement Award, the NASA Apollo Team Group Achievement Award, three NASA Special Achievement Awards, an honorary Doctorate of Laws from the State University of New York, and honorary Doctor of Science degrees from Capitol College and Old Dominion University, and she was honored by the National Technical Association as Mathematician of the Year in 1997; and

WHEREAS, Dr. Katherine Johnson was presented the Presidential Medal of Freedom by President Barack H. Obama at a special ceremony at the White House on November 24, 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Katherine G. Johnson on receiving the Presidential Medal of Freedom for her contributions to the American space program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Katherine G. Johnson as an expression of the General Assembly's admiration for her achievements in service to the nation.

HOUSE JOINT RESOLUTION NO. 163

Confirming various appointments by the Speaker of the House of Delegates.

Agreed to by the House of Delegates, January 26, 2016

Agreed to by the Senate, February 23, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointments made by the Speaker of the House of Delegates:

1. Appointment to the **Virginia Commonwealth University Health System Authority Board of Directors** pursuant to § 23-50.16:5 of the Code of Virginia:

Steven DeLuca, 502 Seneca Road, **Richmond**, Virginia 23226, Member, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed John Sherman.

Wilhelm A. Zuelzer, M.D., 106 Santa Clara Drive, **Richmond**, Virginia 23229, Member, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

2. Appointments to the **Virginia Conflict of Interest and Ethics Advisory Council** pursuant to § 30-355 of the Code of Virginia:

The Honorable Jennifer L. McClellan, Post Office Box 406, **Richmond**, Virginia 23218, Member, for a term coincident with the term for which she has been elected to the House of Delegates, to fill a new position.

The Honorable Patricia L. West, 2109 Heron Ridge Lane, **Virginia Beach**, Virginia 23456, Member, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new position.

HOUSE JOINT RESOLUTION NO. 164

Commending Ronnie D. Crockett.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Ronnie D. Crockett, who served and protected the members of the Lancaster County community for nearly 32 years, retired as the Sheriff of Lancaster County in 2015; and

WHEREAS, a lifelong resident of Lancaster County and desirous to be of service to the community, Ronnie Crockett pursued a career in law enforcement to better the quality of life of all local residents; and

WHEREAS, during his tenure as sheriff, Ronnie Crockett ably adapted to considerable growth and change in the county; he ensured that the officers and staff of the Lancaster County Sheriff's Office received cutting-edge training and technology to keep themselves and the residents of the county safe; and

WHEREAS, Ronnie Crockett built strong relationships with county administrators, the board of supervisors, other local organizations, and citizens to ensure that the Lancaster County Sheriff's Office was best prepared to serve the public; highly respected in the law-enforcement field, he served as president of the Virginia Sheriffs' Association in 2002 and 2003; and

WHEREAS, cultivating a longstanding sense of trust with the members of the community, Ronnie Crockett never lost an election and proudly became the second-longest-serving sheriff in the Commonwealth; and

WHEREAS, Ronnie Crockett safeguarded the lives and property of his fellow residents as a life member of the White Stone Volunteer Fire Department; during his 26-year career, he served as treasurer for 10 years and president for two years; and

WHEREAS, a charter member of the local Kiwanis Club, Ronnie Crockett is a past president and former board member of the organization, with which he remains active; he is a past master of Lancaster Union No. 88 Masonic Lodge and former board member of the Lancaster Lions Club; and

WHEREAS, Ronnie Crockett also worked to strengthen and enhance the community as a board member of Court Appointed Special Advocates, former board member of Chesapeake Academy and the local Boys and Girls Club, and a coach and umpire for Little League baseball; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ronnie D. Crockett on the occasion of his retirement as Sheriff of Lancaster County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ronnie D. Crockett as an expression of the General Assembly's admiration for his diligent service to the Commonwealth and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 165

Commending Kenny Eades.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Kenny Eades, a dedicated public servant in Northumberland County who worked to enhance the quality of life of his fellow residents, retired as a county administrator in 2015 after 37 years of public service; and

WHEREAS, a native of West Virginia, Kenny Eades and his family moved to the Commonwealth when he was young; he was reared in Northumberland County and later attended James Madison University; and

WHEREAS, Kenny Eades began working for Northumberland County in 1978 as recreation director; during the course of his career, he served as zoning administrator and as an assistant county administrator before becoming county administrator in 2000; and

WHEREAS, under Kenny Eades's leadership, Northumberland County maintained much of its rural charm while strengthening and enhancing critical infrastructure to better serve all local residents; the county completed several new schools, a new courthouse, and a new sheriff's office; and

WHEREAS, Kenny Eades counts the construction of the joint Northumberland Middle School and Northumberland High School complex among his significant achievements as county administrator; he also worked diligently to increase Internet access throughout the county; and

WHEREAS, witnessing numerous changes in the way state, local, and federal governments interact during his tenure, Kenny Eades worked to ensure that staff members and public employees never lost sight of the importance of their commitment to county residents; and

WHEREAS, after his well-earned retirement, Kenny Eades plans to spend more time with his wife, Sue, and their grown children and grandchildren and seek out new ways to serve the community in his beloved Northumberland County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kenny Eades on the occasion of his retirement as county administrator of Northumberland County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenny Eades as an expression of the General Assembly's admiration for his service to the residents of Northumberland County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 166

Commending the Reverend Leon Webster Baylor, Sr.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the Reverend Leon Webster Baylor, Sr., a spiritual leader, educator, and respected member of the Northern Neck community, celebrated his 100th birthday on October 21, 2015; and

WHEREAS, a native of Philadelphia, Leon Baylor was reared in King William County; as a child of the Great Depression, he learned the value of hard work at a young age and worked to support himself through college; and

WHEREAS, after graduating from Virginia Union University, where he became a proud member of Phi Beta Sigma service fraternity, Leon Baylor answered his calling to serve the community through ministry; and

WHEREAS, Leon Baylor pastored five churches throughout the Northern Neck, and he remained an active leader in the faith community even after his retirement, serving as president of the Northern Neck Baptist Association Ministers' Conference and as an interim pastor when called upon; and

WHEREAS, Leon Baylor imparted his passion for lifelong learning to youth as a teacher at schools in the Northern Neck, Herndon, and Baltimore, Maryland; he also served as supervisor of boys at the Virginia State School for Colored Deaf and Blind Children in Newport News; and

WHEREAS, seeking to further enhance the quality of life of his fellow community members, Leon Baylor sat on the advisory board of the Education/Literacy Program of Richmond County and supported the Richmond County Volunteer Rescue Squad; and

WHEREAS, Leon Baylor and his wife, Elsie, have been married for 44 years and are the proud and loving parents of five children, 10 grandchildren, and eight great-grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Leon Webster Baylor, Sr., on the occasion of his 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Leon Webster Baylor, Sr., as an expression of the General Assembly's admiration for his spiritual leadership and dedicated service to the residents of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 167

Commending Chuck Wilkins.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Chuck Wilkins, a respected public servant who worked diligently to serve and protect his fellow Northumberland County residents, retired as Sheriff of Northumberland County in 2015; and

WHEREAS, Chuck Wilkins joined the Northumberland County Sheriff's Office as a deputy and dispatcher, and over the course of his 32-year career, he rose through the ranks to become a lieutenant, captain, and sheriff; he is also a life member of the Callao Volunteer Fire Department and Callao Rescue Squad; and

WHEREAS, serving as sheriff since 2008, Chuck Wilkins helped the Northumberland County Sheriff's Office succeed in its mission to enforce the law fairly, deter and prevent crime, and apprehend criminals; he has displayed exceptional care for the members of the community and has delivered three babies in the course of his duties as a first responder; and

WHEREAS, Chuck Wilkins helped provide the Northumberland County Sheriff's Office with the highest quality tools, training, and techniques to safeguard the lives and property of community members, such as a new Live Scan system for obtaining and transmitting fingerprints digitally; and

WHEREAS, during his second term as sheriff, Chuck Wilkins initiated construction of a new building for the Northumberland County Sheriff's Office and worked hard to ensure that it was completed before his retirement; and

WHEREAS, emphasizing a high degree of professionalism, Chuck Wilkins encouraged officers and staff of the Northumberland County Sheriff's Office to complete extensive cross-training, allowing the members of the office to serve in multiple capacities and ensure efficient service to the public; and

WHEREAS, Chuck Wilkins built strong relationships with local businesses, organizations, and citizens, fostering trust, cooperation, and respect to strengthen and enhance the community; and

WHEREAS, after his well-earned retirement, Chuck Wilkins plans to seek new opportunities to serve his fellow Northumberland County residents and spend time with his wife of more than 30 years and their two grown children; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chuck Wilkins on the occasion of his retirement as Sheriff of Northumberland County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chuck Wilkins as an expression of the General Assembly's admiration for his dedicated service to the residents of Northumberland County and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 168

Commending Joe Grzeika.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, after more than 20 years of diligent service to the community, Joe Grzeika retired as a member of the King George County Board of Supervisors in 2015; and

WHEREAS, a native of Connecticut, Joe Grzeika served his country with the United States Navy; he was stationed at Naval Surface Warfare Center Dahlgren Division in 1977, then relocated to the area permanently in 1980; and

WHEREAS, Joe Grzeika holds a bachelor's degree from the University of Mary Washington and is the founder and president of Joetech, LLC, a defense contracting and management consulting business in Dahlgren; and

WHEREAS, desirous to be of further service to the community, Joe Grzeika joined the King George County Planning Commission, where he served for three and a half years and became chair; he was elected as a county supervisor in 1995; and

WHEREAS, with his attention to detail, willingness to see both sides of an issue, and straightforward leadership style, Joe Grzeika helped strengthen and enhance the county by upgrading infrastructure and supporting sound fiscal practices; and

WHEREAS, during Joe Grzeika's tenure as a supervisor, the county completed several new schools, upgraded fire and rescue services to better safeguard the growing community, built a new facility for the sheriff's department, expanded the library, revitalized public parks, and consolidated sewer and water services into an efficient stand-alone enterprise; and

WHEREAS, Joe Grzeika and the King George County Board of Supervisors completed all of these enhancements without significant tax increases and earned a prestigious AA+ bond rating from Standard & Poor's financial rating service; and

WHEREAS, deeply respected throughout the region, Joe Grzeika has offered his leadership and expertise to the Fredericksburg Regional Alliance, Rappahannock River Basin Commission, George Washington Regional Commission, Rappahannock Regional Jail Authority, Rappahannock Economic Development Corporation, Fredericksburg Regional Chamber of Commerce Military Affairs Council, and Rappahannock United Way; and

WHEREAS, in November 2015, Joe Grzeika earned the American Patriot Award from Naval Support Activity South Potomac, which recognized his passionate advocacy for the base community and tireless support for its missions and activities; and

WHEREAS, Joe Grzeika plans to enjoy his retirement by spending time with his wife of 44 years, Anita, and their family, as well as finding new ways to serve and support the community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joe Grzeika on the occasion of his retirement as a member of the King George County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Grzeika as an expression of the General Assembly's admiration for his dedicated public service and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 169

Designating May through October, in 2016 and in each succeeding year, as Virginia Barbecue Season.

Agreed to by the House of Delegates, January 26, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, pull tender, mouthwatering, and delicious southern barbecue has a long and illustrious history in Virginia, having first been cooked in the early 17th century through a collaboration between European colonists, Virginia's Native Americans, and African Americans; and

WHEREAS, those early Virginians worked together to produce the gift of barbecue, which would become known as one of the "ancient and honorable institutions of Virginia"; and

WHEREAS, beginning in May of each year, early Virginians entertained family and friends with barbecues and nearly every Saturday there would be a barbecue somewhere in each county until frost arrived in October; and

WHEREAS, President James Madison, Father of the Constitution, was known to have a well-used Virginia barbecue pit on his south lawn where he entertained guests, and President George Washington, the Father of our Country, was very fond of old Virginia barbecue; and

WHEREAS, these facts demonstrate that barbecue is "essential to any public celebration among the descendants of the Ancient Dominion"; and

WHEREAS, Virginians across the Commonwealth still enjoy barbecue to this day on many occasions; and

WHEREAS, Virginia barbecue restaurants, eateries, and pit masters have been recognized around the world for their culinary barbecue creations; and

WHEREAS, Virginia barbecue is important to state tourism and the economy; and

WHEREAS, the people of the Commonwealth extend its famous Old Dominion hospitality and invite everyone to enjoy delicious Virginia barbecue; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate May through October, in 2016 and in each succeeding year, as Virginia Barbecue Season; and, be it

RESOLVED FURTHER, That barbecue lovers are encouraged to celebrate Virginia Barbecue Season by enjoying their favorite barbecue and barbecue establishments throughout the Commonwealth are encouraged to participate in the celebration of Virginia Barbecue Season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Eric Terry, president of the Virginia Restaurant, Lodging, and Travel Association, and Rita D. McClenny, president and CEO of the Virginia Tourism Corporation, so that members of the Virginia Restaurant, Lodging, and Travel Association and the Virginia Tourism Corporation may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this declaration and season on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 170

Celebrating the life of James E. Hargrave.

Agreed to by the House of Delegates, January 21, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, James E. Hargrave, while practicing as a professional accountant for over a half-century, including several decades for the Richmond, Fredericksburg, and Potomac (RF&P) Railroad, made time to serve his community as a volunteer rescue squad member; and

WHEREAS, James "Jim" E. Hargrave volunteered his services to the Forest View Volunteer Rescue Squad in September 1967; and

WHEREAS, Jim Hargrave served his community's rescue squad in numerous positions, including as president during 1974-1975, as treasurer for nine terms, as a member of the Ambulance Committee, and as instructor of the Emergency Medical Technician Course; and

WHEREAS, Jim Hargrave was also a member of the Forest View Volunteer Rescue Squad's First Aid Competition Team that in 1969 earned the first-place ranking among numerous teams from across the Commonwealth and which also earned first-place rankings in several similar competitions; and

WHEREAS, in September 1979, Jim Hargrave was elected treasurer of the Virginia Association of Volunteer Rescue Squads, subsequently held that office for four terms, and served, too, as a member and chair of the Association's finance committee; and

WHEREAS, Jim Hargrave for several years taught the Rescue Squad Management Class at the Virginia Association of Volunteer Rescue Squads annual Rescue College; and

WHEREAS, in September 1985, Jim Hargrave was elected a life member of the Virginia Association of Volunteer Rescue Squads at the organization's annual convention; and

WHEREAS, for both his professional accomplishments and contributions to his community Jim Hargrave has established a legacy of service that will remain as an enduring example to his family, friends, and fellow citizens; and

WHEREAS, Jim Hargrave passed away on December 6, 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James E. Hargrave, an exemplary volunteer who dedicated a lifetime of service to the people of Central Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James E. Hargrave as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 172

Celebrating the life of Caroline Jean Stalker.

Agreed to by the House of Delegates, January 21, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Caroline Jean Stalker, a respected attorney who ably served the Commonwealth on the staff of the Division of Legislative Services and the Department of Motor Vehicles and a beloved member of the Richmond community, died on December 31, 2015; and

WHEREAS, born in Glasgow, Scotland, Caroline Stalker moved to the Commonwealth with her family at a young age and attended St. Catherine's School in Richmond; she received a bachelor's degree from Washington and Lee University and was a member of the university's first women's varsity basketball team; and

WHEREAS, Caroline Stalker worked for a nonprofit organization in Washington, D.C., then pursued a law degree from Wake Forest University, where she was selected for Law Review; she served as a court clerk in Virginia Beach, then returned to Richmond as a staff attorney for McGuireWoods LLP; and

WHEREAS, Caroline Stalker began her career in state government with the Division of Legislative Services, where she staffed the House and Senate Committees on Transportation, then joined the Department of Motor Vehicles, where she continued working on transportation policy issues; and

WHEREAS, returning to the Division of Legislative Services, Caroline Stalker staffed the House Courts of Justice Committee; she earned the admiration of both legislators and her peers for her attention to detail, work ethic, humility, and quick wit; and

WHEREAS, a champion for animals in need, Caroline Stalker volunteered her time to rescue animals from high-kill shelters and transport them to adoption organizations; her compassion was evident in her unyielding devotion to giving animals a second chance at finding a loving home; and

WHEREAS, predeceased by her father, Dr. Campbell Grieve Stalker, Caroline Stalker will be fondly remembered and greatly missed by her mother, Ursula; brother, Stephen, and his family; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Caroline Jean Stalker, a respected state government professional who spread joy to others in the Richmond community through her compassion and grace; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Caroline Jean Stalker as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 173

Williamsburg Session.

Agreed to by the House of Delegates, January 18, 2016

Agreed to by the Senate, January 19, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the invitation of Colonial Williamsburg to use the Colonial Capitol in the City of Williamsburg be accepted, and that the sessions of the Senate and the House of Delegates on January 30, 2016, be held in the Colonial Capitol at Williamsburg.

HOUSE JOINT RESOLUTION NO. 174*Commending Robert R. Lindgren.*

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Robert R. Lindgren, a proud native of Muskegon, Michigan, came to Ashland to lead Randolph-Macon College as its 15th president on February 1, 2006, and the college community celebrates his 10th year of providing extraordinary leadership in 2016; and

WHEREAS, President Lindgren arrived at Randolph-Macon College having served in leadership positions at The Johns Hopkins Institutions, where as vice president for development and alumni relations, he led two of the largest fundraising campaigns—raising billions of dollars—in American higher education history, and at the University of Florida and the University of Florida School of Law, where he also led major capital campaigns raising hundreds of millions of dollars; and

WHEREAS, President Lindgren interacted with students, faculty, alumni, and friends of Randolph-Macon College in an enthusiastic and genuine fashion that led to an instant reinvigoration of the spirit of those groups and the entire college community; and

WHEREAS, President Lindgren, upon arriving in Ashland, immediately engaged the Virginia government, business, civic, and academic communities; he was recruited for service on Governor Robert F. McDonnell's Higher Education Commission, represented Virginia's independent colleges and universities on the Commonwealth's Higher Education Advisory Committee, and served on the boards of the World Affairs Council, the Richmond Forum, and the Virginia Foundation for Independent Colleges; and

WHEREAS, President Lindgren provides distinguished service on the board of the Council of Independent Colleges in Virginia and on the executive committee of the Annapolis Group, a prestigious organization comprising more than 130 national liberal arts colleges across the United States; and

WHEREAS, President Lindgren led efforts to establish a new Randolph-Macon College 2009-2017 strategic plan, "Now is the Time: Expanding Our Tradition of Excellence," focusing on the college's academics, facilities, and campus life, and underscoring the college's mission of developing the minds and character of its students; and

WHEREAS, President Lindgren and his team's execution of the strategic plan has led to 35 percent new-student enrollment growth, resulting in the largest incoming classes in the college's 185-year history; and

WHEREAS, President Lindgren and his team have increased alumni giving, achieving an extraordinary 40 percent alumni participation in 2015, ranking Randolph-Macon College among the most select colleges and universities in the United States to achieve such a charitable giving level; and

WHEREAS, President Lindgren launched an unprecedented \$100 million capital campaign, which met its goal 19 months early and at its conclusion reached nearly \$123 million; the campaign led to the renovation of Fox Hall, Haley Hall, Smithey Hall, and the Copley Science Center, and the construction of Brock Commons, Andrews Hall, Birdsong Hall, the Banks Tennis Center, the John B. Werner addition at McGraw-Page Library, and Hugh Stephens Field at Estes Park and the reconstruction of Day Field; and

WHEREAS, President Lindgren has led efforts to cap off this historic capital campaign by planning construction of a new science building to benefit Randolph-Macon College's growing emphasis on science and health; and

WHEREAS, in recognition of President Lindgren's extraordinary contributions to American higher education and his transformational presidency at Randolph-Macon College, the University of Florida, his alma mater, awarded him an honorary Doctor of Education degree in 2012; and

WHEREAS, all that President Lindgren has accomplished in his 10 years as president of Randolph-Macon College has been done with the support of his wife, Cheryl; sons, Jim and Greg; and daughter, Andrea; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert R. Lindgren on the occasion of his 10th anniversary as president of Randolph-Macon College; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert R. Lindgren, the extraordinary president of Randolph-Macon College, one of Virginia's most historic liberal arts institutions, as an expression of the General Assembly's admiration for his contributions to the field of education and best wishes for continued success.

HOUSE JOINT RESOLUTION NO. 175*Commending Anthony Willie Artis.*

Agreed to by the House of Delegates, January 19, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Anthony Willie Artis, who has faithfully served the people of Emporia and Greensville County as a law-enforcement professional for 25 years, and who has made many valuable contributions to the community, retired as an officer of the Emporia Police Department on December 31, 2015; and

WHEREAS, a native of Franklin and one of 20 children, Anthony Artis graduated from Windsor High School and the P. D. Pruden Vocational Technical Center, now known as the Pruden Center for Industry & Technology; he earned a degree from Richard Bland College and also attended Crater Criminal Justice Training Academy; and

WHEREAS, before entering law enforcement, Anthony Artis studied carpentry under his uncle's tutelage; he also was a school bus driver, a first-class welder for Newport News Shipbuilding, and worked at a skating rink; and

WHEREAS, Anthony Artis has been a dedicated public servant for many years; his criminal justice career began in 1990 at the Greensville Correctional Center, and in 1997 he joined the Emporia Police Department, where he diligently served and protected the people of the Southside Virginia city; and

WHEREAS, during his career with the Emporia Police Department, Anthony Artis assumed many responsibilities; he was a field training officer, general instructor, and tactical baton instructor, and in 2003, he was promoted to sergeant; and

WHEREAS, Anthony Artis has received accolades as a law-enforcement professional, including several awards for heroic acts and for fostering good relations between the Emporia Police Department and the public; and

WHEREAS, in 2014, Anthony Artis successfully completed a police motorcycle operator training program; he has always loved being around vehicles—earlier in his career, he was a commercial bus driver and a truck driver; and

WHEREAS, in 2005, Anthony Artis parlayed his love of driving into a successful business, when he followed his lifelong dream and started Right Road Express, Inc.; the company, which has been recognized for its excellent operating performance, recently celebrated its 10th anniversary; and

WHEREAS, Anthony Artis belongs to the Fraternal Order of Police, the Virginia Motorcoach Association, and the United Motorcoach Association, and he served as the road captain for the All About Family Motorcycle Club; and

WHEREAS, Anthony Artis and his wife, Sylvia, have six children; he is a man of deep-rooted faith and belongs to Antioch Missionary Baptist Church, where he serves as minister of music, and he directs the 75th District Choir, founded by Delegate Roslyn Tyler; he also founded the A.W.A. Ensemble and belongs to two gospel choirs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Anthony Willie Artis on the occasion of his retirement from the Emporia Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anthony Willie Artis as an expression of the General Assembly's admiration and congratulations for his many years of dedicated service and his numerous contributions to the community.

HOUSE JOINT RESOLUTION NO. 176

Commending Pete Talley.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Pete Talley of Montpelier has served his community with distinction and bravery since he was 12 years old as a member of the Montpelier Volunteer Fire Company; and

WHEREAS, as a young volunteer with the company, Pete Talley lived five miles from the Montpelier fire station; he now lives much closer to the firehouse on Mountain Road and is proud of his lifelong ties to the volunteer department and the close-knit Montpelier community in Hanover County; and

WHEREAS, as a longtime volunteer firefighter with Hanover County, Pete Talley remembers when the members had to raise the funds needed to support the fire station and purchase equipment; when he was younger, firefighters had only basic equipment and often had limited protection when they handled emergencies; and

WHEREAS, Pete Talley is grateful for the opportunity he has been given to protect and serve; in addition to his lengthy service as a member of the Montpelier Volunteer Fire Company, he was a battalion chief for the Henrico County Division of Fire; and

WHEREAS, Pete Talley also ably served the Commonwealth as a hazardous materials specialist, and he was an adjunct instructor for the Virginia Department of Fire Programs, where he drew from his experience and expertise to train younger generations of firefighters; and

WHEREAS, reflecting on a life of service to his community, Pete Talley is glad that he was able to help protect the people of Hanover and Henrico Counties in a job that he had wanted to do since he was a boy; and

WHEREAS, Pete Talley acknowledges that a career as a firefighter can be challenging and dangerous; the intense camaraderie makes the work rewarding, and the stories of firefighters working together and supporting each other become lessons that are passed down to younger members; and

WHEREAS, Pete Talley has seen how an accident or fire can change a person's life in an instant, and he has devoted his life to helping prevent such mishaps and to teaching other firefighters the skills needed to protect the public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pete Talley, a longtime member of the Montpelier Volunteer Fire Company, on the occasion of his retirement and for his many years of dedicated service to the people of Hanover County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pete Talley as an expression of the General Assembly's respect and admiration and best wishes in the future.

HOUSE JOINT RESOLUTION NO. 177

Expressing the sense of the General Assembly in condemning the anti-Israel Boycott, Divestment, and Sanctions movement and its activities in Virginia, as its agenda is inherently antithetical and deeply damaging to the cause of peace, justice, equality, democracy, and human rights for all peoples in the Middle East.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 8, 2016

WHEREAS, the State of Israel and the United States are allies sharing a common bond rooted in the values of freedom, democracy, and equal rights; and

WHEREAS, the Commonwealth of Virginia and the State of Israel have a long history of friendship based on economic, cultural, intellectual, and political cooperation and exchange; and

WHEREAS, the Commonwealth of Virginia has long worked with and recognized Israel's right to exist and continued friendship with the United States; and

WHEREAS, the Boycott, Divestment, and Sanctions (BDS) movement is one of the main vehicles advocating for policies leading to the dissolution of Israel as a Jewish and democratic state and has sought to hijack social, political, religious, academic, cultural, and economic platforms to discriminatorily isolate Israel within the international community; and

WHEREAS, BDS activists promote a biased and divisive approach to the complex Israeli-Palestinian conflict and present this dispute as the fault of only one party—Israel—and advocate unconstructive and divisive actions directed at blaming and pressuring Israel; and

WHEREAS, anti-Israel activities have increased in communities nationwide, including in the Commonwealth of Virginia, on university campuses, in academic and professional associations, in church movements, in the cultural sector, and in other areas; and

WHEREAS, calls for academic boycotts against Israeli academic institutions have been condemned by many of our nation's largest academic associations, more than 250 university presidents, and many other leading scholars as a violation of the bedrock principle of academic freedom; and

WHEREAS, Virginia's elected representatives recognize that punitive economic measures targeting Israel do not contribute to the creation of an atmosphere of economic cooperation and political reconciliation between Israelis and Palestinians, which is a necessary foundation for a lasting peace in the Middle East; and

WHEREAS, Virginia's elected representatives affirm that both Israelis and Palestinians have the right to live in their own safe and secure states, free from fear and violence, with mutual recognition, trade, and normalization; and

WHEREAS, the Commonwealth of Virginia recognizes the 68th anniversary of the Declaration of the Establishment of the State of Israel by David Ben Gurion on May 14, 1948, the day that the British Mandate expired, which was recognized that same night by the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly condemn the international Boycott, Divestment, and Sanctions movement and its activities in Virginia, as its agenda is inherently antithetical and deeply damaging to the causes of peace, justice, equality, democracy, and human rights for all peoples in the Middle East; and, be it

RESOLVED FURTHER, That the members of the General Assembly consider the international Boycott, Divestment, and Sanctions movement as seeking to undermine efforts to achieve a negotiated two-state solution and the right of Israelis and Palestinians to self-determination; and, be it

RESOLVED FURTHER, That the Commonwealth of Virginia recognize the importance of trade and commercial relations to the pursuit and sustainability of peace and support efforts to bring together the United States, the State of Israel, and the Palestinian Authority in an enhanced commercial relationship for the betterment of the region; and, be it

RESOLVED FURTHER, That the members of the General Assembly reaffirm their support for the State of Israel and oppose all attempts to economically and politically isolate Israel within the international arena, including promotion of economic, cultural, and academic boycotts, and all efforts to assault the legitimacy of the State of Israel as the sovereign homeland of the Jewish people; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit a copy of this resolution to Ralph Robbins, executive director of the Virginia-Israel Advisory Board, Stephen M. Greenberg, chairman of the Conference of Presidents of Major American Jewish Organizations, and Richard V. Sandler, chairman of the Jewish Federations of North America Board of Trustees, requesting that they further disseminate copies of this resolution to their respective constituents so that they may be apprised of the sense of the General Assembly of Virginia in this matter.

HOUSE JOINT RESOLUTION NO. 178

Election of a Court of Appeals of Virginia Judge, Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, a member of the State Corporation Commission, and a member of the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 19, 2016

Agreed to by the Senate, January 21, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed this day To the election of a Court of Appeals of Virginia judge for a term of eight years commencing April 16, 2016.

To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the First Judicial Circuit, term commencing May 1, 2016.

One judge for the First Judicial Circuit, term commencing May 1, 2016.

One judge for the Second Judicial Circuit, term commencing March 16, 2016.

One judge for the Tenth Judicial Circuit, term commencing April 1, 2016.

One judge for the Fourteenth Judicial Circuit, term commencing February 1, 2016.

One judge for the Fifteenth Judicial Circuit, term commencing May 1, 2016.

One judge for the Fifteenth Judicial Circuit, term commencing May 1, 2016.

One judge for the Sixteenth Judicial Circuit, term commencing April 1, 2016.

One judge for the Eighteenth Judicial Circuit, term commencing May 1, 2016.

One judge for the Nineteenth Judicial Circuit, term commencing February 1, 2016.

One judge for the Nineteenth Judicial Circuit, term commencing January 16, 2016.

One judge for the Twentieth Judicial Circuit, term commencing July 1, 2016.

One judge for the Twenty-fourth Judicial Circuit, term commencing June 1, 2016.

One judge for the Twenty-fifth Judicial Circuit, term commencing May 1, 2016.

One judge for the Twenty-sixth Judicial Circuit, term commencing August 1, 2016.

One judge for the Twenty-sixth Judicial Circuit, term commencing May 1, 2016.

One judge for the Twenty-seventh Judicial Circuit, term commencing July 1, 2016.

One judge for the Twenty-ninth Judicial Circuit, term commencing May 1, 2016.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for the Second Judicial District, term commencing April 1, 2016.

One judge for the Second Judicial District, term commencing June 1, 2016.

One judge for the Third Judicial District, term commencing February 1, 2016.

One judge for the Third Judicial District, term commencing February 1, 2016.

One judge for the Tenth Judicial District, term commencing April 16, 2016.

One judge for the Tenth Judicial District, term commencing February 1, 2016.

One judge for the Thirteenth Judicial District, term commencing July 1, 2016.

One judge for the Eighteenth Judicial District, term commencing February 1, 2016.

One judge for the Nineteenth Judicial District, term commencing May 1, 2016.

One judge for the Twenty-fifth Judicial District, term commencing July 1, 2016.

One judge for the Twenty-seventh Judicial District, term commencing May 1, 2016.

To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:

One judge for the Second Judicial District, term commencing May 1, 2016.

One judge for the Fourth Judicial District, term commencing February 1, 2016.

One judge for the Seventh Judicial District, term commencing February 1, 2016.

One judge for the Ninth Judicial District, term commencing February 1, 2016.

One judge for the Tenth Judicial District, term commencing April 1, 2016.

One judge for the Twelfth Judicial District, term commencing February 1, 2016.

One judge for the Fourteenth Judicial District, term commencing May 1, 2016.

One judge for the Seventeenth Judicial District, term commencing March 16, 2016.

One judge for the Twenty-second Judicial District, term commencing July 1, 2016.

One judge for the Twenty-fourth Judicial District, term commencing February 1, 2016.

One judge for the Twenty-sixth Judicial District, term commencing May 1, 2016.

One judge for the Thirty-first Judicial District, term commencing February 1, 2016.

To the election of a member of the State Corporation Commission for a term of six years commencing February 1, 2016.

To the election of a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2016.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house

in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 179

Commending Joe Elton.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, it is not uncommon for a gifted individual to discover his vocation only after detours and even defeats within the personal and professional pilgrimages of life; and

WHEREAS, Joe Elton was summoned to Virginia three decades ago, from the Commonwealth's former territory now constituting the State of Ohio, to assume leadership of one of the two principal political parties comprised of Virginian citizens; and

WHEREAS, in August 1994, Joe Elton was named the sixth director of Virginia State Parks, a system established on June 15, 1936, and built during the Great Depression by the federal Civilian Conservation Corps; and

WHEREAS, during Joe Elton's 21-year tenure as Director of Virginia State Parks, the system's programs and facilities have earned national recognition and the Gold Medal Award among all such programs in the Union "for excellence in parks and recreation management" from the National Recreation and Park Association; and

WHEREAS, Joe Elton has overseen the most dynamic growth and development in the history of Virginia State Parks, which now number 36 operating state parks—with six new parks in planning or development stages; and

WHEREAS, as director Joe Elton led efforts to form such advocacy groups as the Virginia Association for Parks, conceived and developed the Virginia Youth Conservation Corps, served from 2009 through 2011 as leader of the National Association of State Parks Directors, and served, too, as a founding member and president of the American State Parks Foundation; and

WHEREAS, for these endeavors and many other achievements Joe Elton in 2012 was presented the Distinguished Service Award of the Society of Recreation Professionals and the Lifetime Achievement Award of the National Association of Outdoor Recreation Liaison Officers; and

WHEREAS, Joe Elton is a graduate of Ohio State University and of the Commonwealth Management Institute and the Virginia Executive Institute, both within the Wilder School of Government and Public Affairs at Virginia Commonwealth University; and

WHEREAS, Joe Elton has served Virginia, too, as a Commissioner on the Governor's Commission on Citizen Empowerment, for which, at the behest of Governor George Allen in 1994, he wrote the report that is not only the foundation for welfare reform within the Commonwealth but a model adopted by many States of the Union; and

WHEREAS, Joe Elton will retire from public service on March 1, 2016, as Deputy Director of Operations for the Commonwealth's Department of Conservation and Recreation; and

WHEREAS, Joe Elton in his many endeavors has blessed Virginians and citizens of many other states with memorable experiences of the natural wonders and resources that are one of the bountiful blessings of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joe Elton for his exemplary service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Elton, a resident of Powhatan County, as an expression of the General Assembly's admiration for his long and faithful stewardship of the renowned Virginia State Parks.

HOUSE JOINT RESOLUTION NO. 180

Celebrating the life of H. William Greenup.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, H. William Greenup, a patriotic veteran and dedicated public servant who worked to strengthen the Fredericksburg community as a former mayor and city council member, died on May 8, 2015; and

WHEREAS, a native of Ohio, H. William "Bill" Greenup graduated from Brookside High School and attended Ohio State University, where he was a member of the university's first lacrosse team, and the University of Oklahoma; and

WHEREAS, Bill Greenup relocated to Fredericksburg in 1958 as a member of the United States Marine Corps; he later retired as director of the Alfred M. Gray Marine Corps Research Center and served in the United States Marine Corps Reserve, where he achieved the rank of colonel; and

WHEREAS, desirous to be of further service to his fellow residents, Bill Greenup ran for and was elected to the Fredericksburg City Council, where he guided the city through periods of growth and change from 1988 to 1996 as a council member and from 1996 to 2000 as mayor; and

WHEREAS, over the course of his 12-year career in local government, Bill Greenup helped facilitate the city's entry in to the Potomac and Rappahannock Transportation Commission and proudly helped bring the Virginia Railway Express to Fredericksburg; he earned a reputation as an attentive, professional, and fair leader; and

WHEREAS, Bill Greenup also volunteered his time and wise leadership with the Central Rappahannock Regional Library Board, the Fredericksburg Area Museum and Cultural Center, and the Fredericksburg City School Board; he enjoyed fellowship and worship with the community as a longtime member of St. George's Episcopal Church; and

WHEREAS, predeceased by his beloved wife of more than 55 years, Mary, Bill Greenup will be fondly remembered and greatly missed by his daughters, Elizabeth and Mary, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of H. William Greenup, a respected veteran and public servant in Fredericksburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of H. William Greenup as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 181

Designating the Norfolk & Western Railway Class J 611 as the official steam locomotive of Virginia.

Agreed to by the House of Delegates, February 1, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, the Class J 611, one of 14 passenger locomotives built for the Norfolk & Western Railway between 1941 and 1950, is the only Class J still in existence; and

WHEREAS, the Class J 611 emerged from the Roanoke East End Shops on May 29, 1950, at a cost of \$251,544; the train was the most powerful passenger steam locomotive ever built, operating at 300 psi with a tractive effort of 80,000 pounds; and

WHEREAS, the simple lines, bullet nose, and Tuscan red stripe of the Class J 611 made this steam locomotive one of the most beautiful ever designed; the Class J 611 could pull 15 cars at 110 mph and was the pride of the Norfolk & Western Railway; this class of steam locomotives powered such famous passenger trains as the Powhatan Arrow, Cavalier, and Pocahontas between Cincinnati, Ohio, and Norfolk and between Monroe, North Carolina, and Bristol, Tennessee; and

WHEREAS, the Class J 611 also pulled the Tennessean, the Pelican, and the Birmingham Special between Monroe, Virginia, Bristol, Tennessee, and Bristol, Virginia; and

WHEREAS, the Class J 611 averaged 15,000 miles per month, and some of the steam locomotives in this class had traveled nearly three million miles by the time they were retired in 1959; after passenger service was dieselized in 1957, some steam locomotives were used in freight service; and

WHEREAS, the Class J 611, together with the Class A and Y freight engines, represented the ingenuity of the Norfolk & Western Railway engineers and the high point of steam technology; the use of roller bearings on the driver and tender axles provided a smoother ride and quicker acceleration, and more than 200 moving parts were lubricated by a mechanized system, cutting down time to service the engine; and

WHEREAS, on January 23, 1956, the Class J 611 derailed along the Tug River near Cedar, West Virginia, and made its final regular run from Bluefield, West Virginia, to Roanoke in October 1959; the train was returned to the shops in Roanoke and completely restored; and

WHEREAS, due to rising operating costs, Norfolk & Western Railway switched to diesel locomotives in 1957; however, the Class J 611 was selected to pull the company's "farewell to steam" excursions in October 1959; and

WHEREAS, several persons, including famed Norfolk & Western photographer O. Winston Link and Roanoke natives Graham Claytor and Robert Claytor, requested that company president Stuart Saunders save the Class J 611 from destruction, to which he agreed; the train was donated to the Roanoke Transportation Museum, now known as the Virginia Museum of Transportation, for static display, where it sat outside in the elements waiting for the chance to steam again; and

WHEREAS, in 1981, Norfolk Southern Railway president Robert Claytor sent the train to the Norris Steam Shop in Birmingham, Alabama, where it became the star of the Norfolk Southern steam program and pulled excursions throughout the eastern United States, traveling as far south as Florida, north to New York, and west to Chicago; and

WHEREAS, the Class J 611 traveled the main lines for 12 years, re-creating the golden age of American railroading and inspiring a new generation of steam locomotive fans; the Norfolk Southern Railway's new "21st Century Steam" program brought steam trains back to the main line for employee specials and public excursions; however, the excursion program was ended in 1994 and the Class J 611 was returned to Roanoke to serve as a static display; and

WHEREAS, in 2013, the Virginia Museum of Transportation announced the "Fire Up 611!" initiative to determine the feasibility of returning the train to excursion service; thousands of dollars in donations were received to restore the "Queen of Steam," and the Norfolk & Western Class J 611 has returned under her own steam to the Virginia Museum of Transportation and is on display in the Rail Yard, home of the largest concentration of rail stock in the state; and

WHEREAS, the Class J 611 serves as a mobile ambassador for the Virginia Museum of Transportation to captivate, educate, and inspire visitors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the Norfolk & Western Railway Class J 611 as the official steam locomotive of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Beverly T. Fitzpatrick, Jr., executive director of the Virginia Museum of Transportation, so that members of the Museum may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of the Norfolk & Western Railway Class J 611 as the official steam locomotive of Virginia on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 182

Commending Keena Schuler Wood.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Keena Schuler Wood of Lynchburg, an exceptional athlete who set multiple records in track and field at Broadway High School, was inducted into the Virginia High School Sports Hall of Fame with the Class of 2015; and

WHEREAS, over the course of her four years at Broadway High School, Keena Wood earned 21 individual indoor and outdoor track and field state titles; she won championships in the indoor 55-meter, 300-meter, and 500-meter events and the outdoor 100-meter, 200-meter, and 400-meter events; and

WHEREAS, Keena Wood led Broadway High School to a runner-up finish in the 1995 state championship meet, scoring all 30 of the team's points; in 1997, she was named an All-American for her seventh-place finish in the 100-meter event at a national championship; and

WHEREAS, earning national accolades for her incredible talent, Keena Wood was chosen to represent the Commonwealth in a sports exchange program in Russia in 1994, and she was ranked as the top athlete in the 300-meter run by *Track & Field* in 1996; and

WHEREAS, Keena Wood earned a Division I scholarship to the University of Colorado, where she became a hurdler; she ranked fourth in the Big 12 Conference in the 400-meter hurdles during her junior and senior years and was a member of a championship distance medley team; and

WHEREAS, after college, Keena Wood worked to inspire young student-athletes as an assistant coach at Heritage High School in Lynchburg; she has imparted her love of running to her children, Ryleigh and Coleman; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Keena Schuler Wood on the occasion of her induction into the Virginia High School Sports Hall of Fame in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Keena Schuler Wood as an expression of the General Assembly's admiration for her many achievements.

HOUSE JOINT RESOLUTION NO. 183

Commending Saunders Brothers, Inc.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, in 2015, Saunders Brothers, Inc., a well-regarded and popular orchard, wholesale nursery, and farm market in Piney River, celebrated 100 years as a successful family-run business in Nelson County; and

WHEREAS, the company was started in 1915 by five brothers, Sam, Dick, Doc, William, and Massie Saunders; as young boys they worked as a team and pooled the money they made from selling rabbits and working in farm fields, forming a family partnership; and

WHEREAS, the Saunders brothers worked hard in the first years of the company's existence, maintaining and cultivating farm land in the Piney River area of Nelson County; during the Great Depression, some of them moved away to find work, while others kept the operation afloat; and

WHEREAS, apple orchards were a major source of income for the Saunders Brothers company during the 1940s; when the siblings discovered that peaches were a more valuable crop, they planted a 70-acre peach orchard, which for many years was the heart of the Saunders Brothers operation; and

WHEREAS, in 1947, Paul Saunders, the son of one of the five founding brothers, successfully propagated boxwood bushes; Saunders Brothers eventually planted 20 acres of boxwoods, which became another important part of the family business; and

WHEREAS, seeing an increasing demand for container-grown plants, members of the Saunders family collected discarded one-gallon metal cans from around Nelson County to use for planting; they eventually switched to plastic containers at the request of their customers; and

WHEREAS, today, the Saunders Brothers' nursery sells thousands of annuals, perennials, trees, and shrubs in its wholesale operation; boxwoods grown by Saunders Brothers remain a staple of the company's business; and

WHEREAS, additionally, Saunders Brothers operates a retail market during the growing season; shoppers can choose from mouth-watering seasonal fruits and vegetables, a large variety of canned goods, and made-in-Virginia items from the market's kitchen section; and

WHEREAS, Saunders Brothers was recognized as the 2015 Agribusiness of the Year by the Virginia Agribusiness Council for its many outstanding contributions to the industry; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Saunders Brothers, Inc., on the occasion of its 100th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul Saunders, a second-generation partner in Saunders Brothers, Inc., as an expression of the General Assembly's congratulations and admiration for its many years as a successful nursery, farm market, and wholesale grower in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 184

Commending Jackie Moore.

Agreed to by the House of Delegates, January 27, 2016

Agreed to by the Senate, January 28, 2016

WHEREAS, Jackie Moore of Chesapeake was honored as the 2015 Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and

WHEREAS, Jackie Moore has contributed her time and talents to numerous organizations in the area and has been a dedicated member of the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake (WDHRCCC) since she moved to Chesapeake in 2000; and

WHEREAS, in addition to creating a website for the WDHRCCC, Jackie Moore has served in leadership positions of the civic group; she also has been a member of and chaired several committees and has been historian, assistant treasurer, and second vice president, and was first vice president twice; and

WHEREAS, Jackie Moore was president of the WDHRCCC in 2011 and also serves as the organization's president for 2016; she has chosen "Amazing Grace" as the theme for the 2016 presidency to honor the volunteers who demonstrate such grace and dedication to the Chesapeake community; and

WHEREAS, Jackie Moore was raised in Ohio; she graduated from Barberton High School and earned bachelor's and master's degrees from the University of Akron; and

WHEREAS, currently, Jackie Moore is an application systems analyst for the Department of Information Technology for the Chesapeake Public School division; she also has taught school in Ohio, California, and Virginia; and

WHEREAS, Jackie Moore belongs to the Luncheon Pilot Club of Chesapeake and the Great Bridge Battlefield & Waterways History Foundation, has been an ombudsman for the USS *Portland* (LSD-37), and was liaison for the ship's family support group; additionally, she is a member of the Chesapeake Education Association, Virginia Education Association, and National Education Association; and

WHEREAS, as a cake artist, Jackie Moore has provided exquisitely decorated baked goods to help raise money for many organizations in Chesapeake; she also is a writer and hopes to complete her first book, *Ariana's Angels*, in 2016; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jackie Moore for being named the 2015 Woman of the Year by the Women's Division of the Hampton Roads Chamber of Commerce Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jackie Moore as an expression of the General Assembly's congratulations and admiration for her many accomplishments and efforts to make Chesapeake one of the Commonwealth's outstanding communities.

HOUSE JOINT RESOLUTION NO. 185

Celebrating the life of the Honorable Colon H. Whitehurst.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the Honorable Colon H. Whitehurst, a respected member of the Chesapeake community, who presided over the Chesapeake General District Court of the 1st Judicial District of Virginia as chief judge for 18 years, died on December 18, 2015; and

WHEREAS, a lifelong resident of the former Norfolk County and the City of Chesapeake, Colon Whitehurst graduated from Great Bridge High School and earned a bachelor's degree from Virginia Wesleyan College and a law degree from The College of William and Mary; and

WHEREAS, Colon Whitehurst served the community as an attorney for 11 years; he was a founding partner of the firm Bray and Whitehurst and became a managing partner of Whitehurst, Grissom, and MacDonald; and

WHEREAS, in 1990, Colon Whitehurst carried on a long family tradition of public service in the region when he was appointed as a judge of the Chesapeake General District Court; he presided with great fairness and wisdom for 21 years, including 18 years as chief judge; and

WHEREAS, Colon Whitehurst also worked to enhance the community through his leadership as chair of the Chesapeake Port Authority, trustee of the Great Bridge Battlefield and Waterways History Foundation, and board member of the Bank of Hampton Roads and Virginia Wesleyan College; and

WHEREAS, Colon Whitehurst lived his faith through his actions and enjoyed fellowship and worship with the community as an active member of Oak Grove United Methodist Church, where he was a member of the Wesleyan Sunday school class for 36 years; and

WHEREAS, a true gentleman who never forgot his country roots, Colon Whitehurst served the City of Chesapeake and the Commonwealth with the utmost integrity and professionalism; and

WHEREAS, Colon Whitehurst will be fondly remembered and greatly missed by his wife of 43 years, Patricia; daughter, Ashley, and her family; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Colon H. Whitehurst, a chief judge of the 1st Judicial District of Virginia and a respected member of the Chesapeake community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Colon H. Whitehurst as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 186

Commending the City of Hopewell.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the City of Hopewell, a dynamic waterfront community that has served as one of the Commonwealth's industrial centers throughout its long and storied history, celebrates the 100th anniversary of its incorporation as a city in 2016; and

WHEREAS, Hopewell traces its deepest roots to the formation of an English settlement in the region and is one of the oldest permanently settled areas in the Commonwealth; the oldest remaining area of Hopewell, City Point was established in 1613 and was incorporated as a town in 1826; and

WHEREAS, City Point served as a port of entry to the United States and operated one of the nation's earliest railroad lines, the line between City Point and Petersburg, in the mid-1800s; it temporarily became one of the busiest ports in the world when it served as headquarters of the Union Army during the Siege of Petersburg in the American Civil War; and

WHEREAS, at the turn of the century, City Point had a population of 300, but after E.I. DuPont de Nemours & Co. purchased 2400 acres to build a dynamite plant and the largest guncotton plant in the world at the time, more than 40,000 people found employment in the area by 1915; and

WHEREAS, the City of Hopewell was officially incorporated in 1916, and many other national corporations, such as Honeywell, Evonik Industries, Tubize Artificial Silk, Allied Chemical, Smurfit-Stone Container Corporation, and Hercules, Inc., brought their business to the new city; and

WHEREAS, home to many giants of industry and innovation over the years, Hopewell earned the nickname Wonder City and witnessed the development of the first automatic dishwasher and the first Kraft paper and cardboard boxes; and

WHEREAS, named for an English passenger ship, Hopewell strives to maintain its historic, rural charm; it has earned the Governor's Clean City Award and other accolades for its landscaping and beautification efforts; and

WHEREAS, the residents of Hopewell will commemorate the city's 100th anniversary with festivals, concerts, a lecture series, and other events throughout the year, as well as a special celebration on July 2, 2016; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the City of Hopewell on the occasion of its 100th anniversary as a city; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark A. Haley, city manager of the City of Hopewell, as an expression of the General Assembly's congratulations and admiration for the city's unique place in Virginia history.

HOUSE JOINT RESOLUTION NO. 187

Commending Charles E. Jett.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Charles E. Jett, a respected leader in the field of law enforcement and a dedicated public servant, retired as Sheriff of Stafford County after 37 years of work to safeguard the community; and

WHEREAS, Charles Jett began his career in law enforcement working in the county jail in 1978; he later served as a road deputy in the detective and narcotics divisions and as captain in charge of field operations before taking office as sheriff in 2000; and

WHEREAS, as a lifelong resident of Stafford County, Charles Jett's unique knowledge of the region helped him to serve and protect one of the fastest-growing communities in the Commonwealth; and

WHEREAS, when Charles Jett joined the Stafford County Sheriff's Office, there were 22 deputies and five dispatchers serving fewer than 40,000 residents; in 2015, the population of the county had grown to more than 136,000, and the Stafford County Sheriff's Office is currently staffed by more than 240 officers; and

WHEREAS, Charles Jett encouraged his deputies to foster trust and respect between the Stafford County Sheriff's Office and members of the public and strove to maintain high levels of transparency and accountability; and

WHEREAS, admired as one of the most knowledgeable sheriffs in the Commonwealth, Charles Jett served as chair of the Virginia Law Enforcement Professional Standards Commission, past president of the Virginia Sheriffs' Association, and a member of numerous other peer organizations as well as state chair of the Virginia Special Olympics; he is currently chair of the Criminal Justice Services Board; and

WHEREAS, after his retirement, Charles Jett plans to seek new opportunities to serve the community and spend more time with his wife, Ann, and sons, Steven and David; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles E. Jett on the occasion of his retirement as Sheriff of Stafford County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles E. Jett as an expression of the General Assembly's admiration for his contributions to the Stafford County community and best wishes on a well-earned retirement.

HOUSE JOINT RESOLUTION NO. 188

Commending Richard V. Hurley.

Agreed to by the House of Delegates, January 21, 2016

Agreed to by the Senate, January 21, 2016

WHEREAS, Richard V. Hurley, who built strong connections between the University of Mary Washington and the Fredericksburg community as the university's ninth president, retires in 2016 after a distinguished career in education; and

WHEREAS, a native of New Jersey, Richard "Rick" V. Hurley earned degrees from what is now Stockton University and Central Michigan University; he worked as vice president of administration and finance at Longwood University for 15 years, then joined the University of Mary Washington; and

WHEREAS, Rick Hurley served as chief financial officer, executive vice president, and acting president of the University of Mary Washington, before becoming president of the university in 2010; he earned the respect of his peers for his transparency, collaborative leadership style, and responsiveness to the needs of students, faculty, and staff; and

WHEREAS, during his tenure as president, Rick Hurley successfully raised \$50 million through the Mary Washington First campaign; he oversaw the construction of the William W. Anderson Center, the Information and Technology Convergence Center, and the University Center, as well as the opening of the University of Mary Washington's third campus in Dahlgren; and

WHEREAS, under Rick Hurley's visionary leadership, the University of Mary Washington completed Eagle Village, a public/private development featuring student apartments, a pedestrian bridge over U.S. Route 1, retail and office space, a parking facility, and a hotel; and

WHEREAS, Rick Hurley built strong relationships with the University of Mary Washington students, actively attending student events and even helping new students on move-in day; he hosted dinners and ice cream socials for students at his historic home, Brompton; and

WHEREAS, dedicating himself to enhancing the quality of life of all Fredericksburg residents, Rick Hurley has served as chair of the Rappahannock United Way and director of the Fredericksburg Regional Chamber of Commerce; he further engaged with the community by forming the University of Mary Washington Center for Economic Development and the Town and Gown Committee; and

WHEREAS, Rick Hurley helped the University of Mary Washington earn national accolades for its high student retention and graduation rates; in 2015, he received the Prince B. Woodard Leadership Award from the Fredericksburg Regional Chamber of Commerce for his many years of service to the region; and

WHEREAS, after his well-earned retirement, Rick Hurley plans to seek new opportunities to serve the community and spend more time with his wife, children, and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard V. Hurley on the occasion of his retirement as president of the University of Mary Washington; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard V. Hurley as an expression of the General Assembly's admiration for his service to the students of the University of Mary Washington and contributions to the field of education.

HOUSE JOINT RESOLUTION NO. 189

Commending the 10 River Basin Grand Winners of the Clean Water Farm Award.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the Department of Conservation and Recreation and the Soil and Water Conservation Districts provide farmers throughout the Commonwealth with education, technical assistance, and incentive programs to encourage nutrient reduction and water quality improvement; and

WHEREAS, the General Assembly passed legislation in 1998 to establish the Clean Water Farm Award Program, which is administered by the Department of Conservation and Recreation; and

WHEREAS, the Clean Water Farm Award Program furthers the Commonwealth's water quality goals by recognizing farmers actively engaged in implementing important conservation practices that control nutrients, sediment, and other agricultural nonpoint source pollutants; and

WHEREAS, the Soil and Water Conservation Districts selected local farms across the Commonwealth for recognition in 2015 as winners of the Clean Water Farm Award; and

WHEREAS, 10 of those farms were selected and announced at the December 2015 meeting of the Virginia Association of Soil and Water Conservation Districts by the Department of Conservation and Recreation to represent the Commonwealth's 10 major river basins and to recognize the exemplary efforts of such farms in implementing best management practices; and

WHEREAS, those 10 winners are:

Justin and Lori McClellan, Meadowbrook Farm, Smyth County, for the Big Sandy-Upper Tennessee River Basin;

Jeff and Liz Parrish, W.J. Farms, Lunenburg County, for the Chowan River Basin;

Steve W. Sturgis, Tri-S Farms, Northampton County, for the Coastal Basin;

Robert "Bobby" M. Jones, Poor House Dairy, Prince Edward County, for the James River Basin;

Matthew, Chase, and Don Heldreth, Heldreth Farm, Wythe County, for the New River Basin;

Vince and Sharon DiRenzo, North Fork Fields, Loudoun County, for the Potomac River Basin;

Dr. Robert D. Wilbanks, Wilbanks Farm, Orange County, for the Rappahannock River Basin;

David and Lorrie Barron, Poplar Grove and Wildwood Berries and Produce, Charlotte County, for the Roanoke River Basin;

James and Amanda Holsinger, Holsinger Homeplace Farms, Rockingham County, for the Shenandoah River Basin; and

Albert J. McGhee, Jr., and Vivian Scott Richardson, Sr., Memorial Farm, Louisa County, for the York River Basin; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend and congratulate the 10 River Basin Grand Winners of the Clean Water Farm Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the 10 River Basin Grand Winners of the Clean Water Farm Award as an expression of the General Assembly's admiration for their commitment to conserving the Commonwealth's natural resources and their outstanding conservation achievements.

HOUSE JOINT RESOLUTION NO. 190

Celebrating the life of Joseph Rodney Johnson.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Joseph Rodney Johnson of Henrico County, an attorney who was an expert in wills, trusts, and estate planning and who helped reform and update the Commonwealth's probate law, a proud veteran of the United States military, a professor, person of deep faith, and a devoted husband and father, died on June 11, 2015; and

WHEREAS, Rodney Johnson was born in Richmond and served in the United States Air Force; he earned bachelor's and law degrees from The College of William and Mary and a master's degree from New York University; and

WHEREAS, after receiving his law degree in 1967, Rodney Johnson began teaching at the Marshall-Wythe School of Law at The College of William and Mary; in 1970, he accepted a position at the University of Richmond's T.C. Williams School of Law and taught at the school until he retired in 1999 and became a professor emeritus; and

WHEREAS, Rodney Johnson's expertise in wills, trusts, and estate planning was recognized by his peers and by the Commonwealth; he frequently worked with members of the General Assembly and the Governor to draft and revise legislation related to probate law; and

WHEREAS, as the author of more than 70 articles and brochures, Rodney Johnson assisted countless people in understanding the need for wills and end-of-life planning; he also helped make inheritance laws fairer for surviving spouses; and

WHEREAS, Rodney Johnson was a life member of the American Law Institute and was a member of the Legislative Committee of the Virginia Bar Association's Section on Wills, Trusts, & Estates; and

WHEREAS, additionally, from 1994 to 1999, Rodney Johnson ably represented the Commonwealth as the Virginia commissioner for the National Conference of Commissioners on Uniform State Laws; and

WHEREAS, faith was at the forefront of Rodney Johnson's life; he held many leadership positions at Monument Heights Baptist Church and participated in more than 25 disaster relief missions at home and abroad; and

WHEREAS, Rodney Johnson served his community in many ways; he and his wife, also an attorney, wrote more than 10,000 pro bono wills and trusts in support of Baptist ministries in the Commonwealth; and

WHEREAS, Rodney Johnson, who enjoyed reading and tinkering, was also an avid runner; he completed more than 150 races and ran marathons in 48 states; and

WHEREAS, Rodney Johnson will be greatly missed and fondly remembered by his wife, Catherine; his children, William and Abigail; his grandchildren; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph Rodney Johnson of Henrico County, an esteemed attorney and professor, a man of deep faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Rodney Johnson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 191

Commending Kim Snead.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, in 2016, Kim Snead, a respected expert in health care policy, retires as executive director of the Joint Commission on Health Care after 33 years of service to the Commonwealth; and

WHEREAS, Kim Snead began her career in state government in 1982 as an analyst for the Joint Legislative Audit and Review Commission; she joined the Joint Commission on Health Care in 1999 as a health policy analyst and was selected to serve as executive director in 2002; and

WHEREAS, during her tenure as executive director, Kim Snead supported efforts to better understand the needs of individuals with developmental disorders, such as autism spectrum disorders, and she encouraged discourse on palliative care, long-term care, and pain management; and

WHEREAS, under Kim Snead's leadership, the Joint Commission on Health Care expanded newborn screening panels to help identify, prevent, and treat rare disorders; she also helped increase awareness and prevent cases of shaken baby syndrome and abusive head trauma; and

WHEREAS, Kim Snead is a proud native of Roanoke and an avid supporter of Virginia Commonwealth University, where she earned a master's degree; and

WHEREAS, after her well-earned retirement, Kim Snead plans to seek new opportunities to serve the community and spend more time with her husband, children, and grandchild; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kim Snead on the occasion of her retirement as executive director of the Joint Commission on Health Care; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kim Snead as an expression of the General Assembly's admiration for her service to the Commonwealth and leadership in health care policy.

HOUSE JOINT RESOLUTION NO. 192

Commending Jon Hatfield.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Jon Hatfield, a patriotic veteran in Richmond, retired as executive director of the Virginia War Memorial after nearly two decades of diligent work to honor the sacrifices of his fellow service members and preserve the history of the Commonwealth; and

WHEREAS, Jon Hatfield attended The College of William and Mary for two years, then carried on a proud family tradition of military service, joining the United States Army in 1966; he rose through the ranks to become a company commander before transferring to the United States Army Reserve, where he retired in 1989 as a lieutenant colonel; and

WHEREAS, the Virginia War Memorial was dedicated in 1956 as a static display to honor the men and women who had died in service to the nation during World War II and the Korean War; when Jon Hatfield was hired as the first executive director in 1997, the memorial had fallen into a state of neglect and disrepair; and

WHEREAS, Jon Hatfield oversaw extensive renovations of the Virginia War Memorial and the construction of the Paul and Phyllis Galanti Education Center and a new shrine to honor Virginians killed in Iraq and Afghanistan; and

WHEREAS, leading a small team of dedicated employees and dozens of generous volunteers, Jon Hatfield made education a priority for the Virginia War Memorial; he hired an education director, established seminars for students and youth groups, and produced "Virginians at War," an award-winning series of documentaries; and

WHEREAS, under Jon Hatfield's leadership, the Virginia War Memorial has become one of the premier veterans' memorials in the country, with tens of thousands of annual visitors from all over the world; the site hosts numerous annual events, including Memorial Day and Veterans Day commemorations, as well as homecomings, reenlistments, and promotions for active-duty soldiers; and

WHEREAS, in addition to his duties as executive director, Jon Hatfield is an active speaker at schools, veterans groups, conventions, conferences, and civic organizations; he estimates that he attends 50 to 60 events each year; and

WHEREAS, after his well-earned retirement, Jon Hatfield plans to seek new opportunities to serve the community and spend more time with his family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jon Hatfield on the occasion of his retirement as executive director of the Virginia War Memorial; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jon Hatfield as an expression of the General Assembly's admiration for his tireless commitment to honoring Virginia's fallen soldiers and educating the residents of and visitors to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 193

Commending the Appomattox High School football team.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the Appomattox High School football team capped off an undefeated season by winning the 2015 Virginia High School League Group 2A state championship, the first state football title in school history; and

WHEREAS, the Appomattox High School Raiders, who faced a talented team from Clarke County High School, defeated the Eagles 42-6 in the title game which was held on December 12, 2015, at Salem Stadium; and

WHEREAS, championship excitement was in the air early in the morning of the big game; as the Appomattox High School team boarded the bus and began the drive to Salem, fans and well-wishers stood in parking lots and along the highway enthusiastically cheering the team to victory; and

WHEREAS, the Appomattox Raiders held the lead throughout the game; the team was strong and fast; during the entire season the squad had come together as a talented, disciplined unit, and the team's unity and strength were evident; and

WHEREAS, the theme that the Appomattox High School football team adopted for the 2015 season was "Power of One"; Doug Smith, head coach of the Raiders, praised the players' total team effort and cited the group's goal to become better each day; and

WHEREAS, the Appomattox High School football team amassed a 15-0 record for the 2015 season; the group was strong on offense, defense, and special teams; no opponent scored more than 21 points against the Raiders the entire season; and

WHEREAS, the Appomattox High School Raiders knew that the entire community was behind them, and they appreciated the strong support shown by their families, friends, neighbors, classmates, and the faculty and staff; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Appomattox High School football team for winning the 2015 Virginia High School League Group 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Smith, head coach of the Appomattox High School football team, as an expression of the General Assembly's congratulations and admiration for its outstanding accomplishment and championship season.

HOUSE JOINT RESOLUTION NO. 194

Commending Daniel Hillenburg.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, while on a fishing trip in Alaska in the summer of 2014, Daniel Hillenburg of Clifton, a member of Boy Scouts of America Troop 648, helped save the lives of two men by providing first aid to a kayaker with hypothermia and helping to initiate a search and rescue operation for another kayaker, who was lost in a sparsely populated area; and

WHEREAS, Daniel Hillenburg and his father, Samuel, spotted a kayaker in distress at the intersection of the Talkeetna River and Clear Creek near Talkeetna, Alaska; the man was pale and nearly unresponsive, and Daniel Hillenburg quickly identified the man's condition as hypothermia thanks to his Red Cross training from the Boy Scouts; and

WHEREAS, after Daniel Hillenburg and his father helped the man to shore and warmed him up, they learned that he had been exposed to the elements for nearly 24 hours; he was suffering from tunnel vision, and his body temperature had fallen to approximately 80 degrees Fahrenheit; and

WHEREAS, while helping the kayaker recover, Daniel Hillenburg also learned that the kayaker's partner was still nearly 25 miles upriver, traveling alone and on foot because they had lost a paddle; state troopers and local residents were alerted to the second missing kayaker and located him alive; and

WHEREAS, in recognition of his bravery and quick thinking, Daniel Hillenburg received the Medal of Merit from the Boy Scouts of America at a special ceremony on April 18, 2015; he was the first Scout in the 65-year history of Troop 648 to receive the prestigious award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Daniel Hillenburg for his pivotal role in the rescue of two kayakers in Alaska in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Daniel Hillenburg as an expression of the General Assembly's admiration for his heroic, life-saving actions.

HOUSE JOINT RESOLUTION NO. 195

Commending Mary Baldwin College.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Mary Baldwin College will change its name to Mary Baldwin University on August 31, 2016, beginning a year-long celebration of its 175th anniversary of academic excellence and service to young women in the Commonwealth and the United States; and

WHEREAS, founded in 1842 by Rufus W. Bailey with the support of Staunton First Presbyterian Church, Mary Baldwin College was originally known as Augusta Female Seminary; one of the first students, Mary Julia Baldwin, went on to become principal in 1863 and led the seminary until her death in 1897; and

WHEREAS, in 1895, the seminary was renamed Mary Baldwin Seminary, honoring Mary Julia Baldwin's numerous accomplishments as principal; she founded the first music conservatory in the southern United States, introduced university-level courses, and earned the respect of the Staunton community; and

WHEREAS, Mary Baldwin Seminary became a four-year college in 1923 and was renamed Mary Baldwin College; the college thrived, establishing the first adult degree program in the Commonwealth and a radical acceleration college program for girls who skip some or all of high school and begin college at a young age; and

WHEREAS, it offers a wide array of extracurricular and athletics programs; in 1995, Mary Baldwin College launched the Virginia Women's Institute for Leadership, which remains the only all-female Corps of Cadets in the United States; and

WHEREAS, Mary Baldwin College also hosts a chapter of Phi Beta Kappa, the nation's oldest honor society, and it was the first women's college to host a chapter of Omicron Delta Kappa, the national leadership honor society; and

WHEREAS, offering its first master's degree in 1992, Mary Baldwin College has been classified as a master's level university since 2000, offering bachelor's, master's, and doctoral degrees at two main campuses, 11 regional centers, and through online programs; and

WHEREAS, today, Mary Baldwin College is a distinctive small university that sustains both its historic college for women, as well as innovative coeducational adult and graduate programs; and

WHEREAS, with one of the most diverse student bodies in the nation, Mary Baldwin College has inspired countless women and men of many different races, faiths, communities, ages, and backgrounds; and

WHEREAS, Mary Baldwin College will conclude its anniversary celebration with its 175th commencement on May 22, 2017, and will continue to honor the leadership, courage, and commitment to lifelong learning exemplified by Mary Julia Baldwin; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Baldwin College, which changes its name to Mary Baldwin University in 2016, on the occasion of its 175th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pamela Fox, president of Mary Baldwin College, as an expression of the General Assembly's admiration for the institution's legacy of excellence and dedication to helping young women achieve their fullest potential.

HOUSE JOINT RESOLUTION NO. 196

Commending Wendell G. Peters.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Wendell G. Peters, who served with diligence and distinction as clerk of the Circuit Court of Floyd County for 24 years, retired on December 31, 2015; and

WHEREAS, Wendell Peters became the circuit court clerk for Floyd County in 1992, and he attributed his training in accounting to helping him understand and maintain a complicated financial system and court record-keeping system; and

WHEREAS, during his tenure, Wendell Peters oversaw many improvements and changes to the clerk's office, including the establishment of automated procedures for land transfers, deeds, marriage records, and wills; and

WHEREAS, while Wendell Peters was clerk of the Floyd County Circuit Court, the office received several grants for technological improvements; also, many court documents were preserved in digital format, allowing the public easier access to large amounts of information, either on site or remotely; and

WHEREAS, Wendell Peters acknowledged that the smooth and efficient operation of the clerk's office during his tenure was due to many factors, including the generous assistance he received from his predecessor when he first took office; and

WHEREAS, the deputy clerks who assisted Wendell Peters consistently excelled in their work, providing courteous, effective, and efficient customer service; their efforts helped him meet the goals he set for the clerk's office; and

WHEREAS, for Wendell Peters, serving the public has been an honor, and he appreciated working with the judges, law-enforcement officers, court personnel, attorneys, probation officers, and others whose work brought them to the Floyd County Circuit Court Clerk's Office; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wendell G. Peters for his 24 years of dedicated service to the people of Floyd County as clerk of the circuit court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wendell G. Peters as an expression of the General Assembly's respect and admiration for his commitment to the people of Floyd County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 197

Designating April 14, in 2016 and in each succeeding year, as Chagas Disease Awareness Day in Virginia.

Agreed to by the House of Delegates, February 25, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, Chagas Disease, a parasitic infection that is typically transmitted by insects but can be congenital, can persist in the body for decades and lead to serious heart problems, such as heart failure, stroke, and heart rhythm disturbances later in life; and

WHEREAS, also known as the kissing bug disease, Chagas Disease affects eight to 10 million people worldwide, many of whom are in Latin America, and is the third most prevalent parasitic infection in the world; one in every three people who contract the disease develop a lethal heart condition, killing more than 12,000 people each year; and

WHEREAS, it is estimated that up to 70 percent of the population in some provinces of Bolivia have Chagas Disease, and the populations of El Salvador and other Central American countries also show high rates of infection; and

WHEREAS, the Commonwealth is home to more Bolivian immigrants than the number living in New York and California combined, and the Washington Metropolitan area is home to the largest per capita population of El Salvadorian immigrants in the country; at least 300,000 people in the United States have Chagas Disease; and

WHEREAS, the Latin American population in the Commonwealth and the United States is at high risk for Chagas Disease; according to the Centers for Disease Control and Prevention, the first documented case of congenital Chagas Disease occurred in Northern Virginia; and

WHEREAS, immigrants afflicted with Chagas Disease in the United States, many of whom do not speak English and lack insurance, face numerous obstacles to treatment; doctors in the United States are often unaware of how to screen for and treat the disease and testing is both costly and inconsistent; and

WHEREAS, doctors may be unfamiliar with the anti-parasitic medication used to treat Chagas Disease, which may cause side effects and is not approved by the U.S. Food and Drug Administration, requiring patients to go through a lengthy consent process; more funding and research are required to determine the effectiveness of treatments for Chagas Disease in adults; and

WHEREAS, many doctors are unaware that Chagas Disease can be found in the United States; the economic toll of Chagas Disease is estimated at \$7 billion annually, with more than 10 percent of that cost incurred in the United States and Canada; and

WHEREAS, Virginians are encouraged to learn more about Chagas Disease and how it can affect individuals and families in the Commonwealth and to support developments in testing and treatment toward the discovery of a cure; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate April 14, in 2016 and in each succeeding year, as Chagas Disease Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Chagas Disease Foundation so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 198

Commending Little Bethel Baptist Church.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, in 2016, Little Bethel Baptist Church in Suffolk celebrates its 150th anniversary of joyful worship, spiritual renewal, and service to others; and

WHEREAS, Little Bethel Baptist Church, which is in the Chuckatuck section of Suffolk, was founded by people who had just emerged from slavery; the vision of the church's first leaders was strong, and by the middle of the 1860s, they established their own faith community; and

WHEREAS, the theme for the 2016 anniversary celebration is "grace through every generation: remembering, rejoicing and rededicating"; the members of Little Bethel Baptist Church are preparing for the sesquicentennial by conducting research on the church's early days; and

WHEREAS, several artifacts provide insight into Little Bethel Baptist Church's first years, including the original deed for the church, which dates from 1886 and can be seen at the courthouse in Suffolk; and

WHEREAS, church members know that the land for Little Bethel Baptist Church on Everets Road was donated or sold to the congregation by the Beale family; the church building originally was located further back from the road and an outdoor baptismal pool was nearby; and

WHEREAS, inside Little Bethel Baptist Church, members have carefully preserved some of the original pews on the inside balcony; members also plan to restore the original pulpit and pastor's desk as part of the sesquicentennial events; and

WHEREAS, another interesting part of the interior of Little Bethel Baptist Church is the original pressed-metal ceiling that is stamped with a carpenter's block design; the ceiling design is symbolic of the quilt codes that were part of the elaborate Underground Railroad system that assisted fleeing slaves; and

WHEREAS, other artifacts that will be on display during the 150th anniversary celebration of Little Bethel Baptist Church include old photographs, Bibles, and other items of historical significance; members also hope to unearth more relics from the church's founding days; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Little Bethel Baptist Church in Suffolk on the occasion of its 150th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the pastor of Little Bethel Baptist Church as an expression of the General Assembly's respect and congratulations for its many years of service and its storied history.

HOUSE JOINT RESOLUTION NO. 199

Commending Nansemond-Suffolk Academy.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, in 2016, Nansemond-Suffolk Academy celebrates its 50th anniversary of providing a highly regarded college preparatory education for boys and girls from Suffolk and the surrounding Hampton Roads area; and

WHEREAS, Nansemond-Suffolk Academy opened in 1966 as a private elementary school in Suffolk for children in first through seventh grades; four years later, in 1970, the school moved to a 50-acre site west of downtown as it had outgrown its original facilities in Suffolk; and

WHEREAS, the mission of Nansemond-Suffolk Academy is to provide an academically rigorous college preparatory education in an atmosphere fostering moral character, respect, responsibility, and compassion; the school has a commitment to honor above all and also seeks to develop and inspire leaders who value diversity, creativity, scholastic excellence, and community service; and

WHEREAS, by 1971, Nansemond-Suffolk Academy had built a lower school and an upper school to accommodate the rapid growth of the student body; the school proudly marked its first graduation in 1972; and

WHEREAS, Nansemond-Suffolk Academy has a diverse student body and strong extra-curricular programs in athletics and the arts; the school also features campus-wide wireless and Apple estate technology and offers SMART Boards, a 1:1 computer notebook program for sixth-grade through eighth-grade students, and other interactive technologies; and

WHEREAS, class sizes are small at Nansemond-Suffolk Academy, with an average of 11 to 15 students per class; before-school and after-school programs are provided, and many students also take advantage of a variety of summer experiences on the school's expanded 100-acre campus; and

WHEREAS, since its founding, Nansemond-Suffolk Academy has been ably led by six accomplished leaders; currently, Deborah B. Russell is head of the school, which enrolls 730 students in pre-kindergarten through 12th grade; she leads a dedicated staff of 165 people, more than half of whom hold advanced degrees; and

WHEREAS, in 2016, Nansemond-Suffolk Academy plans to open its Harbour View Campus for pupils in pre-kindergarten through third grade; the state-of-the-art facility will have the latest technological advances and features an enhanced science, technology, engineering, and math curriculum, Spanish instruction, art, physical education, and after-school programs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nansemond-Suffolk Academy on the occasion of its 50th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Head of School Deborah B. Russell as an expression of the General Assembly's congratulations and admiration for the outstanding education that Nansemond-Suffolk Academy has provided during the last 50 years and best wishes for a bright future.

HOUSE JOINT RESOLUTION NO. 200

Commending the Nansemond River High School girls' indoor track team.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the Nansemond River High School girls' indoor track team completed its second consecutive victorious season by winning the 2015 Virginia High School League Group 4A state track and field championship; and

WHEREAS, the talented competitors from Nansemond River High School in Suffolk set state records in five events at the championship meet, which was held in March; and

WHEREAS, Nansemond High School senior Kara Lyles won the 500-meter dash with a record-setting time of 1:15.46, breaking her own record set in 2014; she also had a record-breaking distance in the long jump of 19-11.25 feet, breaking the old record by more than a foot; and

WHEREAS, Kara Lyles' long jump was the second-best effort in the country for 2015, and it also put her in seventh place in the state since records were kept; the senior from Nansemond River High School scored 33 points for the school—the highest individual score at the meet; and

WHEREAS, another state record that was set by an athlete from Nansemond River High School athlete was the shot put arc; senior Zakiya Rashid broke her own 2014 record-setting distance with a throw of 44-11.50 feet, more than a foot longer than her previous winning mark; and

WHEREAS, additionally, runners from Nansemond River High School broke state records in two relay events; junior Brandeé Johnson, senior Candice James, junior Dajaé Goulet, and sophomore Karah Foster won the 4x200-meter relay with a time of 1:44.07; and

WHEREAS, the Nansemond River High School Warriors' relay team of sophomore Syaira Richardson, junior Amirah Jones, senior Courtney James, and Kara Lyles won the 4x400-meter relay with a state record-setting time of 4:00.61; and

WHEREAS, Brandeé Johnson was the state victor in the 300-meter dash with a time of 39.27 seconds, and she also came in first in the 55-meter hurdles race with a time of 8.14 seconds, garnering a total of 31 team points for the Nansemond River High School Warriors; and

WHEREAS, the outstanding athleticism and teamwork shown by the members of the Nansemond River High School girls' indoor track team are a reflection of their talent and hard work and the support they have received from their coaches, families, friends, and the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nansemond River High School girls' indoor track team for winning the 2015 Virginia High School League Group 4A state track and field championship and for setting five state records; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Byron Justin, head coach of the Nansemond River High School girls' indoor track team, as an expression of the General Assembly's congratulations and admiration for the team's record-setting season and championship performance.

HOUSE JOINT RESOLUTION NO. 201

Commending the Virginia Breast Cancer Foundation.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, in 2016, the Virginia Breast Cancer Foundation celebrates 25 years of educating Virginians about breast cancer, advocating for those affected by breast cancer, and working to establish eradication of breast cancer as a priority; and

WHEREAS, the Virginia Breast Cancer Foundation began in 1991 when five women meeting in a breast cancer support group decided to organize to fight the disease; the next year, they staged a Mother's Day Rally at the Virginia State Capitol to bring attention to the disease; and

WHEREAS, for the past 25 years, the Virginia Breast Cancer Foundation has served as a staunch advocate for those with breast cancer, working for Medicaid coverage for mammography, health insurance coverage for breast reconstruction and a 48-hour hospital stay following a mastectomy, prohibition of health insurance discrimination, breast density notification, oral chemotherapy drug parity, and increased cancer center funding at Virginia Commonwealth University and the University of Virginia; and

WHEREAS, for those newly diagnosed with breast cancer, the Virginia Breast Cancer Foundation provides a Newly Diagnosed Kit with key information about local support groups, patient navigator services, financial resources, and clinical trials; and

WHEREAS, the Virginia Breast Cancer Foundation sends volunteers to the Remote Area Medical Clinic program throughout Virginia, recently including Wise County and the Town of Warsaw, to provide educational resources on breast cancer to the residents of underserved areas; and

WHEREAS, the Virginia Breast Cancer Foundation has five active volunteer chapters across the Commonwealth representing the regions of the Blue Ridge, Central Virginia, Hampton Roads, and Prince William County; and

WHEREAS, the Virginia Breast Cancer Foundation provides a wealth of information and resources about breast health and breast cancer, including distribution of over 150,000 free and bilingual educational materials annually; state and local conferences; and "Stay Abreast," an educational speakers' bureau that provides presentations on breast health and breast cancer to interested organizations; and

WHEREAS, the Virginia Breast Cancer Foundation provides an up-to-date website with breast cancer resources, maintains an active social media presence, and widely distributes a newsletter that provides the latest education and research about breast cancer and information about the Foundation's activities; and

WHEREAS, the Virginia Breast Cancer Foundation presents the annual Sherry Kohlenberg Health Care Service Award to honor a Virginia health care professional who exhibits a deep and abiding commitment to the fight against breast cancer by going above and beyond what is normally expected of a competent, caring professional working with people affected by breast cancer; and

WHEREAS, the Virginia Breast Cancer Foundation awards the annual Karin Decker Noss Scholarship to provide a Virginia resident with national training in breast cancer medical research and legislative advocacy to bring back and share with state peers; and

WHEREAS, the Virginia Breast Cancer Foundation builds awareness for breast cancer through its Pink Ribbon License Plate issued by the Virginia Department of Motor Vehicles, with over 9,000 plates on the road; and

WHEREAS, since 2000, the Virginia Breast Cancer Foundation and its local chapters have granted over \$60,000 to Virginia's local libraries to purchase up-to-date breast cancer materials and to nonprofits to provide breast health education services in local communities across the Commonwealth; and

WHEREAS, the Virginia Breast Cancer Foundation has provided a valuable service to the residents of the Commonwealth and the nation through its advocacy and educational efforts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Breast Cancer Foundation on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Breast Cancer Foundation as an expression of the General Assembly's congratulations and gratitude for its extraordinary dedication to helping those with breast cancer and commitment to eradicating the disease.

HOUSE JOINT RESOLUTION NO. 202

Commending Richmond International Raceway.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Richmond International Raceway celebrates its 70th anniversary in 2016 of providing an unparalleled and unique stock car racing experience for both fans and drivers; and

WHEREAS, Richmond International Raceway (RIR) started in 1946 when a 1/2-mile racetrack was built at the Atlantic Rural Exposition fairgrounds in Henrico County; the first race at the dirt track was held on October 12, 1946; and

WHEREAS, RIR hosted the first National Association for Stock Car Auto Racing (NASCAR) Grand National Division race on April 19, 1953; Lee Petty won the race with an average speed of 45.535 mph, and since then, the historic track has been home to thrilling NASCAR contests of skill, speed, and technical prowess; and

WHEREAS, today, RIR is the oldest active NASCAR Sprint Cup Series track on the East Coast and is one of the most important racing venues in the Commonwealth; in its lifetime RIR has undergone four name changes and five configuration changes, and the original dirt track is now an asphalt surface; and

WHEREAS, racing fans have flocked to RIR for its twice-yearly race weekends since 1959; the track's current configuration is a 3/4-mile layout—the only one in NASCAR—and the D-shaped oval, built in 1988, combined with lights that were added in 1991, allow RIR to host popular nighttime races; and

WHEREAS, the semiannual NASCAR Doubleheader race weekends feature the XFINITY and Sprint Cup Series; the events attract thousands of fans to the Commonwealth year after year, many of whom stay on site or close by to be part of the excitement, camaraderie, and world-class racing experience; and

WHEREAS, the first 2016 NASCAR Doubleheader weekend at RIR will be held in the spring when the track will host its 120th Sprint Cup Series race on April 24; through the years, more than 480 drivers have competed in Sprint Cup races at RIR; and

WHEREAS, stock car racing enthusiasts eagerly anticipate NASCAR racing at RIR; the historic track is one of the most popular racing venues for racing buffs and drivers, featuring the excitement of side-by-side racing, and allows drivers to reach speeds usually seen at large speedways—all of which result in unforgettable experiences for the many devotees of the sport; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richmond International Raceway on the occasion of its 70th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dennis Bickmeier, president of Richmond International Raceway, as an expression of the General Assembly's congratulations for its many years of offering world-class stock car racing in the Commonwealth and providing lasting memories for thousands of fans.

HOUSE JOINT RESOLUTION NO. 203

Celebrating the life of the Reverend Marvin Wayne Clipp.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the Reverend Marvin Wayne Clipp of Colonial Heights, a respected teacher and principal who worked for Colonial Heights Public Schools for more than 30 years, a Baptist minister, civic leader, and a devoted husband and father, died on May 16, 2015; and

WHEREAS, Marvin Clipp was born in Martinsburg, West Virginia, and graduated from Carson-Newman College, now known as Carson-Newman University; he earned a master's degree from Southern Baptist Theological Seminary and later did postgraduate work at The College of William and Mary and the University of Virginia; and

WHEREAS, Marvin Clipp began his teaching career in Rutledge, Tennessee, and then moved to Colonial Heights to teach English at Colonial Heights High School, where he also was head of the English Department; and

WHEREAS, in 1968, Marvin Clipp became principal of North Elementary School in Colonial Heights, serving for 20 years; in 1988, he moved to Lakeview Elementary School in the city and was its principal until he retired 10 years later; and

WHEREAS, as a young man, Marvin Clipp answered the call to the ministry and continued to serve churches throughout his life; his work began in 1957 when he became interim pastor of his home church, and he also was a minister while he attended college and seminary; and

WHEREAS, Marvin Clipp was minister of youth at Branch's Baptist Church in Richmond, Winfree Memorial Baptist Church in Midlothian, and Colonial Heights Baptist Church, where he also served as minister of church growth; and

WHEREAS, additionally, Marvin Clipp was called to churches in rural Virginia; he was interim pastor of Olive Branch Baptist Church in Blackridge and was pastor of Ephesus Baptist Church in South Hill for 11 years; and

WHEREAS, giving back to his community was important to Marvin Clipp; he was president of the Colonial Heights Youth Services Commission and served on the Board of Directors of the Tri-Cities Family YMCA; and

WHEREAS, Marvin Clipp was a leader of several principals' associations and served on the Board of Directors of the Virginia Association for Supervision and Curriculum Development; in 1988, he was nominated for the national Distinguished Principal Award by the Virginia Association of Elementary School Principals; and

WHEREAS, Marvin Clipp's work with young people extended beyond classrooms and churches; he was a marathon runner who loved sports and coached high school football, basketball, and wrestling in Colonial Heights; he also was a high school basketball official and had been vice president of the area basketball officials' association; and

WHEREAS, Marvin Clipp will be greatly missed and fondly remembered by Cornelia, his wife of 57 years; children, Connie and Randy, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Marvin Wayne Clipp of Colonial Heights, a noted teacher, principal, and pastor, who dedicated his life to the service of others and the betterment of his community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Marvin Wayne Clipp as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 204

Celebrating the life of Kenneth Earl Blunt.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Kenneth Earl Blunt, a respected businessman, patriotic veteran, and beloved family man in Alexandria, died on January 2, 2016; and

WHEREAS, desirous to be of service to his country, Kenneth Blunt joined many of the other young men of his generation as a member of the United States Navy; and

WHEREAS, after his honorable military service, Kenneth Blunt pursued a successful career in business; and

WHEREAS, Kenneth Blunt worked to strengthen and enhance the community as a member of many civic and service organizations, including the Freemasons, Kiwanis Club International, and Belle Haven Country Club; and

WHEREAS, Kenneth Blunt earned a Legion of Honor Award from Kiwanis International, as well as a Governor's Distinguished Service Award, for his work to help charter the Mount Vernon Kiwanis Club; and

WHEREAS, Kenneth Blunt will be fondly remembered and greatly missed by his wife of 59 years, Lucille; children, Christine and Paul, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Kenneth Earl Blunt, a respected member of the Alexandria community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kenneth Earl Blunt as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 206

Designating January 31, in 2016 and in each succeeding year, as Omphalocele Awareness Day in Virginia.

Agreed to by the House of Delegates, February 1, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, an omphalocele is a birth defect that occurs early in pregnancy in which the abdominal wall does not close properly and some or most of the abdominal organs protrude into the umbilical cord; and

WHEREAS, it is estimated that a small omphalocele occurs in about 1 out of every 5,000 pregnancies and a large or giant omphalocele occurs in about 1 out of every 10,000 pregnancies; and

WHEREAS, an omphalocele may be isolated or may be associated with other defects or chromosomal abnormalities; and

WHEREAS, despite the challenges a baby born with an omphalocele may face, many babies who are born with an omphalocele survive and go on to live happy, healthy lives; and

WHEREAS, Mothers of Omphaloceles (MOO) is a group of over 1,400 parents from around the world that was created to provide hope and information to families with babies diagnosed with an omphalocele; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate January 31, 2016, and in each succeeding year, as Omphalocele Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to the Mothers of Omphaloceles so that the members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 207

Commending ADAMS Compassionate Healthcare Network.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, ADAMS Compassionate Healthcare Network is a volunteer-based, nonprofit organization committed to providing patient-centered healthcare to uninsured, low-income individuals in Northern Virginia; and

WHEREAS, ADAMS Compassionate Healthcare Network was founded through a collaboration between the All-Dulles Area Muslim Society (ADAMS), which provided space for the clinic; ML Resources Social Vision, which financed the network and is the lead donor; and the doctors and volunteers who staff the clinic, devoting time and efforts to this cause; and

WHEREAS, ADAMS Compassionate Healthcare Network treated its first patient on November 23, 2013; the network serves community members who have no health insurance and meet certain income guidelines; and

WHEREAS, ADAMS Compassionate Healthcare Network has held annual health fairs to provide basic screenings, including vision, dental, and hearing exams; and

WHEREAS, ADAMS Compassionate Healthcare Network is dedicated to providing quality healthcare to community members in need; it works with doctors, hospitals, and medical testing facilities in the area to provide preventive, primary, and even specialty care at low or no cost to its patients; and

WHEREAS, ADAMS Compassionate Healthcare Network envisions itself as part of a larger network of institutions addressing the health and wellness of underserved and indigent individuals; it is working to cultivate a network of collaborative relationships with individuals and organizations in the community for the purpose of providing comprehensive health care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend ADAMS Compassionate Healthcare Network for its efforts to increase the overall health and wellness of less-fortunate members of the Northern Virginia community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to ADAMS Compassionate Healthcare Network as an expression of the General Assembly's admiration for the organization's commitment to serving the residents of Northern Virginia.

HOUSE JOINT RESOLUTION NO. 208

Commending Deborah D. Pettit.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Deborah D. Pettit, the respected superintendent of Louisa County Public Schools, who helped the school system continue serving students and grow stronger after a devastating earthquake in 2011, will retire in June 2016; and

WHEREAS, Deborah Pettit has worked for Louisa County Public Schools for her entire career; she has taught every grade level and has been a reading specialist, elementary school principal, and assistant superintendent for instruction; and

WHEREAS, the students and staff of the Louisa County Public School division have benefited greatly from Deborah Pettit's experience and professionalism; she has more than 43 years of classroom and administrative experience; and

WHEREAS, Deborah Pettit became the first female superintendent of the Louisa County Public School division in July 2007; four years later, on August 23, 2011, a magnitude 5.8 earthquake struck the mid-Atlantic region and was centered near Mineral; and

WHEREAS, Deborah Pettit was visiting a classroom at Louisa County High School that afternoon and helped to safely evacuate the students and staff from the building; no one in the school was injured; and

WHEREAS, the earthquake caused grave damage to Thomas Jefferson Elementary School and Louisa County High School; both buildings were demolished and the schools were rebuilt, and the county's four other public schools, which also suffered damage, were repaired and reopened; and

WHEREAS, Deborah Pettit ably led the Louisa County Public School system as the county assessed the damage and began to rebuild the educational facilities; recovery took several years, and students and staff attended school in temporary facilities during that time; and

WHEREAS, weekly visits to all of the Louisa County Public Schools have been part of Deborah Pettit's routine as superintendent; she enjoys observing students in class and appreciates the work of the staff and the learning that takes place; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Deborah D. Pettit, superintendent of Louisa County Public Schools, on the occasion of her retirement after more than 40 years of dedicated service and inspiring leadership; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Deborah D. Pettit as an expression of the General Assembly's respect and appreciation for her outstanding work and commitment to the young people of Louisa County.

HOUSE JOINT RESOLUTION NO. 209

Commending the Thomas Jefferson High School for Science and Technology.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, the Thomas Jefferson High School for Science and Technology in Fairfax County, one of the best high schools in the nation according to multiple national publications, was also named a prestigious Advanced Placement Honor Roll School Division winner for 2014 by the College Board; and

WHEREAS, Thomas Jefferson High School for Science and Technology, which was ranked the top school in the nation by *Newsweek* in 2015, was recognized by the College Board for its success in building its Advanced Placement programs while simultaneously increasing students' performance on Advanced Placement tests; and

WHEREAS, the Advanced Placement program provides the opportunity for motivated high school students to take college-level courses in a high school setting, enabling students to develop the academic skills and discipline needed for college; and

WHEREAS, Thomas Jefferson High School for Science and Technology was established in 1985; the magnet school offers a specialized education for selected students from the Cities of Fairfax and Falls Church and from the Counties of Fairfax, Arlington, Loudoun, and Prince William, which is the school division where Thomas Jefferson High School for Science and Technology was designated an Honor Roll winner; and

WHEREAS, to be named to the Advanced Placement (AP) Honor Roll, the faculty, staff, and students at Thomas Jefferson High School for Science and Technology focused on increasing participation and success in the AP program, especially for underrepresented students; the school offers more than 20 AP courses; and

WHEREAS, Thomas Jefferson High School for Science and Technology enrolls more than 1,800 students in grades nine through 12 and provides a challenging learning environment focused on math, science, and technology; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Thomas Jefferson High School for Science and Technology, one of the best high schools in the nation, for being named an Advanced Placement Honor Roll School Division winner for 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Evan Glazer, principal of Thomas Jefferson High School for Science and Technology, as an expression of the General Assembly's congratulations and admiration for the school's outstanding accomplishments.

HOUSE JOINT RESOLUTION NO. 210

Election of a Supreme Court of Virginia Justice.

Agreed to by the House of Delegates, January 26, 2016

Agreed to by the Senate, March 2, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed on or after Thursday, January 28, 2016

To the election of a Supreme Court of Virginia justice for a term of twelve years commencing February 13, 2016.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 211

Commending the Virginia Outdoors Foundation.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, established by the Virginia General Assembly in 1966, the Virginia Outdoors Foundation celebrates its 50th anniversary in 2016; and

WHEREAS, the Virginia Outdoors Foundation is a body politic of the Commonwealth, formed to promote the preservation of open-space lands and to encourage private gifts of money, securities, land, or other property to preserve the natural, scenic, historic, scientific, open-space, and recreational areas of the Commonwealth; and

WHEREAS, the Virginia Outdoors Foundation works collaboratively with federal, state, and local agencies to implement public policies related to the protection of Virginia's natural and cultural resources for future generations; and

WHEREAS, the Virginia Outdoors Foundation builds partnerships with the private sector to promote voluntary participation in programs that further the Commonwealth's land conservation goals; and

WHEREAS, since 1966, the Virginia Outdoors Foundation has protected nearly 800,000 acres of farmland, forestland, and other open space, all of which represents the Commonwealth's natural and cultural heritage; supports the agriculture, forestry, and tourism industries; and contributes to a high quality of life for all Virginians; and

WHEREAS, the Virginia Outdoors Foundation owns more than 3,000 acres of land, which is managed as open-space reserves for public recreation, education, and wildlife habitat, and the foundation's pioneering work in the area of voluntary open-space easements has served as a model for land conservation efforts throughout the nation; and

WHEREAS, since the passage of the Virginia Land Conservation Incentives Act of 1999 and the creation of land preservation tax credit incentives, the Virginia Outdoors Foundation has protected open space at a rate of about five acres every hour through the use of open-space easements; and

WHEREAS, the Virginia Outdoors Foundation has contributed approximately one-third of the land conserved in the six-state Chesapeake Bay watershed since the signing of the Chesapeake 2000 agreement; during that time, about two-thirds of easement donors have reinvested tax credits they received back into sustaining and expanding their farming and forestry operations; and

WHEREAS, nearly 95 percent of Virginians live within 10 miles of land protected by the Virginia Outdoors Foundation; the Virginia Outdoors Foundation has helped establish the Commonwealth as a national leader in the conservation of private lands through voluntary programs; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Outdoors Foundation on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Outdoors Foundation as an expression of the General Assembly's admiration for the organization's outstanding commitment to the conservation of the Commonwealth's natural and cultural resources.

HOUSE JOINT RESOLUTION NO. 212

Commending the Knights of the Golden Horseshoe Expedition.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, in August and September of 1716, just two years after settling the first colony of German immigrants to Virginia at Fort Germanna, built along the bank of the Rapidan River, Alexander Spotswood, Lieutenant Governor of the Virginia colony, led a group of men over the Blue Ridge Mountains; and

WHEREAS, the expedition, which originated from Fort Germanna, comprised a group of about 50 rangers, pioneers, Meherrin Indians, and servants, that became popularly known as the Knights of the Golden Horseshoe; and

WHEREAS, Fort Germanna was then the westernmost settlement of the British Empire, 20 miles above the fall line, providing security to Virginia's western frontier; the fort was situated in an ideal location to provide iron ore and fuel for the nascent iron industry of Virginia; and

WHEREAS, the expedition marked the first passage over the Blue Ridge by Virginia colonists, reaching the banks of the Shenandoah River, which the explorers dubbed the Euphrates; a journal of the expedition, which has been transcribed and preserved to this day, was maintained by expedition member John Fontaine; and

WHEREAS, the Knights of the Golden Horseshoe Expedition has taken on the aura of legend in the succeeding 300 years since its occurrence, but is remembered as fact through John Fontaine's account, historic documents, literature, and family histories and traditions; and

WHEREAS, during the Knights of the Golden Horseshoe Expedition's 300th anniversary year in 2016, the Germanna Foundation will celebrate the history and legacy of the expedition through continuing archaeological field work at the Fort Germanna site, the presentation of a historical conference program centered on the expedition at a four-day conference in July, and a living history encampment portraying the dramatic story of 18th-century Virginia and the expedition in September, drawing on historical information that has been revealed by archaeological and documentary research; and

WHEREAS, the National Geographic Society recognized the historical significance of the Knights of the Golden Horseshoe Expedition by producing a video about Germanna and the new archaeological exploration work being undertaken by the Germanna Foundation; and

WHEREAS, the 300th anniversary of the Knights of the Golden Horseshoe Expedition is a historic opportunity for the citizens of the Commonwealth and visitors from throughout the United States and the world to come to Germanna on the

banks of Virginia's Rapidan River, visit the Blue Ridge Mountains traversed by the explorers, and experience firsthand the area's many contributions to the rich and diverse history and culture of the United States; and

WHEREAS, all Virginians are encouraged to support and commemorate the 300th anniversary of the Knights of the Golden Horseshoe Expedition by participating in programs and festivities in communities across the Commonwealth that will increase awareness, knowledge, and enjoyment of the history of the Knights of the Golden Horseshoe Expedition and the Germanna settlement in Virginia and their preeminent role in the origin of the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Knights of the Golden Horseshoe Expedition on the occasion of its 300th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Germanna Foundation as an expression of the General Assembly's admiration for the historical significance of the Knights of the Golden Horseshoe Expedition.

HOUSE JOINT RESOLUTION NO. 213

Commending Martha Boneta.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Martha Boneta, the founder of the Small Family Farm Foundation and a passionate advocate for family farmers and property rights in the Commonwealth, was named one of America's 45 Most Amazing Women by *Country Woman Magazine*; and

WHEREAS, *Country Woman Magazine's* 45 Most Amazing Women in America award honors women who have made exceptional contributions to agrarian life in their communities and the country as a whole; and

WHEREAS, in 2014, Martha Boneta was the driving force behind the passage of what became known as the Boneta Bill, which provided more opportunities for farmers; and

WHEREAS, in 2015, Martha Boneta further strengthened conservation easements with the passage of the second Boneta Bill, which provided an opportunity for an alternative dispute resolution between land trusts and landowners; and

WHEREAS, Martha Boneta serves on the board of directors for Keep Virginia Beautiful, the mission of which is to unite Virginians to improve the Commonwealth's scenic, natural environment; and

WHEREAS, Martha Boneta also serves on a roundtable of the Private Property Rights Caucus in the United States House of Representatives; and

WHEREAS, the Property Rights Foundation of America named Martha Boneta a Property Rights Grassroots Leader, and an acclaimed documentary highlighting her passion for farming received the People's Choice Award at the Anthem Film Festival; and

WHEREAS, Martha Boneta is a positive inspiration to many farmers and fellow property rights activists throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Martha Boneta on being named one of America's 45 Most Amazing Women for her passionate advocacy for family farmers and property rights; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Martha Boneta as an expression of the General Assembly's admiration for her stellar achievements and great contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 214

Commending the Virginia Natural Heritage Program.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, on August 27, 1986, the Commonwealth signed an agreement with The Nature Conservancy to launch the nation's 43rd State Natural Heritage Program, and the first Virginia Natural Area Preserve was dedicated on October 31, 1990; and

WHEREAS, the Virginia Natural Heritage Program benefits all Virginians by finding, preserving, and protecting the Commonwealth's most significant natural resources and providing outstanding opportunities for outdoor recreation; and

WHEREAS, Virginia is recognized as one of six biological diversity hot spots in the United States, and Virginia's Clinch and Powell Rivers represent the nation's leading hot spots of aquatic diversity, supporting a collection of freshwater mussels unmatched anywhere in the world; and

WHEREAS, the Natural Heritage Program has built a conservation information system of 8,820 natural community and rare species field locations, and a Natural Area Preserve System of 62 natural areas containing 55,600 acres supporting 760 exemplary natural community and rare species populations; and

WHEREAS, the Natural Heritage Program is the official aggregator and source for data and information on all of Virginia's conserved lands and managed areas, across 10,865 tracts, where these data are used internally, shared with partners, and provided to the public for conservation information and decision making; and

WHEREAS, the Virginia Natural Heritage Program has been recognized twice by The Nature Conservancy and NatureServe as the Outstanding Natural Heritage Program in Canada, the United States, and Latin America for "outstanding and innovative efforts to apply natural heritage data to effect local and statewide conservation"; and

WHEREAS, Virginia Natural Heritage Program scientists have discovered 36 species new to science and 313 species not previously seen or documented in Virginia and have documented 110 globally rare species in Virginia's 4,100 caves, and the Virginia Natural Heritage Program staff have provided cost-effective, timely, scientific, and unbiased conservation information for 58,931 land conservation and land planning projects; and

WHEREAS, the Virginia Natural Heritage Program has provided outstanding service to citizens and government agencies to protect drinking water and conserve significant natural resources; and

WHEREAS, the fourth most common outdoor recreation activity in Virginia is visiting natural areas; State Natural Area Preserves provide unique outdoor experiences and education opportunities for residents of and visitors to the Commonwealth, with 150,000 visitors to the preserves estimated in 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Natural Heritage Program, on the occasion of its 30th anniversary in 2016, for the invaluable service it provides to the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the director of the Department of Conservation and Recreation and the director of the Virginia Natural Heritage Program, with reproductions to be displayed at Virginia Natural Area Preserve public access facilities, as an expression of the General Assembly's admiration for the program's achievements.

HOUSE JOINT RESOLUTION NO. 215

Commending David Wallace.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, while in the course of his duties, David Wallace, a respected law-enforcement officer with the Albemarle County Police Department, saved the life of an infant who was choking; and

WHEREAS, a veteran and a current member of the United States Army Reserve, David Wallace followed in his father's footsteps as a police officer and has served and protected members of the public with the Albemarle County Police Department for 19 years; and

WHEREAS, on the morning of December 29, 2015, David Wallace was responding to the scene of a vehicle wreck when he received a call regarding a child in distress; the infant had begun choking on milk, then stopped breathing; and

WHEREAS, David Wallace, who strives to be prepared for any scenario, raced to help the child; he routinely carries an automated external defibrillator in his patrol vehicle and is fully trained in first aid techniques, like all Albemarle County police officers; and

WHEREAS, under intense pressure, David Wallace relied on his training and followed proper procedure, performing back blows and chest compressions, until the child started breathing again; and

WHEREAS, David Wallace is an exemplar of the compassion, dedication to duty, and professionalism displayed by law-enforcement officers throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend David Wallace for his role in saving the life of a choking infant in Albemarle County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Wallace as an expression of the General Assembly's admiration for his quick thinking and decisive actions.

HOUSE JOINT RESOLUTION NO. 216

Celebrating the life of Carol Willoughby.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Carol Willoughby of Roanoke, the cofounder of Saint Francis Service Dogs who touched countless lives through her advocacy and support for Virginians with disabilities, died on November 11, 2015; and

WHEREAS, after being diagnosed with rheumatoid arthritis at the age of 22, Carol Willoughby was inspired to help others and established one of the first support groups for people with arthritis in the Commonwealth, which served as a model for similar groups in other communities; and

WHEREAS, Carol Willoughby joined the board of directors of the Virginia Arthritis Foundation and founded a consulting service for disability awareness; she encouraged people with disabilities to become active, productive members of their communities through seminars and speeches; and

WHEREAS, in 1986, Carol Willoughby received her first service dog, a golden retriever named Booker, who significantly increased her quality of life by helping her with household chores and giving her and her family peace of mind; and

WHEREAS, the difference that Booker made in Carol Willoughby's life inspired her to help establish Saint Francis Service Dogs, a nonprofit organization that offers service animals to individuals in need at a fraction of training costs; and

WHEREAS, after serving as executive director of Saint Francis Service Dogs for five years, Carol Willoughby moved into an advisory role and expanded the organization's fundraising programs; she helped the organization reach a \$1 million capital campaign goal and was instrumental in securing a \$1.5 million donation in 2009; and

WHEREAS, Carol Willoughby and her second service dog, Midas, continued to be an inspiration in the community; through Carol Willoughby's grace, positivity, and exceptional leadership, she helped countless Virginians overcome disabilities and lead fuller, happier lives; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Carol Willoughby, a passionate advocate for Virginians with disabilities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carol Willoughby as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 217

Celebrating the life of Charles Wesley Day.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Charles Wesley Day of Roanoke County, a highly respected educator and coach, a community leader who was a former chair of the City of Roanoke School Board, a proud veteran of the United States military, and a devoted husband and father, died on July 30, 2015; and

WHEREAS, Charles Day was a native of Radford; he attended Christiansburg Institute and earned a bachelor's degree from Virginia State University and a master's degree from Radford University and completed advanced studies at the University of Virginia; and

WHEREAS, in 1957, after graduating from college, Charles Day enlisted in the United States Army; as part of his active duty service, he taught math and science at an Army base in Germany to soldiers who were studying for the General Educational Development exam; and

WHEREAS, after completing his tour of duty, Charles Day returned home and began teaching school and coaching at Central High School in Amherst County; two years later, he accepted a position at Friends Elementary School in Montgomery County, closer to where he grew up; and

WHEREAS, Charles Day served for five years as principal of Friends School, which was for African American students; after the school closed when the district was integrated, he taught physical education and coached at Lucy Addison High School in Roanoke for three years before becoming principal of the former Loudon Elementary School for one year; and

WHEREAS, Charles Day then was named principal of Lucy Addison High School, successfully guiding staff and students as the City of Roanoke integrated its schools; his calm demeanor and comfortable approach was greatly appreciated by many people as he worked diligently to ensure that all members of the community felt welcome; and

WHEREAS, in 1973, Charles Day became assistant principal at William Ruffner Middle School when the Lucy Addison school building stopped being used as a high school; after he retired, Charles Day was a member of the board of the Roanoke City Public Schools for 12 years and served as chair for two years; and

WHEREAS, additionally, Charles Day made many valuable contributions in other areas; he was a counselor at Virginia Western Community College and also served as an administrative law test administrator; and

WHEREAS, in 2014, Charles Day was inducted into the Amherst County Sports Hall of Fame for being coach of Central High School's 1960-1961 championship high school basketball team, which won the First District basketball title; and

WHEREAS, Charles Day will be greatly missed and fondly remembered by his wife, Hilda; children, Charlene and Charles, and their families; and many other family members, friends, former students, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Charles Wesley Day of Roanoke County, an esteemed educator who made many contributions to the community as a talented teacher, coach, and administrator and who was a former chair of the board of the City of Roanoke Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Wesley Day as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 218

Commending Angela West.

Agreed to by the House of Delegates, January 29, 2016

Agreed to by the Senate, February 4, 2016

WHEREAS, Angela West was crowned Ms. Wheelchair Virginia 2015-2016 at the Ms. Wheelchair Virginia pageant held on March 21, 2015, at the Wilson Workforce and Rehabilitation Center in Fishersville; and

WHEREAS, the mission of the Ms. Wheelchair Virginia program is to raise awareness of the abilities and needs of the members of the disabled community through education and advocacy, in order to influence attitudinal, architectural, and social change for all Virginians; and

WHEREAS, due to cerebral palsy, Angela West has been using a wheelchair since birth, when doctors reported that it would be impossible for her to attend school and become employed; she has broken down barriers for herself and others, developed the skills to live independently, and sought to help others overcome obstacles with the motto of "Be the Change You Want to See"; and

WHEREAS, as Ms. Wheelchair Virginia, Angela West has traveled across the Commonwealth, promoting her platform of "Empowering the Ability in Disability" and encouraging people with and without disabilities to be active in their communities; and

WHEREAS, an extremely motivated and accomplished woman, Angela West received a bachelor's degree from Old Dominion University and a master's degree in rehabilitation counseling at Virginia Commonwealth University; and

WHEREAS, Angela West received a prestigious Nikki Ard award, which is awarded to a state delegate at Ms. Wheelchair America for her advocacy work; she currently works at Virginia Commonwealth University, Partnership for People with Disabilities, as the Asian Cultural Broker; and

WHEREAS, an accomplished public speaker, Angela West has spoken at numerous events and schools around the Commonwealth, sharing her experiences and insights with various organizations and individuals; and

WHEREAS, an inspiring and talented woman, Angela West represents her community and the Commonwealth with grace, enthusiasm, and dedication; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Angela West on her selection as Ms. Wheelchair Virginia 2015-2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Angela West as an expression of the General Assembly's congratulations, respect, and admiration for her work on behalf of people with disabilities.

HOUSE JOINT RESOLUTION NO. 219

Celebrating the life of Benjamin Thomas Osborne.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Benjamin Thomas Osborne, a beloved member of the Independence community, died on January 7, 2016; and WHEREAS, a native of Galax, Benjamin Osborne attended Radford University; he never met a stranger and made many good friends throughout his life; and

WHEREAS, Benjamin Osborne pursued a career as a carpenter and worked at WRO Construction and Masonry; and

WHEREAS, Benjamin Osborne brought joy to others through his bright smile and resilience; his generosity was unmatched, and he never hesitated to help someone in need; and

WHEREAS, Benjamin Osborne will be fondly remembered and greatly missed by his parents, Randy and Leslie; siblings, Will, Jack, Luke, and Carlisle, and their families; grandmother, Louise; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Benjamin Thomas Osborne of Independence; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Benjamin Thomas Osborne as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 220

Commending Newport News Shipbuilding.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, for 130 years, Newport News Shipbuilding has served the United States as a critical component of national defense capabilities and grown to become the largest industrial employer in the Commonwealth, providing livelihood for generations of families in Hampton Roads; and

WHEREAS, Newport News Shipbuilding was founded in 1886 by Collis P. Huntington to repair ships serving the Chesapeake and Ohio Railroad hub in Newport News; the shipyard produced its first ship, a tugboat, in 1891 and had completed three warships for the United States Navy by 1897; and

WHEREAS, in the early years of Newport News Shipbuilding's storied history, the company built strong relationships with the Hampton Roads community, and many prominent figures at the company also served as civic leaders; one of the nation's first planned communities, Hilton Village, was built to house shipyard workers in 1918; and

WHEREAS, between 1907 and 1923, Newport News Shipbuilding built six of the United States Navy's fleet of 22 dreadnoughts, all but one of which remained in active service at the start of World War II; in the inter-war period, the shipyard also produced multiple destroyers and aircraft carriers, as well as ocean liners; and

WHEREAS, during World War II, Newport News Shipbuilding ably responded to the government's request for ships through the Emergency Shipbuilding Program; the shipyard produced 243 ships, including 186 Liberty Ships, earning the United States Navy's E pennant for excellence in shipbuilding; and

WHEREAS, after the war, Newport News Shipbuilding built the famous passenger liner SS *United States*, which holds a long-standing trans-Atlantic speed record; the shipyard also contributed to a prototype nuclear propulsion system and launched its first nuclear-powered submarine; and

WHEREAS, in the 1970s, Newport News Shipbuilding launched two of the largest tankers in the world and constructed the largest liquefied natural gas carriers ever built in the United States; as of 1999, the shipyard only produces ships for the United States Navy, focusing on nuclear-powered carriers and submarines, as well as warship overhaul projects; and

WHEREAS, Newport News Shipbuilding is currently a division of the Northrop Grumman spin-off, Huntington Ingalls Industries; before it was purchased by Northrop Grumman in 2001, Newport News Shipbuilding was the largest privately owned shipyard in the United States; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Newport News Shipbuilding on the occasion of its 130th anniversary of continuous operation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Newport News Shipbuilding as an expression of the General Assembly's admiration for the company's contributions to Hampton Roads, the Commonwealth, and the nation.

HOUSE JOINT RESOLUTION NO. 221

Celebrating the life of Mary Eileen Dubus Schindel.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Mary Eileen Dubus Schindel, a highly admired small business owner and beloved member of the Chester community, died on December 27, 2015, after a long and courageous battle with leukemia; and

WHEREAS, Mary Schindel was diagnosed with leukemia in 2006 and received bone marrow transplants in 2006 and 2010; her optimism and spirit was an inspiration to her fellow patients and the community as a whole; and

WHEREAS, well-known for her stylish fashion sense and love of eye-catching jewelry, Mary Schindel opened her own boutique, Just the Thing, in Chester in 2007; the store moved to its current location in Chester Village in 2009 and was renamed She Chester; and

WHEREAS, Mary Schindel was a passionate advocate for small business owners, and her story of success as an entrepreneur in the face of personal adversity gained national recognition; she hosted visits from prominent public figures, such as former Senator George Allen and Ann Romney at the boutique; and

WHEREAS, working to enhance the quality of life of all community members in need, Mary Schindel donated her time and leadership to several worthwhile civic organizations, including the Junior Federated Women's Club of Chester, Chester Cotillion, and The Doorways; and

WHEREAS, Mary Schindel will be fondly remembered and greatly missed by her husband, Paul; children, Connor, Rory, Neil, and Bridget; parents, Michael and Catherine; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mary Eileen Dubus Schindel, an entrepreneur and community leader in Chester; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Eileen Dubus Schindel as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 222

Commending S. Wallace Edwards & Sons, Inc.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, S. Wallace Edwards & Sons, Inc., of Surry County, a noted purveyor of delectable Virginia country hams, bacon, Surry sausage, and other quality foods, has served the Commonwealth and lovers of fine food for 90 years; and

WHEREAS, the S. Wallace Edwards & Sons company started serendipitously in 1926 when S. Wallace Edwards, Sr., captain on the Jamestown-Surry ferry, began selling ham sandwiches to his passengers; and

WHEREAS, demand grew for the tasty sandwich, and soon Wallace Edwards, Sr., began curing hams on a full-time basis; handwritten company records from 1926 indicate that his first customers for whole hams were "two tourists"; and

WHEREAS, S. Wallace Edwards & Sons uses a traditional method that has been a staple of Virginia fare since Colonial days to produce a deliciously dry cured Virginia ham; and

WHEREAS, this method of curing was an Indian tradition and English colonists adopted their method and passed it down to succeeding generations—Wallace Edwards, Sr., learned how to prepare country ham from his mother and father; and

WHEREAS, S. Wallace Edwards & Sons is run by Sam Edwards III, who is following in the footsteps of his father, Wallace Edwards, Jr., and his grandfather, Wallace Edwards, Sr., relying on their knowledge of curing meat and their insistence on business integrity and quality products; and

WHEREAS, S. Wallace Edwards & Sons continues to have family members and dedicated staff working to grow the business and maintain its goal of making the best possible products; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend S. Wallace Edwards & Sons, Inc., for 90 years of producing quality Virginia foods; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sam Edwards III, cure master and chief executive officer of S. Wallace Edwards & Sons, Inc., as an expression of the General Assembly's admiration for the company's commitment to culinary excellence.

HOUSE JOINT RESOLUTION NO. 223

Celebrating the life of Priscilla Ames.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Priscilla Ames, a longtime resident of Reston and a spirited advocate for its citizens, who helped build a strong future for the community and dedicated her life to serving and inspiring others, died on January 8, 2016; and

WHEREAS, a native of New York City, Priscilla Ames moved to Reston in 1965 and was one of the community's earliest residents; she was a passionate believer in Robert E. Simon's concept of a "New Town," where individuals of all races, backgrounds, and income levels could find a home; and

WHEREAS, desirous to be of service to her fellow residents, Priscilla Ames was one of the first members of Reston-Herndon FISH, a nonprofit organization that provides emergency support to individuals and families in need, and volunteered with Lake Anne Hall and Reston Interfaith (now Cornerstones); and

WHEREAS, Priscilla Ames later worked to strengthen the community as a member of the Fairfax County Human Services Board and helped the Reverend Embry Rucker, her longtime partner, establish and raise funds for what is now the Embry Rucker Community Shelter; and

WHEREAS, often one of the first people in the community to welcome new families, Priscilla Ames was a trusted mentor to many young men and women in Reston; as the demographics of the community changed, she devoted her time to working with nonprofit organizations, faith groups, and members of local and state government to break down language barriers for Reston residents; and

WHEREAS, Priscilla Ames earned numerous awards and accolades for her good work, including the prestigious Robert E. Simon Lifetime Achievement Award from the Greater Reston Chamber of Commerce and Reston Interfaith, in 2011; and

WHEREAS, predeceased by her daughter, Gwen, Priscilla Ames will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Priscilla Ames, a beloved community leader in Reston; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Priscilla Ames as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 224

Commending Osher Lifelong Learning Institute.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Osher Lifelong Learning Institute at George Mason University in Fairfax County has served the retiree community in Northern Virginia for more than 25 years and has become one of the premier lifelong learning institutes in the United States; and

WHEREAS, Osher Lifelong Learning Institute was originally established as the Learning in Retirement Institute in 1991 by the Fairfax Commission on Aging and visionary Kathryn Brooks, who wanted to establish educational and social opportunities for a growing base of active seniors in Northern Virginia, an age wave expected to continue well into the 21st century; and

WHEREAS, the Learning in Retirement Institute soon became affiliated with George Mason University as part of the university's strategic vision to extend its learning mission into the community, including seniors interested in maintaining an active intellectual life; and

WHEREAS, the Learning in Retirement Institute was generously endowed by the Bernard Osher Foundation of California, a non-profit that has dedicated millions to enhancing the quality of life in the United States through education and the arts, and the institute was renamed as Osher Lifelong Learning Institute (OLLI-Mason) in 2014; and

WHEREAS, OLLI-Mason's mission is "to offer to its members learning opportunities in a stimulating environment in which adults can share their talents, experiences and skills, explore new interests, discover and develop latent abilities, engage in intellectual and cultural pursuits, and socialize with others of similar interests"; and

WHEREAS, by all measures, OLLI-Mason has fulfilled its goals; what started two decades ago as a member-run learning center with 100 members operating and teaching out of one room in George Mason University's Commerce II Building, has burgeoned into a robust, first-rate educational and social institute with over 1,200 members; and

WHEREAS, OLLI-Mason currently offers retirees in Northern Virginia over 400 courses and special events over four terms each year across three campuses in Fairfax, Reston, and Loudoun; from arts to zoology and religion to science, there is a topic to satisfy everyone without the pressures of homework, exams, or grades; and

WHEREAS, the over-50 population in Northern Virginia is booming, living longer and healthier lives, and policymakers at all levels are working vigorously to develop programs and services to help them continue to participate more fully in their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Osher Lifelong Learning Institute for its resounding success in serving the educational and social needs of retirees in Northern Virginia on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Osher Lifelong Learning Institute as an expression of the General Assembly's admiration for its visionary leadership in education and work to better meet the needs, expand opportunities, and enhance the quality of life for retirees in Northern Virginia.

HOUSE JOINT RESOLUTION NO. 225

Celebrating the life of Ruth Ann Harvey.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Ruth Ann Harvey, a government employee during World War II and a trusted business owner in Alexandria who was a beloved friend to many in the community, died on January 8, 2016; and

WHEREAS, a native of Custar, Ohio, Ruth Ann Harvey graduated from Tiffin University, then relocated to Washington, D.C., to work for the Department of War; in 1943, she was one of the first people to move into the newly constructed Pentagon, where she served her country throughout World War II; and

WHEREAS, after the birth of their first child, Ruth Ann Harvey and her husband moved to Alexandria and operated Hollin Hall Automotive Service Station; she continued to operate the business after her husband's death in 1966; and

WHEREAS, at a time when self-service gas stations were becoming standard, Ruth Ann Harvey noticed that senior members of the community were having difficulty pumping gas and often required assistance; and

WHEREAS, a visionary businesswoman, Ruth Ann Harvey converted Hollin Hall Automotive to an all full-service gas station, where three full-time attendants pump gas, clean windshields, and check a car's oil level, all while customers remain in their cars; and

WHEREAS, the employees of Hollin Hall Automotive value good customer service above all else, and seniors from around the area visit the station to ensure that their cars are properly maintained; many local youth have gotten their first job at the gas station and gained valuable life experience from Ruth Ann Harvey; and

WHEREAS, predeceased by her husband, Leon, and two sons, Cleveland and Leon, Jr., Ruth Ann Harvey will be fondly remembered and greatly missed by her children, Tom, Mike, Steve, Bob, and Jim, and their families, and numerous other family members, friends, and former customers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ruth Ann Harvey, a respected former government employee and business owner in Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruth Ann Harvey as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 226

Celebrating the life of Karen Correia Radley.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Karen Correia Radley of King George County, a respected entrepreneur with Radley Automotive Group and a beloved member of the community, died on April 5, 2015; and

WHEREAS, a native of Los Banos, California, Karen Radley relocated to the Fredericksburg area and earned a reputation as a knowledgeable, hard-working, and highly professional leader in her role as a car dealer with Radley Automotive Group; and

WHEREAS, Karen Radley also worked to serve and strengthen the community as a member of several local boards; she privately supported many charitable organizations and was admired for her quiet kindness; and

WHEREAS, Karen Radley often put other people's needs before her own, and her compassion extended to animals; she proudly owned horses, and her house often became a home to strays or other animals in need; and

WHEREAS, developing a keen appreciation for world cultures throughout her life, Karen Radley traveled to more than 100 countries, documenting her journeys through stunning photography and vivid storytelling; and

WHEREAS, predeceased by her son, Cory, Karen Radley will be fondly remembered and greatly missed by her husband, Vincent, and numerous other family members, friends, colleagues, and customers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Karen Correia Radley, a well-known member of the King George County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Karen Correia Radley as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 227

Commending the Goochland High School girls' volleyball team.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, athletic endeavor, not least in team sports, is an integral element in the formation of the well-rounded young person; and

WHEREAS, participation in programs of the Virginia High School League is enjoyed by countless high school students across the Commonwealth; and

WHEREAS, sanctioned competition in the Virginia High School League includes the crowning of a state champion of Virginia in every major sport for both young men and women; and

WHEREAS, the girls' volleyball team of Goochland High School has won the Virginia High School League Group 2A state volleyball championship with a perfect record of 27 victories and no defeats; and

WHEREAS, the 2015 girls' volleyball team is the first all-girls team of Goochland High School to win a statewide championship title; and

WHEREAS, their undefeated record bears testimony to the Goochland High School girls' volleyball team's mastery of the disciplines of individual and all-team performance against challenging opponents; and

WHEREAS, five members of the Goochland High School team were accorded Quad Rivers 34 All-Conference recognition—Madelyn Ott, Josie Summitt, Maddie Parker, Alexis Wiggins, and Casey Spencer; and

WHEREAS, Goochland High School's Madelyn Ott was named Player of the Year for 2015, and the team's coach, Jennifer Erixon, was named Coach of the Year for 2015; and

WHEREAS, other team members and coaches, each of whose contributions are reflected in the achievement of the record-setting championship season, include Margaret Black, Faith Gerdes, Maddie Goff, Emma Holcombe, Kealie Lachinet, Katelin Martin, Finley Miers, Brenda Moore, Madelyn Ott, Maddie Parker, Casey Spencer, Josie Summitt, Corinne Whalen, Alexis Wiggins, and Coach Jennifer Erixon and Assistant Coach Andrew Hover; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Goochland High School girls' volleyball team on winning the 2015 Virginia High School League Group 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the 2015 Goochland High School girls' volleyball team as an expression of the General Assembly's admiration for the team's exemplary triumph in athletic competition.

HOUSE JOINT RESOLUTION NO. 228

Commending the Department of Game and Inland Fisheries.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, in 2016, the Department of Game and Inland Fisheries celebrates 100 years of conserving and managing the Commonwealth's wildlife and natural resources, an important shared responsibility of current and future generations of Virginians; and

WHEREAS, more than 100 years ago, a group of dedicated sportsmen and conservationists proposed establishing a state wildlife agency to help restore beleaguered fish and wildlife populations in Virginia; and

WHEREAS, the Department of Game and Inland Fisheries was created by the Virginia General Assembly on June 17, 1916, and the department's first office was established in the cloak room of the Senate Chamber in the Capitol; and

WHEREAS, funding for the Department of Game and Inland Fisheries is provided directly by Virginia's hunters, trappers, anglers, boaters, and wildlife enthusiasts and is used to coordinate the management of inland fisheries, wildlife, and recreational boating; and

WHEREAS, the wildlife management efforts and conservation programs of the Department of Game and Inland Fisheries, supported and funded by sportsmen and wildlife enthusiasts, have benefited all citizens of the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Department of Game and Inland Fisheries for its 100 years of service to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the executive director of the Department of Game and Inland Fisheries as an expression of the General Assembly's appreciation for the department's effective stewardship of the Commonwealth's wildlife resources for the benefit of all Virginians.

HOUSE JOINT RESOLUTION NO. 229

Expressing appreciation for the hospitality extended by the Colonial Williamsburg Foundation.

Agreed to by the House of Delegates, February 1, 2016

Agreed to by the Senate, February 1, 2016

WHEREAS, on January thirtieth, two thousand sixteen, the General Assembly of Virginia met in the Reconstructed Capitol at Williamsburg for the Twenty-sixth Commemorative Session as the guests of the Colonial Williamsburg Foundation; and

WHEREAS, the Colonial Williamsburg Foundation also offered special interpretive instructional programs along the landmark Duke of Gloucester Street, hosted an elegant reception and dinner, including a special presentation by the Honorable James Madison and Patrick Henry, and arranged with the historic First Baptist Church of Williamsburg to provide morning religious services; and

WHEREAS, it is fitting and proper that this body express its appreciation of the gracious and generous hospitality extended by the Colonial Williamsburg Foundation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly express its appreciation for the many courtesies extended to this body, its members, and guests by the Colonial Williamsburg Foundation upon the occasion of the holding of the session of the General Assembly of Virginia in the Reconstructed Capitol at Williamsburg on January thirtieth, two thousand sixteen; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Mitchell B. Reiss, President and Chief Executive Officer of the Colonial Williamsburg Foundation, and Thomas F. Farrell II, Chairman of the Board of Trustees of the Colonial Williamsburg Foundation, as a token of the appreciation of the General Assembly of Virginia.

HOUSE JOINT RESOLUTION NO. 230

Celebrating the life of Robert Horvath.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Robert Horvath, who mentored and inspired countless youth as an educator and martial arts instructor in the Williamsburg area, died on December 2, 2015; and

WHEREAS, a proud native of New York, Robert Horvath relocated to the Commonwealth to pursue a career in education; he worked in York County before joining Williamsburg-James City County Public Schools as a special education teacher; and

WHEREAS, a devoted educator, Robert Horvath enjoyed providing new opportunities for his students and helping them achieve their fullest potential; he led a program at Jamestown High School that provided seniors with hands-on learning and information about careers; and

WHEREAS, Robert Horvath further served local community members as a martial arts instructor for 20 years, including at The College of William & Mary; he proudly imparted the values of discipline and self-esteem to his students, as well as self-defense techniques; and

WHEREAS, Robert Horvath specialized in Judo, a Japanese martial art focusing on throws and grappling; he was also an avid movie-goer and was a particular fan of stylish superspy James Bond, who was originally envisioned as a Judo expert by creator Ian Fleming; and

WHEREAS, Robert Horvath will be fondly remembered and greatly missed by his wife, Trisha; son, Tyler; and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Horvath, a passionate educator and martial arts instructor in the Williamsburg area; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Horvath as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 231

Commending the Poquoson Fire and Rescue Department.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, in 2016, the Poquoson Fire and Rescue Department celebrates its 75th anniversary of providing outstanding service and protection to the residents and businesses of Poquoson; and

WHEREAS, the Poquoson Fire and Rescue Department has its origins in 1941, when 18 residents held an organizational meeting that October to discuss establishing a volunteer fire department and procuring funding for needed equipment; and

WHEREAS, in a month's time, enough money was collected to purchase a flatbed truck, steel for a 650-gallon water tank, running boards, four Indian pumps, a high-pressure pump, and hoses, and in December 1941, the Poquoson Volunteer Fire Department was formally established; and

WHEREAS, the first fire truck that the Poquoson Volunteer Fire Department owned was kept at an old barrel factory while the town's volunteer fire station was under construction; the truck was leased to the federal government during World War II to serve a nearby community of wartime workers; and

WHEREAS, the fire department's first station was completed in 1943; it was on Poquoson Avenue in Messick across the street from Trinity United Methodist Church, which had lent the land to the Town of Poquoson; and

WHEREAS, in the early days, fire calls were routed to a local store as the Poquoson Fire Station had no telephone; when a call for assistance was received, the store would send someone to the fire station who wrote the address on a chalkboard, and the first firefighter to arrive drove the truck; and

WHEREAS, in 1949, less than 10 years after it began operation, the Poquoson Fire Department hired its first career firefighter, William H. Proctor, followed soon afterward by Lorenza Insley and Clarence Evans; and

WHEREAS, for a few years beginning in 1960, a second volunteer fire department served the central and western sections of Poquoson; the members bought equipment and began construction on a new building that would house Poquoson Fire Department No. 2; and

WHEREAS, the Poquoson Town Council voted in 1962 to place all fire department operations in a central location; the site of the second volunteer company became the town's public works department and vehicle service yard; and

WHEREAS, in the ensuing years, the Poquoson government created a combined emergency response department; today, the Poquoson Fire and Rescue Department includes volunteer and career firefighters and an active Ladies Auxiliary; and

WHEREAS, Fire Station 1 was rebuilt after suffering serious damage in 2003 during Hurricane Isabel; as Poquoson has grown, the Poquoson Fire Department has kept pace, and today two fire stations protect and serve the community; and

WHEREAS, the people of Poquoson are well served by the dedicated staff of highly trained volunteer and professional fire department personnel; all members of the Poquoson Fire Department are committed to providing outstanding fire protection and firefighting expertise; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Poquoson Fire and Rescue Department on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Poquoson Fire and Rescue Department as an expression of the General Assembly's respect and admiration for its dedication to the safety of the people of Poquoson.

HOUSE JOINT RESOLUTION NO. 232

Commending Let's Fly Wisely.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, at Let's Fly Wisely, an aviation event held on July 17, 2015, in Wise County, Flirtey, Inc., successfully conducted the first Federal Aviation Administration-approved research flights for medical package deliveries and demonstrated the powerful humanitarian benefits of unmanned aerial vehicle technology; and

WHEREAS, Let's Fly Wisely was a pioneering cooperative partnership that brought together Flirtey, Inc., NASA Langley Research Center, Mid-Atlantic Aviation Partnership, Virginia Polytechnic Institute and State University, RX Partnership, The Appalachian College of Pharmacy, Health Wagon, Remote Area Medical, Ryan Media Lab (formally SEESPAN Inc.), Wise County, and Lonesome Pine Airport in Wise; and

WHEREAS, Let's Fly Wisely demonstrated the power of collaboration between high-technology start-ups, government entities, universities, and nonprofit organizations to further the common good; as lessons of Let's Fly Wisely disseminate throughout the country and the world, emergency delivery of essential medical supplies to citizens in need will improve for all people; and

WHEREAS, Senator Mark Warner and Governor Terence R. McAuliffe labeled the Let's Fly Wisely event a "Kitty Hawk moment" that ushered in a favorable climate and modern ecosystem in the Commonwealth for business and technological innovation in unmanned aerial vehicle applications; and

WHEREAS, the Smithsonian Institution's *Air & Space Magazine* reported on the event, stating, "amid the rolling hills of rural southwest Virginia, a bit of American aviation history was written last week at the Lonesome Pine Airport near Wise when a hefty, six-rotor UAV took to the air to deliver medicine to the annual Remote Area Medical Expedition at Wise County Fairgrounds ... and made it the first official drone package delivery in this country"; and

WHEREAS, Ryan Media Lab (formally SEESPAN Inc.) conducted the first journalistic interview via drone—"dronalism"—in the United States, interviewing Governor Terence R. McAuliffe at the Virginia-Kentucky District Fairgrounds in Wise; and

WHEREAS, Let's Fly Wisely marks the beginning of cooperative partnerships among institutions in Wise County and technology firms throughout the Commonwealth that have the capacity to transform the economy of southwestern Virginia into a hub of innovation and 21st-century business; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Let's Fly Wisely for successfully demonstrating the humanitarian benefits of unmanned aerial vehicles in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the cofounder and chief executive officer of Flirtey, Inc., Matthew Sweeney; cofounder and chief operations officer of Flirtey, Inc., Tom Bass; advisory board member of Flirtey, Inc., Shyam Chidamber; director of NASA Langley Research Center, David E. Bowles; president of Virginia Polytechnic Institute and State University, Timothy D. Sands; director of the Mid-Atlantic Aviation Partnership, Jon Greene; executive director of Health Wagon, Dr. Teresa Gardner; clinical director of Health Wagon, Paula Meade; executive director of RX Partnership, Amy Yarcich; The Appalachian College of Pharmacy adjunct associate professor of pharmacy, Dr. Shamly Abdelfattah; chief executive officer of Ryan Media Lab (formally SEESPAN Inc.), Mark A. Ryan and partner Kyle Mark Ryan; Remote Area Medical president, Stan Brock; manager of Lonesome Pine Airport, Jarrod Powers; and Wise County UAS event coordinator, Andrianah Kilgore.

HOUSE JOINT RESOLUTION NO. 233

Celebrating the life of Albert J. Taylor, Jr.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Albert J. Taylor, Jr., a distinguished corporate, estate planning, tax, and transactional attorney in Hampton Roads, died on January 15, 2016; and

WHEREAS, Albert "Al" J. Taylor, Jr., earned a bachelor's degree from Belmont Abbey College and a law degree from the Marshall-Wythe School of Law at The College of William & Mary; and

WHEREAS, Al Taylor was an attorney for the Office of the Chief Counsel for the Internal Revenue Service and a partner with Cooper, Spong & Davis, P.C.; Hofheimer Nusbaum, P.C.; and Williams Mullen; and

WHEREAS, in his 45 years of practice, Al Taylor was active in the state and local bar associations and was recognized as one of the best business, estate planning, tax, and transactional attorneys in Hampton Roads; and

WHEREAS, Al Taylor was a counselor, friend, and mentor to his clients, partners, and associates; he was consistently listed by his peers in *Best Lawyers in America*, *Virginia Super Lawyers*, and *Legal Elite* in multiple categories; and

WHEREAS, Al Taylor also volunteered his time, wisdom, and leadership skills with many community and business organizations, serving on the boards of the Portsmouth Community Foundation, Portsmouth YMCA, Churchland Rotary Club Foundation, Hampton Roads Youth Center, and a number of other nonprofit organizations; and

WHEREAS, Al Taylor earned many accolades for his good work and was recognized for his leadership and community service when he was named First Citizen of Portsmouth in 2008; and

WHEREAS, of all his accomplishments, Al Taylor was most proud of his role as a husband, father, and grandfather; he was happiest with his wife of 46 years, Fran; his two daughters and their husbands; and his four granddaughters, who knew him as "Pop"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Albert J. Taylor, Jr., an admired attorney and community leader in Portsmouth and Hampton Roads; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Albert J. Taylor, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 234

Celebrating the life of Cecil Taylor.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Cecil Taylor, a respected veteran and a hardworking member of the Green Cove community, died on January 22, 2016; and

WHEREAS, a native of Grayson County, Cecil "Zeke" Taylor lived most of his life in Green Cove; he retired from Electro-Mechanical Corporation in Bristol after many years of service; and

WHEREAS, a patriotic citizen of the Commonwealth and the United States, Zeke Taylor honorably served his country as a member of the United States Army; and

WHEREAS, Zeke Taylor enjoyed fellowship and worship with the community as a longtime member of Green Cove Missionary Baptist Church; and

WHEREAS, Zeke Taylor will be fondly remembered and greatly missed by his wife of 55 years, Jackie; children, Rodney, Doug, Tony, Thomas, Rebecca, and Laura, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Cecil Taylor, an active member of the Green Cove community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Cecil Taylor as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 235

Commending the Galax High School football team.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, the Galax High School football team finished an impressive 2015 season by winning the Virginia High School League Group 1A state championship; and

WHEREAS, the Galax High School Maroon Tide defeated a talented team from Riverheads High School 7-6 to claim the state title at the championship game, which was played on December 12, 2015, at Salem Stadium; and

WHEREAS, the 2015 trophy was the first state football championship for the talented team from Galax High School in Southwest Virginia; the hardworking young men had an 11-4 record for the season; and

WHEREAS, Charles Harris, a running back for the Galax High School Maroon Tide, rushed for 181 yards during the game; he scored the team's only touchdown—the game-winner—on the opening drive of the game; and

WHEREAS, during the championship game, Charles Harris carried the ball 28 times for Galax High School; he finished the 2015 season with 3,236 yards, which is the second best single-season record in the history of the Virginia High School League; and

WHEREAS, the defense for Galax High School was strong throughout the entire game, holding the Riverheads football team scoreless until the game was practically over; the Riverheads Gladiators scored a touchdown as time expired, but did not succeed with a 2-point conversion attempt; and

WHEREAS, the Galax High School Maroon Tide were guided throughout the season by head coach Mark Dixon and his capable staff; the team also received strong support from their families, friends, fellow students, faculty and staff, and the entire Galax community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Galax High School football team for winning the 2015 Virginia High School League Group 1A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Dixon, head coach of the Galax High School football team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding season and stellar accomplishment.

HOUSE JOINT RESOLUTION NO. 236

Celebrating the life of Brenda Cunningham Mauney.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Brenda Cunningham Mauney of Hampton, a teacher, an active community volunteer, a wife, mother, and devoted caregiver who was an inspiring role model to all who knew her, died on July 9, 2015; and

WHEREAS, Brenda Mauney was born in Hampton on May 1, 1951, and was the eighth of nine children; she had a congenital hearing loss, yet at a time when life was often a challenge for those with disabilities, Brenda Mauney refused to be defined in that manner and chose instead to look forward with confidence and the spirit of a warrior; and

WHEREAS, after graduating from Hampton High School in 1969, Brenda Mauney earned a bachelor's degree from Tuskegee University and was a member of the university's Honor Society and Delta Sigma Theta Sorority, Inc.; and

WHEREAS, in 1973, Brenda Mauney returned to Hampton and started teaching in the Hampton City Schools, beginning a 27-year career in education; she derived great satisfaction from inspiring young people to love learning; and

WHEREAS, Brenda Mauney had a zest for life and made many contributions to the community; she was involved with voter registration efforts and belonged to the Dochiki Wives, an auxiliary of The Dochiki Social and Civic Club of Newport News; and

WHEREAS, the Tidewater Tuskegee Alumni Club was a longtime beneficiary of Brenda Mauney's civic efforts; she worked tirelessly for the club and spent many hours each year helping with the group's Scholarship Breakfast; and

WHEREAS, Brenda Mauney was a woman of great faith and a devoted wife, mother, and daughter; she raised her family while working full time and through the years welcomed other people into her home who were in need; and

WHEREAS, Brenda Mauney will be greatly missed and fondly remembered by her husband, Melville; children, Adrienne and Melville III, and their families; and many family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Brenda Cunningham Mauney of Hampton, a teacher, volunteer in many community organizations, devoted wife and mother, and a positive and inspiring role model; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Brenda Cunningham Mauney as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 237

Commending Apostolos Dallas, M.D.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Apostolos Dallas, M.D., an internal medicine physician in Roanoke, was named the recipient of the Oscar E. Edwards Memorial Award for Volunteerism and Community Service by the American College of Physicians; and

WHEREAS, Apostolos Dallas will be recognized for his outstanding contributions to the community in May 2016 at the American College of Physicians' (ACP) meeting in Washington, D.C.; and

WHEREAS, Dr. Dallas works for the Virginia Tech Carilion School of Medicine in Roanoke as associate program director of the internal medicine residency, and he is assistant professor and director of Continuing Medical Education at the school; and

WHEREAS, additionally, Dr. Dallas is an assistant professor at the University of Virginia School of Medicine; he graduated from the Virginia Commonwealth University School of Medicine in 1987 and is a Fellow of the American College of Physicians; and

WHEREAS, many organizations have benefited from Dr. Dallas' volunteer work; in 1992, he started taking internal medicine residents and students to the Bradley Free Clinic in Roanoke to treat patients; the volunteer program continues today, and Dr. Dallas, who serves on the clinic's board, also sees patients there once a month; and

WHEREAS, Dr. Dallas helped found a clinic at the Roanoke Rescue Mission to serve the homeless, and in 2015 the mission delivered medical care that was valued at \$3.5 million; he also has contributed his time and talents on the national stage as a member of ACP guideline panels; and

WHEREAS, other areas of Roanoke's vibrant civic life have benefited from Dr. Dallas' volunteer spirit; he has helped the Holy Trinity Greek Orthodox Church's Greek Festival raise more than \$200,000, and he is proud of his skill at making nearly 200 pans of baklava for the festival each year; and

WHEREAS, Dr. Dallas created the Crockett Cup charity basketball game that raised more than \$6,000 for the local Ronald McDonald House; during its six-year run, residents and faculty from the medical school played against each other under the guidance of coaches from Virginia Tech and the University of Virginia; and

WHEREAS, other organizations and places that Dr. Dallas has helped include the Western Virginia Foundation for the Arts and Sciences, and he has organized medical drives for his birthplace in Greece and a town in Russia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Apostolos Dallas, M.D., for being named the recipient of the Oscar E. Edwards Memorial Award for Volunteerism and Community Service by the American College of Physicians; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Apostolos Dallas, M.D., as an expression of the General Assembly's respect and admiration for his tireless volunteer work on behalf of the medically needy in the Roanoke area, the Commonwealth, and the world.

HOUSE JOINT RESOLUTION NO. 238

Commending Georgia-Pacific Big Island Mill.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, in 2016, Georgia-Pacific Big Island Mill, the oldest business and a major economic presence in Bedford County, proudly celebrates its 125th anniversary of manufacturing quality paper products, being a careful steward of the environment, and giving back to the community; and

WHEREAS, the first roll of paper came off the mill's production line, which is located in Big Island, on March 27, 1891, and a second paper machine was added in 1904; in the mid-1920s, the Big Island Mill began producing kraft paper; today, the mill is the largest tax payer in Bedford County; and

WHEREAS, the Big Island Mill has had several owners; the Marcuse brothers owned the mill from 1904 to 1944, when they sold the company to National Container Corporation; there were several more purchases and mergers over the years, and the mill's current owner is Georgia-Pacific LLC; and

WHEREAS, over the years, the Big Island Mill has manufactured wrapping paper, gun shell tubing, manila envelope paper, newsprint, kraft paper, and corrugated container paperboard; in 1995, the mill produced paper made on the first 100 percent recycled containerboard machine owned by Georgia-Pacific; and

WHEREAS, the Big Island Mill has modernized with the times; women began working at the mill in 1918, hydroelectric turbines were built in 1921, a safety program was started in 1927, and the Sunshine Club, founded in 1955, promotes better relationships among workers and their families; and

WHEREAS, the Big Island Mill has implemented measures to reduce pollution and improve wildlife habitat; a recovery plant reduces odor and pollution; cleaner, non-sulfur cooking processes were patented; a stream pollution abatement system was installed; and older equipment has been replaced with more efficient machines; and

WHEREAS, the Big Island Mill has received national and state recognition for reducing pollution and restoring habitat; additionally, in 2011, more than 500 chestnut saplings were planted on mill-owned land in a partnership with the American Chestnut Foundation to help reestablish the tree; and

WHEREAS, giving back and supporting the community is a core value at the Big Island Mill; the company has generously donated to the Big Island Volunteer Fire Department and the local rescue squad, and employees volunteer at area charitable organizations; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Georgia-Pacific Big Island Mill on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Georgia-Pacific Big Island Mill as an expression of the General Assembly's congratulations and admiration for being a driving force in the Bedford County economy and a highly respected corporate citizen.

HOUSE JOINT RESOLUTION NO. 239

Commending the Mills E. Godwin High School boys' soccer team.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, the Mills E. Godwin High School boys' soccer team secured its first state title in more than a decade, winning the Virginia High School League Group 5A state championship in June 2015; and

WHEREAS, the Mills E. Godwin High School Eagles defeated the Broad Run High School Spartans by a score of 2-0 in the state final at Robinson Secondary School; and

WHEREAS, in the first half of the state championship game, the Mills E. Godwin High School Eagles weathered a vigorous attack by the Spartans to keep the game level at 0-0; and

WHEREAS, the Mills E. Godwin High School Eagles took the lead in the 71st minute when Will Martin scored a header off of an arcing throw-in from Tommy Kinnick; Tommy Kinnick followed up with a goal of his own one minute later off of a through ball from Will Selden; and

WHEREAS, the victorious season is a testament to the hard work and dedication of the student-athletes, the leadership and guidance of the coaches and staff, and the energetic support of the entire Mills E. Godwin High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Mills E. Godwin High School boys' soccer team on winning the Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Skip Stevens, head coach of the Mills E. Godwin boys' soccer team, as an expression of the General Assembly's admiration for the team's success and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 240

Commending the Mills E. Godwin High School girls' tennis team.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, the Mills E. Godwin girls' tennis team of Henrico County claimed its 10th state title, winning the Virginia High School League Group 5A state championship in June 2015; and

WHEREAS, playing in their 14th consecutive state championship, the Mills E. Godwin High School Eagles defeated a talented team from George C. Marshall High School 5-3 at Huntington Park in Newport News; and

WHEREAS, Keerthana Shankar claimed a singles victory, and Anna Sidhu and Morgan Fuqua finished the season undefeated in singles competition, securing victories to keep the score level at 3-3 at the start of doubles play; and

WHEREAS, Anna Sidhu and Elizabeth Dudley and Morgan Fuqua and Ara McCarty were victorious in doubles matches to give the Mills E. Godwin High School Eagles the win; and

WHEREAS, each of the student-athletes on the Mills Godwin High School girls' tennis team displayed dedication and resolve throughout the season to achieve victory; the team benefited from the able leadership of the coaches and staff and the enthusiastic support of the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Mills E. Godwin High School girls' tennis team on winning the 2015 Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Seidenberg, head coach of the Mills E. Godwin High School girls' tennis team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 241

Commending the James River Association.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, the James River is Virginia's largest river, flowing for 340 miles from the Allegheny Mountains to the Chesapeake Bay, and is Virginia's largest tributary of the Chesapeake Bay; and

WHEREAS, the James River watershed, which is home to more than one-third of Virginia's citizens, covers 25 percent of the Commonwealth and 15 percent of the Chesapeake Bay watershed; and

WHEREAS, the James River is rich in natural and historic resources, including the site of the nation's founding at Jamestown and Virginia's modern capital in Richmond; and

WHEREAS, the James River watershed provides extensive economic, environmental, and recreational benefits; and

WHEREAS, the James River Association is a nonprofit citizens' organization dedicated to the conservation and the responsible stewardship of the natural and historic resources of the James River watershed; and

WHEREAS, the James River Association has been working to protect and enhance the James River's resources since 1976 and celebrates its 40th anniversary in 2016; and

WHEREAS, the James River Association is committed to educating all people on the importance of the James River and the resources that it provides through an annual expedition down the entire river, a yearlong leadership academy for high school students in the watershed, and an ecology center that hosts hundreds of people each year; and

WHEREAS, the James River Association sponsors a "Riverkeeper" program that helps maintain the beauty of the James River and protects its wildlife; and

WHEREAS, the James River Association encourages and coordinates watershed restoration projects to remove invasive species, rebuild riparian buffers, and protect the James River in many other ways; and

WHEREAS, the James River Association advocates for the James River through the publication of the *State of the James* report, which for almost 40 years has assessed the changes in the natural resources of the James River watershed; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the James River Association on the occasion of its 40th anniversary and for educating countless people of all ages; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the James River Association as an expression of the General Assembly's admiration for its diligent advocacy on behalf of one of Virginia's most precious natural resources.

HOUSE JOINT RESOLUTION NO. 242

Commending Mike and Mary Dale.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, Mike and Mary Dale, respected community leaders in Culpeper who have donated countless hours of their time to support local events, received the 2015 Citizens of the Year Award from the *Culpeper Times*; and

WHEREAS, in 1966, Mike and Mary Dale moved to the United States from England and settled in Culpeper after Mike Dale chose the Culpeper Regional Airport to house his Percival Provost, a World War II trainer aircraft; and

WHEREAS, over the course of the next 50 years, Mike and Mary Dale built an unparalleled record of volunteerism in Culpeper, serving with the Culpeper Airport Advisory Committee, Culpeper Literacy Council, Culpeper Electoral Board, County Animal Advisory Committee, Culpeper Garden Club, Culpeper County Public Schools, Career Partners, Inc., and E Squared; and

WHEREAS, Mike and Mary Dale are well known for their involvement with the Culpeper AirFest, which has been recognized by the International Council of Airshows for its help in coordinating the Arsenal of Democracy Flyover in May 2015; and

WHEREAS, both humble and tireless in their dedication to strengthening the community, Mike and Mary Dale also received Culpeper County's highest service honor, the Culpeper Colonel Award, in 2012; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mike and Mary Dale on being named the 2015 Citizens of the Year by the *Culpeper Times*; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike and Mary Dale as an expression of the General Assembly's admiration for their many contributions to the Culpeper community.

HOUSE JOINT RESOLUTION NO. 243

Commending the Orange County High School robotics team.

Agreed to by the House of Delegates, February 5, 2016

Agreed to by the Senate, February 11, 2016

WHEREAS, the Orange County High School robotics team was part of a group of three robotics teams that won the 2015 Virginia State Championship FIRST Tech Challenge tournament; and

WHEREAS, the Orange County High School Hornets robotics team collaborated with teams from Albemarle High School and Herndon High School to win the state title at the competition, which was held on February 28, 2015, in Richmond; and

WHEREAS, the talented and creative members of the Orange County Hornets were one of 52 teams from throughout the Commonwealth to take part in the robotics competition; they are ably coached by Laurie Limoge-Jamerson, who teaches career and technical education at the high school; and

WHEREAS, the robotics tournament victory for the Orange County High School robotics team was especially gratifying because it was the group's first year of competition; the rookies were excited to claim the state title at the end of the tournament; and

WHEREAS, with the state win, the members of the Orange County High School robotics team advanced to the East Super Regional Championship, which was held in March in Scranton, Pennsylvania; and

WHEREAS, Laurie Limoge-Jamerson, coach of the Orange County Hornets, attributed the robotics team's success at the state tournament to the students' collaborative decision-making skills and their creative minds; the team members also were proud to represent Orange County at the competition; and

WHEREAS, the members of the Orange County High School Hornets robotics team were strongly supported by their families, friends, fellow students, and the entire school community as they prepared to compete in the state contest; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Orange County High School robotics team for being part of a team that won the 2015 Virginia State Championship FIRST Tech Challenge tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Laurie Limoge-Jamerson, coach of the Orange County High School robotics team, as an expression of the General Assembly's congratulations and admiration for its outstanding victory and best wishes for future success.

HOUSE JOINT RESOLUTION NO. 244

Commending Ken Boyd.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Ken Boyd, a hardworking public servant in the Key West subdivision of Albemarle County, retired as a member of the Albemarle County Board of Supervisors in 2015; and

WHEREAS, a native of Washington, D.C., Ken Boyd relocated to Albemarle County in 1982; he enjoyed a long career as a financial professional in the banking industry, including at Jefferson National Bank, and started Boyd Financial Services in 1991; and

WHEREAS, supporting the youth of the community, Ken Boyd served on the Albemarle County School Board for four years and the board of Charlottesville Albemarle Technical Education Center for two years; and

WHEREAS, Ken Boyd served as president of the Burley Middle School Parent Teacher Organization, first president of the Monticello High School Parent Teacher Student Organization, and vice-president of the Albemarle County Parents Association; and

WHEREAS, desirous to be of further service to his fellow residents, Ken Boyd was elected to the Albemarle County Board of Supervisors in 2003 and served as chair from 2007 to 2008; he served on numerous committees and worked to build a strong future for the region; and

WHEREAS, Ken Boyd also represented the Albemarle County Board of Supervisors on the Rivanna Water and Sewer Authority and the Rivanna Solid Waste Authority, where he helped establish the 50-year water plan; and

WHEREAS, Ken Boyd helped strengthen and enhance the community as a member of the Computers4Kids Board, Lewis and Clark Exploratory Center Board, and the Charlottesville Regional Chamber of Commerce, and he served as chair of the Albemarle-Charlottesville Regional Jail; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ken Boyd on the occasion of his retirement as a member of the Albemarle County Board of Supervisors in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ken Boyd as an expression of the General Assembly's admiration for his many contributions to the residents of Albemarle County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 245

Designating November, in 2016 and in each succeeding year, as Metastatic Breast Cancer Awareness Month in Virginia.

Agreed to by the House of Delegates, February 15, 2016

Agreed to by the Senate, February 23, 2016

WHEREAS, breast cancer is second only to skin cancer as the most common form of cancer found among women in the United States and is the second leading cause of cancer death for women; and

WHEREAS, over 12 percent of women born today in the United States, or one in eight women, will be diagnosed with invasive breast cancer during their lifetime; and

WHEREAS, this devastating disease affects all races and socioeconomic classes; although white and African American women experience the greatest incidence of breast cancer, the mortality rate for African American women with breast cancer is 42 percent higher than that of white women, and breast cancer is the leading cause of cancer-related death for Hispanic women; and

WHEREAS, metastatic breast cancer or Stage IV breast cancer is the advanced stage of the disease in which cancer cells have metastasized or spread from the breast to other parts of the body, commonly the lung, liver, bones, and brain; and

WHEREAS, approximately five percent of newly diagnosed breast cancer cases are diagnosed as metastatic breast cancer, and it is estimated that 30 percent of early-stage breast cancer cases will become metastatic or recurrent advanced cases; and

WHEREAS, the diagnosis of metastatic breast cancer in women under the age of 40 is increasing and has tripled between 1979 and 2009; women with metastatic breast cancer have a poorer prognosis and lower survival rate than women with early-stage breast cancer, and the average survival rate of a woman diagnosed with metastatic breast cancer is only three years; and

WHEREAS, despite the morbidity and mortality associated with metastatic breast cancer, the average amount of funding spent on metastasis research constitutes only seven percent of total cancer research spending; and

WHEREAS, being aware of current information, support, treatments, and coping methods available for women with metastatic breast cancer can help them and their caregivers and friends through a potentially overwhelming and very difficult time; and

WHEREAS, it is important that citizens be encouraged to educate others on the critical need for more research and the vital role of early detection of breast cancer and to ensure that all women diagnosed with metastatic breast cancer have adequate access to support and appropriate care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate November, in 2016 and in each succeeding year, as Metastatic Breast Cancer Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Scarlott K. Mueller, Chair of the American Cancer Society, and O.H. Bobbitt, State Lead Ambassador for Virginia, American Cancer Society Cancer Action Network, so that members of these organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this month on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 246

Celebrating the life of the Reverend Dr. Leonidas B. Young II.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, the Reverend Dr. Leonidas B. Young II of Richmond, who as senior pastor and founder of New Kingdom Christian Ministries preached a message of redemption and restoration for all people, and who was a former Mayor of Richmond, friend to all who knew him, and a loving husband and father, died on January 16, 2016; and

WHEREAS, Leonidas Young was born in Richmond and educated in the Richmond Public Schools; he earned a bachelor's degree from Virginia Union University, a master's degree from Drew University, and an honorary doctoral degree from the University of Richmond; and

WHEREAS, Leonidas Young, who began his ministry when he was 17, followed in the footsteps of his grandfather and great-grandfather who also were ministers; he was ordained in 1975 at Fifth Baptist Church in Richmond and then served at Bethel Baptist Church in Gloucester; and

WHEREAS, from 1979 to 1989, Leonidas Young was pastor of New Hope Baptist Church in East Orange, New Jersey; he also worked for the state of New Jersey from 1983 to 1989 and then returned to Richmond and was installed as pastor of Fourth Baptist Church; and

WHEREAS, Leonidas Young was a member of the Richmond City Council from 1992 to 1999, representing the Seventh District; additionally, he was mayor of the capital of the Commonwealth from 1994 to 1996 and was the third and youngest African American to serve in that capacity; and

WHEREAS, Leonidas Young faced many challenges in his life and resolutely overcame them; in 1999, he founded New Kingdom Christian Ministries in Richmond to serve the broken-hearted, heal the wounded, and serve the community through glory and grace; and

WHEREAS, the message that Leonidas Young preached was one of hope and restoration; he was a charismatic and inspiring orator who had preached at many universities and overseas, and who wanted above all for people to experience a life of purpose, healing, and renewal; and

WHEREAS, Leonidas Young will be greatly missed and fondly remembered by his wife, Sanya; children, Leonidas III, Ariel, and Erika; parents, Leonidas, Sr., and Cora; his New Kingdom Christian Ministries family; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. Leonidas B. Young II of Richmond, senior pastor and founder of New Kingdom Christian Ministries, who preached a powerful and life-affirming message of hope and restoration; former Mayor of Richmond; and a loving husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Dr. Leonidas B. Young II as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 247

Celebrating the life of John Arthur Brumit.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, John Arthur Brumit of Buena Vista, a respected pastor and mentor who touched countless lives in Southwest Virginia through his spiritual leadership, sage guidance, and devoted friendship, died on December 21, 2015; and

WHEREAS, a native of Kingsport, Tennessee, John Arthur "Art" Brumit graduated from Dobyns-Bennett High School, where he was a standout football player, and earned a bachelor's degree from Memphis State University; and

WHEREAS, Art Brumit answered the call to ministry in 1969 and pastored several churches throughout Tennessee and Southwest Virginia, including churches in Bristol and Chilhowie; he was the beloved pastor of Blue Ridge Baptist Church in Buena Vista for 26 years; and

WHEREAS, as pastor of Blue Ridge Baptist Church, Art Brumit hosted missionaries, evangelists, and visiting pastors; he led the area's annual Jubilee meetings and led a Vacation Bible School each summer; and

WHEREAS, known as "the county's pastor," Art Brumit was active in communities throughout and near Rockbridge County, performing countless weddings, counseling individuals and families in need, and ministering to the sick; he lived his faith through his actions and was a trusted mentor to all in the community, even to those who were not affiliated with the church; and

WHEREAS, a patriotic citizen who was proud of his heritage, John Brumit led the local National Day of Prayer for many years and served the community by hosting or providing spiritual support at local events and festivals; and

WHEREAS, John Brumit will be fondly remembered and greatly missed by his wife of 51 years, Barbara; sons, John II, Robert, David, and Stephen, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Arthur Brumit, an admired spiritual leader, mentor, and friend to many in Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Arthur Brumit as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 248

Commending Robert N. Joyce, Jr.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Robert N. Joyce, Jr., a respected legal professional who served the Rockbridge and Lexington communities for 34 years, retired as Commonwealth's Attorney of Rockbridge County and the City of Lexington in 2015; and

WHEREAS, a native of Lexington, Robert N. "Bucky" Joyce graduated from Lexington High School and earned a bachelor's degree from the University of North Carolina at Chapel Hill; he worked in the Washington, D.C., area and in Richmond before earning his law degree from Washington and Lee University; and

WHEREAS, Bucky Joyce began his legal career in private practice with Eric Lee Sisler, who became Commonwealth's Attorney in the 1980s and appointed him as assistant prosecutor; in 2004, Bucky Joyce became Commonwealth's Attorney after winning a special election to fill an unexpired term; and

WHEREAS, ably serving the people of Rockbridge County and Lexington as Commonwealth's Attorney, Bucky Joyce won two more elections in 2007 and 2011; he earned the respect of judges, law-enforcement officers, attorneys, and defendants for his commitment to fairness and treating others with respect; and

WHEREAS, during his tenure as Commonwealth's Attorney, Bucky Joyce adapted to increased caseloads, changes in sentencing guidelines, and new categories of crime specific to the electronic age; through it all, he was well-served by his personal knowledge of the Rockbridge and Lexington communities; and

WHEREAS, Bucky Joyce also worked to enhance the quality of life of his fellow residents as a member of numerous civic and service organizations, including Rockbridge Area Recreation Organization, Lexington Lions Club, Rockbridge Area Housing Corporation, and ARC of Rockbridge; and

WHEREAS, a man of great integrity, Bucky Joyce served the people of Rockbridge County and Lexington with the utmost professionalism, dedication, and distinction; and

WHEREAS, Bucky Joyce and his wife, Joan, have two grown daughters and two grandchildren; he plans to spend his retirement traveling to visit family and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert N. Joyce, Jr., on the occasion of his retirement as Commonwealth's Attorney of Rockbridge County and the City of Lexington; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert N. Joyce, Jr., as an expression of the General Assembly's admiration for his outstanding service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 249

Commending Mary Jo Browning.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Mary Jo Browning, an exemplary and tireless community volunteer in Culpeper County, was named the 2015 L. B. Henretty Memorial Outstanding Citizen of the Year by the Culpeper Chamber of Commerce; and

WHEREAS, Mary Jo Browning has made a positive and lasting impact in education, historic preservation, tourism, culture, the church community, and other important areas of the Culpeper County community; and

WHEREAS, in the years before kindergarten programs were established in public school systems, Mary Jo Browning served on the board and was treasurer of a kindergarten in Culpeper whose pupils came from families who could not afford private education; and

WHEREAS, in the mid-1970s, Mary Jo Browning became head librarian at Culpeper County Junior High School and also helped implement—and was the first leader of—the school's talented and gifted program; she took students on trips around the Commonwealth and to Washington, D.C., so they could learn more about the region's rich history and culture; and

WHEREAS, after receiving a master's degree in social work, Mary Jo Browning became a patient advocate and director of discharge planning at Fauquier Hospital; with care and compassion, she assisted patients and helped them navigate an often confusing health care system; and

WHEREAS, Mary Jo Browning's love of history has been a hallmark of her community service; she has helped save some of the oldest buildings in Culpeper County, including the A. P. Hill Building in downtown Culpeper, which was the boyhood home of the Confederate general, and she also helped preserve historic Little Fork Church, a Colonial landmark; and

WHEREAS, because of her desire to keep Culpeper County's past alive, Mary Jo Browning wrote *Historic Culpeper*, a well-regarded book about historic homes in the county, and over the years she has published many articles about the area's storied history; and

WHEREAS, Mary Jo Browning has been involved with the Museum of Culpeper History for many years and is a popular volunteer tour guide for groups visiting Culpeper; she also is a member of the board of the Friends of Cedar Mountain Battlefield, Inc.; and

WHEREAS, other community organizations that have benefited from Mary Jo Browning's dedication and involvement include St. Stephen's Episcopal Church, Habitat for Humanity of Culpeper County, the Bluemont Concert series, Hospice of the Rapidan, and many other groups in Culpeper County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mary Jo Browning, who has selflessly worked for the betterment of Culpeper County and its people, for being named the 2015 L. B. Henretty Memorial Outstanding Citizen of the Year by the Culpeper Chamber of Commerce; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Jo Browning as an expression of the General Assembly's congratulations and admiration for her enthusiastic and tireless work on behalf of the people of Culpeper County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 250

Commending Houff Transfer, Inc.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Houff Transfer, Inc., a family-owned motor carrier company located in Weyers Cave, has provided superior service to the Mid-Atlantic region for 78 years; and

WHEREAS, founded in 1937 with one truck by father and son H. L. and C. E. Houff, Houff Transfer, Inc., now has a fleet of 170 semi-tractors and 698 trailers that transport nearly 56,800 truckloads annually; and

WHEREAS, Houff Transfer, Inc., takes great pride in providing outstanding customer service with a focus on cost-effective excellence, safety, and reliability; and

WHEREAS, Houff Transfer, Inc., has a centralized dispatch; terminals in Virginia, West Virginia, Maryland, and Pennsylvania; and locally domiciled drivers to meet specialized and individualized customer needs; and

WHEREAS, Houff Transfer, Inc., employs highly experienced professionals who are qualified to handle hazardous materials, with most drivers having their security cleared by the Department of Homeland Security and possessing their Transportation Worker Identification Credential; and

WHEREAS, Houff Transfer, Inc., the recipient of numerous awards and accolades, was honored in 2012 with the Governor's Transportation Safety Award; and

WHEREAS, Houff Transfer, Inc., continues to be family-owned and family-operated, with Douglas Z. Houff as chairman and chief executive officer and Zane M. Houff as president; Dwight E. Houff retired after 43 years of service to the company, including years as chief executive officer; and

WHEREAS, over the past 78 years, Houff Transfer, Inc., has built a reputation for excellence and comprehensive customer service and looks forward to continuing to be a leader in the motor carrier industry in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Houff Transfer, Inc., on the occasion of its 78th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Houff Transfer, Inc., as an expression of the General Assembly's congratulations and admiration for the company's contributions to the motor carrier industry and the economy of the Commonwealth.

HOUSE JOINT RESOLUTION NO. 251

Commending the recipients of the 2016 Virginia Outstanding Faculty Awards.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, the Commonwealth offers one of the most respected and acclaimed systems of higher education in the United States due to the quality of its public and private colleges and universities; and

WHEREAS, Virginia colleges and universities educate more than 550,000 students annually, representing all demographics, all regions of the Commonwealth, and all corners of the United States and the world; and

WHEREAS, Virginia higher education institutions advance learning, research, and public service to enhance the civic and financial health of the Commonwealth and the well-being of all its people, transforming the lives of Virginians, their communities, and the Commonwealth; and

WHEREAS, the success of Virginia's higher education institutions would not be possible without the dedicated, hardworking faculty at each of the Commonwealth's superb colleges and universities; and

WHEREAS, faculty at Virginia's colleges and universities make innumerable contributions to the intellectual and personal growth and development of their students, which in turn contribute greatly to the educational, economic, cultural, and civic vitality of the Commonwealth; and

WHEREAS, the Virginia Outstanding Faculty Awards program—now in its 30th year—is presented by the State Council of Higher Education for Virginia and continues to recognize the finest among the Commonwealth's higher education faculty for their superior abilities and accomplishments in teaching, research, service, and knowledge integration; and

WHEREAS, the 2016 Virginia Outstanding Faculty Award recipients—Jacqueline Bixler, John David, April Hill, Michael Hochella, Jr., William Hughes, Charles Hyde, Jennifer Kahn, James Kirkwood, Sabita Manian, Jonathan Noyalas, Lawrence Schwartz, John Swaddle, and Everett Worthington—are remarkable educators, productive scholars, and tremendous ambassadors for their academic disciplines, campuses, communities, and the entire Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the recipients of the 2016 Virginia Outstanding Faculty Awards for their professorial excellence and unparalleled achievements; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the 13 recipients of the 2016 Virginia Outstanding Faculty Awards as an expression of the General Assembly's respect for the recipients' commitment to their profession and their outstanding contributions to the lives of Virginians and the Commonwealth as a whole.

HOUSE JOINT RESOLUTION NO. 252

Commending Hallie D. Dinkel.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Hallie D. Dinkel, Mayor of the Town of Bridgewater for 20 years, will retire on December 31, 2016, after serving with great dedication and demonstrating exceptional leadership; and

WHEREAS, Hallie Dinkel was born in Bridgewater and graduated from Turner Ashby High School; in 1966, he joined the United States Air Force and served his country for 20 years, spending most of his active-duty career stationed in West Germany, working as a Russian linguist; and

WHEREAS, after retiring from the military in 1986, Hallie Dinkel returned home with a desire to serve in municipal government; after seven years as a member of the Bridgewater Town Council, he was elected Mayor of Bridgewater in 1996; and

WHEREAS, during his tenure as mayor of the picturesque town in Rockingham County, Hallie Dinkel has overseen a period of growth and improvements to Main Street; he continues to derive great satisfaction from serving the residents of Bridgewater and getting to know them; and

WHEREAS, one of the many projects that was completed during Hallie Dinkel's time as Mayor of Bridgewater was Generations Park; it features a popular indoor ice skating rink that is free of charge for residents of the Town of Bridgewater; and

WHEREAS, Hallie Dinkel's deep attachment to Bridgewater stems in part from his family's role in the town's history; he is descended from John Dinkel, who, with his brother, is credited with founding modern-day Bridgewater in the early 19th century; and

WHEREAS, in retirement, Hallie Dinkel looks forward to spending time with his wife, Carolyn, and their two sons and six grandchildren; he also plans to remain involved in issues that are important to the Town of Bridgewater; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Hallie D. Dinkel for his many years of dedicated public service as Mayor of Bridgewater; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hallie D. Dinkel as an expression of the General Assembly's respect and admiration for his commitment and outstanding service to the people of Bridgewater and best wishes in retirement.

HOUSE JOINT RESOLUTION NO. 253

Commending Dale W. Sisson, Jr.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, for 12 years, Dale W. Sisson, Jr., served the community as a member of the King George County Board of Supervisors, overseeing unprecedented economic growth, while maintaining the integrity of the area's rural charms; and

WHEREAS, a native of King George County, Dale Sisson desired to serve his fellow residents and ran for the King George County Board of Supervisors in 2003; during his 12-year tenure on the board, he served as chair or vice chair for seven years, earning the admiration of his peers for his straightforward, common sense leadership style; and

WHEREAS, Dale Sisson helped King George County become one of the most fiscally sound rural communities in the United States and achieve a AA+ bond rating, which has saved the county more than \$1.5 million in interest payments; and

WHEREAS, as a supervisor, Dale Sisson oversaw the establishment of the YMCA in King George County, the construction of a new building for the King George County Sheriff's Office, enhancements to fire and rescue capabilities, the expansion of L.E. Smoot Memorial Library, and opposed development that was out-of-character for the rural community, all while keeping tax rates low; and

WHEREAS, Dale Sisson holds bachelor's and master's degrees from Virginia Polytechnic Institute and State University, and he is pursuing a doctorate from Old Dominion University; he is currently on assignment at the Pentagon, working for the Deputy Assistant Secretary of the Navy for Research, Development, Test and Evaluation (DASN RDT&E), while duly serving as the head of the Electromagnetic and Sensor Systems Department at the Naval Surface Warfare Center Dahlgren Division; and

WHEREAS, Dale Sisson has further served the community as a member of the George Washington Regional Commission, Fredericksburg Regional Chamber of Commerce Military Affairs Council, the King George County Social Services board, and land-use study committees for local military installations; he also volunteers his time as a youth athletics coach; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dale W. Sisson, Jr., for his 12 years of public service as a member of the King George County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dale W. Sisson, Jr., as an expression of the General Assembly's admiration for his contributions to strengthening the future of King George County.

HOUSE JOINT RESOLUTION NO. 254

Commending G. E. Via III.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, G. E. Via III, who represented the citizens of Ashland for 28 years as an appointed and elected official and most recently served on the Hanover County Board of Supervisors, retired in 2015; and

WHEREAS, G. E. "Ed" Via's experience in local government is extensive; he served on the Hanover County Parks and Recreation Advisory Commission for 16 years and then was a member of the Hanover County Planning Commission for four years, representing the Ashland District; and

WHEREAS, desiring to be of further service to the people of Ashland, in 2007 Ed Via was elected to the Hanover County Board of Supervisors; he was vice chair of the board in 2009 and served as board chair in 2010 and 2012; and

WHEREAS, Ed Via was a member of several committees of the Hanover County Board of Supervisors, including the Legislative Committee and the Rules Committee, and was an alternate member of the Joint Education Committee; and

WHEREAS, Ed Via worked for the betterment of the area as Hanover County's representative to the Hanover and Ashland Liaison Committee and as a board member of the Capital Region Airport Commission and Richmond Region Tourism; he also served as an alternate member of the Capital Region Taxicab Advisory Board; and

WHEREAS, Ed Via offered sage guidance as a member of the Hanover County Social Services Advisory Board and the board of directors of Sports Backers; he has endeavored to fulfill the county's vision to be a premier community where people and businesses can achieve their full potential; and

WHEREAS, Ed Via is a graduate of John Marshall High School and North Carolina Wesleyan College; and

WHEREAS, as a dedicated and loyal public official, Ed Via has ably served the people of Hanover County during a period of change and growth, demonstrating integrity and professionalism; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend G. E. Via III for his many years of service to the people of Ashland and Hanover County on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to G. E. Via III as an expression of the General Assembly's respect and admiration for his many years of public service to the people of Ashland and Hanover County.

HOUSE JOINT RESOLUTION NO. 255

Commending Wayne A. Acors.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Wayne A. Acors admirably served the people of Caroline County as a member of the Board of Supervisors for 28 years, providing guidance and sound advice as he sought to do what was best for the county and its residents; and

WHEREAS, Wayne Acors represented the Madison District on the Caroline County Board of Supervisors beginning in 1988, and served with distinction until December 31, 2015; he was elected chair of the board in 1990, 1992, 1999, 2001, 2005, 2009, and 2012; and

WHEREAS, as a member of the Caroline County Board of Supervisors, Wayne Acors always focused on what was in the best interests of the county, and he spent countless hours addressing the issues and concerns of his constituents; and

WHEREAS, Wayne Acors represented Caroline County as a member of the Board of Directors of the Virginia Association of Counties, serving in a variety of leadership roles; in 2004, he became the first member of the Caroline County Board of Supervisors to be named president of the association; and

WHEREAS, additionally, Wayne Acors served the residents and businesses of Caroline County as a member of the Caroline County Industrial Development Authority for 10 years and was chair for seven years; he also served for eight years on the Caroline County Social Services Board; and

WHEREAS, Wayne Acors, who is a retired transportation manager for the Virginia Alcoholic and Beverage Commission with 30 years of service, also served the Commonwealth when he was appointed by Governor George Allen to the Regional Economic Development Council in 1994 and 1995; and

WHEREAS, throughout his years of public service, Wayne Acors made many valued contributions to the organizations and communities he served; he applied himself with great diligence, recognizing the responsibilities that had been entrusted to him; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wayne A. Acors for his 28 years of service to the people of Caroline County as a member and former chair of the Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Wayne A. Acors as an expression of the General Assembly's respect and admiration for his commitment and dedication to Caroline County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 256

Commending the Westfield High School football team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Westfield High School football team capped off an impressive season by winning the 2015 Virginia High School League Group 6A state championship; and

WHEREAS, the Westfield High School Bulldogs from Fairfax County defeated a talented team from Oscar Smith High School 49-42 in the triple-overtime game played on December 12, 2015, at Scott Stadium in Charlottesville; and

WHEREAS, the team from Chantilly had a strong start, leading 14-0 early on; their opponents then tied the game, but the Westfield Bulldogs scored another touchdown just before halftime to take a 21-14 lead; and

WHEREAS, the game was up for grabs during the second half as both teams mounted strong offensive and defensive efforts, and by the end of regulation time the game was tied; it took three overtime periods and a thrilling goal-line defensive effort by Westfield High School to decide the state champion; and

WHEREAS, the Westfield High School football team—holding the lead in the third overtime—stayed calm, determined, and focused as its defense successfully held off a fourth-and-goal play from the Oscar Smith Tigers on the two-yard line; and

WHEREAS, under the direction of Kyle Simmons, head coach of the Westfield High School football team, and his dedicated staff, the players honed their talents and skills throughout a season that was full of challenges; and

WHEREAS, the Westfield High School Bulldogs, who now have three state football trophies, were greatly supported by their families, friends, and the entire school community as they aimed for another state title; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Westfield High School football team for winning the 2015 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kyle Simmons, head coach of the Westfield High School football team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding accomplishments and winning season.

HOUSE JOINT RESOLUTION NO. 257

Celebrating the life of Joseph D. Exline.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Joseph D. Exline of Beaverdam, a passionate educator; respected advocate for increased science education in the Commonwealth; and a beloved husband, father, and grandfather, died on January 10, 2016; and

WHEREAS, a native of Lewis County, West Virginia, Joseph Exline graduated at the top of his class from Glenville State College; he later earned a master's degree from Ohio State University and a doctorate from the University of Maryland, College Park; and

WHEREAS, Joseph Exline began his career in education as an earth science and biology teacher at Herndon High School, then joined the Virginia Department of Education, where he was appointed as director of science and helped develop the Statewide Systemic Initiative; and

WHEREAS, as principal investigator and project director for V-Quest, a project of the Virginia Quality Education in Sciences and Technology initiative funded by the National Science Foundation, Joseph Exline worked to enhance math and science curricula at elementary and secondary schools throughout the Commonwealth; and

WHEREAS, in 1987, Joseph Exline joined the private sector and formed Exline Consulting Services; he remained active in civic affairs, serving as president of the Beaverdam Heritage Day Foundation and a supporter of the Pop's Country Store museum; and

WHEREAS, Joseph Exline will be fondly remembered and greatly missed by his wife of 57 years, Janet; children, Joseph, Diana, and Christopher, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joseph D. Exline, a dedicated educator and respected member of the Beaverdam community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph D. Exline as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 258

Celebrating the life of Allix Bledsoe James.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Allix Bledsoe James of Richmond, president emeritus of Virginia Union University, a distinguished public servant whose decades-long quest for racial equality was conducted with dignity and resolve, and a visionary civic and spiritual leader, died on September 26, 2015; and

WHEREAS, Allix James, who was a native of Marshall, Texas, was reared in San Antonio, where he attended junior college; he enrolled in Virginia Union University in Richmond in 1942, and 28 years later he became president of the university; and

WHEREAS, the segregation that Allix James encountered upon his arrival in Richmond was a harsh introduction to the city he would call home for the rest of his life; after a tiring and dirty train ride from Washington, D.C., in a segregated car behind the engine, he was forced to wait at the end of the line for a taxi to take him to campus, then was not allowed to be served at the main counter of a restaurant, and went to bed without supper; and

WHEREAS, profoundly affected by his experiences, Allix James dedicated his life to the pursuit of social justice and civil rights; he went on to earn bachelor's and master's degrees from Virginia Union University (VUU); he also attended Union Theological Seminary, now known as Union Presbyterian Seminary, where he received a second master's degree and a doctoral degree; and

WHEREAS, in 1947, Allix James returned to VUU as an instructor of biblical studies; he soon was promoted to dean of students, then became dean of the graduate school of theology before being named vice president of the university; and

WHEREAS, in 1970, Allix James became the seventh president of VUU; under his leadership, VUU's academic reputation improved, buildings and programs were updated, corporate donations increased, and a music program was started; and

WHEREAS, Allix James was president of VUU until 1979, and in that role he worked tirelessly for the betterment of the university and the city it called home; he was steadfast in his determination to bring Richmond residents together—to learn from one another, to understand one another, and to work together for the betterment of the city; and

WHEREAS, as a community builder and one of the founders of Richmond Renaissance, Allix James helped promote economic development; he also served on many governing boards, including Dominion Virginia Power, and was the first African American to become head of the Virginia Board of Education; and

WHEREAS, a steadfast supporter of Richmond, Allix James was convinced that persuading leaders from all parts of the city to work together was crucial and would help create the sense of unity needed to move the city forward; and

WHEREAS, Allix James, who was pastor of three churches, was president of an international association of theological schools and the Virginia Region of the National Conference of Christians and Jews, now known as the Virginia Center for Inclusive Communities; and

WHEREAS, Allix James, who was preceded in death by Susie, his wife of 67 years, and his son, Alvan, will be greatly missed and fondly remembered by his daughter, Portia; many family members, friends, colleagues, and students; and the people of metropolitan Richmond who today live in a vibrant and resurgent city; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Allix Bledsoe James, president emeritus of Virginia Union University, who was a distinguished advocate for civil rights, pastor, and respected educator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Allix Bledsoe James as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 259

Celebrating the life of the Honorable Franklin P. Hall.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, the Honorable Franklin P. Hall, a respected public servant who ably represented the residents of the 69th House District and offered his wise leadership as Minority Leader of the Virginia House of Delegates for many years, died on May 25, 2015; and

WHEREAS, a native of Amelia Courthouse, Franklin "Frank" P. Hall earned a bachelor's degree from Lynchburg College and master's and law degrees from American University; he pursued a successful career as an attorney, establishing the firm Hall & Hall in Richmond with his wife in 1969; and

WHEREAS, Frank Hall also worked in the banking industry, serving as chair of Cardinal Savings & Loan Association and founding chair of Commonwealth Bank; he later served on the board of First Community Bank; and

WHEREAS, desirous to be of further service to the community, Frank Hall ran for and was elected to the Virginia House of Delegates; representing the residents of part of the City of Richmond and northern Chesterfield County, he held office from 1976 to 2009 and served as House Minority Leader from 2002 to 2007; and

WHEREAS, during his 34 years of service in the House of Delegates, Frank Hall achieved a position of seniority in the Committee on Rules and served on the Committees on Appropriations; Counties, Cities and Towns; Education; and Roads and Internal Navigation; and

WHEREAS, Frank Hall supported many important pieces of legislation for the benefit of all Virginians; he helped increase funding for public schools and highway construction, removed the sales tax from food donated to food banks, and sponsored a bill to mandate Holocaust education at all public schools in the Commonwealth; and

WHEREAS, Frank Hall worked to strengthen and enhance the community through his involvement as a member and leader of numerous civic and service organizations at the local and state levels; and

WHEREAS, in honor of Frank Hall and his wife's diligent support for the Alzheimer's Association, the Area Agency on Aging established the Frank and Phoebe Hall Humanitarian Award; they also received the Alzheimer's Advocates of the Year Award in 2012; and

WHEREAS, Frank Hall earned several other awards and accolades for his good work, including the 2014 Virginia Council on Economic Education Award for Outstanding Service and the 2012 Leaders in the Law Award; a man of great integrity, he served Central Virginia and the entire Commonwealth with the utmost dedication and professionalism; and

WHEREAS, Frank Hall will be fondly remembered and greatly missed by his beloved wife, Phoebe; children, Kimberly and Franklin, Jr., and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Franklin P. Hall, a dedicated public servant and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Franklin P. Hall as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 260

Celebrating the life of Maggie Lee Dixon Ingram.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Maggie Lee Dixon Ingram, who expressed her deep and abiding faith through the joy of song and built a rich legacy of service to the Richmond community, died on June 23, 2015; and

WHEREAS, a native of Coffee County, Georgia, Maggie Ingram began singing at a young age when she joined a Baptist choir near her family's home; she also taught herself to play piano and began to cultivate the deep connection with Jesus Christ that would guide her throughout her life; and

WHEREAS, in the 1940s, Maggie Ingram moved to Miami, where she began raising her family and shared her passion for music with the community as a soloist for a gospel quartet called the Six Trumpets; she taught her children to sing harmony in her spare time, laying the foundation for her own group, Maggie Ingram and the Ingramettes; and

WHEREAS, Maggie Ingram and her children relocated to Richmond in 1961; she worked as a housekeeper, then accepted a position with the Department of Social Services, which she held until she started her own day care business; and

WHEREAS, Maggie Ingram and the Ingramettes made their musical debut at Hood Temple African Methodist Episcopal Zion Church shortly after arriving in Richmond; they went on to perform at other venues and events in Richmond and all along the East Coast, earning many awards and accolades; and

WHEREAS, living her faith through her actions, Maggie Ingram worked to enhance the quality of life of all her fellow Richmond residents; she delivered meals to community members in need, established a prison ministry, supported family day programs at Virginia prisons, and opened her home to female prisoners transitioning back into society; and

WHEREAS, Maggie Ingram will be fondly remembered and greatly missed by her children, Almeta, John, Lucious, Thomas, and Christine, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Maggie Lee Dixon Ingram, a well-known singer who inspired others through her faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maggie Lee Dixon Ingram as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 261

Celebrating the life of Drew St. John Carneal.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Drew St. John Carneal, an accomplished attorney and a passionate historic preservationist in the City of Richmond, died on September 25, 2015; and

WHEREAS, a native of New York City, Drew Carneal grew up in Bronxville, New York, and spent summers traveling to the Commonwealth to visit a family farm in Gloucester County; and

WHEREAS, Drew Carneal earned a bachelor's degree from Princeton University and law degree from the University of Virginia, then relocated to Richmond in 1963 and practiced law with the firm Cabell, Moncure & Carneal; and

WHEREAS, beginning in 1985, Drew Carneal served the Richmond community as City Attorney, then became senior vice president and general counsel for Owens & Minor, Inc., where he retired in 2003; and

WHEREAS, over the course of his life, Drew Carneal developed a fond appreciation for the City of Richmond's unique history and took a special interest in studying the Fan District, one of the premier historic neighborhoods in the United States; and

WHEREAS, Drew Carneal compiled his research of the Fan District's historic homes, alleyways, byways, and parks into a book, *Richmond's Fan District*, which was first published in 1996; and

WHEREAS, admired for his expertise on Richmond's history, Drew Carneal served as president of the Fan District Association, trustee of the Historic Richmond Foundation, and director of the Historic Monument Avenue and Fan District Foundation, the Maymont Foundation, and Massey Cancer Center; he further served the Commonwealth as a member of the Commission of Architectural Review Board; and

WHEREAS, Drew Carneal will be fondly remembered and greatly missed by his wife of 50 years, Ann; children, Ann and Jack, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Drew St. John Carneal, a respected attorney and preservationist in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Drew St. John Carneal as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 262

Celebrating the life of Ashby B. Allen.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Ashby B. Allen, a prominent attorney in the City of Richmond who was respected throughout the country for his skill and expertise as a trial lawyer, died on October 23, 2015; and

WHEREAS, a native of Victoria, Ashby Allen received a bachelor's degree from the University of Virginia, then joined many of the other young men of his generation in service to the nation during World War II as a pilot in the United States Army Air Corps; and

WHEREAS, after his honorable military service, Ashby Allen earned a law degree from the University of Virginia and founded the firm of Allen, Allen, Allen, and Allen with his father and two brothers; he helped shape the business into one of Richmond's most well-known personal injury firms; and

WHEREAS, gaining notoriety as a trial lawyer in the 1950s, Ashby Allen won one of the earliest products liability cases against an automobile manufacturer in the United States, and he was well served by his personal expertise in mechanics, electricity, hydraulics, and safety engineering throughout his career; and

WHEREAS, highly admired in the legal field, Ashby Allen was a founding member of the Virginia Trial Lawyers Association, a governor of the American Association for Justice, and a member of the American Trial Lawyers Association and International Academy of Trial Lawyers; and

WHEREAS, a proud University of Virginia alumnus, Ashby Allen made many generous donations to his alma mater and was a lifelong supporter of the university's athletics programs; he was also a member of the Country Club of Virginia, Princess Anne Country Club, and Mediterranean Society of America, as well as an avid world traveler; and

WHEREAS, Ashby Allen will be fondly remembered and greatly missed by his wife of 30 years, Sara; children, Ashby, Jr., Charles, Rebecca, and Mary, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ashby B. Allen, a respected attorney and active member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ashby B. Allen as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 263

Celebrating the life of George Burbank Walker.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, George Burbank Walker of Mathews, a retired educator and respected expert in the field of radiation technology, who was admired in the community for his sense of adventure, died on October 5, 2015; and

WHEREAS, a native of Hampton, George Walker cultivated a love of sailing from a young age; he competed in local races, attended the Wooden Boat School in Maine, and was a longstanding member of the Hampton Yacht Club; and

WHEREAS, for many years, George Walker inspired youth and worked to impart his love of lifelong learning as an educator in Hampton Public Schools; during summers, he worked in the Newport News shipbuilding industry, where he gained experience in radiation control; and

WHEREAS, George Walker accepted a position with the Tennessee Valley Authority at Brown's Ferry Nuclear Plant in Alabama, then returned to Mathews as a senior radiation protection technician at Thomas Jefferson National Accelerator Facility; and

WHEREAS, deeply respected for his wealth of knowledge and expertise, George Walker was one of the few radiation professionals in the country to be listed on the National Registry of Radiation Protection Technologists; and

WHEREAS, an avid traveler, George Walker explored the American west by train, rode the Olympic bobsled track in Lake Placid, New York, and researched his family lineage in Scotland; as a member of the Middle Peninsula Amateur Radio Club, he also communicated with fellow radio operators around the globe; and

WHEREAS, George Walker will be fondly remembered and greatly missed by his wife, Judith; children, Robert and Kelly, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of George Burbank Walker, an educator, respected expert in radiation technology, and active member of the Mathews community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of George Burbank Walker as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 264

Celebrating the life of Derek Jerrell Henderson.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Derek Jerrell Henderson of Richmond, an employee of Martin's Food Markets, a loving and respectful father and son, and a man of strong faith, died on January 2, 2016; and

WHEREAS, Derek Henderson, who was educated in the Richmond Public Schools, was raised to show respect for others, be faithful, and to cherish and care for those he loved; he shared a strong bond with his family, who were supportive and positive role models, especially when he became a father; and

WHEREAS, sports were a large part of Derek Henderson's life; he participated in the South Richmond Little League, and also was proud to be known as a "cheer Dad," never missing the opportunity to assist with cheerleading practices or volunteer at Westover Hills Elementary School; and

WHEREAS, Derek Henderson, who overcame many obstacles in his life, was known for his intelligence and strong opinions; he also was regarded as an outstanding debater by his friends and family members; and

WHEREAS, Derek Henderson was a man of deep and abiding faith, and he greatly enjoyed fellowship and worship at Broad Rock Baptist Church; and

WHEREAS, Derek Henderson will be greatly missed and fondly remembered by his children, J'Nya and Skylar; parents, Robert and Alice; and many other family members, friends, and coworkers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Derek Jerrell Henderson of Richmond, an employee of Martin's Food Markets, a loving son and father, and a man of great faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Derek Jerrell Henderson as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 265*Commending Marshall W. Butler, Jr.*

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Marshall W. Butler, Jr., who worked diligently to increase the quality of life of countless Virginians with developmental disabilities, retired as chief executive officer of Greater Richmond ARC in 2015, after nearly four decades of service; and

WHEREAS, Greater Richmond ARC provides innovative services and programs to individuals with developmental disabilities and their families to help them lead fuller lives and become active members of their communities; Marshall Butler has served as chief executive officer of the organization for 37 years; and

WHEREAS, under Marshall Butler's leadership, Greater Richmond ARC expanded existing programs, developed year-round respite programs and after-school care, and facilitated employment opportunities in a variety of work settings; and

WHEREAS, Marshall Butler oversaw the construction of ARCenter, the organization's state-of-the-art headquarters, in 2010 and the creation of ARCPark, an adjoining 2.4-acre outdoor recreational facility, in 2014; and

WHEREAS, an outstanding leader, Marshall Butler touched countless lives through his efforts to support children and adults with developmental disabilities, and he leaves a legacy of excellence to his successor as chief executive officer; and

WHEREAS, after his well-earned retirement, Marshall Butler will seek new opportunities to serve the community and continue to offer his sage guidance to Greater Richmond ARC in a consulting role; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marshall W. Butler, Jr., on the occasion of his retirement as chief executive officer of Greater Richmond ARC; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marshall W. Butler, Jr., as an expression of the General Assembly's admiration for his exceptional stewardship of Greater Richmond ARC and devoted service to individuals with developmental disabilities in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 266*Commending Mongrel.*

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, in 2016, Mongrel, a popular gift shop in Richmond's Carytown shopping district, celebrates its 25th anniversary of offering distinctive and eclectic merchandise that greatly appeals to many customers; and

WHEREAS, Mongrel was named Cards Cards Cards when it opened in 1991, and quickly became known for its inventive offerings; after three years, the card and gift shop had outgrown its original storefront near the Byrd Theatre; and

WHEREAS, in 1994, co-owners Mark Burkett and Stan McCulloch expanded the store by purchasing the adjacent building; they renamed the company Mongrel to better reflect the variety of goods for sale and the mix of customers; and

WHEREAS, Mongrel seeks to stock goods that are fresh and inspired by offering unusual and utilitarian items that serve everyday needs; additionally, the store sells mugs, coasters, and T-shirts featuring neighborhoods, streets, and other points of interest in Richmond; and

WHEREAS, Mongrel continues to sell greeting cards; the company specializes in handmade letterpress cards and carries more than 3,000 images of cards year-round; gift items for sale at Mongrel include presents for men, home accessories, pet items, and kitchenware; and

WHEREAS, business is strong for Mark Burkett and Stan McCulloch; Mongrel's sales have increased 15 percent annually since 2009, and they and two business partners ventured further afield when, in 2006, they opened Chocolatepapers in Roanoke, which sells similar products, plus truffles and other chocolates; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mongrel, a popular gift shop and greeting card store in Richmond's Carytown retail district, on the occasion of its 25th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Burkett and Stan McCulloch, co-owners of Mongrel, as an expression of the General Assembly's congratulations and admiration for its many years of being an outstanding small business in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 267*Commending the Richmond Redevelopment and Housing Authority.*

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, in 2015, the Richmond Redevelopment and Housing Authority celebrated 75 years of providing quality housing, creating opportunities for families to become self-sufficient, and supporting community and economic revitalization initiatives; and

WHEREAS, the Richmond Redevelopment and Housing Authority (RRHA) was created in 1940 by the Richmond City Council to address urban blight and provide housing assistance to low-income residents, many of whom were affected by the Great Depression; and

WHEREAS, as a federally funded and locally administered housing authority serving low-income and moderate-income residents of Richmond, RRHA seeks to build vibrant communities and significantly contributes to the continued growth and success of the City of Richmond; and

WHEREAS, the mission of RRHA is to be the catalyst for quality affordable housing and community revitalization in Richmond; the authority engages in real estate development and provides rental housing assistance and property management services; and

WHEREAS, as the largest housing authority in the Commonwealth, RRHA serves close to 10,000 residents and manages nearly 4,000 housing units through its Public Housing Program; additionally, the authority's Housing Choice Voucher Programs assist approximately 3,000 families by providing subsidized housing assistance; and

WHEREAS, the staff and governing board of RRHA are committed to implementing the values of integrity, accountability, customer focus, and teamwork; RRHA's many accomplishments can be seen throughout Richmond as the city continues to grow and move forward; and

WHEREAS, for 75 years, RRHA has worked to fulfill its mission and improve the lives of the families it serves; the organization's many successes and its focus on rebuilding and revitalizing communities in Richmond have helped strengthen and reinvigorate the city and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Richmond Redevelopment and Housing Authority on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to T. K. Somanath, chief executive officer of the Richmond Redevelopment and Housing Authority, as an expression of the General Assembly's respect and admiration for its vital work to provide quality affordable housing and build vibrant communities.

HOUSE JOINT RESOLUTION NO. 268

Commending Charles Haley.

Agreed to by the House of Delegates, February 9, 2016

Agreed to by the Senate, February 9, 2016

WHEREAS, Charles Haley, a James Madison University alumnus who played in the National Football League and became the only player to earn five Super Bowl championship rings, was inducted into the Pro Football Hall of Fame as a member of the Class of 2015; and

WHEREAS, a native of Gladys, Charles Haley was a four-year starter on the James Madison University (JMU) football team, where he set the school's record for career tackles with 506 from 1982 to 1985; he was named an All-American twice and most valuable defensive player three times and was later elected to the JMU Athletics Hall of Fame; and

WHEREAS, Charles Haley became the first JMU alumnus selected in the National Football League (NFL) Draft when he was selected by the San Francisco 49ers in 1986; during his first season, he recorded 12 sacks, leading all rookies in the league; and

WHEREAS, playing with the San Francisco 49ers from 1986 to 1991, Charles Haley was a member of the Super Bowl XXIII and Super Bowl XXIV championship teams; he was traded to the Dallas Cowboys in 1992, where he thrived in the team's 4-3 defensive scheme and helped win three more Super Bowls in 1992, 1993, and 1995; and

WHEREAS, Charles Haley retired as a player in 1999 and became an assistant defensive coach for the Detroit Lions; he remains an active mentor for rookies on the San Francisco 49ers and Dallas Cowboys, sharing valuable lessons from both on and off the field, and works with charitable organizations, such as the Jubilee Family Development Center and Salvation Army; and

WHEREAS, throughout his 12-season career in the NFL, Charles Haley recorded 498 tackles, 100.5 sacks, 26 forced fumbles, eight fumble recoveries, and two interceptions; he was selected for the Pro Bowl five times, named two-time National Football Conference Defensive Player of the Year by United Press International, and is the only player in NFL history to take part in five Super Bowl victories; and

WHEREAS, in addition to being the first JMU alumnus named to the Pro Football Hall of Fame, Charles Haley was inducted into the Virginia Sports Hall of Fame in 2006, the Dallas Cowboys Ring of Honor in 2011, and the Texas Black Sports Hall of Fame in 2012; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Charles Haley on the occasion of his induction into the Pro Football Hall of Fame with the Class of 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Haley as an expression of the General Assembly's admiration for his many achievements and contributions to the world of sports.

HOUSE JOINT RESOLUTION NO. 269

Celebrating the life of Maxie Lee Broaddus.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Maxie Lee Broaddus of Caroline County, a successful farmer, business person, role model, friend, person of great faith, and devoted father and grandfather, died on December 31, 2015; and

WHEREAS, Maxie Broaddus was born and spent his entire life in Caroline County; he was a fourth-generation farmer and lived at Airy Hill Farm, which has been in his family for more than 100 years; and

WHEREAS, at a young age, Maxie Broaddus became the sole operator of his family's farm; he was a self-taught farmer and worked very hard for many years to continue the operation; and

WHEREAS, when Maxie Broaddus assumed responsibility for the farm, it encompassed 650 acres; from the beginning he carefully saved and invested his profits—year by year investing in small acreages or a new piece of equipment; and

WHEREAS, Maxie Broaddus was honest and trusting, often completing transactions with a handshake; at the time of his death, he farmed 7,000 acres across three counties and was in charge of one of the most sprawling farming operations in the Commonwealth; and

WHEREAS, Maxie Broaddus, who was a good friend to many people, was an eager student of agriculture and readily listened to the advice others gave him; he loved the land, was proud of his work, readily embracing new technology and more efficient methods of operation; and

WHEREAS, Maxie Broaddus gave generously of his time and talents, and his community is better for it; he was a role model to many people, loved being around children, and made many donations to community organizations—often anonymously; and

WHEREAS, Maxie Broaddus walked in faith every day of his life and woke up each morning certain in that knowledge; he was a member of Salem Baptist Church, where he enjoyed fellowship and worship; and

WHEREAS, additionally, Maxie Broaddus was well-known as the operator of the "Walking Tall" monster truck, often exhibiting it at agricultural fairs, competitions, and church events; children flocked to see the truck, and his motto was "It's all about the kids"; and

WHEREAS, Maxie Broaddus will be greatly missed and fondly remembered by his daughters, Mindy, Jessica, and Danni, and their families; mother, Pat; brother, Mike; and many other family members, friends, and neighbors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Maxie Lee Broaddus of Caroline County, a successful and hardworking farmer, generous friend and neighbor, and a devoted father and grandfather; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maxie Lee Broaddus as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 270

Commending Paulino D. Sambat, M.D.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Paulino D. Sambat, M.D., who has touched countless lives and helped ensure the health and wellness of his fellow Spotsylvania County residents as a physician and surgeon, retired from Mary Washington Hospital in 2015; and

WHEREAS, Dr. Sambat began practicing medicine in 1972 and has cared for the residents of Spotsylvania County for many years, having been invited to serve the community by the Spotsylvania County Woman's Club; and

WHEREAS, over the course of his 43-year career in medicine, Dr. Sambat worked as a physician and general surgeon at Mary Washington Hospital until 2000, then worked in general practice; and

WHEREAS, Dr. Sambat also helped safeguard the members of the community by assisting with the formation of the Spotsylvania Volunteer Rescue Squad; he served as president and medical adviser of the rescue squad and provided free physical examinations to members; and

WHEREAS, Dr. Sambat generously volunteered at the Lloyd F. Moss Free Clinic, provided care for the residents of the Thurman Brisben Homeless Shelter, and started a free flu shot clinic at the North Central Virginia Association of Philippine Physicians, of which he has served as president; and

WHEREAS, working with the Gawad Kalinga Community Development Foundation and other programs, Dr. Sambat funded the construction of homes, wells, churches, and schools in the Philippines; and

WHEREAS, Dr. Sambat earned many accolades for his good work, including Man of the Year awards from the Spotsylvania Jaycees and the local Veterans of Foreign Wars post; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Paulino D. Sambat, M.D., on the occasion of his retirement from Mary Washington Hospital; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paulino D. Sambat, M.D., as an expression of the General Assembly's admiration for his tireless service to the residents of Spotsylvania County.

HOUSE JOINT RESOLUTION NO. 271

Commending Calvin B. Taylor.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Calvin B. Taylor of Caroline County admirably served as a member and chair of the Board of Supervisors for 20 years, providing wise guidance and paying close attention to the needs of his constituents and the county as a whole; and

WHEREAS, Calvin Taylor first served on the Caroline County Board of Supervisors from January 1, 1992, through December 31, 2007; he returned to the board on January 1, 2012, for another four-year term; and

WHEREAS, Calvin Taylor was elected chair of the Board of Supervisors in 1994, 1998, 2002, 2004, and 2015, serving the people and businesses of Caroline County with great dedication and skill; and

WHEREAS, during his years as the supervisor representing the Port Royal District in Caroline County, Calvin Taylor tirelessly served the people of Caroline County and made countless valuable contributions, which resulted in significant progress that will benefit the residents of the county for many years to come; and

WHEREAS, public service was a hallmark of Calvin Taylor's career; he was an educator for more than 30 years and was vice principal of Caroline Middle School, and he also made many valuable contributions as a longtime member of the Caroline County Social Services Board; and

WHEREAS, Calvin Taylor also gained valuable experience as a member of the board of the Virginia Association of Counties; he joined the board of the statewide association in 2004 and was chair of its Education Steering Committee in 2014 and 2015; and

WHEREAS, during his tenure as a member of the Caroline County Board of Supervisors, Calvin Taylor devoted countless hours to serving his constituents with diligence and care, always striving to do what was in the best interest of the county; and

WHEREAS, Calvin Taylor exercised sound judgment and used his background in education and his work on the Caroline County Social Services Board to guide the decisions he made as a member of the Board of Supervisors, earning the respect and admiration of the people he served; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Calvin B. Taylor for his 20 years of dedicated public service to the people of Caroline County as a member and former chair of the Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Calvin B. Taylor as an expression of the General Assembly's respect and appreciation for his dedicated work and leadership on behalf of the people of Caroline County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 272

Commending Holiday Lake 4-H Educational Center, Inc.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, in 2016, Holiday Lake 4-H Educational Center, Inc., in Appomattox celebrates 75 years of providing quality educational camping and natural resources programs to young people and adults from throughout the Commonwealth; and

WHEREAS, Holiday Lake was built in the 1930s by the Works Project Administration (WPA) as an emergency inland landing base for the United States Navy; cabins and other facilities were constructed nearby for the construction workers; and

WHEREAS, the size of the lake shrank to 150 acres after a cemetery was discovered on the site during the construction phase, making it too small to meet the Navy's needs; the infrastructure remained, however, and as early as 1940, Holiday Lake and the WPA camp were used by local 4-H groups; and

WHEREAS, in 1941, the Holiday Lake encampment officially became a 4-H camp; the original 19-acre site had 16 cabins, a dining hall, a kitchen, and two bath houses and served 4-H youth from the area; its mission is to improve the quality of life by educating youth and adults in a natural setting; and

WHEREAS, today, Holiday Lake 4-H Educational Center is used by 4-H clubs in 17 counties and the Cities of Charlottesville and Lynchburg; it is located in the Appomattox-Buckingham State Forest, which is the largest state forest in the Commonwealth; and

WHEREAS, the objectives of the Holiday Lake 4-H Educational Center are to provide year-round educational camping programs for 4-H members; offer natural resource programs to school groups, 4-H clubs, and adults; house a fully equipped Virginia 4-H Shooting Center; provide facilities and services for diverse groups from different areas; and monitor the effectiveness of its programs and revise them to meet the changing needs of its users; and

WHEREAS, Holiday Lake 4-H Educational Center is home to an unusually intact WPA camp; the buildings that were constructed during the Great Depression have recently been approved to be placed on the Virginia Historic Landmarks Register, ensuring that the original character of the buildings will be preserved; and

WHEREAS, each year, more than 10,000 people benefit from programs and activities at the Holiday Lake 4-H Educational Center; the Natural Resource Education programs are a primary focus at the center and include day and overnight trips where participants can learn hands-on about the outdoors; and

WHEREAS, Holiday Lake 4-H Educational Center has several major partners who make many contributions to the center's programs: the College of Agriculture and Life Sciences and the College of Natural Resources and the Environment, both at Virginia Polytechnic Institute and State University, the Virginia Department of Forestry, and the Virginia Department of Games and Inland Fisheries; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Holiday Lake 4-H Educational Center, Inc., on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Holiday Lake 4-H Educational Center, Inc., as an expression of the General Assembly's congratulations and admiration for its valuable work to educate Virginians about the natural world around them.

HOUSE JOINT RESOLUTION NO. 273

Commending the Virginia Home for Boys and Girls.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, for 170 years, the Virginia Home for Boys and Girls has provided Richmond-area youth a safe, supportive environment for growth, learning, and healing; and

WHEREAS, founded in 1846 as the Richmond Male Orphan Society, the original mission of the Virginia Home for Boys and Girls was to provide a home for abused, abandoned, and neglected boys, many of whom were living on the streets; and

WHEREAS, the Virginia Home for Boys and Girls evolved to meet community needs, serving boys in the juvenile justice and child welfare systems for many years; the organization moved to Henrico County in the 1950s and began providing educational services through the John G. Wood School in 1970; and

WHEREAS, in 2004, the Virginia Home for Boys and Girls expanded its services to young girls and now provides a full spectrum of evidence-based, child-centered, and family-focused services to help ensure that all children grow up in loving families and supportive communities; and

WHEREAS, the mission of the Virginia Home for Boys and Girls to strengthen families spans the child welfare, juvenile justice, mental health, and education systems; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Home for Boys and Girls for its work to help young boys and girls in the Richmond area thrive and become happy, productive members of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Home for Boys and Girls as an expression of the General Assembly's admiration for its commitment to serving the youth of the Richmond area and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 274

Commending Arlington Thrive.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, since 1975, Arlington Thrive has met an important community need by providing a financial safety net for Arlington residents in crisis with same-day financial assistance for unexpected emergency needs; and

WHEREAS, uniting Arlington County officials, private donors, and volunteers, Arlington Thrive is an example of a public-private partnership that successfully meets a community need; and

WHEREAS, Arlington Thrive's programs are critical to Arlington's 10-Year Plan to End Homelessness; the program is one of the first lines of defense against homelessness, using financial assistance payments to Arlington households to fill critical needs; and

WHEREAS, Arlington Thrive has assisted families with medical, dental, and prescription bill payments; and

WHEREAS, Arlington Thrive has provided emergency rental assistance to prevent eviction and has helped residents pay utility bills to keep their water running and their electricity and heat on; and

WHEREAS, Arlington Thrive supports those who are seeking employment by providing funds for transportation, clothing, and equipment required to start a job; and

WHEREAS, during 1975, the program's first year in operation, Arlington Thrive helped 168 households with \$10,423 of direct emergency assistance; during fiscal year 2015, Arlington Thrive assisted 1,472 households (2,698 persons) with \$730,000 of direct emergency assistance; and

WHEREAS, on November 18, 2015, Arlington Thrive commemorated the 40th anniversary of its founding and celebrated its mission to provide a financial safety net to Arlington residents in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Arlington Thrive on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arlington Thrive as an expression of the General Assembly's admiration for the organization's tireless work to strengthen and enhance the Arlington community.

HOUSE JOINT RESOLUTION NO. 275

Commending Joseph R. Price.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Joseph R. Price, a respected leader in law enforcement, will retire on March 1, 2016, after 16 years of service as Chief of Police for the Town of Leesburg; and

WHEREAS, Joseph Price graduated from the University of Scranton and desiring to serve his country, was commissioned in the United States Army Reserve; following a distinguished career, he retired with the rank of lieutenant colonel; and

WHEREAS, upon leaving active duty, Joseph Price joined the Montgomery County Police Department in Maryland and after faithfully serving the citizens of Montgomery County for 25 years in a variety of positions, including training commander, operations officer, district commander, and bureau chief, he accepted the position of Chief of Police for the Town of Leesburg; and

WHEREAS, over the past 16 years, Joseph Price's leadership and guidance helped the Leesburg Police Department become a highly professional organization with a philosophical focus on police officers as guardians of the community; and

WHEREAS, under Joseph Price's leadership, the Leesburg Police Department was accredited by the Virginia Department of Criminal Justice Services in 2006 and reaccredited in 2010 and 2014; and

WHEREAS, additionally, during Joseph Price's tenure, the Leesburg Police Department received Community Policing awards from the International Association of Chiefs of Police in 2006 and 2014; and

WHEREAS, in 2015, the Leesburg Police Department, under Joseph Price's leadership, was honored with the prestigious Webber-Seavey Award for Quality in Law Enforcement from the International Association of Chiefs of Police and Motorola for its innovative Organized Retail Crime Initiative; and

WHEREAS, Joseph Price has assumed leadership roles for many organizations and committees, including serving as chair of the Northern Virginia Chiefs and Sheriffs Group and the Northern Virginia Regional Gang Task Force; and

WHEREAS, in his well-earned retirement, Joseph Price plans to spend more time with his beloved family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joseph R. Price on the occasion of his retirement as Chief of Police for the Town of Leesburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph R. Price as an expression of the General Assembly's admiration for his service to the citizens of the Town of Leesburg, the Commonwealth, Maryland, and the United States, and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 276*Commending Google.*

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Google was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2016 Best of Reston Award in the Corporate Business Leader category for its outstanding support of many community initiatives; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, Google has been involved in many areas of the community; the global technology company has provided grants to numerous local nonprofit and entrepreneurial companies to help them continue to grow and achieve their missions; and

WHEREAS, some of the charitable, educational, and cultural organizations that have received grants from Google include Northern Virginia Family Service Training Futures workforce development program, Cornerstones, Inc., Martin Luther King, Jr. Cultural Foundation, Inc., and a program at the National Flight Academy; and

WHEREAS, Mike Bradshaw, an employee of Google, is chair of the Board of Directors of the Greater Reston Chamber of Commerce; the company has actively supported the work of the Chamber for more than seven years and also has generously provided annual scholarships; and

WHEREAS, Google has hosted educational programs for businesses and nonprofit associations that have been organized by the Greater Reston Chamber of Commerce; the company also has been the host of Cornerstone's Awardee Announcements reception; and

WHEREAS, in recent years, Google has been the financial sponsor for the Greater Reston Chamber of Commerce's Ethics Day event, and volunteers from Google have led ethics programs at local schools in conjunction with the event; and

WHEREAS, another worthwhile cause that Google has supported in the Reston area is the INC.spire Education Foundation, which helps startup companies launch their businesses and supports them by providing mentors and continuing education seminars; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Google for its generous support of charitable, educational, cultural, and business programs throughout the Reston area and for its well-deserved honor as a 2016 Best of Reston Award recipient in the Corporate Business Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Bradshaw of Google as an expression of the General Assembly's respect and admiration for its outstanding commitment to the people and businesses of Reston.

HOUSE JOINT RESOLUTION NO. 277*Commending Amy's Amigos.*

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Amy's Amigos, a student-founded and student-run organization that raises funds for childhood cancer research, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with the prestigious 2016 Best of Reston Vade Bolton-Ann Rodriguez Legacy Award; and

WHEREAS, the Vade Bolton-Ann Rodriguez Legacy Award is given in memory of two past Best of Reston honorees who played a special role in the development, growth, and work of the Greater Reston Chamber of Commerce and Cornerstones, Inc. (formerly Reston Interfaith), and who shared a special passion and gift for mentoring and inspiring young people and future leaders; and

WHEREAS, Amy's Amigos started in 2006 when 50 pupils from Hunter's Woods Elementary School formed a Relay for Life team to raise money in honor of a classmate with brain cancer; in the years following the successful fund-raising event for the American Cancer Society, the group continued to focus on doing more to honor their friend, Amy Boyle; and

WHEREAS, six years ago, three members of Amy's Amigos, who by then were freshmen at South Lakes High School, organized a youth triathlon to help raise awareness of pediatric brain cancer; the event also served to honor Amy Boyle's determination and enthusiasm for youth fitness; and

WHEREAS, Amy's Amigos has sponsored the Reston Be AMYzing Youth Triathlon for the past five years; the race, which is for children ages six to 15, has raised more than \$87,000 for the Childhood Brain Tumor Foundation and the American Cancer Society and has become a Mother's Day tradition in Reston; and

WHEREAS, Amy's Amigos has created leadership opportunities for Reston's young people; the leaders of Amy's Amigos are high school students, and 15 of the 30 committee chairs also are high school students, all of whom learn effective communication, project management, fund-raising, and time management skills; and

WHEREAS, Amy's Amigos and its Be AMYzing Youth Triathlon encourage young people in Reston to stay fit and volunteer their time to help others; the organization is an admirable example of the positive and lasting impact that young people can make in their community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Amy's Amigos for being the recipient of the prestigious 2016 Best of Reston Vade Bolton-Ann Rodriguez Legacy Award by the Greater Reston Chamber of Commerce and Cornerstones, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jody Wolfe of Amy's Amigos as an expression of the General Assembly's respect and admiration for its valuable work on behalf of children with cancer and for being outstanding role models for the people of Reston and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 278

Commending Bechtel Corporation.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Bechtel Corporation was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2016 Best of Reston Award in the Corporate Business Leader category for its many contributions to area nonprofit organizations and events; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, since opening its corporate operations headquarters in Reston in 2012, Bechtel has been wholeheartedly committed to improving the quality of life in the area by supporting worthwhile community groups and encouraging its employees to volunteer and become active in area nonprofit organizations; and

WHEREAS, the Reston community has benefited in countless ways from Bechtel's corporate generosity, and working with schools is a major part of Bechtel's community endeavors; the Bechtel Employees Club has adopted Lake Anne Elementary School, and the company also has supported FIRST robotics teams at four area schools; and

WHEREAS, Bechtel Corporation also is a major supporter of the Greater Reston Chamber of Commerce's annual Ethics Day program for high school seniors; additionally, company employees—as part of Team Bechtel—participated in the Northern Virginia Tour de Cure fundraising ride for the American Diabetes Association; and

WHEREAS, another group of Bechtel employees has taken part in the Dulles Day Festival & Plane Pull fundraising event that helps Special Olympics Virginia provide year-round training and competitions to more than 11,000 athletes; and

WHEREAS, Bechtel Corporation has been a valued member of the Greater Reston Chamber of Commerce since 2012 and actively supports local businesses by sharing best practices with small companies, agencies, and government leaders; and

WHEREAS, a Bechtel-led team built the Washington Metro's Silver Line subway, and during the construction period, the company supported many local charities and organizations; one of Bechtel's core values is to be an active member of the community when it undertakes one of its renowned mega-projects; and

WHEREAS, by enhancing educational opportunities for area students, raising funds for nonprofit health and medical organizations, and supporting civic causes in greater Reston, Bechtel and its employees have helped improve the lives of hundreds of people; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bechtel Corporation for being a well-deserved recipient of the 2016 Best of Reston Award in the Corporate Business Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Lamble of Bechtel Corporation as an expression of the General Assembly's respect and admiration for the company's proud commitment to the betterment of the Reston area through its generous volunteer and financial support of numerous local organizations.

HOUSE JOINT RESOLUTION NO. 279

Commending Wiygul Automotive Clinic.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Wiygul Automotive Clinic was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2016 Best of Reston Award in the Small Business Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, Wiygul Automotive Clinic operates automobile tire, service, and repair shops in the Commonwealth and Maryland; the successful small business, which opened in 1976, works to be an active member of the community and assist its vulnerable members; and

WHEREAS, the staff at Wiygul Automotive Clinic first began working with Cornerstones, Inc., on an occasional and informal basis; the repair shop periodically would provide up to \$500 worth of car repairs to clients of the service organization that helps those in need in the greater Reston area; and

WHEREAS, over the years, the partnership evolved and strengthened, and today Wiygul Automotive generously provides \$1,000 a month in parts and labor to repair cars owned by Cornerstones' shelter and supportive housing clients; and

WHEREAS, Wiygul Automotive Clinic's donated services represent a generous and practical way to assist some of the Reston area's neediest residents; the staff of Cornerstones has long known that lack of reliable transportation can be a severe impediment to the clients it serves; and

WHEREAS, the clients of Cornerstones whose vehicles are repaired by the staff of Wiygul Automotive Clinic are then able to seek and maintain employment, participate in skills training programs, and access medical care; for many appreciative customers, public transportation is not available or requires large amounts of time and many transfers to arrive at their destination; and

WHEREAS, Wiygul Automotive Clinic encourages its employees to volunteer in the community; they also are given the opportunity to volunteer their time to make repairs to Cornerstones' clients' vehicles; the repair company also encourages suppliers to reduce the cost of parts and has worked in numerous ways to assist the men and women who are served by Cornerstones; and

WHEREAS, additionally, W. D. Wiygul is a member of the advisory board of Cornerstones' Closing the Skills Gap employment pilot program; he has made many valuable contributions and also provided great insight into the issue of barrier reduction; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wiygul Automotive Clinic for being the recipient of a 2016 Best of Reston Award in the Small Business Leader category by the Greater Reston Chamber of Commerce and Cornerstones, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to W. D. Wiygul of Wiygul Automotive Clinic as an expression of the General Assembly's respect and admiration for the company's dedication and commitment to some of the Commonwealth's most vulnerable residents.

HOUSE JOINT RESOLUTION NO. 280

Commending Robert Earl Hamlin.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Robert Earl Hamlin, a retired employee of Norfolk Southern Railway who was the first black chief dispatcher on the company's Pocahontas and Virginia railroad divisions, provided advice and guidance as a member and leader of the Sussex County Board of Supervisors from the time he assumed elected office in 2014 until the end of his term on December 31, 2015; and

WHEREAS, Robert Hamlin was born in Greensville County and moved to Reesetown in Sussex County when he was four; he grew up in the community near Jarratt and graduated from high school in 1971; and

WHEREAS, in 1972, Robert Hamlin began working as a clerk for the Norfolk and Western Railway, now known as Norfolk Southern Railway—a subsidiary of Norfolk Southern Corporation; during his early years with the railway company, Robert Hamlin married and started a family; and

WHEREAS, Robert Hamlin was a clerk and janitor for Norfolk and Western Railway in Hopewell, Jarratt, and Petersburg for 13 years; in 1985, he went to Crewe and became a train dispatcher for what had become Norfolk Southern Railway, and a few years later he was transferred to Roanoke when the rail company's operations were moved to a central location; and

WHEREAS, in 1998, Robert Hamlin was appointed the first black Chief Dispatcher on Norfolk Southern Railway's Pocahontas Division in Bluefield, West Virginia; he was transferred to Roanoke the following year and became the first black Chief Dispatcher on the Virginia Division; and

WHEREAS, over the years, Robert Hamlin assumed the title of First Chief Dispatcher (Super Chief) and was the first African American to hold that position; all train movements, rail operations, and personnel decisions on the Virginia Division of Norfolk Southern Railway were made under his authority; and

WHEREAS, Robert Hamlin retired from Norfolk Southern Railway in 2012 after an impressive 40-year career with one of the nation's premier transportation companies; he returned home to Sussex and was elected to the Sussex County Board of Supervisors in November 2013, representing the Henry District; and

WHEREAS, Robert Hamlin served with dedication and provided valuable leadership during his tenure on the Sussex County Board of Supervisors; he was elected vice chair and also served as chair of the board; and

WHEREAS, during his time as a member of the Sussex County Board of Supervisors, Robert Hamlin listened carefully to the questions and concerns of his constituents and always strove to do what was in the best interests of Sussex County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert Earl Hamlin for his work and pioneering accomplishments during his career with Norfolk Southern Railway and for his dedicated service and leadership as a member of the Sussex County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Earl Hamlin as an expression of the General Assembly's respect and admiration for his many contributions to the people of Sussex County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 281

Commemorating the 250th anniversary of the signing of the Leedstown Resolutions.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, February 27, 1766, was the date of the adoption of the *Leedstown Resolutions*, also known as the *Leedstown Resolves*, authored by Richard Henry Lee in protest of the British crown's imposition of "taxation without representation"; and

WHEREAS, 150 patriots from the Counties of Westmoreland, King George, Essex, Stafford, Northumberland, Richmond, Lancaster, Caroline, Spotsylvania, Prince William, Loudoun, and Fairfax, and the City of Fredericksburg would sign *Leedstown Resolutions*, in which they "most solemnly bind ourselves. . . at the utmost risk of our lives and fortunes"; and

WHEREAS, the Northern Neck of Virginia Historical Society was established in 1951 under the leadership of Senator Robert O. Norris, Jr., of Lively, Delegate W. Tayloe Murphy, Sr., of Warsaw, and Delegate Charles F. Unruh of Kinsale, among other notable volunteers; and

WHEREAS, the Northern Neck of Virginia Historical Society annually commemorates the *Leedstown Resolutions* and has held these events throughout the region; and

WHEREAS, the celebration of the 250th anniversary of the *Leedstown Resolutions* will be held on Saturday, February 27, 2016, at Stratford Hall in Westmoreland County, the boyhood home of the author of the *Leedstown Resolutions*, who was a member of the General Assembly from 1781 to 1785; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the 250th anniversary of the signing of the *Leedstown Resolutions* hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Northern Neck of Virginia Historical Society as an expression of the General Assembly's appreciation for the importance of the *Leedstown Resolutions* to the history and heritage of the nation.

HOUSE JOINT RESOLUTION NO. 282

Commending Richard F. Sliwoski.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, Richard F. Sliwoski, a licensed professional engineer and a devoted and influential servant to the Commonwealth, retired as director of the Virginia Department of General Services on November 1, 2015; and

WHEREAS, Richard "Rich" F. Sliwoski served the Commonwealth for over 15 years, first as the director of the Division of Engineering and Buildings for the Department of General Services, then as director of the Department of General Services by appointment of three governors (Governor Kaine in January 2006, Governor McDonnell in April 2010, and Governor McAuliffe in January 2014); and

WHEREAS, as director of the Department of General Services, Rich Sliwoski managed the agency's more than 600 employees, four divisions, and eight business units responsible for the renovation and construction of state-owned facilities; the operation of a statewide electronic procurement system; statewide consolidated laboratory services; the buying, selling, and leasing of real estate; the management of a statewide vehicle fleet; the selling of state and federal surplus property; the graphic communications needs of state agencies; and the delivery of mail at the seat of government; and

WHEREAS, as the director of the Department of General Services, Rich Sliwoski oversaw the renovation of the historic Virginia Capitol and coordinated its reopening in 2007 to coincide with the visit to the Commonwealth by Her Majesty, Queen Elizabeth II of England; and

WHEREAS, among other accomplishments while at the agency, Rich Sliwoski led the renovation of numerous buildings on Capitol Square, including the Oliver Hill, Patrick Henry, Washington, and Madison Buildings, and initiated the renovation design of the Ninth Street Office Building, the construction of parking decks that service Capitol Square, and renovations at the Virginia School for the Deaf and Blind; he maintained oversight of many other facilities throughout the Commonwealth; and

WHEREAS, Rich Sliwoski also served his country in the United States Army and is a former Army Corps of Engineers officer, whose last three active duty assignments were as the Deputy District Engineer in Norfolk, District Engineer in Philadelphia, and Deputy Director of the Army's Environmental Programs; and

WHEREAS, Rich Sliwoski, a native of Massachusetts, holds a Bachelor of Science and a Master of Science in Civil Engineering from Worcester Polytechnic Institute, a Master of Business Administration from Xavier University, a Master of International Relations from Salve Regina College, and a Master in National Security and Strategic Studies from the Naval War College; and

WHEREAS, Rich Sliwoski served on the boards of the Council of State Governments, the Institute for Building Safety and Technology, and the National Association of State Chief Administrators, and was selected in 2012 to participate in the Council of State Governments' Toll Fellowship Program, a prestigious program that is one of the nation's premier leadership development programs for state government officials; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard F. Sliwoski for his service to the Commonwealth on the occasion of his retirement from the Department of General Services; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard F. Sliwoski as an expression of the General Assembly's admiration and gratitude for his loyal and committed service to the Commonwealth and best wishes for a happy retirement.

HOUSE JOINT RESOLUTION NO. 284

Commending the Commonwealth Chapter, National Society Daughters of the American Revolution.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, in 1779, during the Revolutionary War, the General Assembly voted favorably on Thomas Jefferson's proposal to move Virginia's capital inland to Richmond for safety from British raids and for a more central location with an inland port; and

WHEREAS, prior to the construction of the current Capitol building, the General Assembly convened from 1780 to 1788 in very humble commercial buildings at the corner of what is now 14th Street and Cary Street in downtown Richmond; and

WHEREAS, during that span of years in those humble structures, outstanding statesmen of Virginia, as well as founding fathers of the nation, guided Virginia through the final years of the Revolutionary War and laid the foundation for the freedoms and protections that the citizens of Virginia and the United States now enjoy; and

WHEREAS, the National Society Daughters of the American Revolution, founded on October 11, 1890, is a nonprofit volunteer women's service organization dedicated to promoting patriotism, preserving American history, and securing America's future through better education for all; and

WHEREAS, on October 11, 1915, the Commonwealth Chapter, National Society Daughters of the American Revolution facilitated the creation of a plaque, mounted on a custom cast concrete base and set at an angle on the corner of the property at 14th Street and Cary Street in the City of Richmond, that commemorated the meeting place of the General Assembly from 1780-1788; and

WHEREAS, 100 years later on Sunday, October 11, 2015, the Commonwealth Chapter of the National Society Daughters of the American Revolution commemorated the 125th anniversary of its parent organization by rededicating the same historical plaque, currently mounted on a prominent wall of the new Marriott Residence Inn on the historical site of the 18th-century buildings where the General Assembly met; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Commonwealth Chapter, National Society Daughters of the American Revolution for its work to preserve the history and heritage of the Commonwealth and the General Assembly on the occasion of the 125th anniversary of the founding of the National Society Daughters of the American Revolution; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Commonwealth Chapter, National Society Daughters of the American Revolution as an expression of the General Assembly's admiration for its devoted service to Virginia and the United States.

HOUSE JOINT RESOLUTION NO. 285

Commending JoAnn Falletta.

Agreed to by the House of Delegates, February 12, 2016

Agreed to by the Senate, February 18, 2016

WHEREAS, JoAnn Falletta is internationally celebrated as a vibrant ambassador for music, an inspiring artistic leader, and a champion of American symphonic music; and

WHEREAS, JoAnn Falletta received her undergraduate degree from the Mannes School of Music of the New School in New York and her master's and doctoral degrees from The Juilliard School; and

WHEREAS, JoAnn Falletta has served as music director of the Virginia Symphony Orchestra for 25 years, while also serving with the Buffalo Philharmonic Orchestra and principal guest conductor of both the Phoenix Symphony and the Brevard Music Center; and

WHEREAS, JoAnn Falletta has been acclaimed as an effervescent and exuberant figure on the podium, praised by the *Washington Post* as having "Toscanini's tight control over ensemble, Walter's affectionate balancing of inner voices, Stokowski's gutsy showmanship, and a controlled frenzy worthy of Bernstein"; she has also been acclaimed by the *New York Times* as "one of the finest conductors of her generation"; and

WHEREAS, JoAnn Falletta has been invited to guest conduct more than a hundred orchestras in North America, and many of the most prominent orchestras in Europe, Asia, South America, and Africa, including the orchestras of Philadelphia, Los Angeles, San Francisco, Dallas, St. Louis, Milwaukee, Indianapolis, Seattle, San Diego, Montreal, Toronto, and the National Symphony; and

WHEREAS, JoAnn Falletta has made international appearances with the London Symphony, Czech Philharmonic, Rotterdam Philharmonic, Korean Broadcast Symphony, Seoul Philharmonic, China National Symphony, Shanghai Symphony, Liverpool Philharmonic, Manchester BBC Philharmonic, Scottish BBC Orchestra, Orchestra National de Lyon, Mannheim Orchestra, Lisbon Metropolitan Orchestra, and at numerous music festivals, including Aspen, Tanglewood, the Hollywood Bowl, Wolf Trap, Mann Center, Meadow Brook, OK Mozart Festival, Grand Teton Festival, and the Brevard Festival; and

WHEREAS, JoAnn Falletta is the recipient of many of the most prestigious conducting awards, including the Seaver/National Endowment for the Arts Conductors Award, the coveted Stokowski Competition award, and the Toscanini, Ditson and Bruno Walter Awards for conducting, as well as the American Symphony Orchestra League's prestigious John S. Edwards Award; and

WHEREAS, JoAnn Falletta is an ardent champion of modern composers, introducing more than 500 works by American composers, including more than 110 world premieres, making her a "leading force for the music of our time"; she has been honored with two Grammy awards and six nominations and 11 American Society of Composers, Authors and Publishers awards; and

WHEREAS, JoAnn Falletta has recorded more than 75 titles, including the double Grammy award-winning disc of works by John Corigliano and other Grammy-nominated discs of works of Tyberg, Dohnányi, Fuchs, Schubert, Respighi, Gershwin, Hailstork, and Holst; and

WHEREAS, during her 25-year tenure, JoAnn Falletta has helped the Virginia Symphony Orchestra earn international recognition and a ranking in the top 10 percent of all American orchestras, with performances at the Kennedy Center in Washington, D.C., and Carnegie Hall in New York City; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend JoAnn Falletta for her work to enrich the Commonwealth through the joys of fine orchestral music as music director of the Virginia Symphony Orchestra; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to JoAnn Falletta as an expression of the General Assembly's admiration for her exceptional contributions to the cultural landscape of the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 286

Commending Camden A. Neville.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, in 2015, Camden A. Neville of Williamsburg won three national archery championships, including a Junior Olympic competition, and set seven archery records in state competition; and

WHEREAS, Camden Neville took top honors in several archery national competitions in 2015; he is a Grand National Outdoor Champion, a National Field Archery Association National Outdoor Field Champion, and the Junior Olympic National Indoor Champion; and

WHEREAS, Camden Neville set seven state records in archery competition in the Commonwealth during 2015; he was the Archery Shooters Association Champion for Virginia, state Junior Olympic Indoor Champion and Outdoor Champion, and the Commonwealth Games Champion; and

WHEREAS additionally, Camden Neville was named the Virginia State Indoor Champion and Outdoor Champion, and he won the 2015 Virginia State International Bowhunting Organization Championship; and

WHEREAS, Camden Neville, who is 12 years old and is educated at home, finished in fifth place at the 2015 World Archery Festival's Freestyle Unlimited Cub Male division, archery's most prestigious indoor tournament, attracting novice to Olympic-caliber archers from around the world; and

WHEREAS, archery has been an abiding passion for Camden Neville; his goal is to represent the United States as a world champion, and he is known in the archery community as a strong competitor and gentleman who motivates and encourages his fellow archers; and

WHEREAS, Camden Neville also is recognized for his sportsmanship, caring attitude, strong determination to improve his archery skills, and ability to focus on executing each shot; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Camden A. Neville of Williamsburg for his championship skills at archery; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Camden A. Neville as an expression of the General Assembly's congratulations for his many outstanding accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 287

Commending Bob May.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Bob May of Bridgewater admirably served as a member of the Rockingham County School Board from 2012 through 2015, listening carefully to the issues that came before the board, and providing sound advice and guidance; and

WHEREAS, the four-year term that Bob May served on the Rockingham County School Board was the second time he served the school district; he was an employee of the Rockingham County Public Schools for 37 years, having started as an elementary school teacher in 1964, and retiring in 2001 as assistant superintendent for administration; and

WHEREAS, Bob May's extensive experience in many areas of the Rockingham County Public School division's operation helped guide his decisions when he was a member of the school board; he was a teacher, school social worker, principal, maintenance director, and assistant superintendent; and

WHEREAS, Bob May represented District 4 as a member of the Rockingham County School Board; during his tenure, the board addressed the school system's grading scale, dress code, a climate survey, the security of vestibules in school buildings, budgeting, and anti-bullying measures; and

WHEREAS, the Bridgewater resident derived great satisfaction from serving the people of Rockingham County as a member of the school board; Bob May considered his greatest accomplishments to be the digital conversion initiative and improved relations between administrators and teachers; and

WHEREAS, in addition to his deep knowledge of the Rockingham County Public Schools, Bob May also is known for his professional and congenial demeanor and for being respectful to all with whom he worked; and

WHEREAS, Bob May is considered by his colleagues and friends to be a true Southern gentleman who cared about those around him; he encouraged his fellow members, and his successor, to continue to work to understand the people in the school system and to cherish the school division's strengths and values; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bob May for his dedication and service as a member of the Rockingham County School Board and his 41-year career with the Rockingham County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob May as an expression of the General Assembly's respect and admiration for his selfless dedication and devotion to the Rockingham County Public Schools.

HOUSE JOINT RESOLUTION NO. 288

Commending Patrick J. Coffield.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Patrick J. Coffield of Waynesboro, a dedicated and effective public servant who has ably led Augusta County as county administrator for 25 years, retires in 2016; and

WHEREAS, Patrick Coffield became head of Augusta County government in 1990; he is a native of Tidewater who earned a bachelor's degree from James Madison University, and he later received a master's degree from George Washington University; and

WHEREAS, before assuming his post in Augusta County, Patrick Coffield worked as a senior analyst and director of research for the City of Suffolk for six years and then was assistant city manager of Portsmouth for nine years; he received invaluable training and learned a great deal about local government from his work with leaders in those localities; and

WHEREAS, Patrick Coffield applied the lessons he learned during the early years of his career to his work in Augusta County, quickly responding to requests from elected officials, hiring well-qualified staff, and effectively delegating assignments; he created a strong team that focused on the county's best interests; and

WHEREAS, Patrick Coffield has overseen many accomplishments as county administrator, including the establishment of an industrial park in Augusta County—the Mill Place Commerce Park—and successful partnerships with nearby jurisdictions; and

WHEREAS, regional cooperation has been strong under Patrick Coffield's leadership; the people of Augusta County have benefited from the county's collaboration with the Cities of Waynesboro and Staunton on social services, a regional landfill, and the Middle River Regional Jail; and

WHEREAS, additionally, Patrick Coffield has recognized that responsible development in Augusta County is only possible when the appropriate infrastructure is in place; he also has been respectful of the county's agricultural heritage—and its current position as one of the Commonwealth's most productive agricultural areas; and

WHEREAS, Patrick Coffield has contributed his time and expertise as a member of many professional associations and organizations in and around Augusta County, including the Shenandoah Valley Juvenile Center, the Shenandoah Valley Partnership, the Staunton Rotary Club, the Virginia Municipal League, and a customer advisory board for Virginia Power; and

WHEREAS, as county administrator, Patrick Coffield has worked with many people who have focused on doing what was best for the place they call home, and he has been especially honored to be part of the team of hardworking employees of Augusta County government; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patrick J. Coffield on the occasion of his retirement in 2016 as county administrator of Augusta County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patrick J. Coffield as an expression of the General Assembly's respect and admiration for his outstanding public service to the people of Augusta County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 289

Commending Shiloh Baptist Church.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, for 150 years, Shiloh Baptist Church has served the Ashland community through spiritual leadership, valuable outreach programs, and joyful worship in the Baptist tradition; and

WHEREAS, tracing its roots to 1866, Shiloh Baptist Church was a pioneer church inspired by the Colored Shiloh Baptist Association and was established in a small building at the southern boundary of the Town of Ashland; and

WHEREAS, under the spiritual guidance of the Reverend Burrell Toler, the first pastor, Shiloh Baptist Church was founded one year after the end of the Civil War and only eight years after the incorporation of Ashland as a town; and

WHEREAS, Shiloh Baptist Church is among the first churches in Hanover County and the first church in Ashland organized and led by African Americans, an act forbidden prior to the end of slavery; and

WHEREAS, in its early years, Shiloh Baptist Church served as a vital source of inspiration, encouragement, and development for its members, who were recently freed and struggling to create a new life to sustain themselves and families; and

WHEREAS, with its generous outreach programs, Shiloh Baptist Church is a valuable asset to the economy, social-welfare, education, and civic affairs of Ashland; and

WHEREAS, Shiloh Baptist Church serves as a beacon of light, faith, and hope that a better day is coming; the church lifted its congregation up from humble beginnings as farmers and servants to a thriving faith community that includes ministers, teachers, lawyers, nurses, businessmen, corporate managers, and scientists; and

WHEREAS, Shiloh Baptist Church will commemorate its 150th anniversary with special events throughout 2016; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Shiloh Baptist Church for its spiritual leadership to the Ashland community on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shiloh Baptist Church as an expression of the General Assembly's admiration for its social, educational, and civic contributions to the residents of Ashland.

HOUSE JOINT RESOLUTION NO. 290

Commending A. Lee Ervin.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, A. Lee Ervin, a respected and hardworking public servant, ably served the residents of Augusta County as a Commonwealth's Attorney for more than three decades; and

WHEREAS, a proud, lifelong resident of Augusta County, Lee Ervin graduated from Fort Defiance High School and earned a bachelor's degree from Bridgewater College; he received a law degree from the University of Richmond and was admitted to the Virginia State Bar in 1977; and

WHEREAS, after completing his education, Lee Ervin returned home and served as assistant Commonwealth's Attorney for five years, before becoming Commonwealth's Attorney in 1982; and

WHEREAS, Lee Ervin ran unopposed in numerous elections, and he faithfully executed the office for eight terms over the course of 33 years, earning the respect of attorneys, judges, and law-enforcement officers; and

WHEREAS, Lee Ervin is an exemplar of the dedication, professionalism, and care for the community displayed by public servants throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend A. Lee Ervin for his 33 years of service as Commonwealth's Attorney for Augusta County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to A. Lee Ervin as an expression of the General Assembly's admiration for his legacy of service to the people of Augusta County.

HOUSE JOINT RESOLUTION NO. 291

Commending Bob F. Holton.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, for 43 years, Bob F. Holton ably served the residents of the Town of Bridgewater as town superintendent, proving skilled and innovative leadership in times of change and growth; and

WHEREAS, Bob Holton was appointed town superintendent in 1972, and during his tenure, Bridgewater has doubled in size by expanding its borders and through the responsible development of residential subdivisions, despite economic downturns and reductions in state and federal funds; and

WHEREAS, providing steady and effective leadership through natural disasters, Bob Holton has helped Bridgewater endure multiple serious floods, a derecho, and contamination of the North River that affected the town's water supply; and

WHEREAS, Bob Holton motivated his fellow members of local government to work smarter and harder to best serve the growing community, and his highly professional management style helped ensure efficiency and consistency; and

WHEREAS, treating each challenge as a way to strengthen the community, Bob Holton oversaw the development of parks along the North River that both afforded opportunities for recreation and reduced the risk of flooding; and

WHEREAS, Bob Holton also facilitated the construction of two new water tanks to provide clean water in the event of an emergency and worked toward the development of the Harrisonburg-Rockingham Regional Sewer Authority, of which he is a board member; and

WHEREAS, Bob Holton holds a master's degree from James Madison University, where he taught night classes on public administration for many years; he inspired countless students, many of whom completed internship requirements in Bridgewater and went on to achieve great success in the field of local government; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bob F. Holton on the occasion of his retirement as town superintendent of the Town of Bridgewater; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob F. Holton as an expression of the General Assembly's admiration for his exceptional service to the Bridgewater community and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 292

Commending Bruce Biehl.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Bruce Biehl, who has admirably served as principal of Floyd E. Kellam High School in Virginia Beach for 20 years and is highly esteemed by students, staff, and parents for his dedication and inspiring leadership, retires in June 2016; and

WHEREAS, Bruce Biehl has worked for Virginia Beach City Public Schools since 1974 and is one of the school system's longest-tenured employees; his deep commitment to the students and staff at Kellam High School has far surpassed his call to duty; and

WHEREAS, one of Bruce Biehl's signature accomplishments as principal of Kellam High School was supervising the construction of a new school on West Neck Road and the move to the new campus in early 2014; and

WHEREAS, Bruce Biehl is proud that the new Kellam High School was designed to meet the changing educational needs of the 21st century; it features six integrated learning communities that foster a collaborative approach to education, an 800-seat auditorium, and a 145-seat black box theater; and

WHEREAS, well-regarded for his caring and honest approach with students, colleagues, and parents, Bruce Biehl has successfully brought together a diverse group of students during their high school years and has helped mold the minds of generations of students; and

WHEREAS, during an outstanding career at Kellam High School, Bruce Biehl has been a well-loved principal who pitches in and shows his support throughout the school; he readily helps custodial staff wipe down tables and attends most of the school's athletic events and theatrical productions; and

WHEREAS, Bruce Biehl is also known for his sense of humor and his infectious laugh; his two-decade tenure at the helm of Kellam High School makes him the longest-serving principal in Virginia Beach; and

WHEREAS, the entire staff responded to Bruce Biehl's faculty meeting announcement of his plans to retire with an impromptu standing ovation and cheer of support and appreciation for his many years of tireless work on behalf of Kellam High School; and

WHEREAS, at almost every Kellam High School graduation ceremony, the graduates and audience also loudly cheer Bruce Biehl's name in appreciation of his work and service to the school; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bruce Biehl for his outstanding work as principal of Floyd E. Kellam High School in Virginia Beach for 20 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bruce Biehl as an expression of the General Assembly's respect and admiration for his tireless devotion to the students, staff, and families of Floyd E. Kellam High School and best wishes in retirement.

HOUSE JOINT RESOLUTION NO. 293

Commending Walter S. Crockett.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Walter S. Crockett, a dedicated public servant, retired as treasurer of Wythe County on December 31, 2015; and

WHEREAS, Walter S. "Sam" Crockett was elected to the position of treasurer of Wythe County in November 1987 and began his duties as treasurer on January 1, 1988; and

WHEREAS, Sam Crockett's dedication, devotion, and love for the citizens of Wythe County has allowed him to serve as treasurer for 28 years; and

WHEREAS, Sam Crockett and his family have a long history of public service in Wythe County, and he honored his family and the county with his commitment to providing professional and distinguished service to the citizens of Wythe County; and

WHEREAS, Sam Crockett exemplified his love and service to the citizens of Wythe County by serving in the military and federal and local government for more than 45 years; and

WHEREAS, Sam Crockett returned to Wythe County and strove to improve the collection of taxes and monies owed Wythe County as prescribed by law; and

WHEREAS, Sam Crockett's knowledge and leadership helped Wythe County obtain contracts for banking services that have provided favorable savings rates for Wythe County's funds, which allow the county to maintain low tax rates; and

WHEREAS, Sam Crockett and his loyal staff continually improved and modernized the Treasurer's Office through new technology, including the ability to receive payments by credit card at no additional costs to the citizens; and

WHEREAS, through extensive training and policy development, Sam Crockett became certified as Wythe County's first Master Governmental Treasurer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend a dedicated public servant, Walter S. Crockett, on the occasion of his retirement as treasurer of Wythe County after 28 years of public service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Walter S. Crockett as an expression of the General Assembly's respect and admiration for his many years of service dedicated to the people of Wythe County.

HOUSE JOINT RESOLUTION NO. 294

Commending the Gordonsville Volunteer Fire Company.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, the Gordonsville Volunteer Fire Company, an exceptional public safety unit, has safeguarded the lives and property of Orange County residents for 100 years; and

WHEREAS, the Gordonsville Volunteer Fire Company was established by concerned community members in 1916, after a historic fire destroyed most of the buildings in downtown Gordonsville; and

WHEREAS, throughout its history, the Gordonsville Volunteer Fire Company has provided unsurpassed services to the residents of the Town of Gordonsville by ensuring that firefighters receive the highest-quality training and equipment; and

WHEREAS, the hardworking members of the Gordonsville Volunteer Fire Company are exemplars of the dedication, courage, and care for the community displayed by fire companies throughout the Commonwealth; and

WHEREAS, the Gordonsville Volunteer Fire Company will commemorate its 100th anniversary with a parade on April 2, 2016, followed by an open house at the fire station featuring speakers, entertainment, an awards ceremony, and fireworks; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Gordonsville Volunteer Fire Company on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ronnie Johnson, Chief of the Gordonsville Volunteer Fire Company, as an expression of the General Assembly's admiration for the company's legacy of service to the Gordonsville community.

HOUSE JOINT RESOLUTION NO. 295

Commending Dennis Ellmer.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Dennis Ellmer, founder of the Priority Automotive Group in Chesapeake, was named the 2016 *TIME* Magazine Quality Automobile Dealer of the Year Nominee for Virginia; and

WHEREAS, Dennis Ellmer, whose career in the auto industry has spanned more than 40 years, got his start in the auto industry at Colonial Chevrolet and learned the business from the ground up; and

WHEREAS, Dennis Ellmer founded Priority Automotive Group in 1998 with two dealerships and has grown his business to include nine new car franchises with locations around Virginia, employing more than 2,500 people and making Priority Automotive Group one of the 50 largest dealership groups nationwide; and

WHEREAS, an active and dedicated member of his community, Dennis Ellmer has supported a wide array of industry and community causes for many years; and

WHEREAS, Dennis Ellmer supports the Priority Charity Bowl, which raises funds for children's charities in Hampton Roads, including the Joy Fund, Camp Grom, Edmarc Hospice for Children, the Boys & Girls Club, the Foodbank of Southeastern Virginia, and Children's Hospital of the King's Daughters; and

WHEREAS, Dennis Ellmer is a longtime supporter of the Virginia Beach SPCA and the Chesapeake Animal Shelter through annual donations to encourage pet adoptions for the holidays; and

WHEREAS, Dennis Ellmer is committed to promoting opportunities for students in the community through scholarships provided by Priority Automotive Group to Chesapeake, Norfolk, Portsmouth, and Suffolk Public Schools; and

WHEREAS, Dennis Ellmer served as a member of the Toyota Regional Dealer Council, including two terms as president, and Priority Toyota has been awarded the President's Award by Toyota for many years; and

WHEREAS, Dennis Ellmer has served his industry as an active member of the Virginia Automobile Dealers Association and the Hampton Roads Automobile Dealers Association, including as a member of the board of directors for both organizations; and

WHEREAS, an active and dedicated member of his industry, Dennis Ellmer has served his customers and the community with a generous spirit and has been an example to dealers in the region and around the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dennis Ellmer on his selection as the 2016 *TIME* Magazine Quality Automobile Dealer of the Year nominee for Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dennis Ellmer as an expression of the General Assembly's congratulations and best wishes.

HOUSE JOINT RESOLUTION NO. 296

Commending Silverback Distillery.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Silverback Distillery in Afton, which opened in 2014, has been a leader in the Commonwealth for its commitment to minimizing energy usage and reducing its environmental impact while producing the finest quality spirits; and

WHEREAS, Christine Riggleman and her husband, Denver, the founders of Silverback Distillery, are dedicated to being exemplary stewards of the environment, and their mission is to be industry leaders in "green" distilling and production methodologies; and

WHEREAS, the manufacturing process at Silverback Distillery incorporates several innovative technologies that are not normally seen in facilities that manufacture grain spirits; the company utilizes geothermal heating and cooling processes to heat and cool liquids used during the distillation process; and

WHEREAS, Silverback Distillery also relies on a dedicated heat exchanger to reduce energy costs by saving the heated water from the geothermal chilling processes to cook the company's proprietary whiskey mash; an added bonus is that by creating a secondary use for the heated water, the company reduces its water consumption; and

WHEREAS, additionally, these pioneering energy-conserving technologies have enabled Silverback Distillery to reduce the amount of electricity that a distillery typically uses in conventional chilling methods by 80 percent; and

WHEREAS, high-efficiency electric boilers and optimized lighting and heating systems further help reduce Silverback Distillery's carbon footprint; the company's distillery building also was designed and built to accommodate a solar panel system that, when installed, will help heat the large quantities of water that are needed for distillation and provide interior and exterior lighting; and

WHEREAS, Silverback Distillery works in partnership with local farmers who provide all of the rye, winter wheat, white corn, and malted barley grains for the distillery; after the distillation process is completed, the spent mash is used as fertilizer or animal feed, both of which are uses approved by the Environmental Protection Agency; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Silverback Distillery in Afton for the company's admirable commitment to reducing its environmental impact throughout its entire distilling and production process; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Christine Riggleman and Denver Riggleman III, founders of Silverback Distillery, as an expression of the General Assembly's respect and admiration for the company's work to be an exemplary steward of the environment.

HOUSE JOINT RESOLUTION NO. 297

Commending Anne Marie Canali Hermann.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Anne Marie Canali Hermann, a member of the Arlington County Community Services Board who worked tirelessly to eliminate discrimination based on gender, disability, and age and effectively advocated for the rights of people who are affected by such discrimination, retired from the Board in 2015; and

WHEREAS, Anne Marie Hermann, who has lived in Arlington since 1975, is a native of Canandaigua, New York; she received a bachelor's degree from Mercyhurst College, now known as Mercyhurst University, a master's degree from Boston College, and a law degree from the Columbus School of Law at Catholic University; and

WHEREAS, in 2005, Anne Marie Hermann was appointed to the Arlington County Community Services Board; she was co-chair of the Mental Health Committee and worked to eliminate discrimination related to gender, disability, or age; and

WHEREAS, prior to her service as a member of the Community Services Board, Anne Marie Hermann was chair of a regional committee that examined mental health services available to adults 65 and older either ready to be discharged from, or at risk of being admitted to, a state psychiatric hospital; the group's work helped to establish the Regional Older Adult Facilities Mental Health Support Team (RAFT); and

WHEREAS, Anne Marie Hermann continues her work on the RAFT Oversight Committee; the program serves a segment of the elderly adult population who have serious mental illness or dementia with difficult behaviors; and

WHEREAS, additionally, Anne Marie Hermann was a member of the planning group for the Mary Marshall Assisted Living Residence in Arlington, which serves low-income residents with mental illness or intellectual disabilities; she continues to be involved with the facility as a member of its Advisory Council; and

WHEREAS, Anne Marie Hermann has been honored for her exceptional dedication to people with mental illness; she received the Arlington County Community Services Board Chairman's Award for Advocacy in 2006, 2007, and 2015; and

WHEREAS, in 2014, Anne Marie Hermann was honored by the National Alliance on Mental Illness Northern Virginia for her many years of advocacy on behalf of individuals living with mental illness; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Anne Marie Canali Hermann of Arlington on the occasion of her retirement from the Arlington County Community Services Board for her many years of dedication and service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anne Marie Canali Hermann as an expression of the General Assembly's respect and admiration for her tireless work and advocacy on behalf of people with mental illness and intellectual disabilities.

HOUSE JOINT RESOLUTION NO. 298

Commending Schaeffer Memorial Baptist Church.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Schaeffer Memorial Baptist Church in Christiansburg celebrates its 150th anniversary in 2016 of providing joyful worship, spiritual comfort, and generous outreach to the community; and

WHEREAS, Schaeffer Memorial Baptist Church, which was founded in 1866, traces its origins to the foresight and determination of one man, Captain Charles S. Schaeffer, an officer in the Union Army during the Civil War who wanted to establish a place of worship and education for newly freed African Americans; and

WHEREAS, Charles Schaeffer, who was an agent of the Freedmen's Bureau, traveled to Christiansburg shortly after the Civil War ended, and by 1885, he had built the Christiansburg Industrial Institute, a school for African Americans that offered technical, academic, and religious skills; and

WHEREAS, the original community of worshippers at the Christiansburg Industrial Institute was called the Christiansburg African Baptist Church, and in 1885, construction began on a brick church building adjacent to the Institute; and

WHEREAS, in its early days, Schaeffer Memorial Church and the Christiansburg Industrial Institute received financial support from the Quaker church, and for many years, the complex—which sits atop one of the highest hills in Christiansburg—was the only school in the greater Montgomery County area open to African Americans; and

WHEREAS, after the founding of the educational and religious center, Charles Schaeffer became an ordained Baptist minister, and in his honor the church was renamed Schaeffer Memorial Baptist Church; and

WHEREAS, the Christiansburg Industrial Institute offered valuable academic and vocational training to African American students for many years; it closed in the mid-20th century, and is now a community center; and

WHEREAS, Schaeffer Memorial Baptist Church remains a vibrant and welcoming place of worship for the people of Christiansburg and the Montgomery County area, continuing a tradition envisioned by the generosity, hard work, and foresight of its founder, Charles Schaeffer; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Schaeffer Memorial Baptist Church on the occasion of its 150th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Lee E. Suggs, Sr., pastor of Schaeffer Memorial Baptist Church, as an expression of the General Assembly's respect and admiration for the church's long history of providing educational and religious opportunities to the African American community in greater Montgomery County.

HOUSE JOINT RESOLUTION NO. 299

Commending Shannon Zeman.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Shannon Zeman, who faithfully served his friends and neighbors for 12 years as Sheriff of Floyd County, retired in 2015; and

WHEREAS, Shannon Zeman's roots in Floyd County run deep; he graduated from Floyd County High School in 1982; desirous of being closer to his wife and young daughter after working away from the area for several years, he was hired by the sheriff's office in 1988; and

WHEREAS, Shannon Zeman discovered that he loved working for the Floyd County Sheriff's Office and relished the variety that he encountered in law-enforcement work; his first assignment was as a dispatcher, and he also was given duties at the jail; and

WHEREAS, Shannon Zeman decided to make a career of law enforcement, and over the years he worked in every position of the Floyd County Sheriff's Office, including civil work and county ordinance enforcement; and

WHEREAS, after eight years as chief deputy, Shannon Zeman became Sheriff of Floyd County in 2004; he stressed to his employees the importance of being professional and compassionate in their daily work, recognizing that policing a community means making its residents feel safe—often by showing careful and compassionate attention to those in need; and

WHEREAS, during Shannon Zeman's tenure as sheriff, Floyd County became part of the New River Valley Regional Jail Authority; other developments that occurred while Shannon Zeman was sheriff included the opening of a new courtroom, and expanded space for the Sheriff's Office; and

WHEREAS, some of the accomplishments that Shannon Zeman are most proud of include the strengthening of professional ties with neighboring law enforcement agencies and the many achievements of his officers; and

WHEREAS, Shannon Zeman also shared his knowledge and expertise of local law enforcement as chair of the New River Criminal Justice Training Academy, which was built while he was sheriff; he was chair of the Board of Directors of the New River Valley Regional Jail Authority and served on the board of the Virginia Sheriffs' Institute; and

WHEREAS, giving back to his community is important to Shannon Zeman; he is president of Medical Charities of Floyd County, Inc., and was Floyd County's representative to a regional health care foundation; and

WHEREAS, in retirement, Shannon Zeman plans to work in his family's tree and greenery business and also hopes to operate a farm—activities in which he did not have time to participate when he was Sheriff of Floyd County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Shannon Zeman on the occasion of his retirement as Sheriff of Floyd County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shannon Zeman as an expression of the General Assembly's respect and appreciation for his many years of dedicated public service to the people of Floyd County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 300

Commending Kadyn Camper.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Kadyn Camper of Christiansburg won the national championship in the 2015 National Football League Punt, Pass & Kick competition in the eight-year-old and nine-year-old girls' division, with a winning distance of 214 feet, 7 inches; and

WHEREAS, Kadyn Camper, who is nine years old, has been competing in the NFL Punt, Pass & Kick (PPK) program for several years; the youth sports program is a national skills competition for boys and girls ages six to 15 who compete individually against their peers; and

WHEREAS, Kadyn Camper won the national PPK contest on January 2, 2016, in Indianapolis with a personal best effort, punting 76 feet, 10 inches; passing 65 feet, 11 inches; and finishing with a kick of 71 feet, 10 inches; and

WHEREAS, the national finals of the PPK contest took place the day before the Indianapolis Colts played the Tennessee Titans; Kadyn Camper and the other PPK champions were recognized during the second half of the NFL game, which was held on January 3, 2016; and

WHEREAS, since 2012, Kadyn Camper has been participating in the PPK program; she has won first place in her division at the Washington Redskins team championships for four consecutive years, and her scores were high enough in 2014 and in 2015 to advance to the national finals; and

WHEREAS, Kadyn Camper, who is in the fourth grade at Dayspring Christian Academy, is featured on her own football card for her winning effort; she handily won PPK contests at the local and sectional levels, and won the team-level competition on November 29, 2015, at the Washington Redskins' FedEx Field, before advancing to the national finals; and

WHEREAS, consistent hard work was the key to Kadyn Camper's victory; she practices with her father, who fields her passes and kicks, and the pair now work out at a nearby football field after the young champion's kicks were consistently landing beyond their own yard; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kadyn Camper for winning the 2015 National Football League Punt, Pass & Kick Competition in the eight-year-old and nine-year-old girls' division; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kadyn Camper as an expression of the General Assembly's congratulations and admiration for her outstanding accomplishment.

HOUSE JOINT RESOLUTION NO. 301

Commending J. T. Whitt.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, J. T. Whitt, who has proudly served in law enforcement for more than three decades, retired in 2015 after 12 years as Sheriff of Montgomery County; and

WHEREAS, J. T. "Tommy" Whitt has been a dedicated public servant for his entire career; he graduated from Radford High School in 1972 and joined the United States Marine Corps, where he was on active duty for four years, attaining the rank of E-5 sergeant; and

WHEREAS, on October 1, 1976, three days after being discharged from the Marine Corps, Tommy Whitt joined the Christiansburg Police Department; he worked for the police department until 1984, when he was hired by the Montgomery County Sheriff's Office; and

WHEREAS, Tommy Whitt rose through the ranks of the Montgomery County Sheriff's Office and was named commander of the Patrol Division before being elected sheriff in 2004; during his three terms as sheriff, he led a staff of 120 highly trained law-enforcement professionals through many challenging situations; and

WHEREAS, during his tenure, Tommy Whitt also oversaw the construction of the Western Virginia Regional Jail, and was closely involved in the building of a new county courthouse and public safety building; and

WHEREAS, Tommy Whitt has provided advice and counsel to many organizations and law-enforcement bodies; he was a member of the Virginia Sheriff's Association Legislative Committee, chair of the board of the New River Criminal Justice Training Academy, and served as chair of the Montgomery County Highway Safety Commission; and

WHEREAS, many changes have taken place since Tommy Whitt first became a law-enforcement officer; he proudly notes the Montgomery County Sheriff's Office implementation of the school resource officer program, the appointment of a woman to a command position, and receiving approval for the use of body cameras; and

WHEREAS, while Tommy Whitt says he will miss the close relationships he formed with his co-workers, colleagues, and the public, he looks forward to spending more time with his family during retirement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend J. T. Whitt on the occasion of his retirement in 2015 as Sheriff of Montgomery County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to J. T. Whitt as an expression of the General Assembly's admiration and respect for his many years of faithful service to the people of Montgomery County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 302

Celebrating the life of William J. Wilde.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, William J. Wilde of Thiensville, Wisconsin, a patriotic veteran, successful entrepreneur, volunteer firefighter, and active member of the community, died on January 8, 2016; and

WHEREAS, a native of Milwaukee, William Wilde married the former Jeanne G. Gearhard in 1952; and

WHEREAS, desirous to be of service to his country, William Wilde joined many of the other young men of his generation as a member of the United States Army during World War II; and

WHEREAS, after his honorable military service, William Wilde returned to the United States and served the Milwaukee community in the printing business; and

WHEREAS, as the owner and operator of Gillfooy, Willis & Wilde, William Wilde offered high-quality, custom printing services to individuals and businesses until his well-earned retirement in 2002; and

WHEREAS, in his free time, William Wilde enjoyed relaxing in the great outdoors on fishing trips to Rolling Stone Lake in Wisconsin; and

WHEREAS, William Wilde's daughter, Joan Keene, ably serves the Commonwealth as an administrative assistant in the Virginia House of Delegates; and

WHEREAS, predeceased by his wife, Jeanne, William Wilde will be fondly remembered and greatly missed by his children, James, Anne, Joan, Charles, Denise, Daniel, Mary, and Mark, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of William J. Wilde, a respected veteran, entrepreneur, and volunteer firefighter; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William J. Wilde as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 303

Commending James J. L. Stegmaier.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, James J. L. Stegmaier, who has admirably led Chesterfield County since 2007 as county administrator, and has guided it with skill and vision into a new era of entrepreneurial government, will retire on July 1, 2016; and

WHEREAS, James J. L. "Jay" Stegmaier first started working for Chesterfield County in 1979; he is a graduate of The Catholic University of America and received a master's degree from the University of Virginia; and

WHEREAS, Jay Stegmaier first worked for the Department of Budget and Management for Chesterfield County and became director of the office in 1986; he then served as deputy county administrator for management services beginning in 1997 and was appointed to the county's top position in 2007; and

WHEREAS, the population of Chesterfield has greatly increased since Jay Stegmaier began working for the suburban county; in 1970, the population was 77,000, and in 2016, the estimated population of Chesterfield County is 337,000, making it the largest locality in Central Virginia; and

WHEREAS, as county administrator, Jay Stegmaier is responsible for managing the daily operations of county government and reports to the five elected members of the Chesterfield County Board of Supervisors; he supervises 3,535 full-time employees and oversees a \$1.2 billion budget; and

WHEREAS, Chesterfield County has moved forward on many fronts during Jay Stegmaier's tenure; voters approved a \$350 million bond referendum for improvements to school facilities and emergency communications systems, and the county also holds a top debt rating from national bond-rating agencies; and

WHEREAS, economic development in Chesterfield County has occurred at a swift pace while Jay Stegmaier has been county administrator; Sabra Dipping Co., LLC, and amazon.com have established operations in the county; a major shopping mall has been redeveloped; and long-established firms have expanded, including Maruchan Virginia, Inc., E. I. du Pont de Nemours and Company, Evonik Industries, and Honeywell International Inc.; and

WHEREAS, additionally, Jay Stegmaier helped secure a \$2 billion investment from Shandong Tranlin Paper Co., Ltd., to open a plant in Chesterfield County; by 2020, the company expects to have 2,000 employees at the site; and

WHEREAS, Jay Stegmaier has contributed his time and talents to many organizations; he is chair of the Appomattox River Water Authority and serves on the boards of the South Central Wastewater Authority, Virginia Biotechnology Research Park, United Way of Greater Richmond & Petersburg, First Tee of Greater Richmond Golf Course, and Leadership Metro Richmond, and he served as a member of the Bon Secours St. Francis Medical Center Community Advisory Board; and

WHEREAS, Jay Stegmaier employs a collaborative management style, focusing on serving the community and those with whom he works; he leads by example and has tirelessly devoted his professional life to the betterment of Chesterfield County and Central Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James J. L. Stegmaier, county administrator for Chesterfield County, on the occasion of his retirement in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James J. L. Stegmaier as an expression of the General Assembly's respect and admiration for his outstanding accomplishments and many years of public service to the people and businesses of Chesterfield County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 304

Commending Michael Burnett.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Michael Burnett, head coach of the Tuscarora High School football team of Leesburg, was named the Don Shula NFL High School Coach of the Year for his exceptional leadership and commitment to his players; and

WHEREAS, the Don Shula NFL High School Coach of the Year award is presented annually by the National Football League (NFL) Foundation to honor coaches who demonstrate a strong commitment to player health and safety, as well as the leadership and integrity exemplified by Don Shula, the winningest coach in league history; and

WHEREAS, Michael "Mike" Burnett, who led the Tuscarora High School football team to a 13-1 record and a trip to the Virginia High School League (VHSL) Group 5A North regional final in 2015, was nominated for the award by the Washington Redskins; and

WHEREAS, an experienced coach, Mike Burnett also led the Tuscarora High School football team to the VHSL Group 5A state championship game in 2014; and

WHEREAS, Mike Burnett hosted a USA Football Heads Up Tackling coaching clinic with his staff to ensure that student-athletes learn and utilize proper tackling techniques, increasing the safety of all players; and

WHEREAS, an experienced coach, Mike Burnett previously led the Broad Run High School football team to consecutive state championships in 2008 and 2009, before joining Tuscarora High School in its inaugural year in 2010; he teaches advanced placement economics and serves as chair of the social studies department; and

WHEREAS, as the winner of the Don Shula NFL High School Coach of the Year, Mike Burnett received a \$25,000 prize, including \$15,000 for the Tuscarora High School football team; he was also invited to walk the red carpet at the NFL Honors award show and was a guest of the NFL at Super Bowl 50; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael Burnett on receiving the Don Shula NFL High School Coach of the Year award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Burnett as an expression of the General Assembly's admiration for his achievements in service to the youth of Loudoun County.

HOUSE JOINT RESOLUTION NO. 305

Commending Barbara Massie Mouly.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Barbara Massie Mouly, a respected attorney and educator who strives to create new opportunities for the young people of Albemarle County, retired as a member of the Albemarle County School Board in 2015, after more than a decade of service; and

WHEREAS, a native of Crozet, Barbara Mouly graduated from Albemarle High School and earned a bachelor's degree from The College of William & Mary, a master's degree from the University of Maryland, and a law degree from George Mason University; and

WHEREAS, Barbara Mouly was inspired by the Civil Rights Movement to use her knowledge and talents to build a stronger, more just society and served the community as an attorney and a law professor; and

WHEREAS, desirous to be of further service, Barbara Mouly ran for and was elected to the Albemarle County School Board in 2003; during her tenure as the White Hall District representative, she advocated for vocational education, anti-bullying programs, and less emphasis on standardized testing; and

WHEREAS, Barbara Mouly worked to enhance all aspects of the school system; she served on the School Board Discipline Committee, Capital Improvements Program Oversight Committee, School Board Legislative Action Committee, School Board Governance Committee, and Commission on Children and Families; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Barbara Massie Mouly on the occasion of her retirement as a member of the Albemarle County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Barbara Massie Mouly as an expression of the General Assembly's admiration for her devoted service to the youth of Albemarle County and best wishes on a happy retirement.

HOUSE JOINT RESOLUTION NO. 306

Commending the Washington Redskins.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, the Washington Redskins, a storied American football franchise headquartered in Loudoun County in Virginia, won the NFC East Division in 2015 and reached the first round of the playoffs of the National Football League; and

WHEREAS, the Washington Redskins organization traces its roots to 1932, when the team was first established as the Boston Braves; the team relocated to Washington, D.C., and played its first game as the Washington Redskins on September 16, 1937; and

WHEREAS, the Washington Redskins have won five world championships, including the three Super Bowls played in 1983, 1988, and 1992, and the team has established itself as one of the most recognizable sports franchises in Virginia and around the world; and

WHEREAS, the Washington Redskins have had multiple players and coaches inducted into the Pro Football Hall of Fame, including Sammy Baugh, Ray Flaherty, Turk Edwards, Cliff Battles, Wayne Millner, Bobby Mitchell, Sonny Jurgensen, Sam Huff, Vince Lombardi, Chris Hanburger, Charley Taylor, George Allen, Ken Houston, John Riggins, Joe Gibbs, Darrell Green, Art Monk, and Russ Grimm; and

WHEREAS, the Washington Redskins organization has been historically associated with the Commonwealth of Virginia; the team has had its primary team offices and football training facilities in Virginia since 1972, and it has hosted its training camp in Richmond since 2013; and

WHEREAS, under the leadership of owner Daniel Snyder, the Washington Redskins have contributed to the larger community through the Washington Redskins Charitable Foundation, which has donated \$18 million since its founding in 2000 for charitable causes focused on education and wellness, as well as through the Redskins Alumni Association, comprising former players who raise private money for charitable causes; and

WHEREAS, after a hard-fought 2015 season, the Washington Redskins clinched the NFC East Division Championship with a 38-24 victory over the Philadelphia Eagles on December 26, 2015; and

WHEREAS, the 2015 win over the Eagles marked the Washington Redskins' historic 600th victory; only five teams in NFL history have reached such a milestone; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Washington Redskins on the team's successful 2015 season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the leadership of the Washington Redskins as an expression of the General Assembly's admiration for the team's achievements and contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 307

Celebrating the life of First Lieutenant Michael Thomas Ziegler, USA.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, First Lieutenant Michael Thomas Ziegler, USA, a beloved member of the Fairfax County community, died on December 30, 2015; and

WHEREAS, a native of Fairfax County, First Lieutenant Ziegler grew up in Centreville and graduated from Westfield High School, where he was an active member of the marching band and swimming, crew, and lacrosse teams; and

WHEREAS, at the age of 15, First Lieutenant Ziegler achieved the rank of Eagle Scout in the Boy Scouts of America; his Eagle Scout service project, Operation Brief Our Troops, which collected underwear, t-shirts, and socks for convalescent veterans at Walter Reed Army Medical Center, earned recognition from the United States Army Disabled Soldiers Support System; and

WHEREAS, desirous to be of service to his country, First Lieutenant Ziegler accepted an appointment to the United States Military Academy, where he served as company honor representative and as a member of the Cadet Honor Code Board; he graduated with the Class of 2013 and was commissioned in the United States Army; and

WHEREAS, while at the United States Military Academy, First Lieutenant Ziegler also served his fellow cadets as company athletics coach for basketball and swimming and volunteered with the West Point Youth Impact Program, with which he mentored underprivileged youth in New York City; and

WHEREAS, First Lieutenant Ziegler completed the Infantry Basic Officer Leadership Course and had been preparing to attend the elite United States Army Ranger School, one of the country's most physically and mentally demanding military leadership schools; and

WHEREAS, First Lieutenant Ziegler will be fondly remembered and greatly missed by his parents, Barbara and Mark; siblings, Mark, Lauren, Ashley, Matthew, Melissa, Gregory, and Carolyn; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of First Lieutenant Michael Thomas Ziegler, USA; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of First Lieutenant Michael Thomas Ziegler, USA, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 308

Commending Baylands Federal Credit Union.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, for 70 years, Baylands Federal Credit Union has provided countless opportunities for its members to borrow and invest wisely; and

WHEREAS, founded on January 22, 1946, Baylands Federal Credit Union was originally known as Chesapeake Employees Federal Credit Union and served employees of the West Point Pulp and Paper Mill; and

WHEREAS, Baylands Federal Credit Union received a community charter in 2002, and now serves the Counties of Essex, Gloucester, James City, King and Queen, King William, New Kent, Mathews, and Middlesex; and

WHEREAS, Baylands Federal Credit Union has always been supportive of many community activities, civic groups, schools, colleges, and public safety groups, such as volunteer fire and rescue departments; and

WHEREAS, Baylands Federal Credit Union has grown to serve more than 5,000 members, with assets of more than \$70 million; and

WHEREAS, Baylands Federal Credit Union has expanded from its original, simple office inside the West Point Pulp and Paper Mill to modern offices in the Town of West Point, Norge in James City County, and Quinton in New Kent County; and

WHEREAS, throughout its history, Baylands Federal Credit Union has provided financial education for its members, local school children, and other citizen groups and helped members use credit wisely and make sound financial decisions; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Baylands Federal Credit Union on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Baylands Federal Credit Union as an expression of the General Assembly's admiration for its contributions to the residents of the middle peninsula.

HOUSE JOINT RESOLUTION NO. 309

Commending Mount Zion Baptist Church.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, for 150 years, Mount Zion Baptist Church in Farnham has served the Richmond County community by providing opportunities for joyful worship in the Baptist tradition as well as providing spiritual leadership and ministry; and

WHEREAS, Mount Zion Baptist Church traces its deepest roots to Farnham Baptist Church, which was founded in 1776; during the Civil War, the African American members of Farnham Baptist Church grew in faith and number, and several black deacons were appointed to better serve the congregation; and

WHEREAS, in 1866, after the African American members of the congregation petitioned to form their own faith community in the area, Mount Zion Baptist Church was formed with assistance from the pastor of Farnham Baptist Church, who prepared a covenant and articles of faith; and

WHEREAS, to accommodate its growing membership, Mount Zion Baptist Church erected a new church building in 1869, while under the able leadership of the Reverend Peter Blackwell; and

WHEREAS, in its early years, Mount Zion Baptist Church was rented out to local residents for use as a public school building; and

WHEREAS, Mount Zion Baptist Church works to strengthen the community through ministry programs and generous outreach and educates local youth with regular Sunday school classes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mount Zion Baptist Church on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mount Zion Baptist Church as an expression of the General Assembly's admiration for the church's long legacy of service to the Richmond County community.

HOUSE JOINT RESOLUTION NO. 310

Commending Geanina Poff.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Geanina Poff, manager of a McDonald's restaurant in Roanoke, has won a Ray Kroc Award for being one of the company's top restaurant managers in the world; and

WHEREAS, the awards, which are named for Ray Kroc, founder of McDonald's Corporation, acknowledge and reward hardworking restaurant managers who deliver superior results in team performance and operational excellence; and

WHEREAS, Geanina Poff, who has worked for the company for 18 years, is the manager of the McDonald's restaurant on U.S. Route 460 and Orange Avenue; she was nominated for a Ray Kroc Award because of her commitment to her customers and staff and her tireless determination to operate an excellent restaurant; and

WHEREAS, the staff at the busy McDonald's restaurant in Roanoke greatly admire Geanina Poff's consistent and fair approach to all employees, regardless of the position they hold; and

WHEREAS, Geanina Poff was one of 340 McDonald's managers around the world to receive a Ray Kroc Award, which includes a cash prize and a trophy; she was nominated for the honor by the owner-operator of the restaurant; and

WHEREAS, additionally, Geanina Poff will travel to Orlando in April 2016 to attend an awards gala honoring all of the winners of the Ray Kroc Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Geanina Poff, manager of the McDonald's restaurant on U.S. Route 460 and Orange Avenue in Roanoke, for receiving a Ray Kroc Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Geanina Poff as an expression of the General Assembly's congratulations and admiration for her outstanding work and stellar achievement.

HOUSE JOINT RESOLUTION NO. 311

Celebrating the life of Ray Wayne Gandee, M.D.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Ray Wayne Gandee, M.D., of Roanoke, an esteemed physician who was chief medical officer and president of Carilion Clinic Physicians, and a devoted husband and father, died on January 28, 2016; and

WHEREAS, Wayne Gandee was a native of South Charleston, West Virginia, and was a first-generation high school and college graduate; he earned a bachelor's degree from West Virginia University and a medical degree from the West Virginia University School of Medicine; and

WHEREAS, after completing a medical residency in radiology at the University of Virginia, Dr. Gandee moved to Roanoke in 1981 to start a private radiology practice; and

WHEREAS, in 2006, Dr. Gandee became chair of the radiology department at Carilion, a large nonprofit health care organization; he helped lead the organization during a time of great change as the company transitioned to providing multi-specialty physician services in health care clinic settings; and

WHEREAS, Dr. Gandee was promoted to chief medical officer of the health care organization in 2011, and in that position, he diligently worked to ensure that Carilion successfully delivered team-based, patient-centered care; and

WHEREAS, Dr. Gandee retired in 2014 after a distinguished medical career; in addition to his many contributions to the community as a leader of one of the area's foremost health care providers, Dr. Gandee is remembered for his strong work ethic and his love for his friends and family; and

WHEREAS, Dr. Gandee especially enjoyed good fellowship, playing basketball, listening to and performing music, all kinds of food, and the outdoors; he loved spending time in a natural setting, whether walking, driving, riding, or on the water; and

WHEREAS, with a zest for life, enthusiasm for his work, and careful attention to the patients of Carilion Clinic and the staff who cared for them, Dr. Gandee was beloved and greatly respected by all with whom he came in contact; his colleagues paid tribute by creating a video celebrating his love of life and empathy for those who were ill; and

WHEREAS, Wayne Gandee will be greatly missed and fondly remembered by his wife, Marianne; children, Richard, Braden, and Kristen, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Ray Wayne Gandee, M.D., a highly esteemed physician, who was the former chief medical officer and president of Carilion Clinic Physicians, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ray Wayne Gandee, M.D., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 312

Commending Robert O. Chase.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Robert O. Chase has dedicated 30 years to advocacy for better transportation solutions and improved quality of life for the residents of Northern Virginia and the entire Commonwealth; and

WHEREAS, committed to the people of Virginia, Robert "Bob" O. Chase has been a champion of many critical infrastructure investments and improvements, which have directly contributed to the economic success and high quality of life for which Northern Virginia is now known; and

WHEREAS, projects such as the Woodrow Wilson Bridge replacement, the Springfield Interchange, and the Virginia Railway Express would not have reached completion without Bob Chase's leadership and staunch advocacy; and

WHEREAS, under Bob Chase's direction, the business community has pulled together on transportation issues, and his leading example ensures similar cooperation on a variety of other future projects; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Robert O. Chase for his efforts over the past 30 years to increase the ease of transportation in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert O. Chase as an expression of the General Assembly's respect and admiration for his leadership and commitment to bettering the lives of those who are in great need.

HOUSE JOINT RESOLUTION NO. 313

Celebrating the life of Louis Wendell Hodges.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Louis Wendell Hodges, a longtime educator at Washington and Lee University who helped students, faculty, and members of the community prepare for ethical dilemmas in their respective fields, died on February 8, 2016; and

WHEREAS, a native of Europa, Mississippi, Louis "Lou" Wendell Hodges learned the value of hard work and responsibility as a child of the Great Depression; he graduated from Millsaps College, Duke Divinity School, and The Graduate School at Duke University; and

WHEREAS, Lou Hodges began his 43-year career with Washington and Lee University as a member of the Religion Department in 1960; he was at the forefront of journalistic ethics programs and conducted seminars to help students think critically about ethical dilemmas in a variety of fields; and

WHEREAS, in addition to being appointed the Fletcher Odie Thomas Professor of Religion at Washington and Lee University, Lou Hodges also inspired students at the Poynter Institute for Media Studies in Florida and was named a Fellow at the Hastings Center in New York; and

WHEREAS, in 1995 and 1996, Lou Hodges was a Fulbright Scholar in Journalism Ethics; he was appointed to Osmania University in India, visited 17 universities throughout the country, and met with the Press Council of India; and

WHEREAS, Lou Hodges retired from Washington and Lee University as Knight Professor of Journalism Ethics in 2003, but continued to serve students and faculty as an advisor and visiting professor; and

WHEREAS, Lou Hodges also worked to strengthen and enhance the Lexington region as an active member of Lexington Rockbridge United Fund, Rockbridge Area Housing Corporation, and Rockbridge Area Hospice; and

WHEREAS, ordained as a minister in the United Methodist Church, Lou Hodges served as the unofficial chaplain of Washington and Lee University; when called upon, he also performed weddings and funerals and served as a guest minister at local churches; and

WHEREAS, Lou Hodges will be fondly remembered and greatly missed by his beloved wife of 62 years, Helen; sons, John and George, and their families; and numerous other family members, friends, colleagues, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Louis Wendell Hodges, a dedicated educator and a respected mentor in the Lexington community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Louis Wendell Hodges as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 314

Celebrating the life of Frank A. Parsons.

Agreed to by the House of Delegates, February 19, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, Frank A. Parsons, an admired university administrator who worked to create new opportunities for the students of Washington and Lee University for 45 years, died on January 28, 2016; and

WHEREAS, a native of Staunton, Frank Parsons honorably served his country as a member of the United States Army from 1945 to 1948 and 1950 to 1951, writing for the Pacific edition of the newspaper *Stars and Stripes*; and

WHEREAS, between his tours of military service, Frank Parsons worked as managing editor of the *Daily Review* in Clifton Forge, and he continued to work summers there while he was earning a bachelor's degree from Washington and Lee University; and

WHEREAS, Frank Parsons joined the staff of Washington and Lee University after graduating in 1954; over the course of his long and fulfilling career, he served as director of publicity, director of institutional research, director of planning and development, university editor, coordinator of capital planning, director of special communications projects, coordinator of facilities planning, director of public relations and information, director of sports information, and director of the news office; and

WHEREAS, Frank Parsons also served as an assistant to three university presidents, and he helped lead the university through periods of significant growth and transition, including both the integration and coeducation of the student body; and

WHEREAS, serving on the Coeducation Steering Committee, Frank Parsons helped prepare the university for the arrival of its first women students in the 1980s; he oversaw a revival of the university's Greek life and played an essential role in the addition of sorority houses; and

WHEREAS, Frank Parsons secured funding for Leyburn Library under the Higher Education Act and provided oversight for the design of Lenfest Center for the Arts and the publication of *Come Cheer for Washington and Lee: The University at 250 Years*, a book celebrating the university's storied history; and

WHEREAS, Frank Parsons worked to further enhance the community as a member of the Lexington Chamber of Commerce, the Rockbridge Area Conservation Council, and the board of Lime Kiln Arts; he enjoyed fellowship and worship as a deacon of Manly Memorial Baptist Church and directed the restoration of Lexington Presbyterian Church after a fire in 2000; and

WHEREAS, predeceased by his wife, Henny, and a son, Gregory, Frank Parsons will be fondly remembered by his daughter, Laura, and her family, and numerous other family members, friends, and the entire Washington and Lee community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Frank A. Parsons, a respected, longtime administrator of Washington and Lee University; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Frank A. Parsons as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 315

Commending Marc Edwards.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Marc Edwards, a respected scientist and activist at Virginia Polytechnic Institute and State University, prompted government action on the water crisis in Flint, Michigan, saving lives through his committed advocacy; and

WHEREAS, in 2014, the City of Flint changed the source of its drinking water from Lake Huron to the Flint River, leading to dangerous levels of lead contamination that have been linked to serious health complications, an outbreak of Legionnaire's disease, and at least 10 deaths; and

WHEREAS, facing opposition from city officials, a Flint resident contacted Marc Edwards, after she learned of his previous efforts to ensure government transparency and accountability on water quality and water infrastructure, including his work to expose lead contamination in Washington, D.C., and prove the dangers of lead contamination to children; and

WHEREAS, Marc Edwards and a team of researchers at Virginia Polytechnic Institute and State University (Virginia Tech) discovered that drinking water in Flint contained double the lead content of toxic waste; and

WHEREAS, Marc Edwards and his team traveled to Flint four times to analyze tap water from homes and businesses and confirm their initial findings; the team also sent out 300 home testing kits, nearly all of which were returned; and

WHEREAS, Marc Edwards, an environmental engineering professor who also teaches a course on heroism and ethics at Virginia Tech, received an emergency grant from the National Science Foundation and spent nearly \$150,000 of his discretionary research funding and personal money to carry out and publicize the tests; and

WHEREAS, Marc Edwards and his team filed Freedom of Information Act requests, held news conferences, and created a website to raise awareness among the general public and the national media, which eventually resulted in Flint reconnecting its previous water source; and

WHEREAS, despite the team's efforts, the water infrastructure in Flint remains severely damaged and the health of the city's residents may be compromised for years to come; Marc Edwards was appointed by the Governor of Michigan to the Flint Water Interagency Coordinating Committee, a 17-person team of experts tasked with creating a viable, long-term strategy to address the ongoing crisis; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Marc Edwards for his courageous work to raise national awareness of the water crisis in Flint, Michigan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marc Edwards as an expression of the General Assembly's admiration for his passionate advocacy for those in need and commitment to strengthening the nation's water infrastructure.

HOUSE JOINT RESOLUTION NO. 316

Commending George Mason University.

Agreed to by the House of Delegates, February 18, 2016

Agreed to by the Senate, February 25, 2016

WHEREAS, in 2016, George Mason University achieved a place among the top research institutions in the United States when it was ranked by the Carnegie Classification of Institutions of Higher Education; and

WHEREAS, George Mason University was ranked in the Doctoral Universities-Highest Research Activity category, joining an elite group of only 115 institutions throughout the nation; the university was awarded the prestigious honor based on a review of its 2013-2014 data, that was performed by the Center for Postsecondary Research at Indiana University School of Education; and

WHEREAS, during the review period, George Mason University's research expenditures had grown to \$99 million, driven largely by increases in science and engineering research; the university also increased the number of doctoral degrees conferred by 27 percent; and

WHEREAS, students and faculty at George Mason University have made important contributions to biomedical research, neuroscience, cybersecurity, information technology, and other scientific fields; and

WHEREAS, as the largest public research institution in the Commonwealth, George Mason University's focus on science and engineering compliments its traditional strengths in economics and social sciences; the university has won numerous awards and accolades, including two Nobel Prizes in economics; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend George Mason University on being ranked one of the top research institutions in the country by the Carnegie Classification of Institutions of Higher Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ángel Cabrera, president of George Mason University, as an expression of the General Assembly's admiration for the university's role as a source of knowledge and innovation in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 318

Commending the North Springfield Civic Association.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, for 60 years, the North Springfield Civic Association in Fairfax County has efficiently and effectively served the common interests of the residents of North Springfield, increasing safety, infrastructure, and community spirit; and

WHEREAS, the North Springfield Civic Association traces its roots to the beginning of the North Springfield community in 1955 and held its first official meeting on January 25, 1956; and

WHEREAS, unlike a homeowners' association, the North Springfield Civic Association is completely voluntary and all authority resides with individual homeowners; and

WHEREAS, in its early years, the North Springfield Civic Association was an essential partner in the growing community and supported the creation of North Springfield Swim Club, a garden club, Saint John's United Methodist Church, North Springfield Elementary School, the Richard Byrd Library, and George Mason University; and

WHEREAS, from the 1960s onward, the North Springfield Civic Association focused on maintaining the residential feel of the community by ensuring minimal disruptions due to construction of the Capital Beltway and nearby commercial development; and

WHEREAS, the North Springfield Civic Association also worked with local and state entities to maintain and update signs, sidewalks, street lights, curbs, gutters, and other infrastructure and to guarantee public transportation to and from the area; and

WHEREAS, the North Springfield Civic Association sponsors a local Boy Scouts of America Troop, youth athletics leagues, a community fun day, and charitable fundraisers; the association also established one of the country's first neighborhood watch programs; and

WHEREAS, throughout its history, the North Springfield Civic Association has succeeded in its mission to sustain a high quality of life in the neighborhood, keep residents informed of important issues, and advocate for residents in local and state government; and

WHEREAS, working to build a strong future for the neighborhood, the North Springfield Civic Association is poised to renovate or replace older houses; provide a growing senior population with the services and safety they deserve; welcome younger, more diverse families to the community; and address issues related to home businesses and telecommuting; and

WHEREAS, the North Springfield Civic Association will commemorate its 60th anniversary with a yearlong celebration to honor the association's role in the ongoing growth and prosperity of North Springfield; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the North Springfield Civic Association on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ken Balbuena, president of the North Springfield Civic Association, as an expression of the General Assembly's admiration for the association's work to maintain the unique character of the North Springfield community.

HOUSE JOINT RESOLUTION NO. 319

Commending the Prince William County Department of Fire and Rescue.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, in 2016, the Prince William County Department of Fire and Rescue celebrates its 50th anniversary of protecting and serving the people and businesses of Prince William County; and

WHEREAS, during the organization's early years, an all-volunteer fire and rescue force served the community; in 1966, increasing population and development in Prince William County resulted in the creation of what would become a county-wide professionally staffed fire and rescue department; and

WHEREAS, the first person to be hired at the newly established Department of Fire and Rescue was Phil Ponder, a firefighter at the Dumfries-Triangle station; the first fire marshal was Selby Jacobs, who later became director of the department; and

WHEREAS, the Prince William County Department of Fire and Rescue has had many notable accomplishments; in 1967, the department introduced the first 911 emergency call system on the East Coast, setting a standard for other departments and localities to emulate; and

WHEREAS, the first emergency medical technicians were trained in 1973 and have since become a vital component of the Prince William County Department of Fire and Rescue; in 1985, a Critical Incident Stress Management Program was established to help firefighters cope with difficult situations encountered in their work; and

WHEREAS, in 1994, at a time when the work of firefighters and first responders was traditionally done by men, Mary Beth Michos was named Chief of the Prince William County Department of Fire and Rescue, becoming the first woman to head the department; and

WHEREAS, in the last 20 years, the Prince William County Department of Fire and Rescue has grown and become more specialized; the county has a swift water and river boat rescue unit and a highly skilled technical rescue unit that specializes in structural collapse, trench, and rope rescues; and

WHEREAS, additionally, the Prince William County Department of Fire and Rescue operates a hazardous materials unit and conducts community safety programs; an Office of Emergency Management and a fire marshal's office help safeguard the community; and

WHEREAS, the Prince William County Department of Fire and Rescue today has approximately 600 career staff and more than 1,000 volunteer members who help people in a variety of high- and low-risk emergencies; in 2015, the department responded to approximately 48,000 calls for service; and

WHEREAS, the members of the Prince William County Department of Fire and Rescue have forged a strong alliance as they respond to requests for help, knowing that they may face dangerous and life-threatening emergencies; and

WHEREAS, the Prince William County Department of Fire and Rescue is committed to continuous quality improvement of its fire, emergency response, and emergency management services; the goal is to provide the strongest possible assistance to members of the community; and

WHEREAS, to help mark its 50th anniversary, the Prince William County Department of Fire and Rescue designed a special logo that commemorates the milestone; throughout 2016, a variety of events and programs will take place to celebrate five decades of service; and

WHEREAS, for half a century, the men and women of the Prince William County Department of Fire and Rescue have steadfastly resolved to protect and serve, and they remain committed to the safety of the people of Prince William County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Prince William County Department of Fire and Rescue on the occasion of its 50th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kevin J. McGee, Chief of the Prince William County Department of Fire and Rescue, as an expression of the General Assembly's respect and admiration for the professionalism, skill, and bravery shown by the members of the department.

HOUSE JOINT RESOLUTION NO. 320

Commending Melissa S. Peacor.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, in 2016, Melissa S. Peacor retires as county executive for Prince William County after 30 years of dedicated service to the community; and

WHEREAS, Melissa Peacor began her career with Prince William County in 1985 in the Planning Office; over the years, she served as the county's first strategic planning coordinator, budget director, assistant county executive, and deputy county executive; and

WHEREAS, after a national search, Melissa Peacor was appointed by the Prince William County Board of Supervisors as county executive in 2010; she has been a staunch advocate for efficient local government and earned recognition from the Government Finance Officers Association for her budgeting initiatives; and

WHEREAS, under Melissa Peacor's leadership, Prince William County earned a AAA bond rating from all three major credit rating agencies for the first time in its history; she oversaw responsible growth that helped to strengthen and enhance the future of Prince William County; and

WHEREAS, Melissa Peacor increased transparency in local government and encouraged citizen input and participation, initiating the county's first citizen-based strategic planning process and an annual citizen survey; and

WHEREAS, earning the respect of both peers and employees, Melissa Peacor built and sustained a positive workplace culture in Prince William County government, with 91 percent of county employees reporting high levels of workplace satisfaction during her tenure; and

WHEREAS, Melissa Peacor strove to inspire a new generation of local government professionals by increasing diversity in county offices and actively encouraging citizens to take part in local government; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Melissa S. Peacor on the occasion of her retirement as county executive of Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Melissa S. Peacor as an expression of the General Assembly's admiration for her exemplary service to the residents of Prince William County.

HOUSE JOINT RESOLUTION NO. 321

Commending Flory Small Business Center, Inc.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, small businesses are the backbone of the Virginia economy and employ half of the Commonwealth's private workforce; Flory Small Business Center, Inc., has ably served and supported the small business community in Northern Virginia for 25 years; and

WHEREAS, Flory Small Business Center, Inc. (the Flory Center), was established in 1991 by the Prince William County Industrial Development Authority to serve the needs of the region's existing small businesses and start-up entrepreneurs; and

WHEREAS, the Flory Center is a nonprofit, tax-exempt, Virginia corporation whose tax-exempt status was granted by the Internal Revenue Service on the basis of "lessening the burdens of government"; and

WHEREAS, the Flory Center is well served by an active volunteer board of directors, including Marion Wall, Patrick O'Leary, Steve Dawson, Frank Jones, Frank Mejia, Brian Gordon, and John Gregory, who together provide decades of professional experience to the Flory Center staff; and

WHEREAS, the Flory Center is funded by Prince William County, the Prince William County Industrial Development Authority, and the Cities of Manassas and Manassas Park and leases offices located in the Ben Lomond Caretaker's House for \$1.00 per year from Prince William County; and

WHEREAS, the Flory Center's mission is business creation, retention, and expansion, and its services are offered free of charge; the Flory Center helps businesses and start-up entrepreneurs access capital, increase sales, and create and retain jobs in order to increase the local tax base; and

WHEREAS, the Flory Center's primary means of assisting businesses is through one-on-one consulting, and its small staff has provided consultations to more than 3,471 clients, who have created more than 5,661 jobs and saved more than 1,539 jobs; and

WHEREAS, the Flory Center measures the results of its services by annually tabulating the economic achievements of clients exclusively in the year in which the center worked with them; and

WHEREAS, the Flory Center has helped clients achieve more than \$301,373,931 in capital investments and \$353,896,290 in increased sales; clients have also generated \$54,815,784 in state tax revenue and \$64,684,179 in federal tax revenue; and

WHEREAS, the Flory Center has provided workshop training and conference education to more than 7,594 attendees; and

WHEREAS, the Flory Center is a 25-year resource partner of the U.S. Small Business Administration (SBA) and the center's president and chief executive officer was the recipient of the SBA's Regional Administrator Choice Award; and

WHEREAS, the Flory Center's president and chief executive officer served for six years, the longest tenure allowed by law, on the SBA's National Advisory Council, an 80-member national organization that serves as a business resource to the President of the United States and the United States Congress; and

WHEREAS, the Flory Center's president and chief executive officer served for many years as a judge for the SBA Small Business Awards at the state, regional, and national level; and

WHEREAS, in 1995, the National Association of Small Business Development Centers presented its President's Award to the Flory Center's president and chief executive officer, and it was the first national award ever given to a local center; there were 1,000 centers nationally at that time; and

WHEREAS, in 1996, the Flory Center received the first and, to date, only award given to a Small Business Development Center by the Commonwealth; and

WHEREAS, the Flory Center's president and chief executive officer was elected to a three-year term on the Board of Directors of the Virginia Chamber of Commerce in Richmond in 2011 and re-elected in 2014; and

WHEREAS, in 2007, the Flory Center was awarded \$32,500 in state funding to assist with securing a new facility, and the Prince William County Board of Supervisors voted in April 2015 to include \$300,000 in their 2016 fiscal year budget to be used toward the funding of a new building for the center; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Flory Small Business Center, Inc., for its commitment to the region's existing small businesses and start-up entrepreneurs in Prince William County and the Cities of Manassas and Manassas Park; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Flory Small Business Center, Inc., as an expression of the General Assembly's respect and admiration for the center's dedication to the small business community and economic development in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 322

Commending Chris Mamalis.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, on January 21, 2016, Chris Mamalis, a police officer first class with the Fairfax County Police Department, demonstrated extraordinary compassion and commitment to duty when he helped rescue a nine-year-old boy after he had fallen into a creek; and

WHEREAS, while driving to work that afternoon, Chris Mamalis saw a group of neighborhood children who appeared to be dragging another child; the children, who knew he was a neighbor and a police officer, flagged him down; and

WHEREAS, Chris Mamalis discovered that the boy whom the children were trying to help had fallen through the ice at a nearby creek; his sodden clothes were beginning to freeze, and the child was nearly unconscious and unresponsive; and

WHEREAS, Chris Mamalis recognized that the child was likely suffering from exposure; he put the boy in his vehicle, replaced the child's wet outer clothing with some of his own dry clothes, and turned up the heat in his vehicle; and

WHEREAS, Chris Mamalis then called for emergency medical assistance; first responders arrived at the scene and transported the boy to a hospital, where he was treated for non-life-threatening injuries; and

WHEREAS, once the child was en route to the hospital and the rescue crew had finished its work on site and had cleared Chris Mamalis at the scene, the police officer reported for work at the Fairfax County Police Department; and

WHEREAS, the attention to duty that Chris Mamalis demonstrated when he stopped to help a group of children exemplifies the bravery and dedication to service that law-enforcement officers throughout the Commonwealth exhibit whenever they are called on to assist people in need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chris Mamalis, a police officer first class with the Fairfax County Police Department, for his selfless efforts to aid a child in acute distress who had fallen into an icy creek; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Mamalis, a police officer first class with the Fairfax County Police Department, as an expression of the General Assembly's respect and admiration for his exemplary devotion to duty and life-saving assistance to a child in urgent need of help.

HOUSE JOINT RESOLUTION NO. 323

Commending Catherine Reames.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Catherine Reames, a dedicated agricultural educator in Culpeper County who has imparted her passion for learning to countless students, received the 2016 Outstanding Teacher Award from the Virginia Association for Career and Technical Education; and

WHEREAS, the Outstanding Teacher Award is presented by the Virginia Association for Career and Technical Education to honor exceptional technical and career educators at the middle and secondary school levels; and

WHEREAS, Catherine "Katie" Reames earned the Outstanding Teacher Award for her innovative teaching methods, commitment to helping students learn and grow, and work to enhance opportunities for career and technical education in the community; and

WHEREAS, Katie Reames worked as a livestock nutritionist and helped coach 4-H and FFA teams for several years before answering her calling to inspire youth as an educator; she joined Culpeper County Public Schools in 2007 and currently teaches agriculture courses at Eastern View High School; and

WHEREAS, Katie Reames also provides leadership to her peers as a member of the Virginia Association of Agricultural Educators, FFA, and the Virginia Association for Career and Technical Education; and

WHEREAS, as the winner of the Virginia Outstanding Teacher Award, Katie Reames will represent the Commonwealth on the regional awards ballot and may qualify as a finalist for the national Outstanding Teacher Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Catherine Reames on receiving the 2016 Outstanding Teacher Award from the Virginia Association for Career and Technical Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Catherine Reames as an expression of the General Assembly's admiration for her contributions to agricultural education and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 324

Commending Chester W. Stribling.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Chester W. Stribling of Bealeton, the longest-serving member of the Fauquier County Board of Supervisors who represented the residents of the Lee District for three terms, retired from public office in 2015; and

WHEREAS, a longtime resident of Fauquier County, Chester Stribling graduated from Germanna Community College; driven to enhance the quality of life of his fellow county residents, he successfully ran for election to the Fauquier County Board of Supervisors in 2003; and

WHEREAS, Chester Stribling faithfully served the residents of the Lee District from 2004 to 2015, running unopposed for all three of his terms; he served as vice-chair in 2012 and 2013 and chair in 2008, 2014, and 2015; and

WHEREAS, Chester Stribling worked to provide a voice for all residents of his district and strengthened the infrastructure of Fauquier County; he helped allocate millions of dollars to hire more professional firefighters and first responders and to better support volunteers; and

WHEREAS, during Chester Stribling's 12-year tenure, the Fauquier County Board of Supervisors created new opportunities for local youth by facilitating the construction of Kettle Run High School and Greenville Elementary School, as well as major renovations to Fauquier High School; and

WHEREAS, an automobile mechanic by trade, Chester Stribling is a principal of Stribling Service Center in Morrisville, and he is a past president of the Southern Fauquier Business Owners Association; and

WHEREAS, after his well-earned retirement from public office, Chester Stribling plans to spend more time with his family and seek new opportunities to serve the Fauquier County community, including through his involvement with Truth Baptist Church; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chester W. Stribling on the occasion of his retirement as a member of the Fauquier County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chester W. Stribling as an expression of the General Assembly's admiration for his outstanding service to the residents of Fauquier County.

HOUSE JOINT RESOLUTION NO. 325

Commending the Honorable H. F. Haymore, Jr.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, the Honorable H. F. Haymore, Jr., court clerk for the 22nd Judicial Circuit of Virginia, retired in 2015 after 32 years of exceptional service to Pittsylvania County; and

WHEREAS, a native of Whitmill, H. F. Haymore began his career in the banking industry, becoming a senior vice president of First Federal Savings and Loan Association; he later owned Danville Casket Company, which he sold to a relative when he was elected as court clerk in 1983; and

WHEREAS, over the course of his distinguished career as court clerk, H. F. Haymore ran for reelection unopposed three times, served under five judges, and became the second longest-serving court clerk in the history of Pittsylvania County; and

WHEREAS, as court clerk, H. F. Haymore assisted with criminal and civil cases, as well as appeals from lower courts, and recorded land transfers, wills, financing statements, marriages, divorces, weapons permits, and hunting and fishing licenses; he also performed over 900 civil wedding ceremonies; and

WHEREAS, H. F. Haymore helped preserve the county's historical records, which date to 1767, and used technology to modernize the office and increase efficiency by installing a computerized case imaging system, reducing the size of deed books, and introducing new filing procedures; and

WHEREAS, respected in his field, H. F. Haymore became a certified circuit court clerk in 1998 and is a longtime member of the Virginia Court Clerks Association and the Virginia Association of Local Elected Constitutional Officers, of which he served as state president in 1995; and

WHEREAS, H. F. Haymore was appointed to the Governor's commission on the restoration of individual civil rights and currently serves on the Virginia Criminal Sentencing Commission; and

WHEREAS, H. F. Haymore has worked to enhance the community as a member of numerous civic and service organizations and supports local youth as an athletics coach for multiple teams; he was named Citizen of the Year by the Pittsylvania Chamber of Commerce in 1989; and

WHEREAS, after his well-earned retirement, H. F. Haymore plans to seek new opportunities to serve the community and spend more time with his wife, children, and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable H. F. Haymore, Jr., on the occasion of his retirement as court clerk for the 22nd Judicial Circuit of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable H. F. Haymore, Jr., as an expression of the General Assembly's admiration for his contributions to Pittsylvania County.

HOUSE JOINT RESOLUTION NO. 326

Commending the Honorable Samuel W. Swanson, Jr.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, the Honorable Samuel W. Swanson, Jr., a dedicated and highly admired public servant, retired as Pittsylvania County commissioner of the revenue in 2015 after 16 years of diligent service; and

WHEREAS, a native of Pittsylvania County, Samuel Swanson holds a bachelor's degree from Lynchburg College and a master's degree from Virginia Polytechnic Institute and State University; he began his career as a teacher and imparted his love of learning to students at Renan Elementary School and Dan River High School; and

WHEREAS, desirous to be of further service to the community, Samuel Swanson ran for and was elected to the Pittsylvania County Board of Supervisors; by seeking public office, he followed in the footsteps of his father, a former commissioner of the revenue, court clerk, and member of the Virginia House of Delegates; and

WHEREAS, Samuel Swanson was sworn into office as commissioner of the revenue on January 1, 2000; he became Pittsylvania County's 10th commissioner of the revenue and was reelected three times over the course of his career; and

WHEREAS, in addition to reviewing property tax assessments, the county meals tax, and income tax returns and other duties, Samuel Swanson also modernized the county's real estate department, introduced a digital filing system, and oversaw a revalidation of the county's land-use program; and

WHEREAS, during his tenure as commissioner of the revenue, Samuel Swanson helped enhance the county's tax relief program for elderly and disabled members of the community by increasing the program's income limit and deducting the costs of medical care and prescription medicine; and

WHEREAS, highly respected in the local government field, Samuel Swanson was certified as a master commissioner of the revenue in 2009, and he is a member of the Commissioners of the Revenue Association of Virginia and former member of the Virginia Association of Local Elected Constitutional Officers; and

WHEREAS, after his well-earned retirement, Samuel Swanson plans to seek new opportunities to serve the community, including involvement in numerous local civic and service organizations, and to spend more time with his wife and family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Samuel W. Swanson, Jr., on the occasion of his retirement as commissioner of the revenue for Pittsylvania County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Samuel W. Swanson, Jr., as an expression of the General Assembly's admiration for his legacy of service to the Pittsylvania County community.

HOUSE JOINT RESOLUTION NO. 327

Celebrating the life of Antoinette Poulson Williams.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Antoinette Poulson Williams of Suffolk, a devoted wife and mother who became an emergency room nurse after raising her family and who was an active volunteer in the community and a person of great faith, died on January 18, 2016; and

WHEREAS, Antoinette Williams was born in Suffolk and graduated from Suffolk High School; she later enrolled at the Obici School of Practical Nursing, and when she graduated in 1969, she received the Business and Professional Woman's Club Award for Outstanding Nursing Achievement; and

WHEREAS, a dedicated and compassionate health care provider, Antoinette Williams worked as an emergency room nurse at Obici Hospital until she was 80; she made an art form of assisting people in need of emergency care; and

WHEREAS, after retiring from nursing, Antoinette Williams, who was a longtime volunteer for many community organizations, continued to work as a volunteer in the hospital auxiliary's gift shop; and

WHEREAS, Antoinette Williams gave back to her community in many ways; she was a member of the Suffolk Woman's Club for 64 years and served as its president from 1988 through 1992; she also belonged to the Pilot Club of Suffolk, the Suffolk chapter of AARP, and the Suffolk Art League; and

WHEREAS, other organizations that benefited from Antoinette Williams' advice and guidance were the Suffolk Sister Cities organization and the Suffolk Christian Woman's Club; additionally, she served as a senior intern to the Honorable Norman Sisisky, a former member of Virginia's Congressional Delegation; and

WHEREAS, Antoinette Williams was a devoted member of Main Street United Methodist Church in Suffolk; she joined the church in 1943 and served in many capacities, including as a member of a committee that published a book about the church's stained glass windows; and

WHEREAS, Antoinette Williams was predeceased by Howard, her loving husband of 64 years; sons, Craig and Bruce; and grandson, Timothy; she will be greatly missed and fondly remembered by her children, Joan and Ronald, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Antoinette Poulson Williams of Suffolk, a loving wife and mother, a dedicated emergency room nurse, an active volunteer in many community organizations, and a woman of great faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Antoinette Poulson Williams as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 328

Celebrating the life of Robert Wesley Harrell, Jr.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Robert Wesley Harrell, Jr., of Suffolk, an outstanding community leader, a successful business person who served with distinction on many boards and commissions, a man of great faith, an author, and a devoted husband and father, died on April 17, 2015; and

WHEREAS, Robert "Bobby" Wesley Harrell, Jr., earned a high school diploma from Whaleyville High School; he attended The College of William and Mary, from which he received a bachelor's degree and a master's degree, and he also earned a graduate degree from Old Dominion University; and

WHEREAS, early in his career, Bobby Harrell worked for his family's Virginia ham business, Joel E. Harrell and Son Inc., and he and his wife were the authors of *The Ham Book* and *Delilah and the Christmas Ham*; and

WHEREAS, Bobby Harrell's career included teaching in the community college system for seven years; he also made many valuable contributions to the Commonwealth as a member of the State Board for Community Colleges; and

WHEREAS, Bobby Harrell also served on the Governor's Industrial Development Advisory Board for eight years; when he retired, he was vice president of regional operations for the Center for Innovative Technology; and

WHEREAS, working to improve education was one of Bobby Harrell's lifelong missions; he was a member of a national association of community college trustees and served on the board of The College of William and Mary's Technology & Business Center; and

WHEREAS, additionally, Bobby Harrell was a member of the Development Board of the School of Education of The College of William and Mary, was chair of the college's alumni president's council, and served as president of the William & Mary South of the James Alumni Chapter; and

WHEREAS, many organizations benefited from Bobby Harrell's involvement, including the Elizabeth River Project, the Children's Museum of Virginia, the Virginia Modeling and Simulation Center, and the Rural Virginia Initiative; he was also the founder and a charter member of the Suffolk Ruritan Club; and

WHEREAS, Bobby Harrell served for 30 years on the board of the Suffolk Salvation Army and recently had worked to raise funds to expand the facility; he also was involved with the Hampton Roads Chamber of Commerce and was a longtime chair of the Suffolk Democratic Committee; and

WHEREAS, among the many recognitions that Bobby Harrell received were Suffolk's Outstanding Young Man Award in 1974, and in 2014, he was named First Citizen of Suffolk by the Suffolk and North Suffolk Rotary Clubs; and

WHEREAS, a man of great faith, Bobby Harrell enjoyed fellowship and worship at Main Street United Methodist Church; and

WHEREAS, Bobby Harrell will be greatly missed and fondly remembered by his wife, Monette; daughters, Robyn and Cheri, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Robert Wesley Harrell, Jr., of Suffolk, an esteemed and distinguished business person, teacher, and community leader who gave generously of his time and talents to many organizations in Suffolk and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert Wesley Harrell, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 329

Celebrating the life of Michael Dean Tuck.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Michael Dean Tuck of South Boston, a respected firefighter and first responder who dedicated his life to serving and safeguarding his fellow members of the Halifax County community, died on January 31, 2016; and

WHEREAS, a native of South Boston, Michael "Mike" Dean Tuck joined the South Boston Fire Department as a junior firefighter in 1968 at the age of 16; driven by his desire to help and serve others, he was a loyal member of the department and became a regular volunteer with the South Boston Volunteer Fire Company; and

WHEREAS, in 1975, Mike Tuck became a professional employee of the South Boston Fire Department and rose through the ranks to become captain; he touched countless lives and built a legacy of excellence over the course of his 50-year career in fire service; and

WHEREAS, Mike Tuck passed his wisdom and experience on to a new generation of firefighters and first responders as a teacher and trainer at the Virginia Department of Fire Programs and at Southside Virginia Community College in Keysville; and

WHEREAS, Mike Tuck was also a life member of the Halifax County Rescue Squad, where he served for 44 years and became a lieutenant and vice president; and

WHEREAS, predeceased by one son, Jason, Mike Tuck will be fondly remembered and greatly missed by his wife, Elizabeth; son, Chris, and his family; his mother; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Michael Dean Tuck; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Michael Dean Tuck as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 330

Commending Danna C. Giusti.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Danna C. Giusti of Arlington, a hardworking civil servant and a respected expert on federal records and the Freedom of Information Act, retires from the Federal Bureau of Investigation in 2016, after 42 years of diligent service; and

WHEREAS, Danna Giusti was reared in Fort Knox, Kentucky, and began her long and fulfilling career with the Federal Bureau of Investigation (FBI) after graduating from Meade County High School; and

WHEREAS, serving in the FBI's Records Management Division (RMD) for her entire career, Danna Giusti demonstrated a firm grasp of records management and developed an understanding of the complex laws and regulations related to federal recordkeeping; and

WHEREAS, Danna Giusti rose through the ranks to become unit chief of the Freedom of Information/Privacy Act Unit in the RMD's Record/Information Dissemination Section, where she ably led a staff of 24 employees and was a trusted mentor and trainer for all new employees; and

WHEREAS, throughout her career, Danna Giusti demonstrated outstanding judgment and leadership in responding to highly technical Freedom of Information Act requests, and she leaves a legacy of excellence to her peers in the field; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Danna C. Giusti on the occasion of her retirement from the Federal Bureau of Investigation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Danna C. Giusti as an expression of the General Assembly's admiration for her dedicated service to the nation and contributions to open government.

HOUSE JOINT RESOLUTION NO. 331

Commending Barry Foskit.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Barry Foskit of Gloucester has proudly served his country for 30 years as a member of the United States Coast Guard Auxiliary, helping to safeguard the Commonwealth's waterways and ensure that all boaters have a safe and enjoyable time on the water; and

WHEREAS, as the civilian arm of the United States Coast Guard, the Coast Guard Auxiliary promotes boating safety in several ways; members teach safe boating classes, conduct courtesy vessel exams to ensure that boats meet safety equipment requirements, and participate in safety and security patrols on local waters; and

WHEREAS, Barry Foskit joined Flotilla 64 of the United States Coast Guard Auxiliary on June 16, 1986; he has made many valuable contributions over the years as an active volunteer member and has held various appointed and elected offices; and

WHEREAS, currently, Barry Foskit is the staff officer for marine safety for Flotilla 64; he has also taught boating safety classes, performed safety checks on boats, and taken part in the flotilla's safety and security patrols on the waterways around Gloucester; and

WHEREAS, Barry Foskit represents the dedication to service shown by volunteers throughout the Commonwealth; his selfless commitment to the Coast Guard Auxiliary helps protect the thousands of people who work and enjoy leisure time on the creeks, rivers, and bays of Tidewater Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Barry Foskit of Gloucester for his 30 years of outstanding service as a member of Flotilla 64 of the United States Coast Guard Auxiliary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Barry Foskit as an expression of the General Assembly's respect and admiration for his dedicated work to educate boaters and keep the waterways of the Commonwealth safe for all to enjoy.

HOUSE JOINT RESOLUTION NO. 332

Celebrating the 200th anniversary of Capitol Square.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 8, 2016

WHEREAS, the creation of Capitol Square dates to February 28, 1816, during a period of great growth for the nation after the end of the War of 1812, when the Virginia General Assembly voted to enhance and improve the area around the Capitol; and

WHEREAS, between 1816 and 1818, Maximilian Godefroy designed an ordered, symmetrical, Neoclassical plan with formal walkways and a ceremonial road leading from the entrance on what is now 9th Street to the Virginia Governor's Mansion, and it was implemented; and

WHEREAS, Capitol Square was one of the nation's earliest designed public spaces, and the framework of the original design is still evident; and

WHEREAS, the cast-iron and wrought-iron fence, designed by Paul-Alexis Sabbaton, was installed in 1818, making Capitol Square the oldest surviving enclosed public space in the country; and

WHEREAS, from 1850 to 1860, John Notman modernized Capitol Square in the Picturesque style, relying on the use of native plants and high-canopy shade trees in a seemingly natural arrangement, as well as adding meandering walkways and elegant fountains; it was the first use of the Picturesque style in America for a public park; and

WHEREAS, the creation of Capitol Square inspired the City of Richmond to launch an urban reforestation program and develop a system of similar urban parks throughout the city, with Monroe Park and Libby Park among surviving examples; and

WHEREAS, Capitol Square features a unique collection of architectural styles and works from different eras, including the oldest purpose-built executive mansion in the country, the Bell Tower, Old City Hall, and the George Washington Equestrian Monument; and

WHEREAS, Capitol Square in its entirety has been recognized as a National Historic Landmark, as has the Capitol itself, and portions of Capitol Square have also been inscribed on the UNESCO Tentative List of World Heritage Sites; and

WHEREAS, the Department of General Services and the Capitol Square Preservation Council have developed the Landscape Master Plan to document the historical significance of Capitol Square and set standards for maintaining the character and integrity of the site as both an essential part of the Commonwealth's heritage and a functional, attractive public space; and

WHEREAS, Capitol Square is the center of the Commonwealth, both symbolically as the home of state government and physically as the site of the zero milestone for Virginia's highways; it has been a model for the country in architecture, city planning, and urban park development and is befitting of Thomas Jefferson's ideal of a Temple on the Hill that is both inspiring and welcoming to the public; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby celebrate the 200th anniversary of Capitol Square, an example of the importance of good stewardship of the Commonwealth's historical resources for future generations; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Department of General Services, the Capitol Square Preservation Council, and the Virginia Capitol Foundation as an expression of the General Assembly's admiration for the importance of Capitol Square to the history and heritage of the Commonwealth and the nation.

HOUSE JOINT RESOLUTION NO. 334

Celebrating the life of Morgan Anthony Ayres.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Morgan Anthony Ayres of Arlington, a decorated veteran of World War II, a valued employee of Otis Elevator Company, and a devoted husband and father, died on April 30, 2014; and

WHEREAS, Morgan Ayres was born on May 31, 1918, in the Georgetown section of Washington, D.C., and was one of 10 children; he started working when he was nine years old and was employed by the United States Navy Yard when he was drafted; and

WHEREAS, on April 14, 1942, Morgan Ayres joined the United States Army Air Corps and became a flight maintenance gunner and a tunnel gunner for the 645th Bomb Squadron, 410th Bombardment Group and eventually was named crew chief; his responsibilities included watching for enemy aircraft and keeping track of the number of bombs that were dropped; and

WHEREAS, Morgan Ayres was part of a Douglas A-20 aircraft crew; he participated in many combat missions—including 35 sorties with the same pilot—from bases in England and France; and

WHEREAS, during his wartime service, Morgan Ayres and pilot Harry Brown volunteered to test fly every plane that had an aborted mission to determine the reason for the aircraft's failed mission; and

WHEREAS, one of Morgan Ayres' most memorable wartime missions was an emergency landing in Belgium; the crew was assisted by members of the "Free French" resistance and stayed with an elderly couple for two nights before being flown back to their bomb group; and

WHEREAS, after three and one-half years on active duty, Morgan Ayres, who had attained the rank of staff sergeant, was honorably discharged on October 6, 1945; he returned to private life and followed in the footsteps of his father and brother, working in public safety for Otis Elevator Company; and

WHEREAS, Morgan Ayres enjoyed a 40-year career with Otis Elevator Company as an elevator mechanic and examiner; he serviced equipment at many of our country's national landmarks, including the White House and the Washington Monument; and

WHEREAS, in 2008, Morgan Ayres was honored by the government of France for his military service; he received the Legion of Honor with the rank of "Chevalier" for his distinguished service that helped liberate France at the close of World War II; and

WHEREAS, Morgan Ayres will be greatly missed and fondly remembered by his wife, Barbara; his children, Barbara, Patricia, and Nancy, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Morgan Anthony Ayres of Arlington, a proud veteran of the United States Army Air Corps who was awarded the French Legion of Honor, a skilled elevator mechanic and examiner, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Morgan Anthony Ayres as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 335

Celebrating the life of Corporal Harvey Snook III, ACPD.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Corporal Harvey Snook III of Arlington, a respected law-enforcement officer who was one of the first responders to the scene of the attack on the Pentagon on September 11, 2001, died on January 14, 2016; and

WHEREAS, a native of Wilkes-Barre, Pennsylvania, Corporal Snook graduated from Elmer L. Meyers High School and King's College, and he honorably served his country as a member of the United States Army; and

WHEREAS, in 1989, Corporal Snook joined the Arlington County Police Department, where he worked to serve and protect the community as a patrolman and a member of the K9 unit; and

WHEREAS, Corporal Snook received several awards and accolades during his career, including the Arlington County Meritorious Action Award, the Police Service Award, and the Sons of the American Revolution Law Enforcement Commendation Medal; and

WHEREAS, Corporal Snook was admired for his kindness and compassion toward everyone he met, and he cared deeply for his K9 partner, Russ, and his companion dog, Jager; and

WHEREAS, Corporal Snook will be fondly remembered and greatly missed by his mother, Sandra, and numerous other family members, friends, and fellow law-enforcement officers and veterans; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Corporal Harvey Snook III, a distinguished law-enforcement officer in Arlington County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Corporal Harvey Snook III as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 336

Designating 2016 as the Year of Shakespeare in Virginia.

Agreed to by the House of Delegates, March 2, 2016

Agreed to by the Senate, March 11, 2016

WHEREAS, 2016 marks the 400th anniversary of the death of William Shakespeare, one of the most influential and widely known poets and playwrights of all time, whose contributions to literature and theatre are unparalleled; and

WHEREAS, William Shakespeare produced some of the finest examples of theatrical comedies and histories and redefined the romantic and tragicomic genres; his works have achieved renown for their exceptional characterization, plot, artistry of language, and sheer spectacle; and

WHEREAS, William Shakespeare completed 38 plays, 154 sonnets, two long narrative poems, and many other works; his plays have been translated into every major living language, and he is a named author on school curricula in more than half the countries of the world; and

WHEREAS, the Commonwealth of Virginia was named in honor of Elizabeth I of England—also known as the Virgin Queen—who ruled England for much of William Shakespeare's life, and in 1751, the London Company of Comedians presented one of the first professional productions of Shakespeare in the Americas in Williamsburg; and

WHEREAS, many states and countries celebrate the life and legacy of William Shakespeare, and the Commonwealth's official Shakespeare festival, the Virginia Shakespeare Festival, is held annually at The College of William and Mary, which begins its 2016 festival season on June 29, 2016; and

WHEREAS, to commemorate the 400th anniversary of the death of William Shakespeare, the Virginia Foundation for the Humanities, the Virginia Commission for the Arts, Washington and Lee University, and the American Shakespeare Center launched the Virginia Shakespeare Initiative, a statewide celebration of his legacy, lasting from September 2015 through December 2016; and

WHEREAS, in 2016, educational and cultural institutions in the Commonwealth are encouraged to focus on the genius of William Shakespeare's works and the lasting influence of his contributions, and all Virginians are encouraged to take part in Shakespeare-related events; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate 2016 as the Year of Shakespeare in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit copies of this resolution to the Virginia Foundation for the Humanities, the Virginia Commission for the Arts, Washington and Lee University, and the American Shakespeare Center so that members of these organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post this designation on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 337

Commending Springfield Baptist Church.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, in 2016, Springfield Baptist Church celebrates 150 years of outstanding spiritual leadership, generous outreach to the Appomattox community, and opportunities for joyful worship in the Baptist tradition; and

WHEREAS, Springfield Baptist Church traces its roots to October 20, 1866, when African American members of Liberty Chapel, led by Albert Thornhill, petitioned to withdraw from the church and form their own congregation; and

WHEREAS, the Reverend Albert Johnson was ordained and became the first pastor of Springfield Baptist Church; over the years the church has benefited from the able leadership of Reverend Gaberial Palmer, Reverend William James Johnson, Reverend William Alexander Bland, Reverend Walker Jones, Reverend Phillip Major Morgan, Reverend Edwards, Reverend McKinley Kain, and Reverend J. P. Rose; and

WHEREAS, the Reverend Harrison J. Kelso, who had previously served as assistant pastor, was elected as pastor of Springfield Baptist Church in 1981, and with his wisdom and guidance, the church has reaffirmed its commitment to ministry; and

WHEREAS, members of Springfield Baptist Church are active leaders in the community, and the congregation works to enhance the quality of life of all residents of Appomattox County; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Springfield Baptist Church on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Harrison J. Kelso, pastor of Springfield Baptist Church, as an expression of the General Assembly's admiration for the church's legacy of service to the Appomattox community.

HOUSE JOINT RESOLUTION NO. 338

Celebrating the life of Jack Lewis Hiller.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Jack Lewis Hiller of Springfield, a proud veteran of the United States military, retired teacher and freelance photographer, author of a history of Springfield who helped bring his community's rich heritage to light as a longtime member of the Fairfax County History Commission, an active volunteer, and a devoted husband and father, died on February 3, 2016; and

WHEREAS, Jack Hiller was reared in Pittsburgh, Pennsylvania; he earned a bachelor's degree from The College of William and Mary and master's degrees from the University of Virginia and Carnegie Mellon University; and

WHEREAS, as a corporal in the United States Army, Jack Hiller proudly served his country and was stationed in Germany during the Korean conflict; after his active duty service was over, he continued as a member of the United States Army Reserves until 1961; and

WHEREAS, Jack Hiller taught history at Groveton High School and West Potomac High School in Fairfax County for 30 years, and he also was a history teacher at Northern Virginia Community College; during his years as a public school teacher, Jack Hiller helped integrate the Fairfax Education Association; and

WHEREAS, in 1973, Jack Hiller helped start a summer archaeology program for Fairfax County Public School students that became part of the school system's summer offerings for 15 years; he continued to share his interest in Fairfax County's past by speaking about the county's archaeological heritage to schools and civic groups; and

WHEREAS, Jack Hiller made many contributions as the Springfield District representative to the Fairfax County History Commission, a position he held from 1981 until his death; he chaired the commission in 1994 and 1995, and as chair of the Historic Marker Committee, he helped write, review, and place some 53 historic markers throughout Fairfax County; and

WHEREAS, during Fairfax County's commemoration of the sesquicentennial of the Civil War, Jack Hiller supervised the installation of historic markers that described notable Civil War encounters that took place in the county; he was meticulous in his research and exceedingly careful to ensure that the information on the markers was accurate; and

WHEREAS, Jack Hiller, who was the Fairfax County History Commission's photographer at the organization's annual conferences, was honored by the Commission in 2006 with a Lifetime Achievement Award; and

WHEREAS, Jack Hiller also was a talented freelance photographer; one memorable and award-winning image—a pensive portrait of the Reverend Dr. Martin Luther King, Jr., taken in 1960 in Richmond—hangs in the National Portrait Gallery; and

WHEREAS, Jack Hiller compiled an impressive portfolio that included photographs of presidents Harry S. Truman and John F. Kennedy, Jr.; his images of Jim Henson, creator of The Muppets, are in museum collections in New York and Atlanta; and

WHEREAS, a historian and a scholar, Jack Hiller wrote a history of Springfield and penned many other articles about Springfield's past; he also volunteered as a docent for 10 years at historic Gunston Hall, the home of George Mason; and

WHEREAS, a man of faith, Jack Hiller was predeceased by his son, John; he will be greatly missed and fondly remembered by Marion, his wife of 55 years; daughter, Elizabeth, and her family; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jack Lewis Hiller of Springfield, a distinguished scholar of the history of the Springfield area of Fairfax County, a retired history teacher, a highly regarded freelance photographer and author, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jack Lewis Hiller as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 339

Commending James D. Campbell.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, James D. Campbell, who has served with great distinction as executive director of the Virginia Association of Counties since 1990 and led the organization as it became a leading advocate for the 95 counties in the Commonwealth, will retire on June 30, 2016; and

WHEREAS, when James "Jim" D. Campbell was named executive director of the Virginia Association of Counties (VACo) in 1990, one of his chief goals was to increase the visibility of the association; he excelled in developing VACo's prominent role in legislative and municipal affairs; and

WHEREAS, Jim Campbell, who has been executive director of VACo for 25 years, also supervised the association's implementation of key financial, educational, and membership programs that have benefited county governments throughout the Commonwealth; and

WHEREAS, Jim Campbell is the longest-serving executive director in VACo's 81-year history; he has inspired many local government officials and has been a tireless leader, protector, and promoter of county interests; and

WHEREAS, under Jim Campbell's leadership, VACo has helped guide legislation regarding taxation, finance issues, and important policy matters affecting counties in the Commonwealth; he successfully urged counties to work together for their mutual benefit, and today, every county in the Commonwealth is a member of VACo; and

WHEREAS, in addition to positioning VACo as an effective representative for local governments, Jim Campbell developed innovative initiatives that help counties save money on risk management and insurance and earn higher rates of return on investments earmarked for employee benefits and reserve funds; and

WHEREAS, one of Jim Campbell's major achievements was overseeing the establishment of a permanent headquarters for VACo; the association purchased and renovated an historic building on East Main Street in Richmond; and

WHEREAS, Jim Campbell and the members of VACo wanted to preserve the building's historical significance and make it an environmentally friendly structure; when the VACo headquarters opened in 2009, it was awarded a gold Leadership in Energy & Environmental Design certification for its energy conservation measures and "green" design; and

WHEREAS, Jim Campbell, who is known for his positive management style and sense of humor, is a strong supporter of VACo employees' professional growth and innovation; he also is admired as a mentor and for showing respect to all with whom he worked; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend James D. Campbell, executive director of the Virginia Association of Counties, for his inspiring leadership and many accomplishments on the occasion of his retirement in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James D. Campbell as an expression of the General Assembly's respect and admiration for his dedicated work and tireless efforts on behalf of the 95 counties in the Commonwealth and best wishes in retirement.

HOUSE JOINT RESOLUTION NO. 340

Commending the Hermitage at Cedarfield.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, for 20 years, the Hermitage at Cedarfield, an outstanding retirement community in Henrico County, has provided a wide range of senior living options, services, and amenities to area residents aged 62 and up; and

WHEREAS, built on 90 acres of land near Deep Run Park, Cedarfield officially opened on September 3, 1996; it was the sixth community developed by Virginia United Methodist Homes, Inc., and was the organization's largest endeavor at the time; and

WHEREAS, as a continuing care retirement community, Cedarfield also provides comprehensive health services, including assisted living options and on-site nursing care and memory support; and

WHEREAS, the residents of Cedarfield are active volunteers in the Richmond community, offering their wisdom and leadership to many civic and service organizations; the Cedarfield Team raises thousands of dollars each year for the Richmond Chapter of the Alzheimer's Association through its loyal participation in the Walk to End Alzheimer's; and

WHEREAS, Cedarfield is committed to a person-centered philosophy in health care and assisted living, ensuring that residents are treated as individuals who have the right to participate in and make decisions about their health care options; and

WHEREAS, in 2014, a team of Cedarfield residents and staff, Virginia United Methodist Housing management and board members, architects, and other stakeholders developed a master plan for expansion and renovation of Cedarfield, securing a bright future for the entire community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hermitage at Cedarfield for its service to older Virginians on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hermitage at Cedarfield as an expression of the General Assembly's admiration for its work to ensure that seniors remain active members of the Richmond community.

HOUSE JOINT RESOLUTION NO. 341

Commending the Tuskegee Airmen Motorcycle Club of Richmond.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, since 2005, the Tuskegee Airmen Motorcycle Club of Richmond has been educating the public about the history and legacy of the Tuskegee Airmen, a group of African American fighter pilots who honorably served the nation during World War II; and

WHEREAS, through sheer force of will, perseverance, and valorous actions, the Tuskegee Airmen overcame discrimination and racial stereotypes regarding the effectiveness of African American troops in combat; and

WHEREAS, carrying on the Tuskegee Airmen's dedication to duty, the Tuskegee Airmen Motorcycle Club of Richmond, which is made up of men and women from many different backgrounds, contributes to the community by sponsoring local events through charitable motorcycle rides and fundraisers; and

WHEREAS, the Tuskegee Airmen Motorcycle Club of Richmond has taken a special interest in the youth of the community, mentoring and encouraging the future leaders of the Commonwealth, and supports events to provide food, clothing, and shelter to local families in need; and

WHEREAS, the Tuskegee Airmen Motorcycle Club of Richmond has supported ChildSavers, Boys and Girls Clubs of Metro Richmond, Prader-Willi Syndrome Association, The Carol Adams Foundation, Kimmy's Angels 4 Tatas, Methodist Children's Home, Sickle-Cell Association of Richmond - OSCAR, Diamondz Are Forever, and Veterans Charity Ride; and

WHEREAS, the Tuskegee Airmen Motorcycle Club of Richmond also accepts invitations from local organizations to speak about the heroic service and sacrifices of the Tuskegee Airmen; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Tuskegee Airmen Motorcycle Club of Richmond on the occasion of its 10th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Tuskegee Airmen Motorcycle Club of Richmond as an expression of the General Assembly's admiration for the club's work to honor the history and legacy of the Tuskegee Airmen.

HOUSE JOINT RESOLUTION NO. 342

Commending New Deliverance Evangelistic Church.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, for 20 years, New Deliverance Evangelistic Church has served the Chesterfield County community by providing opportunities for joyful worship, facilitating close relationships with Jesus Christ, and conducting generous outreach; and

WHEREAS, New Deliverance Evangelistic Church traces its roots to 1995, when Bishop Gerald O. Glenn developed the church with the support of Deliverance Evangelistic Church in Philadelphia; with more than 800 parishioners in attendance, the church held its first service in the auditorium of George Wythe High School in January 1996; and

WHEREAS, New Deliverance Evangelistic Church purchased land on Turner Road in Chesterfield County for the construction of a sanctuary and moved into its new home on July 21, 1998; and

WHEREAS, in 1999, New Deliverance Evangelistic Church established the New Deliverance Christian Academy to provide quality, affordable education to local children; the academy has grown to serve pre-kindergarten through fourth-grade students; and

WHEREAS, New Deliverance Evangelistic Church has worked closely with civil rights organizations, community leaders, other faith groups, and local residents to strengthen Chesterfield County as a loving and tolerant community; and

WHEREAS, demonstrating leadership throughout the Commonwealth and the nation, New Deliverance Evangelistic Church organized the New Deliverance Fellowship Conference of Churches and Bishop Glenn served as chief apostle for the Pastors for Family Values of Virginia; and

WHEREAS, with a host of ministries, prayer meetings, and Sunday school, New Deliverance Evangelistic Church has helped countless members of the Chesterfield County community feel the power of faith and find a sense of belonging; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend New Deliverance Evangelistic Church on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bishop Gerald O. Glenn, senior pastor of New Deliverance Evangelistic Church, as an expression of the General Assembly's admiration for the church's legacy of service to the Chesterfield County community.

HOUSE JOINT RESOLUTION NO. 343

Commending the Falls Church News-Press.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, the *Falls Church News-Press*, an independent weekly newspaper in Falls Church, has served the community for 25 years by providing local news and acting as the city's "paper of record"; and

WHEREAS, the *Falls Church News-Press* was founded in 1991 by Nicholas F. Benton, who presented a plan for a local paper to the Falls Church Chamber of Commerce; initially, 130 businesses pledged their support to the periodical, which has maintained its strong ties to the community; and

WHEREAS, with a free circulation of 10,000 copies, the *Falls Church News-Press* is delivered to the communities of Bailey's Crossroads, Sleepy Hollow, Pimmit Hills, and Lake Barcroft, as well as the City of Falls Church; and

WHEREAS, the *Falls Church News-Press* was named the Best Remnant of the Liberal Media by the *Washington City Paper*, has been twice named the City of Falls Church Business of the Year, and received the city's Business Contribution to the Community award; and

WHEREAS, committed to social justice, the *Falls Church News-Press* publishes a weekly column dedicated to gay and lesbian issues; and

WHEREAS, the *Falls Church News-Press* is an active partner in community affairs, sponsoring an annual food drive, an annual scholarship for high school seniors, a citywide holiday party, and other events and activities; and

WHEREAS, the *Falls Church News-Press* has succeeded thanks to the hard work of its columnists and staff, including Wayne Besen, Mike Hume, Tom Whipple, and Jody Fellows; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the *Falls Church News-Press* on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nicholas F. Benton, owner and editor-in-chief of the *Falls Church News-Press*, as an expression of the General Assembly's admiration for the newspaper's many contributions to the Falls Church community.

HOUSE JOINT RESOLUTION NO. 344

Commending Micronic Technologies.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, Micronic Technologies in Wise, which is developing a state-of-the-art water treatment system that could be used by industries worldwide, has won the prestigious Open Innovation Challenge, a competition sponsored by GE and Statoil; and

WHEREAS, the Open Innovation Challenge encourages accelerated development of environmentally and economically sustainable energy solutions; Micronic Technologies responded to a global open challenge focused on reducing water use in onshore oil and gas operations; and

WHEREAS, Micronic Technologies was one of four winners of the challenge, which includes an initial \$25,000 cash prize; the woman-owned firm was founded in 2008 to develop, patent, and commercialize an advanced water treatment system called MicroDesal that removes myriad contaminants; and

WHEREAS, Micronic Technologies has worked for years to develop the MicroDesal water treatment system; the Open Innovation Challenge named the company a winner because of the potential MicroDesal has to remove contaminants from the massive amounts of water used in the onshore oil and gas industry; and

WHEREAS, the MicroDesal water purification system is lightweight, durable, and sustainable; Micronic Technologies' innovative system features several unique characteristics, including a low-pressure, low-temperature air stream to aid evaporation, and a chambered cylinder processing unit; and

WHEREAS, the MicroDesal system currently is in advanced engineering development; it can remove virtually all contaminants from water and clean it to potable standards, using equipment that needs no membranes, filters, or chemicals; and

WHEREAS, MicroDesal can be used for water purification efforts in agriculture, desalination plants, and industrial wastewater facilities; Micronic Technologies is working quickly to make the water treatment system available commercially; and

WHEREAS, in 2014, Micronic Technologies moved its operations from Northern Virginia to Wise to take advantage of economic development opportunities, workforce availability, and excellent facilities; it is located in the Appalachian American Energy Research Center in Wise; and

WHEREAS, Micronic Technologies exemplifies the entrepreneurial drive shown by many small businesses throughout the Commonwealth; the firm also has received state and federal funding and a grant from the Tobacco Region Revitalization Commission, and it works closely with the University of Virginia's College at Wise; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Micronic Technologies for being named a winner in the prestigious Open Innovation Challenge sponsored by GE and Statoil; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen D. Sorber, executive chair and chief executive officer of Micronic Technologies, as an expression of the General Assembly's respect and admiration for its outstanding and award-winning efforts to develop an innovative water purification method.

HOUSE JOINT RESOLUTION NO. 345

Commending The Boeing Company.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, founded by William Boeing in 1916, The Boeing Company has become a leader in the commercial and military aerospace industries, setting standards for excellence in science and technology; and

WHEREAS, in its 100-year history, Boeing has been responsible for innovations in passenger airplanes, military aircraft, missiles, satellites, and spacecraft; the company has helped the United States and the world cross frontier after frontier in aerospace technologies; and

WHEREAS, Boeing built the Douglas DC-3, the first passenger airplane widely used by airlines; the iconic B-52 Stratofortress, in use by the United States military for 60 years; and the 707 and 747, which launched the jetliner era; in addition, every American spacecraft that has carried astronauts into space was designed and built by companies that are now part of Boeing; and

WHEREAS, as a key component of both commercial aerospace operations and national defense, Boeing employs more than 2,000 individuals at multiple locations in the Commonwealth and indirectly supports thousands of additional jobs; and

WHEREAS, the Boeing Government Operations office in Arlington keeps the company connected with the federal, state, and local governments, as well as think tanks, public policy groups, and other associations, and advocates for policies and investments that benefit the aerospace industry and help ensure the continued global technological leadership of the United States; and

WHEREAS, Boeing International, also based in Arlington, strives to strengthen Boeing's global presence and works with country and regional offices to engage stakeholders, coordinate local activities, and provide strategic counsel; and

WHEREAS, the Commonwealth is also home to Boeing Defense, Space & Security, which comprises the company's Network & Space Systems office, Global Services & Support team, Boeing Research & Technology, and Phantom Works, a cutting-edge visualization and demonstration facility; and

WHEREAS, in 2016, Boeing's Regional Headquarters earned the prestigious LEED Gold certification from the U.S. Green Building Council in the area of Building Design and Construction; of the approximately 800 LEED-certified sites in the Arlington area, only 61 have achieved Gold certification; and

WHEREAS, Boeing has succeeded thanks to the hard work and dedication of countless employees over the years, many of whom are active leaders in their communities; in 2014, The Boeing Company and its employees in the Commonwealth contributed more than \$9 million and many volunteer hours to worthy charitable causes; and

WHEREAS, Boeing will commemorate its 100th anniversary with a Founders Day celebration on July 15, 2016, as well as events throughout the year; the company launched a traveling exhibition on the history of flight called "Above and Beyond," and a centennial history book, *Higher: 100 Years of Boeing*, was released in 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Boeing Company, an outstanding corporate citizen in the Commonwealth, on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to The Boeing Company as an expression of the General Assembly's admiration for the company's ongoing legacy of excellence in the aerospace field and many contributions to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 346

Commending Just Neighbors.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, for 20 years, Just Neighbors, a community-based nonprofit organization in Northern Virginia, has developed practical responses to the legal challenges faced by immigrants to the United States; and

WHEREAS, with offices in Falls Church and Herndon, Just Neighbors has provided essential services to thousands of immigrants and refugees since it was established in 1996; the organization has helped more than 8,000 clients from 127 countries gain the legal status to work in the United States; and

WHEREAS, through direct services and collaborative strategies with other groups, Just Neighbors equips immigrants to better provide for themselves and their families and achieve self-sufficiency, stability, and independence; and

WHEREAS, in 2015, 62 percent of Just Neighbors' clients were from Central or North America, 15 percent were from South America, 12 percent were from Africa, and 11 percent were from Asia; the majority of the organization's clients were current residents of Fairfax County; and

WHEREAS, Just Neighbors also educates community leaders, local civic and service organizations, and potential clients through presentations about immigration law and policies; and

WHEREAS, Just Neighbors has succeeded in its mission with the help of a loyal staff of six and the generous support of hundreds of volunteers whose selfless service has ensured that the organization can provide assistance to anyone, regardless of their ability to pay; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Just Neighbors on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Just Neighbors as an expression of the General Assembly's admiration for the organization's work to help immigrants and refugees become contributing members of the Northern Virginia community.

HOUSE JOINT RESOLUTION NO. 347

Designating the fourth Wednesday in November, in 2016 and in each succeeding year, as Indigenous Peoples Day in Virginia.

Agreed to by the House of Delegates, March 2, 2016

Agreed to by the Senate, March 8, 2016

WHEREAS, indigenous peoples have lived in the area now known as Virginia for thousands of years; and

WHEREAS, the history, traditions, and ancestral connections of indigenous peoples are intertwined with the history of the Commonwealth; and

WHEREAS, great leaders of indigenous peoples who contributed to the history of the Commonwealth should be honored; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate the fourth Wednesday in November, in 2016 and in each succeeding year, as Indigenous Peoples Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 348

Commending Faith Baptist Church.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, for 50 years, Faith Baptist Church has served the residents of Hopewell and the Tri-City area by providing opportunities for joyful worship in the Baptist tradition, spiritual leadership, and generous outreach to the community; and

WHEREAS, Faith Baptist Church traces its roots to the Reverend Dwight N. Norville and his wife, Bonnie, who established a new faith community as an offshoot of Friendship Baptist Church; in its early days, the new congregation met in homes in Crewe and Hopewell; and

WHEREAS, Faith Baptist Church was officially organized on February 26, 1966, with Reverend Norville as the first pastor; the church purchased its first building from the Brethren Church and was generously supported by Grace Baptist Church as a mission project; and

WHEREAS, over the years, Faith Baptist Church has benefited from the able leadership of three additional pastors, the Reverend Paul Presley, the Reverend Earl Fowlkes, and the Reverend George P. Dembeck, who has served as pastor for more than 30 years; and

WHEREAS, when Faith Baptist Church moved to its current location on Middle Road, it expanded its ministries, and the congregation continued to grow; the church is known as a friendly community, where the power of prayer and a close relationship with Jesus Christ are emphasized; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Faith Baptist Church on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend George P. Dembeck, pastor of Faith Baptist Church, as an expression of the General Assembly's admiration for the church's legacy of service to the Hopewell and Tri-City area communities.

HOUSE JOINT RESOLUTION NO. 349

Commending First United Methodist Church.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, in 2016, First United Methodist Church celebrates its 100th anniversary of providing opportunities for fellowship and worship to the residents of Hopewell and the Tri-City area; and

WHEREAS, First United Methodist Church has been an important part of the City of Hopewell for the past 100 years; in 1937 the members of Trinity Methodist Church of City Point joined the congregation at its present location on the corner of Broadway and Sixth Avenue; and

WHEREAS, First United Methodist Church has contributed to the City of Hopewell and the surrounding community by enriching the day-to-day lives of its citizens through many civic and community activities; and

WHEREAS, First United Methodist Church remains one of the stabilizing factors that make the Hopewell community a welcoming place to live and raise a family; and

WHEREAS, the many ministries of First United Methodist Church have reached and touched the lives of countless citizens of the City of Hopewell; and

WHEREAS, through its many community efforts, First United Methodist Church has helped to make the City of Hopewell a better place for all its citizens to live; and

WHEREAS, First United Methodist Church commemorates its 100th anniversary with two days of celebrations on April 23 and April 24, 2016; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend First United Methodist Church on the occasion of its 100th anniversary of service to its congregation and the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to First United Methodist Church as an expression of the General Assembly's admiration for its contributions to the City of Hopewell and the Tri-City area.

HOUSE JOINT RESOLUTION NO. 350

Commending First Presbyterian Church.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, First Presbyterian Church, which has grown with and supported the Hopewell community by providing opportunities for joyful worship and generous outreach programs, celebrates its 100th anniversary in 2016; and

WHEREAS, the Reverend G. A. Wilson was ordained by the East Hanover Presbytery to organize a Presbyterian church in the booming Hopewell community, and he became the first pastor of First Presbyterian Church when it was officially established on February 15, 1916, one day before Hopewell was incorporated as a city; and

WHEREAS, in 1917, the Reverend E. D. Thomas became pastor of First Presbyterian Church, and the congregation thrived until the end of World War I and the closure of the nearby guncotton plant that had driven the community's growth; the Reverend James Bear then served as a longtime supply pastor; and

WHEREAS, the Reverend James Ellsworth Cook revitalized the church community when he began his ministry in 1923; he oversaw construction of a new church building, organized Sunday school classes, and was instrumental in the establishment of Woodlawn Elementary School; and

WHEREAS, the Reverend William E. Hill, Jr., joined First Presbyterian Church in 1932 and helped lead the community through the Great Depression; with his enthusiastic ministry and sound fiscal management, he not only helped the church grow, but provided support to community organizations and the new Rivermont Presbyterian Church; and

WHEREAS, in 1944, the Reverend Samuel L. Belk, a former supply pastor, assumed leadership of First Presbyterian Church and carried on its proud tradition of spiritual growth; he was followed by the Reverend Eugene C. Ensley, who initiated new construction and mission projects and guided the church through the early years of the Civil Rights movement with dignity and grace; and

WHEREAS, the Reverend Leslie T. West, Jr., served as pastor of First Presbyterian Church for 11 years, beginning in 1965; he ensured that members of the congregation were active leaders in the community, supporting schools, civic organizations, and neighbors in need; and

WHEREAS, in 1977, the Reverend Dr. Richard M. Webster ushered in a new era for First Presbyterian Church with his easygoing nature and focus on counseling; he, too, strengthened the church's role in the community and in the Presbytery; and

WHEREAS, First Presbyterian Church was ably led by the Reverend Dr. Charlie Brown from 1989 to 1991 and the Reverend Kenneth M. Brown from 1991 to 1994, when the Reverend Dr. Ronald K. Bullis became interim pastor; and

WHEREAS, Dr. Bullis went on to become First Presbyterian Church's longest-serving pastor, with 2016 marking his 22nd year; he takes a personal interest in each member of the church family, and has offered wisdom and enlightenment through his Something Really Unusual Sunday School classes; and

WHEREAS, First Presbyterian Church strives to be a vibrant, active contributor to the community and has remained true to its mission statement, Feeding Hungry Hearts, throughout its history; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend First Presbyterian Church in Hopewell on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Ronald K. Bullis, pastor of First Presbyterian Church, as an expression of the General Assembly's admiration for the church's storied history and legacy of service to the Hopewell community.

HOUSE JOINT RESOLUTION NO. 352

Commending the American Association of University Women of Falls Church.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, March 3, 2016

WHEREAS, in 2015, the American Association of University Women of Falls Church proudly celebrated its 65th anniversary of empowering women and girls through advocacy, education, philanthropy, and research; and

WHEREAS, the Falls Church branch of the American Association of University Women (AAUW) was founded in 1950; members of AAUW branches have joined together to help solve social and civic problems and develop and promote the association on a state and regional level; and

WHEREAS, the members of the Falls Church branch of AAUW provide scholarships, fellowships, and small project grants to deserving students; all funds are raised through the nonprofit group's popular used book sale; and

WHEREAS, the Falls Church branch of AAUW also offers many programs for its members, including guest speakers, book discussion groups, a recently expanded Lobby Corps, joint meetings with neighboring AAUW chapters, and a popular holiday party; and

WHEREAS, the Falls Church branch of AAUW consistently ranks highly in the Commonwealth for its fundraising efforts, and the group has a long-standing reputation as one of the state's highest per capita fundraising chapters; and

WHEREAS, since 1991, the Falls Church branch of AAUW has contributed \$68,000 to the organization's National Career Development Program, created a \$100,000 endowment that awards American fellowships in the humanities, and established its own Career Development program; and

WHEREAS, the members of the Falls Church branch of AAUW have also been generous donors locally; the group has funded 100 college scholarships worth more than \$88,000 for girls in the Falls Church area; and

WHEREAS, special project grants have been awarded by the Falls Church branch of AAUW to help organize an AAUW student branch at George Mason University, support two organizations that assist families and teenage girls in need, provide funds for college tours for high school students, and send Latina students to workshops focusing on careers in science, technology, engineering, and math; and

WHEREAS, the members of the Falls Church branch of AAUW celebrated the organization's 65th anniversary at a gala brunch on November 7, 2015; they listened to a recent fellowship recipient discuss her research and new book and also heard a storyteller describe how her life was profoundly influenced by her high school mentor; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the American Association of University Women of Falls Church on the occasion of its 65th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the American Association of University Women of Falls Church as an expression of the General Assembly's respect and admiration for its steadfast dedication to advancing equity for women and girls through advocacy, education, philanthropy, and research.

HOUSE JOINT RESOLUTION NO. 353

Commending Unitarian Universalist Church of Roanoke.

Agreed to by the House of Delegates, February 26, 2016

Agreed to by the Senate, February 29, 2016

WHEREAS, on March 4, 1956, the Unitarian Fellowship of Roanoke observed its first formal Sunday worship service, which was celebrated in rented space at the Roanoke YWCA; and

WHEREAS, on January 31, 1958, the congregation voted to change its name to Roanoke Valley Unitarian Church; and
WHEREAS, on September 3, 1959, Roanoke Valley Unitarian Church organized a chapter of the group Liberal Religious Youth; and

WHEREAS, on December 7, 1960, the Roanoke Valley Unitarian Church purchased its own building located on McVitty Road in Roanoke County; during that year, the church organized its first children's choir; and

WHEREAS, on April 9, 1961, the Roanoke Valley Unitarian Church dedicated its new building in Roanoke County, and later that year, it joined the merged Unitarian Universalist Association; and

WHEREAS, on March 11, 1962, the Roanoke Valley Unitarian Church installed the Reverend Greta Crosby as its first settled minister; during that year, the church began regular summer worship services; and

WHEREAS, on November 19, 1967, the Roanoke Valley Unitarian Church installed the Reverend Allie Frazier as its second settled minister; that same year, the church sponsored an innovative racially integrated vacation arts camp; and

WHEREAS, on February 24, 1973, Roanoke Valley Unitarian Church ordained and installed the Reverend Michael McGee as its third settled minister; he became the first interfaith clergyman invited to join the Roanoke Valley Ministers Conference; and

WHEREAS, on December 5, 1976, Roanoke Valley Unitarian Church installed the Reverend Bruce Southworth as its fourth settled minister; under his leadership, the church began growing its youth education programming; and

WHEREAS, on October 26, 1980, Roanoke Valley Unitarian Church installed the Reverend Timothy Ashton as its fifth settled minister; during that year, the church began growing its interfaith worship with neighboring Jewish and Muslim congregations; and

WHEREAS, on May 19, 1985, Roanoke Valley Unitarian Church changed its name to Unitarian Universalist Church of Roanoke; that same year, the church purchased another building and thereafter held services in a new location on Grandin Road in the City of Roanoke; and

WHEREAS, on October 4, 1987, Unitarian Universalist Church of Roanoke installed the Reverend Kirk Ballin as its sixth settled minister; during that year, the church began growing its progressive worship, music, and education programming; and

WHEREAS, on November 25, 2001, Unitarian Universalist Church of Roanoke ordained and installed the Reverend Audette Fullbright as its seventh settled minister; during that year, the church began growing its denominational, regional, and community mission work; and

WHEREAS, on March 6, 2016, Unitarian Universalist Church of Roanoke will install the Reverend Alex Richardson as its eighth settled minister, and the grateful congregation covenants to celebrate the transcending mystery and wonder of progressive religious liberty, affirmed by the interdependent web of existence, while seeking to live in harmony with nature and neighbors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Unitarian Universalist Church of Roanoke on the occasion of installing its eighth settled minister and its 60th anniversary of celebrating Sunday worship services in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gary Weldon Crawford, president of the Board of Directors of Unitarian Universalist Church of Roanoke, as an expression of the General Assembly's admiration for the congregation's commitment to religious liberty and six decades of service to the residents of the Great Appalachian Valley.

HOUSE JOINT RESOLUTION NO. 354

Commending the Atlee High School girls' indoor track and field team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Atlee High School girls' indoor track and field team claimed its second consecutive state title, winning the Virginia High School League Group 5A state championship in March 2015; and

WHEREAS, the versatile Atlee High School Raiders scored points in nearly every event in the state final, which was held at the Boo Williams Sportsplex in Hampton; and

WHEREAS, the Atlee High School Raiders won the 4x800-meter relay, finished second in the 1,600-meter run and the high jump, and ended the day with 61 points overall; and

WHEREAS, throughout the competition, each of the student-athletes on the Atlee High School girls' indoor track and field team demonstrated perseverance and a commitment to teamwork; and

WHEREAS, the Atlee High School Raiders benefited from the able leadership of the coaches and staff and the support of the entire Atlee High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Atlee High School girls' indoor track and field team on winning the Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim Triemplar, head coach of the Atlee High School girls' indoor track and field team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 355

Commending the Atlee High School softball team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Atlee High School softball team claimed its first state title since 2002, winning the Virginia High School League Group 5A state championship on June 13, 2015; and

WHEREAS, the Atlee High School Raiders defeated the Hickory High School Hawks by a score of 3-0 in the state final, which was held at Robinson Secondary School; and

WHEREAS, with two outs and bases loaded in the top of the sixth inning, Laura Kate Moss, a designated hitter, popped one out to left center to bring in Raine Wilson, Jordan Durbin, and Kelly Warren for the game's only scores; and

WHEREAS, Peyton St. George, pitcher for Atlee High School, had nine strike-outs, including the final out to clinch the victory; and

WHEREAS, head coach John Earley, who retired at the end of the season after 15 years of able leadership, recorded his first state championship win as a head coach; and

WHEREAS, with only one graduating player, the Atlee High School Raiders are poised to continue their success; and

WHEREAS, throughout the season, the student-athletes of the Atlee High School softball team demonstrated determination and perseverance and benefited from the guidance of the coaches and staff and the enthusiastic support of the entire Atlee High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Atlee High School softball team on winning the Virginia High School League Group 5A state championship in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Atlee High School softball team as an expression of the General Assembly's admiration for the team's hard work and skill.

HOUSE JOINT RESOLUTION NO. 356

Commending the Atlee High School girls' outdoor track and field team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Atlee High School girls' outdoor track and field team won the Virginia High School League Group 5A state championship in June 2015; and

WHEREAS, in their second consecutive state final appearance, the Atlee High School Raiders earned an impressive 68 points, besting runner-up Hampton High School by 14 points; and

WHEREAS, the Atlee High School Raiders dominated the second day of the competition, with senior Carly Feyerabend taking first place in the 100-meter hurdles and second place in the high jump; and

WHEREAS, senior India Lowe took second place in the 100-meter hurdles and first place in the 300-meter hurdles, continuing her long undefeated streak in that event, and senior Chloe Bavin placed third in the 1,600-meter run; and

WHEREAS, the victory is a testament to the hard work and dedication of all of the student-athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Atlee High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Atlee High School girls' outdoor track and field team on winning the Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jim Triemplar, head coach of the Atlee High School girls' outdoor track and field team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 357

Commending the Atlee High School archery team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Atlee High School archery team claimed first place at the seventh annual National Archery in the Schools Program state tournament on March 14, 2015; and

WHEREAS, with more than 22,500 arrows loosed by more than 500 archers throughout the day, the Atlee High School Raiders faced worthy competitors from 31 other schools at the event, which was held at Meadow Event Park in Doswell and hosted by the Department of Game and Inland Fisheries; and

WHEREAS, the Atlee High School Raiders took first place in the high school division and earned the title of state champion with an overall team score of 3,302; and

WHEREAS, Allison Greenday of Atlee High School also received a first place award in the individual rankings with a score of 289; and

WHEREAS, with the state championship win, the Atlee High School Raiders earned a trip to the National Archery in the Schools Program national tournament in Kentucky in May 2015; and

WHEREAS, the victory is a testament to the exceptional skill and dedication of the student-athletes, the leadership of the coaches and staff, and the energetic support of the entire Atlee High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Atlee High School archery team for winning the 2015 National Archery in the Schools Program state tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bruce Lovelace, coach of the Atlee High School archery team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 358

Commending Pete Koste.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Pete Koste, who has admirably served the students of Chesterfield County with great dedication for his entire professional career and has been a strong and caring leader as principal of Manchester High School since 1993, will retire in June 2016; and

WHEREAS, after graduating from Randolph-Macon College in 1976, Pete Koste immediately embarked on a career in public education; he has been a highly regarded teacher, coach, athletic director, assistant principal, and principal in the Chesterfield County Public School system for 40 years; and

WHEREAS, during his tenure as principal of Manchester High School, Pete Koste devoted countless hours to help better educate students, assist families, and support the community; he has been a teacher recruitment specialist, representative to a budget advisory committee, mentor to aspiring principals, and chair of district and regional academic and athletic competitions; and

WHEREAS, on a districtwide level, Pete Koste helped design and implement several important programs in the Chesterfield County Public Schools, including the current grading practices and report card format, staff observation and evaluation process, methods to monitor on-time graduation rates, adjustments to algebra instruction, and several other successful initiatives; and

WHEREAS, Pete Koste also has made many valuable contributions on a statewide level; he was an active member of the Virginia High School League and served on several of the organization's committees; and

WHEREAS, at Manchester High School, Pete Koste has been an attentive and tireless leader, working directly with students and their families; he is a strong supporter of the school's chorus, band, drama, athletics, world languages, and exceptional education programs; and

WHEREAS, under Pete Koste's leadership and in line with his goal of supporting all students, Manchester High School has been recognized by the Workforce Partnership and the United States Army Junior Reserve Officer Training Corps program; and

WHEREAS, Pete Koste also has endeared himself to the Manchester High School community in personal ways; he has driven the show choir's equipment truck to competitions, volunteered as a timer at track meets, tutored students struggling to pass math, and visited the homes of families who have lost a child; and

WHEREAS, Pete Koste's dedication to the well-being of the Manchester High School community will be long remembered by the thousands of students whose lives he touched as principal and the hundreds of staff members who worked under his supervision; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Pete Koste, principal of Manchester High School in Chesterfield County, on the occasion of his retirement in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pete Koste as an expression of the General Assembly's respect and admiration for his many years of service to the students of Chesterfield County and his commitment to public education in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 360

Commending Randolph College.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, for 125 years, Randolph College, a private liberal arts and sciences college in Lynchburg, has worked to provide students with a rigorous academic experience in a close-knit community; and

WHEREAS, founded in 1891 as Randolph-Macon Woman's College by the former president of Randolph-Macon College, William Waugh Smith, Randolph College officially opened in 1893 with 36 boarding students and 12 faculty; and

WHEREAS, in its early years, Randolph College established many of its longstanding traditions, such as the class ivy planting, and it became the first college for women accredited by what is now the Southern Association of Colleges and Schools; and

WHEREAS, Randolph College became the first women's college south of the Potomac River to receive a chapter of the prestigious Phi Beta Kappa Society in 1916, and the college was soon after accredited by the Association of American Universities; the college established a study-abroad program and increased focus on the fine arts throughout the 1920s; and

WHEREAS, in the 1930s, Randolph-Macon Woman's College alumna and respected humanitarian Pearl S. Buck received a Nobel Prize in Literature; Randolph College continues to honor her legacy through the presentation of the Pearl S. Buck Award to a woman who exemplifies her values, ideals, and commitment to human rights; and

WHEREAS, established in 1943, the Randolph College Nursery School program is one of the select few in the Commonwealth and the only program in Central Virginia to receive a five-star rating from the Virginia Star Quality Initiative; and

WHEREAS, Randolph College gained autonomy from Randolph-Macon College in the 1950s, and the college was at the forefront of the Civil Rights Movement in the 1960s, allowing students of all races to enroll in 1961; and

WHEREAS, in the 1970s, Randolph College graduated seven male students, most of whom were children of faculty members, and the college graduated the largest class of its history at the time in 1980; Linda Koch Lorimer became the first woman president of the college in 1987; and

WHEREAS, Randolph College worked to modernize its campus in the 1990s, installing its first computer network and purchasing computers for common area labs; major renovations to enhance student life continued into the 21st century; and

WHEREAS, after the college's Board of Trustees voted to transition to a coeducational institution, Randolph-Macon Woman's College officially changed its name to Randolph College in 2007; the college was fully reaccredited in 2011 and received a grant from the National Science Foundation to support its exceptional science, technology, engineering, and mathematics programs in 2012; and

WHEREAS, Randolph College, which had previously been recognized by the Association for International Educators, earned further accolades for its longstanding international programs and dedication to the fine arts when it established a unique, ongoing partnership with the National Gallery, London in 2014; and

WHEREAS, since 2009, Randolph College has experienced consistent enrollment growth and demonstrated improvement in student life, academic achievement, and alumni engagement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Randolph College on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Randolph College as an expression of the General Assembly's admiration for the institution's storied history and legacy of academic excellence.

HOUSE JOINT RESOLUTION NO. 361

Commending the Virginia members of Team USA at the 2015 Pan American Maccabi Games.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Virginia members of Team USA at the 2015 Pan American Maccabi Games ably represented the Commonwealth and the United States, winning numerous medals in a variety of events at the athletic competition; and

WHEREAS, the Pan American Maccabi Games are held every four years to perpetuate Jewish community bonds and a sense of cultural pride and identity through athletics; the Team USA delegation consisted of 376 members and 33 teams, including 11 residents of the Commonwealth; and

WHEREAS, with 133 medals, Team USA finished well ahead of any other nation, including the host nation, Chile, and the Virginia members of the delegation were essential to the overall victory; and

WHEREAS, McKenna Witlin of Herndon, Benjamin Charles of Arlington, and Noah Desman of Clifton took multiple medals in Juniors Swimming events, and Thomas Pereles of Waynesboro claimed multiple medals in Masters Swimming; and

WHEREAS, Rebecca Pereles of Waynesboro earned a gold medal in Open Women's Soccer, Ori Hoffer of Arlington and Doug Homer of Falls Church earned bronze medals in Masters Soccer 45+, and Eli Smolen and Sam Roytman of Fairfax competed in Juniors Boys' Soccer; and

WHEREAS, David Ostroff of Arlington claimed a gold medal in Masters Men's Basketball 35+ and Jake Kaplan of Leesburg claimed a silver medal in Open Men's Volleyball; and

WHEREAS, the Virginia members of Team USA upheld the ideals of the Pan American Maccabi Games, demonstrating athletic excellence, camaraderie, and sportsmanship; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Virginia members of Team USA at the 2015 Pan American Maccabi Games; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the 11 Virginia members of Team USA at the 2015 Pan American Maccabi Games as an expression of the General Assembly's admiration for their exceptional athletic achievements.

HOUSE JOINT RESOLUTION NO. 362

Celebrating the life of Colonel Fred V. Cherry, Sr., USAF, Ret.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Colonel Fred V. Cherry, Sr., USAF, Ret., of Silver Spring, Maryland, a patriotic veteran who endured seven years of captivity as a prisoner of war in North Vietnam, died on February 16, 2016; and

WHEREAS, a native of Suffolk, Fred Cherry learned the value of hard work and responsibility at a young age as the child of farmers; he graduated from Virginia Union University in 1951; and

WHEREAS, desirous to be of service to his country, Fred Cherry joined the United States Air Force and flew more than 100 combat missions during the Korean War and the Vietnam War; and

WHEREAS, on October 22, 1965, Fred Cherry was shot down over North Vietnam; he sustained severe injuries during ejection and was captured immediately upon landing; he was held in captivity for 2,671 days, including 702 days in solitary confinement, and courageously endured torture and harsh reprisals by enemy forces; and

WHEREAS, during his captivity, the North Vietnamese paired Fred Cherry with Porter Halyburton, a white southerner, in hopes of creating and exploiting racial tensions between the men as a propaganda victory; the two men instead supported and inspired each other, building the foundation for a lifelong friendship; and

WHEREAS, Fred Cherry was released on February 12, 1973, and was in the first group of prisoners of war to return to the United States; he earned the Air Force Cross for his personal fortitude and persistence in the face of extreme mistreatment; and

WHEREAS, after attending the National War College and the Defense Intelligence School in Washington, D.C., Fred Cherry retired from the United States Air Force in 1981 as a joint staff officer assigned to the Defense Intelligence Agency; and

WHEREAS, Fred Cherry was featured in a public television documentary about prisoners of war in Vietnam, and he and Porter Halyburton gave talks about their experiences at military institutions and colleges; they were the subject of the book *Two Souls Indivisible: The Friendship That Saved Two POWs in Vietnam*; and

WHEREAS, Fred Cherry will be fondly remembered and greatly missed by his longtime partner, Debra; his children, Frederick, Donald, Fred, Deborah, and Cynthia, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Colonel Fred V. Cherry, Sr., USAF, Ret., a distinguished veteran of the Korean and Vietnam Wars; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Colonel Fred V. Cherry, Sr., USAF, Ret., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 363

Commending the Great Falls Grange.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the historic Great Falls Grange, which has been a public assembly hall for more than 85 years, was recently renovated, making the attractive and historic building more easily accessible to members of the Great Falls community and others who wish to meet there; and

WHEREAS, the handsome Craftsman-style structure was built in 1929 by the Great Falls chapter of the Fraternal Order of Husbandry, a family and community nonprofit organization with its roots in agriculture; and

WHEREAS, the Great Falls Grange fraternal organization was established in 1920; in its early years, the members met in the loft of a local sawmill and later at the Forestville Schoolhouse as they raised money to buy land and erect a meeting hall; and

WHEREAS, when the Great Falls Grange was constructed, Fairfax County was quite rural and dairy farming was the major form of agriculture; the Great Falls Grange was one of five grange halls built to serve farming families in the county; and

WHEREAS, the Great Falls Grange was built for \$12,500 and is the last standing unaltered grange hall in the Commonwealth; membership in the fraternal organization declined as agriculture gave way to suburban development, and the grange hall was sold to the Fairfax County Park Authority in 1981; and

WHEREAS, throughout its life, the Great Falls Grange has been the site of many private and community gatherings; the building features a naturally lit upstairs room with a bead board ceiling and wainscoting and a raised stage at one end; and

WHEREAS, the first floor of the Great Falls Grange includes a large country kitchen along with an office area and a meeting room; among recent additions to the building are a wheelchair lift, an accessible bathroom, electrical upgrades, and exterior modifications; and

WHEREAS, Great Falls Grange is listed on the Fairfax County Inventory of Historic Sites and other state and national historic site registries; the improvements made to the building respected the hall's historic nature; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Great Falls Grange for its recent renovation and for being an enduring symbol of community involvement and progress; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kirk Kincannon, director of the Fairfax County Park Authority, as an expression of the General Assembly's respect and admiration for the authority's work to preserve the historic Great Falls Grange and make it an accessible gathering place for the residents of Fairfax County.

HOUSE JOINT RESOLUTION NO. 364

Commending Wolf Trap National Park for the Performing Arts.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 1966, the United States Congress passed legislation to establish Wolf Trap National Park for the Performing Arts on farmland in Fairfax County that was donated by Catherine Filene Shouse; and

WHEREAS, Catherine Shouse donated 100 acres of land near Vienna and funds to build a large amphitheater; she wished to preserve the land from suburban development and create a venue where people could enjoy the arts in a natural setting; and

WHEREAS, Wolf Trap National Park for the Performing Arts, which has become one of the nation's treasured performing arts venues, is managed through a public-private partnership between the National Park Service, which maintains the grounds, and the Wolf Trap Foundation for the Performing Arts, which oversees the artistic, education, and administrative programs; and

WHEREAS, in the last 50 years, Wolf Trap National Park for the Performing Arts has become an integral part of the economy and cultural life of Northern Virginia, and thousands of local residents and other fans have enjoyed watching world-class artists from every genre perform in an attractive outdoor setting; and

WHEREAS, in 1968, the Wolf Trap Foundation for the Performing Arts was established as a 501(c)(3) at the request of the Secretary of the Interior who determined that it was in the public interest for a private foundation with expertise in the performing arts to present the performing arts program and certain related educational activities; and

WHEREAS, 2016 also marks the 45th anniversary of Wolf Trap's first performance; the star-studded inaugural program, held on June 1-2, 1971, at the Filene Center amphitheater, included the National Symphony Orchestra with Van Cliburn, the New York City Opera, the Choral Arts Society of Washington, the United States Marine Band, and other groups; and

WHEREAS, 2016 also marks the 100th anniversary of the National Park Service; since it opened, the goal of Wolf Trap National Park for the Performing Arts has been to present and create excellent and innovative performing arts programs for the enrichment, education, and enjoyment of diverse audiences and participants; and

WHEREAS, today, Wolf Trap National Park for the Performing Arts also presents The Barns at Wolf Trap; in 1981, Catherine Shouse donated a venue for a smaller performing arts facility; she supervised the relocation of two barns from Maine to Fairfax County that were then rebuilt to retain their rustic appeal and include superb acoustics and other amenities; and

WHEREAS, The Barns at Wolf Trap is the home of the Wolf Trap Opera, which hosts a well-regarded summer residency program for young singers—many of whom have gone on to become renowned international musicians; and

WHEREAS, the Wolf Trap Institute for Early Learning Through the Arts uses the performing arts to engage young children; the institute provides arts education to children up to the age of five, especially those who live in disadvantaged areas; and

WHEREAS, since its founding in 1981, the Wolf Trap Institute for Early Learning Through the Arts has developed into a national leader in arts and early childhood education, with 17 affiliates nationwide; and

WHEREAS, with a wide variety of performers and entertainment and a deep commitment to nurturing young artists and arts education, the Wolf Trap National Park for the Performing Arts has made many valued contributions to Fairfax County, the Commonwealth, and the nation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Wolf Trap National Park for the Performing Arts on the occasion of the 50th anniversary of the passage of legislation that established the park; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Arvind Manocha, president and chief executive officer of the Wolf Trap Foundation for the Performing Arts, and to George Liffert, acting superintendent of the Wolf Trap Foundation for the Performing Arts, as an expression of the General Assembly's congratulations and admiration for its outstanding commitment to the performing arts and arts education.

HOUSE JOINT RESOLUTION NO. 365

Commending the McLean Community Foundation.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, the McLean Community Foundation proudly celebrates its 35th anniversary of generously supporting a variety of nonprofit efforts that benefit the residents of McLean in many ways; and

WHEREAS, the McLean Community Foundation's origins date to 1978, when the McLean Citizens Association used the proceeds from the sale of five acres of land to establish a charitable foundation whose purpose was to benefit the people of McLean; and

WHEREAS, the McLean Community Foundation, which elected nine trustees and was incorporated in 1980, issued its first challenge grant in 1981, the same year that the foundation received a federal tax exemption; and

WHEREAS, since its founding, the McLean Community Foundation has supported amenities and services that benefit the people of the area and improve the region's quality of life; over the years, the foundation has funded fire trucks, playgrounds, hospice beds, arts programs, and many other worthwhile efforts; and

WHEREAS, the funds and grants that the McLean Community Foundation provides help the people of McLean in large and small ways; the entire community benefited when funds from the foundation made it possible for the McLean Volunteer Fire Department's rescue vehicle to be outfitted with state-of-the-art equipment; and

WHEREAS, other community organizations that have received grants or funds from the McLean Community Foundation include schools, playgrounds, senior services organizations, arts initiatives, and Share, Inc., an emergency assistance and outreach organization; all were funded with the goal of helping others and ensuring that McLean retains the quality of life that its residents have come to treasure; and

WHEREAS, through its unceasing philanthropic efforts, the McLean Community Foundation has successfully advanced the civic, educational, and social interests of the community and has supported the many events and activities that make its citizens and businesses proud to call McLean home; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the McLean Community Foundation on the occasion of its 35th anniversary of generously supporting nonprofit efforts that benefit the residents of McLean; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the McLean Community Foundation as an expression of the General Assembly's respect and admiration for its dedicated work and generous philanthropy on behalf of the people of McLean.

HOUSE JOINT RESOLUTION NO. 366*Commending McLean Orchestra.*

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, for 45 years, McLean Orchestra has provided residents of and visitors to Fairfax County with opportunities to enjoy professional-level orchestral concerts at easily accessible locations; and

WHEREAS, McLean Orchestra comprises more than 80 talented amateur and professional musicians who delight audiences with outstanding performances, including several chamber groups that provide elegant music for any occasion; and

WHEREAS, an active partner in the McLean arts community, McLean Orchestra collaborates with other organizations and holds free concerts to introduce the joys of classical music to new audiences; and

WHEREAS, McLean Orchestra also conducts educational outreach programs aimed at children and teenagers; its members founded the McLean Youth Orchestra in 1983 to help young people develop their musical talents; and

WHEREAS, McLean Orchestra has succeeded in its mission to foster appreciation and enjoyment of live classical music with the help of hardworking staff members; dedicated volunteers; and many generous donations from local individuals, businesses, and organizations; and

WHEREAS, the 2015-2016 concert season, titled "A New Beginning," commemorates McLean Orchestra's 45th anniversary with a variety of inspiring performances; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend McLean Orchestra on the occasion of its 45th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to McLean Orchestra as an expression of the General Assembly's admiration for its commitment to artistic excellence and contributions to cultural life in McLean.

HOUSE JOINT RESOLUTION NO. 367*Commending McLean Little League.*

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, McLean Little League, a youth softball and baseball league in Fairfax County, has provided boys and girls with opportunities for athletics and recreation for 60 years; and

WHEREAS, established in 1955 as the Chesterbrook Little League, McLean Little League originally played its games at Chesterbrook Presbyterian Church; and

WHEREAS, in 1960, with the assistance and support of Little League, Inc., McLean Little League purchased a large wooded area on Westmoreland Street for the construction of new playing fields; and

WHEREAS, today, McLean Little League hosts t-ball, softball, and baseball games for multiple ages and levels of play at McLean Little League Complex and other fields throughout the community; and

WHEREAS, striving to ensure an inclusive atmosphere for all young athletes, McLean Little League offers challenger baseball and softball teams for children with special needs; and

WHEREAS, in its 60-year history, McLean Little League has imparted the values of sportsmanship, fair play, skill development, and mutual respect to countless boys and girls in the Fairfax County community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend McLean Little League on the occasion of its 60th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Semel, president of McLean Little League, as an expression of the General Assembly's admiration for the league's decades of contributions to boys and girls in McLean.

HOUSE JOINT RESOLUTION NO. 368*Commending 100WomenStrong.*

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, 100WomenStrong is a highly regarded nonprofit philanthropic organization that harnesses financial strength and philanthropy to improve the quality of life for the people of Loudoun County; and

WHEREAS, in 2008, a group of women in Loudoun County made a commitment to use their financial resources to help address shelter, health, hunger, and education issues in the county; they formed 100WomenStrong as a nonprofit organization that would provide funds to help meet the needs of less fortunate members of the community; and

WHEREAS, since 100WomenStrong was founded, it has provided financial assistance of more than \$1 million; the group awards grants to nonprofit organizations that help people in need in Loudoun County; and

WHEREAS, in 2015, 100WomenStrong awarded grants to All Ages Read Together, Dulles South Food Pantry, Healthworks, Women Giving Back/Home Aid NoVA, Loudoun Citizens for Social Justice/Loudoun Abused Women's Shelter (LAWS), the Loudoun Education Foundation, Loudoun Volunteer Caregivers, and other nonprofit groups; and

WHEREAS, 100WomenStrong was created as a component fund of the Community Foundation for Loudoun and Northern Fauquier Counties, a charitable giving and community investment organization; the women who started 100WomenStrong were convinced that people in the community who were more fortunate could gather resources to support existing charitable organizations; and

WHEREAS, in following its mission to enhance the lives of the citizens of Loudoun County and provide strategic support to help address shelter, health, hunger, and education in the county, 100WomenStrong has made a significant impact, resulting in positive changes; and

WHEREAS, the outstanding work of 100WomenStrong exemplifies the dedication and willingness to help people in need that is shown by many Virginians; the group knew that poverty and need exist even in the most affluent areas, and their generosity has helped thousands of their neighbors in countless ways; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend 100WomenStrong for its philanthropy and commitment to addressing shelter, health, hunger, and education issues affecting the people of Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Karen Schaufeld, president and founder of 100WomenStrong, as an expression of the General Assembly's respect and admiration for its dedication to improving the quality of life for the citizens of Loudoun County and for setting an outstanding example for all Virginians.

HOUSE JOINT RESOLUTION NO. 369

Commending the Polynesian Voyaging Society.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Polynesian Voyaging Society, an organization that perpetuates the art and science of traditional Polynesian sailing techniques, will visit the Commonwealth in 2016 as part of its voyage to circumnavigate the globe in *Hokule'a*, an authentic replica of a Polynesian doubled-hulled voyaging canoe; and

WHEREAS, the Polynesian Voyaging Society originally launched *Hokule'a* in 1975, and the canoe has completed nine voyages from its home port in Hawaii to destinations throughout the world; and

WHEREAS, using only traditional methods of nautical wayfaring—reading the sun, moon, stars, winds, waves, and behavior of birds and fish—the rotating crew of *Hokule'a* plan to complete a 60,000-nautical-mile circumnavigation of the globe, during which the group will stop at three locations in the Commonwealth in 2016; and

WHEREAS, the *Hokule'a* will stop at the Mariner's Museum in Newport News, Tangier Island in Accomack County, and Longwood University's Hull Springs Farm, an outdoor classroom in Westmoreland County; and

WHEREAS, at each of the stops on the *Hokule'a's* voyage, the members of the Polynesian Voyaging Society will collect stories from residents of port communities about how they care for local lands and waters; the students and faculty of Longwood University will collaborate with other schools on the Northern Neck to commemorate the historic event; and

WHEREAS, after visiting Virginia, *Hokule'a* will continue up the East Coast to meet with President Barack Obama in Washington, D.C., and Secretary General Ban Ki-Moon at the United Nations headquarters in New York City; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Polynesian Voyaging Society on the occasion of *Hokule'a's* visit to the Commonwealth in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Polynesian Voyaging Society for its work to revitalize ancient Polynesian culture and further enrich the maritime heritage shared by many Virginians and people throughout the world.

HOUSE JOINT RESOLUTION NO. 370

Commending Douglas A. Middleton.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Douglas A. Middleton of Glen Allen, a decorated veteran and an exceptional law-enforcement officer, retires as Chief of the Henrico County Police Division on April 15, 2016; and

WHEREAS, Douglas Middleton grew up in Henrico County and served his country as a member of the United States Army during the Vietnam War, where he earned two Bronze Star Medals for his meritorious actions; and

WHEREAS, after his honorable military service, Douglas Middleton joined the Henrico County Police Division in November 1972; he rose through the ranks from patrol officer to lieutenant colonel and deputy chief, earning valuable experience that would serve him well as chief; and

WHEREAS, since becoming Chief of the Henrico County Police Division on April 9, 2011, Douglas Middleton has been responsible for the division's 810 personnel, who serve and protect a community of 321,000 citizens within a 244-square-mile area; and

WHEREAS, under Douglas Middleton's leadership, the officers and staff of the Henrico County Police Division consistently received the tools and training to best serve the community; and

WHEREAS, Douglas Middleton is active in the Virginia Association of Chiefs of Police and served as a commissioner with the Commission on Accreditation for Law Enforcement Agencies, a chair of the Federal Bureau of Investigation Criminal Justice Information Working Group, and a member of the Police Executive Research Forum; and

WHEREAS, to further enhance the quality of life in Henrico County, Douglas Middleton served as president of the Rotary Club of West Richmond, and he has inspired students as an adjunct professor at J. Sargeant Reynolds Community College, where he sits on the Curriculum Advisory Board; and

WHEREAS, Douglas Middleton is an exemplar of the dedication and professionalism demonstrated by law-enforcement officers throughout the Commonwealth; after his well-earned retirement, he plans to seek new opportunities to serve the community and spend more time with his wife of 44 years, Brenda, and their children and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Douglas A. Middleton on the occasion of his retirement as Chief of the Henrico County Police Division; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Douglas A. Middleton as an expression of the General Assembly's admiration for his many contributions to the law-enforcement community and dedicated service to the residents of Henrico County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 371

Commending Patrick Henry Elementary School.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Patrick Henry Elementary School in Arlington County was honored as a 2015 National Blue Ribbon School by the United States Department of Education for its high academic performance; and

WHEREAS, Patrick Henry Elementary School was one of only 12 schools in the Commonwealth to receive the national designation for 2015, and was the only public school in Northern Virginia to be named a Blue Ribbon School; the program recognizes exemplary high-performing schools or schools that have made progress in closing an academic achievement gap; and

WHEREAS, as a diverse Title I neighborhood school, Patrick Henry Elementary School enrolls approximately 580 students in preschool through fifth grade who speak more than 20 languages; the school also is home to Arlington County's Deaf/Hard of Hearing and Communications programs; and

WHEREAS, the student body of Patrick Henry Elementary School has outperformed statewide averages on standardized tests despite the fact that nearly 40 percent of the hardworking students qualify for free and reduced-price meals; and

WHEREAS, the goal of the faculty and staff of Patrick Henry Elementary School is to continuously improve student achievement while supporting the development of the whole child; the dedicated men and women encourage each student by establishing personal relationships and by working as a team; and

WHEREAS, students at Patrick Henry Elementary School are expected to adhere to high academic and behavioral expectations, and the faculty and staff support the students as they strive to reach their highest potential; and

WHEREAS, the curriculum at Patrick Henry Elementary School includes the Henry's Helping Hands: Creating Community Connections program, which integrates the curriculum and service learning; and

WHEREAS, the families whose children attend Patrick Henry Elementary School are an integral part of the educational process, and the faculty and staff are committed to working in partnership with them to provide the best possible education for their children; and

WHEREAS, the motto of Patrick Henry Elementary School is "Do your personal best today and all life long"; the students and staff have taken that slogan to heart, and Patrick Henry Elementary School has been honored twice in recent years as a Distinguished Title I School, once as a Highly Distinguished Title I School, and once as a National Distinguished Title I School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Patrick Henry Elementary School in Arlington County for being named a 2015 National Blue Ribbon School by the United States Department of Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Andrea Turner, principal of Patrick Henry Elementary School, as an expression of the General Assembly's congratulations and admiration for the hard work and outstanding achievements of the faculty, staff, and students of the school.

HOUSE JOINT RESOLUTION NO. 372

Confirming appointments by the Speaker of the House of Delegates.

Agreed to by the House of Delegates, March 2, 2016
Agreed to by the Senate, March 11, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly confirm the following appointments made by the Speaker of the House of Delegates to the **Virginia Conflict of Interest and Ethics Advisory Council** pursuant to § 30-355 of the Code of Virginia:

The Honorable C. Todd Gilbert, Post Office Box 309, **Woodstock**, Virginia 22664, Member, for a term coincident with the term for which he has been elected to the House of Delegates, to succeed himself.

The Honorable Jennifer L. McClellan, Post Office Box 406, **Richmond**, Virginia 23218, Member, for a term coincident with the term for which she has been elected to the House of Delegates, to succeed herself.

HOUSE JOINT RESOLUTION NO. 373

Commending the Nansemond River High School wrestling team.

Agreed to by the House of Delegates, March 4, 2016
Agreed to by the Senate, March 10, 2016

WHEREAS, the Nansemond River High School wrestling team capped off an impressive 2015-2016 season by winning the Virginia High School League Conference 10 championship, the school's first conference title; and

WHEREAS, the members of the Nansemond River High School wrestling team scored 244 points at the Conference 10 meet, defeating six other hardworking teams at the competition, which was held on February 6, 2016, at the school; and

WHEREAS, two members of the Nansemond River High School Warriors wrestling team were undefeated, Malcolm Dawson, who competes in the 113-pound weight class, and heavyweight Dia Gray; the two wrestlers amassed more than 65 wins during the 2015-2016 season; and

WHEREAS, many factors led to the Nansemond River Warriors' resounding victory at the Conference 10 wrestling meet, including a concerted team effort, especially in the lower weight classes; and

WHEREAS, the head coach of the Nansemond River High School wrestling team, James "Tripp" Seed, was named Conference Coach of the Year for 2015-2016; his encouragement and guidance throughout the season helped propel the team to victory; and

WHEREAS, the members of the Nansemond River Warriors wrestling team were also greatly supported throughout the 2015-2016 championship season by their families, friends, and the school community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Nansemond River High School wrestling team for winning the 2015-2016 Virginia High School League Conference 10 championship, the school's first conference victory in wrestling; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Seed, head coach of the Nansemond River High School wrestling team, as an expression of the General Assembly's congratulations and admiration for the school's outstanding performance and championship season.

HOUSE JOINT RESOLUTION NO. 374

Celebrating the life of Francis Harrison Fife.

Agreed to by the House of Delegates, March 4, 2016
Agreed to by the Senate, March 10, 2016

WHEREAS, Francis Harrison Fife, a highly admired former Mayor of Charlottesville, a devoted community leader who worked to enhance the quality of life of all his fellow residents, and a true Virginia gentleman, died on October 16, 2015; and

WHEREAS, a native of Charlottesville, Francis Fife graduated from the University of Virginia, then joined many of the other young men of his generation in service to his country during World War II; and

WHEREAS, after his honorable military service and graduate studies at Rutgers University, Francis Fife returned home to Charlottesville to champion the causes of civil rights and safe and affordable housing in the 1950s and 1960s; and

WHEREAS, Francis Fife worked for nearly 50 years to create safe and affordable housing in Charlottesville by partnering with others to establish the Charlottesville Housing Foundation, expanding the scope of the organization to a regional mission through a merger creating the Piedmont Housing Alliance, where he advocated for integrated and sustainable communities; and

WHEREAS, desirous to be of further service to the community, Francis Fife ran for and was elected to the Charlottesville City Council; he served on the council for eight years, including two years as mayor; and

WHEREAS, Francis Fife founded and served as president of the Rivanna Trails Foundation, which creates and protects trails and footpaths throughout the Rivanna watershed area; and

WHEREAS, Francis Fife also served on the Virginia Department of Housing and Community Development Board, the Board of Commissioners of the Virginia Housing Development Authority, and the Virginia Community Development Corporation, furthering state-wide the cause of safe and affordable housing through program development and testimonies to the General Assembly; and

WHEREAS, known for his humility and sense of fairness, Francis Fife was a determined and analytical leader who always stood up for his values regarding equity, the environment, citizen participation in government, and for anyone in need; he received the Charlottesville Regional Chamber of Commerce Paul Goodloe McIntire Award, the Martin Luther King Jr. Community Service Award, and the Drewary J. Brown Community Bridge Builder Award, and was named to the Virginia Housing Coalition Hall of Fame for his service, and multiple sites in Charlottesville are named in his or his family's honor; and

WHEREAS, Francis Fife will be fondly remembered and greatly missed by his wife, Nancy O'Brien, and his family, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Francis Harrison Fife, a respected public servant and community leader who touched countless lives in Charlottesville and throughout the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Francis Harrison Fife as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 375

Commending Thomas A. Mason.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Thomas A. Mason, a respected professional engineer, will retire as Director of Public Works and Assistant Town Manager of the Town of Leesburg on April 30, 2016, after more than 30 years of service to the community; and

WHEREAS, Thomas Mason, a native son of the Commonwealth, graduated from Virginia Polytechnic Institute and State University in 1973 with a Bachelor of Science degree in civil engineering; and

WHEREAS, following his graduation, Thomas Mason worked for a number of engineering consulting firms in the Commonwealth, including Baldwin and Greg, VVKR, and Betz, Converse, Murdoch, Inc., during which time he became a Licensed Professional Engineer in Virginia; and

WHEREAS, Thomas Mason joined the staff of the Town of Leesburg as director of engineering in January 1985, and in January 1986, he became director of the combined Department of Engineering and Public Works; and

WHEREAS, during his 30-year tenure with the Town of Leesburg, Thomas Mason oversaw the design and construction of many new public facilities that have benefited the residents of Leesburg, including the Town Hall and parking garage, Ida Lee Park Recreation Center, the Police Department Public Safety Center, and the Public Works Maintenance Facility; and

WHEREAS, under Thomas Mason's leadership, the Town of Leesburg adopted a comprehensive Design and Construction Standards Manual that has ensured new development throughout Leesburg is built to the highest standards, thus protecting the members of the community; and

WHEREAS, Thomas Mason was instrumental in obtaining federal, state, and private developer funding for major transportation network improvements in Leesburg, such as Battlefield Parkway and the widening of the Route 15 Bypass from two lanes to four lanes; he also oversaw the design and construction of those projects; and

WHEREAS, Thomas Mason's professional contributions to the Town of Leesburg will be felt for many years to come; after his well-earned retirement, he plans to spend more time with his beloved family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomas A. Mason on the occasion of his retirement as Director of Public Works and Assistant Town Manager of the Town of Leesburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas A. Mason, P.E., as an expression of the General Assembly's admiration for his service to the citizens of the Town of Leesburg and best wishes on a happy retirement.

HOUSE JOINT RESOLUTION NO. 376

Celebrating the life of Richard S. Erdt.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Richard S. Erdt of Eclipse, a proud veteran of the United States military, professional waterman, tugboat operator, expert equestrian, and a devoted father, died on January 22, 2016; and

WHEREAS, Richard Erdt was born in Richmond and graduated from Gloucester High School in 1962, where he was a star in football and track and was also voted most talented in his senior class; he joined the United States Navy in October 1962 and served in Vietnam before being honorably discharged in 1966, receiving the Vietnam Service Medal; and

WHEREAS, as a man of many interests and talents, Richard Erdt liked being involved and helping people; he taught Sunday school in the Middlesex County village of Waterview and was Sunday school superintendent, where he taught his students to play the guitar; and

WHEREAS, Richard Erdt worked with the Boy Scouts of America in Waterview and later became an instructor in seamanship and celestial navigation at Fort Eustis, now known as Joint Base Langley-Eustis; and

WHEREAS, for many years, Richard Erdt was a professional waterman who was known as Captain Deepwater Dick; he used 26-foot-long oyster tongs so he could work in deeper water instead of the standard 16-foot tongs—the nickname stayed with him for the rest of his life; and

WHEREAS, Richard Erdt later became a tugboat captain and developed a reputation as one of the best in the Chesapeake Bay region; he was frequently sought for his ability to safely navigate the Chesapeake Bay and the waters that feed into it; and

WHEREAS, on land, Richard Erdt was an accomplished equestrian and had a great love for horses, readily sharing his talent and knowledge with others; and

WHEREAS, Richard Erdt, who left a lasting impression on his many friends, will be greatly missed by his fiancée, Mary; children and stepchildren, Stephanie, Jenny, Shane, Alex, Ashley, Chad, and Jeremy, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Richard S. Erdt of Eclipse, a proud veteran of the United States military, professional waterman, tugboat operator, expert equestrian, and a devoted father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard S. Erdt as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 377

Commending the McLean High School wrestling team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the McLean High School wrestling team proudly finished the 2015-2016 season with three individual champions at the Virginia High School League Group 6A North regional tournament and two individual champions at the state tournament in February 2016; and

WHEREAS, at the regional tournament, the McLean High School Highlanders finished in fourth place overall with 134 points and earned the Sportsmanship Award; and

WHEREAS, Brendan Grammes took first place in the 138-pound weight class, as did Conor Grammes in the 160-pound weight class and Gavin Legg in the 170-pound weight class; all three wrestlers finished with 4-0 records; and

WHEREAS, the McLean High School Highlanders advanced to the state tournament in Virginia Beach, where Brendan Grammes and Conor Grammes were crowned individual champions in their weight classes with 3-0 tournament records; and

WHEREAS, the McLean High School wrestling team succeeded through the hard work of all of the student-athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire McLean High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the McLean High School wrestling team on its success at the Virginia High School League Group 6A North regional and state tournaments in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the McLean High School wrestling team as an expression of the General Assembly's admiration for the team's dedication and skill.

HOUSE JOINT RESOLUTION NO. 378

Celebrating the life of John Joseph Brush, M.D.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, John Joseph Brush, M.D., a medical professional who touched countless lives throughout his career and a highly admired member of the Richmond community, died on October 23, 2013; and

WHEREAS, a native of Ambridge, Pennsylvania, John "Jack" Joseph Brush earned a bachelor's degree and a medical degree from Marquette University, then completed an internship at Milwaukee County General Hospital; and

WHEREAS, Jack Brush honorably served his country as a member of the United States Navy, rising to the rank of commander, before completing his residency at the Medical College of Virginia (MCV), now known as the Virginia Commonwealth University School of Medicine; and

WHEREAS, Jack Brush worked at MCV Hospitals for several years, earning the respect of his peers and patients for his compassion, medical expertise, and commitment to serving others; in 1981, he joined Neurological Associates in Richmond, where he practiced until his well-earned retirement in 2013; and

WHEREAS, well known in the medical field, Jack Brush was a lifelong member of the Virginia Neurological Society, the Richmond Academy of Medicine, and the Medical Society of Virginia; and

WHEREAS, a loving husband, father, and grandfather, Jack Brush is fondly remembered and greatly missed by his wife of 45 years, Judy; children, Jack, Jr., Jeannie, and Billy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of John Joseph Brush, M.D., a respected medical professional and devoted friend to many in the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Joseph Brush, M.D., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 379

Commending the Christiansburg High School wrestling team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Christiansburg High School wrestling team proudly claimed its 15th consecutive state wrestling title by winning the 2015-2016 Virginia High School League Group 3A state wrestling championship on February 20, 2016; and

WHEREAS, the powerhouse team from Christiansburg High School won the state tournament at the Salem Civic Center with a score of 168.5 points, defeating a talented second-place team from Cave Spring High School by 20.5 points; and

WHEREAS, in the early rounds of the finals of the state tournament, the Blue Demons from Christiansburg High School could not be certain of their eventual victory; it was only when sophomore Nick Giantonio (152-pound weight class) garnered a 16-3 victory over his opponent that the team knew its winning streak would continue; and

WHEREAS, Marshall Keller, who competed in the 138-pound weight class, won his match for Christiansburg High School; the talented wrestler also took home his second consecutive individual state wrestling title after his 4-2 victory—having won in 2014-2015 in the 126-pound weight class; and

WHEREAS, two other wrestlers for Christiansburg High School, 160-pound Hunter Bolen and Creed Lumppp (170-pound weight class), won their state tournament matches, and in doing so, each also won his second straight individual state wrestling title; and

WHEREAS, the victory for the talented wrestlers from Christiansburg High School is a tribute to the discipline and hard work shown by all members of the team and the guidance and dedication of first-year wrestling coach Sonny Close; and

WHEREAS, throughout the season, the Christiansburg High School wrestling team was greatly supported by their families, friends, and the school community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Christiansburg High School wrestling team for winning the 2015-2016 Virginia High School League Group 3A state wrestling championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sonny Close, head coach of the Christiansburg High School wrestling team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding achievements and winning season.

HOUSE JOINT RESOLUTION NO. 380

Celebrating the life of Dana McLeod.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Dana McLeod, who worked tirelessly to serve and support her fellow members of the Northern Virginia community as a performer, teacher, director, and choreographer and as a dedicated volunteer, died on November 16, 2015; and

WHEREAS, Dana McLeod was a professional actress, dancer, and musical theatre performer; she played roles as varied as Harpo Marx, Louise in the musical "Gypsy," and Yosemite Sam, and she danced at Radio City Music Hall in a holiday extravaganza; and

WHEREAS, after being diagnosed with multiple sclerosis in 1999 and no longer being able to perform, Dana McLeod became a teacher, director, and choreographer; she spent many years working in the children's theatre program at the Alden Theatre in McLean; and

WHEREAS, Dana McLeod's perpetual smile and courage made her a natural role model for others living with multiple sclerosis; she volunteered to co-lead the Springfield area multiple sclerosis self-help group from 2008 until 2014; and

WHEREAS, Dana McLeod sought to improve the lives of others affected by multiple sclerosis; she spoke to her legislators about issues affecting those living with multiple sclerosis and advocated for change at local, state, and federal levels; she served as a valued member of the Virginia Government Relations Committee for the National Multiple Sclerosis Society; and

WHEREAS, Dana McLeod will be fondly remembered and greatly missed by her parents, Marilyn and Ken Murton; her brother, Kenneth Murton; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Dana McLeod, a respected volunteer in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Dana McLeod as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 381

Commending Rabbi Daniel S. Alexander.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Rabbi Daniel S. Alexander, a distinguished religious leader, educator, and community activist in Charlottesville, retires as senior rabbi of Congregation Beth Israel in 2016 after nearly three decades of service to the congregation; and

WHEREAS, under Rabbi Alexander's leadership, Congregation Beth Israel experienced a 250 percent growth in membership and established a religious school with preschool and kindergarten programs to better promote Jewish learning along with worship and community involvement; and

WHEREAS, Rabbi Alexander implemented Mitzvah Projects to allow children in the congregation opportunities for community service as a component of ritual competence; he also founded committees to care for sick, grieving, elderly, or otherwise distraught members of the congregation and the community; and

WHEREAS, over the course of his 37-year career as a spiritual leader, Rabbi Alexander also founded and led numerous social services programs, including People and Congregations Engaged in Ministry, the Interfaith Movement Promoting Action by Congregations Together, and the Alliance for Interfaith Ministries; and

WHEREAS, Rabbi Alexander has offered his wisdom and sage guidance to local colleges, high schools, churches, and civic organizations; at the University of Virginia, he has served as an adjunct faculty member, led the United Ministries, and served for nine years as executive director of the Hillel Foundation at the University of Virginia; and

WHEREAS, respected throughout the region and the United States, Rabbi Alexander has served as president of the Mid-Atlantic Region of the Central Conference of American Rabbis and on the National Board of Directors of the Central Conference of American Rabbis; he has also published a book of his sermons, as well as several articles and poems; and

WHEREAS, after his retirement as senior rabbi, Rabbi Alexander will be named rabbi emeritus of Congregation Beth Israel in 2017, and he will continue to seek new ways to better serve his fellow Charlottesville residents; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rabbi Daniel S. Alexander on the occasion of his retirement as senior rabbi of Congregation Beth Israel in Charlottesville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rabbi Daniel S. Alexander as an expression of the General Assembly's admiration for his numerous contributions to the Charlottesville community.

HOUSE JOINT RESOLUTION NO. 382

Commending Conner Cummings.

Agreed to by the House of Delegates, March 7, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Conner Cummings, a courageous resident of Fairfax County, successfully advocated for increased support for Virginians living with disabilities and their families; and

WHEREAS, at 18 months old, Conner Cummings was diagnosed with autism, a neurodevelopmental condition characterized by impaired social interaction and communication and restricted or repetitive behavior; and

WHEREAS, along with his mother, Sharon Cummings, Conner Cummings met with members of the General Assembly and Governor Terence R. McAuliffe and spoke at town hall meetings and other events in support of what became known as Conner's Law; and

WHEREAS, Conner's Law allows for a court to order child support for any child over the age of 18 who is severely or permanently mentally or physically disabled provided that the non-custodial parent is able to afford support; previously many Virginians like Conner Cummings had only received support from their custodial parents; and

WHEREAS, Conner's Law has helped many Virginians struggling with the financial burdens of living with a disability and lessened burdens on state social services and the court system; and

WHEREAS, Conner Cummings and his mother have used social media and the Internet to spread their message, including a video where he spoke the native languages of 18 countries to provide hope and encouragement to people with disabilities throughout the world; and

WHEREAS, Conner Cummings and his mother hope to build a national initiative and have begun advocating for similar laws in Maryland and New York; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Conner Cummings, a devoted advocate for disability rights; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Conner Cummings as an expression of the General Assembly's admiration for his contributions to Virginians living with disabilities and their families.

HOUSE JOINT RESOLUTION NO. 383

Celebrating the life of the Honorable Madison Ellis Marye.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable Madison Ellis Marye of Shawsville, a respected farmer, businessman, and public servant who represented the residents of the 37th District in the Senate of Virginia for almost three decades, died on February 23, 2016; and

WHEREAS, a native of Montgomery County, Madison Marye graduated from the University of Georgia and honorably served his country during World War II, the Korean War, and the Vietnam War as a member of the United States Army, rising to the rank of major; and

WHEREAS, desiring to be of further service to the Commonwealth, Madison Marye ran for and was elected to the Senate of Virginia during a special election in 1973; he ably represented the residents of the Counties of Carroll, Floyd, Grayson, and Montgomery and the Cities of Galax and Radford in what was then the 37th District; and

WHEREAS, during his 29-year tenure, Madison Marye was a champion for rural residents and introduced many important pieces of legislation to benefit all Virginians, including a bill to lower the state food tax; he offered his leadership expertise to several committees, including the Committees on Local Government, Rehabilitation and Social Services, and Commerce and Labor, and served as chairman of the Committees on Agriculture, Conservation and Natural Resources and General Laws; and

WHEREAS, a man of great integrity, Madison Marye served the Commonwealth with the utmost dedication and distinction until his well-earned retirement from public office in 2002; and

WHEREAS, Madison Marye will be fondly remembered and greatly missed by numerous family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Madison Ellis Marye, a farmer, businessman, and public servant in Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Madison Ellis Marye as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 384

Commending Central High School.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Central High School in Woodstock was honored as a 2015 National Blue Ribbon School by the United States Department of Education; and

WHEREAS, Central High School is one of only 35 public high schools to receive a National Blue Ribbon Award; the program recognizes schools throughout the nation whose students have either achieved very high learning standards or are making notable improvements to close an achievement gap; and

WHEREAS, Central High School received National Blue Ribbon recognition for being an Exemplary High Performance School; the entire school community is extremely proud of its 96.5 percent average graduation rate during the last two years; and

WHEREAS, the Shenandoah County school enrolls approximately 785 students and embraces an inclusive philosophy; its student population has become increasingly diverse, and the faculty and staff strive to ensure that student needs are at the forefront of all decisions; and

WHEREAS, Central High School's administrative team has implemented a collaborative learning environment where students are part of the instructional process; staff work to facilitate the educational process and assist students in an inquiry-based educational setting; and

WHEREAS, the efforts of the dedicated faculty and staff of Central High School have contributed to a high level of performance and achievement among students; more than 80 percent of seniors enter college or trade school upon graduation, and eight percent enlist in the United States military; and

WHEREAS, the sense of unity fostered by Central High School's commitment to inclusiveness and student excellence has also resulted in a community that respects and appreciates the contributions and achievements of those around it; and

WHEREAS, at Central High School, students and staff thrive in a collaborative atmosphere that is designed to prepare students to succeed in college and their careers in an increasingly global world; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Central High School for being named a 2015 National Blue Ribbon School by the United States Department of Education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the principal Melissa D. Hensley as an expression of the General Assembly's respect and admiration for the hard work and outstanding accomplishments of the faculty, staff, and students of Central High School.

HOUSE JOINT RESOLUTION NO. 386

Commending the Patrick Henry College moot court team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Patrick Henry College moot court team claimed its record-setting ninth national title, winning the American Collegiate Moot Court Association national championship in 2016; and

WHEREAS, during the 2015-2016 moot court season, the Patrick Henry College moot court team was one of 400 teams from prestigious schools throughout the country competing for a spot in the national finals; and

WHEREAS, Caleb Engel and Christopher Baldacci took first place in the final round, held on January 16, 2016, in Long Beach, California, to claim the ninth national championship in 12 years for Patrick Henry College; and

WHEREAS, in the national finals, Patrick Henry College placed seven teams among the top 32, five teams among the top 16, and three teams among the top eight; Jacob Van Ness and Ashlyn Olson of Patrick Henry College took second place; and

WHEREAS, each other member of the team—Claire Atwood, William Bock, Ryan Collins, Samuel Cordle, Clare Downing, Sarah Geesaman, Ryan McDonald, Ruan Meintjes, Meridian Paulton, Shane Roberts, Siu Thomas, Jeremy Tija, and Josh Webb—contributed to the successful season; and

WHEREAS, the Patrick Henry moot court team excelled with the support of its coaches and advisers and the enthusiastic support of the entire Patrick Henry College community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Patrick Henry College moot court team on winning the American Collegiate Moot Court Association national championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Farris and Frank Guliuzza, coaches of the Patrick Henry College moot court team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 387

Commending the Loudoun Valley High School boys' cross country team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Loudoun Valley High School boys' cross country team of Purcellville won the Virginia High School League Group 4A state championship in November 2015; and

WHEREAS, the Loudoun Valley High School Vikings bested several worthy competitors to claim first place in the team standings of the state final, which was held at Great Meadow field events center in The Plains; and

WHEREAS, Drew Hunter of the Loudoun Valley High School boys' cross country team claimed an individual state title with a time of 15:04 at the event; and

WHEREAS, Marc Hunter and Joan Hunter, coaches of the Loudoun Valley High School boys' cross country team, were named the 2015 High School Coaches of the Year for Virginia by the U.S. Track & Field and Cross Country Coaches Association; and

WHEREAS, the state championship victory is a testament to the skill and dedication of each of the student-athletes, the leadership of the coaches and staff, and the energetic support of the entire Loudoun Valley High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Valley High School boys' cross country team on winning the Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marc Hunter and Joan Hunter, coaches of the Loudoun Valley High School boys' cross country team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 388

Commending the Loudoun Valley High School golf team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Loudoun Valley High School golf team proudly claimed the Virginia High School League Group 4A state golf championship for 2015, winning the state tournament on October 13, 2015; and

WHEREAS, the talented team from Purcellville defeated a hardworking E.C. Glass High School golf team by one stroke to claim the 2015 championship trophy at the tournament, which was held at Glenrochie Golf Course in Abingdon; and

WHEREAS, all of the Loudoun Valley High School golfers contributed to the team's hard-fought victory, playing with focus and determination; the group's final score was 621 points, which gave the school its first state golf championship since 1997; and

WHEREAS, the talent and leadership of seniors Brandon Weaver and Garrett Jenkins greatly contributed to the Loudoun Valley High School golfers' winning play; Brandon Weaver won the 2015 Virginia High School League Group 4A individual title with a two-day score of 144 points, and Garrett Jenkins finished the second day of competition with a score of 82; and

WHEREAS, the tournament was a challenging one for the high school golfers from Loudoun County; playing conditions were difficult, and the team, which had finished the first day of competition eight strokes ahead of the competition, was glad for its large lead during the final day of play; and

WHEREAS, the state victory is a tribute to the Loudoun Valley High School Vikings' discipline and hard work throughout the season, the expert coaching and guidance provided by head coach Troy Mezzatesta, and the strong support the young men received from their families, friends, and the school community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun Valley High School golf team for winning the 2015 Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Troy Mezzatesta, head coach of the Loudoun Valley High School golf team, as an expression of the General Assembly's congratulations and admiration for the team's outstanding performance and championship season.

HOUSE JOINT RESOLUTION NO. 389

Commending Drew Hunter.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Drew Hunter, a dedicated and exceptionally talented student-athlete at Loudoun Valley High School, set a national record, becoming only the second high school student in the United States to run an indoor mile in less than four minutes; and

WHEREAS, Drew Hunter finished a one mile run in 3:58.25 at the Armory Track Invitational in New York City on February 6, 2016; and

WHEREAS, the previous record of 3:59.86, which had stood for 15 years, was set on the same track in 2001 by Alan Webb, who had been coached by Drew Hunter's parents at South Lakes High School in Reston; and

WHEREAS, named the Gatorade National Boys' Cross Country Runner of the Year, Drew Hunter had previously become the first high school athlete to complete a 3,000-meter run in less than eight minutes, won the Foot Locker Cross Country National Championship by the largest margin for a male champion since 2009, and ran the fastest 5K in Virginia history at the Third Battle Invitational; and

WHEREAS, in November 2015, Drew Hunter also helped lead the Loudoun Valley High School Vikings to the Virginia High School League Group 4A state cross country title, topping the individual standings with his time of 15:04; and

WHEREAS, Drew Hunter will continue running indoor and outdoor races throughout his senior year at Loudoun Valley High School and will attend the University of Oregon in the fall of 2016; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Drew Hunter, an exceptional young runner in Loudoun County, for setting a new national record for the fastest indoor mile; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Drew Hunter as an expression of the General Assembly's admiration for his achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 390

Commending Katherine Slover.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, on December 4, 2015, Katherine Slover of Montgomery County, Maryland, courageously helped ensure the safe rescue of 20 people when the White's Ferry was set adrift on the Potomac River; and

WHEREAS, Katherine Slover and her husband, Dusty, were planning to take White's Ferry to Leesburg when they noticed that the underwater guide cable had snapped, and the ferry, which had 20 passengers and 12 cars on board, was caught in the current and had begun to drift down river; and

WHEREAS, at great personal risk, Katherine Slover left her vehicle and rushed to keep sight of the ferry, crawling under a tree which had fallen over a small creek at the bottom of an embankment to reach the water's edge; and

WHEREAS, Katherine Slover spotted the ferry, which had been skillfully steered aground, and gained the attention of the captain; she sustained minor injuries as she and the captain worked to secure the ferry to nearby trees with ropes and a chain; and

WHEREAS, the White's Ferry's work boat arrived to stabilize the ferry and help passengers disembark; thanks to Katherine Slover's actions, no passengers were hurt and the ferry was back in operation later that day; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Katherine Slover for her heroic efforts to help rescue the passengers and crew of White's Ferry in December 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katherine Slover as an expression of the General Assembly's admiration for her quick thinking and selfless actions in service of others.

HOUSE JOINT RESOLUTION NO. 391

Celebrating the life of the Honorable Frederick Hillary Creekmore, Sr.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable Frederick Hillary Creekmore, Sr., a respected public official who ably served the residents of Chesapeake as a member of the Virginia House of Delegates and a judge of the Chesapeake Juvenile and Domestic Relations District Court and the Chesapeake Circuit Court, died on January 30, 2016; and

WHEREAS, a native of the former Norfolk County, Frederick Creekmore graduated from Great Bridge High School, where he served as class president; he earned a bachelor's degree and a law degree from the University of Richmond; and

WHEREAS, Frederick Creekmore began his professional career as an attorney with Kellam & Kellam, then went on to be a founding partner of Creekmore & Rinehart; Creekmore, Wright & Forbes; and Basnight and Creekmore; he also served as counsel to Chesapeake General Hospital; and

WHEREAS, desirous to be of further service to the Commonwealth, Frederick Creekmore ran for and was elected to the Virginia House of Delegates; he represented the residents of the 38th House District from 1974 to 1990 and supported many important pieces of legislation to benefit all Virginians, including a bill to establish the Chesapeake bypass; and

WHEREAS, during his tenure in the General Assembly, Frederick Creekmore was chair of the Committee on Commerce and Labor and offered his wisdom and expertise to the committees on Appropriations and Privileges and Elections; and

WHEREAS, Frederick Creekmore served as a judge of the Chesapeake Juvenile and Domestic Relations District Court in the 1st Judicial District of Virginia from 1990 to 1998, then was a judge of the Chesapeake Circuit Court in the 1st Judicial Circuit of Virginia, where he presided with great fairness and wisdom until his well-earned retirement in 2008; and

WHEREAS, working to strengthen and enhance the community, Frederick Creekmore was an active member of several civic and service clubs, including the Chesapeake Rotary Club, which named him the First Citizen of Chesapeake in 1992 and, after his retirement, he continued to serve as a substitute judge and conducted judicial settlement conferences; and

WHEREAS, Frederick Creekmore enjoyed fellowship and worship with the community as a founding member of Great Bridge Presbyterian Church; he taught Sunday school and served as a deacon, elder, and church treasurer; and

WHEREAS, a man of great integrity, Frederick Creekmore served the residents of Chesapeake and the Commonwealth with the utmost dedication and professionalism; and

WHEREAS, Frederick Creekmore was a unique and special man who will be most remembered by those who knew him as a trusted friend, mentor, and confidant who lived a life of faith, humility, patience, and divine grace; and

WHEREAS, predeceased by his first wife, Margery, Frederick Creekmore will be fondly remembered and greatly missed by his beloved wife, Sally; children, Marystuart, Frederick "Hill", Jr., Carla, Rachel, Joshua, Katie, and Erin, and their families; and numerous other family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Frederick Hillary Creekmore, Sr., a distinguished public servant in Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Frederick Hillary Creekmore, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 392

Celebrating the life of Harold S. Lilly, Sr.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Harold S. Lilly, Sr., a child musical prodigy, was born on December 31, 1944, in Richmond's historic Jackson Ward community and was called from labor to reward on February 12, 2016; and

WHEREAS, Harold S. Lilly, Sr., was educated in the Richmond public school system, graduated from Maggie L. Walker High School in 1963, and attended Virginia Union University for two years before he was drafted into the United States Army in 1965; during his military service, he served as a chaplain's assistant and chapel organist at Fort Benning, Georgia; and

WHEREAS, self-educated in music from the age of four and with deep Pentecostal roots at Jerusalem Holy Church, Harold S. Lilly, Sr.'s unique musical gift was nurtured and encouraged by his mother; his musical genius was influenced by such music legends as Perzelia Goodwin, Marie Goodman Hunter, and Robert J. Jones, Jr.; and his ability to flawlessly execute the most difficult of sacred, secular, traditional, and contemporary gospel music on the pipe and Hammond organs was awe-inspiring; and

WHEREAS, Harold S. Lilly, Sr., was employed for many years by Walter D. Moses, Baldwin, and Corley music stores in Richmond to demonstrate and sell the Hammond, Allen, and Rodgers organs; and

WHEREAS, for nearly 60 years, Harold S. Lilly, Sr., enjoyed a musical career as a renowned organist, serving as minister of music for schools, hospitals, nursing homes, prisons, and numerous churches, among them Mt. Olivet Baptist Church, Mosby Memorial Baptist Church, Rising Mt. Zion Baptist Church, Bethlehem Baptist Church, Broomfield C.M.E. Church, Sharon Baptist Church, Morning Star Baptist Church, and First African Baptist Church; and

WHEREAS, due to his artistry and stunning performances, Harold S. Lilly, Sr., was highly sought as an organist and was the guest organist for the annual Emancipation Proclamation Day Service for the Richmond Baptist Ministers' Conference since the early 1970s; he served the City Wide Revival for 33 years and was showcased as the principal instrumentalist for the Ebony Fashion Show as well as the Broadway musicals *Purlie* and *Momma, I Want to Sing*; and he was the featured guest artist for the 2010 Richmond Folk Festival; and

WHEREAS, Harold S. Lilly, Sr., mentored other musicians and helped pave the way for many aspiring local African American performers, and he sought to enhance his amazing talent by practicing every day, beginning the groundwork for performances with prayer, planning, and preparation; and

WHEREAS, affectionately known as "Professor Lilly," Harold S. Lilly, Sr., served and dazzled the Richmond metropolitan community with his skills on the organ at worship services, revivals, weddings, organ recitals, and funerals; he was invited frequently to lecture at local and national music workshops; and

WHEREAS, Harold S. Lilly, Sr., was honored with a celebration by the Old Landmark Gospel Association and Musical Friends on October 4, 2014, in Richmond to acknowledge his extraordinary musical talent and 60 years of faithful service to the Richmond metropolitan community; and

WHEREAS, a very disciplined man, Harold S. Lilly, Sr., is fondly remembered for his charm, affability, debonair deportment, and impeccable appearance; he wore suits every day because he always wanted to look his best; and

WHEREAS, Harold S. Lilly, Sr., will be mourned by his family, friends, and colleagues, and his memory will be cherished by all whose lives were touched by him; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Harold S. Lilly, Sr.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harold S. Lilly, Sr., as an expression of the General Assembly's respect for his memory and appreciation of his commitment to enhancing the quality of life in Richmond and the Commonwealth through his gift of music.

HOUSE JOINT RESOLUTION NO. 393

Commending Grace Edmondson Harris.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Grace Edmondson Harris, distinguished professor in the Center for Public Policy and former provost and vice president for academic affairs of Virginia Commonwealth University, was born in July 1933 and reared in Halifax County, one of six siblings in a family of preachers and teachers; and

WHEREAS, Grace Harris earned her bachelor's degree from Hampton Institute, now Hampton University, in 1954 and enrolled in graduate studies at Boston University, where Dr. Martin Luther King, Jr., was among her classmates; she attended Boston University during the time when Virginia and other southern states preferred to pay for African American graduate students to study out of state rather than to desegregate its institutions of higher education; and

WHEREAS, Grace Harris returned from Boston University to complete her master's degree in social work at Richmond Professional Institute, now a part of Virginia Commonwealth University, in 1960, and earn a master's degree and doctorate in sociology in 1974 and 1975, respectively, from the University of Virginia; and

WHEREAS, Dr. Harris, one of the most highly regarded women in higher education, held many positions during her rising career at Virginia Commonwealth University, including dean and professor of the school of social work from 1982-1990; provost and vice president for academic affairs from 1993-1999, becoming the first African American woman to serve as the chief academic officer of a four-year public institution of higher education in Virginia; and acting president during the summer of 1995 and from April to June 1998; and

WHEREAS, when Dr. Harris retired in 1999 following a 32-year career at Virginia Commonwealth University, the Board of Visitors established the Grace E. Harris Leadership Institute to honor her leadership, service, and contributions; and

WHEREAS, after her retirement from the university administration, Dr. Harris continued to serve as a distinguished professor at the Virginia Commonwealth University Center for Public Policy and as a prominent professor at the Grace E. Harris Leadership Institute, where she mentored many alumni, students, and colleagues; and

WHEREAS, Dr. Harris has served on numerous boards to support issues in social welfare, health care, mental health services, and public education, and her past and present board service includes the Virginia Health Care Foundation, University of Richmond, United Way Services, and Christian Children's Fund; and

WHEREAS, Dr. Harris is the recipient of many awards and honors, including the Virginia Commonwealth University Presidential Medallion Award, the Presidential Award for Community Multicultural Enrichment, the Riese-Mellon Award, and honorary degrees from the University of Richmond, Virginia Union University, and The College of William and Mary; the former Virginia Commonwealth University School of Business building was rededicated as Grace E. Harris Hall in December 2007; she was cited for her leadership in establishing the first-ever long-range strategic plan for Virginia Commonwealth University; and she was honored for 50 years of dedicated service to Virginia Commonwealth University in 2010; and

WHEREAS, a visionary leader, a thoughtful listener, and a demure woman of superior intellect and impeccable character, Dr. Harris retired from the Grace E. Harris Leadership Institute on December 25, 2015, concluding a long, prestigious, and noteworthy career as an extraordinary educator and administrator; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Grace Edmondson Harris for her extensive service and illustrious leadership in higher education; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Grace Edmondson Harris as an expression of the General Assembly's appreciation of her long and distinguished service to Virginia Commonwealth University and its best wishes for her well-deserved retirement.

HOUSE JOINT RESOLUTION NO. 394

Commending Katie Ruth Langley Williams.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Katie Ruth Langley Williams, a respected citizen of the Commonwealth and a woman of strong faith, is honored on the occasion of her 100th birthday; and

WHEREAS, Katie Williams, who was born in the Cherry Lane section of Pitt County in North Carolina on February 20, 1916, was educated in the Pitt County Public Schools and lived most of her life in rural Pitt County and the County of Martin; and

WHEREAS, Katie Williams married her husband, Zena Perkins, Sr., at age 15, and their union produced two sons; and after being widowed at the early age of 18, she married Willie S. Williams at age 21 and the couple had 10 children; and

WHEREAS, Katie Williams worked dutifully as a homemaker and nursing assistant to help care for her family, and she devoted her time, talent, and resources at an early age to faithful service at St. Peter Baptist Church and St. Mary Baptist Church, and has been the "church mother" for the past 62 years at Whichard Chapel in Stokes, North Carolina; her weekly presence at Sunday services is an inspiration to the rest of the congregation; and

WHEREAS, the world has been reshaped in Katie Williams' lifetime by two world wars and numerous conflicts and by innovations and conveniences such as electricity, the automobile, the cell phone, and digital television; throughout she has remained true to her Christian faith and continues to find strength, respite, and renewal at Whichard Chapel; and

WHEREAS, Katie Williams has led a productive and blessed life and is the only surviving sibling of 15 children and has survived two husbands, six adult children, and two adult grandsons; and

WHEREAS, the family, friends, and fellow members of Whichard Chapel have joined Katie Williams, a devout and steadfast Christian, a fifth-generation matriarch who is the mother of 12, grandmother of 28, great-grandmother of 46, and a great-great grandmother, in celebrating this special centennial birthday surrounded by loved ones, and with prayers and good wishes; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Katie Ruth Langley Williams on the occasion of her 100th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katie Ruth Langley Williams as an expression of the General Assembly's best wishes for future health and happiness.

HOUSE JOINT RESOLUTION NO. 395

Commending William Bates.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, William Bates, who has ably led and supported the students of Herndon High School as principal for six years, was named the 2015 Principal of the Year by Fairfax County Public Schools; and

WHEREAS, William Bates has worked for Fairfax County Public Schools for 15 years; he served as a special education teacher at South Lakes High School, an administrative intern at Fairfax High School, and an assistant principal at Centreville High School, before joining Herndon High School in 2009; and

WHEREAS, William Bates earned a bachelor's degree in therapeutic recreation from Slippery Rock University, a master's degree in special education from California University of Pennsylvania, and an administrative endorsement in educational leadership from George Mason University; and

WHEREAS, William Bates established an environment at Herndon High School that is conducive to learning and fosters creativity and personal development; he is known for his philosophy as a "Hopeologist," someone who gives all children hope for their future; and

WHEREAS, under William Bates' guidance, Herndon High School and the Herndon Pyramid have adopted the "Kids at Hope" program; and

WHEREAS, William Bates created a culture of enthusiastic school spirit and a proud sense of ownership at Herndon High School, and he is fully engaged with students during school hours and extracurricular activities; and

WHEREAS, William Bates is a trusted mentor to his students and discusses numerous topics with them, including bullying and suicide awareness, the physical conditions of the school, student perceptions of staff, and expectations for academic achievement; and

WHEREAS, William Bates initiated new professional development opportunities for staff members to help them better focus on their mission and opened new lines of communication and team-building between staff and the administration; and
 WHEREAS, in addition to being named the 2015 Principal of the Year, William Bates also received the *Washington Post* Distinguished Educational Leadership Award; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William Bates on being named the 2015 Principal of the Year by Fairfax County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William Bates as an expression of the General Assembly's admiration for his commitment to students and contributions to the Fairfax County community.

HOUSE JOINT RESOLUTION NO. 396

Commending the Robinson Secondary School girls' lacrosse team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Robinson Secondary School girls' lacrosse team of Fairfax County won the Virginia High School League Group 6A state championship in June 2015; and

WHEREAS, the Robinson Secondary School Rams defeated the Oakton High School Cougars 16-12 to finish the season with a 21-1 record and secure the program's first state title since 2003; and

WHEREAS, leading 9-3 at halftime, the Robinson Secondary School Rams weathered a determined effort by the Cougars, who cut the deficit down to one point; the Rams responded to the challenge, scoring four of the last five points in the game; and

WHEREAS, Izzy Obregon led the team with four goals, Katie Checkosky added three goals and five assists, and Elli Kluegel and Mackenzie Schuler both had three goals; and

WHEREAS, the victory is a testament to the skill and hard work of all of the student-athletes, the able leadership of the coaches and staff, and the enthusiastic support of the entire Robinson Secondary School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Robinson Secondary School girls' lacrosse team on winning the 2015 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Liz Case, head coach of the Robinson Secondary School girls' lacrosse team, as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 397

Commending Rock Ridge Performing Arts.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Rock Ridge Performing Arts, the theater program of Rock Ridge High School, was named the 2015-2016 state champion at the Virginia Theatre Association's High School Theatre Festival, which was held in Norfolk in October 2015; and

WHEREAS, the Rock Ridge High School troupe won the title for its performance of the enthralling one-act play, *Ernest and the Pale Moon*; it was the first time the Loudoun County school had entered the festival, which featured 54 schools from across the Commonwealth; and

WHEREAS, the members of Rock Ridge Performing Arts also won top awards in two other categories at the High School Theatre Festival; the talented and hardworking cast and crew received the top prize for Best Costumes and Best Technical Merit; and

WHEREAS, as state champions, Rock Ridge Performing Arts will represent the Commonwealth at the Southeastern Theatre Conference in March in Greensboro, North Carolina; and

WHEREAS, Rock Ridge Performing Arts has won two additional awards for its exceptional work; in late 2015, the troupe won the Virginia High School League Conference 21B theater competition; and

WHEREAS, the talented group from Rock Ridge High School in Ashburn also earned Chapter Select recognition at the Virginia State Thespian Conference, held in February 2016 at Radford University, and will represent the Commonwealth at the International Thespian Festival in Lincoln, Nebraska, in June 2016; and

WHEREAS, Tony Cimino-Johnson, who teaches drama at Rock Ridge High School, directed *Ernest and the Pale Moon*; he attributed the students' success to their hard work, dedication, and theater aesthetic, and he is proud that the school's drama program is helping create the next generation of actors, theater professionals, and supporters of live performance; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rock Ridge Performing Arts, the theater program of Rock Ridge High School, for being honored as the 2015-2016 state champion at the Virginia Theatre Association's High School Theatre Festival; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tony Cimino-Johnson, drama teacher at Rock Ridge High School and director of *Ernest and the Pale Moon*, as an expression of the General Assembly's congratulations and admiration for the outstanding work and stellar achievements of the young men and women of Rock Ridge Performing Arts.

HOUSE JOINT RESOLUTION NO. 398

Commending Freedom High School.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, Freedom High School will host its class prom as a charitable event, with all ticket sales and other donations benefiting children living with pediatric cancer; and

WHEREAS, at the end of the 2014-2015 academic year, Freedom High School announced that all fundraising efforts for the 2015-2016 academic year would be focused on pediatric cancer, and the junior and senior class councils decided to align the class prom with this effort; and

WHEREAS, the Hilton Washington Dulles Airport hotel, where the Freedom High School prom has been held in the past, generously refunded the school's deposit, and students secured permission to host the prom in the school gym; and

WHEREAS, teachers and staff of Freedom High School, who usually serve as chaperones, will volunteer as waiters, kitchen staff, photographers, and valets; and

WHEREAS, Freedom High School students worked with Whole Foods Market to procure free food for the event and contacted the Washington Redskins and iHeartRadio to raise awareness of the event and request giveaway items to increase donations; and

WHEREAS, members of the community can contribute directly to the charitable event by making a donation in any senior class member's name; the senior boy and girl who earn the most donations will be named prom king and queen; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Freedom High School for its efforts to raise money for pediatric cancer research and treatment through a charitable prom; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug Fulton, principal of Freedom High School, as an expression of the General Assembly's admiration for the school community's generosity and support for the fight against pediatric cancer.

HOUSE JOINT RESOLUTION NO. 400

Commending Bluemont Concert Series.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, Bluemont Concert Series proudly celebrates 40 years of providing high-quality concerts and cultural events in localities throughout northwestern and Central Virginia; and

WHEREAS, the organization gets its name from Bluemont in Loudoun County, where the organization's concerts and other cultural events first became a mainstay of the local culture; today, Bluemont's programs support the arts and cultural life of towns and villages in a large swath of the Commonwealth; and

WHEREAS, the mission of Bluemont is to present a variety of high-quality cultural events that are accessible, affordable, and family-oriented; the organization works to bring to life the cultural spirit of the communities it serves through shared experiences in the arts; and

WHEREAS, since 1976, Bluemont has presented more than 9,300 events; the nonprofit regional arts organization helps foster a sense of community by bringing arts and culture to often underserved areas of the Commonwealth; and

WHEREAS, in addition to its highly regarded concert series, Bluemont presents programs in schools, health care facilities, assisted living centers, and nursing homes; to date, audiences totaling more than three million people have enjoyed the organization's numerous cultural offerings; and

WHEREAS, Bluemont's family-friendly programs feature a variety of genres and styles, including music, song, poetry, and storytelling; in recent years, the concert series has hosted bluegrass, Hawaiian swing, folk, jazz, rock and roll, classical flute, and Caribbean steel bands; and

WHEREAS, in Culpeper and Fauquier Counties, Bluemont has presented more than 1,500 educational programs, summer concerts, community events, and benefit performances—often in partnership with local community groups; the popular concerts and arts events help build the communities' cultural spirit; and

WHEREAS, Bluemont has also brought art programs to schools, and its Artists-in-Education initiative, which started in 1979, blends the arts, humanities, and science in a creative and motivational approach to learning; and

WHEREAS, Bluemont's popular Outreach Program, which started in 1981, offers quality entertainment at no charge to appreciative audiences at area health care facilities; to date, more than 900 programs have been performed at 65 nursing home and assisted living facilities; and

WHEREAS, Bluemont has been the recipient of numerous accolades and awards, including a Distinguished Service Award from the Virginia Alliance for Arts Education; the Fredericksburg Regional Chamber of Commerce also honored it with a Significant Success "REEGIE" Award for its success in fostering regional cooperation; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bluemont Concert Series on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lily R. Dunning, executive director of Bluemont Concert Series, as an expression of the General Assembly's respect and admiration for its tireless work to bring high-quality concerts and cultural performances to many communities in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 401

Celebrating the life of Thomas Clay Wood.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Thomas Clay Wood, a farmer and public servant who made many contributions to public education and the Prince William County community as a whole, died on May 1, 2015; and

WHEREAS, a native of Nokesville, Clay Wood grew up on his family's farm on Vint Hill Road and learned the value of hard work and responsibility at a young age; after graduating from Strayer College, he began a career in farming with his wife, Winnie; and

WHEREAS, desirous to be of further service to his fellow residents, Clay Wood ran for and was elected to the Prince William County Board of Supervisors, served for 19 years on the Prince William County Soil and Water Conservation Board, and was a longtime appointee to the Commonwealth Council on Aging; and

WHEREAS, understanding the importance of a good education, Clay Wood strove to create new opportunities for local youth during his 24-year tenure on the Prince William County School Board, where he helped secure funds for Brentsville District High School and introduced special education programs to Prince William County Public Schools; and

WHEREAS, Clay Wood continued to serve young people when he sold his childhood farm to Prince William County for the construction of a new school, which was named T. Clay Wood Elementary School in his honor; and

WHEREAS, Clay Wood also worked to strengthen and enhance the community as a 64-year member of the Nokesville Ruritan Club, where he served as district governor and received an award for 60 years of perfect attendance; and

WHEREAS, a man of deep and abiding faith, Clay Wood enjoyed fellowship and worship with the community as a member of Nokesville United Methodist Church, where he held several leadership positions and served as a longtime delegate to the Annual Conference of the United Methodist Church; and

WHEREAS, Clay Wood will be fondly remembered and greatly missed by his children, Linda, Diane, and Lanson, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Thomas Clay Wood, a respected farmer and public servant in Nokesville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Thomas Clay Wood as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 402

Commending Rex Parr.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Rex Parr, a respected businessman, devoted community leader, and passionate advocate for people with disabilities, retired as president and chief executive officer of Didlake, Inc., in Manassas in April 2015; and

WHEREAS, when Rex Parr joined Didlake in 1977, the organization was providing vocational training to 16 people; under his leadership, Didlake has grown to serve more than 2,000 people annually by providing vocational training, behavioral support, community integration, employment services, and direct employment; and

WHEREAS, during Rex Parr's tenure as president and chief executive officer, Didlake became a major regional employer with more than 1,300 employees, including more than 1,000 employees with disabilities; and

WHEREAS, Rex Parr has also been a tireless advocate for people with disabilities and their families at local and state levels, and his expertise is sought by policy makers on a variety of issues; and

WHEREAS, in addition to creating new opportunities for people with disabilities, Rex Parr has worked to strengthen and enhance the Manassas and Prince William County communities as a member and leader of many other civic and service organizations; and

WHEREAS, Rex Parr has increased the quality of life of all local residents through his service with the Prince William Health System board, the Prince William County-Greater Manassas Chamber of Commerce, Prince William County Board of Supervisors, Rotary Club of Manassas, and many other organizations; and

WHEREAS, as a mentor to his peers and other local leaders, Rex Parr has fostered communication and collaboration throughout the community to achieve common goals and advanced the idea that leadership and community service are noble endeavors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Rex Parr on the occasion of his retirement as president and chief executive officer of Didlake, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rex Parr as an expression of the General Assembly's admiration for his legacy of service to people with disabilities and their families in Northern Virginia.

HOUSE JOINT RESOLUTION NO. 403

Commending Jason Steinbaum.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Jason Steinbaum, a 1988 graduate of the University of Virginia who is a longtime advocate for the nation of Kosovo, was awarded the Presidential Medal of Merit by the government of Kosovo; and

WHEREAS, Jason Steinbaum received the Medal of Merit from the University of Virginia alumna and President of Kosovo Atifete Jahjaga on February 22, 2016, George Washington's birthday, for his many years of advocacy on behalf of Kosovo's independence and international recognition; and

WHEREAS, Jason Steinbaum's efforts to help the country in southeastern Europe began more than 20 years ago when he was a staff member for Eliot Engel, a member of the United States House of Representatives; and

WHEREAS, Representative Engel's congressional district in New York has a large Kosovar and Albanian population; soon after joining his staff, Jason Steinbaum became interested in helping Kosovo's Albanian population; and

WHEREAS, currently, Jason Steinbaum is minority staff director for the United States House of Representatives Foreign Affairs Subcommittee on the Western Hemisphere; he previously served for six years as chief of staff for Representative Engel; and

WHEREAS, Jason Steinbaum cites his efforts on behalf of the young Republic of Kosovo as the most fulfilling part of his work on Capitol Hill, pointing out that the people of Kosovo have much gratitude for the United States, and the country strongly supports the United States' work in the region; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jason Steinbaum for his efforts on behalf of the nation of Kosovo and for receiving its Presidential Medal of Merit; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jason Steinbaum as an expression of the General Assembly's respect and admiration for his outstanding advocacy on behalf of Kosovo's independence and international recognition.

HOUSE JOINT RESOLUTION NO. 404

Commending Sean McMurray.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Sean McMurray of Abingdon, an admired and accomplished leader in Southwest Virginia who serves as chief executive officer of the Northeast Market for the Mountain States Health Alliance System, has contributed to the betterment of his community in many ways; and

WHEREAS, Sean McMurray, a respected administrator in the health care field for more than 27 years, has been vice president/chief executive officer of Johnston Memorial Hospital for more than 12 years, and previously worked at hospitals in Tennessee; and

WHEREAS, in 2016, Sean McMurray was a recipient of the inaugural Donald R. Jeanes Humanitarian Leadership Award for his outstanding leadership; he was honored by Mountain States Health Alliance for leading by example, inspiring others to do their best, serving with compassion and integrity, and striving for the highest quality service to patients and the community; and

WHEREAS, Sean McMurray received the Servant's Heart Award in 2013 from the Mountain States Health Alliance System—the healthcare organization's most prestigious honor; he was recognized for his caring attitude toward all team members, compassion for patients and staff, and for being an outstanding model of patient-centered care; and

WHEREAS; an active leader in the community and his church, Sean McMurray has contributed his time and talents to numerous organizations, including Barter Theatre, several Rotary clubs, the Boy Scouts of America, United Way Southwest Virginia, the American Heart Association, and the National Multiple Sclerosis Society; and

WHEREAS, Sean McMurray, who is a Fellow in the American College of Healthcare Executives, has also been involved in health care governance on a statewide level as a member of the executive committee and the services board of the Virginia Hospital and Healthcare Association; and

WHEREAS, Sean McMurray is lay leader with The Church of Jesus Christ of Latter-day Saints; his commitment to serving others and his church guides his life; later in 2016, he will leave his current position with Mountain States Health Alliance to become president of a Mormon mission in Fort Collins, Colorado, supervising and mentoring several hundred young missionaries; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sean McMurray of Abingdon for his many years of devoted service to the people of Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sean McMurray as an expression of the General Assembly's respect and admiration for his dedicated work and many contributions to his community and the Commonwealth, and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 405

Commending the Magna Vista High School football team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Magna Vista High School football team claimed the school's second consecutive state football title by winning the 2015 Virginia High School League Group 3A championship; and

WHEREAS, the Magna Vista High School Warriors from Ridgeway in Henry County defeated a talented squad from Lord Botetourt High School 47-21 on December 12, 2015, at Liberty University in Lynchburg; and

WHEREAS, the entire squad from Magna Vista High School was poised and ready for the 2015 championship game; senior tailback Jac Hairston rushed the ball 28 times for 352 yards and two touchdowns, and quarterback Shoalin McGuire ran for one touchdown and completed four touchdown passes; and

WHEREAS, three other members of the Magna Vista High School football team also scored touchdowns; D'Andra Hayden caught two touchdown passes and Tra Redd and Devin Johnston each scored one touchdown; and

WHEREAS, Joe Favero, head coach of the Magna Vista High School football team, attributed the team's second consecutive state title to many factors, including the hard work of the players and steady improvement throughout the season; and

WHEREAS, the hardworking members of the Magna Vista High School football team were enthusiastically supported by their families, friends, fellow students, faculty and staff, and the entire community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Magna Vista High School football team for winning the 2015 Virginia High School League Group 3A championship, the school's second consecutive state football championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Favero, head coach of the Magna Vista High School football team, as an expression of the General Assembly's congratulations and admiration for the school's stellar performance and exceptional accomplishments.

HOUSE JOINT RESOLUTION NO. 406

Commending Jean Merrill.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Jean Merrill, a devoted volunteer in Nelson County who has helped enhance access to primary care, dental care, and pharmacy services for all local residents through her work at Blue Ridge Medical Center, received the Virginia Health Care Foundation Unsung Heroes Award in 2015; and

WHEREAS, Jean Merrill has served on the Blue Ridge Medical Center Board of Directors for more than 20 years, and as a longtime member of the Blue Ridge Medical Center Finance Committee, she has attended and actively participated in more than 300 meetings; and

WHEREAS, prioritizing customer service at Blue Ridge Medical Center, Jean Merrill distributes, collects, and meticulously reviews patient satisfaction surveys and infection control surveys, making a special point to celebrate the achievements of staff members who have received positive comments from patients; and

WHEREAS, during her 25 years of volunteer service, Jean Merrill has also been responsible for mail distribution—processing hundreds of thousands of letters and packages—delivering welcome packets to new patients, and escorting sales and pharmaceutical company representatives; and

WHEREAS, Jean Merrill is an inspiration to the employees of Blue Ridge Medical Center through her tireless dedication to patients, generosity, work ethic, and positive attitude; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jean Merrill on receiving the Virginia Health Care Foundation Unsung Heroes Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jean Merrill as an expression of the General Assembly's admiration for her contributions to the patients and staff of Blue Ridge Medical Center and the entire Nelson County community.

HOUSE JOINT RESOLUTION NO. 407

Commending the Waynesboro Kiwanis Club.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2015, the Waynesboro Kiwanis Club, one of the oldest civic clubs in the city, proudly celebrated 90 years of outstanding and dedicated service to the community and its young people; and

WHEREAS, the Waynesboro Kiwanis Club, which was chartered on July 20, 1925, is part of Kiwanis International, whose mission is to serve the children of the world; local clubs help improve the lives of children in their communities through hands-on service; and

WHEREAS, currently more than 50 men and women belong to the Waynesboro Kiwanis Club and represent the area's diverse population; the group raises funds through holiday peanut sales, an annual pancake breakfast, and many other activities; and

WHEREAS, the objectives of the Kiwanis organization are to work for the betterment of the community; encourage caring human relationships; promote high standards; develop an active and informed citizenry; foster enduring friendships, altruistic service, and stronger communities; and strengthen informed public opinion and idealism; and

WHEREAS, members of the Waynesboro Kiwanis Club take part in local events, including the Halloween Costume Parade in support of area youth; the club works with downtown merchants to organize and stage the parade, which is a popular family event; and

WHEREAS, the Waynesboro Kiwanis Club has a long-established partnership with the Salvation Army of Waynesboro, and members readily volunteer as bell ringers during the annual Red Kettle Christmas Drive; and

WHEREAS, many organizations have benefited from the work of the Waynesboro Kiwanis Club over the years, including the Blue Ridge Area Food Bank, the Augusta Regional Free Clinic, the Boys and Girls Club of Waynesboro, Staunton & Augusta County, Leaders for Tomorrow, the Central Shenandoah Valley Office on Youth, and the Valley Alliance for Education; and

WHEREAS, the Waynesboro Kiwanis Club has sponsored leadership and service training programs for teenagers through Key Clubs at area high schools; student members of the Key Clubs also are eligible to apply for an annual scholarship; and

WHEREAS, the Waynesboro Kiwanis Club works with the Community Foundation of the Central Blue Ridge to help area youth; funds are disbursed annually to help young people, and through this initiative and many others, the club hopes to continue its vital work for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Waynesboro Kiwanis Club on the occasion of its 90th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Waynesboro Kiwanis Club as an expression of the General Assembly's respect and admiration for the organization's longstanding commitment to improving the lives of young people in Waynesboro and Augusta County.

HOUSE JOINT RESOLUTION NO. 408

Commending the Heifetz International Music Institute.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Heifetz International Music Institute, a unique summer institute that has served the Staunton community through its partnership with Mary Baldwin College for five years, celebrates its 20th anniversary in 2016; and

WHEREAS, established by violinist Daniel Heifetz in 1996, the Heifetz International Music Institute held its first summer program with 20 violin students at Glenelg Country School in Maryland; and

WHEREAS, Daniel Heifetz pioneered the Heifetz Performance and Communication Training system, which combines traditional approaches to music instruction with components of voice, public speaking, and drama education, revolutionizing music education; and

WHEREAS, the Heifetz International Music Institute relocated to St. John's College in Annapolis in 1998, and the institute began to include courses on viola, cello, and piano; and

WHEREAS, in 2002, the Heifetz International Music Institute relocated again to Brewster Academy in Wolfeboro, New Hampshire, initiating another period of expansion; the institute enrolled record numbers of students, added several new classes, and strengthened the community outreach program; and

WHEREAS, the Heifetz International Music Institute has attracted teaching artists from some of the country's most prestigious music schools, and in 2009, NPR's "From The Top" recorded a live broadcast at the institute; and

WHEREAS, after discontinuing piano and voice programs to focus on stringed instruments, the Heifetz International Music Institute entered into a new partnership with the Staunton campus of Mary Baldwin College in 2011; and

WHEREAS, the Heifetz International Music Institute has enhanced cultural life in Staunton by engaging with schools, churches, and community organizations through the Heifetz on Tour and Virginia Visiting Artist in Residence programs; and

WHEREAS, offering intensive six-week training programs for young violin, viola, and cello players, the Heifetz International Music Institute has brought students representing 23 states and eight countries to the Staunton area; and

WHEREAS, in 2015, the Heifetz International Music Institute deepened its ties with the Staunton community by moving its headquarters, box office, and a new gift shop to the city's historic downtown; and

WHEREAS, the Heifetz International Music Institute will commemorate its 20th anniversary with special events throughout its 2016 concert season; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Heifetz International Music Institute for its contributions to cultural life in Staunton and service to young musicians around the world on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Daniel Heifetz as an expression of the General Assembly's admiration for the Heifetz International Music Institute's commitment to excellence in music instruction.

HOUSE JOINT RESOLUTION NO. 409

Commending Sergeant First Class Charles Martland, USA.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Sergeant First Class Charles Martland, USA, is a dedicated husband and father of two sons, and he has served for 11 years in the United States Army; and

WHEREAS, Sergeant First Class (SFC) Martland is a member of the elite United States Army Special Forces Regiment, serving as a Special Forces Non-Commissioned Officer or "Green Beret"; and

WHEREAS, SFC Martland has served with distinction as both a student of several special operations courses and as a special operations course instructor; and

WHEREAS, SFC Martland has served with distinction on combat operations in Iraq and Afghanistan and was awarded a Bronze Star Medal with the "V" Device for his valorous actions during a firefight in the Kunduz Province of Afghanistan in 2010; and

WHEREAS, while serving in Kunduz Province, SFC Martland was informed that an American-trained Afghan police officer had chained a young boy to his bed and raped him repeatedly; he also learned that the boy's mother, while pleading for her son's release, had been viciously beaten; and

WHEREAS, when SFC Martland and his team leader confronted the Afghan police officer, that officer laughed about the rapes and beating, demonstrating an utter lack of shame or remorse for his actions, and suggested that he had no intention of refraining from his vile and contemptible behavior; and

WHEREAS, SFC Martland and the team leader physically confronted the police officer as a warning against future criminal behavior and demonstrated to the victims of his crimes that they would be protected; and

WHEREAS, when SFC Martland's actions became known at the highest levels of the Department of Defense, he was quickly sent home from Afghanistan, and adverse personnel actions were initiated against him for intervening to rescue the Afghan boy and his mother; and

WHEREAS, members of the Afghan National Army and the local community approved of and supported SFC Martland's actions in defense of this young boy and his mother; and

WHEREAS, Representative Duncan Hunter (R-CA) corresponded with Secretary of Defense Ash Carter, calling SFC Martland's actions a "moral decision" and saying SFC Martland had no choice but to respond or let the atrocities continue, stating that, "It's sad to think that a child rapist is put above one of our elite military operators"; and

WHEREAS, SFC Martland's service is in keeping with the highest traditions of military service; his actions reflected favorably upon the United States Army and contributed materially to the success of his unit's mission; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sergeant First Class Charles Martland, USA, for his service and his defense of an innocent child and his mother in Afghanistan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Sergeant First Class Charles Martland, USA, and Secretary of Defense Ash Carter as an expression of the General Assembly's admiration for SFC Martland's valiant and honorable service.

HOUSE JOINT RESOLUTION NO. 410

Celebrating the life of Madonna Griffin Cote.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Madonna Griffin Cote of Fredericksburg, who served with distinction as director of the Central Rappahannock Regional Library for 34 years and led it during a time of significant growth, a respected leader of statewide library associations, and a devoted mother and grandmother, died on February 19, 2016; and

WHEREAS, Madonna "Donna" Griffin Cote was born in Chicago and grew up in Triangle and Fredericksburg; she graduated from Montfort Academy and Gar-Field High School and earned a bachelor's degree from Mary Washington College, now known as the University of Mary Washington, and a master's degree from The Catholic University of America; and

WHEREAS, in 1971, Donna Cote began her career with the Central Rappahannock Regional Library (CRRL); at that time, the library system had only two locations, one at the former Lafayette School in Fredericksburg, and a storefront branch in Colonial Beach in Westmoreland County; and

WHEREAS, Donna Cote became director of the CRRL in 1981, providing outstanding leadership until she retired in 2015; during her tenure, the library system quadrupled in size, and today, eight newly constructed or renovated branch libraries are found in the City of Fredericksburg and Spotsylvania, Stafford, and Westmoreland Counties; and

WHEREAS, Donna Cote also lent her time and talents to statewide library organizations; she was president of the Virginia Library Association and served for many years on the association's Legislative Committee, playing a key role in drafting state standards for public libraries in conjunction with the Library of Virginia; and

WHEREAS, additionally, Donna Cote made many valuable contributions as president of the Virginia Public Library Directors Association, and she was a longtime member of the board of Montfort Academy; and

WHEREAS, the recipient of many awards and accolades and highly regarded by her peers, Donna Cote was honored with the Elizabeth M. Lewis Award from the Virginia Public Library Directors Association for her enthusiasm, nurturing spirit, and love of libraries, and she also was named the association's Outstanding Library Director in 2003; and

WHEREAS, Donna Cote, who was predeceased by her son, Daniel, will be greatly missed and fondly remembered by her children, Gillian, Clare, and Pierce, and their families; dear friend David Baker; and many other family members, friends, and colleagues who recall her boundless generosity and compassion; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Madonna Griffin Cote of Fredericksburg, the former director of the Central Rappahannock Regional Library, an enthusiastic advocate for libraries, and a devoted mother and grandmother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Madonna Griffin Cote as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 411

Commending the Rural Retreat High School wrestling team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Rural Retreat High School wrestling team capped off a successful season by claiming its third consecutive state title, winning the Virginia High School League Group 1A state championship in February 2016; and

WHEREAS, the Rural Retreat High School Indians bested the second-place Rappahannock County High School Panthers with an impressive score of 121.5 in the state finals at Salem Civic Center; and

WHEREAS, Trey Boyd recorded the Rural Retreat High School Indians' first individual win of the tournament, earning his third state title; and

WHEREAS, Josh Wynn ended a 33-1 season with his second consecutive individual state title and Leighton Powell earned his first state title with a dramatic 4-2 victory; and

WHEREAS, the Rural Retreat High School Indians finished the night with eight individual champions, with Harley Mitchell, Jacob Wynn, Trent O'Neil, Caleb Snider, and Ethan Martin also claiming state titles; and

WHEREAS, the successful season is a tribute to the hard work of all the student-athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Rural Retreat High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rural Retreat High School wrestling team on winning the Virginia High School League Group 1A state title; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rick Boyd, head coach of the Rural Retreat High School wrestling team, as an expression of the General Assembly's admiration for the team's skill and dedication.

HOUSE JOINT RESOLUTION NO. 412

Commending Kjell Lindgren.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Kjell Lindgren, a flight engineer with the National Aeronautics and Space Administration, returned safely to Earth on December 11, 2015, after five months in orbit at the International Space Station; and

WHEREAS, Kjell Lindgren was reared in Fairfax County and graduated as valedictorian of Robinson Secondary School, where he was a star three-sport athlete; he also earned the prestigious rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, after earning a bachelor's degree from the United States Air Force Academy, Kjell Lindgren went on to earn three master's degrees from Colorado State University, the University of Minnesota, and the University of Texas; he also earned a medical degree from the University of Colorado and is certified in emergency and aerospace medicine; and

WHEREAS, in 2015, Kjell Lindgren fulfilled a childhood dream to explore outer space when he was selected from a pool of 3,500 applicants to take part in Expeditions 44 and 45 to the International Space Station; he became the sixth alumnus of Fairfax County Public Schools to visit outer space when he launched from Kazakhstan in a Russian Soyuz rocket; and

WHEREAS, during his 141-day mission aboard the International Space Station, Kjell Lindgren and his fellow crew members carried out Earth observations and conducted physical, biological, and molecular research to advance scientific knowledge and evaluate new technologies; and

WHEREAS, Kjell Lindgren and Kimiya Yui of the Japan Aerospace Exploration Agency took part in a vegetable plant growth program that yielded fresh lettuce for crew consumption; the program has applications for long-duration exploration missions, both as a resource for crew food growth, and as a form of recreation, and could help improve growth and biomass production on Earth; and

WHEREAS, Kjell Lindgren also participated in two planned spacewalks, including one to perform station upgrade and maintenance tasks and prepare new docking ports for commercial spacecraft and a second spacewalk to reconfigure the station's ammonia cooling system; and

WHEREAS, Kjell Lindgren effectively used social media to keep members of the public engaged and informed on the importance of the mission and the space program in general, documenting his entire mission on Instagram; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kjell Lindgren, an exceptional member of the Fairfax County community, on successfully completing his mission to the International Space Station in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kjell Lindgren as an expression of the General Assembly's admiration for his contributions to science and technology.

HOUSE JOINT RESOLUTION NO. 413

Commending the 2015 World Police and Fire Games.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the 2015 World Police and Fire Games, held from June 26 through July 5, 2015, in Fairfax County, brought together members of law enforcement and other public safety fields from around the world for competition and camaraderie; and

WHEREAS, established in 1985, the World Police and Fire Games is a biennial athletic event open to active and retired law-enforcement personnel, fire fighters, and other first responders; the 2015 games welcomed more than 10,000 competitors from throughout the United States and more than 60 countries worldwide; and

WHEREAS, the World Police and Fire Games hosts approximately 65 team and individual sporting events, including angling, basketball, bowling, cycling, darts, flag football, target shooting, soccer, swimming, track and field, triathlon, volleyball, wrestling, and unique events such as a stair climb in full protective gear; and

WHEREAS, the gala opening ceremony for the 2015 World Police and Fire Games took place at Robert F. Kennedy Memorial Stadium, and events were held at venues throughout Fairfax County, with Reston Town Center serving as the Athletes' Village and Entertainment Center; and

WHEREAS, 2015 marked the 30th anniversary of the World Police and Fire Games and coincided with the 75th anniversary of the Fairfax County Police Department; members of Team Fairfax won gold medals in numerous events; and

WHEREAS, the size and scope of the World Police and Fire Games continues to grow, and the 2015 games attracted thousands of visitors and brought in millions of dollars of economic benefit to Fairfax County and the region; and

WHEREAS, the World Police and Fire Games is a unique cultural experience celebrating the professionalism, dedication, and sacrifices of law-enforcement officers and first responders throughout the Commonwealth, the United States, and the world; and

WHEREAS, the 2015 World Police and Fire Games would not have been possible without years of planning, strong coordination between public safety agencies across the region, and the hard work of approximately 3,500 volunteers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the 2015 World Police and Fire Games, held from June 26 through July 5, 2015, in Fairfax County on the occasion of its successful completion; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the World Police and Fire Games organizing committee, Fairfax 2015, as an expression of the General Assembly's admiration for the event's contributions to Northern Virginia and the public safety community.

HOUSE JOINT RESOLUTION NO. 414

Commending the Lake Braddock Secondary School coed cross country team.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Lake Braddock Secondary School coed cross country team claimed two state titles in 2015, winning the Virginia High School League Group 6A boys' and girls' state championships; and

WHEREAS, the Lake Braddock Secondary School Bruins won the Virginia High School League (VHSL) Group 6A girls' cross country state championship, claiming their second girls' state title in four years; and

WHEREAS, Kate Murphy won the individual state title with a time of 18:20; Sarah Daniels finished in 10th place, Emily Schiesl finished in 11th place, Sonya Butseva finished in 14th place, and Samantha Schwesers finished in 16th place; and

WHEREAS, the Lake Braddock Secondary School Bruins won the Virginia High School League (VHSL) Group 6A boys' cross country state championship, claiming their second consecutive boys' state title; and

WHEREAS, Colin Schaefer led the boys' team, finishing in fourth place with a time of 16:02; Conor Lyons finished in eighth place, Spencer Jolley finished in 11th place, Cavanaugh McGaw finished in 14th place, and Evan Chase finished in 22nd place; and

WHEREAS, the successful season is a testament to the skills and perseverance of the student-athletes, the leadership and guidance of the coaches and staff, and the energetic support of the entire Lake Braddock Secondary School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Lake Braddock Secondary School coed cross country team on winning two Virginia High School League Group 6A state titles in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Lake Braddock Secondary School coed cross country team as an expression of the General Assembly's admiration for the program's accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 416

Commending John Mosesso.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, John Mosesso, a longtime volunteer for schools, sports programs, and community ventures who has generously devoted his time and talents to many organizations and cultural events in the Herndon area, was named Herndon Citizen of the Year; and

WHEREAS, John Mosesso has worked tirelessly to strengthen the Herndon community for more than 25 years; he is the 50th recipient of the annual award, which is presented by the Rotary Club of Herndon; and

WHEREAS, for more than 20 years, John Mosesso has been the volunteer coordinator for the Herndon Festival, a four-day outdoor event that attracts an average of 80,000 people to historic downtown Herndon; and

WHEREAS, from 1991 to 2013, John Mosesso was chair of the annual Herndon High School Homecoming Parade, which brings thousands of spectators to watch numerous floats, school bands, neighborhood clubs and teams, and local officials march through town; it is one of Herndon's most anticipated civic events; and

WHEREAS, additionally, John Mosesso provides advice and leadership as president of the Park View High School Parent-Teacher-Student Organization, and in 2007-2008, he was president of the Forest Grove Elementary Parent Teacher Association; and

WHEREAS, John Mosesso has lent his organizational talents to two volleyball leagues; he has been administrator of Northwest Youth Volleyball and was Sterling Middle School coach and Sterling representative to Loudoun Youth Volleyball; and

WHEREAS, another community group that benefited from John Mosesso's volunteer efforts was the Federal Children's Center of Northern Virginia, now known as the Herndon Children's Center, where he served on the board of directors; and

WHEREAS, John Mosesso also was a member of the advisory board for the Sterling Community Center, and was president and chair of the board of the Greater Herndon Jaycees; and

WHEREAS, John Mosesso was previously named Herndon Citizen of the Year in 2000 by the Times Community Newspapers; his leadership, dedication, and commitment have made the Herndon community a better place to live, work, and visit; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Mosesso on being named Herndon Citizen of the Year by the Herndon Rotary Club for his work to enhance the quality of life of all Herndon residents; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Mosesso as an expression of the General Assembly's admiration for his legacy of service to the Herndon community.

HOUSE JOINT RESOLUTION NO. 417

Celebrating the life of Mathew Daniel Frank.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Mathew Daniel Frank of Hanover County, son to Joanna and Keith Frank, brother to Tyler and Michelle Frank, and deeply loved by all who had the opportunity to be impacted by his short, but tremendous life, died on January 19, 2006, at the young age of nine; and

WHEREAS, Mathew Frank, a twin brother to Tyler Frank, was born in Long Island, New York, on September 20, 1996, and relocated with his family to Hanover County in 2000 at the age of three; and

WHEREAS, Mathew Frank was officially diagnosed with autism in 2000, and through the advocacy of his family, he helped pave the way for many children and families to receive support services and gain access to programs that were otherwise unavailable before he moved to Hanover County; and

WHEREAS, in 2000, Mathew Frank's family was one of the first families in Hanover County to appeal to the Commonwealth for what was then known as an MR support waiver; Mathew Frank and his twin, Tyler, were the first children in Hanover to receive this waiver, which would later open the door for Hanover County to add other children to the waivers and provide in-home services; this waiver program was the impetus that enabled more than 100 one-on-one in-home staff members to work alongside Mathew Frank for more than six years; and

WHEREAS, Mathew Frank was a little boy of fierce determination and had the amazing ability to break down walls between people and knit hearts together; his curiosity was never ending and he loved people of all different cultures, demographics, and ages; he loved to explore his community and interact with the people in it; and he was particularly fond of service people, their awesome vehicles, and their role in the community, which fascinated him; and

WHEREAS, Mathew Frank also enjoyed music, his dog, Jesse, and computer games and movies; one of his many talents was being a fantastic impressionist; he could quote movies all day long and giggle to himself at his voices and gimmicks, but the best impression he did was to reflect the beauty of love; and

WHEREAS, Mathew Frank gave so much love wherever he went, and his little soul had great depth and tremendous grace; his interaction with his community was always powerful, and he taught so many people about the struggle of autism and the beautiful souls that existed behind the diagnosis; and

WHEREAS, the realities of Mathew Frank's disabilities inspired his mother, Joanna Frank, to begin a number of programs in Hanover County seeking to give Mathew an equal opportunity to obtain an education, play, grow, and exist as any other child would; these programs would also come to benefit many other children living in the community with similar disabilities; and

WHEREAS, the presence of Mathew and Tyler Frank helped bring about new plans in Hanover County schools to create autism programs in elementary, middle, and high schools; and

WHEREAS, in 2000, Mathew Frank was the first to receive a Project Life Saver watch, which contained a GPS tracking device to help local police find individuals with disabilities if they got lost or ran away; a police officer from Hanover County would visit Mathew Frank every month to change the batteries on the device, which was one of his favorite visits, as he built strong relationships with many Hanover County police officers; and

WHEREAS, in 2001, the program Saturday Sitters was initiated, providing one Saturday a month of respite care for parents who had a child five years of age or under with a disability; this free service brought together community volunteers to help support families across Hanover County, and the program is still operated by The ARC of Virginia; and

WHEREAS, Mathew Frank's special needs also helped initiate specialized autism training for police officers, school resource officers, and first responders in Hanover County; each individual with autism is unique and requires specialized approaches to intervention from community helpers; and

WHEREAS, Mathew Frank's specialized needs also helped inspire the program "Quick Start," which was a database that would provide valuable background information to community helpers in Hanover County related to the special needs of children with disabilities; these programs have helped educate and equip hundreds of Hanover County first responders to safely interact and assist individuals and their families with autism and other similar disabilities; and

WHEREAS, another program that was inspired by Mathew Frank's remarkable young life was a specialized Sunday school class, referred to as "God's Music," which was designed to provide a music-based church curriculum for children with disabilities; the Sunday school class enabled parents to attend regular church services with the comfort of knowing their child with special needs was being cared for in a loving, accepting, and safe environment; Mathew Frank was a regular attendee of "God's Music" at Mechanicsville Christian Church and could often be found playing instruments and singing songs with the program volunteers; and

WHEREAS, Mathew Frank loved music and often found it calming to his sensitive sensory and central nervous system; inspired by the therapeutic effects of music, one of Mathew Frank's in-home support staff designed a music outreach series for children and adults with disabilities, and musicians from around Richmond volunteered their time to play music with the attendees during the summer; and

WHEREAS, the program ran for several years and provided a wonderful opportunity for families to engage in music, but also served as a great source of awareness and education about disability services for the community; and

WHEREAS, in 2005, Mathew Frank's mother, Joanna, having found great support from her church family for her son and his peers, founded a nonprofit called the Resource Connection, Inc.; this organization went on to help equip, educate, and empower congregations across Virginia to serve individuals with disabilities, and more than 600 congregations and more than 1,000 leaders have received training; and

WHEREAS, the Resource Connection, Inc., has a program called "Mathew's Light" which has provided support to individuals with disabilities from around the world; support has come in the forms of medical assistance, staff support services, and medical equipment to individuals living in Vietnam, Germany, Niger, Kyrgyzstan, Thailand, and the Dominican Republic; and

WHEREAS, the Mathew Frank Memorial Scholarship, which was founded in 2006, has provided 14 high school seniors, who faithfully volunteered to support individuals with disabilities, with college scholarships; and

WHEREAS, the common thread of love and commitment to Mathew Frank's well-being has brought tremendous awareness, services, and education to the overarching community and the field of autism and disability support services; although just a child, Mathew Frank planted a seed of compassion in the hearts of many, and his light will forever remain in the hearts of all those who loved and knew him; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Mathew Daniel Frank; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joanna Frank, mother of Mathew Daniel Frank, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 418

Celebrating the life of Tyler Michael Frank.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Tyler Michael Frank of Hanover County, son to Joanna and Keith Frank, brother to Mathew and Michelle Frank, and deeply loved by all who had the opportunity to be impacted by his short, but tremendous life, died on March 13, 2015, at the young age of 18; and

WHEREAS, Tyler Frank, a twin with Mathew Frank, was born in Long Island, New York, on September 20, 1996, and relocated with his family to Hanover County in 2000 at the age of three; and

WHEREAS, Tyler Frank was officially diagnosed with autism in 1998, and through the advocacy of his family, he helped pave the way for many children and families to receive support services and gain access to programs that were otherwise unavailable before he moved to Hanover County; and

WHEREAS, in 2000, Tyler Frank's family was one of the first families in Hanover County to appeal to the Commonwealth for what was then known as an MR support waiver; Tyler Frank and his twin, Mathew, were the first children in Hanover to receive this waiver, which would later open the door for Hanover County to add other children to the waivers and receive in-home services; this waiver program was the impetus that enabled more than 100 one-on-one in-home staff members to work alongside Tyler Frank for more than 15 years; and

WHEREAS, even as a young child, Tyler Frank taught many people how to love, play, persevere, give, and turn mundane activities into grand adventures; he found great joy in life's simple pleasures, reading books, watching his favorite movies, taking long car rides, and of course playing in the leaves; it was not uncommon for the staff who worked with Tyler Frank to claim that they had the best job in the world, and his smile, laugh, strength, and spirit compelled many to dedicate their lives and careers to serving and advocating for individuals with disabilities; and

WHEREAS, anyone who knew Tyler Frank and had the privilege of seeing life through his eyes understood a realm of the world sustained without judgment and a love that could humble the greatest of men; and

WHEREAS, the realities of Tyler Frank's disabilities inspired his mother, Joanna Frank, to begin a number of programs in Hanover County seeking to give him an equal opportunity to obtain an education, play, grow, and exist as any other child would; these programs would also come to benefit many other children living in the community with similar disabilities; and

WHEREAS, the presence of Tyler and Mathew Frank helped bring about new plans in Hanover County schools to create autism programs in elementary, middle, and high schools; and

WHEREAS, in 2001, the program Saturday Sitters was initiated, providing one Saturday a month of respite care for parents who had a child five years of age or under with a disability; this free service brought together community volunteers to help support families across Hanover, and the program is still operated by The ARC of Virginia; and

WHEREAS, Tyler Frank's special needs also helped initiate specialized autism training for police officers, school resource officers, and first responders in Hanover County; each individual with autism is unique and requires specialized approaches to intervention from community helpers; these programs have helped educate and equip hundreds of Hanover County community helpers to safely interact and assist individuals and their families with autism and other similar disabilities; and

WHEREAS, another program that was inspired by Tyler Frank's remarkable young life was a specialized Sunday school class, referred to as "God's Music," which was designed to provide a music-based church curriculum for children with disabilities; the Sunday school class enabled parents to attend regular church services with the comfort of knowing their child with special needs was being cared for in a loving, accepting, and safe environment; Tyler Frank was a regular attendee of "God's Music" at Mechanicsville Christian Church and could often be found listening intently to the music provided by its volunteers; and

WHEREAS, Tyler Frank loved music and often found it calming to his sensitive sensory and central nervous system; inspired by the therapeutic effects of music, one of Tyler Frank's in-home support staff designed a music outreach series for children and adults with disabilities, and musicians from around Richmond volunteered their time to play music with the attendees during the summer; and

WHEREAS, the program ran for several years and provided a wonderful opportunity for families to engage in music, but it also served as a great source of awareness and education about disability services for the community; and

WHEREAS, in 2005, Tyler Frank's mother, Joanna, having found great support from her church family for her son and his peers, founded a nonprofit called the Resource Connection, Inc.; this organization went on to help equip, educate, and empower congregations across Virginia to serve individuals with disabilities, and more than 600 congregations and more than 1,000 leaders have received training; and

WHEREAS, in late 2015, the Tyler Frank Memorial Scholarship was started to provide college scholarships to students who will be studying to become first responders; and

WHEREAS, Tyler Frank was a treasured community member both in Hanover County and across the disability services community in Virginia; the community supported him in numerous ways, from county support services, FAPT teams, and community helpers to in-home staff, congregations, and local businesses; today, SAMs Hot Dog Shop, which was Tyler Frank's favorite restaurant, has a memorial table in his honor, which is used to provide free meals for the elderly or disabled community members of Hanover County; and

WHEREAS, the common thread of love and commitment to Tyler Frank's wellbeing has brought tremendous awareness, services, and education to the overarching community and the field of autism and disability support services; he planted a seed of compassion in the hearts of many, and his light will forever remain in the hearts of all those who loved and knew him; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Tyler Michael Frank; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joanna Frank, mother of Tyler Michael Frank, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 419

Commending Thomas Jones.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Thomas Jones, an experienced law-enforcement officer who has served and protected the community as Sheriff of Charlotte County for 28 years, is now the longest-serving sheriff in the Commonwealth in 2016; and

WHEREAS, Thomas Jones joined the Charlotte County Sheriff's Office in 1981 and was first elected sheriff in 1988; since that time, the size of the office has nearly doubled, growing from 16 full-time officers to 35 in 2016; and

WHEREAS, during his nearly three decades as sheriff, Thomas Jones worked to ensure that the members of the Charlotte County Sheriff's Office received the tools and training to best serve the residents of the large, rural county in Southside Virginia; and

WHEREAS, under Thomas Jones' able leadership, the Charlotte County Sheriff's Office has responded promptly to calls for service, carried out criminal investigations, provided court room security and process service, maintained operation of the Charlotte County Jail, and conducted valuable outreach programs to local youths; and

WHEREAS, Thomas Jones has helped the Charlotte County Sheriff's Office adapt to changes in policing and advances in technology, and he has encouraged his officers to build trust and mutual respect with members of the community; and

WHEREAS, Thomas Jones is an exemplar of the professionalism, dedication, and care for the community demonstrated by law-enforcement officers throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Thomas Jones, Sheriff of Charlotte County, on being the longest-serving sheriff in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Thomas Jones as an expression of the General Assembly's admiration for his legacy of service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 420

Commending Falkland Farms.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Falkland Farms, a 7,673-acre tract of land in Halifax County, works to conserve its diverse outdoors habitat for the benefit of wildlife, and the 12-square-mile property, much of which has been left in its natural state, features diverse topography, habitat, soils, forests, and water features; and

WHEREAS, in the early 20th century, Col. Ira Vaughan purchased more than 40 farms to create Falkland Farms as a private hunting preserve; today, it is the Commonwealth's largest contiguous privately owned parcel of real estate east of the Blue Ridge Mountains; and

WHEREAS, Falkland Farms is owned by Ira Vaughan's descendants, who maintain it as a hunting plantation; Sydnor House Lodge on the property also is used year-round as a bed-and-breakfast accommodation and hosts weddings, receptions, and corporate retreats; and

WHEREAS, keenly aware of the property's diverse natural resources, the owners of Falkland Farms are actively engaged in conservation efforts; the site contains bottomland hardwoods, pine savannahs, hardwood forests, cropland, pastures, managed wetlands, and wildlife plots; and

WHEREAS, Falkland Farms' property also includes more than six miles of frontage along the Dan, Bannister, and Hyco Rivers and contains three miles of shoreline at the headwaters of the John H. Kerr Reservoir; and

WHEREAS, numerous ponds and streams run through Falkland Farms, and the farm also contains two rare vernal ponds, which provide habitat for several uncommon animal species; and

WHEREAS, abundant wildlife and game are found at Falkland Farms, including deer, turkey, bear, quail, and waterfowl, and fishing is plentiful on the waterways that border the property; the farm is in the core area of a large complex of protected conservation lands and directly adjoins thousands of acres of protected lands; and

WHEREAS, in the early 1990s, the owners of Falkland Farms once again turned it into an active business enterprise by reviving the hunting plantation and starting a beef cattle operation; Sydnor House Lodge also was completely renovated; and

WHEREAS, visitors to Falkland Farms, boaters, and people traveling to nearby Staunton River State Park can enjoy a magnificent viewshed that highlights some of the Commonwealth's outstanding natural beauty—open space, farmland, forests, wetlands, streams, and shorelines; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the owners of Falkland Farms for their outstanding conservation efforts; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the owners of Falkland Farms as an expression of the General Assembly's respect and admiration for its far-sighted commitment to conservation and natural resource protection.

HOUSE JOINT RESOLUTION NO. 421

Commending Justine Klana.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Justine Klana, who has led Herndon Middle School since 2008, and is highly regarded by the staff for her collaborative leadership skills, was named the Fairfax County Public Schools 2016 Outstanding Principal; and

WHEREAS, as principal of Herndon Middle School for the past six years, having been the assistant principal, Justine Klana has worked to make sure that the school's primary focus is on meeting students' needs, and assisting the teachers in that mission; and

WHEREAS, Justine Klana also is admired for providing support for each student to succeed academically and socially; the staff encourages all students to take part in activities such as performing arts, the National Junior Honor Society, Spanish for Fluent Speakers, and higher-level courses; and

WHEREAS, during Justine Klana's tenure, Herndon Middle School has become an outstanding example of how to build strong co-teaching relationships in classes where special education and English for speakers of other languages are taught; and

WHEREAS, the faculty and staff at Herndon Middle School appreciate Justine Klana's many leadership qualities; she is an exemplary lead learner, always promotes the best interests of her students, and pays close attention to what is happening in the classrooms; and

WHEREAS, Justine Klana also has worked to ensure that all students have access to rigorous courses, and in the last school year, 10 percent more African American and Hispanic students were enrolled in four honors courses; and

WHEREAS, recognizing that students' lives outside of school can affect academic performance, Justine Klana has assisted families who are in great need or have experienced traumatic border crossings during their journey to the United States by helping to make food and services available to them; she designated one wing of Herndon Middle School as a Family Resource Center; and

WHEREAS, Justine Klana, who earned a bachelor's degree from Georgetown University and two master's degrees from George Mason University and received teaching certification from the University of North Carolina-Chapel Hill, previously was assistant principal at Cooper Middle School before moving to Herndon Middle School; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Justine Klana, principal of Herndon Middle School, for being honored as the Fairfax County Public Schools 2016 Outstanding Principal; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Justine Klana as an expression of the General Assembly's congratulations and admiration for her dedicated work and inspiring leadership.

HOUSE JOINT RESOLUTION NO. 422

Commending First Colonial High School.

Agreed to by the House of Delegates, March 4, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, First Colonial High School, an outstanding public secondary school in Virginia Beach, celebrates 50 years of educating and preparing students for bright futures during the 2015-2016 school year; and

WHEREAS, in 1966, First Colonial High School opened its doors to more than 1,320 students in grades eight through 12; during its 50th anniversary year, the school served more than 2,000 students in grades nine through 12; and

WHEREAS, since opening the Legal Studies Academy, First Colonial High School also welcomes students from all areas of Virginia Beach who are considering a career in law and law-related fields or have an interest in legal and ethical issues; and

WHEREAS, First Colonial High School has been led by outstanding educators committed to the school's mission statement: "empowering all students to become lifelong learners and responsible, productive citizens in a global society"; and

WHEREAS, First Colonial High School maintains its accreditation by continuing to uphold the Virginia Department of Education's Standards of Learning; and

WHEREAS, students competing in sports and other extracurricular competitions for First Colonial High School have achieved numerous district titles, at least 30 regional titles, and 12 state championship titles; student-athletes and other student competitors have advanced to compete nationally and internationally, both at collegiate and professional levels; and

WHEREAS, First Colonial High School graduates have used their education to make a difference in society through public service and careers in the military, professional sports, entertainment, law, medicine, business, education, engineering, architecture, agriculture, technology, hospitality, and local, state, and federal government; and

WHEREAS, celebration activities for First Colonial High School's 50th anniversary will be held throughout the 2015-2016 school year; anyone with a connection to the school will have opportunities to proudly wear the school's colors of Columbia blue and yellow and gather with friends to reminisce, make new memories, and set future goals; and

WHEREAS, each member of the faculty, administration, and staff at First Colonial High School contributes to motivating, inspiring, and educating the future leaders of Virginia Beach and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend First Colonial High School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nancy Farrell, principal of First Colonial High School, as an expression of the General Assembly's admiration for the school's legacy of academic excellence.

HOUSE JOINT RESOLUTION NO. 423

Celebrating the life of Horace Julian Bond.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Horace Julian Bond, an accomplished civil rights leader who devoted his life to the fight for justice and equality, a longtime public servant in Georgia, and professor emeritus at the University of Virginia, died on August 15, 2015; and

WHEREAS, born in Nashville, Tennessee, Julian Bond was reared in Pennsylvania, where his father served as president of Lincoln University; he attended Morehouse College, where he was a onetime student of the Reverend Dr. Martin Luther King, Jr., and led nonviolent sit-ins that resulted in the desegregation of local businesses; and

WHEREAS, Julian Bond was inspired to take up the cause of civil rights from a young age; he was a founding member of the Student Nonviolent Coordinating Committee and served as its communications director; and

WHEREAS, in 1965, Julian Bond was elected to the Georgia House of Representatives at the age of 25; after members of the Georgia General Assembly sought to prevent him from taking his seat, Julian Bond took his case to the Supreme Court of the United States, which ruled in his favor; and

WHEREAS, Julian Bond served four terms in the Georgia House of Representatives and six terms in the Georgia Senate; he helped create a majority Black congressional district in Atlanta and organized the Georgia Legislative Black Caucus; and

WHEREAS, known nationally for his passionate speeches on race, poverty, and equality, Julian Bond also served as the first president of the Southern Poverty Law Center from 1971 to 1976; he later moved to Washington, D.C., where he worked as a newspaper columnist, television commentator, and speaker; and

WHEREAS, following in his father's footsteps as an educator, Julian Bond inspired and motivated students at American University, the University of Pennsylvania, Drexel University, Harvard University, Williams College, and the University of Virginia, where he was named professor emeritus of history and the Julian Bond Professorship in Civil Rights and Social Justice position was created in his honor; and

WHEREAS, Julian Bond enthralled students with firsthand accounts of the Civil Rights Movement at the University of Virginia, where there was a waiting list to attend his classes; he also continued to support the African American community as chair of the NAACP from 1998 to 2010; and

WHEREAS, Julian Bond was a member of the Smithsonian's National Museum of African American History and Culture Civil Rights History Project Advisory Panel, an associate in Harvard University's W.E.B. Du Bois Institute for African and African American Research, and a member of the National Center for Civil and Human Rights Global Advisory Board; and

WHEREAS, earning many awards and accolades throughout his distinguished career, Julian Bond earned the Spingarn Medal from the NAACP, the National Freedom Award from the National Civil Rights Museum, and several honorary doctorates; and

WHEREAS, Julian Bond will be fondly remembered and greatly missed by his wife; his children and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Horace Julian Bond, an admired civil rights leader, educator, and public servant; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Horace Julian Bond as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 424

Election of a Supreme Court of Virginia Justice.

Agreed to by the House of Delegates, March 3, 2016

Agreed to by the Senate, March 8, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed on or after Thursday, March 3, 2016

To the election of a Supreme Court of Virginia justice for a term of twelve years commencing March 3, 2016.

And that in the execution of the joint order a nomination shall be made, and that each house shall be notified of said nomination, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 425

Designating June 27, in 2016 and in each succeeding year, as Post-Traumatic Stress Injury Awareness Day in Virginia.

Agreed to by the House of Delegates, March 10, 2016

Agreed to by the Senate, March 11, 2016

WHEREAS, the brave men and women of the United States Armed Forces, who proudly serve the United States and risk their lives to protect the freedom all Americans hold dear, deserve the investment of every possible resource to ensure their lasting physical, mental, and emotional well-being; and

WHEREAS, post-traumatic stress injury occurs after a person has experienced a traumatic event and can result not only from the stress of combat, but also from rape, sexual assault, battery, torture, confinement, child abuse, car accidents, train wrecks, plane crashes, bombings, and natural disasters; and

WHEREAS, post-traumatic stress has historically been viewed as a mental illness caused by a preexisting flaw in an individual's brain or character; the term post-traumatic stress disorder, commonly known as PTSD, carries a stigma that perpetuates this misconception; and

WHEREAS, the stigma created by referring to post-traumatic stress injury as a disorder or mental illness discourages those suffering from post-traumatic stress from seeking proper and timely medical treatment; and

WHEREAS, removing the stigma of post-traumatic stress can favorably influence the lives of those affected by the condition and encourage them to seek help without fear of retribution or shame; proper and timely treatment can decrease suicide rates related to post-traumatic stress; and

WHEREAS, all citizens suffering from post-traumatic stress injury deserve recognition and support, and those who have been wounded in service to the nation have earned special honor and respect; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly designate June 27, in 2016 and in each succeeding year, as Post-Traumatic Stress Injury Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates transmit a copy of this resolution to Major General Timothy P. Williams, Adjutant General of Virginia, so that members of the Virginia National Guard and veterans in the Commonwealth may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates post the designation of this day on the General Assembly's website.

HOUSE JOINT RESOLUTION NO. 426

Commending Joseph S. Paxton.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, after 38 years of service to the community, Joseph S. Paxton has announced his retirement as county administrator of Rockingham County, effective June 30, 2016; and

WHEREAS, a native of Salem, Joseph Paxton received a bachelor's degree in public administration and political science in 1978, and a master's degree in business administration with a concentration in finance in 1983 from James Madison University; and

WHEREAS, Joseph Paxton began his local government career with Rockingham County in January 1978, and has served as purchasing and accounting officer, director of finance, assistant county administrator, and deputy county administrator; he was appointed county administrator by the Board of Supervisors on January 1, 2004; and

WHEREAS, over the years, Joseph Paxton has been invaluable through his willingness to advise standing committees of the General Assembly with regards to the potential impact of proposed legislation on localities in the Commonwealth; and

WHEREAS, Joseph Paxton has shown further commitment to the Commonwealth through his willing, capable, and eager contributions as a member of the State Executive Council for the Comprehensive Services Act for At Risk Youth and Families; and

WHEREAS, it would be difficult to recognize an individual who more aptly exemplifies commitment to a career of service dedicated to one locality in the Commonwealth than Joseph Paxton; and

WHEREAS, Joseph Paxton has dedicated much of his personal time to his faith and community, including his service in numerous leadership roles at Emmanuel Episcopal Church in Harrisonburg, as president of the Diocesan Missionary Society of the Episcopal Diocese of Virginia, and as a member and treasurer of the Rotary Club of Broadway-Timberville; and

WHEREAS, Joseph Paxton has also inspired and mentored hundreds of young men through his ongoing service as a volunteer assistant football coach at Broadway High School in Broadway; and

WHEREAS, Joseph Paxton has been supported in all his endeavors by his loving family, including his wife, Annette; daughter, Kathleen; and his sons, William and Robert, and their families; and

WHEREAS, Joseph Paxton leaves a legacy of professionalism and a record of accomplishment with his years of public service to the people of Rockingham County and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Joseph S. Paxton for his years of dedicated service to Rockingham County on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph S. Paxton as an expression of the General Assembly's respect and admiration for his contributions to the people of Rockingham County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 427

Commending the Rockingham County Fair.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2015, the Rockingham County Fair won first place in the Overall Program for Competitive Agricultural Exhibitors category from the International Association of Fairs and Expositions for its livestock showings and other agricultural competitions; and

WHEREAS, this Award of Distinction recognizes the efforts of farmers, families, and individuals who submit entries to be judged at the Rockingham County Fair's contests; across the country, thousands of people pay tribute to the nation's proud agricultural heritage by taking part in local fair competitions; and

WHEREAS, the Rockingham County Fair's first-place award marks the 22nd time that the fair has won the Overall Program for Competitive Agricultural Exhibitors award; and

WHEREAS, the judges from the International Association of Fairs and Expositions (IAFE) examine livestock showings, poultry exhibits, and produce and farm crop contests to determine which fair best promotes agricultural education and service; and

WHEREAS, the popular Rockingham County Fair is held each August, and agricultural exhibits feature prominently during the fair's six-day run; local farmers, gardeners, and vegetable growers bring livestock, flowers, produce, and other crops to be judged and admired by fair-goers; and

WHEREAS, the Overall Program for Competitive Agricultural Exhibitors award from IAFE is part of the Rockingham County Fair's John Deere Excellence in Agriculture Program; the 2015 top prize is the fair's third first-place award in four years; and

WHEREAS, Jeff Ishee, general manager of the Rockingham County Fair, attributed the fair's consistently strong showing at the international competition to its long-held goals of supporting local farmers, educating the public about agriculture, and promoting family farming; and

WHEREAS, winning the 2015 Overall Program for Competitive Agricultural Exhibitors award also recognizes the hard work that the sponsors, staff, volunteers, and member organizations devote to the Rockingham County Fair each year; and

WHEREAS, the popularity of the Rockingham County Fair is reflected in its annual increases in attendance; in 2015, more than 92,200 people visited the fair; they wandered through the livestock exhibits, perused award-winning poultry, gardening, produce, and flower entries, enjoyed a concert or other special activity, and had fun on the midway—all in a family-friendly environment; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Rockingham County Fair for winning first place in the Overall Program for Competitive Agricultural Exhibitors category from the International Association of Fairs and Expositions for its livestock contests and other agricultural competitions; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Ishee, general manager of the Rockingham County Fair Association, as an expression of the General Assembly's congratulations and admiration for the Rockingham County Fair's outstanding accomplishments and tireless work on behalf of agriculture in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 428

Commending Larry Shifflett.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Larry Shifflett, who has provided outstanding leadership as Chief of the Harrisonburg Fire Department for 33 years, safeguarding the lives and property of the residents of the Shenandoah Valley city, will retire on August 1, 2016; and

WHEREAS, in 1961, Larry Shifflett became a volunteer member of the Harrisonburg Fire Department and was assigned to Hose Company No. 4; as a child, he had enjoyed accompanying his father, who was assistant fire chief, to the firehouse; and

WHEREAS, Larry Shifflett has been a professional firefighter for 47 years; he was hired in 1969 as a full-time firefighter with the Harrisonburg Fire Department and was promoted to lieutenant in 1978; he was made captain in 1982 and chief in 1983; and

WHEREAS, Larry Shifflett was the Harrisonburg Fire Department's first fire inspector and hazardous materials officer; he also was the first emergency medical services officer and self-contained breathing apparatus officer for the department, which has grown from 20 employees and two fire stations to nearly 100 employees and four fire stations; and

WHEREAS, during Larry Shifflett's career, he organized a state-recognized hazardous materials team in the early 1980s, a state-recognized technical rescue team in the late 1980s, and through his dedicated efforts, the City of Harrisonburg has been recently reclassified a Class 2 through the Insurance Services Office, the second-highest possible rating; and

WHEREAS, Larry Shifflett's work also has included innovative fire-safety programs; he started monthly fire-safety classes for third-grade and seventh-grade pupils in the Harrisonburg Public Schools, and today, all high school students undergo fire-safety training as well; and

WHEREAS, with a large college-age population in Harrisonburg, Larry Shifflett developed Fireproof University, which has trained thousands of college students in fire safety; members of the fire department were subsequently asked to participate in developing a national curriculum based on the program; and

WHEREAS, for the past 12 years, members of the Harrisonburg Fire Department have sponsored the popular Smoke Alarm Pizza Delivery event, where firefighters deliver free pizzas in exchange for checking a residence's smoke detectors and have ensured that thousands of homes have working smoke detectors; and

WHEREAS, Larry Shifflett has stressed the importance of regional cooperation for first responders; he created a regional training center and training committee, and he also played a major role in establishing a consolidated communications center; and

WHEREAS, Larry Shifflett, who has received numerous accolades and awards during his career, is respected by his colleagues for the dedication and the care he shows to his employees; he sees that the members of the Harrisonburg Fire Department are well-trained, have the support they need, and are equipped with the best equipment possible; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Larry Shifflett, Chief of the Harrisonburg Fire Department, on the occasion of his retirement in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Larry Shifflett as an expression of the House of Delegates' respect and admiration for his many years of tireless work to protect and serve the people of Harrisonburg.

HOUSE JOINT RESOLUTION NO. 429

Celebrating the life of Jo Ellen Emswiler.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Jo Ellen Emswiler of Harrisonburg, a career law-enforcement officer with the Rockingham County Sheriff's Office and its first female road deputy, an animal lover who was a veterinary technician, an agility enthusiast, and a woman of faith who was full of life and who served as a role model to many people, died on October 8, 2015; and

WHEREAS, Jo Ellen Emswiler was born in Rockingham County and worked for the Rockingham County Sheriff's Office for 30 years; she held many positions at the Sheriff's Office and was a member of the RUSH Drug Task Force, a school resource officer, and bailiff for the Harrisonburg-Rockingham Juvenile and Domestic Relations District Court; and

WHEREAS, a hardworking and dedicated sheriff's deputy who loved her work, Jo Ellen Emswiler was a role model for other women in law enforcement; she was strong and confident, readily sharing her knowledge and encouraging other women to be the best they possibly could be; and

WHEREAS, after retiring from the Rockingham County Sheriff's Office in 2006, Jo Ellen Emswiler—an animal lover since she was young—enrolled in college, became a licensed veterinary technician, and worked at Broadway Veterinary Hospital; and

WHEREAS, Jo Ellen Emswiler derived great pleasure from participating in agility trials with her dogs, where they earned a number of ribbons and titles and shared good times with many friends; she and her therapy dog Radar also visited Crestwood and Oak Lea Virginia Mennonite Retirement communities, where Radar gladdened many hearts; and

WHEREAS, a woman of faith, Jo Ellen Emswiler enjoyed fellowship and worship with the community as a member of Linville United Methodist Church; and

WHEREAS, Jo Ellen Emswiler, who was predeceased by her parents, Cloyd and Georgia; brother James, and her special dog, Kayak, will be greatly missed and fondly remembered by her siblings, Cloyd, Jr., and Judy, and their families and many other family members, friends, and the loves of her life, her dogs, Kady, Radar, Point, and Brenn; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Jo Ellen Emswiler of Harrisonburg, a career law-enforcement officer, veterinary technician, agility enthusiast who dearly loved her dogs, and a woman of faith who was an inspiring role model; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jo Ellen Emswiler as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 430

Celebrating the life of Officer Ashley Marie Guindon.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Officer Ashley Marie Guindon, a law-enforcement officer in Prince William County who was driven by her duty to protect and serve the community, died in the line of duty on February 27, 2016; and

WHEREAS, a native of Springfield, Massachusetts, Officer Guindon grew up in Merrimack, New Hampshire; she served her country as a member of the United States Marine Corps Forces Reserve, where she trained as a radio operator and earned many accolades for her service; and

WHEREAS, Officer Guindon earned a bachelor's degree from Embry-Riddle Aeronautical University in 2010 and attended the Joint Mortuary Affairs Center at Fort Lee; she relocated to the Commonwealth while pursuing graduate studies in forensics and interned with the Prince William County Police Department in 2011; and

WHEREAS, Officer Guindon graduated from the Prince William County Criminal Justice Academy with Session 36 in 2015; she earned the respect of her peers for her intelligence, compassion, and dedication to duty; and

WHEREAS, Officer Guindon made the ultimate sacrifice on February 27, 2016, while on her first shift with the Prince William County Police Department, having been officially sworn in as member of the department the previous evening; and

WHEREAS, Officer Guindon will be fondly remembered and greatly missed by numerous family members and friends and her fellow public safety officers in Prince William County and throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Officer Ashley Marie Guindon, a devoted law-enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Officer Ashley Marie Guindon as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 431

Celebrating the life of David V. Burds.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, David V. Burds of Arlington, an advocate for people with severe disabilities who inspired and supported others as they worked to achieve independent living, died on January 30, 2016, in his own home; and

WHEREAS, David "Dave" V. Burds was born July 13, 1944, in Dubuque, Iowa; he graduated from high school in Farley, Iowa, and received a degree from Loras College; and

WHEREAS, after five years as a teacher and counselor, Dave Burds relocated with his family to the Commonwealth in 1975; he owned and operated a home building and repair company in McLean until 1977, when he sustained a spinal cord injury from a fall while roofing; and

WHEREAS, determined to not be defined by his injury, Dave Burds attended graduate school at George Mason University and received a master's degree in counseling; and

WHEREAS, in 1982, Dave Burds attended the grand opening of the ENDependence Center of Northern Virginia (ECNV) as a volunteer member of ECVN's original staff and a peer counselor; ECVN is a consumer-controlled Center for Independent Living (CIL)—the second CIL founded in Virginia—and is operated by persons with disabilities to provide independent living services to persons with disabilities throughout Northern Virginia; and

WHEREAS, at ECVN, Dave Burds facilitated a support group for people with spinal cord injuries and for people interested in acquiring personal assistance services management skills; and

WHEREAS, Dave Burds was receiving Social Security Disability Insurance and Medicare support until he obtained employment in the private sector at Satellite Business Systems, where he continued working until the company was purchased by IBM; and

WHEREAS, Dave Burds then served as a service manager at IBM from 1986 to 1994, working from his three-wheeled motorized scooter in a competitive employment environment and regularly demonstrating how to live independently; and

WHEREAS, Dave Burds became an active member and avid supporter of the Spinal Cord Injury Network of Metropolitan Washington and later served as a board member, treasurer, and president; and

WHEREAS, Dave Burds, along with other disability community leaders, advocated passionately on behalf of people with disabilities; he was present at the White House ceremony where President George H.W. Bush signed into law the Americans With Disabilities Act of 1990; and

WHEREAS, Dave Burds was rehired by ECVN as the Personal Assistance Services Coordinator in January 1995; he developed a model personal assistance services registry and referral service, which included training and orientation components highlighting the skills needed to become an effective personal assistant in a consumer-directed environment, in which the person with a disability is an employer of the personal assistant, not a patient; and

WHEREAS, Dave Burds proudly worked alongside other disability advocates from throughout Virginia and around the nation through the Americans With Disabilities for Attendant Programs Today (ADAPT); and

WHEREAS, throughout the late 1990s, as a result of Dave Burds' initiative and with the support of ECVN and the statewide Virginia Association of Centers for Independent Living (VACIL), Virginians with disabilities and their legislative allies were successful in securing the first Virginia Medicaid waiver option allowing persons with disabilities the option of recruiting, hiring, training, and managing their own attendants; and

WHEREAS, this effort led to the formal establishment of Virginia's Consumer-Directed Medicaid Waiver program, which has evolved into the Elderly or Disabled with Consumer Direction (EDCD) Waiver; and

WHEREAS, Dave Burds' passion for independent living extended to his own exercise regimen; he would frequently hand-pedal a three-wheeled bicycle on the 35-mile long Washington & Old Dominion trail between Arlington and Leesburg, as well as participating six times in an annual endurance bicycle ride across Iowa; and

WHEREAS, Dave Burds continued to advocate with ECVN and VACIL to empower persons to live independently, including joining fellow independent living advocates for many years at the Virginia General Assembly, which ultimately resulted in the adoption of legislation authorizing what is now the Assistive Technology Loan Fund Authority and the Virginia Assistive Technology Device Warranty Act (Virginia's "lemon law" for persons with disabilities who use assistive technologies) and the creation of the Independence Empowerment Center, which serves individuals with disabilities living in Prince William and Fauquier Counties; and

WHEREAS, Dave Burds was also instrumental in the creation of the Loudoun ENDependence satellite CIL program, which serves individuals with disabilities living in Loudoun County, and what is now the Virginia Livable Home Tax Credit program, which provides state tax credits for the purchase of new units or the retrofitting of existing housing units and allows all Virginians to have the option of aging-in-place; and

WHEREAS, Dave Burds continued working at ECVN as director of administration until he was named executive director in 2007, a position he held until his retirement in 2012; and

WHEREAS, Dave Burds served as Region III Representative on the National Council on Independent Living Board of Directors; he was also a graduate of Leadership Arlington and served on the Board of Directors of the Warren G. Stambaugh Foundation, where he continued to work on efforts that advanced improvements in the lives of persons with disabilities; and

WHEREAS, Dave Burds will be fondly remembered and greatly missed by his wife, Margaret; children, Chris Pauly, Ann McGavin, Sara Megonigal, and Eric Burds, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of David V. Burds, a devoted advocate for people living with disabilities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of David V. Burds as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 432

Commending the Shirlington Employment and Education Center.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, for 15 years, the Shirlington Employment and Education Center has provided day workers in Arlington with a welcoming venue to meet potential employers and seek crucial job training; and

WHEREAS, the Shirlington Employment and Education Center was founded in 2000 by Walter Tejada, Lori Rinker, Nanola K. Brown Henry, Hayward Corley, Leni Gonzalez, Emily DiCicco, Clare Cherkasky, and Andres Tobar; it is the oldest official worker center still in operation in the Commonwealth; and

WHEREAS, Shirlington Employment and Education Center consists of two facilities, where the center's dedicated staff members help potential employers meet with and hire workers; and

WHEREAS, each year, Shirlington Employment and Education Center helps provide more than 2,000 jobs; the center also helps workers collect more than \$15,000 in unpaid wages annually; and

WHEREAS, Shirlington Employment and Education Center offers vocational training as well as English and other job-related courses, such as green housecleaning techniques and workshops on how to start a business; and

WHEREAS, Shirlington Employment and Education Center has received generous support from local individuals, organizations, and churches, including Our Lady Queen of Peace Catholic Church, Rock Spring Congregational United Church of Christ, St. Mary's Episcopal Church, St. Anthony of Padua Catholic Church, and Good Spoon Church; and

WHEREAS, over the course of its 15-year history, Shirlington Employment and Education Center has increased the skillsets of the local worker pool and facilitated meaningful interactions between workers and employers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Shirlington Employment and Education Center on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Shirlington Employment and Education Center as an expression of the General Assembly's admiration for the center's mission to help residents of Arlington achieve employment.

HOUSE JOINT RESOLUTION NO. 433

Commending the Yorktown High School gymnastics team.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Yorktown High School gymnastics team claimed the school's first Virginia High School League Group 6A regional championship, winning the Group 6A North meet in February 2016; and

WHEREAS, in a tense regional tournament, the Yorktown High School Patriots bested the second-place West Springfield High School Spartans with a score of 146.05; and

WHEREAS, Julia Hays of the Yorktown Patriots took first place in the all-around and won the individual regional title in the floor and beam events; and

WHEREAS, Juliette Mitrovich took second in the all-around and on the beam and tied for third in the floor routine; Olivia Zavrel also took third place on the bars; and

WHEREAS, with the regional win, the Yorktown High School Patriots advanced to the state tournament in Virginia Beach; and

WHEREAS, the successful season is a testament to the hard work and dedication of all of the student-athletes, the leadership of the coaches and staff, and the passionate support of the entire Yorktown High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Yorktown High School gymnastics team on winning the Virginia High School League Group 6A North regional championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joanne Price and Jessie Everett, coaches of the Yorktown High School gymnastics team, as an expression of the General Assembly's admiration for the team's achievements.

HOUSE JOINT RESOLUTION NO. 434

Commending William T. Frazier.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, William T. Frazier, a longtime leader in historic preservation and community revitalization, has been named to the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in urban planning; and

WHEREAS, William Frazier, who is a founder of Frazier Associates, was recognized by the American Institute of Certified Planners (AICP) in the professional practice category; being designated a Fellow by the AICP is the profession's highest honor; and

WHEREAS, AICP Fellows have shown excellence in professional practice, teaching and mentoring, research, public and community service, and leadership; they also have made positive and long-lasting contributions to the planning profession, which works to create communities that offer better choices for where and how people live; and

WHEREAS, William Frazier, who has been at the forefront of historic preservation and revitalization efforts in the Commonwealth and beyond for almost 40 years, pioneered the use of written and illustrated design guidelines for historic

districts throughout the Commonwealth; nearly 50 sets of guidelines have been produced for use by architectural review boards; and

WHEREAS, Frazier Associates was founded by William Frazier and his wife, Kathy; the firm has prepared more than 40 urban design plans for communities in the Commonwealth, and it has provided professional services through the Virginia Main Street program for 29 years; and

WHEREAS, William Frazier, who earned a bachelor's degree and two master's degrees from the University of Virginia, previously was director of the Western Region of the National Trust for Historic Preservation and worked with the National Main Street Center to expand its program; and

WHEREAS, the City of Staunton also has greatly benefited from William Frazier's expertise as he helped lead the revitalization of the downtown area; the effort has received national recognition, and Staunton was recently named one of the Great Places in America by the American Planning Association; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend William T. Frazier for being named a member of the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in urban planning; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to William T. Frazier as an expression of the General Assembly's admiration and congratulations for his leadership and exemplary accomplishments that have helped define the places where Virginians live and work.

HOUSE JOINT RESOLUTION NO. 435

Commending Good Shepherd Housing and Family Services, Inc.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Good Shepherd Housing and Family Services, Inc., a family assistance organization in Fairfax County which helps people in need secure housing and work toward self-sufficiency, acquired its 50th housing unit in December 2015; and

WHEREAS, Good Shepherd Housing and Family Services, Inc. (GSH), started in 1974 as an outreach program of Good Shepherd Catholic Church when parishioners joined together to help a family in need; the organization grew and evolved into a professionally staffed agency working to reduce homelessness and enable people and families to attain self-sufficiency through an array of services; and

WHEREAS, the mission of GSH is to transform lives by providing permanent, affordable housing, emergency financial services, budget counseling, and case management to working-class individuals and families in Fairfax County; and

WHEREAS, the acquisition of the 50th house by GSH marks a milestone for the charitable organization and is the nonprofit's first step toward significantly increasing the number of quality affordable housing units in the Mount Vernon area of Fairfax County; and

WHEREAS, GSH serves the historic U.S. Route 1 corridor of Fairfax County and has successfully housed thousands of families; the average stay in GSH housing is 26 months, and the organization has earned many accolades for its work, including being honored as one of the best nonprofits by the 2014-2015 Greater Washington Catalogue for Philanthropy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Good Shepherd Housing and Family Services, Inc., of Fairfax County for acquiring its 50th housing unit in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Levine, president and chief executive officer of Good Shepherd Housing and Family Services, Inc., as an expression of the General Assembly's respect and admiration for the organization's vital work to provide permanent housing and support services to individuals and families in need in Fairfax County.

HOUSE JOINT RESOLUTION NO. 436

Commending the John Marshall Soil and Water Conservation District.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, the John Marshall Soil and Water Conservation District celebrates 50 years of providing leadership, technical assistance, information, and education to the citizens of Fauquier County in proper soil stewardship, agricultural methods, and water quality protections to ensure the wise use of the county's natural resources; and

WHEREAS, soil and water conservation districts are self-governing divisions of the Commonwealth; the districts develop plans for conserving soil resources, controlling and preventing soil erosion, preventing floods, and determining how best to conserve, utilize, and protect water resources; and

WHEREAS, the John Marshall Soil and Water Conservation District was created in May 1966; the first election for the board of directors was held the following month and regular operation has continued since that time; in 2016, the county encompasses 660 square miles and has a population of more than 68,000; and

WHEREAS, the John Marshall Soil and Water Conservation District has a five-member board of directors; the district provides agricultural conservation assistance and educational programs, makes information available to the public, and offers technical support to local government; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the John Marshall Soil and Water Conservation District on the occasion of its 50th anniversary of providing comprehensive and efficient natural resource assistance to the residents of Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the John Marshall Soil and Water Conservation District as an expression of the General Assembly's respect and admiration for the district's dedication and tireless work to maintain and preserve the Commonwealth's natural resources for the benefit of all its citizens.

HOUSE JOINT RESOLUTION NO. 437

Commending the Carroll County High School girls' basketball team.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Carroll County High School girls' basketball team claimed the program's first conference title, winning the Virginia High School League Group 4A Conference 24 championship in February 2016; and

WHEREAS, after finishing the regular season 20-1, the Carroll County High School Cavaliers defeated the William Fleming High School Colonels by a score of 69-54 to secure the Conference 24 title; and

WHEREAS, the Carroll County High School Cavaliers held the lead for the majority of the conference championship, outscoring the Colonels 25-15 in the final period; and

WHEREAS, the Carroll County High School Cavaliers finished the game with 19 of 25 from the free throw line, and junior Mattie Kennedy led the team with 23 points overall; and

WHEREAS, after a strong showing in the regional tournament, the Carroll County High School Cavaliers clinched a berth in the Virginia High School League Group 4A state tournament in March 2016; and

WHEREAS, the Cavaliers' successful season is a testament to the hard work and determination of all of the student-athletes, the leadership and guidance of the coaches and staff, and the energetic support of the entire Carroll County High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Carroll County High School girls' basketball team on winning the Virginia High School League Group 4A Conference 24 championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marc Motley, head coach of the Carroll County High School girls' basketball team, as an expression of the General Assembly's admiration for the team's accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 438

Commending the Carroll County High School girls' junior varsity basketball team.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Carroll County High School girls' junior varsity basketball team finished the 2015-2016 season with a perfect 21-0 record; and

WHEREAS, the Carroll County High School girls' junior varsity basketball team, which only had seven players for much of the season, outscored opponents by 1,123-461 or an average of 31.5 points per game; the team's closest game all season was a 15-point win; and

WHEREAS, the Carroll County High School Cavaliers demonstrated effective teamwork and dedication, with several of the girls leading the team in scoring over the course of the season; and

WHEREAS, the Cavaliers' successful season is a testament to the hard work of all the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Carroll County High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Carroll County High School girls' junior varsity basketball team on its undefeated 2015-2016 season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hagen Giles, head coach of the Carroll County High School girls' junior varsity basketball team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 439

Commending Timothy John Longo, Sr.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Timothy John Longo, Sr., a veteran law-enforcement officer respected for his leadership and dedication to the community, will retire as Chief of the Charlottesville Police Department in 2016, after a 34-year career in public safety; and

WHEREAS, a native of Baltimore, Timothy Longo holds a bachelor's degree from Towson University and a law degree from the University of Baltimore; he fulfilled a lifelong dream to serve as a law-enforcement officer when he joined the Baltimore Police Department in 1981; and

WHEREAS, over the course of his distinguished career with the Baltimore Police Department, Timothy Longo rose through the ranks from cadet to colonel/chief of technical services; he worked in several divisions and gained valuable experience and expertise that would serve him well as Chief of the Charlottesville Police Department; and

WHEREAS, after a stint with PSComm, LLC, a consulting firm in Maryland, Timothy Longo became the Chief of Police for the City of Charlottesville in 2001; his strong, stable leadership has helped the Charlottesville Police Department thrive and strengthen ties with the community; and

WHEREAS, as chief, Timothy Longo was responsible for 127 sworn police officers and 29 civilian support personnel; he gained the admiration of his officers for his boots-on-the-ground approach to leadership, often checking in with patrol officers on late shifts; and

WHEREAS, Timothy Longo worked to ensure that the members of the Charlottesville Police Department had the tools and training to best serve the community and that the department maintained full accreditation; he proudly helped create the Charlottesville Police Foundation to raise funds for the department; and

WHEREAS, building strong cohesion with other public safety organizations in Charlottesville and Albemarle County and at the University of Virginia, Timothy Longo oversaw reductions in violent crime, property crime, and overall crime rates during his time as chief; and

WHEREAS, Timothy Longo ably led the department through many high-profile cases that brought local, state, and national attention to the University of Virginia and the Charlottesville area; a reassuring public speaker, he earned respect for his honesty and transparency in challenging situations; and

WHEREAS, Timothy Longo is an advocate for relational policing, a method of community policing to cultivate trust and mutual respect with all members of the community; he opened dialogue with African Americans through open forums and one-on-one conversations with concerned citizens, and the Charlottesville Police Department has achieved overwhelming support from the University of Virginia students; and

WHEREAS, highly respected in the law-enforcement field, Timothy Longo has offered his time and talents to the International Association of Chiefs of Police, Virginia Association of Chiefs of Police, Virginia Law Enforcement Professional Standards Commission, Albemarle-Charlottesville Regional Jail Board, and Community Criminal Justice Board; and

WHEREAS, Timothy Longo has inspired a new generation of law-enforcement professionals as an instructor, lecturer, and adjunct professor for several departments, organizations, and universities, and he has received many awards and accolades for his good work; and

WHEREAS, after his well-earned retirement, Timothy Longo plans to seek new opportunities to serve the community and spend more time with his wife, Robin, and their children and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Timothy John Longo, Sr., for his legacy of service on the occasion of his retirement as Chief of the Charlottesville Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Timothy John Longo, Sr., as an expression of the General Assembly's admiration for his exceptional community leadership and commitment to the residents of Charlottesville.

HOUSE JOINT RESOLUTION NO. 440

Celebrating the life of C. H. Lafoon.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, C. H. Lafoon, a businessman, public servant, and volunteer who made many significant contributions to the Farmville community, died on February 22, 2016; and

WHEREAS, a lifelong resident of Farmville, C. H. "Mike" Lafoon graduated from Farmville High School, lettering in football, baseball, and basketball; after graduation, he joined his father's construction business, where he worked his way up to become estimator and superintendent; and

WHEREAS, from 1948 to 1957, Mike Lafoon served his country as a member of the Virginia National Guard, rising to the rank of master sergeant; and

WHEREAS, Mike Lafoon built a legacy of service to the community through his life membership in the Farmville Jaycees; he helped bring the first Christmas Parade to Farmville, was part of the team that organized and built a Little League baseball field, and was named president of the organization in 1962; and

WHEREAS, as the owner and president of Longwood Realty Company and Coldwell Banker Lafoon Realty, Mike Lafoon was a trusted real estate professional in the area for many years; he served as president of the South Central Board of Realtors in 1970 and was named Realtor of the Year in 1991; and

WHEREAS, desirous to be of further service to the community, Mike Lafoon ran for and was elected to the Farmville Town Council, where he ably represented local residents for 25 years, including two years as vice-mayor; and

WHEREAS, Mike Lafoon worked to strengthen and enhance the community as a member of many other civic and service organizations, including the Farmville Area Development Corporation and the Farmville Chamber of Commerce, and as a board member of several local banks; he enjoyed fellowship and worship with the community at Farmville United Methodist Church; and

WHEREAS, Mike Lafoon will be fondly remembered and greatly missed by his wife, Jeanne; children, Carlton and Lisa, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of C. H. Lafoon, a respected public servant and community leader in Farmville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of C. H. Lafoon as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 441

Celebrating the life of the Honorable William Pierce Hay, Jr.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable William Pierce Hay, Jr., a judge of the 10th Judicial District of Virginia and an active member of the Prince Edward County community, died on April 15, 2015; and

WHEREAS, William "Billy" Pierce Hay, Jr., was raised in Richmond, where his family had deep roots, and graduated from John Marshall High School; he attended Hampden-Sydney College on an athletic scholarship and was a standout member of the football and baseball teams, earning a place in the college's Athletic Hall of Fame; and

WHEREAS, Billy Hay joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Navy and United States Marine Corps, serving two tours as a bomber pilot; and

WHEREAS, after the war, Billy Hay returned to the Commonwealth and earned a law degree from the University of Virginia; he practiced law in Farmville while serving as an assistant coach at his alma mater; and

WHEREAS, in 1956, Billy Hay was appointed a judge of the Prince Edward County General District Court in the 10th Judicial District of Virginia, where he presided with great fairness and wisdom for more than 40 years; he also presided over courts in Lunenburg and Charlotte Counties until his well-earned retirement in 1998; and

WHEREAS, working to strengthen and enhance the Prince Edward County community, Billy Hay was a well-known member of many civic and service organizations, and he enjoyed fellowship and worship at Johns Memorial Episcopal Church; and

WHEREAS, Billy Hay will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable William Pierce Hay, Jr., a respected judge and community leader in Prince Edward County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable William Pierce Hay, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 442

Celebrating the life of Howard Meredith Campbell.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Howard Meredith Campbell of Prospect, a public servant and community leader who served and safeguarded the community as a deputy sheriff and a volunteer firefighter, died on July 8, 2014; and

WHEREAS, a lifelong resident of Prince Edward County, Howard "Pete" Meredith Campbell graduated from Prince Edward Academy and attended Central Virginia Community College, before graduating from the Central Virginia Criminal Justice Academy; and

WHEREAS, during a 25-year career in law enforcement, Pete Campbell served as a deputy with the Prince Edward County Sheriff's Office and worked at the Piedmont Regional Jail; and

WHEREAS, Pete Campbell safeguarded the lives and property of his fellow residents as a volunteer firefighter with Prospect Volunteer Fire Department, Company 4, for more than 50 years, including as assistant chief and chief; and

WHEREAS, while working at Prospect Volunteer Fire Department, Pete Campbell became an expert on the company's water trucks and designed a mini-pumper, which is still in operation after 20 years of use; he also headed the company's annual Harvest Sale, which raised thousands of dollars to benefit the community; and

WHEREAS, desirous to be of further service to the community, Pete Campbell ran for and was elected to the Prince Edward County Board of Supervisors in 2009 and 2013 and ably represented the residents of the Prospect District; and

WHEREAS, Pete Campbell offered his time and leadership to the local Masonic lodge and enjoyed fellowship and worship with the community as a lifelong member of Davis Memorial Presbyterian Church; and

WHEREAS, Pete Campbell is fondly remembered and greatly missed by his wife of 39 years, Linda; daughter, Meredith, and her family; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Howard Meredith Campbell; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Howard Meredith Campbell as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 443

Commending the Honorable Allen H. Harrison, Jr.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable Allen H. Harrison, Jr., a former member of the Virginia House of Delegates and a respected community leader in Northern Virginia, retired from the Arlington County Electoral Board after 29 years of continuous service; and

WHEREAS, Allen Harrison, who holds undergraduate and legal degrees from The George Washington University, has served the Arlington community for more than 50 years, including as a member of the Virginia House of Delegates, where he represented the residents of the 22nd District, which at the time included all of Arlington County; and

WHEREAS, Allen Harrison joined the Arlington County Electoral Board in 1987 and has served as secretary, vice chair, and chair for several terms; he has offered his leadership and expertise to the Virginia Electoral Board Association and represented the Commonwealth on the U.S. Election Assistance Commission Standards Board; and

WHEREAS, known as a gentleman's gentleman, Allen Harrison consistently demonstrated patience and professionalism in his interactions with colleagues, local officials, and voters, and helped ensure the integrity and effective operation of all Arlington County elections; and

WHEREAS, Allen Harrison has worked to strengthen and enhance the community as president of the Woodlawn Elementary School Parent-Teacher Association and chair of the Arlington Committee of 100, Arlington County Taxpayer's Association, and Arlington County Republican Committee; and

WHEREAS, Allen Harrison also practiced law with the firm of Wilmer, Cutler & Pickering in Washington, D.C., and the Law Offices of Allen H. Harrison, Jr., in Arlington, with a focus on railroad law and trademark law; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Allen H. Harrison, Jr., on the occasion of his retirement from the Arlington County Electoral Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Allen H. Harrison, Jr., as an expression of the General Assembly's admiration for his service to the residents of Arlington County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 444

Commending the Honorable Esther L. Wiggins.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable Esther L. Wiggins retires as a judge of the Arlington Juvenile and Domestic Relations District Court in 2016 after decades of service to the residents of Arlington and the Commonwealth; and

WHEREAS, after graduating from Old Dominion University and Howard University School of Law, Esther Wiggins began her legal career in 1986 with the Arlington County Commonwealth's Attorney, becoming the first African American to serve as an assistant Commonwealth's Attorney; and

WHEREAS, Esther Wiggins was later appointed a judge of the Arlington Juvenile and Domestic Relations District Court of the 17th Judicial District of Virginia, where she presided with great fairness and wisdom for 18 years; and

WHEREAS, as a judge, Esther Wiggins established a committee of court staff, social services workers, and community members to develop the GirlTalk and RealTalk seminars, which address important issues facing young women and men; and

WHEREAS, an active member of the Arlington County Bar Association, Esther Wiggins served as secretary, treasurer, and a member of several committees; and

WHEREAS, Esther Wiggins has worked to enhance the community through multiple other civic and service organizations, and she received the 1997 Person of Vision Award from the Arlington County Commission on the Status of Women; and

WHEREAS, Esther Wiggins lives her faith through her actions and enjoys fellowship and worship with the community as a member of Lomax African Methodist Episcopal Zion Church, where she has held numerous leadership positions, taught Sunday school, and served as a mentor to girls and young women in the congregation; and

WHEREAS, a woman of great integrity, Esther Wiggins served Arlington and the Commonwealth with the utmost professionalism and dedication; after her well-earned retirement, she plans to seek new opportunities to serve the community, travel, and spend more time with her beloved family; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Esther L. Wiggins on the occasion of her retirement as a judge of the 17th Judicial District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Esther L. Wiggins as an expression of the General Assembly's admiration for her dedicated service to the Commonwealth.

HOUSE JOINT RESOLUTION NO. 445

Commending the Clintwood High School girls' basketball team.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Clintwood High School girls' basketball team capped off an impressive season by winning the 2015 Virginia High School League Group 1A state basketball championship, the school's third state title in girls' basketball; and

WHEREAS, the members of the Clintwood High School girls' basketball team defeated a talented team from Twin Valley High School 52-50 to claim the state title on March 11, 2015, at the Siegel Center in Richmond; and

WHEREAS, during the championship game, the Clintwood High School Greenwave took the lead in the middle of the first quarter, and was ahead by as much as 11 points in the third period, but Twin Valley mounted a dramatic comeback; and

WHEREAS, with 1.8 seconds remaining in the game, Kayla Mullins of Clintwood High School scored a basket on a rebound, bringing the final score to 52-50, claiming the school's third state title in girls' basketball; and

WHEREAS, the Clintwood High School girls' basketball team won the state basketball championship in 1985 and 1989; in each game, they won with a final score of 52 points; and

WHEREAS, the Clintwood High School girls' basketball team's victory was a remarkable and fitting crowning achievement for the school in Dickenson County; at the end of the 2014-2015 academic year, it merged with neighboring Haysi High School to form Ridgeview High School; and

WHEREAS, the members of the Clintwood Greenwave girls' basketball team are ably coached by Donnie Frazier and his staff; every member of the Clintwood High School community who attended the state championship game was aware of the significance of that final basketball game; and

WHEREAS, throughout the school's final basketball season, the Clintwood High School players were greatly supported by their families, friends, students, and the entire school community; winning the 2015 state title was even more special as the game was the last time the Clintwood High School girls' basketball team took to the court; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Clintwood High School girls' basketball team for winning the 2015 Virginia High School League Group 1A state basketball championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donnie Frazier, head coach of the Clintwood High School girls' basketball team, as an expression of the General Assembly's congratulations and admiration for the team's stellar accomplishment and outstanding season.

HOUSE JOINT RESOLUTION NO. 447

Commending the Columbia Pike Revitalization Organization.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, the Columbia Pike Revitalization Organization celebrates its 30th anniversary of working to improve and revitalize Columbia Pike and the adjacent neighborhoods that compose one of Arlington County's main transportation corridors; and

WHEREAS, the Columbia Pike Revitalization Organization (CPRO), which was formed in 1986, is a coalition of businesses, civic groups, property owners, and the Arlington County government; its mission is to champion and connect businesses and communities along Columbia Pike; and

WHEREAS, Columbia Pike was first authorized in 1808 by an Act of Congress, which chartered a private company to build a road so that supplies could be delivered to Washington, D.C., from the Virginia countryside; the road has been a main thoroughfare in Northern Virginia ever since; and

WHEREAS, the neighborhoods and businesses along the road make Columbia Pike one of the most culturally diverse transportation corridors in the world, and the nonprofit CPRO helps guide development along Columbia Pike in Arlington County; and

WHEREAS, the CPRO supported zoning changes designed to encourage appropriate types and levels of redevelopment within four revitalization areas along Columbia Pike; the group also worked closely with the Columbia Pike Streetscape Task Force, which focused on specific improvements, including upgrades to the highway and sidewalks; and

WHEREAS, mixed-used communities are springing up along Columbia Pike; the CPRO has helped facilitate the relocation of utilities underground and the construction of new and wider sidewalks; and

WHEREAS, in the last 30 years, the efforts of the CPRO have resulted in a more vibrant and pedestrian-friendly community; today, there are more business opportunities along Columbia Pike, new residential buildings, and more restaurants in walking distance for residents and visitors to enjoy; and

WHEREAS, the CPRO hosts a variety of community events, including a blues festival, year-round Farmers Market, summertime movies, holiday bazaar, home show, and a fall beer and wine festival; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Columbia Pike Revitalization Organization on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Columbia Pike Revitalization Organization as an expression of the General Assembly's respect and admiration for its dedication and unwavering efforts to improve and revitalize one of Arlington County's oldest thoroughfares.

HOUSE JOINT RESOLUTION NO. 448

Commending West Springfield High School.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, for 50 years, West Springfield High School in Fairfax County has provided local youth with an outstanding educational experience and helped prepare them for higher education, careers, and responsible citizenship; and

WHEREAS, established in 1966 with S. John Davis as its first principal, West Springfield High School now serves more than 2,200 students in grades nine through 12; and

WHEREAS, West Springfield High School offers a wide variety of extracurricular activities and athletics programs, and the West Springfield Spartans have claimed 29 state championships in multiple sports; and

WHEREAS, many former West Springfield Spartans have achieved success as professional athletes, including Jeremy Kapinos, James Dexter, Kara Lawson, Ryan Speier, Joe Saunders, Brian Carroll, and Jeff Carroll; and

WHEREAS, West Springfield High School offers students the opportunity to participate in acclaimed dance, theatre, and music programs; the West Springfield Dance Team holds six consecutive titles in the National Dance Alliance national championship; and

WHEREAS, West Springfield High School alumni have gone on to become respected leaders in their fields, including astronaut Patrick Forrester, actress Becky Ann Baker, and writer Edmund Brown; and

WHEREAS, each member of the faculty, administration, and staff at West Springfield High School contributes to motivating, inspiring, and educating the future leaders of Northern Virginia and the Commonwealth; now, therefore, be it RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend West Springfield High School for its service to Fairfax County on the occasion of its 50th anniversary in 2016; and, be it RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael Mukai, principal of West Springfield High School, as an expression of the General Assembly's admiration for the school's legacy of service to the young men and women of the Fairfax community.

HOUSE JOINT RESOLUTION NO. 449

Commending Ronald Trainum.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Ronald Trainum, a health and physical education teacher at Toano Middle School, who emphasizes student-centered teaching, incorporates technology, and focuses on encouraging his students to develop lifelong healthy habits, was named the 2015 Virginia Middle School Health and Physical Education Teacher of the Year; and

WHEREAS, the Virginia Association for Health, Physical Education, Recreation and Dance selected Ronald "Ron" Trainum for the prestigious honor in recognition of his work as an outstanding master teacher and for caring and encouraging students to be successful and more physically literate throughout their lives; and

WHEREAS, in class, Ron Trainum always is part of the action; he exercises alongside his students, demonstrating proper techniques, and if the lesson features exercises set to a popular music video, he, too, happily dances in the gym, surrounded by active boys and girls; and

WHEREAS, Ron Trainum, who is a department curriculum leader at Toano Middle School, has taught in the Williamsburg-James City County Public Schools since the early 1990s; he previously worked at Thomas Hunter Middle School in Mathews County for seven years; and

WHEREAS, personal fitness and life skills that students can use in the community, such as in-line skating and proper use of cardio equipment and weights, are the focus of Ron Trainum's health and physical education classes; his goal is to provide innovative and quality lessons, leading students to stay physically active throughout their lives; and

WHEREAS, Ron Trainum is widely admired for his expert knowledge of the curriculum and for knowing from experience which health and physical education practices work best for students; he also uses technology to encourage healthy lifestyles—all students wear pedometers, for example, so that he and his colleagues can monitor their level of physical activity; and

WHEREAS, Ron Trainum also was named the 2015 Southern District Middle School Health and Physical Education Teacher of the Year; he attributes the honors he has received to the school division's efforts to develop innovative approaches to education that help boys and girls become healthy adults; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Ronald Trainum, a health and physical education teacher at Toano Middle School, for being honored as the 2015 Virginia Middle School Health and Physical Education Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ronald Trainum as an expression of the General Assembly's respect and congratulations for his dedicated work to encourage young people to develop healthy habits throughout their lives.

HOUSE JOINT RESOLUTION NO. 450

Commending Macon and Joan Brock.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Macon and Joan Brock of Virginia Beach received the 2015 Outstanding Philanthropists award from the Association of Fundraising Professionals for their tireless support of and many generous donations to worthy charitable causes; and

WHEREAS, Macon and Joan Brock received the Outstanding Philanthropists award, which recognizes individuals, groups, or corporations for exceptional achievements in volunteer service or charitable fundraising, at the National Philanthropy Day Honors event on November 12, 2015, in New York City; and

WHEREAS, Macon and Joan Brock have volunteered their time and generously given more than \$45 million to numerous organizations and causes, taking a special interest in education, social action, the arts, and the environment; and

WHEREAS, Macon and Joan Brock have supported the Chesapeake Bay Foundation, Randolph-Macon College, Virginia Wesleyan College, Longwood University, Access College Foundation, Eastern Virginia Medical School, and the United Way; in 2014, the Chesapeake Bay Foundation named its Brock Environmental Center in their honor; and

WHEREAS, Macon and Joan Brock have also given generously to the Chrysler Museum of Art, where they have both served on the board, and Joan Brock served as the museum board's first woman chair from 2004 to 2006; now, therefore, be it RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Macon and Joan Brock on receiving the 2015 Outstanding Philanthropists award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Macon and Joan Brock as an expression of the General Assembly's admiration for their contributions to communities throughout the Commonwealth.

HOUSE JOINT RESOLUTION NO. 451

Commending Chris Perkins.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Chris Perkins, who has served with distinction as Chief of Police of the City of Roanoke for five years, presiding over a steady reduction in crime each year, retired on March 1, 2016, after more than 23 years as a law-enforcement officer; and

WHEREAS, Chris Perkins, who is a native of Marion in Smyth County, joined the City of Roanoke Police Department in 1992 and first worked in the Community Oriented Policing and Enforcement Unit; he advanced quickly through the ranks and was named police chief after a nationwide search in 2010; and

WHEREAS, a hands-on approach and emphasis on connecting with communities were hallmarks of Chris Perkins' leadership of the Roanoke police force; he focused on helping and improving communities and was known for his personal engagement with civic groups; and

WHEREAS, Chris Perkins was well regarded for utilizing data analysis to study crime trends and even predict crime in Roanoke; he was a student of police work at its most technical level and earned praise for a program that helped low-level perpetrators through counseling and job training instead of incarceration; and

WHEREAS, as Chief of Police in Roanoke, Chris Perkins supervised a department with 305 employees, of whom 246 are sworn officers; during his tenure, violent crime has declined and the focus on community policing has improved relations between the police force and the surrounding area, helping to make the city safer; and

WHEREAS, in the last five years, Chris Perkins oversaw a 34-percent reduction in juvenile arrests in Roanoke; he is proud of the increasing diversity in the Roanoke Police Department, which has seen large increases in the number of female and minority officers; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Chris Perkins for his outstanding work as Chief of Police of the City of Roanoke; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Perkins as an expression of the General Assembly's respect and admiration for his exemplary commitment to safeguarding the people of Roanoke and best wishes in retirement.

HOUSE JOINT RESOLUTION NO. 452

Commending Saving Sweet Briar, Inc.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Saving Sweet Briar, Inc., a Virginia non-stock corporation, was organized to prevent the planned closure of the historic women's college in 2015; and

WHEREAS, Indiana Fletcher Williams left an estate upon her death in 1900 for the establishment of an institution in memory of her daughter, Daisy, and Sweet Briar Institute was created as an Act of Assembly on February 9, 1901; and

WHEREAS, Sweet Briar Institute, known as Sweet Briar College, is a nationally acclaimed liberal arts and sciences college for women offering more than 40 areas of study, including undergraduate degrees in 33 majors and two graduate degrees in education; and

WHEREAS, Sweet Briar College is one of only two women's colleges in the United States granting an accredited degree in engineering; and

WHEREAS, the Theta of Virginia chapter of Phi Beta Kappa, the nation's oldest honor society, was founded at Sweet Briar College in 1950; and

WHEREAS, Sweet Briar College has graduated alumnae who have gone on to distinguished careers such as doctors, lawyers, educators, entrepreneurs, politicians, innovators, and so forth; and

WHEREAS, Sweet Briar College has offered myriad opportunities to countless young women in its 115-year history; and

WHEREAS, in addition to its long tradition of academic excellence, Sweet Briar College offers access to prestigious study-abroad programs, a host of extra-curricular activities, eight varsity sports, and an internationally acclaimed equestrian program on one of the nation's largest and most beautiful campuses; and

WHEREAS, after Sweet Briar College announced plans to permanently close at the end of the 2014-2015 academic year, a group of alumnae established Saving Sweet Briar, Inc., to prevent the closure by raising public awareness and funds to support the College; and

WHEREAS, the members of the Saving Sweet Briar, Inc., board—Christine Davis Boulware '77, Sarah Preston Clement '75, Sally Mott Freeman '76, JoAnn Soderquist Kramer '64, Brooke Linville '04, Ellen Ober Pitera '93, and Tracy Anne Stuart '93—worked tirelessly to ensure that future generations of young women could proudly attend Sweet Briar College; and

WHEREAS, Sweet Briar College alumnae gave tirelessly and selflessly of their time, talents, and resources in support of the mission of Saving Sweet Briar, Inc.; and

WHEREAS, the heroic efforts of Saving Sweet Briar, Inc., brought national attention to Sweet Briar College, and the organization garnered support from faculty, staff, students, local and state officials, and other supporters; and

WHEREAS, demonstrating the leadership, integrity, and diligence learned at Sweet Briar College, the members of Saving Sweet Briar, Inc., raised more than \$12 million in less than six months and reached a settlement agreement to keep Sweet Briar College open; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Saving Sweet Briar, Inc., for its work to prevent the planned closure of Sweet Briar College in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Saving Sweet Briar, Inc., as an expression of the General Assembly's admiration for the organization's work to preserve one of the Commonwealth's historic institutions of higher education.

HOUSE JOINT RESOLUTION NO. 453

Commending Dollar Tree, Inc.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2015, Dollar Tree, Inc., a Chesapeake-based variety store, became the leading discount retailer in North America after the acquisition of Family Dollar; and

WHEREAS, Dollar Tree traces its earliest roots to 1953, when K. R. Perry opened a Ben Franklin variety store in downtown Norfolk; in 1986, Macon Brock, Doug Perry, and Ray Compton opened a chain of five stores called Only \$1.00, which evolved to become Dollar Tree in the 1990s; and

WHEREAS, Dollar Tree offers customers national, regional, and private-label brands of housewares, glassware, dinnerware, cleaning supplies, food, snacks, candy, health and beauty items, toys, gifts, party supplies, crafting and teaching supplies, books, seasonal items, and many other products all priced at one dollar or less; and

WHEREAS, with a customer-oriented mission, Dollar Tree strives to create a welcoming environment in clean, well-lit stores, where shopping is both fun and affordable, and every member of the family can find a special treasure; and

WHEREAS, from its humble beginnings, Dollar Tree has grown to serve communities in 48 states and five provinces of Canada, and it opened its 5,000th store in 2014; with the acquisition of Family Dollar, a leading national discount retailer offering name brands and quality, private brand merchandise, Dollar Tree now operates a combined organization with more than 13,800 stores, sales greater than \$20 billion annually, and more than 145,000 associates; and

WHEREAS, Dollar Tree, a Fortune 500 Company, operates stores under the brands of Dollar Tree, Family Dollar, and Dollar Tree Canada; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dollar Tree, Inc., on being the largest single-priced retailer in the United States in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bob Sasser, chief executive officer of Dollar Tree, Inc., as an expression of the General Assembly's admiration for the company's commitment to serving customers throughout the Commonwealth and the United States by offering quality products at affordable prices.

HOUSE JOINT RESOLUTION NO. 454

Commending The Basilica of Saint Mary of the Immaculate Conception.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, The Basilica of Saint Mary of the Immaculate Conception in Norfolk celebrates its 25th anniversary as a basilica and the dedication of its entrance doors as Holy Doors of Mercy; and

WHEREAS, on December 8, 1991, the Church of Saint Mary of the Immaculate Conception became a Minor Basilica; it was the 200th anniversary of the founding of the church, and today, the building is the only basilica in the Commonwealth; and

WHEREAS, The Basilica of Saint Mary of the Immaculate Conception is also the only African American basilica and is often referred to as "The Mother Church of Tidewater Virginia"; it is the oldest parish community in the Catholic Diocese of Richmond and was founded in 1791 as St. Patrick's Church; and

WHEREAS, the original church was built in 1842 and destroyed by fire in 1856; when the present church was erected in 1858, it was renamed and dedicated to Mary of the Immaculate Conception; and

WHEREAS, The Basilica of Saint Mary of the Immaculate Conception is a beautiful 158-year-old structure in downtown Norfolk and is a historic landmark; it is a vibrant, predominantly African American worship community with many ministries and outreach programs; and

WHEREAS, at a mass on Palm Sunday, March 20, 2016, the entrance doors of The Basilica of Saint Mary of the Immaculate Conception will be dedicated as Holy Doors of Mercy, signifying the church's Jubilee Year of Mercy; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Basilica of Saint Mary of the Immaculate Conception on the occasion of its 25th anniversary as a basilica and the dedication of its entrance doors as Holy Doors of Mercy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Father Jim Curran, rector of The Basilica of Saint Mary of the Immaculate Conception, as an expression of the General Assembly's respect and admiration for the basilica's many years of ministry and service to the people of Norfolk and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 455

Celebrating the life of Margaret Edwina Clay Crews.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Margaret Edwina Clay Crews, an admired educator who imparted her love of literature and the joys of learning to countless students in the City of Richmond, died on January 1, 2016; and

WHEREAS, a lifelong resident of Richmond, Margaret Edwina "Wina" Clay Crews grew up in Jackson Ward; she earned a bachelor's degree from Virginia Union University and completed graduate-level courses at Columbia University in the City of New York; and

WHEREAS, Wina Crews began her career as a teacher at Armstrong High School, her alma mater, in 1957; she later joined the faculty of Thomas Jefferson High School, where she worked for several decades until her well-earned retirement in 1992; and

WHEREAS, Wina Crews touched many lives throughout her 35-year career in education, inspiring students and peers alike through her kindness, grace, and passion for lifelong learning; and

WHEREAS, working to enhance the community through many civic and social organizations, Wina Crews was a member of the local chapter of Girl Friends, Inc., Edgehill Civic Association, Virginia Union University Panther 100 Club, and Alpha Kappa Alpha Sorority; and

WHEREAS, Wina Crews lived her faith through her actions and enjoyed fellowship and worship with the community as a life member of St. Philip's Episcopal Church, where she was an active member of the Saint Anne's Guild; and

WHEREAS, a caring and supportive wife, mother, and grandmother, Wina Crews was predeceased by her husband, Jerry, and one son, Jerry, Jr.; she will be greatly missed and fondly remembered by her son, Keith; four grandchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Margaret Edwina Clay Crews, a devoted educator in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Margaret Edwina Clay Crews as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 456

Celebrating the life of Hilda Y. Warden.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Hilda Y. Warden, a respected educator who broke down barriers as one of the first African Americans to enter the Richmond Professional Institute School of Social Work and who served the Commonwealth as a legislative assistant to a Virginia Senator, died on August 29, 2015; and

WHEREAS, a native of Richmond, Hilda Warden was an exceptionally gifted student; she graduated from Armstrong High School at the age of 13 and earned a bachelor's degree from Virginia Union University at the age of 17; and

WHEREAS, while attending Virginia Union University, Hilda Warden was a founding member of the Beta Epsilon Chapter of Delta Sigma Theta Sorority and a charter member of what became the sorority's Richmond alumnae chapter; she was honored as the chapter's oldest living member in 2011; and

WHEREAS, Hilda Warden began her professional career as a teacher in a one-room schoolhouse near Roanoke; she later worked in the Richmond Department of Welfare and the Richmond Department for the Aging; and

WHEREAS, desirous to be of further service to her community, Hilda Warden decided to further her education at the Richmond Professional Institute School of Social Work; she was one of the first African American students admitted to the school, but, unlike many of her white classmates, she was forced to quit her job and register as a full-time graduate student; and

WHEREAS, after earning a master's degree in rehabilitation counseling in 1954, Hilda Warden became a counselor at Virginia Union University, where she served for 11 years and directed many federal programs; and

WHEREAS, Hilda Warden served the residents of the Commonwealth for 18 years as a legislative assistant to the Honorable Yvonne B. Miller, who became the first African American woman elected to the General Assembly in 1983; and

WHEREAS, predeceased by her husband of 68 years, George, Sr., and one son, Ronald, Hilda Warden will be fondly remembered and greatly missed by her son, George, Jr.; three grandchildren; four great-grandchildren; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Hilda Y. Warden; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hilda Y. Warden as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 457

Celebrating the life of Sheila Sachs Strauss.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Sheila Sachs Strauss of Roanoke, a tireless advocate for the arts, outstanding volunteer for many civic and faith-based organizations, philanthropist, role model for many people, and a devoted wife and mother, died on February 25, 2016; and

WHEREAS, Sheila Strauss was born in Baltimore, Maryland, and moved to Roanoke in 1951; in the 1950s and 1960s, she worked with her husband, Maury, a developer, providing interior design services for model homes his company had built in new residential developments; and

WHEREAS, as a devoted mother and friend and a talented decorator, hostess, and volunteer, Sheila Strauss shared with all those around her a love of the arts and culture and emphasized the importance of giving back to the community; and

WHEREAS, countless organizations have benefited from Sheila Strauss' active engagement and generosity; she and her husband helped establish the Art Venture Program, a children's art activity center at the Taubman Museum of Art, where she was a member of the board of trustees; and

WHEREAS, Sheila Strauss enthusiastically supported many volunteer organizations, including the American Cancer Society, the Roanoke Ballet Theatre, many Jewish women's organizations, and Opera Roanoke, which honored her with a 40th anniversary gala in October 2015; and

WHEREAS, over the years, Sheila Strauss received many awards and accolades for her volunteer work and advocacy, including the Perry F. Kendig Award for outstanding support of the arts, the Taubman Museum Ann Fralin Award, and the Association of Jews and Christians Award; and

WHEREAS, Sheila Strauss also was known for her infectious enthusiasm and for providing support and compassion in times of need; she enjoyed entertaining, knitting, needlepoint, gardening, sailing, and travel; and

WHEREAS, a woman of great faith, Sheila Strauss had strong connections to the Jewish community of Roanoke; she was president and a board member of Temple Emanuel Sisterhood and president of Hadassah, Roanoke, and her legacy of volunteerism and philanthropy will live on throughout the Roanoke Valley; and

WHEREAS, Sheila Strauss will be greatly missed and fondly remembered by Maury, her husband of 65 years; children, Lesleigh, Steven, and Marc, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sheila Sachs Strauss of Roanoke, whose philanthropy, love of the arts, and volunteer efforts greatly contributed to the betterment of the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sheila Sachs Strauss as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 458

Celebrating the life of the Honorable Antonin Gregory Scalia.

Agreed to by the House of Delegates, March 8, 2016
Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable Antonin Gregory Scalia of McLean, the longest-serving associate justice on the current Supreme Court of the United States, respected for his intellect as a legal scholar and well known for his contributions to statutory textualism and originalist interpretations of the United States Constitution, died on February 13, 2016; and

WHEREAS, a native of Trenton, New Jersey, Antonin Scalia graduated from Xavier High School in Manhattan and earned a bachelor's degree from Georgetown University; he received his law degree from Harvard University and began his professional career with an international law firm in Cleveland; and

WHEREAS, Antonin Scalia then taught at the University of Virginia Law School from 1967 to 1974, during which time he served the federal government as general counsel to the Office of Telecommunications Policy and chair of the Administrative Conference of the United States; in 1974 he was appointed Assistant Attorney General in the Office of Legal Counsel of the United States Department of Justice; and

WHEREAS, in 1976, Antonin Scalia argued his only case before the Supreme Court of the United States, Alfred Dunhill of London, Inc. v. Republic of Cuba, successfully representing the plaintiff on behalf of the United States government; and

WHEREAS, Antonin Scalia returned to academia in the 1970s and 1980s as a visiting professor at Stanford University and a professor of law at the University of Chicago, where he served as faculty adviser to the Federalist Society; and

WHEREAS, in 1982, Antonin Scalia was nominated by President Ronald Reagan to the United States Court of Appeals of the District of Columbia Circuit; in 1986, he was nominated by President Reagan to the Supreme Court of the United States and confirmed unanimously by the United States Senate, becoming the Court's first Italian American justice; and

WHEREAS, during his 30-year tenure on the Court, Justice Scalia supported clear separation of powers between the branches of government and was a champion of states' rights; he utilized a textualist approach, where the plain text of a statute is used to determine the intent of legislation, and an originalist interpretation of the United States Constitution strictly limited to the original intent of the framers in the context of their time; and

WHEREAS, Justice Scalia sided with the majority on numerous significant decisions, including narrowly decided cases, such as Citizens United v. Federal Election Commission, and he authored the majority opinion many times, including for the 7-2 ruling on Brown v. Entertainment Merchants Association; he was perhaps better known for his passionate, yet methodical, dissents, such as his opinions in Morrison v. Olson, Lawrence v. Texas, and Hamdi v. Rumsfeld; and

WHEREAS, a man of strong convictions whose opinions were often hailed as cornerstones of conservative intellectualism, Justice Scalia enjoyed vigorous debate, but fostered collegiality and mutual respect in his personal life; he enjoyed close friendships with colleagues on both sides of the political spectrum, including his more liberal fellow justice the Honorable Ruth Bader Ginsberg; and

WHEREAS, guided by his deep and abiding faith throughout his life, Antonin Scalia was a devout Catholic who enjoyed fellowship and worship with the community; and

WHEREAS, Antonin Scalia will be fondly remembered and greatly missed by his wife, Maureen; their nine children and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Antonin Gregory Scalia, a highly respected legal scholar and associate justice of the Supreme Court of the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Antonin Gregory Scalia as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 459

Celebrating the life of Alicia C. Rasin.

Agreed to by the House of Delegates, March 8, 2016
Agreed to by the Senate, March 10, 2016

WHEREAS, Alicia C. Rasin, a compassionate advocate for victims of crime and a beloved member of the Richmond community who welcomed any person in need into her home, died on October 9, 2015; and

WHEREAS, a lifelong resident of the Church Hill neighborhood in Richmond, Alicia Rasin graduated from John F. Kennedy High School and Virginia State University; and

WHEREAS, in the 1990s, Alicia Rasin founded Citizens Against Crime to support victims and organize efforts to help citizens and law-enforcement officers reduce crime in Richmond; she worked with five police chiefs to reduce the city's homicide rate and was once named the mayor's Volunteer of the Year; and

WHEREAS, dubbed an "Ambassador of Compassion," Alicia Rasin also opened her home to share food, shelter, comfort, and prayer with community members afflicted by homelessness; and

WHEREAS, Alicia Rasin believed that every day should be as joyful as Christmas, and her house was adorned with festive decorations for nearly 20 years; inside, she kept a Christmas tree with donated presents and clothing for people in need; and

WHEREAS, Alicia Rasin lived her deep faith through her actions and enjoyed fellowship and worship with the community as a life member of Fourth Baptist Church, where she was active in several church organizations; and

WHEREAS, Alicia Rasin will be fondly remembered and greatly missed by numerous family members, friends, and people whose lives she touched; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Alicia C. Rasin, a respected advocate for victims of crime and a pillar of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Alicia C. Rasin as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 460

Celebrating the life of Gilbert L. Carter.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Gilbert L. Carter, a respected civil servant, educator, and community leader in the City of Richmond, died on October 8, 2015; and

WHEREAS, a lifelong resident of Richmond, Gilbert Carter graduated from Maggie Walker High School and earned a bachelor's degree from Morgan State University and a law degree from Howard University; and

WHEREAS, a standout football player in high school and college, Gilbert Carter led the Maggie Walker High School football team to a state championship in 1962 and the Morgan State University Bears to an Orange Blossom Classic victory in 1965; and

WHEREAS, Gilbert Carter inspired students as a law professor at what is now Virginia State University, director of university services at Virginia Union University, and assistant dean of student life at Virginia Commonwealth University; and

WHEREAS, for many years Gilbert Carter sat on the organizing committee for the Gold Bowl, the rivalry game between Virginia Union University and Virginia State University; and

WHEREAS, desirous to be of further service to his fellow residents, Gilbert Carter began a 25-year career in service to the City of Richmond; he served as deputy director of the Department of Parks, Recreation, and Community Facilities and as an energy administrator for the city; and

WHEREAS, Gilbert Carter also worked to enhance the community as a member of several other boards and service organizations, including as a member of the Offender Aid and Restoration board and president of the Thebans Beneficial Club of Richmond; and

WHEREAS, a man of deep and abiding faith, Gilbert Carter enjoyed fellowship and worship with the community as a longtime member of Fifth Baptist Church in Richmond; and

WHEREAS, Gilbert Carter will be fondly remembered and greatly missed by his wife of 36 years, Joyce; children, Gilbert, Jr., Jana, and Ridgely, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gilbert L. Carter, a dedicated civil servant and educator and active member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gilbert L. Carter as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 461

Celebrating the life of Lettie Coleman Madison.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Lettie Coleman Madison of Richmond, founder of the Department of Social Work at Virginia Union University, an author, a philanthropist, a person of great faith who sought to make a positive difference in her community, and a lifelong advocate for social justice, died on May 23, 2015; and

WHEREAS, Lettie Madison, who died at the age of 105, was born in Montpelier in Hanover County and was the daughter of sharecroppers and the granddaughter of freed slaves; and

WHEREAS, Lettie Madison received a high school diploma from Hampton Institute, now known as Hampton University, in 1929, and was the first person in her family to graduate from high school; she then enrolled at Rutgers University in 1930; and

WHEREAS, Lettie Madison worked for the New Jersey Department of Public Welfare as a family visitor; she later earned a master's degree from Fordham University and pursued further studies at Columbia University and Montclair State Teachers College, now known as Montclair State University; and

WHEREAS, Lettie Madison moved back to the Commonwealth in 1937 and joined the faculty at Hampton Institute; during her three years in Hampton she was a student personnel advisor and later became dean of women; and

WHEREAS, in 1940, Lettie Madison returned to New Jersey and married Thomas D. Madison; she was a devoted homemaker and in the years that followed, she worked for the New Jersey Department of Child Welfare and the Essex County, New Jersey, Mental Hygiene Clinics for 12 years as a psychiatric social work supervisor; and

WHEREAS, in 1965, Lettie Madison moved to Richmond to work at Virginia Union University; the university offered a single class in social work, and it was one of Lettie Madison's proudest achievements to see the program grow and become a fully accredited Department of Social Work; and

WHEREAS, Lettie Madison was a highly regarded teacher at Virginia Union University who taught many people who have become respected leaders in the community; she also helped organize the National Association of Social Workers and the Association of Black Social Workers; and

WHEREAS, countless professional and civic organizations benefited from Lettie Madison's involvement, and she received numerous accolades and awards; additionally, she established the Lettie Coleman Madison Fund, which benefits students at Hampton University and Virginia Union University; and

WHEREAS, Lettie Madison was the author of four books, two of which documented her research and career, *The Black Social Worker* and *Upward Mobility*, and two other books about her life, *A Soul Looks Back* and *Step by Step*; and

WHEREAS, a woman of great faith who never stopped striving and who always looked to help others and give back to her community, Lettie Madison belonged to Ebenezer Baptist Church, where she enjoyed fellowship and was an active participant in the church's ministries; and

WHEREAS, Lettie Madison was predeceased by her husband and stepdaughter, Ione; she will be greatly missed and fondly remembered by many family members, friends, and colleagues, and her work will continue to benefit the community for years to come; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Lettie Coleman Madison, an outstanding Virginian who developed the Department of Social Work at Virginia Union University and made other notable contributions to the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Lettie Coleman Madison as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 462

Commending the Virginia Society of Otolaryngology.

Agreed to by the House of Delegates, March 8, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, it is estimated that nearly seven million Americans suffer from some form of voice disorder; and

WHEREAS, voice disorders can have a negative impact on the everyday lives of those affected by inhibiting their ability to effectively express themselves; and

WHEREAS, there are many ways in which people can conserve their voice and prevent the development of voice disorders, including proper hydration, minimizing activities that cause vocal strain such as yelling, warming up before heavy vocal use, using appropriate breath support, using amplification, and paying attention to voice cues; and

WHEREAS, it is important to draw state, national, and international attention to the existence of voice disorders and the availability of services provided by otolaryngologist-head and neck surgeons—the only medical doctors specifically trained to treat the ear, nose, throat, head, and neck—as well as other specialized providers dedicated to the amelioration of these disorders; and

WHEREAS, every year on April 16, otolaryngologist-head and neck surgeons and other vocal health professionals across the globe join together to recognize World Voice Day, an international celebration of the human voice established to help raise public and professional awareness about voice disorders; and

WHEREAS, the Virginia Society of Otolaryngology and other organizations throughout the Commonwealth fully support World Voice Day events and activities and encourage people of all ages and backgrounds to take the time to assess their vocal health and take action to prevent the onset of voice disorders; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Society of Otolaryngology for its work to promote vocal health and good voice habits by supporting World Voice Day; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Society of Otolaryngology as an expression of the General Assembly's admiration for the society's work to enhance the quality and safety of medical care in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 463

Celebrating the life of the Reverend John Samuel Westbrook, Jr.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Reverend John Samuel Westbrook, Jr., of Richmond, a proud veteran of the United States Armed Forces who worked for IBM and the City of Richmond and was an ordained minister, community leader, and devoted husband and father, died on March 2, 2015; and

WHEREAS, John Westbrook was born in Yale and was active in local and regional church activities throughout his youth; he graduated in 1961 from Southampton County Public Schools and was valedictorian of his high school class; and

WHEREAS, John Westbrook was the first person in his family to attend college; he earned a bachelor's degree in 1965 from Hampton Institute, now known as Hampton University, and was a member of Gamma Epsilon chapter of Omega Psi Phi Fraternity, Inc., and the Pershing Rifles; and

WHEREAS, after graduating from college, John Westbrook joined the United States Army; he served in Vietnam with the 9th Infantry Division, rising to the rank of first lieutenant, and earned a Bronze Star; and

WHEREAS, John Westbrook was a valued employee of IBM and worked in numerous positions, including as an information technology consultant and programming education manager; he was selected for the IBM 100% Club, attended many IBM Systems Engineering Symposiums, and was selected for a two-year IBM faculty assignment to Virginia State University; and

WHEREAS, after a 30-year career with IBM, John Westbrook retired, but six years later he reentered the workforce as an employee of the City of Richmond; he provided legislative and constituent support for eight years, working on behalf of the members of City Council who represented the Sixth and Ninth Districts; and

WHEREAS, John Westbrook answered the call to ministry in 2007; he earned a master's degree from the Samuel DeWitt Proctor School of Theology at Virginia Union University and was an associate minister at Morning Star Baptist Church in his hometown of Capron and at Fifth Street Baptist Church; and

WHEREAS, John Westbrook also contributed to the betterment of his community as a member of the board of Boaz and Ruth, Inc., the Highland Park Community Development Corporation, and the Chelsea Hill Family Life and Research Center; and

WHEREAS, a devoted family man, John Westbrook treasured the lessons he learned from his parents and working with his father and brothers on a pulpwood truck, and he delighted in the special relationship he forged with his grandchildren; and

WHEREAS, John Westbrook also was a talented performer; he was a self-taught pianist who played for his church choir and at area senior centers, an actor who appeared on stage and in films, and a member of several choruses; and

WHEREAS, John Westbrook will be greatly missed and fondly remembered by his wife, Edwina; children, Amy and John III, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Reverend John Samuel Westbrook, Jr., of Richmond, a decorated United States Army veteran who worked for IBM and the City of Richmond and was an ordained minister, community leader, and devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend John Samuel Westbrook, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 464

Celebrating the life of Geraldine R. Johnson.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Geraldine R. Johnson of Richmond, an innovative, longtime educator who helped countless students achieve success in and out of the classroom, died on September 6, 2015; and

WHEREAS, a native of Richmond, Geraldine "Geri" R. Johnson graduated from Armstrong High School and Virginia Union University; she began her career as a teacher at Janie Porter Barrett School for Girls in Hanover County; and

WHEREAS, Geri Johnson then worked at a prep school in Manassas until 1962 when she accepted a position at Fairfield Court Elementary School; she earned the respect of her peers and students for her professionalism and passion for the importance of a good education; and

WHEREAS, during her long and fulfilling career as a teacher, Geri Johnson went above and beyond to provide her students with the highest quality learning materials, and she worked to ensure that students in need received support and encouragement; and

WHEREAS, Geri Johnson created a public safety patrol program for students, worked with Armstrong-Kennedy High School to establish the Fairfield Court Elementary School Junior ROTC Drill Corps, and facilitated student trips to Camp Hanover; and

WHEREAS, as the intervention teacher for fifth-grade students who had been held back, Geri Johnson helped students understand complex concepts through experiments and other hands-on learning methods; she was named the 1987 Intervention Teacher of the Year by Richmond Public Schools, after her class finished the year scoring in the 90th percentile on standardized tests; and

WHEREAS, Geri Johnson will be fondly remembered and greatly missed by her daughters, Valerie and Tanya, and numerous other family members, friends, and former students; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Geraldine R. Johnson, a devoted educator in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Geraldine R. Johnson as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 465

Celebrating the life of Noah Purcelle Brown.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Noah Purcelle Brown of Richmond, a compassionate spiritual leader and a funeral director who served thousands of local families in their time of need, died on April 23, 2015; and

WHEREAS, a native of New Kent County, Purcelle Brown honorably served his country as a member of the United States Air Force; and

WHEREAS, in 1960, after returning home from the military, Purcelle Brown began working at Chiles Funeral Home for his uncle; he attended Eckels College of Embalming in Philadelphia and received his first state license as funeral director in 1963; and

WHEREAS, Purcelle Brown worked as a funeral director for 55 years and served more than 9,000 families until his well-earned retirement; he was respected by his peers in the field and was named president of the Richmond Funeral Directors Association; and

WHEREAS, Purcelle Brown enjoyed fellowship and worship with the community as a deacon at Moore Street Missionary Baptist Church, where he served on the finance committee; he also worked to enhance the quality of life of his fellow Richmond residents as a past master of East End Masonic Lodge No. 233 and a member of the North Richmond YMCA board; and

WHEREAS, predeceased by his beloved wife, Betty, Purcelle Brown will be fondly remembered and greatly missed by his daughter, Laurie, and her family, and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Noah Purcelle Brown, a spiritual leader and a longtime funeral director who served thousands of families in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Noah Purcelle Brown as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 466

Celebrating the life of Joyce Slavin Scher.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Joyce Slavin Scher, a vibrant woman who took an active role in civic and community affairs in Richmond and throughout the Commonwealth, died on December 16, 2015; and

WHEREAS, Joyce Scher was a leader in Richmond's Jewish community; she was one of the first two girls to become Bat Mitzvah at Temple Beth-El and later became president of both Temple Beth-El Sisterhood and the local chapter of Hadassah; and

WHEREAS, Joyce Scher's creative vision and entrepreneurial energy led her to cofound Victoria Charles Ltd., her eclectic and stylish jewelry boutique in the West End, which continues to serve the community; and

WHEREAS, Joyce Scher became an activist for gay and lesbian equality, cofounding Mothers and Others to advocate against discrimination; and

WHEREAS, Joyce Scher was recognized by Equality Virginia in April 2015 as an OUTstanding Virginian; and

WHEREAS, Joyce Scher will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Joyce Slavin Scher, a respected leader in the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joyce Slavin Scher as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 467

Celebrating the life of Stephanie Rochon.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Stephanie Rochon, a popular and longtime television news anchor in Richmond, a passionate advocate for breast cancer awareness and prevention, and a devoted wife and mother, died on June 3, 2015; and

WHEREAS, a native of Tacoma, Washington, Stephanie Rochon was reared in a military family and lived in many places in the United States and overseas as she grew up; she earned a bachelor's degree from Louisiana State University and began her career in journalism by working for a radio station; and

WHEREAS, Stephanie Rochon then became interested in television broadcast news; she worked as a reporter and anchor for a television station in Austin, Texas, before joining Richmond's WTVR-TV television station in 1999; and

WHEREAS, with an infectious smile and warm greetings to all with whom she came in contact, Stephanie Rochon was a highly regarded journalist who was known for her pleasant demeanor and friendliness on and off the air; and

WHEREAS, in addition to working as a news anchor for WTVR-TV, Stephanie Rochon was responsible for Buddy Check 6, a monthly award-winning broadcast that provided information about breast health and breast cancer; her mother is a breast cancer survivor, and Stephanie Rochon focused on making people more knowledgeable about breast disease; and

WHEREAS, Stephanie Rochon worked hard to reach underserved communities in the Richmond area as she reported for the Buddy Check 6 program; she reached out to black women, especially those who live in low-income areas, to make them aware of breast health and breast cancer prevention; and

WHEREAS, Stephanie Rochon will be greatly missed and fondly remembered by her husband, Jeff Moten; children, Miles and Pierce; and many other family members, friends, and viewers of WTVR-TV news; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Stephanie Rochon, a news anchor for WTVR-TV and a determined and effective advocate for breast cancer awareness and prevention; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Stephanie Rochon as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 468

Celebrating the life of the Honorable Leonard W. Lambert, Sr.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable Leonard W. Lambert, Sr., of Richmond, a respected attorney and civic leader and a former substitute judge of the 13th Judicial District of Virginia, died on November 18, 2015; and

WHEREAS, a native of Henrico County, Leonard Lambert attended Virginia Randolph High School; he graduated cum laude from Virginia Union University and earned a law degree from Howard University; and

WHEREAS, after completing his education, Leonard Lambert served his fellow Richmond residents as an attorney in private practice, establishing the firm Leonard W. Lambert & Associates; and

WHEREAS, in 1973, Leonard Lambert was appointed a substitute judge of the Richmond Juvenile and Domestic Relations District Court; he was the first African American to hold any judgeship in the City of Richmond and presided with great fairness and wisdom; and

WHEREAS, Leonard Lambert also worked to strengthen and enhance the community as a founder of the Garfield F. Childs Memorial Fund, a member of the national board of the YMCA, and chair of the Arthur Ashe Memorial Committee; and

WHEREAS, a man of deep and abiding faith, Leonard Lambert enjoyed fellowship and worship with the community as a member of Westwood Baptist Church, where he served as chair of the board of trustees; he was a member of Omega Psi Phi Fraternity, Sigma Pi Phi Fraternity - Alpha Beta Boulé, and The Guardsmen; and

WHEREAS, Leonard Lambert served the Commonwealth and the City of Richmond with integrity, dedication, and distinction; and

WHEREAS, predeceased by one son, Ralph, Leonard Lambert will be fondly remembered and greatly missed by his loving wife of 52 years, Sylvia; children, Leonard, Jr., Linda, Brice, and Mark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Leonard W. Lambert, Sr., a respected attorney and civic leader in the Richmond community and a former substitute judge of the 13th Judicial District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Leonard W. Lambert, Sr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 469

Commending Captain Florent Groberg, USA, Ret.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Captain Florent Groberg, USA, Ret., of McLean, who saved the lives of several fellow soldiers in Afghanistan, was awarded the Medal of Honor in 2015 for his valorous actions; and

WHEREAS, born in France, Captain Groberg grew up in Bethesda, Maryland, and became a citizen of the United States in 2001; driven by a strong sense of patriotism, he joined the United States Army in 2008; and

WHEREAS, Captain Groberg served two tours in Afghanistan during Operation Enduring Freedom, including as a platoon leader and executive officer in charge of logistics, then was selected to lead a personal security detachment for a colonel; and

WHEREAS, while on an operation, Captain Groberg identified an Afghan man he believed to be a suicide bomber and tackled the man to the ground, forcing him to detonate his suicide vest prematurely; and

WHEREAS, Captain Groberg sustained severe injuries to his leg in the engagement, but his quick thinking and heroic actions saved the lives of many members of the detail; he received the Army Achievement Medal and the Bronze Star Medal; and

WHEREAS, Captain Groberg was presented the Medal of Honor by President Barack Obama in November 2015, becoming the 10th living recipient of the award for actions in Afghanistan; and

WHEREAS, Captain Groberg is an exemplar of the bravery under pressure and dedication to duty demonstrated by all members of the United States Armed Forces; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Captain Florent Groberg, USA, Ret., on receiving the Medal of Honor for his courageous actions in Afghanistan; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Captain Florent Groberg, USA, Ret., as an expression of the General Assembly's admiration for his service and sacrifices in defense of the Commonwealth and the United States.

HOUSE JOINT RESOLUTION NO. 470

Commending Martha Mason Semmes.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Martha Mason Semmes, town administrator for Middleburg, has been named to the College of Fellows of the American Institute of Certified Planners for her outstanding achievements in town planning; and

WHEREAS, Martha Mason Semmes was recognized by the American Institute of Certified Planners (AICP) in the category of community service and leadership; being designated a Fellow by the AICP is the profession's highest honor; and

WHEREAS, AICP Fellows have shown excellence in professional practice, teaching and mentoring, research, public and community service, and leadership; they also have made positive and long-lasting contributions to the planning profession, which works to create communities that offer better choices for where and how people live; and

WHEREAS, as town administrator, Martha Mason Semmes, who is also Middleburg's chief administrative officer, serves as "cheerleader-in-chief" of the historic town in Loudoun County; earlier in her career, she was its town planner; and

WHEREAS, Martha Mason Semmes previously was director of planning and zoning for Purcellville, planning and zoning director for Leesburg, Main Street coordinator for Loudoun County, and physical planning chief for the Northern Virginia Planning District Commission; and

WHEREAS, Martha Mason Semmes concentrates on issues important to small towns and has frequently spoken at the annual conference of the American Planning Association Virginia chapter; she also works to see that affordable housing is of the same quality as other housing in the community; and

WHEREAS, additionally, Martha Mason Semmes, who has led efforts to preserve structures of historic significance, played a key role in the preservation of historic Asbury Church; she has worked to ensure that new development is successfully integrated while maintaining a locality's character; and

WHEREAS, a leader in her profession and community, Martha Mason Semmes has been an active member of several professional organizations, including the Virginia Local Government Management Association, and has made valued contributions as a member of the Windy Hill Foundation; and

WHEREAS, Martha Mason Semmes, who attended Duke University and the University of North Carolina-Chapel Hill, is known as a passionate and tireless advocate for social justice through community service; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Martha Mason Semmes, town administrator for Middleburg, for being named a member of the College of Fellows of the American Institute of Certified Planners for her outstanding achievements in town planning; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Martha Mason Semmes as an expression of the General Assembly's admiration and congratulations for her leadership and exemplary accomplishments that have helped define the places where Virginians live and work.

HOUSE JOINT RESOLUTION NO. 471

Celebrating the life of Hilton T. Douglas.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Hilton T. Douglas, a respected member of the Danville community who honorably served the Commonwealth and the United States as a member of the United States Army during three major wars, died on September 14, 2015; and

WHEREAS, a native of Sutherlin, Hilton Douglas joined many of the other young men of his generation in service to the nation during World War II; he courageously enlisted in the United States Army in 1943, after he was turned down by the draft board because his three brothers had already been called into service; and

WHEREAS, Hilton Douglas served with the 444th Engineer Base Depot Company in England until his honorable discharge in 1946; he reenlisted in 1948 and was stationed in Japan; and

WHEREAS, during the Korean War, Hilton Douglas served with the First Cavalry Division and was stationed near the 38th Parallel on the border between North and South Korea; and

WHEREAS, after returning home from Korea, Hilton Douglas was assigned to headquarters at Fort Devens in Massachusetts, where he established a lifelong friendship with Colin Powell, who would go on to become U.S. Secretary of State, and helped activate and train the 196th Light Infantry Brigade; he was promoted to sergeant major before being deployed to Vietnam; and

WHEREAS, Hilton Douglas earned many citations and decorations for his valorous service during the Vietnam War, including the Army Commendation Medal and the Bronze Star Medal; he retired from military service in 1967 as a command sergeant major; and

WHEREAS, Hilton Douglas returned to Southside Virginia and was an active member of the Danville community for many years, retiring as an employee of Smith-Douglass Fertilizer Company; and

WHEREAS, a talented gardener, Hilton Douglas planted a beautiful rose garden for his wife and earned accolades from the Garden Club of Virginia Rose Show; he posthumously won a third-place ribbon at the 2015 show for one of his red roses called Veteran's Honor; and

WHEREAS, Hilton Douglas enjoyed fellowship and worship with the community as a member of First Baptist Church in Danville; and

WHEREAS, Hilton Douglas will be fondly remembered and greatly missed by his wife of 69 years, Eleanor; daughters, Joan, Sylvia, and Laura, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Hilton T. Douglas, a decorated veteran and an admired member of the Danville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Hilton T. Douglas as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 472

Commending the Danville Cancer Association, Inc.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Danville Cancer Association, Inc., which has admirably worked for more than 50 years to improve the quality of life for people in Danville and Pittsylvania County living with cancer, was honored as the 2016 recipient of the B. R. Ashby, M.D. Award for Outstanding Community Service from the Danville Regional Foundation; and

WHEREAS, the Danville Cancer Association was organized in 1959 and incorporated in 1976; in its early years, the association had three objectives: research, education, and patient services; today, the Danville Cancer Association's efforts center on assisting patients and educational outreach; and

WHEREAS, with a goal of improving the quality of life for people in the community living with cancer, the mission of the Danville Cancer Association is to assist with the cost of cancer-related medications, travel, medical supplies and equipment, and other special medical needs; and

WHEREAS, all funds donated to the Danville Cancer Association benefit local residents; the association, which celebrates 40 years of incorporation in 2016, is a partner agency of the United Way of Danville-Pittsylvania County and is supported by the Danville Regional Foundation, the Community Foundation of the Dan River Region, the J.T. - Minnie Maude Charitable Trust, and other organizations; and

WHEREAS, the Danville Cancer Association offers financial, educational, and emotional support to patients in Danville and Pittsylvania County and sponsors a support group for people in the community who have cancer; it meets monthly and provides information on a variety of topics; and

WHEREAS, each year, the Danville Cancer Association helps approximately 250 people living with cancer; the nonprofit association also hosts an annual Celebration of Life event, honoring local cancer survivors; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Danville Cancer Association, Inc., for receiving the 2016 B. R. Ashby, M.D. Award for Outstanding Community Service from the Danville Regional Foundation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Danville Cancer Association, Inc., as an expression of the General Assembly's congratulations and admiration for the association's generous support and exceptional service to people living with cancer in Danville and Pittsylvania County.

HOUSE JOINT RESOLUTION NO. 473

Commending the Carlisle School girls' basketball team.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Carlisle School girls' basketball team of Martinsville claimed the Virginia Independent Schools Athletic Association Division III state title in February 2015; and

WHEREAS, the Carlisle School Chiefs bested the top-seeded Williamsburg Christian Academy Eagles by a score of 60-39 in the state championship, which was held at St. Anne's-Belfield School in Charlottesville; and

WHEREAS, after recovering from an early deficit, the Carlisle School Chiefs dominated play with their stifling defense, which forced numerous turnovers; on the offensive side, senior Miranda Crockett led the game with 22 points; and

WHEREAS, the win was the Carlisle School Chiefs' fifth state championship overall and the team's first since 2008; and

WHEREAS, the successful season was a testament to the hard work and dedication of all of the student-athletes, the leadership and guidance of the coaches and staff, and the passionate support of the entire Carlisle School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Carlisle School girls' basketball team on winning the Virginia Independent Schools Athletic Association Division III state championship in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mancino Craighead, head coach of the Carlisle School girls' basketball team, as an expression of the General Assembly's admiration for the team's accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 474

Commending The Goodyear Tire & Rubber Company's Danville plant.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, The Goodyear Tire & Rubber Company's Danville plant, the largest producer of commercial truck and bus tires and aircraft tires in North America and Danville's largest employer, proudly celebrates its 50th anniversary in 2016; and

WHEREAS, The Goodyear Tire & Rubber Company broke ground in 1965 and began operating the next year; the plant cured its first tire on November 25, 1966—the first of more than 100 million tires that have since been produced in Danville; and

WHEREAS, the Goodyear-Danville facility is on a 710-acre site on the Virginia-North Carolina border close to U.S. Route 29, with some of the plant's property extending into North Carolina; and

WHEREAS, the Goodyear-Danville plant has a tremendous economic impact on Danville and the surrounding area; currently, 2,162 people work at the plant, and since it opened the plant has employed more than 9,200 people at the sprawling manufacturing facility; and

WHEREAS, the first tires made at the Goodyear-Danville plant were bias truck and aircraft tires; however, production has evolved to meet changing market conditions, and the plant now produces radial truck and aircraft tires and bias aircraft tires and is the exclusive producer of the company's newest medium radial truck steer tire; and

WHEREAS, the Goodyear-Danville plant supplies tires to many of the world's leading truck and aircraft manufacturers and trucking companies, including Airbus, Boeing, FedEx Corporation, Fleetwood, Inc., the Freightliner division of Daimler Trucks North America, LLC, most major airlines, and the United States military; and

WHEREAS, the economic impact of the Goodyear-Danville plant is measured at an estimated \$1.25 billion of total output; the plant and its employees also contribute to the community in many ways, including sponsoring the annual Ed Steffey Memorial Education Open golf tournament; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend The Goodyear Tire & Rubber Company's Danville plant on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Romero, manager of The Goodyear Tire & Rubber Company's Danville plant, as an expression of the General Assembly's congratulations and admiration for the plant's outstanding contributions and many economic benefits to Danville and the surrounding area.

HOUSE JOINT RESOLUTION NO. 476

Commending Carla Martindale.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Carla Martindale has ably served the Lake Gaston community as a board member of the Brunswick County/Lake Gaston Tourism Association and worked to promote the area's unique historic, recreational, scenic, and cultural attractions; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association was established in 1998 as a volunteer organization to promote existing tourism in the area and advocate for responsible development of new attractions and events; and

WHEREAS, with the leadership and hard work of volunteers like Carla Martindale, the Brunswick County/Lake Gaston Tourism Association established and coordinated numerous festivals and events that celebrated local culture and attracted visitors to the area, including events celebrating the county's namesake Brunswick Stew; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association also worked with local, regional, and state officials to strengthen the community and helped develop the Fort Christanna Historical Site and obtain a State Scenic River designation for the Meherrin River; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association turned over all activities and duties to Brunswick County in March 2016 to better ensure the continued growth and stewardship of tourism in the area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Carla Martindale for her work with the Brunswick County/Lake Gaston Tourism Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Carla Martindale as an expression of the General Assembly's admiration for her contributions to the Lake Gaston community.

HOUSE JOINT RESOLUTION NO. 477

Commending Clare Williams.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Clare Williams has ably served the Lake Gaston community as a board member of the Brunswick County/Lake Gaston Tourism Association and worked to promote the area's unique historic, recreational, scenic, and cultural attractions; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association was established in 1998 as a volunteer organization to promote existing tourism in the area and advocate for responsible development of new attractions and events; and

WHEREAS, with the leadership and hard work of volunteers like Clare Williams, the Brunswick County/Lake Gaston Tourism Association established and coordinated numerous festivals and events that celebrated local culture and attracted visitors to the area, including events celebrating the county's namesake Brunswick Stew; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association also worked with local, regional, and state officials to strengthen the community and helped develop the Fort Christanna Historical Site and obtain a State Scenic River designation for the Meherrin River; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association turned over all activities and duties to Brunswick County in March 2016 to better ensure the continued growth and stewardship of tourism in the area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Clare Williams for her work with the Brunswick County/Lake Gaston Tourism Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Clare Williams as an expression of the General Assembly's admiration for her contributions to the Lake Gaston community.

HOUSE JOINT RESOLUTION NO. 478

Commending Nancy Watson.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Nancy Watson has ably served the Lake Gaston community as a board member of the Brunswick County/Lake Gaston Tourism Association and worked to promote the area's unique historic, recreational, scenic, and cultural attractions; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association was established in 1998 as a volunteer organization to promote existing tourism in the area and advocate for responsible development of new attractions and events; and

WHEREAS, with the leadership and hard work of volunteers like Nancy Watson, the Brunswick County/Lake Gaston Tourism Association established and coordinated numerous festivals and events that celebrated local culture and attracted visitors to the area, including events celebrating the county's namesake Brunswick Stew; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association also worked with local, regional, and state officials to strengthen the community and helped develop the Fort Christanna Historical Site and obtain a State Scenic River designation for the Meherrin River; and

WHEREAS, the Brunswick County/Lake Gaston Tourism Association turned over all activities and duties to Brunswick County in March 2016 to better ensure the continued growth and stewardship of tourism in the area; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nancy Watson for her work with the Brunswick County/Lake Gaston Tourism Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nancy Watson as an expression of the General Assembly's admiration for her contributions to the Lake Gaston community.

HOUSE JOINT RESOLUTION NO. 479

Commending the Town of Farmville.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, higher education holds a revered place in the history of the Commonwealth, dating back more than three centuries; and

WHEREAS, Virginia's distinguished collection of public and private colleges and universities are today among its greatest strengths, instrumental to both the nation's prosperity and a healthy democracy; and

WHEREAS, college towns—as places of teaching and learning, as beacons of culture, as places to gather, and as wellsprings of civic energy—make essential contributions to the common good; and

WHEREAS, the Town of Farmville was founded in 1798, and Prince Edward County was founded in 1754; and

WHEREAS, Farmville is situated at an important historical crossroads, near the place where the Civil War drew to a close in 1865 and the site where the modern civil rights movement began with the heroic Robert Russa Moton High School student strike of 1951; and

WHEREAS, by virtue of the founding of Hampden-Sydney College in 1775 and Longwood University in 1839, with both institutions today still situated six and a half miles from one another at the historic sites where they were first founded, one within the town and one almost immediately adjacent for nearly two centuries, Farmville can claim to be not only Virginia's first two-college town, but the first two-college town in America; and

WHEREAS, Farmville is today experiencing the momentum of an influx of activity and development that is restoring great vibrancy and character to its downtown, and it is celebrating its identity as one of America's great college towns; the community will welcome the nation and the world when Longwood University hosts the United States Vice Presidential Debate on October 4, 2016; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Town of Farmville, America's first two-college town; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Town of Farmville as an expression of the General Assembly's admiration for the town's unique place in the nation's history.

HOUSE JOINT RESOLUTION NO. 480

Commending the Honorable Alfreda Talton-Harris.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable Alfreda Talton-Harris retires in 2016 as chief judge of the Suffolk Juvenile and Domestic Relations District Court; and

WHEREAS, a native of Southampton County, Alfreda Talton-Harris graduated as salutatorian from Riverview High School; she earned a bachelor's degree from Spelman College and a law degree from American University; and

WHEREAS, Alfreda Talton-Harris practiced law in Norfolk, inspired students as an assistant professor at Youngstown State University, and served the City of Suffolk as an assistant prosecutor; and

WHEREAS, in 1992, Alfreda Talton-Harris became a judge of the Suffolk Juvenile and Domestic Relations District Court of the 5th Judicial District of Virginia, where she presided with great fairness and wisdom for nearly 25 years; and

WHEREAS, Alfreda Talton-Harris also worked to strengthen and enhance the Hampton Roads community as a member of numerous civic and service organizations, including as vice chair of the Franklin City School Board and past president of the Old Dominion Bar Association; she is currently a member of the YMCA Black Achievers Program, Girlfriends, Inc., Alpha Kappa Alpha Sorority, and First Baptist Church of Franklin; and

WHEREAS, a woman of great integrity, Alfreda Talton-Harris has served the City of Suffolk and the Commonwealth with the utmost professionalism and dedication; after her well-earned retirement, she plans to seek new opportunities to serve the community and spend more time with her husband, Alvin, and their daughters, Aliste and Alexa; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Honorable Alfreda Talton-Harris on the occasion of her retirement as chief judge of the Suffolk Juvenile and Domestic Relations District Court; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Alfreda Talton-Harris as an expression of the General Assembly's admiration for her contributions to the Suffolk community.

HOUSE JOINT RESOLUTION NO. 481

Commending John Risher, M.D.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, John Risher, M.D., a proud alumnus of the University of Virginia who has served as a statistician for the university's football team since the 1960s, celebrated his 105th birthday on May 11, 2015; and

WHEREAS, John Risher was born in Carnegie, Pennsylvania, in 1910 and relocated to Charlottesville with his family when he was young; and

WHEREAS, John Risher saw his first University of Virginia Cavaliers football game in 1919 and got his first job selling concessions at Lambeth Field; he attended the University of Virginia and played one game for the Cavaliers, making him the oldest living member of the football team; and

WHEREAS, after graduating from the University of Virginia, John Risher settled in Lynchburg and served the community as an otolaryngologist; and

WHEREAS, in the 1960s, John Risher helped fill in for the University of Virginia's sports information director at a football game in North Carolina, and he has served the team from the press box as a statistician ever since; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend John Risher, M.D., for his service to the University of Virginia on the occasion of his 105th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Risher, M.D., as an expression of the General Assembly's congratulations and best wishes.

HOUSE JOINT RESOLUTION NO. 482

Celebrating the life of Gregory Douglas Morrell.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Gregory Douglas Morrell of Bristol, Tennessee, a dedicated disability advocate, a devoted son and brother, and a passionate sports enthusiast, died on April 27, 2015; and

WHEREAS, Gregory "Greg" Douglas Morrell was an alumnus of East Tennessee State University; he worked for most of his life in Abingdon and was a prominent leader in the disability community; and

WHEREAS, Greg Morrell sustained a spinal cord injury while playing high school football that resulted in paralysis from the chest down; the injury changed his life, and he adapted by learning new ways to successfully maneuver through life using assistive technology and personal assistants; and

WHEREAS, Greg Morrell was an active member of his community, unwavering advocate seeking justice and empowerment, and a positive influence on many people with and without disabilities, who lived his life with a sense of purpose, laughter, and love; and

WHEREAS, as a leader in the disability independent living movement, Greg Morrell was the executive director of the Appalachian Independence Center in Abingdon for more than 25 years; he was an effective advocate for accessible housing, transportation, and community buildings; a specialist on the Americans with Disabilities Act since 1991; and a member of numerous local and state entities representing people with disabilities; and

WHEREAS, Greg Morrell will be fondly remembered and greatly missed by his mother, Sue Settle Morrell; four siblings, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Gregory Douglas Morrell, who worked for justice and inclusion of people with disabilities and was a devoted family man and friend to many; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gregory Douglas Morrell as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 483

Celebrating the life of Vera Paige Proffitt.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Vera Paige Proffitt of Grayson County, a farmer, a woman of faith, and a beloved member of the Whitetop community, died on February 6, 2016; and

WHEREAS, a respected local farmer, Vera Proffitt made her own cheese and butter, and sold her products to members of the community; and

WHEREAS, Vera Proffitt was also a talented writer, who was known for her humorous articles to local newspapers, and had been in the process of writing a book; and

WHEREAS, Vera Proffitt enjoyed fellowship and worship with the community as a member of Whitetop Baptist Church, where she taught Sunday school; and

WHEREAS, Vera Proffitt will be fondly remembered and greatly missed by her husband, Charles; children, Teresa, Cheryl, and Kevin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Vera Paige Proffitt; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Vera Paige Proffitt as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 484

Commending the Junior League of Richmond.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, the Junior League of Richmond proudly celebrates 90 years of providing effective, trained volunteer leadership in many areas of the community; and

WHEREAS, the Junior League of Richmond was founded in 1926 by 59 young women who were committed to finding workable solutions to the issues facing their community; they organized a volunteer service, concentrating their efforts on programs for children and supporting organizations in need; and

WHEREAS, the mission of the Junior League of Richmond is to promote volunteerism, develop the potential of women, and improve the community through the effective action and leadership of trained volunteers; and

WHEREAS, from the beginning, the Junior League of Richmond has been steadfast in its commitment to help children and families; in its first year, the group founded the Memorial Child Guidance Clinic Therapeutic Workshop—the first of its kind in the nation—to provide art, music, and carpentry classes for children with behavioral problems; and

WHEREAS, in its early years, the Junior League of Richmond worked with the Receiving Home of the Children's Home Society, Crippled Children's Hospital, the Commission for the Blind, and other organizations; the group initiated numerous advocacy efforts on behalf of Richmond's children and also began its longstanding role in community and legislative affairs; and

WHEREAS, maternal and child health issues are central to the work of the Junior League of Richmond; at the Medical College of Virginia, now known as VCU Medical Center, the group started an Immunology Clinic and a Well-Baby Clinic and later founded the Speech Clinic and School; and

WHEREAS, the Junior League of Richmond has produced a television series focused on child welfare, presented forums on mental health and children's issues, published a newspaper supplement to educate the public about drug abuse, established a family crisis shelter, and initiated other advocacy programs; and

WHEREAS, literacy and education are other areas in which the Junior League of Richmond has taken an active role by promoting reading, art history programs in the Richmond Public Schools, establishing a learning disabilities council and information service, founding the Greater Richmond Child Advocacy Office, and sponsoring numerous other outreach efforts; and

WHEREAS, the Junior League of Richmond has worked to help senior citizens, founding the Senior Center of Richmond and publishing a guide to area nursing homes; promoting the arts has also been central to the work of the organization and it currently has a strong partnership with the Children's Museum of Richmond; and

WHEREAS, by continuing to provide trained volunteer leadership and support to nonprofit organizations that target the needs of children and families, the Junior League of Richmond moves forward in its vital work of helping Richmond's families grow in strength and confidence; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Junior League of Richmond on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Junior League of Richmond as an expression of the General Assembly's respect and admiration for nine decades of dedicated work and inspiring volunteer leadership, helping people and organizations throughout the Richmond area.

HOUSE JOINT RESOLUTION NO. 486

Commending the Reverend Charles Robinson Philips.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Reverend Charles Robinson Philips, a respected spiritual leader in Henrico County, retired as pastor of Overbrook Presbyterian Church on December 31, 2015; and

WHEREAS, Charles Philips began working in youth ministry while attending Sterling College in Kansas and ministered Cassleton Union Church before graduating from Friends University; and

WHEREAS, in 1970, Charles Philips moved to California and worked in youth ministry at three schools in Los Angeles; he earned a master's degree from Gordon-Conwell Theological Seminary in Massachusetts in 1979 and was ordained a minister by the Presbyterian Church; and

WHEREAS, Charles Philips served as senior pastor of Mount Pleasant Presbyterian Church in Aliquippa, Pennsylvania, and Cocoa Presbyterian Church in Cocoa, Florida, helping both congregations grow and develop new and innovative ministries to better serve their communities; and

WHEREAS, in 2003, Charles Philips relocated to Virginia to pastor Overbrook Presbyterian Church in Henrico County; he touched countless lives in the community by working with the congregation to establish a day school for troubled youth and an afterschool program that provided free child care to local families; and

WHEREAS, as pastor of Overbrook Presbyterian Church, Charles Philips ably managed the Cosby Endowment Fund, which has provided hundreds of thousands of dollars in scholarships, medical support, and outreach to support at-risk youth and single-parent families; and

WHEREAS, Charles Philips has been active with civic and service organizations in Henrico County and the Richmond area, and he led several church mission trips to locations in the United States and throughout the world; and

WHEREAS, as a fourth-generation minister, Charles Philips has carried on a proud family tradition of spiritual leadership, and his son has followed in his footsteps as an ordained minister; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Reverend Charles Robinson Philips on the occasion of his retirement as pastor of Overbrook Presbyterian Church in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Charles Robinson Philips as an expression of the General Assembly's admiration for his legacy of service and spiritual leadership in the Commonwealth and throughout the United States.

HOUSE JOINT RESOLUTION NO. 487

Celebrating the life of Carl William Cardwell.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Carl William Cardwell, an ever-present volunteer and supporter of the Town of Saltville, active member of the Saltville community and its organizations, and a devoted father, husband, grandfather, and great-grandfather, died on December 13, 2015; and

WHEREAS, Carl William Cardwell bravely served his country as a member of the United States Marine Corps from 1953 to 1955; and

WHEREAS, Carl William Cardwell helped safeguard his fellow Saltville residents as a charter member of the Saltville Rescue Squad; and

WHEREAS, Carl William Cardwell served as a member of the Saltville-Rich Valley Lions Club; and

WHEREAS, Carl William Cardwell shared his time, effort, and passion as a volunteer with several community organizations, including the Saltville Little League and the Saltville Labor Day Committee; and

WHEREAS, Carl William Cardwell was a strong supporter of all Northwood High School athletic teams and a constant presence at such events; and

WHEREAS, the contributions, kindness, and humor of Carl William Cardwell touched the lives of many local high school athletes, coaches, teachers, community leaders, and his fellow citizens; and

WHEREAS, Carl William Cardwell will be fondly remembered and dearly missed by his devoted wife, children, grandchildren, great-grandchildren, colleagues, and members of the Saltville community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Carl William Cardwell, a dedicated volunteer and supporter of the Saltville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Carl William Cardwell as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 488

Celebrating the life of Willis F. Davis III.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Willis F. Davis III of Richmond, a talented graphic artist, musician, and a woman of great faith, died on June 19, 2015; and

WHEREAS, Willis F. "Tracee" Davis III attended the Richmond Public Schools and graduated from Armstrong High School in 1967; she later continued her education at Bloomfield College in New Jersey, where she completed a two-year course; and

WHEREAS, a gifted artist, Tracee Davis was employed by the Virginia Employment Commission as a graphic arts designer, where her creative abilities were utilized in many ways; and

WHEREAS, faith and service were important to Tracee Davis; when she was young, her spiritual life centered around the teaching and guidance she received at Mt. Olive Baptist Church in Richmond; and

WHEREAS, as an adult, Tracee Davis participated in the ministry of Metropolitan Community Church, contributing her time and talents in several ways; she was an organist and a bell ringer, and she also provided advice and counsel as a member of the church's board of directors for many years; and

WHEREAS, Tracee Davis, who was predeceased by her father, Willie, will be greatly missed and fondly remembered by her mother, Vinceretta; sister, Deborah, and her family; and many other family members, friends, and those who joined with her to partake in the fellowship and worship found at the Metropolitan Community Church; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Willis F. Davis III of Richmond, a graphic artist, musician, and a woman of great faith; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Willis F. Davis III as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 489

Commemorating the life and legacy of Gregory Hayes Swanson.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 1950, Gregory Hayes Swanson, a 26-year-old Danville native with a law practice in Martinsville, set a legal precedent by instituting a lawsuit against the Board of Visitors of the University of Virginia for admission to the School of Law and, by entering same on September 15, 1950, became the first African American to desegregate a formerly all-white university in Virginia, opening the door for the thousands of students who followed; and

WHEREAS, Gregory Swanson had previously been forced to go out of state to attend Howard University School of Law because the state of Virginia had no law schools that allowed African Americans to attend; and

WHEREAS, after obtaining a law degree from Howard University, Gregory Swanson worked in association with the esteemed Richmond civil rights law firm of Hill, Robinson and Martin, which was notable for at one time having more Civil Rights cases than any other in the South; and

WHEREAS, in an attempt to forestall desegregation of the University of Virginia (UVA) and other institutions of higher learning and after the highly-publicized application of Alice Jackson to attend UVA in 1935, the Virginia General Assembly passed the Dovell Act in 1936, which gave supplemental financial payments toward tuition to African American post-graduate scholars, to induce them to attend colleges and universities out of state; and

WHEREAS, Gregory Swanson, in the tradition of his Civil Rights mentors, refused such a "scholarship" to pursue a graduate degree outside of the Commonwealth; upon being denied admission to enter a master's degree program at the UVA School of Law by the Board of Visitors, and in furtherance of the Civil Rights strategy of breaking down legal barriers to higher education, Gregory Swanson filed suit and did bring such lawsuit to federal hearing in Charlottesville, on September 5, 1950; and

WHEREAS, Swanson v. Rector of Visitors was a nationally publicized landmark case, with Gregory Swanson represented by NAACP attorneys Thurgood Marshall, Oliver Hill, Spottswood Robinson, Martin A. Martin, and others, with Gregory Swanson and said legal team prevailing and furthering the cause of justice; and

WHEREAS, upon winning a unanimous decision of a three-judge panel, Gregory Swanson sacrificed his law practice to complete a year of study at UVA, while being forced to live off-campus at personal and family expense because of housing segregation laws, all the while enduring legal discrimination and social ostracism, with restrictions at football games, campus socials, etc.; and

WHEREAS, the Swanson case has been cited as bringing about the desegregation of other previously all-white institutions in Virginia, including The College of William & Mary; and

WHEREAS, Gregory Swanson died on July 26, 1992, after years of service as a member of the Virginia Bar and as an attorney with the Internal Revenue Service, without ever receiving any official recognition from the University of Virginia or from the Commonwealth of Virginia; and

WHEREAS, Gregory Swanson's contribution to the Commonwealth was almost lost to history for 65 years, until the recent recognition by the Swanson Case Commemoration, held on October 25, 2015, at the Jefferson-Madison Regional Library Central Branch in Charlottesville, in the actual former federal courtroom where Gregory Swanson made history; the commemoration was sponsored by the Swanson Legacy Committee, comprising of Charlottesville community leaders and chaired by Gregory Swanson's nephew, Evans Hopkins, with the generous support of UVA and the UVA School of Law; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commemorate the life and legacy of Gregory Hayes Swanson, a Civil Rights pioneer and an inspiration to the citizens of the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gregory Hayes Swanson as an expression of the General Assembly's admiration for his contributions to the Commonwealth and the Civil Rights Movement.

HOUSE JOINT RESOLUTION NO. 490

Celebrating the life of Allen Huddleston.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Allen Huddleston, a proud veteran of World War II and the last surviving member of the Bedford Boys, a company of soldiers from Bedford County that sustained heavy casualties during the D-Day invasion of Normandy, died on February 10, 2016; and

WHEREAS, after the 116th Infantry Regiment of the Virginia National Guard was activated in 1941, Bedford County provided troops to Company A of the 29th Infantry Division; approximately 30 men from Bedford County, including

Allen Huddleston, were still attached to the company in 1944, when the United States was preparing to open a new front in Europe; and

WHEREAS, Allen Huddleston was recovering from a broken ankle in England during the D-Day invasion on June 6, 1944; Bedford County suffered the greatest number of casualties per capita during the operation, with 19 of the Company A Bedford Boys killed on the first day of the invasion and two killed later in the campaign; and

WHEREAS, Allen Huddleston returned to Company A to find that he did not recognize many members of the company, which had suffered a 90 percent casualty rate overall; he continued to serve and was wounded again at the battle of Aachen in Germany; and

WHEREAS, after his honorable discharge, Allen Huddleston returned home to the Commonwealth and worked in a photography shop in downtown Bedford; he served the community by taking wedding photos and other formal photos, and his beautiful prints of the Peaks of Otter were well known locally; and

WHEREAS, Allen Huddleston supported his fellow veterans as an active member of the Veterans of Foreign Wars post in Roanoke, and he provided a link to local families who had lost loved ones during the war by sharing memories and comfort; and

WHEREAS, the exceptional service and sacrifices of Allen Huddleston, the Bedford Boys, and all veterans of World War II are memorialized by the National D-Day Memorial in the Town of Bedford; and

WHEREAS, Allen Huddleston will be fondly remembered and greatly missed by numerous family members, friends, and fellow service members; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Allen Huddleston, a patriotic veteran and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Allen Huddleston as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 491

Commending the Carroll County High School softball team.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Carroll County High School softball team earned the school's first state title in June 2015 by winning the Virginia High School League Group 4A state championship; and

WHEREAS, the Carroll County High School Cavaliers finished the season with an impressive 26-1 record and the first trip to a state final in the consolidated high school's 46-year history; and

WHEREAS, the Carroll County High School Cavaliers defeated the Woodgrove High School Wolverines by a score of 1-0 in the state championship final, held at Kamphuis Field at Liberty Softball Stadium in Lynchburg; and

WHEREAS, during the state championship, Carroll County High School's pitcher, Sydney Nester, struck out 13 opposing batters, and Jeannie Utt scored the game's only run in the fifth inning; and

WHEREAS, the victory is a testament to the skill and hard work of all of the student-athletes, the leadership of the coaches and staff, and the passionate support of the entire Carroll County High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Carroll County High School softball team on winning the Virginia High School League Group 4A state championship in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ricky Nester, head coach of the Carroll County High School softball team, as an expression of the General Assembly's admiration for the team's accomplishments and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 492

Celebrating the life of James Douglas Owens.

Agreed to by the House of Delegates, March 10, 2016

Agreed to by the Senate, March 11, 2016

WHEREAS, James Douglas Owens, a veteran, public servant, and community leader in Marion, died on March 16, 2015; and

WHEREAS, James "Jim" Douglas Owens was born in Glade Spring on June 16, 1942; and

WHEREAS, Jim Owens served his country for four and a half years as a member of the United States Navy during the Vietnam War; from 1964 to 1968, he served aboard the USS *Ranger*, achieving the rank of petty officer second class; and

WHEREAS, Jim Owens served as the research and development manager for Royal Mouldings Limited in Marion for 39 years; and

WHEREAS, Jim Owens was a life member of Marion Veterans of Foreign Wars (VFW) Post 4667 and past president of the Marion Kiwanis Club; he organized the inaugural Smyth County Relay for Life, the annual VFW Roy Earnest Golf Tournament that benefited the Mel Leaman Free Clinic, and was integral to the success of many community events, including the annual Memorial Day program and the downtown chili cook-off; and

WHEREAS, Jim Owens was elected to the Marion Town Council in May 2010, was active in the Virginia Municipal League, and was an active volunteer throughout the town; and

WHEREAS, Jim Owens' love of his community was eclipsed only by his love of his family, including Wanda, his wife of 40 years; his two daughters, Jennifer and Kelly; his two grandchildren, Olivia and Owen; and many other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James Douglas Owens; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Douglas Owens as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 493

Commending Dr. Emma Violand-Sanchez.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Dr. Emma Violand-Sanchez, a respected educator who has made many contributions benefiting students in Northern Virginia, retires as a member of the Arlington School Board in 2016; and

WHEREAS, a native of Bolivia, Dr. Violand-Sanchez holds bachelor's and master's degrees from Radford University and a doctorate from George Washington University; after immigrating to the United States, she pursued a long and fulfilling career as a teacher and administrator in Arlington County; and

WHEREAS, during her career with Arlington Public Schools, Dr. Violand-Sanchez developed and implemented a comprehensive English language program, which has been used as a national model; she also established the first bilingual GED program in the Commonwealth, and for 11 years, she has worked as an adjunct professor of linguistics at Georgetown University; and

WHEREAS, Dr. Violand-Sanchez founded The Dream Project, which today provides scholarships, mentoring, and support to 100 promising immigrant youth, who hail from 14 different countries, were educated in 22 Virginia high schools, and now attend 18 colleges and universities in seven states; in 2015, three of the first Dream Project scholars graduated, and 93 percent of scholarship recipients have been able to stay in college; and

WHEREAS Dr. Violand-Sanchez also founded Edu-Futuro to better support low-income students from immigrant families in the Arlington community and established Arlington County's Project Family, which provides learning opportunities to parents of young children; and

WHEREAS, Dr. Violand-Sanchez has offered her leadership and expertise to numerous other civic and service organizations in Northern Virginia, and she is deeply respected among her peers for her work to ensure that all local residents can achieve a good education; and

WHEREAS, in 2009, Dr. Violand-Sanchez joined the Arlington School Board, where she has worked diligently to create new opportunities for students and to support teachers and staff; she was later elected chair of the board; and

WHEREAS, Dr. Violand-Sanchez has earned numerous awards and accolades for her devoted service to young people and the community, and she was named a Fulbright Senior Scholar for her work as a consultant for educational reform in Bolivia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Dr. Emma Violand-Sanchez on the occasion of her retirement as a member of the Arlington School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Emma Violand-Sanchez as an expression of the General Assembly's admiration for her commitment to serving the youth of Arlington County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 494

Commending the West Potomac High School boys' basketball team.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the West Potomac High School boys' basketball team of Mount Vernon won the Virginia High School League Conference 7 tournament championship on February 21, 2016; and

WHEREAS, the West Potomac High School Wolverines defeated the top-seeded West Springfield High School Spartans 61-57 at the Conference 7 tournament final, which was held at South County High School in Fairfax County; and

WHEREAS, the West Potomac High School Wolverines overcame a 3-6 start to the season to win 10 of 12 games and enter the conference tournament as the number two seed; and

WHEREAS, junior guard Khalil Williams Diggins led the West Potomac High School Wolverines with 19 points and was named a first-team all-conference selection and Most Valuable Player of the conference tournament; and

WHEREAS, with the conference tournament win, the West Potomac High School Wolverines advanced to the Virginia High School League Group 6A North region tournament; and

WHEREAS, the successful season is a testament to the hard work and determination of all of the student-athletes, the leadership and guidance of the coaches and staff, and the energetic support of the entire West Potomac High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the West Potomac High School boys' basketball team on winning the Virginia High School League Conference 7 tournament championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David Houston III, head coach of the West Potomac High School boys' basketball team, as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 495

Commending Inova Mount Vernon Hospital.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Inova Mount Vernon Hospital in Alexandria has provided a vast array of health care services to the citizens of Northern Virginia for 40 years through its acute care and emergency department services, as well as orthopedic and rehabilitation services; and

WHEREAS, Inova Mount Vernon Hospital opened its doors on October 26, 1976, as a 235-bed acute care hospital; and

WHEREAS, in 2015 Inova Mount Vernon Hospital was ranked the sixth Best Hospital in the Washington, D.C., metropolitan area by *U.S. News & World Report*; and

WHEREAS, since 1986, the Commission on the Accreditation of Rehabilitation Facilities has bestowed full three-year accreditations upon Inova Rehabilitation Center for both its inpatient and outpatient rehabilitation programs; and

WHEREAS, Inova Mount Vernon Hospital houses a state-of-the-art rehabilitation center, including "Easy Street," a city street replica offering simulations of real-life settings to help patients recovering from strokes and brain and spinal cord injuries develop skills to regain self-sufficiency; and

WHEREAS, each year, Inova Mount Vernon Hospital treats nearly 1,000 people in Northern Virginia through their inpatient rehabilitation program and more than 700 people in outpatient rehabilitation; and

WHEREAS, Inova Mount Vernon Hospital has been designated a Primary Stroke Center by The Joint Commission, the national accrediting organization for hospitals; the Joint Commission's Gold Seal of Approval recognizes facilities that make exceptional efforts to meet the unique needs of stroke patients and foster better outcomes for stroke care; and

WHEREAS, *U.S. News & World Report* has also rated Inova Mount Vernon Hospital "high performing" in knee replacement in the U.S. News Common Care ratings; these ratings evaluate more than 4,500 hospitals nationwide on common inpatient procedures and conditions, with only approximately 10 percent of the hospitals earning the "high performing" rating; and

WHEREAS, Inova Joint Replacement Center has also earned a Gold Seal of Approval for outstanding care in joint replacement procedures from the Joint Commission; Inova Mount Vernon Hospital is one of only six programs in Virginia to receive this distinction; and

WHEREAS, Inova Mount Vernon Hospital is home to the Dorothea R. Fisher Wound Healing Center, the first specialized resource for wound healing in the Washington, D.C., metropolitan area; and

WHEREAS, Inova Mount Vernon Hospital operates the Hyperbaric Oxygen Therapy program, the only program in Northern Virginia accredited by the Undersea and Hyperbaric Medical Society and one of just 600 in the United States to carry this quality accreditation; and

WHEREAS, Inova Mount Vernon Hospital provides a wide range of surgical, medical, and critical care services including cardiac rehabilitation, behavioral health, oncology, emergency medicine, breast health, and dialysis care; and

WHEREAS, Inova Mount Vernon Hospital is currently a 237-bed hospital with a staff of approximately 1,015 people, with 532 affiliated physicians who treated patients in 11,117 inpatient admissions, 2,826 inpatient surgeries, 1,443 outpatient surgeries, and 42,437 emergency department visits during 2015; and

WHEREAS, Inova Mount Vernon Hospital is dedicated to serving the community by providing high-quality, patient-centered care; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Inova Mount Vernon Hospital for 40 years of outstanding contributions to the health and well-being of the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Inova Mount Vernon Hospital as an expression of the General Assembly's admiration for its dedication in establishing and maintaining a high standard for health care in Virginia.

HOUSE JOINT RESOLUTION NO. 496

Celebrating the life of Leslie Ann Goldman.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Leslie Ann Goldman of Henrico County, a respected real estate professional and a beloved daughter, sister, wife, mother, aunt, cousin, and friend, died on February 20, 2016; and

WHEREAS, a native of Rochester, New York, Leslie Goldman grew up in St. Louis, Missouri, where she made many lifelong friends at Lindbergh High School; she relocated with her family to Cumberland, Maryland, where she graduated from Bishop Walsh High School; and

WHEREAS, after earning a bachelor's degree from Frostburg State University, Leslie Goldman enjoyed a long and fulfilling career as a realtor in Richmond; over the course of her 30-year career, she was admired for professionalism and positivity and helped countless local residents achieve the dream of home ownership; and

WHEREAS, Leslie Goldman never met a stranger and brought joy to everyone who knew her with her kindness, generosity, and sense of humor; and

WHEREAS, a woman who lived her faith through her actions, Leslie Goldman enjoyed fellowship and worship with the community as a devout member of Hope Church, where she inspired her fellow parishioners through her energy and passion for service; and

WHEREAS, Leslie Goldman will be fondly remembered and greatly missed by her beloved husband, Jim; son, Thomas, and his family; her husband's children, Daniel and Lauren, and their families; her parents, Louis and Theresia DiPasqua; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Leslie Ann Goldman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Leslie Ann Goldman as an expression of the General Assembly's respect for her memory.

HOUSE JOINT RESOLUTION NO. 497

Celebrating the life of the Honorable Desmond C. Wray, Jr.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Honorable Desmond C. Wray, Jr., a respected veteran, attorney, and former judge who made many contributions to the Staunton and Augusta County communities, died on February 14, 2016; and

WHEREAS, a native of Suffolk, Desmond Wray graduated from Robert E. Lee High School, attended Virginia Military Institute, and graduated from the United States Naval Academy with a commission as a second lieutenant in the United States Marine Corps; and

WHEREAS, after two years as a ground officer, Desmond Wray completed his training as a Marine aviator and was certified as a carrier pilot, then served with a gunnery unit in Florida as a flight instructor; and

WHEREAS, after retiring from active duty, Desmond Wray continued to serve in the United States Marine Corps Forces Reserve, where he retired with the rank of colonel as commanding officer of 20th Staff Group, which was then the only reserve unit under operational control of Fleet Marine Force, Atlantic; and

WHEREAS, in 1961, Desmond Wray graduated from the University of Virginia School of Law, where he served on the Honor Committee and was elected to the prestigious Omicron Delta Kappa Society; and

WHEREAS, Desmond Wray practiced law in the City of Staunton and worked to strengthen and enhance the community as a member of many civic organizations, including the Shenandoah Regional Airport Commission, City of Staunton Planning Commission, and University of Virginia Dupont Scholarship Selection Committee; and

WHEREAS, for 10 years, Desmond Wray presided with great fairness and wisdom as a judge in Augusta County, and he served for 20 years as city attorney for the City of Staunton; and

WHEREAS, Desmond Wray will be fondly remembered and greatly missed by his wife, Frances; children, Desmond III, Tod, Mary, and Ann, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Desmond C. Wray, Jr., a patriotic veteran and a respected attorney and judge who made many contributions to the Staunton and Augusta County communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Honorable Desmond C. Wray, Jr., as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 498

Commending Sam Stribling.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Sam Stribling has served the residents of the City of Falls Church for 30 years as a member of the Falls Church Public Works Street Division; and

WHEREAS, Sam Stribling joined the Falls Church Public Works Street Division in February 1985, and has proven himself to be a dedicated and dependable employee; in addition to his regular duties, he has consistently and ably served the city in emergency situations; and

WHEREAS, in the summer, Sam Stribling works to repair the City of Falls Church's 42 lane miles of road; he also manages leaf collection in the fall and is one of the city's most experienced truck drivers for snow removal; and

WHEREAS, in 2012, Sam Stribling was promoted to crew leader; his positive leadership style has helped to keep his crew motivated and unified in their goals; and

WHEREAS, throughout his career, Sam Stribling has received numerous awards and accolades for his commitment to excellence, including letters of thanks from both his fellow employees and the citizens of Falls Church; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Sam Stribling for his 30 years of service with the Falls Church Public Works Street Division; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sam Stribling as an expression of the General Assembly's admiration for his dedicated service to the City of Falls Church.

HOUSE JOINT RESOLUTION NO. 499

Commending Second Mt. Zion Baptist Church.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, Second Mt. Zion Baptist Church in Dawn celebrates its 150th anniversary of joyful worship and praise, spiritual renewal, and outreach to the community; and

WHEREAS, Second Mt. Zion Baptist Church in Caroline County was organized in 1866 by members of Concord Baptist Church, who broke away from the church after the Civil War; the newly formed congregation first met in a brush arbor; and

WHEREAS, the Reverend William Henry Stephens founded Second Mt. Zion Baptist Church with 264 charter members; the congregation soon built a log church, and in 1880, one-half acre of land was deeded to the church; and

WHEREAS, a frame building was constructed in 1884 to house Second Mt. Zion Baptist Church; that same year, the Reverend James S. Minor was called to be minister of the church, and he faithfully served until he died in 1915; and

WHEREAS, during James Minor's tenure, the members of Second Mt. Zion Baptist Church realized that their existing facilities were inadequate to accommodate the growth that had taken place in the congregation, and in 1907 a larger church was built, which—with many subsequent additions and alterations—still serves members today, 109 years later; and

WHEREAS, many changes and upgrades have taken place over the years at Second Mt. Zion Baptist Church; new pews and a pulpit set were installed after World War II, and choirs and other service ministries have been established; and

WHEREAS, today, the Reverend Marvin Fields is the minister of Second Mt. Zion Baptist Church, whose ranks now number 500 members; he is the great-great-great-grandson of the church's founder, William Henry Stephens; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Second Mt. Zion Baptist Church on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Marvin Fields, minister of Second Mt. Zion Baptist Church, as an expression of the General Assembly's respect and admiration for the church's long history and ministry to the people of Caroline County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 500

Commending Concord Baptist Church.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, Concord Baptist Church celebrates its 175th anniversary of joyful worship, spiritual renewal, and outreach to the community and the world; and

WHEREAS, Concord Baptist Church, which is in the Caroline County community of Frog Level, was organized on July 10, 1841, and had 40 charter members; its roots can be traced to the Concord Meeting House, which is mentioned in a Caroline County deed book dated 1821; and

WHEREAS, after the Civil War, a group of members left the Concord Baptist Church in 1866 to form Second Mt. Zion Baptist Church in Dawn, and today, the two congregations have a strong relationship and take part in an annual pulpit exchange; and

WHEREAS, the original building housing Concord Baptist Church was a log structure; the current worship space was built in 1857 with bricks that were made on the premises, and as the church's membership has increased, so have the facilities, which now include Pendleton Hall, a fellowship building containing partitioned classrooms and educational facilities; and

WHEREAS, 52 pastors have served Concord Baptist Church since its founding, including Robert Ryland, the first president of Richmond College, which is now part of the University of Richmond, and W. O. Carver, a noted missiologist; the current pastor is the Reverend Kevin Moen; and

WHEREAS, Concord Baptist Church is affiliated with the Baptist General Association of Virginia and Hermon Baptist Association; it takes great pride in being known as "The Friendly Church"; and

WHEREAS, the members of Concord Baptist Church extend a warm welcome to all visitors; following Biblical teachings to take care of others in the community and far away, church ministries have been organized in Kenya, the Dominican Republic, Tanzania, and Mexico; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Concord Baptist Church on the occasion of its 175th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Kevin Moen, pastor of Concord Baptist Church, as an expression of the General Assembly's respect and admiration for the church's many years of service and outreach in the Commonwealth and abroad.

HOUSE JOINT RESOLUTION NO. 501

Commending Nola Carolyn Hughes Lindsey.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Nola Carolyn Hughes Lindsey, a respected member of the Hampton Roads community, celebrated her 85th birthday in 2016; and

WHEREAS, Nola Lindsey was born on February 23, 1931, and as the oldest of six children, she learned early the value of a good education; she was the first of her immediate family to graduate from high school and afterward encouraged her siblings to do the same; and

WHEREAS, as a young mother Nola Lindsey's thirst for education moved her to attend night school to acquire skills to help support her family financially; she also instilled the value of a good education in her children; and

WHEREAS, Nola Lindsey supported her husband, James, in establishing a family-owned plumbing and heating business, Lindsey Brothers, Inc., a company that has served residential and commercial customers throughout the Hampton Roads area since 1966; and

WHEREAS, Nola Lindsey, along with her husband, provided a loving and nurturing environment for their family of 10 children, several of whom went on to college and graduate school and all of whom have worked or are working with the family business; and

WHEREAS, Nola Lindsey has been a loving wife, mother, grandmother, great-grandmother, and great-great-grandmother, and she has been blessed to enjoy and inspire five generations of family members; and

WHEREAS, Nola Lindsey has demonstrated compassion for the elderly and has opened her home to provide meals for widows and homecare for elderly family members in need; and

WHEREAS, a champion of the underdog, Nola Lindsey has spent her life as a defender of the disenfranchised, disadvantaged, those without voice, and persons needing a second chance; as a living testament to the life that she has lived, many people to whom she did not give birth call her "mother"; and

WHEREAS, Nola Lindsey continues to attend and financially support her childhood church in North Carolina, New Providence Missionary Baptist Church, where she serves among the church's leadership; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Nola Carolyn Hughes Lindsey, an esteemed member of the Hampton Roads community and a caring neighbor, on the occasion of her 85th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nola Carolyn Hughes Lindsey as an expression of the General Assembly's admiration for her contributions to the community.

HOUSE JOINT RESOLUTION NO. 502

Commending Janet J. Zitt.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Janet J. Zitt, who has served as principal of Salem Elementary School in Virginia Beach since 2008, and has been a highly regarded educator in Virginia Beach for 35 years, will retire in 2016; and

WHEREAS, Janet Zitt graduated from Virginia Polytechnic Institute and State University in 1980; she earned a master's degree from The College of William and Mary in 1981, and an education specialist degree from The George Washington University in 1988; and

WHEREAS, in 1981, Janet Zitt became a special education teacher in the Virginia Beach City Public Schools; four years later, she was named an instructional specialist for the public school system; and

WHEREAS, Janet Zitt assumed more administrative responsibility when she was named assistant principal of Thoroughgood Elementary School in 1992; she also served as assistant principal of Ocean Lakes Elementary School from 1998 to 1999 and was honored as State Assistant Principal of the Year in 1998 by the Virginia Association of Elementary School Principals (VAESP); and

WHEREAS, while working as an assistant principal, Janet Zitt developed and implemented an extended kindergarten program, and she was also honored by the Parent-Teacher Association (PTA) with a Life Membership Award; and

WHEREAS, from 1999 through 2008, Janet Zitt served as principal of Bayside Elementary School, which received an Elementary PTA National School of Excellence Award in 2003; and

WHEREAS, currently, Janet Zitt serves as principal of Salem Elementary School, a position she has held since 2008; during her tenure, the school received the Pearl School Award, which recognizes efforts to carry out educational and service programs that teach environmental concepts; and

WHEREAS, Janet Zitt was honored as the recipient of the 2008 James D. Mullins Leadership Award from the Virginia Beach Reading Council and she also received the VAESP School Bell Award; and

WHEREAS, as an administrator and leader, Janet Zitt has promoted continuous staff development to improve instructional delivery and curriculum improvements; she also served as a mentor principal for four years; and

WHEREAS, Janet Zitt has made valued contributions as a member of the local and state associations of elementary school principals, Delta Kappa Gamma professional association, and the Virginia Beach Reading Council; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Janet J. Zitt, principal of Salem Elementary School in Virginia Beach since 2008, on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Janet J. Zitt as an expression of the General Assembly's respect and admiration for her outstanding service as a teacher and administrator and her dedication to the children of Virginia Beach.

HOUSE JOINT RESOLUTION NO. 503

Commending Preddy Funeral Home.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Preddy Funeral Home has provided compassionate, dignified, and devoted service to the residents of Madison County and Orange County for 100 years; and

WHEREAS, Preddy Funeral Home was established in 1916 by W. R. Preddy, a former grocer in the Town of Gordonsville; at the time, there was no funeral director or embalmer in Orange County; and

WHEREAS, in 1920, W. R. Preddy expanded the business from Gordonsville to the Town of Orange, and the business thrived with the help and hard work of his nephews, Jimmy and Joe, and Joe's son, Tony; and

WHEREAS, Preddy Funeral home opened a third location in the Town of Madison on July 3, 1994; today a fourth generation of Preddy family members serves as funeral directors, including Jimmy Preddy's son, Randy, and grandson, Michael, and Tony Preddy's son, Barry; and

WHEREAS, from its three current locations in the Towns of Gordonsville, Madison, and Orange, Preddy Funeral Home has supported countless families in the Piedmont region in their time of greatest need; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Preddy Funeral Home on the occasion of its 100th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Preddy Funeral Home as an expression of the General Assembly's admiration for its service to the residents of the Madison County and Orange County communities.

HOUSE JOINT RESOLUTION NO. 504

Celebrating the life of James H. Whiting.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, James H. Whiting, a hardworking preservationist who helped safeguard the history and heritage of the Commonwealth by restoring historic buildings in the Richmond area, died on November 12, 2015; and

WHEREAS, at a young age, James Whiting moved with his family to Winchester, where he graduated from John Handley High School; in 1952, he was the first University of Virginia student to earn an art degree and would later serve as a part-time art teacher at J. Sargeant Reynolds Community College; and

WHEREAS, after serving his country in the United States Army during the Korean War, James Whiting returned to the Commonwealth to manage a car business, while earning another degree from the University of Virginia; and

WHEREAS, James Whiting was recruited as a salesman by Burlington Industries in 1959 and traveled the country, rising through the ranks to become assistant national sales manager; during his travels, he cultivated his love of old buildings by buying and repairing or restoring houses; and

WHEREAS, after Burlington Industries downsized in 1975, James Whiting relocated to Richmond and worked at Anderson and Strudwick, where he retired as executive vice president in 1990; and

WHEREAS, first recruited by the trustee board of the Historic Richmond Foundation in 1975, James Whiting became president of the trustee board from 1985 to 1987; he earned the respect of his peers as a hard worker who was quick to lend a hand with any job, including painting, plastering, and woodwork; and

WHEREAS, James Whiting helped save the National Theatre from demolition and was involved with efforts to restore the Monumental Church; he was a founding member and former chair of the Capitol Square Preservation Council, which completed the first landscape master plan for Capitol Square and initiated a restoration and expansion effort under his leadership; and

WHEREAS, James Whiting will be fondly remembered and greatly missed by his wife, Barbara; children, Julia, Welby, Sarah, Stanton, and Barbara, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of James H. Whiting, a dedicated volunteer who helped preserve numerous historic buildings in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James H. Whiting as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 505

Commending Denny Hamlin.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Denny Hamlin, one of the leading drivers in NASCAR racing and a native of Chesterfield County, won the 2016 Daytona 500 for the first time in his career with the closest finish in the history of the 58-year event; and

WHEREAS, Denny Hamlin led the race for 95 laps; on the 200th and final lap, the acclaimed driver was in fourth place and overtook several drivers to beat Martin Truex, Jr., by ten-hundredths of a second in a dramatic finish, becoming only the 10th driver in history to win with a last-lap pass; and

WHEREAS, Denny Hamlin's February 21, 2016, victory was not his first win at the historic racing venue; in 2006—his rookie year—he won the season-opening Bud Shootout exhibition race, the beginning of a strong inaugural season in NASCAR, and he is still the only driver to qualify for the Chase for the Sprint Cup as a rookie; and

WHEREAS, thus far in his career, Denny Hamlin has won a total of seven races at Daytona International Speedway; after winning the 2016 Sprint Unlimited race, he became the first driver since 2000 to win both the Daytona 500 and the Sprint Unlimited in the same season; and

WHEREAS, racing has been in the forefront of Denny Hamlin's life since he was a child; he first raced karts when he was seven and won three championships at age 12; he was 16 when he started driving mini stock cars in 1997, and was named Rookie of the Year in 2000 at Southside Speedway in Chesterfield County; and

WHEREAS, in the last 10 years, Denny Hamlin has made his mark in NASCAR racing, winning at least one Sprint Cup race each season, and having 27 career Sprint Cup victories; for the season-long championship points race, he finished second in 2010 and third in 2014; and

WHEREAS, Denny Hamlin attended Chesterfield County Public Schools as a child and graduated from Manchester High School; even when he was a student at Grange Hall Elementary School, Denny Hamlin was focused on winning one of NASCAR's major events; and

WHEREAS, in a long-ago elementary school assignment, Denny Hamlin wrote that his dream was to win the Daytona 500 in a car that was painted red, white, blue, and gold; he also named his choices for crew chief and tire changer and ended his grade-school assignment by saying, "The reason for all of this is because I love racing"; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Denny Hamlin, an outstanding Virginian, for winning the 2016 Daytona 500 in a heart-pounding photo finish; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Denny Hamlin as an expression of the General Assembly's congratulations and admiration for his outstanding achievement and best wishes for continued success in 2016.

HOUSE JOINT RESOLUTION NO. 506

Commending Michael S. Golden.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Michael S. Golden will retire as director of the Chesterfield County Department of Parks and Recreation on April 1, 2016, after 36 years of service; and

WHEREAS, Michael "Mike" S. Golden was hired in August 1979 as superintendent of parks, and in January 1993 was promoted to director of parks and recreation, a position he held for 23 years; and

WHEREAS, Mike Golden leads a dynamic department with 54 major parks and trails and 6,600 acres of outdoor space that provides comprehensive recreational programs and events to a diverse and growing county population; and

WHEREAS, Mike Golden had a vision of a comprehensive park system and worked tirelessly to showcase the county's natural, historical, and cultural resources; he has been a strong proponent for the acquisition of properties that not only support conservation and preservation, but accessibility for the public; Chesterfield County parks now see more than five million visits per year; and

WHEREAS, under Mike Golden's leadership, the county added Falling Creek Greenway, Dutch Gap Conservation Area, Robious Landing Park, Brown and Williamson Conservation Area, Anna B. Atkins Park, Ettrick/VSU Riverside Park, Swift Creek Conservation Area, Radcliffe Conservation Area, and the pending James River Conservation Area, collectively adding more than 2,500 natural resource acres; and

WHEREAS, the park system also grew with the addition of Mid-Lothian Mines, Eppington Plantation, historic Point of Rocks, and Henricus Historical Park, adding 150 acres of cultural and historical resources; Mike Golden guided the complex process to acquire these sites, balancing the requirements of resource protection with the desire for public access, and sensitively handling the negotiations to satisfy the sometimes competing goals between landowners, grant agencies, state and federal stewardship agencies, and local interest groups; and

WHEREAS, Mike Golden's extensive experience with community and local government and his steady and professional leadership style enables and encourages staff to provide all services with the highest level of quality and customer service; and

WHEREAS, Mike Golden is recognized for his forethought and advocacy to expand the trail system in the park system, particularly in Conservation Areas and Greenways, as a way to promote healthy living and an appreciation of the natural beauty in Chesterfield County and, recently, through the passage of the Bikeways and Trails Chapter of the Comprehensive Plan, the first countywide plan to comprehensively address the needs of both pedestrians and cyclists; and

WHEREAS, Mike Golden is a strong advocate for active living and works in cooperation with the Sports Backers organization to continually promote healthy lifestyles through recreational programs for people of all ages and backgrounds; and

WHEREAS, Mike Golden was instrumental in securing the 15 annual major sporting events that drew 50,000 plus visitors to the region, providing an economic benefit of \$22 million to Chesterfield County and \$50 million to the Richmond region; and

WHEREAS, Mike Golden has been instrumental in the opening of numerous athletic and recreational facilities in the county, including Clover Hill Sports Complex, the Warbro Road Athletic Complex, the YMCA Skatepark Partnership, Providence Park land, the first synthetic turf fields at Mary B. Stratton Park, the 60-acre Lowes Sports Complex site, the KaBoom playground, Ettrick Riverside Park, Huguenot Maintenance Shop, a new soccer field at Point of Rocks, and the Richmond Kickers Complex, and strengthening the amenities at the River City Sportsplex; and

WHEREAS, Mike Golden has for many years served as an adjunct professor at Virginia State University (VSU); he helped to instill a partnership and good working relationship on numerous projects between VSU and the Chesterfield County Department of Parks and Recreation, and helped to secure a grant for construction of the VSU/Ettrick Trail Project; and

WHEREAS, Mike Golden is respected for his foresight, diligence, and relationship building that has resulted in valuable partnerships and legacy acquisitions, and he is a role model for patience and the ability to work through difficult projects, complex negotiations, and citizen concerns; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Michael S. Golden on the occasion of his retirement as director of the Chesterfield County Department of Parks and Recreation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Michael S. Golden as an expression of the General Assembly's admiration for his many contributions to Chesterfield County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 507

Commending Doris Valerie Wilson.

Agreed to by the House of Delegates, March 9, 2016
Agreed to by the Senate, March 10, 2016

WHEREAS, Doris Valerie Wilson has served the members of the Falls Church community as a senior librarian at the Mary Riley Styles Public Library for 30 years; and

WHEREAS, Valerie Wilson joined the Mary Riley Styles Public Library as a senior librarian in November 1985; and

WHEREAS, the Mary Riley Styles Public Library shelves an average of 25,000 to 30,000 items each month; Valerie Wilson works in the children's area, which can circulate up to 120,000 items through its summer reading program alone; and

WHEREAS, admired for her work ethic, Valerie Wilson takes pride in the appearance and organization of the library and ensures that patrons can find and enjoy materials in a clean, comfortable space; and

WHEREAS, Valerie Wilson has earned the respect of her peers and library patrons alike for her professionalism and dedication; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Doris Valerie Wilson on the occasion of her 30th anniversary of service to the City of Falls Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doris Valerie Wilson as an expression of the General Assembly's admiration for her contributions to the Falls Church community.

HOUSE JOINT RESOLUTION NO. 508

Commending Richard Parker.

Agreed to by the House of Delegates, March 9, 2016
Agreed to by the Senate, March 10, 2016

WHEREAS, Richard Parker, who has ably served the members of the Falls Church community as a city employee for 30 years, retires in December 2016 as director of the Falls Church Human Resources Division; and

WHEREAS, Richard Parker began his career with the City of Falls Church in December 1985 as the risk management and benefits manager; and

WHEREAS, Richard Parker has also served local residents as a member of numerous boards and organizations; he served as the administrator of the city's retirement funds, ensuring that employee retirement plans remained well funded; and

WHEREAS, throughout his career, Richard Parker initiated wellness activities for his fellow city employees, and he was nominated as Employee of the Year in 1990; and

WHEREAS, Richard Parker became director of the Falls Church Human Resources Division in 1997; he earned the trust and respect of his employees for his leadership style, and his long institutional knowledge was a critical asset to the city; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard Parker on the occasion of his retirement as director of the Falls Church Human Resources Division; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard Parker as an expression of the General Assembly's admiration for his service to the City of Falls Church.

HOUSE JOINT RESOLUTION NO. 509

Commending Kieran Sharpe.

Agreed to by the House of Delegates, March 9, 2016
Agreed to by the Senate, March 10, 2016

WHEREAS, Kieran Sharpe has admirably and tirelessly served the people of Falls Church in many elected and volunteer positions for 26 years, including serving on the Falls Church City School Board since 1998; and

WHEREAS, Kieran Sharpe, who is an attorney, focused on continuing to improve the City of Falls Church's highly regarded schools, encouraging the community to consider extending the school year, and expanding school facilities to keep pace with increased enrollment and students' needs and aspirations; and

WHEREAS, Kieran Sharpe made many valued contributions as a member of the Falls Church City School Board; he served on the Extended Day Care Advisory Board and was a member of the Falls Church Education Foundation; and

WHEREAS, additionally, other organizations that have benefited from Kieran Sharpe's leadership and service are the Fairfax Partnership for Youth, the Elementary PTA Board, and the George Mason High School Athletic Boosters; and

WHEREAS, throughout his tenure on the Falls Church City School Board, Kieran Sharpe strove to do what was in the best interests of the students and staff and support the school systems' efforts to provide a world-class education; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Kieran Sharpe for his dedication and service as a member of the Falls Church City School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kieran Sharpe as an expression of the General Assembly's respect and admiration for his many contributions to the City of Falls Church and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 510

Commending the Old Stone Church Foundation and its United Methodist Church Affiliates.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, the Old Stone Church Foundation and its United Methodist Church Affiliates—the Leesburg United Methodist Church, Mount Zion United Methodist Church, and Evergreen United Methodist Church, along with the Virginia Conference of the United Methodist Church—celebrate the 250th anniversary of the first Methodist land acquisition in the Western Hemisphere, on which the former Old Stone Church was built; and

WHEREAS, the site of the former Old Stone Church is now owned by the Virginia United Methodist Historical Society of the Virginia Conference of the United Methodist Church; and

WHEREAS, on May 11, 1766, Nicholas Minor, the founder of the Town of Leesburg, deeded a half acre of property to Robert Hamilton, a Methodist convert, "for four pounds current money of Virginia, for no other use but for a church or meeting house, graveyard"; and

WHEREAS, the first building on the site was a Methodist meeting house, completed in 1768, and thereafter the Methodist community in the area thrived, and in 1778 the Leesburg Methodist Society hosted the first of several annual conferences with representatives from all Methodist societies in the colonies; and

WHEREAS, after Methodism became a separate denomination from the Anglican Church in 1784, a new house of worship was constructed and renamed Old Stone Church; Old Stone Church was then the only church building in the Town of Leesburg, and it counted among its congregation many of colonial Leesburg's leading citizens; and

WHEREAS, in 1790, the Town of Leesburg hosted the Virginia Annual Conference of the Methodist Episcopal Church, the precursor to the modern United Methodist Church, which was presided over by the denomination's first two American bishops; and

WHEREAS, in 1848, the congregation of Old Stone Church split over the issue of slavery, with some members leaving to form what is now Leesburg United Methodist Church at a new location and the rest staying at Old Stone Church for a time, but later moving to form what is now Mount Zion United Methodist Church; both congregations helped form the relatively new Evergreen United Methodist Church, which is also in Leesburg; and

WHEREAS, the Virginia Conference of the United Methodist Church purchased the Old Stone Church property in 1965 for development of a denominational shrine under the auspices of the Virginia United Methodist Historical Society of the Virginia Conference; and

WHEREAS, though the original Old Stone Church building was demolished in 1901, the property, which includes a graveyard dating back to the early 19th century, has been preserved as a historic and archaeological site, which is listed on the Virginia Landmarks Register and the National Register of Historic Places; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Old Stone Church Foundation and its United Methodist Church Affiliates—the Leesburg United Methodist Church, Mount Zion United Methodist Church, and Evergreen United Methodist Church, along with the Virginia Conference of the United Methodist Church—on the occasion of the 250th anniversary of the first land acquisition for the Methodist denomination in the Western Hemisphere; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Old Stone Church Foundation, Leesburg United Methodist Church, Mount Zion United Methodist Church, Evergreen United Methodist Church, and the Virginia United Methodist Historical Society as an expression of the General Assembly's admiration for Leesburg's historical significance to the foundation of Methodism in the United States.

HOUSE JOINT RESOLUTION NO. 511

Commending Richard C. Shickle, Sr.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Richard C. Shickle, Sr., who admirably served as chair of the Frederick County Board of Supervisors for 16 years, presiding over a period of great economic growth and capital improvements, retired on December 31, 2015; and

WHEREAS, Richard Shickle grew up in Frederick County and graduated from James Wood High School; he then earned a bachelor's degree from Virginia Polytechnic Institute and State University as a certified public accountant; and

WHEREAS, a strong and visionary leader, Richard Shickle served the people of Frederick County as a member of the board of supervisors for 20 years; he was the Gainesboro District representative for four years before becoming chair of the board, and at the time of his retirement, he was the longest-serving chair at-large of any board of supervisors in the Commonwealth; and

WHEREAS, during Richard Shickle's tenure on the board of supervisors, Frederick County experienced strong economic growth, including business relocation and expansion by firms such as HP Hood LLC, Kraft Foods Group, ThermoFisher Scientific, and the Navy Federal Credit Union; and

WHEREAS, capital improvement projects in Frederick County that took place during Richard Shickle's service on the board of supervisors include the Mary Jane and James L. Bowman Library, the Frederick County Public Safety Building, the Frederick County Transportation Center, Millbrook High School, and several other schools; and

WHEREAS, under Richard Shickle's leadership, the Rural Areas Recommendation and Report was issued and the Frederick County Economic Development Authority was established, both of which are helping the county plan for the future; and

WHEREAS, Richard Shickle recently retired as vice president for administration and finance at Shenandoah University for 32 years; he oversaw the growing university's business operations and physical plant and coordinated student employment, legal services, and insurance programs; and

WHEREAS, Richard Shickle made many valuable contributions to Frederick County and Shenandoah University during a long and productive career in public service, and in retirement, he looks forward to spending more time with his wife, children, and grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Richard C. Shickle, Sr., an outstanding Virginian who retired as chair of the Frederick County Board of Supervisors after 20 years of exemplary leadership; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Richard C. Shickle, Sr., as an expression of the General Assembly's respect and admiration for his outstanding accomplishments and service to the people of Frederick County and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 512

Commending Bermuda Hundred United Methodist Church.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, Bermuda Hundred United Methodist Church in Chester celebrates its 60th anniversary of spiritual leadership, joyful worship, and service to others; and

WHEREAS, Bermuda Hundred United Methodist Church was founded on February 15, 1956, and held its first service the following Sunday, February 19, 1956, at a log church on Point of Rocks Road; and

WHEREAS, the newly formed congregation purchased the log building and worshipped there for three years; despite enlarging the church, the congregation soon outgrew it, and in 1959, a new home for Bermuda Hundred United Methodist Church was completed; and

WHEREAS, today, Bermuda Hundred United Methodist Church, which fronts East Hundred Road and has expanded its facility to accommodate continued growth, is home to a vibrant ministry that works to meet the spiritual and physical needs of all people; and

WHEREAS, since its earliest years, Bermuda Hundred United Methodist Church has drawn strength from many groups within the congregation: the United Methodist Women, a youth fellowship, acolyte classes, and the Methodist Men's club are actively involved in maintaining and improving the facility and serving the community; and

WHEREAS, many other groups also meet at Bermuda Hundred United Methodist Church for fellowship and growth, including Boy Scout and Girl Scout troops, a Cub Scout pack, a singles group, and other programs; the church has also been home to a preschool since 1984—serving a vital need in the community; and

WHEREAS, since it began, music has been central to Bermuda Hundred United Methodist Church, and today a variety of choirs greatly contribute to the worship experience; and

WHEREAS, and in the last 60 years, the members of Bermuda Hundred United Methodist Church have proclaimed the Gospel and served the community through a variety of ministries, music, and outreach efforts; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Bermuda Hundred United Methodist Church on the occasion of its 60th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Beth Anderson, pastor of Bermuda Hundred United Methodist Church, as an expression of the General Assembly's congratulations and admiration for its many years of service to the region.

HOUSE JOINT RESOLUTION NO. 513

Commending Green Run Collegiate.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Green Run Collegiate, a public charter school in Virginia Beach, provides exceptional international education programs to prepare students for careers, higher education, and responsible citizenship; and

WHEREAS, founded in September 2013, Green Run Collegiate is fully accredited by the Commonwealth and has met or exceeded all Federal Measurable Outcomes for student performance; and

WHEREAS, Green Run Collegiate utilizes an International Baccalaureate curriculum, intense programs that emphasize intercultural understanding and enrichment to best prepare students for success as world citizens and leaders in their communities; and

WHEREAS, Green Run Collegiate, the only school in Hampton Roads to offer three secondary International Baccalaureate programs to all its students, has earned accolades for its implementation of the programs; and

WHEREAS, Green Run Collegiate welcomes students of all backgrounds and academic levels and offers support programs like Scholar Central to prepare students for the rigorous International Baccalaureate curriculum; the school offers intensive tutoring and Saturday School programs to help students achieve their fullest potential; and

WHEREAS, Green Run Collegiate also uses the AVID (Advancement Via Individual Determination) system, which emulates the learning processes of higher education, to support its International Baccalaureate programs; and

WHEREAS, the dedicated faculty, staff, and board members of Green Run Collegiate work to build strong personal relationships with students as trusted mentors who help define academic and personal goals; and

WHEREAS, Green Run Collegiate offers summer camps to help energize students and instill the school's culture of excellence before classes even begin; the school also facilitates student tours at top colleges and universities throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Green Run Collegiate for its work to help students think globally and act locally to make a difference in their communities; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Green Run Collegiate as an expression of the General Assembly's admiration for the school's many contributions to the youth of Virginia Beach.

HOUSE JOINT RESOLUTION NO. 514

Commending the Hall's Hill/High View Park neighborhood.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Hall's Hill/High View Park neighborhood, a historically African American neighborhood and now a thriving, culturally diverse community in Arlington, celebrates its 150th anniversary in 2016; and

WHEREAS, the area that is now the Hall's Hill/High View Park neighborhood was settled by freed slaves after the Civil War on estates that were owned by Bazil Hall in the former Alexandria County; many residents of Freedom Village, which is now the site of the Pentagon and Arlington National Cemetery, later relocated to the neighborhood; and

WHEREAS, originally, the Hall's Hill/High View Park neighborhood was mostly farmland and dirt roads, but local residents made great strides in developing the community by building their own stores, churches, and schools, including Calloway United Methodist Church, Mount Salvation Baptist Church, John M. Langston Elementary School, Mother Goose Nursery, and the longstanding Miss Allen's store; and

WHEREAS, in 1919, the Hall's Hill/High View Park neighborhood established its own volunteer fire station, one of the first volunteer fire stations south of the Mason-Dixon Line operated by African Americans and the first in Arlington with paid African American firefighters; and

WHEREAS, the Hall's Hill/High View Park neighborhood, which is bounded by Lee Highway, Glebe Road, North 17th Street, and George Mason Drive, also saw the publication of Arlington's first African American newspaper, the *Virginia Arrow* in 1946; and

WHEREAS, in 1924, a group of Hall's Hill/High View Park neighborhood residents formed the John M. Langston Citizens Association to address the needs of the community, facilitate neighborhood improvements, and cultivate a sense of pride and cultural heritage; and

WHEREAS, the residents of the Hall's Hill/High View Park neighborhood have been active in civic and community organizations and efforts throughout the neighborhood's history, and made many valuable contributions to the Civil Rights movement; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Hall's Hill/High View Park neighborhood on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the John M. Langston Citizens Association as an expression of the General Assembly's admiration for the Hall's Hill/High View Park neighborhood's storied history and contributions to community life in Arlington.

HOUSE JOINT RESOLUTION NO. 515

Commending the Virginia Community College System.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Virginia Community College System was created in April 1966 by the Virginia General Assembly as a comprehensive community college system to address the Commonwealth's unmet needs in higher education and workforce training; and

WHEREAS, the Virginia Community College System has a 50-year track record of educational excellence and innovation in serving the needs of Virginians and strengthening the Commonwealth's economy; and

WHEREAS, the Virginia Community College System now comprises 23 community colleges, located on 40 campuses throughout the Commonwealth; and

WHEREAS, since the first two community colleges opened their doors as part of the Virginia Community College System in 1966, more than 2.6 million individuals have matriculated, including more than 182,000 first-generation students since 2008, and more than 575,000 degrees and credentials have been awarded; and

WHEREAS, in 2015, more than 11,000 employers were provided with workforce training, assessments, and services by the Virginia Community College System; and

WHEREAS, the Virginia Community College System maintains more than 45 statewide guaranteed admission agreements held with public and private institutions of higher education; and

WHEREAS, starting a bachelor's degree with two years at a Virginia community college typically saves a student and his or her family more than \$16,000; and

WHEREAS, the Virginia Community College System gives all Virginians the opportunity to learn and develop the right skills, enhancing their lives and strengthening their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Virginia Community College System on the occasion of its 50th anniversary as it celebrates both the progress of the past and the promise of the future and renews its commitment to help Virginians prepare for life, work, and community in the 21st century; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Glenn DuBois, Chancellor of Community Colleges, and the State Board for Community Colleges as an expression of the General Assembly's admiration for the value of the Virginia Community College System and the contributions of its students, past, present, and future.

HOUSE JOINT RESOLUTION NO. 516

Commending Stephen L. Sellers.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Stephen L. Sellers, who has served with great distinction as Chief of Police for Albemarle County for five years, will retire on June 1, 2016, after 34 years of outstanding law-enforcement service to the Commonwealth; and

WHEREAS, Stephen "Steve" L. Sellers became Chief of Police for Albemarle County in 2011; he previously had worked for the Fairfax County Police Department for 28 years and had risen to the rank of deputy chief of police before assuming the helm of the Albemarle County Police Department; and

WHEREAS, as Police Chief of Albemarle County, Steve Sellers is most proud of the changes he has helped implement in the police force; the department now operates under a Police Service Area community policing model, known as geo-policing, which stresses a community-first and citizen-first approach; and

WHEREAS, Steve Sellers has overseen the ongoing implementation of a new records management system for the Albemarle County Police Department, activation of a computer-aided dispatch system, construction of a new firearms training facility, and revision of the department's policy manual; and

WHEREAS, with a focus on the importance of regional cooperation, Steve Sellers has worked to ensure that the Albemarle County, City of Charlottesville, and the University of Virginia Police Departments utilize consistent training methods so that the three departments work together effectively; and

WHEREAS, Steve Sellers also has made many positive changes to the Albemarle County Police Department and the community; in addition to the innovative law-enforcement initiatives and organizational changes in the department, he has forged meaningful community partnerships and worked to improve the police department and its relationship with the community; and

WHEREAS, an inspiring and dedicated leader locally and statewide, Steve Sellers has made many valued contributions to law enforcement in the Commonwealth, including serving as a member of the executive board of the Virginia Association of Chiefs of Police; and

WHEREAS, after the events of September 11, 2001, Steve Sellers helped create the National Capital Regional Intelligence Center, now called the Regional Intelligence Center, which is a national model for the sharing, collection, and investigation of criminal intelligence; and in 2003, Steve Sellers led the Washington Area Prosecution Taskforce; and

WHEREAS, Steve Sellers earned a bachelor's degree from National Louis University and a master's degree from Virginia Polytechnic Institute and State University; he graduated from the FBI National Academy and is a member of the Virginia Highway Safety Committee; and

WHEREAS, in retirement, Steve Sellers and his wife plan to remain in Albemarle County; he wants to be active in the community, spend more time with his children and grandchildren, pursue consulting opportunities, and enjoy his many interests, including woodworking, fishing, amateur radio, and volunteering; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Stephen L. Sellers, Chief of Police for Albemarle County, on the occasion of his retirement in June 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen L. Sellers as an expression of the General Assembly's respect and admiration for his tireless and dedicated service to the people of Albemarle County, Fairfax County, and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 517

Commending Paul F. Berge.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Paul F. Berge, the retired executive director of the Accomack-Northampton Planning District Commission, has been named to the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in urban planning; and

WHEREAS, Paul Berge was recognized by the American Institute of Certified Planners (AICP) in the category of community service and leadership; being honored as a member of the AICP's College of Fellows is the profession's highest honor; and

WHEREAS, AICP Fellows have shown excellence in professional practice, teaching and mentoring, research, public and community service, and leadership; they also have made positive and long-lasting contributions to the planning profession, which works to create communities that offer better choices for where and how people live; and

WHEREAS, Paul Berge served for 28 years as executive director of the Accomack-Northampton Planning District Commission and worked to improve the area in numerous ways; he helped the area obtain more than \$100 million in federal and state funds; and

WHEREAS, to address urgent housing needs, Paul Berge played a major role in establishing the first nonprofit housing corporation and regional housing authority on the Eastern Shore and he also was head of the regional economic development agency for 21 years, securing funding for projects and helping to create jobs; and

WHEREAS, in his role as head of the Accomack-Northampton Planning District Commission, Paul Berge provided advice and guidance to 19 towns and two counties as they complied with various planning requirements and the provisions of the Chesapeake Bay Preservation Act; and

WHEREAS, Paul Berge earned a bachelor's degree from The College of William & Mary and a master's degree from the Georgia Institute of Technology; he is an active volunteer in his community and helped start the Eastern Shore Public Library Foundation where he is chair of the building committee for a new main public library; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Paul F. Berge, the retired executive director of the Accomack-Northampton Planning District Commission, for being named to the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in urban planning; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Paul F. Berge as an expression of the General Assembly's admiration and congratulations for his leadership and exemplary accomplishments that have helped define the places where Virginians live and work.

HOUSE JOINT RESOLUTION NO. 518

Commending the Alexandria Fire Department.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, the Alexandria Fire Department celebrates its 150th anniversary of protecting the people and businesses of Alexandria, one of the Commonwealth's oldest cities; and

WHEREAS, the origins of the Alexandria Fire Department precede the American Revolution; the Friendship Fire Company was established in 1774 and was followed by the Sun, Hydraulion, Relief, and Star volunteer fire companies; and

WHEREAS, in 1866, the Alexandria City Council voted to organize a paid fire department; the resolution that approved a paid fire department was published in the *Alexandria Gazette* on September 11, 1866—135 years to the day before the Alexandria Fire Department responded to the attacks of September 11, 2001; and

WHEREAS, from its earliest days, the mission of the Alexandria Fire Company has been to safeguard the people and businesses of the historic city through responsive emergency service and to prevent and mitigate fires and other emergencies, protect property, and enforce applicable codes in order to maintain and enhance public safety; and

WHEREAS, more than 250 people work for the Alexandria Fire Department as firefighters, paramedics, fire prevention specialists, and administrative staff; the department staffs 10 stations that cover nearly 16 square miles and works in partnership with its volunteer organization, the Alexandria Volunteer Fire Department; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Alexandria Fire Department on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Alexandria Fire Department as an expression of the General Assembly's respect and admiration for its long history of protecting and serving the people of Alexandria.

HOUSE JOINT RESOLUTION NO. 519

Commending the University of Virginia athletics program.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, during the 2014-2015 academic year, the University of Virginia athletics program sent 20 of its 25 teams to postseason tournaments, won six Atlantic Coast Conference championships, earned three National Collegiate Athletic Association titles, and placed sixth in the Learfield Sports Directors' Cup, the most prestigious all-sport achievement in college athletics; and

WHEREAS, the Learfield Sports Directors' Cup was developed by the National Association of Collegiate Directors of Athletics and ranks colleges and universities based on their performance in men's and women's sports; the University of Virginia finished in the top 10 of the rankings for the second consecutive year; and

WHEREAS, the University of Virginia men's soccer, men's tennis, and baseball teams all earned National Collegiate Athletic Association (NCAA) titles in 2014-2015, the first time the university had won three national titles in the same year; and

WHEREAS, the University of Virginia baseball team earned its first NCAA title; the men's soccer team reached the NCAA tournament for the 34th consecutive season, the longest appearance streak in Division I college soccer; and the men's tennis team fielded the program's sixth NCAA individual champion; and

WHEREAS, the outstanding achievements of the men's soccer, men's tennis, and baseball teams propelled the University of Virginia Cavaliers men's athletics teams to first place in the Men's Capital One Cup, which honors the nation's best Division I men's and women's athletics programs; and

WHEREAS, the University of Virginia athletics program's six Atlantic Coast Conference (ACC) championship wins were the most by any school in the conference, and the University reached a milestone of 69 ACC titles since 2002, the most of any school in the conference during that period; and

WHEREAS, the University of Virginia women's golf, rowing, men's tennis, women's tennis, women's swimming and diving, and wrestling teams earned ACC championship titles, and the men's basketball and field hockey teams were named regular-season champions; and

WHEREAS, the University of Virginia men's and women's cross country, men's and women's golf, men's and women's lacrosse, rowing, women's soccer, men's and women's swimming and diving, women's tennis, men's indoor track and field,

men's and women's outdoor track and field, wrestling, and rowing teams also made appearances in NCAA postseason play; and

WHEREAS, a member of the women's swimming and diving team won two individual NCAA championships; and

WHEREAS, a member of the University of Virginia men's golf team helped Team USA reach the World Amateur Team Championship and participated in the 2015 U.S. Open, and two former Cavaliers helped lead the United States Women's National Team to victory in the 2015 FIFA Women's World Cup; and

WHEREAS, the members of the University of Virginia football team earned several accolades, and two Cavaliers were selected in the 2015 National Football League (NFL) Draft, the 32nd consecutive year that at least one Cavalier was selected by an NFL team; and

WHEREAS, during the 2014-2015 academic year, countless University of Virginia student-athletes earned individual awards, including spots on conference, regional, and state teams, and four coaches earned Coach of the Year awards, including one at the national level; and

WHEREAS, participants in the University of Virginia athletics program also excelled in academics, with more than 300 student-athletes named to the ACC Academic Honor Roll; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the University of Virginia athletics program on its incredible success during the 2014-2015 academic year and top 10 finish in the Learfield Sports Directors' Cup; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Craig Littlepage, athletic director of the University of Virginia, as an expression of the General Assembly's admiration for the program's exceptional accomplishments.

HOUSE JOINT RESOLUTION NO. 520

Celebrating the life of Howard Arthur Pape.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Howard Arthur Pape of Charlottesville, a respected entrepreneur and a devoted philanthropist and volunteer who served and strengthened communities throughout the Commonwealth, the United States, and the world, died on February 28, 2016; and

WHEREAS, a native of New Jersey, Howard Pape graduated from the University of Virginia in 1975 and served the Charlottesville community as a small-business owner and a youth athletics coach for many years; and

WHEREAS, in 1999, Howard Pape cofounded the Building Goodness Foundation, a nonprofit organization that provides opportunities for workers in the design and construction industries to use their skills to help communities around the world; and

WHEREAS, under Howard Pape's leadership, the Building Goodness Foundation has provided more than 115,000 hours of free labor to build homes, schools, medical clinics, and community centers; the organization has built and repaired more than 800 homes in the Charlottesville area and has completed projects throughout the United States and in Central America, the Caribbean, and Africa; and

WHEREAS, Howard Pape and the Building Goodness Foundation provided relief to the victims of Hurricane Katrina in 2005 and the Haitian earthquake in 2010; he traveled to Haiti more than 20 times, touching countless lives in the country; and

WHEREAS, Howard Pape also contributed to cultural life in Charlottesville as a longtime volunteer and member of the board of directors of Live Arts; as the founder of the Scenic Guild, he built more than 50 sets for iconic plays and was a passionate supporter of the arts, who inspired others to volunteer at the theater; and

WHEREAS, Howard Pape will be fondly remembered and greatly missed by his loving wife of 38 years, Karen; his children, Jeremy, Evan, and Denis Mervil, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Howard Arthur Pape, an entrepreneur, philanthropist, and volunteer and a pillar of the Charlottesville community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Howard Arthur Pape as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 521

Commending Mudra Arts Center.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, since 2009, Mudra Arts Center in Sterling has promoted Indian cultural heritage through music, dance, performing arts, literature, and philosophy to people of all ages and backgrounds throughout Northern Virginia; and

WHEREAS, Mudra Arts Center offers more than 50 classes throughout Loudoun County and Northern Virginia; the organization offers individual and group classes at its main location in Sterling, as well as in Brambleton, Ashburn, South Riding, and Herndon; and

WHEREAS, open year-round, Mudra Arts Center is the region's premier destination for Indian dances and Carnatic and Hindustani vocal and instrumentation classes, and the center provides Bollywood and Bhangra performers for local special events; and

WHEREAS, Mudra Arts Center also celebrates traditional Indian festivals, such as Holi, the Indian Festival of Colors, and hosts a special cultural summer camp for children ages six to 12; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Mudra Arts Center for its work to enrich cultural life in Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mudra Arts Center as an expression of the General Assembly's admiration for the center's contributions to Sterling and the entire Northern Virginia community.

HOUSE JOINT RESOLUTION NO. 522

Commending Terrence J. Schulte.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Terrence J. Schulte has ably and honorably served as the executive vice president of the Virginia Academy of Family Physicians for 26 years; and

WHEREAS, Terrence "Terry" J. Schulte ably and honorably served as the executive vice president of the Uniformed Services Academy of Family Physicians for 20 years; and

WHEREAS, Terry Schulte ably and honorably served on the staff of the American Academy of Family Physicians for 11 years, including service as vice president; and

WHEREAS, Terry Schulte's exemplary leadership skills and experience greatly benefited all three organizations in advancing the best in family medicine and patient care over the years; and

WHEREAS, Terry Schulte mentored many of his fellow family physicians over the years, supporting them in their advancement to major leadership positions in state and national office; and

WHEREAS, Terry Schulte followed in his father's footsteps as a family physician, and over the years his heart and energy have always been focused on contributing to the field of family medicine; and

WHEREAS, after reaching the twilight of an exceptional career that he self-deprecatingly describes as "rather mediocre," Terry Schulte retired from the Virginia Academy of Family Physicians; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Terrence J. Schulte for his many years of service to the Virginia Academy of Family Physicians; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Terrence J. Schulte as an expression of the General Assembly's admiration for his outstanding service and contributions to the field of family medicine in the Commonwealth.

HOUSE JOINT RESOLUTION NO. 523

Commending W. T. Woodson High School.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, W. T. Woodson High School, an exceptional public secondary school in Fairfax County, received a 2015 Blue Ribbon Award from the Virginia Music Educators Association; and

WHEREAS, the Blue Ribbon Award is the highest honor presented by the Virginia Music Educators Association (VMEA); the award is presented to schools with band, choir, and orchestra programs that have achieved a Superior rating from the VMEA; and

WHEREAS, to qualify for the prestigious award the W. T. Woodson High School band, choir, and orchestra programs all achieved Superior ratings based on the ensembles' best-performing groups at district festivals; and

WHEREAS, like all Blue Ribbon Award winners, the W. T. Woodson High School band, choir, and orchestra programs all performed two pieces from approved graded music lists; and

WHEREAS, W. T. Woodson High School previously received the Blue Ribbon Award in 2007, 2009, 2010, and 2011; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend W. T. Woodson High School on receiving a Blue Ribbon Award from the Virginia Music Educators Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Scott Poole, principal of W. T. Woodson High School, as an expression of the General Assembly's admiration for the school's commitment to academic excellence.

HOUSE JOINT RESOLUTION NO. 524

Commending the W. T. Woodson High School Deaf Academic Bowl team.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the W. T. Woodson High School Deaf Academic Bowl team finished in third place at the Southeast Regional Academic Bowl for Deaf and Hard of Hearing High School Students in 2016; and

WHEREAS, the Academic Bowl for Deaf and Hard of Hearing High School Students was established by Gallaudet University in Washington, D.C., to promote academic competition and sportsmanship in the pursuit of academic excellence; and

WHEREAS, after finishing in third place in the regional tournament, the W. T. Woodson High School Deaf Academic Bowl team earned a trip to the national finals of the Academic Bowl for Deaf and Hard of Hearing High School Students at Gallaudet University in April 2016 as a wild card team; and

WHEREAS, the W. T. Woodson High School Deaf Academic Bowl is made up of Krishna Barua, Greyson Horn, Irene Paek, and Angela Rogers; in the regional tournament, team captain Angela Rogers received the All-Star Player award; and

WHEREAS, the victory is a testament to the skill and dedication of the students, the leadership of the team's coaches and advisers, and the enthusiastic support of the entire W. T. Woodson High School community; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the W. T. Woodson High School Deaf Academic Bowl team on finishing third at the Southeast Regional Academic Bowl for Deaf and Hard of Hearing High School Students; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the W. T. Woodson High School Deaf Academic Bowl team as an expression of the General Assembly's admiration for the team's achievements and best wishes for the future.

HOUSE JOINT RESOLUTION NO. 525

Commending Boy Scout Troop 956.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Boy Scout Troop 956 of the Boy Scouts of America ably serves and supports the members of the Potomac Falls community; and

WHEREAS, chartered by American Legion Post 150 in Sterling, Boy Scout Troop 956 meets at Galilee United Methodist Church in Potomac Falls; and

WHEREAS, Boy Scout Troop 956 works to honor the Boy Scout oath by building character, fostering good citizenship, and developing the mental, moral, and physical fitness of all members; and

WHEREAS, in addition to learning valuable skills through a full program of outdoor activities, the members of Boy Scout Troop 956 honor the service and sacrifices of the nation's soldiers through their participation in annual Veterans Day and Memorial Day events; and

WHEREAS, the members of Boy Scout Troop 956 are also committed to the stewardship and preservation of Sterling Park Veterans Memorial in Sterling, cleaning and maintaining the memorial throughout the year; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Boy Scout Troop 956 for providing local youth with opportunities for fun, adventure, leadership, and community service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Boy Scout Troop 956 as an expression of the General Assembly's admiration for the troop's contributions to the Potomac Falls community.

HOUSE JOINT RESOLUTION NO. 526

Commending the George Washington University School of Nursing.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the George Washington University School of Nursing celebrated its fifth anniversary in 2015 by opening a new, cutting-edge simulation hospital in Loudoun County to provide students with opportunities for hands-on learning; and

WHEREAS, the George Washington University School of Nursing was founded in 2010 and has doubled its enrollment in its first five years, earning accolades as one of the top 50 nursing schools in the country from *U.S. News & World Report*; and

WHEREAS, the George Washington University School of Nursing is a national leader in online programs; it has also increased educational access for military service members and built strong partnerships with community colleges in Virginia; and

WHEREAS, the new Johnson Lab at the George Washington University School of Nursing, a 3,000-square-foot virtual hospital populated by static and mid-fidelity mannequins, has further enhanced the school's curriculum by creating a bridge between classroom learning and real-life clinical experience; and

WHEREAS, featuring a control room, where faculty can observe students without affecting their decisions, the Johnson Lab allows students to learn from complex, realistic scenarios in a safe environment and gain experience that will help them better serve their patients; and

WHEREAS, the George Washington University School of Nursing commemorated its fifth anniversary with other special events, including a discussion on health care reform and an anniversary reception in November 2015; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the George Washington University School of Nursing on the occasion of its fifth anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pamela R. Jeffries, dean of the George Washington University School of Nursing, as an expression of the General Assembly's admiration for the school's commitment to students and contributions to the field of nursing.

HOUSE JOINT RESOLUTION NO. 527

Commending the Loudoun County Public Schools Student Records Department.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, the Loudoun County Public Schools Student Records Department is working to enrich the understanding of Loudoun County's history and heritage by building a database to preserve the historical records of African American students prior to the integration of local schools; and

WHEREAS, much information on Loudoun County schools from 1914 to 1964 was considered lost for many years, until a cache of records was discovered behind the stairway of a semi-abandoned schoolhouse; Donna Kroiz of the Loudoun County Public Schools Student Records Department realized the importance of the documents and saved them from destruction; and

WHEREAS, the Loudoun County Public Schools Student Records Department used the cache of records, supplemented by archives from the Loudoun County Circuit Court, the Library of Virginia, and private collections, to better understand public education in Loudoun County in the first half of the 20th century; and

WHEREAS, the Loudoun County Public Schools Student Records Department's database contains unique hand-written documents, photographs, and correspondence on Civil Rights matters; the database also contains the names of nearly every African American student educated in Loudoun County during a certain period, as well as where they were educated and who instructed them; and

WHEREAS, by increasing knowledge of the past, the members of the Loudoun County Public Schools Student Records Department—Sue Hall, Cheryl Butler, Donna Kroiz, Rachel Johnson, Rich Contartesi, and Larry W. Roeder, Jr.—have helped ensure a stronger future for Loudoun County Public Schools; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend the Loudoun County Public Schools Student Records Department for preserving the rich history and heritage of education in Loudoun County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Loudoun County Public Schools Student Records Department as an expression of the General Assembly's admiration for the department's hard work and diligence in service to past and present members of the Loudoun County community.

HOUSE JOINT RESOLUTION NO. 528

Commending Everybody Code Now!

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Everybody Code Now!, a student-run nonprofit organization in Northern Virginia, provides young people with opportunities for computer science education through camps, workshops, and direct mentorship; and

WHEREAS, founded by a high school student, Everybody Code Now! works to empower the next generation of leaders in computing to achieve high levels of technical expertise and better support their communities through entrepreneurship and innovation; and

WHEREAS, Everybody Code Now! has developed several programs to serve students, including SparkIT, a seminar for middle school and high school students with an emphasis on female students; SparkIT participants learn basic HTML and CSS coding to help create a website for a local nonprofit organization and receive a small scholarship to continue pursuing computer science education; and

WHEREAS, Everybody Code Now! also offers the national programs CS Chicas and CSS Chicas; CS Chicas allows high school computer science students to mentor middle school girls, imparting their love of coding and serving as positive role models; and

WHEREAS, the CSS Chicas program is focused on teaching high school girls common web development languages, along with classes on web design and opportunities to learn from guest speakers; the program gives girls the tools and techniques to become more empowered as individuals and make a difference in their communities; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Everybody Code Now! for its work to inspire students and foster an interest in computer science; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Everybody Code Now! as an expression of the General Assembly's admiration for the organization's contributions to making the Commonwealth a leader in computer science education.

HOUSE JOINT RESOLUTION NO. 529

Commending Frankie Hogan.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Frankie Hogan, a respected public servant who dedicated more than four decades to serving the Buena Vista community, retired as mayor and a member of the Buena Vista City Council in 2015; and

WHEREAS, desirous to be of service to his fellow residents, Frankie Hogan ran for and was elected to the Buena Vista City Council, taking office on May 8, 1974; and

WHEREAS, Frankie Hogan faithfully executed his duties as mayor and a council member with the highest integrity and performed many acts of kindness that enriched the lives of many of the citizens of the City of Buena Vista and the surrounding area; and

WHEREAS, during Frankie Hogan's tenure on the Buena Vista City Council, he provided invaluable guidance in moving Buena Vista through a period of significant growth and transition; and

WHEREAS, Frankie Hogan demonstrated exceptional dedication to bettering the lives of his fellow residents and provided valuable input to the many boards and committees on which he served; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Frankie Hogan on the occasion of his retirement as Mayor of the City of Buena Vista; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frankie Hogan as an expression of the General Assembly's admiration for his dedicated service to the City of Buena Vista and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 530

Commending Jane Armstrong.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Jane Armstrong, a respected public servant who worked to strengthen the Buena Vista community, retired from public office as a member of the Buena Vista City Council in 2015; and

WHEREAS, desirous to be of service to her fellow residents, Jane Armstrong ran for and was elected to the Buena Vista City Council, taking office on July 1, 2008; and

WHEREAS, Jane Armstrong faithfully executed her duties as a council member with the highest integrity and performed many acts of kindness that enriched the lives of many of the citizens of the City of Buena Vista and the surrounding area; and

WHEREAS, during Jane Armstrong's tenure on the Buena Vista City Council, she provided invaluable guidance in moving Buena Vista through a period of significant growth and transition; and

WHEREAS, Jane Armstrong demonstrated exceptional dedication to bettering the lives of her fellow residents and provided valuable input to the many boards and committees on which she served; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Jane Armstrong on the occasion of her retirement from the Buena Vista City Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jane Armstrong as an expression of the General Assembly's admiration for her diligent service to the City of Buena Vista and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 531

Commending Albert K. Rawley, Jr.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Albert K. Rawley, Jr., who has admirably served as a member of the Danville City Council and made many other valued contributions to the community, will step down from his elected position in 2016, after 10 years of dedicated service; and

WHEREAS, Albert K. "Buddy" Rawley, Jr., was first appointed to the Danville City Council in 2002 to fill an unexpired term; he served until 2004, when he accepted an employment position in North Carolina; and

WHEREAS, Buddy Rawley, who graduated from Averett University in 1975, returned to Danville in 2006; he was elected to the Danville City Council in 2008 and has held the position since then, always striving to do what was in the best interests of the city's residents and businesses; and

WHEREAS, before moving to North Carolina, Buddy Rawley worked for Dan River Inc., as director of apparel customer service and account executive for southeastern sales; currently, he is vice president for institutional advancement at Averett University; and

WHEREAS, an active member of many community groups, Buddy Rawley serves on the board of the Dan River Business Development Center, Roman Eagle Rehabilitation and Health Care Center, Inc., and the West Piedmont Planning District Commission; and

WHEREAS, Buddy Rawley also is an active member of the Riverview Rotary Club; he is a former board member and past president of the Danville Family YMCA and past chair of the Advisory Board for the Department of Clothing and Textiles at Virginia Polytechnic Institute and State University; and

WHEREAS, Buddy Rawley has derived great pleasure from serving the people of Danville in both an elected capacity and as a community leader and is proud of how the city continues to move forward; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Albert K. Rawley, Jr., for his dedicated service as a member of the Danville City Council for 10 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Albert K. Rawley, Jr., as an expression of the General Assembly's respect and admiration for his outstanding leadership and many years of service to Danville and the Commonwealth.

HOUSE JOINT RESOLUTION NO. 532

Celebrating the life of Maynard Randolph Reynolds.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Maynard Randolph Reynolds, a patriotic veteran, respected public servant, and hardworking businessman in Rockbridge County, died on February 21, 2016; and

WHEREAS, a native of Rockbridge County, Maynard Reynolds honorably served the nation as a member of the United States Army for two years during the Korean War and served in the United States Army Reserve for eight years; and

WHEREAS, after returning to Rockbridge County, Maynard Reynolds owned and operated Reynolds Gulf Station in Glasgow for 35 years; and

WHEREAS, desirous to be of further service to the community, Maynard Reynolds ran for and was elected to the Rockbridge County Board of Supervisors, where he represented the residents of the Natural Bridge District for 35 years; and

WHEREAS, a man who lived his faith through his actions, Maynard Reynolds enjoyed fellowship and worship with the community as a member and deacon of Glasgow Baptist Church; he also worked to enhance the community as a member of AARP and the local Ruritan Club; and

WHEREAS, Maynard Reynolds will be fondly remembered and greatly missed by his devoted wife of 66 years, Virginia; children, Janice and Kelly, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Maynard Randolph Reynolds, a veteran, public servant, and entrepreneur who made many contributions to the Rockbridge County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Maynard Randolph Reynolds as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 533

Celebrating the life of Sergeant First Class Raymond K. McMillian.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, Sergeant First Class Raymond K. McMillian, who died in February 1954, while a prisoner of war in North Korea, will be laid to rest with full military honors in Henry County on March 26, 2016; and

WHEREAS, Sergeant First Class (SFC) Raymond K. McMillian was the son of the late Clarence Richard McMillian and Viola Keen McMillian and lived in the Axton community of Henry County; and

WHEREAS, SFC McMillian joined many of the other young men of his generation in service to the nation during the Korean War as a member of the United States Army and was assigned to the 38th Infantry Regiment, 2nd Infantry Division, as a medic; and

WHEREAS, on February 5, 1951, the 38th Infantry Regiment provided support for an assault toward Hongcheon; during the battle, SFC McMillian and other members of the 38th Infantry were cut off behind enemy lines; and

WHEREAS, an extremely courageous soldier, SFC McMillian was last seen near Hoengsong, providing aid to the wounded during a fighting withdrawal, and was declared missing in action on February 12, 1951; and

WHEREAS, in June 1951, it was reported that SFC McMillian was being held as a prisoner of war, but efforts to locate him were unsuccessful; he was listed as missing in action until 1954, when he was declared dead and posthumously promoted to sergeant first class; and

WHEREAS, it took several decades of hard work and dedication by skilled diplomats, military personnel, and family members to identify and bring SFC McMillian's earthly remains home for burial; and

WHEREAS, on March 26, 2016, SFC McMillian's remains will finally be laid to rest with full military honors, following a service at One Accord Baptist Church in Martinsville; and

WHEREAS, SFC McMillian's family made tremendous sacrifices and endured great distress in the more than 60 years they waited before he was brought home for burial; and

WHEREAS, SFC McMillian's sacrifice is a solemn reminder of the perils faced by the thousands of Americans who serve overseas as members of the United States Armed Forces and whose devotion to duty places them in harm's way; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby note with great sadness the loss of Sergeant First Class Raymond K. McMillian; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sergeant First Class Raymond K. McMillian, as an expression of the General Assembly's respect for his memory.

HOUSE JOINT RESOLUTION NO. 534

Commending Spotsylvania High School.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 10, 2016

WHEREAS, in the 2015-2016 academic year, Spotsylvania High School celebrates 75 years of preparing Spotsylvania County students for higher education, careers, and responsible citizenship; and

WHEREAS, established in 1940, Spotsylvania High School was the first consolidated public high school for many of the small, rural communities in southern Spotsylvania County; the original school building on Courthouse Road was converted into a junior high school in 1967 and now houses the C. Melvin Snow Memorial Branch Library; and

WHEREAS, at its second location, Spotsylvania High School welcomed African American students from John J. Wright High School in 1968 after the integration of public schools in the area; Spotsylvania High School's third and current building, also on Courthouse Road, opened in 1994; and

WHEREAS, in 2015, Spotsylvania High School served more than 1,100 students with a diverse curriculum and numerous athletics programs and extracurricular activities, including an outstanding United States Army Junior Reserve Officers' Training Corps program; and

WHEREAS, Spotsylvania High School will begin offering an International Baccalaureate program in 2016-2017; the school currently works with the Commonwealth Governor's School to provide a rigorous academic program for gifted students; and

WHEREAS, Spotsylvania High School has achieved academic excellence throughout its history thanks to the hard work of its faculty, administration, and staff; the dedication of generations of students; and the support of parents, families, and other members of the school community; and

WHEREAS, Spotsylvania High School will commemorate its 75th anniversary with events and celebrations throughout the year, including a homecoming tailgate, the release of a commemorative book, a prom theme similar to that of the school's first graduating class, and a special graduation ceremony for the Class of 2016; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Spotsylvania High School on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rusty Davis, principal of Spotsylvania High School, as an expression of the General Assembly's admiration for the school's legacy of service to the youth of Spotsylvania County.

HOUSE JOINT RESOLUTION NO. 535

Commending Helen Montague Foster, M.D.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 11, 2016

WHEREAS, Helen Montague Foster, M.D., a respected psychiatrist and a devoted wife, mother, and grandmother in Richmond, received the Distinguished Career Award from the Psychiatric Society of Virginia in 2016; and

WHEREAS, the Distinguished Career Award recognizes the exceptional service of a longstanding member of the Psychiatric Society of Virginia; Dr. Foster received the award for her work with the Coalition for Citizens with Mental Disabilities from 1989 to 2015; and

WHEREAS, Dr. Foster fulfilled a lifelong dream to become a physician after raising her family and graduating from the Virginia Commonwealth University School of Medicine; and

WHEREAS, Dr. Foster has touched the lives of countless patients, both as a fully certified psychiatrist and as a passionate advocate for mental health policy and other issues related to the medical field; and

WHEREAS, deeply respected by her peers, Dr. Foster has been an active member and leader in the American Medical Association, Medical Society of Virginia, Richmond Academy of Medicine, Virginia Psychoanalytic Society, American Psychiatric Association, and Psychiatric Society of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly hereby commend Helen Montague Foster, M.D., on receiving the Distinguished Career Award from the Psychiatric Society of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Helen Montague Foster, M.D., as an expression of the General Assembly's admiration for her outstanding achievements.

HOUSE JOINT RESOLUTION NO. 536

Election of Circuit Court Judges, General District Court Judges, Juvenile and Domestic Relations District Court Judges, and a member of the Judicial Inquiry and Review Commission.

Agreed to by the House of Delegates, March 9, 2016

Agreed to by the Senate, March 9, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed on or after this day

To the election of Circuit Court judges for terms of eight years commencing as follows:

One judge for the Tenth Judicial Circuit, term commencing July 1, 2016.

One judge for the Fifteenth Judicial Circuit, term commencing July 1, 2016.

One judge for the Fifteenth Judicial Circuit, term commencing July 1, 2016.

One judge for the Nineteenth Judicial Circuit, term commencing July 1, 2016.

One judge for the Twenty-third Judicial Circuit, term commencing July 1, 2016.

One judge for the Twenty-fifth Judicial Circuit, term commencing July 1, 2016.

To the election of General District Court judges for terms of six years commencing as follows:

One judge for the Fifteenth Judicial District, term commencing July 1, 2016.

One judge for the Fifteenth Judicial District, term commencing July 1, 2016.

One judge for the Fifteenth Judicial District, term commencing July 1, 2016.

One judge for the Sixteenth Judicial District, term commencing July 1, 2016.

One judge for the Nineteenth Judicial District, term commencing July 1, 2016.

One judge for the Twenty-first Judicial District, term commencing July 1, 2016.

One judge for the Twenty-third Judicial District, term commencing July 1, 2016.

One judge for the Twenty-fourth Judicial District, term commencing July 1, 2016.

One judge for the Thirty-first Judicial District, term commencing July 1, 2016.

To the election of Juvenile and Domestic Relations District Court judges for terms of six years commencing as follows:

One judge for the Fifth Judicial District, term commencing July 1, 2016.

One judge for the Tenth Judicial District, term commencing July 1, 2016.
 One judge for the Thirteenth Judicial District, term commencing August 1, 2016.
 One judge for the Fifteenth Judicial District, term commencing July 1, 2016.
 One judge for the Nineteenth Judicial District, term commencing July 1, 2016.
 One judge for the Twenty-fifth Judicial District, term commencing July 1, 2016.
 One judge for the Twenty-ninth Judicial District, term commencing July 1, 2016.

To the election of a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2016.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE JOINT RESOLUTION NO. 537

Election of a Court of Appeals of Virginia Judge, a General District Court Judge, and a Juvenile and Domestic Relations District Court Judge.

Agreed to by the House of Delegates, March 10, 2016

Agreed to by the Senate, March 11, 2016

RESOLVED by the House of Delegates, the Senate concurring, That the General Assembly shall proceed on or after March 10, 2016:

To the election of a Court of Appeals of Virginia judge for a term of eight years commencing April 16, 2016.

To the election of a General District Court judge for the Seventh Judicial District for a term of six years commencing July 1, 2016.

To the election of a Juvenile and Domestic Relations District Court judge for the Seventeenth Judicial District for a term of six years commencing July 1, 2016.

And that in the execution of the joint order nominations shall be made in the order herein named, and that each house shall be notified of said nominations, and when the rolls shall be called for the whole number, the presiding officers of each house shall appoint a committee of three, which together shall constitute the joint committee to count the vote of each house in each case and report the results to their respective houses. The joint order may be suspended by the presiding officer of either house at any time but for no longer than twenty-four hours to receive the report of the joint committee.

HOUSE RESOLUTION NO. 1

Celebrating the life of Allen Oat Woody III.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Allen Oat Woody III of Roanoke, a respected business leader and entrepreneur who proudly dedicated his life to the service of others, died on July 13, 2015; and

WHEREAS, a native of Roanoke, Allen Woody was raised in Rocky Mount, where he graduated from Franklin County High School and earned the prestigious rank of Eagle Scout in the Boy Scouts of America; and

WHEREAS, Allen Woody earned a bachelor's degree from Roanoke College, where he made his first foray into entrepreneurship by developing a business through which parents could send care packages to students; he also began a lifelong membership of Pi Kappa Phi fraternity, serving as social chair, steward, and archon; and

WHEREAS, after graduating from college, Allen Woody continued to faithfully serve the Xi Chapter of Pi Kappa Phi as chapter advisor for more than three decades; he also served as a regional governor, member of the national council, and chair of the Pi Kappa Phi Foundation and was named Mr. Pi Kappa Phi in 2007; and

WHEREAS, known as a strong and inspiring leader, Allen Woody experienced his greatest business success as president of a precious metals reclamation and fabrication company, and he continued to explore new business opportunities even after his well-earned retirement; and

WHEREAS, Allen Woody worked to enhance the quality of life of his fellow Roanoke Valley residents, joining the board of Feeding America Southwest Virginia, where he helped obtain a \$60,000 grant for the food bank through an online fundraising campaign; and

WHEREAS, a devoted family man and a loyal friend, Allen Woody will be fondly remembered and greatly missed by his wife, Dianne; children, Jennifer and Victor, and their families; and numerous other family members, friends, colleagues, and fraternity brothers; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Allen Oat Woody III, an admired entrepreneur and philanthropist in Roanoke; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Allen Oat Woody III as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 2

Commending the Greater Manassas Baseball League 8U All-star softball team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Greater Manassas Baseball League 8U All-star softball team, a group of determined young athletes hailing from the Manassas area, won the Babe Ruth League World Series championship in August 2015; and

WHEREAS, after winning the state title and placing second in regionals, the members of the Greater Manassas Baseball League 8U All-star softball team advanced to the national tournament, where they went undefeated and bested the team from Fern Creek, Kentucky, by a score of 6-2 in the championship final; and

WHEREAS, Allyson Logan put the Greater Manassas Baseball League 8U All-star softball team on the board first with an RBI single in the second inning; the team added four more runs in the fourth inning and relied on strong defense to close out the game and claim the national title; and

WHEREAS, Kayli Lamboy went three for three at the plate in the championship final, recording a triple in the second inning, a double in the third inning, and a single in the sixth inning, earning the most valuable player award; and

WHEREAS, the victory is a testament to the skill and hard work of each of the athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the Manassas community; now, therefore, be it

RESOLVED by the House of Delegates, That the Greater Manassas Baseball League 8U All-star softball team hereby be commended on winning the 2015 Babe Ruth League World Series championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlie Joo, head coach of the Greater Manassas Baseball League 8U All-star softball team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 3

Commemorating the life and legacy of Gilbert Keith Chesterton.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, there arise in any generation only a few thinkers and writers able to articulate the universal and unchanging truths that are to be discerned within even the most ephemeral particularities of a given life or epoch; and

WHEREAS, it was because of this singular vocation of the writer as champion of the permanent things that the great Samuel Johnson was moved to observe that "the chief glory of every people arises from its authors"; and

WHEREAS, the South's own William Faulkner added to this testimony of the high office of the writer in stating that the man—or woman—of letters must engage nothing less than "the old verities and truths of the human heart," because the literary imagination in its highest forms not only expresses "the record of man" but "can be one of the . . . pillars to help him endure and prevail"; and

WHEREAS, Gilbert Keith "G.K." Chesterton was such a thinker, writer, and poet; and

WHEREAS, G.K. Chesterton (1874-1936) wrote 80 books, hundreds of poems, 200 short stories, 4,000 essays, and several plays; and

WHEREAS, G.K. Chesterton was also a literary and social critic, historian, theologian, renowned public debater, and contributor to all of the leading journals of his time and an editor of his own journal, *G.K.'s Weekly*; and

WHEREAS, virtually all of Chesterton's major works remain very much in print—80 years after his death—thus proving the singular purchase of his mind and writings on the high and mysterious correlation between the temporal and the eternal; and

WHEREAS, G.K. Chesterton strove above all to summon readers—and whole nations—to order, or "sanity," in a time of profound disorder, as evidenced in such pithy declarations as these:

"The whole difficulty in our public problems is that some men are aiming at cures which other men would regard as worse maladies";

"What is wrong with the world . . . is that we do not ask what is right";

"Men invent new ideals because they dare not attempt old ideals";

"The lost causes are exactly those which might have saved the world";

"The great ideals of the past failed not by being outlived, but by not being lived enough";

"In everything that is worth doing there is a stage when no one would do it, except for necessity or honor";

"When you break the big laws, you do not get freedom; you do not even get anarchy. You get the small laws";

"To have a right to do a thing is not at all the same as to be right in doing it";

"Fallacies do not cease to be fallacies because they become fashions";

"Tradition means giving votes to the most obscure of all classes, our ancestors. It is the democracy of the dead. Tradition refuses to submit to the small and arrogant oligarchy of those who merely happen to be walking about";

"An adventure is only an inconvenience rightly considered. An inconvenience is an adventure wrongly considered";

"One of the deepest and strangest of all human moods is the mood which will suddenly strike us perhaps in a garden at night, or deep in sloping meadows, the feeling that every flower and leaf has just uttered something stupendously direct and important, and that we have by a prodigy of imbecility not heard or understood it. There is a certain poetic value, and that a genuine one, in this sense of having missed the full meaning of things. There is a beauty, not only in wisdom, but in this dazed and dramatic ignorance"; and

WHEREAS, *The Chesterton Review*, now in its 41st year of publication, has been indispensable in preserving and advancing both scholarly and general studies of the life and legacy of G.K. Chesterton; and

WHEREAS, Fr. Ian Boyd, C.S.B., now 80, is founding editor of *The Chesterton Review*, professor of English literature at Seton Hall University, and one of the most renowned of all Chestertonian students, readers, and teachers in the entire world; now, therefore, be it

RESOLVED, That the House of Delegates hereby commemorate the life and legacy of Gilbert Keith Chesterton on the occasion of the 80th anniversary of his death; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to professor Fr. Ian Boyd, C.S.B., on the occasion of his visit to Richmond to offer his reflections for "An Evening of G.K. Chesterton."

HOUSE RESOLUTION NO. 4

Commending the Central High School girls' basketball team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Central High School girls' basketball team of Wise capped off an undefeated season with its second consecutive state title, winning the Virginia High School League Group 2A state championship in 2015; and

WHEREAS, the Central High School Warriors engineered a late-game comeback to defeat the Floyd County High School Buffaloes 63-59 in a rematch of the Group 2A West regional game and finish the season with a perfect 29-0 record; and

WHEREAS, the Floyd County High School Buffaloes took an early 14-0 lead, which they maintained well into the third period; relying on a deep bench, the Central High School Warriors went on a 14-0 run of their own to take the lead with 2:59 remaining in the third period; and

WHEREAS, the tense game was tied 50-50 at the end of the third period, but the Central High School Warriors hit 12 of 16 free throws in the fourth period to claim victory; the team set a state record for free throws attempted and made, finishing with 31 of 41 overall; and

WHEREAS, Annie Church led the Wise Central High School Warriors with 15 points, followed by Logan Reynolds, the Group 2A Player of the Year, with 14 points, and Sophie Mullins with 13 points and 13 rebounds; and

WHEREAS, the Central High School Warriors' victory is a testament to the skill and perseverance of the athletes, the able leadership of the coaches and staff, and the passionate support of the entire Central High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Central High School girls' basketball team hereby be commended on winning the Virginia High School League Group 2A state championship in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robin Dotson, head coach of the Central High School girls' basketball team, as an expression of the House of Delegates' admiration for the team's accomplishments.

HOUSE RESOLUTION NO. 5

Commending McGee Grocery Store.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, McGee Grocery Store in Scott County has served the community for more than 80 years by providing a wide variety of quality products in one convenient location; and

WHEREAS, in the 1930s, James McGee took over the small store in the Yuma commissary building that served the local residents, most of whom worked for the railroad; and

WHEREAS, James McGee already worked at a store in Gate City and hired his sister to run McGee Grocery Store, which is also affectionately known as the Yuma Mall; with no start-up money, he convinced the owner of the Gate City store to provide stock for the new business; and

WHEREAS, when McGee Grocery Store opened, James McGee used a cigar box as a cash register, but within a year, he helped the business grow from its humble beginnings and built a new building on the store's present location; and

WHEREAS, proudly boasting the slogan "If we don't have it, you don't need it," McGee Grocery Store offers everything from groceries to hardware to plumbing and electrical supplies and is open six days a week; and

WHEREAS, McGee Grocery Store owes much of its success to its many dedicated employees who helped ensure the pinnacle of customer service, including Margaret Thacker, who has worked at McGee Grocery Store for more than 30 years, and Margaret Davis, a 60-year veteran of the store; and

WHEREAS, in 2015, McGee Grocery Store is run by James McGee's son, Jimmy, who has been working in the store since he was a child; possessing an intimate knowledge of the store's history and unique stock, Jimmy McGee is well prepared to continue serving the Yuma community for years to come; now, therefore, be it

RESOLVED by the House of Delegates, That McGee Grocery Store hereby be commended for more than 80 years of continuous service to the residents of Yuma; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to McGee Grocery Store as an expression of the House of Delegates' admiration for its long history and many contributions to the community.

HOUSE RESOLUTION NO. 6

Celebrating the life of Edward E. Epperson.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Edward E. Epperson, a former captain of the Kenbridge Emergency Squad and a longtime member of the Kenbridge Fire Department, died on March 6, 2015; and

WHEREAS, a charter member of the Kenbridge Emergency Squad, Edward Epperson worked to ensure the health and safety of his fellow Kenbridge residents and rose to the rank of captain; and

WHEREAS, Edward Epperson further safeguarded the lives and property of Kenbridge residents as an active member of the Kenbridge Fire Department for 58 years; and

WHEREAS, deeply respected in the field of emergency response, Edward Epperson was a past president of the Southside Virginia Volunteer Firefighters Association and a member of the Board of Governors of the Virginia Association of Volunteer Rescue Squads; and

WHEREAS, Edward Epperson was an exemplar of the dedication, integrity, and work ethic displayed by civil servants throughout the Commonwealth, and he left a legacy of excellence to the Town of Kenbridge; and

WHEREAS, a man who lived his faith through his selfless actions, Edward Epperson enjoyed fellowship and worship as a lifelong member of Kenbridge United Methodist Church, where he served as a Sunday school teacher and head usher; and

WHEREAS, Edward Epperson will be fondly remembered and greatly missed by his wife of 55 years, Ann; children, Tammy, Nina, Abby, and Edward, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Edward E. Epperson, a distinguished civil servant in Kenbridge; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edward E. Epperson as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 7

Commending Bryant Baptist Church.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, for 150 years, Bryant Baptist Church has provided spiritual leadership, joyful worship in the Baptist tradition, and generous outreach to the Southampton County community; and

WHEREAS, Bryant Baptist Church traces its deepest roots to brush arbor services in the region, where slaves met in secret to enjoy fellowship and worship by combining African culture and Christian traditions; and

WHEREAS, in 1865, a group of freedmen in the Courtland area of Southampton County purchased two acres of land to build the sanctuary that would become Bryant Baptist Church; the first recorded mention of the church in Southampton County appeared in 1879; and

WHEREAS, in its early years, Bryant Baptist Church conducted one Sunday service each month and held baptisms in the nearby Nottoway River; the congregation expanded in numbers and grew in faith throughout the 18th and 19th centuries; and

WHEREAS, to better serve the growing congregation, Bryant Baptist Church installed a concrete baptismal font in 1960 and began offering additional Sunday services; the current church building, completed in 1977, featured a host of modern amenities and has benefited from numerous renovations and additions; and

WHEREAS, in cooperation with other local churches and charitable organizations, Bryant Baptist Church works to serve and strengthen the community by providing hot meals to less fortunate families during winter months and emergency assistance to local residents in need; and

WHEREAS, Bryant Baptist Church also worked with eight other local churches to raise more than \$10,000, as well as clothing, toiletries, and first aid supplies, for victims of the 2010 earthquake in Haiti; and

WHEREAS, Bryant Baptist Church commemorated its 150th anniversary with a special celebration on October 17, 2015; now, therefore, be it

RESOLVED by the House of Delegates, That Bryant Baptist Church hereby be commended on the occasion of its 150th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Allen Davis, pastor of Bryant Baptist Church, as an expression of the House of Delegates' admiration for the church's long history and contributions to the Southampton County community.

HOUSE RESOLUTION NO. 8

Commending the Deep Run High School golf team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Deep Run High School golf team captured its second state championship in three years by winning the 2015 Virginia High School League Group 5A title on October 13, 2015; and

WHEREAS, the talented and determined golfers from the Henrico County school defeated a hard-working team from Thomas Jefferson High School for Science and Technology in Alexandria by 14 strokes; and

WHEREAS, the two-day tournament was held at Magnolia Green Golf Club in Moseley; the challenging course was ably handled by the Deep Run Wildcats, and the team was in the lead after the first day of competition with Taylor Hade and Jack D'Aiutolo both ending the round with 76, the team's lowest scores; and

WHEREAS, on the second day of competition, four Deep Run golfers posted scores under 79; at the end of the contest, Alex Taylor and Adam Hade had placed in the top six, individually qualifying for the Group 5A All-State team—Alex Taylor was third, and Adam Hade was in a three-way tie for fifth place; and

WHEREAS, the win was a team effort, and Deep Run High School head golf coach, Josh Aldrich, credited the Wildcats for their determination and discipline to emerge victorious—especially after a second-place finish in 2014; and

WHEREAS, throughout the 2015 season, the members of the Deep Run High School golf team were enthusiastically supported by their families, fellow students, and the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, That the Deep Run High School golf team hereby be commended for winning the 2015 Virginia High School League Group 5A title, the team's second state championship in three years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Josh Aldrich, head coach of the Deep Run High School golf team, as an expression of the House of Delegates' congratulations and admiration for the team's championship season and stellar performance.

HOUSE RESOLUTION NO. 9

Commending Donnie E. Wheatley.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Donnie E. Wheatley, the longtime executive director of the Boys Home of Virginia in Covington, has helped countless boys and young men successfully complete their education and become responsible citizens of the Commonwealth; and

WHEREAS, a native of Dickenson County, Donnie Wheatley was the oldest of five children raised by a single mother; after an experience in foster care, he became a student at the Boys Home of Virginia in 1959; and

WHEREAS, with the support of the exceptional staff at the Boys Home of Virginia, Donnie Wheatley thrived in the program, participating in athletics and student government and holding jobs on campus; and

WHEREAS, inspired and encouraged by the director of the Boys Home at the time, Donnie Wheatley focused on his studies and became a first-generation college student, attending Virginia Military Institute on a State Cadetship; and

WHEREAS, Donnie Wheatley later attended Virginia Polytechnic Institute and State University, honorably served his country in the United States Marine Corps, and earned master's degrees from Valdosta State College and Georgia State University; and

WHEREAS, after a career in data processing in the private sector, Donnie Wheatley was asked to apply to become the executive director of the Boys Home of Virginia in 1985; with his passion for the program and commitment to creating new opportunities for boys and young men in need of guidance, he was the clear choice; and

WHEREAS, over the course of his 30-year career as executive director, Donnie Wheatley set high standards of achievement and diversified the program's academic offerings; he ensured that students understood the value of the program and served as a trusted mentor to numerous youths; and

WHEREAS, Donnie Wheatley also works to strengthen and enhance the community and the Commonwealth as a member and former president of the Covington-Hot Springs Rotary Club and the Virginia Association of Children's Homes (VACH); and

WHEREAS, Donnie Wheatley has received numerous awards and accolades for his devoted service, including the VACH Distinguished Administrator Award, the Catherine Hershey Residential Education Award from the Coalition for Residential Education, the Dabney S. Lancaster Community College Medallion of Merit, and numerous community awards; now, therefore, be it

RESOLVED by the House of Delegates, That Donnie E. Wheatley hereby be commended for his outstanding work to guide and inspire boys and young men in need as executive director of the Boys Home of Virginia for 30 years; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Donnie E. Wheatley as an expression of the House of Delegates' admiration for his dedication to serving and supporting the youth of the Commonwealth.

HOUSE RESOLUTION NO. 10

Celebrating the life of William R. White.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, William R. White of Smithfield, a patriotic veteran and a respected member of the community, died on July 24, 2015; and

WHEREAS, a lifelong resident of Smithfield, William White joined many of the other young men of his generation in service to his country during World War II when he was drafted into the United States Army in 1945; and

WHEREAS, William White transferred to the United States Army Air Corps and was assigned to the 99th Pursuit Squadron, attached to the 332nd Fighter Group, one of the famed units of African American pilots that became known as the Tuskegee Airmen; and

WHEREAS, responsible for servicing the unit's planes, William White kept his fellow soldiers in the air and worked to ensure that they returned safely; the Tuskegee Airmen took part in more than 1,500 combat missions and earned many decorations, including 96 Distinguished Flying Crosses; and

WHEREAS, a quiet professional, William White rarely spoke about his wartime service and unique place in history, stating that he was only doing his duty to his nation; and

WHEREAS, William White enjoyed fellowship and worship with the community as a member of Little Zion Baptist Church; and

WHEREAS, William White will be fondly remembered and greatly missed by his wife, Elsie; children, Paul, Brandon, and Inetha, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William R. White, a humble servant to the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William R. White as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 11

Commending Edward Frankenstein.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Edward Frankenstein, the Chief of the Prince George County Police Department, retired in October 2015 after working diligently for more than three decades to serve and protect the residents of Prince George County; and

WHEREAS, Edward Frankenstein began his career with the Prince George County Police Department in 1985, when it was still combined with the local Sheriff's Department; and

WHEREAS, a committed and highly professional officer of the law, Edward Frankenstein rose through the ranks to become a colonel in the Prince George County Police Department; he was named interim chief in 1998 and officially appointed as chief in 2001; and

WHEREAS, during his tenure as chief, Edward Frankenstein oversaw numerous advances in training and procedures and ensured that his officers were equipped with the latest technology and techniques; and

WHEREAS, Edward Frankenstein proudly helped the Prince George County Police Department earn accreditation from the Virginia Law Enforcement Professional Standards Commission in 2014; and

WHEREAS, striving to enhance the quality of life of all Prince George County residents, Edward Frankenstein has been an active member of many civic and service organizations at the local, regional, and national levels; and

WHEREAS, Edward Frankenstein is also the chair of the board of directors of the Crater Criminal Justice Training Academy and has offered his leadership and expertise to numerous public safety committees in the region; now, therefore, be it

RESOLVED by the House of Delegates, That Edward Frankenstein hereby be commended on the occasion of his retirement as Chief of the Prince George County Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Edward Frankenstein as an expression of the House of Delegates' admiration for his tireless service to the residents of Prince George County.

HOUSE RESOLUTION NO. 12

Commending Poole's Funeral Home.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Poole's Funeral Home in Poolesville has provided compassionate, dignified, and devoted service to the residents of Surry County for 125 years, making it the oldest business in continuous operation in Surry County; and

WHEREAS, Poole's Funeral Home was founded in 1890 by Merritt Bains Poole; located on old Route 10, the funeral home primarily served the African American community in the area; and

WHEREAS, in its early days, Poole's Funeral Home transported coffins in a horse-drawn cart; in 1893, the funeral home upgraded to a horse-drawn hearse, which is still in the Poole family's possession and is used for special events; and

WHEREAS, in the 1920s, Poole's Funeral Home moved to a two-story building at the corner of Moonlight Road; Merritt Poole's children, Artis and Olandis, inherited ownership of the business in 1949; and

WHEREAS, Artis Poole and Olandis Poole, along with his son Earnest, sought new ways to better serve the Surry County community and began using the funeral home's hearse as an ambulance for local residents in need, often free of charge; and

WHEREAS, in 1968, Poole's Funeral Home relocated to a more accessible, single-story ranch house with a 75-person chapel; Joan Ellen Williams Hardy, Artis Poole's daughter, led the business from 1970 to 1995, when her own daughter, Sabrina Hardy-Newby, took over; and

WHEREAS, in 2015, Poole's Funeral Home remains one of the most respected funeral homes in the region; Earnest Poole still serves as gravedigger, and under Sabrina Hardy-Newby's leadership the funeral home began offering notary services and preneed programs; and

WHEREAS, the Surry County African American Heritage Society hosted a banquet at the Surry County Community Center on August 23, 2015, to celebrate Poole's Funeral Home's contributions to the community; now, therefore, be it

RESOLVED by the House of Delegates, That Poole's Funeral Home, a valued family-operated business in Surry County, hereby be commended on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sabrina Hardy-Newby, manager and director of Poole's Funeral Home, as an expression of the House of Delegates' admiration for Poole's Funeral Home's dedicated service to the residents of Surry County.

HOUSE RESOLUTION NO. 13

Celebrating the life of Luther B. Vick, Jr.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Luther B. Vick, Jr., of Burrowsville, a former volunteer firefighter and longtime employee of the Department of Game and Inland Fisheries, died on April 18, 2015; and

WHEREAS, a native of Southampton County, Luther Vick earned a reputation throughout his life as a loyal friend and a hard worker; and

WHEREAS, Luther Vick later relocated to Prince George County and served the youth of the community by maintaining county school buses; and

WHEREAS, in 1967, Luther Vick joined the Department of Game and Inland Fisheries and worked at the Presquile National Wildlife Refuge and the James River National Wildlife Refuge, also serving as a part-time game warden, until his well-earned retirement in 2008; and

WHEREAS, Luther Vick proudly safeguarded the lives and property of his fellow Prince George County residents as a volunteer firefighter; during his 55-year career, he served with Prince George Company 1 and Burrowsville Company 4; and

WHEREAS, a devoted father, Luther Vick will be fondly remembered and greatly missed by his children, Dena, Dennis, Bryan, Michael, Kevin, Sarah, and Lisa, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Luther B. Vick, Jr., a former firefighter and game warden and an active member of the Prince George County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Luther B. Vick, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 14

Celebrating the life of Fred Rabil.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Fred Rabil, a respected restaurant owner and a devoted servant to the Franklin community, died on March 20, 2015; and

WHEREAS, a second-generation Lebanese immigrant, Fred Rabil traveled the United States looking for work during the Great Depression; after World War II, he settled in Franklin and worked for his uncle in a bakery; and

WHEREAS, Fred Rabil became a cherished member of the Franklin community as the proprietor of Fred's Restaurant, where he offered delicious comfort food in a welcoming atmosphere for 70 years; and

WHEREAS, Fred Rabil was a charter member of the Franklin Kiwanis Club, and he worked to strengthen the community's future by supporting youth baseball programs and other charitable organizations; he enjoyed fellowship and worship with the community as a member of St. Jude Catholic Church; and

WHEREAS, a proud and patriotic American, Fred Rabil visited all 50 states in his lifetime and relished the opportunity to name all 50 state capitals to anyone who would challenge him; and

WHEREAS, predeceased by his first wife, Pauline, Fred Rabil will be fondly remembered and greatly missed by his wife, Joyce; sons, Frank, John, and David, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Fred Rabil, an admired restaurateur and community leader in Franklin; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Fred Rabil as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 15

Commending South Quay Baptist Church.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, South Quay Baptist Church in Suffolk has provided spiritual leadership, valuable community outreach, and joyful worship in the Baptist tradition for more than 240 years; and

WHEREAS, tracing its roots to 1775, South Quay Baptist Church was founded by David Barrow, who fought for American independence during the Revolutionary War, and the original church was one of the only buildings in South Quay Village left standing after the war; and

WHEREAS, in the late 1700s, David Barrow preached a message of tolerance and dignity and spoke out against slavery; and

WHEREAS, South Quay Baptist Church moved to its current location in 1835 and constructed a new building in 1889 after the church was destroyed by a fire; and

WHEREAS, during the American Civil War, South Quay Baptist Church served as the courthouse for Nansemond County, and troops under Confederate General George E. Pickett are said to have used the church grounds as a campsite; and

WHEREAS, over the years, South Quay Baptist Church expanded greatly in membership and completed a cemetery, parsonage, fellowship hall, and Sunday school classrooms to better serve the growing community; the church also established a Homecoming tradition in 1912; and

WHEREAS, the members of South Quay Baptist Church joyfully carry out the church's mission to proclaim the word of the Lord and encourage deep, personal relationships with Jesus Christ, while loving, understanding, and accepting others; and

WHEREAS, South Quay Baptist Church commemorated its anniversary with a special service on March 4, 2015, celebrating the church's history and heritage along with the annual Homecoming; now, therefore, be it

RESOLVED by the House of Delegates, That South Quay Baptist Church hereby be commended for its service to its congregation and the community on the occasion of its 240th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Watson, pastor of South Quay Baptist Church, as an expression of the House of Delegates' admiration for the church's storied history and contributions to the region.

HOUSE RESOLUTION NO. 16

Celebrating the life of Everett Worrell, Jr.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Everett Worrell, Jr., one of Prince George County's oldest World War II veterans and a respected member of the community, died at the age of 92 on May 3, 2015; and

WHEREAS, joining many of the other young men of his generation in service to his country, Everett Worrell was a member of the United States Army Air Corps during World War II; and

WHEREAS, Everett Worrell served as a pilot and flight commander with the 532nd Bomb Squadron of the 381st Bomb Group at Royal Air Force Station Ridgewell in England; he bravely flew 35 missions over Europe in a B-17 Flying Fortress; and

WHEREAS, possessed of a desire to continue serving and defending his country, Everett Worrell joined the United States Air Force after the war; he retired as a major after a distinguished 27-year military career; and

WHEREAS, using his experience in communications, Everett Worrell was one of the first television repairmen in Richmond and a longtime member of the Military Auxiliary Radio System, a program that utilizes amateur radio operators to provide emergency communications in times of need; and

WHEREAS, supporting and honoring the sacrifices of his fellow veterans, Everett Worrell regularly attended local Veterans Day and Memorial Day events; and

WHEREAS, predeceased by his wife of 65 years, Hazel, Everett Worrell will be fondly remembered and greatly missed by his daughters, Elizabeth, Anne, Linda, and Rebecca, and their families and numerous other family members, friends, and fellow service members; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Everett Worrell, Jr., a respected veteran and a man of character in Prince George County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Everett Worrell, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 17

Celebrating the life of Gail Drewery Brock.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Gail Drewery Brock of Surry, a respected educator and a beloved member of the community, died on May 24, 2015; and

WHEREAS, Gail Brock helped prepare the youth of the Commonwealth for higher education, careers, and responsible citizenship as a teacher at Isle of Wight Academy for 25 years; her greatest joy was sharing in the successes of her students, and she was admired as a trusted mentor; and

WHEREAS, Gail Brock also served as a teacher for Williamsburg-James City County Public Schools for 15 years; a passionate lifelong learner, she enjoyed reading and gardening; and

WHEREAS, Gail Brock enjoyed fellowship and worship with the community as a member of Surry United Methodist Church; and

WHEREAS, Gail Brock will be fondly remembered and deeply missed by her husband of 40 years, John; her children, Jay, Jeff, and Stephanie, and their families; her father, Frank; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Gail Drewery Brock, an inspirational educator and an active member of the Surry community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Gail Drewery Brock as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 18

Celebrating the life of Ernest B. Gatten, Jr.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Ernest B. Gatten, Jr., who worked tirelessly to serve and support his fellow members of the Franklin community both as a trusted optometrist and as a dedicated volunteer, died on May 31, 2015; and

WHEREAS, after graduating from the University of Richmond, Ernest Gatten joined many of the other young men of his generation in service to his country during World War II; he enlisted with the United States Army Air Corps in 1942 and went on to fly 32 missions over Europe, earning the Distinguished Flying Cross and the Air Medal; and

WHEREAS, Ernest Gatten returned from the war and completed his education at the Illinois College of Optometry, graduating in 1947; he relocated to Franklin shortly thereafter and practiced optometry until his well-earned retirement in 1991; and

WHEREAS, a recognized leader in his field, Ernest Gatten was a longtime member of the Virginia Optician's Board and a former president of the Virginia Academy of Optometry and the Virginia Optometric Association; and

WHEREAS, in addition to caring for the health and comfort of his patients, Ernest Gatten was an active community leader in the Franklin area; he was a founding member of the Franklin Chamber of Commerce and served on the first Franklin School Board and as a member of the Franklin Lions Club and Franklin Library Board; and

WHEREAS, Ernest Gatten enjoyed fellowship and worship with the community as a member of the Franklin Congregational Christian Church, where he served as chair of the deacon's board; and

WHEREAS, predeceased by his wife of 52 years, Emily, Ernest Gatten will be fondly remembered and greatly missed by his children, Caroline, Ernest III, and Charles, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ernest B. Gatten, Jr., a respected optician and accomplished community leader in Franklin; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ernest B. Gatten, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 20

Commending Marisa Pappas.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Marisa Pappas, an art teacher at Warrenton Middle School, was named Middle Division Art Educator of the Year for 2015 by the Virginia Art Education Association; and

WHEREAS, Marisa Pappas is committed to art education and promoting the arts throughout the community; she helped organize and coordinate the Fauquier County Youth Art Month Art Walk on Main Street in Warrenton; and

WHEREAS, in 2012, Marisa Pappas began sponsoring an after-school art club at Warrenton Middle School, and in 2013 she helped found the National Junior Art Honor Society at the school; members of the society volunteer to teach art to pre-kindergarten pupils; and

WHEREAS, in addition to her work with young artists and her efforts to ensure that art remains a vital part of Fauquier County's cultural life, Marisa Pappas is involved in statewide art education instructional strategies; and

WHEREAS, Marisa Pappas willingly shares her knowledge and expertise at state and national conferences; locally, she is a mentor for new teachers and is a strong supporter of the Fauquier County Public Schools' art education program; and

WHEREAS, Marisa Pappas was nominated for the award by her colleagues in the Fauquier County Public School division; she is active in the school system, always looking for ways to support the county's art program; and

WHEREAS, before becoming an art teacher at Warrenton Middle School, Marisa Pappas was a fashion design technical consultant, quality control manager, and patternmaker; she also taught fashion design at Endicott College and was an elementary school art educator; and

WHEREAS, Marisa Pappas earned a bachelor's degree from Massachusetts College of Art and a master's degree from George Mason University; she also has certificates in design from the Paris Fashion Institute in France and the University of Massachusetts; now, therefore, be it

RESOLVED by the House of Delegates, That Marisa Pappas, an art teacher at Warrenton Middle School, hereby be commended for being named the 2015 Middle Division Art Educator of the Year by the Virginia Art Education Association; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Marisa Pappas as an expression of the House of Delegates' congratulations and admiration for her enthusiastic support of arts education in Fauquier County and the Commonwealth.

HOUSE RESOLUTION NO. 21

Commending Regina Meredith.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Regina Meredith, counseling coordinator at Salem High School who has touched thousands of lives during her career, has been named a Counselor of the Year for 2015 by the Virginia Counselors Association; and

WHEREAS, the award was established in 1981 to honor members of the Virginia Counseling Association who have spent the majority of their careers in guidance or counseling; Regina Meredith, who has been a guidance counselor since 2000, has worked at Salem High School since 2005; and

WHEREAS, Regina Meredith is highly regarded by her peers as an exemplary educator; she is a role model for both students and colleagues for her professionalism, innovation, and her love for and service to other people; and

WHEREAS, stating that it is an honor to be recognized as the Virginia Counselor of the Year, Regina Meredith also said that she loves her work, expressing great appreciation for the support she receives from the administration and staff of Salem High School; and

WHEREAS, Regina Meredith's career in education began in 1977 when she started teaching English at Carroll County High School; she also worked as a special education teacher in Hillsville, Roanoke, and in Christiansburg, where her counseling career began; and

WHEREAS, Regina Meredith, who earned a bachelor's degree and two master's degrees from Radford University, is a National Board Certified Teacher who was Salem High School's Teacher of the Year in 2012, and also was the Roanoke Area Counseling Association's Member of the Year in 2014; and

WHEREAS, deeply committed to her students, Regina Meredith is a sterling example of the hard work and compassion shown by educators and administrators throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Regina Meredith hereby be commended for being honored by the Virginia Counselors Association as a Counselor of the Year for 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Regina Meredith as an expression of the House of Delegates' admiration and appreciation for her many years of service to students and their families in Salem and the Commonwealth.

HOUSE RESOLUTION NO. 22

Commending the Woman's Club of Smithfield.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Woman's Club of Smithfield, a volunteer organization empowering members to better serve and support the community, celebrates 90 years of service to the residents of Smithfield in 2017; and

WHEREAS, the Woman's Club of Smithfield was established on April 19, 1927, with 62 charter members; the organization immediately set to work on its mission to strengthen and enhance the community under the leadership of its first president, Emily Simpson; and

WHEREAS, members of the Woman's Club of Smithfield are held to the highest standards and are expected to support the organization in all activities and endeavors, as well as join one or more community service projects; and

WHEREAS, taking special interest in the youth of the community, the Woman's Club of Smithfield has raised money to hire an additional teacher at Smithfield High School, beautified school grounds, and offers generous scholarships to local students each year; and

WHEREAS, the Woman's Club of Smithfield is an ardent supporter of arts and cultural events in Smithfield; the club offers book reviews, schedules speakers for town events, and hosts painting exhibits; and

WHEREAS, well known in the area for events that have become Smithfield traditions, the Woman's Club of Smithfield hosts an annual flea market and a tree lighting ceremony to begin the holiday season; and

WHEREAS, the Woman's Club of Smithfield celebrates local culture and heritage through its Smithfield Calendar and Smithfield Cookbook; the club also actively supports Operation Smile, the Humane Society, Christian Action, the Boy Scouts of America, the Girl Scouts of the U.S.A., the Chesapeake Bay Foundation, Heifer International, and Blackwater Regional Libraries; and

WHEREAS, the members of the Woman's Club of Smithfield are leaders in the community, donating countless volunteer hours and thousands of dollars in charitable contributions to worthy causes; now, therefore, be it

RESOLVED by the House of Delegates, That the Woman's Club of Smithfield hereby be commended on the occasion of its 90th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Suzy Brett, president of the Woman's Club of Smithfield, as an expression of the House of Delegates' admiration for the club's legacy of service to the residents of Smithfield.

HOUSE RESOLUTION NO. 23

Commending Tony Rice.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Tony Rice, a Danville native, has made many exceptional contributions to American music as a singer, songwriter, and renowned bluegrass, folk, and jazz guitarist; and

WHEREAS, born David Anthony Rice, Tony Rice grew up in Southern California, where he cultivated his appreciation for traditional bluegrass as well as contemporary stylings; and

WHEREAS, following in his father's footsteps as a musician, Tony Rice became a charter member of the Bluegrass Alliance, an early contemporary bluegrass group, after relocating to Kentucky in 1970; and

WHEREAS, Tony Rice later played with J.D. Crowe and the New South and the David Grisman Quintet before forming the Bluegrass Album Band, a supergroup comprising some of the biggest names in the genre; and

WHEREAS, Tony Rice highlighted his unique blend of bluegrass and other genres on solo and duet recordings; recorded two albums with brothers Larry, Ron, and Wyatt; and contributed to *Out of the Woodwork*, an album of traditional bluegrass; and

WHEREAS, a talented multi-instrumentalist, Tony Rice is known for his skill as a guitarist, but is also featured on recordings playing drums, piano, soprano sax, and other traditional bluegrass instruments; and

WHEREAS, in the course of his celebrated career, Tony Rice earned a Grammy Award for Best Country Instrumental Performance with J.D. Crowe and the New South and multiple awards from the International Bluegrass Music Association, including induction into the organization's Hall of Fame; now, therefore, be it

RESOLVED by the House of Delegates, That Tony Rice hereby be commended as an innovative leader in American music who has delighted countless fans and influenced generations of musicians; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tony Rice as an expression of the House of Delegates' admiration for his contributions to the cultural heritage of the United States.

HOUSE RESOLUTION NO. 24

Commending Natalie DiFusco-Funk.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Natalie DiFusco-Funk, an outstanding teacher at West Salem Elementary School, was named the 2016 Virginia Teacher of the Year at a reception held at the Governor's Mansion in Richmond on October 19, 2015; and

WHEREAS, Natalie DiFusco-Funk, who currently teaches fifth grade, has been an educator for 12 years; her passion to teach began on her first day of school in the fifth grade; and

WHEREAS, as the Commonwealth's 2016 Virginia Teacher of the Year, Natalie DiFusco-Funk will represent the tens of thousands of dedicated and hard-working classroom teachers throughout Virginia; and

WHEREAS, Natalie DiFusco-Funk has taught fifth grade at West Salem Elementary School for five years; she received her bachelor's and master's degrees from Boston College, and in 2013 she earned National Board Certification in Literacy; and

WHEREAS, representing Virginia's Region 6, Natalie DiFusco-Funk was selected to be the 2016 Teacher of the Year by a panel consisting of teachers, representatives of professional and educational associations, the business community, and the 2015 Virginia Teacher of the Year; and

WHEREAS, Natalie DiFusco-Funk has earned praise from those who work with her, who especially note her dedication, exceptional teaching abilities, and the encouragement she offers to fellow education professionals; and

WHEREAS, as 2016 Virginia Teacher of the Year, Natalie DiFusco-Funk becomes the Commonwealth's nominee for National Teacher of the Year, an honor that is awarded by the National Teacher of the Year Program; now, therefore, be it

RESOLVED by the House of Delegates, That Natalie DiFusco-Funk, a fifth-grade teacher at West Salem Elementary School, hereby be commended on her selection as the 2016 Virginia Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Natalie DiFusco-Funk as an expression of the House of Delegates' congratulations and admiration for her success and dedication to educating young children in the Commonwealth and preparing them for the future.

HOUSE RESOLUTION NO. 25

Commending the Cave Spring High School girls' tennis team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Cave Spring High School girls' tennis team capped off an impressive season by winning the 2015 Virginia High School League Group 3A championship; and

WHEREAS, the talented team from Roanoke County defeated a squad from Western Albemarle High School by a score of 5-3 at the state tournament, which was held on June 13, 2015, in Lynchburg; and

WHEREAS, this was the first state tennis title for the Cave Spring High School Knights, yet from the beginning of the season the hardworking girls and their coach, Susan Delp, knew that with discipline and focus the championship was within reach; and

WHEREAS, at the end of singles competition, the score was tied 3-3, and it was up to the two doubles teams from Cave Spring High School to keep the dream alive; the Knights' top doubles players, Reagan Delp and Fallon Delp won their match 6-3, 6-2; and

WHEREAS, in the next match, doubles teammates Caitlin Carter and Christy Goldsmith held off their opponents to win 6-1, 6-0; the Cave Spring High School squad was elated with its first state victory; and

WHEREAS, throughout the season, the members of the Cave Spring High School girls' tennis team were greatly supported by their families, friends, fellow students, coaches, and the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, That the Cave Spring High School girls' tennis team hereby be commended for winning the 2015 Virginia High School League Group 3A championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to head coach Susan Delp as an expression of the House of Delegates' congratulations for the outstanding achievement of the Cave Spring High School girls' tennis team.

HOUSE RESOLUTION NO. 26

Commending James Edward Lindsey, Sr.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, James Edward Lindsey, Sr., the founder of Lindsey Brothers, Inc., a longstanding plumbing and heating company in Hampton Roads, and an admired member of the community, celebrated his 85th birthday in 2015; and

WHEREAS, born on April 7, 1930, as the third of nine children, James Lindsey learned the value of hard work and responsibility at a young age as a farm hand; reared in Princess Anne County, he had learned to drive a tractor by age 11 and quickly began teaching his skills to others; and

WHEREAS, James Lindsey left school early to help support his family and pursued employment as a plumber's assistant in Norfolk; he attended vocational school at night and became a skilled craftsman under the tutelage of several local plumbers; and

WHEREAS, desirous to be of service to his country, James Lindsey joined the United States Army then the United States Army Reserve, where he attained the rank of sergeant; he also worked at military bases in Hampton Roads as a civil service employee and continued his technical training to become a master plumber; and

WHEREAS, a man of vision, James Lindsey used his extensive experience to establish what would become Lindsey Brothers, Inc., with his parents, siblings, and other family members; the plumbing and heating company has become a Hampton Roads institution, serving the community for more than 43 years and providing jobs to generations of local residents; and

WHEREAS, in 1956, James Lindsey married his wife, Nola, and the couple went on to raise 10 children; a loving husband and father, James Lindsey strove to maintain a balance between his work and home lives, while still actively serving the community through numerous local civic organizations; and

WHEREAS, James Lindsey lives his faith through his actions and enjoys fellowship and worship with the community as a member of the Garden of Prayer Temple Church of God in Christ, where he has held several leadership positions, including deacon, usher, and finance committee member; now, therefore, be it

RESOLVED by the House of Delegates, That James Edward Lindsey, Sr., a hardworking business owner and a respected member of the Hampton Roads community hereby be commended on the occasion of his 85th birthday; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Edward Lindsey, Sr., as an expression of the General Assembly's admiration for his service to the Hampton Roads community and the Commonwealth.

HOUSE RESOLUTION NO. 27

Commending Patricia Lee Ramey.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Patricia Lee Ramey has been a dedicated and admired employee of the Virginia Department of Health for more than four decades, providing helpful service in a cheerful and welcoming manner; and

WHEREAS, Patricia Ramey, who resides in Marshall, is an office services specialist for the Virginia Department of Health; she works in the agency's Warrenton office in the Environmental Health Services division; and

WHEREAS, with an extensive knowledge of environmental service issues, Patricia Ramey, who has worked for the Virginia Department of Health for 43 years, has continuously sought to provide cordial, professional assistance to constituents in Fauquier County; and

WHEREAS, always willing to help in whatever way she can, Patricia Ramey has processed records requests relating to well and septic systems; she also has assisted property owners and contractors in obtaining the necessary permits and inspections; and

WHEREAS, Patricia Ramey is an outstanding employee of the Virginia Department of Health who always puts customers first; she possesses exemplary work habits and is a role model for all who come in contact with her; now, therefore, be it

RESOLVED by the House of Delegates, That Patricia Lee Ramey, an office services specialist in the Warrenton office of the Virginia Department of Health, hereby be commended for 43 years of outstanding service to the people of Fauquier County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patricia Lee Ramey as an expression of the House of Delegates' respect and admiration for her many years of dedicated work for the Commonwealth.

HOUSE RESOLUTION NO. 28

Commending the Nansemond-Suffolk Academy football team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Nansemond-Suffolk Academy football team capped off an impressive season by winning the 2015 Virginia Independent Schools Athletic Association Division III championship; and

WHEREAS, the Nansemond-Suffolk Academy Saints defeated a talented and previously unbeaten team from Atlantic Shores Christian School 38-18 on November 20, 2015, to claim their fourth state title; and

WHEREAS, in an exciting championship game held at the Virginia Beach Sportsplex, the Nansemond-Suffolk Academy team scored first with a 28-yard touchdown run, followed by a two-point conversion; and

WHEREAS, the Nansemond-Suffolk Academy Saints are best known for their successful running game; however, the team's second and third touchdowns came on passes of 35 yards and 28 yards respectively, each of which was accompanied by a successful two-point conversion; and

WHEREAS, the determination and hard work of the football players from Nansemond-Suffolk Academy in Suffolk was crucial to the 2015 victory; the offensive line stayed focused throughout the game, and impressive rushing plays also helped ensure the momentous win; and

WHEREAS, since 1991, the Saints have won the Virginia Independent Schools Athletic Association (VISAA) Division III football championship under four different coaches, but the 2015 championship was the first state title for head coach Lew Johnston, who praised his talented and versatile team; and

WHEREAS, by winning the 2015 VISAA crown, Lew Johnston ended a rewarding coaching career on a stellar note; he retired at the end of the 2015 season, having been a football coach for 41 years; and

WHEREAS, the enthusiastic support that the Nansemond-Suffolk Academy football team received from their families, friends, coaches, teammates, and the entire school community all contributed to the squad's successful season; now, therefore, be it

RESOLVED by the House of Delegates, That the Nansemond-Suffolk Academy football team hereby be commended for winning the 2015 Virginia Independent Schools Athletic Association Division III championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Nansemond-Suffolk Academy football team as an expression of the House of Delegates' congratulations and admiration for the team's outstanding accomplishments and championship season.

HOUSE RESOLUTION NO. 29

Commending the Isle of Wight Academy football team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Isle of Wight Academy football team capped off an outstanding season by winning the 2015 Virginia Independent Schools Athletic Association Division IV championship; and

WHEREAS, the Isle of Wight Academy Chargers defeated a talented team from Roanoke Catholic School 33-16 in the title game, which was held on November 20, 2015; the Roanoke Catholic Celtics traveled more than 210 miles to face the Chargers on their home field in Isle of Wight; and

WHEREAS, at the end of the first half, the Roanoke Catholic football team led 8-7, but the Chargers, who had dominated their last 10 opponents during the regular season, regained momentum in the second half; and

WHEREAS, the weeks of practice and conditioning began to pay off for the Isle of Wight football team; an outstanding defensive effort in the last two quarters energized the team; the offense followed suit, scoring each time the Chargers had the ball; and

WHEREAS, the victory for the Isle of Wight Chargers continues the school's tradition of football excellence; the 2015 win is its sixth state championship and is also a tribute to head coach Dale Chapman, who has led the team to nine state championship games during his 23-year tenure; and

WHEREAS, the members of the Isle of Wight Academy football team received strong and enthusiastic support throughout the season from the coaching staff and from their families, friends, fans, and the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, That the Isle of Wight Academy football team hereby be commended for winning the 2015 Virginia Independent Schools Athletic Association Division IV championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dale Chapman, head coach of the Isle of Wight Academy football team, as an expression of the House of Delegates' congratulations and admiration for the football team's outstanding performance and championship season.

HOUSE RESOLUTION NO. 30

Commending James J. Roberts.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, in 2015, James J. Roberts, a dedicated firefighter, public servant, and community leader, was honored for his 50 years of service to the residents of Lunenburg County as a member of the Kenbridge Fire Department; and

WHEREAS, after relocating to Kenbridge in the 1960s, James "Jack" J. Roberts joined the Kenbridge Fire Department on July 13, 1965; during his 50-year career as a firefighter, he responded to countless calls, logged more than 1,500 hours of training time, and served as assistant chief; and

WHEREAS, respected for his unsurpassed institutional knowledge of firefighting, Jack Roberts still responds to calls, and his experience in all areas, including as a pump operator, is invaluable to the department; and

WHEREAS, Jack Roberts was also a charter member and former captain of the Kenbridge Emergency Squad and offered his leadership and sage guidance to the Southside Virginia Volunteer Firefighters Association, where he was a past president; and

WHEREAS, desirous to be of further service to the community, Jack Roberts ran for and was elected to the Kenbridge Town Council, where he served for many years and became chair of the finance committee; and

WHEREAS, in addition to his duties as a first responder, Jack Roberts generously volunteers with local youth organizations and worked at Kenbridge Construction Company and Kenbridge MFG & Supply; he used his construction knowledge to help the Kenbridge Fire Department design and build a new station; and

WHEREAS, Jack Roberts enjoys fellowship and worship with the community as an active member of Kenbridge Baptist Church, and he and his wife, Charlotte, are the proud parents of three sons, Jimmy, Dickie, and David; now, therefore, be it

RESOLVED by the House of Delegates, That James J. Roberts hereby be commended on the occasion of his 50th anniversary as a member of the Kenbridge Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James J. Roberts as an expression of the House of Delegates' admiration for his many years of work to safeguard the lives and property of his fellow Lunenburg County residents as a firefighter.

HOUSE RESOLUTION NO. 31

Celebrating the life of Richard Langley Settle, Jr.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Richard Langley Settle, Jr., a businessman, public servant, and civic leader who dedicated his life to supporting and strengthening the well-being of the Southwest Virginia community and the great people of Southwest Virginia, died on April 16, 2015; and

WHEREAS, Richard Settle grew up in Russell County and attended Clinch Valley College; he served his country as a member of the United States Air Force at the Pentagon; and

WHEREAS, for 31 years, Richard Settle was a dedicated employee of Verizon, beginning his career as a pole climber and rising through the ranks to retire from the company as Southwest Area Manager of External Affairs; and

WHEREAS, possessed of an entrepreneurial spirit, Richard Settle founded and served as president of Settle Associates, Inc., a business consulting practice in government relations and economic development; and

WHEREAS, Richard Settle also worked to enhance the quality of life of his fellow residents as chair and vice chair of the Russell County Board of Supervisors; he served as a member of the Southwest Economic Development Commission, a member of the board of directors of Virginia Economic Bridge, and a charter member of the Southwestern Virginia Technology Council; and

WHEREAS, respected for his expertise, Richard Settle was appointed to the Virginia Coalfield Economic Development Authority, where he served as chair and vice chair, and the Virginia Workforce Council; in addition, he was selected as Virginia's special envoy to an economic summit in Japan in 2001; and

WHEREAS, Richard Settle volunteered his time and wise leadership with Sandy Valley Masonic Lodge No. 17, the Wise County Shrine Club, and Kazim Temple in Roanoke, and he enjoyed fellowship and worship with the community at Miller View Primitive Baptist Church; and

WHEREAS, Richard Settle dedicated himself to the proposition that Southwest Virginia would be constrained neither by geography nor hard times; and

WHEREAS, Richard Settle embodied a generosity of spirit as broad as both his smile and the mountain empire to which he contributed 65 years of hard work, common sense, and unfailing good cheer and optimism; and

WHEREAS, Richard Settle will be fondly remembered and greatly missed by his wife, Janet; children, Jamie and Sarah, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Richard Langley Settle, Jr., a respected businessman and a tireless servant to his fellow residents of Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Langley Settle, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 32

Celebrating the life of Moses Malone.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Moses Malone, an accomplished professional basketball player who was named one of the greatest players in the history of the National Basketball Association and who was a beloved sports icon in the Petersburg community, died on September 13, 2015; and

WHEREAS, a native of Petersburg, Moses Malone grew up in the Delectable Heights community and was a standout athlete from a young age; at Petersburg High School, he led the Crimson Wave to 50 consecutive wins and back-to-back state titles in 1974 and 1975; and

WHEREAS, making history as the first player to enter a professional basketball league directly after high school, Moses Malone joined the Utah Stars in the American Basketball Association (ABA) and quickly earned a reputation as an agile and tenacious center, despite his relatively short height for the position; and

WHEREAS, in his first season, Moses Malone averaged 18 points and 14 rebounds per game; he played for the Spirits of St. Louis before joining the Buffalo Braves in the National Basketball Association (NBA) after the league's merger with the ABA; and

WHEREAS, Moses Malone went on to play for the Houston Rockets, the Philadelphia 76ers, the Washington Bullets, the Atlanta Hawks, the Milwaukee Bucks, and the San Antonio Spurs, earning three NBA Most Valuable Player awards in 1979, 1982, and 1983; and

WHEREAS, in 1983, Moses Malone joined the Philadelphia 76ers and led the team to its first championship in 16 years; the team finished the regular season with a 67-15 record and only lost one game in the playoffs, with Moses Malone leading the league in rebounding for the third consecutive year; and

WHEREAS, over the course of his 20-season career, Moses Malone averaged 20.6 points and 12.2 rebounds per game, becoming known as the "Chairman of the Boards" for his rebounding skills; he ranks fifth on the NBA's all-time rebounding list with 16,212 rebounds, and eighth on the NBA's all-time points list with 27,409 points; and

WHEREAS, Moses Malone was named one of the NBA's 50 greatest players of all time in 1996 and was inducted into the Naismith Memorial Basketball Hall of Fame in 2001; in addition, the Houston Rockets retired his number 24 jersey; and

WHEREAS, after his well-earned retirement from professional basketball in 1995, Moses Malone returned to the Petersburg area to seek new opportunities to serve the community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Moses Malone, a highly admired professional athlete and a proud member of the Petersburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Moses Malone as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 33

Celebrating the life of Monsignor William L. Pitt, Jr.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Monsignor William L. Pitt, Jr., a dedicated educator and a distinguished spiritual leader who inspired students and congregants in Central Virginia and Hampton Roads, died on February 25, 2015; and

WHEREAS, a native of Portsmouth, William Pitt grew up in Norfolk, where he was a longtime member of Sacred Heart Catholic Church; he received his licentiate of sacred theology from St. Mary's Seminary & University in Maryland and was ordained a Catholic priest in 1961; and

WHEREAS, Father Pitt later earned a master's degree in classic languages from the Catholic University; he was able to perform mass in five different languages and had a love and respect for all the cultures of the world; and

WHEREAS, beginning his career in Richmond, Father Pitt served as a teacher and assistant principal at St. John Vianney Seminary, then worked as an assistant pastor at St. Patrick's Parish and a teacher at St. Patrick's and Cathedral High Schools; and

WHEREAS, Father Pitt returned to Norfolk in 1968 and worked as principal of Norfolk Catholic High School; over the next 24 years, he went on to serve as pastor of Christ the King Parish in Norfolk, chancellor of the Diocese of Richmond, and pastor of Immaculate Conception Parish in Hampton; and

WHEREAS, in 1992, Father Pitt became the principal of what is now Bishop Sullivan Catholic High School, an outstanding secondary school that traces its roots to the former Norfolk Catholic High School; under his able leadership, the school flourished and helped countless students prepare for higher education, careers, and responsible citizenship; and

WHEREAS, after his well-earned retirement in 2004, Father Pitt continued to serve the community by offering his sage guidance to local parishes, schools, and priests; he had a passion for the joys of music and was also an avid tennis player and one of the first beach volleyball players in the area; and

WHEREAS, Father Pitt will be fondly remembered and greatly missed by numerous family members, friends, and fellow leaders in the faith community; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Monsignor William L. Pitt, Jr., a respected educator and an inspiring spiritual leader in the Diocese of Richmond boundaries and beyond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the family of Monsignor William L. Pitt, Jr., and Bishop Sullivan Catholic High School as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 34

Commending the Hickory High School wrestling team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Hickory High School wrestling team from Chesapeake crowned two individual state champions to finish third overall at the Virginia High School League Group 5A state championships in February 2015; and

WHEREAS, the Hickory Hawks' Connor Wallace was named state champion in the 126-pound weight class, finishing with a 38-2 record, and Anthony Amendolare was named state champion in the 132-pound weight class with a 36-4 record; and

WHEREAS, Connor Wallace and Anthony Amendolare are the first Hickory High School wrestlers to win state titles; and

WHEREAS, Steven Midkiff was the runner-up in the 145-pound weight class and finished with an overall record of 36-1; the Hickory Hawks finished with 52 points overall to claim third place in team competition; and

WHEREAS, the Hickory High School victories are a testament to the skill and determination of the wrestlers, the guidance of the coaches and staff, and the enthusiastic support of the entire Hickory High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Hickory High School wrestling team hereby be commended on having two individual state champions at the Virginia High School League Group 5A state championships; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ben Summerlin, head coach of the Hickory High School wrestling team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 35

Commending the Hickory High School gymnastics team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Hickory High School gymnastics team claimed its first state title, winning the Virginia High School League Group 5A state championship in 2015; and

WHEREAS, the Hickory High School Hawks of Chesapeake scored 141.725 points overall to best Freedom High School, Kellam High School, and Patrick Henry High School in the state team competition in February 2015; and

WHEREAS, the Hickory High School Hawks earned 33.650 points in the uneven bars event, 35.00 points in the balance beam event, 36.975 points in the vault event, and 36.100 points in the floor competition; and

WHEREAS, Haley Cole won the state title in vault and placed second in the all-around at the state individuals competition in March 2015; Sydney Alexander placed second in the vault competition; and

WHEREAS, the victory is a testament to the skill and dedication of the athletes—Sydney Alexander, Megan Asbell, Emily Cole, Haley Cole, Sarah Nederstat, Alina Pascale, Ally Weimer, and Sage Wettsine—the leadership of the coaches and staff, and the enthusiastic support of the entire Hickory High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Hickory High School gymnastics team hereby be commended on winning the 2015 Virginia High School League Group 5A gymnastics state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elyse Sierra, head coach of the Hickory High School gymnastics team, as an expression of the House of Delegates' admiration for the team's accomplishments.

HOUSE RESOLUTION NO. 36

Commending the Hickory High School girls' swim team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Hickory High School girls' swim team of Chesapeake took first place in two events to finish in fifth place overall in the Virginia High School League Group 5A state final in 2015; and

WHEREAS, the Hickory Hawks' 400-yard freestyle relay team—Allison Ramirez, Sydney Hall, Cora Delgado, and Susan Hynes—took first place with a time of 3:33.96; and

WHEREAS, the Hickory Hawks' Susan Hynes placed first in the 100-yard breaststroke with a time of 1:04.38 and second in the 200-yard IM with a time of 2:06.02; and

WHEREAS, the Hickory Hawks' Cora Delgado also placed second in the 500-yard freestyle with a time of 5:02.59; and

WHEREAS, the Hickory High School victories are a testament to the talent and dedication of the swimmers, the leadership of the coaches and staff, and the passionate support of the entire Hickory High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Hickory High School girls' swim team hereby be commended on placing first in two events and fifth overall at the Virginia High School League Group 5A state final in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Katie Beodeker, head coach of the Hickory High School girls' swim team, as an expression of the House of Delegates' admiration for the team's performance.

HOUSE RESOLUTION NO. 37

Commending Seldon Wright.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Seldon Wright, a senior at Oscar F. Smith High School in Chesapeake, claimed an individual title in the Virginia High School League Group 6A wrestling state championships in February 2015; and

WHEREAS, ending a 40-year championship drought for Oscar F. Smith High School's wrestling program, Seldon Wright took first place in the 160-pound weight category at the state final; and

WHEREAS, the state final victory capped Seldon Wright's impressive high school wrestling career; he had previously placed seventh and third at earlier state finals and placed fifth at the 2014 National High School Coaches Association Junior Nationals; and

WHEREAS, Seldon Wright was named 2015 Chesapeake Athlete of the Year for wrestling and was named an Academic All-American; he plans to attend Old Dominion University, where he will continue to pursue his passion for wrestling; and

WHEREAS, Seldon Wright joined many other talented wrestlers on the Oscar F. Smith High School wrestling team, which had a successful season under the able leadership of head coach Donald Motley; now, therefore, be it

RESOLVED by the House of Delegates, That Seldon Wright hereby be commended on placing first in the Virginia High School League Group 6A wrestling state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Seldon Wright as an expression of the House of Delegates' admiration for his accomplishments.

HOUSE RESOLUTION NO. 38

Commending Craig Blackman.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Craig Blackman, a highly admired history teacher in Chesapeake, earned the 2015 Smart/Maher Veterans of Foreign Wars National Citizenship Education Teacher Award for his work to honor fallen service members and impart his sense of civic pride to his students; and

WHEREAS, the Smart/Maher Veterans of Foreign Wars (VFW) National Citizenship Education Teacher Award is presented to teachers who promote civic responsibility, flag etiquette, or patriotism; Craig Blackman was nominated by VFW Post 2894 in Chesapeake for a project he assigned to his students at Indian River High School; and

WHEREAS, Craig Blackman directed each of the students in his advanced placement history class to research one of the 25 residents of Chesapeake killed during the Vietnam War; students used official records and located and interviewed surviving family members to draft short biographies of the service members, whose sacrifices had gone largely unrecognized; and

WHEREAS, at a Memorial Day ceremony, Craig Blackman's students escorted family members of the fallen soldiers and placed commemorative bricks at the Chesapeake Veterans Memorial; and

WHEREAS, deeply respected by his peers and admired by his students, Craig Blackman has earned many awards and accolades, and he has written numerous books and articles on American service members from the Revolutionary War to the Vietnam War; and

WHEREAS, Craig Blackman was presented the Smart/Maher VFW National Citizenship Education Teacher Award at a special ceremony in Pittsburgh, Pennsylvania, in July 2015 and also received a cash prize for personal development and a donation to Indian River High School; now, therefore, be it

RESOLVED by the House of Delegates, That Craig Blackman hereby be commended for winning the 2015 Smart/Maher Veterans of Foreign Wars National Citizenship Education Teacher Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Craig Blackman as an expression of the House of Delegates' admiration for his devotion to serving and inspiring the future leaders of the Commonwealth.

HOUSE RESOLUTION NO. 39

Commending the Lord Botetourt High School football team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Lord Botetourt High School football team enjoyed an outstanding 2015 season and became the school's first squad to be a finalist for the Virginia High School League Group 3A football championship, after decisively winning the semi-final game on December 5, 2015; and

WHEREAS, the Lord Botetourt High School Cavaliers defeated a talented team from Hopewell High School 28-17 and advanced to the state championship—the Daleville team's first appearance in the title game; and

WHEREAS, in the semi-final game, which was played at the Lord Botetourt High School football team's home field, a standing-room-only audience energized the players; the Cavaliers dominated the field early on and led 28-3 by halftime; and

WHEREAS, the first score in the action-packed first half occurred when Lord Botetourt Cavalier Garrison Mayo intercepted a Hopewell High School pass and ran 80 yards for a touchdown; and

WHEREAS, the four touchdowns made by the Lord Botetourt High School Cavaliers all happened in the first half; the Hopewell High School Blue Devils mounted a determined comeback effort in the second half, but were unable to overcome the Cavaliers' lead; and

WHEREAS, the Lord Botetourt High School football team's stellar accomplishments in the 2015 season were due to the hard work, focus, and talent of the players, who were guided by head coach Jamie Harless and his dedicated staff; and

WHEREAS, the Lord Botetourt High School Cavaliers were strongly supported by their families, friends, and the entire school community; the fan base also contributed to the team's success, especially in the postseason when the team had three consecutive wins at home; now, therefore, be it

RESOLVED by the House of Delegates, That the Lord Botetourt High School football team hereby be commended for becoming a finalist for the 2015 Virginia High School League Group 3A football championship after winning the 2015 semi-final game; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jamie Harless, head coach of the Lord Botetourt High School football team, as an expression of the House of Delegates' congratulations and admiration for the team's impressive efforts and exceptional season.

HOUSE RESOLUTION NO. 40

Commending the Archer family.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Blue Ridge Beverage Company has been under the direct ownership of the Archer family since 1959, when James M. Archer, Jr., and his wife, Regine, moved their family to the Roanoke Valley; and

WHEREAS, Regine Archer became president of Blue Ridge Beverage in 1972 after the sudden death of her husband, beginning her successful leadership of the company in what was then a traditionally male-dominated industry; and

WHEREAS, Regine Archer, who currently serves as chair, and her six children—Nancy A. Doucette, Bob Archer, Jim Archer, Paul Archer, Evelyn A. Hunt, and Jackie Archer—are all actively involved in the company; and

WHEREAS, under the leadership of the Archer family, Blue Ridge Beverage is a leader in the industry, employing approximately 435 individuals and servicing more than 4,000 retail customers over a 49-county, 17-city territory with more than 200 brands of beer, hundreds of fine wines from across the globe, and non-alcoholic beverages; and

WHEREAS, in 2005, Regine Archer was inducted into the Junior Achievement of Southwest Virginia Business Hall of Fame; in 2006, she was named a Miller Legend by SABMiller for her four-decade commitment to Miller Brewing Company and to the beer industry in general; and in 2013, she was conferred an honorary Doctor of Commerce degree by Roanoke College; and

WHEREAS, Bob Archer, who is currently president and chief executive officer of Blue Ridge Beverage, is a past chair of the National Beer Wholesalers Association and a past president of the Virginia Beer Wholesalers Association; and

WHEREAS, Bob Archer has been involved with the Lewis-Gale Medical Center, Virginia Chamber of Commerce, Virginia Tech Foundation, Virginia Center for Healthy Communities, Military Family Support Center, and Virginia Veterans Services Foundation; he was also elected to the board of directors of the Virginia War Memorial Foundation in 2015; and

WHEREAS, both Regine Archer and Bob Archer are recipients of the National Beer Wholesalers Association's highest honor and award, the Life Service Award; and

WHEREAS, Blue Ridge Beverage and the Archer family have a longstanding commitment to charitable activities and philanthropy and support numerous charities, including Roanoke's Bradley Free Clinic, Center in the Square Cultural Center, Taubman Museum of Art, Jefferson Center, and Opera Roanoke; and

WHEREAS, Blue Ridge Beverage also takes significant interest in promoting education and funds academic and research programs, scholarships, athletics, and capital programs at Virginia Polytechnic Institute and State University, the University of Virginia, James Madison University, and Roanoke College, as well as other academic institutions; now, therefore, be it

RESOLVED by the House of Delegates, That the Archer family hereby be commended for its business success and its commitment to the community and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Regine Archer and Bob Archer as an expression of the House of Delegates' admiration for the Archer family's service and contributions to the Commonwealth and best wishes for continued success.

HOUSE RESOLUTION NO. 41

Commending Heidi Ketler.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Heidi Ketler was named the 2015 Virginia Cox Conserves Hero for her dedicated volunteer work to preserve the scenic beauty of the Blue Ridge Parkway; and

WHEREAS, the Cox Conserves Hero award, presented by Cox Communications and the Trust for Public Land, recognizes volunteers who create, preserve, or enhance outdoor spaces; Heidi Ketler was selected by a panel of judges as a finalist for the award, then won an online vote; and

WHEREAS, the 42nd winner of the award, Heidi Ketler has volunteered more than 2,000 hours to clear trails, clean overlooks, and build community connections on the Blue Ridge Parkway, one of the most visited units in the National Park System and the longest linear park in the country; and

WHEREAS, Heidi Ketler has inspired more than 200 other volunteers to help remove more than 2,500 pounds of trash and 1,800 pounds of recyclables from the Blue Ridge Parkway; and

WHEREAS, as winner of the Cox Conserves Hero award, Heidi Ketler selected the Roanoke Valley Chapter of FRIENDS of the Blue Ridge Parkway as the recipient of a \$10,000 donation; the Cox Conserves Hero program has awarded more than \$500,000 to environmental nonprofit organizations; now, therefore, be it

RESOLVED by the House of Delegates, That Heidi Ketler hereby be commended on being named the 2015 Virginia Cox Conserves Hero for her hard work to protect and preserve the environment around the Blue Ridge Parkway; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Heidi Ketler as an expression of the House of Delegates' admiration for her contributions to the Roanoke Valley and the Commonwealth.

HOUSE RESOLUTION NO. 42

Commending Goochland County Public Schools.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Goochland County Public Schools was named an Apple Distinguished Program for 2015-2017 for its efforts to facilitate deeper learning by providing students with a tablet computer; and

WHEREAS, the Apple Distinguished Program award recognizes schools that demonstrate innovation, leadership, and educational excellence; Goochland County Public Schools provided each student in its tablet program with an iPad to enhance the system's exceptional learning environment; and

WHEREAS, the 1:1 iPad program at Goochland County Public Schools began in the 2013-2014 school year as a pilot program for grades three through five at Goochland Elementary School; in the 2014-2015 school year, the program expanded to include grades four through seven at all schools and will include grades three and eight at all schools by the 2015-2016 school year; and

WHEREAS, Goochland County Public Schools' visionary iPad program has allowed students to engage with material in new and different ways and created unparalleled opportunities for students to learn and grow; and

WHEREAS, the Goochland County Public Schools iPad program has facilitated the use of innovative applications and individualized assignments to suit student needs; it has also helped teachers design projects supported by social learning; and

WHEREAS, Goochland County Public Schools is at the forefront of education; the district has been ranked one of the best in the Commonwealth and earned national recognition for its use of data to improve learning and communicate with the school community; now, therefore, be it

RESOLVED by the House of Delegates, That Goochland County Public Schools hereby be commended on being named a 2015-2017 Apple Distinguished Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James Lane, superintendent of Goochland County Public Schools, as an expression of the House of Delegates' admiration for the school district's commitment to innovation in the learning process and support for its students.

HOUSE RESOLUTION NO. 43

Celebrating the life of John Amos Stillwell.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, John Amos Stillwell, a respected educator and school administrator who dedicated his life to serving and inspiring others, died on February 27, 2015; and

WHEREAS, a native of Quincy, Illinois, John Stillwell graduated from Woodberry Forest School in Madison County in 1944, earning his diploma early to serve his country as a member of the United States Navy during World War II; and

WHEREAS, John Stillwell earned a bachelor's degree from Williams College, where he was a multi-sport athlete, class president, and a member of the honor committee; he was recalled to military service during the Korean War and later earned a master's degree from the University of Virginia; and

WHEREAS, in 1957, John Stillwell began a long and fulfilling career as a teacher, coach, admissions director, academic dean, and assistant headmaster of Woodberry Forest School; he touched countless lives over the course of his 30-year tenure; and

WHEREAS, John Stillwell also imparted his passion for lifelong learning to students at Tandem Friends School and Saint Anne's-Belfield School, and he served as a trustee for Woodberry Forest School, Saint Anne's-Belfield School, and Grymes Memorial School; and

WHEREAS, the recipient of many awards and accolades for his good work, John Stillwell earned the Distinguished Service Award and the J. Carter Walker Award from Woodberry Forest School; and

WHEREAS, John Stillwell will be fondly remembered and greatly missed by his wife of nearly 60 years, Grace; sons, Richard, John, and Charles, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John Amos Stillwell, an accomplished educator and school administrator; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Amos Stillwell as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 44

Celebrating the life of Quentin Thomas Alcorn.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Quentin Thomas Alcorn, a rising fourth-year student at the University of Virginia and a loving and beloved son, brother, teammate, and friend who touched the lives of all who knew him, died on June 15, 2015; and

WHEREAS, a Richmond native, Quentin "Quent" Thomas Alcorn was a soft-spoken, natural leader who cultivated his skills as a member of Indian Guides and the Boy Scouts of America, where he made many lifelong friendships; and

WHEREAS, Quent Alcorn was elected by his fellow Scouts to serve as senior patrol leader, earned the prestigious rank of Eagle Scout, and led an expedition to Philmont Scout Ranch; from fly fishing trips on the headwaters of Atlantic Creek to the summit of Mt. Rainier to sailing on Fishing Bay, he was always quick to lend a helping hand and ever ready to tackle any challenge; and

WHEREAS, Quent Alcorn was a 2012 graduate of Saint Christopher's School, which he attended from junior kindergarten to upper school; he was a leader inside and outside of the classroom, excelling in both academics and athletics; and

WHEREAS, at Saint Christopher's School, Quent Alcorn discovered a passion for wrestling; inspiring teammates and coaches through his determination and fortitude, he claimed the Virginia Independent Schools Athletic Association state championship title for two consecutive years and was selected as captain of the varsity team; and

WHEREAS, Quent Alcorn also developed a love for the study of chemistry, which led him to major in chemical engineering at the University of Virginia, where he became president of Theta Chi Fraternity and imparted his love of fellowship and sense of community to his brothers; and

WHEREAS, possessed of a servant's soul, Quent Alcorn made community service a high priority by volunteering to help coach wrestling at Saint Christopher's School and Albemarle High School and working at Madison House; and

WHEREAS, the over 1,000 mourners who gathered at Quent Alcorn's memorial service at Saint Paul's Episcopal Church in Richmond on June 18, 2015, as well as those who gathered to celebrate his life at the University of Virginia, are a testament to the profound influence Quent Alcorn has had on the lives of so many people; and

WHEREAS, Quent Alcorn will be fondly remembered and greatly missed by myriad loving family members, friends, and admirers, including his parents, Peter Scott and Marcia Daley Alcorn; his paternal grandfather, Quentin G. Alcorn; his maternal grandfather, Thomas P. Daley; and especially his brother, Christian Barrett Alcorn, who enjoyed his friendship and always looked to his example for guidance; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of a beloved member of the Richmond and University of Virginia communities and a true Virginia gentleman, Quentin Thomas Alcorn; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Quentin Thomas Alcorn in celebration of a life well lived and as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 45

Celebrating the life of Harry Gilbert Miller III.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Harry Gilbert Miller III, a leader in the field of large scale systems engineering and acquisition projects for government agencies who was corporate vice president and chief technology officer at Noblis, Inc., vice chair of an advisory board for the Volgenau School of Engineering at George Mason University, and a devoted husband and father, died on November 8, 2015; and

WHEREAS, Harry Gilbert "Gil" Miller III earned a bachelor's degree from the University of Maryland, a master's degree from Johns Hopkins University, and a doctoral degree from Carnegie-Mellon University; and

WHEREAS, Gil Miller spent his career working on science and technology projects for numerous federal agencies; he had been an employee of Noblis, a nonprofit science and technology organization, and its predecessor, MITRE Corporation, since 1974; and

WHEREAS, a well-regarded expert in information technology, networks and telecommunications, high performance computing, and acquisition strategy, Gil Miller most recently had focused on advancing Noblis' science and technology base to meet the future needs of its clients; and

WHEREAS, giving back to the community was important to Gil Miller, and the Commonwealth has benefited from it; he most recently served as vice chair of the Dean's Advisory Board of the Volgenau School of Engineering at George Mason University, and was a member of the Northern Virginia Technology Council; and

WHEREAS, Gil Miller was passionate about the importance of education, and in his advisory role at George Mason University, he was a tireless advocate for the school and encouraged the development of internship programs; and

WHEREAS, recognizing the urgent need that Northern Virginia technology firms have for well-qualified employees and aware of the many challenges that lie ahead for the nation, Gil Miller supported science, technology, engineering, and math education for students of all ages; and

WHEREAS, Gil Miller will be greatly missed and fondly remembered by his wife, Dot; children, Matthew, Kristin, and Ryan, and their families; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Harry Gilbert Miller III, corporate vice president and chief technology officer for Noblis, Inc., and an ardent supporter of science, technology, engineering, and math education in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harry Gilbert Miller III as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 46

Commending Doug and Ann Farmer.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Doug and Ann Farmer have promoted family values and the joys of outdoor recreation for more than three decades as the owners of Camp Shenandoah Springs in Madison County; and

WHEREAS, what is now Camp Shenandoah Springs began as a farm owned by the Yowell family in the 1700s; Doug and Ann Farmer purchased the 125-acre homestead in 1981 and established an independent, inter-denominational Christian retreat facility, while maintaining the historic nature of the grounds; and

WHEREAS, under Doug and Ann Farmer's leadership, Camp Shenandoah Springs has welcomed guests from around the world, including a group of 500 University of Paris students in 1993 and generations of families from the Commonwealth and the United States; and

WHEREAS, each year, children and families from all over the Commonwealth are able to attend Camp Shenandoah Springs, regardless of their ability to pay, due to the generosity of Doug and Ann Farmer, who regularly waive fees to ensure that less fortunate members of the community are able to take part; and

WHEREAS, Doug and Ann Farmer regularly allow the facility to be used as a refuge for families struggling financially, including free lodging; now, therefore, be it

RESOLVED by the House of Delegates, That Doug and Ann Farmer hereby be commended for their service to countless residents of and visitors to the Commonwealth as the owners of Camp Shenandoah Springs; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Doug and Ann Farmer as an expression of the House of Delegates' admiration for their generosity and contributions to the preservation of Virginia's history and the well-being of families.

HOUSE RESOLUTION NO. 47

Celebrating the life of Terence Jerome Boulden.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Terence Jerome Boulden of Woodbridge, a well-regarded activist and commentator who was deeply involved in local and statewide politics, and a dear friend to many people, died on October 23, 2015; and

WHEREAS, Terence Boulden was a native of Woodbridge who devoted much of his life to Republican Party activities in Northern Virginia and the Commonwealth; he was chair of the Prince William County Young Republicans and was the 11th District representative to the Young Republican Federation of Virginia; and

WHEREAS, Terence Boulden was a highly regarded member of the Republican political organization in the Commonwealth whose advice was frequently sought by candidates for local and statewide office; and

WHEREAS, in addition to serving as the Woodbridge District Magisterial District chair for the Prince William County Republican Committee, Terence Boulden was co-founder and president of Virginia Black Conservatives; and

WHEREAS, Terence Boulden willingly shared his enthusiasm and ideals with others who were engaged in the political process in the Commonwealth; he had a wide following through his online conversations and postings to the *Virginia Virtucon* blog, where he had been editor in chief; and

WHEREAS, Terence Boulden exerted great influence on Republican Party politics in Northern Virginia; he was the former chair of the Fairfax County Republican Committee's African American Outreach Committee and freely shared his positive attitude toward life and politics with others; and

WHEREAS, a loyal friend to many people, whether he knew them personally or through online writings and comments, Terence Boulden was held in great esteem; he had the courage of his convictions and touched many lives as a friend and principled idealist for conservative values; and

WHEREAS, Terence Boulden will be greatly missed and fondly remembered by his mother, Esther; brother, Brian; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Terence Jerome Boulden of Woodbridge, a passionate and articulate political activist and a cheerful and loyal friend to many people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Terence Jerome Boulden as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 48

Commending Mikey Flint.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Mikey Flint, a high school senior from Salem, has been manager of the Salem High School football team since 2012 and is an inspiration to all who know him; and

WHEREAS, as manager for the state champion Salem High School Spartans football team, Mikey Flint attended practice daily, supporting the players and coaches and helping them on the sidelines as they pursued football excellence; and

WHEREAS, Mikey Flint is a role model for the football team, its coaching staff, and the entire Salem High School community; he was diagnosed with cerebral palsy as an infant, and by the time he was three years old he had undergone six surgeries; and

WHEREAS, as he grew older, Mikey Flint became more mobile and independent and eventually was able to get around without the aid of walkers or canes; he joined the wrestling team at Andrew Lewis Middle School in Salem and won one match; and

WHEREAS, Mikey Flint admits that he faces challenges, but says that he is no different from anyone else, remarking that it is important for him to get out and try day after day; and

WHEREAS, Mikey Flint's determination to be among the best at his job for the Salem High School football team means that he refuses to give up, nor will he let his disability hold him back; like the rest of the players, he will do whatever it takes to get the job done; and

WHEREAS, during Mikey Flint's tenure as manager of the Salem High School football team, the Spartans amassed a record of 50 wins and five losses, and they won the 2015 Virginia High School League Group 4A championship; and

WHEREAS, as a positive influence and role model for the players and coaching staff at Salem High School, Mikey Flint's steady presence and cheerful conviction that he can do all that is asked of him make the entire team appreciate what they have and not take anything for granted; now, therefore, be it

RESOLVED by the House of Delegates, That Mikey Flint of Salem, team manager for the Salem High School football team for four years, hereby be commended for his outstanding service to the team and for his perseverance and many accomplishments; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mikey Flint as an expression of the House of Delegates' great respect and admiration for being an outstanding role model for all Virginians.

HOUSE RESOLUTION NO. 49

Commending Woody Henderson.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Woody Henderson retired as Chief of the Fort Lewis Volunteer Fire Department on January 1, 2016, after four decades of diligent service to the community; and

WHEREAS, over the course of his 40-year career in public safety, Woody Henderson safeguarded the lives and property of his fellow residents by responding to calls and promoting fire safety; and

WHEREAS, an exceptional leader, Woody Henderson was promoted to lieutenant after only one year with the Fort Lewis Volunteer Fire Department; he was promoted to chief in 1993; and

WHEREAS, as chief, Woody Henderson guided the Fort Lewis Volunteer Fire Department through periods of great change and worked to ensure that his firefighters had the tools and training to best serve the community; and

WHEREAS, Woody Henderson is an exemplar of the professionalism and dedication to duty displayed by firefighters and first responders throughout the Commonwealth; and

WHEREAS, after his well-earned retirement, Woody Henderson plans to seek new opportunities to serve the community and spend more time with his family; now, therefore, be it

RESOLVED by the House of Delegates, That Woody Henderson hereby be commended on the occasion of his retirement as Chief of the Fort Lewis Volunteer Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Woody Henderson as an expression of the House of Delegates' admiration for his contributions to the Fort Lewis community and best wishes on a happy retirement.

HOUSE RESOLUTION NO. 50

Commending H.B. Gee, Jr.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, H.B. Gee, Jr., a respected member of the Kenbridge community, has served and safeguarded his fellow residents in a number of capacities, including as an active firefighter with the Kenbridge Fire Department for 62 years; and

WHEREAS, H.B. Gee joined the Kenbridge Fire Department on February 9, 1954, and remains an active member of the department in 2016, having completed more than 1,000 hours of state-certified firefighter training and risen to the rank of fire lieutenant; and

WHEREAS, H.B. Gee offered his wisdom and expertise to numerous Kenbridge Fire Department committees, including the nominating committee and fire prevention committee; he was also a charter member of the Kenbridge Emergency Squad; and

WHEREAS, H.B. Gee's two sons have followed in their father's footsteps and joined the Kenbridge Fire Department to safeguard the lives and property of community members; and

WHEREAS, desirous to be of further service to his fellow residents, H.B. Gee ran for and was elected to the Kenbridge Town Council, where he worked to enhance the quality of life in the town for many years; and

WHEREAS, H.B. Gee served the Commonwealth as a member of the Virginia National Guard for 30 years, retiring with the rank of staff sergeant, and he is a current member of the Virginia Defense Force; and

WHEREAS, well-known in the Town of Kenbridge, H.B. Gee served as the town's postmaster for 30 years and still works at Smith's Pharmacy in Kenbridge as a pharmacy tech; now, therefore, be it

RESOLVED by the House of Delegates, That H.B. Gee, Jr., a highly admired firefighter and dedicated public servant in Kenbridge hereby be commended on the occasion of his 62nd anniversary as an active member of the Kenbridge Fire Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to H.B. Gee, Jr., as an expression of the House of Delegates' admiration for his legacy of exceptional service to the Kenbridge community.

HOUSE RESOLUTION NO. 51

Commending Ed Moore.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Ed Moore, a developer and conservationist who has facilitated responsible growth in Fauquier County, was named a 2015 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier County Citizen of the Year award honors individuals who have made exceptional contributions to their fellow Fauquier County residents or the county as a whole; Ed Moore was nominated by Cedar Run District Supervisor Lee Sherbeyn; and

WHEREAS, as president of Vint Hill Village, LLC, Ed Moore has worked to revitalize the area around a former military base by creating a vibrant housing and business community; and

WHEREAS, Ed Moore also serves the public as chair of the Fauquier County Transportation Committee, where he helps address the county's needs on transportation infrastructure and public safety; and

WHEREAS, a generous community leader, Ed Moore supports local youth by donating money to schools and to the Boy Scouts of America and Girl Scouts of the USA, and he helps increase the quality of life of his fellow residents by supporting transitional housing; and

WHEREAS, Ed Moore is a devoted advocate for smart, responsible growth in the region, and he also helps protect Fauquier County's unique heritage as a preservationist and conservationist; now, therefore, be it

RESOLVED by the House of Delegates, That Ed Moore hereby be commended on being named a 2015 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ed Moore as an expression of the House of Delegates' admiration for his contributions to the Fauquier County community.

HOUSE RESOLUTION NO. 52

Commending Jacob Clopton.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Jacob Clopton, a first responder who is dedicated to safeguarding the lives and property of community members, was named a 2015 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier County Citizen of the Year award honors individuals who have made exceptional contributions to their fellow Fauquier County residents or the county as a whole; Jacob Clopton was nominated by Lee District Supervisor Chester Stribling; and

WHEREAS, Jacob Clopton was a customer at Stribling Service Center in August 2015 when Chester Stribling collapsed and stopped breathing; he responded quickly and decisively to help save the man's life; and

WHEREAS, Jacob Clopton, then training as an emergency medical technician, used a pocket mask to perform cardiopulmonary resuscitation and continued to assist with the situation after a local sheriff's deputy retrieved an automated external defibrillator from his car and used it to revive Chester Stribling; and

WHEREAS, Jacob Clopton is an exemplar of the dedication, professionalism, and concern for the community displayed by first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Jacob Clopton hereby be commended on being named a 2015 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jacob Clopton as an expression of the House of Delegates' admiration for his contributions to the Fauquier County community.

HOUSE RESOLUTION NO. 53

Commending Joseph Stribling.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Joseph Stribling, a dedicated first responder with the Lois Volunteer Fire Department, was named a 2015 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier County Citizen of the Year award honors individuals who have made exceptional contributions to their fellow Fauquier County residents or the county as a whole; Joseph Stribling was nominated by Lee District Supervisor Chester Stribling; and

WHEREAS, Joseph Stribling was working at Stribling Service Center in August 2015, when Chester Stribling, his uncle, collapsed and stopped breathing; he responded quickly and decisively to help save the man's life; and

WHEREAS, Joseph Stribling began cardiopulmonary resuscitation and continued to assist with the situation after a local sheriff's deputy retrieved an automated external defibrillator from his car and used it to revive Chester Stribling; and

WHEREAS, Joseph Stribling is an exemplar of the dedication, professionalism, and care for his fellow members of the community displayed by first responders throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Joseph Stribling hereby be commended on being named a 2015 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joseph Stribling as an expression of the House of Delegates' admiration for his contributions to the Fauquier County community.

HOUSE RESOLUTION NO. 54

Commending Neil Stribling.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Neil Stribling, a hardworking member of the community whose quick thinking and decisive actions helped save a life, was named a 2015 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier County Citizen of the Year award honors individuals who have made exceptional contributions to their fellow Fauquier County residents or the county as a whole; Neil Stribling was nominated by Lee District Supervisor Chester Stribling; and

WHEREAS, Neil Stribling was working at Stribling Service Center in August 2015, when Chester Stribling, his brother, collapsed and stopped breathing; he responded quickly and decisively to help save the man's life; and

WHEREAS, Neil Stribling called 911 while two volunteer firefighters who were also in the shop began to perform cardiopulmonary resuscitation on Chester Stribling; and

WHEREAS, Neil Stribling continued to assist with the situation after a local sheriff's deputy retrieved an automated external defibrillator from his car and used it to revive Chester Stribling; now, therefore, be it

RESOLVED by the House of Delegates, That Neil Stribling hereby be commended on being named a 2015 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Neil Stribling as an expression of the House of Delegates' admiration for his contributions to the Fauquier County community.

HOUSE RESOLUTION NO. 55

Commending Eddie Payne.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Eddie Payne, the longtime Fire Chief of the Marshall Volunteer Fire Department, who has served and safeguarded the members of the community for nearly 40 years, was named a 2015 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier County Citizen of the Year award honors individuals who have made exceptional contributions to their fellow Fauquier County residents or the county as a whole; Eddie Payne was nominated by Marshall District Supervisor Peter Schwartz; and

WHEREAS, throughout his career, Eddie Payne has displayed the utmost professionalism and dedication, ably responding to life-and-death situations at unpredictable times in one of Fauquier County's largest service areas; and

WHEREAS, as fire chief, Eddie Payne has worked to provide his firefighters with cutting-edge training and technology to better serve the community; and

WHEREAS, Eddie Payne and his wife, Brenda, are deeply involved in running monthly fundraising breakfasts to benefit the area's hardworking firefighters, whose service and sacrifices help ensure the safety of the county's residents; now, therefore, be it

RESOLVED by the House of Delegates, That Eddie Payne hereby be commended on being named a 2015 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eddie Payne as an expression of the House of Delegates' admiration for his contributions to the Fauquier County community.

HOUSE RESOLUTION NO. 56

Commending Brenda Payne.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Brenda Payne, a pillar of the Marshall community and a devoted servant to her fellow residents, was named a 2015 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier County Citizen of the Year award honors individuals who have made exceptional contributions to their fellow Fauquier County residents or the county as a whole; Brenda Payne was nominated by Marshall District Supervisor Peter Schwartz; and

WHEREAS, as the writer of the Marshall Towns and Villages column for the *Fauquier Times-Democrat*, Brenda Payne helps keep residents informed about local events and opportunities; and

WHEREAS, Brenda Payne also organizes the annual Marshall Christmas Parade, a beloved local tradition incorporating many members of the community through marching band performances and festive floats; and

WHEREAS, Brenda Payne and her husband, Eddie, are deeply involved in running monthly fundraising breakfasts to benefit the area's hardworking firefighters, whose service and sacrifices help ensure the safety of the county's residents; now, therefore, be it

RESOLVED by the House of Delegates, That Brenda Payne hereby be commended on being named a 2015 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brenda Payne as an expression of the House of Delegates' admiration for her contributions to the Fauquier County community.

HOUSE RESOLUTION NO. 57

Commending Hilleary Bogley.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Hilleary Bogley, a passionate advocate for the welfare of animals and the founder of the Middleburg Humane Foundation, was named a 2015 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier County Citizen of the Year award honors individuals who have made exceptional contributions to their fellow Fauquier County residents or the county as a whole; Hilleary Bogley was nominated by Scott District Supervisor Harold Trumbo; and

WHEREAS, in 1987, Hilleary Bogley opened Scruffy's Ice Cream Parlor to raise awareness for animals in need and support animals in foster care; in 1994, she founded the Middleburg Humane Foundation to continue her benevolent mission; and

WHEREAS, Hilleary Bogley and the Middleburg Humane Foundation established a several-acre farm shelter where animals that had suffered neglect or abuse could be rehabilitated, and the foundation recently broke ground on a new, state-of-the-art headquarters and shelter outside Marshall; and

WHEREAS, Hilleary Bogley also serves as a court-appointed animal welfare investigator in Culpeper and Fauquier Counties; now, therefore, be it

RESOLVED by the House of Delegates, That Hilleary Bogley hereby be commended on being named a 2015 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Hilleary Bogley as an expression of the House of Delegates' admiration for her contributions to the Fauquier County community.

HOUSE RESOLUTION NO. 58

Commending Amelia Stansell.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Amelia Stansell, a hardworking member of the community and a dedicated supporter of local businesses and the fine arts, was named a 2015 Fauquier County Citizen of the Year; and

WHEREAS, the Fauquier County Citizen of the Year award honors individuals who have made exceptional contributions to their fellow Fauquier County residents or the county as a whole; Amelia Stansell was nominated by Center District Supervisor Chris Granger; and

WHEREAS, Amelia Stansell works to strengthen the Warrenton community by promoting and supporting local businesses as president of the Greater Warrenton Chamber of Commerce; she has represented the business community before the Warrenton Town Council on numerous important issues; and

WHEREAS, also serving as an executive at Middleburg Bank, Amelia Stansell has helped individuals, families, and businesses meet their financial goals by providing a broad range of financial services and professional expertise; and

WHEREAS, Amelia Stansell has supported local culture and the fine arts as a board member of the Bluemont Concert Series, and she works to enhance the quality of life of all her fellow residents as an active member of the Rotary Club of Warrenton; now, therefore, be it

RESOLVED by the House of Delegates, That Amelia Stansell hereby be commended on being named a 2015 Fauquier County Citizen of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Amelia Stansell as an expression of the House of Delegates' admiration for her contributions to the Fauquier County community.

HOUSE RESOLUTION NO. 59

Celebrating the life of Samuel Murray Butler.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Samuel Murray Butler of Midland, a dairy farmer, former member of the Fauquier County Board of Supervisors, proud veteran of the United States military, and a devoted husband and father, died on December 22, 2015; and

WHEREAS, Samuel Butler was born in Bealeton and graduated from Bealeton High School; he then faithfully served his country from 1955 to 1959 as a member of the United States Army National Guard; and

WHEREAS, Samuel Butler's roots in Fauquier County run deep and his connections to the people of Fauquier County were extensive; he was reared in a farming family and he spent his career as a dairy farmer and dedicated public servant; and

WHEREAS, in 1971, Samuel Butler won an election to the Fauquier County Board of Supervisors, representing the Lee District; he served four terms and was known for his fiscally conservative approach to government; and

WHEREAS, during Samuel Butler's tenure, Fauquier County underwent tremendous changes and growth; a new circuit court and office building opened in Warrenton, IBM expanded its presence in the county, and Interstate 66 opened in northern Fauquier County; and

WHEREAS, when he first ran for the Fauquier County Board of Supervisors, Samuel Butler recommended that a new high school be built; in 1994, Liberty High School opened in Bealeton—23 years after Samuel Butler proposed a second high school for the county; and

WHEREAS, Samuel Butler, who was predeceased by his wife, Betty Jane, will be greatly missed and fondly remembered by his children, Mike and Brenda, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Samuel Murray Butler of Midland, a dairy farmer, dedicated public servant, veteran of the United States military, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Samuel Murray Butler as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 60

Establishing the Rules of the House of Delegates for the 2016-2017 Sessions of the General Assembly of Virginia.

Agreed to by the House of Delegates, January 13, 2016

RESOLVED by the House of Delegates, That the House of Delegates shall be governed by the following Rules:

I. Organization.

Elections.

Rule 1. At the elections in the House, the voting shall be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote shall be recorded in the Journal. Except in the case of block voting, only one person shall be chosen at a time. If, on the first voting, no one receives a majority, the person having the smallest number of votes shall not be voted for on the next voting and so on until someone shall receive a majority of the whole vote. If the election is by joint vote of the two houses, messages shall be exchanged for each voting announcing the names of persons in nomination. A committee of three from each house shall compare the votes and ascertain and report the result.

At the election for any judgeship to the Supreme Court of Virginia, the Court of Appeals of Virginia, Circuit Courts, and Courts Not of Record, no nominee shall be offered to the House unless that nominee has been interviewed by the House Courts of Justice Committee and subsequently certified as qualified for election. If more than one nominee is offered for any judgeship, a member may cast a vote for only one nominee.

The Speaker.

Rule 2. The House of Delegates shall choose its own Speaker from among the members of the House. The Speaker shall be elected in even-numbered years for a term of two years. The nominations for Speaker shall be viva voce without debate and no second shall be required to place a name in nomination. Once nominations are closed, the election of the Speaker shall be a matter of privilege and shall be conducted immediately and shall not be debated. The voting for Speaker shall be by use of the electronic voting system or, if it is inoperable, viva voce by response to the call of names, and the vote shall be recorded in the Journal. Each member shall vote for only one nominee for Speaker in each round of voting. If, on the first voting, no one receives a majority, the person having the smallest number of votes shall not be voted for on the next voting and so on until someone shall receive a majority of the whole vote. Once elected, the Speaker shall not be removed from his office during his term except with the concurrence of two-thirds of the elected membership of the House.

The Speaker may appoint to the Chair any member who shall exercise its functions for the time. However, no member, by virtue of such appointment, shall preside for a longer time than three consecutive days. During such appointment the Speaker may participate in the debates.

If the Speaker ~~be is absent and have~~ *and has* named no one to act in his stead, the duties shall be performed by the chairman of one of the standing committees taking precedence in the order in which the committees are named in Rule 16.

In the event of a vacancy that occurs during a Regular or Special Session, the House shall elect a successor within seven days of notice of the vacancy. The person receiving a majority of the votes of the members present and voting shall be deemed to be elected Speaker.

In the event of a vacancy that occurs during the Interim, the Privileges and Elections Committee shall convene at a meeting to be called by the chairman or, in his absence, the vice chairman or a majority of the membership of the committee to elect a Speaker to serve during the vacancy and until a successor is elected by the House at its next session. At least three working days' notice of the time, place, and purpose of the meeting shall be given to all members of the committee. The person receiving a majority of the votes of the members of the committee present and voting shall be deemed to be elected Speaker. Pursuant to the provisions of this Rule, the Speaker shall serve and perform all the duties of the position until a successor is elected by the House at its next session.

Rule 3. The Speaker shall take the Chair every day precisely at the hour to which the House shall have adjourned on the preceding legislative day. He shall immediately call the House to order. After divine services are performed, he shall direct that the Pledge of Allegiance to the flag of the United States of America be recited, and he shall direct that the roll of members be taken, pursuant to Rule 32, and the names of those members present entered upon the Journal. A quorum being present, he shall proceed with the business of the day. The Speaker shall have the power to supervise and correct the Journal. The Speaker, having examined the Journal of the proceedings of the last day's sitting and approved the same, shall announce to the House his approval of the Journal. The Speaker's approval of the Journal shall be deemed to be agreed to subject to a vote on agreeing to the Speaker's approval on the demand of any member, which vote, if decided in the affirmative, shall not be subject to a motion to reconsider. It shall be in order to offer one motion that the Journal be read only if the Speaker's approval of the Journal is not agreed to, and such motion shall be determined without debate and shall not be subject to a motion to reconsider. Upon the last day of the session, the Journal for that day being examined and found correct shall be signed by the Speaker and the Clerk. The said Journals, when so signed, shall be the authentic record of the proceedings of the House.

Rule 4. The Speaker shall have a general direction of the House Chamber with power, in case of disturbance or disorderly conduct in such part thereof as may be appropriated to spectators, to have the same cleared. Representatives of news media, wishing to report the proceedings of the House, may be admitted by the Speaker, who shall assign them to such places in the House Chamber as shall not interfere with the convenience of the members.

In the event of a disaster, natural or otherwise, or other emergency circumstance, the Speaker may convene the House in a location other than the Hall of the House of Delegates.

Rule 5. All enrolled bills and joint resolutions proposing amendments to the Constitution shall be signed by the Speaker and all writs and warrants issued by order of the House shall be under his hand and seal, attested by the Clerk.

The Clerk.

Rule 6. A Clerk shall be elected by the House in even-numbered years and shall be deemed to continue in office until another is chosen. In the event of a vacancy, the Speaker may appoint an acting Clerk until a successor is elected by the

House or, if the House is not in session, by the Committee on Rules at a meeting to be called by the chairman or, in his absence, the vice chairman or a majority of the membership of the committee. At least three working days' notice of the time, place, and purpose of the meeting shall be given to all members of said committee, and the person receiving a majority of the votes of the members of said committee present and voting shall be deemed to be elected to fill said vacancy.

Rule 6(a). The Clerk shall have authority, with the approval of the Speaker, to employ personnel necessary to accomplish the work of the House subject to such terms and conditions as shall be deemed appropriate by the Speaker; such personnel may be removed by the Clerk with the approval of the Speaker. The Clerk shall be charged with the clerical business of the House and its committees.

Pages shall be appointed annually by the Speaker and shall be thirteen or fourteen years old at the time of their initial appointment. They shall be ineligible for reappointment after serving for two years. The Clerk shall be responsible for the administration of the Page program.

Rule 6(b). The Clerk shall be charged with the duty of assigning each member to a seat in the House Chamber and office space. No seat or office space assigned to and occupied by a member who is reelected shall be changed without such member's consent.

Rule 7. The Clerk shall perform all the duties of his office under the direction of the Speaker. He shall keep a journal of the proceedings of the House, have the same in proper form to be signed as provided by Rule 3, and submit it daily to the Speaker in time to be examined before the next assembling of the House. He shall keep at the Clerk's table, during the sittings of the House, a calendar or docket so arranged as to show the condition and progress of the business of the House. He shall provide to each member before the assembling of the House each day, a printed calendar of pending bills and a list of all bills offered on the preceding day, under Rule 37, with the names of the patrons, titles of the bills, and the committees to which the same have been referred. After amendments have been agreed to by the House, he shall see that they are handled only by the clerks of the standing committees, if referred or rereferred; clerks at the desk; or the clerks charged with the duty of engrossing bills until such amendments have been duly engrossed and verified.

Rule 8. The Clerk shall keep accounts of the compensation of the members, officials, and employees of the House, and shall from time to time certify the same to the Comptroller. He shall provide the stationery required for the business of the House and for the official use of the members. He also shall provide postage for the official use of the members within the limitations established by the Rules Committee.

Rule 9. The Clerk shall provide to the members, when required, vouchers for mileage and expenses; certify such for payment as provided by law; and pay over to those entitled the money due upon such vouchers.

He shall keep detailed accounts of all transactions pursuant to Rules 8 and 9, which shall be open to inspection at all times.

Sergeant at Arms.

Rule 10. A Sergeant at Arms shall be elected by the House and continue in office during its pleasure. He shall have as his assistants during sessions of the House doorkeepers who shall be appointed by the Speaker.

Rule 11. The Sergeant at Arms shall, with his assistants, attend upon the House during its sitting, and execute its commands, together with all such process, issued by its authority, as shall be directed to him by the Speaker.

Rule 12. The Sergeant at Arms shall, under the direction of the Speaker, have charge of the policing of the Hall and prevent any interruption of the business of the House by disorder within or without. He shall distribute among the members all papers printed for their use and give such attendance upon them during the sittings of the House as will promote their comfort and facilitate the business of the House.

Immediately prior to the convening of every session, he shall clear the floor of the House of all persons other than those specified under Rule 83 who are authorized to be there during each session.

Rule 13. The Sergeant at Arms shall attend to receiving and dispatching all messages in the House Chamber intended for or sent by members and make such arrangement as to promote the convenience of the members. He shall attend to the display of the Mace during sessions of the House and direct all persons not entitled to privileges on the floor of the House to the gallery.

Oaths of Office.

Rule 14. The oaths which the officers of the House are required by law to take shall be administered and certified by a person authorized to administer oaths and shall be filed with the Clerk of the House.

Committees.

Rule 15. All committee members shall be appointed by the Speaker. The Speaker shall designate the chairman and vice chairman of each committee provided that no member shall be chairman of more than one committee, unless a chairman of a standing committee is serving as Speaker pursuant to Rule 2, and no member shall be vice chairman of more than one committee, as designated in Rule 16. If the chairman and vice chairman are absent or excused by the House, one of the members shall act as the chairman, taking precedence in the order named by the Speaker. The Speaker shall serve as chairman of the Committee on Rules.

Rule 16. There shall be appointed standing committees, to be named and to consist of up to the number of members indicated below:

- 1. Privileges and Elections.....22 members
- 2. Courts of Justice.....22 members
- 3. Education.....22 members

4.	General Laws.....	22	members
5.	Transportation.....	22	members
6.	Finance.....	22	members
7.	Appropriations.....	24	members
8.	Counties, Cities and Towns.....	22	members
9.	Commerce and Labor.....	22	members
10.	Health, Welfare and Institutions.....	22	members
11.	Agriculture, Chesapeake and Natural Resources.....	22	members
12.	Militia, Police and Public Safety.....	22	members
13.	Science and Technology.....	22	members
14.	Rules.....	14	members

and the Speaker

The Speaker shall designate seven members of the House Rules Committee to meet with members of the Senate to constitute the Joint Rules Committee.

Rule 16(a). Membership on all standing committees shall be contingent upon membership or nonmembership in the majority party caucus. The apportionment of members on all standing committees shall be according to the same ratio of members in the House of Delegates who are members or nonmembers of the majority party caucus. If such ratio would represent a fractional number of the committee membership assigned to the majority party caucus, then the number of majority party caucus members on standing committees shall be the next highest whole number of committee members. For the purposes of this rule only, members who do not caucus with the majority party caucus or the largest minority party caucus shall be deemed part of the majority party caucus.

Notwithstanding any other provision of law, the Speaker of the House may appoint two more House members to any legislative commission, joint subcommittee of House and Senate committees, or any interim study committee than are appointed by the Senate.

Rule 16(b). The Speaker shall strive to appoint from each congressional district at least one member who represents that congressional district on all standing committees with the exception of Rules.

Rule 17. A majority shall constitute a quorum for committees. Each committee shall meet pursuant to a regular meeting schedule as approved by the Speaker. In addition to a committee's regular scheduled meeting(s), a committee chairman may call additional meetings. It shall be the duty of a committee to meet on call of a majority of the committee's members if the chairman is absent or declines to call a meeting. However, additional committee meetings may not be scheduled that are in conflict with another committee's regularly scheduled meeting time. No committee shall meet while the House is in session without special leave granted by the Speaker.

Rule 17(a). The chairman of any standing committee may appoint subcommittees provided any such subcommittee shall consist of no fewer than five members, a majority of whom shall constitute a quorum for the conduct of business.

Rule 17(b). The chairman of any standing committee may appoint ad hoc subcommittees of less than five members to consider no more than one bill or resolution, a majority of whom shall constitute a quorum to conduct business.

Rule 17(c). With the exception of Fridays, on days when the House is in session between the hours of 8:30 a.m. and 4:00 p.m., no subcommittee of a standing committee except for the Appropriations or Rules Committees shall meet opposite a standing committee unless the parent committee forgoes meeting at its designated time to allow its subcommittees to meet. Subcommittees of standing committees may meet after the House has adjourned for the day on Fridays and weekends upon call of the chairman to consider any such matter as may have been referred to them.

Rule 18. The several standing committees shall consider matters specially referred to them and, whenever practicable, suggest such legislation as may be germane to the duties of the committee. The chairman shall have discretion to determine when, and if, legislation shall be heard before the committee. The chairman, at his discretion, may refer legislation for consideration to a subcommittee. If referred to a subcommittee, the legislation shall be considered by the subcommittee. If the subcommittee does not recommend such legislation by a majority vote, the chairman need not consider the legislation in the full committee. It shall be the duty of each committee to inquire into the condition and administration of the laws relating to the subjects which it has in its charge; to investigate the conduct and look to the responsibility of all public officers and agents concerned; and to suggest such measures as will correct abuses, protect the public interests, and promote the public welfare.

Any committee of the House may, at its discretion, confer with a committee of the Senate having under consideration the same subject. No select committee shall be appointed to consider any subject falling properly within the province of a standing committee.

Rule 18(a). When a question is before the committee, no motion shall be received unless specially provided for, except to adjourn, pass by indefinitely, lay upon the table, postpone for a specified time or purpose, refer or rerefer, amend or incorporate, strike from the docket, or report; which several motions shall have precedence in the order in which they are arranged and each such motion shall be required to be seconded.

The Committee on Rules may, on a vote of a majority of the members appointed plus one, send a bill, joint resolution, or resolution to the floor on a motion that "the bill, joint resolution, or resolution be reported to the floor by the committee without specific recommendation." This motion is a special motion and can only be made in the Committee on Rules.

The vote of each member voting on any question shall be recorded upon the call of the chairman or the desire of one-fifth of the members present.

When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side provided it be made on the same day or if such motion has not been communicated to the House, such motion may be made no later than the adjournment of the next regularly scheduled meeting of the full committee, except for those measures continued pursuant to Rule 22.

Rule 18(b). Committees shall in all cases report by bill or resolution, with or without amendment or amendments, in such form that, if passed or agreed to, it will carry into effect their recommendations; but no papers returned therewith shall be printed unless the committee shall so recommend. Every bill shall be printed, as provided in Rule 37. Bills may be considered in executive session, but final vote thereon shall be in open session.

Rule 18(c). A recorded vote of members upon each measure sent to the floor, including those measures reported and referred by committee, shall be taken and the name and number of those voting for, against, or abstaining shall be reported with the bill or resolution and ordered printed on the Calendar.

Rule 18(d). Reports of the committees may be handed to the Clerk at any time and may be disposed of in the morning hour. If, in the judgment of the Speaker, any report of a committee requires immediate action he may bring it to the attention of the House at any time.

Rule 18(e). No member shall be excluded from any meeting of a committee, subcommittee, joint subcommittee, or interim study committee except as hereinafter provided for the maintenance of order. If an electronic meeting is authorized by the chairman, no member shall be excluded from participating by electronic communication means, and members participating by electronic communication means shall not be counted in attendance for purposes of a quorum. The chairman of the committee shall maintain order and decorum, and the business of the committee shall be conducted at all times in accordance with the Rules of the House.

Rule 19. The chairman or, in his absence, the vice chairman, or the majority of the membership of the committee, may call meetings of the committee to study, call hearings, and consider any bill or resolution, or to consider such other matters as may be germane to the duties of the committee.

Rule 20. The chairman of any standing committee is authorized to seek and obtain the services of citizens of the Commonwealth whose function will be to participate with such committees or subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the committee or its chairman.

Citizens so appointed to serve may receive a daily compensation as provided in the Appropriation Act and reimbursement for their actual expenses incurred in the performance of services for the committee. For this purpose and for such other expenses as may be occasioned by the conduct of any committee study, payments shall be made from the general appropriations to the House of Delegates.

Persons who are asked by a committee chairman to appear before a committee or subcommittee to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved by the chairman and the Speaker.

Rule 21. The conduct of the business of any subcommittee of any House committee, any joint subcommittee of House and Senate committees, and any interim study committee created by a House measure shall be governed in accordance with the Rules of the House. If a House measure and a Senate measure create the same study, the conduct of business of the study shall be governed by the rules of the house of the chairman of the study, or in the case of co-chairmen, the rules of the house as agreed upon by the co-chairmen.

Rule 22. Any bill or resolution introduced in an even-numbered year and not reported to the House of Delegates by the committee to which it has been referred, may be continued on the agenda of the committee for hearings and committee action during the interim between regular sessions and not otherwise. The committee shall report, prior to the adjournment sine die of the House of Delegates, such bills or resolutions as shall be continued and the Clerk of the House of Delegates shall enter upon the Journal the fact that such bill or resolution has been continued. Any bill or resolution that has been continued and subsequently reported from a committee shall be placed upon the Calendar of the House of Delegates.

The House of Delegates, upon consideration of any bill or resolution on the Calendar, may rerefer the bill to the committee reporting the same and direct the committee to continue the bill or resolution until the following odd-numbered year regular session and hold such hearings and render such further consideration of the bill or resolution as the committee may deem proper.

(The provisions of any rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.)

Standards of Conduct.

Rule 23. There shall be a subcommittee on Standards of Conduct of the Rules Committee consisting of four members, two of whom shall be members of the majority caucus and two of whom shall be nonmembers of the majority caucus, appointed by the chairman, which shall review annually members' statements of economic interests and consider any request by a member for an advisory opinion with respect to the general propriety of any current or proposed conduct of such member.

Rule 24. The Privileges and Elections Committee shall receive and investigate any charges or complaints brought against any member of the House of Delegates in the performance of his duties or the discharge of his responsibilities and recommend to the House such action as it may deem appropriate to establish and enforce standards of conduct for members.

Committee of the Whole.

Rule 25. When the House shall go into the Committee of the Whole, the Speaker may vacate the Chair and appoint a member to preside in Committee; the other officers shall attend, and the Rules of the House shall be observed and enforced in Committee, as far as applicable, except that the previous question shall not be ordered.

Rule 26. If the Committee of the Whole arise before the consideration of the subject referred is concluded, the same shall be reported back and have its place in order as unfinished business of the House. When it shall be again reached in order, unless it be otherwise disposed of, the House, after making such orders as it may deem proper in relation to the business before the Committee, shall stand again resolved into the Committee of the Whole, and so on until the business therein be disposed of.

Rule 27. Nothing shall be in order in the Committee of the Whole except such matters as may be specially referred to it by the House.

Rule 28. Whenever the Committee of the Whole shall find itself without a quorum, the chairman shall cause the roll to be called and thereupon the Committee shall rise, and the chairman shall report the fact and the names of the absentees, which shall be entered upon the Journal of the House.

Rule 29. The motion to go into Committee of the Whole, and the motion to discharge the Committee, shall not be debated.

II. Attendance and Adjournment.

Attendance.

Rule 30. No member shall absent himself from the service of the House unless he has leave granted by the Speaker or is sick or otherwise unable to attend and such leave shall be entered upon the Journal.

Rule 31. Any ten members or more including the Speaker, if there is one, and he is present, shall be authorized to compel the attendance of absent members by a call of the House.

Rule 32. The roll of the House shall be taken by the use of the electronic voting system or, if it is inoperable, by viva voce by response to the call of names arranged and called in alphabetical order except that the Speaker shall be called last.

Rule 33. The electronic voting system may be used for a call of the House; however, if it is inoperable, the call of the House shall be by viva voce, the names of the members shall be first called over by the Clerk, and the absentees noted; after which the names of the absentees shall be again called over. The doors shall then be shut and those for whom no excuse or insufficient excuses are made may, by order of those present, if ten in number, be taken into custody as they appear or may be sent for and taken into custody, wherever to be found, by the Sergeant at Arms or his assistants, or by special messengers to be appointed for that purpose.

Rule 34. When a member shall be discharged from custody and admitted to his seat the House shall determine whether such discharge shall be with or without payment of fees and expenses.

Adjournment.

Rule 35. Any member or members may adjourn from day to day. A motion to adjourn and a motion to fix the time for which the House will adjourn shall always be in order and be decided without debate.

III. Introduction of Business.

Messages, Reports, and Communications.

Rule 36. Messages from the Governor and reports and communications from any other public officer or agent may be received at any time. If, in the judgment of the Speaker, they require immediate action they may be brought at once to the attention of the House. Otherwise, they shall lie upon the Speaker's table and be disposed of in the morning hour. The same rule shall be observed with regard to messages from the Senate.

Introducing Legislation.

Rule 37. Members having bills or resolutions to present may, at any time pursuant to agreed upon deadlines, electronically file (e-file) such legislation via the Bill Drafting System or manually file such legislation with the Clerk, endorsed by one or more members with their names. Any bill or joint resolution introduced in the House may show as "Senate Patrons" the signatures or electronic signatures of members of the Senate. Any bill, joint resolution, or resolution manually filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons signed to the measure by the chief patron, provided that each such co-patron expressly authorized the chief patron to sign for such co-patron and the chief patron plainly marks such signatures on the original copy of the measure as being signed by the chief patron. Any bill, joint resolution, or resolution e-filed prior to the commencement of the session in which it is to be considered may have the names of co-patrons added electronically via the Bill Drafting System.

No member may introduce more than 15 bills during the Regular Session of an odd-numbered year.

No bill expressly amending an existing law shall be offered by any member unless or until the e-filed or manually filed copy has been prepared so as to indicate deletions and additions. The form for deletions and additions shall set forth the material deleted with lines through such material and by underscoring the words added, before they are received in the Senate or House of Delegates. The stricken material and underscorings or italics in the printed bills, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring where new words are substituted for existing words and the new words or the omission of words do not change the sense or meaning of the act.

The Clerk shall, under the direction of the Speaker, refer all such legislation to the proper committee and enter the fact, with the names of the members presenting them, upon the Journal. Such bills shall be printed, unless otherwise ordered by the House, and numbered in the order in which they are filed with the Clerk.

The Speaker shall review all legislation introduced in the House or communicated to the House for its action to determine if such legislation is in conflict with Article IV, Section 12 of the Constitution of Virginia. If such legislation is determined to be in conflict, the Speaker may withhold committee referral of the legislation.

The designation of "House Bill," "House Joint Resolution," or "House Resolution" shall not be changed after a bill or resolution is introduced in the House. Nor shall the designation of "Senate Bill" or "Senate Joint Resolution" be changed or amended after the bill or resolution is received by the House. In addition, no bill or resolution introduced for a purpose other than to direct or request a study shall be amended for the purpose of directing or requesting a study unless authorized by unanimous consent of the members of the House.

Rule 38. No bill, joint resolution, or resolution calling for information from the Governor or other public officer or agent shall be introduced, considered, or acted upon otherwise than is provided by Rule 37 and shall not be acted upon until it shall have been examined and reported upon by a committee.

Rule 39. Any other resolution or motion upon which a member may desire the judgment of the House, or any action other than a reference to a standing committee, may be presented to the House in the morning hour after the business on the Speaker's table is disposed of. A recorded vote shall be required on a resolution authorizing a study or an expenditure of funds. To obtain immediate consideration of any resolution other than a procedural or a memorial or commending resolution, without reference to a standing committee, the vote of two-thirds of the members elected, as required by Rule 81, shall be a recorded vote.

Rule 39(a). All memorial or commending joint resolutions or resolutions shall conform to the procedure set forth by the Clerk of the House and shall not be referred under Rule 37, unless so ordered by the Speaker or by majority vote of the House on motion of a member, but shall be placed on the Calendar.

IV. Order of Business.

The Morning Hour.

Rule 40. After the approval and signing of the Journal, a time, to be called the morning hour, shall be devoted to the dispatch of business upon the Speaker's table and to resolutions presented under Rule 39. The business on the Speaker's table shall be disposed of in such order as the Speaker deems best, except as may be herein otherwise provided, or as the House may at any time order.

Rule 41. The annual message of the Governor shall be laid before the House as soon as it is received. It shall be printed for the use of the House and be considered by the several standing committees without any special order therefor.

Rule 42. All other messages from the Governor may be referred by the Speaker to the proper committees. The same rule shall be observed as to reports and communications from other public officers.

Rule 43. Bills and resolutions originating in the Senate and not requiring immediate action shall be read or printed on the Calendar by title the first time when received and referred to their appropriate committees, unless the House directs otherwise.

Rule 44. All bills reported from committee, pursuant to Rule 18(c), shall be transferred to the Calendar and the reading or printing on the Calendar of the titles as reported shall constitute the first reading or printing of the House bills and the second reading or printing of the Senate bills as required by the Constitution.

Rule 45. All other reports from committees shall be considered and disposed of in the order in which the Speaker presents them, unless the House directs otherwise.

Rule 46. A member presenting a resolution under Rule 39 shall be allowed five minutes in which to explain his wishes in relation to it, after which the question on referring to a standing committee shall be taken without debate.

Rule 47. Printing recommended by committees under Rule 18(b) shall be ordered by the Speaker, unless the House directs otherwise.

Rule 48. Once the morning hour expires, the House shall proceed to the business of the House as defined in Rule 49; however, the Speaker shall be permitted, without objection, to return to the morning hour for the purpose of recognizing any distinguished visitor or other individual defined in Rule 83 that may be present and seated on the floor or in the gallery.

The Calendar.

Rule 49. At the expiration of the morning hour, the House shall proceed to consider bills, joint resolutions, and resolutions on the Calendar or any Supplemental Calendar which shall be arranged in the following order:

1. Senate bills on third reading.
2. House bills on third reading.
3. House bills on second reading.
4. House bills and joint resolutions returned from Senate with amendments.
5. Resolutions.
6. Memorial and commending resolutions.
7. House bills returned by Governor without approval.
8. House bills returned by Governor with recommendations.
9. Senate bills returned by Governor without approval.
10. Senate bills returned by Governor with recommendations.

11. House bills and resolutions in conference.
12. Senate bills and resolutions in conference.
13. Unfinished business – House and Senate bills and joint resolutions.
14. Senate bills on second reading.
15. House bills on first reading.
16. Resolutions reported.
17. Senate bills and joint resolutions referred.
18. Bills referred.
19. Resolutions referred.
20. Resolutions presented.

The House may direct that bills and resolutions of either house be divided between the designations "Uncontested Calendar" and "Regular Calendar" and be considered in such order. When such a division is directed for bills and resolutions on the Calendar, the Uncontested Calendar shall not include any bill or resolution (i) which received a dissenting vote or an abstention in committee, (ii) to which objection is made by any member, or (iii) if any non-technical floor amendment or any floor amendment in the nature of a substitute is offered. Any bill or resolution shall be removed from the Uncontested Calendar and placed on the Regular Calendar at the request of any member rising from his seat for that purpose and stating the request for such legislation to be moved. Once legislation is moved to the Regular Calendar there it shall remain.

A Pro Forma Calendar prepared for a pro forma session of the House shall only contain new legislation reported from committee.

Supplemental Calendars may be prepared for consideration while the House remains in Session for the day and shall be considered when called by the Speaker. Any Supplemental Calendar and the measures contained therein shall be considered in the same manner as measures in the Calendar.

Rule 50. It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted on according to their priorities on the Calendar.

Rule 51. If any bill or resolution shall not be ready for consideration when it is reached on the Calendar category, it shall be passed by temporarily and be allowed to retain its position on the Calendar. When the Calendar category has been called through, it may be called again in order to dispose of any business that may then be ready; otherwise it shall be passed by for the day. Upon completion of the business on the Calendar, the business of the morning hour shall be resumed.

Rule 52. The regular order of business herein established shall not be changed, nor shall any special order be made, except by vote of two-thirds of the members present. However, a majority may postpone the Calendar not exceeding one day at a time, or postpone for a specified time or purpose any subject coming up in order without changing its place, or agree to a joint order with the Senate, or postpone or discharge any special order.

V. Conduct of Business.

Order and Decorum.

Rule 53. The Speaker shall preserve order and decorum, may speak to points of order in preference to other members, rising from his seat for that purpose, and shall decide questions of order without debate, subject to an appeal to the House. If the decision relate to a question of decorum or propriety of conduct, it shall not be debatable; if it relate to the priority of business or the relevancy or applicability of propositions, the appeal may be debated, but no member shall speak on it more than once except by leave of the House.

Rule 54. When a member rises to speak he shall respectfully address, "Mr. Speaker," standing in his place; he shall confine himself strictly to the question before the House, and when he has finished he shall sit down.

Rule 55. When two or more members request to speak or rise at the same time the Speaker shall name the person to speak.

Rule 56. Every motion or proposition shall be reduced to writing, if desired by the Speaker or any member, and shall be delivered at the Clerk's table to be there read; and the question shall be stated by the Chair before the same shall be debated. When the reading of any paper in possession of the House, not being the precise matter upon which the House is acting, is called for, and objection is made by any member, the question shall be determined by a vote of the House without debate. Any motion or proposition may be withdrawn by the mover at any time before a decision, amendment, or other action of the body upon it, except a motion to reconsider which shall not be withdrawn without leave of the House.

Rule 57. No member shall in debate use any language or gesture calculated to wound, offend, or insult another member.

Rule 58. If any member, in speaking, transgress the Rules of the House, the Speaker shall, or any member may, call him to order; in which case the member called to order shall immediately take his seat unless permitted to explain. If there be no appeal, the decision of the Chair shall be final. If the decision be in favor of the member called to order, he shall be at liberty to proceed; otherwise, he shall not proceed, except by leave of the House. For frequent or repeated violations of order, especially if persisted in after the admonition of the Speaker, a member shall be liable to the censure of the House.

Rule 59. If any member be called to order by another member for words spoken, the words excepted to shall be immediately taken down in writing in order that the Speaker and House may be better able to judge the matter.

Rule 60. No member shall, while the House is sitting, interrupt or hinder its business by standing up, leaving his place, moving about the Hall, engaging in conversation, expressing approval or disapproval of any of the proceedings, or by any other conduct tending to disorder and confusion.

Rule 61. No member shall speak more than once on any question until all others have spoken who desire to do so, nor more than twice, without the consent of a majority of the members present.

Ascertaining the Question.

Rule 62. If the question for decision includes several distinct propositions any member may have the same divided, but a motion to strike out and insert shall not be so divided; nor shall a motion to strike out, being lost, preclude either amendment or a motion to strike out and insert. In filling blanks, the question shall be put first upon the largest sum and the longest time or the broadest question.

Rule 62(a). No motion or proposition, or subject different from that under consideration, shall be admitted under color of amendment.

Rule 62(b). The Speaker shall determine all questions of germaneness relevant to any legislation under consideration by the House including House legislation and any amendments thereto communicated by the Senate or the Governor to the House for its action.

Rule 63. When a question is before the House, no motion shall be received unless specially provided for, except to adjourn, pass by indefinitely, lay upon the table, postpone for a specified time or purpose, refer or rerefer, amend, or strike from the Calendar, which several motions shall have precedence in the order in which they are arranged.

Rule 64. Upon the motion to pass by indefinitely, the mover shall be allowed two minutes to state the reason for his motion, and one member opposed to the motion shall be allowed a like time to object. The motion to lay upon the table, for the previous question, and for the pending question shall not be debated; nor shall debate be allowed on a motion to take up a subject from the table or to reconsider any question which was not debated. When a question not debatable is before the House all incidental questions arising after it is stated to the House shall be decided and settled, whether on appeal or otherwise, without debate; and the same rule shall apply to incidental questions rising after any question is put to the House.

Pending and Previous Questions.

Rule 65. Pending a debate, any member who obtains the floor for the purpose only, and submits no other motion or remark, may move for the "previous question" or the "pending question," and in either case the motion shall be forthwith put to the House. Two-thirds of the members present shall be required to order the main question; however, a majority may require an immediate vote upon the pending question, whatever it may be.

Rule 66. The previous question shall be in this form: "Shall the main question now be put?" If carried, its effect shall be to put an end to all debate and bring the House to a direct vote upon a motion to refer or rerefer, if pending; then upon amendments reported by a committee, if any; then upon pending amendments; and then upon the main question. If upon the motion for the previous question, the main question be not ordered, debate may continue as if the motion had not been made.

Taking the Vote.

Rule 67. The Speaker shall rise to put a question, but may state it sitting. Questions shall be distinctly put in substantially the following forms, viz.: "As many as agree that, etc. (as the question may be), say 'Aye,' " and "Those opposed say 'No.' " If the Speaker doubts or a division is called for, the House shall divide with those in the affirmative of the question rising first from their seats and afterwards those in the negative, or by a show of hands in the affirmative and then in the negative. If required, the Speaker shall cause the result to be ascertained by a count.

Rule 68. The yeas and nays on any question may be called for at any time before proceeding to another question or proposition but, being refused, they shall not be again demanded on the same question. Any member shall have a right to vote at any time before the decision is announced by the Chair.

Rule 69. Upon a division of the House on any question, a member who is present and fails to vote shall on the demand of any member be counted on the negative of the question and when the yeas and nays are taken shall, in addition, be entered on the Journal as present and not voting. However, no member who has an immediate and personal interest in the result of the question shall either vote or be counted upon it.

Reconsideration.

Rule 70. When a question has been decided, it may be reconsidered on the motion of any member who voted with the prevailing side, provided it be made on the same day or within the next two days of actual session, as long as such action has not been communicated to the Senate or the Governor. The motion may be entered as a matter of privilege and shall take precedence of everything except special orders and other questions of privilege and be disposed of in the morning hour or with the Calendar, as the case may be. All motions to reconsider shall be decided by a majority of the votes of the members present.

Bills and Amendments.

Rule 71. Every bill shall be read or printed on the Calendar by title on three different calendar days in the House previous to its being passed, and it shall be distinctly announced or set out at each reading or printing on the Calendar, whether it is the first, second, or third time. A bill may be referred or rereferred at any time before its passage.

Rule 72. The first reading or printing on the Calendar of the House bill shall be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it shall go to second reading or printing on the Calendar without a question. The second reading or printing on the Calendar of a Senate bill shall be for information merely and, notwithstanding a motion to refer or rerefer to a committee or a motion to strike, it shall go to third reading or printing on the Calendar without a question.

Rule 73. Upon the second reading or printing on the Calendar of a House bill it shall be open to amendment or to referral or rereferral or to any of the motions provided for in Rule 63, and the final question shall be "Whether it shall be engrossed and read or printed on the Calendar a third time?" Upon the third reading or printing on the Calendar of a Senate bill it shall be open to amendment or to referral or rereferral or to any of the motions provided in Rule 63.

The Speaker may direct by notice to the House, or the House may determine by a majority vote, that there shall be a deadline for the submission of any proposed floor amendment or floor amendment in the nature of a substitute (floor substitute) to the House version of the Budget Bill(s). The deadline for submission of any floor amendment or floor substitute shall be 24 hours prior to the commencement of the Special Order set for the consideration of the Budget Bill(s). Any floor amendment or floor substitute offered after the deadline for submission may be considered if (i) it is an amendment that has been approved by the Committee on Appropriations or (ii) it is offered as a technical amendment or clarifying amendment to a previously submitted floor amendment or floor substitute and is germane to the purpose of the original floor amendment or floor substitute.

Rule 74. A House bill ordered to be engrossed shall not have its third reading or printing on the Calendar until the engrossment is actually and properly done. However, in the case of a Senate bill, the engrossment shall only apply to such amendments as may have been made in the House.

Rule 75. A House bill on its third reading shall not be open for debate; however, any member may be recognized to speak to the legislation or offer motions. No amendment to a House bill shall be received upon its third reading or printing on the Calendar by way of rider or otherwise, and no amendment involving an additional appropriation shall be added to the general appropriation bill, and no amendment to increase any tax shall be added to any tax measure, unless either such amendment be to carry into effect an existing law or unless it received the vote required to pass the bill itself. A Senate amendment to a House bill to be concurred in, a Governor's recommendation to be agreed to, or a conference report to be adopted, must receive the same recorded vote as required to pass the bill itself.

Rule 75(a). If the Senate refuses to concur in the amendments of the House and so communicates such action to the House, the House may vote to recede from its amendments and subsequently pass the legislation in the form originally passed by the Senate or insist on its amendments and request a committee of conference with the Senate. Conversely, the House in considering Senate amendments to House legislation shall wait for communication by the Senate that they have voted to insist on their amendments and request a committee of conference whereby the House may agree to the request for a committee of conference.

Rule 75(b). Upon an affirmative vote to form a committee of conference, the Speaker shall appoint the House membership to the committee. A majority of the members of each house on the committee of conference shall agree to the committee of conference report prior to its submission and consideration by the House. If a committee of conference is unable to reach agreement and reports such action to the House, the Speaker may appoint new conferees or, upon the motion of a member and an affirmative vote of the House, a new set of conferees shall be appointed. In addition, if a committee of conference report is considered and rejected, the House may agree by a majority vote of the members present to request an additional committee of conference.

Rule 75(c). *Any conference committee on the Budget Bill shall complete its deliberations and make the report of such conference available to the House as soon as practicable. The House shall consider such conference report no earlier than 48 hours after receipt, unless the House determines to proceed earlier by a vote of two-thirds of the members voting. The conference report shall clearly state the funding of any nonstate agencies, any item that was not included in the Budget Bill as passed by either house, and any provisions from legislation that failed during that session.*

Rule 76. On the third reading or printing on the Calendar of a bill, the question shall be, "Shall the bill pass?"

Rule 77. The title of a bill and all amendments offered shall be entered upon the Journal, except that amendments in the nature of substitutes may be printed separately and only the titles thereof entered upon the Journal.

Withdrawals of Exhibits.

Rule 78. Original papers, filed as exhibits with any bill or resolution, may be withdrawn by the patron or he may leave attested copies, for which he shall pay the Clerk at the rate provided by law for other copies made by him.

Messages.

Rule 79. It shall be the duty of the Clerk, without any special order therefor, to communicate to the Senate any action of the House upon business coming from the Senate or upon matters requiring the concurrence of that body; however, no such communication shall be made in relation to any action of the House while it remains open for consideration.

Manual and Rules.

Rule 80. The rules of parliamentary practice comprised in Jefferson's Manual shall govern the House in all cases to which they are applicable and in which they are not inconsistent with the Rules of the House and such joint rules as are or may from time to time be established by the two houses of the General Assembly.

Rule 81. The Rules of the House shall be adopted in even-numbered years by a majority vote of members elected and shall remain in effect for two years coinciding with the terms of members. The rules may be suspended by a vote of two-thirds of the members elected to be ascertained by an actual division of the House except as prohibited by the Constitution; provided that a motion to discharge a committee from the consideration of a bill shall require a majority of those voting, which shall include two-fifths of the members elected to the House, the vote thereon to be taken by yeas and nays and recorded in the Journal; and provided further, that a motion to dispense with the printing and reading of a bill, or its printing on the Calendar, or either, shall not be entertained, except as provided by the Constitution.

A proposition to change a rule of the House shall be submitted in writing and forthwith printed. In its printed form it shall lie upon the Speaker's table for five days and be read by the House during the morning hour of each day during that time. At the expiration of five days it shall be ready for consideration and may be adopted or rejected by a majority vote of the members present; provided that as to all resolutions or bills which involve an appropriation or expenditure of money by the Commonwealth, or which may create a charge upon the treasury, the rule of the House shall not be changed or suspended save by a vote of two-thirds of the members present to be ascertained by an actual division of the House.

Upon a motion to suspend a rule of the House the mover shall be allowed two minutes to state the reasons for his motion, and one member opposed to the motion shall be allowed a like time to object.

Hall of the House of Delegates.

Rule 82. The Hall of the House of Delegates shall be used for no other purpose than the sessions of the House and for meetings of the committees and members of the legislature on public affairs except by vote of the House or the Rules Committee or with the approval of the Speaker during the interim or when the House is not convened at any time during a session of the General Assembly.

Rule 83. Only members of the General Assembly, former members, members of the Congress of the United States, State officers, judges, officers and employees of the General Assembly, and such other persons as the Speaker may designate shall be permitted on the floor of the House during the session; however, the privileges granted hereunder shall not be exercised by any person having business for compensation before the House or any committee thereof and the officers of this body shall enforce this rule under the direction of the Speaker.

Capitol and General Assembly Building.

Rule 84. The areas of the Capitol and the General Assembly Building assigned to the House of Delegates; members of the House of Delegates and their legislative support staff; clerical staff of the House of Delegates; the Office of the Clerk of the House of Delegates; facilities and space for those charged with the maintenance, repair, and security of such buildings; and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the House or the Rules Committee.

HOUSE RESOLUTION NO. 61

Commending Elton J. Wade, Sr.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Elton J. Wade, Sr., who has represented the Cold Harbor District on the Hanover County Board of Supervisors for 23 years, retired in 2015; and

WHEREAS, Elton Wade was elected to the Hanover County Board of Supervisors in 1991 and was chair of the board in 1999; during his entire length of service, he also has presided over the Hanover County Parks and Recreation Advisory Commission; and

WHEREAS, among the accomplishments of the Hanover County Board of Supervisors during his tenure, Elton Wade takes particular pride in the establishment of Pole Green Park; a bond referendum secured the funds to purchase land in eastern Hanover County for the park and for Pole Green Elementary School; and

WHEREAS, Elton Wade also is proud of the Hanover County Board of Supervisors' determination to manage the county's funds in a fiscally responsible manner; as a supervisor, he has tried to balance individual property rights with proper growth management and to adhere to the county's Comprehensive Plan; and

WHEREAS, throughout his tenure as a member of the Hanover County Board of Supervisors, Elton Wade always strove to help constituents with issues that concerned them and to ensure that the various members of the board worked well together; and

WHEREAS, public service has been part of Elton Wade's life for many years; he has been a member of the Black Creek Volunteer Fire Department for more than three decades and was employed for more than 50 years by Hanover County Public Schools as a bus driver and school traffic guard; now, therefore, be it

RESOLVED by the House of Delegates, That Elton J. Wade, Sr., hereby be commended for his 23 years of service as a member of the Hanover County Board of Supervisors representing the Cold Harbor District; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elton J. Wade, Sr., as an expression of the House of Delegates' respect and admiration for his dedication and service to Hanover County and the Commonwealth.

HOUSE RESOLUTION NO. 62

Commending the New Kent High School golf team.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the New Kent High School golf team finished the 2015 season in admirable style by advancing to the Virginia High School League Group 3A state championship after winning its first Group 3A East Region competition on October 1; and

WHEREAS, the talented golfers of the 2015 New Kent High School golf team also won the Bay Rivers District competition and the subsequent Conference 25 title as they moved higher in Virginia High School League (VHSL) rankings; and

WHEREAS, during the VHSL Bay Rivers District golf competition, the New Kent High School Trojans happily claimed the trophy at the conclusion of the match; the teams in the number two and three spots were talented squads from Jamestown and Lafayette High Schools; and

WHEREAS, at the 2015 Conference 25 and the VHSL Group 3A East Regional golf matches, the determined and hardworking team from New Kent High School faced down the same opponent; the golfers twice defeated a talented group from Warhill High School; and

WHEREAS, the members of the New Kent High School golf team have become stronger each of the past four years; they emerged as a potent force in 2015, boasting a combination of veteran athletes and skilled newcomers; and

WHEREAS, the New Kent High School golf team is ably coached by Charles Davis, who works at a nearby golf club; that position allows him to connect his students with professional golfers, whose experience and advice have helped the team to improve individually and as a group; and

WHEREAS, the members of the New Kent High School golf team were enthusiastically supported throughout the season by their families, friends, students, staff, fellow golfers, and the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, That the New Kent High School golf team hereby be commended for winning the 2015 Virginia High School League Group 3A East Region championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Davis, head coach of the New Kent High School golf team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding season and impressive achievements.

HOUSE RESOLUTION NO. 63

Celebrating the life of Phoebe Marion Fitz Wallace.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Phoebe Marion Fitz Wallace of Richmond, a proud veteran of the United States military, a talented artist and gardener, a woman of deep faith who was a missionary in western Canada, and a devoted wife and mother, died on December 13, 2015; and

WHEREAS, Phoebe Wallace was born in Boston, Massachusetts, and attended The Windsor School before earning a bachelor's degree from McGill University; she then joined the United States Women's Army Corps and was a captain in the Military Intelligence section; and

WHEREAS, in 1945, Phoebe Wallace married William "Billy" Jefferson Wallace, Jr.; the couple lived at Hampstead in New Kent County for many years, where they raised a family and were active in the community; and

WHEREAS, a gifted artist and sculptor, Phoebe Wallace also loved to garden and was a member of the Martha Dandridge Woman's Club; throughout her life, she always sought the best in people and was much loved by her family and friends; and

WHEREAS, a woman of deep faith, Phoebe Wallace was a member of St. Peter's Episcopal Church in New Kent and served as a missionary in the Peace River Valley in Alberta, Canada; her experiences there were the basis of a book published in 2003 that she co-authored, *Letters from the Peace*; and

WHEREAS, Phoebe Wallace, who was predeceased by her husband, will be lovingly remembered and greatly missed by her children, William, Marion, Harriet, and Reginald, and their families; and many other family members and friends, all of whom remember her positive outlook and lovely smile; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Phoebe Marion Fitz Wallace of Richmond, who served in the United States Women's Army Corps and was an artist, gardener, missionary, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Phoebe Marion Fitz Wallace as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 64

Commending the Prince William County Bar Association, Inc.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, the Prince William County Bar Association, Inc., celebrates 75 years of upholding the practice of law, promoting professionalism among its members, and providing charitable outreach efforts and an array of legally related activities to the community; and

WHEREAS, when it was formed on July 25, 1941, the Prince William County Bar Association's total membership of seven included every attorney in the county; today, mirroring Prince William County's tremendous population growth, the organization has more than 450 members; and

WHEREAS, the mission of the Prince William County Bar Association is to maintain the honor and dignity of the practice of law, promote the administration of justice, encourage professionalism and collegiality among its members, and contribute to the quality of life in the community; and

WHEREAS, the Prince William County Bar Association is dedicated to improving access to justice by providing numerous pro bono and low cost legal services to low income and underserved residents of Prince William County and the Cities of Manassas and Manassas Park, including alternative dispute resolution, wills for veterans and first responders, and assistance with victims of domestic violence; and

WHEREAS, the Prince William County Bar Association has a long history of service to the citizens of Prince William County and the Cities of Manassas and Manassas Park by virtue of its work with elementary, middle, and high school students and with at-risk youth, senior citizens, and the homeless; and

WHEREAS, the Prince William County Bar Association advances professionalism and collegiality within the membership by providing forums for communication, education, mentoring, business development, and networking; now, therefore, be it

RESOLVED by the House of Delegates, That the Prince William County Bar Association, Inc., hereby be commended on the occasion of its 75th anniversary for its efforts to promote the highest caliber of legal standards among its members and the charitable outreach and legally related services it provides; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeanice B. Wiethop, president of the Prince William County Bar Association, Inc., as an expression of the House of Delegates' congratulations and admiration for its many years of service to the legal community and the people of Prince William County.

HOUSE RESOLUTION NO. 65

Commending the 2016 inductees into the Virginia Sports Hall of Fame.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, in 1996, the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth; and

WHEREAS, the Virginia Sports Hall of Fame and Museum, located in Portsmouth, has honored many of Virginia's exceptional athletes, coaches, and media personalities since its inception; and

WHEREAS, dedicated to honoring, educating, and entertaining its visitors, the Virginia Sports Hall of Fame and Museum inducts individuals who achieve greatness in their field and serves as a nonprofit educational resources center for math, science, health, and character development; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2016 inductees as follows:

The Class of 2016

Charlie Stukes

Charlie Stukes of Chesapeake was a star athlete at Crestwood High School, playing football, basketball, and baseball, and he was a two-sport athlete at the University of Maryland Eastern Shore. He was drafted into the NFL by the Baltimore Colts in 1967 and earned a reputation as a ball hawk, recording eight interceptions in 1971, seven interceptions in 1974, and 32 total interceptions in his career. Charlie Stukes helped the Baltimore Colts win Super Bowl V in 1971, the first Super Bowl after the merger between the NFL and the American Football League.

Marianne Stanley

Marianne Stanley played basketball on the history-making 1972-1974 Immaculata College teams that were inducted into the Naismith Memorial Basketball Hall of Fame in 2004. She went on to coach the Old Dominion University women's basketball team for 10 years; finishing with a record of 268-59, she helped the Monarchs earn national recognition as three-time Association for Intercollegiate Athletics for Women tournament champions. Marianne Stanley also coached teams at the University of Pennsylvania, the University of Southern California, Stanford University, and the University of California, as well as in the Women's National Basketball Association. She was inducted into the Women's Basketball Hall of Fame in 2002.

Dave Rosenfield

Dave Rosenfield was a champion for professional baseball in Norfolk and served as general manager of the Tidewater and Norfolk Tides for nearly 50 years. Under his leadership, the Tides claimed five International League titles. He earned four International League Executive of the Year awards and was inducted into the International League Hall of Fame with the Class of 2008. In recognition of his exceptional contributions to professional baseball in the region, he was named King of Baseball by Minor League Baseball in 2004.

Robert Ukrop

Robert Ukrop, a native of Richmond, helped bring Davidson College into the national spotlight with his skill as a soccer player, leading the team to the NCAA Final Four in 1992, when he was named as a first-team All-American and Intercollegiate Soccer Association of America Player of the Year. He began a 12-year career in professional soccer with the Richmond Kickers, with whom he won the 1995 US Open Cup and was named championship MVP, and played with several teams around the country, including the New England Revolution in Major League Soccer. He retired with the Kickers, holding club records for career goals, career assists, career points, and matches.

Rich Murray

Rich Murray graduated from Washington and Lee University in 1971 and began a distinguished 40-year career in sports journalism. He served as public information director at James Madison University and sports information director at the University of Virginia. A founding member of the Virginia Sports Information Directors Association (VASID), Rich Murray was the organization's inaugural president, and in 2007, the VASID named its Excellence in Sports Journalism Scholarship in his honor.

James Farris

A native of Ettrick, James Farris was a Parade High School All-America selection at Matoaca High School, before joining the University of Virginia football team. As a linebacker for the Cavaliers, he recorded 381 tackles to rank third on the school's all-time tackles list. James Farris was selected by the New York Jets with the eighth overall pick in the 1997 National Football League (NFL) Draft, and played with the Jets for five seasons, before joining the Pittsburgh Steelers as a free agent in 2001. Over the course of his 15-year career in the NFL, he was a two-time Pro Bowl selection and a first-team all-pro selection, and he earned two Super Bowl rings with the Steelers.

Charles Oakley

As a member of the Virginia Union University basketball team, Charles Oakley was named the 1985 National Collegiate Athletics Association (NCAA) Division II Player of the Year, averaging 24.3 points and 17.3 rebounds. He was drafted ninth overall in the 1985 National Basketball Association (NBA) Draft by the Cleveland Cavaliers and went on to play for the Chicago Bulls, New York Knicks, Toronto Raptors, Washington Wizards, and Houston Rockets. Charles Oakley placed in the NBA's top 10 list for rebounds per game five times between 1987 and 1994, and he finished his career with 12,417 points, 12,205 rebounds, and 3,217 assists; now, therefore, be it

RESOLVED by the House of Delegates, That Charlie Stukes, Marianne Stanley, Dave Rosenfield, Robert Ukrop, Rich Murray, James Farris, and Charles Oakley hereby be commended as the 2016 inductees into the Virginia Sports Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and its 2016 inductees as an expression of the House of Delegates' congratulations and admiration for the inductees' many contributions to the world of sports.

HOUSE RESOLUTION NO. 66*Celebrating the life of Wilbur Macon Whitson.*

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Wilbur Macon Whitson of Virginia Beach, a civil engineer for the United States Navy, a proud veteran of the United States military who served in World War II, and a devoted husband and father, died in 2015; and

WHEREAS, Wilbur "Whit" Macon Whitson was a native of Norfolk; in 1943, when he was 18, he enlisted in the United States Army and faithfully served his country during World War II; and

WHEREAS, at the end of his active duty military service, Whit Whitson then earned a bachelor's degree at Virginia Polytechnic Institute, now known as Virginia Tech, and was a member of the Corps of Cadets; and

WHEREAS, throughout the rest of his life, Whit Whitson remained a strong supporter of the university and an avid fan of the Virginia Tech Hokies; and

WHEREAS, Whit Whitson, who spent his professional career as a civil engineer, was employed by several engineering firms in the Hampton Roads area; he retired from the Naval Facilities Engineering Command - Atlantic Division; and

WHEREAS, Whit Whitson will be fondly remembered and greatly missed by his wife, Marcella; children, Macon and John; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Wilbur Macon Whitson, a civil engineer, veteran of the United States military, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Wilbur Macon Whitson as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 67

Commending Arthur P. Bushnell.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, Arthur P. Bushnell, the longest-serving school board member of Manassas City Public Schools, was nominated as a Virginia School Boards Association Regional School Board Member of the Year in 2015; and

WHEREAS, each year, the Virginia School Boards Association recognizes outstanding school board members who have contributed to student achievement and promoted lifelong learning; the Manassas City School Board voted to nominate Arthur Bushnell for the 2015 award; and

WHEREAS, Arthur Bushnell was appointed to the Manassas City School Board in 1990, reappointed in 1993, and elected for five subsequent terms; serving as vice chair or chair for a decade, he earned the respect of his peers and the public for his commitment to board accountability and high student achievement; and

WHEREAS, under Arthur Bushnell's leadership, Manassas City Public Schools implemented full-day kindergarten, constructed Mayfield Intermediate School, renovated three existing schools, began work on Baldwin Elementary School, and opened baseball and softball fields at Osbourn High School; and

WHEREAS, Arthur Bushnell fostered a professional approach to budgeting at Manassas City Public Schools, supported arts and music programs in the school division, and helped establish the Governor's School at Innovation Park, where he is a joint board member; and

WHEREAS, Arthur Bushnell personally researched and advocated for the Footsteps2Brilliance program, an interactive mobile literacy program that has benefited countless students in Manassas City Public Schools and is the foundation for a blended pre-kindergarten program for all local students; now, therefore, be it

RESOLVED by the House of Delegates, That Arthur P. Bushnell hereby be commended on his nomination as a 2015 Virginia School Boards Association Regional School Board Member of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Arthur P. Bushnell as an expression of the House of Delegates' admiration for his tireless service to the youth of the Manassas community and many contributions to the field of education.

HOUSE RESOLUTION NO. 68

Commending Daniel Hillenburg.

Agreed to by the House of Delegates, January 15, 2016

WHEREAS, while on a fishing trip in Alaska in the summer of 2014, Daniel Hillenburg of Clifton, a member of Boy Scouts of America Troop 648, helped save the lives of two men by providing first aid to a kayaker with hypothermia and helping to initiate a search and rescue operation for another kayaker, who was lost in a sparsely populated area; and

WHEREAS, Daniel Hillenburg and his father, Samuel, spotted a kayaker in distress at the intersection of the Talkeetna River and Clear Creek near Talkeetna, Alaska; the man was pale and nearly unresponsive, and Daniel Hillenburg quickly identified the man's condition as hypothermia thanks to his Red Cross training from the Boy Scouts; and

WHEREAS, after Daniel Hillenburg and his father helped the man to shore and warmed him up, they learned that he had been exposed to the elements for nearly 24 hours; he was suffering from tunnel vision, and his body temperature had fallen to approximately 80 degrees Fahrenheit; and

WHEREAS, while helping the kayaker recover, Daniel Hillenburg also learned that the kayaker's partner was still nearly 25 miles upriver, traveling alone and on foot because they had lost a paddle; state troopers and local residents were alerted to the second missing kayaker and located him alive; and

WHEREAS, in recognition of his bravery and quick thinking, Daniel Hillenburg received the Medal of Merit from the Boy Scouts of America at a special ceremony on April 18, 2015; he was the first Scout in the 65-year history of Troop 648 to receive the prestigious award; now, therefore, be it

RESOLVED by the House of Delegates, That Daniel Hillenburg hereby be commended for his pivotal role in the rescue of two kayakers in Alaska in 2014; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Daniel Hillenburg as an expression of the House of Delegates' admiration for his heroic, life-saving actions.

HOUSE RESOLUTION NO. 71

Salaries, contingent and incidental expenses.

Agreed to by the House of Delegates, January 13, 2016

RESOLVED by the House of Delegates, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the House to accomplish the work of the House of Delegates during the 2016 Regular Session of the General Assembly. Necessary payments to cover salaries of temporary employees, as well as contingent and incidental expenses, will be certified by the Clerk or his designee.

HOUSE RESOLUTION NO. 72

Commemorating the life and legacy of Nathaniel Lee Hawthorne.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Nathaniel Lee Hawthorne, a passionate civil rights advocate who fought for justice and dignity for his fellow residents of Southside Virginia, died on June 9, 1975; and

WHEREAS, a lifelong resident of Lunenburg County, Nathaniel Hawthorne graduated from local public schools and Booker T. Washington Memorial Trade School; he joined many of the other young men of his generation in service to his country during World War II; and

WHEREAS, Nathaniel Hawthorne was a respected entrepreneur who served the community for many years as the owner of a radio and television repair shop in Kenbridge; he often performed work for free or for trade; and

WHEREAS, after attending the March on Washington for Jobs and Freedom, Nathaniel Hawthorne was inspired to support civil rights in Southside Virginia; in 1965, he closed his business to participate in marches, pickets, boycotts, and demonstrations, including trips to Richmond and Boston, and more fully cooperate with other civil rights leaders throughout the Commonwealth; and

WHEREAS, in 1965 and 1966, Nathaniel Hawthorne worked with the Virginia Students' Civil Rights Committee to ensure that Title II of the Civil Rights Act, which allowed equal access to restaurants and businesses, was properly enforced; and

WHEREAS, as chair of the Lunenburg County NAACP from 1965 to 1974, Nathaniel Hawthorne was instrumental in the desegregation of local schools by encouraging members of the black community to enroll their children in previously all-white schools; and

WHEREAS, in the late 1960s, Nathaniel Hawthorne worked with the NAACP Legal Defense and Educational Fund to successfully contest tuition grant payments to segregated schools; and

WHEREAS, Nathaniel Hawthorne was also passionate about voting rights; he frequently led voting drives and convinced voting registrars in Lunenburg County to expand registration hours; and

WHEREAS, a courageous leader, Nathaniel Hawthorne never yielded in his fight for equality, dignity, and freedom for all residents of Southside Virginia; now, therefore, be it

RESOLVED by the House of Delegates, That the life and legacy of Nathaniel Lee Hawthorne hereby be commemorated on the occasion of the 40th anniversary of his death; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Nathaniel Lee Hawthorne as an expression of the General Assembly's admiration for his contributions to civil rights and respect for his memory.

HOUSE RESOLUTION NO. 73

Confirming various nominations by the Speaker of the House of Delegates.

Agreed to by the House of Delegates, January 26, 2016

RESOLVED by the House of Delegates, That the House confirm the following nominations made by the Speaker of the House of Delegates to the House Ethics Advisory Panel pursuant to § 30-112 of the Code of Virginia:

Eva Tieg Hardy, 217 Gun Club Road, **Richmond**, Virginia 23221, Member, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Alfred Anderson.

The Honorable Donald W. Merricks, 1180 Astin Lane, **Danville**, Virginia 24540, Member, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Leo Wardrup.

W. Sheppard Miller, III, 5310 Edgewater Drive, **Norfolk**, Virginia 23508, Member, for an unexpired term ending June 30, 2016, to succeed Phyllis Galanti.

HOUSE RESOLUTION NO. 74

Commending Faye Eubank.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Faye Eubank, who admirably served the people of Bedford County throughout her working life, retired as the county's commissioner of the revenue on December 31, 2015; and

WHEREAS, when she was 19, Faye Eubank became a part-time employee in the office of the Bedford County Commissioner of the Revenue; in 1968, less than one year after she began working for the county, she was named a deputy in the office; and

WHEREAS, Faye Eubank was elected commissioner of the revenue for Bedford County in 1991, and many changes have occurred since then; the county's tax base has changed as Smith Mountain Lake became a major economic force and farming assumed a smaller role in the local economy; and

WHEREAS, Faye Eubank supervised many changes in the office of the commissioner of the revenue; bookkeeping machines and punch cards were replaced by a massive mainframe computer; now, personal computers and printers are commonplace; and

WHEREAS, obtaining information from the commissioner of the revenue's office has become more efficient for the public during Faye Eubank's 23 years at the helm; information is available online, and individuals also can receive help via phone or email, or through the mail; and

WHEREAS, Faye Eubank found that one of the most rewarding parts of her work in the commissioner of the revenue's office was helping county taxpayers who sought help in person, and she always encouraged her staff to work with members of the public until an issue was resolved; and

WHEREAS, for Faye Eubank, going to work was a pleasure; she greatly enjoyed what she did and the interactions with the staff, county officials, and the public; she also credited her hardworking staff members for ensuring the smooth functioning of the department; now, therefore, be it

RESOLVED by the House of Delegates, That Faye Eubank, who has admirably and faithfully worked for the people of Bedford County for 48 years, hereby be commended on the occasion of her retirement as commissioner of the revenue; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Faye Eubank as an expression of the House of Delegates' respect and admiration for her many years of service and best wishes in retirement.

HOUSE RESOLUTION NO. 75

Commending religious liberty and freedom from political persecution.

Agreed to by the House of Delegates, January 26, 2016

WHEREAS, from the arrival of the first settlers in the Americas, the United States was built on the belief that religious liberty was a paramount concern and that individuals of every heritage and faith tradition should strive to respectfully coexist with other religious and cultural groups; and

WHEREAS, the United States Constitution, the Bill of Rights, and the American legal system provide the strongest guarantee of rights of any nation in the world, and chief among these are the free exercise of every individual's faith and the protections guaranteed to every American through the Equal Protection and Due Process clauses; and

WHEREAS, Virginians subscribe to Thomas Jefferson's codification of natural law, that "no man shall be . . . enforced, restrained, molested, or burthened in his body or goods, nor shall otherwise suffer on account of his religious opinions or belief, but that all men shall be free to profess, and by argument to maintain, their opinions in matters of Religion, and that the same shall in no wise diminish, enlarge or affect their civil capacities"; and

WHEREAS, the United States and other nations have experienced violent attacks by adherents to a perversion of Islam preached by a variety of discrete sects, each having distorted the teachings of that religion, a faith that has more than a billion peaceful adherents around the globe, including millions of loyal Americans here in the United States; and

WHEREAS, while the United States and the rest of the world must remain committed to defeating forces aligned with this perversion of Islam, no matter who they are or from where they wish to threaten us, we must always keep our focus on our actual enemy, which is neither the Islamic faith nor the billion Muslims around the world who wish to simply live and practice their religion in peace; and

WHEREAS, January 16, 2016, marks the 230th anniversary of the codification of the Virginia Statute for Religious Freedom; now, therefore, be it

RESOLVED by the Virginia House of Delegates, That religious liberty and freedom from political persecution be commended. Further, the House of Delegates reaffirms its commitment to the founding principles and freedoms embodied in Virginia's Statute for Religious Freedom, the United States Constitution, and the Bill of Rights; and, be it

RESOLVED FURTHER, That in concert with the peaceful adherents, community, and faith leaders of Islam, we commit ourselves anew to fighting those who would imperil American lives and undermine the liberties and principles upon which this nation was built; and, be it

RESOLVED FURTHER, That neither nationality nor ideology shall cause Virginia's commitment to individual freedoms, personal liberty, or the free exercise of religion as so eloquently expressed by Thomas Jefferson to waver; and, be it

RESOLVED FURTHER, That in affirming our commitment to religious liberty and freedom, we also commit to principles that our nation remains open to individuals of all faiths who embrace our laws, and who seek a better life, free from political persecution; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the First Freedom Center as an expression of the House of Delegates' celebration of the anniversary of the codification of the Virginia Statute for Religious Freedom and reaffirmation of the principles established therein.

HOUSE RESOLUTION NO. 76

Celebrating the life of Irvine Byrd Hill.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Irvine Byrd Hill, an esteemed public servant and community supporter who was Mayor of Norfolk and a member of the City Council, a popular broadcast journalist in Hampton Roads who hosted a cable television program about the Virginia General Assembly for many years, a proud veteran, and a devoted husband and father, died on May 27, 2015; and

WHEREAS, Irvine Hill was born in Norfolk and graduated from Maury High School; he attended the Norfolk division of The College of William and Mary and studied broadcasting management at Harvard Business School; and

WHEREAS, Irvine Hill served in the Virginia National Guard from 1958 to 1962, and was a member of the United States Navy Reserve; he received the Superior Public Service Award from the Secretary of the Navy and was director emeritus of the Navy League of the United States; and

WHEREAS, Irvine Hill was a distinguished and much-loved Mayor of Norfolk; he was a member of the Norfolk City Council from 1972 to 1976, serving as mayor for two of those years; he was held in great esteem by the residents of Norfolk and was known as "The People's Mayor"; and

WHEREAS, for much of his life, Irvine Hill was a broadcast journalist and executive in the Hampton Roads area; he was president and general manager of WCMS radio station from 1963 to 1979 and also was part owner of a radio station in Petersburg; and

WHEREAS, in 1983, Irvine Hill became vice president for programming and community relations for Cox Communications, where he was the highly regarded host of many popular programs, including "Hampton Roads Speaks Out," "Portraits," "Viewpoints," and "A Visit With"; and

WHEREAS, as a respected journalist whose love for Norfolk and its people was central to his career and life, Irvine Hill interviewed more than 15,000 people from all around the area with a gentle and welcoming approach; and

WHEREAS, for 17 years, Irvine Hill was the host of "Cable Reports from the Virginia General Assembly"; more than 1,000 programs featuring interviews with members of the Virginia General Assembly were shown on cable television stations throughout the Commonwealth; and

WHEREAS, Irvine Hill's love for Norfolk and Hampton Roads and his kind and courtly manner endeared him to the people of Tidewater and the Commonwealth; he received the Distinguished Service Medal as Norfolk's First Citizen in 2000 and many other accolades; and

WHEREAS, Irvine Hill made many contributions to the Norfolk area and was known as its most prominent ambassador and supporter; he was awarded the President's Medallion from Eastern Virginia Medical School, was named Man of the Year by the Norfolk Police Department, and received a Certificate of Achievement from Old Dominion University; and

WHEREAS, many institutions in Norfolk benefited from Irvine Hill's contributions and insight, including the Chrysler Museum of Art, Old Dominion University, the Chesapeake Bay Foundation, the Southside Boys & Girls Club, Festevents, and the Nauticus Museum; and

WHEREAS, Irvine Hill will be remembered for his empathy for the less fortunate, his innate kindness, his love of stimulating conversation and thirst for knowledge, and his tireless work to make his community a better place; and

WHEREAS, Irvine Hill, who was predeceased by his first wife, Elizabeth; daughter, Robin; and second wife, Marjorie, will be greatly missed and fondly remembered by his daughter, Anne, and her family; and many other family members, friends, and the people of Norfolk; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Irvine Byrd Hill of Norfolk, who spent his life in service to others and worked for the betterment of his community as Norfolk's mayor and a member of its City Council and was a highly regarded broadcast journalist and supporter of many local institutions; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Irvine Byrd Hill as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 77

Celebrating the life of Howard Wilbur Jones, Jr., M.D.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Howard Wilbur Jones, Jr., M.D., of Portsmouth, a world-renowned pioneer in reproductive medicine, who, together with his wife, was responsible for the first in vitro fertilization birth in the United States, died on July 31, 2015; and

WHEREAS, Howard Jones was born at home in Baltimore in 1910, and the obstetrician who delivered him would later become his father-in-law; he married Georgeanna Seegar in 1940 after a long courtship during which they both studied medicine; and

WHEREAS, Howard Jones attended Friends School of Baltimore and earned a bachelor's degree from Amherst College in 1931; he then entered medical school and received a degree from the Johns Hopkins University School of Medicine in 1935; and

WHEREAS, during World War II, Howard Jones served in the United States Army's 5th Auxiliary Surgical Group; at the end of the war, he returned to Johns Hopkins University, completed his medical residency, and soon became a highly respected surgeon and teacher at the school; and

WHEREAS, for more than 50 years, Howard Jones and his wife worked side by side, researching, diagnosing, and treating pelvic, gynecological, and reproductive disorders; Howard Jones developed several innovative surgical procedures and also was a well-regarded cancer specialist; and

WHEREAS, in 1978, after he and his wife had reached the mandatory retirement age at Johns Hopkins University, Howard Jones accepted a position at Eastern Virginia Medical School (EVMS) in Norfolk; and in 1979, he and his wife opened the nation's first in vitro fertilization program there; and

WHEREAS, in 1981, the EVMS clinic's work, under the guidance of Howard Jones, resulted in the nation's first successful pregnancy through in vitro fertilization, and the subsequent birth—in December of that year—of a healthy baby girl; and

WHEREAS, as a result of the groundbreaking research and medical therapies developed under the supervision of Howard Jones at EVMS, infertility has been successfully treated in thousands of women in the Commonwealth, the nation, and the world; and

WHEREAS, since that medical breakthrough, the EVMS Jones Institute for Reproductive Medicine has become an international leader in developing in vitro fertilization technology and trains reproductive endocrinologists from around the world; and

WHEREAS, Howard Jones was a member of many professional organizations, including the American College of Obstetricians and Gynecologists and the American Fertility Society; he also was awarded honorary membership in more than 20 foreign scientific societies; and

WHEREAS, the many honors that were given to Howard Jones include the Distinguished Service Award from the American College of Obstetricians and Gynecologists, a fellowship ad eundem in England's Royal College of Obstetricians & Gynaecologists, and the Medal of the College of France; and

WHEREAS, Howard Jones's legacy lives on in the work of medical professionals in the Commonwealth, the nation, and the world who successfully treat infertility on a daily basis, in the lives of mothers and families, and in the children whose very existence is the result of decades of research, technological advances, and careful patient care undertaken by Howard Jones; and

WHEREAS, Howard Jones, who was predeceased by his wife, Georgeanna, will be greatly missed and fondly remembered by his children, Georgeanna, Howard III, and Lawrence, and their families; and by many other family members, friends, colleagues, and the medical profession, which has benefited in countless ways from his many discoveries and medical treatments; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Howard Wilbur Jones, Jr., M.D., of Portsmouth, an esteemed and groundbreaking physician who, with his wife, was responsible for the first in vitro fertilization birth in the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Howard Wilbur Jones, Jr., M.D., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 78

Commending the Journal of Law and the Public Interest.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the *Journal of Law and the Public Interest* has been the scholarly voice for issues pertaining to public policy, social welfare, and a broad spectrum of jurisprudence for 20 years; and

WHEREAS, first published by the University of Richmond School of Law in 1996, the *Journal of Law and the Public Interest* released its 19th volume in 2015; and

WHEREAS, the *Journal of Law and the Public Interest* comprises discussion and analysis of public interest law and policy from the University of Richmond law students, who are committed to engaging the legal community; and

WHEREAS, beginning in 2008, the *Journal of Law and the Public Interest* has published the General Assembly in Review, a collection of scholarly articles devoted solely to important legislation from the General Assembly session; it is the only legal journal in the Commonwealth to devote an entire issue to the Virginia General Assembly; and

WHEREAS, the goal of the General Assembly in Review issue is to provide a forum for the public to examine the lawmaking process of Virginia and spark conversation on future legislation and policy; many delegates and senators contribute articles to the issue, analyzing important matters from each session; and

WHEREAS, with the hard work of the *Journal of Law and the Public Interest* staff and the contributions of the legal and political community, the General Assembly in Review is a critical inquiry into the lawmaking process of the Commonwealth; and

WHEREAS, the *Journal of Law and the Public Interest* hopes to continue this tradition of providing insight into the workings of the Virginia General Assembly through the General Assembly in Review issue for many years to come; now, therefore, be it

RESOLVED by the House of Delegates, That the *Journal of Law and the Public Interest* hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the *Journal of Law and the Public Interest* as an expression of the House of Delegates' admiration for the publication's insightful analysis and commitment to serving the public.

HOUSE RESOLUTION NO. 79

Celebrating the life of Virginia Marie Dodson.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Virginia Marie Dodson of Midland, a school bus driver and chef, and a beloved homemaker who was devoted to her family, died on December 22, 2015; and

WHEREAS, Virginia Dodson was born in Fauquier County into a large family; she spent much time with children during her life, raising a large family of her own and working for the Fauquier County Public Schools as a bus driver; and

WHEREAS, in addition to her work as a bus driver for the public school system, Virginia Dodson was well known in Fauquier County for her work as a chef at the historic Fauquier Springs Country Club; and

WHEREAS, Virginia Dodson was a beloved mother and grandmother and a devoted homemaker; she enjoyed spending time with her children, grandchildren, and great-grandchildren, appreciating the love and warmth that she found in the hours she shared with her family; and

WHEREAS, predeceased by her husband, Robert, and daughter, Karen, Virginia Dodson will be greatly missed and fondly remembered by her children, Robert, Jr., Patricia, Linda, Steve, Earnest, Dennis, Kenneth, Kevin, and Diane, and their families, and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Virginia Marie Dodson of Midland, a school bus driver, chef, and a loving mother, grandmother, and great-grandmother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Virginia Marie Dodson as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 80

Nominating a person to be elected to the Court of Appeals of Virginia.

Agreed to by the House of Delegates, January 21, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Robert J. Humphreys, of Virginia Beach, as a judge of the Court of Appeals for a term of eight years commencing April 16, 2016.

HOUSE RESOLUTION NO. 81

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, January 21, 2016

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Marjorie T. Arrington, of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable John W. Brown, of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable A. Bonwill Shockley, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing March 16, 2016.

The Honorable Leslie M. Osborn, of Lunenburg, as a judge of the Tenth Judicial Circuit for a term of eight years commencing April 1, 2016.

The Honorable Gary A. Hicks, of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing February 1, 2016.

The Honorable Joseph J. Ellis, of Spotsylvania, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable J. Overton Harris, of Hanover, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable Daniel R. Bouton, of Greene, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing April 1, 2016.

The Honorable Nolan B. Dawkins, of Alexandria, as a judge of the Eighteenth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable Robert J. Smith, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing February 1, 2016.

The Honorable Bruce D. White, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing January 16, 2016.

The Honorable Burke F. McCahill, of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable John T. Cook, of Lynchburg, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing June 1, 2016.

The Honorable Victor V. Ludwig, of Staunton, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable Dennis L. Hupp, of Shenandoah, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing August 1, 2016.

The Honorable Thomas J. Wilson, IV, of Rockingham, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable Robert M. D. Turk, of Radford, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable Patrick R. Johnson, of Buchanan, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing May 1, 2016.

HOUSE RESOLUTION NO. 82

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, January 21, 2016

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Teresa N. Hammons, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing April 1, 2016.

The Honorable Gene A. Woolard, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing June 1, 2016.

The Honorable Douglas B. Ottinger, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing February 1, 2016.

The Honorable Morton V. Whitlow, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing February 1, 2016.

The Honorable Charles H. Warren, of Mecklenburg, as a judge of the Tenth Judicial District for a term of six years commencing April 16, 2016.

The Honorable J. William Watson, Jr., of Halifax, as a judge of the Tenth Judicial District for a term of six years commencing February 1, 2016.

The Honorable D. Eugene Cheek, Sr., of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing July 1, 2016.

The Honorable Becky Jo Moore, of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Mitchell I. Mutnick, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing May 1, 2016.

The Honorable Gordon F. Saunders, of Lexington, as a judge of the Twenty-fifth Judicial District for a term of six years commencing July 1, 2016.

The Honorable Randal J. Duncan, of Radford, as a judge of the Twenty-seventh Judicial District for a term of six years commencing May 1, 2016.

HOUSE RESOLUTION NO. 83

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, January 21, 2016

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Deborah V. Bryan, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing May 1, 2016.

The Honorable Joseph P. Massey, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Ronald E. Bensten, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing February 1, 2016.

The Honorable George C. Fairbanks, IV, of Williamsburg, as a judge of the Ninth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Marvin H. Dunkum, Jr., of Buckingham, as a judge of the Tenth Judicial District for a term of six years commencing April 1, 2016.

The Honorable D. Gregory Carr, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Stuart L. Williams, Jr., of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing May 1, 2016.

The Honorable George D. Varoutsos, of Arlington, as a judge of the Seventeenth Judicial District for a term of six years commencing March 16, 2016.

The Honorable Dale M. Wiley, of Danville, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2016.

The Honorable R. Louis Harrison, Jr., of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Elizabeth Kellas Burton, of Winchester, as a judge of the Twenty-sixth Judicial District for a term of six years commencing May 1, 2016.

The Honorable D. Scott Bailey, of Manassas, as a judge of the Thirty-first Judicial District for a term of six years commencing February 1, 2016.

HOUSE RESOLUTION NO. 84

Nominating a person to be elected as a member of the State Corporation Commission.

Agreed to by the House of Delegates, January 21, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a member of the State Corporation Commission as follows:

The Honorable Mark C. Christie, of Hanover County, as a member of the State Corporation Commission for a term of six years commencing February 1, 2016.

HOUSE RESOLUTION NO. 85

Nominating a person to be elected as a member of the Virginia Workers' Compensation Commission.

Agreed to by the House of Delegates, January 21, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a member of the Virginia Workers' Compensation Commission as follows:

The Honorable Robert Ferrell Newman, of Henrico County, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2016.

HOUSE RESOLUTION NO. 86

Commending the Reverend Dr. Lehman D. Bates II.

Agreed to by the House of Delegates, January 26, 2016

WHEREAS, the Reverend Dr. Lehman D. Bates II, an exceptional spiritual leader and mentor who has touched countless lives in the Charlottesville community, celebrates his 10th anniversary as pastor of Ebenezer Baptist Church in 2016; and

WHEREAS, a native of Ohio, Reverend Bates worked as a corporate consultant before he answered the call to ministry in 1987; he became a full-time pastoral assistant in 1999, then served as interim pastor at New Redeemer Baptist Church in Washington, D.C.; and

WHEREAS, in 2006, Reverend Bates became pastor of Ebenezer Baptist Church, and he has ably maintained the church's enduring practices of spiritual guidance, generous outreach to the community, and joyful worship in the Baptist tradition; and

WHEREAS, Reverend Bates is active in the local community and sits on the boards of numerous humanitarian organizations; he has been a crucial leader in efforts to end homelessness, build trust between citizens and law-enforcement officers in the area, and improve race relations at the University of Virginia and in Charlottesville as a whole; and

WHEREAS, under Reverend Bates' leadership, Ebenezer Baptist Church has performed extensive mission work and expanded outreach programs; he has traveled to more than a dozen countries on five continents to provide care and spiritual empowerment to individuals in need; and

WHEREAS, Reverend Bates believes passionately that all the people of the world are one human family, and he partners with interfaith and interracial congregations to build mutual respect and unity; and

WHEREAS, Ebenezer Baptist Church commemorated Reverend Bates' 10th anniversary with a special worship service and a fellowship reception on January 31, 2016; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Dr. Lehman D. Bates II hereby be commended on the occasion of his 10th anniversary as pastor of Ebenezer Baptist Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Lehman D. Bates II as an expression of the House of Delegates' admiration for his contributions to the Charlottesville community.

HOUSE RESOLUTION NO. 87

Commending Kathleen S. Kilpatrick.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, for more than 13 years, Kathleen S. Kilpatrick of Crozier has served the Commonwealth as director and state historic preservation officer of the Department of Historic Resources; and

WHEREAS, Kathleen Kilpatrick joined the Department of Historic Resources as deputy director in 1995 and became director and state historic preservation officer in 2001; under her able leadership, the Commonwealth's historic preservation program has earned accolades as one of the best in the nation; and

WHEREAS, leading a small, highly professional staff, Kathleen Kilpatrick has worked to identify, recognize, and safeguard the Commonwealth's historic resources and coordinated with local, state, and national government entities, as well as private sector organizations, the media, and the public to promote economic and cultural vitality in Virginia; and

WHEREAS, Kathleen Kilpatrick oversaw the creation of the state historic rehabilitation tax program, which has created jobs and generated billions of dollars of investments throughout the Commonwealth; and

WHEREAS, under Kathleen Kilpatrick's leadership, the Department of Historic Resources met ambitious land conservation goals by increasing the use of historic preservation easements; the department also focused on protecting Civil War battlefields and irreplaceable archaeological sites; and

WHEREAS, during Kathleen Kilpatrick's tenure as director of the Department of Historic Resources, hundreds of buildings, sites, and districts have been placed on the Virginia Landmarks Register and National Register of Historic Places; and

WHEREAS, Kathleen Kilpatrick partnered with state and national organizations to share Virginia's history with thousands of students, individuals, and families throughout the country; she also led a multi-year diversity initiative that focused attention on the historical contributions of women, African Americans, and Native Americans in Virginia; and

WHEREAS, Kathleen Kilpatrick worked with military installations in the Commonwealth to ensure that they met federal historic preservation mandates and instituted a leadership by example initiative to help state agencies identify, recognize, and manage historic buildings or sites owned by the Commonwealth; and

WHEREAS, facilitating innovative uses of technology, Kathleen Kilpatrick helped create one of the first and best digital inventories of historic buildings, sites, and districts, which is accessible to the public on the Internet; and

WHEREAS, Kathleen Kilpatrick holds a bachelor's degree from Sweet Briar College and has honed her expertise in the public sector for more than 35 years; she has previously worked for the National Endowment for the Humanities, the

U.S. Department of the Interior, and as a legal advisor to the Secretary of Natural Resources for the Governor of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, That Kathleen S. Kilpatrick hereby be commended for her tireless work to protect the history and heritage of the Commonwealth as director of Department of Historic Resources and state historic preservation officer; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kathleen S. Kilpatrick as an expression of the House of Delegates' admiration for her dedicated service to all Virginians.

HOUSE RESOLUTION NO. 88

Commending High Street Baptist Church.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, High Street Baptist Church celebrated 150 years of spiritual leadership and joyful worship in the Baptist tradition with the Danville community in 2015; and

WHEREAS, established in 1865, High Street Baptist Church was founded by emancipated African American members of First Baptist Church; and

WHEREAS, High Street Baptist Church's current building was completed in 1901, and the church was added to the Virginia historic highway marker system by the Virginia Department of Historic Resources in 2015; and

WHEREAS, in the 1960s, High Street Baptist Church played an integral role in the civil rights movement; marchers were trained and housed in the church, which hosted the Reverend Dr. Martin Luther King, Jr., in 1963, and Pastor Lendall W. Chase also served as president of the Danville Progressive Christian Association, which coordinated nonviolent protests; and

WHEREAS, the first African American man and the first African American woman to be elected to the Danville City Council and the first African American Mayor of Danville were all congregants of High Street Baptist Church; and

WHEREAS, members of High Street Baptist Church have become respected leaders in many fields and made valuable contributions to their communities as living examples of the church's motto, "Enter to Worship . . . Depart to Serve"; and

WHEREAS, High Street Baptist Church commemorated its 150th anniversary with a special celebration, coinciding with the opening of a museum to preserve the church's unique history, in October 2015; now, therefore, be it

RESOLVED by the House of Delegates, That High Street Baptist Church hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to High Street Baptist Church as an expression of the House of Delegates' admiration for its service to the Danville community.

HOUSE RESOLUTION NO. 89

Commending Charles Larry Pope.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Charles Larry Pope retired as president and chief executive officer of Smithfield Foods, Inc., on December 31, 2015, after 35 years of exemplary service to the citizens of the Commonwealth; and

WHEREAS, Larry Pope spent most of his career in the business world, having worked with PricewaterhouseCoopers, one of the largest professional services firms in the world, and Smithfield Foods, the largest processor of pork products in the world and purveyor of one of Virginia's signature products, Smithfield hams; and

WHEREAS, Larry Pope served as controller of Smithfield Foods from 1980 to 1999, when he was appointed chief financial officer; and

WHEREAS, in 2001, Larry Pope was appointed president and chief operating officer of Smithfield Foods; and

WHEREAS, in 2006, Larry Pope was appointed president and chief executive officer of Smithfield Foods, where he continued to serve until his retirement at the end of 2015; and

WHEREAS, Larry Pope's leadership and stewardship resulted in remarkable improvements within Smithfield Foods, the Town of Smithfield, and the Commonwealth; and

WHEREAS, after his well-deserved retirement, Larry Pope plans to spend more time with his family and friends, fully enjoying his role as husband, father, and grandfather; now, therefore, be it

RESOLVED by the House of Delegates, That Charles Larry Pope hereby be commended for his devoted and time-honored service to the citizens of the Commonwealth on the occasion of his retirement as president and chief executive officer of Smithfield Foods, Inc.; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Larry Pope as an expression of the House of Delegates' appreciation for his hard work and dedication and best wishes on future endeavors.

HOUSE RESOLUTION NO. 90

Commending Elizabeth S. Tai.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Elizabeth S. Tai, who has worked to meet the informational, educational, and cultural needs of the community as director of the Poquoson Public Library for more than 35 years, retired January 29, 2016; and

WHEREAS, Elizabeth Tai began a long and fulfilling career as a librarian in 1967; she worked in libraries in New York, Ohio, and Georgia, before becoming director of the Poquoson Public Library in 1979; and

WHEREAS, during Elizabeth Tai's tenure as executive director, the Poquoson Public Library achieved accreditation by the Library of Virginia, and she worked with the Friends of the Poquoson Public Library and other local organizations to facilitate expansion and relocation to the current facility on City Hall Avenue; and

WHEREAS, Elizabeth Tai helped the Poquoson Public Library become one of the busiest and most highly respected libraries in the country, with rates of patron visits per capita and item circulation per capita that are more than double state and national averages; and

WHEREAS, under Elizabeth Tai's leadership, the Poquoson Public Library was named the third-best library in the Commonwealth in 2002, received the grand prize in the national Love Your Library contest in 2015, and was nominated for the National Medal for Museum and Library Service in 2012; and

WHEREAS, Elizabeth Tai earned many awards and accolades for her exceptional stewardship of the Poquoson Public Library, including the 1983 City of Poquoson Outstanding Employee of the Year award and the 2004 Virginia Public Library Directors Association Outstanding Library Director award, and she is deeply respected by her peers in the field of library science; and

WHEREAS, offering her sage guidance to numerous other civic and service organizations, Elizabeth Tai has worked to strengthen the community as a charter member of the Kiwanis Club of Tabb, chair of the Peninsula Chinese American Association board and Virginia Peninsula Retired Senior Volunteer Program board, and longtime volunteer for the American Red Cross Language Bank; and

WHEREAS, Elizabeth Tai holds a bachelor's degree from National Cheng Kung University in China and a master's degree from Texas Woman's University; now, therefore, be it

RESOLVED by the House of Delegates, That Elizabeth S. Tai hereby be commended on the occasion of her retirement as director of the Poquoson Public Library; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elizabeth S. Tai as an expression of the House of Delegates' admiration for her work to make the City of Poquoson a community of readers.

HOUSE RESOLUTION NO. 91

Commending the Virginia Living Museum.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Junior Nature Museum and Planetarium in Newport News was launched in 1966 as a community project, spearheaded by the Warwick Rotary Club and the Junior League of Hampton Roads, to help children and adults learn to cherish living things and develop a genuine desire to protect and preserve the Commonwealth's natural heritage; and

WHEREAS, the Junior Nature Museum and Planetarium became the first living museum east of the Mississippi in 1987, when it changed its name to the Virginia Living Museum; and

WHEREAS, in 2004, the Virginia Living Museum completed a \$22.6 million expansion to serve more constituents with science education programs and exhibits, introducing visitors to more plants and animals than would be encountered in a lifetime of outdoor adventures in Virginia; and

WHEREAS, during the past 50 years, the Virginia Living Museum has reached more than 2.5 million students with hands-on science education programs that are correlated to Virginia's Standards of Learning, and these programs help to attract students to the sciences; and

WHEREAS, since 1966, the Virginia Living Museum, through its exhibits, programs, and activities, has shared the wonder of nature with more than eight million visitors and has taken a leadership role in educating visitors about ways to conserve valuable natural resources; and

WHEREAS, the Virginia Living Museum holds itself to the highest standards of its industry, being one of only 14 institutions accredited by both the American Alliance of Museums and the Association of Zoos and Aquariums; and

WHEREAS, the Virginia Living Museum is also a certified Virginia Green attraction, committed to minimizing its environmental impact by preventing as much pollution as possible; and

WHEREAS, in 2015, the Virginia Living Museum received a Governor's Environmental Excellence Gold Award for decades of conservation teaching and practices; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Living Museum hereby be commended for its 50 years of outstanding service to the Commonwealth by promoting a better understanding of the delicate balance of the natural world; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Living Museum as an expression of the House of Delegates' admiration for the museum's contributions to the residents of the Commonwealth and best wishes for continued success.

HOUSE RESOLUTION NO. 92

Commending the Stone Bridge High School boys' cross country team.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Stone Bridge High School boys' cross country team capped off a stellar 2015 season by winning the Virginia High School League Group 5A state championship; and

WHEREAS, the team of seasoned runners from Stone Bridge High School appreciated the 2015 victory all the more after placing third at the state meet in 2014 and being the runner-up in 2013; and

WHEREAS, Stone Bridge High School seniors Andrew Matson, Joe Valle, and Jackson Morton placed among the top nine finishers at the title meet, which was held on November 13, 2015, at Great Meadow in The Plains; and

WHEREAS, other members of the Stone Bridge High School Bulldogs also contributed to the team's victory; Matthew Sapsara, a junior, finished in 14th place, and determined efforts from Curt Doescher, Keondre Willoughby, and Jack Lynch added to the team's momentum; and

WHEREAS, the head coach of the Stone Bridge High School cross country team, Matt Henry, said that the state championship was the result of four years of hard work and attributed the victory in part to the long-term outlook of the senior team members; and

WHEREAS, the graduating 12th-graders hope that the talented underclassmen on the Stone Bridge High School cross country team will use the 2015 state title as motivation to continue the school's winning ways; and

WHEREAS, the hard-working runners were strongly supported throughout the 2015 season by the coaching staff, their families, friends, and the students and staff at Stone Bridge High School; now, therefore, be it

RESOLVED by the House of Delegates, That the Stone Bridge High School boys' cross country team hereby be commended for winning the 2015 Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Matt Henry, head coach of the Stone Bridge High School boys' cross country team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding performance and championship season.

HOUSE RESOLUTION NO. 93

Commending the Stone Bridge High School girls' volleyball team.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Stone Bridge High School girls' volleyball team celebrated an impressive 2015 season by winning the Virginia High School League Group 5A volleyball championship; and

WHEREAS, the talented and hardworking members of the Stone Bridge High School team took home the school's first state title in girls' volleyball on November 21, 2015, defeating a strong squad from Potomac Falls High School, 3-2, in the championship match; and

WHEREAS, Jill Raschiatore, head coach of the Stone Bridge High School Bulldogs, said that the 2015 team was well balanced with multiple hitters and setters and that depth helped move the team forward throughout its record-setting 25-3 season; and

WHEREAS, in a close five-set title match, which was played in Richmond, the lead changed four times; in the decisive final encounter between the two schools from Loudoun County, the Stone Bridge High School volleyball team performed almost flawlessly, winning 15-3; and

WHEREAS, the members of the Bulldogs girls' volleyball team benefited throughout the season from the strong and enthusiastic support of their families, friends, fellow students, and the faculty and staff of Stone Bridge High School; now, therefore, be it

RESOLVED by the House of Delegates, That the Stone Bridge High School girls' volleyball team hereby be commended for winning the 2015 Virginia High School League Group 5A volleyball championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jill Raschiatore, head coach of the Stone Bridge High School girls' volleyball team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding accomplishments and championship season.

HOUSE RESOLUTION NO. 94

Commending the Civil Air Patrol Virginia Wing.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, for 75 years, the Civil Air Patrol Virginia Wing has promoted aerospace education for youth and adults and helped safeguard the residents of the Commonwealth with aerial missions in support of emergency services; and

WHEREAS, the Civil Air Patrol traces its roots to the 1930s, when more than 150,000 civilian aviators advocated for the creation of an auxiliary organization where they could put their skills to use in defense of the nation; and

WHEREAS, the Civil Air Patrol was officially created in 1941 under the direction of the United States Army Air Corps; during World War II, Civil Air Patrol pilots logged more than 500,000 hours of flight time, sank two enemy submarines, and saved hundreds of lives through search and rescue missions; and

WHEREAS, members of the Civil Air Patrol Virginia Wing flew coastal patrols in search of Nazi German submarines and towed targets for air gunnery practice, often at the pilots' own expense and risk; 65 Civil Air Patrol pilots made the ultimate sacrifice during World War II, including one Virginian; and

WHEREAS, Civil Air Patrol was incorporated as a nonprofit organization in 1946 and established as an auxiliary of the United States Air Force in 1948; the Civil Air Patrol Virginia Wing is headquartered in Richmond and maintains 24 local units throughout the Commonwealth; and

WHEREAS, the Civil Air Patrol Virginia Wing carries out the organization's three primary missions—offering aerospace education, inspiring youth to service through a cadet program, and assisting in the event of an emergency; and

WHEREAS, the Civil Air Patrol Virginia Wing offers an extensive educational program for both members and the public and distributes science, technology, engineering, mathematics, and aviation materials to public schools; the organization also conducts a variety of generous outreach projects; and

WHEREAS, with a thriving cadet program of more than 800 members aged 12 to 20, the Civil Air Patrol Virginia Wing teaches youth leadership skills, personal ethics, and the importance of physical fitness, as well as providing opportunities to learn about aviation and participate in state, national, and international aviation programs; and

WHEREAS, the members and cadets of the Civil Air Patrol Virginia Wing provide an invaluable service to the Commonwealth by assisting with emergency situations, including search and rescue missions and aerial damage assessments for natural disasters; now, therefore, be it

RESOLVED by the House of Delegates, That the Civil Air Patrol Virginia Wing hereby be commended for its legacy of service to the Commonwealth on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Civil Air Patrol Virginia Wing as an expression of the General Assembly's admiration for the skill and dedication of the organization's volunteer pilots and cadets.

HOUSE RESOLUTION NO. 95

Commending the United States Colored Troops Descendants.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the United States Colored Troops Descendants honors African American veterans of the United States military who served in the Civil War; and

WHEREAS, the United States Colored Troops Descendants (USCTD) association is a division of the Bells Mill Historical Research and Restoration Society, a nonprofit educational, research, and archival organization based in Chesapeake; and

WHEREAS, the USCTD honors soldiers and sailors of color who played a vital role in American history, especially during the Civil War when more than 240,000 black military service members fought to preserve the Union and end slavery; and

WHEREAS, in 1863, the United States War Department established the Bureau of Colored Troops, enabling the country's military branches to recruit African Americans to fight for the Union; in May 2014, the USCTD formally recognized the formation of the bureau at a Founders Day observance in Chesapeake; and

WHEREAS, the USCTD commemorates the military service of newly freed slaves—especially those from the Hampton Roads area—who joined the Union cause; recently the organization laid a marker at the Unknown and Known Afro-Union Civil War Soldiers Memorial in Chesapeake; and

WHEREAS, the marker was placed by the USCTD in memory of Littleton Owens, a commissary sergeant from Princess Anne County who served in Company C of the 2nd U.S. Colored Troops Cavalry during the Civil War; and

WHEREAS, according to some accounts, by the end of the Civil War, there were more African American soldiers from the Chesapeake area fighting for the Union than there were local soldiers fighting for the Confederate cause; and

WHEREAS, the USCTD and the Bells Mill Historical Research and Restoration Society aim to educate the public about the courageous service of African American troops who volunteered to fight to save the nation and defeat slavery; the

soldiers and sailors valiantly combatted a system that had enslaved millions of people and also worked to reunite the country; now, therefore, be it

RESOLVED by the House of Delegates, That the United States Colored Troops Descendants hereby be commended for educating the public about the many sacrifices made by freed slaves who took up arms to fight to preserve the Union and defeat slavery; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to E. Curtis Alexander, officer-in-charge of the United States Colored Troops Descendants, as an expression of the House of Delegates' respect and admiration for the tireless efforts of the association to keep a vital part of the Commonwealth's past alive.

HOUSE RESOLUTION NO. 96

Commending the Town of Tazewell.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, exploration of the area known today as Tazewell dates to the early 1700s when groups of hunters from eastern Virginia first explored the area that is now called Southwest Virginia; and

WHEREAS, in 1773, William Peery and Samuel Ferguson settled the area that would become the Town of Tazewell; and

WHEREAS, on land provided by William Peery, the General Assembly in 1800 established the seat of a new Virginia county, Tazewell County; and

WHEREAS, the county seat was named in honor of Thomas Jefferson who was sworn in as the country's third President that year and had received every vote from the citizens in the area that would become known as Jeffersonville; and

WHEREAS, the General Assembly incorporated the Town of Jeffersonville in 1866; and

WHEREAS, on February 29, 1892, the Town of Jeffersonville was renamed the Town of Tazewell by the General Assembly because it was commonly referred to as "Tazewell Court House," causing considerable confusion; and

WHEREAS, Tazewell began to grow as a center of commerce and in 1892 became the smallest town in America with a street car when the first trolleys—pulled by horse or mule—were used; in 1904 the Town of Tazewell upgraded to electric trolley cars; and

WHEREAS, the Town of Tazewell and its neighbor, the Town of North Tazewell, merged on January 1, 1963; and

WHEREAS, today the Town of Tazewell is home to more than 6,000 residents; and

WHEREAS, Tazewell is located at the headwaters of the Clinch River; the springs of Tazewell eventually become part of the Tennessee and Ohio Rivers and ultimately flow into the Mississippi River; and

WHEREAS, Tazewell is an energetic and vibrant community rich in history and natural beauty; now, therefore, be it

RESOLVED by the House of Delegates, That the Town of Tazewell hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Mayor of Tazewell as an expression of the House of Delegates' congratulations and admiration for the vibrant and growing community of Tazewell in Southwest Virginia.

HOUSE RESOLUTION NO. 97

Celebrating the life of Eleanor Jane Friel.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Eleanor Jane Friel, a patriotic member of the Virginia Beach community and respected former member of the Civil Air Patrol, died on April 17, 2015; and

WHEREAS, a native of Chicago, Eleanor Friel pursued a career in journalism with the *Chicago Post-Tribune*; and

WHEREAS, Eleanor Friel joined many of the other young women and men of her generation in service to the nation during World War II; she volunteered with the United States Army at Vaughan General Hospital and trained as a pilot to become a flight navigator with the Civil Air Patrol; and

WHEREAS, in recognition of her courageous service in defense of the homeland during World War II, Eleanor Friel and the other members of the Civil Air Patrol received the Congressional Gold Medal, one of the highest civilian honors in the United States; and

WHEREAS, later in life, Eleanor Friel spread joy to others through her skill and passion as an artist, and she was an active member of the Tidewater community; and

WHEREAS, predeceased by her husband, Joseph, Eleanor Friel will be fondly remembered and greatly missed by her children, Deborah, Randolph, and Joseph III, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Eleanor Jane Friel, a respected member of the Virginia Beach community who served her country as a member of the Civil Air Patrol; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eleanor Jane Friel as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 98

Commending Kenbridge Emergency Squad.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Kenbridge Emergency Squad has safeguarded the members of the Lunenburg County community for 50 years; and

WHEREAS, in 1965, a group of concerned citizens established Kenbridge Emergency Squad to better serve their fellow residents; they trained with first responders in nearby communities and the Virginia State Police; and

WHEREAS, Kenbridge Emergency Squad was in the process of fundraising for a new ambulance when Edward J. Silverman suggested holding a race with proceeds benefitting the squad; the race became known as the Jackass Derby and has been a popular local tradition since its inception; and

WHEREAS, in 1966, Kenbridge Emergency Squad purchased its first vehicle and completed its first station one year later; the squad later purchased a carryall ambulance to comply with state regulations and continually expanded its fleet of ambulances over the next several years; and

WHEREAS, the Ladies Auxiliary of Kenbridge Emergency Squad also formed in the 1960s; in addition to raising funds to help pay for equipment, the members of the auxiliary completed Red Cross first aid training to assist squad members when necessary; and

WHEREAS, Kenbridge Emergency Squad worked with the local fire department in the 1980s to procure a heavy-duty rescue truck, which could carry a variety of lifesaving equipment and first aid supplies; the squad purchased its first box-type ambulance in 1990; and

WHEREAS, in 1996, Kenbridge Emergency Squad established a junior squad, which later donated \$2,000 toward the construction of a modern station; the new station features innovative equipment to ensure that the Kenbridge Emergency Squad is able to continue providing exceptional service to the community; now, therefore, be it

RESOLVED by the House of Delegates, That Kenbridge Emergency Squad hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kenbridge Emergency Squad as an expression of the House of Delegates' admiration for its contributions to the Lunenburg County community.

HOUSE RESOLUTION NO. 99

Commending Victoria Fire and Rescue Company.

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Victoria Fire and Rescue Company in Lunenburg County has safeguarded the lives and property of community members for 75 years; and

WHEREAS, the Victoria Fire and Rescue Company traces its roots to 1940, when the Victoria Rotary Club requested that the Virginia Board of Education teach a fire training class in Victoria; the 10-week class began in 1940, and 11 men completed the class and passed the state exam; and

WHEREAS, Victoria Fire and Rescue Company was officially founded in 1941 with 10 firefighters—James H. Moore, Robert W. Williams, Willie C. Brame, Everette W. Gee, Sterling H. Wilkes, Maynard T. Cox, Charles A. Gallion, George E. Gallion, Levi L. Parrish, and J. W. Conner—under Chief W. C. Swain; the company's first fire station was built on 7th Street by Victoria Supply Company and its first fire truck was built by Roanoke Welding and Equipment's Oren Fire Apparatus Division; and

WHEREAS, during World War II, the members of Victoria Fire and Rescue Company assisted with blackout training to help keep the community safe in the event of a bombing raid and sold war bonds; and

WHEREAS, in 1949, Victoria Fire and Rescue Company was incorporated as Victoria Fire Company, Inc., and organized a junior fire department; in the 1950s, the company purchased its first ambulance to better serve the community; and

WHEREAS, Victoria Fire Company changed its name to Victoria Fire and Rescue Company in 1978 to reflect its evolving mission; that same year, it began offering advanced life support and medical care; and

WHEREAS, in 1994, Victoria Fire and Rescue Company moved to its current location on Main Street, where it has carried on its legacy of excellence by providing exceptional fire, rescue, emergency medical, and hazardous materials response services; now, therefore, be it

RESOLVED by the House of Delegates, That Victoria Fire and Rescue Company hereby be commended on the occasion of its 75th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Victoria Fire and Rescue Company as an expression of the House of Delegates' admiration for the company's contributions to the people of Lunenburg County.

HOUSE RESOLUTION NO. 100

Commending the Riverside High School girls' volleyball team.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, the Riverside High School girls' volleyball team won the Virginia High School League Conference 28 championship on November 5, 2015, during its inaugural season; and

WHEREAS, the Riverside High School Rams defeated the Brentsville High School Tigers 3-2 in a tense five-set match to secure the conference title; the Rams won the second, third, and fifth sets by scores of 29-27, 25-11, and 15-12; and

WHEREAS, the members of the Riverside High School girls' volleyball team, who are former students of three high schools in the region with high-quality volleyball programs, recorded 43 kills, three solo blocks, four assisted blocks, 31 digs, and 13 aces in the battle with the Brentsville High School Tigers; and

WHEREAS, after the conference victory, the Riverside High School Rams won a Virginia High School League Group 3A East regional quarterfinal game against the Armstrong High School Wildcats and advanced to the regional semifinal game to finish the season with a 13-12 record; and

WHEREAS, with no seniors and only two juniors, the Riverside High School Rams are a young team, poised to continue building the volleyball program's legacy for several seasons to come; and

WHEREAS, the successful season is a testament to the teamwork and focus of the student-athletes, the leadership of the coaches and staff, and the energetic support of the entire Riverside High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Riverside High School girls' volleyball team hereby be commended on winning the 2015 Virginia High School League Conference 28 championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Samantha Ingersoll, head coach of the Riverside High School girls' volleyball team, as an expression of the House of Delegates' admiration for the team's hard work and best wishes for the future.

HOUSE RESOLUTION NO. 101

Commending Calvary Baptist Church.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Calvary Baptist Church in Smithfield celebrated 25 years of spiritual leadership, generous community outreach, and joyful worship in the Baptist tradition in 2015; and

WHEREAS, Calvary Baptist Church was founded by the Reverend Dan E. Gray and his wife, Myra, who held prayer meetings in their home for many weeks, seeking inspiration on the creation of a new church community in Isle of Wight County; and

WHEREAS, Calvary Baptist Church held its first worship services in the Carrollton Ruritan Club building on August 5, 1990; the church was officially chartered and adopted its constitution and by-laws in 1991; and

WHEREAS, that same year, Calvary Baptist Church purchased 10 acres of land on Turner Drive for the construction of a permanent house of worship; over the years the church has expanded the facility to better serve the growing congregation and enable greater opportunities for ministry; and

WHEREAS, Calvary Baptist Church commemorated its 25th anniversary with a special celebration and worship service on August 2, 2015; now, therefore, be it

RESOLVED by the House of Delegates, That Calvary Baptist Church in Smithfield hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dan E. Gray, pastor of Calvary Baptist Church, as an expression of the House of Delegates' admiration for the church's many contributions to the Smithfield community.

HOUSE RESOLUTION NO. 102

Commending Abram Baer.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Abram Baer of Fauquier County has earned the national Distinguished Expert award for air rifle in the Winchester/National Rifle Association Marksmanship Qualification Program; and

WHEREAS, the riflery program is a project of the John D. Sudduth American Legion Post 72 in Warrenton and Fauquier County 4-H Youth Development; Abram Baer is a member of the Post's junior shooting sports program; and

WHEREAS, the American Legion Junior Shooting Sports Program is a gun safety education and marksmanship program consisting of a basic marksmanship course, qualification awards, and an air rifle competition; and

WHEREAS, Abram Baer was ably coached by Claude Davenport and Mike Freeman, who offered guidance and support during his practices and at competitions; the coaches help their students focus, concentrate, and develop expert shooting skills by reinforcing their personal accomplishments and providing constructive input; and

WHEREAS, Abram Baer and his fellow competitors are highly motivated during rifle practices and at contests, demonstrating high degrees of focus and skill often seen at professional sharpshooting competitions; and

WHEREAS, to be named a Distinguished Expert by the Winchester/National Rifle Association Marksmanship Qualification Program, Abram Baer scored a minimum of 500 points—out of a possible 600 points—in 10 air rifle competitions; now, therefore, be it

RESOLVED by the House of Delegates, That Abram Baer hereby be commended for earning the national Distinguished Expert award for air rifle in the Winchester/National Rifle Association Marksmanship Qualification Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Abram Baer as an expression of the House of Delegates' congratulations and admiration for his outstanding accomplishment and dedication to the sport of shooting.

HOUSE RESOLUTION NO. 103

Commending Sean Hardy.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Sean Hardy of Fauquier County has earned the national Distinguished Expert award for air rifle in the Winchester/National Rifle Association Marksmanship Qualification Program; and

WHEREAS, the riflery program is sponsored by the John D. Sudduth American Legion Post 72 in Warrenton and Fauquier County 4-H Youth Development; Sean Hardy is a member of the Post's junior shooting sports program; and

WHEREAS, the American Legion Junior Shooting Sports Program is a gun safety education and marksmanship program consisting of a basic marksmanship course, qualification awards, and an air rifle competition; and

WHEREAS, Sean Hardy was ably coached by Claude Davenport and Mike Freeman, who offered guidance and support during his practices and at competitions; the coaches help their students focus, concentrate, and develop expert shooting skills by reinforcing their personal accomplishments and providing constructive input; and

WHEREAS, Sean Hardy and his fellow competitors are highly motivated during rifle practices and at contests, demonstrating high degrees of focus and skill often seen at professional sharpshooting competitions; and

WHEREAS, to be named a Distinguished Expert by the Winchester/National Rifle Association Marksmanship Qualification Program, Sean Hardy, who first started in the sport when he was 11, scored a minimum of 500 points—out of a possible 600 points—in 10 air rifle competitions; and

WHEREAS, Sean Hardy has greatly enjoyed the sport; he finds it relaxing, and appreciates that he can shoot on his own and is under no pressure; over the years, he has put much time and effort into becoming an expert marksman; now, therefore, be it

RESOLVED by the House of Delegates, That Sean Hardy hereby be commended for earning the national Distinguished Expert award for air rifle in the Winchester/National Rifle Association Marksmanship Qualification Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sean Hardy as an expression of the House of Delegates' congratulations and admiration for his outstanding accomplishment and dedication to the sport of shooting.

HOUSE RESOLUTION NO. 104

Commending Sam Oravec.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Sam Oravec of Fauquier County has earned the national Distinguished Expert award for air rifle in the Winchester/National Rifle Association Marksmanship Qualification Program; and

WHEREAS, the riflery program is sponsored by the John D. Sudduth American Legion Post 72 in Warrenton and Fauquier County 4-H Youth Development; Sam Oravec is a member of the Post's junior shooting sports program; and

WHEREAS, the American Legion Junior Shooting Sports Program is a gun safety education and marksmanship program consisting of a basic marksmanship course, qualification awards, and an air rifle competition; and

WHEREAS, Sam Oravec was ably coached by Claude Davenport and Mike Freeman, who offered guidance and support during his practices and at competitions; the coaches help their students focus, concentrate, and develop expert shooting skills by reinforcing their personal accomplishments and providing constructive input; and

WHEREAS, Sam Oravec and his fellow competitors are highly motivated during rifle practices and at contests, demonstrating high degrees of focus and skill often seen at professional sharpshooting competitions; and

WHEREAS, to be named a Distinguished Expert by the Winchester/National Rifle Association Marksmanship Qualification Program, Sam Oravec scored a minimum of 500 points—out of a possible 600 points—in 10 air rifle competitions; and

WHEREAS, Sam Oravec has greatly enjoyed the sport; the concentration required to excel at marksmanship has other benefits—he also competes in track and field, and his ability to concentrate has helped him prepare for races, calm his nerves, and improve his times; now, therefore, be it

RESOLVED by the House of Delegates, That Sam Oravec hereby be commended for earning the national Distinguished Expert award for air rifle in the Winchester/National Rifle Association Marksmanship Qualification Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sam Oravec as an expression of the House of Delegates' congratulations and admiration for his outstanding accomplishment and dedication to the sport of shooting.

HOUSE RESOLUTION NO. 105

Commending the Emporia Rotary Club.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, in 2016, the Emporia Rotary Club celebrates 70 years of generous community service, outreach to those in need, and civic engagement; and

WHEREAS, the Emporia Rotary Club was chartered on May 7, 1946, and had 17 founding members; the first president of the service organization was Lee J. Spangler; and

WHEREAS, from the beginning, members of the Emporia Rotary Club supported community organizations and institutions, including local Boy Scout and Cub Scout troops, the Boys State summer leadership program for high school students, and Jackson-Feild Homes; and

WHEREAS, a popular Pancake Day fundraising event continued into the 1960s; additionally, the Emporia Rotary Club sponsored basketball games that were held at the National Guard Armory and sold first-aid kits; and

WHEREAS, in the 1970s, as membership in the Emporia Rotary Club increased, the group expanded its outreach efforts to include several large donations to the local hospital for the purchase of permanent equipment, thereby aiding patients from throughout the area; and

WHEREAS, membership in the Emporia Rotary Club increased to 60 people in the 1980s, and the club took part in many more community activities; a Spaghetti Day project was started during this time, and the club also awarded scholarships to outstanding students; and

WHEREAS, generous donations to worthwhile community endeavors have been a hallmark of the Emporia Rotary Club; the organization has contributed to the Emporia Volunteer Fire Department, the Greensville Volunteer Rescue Squad, the local department of social services, the Christmas Happiness Fund, and many other worthwhile community programs; and

WHEREAS, area beautification efforts have benefited from the work of the Emporia Rotary Club; the group has donated funds for the planting of azalea bushes in Meherrin River Park, and members also helped build the pavilion at Veteran's Memorial Park and sponsored renovations at the Emporia Community Youth Center; and

WHEREAS, Rotary clubs throughout the world have united to eradicate polio, and the Emporia Rotary Club has strongly supported the effort; the group has donated thousands of dollars to the PolioPlus program and continues to raise money to fight the paralyzing and potentially fatal disease; and

WHEREAS, in 2016, the Emporia Rotary Club continues its proud tradition of strengthening the community through outreach and philanthropy; the club will work with the local library to develop an outdoor meditation area for young people and will award scholarships, support leadership training for young people, and continue to support polio eradication efforts worldwide; and

WHEREAS, with a long history of outstanding community service, the members of the Emporia Rotary Club have readily provided a helping hand to people in need and have supported many local, state, national, and international humanitarian efforts; now, therefore, be it

RESOLVED by the House of Delegates, That the Emporia Rotary Club hereby be commended on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Holtkamp, president of the Emporia Rotary Club, as an expression of the House of Delegates' congratulations and admiration for its many years of service and generous support to the people of Emporia and the Commonwealth.

HOUSE RESOLUTION NO. 106

Commending Louise Thornton.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, for 50 years, Louise Thornton has been an outstanding teacher in the Prince George County Public Schools and an inspiration to those around her, dedicating her life to educating young people about American government and their civic responsibilities; and

WHEREAS, Louise Thornton was reared in Sussex County and earned a bachelor's degree in 1966 from The College of William and Mary; she decided to follow her mother and become a teacher, and after she graduated, she started work in the Prince George County Public School system; and

WHEREAS, Louise Thornton returned to her alma mater in 1968-1969 and earned a master's degree; she later earned a second graduate degree from the University of Richmond; and

WHEREAS, in 1966-1967, during her first year in the classroom, Louise Thornton taught history in middle school; she then moved to Prince George High School the following year and has spent her entire teaching career at the county's high school; and

WHEREAS, in the last five decades, Louise Thornton has taught more than 6,000 students; she teaches U.S. government, and to date, she has guided her students through 13 presidential election cycles; and

WHEREAS, Louise Thornton has attended numerous campaign rallies and political conventions over the years, enthusiastically incorporating what she has learned into classroom discussions with her students; and

WHEREAS, Louise Thornton has helped students at Prince George High School in many ways; she started an Advanced Placement government and politics course and also sponsors the Prince George Model United Nations Club; and

WHEREAS, additionally, Louise Thornton chairs the Social Studies Department at Prince George High School and has served on several influential committees in the school system; her commitment to education is an inspiration to her colleagues—some of whom were once her students; now, therefore, be it

RESOLVED by the House of Delegates, That Louise Thornton, an admired and esteemed teacher for the Prince George County Public Schools for 50 years, hereby be commended for her tireless work on behalf of her students and her commitment to teaching; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Louise Thornton as an expression of the House of Delegates' congratulations and admiration for her dedication to public education and for encouraging young people to become informed and responsible citizens of the Commonwealth.

HOUSE RESOLUTION NO. 107

Celebrating the life of Em Bowles Locker Alsop.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Em Bowles Locker Alsop, a respected businesswoman in the public relations field and passionate historic preservationist, died on March 3, 2015; and

WHEREAS, a native of Richmond, Em Alsop graduated from St. Catherine's School and Vassar College; in 1936, she was one of only 20 actresses to screen test for the role of Scarlett O'Hara in *Gone with the Wind*, impressing studio executives with her graceful movements and refined Southern accent; and

WHEREAS, after college, Em Alsop worked as an assistant to the director of public relations at The College of William and Mary, where she researched the first guide book for historic Williamsburg; and

WHEREAS, Em Alsop later joined the Powers Modeling Agency and became the first director of the agency's modeling school; she was a sought-after public speaker, radio guest, and freelance writer, who pioneered the concept of models as corporate spokeswomen; and

WHEREAS, taking a keen interest in history, Em Alsop edited a biography of former President Woodrow Wilson and was the only woman appointed to the Woodrow Wilson Centennial Celebration Commission; and

WHEREAS, Em Alsop was also the only woman appointed to the original Virginia Historic Landmarks Commission, where she advocated for the creation of the Virginia Department of Historic Resources; she served as vice president of Preservation Virginia and chair of Historic Jamestown and was a key figure in the development of a monument on the state Capitol grounds to honor Virginia women; and

WHEREAS, predeceased by her husband of 46 years, Benjamin, Em Alsop will be fondly remembered and greatly missed by her daughter, Carter, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Em Bowles Locker Alsop, an admired public relations professional who worked to preserve the history and heritage of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Em Bowles Locker Alsop as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 108

Celebrating the life of Richard Warren Turner.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Richard Warren Turner of Richmond, a respected businessman who increased the health and well-being of countless Virginians through his contributions to the medical field, died on April 12, 2015; and

WHEREAS, Richard Turner earned a bachelor's degree from Old Dominion University, a master's degree from Pepperdine University, and a doctorate from Berne University; and

WHEREAS, possessed of an entrepreneurial spirit, Richard Turner spent his career establishing companies or helping them grow with his exceptional leadership, integrity, and compassion; he led by example, always treating employees with respect and sincerity; and

WHEREAS, over the course of his distinguished career in business, Richard Turner served as president and chief executive officer of Kay Laboratories, Pancretec, The Cooper Companies, BEI Medical Systems, EyeTel Imaging, Conmed Healthcare Management, and American CareSource; and

WHEREAS, a loving father and mentor to his children, Richard Turner was predeceased by one son, Matthew; he will be fondly remembered and greatly missed by his wife of 31 years, Deidre; children, Heather, Robert, and Finley, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Richard Warren Turner, a successful entrepreneur and a leader in the medical field; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Warren Turner as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 109

Celebrating the life of Charles Morris Terry, Jr.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Charles Morris Terry, Jr., a financial professional who was dedicated to his clients and a hardworking community leader in Richmond, died on May 9, 2015; and

WHEREAS, a lifetime resident of Richmond, Charles Terry graduated from St. Christopher's School, where he was the captain of a state champion basketball team and was a standout varsity tennis player; and

WHEREAS, desirous to be of service to his country, Charles Terry joined many of the other young men of his generation in service to the nation as a member of the United States Marine Corps during World War II; and

WHEREAS, after his honorable military service, Charles Terry earned a bachelor's degree from the University of Virginia; he was a lifelong fan of the Cavaliers athletics programs, particularly the football and basketball teams; and

WHEREAS, Charles Terry served his fellow Richmond residents as a certified public accountant and financial advisor; he founded Charles M. Terry & Company and worked with clients until late in his life; and

WHEREAS, working to strengthen the Richmond community, Charles Terry offered his time and leadership to many civic and service organizations; he was a longtime member of the West Richmond Rotary Club, president of the West Richmond Businessmen's Association, chair of the Richmond City Audit Committee and City Industrial Authority, and president of Richmond Cotillion; and

WHEREAS, a man of deep faith, Charles Terry enjoyed fellowship and worship with the community as a member of St. James's Episcopal Church, where he served as a vestryman and treasurer; and

WHEREAS, Charles Terry will be fondly remembered and greatly missed by his wife of 56 years, Johnnie Lou; daughters, Constance and Laura, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Charles Morris Terry, Jr., a respected financial professional in Richmond; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Morris Terry, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 110

Celebrating the life of C. Edwin Estes.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, C. Edwin Estes of Richmond, an accomplished businessman who helped grow one of the largest trucking companies in the eastern United States, died on April 6, 2015; and

WHEREAS, C. Edwin "Ed" Estes joined many of the other young men of his generation in service to the nation during World War II as a flight instructor in the United States Army Air Corps; after the war, he used his savings to purchase a plane and worked as a stunt pilot; and

WHEREAS, Ed Estes began his career in the trucking industry with his father's company, Estes Express Lines, and later established his own freight-hauling business, C. E. Estes Contract Carrier in Shockoe Bottom; and

WHEREAS, a shrewd businessman, Ed Estes helped his company grow by ensuring that resources were used efficiently and trucks never traveled empty; in 1997, he acquired Great Coastal, which would become Great Coastal Express, one of the region's premier trucking companies, with a fleet of 550 tractors and nearly 900 employees; and

WHEREAS, highly respected in the transportation industry, Ed Estes was inducted into the Greater Richmond Business Hall of Fame in 1998; and

WHEREAS, Ed Estes worked to enhance the community through his leadership and wisdom as a member of many civic and service organizations, and he enjoyed fellowship and worship with the community at River Road United Methodist Church and St. Stephen's Episcopal Church; and

WHEREAS, an alumnus of James Madison University, Ed Estes generously contributed \$2.5 million, the largest donation in the university's history at the time, to build the Dorothy Thomasson Estes Center for Theatre and Dance, in honor of his late first wife; and

WHEREAS, Ed Estes will be fondly remembered and greatly missed by his wife, Susan; daughter, Martha, and her family; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of C. Edwin Estes, a successful businessman and respected member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of C. Edwin Estes as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 111

Commending the Virginia Center for Inclusive Communities.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, in 2015, the Virginia Center for Inclusive Communities, a nonprofit organization dedicated to the promotion of understanding and inclusion among all people in their schools, businesses, and communities, celebrated its 80th anniversary; and

WHEREAS, the Virginia Center for Inclusive Communities (VCIC) traces its origins to 1935 when leaders of three different religions in Lynchburg met to discuss ways to promote harmonious relations and understanding among people of different faiths, backgrounds, and cultures; the group called itself the Lynchburg Round Table; and

WHEREAS, soon after that initial meeting, a statewide interfaith conference was organized and held on November 25, 1935; nearly 1,000 people attended the program in Lynchburg, including faith leaders from across the Commonwealth, many of whom returned home and established similar programs; and

WHEREAS, two chapters of the Round Table were formed in Norfolk and Richmond, and by 1946, those groups had become affiliated with the National Conference of Christians and Jews (NCCJ); in the following years, chapters of the Virginia Region of the NCCJ were formed in other cities; and

WHEREAS, the valuable work of the Virginia Region of the NCCJ to promote interfaith understanding increased through the years, and in 1963, the organization started an annual Humanitarian Awards Dinner; the recipients of the award have demonstrated an outstanding commitment to promoting respect and understanding among people of diverse backgrounds; and

WHEREAS, the name of the organization changed several times as its mission expanded to include members of other faiths and address important human relations issues; since 2007, the organization has been known as the Virginia Center for Inclusive Communities; and

WHEREAS, the VCIC has held one-day youth seminars, summer workshops for teachers, police-community dialogues and training, programs for elementary school pupils, clergy dialogues, Holocaust education, and many other programs to assist communities in Virginia in finding common pathways to understanding and inclusion; and

WHEREAS, today, the work of the VCIC is in great demand; the group sponsors programs such as the Emerging Leaders Institute for middle and high school students, has created a Diversity in Higher Education Division and an Inclusive Workplaces Initiative, and also has fostered a Community Programs & Partnerships collaboration; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Center for Inclusive Communities hereby be commended on the occasion of its 80th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jonathan Zur, president and chief executive officer of the Virginia Center for Inclusive Communities, as an expression of the House of Delegates' congratulations and admiration for its outstanding work to promote inclusion in the Commonwealth's schools, businesses, and communities.

HOUSE RESOLUTION NO. 112

Commending Charles Hall.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, in 2015, Charles Hall announced his retirement as executive director of the Hampton-Newport News Community Services Board after more than 36 years of diligent service; and

WHEREAS, Charles Hall began his career with Hampton-Newport News Community Services Board in 1979 as a substance abuse programs specialist; and

WHEREAS, in 1986, Charles Hall was appointed as executive director of the Hampton-Newport News Community Services Board, where he served until 1999; he was reappointed as executive director in 2003; and

WHEREAS, demonstrating exceptional leadership, Charles Hall helped the Hampton-Newport News Community Services Board touch countless lives in the region by providing comprehensive services for people affected by mental illness, substance abuse, and intellectual and developmental disabilities and promoting prevention, recovery, and self-determination; and

WHEREAS, Charles Hall also worked to strengthen the community as a member of the Regional Health Planning District No. 5 Board of Directors, Commission on Mental Health Law Reform, Virginia Health Reform Initiative, and Hampton-Newport News Community Criminal Justice Board, as well as many other organizations; and

WHEREAS, Charles Hall holds a bachelor's degree, master's degree, and an advanced certificate in counseling from The College of William & Mary; now, therefore, be it

RESOLVED by the House of Delegates, That Charles Hall hereby be commended on the occasion of his retirement as executive director of the Hampton-Newport News Community Services Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles Hall as an expression of the House of Delegates' admiration for his generous service to the residents of the Cities of Hampton and Newport News and best wishes on his well-earned retirement.

HOUSE RESOLUTION NO. 113

Celebrating the life of Joseph Charles King.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Joseph Charles King, a hardworking public servant who had retired as city manager of Danville in 2015, died on December 26, 2015; and

WHEREAS, the son of a dental missionary, Joseph "Joe" Charles King grew up in Indonesia; he returned to the United States to complete his education and earned bachelor's and master's degrees from Virginia Polytechnic Institute and State University; and

WHEREAS, over the course of his 40-year career in government, Joe King worked to strengthen and enhance communities in five states; he came to Danville as assistant city manager in charge of utilities in 2002; and

WHEREAS, Joe King became deputy city manager in 2009 and city manager in 2010; he helped create multiple programs and projects that bettered the quality of life of his fellow Danville residents; and

WHEREAS, during his tenure, Joe King established the Safe and Sound Neighborhood Program and the River District Development Program, both of which earned state recognition; and

WHEREAS, Joe King led efforts to remove blighted structures and help new neighborhoods grow; his sound financial management also helped the City of Danville achieve an upgraded bond rating and outlook; and

WHEREAS, a clear and focused communicator, Joe King prioritized transparency in government and strove to ensure that citizens understood laws and local programs; and

WHEREAS, Joe King will be fondly remembered and greatly missed by his wife of 42 years, Kathy; sons, Adam, Noah, Jesse, and Jacob, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joseph Charles King, a dedicated public servant in Danville; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph Charles King as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 114

Commending Lauren Osborn.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Lauren Osborn, an English teacher at Poquoson High School, has been selected as the 2016 Virginia Region 2 Teacher of the Year; and

WHEREAS, the Teacher of the Year program is sponsored by the Virginia Department of Education and honors teachers who represent the best in teaching in the Commonwealth and the nation; Region 2 consists of 16 school divisions representing 373 schools; and

WHEREAS, since becoming a teacher, Lauren Osborn has stayed close to her roots; the native of York County graduated from Grafton High School and earned bachelor's and master's degrees from James Madison University; and

WHEREAS, for the last seven years, Lauren Osborn has taught 11th grade English and Advanced Placement courses at Poquoson High School; in 2012, she achieved a national teaching certification in English Language Arts for Adolescence/Young Adulthood; and

WHEREAS, in the classroom, Lauren Osborn consistently sets high standards for herself and her students; her goals are to establish a safe, consistent, and engaging environment and to support her students however she can; and

WHEREAS, Lauren Osborn also works to challenge the young men and women she teaches by establishing rigorous expectations for their written work and analytical skills within their ability levels; and

WHEREAS, Lauren Osborn is chair of the English Department at Poquoson High School and is the Poquoson City Public Schools' representative to the Southeastern Virginia National Board Certified Teachers Regional Network; and

WHEREAS, other groups that have benefited from Lauren Osborn's contributions are Poquoson High School's athletics program and marching band; she is co-coach of the girls' varsity tennis team and works with the drum majors in the Islander Marching Band; now, therefore, be it

RESOLVED by the House of Delegates, That Lauren Osborn, an 11th grade English and Advanced Placement teacher at Poquoson High School, hereby be commended for being named the 2016 Virginia Region 2 Teacher of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lauren Osborn as an expression of the House of Delegates' congratulations and admiration for her dedication and work on behalf of her students and for being one of the Commonwealth's outstanding educators and role models.

HOUSE RESOLUTION NO. 115

Commending Mary Anna Toms Broadbent.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Mary Anna Toms Broadbent of the City of Richmond has served her community with distinction as a teacher at Reveille Weekday School for 24 years; and

WHEREAS, Mary Broadbent is a lifelong resident of the Richmond area, who attended Mary Munford Elementary School and Collegiate School and graduated from Thomas Jefferson High School; she attended Radford University, graduated from Westhampton College of the University of Richmond, and received a certificate in early childhood education from J. Sargeant Reynolds Community College; and

WHEREAS, Mary Broadbent taught English and drama in the middle and upper schools of Collegiate School before turning her focus to early childhood education, particularly in science, at Reveille Weekday School; and

WHEREAS, Mary Broadbent has been an active participant and volunteer in the civic life of Richmond, through her past service as a parent volunteer at St. Christopher's School and Collegiate School, including as co-chair of St. Christopher's Fall Festival, and past service as a Sunday school teacher at First Presbyterian Church; and

WHEREAS, as a long-term volunteer at the polls and an active member of a national political party at the city, state, and national levels, Mary Broadbent has enriched the political life of the community; and

WHEREAS, as a member of groups such as the Junior League of Richmond; the Woman's Club of Richmond; the Tuckahoe Woman's Club; the Commonwealth Chapter, National Society Daughters of the American Revolution; and the National Society of the Colonial Dames of America, Mary Broadbent has contributed to the cultural life of the community; and

WHEREAS, through Mary Broadbent's past service on the boards of groups such as the Collegiate Alumni Association, the Westhampton College Alumni Association, and the Junior Board of Historic Richmond Foundation and her ongoing service on the Board of Trustees of the James Monroe Memorial Foundation, she has provided able leadership as a volunteer; and

WHEREAS, Mary Broadbent's dedication to early childhood education in science was recognized by her appointment to and past service on the Board of Trustees of the Science Museum of Virginia and her ongoing service as a citizen member of the museum's Education Committee; and

WHEREAS, after 24 years of service, Mary Broadbent recently retired from teaching at Reveille Weekday School to spend more time with her family, particularly her seven grandchildren; now, therefore, be it

RESOLVED by the House of Delegates, That Mary Anna Toms Broadbent, a dedicated advocate for early childhood education in science, hereby be commended for her many years of community service on the occasion of her retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Anna Toms Broadbent as an expression of the House of Delegates' respect and admiration and best wishes in the future.

HOUSE RESOLUTION NO. 116

Commending the Briar Woods High School cheerleading team.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, the Briar Woods High School cheerleading team of Ashburn claimed its fifth state title, winning the Virginia High School League Group 5A state competition cheer championship on November 7, 2015; and

WHEREAS, in the state championship, an eight-team event held at the Siegel Center in Richmond, the Briar Woods High School Falcons scored 235.5 points, defeating the second-place Glen Allen High School Jaguars by 12.5 points; and

WHEREAS, earlier in the season, the Briar Woods Falcons also won the Loudoun County Public Schools Championship and the Conference 14 title; the team placed second in the Virginia High School League 5A North regional championship; and

WHEREAS, the state championship is the fifth overall for the Briar Woods Falcons; the team had previously won four consecutive state cheerleading titles from 2009 to 2012; and

WHEREAS, the Briar Woods Falcons' victory is a testament to the skill and determination of the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Briar Woods High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Briar Woods High School cheerleading team hereby be commended on winning the 2015 Virginia High School League Group 5A state competition cheer championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lucia Curry, head coach of the Briar Woods High School cheerleading team, as an expression of the House of Delegates' admiration for the team's achievements.

HOUSE RESOLUTION NO. 117

Celebrating the life of Russell C. Schools.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Russell C. Schools of Capron, a dedicated public servant who selflessly served the people of Southampton County as a longtime member and chair of the school board, a former executive with the Virginia Peanut Growers Association, a person of faith, and a devoted husband and father, died on January 19, 2016; and

WHEREAS, Russell Schools was born in Bowling Green and graduated from Virginia Polytechnic Institute and State University in 1957; he then became an extension agent in Accomack County before moving to Southampton County in 1961 to accept a similar position; and

WHEREAS, Russell Schools admirably served the community as a member of the Southampton County School Board for 41 years and was chair of the school board for 35 years; he was known for his commitment to public education and was equally admired for his outstanding leadership; and

WHEREAS, in his professional life, Russell Schools worked for the Virginia Peanut Growers Association and was its executive secretary for almost 40 years; he retired from the association in 2004; and

WHEREAS, when Russell Schools began his tenure on the Southampton County School Board, six towns in the county each had two schools, one for white students and one for black students; Russell Schools oversaw the integration of the public schools in the county, a challenging task as one school in each town was closed; and

WHEREAS, the two high schools in Southampton County were merged into one as part of the integration process, and the other high school became a county middle school; Russell Schools successfully shepherded the students and staff through the transition; and

WHEREAS, Russell Schools, who was a member of the Southampton County School Board until 2012, served with three superintendents of schools during his four decades of public service; he was committed to hiring the best-qualified teachers and staff and was proud of the school division's many accomplishments, including the construction of several new school buildings; and

WHEREAS, Russell Schools also was an active member of the Capron Ruritan Club and was treasurer of the Indiantown Hunt Club; he was a person of faith who enjoyed fellowship and worship at Capron United Methodist Church; and

WHEREAS, Russell Schools will be greatly missed and fondly remembered by Fay, his wife of 59 years; children, Lynn, Russell, Jr., and Todd, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Russell C. Schools of Capron, who admirably and tirelessly served for many years as a member and chair of the Southampton County School Board, a former executive with the Virginia Peanut Growers Association, a person of faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Russell C. Schools as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 118

Celebrating the life of Edna B. Ipson.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Edna B. Ipson, a courageous survivor of the Holocaust and a beloved resident of Richmond who was well-known for her service to the Jewish community, died on October 29, 2015; and

WHEREAS, a native of Butrimantz, Lithuania, Edna Ipson worked as a sales clerk in a leather shop; with the invasion of Lithuania by Russian and Nazi German forces in the early 1940s, she and her family were ordered into a ghetto along with 27,000 other Jews in the city; and

WHEREAS, enduring great hardships, Edna Ipson and the other residents of the ghetto, which was eventually converted into a concentration camp, were forced to build an airfield for the Nazis; she and members of her family escaped from the camp in 1943, after the Nazis began the systematic execution of prisoners; and

WHEREAS, Edna Ipson and her family spent six months hiding in a four-foot by nine-foot by 12-foot pit, dug in the potato field of a sympathetic farmer; by the time the country was liberated, 16 people were living in the hiding space; and

WHEREAS, Edna Ipson immigrated to America to live with family members in the Richmond area; she and her husband purchased a gas station, and she became the first woman in the city to work as a gas station attendant; and

WHEREAS, a beloved member of the community, Edna Ipson was known for her bright smile and was named the top service station salesperson in Richmond; she later served as president of the family's Fleet Supply Warehouse until her retirement in the 1990s; and

WHEREAS, Edna Ipson served the Jewish community as a member of the Hadassah women's group and was recognized as a Lion of Judah by the Jewish Community Federation of Richmond for her generosity in service to others; she was an exceptional baker and provided delicious pastries for events at Temple Beth-El; and

WHEREAS, predeceased by her husband, Israel, Edna Ipson will be fondly remembered and greatly missed by her son, Jay, and his family and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Edna B. Ipson, a Holocaust survivor and an admired member of the Richmond community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Edna B. Ipson as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 119

Commending Dennis Riddick.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Dennis Riddick was named the Chesapeake Man of the Year in 2015 by the Nu Delta Lambda chapter of Alpha Phi Alpha Fraternity in honor of his many contributions to his family, fraternity, church, and the community; and

WHEREAS, Dennis Riddick was born in Chesapeake and was the 12th of 13 children; he graduated from Western Branch High School in 1979 and earned a bachelor's degree from Virginia Union University in 1982 and a master's degree from the University of South Carolina College of Criminal Justice in 1985; and

WHEREAS, while he was in college, Dennis Riddick became a member of Alpha Phi Alpha Fraternity; he joined the fraternity's Nu Delta Lambda chapter in Chesapeake in 2005 and quickly became active in the fraternal and service organization; and

WHEREAS, in addition to serving as the chapter's chaplain, Dennis Riddick is chair of the Health and Wellness Committee; in that capacity, he has implemented a successful health awareness program that includes workshops, physical training programs, seminars, forums, and wellness challenges, which has been well-received by the chapter's members; and

WHEREAS, additionally, Dennis Riddick has made many valuable contributions to the fraternity's national outreach efforts, including the campaigns A Voteless People Is A Hopeless People and Go to High School/Go to College, as well as Project Alpha; locally, he has been a holiday bell ringer for the Salvation Army; and

WHEREAS, in his professional life, Dennis Riddick is a senior licensing specialist for the Virginia Department of Behavioral Health & Developmental Services, a position he has held for more than 20 years; he also is a certified substance abuse counselor; and

WHEREAS, as an active member of Grove Church in Portsmouth, Dennis Riddick leads the Congregational Care Ministry and co-chairs the Out of the Darkness Walk, which raises money to combat depression and prevent suicides; under his leadership, Grove Church registered more than 200 participants for the walk and raised more than \$1,800; and

WHEREAS, Dennis Riddick is the proud father of a son and daughter; in his spare time, he enjoys jogging, listening to jazz music, and international travel; now, therefore, be it

RESOLVED by the House of Delegates, That Dennis Riddick hereby be commended for being named the Chesapeake Man of the Year in 2015 by the Nu Delta Lambda chapter of Alpha Phi Alpha Fraternity; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dennis Riddick as an expression of the House of Delegates' respect and admiration for his service to his family, fraternity, and church and his selfless work to make his community a better place.

HOUSE RESOLUTION NO. 120

Commending Riverside Regional Medical Center.

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Riverside Regional Medical Center celebrated its 100th anniversary of providing outstanding medical care to the residents of Newport News in 2015; and

WHEREAS, Riverside Regional Medical Center was established in December 1915 as a result of the diligent and visionary efforts of local business leaders, who raised \$10,000 toward the construction of a 50-bed hospital, originally named Newport News General and Non-Sectarian Hospital, Inc.; and

WHEREAS, the original Riverside Regional Medical Center was located at Huntington Avenue and 50th Street in Newport News; it moved to its present location, a 72-acre, 450 bed building, at 500 J. Clyde Morris Boulevard in 1962; and

WHEREAS, in 2013, the Pavilion was opened, which added 250,000 square feet and 72 private patient rooms to Riverside Regional Medical Center, which now also features new operating rooms, suites, and a pharmacy; and

WHEREAS, Riverside Regional Medical Center's residency program has graduated more than 976 family and OB/GYN doctors from its teaching programs and more than 4,000 from its School of Health Professions; and

WHEREAS, Riverside Regional Medical Center's Emergency Department and Level II Trauma Center houses 42 private rooms and responds to more than 68,000 emergencies annually; and

WHEREAS, since 1915, Riverside Regional Medical Center has evolved into the Riverside Health System, with more than 10,000 team members providing services in more than 200 locations throughout Virginia; and

WHEREAS, in 1974, Riverside Health System purchased Patrick Henry Hospital for the Chronically Ill and has transformed to become the largest integrated network of services for older adults in the Commonwealth; and

WHEREAS, Riverside Regional Medical Center has earned the distinction of "Most Wired" for 10 consecutive years from *Hospitals & Health Networks* magazine for its early adoption and implementation of electronic medical records in 1996 and many other accomplishments in the field of information technology; and

WHEREAS, Riverside Regional Medical Center is governed by a board of directors, as are each of its affiliates throughout the region; and

WHEREAS, Riverside Regional Medical Center's mission statement is "to care for others as we would care for those we love—to enhance their well-being and improve their health"; it has succeeded in its mission thanks to the hard work and dedication of its leadership, doctors, nurses, staff, and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That Riverside Regional Medical Center hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Riverside Regional Medical Center as an expression of the General Assembly's admiration for its dedicated service to the residents of Newport News.

HOUSE RESOLUTION NO. 121

Commending John Cataldo.

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, John Cataldo, a patriotic veteran and a respected community leader and public servant in Brunswick County, retired as a member of the Brunswick County Board of Supervisors in 2015; and

WHEREAS, a native of Kansas City, Missouri, John Cataldo was reared in Southern California and served his country as a member of the United States Navy; during his 26 years of active duty, he served in the Vietnam War and earned a bachelor's degree from the Naval Postgraduate School; and

WHEREAS, John Cataldo originally moved to the Commonwealth in 1971 and pursued a career in civil service at the Naval Safety Center in Norfolk, where he specialized in aviation safety until his retirement from the center in 2002; and

WHEREAS, John Cataldo became an active member of the Delbridge Estates community in Brunswick County, where he built his home; he joined the Lake Gaston Weed Control Council and the Lake Gaston Association as Brunswick County director, where he served as president for two years and currently sits on the executive board; and

WHEREAS, desirous to be of further service to his fellow residents, John Cataldo ran for and was elected to the Brunswick County Board of Supervisors in 2011 and ably represented the Meherrin District; and

WHEREAS, after his well-earned retirement, John Cataldo plans to seek new opportunities to serve the community and spend more time with his wife, Pat, and their grown children; now, therefore, be it

RESOLVED by the House of Delegates, That John Cataldo hereby be commended on the occasion of his retirement as a member of the Brunswick County Board of Supervisors in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Cataldo as an expression of the House of Delegates' admiration for his service to Brunswick County, the Commonwealth, and the United States.

HOUSE RESOLUTION NO. 122

Commending Canon Virginia, Inc.

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, in 2015, Canon Virginia, Inc., celebrated 30 years of being an outstanding corporate citizen, respected for its dynamic, forward-looking, and world-class manufacturing and service operations in Newport News and Gloucester County; and

WHEREAS, Canon Virginia was incorporated in 1985 and is a subsidiary of Canon Inc., a multi-national corporation headquartered in Japan that is a world leader in copying machines and other imaging and industrial equipment; and

WHEREAS, in 1986, Canon Virginia broke ground for a plain paper copier manufacturing facility in Newport News; today, the firm has expanded into other related fields and operates two facilities in Hampton Roads, totaling more than 1.9 million square feet of space; and

WHEREAS, Canon Virginia continually strives to remain globally competitive, operating under the corporate philosophy of "living and working together for the common good"; it has a state-of-the-art cartridge recycling facility in Gloucester, and the Newport News plant is a hub of innovation and high-tech manufacturing; and

WHEREAS, more than 1,800 people work for Canon Virginia in Newport News and at Canon Environmental Technologies Inc., in Gloucester; in the past three decades, the company has spent more than \$900 million in capital investment in the Commonwealth; and

WHEREAS, Canon Virginia's business operations include more than manufacturing; it has served as the North American and South American center for Canon Inc.'s, manufacturing, engineering, recycling, and technical support operations; and

WHEREAS, in recognizing the crucial need for skilled workers at its facilities, Canon Virginia helped create the Canon Leadership Scholars program at Christopher Newport University; each year since 2008, the company has provided \$5,000 scholarships to 25 students; and

WHEREAS, additionally, Canon Virginia has been a major supporter of the Boys & Girls Clubs of the Virginia Peninsula, the Virginia Peninsula Foodbank, and local community colleges; the company also entered a partnership with Dominion Virginia Power to install 2,000 solar panels; and

WHEREAS, Canon Virginia's presence has resulted in untold employment opportunities and economic growth in the Commonwealth, especially for the trucking industry and ports; many ancillary businesses also have emerged to support the company's work; now, therefore, be it

RESOLVED by the House of Delegates, That Canon Virginia, Inc., hereby be commended on the occasion of its 30th anniversary of being one of the Commonwealth's premier manufacturing and service businesses; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Toru Nishizawa, president and chief executive officer of Canon Virginia, Inc., as an expression of the Houses of Delegates' respect and admiration for the company's many contributions and commitment to excellence.

HOUSE RESOLUTION NO. 123

Commending Loudoun County Public Schools.

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, Loudoun County Public Schools received a 2016 Programs That Work award from the Virginia Mathematics and Science Coalition for its innovative Science Research Institutes for teachers; and

WHEREAS, the Programs That Work awards recognize exemplary mathematics, science, and integrated science, technology, engineering, and mathematics education programs for students and teachers for which there is evidence of a positive impact on student or teacher learning; and

WHEREAS, Loudoun County Public Schools has held week-long Science Research Institutes (SRI) for high school teachers since 2010; participants learn how to develop, implement, and complete an authentic science investigation; and

WHEREAS, the SRI participants also learn about various teaching strategies that they can use in their own classrooms at the Loudoun County schools where they teach; since the teachers have become students while they are attending an SRI, they develop a better appreciation of which teaching methods will be most effective with their students; and

WHEREAS, since the SRIs began, the program has grown to include middle school science teachers from Loudoun County Public Schools; the five-day course includes two days of work as a group and three days of independent investigations by each participant, including a final presentation by each teacher; and

WHEREAS, evaluations at the end of each SRI show that the Loudoun County Public Schools participants have gained more confidence in determining how to develop a scientific question and investigation, in the use of statistics, and in mentoring students through the scientific process; and

WHEREAS, since 2010, the SRIs developed by Loudoun County Public Schools have had more than 150 participants, some of whom take the course more than once; in 2014 and 2015, the group investigated watersheds and focused on using geographic information systems as a tool for scientific research; and

WHEREAS, the Science Research Institutes program of Loudoun County Public Schools also has expanded from a summer-only to a year-round schedule, enabling more teachers to take part; now, therefore, be it

RESOLVED by the House of Delegates, That Loudoun County Public Schools hereby be commended for receiving a 2016 Programs That Work award from the Virginia Mathematics and Science Coalition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Stephen Burton, science outreach teacher for Loudoun County Public Schools, as an expression of the House of Delegates' congratulations and admiration for the school division's development of Science Research Institutes for teachers and promotion of science education in the Commonwealth.

HOUSE RESOLUTION NO. 124

Commending James C. Vaughan.

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, James C. Vaughan, a dedicated public servant and a man of deep and abiding faith, retired as a member of the Greenville County Board of Supervisors in 2015 after two decades of service; and

WHEREAS, a proud, lifelong resident of Greenville County, James Vaughan was a loyal employee of Federal Paper and Board for 25 years and served as president of Local Union 1825 for six years; and

WHEREAS, James Vaughan later served the youth of the community as an employee of Greenville County Public Schools for 21 years, then became a member of the Greenville County Planning Commission; and

WHEREAS, desirous to be of further service to the community, James Vaughan filled a vacant seat on the Greenville County Board of Supervisors in 1995 and went on to represent the Hicksford District for 20 years; and

WHEREAS, James Vaughan has also worked to strengthen and enhance the community as a member of the board of directors of the local Boys and Girls Club for two years and chair of the Greenville County Social Services Board for eight years; and

WHEREAS, James Vaughan lives his faith through his actions and enjoys fellowship and worship as a life member of Diamond Grove Baptist Church, where he serves as a deacon and supervisor of the church cemetery and has held numerous other leadership positions; now, therefore, be it

RESOLVED by the House of Delegates, That James C. Vaughan hereby be commended on the occasion of his retirement as a member of the Greenville County Board of Supervisors in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James C. Vaughan as an expression of the House of Delegates' admiration for his diligent service to the residents of Greenville County and the Commonwealth.

HOUSE RESOLUTION NO. 125

Commending Alice Carol Maitland.

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, Alice Carol Maitland of Alberta, a dedicated public official who has served and strengthened the community over the course of her long career in local government, retired as treasurer of Brunswick County on November 20, 2015; and

WHEREAS, a lifelong resident of Brunswick County, Alice Maitland learned the value of hard work and responsibility while growing up on her family's dairy farm in Danielstown; after completing her education, she embarked upon a fulfilling career in local government; and

WHEREAS, Alice Maitland served as clerk and treasurer for the Town of Alberta from 1978 to 1982, when she became mayor; she later owned and operated an accounting business in Alberta, served as a tax preparer in Lawrenceville, and served as treasurer and as a board member of Brunswick Health Care, Inc., for many years; and

WHEREAS, desirous to be of further service to her fellow Brunswick County residents, Alice Maitland ran for and was elected county treasurer, serving consecutive terms from 1987 to 2015; she was certified as a governmental treasurer by the University of Virginia in 2002; and

WHEREAS, as treasurer, Alice Maitland worked to increase efficiency and built trust and respect with the members of the community by making customer service a priority; she ably served all residents of Brunswick County with integrity, honesty, and fairness; and

WHEREAS, a woman of deep and abiding faith, Alice Maitland enjoys fellowship and worship with the community as an active member of New Hope Christian Church, where she plays piano and serves as choir director; and

WHEREAS, after her well-earned retirement, Alice Maitland plans to seek new opportunities to serve the community and spend more time with her beloved family; now, therefore, be it

RESOLVED by the House of Delegates, That Alice Carol Maitland hereby be commended for her decades of public service on the occasion of her retirement as treasurer of Brunswick County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alice Carol Maitland as an expression of the House of Delegates' admiration for her many contributions to the Brunswick County community and best wishes for a happy retirement.

HOUSE RESOLUTION NO. 126

Commending Alexis Grandis.

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, Alexis Grandis of Leesburg, a student at Belmont Ridge Middle School, turned a casual hobby into an admirable charitable endeavor by knitting dozens of caps and donating them to young people in Loudoun County who were in need; and

WHEREAS, the 13-year-old, who named her endeavor Hopeful Hats, started crafting hand-loomed knitted hats in 2015 when she was home from school with a mild illness; Alexis Grandis had some knitting materials on hand and started to make caps; and

WHEREAS, the loom knitting process quickly became a routine pastime for the talented and energetic teenager, and Alexis Grandis also discovered that it was something she liked to do in her spare time; during the summer and fall, she fashioned dozens of brightly colored hats; and

WHEREAS, after she was encouraged to sell her creations, Alexis Grandis instead decided to donate her hand-made caps, as she preferred to make a difference in people's lives, not a profit—thus Hopeful Hats was born; and

WHEREAS, Alexis Grandis' mission is to help underprivileged young people stay warm in the winter; donating knitted caps is her way to assist children and young adults who are less fortunate than she is; and

WHEREAS, a few days before Christmas, Alexis Grandis delivered 75 winter hats to Mobile Hope Loudoun, a charitable organization, to distribute to at-risk, precariously housed, or homeless youth 24 years old and younger living in Loudoun County; and

WHEREAS, Alexis Grandis hopes that her efforts—which sprung out of a hobby she enjoyed that has become a favorite activity—will inspire other young people in her community to develop fun ways to help those in need; now, therefore, be it

RESOLVED by the House of Delegates, That Alexis Grandis hereby be commended for starting Hopeful Hats and donating 75 hand-knitted caps to help underprivileged young people in Loudoun County stay warm in cold weather; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alexis Grandis as an expression of the House of Delegates' respect and admiration for her creative efforts to help those in need.

HOUSE RESOLUTION NO. 127

Commending debra of America.

Agreed to by the House of Delegates, February 17, 2016

WHEREAS, debra of America, the only organization in the United States providing all-inclusive support to individuals with epidermolysis bullosa, a rare, genetic connective tissue disorder characterized by extremely fragile skin, has served individuals living with the disease and their families for 35 years; and

WHEREAS, debra (Dystrophic Epidermolysis Bullosa Research Association) of America was founded in 1980 by Arlene Pessar and her son, the late Eric Lopez, who was born with epidermolysis bullosa at a time when medical information on the disease was extremely limited; in its early years, the organization worked to promote awareness of the disease and identified regional representatives to disseminate information; and

WHEREAS, individuals with epidermolysis bullosa can develop recurrent, painful blisters and open sores, as well as disfiguring scars, disabling musculoskeletal deformities, internal blistering, and shortened lifespan due to secondary complications; and

WHEREAS, epidermolysis bullosa affects thousands of individuals in the United States, and research indicates that one in every 20,000 children is born with the disease; there is currently no known cure or treatment, and children with the disease require extensive care, as even minor rubbing from every day activities can cause blistering; and

WHEREAS, debra of America supported Eric Lopez as he passionately advocated for legislation to increase funding for research and create a network of five specialized clinical treatment centers and a national registry for patients; and

WHEREAS, with an electronic newsletter that reaches thousands of patients, families, and health professionals, debra of America works to fill gaps in knowledge about the cause, diagnosis, and treatment of epidermolysis bullosa, which is so rare that many health care practitioners have never heard of it, despite the fact that it affects both genders and all racial and ethnic backgrounds equally; and

WHEREAS, the emotional and financial burdens associated with living with epidermolysis bullosa are very high, and debra of America provides direct assistance to affected individuals and their families, regardless of their ability to pay, as well as funding research to find a cure; now, therefore, be it

RESOLVED by the House of Delegates, That debra of America hereby be commended for its service to individuals living with epidermolysis bullosa on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to debra of America as an expression of the House of Delegates' admiration for its benevolent mission.

HOUSE RESOLUTION NO. 128

Commending Dana Reinboldt.

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, Dana Reinboldt admirably served on the Stafford County School Board from 2004 through 2015, tirelessly working on behalf of her constituents and the county to ensure that the best education possible was available to the area's students; and

WHEREAS, during her 12 years as a member of the Stafford County School Board, Dana Reinboldt was chair of the school board for one year and vice chair for three years; she diligently served her fellow residents, providing valuable insight and counsel, and never missed a meeting; and

WHEREAS, advocacy for students was important to Dana Reinboldt; she was a member of parent-teacher associations at four county schools and also belonged to the Stafford County Public Schools' Special Education Advisory Committee for six years, serving as chair for two years; and

WHEREAS, Dana Reinboldt was the liaison for the Special Education and Technology Advisory committees to the Stafford County School Board; she also was a member of the Head Start Policy Council for three years, served on the public schools' Strategic Planning Committee for two years, and was an ex-officio member of the Stafford Education Foundation; and

WHEREAS, because of her outstanding commitment to effective governance of the Stafford County Public Schools, Dana Reinboldt was recognized by the Virginia School Board Association with an Award of Achievement for the 2005 through 2010 school years and an Award of Excellence for the 2010-2011 academic year; and

WHEREAS, many accomplishments occurred during Dana Reinboldt's tenure on the Stafford County School Board; she proposed statewide legislation that was subsequently approved requiring school superintendents to be notified when students over the age of 18 have committed or are alleged to have committed crimes; and

WHEREAS, additionally, as a member of the Stafford County School Board, Dana Reinboldt proposed and helped implement a nonfraternization policy, the 10-point grading scale, increased parental participation on several committees, School Board Round Table discussion groups for principals and support staff, bus transportation for high-school students participating in after-school activities, and a divisionwide dress code; and

WHEREAS, Dana Reinboldt also supported other successful initiatives, including before-school and after-school day care in all Stafford County elementary schools, security entrances at all schools, and new programs, upgraded equipment, and repairs and improvements to many county schools; and

WHEREAS, students, staff, and families have benefited from Dana Reinboldt's many contributions as she strove to do what was best for the Stafford County Public Schools; she spent countless hours working for the betterment of the school system; now, therefore, be it

RESOLVED by the House of Delegates, That Dana Reinboldt, a respected and effective member of the Stafford County School Board, hereby be commended for her work on behalf of the people of Stafford County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dana Reinboldt as an expression of the House of Delegates' respect and admiration for her many years of public service and best wishes in the future.

HOUSE RESOLUTION NO. 129

Commending Goochland Middle School.

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, Goochland Middle School has been honored as one of the nation's Schools to Watch by the National Forum to Accelerate Middle-Grades Reform; and

WHEREAS, Goochland Middle School was recognized by the National Forum to Accelerate Middle-Grades Reform for the school's academic excellence, social equitability, and responsiveness to the developmental needs of middle school students; and

WHEREAS, as the only middle school in Goochland County, Goochland Middle School enrolls 574 students in grades six through eight; Principal Jennifer Rucker supervises a focused and highly qualified staff as they strive to bring out the best in boys and girls during their early adolescence; and

WHEREAS, the Schools to Watch program is a nationally recognized, state-operated school evaluation program that focuses on pupils in fifth grade through eighth grade; in the Commonwealth, the National Forum to Accelerate Middle-Grades Reform works with the Virginia Middle School Association; and

WHEREAS, the warm learning environment found at Goochland Middle School is emblematic of the optimism and eagerness to learn shown by the students; the staff readily encourage and reinforce the students to put forth their best efforts, and they also work closely with parents; now, therefore, be it

RESOLVED by the House of Delegates, That Goochland Middle School hereby be commended for being named one of the Schools to Watch in the United States by the National Forum to Accelerate Middle-Grades Reform; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer Rucker, principal of Goochland Middle School, as an expression of the House of Delegates' congratulations and admiration for the school's stellar achievements and outstanding accomplishment.

HOUSE RESOLUTION NO. 130

Celebrating the life of John Stewart Bryan III.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, John Stewart Bryan III, a respected newspaperman and a champion for open government who dedicated his life to keeping members of the public informed on important issues, died on January 23, 2016; and

WHEREAS, a native of Richmond, Stewart Bryan attended St. Christopher's School and Episcopal High School in Alexandria, then earned a bachelor's degree from the University of Virginia; he honorably served his country as a member of the United States Marine Corps; and

WHEREAS, Stewart Bryan was a fourth generation media professional, who began his career with summer jobs in the mail room and circulation department of the *Richmond News Leader*; he later became the publisher of the *Tampa Tribune* and the *Tampa Times* in 1976 and president and publisher of the *Richmond Times-Dispatch* and the *Richmond News Leader* in 1978; and

WHEREAS, Stewart Bryan valued honesty and integrity above all else, and he believed that newspapers have a critical role to play in making society better; he was ever mindful of public affairs in his beloved Virginia, where he staunchly advocated for freedom of the press and the public's right to expect transparency in local and state government; and

WHEREAS, as publisher of the *Richmond Times-Dispatch*, Stewart Bryan, whose career included a stint covering the Virginia General Assembly, would patiently consider objections to his coverage of a state official, before saying, as he did to a gubernatorial chief of staff, "You take care of your end of Grace Street; we'll take care of ours"; and

WHEREAS, having served on the board of directors for the national communications company Media General since 1974, Stewart Bryan was well suited to lead the company when he was elected chairman, president, and chief executive officer in 1990; and

WHEREAS, Stewart Bryan helped Media General, which had been founded by his great-grandfather, grow into a multimillion dollar corporation that now includes 71 television stations, including five in Virginia—WAVY and WVBT in Norfolk, WRIC in Richmond/Petersburg, WSLS in Roanoke/Lynchburg, and WJHL in the Tri-Cities; he stepped down as chief executive officer of the company in 2005, but continued to serve as an active member and chairman of the board; and

WHEREAS, Stewart Bryan also worked to strengthen the community as a member of the boards of the United Way of Greater Richmond, Junior Achievement of Central Virginia, and what is now Goodwill of Central and Coastal Virginia, as well as many other civic and service organizations in Virginia and Florida; and

WHEREAS, Stewart Bryan helped preserve the history and heritage of the nation with the George C. Marshall Foundation and the Virginia Historical Society and was a founder of the National Museum of the Marine Corps at Quantico; and

WHEREAS, earning many awards, accolades, and honorary doctorates for his years of journalistic excellence, Stewart Bryan was inducted as a laureate of the Virginia Communications Hall of Fame and the Greater Richmond Business Hall of Fame; and

WHEREAS, Stewart Bryan will be fondly remembered and greatly missed by his wife, Lissy; daughters, Talbott and Anna, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John Stewart Bryan III, an accomplished journalist, newspaper publisher, and business leader and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John Stewart Bryan III as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 131

Commending Robert Michael Chandler.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Robert Michael Chandler has selflessly educated thousands of local governmental officials for over 40 years, including planning commissioners, board of zoning appeals members, board of supervisor members, city mayors and council members, and building inspectors; and

WHEREAS, Michael Chandler developed and conducted educational programs, including the Virginia Certified Planning Commissioners' Program, the Virginia Certified Boards of Zoning Appeals Program, the Virginia Institute for Planning Commissioners, the Virginia Mayors' Institute, and the Virginia County Board Chairmen's Institute, as a faculty member of 27 years with Virginia Polytechnic Institute and State University (Virginia Tech) and Virginia Cooperative Extension until his retirement in 2001 and subsequent appointment as professor emeritus; and

WHEREAS, Michael Chandler continues to provide education to governmental officials through various organizations, including the Virginia Association of County Organizations and Virginia Cooperative Extension, and as the director of education for Virginia Tech's Land Use Education Program; and

WHEREAS, Michael Chandler's work as an educator and planner has been recognized in the Commonwealth and nationally by the American Planning Association on numerous occasions; he received awards for the development of the Certified Planning Commissioners' Program and his exemplary work on local comprehensive plans; and

WHEREAS, Michael Chandler served the Town of Blacksburg for over 18 years as a planning commissioner and town council member, including a two-year term as planning commission chair; and

WHEREAS, Michael Chandler served his profession as president to various state and national organizations, including the American Planning Association Virginia Chapter, Virginia Citizens Planning Association, Southeast Chapter of the American Society for Public Administration, and Virginia Community Development Society, and as a member of the American Planning Association National Board of Directors; now, therefore, be it

RESOLVED by the House of Delegates, That Robert Michael Chandler hereby be commended on the occasion of the 30th anniversary year of the first Certified Planning Commissioners' Program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert Michael Chandler as an expression of the House of Delegates' respect and admiration for his many years of educational service to local and state government officials in the Commonwealth.

HOUSE RESOLUTION NO. 132

Commending Robert G. Moore III.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Robert G. Moore III has served as pastor of Bonsack Baptist Church for nearly four decades, ably guiding the church through periods of growth and transition with his steady leadership and commitment to spreading the message of God's love; and

WHEREAS, a native of Norfolk, Robert Moore earned a bachelor's degree from Virginia Polytechnic Institute and State University and master's and doctoral degrees from Southern Baptist Theological Seminary; and

WHEREAS, Robert Moore first answered the call to ministry as an associate pastor of a Baptist congregation in Ohio; he came to Roanoke as pastor of Bonsack Baptist Church in 1976, when the church had recently relocated and had a congregation of only approximately 565 members; and

WHEREAS, Robert Moore helped Bonsack Baptist Church become a congregation of more than 2,400 people; with his stewardship, weekly attendance increased from approximately 225 people to 1,000 people, and the church's budget increased from \$65,000 to \$2,750,000; and

WHEREAS, guiding the church through an unprecedented period of growth, Robert Moore oversaw the construction of a larger sanctuary, an education building, a children's ministry building, and a multipurpose building with a welcome center, fellowship hall, gymnasium, classrooms, and activity rooms; and

WHEREAS, under Robert Moore's leadership, Bonsack Baptist Church has expanded vital ministries and outreach programs to the entire Roanoke community and the church has earned statewide recognition as a flagship congregation in the Baptist General Association of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, That Robert G. Moore III hereby be commended for his exceptional leadership of Bonsack Baptist Church on the occasion of his retirement as pastor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert G. Moore III as an expression of the House of Delegates' admiration for his contributions to the Bonsack Baptist Church congregation and the entire Roanoke community.

HOUSE RESOLUTION NO. 133

Commending Mill Run Elementary School.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Mill Run Elementary School in Ashburn opened an innovative outdoor classroom on October 14, 2015—a space where all students can learn about the natural world surrounding them in an attractive outdoor setting; and

WHEREAS, teachers and administrators worked with the Piedmont Environmental Council (PEC) to develop the concept of an outdoor classroom for the Loudoun County school; the group wanted an area where science instruction could take place through hands-on activities and close observation of the natural world; and

WHEREAS, many members of the Mill Run Elementary School community helped plan and install the outdoor classroom; they were assisted by the PEC, a regional conservation organization that works to improve people's access to nature; and

WHEREAS, as planning got underway for the outdoor classroom at Mill Run Elementary School, many in-kind donations were made, grants were obtained, and funds were raised at a nearby Earth Day family festival, making the project a broadly supported endeavor in the Ashburn community; and

WHEREAS, paths through the outdoor classroom at Mill Run Elementary School create a natural flow around the gardens; increased tree canopy provides shade and helps make the area cooler, and noise and air pollution are reduced because there is a smaller amount of grass to cut; and

WHEREAS, the pupils at Mill Run Elementary School have enthusiastically embraced their outdoor space; the new classroom features 26 instructional locations, all of which have been adapted for use by the teachers to enable the students to gain a greater appreciation of the natural world; and

WHEREAS, some pupils at Mill Run Elementary School have turned away from indoor sedentary activities and are becoming eager gardeners and outdoors enthusiasts; during the school year, many pupils have quickly volunteered to assist in the outdoor classroom; and

WHEREAS, when the Mill Run Elementary School outdoor classroom opened, a hands-on outdoor workshop was held for teachers, who were given many suggestions for lesson plans and instructional practices that could be used in an outdoor setting; and

WHEREAS, the outdoor learning area has become a focal point of Mill Run Elementary School's community life; local businesses contributed to the project, outreach efforts will help maintain the garden, and local residents plan to conduct research to incorporate native plants; now, therefore, be it

RESOLVED by the House of Delegates, That Mill Run Elementary School in Ashburn hereby be commended for establishing an innovative outdoor classroom that the entire school community can enjoy; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Cornely, principal of Mill Run Elementary School, as an expression of the House of Delegates' congratulations and admiration for creating an outdoor space where students and adults alike can develop a great appreciation for the beautiful and varied natural world found in the Commonwealth.

HOUSE RESOLUTION NO. 134

Commending Senior Chief Special Warfare Operator Edward Byers.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Senior Chief Special Warfare Operator Edward Byers, a member of the elite United States Navy SEALs, became the third member of the United States Navy since the Vietnam War to receive the Medal of Honor for his heroic actions during a rescue operation in Afghanistan; and

WHEREAS, a native of Toledo, Ohio, Senior Chief Byers joined the United States Navy in 1998 and completed Basic Underwater Demolition/SEAL training in 2002; he has deployed overseas eight times, including seven tours in combat; and

WHEREAS, in December 2012, Senior Chief Byers participated in a night raid to rescue Dr. Dilip Joseph, an American doctor who had been abducted by the Taliban; Senior Chief Byers and the rescue team traversed mountainous terrain for four hours to reach the doctor's location, a small, one-room building in the remote Laghman Province of Afghanistan; and

WHEREAS, Senior Chief Byers was the second team member into the building and, upon hearing a man speaking in English, located and selflessly shielded the hostage from the ensuing fire; he also identified an enemy combatant nearby and pinned him to the wall with one hand while still covering the hostage; and

WHEREAS, with the hostage secure, Senior Chief Byers, who is trained as a paramedic, helped provide medical assistance to a fellow SEAL who was fatally wounded during the operation; and

WHEREAS, Senior Chief Byers will be presented with the Medal of Honor, the nation's highest award, at a special ceremony in Washington, D.C., on February 29, 2016; he has previously earned five Bronze Stars and two Purple Hearts and will be the 11th living service member to receive the Medal of Honor for action in Afghanistan; now, therefore, be it

RESOLVED by the House of Delegates, That Senior Chief Special Warfare Operator Edward Byers hereby be commended on receiving the Medal of Honor for his valorous actions in service to the nation; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Senior Chief Special Warfare Operator Edward Byers as an expression of the House of Delegates' admiration for his exceptional service and sacrifices in defense of the Commonwealth and the United States.

HOUSE RESOLUTION NO. 135

Celebrating the life of the Reverend Charles Walter Gibson.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, the Reverend Charles Walter Gibson of Chester, who began his work in ministry as a college student and faithfully served for 65 years and who was a devoted father and husband, died on January 11, 2016; and

WHEREAS, Charles Gibson graduated from John Marshall High School in Richmond in 1948, where he was a member of F Company of the Corps of Cadets, achieving the rank of regimental captain quartermaster; he then attended the University of Richmond and belonged to Alpha Delta fraternity; and

WHEREAS, at age 20 when he was still in college, Charles Gibson entered the ministry, serving at Graceland Baptist Church in Powhatan; he discovered that he loved the ministry and his greatest joy was preaching from the pulpit; and

WHEREAS, during his career, Charles Gibson served at numerous Baptist churches in the Commonwealth, including Cosby Memorial, Emmanuel in Manassas, Lyndale, Oak Grove, Amelia, and Wilroy Baptist Church in Suffolk; and

WHEREAS, additionally, Charles Gibson participated in 10 international mission trips; on three of those occasions, he worked among a native tribe in Panama; he also led six mission trips to Guatemala, and in 1984, he served in India with a Partnership Evangelism team; and

WHEREAS, Charles Gibson demonstrated his life of faith by helping to organize the chaplaincy program at Chippenham Hospital, where he was a volunteer chaplain; he also was chaplain at hospitals in Suffolk and Manassas; and

WHEREAS, in retirement, Charles Gibson was an interim pastor for 15 churches in the Commonwealth and was secretary and president of the Intentional Interim Ministry network; in all, he devoted 65 years to service and ministry; and

WHEREAS, in his leisure time, Charles Gibson built furniture as a hobby, and his favorite way to relax was to ride his motorcycle; he also enjoyed camping trips with family and friends, boating, and teaching young people how to water-ski; and

WHEREAS, Charles Gibson will be greatly missed and fondly remembered by his wife, Jean; children, Michael, Stephen, and Dwayne, and their families; and many other family members, friends, and church members; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of the Reverend Charles Walter Gibson of Chester, a faithful and long-serving Baptist minister and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of the Reverend Charles Walter Gibson as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 136

Commending John Glaser.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, John Glaser of Williamsburg, a proud veteran of World War II, was made a Knight in the National Order of the Legion of Honor by the government of France for his role in the liberation of that country; and

WHEREAS, during the war, John Glaser served as a medic in the 111th Field Artillery of the United States Army's 29th Infantry Division; he participated in the Allied forces' D-Day invasion and the Battle of Normandy; and

WHEREAS, John Glaser is one of 15 veterans of World War II who were honored by the French government at a ceremony in the Commonwealth; a Knight is one of five levels of distinction of the Legion of Honor—France's highest decoration; and

WHEREAS, Michel Charbonnier, general consul of France for the Commonwealth and other mid-Atlantic states, presented the medal of the Legion of Honor to John Glaser; and

WHEREAS, the Legion of Honor was formed by Napoleon Bonaparte in 1802 to honor soldiers and civilians who demonstrated immense bravery in wartime or great achievements during times of peace; and

WHEREAS, John Glaser does not consider himself a hero; the Yorktown native was drafted into the military in 1941 when he was 23; as a medic, he provided emergency medical aid to wounded soldiers, tending to their needs before they went into surgery; and

WHEREAS, during the invasion of Normandy on D-Day, John Glaser's ship was delayed due to rough seas, which he believes saved his life; when he finally touched the beach and started running toward high ground, he nearly entered a field of land mines but was warned away by an officer; and

WHEREAS, John Glaser represents the strength and resolve of the members of the United States Armed Forces who proudly serve during times of peace and war; and

WHEREAS, John Glaser and those who survived World War II returned home and resumed regular lives; their efforts helped achieve victory, and the nation of France remains grateful to the brave young soldiers who fought for its freedom; now, therefore, be it

RESOLVED by the House of Delegates, That John Glaser of Williamsburg hereby be commended for being honored as a Knight in the National Order of the Legion of Honor by the French government for his role in the liberation of France during World War II; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Glaser as an expression of the House of Delegates' respect and admiration for his accomplishments in service to his country.

HOUSE RESOLUTION NO. 137

Commending Jeff Dudley.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Jeff Dudley, who served and protected the residents of Salem for 37 years as a law-enforcement professional, retired as Chief of the Salem Police Department in December 2014; and

WHEREAS, desirous to be of service to the Roanoke Valley community, Jeff Dudley joined the Salem Rescue Squad and began his career in law enforcement as a dispatcher in 1977; and

WHEREAS, within one year, Jeff Dudley had become a police officer and rose through the ranks to become a detective, sergeant, lieutenant, and deputy chief; and

WHEREAS, Jeff Dudley held positions in every division of the Salem Police Department; he especially relished the challenges of working in the detective division and helped solve numerous high-profile cases; and

WHEREAS, admired for his communication skills, Jeff Dudley worked to ensure that the Salem Police Department had the tools and training to serve and protect the city and build trust and respect with community members; and

WHEREAS, Jeff Dudley is an exemplar of the professionalism and dedication to duty displayed by law-enforcement officers and first responders throughout the Commonwealth; and

WHEREAS, after his retirement, Jeff Dudley plans to seek new opportunities to serve the Salem community and hopes to travel with his wife, Drema; now, therefore, be it

RESOLVED by the House of Delegates, That Jeff Dudley hereby be commended for his contributions to the Salem community on the occasion of his retirement as Chief of the Salem Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Dudley as an expression of the House of Delegates' admiration for his service to the City of Salem and the Commonwealth.

HOUSE RESOLUTION NO. 138

Commending Tim Guthrie.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Tim Guthrie, an outstanding law-enforcement officer, retires as Chief of the Salem Police Department in 2016 after 34 years of diligent work to protect and serve the community; and

WHEREAS, Tim Guthrie began his career with the Salem Police Department in 1981 as a patrol and traffic officer; he later worked in the narcotics division, detective division, and services division, gaining valuable experience that would serve him well as chief; and

WHEREAS, Tim Guthrie rose through the ranks to become a detective, sergeant, lieutenant, captain, and major; he was named Chief of the Salem Police Department in December 2014; and

WHEREAS, during his tenure as chief, Tim Guthrie worked to ensure that his officers had the tools and training to best serve the Salem community; he increased the department's presence in the community and oversaw new hires and promotions to strengthen the department's future; and

WHEREAS, a native of Roanoke, Tim Guthrie holds a bachelor's degree from Bluefield College and a master's degree from Hollins University; he is also a graduate of the FBI National Academy in Quantico; and

WHEREAS, Tim Guthrie is an exemplar of the dedication, professionalism, and care for the community demonstrated by law-enforcement officers throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Tim Guthrie hereby be commended for his service to the City of Salem on the occasion of his retirement as Chief of the Salem Police Department; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tim Guthrie as an expression of the House of Delegates' admiration for his work to support the officers of the Salem Police Department and keep the community safe.

HOUSE RESOLUTION NO. 139

Celebrating the life of Harold Lloyd Johnston, Sr.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Harold Lloyd Johnston, Sr., of Salem, who mentored and inspired countless students as a football coach and educator, died on January 2, 2016; and

WHEREAS, a native of Calgary, Canada, Harold "Hal" Lloyd Johnston, Sr., moved to Mexico and California with his family; he attended the University of Southern California before joining many of the other young men of his generation as a member of the United States Navy during World War II; and

WHEREAS, Hal Johnston completed his education at the University of Miami, where he played quarterback on the football team for two years and set several school records; and

WHEREAS, soon after the birth of his first child, Hal Johnston relocated to Campbell County, and he began a long and fulfilling career in education and coaching at Virginia Episcopal School; and

WHEREAS, in the 1950s, Hal Johnston became the head football coach at Andrew Lewis High School, where he mentored several talented assistant coaches who went on to achieve great success as coaches; and

WHEREAS, Hal Johnston established the football program at Northside High School and also worked at Lord Botetourt High School, then became the first principal of what is now Northside Middle School; and

WHEREAS, as an administrator, Hal Johnston strove to ensure that the young people in his care were heard and understood; after his retirement as principal of Northside Middle School, he served as a high school basketball official; and

WHEREAS, a man who lived his faith through his actions, Hal Johnston enjoyed fellowship and worship with the community as an active member of St. Paul's Episcopal Church, where he served on the vestry; and

WHEREAS, predeceased by his wife, Virginia, Hal Johnston will be fondly remembered and greatly missed by his children, Linda, Hal, Jr., and Don, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Harold Lloyd Johnston, Sr., a highly admired coach and educator in Salem; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Harold Lloyd Johnston, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 140

Commending the Farmwell Station Middle School Family and Consumer Sciences students.

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, in the fall of 2015, the Farmwell Station Middle School Family and Consumer Sciences students used their sewing and culinary talents to help improve the lives of people living thousands of miles away from their Loudoun County school; and

WHEREAS, the enterprising Farmwell Station Middle School Family and Consumer Sciences (FACS) students from Ashburn decided on two projects to help less privileged people; their first classroom effort was to refashion pillowcases into 50 dresses for young orphaned girls in Africa; they used their organizational skills to devise an efficient assembly-line process to cut and sew the pillowcase dresses; and

WHEREAS, to reach their goal of making 50 pillowcase dresses in a timely manner, the FACS students enlisted the help of and supervised after-school groups, and seamstresses on the Farmwell Station Middle School staff also lent their assistance; and

WHEREAS, once the pillowcase dresses had been completed and shipped to Africa, the Farmwell Station Middle School FACS students were eager for another service project; they decided to raise money for Opportunity International, a nonprofit organization that provides microfinance loans to help eliminate global poverty; and

WHEREAS, after undertaking initial research, 80 Farmwell Station Middle School FACS students participated in a video conference with an aid worker in Malawi for which the young people from Farmwell Station Middle School had prepared thoughtful questions regarding aid donations, opportunities for education in Malawi, and family incomes; and

WHEREAS, the Farmwell Middle School FACS students were surprised to discover that things that they take for granted—such as education for women—often are unavailable in countries such as Malawi, and they decided that they wanted to help make a difference; and

WHEREAS, the boys and girls embarked on several fundraising efforts, including setting up a coffee cart for the staff at Farmwell Station Middle School; the FACS group also sold homemade baked goods during teacher work days; and

WHEREAS, additionally, for three weeks in December 2015, the budding entrepreneurs in the Farmwell Station Middle School FACS program earned money by delivering coffee and tea directly to the teachers' classrooms; and

WHEREAS, the Farmwell Station Middle School FACS students far exceeded their fundraising goal of \$226, raising more than \$350 for Opportunity International; this effort, combined with the group's hands-on project to make 50 dresses for young girls in Africa, taught the students several important lessons; and

WHEREAS, by becoming involved in two international aid efforts, the Farmwell Station Middle School FACS students learned about life in Africa; they also generated business ideas to raise money to help those in need, and they had the opportunity to see beyond their classroom settings to real-world situations they may previously have known little about; now, therefore, be it

RESOLVED by the House of Delegates, That the Farmwell Station Middle School Family and Consumer Sciences students hereby be commended for their hard work and outstanding efforts to provide clothing and funds for people in Africa; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elizabeth Madigan, Family and Consumer Sciences teacher at Farmwell Station Middle School, as an expression of the House of Delegates' respect and admiration for the students' dedication to assisting people in great need and for being inspiring role models for all Virginians.

HOUSE RESOLUTION NO. 142

Commending Mars Hill African Methodist Episcopal Zion Church.

Agreed to by the House of Delegates, February 18, 2016

WHEREAS, Mars Hill African Methodist Episcopal Zion Church in Wakefield traces its history to 1878, when land was donated for a church; members first gathered in a brush arbor and later moved to a nearby house to worship; and

WHEREAS, in 1879, a one-room frame church was completed and named Mars Hill African Methodist Episcopal (A.M.E.) Zion Church; the church's name comes from Mars Hill in Athens, Greece, one of the places where the Apostle Paul preached; and

WHEREAS, through the years, the members of Mars Hill A.M.E. Zion Church have been served by dedicated and inspiring leaders; 16 ministers have been the pastor of the historic church in Sussex County, faithfully tending to the needs of the congregation; and

WHEREAS, the pastors of Mars Hill A.M.E. Zion Church have been fortunate to be able to call on many dedicated elders, bishops, trustees, and preacher stewards for guidance and assistance, all of whom worked for the betterment of the church; and

WHEREAS, many changes have taken place at Mars Hill A.M.E. Zion Church since it was built; church leaders established a building fund to help pay for renovation projects, large debts have been paid, and improvements and upgrades have been made; and

WHEREAS, the leaders of Mars Hill A.M.E. Zion Church installed a brick exterior, rebuilt walls, lowered the ceiling, added bathrooms, and enlarged the vestibule; other additions to the historic church include a dining room, trustee board room, choir room, and offices; and

WHEREAS, more recent upgrades to the worship space at Mars Hill A.M.E. Zion Church include new pews, pulpit furniture, audio systems and musical instruments, and a mirror for the sanctuary; and

WHEREAS, the members of Mars Hill A.M.E. Zion Church are proudly looking to the future; the church is home to a learning and daycare center and has well-established foster grandparent, senior citizen, and couples ministries; and

WHEREAS, Mars Hill A.M.E. Zion Church's successful community outreach programs include a prayer service on Wednesdays, and the church also has served the people of Sussex County by sponsoring job fairs, health fairs, and a community resource day; and

WHEREAS, the Reverend Kenneth Zollicoffer is the current minister of Mars Hill A.M.E. Zion Church; he helped increase church membership, started video ministries and an evening Bible study class, and worked to secure recognition of the significant accomplishments of the black citizens of Sussex County during Black History Month; now, therefore, be it

RESOLVED by the House of Delegates, That Mars Hill African Methodist Episcopal Zion Church in Wakefield hereby be commended on the occasion of its 137th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Kenneth Zollicoffer, minister of Mars Hill African Methodist Episcopal Zion Church, as an expression of the House of Delegates' congratulations and admiration for its many years of service to its members and the people of Sussex County.

HOUSE RESOLUTION NO. 143*Commending the Hanover Ruritan Club.*

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, the Hanover Ruritan Club celebrates its 80th year of exemplary service to Hanover County in 2016; and
 WHEREAS, since 1928, Ruritan Clubs have dedicated themselves to improving communities and building a better America through fellowship, goodwill, and community service; and

WHEREAS, organized in 1936 as a result of the efforts of numerous local men who desired to serve the community, the Hanover Ruritan Club meetings were originally held at Atlee High School and Battlefield High School under the leadership of president P.E. Rawls; and

WHEREAS, just a few years after its inception, the Hanover Ruritan Club began an ambitious service project—a bus service that provided a cost-effective way for residents of Hanover County to travel into the City of Richmond; and

WHEREAS, in 1948, the Hanover Ruritan Club garnered national press when its former president, Dr. C.E. Myers, served as Ruritan's national president; and

WHEREAS, during the 1950s and 1960s, the Hanover Ruritan Club continued to grow in membership, fundraising activities, and service projects, including the beginning of a student loan fund and sponsoring a local carnival; and

WHEREAS, in 1962, the Hanover Ruritan Club was honored for its outstanding efforts to support the community when the local Ruritan district awarded the Club the District Community Service Award; and

WHEREAS, the Hanover Ruritan Club continued to provide invaluable service to the local community during the 1970s, purchasing a boat for the local rescue squad, donating funds toward a pumper for the Mechanicsville Volunteer Fire Department, and chartering a local Boy Scout troop; and

WHEREAS, as the Hanover Ruritan Club celebrated its 45th anniversary, it was honored to have Grayson Holt, the former president of Ruritan National who had presented the original charter of 1936, at its meeting; and

WHEREAS, in 1983, the Hanover Ruritan Club generously purchased and members installed a circulation desk at the Mechanicsville Library; the project received national attention when it was featured in the *Ruritan National* magazine and the *Library Journal*; and

WHEREAS, by 1984, the Hanover Ruritan Club had grown to the point that it decided to purchase land to build a clubhouse and in 1986, received articles of incorporation from the State Corporation Commission; and

WHEREAS, as the Hanover Ruritan Club celebrated its 50th anniversary of service to the community, it had the distinct honor to have former Governor Mills E. Godwin, Jr., give the keynote address at the anniversary dinner; and

WHEREAS, in the 1990s, the Hanover Ruritan Club continued to sponsor a "Why I Love America" essay contest, supported drug abuse education and prevention through the D.A.R.E. program, and participated in the Hurricane Hugo rescue mission; and

WHEREAS, in the new century, the Hanover Ruritan Club continues to raise significant funds from its Christmas tree sales, Bluegrass festival, and other fundraising projects that enable it to generously contribute to community service projects; and

WHEREAS, the Hanover Ruritan Club has provided extraordinary service to the residents of Hanover County in its 80 years of existence while also providing an opportunity for its members to grow in character and fellowship; now, therefore, be it

RESOLVED by the House of Delegates, That the Hanover Ruritan Club hereby be commended on the occasion of its 80th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Hanover Ruritan Club as an expression of the House of Delegates' congratulations and admiration and gratitude for the Club's community service.

HOUSE RESOLUTION NO. 144*Celebrating the life of John G. Zehmer, Jr.*

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, John G. Zehmer, Jr., who played a major role in the restoration of the exterior of the Governor's Mansion and made many significant contributions to historic preservation in the Commonwealth and who was a man of faith and a devoted husband and father, died on February 7, 2016; and

WHEREAS, John G. "Jack" Zehmer, Jr., grew up in McKenney and attended the University of Virginia where he earned a bachelor's and master's degree; he then served in the Peace Corps in Malaysia; and

WHEREAS, Jack Zehmer embarked on a career in historic preservation in 1970 when he was named director of Historic Sites and Museums for the state of North Carolina; he returned to the Commonwealth in 1974 and worked for the City of Richmond as its first senior planner for historic preservation; and

WHEREAS, in 1981, Jack Zehmer was named director of the Valentine Museum, and research he conducted there led to the restoration of the interior of the historic Wickham-Valentine House, home of the museum; and

WHEREAS, Jack Zehmer made many contributions to preserving Richmond's historic sites and buildings as executive director of the Historic Richmond Foundation from 1984 to 1998; he helped expand the foundation's real estate projects and advocacy programs and oversaw the establishment of the foundation's publications program; and

WHEREAS, Jack Zehmer was chair of the Citizens Advisory Council on Interpreting and Furnishing the Executive Mansion, which oversaw the restoration of the exterior of the historic building on Capitol Square; and

WHEREAS, from 1999 until he retired in 2004, Jack Zehmer was director of the Capital Region Office of the Virginia Department of Historic Resources, promoting historic preservation efforts in 30 counties in the Commonwealth; after retiring, he continued to publish books on architectural preservation; and

WHEREAS, Jack Zehmer contributed his time and talents as a member of many organizations working to preserve the Commonwealth's historic past, including the Virginia Art and Architectural Review Board, the board of the Virginia Department of Historic Resources, the Preservation Alliance of Virginia, and the Association for the Preservation of Virginia Antiquities; and

WHEREAS, several notable historic structures in Richmond were preserved due to Jack Zehmer's efforts, including Monumental Church and the National Theatre; he also was involved in the restoration of Linden Row and the Bolling Haxall House, and he helped establish two historic districts in the city; and

WHEREAS, Jack Zehmer served on the advisory boards of the National Trust for Historic Preservation and Mount Vernon; he loved to garden and was an honorary member of the Garden Club of Virginia; and

WHEREAS, a man of faith, Jack Zehmer was a lifelong member of the Church of the Good Shepherd in McKenney and had served as senior warden; and

WHEREAS, Jack Zehmer, who was predeceased by his first wife, David Kathryn, will be greatly missed and fondly remembered by his wife, Frances; sons, John III and James, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of John G. Zehmer, Jr., who made many valued contributions to historic preservation efforts in the Commonwealth and who was a man of faith and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of John G. Zehmer, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 145

Commending Jennifer L. Braaten.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, in 2016, Jennifer L. Braaten, a respected and visionary leader in higher education, retires as president of Ferrum College, a renowned private college in Franklin County, after nearly 14 years of distinguished service; and

WHEREAS, prior to joining Ferrum College in 2002, Jennifer Braaten worked as an educator in Minnesota and Florida, held several leadership positions at Lynn University in Florida, and was the first woman president of Midland Lutheran College in Nebraska; and

WHEREAS, Jennifer Braaten was the 10th president and the first woman president of Ferrum College; she reaffirmed the college's mission "to serve the underserved" and oversaw significant growth in academics and enrollment, as well as new construction to enhance campus life; and

WHEREAS, under Jennifer Braaten's leadership, Ferrum College strengthened its core liberal arts curriculum and career-oriented majors, such as business, criminal justice, health sciences, and pre-professional sciences; the college implemented an experimental term in May and an online criminal justice program and focused national attention on its environmental science program, which is one of the oldest in the country; and

WHEREAS, Jennifer Braaten was committed to ensuring that Ferrum College remained affordable and accessible to all students by increasing career, co-curricular, and academic support services; during her tenure, the diversity of the college expanded and enrollment increased by 76 percent; and

WHEREAS, Jennifer Braaten helped Ferrum College successfully complete two capital campaigns, both of which exceeded their original goals to earn \$45 million in total, and the college's endowment has grown to \$50 million; and

WHEREAS, Jennifer Braaten oversaw \$30 million in new construction and renovations to campus facilities, including the FerrumPLUS! addition, an expansion to the Blue Ridge Institute and Museum, new classrooms, new residence halls, the Hank Norton Center, and Ferrum Mercantile; and

WHEREAS, Jennifer Braaten helped build strong partnerships between Ferrum College and the Ferrum community, including support for the Franklin County Free Clinic and the establishment of the Tri-Area Community Health Center and a YMCA on campus; and

WHEREAS, deeply respected in the field of higher education, Jennifer Braaten has held leadership roles in the state and national Council of Independent Colleges, Appalachian College Association, National Association of Schools and Colleges

of the United Methodist Church, National Association of Independent Colleges and Universities, and the Southern Association of Colleges and Schools Commission on Colleges; and

WHEREAS, Jennifer Braaten has earned numerous awards and accolades for her leadership and commitment to students; she is widely sought as a speaker and lecturer and was named the top female leader in Southwest Virginia by the *Roanoker* magazine; and

WHEREAS, a native of Fergus Falls, Minnesota, Jennifer Braaten holds a bachelor's degree from the University of Minnesota and master's and doctoral degrees from Florida Atlantic University; and

WHEREAS, after her well-earned retirement, Jennifer Braaten plans to seek new opportunities to serve the community and spend more time with her husband, Conrad, and their grown children, Kirsten and Conrad, and their families; now, therefore, be it

RESOLVED by the House of Delegates, That Jennifer L. Braaten hereby be commended on the occasion of her retirement as president of Ferrum College; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jennifer L. Braaten as an expression of the House of Delegates' admiration for her exceptional leadership and service to the students of Ferrum College.

HOUSE RESOLUTION NO. 146

Commending the Loudoun County Department of Fire, Rescue and Emergency Management.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the Loudoun County Department of Fire, Rescue and Emergency Management responded in an outstanding manner when the winter storm of late January 2016 inundated the county with tremendous amounts of snow; and

WHEREAS, the men and women of the Loudoun County Department of Fire, Rescue and Emergency Management were well-prepared in the days leading up to the historic storm; many had taken part in advance planning operations, additional response and support units were placed in service, and the county's Emergency Operations Center was staffed around the clock; and

WHEREAS, additionally, the residents of Loudoun County played a valuable role in the readiness efforts of the county fire and rescue services by paying close attention to announcements and messages from the department; and

WHEREAS, throughout Loudoun County, people helped by clearing snow and ice from fire hydrants and gas vents, being cautious while shoveling snow, and staying off of county roads until they were safe for general use; and

WHEREAS, the storm's highest snowfall total in the Commonwealth—39 inches—was measured at Philomont in Loudoun County; and

WHEREAS, the January 2016 snowstorm was a tremendous challenge for the Loudoun County Department of Fire, Rescue and Emergency Management; the snow began falling in the afternoon of Friday, January 22, and from then until the early recovery stages on Sunday, January 24, and Monday, January 25, the department handled more than 550 emergency calls; and

WHEREAS, the high volume of calls was almost double the amount usually received by the Loudoun County Department of Fire, Rescue and Emergency Management in a similar time period, and many of them were life-threatening, requiring a large response force and careful coordination; and

WHEREAS, additionally, routine calls for assistance were complicated by the weather conditions, and the members of the Loudoun County Department of Fire, Rescue and Emergency Management often needed more time and resources than usual to respond to those calls for help; and

WHEREAS, in extraordinary situations such as the snowstorm of January 2016, the members of the Loudoun County Department of Fire, Rescue and Emergency Management are at their very best; they responded in a professional, caring, and competent manner, and performed heroically; and

WHEREAS, the bravery exhibited by the members of the Loudoun County Department of Fire, Rescue and Emergency Management as they faced a snowstorm of historic proportions throughout their service area—Ashburn received 36 inches of snow and Leesburg received 34 inches of snow—is a testament to their training, professionalism, and unswerving dedication to the safety of the people they serve; now, therefore, be it

RESOLVED by the House of Delegates, That the Loudoun County Department of Fire, Rescue and Emergency Management hereby be commended for its outstanding response to the historic snowstorm of late January 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to W. Keith Brower, Jr., Chief of the Loudoun County Department of Fire, Rescue and Emergency Management, as an expression of the House of Delegates' respect and admiration for the department's unwavering commitment at all times to the safety of the people of Loudoun County.

HOUSE RESOLUTION NO. 147

Commending Sara Christie.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Sara Christie, an exceptional primary school educator in Ashburn, received a 2015 Virginia Lottery Super Teacher award; and

WHEREAS, the Virginia Lottery Super Teacher awards are presented annually to eight outstanding kindergarten through 12th-grade educators representing different regions of the Commonwealth; Sara Christie was one of more than 850 nominees for the award; and

WHEREAS, Sara Christie strives to build a family atmosphere in her classrooms and encourages positive behavior by rewarding students' actions that help strengthen the entire class as a community of learners; and

WHEREAS, believing strongly in the importance of developing a love for reading at a young age, Sara Christie sends students home with books written by authors or tied to themes that interest them; and

WHEREAS, Sara Christie emphasizes critical thinking skills and cooperation through hands-on projects, and she helps students reenergize their minds through breaks with educational songs or other activities; and

WHEREAS, as winner of a Virginia Lottery Super Teacher award, Sara Christie received a \$2,000 cash prize and a \$2,000 classroom credit from The Supply Room Companies; now, therefore, be it

RESOLVED by the House of Delegates, That Sara Christie hereby be commended on receiving a 2015 Virginia Lottery Super Teacher award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sara Christie as an expression of the House of Delegates' admiration for her commitment to serving and inspiring the youth of the Ashburn community.

HOUSE RESOLUTION NO. 148

Commending Rebecca T. Dickson.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, not only elected officials, but employees of government who serve at the behest of elected officials, bear large responsibilities for the benefit of the citizens of Virginia; and

WHEREAS, for a majority of the local jurisdictions of the Commonwealth, no public employee bears larger responsibilities, or accomplishes more of merit, than a County Administrator; and

WHEREAS, the people of Goochland County have been well and admirably served through six years of diligent labor by County Administrator Rebecca T. Dickson; and

WHEREAS, Rebecca "Becky" T. Dickson will conclude a long and distinguished career in public service with her retirement as Goochland's County Administrator on April 1, 2016; and

WHEREAS, Becky Dickson began her career in Chesterfield County in August 1990 as Capital Finance Administrator; she was promoted to the position of Assistant Director of Budget and Management in 1996, to the position of Director of Budget and Management in 1997, and to the position of Deputy County Administrator for Human Services in 2006; and

WHEREAS, in 2009, Becky Dickson was hired as County Administrator for Goochland County; and

WHEREAS, Becky Dickson has overseen all aspects of Goochland County's fiscal operations, including fiscal policies and practices, the capital investment program, economic development, annual operating budgets, and bond refunding for the Tuckahoe Creek Utility Service District; and

WHEREAS, demonstrating exceptional leadership, Becky Dickson was instrumental in Goochland County's earning a AAA bond rating from Standard & Poor's in 2015; and

WHEREAS, Becky Dickson has contributed inculcably to further successes of Goochland County governance by hiring capable and skilled staff, overseeing strategic planning and legislative priorities, informing and involving the community in decisions about public matters, and being involved in virtually every facet of county government; and

WHEREAS, Becky Dickson has demonstrated loyalty to Goochland County and a steadfast dedication to the best interests of the citizens of Goochland County; and

WHEREAS, Becky Dickson received a Bachelor of Science degree in Business Administration and Management from Virginia Commonwealth University in 1983 and is a credentialed Manager Candidate through the International City/County Management Association; and

WHEREAS, Becky Dickson is immediate past president of the Virginia Local Government Managers Association, attended both the Senior Executive Institute at the University of Virginia and Leadership Metro Richmond, and is certified in the Malcolm Baldrige quality criteria for business and government; now, therefore, be it

RESOLVED by the House of Delegates, That Rebecca T. Dickson hereby be commended on the occasion of her retirement as County Administrator for Goochland County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Rebecca T. Dickson as an expression of the House of Delegates' admiration for her generous and devoted service to the residents of Goochland County and the surrounding area and best wishes to her in a well-earned retirement.

HOUSE RESOLUTION NO. 149

Commending the Lewis B. Puller, Jr. Veterans Benefits Clinic.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the Lewis B. Puller, Jr. Veterans Benefits Clinic, consisting of William & Mary Law students supervised by experienced veterans law attorneys, provides invaluable assistance to veterans pursuing disability compensation benefits for their service-connected disabilities; and

WHEREAS, in 2008, the Lewis B. Puller, Jr. Veterans Benefits Clinic (Puller Clinic) became the first law school clinic in the nation to combine legal and psychological methods to provide holistic services to veterans; and

WHEREAS, the Puller Clinic partners with the Center for Psychological Services and Development at Virginia Commonwealth University and the Center for Psychological Services at George Mason University to address psychological traumas with a multi-disciplinary approach; and

WHEREAS, the Puller Clinic and its volunteer attorneys were presented with the Lewis F. Powell Jr. Pro Bono Award in 2013 by the Special Committee on Access to Legal Services of the Virginia State Bar, recognizing the "foresight and professionalism in helping to provide legal services to veterans with service connected disabilities [and] their role in training and supervising law students"; and

WHEREAS, in 2013, the Puller Clinic became the first law school clinic in the nation to be invited to join the Department of Veterans Affairs Fully Developed Claims Community of Practice; and

WHEREAS, in 2015, the Puller Clinic, in partnership with Starbucks' Armed Forces Network, founded "Military Mondays," whereby law students and professors provide veterans and their families with an opportunity to meet at Starbucks and receive free advice and counsel; and

WHEREAS, "Military Mondays" received the 2016 Brown Select award by the American Bar Association's Standing Committee on the Provision of Legal Services for its innovation and replication; and

WHEREAS, the Puller Clinic held the first National Conference on Law Clinics Serving Veterans to bring people from all across the country together to discuss the legal needs of veterans and encourage replication of the Puller Clinic model; and

WHEREAS, the Puller Clinic is making a difference in the lives of hundreds of veterans annually, while training tomorrow's attorneys to be skilled and ethical practitioners who are passionate about helping veterans obtain the benefits they are owed from a grateful nation; now, therefore, be it

RESOLVED by the House of Delegates, That the Lewis B. Puller, Jr. Veteran Benefits Clinic hereby be commended for its years of service to the Commonwealth's men and women in uniform; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Patricia E. Roberts, director of the Lewis B. Puller, Jr. Veteran Benefits Clinic, as an expression of the House of Delegates' admiration for the clinic's outstanding service to the veterans who have sacrificed so much in defense of the Commonwealth and the nation.

HOUSE RESOLUTION NO. 150

Commending the Brandon Heights Fourth of July Parade.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the Brandon Heights Fourth of July Parade, a beloved community tradition in Newport News, has given local residents the opportunity to celebrate the nation's heritage and show their patriotism for 50 years; and

WHEREAS, in 1967, a group of Brandon Heights neighbors talked about decorating baby carriages and marching up Milford Road on the Fourth of July, and several fathers and children announced the event by walking around the neighborhood and beating drums on the previous night; and

WHEREAS, with Dave Wibel as the first parade chairman, the inaugural Brandon Heights Fourth of July Parade started on Stratford Road in the morning and proceeded up Ferguson Avenue to Milford Road; and

WHEREAS, the first Brandon Heights Fourth of July Parade was made up of a kazoo and drum band, an antique fire engine, and an assortment of costumed pets and children; a ceremony at the end featured patriotic songs and awards for the best costumes; and

WHEREAS, in the 1970s, the parade was moved to the afternoon to accommodate plans for an evening block party; costumes remained a proud tradition, with Uncle Sam often leading the way, and the parade evolved to include wheeled entries from local children of all ages, from carriages and strollers to wagons, tricycles, bikes, and skateboards; and

WHEREAS, for many years, the block party after the Brandon Heights Fourth of July Parade was one of the area's premier local events, with live music; great food; patriotic speeches; and a popular egg toss, among other games; and

WHEREAS, the Brandon Heights Fourth of July Parade has encountered inclement weather over the years, but organizers and participants have persevered to carry on the tradition consistently; and

WHEREAS, the Brandon Heights Fourth of July Parade has changed and grown throughout its 50-year history; many of the babies who were pushed in carriages for the first parade have watched their own children and grandchildren participate in the event, which still provides an excellent opportunity to meet fellow community members and renew friendships; now, therefore, be it

RESOLVED by the House of Delegates, That the Brandon Heights Fourth of July Parade hereby be commended on the occasion of its 50th anniversary in 2017 for strengthening community spirit in Newport News; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Margaret Goggins, organizer of the Brandon Heights Fourth of July Parade, as an expression of the House of Delegates' admiration for this unique local tradition.

HOUSE RESOLUTION NO. 151

Celebrating the life of James A. Bill.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, James A. Bill of Williamsburg, a renowned international scholar at The College of William & Mary and an expert on the Middle East, who was most proud of his role as husband, father, and grandfather, died on November 21, 2015; and

WHEREAS, James "Jim" A. Bill graduated from Assumption College as valedictorian and earned a master's degree from Pennsylvania State University; he lived in Iran for two years, gaining appreciation for and understanding of the country's culture while he pursued a doctorate from Princeton University; and

WHEREAS, Jim Bill began his career in education at the University of Texas at Austin, where he taught for 20 years; he made many trips to Iran and the Middle East and became known as one of the foremost experts on the region; and

WHEREAS, in 1987, Jim Bill joined The College of William & Mary as the founding director of the Reves Center for International Studies, which now supports hundreds of students studying abroad and hosts hundreds of international students and faculty scholars; and

WHEREAS, over the course of his career, Jim Bill inspired countless students to achieve their fullest potential; he was named professor emeritus of The College of William & Mary's Government Department, and the college conferred upon him its distinguished Honorary Doctorate of Humane Letters in 2012; and

WHEREAS, Jim Bill published 10 books, including the highly acclaimed *The Eagle and the Lion: The Tragedy of American-Iranian Relations* and *George Ball: Behind the Scenes in U.S. Foreign Policy*; he testified before the United States House of Representatives Committee on Armed Services on the eve of the Persian Gulf War in 1990 and was a sought-after radio and television commentator; and

WHEREAS, a devoted family man, Jim Bill will be fondly remembered and greatly missed by his beloved wife of 50 years, Ann; children, Timothy and Rebecca, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James A. Bill, a respected scholar and an admired member of the Williamsburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James A. Bill as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 152

Celebrating the life of Joseph John DellaVecchio, Jr.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Joseph John DellaVecchio, Jr., of Virginia Beach, a proud veteran of the United States military, a career law-enforcement officer, a man of faith, and a devoted father and husband, died on October 21, 2015; and

WHEREAS, Joseph John "J.J." DellaVecchio's law-enforcement career began when he was a young man; he enlisted in the United States Air Force in 1972, proudly serving his country as a law-enforcement specialist; and

WHEREAS, after his active duty military service ended, J.J. DellaVecchio became a security supervisor for the Hampton Roads Drug Rehabilitation Center, and then joined the City of Hampton Police Division, where he served the people of the Tidewater city from 1976 to 1979; and

WHEREAS, J.J. DellaVecchio joined the Virginia State Police in 1979, and after graduating from the state police academy was assigned to Area 5, the Fredericksburg region; he was later transferred to the Norfolk and Virginia Beach area, and in 1988, he was promoted to senior trooper; and

WHEREAS, during his career with the Virginia State Police, J.J. DellaVecchio served in many areas; he was a member of the department's scuba team, worked in crime prevention, and served as a drug recognition technician, field training officer, general instructor, radar instructor, and driving instructor; and

WHEREAS, helping people was what J.J. DellaVecchio loved best and he received several commendations and awards for his outstanding service, including the Superintendent's Award of Merit from the Virginia State Police and the Good Cop Award from WTKR TV Channel 3, and he was named a Top Cop in the Tidewater Area by Rock Church International; and

WHEREAS, after J.J. DellaVecchio retired from the Virginia State Police, he continued serving his community by working for the Virginia Beach Sheriff's Office for 11 years as a lead background investigator in human resources; and

WHEREAS, J.J. DellaVecchio was an active member of the Virginia Beach Fraternal Order of Police Lodge #8; he was the association's secretary for several years and helped organize the association's annual holiday Shop with a Cop event; and

WHEREAS, J.J. DellaVecchio was a man of faith who was known for his generous and selfless nature; he participated in several mission trips with Glad Tidings Church, including outreach efforts to Belgium and Mexico; and

WHEREAS, J.J. DellaVecchio will be greatly missed and fondly remembered by his wife, Susan; son, John, and his family; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Joseph John DellaVecchio, Jr., of Virginia Beach, an outstanding citizen, veteran, patriot, law-enforcement officer, and family man; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Joseph John DellaVecchio, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 153

Commending Tiffany Faucette.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Tiffany Faucette, a respected golf instructor at the 1757 Golf Club in Dulles, was named a Top 50 Growth of the Game Teaching Professional for the second consecutive year in 2016; and

WHEREAS, the Top 50 Growth of the Game Teaching Professional award is presented by the Golf Range Association of America to outstanding instructors who increase engagement with the game for both experienced and beginning golfers; and

WHEREAS, over the course of her 11-year career in professional golf, Tiffany Faucette appeared in the 2004 U.S. Women's Open and the 2006 Ladies Professional Golf Association (LPGA) Championship; she began her teaching career in 1999, earned an LPGA Class A Membership in 2008, and became lead instructor of 1757 Golf Academy in 2010; and

WHEREAS, 1757 Golf Academy is one of the region's most comprehensive learning centers, offering individual and group lessons, as well as youth summer camps; the academy has thrived under Tiffany Faucette's leadership and commitment to promoting a positive atmosphere for learning; and

WHEREAS, Tiffany Faucette is admired for her ability to express the intricacies of proper form and swing in clear, concise language; she has helped countless golfers of all ages and backgrounds increase their skills and better enjoy the game; now, therefore, be it

RESOLVED by the House of Delegates, That Tiffany Faucette hereby be commended on being named a Top 50 Growth of the Game Teaching Professional in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Tiffany Faucette as an expression of the General Assembly's admiration for her expertise and contributions to the golfing community in Northern Virginia.

HOUSE RESOLUTION NO. 154

Commending Red Hart.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Red Hart of Greenbush claimed a first-place award in his class at the World Records Benchpress Competition in Virginia Beach; and

WHEREAS, competing in the 152-pound class and the 70-74 age group, Red Hart bench pressed 225.9 pounds at the drug-free, powerlifting event; and

WHEREAS, Red Hart convincingly broke the previous world record of 159.8 pounds, which had stood since 2009; and

WHEREAS, Red Hart works out at the Eastern Shore Family YMCA and is sponsored by Bizzotto's Gallery-Cafe in Onancock; his exceptional accomplishment is an inspiration to other athletes in the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Red Hart hereby be commended for receiving a first-place award at the World Records Benchpress Competition in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Red Hart as an expression of the House of Delegates' admiration for his world record-setting achievement and best wishes for the future.

HOUSE RESOLUTION NO. 155

Commemorating the 240th anniversary of the Queen Anne's Minutemen march.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, on February 3, 1776, members of the Queen Anne's Minutemen departed from Hansen's Tavern in Chester Mill, now Centreville, Maryland, by order of the Council of Safety in Annapolis to intercept British forces maneuvering up the Chesapeake Bay from Virginia; and

WHEREAS, the Queen Anne's Minutemen marched 180 miles in snowy conditions over a dirt and gravel road to reach Northampton County Court House, a primary target of Lord Dunmore, the last British Governor of Virginia; and

WHEREAS, many of the Queen Anne's Minutemen were poor farmers or tradesmen and did not even possess suitable shoes for the march; upon reaching a planned camp site at Snow Hill, the members of the march discovered that promised camp supplies and provisions had not arrived; and

WHEREAS, Captain James Kent, the commander of the Queen Anne's Minutemen, was forced to use his personal funds to purchase much needed supplies and equipment, including shoes; and

WHEREAS, stories and legends of the courageous struggle of the Queen Anne's Minutemen have passed down through history as an example of the important role played by citizen soldiers and militia in the birth of the nation; and

WHEREAS, to honor the legacy of the Queen Anne's Minutemen march, a group of marchers reenacted the march; on February 3, 2016, the group departed from the former site of Hansen's Tavern and set off down present-day Route 50 toward Northampton County Court House in Eastville; now, therefore, be it

RESOLVED by the House of Delegates, That the 240th anniversary of the Queen Anne's Minutemen march hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mary Margaret Revell Goodwin, county historian of Queen Anne's County, Maryland, as an expression of the House of Delegates' appreciation for the historical importance of the march.

HOUSE RESOLUTION NO. 156

Commending Nancy Stafford.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Nancy Stafford has supported and mentored countless young artists in the Roanoke Valley through her involvement with the Burton Center for the Performing Arts in Salem; and

WHEREAS, starring in numerous movies and television series throughout her 35-year career in acting, Nancy Stafford is best known for her role on *Matlock*, and she has published two books, *The Wonder of His Love: A Journey into the Heart of God* and *Beauty by the Book: Seeing Yourself as God Sees You*; and

WHEREAS, Nancy Stafford is a sought-after speaker at high schools, colleges, churches, businesses, and other organizations; she has appeared at media events and arts schools throughout the Roanoke Valley; and

WHEREAS, particularly active with the Burton Center for the Performing Arts, Nancy Stafford offers her leadership and expertise to the center's advisory board, and she has served as a speaker, guest artist, and faculty member; and

WHEREAS, Nancy Stafford helped establish one of the first short filmmaking programs in the Commonwealth at the Burton Center for the Performing Arts, and she has mentored aspiring actors on how to get roles, succeed at auditions, and deal with changing situations while on set; and

WHEREAS, Nancy Stafford has given generously of her time and talents to inspire the Commonwealth's young artists and enhance the cultural life of the Roanoke Valley; now, therefore, be it

RESOLVED by the House of Delegates, That Nancy Stafford hereby be commended for her service to the Burton Center for the Performing Arts in Salem; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Nancy Stafford as an expression of the House of Delegates' admiration for her contributions to the performing arts in the Roanoke Valley.

HOUSE RESOLUTION NO. 157

Commending Alexander Perdue.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Alexander Perdue, a student at Salem High School, became the Virginia state champion in geography, winning the 2015 Virginia Finals of the National Geographic Bee; and

WHEREAS, Alexander "Alex" Perdue, who was then an eighth-grade student at Andrew Lewis Middle School, was one of 100 students competing in the state championship, held on March 27, 2015, at Longwood University; and

WHEREAS, after eight preliminary rounds and a tiebreaker session, Alex Perdue was one of 10 students selected as finalists, and he answered numerous challenging geography questions to claim the state title; and

WHEREAS, as a state champion, Alex Perdue qualified for the 2015 National Geographic Bee in Washington, D.C., where he competed against 53 other students from the states and territories of the United States; and

WHEREAS, Alex Perdue has honed his skills in geography through his interest in current events and meteorology; now, therefore, be it

RESOLVED by the House of Delegates, That Alexander Perdue hereby be commended on winning the 2015 Virginia Finals of the National Geographic Bee; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alexander Perdue as an expression of the House of Delegates' admiration for his achievements and best wishes for the future.

HOUSE RESOLUTION NO. 158

Commending the Honorable Charlie Caple, Jr.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the Honorable Charlie Caple, Jr., a respected community and civil rights leader, ably represented the residents of Sussex County as a member of the Sussex County Board of Supervisors from 1995 to 2015; and

WHEREAS, Charlie Caple worked to create new opportunities for local students by supporting the construction of new elementary and high schools, and in 1965, he was a charter member of what is now known as The Improvement Association, where he served on the board of directors for 42 years; and

WHEREAS, committed to safeguarding the lives and property of his fellow residents, Charlie Caple was also a charter member of the Stony Creek Rescue Squad and was an active member of the squad for 18 years; and

WHEREAS, as an active leader in the Civil Rights movement locally, Charlie Caple worked to empower African American community members by increasing voter registration; in 1970, he was appointed by the Sussex County Circuit Court to serve as the area's first African American Justice of the Peace; and

WHEREAS, Charlie Caple also served on the Sussex County School Board Selection Committee and was a member of the Sussex County Social Services Board for 18 years; and

WHEREAS, desirous to be of further service to the community, Charlie Caple ran for and was elected to the Sussex County Board of Supervisors, where he represented the residents of the Stony Creek District for 20 years and served as vice-chair; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Charlie Caple, Jr., hereby be commended for his outstanding public service as a member of the Sussex County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Charlie Caple, Jr., as an expression of the General Assembly's admiration for his contributions to the residents of Sussex County.

HOUSE RESOLUTION NO. 159

Commending the Abingdon High School golf team.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the Abingdon High School golf team capped off a stellar season by winning the 2015 Virginia High School League Group 3A state championship with a score of 608 points; and

WHEREAS, the talented golfers from Abingdon High School defeated the current state champion, Hidden Valley High School, by 16 shots to claim the state title on October 13, 2015, at Abingdon High School's home course at Glenrochie Country Club; and

WHEREAS, the 2015 state title was up for grabs at the start of the second day of the tournament as Abingdon High School and Hidden Valley High School were tied, but the Abingdon Falcons soon pulled ahead and took the lead; and

WHEREAS, the victory was a challenging one for the Abingdon High School team; on the second day of the tournament all golfers faced stiff competition and stiff winds on the course, with gusts well over 25 miles per hour, forcing contestants to even more carefully consider each shot; and

WHEREAS, the tenacious and motivated golfers from Abingdon High School stayed focused despite the unfavorable weather; coach Jason Delp and assistant coach Nick Viers helped the players adapt to the challenging conditions; and

WHEREAS, the members of the Abingdon High School 2015 state championship golf team are Bryce Addison, Drake Clevinger, Connor Creasy, Gunnar Dowell, Titus Dowell, Laeth Ratliff, Seth Roark, Andrew Spiegler, and Emily Stinson; now, therefore, be it

RESOLVED by the House of Delegates, That the Abingdon High School golf team hereby be commended for winning the 2015 Virginia High School League Group 3A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jason Delp, coach of the Abingdon High School golf team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding accomplishment and championship season.

HOUSE RESOLUTION NO. 160

Commending the Eastside High School one-act play team.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the Eastside High School one-act play team of Coeburn claimed its second consecutive state title, winning the Virginia High School League Group 1A state theatre championship in December 2015; and

WHEREAS, the Eastside High School one-act play team received second place at the Conference 48 tournament and won the 1A West regional tournament to advance to the state competition; Alissa Stanley won the best acting award at the conference tournament, and Alissa Stanley, along with Kailey Kyle and Kaitlyn Hall, won the best acting award at the regional tournament; and

WHEREAS, the Eastside High School one-act play team performed *Nora's Lost*, a play about a woman with Alzheimer's disease who follows a vision of her late husband into the woods on a cold night; Nora's life flashes before her, revealing her former life as a dynamic teacher, caring wife, and loving mother; and

WHEREAS, the talented members of the Eastside High School one-act play team contributed to the team championship with a variety of skills, including playing roles, creating the backdrop, performing music and sound effects, and coordinating lighting; Kailey Kyle and Kaitlyn Hall went on to win the best acting award at the state tournament; and

WHEREAS, the victory is a testament to the skill and hard work of the student actors and crew, the leadership of the coaches and faculty, and the enthusiastic support of the entire Eastside High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Eastside High School one-act play team hereby be commended on winning the 2015 Virginia High School League Group 1A state theatre championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Shane Burke, coach of the Eastside High School one-act play team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 161

Commending the Lebanon High School Real World Design Challenge team.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the Lebanon High School Real World Design Challenge team won the Virginia Real World Design Challenge and will represent the Commonwealth at the 2016 national finals of the challenge; and

WHEREAS, the Real World Design Challenge is an annual competition that presents engineering challenges with real world applications to high school students; participants learn about and use professional engineering software to design a solution, then demonstrate the viability of their work; and

WHEREAS, the 2016 Real World Design Challenge tasked students with the development of an unmanned aerial vehicle to assess moisture levels of food crops; the Lebanon High School team focused on corn for the state competition; and

WHEREAS, the Lebanon High School team contacted local farmers, researched the crop, and worked as a team to design a payload and a comprehensive flight plan for an unmanned aerial vehicle; the project helped the students hone problem-solving skills and gain valuable experience in the engineering field; and

WHEREAS, as the state champions, the Lebanon High School team will travel to Washington, D.C., in April 2016 to represent the Commonwealth at the national Real World Design Challenge finals; teams in the national challenge must study two crops, and the Lebanon High School team will work with corn and strawberries; and

WHEREAS, each member of the Lebanon High School team—Matt Looney, Ben Garrett, Azrael Collins, Morgan Chumbley, Austin Blackson, and Alex Amos—contributed to the victory in different ways, with each filling a unique role on the team; now, therefore, be it

RESOLVED by the House of Delegates, That the Lebanon High School Real World Design Challenge team hereby be commended on winning the Virginia Real World Design Challenge and advancing to the national competition; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jani Purtee, team mentor of the Lebanon High School Real World Design Challenge team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 162

Commending Law Enforcement United.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Law Enforcement United, a national 501(c)(3) nonprofit organization, was founded in Virginia by active and retired local, state, and federal law-enforcement officers to honor the dedicated, unselfish service and sacrifices of those officers who have given their lives in the line of duty, as well as provide support to their surviving family members; and

WHEREAS, although life insurance and "line of duty benefits" help cover final expenses, these funds are often not enough to cover all expenses, nor do they fill the void felt by the untimely loss of a loved one, and many families struggle to move beyond their grief; Law Enforcement United provides assistance to the Concerns of Police Survivors (C.O.P.S.) Kids Camp for surviving children and educational resources for active duty officers to help prevent injuries and deaths; and

WHEREAS, Law Enforcement United is operated solely by volunteers and relies on charitable donations to support its annual "Road to Hope" event, an approximately 250-mile bicycle ride from Chesapeake to Washington, D.C., by 350 local, state, and federal law-enforcement officers and 120 support personnel from 29 states across the nation; and

WHEREAS, "Road to Hope" raises public awareness of fallen law-enforcement officers, and over a six-year period, the ride has raised donations of \$570,000 to C.O.P.S. and \$235,000 to Officer Down Memorial Page, a total of \$1.4 million, plus donations to the National Law Enforcement Officer Memorial and other charities; and

WHEREAS, in 2015, 129 officers across the nation made the ultimate sacrifice, amounting to one officer lost every 2.8 days; 42 of those deaths were the direct result of an act of violence against the officer; now, therefore, be it

RESOLVED by the House of Delegates, That Law Enforcement United hereby be commended for its work to honor the lives of those law-enforcement officers who have made the ultimate sacrifice in the course of their duties; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Law Enforcement United as an expression of the House of Delegates' admiration for the organization's dedication to supporting the men and women who serve and protect the residents of the Commonwealth.

HOUSE RESOLUTION NO. 163

Commending the Riverside High School gymnastics team.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the Riverside High School gymnastics team of Loudoun County won the Virginia High School League Conference 21 West gymnastics championship on February 5, 2016; and

WHEREAS, in the conference championship held at Freedom High School, the Riverside High School Rams earned 141.450 points, besting the second-place Loudoun Valley High School Vikings; and

WHEREAS, the Riverside High School Rams swept the top three positions in the bars and floor routine events and placed highly in the beam and vault events; and

WHEREAS, the Riverside High School Rams also claimed the top three spots in the all-around, with Maddy Howell placing first, Julie Armand second, and Mia Park third; Jayne Murray also placed eighth in the all-around; and

WHEREAS, with the conference victory, the Riverside High School Rams advanced to the regional championship at Park View High School on February 10, 2016; and

WHEREAS, the successful season is a testament to the hard work of each of the student-athletes—Julie Armand, Gabriele Colley, Maddy Howell, Jayne Murray, Mia Park, and Hunter Pla—the leadership of the coaches and staff, and the enthusiastic support of the entire Riverside High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Riverside High School gymnastics team hereby be commended on winning the Virginia High School League Conference 21 West gymnastics championship in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Ibsen Nogueira, head coach of the Riverside High School gymnastics team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 164

Commending St. Mary's Hospital.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, St. Mary's Hospital, a 391-bed acute-care hospital affiliated with Bon Secours Richmond Health System, celebrates its 50th anniversary in 2016; and

WHEREAS, St. Mary's Hospital was rededicated on January 9, 2016, exactly 50 years after the original dedication ceremony on January 9, 1966; and

WHEREAS, established by the Sisters of Bon Secours, St. Mary's Hospital was the first Catholic hospital in Central Virginia, and it was the first hospital in Central Virginia to be established and operated by women; and

WHEREAS, St. Mary's Hospital was also the first integrated hospital in Richmond; the Sisters of Bon Secours went against established norms and insisted that the hospital be fully integrated, including patients, employees, and medical staff; and

WHEREAS, the Sisters of Bon Secours admitted the first patient to St. Mary's Hospital on February 15, 1966; at the time, the hospital had 196 beds and 250 employees; and

WHEREAS, the Sisters of Bon Secours operated St. Mary's Hospital based on the principals of holistic care and a culture of compassion, care, and collaboration; 42 Sisters of Bon Secours have served at St. Mary's Hospital in its 50-year history; and

WHEREAS, St. Mary's Hospital has enjoyed significant growth throughout its history and now employs more than 3,000 doctors and staff; the hospital offers a wide array of services, including cardiology, women's, children's, orthopedics, oncology, and neurosciences departments, among others, and surgery; and

WHEREAS, since 2009, St. Mary's Hospital has held a magnet designation for nursing, awarded by the American Academy of Nursing to hospitals that have demonstrated excellence in patient care; and

WHEREAS, St. Mary's Hospital has provided innovative programs, including mobile health services through Care-a-Van, the Evelyn D. Reinhart Guest House for families of patients who live more than 30 miles away, and the Community Hospice House in Chesterfield County; and

WHEREAS, over the years, St. Mary's Hospital has provided the highest quality health care services to the Richmond community, and it is committed to the needs of patients throughout the region, regardless of their ability to pay; now, therefore, be it

RESOLVED by the House of Delegates, That St. Mary's Hospital, an exceptional hospital in the Bon Secours Richmond Health System, hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Dr. Francine Barr, chief executive officer of St. Mary's Hospital, as an expression of the House of Delegates' admiration for the hospital's commitment to the citizens of Richmond.

HOUSE RESOLUTION NO. 165

Celebrating the life of Eugene Larry Helmick.

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Eugene Larry Helmick of Mechanicsville, a deeply respected, self-made, dedicated small business owner and consummate family man, died on January 28, 2016; and

WHEREAS, Larry Helmick was born in Richmond on August 15, 1957, and was the son of Eugene "Bud" Helmick and Marie Helmick; and

WHEREAS, a native of Hanover County, Larry Helmick learned the value of hard work, responsibility, and attention to detail at a young age; and

WHEREAS, similar to many of the nation's founding fathers, Larry Helmick's first job was in the agriculture industry at a farm in Mechanicsville; he obtained this job at the age of seven through the sponsorship of his father; and

WHEREAS, Larry Helmick graduated from Lee-Davis High School in 1975 and met his wife, Kelly Juliano, that same year; they wed in 1978; and

WHEREAS, Larry Helmick started out modestly as a long-distance truck driver, owning and operating his truck together with his brother, Michael, but after several years of missing his wife and daughter, he and his brother left that industry to spend more time at home; and

WHEREAS, Larry Helmick, together with his parents, brother, and sister, opened a used-car dealership in Mechanicsville in 1986, which is still in operation today and is now known as Virginia Auto Brokers, Inc.; and

WHEREAS, Larry Helmick and his family also embarked on several new business ventures, including construction, real estate development, and the family's most recent small business, Nationwide Golf Cart, Inc.; and

WHEREAS, Larry Helmick took great pride in these small businesses and worked diligently to ensure they maintained an outstanding reputation; and

WHEREAS, Larry Helmick was devoted to helping those who were less fortunate; his compassion was evident in his charity work on behalf of children with special needs and senior citizens; he was passionate about helping community service organizations, and faithfully supported Hanover County's fire, police, and rescue departments; and

WHEREAS, a man of faith, Larry Helmick was a proud member of Pole Green Church of Christ; prior to joining Pole Green Church of Christ, he was baptized when he was a teenager at First Church of the Nazarene; and

WHEREAS, Larry Helmick, who was predeceased by his father, is survived by Kelly, his wife of 37 years; their only child, Kristie Helmick Proctor (Aaron), granddaughter Savannah Grace; mother, Marie; brother, Michael (Diana); sister, Diane Rice (Chris); and several nieces, nephews, and cousins; and

WHEREAS, Larry Helmick will be greatly missed and fondly remembered as a community leader, devoted Christian, and beloved husband, father, grandfather, brother, son, and friend; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Eugene Larry Helmick of Mechanicsville, who left an incredible legacy of service to his family and community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Eugene Larry Helmick as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 166

Commending the Broad Run High School wrestling team.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the Broad Run High School wrestling team of Loudoun County won the Virginia High School League Group 5A Conference 14 championship and crowned two individual champions in the Virginia High School League Group 5A state championship; and

WHEREAS, with a superb team effort, the Broad Run High School Spartans recorded 215 points in the Conference 14 finals; the Spartans placed wrestlers in the top four in 12 of the competition's 14 weight classes, six of whom finished in second place; and

WHEREAS, three individual champions led the way for the Broad Run High School Spartans, Nicholas Taylor in the 132-pound weight class, Brandon Steel in the 182-pound weight class, and Jonathan Birchmeier in the 220-pound weight class; and

WHEREAS, after the conference victory and success at regionals, the Broad Run High School wrestling team advanced to the state tournament on February 20, 2016, and crowned two individual champions; Brandon Steel and Jonathan Birchmeier each claimed first place in their weight classes; and

WHEREAS, the successful season is a testament to the hard work of each of the student-athletes, the leadership of the coaches and staff, and the energetic support of the entire Broad Run High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Broad Run High School wrestling team hereby be commended on winning the Virginia High School League Group 5A Conference 14 championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to J.J. Totaro, head coach of the Broad Run High School wrestling team, as an expression of the House of Delegates' admiration for the team's determination and skill.

HOUSE RESOLUTION NO. 167

Commending the George Washington University Autism and Neurodevelopmental Disorders Institute.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the George Washington University Autism and Neurodevelopmental Disorders Institute, a cross-disciplinary autism research institution based on the Virginia Science and Technology Campus of George Washington University, opens in 2016; and

WHEREAS, the Autism and Neurodevelopmental Disorders Institute (AND Institute) was created as a comprehensive authority on the study of all autism spectrum disorders, with goals to expand knowledge on understudied areas of research; and

WHEREAS, utilizing growing bodies of work on brain imaging and the study of the "social brain," the AND Institute plans to enhance and expand research on autism in girls, development of interventions for adolescents and adults with autism, and programs to help adolescents with autism transition to adulthood; and

WHEREAS, George Washington University selected Kevin Pelphrey, a respected global leader in autism research as the AND Institute's inaugural director; he has been at the forefront of autism research for most of his career and specializes in the study of the "social brain"; and

WHEREAS, Kevin Pelphrey previously served as a professor of psychology at Yale University and as the Harris Professor in the Yale Child Study Center; he is well-suited to helping the AND Institute conduct the critical research that could positively affect the 1 in 68 children living with autism nationwide; and

WHEREAS, Kevin Pelphrey hopes to establish a summer course for professional clinicians and families who are helping adolescents with autism transition to adulthood, undergraduate courses for students interested in autism research, and a residential college for young adults with autism; and

WHEREAS, the AND Institute was developed in partnership with the Children's National Medical Center and with input from faculty members of George Washington University's Columbian College of Arts and Sciences, the School of Law, Graduate School of Education and Human Development, School of Medicine and Health Sciences, and the Milken Institute of Public Health; now, therefore, be it

RESOLVED by the House of Delegates, That the George Washington University Autism and Neurodevelopmental Disorders Institute hereby be commended on the occasion of its opening in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kevin Pelphey, director of the George Washington University Autism and Neurodevelopmental Disorders Institute, as an expression of the House of Delegates' admiration for the institute's important mission and best wishes for the future.

HOUSE RESOLUTION NO. 168

Commending Leadership Loudoun.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, in 2016, Leadership Loudoun proudly celebrates 25 years of developing current and emerging leaders who are dedicated to working for the betterment of their community and the greater Loudoun County area; and

WHEREAS, Leadership Loudoun was founded by the County of Loudoun, the Loudoun County Chamber of Commerce, and Loudoun County Volunteer Services; the highly regarded nonprofit organization sponsors in-depth leadership training and support programs open to anyone who lives or works in the county; and

WHEREAS, the purpose of Leadership Loudoun's flagship training program is to develop a pool of leaders who strive to do what is in the best interests of the county and whom local organizations can call on to meet community service needs; and

WHEREAS, those who participate in Leadership Loudoun's nine-month training programs learn more about themselves, explore the history and culture of Loudoun County, identify and examine issues that are important to the community, and work to make a positive change; they are part of a network of citizens who want to make a difference; and

WHEREAS, more than 500 people have taken part in one of Leadership Loudoun's training programs, creating a diverse group from many different professional backgrounds; Leadership Loudoun graduates represent business, government, the nonprofit sector, education, human services, and faith-based organizations; and

WHEREAS, the people who take part in Leadership Loudoun go on to serve Loudoun County in myriad ways; they willingly lend their time and talents to serve on commissions, committees, and boards; and

WHEREAS, in the last 25 years, the men and women who have participated in Leadership Loudoun programs also have completed nearly 100 community impact projects, demonstrating a deep commitment to the county and building an admirable legacy of service; and

WHEREAS, Leadership Loudoun has produced committed and inspiring leaders who have forged strong bonds during the nine-month program, resulting in a network of resourceful, active, and engaged citizens dedicated to the improvement of Loudoun County; now, therefore, be it

RESOLVED by the House of Delegates, That Leadership Loudoun hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Leadership Loudoun as an expression of the House of Delegate's respect and congratulations for its deep commitment to developing strong and engaged leaders who willingly give of their time and talents for the betterment of Loudoun County and the Commonwealth.

HOUSE RESOLUTION NO. 169

Celebrating the life of Robert P. Hunt.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Robert P. Hunt, a longtime administrator at The College of William & Mary, died on December 4, 2015; and

WHEREAS, Robert Hunt enjoyed a long and fulfilling career with The College of William & Mary, where he earned his master's degree and a certificate of advanced study; he coached football and basketball and served as the Dean of Admissions from 1961 to 1980; and

WHEREAS, at The College of William & Mary, Robert Hunt served as chair of many committees related to admissions, organized many new programs, counseled students as Associate Director of Career Services from 1980 to 1995, and was an ardent supporter of both academics and athletics; and

WHEREAS, Robert Hunt played a vital and active role in the Kiwanis Club of Williamsburg, serving as a past president, a member of the board of directors of the Kiwanis International Foundation, and a volunteer for almost all committees for the club's projects; and

WHEREAS, the Kiwanis Club of Williamsburg recognized Robert Hunt's civic service with the Korczowski-Fuller Award and the Kiwanis International Foundation presented him with the George F. Hixson Fellowship; and

WHEREAS, Robert Hunt aided the Williamsburg community through his service on Williamsburg United Methodist Church's Official Board and the board of directors of the Wesley Foundation; and

WHEREAS, Robert Hunt was chair of the Williamsburg-James City County School Board and was a member of the Head Start Policy Council; and

WHEREAS, a devoted husband and father, Robert Hunt will be fondly remembered and greatly missed by his wife of 58 years, Sylvia; his children, Roger and Stacy, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Robert P. Hunt, a former administrator of The College of William & Mary and devoted servant to the Williamsburg community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Robert P. Hunt, as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 170

Commending Elise L. Emanuel.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Elise L. Emanuel, who has admirably and tirelessly served as a teacher, guidance counselor, and member of the Williamsburg-James City County School Board for more than four decades, and has been a respected and effective advocate for students, teachers, and the school administration, retired in 2015; and

WHEREAS, Elise Emanuel decided to become a teacher when she was in the sixth grade; she first taught at Fort Collins, Colorado, and at Fort Bragg, North Carolina, before starting her career in the Williamsburg-James City County Public Schools in 1967; and

WHEREAS, except for a short break when she moved with her husband to Germany, Elise Emanuel has worked in the Williamsburg-James City County Public School system for more than 42 years; she first taught social studies at James Blair High School while pursuing a master's degree in guidance and counseling from The College of William & Mary; and

WHEREAS, Elise Emanuel, who was one of the first teachers at Lafayette High School when it opened in 1973, became a guidance counselor at the school in 1977 and was named head of the department in the late 1990s; and

WHEREAS, Elise Emanuel retired in 2001, but two years later, she continued her work in public service by becoming a member of the Williamsburg-James City County School Board; she served three four-year terms, always striving to do what was in the best interests of the students and staff; and

WHEREAS, a tireless advocate for public education who was known for her solutions-oriented approach, Elise Emanuel also made numerous valued contributions to the Williamsburg-James City County Education Association, of which she served as president for many years; and

WHEREAS, additionally, Elise Emanuel served the Commonwealth with distinction as chair of the board of directors of Thomas Nelson Community College and chair of the Virginia Retirement System Board of Trustees, providing advice and counsel to two institutions whose missions affect the lives of thousands of Virginians; and

WHEREAS, widely admired for her ability to listen to all sides of an issue and build consensus, Elise Emanuel was a natural leader who enjoyed helping students see what an education could help them achieve; she could examine issues clearly and analyze them effectively—skills that were essential in her numerous leadership and advocacy roles; and

WHEREAS, a community builder and mentor who was admired and respected by students, parents, and colleagues, Elise Emanuel leaves an outstanding legacy of service to the people of Williamsburg, James City County, and the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Elise L. Emanuel, a highly regarded educator and advocate for public education, hereby be commended on the occasion of her retirement from the Williamsburg-James City County School Board; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Elise L. Emanuel as an expression of the House of Delegates' respect and admiration for her many contributions to the Commonwealth and best wishes in retirement.

HOUSE RESOLUTION NO. 171

Commending G. Wayne Pike.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, G. Wayne Pike, an innovative leader in the field of law enforcement and a dedicated public servant, retired as a United States Marshal for the Western District of Virginia, after 39 years of work to safeguard communities within the Commonwealth and North Carolina; and

WHEREAS, a native of Wythe County, Wayne Pike began his career in public service with the United States Air Force in 1960 and received an honorable discharge in 1964; he then pursued a career in law enforcement, beginning in High Point, North Carolina, where he worked up through the ranks to become a detective from 1964 to 1972, then served as a state investigator from 1972 to 1977; and

WHEREAS, Wayne Pike moved back to Wythe County in 1977, was first elected sheriff in 1980, and served the community in that capacity until 1998; in 2002, he was nominated by President George W. Bush as a United States Marshal for the Western District of Virginia; and

WHEREAS, after Wayne Pike was elected Sheriff of Wythe County, he sought and received numerous grants to better equip the department, and he was known as a leader among Virginia sheriffs for his ability to secure grants; and

WHEREAS, Wayne Pike encouraged his deputies to foster trust and respect between the Wythe County Sheriff's Office and members of the public and strove to maintain the highest levels of professionalism and accountability; and

WHEREAS, admired as one of the most innovative sheriffs in the Commonwealth, Wayne Pike served on the Virginia State Commission on Criminal Justice in 1980 and the Virginia State Commission to Abolish Parole in 1994, as well as numerous other peer organizations; and

WHEREAS, now a resident of Bland County, Wayne Pike's unique knowledge of Southwest Virginia helped him to serve and protect many communities in the Commonwealth; and

WHEREAS, after his retirement, Wayne Pike will continue to seek opportunities to assist others within the Bland County community and spend more time with his wife, Martha; now, therefore, be it

RESOLVED by the House of Delegates, That G. Wayne Pike hereby be commended on the occasion of his retirement as a United States Marshal for his unselfish dedication and commitment to establishing the highest standards of professionalism in law enforcement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to G. Wayne Pike as an expression of the House of Delegates' admiration for his contributions to the citizens of the Commonwealth and best wishes on a well-earned retirement.

HOUSE RESOLUTION NO. 172

Celebrating the life of Jay Cochran, Jr.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Jay Cochran, Jr., a long-serving law-enforcement professional and former executive director of the Virginia Association of Chiefs of Police and the Virginia Police Chiefs Foundation, passed away on February 4, 2016, in Ashburn; and

WHEREAS, Jay Cochran was born in Gary, Indiana, on October 15, 1927; he graduated from Michigan State University in May 1951 with a degree in mechanical engineering and received an appointment to the Federal Bureau of Investigation (FBI) in March 1952; he was initially assigned to the Tulsa, Oklahoma, office before transferring to New York City; and

WHEREAS, Jay Cochran spent 10 years in the FBI laboratory in Washington, D.C., where he worked on several cases with historical significance; he opted for administrative advancement and transferred to El Paso, Texas, as assistant special agent in charge; Houston, Texas, as assistant special agent in charge and inspector; Savannah, Georgia, as the special agent in charge; and then back to Washington, D.C., as assistant director of the FBI, all over the span of 27 years; and

WHEREAS, three days after his retirement from the FBI in 1979, Jay Cochran was appointed director of the Virginia State Police's newly formed Bureau of Criminal Investigation, where he worked for six years; and

WHEREAS, Jay Cochran was then appointed commissioner of the Pennsylvania State Police from 1985 to 1987, and in June of 1988, he was appointed to the Virginia Board of Alcoholic Beverage Control as its chair; and

WHEREAS, Jay Cochran joined the Society of Former Special Agents of the FBI in 1979 and served on the board of trustees for the society from 2003 to 2004; he was a past chair of the Richmond chapter, which was officially renamed the Jay Cochran, Jr. - Richmond Chapter on February 19, 2014, the first time any chapter had ever been renamed for a living person; and

WHEREAS, Jay Cochran continued his service to the law-enforcement profession, serving as executive director of the Virginia Association of Chiefs of Police and chief executive officer of the Virginia Police Chiefs Foundation until 1996, then serving as the first executive director of the Virginia Public Safety Foundation, where he was the catalyst in creating and codifying the Commonwealth Medal of Valor Award; and

WHEREAS, Jay Cochran will be fondly remembered and greatly missed by his wife of 67 years, Betty Amon Cochran; two daughters, Christie Lee Lowe and Claudia Ann Revella; two sons, Randall Linn Cochran and Jay Cochran III; six grandchildren, Casandra Revella, Francesca Revella, Lindsey Cochran, Kyle Cochran, Grace Cochran, and Virginia Cochran, and their families; one brother, John Cochran; numerous other family members and friends; and his law-enforcement family; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Jay Cochran, Jr., a law-enforcement leader and public servant of tremendous stature; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Jay Cochran, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 173

Commending the National Education Association Read Across America program.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, for 19 years, the National Education Association Read Across America program has helped to make the United States a nation of readers by inspiring and supporting youth throughout the country; and

WHEREAS, the members of the National Education Association and the Virginia Education Association are committed to promoting reading as a catalyst for students' future academic achievement, success in careers, and ability to engage with communities throughout the world; and

WHEREAS, the National Education Association offers resources to help schools and organizations plan Read Across America programs and events, and the association will host a six-city reading tour; and

WHEREAS, as part of the National Education Association Read Across America program, the organization will commemorate the 112th birthday of Dr. Seuss through National Read Across America Day on March 2, 2016; the event promotes adult involvement in reading education and is supported by the Virginia Education Association, as well as other associations nationwide; and

WHEREAS, an essential element of the Read Across America program is to ensure that all children have a safe place to read and learn with a caring adult on National Read Across America Day; now, therefore, be it

RESOLVED by the House of Delegates, That the National Education Association Read Across America program hereby be commended for its efforts to motivate children and teens to read; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the National Education Association as an expression of the House of Delegates' admiration for the organization's work to make children and teens in the Commonwealth and the United States the best readers in the world.

HOUSE RESOLUTION NO. 174

Commending Joe Agee.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Joe Agee, an outstanding athlete, coach, and professor at The College of William & Mary who was honored with the Alumni Medallion in 2012, made many valuable and lasting contributions to the College and the community during nearly a half century of service; and

WHEREAS, Joe Agee first enrolled at The College of William & Mary's Norfolk Division, now known as Old Dominion University, and earned a bachelor's degree from the Williamsburg campus in 1952; and

WHEREAS, a talented and versatile athlete, Joe Agee was a member of The College of William & Mary's basketball team in 1951 and 1952, and played for the Tribe in 55 games; and

WHEREAS, Joe Agee also played baseball for the Tribe and was offered a contract to play baseball for the Pittsburgh Pirates; he received a draft notice from the United States Army and accepted a commission in the United States Marine Corps instead of pursuing a career in baseball; and

WHEREAS, in 1953, Joe Agee joined the Marines and proudly served his country on active duty in Korea; when his military service was over, he returned to The College of William & Mary and earned a master's degree in 1956; and

WHEREAS, Joe Agee's teaching career at The College of William & Mary began in 1958; he taught history, health, and physical education in the early years, and later taught kinesiology courses; and

WHEREAS, many students knew and respected Joe Agee as a dedicated and talented coach; over the years, he was coach of The College of William & Mary's varsity basketball, baseball, football, golf, and soccer programs; and

WHEREAS, Joe Agee was head golf coach for 35 years for the Tribe, and he led The College of William & Mary to its first NCAA regional berth in 1991, returning to the tournament in 1994; he also guided the Tribe to the 1982 Virginia state championship and the 1985 Colonial Athletic Association crown; and

WHEREAS, in recognition of Joe Agee's many contributions to The College of William & Mary and its athletic program, including serving as executive director of the W&M Athletic Foundation, the home dugout at Plumeri Park is named in his honor, and the golf team sponsors the annual Joe Agee Invitational golf tournament; and

WHEREAS, in 2009, Joe Agee and his wife, Eloise, were the grand marshals at The College of William & Mary's annual homecoming parade, and in 2012, he was honored with the Alumni Medallion, the highest award the William & Mary Alumni Association can bestow on an alumnus; now, therefore, be it

RESOLVED by the House of Delegates, That Joe Agee, an outstanding professor, athlete, and coach at The College of William & Mary, hereby be commended for his many contributions to the college and the community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Joe Agee as an expression of the House of Delegates' congratulations and admiration for his dedication and service to The College of William & Mary.

HOUSE RESOLUTION NO. 175

Commending the Greater Manassas Volunteer Rescue Squad.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, in 2016, the Greater Manassas Volunteer Rescue Squad celebrates 50 years of providing outstanding emergency response service and emergency medical service to the people of Manassas; and

WHEREAS, the Greater Manassas Volunteer Rescue Squad was founded in 1966 when a small group of volunteers began working to make their community a safer place for residents and businesses; and

WHEREAS, members of the Greater Manassas Volunteer Rescue Squad readily devote many hours to the organization, making great sacrifices in the process; the leaders of the rescue squad recognize that its members each possess a servant's heart to do the work required of a volunteer first responder; and

WHEREAS, people who join the Greater Manassas Volunteer Rescue Squad go through an extensive application and onboarding process, including passing a background check, agility testing and a medical exam, completing multiple emergency medical service courses, and successfully serving a six-month probationary period; and

WHEREAS, it takes approximately one year for new members of the Greater Manassas Volunteer Rescue Squad to be fully certified as emergency medical technician providers; all members seek to demonstrate the Squad's core values of professionalism, respect, integrity, dedication, and excellence every day and on every call; and

WHEREAS, all members of the Greater Manassas Volunteer Rescue Squad regularly undergo additional training to maintain their proficiency and certifications; and

WHEREAS, serving as a volunteer first responder is a calling for many people, including the men and women of the Greater Manassas Volunteer Rescue Squad and the members of the Squad's auxiliary unit; all of them work closely together and with the City of Manassas Fire and Rescue Department to provide support for each other in the community's best interest; and

WHEREAS, as part of its 50th anniversary celebration, the Greater Manassas Volunteer Rescue Squad will honor all of its past and present members, knowing the sacrifices they made as they worked to help keep Manassas safe; now, therefore, be it

RESOLVED by the House of Delegates, That the Greater Manassas Volunteer Rescue Squad hereby be commended on the occasion of its 50th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Pete Rockx and Donald Brown, president and chief of the Greater Manassas Volunteer Rescue Squad, respectively, as an expression of the House of Delegates' congratulations and admiration for the Squad's dedicated and tireless work to keep the people of Manassas safe.

HOUSE RESOLUTION NO. 176

Celebrating the life of Richard Earl Anderson.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Richard Earl Anderson, a respected entrepreneur and a skilled aviator who made many contributions to the Roanoke community, died on January 28, 2016; and

WHEREAS, a native of Roanoke, Richard "Dick" Earl Anderson honorably served his country as a member of the newly formed United States Air Force from 1948 to 1951, serving in Washington state and on the Alaskan frontier; and

WHEREAS, Dick Anderson helped members of the community start their mornings with delicious doughnuts and coffee as a manager of franchise locations of the Krispy Kreme Doughnut company in Roanoke and Wilmington, North Carolina; and

WHEREAS, admired for his skill as a private pilot, Dick Anderson rebuilt and restored a Beechcraft Staggerwing biplane, tail number N722MD, a light utility aircraft that was used as an improvised bomber and a courier craft during World War II; and

WHEREAS, Dick Anderson will be fondly remembered and greatly missed by his wife, Dwana Sue; children, Richard, Mary Rutledge, and Robert Gerald, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Richard Earl Anderson; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Richard Earl Anderson as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 177

Commending the Briar Woods High School girls' swim team.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the Briar Woods High School girls' swim team was undefeated during the 2015-2016 regular season, and capped it off by winning the Virginia High School League Conference 14 championship on January 30, 2016; and

WHEREAS, the talented swimmers from Briar Woods High School in Ashburn defeated four other teams at the Conference 14 meet, with a winning score of 338 points, thereby advancing to the Virginia High School League Group 5A North Region championship meet; and

WHEREAS, the dedicated and hardworking swimmers from Briar Woods High School in Loudoun County combined to claim six individual titles and two relay victories at the Conference 14 swim meet; and

WHEREAS, Camryn Barry, a junior at Briar Woods High School, set meet records in the 50-yard freestyle race, with a time of 0:24.10, and the 100-yard freestyle competition, where her record-setting time was 0:52.12; and

WHEREAS, Briar Woods High School sophomore Bethany Gatlin won the 200-yard individual medley, setting a Conference 14 record with a time of 2:08.69—five seconds faster than the previous meet record; and

WHEREAS, freshman Madison Gupton set a meet record in the 500-yard freestyle race, with a time of 5:14.37—more than five seconds faster than the previous record; teammate Cassie Holstein, a sophomore, was only a half second behind her; and

WHEREAS, relay swimmers Yuka Kuwahara, a senior, and Camryn Barry, Bethany Gatlin, and Jordan Wenner won the 200-yard medley relay with a time of 1:48.33, and the 400-yard freestyle relay with a time of 3:37.94; and

WHEREAS, the head coach of the Briar Woods High School girls' swim team, Eric Bateman, cited the team's depth and talent as strong factors in the group's impressive victory, and he expects the school to be a strong contender in the future; and

WHEREAS, throughout the season, the members of the Briar Woods High School girls' swim team were greatly supported by their families, friends, and the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, That the Briar Woods High School girls' swim team hereby be commended for winning the 2015-2016 Virginia High School League Conference 14 championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Bateman, head coach of the Briar Woods High School girls' swim team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding performance and championship season.

HOUSE RESOLUTION NO. 178

Commending the Briar Woods High School boys' swim team.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the Briar Woods High School boys' swim team capped off an undefeated season by winning the 2015-2016 Virginia High School League Conference 14 championship, the school's first conference title in boys' swimming; and

WHEREAS, the hardworking swimmers from Briar Woods High School in Loudoun County competed against four other area schools at the Conference 14 meet, which was held on January 30, 2015, in Sterling; the Briar Woods Falcons scored 294 points to win the meet; and

WHEREAS, a core group of swimmers on the Briar Woods High School team helped propel the team to victory; the young men have been actively involved with the Falcons' swim program for several years; and

WHEREAS, Briar Woods High School junior Jackson Lucas set a Conference 14 meet record in the 100-yard backstroke, with a winning time of 53.08 seconds; and

WHEREAS, several swimmers on the Briar Woods High School boys' team won in both individual races and team relays; sophomores Stuart Pluskaitis and Cameron McConagha won first and second place, respectively, in the 200-yard individual medley; and

WHEREAS, Stuart Pluskaitis then teamed up with junior Mal McGann, sophomore Thomas Moore, and Jackson Lucas to win the 400-yard freestyle relay, and Mal McGann took first place in the 500-yard freestyle; with the conference victory, the team advanced to regional competition the following weekend; and

WHEREAS, the talented and focused members of the Briar Woods High School boys' swim team were guided and led by head coach Eric Bateman throughout the season, and they received strong support from their families, friends, and the school community; now, therefore, be it

RESOLVED by the House of Delegates, That the Briar Woods High School boys' swim team hereby be commended for winning the 2015-2016 Virginia High School League Conference 14 championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Eric Bateman, head coach of the Briar Woods High School boys' swim team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding performance and record-setting championship season.

HOUSE RESOLUTION NO. 179

Commending Anthony J. Muñoz, M.D.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Anthony J. Muñoz, M.D., has touched countless lives throughout the Commonwealth and the world over the course of his long and fulfilling career in the field of medicine; and

WHEREAS, a native of Spain and a survivor of the Spanish Civil War (1936-1939), Dr. Muñoz studied and practiced medicine in Spain, France, and New Jersey, before he settled in Farmville in 1962; and

WHEREAS, Dr. Muñoz has served the community of Farmville as a thoracic surgeon for 33 years, pioneering many surgical procedures during his 25-year tenure at Southside Community Hospital, where he was the first doctor elected to the hospital's board; and

WHEREAS, as president of the Farmville Jaycees, Dr. Muñoz conducted the first county-wide oral polio vaccine initiative in the Commonwealth; and

WHEREAS, Dr. Muñoz has been a leader and member of many medical and community service organizations; he served as team physician for the Hampden-Sydney College football team and was a founding physician of the Heart of Virginia Free Clinic; and

WHEREAS, Dr. Muñoz has worked to educate and support medical professionals in the Commonwealth through many statewide institutions and organizations, including as a clinical professor at the Medical College of Virginia at Virginia Commonwealth University; and

WHEREAS, Dr. Muñoz has contributed to the scope of medical knowledge by publishing a number of journal articles in the United States and Spain; now, therefore, be it

RESOLVED by the House of Delegates, That Anthony J. Muñoz, M.D., a talented physician and invaluable public servant, hereby be commended for his service to the residents of Farmville and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Anthony J. Muñoz, M.D., as an expression of the House of Delegates' congratulations and admiration for his contributions to the field of medicine in the Commonwealth, the United States, and the world.

HOUSE RESOLUTION NO. 180

Commending the Gloucester High School girls' field hockey team.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the Gloucester High School field hockey team claimed the school's first state title in girls' athletics, winning the Virginia High School League Group 5A state championship in November 2015; and

WHEREAS, the Gloucester High School Dukes defeated the Deep Run High School Wildcats by a score of 3-0 at the state final, which was held in Virginia Beach; the Dukes outshot the Wildcats 24-1, with Karly Harwood, Cheyenne Hollandsworth, and Cassidy Goodwin scoring goals; and

WHEREAS, the state championship victory capped off a perfect 23-0 season for the Gloucester High School Dukes; the team recorded 15 shutouts and only allowed four goals during the entire season; and

WHEREAS, Cassidy Goodwin, Brittany Romero, and Bri Greene were named first team all-state, and Karly Harwood and Meredith LeBel were named second team all-state; multiple members of the Gloucester High School girls' field hockey team were named to the all-conference and all-region teams, and 14 girls were named to the High School National Academic Squad; and

WHEREAS, in addition to being named an All-American, Cassidy Goodwin was named conference, region, and state Player of the Year, and head coach Mike Miller was named conference, region, and state Coach of the Year; and

WHEREAS, the successful season is a testament to the skill and dedication of each of the student-athletes, the leadership of the coaches and staff, and the enthusiastic support of the entire Gloucester High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Gloucester High School girls' field hockey team hereby be commended on winning the Virginia High School League Group 5A state championship in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mike Miller, head coach of the Gloucester High School field hockey team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 181*Commending Jack Tarr.*

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Jack Tarr, who has admirably and tirelessly served as Mayor of Chincoteague for 17 years, providing sound advice and leadership to the people of the historic town on the Eastern Shore, will retire on June 30, 2016; and

WHEREAS, as mayor, Jack Tarr presides over the Chincoteague Town Council; he has been a member of the Town Council for 22 years and has never missed a meeting; and

WHEREAS, Jack Tarr's tenure as mayor has been marked by many accomplishments, including major improvements to downtown Chincoteague and a new comprehensive conservation plan for the Chincoteague National Wildlife Refuge; and

WHEREAS, Jack Tarr has overseen improvements to the harbor in Chincoteague, and a growth in tourism; beach lovers, fishing and hunting enthusiasts, families, and those touring NASA's Wallops Visitors Center all spend time in the Chincoteague area, which has been a popular holiday destination for decades; and

WHEREAS, Jack Tarr has worked closely with the United States Fish and Wildlife Service and other agencies to address issues relating to the barrier islands of the Eastern Shore, including nearby Assateague Island; he has been closely involved with efforts to ensure that Chincoteague is protected from the full force of storms and associated beach erosion; and

WHEREAS, during Jack Tarr's tenure as mayor, the Town of Chincoteague requested that the United States Army Corps of Engineers study the southern end of Assateague Island and the feasibility of widening the inlet; additionally, a new general management plan for Assateague Island National Seashore is under review; and

WHEREAS, the strong support of his family during his two decades of public service has enabled Jack Tarr to spend countless hours working on behalf of the people of Chincoteague; in retirement, he looks forward to spending more time with his wife, children, and grandchildren and plans to remain involved in community and town affairs; now, therefore, be it

RESOLVED by the House of Delegates, That Jack Tarr hereby be commended for his dedicated work and inspiring leadership during 17 years as Mayor of Chincoteague; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jack Tarr as an expression of the House of Delegates' respect and admiration for his many years of service to the people of Chincoteague and the Commonwealth.

HOUSE RESOLUTION NO. 182*Commending Terry Howard.*

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Terry Howard, who admirably served the residents of Chincoteague with great distinction for 32 years as a member of the Chincoteague Town Council and was respected by many people for his experience and expertise, retired in 2014; and

WHEREAS, Terry Howard's work for local government began in the 1970s, when he was asked to serve on the Chincoteague Planning Commission; he was a member of the commission for six years before being elected to the Town Council in 1982; and

WHEREAS, throughout his 32-year tenure as a member of the Chincoteague Town Council, Terry Howard always strove to do what was in the best interests of the Eastern Shore locality and its residents, and he listened carefully to the issues that were presented to the council; and

WHEREAS, fellow members of the Chincoteague Town Council and residents of the town admired Terry Howard's thoughtful attention to all the matters that came before the town's elected leaders, and he was well-regarded for his pragmatism, dedication, and sincerity; and

WHEREAS, Terry Howard, who is a native of Chincoteague, worked on the water for a number of years and was a painter before he entered public service; he is also a gardener who willingly shares his produce with neighbors and enjoys a reputation for growing some of the best tomatoes in the area; and

WHEREAS, shortly before he retired, Terry Howard was honored with a reception in his honor at which many local leaders and citizens paid tribute to his distinguished service, and at his last meeting as a member of the Chincoteague Town Council, he advised the council members to be forthright and do what is best for the community they all treasure; now, therefore, be it

RESOLVED by the House of Delegates, That Terry Howard hereby be commended for 32 years of admirable service as a member of the Chincoteague Town Council; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Terry Howard as an expression of the House of Delegates' respect and admiration for his leadership and dedication to the people of Chincoteague.

HOUSE RESOLUTION NO. 183

Commending the Honorable John C. Watkins.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the founders of the American Republic, the principal of whom were sons of Virginia, understood, owing to their survey of the annals of history, that the individual grounded in the self-governing life of family, farm, community, and county is the citizen most capable of participating in the government of a sovereign state; and

WHEREAS, the agrarian counties of Virginia have for centuries cultivated citizens who have arisen to embody the singular qualities of the Virginian statesman in the government of the Commonwealth; and

WHEREAS, election to public office by the citizens of one's own community is at once a sacred trust and the summons to serve on behalf of the highest good of the Commonwealth; and

WHEREAS, repeated reelection to public office by one's fellow citizens is as indicative of the officeholder's faithful practice of civic virtues as it is a rare accomplishment anywhere in the Commonwealth; and

WHEREAS, the Honorable John C. Watkins recently retired from the Senate of Virginia to which he was first elected in 1998 to represent citizens of the 10th Senatorial District, which consists of all of Powhatan County and parts of Chesterfield County and the City of Richmond, and including, too, neighborhoods in which his roots run so deep and have been honored for so long that they bear the very name of his family; and

WHEREAS, before standing for election to the Senate, John Watkins was elected to eight two-year terms in the Virginia House of Delegates for a seat also representing the citizens of both Powhatan and Chesterfield Counties; and

WHEREAS, his more than three decades of elected office in the General Assembly rank John Watkins among the longest-serving legislators of any jurisdiction in the history of the Commonwealth of Virginia; and

WHEREAS, among the numerous accomplishments to which John Watkins himself draws especial attention are his introduction of some of the first legislation to establish the Virginia Geographic Information Network; reform of the Virginia Retirement System; improvement of the quality of water, particularly with regard to state funding for municipal wastewater treatment plants and, separately, legislation to establish a nutrient trading system for improvement of the quality of water in Virginia's rivers and Chesapeake Bay; creation of the Virginia-North Carolina High Speed Rail Compact; a proposed plan for transportation improvements, without tax increases, that persuaded other leaders to produce an alternative proposal; authorship of legislation for farm wineries and farm breweries and funding for the marketing of wines produced in Virginia; enactment of the first Digital Identity Law among all the States of the Union; legislation to authorize Transportation Network companies; legislation to remove the prohibition on uranium mining in the Commonwealth; and numerous bills advancing economic development and enterprise zones and improving services for the unemployed; and

WHEREAS, upon his retirement at the conclusion of 2015, John Watkins was chairman of the Senate Committee on Commerce and Labor and a ranking member of the chamber's Committees on Finance, Rules, Transportation, and Agriculture, Conservation and Natural Resources; and

WHEREAS, John Watkins served, too, on numerous of the legislature's important commissions, including Coal and Energy, Electric Utility Regulation, Federal Action Contingency Trust Fund Approval, Health Insurance Reform, High Speed Rail Compact, Jamestown-Yorktown Foundation, Joint Legislative Audit and Review, Public-Private Partnership, Revenue Estimates, Secure Commonwealth Panel, Technology and Science, Unemployment, and Housing, as well as the Southern States Energy Board; and

WHEREAS, the legislative record does not register the countless other endeavors on behalf of his constituents that characterized every day of the legislative service undertaken by John Watkins; and

WHEREAS, John Watkins was born in Petersburg on March 1, 1947, and earned the bachelor of science degree in horticulture from Virginia Polytechnic Institute and State University; and

WHEREAS, John Watkins has long worked professionally as manager of Watkins Land, LLC, and has for decades been associated with Watkins Nursery, the family firm founded in 1876 by John Benjamin Watkins and his brother, and a firm that was one of the first in the nation to specialize in the mail-order supply of fruit trees, and a family enterprise that helped replant the South after the ravages of the War Between the States; and

WHEREAS, John Watkins and his wife, Kathryn Ann (née Clawson), are members of Christ the King Lutheran Church; and

WHEREAS, many thousands of John Watkins' former constituents and no doubt all of his former colleagues in the General Assembly wish long years of good health and well-being to a now-retired legislator who hewed to his convictions and whose counsel was sought—and more often than not heeded—by two generations of the elected leaders of Virginia; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable John C. Watkins hereby be commended for his long and distinguished service to the people of Powhatan, Chesterfield, and the City of Richmond, and, indeed, to all the people of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable John C. Watkins, former Member of the Virginia House of Delegates, and former Member of the Senate of

Virginia, and forever deserving of the sobriquet long ascribed to him by his fellow legislators of Virginia—The Gentleman from Powhatan.

HOUSE RESOLUTION NO. 184

Commending the Ridgeview High School robotics team.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the Ridgeview High School robotics team from Dickenson County won the 2016 FIRST Tech Challenge Virginia state championship as part of an alliance of three schools who competed for the state title; and

WHEREAS, Squatch Watch, the name of Ridgeview High School's robotics team, joined teams from Lynchburg and Crozet to win the competitive and hard-fought robotics competition, which was held on February 13, 2016, in Doswell; and

WHEREAS, the Ridgeview High School robotics team was founded earlier in the 2015-2016 school year—soon after the consolidated high school in Clintwood first opened its doors; the team was formed in September and members immediately began working on the robotics challenge; and

WHEREAS, the FIRST Tech Challenge is open to students in grades six through 12; participants build and program robots to complete assigned tasks and achieve a high score, and the competition also requires students to keep meticulous records of the building process and the ways in which they help other teams; and

WHEREAS, one of the goals of the FIRST Tech Challenge is to encourage students to pursue careers in science, technology, engineering, and mathematics; students work collaboratively over several months to fulfill the requirements of the competition; and

WHEREAS, the Ridgeview High School Squatch Watch robotics team first won the Southwest Qualifier, which was held at Southwest Virginia Community College; after the victory, three members of the Squatch Watch robotics team volunteered to help at another regional competition, and the group also made parts for three other robotics teams; and

WHEREAS, at the championship event, the Ridgeview High School Squatch Watch robotics team faced 51 other talented competitors; with the state title, they now advance to the Eastern Super Regional Competition in March, where they will be part of a field of 72 teams who come from schools throughout the East Coast; and

WHEREAS, the Ridgeview High School Squatch Watch robotics team, which is ably coached by Chris Owens and four assistants, received support from many people, including family members, friends, fellow students, and the faculty and staff at the school, all of whom pitched in to help the hardworking students realize their dream; now, therefore, be it

RESOLVED by the House of Delegates, That the Ridgeview High School robotics team hereby be commended for winning the 2016 FIRST Tech Challenge Virginia state championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Chris Owens, head coach of the Ridgeview High School robotics team, as an expression of the House of Delegates' congratulations and admiration for the group's hard work and outstanding accomplishment.

HOUSE RESOLUTION NO. 185

Commending the Virginia Arts Festival.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, in 2016, the Virginia Arts Festival proudly celebrates 20 years of presenting world-renowned music, dance, theater, and other performing arts programs to the people of Hampton Roads; and

WHEREAS, the Virginia Arts Festival was founded in 1997; its mission is to bring world-class performing arts to Hampton Roads, impact the lives of students with outstanding year-round educational programs, commission works of national and international significance, and make a tangible difference in the area with regional partnerships and the positive economic impact generated by cultural tourism; and

WHEREAS, over the years, the Virginia Arts Festival has presented many regional and national premieres, and regularly commissions musical, dance, and theatrical works from influential composers, choreographers, and playwrights that are performed at venues throughout Hampton Roads; and

WHEREAS, educational outreach is a major component of the Virginia Arts Festival; thousands of students enjoy matinee performances, in-school presentations, and are able to develop their artistic abilities by participating in artists' residencies, master classes, and workshops; and

WHEREAS, to help realize its mission and ensure that the festival will enhance the cultural life of Hampton Roads for years to come, the Virginia Arts Festival has embarked on a \$12 million capital campaign; the funds raised will go toward the festival's endowment, expand educational outreach programs, increase the festival's economic impact, and support many other initiatives; and

WHEREAS, the 2016 Virginia Arts Festival will open with a Spring for Dance Gala, featuring dancers from seven world-renowned companies performing selected works, accompanied by the Virginia Symphony Orchestra; and

WHEREAS, the Virginia Arts Festival's 20th season also includes a world premiere by the Dance Theatre of Harlem, the 20th Virginia International Tattoo, and a fully staged new production of *The Tempest* to commemorate the 400th anniversary of William Shakespeare's death; and

WHEREAS, the organizers of the Virginia Arts Festival expect large audiences at the 2016 events and nearly 35,000 students to take part in educational outreach programs; the festival's annual economic impact is more than \$17.3 million statewide; and

WHEREAS, with an array of performances, including past favorites and new artists, the 2016 Virginia Arts Festival will entertain thousands of people at venues in Virginia Beach, Norfolk, and Colonial Williamsburg; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Arts Festival hereby be commended on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Robert W. Cross, Perry artistic director of the Virginia Arts Festival, as an expression of the House of Delegates' congratulations and admiration for the festival's outstanding contributions to the cultural life of Hampton Roads and the Commonwealth.

HOUSE RESOLUTION NO. 186

Commending the Newport News Rotary Club.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the Newport News Rotary Club is a service club whose stated purpose is to bring together business and professional leaders in order to provide humanitarian services, encourage high ethical standards in all vocations, and help build goodwill and peace in the world; and

WHEREAS, the Newport News Rotary Club was originally chartered as Club #244 on August 1, 1916; and

WHEREAS, the Newport News Rotary Club is the fourth-oldest Rotary Club in the Commonwealth of Virginia; and

WHEREAS, the Newport News Rotary Club has entered its 100th year of serving the City of Newport News, the Commonwealth of Virginia, and the world at large; and

WHEREAS, Newport News Rotary Club's Access to Career Education (ACE) program helps to fund underemployed adults to make a career advancement, engaging with the workforce development arms of Thomas Nelson Community College and New Horizons Regional Education Centers; and

WHEREAS, the Newport News Rotary Club has earned the Virginia Community Colleges' 2016 Chancellor's Award for Leadership in Philanthropy; and

WHEREAS, the Newport News Rotary Club has provided support for student scholarships at Christopher Newport University; and

WHEREAS, the Newport News Rotary Club has for 20 years held a Children's Fishing Clinic, each year providing poles and instruction to teach hundreds of children to fish; and

WHEREAS, the Newport News Rotary Club has helped to plant scores of flowering trees in the Mariners' Museum Park; and

WHEREAS, the Newport News Rotary Club has helped numerous local and national charities, including the Virginia Peninsula Foodbank, Smart Beginnings of the Virginia Peninsula, Youth Challenge, the Peninsula School for Autism, the Virginia Center for Inclusive Communities, the American Cancer Society, the Salvation Army, and the American Red Cross; and

WHEREAS, the Newport News Rotary Club has participated with other Rotarians around the world in an effort to eradicate polio from the face of the earth; and

WHEREAS, the Newport News Rotary Club has helped the world at large through teaming with Bridges to Prosperity to build footbridges in Nicaragua, Zambia, Haiti, and Rwanda; now, therefore, be it

RESOLVED by the House of Delegates, That the Newport News Rotary Club hereby be commended on the occasion of its 100th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to McKim Williams, Jr., president of the Newport News Rotary Club, as an expression of the House of Delegates' respect and admiration for the club's many years of service to the people of Newport News, the Commonwealth, and the world.

HOUSE RESOLUTION NO. 187

Commending the Stokes family.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, for 135 years, members of the Stokes family have lived, worked, and worshipped in Isle of Wight County and Southampton County, making many significant contributions to the region, the Commonwealth, and the United States; and

WHEREAS, the Hampton Roads branch of the Stokes family traces its roots to 1881, when William Stokes of Fauquier County and Hannah Lawrence of Southampton County, both former slaves who had been freed after the Civil War, married and settled in Isle of Wight County; and

WHEREAS, in 1903, William and Hannah Stokes made their home on a 90-acre farm, where they reared their children; affectionately known as "pap" and "muh," they were an inspiration to both their growing family and many members of the community; and

WHEREAS, William and Hannah Stokes' 14 children—William, Jr., Israel, James, Luke, Johnny, Robert, Jeremiah, Wilbur, Richard, Annie, Martha, Odania, Zella, and Rosa—learned the values of respect, hard work, responsibility, and faith from their parents, and all of them imparted those same values to their children and nieces and nephews; and

WHEREAS, members of the Stokes family have become physicians, nurses, teachers, college professors, farmers, spiritual leaders, local and state government officials, and admired leaders in their communities; and

WHEREAS, the Stokes family has maintained a proud tradition of military service from World War I to the present day; members of the Stokes family have served honorably in every branch of service and in every major war of the 20th and 21st centuries, with family members earning many decorations for their valorous actions; and

WHEREAS, as founding members of Chapel Grove United Church of Christ in Windsor, six generations of Stokes family members have enjoyed fellowship and worship with the community at the church; and

WHEREAS, every two years, the Stokes family gathers for a reunion, a longstanding tradition to celebrate the family's history, achievements, and dreams and aspirations; the 2016 reunion takes place on June 24-26 at the Airfield Conference Center in Wakefield; now, therefore, be it

RESOLVED by the House of Delegates, That the Stokes family hereby be commended for 135 years of service to Isle of Wight County, Southampton County, the Commonwealth, and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Stokes family as an expression of the House of Delegates' admiration for the family's deep roots in Hampton Roads and its legacy of service to the community.

HOUSE RESOLUTION NO. 188

Nominating a person to be elected as a justice of the Supreme Court of Virginia.

Agreed to by the House of Delegates, March 2, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a justice of the Supreme Court of Virginia as follows:

The Honorable Jane M. Roush, of Fairfax, as a justice of the Supreme Court of Virginia for a term of twelve years commencing March 1, 2016.

HOUSE RESOLUTION NO. 189

Commending Austin Haycox.

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Austin Haycox of Virginia Beach was named a distinguished finalist in the 2016 Prudential Spirit of Community Awards program for her generous work to support people in need of cleft lip and palate operations; and

WHEREAS, the Spirit of Community Awards, presented by Prudential Financial in partnership with the National Association of Secondary School Principals, honors young volunteers across the country who have demonstrated an extraordinary commitment to the service of others; as a distinguished finalist, Austin Haycox earned an engraved bronze medallion; and

WHEREAS, Austin Haycox, who is a senior at Norfolk Academy, earned the prestigious national award for her work to raise money for Operation Smile by hosting SUP for Smiles, a stand up paddle board yoga event, in 2015; and

WHEREAS, SUP for Smiles raised more than \$42,000 to support 175 cleft lip and palate operations; Austin Haycox is also the president of her school's Operation Smile Happy Club, which raised an additional \$12,000; and

WHEREAS, Austin Haycox has been a loyal supporter of Operation Smile since she was in the first grade, and she previously traveled with the organization to China, where she helped educate families about cleft lip and palate surgeries; now, therefore, be it

RESOLVED by the House of Delegates, That Austin Haycox hereby be commended on being named a distinguished finalist in the 2016 Prudential Spirit of Community Awards program; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Austin Haycox as an expression of the House of Delegates' admiration for her volunteer service, peer leadership, and community spirit and best wishes on future endeavors.

HOUSE RESOLUTION NO. 190

Commending David A. Kaechele.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, David A. Kaechele, a longtime member of the Henrico County Board of Supervisors who helped guide the county through periods of significant growth during his 35-year tenure, retired from public office in 2015; and

WHEREAS, a native of Michigan, David "Dave" A. Kaechele holds a civil engineering degree from Michigan State University and honorably served his country as a member of the United States Army during the Korean War; he settled in Henrico County in the 1960s and enjoyed a 30-year career with the Reynolds Metals Company; and

WHEREAS, Dave Kaechele served as chair of the Henrico County Republican Committee and president of the Ridge Elementary School Parent-Teacher Association, then ran for election to the Henrico County Board of Supervisors; he took office as the representative for the Three Chopt District in 1980; and

WHEREAS, during the course of his 35-year career on the Henrico County Board of Supervisors, Dave Kaechele was elected chair nine times and vice-chair eight times, and he ably represented the county before other local, regional, and state boards and commissions, including the Virginia Association of Counties and the National Association of Counties; and

WHEREAS, Dave Kaechele was the only member of the Henrico County Board of Supervisors to have won election to nine consecutive terms, and in 2004, he became the longest-serving member of the board on record; and

WHEREAS, between 1980 and 2015, the population of Henrico County has nearly doubled, and Dave Kaechele and the Henrico County Board of Supervisors oversaw responsible growth and development to ensure a high quality of life for all county residents; and

WHEREAS, Dave Kaechele oversaw groundbreaking commercial and residential development in Henrico County, including the creation of Wyndham, Innsbrook, West Broad Village, and Short Pump; the county is now home to nationally recognized schools, thriving businesses, state-of-the-art libraries, beautiful parks, and top-rated restaurants, in addition to being a wonderful place to live and raise a family; and

WHEREAS, Dave Kaechele's background as an engineer helped him advise his fellow members of county government on the infrastructure necessary to help Henrico County thrive and prosper; he also worked to keep tax rates low while maintaining high levels of service and helped Henrico County earn an AAA bond rating from all three national bond-rating agencies; and

WHEREAS, a man who lives his faith through his actions, Dave Kaechele enjoys fellowship and worship with Tuckahoe Presbyterian Church, where he has served as an elder, deacon, and treasurer; and

WHEREAS, Dave Kaechele earned numerous awards and accolades for his leadership and service; he was inducted into the *Richmond Times-Dispatch* Hall of Fame with the hall's inaugural class in 2015; and

WHEREAS, after his well-earned retirement, Dave Kaechele plans to seek new opportunities to serve the community and spend more time with family and friends; now, therefore, be it

RESOLVED by the House of Delegates, That David A. Kaechele hereby be commended on the occasion of his retirement as a member of the Henrico County Board of Supervisors; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to David A. Kaechele as an expression of the House of Delegates' admiration for his service to the Henrico County community and the Commonwealth.

HOUSE RESOLUTION NO. 191

Commending George G. Belfield, Jr.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, George G. Belfield, Jr., who served with great skill and dedication as town manager of Tappahannock for 35 years, retired in December 2015; and

WHEREAS, George G. Belfield, Jr., was named acting town manager in 1980 after serving as an inspector for four years; he was appointed Tappahannock's town manager in 1981, responsible for the operations of the historic locality, which is the seat of Essex County; and

WHEREAS, during George G. Belfield, Jr.'s, tenure, many improvements and upgrades were made to Tappahannock's infrastructure, including construction of a new water treatment plant in 1986 and two subsequent upgrades to the plant in 2000 and in 2010, and installation of a new well in 1993 and in 2010, when a new tank also was installed; and

WHEREAS, George G. Belfield, Jr., supervised other capital improvements that benefited the residents of Tappahannock, including a modern police department, a new municipal building completed in 2006, a new vehicle shop and relocation of the maintenance shop, the area's first curbside recycling program, and development of an annexed area as a retail hub; and

WHEREAS, the citizens of Tappahannock have benefited from George G. Belfield, Jr.'s, fiscal management skills; he prepared 37 annual budgets for the Town of Tappahannock, while keeping local taxes lower than the norms; and

WHEREAS, George G. Belfield, Jr., who established model policies for loss prevention, personnel, and emergency operations procedures, has received numerous accolades and awards for his outstanding work as town manager of Tappahannock; and

WHEREAS, George G. Belfield, Jr., made valuable contributions to regional government agencies; while serving on the board of the Rappahannock Regional Justice Academy, he helped secure the original funding to build a new complex for the academy; and

WHEREAS, George G. Belfield, Jr., served his community as president of the Richmond County Rescue Squad from 1975 to 1986; he also was president of the Virginia District XV Little League Umpires Association for many years and was assistant football coach at Essex High School from 2000 to 2009, the year the team won the state championship; now, therefore, be it

RESOLVED by the House of Delegates, That George G. Belfield, Jr., who admirably served for 35 years as manager of the Town of Tappahannock and provided sound leadership and advice, hereby be commended; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to George G. Belfield, Jr., as an expression of the House of Delegates' respect and admiration for his dedicated work on behalf of the people of Tappahannock and best wishes in retirement.

HOUSE RESOLUTION NO. 192

Commending Brooks Miles Barnes.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, Brooks Miles Barnes retired on February 29, 2016, as a librarian at Eastern Shore Public Library in the Town of Accomac, after more than four decades of devoted service to the community; and

WHEREAS, Miles Barnes began his career with Eastern Shore Public Library as an administrative assistant in the mid-1970s; he was promoted to librarian in 1978 after earning his Librarian's Professional Certificate; and

WHEREAS, over the course of his career, Miles Barnes relished the opportunity to help his fellow Eastern Shore residents and visitors discover historical information about the area or research genealogy; and

WHEREAS, after laying the foundation for a dedicated genealogy section at Eastern Shore Public Library by expanding and reorganizing material, Miles Barnes oversaw the creation of the Eastern Shore genealogy and local history room in 1984; and

WHEREAS, Miles Barnes offered his expertise to countless amateur and professional researchers over the years through his system of "cheat sheets," handwritten index cards packed with local information, that he later transferred to an electronic file to be uploaded to Eastern Shore Public Library's website; and

WHEREAS, Miles Barnes contributed to several books about the history of the Eastern Shore and its people, including *Seashore Chronicles: Three Centuries of the Virginia Barrier Islands*, which he co-edited with a conservation biologist; and

WHEREAS, after his well-earned retirement, Miles Barnes plans to spend more time with his wife, Anne, and their children, Edward and Elizabeth, and he will continue to serve the community as a history consultant for the Eastern Shore Public Library; now, therefore, be it

RESOLVED by the House of Delegates, That Brooks Miles Barnes hereby be commended on the occasion of his retirement as a librarian at Eastern Shore Public Library; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Brooks Miles Barnes as an expression of the House of Delegates' admiration for his many contributions to the residents of the Eastern Shore.

HOUSE RESOLUTION NO. 193

Celebrating the life of Major General Lloyd B. Ramsey, USA, Ret.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, Major General Lloyd B. Ramsey, USA, Ret., of Roanoke, a decorated veteran who served the nation during three wars over the course of his 34-year military career, died on February 23, 2016; and

WHEREAS, a native of Somerset, Kentucky, Lloyd Ramsey learned the value of hard work and responsibility at a young age as a child of the Great Depression; after graduating from the University of Kentucky in 1940, he joined many of the other young men of his generation in service to the country as a second lieutenant in the United States Army; and

WHEREAS, during World War II, Lloyd Ramsey served during the Battle of Kasserine Pass and participated in the capture of Berchtesgaden, the location of Adolph Hitler's mountaintop retreat, the Eagle's Nest; and

WHEREAS, Lloyd Ramsey also served as a senior advisor during the Korean War and was the commanding general of an infantry division during the Vietnam War; throughout his military career, he earned many citations and decorations for his valorous actions, including the Distinguished Service Medal, Silver Star Medal, Bronze Star Medal, and multiple Purple Hearts; and

WHEREAS, after Vietnam, Lloyd Ramsey served as provost marshal general in Washington, D.C., and was a member of the senior joint staff of Far East Command and United Nations Command Headquarters in Japan; he later earned a graduate degree from Harvard University and held several positions at the Pentagon; and

WHEREAS, after his well-earned retirement, Lloyd Ramsey settled in Roanoke to be closer to his family and dedicated his life to honoring the service and sacrifices of his fellow veterans; and

WHEREAS, predeceased by his beloved wife, Glenda, and a daughter, Judi, Lloyd Ramsey will be fondly remembered and greatly missed by his children, Lloyd Ann and Larry, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Major General Lloyd B. Ramsey, USA, Ret., a decorated war hero and respected member of the Roanoke community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Major General Lloyd B. Ramsey, USA, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 194

Commending Claire Seibel.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, Claire Seibel, a student at Lord Botetourt High School and a member of the school's FFA chapter, was named the 2015 national winner of the National FFA Organization's Fruit Production Proficiency award; and

WHEREAS, Claire Seibel is the first Virginian in recent history to win a national FFA Proficiency award; the Agricultural Proficiency awards honor FFA members who have demonstrated exceptional accomplishments and excellence in a supervised agricultural experience program; and

WHEREAS, at the National FFA Organization's 2015 convention and expo, which was held October 27 through 31, in Louisville, Kentucky, Claire Seibel won one of 49 national proficiency awards for her research and work on fruit production; and

WHEREAS, the FFA's fruit production proficiency award encompasses all of the types of fruit that are produced in the United States; Claire Seibel's family operates a farm and vineyard in western Virginia; and

WHEREAS, the Agricultural Proficiency award program was a challenging endeavor; Claire Seibel performed a great deal of research for the project, and she found that the work and effort were valuable experiences because she learned a great deal—more, perhaps, than many farmers will learn in their lifetimes; and

WHEREAS, the research and work that Claire Seibel performed helped her develop practical and specialized skills that can be used in her future career; she gained much valuable workplace experience and learned the value of perseverance; and

WHEREAS, as a national winner of an Agricultural Proficiency award, Claire Seibel won \$1,000 from E. I. Du Pont de Nemours and Company and she also was the only national honoree to receive an all-expense paid trip to Costa Rica; she plans to undertake additional agricultural research there and learn about the country's agri-tourism and agricultural trade; now, therefore, be it

RESOLVED by the House of Delegates, That Claire Seibel hereby be commended for being named the 2015 national winner of the National FFA Organization's Fruit Production Proficiency award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Claire Seibel as an expression of the House of Delegates' congratulations and admiration for her commitment to agriculture and for her outstanding accomplishment.

HOUSE RESOLUTION NO. 195

Commending Frank Green.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, Frank Green, a reporter with the *Richmond Times-Dispatch*, received the 2015 Innocence Network Journalism Award, for his work to help exonerate an innocent man who had served nearly 30 years in prison; and

WHEREAS, Frank Green has covered police, courts, prisons, and other issues for the *Richmond Times-Dispatch* for more than 35 years; and

WHEREAS, in 2002, Frank Green was contacted by the mother of Michael McAlister, who had been wrongfully convicted of multiple crimes in 1986 and was no longer being represented by a lawyer; and

WHEREAS, Frank Green's reporting brought regional and national attention to the case and helped uncover evidence that led to Michael McAlister's release and full pardon in May 2015; and

WHEREAS, Frank Green will be presented with the 2015 Innocence Network Journalism Award at the Innocence Network's national conference in San Antonio, Texas, in April 2016; now, therefore, be it

RESOLVED by the House of Delegates, That Frank Green hereby be commended on receiving the 2015 Innocence Network Journalism Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Frank Green as an expression of the General Assembly's admiration for his commitment to journalistic excellence and helping others in need.

HOUSE RESOLUTION NO. 196

Commending the Stone Bridge High School hockey team.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, the Stone Bridge High School hockey team capped off an undefeated season by winning the 2016 Northern Virginia Scholastic Hockey League championship; and

WHEREAS, the members of the Stone Bridge High School hockey team won the Northern Virginia Scholastic Hockey League title game by a score of 6-0 over a talented team from Woodbridge High School; and

WHEREAS, during the game, which was played on February 26, 2016, at Kettler Capitals Iceplex in Arlington, the Stone Bridge High School Bulldogs were led by the top scorers in area high school hockey, Cade Groton and Ryan Leibold; and

WHEREAS, Cade Groton made one goal and had three assists at the title game; Ryan Leibold had three goals, two of which came in the opening period, and Nick Haeff and Ian Ross completed the scoring for Stone Bridge High School, with one goal each; and

WHEREAS, during the 2015-2016 season, the hardworking team from Stone Bridge High School in Ashburn amassed 120 goals against a total of four goals by its opponents; it was the Loudoun County school's second consecutive undefeated season; and

WHEREAS, the talented and focused members of the Bulldogs hockey team were greatly supported by their families, friends, fellow students, and the staff of Stone Bridge High School; now, therefore, be it

RESOLVED by the House of Delegates, That the Stone Bridge High School hockey team hereby be commended for winning the 2016 Northern Virginia Scholastic Hockey League championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Stone Bridge High School hockey team as an expression of the House of Delegates' congratulations and admiration for the team's outstanding accomplishment and championship season.

HOUSE RESOLUTION NO. 197

Celebrating the life of Keith Marshall de la Cruz.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, Keith Marshall de la Cruz, a respected veterinarian and a beloved friend to many in the Alexandria community, died on July 20, 2015; and

WHEREAS, a native of Northern Virginia, Keith de la Cruz graduated from the University of Wisconsin School of Veterinary Medicine and practiced as a veterinarian in Milwaukee for two years before returning to the Commonwealth in 2004; and

WHEREAS, Keith de la Cruz continued his medical career with the Caring Hands Animal Hospital and generously volunteered his time as a visiting veterinarian for the Animal Welfare League of Alexandria; and

WHEREAS, Keith de la Cruz later joined AtlasVet DC, where he was admired for his sage guidance and medical expertise as much as for his ability to put both animals and people at ease, especially in difficult situations; and

WHEREAS, Keith de la Cruz also served as a former member of the Environmental Legionella Isolation Techniques Evaluation Program, past president of the Northern Virginia Veterinary Medical Association, and secretary-treasurer of the Virginia Veterinary Medical Association; and

WHEREAS, a respected mentor and a compassionate friend and caregiver, Keith de la Cruz will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Keith Marshall de la Cruz, an admired veterinarian who served and cared for countless pets and their families in Alexandria; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Keith Marshall de la Cruz as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 198

Celebrating the life of Ruth Anne Elizabeth Agnor Upshaw Herring.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, Ruth Anne Elizabeth Agnor Upshaw Herring, a devoted educator, respected real estate professional, and generous volunteer in the Lexington and Rockbridge communities, died on February 14, 2016; and

WHEREAS, a native of Lexington, Ruth Anne Herring graduated from Lexington High School; she earned a bachelor's degree from Madison College and a master's degree from the University of Virginia; and

WHEREAS, for many years, Ruth Anne Herring worked to inspire and educate young people as a teacher, coach, guidance counselor, and administrator for several local public school systems; and

WHEREAS, Ruth Anne Herring opened Herring Real Estate in 1973 and went on to help countless local residents achieve the dream of home ownership for more than 40 years; she also opened a travel agency, Herring Travel Services, in 1976; and

WHEREAS, striving to enhance the quality of life of her fellow community members, Ruth Anne Herring served as president of the Lexington-Rockbridge Chamber of Commerce and the Lexington, Buena Vista, and Rockbridge Association of Realtors, and she was a member of the Daughters of the American Revolution, Kiwanis Club of Lexington, Preservation Virginia, and the Rockbridge Historical Society; and

WHEREAS, Ruth Anne Herring was honored for her contributions to civic life in the region as a founding member of the Rockbridge Area Republican Committee; during her 40-year tenure with the committee, she served as chair and donated countless hours of her time and personal resources to support the local Republican Party; and

WHEREAS, a woman of deep and abiding faith, Ruth Anne Herring enjoyed fellowship and worship as a member of Trinity United Methodist Church, where she served as organist, choir director, soloist, and secretary of the administrative board; and

WHEREAS, predeceased by her husband, George, Ruth Anne Herring will be fondly remembered and greatly missed by her children, Charles, Al, and Anne, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Ruth Anne Elizabeth Agnor Upshaw Herring; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Ruth Anne Elizabeth Agnor Upshaw Herring as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 199

Commending Claire Nguyen.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, Claire Nguyen became Riverside High School's first state champion when she won an individual state title at the Virginia High School League Group 3A state swim and dive championship on February 19, 2016; and

WHEREAS, Claire Nguyen, a freshman at Riverside High School, which opened in Loudoun County in 2015, helped lead the girls' swim and dive team to the 2016 state final in Richmond; and

WHEREAS, in the state final, Claire Nguyen placed first in the 200-yard freestyle with a time of 1:51.23; and

WHEREAS, Claire Nguyen also placed second in the 500-yard freestyle with a time of 4:58.32; and

WHEREAS, Claire Nguyen succeeded with the support of her teammates, coaches, family, and friends and the entire Riverside High School community; now, therefore, be it

RESOLVED by the House of Delegates, That Claire Nguyen hereby be commended on winning an individual state title at the Virginia High School League Group 3A state swim and dive championship; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Claire Nguyen as an expression of the General Assembly's admiration for her outstanding achievement and best wishes for the future.

HOUSE RESOLUTION NO. 200

Commending the Team Ashburn Synchronized Skating program.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, the Team Ashburn Synchronized Skating program achieved a national fifth-place and third-place finish at the 2016 U.S. Synchronized Skating Championships, the first time the program had scored so well in the 10 years since its founding; and

WHEREAS, Team Ashburn sent two groups of talented young skaters to the national competition; the Novice line came in fifth, and the Intermediate line placed third—the first top-three national finish in the team's history; and

WHEREAS, the U.S. Synchronized Skating Championships were held from February 24 through February 27, 2016, in Kalamazoo, Michigan; the Team Ashburn Synchronized Skating program has become a competitive force in recent years, with the Intermediate line earning a 10th-place finish at the 2014 national championships; and

WHEREAS, at the 2016 synchronized skating competition, the Intermediate line from Team Ashburn performed a routine set to music from *A Chorus Line*; the Novice skaters' choreographed ice-dancing program was performed to a musical medley from *Star Wars* and *E.T. the Extra-Terrestrial*; and

WHEREAS, when Team Ashburn director Jenny Cherry first organized the synchronized skating program, just 12 girls participated in the team sport; today, she oversees 10 teams, 120 skaters in all, some of whom practice for as many as 14 hours a week; and

WHEREAS, the young skaters of Team Ashburn meet each week at the Ashburn Ice House in Loudoun County, training and perfecting their intricately choreographed team ice-dancing routines; ultimately, Team Ashburn aspires to add an elite junior-level unit and compete internationally; and

WHEREAS, in addition to the hard work and determination shown by the members of Team Ashburn, the strong support of their families and friends also contributed to the young athletes' exemplary performances at the 2016 national synchronized skating championships; now, therefore, be it

RESOLVED by the House of Delegates, That the Team Ashburn Synchronized Skating program hereby be commended for achieving a national fifth-place and third-place finish at the 2016 U.S. Synchronized Skating Championships; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jenny Cherry, director of the Team Ashburn Synchronized Skating program, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding performance and stellar achievements.

HOUSE RESOLUTION NO. 201

Celebrating the life of Chief Petty Officer Louge Gunn, USN, Ret.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, Chief Petty Officer Louge Gunn, USN, Ret., of Norfolk, a patriotic veteran and a devoted community leader who worked to support his fellow soldiers, died on February 21, 2016; and

WHEREAS, a native of Portsmouth, Louge Gunn graduated from I. C. Norcom High School, where he played drums in the marching band; desirous to be of service to his country, he enlisted in the United States Navy in 1972; and

WHEREAS, during his 21-year military career, Louge Gunn served aboard the USS *Independence*, USS *Canisteo*, USS *Puget Sound*, USS *Seattle*, USS *Piedmont*, USS *Theodore Roosevelt*, and USNS *Comfort*, often working in the ship's store; he also served during the first Gulf War, earning numerous awards and decorations; and

WHEREAS, after retiring from the United States Navy in 1993, Louge Gunn earned bachelor's and master's degrees from Norfolk State University and pursued a career as a counselor, mentor, and advocate for his fellow veterans with the Virginia Department of Veterans Affairs and United States Department of Veterans Affairs; and

WHEREAS, Louge Gunn retired from his professional career in 2009, but he remained an active member of American Legion Post 190 and Chapter 21 of Disabled American Veterans; he touched countless lives by helping veterans transition back to civilian life; and

WHEREAS, a man who lived his faith through his actions, Louge Gunn enjoyed fellowship and worship with the community as a member of the Basilica of Saint Mary of the Immaculate Conception; and

WHEREAS, predeceased by one son, Cherone, Louge Gunn will be fondly remembered and greatly missed by his wife of 43 years, Mona; children, Keith, Anton, Jamal, and Jason, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Chief Petty Officer Louge Gunn, USN, Ret., a patriotic Virginian who worked to honor the service and sacrifices of his fellow veterans; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Chief Petty Officer Louge Gunn, USN, Ret., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 202

Commending John Alderson.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, John Alderson, a native of Botetourt County, has dedicated his life to the service of others as an advocate for education, a trusted insurance professional and small-business owner, and a respected civil servant; and

WHEREAS, as a longtime member of the Botetourt County School Board and a board member of the Botetourt County Education Foundation, John Alderson has worked to create new opportunities for the young people of the Roanoke region;

he helped establish the Alderson Family Scholarships, which are presented annually to two first-generation college students; and

WHEREAS, John Alderson has also served the community as the owner of John Alderson Agency in Daleville for more than 50 years; the insurance agency received the 2014 Erie Insurance Giving Network Agency of the Year Award for its exceptional commitment to community service; and

WHEREAS, encouraging all of his employees to donate their time and talents to strengthen the community, John Alderson sits on the organizing committee for the proposed Botetourt County YMCA, is a member of the local Rotary Club, and is director of the Botetourt County Historical Society; and

WHEREAS, desirous to be of further service to the nation, John Alderson accepted an appointment from President Ronald Reagan to serve as administrator of general services in 1988; he had previously served in various capacities at the General Services Administration; and

WHEREAS, a man who lives his faith through his actions, John Alderson enjoys fellowship and worship with the community as an active member of his church, where he serves as a deacon, Sunday school teacher, and member of the finance committee; he also supports Gideons International and International Christian Centers for the Deaf; now, therefore, be it

RESOLVED by the House of Delegates, That John Alderson, a pillar of the Botetourt County community, hereby be commended for his lifetime of service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to John Alderson as an expression of the House of Delegates' admiration for his contributions to the community, the Commonwealth, and the United States.

HOUSE RESOLUTION NO. 203

Commending the Virginia Daughters of the American Revolution Botetourt Chapter.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, in 2015, the Virginia Daughters of the American Revolution Botetourt Chapter celebrated its 50th anniversary of service to the community, the Commonwealth, and the United States; and

WHEREAS, the Virginia Daughters of the American Revolution Botetourt Chapter was established with 18 charter members in 1965 and held its first meeting at Santillane in Fincastle; the organization has thrived over the years and recorded 38 members in 2015, all of whom can trace their lineage to an American Revolution soldier or ally to the cause of American independence; and

WHEREAS, throughout its 50-year history, the Virginia Daughters of the American Revolution Botetourt Chapter has consistently promoted education and historic preservation and fostered patriotism in Botetourt County; and

WHEREAS, the Virginia Daughters of the American Revolution Botetourt Chapter honors the service and sacrifices of the nation's veterans by maintaining the Allen-Carper Cemetery in Eagle Rock and placing flags on veterans' graves at Godwin Cemetery on Memorial Day and Veterans Day; and

WHEREAS, nationally and internationally, Daughters of the American Revolution members have donated more than 10 million volunteer hours, and the Virginia Daughters of the American Revolution Botetourt Chapter is no exception; and

WHEREAS, the Virginia Daughters of the American Revolution Botetourt Chapter provides scholarships for local high school students and coupons for military families, works with the Botetourt Food Pantry and Boy Scout Troop 211, and provides docent services to the Botetourt County Historical Museum; and

WHEREAS, in addition, Angela Coon and Carole Geiger of the Virginia Daughters of the American Revolution Botetourt Chapter are currently working to digitize the chapter's 50 years of records for the organization's national archives; and

WHEREAS, the Virginia Daughters of the American Revolution Botetourt Chapter commemorated its 50th anniversary with an open house at Eagle Rock Community Center on May 3, 2015; now, therefore, be it

RESOLVED by the House of Delegates, That the Virginia Daughters of the American Revolution Botetourt Chapter hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Virginia Daughters of the American Revolution Botetourt Chapter as an expression of the House of Delegates' admiration for the chapter's work to preserve the history and heritage of the Commonwealth and the United States.

HOUSE RESOLUTION NO. 204

Commending the Virginia Peninsula Foodbank.

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, in 2016 Virginia Peninsula Foodbank will celebrate its 30th anniversary of providing food assistance, nutrition, and education to residents of the nine cities and counties across the greater Virginia Peninsula; and

WHEREAS, Virginia Peninsula Foodbank was established in 1986 as a branch of the Foodbank of Southeastern Virginia; and

WHEREAS, the original Virginia Peninsula Foodbank was located at 9912 Hosier Street in Newport News; it moved to its present location at 2401 Aluminum Avenue in Hampton in April 2011; and

WHEREAS, Virginia Peninsula Foodbank's programs include the Agency Distribution program, the Backpack program, the Culinary Training program, the Emergency Food Box program, the Grocery Rescue program, the Kids Cafe program, the Mobile Food Pantry program, and the S.H.A.R.E. program; and

WHEREAS, Virginia Peninsula Foodbank serves 74,000 food-insecure individuals and others annually across the greater Virginia Peninsula; and

WHEREAS, since 1986, Virginia Peninsula Foodbank has distributed more than 164 million pounds of food, equal to 137 million meals; and

WHEREAS, Virginia Peninsula Foodbank has earned a "4-Star" rating for more than 10 consecutive years from Charity Navigator, indicating its financial efficiency and effectiveness as well as accountability and transparency; and

WHEREAS, Virginia Peninsula Foodbank is governed by a dedicated Board of Directors; and

WHEREAS, Virginia Peninsula Foodbank's mission statement is "to distribute food effectively through collaborative efforts that minimize hunger, promote nutrition, and encourage self-reliance through education"; it has succeeded in its mission thanks to the hard work and dedication of its leadership, staff, and volunteers; now, therefore, be it

RESOLVED by the House of Delegates, That Virginia Peninsula Foodbank hereby be commended on the occasion of its 30th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Virginia Peninsula Foodbank as an expression of the House of Delegates' admiration for its dedicated service to the residents of the greater Virginia Peninsula.

HOUSE RESOLUTION NO. 205

Celebrating the life of Mary Aylett Creath Payne.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, Mary Aylett Creath Payne of Richmond, an effective and compassionate advocate for the elderly, community volunteer, woman of great faith, and devoted wife and mother, died on March 1, 2016; and

WHEREAS, Mary Payne, who was born in Alexandria, attended the City of Richmond Public Schools and earned a bachelor's degree from the University of Richmond, graduating Phi Beta Kappa; in college, she was president of the YWCA, member of the Mortar Board, and Homecoming Queen; and

WHEREAS, after college, Mary Payne worked for St. Christopher's School in Richmond and then turned to raising a family while serving as a pastor's wife and community volunteer; and

WHEREAS, Mary Payne's 30-year career as an advocate for the Commonwealth's elderly population began in 1974; she worked for the League of Older Americans and the Virginia Department of Aging before becoming executive director of the Capital Area Agency on Aging—now popularly known as Senior Connections—from 1981 to 1998; and

WHEREAS, as a spokesperson for the Commonwealth's senior citizens, Mary Payne helped establish Virginia's long-term care ombudsman program and was the first person to hold the position; she also led the effort to establish Elderhomes in Central Virginia, which is now known as Project:HOMES; and

WHEREAS, many organizations benefited from Mary Payne's involvement and leadership, including the League of Women Voters and the Historic Polegreen Church Foundation; she was a woman of great faith who worshipped at Second Presbyterian Church and took part in many of its ministries; and

WHEREAS, Mary Payne will be greatly missed and fondly remembered by James, her husband of 62 years; her children, Lewis, Sarah, Elizabeth, and Martha, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Mary Aylett Creath Payne of Richmond, an advocate for the elderly who was the first ombudsman of the Commonwealth's long-term care ombudsman program, community volunteer, woman of great faith, and devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Mary Aylett Creath Payne as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 206

Commending the Honorable Thomas Davis Rust.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Honorable Thomas Davis Rust, a consummate public servant who ably represented the residents of parts of the Counties of Fairfax and Loudoun as a former member of the Virginia House of Delegates and an accomplished civil engineer, was named a fellow of the prestigious American Institute of Certified Planners with the Class of 2016 for his achievements in urban planning; and

WHEREAS, a native of Front Royal, Thomas "Tom" Davis Rust has lived in the Town of Herndon for more than 50 years; he began a distinguished career in local government with the Herndon Planning Commission from 1971 to 1973, and he served as a member of the Herndon Town Council, beginning in 1971, until he became mayor in 1976; and

WHEREAS, Tom Rust served as Mayor of Herndon from 1976 to 1984 and 1990 to 2001, when he desired to be of further service to the Commonwealth and ran for election to the Virginia House of Delegates, where he represented the residents of parts of the Counties of Fairfax and Loudoun in the 86th District for seven terms; and

WHEREAS, during his 14-year tenure in state government, Tom Rust introduced and supported numerous important pieces of legislation, including the establishment of the Commonwealth Transportation Board, long-range transportation planning programs, and the historic, bipartisan transportation funding and reform package of 2013; and

WHEREAS, a civil engineer by trade, Tom Rust was well-served by his knowledge of education, transportation, and science, and he provided his leadership and expertise to the House Committees on Education, Science and Technology, and Commerce and Labor and as chair of the House Committee on Transportation; he also served on the Joint Commission on Transportation Accountability and was chair of the Joint Commission on Technology and Science; and

WHEREAS, Tom Rust was a diligent member of many other boards and commissions, and he earned countless awards and accolades for his loyal service to the residents of Herndon and all Virginians; he currently serves as vice chair of Pennoni Associates, a leading engineering and design firm; and

WHEREAS, a man of great integrity, Tom Rust has served the Commonwealth with the utmost professionalism, dedication, and distinction; now, therefore, be it

RESOLVED by the House of Delegates, That the Honorable Thomas Davis Rust, an exceptional public servant and respected civil engineer, hereby be commended on being named a fellow of the American Institute of Certified Planners with the Class of 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Honorable Thomas Davis Rust as an expression of the House of Delegates' admiration for his contributions to the people of Fairfax County, Loudoun County, and the Commonwealth.

HOUSE RESOLUTION NO. 207

Commending Memory Porter.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, Memory Porter retired in 2015 as a legislative assistant for the Virginia House of Delegates Committee on Transportation; and

WHEREAS, beginning with the 1980 Session of the General Assembly, Memory Porter served for many years as Loudoun County's legislative liaison, having been promoted to Chief of Legislative Services in 1986 and designated as Assistant to the County Administrator in 1988; and

WHEREAS, Memory Porter earned the confidence of two county administrators, seven chairs of the Loudoun County Board of Supervisors, and seven different boards, all having diverse philosophies, goals, and political affiliations; and

WHEREAS, Memory Porter gained an encyclopedic knowledge and understanding of Title 15.1 and then Title 15.2 of the Code of Virginia and other statutes affecting local government, for which she is respected and admired by local officials throughout the Commonwealth; and

WHEREAS, Memory Porter is highly regarded by legislators, staff members, and other lobbyists for her understanding of legislative issues and procedures; she often served as a reliable, nonpartisan source of information about bills affecting local government, regardless of whether she supported or opposed those bills; and

WHEREAS, Memory Porter's tireless advocacy led to the passage of many legislative measures of benefit to Loudoun County, including notably the creation of the Route 28 Special Transportation District; she retired as legislative liaison in 2007; and

WHEREAS, in 2008, Memory Porter became a legislative assistant to the chair of the House Committee on Transportation, serving under the Honorable Joe T. May from 2008 to 2013 and the Honorable Thomas Davis Rust from 2014 to 2015; and

WHEREAS, Memory Porter's knowledge and expertise were critical assets to the committee as it considered many important pieces of legislation, including the bipartisan transportation funding and reform package of 2013; now, therefore, be it

RESOLVED by the House of Delegates, That Memory Porter hereby be commended for her contributions to the citizens of Loudoun County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Memory Porter as an expression of the House of Delegates' admiration for her service and best wishes on a well-earned retirement.

HOUSE RESOLUTION NO. 208

Commending Deputy Chris Sigley.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, Deputy Chris Sigley received the Medal of Merit from the Gloucester County Sheriff's Office for his selfless, life-saving efforts to rescue a man who had fallen into a creek while attempting to elude police; and

WHEREAS, on November 18, 2015, Deputy Sigley and two other deputies of the Gloucester County Sheriff's Office were alerted that the suspect of a violent crime was fleeing from the direction of Mathews County on Route 14; and

WHEREAS, Deputy Sigley witnessed the suspect's vehicle crash into a guardrail over Fox Mill Run Creek; the driver attempted to elude the law-enforcement officers by jumping into the creek, but was overcome in deep water; and

WHEREAS, Deputy Sigley courageously dove into the water and helped pull the unconscious man to shore with the assistance of the other two deputies; and

WHEREAS, Deputy Sigley, a 14-year veteran of the Gloucester County Sheriff's Office, is an exemplar of the bravery, professionalism, and dedication to duty demonstrated by law-enforcement officers throughout the Commonwealth; now, therefore, be it

RESOLVED by the House of Delegates, That Deputy Chris Sigley hereby be commended on receiving the Medal of Merit from the Gloucester County Sheriff's Office for his life-saving actions in November 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Deputy Chris Sigley as an expression of the General Assembly's admiration for his dedicated service to the residents of Gloucester County and the Commonwealth.

HOUSE RESOLUTION NO. 209

Commending the Lower King and Queen Volunteer Fire and EMS Department.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, the Lower King and Queen Volunteer Fire and EMS Department in Shacklefords has safeguarded the lives and property of King and Queen County residents for 25 years; and

WHEREAS, the Lower King and Queen Volunteer Fire and EMS Department traces its roots to 1990 when a group of citizens worked to contain a fire in Cricket Shores until the West Point Volunteer Fire Department arrived; and

WHEREAS, soon thereafter, a group of local residents—Fred Hodges, James Kelly Tucker, T. A. Haynes, Howard Chandler, Walter Bristow, Lewis McAdams, Steve Otto, Larry Welch, Tom Kinsey, Jack Wills, Harry Chapman, Freddie Eldridge, Buddy Pierce, and Lafayette Chandler—formed the Lower King and Queen Volunteer Fire and EMS Department under the department's first chief, Keith Harver; and

WHEREAS, the Lower King and Queen Volunteer Fire and EMS Department made its first headquarters in a trailer at Tucker's Recreational Park and Marina; the department's first station was later built on land donated by Doswell and Alise Roane in Gressitt and its first water tanker was a converted oil truck; and

WHEREAS, the Lower King and Queen Volunteer Fire and EMS Department built its Shacklefords station in 2004 and began offering emergency medical services in 2010; and

WHEREAS, today, the Lower King and Queen Volunteer Fire and EMS Department ably serves and safeguards the community with approximately 60 active members, three ambulances, two fire engines, one tanker, and one rescue truck; now, therefore, be it

RESOLVED by the House of Delegates, That the Lower King and Queen Volunteer Fire and EMS Department hereby be commended on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark Chandler, Chief of the Lower King and Queen Volunteer Fire and EMS Department, as an expression of the House of Delegates' admiration for the department's service to the residents of King and Queen County.

HOUSE RESOLUTION NO. 210

Commending Vanderhyde Dairy, Inc.

Agreed to by the House of Delegates, March 9, 2016

WHEREAS, Vanderhyde Dairy, Inc., in Chatham has been presented with the 2016 Agribusiness Environment Award by the Virginia Agribusiness Council; and

WHEREAS, Vanderhyde Dairy is a third-generation dairy farm in Pittsylvania County that milks more than 1,000 cows; the farming operation also includes 600 acres for the dairy and its surrounding cropland, which is used for the production of silage and commodity corn, bringing the total size of the farm to more than 1,900 acres; and

WHEREAS, the Van Der Hyde family has been an active participant in many local and statewide agricultural organizations, including the Pittsylvania County Farm Bureau, the Virginia State Dairymen's Association, and the Virginia Agribusiness Council; the farm has hosted a variety of industry events, including the Virginia Dairy Expo; and

WHEREAS, Vanderhyde Dairy has consistently been an environmental leader in the dairy industry; and

WHEREAS, in 2010, Vanderhyde Dairy installed an anaerobic methane digester on the operation to process the manure generated by the farm each day; the digester produces electricity for the farm's own use and to be sold back onto the electric grid, and residuals from the digester are spread onto the farm's crops as a source of nutrients; and

WHEREAS, cooperating with the Pittsylvania Soil and Water Conservation District, Vanderhyde Dairy utilizes a variety of Agricultural Best Management Practices to protect water quality and the environment; and

WHEREAS, the Virginia Agribusiness Council is a nonprofit organization committed to representing the interests of the agriculture and forestry industries in the Commonwealth through effective governmental relations efforts and initiatives; its membership includes farmers, foresters, and other agricultural producers; industry suppliers; marketers and processors; and commodity and industry associations; and

WHEREAS, the Council presents an Agribusiness Environment Award annually to an agribusiness to recognize outstanding achievements, research, or practices that benefit both agribusiness and the environment; now, therefore, be it

RESOLVED by the House of Delegates, That Vanderhyde Dairy, Inc., hereby be commended on receiving the 2016 Virginia Agribusiness Council Agribusiness Environment Award; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Van Der Hyde family, proprietors of Vanderhyde Dairy, Inc., as an expression of the House of Delegates' congratulations and admiration for their commitment to dairy industry leadership and environmental stewardship.

HOUSE RESOLUTION NO. 211

Commending the Newport News Department of Parks, Recreation and Tourism.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Newport News Department of Parks, Recreation and Tourism was first established as the Newport News Department of Parks and Recreation by the Newport News City Council on June 1, 1941; and

WHEREAS, the new department's first priority was to organize team sports and provide activities for the region's military service members; and

WHEREAS, at its inception, the Department of Parks and Recreation oversaw the operation of a single public park at the east end of the James River Bridge; and

WHEREAS, the Department of Parks and Recreation's first major facility was the World War II Recreation Center and pool (now the Doris Miller Community Center) that was dedicated on October 7, 1945; and

WHEREAS, in 1995, the department was renamed the Department of Parks, Recreation and Tourism to coincide with the incorporation of the city's tourism efforts; and

WHEREAS, the Department of Parks, Recreation and Tourism has grown since its inception to include 37 public parks, five major community centers, two public golf courses, two public pools, a large tennis complex, an athletic park, a 188-site campground, 102 playgrounds, 38 picnic shelters, 35 miles of recreational trails, a 194-slip marina, five senior centers, 24 school-age program sites, 76 sports fields, a visitor information center, a public rose garden, an aeromodel field, a disc golf course, two freshwater lakes for fishing and boating, two nature discovery centers, one of the nation's largest municipal parks, and the longest public fishing pier on the East Coast, to name just a few of the department's many offerings; and

WHEREAS, the Department of Parks, Recreation and Tourism operates the nationally renowned Virginia War Museum and has preserved and now maintains and interprets a variety of historic homes and sites, including Lee Hall Mansion, the Warwick Courthouse, the J. Thomas Newsome House, the Historic Lee Hall Depot, Endview Plantation, Potter's Field, Young's Mill, Causey's Mill, the Harwood House, and numerous other historic assets, many of which are listed on the National Register of Historic Places; and

WHEREAS, the goals of the Department of Parks, Recreation and Tourism include providing Newport News residents and guests with a wide range of opportunities to maintain physical and mental fitness, develop and express creative talents, and experience personal enjoyment; and

WHEREAS, the Department of Parks, Recreation and Tourism has expanded to include a variety of programs, facilities, and services outside of traditional parks and recreation offerings, including tourism marketing, landscaping of public areas, promoting cultural arts, conducting citywide special events, and managing animal care and sheltering; and

WHEREAS, the Department of Parks, Recreation and Tourism now provides more than 1,000 programs and activities annually, including organized youth and adult sports, instructional classes, special events, cultural performances, before and after school programs, and leisure activities for all ages, abilities, and interests; and

WHEREAS, the Department of Parks, Recreation and Tourism has received numerous awards and been recognized for its innovative and creative programming, facilities, and events, including Virginia's first drive-through holiday light show (Celebration in Lights), the Fall Festival of Folklife, the state-of-the-art Denbigh Community Center, the Downing-Gross

Cultural Arts Center with its outstanding Anderson Johnson Gallery, and the nationally recognized Hollydazzle with its unique fireworks; and

WHEREAS, the quality services, activities, and programs currently provided by the Department of Parks, Recreation and Tourism are the result of the hard work and combined efforts of more than 200 professional full-time employees, 400 part-time and seasonal employees, and close to 1,000 dedicated volunteers; and

WHEREAS, the Department of Parks, Recreation and Tourism continues to strategically plan and provide a rich and vibrant array of attractions, activities, programs, services, and serene parks and green space for the citizens and guests of the City of Newport News and is directly responsible for enhancing the quality of life for all who live in or visit the City of Newport News; now, therefore, be it

RESOLVED by the House of Delegates, That the Newport News Department of Parks, Recreation and Tourism hereby be commended for its efforts to enhance and improve the quality of life in Newport News and the Commonwealth on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to the Mayor and City Council of Newport News as an expression of the House of Delegates' admiration for the Department of Parks, Recreation and Tourism's outstanding contributions to the community.

HOUSE RESOLUTION NO. 212

Commending the Reverend Dr. Corey L. Brown.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, in 2016, the Reverend Dr. Corey L. Brown, pastor of Providence Baptist Church in Newport News, celebrates his 10th Pastoral Anniversary of faithfully serving the congregation and establishing vibrant new ministries; and

WHEREAS, the Reverend Dr. Corey Brown was born in Jacksonville, Florida, and attended Duval County Public Schools; he earned a bachelor's degree from Alabama A&M University, a master's degree from the Samuel DeWitt Proctor School of Theology at Virginia Union University, and a doctoral degree from United Theological Seminary; and

WHEREAS, before becoming pastor of Providence Baptist Church in 2006, the Reverend Dr. Corey Brown served as minister of Christian education at First African Baptist Church in Richmond and was pastor to college students and young adults at Bethel Baptist Institutional Church in Jacksonville, Florida; and

WHEREAS, the Reverend Dr. Corey Brown has started many ministries at Providence Baptist Church, including a midday Bible study class called Happy Hour, a tutoring program staffed by qualified teachers, a leadership development ministry, and ministries focused on women, men, single people, and senior citizens; and

WHEREAS, the Reverend Dr. Corey Brown is committed to spreading God's love through word and deed; he is the author of two devotionals, *Emerge: Little by Little* and *Get Your Aim Right*; he was also a guest speaker at the Virginia Legislative Black Caucus Interfaith Prayer Breakfast in 2010, was one of the New Voices at Hampton University's Ministers' Conference in 2015, and is highly regarded for his prophetic and relevant sermons that inspire people to take action; and

WHEREAS, many community outreach efforts have started as a result of the Reverend Dr. Corey Brown's leadership; a Christmas in June ministry provides food, clothing, and supplies to people in need, and the Walk 4 Education scholarship ministry has raised nearly \$100,000 to assist students furthering their education; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Dr. Corey L. Brown, pastor of Providence Baptist Church in Newport News, hereby be commended on the occasion of his 10th Pastoral Anniversary and for his leadership in establishing ministries that have benefited many people; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Corey L. Brown as an expression of the House of Delegates' respect and admiration for his faithful service to his church and community.

HOUSE RESOLUTION NO. 213

Nominating a person to be elected as a justice of the Supreme Court of Virginia.

Agreed to by the House of Delegates, March 8, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a justice of the Supreme Court of Virginia as follows:

The Honorable Rossie D. Alston, Jr., of Manassas, as a justice of the Supreme Court of Virginia for a term of twelve years commencing March 3, 2016.

HOUSE RESOLUTION NO. 214

Commending the Reverend Dr. Kevin G. Swann.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, in 2016, the Reverend Dr. Kevin G. Swann, senior pastor of Ivy Baptist Church in Newport News, who has touched countless lives as a minister, community leader, author, and teacher, celebrates his 10th Pastoral Anniversary of ministry and service to his congregation; and

WHEREAS, the Reverend Dr. Kevin Swann earned a bachelor's and master's degree in Counseling from Old Dominion University and a doctoral degree from South Florida Theological Seminary; and

WHEREAS, since beginning his ministry at Ivy Baptist Church in 2006, the Reverend Dr. Kevin Swann has undertaken extensive community service initiatives, including founding Kevin Swann Enterprises, a nonprofit faith-based organization that provides assistance to underprivileged youth and adults in southeastern Virginia; and

WHEREAS, the Reverend Dr. Kevin Swann's outreach efforts are furthered by his writings; he regularly contributes to a religious column in the *Daily Press* newspaper, and in 2013, he published his first book, *Survive and Advance: Effective Strategies for Christian Leaders*; and

WHEREAS, the Reverend Dr. Kevin Swann has had a presence in the community; he writes a daily inspirational blog, *Moments with our Master*, impacting thousands of people across the country and abroad; he reaches a large audience through the "Pastor's Study," a weekly radio program that he co-founded in 2007, and he teaches as an adjunct professor at Hampton University; and

WHEREAS, the Reverend Dr. Kevin Swann has received numerous awards and accolades for his faithful and tireless work; he is the recipient of two honorary degrees, was honored in 2012 with a Living Legends Award from the National Association for the Advancement of Colored People (NAACP), and in 2015, Kevin Swann Enterprises received the Community Champion Award from the Hampton Roads Diversity and Inclusion Consortium; and

WHEREAS, the Reverend Dr. Kevin Swann is a prolific, thoughtful, and brilliant preacher who inspires his congregation to be socially conscious and make positive change in the community; and

WHEREAS, the Reverend Dr. Kevin Swann is a solutions-oriented leader; through community dialogue and collaboration, he works to make the Peninsula area a safe and healthy place for all those who call it home; now, therefore, be it

RESOLVED by the House of Delegates, That the Reverend Dr. Kevin G. Swann, senior pastor of Ivy Baptist Church in Newport News, hereby be commended on the occasion of his 10th Pastoral Anniversary of relevant ministry and service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Reverend Dr. Kevin G. Swann as an expression of the House of Delegates' respect and admiration for his faithful work to promote God's love, help those in need, and strengthen the community.

HOUSE RESOLUTION NO. 215

Commending the Sully Historic Site.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, in 2015, the Sully Historic Site, whose buildings date to the first years of the founding of the United States, celebrated the 40th anniversary of its restoration by the Fairfax County Park Authority; and

WHEREAS, Sully Historic Site, a land grant from Lord Fairfax, was built in 1794 as a home for Richard Bland Lee, Northern Virginia's first elected representative to the United States Congress; he and his family lived there until 1811; and

WHEREAS, the house and grounds then had nine successive owners over the years and was a multi-crop farm, dairy operation, and a gentleman's country home; in 1959, the Fairfax County Park Authority began restoring Sully Historic Site, and the museum opened to visitors in 1975; and

WHEREAS, today, the Sully Historic Site is a house museum that reflects the history of Fairfax County; extensive research was done to help guide the careful restoration of the buildings and grounds, and the house is decorated with period furnishings; and

WHEREAS, the Sully Historic Site looks as it did when Richard Lee and his family lived there in the late 18th century; the paint colors, carpets, window treatments, and furniture are in keeping with the Federal era, and some of the objects inside were there when it was occupied by the Lee family; and

WHEREAS, the Fairfax County Park Authority held a celebration event at Sully Historic Site on September 6, 2015, which included tours that highlighted the site's architecture, structural changes made by the various owners, and the restoration undertaken by the park authority; now, therefore, be it

RESOLVED by the House of Delegates, That the Sully Historic Site hereby be commended on the occasion of its 40th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Kirk W. Kincannon, director of the Fairfax County Park Authority, as an expression of the House of Delegates'

congratulations and appreciation for the authority's admirable efforts to preserve the Sully Historic Site and illuminate the county's storied history.

HOUSE RESOLUTION NO. 216

Commending the Honaker High School academic team.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Honaker High School academic team claimed its second state title, winning the Virginia High School League Group 1A Scholastic Bowl state tournament in 2016; and

WHEREAS, the Honaker High School academic team has enjoyed a long and successful history; the team has won 18 Black Diamond District championships, advanced to the regional tournament 18 times and the state tournament 14 times, and won one previous state title in 2014; and

WHEREAS, in the 2015-2016 season, the Honaker High School academic team went on a 20-game winning streak to finish the season with a 28-7 record, also winning the Crooked Road Conference tournament and the Group 1A West regional tournament to advance to the state championship; and

WHEREAS, in the final game of the state tournament, the Honaker High School academic team outscored the team from Galileo Magnet High School 95-15 to secure the victory; and

WHEREAS, each member of the Honaker High School academic team—Heath Hubbard, Caleb Perkins, Aidan Cook, Madison Ramsey, Holly Lester, Beth Mitchell, and Makayla Shortt—contributed to the successful season; and

WHEREAS, the members of the Honaker High School academic team also benefited from the leadership and guidance of the coaches and staff, including former head coach Alex Zachwieja, and the enthusiastic support of the entire Honaker High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Honaker High School academic team hereby be commended on winning the Virginia High School League Group 1A Scholastic Bowl state tournament in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charlie Perkins, head coach of the Honaker High School academic team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes.

HOUSE RESOLUTION NO. 217

Commending Digby A. Solomon.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Digby A. Solomon, who considered his role as president and chief executive officer of the Daily Press Media Group to be the capstone of his four-decade career in journalism, retired on March 2, 2016; and

WHEREAS, as head of the Daily Press Media Group since 2007, Digby Solomon was responsible for three highly regarded news operations in the Commonwealth: the *Daily Press* of Newport News, the *Virginia Gazette* in Williamsburg, and the *Tidewater Review* in West Point; and

WHEREAS, Digby Solomon's long career in journalism includes reporting jobs with the *News-Virginian* in Waynesboro, the *Daily Press*, and the *Chicago Tribune*; he also worked for a television station in Charlottesville and owned a radio station; and

WHEREAS, as a foreign correspondent for United Press International, Digby Solomon covered events in the Caribbean and South America, including revolutions in El Salvador and Grenada and the Falkland Islands war; and

WHEREAS, Digby Solomon, who had also served as business editor of the *Daily Press* and was in charge of digital operations for the company, was proudest of being its publisher, as his work directly affected his community, neighbors, and friends; he proudly heralded the accomplishments of local heroes, whose work to better the community often is never publicized; and

WHEREAS, under Digby Solomon's guidance, the *Daily Press* won numerous awards and accolades, including the Virginia Press Association's First Amendment Award; it also fought for Virginians' right to see public records and for transparency in government; now, therefore, be it

RESOLVED by the House of Delegates, That Digby A. Solomon, president and chief executive officer of the Daily Press Media Group, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Digby A. Solomon as an expression of the House of Delegates' respect and admiration for his dedication to journalistic excellence and his outstanding work on behalf of the people of Newport News and the Commonwealth.

HOUSE RESOLUTION NO. 218

Commending Burgundy Farm Country Day School.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, for 70 years, Burgundy Farm Country Day School in the Alexandria area of Fairfax County has nurtured a love of learning in countless young students, presenting innovative curricula in a positive, supportive environment; and

WHEREAS, founded by a group of parents seeking a small, cooperatively owned school for their children, Burgundy Farm Country Day School was established on a former dairy farm and held its first classes in 1946, with parents serving as many of the original staff members; and

WHEREAS, in 2016, Burgundy Farm Country Day School provides a unique educational experience to students in pre-kindergarten through eighth grade, and parent and family participation remains a vital component of the school's philosophy; and

WHEREAS, the faculty and staff of Burgundy Farm Country Day School work to ensure that children are engaged, challenged, and supported, recognizing that students are individuals who learn and grow at their own pace; and

WHEREAS, situated closely to forests, ponds, and streams, Burgundy Farm Country Day School uses the natural world as a classroom; students have the opportunity to participate in hands-on science projects in the great outdoors or visit the 500-acre Burgundy Center for Wildlife Studies in West Virginia; and

WHEREAS, with students representing many different backgrounds, Burgundy Farm Country Day School celebrates cultural diversity and helps students achieve their fullest potential; now, therefore, be it

RESOLVED by the House of Delegates, That Burgundy Farm Country Day School hereby be commended on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Jeff Sindler, head of school of Burgundy Farm Country Day School, as an expression of the House of Delegates' admiration for the school's commitment to providing a challenging and engaging academic experience.

HOUSE RESOLUTION NO. 219

Commending the City of Fairfax Independence Day Parade.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, for 50 years, the City of Fairfax Independence Day Parade, a beloved community tradition and one of the largest Fourth of July parades in the Commonwealth, has provided local residents and visitors with the opportunity to celebrate the nation's heritage and show their patriotism; and

WHEREAS, the City of Fairfax Independence Day Parade was established in 1967 by the Delta Alpha Chapter of Beta Sigma Phi Sorority and American Legion Post 177, which had been hosting Fourth of July fireworks displays in the area since 1951; and

WHEREAS, the first City of Fairfax Independence Day Parade was held in the evening and followed a route from American Legion Post 177 to the original Fairfax High School; the parade relocated to downtown Fairfax in 1974 and now begins at 10:00 a.m., with spectators lining up as early as 7:00 a.m. on July 3; and

WHEREAS, the City of Fairfax Independence Day Parade has grown to include more than 200 entries from the Fairfax community and beyond, including student marching bands from all over the country; the parade has also featured flyovers and a hot air balloon race; and

WHEREAS, over the years, decorated veterans, professional athletes, business leaders, and other well-known citizens and community leaders have served as grand marshal of the City of Fairfax Independence Day Parade; with the exception of one year, Warren Carmichael has consistently served as master of ceremonies for the parade; now, therefore, be it

RESOLVED by the House of Delegates, That the City of Fairfax Independence Day Parade hereby be commended on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the City of Fairfax Independence Day Celebration Committee as an expression of the House of Delegates' admiration for this longstanding local tradition.

HOUSE RESOLUTION NO. 220

Celebrating the life of Walter Willson Craigie, Jr.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Walter Willson Craigie, Jr., of Richmond, former State Treasurer and Secretary of Finance for the Commonwealth of Virginia, who was a leader in the investment banking and securities industries, proud veteran of the

United States military, and an outstanding community leader, philanthropist, and devoted husband and father, died on March 3, 2016; and

WHEREAS, Walter Craigie graduated from Woodberry Forest School and earned a bachelor's degree from Princeton University; after serving the nation as a member of the United States Marine Corps during the Korean conflict, he returned to school and earned a master's degree from Harvard University; and

WHEREAS, a respected businessman who was trusted for his insight and acumen, Walter Craigie worked for the municipal investment firm of F. W. Craigie & Company; and

WHEREAS, Walter Craigie served the people of Virginia as State Treasurer and was also Secretary of Finance for the Commonwealth, responsible for all financial transactions of the state; he provided advice and counsel for the prudent investment of state funds and efficient management of financing needs; and

WHEREAS, Walter Craigie's guidance was sought by top state officials for many years; he served for more than 40 years as an advisor on state government finances and budgets under 10 governors; he also was a member of the Virginia Debt Capacity Advisory Committee and the board of the Washington Airports Task Force; and

WHEREAS, after leaving public service, Walter Craigie worked for Wheat First Securities and later for Morgan Keegan & Company; he was a generous community supporter and benefactor to many organizations, including Woodberry Forest School, Randolph-Macon College, St. John's Church Foundation, MCV Foundation, and the Montpelier Foundation; and

WHEREAS, Walter Craigie will be greatly missed and fondly remembered by Berenice "Beese" Craigie, his wife of nearly 59 years; his children, Anne and Frances, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Walter Willson Craigie, Jr., of Richmond, an esteemed Virginian who admirably served the Commonwealth as State Treasurer and Secretary of Finance and who was an outstanding community leader and benefactor and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Walter Willson Craigie, Jr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 221

Nominating persons to be elected to circuit court judgeships.

Agreed to by the House of Delegates, March 9, 2016

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable S. Anderson Nelson, of Mecklenburg, as a judge of the Tenth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable R. Michael McKenney, of Northumberland, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable Ricardo Rigual, of Fredericksburg, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable Thomas P. Mann, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable J. Christopher Clemens, of Salem, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable Anita D. Filson, of Rockbridge, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing July 1, 2016.

HOUSE RESOLUTION NO. 222

Nominating persons to be elected to general district court judgeships.

Agreed to by the House of Delegates, March 9, 2016

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

David B. Caddell, Jr., of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2016.

John S. Martin, of Lancaster, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2016.

Richard T. McGrath, of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2016.

Claiborne H. Stokes, Jr., of Goochland, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2016.

Michael H. Cantrell, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2016.

Marcus Brinks, of Patrick, as a judge of the Twenty-first Judicial District for a term of six years commencing July 1, 2016.

Thomas W. Roe, Jr., of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2016.

Randy C. Krantz, of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2016.

Petula C. Metzler, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2016.

HOUSE RESOLUTION NO. 223

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the House of Delegates, March 9, 2016

RESOLVED by the House of Delegates, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

James E. Wiser, of Suffolk, as a judge of the Fifth Judicial District for a term of six years commencing July 1, 2016.

Nora J. Miller, of Mecklenburg, as a judge of the Tenth Judicial District for a term of six years commencing July 1, 2016.

Mary E. Langer, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing August 1, 2016.

William L. Lewis, of Tappahannock, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2016.

Todd G. Petit, of Arlington, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2016.

Correy R. Smith, of Augusta, as a judge of the Twenty-fifth Judicial District for a term of six years commencing July 1, 2016.

Laura Faye Robinson, of Dickenson, as a judge of the Twenty-ninth Judicial District for a term of six years commencing July 1, 2016.

HOUSE RESOLUTION NO. 224

Nominating a person to be elected a member of the Judicial Inquiry and Review Commission.

Agreed to by the House of Delegates, March 9, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected a member of the Judicial Inquiry and Review Commission as follows:

James E. Plowman, of Loudoun, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2016.

HOUSE RESOLUTION NO. 225

Celebrating the life of Charles Edward Camper.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Charles Edward Camper of Fairfax, owner of Camper's Trophies and Awards, a proud veteran of the United States military, active volunteer and community leader, and a devoted husband and father, died on February 22, 2016; and

WHEREAS, Charles Edward "Eddie" Camper served his country as a member of the United States Marine Corps and later worked as a construction superintendent; after suffering a life-threatening work-related injury, he and his son opened Camper's Trophies and Awards in 1968; and

WHEREAS, the trophy business started small, but with persistence, hard work, and a belief in giving back to the community, Eddie Camper guided Camper's Trophies and Awards as it grew and prospered; in 2015, it was honored as Small Business of the Year by the City of Fairfax; and

WHEREAS, Eddie Camper's good works in Fairfax are legendary; he focused on treating everyone fairly and giving back to the community; he made the city a better place through his involvement and contributions to numerous civic organizations, including the Veterans of Foreign Wars, an area senior center, and the Fairfax Little League, where he was a longtime coach and role model; and

WHEREAS, in addition to his volunteer work in Fairfax, Eddie Camper was also very involved in the Urbanna community, where he had a second home; regardless of where he was, Eddie Camper always willingly lent a hand; and

WHEREAS, Eddie Camper, who was predeceased by one son, Charles Edward Camper II, will be greatly missed and fondly remembered by Mary, his wife of 57 years; children, Mark and Cheryl, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Charles Edward Camper of Fairfax, an outstanding role model, small business person, and tireless volunteer, who contributed to the betterment of his community in many ways; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Edward Camper as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 226

Celebrating the life of Sergeant John R. Riddle, USA.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Sergeant John R. Riddle, USA, a patriotic resident of Lee County and a courageous soldier, was killed in action in Vietnam on May 30, 1966; and

WHEREAS, John R. "Swanson" Riddle lived in Dryden and attended Dryden High School; he was proud to serve his country as a member of the United States Army; and

WHEREAS, Sergeant Riddle served with Headquarters and Headquarters Company of the 14th Infantry Regiment, 25th Infantry Division; and

WHEREAS, after Sergeant Riddle made the ultimate sacrifice on May 30, 1966, he was brought home and laid to rest in Dryden; and

WHEREAS, Sergeant Riddle's service and sacrifice is a reminder of the dangers faced by American men and women in uniform around the world, whose dedication to duty and country places them in harm's way; and

WHEREAS, Sergeant Riddle has been fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Sergeant John R. Riddle, USA, a courageous and patriotic Virginian; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Sergeant John R. Riddle, USA, as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 227

Commending Abbitt Realty.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Abbitt Realty, a respected independent, family-owned real estate and property management firm and a local institution in Newport News, celebrates 70 years of service to the community in 2016; and

WHEREAS, founded in Newport News by Monk Abbitt and his son, Richard Abbitt, in 1946 as an insurance company, Abbitt Realty soon expanded into real estate sales and property management; the company became known as a convenient "one-stop shop" where members of the growing community could purchase both a home and an insurance plan; and

WHEREAS, Richard Abbitt expanded the business into Georgia and North Carolina, and today, Abbitt Realty serves communities in the Commonwealth and several other states from offices in Newport News, Hampton, and Gloucester, using cutting-edge technology to monitor faraway properties in real time; and

WHEREAS, in addition to helping families achieve their dreams of home ownership, Abbitt Realty offers property management services through Abbitt Management, including options for single-family and multi-family homes, full-service oversight for commercial clients, and daily operations for homeowners' associations; and

WHEREAS, under current president, Charles W. Wornom and chair of the board, Carolyn Abbitt, Abbitt Realty remains focused on the core values of strong client relationships, honesty, integrity, and care for the community; and

WHEREAS, Stephen Abbitt, who serves as managing broker, and Matt Abbitt, senior property manager, have ably carried on their family's legacy of excellence in service to the community; Abbitt Realty owes its success to its dedicated staff and loyal sales force of more than 100 Realtors, many of whom are second or third-generation employees of the company; now, therefore, be it

RESOLVED by the House of Delegates, That Abbitt Realty hereby be commended on the occasion of its 70th anniversary for its commitment to strengthening the community by creating and maintaining quality housing options; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Charles W. Wornom, president of Abbitt Realty, as an expression of the House of Delegates' admiration for the company's legacy of service to the Hampton Roads community.

HOUSE RESOLUTION NO. 228

Commending Lonnie Blow, Jr.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, after leading the Virginia State University men's basketball team to a conference victory in 2016, Lonnie Blow, Jr., became the only men's basketball coach in the history of the Central Intercollegiate Athletic Association to win championships as coach of two different member institutions; and

WHEREAS, a native of Philadelphia, Lonnie Blow grew up in Chesapeake and attended Frederick Military Academy; he graduated from Virginia Wesleyan University, where he was a standout member of the basketball team and still holds the school record for points in a single season; and

WHEREAS, Lonnie Blow began his coaching career at the high school level with the Maury High School boys' basketball team; he later led the Granby High School boys' basketball team to a state title; and

WHEREAS, Lonnie Blow served as an assistant coach at Hampton University, Norfolk State University, and Old Dominion University, before becoming head coach of the men's basketball team at Saint Augustine's University in North Carolina; and

WHEREAS, at Saint Augustine's University, Lonnie Blow led the team to a two-year 46-15 record, including a 27-5 record and a Central Intercollegiate Athletic Association (CIAA) conference tournament championship in 2009-2010; and

WHEREAS, Lonnie Blow joined Virginia State University in 2013 and led the men's basketball team to his second CIAA conference tournament championship and 100th career win during the 2015-2016 season; known for good defense and discipline, Lonnie Blow's teams consistently rank highly in field goal defense and rebounding; and

WHEREAS, as both a player and a coach, Lonnie Blow has earned countless accolades throughout the course of his basketball career, including his 2009 induction into the Virginia Wesleyan College Athletic Hall of Fame; now, therefore, be it

RESOLVED by the House of Delegates, That Lonnie Blow, Jr., hereby be commended on becoming the only coach in Central Intercollegiate Athletic Association history to win championships with two different member institutions; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Lonnie Blow, Jr., as an expression of the House of Delegates' admiration for his exceptional achievements as a coach and mentor to young men in the Commonwealth.

HOUSE RESOLUTION NO. 229

Commending Gregory Hood.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Gregory Hood, who has extensive experience in the Fairfax County Public School System, became principal of James Madison High School on November 16, 2015; and

WHEREAS, most recently, Gregory "Greg" Hood was principal of Thoreau Middle School; his transition to the top position at James Madison High School was made easier because more than two-thirds of its students previously attended Thoreau Middle School; and

WHEREAS, Greg Hood earned a bachelor's degree from the University of Baltimore, a master's degree from Johns Hopkins University, and certification in administration and supervision from George Mason University; and

WHEREAS, Greg Hood's professional journey to the position of principal at James Madison High School was a roundabout one; he was the first member of his family to attend college and worked as an accountant for several years before returning to school to pursue a career in education, then in 1996 he began working for Fairfax County Public Schools as a middle-school teacher and counselor; and

WHEREAS, Greg Hood also served as a test-administration specialist, instructional employment specialist, student-services director, assistant principal, and coordinator for student counseling and college success before becoming principal at Thoreau Middle School; and

WHEREAS, at James Madison High School, Greg Hood is happy to see his former middle-school students in the halls and classrooms and on the athletic fields; they have grown and, like most of their fellow students, are immersed in academics and activities as they work toward a diploma and prepare for the next stage of their lives; and

WHEREAS, as he settles into his new role as principal of James Madison High School, Greg Hood plans to focus on rigor, relevance, and relationships; he also wants to continue to establish in his students a mindset that will prepare them for the road ahead; now, therefore, be it

RESOLVED by the House of Delegates, That Gregory Hood hereby be commended for being named principal of James Madison High School in Vienna; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Gregory Hood as an expression of the House of Delegates' respect and admiration for his commitment to education and his dedication to the students and staff of James Madison High School.

HOUSE RESOLUTION NO. 230

Commending Mark A. Merrell.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Mark A. Merrell, who admirably served as principal of James Madison High School for 14 years and worked for the Fairfax County Public School system for more than three decades, retired on July 31, 2015; and

WHEREAS, except for two years, Mark Merrell spent his entire 31-year career with Fairfax County Public Schools at James Madison High School; he is thankful to have worked with dedicated and talented colleagues who shared his dedication to the school and its students; and

WHEREAS, during his tenure at James Madison High School in Vienna, Mark Merrell forged strong relationships with hundreds of students and many families to whom he was sad to bid farewell; at the time of his departure, he had worked at James Madison High School for more than half his life; and

WHEREAS, throughout his time with Fairfax County Public Schools, Mark Merrell strove to do what was in the students' best interests, working closely with the young men and women in his charge, fellow staff members, and the community; and

WHEREAS, as principal of James Madison High School, Mark Merrell touched countless lives, and he realized early on that the school community is a special place, one that he will greatly miss in retirement; and

WHEREAS, Mark Merrell, who considered it an honor and a privilege to serve the James Madison High School community, plans to remain in Northern Virginia and hopes to work part time in the education field; now, therefore, be it

RESOLVED by the House of Delegates, That Mark A. Merrell, principal of James Madison High School in Fairfax County for 14 years, hereby be commended for his many years of outstanding service; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mark A. Merrell as an expression of the House of Delegates' respect and admiration for his tireless dedication to the young people of Fairfax County and best wishes in retirement.

HOUSE RESOLUTION NO. 231

Commending the Oakton High School girls' basketball team.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Oakton High School girls' basketball team continued to demonstrate athletic excellence by winning the 2015-2016 Virginia High School League Group 6A North region title for the second year in a row and advancing to the state tournament; and

WHEREAS, the Oakton High School Cougars defeated a talented team from Fairfax High School 46-36 to claim the Group 6A North region championship at the tournament, which was held on February 27, 2016, at Robinson Secondary School; and

WHEREAS, the team from Oakton High School in Fairfax County led 20-11 at halftime, yet went scoreless for the entire third quarter and was behind when the fourth quarter began; and

WHEREAS, a pep talk from head coach Fred Priester and the athletes' determination to win spurred the Cougars to outscore their opponent 26-13 in the fourth quarter to win the North region championship by 10 points; and

WHEREAS, Maddie Royle led all scorers with 20 points and was named the tournament's most valuable player; other high-scoring Oakton High School players were Delaney Connolly, who made 12 points, and Kailyn Fee, with 10 points; and

WHEREAS, the Oakton High School girls' basketball team advanced to the Virginia High School League state tournament and finished the season with a 29-1 record; throughout the season, the team was greatly supported by the coaching staff and their families, friends, and the school community; now, therefore, be it

RESOLVED by the House of Delegates, That the Oakton High School girls' basketball team hereby be commended for winning the 2015-2016 Virginia High School League Group 6A North region title for the second year in a row and advancing to the semi-finals of the state tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Fred Priester, head coach of the Oakton High School girls' basketball team, as an expression of the House of Delegates' congratulations and admiration for the team's outstanding performance and championship season.

HOUSE RESOLUTION NO. 232

Commending Corey Thornblad.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Corey Thornblad, an innovative and dedicated social studies teacher at Kilmer Middle School, was named the Fairfax County Public Schools 2016 Outstanding Teacher; and

WHEREAS, Corey Thornblad, who teaches honors history, was recognized for fostering a love of history in her students, tirelessly working on behalf of the special education population and general education students, and developing innovative ways to make writing and thesis work engaging and accessible for students; and

WHEREAS, focusing on the individual needs of students, encouraging their talents, and fostering self-esteem are central to Corey Thornblad's teaching style; no putdowns are allowed in her classroom, creating a safe and caring environment where all students feel accepted; and

WHEREAS, helping students succeed is one of Corey Thornblad's goals; the young people in her classes often are immersed in the past; they reenact historical events in the classroom as a way to make distant events come alive and create a desire to learn more about what they have just studied; and

WHEREAS, in trying to develop her students' cognitive skills and foster the ability to think and write like historians, Corey Thornblad helped develop the ThesisAlive! Workshop; students learn how to use source material and construct a thesis, and the popular program was the genesis for the Bubble Up Classroom website that promotes critical thinking and writing in social studies classes; and

WHEREAS, additionally, Corey Thornblad has been an informal instructional and technology leader, encouraging her colleagues to use technology and developing other professional learning opportunities; she has served on a countywide cohort that fosters the use of technology in social studies classrooms; and

WHEREAS, Corey Thornblad, who earned a bachelor's degree from the University of the South and a master's degree from The George Washington University, has worked for the Fairfax County Public Schools since 2004; now, therefore, be it

RESOLVED by the House of Delegates, That Corey Thornblad, a social studies teacher at Kilmer Middle School, hereby be commended for being honored as the Fairfax County Public Schools 2016 Outstanding Teacher; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Corey Thornblad as an expression of the House of Delegates' respect and congratulations for her exceptional work and innovative efforts to instill a love of history and learning in her students.

HOUSE RESOLUTION NO. 233

Commending the Vienna Jammers.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Vienna Jammers received the 2015 Emerging Arts Award from the Arts Council of Fairfax County for their exceptional service to local youth and the community; and

WHEREAS, the Vienna Jammers were selected for the prestigious award by the Arts Council of Fairfax County and community representatives; they were honored on October 30, 2015, before more than 400 guests at the 2015 Arts Awards luncheon; and

WHEREAS, the Vienna Jammers have grown from a small, afterschool music program to a professional percussion, music education, and performance organization for children aged eight to 16; and

WHEREAS, in 2012, the Vienna Jammers were incorporated as a nonprofit arts organization, which now comprises more than 90 members in four percussion ensembles: Jammers Red, Jammers Black, Jammers Lite, and Jammers Steel; and

WHEREAS, the Vienna Jammers have brought joy to countless music enthusiasts, performing with their signature red Brute trash cans throughout Fairfax County, and they have completed generous outreach projects, including educational programs and youth camps; now, therefore, be it

RESOLVED by the House of Delegates, That the Vienna Jammers hereby be commended on receiving the Emerging Arts Award from the Arts Council of Fairfax County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Vienna Jammers as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 234

Commending the Women's Center.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Women's Center, a nonprofit organization that helps people in the Washington, D.C., metropolitan area lead happier, more productive lives through mental health counseling, support services, and education, celebrates the 30th anniversary of its Annual Leadership Conference in 2016; and

WHEREAS, for more than 40 years, the Women's Center has worked to improve the psychological, career, financial, and legal well-being of individuals and families, regardless of age, gender, ethnicity, or ability to pay; and

WHEREAS, the Women's Center functions as a teaching institution for mental health professionals and provides one of the most prestigious and competitive training programs in the region; the center is also uniquely suited to assist victims of domestic violence and sexual assault; and

WHEREAS, the Women's Center's Annual Leadership Conference is one of the premier leadership conferences in the Washington, D.C., metropolitan area and gives participants and attendees the opportunity to achieve leadership development, marketing, and corporate responsibility goals; and

WHEREAS, the Women's Center's Annual Leadership Conference features speakers and panels on a wide variety of issues, ranging from effective communication to life balance, as well as concurrent sessions on unique topics and networking opportunities; and

WHEREAS, the Women's Center hosts its 2016 Annual Leadership Conference on April 9, 2016, at the McLean Hilton in Tysons Corner; now, therefore, be it

RESOLVED by the House of Delegates, That the Women's Center hereby be commended on the occasion of the 30th anniversary of its Annual Leadership Conference; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Women's Center as an expression of the House of Delegates' admiration for its work to increase the quality of life of all Northern Virginia residents.

HOUSE RESOLUTION NO. 235

Commending Landon R. Worsham.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Landon R. Worsham, an outstanding member of the Chatham community, has made many positive contributions to the area and Chatham Presbyterian Church for more than 60 years; and

WHEREAS, a longtime first responder, Landon Worsham served with the Chatham Ambulance Service and was a charter member of its successor organization, the Chatham Rescue Squad; and

WHEREAS, Landon Worsham was also the longtime Chief of the Chatham Volunteer Fire Department, a position he held for more than 50 years; he willingly contributed his time and talents to safeguarding the community, and considered it a privilege to do so; and

WHEREAS, in addition to serving the people of Chatham as a member of the rescue squad and volunteer fire department, Landon Worsham made many valuable contributions to the surrounding area as a member and vice president of the Pittsylvania County Fire-Rescue Association; and

WHEREAS, Landon Worsham is a proud veteran of World War II and served in the United States Army Air Force; he was wounded in New Guinea and was awarded a Purple Heart; and

WHEREAS, a man of faith, Landon Worsham is a member of Chatham Presbyterian Church, where he has held several leadership positions; as a deacon, elder, and treasurer, he provided thoughtful advice and guidance; and

WHEREAS, Landon Worsham is a long-serving Sunday school superintendent at Chatham Presbyterian Church and has overseen the Christian education program for more than 50 years; and

WHEREAS, a small-business owner, Landon Worsham has been an active member of the Chatham Lions Club and the Chatham Jaycees, who honored him with their Spark Plug award in 1959; additionally, he received the Citizenship Award from the Chatham Chamber of Commerce in 1977; and

WHEREAS, in 2013, Landon Worsham was feted by the community for his service to the Chatham area, including his six decades as a member of the Chatham Volunteer Fire Department; he also received a national Daily Points of Light Award in 2013; now, therefore, be it

RESOLVED by the House of Delegates, That Landon R. Worsham hereby be commended for his commitment and dedication to the community and Chatham Presbyterian Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Landon R. Worsham as an expression of the House of Delegates' respect and admiration for his inspiring leadership and tireless service.

HOUSE RESOLUTION NO. 236

Commending Mildred Jane Worsham.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Mildred Jane Worsham has been a valued member of Chatham Presbyterian Church for more than 70 years and has been active in many church ministries, making a positive difference in the life of the church and the people who worship there; and

WHEREAS, Mildred Jane Worsham has been honored by Chatham Presbyterian Church for her many years of service as organist, a position she first accepted in 1945; she provided uplifting music, hymns, and other religious melodies during worship services; and

WHEREAS, music remains a central focus of Mildred Jane Worsham's contributions to Chatham Presbyterian Church; she is the longtime choir director at the church and still serves in that capacity, leading choir members and the congregation in song and enriching the worship experience for all; and

WHEREAS, in the 1980s, as women assumed leadership roles in the Presbyterian church, Mildred Jane Worsham became one of Chatham Presbyterian Church's first female elders, offering a new outlook on the issues that came before the church leaders; and

WHEREAS, Mildred Jane Worsham also was one of the first women at Chatham Presbyterian Church to serve on the church session, and she was named clerk of session from 1995 to 2015; and

WHEREAS, generations of young people at Chatham Presbyterian Church learned about their religion and its message from Mildred Jane Worsham; she was a Sunday school teacher for many years and only recently stepped down from that position; and

WHEREAS, throughout her marriage, Mildred Jane Worsham has greatly supported her husband, Landon, in his many volunteer and church activities, especially during his years as Chief of the Chatham Volunteer Fire Department; now, therefore, be it

RESOLVED by the House of Delegates, That Mildred Jane Worsham hereby be commended for her devotion and many contributions to Chatham Presbyterian Church; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Mildred Jane Worsham as an expression of the House of Delegates' respect and admiration for her tireless service to Chatham Presbyterian Church.

HOUSE RESOLUTION NO. 237

Commending First Baptist Church of Coolwell.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, on January 1, 1863, the Emancipation Proclamation was issued as an Executive Order by President Abraham Lincoln; and

WHEREAS, the Emancipation Proclamation proclaimed the freedom of slaves in 10 states and applied to three to four million enslaved persons in the southern states; and

WHEREAS, prior to the Emancipation Proclamation, in accordance with the Fugitive Slave Act of 1850, escaped slaves were either returned to their masters or held as contraband to be later returned; and

WHEREAS, the Emancipation Proclamation applied only to slaves in Confederate-held lands and did not apply to those in the four slave states that were not in rebellion (Kentucky, Maryland, Delaware, and Missouri, which were unnamed), nor to Tennessee and lower Louisiana, and it specifically excluded those counties of Virginia soon to form the state of West Virginia; and

WHEREAS, the Emancipation Proclamation specifically excluded (by name) some regions already controlled by the Union Army, and emancipation in those places would come after separate state actions or the December 1865 ratification of the 13th Amendment, which made slavery and indentured servitude, except for those duly convicted of a crime, illegal everywhere subject to the jurisdiction of the United States; and

WHEREAS, following the Emancipation Proclamation, many free blacks and formerly enslaved blacks moved to and settled in Coolwell; and

WHEREAS, First Baptist Church of Coolwell was one of the first black churches founded independently of a white congregation; organized in 1861 by the Reverend Turner, the church has served the Coolwell community, which was originally named for a nearby location with a well that contained cool water, for 155 years; and

WHEREAS, Sweet Briar College, which maintains a close association with First Baptist Church of Coolwell, was founded in 1901 as the legacy of Indiana Fletcher Williams, who left her entire estate to establish an institution in the memory of her only daughter, Daisy; and

WHEREAS, Sweet Briar originally served as a plantation, and its owner, Elijah Fletcher, was one of the 10 largest slave owners in Amherst County; 67 slaves were listed by name in his will and divided among his three children upon his death in 1858; and

WHEREAS, after emancipation, several of those 67 individuals continued to work at the farms as laborers and tenant farmers; their labor provided the income for and contributed to the success of the newly-founded Sweet Briar College; and

WHEREAS, Martha Penn, a former slave in Lynchburg who was bought by Elijah Fletcher, moved to Coolwell after emancipation; and

WHEREAS, many families, among them the Jones, Johnson, Hutcherson, Scott, Warricks, and Jordan families, either worked or lived in Coolwell and were members of First Baptist Church of Coolwell; and

WHEREAS, many free blacks buried at First Baptist Church of Coolwell Cemetery once worked at Sweet Briar during both the plantation days and after it became a college; and

WHEREAS, oral histories reveal that many men and women who worked at Sweet Briar lived in Coolwell and walked several miles on foot to reach work; and

WHEREAS, Signora Hollins, who is buried with her family in the cemetery, recalled playing during her childhood with Daisy, the only daughter of Indiana Fletcher and Henry Williams, a human example of the historic bond between First Baptist Church of Coolwell and Sweet Briar College; now, therefore, be it

RESOLVED by the House of Delegates, That First Baptist Church of Coolwell hereby be commended for its legacy of spiritual leadership and service to African Americans in the region and the entire Coolwell community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to First Baptist Church of Coolwell as an expression of the House of Delegates' admiration for the church's contributions to Coolwell, Amherst County, and the Commonwealth.

HOUSE RESOLUTION NO. 238

Celebrating the life of Viola Lorena Litz Addison.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Viola Lorena Litz Addison of Emory, the well-loved operator of Addison's store, who also was a gardener, homemaker, avid reader, and devoted wife and mother, died on July 8, 2015; and

WHEREAS, Viola Addison was a native of Rural Retreat; she worked in a shirt factory before moving to Washington, D.C., during World War II, where she worked for the War Department; and

WHEREAS, after the war, Viola Addison married Ben Thomas Addison and embarked on a 46-year career operating Addison's store in Emory; she was admired and respected by all those who knew her, including customers from the surrounding area, and she was one of the first people to receive an Emory & Henry College Community Day Award; and

WHEREAS, Viola Addison, who retired in 1992, was a quiet person with a wonderful sense of humor; she liked to garden and keep house and, as an avid reader, had read thousands of novels in her lifetime; and

WHEREAS, in recent years, Viola Addison derived great pleasure from Sunday drives with her daughter and son, exploring the beauty and natural wonders found in the five-state area; and

WHEREAS, Viola Addison was affectionately known as "Granny" to her friends and family; she was predeceased by her husband, Ben, and will be greatly missed and fondly remembered by her children, Linda and Ben, Jr., and their families, and many other family members, friends, and former customers; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Viola Lorena Litz Addison of Emory, the well-loved and respected operator of Addison's store, who was a friend to many, avid reader, gardener, homemaker, and devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Viola Lorena Litz Addison as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 239

Celebrating the life of Georgia Massengill Warren.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Georgia Massengill Warren, a woman of faith and a devoted wife and mother who participated in the 1927 Bristol Sessions that are a renowned part of the nation's country music heritage and was its last remaining survivor, died on March 6, 2016, at the age of 100; and

WHEREAS, Georgia Warren was born in 1915 on a farm in Bluff City, Tennessee, and loved music and singing; in 1927, at age 11, she and her parents traveled to Bristol, where she sang with the Tennessee Mountaineers at what became known as the 1927 Bristol Sessions; and

WHEREAS, at the Sessions, Georgia Warren, together with a group of community residents and church members, recorded two songs which can still be heard today; the 1927 Bristol Sessions, which included performances from many Appalachian musicians, were the precursor of today's commercial country music industry; and

WHEREAS, during her lifetime, Georgia Warren loved farming and gardening; she was a talented gardener and tended her flower and garden beds until she was 97; she lived in California for a time, and was a substitute teacher; and

WHEREAS, a woman of great faith, Georgia Warren was a charter member of First Christian Church of Bluff City, where she enjoyed fellowship and worship; and

WHEREAS, Georgia Warren was predeceased by Paul, her husband of 49 years, and a daughter, Edith; she will be greatly missed and fondly remembered by her daughter, Nancy, and her family; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Georgia Massengill Warren of Bluff City, Tennessee, a devoted wife and mother who loved to farm and garden and who as a young girl recorded some of the earliest songs of the country music genre at the 1927 Bristol Sessions and was its last remaining survivor; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Georgia Massengill Warren as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 240

Celebrating the life of Charles Lee Burwell.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Charles Lee Burwell of Clarke County, an international businessman, distinguished veteran, and preservationist, died on February 26, 2016; and

WHEREAS, a native of Millwood, Charles Burwell earned a bachelor's degree from Harvard College and a master's degree from Fairfield University; and

WHEREAS, at the outset of World War II, while he was pursuing graduate studies at the University of Paris, Charles Burwell joined the Comité Americain de Secours Civil and drove an ambulance near the Maginot Line; and

WHEREAS, Charles Burwell worked in Shanghai and Haiphong until the Japanese occupation of the region in 1940; he returned home and joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Navy; and

WHEREAS, as a naval intelligence officer, Charles Burwell helped plan the amphibious landing at Normandy, France, on D-Day, as well as landings in southern France and the Philippines and on the island of Okinawa; he retired from military service as a lieutenant commander in the Naval Reserve in 1946; and

WHEREAS, after the war, Charles Burwell served as founding president of Burwell, Allen & Company, Inc., in Shanghai, then cofounded Thaibok Fabrics, Ltd., to import fine silks to the United States; the company's silks were used in the 1956 film *The King and I*, which won an Oscar for costume design; and

WHEREAS, in the 1950s, Charles Burwell arranged for the distribution of Thai silks from New York City to showrooms throughout the country; he also worked as a local government official, a police commissioner, and a high school teacher in Connecticut; and

WHEREAS, seeking to preserve the rural charms of his native Clarke County, Charles Burwell formed the Burwell-van Lennep Foundation, a 1,000-acre charitable land trust near the Shenandoah River, and in 1978 he and his wife, Natalie, retired to Clarke County; and

WHEREAS, Charles Burwell made many valuable contributions to the Clarke County community as a cofounder of the Clarke County Library and a board member of the Clarke County Historical Association and Lord Fairfax Community College; he was also a member of the Winchester Torch Club, Shenandoah University Community History Fellows, and the Unitarian Universalist Church of the Shenandoah Valley; and

WHEREAS, predeceased by his beloved wife, Natalie, Charles Burwell will be fondly remembered and greatly missed by his children, Carter and Belinda, and their families, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Charles Lee Burwell, an entrepreneur, veteran, and preservationist and a pillar of the Clarke County community; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Charles Lee Burwell as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 241

Commending Virginia Engine Company No. 9.

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, on July 1, 1950, the first professional African American firefighters hired by a city fire department in the Commonwealth were stationed at Virginia Engine Company No. 9 in Richmond; and

WHEREAS, the 10 African American firefighters were selected from a pool of 500 applicants and assigned to Virginia Engine Company No. 9, which was then at the intersection of Fifth Street and Duval Street; and

WHEREAS, the members of Virginia Engine Company No. 9, including the last living member, Bernard Lewis, built a lasting legacy of loyalty and dedication as they sought to safeguard the lives and property of Richmond residents; and

WHEREAS, Harvey S. Hicks, one of the 10 firefighters, became the first African American fire captain in Richmond in 1961; the City of Richmond fully integrated city fire departments after the death of Harvey Hicks and another firefighter, Douglas P. Evans, during a rescue in 1963; and

WHEREAS, the Virginia Engine Company No. 9 station was demolished in 1968, but the contributions of its trailblazing firefighters live on in the dedication to duty and care for the community demonstrated by public safety officers throughout Richmond and the Commonwealth; and

WHEREAS, Engine Company No. 9 and Associates, Inc., a community services organization in Richmond, was established to cultivate and promote fellowship, friendship, and mutual support between retired public safety officials and residents of the Richmond area; now, therefore, be it

RESOLVED by the House of Delegates, That Virginia Engine Company No. 9 hereby be commended on the occasion of the 65th anniversary of the hiring of the first African American firefighters by a city fire department in the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Engine Company No. 9 and Associates, Inc., as an expression of the General Assembly's admiration for Virginia Engine Company No. 9's significant contributions to the Civil Rights movement in Richmond.

HOUSE RESOLUTION NO. 242

Nominating a person to be elected as a justice of the Supreme Court of Virginia.

Agreed to by the House of Delegates, March 10, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected as a justice of the Supreme Court of Virginia as follows:

Stephen R. McCullough, of Spotsylvania, as a justice of the Supreme Court of Virginia for a term of twelve years commencing March 3, 2016.

HOUSE RESOLUTION NO. 243

Celebrating the life of James Edward Earp, Sr.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, James Edward Earp, Sr., a patriotic veteran who dedicated his life to serving and strengthening the Christiansburg community as a respected educator, principal, and coach, died on February 24, 2016; and

WHEREAS, a native of Mountain City, Tennessee, James Edward "Buddy" Earp, Sr., was a star football player at Virginia High School in Bristol and was recruited by Emory & Henry College; he helped lead the Emory & Henry College football team to the Tangerine Bowl as team captain; and

WHEREAS, during the Korean War, Buddy Earp enlisted in the United States Marine Corps, which allowed him to finish his senior year of college before attending officer training; and

WHEREAS, joining many of the other young men of his generation in service to the nation, Buddy Earp deployed to Korea as a second lieutenant assigned to an artillery unit and earned a Purple Heart when he was wounded in action; after the war, he joined the United States Marine Corps Forces Reserve and pursued a graduate degree from the University of Tennessee; and

WHEREAS, Buddy Earp joined the faculty of Christiansburg High School as a physical education, Spanish, and English teacher, and in 1954, he became head coach of the football team; he also established the school's track and field team, which won the state championship in only its third season; and

WHEREAS, Buddy Earp served as principal of Christiansburg High School from 1964 to 1970 and worked to provide a positive atmosphere for both teachers and students; he also served as principal of Marion Senior High School and Glenvar High School before his well-earned retirement in 1985; and

WHEREAS, Buddy Earp remained active in the community, including as a member of the local American Legion and Kiwanis Club, with which he helped establish youth athletics teams in the area; and

WHEREAS, predeceased by his wife, Jane, and one grandson, Michael, Buddy Earp will be fondly remembered and greatly missed by his children, Jim and Lisa, and their families, and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Edward Earp, Sr., an educator, principal, coach, and patriotic veteran in Christiansburg; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Edward Earp, Sr., as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 244

Celebrating the life of Julia Melton Thornton.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Julia Melton Thornton of Richmond, a respected educator and community activist who was involved in voter registration efforts, an active member of many professional and service organizations, and a devoted wife and mother, died on January 12, 2016; and

WHEREAS, Julia Thornton, who was born in Ashland and then moved to Richmond, attended Richmond Public Schools and graduated from Armstrong High School, where she met her husband; she earned a bachelor's degree from Virginia Union University and a master's degree from Case Western Reserve University; and

WHEREAS, education was the major focus of Julia Thornton's career; she taught elementary school in Ohio before returning to the Commonwealth, where she taught at John M. Gandy Elementary School in Ashland and later worked for more than 20 years as a reading teacher at the now-closed Webster Davis and Baker Elementary Schools in Richmond; and

WHEREAS, Julia Thornton then became a teacher in the School of Education at Virginia Union University; she prepared many students for teaching careers and also served as chair of the department from 1982 to 1989; and

WHEREAS, a longtime supporter of her husband's political advocacy work, Julia Thornton was passionate about voter education and registration, encouraging African Americans to become involved in the political process; and

WHEREAS, Julia Thornton was known for her spunk, determination, and ability to get things done; she was an active member of the Richmond chapter of The Links, Inc., Alpha Kappa Alpha Sorority, Pi Lambda Theta, an international honor society and professional association for educators, and her high school and college reunion and alumni associations; and

WHEREAS, Julia Thornton also enjoyed gardening, reading, spending time with her family, and collecting historical items; she was predeceased by her husband, William, and will be greatly missed and fondly remembered by her daughter, Laura, and her family; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Julia Melton Thornton of Richmond, a retired teacher, community activist and leader, and devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Julia Melton Thornton as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 245

Celebrating the life of William Roger Mutt Neece.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, William Roger Mutt Neece of Clintwood, a champion short-track race car driver, retired coal mine foreman, and a devoted husband and friend, died on March 30, 2015; and

WHEREAS, Roger Neece, who graduated from Ervinton High School, was a coal miner for 34 years; he took up automobile racing when he was in his 30s, and with determination and support from his wife and a small group of friends, became a top competitor at venues in Southwest Virginia; and

WHEREAS, despite being a relative latecomer to short-track racing, Roger Neece soon drew great respect from racing fans throughout the region for his talent, class, and courage; he won 204 races and 10 championships in an outstanding racing career; and

WHEREAS, Roger Neece relied on only two vehicles as he competed on short tracks; a black Camaro with the number 22 painted on it—affectionately referred to as "Blackie"—and a Nova; his wife, Nancy, and some friends helped him in the pits during races; and

WHEREAS, not one for a showy display of bravado, Roger Neece was admired for his humility and tenacity; after every victory, he simply thanked fans and supporters for coming to the race and gave credit to his competitors for a clean and fair contest; and

WHEREAS, Roger Neece competed at Lonesome Pine Raceway and Kingsport Speedway, and after returning from a race often worked on his vehicle into the night; despite the grueling pace, a love of short-track racing was all that mattered to Roger Neece, winning was secondary; and

WHEREAS, Roger Neece will be greatly missed and fondly remembered by his wife, Nancy, and many other family members, friends, and race fans from throughout the region; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of William Roger Mutt Neece of Clintwood, a retired coal mine foreman who was an outstanding short-track automobile racer with 204 victories and 10 championships and who was a devoted husband and friend; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of William Roger Mutt Neece as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 246

Celebrating the life of Kathleen Ellen Robinson Taylor.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Kathleen Ellen Robinson Taylor of Russell County, a proud veteran of the United States military, retired teacher who was dedicated to ensuring that future generations knew of the area's storied past, woman of great faith, and devoted wife and mother, died on July 27, 2015; and

WHEREAS, Kathleen Taylor spent her childhood on the family's farm in the Pine Creek area of Russell County; she attended Honaker High School and graduated from Lincoln Memorial University and Emory & Henry College; and

WHEREAS, during World War II, Kathleen Taylor was one of the thousands of young women of her generation who joined the United States Navy WAVES; after the war, she embarked on a 34-year career in education, and as a public school teacher dedicated herself to educating young people; and

WHEREAS, Kathleen Taylor was passionately interested in preserving the area's history; she contributed her time and talents to several large projects, including *The Heritage of Russell County, Virginia, Volumes I and II* and *A Tribute to World War II Veterans of Russell County, Virginia*, and her own book, *They Say*; and

WHEREAS, a woman of great faith, Kathleen Taylor enjoyed fellowship and worship at Honaker First United Methodist Church, where she was an active member and served on many committees; and

WHEREAS, Kathleen Taylor, who was predeceased by her husband, Aubrey, will be greatly missed and fondly remembered by her children, Harry and Teresa, and their families, and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Kathleen Ellen Robinson Taylor of Russell County, a proud veteran of the United States Navy, retired teacher, woman of great faith, passionate preserver of Russell County's storied past, and devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Kathleen Ellen Robinson Taylor as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 247

Celebrating the life of Omer Mason Bunn.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Omer Mason Bunn of Abingdon, formerly of Grundy, a coal operator in Virginia, West Virginia, and Kentucky who served the region and the Commonwealth in several capacities; proud veteran of the United States military; person of great faith; and a devoted husband and father, died on October 28, 2015; and

WHEREAS, Omer Bunn, who was born on Beech Fork in Lavalette, West Virginia, served in the United States Army during World War II as a surgical technician with the 621st Medical Clearing Company; he took part in the D-Day invasion and the Battle of the Bulge, receiving five battle stars; and

WHEREAS, after the war, Omer Bunn became a coal operator and, in the course of 55 years in business, had operations in Virginia, West Virginia, and Kentucky; he also served as the first president of Miners & Merchants Bank in Grundy, now known as TruPoint Bank; and

WHEREAS, Omer Bunn served the Commonwealth with distinction as a member of the board of the Virginia Port Authority for 14 years; he was inducted into the West Virginia Coal Miners Hall of Fame in 2005; and

WHEREAS, a man of faith, Omer Bunn enjoyed fellowship and worship at Grundy Baptist Church; he was preceded in death by his wife, Sadie, and he will be greatly missed and fondly remembered by his children, Edwin, James, and Brenda, and their families, and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Omer Mason Bunn of Abingdon, formerly of Grundy, a longtime coal operator, decorated veteran of the United States military, former member of the board of the Virginia Port Authority, bank president, man of faith, and devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Omer Mason Bunn as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 248

Commending James K. Spore.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, James K. Spore, who served with great effectiveness and distinction as city manager of Virginia Beach since 1991 and helped strengthen and improve the city in many ways, retired on January 1, 2016; and

WHEREAS, James "Jim" K. Spore's many accomplishments as city manager of Virginia Beach include infrastructure and transportation improvements, retail and municipal developments, and placing the city on a strong financial footing; and

WHEREAS, as city manager, Jim Spore led the Lake Gaston water supply project, which established a reliable supply of drinking water for Virginia Beach; the city built the Virginia Beach Convention Center and developed Town Center and Princess Anne Commons, enhancing the quality of life for the local community; and

WHEREAS, during Jim Spore's tenure, dozens of transportation projects in Virginia Beach have been completed, including the Lesner Bridge replacement; the City of Virginia Beach enjoys an AAA bond rating from the three leading financial rating agencies, and the area boasts top-quality libraries, parks, and recreation centers; and

WHEREAS, Jim Spore attributes Virginia Beach's great strides forward to an educated, engaged, and forward-looking citizenry, a city council that established a vision for Virginia Beach and set specific goals for the community, and the commitment and talents of a highly dedicated professional staff; and

WHEREAS, under Jim Spore's leadership, economic development increased and tourism became an even stronger contributor to the economy of Virginia Beach; the city also enjoys the lowest tax burden among the major cities in Hampton Roads; and

WHEREAS, Jim Spore received many awards and accolades during his career, including the 2010 International City Manager's Association Award for Career Excellence in Honor of Mark E. Keane from the International City/County Management Association; and

WHEREAS, Jim Spore, who earned a bachelor's and master's degree from the University of Illinois and a second master's degree from the University of Colorado, also fostered regional cooperation during his time as manager of the City of Virginia Beach and was a member of three regional planning and development agencies; and

WHEREAS, with a steady, low-key approach and a calm, deliberate, and incisive leadership style, Jim Spore helped to successfully harness the energy of a vibrant growing city, moving Virginia Beach forward in many areas; now, therefore, be it

RESOLVED by the House of Delegates, That James K. Spore, a successful and highly admired manager of Virginia Beach for 24 years, hereby be commended on the occasion of his retirement and for his many accomplishments; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to James K. Spore as an expression of the House of Delegates' appreciation and respect for his many years of service to the people of Virginia Beach.

HOUSE RESOLUTION NO. 249

Commending Bruce W. Edwards.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Bruce W. Edwards, who served as chief of the Department of Emergency Medical Services for the City of Virginia Beach for 32 years and whose outstanding abilities and leadership in first-response medical care benefited the people of Virginia Beach and the Commonwealth in countless ways, retired on March 1, 2016; and

WHEREAS, Bruce Edwards' 42-year career in emergency medical services in Virginia Beach began in 1967 when he joined the Ocean Park Volunteer Fire and Rescue Unit; he served in many positions, rising to the rank of assistant fire and rescue chief, and is still active as a volunteer; and

WHEREAS, in 1973, Bruce Edwards became executive director of the Emergency Coronary Care Program of Virginia Beach, Inc., a federally funded program that produced the first advanced life support technicians in the Commonwealth; and

WHEREAS, as coordinator of the Office of Emergency Medical Services for the City of Virginia Beach from 1975 to 1984, Bruce Edwards was responsible for pre-hospital emergency patient care and training programs; he then was promoted to chief of the Department of Emergency Medical Services (EMS) in 1984; and

WHEREAS, Bruce Edwards led an EMS department with more than 1,500 career and volunteer rescue and fire personnel; in addition to supervising all EMS operations in Virginia Beach, he regulated private ambulance services and oceanfront lifeguard operations; and

WHEREAS, the demand for EMS services has grown from around 8,000 calls for assistance annually when Bruce Edwards assumed command of the Virginia Beach EMS department in 1984 to approximately 44,000 calls for service annually today; and

WHEREAS, Bruce Edwards has served the Commonwealth with distinction; he received gubernatorial appointments to the State Emergency Medical Services Advisory Board in 2006 and the Virginia Board of Health in 2009 and has been chair of the Board of Health since 2011; and

WHEREAS, Bruce Edwards earned bachelor's and master's degrees from Old Dominion University; he served the nation as a member of the United States Navy Reserve, and he also is the longest-tenured CPR instructor, paramedic, and administrator in the Commonwealth; and

WHEREAS, numerous accolades have been given to Bruce Edwards, including the Governor's Award as the Outstanding EMS Administrator in the Commonwealth of Virginia in 1996 and the 2012 Virginia Beach Rescue Squad Foundation Virginia Gilpin Distinguished Service Award; and

WHEREAS, the Tidewater EMS Council named its Outstanding EMS Administrator Award in Bruce Edwards' honor; he was an active first responder throughout his career and is a life member of the Ocean Park Volunteer Fire and Rescue Unit and the Virginia Association of Volunteer Rescue Squads, Inc.; now, therefore, be it

RESOLVED by the House of Delegates, That Bruce W. Edwards, chief of the Department of Emergency Medical Services for the City of Virginia Beach for 32 years, hereby be commended on the occasion of his retirement and for his leadership of a department whose vital work affects countless lives; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Bruce W. Edwards as an expression of the House of Delegates' respect and admiration for his outstanding and distinguished contributions to the City of Virginia Beach and the Commonwealth.

HOUSE RESOLUTION NO. 250

Commending the High School League of the Peninsula Conference of Rugby Virginia.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, since 2009, the High School League of the Peninsula Conference of Rugby Virginia has been dedicated to the growth and development of the sport of rugby football in the Hampton Roads area; and

WHEREAS, the High School League of the Peninsula Conference of the state rugby organization promotes and encourages the sport of rugby football in Tidewater area high schools and promotes a playing atmosphere consistent with the values of the game; and

WHEREAS, since the founding of the Peninsula Conference High School League in 2009, rugby football clubs have been organized at several high schools, including Warwick High School, Menchville High School, Denbigh High School, Kecoughtan High School, Woodside High School, and Heritage High School; and

WHEREAS, the Hampton Roads area is home to rugby clubs that are not affiliated with a school; athletes can belong to the Hampton Heat Rugby Football Club, the Buckroe Rugby Football Club, or the Newport News Hurricanes Rugby Football Club, all of which are part of the competitive Peninsula Conference high school rugby organization; and

WHEREAS, Rugby Virginia was formed in 2008 and is the primary development program for youth and high school rugby in the Commonwealth; the mission of the sports organization is to teach rugby to young people; develop, promote, and regulate the game; and encourage teamwork, fitness, and participation; and

WHEREAS, teams from the Hampton Roads area have been strong competitors over the years; in 2010, the Menchville High School Rugby Football Club won Rugby Virginia's High School League state championship, and the Heritage High School Rugby Football Club was state runner up in 2011; now, therefore, be it

RESOLVED by the House of Delegates, That the High School League of the Peninsula Conference of Rugby Virginia hereby be commended for its work to promote physical fitness and teamwork by developing and encouraging participation in the sport of rugby; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the head of the High School League of the Peninsula Conference of Rugby Virginia as an expression of the House of Delegates' congratulations and admiration for the league's outstanding work to encourage the sport of rugby among high school students on the Peninsula.

HOUSE RESOLUTION NO. 251

Commending the Fauquier High School academic team.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, the Fauquier High School academic team claimed its first state title, winning the Virginia High School League Group 4A Scholastic Bowl state tournament on February 27, 2016; and

WHEREAS, known as the "FHS Fighting Nerds," the Fauquier High School academic team finished the 2015-2016 season with a perfect 23-0 record; and

WHEREAS, in the state tournament final, which was held at The College of William & Mary, the Fauquier High School academic team and the other competitors answered questions about literature, music, art, history, geography, current events, pop culture, science, and mathematics; and

WHEREAS, the Fauquier High School academic team bested talented teams from Sherando High School, Smithfield High School, and Eastern View High School to secure the victory; and

WHEREAS, the successful season is a testament to the hard work and intelligence of the students—Jeremy Alexander, Shelby Bush, Angelle Marshall, Joel McGuire, Chris Parios, Niles Ribeiro, and Mark Wiedenfeld—the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Fauquier High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Fauquier High School academic team hereby be commended on winning the Virginia High School League Group 4A Scholastic Bowl state tournament; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Liz Monseur, head coach of the Fauquier High School academic team, as an expression of the House of Delegates' admiration for the team's achievements and best wishes for the future.

HOUSE RESOLUTION NO. 252

Commending the Rappahannock County High School wrestling team.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, the Rappahannock County High School wrestling team finished an outstanding 2015-2016 season as state runner-up at the Virginia High School League Group 1A state championship; and

WHEREAS, the talented wrestlers from Washington demonstrated their depth and talent at the 2015-2016 championship meet, with nine members of the team earning all-state honors; and

WHEREAS, the Rappahannock County High School Panthers had a strong start on the first day of the title meet, which was held on February 19 and 20, 2016, at the Salem Civic Center, scoring 87 points in the preliminary rounds; despite valiant efforts on the final day of competition, the hardworking wrestlers placed second; and

WHEREAS, the members of the Rappahannock County High School wrestling team who garnered all-state honors for 2015-2016 were Christian McCracken, Ethan Foley, David Smoot, Hunter Nicodemus, Johnny Beard, Olin Woodward, Chris Corbin, Sam Barnes, and Christian Poffenbarger; and

WHEREAS, Rappahannock County High School promises to have a strong wrestling team for the 2016-2017 season; David Smoot is a senior, but the rest of the all-state designees are underclassmen; and

WHEREAS, throughout the season, the members of the Rappahannock County High School wrestling team were guided by a dedicated and focused coaching staff, led by head coach Alex Coffroth; the wrestlers also drew great support from their families, friends, and the entire school community; now, therefore, be it

RESOLVED by the House of Delegates, That the Rappahannock County High School wrestling team hereby be commended for its outstanding 2015-2016 season; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Alex Coffroth, head coach of the Rappahannock County High School wrestling team, as an expression of the House of Delegates' admiration and congratulations for the team's exceptional performance and stellar achievements.

HOUSE RESOLUTION NO. 253

Commending the Northern Virginia Electric Cooperative.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, for more than 33 years, the Northern Virginia Electric Cooperative has worked to enhance the quality of life in Northern Virginia by providing reliable, high-quality electric power services and responsible community leadership; and

WHEREAS, with a service area of more than 651 square miles, encompassing parts of Clarke, Fairfax, Fauquier, Loudoun, Prince William, and Stafford Counties, the City of Manassas Park, and the Town of Clifton, the Northern Virginia Electric Cooperative (NOVEC) is one of the largest electric cooperatives in the United States; and

WHEREAS, NOVEC, which is customer-owned, serves more than 160,000 residents, schools, businesses, government facilities, and data centers; since 1983 the number of metered customers has more than quadrupled; and

WHEREAS, outstanding customer service is a high priority for NOVEC, and the cooperative has been consistently ranked as one of the best in the nation, earning numerous awards and accolades; according to statistics used in the electric utility industry, for 16 consecutive years NOVEC has been the most reliable electricity provider in the Washington, D.C., area; and

WHEREAS, NOVEC is a leader in innovative technology, which has allowed the cooperative to better inform customers on energy usage and to provide secure business transactions and increased responsiveness to outages, thereby improving overall efficiency; and

WHEREAS, NOVEC has also strengthened the community through its profit-sharing program, with current and former customers receiving more than \$293 million since 2000, through its role as a founding partner of the Hylton Performing Arts Center, and through annual donations to more than 100 local organizations and local chapters of national organizations; now, therefore, be it

RESOLVED by the House of Delegates, That the Northern Virginia Electric Cooperative hereby be commended for 33 years of exceptional service to the residents of Northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the Northern Virginia Electric Cooperative as an expression of the House of Delegates' admiration for the cooperative's continuing contributions to the region.

HOUSE RESOLUTION NO. 254

Commending Sally Lay.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Sally Lay, an inspirational community leader and passionate supporter of the fine arts, has ably led the Center for the Arts of Greater Manassas/Prince William County for 28 years; and

WHEREAS, Sally Lay spearheaded the five-year campaign to secure a new facility for the Center for the Arts of Greater Manassas/Prince William County in the former Hopkins Candy Factory, where the center has thrived and become an essential element of community life; and

WHEREAS, under Sally Lay's leadership, the Center for the Arts of Greater Manassas/Prince William County has grown to offer many innovative programs for artists of all ages, backgrounds, and skill levels, and the Candy Factory facility houses an art gallery, classrooms, office space, and a multi-use theater; and

WHEREAS, Sally Lay has served and strengthened the community as an active member of numerous civic and service organizations, and she has cultivated close ties between the Center for the Arts of Greater Manassas/Prince William County and other arts organizations in the area; and

WHEREAS, Sally Lay, who holds a bachelor's degree from the University of Kentucky and is a graduate of Leadership Prince William, has earned many awards and accolades for her outstanding accomplishments; now, therefore, be it

RESOLVED by the House of Delegates, That Sally Lay hereby be commended for her exceptional service to and leadership of the Center for the Arts of Greater Manassas/Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Sally Lay as an expression of the House of Delegates' admiration for her contributions to cultural life in Manassas and Prince William County.

HOUSE RESOLUTION NO. 255

Commending the Herndon High School girls' basketball team.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, in 2016, the Herndon High School girls' basketball team of Fairfax County won a Virginia High School League Group 6A state tournament game for the first time in program history; and

WHEREAS, in the state quarterfinal, the Herndon High School Hornets upset the Group 6A South regional champion Woodside High School Wolverines, winning with a score of 53-41; and

WHEREAS, the Herndon High School Hornets advanced to the state semifinal and finished the season with a 21-8 record; and

WHEREAS, junior guard Indeya Sanders led the Herndon High School Hornets in the state quarterfinal with 22 points and scored her 1,000th career point during the game; and

WHEREAS, the victory is a testament to the skill and hard work of all of the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Herndon High School community; now, therefore, be it

RESOLVED by the House of Delegates, That the Herndon High School girls' basketball team hereby be commended on winning its first Virginia High School League Group 6A state tournament game in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Cornelius Snead, head coach of the Herndon High School girls' basketball team, as an expression of the General Assembly's admiration for its achievements and best wishes for the future.

HOUSE RESOLUTION NO. 256

Celebrating the life of James Edward Cozart.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, James Edward Cozart, a businessman and a respected member of the Southwest Virginia community, died on March 1, 2016; and

WHEREAS, a native of Marion, South Carolina, James "Jim" Edward Cozart grew up in Abingdon; he graduated from William King High School and Virginia Polytechnic Institute, where he was a member of the Corps of Cadets; and

WHEREAS, Jim Cozart honorably served his country as a member of the United States Air Force during the Korean War; and

WHEREAS, after his military service, Jim Cozart returned to Southwest Virginia to manage his family's tobacco warehouse business in Abingdon; his success in the tobacco industry earned him the nickname "Tobacco King"; and

WHEREAS, throughout his career, Jim Cozart grew an average of 80 acres of burley tobacco each year, operated five tobacco auction warehouses in Southwest Virginia and East Tennessee, and operated a flue-cured tobacco warehouse in Nashville, Georgia; and

WHEREAS, Jim Cozart supported the community in many other ways, and he enjoyed fellowship and worship with his neighbors as a member of Sinking Spring Presbyterian Church; and

WHEREAS, Jim Cozart will be fondly remembered and greatly missed by his wife of 52 years, Joan; children, Edward, Michael, and Parris, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Edward Cozart; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Edward Cozart as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 257

Celebrating the life of James Carter Lambert.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, James Carter Lambert, a businessman, farmer, and respected member of the community in Southwest Virginia, died on November 26, 2015; and

WHEREAS, a native of Dickenson County, Carter Lambert joined many of the other young men of his generation in service to the nation during World War II as a member of the United States Navy; and

WHEREAS, Carter Lambert courageously participated in the Battle of Leyte Gulf, the largest naval battle of World War II and one of the largest in history; he was stationed on the island of Okinawa at the end of the war; and

WHEREAS, after the war, Carter Lambert returned home to the Commonwealth and founded McClure River Coal Company, which he operated until retiring to his cattle farm in Washington County; and

WHEREAS, Carter Lambert also served the community as a board member at Highlands Union Bank, and he was a 32nd degree mason with Abingdon Masonic Lodge No. 48; and

WHEREAS, Carter Lambert will be fondly remembered and greatly missed by his wife, Beulah "Boots"; children, Sharon, Nick, and Deborah, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of James Carter Lambert; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of James Carter Lambert as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 258

Celebrating the life of Wilfredo Osorio Darang.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Wilfredo Osorio Darang of Virginia Beach, a decorated veteran of the United States military, man of great faith who was involved in many service organizations, and a devoted husband and father, died on February 17, 2016; and

WHEREAS, Wilfredo "Willy" Osorio Darang was born in Santa Maria, Ilocos Sur, Philippines, and proudly served for 21 years as a member of the United States Navy; and

WHEREAS, during his years of military service, Willy Darang was awarded the Vietnam Cross of Gallantry, Navy Unit Commendation, the Vietnam Service Medal, and the Armed Forces Expeditionary Medal; and

WHEREAS, Willy Darang's favorite profession was that of loving grandfather to his 12 grandchildren and he greatly enjoyed his roles of babysitter, chauffer, caregiver, teammate, mentor, spoiler, and comedian; and

WHEREAS, many service and social organizations benefited from Willy Darang's involvement and contributions, including Fil-AM Veterans of Tidewater, Naomi Lodge #87 A.F. & A.M., the United Ilocano Association of Tidewater, Inc., and the Pangasinan Association of Virginia; and

WHEREAS, a man of great faith, Willy Darang belonged to St. Gregory the Great Catholic Church, where he participated in worship and fellowship; and

WHEREAS, Willy Darang will be greatly missed and fondly remembered by his wife, Purita; children, Wilita, Wilma, and Wilfred, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Wilfredo Osorio Darang of Virginia Beach, a proud veteran of the United States military, active member of many community and service organizations, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Wilfredo Osorio Darang as an expression of the House of Delegates' respect for his memory.

HOUSE RESOLUTION NO. 259

Celebrating the life of Criselda dela Cruz Fernandez.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Criselda dela Cruz Fernandez of Virginia Beach, a woman of great faith who belonged to many civic organizations and groups that celebrated Filipino heritage and a devoted wife and mother, died on February 28, 2016; and

WHEREAS, Criselda Fernandez was a native of the Philippines who lived in the United States for many years; she loved spending time with her family and kept busy with numerous interests and activities; and

WHEREAS, as an active member of many organizations, Criselda Fernandez made valued contributions to Samahang Tagalog, the Knights of Columbus Ladies Auxiliary, East Coast San Antonian Inc., Zambales Association Inc., and the United Ilocano Association of Tidewater; and

WHEREAS, Criselda Fernandez's many hobbies included traveling, taking cruises, shopping, and spending time with her family; she especially delighted in being a part of her grandchildren's activities, attending her grandson's baseball games, and sharing good times with her siblings; and

WHEREAS, a woman of deep faith, Criselda Fernandez enjoyed faith and fellowship as a member of the Catholic Church of Saint Mark; and

WHEREAS, Criselda Fernandez will be greatly missed and fondly remembered by her husband, Federico; children, Shirlene and Cyril, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the House of Delegates hereby note with great sadness the loss of Criselda dela Cruz Fernandez of Virginia Beach, a woman of great faith who was actively involved in her community and her church and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the family of Criselda dela Cruz Fernandez as an expression of the House of Delegates' respect for her memory.

HOUSE RESOLUTION NO. 260

Commending the Korea Times and Korea Daily.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, the *Korea Times* and *Korea Daily* newspapers provide the most up-to-date news and information to the Korean community in Virginia; and

WHEREAS, there are approximately two million Americans of Korean descent living in the United States, making it home to the second-largest Korean population in the world; and

WHEREAS, there are 200,000 Korean-Americans living in the Washington, D.C., metropolitan area, more than half of whom live in Virginia; and

WHEREAS, the Republic of Korea is Virginia's 11th-largest trading partner, with the Commonwealth exporting coal and agricultural products and importing electronics and vehicles; and

WHEREAS, Virginia and the Republic of Korea have developed a special relationship, consisting of strong economic, social, and cultural ties, through times of both peace and war; and

WHEREAS, Korean Americans throughout the region and the United States make valuable contributions to their communities through their professional and business associations and membership in service organizations and churches; now, therefore, be it

RESOLVED by the House of Delegates, That the *Korea Times* and the *Korea Daily* hereby be commended for their work to keep Korean Americans informed and connected to their cultural heritage; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to the *Korea Times* and *Korea Daily* as an expression of the House of Delegates' admiration for the newspapers' service to the Korean American community.

HOUSE RESOLUTION NO. 261

Commending Consul General Do Ho Kang.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Consul General Do Ho Kang of the Republic of Korea has established a record of distinguished service to the Korean community in the Commonwealth of Virginia and the Washington, D.C., metropolitan area for past three years; and

WHEREAS, there are approximately two million Americans of Korean descent living in the United States, making it home to the second-largest Korean population in the world; and

WHEREAS, there are 200,000 Korean Americans living in the Washington, D.C., metropolitan area, more than half of whom live in Virginia; and

WHEREAS, the Republic of Korea is Virginia's 11th-largest trading partner, with the Commonwealth exporting coal and agricultural products and importing electronics and vehicles; and

WHEREAS, Virginia and the Republic of Korea have developed a special relationship, consisting of strong economic, social, and cultural ties, through times of both peace and war; and

WHEREAS, Consul General Do Ho Kang has served a vital role in strengthening those ties between Virginia and the Republic of Korea; and

WHEREAS, Korean Americans throughout the region and the United States make valuable contributions to their communities through their professional and business associations and membership in service organizations and churches; now, therefore, be it

RESOLVED by the House of Delegates, That Consul General Do Ho Kang of the Republic of Korea hereby be commended for his leadership and efforts to promote friendship and partnership between the Republic of Korea and the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare copies of this resolution for presentation to Consul General Do Ho Kang and Ambassador Ho-Young Ahn as an expression of the General Assembly's admiration for Consul General Do Ho Kang's honorable service.

HOUSE RESOLUTION NO. 262

Commending Malcolm Moses Brogdon.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, Malcolm Moses Brogdon, a member of the University of Virginia men's basketball team, was named the Atlantic Coast Conference Player of the Year and Defensive Player of the Year in 2016; and

WHEREAS, Malcolm Brogdon became the first player to receive both awards in the same year since the Defensive Player of the Year award was created in 2005; he was also named to the All-Atlantic Coast Conference (ACC) first team for the third consecutive year; and

WHEREAS, Malcolm Brogdon was named a First-Team All-American by the *Sporting News*, an honor last bestowed on a member of the University of Virginia men's basketball team in 1983; and

WHEREAS, during the 2015-2016 regular season, Malcolm Brogdon led the University of Virginia Cavaliers to a 24-6 record, with an average of 18.4 points per game and an average of 19.9 points in conference games, making him the fourth-highest scorer in the ACC; and

WHEREAS, Malcolm Brogdon recorded a season-high 28 points three times during the season, finished 15 games with 20 or more points, and finished 29 consecutive games as a double digit scorer; and

WHEREAS, Malcolm Brogdon has led the University of Virginia Cavaliers in scoring for three consecutive years and helped the team achieve at least 12 ACC wins per season for a total of 45 ACC wins, the second-most league wins in that period; and

WHEREAS, a native of Atlanta, Georgia, Malcolm Brogdon played basketball at Greater Atlanta Christian School before matriculating to the University of Virginia; he has earned numerous other accolades over the course of his college career and was named as a finalist for the John R. Wooden award, which is presented to the nation's top player; and

WHEREAS, Malcolm Brogdon, as a student pursuing a master's degree in public policy in the Frank Batten School of Leadership and Public Policy and a resident selected to live on the Range, has contributed to the academic and cultural life of the University of Virginia, in addition to his athletic contributions; and

WHEREAS, Malcolm Brogdon and the second-seed University of Virginia Cavaliers will compete in the ACC Tournament in March 2016; now, therefore, be it

RESOLVED by the House of Delegates, That Malcolm Moses Brogdon hereby be commended on being named the Atlantic Coast Conference Player of the Year and Defensive Player of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation to Malcolm Moses Brogdon as an expression of the House of Delegates' admiration for his exceptional athletic achievements and best wishes for the future.

HOUSE RESOLUTION NO. 263

Nominating a person to be elected to the Court of Appeals of Virginia.

Agreed to by the House of Delegates, March 11, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the Court of Appeals of Virginia as follows:

Mary Bennett Malveaux, of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing April 16, 2016.

HOUSE RESOLUTION NO. 264

Commemorating the 235th anniversary of the defense of Richmond in 1781.

Agreed to by the House of Delegates, March 11, 2016

WHEREAS, 235 years ago, in January 1781, the traitor Benedict Arnold, on his first command for the British Army after his defection from the Continental Army under the command of George Washington, invaded Virginia with a force of 1,600 men; and

WHEREAS, that invasion force made its way through the undefended capital City of Richmond, compelling the evacuation of Governor Thomas Jefferson and other leaders of the Commonwealth and the withdrawal of important stores and materiel; and

WHEREAS, the entire city and its outskirts required a defense, and there were only 200 Virginia militiamen under the command of Colonel John Nicholas to defend the capital; and

WHEREAS, these 200 brave Virginians, outnumbered eight to one, lacked anything near the artillery, land and river transportation, supplies, and materiel of the invading enemy; and

WHEREAS, despite a sparse population from which to draw men, impassable waterways, and other obstacles to a proper defense, these brave Virginians defended their capital city, engaging Benedict Arnold's picket on January 4, 1781, on the outskirts of Richmond, in what is now the western edge of the historic Fan District; and

WHEREAS, in prelude to the ultimate Revolutionary War victory at Yorktown 10 months later, Colonel John Nicholas and the Richmond militiamen used unconventional tactics and, accounts say, "Repulsed Arnold's attack" and had it "driven in" before Arnold's ultimate brief occupation and burning of Richmond; and

WHEREAS, in defense of their homes and to secure the liberties of American independence, Colonel John Nicholas and the Virginians under his command made a significant contribution to the founding of an independent Commonwealth of Virginia and United States of America, free of British rule; now, therefore, be it

RESOLVED by the House of Delegates, That the 235th anniversary of the defense of Richmond in 1781 hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the House of Delegates prepare a copy of this resolution for presentation as an expression of the House of Delegates' appreciation for the historical significance of this Revolutionary War battle in the City of Richmond.

HOUSE RESOLUTION NO. 265

Nominating a person to be elected to a juvenile and domestic relations district court judgeship.

Agreed to by the House of Delegates, March 11, 2016

RESOLVED by the House of Delegates, That the following person is hereby nominated to be elected to the juvenile and domestic relations district court judgeship as follows:

Robin L. Robb, of Arlington, as a judge of the Seventeenth Judicial District for a term of six years commencing July 1, 2016.

SENATE JOINT RESOLUTION NO. 3

Commending Travis C. McDonald, Jr.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Travis C. McDonald, Jr., an architectural historian who has helped protect and preserve historical sites in the Commonwealth and the United States, was honored for his 25 years of service as director of architectural restoration of Thomas Jefferson's Poplar Forest in September 2015; and

WHEREAS, Travis McDonald holds a bachelor's degree from the University of Texas and a master's degree from the University of Virginia; he further refined his knowledge of architecture at the Victorian Society summer program and the Attingham Summer School in England; and

WHEREAS, throughout his distinguished career, Travis McDonald conducted architectural surveys and restoration projects in Florida, Missouri, New Jersey, New York, and Washington, D.C., and worked on the City of Emporia's Centennial Project; and

WHEREAS, Travis McDonald joined the staff of Thomas Jefferson's Poplar Forest in 1989; during his tenure as restoration director, the structure had been called one of the most authentic restoration projects in the country; and

WHEREAS, Travis McDonald has written and lectured extensively on Poplar Forest and earned the Architecture Medal for Virginia Service from the Virginia Chapter of the American Institute of Architects for his contributions to the site; and

WHEREAS, deeply respected in his field, Travis McDonald has offered his expertise to numerous historic preservation advisory boards and foundations throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Travis C. McDonald, Jr., on his 25th anniversary as director of architectural restoration of Thomas Jefferson's Poplar Forest; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Travis C. McDonald, Jr., as an expression of the General Assembly's admiration for his work to preserve the history and heritage of the Commonwealth and the United States.

SENATE JOINT RESOLUTION NO. 5

Commending Julian B. Jacobs.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Julian B. Jacobs, a courageous veteran and a respected member of the Richmond community, celebrated his 91st birthday on August 24, 2015; and

WHEREAS, Julian Jacobs grew up in Richmond and attended Thomas Jefferson High School and Virginia Polytechnic Institute, then joined many of the other young men of his generation in service to his country during World War II when he was drafted into the United States Army in 1942; and

WHEREAS, Julian Jacobs trained at Fort Custer, Michigan, and was deployed to the United Kingdom, where he served in the military police in Northern Ireland; and

WHEREAS, Julian Jacobs landed in Normandy, France, on June 10, 1944, as part of the Allied invasion force and was later attached to the Third Army under General George Patton; he fought at the Battle of the Bulge in December 1944 and remained in Europe through VE Day; and

WHEREAS, Julian Jacobs was shipped from Europe through the Panama Canal to the Philippines after the surrender of Germany and served in Japan as part of the postwar occupying force; and

WHEREAS, Julian Jacobs returned to Richmond in 1946 and completed his education at the University of Richmond; he went into business with his father, Paul W. Jacobs, married his high school sweetheart, Bettie Joel, and proudly raised a family; and

WHEREAS, Julian Jacobs has contributed to the growth of the Commonwealth over many decades as a home builder and real estate developer and 50-year member of the West Richmond Rotary Club; and

WHEREAS, Julian Jacobs has served on numerous other nonprofit and philanthropic boards, including as president of Congregation Beth Ahabah, and he has made significant contributions toward interfaith understanding; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Julian B. Jacobs for his numerous contributions to the community on the occasion of his 91st birthday; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Julian B. Jacobs as an expression of the General Assembly's admiration for his service to the Commonwealth and the United States.

SENATE JOINT RESOLUTION NO. 8

Commending Joseph L. Ritchey.

Agreed to by the Senate, January 14, 2016
Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Joseph L. Ritchey, a principal in Prospective, Inc., a commercial real estate brokerage firm in Reston, was honored for his company's selection as a BCA 10: Best Businesses Partnering with the Arts in America for 2015; and

WHEREAS, Joseph "Joe" Ritchey's one-man firm, Prospective, Inc., has worked on large-scale mixed-use developments in Fairfax County for more than three decades; the company has played a major role in the development of Reston, especially the internationally recognized mixed-use Reston Town Center; and

WHEREAS, Joe Ritchey's career-long conviction that a thriving arts scene is vital to a company's success and a community's development helped transform Reston Town Center into a vibrant public space with outdoor concerts and public art; and

WHEREAS, BCA, the Business Committee for the Arts, is a division of Americans for the Arts; each year the organization honors 10 companies for their exceptional commitment to the arts through grants, partnerships, volunteer programs, gifts, sponsorships, and board involvement; and

WHEREAS, Joe Ritchey has generously donated more than \$1.1 million to arts-related organizations; he and his company have helped to raise more than \$100,000 annually for the Arts Council of Fairfax County, where he has been chair of the board of directors; and

WHEREAS, in 2007, Joe Ritchey founded the Initiative for Public Art - Reston, which led to the creation of a Public Art Master Plan for Reston; the community was the first unincorporated jurisdiction to complete such a plan; and

WHEREAS, Joe Ritchey believes in the power of art to enrich communities and the people and businesses who choose to settle there; he has seen how attractive and pedestrian-friendly public spaces—and the art found therein—provide a powerful economic return; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Joseph L. Ritchey, a principal in Prospective, Inc., a commercial real estate brokerage firm in Reston, for his firm's selection as a BCA 10: Best Businesses Partnering with the Arts in America for 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Joseph L. Ritchey as an expression of the General Assembly's congratulations and admiration for his commitment to public art and the value it brings to the people and businesses of Reston, Fairfax County, and the Commonwealth.

SENATE JOINT RESOLUTION NO. 10

Celebrating the life of Richard Langley Settle, Jr.

Agreed to by the Senate, January 14, 2016
Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Richard Langley Settle, Jr., a businessman, public servant, and civic leader who dedicated his life to supporting and strengthening the well-being of the Southwest Virginia community and the great people of Southwest Virginia, died on April 16, 2015; and

WHEREAS, Richard Settle grew up in Russell County and attended Clinch Valley College; he served his country as a member of the United States Air Force at the Pentagon; and

WHEREAS, for 31 years, Richard Settle was a dedicated employee of Verizon, beginning his career as a pole climber and rising through the ranks to retire from the company as Southwest Area Manager of External Affairs; and

WHEREAS, possessed of an entrepreneurial spirit, Richard Settle founded and served as president of Settle Associates, Inc., a business consulting practice in government relations and economic development; and

WHEREAS, Richard Settle worked to enhance the quality of life of his fellow residents as chair and vice chair of the Russell County Board of Supervisors; he served as a member of the Southwest Economic Development Commission, a member of the board of directors of Virginia Economic Bridge, and a charter member of the Southwestern Virginia Technology Council; and

WHEREAS, respected for his expertise, Richard Settle was appointed to the Virginia Coalfield Economic Development Authority, where he served as chair and vice chair, and the Virginia Workforce Council; in addition, he was selected as Virginia's special envoy to an economic summit in Japan in 2001; and

WHEREAS, Richard Settle volunteered his time and wise leadership with Sandy Valley Masonic Lodge No. 17, the Wise County Shrine Club, and Kazim Temple in Roanoke, and he enjoyed fellowship and worship with the community at Miller View Primitive Baptist Church; and

WHEREAS, Richard Settle dedicated himself to the proposition that Southwest Virginia would be constrained neither by geography nor hard times; and

WHEREAS, Richard Settle embodied a generosity of spirit as broad as both his smile and the Mountain Empire to which he contributed 65 years of hard work, common sense, and unfailing good cheer and optimism; and

WHEREAS, Richard Settle will be fondly remembered and greatly missed by his wife, Janet; children, Jamie and Sarah, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Richard Langley Settle, Jr., a respected businessman and a tireless servant to his fellow residents of Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Richard Langley Settle, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 13

Commending Ricky Holcomb.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, for 23 years, Ricky Holcomb has raised money and collected toys for less fortunate children and families in the Martinsville area through Big Bird's Toy Run, a charitable motorcycle event; and

WHEREAS, Ricky "Big Bird" Holcomb started the Toy Run to help families who were down on their luck; his birthday is on Christmas Eve, and the holidays have held a special place in his heart since he was a child; and

WHEREAS, Big Bird's Toy Run is a rolling parade of motorcycles and cars that takes place on a Saturday afternoon each December; participants make a cash donation of \$10 or a toy of equivalent value, with all proceeds going to Christmas Cheer of Martinsville & Henry County, a charitable organization that provides food and gifts to the less fortunate; and

WHEREAS, each year the parade starts at Big Bird's Big Twins motorcycle repair shop on U.S. Route 220 in Ridgeway; the riders travel through Henry County and complete the route about 90 minutes later at Sportlanes bowling center near Collinsville; and

WHEREAS, at least 340 motorcycles and 25 cars took part in the 2014 Toy Run on December 13, with Big Bird Holcomb in the lead in his traditional role as parade marshal; and

WHEREAS, Santa Claus has been seen behind the wheel of a Harley-Davidson motorcycle at Big Bird's Toy Runs; classic automobiles and vintage trucks also are part of the parade, which has become a treasured holiday tradition for onlookers and participants alike; and

WHEREAS, Big Bird Holcomb's goal each year is to put smiles on the faces of as many children as possible; he is gratified by the generosity of the approximately 600 people who took part in the 2014 Toy Run as drivers or passengers; and

WHEREAS, some participants make the Toy Run a regular part of their holiday celebrations, citing Big Bird Holcomb's generous heart and many kind actions as reasons why they eagerly look forward to the Toy Run; in 2014, the men and women who participated donated about 500 gifts and thousands of dollars; and

WHEREAS, the toys received and money raised from Big Bird's Toy Run helped Christmas Cheer of Martinsville & Henry County provide food to 847 households; a total of 563 children received presents, many donated by Big Bird Holcomb's friends and fellow motorcycle enthusiasts; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ricky Holcomb for his work to support members of the Martinsville and Henry County communities by collecting toys and donations during the holiday season; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ricky Holcomb as an expression of the General Assembly's respect and admiration for creating a special holiday tradition that helps less fortunate families in the Martinsville area.

SENATE JOINT RESOLUTION NO. 14

Commending Ken Tuck, M.D.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Ken Tuck, M.D., a respected ophthalmologist who served the Roanoke community for more than 50 years, retired in December 2014; and

WHEREAS, Ken Tuck learned the value of hard work and responsibility at a young age while working on his family's farm in Bedford County; he earned a medical degree from the University of Virginia and completed his residency at the Mayo Clinic in Rochester, Minnesota; and

WHEREAS, desirous to be of service to the members of the Roanoke community, Dr. Tuck opened a private ophthalmology practice in 1964 and later joined Vistar Eye Center; he earned a reputation for professionalism, compassion, and unsurpassed care for his patients; and

WHEREAS, well-known in his field, Dr. Tuck served as president of the Medical Society of Virginia and the American Academy of Ophthalmology; he earned state and national recognition for his good work and consulted with government officials on health care policy; and

WHEREAS, Dr. Tuck ensured that his patients received treatment of the highest quality, adopting and mastering new technologies and techniques throughout his career; and

WHEREAS, Dr. Tuck cultivated a lifelong appreciation of fine art and shared that passion with his patients by decorating his office with beautiful artwork, which he considered reminders of the importance of good eyesight; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ken Tuck, M.D., on the occasion of his retirement from ophthalmological practice; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Ken Tuck, M.D., as an expression of the General Assembly's admiration for his service to the Roanoke community and best wishes for a well-earned retirement.

SENATE JOINT RESOLUTION NO. 15

Celebrating the life of Paul E. Torgersen.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Paul E. Torgersen of Blacksburg, distinguished president emeritus of Virginia Polytechnic Institute and State University, who dedicated his life to inspiring the youth of the Commonwealth as an educator, died on March 29, 2015; and

WHEREAS, born on Staten Island, New York, Paul Torgersen was raised in New Jersey and earned a bachelor's degree from Lehigh University and master's and doctoral degrees from Ohio State University; and

WHEREAS, Paul Torgersen began his career in education at Oklahoma State University, where he served as a professor until 1966; he joined the faculty of Virginia Polytechnic Institute and State University as a professor and the head of the Department of Industrial Engineering and Operations Research in 1967; and

WHEREAS, Paul Torgersen went on to serve as dean of the College of Engineering, which gained national recognition under his leadership; he served as president of the Virginia Tech Corporate Research Center, interim vice president for development and university relations, and interim president of the university; and

WHEREAS, in 1994, Paul Torgersen was named president of Virginia Tech and helped the university achieve success in academics, athletics, and fundraising, all while continuing to directly inspire and motivate students as a professor, teaching at least one course each semester while he was president; and

WHEREAS, during Paul Torgersen's tenure, Virginia Tech's engineering and business colleges were ranked among the top schools in the nation, and the Virginia-Maryland College of Veterinary Medicine received full accreditation; he was an enthusiastic supporter of athletics programs and witnessed numerous postseason victories as president; and

WHEREAS, with Paul Torgersen's able leadership, Virginia Tech's endowment doubled, and the university raised millions of dollars in donations, including more than \$300 million through The Campaign for Virginia Tech: Making a World of Difference; and

WHEREAS, Paul Torgersen championed diversity and representation in higher education; he hired the university's first woman senior vice president and provost, the first woman dean of the College of Architecture and Urban Studies, and the university's first African American vice president; and

WHEREAS, Paul Torgersen earned many awards and accolades throughout his career, including the 1992 Virginia Engineering Educator of the Year Award and the title of fellow in the Institute of Industrial Engineers and the American Society for Engineering Education; Torgersen Hall and Torgersen Bridge on Virginia Tech's campus were both named in his honor; and

WHEREAS, predeceased by his wife of 60 years, Dorothea, Paul Torgersen will be fondly remembered and greatly missed by his children, Karen, Janis, and James, and their families and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Paul E. Torgersen, a highly admired educator and president emeritus of Virginia Polytechnic Institute and State University; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Paul E. Torgersen as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 16

Celebrating the life of Moses Malone.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Moses Malone, an accomplished professional basketball player who was named as one of the greatest players in the history of the National Basketball Association and who was a beloved sports icon in the Petersburg community, died on September 13, 2015; and

WHEREAS, a native of Petersburg, Moses Malone grew up in the Delectable Heights community and was a standout athlete from a young age; at Petersburg High School, he led the Crimson Wave to 50 consecutive wins and back-to-back state titles in 1974 and 1975; and

WHEREAS, making history as the first player to enter a professional basketball league directly after high school, Moses Malone joined the Utah Stars in the American Basketball Association (ABA) and quickly earned a reputation as an agile and tenacious center, despite his relatively short height for the position; and

WHEREAS, in his first season, Moses Malone averaged 18 points and 14 rebounds per game; he played for the Spirits of St. Louis before joining the Buffalo Braves in the National Basketball Association (NBA) after the league's merger with the ABA; and

WHEREAS, Moses Malone went on to play for the Houston Rockets, the Philadelphia 76ers, the Washington Bullets, the Atlanta Hawks, the Milwaukee Bucks, and the San Antonio Spurs, earning three NBA Most Valuable Player awards in 1979, 1982, and 1983; and

WHEREAS, in 1983, Moses Malone joined the Philadelphia 76ers and led the team to its first championship in 16 years; the team finished the regular season with a 67–15 record and only lost one game in the playoffs, with Moses Malone leading the league in rebounding for the third consecutive year; and

WHEREAS, over the course of his 20-season career, Moses Malone averaged 20.6 points and 12.2 rebounds per game, becoming known as the "Chairman of the Boards" for his rebounding skills; he ranks fifth on the NBA's all-time rebounding list with 16,212 rebounds, and eighth on the NBA's all-time points list with 27,409 points; and

WHEREAS, Moses Malone was named as one of the NBA's 50 greatest players of all time in 1996 and was inducted into the Naismith Memorial Basketball Hall of Fame in 2001; in addition, the Houston Rockets retired his number 24 jersey; and

WHEREAS, after his well-earned retirement from professional basketball in 1995, Moses Malone returned to the Petersburg area to seek new opportunities to serve the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Moses Malone, a highly admired professional athlete and a proud member of the Petersburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Moses Malone as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 17

Commending M. Douglas Scott.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, M. Douglas Scott retired as chief of police of Arlington County on March 20, 2015, after 40 years of distinguished service to the community as a law-enforcement officer; and

WHEREAS, Douglas Scott began his career in law enforcement as a cadet with the Fairfax County Police Department in 1975; he rose through the ranks to become chief of the department in 1995 and later served as chief of the City of Fairfax Police Department; and

WHEREAS, in 2000, Douglas Scott accepted a position as assistant inspector general with the U.S. Department of the Interior, then returned to law enforcement in 2003, when he became the chief of police of Arlington County; and

WHEREAS, during his 12-year tenure as chief of police, Douglas Scott helped reduce the overall crime rate in Arlington County to its lowest point since 1961 through goal-oriented initiatives, and he worked to ensure that his officers received cutting-edge training and equipment; and

WHEREAS, in safeguarding the youth of Arlington County, Douglas Scott enhanced police presence at Arlington County Public Schools and created new opportunities for interaction and intervention efforts with students; and

WHEREAS, Douglas Scott implemented community policing efforts to build trust and communication between the department and local residents; he maintained effective relationships with businesses and local organizations through the Citizens Advisory Committee and outreach events; and

WHEREAS, earning the admiration of his officers for his thoughtful and focused leadership, Douglas Scott has been a staunch advocate for the department, working to improve retention rates, quality of the workplace, benefits, and overall morale; and

WHEREAS, deeply respected throughout the region and the Commonwealth, Douglas Scott served as chair of the Metropolitan Washington Council of Governments Police Chiefs Committee, as president and member of the executive board of the Virginia Association of Chiefs of Police, and as a member of the executive committee of the International Association of Chiefs of Police; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend M. Douglas Scott on the occasion of his retirement as chief of police of Arlington County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to M. Douglas Scott as an expression of the General Assembly's admiration for his diligent work to serve and protect the residents of Northern Virginia.

SENATE JOINT RESOLUTION NO. 18

Commending Barbara Donnellan.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Barbara Donnellan, a dedicated public servant, retired as county manager of Arlington County in June 2015, after nearly 32 years of work to serve and strengthen the community; and

WHEREAS, Barbara Donnellan holds bachelor's and master's degrees from St. John's University; she began her career in Arlington County government in 1983 as a budget analyst with the Department of Management and Finance, where she rose to director; and

WHEREAS, Barbara Donnellan served as acting director of the Department of Libraries, deputy county manager, and acting county manager before becoming the first woman county manager in Arlington County in 2010; and

WHEREAS, during Barbara Donnellan's tenure as county manager, Arlington County received national acclaim for the Crystal City Sector Plan, opened Long Bridge Park on the Potomac River and Arlington Mill Community Center, and revitalized the Columbia Pike corridor; and

WHEREAS, Barbara Donnellan was instrumental in facilitating numerous public-private partnerships to benefit Arlington County, and she oversaw efforts to expand affordable housing options; and

WHEREAS, a respected authority on local government throughout the region and the Commonwealth, Barbara Donnellan is a board member of the Virginia Resources Authority and an active member and leader of the Metropolitan Washington Council of Governments; and

WHEREAS, Barbara Donnellan has earned numerous awards and accolades for her personal and professional service to the community, including the 2009 Fannie Mae Volunteer of the Year Award from Leadership Greater Washington and the 2013 Community Impact Award from Leadership Arlington; and

WHEREAS, Barbara Donnellan lives in Fairfax County with her husband of more than 30 years, Kevin Donnellan, and plans to seek new opportunities to serve her community after her well-earned retirement from public office; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Barbara Donnellan on the occasion of her retirement as county manager of Arlington County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Barbara Donnellan as an expression of the General Assembly's admiration for her service to Arlington County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 19

Commending Susanne Eisner.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Susanne Eisner, a passionate advocate for residents of Northern Virginia in need, retired as director of the Arlington County Department of Human Services in May 2015 after more than 30 years of diligent service; and

WHEREAS, Susanne Eisner earned a bachelor's degree from City College of New York and a master's degree from George Mason University; she worked as an employment counselor for refugees before joining the Arlington County Department of Human Services in 1984 as a member of the Arlington Employment Center; and

WHEREAS, Susanne Eisner went on to serve as chief of the Economic Independence Division and held the position of deputy director of the Arlington County Department of Human Services for three years; and

WHEREAS, after becoming director of the Arlington County Department of Human Services in 2005, Susanne Eisner consolidated all of the department's programs at Sequoia Plaza to increase efficiency and better serve the public from one centralized location; and

WHEREAS, deeply respected for both her business savvy and her understanding of social services delivery, Susanne Eisner worked to ensure that the more than 800 employees of the Arlington County Department of Human Services had the tools and training to address complex issues and provide exceptional support to the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Susanne Eisner on the occasion of her retirement as director of the Arlington County Department of Human Services; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Susanne Eisner as an expression of the General Assembly's admiration for her work to serve and empower all Arlington County residents and its best wishes for her well-earned retirement.

SENATE JOINT RESOLUTION NO. 20

Celebrating the life of Martha E. Dawson.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Martha E. Dawson of Hampton, a distinguished and pioneering educator who held administrative positions at Virginia State University and Hampton University, a tenured faculty member at Indiana University, a person of great faith who was deeply involved in her community, and a devoted mother, grandmother, and friend, died on July 18, 2015; and

WHEREAS, Martha Dawson, who was born in Richmond, earned a bachelor's degree from Virginia State University and master's and doctoral degrees from Indiana University; she taught elementary school in Richmond and was supervisor of primary teachers for Richmond Public Schools; and

WHEREAS, known for her research on early education and her strongly held conviction that teachers need to be cognizant of their students' welfare, Martha Dawson presented research and published work that stressed the need for teachers to account for their pupils' emotional and social needs; and

WHEREAS, Martha Dawson made many contributions to education as a professor and administrator; she became the first African American woman to serve on the faculty of Indiana University, and in 1980 she received the university's Distinguished Alumni Service Award; and

WHEREAS, Martha Dawson was vice president for academic affairs at Hampton Institute, now Hampton University; she was a strong advocate for excellence in education and was a mentor to students, faculty, and administrators throughout her career; and

WHEREAS, Martha Dawson's many contributions to providing the best possible education for aspiring teachers was evident in her work at Virginia State University; she was dean of the School of Education and served as provost and vice president for academic affairs; and

WHEREAS, during her long and fruitful career, Martha Dawson received many honors for being an international leader in higher and elementary education; she was part of the Strong Men & Women in Virginia History celebration in 1999, which is an annual program that recognizes distinguished African American leaders in the Commonwealth; and

WHEREAS, Martha Dawson contributed her talents and energy to the National Conference of Christians and Jews, now known as the National Conference for Community and Justice; the Girl Scouts of the Colonial Coast; and other clubs and professional organizations; and

WHEREAS, Martha Dawson's mission was to encourage and enable all people to obtain the best education possible; she had a gentle and caring manner as she endeavored—in both her professional and personal life—to promote excellence in education and the importance of doing one's very best; and

WHEREAS, predeceased by her son, James, and daughter, Greer, Martha Dawson will be greatly missed and fondly remembered by her daughter, Martina, and her family; and many family members, friends, colleagues, and former students; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Martha E. Dawson of Hampton, a distinguished educator, a person of great faith, and a devoted mother, grandmother, and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Martha E. Dawson as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 21

Celebrating the life of the Reverend Dr. William Douglas Booth.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Reverend Dr. William Douglas Booth, a noted pastor and theologian who served at First Baptist Church in Hampton for many years, a religion teacher and college administrator who was a well-regarded writer and scholar, and a devoted husband and father, died on October 7, 2015; and

WHEREAS, William Booth was born in Gary, Indiana, and was licensed to the ministry when he was 17; he became an ordained minister approximately two years later at Shiloh Baptist Church in Washington, D.C.; and

WHEREAS, while he was beginning his life's work as a pastor, William Booth continued his education; he earned a bachelor's degree from Howard University, and later received a master's degree from Crozer Theological Seminary and a doctoral degree from United Theological Seminary; and

WHEREAS, before becoming pastor of First Baptist Church in Hampton, William Booth served at places of worship in three different states; he was an assistant pastor or pastor at churches in Cincinnati, Ohio; Knoxville, Tennessee; and Gary, Indiana; and

WHEREAS, in 1990, William Booth became pastor of First Baptist Church in Hampton and faithfully served the congregation for 15 years; he was known for his leadership, sensitivity, and judiciousness; and

WHEREAS, William Booth was a well-regarded scholar who taught at Xavier University, Hampton University, and the John Leland Center for Theological Studies; he was vice president of academic affairs for distance learning at Shaw University; and

WHEREAS, William Booth was awarded an honorary doctoral degree from Temple Bible College in Cincinnati; he received several prestigious scholarships and grants, including a Merrill Fellowship from Harvard University Divinity School and a grant from the Center of Theological Inquiry; and

WHEREAS, a talented writer and student of church history, William Booth was a guest religion columnist for the *Daily Press* newspaper and *The Worker*, a religious quarterly; he also published two books on Baptist church history; and

WHEREAS, William Booth will be greatly missed and fondly remembered by his wife, Ruth Ann; his sons, William and David, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Reverend Dr. William Douglas Booth of Hampton, a noted pastor, theologian, and scholar, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Dr. William Douglas Booth as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 22

Celebrating the life of Colethia R. Holcomb.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Colethia R. Holcomb of Hampton, a longtime teacher and guidance counselor in Newport News, a woman of deep faith, a member of many civic organizations, a good friend to many people, and a devoted wife and mother, died on August 11, 2015; and

WHEREAS, Colethia Holcomb was born in Newport News, where she attended the public schools; she then earned a bachelor's degree from Virginia Union University and a master's degree from Hampton Institute, now known as Hampton University; and

WHEREAS, Colethia Holcomb became a teacher and guidance counselor in Newport News; she touched hundreds of lives during a career in public education that spanned more than three decades and included work at George Washington Carver and Ferguson high schools; and

WHEREAS, after retiring in 1991, Colethia Holcomb stayed active in the community and enjoyed time with friends and family; she belonged to the NAACP, Delta Sigma Theta Sorority, and Area H Women's Ministry; and

WHEREAS, a woman of deep and abiding faith, Colethia Holcomb was a longtime member of the First Baptist Church of Hampton, where she found great fulfillment and sustenance; she served as a trustee, deaconess, and was an active participant in many church groups; and

WHEREAS, Colethia Holcomb will be greatly missed and fondly remembered by Frederick, her husband of 56 years; her daughter, Cheryl, and her family; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Colethia R. Holcomb of Hampton, a respected educator in Newport News who was a teacher and

guidance counselor, a woman of deep faith who made valuable contributions to her community, a friend to many people, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Colethia R. Holcomb as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 23

Celebrating the life of Wilford Taylor, Sr.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Wilford Taylor, Sr., an active member of the Hampton community, died on June 27, 2015; and

WHEREAS, a native of Marion, South Carolina, Wilford Taylor relocated to the Commonwealth and graduated from George P. Phenix High School; he earned a bachelor's degree from what was then Hampton Institute; and

WHEREAS, after honorably serving his country with the United States Navy, Wilford Taylor served the Wythe community of Hampton for more than 40 years as a carrier for the United States Postal Service; and

WHEREAS, Wilford Taylor was known for bringing joy into the lives of others by singing as he walked his postal route; he also sang with the Crusaders Male Chorus; and

WHEREAS, Wilford Taylor later served as head chef of Vic Zodda's Restaurant, earning accolades for his delicious, authentic Italian cuisine; after his well-earned retirement, he continued to serve the community as a volunteer in the Hampton Visitor Center; and

WHEREAS, believing strongly in the importance of a good education, Wilford Taylor worked hard to put his children through college and helped his wife achieve a college degree; and

WHEREAS, a man of deep and abiding faith, Wilford Taylor enjoyed fellowship and worship with the community as a member of First Baptist Church of Hampton; and

WHEREAS, Wilford Taylor will be fondly remembered and greatly missed by his wife of nearly 67 years, Zenobia; children, Wilford, Jr., James, Jill, and Michelle, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Wilford Taylor, Sr., an admired member of the Hampton community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Wilford Taylor, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 25

Commending the Que and Cruz Festival.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Que and Cruz Festival is a unique event in Louisa County that attracts many celebrity barbecue chefs and other visitors to the Commonwealth for a one-day celebration of good food and local culture; and

WHEREAS, the Que and Cruz Festival includes a variety of activities, including a nationally recognized barbecue competition, plus arts and crafts, musical performances, an antique car and truck show, and various live events; and

WHEREAS, the Que and Cruz Festival was selected by the Kansas City Barbeque Society (KCBS) as one of its 2016 sanctioned cook-offs and featured entries in the primary categories of pulled pork, pork ribs, chicken, and brisket; and

WHEREAS, the grand champion of the 2016 Que and Cruz Festival/KCBS Cook-Off will qualify to compete in the Jack Daniel's World Championship Invitational Barbecue in Lynchburg, Tennessee, and the American Royal World Series of Barbecue in Kansas City, Missouri; and

WHEREAS, the Que and Cruz Festival celebrates many of Virginia's finest traditions in the areas of art, music, food, and entertainment; and

WHEREAS, the 2016 Que and Cruz Festival will be held at Small Country Campground in Louisa County on October 1, 2016; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Que and Cruz Festival; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the organizers of the Que and Cruz Festival as an expression of the General Assembly's admiration for the festival's contributions to the Louisa County community.

SENATE JOINT RESOLUTION NO. 26

Commending Bethel Baptist Church.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, in 2015, Bethel Baptist Church celebrated 175 years of generous outreach to the Yorktown community and joyful worship in the Baptist tradition; and

WHEREAS, established in 1840, Bethel Baptist Church was a stalwart witness to many historical events in York County; the church continued to grow throughout the years and welcomed a congregation of more than 700 members in 2015; and

WHEREAS, Bethel Baptist Church partners with thousands of other churches in the Southern Baptist Convention and the Southern Baptist Conservatives of Virginia to spread the Word of God; and

WHEREAS, Bethel Baptist Church offers members of its congregation opportunities to volunteer their time and talents in various ministry groups, including men's, women's, children's, senior's and the military ministries; and

WHEREAS, Bethel Baptist Church emphasizes the importance of education through its students and education ministry groups as well as through a weekday preschool program; and

WHEREAS, under the able leadership of the Reverend Doug Echols, Bethel Baptist Church is committed to biblical exposition and strives to inspire others to experience the joys of a relationship with Jesus Christ; and

WHEREAS, on October 11, 2015, Bethel Baptist Church commemorated its 175th anniversary with a day-long celebration, featuring Bible fellowship, a worship service, special guests, a dinner, and a concert by the worship choir and orchestra; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bethel Baptist Church on the occasion of its 175th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug Echols, senior pastor of Bethel Baptist Church, as an expression of the General Assembly's admiration for its long legacy of service to the Yorktown community.

SENATE JOINT RESOLUTION NO. 27

Designating the first full week in August, in 2016 and in each succeeding year, as International Assistance Dog Week in Virginia.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, February 22, 2016

WHEREAS, in 1929, the first guide dog training school in the United States, The Seeing Eye, was established in Nashville, Tennessee, by Dorothy Harrison Eustis and Morris Frank after Frank returned from Switzerland with a German Shepherd dog he named Buddy, whose training was based on that of European guide dogs for blind World War I veterans; and

WHEREAS, in 1939, Lions International established Leader Dogs for the Blind in Detroit, Michigan, and the group has continued to support the organization, as well as Canine Companions for Independence (CCI), through various programs such as Lions Project for Canine Companions for Independence; and

WHEREAS, in 1975, Dr. Bonita Bergin developed the concept of the service dog to assist people with mobility limitations and founded CCI, the first nonprofit organization to train and place service dogs; in 1977, the first hearing dog training school, Dogs for the Deaf, was established in the United States by Roy G. Kabat; and

WHEREAS, in 1977, the Delta Foundation, renamed the Delta Society in 1981 and now Pet Partners, was formed to better encompass an expanding group of interested researchers and medical practitioners whose cumulative findings indicated that the presence of companion animals helped reduce people's blood pressure, lower stress and anxiety levels, and stimulate the release of endorphins; and

WHEREAS, in 1981, the Delta Society's Dr. Bill McCulloch helped the American Veterinary Medical Association initiate the Human-Animal Bond Task Force, which continues to this day; and

WHEREAS, in 1985, members of hearing dog programs began meeting annually; these meetings evolved into Assistance Dogs International (ADI), which set benchmarks for ethics in 1992 and public access test requirements for assistance dogs in 1995 on which today's access standards are based; and

WHEREAS, in 1993, the nonprofit International Association of Assistance Dog Partners was launched at the joint Delta Society and ADI Conference as an independent cross-disability consumer organization that could represent all assistance dog organizations and advance consumer interests in the assistance dog field; and

WHEREAS, in the years following the terrorist attacks of September 11, 2001, service dog training organizations have expanded their programs to support and accommodate the needs of veterans returning to the United States from Iraq and Afghanistan with multiple disabilities, including post-traumatic stress disorder (PTSD); and

WHEREAS, assistance dogs transform the lives of their human partners with physical and mental disabilities by serving as devoted companions, helpers, aides, best friends, and close family members; assistance dogs may be service dogs, guide dogs, hearing alert dogs, seizure alert/response dogs, cardiac alert dogs, or medical alert dogs; and

WHEREAS, guide dogs assist people with vision loss by leading them around physical obstacles, to seating, and when crossing streets, entering and exiting doorways and elevators, and climbing stairways; and

WHEREAS, service dogs assist people with disabilities with walking, balancing, dressing, transferring from place to place, retrieving and carrying items, opening doors and drawers, pushing buttons, pulling wheelchairs, and carrying out household chores such as loading and unloading the washer and dryer; and

WHEREAS, hearing alert dogs alert people with a hearing loss to specific sounds such as doorbells or knocks at the door, ringing telephones, crying babies, sirens, another person's voice, buzzing timers or sensors, and smoke, fire, and clock alarms; and

WHEREAS, alert/response dogs alert or respond to medical conditions, such as heart attack, stroke, diabetes, epilepsy/seizure disorders, panic attack, anxiety attack, and PTSD; and

WHEREAS, the annual International Assistance Dog Week provides an opportunity to raise awareness of the many ways assistance dogs selflessly mitigate individuals' disability-related limitations; and

WHEREAS, the Commonwealth supports those partnered with service dogs, and many individuals and groups in Virginia have already joined forces with assistance dog partners, organizations, and concerned citizens throughout America to raise awareness of assistance dogs and observe International Assistance Dog Week; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate the first full week in August, in 2016 and in each succeeding year, as International Assistance Dog Week in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to International Assistance Dog Week so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this week on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 28

Commending Brigadier General Wayne A. Wright, ANG, Ret.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Brigadier General Wayne A. Wright, ANG, Ret., a dedicated and highly respected leader with the Virginia Air National Guard, retired from military service in May 2015; and

WHEREAS, Wayne Wright graduated from the University of South Carolina and received a commission in the United States Air Force in 1981; he transitioned to the Georgia Air National Guard in 1992 and the Virginia Air National Guard in 2010; and

WHEREAS, Wayne Wright has held leadership positions at squadron, group, wing, and major command levels; his assignments have included operations and training of domestic and allied personnel and development and operational testing; and

WHEREAS, in the Virginia Air National Guard, Wayne Wright rose to become the chief of staff and air component commander, responsible for 1,230 airmen in five organizations; he is certified as a master air battle manager, with qualifications in six ground-based command and control systems; and

WHEREAS, Wayne Wright has earned numerous awards and decorations for his many years of meritorious service; and

WHEREAS, Wayne Wright and his wife, Jeannette, are members of the Toano community and the proud parents of four children and two grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Brigadier General Wayne A. Wright, ANG, Ret., on the occasion of his retirement from the Virginia Air National Guard; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Brigadier General Wayne A. Wright, ANG, Ret., as an expression of the General Assembly's admiration for his service to the Commonwealth and the United States.

SENATE JOINT RESOLUTION NO. 29

Commending Christ Episcopal Church.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Christ Episcopal Church in Spotsylvania County celebrated the 10th anniversary of the dedication of its All Saints Hall in 2015; and

WHEREAS, the construction of All Saints Hall allowed Christ Episcopal Church to serve better its growing congregation and support its ministries and other local service organizations; and

WHEREAS, the Food Pantry ministry, which is staffed by volunteers from the Christ Episcopal Church congregation, works to ensure that no member of the community suffers from hunger; and

WHEREAS, the Food Pantry ministry uses All Saints Hall to provide supplemental food to more than 150 local families, enhancing the health and wellness of community members through good nutrition; and

WHEREAS, the All Saints Hall at Christ Episcopal Church routinely hosts the staff members of the Rappahannock Area Community Services Board to facilitate activities for adults with intellectual disabilities; the board was able to expand its programs significantly through the use of All Saints Hall; and

WHEREAS, Christ Episcopal Church commemorated the anniversary of the dedication of All Saints Hall with a special celebration on September 19, 2015; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Christ Episcopal Church on the occasion of the 10th anniversary of the opening of its All Saints Hall; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Christ Episcopal Church as an expression of the General Assembly's admiration for the church's contributions to the Spotsylvania community.

SENATE JOINT RESOLUTION NO. 30

Commending Thomas E. Short.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Thomas E. Short, a distinguished educator and administrator, earned the Orange County Public Schools Lifetime Contribution Award in 2015; and

WHEREAS, Thomas Short began his career in education as a seventh-grade teacher at the Old Bellview School; after earning a master's degree from the University of Virginia, he served as an administrator at four schools in Orange County; and WHEREAS, Thomas Short served as principal of the Locust Grove School for 10 years, then came out of retirement to lead Grymes Memorial School; he served on numerous curricula and instructional committees at the state and local levels; and

WHEREAS, Thomas Short earned numerous other awards and accolades throughout his career, including the Outstanding Teacher of America award and recognition from the Virginia Association of Independent Schools; and

WHEREAS, Thomas Short is an exemplar of the dedication, able leadership, and passion for lifelong learning displayed by educators and school administrators throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Thomas E. Short on receiving the Lifetime Contribution Award from Orange County Public Schools; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Thomas E. Short as an expression of the General Assembly's admiration for his commitment to the youth of Orange County.

SENATE JOINT RESOLUTION NO. 31

Celebrating the life of Kelly G. Southard.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Kelly G. Southard, a noted architect and the senior principal of the firm Gillum Architects in Orange who also served and safeguarded his fellow residents as a member of the Orange County Rescue Squad, died on November 4, 2015; and

WHEREAS, in 1981, Kelly Southard joined the Orange County Rescue Squad, attaining the EMT-I certification and EMT Instructor, and served in numerous leadership positions, including rescue chief, captain, and crew leader; at the time of his passing, he was serving as training captain and vice president; and

WHEREAS, beginning in 1990, Kelly Southard served as a faculty member of the Virginia Association of Volunteer Rescue Squads Rescue College; he was the instructor trainer for rope rescue programs and instructor trainer for the Advanced Vehicle Rescue and School Bus Rescue Course; and

WHEREAS, Kelly Southard was chair or co-chair of the annual Virginia Association of Volunteer Rescue Squads Conference and Rescue Squads State Competition from 1992 to September 2015; and

WHEREAS, in recognition of his more than 30 years of service to the community and to the Virginia Association of Volunteer Rescue Squads, Kelly Southard was elected as a life member of the Virginia Association of Volunteer Rescue Squads in September 2010; and

WHEREAS, Kelly Southard served as a director of the Rappahannock-Rapidan EMS Council from 1988 to 2001, and he was a director of the Rappahannock EMS Council from 2001 to 2015, as well as vice president and chair of the Guidelines

and Training Committee; on July 11, 2014, he was appointed to the Governor's Emergency Medical Services Advisory Board; and

WHEREAS, Kelly Southard enjoyed fellowship and worship with the community as an active member of Orange Baptist Church; and

WHEREAS, Kelly Southard will be fondly remembered by his family, friends, and former students for his service and dedication to the community and his fellow members of the emergency medical services field; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Kelly G. Southard, a dedicated servant to Orange County and the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kelly G. Southard as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 33

Commending the African Methodist Episcopal Church.

Agreed to by the Senate, February 18, 2016

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, the African Methodist Episcopal Church grew out of the Free African Society, which was established by Richard Allen, Absalom Jones, and others in Philadelphia in 1787; and

WHEREAS, the African Methodist Episcopal Church is the first major religious denomination in the Western world that developed from sociological and theological beliefs and differences that opposed negative theological interpretations that rendered persons of African descent second-class citizens; and

WHEREAS, the African Methodist Episcopal Church currently has a membership of 2,510,000 people, located in 20 Episcopal Districts in 39 countries on five continents, with a mission to minister to the social, spiritual, and physical development of all people; and

WHEREAS, since its founding, the African Methodist Episcopal Church has been preaching and teaching the gospel of Jesus Christ; feeding the hungry; clothing the naked; housing the homeless; cheering the fallen; providing jobs for the jobless; administering to the needs of those in prisons, hospitals, nursing homes, asylums and mental institutions, and senior citizens' homes; caring for the sick, the shut-in, and the mentally and socially disturbed; and encouraging thrift and economic advancement; and

WHEREAS, there are 70 African Methodist Episcopal Churches serving the people of the Commonwealth from the sandy Eastern Shore to the majestic heights of the Blue Ridge Mountains; and

WHEREAS, the African Methodist Episcopal Church is a strong advocate for education and is affiliated with 17 institutions of higher education; and

WHEREAS, the African Methodist Episcopal Church has been throughout the decades and continues to be the center of cultural life for many communities, with exceptional music programs as a part of this cultural tradition, especially choral music; and

WHEREAS, the African Methodist Episcopal Church has been at the forefront of the Civil Rights and Voting Rights movements, advocating for equality in housing, education, health care, and employment, as well as encouraging unhindered access to the ballot box; and

WHEREAS, the African Methodist Episcopal Church believes that the faith community must lead and be the conscience of the nation because improvement in race relations will require not only the passage of legislation but also a change of hearts and minds; and

WHEREAS, Mother Emanuel AME Church in Charleston, South Carolina, stood boldly and steadfastly against senseless violence committed on June 17, 2015, when nine of its members were brutally murdered during the church's Bible study and prayer service; and

WHEREAS, the African Methodist Episcopal Church continues to demonstrate leadership in its advocacy for peace and forgiveness in its ministry and message; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the African Methodist Episcopal Church for its years of ministry and service to the Commonwealth and the nation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Right Reverend William P. DeVeaux, presiding prelate of the Second Episcopal District of the African Methodist Episcopal Church, as an expression of the General Assembly's admiration for the church's contributions to spiritual life in the United States.

SENATE JOINT RESOLUTION NO. 35

Designating April, in 2016 and in each succeeding year, as Advance Care Planning Month in Virginia.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, March 2, 2016

WHEREAS, advance care planning allows individuals to make clear decisions about the care they would want to receive, on the basis of personal values and preferences, should they become unable to speak for themselves; and

WHEREAS, studies indicate that 90 percent of the public recognize the importance of honoring each individual's wishes for treatment at the end of life, but less than 30 percent of all Virginians have executed an advance directive making their wishes known; and

WHEREAS, Advance Care Planning Month is designed to raise public awareness of the importance of planning ahead for end-of-life decisions or medical treatment should one be unable to communicate these wishes and to encourage the specific use of advance directives to document these important health care decisions; and

WHEREAS, the Advance Care Planning Coalition of Eastern Virginia, the Coordinating Committee to Promote Use of Advance Directives in Mental Health Care and its founding partners, the Institute of Law, Psychiatry, and Public Policy at the University of Virginia and the Virginia Department of Behavioral Health and Developmental Services, Honoring Choices Virginia, LeadingAge Virginia, the Medical Society of Virginia, the Richmond Academy of Medicine, the Virginia Association for Hospices and Palliative Care, the Virginia Department for Aging and Rehabilitative Services, the Virginia Department of Health, the Virginia Health Care Association, the Virginia Hospital and Healthcare Association, and the Virginia POST Collaborative engage in educating the public about the importance of discussing health care choices and executing advance directives; and

WHEREAS, one of the primary goals of Advance Care Planning Month is to encourage medical, legal, and human service organizations to participate in a Commonwealth-wide effort to improve public knowledge and increase the number of Virginia residents with advance directives; and

WHEREAS, it is important for all organizations and businesses promoting advance care planning to provide clear and consistent information to the public about advance directives; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate April, in 2016 and in each succeeding year, as Advance Care Planning Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit copies of this resolution to the Advance Care Planning Coalition of Eastern Virginia, the Coordinating Committee to Promote Use of Advance Directives in Mental Health Care and its founding partners, the Institute of Law, Psychiatry, and Public Policy at the University of Virginia and the Virginia Department of Behavioral Health and Developmental Services, Honoring Choices Virginia, LeadingAge Virginia, the Medical Society of Virginia, the Richmond Academy of Medicine, the Virginia Association for Hospices and Palliative Care, the Virginia Department for Aging and Rehabilitative Services, the Virginia Department of Health, the Virginia Health Care Association, the Virginia Hospital and Healthcare Association, and the Virginia POST Collaborative so that members of the organizations may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 36

Celebrating the life of Alton H. Glass, Sr.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Alton H. Glass, Sr., of Newport News, the former president of United Steelworkers Local 8888 who advocated tirelessly on behalf of thousands of Newport News Shipbuilding employees and for the entire United Steelworkers membership, and who was a devoted husband and father and a small business owner, died on October 30, 2015; and

WHEREAS, Alton Glass began working for Newport News Shipbuilding, which is a division of Huntington Ingalls, Inc., as a welder; he became active in union affairs and was involved in bargaining talks, special projects, and manning picket lines; and

WHEREAS, in 2003, Alton Glass was elected president of United Steelworkers Local 8888, which is the largest union at Newport News Shipyard and represents thousands of employees; he was at the helm of the organization until 2009; and

WHEREAS, as president, Alton Glass led the union through two rounds of contract negotiations and garnered substantial gains for employees, including pay increases, pay upgrades, pension improvements, and new safety measures; additionally, he was responsible for a major renovation of Local 8888's union hall; and

WHEREAS, Alton Glass made many valuable contributions to the United Steelworkers International organization; he was an expert in public policy analysis and developed strong and effective lobbying skills; and

WHEREAS, Alton Glass, who was respected by union members and management alike, fostered collaboration by forging relationships with the management of Newport News Shipyard, which is one of the Commonwealth's largest employers; and

WHEREAS, after retiring from Newport News Shipyard in 2012, Alton Glass stayed active in his community; he was a small-business owner, operating Manicure Lawn Care; and

WHEREAS, Alton Glass will be greatly missed and fondly remembered by Delores, his wife of 35 years, who was his high school sweetheart; their children, Alton, Jr., and Misha, and their families; and many family members, friends, and fellow employees at Newport News Shipbuilding; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Alton H. Glass, Sr., of Newport News, a tireless advocate for his fellow steel workers at Newport News Shipbuilding, who served as president of United Steelworkers Local 8888 from 2003 to 2009, and who was a devoted husband and father and a small business proprietor; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Alton H. Glass, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 39

Commending the Henrico High School boys' basketball team.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Henrico High School boys' basketball team capped off an outstanding season by winning the 2015 Virginia High School League Group 5A state championship; and

WHEREAS, the Henrico High School Warriors defeated a talented team from Norview High School 78–64 in a hard-fought contest at Virginia Commonwealth University's Siegel Center; and

WHEREAS, throughout the game, which was held on March 14, 2015, the Henrico Warriors never lost the lead; they converted almost 70 percent of their shots in the first quarter, and at one point in the second quarter they led by as many as 23 points; and

WHEREAS, the Henrico High School boys' basketball team is one of the top basketball programs in the Commonwealth; they won the state title in 2013, and the storied program was state runner-up in 2014; and

WHEREAS, members of the Henrico High School Warriors were determined and focused throughout the season; they maintained a high level of intensity, and their mental preparation played an important role; and

WHEREAS, under the dedicated leadership of Vance Harmon, head coach of the Henrico High School boys' basketball team, the players practiced and competed with discipline and determination; the Warriors ended the season with a 28–1 record; and

WHEREAS, the entire Henrico High School community expected great things from the boys' basketball team and they were not disappointed; the players' families and friends as well as the school faculty and staff enthusiastically supported the team throughout the 2014–2015 season; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Henrico High School boys' basketball team for winning the 2015 Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Vance Harmon, head coach of the Henrico High School boys' basketball team, as an expression of the General Assembly's congratulations and admiration for the team's stellar performance and championship season.

SENATE JOINT RESOLUTION NO. 41

Commending the Harrisonburg-Rockingham Chamber of Commerce.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, for 100 years, the Harrisonburg-Rockingham Chamber of Commerce has provided local businesses with the tools and support to succeed and grow and has worked to strengthen the entire community; and

WHEREAS, established by a group of local residents in 1916, what was then known as the Harrisonburg Chamber of Commerce set out to advance the commercial, industrial, civic, and social interests of the town under the leadership of the organization's first president, J. A. Burruss; and

WHEREAS, in the 1930s, the Harrisonburg Chamber of Commerce facilitated the creation of county fairs and events; the chamber worked with First National Bank to establish the Turkey Festival, featuring the popular turkey toss; and

WHEREAS, having grown to 108 members from throughout the region, the Harrisonburg Chamber of Commerce voted in 1935 to change its name to the Harrisonburg-Rockingham Chamber of Commerce; and

WHEREAS, the Harrisonburg-Rockingham Chamber of Commerce continued to expand and grow, creating the Civic/County Community Fund, Inc., in 1957 to raise funds in support of nonprofit civic organizations; the organization is now known as the United Way of Harrisonburg and Rockingham County; and

WHEREAS, in 1979, the Harrisonburg-Rockingham Chamber of Commerce founded what is now Leadership Harrisonburg-Rockingham, which has graduated more than 850 aspiring local leaders; and

WHEREAS, in 2009, the Harrisonburg-Rockingham Chamber of Commerce initiated a program to discuss the future of the community and the region; the successful dialogue resulted in the creation of the Building Optimal Leaders by Design program, a revitalization of the Shenandoah Valley Partnership's Workforce and Education Committee, and greater coordination of entrepreneur and economic development activities; and

WHEREAS, with nearly 900 members, a 29-member board of directors, and a dedicated staff, the Harrisonburg-Rockingham Chamber of Commerce is one of the largest business associations in the I-81 corridor, and it has helped to make Harrisonburg and Rockingham County into thriving, dynamic communities that are full of opportunities for businesses and residents; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Harrisonburg-Rockingham Chamber of Commerce on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Harrisonburg-Rockingham Chamber of Commerce as an expression of the General Assembly's admiration for the organization's work to help the Harrisonburg and Rockingham County communities grow.

SENATE JOINT RESOLUTION NO. 43

Celebrating the life of Karen Correia Radley.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Karen Correia Radley of King George County, a respected entrepreneur with Radley Automotive Group and a beloved member of the community, died on April 5, 2015; and

WHEREAS, a native of Los Banos, California, Karen Radley relocated to the Fredericksburg area and earned a reputation as a knowledgeable, hardworking, and highly professional leader in her role as a car dealer with Radley Automotive Group; and

WHEREAS, Karen Radley worked to serve and strengthen the community as a member of several local boards; she privately supported many charitable organizations and was admired for her quiet kindness; and

WHEREAS, Karen Radley often put other people's needs before her own, and her compassion extended to animals; she proudly owned horses, and her house often became a home to strays or other animals in need; and

WHEREAS, developing a keen appreciation for world cultures throughout her life, Karen Radley traveled to more than 100 countries, documenting her journeys through stunning photography and vivid storytelling; and

WHEREAS, predeceased by her son, Cory, Karen Radley will be fondly remembered and greatly missed by her husband, Vincent, and numerous other family members, friends, colleagues, and customers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Karen Correia Radley, a well-known member of the King George County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Karen Correia Radley as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 44

Commending the Virginia National Guard.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the courageous soldiers and airmen of the Virginia National Guard have made outstanding and valuable contributions to the defense of the United States and the security of the Commonwealth and have advanced the cause of freedom around the world; and

WHEREAS, since the terrorist attacks of September 11, 2001, more than 15,000 Virginia soldiers and airmen have served on active duty in support of Operations Noble Eagle, Enduring Freedom, Iraqi Freedom, and New Dawn, helping to maintain security in the United States and further the cause of freedom around the world; and

WHEREAS, in September 2015, the Winchester-based 3rd Battalion, 116th Infantry Regiment, 116th Infantry Bridge Combat Team was mobilized to Southwest Asia in support of ongoing overseas contingency operations and to provide force protection and security for critical installations; and

WHEREAS, the Virginia National Guard could not perform its mission without the support of the civilian workforce, families, employers, and community members; and

WHEREAS, the Virginia National Guard is recognized as one of the best in the nation in many critical areas and provides a ready, reliable, relevant, and rapidly responding force that deploys as directed by the Governor of Virginia to assist state and local authorities; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia National Guard and its dedicated soldiers, airmen, Virginia Defense Force members, and civilian employees for

their devotion to duty and many outstanding and valuable contributions to the defense of the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to General Timothy P. Williams, adjutant general of Virginia, as an expression of the General Assembly's admiration and gratitude for the service and sacrifices of the patriotic soldiers, airmen, Virginia Defense Force members, and civilian employees of the Virginia National Guard.

SENATE JOINT RESOLUTION NO. 45

Commending Don and Marcelline Waugh.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Don and Marcelline Waugh, respected entrepreneurs in Orange and accomplished collectors of Harley-Davidson memorabilia, retired in 2015 as owners of Waugh Enterprises Harley-Davidson and Waugh's Memory Lane Motorcycle Museum; and

WHEREAS, Don and Marcelline Waugh established Waugh Enterprises Harley-Davidson in 1976, offering a wide variety of motorcycles, parts, service, and accessories; they earned admiration as one of the last "mom and pop" motorcycle dealers in the Commonwealth; and

WHEREAS, avid motorcycle enthusiasts, Don and Marcelline Waugh amassed a collection of Harley-Davidson memorabilia valued at over \$1 million and opened Waugh's Memory Lane Motorcycle Museum to share their treasures with the public; and

WHEREAS, Waugh's Memory Lane Motorcycle Museum featured an array of vintage cars and motorcycles, as well as everything from collector's edition toys and knives to a Harley-Davidson pinball machine; the collection sold at auction in December 2015 and attracted bidders from throughout the United States and the world; and

WHEREAS, after their well-earned retirement, Don and Marcelline Waugh plan to sell Waugh Enterprises Harley-Davidson to an automotive dealer and travel the country on their custom Harley-Davidson motorcycle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Don and Marcelline Waugh on the occasion of their retirement as owners of Waugh Enterprises Harley-Davidson and Waugh's Memory Lane Motorcycle Museum; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Don and Marcelline Waugh as an expression of the General Assembly's admiration for their service to the Orange community and best wishes on a happy retirement.

SENATE JOINT RESOLUTION NO. 46

Celebrating the life of William T. Bear II.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, William T. Bear II of Churchville, a fifth-generation family business owner who served countless local residents in need as a funeral director, died on June 18, 2015; and

WHEREAS, a lifelong resident of Churchville, William "Bill" Bear graduated from Churchville High School and earned a degree from the Cincinnati College of Mortuary Science; and

WHEREAS, Bill Bear inherited ownership of Bear Funeral Home from his father; the family business has been in continuous operation for more than 200 years and originally produced cabinets and other wood furnishings, including coffins; and

WHEREAS, under Bill Bear's leadership, Bear Funeral Home maintained a reputation for exceptional service, treating families with dignity and compassion in their time of need and ensuring that arrangements were handled with care; and

WHEREAS, serving the residents of Churchville, as well as the counties of Augusta, Bath, Highland, and Rockingham, Bill Bear earned a reputation for professionalism and comforted many grieving families with his gentle demeanor and wisdom; and

WHEREAS, a man of deep and abiding faith, Bill Bear enjoyed fellowship and worship with the community at Calvary Baptist Church, and he worked to further strengthen and enhance the community as a life member of Churchville Ruritan Club; and

WHEREAS, Bill Bear will be fondly remembered and greatly missed by his children, William III, Judi, and Jill, and their families and numerous other family members, friends, and local residents whose families he served; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of William T. Bear II, the deeply respected funeral director of Bear Funeral Home; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of William T. Bear II as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 48

Designating September, in 2016 and in each succeeding year, as Blood Cancer Awareness Month in Virginia.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, February 22, 2016

WHEREAS, more than 1,100,000 people in the United States are living with or are in remission from leukemia, lymphoma, myeloma, or another form of blood cancer, with approximately 150,000 new cases diagnosed each year; and

WHEREAS, forms of blood cancer are responsible for more than 50,000 deaths in the United States annually, and survivors may experience long-term effects of treatment, potentially requiring lifelong follow-up care; and

WHEREAS, investments in cancer research and control have contributed to significant progress in understanding and treating some blood cancers, increasing survival rates for many blood cancer patients; and

WHEREAS, continued investment and innovation is necessary to promptly diagnose and effectively and safely treat all blood cancers; nonprofit and voluntary health organizations exist to find cures and ensure access to treatment for blood cancer patients; and

WHEREAS, the Virginia chapter of the Leukemia and Lymphoma Society maintains offices in Richmond and Norfolk to better serve blood cancer patients and their families in the Commonwealth; and

WHEREAS, the Commonwealth is committed to the study, prevention, and eradication of blood cancers, and all Virginians are encouraged to support patients and their families, as well as efforts to better understand and find cures for the diseases; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate September, in 2016 and in each succeeding year, as Blood Cancer Awareness Month in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Virginia chapter of the Leukemia and Lymphoma Society so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this month on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 49

Designating September 15, in 2016 and in each succeeding year, as Lymphoma Awareness Day in Virginia.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, February 22, 2016

WHEREAS, lymphoma is the most common form of blood cancer and the third most common childhood cancer; and

WHEREAS, more than 80,000 new cases of lymphoma are diagnosed each year in the United States, including 1,900 cases in the Commonwealth; and

WHEREAS, awareness and education are powerful tools in the race to find a cure for lymphoma, and a cure for the disease can only be realized through advanced research and effective treatment; and

WHEREAS, the health and vitality of the residents of the Commonwealth are significantly enhanced by local efforts to increase communication and education regarding the early diagnosis and treatment of lymphoma; and

WHEREAS, nonprofit organizations, such as the Lymphoma Research Foundation, offer a wide range of support services for people with lymphoma and their families and caregivers; and

WHEREAS, Lymphoma Awareness Day helps raise general awareness of the disease and provides hope to people fighting lymphoma and other blood cancers; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate September 15, in 2016 and in each succeeding year, as Lymphoma Awareness Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Lymphoma Research Foundation so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 52

Celebrating the life of Joseph Anthony DiJulio.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Joseph Anthony DiJulio, a distinguished estate planning and probate attorney in Virginia Beach, died on July 30, 2015; and

WHEREAS, Joseph "Joe" DiJulio earned a bachelor's degree from Indiana University and a law degree from Vanderbilt University, where he was an associate editor of the Journal of Transnational Law; and

WHEREAS, Joe DiJulio worked for the firm of Clark and Stant, which later merged with Williams Mullen; he earned numerous awards and accolades over the course of his career; and

WHEREAS, as a certified public accountant, Joe DiJulio focused on estate planning and probate law, private client and fiduciary services, business succession planning, fiduciary litigation, wealth transfer planning, and tax-exempt practice; and

WHEREAS, Joe DiJulio earned respect from clients for his attentiveness and work ethic, and he shared his expertise with peers as a speaker and author on estate planning; and

WHEREAS, Joe DiJulio served for three years as new decisions editor of the Journal of Taxation and, in addition, Martindale Hubbell rated him an AV attorney, its highest rating; and

WHEREAS, Joe DiJulio was a fellow in the American College of Trust and Estate Counsel; he was listed in The Best Lawyers in America and named as one of the Best Lawyers' 2012 Norfolk Area Litigation, Trusts & Estates Lawyer of the Year, Legal Elite by *Virginia Business* magazine, and Super Lawyer for Estate Planning and Probate by *Virginia Super Lawyers* magazine; and

WHEREAS, supporting several charitable organizations in Virginia Beach, Joe DiJulio served as a board member of the Hansen Family Foundation and was most active with the Virginia Beach SPCA, where he served as a member of the board, including as president; and

WHEREAS, Joe DiJulio, the owner/father of Huff the Great Dane, was presented with a key to the City of Virginia Beach by Mayor Will Sessoms, Jr.; and

WHEREAS, passionate about health and fitness, Joe DiJulio was the co-owner of Hybrid Training Center, a mixed martial arts and CrossFit center; and

WHEREAS, Joe DiJulio will be fondly remembered and greatly missed by his wife, Betsy, and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Joseph Anthony DiJulio, a respected attorney in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Joseph Anthony DiJulio as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 53

Commending NASA's Wallops Flight Facility.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, NASA's Wallops Flight Facility, located on Wallops Island on Virginia's Eastern Shore, celebrated its 70th anniversary in 2015; the facility is an integral part of the National Aeronautics and Space Administration's Goddard Space Flight Center and its only launch range; and

WHEREAS, Wallops Flight Facility began in 1945 as the Pilotless Aircraft Research Station under the National Advisory Committee for Aeronautics as a part of the Langley Aeronautical Laboratory in Hampton; and

WHEREAS, the first rocket launched from Wallops Flight Facility on June 27, 1945, which formed the foundation for the facility's long-standing record of excellence in conducting research, development, and scientific investigations; and

WHEREAS, Wallops Flight Facility today leads NASA's suborbital and special orbital projects involving research and technology demonstrations on scientific balloons, sounding rockets, and aircraft and offers launch and test range services for small and medium launch vehicles; and

WHEREAS, Wallops Flight Facility is home and partner to the Commonwealth's Mid-Atlantic Regional Spaceport, a true national asset providing government and industry with access to low-Earth orbit and deep space; and

WHEREAS, throughout its 70 years of existence, Wallops Flight Facility has been a major contributor to the nation's space program, making new discoveries, advancing knowledge of Earth and the universe beyond, and inspiring the next generation of aerospace leaders; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend NASA's Wallops Flight Facility on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to NASA's Wallops Flight Facility as an expression of the General Assembly's admiration for the facility's contributions to science, space exploration, and the Commonwealth.

SENATE JOINT RESOLUTION NO. 54

Commending first responders to the Cherrystone Campgrounds tornado.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, on July 24, 2014, an EF-1 tornado touched down on the Cherrystone Campgrounds, at Cherrystone Family Camping and RV Resort in Cape Charles, that overturned multiple recreational vehicles and damaged property and trees; and

WHEREAS, the tornado caused a tractor trailer to flip on Lankford Highway in Northampton County and was accompanied by severe rain and golf-ball-sized hail; the event tragically resulted in multiple fatalities and numerous major and minor injuries; and

WHEREAS, the Northampton County Board of Supervisors declared a state of emergency, and fire and police departments, medical personnel, and citizens quickly responded to the incident to assess the damage, care for the injured, and liaise with local hospitals to provide timely treatment; and

WHEREAS, from Northampton County, the Cape Charles Rescue Service, Cape Charles Volunteer Fire Company, Cape Charles Police Department, Cheriton Volunteer Fire Company, Community Volunteer Fire Company, Eastville Volunteer Fire Company, Eastville Police Department, Exmore Police Department, Northampton County Sheriff's Office, Northampton County Department of EMS, Northampton Fire Rescue, Northampton County Public Schools, Northampton County Administration staff, and Northampton County Social Services all worked to safeguard members of the public in the aftermath of the tornado; and

WHEREAS, numerous Accomack County units responded to the disaster, including the Accomack County Sheriff's Office, Accomack County Department of Public Safety, Bloxom Volunteer Fire Company, Melfa Volunteer Fire and Rescue, Onancock Volunteer Fire Department, Onley Volunteer Fire-Rescue, Parksley Volunteer Fire Company, and Wachapreague Volunteer Fire Company; and

WHEREAS, the Cherrystone Campgrounds staff, Virginia Marine Resources Commission, Virginia Marine Police, Virginia Conservation Police, Chesapeake Bay Bridge-Tunnel Police, Kiptopeke State Park Police, Virginia State Police, Red Cross, Shore Transport, Virginia Beach Fire and EMS, NASA Wallops Flight Facility Fire Department, Incident Management Team of the Chesapeake Fire Department, Eastern Shore of Virginia 9-1-1 Communications Center, and United States Coast Guard Station Cape Charles also responded to the incident to offer expertise and assistance; and

WHEREAS, the actions of the first responders to the Cherrystone Campgrounds tornado are a testament to the professionalism, dedication, and loyalty to the community displayed by first responders throughout the Commonwealth and the United States; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the first responders to the Cherrystone Campgrounds tornado for their efficient, effective, and well-coordinated efforts in response to an emergency situation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the first responders to the Cherrystone Campgrounds tornado as an expression of the General Assembly's admiration for the actions of all units involved in the aftermath of this incident.

SENATE JOINT RESOLUTION NO. 55

Celebrating the life of Chief Warrant Officer Joseph Bernard Wisniewski, Jr., USA, Ret.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Chief Warrant Officer Joseph Bernard Wisniewski, Jr., USA, Ret., a distinguished veteran, successful business owner, and devoted community leader who worked to enhance the lives of his fellow Northern Virginia residents, died on June 19, 2015; and

WHEREAS, a native of Shamokin, Pennsylvania, Joseph Wisniewski graduated from Shamokin High School, where he served as a student athletic manager; after high school, desirous to be of service to his country, he joined the United States Army; and

WHEREAS, specializing in telecommunications, Joseph Wisniewski was stationed in Munich, Germany, and helped run the Bavarian Phone Company for the United States Army; over the course of his 25-year military career, he earned a Bronze Star Medal and served in France, Korea, Vietnam, as well as various posts in the United States; and

WHEREAS, after his retirement from the military in 1969, Joseph Wisniewski managed and owned Joe Smart's Radio and TV Service in Springfield and founded Wiz Enterprise; he provided exceptional service to the community and was a respected mentor to many of his employees; and

WHEREAS, Joseph Wisniewski worked tirelessly to serve and strengthen his community through volunteer efforts; as a member of the Fairfax County Democratic Committee, Eighth District Democratic Committee, and Annandale District Democratic Committee, he encouraged others to fulfill their civic duty; and

WHEREAS, earning many awards and accolades for his good work, Joseph Wisniewski received the 1994 Jefferson-Jackson Award, the 2002 Eagle Award for Achievement in Civil Rights and Public Service, and the 2008 Joseph V. Gartlan, Jr., Award for service to Fairfax County; and

WHEREAS, predeceased by his beloved wife, Marianne, Joseph Wisniewski will be fondly remembered and greatly missed by his children, Karen, Nina, Vera, and Marc, and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Chief Warrant Officer Joseph Bernard Wisniewski, Jr., USA, Ret., a decorated veteran, business owner, servant to the Northern Virginia community, and a great American; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Chief Warrant Officer Joseph Bernard Wisniewski, Jr., USA, Ret., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 56

Celebrating the life of George Burke.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, George Burke, a trusted advisor to numerous public servants and the chair of the 11th Congressional Democratic Committee of Virginia, who mentored and inspired countless young leaders in Northern Virginia, died on October 30, 2015; and

WHEREAS, a native of the Bronx, New York, George Burke attended the University of New Hampshire and began his journalism career as a freelance writer and photographer for the Associated Press and *Newsweek*, *Discover*, and *Yankee* magazines; and

WHEREAS, in 1974, George Burke was hired by *Foster's Daily Democrat* in New Hampshire, where he worked for more than five years, becoming state editor and Exeter bureau chief; during this time, he won numerous awards, including Best News and Story of 1978 from the New England Press Association; and

WHEREAS, in 1979, George Burke relocated to Northern Virginia to accept a position with New Hampshire Congressman Norman D'Amours as his communications director, and served in the same post for New York Congressman James H. Scheuer from 1985 to 1987; he served three terms as president of the Association of House Democratic Press Secretaries and was a press officer for the Democratic National Conventions in 1980 and 1988; and

WHEREAS, George Burke left Capitol Hill to become director of the department of public relations and communication for the International Association of Fire Fighters (IAFF), a union representing more than 300,000 professional firefighters; in 2000, he was promoted to assistant to the general president for communications and media, where he served and advocated for firefighters and first responders until his retirement from the IAFF in 2004; and

WHEREAS, in the days and weeks following the September 11, 2001, terrorist attacks, George Burke worked with national media on the IAFF's response to the disaster and continued to be a tireless advocate for first responders throughout his life; and

WHEREAS, George Burke was elected chair of the 11th Congressional District Democratic Committee in 2005 and served as an advisor to numerous campaigns throughout Northern Virginia; he sought to strengthen the Democratic Party by encouraging fair representation of diverse interests; and

WHEREAS, in 2009, George Burke returned to Capitol Hill and ably served as communications director to United States Representative Gerry Connolly of Virginia's 11th District for more than three terms; and

WHEREAS, George Burke hosted a local political television program, *Inside Scoop*, interviewing local politicians and exploring the issues, which aired on the Fairfax Public Access channel; and

WHEREAS, George was a gifted man of many talents, who spent 31 years as a professional ski instructor at Liberty Mountain; he was a spellbinding storyteller with an incisive wit and lived his life with gusto; and

WHEREAS, George Burke was a man of integrity who served his party, his principles, and his country to the utmost of his considerable ability; and

WHEREAS, George Burke will be fondly remembered and greatly missed by his wife of 42 years, Sharon; children, Ian, Caitlin, and Sean, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of George Burke, a dedicated servant to Northern Virginia, the Commonwealth, and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of George Burke as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 58

Continuing the Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding as the Joint Subcommittee on Coastal Flooding. Report.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, House Joint Resolution No. 16 (2014) and Senate Joint Resolution No. 3 (2014) established the Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding (the Joint Subcommittee); and

WHEREAS, House Joint Resolution No. 50 (2012) and Senate Joint Resolution No. 76 (2012) directed the Virginia Institute of Marine Science (VIMS) to study strategies for adaptation to prevent recurrent flooding in Tidewater and Eastern Shore Virginia localities; and

WHEREAS, the resulting VIMS report, entitled "Recurrent Flooding Study for Tidewater Virginia," published as Senate Document 3 (2013), stated that recurrent flooding impacts all localities in Virginia's coastal zone and is predicted to become worse over reasonable planning horizons (20 to 50 years); and

WHEREAS, VIMS offered several recommendations, including that the Commonwealth, working with its coastal localities, (i) begin comprehensive and coordinated planning efforts; (ii) initiate identification, collection, and analysis of data needed to support effective planning for response efforts; and (iii) take a lead role in addressing recurrent flooding in Virginia for the following reasons: (a) accessing relevant federal resources for planning and mitigation may be enhanced through state mediation, (b) flooding problems are linked to water bodies and therefore often transcend locality boundaries, and (c) prioritizing flood management actions must be based in part on risk, and therefore the Commonwealth must oversee the necessary studies to determine adaptation strategies as well as implementation of the agreed-upon strategies; and

WHEREAS, the Joint Legislative Audit and Review Commission (JLARC) study mandated by House Joint Resolution No. 132 (2012) and presented on October 15, 2013, entitled "Review of Disaster Preparedness Planning in Virginia," stated: "The state generally has strong disaster response plans, but deficiencies in evacuation and shelter plans may compromise the safety of the Hampton Roads population during a catastrophic disaster"; and

WHEREAS, the JLARC study further noted that if four key assumptions in the state's current evacuation plan do not hold, "timely hurricane evacuations could be compromised," placing citizens at risk after the storm; and

WHEREAS, the Virginia Housing Commission studied this issue through its Housing and Environmental Standards Work Group and found that zoning, building codes, and planning issues will all be affected by recurrent flooding; and

WHEREAS, House Joint Resolution No. 16 (2014) and Senate Joint Resolution No. 3 (2014) established the Joint Subcommittee as recommended by the VIMS report; and

WHEREAS, the Joint Subcommittee met four times during the 2014 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, the Joint Subcommittee filed an Executive Summary with the General Assembly prior to the 2015 Session that included five initial recommendations to increase public awareness, improve local and state government agency resiliency coordination, and address floodplain management; and

WHEREAS, recommendations made by the Joint Subcommittee during the 2014 interim resulted in six bills passing the General Assembly during the 2015 Session, all with bipartisan support; and

WHEREAS, the Joint Subcommittee met four times during the 2015 interim to collect information from federal agencies, state agencies, localities, and stakeholders and to carry out its work; and

WHEREAS, recommendations made by the Joint Subcommittee during the 2015 interim resulted in additional recommendations that are both legislative in nature and require additional coordination among federal agencies, state agencies and higher education; and

WHEREAS, the members of the full Joint Subcommittee concurred that the Joint Subcommittee should be continued for two more years in order to keep the Commonwealth on the path of advancing Virginia as the coastal states leader in advancing resiliency strategies and, most importantly, protecting its citizens and business assets; and

WHEREAS, to more accurately reflect its mission, the Joint Subcommittee would be more appropriately named the Joint Subcommittee on Coastal Flooding; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Subcommittee to Formulate Recommendations for the Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding be continued as the Joint Subcommittee on Coastal Flooding. The joint subcommittee shall have a total membership of 10 members that shall consist of four members of the House of Delegates appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate appointed by the Senate Committee on Rules; two nonlegislative citizen members, one of whom shall be a business leader and one of whom shall be a representative of the environmental community, appointed by the Speaker of the House of Delegates; and one nonlegislative citizen member who is a local official representing Virginia's flood-prone communities appointed by the Senate Committee on Rules. Nonlegislative citizen members of the joint subcommittee shall be citizens of the Commonwealth of Virginia. The current members appointed by

the Speaker of the House of Delegates shall be subject to reappointment. The current members appointed by the Senate Committee on Rules shall continue to serve until replaced. Vacancies shall be filled by the original appointing authority. Unless otherwise approved in writing by the chairman of the joint subcommittee and the respective Clerk, nonlegislative citizen members shall only be reimbursed for travel originating and ending within the Commonwealth of Virginia for the purpose of attending meetings. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required. The joint subcommittee shall elect a chairman and vice-chairman from among its membership, who shall be members of the General Assembly.

In conducting its review, the joint subcommittee shall recommend short-term and long-term strategies for minimizing the impact of recurrent flooding and coastal storms.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint subcommittee shall be provided by the Division of Legislative Services. Technical assistance shall be provided by Virginia college and university faculty with expertise in the subject matter. All agencies of the Commonwealth shall provide assistance to the joint subcommittee for this review, upon request.

The joint subcommittee shall be limited to four meetings for the 2016 interim and four meetings for the 2017 interim, and the direct costs of this subcommittee shall not exceed \$16,760 for each year without approval as set out in this resolution. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint subcommittee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint subcommittee shall be adopted if a majority of the House members or a majority of the Senate members appointed to the joint subcommittee (i) vote against the recommendation and (ii) vote for the recommendation to fail notwithstanding the majority vote of the joint subcommittee.

The joint subcommittee shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint subcommittee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for the joint subcommittee's review, extend or delay the period for the conduct of the review, or authorize additional meetings during the 2016 and 2017 interims.

SENATE JOINT RESOLUTION NO. 61

Designating June 29, in 2016 and in each succeeding year, as Virginia Constitution Day in Virginia.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, February 22, 2016

WHEREAS, ratified on June 29, 1776, the Constitution of Virginia was the first state constitution ratified by any of the 13 original states and defines the basic rights of citizens and the powers and limits of state government; and

WHEREAS, the original Constitution of Virginia was enacted at the same time as the Declaration of Independence; it dissolved the rule of Great Britain over Virginia and listed specific grievances against King George III of England, including taxation without representation, the suspension of trial by jury, and forced quartering of large bodies of armed troops; and

WHEREAS, the Constitution of Virginia also created the framework for modern state government, including the separation of legislative, executive, and judicial powers and a bicameral state legislature; the document was influential in the drafting of the United States Constitution and the laws of other countries; and

WHEREAS, the Constitution of Virginia has undergone numerous revisions in its storied history, including in 1830 and 1851 to address the issues of suffrage and representation by county; the 1851 revision, known as the Reform Constitution, eliminated the requirement for voters to own property and established popular elections for the Governor, Lieutenant Governor, and all judges; and

WHEREAS, in 1864, a group of northern and western counties opposed to secession drafted a new constitution, allowing the creation of West Virginia as a new state and abolishing slavery in Virginia; and

WHEREAS, after the end of the Civil War, a new constitutional convention met in 1867 and 1868 and drafted a new document, which expanded suffrage to all male citizens over the age of 21, including freedmen; established a state public school system with mandatory funding and attendance; and allowed for judges to be elected by the General Assembly; the new Constitution of Virginia was ratified by a popular vote in 1870; and

WHEREAS, the Constitution of Virginia was revised again in 1902, but many aspects of the document were later overturned by the United States Supreme Court, the 24th Amendment to the United States Constitution, and federal

legislation as a result of the Civil Rights and Voting Rights movements; former Governor Mills Godwin advocated for a new constitutional convention in the 1960s, and the current Constitution of Virginia was approved by Virginians in a popular vote in 1971; and

WHEREAS, the current Constitution of Virginia contains the original Virginia Declaration of Rights, incorporating elements of the Bill of Rights of the United States Constitution and new amendments, as well as the procedures for voting and holding office; the separation of powers and the basic structures and authorities of the legislative, executive, and judicial branches; the structure and function of local government and public education; laws regulating corporations; basic tax structure; conservation policy; and mechanisms for future amendments and revisions; and

WHEREAS, in 2004, the United States Congress renamed Citizenship Day as Constitution Day to commemorate the signing of the United States Constitution, as well as foster patriotism among all citizens; and

WHEREAS, on Virginia Constitution Day, educational institutions, state agencies, and local governments are encouraged to provide informative programming on the history of the Constitution of Virginia and educate citizens of the Commonwealth on their rights and responsibilities as Virginians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate June 29, in 2016 and in each succeeding year, as Virginia Constitution Day; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Virginia Historical Society so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 62

Designating the first Friday in February, in 2017 and in each succeeding year, as Wear Red Day in Virginia.

Agreed to by the Senate, February 16, 2016

Agreed to by the House of Delegates, February 22, 2016

WHEREAS, heart disease and stroke are the leading causes of death among women in the United States, but 80 percent of cardiac events could be prevented; and

WHEREAS, cardiovascular diseases and stroke cause one in three women's deaths each year, killing approximately one woman every 80 seconds; an estimated 44 million women in the United States are affected by cardiovascular diseases; and

WHEREAS, 90 percent of women have one or more risk factors for developing heart disease, but only 20 percent of American women believe that heart disease is the greatest threat to their health; and

WHEREAS, only 36 percent of African American women and 34 percent of Hispanic women know that heart disease is the greatest threat to their health, compared to 65 percent of Caucasian women; and

WHEREAS, since 1984, more women than men have died from heart disease each year, but women comprise only 24 percent of participants in heart-related health studies; and

WHEREAS, when experiencing symptoms of a heart attack, women are less likely to call 911 for themselves than if they witnessed someone else experiencing symptoms of a heart attack; and

WHEREAS, women involved in the American Heart Association's Go Red for Women movement live healthier lives; nearly 90 percent of women involved with the movement have made at least one healthy behavior change; and

WHEREAS, the Go Red for Women movement encourages women to Get your own numbers: check blood pressure and cholesterol levels; Own your lifestyle: stop smoking, lose weight, exercise, and eat healthy; Raise your voice: advocate for more women-related research and education; Educate your family: teach the importance of healthy food choices and staying active; and Donate: show your support through donations of time or money; and

WHEREAS, all Virginians are encouraged to show their support for women and the fight against heart disease and commemorate Wear Red Day by wearing the color red, increasing awareness about heart disease, and empowering women to reduce their risk for cardiovascular disease; and

WHEREAS, Wear Red Day in Virginia was originally designated as February 1, in 2013 and in each succeeding year; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate the first Friday in February, in 2017 and in each succeeding year, as Wear Red Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the American Heart Association so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 63

Requesting the Department of Social Services to study child day programs exempt from licensure. Report.

Agreed to by the Senate, March 7, 2016

Agreed to by the House of Delegates, March 3, 2016

WHEREAS, the Commonwealth requires licensure for most child day programs in an effort to protect the safety and well-being of children receiving care in such programs; and

WHEREAS, § 63.2-1715 of the Code of Virginia currently exempts from the licensure requirement 14 categories of child day programs; and

WHEREAS, a comprehensive review of all categories of child day programs exempt from licensure, along with recommendations regarding whether such programs should remain exempt, is necessary to ensure the continued protection of the children receiving care in such programs; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Department of Social Services be requested to study child day programs exempt from licensure.

In conducting its study, the Department of Social Services shall (i) review all categories of child day programs exempt from licensure under § 63.2-1715 of the Code of Virginia, (ii) formulate recommendations regarding whether such programs should remain exempt from licensure or whether any modifications are necessary to protect the health and well-being of the children receiving care in such programs, (iii) consider such other matters as may be necessary regarding health and safety requirements for licensed child day centers, and (iv) consult with all relevant stakeholders, including the Virginia Department of Education, Virginia Department of Social Services, Virginia Catholic Conference, Old Dominion Association of Church Schools, Virginia Council for Private Education, American Montessori Society, Virginia Association of Independent Schools, Virginia Association of Counties, Virginia Municipal League, YMCA, Child Care Aware of Virginia, Voices for Virginia's Children, and other interested stakeholders.

All agencies of the Commonwealth shall provide assistance to the Department of Social Services for this study, upon request.

The Department of Social Services shall complete its meetings by November 15, 2016, and shall report its findings and recommendations to the House Committee on Health, Welfare and Institutions and the Senate Committee on Rehabilitation and Social Services by December 1, 2016, and shall submit to the Governor and the General Assembly an executive summary and a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2017 Regular Session of the General Assembly and shall be posted on the Department of Social Services' and the General Assembly's websites.

SENATE JOINT RESOLUTION NO. 64

Celebrating the life of Darrel Dennis Martin.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Darrel Dennis Martin of Newport in Giles County, a dedicated educator, respected campaign manager, and tireless servant to the Commonwealth, died on March 20, 2015; and

WHEREAS, a native of Giles County, Darrel Martin helped inspire in students a love of language and literature as an English teacher at the University of Richmond; and

WHEREAS, under Governor Gerald L. Baliles, Darrel Martin became the first strategic planner for the Commonwealth in 1985; and

WHEREAS, Darrel Martin returned to Giles County and worked in the agriculture department at Virginia Polytechnic Institute and State University; he later worked directly for the president of the university; and

WHEREAS, Darrel Martin continued to offer his expertise and sage counsel as a political campaign manager and consultant throughout his life; and

WHEREAS, working to strengthen communities around the Commonwealth, Darrel Martin helped create the Virginia Rescue Squads Assistance Fund Act, and he strove to make the world a safer place through his work on the SALT II treaty with the Pew Foundation; and

WHEREAS, Darrel Martin will be fondly remembered and greatly missed by his wife of almost 44 years, Marie; beloved daughters, Laura and Erin, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Darrel Dennis Martin; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Darrel Dennis Martin as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 65

Celebrating the life of Rosa Ileana Johnson.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Rosa Ileana Johnson of Hampton, who was chair of the Department of Early Childhood Education at Hampton University, a woman of great faith, and a devoted wife and mother, died on December 14, 2015; and

WHEREAS, Ileana Johnson, a native of Louisville, Kentucky, entered Hampton Institute, now known as Hampton University, in 1944; she earned a bachelor's degree in 1948, later continuing her education by receiving a master's degree from Hampton University, and undertaking further study at Boston University and New York University; and

WHEREAS, preparing students to teach young children was Ileana Johnson's life's work; she was a distinguished teacher and administrator at Hampton University for 33 years, concentrating on early childhood education until she retired in 1985; and

WHEREAS, an active member of a sorority, Ileana Johnson made many friends through her involvement with the Lambda Omega chapter of Alpha Kappa Alpha Sorority, Inc., and she was a dedicated member of the Hampton Roads philanthropic service organization for many years; and

WHEREAS, Ileana Johnson was a woman of deep faith; she was a lifelong Presbyterian, and enjoyed fellowship and worship as a member of Carver Memorial Presbyterian Church in Newport News; and

WHEREAS, when she was a college student, Ileana Johnson met the love of her life, Eugene W. Johnson, Sr.; they were married for 67 years and raised a family in the Hampton Roads area; and

WHEREAS, Ileana Johnson will be greatly missed and fondly remembered by her husband, Eugene, Sr.; children, Deadre and Eugene, Jr., and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Rosa Ileana Johnson of Hampton, chair of the Department of Early Childhood Education at Hampton University, a woman of great faith, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Rosa Ileana Johnson as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 66

Commending Joseph J. Fray.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Joseph J. Fray has safeguarded the lives and property of his fellow Madison County residents as an active member of the Madison County Volunteer Fire Company for more than 60 years; and

WHEREAS, Joseph "Jack" Fray and his twin brother, John, joined the Madison County Volunteer Fire Company on November 28, 1955; their contributions to the fire company and the Madison County community are immeasurable, with both having held numerous leadership positions; and

WHEREAS, Jack Fray was named assistant chief in 1968 and rose through the ranks to become treasurer, captain, marshal, and president; he served as chief from 1997 to 2008 and currently serves as safety officer; and

WHEREAS, Jack Fray received the Madison County Volunteer Fire Company's prestigious James O. Clore Award in 1990, 1995, and 2000; he is the only three-time winner of the award, which is presented to an exceptional member of the department each year; and

WHEREAS, Jack Fray remains one of the top call runners in the department and works to impart his knowledge to a new generation of firefighters as an instructor for the Virginia Department of Fire Programs; he is also a life member of the Madison County Rescue Squad; and

WHEREAS, throughout the course of their careers, Jack and John Fray have mentored countless youths in the community, many of whom have gone on to pursue a career in public safety, and they are held in the highest regard by their peers for their leadership and expertise; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Joseph J. Fray on the occasion of his 60th anniversary as an active member of the Madison County Volunteer Fire Company; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Joseph J. Fray as an expression of the General Assembly's admiration for his tireless service to the people of Madison County.

SENATE JOINT RESOLUTION NO. 67

Commending John T. Fray.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, John T. Fray has safeguarded the lives and property of his fellow Madison County residents as an active member of the Madison County Volunteer Fire Company for more than 60 years; and

WHEREAS, John Fray and his twin brother, Jack, joined the Madison County Volunteer Fire Company on November 28, 1955; their contributions to the fire company and the Madison County community are immeasurable, with both having held numerous leadership positions; and

WHEREAS, over the course of his 60-year career, John Fray has served as treasurer, marshal, president, vice-president, and associate member officer of the Madison County Volunteer Fire Company; and

WHEREAS, John Fray led efforts to raise funds, purchase property, and design Madison County Volunteer Fire Company's current firehouse; and

WHEREAS, in recognition of his exceptional service, John Fray received the prestigious 2006 James O. Clore Award, which is presented annually to the Madison County Volunteer Fire Company's member of the year; and

WHEREAS, John Fray is also a life member of the Madison County Rescue Squad and has taken an active role in the organization over the years; and

WHEREAS, throughout the course of their careers, John and Jack Fray have mentored countless youths in the community, many of whom have gone on to pursue a career in public safety, and they are held in the highest regard by their peers for their leadership and expertise; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend John T. Fray on the occasion of his 60th anniversary as an active member of the Madison County Volunteer Fire Company; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to John T. Fray as an expression of the General Assembly's admiration for his tireless service to the people of Madison County.

SENATE JOINT RESOLUTION NO. 69

Celebrating the life of James O. Shaw, Jr., M.D.

Agreed to by the Senate, January 14, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, James O. Shaw, Jr., M.D., a respected medical professional who dedicated his life to the service of others as the founder of the Lackey Free Clinic, died on July 29, 2015; and

WHEREAS, a native of the Commonwealth, James Shaw graduated from Varina High School and earned a bachelor's degree from Randolph-Macon College and a medical degree from what was then known as the Medical College of Virginia; and

WHEREAS, Dr. Shaw completed his internship and residency at Yale University and a fellowship at the University of California, San Diego, where he conducted cancer research at Scripps Research Institute; and

WHEREAS, after teaching pulmonary medicine at the University of Texas, Dr. Shaw returned to the Commonwealth to work in pulmonary medicine and critical care at Riverside Hospital for 16 years; and

WHEREAS, a man who lived his devout faith through his actions, Dr. Shaw was desirous to be of further service to members of the community; in 1995, he founded the Lackey Free Clinic to provide compassionate care and medical counseling to the less fortunate; and

WHEREAS, originally located in a vacant Sunday School classroom, the Lackey Free Clinic grew exponentially under Dr. Shaw's able leadership; in 2014, the clinic recorded more than 12,500 patient visits; and

WHEREAS, after being diagnosed with cancer in 1997, Dr. Shaw continued to support the clinic, serving as medical director until 2009 and seeing patients and attending board meetings for years afterward; and

WHEREAS, Dr. Shaw inspired other medical professionals in the region to follow his selfless example; the clinic has succeeded with the help of more than 450 volunteers, 14 part-time employees, and 16 full-time employees, who all work to ensure high-quality medical, dental, mental health, and specialty care; and

WHEREAS, Dr. Shaw will be fondly remembered and greatly missed by his wife of 50 years, Cooka; children, Travis and Ashley, and their families; and numerous other family members, friends, and patients; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James O. Shaw, Jr., M.D., the highly admired founder of the Lackey Free Clinic; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James O. Shaw, Jr., M.D., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 72

Celebrating the life of the Honorable Thomas W. Moss, Jr.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, the Honorable Thomas W. Moss, Jr., a distinguished community leader, attorney, and public servant who represented the people of the City of Norfolk in the House of Delegates as a former Speaker of the House, died on November 26, 2015; and

WHEREAS, a lifelong resident of Norfolk, Thomas Moss graduated from Granby High School and earned a bachelor's degree from Virginia Polytechnic Institute and State University; he honorably served his country as a member of the United States Army during the Korean War; and

WHEREAS, after returning home, Thomas Moss earned a law degree from the University of Richmond and served the community as an attorney in private practice in Norfolk for many years; and

WHEREAS, desirous to be of further service to the Commonwealth, Thomas Moss ran for and was elected to the House of Delegates and served from 1966 to 2000; he became House Majority Leader, and he was elected Speaker of the House in 1991; and

WHEREAS, over the course of his career, Thomas Moss ably represented the residents of the 88th District; he enacted numerous important pieces of legislation and offered his wisdom and leadership to several committees; and

WHEREAS, after retiring from state government in 2001, Thomas Moss was elected treasurer of the City of Norfolk and served in that capacity for more than a decade; and

WHEREAS, an active member of the Norfolk community, Thomas Moss was a past president of the Young Democratic Club of Norfolk and the Tidewater Chapter of the Virginia Tech Alumni Association and a former crusade chairman for the American Cancer Society; and

WHEREAS, Thomas Moss earned many awards and accolades for his good work, including the German Club Alumni Foundation Distinguished Achievement Award; the downtown campus of Tidewater Community College and a research building at Virginia Polytechnic Institute and State University are named in his honor; and

WHEREAS, Thomas Moss lived his deep and abiding faith through his actions, and he enjoyed fellowship and worship with the community as a lifelong member of First Lutheran Church of Norfolk; and

WHEREAS, a man of great integrity, Thomas Moss served the Norfolk community and the Commonwealth with the utmost professionalism, dedication, and distinction; and

WHEREAS, predeceased by one daughter, Susan, Thomas Moss will be fondly remembered and greatly missed by his devoted wife, Norma Jean; children, Elizabeth, Thomas III, and Joey, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Thomas W. Moss, Jr., a respected attorney, accomplished public servant, and devoted community leader in Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Thomas W. Moss, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 74

Celebrating the life of Dennis M. Gronka.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Dennis M. Gronka, a shipbuilding engineer and a patriotic citizen who volunteered his time and leadership to strengthen the Norfolk community, died on November 12, 2015; and

WHEREAS, a native of Lewistown, Pennsylvania, Dennis Gronka served his country as a member of the United States Navy during the Vietnam War; and

WHEREAS, after he returned to the United States, Dennis Gronka pursued a career in electrical engineering in the shipbuilding industry and had recently served as senior design specialist of processes and procedures at Q.E.D. Systems; and

WHEREAS, Dennis Gronka believed that all Americans have a civic responsibility to take an active role in their communities; he was a member of the Norfolk Republican Party and served as chair of the Norfolk Tea Party; and

WHEREAS, hoping to strengthen and enhance Norfolk's public schools, Dennis Gronka established Norfolk Citizens for an Elected School Board in 2014; the group urged local residents to become more informed on educational issues; and

WHEREAS, Dennis Gronka led a petition drive in support of a referendum to hold elections for members of the Norfolk School Board; he helped gather 17,579 signatures, and the referendum passed with overwhelming support; and

WHEREAS, with Dennis Gronka's hard work and leadership, the passage of the initiative marks the first time in six decades that members of the Norfolk School Board will be elected by popular vote; and

WHEREAS, Dennis Gronka will be fondly remembered and greatly missed by his parents, Martin and Dorothy; children, Devon and Taylor; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dennis M. Gronka, a longtime member of the shipbuilding industry and an active leader in the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dennis M. Gronka as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 76

Celebrating the life of Mary Esguerra.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Mary Esguerra of Virginia Beach, a longtime employee of the Virginia Beach Office of the Treasurer, who had wide-ranging interests and enjoyed participating in many activities, and who was a dear friend to many people and a devoted wife, mother, and nana, died on August 30, 2015; and

WHEREAS, a lifelong resident of Virginia Beach, Mary Esguerra was a dedicated public servant, she worked for the City of Virginia Beach Office of the Treasurer for 25 years, helping to ensure the timely and efficient collection of revenues for one of the Commonwealth's flagship cities; and

WHEREAS, Mary Esguerra's interests and hobbies were wide-ranging; she found great pleasure in bowling and playing bridge, she loved to dance with her husband, and she enjoyed discovering new worlds and cultures as an enthusiastic and inquiring traveler; and

WHEREAS, as the matriarch of a large and loving family, over the years Mary Esguerra spent many pleasurable afternoons watching her grandsons play baseball; it was her favorite pastime and she could always be counted on to be nearby when one of her many "boys" stepped onto a baseball diamond; and

WHEREAS, Mary Esguerra, who was preceded in death by her husband, Ernie, who was the love of her life, will be greatly missed and fondly remembered by her daughters, Carol and Tina, and their families; and many other family members, friends, and neighbors; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Mary Esguerra of Virginia Beach, a dedicated public servant, a friend to many people, and a devoted wife, mother, and nana; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Mary Esguerra as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 77

Commending the Rappahannock High School girls' doubles tennis team.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Rappahannock High School girls' doubles tennis team, consisting of Lori Gagnon and Taylor Yeatman, displayed talent, determination, and persistence to win the Virginia High School League Group 1A state championship on June 12, 2015; and

WHEREAS, the duo from Richmond County defeated the Radford High School doubles team to claim the title in a hard-fought contest that lasted more than two hours; and

WHEREAS, after losing the first set by a score of 3–6, the Rappahannock Lady Raiders changed strategy and won the next two sets by scores of 6–3 and 6–4 to achieve their ultimate goal of taking a championship trophy back to their school; and

WHEREAS, during the championship, which was held at Radford University, the Rappahannock High School doubles tennis teammates concentrated on their strengths, especially after the first set; Taylor Yeatman stayed at the net for much of the remainder of the match, and Lori Gagnon was in the back court; and

WHEREAS, earlier in the day, the Rappahannock High School players defeated another talented doubles tennis team; Lori Gagnon and Taylor Yeatman won a three-set match against Auburn High School to advance to the state championship final; and

WHEREAS, the girls' tennis team from Rappahannock High School is ably coached by Marian Walker and Jackie Morris; the doubles champions—and the entire team—were supported throughout the season by their fellow students and the Rappahannock High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Rappahannock High School girls' doubles tennis team, consisting of Lori Gagnon and Taylor Yeatman, for winning the 2015 Virginia High School League Group 1A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Marian Walker, head coach of the Rappahannock High School girls' tennis team, as an expression of the General Assembly's congratulations and admiration for the girls' doubles tennis team's championship performance.

SENATE JOINT RESOLUTION NO. 78

Commending Eamonn Collins.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Eamonn Collins, a former student at Rappahannock High School was named as the Virginia High School Coaches Association 1A Baseball Player of the Year in 2015; and

WHEREAS, Eamonn Collins had a standout year as a pitcher, going 10–0 on the mound with an incredible 0.89 ERA, including 199 strikeouts in 70 innings; he also had an outstanding year as a batter with a .459 batting average and three home runs; and

WHEREAS, Eamonn Collins represented Rappahannock High School in the Senior All-Star Game at Liberty University as the only two-way player, playing three innings at third base and another inning as pitcher; and

WHEREAS, in addition to being named state Baseball Player of the Year, Eamonn Collins was voted to the all-state team as pitcher and was a member of the all-academic team with a 3.9 grade point average; and

WHEREAS, Eamonn Collins plans to continue playing baseball with Tusculum College in Greeneville, Tennessee; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Eamonn Collins on being selected as the 2015 Virginia High School Coaches Association 1A Baseball Player of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Eamonn Collins as an expression of the General Assembly's admiration for his achievements and best wishes on future endeavors.

SENATE JOINT RESOLUTION NO. 80

Directing the Virginia Housing Commission to study mandatory disclosure of relevant information by sellers of historic properties without homeowner associations. Report.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, March 2, 2016

WHEREAS, § 55-519 of the Code of Virginia places the onus on the buyer to exercise due diligence with respect to provisions of any historic district ordinance; and

WHEREAS, little transparency is required for potential purchasers in historic districts that do not have a homeowner association; and

WHEREAS, architectural guidelines are not disclosed to buyers in historic districts that are not in a homeowner association, leaving the prospective purchaser without needed information to make an informed purchase; and

WHEREAS, the mandatory association disclosure packet given to prospective purchasers when the seller is in a homeowner association is not required for those prospective purchasers just within a historic district, who thus lack information necessary to make informed decisions; and

WHEREAS, the present inequity present could be remedied by requiring that potential buyers be provided with the information they need to make an informed choice to purchase in a historic district; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Virginia Housing Commission be directed to study mandatory disclosure of relevant information by sellers of historic properties without homeowner associations.

In conducting its study, the Virginia Housing Commission shall study mandatory disclosure of relevant information by sellers of historic properties without homeowner associations.

The Division of Legislative Services shall provide legal, research, policy analysis, and other services as requested by the Virginia Housing Commission. Technical assistance shall be provided to the Virginia Housing Commission by the Department of Professional and Occupational Regulation. All agencies of the Commonwealth shall provide assistance to the Virginia Housing Commission for this study, upon request.

The Virginia Housing Commission shall complete its meetings by December 30, 2016, and the Director shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The executive summary shall state whether the Virginia Housing Commission intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 82

Commending the George Wythe High School boys' basketball team.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the George Wythe High School boys' basketball team of Richmond won the Virginia High School League Group 3A state championship in March 2015 to claim the program's first state title; and

WHEREAS, after dominating the competition throughout the playoffs, the George Wythe High School Bulldogs defeated the previously unbeaten Spotswood High School Trailblazers by a score of 80–60; and

WHEREAS, Maliek White led the George Wythe High School Bulldogs with 35 points in the state final, followed by Brandon Holley with 20 points; the duo accounted for a combined 103 points in the semifinal and the final games; and

WHEREAS, with the state championship victory, the George Wythe High School Bulldogs finished the season with an impressive 26–6 record, having won eight of its nine conference games by 14 points or more; and

WHEREAS, the George Wythe High School Bulldogs later received four high school basketball awards from the Sports Talk show, with Maliek White selected as most valuable player, Brandon Holley selected as offensive player of the year, Willard Coker selected as coach of the year, and the team selected as Richmond City Champions; and

WHEREAS, the victory is a testament to the skill and hard work of the athletes, the able leadership of the coaches and staff, and the passionate support of the entire George Wythe High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the George Wythe High School boys' basketball team on winning the Virginia High School League Group 3A state championship in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Willard Coker, head coach of the George Wythe High School boys' basketball team, as an expression of the General Assembly's admiration for the team's achievements.

SENATE JOINT RESOLUTION NO. 85

Establishing a joint committee of the Senate Committee on Education and Health and the House Committee on Education to study the future of public elementary and secondary education in the Commonwealth. Report.

Agreed to by the Senate, March 11, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Senate Committee on Education and Health and the House Committee on Education consider a wide array of education-related legislative proposals during each regular session of the General Assembly; and

WHEREAS, many education-related legislative proposals require more discussion and study than the Senate Committee on Education and Health and the House Committee on Education are able to devote to such proposals during a regular session of the General Assembly; and

WHEREAS, the Senate Committee on Education and Health and the House Committee on Education recognize the need to jointly examine innovative education reforms and emerging education issues on a year-round basis; and

WHEREAS, public elementary and secondary education in the Commonwealth will benefit from a deliberate, thoughtful, coordinated, and year-round approach to legislative education reform; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That a joint committee of the Senate Committee on Education and Health and the House Committee on Education be established to study the future of public elementary and secondary education in the Commonwealth. The joint committee shall have a total membership of 13 members, consisting of six members of the Senate to be appointed by the Senate Committee on Rules upon the recommendation of the Chairman of the Senate Committee on Education and Health and seven members of the House Committee on Education to be appointed by the Speaker of the House of Delegates upon the recommendation of the Chairman of the House Committee on Education. The joint committee shall elect a chairman and vice-chairman from among its membership.

In conducting its study, the joint committee shall collaborate with the Board of Education, the Superintendent of Public Instruction, the Standards of Learning Innovation Committee, and other interested stakeholders to study (i) the need for revisions to or reorganization of the standards of quality with a particular emphasis on the effective use of educational technology, (ii) emerging education issues in the Commonwealth, and (iii) the future of public elementary and secondary education in the Commonwealth and make legislative recommendations, as necessary.

In conducting its study, the joint committee shall establish and appoint members to work groups in distinct subject matter areas. Members of such work groups shall include representatives of the Department of Education, the Standards of Learning Innovation Committee, the Virginia Association of Counties, the Virginia Association of Elementary School Principals, the Virginia Association of School Superintendents, the Virginia Association of Secondary School Principals, the Virginia Education Association, the Virginia Municipal League, the Virginia School Boards Association, and such other interested stakeholders as the joint committee deems appropriate.

Administrative staff support shall be provided by the Office of the Clerk of the Senate. Legal, research, policy analysis, and other services as requested by the joint committee shall be provided by the Division of Legislative Services. Additional research and advisory services as requested by the joint committee shall be provided by the Joint Legislative Audit and Review Commission and the schools of education of each baccalaureate public institution of higher education in the Commonwealth. Technical assistance shall be provided by the Department of Education. All agencies of the Commonwealth shall provide assistance to the joint committee for this study, upon request.

The joint committee shall be limited to four meetings for the 2016 interim and four meetings for the 2017 interim. Approval for unbudgeted nonmember-related expenses shall require the written authorization of the chairman of the joint committee and the respective Clerk. If a companion joint resolution of the other chamber is agreed to, written authorization of both Clerks shall be required.

No recommendation of the joint committee shall be adopted if a majority of the Senate members or a majority of the House members of the joint committee (a) vote against the recommendation and (b) vote for the recommendation to fail notwithstanding the majority vote of the joint committee.

The joint committee shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether the joint committee intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

Implementation of this resolution is subject to subsequent approval and certification by the Joint Rules Committee. The Committee may approve or disapprove expenditures for this study, extend or delay the period for the conduct of the study, or authorize additional meetings during the 2016 and 2017 interims.

SENATE JOINT RESOLUTION NO. 88

Directing the Joint Legislative Audit and Review Commission to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments. Report.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, according to the Virginia Department of Education, children who repeat at least one grade in kindergarten through grade three cost taxpayers in the Commonwealth approximately \$80 million per year; and

WHEREAS, according to a 2013 Voices for Virginia's Children report, one in eight children in the Commonwealth begin kindergarten without the basic skills to succeed in school; and

WHEREAS, according to a 2011 Annie E. Casey Foundation report, children who do not demonstrate proficiency in reading in third grade are four times more likely to fail to graduate from high school than children who demonstrate proficiency in reading in third grade; and

WHEREAS, national data indicates that children who enter the elementary through secondary education system without sufficient preparedness are more likely to fall behind grade-level expectations, move into special education, and drop out of high school and are less likely to enter postsecondary education programs; and

WHEREAS, although the Virginia Preschool Initiative has been in effect since 1994, House Joint Resolution No. 729 of the Acts of Assembly of 2007 is one of the few studies directed by the General Assembly to evaluate the effectiveness, accountability, and program costs of the Initiative; and

WHEREAS, in 1993, the Virginia Board of Education, the Virginia Department of Education, and the former Virginia Council on Child Day Care and Early Childhood Programs developed a report entitled "A Study of Programs Serving At-Risk Four-Year-Old Children" that found that "[t]here is no central data base tracking all the funding streams or demographic information on at-risk children or the quality of the programs" and that such information is "either non-existent, or inconsistent as well as scattered among agencies"; and

WHEREAS, no effort to track such information in a central database has been completed; and

WHEREAS, according to a 2011 National Conference of State Legislatures report, Virginia spent more than \$229 million in federal, state, and grant funding on "early care" programs, including child care, the Virginia Preschool Initiative, home visiting programs, and other programs, notably mental health programs; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments.

In conducting its study, the Joint Legislative Audit and Review Commission (JLARC) shall:

1. To the greatest extent possible, focus on early childhood development programs that are currently supported with state assistance, including but not limited to early childhood development programs that also receive federal funds, the Virginia Preschool Initiative, locally based programs that receive federal child care and Title I assistance, family support and home visiting programs, and quality improvement models such as the Virginia Star Quality Initiative;

2. Include a listing of the lead agency, a description and the objectives of the program, an identification of the target audience, and a catalog of the types and amounts of funding for each early childhood program studied;

3. Identify eligibility requirements and characteristics of populations that each program serves;

4. Assess program design, implementation, and measurement of outcomes;

5. Assess program outcomes, including effectiveness and cost-effectiveness;

6. Assess alignment of programs with kindergarten readiness;

7. Identify best practices in the Commonwealth and other states for program design, implementation, and outcome measurement;

8. Review other aspects of each program as deemed appropriate; and

9. Provide options for improving early childhood development programs in the Commonwealth.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by appropriate state agencies. The Joint Legislative Audit and Review Commission shall have access to individual-level records of all early childhood development programs, including all education, health, and support programs. To assist JLARC in its work, local school boards shall provide standardized test result data and other information to JLARC, and school board personnel shall meet with the staff of JLARC, upon request, to discuss program implementation and effectiveness so that JLARC may satisfy the requirements of this resolution. All agencies of the Commonwealth shall provide assistance to JLARC for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 90

Confirming appointments by the Governor of certain persons communicated October 1, 2015.

Agreed to by the Senate, February 5, 2016

Agreed to by the House of Delegates, February 12, 2016

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe after August 1, 2015, and communicated to the General Assembly October 1, 2015.

AGENCY HEAD

Christopher Beschler, 1100 Bank Street, Suite 420, **Richmond**, Virginia 23219, Director of the Department of General Services, effective October 14, 2015, to serve at the pleasure of the Governor, to succeed Richard F. Sliwoski.

ADMINISTRATION

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Margaret Milner Richardson, 10470 Pleasant Vale Road, **Delaplane**, Virginia 20144, Member, appointed September 2, 2015, to serve an unexpired term beginning June 4, 2015, and ending March 31, 2019, to succeed Davis C. Rennolds.

AGRICULTURE AND FORESTRY

Milk Commission

Gerald A. Heatwole, 3806 Lawyer Road, **McGaheysville**, Virginia 22840, Member, appointed August 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

John B. "Jay" Swanson, 2401 Arlington Boulevard, Apartment 46, **Charlottesville**, Virginia 22903, Member, appointed August 5, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jessica M. Jones.

COMMERCE AND TRADE

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Doyle B. Allen, 1056 Summerfield Lane, **Forest**, Virginia 24551, Member, appointed August 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

R. Corey Clayborne, 1013 Linden Avenue, Unit W, **Charlottesville**, Virginia 22902, Member, appointed August 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Clinton Good.

Cabell Crowther, 1472 Rock Hill Road, **Concord**, Virginia 24538, Member, appointed August 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Mary P. Plautz, 7520 Parkline Drive, **Henrico**, Virginia 23229, Member, appointed August 6, 2015, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2018, to succeed Angie M. Hall.

Fair Housing Board

Linda G. Broady-Myers, 21 East Leigh Street, Apartment 301, **Richmond**, Virginia 23219, Member, appointed August 20, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

John H. Crouse, 5069 Lauderdale Avenue, **Virginia Beach**, Virginia 23455, Member, appointed August 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Robert Boynton.

Stephen A. Northup, 12458 Ashland Vineyard Lane, **Ashland**, Virginia 23005, Member, appointed August 25, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Francis Stevens.

Valerie L.T. Roth, 116 North Purcell Avenue, **Winchester**, Virginia 22601, Member, appointed August 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kevin Lewis.

Latino Advisory Board

Diana C. Vall-Ilobera, 2401 Arlington Boulevard, Apartment 46, **Charlottesville**, Virginia 22903, Member, appointed August 20, 2015, to serve an unexpired term beginning June 6, 2015, and ending October 14, 2016, to succeed Joel F. Martinez.

Virginia-Asian Advisory Board

Rumy J. Mohta, 6008 Watch Harbour Road, **Midlothian**, Virginia 23112, Member, appointed September 17, 2015, to serve an unexpired term beginning February 5, 2015, and ending June 30, 2017, to succeed Cheol J. Chang.

Virginia Offshore Wind Development Authority

Varun K. Nikore, 1100 North Quantico Street, **Arlington**, Virginia 22205, Member, appointed September 15, 2015, to serve an unexpired term beginning August 27, 2015, and ending June 30, 2016, to succeed John R. Broderick.

Virginia Small Business Financing Authority Board of Directors

Linh D. Hoang, 3056 Southern Elm Court, **Fairfax**, Virginia 22031, Member, appointed August 20, 2015, to serve an unexpired term beginning August 12, 2015, and ending June 30, 2016, to succeed Tonya Mallory.

EDUCATION

Board of Trustees of the Frontier Culture Museum of Virginia

Kevin J. Callanan, 121 Lucy Long Court, **Stephens City**, Virginia 22655, Member, appointed August 28, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Philip Rundle.

John R. Higgs, 372 Yorkshire Avenue, **Waynesboro**, Virginia 22980, Member, appointed August 28, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Frank W. Nolen, 680 Patterson Mill Road, **Grottoes**, Virginia 24441, Member, appointed September 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed T. Edmund Beck.

Peggy B. Sheets, 1087 Hermitage Road, **Staunton**, Virginia 24401, Member, appointed August 28, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Kenneth L. Venable, 306 Ann Street, **Staunton**, Virginia 24401, Member, appointed September 11, 2015, to serve an unexpired term beginning August 12, 2015, and ending June 30, 2018, to succeed Nanalou Sauder.

Board of Trustees of the Science Museum of Virginia

Sunita Gupta, 11405 Greenbrooke Court, **Glen Allen**, Virginia 23060, Member, appointed August 28, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Joe Travez.

Tiffany Jana, 3501 Moss Side Avenue, **Richmond**, Virginia 23222, Member, appointed August 28, 2015, to serve an unexpired term beginning August 1, 2015, and ending June 30, 2019, to succeed Linda Nash.

Matt Mansell, 5212 Devonshire Road, **Richmond**, Virginia 23225, Member, appointed August 28, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Barbara Thalhimier.

Mary Ellen Pauli, 4700 Charmian Road, **Richmond**, Virginia 23226, Member, appointed August 28, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Mary Ann Toms Broadbent.

Board of Trustees of the Virginia Museum of Fine Arts

Karen Cogar Abramson, 320 1/2 Mansion Drive, **Alexandria**, Virginia 22302, Member, appointed August 14, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed herself.

Kenneth M. Dye, 8910 Watlington Road, **Henrico**, Virginia 23229, Member, appointed August 14, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Lindley Smith.

H. Eugene Lockhart, Post Office Box 489, **Keswick**, Virginia 22947, Member, appointed August 14, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed himself.

Sara O'Keefe, 4200 Fordham Road Northwest, **Washington, District of Columbia** 20016, Member, appointed August 14, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Elizabeth Harris.

William A. Royall, Jr., 5103 Cary Street Road, **Richmond**, Virginia 23226, Member, appointed August 14, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed himself.

Jamestown-Yorktown Foundation Board of Trustees

John T. Casteen III, 766 Club Drive, **Keswick**, Virginia 22947, Member, appointed September 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Timothy P. Dykstra, 103 River's Edge, **Williamsburg**, Virginia 23185, Member, appointed September 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Sue Ellen Rocovich.

Ervin L. Jordan, Jr., 811 Harris Road, **Charlottesville**, Virginia 22902, Member, appointed September 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

New College Institute Board of Directors

Treney L. Tweedy, 7123 Richland Drive, **Lynchburg**, Virginia 24502, Member, appointed August 12, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Edward Snyder.

HEALTH AND HUMAN RESOURCES**Advisory Board on Massage Therapy**

Dawn M. Hogue, 2324 Burton Drive, **Virginia Beach**, Virginia 23454, Member, appointed August 28, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Michael Vines.

Joseph L. Schibner IV, 11684 Timberly Court, **Henrico**, Virginia 23238, Member, appointed August 28, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kristina Wright.

Advisory Board on Service and Volunteerism

Omari J. Faulkner, 19011 Yellow Schoolhouse Road, **Bluemont**, Virginia 20135, Member, appointed August 7, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Steven A. Valdez, 2300 East Cary Street, Apartment 215, **Richmond**, Virginia 23223, Member, appointed August 7, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to fill a new seat.

Elsa Vasquez-Flores, 16777 Capon Tree Lane, **Woodbridge**, Virginia 22191, Member, appointed August 7, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to fill a new seat.

Board of Dentistry

Tonya A. Parris-Wilkins, 4408 Stoney Creek Parkway, **Chester**, Virginia 23831, Member, appointed August 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Surya Dhakar.

Board of Medicine

Alvin Edwards, 614 Beechwood Drive, **Charlottesville**, Virginia 22901, Member, appointed September 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Irene Farquhar.

Jane D. Hickey, 1909 Southcliff Road, **Richmond**, Virginia 23225, Member, appointed September 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Lorri J. Kleine.

Swinder S. Toor, 1555 Blanford Circle, **Norfolk**, Virginia 23505, Member, appointed September 11, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Frazier Frantz.

Public Guardian and Conservator Advisory Board

Angie Phelon, 5716 Shady Mill Way, **Glen Allen**, Virginia 23059, Member, appointed September 25, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Thelma Watson.

Virginia Board for People with Disabilities

George Randolph Burak, 4452 Mallard Drive, **Gloucester**, Virginia 23061, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Dennis Manning.

Theresa Simonds Casselman, 9007 Linda Maria Court, **Fairfax**, Virginia 22031, Member, appointed August 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Sarah Ratner.

Felicia L. Hamilton, 408 Waterwheel Crescent, **Suffolk**, Virginia 23434, Member, appointed August 14, 2015, to serve an unexpired term beginning August 14, 2014, and ending June 30, 2017, to succeed George R. Burak.

Marisa C. Laios, 13117 Memory Lane, **Fairfax**, Virginia 22033, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Sari Leinonen-Farrell, 2920 Wood Duck Drive, **Virginia Beach**, Virginia 23456, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Nancy Briggs.

Rachel Loughlin, 1724 West Leigh Street, **Richmond**, Virginia 23220, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ralph Owen.

Alexis Nichols, 12620 Ivey Mill Road, **Chesterfield**, Virginia 23838, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Brian Clukey.

Korinda Rusinyak, 815 Pecan Point Road, Apartment 46, **Norfolk**, Virginia 23502, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

INDEPENDENT**Virginia Birth-Related Neurological Injury Compensation Program Board of Directors**

Rebecca Dawn Filla, 41024 Brook Grove Drive, **Aldie**, Virginia 20105, Member, appointed September 25, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Vienne Murray.

Vicki W. Harris, 11205 Carrington Green Drive, **Glen Allen**, Virginia 23060, Member, appointed June 9, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed J. Scott Walters.

Vanessa S. Rakestraw, 1565 Front Royal Drive, **Henrico**, Virginia 23228, Member, appointed September 25, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Neal C. Schulwolf, 5101 Holly Road, **Virginia Beach**, Virginia 23451, Member, appointed June 13, 2014, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed himself.

Virginia College Savings Plan Board

Shawn P. McLaughlin, 1615 North Frost Street, **Alexandria**, Virginia 22304, Member, appointed August 5, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Reginald D. Samuel, 10509 Wildbrooke Court, **Spotsylvania**, Virginia 22551, Member, appointed August 5, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Philip R. Langham.

LEGISLATIVE

Capitol Square Preservation Council

Lauranett L. Lee, 2533 Blenheim Drive, **North Chesterfield**, Virginia 23224, Member, appointed September 23, 2015, to serve an unexpired term beginning September 22, 2015, and ending June 30, 2018, to succeed Jane M. Plum.

Jane M. Plum, 2073 Cobblestone Lane, **Reston**, Virginia 20191, Member, appointed August 6, 2015, for a term of three years, beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Danielle N. Simms, 436 North Armistead Street, Apartment 104, **Alexandria**, Virginia 22312, Member, appointed August 6, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Scott M. Spence.

NATURAL RESOURCES

Board of Conservation and Recreation

Vincent M. Burgess, 6000 Watch Harbour Road, **Midlothian**, Virginia 23112, Member, appointed August 25, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Steven L. Apicella.

Nancy Hull Davidson, 5108 King William Road, **Richmond**, Virginia 23225, Member, appointed August 25, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed James W. Beamer.

Dexter C. Hurt, 6912 West Grace Street, **Richmond**, Virginia 23226, Member, appointed August 25, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Daniel F. Rinzel.

Board of Game and Inland Fisheries

Nicole S. Butterworth, 938 Shelbourne Avenue, **Vinton**, Virginia 24179, Member, appointed September 24, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ben Davenport.

H.S. Caudill, 258 Dial Rock Road, **North Tazewell**, Virginia 24630, Member, appointed September 23, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Garry L. Gray.

Catherine H. Claiborne, 118 South Wilton Road, **Richmond**, Virginia 23226, Member, appointed September 23, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Hugh C. Palmer.

Board of Historic Resources

Eleanor Weston Brown, 8 Cedar Point Drive, **Hampton**, Virginia 23669, Member, appointed August 24, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Robert M. Johnson.

Clyde P. Smith, 10401 Deerfoot Drive, **Great Falls**, Virginia 22066, Member, appointed August 24, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed William E. Garner.

Virginia Land Conservation Foundation Board of Trustees

Glenda C. Booth, 7708 Tauxemont Road, **Alexandria**, Virginia 22308, Member, appointed August 5, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed R. Brent Blevins, Jr.

Valerie D. Hubbard, 5505 Toddsbury Road, **Richmond**, Virginia 23226, Member, appointed August 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Herbert L. Dunford, Jr.

Anna L. Lawson, 1575 Catawba Road, **Daleville**, Virginia 24083, Member, appointed August 5, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Virginia Museum of Natural History Board of Trustees

Makunda Abdul-Mbacke, 130 Chatmoss Crossing Way, **Axton**, Virginia 24054, Member, appointed September 15, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Mervyn King.

Thomas R. Benzing, 1045 Old White Bridge Road, **Waynesboro**, Virginia 22980, Member, appointed September 17, 2015, to serve an unexpired term beginning September 17, 2015, and ending June 30, 2017, to succeed Brian Bates.

Jennifer H. Burnett, 304 Monroe Street, **South Boston**, Virginia 24592, Member, appointed September 15, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Mark Crabtree.

Cord L. Cothren, 196 Melrose Drive, **Danville**, Virginia 24540, Member, appointed September 16, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Stephen Walker.

Barry M. Dorsey, 199 Beckford Way, **Martinsville**, Virginia 24112, Member, appointed September 15, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Lee Lester.

Tiffany E. Haworth, 832 Banks Road, **Martinsville**, Virginia 24112, Member, appointed September 16, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Brandon B. Level.

Janet Scheid, 1453 Wolf Creek Drive, **Vinton**, Virginia 24179, Member, appointed September 15, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed herself.

PUBLIC SAFETY AND HOMELAND SECURITY**Advisory Committee on Juvenile Justice and Prevention**

Lena L. Baker-Scott, 116 Riverside Drive, **Suffolk**, Virginia 23435, Member, appointed August 28, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Quentin Hicks.

Marilyn G. Brown, 7709 Hillview Avenue, **Richmond**, Virginia 23229, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

David J. Johnson, 3248 Center Ridge Drive, **Henrico**, Virginia 23233, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Carol Adams.

Julie E. McConnell, 7610 Cornwall Road, **Henrico**, Virginia 23229, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Hilary Griffith.

Elizabeth Panilaitis, 9 West Lancaster Road, **Richmond**, Virginia 23222, Member, appointed August 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kim Slayton White.

Lawrence L. Webb, 202 West Columbia Street, Apartment 202, **Falls Church**, Virginia 22046, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Rita Bishop.

Amy L. Woolard, 620 Hinton Avenue, **Charlottesville**, Virginia 22902, Member, appointed August 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Terone Green.

Scientific Advisory Committee

Les Edinboro, 10501 Delray Road, **Glen Allen**, Virginia 23060, Member, appointed September 25, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Carl A. Sobieralski, Jr., 7442 Giroud Drive, **Indianapolis, Indiana** 46259, Member, appointed September 25, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Jami J. St. Clair, 8830 Long Road, **Ostrander, Ohio** 43061, Member, appointed September 25, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Kenneth B. Zercie, 7 Devonshire Lane, **Madison, Connecticut** 06443, Member, appointed September 25, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Secure Commonwealth Panel

Kirby K. Felts, 615 Lexington Avenue, **Charlottesville**, Virginia 22902, Member, appointed August 21, 2015, to serve an unexpired term beginning February 8, 2015, and ending June 30, 2018, to succeed L.V. Pokey Harris.

Corey T. Jackson, 4401 Wilcot Drive, **Midlothian**, Virginia 23113, Member, appointed August 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Dan Jenkins.

Dario O. Marquez, Jr., 8360 Greensboro Drive, **McLean**, Virginia 22102, Member, appointed August 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia Parole Board

Adrienne Bennett, 2409 Morgans Point Drive, **Virginia Beach**, Virginia 23454, Member, appointed September 23, 2015, to serve at the pleasure of the Governor beginning October 5, 2015, to succeed Minor F. Stone.

TECHNOLOGY**E-911 Services Board**

Dennis E. Hale, 13960 Rocky Raccoon Road, **Church Road**, Virginia 23833, Member, appointed September 24, 2015, to serve an unexpired term beginning June 23, 2015, and ending June 30, 2018, to succeed L.V. Pokey Harris.

Kevin W. Hall, 453 East Hugh Street, **Covington**, Virginia 24426, Member, appointed September 25, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Joseph Diggs.

Diane S. Harding, 3805 Voyager Drive, **Henrico**, Virginia 23294, Member, appointed September 24, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed herself.

Stephan M. Hudson, 14205 Reidhall Place, **Gainesville**, Virginia 20155, Member, appointed September 24, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Doug Middleton.

Jolena B. Young, 351 Bowie Road, **Woodlawn**, Virginia 24381, Member, appointed September 24, 2015, to serve an unexpired term beginning September 24, 2015, and ending June 30, 2018, to succeed Athena Plummer.

Innovation and Entrepreneurship Investment Authority Board of Directors

Jonathan M. Aberman, 1614 Brookside Road, **McLean**, Virginia 22101, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed David C. Lucien.

Bernard A. Mustafa, 21412 Glebe View Drive, **Ashburn**, Virginia 20148, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed Terry Hsiao.

Michael Rao, 821 West Franklin Street, **Richmond**, Virginia 23284, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed himself.

VETERANS AND DEFENSE AFFAIRS**Board of Veterans Services**

Joana C. Garcia, 9525 Crosspointe Drive, **Fairfax Station**, Virginia 22039, Member, appointed August 5, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Nickolaus W. Kesler, 402 Merrimac Trail, Apartment 5, **Williamsburg**, Virginia 23185, Member, appointed August 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Laurie Forbes Neff, 24843 Quimby Oaks Place, **Aldie**, Virginia 20105, Member, appointed August 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Veterans Services Foundation Board of Trustees

Nicole B. Carry, 9001 Tidewater Drive, **Norfolk**, Virginia 23503, Member, appointed September 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Tom Gordy.

Jack O. Lanier, 1736 Parkwood Avenue, **Richmond**, Virginia 23220, Member, appointed September 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jack Kavanaugh.

Thomas V. Mulrine, 18899 Woodburn Road, **Leesburg**, Virginia 20175, Member, appointed September 14, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Frank G. Wickersham.

SENATE JOINT RESOLUTION NO. 91

Confirming appointments by the Governor of certain persons communicated October 1, 2015.

Agreed to by the Senate, February 5, 2016

Agreed to by the House of Delegates, February 12, 2016

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons originally made by Governor Terry McAuliffe between February 11, 2015, and July 31, 2015, reappointed on September 17, 2015, and communicated to the General Assembly October 1, 2015.

AGENCY HEADS

Evan M. Feinman, 701 East Franklin Street, Fifth Floor, **Richmond**, Virginia 23219, Executive Director of the Tobacco Indemnification and Community Revitalization Commission, effective May 26, 2015, to serve at the pleasure of the Governor, to succeed Neal Noyes.

Nelson Moe, 11751 Meadowville Lane, **Chester**, Virginia 23836, Chief Information Officer of the Virginia Information Technology Agency, effective June 8, 2015, to serve at the pleasure of the Governor, to succeed Samuel A. Nixon, Jr.

John Warren, 1100 Bank Street, 8th Floor, **Richmond**, Virginia 23219, Director of the Virginia Department of Mines, Minerals and Energy, effective August 3, 2015, to serve at the pleasure of the Governor, to succeed Conrad Spangler.

ADMINISTRATION

Art and Architectural Review Board

Donna L. Tuten, 2546 Alberta Avenue Southwest, **Roanoke**, Virginia 24015, Member, appointed September 17, 2015, to serve an unexpired term beginning April 30, 2015, and ending June 30, 2018, to succeed Faithe Norrell.

Citizens' Advisory Council on Furnishing and Interpreting the Executive Mansion

Lauranett Lee, 2533 Blenheim Drive, **North Chesterfield**, Virginia 23224, Member, appointed September 17, 2015, for a term of five years beginning April 1, 2013, and ending March 31, 2018, to succeed herself.

Council on Women

Hala S. Ayala, 2896 Burgundy Place, **Woodbridge**, Virginia 22192, Member, appointed September 17, 2015, to serve an unexpired term beginning February 17, 2015, and ending June 30, 2016, to succeed Jeff Caruso.

Miriam A. Bender, 2050 Fray Road, **Ruckersville**, Virginia 22968, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Ann C. Harbour.

Meta R. Braymer, 4308 Monument Park, **Richmond**, Virginia 23230, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Amy K. Eckert, 259 South Pickett Street, Unit 301, **Alexandria**, Virginia 22304, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Brook Whitfield Trible.

Suzanne B. Jackson, 4401 Wilcot Drive, **Midlothian**, Virginia 23113, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Theresa Preda.

Lori A. Merricks, 135 Canterbury Road, **Danville**, Virginia 24541, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Elisabeth Bresee.

AGRICULTURE AND FORESTRY

Beef Industry Council

Jerry J. Gustin, 3420 Morris Farm Lane, **Gloucester**, Virginia 23061, Member, appointed September 17, 2015, to serve an unexpired term beginning January 1, 2014, and ending December 31, 2017, to succeed Dennis Pearson.

Mark D. Gwin, 1270 Gravel Hill Road, **Vinton**, Virginia 24179, Member, appointed September 17, 2015, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed himself.

H. Shirley Powell, 2288 Stoney Knoll, **Colonial Beach**, Virginia 22443, Member, appointed September 17, 2015, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed himself.

J. Lawson Roberts, Jr., 7000 Military Road, **Amelia**, Virginia 23002, Member, appointed September 17, 2015, to serve an unexpired term beginning January 1, 2014, and ending December 31, 2017, to succeed William Coleman.

John H. "Andy" Smith IV, 16331 United States Highway 19, **Rosedale**, Virginia 24280, Member, appointed September 17, 2015, to serve an unexpired term beginning January 1, 2014, and ending December 31, 2017, to succeed James Sponaugle.

Joseph S. Staley, Jr., 337 West Main Street, **Marion**, Virginia 24354, Member, appointed September 17, 2015, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed himself.

Board of Agriculture and Consumer Services

Shelley S. Butler-Barlow, Post Office Box 2116, **Suffolk**, Virginia 23432, Member, appointed September 17, 2015, for a term of four years beginning March 1, 2015, and ending February 28, 2019, to succeed William Bain.

Rosalea R. Potter, 3673 Big Hill Road, **Lexington**, Virginia 24450, Member, appointed September 17, 2015, for a term of four years beginning March 1, 2015, and ending February 28, 2019, to succeed herself.

Clifton A. Slade, 1111 Mount Ray Drive, **Surry**, Virginia 23883, Member, appointed September 17, 2015, to serve an unexpired term beginning April 28, 2015, and ending February 28, 2017, to succeed Shelley S. Butler-Barlow.

Kay Johnson Smith, 3515 South 17th Street, **Arlington**, Virginia 22204, Member, appointed September 17, 2015, for a term of four years beginning March 1, 2015, and ending February 28, 2019, to succeed herself.

O. Bryan Taliaferro, Jr., 32614 Tidewater Trail, **Center Cross**, Virginia 22437, Member, appointed September 17, 2015, for a term of four years beginning March 1, 2015, and ending February 28, 2019, to succeed Stephen Ellis.

Board of Forestry

Elizabeth Flippo Hutchins, 2300 East Grace Street, **Richmond**, Virginia 23223, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Thomas Barnes.

Greg A. Scheerer, 45 Goldfinch Drive, **Lynchburg**, Virginia 24502, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

William B. Snyder, Sr., 123 Moon Drive, **Smithfield**, Virginia 23430, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ervin Bielmyer.

Soybean Board

N. Wayne Hudson, 32858 Whaley's Road, **Laurel, Delaware** 19956, Member, appointed September 17, 2015, to serve an unexpired term beginning August 16, 2014, and ending September 30, 2016, to succeed Gerry L. Underwood.

Virginia Agricultural Council

Joseph H. Barlow, Sr., 8204 Longvue Circle, **Suffolk**, Virginia 23436, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 4, 2015, to succeed himself.

Jason O. Bush, 471 Brick Church Circle, **Castlewood**, Virginia 24224, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 4, 2015, to succeed himself.

Kathy Grant Coffee, 2255 Fletcher Chapel Road, **Kenbridge**, Virginia 23944, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 4, 2015, to succeed herself.

Travis Croxton, 4777 Wormleys Lane, **Mechanicsville**, Virginia 23116, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 11, 2015, to succeed Steve W. Sturgis.

Philip B. Glaize, Jr., 801 South Washington Street, **Winchester**, Virginia 22601, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 5, 2015, to succeed himself.

John R. Hall III, 301 Hemlock Drive Southeast, **Blacksburg**, Virginia 24060, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 5, 2015, to succeed himself.

Ashley Elgin Hardesty, 1458 Longmarsh Road, **Berryville**, Virginia 22611, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 26, 2015, to succeed John Sponaugle.

Cecil E. Meyerhoeffer, Jr., 7865 Kiser Road, **Mount Crawford**, Virginia 22841, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 4, 2015, to succeed himself.

Mark H. Newbill, 105 Darlington Drive, **Rocky Mount**, Virginia 24151, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 4, 2015, to succeed himself.

Kimberley H. Nixon, 21496 River Road, **Rapidan**, Virginia 22733, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning June 1, 2015, to succeed C. Frank Jordan.

Lynn R. St. Clair, 4176 Swover Creek Road, **Edinburg**, Virginia 22824, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 4, 2015, to succeed herself.

Tscharner D. Watkins III, 2260 Chalkwell Drive, **Midlothian**, Virginia 23113, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning May 4, 2015, to succeed himself.

Jeffrey R. White, 2276 Browntown Road, **Front Royal**, Virginia 22630, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 23, 2015, to succeed Paul Rogers.

W. Alan Worrell, 879 Sunrise Drive, **Austinville**, Virginia 24312, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 10, 2015, to succeed Jean S. Brown.

Virginia Horse Industry Board

David R. Lands, 4234 Cato Drive, **Gloucester**, Virginia 23061, Member, appointed September 17, 2015, for a term of three years beginning June 20, 2015, and ending June 19, 2018, to succeed himself.

Nancy A. Paschall, 8267 Oak Tree Farms Lane, **Gloucester**, Virginia 23061, Member, appointed September 17, 2015, for a term of three years beginning June 20, 2015, and ending June 19, 2018, to succeed herself.

Nancy C. Troutman, 3341 Carvins Cove Road, **Salem**, Virginia 24153, Member, appointed September 17, 2015, for a term of three years beginning June 20, 2015, and ending June 19, 2018, to succeed Beryl Herzog.

Alison R. Umberger, 5713 Honilea Drive, **Broad Run**, Virginia 20137, Member, appointed September 17, 2015, for a term of three years beginning June 20, 2015, and ending June 19, 2018, to succeed Eleanor Jones.

Virginia Wine Board

Steven C. Brown, Post Office Box 758, 229 Spring House Lane, **Woodstock**, Virginia 22664, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Ruth F. Saunders.

AUTHORITIES

Board of the Virginia Coalfield Economic Development Authority

D. Michael Hymes, 403 West Fincastle Turnpike, **Tazewell**, Virginia 24651, Member, appointed September 17, 2015, to serve an unexpired term beginning May 23, 2015, and ending June 30, 2016, to succeed Joe Street.

Fort Monroe Authority Board of Trustees

William R. Harvey, 612 Shore Road, **Hampton**, Virginia 23669, Member, appointed September 17, 2015, to serve an unexpired term beginning January 13, 2015, and ending June 30, 2017, to succeed G. Robert Aston, Jr.

T. Destry Jarvis, 16412 Hampton Road, **Hamilton**, Virginia 20158, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed John Lawson.

James P. Moran, 414 East Windsor Avenue, **Alexandria**, Virginia 22301, Member, appointed September 17, 2015, to serve an unexpired term beginning December 21, 2014, and ending June 30, 2016, to succeed Frances C. Wilson.

Hampton Roads Sanitation District Commission

Michael E. Glenn, 629 Mayflower Road, **Norfolk**, Virginia 23508, Member, appointed September 17, 2015, for a term of four years beginning June 8, 2015, and ending June 7, 2019, to succeed himself.

Willie Levenston, 1207 Ross Drive, **Portsmouth**, Virginia 23701, Member, appointed September 17, 2015, for a term of four years beginning June 8, 2015, and ending June 7, 2019, to succeed himself.

Virginia Biotechnology Research Partnership Authority Board of Directors

Mary C. Doswell, 6010 Saint Andrews Lane, **Richmond**, Virginia 23226, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Gail L. Letts, 4400 Welby Drive, **Midlothian**, Virginia 23113, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Virginia Port Authority Board of Commissioners

F. Blair Wimbush, 1330 Baffly Loop, **Chesapeake**, Virginia 23320, Member, appointed September 17, 2015, to serve an unexpired term beginning January 13, 2015, and ending June 30, 2016, to succeed G. Robert Aston, Jr.

COMMERCE AND TRADE

Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects

Doyle B. Allen, 1056 Summerfield Lane, **Forest**, Virginia 24551, Member, appointed September 17, 2015, to serve an unexpired term beginning February 19, 2015, and ending June 30, 2015, to succeed Patrick D. Leary.

Board for Barbers and Cosmetology

Daniella Tsamouras, 1200 Lake Avenue, **Richmond**, Virginia 23226, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Board for Contractors

Jeffery W. Hux, 5753 Burbank Court, **Norfolk**, Virginia 23502, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed Michael Gelardi.

E.G. Middleton III, 1449 Five Hill Trail, **Virginia Beach**, Virginia 23452, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

John David O'Dell, 7961 Tom's Drive, **Mechanicsville**, Virginia 23116, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed D. Todd Vander Pol.

Board for Hearing Aid Specialists and Opticians

Pamela S. Chavis, Post Office Box 220, 1253 The Forest, **Crozier**, Virginia 23039, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed William Bearden.

Eric B. Hecker, 3008 Travis Close, **Williamsburg**, Virginia 23185, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

Board for Professional and Occupational Regulation

Eugene I. Goldman, 1213 Merchant Lane, **McLean**, Virginia 22101, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed William Dennis.

Board for Professional Soil Scientists, Wetland Professionals, and Geologists

Robin L. Bedenbaugh, 11812 Marigold Court, **Midlothian**, Virginia 23114, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Nancy Barker.

Bennette D. Burks, 1605 Hanover Avenue, **Richmond**, Virginia 23220, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Katherine White.

Douglas A. DeBerry, 3005 Stoney Creek Drive, **Williamsburg**, Virginia 23185, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Robert Atkinson.

Larry James Giannasi, 6279 Doe Trail, **Mechanicsville**, Virginia 23116, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2013, and ending June 30, 2017, to succeed Charles Nelson.

Keith R. Goodwin, 223 Harwood Drive, **Yorktown**, Virginia 23692, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2018, to succeed Douglas Davis.

Harry T. Saxton III, Post Office Box 806, **Appomattox**, Virginia 24522, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed himself.

R. Drew Thomas, 7236 Winnipeg Court, **Gainesville**, Virginia 20155, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to succeed Robin E. Reed.

Angela C. Whitehead, 300 Buford Road, **Williamsburg**, Virginia 23188, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2012, and ending June 30, 2016, to succeed herself.

Board for Waste Management Facility Operators

Joseph R. Levine, 6345 Ruebush Road, **Dublin**, Virginia 24084, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2014, and ending June 30, 2018, to succeed himself.

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

John K. Ewing, 1519 Avondale Avenue, **Richmond**, Virginia 23227, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2011, and ending June 30, 2015, to succeed Ronald Thomas.

Douglas Perry Greene, 549 Watch Hill Road, **Midlothian**, Virginia 23114, Member, appointed September 17, 2015, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed himself.

Kristen M. Lentz, 1609 Boyce Drive, **Norfolk**, Virginia 23509, Member, appointed September 17, 2015, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed herself.

Board of Accountancy

D. Brian Carson, 1832 Champion Circle, **Virginia Beach**, Virginia 23456, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed W. Barclay Bradshaw.

Susan Quaintance Ferguson, 155 Weavers Road, **Harrisonburg**, Virginia 22802, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Robert J. Cochran.

Board of Housing and Community Development

John P. Carr, 14 South Washington Street, **Winchester**, Virginia 22601, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Patricia P. Shields, 900 Parker Avenue, **Falls Church**, Virginia 22046, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed James E. Hyland.

Commission on Local Government

Diane M. Linderman, 10901 Lansdowne Court, **Midlothian**, Virginia 23113, Member, appointed September 17, 2015, for a term of five years beginning January 1, 2015, and ending December 31, 2019, to succeed Cole Hendrix.

Common Interest Community Board

Paul L. Orlando, Jr., 12222 Folkstone Drive, **Oak Hill**, Virginia 20171, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Scott E. Sterling, 1008 Northwoods Trail, **McLean**, Virginia 22102, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Enrico C. Cecchi.

Lucia Anna Trigliani, 710 South Union Street, **Alexandria**, Virginia 22314, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Latino Advisory Board

Rosa Cecilia Williams, 3524 Barkley Drive, **Fairfax**, Virginia 22031, Member, appointed September 17, 2015, to serve an unexpired term beginning March 5, 2015, and ending October 14, 2015, to succeed Cecilia Martinez.

Real Estate Board

Sharon P. Johnson, 115 Pine Lane, **Boydton**, Virginia 23917, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Anh Tu Do.

Safety and Health Codes Board

Charles L. Stiff, 5316 Summer Plains Drive, **Mechanicsville**, Virginia 23116, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia Apprenticeship Council

Greta E. Nicholson, 9249 Corbins Way Drive, **Culpeper**, Virginia 22701, Member, appointed September 17, 2015, for a term of three years beginning June 21, 2015, and ending June 20, 2018, to succeed Danny E. Amos.

Virginia Board of Workforce Development

Jeanne S. Armentrout, 8310 Cardington Drive, **Roanoke**, Virginia 24019, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Hobart P. Bauhan, 1100 Ridgewood Road, **Harrisonburg**, Virginia 22801, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed David Garcia.

Thomas A. Bell, 6219 Sunshine Avenue, **Norfolk**, Virginia 23509, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed James Rigali.

William Bell, 123 College Place, **Norfolk**, Virginia 23510, Member, appointed September 17, 2015, to serve an unexpired term beginning January 24, 2015, and ending June 30, 2017, to succeed Danny Hunley.

Virginia R. Diamond, 1911 Virginia Avenue, **McLean**, Virginia 22101, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Mark Dreyfus, 5104 Oceanfront Avenue, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Mark A. Herzog, 10218 Maremont Circle, **Henrico**, Virginia 23238, Chair, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed Raul Vargas.

Lane Seawell Hopkins, 700 Tiber Lane, **Richmond**, Virginia 23226, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Morton Savell.

Mary Hughes Hynes, 1503 North Highland Street, **Arlington**, Virginia 22201, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Nathaniel X. Marshall, 3611 Fort Avenue, **Lynchburg**, Virginia 24501, Vice Chair, appointed June 5, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed Mark Herzog.

Bruce D. Phipps, 5119 Carter Grove Circle, **Roanoke**, Virginia 24012, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Brian T. Warner, 14400 Post Mill Drive, **Midlothian**, Virginia 23113, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia Economic Development Partnership Authority Board of Directors

Vincent J. Mastracco, Jr., 8404B Ocean Front Avenue, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, to serve an unexpired term beginning January 1, 2014, and ending December 31, 2019, to succeed John Malbon.

Virginia Housing Development Authority Commissioners

Kermit E. Hale, 2222 Blenheim Road, **Roanoke**, Virginia 24015, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Charles C. McConnell, 12712 Winston Lane Southeast, **Coeburn**, Virginia 24230, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia-Israel Advisory Board

Mark Dreyfus, 5104 Oceanfront Avenue, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Charles Lessin, 6500 Patterson Avenue, **Richmond**, Virginia 23226, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Kevin O'Holleran, 3913 Seminary Road, **Richmond**, Virginia 23227, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Michael Ginsberg.

Virginia Manufactured Housing Board

Dennis L. Jones, 90 Weaver Street, **Rocky Mount**, Virginia 24151, Member, appointed September 17, 2015, to serve an unexpired term beginning October 11, 2014, and ending March 31, 2018, to succeed Earl T. Satterwhite.

Virginia Nuclear Energy Consortium Authority Board of Directors

William J. Briscoe, 22 Cloverdale Place, **Charles Town**, **West Virginia** 25414, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ron Sones.

Regina W. Carter, 204 Earls Court, **Lynchburg**, Virginia 24503, Member, appointed September 17, 2015, to serve an unexpired term beginning March 24, 2015, and ending June 30, 2017, to succeed Marshall Cohen.

David A. Christian IV, 117 Lakeview Drive, **Toano**, Virginia 23168, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Mary Alice A. Hayward, 1250 Merchant Lane, **McLean**, Virginia 22101, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Dayton W. Lawman, Jr., 15407 Fox Crest Lane, **Midlothian**, Virginia 23112, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Frank Gillespie.

Matthew J. Mulherin, Jr., 144 Ensign John Utie, **Williamsburg**, Virginia 23185, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia Resources Authority Board of Directors

David Branscome, 3807 Russell Road, **Woodbridge**, Virginia 22192, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia Small Business Financing Authority Board of Directors

John M. Hopper, 206 Westham Parkway, **Richmond**, Virginia 23229, Member, appointed September 17, 2015, to serve an unexpired term beginning March 11, 2015, and ending June 30, 2015, and for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Shawn Boyer.

Bradley W. Juianti, 27 Clarke Road, **Richmond**, Virginia 23226, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed James Thomas.

Andrew N. Lock, 207 63rd Street, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Do-a Storey.

COMPACTS

Ohio River Valley Water Sanitation Commission

Lou Ann Jessee-Wallace, 2752 Warren Drive, **Saint Paul**, Virginia 24283, Member, appointed September 17, 2015, to serve an unexpired term beginning January 22, 2015, and ending June 30, 2017, to succeed Robert Dunn.

Southern Regional Education Board

R. Edward "Edd" Houck, 306 Woodfield Drive, **Spotsylvania**, Virginia 22553, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Alvin Williamson.

EDUCATION

Board of Education

Billy K. Cannaday, Jr., 9005 Ashcroft Way, **North Chesterfield**, Virginia 23236, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Lorraine S. Lange, 1510 Longview Road Southwest, **Roanoke**, Virginia 24018, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Christian Braunlich.

Elizabeth Vickrey Lodal, 1651 Quail Hollow Court, **McLean**, Virginia 22101, Member, appointed September 17, 2015, for a term of four years beginning January 30, 2015, and ending January 29, 2019, to succeed Winsome Sears.

Board of Regents of Gunston Hall

Margaret Crockett (Mrs. George Crockett), 17 Princeville Lane, **Las Vegas, Nevada** 89113, Member, appointed September 17, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

Mary Cook Millard (Mrs. Charles E. Millard, Jr.), 620 Hope Street, **Bristol, Rhode Island** 02809, Member, appointed September 17, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

Harriet V.K. Osborn (Mrs. Steele Bartley Osborn), 51 Ponte Vedra Boulevard, **Ponte Vedra Beach, Florida** 32082, Member, appointed September 17, 2015, for a term of five years beginning October 26, 2014, and ending October 25, 2019, to succeed herself.

Board of Trustees of the Virginia Museum of Fine Arts

Judith A. Niemyer, Box 236, **Marshall**, Virginia 20116, Member, appointed September 17, 2015, to serve an unexpired term beginning October 22, 2014, and ending June 30, 2018, to succeed William D. Sessoms, Jr.

Christopher Newport University Board of Visitors

Robert R. Hatten, 5466 Colraine Point, **Gloucester**, Virginia 23061, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ann Hunnicutt.

Steven S. Kast, 87 Browns Neck Road, **Poquoson**, Virginia 23662, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Gary Byler.

N. Scott Millar, 306 Central Parkway, **Newport News**, Virginia 23606, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

The College of William and Mary Board of Visitors

Thomas R. Frantz, 1016 Curlew Drive, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

James A. Hixon, 3329 Kline Drive, **Virginia Beach**, Virginia 23452, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Pete Snyder.

Karen Kennedy Schultz, 501 Seldon Drive, **Winchester**, Virginia 22601, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Leigh Pence.

Todd Stottlemeyer, 12518 Nathaniel Oaks Drive, **Herndon**, Virginia 20171, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Eastern Virginia Medical School Board of Visitors

Barry L. Gross, 1602 York River Drive, **Gloucester Point**, Virginia 23062, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

P. Ward Robinett, Jr., 2803 Acres Road, **Portsmouth**, Virginia 23703, Member, appointed September 17, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to succeed himself.

George Mason University Board of Visitors

Karen Alcalde, 1101 South Arlington Ridge Road, Apartment 1102, **Arlington**, Virginia 22202, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Stephen M. Cumbie, 837 Mackall Avenue, **McLean**, Virginia 22101, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Reginald Brown.

David Petersen, 1812 Watervale Way, **Vienna**, Virginia 22182, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed B.G. Beck.

Shawn Nicole Purvis, 9672 Crecy Lane, **Manassas**, Virginia 20110, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Mark McGettrick.

Institute for Advanced Learning and Research

Chris A. Lumsden, 409 Monroe Street, **South Boston**, Virginia 24592, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

James Madison University Board of Visitors

Jeffrey Grass, 3160 17th Street North, **Arlington**, Virginia 22201, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Pablo Cuevas.

Matthew A. Gray, 1018 West 47th Street, **Richmond**, Virginia 23225, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Barry Duval.

Maria D. Jankowski, 4001 Hanover Avenue, **Richmond**, Virginia 23221, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Fred Thompson.

Deborah Tompkins Johnson, 13762 Fleet Street, **Woodbridge**, Virginia 22191, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Leslie Gilliam.

John C. Rothenberger, 532 Springvale Road, **Great Falls**, Virginia 22066, Member, appointed September 17, 2015, to serve an unexpired term beginning March 28, 2015, and ending June 30, 2016, to succeed Carly Fiorina.

Craig Brendan Welburn, 12805 Reserve Lane, **Manassas**, Virginia 20112, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Don Rainey.

The Library Board

Carol L. Hampton, 1205 Loch Lomond Court, **Richmond**, Virginia 23221, Member, appointed September 17, 2015, to serve an unexpired term beginning October 2, 2014, and ending June 30, 2018, to succeed Carolyn S. Berkowitz.

Longwood University Board of Visitors

Michael A. Evans, 9114 Minglewood Lane, **Mechanicsville**, Virginia 23116, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Thomas Johnson.

David H. Hallock, 3062 Lockridge Road, **Roanoke**, Virginia 24014, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Marianne M. Radcliff, 4104 Traylor Drive, **Richmond**, Virginia 23235, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Norfolk State University Board of Visitors

Ann A. Adams, 1109 Chumley Road, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Deborah M. Dicroce.

Kenneth W. Crowder, 7041 Lilac Court, **Norfolk**, Virginia 23518, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Lloyd Banks.

Michael Helpinstill, 3328 Running Cedar Way, **Williamsburg**, Virginia 23188, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Peter Kao.

Old Dominion University Board of Visitors

Yvonne Toms Allmond, 405 Connecticut Avenue, **Norfolk**, Virginia 23508, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Andrea Kilmer.

Donna Fischer, 9662 25th Bay Street, **Norfolk**, Virginia 23518, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed William Cofer.

Michael Henry, 2215 Lakeshire Drive, **Alexandria**, Virginia 22308, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Barry Kornblau.

Frank Reidy, 515 Wilder Road, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Radford University Board of Visitors

Krishna Chachra, 1622 Honeysuckle Drive, **Blacksburg**, Virginia 24060, Member, appointed September 17, 2015, to serve an unexpired term beginning February 6, 2015, and ending June 30, 2018, to succeed Andrew Fogarty.

Mary Ann Hovis, 2700 Green Holly Springs, **Oakton**, Virginia 22124, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Matthew Crisp.

Mark S. Lawrence, 2509 Nottingham Road Southeast, **Roanoke**, Virginia 24014, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Mike Wray.

Randy J. Marcus, 1207 Elmhurst Drive, **Richmond**, Virginia 23229, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

State Board for Community Colleges

Carolyn S. Berkowitz, 6544 Raftelis Road, **Burke**, Virginia 22015, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Douglas M. Garcia, 12461 Hayes Court, Unit 301, **Fairfax**, Virginia 22033, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Robert Fountain.

William C. Hall, Jr., 3142 Monument Avenue, **Richmond**, Virginia 23221, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Catherine B. Reynolds, Post Office Box 9870, **McLean**, Virginia 22102, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Dorcas Helfant-Browning.

State Council of Higher Education for Virginia

Minnis Ridenour, 706 Somerset Place, **Blacksburg**, Virginia 24060, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Johanna Chase.

Katharine M. Webb, 14 Bridgeway Road, **Richmond**, Virginia 23226, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Stephen Haner.

University of Mary Washington Board of Visitors

Heather Mullins Crislip, 2419 Grove Avenue, **Richmond**, Virginia 23220, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Joseph Grzeika.

Davis C. Rennolds, 1003 North Hamilton Street, **Richmond**, Virginia 23221, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Dorcas Hardy.

Rhonda S. VanLowe, 2455 Arctic Fox Way, **Reston**, Virginia 20191, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jud Honaker.

University of Virginia and Affiliated Schools Board of Visitors

Mark T. Bowles, 2626 Turner Road, **Goochland**, Virginia 23063, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2016, to succeed Edward Miller.

Whittington W. Clement, 4717 Pocahontas Avenue, **Richmond**, Virginia 23226, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Stephen Long.

Tammy Snyder Murphy, 45 Blossom Cove Road, **Red Bank, New Jersey** 07701, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed George Martin.

James V. Reyes, 4655 Hawthorne Lane Northwest, **Washington, District of Columbia** 20016, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed John Nau.

Jeffrey Walker, 15 Central Park West, Apartment 14D, **New York, New York** 10023, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Allison DiNardo.

Virginia Commission on Higher Education Board Appointments

James M. Burke, 3705 Shore Drive, **Richmond**, Virginia 23225, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 2, 2015, to fill a new seat.

Virginia Commonwealth University Board of Visitors

Phoebe Hall, 5104 Riverside Drive, **Richmond**, Virginia 23225, Member, appointed September 17, 2015, to serve an unexpired term beginning May 26, 2015, and ending June 30, 2018, to succeed Franklin P. Hall.

Ron McFarlane, 3620 Williamsborough Court, **Raleigh, North Carolina** 27609, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Thomas Farrell.

Carol Shapiro, 7822 Gingerbread Lane, **Fairfax Station**, Virginia 22039, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed William Royall.

Sudhakar Shenoy, 10855 Patowmack Drive, **Great Falls**, Virginia 22066, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Jacquelyn E. Stone, 2914 Semmes Avenue, **Richmond**, Virginia 23225, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Virginia Military Institute Board of Visitors

Lara Tyler Chambers, 527 Fords Road, **Manakin Sabot**, Virginia 23103, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ernesto Sampson.

Brian R. Detter, 1307 Clayborne House Court, **McLean**, Virginia 22101, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Paul Galanti.

David Lewis Miller, 657 Good Springs Road, **Brentwood, Tennessee** 37027, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed John Allen.

Eugene Scott, Jr., 1903 Oakway Drive, **Richmond**, Virginia 23238, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Wesley Foster.

Virginia Polytechnic Institute and State University Board of Visitors

C.T. Hill, 13709 Hickory Nut Point, **Midlothian**, Virginia 23112, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Cordel Faulk.

Mehmood Kazmi, 9817 Beach Mill Road, **Great Falls**, Virginia 22066, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed John Lee.

Deborah Petrine, Post Office Box 639, **Hardy**, Virginia 24101, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Virginia School for the Deaf and Blind Board of Visitors

Virgil A. Cook, 901 Vista Terrace, **Blacksburg**, Virginia 24060, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia State University Board of Visitors

Michael D. Flemming, 1403 Bishop Lane, **Alexandria**, Virginia 22302, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Terone Green.

Glen Sessoms, 341 Riveredge Drive West, **Cordova, Tennessee** 38018, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Felix Davis.

Wayne M. Turnage, 1345 South Capitol Street Southwest, Apartment 702, **Washington, District of Columbia** 20003, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed George Anas.

HEALTH AND HUMAN RESOURCES

Advisory Board for the Virginia Department for the Deaf and Hard-of-Hearing

Carrie N.H. Humphrey, 901 Lakewater Drive, **Richmond**, Virginia 23229, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Star Grieser.

Roy B. Martin IV, 205 Sir Oliver Road, **Norfolk**, Virginia 23505, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Rachel Bavister.

Dinah L. Scharfenberg, 101 Weeping Willow Drive, **Abingdon**, Virginia 24210, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kelly Martin-Miller.

Karen L. Sheffer, 309 Holland Lane, **Alexandria**, Virginia 22314, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Matthew Teasdale.

Advisory Board on Behavior Analysis

Gary M. Fletcher, 1204 Port Elissa Landing, **Midlothian**, Virginia 23114, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Patricia Taylor.

Kate Lewis, 4503 Hanover Avenue, **Richmond**, Virginia 23221, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Advisory Board on Service and Volunteerism

Lettie J. Bien, 2308 Walnut Ridge Lane, **Charlottesville**, Virginia 22911, Member, appointed September 17, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to fill a new seat.

Jessica M. Bowser, 6177 Windham Hill Run, **Alexandria**, Virginia 22315, Member, appointed September 17, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to fill a new seat.

John Taylor Chapman, 112 West Taylor Run Parkway, **Alexandria**, Virginia 22314, Member, appointed September 17, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to fill a new seat.

Elizabeth B. Childress, 30 South Davis Avenue, Apartment 1, **Richmond**, Virginia 23220, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Vanessa Diamond, 3608 Noble Avenue, **Richmond**, Virginia 23222, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Mark Fero, 7228 Watkins Court, **Ruther Glen**, Virginia 22546, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Terry C. Frye, 130 Shadow Hill Lane, **Bristol**, Virginia 24201, Member, appointed September 17, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to fill a new seat.

Peter J. Goldin, 3202 Noble Avenue, **Richmond**, Virginia 23222, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Ashley W. Hall, 726 North 27th Street, **Richmond**, Virginia 23223, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Amy Nisenon, 1603 Centreville Parke Lane, **Manakin Sabot**, Virginia 23103, Member, appointed September 17, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to fill a new seat.

Seema Sethi, 2729 Merrilee Drive, Apartment 525, **Fairfax**, Virginia 22031, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Karen J. Stanley, 3200 Holly Hill Court, **Chester**, Virginia 23831, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Rachel R. Thomas, 1315 W Street Northwest, Apartment 721, **Washington, District of Columbia** 20009, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Laurie S. Turner, 711 Huntsman Place, **Herndon**, Virginia 20170, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

James H. Underwood, 3216 Nahant Road, **Midlothian**, Virginia 23112, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Leslie Van Horn, 1905 Grand Bay Drive, **Norfolk**, Virginia 23456, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Leah Dozier Walker, 703 South Laurel Street, **Richmond**, Virginia 23220, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Alzheimer's Disease and Related Disorders Commission

Laura S. Bowser, 6664 Wexford Lane, **Richmond**, Virginia 23225, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Courtney Tierney.

Carol Manning, 1715 Mason Lane, **Charlottesville**, Virginia 22903, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Courtney S. Tierney, 6864 Tred Avon Place, **Gainesville**, Virginia 20155, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed George Vradenburg.

Assistive Technology Loan Fund Authority Board of Directors

Sarah A. Liddle, 171 Shawnee Drive, **Shawsville**, Virginia 24162, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jay McLaughlin.

Michael E. VanDyke, Post Office Box 465, **Rosedale**, Virginia 24280, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Behavioral Health and Developmental Services Board

Calendria Jones, 7507 Barkbridge Road, **Chesterfield**, Virginia 23832, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Bonnie Neighbour.

James S. Reinhard, 213 North Broad Street, **Salem**, Virginia 24153, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ananda Pandurangi.

Board of Funeral Directors and Embalmers

Blair H. Nelsen, 314 Greenway Lane, **Richmond**, Virginia 23226, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Christopher Vincent.

Larry T. Omps, 171 Omps Drive, **Winchester**, Virginia 22601, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Eric Wray.

Joseph Francis Walton, 3904 Border Way, **Virginia Beach**, Virginia 23456, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Robert Oman.

Board of Health Professions

Laura Purcell Verdun, 2608 Iron Forge Road, **Oak Hill**, Virginia 20171, Member, appointed September 17, 2015, to serve an unexpired term beginning December 12, 2014, and ending June 30, 2016, to succeed Wanda Pritekel.

Board of Long-Term Care Administrators

Mary B. Brydon, 8201 Greystone West Circle, **Richmond**, Virginia 23229, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Karen Stanfield.

Mitchell P. Davis, 808 West Carrollton Avenue, **Salem**, Virginia 24153, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Thomas Orsini.

Martha H. Hunt, 11 Stratford Road, **Newport News**, Virginia 23601, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed John Scott.

Cary Douglas Nevitt, 6004 Greenspring Road, **Fredericksburg**, Virginia 22407, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Karen H. Stanfield, 18315 Old Stage Road, **Dinwiddie**, Virginia 23841, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Amanda Gannon.

Board of Medical Assistance Services

Michael H. Cook, 2724 King Street, **Alexandria**, Virginia 22302, Member, appointed September 17, 2015, for a term of four years beginning March 8, 2015, and ending March 7, 2019, to succeed Michelle Collins-Robinson.

Alexis Y. Edwards, 1409 Manson Street, **Norfolk**, Virginia 23523, Member, appointed September 17, 2015, for a term of four years beginning March 8, 2015, and ending March 7, 2019, to succeed Joseph W. Boatwright III.

Maureen Sue Hollowell, 187 Green Kemp Road, **Virginia Beach**, Virginia 23462, Member, appointed September 17, 2015, for a term of four years beginning March 8, 2015, and ending March 7, 2019, to succeed herself.

Board of Nursing

Regina M. Gilliam, 4703 Gaardahl Drive, **Sandston**, Virginia 23150, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Evelyn Lindsay.

Trula E. Minton, 401 Winterslow Road, **North Chesterfield**, Virginia 23235, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Rebecca D. Poston, 7814 North Shore Road, **Norfolk**, Virginia 23505, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jane Ingalls.

Board of Optometry

Devon Cabot, 2323 9th Street South, **Arlington**, Virginia 22204, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Lisa G. Wallace-Davis, 101 Linda Drive, **Newport News**, Virginia 23608, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jonathan Noble.

Board of Pharmacy

Freeda L. Cathcart, 2516 Sweetbrier Avenue Southwest, **Roanoke**, Virginia 24015, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Dinny Li.

Rafael Saenz, 7147 Hampstead Drive, **Crozet**, Virginia 22932, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Empsy Munden.

Board of Physical Therapy

Tracey Adler, 8819 Riverside Drive, **Richmond**, Virginia 23235, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Michael Styron.

Arkena Dailey, 54 Corwin Circle, **Hampton**, Virginia 23666, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Peggy Belmont.

Board of Social Services

Veronica O. Washington, 905 Brentwood Avenue, **Lynchburg**, Virginia 24502, Member, appointed September 17, 2015, to serve an unexpired term beginning June 17, 2015, and ending June 30, 2016, to succeed William C. Henderson.

Board of Social Work

Angelia N. Allen, 260 Hatton Street, Apartment B1, **Portsmouth**, Virginia 23704, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Nettie Simon-Owens.

Jamie Clancey, 2488 Post Oak Drive, **Culpeper**, Virginia 22701, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jennifer Blosser.

Child Support Guidelines Review Panel

Deborah Vatidis Bryan, 2425 Nimmo Parkway, Building 10A, **Virginia Beach**, Virginia 23456, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed A. Ellen White.

Craig M. Burslem, 5616 Barnsley Place, **Glen Allen**, Virginia 23059, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed himself.

Lawrence D. Diehl, Post Office Box 9, **Waverly**, Virginia 23890, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed Jennifer Oram-Smith.

Carol B. Gravitt, Post Office Box 999, **Halifax**, Virginia 24558, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed Heather Cooper.

Dennis M. Hottell, 7111 Wolf Den Road, **Fairfax Station**, Virginia 22039, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed Reeves Mahoney.

Christine E. Marra, 207 West 30th Street, **Richmond**, Virginia 23225, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed Amy Atkinson.

Christian Paasch, 6546 Parish Glebe Lane, **Alexandria**, Virginia 22315, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed Paul McLean.

Kim-marie A. Pigott-Brown, 18640 Potomac Station Drive, **Leesburg**, Virginia 20176, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed Hilton Graham.

Edward A. Robbins, Jr., Post Office Box 520, **Chesterfield**, Virginia 23832, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed Wilford Taylor.

Karen H. Sampson, 8150 George Wine Road, **Bridgewater**, Virginia 22812, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed herself.

Russell J. Smith, 90 D Lodge Road, **Poquoson**, Virginia 23662, Member, appointed September 17, 2015, to serve at the pleasure of the Governor beginning March 20, 2015, to succeed Michael Wood.

Commonwealth Health Research Board

Robert W. Downs, Jr., 1205 Loch Lomond Court, **Richmond**, Virginia 23221, Member, appointed September 17, 2015, for a term of five years beginning April 2, 2015, and ending April 1, 2020, to succeed Robert Call.

Emergency Medical Services Advisory Board

Byron F. Andrews III, 105 North Sycamore Road, **Sterling**, Virginia 20164, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Steve Ennis.

Richard H. Decker III, 10806 Weather Vane Road, **Henrico**, Virginia 23238, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

William B. Ferguson, 150 Hajo Lane, **Rocky Mount**, Virginia 24151, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Matthew Tatum.

Jason R. Jenkins, 14274 Wythridge Way, **Haymarket**, Virginia 20169, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

John Korman, 3001 Veazey Terrace Northwest, Apartment 334, **Washington, District of Columbia** 20008, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Corina Nuckols.

Cheryl L. Lawson, 505 Kristy Court, **Newport News**, Virginia 23602, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Genemarie McGee, 3728 Ballahack Road, **Chesapeake**, Virginia 23322, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Ronald D. Passmore, 101 North Main Street, **Galax**, Virginia 24333, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

Daniel C. Wildman, 327 Hulls Chapel Road, **Fredericksburg**, Virginia 22406, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

Family and Children's Trust Fund Board of Trustees

Nadine Marsh-Carter, 3211 Q Street, **Richmond**, Virginia 23223, Member, appointed September 17, 2015, to serve an unexpired term beginning May 19, 2015, and ending June 30, 2017, to succeed Andria Padgett McClellan.

Foundation for Healthy Youth

Sandy L. Chung, 46962 Fairhills Court, **Sterling**, Virginia 20165, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Stacey Ely.

Teresa Gardner, 4203 Warbler Road, **Coeburn**, Virginia 24230, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Davis Rennolds.

Andrew Goodwin, 4303 New Kent Avenue, **Richmond**, Virginia 23225, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Edda Collins Coleman.

Kris E. Kennedy, 1812 Upper James Court, **Virginia Beach**, Virginia 23454, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Sandy Chung.

Thomas J. L'Ecuyer, 912 King William Drive, **Charlottesville**, Virginia 22901, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Christopher Nicholson.

State Board of Health

Wendy Klein, 10812 Weather Vane Road, **Richmond**, Virginia 23238, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed M. Catherine Slusher.

James M. Shuler, 3000 Wakefield Drive, **Blacksburg**, Virginia 24060, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Steven R. Escobar.

State Executive Council for Children's Services

Mary W. Biggs, 701 Hutcheson Drive, **Blacksburg**, Virginia 24060, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Patricia O'Bannon.

Robert S. Coleman, 316 Wendwood Drive, **Newport News**, Virginia 23602, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

Courtney Gaskins, 6303 Old Zion Road, **Warrenton**, Virginia 20187, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Michael Farley.

Catherine M. Hudgins, 11301 Wedge Drive, **Reston**, Virginia 20190, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Maurice T. Jones, 1508 Holly Road, **Charlottesville**, Virginia 22901, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Mary Bunting.

Melissa S. Peacor, 8056 Stillbrooke Road, **Manassas**, Virginia 20112, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Joseph Paxton.

Greg Peters, 9602 Hitchin Drive, **Richmond**, Virginia 23238, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

State Rehabilitation Council

Robbin T. Blankenship, 8413 Franconia Road, **Henrico**, Virginia 23227, Member, appointed September 17, 2015, to serve an unexpired term beginning December 30, 2014, and ending September 30, 2015, to succeed Audie Gaddis.

State Rehabilitation Council for the Blind and Vision Impaired

Christine L. Appert, 2400 Arlington Boulevard, Apartment A, **Charlottesville**, Virginia 22903, Member, appointed September 17, 2015, to serve an unexpired term beginning October 1, 2013, and ending September 30, 2016, to succeed Michael Kasey.

Linda G. Broady-Myers, 21 East Leigh Street, Apartment 301, **Richmond**, Virginia 23219, Member, appointed September 17, 2015, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Claudie Grant.

Christopher O. Grandle, 931 Churchmans Mill Road, **Stuarts Draft**, Virginia 24477, Member, appointed September 17, 2015, to serve an unexpired term beginning December 20, 2014, and ending September 30, 2015, to succeed Kenneth Jessup.

Jeanette McAllister, 364 D North College Drive, **Franklin**, Virginia 23851, Member, appointed September 17, 2015, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Richard Holley.

Jill A. Nerby, 2104 Arlington Boulevard, #15, **Charlottesville**, Virginia 22903, Member, appointed September 17, 2015, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Sherrie M. Phillips.

Kimberly A. Shick, 309 Cougar Trail, **Winchester**, Virginia 22602, Member, appointed September 17, 2015, for a term of three years beginning October 1, 2014, and ending September 30, 2017, to succeed Patricia M. Beattie.

INDEPENDENT

Chesapeake Bay Bridge and Tunnel Commission

Karen S. James, 25 Early Drive, **Portsmouth**, Virginia 23701, Member, appointed September 17, 2015, for a term of four years beginning May 15, 2015, and ending May 14, 2019, to succeed Jennifer Lee.

Jeffrey A. Rowland, 1234 Edgewood Avenue, **Chesapeake**, Virginia 23324, Member, appointed September 17, 2015, for a term of four years beginning May 15, 2015, and ending May 14, 2019, to succeed Paul R. Hedges.

Frederick T. Stant III, 3576 West Neck Road, **Virginia Beach**, Virginia 23456, Member, appointed September 17, 2015, for a term of four years beginning May 15, 2015, and ending May 14, 2019, to succeed himself.

Virginia Commonwealth University Health System Authority Board of Directors

Eva Teig Hardy, 217 Gun Club Road, **Richmond**, Virginia 23221, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Virginia Retirement System Board of Trustees

Robert L. Greene, 19676 Stanford Hall Place, **Ashburn**, Virginia 20147, Chair, appointed September 17, 2015, for a term of two years beginning May 5, 2015, and ending May 4, 2017, to succeed Diana Cantor.

LEGISLATIVE

Brown v. Board of Education Scholarship Awards Committee

Joan Johns Cobbs, 6533 Darlington Heights Road, **Farmville**, Virginia 23901, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed Pamela M. McInnis.

Joy Speakes, 285 Goose Creek Road, **Cullen**, Virginia 23934, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed Patricia Turner.

Conflict of Interest and Ethics Advisory Council

Walter C. Erwin, 101 Paddington Court, **Lynchburg**, Virginia 24503, Member, appointed September 17, 2015, for a term of one year beginning July 1, 2015, and ending June 30, 2016, to fill a new seat.

Bernard L. Henderson, Jr., 10416 Huntsmoor Drive, **Richmond**, Virginia 23233, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Sharon E. Pandak, 11230 Edgemoor Court, **Woodbridge**, Virginia 22192, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Small Business Commission

Deborah S. Baum, 1840 Floyd Highway South, **Floyd**, Virginia 24091, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed Nicole A. Riley.

Albert S. Diradour, 2206 Monument Avenue, **Richmond**, Virginia 23220, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed John Gordon.

Sunny Shah, 5848 Old Locke Court, **Roanoke**, Virginia 24018, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed Robert G. Marcus.

Virginia Freedom of Information Advisory Council

Stephanie L. Hamlett, 1111 East Main Street, **Richmond**, Virginia 23219, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

NATURAL RESOURCES

Mount Vernon Board of Visitors

Buford R. Blevins III, 421 North Davis Avenue, **Richmond**, Virginia 23220, Member, appointed September 17, 2015, for a term of four years beginning May 1, 2015, and ending April 30, 2019, to succeed Douglas Jones.

Sheila B. Coates, 739 Old Hunt Way, **Herndon**, Virginia 20170, Member, appointed September 17, 2015, for a term of four years beginning May 1, 2015, and ending April 30, 2019, to succeed Eileen Reinaman.

State Air Pollution Control Board

Nicole M. Rovner, 3203 West Grace Street, **Richmond**, Virginia 23221, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Tedd H. Jett.

State Water Control Board

Guinevere Nissa Dean, 6142 Bootsie Boulevard, **Henrico**, Virginia 23231, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Thomas Van Auken.

Lou Ann Jessee-Wallace, 2752 Warren Drive, **Saint Paul**, Virginia 24283, Member, appointed September 17, 2015, to serve an unexpired term beginning January 22, 2015, and ending June 30, 2017, to succeed Benjamin Grumbles.

Heather L. Wood, 813 Graydon Avenue, **Norfolk**, Virginia 23507, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Virginia Marine Resources Commission

Glen Wayne France, 398 Bowen Lane, **Warsaw**, Virginia 22572, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed James D. Close.

James E. Minor III, 900 North 35th Street, **Richmond**, Virginia 23223, Member, appointed September 17, 2015, to serve an unexpired term beginning April 1, 2015, and ending June 30, 2016, to succeed Robert G. Beck.

John E. Tankard III, Post Office Box 649, **Exmore**, Virginia 23350, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Whitt Sessoms.

PUBLIC SAFETY AND HOMELAND SECURITY

Advisory Committee on Sexual and Domestic Violence

Kathleen Anderson, 1804 Washington Avenue, **Fredericksburg**, Virginia 22401, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Teresa C. Berry, 321 Timberline Trail, **Vinton**, Virginia 24179, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Autumn L. Jones, 4730 South Park Court, **Woodbridge**, Virginia 22193, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Chana Lyn Ramsey, 9145 Cheers Lane, **Disputanta**, Virginia 23842, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Warren L. Rodgers, Jr., 567 Roosevelt Reynolds Road, **Patrick Springs**, Virginia 24133, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Mindy M. Stell, 10814 Courthouse Road, **Dinwiddie**, Virginia 23841, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Board of Juvenile Justice

Mary E. Langer, 7717 Ardenale Road, **Richmond**, Virginia 23225, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Tamara Neo.

Dana G. Schrad, 10254 Stratford Hall Court, **Mechanicsville**, Virginia 23116, Member appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Jennifer Woolard, 10076 Naughton Court, **Bristow**, Virginia 20136, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kenneth Stolle.

Criminal Justice Services Board

Michael R. Doucette, 2140 Rivermont Avenue, **Lynchburg**, Virginia 24503, Chair, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed Charles Jett.

Robert D. Soles, 9727 Lakepointe Drive, **Burke**, Virginia 22015, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Charles Ciccotti.

Secure Commonwealth Panel

Donald W. Upson, 151 Herndon Mill Circle, **Herndon**, Virginia 20170, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2014, and ending June 20, 2018, to succeed David Waldman.

State Board of Corrections

Kevin L. Sykes, 1000 Armour Court, **Richmond**, Virginia 23223, Member, appointed September 17, 2015, to serve an unexpired term beginning May 16, 2015, and ending June 30, 2017, to succeed Tammi Lambert.

TECHNOLOGY**Broadband Advisory Council**

James G. Carr, 311 Daniels Street Northwest, **Leesburg**, Virginia 20176, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Jane D. Dittmar, Post Office Box 277, **Charlottesville**, Virginia 22902, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed R. Bryan David.

Ray C. LaMura, 4601 Monument Avenue, **Richmond**, Virginia 23230, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed himself.

Duront A. Walton, Jr., 1507 West Avenue, **Richmond**, Virginia 23220, Member, appointed September 17, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed himself.

Modeling and Simulation Advisory Council

Christopher L. Barrett, 3920 Horse Farm Road, **Blacksburg**, Virginia 24060, Member, appointed September 17, 2015, to serve an unexpired term beginning July 1, 2012, and ending June 30, 2016, to fill a new seat.

Gianna Z. Fernandez, 1025 North Fillmore Street, Apartment 211, **Arlington**, Virginia 22201, Member, appointed September 17, 2015, to serve an unexpired term beginning March 19, 2014, and ending June 30, 2017, to succeed Rachel Moore.

TRANSPORTATION**Commonwealth Transportation Board**

Carlos M. Brown, 11841 Thomas Mill Drive, **Glen Allen**, Virginia 23059, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Roger Cole.

Shannon Valentine, 1487 Langhorne Road, **Lynchburg**, Virginia 24503, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Virginia Aviation Board

Roderick D. Hall, 16355 Topsail Lane, **Woodbridge**, Virginia 22191, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Thomas Inman.

Cheryl P. McLeskey, 501 Virginia Dare Drive, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Virginia Commercial Space Flight Authority Board of Directors

John R. Broderick, 5001 Woodbury Avenue, **Norfolk**, Virginia 23508, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Varun K. Nikore, 1100 North Quantico Street, **Arlington**, Virginia 22205, Member, appointed September 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed John Jester.

VETERANS AND DEFENSE AFFAIRS**Joint Leadership Council of Veterans Service Organizations**

William B. Ashton, 7 Indian Wood Lane, **Fredericksburg**, Virginia 22405, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Abe Zino.

Harold H. Barton, Jr., 109 Sandalwood Lane, **Yorktown**, Virginia 23693, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

Daniel D. Boyer, Jr., 92 Oriole Lane, **Galax**, Virginia 24333, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Thomas F. Gimble.

James Cuthbertson, 6208 Manafort Circle, **Glen Allen**, Virginia 23059, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Robert P. Fairchild.

Danal H. Dennison, 3465 North Emerson Street, **Arlington**, Virginia 22207, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Thomas Moran.

Robert S. Herbert, 2249A Kendall Street, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Richard J. Rinaldo.

Curtis B. Jennings, 559 Dellwood Drive, **Newport News**, Virginia 23602, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Allan L. McCroskey.

Marie G. Juliano, 15794 Widewater Drive, **Dumfries**, Virginia 22025, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed herself.

Terry D. Labar, 3 Kennedy Circle, **Fredericksburg**, Virginia 22405, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed David Coffield.

Richard A. Mansfield, 427 Durham Street, **Hampton**, Virginia 23669, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

Charles R. Montgomery, Jr., 2258 Bayberry Street, **Virginia Beach**, Virginia 23451, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed George Corbett.

Richard C. Oertel, 3831 Dunoon Road, **Colonial Heights**, Virginia 23834, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Brett Reistad.

Jon R. Ostrowski, 10614 Samaga Drive, **Oakton**, Virginia 22124, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Matthew Dailey.

John J. Prendergast, 2115 Stem Creek Trail, **Powhatan**, Virginia 23139, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

Adam C. Provost, 151 Brookwood Drive, **Charlottesville**, Virginia 22902, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Shawn Otto.

Glenn R. Rodriguez, 1709 Jermyn Lane, **Virginia Beach**, Virginia 23454, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

Robert A. Sempke, 14208 Cove Ridge Court, **Midlothian**, Virginia 23112, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Donald B. Kaiserman.

David K. Sitler, 13912 Shadow Ridge Road, **Midlothian**, Virginia 23112, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Carmen Gentile.

Perry C. Taylor, Jr., 1817 Braeburn Drive, Apartment 219, **Salem**, Virginia 24153, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed James K. Clem.

L. Timothy Whitmore, 5625 Canterbury Lane, **Suffolk**, Virginia 23435, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed John T. Edwards.

Stuart H. Williams, 9158 Rockefeller Lane, **Springfield**, Virginia 22153, Member, appointed September 17, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

SENATE JOINT RESOLUTION NO. 92

Confirming appointments by the Governor of certain persons communicated December 1, 2015.

Agreed to by the Senate, February 5, 2016

Agreed to by the House of Delegates, February 12, 2016

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe between October 1, 2015, and November 30, 2015, and communicated to the General Assembly December 1, 2015.

AGRICULTURE AND FORESTRY

Aquaculture Advisory Board

Chad Ballard III, 1546 Blanford Circle, **Norfolk**, Virginia 23505, Member, appointed November 4, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

Bryan P. Plemmons, 97 Golden Brook Lane, **Goshen**, Virginia 24439, Member, appointed November 3, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed N.W. Terry, Jr.

Charitable Gaming Board

James Lewis, 620 South Washington Street, **Alexandria**, Virginia 22314, Member, appointed October 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia Wine Board

Diane H. Flynt, 53 Chisholm Creek Road, **Dugspur**, Virginia 24325, Member, appointed November 3, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

William C. Tonkins, 1500 Afton Mountain Road, **Afton**, Virginia 22920, Member, appointed November 3, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Luther Kirk Wiles III, 7801 Kincheloe Road, **Clifton**, Virginia 20124, Member, appointed November 3, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Christopher Blosser.

COMMERCE AND TRADE

Board for Waterworks and Wastewater Works Operators and Onsite Sewage System Professionals

James N. Brockwell, Post Office Box 188, 115 Main Street, **West Point**, Virginia 23181, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed K.R. Davis.

Rosa-lee Cooke, 5669 Powell Valley Road, **Big Stone Gap**, Virginia 24219, Member, appointed November 3, 2015, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed Gary Schafran.

John K. Ewing, 1519 Avondale Avenue, **Richmond**, Virginia 23227, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Pamela M. Pruett, 828 Wide Oak Court, **Warrenton**, Virginia 20186, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed E. Brooke Philpy.

Virginia Latino Advisory Board

Christopher J. Falcon, 3831 Pickett Court, **Annandale**, Virginia 22003, Member, appointed November 4, 2015, for a term of four years beginning October 15, 2015, and ending October 14, 2019, to succeed himself.

Keisha Graziadei-Shup, 3128 Willow Road Northwest, **Roanoke**, Virginia 24017, Member, appointed October 29, 2015, for a term of four years beginning October 15, 2015, and ending October 14, 2019, to succeed Christine Lockhart Poarch.

Louisa M. Meruvia, 407 Mashie Drive Southeast, **Vienna**, Virginia 22180, Member, appointed October 29, 2015, for a term of four years beginning October 15, 2015, and ending October 14, 2019, to succeed Alexander Vanegas.

Sergio R. Rimola, 1082 Methven Court, **Herndon**, Virginia 20170, Member, appointed November 3, 2015, for a term of four years beginning October 15, 2015, and ending October 14, 2019, to succeed Michel Zajur.

Lucero Soto Wiley, 525 Thalia Road, **Virginia Beach**, Virginia 23452, Member, appointed October 29, 2015, for a term of four years beginning October 15, 2015, and ending October 14, 2019, to succeed herself.

Rosa Cecilia Williams, 3524 Barkley Drive, **Fairfax**, Virginia 22031, Member, appointed October 29, 2015, for a term of four years beginning October 15, 2015, and ending October 14, 2019, to succeed herself.

Virginia Solar Energy Development Authority

William D. Carmack, 550 Court Street, **Abingdon**, Virginia 24210, Member, appointed October 1, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Michael Barrett Hardiman, 5621 New Kent Road, **Richmond**, Virginia 23225, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Sylvain Marsillac, 7607 Gleneagles Road, **Norfolk**, Virginia 23505, Member, appointed October 1, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Careth Cody Apperson Nystrom, 2105 Hanover Avenue, **Richmond**, Virginia 23220, Member, appointed October 1, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Cliona Mary Robb, 3006 Seminary Avenue, **Richmond**, Virginia 23227, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Dawone Robinson, 100 South 15th Street, Apartment 302, **Richmond**, Virginia 23219, Member, appointed October 1, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to fill a new seat.

Virginia Tourism Authority Board of Directors

Phyllis A. Terrell, 40 Spring East, **Williamsburg**, Virginia 23188, Member, appointed October 21, 2015, to serve an unexpired term beginning July 24, 2015, and ending June 30, 2018, to succeed Paul C. Reber.

EDUCATION

A.L. Philpott Manufacturing Extension Partnership Board of Trustees (dba GENEDGE)

Kevin D. Creehan, 3201 Ogden Road, **Roanoke**, Virginia 24018, Member, appointed October 2, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Tiffany McKillip Franks, 500 Hawthorne Drive, **Danville**, Virginia 24541, Member, appointed October 23, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Douglas D. Frost, 19870 Telegraph Springs Road, **Purcellville**, Virginia 20132, Member, appointed October 2, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kai Zhang.

David R. Lohr, 12145 Morestead Court, **Glen Allen**, Virginia 23059, Member, appointed October 2, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Norfolk State University Board of Visitors

Deborah M. DiCroce, 216 White Dogwood Drive, **Chesapeake**, Virginia 23322, Member, appointed October 9, 2015, to serve an unexpired term beginning July 22, 2015, and ending June 30, 2018, to succeed Lamont Bagby.

Southern Virginia Higher Education Center Board of Trustees

W. W. "Ted" Bennett, Jr., 5135 Halifax Road, **Halifax**, Virginia 24558, Member, appointed October 15, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Gerald "Jay" Burnett, Jr., 304 Monroe Street, **South Boston**, Virginia 24592, Member, appointed October 15, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed William Coleman.

Mattie M. Cowan, 3121 Dan River Church Road, **South Boston**, Virginia 24592, Member, appointed October 15, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed David A. Willette.

Southwest Virginia Higher Education Center Board of Trustees

Cheryl A. Carrico, 18320 Westwood Drive, **Abingdon**, Virginia 24211, Member, appointed October 29, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kevin Crutchfield.

Danny L. Dixon, 190 Kilgore Street, **Nickelsville**, Virginia 24271, Member, appointed November 5, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ruby Wolfe Rogers.

Aviva Shapiro Frye, 130 Shadow Hill Lane, **Bristol**, Virginia 24201, Member, appointed October 29, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Matthew O'Quinn.

The Library Board

K. Johnson Bowles, 55 1/2 Haywood Street, Apartment 3C, **Asheville, North Carolina** 28801, Member, appointed October 2, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Kathryn Watkins.

Mark E. Emblidge, 401 Stuart Circle, **Richmond**, Virginia 23220, Member, appointed October 2, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed himself.

Barbara Vines Little, 11065 Gordon Heights Road, **Gordonsville**, Virginia 22941, Member, appointed October 2, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed Peter Broadbent.

Virginia Commission on Higher Education Board Appointments

Constance R. Kincheloe, 18039 Birmingham Road, **Culpeper**, Virginia 22701, Member, appointed October 27, 2015, to serve at the pleasure of the Governor beginning October 1, 2015, to succeed Jeffrey Trammell.

Virginia Commonwealth University Board of Visitors

Tyrone E. Nelson, 1448 Village Field Drive, **Henrico**, Virginia 23231, Member, appointed October 22, 2015, to serve an unexpired term beginning August 4, 2015, and ending June 30, 2017, to succeed Nancy Everett.

Virginia Museum of Fine Arts Board of Trustees

Betty Neal Crutcher, 7000 River Road, **Henrico**, Virginia 23229, Member, appointed November 13, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed John Hager.

FINANCE

Debt Capacity Advisory Committee

Jody M. Wagner, 7106 Oceanfront Avenue, **Virginia Beach**, Virginia 23451, Member, appointed November 12, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed William K. Butler II.

Virginia Public Building Authority

Suzanne S. Long, 202 Canterbury Road, **Richmond**, Virginia 23221, Member, appointed November 18, 2015, for a term of five years beginning July 1, 2015, and ending June 30, 2020, to succeed F. Dudley Fulton.

John A. Mahone, 9533 Heather Spring Drive, **Richmond**, Virginia 23238, Chair, appointed November 19, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed himself.

HEALTH AND HUMAN RESOURCES

Board of Counseling

Johnston M. Brendel, 105 Canham Road, **Williamsburg**, Virginia 23185, Member, appointed October 2, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Benjamin B. Keyes.

Danielle N. Hunt, 6420 Sexton Drive, **North Chesterfield**, Virginia 23224, Member, appointed October 2, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Terry Tinsley.

Board of Dentistry

Carol R. Russek, 13910 McTyres Cove Lane, **Midlothian**, Virginia 23112, Member, appointed October 23, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Sharon Barnes.

Board of Health Professions

Barbara Allison-Bryan, 305 Marina Road, **North**, Virginia 23128, Member, appointed November 6, 2015, to serve an unexpired term beginning July 1, 2015, and ending June 30, 2018, to succeed Frazier Frantz.

Helene D. Clayton-Jeter, 10414 Van Patten Lane, **Great Falls**, Virginia 22066, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Kevin Doyle, 1216 Raintree Drive, **Charlottesville**, Virginia 22901, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Mark Johnson, 36876 Leith Lane, **Middleburg**, Virginia 20177, Member, appointed November 6, 2015, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2017, to succeed Constance Pozniak.

Ryan K. Logan, 3424 Meyer Woods Lane, **Fairfax**, Virginia 22033, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ellen Shinaberry.

Trula E. Minton, 401 Winterslow Road, **North Chesterfield**, Virginia 23235, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Laura Purcell Verdun, 2608 Iron Forge Road, **Oak Hill**, Virginia 20171, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Jim Wells, 215 Henrico Road, **Front Royal**, Virginia 22630, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Board of Medicine

David J. Taminger, 9307 Elkwood Road, **Midlothian**, Virginia 23112, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kamlesh Dave.

Board of Veterinary Medicine

Autumn N. Halsey, 1749 Trillium Lane, **Marion**, Virginia 24354, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Taryn Singleton.

Mark Johnson, 36876 Leith Lane, **Middleburg**, Virginia 20117, Member, appointed November 6, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Radiation Advisory Board

M. Rehan Khan, 11820 Norwich Place, **Glen Allen**, Virginia 23059, Member, appointed October 16, 2015, to serve at the pleasure of the Governor beginning October 16, 2015, to succeed Binh Nguyen.

Statewide Independent Living Council

Sherri M. Coles, 5906 Chesterbrook Road, **McLean**, Virginia 22101, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed herself.

Sandra A. Cook, 1946 Walton Street, **Petersburg**, Virginia 23805, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed herself.

Keith A. Enroughty, 1617 Foster Road, **Richmond**, Virginia 23226, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed himself.

Ivy Kennedy, 4956 Willow Pointe Lane, **Virginia Beach**, Virginia 23464, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed herself.

Gerald F. O'Neill, 9304 Emmett Road, **Glen Allen**, Virginia 23060, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed Karen Michalski-Karney.

Shawn M. Utt, 13 6th Street Northeast, **Pulaski**, Virginia 24301, Member, appointed October 9, 2015, to serve an unexpired term beginning October 1, 2013, and ending September 30, 2016, to succeed Mary Mathena.

State Rehabilitation Council

David W. Axelle, 2218 Nelson Street, **Henrico**, Virginia 23228, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed himself.

Robbin T. Blankenship, 8413 Franconia Road, **Henrico**, Virginia 23227, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed herself.

Pamela C. Cobler, 2539 Figsboro Road, **Martinsville**, Virginia 24112, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed Shannon Haworth.

Linda M. Garris-Bright, 605 Thomas Nelson Drive, **Virginia Beach**, Virginia 23452, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed Anthony W. Lineberry.

Lauren Snyder Roche, 22 Robert Bruce Road, **Poquoson**, Virginia 23662, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed herself.

James A. Rothrock, 3504 Warsaw Terrace, **Glen Allen**, Virginia 23060, Member, appointed October 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed himself.

State Rehabilitation Council for the Blind and Vision Impaired

Nichole C. Drummond, 7707 Durer Court, **Springfield**, Virginia 22153, Member, appointed October 16, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed herself.

Judith O. Swystun, 2000 East Ocean View Avenue, **Norfolk**, Virginia 23503, Member, appointed October 16, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed herself.

Bernard R. Werwie, Jr., 165 Greenhill Lane, **Fredericksburg**, Virginia 22405, Member, appointed October 16, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed Christopher Grandle.

Virginia Board for the Blind and Vision Impaired

Linda Broady-Myers, 21 East Leigh Street, Suite 301, **Richmond**, Virginia 23219, Member, appointed October 16, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

INDEPENDENT

Virginia Commonwealth University Health System Authority Board of Directors

Gopinath Jadhav, 9005 Spring Brook Court, **Richmond**, Virginia 23229, Member, appointed October 23, 2015, to serve an unexpired term beginning October 17, 2015, and ending June 30, 2017, to succeed Tyrone Nelson.

Virginia Foundation for the Humanities and Public Policy

Marjorie M. Clark, 2017 Lancashire Drive, **North Chesterfield**, Virginia 23235, Member, appointed October 2, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to fill a new seat.

Renee Grisham, Post Office Box 270, **North Garden**, Virginia 22959, Member, appointed October 2, 2015, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed Oliver W. Hill, Jr.

Virginia Health Workforce Development Authority

Ralph R. Clark III, 12305 Pleasant Lake Terrace, **Richmond**, Virginia 23233, Member, appointed October 23, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed himself.

R. Neal Graham, 11229 Fox Meadow Drive, **Henrico**, Virginia 23233, Member, appointed October 23, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed himself.

Lori A. Rutherford, 2328 Wycliffe Avenue Southwest, **Roanoke**, Virginia 24014, Member, appointed October 23, 2015, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed herself.

NATURAL RESOURCES

Virginia Museum of Natural History Board of Trustees

Arthur V. Evans, 1600 Nottoway Avenue, **Richmond**, Virginia 23227, Member, appointed October 23, 2015, to serve an unexpired term beginning October 23, 2015, and ending June 30, 2016, to succeed Christina S. Draper.

Virginia Soil and Water Conservation Board

Janette Farley Kennedy, Post Office Box 3444, **Wise**, Virginia 24293, Member, appointed October 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Thomas M. Branin.

Barry L. Marten, 8 Lavelle Court, **Williamsburg**, Virginia 23185, Member, appointed October 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Herbert L. Dunford, Jr.

Richard A. Street, 6416 Cranston Lane, **Fredericksburg**, Virginia 22407, Member, appointed October 21, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

PUBLIC SAFETY AND HOMELAND SECURITY

Scientific Advisory Committee

George C. Maha, 119 Butternut Drive, **Chapel Hill, North Carolina** 27514, Member, appointed October 9, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed John Planz.

TECHNOLOGY

Identity Management Standards Advisory Council

David W. Burhop, 2300 West Broad Street, **Richmond**, Virginia 23220, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Catherine "Katie" Crepps, 15000 Capital One Drive, **Richmond**, Virginia 23238, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Jeremy A. Grant, 5513 Nebraska Avenue Northwest, **Washington, District of Columbia** 20015, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Lisa E. Kimball, 20545 Wild Meadow Court, **Ashburn**, Virginia 20157, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Nelson P. Moe, 11751 Meadowville Lane, **Chester**, Virginia 23836, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Thomas C. Moran, 8179 Tamar Drive, **Columbia, Maryland** 21045, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Michael Watson, 11751 Meadowville Lane, **Chester**, Virginia 23836, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Jeffrey R. Zubricki, 1712 Corcoran Street Northwest, Apartment 6, **Washington, District of Columbia** 20009, Member, appointed October 1, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

TRANSPORTATION

Motor Vehicle Dealer Board

Elizabeth Myers Borches, 970 Windsor Road, **Charlottesville**, Virginia 22901, Member, appointed November 10, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Charles Lindsay.

Ronald F. Kody, 17609 Underwood Court, **Rockville**, Virginia 23146, Member, appointed November 12, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Geoffrey M. Malloy, 1340 Ballantrae Lane, **McLean**, Virginia 22102, Member, appointed November 10, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Brian P. Hutchens.

Maurice D. Slaughter, 1306 Prestwick Court, **Chesapeake**, Virginia 23320, Member, appointed November 10, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

Joe C. Tate, 3382 Wyndermere Drive, **Troutville**, Virginia 24175, Member, appointed November 12, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

SENATE JOINT RESOLUTION NO. 97

Directing the Joint Commission on Technology and Science to study aspects of the Commonwealth's aerospace industry. Report.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Commonwealth is home to more than 265 aerospace firms due to a skilled workforce, strong economic growth, pro-business environment, and excellent quality of life; and

WHEREAS, the Commonwealth's role in the aerospace industry dates from 1917, when the nation's first civil aeronautics laboratory, now known as the NASA Langley Research Center, was established in Hampton; and

WHEREAS, the aerospace industry is a driving force of the Commonwealth's economy, supplying jobs to 30,500 workers; and

WHEREAS, the Aerospace Advisory Council has recommended that a multi-faceted study of factors affecting the Commonwealth's aerospace industry be conducted to identify ways to encourage growth in the industry, attract new businesses, and improve the Commonwealth's economy; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Commission on Technology and Science be directed to study aspects of the Commonwealth's aerospace industry.

In conducting its study, the Joint Commission on Technology and Science (JCOTS) shall (i) identify strategies to grow Denbigh High School's Aviation Academy and encourage its transformation into a statewide program, to be named the Virginia Aviation Academy; (ii) research and identify federally funded research and development activities in the Commonwealth and recommend strategies to create additional opportunities for such activities; (iii) collect information regarding practices and efforts used successfully in other states to grow their aerospace industries; (iv) analyze the potential advantages and disadvantages of eliminating taxation on aerospace and aviation parts and labor; (v) gather information regarding opportunities in the Commonwealth related to maintenance and rehabilitation of aerospace equipment; (vi) explore any other topics related to growing the Commonwealth's aerospace industry; (vii) request the Virginia Economic Development Partnership (the Partnership) to develop a report recommending economic development strategies related to growing the Commonwealth's aerospace industry, attracting new businesses, and improving the Commonwealth's economy; and (viii) consult with representatives of all relevant stakeholders, including but not limited to public and private institutions of higher education; the Virginia Academy of Science, Engineering and Medicine; the NASA Langley Research Center; the NASA Wallops Flight Facility; and the Mid-Atlantic Regional Spaceport. Based upon its study, JCOTS shall develop a final report, including any report submitted to JCOTS by the Partnership pursuant to clause (vii), entitled "A Blueprint for the Growth of the Virginia Aviation and Aerospace Industry."

Technical assistance shall be provided to JCOTS by the Virginia Economic Development Partnership. All agencies of the Commonwealth shall provide assistance to the Joint Commission on Technology and Science for this study, upon request.

The Joint Commission on Technology and Science shall complete its meetings by November 30, 2016, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the 2017 Regular Session of the General Assembly. The executive summary shall state whether JCOTS intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summary and report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 98

Commending Richmond International Raceway.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Richmond International Raceway celebrates its 70th anniversary in 2016 of providing an unparalleled and unique stock car racing experience for both fans and drivers; and

WHEREAS, Richmond International Raceway (RIR) started in 1946 when a 1/2-mile racetrack was built at the Atlantic Rural Exposition fairgrounds in Henrico County; the first race at the dirt track was held on October 12, 1946; and

WHEREAS, RIR hosted the first National Association for Stock Car Auto Racing (NASCAR) Grand National Division race on April 19, 1953; Lee Petty won the race with an average speed of 45.535 mph, and since then, the historic track has been home to thrilling NASCAR contests of skill, speed, and technical prowess; and

WHEREAS, today, RIR is the oldest active NASCAR Sprint Cup Series track on the East Coast and is one of the most important racing venues in the Commonwealth; in its lifetime RIR has undergone four name changes and five configuration changes, and the original dirt track is now an asphalt surface; and

WHEREAS, racing fans have flocked to RIR for its twice-yearly race weekends since 1959; the track's current configuration is a 3/4-mile layout—the only one in NASCAR—and the D-shaped oval, built in 1988, combined with lights that were added in 1991, allows RIR to host popular nighttime races; and

WHEREAS, the semiannual NASCAR Doubleheader race weekends feature the XFINITY and Sprint Cup Series; the events attract thousands of fans to the Commonwealth year after year, many of whom stay on site or close by to be part of the excitement, camaraderie, and world-class racing experience; and

WHEREAS, the first 2016 NASCAR Doubleheader weekend at RIR will be held in the spring when the track will host its 120th Sprint Cup Series race on April 24; through the years, more than 480 drivers have competed in Sprint Cup races at RIR; and

WHEREAS, stock car racing enthusiasts eagerly anticipate NASCAR racing at RIR; the historic track is one of the most popular racing venues for racing buffs and drivers, featuring the excitement of side-by-side racing, and allows drivers to reach speeds usually seen at large speedways—all of which results in unforgettable experiences for the many devotees of the sport; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Richmond International Raceway on the occasion of its 70th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dennis Bickmeier, president of Richmond International Raceway, as an expression of the General Assembly's congratulations for its many years of offering world-class stock car racing in the Commonwealth and providing lasting memories for thousands of fans.

SENATE JOINT RESOLUTION NO. 99

Commending Frank Beamer.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Frank Beamer, the highly respected head coach of the Virginia Polytechnic Institute and State University football team who guided the team to 23 consecutive winning seasons and bowl game appearances, retired as head coach in 2015; and

WHEREAS, a native of Hillsville, Frank Beamer graduated in 1969 from Virginia Polytechnic Institute and State University (Virginia Tech), where he started at cornerback on the football team for three seasons and helped take the team to two Liberty Bowls in 1966 and 1968; and

WHEREAS, Frank Beamer began his coaching career in 1969 as an assistant coach for the Radford High School football team, while he was earning a master's degree from Radford University; and

WHEREAS, Frank Beamer went on to serve as an assistant coach and defensive coordinator at The Citadel and defensive coordinator at Murray State University before becoming head coach at Murray State University and leading the football team to a 42–23–2 record; and

WHEREAS, in 1987, Frank Beamer became the first Virginia Tech alumnus to coach the Virginia Tech football team since the 1940s; over the course of his 29-season career, he led the Hokies to four Atlantic Coast Conference (ACC) titles, 23 bowl game appearances, two major bowl game victories, and a national championship game appearance; and

WHEREAS, Frank Beamer pioneered an aggressive style of special teams play that became known as "Beamer Ball"; during the 1990s, the Hokies blocked 66 kicks, more than any team in the country; and

WHEREAS, the Hokies and Frank Beamer made history in 1999 and 2000, posting the winningest seasons in school history with the team's first 11–0 regular season record, back-to-back 11–1 overall records, and a trip to the national championship; and

WHEREAS, Frank Beamer oversaw the Hokies' transition from an independent team to the Big East in 1991 and the ACC in 2004; in the team's first season in the ACC, Frank Beamer was named ACC Coach of the Year for leading a young team to an ACC title and a Bowl Championship Series game, and the team earned the 2004 Fall Sportsmanship award; and

WHEREAS, in 2008, Frank Beamer recorded one of his finest efforts as a head coach, leading one of the youngest teams in his career through one of his toughest schedules to claim an ACC title and a win in the Orange Bowl; and

WHEREAS, Frank Beamer made a promise to his players and their families that he would take care of these young men, and he has kept that promise, as evidenced by the fact that 230 of 244 (94.3 percent) of senior football players from 2001 to 2014 earned their degrees; and

WHEREAS, Frank Beamer finished his career as the winningest active coach in the National Collegiate Athletics Association Football Bowl Subdivision with 280 career wins; he earned numerous awards and accolades, including eight national coach of the year awards in 1999 and the Coach of the Decade award from the Big East in 2000; in 2005, he was voted by 40 college coaches as the coach for whom they had the most respect, and he was the first active head coach inducted into the Virginia Tech Sports Hall of Fame; and

WHEREAS, after his well-earned retirement, Frank Beamer plans to seek new opportunities to serve the community and to spend more time with his wife, Cheryl; children, Shane and Casey, and four grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Frank Beamer on the occasion of his retirement as head coach of the Virginia Polytechnic Institute and State University football team; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Frank Beamer as an expression of the General Assembly's admiration for his achievements and best wishes on a happy retirement.

SENATE JOINT RESOLUTION NO. 100

Celebrating the life of Kathleen Flanagan McManus.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Kathleen Flanagan McManus of Springfield, a devoted nurse who cared for many patients in Northern Virginia and a beloved wife and mother, died on November 27, 2015; and

WHEREAS, a native of Bangor, Maine, Kathleen "Kate" McManus graduated from John Baptist Memorial High School as salutatorian and later earned a nursing degree, finishing at the top of her class; and

WHEREAS, after marrying her high school sweetheart, Reginald McManus, M.D., she relocated to Washington, D.C., and worked as a nurse in his private medical practice; and

WHEREAS, Kate McManus lived her deep faith through her generous actions, and she devoted her life to spreading joy to others through her compassion, wisdom, and grace; and

WHEREAS, as the loving matriarch of a large family, Kate McManus' proudest vocation was her role as a mother, grandmother, and great-grandmother; and

WHEREAS, Kate McManus will be fondly remembered and greatly missed by her husband of 60 years, Reginald; children, Christopher, Kathy, Patrick, Anna, John, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Kathleen Flanagan McManus, an admired caregiver, and a beloved wife and mother in the Springfield community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Kathleen Flanagan McManus as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 101

Designating Virginia as a Purple Heart State.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, February 22, 2016

WHEREAS, the Purple Heart is the oldest American military decoration in continuous use; it was created by George Washington—a citizen of the Commonwealth, commanding general of the victorious Continental Army, and first President of the United States—as the Badge of Military Merit during the Revolutionary War; and

WHEREAS, the Purple Heart was the first American service award made available to the common soldier, and it is awarded currently to any member of the United States Armed Forces wounded or killed in combat with a declared enemy of the United States; and

WHEREAS, the missions of the Military Order of the Purple Heart, which was chartered by an act of the United States Congress, are to foster an environment of goodwill among combat-wounded veterans and their families; to promote patriotism; to support related legislative initiatives; and, most important, to make sure Americans never forget the sacrifices made by those so decorated; and

WHEREAS, many citizens of the Commonwealth have received the Purple Heart as a result of being wounded or killed while engaged in combat with an enemy force, which is construed as a singularly meritorious act of essential service; and

WHEREAS, veterans and active duty service members have paid the high price of freedom by leaving their families and communities and placing themselves in harm's way for the good of all; the people of the Commonwealth have great admiration and the utmost gratitude for all the men and women who have selflessly served their country and the Commonwealth in the military; and

WHEREAS, the contributions and the sacrifices of the men and women of the Commonwealth who served in the United States Armed Forces have been vital in maintaining the freedom and the way of life enjoyed by American citizens; and

WHEREAS, August 7 is designated as Purple Heart Day in Virginia to honor and remember the veterans and active duty members of the military who have been wounded or killed in service to the nation; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate Virginia as a Purple Heart State; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Military Order of the Purple Heart so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post this designation on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 102

Designating August 7, in 2016 and in each succeeding year, as Purple Heart Day in Virginia.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, February 22, 2016

WHEREAS, on August 7, 1782, then commander in chief of the Continental Army George Washington established the Badge of Military Merit, which was awarded to only three Revolutionary War soldiers for brave military service; and

WHEREAS, on February 22, 1932, the 200th anniversary of George Washington's birth, President Herbert Hoover revived the Badge of Military Merit, which was originally designed as a heart made of purple cloth, as the Purple Heart; and

WHEREAS, the Purple Heart is a decoration awarded to members of the United States Armed Forces who have been wounded or killed in combat on or after April 5, 1917, as the result of any act by an opposing enemy force or hostile foreign force; and

WHEREAS, it is estimated that at least 1,900,000 Purple Hearts have been bestowed upon the brave men and women of the United States Armed Forces; it is the oldest military decoration in continuous use in the country; and

WHEREAS, the Commonwealth is the proud home to one of the largest populations of active duty service members and veterans and their families in the country, and it is committed to serving those who have courageously gone into harm's way in defense of the nation; and

WHEREAS, all Virginians are encouraged to honor the heroic service and noble sacrifices of active duty military members and veterans, including those who have made the ultimate sacrifice; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate August 7, in 2016 and in each succeeding year, as Purple Heart Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Military Order of the Purple Heart so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website.

SENATE JOINT RESOLUTION NO. 103

Celebrating the life of Vincent Johns Thomas.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Vincent Johns Thomas, an accomplished businessman, dedicated community leader, and respected former mayor of Norfolk who helped secure a strong future for the city, died on November 7, 2015; and

WHEREAS, a lifelong resident of Norfolk, Vincent Thomas attended Norfolk Public Schools and graduated from Maury High School, where he served as class president; he earned a bachelor's degree from Virginia Military Institute and graduated with the John H. French Medal; and

WHEREAS, after graduation, Vincent Thomas joined many of the other young men of his generation in service to his country during World War II; as a first lieutenant in the United States Army Signal Corps, he helped introduce new and modified radar equipment to troops in the Pacific Theater; and

WHEREAS, Vincent Thomas returned home to the Commonwealth and joined the family coal export business, Johns Brothers, Inc.; over the course of his 50-year career with the company, he helped it transition to become a fuel oil, heating, air conditioning, and electronic security business and retired as chair of the board in 1996; and

WHEREAS, Vincent Thomas enjoyed a long career in public service, beginning with the Norfolk School Board in 1960; he served as chair of the Norfolk School Board from 1964 to 1972, then was appointed to the Virginia State Board of Education, where he served for four years, including two as president, and chaired a commission on education for individuals with disabilities; and

WHEREAS, desirous to be of further service to his fellow residents, Vincent Thomas ran for and was elected to the Norfolk City Council and served as mayor from 1976 to 1984; during his tenure as mayor, the city revitalized the downtown area and developed Waterside, a marketplace along the Elizabeth River; and

WHEREAS, Vincent Thomas volunteered his time and wise leadership with several local civic and service organizations, including as president of the Greater Norfolk Corporation and Virginia International Terminals and chair of the Future of Hampton Roads; he remained a proud and active alumnus of Virginia Military Institute throughout his life; and

WHEREAS, a standout athlete in both high school and college, Vincent Thomas enjoyed playing tennis for much of his life; he participated in numerous local and regional tournaments, specializing in doubles games, and was one of the founders of the Virginia Tennis Association; and

WHEREAS, Vincent Thomas will be fondly remembered and greatly missed by his wife of 68 years, Elizabeth; children, Allison and Vincent, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Vincent Johns Thomas, an admired businessman, public servant, and community leader in Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Vincent Johns Thomas as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 104

Celebrating the life of the Honorable Leonard W. Lambert, Sr.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Honorable Leonard W. Lambert, Sr., of Richmond, a respected attorney and civic leader and a former substitute judge of the 13th Judicial District of Virginia, died on November 18, 2015; and

WHEREAS, a native of Henrico County, Leonard Lambert attended Virginia Randolph High School; graduated cum laude from Virginia Union University, and earned a law degree from Howard University; and

WHEREAS, after completing his education, Leonard Lambert served his fellow Richmond residents as an attorney in private practice, establishing the firm Leonard W. Lambert & Associates; and

WHEREAS, in 1973, Leonard Lambert was appointed as a substitute judge of the Richmond Juvenile and Domestic Relations District Court; he was the first African American to hold any judgeship in the City of Richmond and presided with great fairness and wisdom; and

WHEREAS, Leonard Lambert worked to strengthen and enhance the community as a founder of the Garfield F. Childs Memorial Fund, as a member of the national board of the YMCA, and as chair of the Arthur Ashe Memorial Committee; and

WHEREAS, a man of deep and abiding faith, Leonard Lambert enjoyed fellowship and worship with the community as a member of Westwood Baptist Church; and

WHEREAS, Leonard Lambert served the Commonwealth and the City of Richmond with integrity, dedication, and distinction; and

WHEREAS, predeceased by one son, Ralph, Leonard Lambert will be fondly remembered and greatly missed by his loving wife of 52 years, Sylvia; children, Leonard, Jr., Linda, Brice, and Mark, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Leonard W. Lambert, Sr., a respected attorney and civic leader in the Richmond community and a former substitute judge of the 13th Judicial District of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Leonard W. Lambert, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 105

Celebrating the life of Allix Bledsoe James.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Allix Bledsoe James of Richmond, president emeritus of Virginia Union University, a distinguished public servant whose decades-long quest for racial equality was conducted with dignity and resolve, and a visionary civic and spiritual leader, died on September 26, 2015; and

WHEREAS, Allix James, who was a native of Marshall, Texas, was reared in San Antonio, where he attended junior college; he enrolled in Virginia Union University in Richmond in 1942, and 28 years later he became president of the university; and

WHEREAS, the segregation that Allix James encountered upon his arrival in Richmond was a harsh introduction to the city he would call home for the rest of his life; after a tiring and dirty train ride from Washington, D.C., in a segregated car behind the engine, he was forced to wait at the end of the line for a taxi to take him to campus, then was not allowed to be served at the main counter of a restaurant, and went to bed without supper; and

WHEREAS, profoundly affected by his experiences, Allix James dedicated his life to the pursuit of social justice and civil rights; he went on to earn bachelor's and master's degrees from Virginia Union University (VUU); he also attended Union Theological Seminary, now known as Union Presbyterian Seminary, where he received a second master's degree and a doctoral degree; and

WHEREAS, in 1947, Allix James returned to VUU as an instructor of biblical studies; he soon was promoted to dean of students, then became dean of the graduate school of theology before being named vice president of the university; and

WHEREAS, in 1970, Allix James became the seventh president of VUU; under his leadership, VUU's academic reputation improved, buildings and programs were updated, corporate donations increased, and a music program was started; and

WHEREAS, Allix James was president of VUU until 1979, and in that role he worked tirelessly for the betterment of the university and the city it called home; he was steadfast in his determination to bring Richmond residents together—to learn from one another, to understand one another, and to work together for the betterment of the city; and

WHEREAS, as a community builder and one of the founders of Richmond Renaissance, Allix James helped promote economic development; he served on many governing boards, including Dominion Virginia Power, and was the first African American to become head of the Virginia Board of Education; and

WHEREAS, a steadfast supporter of Richmond, Allix James was convinced that persuading leaders from all parts of the city to work together was crucial and would help create the sense of unity needed to move the city forward; and

WHEREAS, Allix James, who was pastor of three churches, was president of an international association of theological schools and the Virginia Region of the National Conference of Christians and Jews, now known as the Virginia Center for Inclusive Communities; and

WHEREAS, Allix James, who was preceded in death by Susie, his wife of 67 years, and his son, Alvan, will be greatly missed and fondly remembered by his daughter, Portia; many family members, friends, colleagues, and students; and the people of metropolitan Richmond who today live in a vibrant and resurgent city; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Allix Bledsoe James, president emeritus of Virginia Union University, who was a pastor, a distinguished advocate for civil rights, and a respected educator; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Allix Bledsoe James as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 106

Commending Ebenezer Baptist Church.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, in 2016, historic Ebenezer Baptist Church in Beaverdam celebrates 150 years of steadfast faith and ministry to its neighbors and the community through worship, fellowship, service, and outreach; and

WHEREAS, Ebenezer Baptist Church was founded in 1866 after a resolution adopted by worshippers at Mount Olivet Baptist Church resulted in the dismissal of the church's black members, who then formed their own congregation; and

WHEREAS, approximately 200 worshippers were the founders of Ebenezer Baptist Church; they first gathered at a nearby crossroads, and in 1868, the church moved to its present location where members built the group's first worship space out of logs and a brush arbor; and

WHEREAS, in the early years, Ebenezer Baptist Church was led by the Reverend Walker Quarles, the Reverend Slow, and the Reverend E.J. Smith until the Reverend John Clarke was appointed the church's first permanent pastor; a log cabin was erected, which soon was replaced by a frame church; and

WHEREAS, under the leadership of the Reverend Clarke, the first officers of Ebenezer Baptist Church were selected and the church soon became a vital presence in the black community in northwestern Hanover County, providing joyful worship opportunities, spiritual sustenance, and assistance to those in need; and

WHEREAS, in 1912, a new church was built and subsequently remodeled and expanded; in the 1920s, the members of Ebenezer Baptist Church played a major role in establishing a public school in the area; and

WHEREAS, other longtime ministers at Ebenezer Baptist Church include the Reverend E.E. Robinson and the Reverend D.J. Ragland during whose tenure multiple ministries were established serving the church and the larger community; and

WHEREAS, by the mid-twentieth century, Ebenezer Baptist Church's roots were firmly established; and

WHEREAS, in 1977, the Reverend Dr. John W. Kinney was called to be pastor of Ebenezer Baptist Church, and today remains at the helm of this vibrant faith community; and

WHEREAS, Ebenezer Baptist Church has maintained a deep commitment to empowering young people, educating the saints, caring for all, setting the captives free, reaching the world, and restoring the earth; and

WHEREAS, as the members of Ebenezer Baptist Church celebrate 150 years of ministry and service, the church continues its mission to show love and concern for all people through its many charitable endeavors and transformative ministries; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Ebenezer Baptist Church in Beaverdam on the occasion of its 150th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. John W. Kinney, pastor of Ebenezer Baptist Church, as an expression of the General Assembly's respect and admiration for its long history of ministry and outreach to the people of Hanover County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 108

Commending Harry Taft Rutherford, Jr.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Harry Taft Rutherford, Jr., an entrepreneur and visionary developer, served and strengthened the Russell County community for more than 35 years as a member and former chair of the Industrial Development Authority of Russell County; and

WHEREAS, Harry Rutherford began his career in automobile sales, becoming the youngest person appointed as a General Motors dealer in 1967; he went on to share his expertise as a past president of the Virginia Automobile Dealers Association Board of Directors and as a member of an advisory board to the Commissioner of the Virginia Department of Motor Vehicles; and

WHEREAS, desirous to be of further service to the community, Harry Rutherford accepted an appointment to the Industrial Development Authority of Russell County in 1979; over the course of his 36-year tenure with the organization, he served as vice chair and chair and worked on numerous important projects; and

WHEREAS, Harry Rutherford worked to attract national corporations, such as AT&T Wireless, Wal-Mart, and Northrup Grumman, to Russell County, as well as develop local infrastructure, such as a new E911 Call Center, broadband Internet, and new county offices in the Russell County Government Center; and

WHEREAS, Harry Rutherford served as organizing director and president of the Peoples Bank in Honaker and oversaw local implementation of a federal job training program; along with his wife, Yvonne, he formed an advertising business in 1982 called Spitball, Inc.; and

WHEREAS, Harry Rutherford has safeguarded the lives and property of his fellow residents as a former member of the Honaker Volunteer Fire Department and New Garden Rescue Squad; and

WHEREAS, Harry Rutherford earned numerous awards and accolades for his good work over the years, including the 1991 Russell County Citizen of the Year award, the 2012 and 2015 Economic Developer of the Year awards, and the 1990 and 2015 Lion of the Year awards from the Honaker Lions Club, in which he has held all offices; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Harry Taft Rutherford, Jr., for his service as a member of the Industrial Development Authority of Russell County and his leadership in the community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Harry Taft Rutherford, Jr., as an expression of the General Assembly's admiration for his contributions to the residents of Russell County and best wishes for the future.

SENATE JOINT RESOLUTION NO. 109

Commending the Highland Springs High School football team.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, the Highland Springs High School football team capped off an impressive season by winning the 2015 Virginia High School League Group 5A championship; and

WHEREAS, the Highland Springs High School football team defeated a talented squad from Stone Bridge High School in Loudoun County 27–7; the title game was held on December 12, 2015, at Scott Stadium in Charlottesville; and

WHEREAS, in the championship contest, the Highland Springs High School Springers started strong and were lightning quick; the team from Henrico County scored a 61-yard touchdown on its third offensive play of the game; and

WHEREAS, the Highland Springs High School Springers possessed power, speed, and agility throughout the season and those talents came to the forefront in the championship game; the team scored on running plays and passes and had a dominating defense; and

WHEREAS, five times during the Highland Springs High School Springers' run to the championship, the opposing team walked off the field scoreless at game's end; the Springers were disciplined and focused, and the coaching staff, which is ably led by Head Coach Loren Johnson, honed the players' skills all season long; and

WHEREAS, the fans and players of Highland Springs High School have waited many years for a state championship; the Springers last were named the best football team in the Commonwealth in 1961—more than a half century ago; and

WHEREAS, the members of the Highland Springs High School football team were enthusiastically supported by their families, friends, fellow students, the faculty and staff, and the entire school community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Highland Springs High School football team for winning the 2015 Virginia High School League Group 5A championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Loren Johnson, head coach of the Highland Springs High School football team, as an expression of the General Assembly's congratulations and admiration for the school's outstanding accomplishment and championship season.

SENATE JOINT RESOLUTION NO. 110

Celebrating the life of Rudolph Prosser Crowther, Sr.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Rudolph Prosser Crowther, Sr., of Bruington Farm in Northumberland County, chairman of Lillian Lumber Company, Inc., a proud veteran of the United States military who contributed to his community in many ways, an outdoorsman, and a devoted husband and father, died on January 3, 2016; and

WHEREAS, Prosser Crowther, a native of Avalon, attended Randolph-Macon College before leaving to serve in the United States Army from 1950 to 1952 during the Korean conflict; and

WHEREAS, in 1947, Prosser Crowther started working for Lillian Lumber Company, Inc.; he returned to the company after his military service was over and worked there for more than 50 years, eventually becoming its president; and

WHEREAS, Lillian Lumber Company prospered under Prosser Crowther's dynamic leadership; he was a skilled business person and led the company for more than 50 years as it diversified and expanded to be better positioned for the future; and

WHEREAS, giving back to the community was an integral part of Prosser Crowther's life; he was a member of numerous boards and commissions and especially enjoyed serving on the local board of Rappahannock Community College; and

WHEREAS, Prosser Crowther was a man of many interests; he loved trees of all kinds and undisturbed forest lands, and he greatly enjoyed spending time on boats and skiffs on the Chesapeake Bay and traveling the Intracoastal Waterway to Florida; and

WHEREAS, additionally, Prosser Crowther worked to protect the land he loved and its resources; he was proud to have placed a conservation easement on property that holds special meaning to his family, and he found great satisfaction in tending to his oyster shore and crabbing; and

WHEREAS, a talented athlete, Prosser Crowther was a pitcher in the Chesapeake League; he enjoyed traveling with his wife and spending time with their many friends; and

WHEREAS, Prosser Crowther will be greatly missed and fondly remembered by Mary Lou, his wife of 64 years; children Virginia, Prosser, Jr., Elizabeth, William, and Richard, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Rudolph Prosser Crowther, Sr., of Bruington Farm in Northumberland County, a successful business person who made many valuable contributions to his community, a man of many interests, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Rudolph Prosser Crowther, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 111

Celebrating the life of Albert Stuart III.

Agreed to by the Senate, January 21, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Albert Stuart III of Richmond, a real estate professional, true Southern gentleman, a man of great faith, and a devoted husband and father, died on December 31, 2015; and

WHEREAS, Albert "Al" Stuart III, who was born in Richmond, attended the Richmond Public Schools, Collegiate School, St. Christopher's School, and Wake Forest University; he then embarked on a distinguished 40-year career in real estate; and

WHEREAS, a consummate Southern gentleman, Al Stuart was highly regarded for being one of the kindest and most thoughtful people whom his friends had the pleasure of knowing; his gentle nature and compassion were greatly appreciated by those who came in contact with him; and

WHEREAS, Al Stuart was deeply devout, and his exemplary love for others and his strong faith were central to his life and work; throughout his life, he lived by the philosophy of "Love Your Neighbor"; and

WHEREAS, St. Giles Presbyterian Church was Al Stuart's church home; he enjoyed worship and fellowship there and was a member of the church for 30 years; he served in several leadership positions and was a deacon and an elder; and

WHEREAS, Al Stuart will be greatly missed and fondly remembered by his wife, Eva; children, Katherine and Anne, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Albert Stuart III of Richmond, a real estate professional, an esteemed and admired friend to many people, a man of great faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Albert Stuart III as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 112

Commending the City of Hopewell.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, the City of Hopewell, a dynamic waterfront community that has served as one of the Commonwealth's industrial centers throughout its long and storied history, celebrates the 100th anniversary of its incorporation as a city in 2016; and

WHEREAS, Hopewell traces its deepest roots to the formation of an English settlement in the region and is one of the oldest permanently settled areas in the Commonwealth; the oldest remaining area of Hopewell, City Point, was established in 1613 and was incorporated as a town in 1826; and

WHEREAS, City Point served as a port of entry to the United States and operated one of the nation's earliest railroad lines, the line between City Point and Petersburg, in the mid-1800s; it temporarily became one of the busiest ports in the world when it served as headquarters of the Union Army during the Siege of Petersburg in the American Civil War; and

WHEREAS, at the turn of the century, City Point had a population of 300, but after E.I. DuPont de Nemours & Co. purchased 2400 acres to build a dynamite plant and the largest guncotton plant in the world at the time, more than 40,000 people found employment in the area by 1915; and

WHEREAS, the City of Hopewell was officially incorporated in 1916, and many other national corporations, such as Honeywell, Evonik Industries, Tubize Artificial Silk, Allied Chemical, Smurfit-Stone Container Corporation, and Hercules, Inc., brought their business to the new city; and

WHEREAS, home to many giants of industry and innovation over the years, Hopewell earned the nickname Wonder City and witnessed the development of the first automatic dishwasher and the first Kraft paper and cardboard boxes; and

WHEREAS, named for an English passenger ship, Hopewell strives to maintain its historic, rural charm; it has earned the Governor's Clean City Award and other accolades for its landscaping and beautification efforts; and

WHEREAS, the residents of Hopewell will commemorate the city's 100th anniversary with festivals, concerts, a lecture series, and other events throughout the year, as well as a special celebration on July 2, 2016; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the City of Hopewell on the occasion of its 100th anniversary as a city; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mark A. Haley, city manager of the City of Hopewell, as an expression of the General Assembly's congratulations and admiration for the city's unique place in Virginia history.

SENATE JOINT RESOLUTION NO. 114

Celebrating the life of Alphonzo LaSalle Holland, Sr.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Alphonzo LaSalle Holland, Sr., of Roanoke, a longtime employee of Norfolk and Western Railway, a proud veteran of the United States military, an activist and volunteer who devoted his life to the pursuit of equality and the betterment of his community, and a devoted husband and father, died on December 12, 2015; and

WHEREAS, Alphonzo Holland joined the United States Army as a young man and served in the Philippines during World War II; he was a member of the army for more than 30 years and his military career included both active duty service and the United States Army Reserve; and

WHEREAS, Alphonzo Holland began working for Norfolk and Western Railway, now known as Norfolk Southern Corporation, as a janitor, and when he retired 46 years later, he was an assistant manager for tariff compilations; and

WHEREAS, Alphonzo Holland worked for the betterment of future generations of African Americans at his workplace and in his neighborhood; he helped mediate discrimination issues at the railroad and was involved in a community effort to close a nearby landfill, which today is Washington Park; and

WHEREAS, in tirelessly working to ensure that future generations had opportunities that were not afforded to him, Alphonzo Holland took part in civil rights marches and was a member of a biracial committee that worked peacefully to desegregate businesses in Roanoke during the 1960s; and

WHEREAS, many organizations benefited from Alphonzo Holland's involvement; he was president of the Roanoke Branch of the NAACP, a Boy Scout leader, a member of the board of trustees of two churches and served on the board of the Big Brothers Big Sisters of Southwest Virginia; and

WHEREAS, the Roanoke City Council honored Alphonzo Holland as its Citizen of the Year for 2003 for his many contributions to the city and its residents and for his dedication to improving the lives of others, especially the African American community; and

WHEREAS, a man of great faith, Alphonzo Holland served on the board of High Street Baptist Church and God's House Baptist Ministry where he found faith and fellowship, and he enjoyed singing in church choirs; and

WHEREAS, predeceased by his first wife, Susie, Alphonzo Holland will be greatly missed and fondly remembered by his wife, Sara; children Al, Jr., Carrieoma, Mary Ann, and Tom, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Alphonzo LaSalle Holland, Sr., of Roanoke, an assistant manager for Norfolk and Western Railway, a community activist who worked for equality for all people, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Alphonzo LaSalle Holland, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 115

Celebrating the life of Paul C. Reber.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Paul C. Reber of Kinsale, a deeply respected educator and historian who dedicated much of his life to preserving the history and heritage of the Commonwealth, passed on July 23, 2015; and

WHEREAS, a native of Pennsylvania, Paul Reber took an interest in history at a young age, serving in the fife and drum corps in his hometown; he gained an appreciation for the rich history of Pennsylvania's numerous ethnic communities on tours with his grandfather; and

WHEREAS, driven by his passion for lifelong learning, Paul Reber earned a bachelor's degree from Gettysburg College, a master's degree from George Mason University, and a doctorate from the University of Maryland, College Park; and

WHEREAS, over the course of his 25-year career, Paul Reber worked to instill his passion for the nation's heritage in others; he served as an adjunct professor at the University of North Carolina at Greensboro and held leadership positions with Old Salem, Inc., the Decatur House, Mount Vernon, the White House Endowment Fund, and Great Camp Sagamore; and

WHEREAS, in 2006, Paul Reber became the director of Stratford Hall, the home of the Lees of Virginia and the birthplace of Robert E. Lee; he helped the historic site thrive by promoting its unique features as well as the region's natural beauty, opportunities for hiking and cycling, and local fine dining and accommodations; and

WHEREAS, under Paul Reber's leadership, Stratford Hall completed restoration of the great house and established the Re(discover) Stratford and N-Compass tours programs, both of which increased visitation; and

WHEREAS, a respected authority throughout the Commonwealth, Paul Reber served as vice chair of the Virginia Tourism Corporation and president of the Northern Neck Tourism Commission; and

WHEREAS, Paul Reber enjoyed fellowship and worship with the community at the historic Yeocomico Episcopal Church; he lived at Steamboat Hill in Kinsale, a lovingly restored two-story, three-bay single pile "I" house that contained his treasured collection of arts and artifacts of German settlers to southeastern Pennsylvania; and

WHEREAS, Paul Reber will be fondly remembered and deeply missed by his wife, Shannon; son, Alexander; father, Richard; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Paul C. Reber, an admired educator and historian in the Kinsale community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Paul C. Reber as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 116

Commending Colonel Wesley L. Fox, USMC, Ret.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Colonel Wesley L. Fox, USMC, Ret., of Blacksburg, a decorated veteran and recipient of the Medal of Honor, has served the Commonwealth and the United States with the utmost dedication and distinction; and

WHEREAS, a native of Herndon, Colonel Fox joined the United States Marine Corps in 1950; he served two tours during the Korean War, then returned to the United States and served as a drill instructor and recruiter; and

WHEREAS, throughout his military career, Colonel Fox displayed courage, gallantry, and an unyielding commitment to duty; he earned the Medal of Honor for his actions on February 22, 1969, during Operation Dewey Canyon in the Quang Tri Province of Vietnam; and

WHEREAS, during Operation Dewey Canyon, Colonel Fox personally neutralized an enemy emplacement and directed his fellow Marines to destroy others, despite having been wounded in action; he then directed air strikes, coordinated an advance until the enemy retreated, and ensured that wounded Marines were cared for and prepped for evacuation before seeking treatment for his own wounds; and

WHEREAS, regarded as a legend in the United States Marine Corps, Colonel Fox held every enlisted and officer rank except sergeant major over the course of his 43-year career; in addition to the Medal of Honor, he earned several other awards and decorations, including the Legion of Merit, the Bronze Star Medal, the Navy Commendation Medal, the Purple Heart, and many others; and

WHEREAS, after his retirement from military service at the mandatory retirement age of 62 in 1993, Colonel Fox served as deputy commandant of cadets for the Virginia Tech Corps of Cadets, where he helped inspire countless future leaders; and

WHEREAS, Colonel Fox wrote a book about his unique experiences, *Marine Rifleman: Forty-Three Years in the Corps* and was featured on the 2003 PBS documentary *American Valor*; he lives in Blacksburg with his wife, Dotti, with whom he has three daughters; and

WHEREAS, Colonel Fox is an exemplar of the professionalism, dedication to duty, and leadership displayed by men and women in uniform throughout the Commonwealth and the United States; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Colonel Wesley L. Fox, USMC, Ret., for his dedicated service to the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Colonel Wesley L. Fox, USMC, Ret., as an expression of the General Assembly's admiration for his heroic service and sacrifices in defense of the nation.

SENATE JOINT RESOLUTION NO. 117

Commending Charles E. Jett.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Charles E. Jett, a respected leader in the field of law enforcement and a dedicated public servant, retired as sheriff of Stafford County after 37 years of work to safeguard the community; and

WHEREAS, Charles Jett began his career in law enforcement working in the county jail in 1978; he later served as a road deputy, in the detective and narcotics divisions, and as captain in charge of field operations before taking office as sheriff in 2000; and

WHEREAS, as a lifelong resident of Stafford County, Charles Jett's unique knowledge of the region helped him to serve and protect one of the fastest-growing communities in the Commonwealth; and

WHEREAS, when Charles Jett joined the Stafford County Sheriff's Office, there were 22 deputies and five dispatchers serving fewer than 40,000 residents; in 2015, the population of the county had grown to more than 136,000, and the Stafford County Sheriff's Office is currently staffed by more than 240 officers; and

WHEREAS, Charles Jett encouraged his deputies to foster trust and respect between the Stafford County Sheriff's Office and members of the public and strove to maintain high levels of transparency and accountability; and

WHEREAS, admired as one of the most knowledgeable sheriffs in the Commonwealth, Charles Jett served as chair of the Virginia Law Enforcement Professional Standards Commission, as president of the Virginia Sheriffs' Association, and as a member of numerous other peer organizations as well as state chair of Virginia Special Olympics; currently, he is chair of the Criminal Justice Services Board; and

WHEREAS, after his retirement, Charles Jett plans to seek new opportunities to serve the community and spend more time with his wife, Ann, and sons, Steven and David; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Charles E. Jett on the occasion of his retirement as sheriff of Stafford County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Charles E. Jett as an expression of the General Assembly's admiration for his contributions to the Stafford County community and best wishes on a well-earned retirement.

SENATE JOINT RESOLUTION NO. 118

Commending Mary Baldwin College.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Mary Baldwin College will change its name to Mary Baldwin University on August 31, 2016, beginning a year-long celebration of its 175th anniversary of academic excellence and service to young women in the Commonwealth and the United States; and

WHEREAS, founded in 1842 by Rufus W. Bailey with the support of Staunton First Presbyterian Church, Mary Baldwin College was originally known as Augusta Female Seminary; one of the first students, Mary Julia Baldwin, went on to become principal in 1863 and led the seminary until her death in 1897; and

WHEREAS, in 1895, the seminary was renamed Mary Baldwin Seminary, honoring Mary Julia Baldwin's numerous accomplishments as principal; she founded the first music conservatory in the southern United States, introduced university-level courses, and earned the respect of the Staunton community; and

WHEREAS, Mary Baldwin Seminary became a four-year college in 1923 and was renamed Mary Baldwin College; the college thrived, establishing the first adult degree program in the Commonwealth and a radical acceleration college program for girls who skip some or all of high school and begin college at a young age; and

WHEREAS, Mary Baldwin College offers a wide array of extracurricular and athletic programs; in 1995, the college launched the Virginia Women's Institute for Leadership, which remains the only all-female Corps of Cadets in the United States; and

WHEREAS, Mary Baldwin College hosts a chapter of Phi Beta Kappa, the nation's oldest honor society, and it was the first women's college to host a chapter of Omicron Delta Kappa, the national leadership honor society; and

WHEREAS, offering its first master's degree in 1992, Mary Baldwin College has been classified as a master's level university since 2000, offering bachelor's, master's, and doctoral degrees at two main campuses, 11 regional centers, and through online programs; and

WHEREAS, today, Mary Baldwin College is a distinctive small university that sustains both its historic college for women as well as innovative coeducational adult and graduate programs; and

WHEREAS, with one of the most diverse student bodies in the nation, Mary Baldwin College has inspired countless women and men of many different races, faiths, communities, ages, and backgrounds; and

WHEREAS, Mary Baldwin College will conclude its anniversary celebration with its 175th commencement on May 22, 2017, and will continue to honor the leadership, courage, and commitment to lifelong learning exemplified by Mary Julia Baldwin; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mary Baldwin College, which changes its name to Mary Baldwin University in 2016, on the occasion of its 175th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Pamela Fox, president of Mary Baldwin College, as an expression of the General Assembly's admiration for the institution's legacy of excellence and dedication to helping young women achieve their fullest potential.

SENATE JOINT RESOLUTION NO. 122

Commending Henrico High School.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Henrico High School, an outstanding public secondary school in Henrico County, was ranked by *U.S. News & World Report* as one of the best high schools in the United States in 2015; and

WHEREAS, *U.S. News & World Report* analyzed data from more than 29,000 public high schools in all 50 states and Washington, D.C., and named 2,527 as gold or silver medalists; as a silver medalist school, Henrico High School ranked 44 in Virginia and 2,102 in the nation; and

WHEREAS, to earn the prestigious honor, Henrico High School met or exceeded vigorous criteria related to overall student academic performance, academic performance of economically disadvantaged students, and advanced placement or international baccalaureate test data; and

WHEREAS, Henrico High School scored high marks in reading and mathematics proficiency and demonstrated a 24 percent participation rate in international baccalaureate coursework and classes; and

WHEREAS, the award is a testament to the leadership and dedication of the administration, faculty, and staff, the hard work of the students, and the strong partnerships between Henrico High School and the Henrico County community; and

WHEREAS, Henrico High School was one of 52 ranked schools in Virginia; Henrico County Public Schools recorded the second-most ranked schools in the Commonwealth, with two other schools earning silver medals and one earning a gold medal; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Henrico High School on being ranked as one of the best high schools in the nation in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Herbert Monroe, principal of Henrico High School, as an expression of the General Assembly's admiration for the school's exceptional service to the youth of the Henrico County community.

SENATE JOINT RESOLUTION NO. 123

Commending Douglas S. Freeman High School.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Douglas S. Freeman High School, an outstanding public secondary school in Henrico County, was ranked by *U.S. News & World Report* as one of the best high schools in the United States in 2015; and

WHEREAS, *U.S. News & World Report* analyzed data from more than 29,000 public high schools in all 50 states and Washington, D.C., and named 2,527 schools as gold or silver medalists; as a silver medalist school, Douglas S. Freeman High School ranked 33 in Virginia and 1,086 in the nation; and

WHEREAS, to earn the prestigious honor, Douglas S. Freeman High School met or exceeded vigorous criteria related to overall student academic performance, academic performance of economically disadvantaged students, and advanced placement or international baccalaureate test data; and

WHEREAS, Douglas S. Freeman High School scored high marks in reading and mathematics proficiency and demonstrated a 43 percent participation rate in advanced placement classes; and

WHEREAS, the award is a testament to the leadership and dedication of the administration, faculty, and staff, the hard work of the students, and the strong partnerships between Douglas S. Freeman High School and the Henrico County community; and

WHEREAS, Douglas S. Freeman High School was one of 52 ranked schools in Virginia; Henrico County Public Schools recorded the second-most ranked schools in the Commonwealth, with two other schools earning silver medals and one earning a gold medal; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Douglas S. Freeman High School on being ranked as one of the best high schools in the nation in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Anne Poates, principal of Douglas S. Freeman High School, as an expression of the General Assembly's admiration for the school's exceptional service to the youth of the Henrico County community.

SENATE JOINT RESOLUTION NO. 124

Commending Deep Run High School.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Deep Run High School, an outstanding public secondary school in Henrico County, was ranked by *U.S. News & World Report* as one of the best high schools in the United States in 2015; and

WHEREAS, *U.S. News & World Report* analyzed data from more than 29,000 public high schools in all 50 states and Washington, D.C., and named 2,527 schools as gold or silver medalists; as a gold medalist school, Deep Run High School ranked 17 in Virginia and 421 in the nation; and

WHEREAS, to earn the prestigious honor, Deep Run High School met or exceeded vigorous criteria related to overall student academic performance, academic performance of economically disadvantaged students, and advanced placement or international baccalaureate test data; and

WHEREAS, Deep Run High School scored high marks in reading and mathematics proficiency and demonstrated a 63 percent participation rate in advanced placement classes; Deep Run High School has been ranked as one of the top high schools in the country by *U.S. News & World Report* for nine consecutive years; and

WHEREAS, the award is a testament to the leadership and dedication of the administration, faculty, and staff; the hard work of the students; and the strong partnerships between Deep Run High School and the Henrico County community; and

WHEREAS, Deep Run High School was one of 52 ranked schools in Virginia; Henrico County Public Schools recorded the second-most ranked schools in the Commonwealth, with three other high schools earning silver medals; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Deep Run High School on being ranked as one of the best high schools in the nation in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lenny Pritchard, principal of Deep Run High School, as an expression of the General Assembly's admiration for the school's exceptional service to the youth of the Henrico County community.

SENATE JOINT RESOLUTION NO. 125

Commending Mills E. Godwin High School.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, Mills E. Godwin High School, an outstanding public secondary school in Henrico County, was ranked by *U.S. News & World Report* as one of the best high schools in the United States in 2015; and

WHEREAS, *U.S. News & World Report* analyzed data from more than 29,000 public high schools in all 50 states and Washington, D.C., and named 2,527 schools as gold or silver medalists; as a silver medalist school, Mills E. Godwin High School ranked 28 in Virginia and 901 in the nation; and

WHEREAS, to earn the prestigious honor, Mills E. Godwin High School met or exceeded vigorous criteria related to overall student academic performance, academic performance of economically disadvantaged students, and advanced placement or international baccalaureate test data; and

WHEREAS, Mills E. Godwin High School scored high marks in reading and mathematics proficiency and demonstrated a 47 percent participation rate in advanced placement classes; and

WHEREAS, the award is a testament to the leadership and dedication of the administration, faculty, and staff, the hard work of the students, and the strong partnerships between Mills E. Godwin High School and the Henrico County community; and

WHEREAS, Mills E. Godwin High School was one of 52 ranked schools in Virginia; Henrico County Public Schools recorded the second-most ranked schools in the Commonwealth, with two other schools earning silver medals and one earning a gold medal; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mills E. Godwin High School on being ranked as one of the best high schools in the nation in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Beth Armbruster, principal of Mills E. Godwin High School, as an expression of the General Assembly's admiration for the school's exceptional service to the youth of the Henrico County community.

SENATE JOINT RESOLUTION NO. 126

Commending Robert C. Gibbons.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Robert C. Gibbons, a dedicated public servant who held numerous local government positions in Stafford County, retired from the Stafford County Planning Commission in December 2015, after 34 years of exceptional service to the community; and

WHEREAS, Robert Gibbons began his career in local government with the Stafford County Planning Commission from 1982 to 1991, serving as chair three times; desirous to be of further service to the community, he ran for and was elected to the Stafford County Board of Supervisors; and

WHEREAS, Robert Gibbons offered his leadership to the county on the Stafford County Board of Supervisors from 1992 to 2007, serving as vice chair or chair multiple times during his tenure; then he served on the Board of Zoning Appeals and the Utilities Commission; and

WHEREAS, Robert Gibbons returned to the Stafford County Planning Commission in 2012, where he oversaw the creation of new neighborhoods and commercial developments and the implementation of long-term plans and new ordinances to ensure consistent, responsible growth in the region; and

WHEREAS, with Robert Gibbons' leadership and expertise, the Stafford County Planning Commission adopted the Transfer of Development Rights Program, expanded the Transportation Impact Fee Program, created a new Historic Interpretive zoning category, and dedicated land for new construction at Germanna Community College; and

WHEREAS, Robert Gibbons worked to strengthen and enhance the community, the Commonwealth, and the United States as an active member or leader of other boards and committees at local, state, and national levels; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert C. Gibbons for his legacy of outstanding public service on the occasion of his retirement from the Stafford County Planning Commission; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert C. Gibbons as an expression of the General Assembly's admiration for his contributions to the residents of Stafford County and best wishes on future endeavors.

SENATE JOINT RESOLUTION NO. 128

Celebrating the life of Carl Douglas Proffitt, Jr.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, February 5, 2016

WHEREAS, Carl Douglas Proffitt, Jr., a decorated veteran of World War II, a proud Virginian, and a deeply respected member of the Charlottesville community, died on June 30, 2015; and

WHEREAS, a lifelong resident of Charlottesville, Carl "Chubby" Proffitt learned the value of hard work and responsibility at a young age when he left Lane High School during his senior year to help support his family amid the Great Depression; and

WHEREAS, desirous to be of service to his country, Chubby Proffitt joined the Virginia National Guard in 1939; he became a technical sergeant in the United States Army when his unit was federalized in 1941; and

WHEREAS, Chubby Proffitt landed with the first wave of Allied troops at Omaha Beach during the D-Day invasion of Normandy, France, and distinguished himself throughout the campaign by his valorous actions; he earned numerous decorations, including the Distinguished Service Cross, the Silver Star, the Bronze Star Medal, the Purple Heart, and the French Cross of War, and a battlefield commission to second lieutenant; and

WHEREAS, Chubby Proffitt later earned the Virginia Distinguished Service Medal, and his unit received a Presidential Unit Citation; in 2012, he was honored to receive the Legion of Honor, France's highest military decoration; and

WHEREAS, Chubby Proffitt dedicated much of his life to honoring the service and sacrifices of his fellow veterans; he attended the 55th anniversary of D-Day in France in 1999, frequently assisted World War II researchers, and gave presentations about the war to students at local schools; and

WHEREAS, after the war, Chubby Proffitt found employment with King & Roberts Wholesale, Inc., and worked his way up from salesman and truck driver to become a general manager; he retired in 1983 after an exceptional 37-year career; and

WHEREAS, working to strengthen and enhance the community, Chubby Proffitt was a longtime member of Widow's Sons' Masonic Lodge 60, American Legion Post 74, Falcon Club, Elks Lodge 389, Veterans of Foreign Wars, and Disabled American Veterans; and

WHEREAS, Chubby Proffitt was a lifelong fan of baseball; during World War II, he helped his team win the European Theater of Operations military baseball championship with a 33–0 record; later in life, he imparted his passion for the game to a new generation by supporting youth teams, and the fields at McIntire Park were named in his honor; and

WHEREAS, a man who lived his faith through his actions, Chubby Proffitt enjoyed fellowship and worship with the community as a loyal congregant of Cherry Avenue Christian Church, where he was a member of the men's Bible School class; and

WHEREAS, predeceased by his wife of 64 years, Ollie, Chubby Proffitt will be fondly remembered and greatly missed by his sons, Carl III and Sterling, and their families and numerous other family members, friends, and fellow veterans; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Carl Douglas Proffitt, Jr., a proud veteran and an exemplar of the ideals of the Greatest Generation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Carl Douglas Proffitt, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 129

Designating April 29, in 2016 and in each succeeding year, as Public Transportation Safety Day in Virginia.

Agreed to by the Senate, February 10, 2016

Agreed to by the House of Delegates, February 22, 2016

WHEREAS, across the Commonwealth, residents and visitors travel on a range of public transportation systems, including bus, paratransit, light rail, heavy and commuter rail, and ferry, totaling more than 203 million trips annually; and

WHEREAS, the Transit Cooperative Research Program, through the Transportation Research Board of the National Research Council, sponsored by the Federal Transit Administration, demonstrates that public education programs are important to promoting awareness and safe behavior when on or around public transportation systems; and

WHEREAS, VTrans2040 and VTrans2035, the Commonwealth's statewide long-range multimodal policy plans, highlight safe multimodal transportation operations and services as a priority, with efforts to reduce crashes, fatalities, and property damage through a variety of means, including educational programs; and

WHEREAS, encouraging citizens throughout Hampton Roads and the rest of the Commonwealth to engage in safe behavior when interacting with the Tide light rail system, the Virginia General Assembly designated April 29, in 2011 and in each succeeding year, as Light Rail Safety Day in Virginia; and

WHEREAS, Light Rail Safety Day effectively facilitated clear, deliberate, and simple delivery of important transportation safety messages, consistent with best practices identified by the Transportation Research Board of the National Research Council, and thereby the promotion of safe public transportation operations and services; and

WHEREAS, public outreach and education efforts that are supportive of raising awareness of transportation safety information and encouraging safe behaviors are desirable for all modes of public transportation across Virginia; and

WHEREAS, citizens of the Commonwealth are encouraged to engage in safe behaviors, obey important safety rules, and avoid risky and illegal behaviors when interacting with the public transportation systems; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly designate April 29, in 2016 and in each succeeding year, as Public Transportation Safety Day in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate transmit a copy of this resolution to the Virginia Department of Transportation so that members of the organization may be apprised of the sense of the General Assembly of Virginia in this matter; and, be it

RESOLVED FINALLY, That the Clerk of the Senate post the designation of this day on the General Assembly's website, replacing the previous designation of Light Rail Safety Day.

SENATE JOINT RESOLUTION NO. 130

Commending Paul D. Fraim.

Agreed to by the Senate, January 28, 2016

Agreed to by the House of Delegates, January 29, 2016

WHEREAS, Paul D. Fraim, a respected public servant who ably led the City of Norfolk through periods of great growth and revitalization, retires as mayor in 2016; and

WHEREAS, desirous to be of service to his fellow Norfolk residents, Paul Fraim ran for and was elected to the Norfolk City Council in 1986; he was appointed mayor in 1994 and became the city's first popularly elected mayor in nearly 100 years in 2006; and

WHEREAS, Paul Fraim was reelected as mayor in 2010 and 2014; under his leadership, the Norfolk community continued to grow, even as the population of many large cities throughout the country declined; and

WHEREAS, Paul Fraim oversaw the resurgence of downtown Norfolk, including the creation of new office buildings, a hotel, the Commonwealth's first cruise-ship terminal, and residential construction that allowed the downtown population to grow considerably; and

WHEREAS, Paul Fraim helped the City of Norfolk develop the award-winning 90-acre East Beach neighborhood, as well as other new neighborhoods in the East Ocean View area, and the mixed-income community of Broad Creek; and

WHEREAS, supporting the youth of the community, Paul Fraim initiated one of the largest school-building programs in the city's history, which will lead to the construction of nine new schools; and

WHEREAS, during Paul Fraim's tenure as mayor, passenger rail lines returned to Norfolk and South Hampton Roads, and the United States Navy strengthened ties with the North Atlantic Treaty Organization's Supreme Allied Command Transformation; and

WHEREAS, under Paul Fraim's leadership, the City of Norfolk established a Poverty Reduction Task Force, coordinated efforts to end poverty locally, and launched a 10-year plan to end homelessness, resulting in the construction of the region's first single-resident-occupancy housing facility; Norfolk became the first community in the Commonwealth to effectively end veteran homelessness; and

WHEREAS, Paul Fraim forged successful public-private partnerships that resulted in improvements to the Virginia Zoo and the construction of Slover Library; he championed the financing and construction of a new consolidated courthouse; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Paul D. Fraim, a devoted public servant and community leader, on the occasion of his retirement as mayor of Norfolk; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paul D. Fraim as an expression of the General Assembly's admiration for his contributions to the Norfolk community and best wishes for his well-earned retirement.

SENATE JOINT RESOLUTION NO. 131

Commending Virginia State Parks.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, for 80 years, the Virginia State Parks system has operated for the benefit of all Virginians, preserving and protecting significant natural and cultural resources and providing outstanding opportunities for outdoor recreation; and

WHEREAS, the original six state parks were constructed between 1934 and 1936 and celebrated their official opening on June 15, 1936, thus making Virginia the only state to open an entire state park system in a single day; and

WHEREAS, the state park system, built during the Great Depression by the Civilian Conservation Corps and the National Park Service in partnership with the Commonwealth, has grown to include 36 operating state parks and four new sites in stages of planning and development, all managed by the Department of Conservation and Recreation; and

WHEREAS, the Virginia State Parks system has been recognized nationally, receiving the National Gold Medal Award for excellence in parks and recreation management from the National Recreation and Park Association; and

WHEREAS, the Department of Conservation and Recreation's Division of Planning and Recreational Resources develops and updates master plans for all of the Commonwealth's state parks and has been recognized nationally by the National Park Service and the Society of Outdoor Recreation Professionals for excellence in outdoor recreation planning over the last 50 years; and

WHEREAS, a fundamental component of Virginia's outdoor recreation and tourism offerings, the Virginia State Parks system hosts nearly nine million visitors annually, with an economic impact of more than \$208 million each year from state park visitor spending; and

WHEREAS, volunteers contribute more than 160,000 hours of service annually to Virginia State Parks, representing the equivalent of 77 full-time employees valued at nearly \$4 million; and

WHEREAS, the Virginia State Parks system is a premier provider of camping, overnight cabins, swimming pools and beaches, boating and paddling, fishing, hiking, biking, horseback riding, and many other outdoor activities; and

WHEREAS, Virginia State Parks provide therapy for the mind, body, and spirit of Virginians and visitors from around the country and the world and are an important part of a healthy lifestyle; and

WHEREAS, the Virginia State Parks system offers numerous opportunities for young people to become engaged in environmental conservation and labor assistance through the Youth Conservation Corps, AmeriCorps Interpretive Trail Project, and the Virginia Service and Conservation Corps; and

WHEREAS, Virginia State Parks promote a strong sense of stewardship of the Commonwealth's abundant and wondrous natural and cultural resources; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia State Parks, on the occasion of its 80th anniversary in 2016, for the invaluable service that state parks have provided the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the director of Virginia State Parks, the director of the Department of Conservation and Recreation, the director of the Division of Planning and Recreation Resources, and each Virginia State Park as an expression of the General Assembly's admiration for the parks' unique contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 132

Celebrating the life of Robert E. Simon, Jr.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, Robert E. Simon, Jr., the visionary urban planner who was respected throughout the world for his creation of Reston, a planned community that has inspired countless architects and planners and served as a model for other such communities, died on September 21, 2015, at the age of 101; and

WHEREAS, a native of New York City, Robert Simon earned a bachelor's degree from Harvard University and joined many of the other young men of his generation in service to the nation during World War II; and

WHEREAS, after his honorable military service, Robert Simon returned home to manage his family's real estate business; in 1961, he sold Carnegie Hall, one of his family's holdings, to fund the creation of a mixed-use, planned town, where residents could live, work, and play in the same area; and

WHEREAS, Robert Simon envisioned Reston as a "New Town," where individuals and families of every race, background, and income level could find a home; his unique founding principles of "smart growth," "aging in place," "green cities," and "new urbanism" are studied and admired throughout the nation and the world; and

WHEREAS, influenced by New York City's Central Park, Robert Simon believed that both structural and natural beauty are essential to a good life and that neighborhoods should incorporate a full range of housing styles to best accommodate the needs of all community members; and

WHEREAS, in 1964, the first residents moved into the Lake Anne Village Center, Reston's first village and the neighborhood that bears the most hallmarks of Robert Simon's original designs; Reston now houses nearly 60,000 residents in a walkable community of neighborhoods and village centers connected by dozens of miles of paved pathways to schools, recreational facilities, shopping centers, and businesses; and

WHEREAS, after returning to New York for a period, Robert Simon moved back to Reston in 1992 and became the community's most active citizen; he served as a two-time at-large board member of the Reston Association and was a passionate supporter for education, environmental, and youth programs; and

WHEREAS, Robert Simon earned many awards and accolades for his achievements in urban planning, including the Planning Pioneer Award from the American Institute of Certified Planners (AICP); Reston earned the National Planning Landmark Award from the AICP, was named one of the Best Places to Live by *CNN Money Magazine*, and was the first community to be named as an Urban Wildlife Habitat by the National Wildlife Federation; and

WHEREAS, Robert Simon will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Robert E. Simon, Jr., a highly respected urban planner and the founder of the acclaimed Reston community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robert E. Simon, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 133

Commending S. Wallace Edwards & Sons, Inc.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, S. Wallace Edwards & Sons, Inc., of Surry County, a noted purveyor of delectable Virginia country hams, bacon, Surry sausage, and other quality foods, has served the Commonwealth and lovers of fine food for 90 years; and

WHEREAS, the S. Wallace Edwards & Sons company started serendipitously in 1926 when S. Wallace Edwards, Sr., captain on the Jamestown-Surry ferry, began selling ham sandwiches to his passengers; and

WHEREAS, demand grew for the tasty sandwich, and soon Wallace Edwards, Sr., began curing hams on a full-time basis; handwritten company records from 1926 indicate that his first customers for whole hams were "two tourists"; and

WHEREAS, S. Wallace Edwards & Sons uses a traditional method that has been a staple of Virginia fare since Colonial days to produce a deliciously dry cured Virginia ham; and

WHEREAS, this method of curing was an Indian tradition and English colonists adopted their method and passed it down to succeeding generations—Wallace Edwards, Sr., learned how to prepare country ham from his mother and father; and

WHEREAS, S. Wallace Edwards & Sons is run by Sam Edwards III, who is following in the footsteps of his father, Wallace Edwards, Jr., and his grandfather, Wallace Edwards, Sr., relying on their knowledge of curing meat and their insistence on business integrity and quality products; and

WHEREAS, S. Wallace Edwards & Sons continues to have family members and dedicated staff working to grow the business and to maintain its goal of making the best possible products; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend S. Wallace Edwards & Sons, Inc., for 90 years of producing quality Virginia foods; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sam Edwards III, cure master and chief executive officer of S. Wallace Edwards & Sons, Inc., as an expression of the General Assembly's admiration for the company's commitment to culinary excellence.

SENATE JOINT RESOLUTION NO. 134

Commending the Virginia peanut industry.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, the first commercial crop of peanuts to be grown in the United States was grown in Sussex County in 1842; and

WHEREAS, the Virginia-type peanut is known worldwide for its size, taste, and versatility; it can be enjoyed as in-shell peanuts, cocktail peanuts, canned gourmet peanuts, or peanut butter and as an ingredient in various dishes; and

WHEREAS, peanut production in Virginia is concentrated in the City of Suffolk and seven counties in the southeastern part of the state: Southampton, Isle of Wight, Sussex, Greenville, Surry, Dinwiddie, and Prince George; and

WHEREAS, peanut production in Virginia led to the establishment of many industry-related businesses, including Planters peanuts, established in Suffolk in 1913, and Birdsong Peanuts, a sheller that celebrated its 100th anniversary in 2014; and

WHEREAS, southeastern Virginia is home to numerous gourmet peanut retailers known by consumers around the country and the world, the largest among these being Hubbard Peanut Company, in business for 60 years, as well as Feridies' Peanut Patch and the Virginia Diner; and

WHEREAS, peanut production and processing have provided significant economic benefits to Virginia for many years; and

WHEREAS, the Virginia Tech Tidewater Agricultural Research and Extension Center in Suffolk has achieved national renown for its research work in peanut production; and

WHEREAS, the Virginia Foundation for the Humanities, the Western Tidewater Humanities Council, and Rock Eagle Productions, with support locally from the Wakefield Foundation, regional historic groups, and the Virginia peanut industry, are producing a documentary to be aired on the Public Broadcasting System highlighting the history and importance of the peanut to Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia peanut industry for its significant contributions to the economy of the Commonwealth and the livelihood of countless Virginians; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia Foundation for the Humanities, the Western Tidewater Humanities Council, Rock Eagle Productions, and the Wakefield Foundation as an expression of the General Assembly's admiration for the significance of the peanut to agriculture in the Commonwealth.

SENATE JOINT RESOLUTION NO. 135

Commending the Town of Tazewell.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, exploration of the area known today as Tazewell dates to the early 1700s when groups of hunters from eastern Virginia first explored the area that is now called Southwest Virginia; and

WHEREAS, in 1773, William Peery and Samuel Ferguson settled the area that would become the Town of Tazewell; and

WHEREAS, on land provided by William Peery, the General Assembly in 1800 established the seat of a new Virginia county, Tazewell County; and

WHEREAS, the county seat was named in honor of Thomas Jefferson who was sworn in as the country's third President that year and had received every vote from the citizens in the area that would become known as Jeffersonville; and

WHEREAS, the General Assembly incorporated the Town of Jeffersonville in 1866; and

WHEREAS, on February 29, 1892, the Town of Jeffersonville was renamed the Town of Tazewell by the General Assembly because it was commonly referred to as "Tazewell Court House," causing considerable confusion; and

WHEREAS, Tazewell began to grow as a center of commerce and in 1892 became the smallest town in America with a street car when the first trolleys—pulled by horse or mule—were used; in 1904 the Town of Tazewell upgraded to electric trolley cars; and

WHEREAS, the Town of Tazewell and its neighbor, the Town of North Tazewell, merged on January 1, 1963; and

WHEREAS, today the Town of Tazewell is home to more than 6,000 residents; and

WHEREAS, Tazewell is located at the headwaters of the Clinch River; the springs of Tazewell eventually become part of the Tennessee and Ohio Rivers, and ultimately flow into the Mississippi River; and

WHEREAS, Tazewell is an energetic and vibrant community rich in history and natural beauty; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Town of Tazewell on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the mayor of Tazewell as an expression of the General Assembly's congratulations and admiration for the vibrant and growing community of Tazewell in Southwest Virginia.

SENATE JOINT RESOLUTION NO. 136

Confirming appointments by the Governor of certain persons communicated January 7, 2016.

Agreed to by the Senate, February 5, 2016

Agreed to by the House of Delegates, February 12, 2016

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe after December 1, 2015, and communicated to the General Assembly January 7, 2016.

ADMINISTRATION Council on Women

Allison Lawrence Jones, 211 Fulham Circle, **Richmond**, Virginia 23227, Member, appointed December 14, 2015, to serve an unexpired term beginning November 20, 2015, and ending June 30, 2017, to succeed Lashrecse Aird.

Devin Pugh-Thomas, 415 West Princess Anne Road, **Norfolk**, Virginia 23517, Member, appointed December 14, 2015, to serve an unexpired term beginning December 10, 2015, and ending June 30, 2017, to succeed Marcia Price.

AGRICULTURE AND FORESTRY

Beef Industry Council

Cecelia C. Moyer, 16140 Giles Road, **Amelia**, Virginia 23002, Member, appointed December 4, 2015, for a term of four years beginning January 1, 2015, and ending December 31, 2018, to succeed Seth Umbarger.

Virginia Soybean Board

Craig H. Giese, 18 Holiday Drive, **Lancaster**, Virginia 22503, Member, appointed December 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed himself.

L. Bruce Holland, 28321 Holland Lane, **New Church**, Virginia 23415, Member, appointed December 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed himself.

Reginald W. "Bill" Nelson, 1820 New Market Road, **Henrico**, Virginia 23231, Member, appointed December 10, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed himself.

Ronnie Lee Russell, 2936 Corbin Hall Drive, **Water View**, Virginia 23180, Member, appointed December 9, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed himself.

COMMERCE AND TRADE

Tobacco Region Revitalization Commission

Gayle F. Barts, 2404 Laurel Grove Road, **Sutherlin**, Virginia 24594, Member, appointed December 2, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Sandra F. Moss.

John Sherrard Holland, 161 Lila Lane, **Boones Mill**, Virginia 24065, Member, appointed December 10, 2015, to serve an unexpired term beginning October 25, 2014, and ending June 30, 2017, to succeed David Cundiff.

Catherine L. Lowe, Post Office Box 1165, **Abingdon**, Virginia 24212, Member, appointed December 2, 2015, to serve an unexpired term beginning July 24, 2015, and ending June 30, 2017, to succeed Todd Pillion.

Robert J. Mills, Jr., 1101 Wynell Drive, **Callands**, Virginia 24530, Member, appointed December 2, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kenney Barnard.

Robert H. Spiers, Jr., 21018 Double Branch Road, **Stony Creek**, Virginia 23882, Member, appointed December 2, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Virginia Economic Development Partnership Authority Board of Directors

Elizabeth Hinton Crowther, 330 Bruington Lane, **Reedville**, Virginia 22539, Member, appointed December 1, 2015, to serve an unexpired term beginning March 19, 2015, and ending December 31, 2017, to succeed Robert G. Beck.

EDUCATION

Board of Regents of Gunston Hall

Hannah C. Cox (Mrs. H. Bartholomew Cox), 723 South Lee Street, **Alexandria**, Virginia 22314, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed herself.

Harrison Flynn Giddens, 902 South Dakota Avenue, **Tampa, Florida** 33606, Member, appointed September 3, 2014, for a term of five years beginning October 26, 2013, and ending October 25, 2018, to succeed herself.

Jean Cameron Grainger, 215 East 79th Street, **New York, New York** 10075, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed herself.

Penn Ervin Grove, 8608 Sandhurst Drive, **Knoxville, Tennessee** 37923, Member, appointed September 3, 2014, for a term of five years beginning October 26, 2013, and ending October 25, 2018, to succeed herself.

Alice L. Harney (Mrs. John M. Harney, Jr.), 2633 Richardson Drive, Apartment 6-C, **Charlotte, North Carolina** 28211, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed herself.

Melanie M. Hunt (Mrs. Marshall Hunt), 66 Hollister Street, **Cincinnati, Ohio** 45219, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed herself.

Phoebe Randolph Levering, 7809 Overbrook Road, **Ruxton, Maryland** 21204, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed Mrs. Michael van Doren Johnston.

Mary Christine Love, Post Office Box N, **Sheridan, Wyoming** 82801, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed Susan (Mrs. John) Van Allen.

Dorothy Venning Woods McLeod (Mrs. Alexander C. McLeod), 5125 Boxcroft Place, **Nashville, Tennessee** 37205, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed Mrs. Henry Laurence Bee Ravenel.

Dorothea Campbell McMillan (Mrs. Robert A. McMillan), 2332 Terrapin Neck Road, **Shepherdstown, West Virginia** 25443, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed herself.

Charlotte Louise Hendrick Perry (Mrs. Robert Houston Perry), 3109 North Hills Boulevard, **Corinth, Mississippi** 38834, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed Dianne Kennedy.

Martha W. Rimmer (Mrs. Thomas W. Rimmer), 40 Pine Manor Drive, **Little Rock, Arkansas** 72207, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed Elizabeth Butler Scott.

Emma Stone White Seymour (Mrs. Geoffrey Seymour), 2438 Ferdinand Avenue, **Honolulu, Hawaii** 96822, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed Dana Bowman.

Carol R. Solomon (Mrs. Stephen G. Solomon), 1400 Harden Court, **Oklahoma City, Oklahoma** 73118, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed Gale Kane.

Susan Paige Inslee Trace (Mrs. Jonathan Trace), 27 Hancock Street, **Portsmouth, New Hampshire** 03801, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed Mrs. Robert Field.

Salome Edgeworth Walton (Mrs. Jonathan T. Walton), 4007 Harbor Place Drive, **Saint Clair Shores, Michigan** 48080, Member, appointed December 11, 2015, for a term of five years beginning October 26, 2015, and ending October 25, 2020, to succeed herself.

**Board of Trustees of the A.L. Philpott Manufacturing Extension Partnership
(dba GENEDGE)**

John T. Dever, 361 Waterfowl Lane, **Newport News, Virginia** 23602, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Cheryl Thompson-Stacy.

The Library Board

Mohammed Esslami, 2916 Cantania Place, **Woodbridge, Virginia** 22192, Member, appointed December 4, 2015, to serve an unexpired term beginning November 4, 2015, and ending June 30, 2016, to succeed Ernestine Middleton.

HEALTH AND HUMAN RESOURCES

Advisory Board on Athletic Training

Jeffrey B. Roberts, 1200 Commonwealth Avenue, **Richmond, Virginia** 23221, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Cynthia Su.

Sara L. Whiteside, 17673 Brockman Road, **Orange, Virginia** 22960, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

Advisory Board on Midwifery

Maya J. Hawthorn, 8719 Beacon Hill Road, **Harrisonburg, Virginia** 22802, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kim Pekin.

Ami Hiatt Keatts, 503 Victoria Drive, **Staunton, Virginia** 24401, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Christian Chisholm.

Board of Audiology and Speech-Language Pathology

Corliss V. Booker, 14102 Lyndhurst Drive, **Chester, Virginia** 23831, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Harold Sayles.

Board of Psychology

Deja Lee, 7296 Jackson Arch Drive, **Mechanicsville, Virginia** 23111, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ali Ahmad.

Susan Brown Wallace, 7342 Westmore Drive, **Springfield, Virginia** 22150, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Virginia Van de Water.

State Rehabilitation Council for the Blind and Vision Impaired

Claudie Grant, Jr., 4249 Cedar Creek Lane, **Prince George, Virginia** 23875, Member, appointed December 4, 2015, to serve an unexpired term beginning October 1, 2013, and ending September 30, 2016, to succeed Angela Matney.

Virginia Interagency Coordinating Council

Kristine P.J. Torres Caalim, 1709 Ruby Circle, **Virginia Beach, Virginia** 23456, Member, appointed December 4, 2015, to serve an unexpired term beginning October 1, 2013, and ending September 30, 2016, to succeed Sonia Lopez.

Allan J. Phillips, 12005 Wayland Street, **Oakton, Virginia** 22124, Member, appointed December 4, 2015, for a term of three years beginning October 1, 2015, and ending September 30, 2018, to succeed himself.

Joy Spencer, 115 Booth Road, **Newport News, Virginia** 23606, Member, appointed December 4, 2015, to serve an unexpired term beginning October 1, 2014, and ending September 30, 2017, to succeed Edwin Moran.

Lynn Dameron Wolfe, 602 Parchment Boulevard, **Williamsburg, Virginia** 23185, Member, appointed December 4, 2015, to serve an unexpired term beginning October 1, 2014, and ending September 30, 2017, to succeed Delly Greenberg.

LEGISLATIVE

Autism Advisory Council

Dilshad D. Ali, 3804 Barrington Hill Drive, **Richmond, Virginia** 23233, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Jennifer Lassiter.

Krishna P. Madiraju, 22445 Conservancy Drive, **Ashburn, Virginia** 20148, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

NATURAL RESOURCES

Litter Control and Recycling Fund Advisory Board

Clara M. Mills, 2814 Mount Olive Road, **Beaverdam**, Virginia 23015, Member, appointed December 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Ruby Arredondo.

Michael J. O'Connor, 95 Maple Avenue, **Richmond**, Virginia 23226, Member, appointed December 17, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed George Peyton.

Virginia Cave Board

Daniel H. Doctor, 11927 Escalante Court, **Reston**, Virginia 20191, Member, appointed December 4, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

John H. H. Graves, Post Office Box 748, **Luray**, Virginia 22835, Member, appointed December 3, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed himself.

Meredith Hall Weberg, 16272 Jetty Loop, **Woodbridge**, Virginia 22191, Member, appointed December 3, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed herself.

TECHNOLOGY

Information Technology Advisory Council

Jeffrey Ryan, 703 East Main Street, **Richmond**, Virginia 23218, Member, appointed December 1, 2015, to serve an unexpired term beginning November 20, 2015, and ending June 30, 2018, to succeed Salvatore Lupica.

Research and Technology Investment Advisory Committee

Scott Tolleson, 310 Hollyport Road, **Richmond**, Virginia 23229, Member, appointed December 16, 2015, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to fill a new seat.

SENATE JOINT RESOLUTION NO. 137

Commending Brian O'Connor.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, after leading the University of Virginia baseball team to victory in the National Collegiate Athletic Association tournament championship in 2015, Brian O'Connor was named coach of the year by multiple outlets for his exceptional leadership; and

WHEREAS, Brian O'Connor inspired the young team to overcome injuries to play its best games in the postseason; the team won its sixth regional championship in seven years on the way to claiming the program's first national title; and

WHEREAS, Brian O'Connor and the University of Virginia Cavaliers went 10–2 in the National Collegiate Athletic Association (NCAA) tournament and became the third team in the finals era to win the championship after losing the first game in the final series; and

WHEREAS, Brian O'Connor increased his career record to 558–201–2 with the Cavaliers' 44–24 record in 2015; it was the team's 10th 40-win season in 12 years and its 12th consecutive trip to the NCAA tournament; and

WHEREAS, in recognition of his contributions to the Cavaliers' victorious season, Brian O'Connor was named coach of the year by *Baseball America*, *Collegiate Baseball Newspaper*, *D1 Baseball*, and *Perfect Game USA*; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Brian O'Connor on receiving coach of the year honors from multiple outlets after leading the University of Virginia baseball team to the 2015 NCAA national championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Brian O'Connor as an expression of the General Assembly's admiration for his achievements and best wishes in his future endeavors.

SENATE JOINT RESOLUTION NO. 138

Commending the Saint Gertrude High School robotics team.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, the Saint Gertrude High School robotics team, of Richmond, won a contract to build a promotional robot for The Girls' Lounge, a nonprofit organization that promotes and advocates for women in industry and the fields of science, technology, engineering, and mathematics; and

WHEREAS, having only three months, the Saint Gertrude High School robotics team built a robot that talks, moves, displays inspirational quotes, distributes business cards, and disassembles to fit into a standard, checkable suitcase; and

WHEREAS, two members of the Saint Gertrude High School robotics team, Molly Powers and Martha Anne Hotinger, accompanied the "Girlbot" to the Consumer Electronics Show in Las Vegas to meet United States Chief Technology Officer Megan Smith and Shelley Zalis, the chief executive officer of The Girls' Lounge, and to walk the floor with top female executives from around the world; and

WHEREAS, Molly Powers and Martha Anne Hotinger were interviewed by multiple media outlets on the project and its importance in inspiring young women to pursue careers in science, technology, engineering, and mathematics (STEM); and

WHEREAS, the project is a testament to the talent and dedication of the girls of Robotics Team No. 5429, the enthusiastic leadership of the team's coaches and advisers, and the energetic support of the entire Saint Gertrude High School community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Saint Gertrude High School robotics team on designing and implementing a promotional robot that will continue to travel the world and promote women in science, technology, engineering, and mathematics; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jeremy Watts, head coach of the Saint Gertrude High School robotics team, as an expression of the General Assembly's admiration for the team's many exceptional accomplishments.

SENATE JOINT RESOLUTION NO. 139

Commending the 30th anniversary of elementary school counseling in Virginia.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, elementary school counselors work with countless students in individual and small-group counseling to help their charges attain skills crucial for success in and out of the classroom; and

WHEREAS, elementary school counselors serve an integral role in education by encouraging students to know and understand themselves, to develop effective interpersonal and communication skills, to learn problem-solving, conflict resolution, and effective study skills, and to gain career awareness; and

WHEREAS, elementary school counselors consult and collaborate with parents, teachers, and school administrators to help create school environments that stimulate growth and learning; and

WHEREAS, elementary school counselors work with students from diverse populations and with students with disabilities to integrate those students and promote policies and behaviors that reflect freedom from stereotypes; and

WHEREAS, an estimated 1,225 elementary school counselors deliver these vital student services in grades K-5 throughout the Commonwealth; and

WHEREAS, the Virginia Elementary School Counseling Association, a division of the Virginia Counseling Association, was established in 1975 to work toward a state mandate for elementary school counseling; and

WHEREAS, with the support of the Virginia General Assembly and Governor Gerald L. Baliles, the Board of Education resolved to phase in elementary school counseling in all of Virginia's public elementary schools over a four-year period beginning in 1986; and

WHEREAS, staffing levels for elementary school guidance counselors were added to the Virginia Standards of Quality in 2002, requiring one hour of counseling availability per day per 100 students, one full-time counselor per 500 students, and one hour per day additional time per 100 students; and

WHEREAS, the successor organizations of Virginia Elementary School Counseling Association, the Virginia Counselors Association and the Virginia School Counselor Association have worked tirelessly for more than a decade to support elementary school counseling throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend elementary school counselors in Virginia on the occasion of the 30th anniversary of elementary school counseling in Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia Counselors Association, the Virginia Alliance for School Counseling, and the Virginia School Counselor Association as an expression of the General Assembly's admiration for the hard work and dedicated service of all elementary school counselors in Virginia.

SENATE JOINT RESOLUTION NO. 140

Celebrating the life of Freddie W. Nicholas, Sr.

Agreed to by the Senate, February 3, 2016

Agreed to by the House of Delegates, February 4, 2016

WHEREAS, Freddie W. Nicholas, Sr., a visionary educator and school administrator, who served the Commonwealth with distinction as the first African American college president in the Virginia Community College System, died on January 28, 2016; and

WHEREAS, Freddie Nicholas earned bachelor's and master's degrees from Virginia State University and a doctorate from the University of Virginia; and

WHEREAS, Freddie Nicholas helped prepare students for careers, higher education, and responsible citizenship as a teacher, department chair, and assistant principal at George Washington Carver Regional High School; and

WHEREAS, a champion for the importance of a good education, Freddie Nicholas held positions at Virginia State University, Northern Virginia Community College, and J. Sargeant Reynolds Community College; and

WHEREAS, as the president of John Tyler Community College from 1979 to 1990, Freddie Nicholas was admired as a dedicated leader who oversaw periods of significant growth and expansion; he revitalized the John Tyler Community College Foundation; and

WHEREAS, Freddie Nicholas earned many awards and accolades for his good work over the years, and the Nicholas Student Center at John Tyler Community College is named in his honor; and

WHEREAS, Freddie Nicholas broke down barriers and boldly paved the way for other African American leaders in education; he built a legacy of excellence for future presidents of John Tyler Community College and college presidents, deans, and principals throughout the Commonwealth; and

WHEREAS, Freddie Nicholas will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Freddie W. Nicholas, Sr., a deeply respected educator and school administrator; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Freddie W. Nicholas, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 141

Commending Charles Haley.

Agreed to by the Senate, February 4, 2016

Agreed to by the House of Delegates, February 12, 2016

WHEREAS, Charles Haley, a James Madison University alumnus who played in the National Football League and became the only player to earn five Super Bowl championship rings, was inducted into the Pro Football Hall of Fame as a member of the Class of 2015; and

WHEREAS, a native of Gladys, Charles Haley was a four-year starter on the James Madison University (JMU) football team, where he set the school's record for career tackles with 506 from 1982 to 1985; he was named as an All-American twice and most valuable defensive player three times and was later elected to the JMU Athletics Hall of Fame; and

WHEREAS, Charles Haley became the first JMU alumnus selected in the National Football League (NFL) Draft when he was selected by the San Francisco 49ers in 1986; during his first season, he recorded 12 sacks, leading all rookies in the league; and

WHEREAS, playing with the San Francisco 49ers from 1986 to 1991, Charles Haley was a member of the Super Bowl XXIII and Super Bowl XXIV championship teams; he was traded to the Dallas Cowboys in 1992, where he thrived in the team's 4-3 defensive scheme and helped win three more Super Bowls in 1992, 1993, and 1995; and

WHEREAS, Charles Haley retired as a player in 1999 and became an assistant defensive coach for the Detroit Lions; he remains an active mentor for rookies on the San Francisco 49ers and Dallas Cowboys, sharing valuable lessons from both on and off the field, and works with charitable organizations, such as the Jubilee Family Development Center and The Salvation Army; and

WHEREAS, throughout his 12-season career in the NFL, Charles Haley recorded 498 tackles, 100.5 sacks, 26 forced fumbles, eight fumble recoveries, and two interceptions; he was selected for the Pro Bowl five times, named two-time National Football Conference Defensive Player of the Year by United Press International, and is the only player in NFL history to take part in five Super Bowl victories; and

WHEREAS, in addition to being the first JMU alumnus named to the Pro Football Hall of Fame, Charles Haley was inducted into the Virginia Sports Hall of Fame in 2006, the Dallas Cowboys Ring of Honor in 2011, and the Texas Black Sports Hall of Fame in 2012; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Charles Haley on the occasion of his induction into the Pro Football Hall of Fame with the Class of 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Charles Haley as an expression of the General Assembly's admiration for his many achievements and contributions to the world of sports.

SENATE JOINT RESOLUTION NO. 142

Commending the Page County High School softball team.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, the Page County High School softball team capped off an impressive 2015 season by winning its second consecutive Virginia High School League Group 2A state championship; and

WHEREAS, the members of the Page County High School Panthers defeated a talented team from King William High School 6–2 in the state championship game, which was held at Radford University; and

WHEREAS, the determined and hard-working members of the Page County High School softball team sealed the win in the fourth inning of the title game; junior Kate Gordon hit a grand-slam home run after a bunt single by senior Cassie Hutton had loaded the bases; and

WHEREAS, the resounding victory was a tribute to the coaching skills shown by Head Coach Alan Knight and his staff and the talent and determination of the Page County High School softball players; and

WHEREAS, to show their loyalty to each other and their sense of family, the Page County High School Panthers team joined hands to receive the 2015 softball championship trophy; the young women wanted to accept the award as a team; and

WHEREAS, the members of the Page County High School Panthers softball team proudly claim a 24–1 record for the 2015 season; throughout the spring, the Panthers received strong support from their coaches, families, friends, and the faculty and staff at the school; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Page County High School softball team for winning the 2015 Virginia High School League Group 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Alan Knight, head coach of the Page County High School softball team, as an expression of the General Assembly's congratulations and admiration for the team's stellar accomplishments and championship season.

SENATE JOINT RESOLUTION NO. 143

Celebrating the life of Elaine Nunez McConnell.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Elaine Nunez McConnell of Springfield, founder of Accotink Academy, a member of the Fairfax County Board of Supervisors for 24 years, who was a strong advocate for better public safety and improved transportation in the region, and a devoted wife and mother, died on January 10, 2016; and

WHEREAS, Elaine McConnell was a native of Jacksonville, Florida; she met her husband, Warren "Mac" McConnell, when he was in the United States Navy and was briefly stationed in Jacksonville; the couple married in 1946 and lived in Florida until they moved to the West Springfield area in 1961; and

WHEREAS, in 1964, Elaine McConnell opened Accotink Academy, a preschool in Northern Virginia that emphasized learning and play for young boys and girls; eventually, the school expanded to include kindergarten and first grade; and

WHEREAS, when the school began teaching older children, Elaine McConnell became aware of the challenges and the educational needs facing children with learning and emotional disabilities; she soon opened the first school in the Washington, D.C., area focused on children with those special needs; and

WHEREAS, at the request of citizens, Elaine McConnell entered politics in 1983 and won election to the Fairfax County Board of Supervisors representing the Springfield District; during her 24-year tenure, she focused on the region's transportation, public safety, and education needs; and

WHEREAS, Elaine McConnell's steadfast focus on improving public safety in rapidly growing Fairfax County resulted in the construction of the McConnell Public Safety and Transportation Operations Center, which opened in 2008; the center expedites emergency responses for agencies throughout Northern Virginia; and

WHEREAS, Elaine McConnell helped secure funding for the Fairfax County Parkway; she played a key role in the creation of the Virginia Railway Express commuter line, working diligently to persuade railroad freight companies to allow a commuter train company to share their tracks; and

WHEREAS, Virginia Railway Express (VRE) began operating in 1992; Elaine McConnell was one of its founding board members, and the railroad now serves an average of 20,000 passengers daily on 30 trains, with one of the VRE cars being named in Elaine McConnell's honor; and

WHEREAS, as a determined, effective, and passionate elected official for the people of Fairfax County, Elaine McConnell stood up for causes that were important to her; she was respected for her warm presence and was known to bring homemade cakes and other dishes to colleagues and local first responders; and

WHEREAS, Elaine McConnell made many valuable contributions to the area as a member of numerous boards and commissions; most recently, she was appointed to a two-year term on the Board of Directors of the Metropolitan Washington Airports Authority; and

WHEREAS, Elaine McConnell will be greatly missed and fondly remembered by her husband, Mac; children, Susan, Mark, and Matthew, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Elaine Nunez McConnell of Springfield, the founder of Accotink Academy, who admirably served the people of Fairfax County as a member of the Board of Supervisors for 24 years, focusing on public safety and public transportation issues; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Elaine Nunez McConnell as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 144

Celebrating the life of Roy C. Kinsey, Jr.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Roy C. Kinsey, Jr., a skilled pilot and a respected businessman in Roanoke who helped design and create the Mill Mountain Star, a cherished landmark in the community, died on November 23, 2015; and

WHEREAS, Roy Kinsey learned the value of hard work and responsibility at a young age, growing up on his family's dairy farm; while working on the farm, he learned how to improvise and create unique solutions to problems, skills he proudly passed on to his children, grandchildren, and great-grandchildren; and

WHEREAS, desirous to be of service to his country, Roy Kinsey joined many of the other young men of his generation as a member of the United States Army Air Corps during World War II; he trained more than 100 combat pilots as a flight instructor and later helped veteran pilots reintegrate into society by training them on civilian aircraft; and

WHEREAS, Roy Kinsey served the Roanoke community as the operator of his family's sign business; the company installed the first neon sign in Central Virginia and completed hundreds of projects in the region; and

WHEREAS, in 1949 at the request of the Roanoke Merchants Association, Roy Kinsey helped create the Mill Mountain Star, an 88.5-foot tall, freestanding star, that uses more than 2,000 feet of neon tubing; Roy Kinsey personally maintained the star for many years, often changing the color of the neon from white to red after a traffic-related death in the city; and

WHEREAS, the Mill Mountain Star remains a feat of engineering and is a welcoming beacon to visitors and a symbol of excellence in the City of Roanoke; Roy Kinsey's creation was added to the National Register of Historic Places in 1999; and

WHEREAS, Roy Kinsey was a member of the Acorn Flying Club and the Roanoke Country Club; he was an avid golfer and tennis player, and he and his late wife, Mary, traveled to every state in the United States and every continent except Antarctica; and

WHEREAS, a man who lived his faith through his actions, Roy Kinsey enjoyed fellowship and worship with the community as a member of Calvary Baptist Church, where he helped design one of the country's first human Christmas trees; and

WHEREAS, Roy Kinsey will be fondly remembered and greatly missed by his children, Mary and Roy III, and their families and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Roy C. Kinsey, Jr., a pilot and businessman who left an indelible mark on the Roanoke community as the creator of the Mill Mountain Star; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Roy C. Kinsey, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 145

Commending Scott K. York.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Scott K. York served admirably and tirelessly the people of Loudoun County as chair of the Board of Supervisors for 15 years, providing guidance and stability during a period of historic change and growth; and

WHEREAS, Scott York became active in county government in 1992 when he joined the Loudoun County Planning Commission; he served on the Board of Supervisors beginning in 1996 as the representative from the Sterling District before being elected chair of the board in 2000; and

WHEREAS, under Scott York's steady and calming leadership, Loudoun County has successfully transitioned from a mostly rural county to a rapidly growing suburban locale whose household median income is the highest in the nation; and

WHEREAS, Scott York has presided over major changes to Loudoun County's population and economy; more than 90 percent of the world's Internet traffic flows through technology companies located in the county, and its current population of 370,000 is double that of 15 years ago; and

WHEREAS, when Scott York became chair of the Board of Supervisors for Loudoun County, he focused on implementing a policy of managed growth for the county; he successfully forged regional partnerships and promoted the extension of the region's Metro subway system to the county's border; and

WHEREAS, today, as a result of Scott York's leadership, Loudoun County boasts a vibrant, diverse, and growing economy while maintaining its rural character; business investment is strong, the education system is highly regarded, and transportation improvements have been made; and

WHEREAS, Loudoun County is one of the Commonwealth's most dynamic and rapidly growing areas; Scott York attributes the county's strengths to the hard work and long-range planning undertaken by the Board of Supervisors and to the dedicated professionals who work for the county; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Scott K. York for his many years of inspiring leadership as chair of the Loudoun County Board of Supervisors from 2000 to 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Scott K. York as an expression of the General Assembly's respect and admiration for his many years of selfless work on behalf of the people of Loudoun County and the Commonwealth.

SENATE JOINT RESOLUTION NO. 146

Commending Kristen C. Umstaddt.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Kristen C. Umstaddt represented admirably the people of Leesburg as mayor from 2002 to 2015 and was a member of the Leesburg Town Council for more than 20 years, providing exemplary service to its citizens and businesses; and

WHEREAS, Kristen Umstaddt is a native of Philadelphia who earned bachelor's and law degrees from Yale University; she moved to the Commonwealth in 1981 while serving in the United States Navy, and after working as a naval analyst for the Central Intelligence Agency, she settled in Leesburg in 1987; and

WHEREAS, as a young girl, Kristen Umstaddt, who was reared in a politically active family, took part in many campaign activities with her parents; she decided at an early age that she would like to run for elective office and in 1992 she was elected to the Leesburg Town Council; and

WHEREAS, during her tenure as mayor, Kristen Umstaddt paid close and careful attention to the needs of her constituents and was known for her compassion and caring approach; she often would walk through Leesburg neighborhoods to lend support, write letters to homeowners and businesses to help address specific concerns, and offer assistance in various ways; and

WHEREAS, before becoming mayor of Leesburg, Kristen Umstaddt was vice mayor from 2000 to 2001; additionally, she was the Leesburg Town Council's representative on many state and regional organizations; and

WHEREAS, Kristen Umstaddt provided guidance and leadership as president of the Virginia Association of Planning District Commissions, past chair of the Northern Virginia Regional Commission, and she was a valued member of the board of the Northern Virginia Transportation Authority and the Loudoun Hospital Executive Council; and

WHEREAS, as mayor of Leesburg, Kristen Umstaddt supervised improvements to the town's roads and its storm management system; she is proud of Leesburg's outstanding bond rating and the growth of the town's businesses and faith communities; and

WHEREAS, the hallmark of Kristen Umstaddt's dedication and service was her desire to protect the people of Leesburg and keep costs low; she will carry that philosophy forward as she continues in public service as a member of the Loudoun County Board of Supervisors; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Kristen C. Umstaddt for her many years of outstanding service to the Town of Leesburg as mayor from 2002 to 2015, as vice mayor from 2000 to 2001, and as a member of the Town Council from 1992 to 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kristen C. Umstaddt as an expression of the General Assembly's respect and admiration for her tireless commitment to the people of Leesburg, Loudoun County, and the Commonwealth.

SENATE JOINT RESOLUTION NO. 147

Commending Robert R. Lindgren.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Robert R. Lindgren, a proud native of Muskegon, Michigan, came to Ashland to lead Randolph-Macon College as its 15th president on February 1, 2006, and the college community celebrates his 10th year of providing extraordinary leadership in 2016; and

WHEREAS, President Lindgren arrived at Randolph-Macon College having served in leadership positions at The Johns Hopkins Institutions, where as vice president for development and alumni relations, he led two of the largest fundraising campaigns—raising billions of dollars—in American higher education history, and at the University of Florida and the University of Florida School of Law, where he led major capital campaigns raising hundreds of millions of dollars; and

WHEREAS, President Lindgren interacted with students, faculty, alumni, and friends of Randolph-Macon College in an enthusiastic and genuine fashion that led to an instant reinvigoration of the spirit of those groups and the entire college community; and

WHEREAS, President Lindgren, upon arriving in Ashland, immediately engaged the Virginia government, business, civic, and academic communities; he was recruited for service on Governor Robert F. McDonnell's Higher Education Commission, represented Virginia's independent colleges and universities on the Commonwealth's Higher Education Advisory Committee, and served on the boards of the World Affairs Council, the Richmond Forum, and the Virginia Foundation for Independent Colleges; and

WHEREAS, President Lindgren provides distinguished service on the board of the Council of Independent Colleges in Virginia and on the executive committee of the Annapolis Group, a prestigious organization comprising more than 130 national liberal arts colleges across the United States; and

WHEREAS, President Lindgren led efforts to establish a new Randolph-Macon College 2009–2017 strategic plan, "Now is the Time: Expanding Our Tradition of Excellence," focusing on the college's academics, facilities, and campus life, and underscoring the college's mission of developing the minds and character of its students; and

WHEREAS, President Lindgren and his team's execution of the strategic plan has led to 35 percent new-student enrollment growth, resulting in the largest incoming classes in the college's 185-year history; and

WHEREAS, President Lindgren and his team have increased alumni giving, achieving an extraordinary 40 percent alumni participation in 2015, ranking Randolph-Macon College among the most select colleges and universities in the United States to achieve such a charitable giving level; and

WHEREAS, President Lindgren launched an unprecedented \$100 million capital campaign, which met its goal 19 months early and at its conclusion reached nearly \$123 million; the campaign led to the renovation of Fox Hall, Haley Hall, Smithey Hall, and the Copley Science Center, and the construction of Brock Commons, Andrews Hall, Birdsong Hall, the Banks Tennis Center, the John B. Werner addition at McGraw-Page Library, and Hugh Stephens Field at Estes Park and the reconstruction of Day Field; and

WHEREAS, President Lindgren has led efforts to cap off this historic capital campaign by planning construction of a new science building to benefit Randolph-Macon College's growing emphasis on science and health; and

WHEREAS, in recognition of President Lindgren's extraordinary contributions to American higher education and his transformational presidency at Randolph-Macon College, the University of Florida, his alma mater, awarded him an honorary Doctor of Education degree in 2012; and

WHEREAS, all that President Lindgren has accomplished in his 10 years as president of Randolph-Macon College has been done with the support of his wife, Cheryl; sons, Jim and Greg; and daughter, Andrea; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert R. Lindgren on the occasion of his 10th anniversary as president of Randolph-Macon College; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert R. Lindgren, the extraordinary president of Randolph-Macon College, one of Virginia's most historic liberal arts institutions, as an expression of the General Assembly's admiration for his contributions to the field of education and best wishes for continued success.

SENATE JOINT RESOLUTION NO. 149

Celebrating the life of John Stewart Bryan III.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, John Stewart Bryan III, a respected newspaperman and a champion for open government who dedicated his life to keeping members of the public informed on important issues, died on January 23, 2016; and

WHEREAS, a native of Richmond, Stewart Bryan attended St. Christopher's School and Episcopal High School in Alexandria, then earned a bachelor's degree from the University of Virginia; he honorably served his country as a member of the United States Marine Corps; and

WHEREAS, Stewart Bryan was a fourth generation media professional, who began his career with summer jobs in the mail room and circulation department of the *Richmond News Leader*; he later became the publisher of the *Tampa Tribune* and the *Tampa Times* in 1976 and president and publisher of the *Richmond Times-Dispatch* and the *Richmond News Leader* in 1978; and

WHEREAS, Stewart Bryan valued honesty and integrity above all else, and he believed that newspapers have a critical role to play in making society better; he was ever mindful of public affairs in his beloved Virginia, where he staunchly advocated for freedom of the press and the public's right to expect transparency in local and state governments; and

WHEREAS, as publisher of the *Richmond Times-Dispatch*, Stewart Bryan, whose career included a stint covering the Virginia General Assembly, would patiently consider objections to his coverage of a state official, before saying, as he did to a gubernatorial chief of staff, "You take care of your end of Grace Street; we'll take care of ours"; and

WHEREAS, having served on the board of directors for the national communications company Media General since 1974, Stewart Bryan was well suited to lead the company when he was elected chairman, president, and chief executive officer in 1990; and

WHEREAS, Stewart Bryan helped Media General, which had been founded by his great-grandfather, grow into a multimillion dollar corporation that now includes 71 television stations, including five in Virginia—WAVY and WVBT in Norfolk, WRIC in Richmond/Petersburg, WSLs in Roanoke/Lynchburg, and WJHL in the Tri-Cities; he stepped down as chief executive officer of the company in 2005, but continued to serve as an active member and chairman of the board; and

WHEREAS, Stewart Bryan worked to strengthen the community as a member of the boards of the United Way of Greater Richmond, Junior Achievement of Central Virginia, and what is now Goodwill of Central and Coastal Virginia, as well as many other civic and service organizations in Virginia and Florida; and

WHEREAS, Stewart Bryan helped preserve the history and heritage of the nation with the George C. Marshall Foundation and the Virginia Historical Society and was a founder of the National Museum of the Marine Corps at Quantico; and

WHEREAS, earning many awards, accolades, and honorary doctorates for his years of journalistic excellence, Stewart Bryan was inducted as a laureate of the Virginia Communications Hall of Fame and the Greater Richmond Business Hall of Fame; and

WHEREAS, Stewart Bryan will be fondly remembered and greatly missed by his wife, Lissy; daughters, Talbott and Anna, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of John Stewart Bryan III, an accomplished journalist, newspaper publisher, and business leader and a true Virginia gentleman; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Stewart Bryan III as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 150

Commending Beloved Yoga.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Beloved Yoga, which provides residents of Reston with opportunities for healthy stress relief and carries out generous outreach programs in the community, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2016 Best of Reston Award in the Small Business Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, Beloved Yoga, founded by Maryam Ovissi, strives to provide community members with the tools and techniques to achieve self-empowerment, self-healing, and self-realization; with locations in Reston and Great Falls, Beloved Yoga offers regular classes, workshops, retreats, and lectures to reach all segments of the community; and

WHEREAS, under Maryam Ovissi's leadership, the staff and instructors of Beloved Yoga are generous ambassadors to the community, who participate in charitable fundraisers; promote awareness of the needs of their clients; and conduct free courses at Cornerstones, Herndon Resource Center, and Embry Rucker Community Shelter; and

WHEREAS, in addition, Beloved Yoga works with the Southgate Community Center to provide instructors and equipment for weekly teen, adult, and senior yoga classes at no charge to the center or participants, which has allowed many participants to experience the benefits of yoga for the first time; and

WHEREAS, to encourage health and relaxation in the community, Maryam Ovissi and the staff of Beloved Yoga established the Love Your Body Yoga Festival on the second Sunday in June each year; the event has become a regional tradition, featuring health vendors and wellness activities, with all proceeds donated to Cornerstones; and

WHEREAS, Beloved Yoga has helped countless residents of Reston reduce stress, increase focus, and convert stress into positive energy, and it has inspired other individuals and organizations to give back to the community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Beloved Yoga for its efforts to improve the health and wellness of all Restonians and on its well-deserved honor as a 2016 Best of Reston Award recipient in the Small Business Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Maryam Ovissi, owner and director of Beloved Yoga, as an expression of the General Assembly's admiration for Beloved Yoga's enduring commitment to making Reston a special place to live, work, and play.

SENATE JOINT RESOLUTION NO. 151

Commending Leila Gordon.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Leila Gordon, a dedicated volunteer and a passionate supporter of the arts, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2016 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, as director of the Reston Community Center since 2008, Leila Gordon has provided a model for business, nonprofit, and government leaders by building strong partnerships with other organizations to expand the center's mission and to serve better all residents of Reston; and

WHEREAS, working with the Initiative for Public Art – Reston, Leila Gordon helped develop the first public art master plan for an unincorporated community in the country and served as chair of the Master Arts Plan Task Force; and

WHEREAS, Leila Gordon earned national recognition for her efforts at Reston Community Center to engage with local artists and support an expanded role for the Greater Reston Arts Center in local schools; she created new opportunities for local youth by establishing afterschool activities and the annual Reston Camp Expo; and

WHEREAS, Leila Gordon has conducted exceptional outreach to the homeless and other underserved members of the Reston community; she played a critical role in successful efforts by multiple county agencies to address public concerns about safety in the Hunter Mill neighborhood; and

WHEREAS, as a member and leader of the Reston 50/25 Committee, Leila Gordon shepherded a multiyear project to complete the documentary film, *Another Way of Living: The Story of Reston, VA*, which was screened in 2014 to commemorate the 50th anniversary of the community and the 100th birthday of founder Robert E. Simon, Jr.; and

WHEREAS, Leila Gordon has partnered with numerous other organizations to further honor the Reston Community Center's motto of "Bringing People Together All Over Town"; her insightful leadership has broken down barriers to ensure a healthier, stronger community for future generations of Restonians; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Leila Gordon for her efforts to support and strengthen the arts community and on her well-deserved honor as a 2016 Best of Reston Award recipient in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Leila Gordon as an expression of the General Assembly's admiration for her enduring commitment to making Reston a special place to live, work, and play.

SENATE JOINT RESOLUTION NO. 152

Commending Jim Elder.

Agreed to by the Senate, February 11, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Jim Elder, an active coach and mentor in youth sports, was honored by the Greater Reston Chamber of Commerce and Cornerstones, Inc., with a prestigious 2016 Best of Reston Award in the Individual Community Leader category; and

WHEREAS, the Best of Reston awards honor individuals, organizations, and companies that have demonstrated an extraordinary commitment to helping others and improving the lives of people throughout the greater Reston area; and

WHEREAS, in addition to achieving success as a senior athlete in tennis, baseball, and basketball, including his service since 2009 as vice president for men of the Northern Virginia Tennis League, Jim Elder has worked tirelessly to improve availability and accessibility of youth sports programs in Reston; and

WHEREAS, as a head coach in Greater Reston Team Tennis, Jim Elder helped lead the 14U and 18U teams to championships in 2015 and supported six teams in the fall/winter season; he has offered his leadership to Little League and Babe Ruth League baseball and the Special Olympics; and

WHEREAS, Jim Elder served as president of the Reston Youth Basketball League from 1984 to 2012 and has served as head of officiating, part-time coach, and referee, touching the lives of more than 4,000 young basketball players in his career; and

WHEREAS, Jim Elder works to support veterans and law-enforcement officers in the community through charitable events, such as the 2015 Rally for a Cause Tennis Tournament, which benefited underserved youth; and

WHEREAS, Jim Elder was a critical partner in the success of the 2015 World Police and Fire Games in Fairfax County, where he served as tennis director and was responsible for the organization of 25 events with 211 participants from around the world; and

WHEREAS, Jim Elder has helped countless youths gain confidence and lead healthy, active lives; he strives to impart an appreciation for the importance of hard work, fair play, teamwork, and sportsmanship to all of his charges; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Jim Elder for his efforts to serve and support the youth of Reston and on his well-deserved honor as a 2016 Best of Reston Award recipient in the Individual Community Leader category; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jim Elder as an expression of the General Assembly's admiration for his enduring commitment to making Reston a special place to live, work, and play.

SENATE JOINT RESOLUTION NO. 153

Commending Law Enforcement United.

Agreed to by the Senate, February 18, 2016

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, Law Enforcement United, a national 501(c)(3) nonprofit organization, was founded in Virginia by active and retired local, state, and federal law-enforcement officers to honor the dedicated, unselfish service and sacrifices of those officers who have given their lives in the line of duty, as well as to provide support to their surviving family members; and

WHEREAS, although life insurance and "line of duty benefits" help cover final expenses, these funds are often not enough to cover all expenses, nor do they fill the void felt by the untimely loss of a loved one, and many families struggle to move beyond their grief; Law Enforcement United provides assistance to the Concerns of Police Survivors (C.O.P.S.) Kids Camp for surviving children and educational resources for active duty officers to help prevent injuries and deaths; and

WHEREAS, Law Enforcement United is operated solely by volunteers and relies on charitable donations to support its annual "Road to Hope" event, an approximately 250-mile bicycle ride from Chesapeake to Washington, D.C., by 350 local, state, and federal law-enforcement officers and 120 support personnel from 29 states across the nation; and

WHEREAS, "Road to Hope" raises public awareness of fallen law-enforcement officers, and over a six-year period, the ride has raised donations of \$570,000 to C.O.P.S. and \$235,000 to Officer Down Memorial Page, a total of \$1.4 million, plus donations to the National Law Enforcement Officer Memorial and other charities; and

WHEREAS, in 2015, 129 officers across the nation made the ultimate sacrifice, amounting to one officer lost every 2.8 days; 42 of those deaths were the direct result of an act of violence against the officer; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Law Enforcement United for its work to honor the lives of those law-enforcement officers who have made the ultimate sacrifice in the course of their duties; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Law Enforcement United as an expression of the General Assembly's admiration for the organization's dedication to supporting the men and women who serve and protect the residents of the Commonwealth.

SENATE JOINT RESOLUTION NO. 154

Commending the Greater Manassas Volunteer Rescue Squad.

Agreed to by the Senate, February 18, 2016

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, in 2016, the Greater Manassas Volunteer Rescue Squad celebrates 50 years of providing outstanding emergency response service and emergency medical service to the people of Manassas; and

WHEREAS, the Greater Manassas Volunteer Rescue Squad was founded in 1966 when a small group of volunteers began working to make their community a safer place for residents and businesses; and

WHEREAS, members of the Greater Manassas Volunteer Rescue Squad readily devote many hours to the organization, making great sacrifices in the process; the leaders of the rescue squad recognize that its members each possess a servant's heart to do the work required of a volunteer first responder; and

WHEREAS, people who join the Greater Manassas Volunteer Rescue Squad go through an extensive application and onboarding process, including passing a background check, agility test, and medical exam; completing multiple emergency medical service courses; and successfully serving a six-month probationary period; and

WHEREAS, it takes approximately one year for new members of the Greater Manassas Volunteer Rescue Squad to be certified fully as emergency medical technician providers; all members seek to demonstrate the squad's core values of professionalism, respect, integrity, dedication, and excellence every day and on every call; and

WHEREAS, all members of the Greater Manassas Volunteer Rescue Squad regularly undergo additional training to maintain their proficiency and certifications; and

WHEREAS, serving as a volunteer first responder is a calling for many people, including the men and women of the Greater Manassas Volunteer Rescue Squad and the members of the squad's auxiliary unit; all of them work closely together

and with the City of Manassas Fire and Rescue Department to provide support for each other in the community's best interest; and

WHEREAS, as part of its 50th anniversary celebration, the Greater Manassas Volunteer Rescue Squad will honor all past and present members of the squad, knowing full well the sacrifices they made as they worked to help keep Manassas safe; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Greater Manassas Volunteer Rescue Squad on the occasion of its 50th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Pete Rock and Donald Brown, president and chief of the Greater Manassas Volunteer Rescue Squad, respectively, as an expression of the General Assembly's congratulations and admiration for the squad's dedicated and tireless work to keep the people of Manassas safe.

SENATE JOINT RESOLUTION NO. 155

Commending Virginia 4-H.

Agreed to by the Senate, February 18, 2016

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, two Virginia 4-H teams, the Livestock Judging team and Livestock Skillathon team, finished in first place and third place at the North American International Livestock Exposition in November 2015; and

WHEREAS, held in Louisville, Kentucky, the North American International Livestock Exposition is the largest purebred livestock show in the world, and the Virginia 4-H teams competed against many talented opponents; and

WHEREAS, the Virginia 4-H Livestock Judging team finished in first place with 2,525 points, placing first in cattle, fifth in swine, third in sheep and goat, and third in reasons; as the national champion, the team is eligible to represent the United States at the 2016 Royal Highland Show in Scotland; and

WHEREAS, the members of the Virginia 4-H Livestock Judging team—Hannah Craun of Bridgewater, Caley Ellington of Broadway, Matt Ferrari of Purcellville, Sarah Harris of Buchanan, and Blake Hopkins of Louisa—earned several individual awards, with Hannah Craun, Sarah Harris, and Blake Hopkins named as All-Americans for placing in the top 20; and

WHEREAS, the Virginia 4-H Livestock Skillathon team—Gracie Bailey of Woodstock, Tiffany Heishman of Strasburg, John-Robert Helsley of Edinburg, Hailey Shoemaker of Edinburg, and Jerry Funkhouser of Edinburg—finished in third place overall, placing second in identification and quality assurance and sixth in evaluation; and

WHEREAS, in individual rankings for the Virginia 4-H Livestock Skillathon team, John-Robert Helsley placed first in quality assurance and third overall, Hailey Shoemaker placed 10th overall, and Gracie Bailey placed 18th overall; and

WHEREAS, the Virginia 4-H Livestock Judging team and Livestock Skillathon team achieved success with the support of friends, family, and community members and the Virginia 4-H Foundation 4-H Livestock Youth Development Endowment; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Virginia 4-H, which fielded two award-winning teams, the Livestock Judging team and Livestock Skillathon team, at the 2015 North American International Livestock Exposition; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia 4-H Livestock Judging team and Livestock Skillathon team as an expression of the General Assembly's admiration for the teams' achievements and best wishes on future endeavors.

SENATE JOINT RESOLUTION NO. 156

Commending Savannah Morgan Lane.

Agreed to by the Senate, February 18, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, Savannah Morgan Lane of Midlothian, an undergraduate student at the University of Virginia, was crowned Miss Virginia 2015 before an energetic crowd at the Berglund Center in Roanoke; and

WHEREAS, Savannah Lane is a graduate of Midlothian High School and is studying foreign affairs and Middle Eastern studies at the University of Virginia; she plans to pursue a master's degree in Arabic and a law degree; and

WHEREAS, a proud and patriotic citizen of the United States, Savannah Lane hopes to ultimately serve her country as a special agent with the Federal Bureau of Investigation and as an elected official; and

WHEREAS, a generous volunteer, Savannah Lane has served as a mentor for students with autism, drama instructor for underprivileged children, and piano instructor for two young Iraqi refugees; she helped revitalize a program at Midlothian High School to support transfer students and students with disabilities; and

WHEREAS, previously named Miss Piedmont Region, Savannah Lane achieved high marks in all categories to claim the Miss Virginia title, including for her performance of the Broadway classic, *Don't Rain on My Parade*; and

WHEREAS, after winning Miss Virginia, Savannah Lane traveled throughout the Commonwealth to promote her platform, the Power of Performance, and how the performing arts can build confidence, compassion, and a love of country in people of all ages and backgrounds; and

WHEREAS, as Miss Virginia 2015, Savannah Lane advanced to the 2016 Miss America pageant in September 2015 in Atlantic City, New Jersey, where she placed in the top 15; and

WHEREAS, possessing an extraordinary combination of beauty, intelligence, talent, compassion, and dedication to service, Savannah Lane has ably represented the Commonwealth during her reign as Miss Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Savannah Morgan Lane on her selection as Miss Virginia 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Savannah Morgan Lane as an expression of the General Assembly's congratulations and admiration for her achievements.

SENATE JOINT RESOLUTION NO. 157

Confirming appointments by the Governor of certain persons communicated January 26, 2016.

Agreed to by the Senate, February 29, 2016

Agreed to by the House of Delegates, March 8, 2016

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe after January 7, 2016, and communicated to the General Assembly January 26, 2016.

AGRICULTURE AND FORESTRY

Charitable Gaming Board

Humberto I. Cardounel, Jr., 5164 Hart Mill Drive, **Glen Allen**, Virginia 23060, Member, appointed January 14, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Thomas E. Stiles.

COMMERCE AND TRADE

Virginia-Asian Advisory Board

Komal Mohindra, 7309 Idylbrook Court, **Falls Church**, Virginia 22043, Member, appointed January 7, 2016, to serve an unexpired term beginning December 2, 2015, and ending June 30, 2017, to succeed Barbara N. McLennan.

Leonard C. Tengco, 1728 Legare Lane, **Virginia Beach**, Virginia 23464, Member, appointed January 7, 2016, to serve an unexpired term beginning November 20, 2015, and ending June 30, 2017, to succeed Tony H. Pham.

Alice L. Tong, 629 Tivoli Passage, **Alexandria**, Virginia 22314, Member, appointed January 7, 2016, to serve an unexpired term beginning November 12, 2015, and ending June 30, 2017, to succeed Julia J. Kim.

Virginia Board for Asbestos, Lead, and Home Inspectors

Joseph T. France, 7367 Elko Road, **Sandston**, Virginia 23150, Member, appointed January 20, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Suzanne Blevins.

Virginia Racing Commission

J. Sargeant Reynolds, Jr., 7 Oak Lane, **Richmond**, Virginia 23226, Member, appointed January 6, 2016, for a term of five years beginning January 1, 2016, and ending December 31, 2020, to succeed himself.

COMPACT

Virginia Council on the Interstate Compact on Educational Opportunity for Military Children

M. Kirkland Cox, Post Office Box 1205, **Colonial Heights**, Virginia 23834, Chair, appointed January 6, 2016, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed himself.

EDUCATION

Board of Education

Diane T. Atkinson, 12421 North Oaks Drive, **Ashland**, Virginia 23005, Member, appointed January 8, 2016, for a term of four years beginning January 30, 2016, and ending January 29, 2020, to succeed herself.

Daniel A. Gecker, 8137 Whittington Drive, **Richmond**, Virginia 23235, Member, appointed January 8, 2016, to serve an unexpired term beginning September 21, 2015, and ending June 30, 2019, to succeed Lorraine Lange.

HEALTH AND HUMAN RESOURCES

Occupational Therapy Advisory Board

Breshae A. Bedward, 9301 The New Road, **Charles City**, Virginia 23030, Member, appointed January 15, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Mitchell Lovinger.

Dwayne Pitre, 1648 Brandywine Drive, **Charlottesville**, Virginia 22901, Member, appointed January 15, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Kathleen Smith.

Virginia Board for People with Disabilities

Curtis A. Andrews, 1714 Orchard Drive, **Salem**, Virginia 24153, Member, appointed January 15, 2016, to serve an unexpired term beginning January 7, 2016, and ending June 30, 2018, to succeed Mark McGregor.

Jamie Staples Snead, 200 Bentwood Court, **Salem**, Virginia 24153, Member, appointed January 15, 2016, to serve an unexpired term beginning October 1, 2015, and ending June 30, 2016, to succeed Dennis Findley.

**INDEPENDENT
Virginia Lottery Board**

Ferhan Hamid, 8879 Olive Mae Circle, **Fairfax**, Virginia 22031, Member, appointed January 8, 2016, to serve an unexpired term beginning December 1, 2015, and ending January 14, 2017, to succeed Kevin Smith.

**TECHNOLOGY
Information Technology Advisory Council**

Christopher L. Beschler, 3625 Hastings Drive, **Richmond**, Virginia 23235, Member, appointed January 6, 2016, to serve an unexpired term beginning October 14, 2015, and ending June 30, 2018, to succeed Richard F. Sliwoski.

**TRANSPORTATION
Aerospace Advisory Council**

Fernando "Marty" Martinez, 704 Bellview Court Northeast, **Leesburg**, Virginia 20176, Member, appointed January 8, 2016, to serve an unexpired term beginning October 16, 2015, and ending June 30, 2016, to succeed Charles Chambers.

SENATE JOINT RESOLUTION NO. 158

Confirming appointments by the Governor of certain persons communicated February 9, 2016.

Agreed to by the Senate, February 29, 2016
Agreed to by the House of Delegates, March 8, 2016

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe after January 27, 2016, and communicated to the General Assembly February 9, 2016.

**COMMERCE AND TRADE
Common Interest Community Board**

Lori J. Overholt, 942 Virginia Avenue, **Virginia Beach**, Virginia 23451, Member, appointed February 3, 2016, to serve an unexpired term beginning October 22, 2015, and ending June 30, 2016, to succeed Jacquelyn C. Riggs.

John A. Rhodes, 13603 Turkey Foot Court, **Chantilly**, Virginia 20151, Member, appointed February 4, 2016, to serve an unexpired term beginning December 9, 2015, and ending June 30, 2018, to succeed Christiaan P. Melson.

**HEALTH AND HUMAN RESOURCES
Commonwealth Health Research Board**

Julia A. Spicer, 2101 R Street Northwest, **Washington, District of Columbia** 20008, Member, appointed February 5, 2016, to serve an unexpired term beginning April 2, 2012, and ending April 1, 2017, to succeed S. Lawrence Kocot.

**TRANSPORTATION
Commonwealth Transportation Board**

Gregory M. Yates, 13166 Deer Ridge Road, **Culpeper**, Virginia 22701, Member, appointed January 29, 2016, to serve an unexpired term beginning June 16, 2015, and ending June 30, 2016, to succeed L. C. Sonny Martin.

SENATE JOINT RESOLUTION NO. 159

Commemorating the 250th anniversary of the signing of the Leedstown Resolutions.

Agreed to by the Senate, February 25, 2016
Agreed to by the House of Delegates, March 4, 2016

WHEREAS, February 27, 1766, was the date of the adoption of the *Leedstown Resolutions*, also known as the *Leedstown Resolves*, authored by Richard Henry Lee in protest of the British crown's imposition of "taxation without representation"; and

WHEREAS, 150 patriots from the counties of Westmoreland, King George, Essex, Stafford, Northumberland, Richmond, Lancaster, Caroline, Spotsylvania, Prince William, Loudoun, and Fairfax, and the City of Fredericksburg would sign *Leedstown Resolutions*, in which they "most solemnly bind ourselves...at the utmost risque of our lives and fortunes"; and

WHEREAS, the Northern Neck of Virginia Historical Society was established in 1951 under the leadership of Senator Robert O. Norris, Jr., of Lively, Delegate W. Tayloe Murphy, Sr., of Warsaw, and Delegate Charles F. Unruh of Kinsale, among other notable volunteers; and

WHEREAS, the Northern Neck of Virginia Historical Society annually commemorates the *Leedstown Resolutions* and has held these events throughout the region; and

WHEREAS, the celebration of the 250th anniversary of the *Leedstown Resolutions* was held on Saturday, February 27, 2016, at Stratford Hall in Westmoreland County, the boyhood home of the author of the *Leedstown Resolutions*, who was a member of the General Assembly from 1781 to 1785; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the 250th anniversary of the signing of the *Leedstown Resolutions* hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Northern Neck of Virginia Historical Society as an expression of the General Assembly's appreciation for the importance of the *Leedstown Resolutions* to the history and heritage of the nation.

SENATE JOINT RESOLUTION NO. 160

Celebrating the life of Peggy Ann Tyree-Wells.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Peggy Ann Tyree-Wells, a beloved member of the Manassas community who diligently served the Commonwealth as a legislative assistant to a Virginia senator for 19 years, died on January 15, 2016; and

WHEREAS, a native of Warrenton, Peggy Tyree-Wells was reared in Washington, D.C., and graduated from the Washington School for Secretaries; and

WHEREAS, Peggy Tyree-Wells began her professional career as a secretary in Washington, D.C., and held numerous jobs before joining the office of the Honorable Charles Colgan as a legislative assistant; and

WHEREAS, respected for her incredible work ethic and dedication, Peggy Tyree-Wells ably served the Commonwealth as a legislative assistant for nearly two decades, retiring on December 31, 2015; and

WHEREAS, Peggy Tyree-Wells lived her faith through her actions and found humor in everything; she brought joy to others through her infectious laugh and upbeat personality; and

WHEREAS, Peggy Tyree-Wells will be fondly remembered and greatly missed by her children, LaVeeda and Vernon III, and their families; her mother, Marion; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Peggy Ann Tyree-Wells; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Peggy Ann Tyree-Wells as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 161

Commending the recipients of the 2016 Virginia Outstanding Faculty Awards.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, the Commonwealth offers one of the most respected and acclaimed systems of higher education in the United States due to the quality of its public and private colleges and universities; and

WHEREAS, Virginia colleges and universities educate more than 550,000 students annually, representing all demographics, all regions of the Commonwealth, and all corners of the United States and the world; and

WHEREAS, Virginia higher education institutions advance learning, research, and public service to enhance the civic and financial health of the Commonwealth and the well-being of all its people, transforming the lives of Virginians, their communities, and the Commonwealth; and

WHEREAS, the success of Virginia's higher education institutions would not be possible without the dedicated, hardworking faculty at each of the Commonwealth's superb colleges and universities; and

WHEREAS, faculty at Virginia's colleges and universities make innumerable contributions to the intellectual and personal growth and development of their students, which in turn contribute greatly to the educational, economic, cultural, and civic vitality of the Commonwealth; and

WHEREAS, the Virginia Outstanding Faculty Awards program—now in its 30th year—is presented by the State Council of Higher Education for Virginia and continues to recognize the finest among the Commonwealth's higher education faculty for their superior abilities and accomplishments in teaching, research, service, and knowledge integration; and

WHEREAS, the 2016 Virginia Outstanding Faculty Award recipients—Jacqueline Bixler, John David, April Hill, Michael Hochella, Jr., William Hughes, Charles Hyde, Jennifer Kahn, James Kirkwood, Sabita Manian, Jonathan Noyalas, Lawrence Schwartz, John Swaddle and Everett Worthington—are remarkable educators, productive scholars, and tremendous ambassadors for their academic disciplines, campuses, communities, and the entire Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the recipients of the 2016 Virginia Outstanding Faculty Awards for their professorial excellence and unparalleled achievements; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the 13 recipients of the 2016 Virginia Outstanding Faculty Awards as an expression of the General Assembly's respect for the recipients' commitment to their profession and their outstanding contributions to the lives of Virginians and the Commonwealth as a whole.

SENATE JOINT RESOLUTION NO. 162

Celebrating the life of Darwin E. Rogers.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Darwin E. Rogers of Virginia Beach, a proud veteran of World War II and the Korean conflict, founder of Associated Distributors, and a devoted husband and father, died on January 21, 2016; and

WHEREAS, Darwin E. "Jim" Rogers was a native of Gilboa, New York, and made many friends while he was growing up in Ossining, New York; he graduated from Ossining High School and joined the United States Marine Corps in 1942; and

WHEREAS, Jim Rogers was first sent to California, where he volunteered to join the 1st Raider Battalion, known as Edson's Raiders; his unit took part in the United States' early battles in the Pacific, landing in 1942 on the island of Tulagi, the site of heavy fighting; and

WHEREAS, after being wounded on Guadalcanal, Jim Rogers recuperated in California and then joined the 4th Marine Division; he eventually returned to action in the Pacific theater, fighting on Saipan, Tinian, and Iwo Jima; and

WHEREAS, Jim Rogers joined the United States Marine Corps Reserves after World War II ended; he was recalled to active service during the Korean conflict and was a tank commander training instructor in California; and

WHEREAS, when he reentered civilian life, Jim Rogers started working for Ballantine Beer in Brooklyn, New York; until then, he had been known by his nickname, "Gyp," but on his first day as a beer truck driver, his supervisor thought he said "Jim," and his new nickname stayed with him; and

WHEREAS, Jim Rogers soon advanced in the company, becoming a sales representative in Tennessee and then in Norfolk, where he worked for Best Brews, a Ballantine distributor; in 1955, Jim Rogers assumed the helm of the local company and renamed it Associated Distributors; and

WHEREAS, with a keen business sense and hard work, Jim Rogers led the distributorship as it grew to become one of the largest beverage distributors in the Commonwealth; throughout his life, he was known for his sense of honor, loyalty, and his steadfast belief that a person's handshake was his word; and

WHEREAS, one of Jim Rogers' proudest accomplishments was helping to build a schoolhouse on Tulagi, where so much fierce action took place during World War II; he remained deeply attached to the Marine Raiders all his life and was a generous donor to the unit's efforts to establish a school on the small Pacific island; and

WHEREAS, Jim Rogers, who was predeceased by his son Donald, will be greatly missed and fondly remembered by his wife, Marion; children, Lynnette and D.J. "Jimmy," and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Darwin E. Rogers of Virginia Beach, a proud veteran of World War II and the Korean conflict, owner of Associated Distributors, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Darwin E. Rogers as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 163

Commending the Washington Redskins.

Agreed to by the Senate, February 17, 2016

Agreed to by the House of Delegates, February 19, 2016

WHEREAS, the Washington Redskins, a storied American football franchise headquartered in Loudoun County, Virginia, won the NFC East Division in 2015 and reached the first round of the playoffs of the National Football League; and

WHEREAS, the Washington Redskins organization traces its roots to 1932, when the team was first established as the Boston Braves; the team relocated to Washington, D.C., and played its first game as the Washington Redskins on September 16, 1937; and

WHEREAS, the Washington Redskins have won five world championships, including the three Super Bowls played in 1983, 1988, and 1992, and the team has established itself as one of the most recognizable sports franchises in Virginia and around the world; and

WHEREAS, the Washington Redskins have had multiple players and coaches inducted into the Pro Football Hall of Fame, including Sammy Baugh, Bill Dudley, Ray Flaherty, Turk Edwards, Cliff Battles, Wayne Millner, Bobby Mitchell, Sonny Jurgensen, Sam Huff, Vince Lombardi, Chris Hanburger, Charley Taylor, George Allen, Ken Houston, John Riggins, Joe Gibbs, Darrell Green, Art Monk, Bruce Smith, and Russ Grimm; and

WHEREAS, the Washington Redskins organization has been historically associated with the Commonwealth of Virginia; the team has had its primary team offices and football training facilities in Virginia since 1972, and it has hosted its training camp in Richmond since 2013; and

WHEREAS, under the leadership of owner Daniel Snyder, the Washington Redskins have contributed to the larger community through the Washington Redskins Charitable Foundation, which has donated \$18 million since its founding in 2000 for charitable causes focused on education and wellness, as well as through the Redskins Alumni Association, comprising former players who raise private money for charitable causes; and

WHEREAS, after a hard-fought 2015 season, the Washington Redskins clinched the NFC East Division Championship with a 38–24 victory over the Philadelphia Eagles on December 26, 2015; and

WHEREAS, the 2015 win over the Eagles marked the Washington Redskins' historic 600th victory; only five teams in NFL history have reached such a milestone; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Washington Redskins on the team's successful 2015 season; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the leadership of the Washington Redskins as an expression of the General Assembly's admiration for the team's achievements and contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 164

Commending The Omni Homestead Resort.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, in 2016, The Omni Homestead Resort in Hot Springs, a historic resort and a premier destination for business and leisure travel, celebrates 250 years of exceptional service to the residents of and visitors to the Commonwealth; and

WHEREAS, The Omni Homestead Resort traces its roots to 1766 when Thomas Bullitt built a small 18-room lodge to serve travelers on 300 acres in the majestic Allegheny Mountains from a land grant given to him by George Washington; the first modern resort was completed in the late 1800s and has become an iconic travel destination that has delighted generations of families; and

WHEREAS, with 483 guest rooms and more than 2,300 acres, The Omni Homestead Resort offers guests easy access to more than 30 recreational activities, including an award-winning golf course and the oldest alpine ski resort in the Commonwealth; and

WHEREAS, The Omni Homestead Resort features natural hot springs, a water park, and a world-class spa, where guests can find rest and rejuvenation year-round; in addition, the resort offers a wealth of fine dining options to please every palate; and

WHEREAS, with 26 meeting rooms, The Omni Homestead Resort has hosted countless meetings and events for guests from around the world; 23 United States presidents, from Thomas Jefferson in 1818 to George W. Bush in 2015, have visited the resort; and

WHEREAS, The Omni Homestead Resort has earned countless awards and accolades over the years; in 2015 alone, the resort was recognized as having the best golf course in Virginia by *Golfweek* magazine, was awarded the AAA Four-Diamond designation, was named one of the Top 20 Resorts in the South by *Condé Nast Traveler*, and was part of the Trip Advisor Certificate of Excellence Hall of Fame; and

WHEREAS, the more than 1,000 dedicated associates of The Omni Homestead Resort have been essential to the resort's ongoing success; from kitchen staff and groundskeepers to guest services and activities coordinators, the associates display the utmost professionalism and care for all guests; and

WHEREAS, The Omni Homestead Resort will commemorate its 250th anniversary with special events throughout 2016, and the resort will invite past guests to share photos for its anniversary displays; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend The Omni Homestead Resort, an acclaimed resort in Hot Springs, on the occasion of its 250th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to The Omni Homestead Resort as an expression of the General Assembly's admiration for the resort's contributions to the Commonwealth's reputation as a world-class destination for business and leisure travel.

SENATE JOINT RESOLUTION NO. 165

Celebrating the life of Samuel Earl Newton.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Samuel Earl Newton, a dedicated law-enforcement officer who was one of the original members of the Albemarle County Police Department and a friend to many people in the community, died on January 26, 2016; and

WHEREAS, Earl Newton grew up in Scottsville and honorably served his country as a member of the United States Navy during the Vietnam War; in 1983, he began his career in law enforcement as a patrol officer with the newly created Albemarle County Police Department; and

WHEREAS, Earl Newton rose through the ranks to become a lieutenant, led the patrol and investigations division, then served as public information officer before his well-earned retirement in 2004; he later worked on a security detail for the federal courthouse in Charlottesville; and

WHEREAS, throughout his career, Earl Newton earned respect for his intelligence, generosity, and commitment to both his officers and members of the public; he and his family often prepared a hot meal for officers working on holidays; and

WHEREAS, Earl Newton worked to enhance the community as a past master of Scottsville Masonic Lodge No. 45 and a loyal member of Royal Arch Masons, ACCA Shriners, and the Thompson-Hall Lodge No. 5 of the Fraternal Order of Police; and

WHEREAS, leaving behind a legacy of excellence to his fellow members of the Albemarle County Police Department, Earl Newton was an exemplar of the compassion, professionalism, and dedication to duty demonstrated by law-enforcement officers throughout the Commonwealth; and

WHEREAS, Earl Newton will be fondly remembered and greatly missed by his wife of 40 years, Gloria; daughters, Heather and Erica, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Samuel Earl Newton, a distinguished law-enforcement officer and an admired member of the Albemarle County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Samuel Earl Newton as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 166

Celebrating the life of Sherri Moyer Brooks.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Sherri Moyer Brooks, a courageous and inspiring member of the Nelson County community who always saw the positive side of life, died on July 20, 2015, after a long battle with cancer; and

WHEREAS, Sherri Brooks met her husband, David, in high school, and the pair was largely inseparable, especially through her five-year battle with Stage IV colon cancer; and

WHEREAS, earning the admiration of friends and neighbors, Sherri Brooks proudly maintained a motto to keep positive because life is good and demonstrated an unerring, graceful concern for the well-being of others; and

WHEREAS, Sherri Brooks was a staunch supporter and an enthusiastic advocate for Relay for Life, a fundraising event for the American Cancer Society, and her passionate influence was felt at local races; and

WHEREAS, a woman of deep and abiding faith, Sherri Brooks took comfort in God's plan; she enjoyed fellowship and worship with the community at Calvary Baptist Church; and

WHEREAS, Sherri Brooks will be fondly remembered and greatly missed by her beloved husband, David; mother, Nannie; and numerous other family members, friends, and individuals battling cancer; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Sherri Moyer Brooks, a beloved member of the Nelson County community who worked to support and inspire cancer survivors; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Sherri Moyer Brooks as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 167

Commending the Prince William County Department of Fire and Rescue.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, in 2016, the Prince William County Department of Fire and Rescue celebrates its 50th anniversary of protecting and serving the people and businesses of Prince William County; and

WHEREAS, during the organization's early years, an all-volunteer fire and rescue force served the community; in 1966, increasing population and development in Prince William County resulted in the creation of what would become a county-wide professionally staffed fire and rescue department; and

WHEREAS, the first person to be hired at the newly established Department of Fire and Rescue was Phil Ponder, a firefighter at the Dumfries-Triangle station; the first fire marshal was Selby Jacobs, who later became director of the department; and

WHEREAS, the Prince William County Department of Fire and Rescue has had many notable accomplishments; in 1967, the department introduced the first 911 emergency call system on the East Coast, setting a standard for other departments and localities to emulate; and

WHEREAS, the first emergency medical technicians were trained in 1973 and have since become a vital component of the Prince William County Department of Fire and Rescue; in 1985, a Critical Incident Stress Management Program was established to help firefighters cope with difficult situations encountered in their work; and

WHEREAS, in 1994, at a time when the work of firefighters and first responders was traditionally done by men, Mary Beth Michos was named chief of the Prince William County Department of Fire and Rescue, becoming the first woman to head the department; and

WHEREAS, in the last 20 years, the Prince William County Department of Fire and Rescue has grown and become more specialized; the county has a swift water and river boat rescue unit and a highly skilled technical rescue unit that specializes in structural collapse, trench, and rope rescues; and

WHEREAS, additionally, the Prince William County Department of Fire and Rescue operates a hazardous materials unit and conducts community safety programs; an Office of Emergency Management and a fire marshal's office help to safeguard the community; and

WHEREAS, the Prince William County Department of Fire and Rescue today has approximately 600 career staff and more than 1,000 volunteer members who help people in a variety of high- and low-risk emergencies; in 2015, the department responded to approximately 48,000 calls for service; and

WHEREAS, the members of the Prince William County Department of Fire and Rescue have forged a strong alliance as they respond to requests for help, knowing that they may face dangerous and life-threatening emergencies; and

WHEREAS, the Prince William County Department of Fire and Rescue is committed to continuous quality improvement of its fire, emergency response, and emergency management services; the goal is to provide the strongest possible assistance to members of the community; and

WHEREAS, to help mark its 50th anniversary, the Prince William County Department of Fire and Rescue designed a special logo that commemorates the milestone; throughout 2016, a variety of events and programs will take place to celebrate five decades of service; and

WHEREAS, for half a century, the men and women of the Prince William County Department of Fire and Rescue have steadfastly resolved to protect and serve, and they remain committed to the safety of the people of Prince William County; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Prince William County Department of Fire and Rescue on the occasion of its 50th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kevin J. McGee, chief of the Prince William County Department of Fire and Rescue, as an expression of the General Assembly's respect and admiration for the professionalism, skill, and bravery shown by the members of the department.

SENATE JOINT RESOLUTION NO. 168

Celebrating the life of Edward E. Brickell, Jr.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Edward E. Brickell, Jr., of Virginia Beach, a proud veteran of World War II, a distinguished educator and public school superintendent who served as rector of The College of William and Mary and later became president of Eastern Virginia Medical School, and a devoted husband and father, died on June 12, 2015; and

WHEREAS, Edward E. "Ed" Brickell was born in South Norfolk and was a veteran of World War II; he served in the United States Army Air Corps as a bombardier on B-24 aircraft, flying over the Aleutian Islands; and

WHEREAS, after his military service was over, Ed Brickell earned a bachelor's degree from The College of William and Mary, where he was a member of Phi Beta Kappa; he later earned a master's degree from the University of Chicago and a doctoral degree from The College of William and Mary; and

WHEREAS, a lifelong learner and voracious reader, Ed Brickell began his career in education in the early 1950s at South Norfolk High School, now known as Oscar F. Smith High School; he started as a teacher and baseball coach and soon rose through the ranks, becoming assistant principal and then taking the helm as principal in 1959; and

WHEREAS, Ed Brickell eventually became superintendent of the South Norfolk public schools and then was appointed the first superintendent of schools in Franklin; in the mid-1960s, Ed Brickell returned to his alma mater as special assistant to the president of The College of William and Mary; and

WHEREAS, from 1968 until 1987, Ed Brickell was superintendent of the Virginia Beach City Public Schools, laying a strong foundation for the rapidly growing school system and helping it earn a reputation as one of the best school systems in the nation; and

WHEREAS, Ed Brickell's passion for education and learning included serving on the Board of Visitors of The College of William and Mary from 1976 to 1984; he was rector from 1978 to 1982, and, in honor of his many valued contributions, the college awarded him an honorary degree in 1998; and

WHEREAS, in 1988, Ed Brickell became president of Eastern Virginia Medical School and led the school until 2000; at the time of his death, he was president emeritus of the medical school, and in honor of his service and his unparalleled passion for education, the school named its library after him; and

WHEREAS, in his later years, Ed Brickell taught English and education classes at Virginia Wesleyan University and Regent University; he was an avid New York Yankees fan, and the baseball complex at Oscar F. Smith High School is named in his honor; and

WHEREAS, Ed Brickell received numerous accolades and awards for his many valued contributions to education and the community, including two First Citizen Awards from the cities of South Norfolk and Virginia Beach; he was especially proud of being awarded honorary life memberships in three Hampton Roads-area sports clubs; and

WHEREAS, Ed Brickell, who touched the lives of countless students and educators and contributed to the betterment of his community and the Commonwealth in many ways, will be greatly missed and fondly remembered by his wife, Nancy; children, Sean and Heidi, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Edward E. Brickell, Jr., of Virginia Beach, an outstanding educator, public school superintendent, and leader in higher education; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Edward E. Brickell, Jr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 169

Celebrating the life of Dana McLeod.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Dana McLeod, who worked tirelessly to serve and support her fellow members of the northern Virginia community as a performer, teacher, director, and choreographer and as a dedicated volunteer, died on November 16, 2015; and

WHEREAS, Dana McLeod was a professional actress, dancer, and musical theatre performer; she played roles as varied as Harpo Marx, Louise in the musical Gypsy, and Yosemite Sam, and she danced at Radio City Music Hall in a holiday extravaganza; and

WHEREAS, after being diagnosed with multiple sclerosis in 1999 and no longer able to perform, Dana McLeod became a teacher, director, and choreographer; she spent many years working in the children's theatre program at the Alden Theatre in McLean; and

WHEREAS, Dana McLeod's perpetual smile and courage made her a natural role model for others living with multiple sclerosis; she volunteered to co-lead the Springfield area multiple sclerosis self-help group from 2008 until 2014; and

WHEREAS, Dana McLeod sought to improve the lives of others affected by multiple sclerosis; she spoke to her legislators about issues affecting those living with the disease and advocated for change at local, state, and federal levels; she served as a valued member of the Virginia Government Relations Committee for the National Multiple Sclerosis Society; and

WHEREAS, Dana McLeod will be fondly remembered and greatly missed by her parents, Marilyn and Ken Murton; her brother, Kenneth Murton; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Dana McLeod, a respected volunteer in northern Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Dana McLeod as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 170

Commending Second Street restaurant.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, in 2015, Second Street restaurant in Williamsburg celebrated 30 years of serving fine food and beverages to diners in a relaxed and casual setting; and

WHEREAS, Mickey Chohany and John Chohany opened Second Street in 1985; for the first 22 years, the brothers operated the restaurant as a neighborhood sports bar, but in 2007, the men renovated the popular gathering spot and converted it into an American bistro; and

WHEREAS, Second Street has become a dining destination for people in the area and beyond with its upscale casual dining atmosphere and an extensive menu; the restaurant has received local and national recognition for its cuisine; and

WHEREAS, when Mickey and John Chohany bought Second Street in 1985, they brought complementary strengths to the business; John Chohany focused on in-house operations, and Mickey Chohany, with a naturally outgoing personality, worked with customers and was responsible for other public elements of the business; and

WHEREAS, in the first few years, the Chohany brothers' father helped the men run Second Street and provided support and advice; he was especially adept with the financial aspects of restaurant operations, and by working as a team, the company survived and thrived; and

WHEREAS, in the last three decades, Mickey and John Chohany have expanded their business to include an additional Second Street restaurant in Newport News; the company provides food service at Jamestown Settlement and Yorktown Victory Center, and the brothers market and sell wine from their winery, "Aratas," throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Second Street restaurant in Williamsburg on the occasion of its 30th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mickey Chohany and John Chohany, owners of Second Street restaurant, as an expression of the General Assembly's congratulations and admiration for being a successful small business in the Commonwealth.

SENATE JOINT RESOLUTION NO. 171

Commending Fred Whyte.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Fred Whyte began his career at STIHL American—the same multinational company where his father worked—as a regional manager, and began working for STIHL Inc., in 1971, and served as president of the Virginia Beach-based power equipment manufacturer during two decades of record sales growth, until his retirement on December 31, 2015; and

WHEREAS, Fred Whyte was named product manager in 1975, and was promoted to national sales manager in 1979; and

WHEREAS, when he was 34, Fred Whyte became president of STIHL Ltd., and founded the international corporation's Canadian operation in 1982; during his 10 years at STIHL Ltd., the company recorded increased sales each year; and

WHEREAS, after his success as the founder and head of STIHL's Canadian subsidiary, Fred Whyte returned to Virginia and was named president of STIHL Inc., in 1992; and

WHEREAS, in 1978, when STIHL Inc., first opened in Virginia Beach and was one of the first industrial development locations in the city, the company had 50 employees and assembled one model of one chain saw; by the time of Fred Whyte's retirement in 2015, STIHL Inc., employed more than 2,000 people who manufacture more than 270 model variations of power equipment in a facility that encompasses more than 2 million square feet under roof; and

WHEREAS, under Fred Whyte's leadership, STIHL Inc., celebrated seven consecutive years as the top-selling brand of gasoline-powered handheld outdoor power equipment in the nation; additionally, the company, which exports products to more than 90 countries from its Virginia Beach facility, never laid off a full-time employee due to lack of work; and

WHEREAS, Fred Whyte served as president of STIHL Inc., and during his tenure, the company helped to spearhead many initiatives that improved competitiveness in the local manufacturing sector and generated innovative workforce development programs; and

WHEREAS, Fred Whyte introduced robotics and automation technology to STIHL Inc. and provided an incubator/laboratory, where the Dream It Do It Virginia manufacturing technology summer camp program was developed; and

WHEREAS, Fred Whyte has been a leader in the outdoor power equipment industry and served as chair of several industry trade associations; he has received many accolades and awards during his outstanding career, including the 2015 Frank Armstrong III Service Award from the Virginia Manufacturers Association; and

WHEREAS, giving back to the community has been an important part of Fred Whyte's career; he is a member of the Board of Visitors of Old Dominion University and serves on the Board of Directors of the Children's Health Foundation of Children's Hospital of the King's Daughters; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend an exceptional business leader, Fred Whyte, who retired in 2015 as president of STIHL Inc., in Virginia Beach; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Fred Whyte as an expression of the General Assembly's respect and admiration for his many years of dedicated work and inspiring leadership of one of the Commonwealth's leading industrial manufacturers.

SENATE JOINT RESOLUTION NO. 172

Commending Community Residences, Inc.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, February 26, 2016

WHEREAS, in 2015, Community Residences, Inc., celebrated 40 years of helping individuals with disabilities live fulfilling, high-quality lives of maximum independence and community inclusion; and

WHEREAS, Community Residences was founded in Arlington County in 1975 by a group of families, church organizations, and government leaders who worked collaboratively with local officials to establish a nonprofit agency that would bring together and expand efforts to help people with mental illnesses or intellectual disabilities; and

WHEREAS, the agency, which was first called Arlington Community Residences, was at the forefront of a burgeoning movement to integrate people with special needs into the community; the goal of the grassroots organization was to create community-based options for people with mental illness or intellectual disabilities as an alternative to institutionalization; and

WHEREAS, the mission of Community Residences is to offer individuals with disabilities supportive housing and the physical, mental, and emotional services needed to facilitate independent and dignified living within the community; and

WHEREAS, the goal of Community Residences is to enable its clients to live close to and regularly interact with their parents, siblings, friends, and neighbors; the organization has established group homes and has greatly expanded its service area; and

WHEREAS, today, the services offered by Community Residences include case management, transitional assistance for people who were homeless, residential youth services, day programs, and home-based clinical and practical support for people living independently; and

WHEREAS, in the last 40 years, Community Residences has helped thousands of people; the organization provides specialized and focused attention to all of its clients and relies on volunteers, community partners, donors, and staff whose work and caring attention have made a positive difference in many lives; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Community Residences, Inc., on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Arthur M. Ginsberg, president and chief executive officer of Community Residences, Inc., as an expression of the General Assembly's respect and admiration for the agency's vital work on behalf of individuals with mental illness and intellectual disabilities.

SENATE JOINT RESOLUTION NO. 173

Celebrating the life of James Phillip Riddel.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, James Phillip Riddel of Vienna, a distinguished law-enforcement officer who dedicated his life to serving and protecting his fellow Fairfax County residents, died on November 6, 2015; and

WHEREAS, James "Jim" Riddel served his country honorably with the United States Marine Corps, then continued his service to the Commonwealth and the community as a member of the Fairfax County Police Department; and

WHEREAS, Jim Riddel worked to keep dangerous criminals off the streets as a homicide detective for many years, and he earned many awards and decorations for his exemplary service; and

WHEREAS, James Riddel earned accolades from several organizations, including the Fairfax County Police Association and Arlington-Fairfax Elks Lodge No. 2188, and he was named Fairfax County Investigator of the Year in 1969; and

WHEREAS, James Riddel was commended for his service to the people of Northern Virginia by the Fairfax County Board of Supervisors and Fairfax County Chamber of Commerce and was the two-time recipient of the A. Heath Onthank Award, which recognizes the most outstanding employee in Fairfax County government; and

WHEREAS, at the national level, James Riddel was named as one of the Ten Most Outstanding Police Officers by *Parade* magazine in 1971; he was also named as the Most Outstanding Police Officer of the Year in the Commonwealth in 1972; and

WHEREAS, Jim Riddel will be fondly remembered and greatly missed by his wife, Nancy; children, Jamie, James, Jr., John, Jacquelin, Maureen, Jeffrey, Vickie, Linda, Stephen, and Jason, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of James Phillip Riddel, an exceptional police officer who made countless contributions to the Fairfax County community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of James Phillip Riddel as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 174

Commending Merck's Elkton plant.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, in 2016, Merck's Elkton plant proudly celebrates 75 years of being a leading manufacturer in the Shenandoah Valley; and

WHEREAS, the Elkton plant, which is near the Rockingham County town of the same name, is part of Merck, an innovative global leader in healthcare; the plant employs an array of manufacturing technologies to support the production of medicines; and

WHEREAS, the mission of the Elkton plant, which first opened its doors in 1941, is to provide an environment where all people can do their best work; the plant utilizes continuous improvement mindsets, works to build a reputation of trust, and encourages the development of highly trained staff whose experience and expertise are critical to the plant's long-term success; and

WHEREAS, at the Elkton plant, organic synthesis and biotechnology operations are used to manufacture many intermediate products used to treat fungal infections and unhealthy levels of cholesterol; and

WHEREAS, the Elkton plant has been involved in pharmaceutical operations for more than 40 years; the plant supports the manufacture of many products and is involved in the fermentation and purification operations for alum adjuvant—part of Merck's vaccine business; and

WHEREAS, the Elkton plant is heavily engaged in Merck's efforts to increase its biologics business, especially the development and commercialization efforts for Merck's insulin franchise; and

WHEREAS, more than 1,000 employees of the Elkton plant live in the Commonwealth and the company is well-known for its family-friendly policies and for supporting and encouraging employment opportunities for veterans; and

WHEREAS, over the years, the Elkton plant has contributed to the local economy in many ways and has generated millions of dollars of economic benefits throughout the Shenandoah Valley; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Merck's Elkton plant on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Merck's Elkton plant as an expression of the General Assembly's respect and admiration for the company's many years of producing life-saving medicines in the Shenandoah Valley and its myriad contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 175

Celebrating the life of Lydia Marie Kiser.

Agreed to by the Senate, February 25, 2016

Agreed to by the House of Delegates, March 4, 2016

WHEREAS, Lydia Marie Kiser, who worked to enhance the quality of life of all members of the community as a longtime employee of the Russell County Department of Social Services, died on November 4, 2015; and

WHEREAS, a native of Russell County, Lydia Kiser was a graduate of Castlewood High School; and

WHEREAS, Lydia Kiser dedicated her life to the service of others while working at the Russell County Department of Social Services for 37 years; and

WHEREAS, beginning her career as a clerk, Lydia Kiser rose through the ranks to become a benefits program specialist and was recognized as one of the most knowledgeable social work professionals in the Commonwealth for her expertise on Title IV, Part E of the Social Security Act; and

WHEREAS, Lydia Kiser was a talented artist and musician and an avid fan of the Duke University Blue Devils; she enjoyed reading, gardening, bird watching, and spending time with her three feline companions; and

WHEREAS, Lydia Kiser will be fondly remembered and greatly missed by her father, Charles; sisters, Toni and Missie; nieces, Ivy and Mary; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Lydia Marie Kiser; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lydia Marie Kiser as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 176

Commending Gulf Branch Nature Center.

Agreed to by the Senate, March 3, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, established in 1966, Gulf Branch Nature Center was the first nature center in Arlington County, and it provides opportunities for the study of conservation and nature in a rare, surviving 1920s fieldstone and quartz bungalow, nestled in the 38-acre Gulf Branch stream valley; and

WHEREAS, the creation of Gulf Branch Nature Center was the impetus for the larger and subsequent movement for park and greenspace preservation in Arlington County—a response to high-density development of the Rosslyn-Ballston Metro corridor and the construction of I-66 through the county—which led to the establishment of Long Branch Nature Center in 1972 and the Nature Center at Potomac Overlook Regional Park in 1974; and

WHEREAS, Gulf Branch Nature Center has generated strong community involvement and support throughout its 50-year history, as demonstrated by its dedication to providing essential and critically needed park space to help rectify the county's imbalance between active and passive public space uses, as identified by a 1962 report by the Northern Virginia Regional Planning and Economic Development Commission; and

WHEREAS, the Women's Club of Arlington sponsored the Junior Naturalist Club at Gulf Branch Nature Center in 1972, donating a reference library of more than 200 books (including Braille editions) and a Touch and See Trail for visitors with visual impairments or physical disabilities; and

WHEREAS, the Walker Cabin at Gulf Branch Nature Center was dedicated in 1979 and used materials from the original Robert Walker home near Walker's Chapel through the generosity of Preston Caruthers; and

WHEREAS, the establishment in 1980 of the Blacksmith Guild Cabin, still active and operating today, has helped to keep the art form alive and to educate both children and adults about the historic local blacksmithing industry and the skill of blacksmiths; and

WHEREAS, located on the site of a former Native American fishing camp, Gulf Branch Nature Center has served several roles over the years, from an early twentieth century woodland retreat (including its legendary connection to the 1930s silent movie star, Pola Negri) to a pioneering and living symbol of the 1960s conservation and environmental movement; its ongoing role as a center for family and seasonal celebrations, environmental education, and the enjoyment of nature draws thousands of visitors to Northern Virginia each year; and

WHEREAS, Gulf Branch Nature Center continues to demonstrate its strong community, cultural, environmental, and educational commitment through the current renovation of its Native American Room, to be funded by a public-private partnership between Arlington County and the Friends of Gulf Branch Nature Center; and

WHEREAS, the Native American Room at Gulf Branch Nature Center is one of only two sites in Northern Virginia included on the Virginia Indian Heritage Trail, and its exhibits include a collection of woodland artifacts and descriptive interpretations of pre-contact Native life in the area, providing educational experiences for adults, school groups, and casual visitors; and

WHEREAS, the Gulf Branch Nature Center's educational programs have instilled a love of nature in thousands of children and adults, the center's exhibits and animals have been as important to the lives of local families as the tranquil wooded stream valley it sits in, and the nature center's innovative hands-on philosophy has continued to provide for the exploration of nature for people of all ages across many generations; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Gulf Branch Nature Center on the occasion of its 50th anniversary on June 12, 2016, for its historic and unique role in protecting and promoting Arlington County's parklands and greenspace; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Gulf Branch Nature Center as an expression of the General Assembly's admiration for the center's work to build and enhance the community's social, environmental, and educational values for children, families, and all county residents.

SENATE JOINT RESOLUTION NO. 177

Commending St. Mary's Hospital.

Agreed to by the Senate, March 3, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, St. Mary's Hospital, a 391-bed acute-care hospital affiliated with Bon Secours Richmond Health System, celebrates its 50th anniversary in 2016; and

WHEREAS, St. Mary's Hospital was rededicated on January 9, 2016, exactly 50 years after the original dedication ceremony on January 9, 1966; and

WHEREAS, established by the Sisters of Bon Secours, St. Mary's Hospital was the first Catholic hospital in Central Virginia, and it was the first hospital in Central Virginia to be established and operated by women; and

WHEREAS, St. Mary's Hospital was the first integrated hospital in Richmond; the Sisters of Bon Secours went against established norms and insisted that the hospital be fully integrated, including patients, employees, and medical staff; and

WHEREAS, the Sisters of Bon Secours admitted the first patient to St. Mary's Hospital on February 15, 1966; at the time, the hospital had 196 beds and 250 employees; and

WHEREAS, the Sisters of Bon Secours operated St. Mary's Hospital based on the principles of holistic care and a culture of compassion, care, and collaboration; 42 Sisters of Bon Secours have served at St. Mary's Hospital in its 50-year history; and

WHEREAS, St. Mary's Hospital has enjoyed significant growth throughout its history and now employs more than 3,000 doctors and staff; the hospital offers a wide array of services, including cardiology, women's, children's, orthopedics, oncology, and neurosciences departments, among others, and surgery; and

WHEREAS, since 2009, St. Mary's Hospital has held a magnet designation for nursing, awarded by the American Academy of Nursing to hospitals that have demonstrated excellence in patient care; and

WHEREAS, St. Mary's Hospital has provided innovative programs, including mobile health services through Care-a-Van, the Evelyn D. Reinhart Guest House for families of patients who live more than 30 miles away, and the Community Hospice House in Chesterfield County; and

WHEREAS, over the years, St. Mary's Hospital has provided the highest quality health care services to the Richmond community, and it is committed to the needs of patients throughout the region regardless of their ability to pay; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend St. Mary's Hospital, an exceptional hospital in the Bon Secours Richmond Health System, on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Dr. Francine Barr, chief executive officer of St. Mary's Hospital, as an expression of the General Assembly's admiration for the hospital's commitment to the citizens of Richmond.

SENATE JOINT RESOLUTION NO. 178

Commending Rosa Parks Elementary School.

Agreed to by the Senate, March 3, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, in 2016, Rosa Parks Elementary School in Prince William County celebrates its 10th anniversary of providing a top-quality education to more than 820 students in pre-kindergarten through fifth grade; and

WHEREAS, the students and staff at Rosa Parks Elementary School are proud of the school's international focus; more than 27 languages are spoken by members of the school community and an English for Speakers of Other Languages program serves pupils who are learning English; and

WHEREAS, Rosa Parks Elementary School, which opened in 2006, is in the forefront of education for boys and girls; it was the first elementary school in Prince William County to be named an International Baccalaureate Primary Years Program school; and

WHEREAS, additionally, Rosa Parks Elementary School, which is in Woodbridge, has been designated a School of Excellence for nine consecutive years by the Prince William County Division of Public Schools; and

WHEREAS, the Story Room at Rosa Parks Elementary School helps promote literacy among its pupils and is named in honor of the mother of Michael Otaigbe, former vice chair of the Prince William County School Board; the room symbolizes Mrs. Otaigbe's love of reading and storytelling; and

WHEREAS, the student body strives to follow the example set by its namesake, civil rights leader Rosa Parks, by exhibiting dignity, strength, courage, and pride in their daily activities; the members of the school community are proud of the school's inclusive and welcoming environment, where pupils with special needs are mainstreamed into all school settings; and

WHEREAS, pupils at Rosa Parks Elementary School have many activities from which to choose; the school has a robotics team, a Strings and Chorus music program, a hands-on science lab, and a Spanish-language program for students in kindergarten through fifth grade; and

WHEREAS, helping the community is important to members of the Rosa Parks Elementary School community; the school sponsors a Turkey Trot race in November, and in recent years, participants have donated more than 700 items of food to a local charity; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Rosa Parks Elementary School on the occasion of its 10th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Susan Danielson, principal of Rosa Parks Elementary School, as an expression of the General Assembly's respect and admiration for the outstanding education that the school provides to students in Prince William County.

SENATE JOINT RESOLUTION NO. 179

Commending Beville Middle School.

Agreed to by the Senate, March 3, 2016
Agreed to by the House of Delegates, March 8, 2016

WHEREAS, in 2016, Beville Middle School in Prince William County proudly celebrates 25 years of educating a diverse student body and promoting a culture of success; and

WHEREAS, Beville Middle School opened in 1991 and serves a culturally diverse student population; the staff and students are proud of being part of an engaged community which is committed to offering a positive and balanced approach to all students; and

WHEREAS, Beville Middle School is named for Stuart M. Beville, who served as superintendent of Prince William County Public Schools from 1954 to 1971; during his tenure, 30 schools opened in the county and the student population grew from 3,500 to more than 35,000; and

WHEREAS, currently, Beville Middle School enrolls 1,150 students from the Dale City area; the school, whose mascot is a bobcat, is home to an International Baccalaureate Middle Years Program and offers after-school athletics and clubs, including dance and Step teams, a Model United Nations group, a robotics club, the EDGE club, a theatrical society, and a cinema club; and

WHEREAS, one of the most popular events at Beville Middle School is the Multicultural and Academic Showcase in March in which students and their families celebrate their diverse cultures and backgrounds; students show their families what they have been learning in class; and

WHEREAS, the Effective Schoolwide Discipline policy focuses on encouraging student behavior that contributes to improved academic performance and social behavior; Beville Middle School has adopted the PROWL slogan, encouraging students to be Positive, Respectful, Outstanding, Working Leaders; and

WHEREAS, a small creek runs behind the Beville Middle School property and one of the school's most popular clubs is the Stream Clean-Up group; members meet several times a year to remove trash and debris from the stream, and the group helps to beautify the school grounds; and

WHEREAS, the Beville Middle School community promotes a culture of success by being fair and consistent and by supporting, encouraging, and collaborating with each other; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Beville Middle School on the occasion of its 25th anniversary in 2016 of promoting a culture of success for all students; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Tim Keenan, principal of Beville Middle School, as an expression of the General Assembly's congratulations and admiration for the school's outstanding work on behalf of the students of Prince William County.

SENATE JOINT RESOLUTION NO. 180

Commending Marumsco Hills Elementary School.

Agreed to by the Senate, March 3, 2016
Agreed to by the House of Delegates, March 8, 2016

WHEREAS, in 2016, Marumsco Hills Elementary School in Woodbridge celebrates 50 years of providing students with a world-class education in a fun, safe, and supportive learning environment; and

WHEREAS, Marumsco Hills Elementary School was built on land deeded by Cecil and Irene Hylton and took its name from the local community; the school opened for its first full year in 1966 and served students in first grade through sixth grade; and

WHEREAS, the student body of Marumsco Hills Elementary School continued to grow through the 1960s along with the population of Prince William County, and a six-room addition was completed in 1967; and

WHEREAS, Marumsco Hills Elementary School had grown to serve more than 700 students by the 1970s and completed additional renovations in the 1980s and 2000s to add more classrooms, a new gym, and a library expansion; and

WHEREAS, Marumsco Hills Elementary School introduced full-day kindergarten during the 2006–2007 school year, and kindergarten enrollment reached 121 students by September 2015; and

WHEREAS, by January 2016, Marumsco Hills Elementary School had a total enrollment of nearly 800 students, representing numerous backgrounds and cultures with different home languages, including Spanish, English, Dari, Arabic, Urdu, and Twi; and

WHEREAS, Marumsco Hills Elementary School has earned seven School of Excellence Awards, the highest award of the Prince William County School Board, and has maintained full accreditation since 2002; and

WHEREAS, Marumsco Hills Elementary School has been ably led by seven principals in its history, and has succeeded in its mission to help students achieve their fullest potential through the hard work of every member of the faculty, staff, and administration; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Marumsco Hills Elementary School on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Meisram Hernandez, principal of Marumsco Hills Elementary School, as an expression of the General Assembly's admiration for the school's commitment to serving the youth of the Woodbridge community.

SENATE JOINT RESOLUTION NO. 181

Commending C. D. Hylton Senior High School.

Agreed to by the Senate, March 3, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, in 2016, C. D. Hylton Senior High School celebrates 25 years of providing a top-quality education to students in Prince William County through a variety of creative and stimulating programs; and

WHEREAS, each year, the more than 2,000 students who attend C. D. Hylton Senior High School are encouraged and expected to achieve their highest potential in a variety of rigorous curricular courses and related opportunities; and

WHEREAS, C. D. Hylton Senior High School has enrolled students from 35 countries, who collectively have spoken more than 25 languages in their homes; additionally, the school's academic offerings include classes in nine foreign languages; and

WHEREAS, C. D. Hylton Senior High School is home to the Center for International Studies and Languages; additionally, students can pursue vocational training in TV production, cabinetry, or the award-winning Automotive Technology Program; and

WHEREAS, C. D. Hylton Senior High School's academic success includes being named one of the top high schools in the nation by *Newsweek* magazine and *The Washington Post*; over the years, several students have been honored as National Advanced Placement Scholars, and others have been National Hispanic Commended Scholars; and

WHEREAS, the dedicated staff at C. D. Hylton Senior High School includes award-winning teachers and administrators, all of whom encourage the entire community to work together as a family to help students achieve success; and

WHEREAS, C. D. Hylton Senior High School is one of a few select public high schools in the Commonwealth with a planetarium; the state-of-the-art facility is open to all Prince William County public school students; and

WHEREAS, art students at C. D. Hylton Senior High School have won local and regional arts competitions; the school's chorus has sung in venues across the country; and the band has performed at football bowl games, at Walt Disney World, and in London; and

WHEREAS, the strong athletic program at C. D. Hylton Senior High School has resulted in two national championship boys' soccer teams and 12 state athletic titles; additionally, 17 students from the school have become professional athletes; and

WHEREAS, all members of the C. D. Hylton Senior High School community strive to work together to promote student achievement; student learning and staff effectiveness are enhanced by teaching with a global perspective, emphasizing the benefits of diversity, and encouraging inclusiveness and acceptance; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend C. D. Hylton Senior High School on the occasion of its 25th anniversary of providing an exemplary and well-rounded education to students in Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to David J. Cassady, Jr., principal of C. D. Hylton Senior High School, as an expression of the General Assembly's congratulations and admiration for being one of the outstanding schools in the Commonwealth.

SENATE JOINT RESOLUTION NO. 182

Confirming appointments by the Governor of certain persons communicated February 23, 2016.

Agreed to by the Senate, March 3, 2016

Agreed to by the House of Delegates, March 8, 2016

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments of certain persons made by Governor Terry McAuliffe on or after February 10, 2016, and communicated to the General Assembly February 23, 2016.

AGRICULTURE AND FORESTRY

Board of Agriculture and Consumer Services

James S. Huffard III, 165 Huffard Lane, **Crockett**, Virginia 24323, Member, appointed February 10, 2016, to serve an unexpired term beginning November 12, 2015, and ending February 28, 2017, to succeed Mark A. McCann.

AUTHORITY**Virginia Biotechnology Research Partnership Authority Board of Directors**

Carrie Hileman Chenery, 508 West Beverley Street, **Staunton**, Virginia 24401, Member, appointed February 12, 2016, to serve an unexpired term beginning August 21, 2015, and ending June 30, 2016, to succeed Tonya Mallory.

COMMERCE AND TRADE**Board for Professional Soil Scientists, Wetland Professionals, and Geologists**

Carlyle Robin Jones, Post Office Box 158, **Richmond**, Virginia 23218, Member, appointed February 11, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed James Liu.

Virginia Economic Development Partnership Authority Board of Directors

Ernest Lee Coburn III, 124 Church Street Southeast, **Abingdon**, Virginia 24210, Member, appointed February 11, 2016, for a term of six years beginning January 1, 2016, and ending December 31, 2021, to succeed himself.

Dan M. Pleasant, 161 Stratford Place, **Danville**, Virginia 24541, Member, appointed February 10, 2016, for a term of six years beginning January 1, 2016, and ending December 31, 2021, to succeed himself.

COMPACT**Roanoke River Basin Bi-State Commission**

Gerald V. Lovelace, Post Office Box 491, **Halifax**, Virginia 24558, Member, appointed February 10, 2016, to serve an unexpired term beginning July 30, 2015, and ending June 30, 2017, to succeed John H. Field.

EDUCATION**Board of Trustees of the Science Museum of Virginia**

Richard S. Groover, 9497 Williamsville Road, **Mechanicsville**, Virginia 23116, Member, appointed February 19, 2016, to serve an unexpired term beginning May 31, 2015, and ending June 30, 2019, to succeed James T. Roberts.

HEALTH AND HUMAN RESOURCES**Advisory Board on Midwifery**

Kim Pekin, 17232 Pickwick Drive, **Purcellville**, Virginia 20132, Member, appointed February 19, 2016, to serve an unexpired term beginning December 5, 2014, and ending June 30, 2017, to succeed Kim Lane.

Advisory Board on Polysomnographic Technology

Jonathan C. Clark, 1616 Morshedi Court, **Henrico**, Virginia 23238, Member, appointed February 12, 2016, to serve an unexpired term beginning January 27, 2016, and ending June 30, 2018, to succeed Michelle Sartelle.

Board of Veterinary Medicine

Mary Yancey Spencer, 305 Clovelly Road, **Richmond**, Virginia 23221, Member, appointed February 19, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Carole Stadfield.

Family and Children's Trust Fund Board of Trustees

Lawrence Robert Bolling, 214 Fulham Circle, **Richmond**, Virginia 23227, Member, appointed February 19, 2016, to serve an unexpired term beginning February 10, 2016, and ending June 30, 2016, to succeed Dawn Frances Chillon.

State Executive Council for Children's Services

Eddie Worth, 2145 Christiansburg Pike Road Northeast, **Floyd**, Virginia 24091, Member, appointed February 12, 2016, to serve an unexpired term beginning September 1, 2015, and ending June 30, 2016, to succeed Jan Schar.

Substance Abuse Services Council

Diane Williams Barbour, 123 Potomac Run Road, **Fredericksburg**, Virginia 22405, Member, appointed February 19, 2016, for a term of three years beginning July 1, 2014, and ending June 30, 2017, to succeed herself.

Brian L. Hieatt, 569 Peery Addition Road, **Tazewell**, Virginia 24651, Member, appointed February 19, 2016, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2017, to succeed Timothy Carter.

Sandra O'Dell, 20152 Wilderness Road, **Rose Hill**, Virginia 24281, Member, appointed February 19, 2016, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2017, to succeed Robert Johnson.

Sandra O'Dell, 20152 Wilderness Road, **Rose Hill**, Virginia 24281, Chair, appointed February 19, 2016, for a term of two years beginning July 1, 2015, and ending June 30, 2017, to succeed William Williams.

Marjorie Yates, 10201 Battenburg Place, **North Chesterfield**, Virginia 23236, Member, appointed February 19, 2016, to serve an unexpired term beginning July 1, 2014, and ending June 30, 2017, to succeed Joseph Battle.

TECHNOLOGY**E-911 Services Board**

Jeffrey T. Merriman, 3741 Heverley Drive, **Glen Allen**, Virginia 23059, Member, appointed February 10, 2016, to serve an unexpired term beginning November 25, 2015, and ending June 30, 2018, to succeed David W. Ogburn, Jr.

TRANSPORTATION**Motor Vehicle Dealer Board**

Larry T. Bailey, Sr., 2557 Lakewood Circle, **Chesapeake**, Virginia 23321, Member, appointed February 19, 2016, to serve an unexpired term beginning October 18, 2013, and ending June 30, 2017, to succeed Rodney Williams.

Michael Bor, 123 Matoaka Road, **Richmond**, Virginia 23226, Member, appointed February 19, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Larry T. Bailey, Sr.

Robert S. Fisher, 9079 Park Avenue, **Manassas**, Virginia 20110, Member, appointed February 19, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed Roy Boswell.

Hamid Senior Saghafi, 9130 Mine Run Drive, **Great Falls**, Virginia 22066, Member, appointed February 19, 2016, for a term of four years beginning July 1, 2015, and ending June 30, 2019, to succeed William Hudgins.

VETERANS AND DEFENSE AFFAIRS

Joint Leadership Council of Veterans Service Organizations

Raymond L. Kenney, Jr., 3207 Gaulding Lane, **Richmond**, Virginia 23223, Member, appointed February 10, 2016, to serve an unexpired term beginning December 16, 2015, and ending June 30, 2018, to succeed Terry Labar.

SENATE JOINT RESOLUTION NO. 183

Celebrating the life of the Honorable Madison Ellis Marye.

Agreed to by the Senate, March 3, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, the Honorable Madison Ellis Marye of Shawsville, a respected farmer, businessman, and public servant who represented the residents of the 37th District in the Senate of Virginia for almost three decades, died on February 23, 2016; and

WHEREAS, a native of Montgomery County, Madison Marye graduated from the University of Georgia and honorably served his country during World War II, the Korean War, and the Vietnam War as a member of the United States Army, rising to the rank of major; and

WHEREAS, desiring to be of further service to the Commonwealth, Madison Marye ran for and was elected to the Senate of Virginia during a special election in 1973; he ably represented the residents of the Counties of Carroll, Floyd, Grayson, and Montgomery and the Cities of Galax and Radford in what was then the 37th District; and

WHEREAS, during his 29-year tenure, Madison Marye was a champion for rural residents and introduced many important pieces of legislation to benefit all Virginians, including a bill to lower the state food tax; he offered his leadership expertise to several committees, including the Committees on Local Government, Rehabilitation and Social Services, and Commerce and Labor, and served as chairman of the Committees on Agriculture, Conservation and Natural Resources and General Laws; and

WHEREAS, a man of great integrity, Madison Marye served the Commonwealth with the utmost dedication and distinction until his well-earned retirement from public office in 2002; and

WHEREAS, Madison Marye will be fondly remembered and greatly missed by numerous family members, friends, and colleagues on both sides of the aisle; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Madison Ellis Marye, a farmer, businessman, and public servant in Southwest Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Madison Ellis Marye as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 185

Commending the Historic Lexington Foundation.

Agreed to by the Senate, March 3, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, in 2016, the Historic Lexington Foundation celebrates its 50th anniversary of preserving the architecturally significant and related historic resources found in the City of Lexington and Rockbridge County and of educating people about the area's history, culture, and architecture; and

WHEREAS, the Historic Lexington Foundation was founded in 1966; that year, almost an entire block of residences built in the early nineteenth century was targeted for demolition; and a group of civic and educational leaders came together and successfully deterred the development; and

WHEREAS, because there was no organization in the area whose primary mandate was historic preservation, the work of that group led to the creation of the Historic Lexington Foundation; and

WHEREAS, the purpose of the Historic Lexington Foundation is to buy, preserve, and sell properties that illustrate the history and culture of Lexington and Rockbridge County and to promote the area's rich heritage; and

WHEREAS, the Historic Lexington Foundation has worked diligently to save Lexington's historic downtown area by acquiring structures that were in need of repair but had architectural or historical importance; and

WHEREAS, all of the neglected properties that were bought by the Historic Lexington Foundation subsequently had perpetual preservation easements attached to them; the foundation has renovated buildings and then sold them to private owners; and

WHEREAS, because of the Historic Lexington Foundation's work, 16 properties in the area now have preservation easements, and its efforts have inspired private owners to improve their properties—thereby furthering historic preservation in Lexington and Rockbridge County; and

WHEREAS, in the 1970s, the Historic Lexington Foundation spearheaded efforts to list Lexington's eighteenth century and nineteenth century downtown and residential neighborhoods in the National Register of Historic Places; the foundation helped to provide grants to subsidize improvements to building facades in the city's Historic District; and

WHEREAS, the Historic Lexington Foundation published *The Architecture of Historic Lexington* and *The Architecture of Historic Rockbridge*, enabling researchers, students of history and architecture, and tourists to gain greater insight into the dwellings and structures in the area; the foundation developed self-guided tours of historic sections of the city and county; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Historic Lexington Foundation on the occasion of its 50th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Historic Lexington Foundation as an expression of the General Assembly's respect and admiration for its unwavering dedication to preserving the architecture and history of Lexington and Rockbridge County.

SENATE JOINT RESOLUTION NO. 186

Commending the Arlington County Civic Federation.

Agreed to by the Senate, March 3, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, the Arlington County Civic Federation, established in April 1916 by a coalition of six local civic associations to act as the civic voice of Arlington, is the oldest countywide organization in Arlington and has grown to include over 80 member organizations; and

WHEREAS, the Arlington County Civic Federation's primary purpose is to work toward civic improvement of Arlington County and to promote the general welfare of Arlington County in a nonpartisan manner; and

WHEREAS, during the Great Depression, the Arlington County Civic Federation laid the foundation for its legacy of facilitating cooperation to help those in need by organizing campaigns to raise funds for local residents; and

WHEREAS, the Arlington County Civic Federation has a long history of partnerships with local government to address issues in the community; it has supported a municipal water system to protect better the community from fires, has helped to develop an organized street naming system, has assisted with land use planning, and has advocated for affordable housing and environmental issues; and

WHEREAS, the Arlington County Civic Federation has worked to ensure quality transportation networks and mass transit, parkland acquisition, good schools, clean energy, broadband communications access, and integrated long-term planning; and

WHEREAS, the Arlington County Civic Federation supports equal rights for all Virginians and has been vital in making Arlington a diverse and inclusive world-class community; and

WHEREAS, the Arlington County Civic Federation will host an anniversary gala on April 8, 2016, to mark the momentous milestone and to celebrate the organization's 100 years of service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Arlington County Civic Federation on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Arlington County Civic Federation as an expression of the General Assembly's admiration for the organization's dedication to improving the quality of life in Arlington County.

SENATE JOINT RESOLUTION NO. 187

Commending the Christopher Wren Association.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, in 2016, the Christopher Wren Association in Williamsburg proudly celebrates its 25th anniversary of providing opportunities for lifelong learning and enrichment in a collegial environment of sharing and fellowship; and

WHEREAS, the Christopher Wren Association (CWA) was founded in 1991 by Wayne and Ruth Kernodle; the two retired college educators envisioned a volunteer organization focused on lifelong learning with a wide variety of courses taught by experts in the field; and

WHEREAS, in 1991, with an initial enrollment of 105 students, CWA offered its first classes, which were taught by retired professors, specialists from Colonial Williamsburg, and other professionals in the community; and

WHEREAS, today, CWA enrolls more than 1,400 students, who can explore an array of topics through lectures, courses, field trips, special event tours, and other activities; over the years, many people have volunteered their time and talents as instructors, hosts, assistants, committee members, and board members; and

WHEREAS, the Christopher Wren Association is named for the acclaimed English architect as well as the landmark building on the campus of The College of William and Mary that bears his name; the majority of CWA's classes are held on the historic campus, and the college supports the organization in a variety of other ways; and

WHEREAS, recent courses offered by CWA include classes on John Adams, Frank Sinatra, international trade, opera, criminal law, and local history; CWA's array of programs includes weekly foreign language conversation tables, book discussion groups, lawn bowling, wine appreciation, and computer instruction; and

WHEREAS, CWA students have many other learning opportunities; some groups regularly visit nearby historic and artistic sites, and another popular activity is the association's well-regarded Town & Gown series; and

WHEREAS, the types of courses and activities that CWA offers constantly change and evolve; in the future, the association may offer online courses to its members and, as part of an outreach effort, to alumni of The College of William and Mary; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Christopher Wren Association on the occasion of its 25th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Wayne and Ruth Kernodle, founders of the Christopher Wren Association, as an expression of the General Assembly's respect and admiration for the association's vital work to promote lifelong learning in the Commonwealth.

SENATE JOINT RESOLUTION NO. 188

Confirming appointments by the Senate Committee on Rules.

Agreed to by the Senate, March 8, 2016

Agreed to by the House of Delegates, March 10, 2016

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly confirm the following appointments made by the Senate Committee on Rules:

1. Appointment to the **Virginia Commonwealth University Health System Authority Board** pursuant to § 23-50.16:5 of the Code of Virginia:

Bruce E. Mathern, MD, 417 North 11th Street, 6th Floor, **Richmond**, Virginia 23298, Member, for a term of three years beginning July 1, 2015, and ending June 30, 2018, to succeed himself.

2. Appointments to the **Virginia Conflict of Interest and Ethics Advisory Council** pursuant to § 30-355 of the Code of Virginia:

The Honorable Janet D. Howell, Post Office Box 2608, **Reston**, Virginia 20195, Member, for a term coincident with the term for which she has been elected to the Senate of Virginia, to fill a new seat.

The Honorable Thomas K. Norment, Jr., Post Office Box 6205, **Williamsburg**, Virginia 23188, Member, for a term coincident for the term for which he has been elected to the Senate of Virginia, to succeed himself.

The Honorable Walter W. Stout, III, 400 North 9th Street, **Richmond**, Virginia 23219, Member, to serve an unexpired term beginning March 4, 2016, and ending June 30, 2018, to succeed the Honorable Walter S. Felton, Jr.

SENATE JOINT RESOLUTION NO. 189

Celebrating the life of Maurice Taylor Bey.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Maurice Taylor Bey, a talented young basketball player and a beloved member of the Lanexa community, passed away on July 15, 2015; and

WHEREAS, Maurice Bey, who was a rising sophomore at New Kent High School, loved watching and playing basketball; he was a valued member of the New Kent High School Trojans and played as a shooting guard; and

WHEREAS, Maurice Bey was a very talented member of the New Kent High School Choral Program; and

WHEREAS, Maurice Bey was a proud and faithful member of the Moorish Science Temple of America; and

WHEREAS, Maurice Bey's love and passion for life and living fully inspired all around him to do the same; he was looked up to, adored, and respected by many; and

WHEREAS, Maurice Bey believed in bringing people together and brought joy to others through his bright smile and spirit; and

WHEREAS, Maurice Bey will be fondly remembered and greatly missed by numerous family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the passing of Maurice Taylor Bey; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Maurice Taylor Bey as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 190

Commending the Friends of Dyke Marsh.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Dyke Marsh Wildlife Preserve is a 480-acre freshwater tidal wetland on the Potomac River in Fairfax County, one of the last large freshwater tidal marshes in the Washington, D.C., area, and is managed by the U.S. National Park Service as a part of the George Washington Memorial Parkway; and

WHEREAS, the United States Congress designated Dyke Marsh as an "irreplaceable wetland" and added it to the national park system in 1959 "so that fish and wildlife development and their preservation as wetland wildlife habitat shall be paramount"; and

WHEREAS, Dyke Marsh is an area of open water, cattail marsh, wetland shrubs and plants, and deciduous swamp forest that is home to 360 known species of plants, 6,000 arthropods, 38 fish, 16 reptiles, 14 amphibians, and more than 270 species of birds (40 breeding); and

WHEREAS, Dyke Marsh is one of the most significant temperate, climax, riverine, narrow-leafed, cattail marshes in the national park system, but the marsh faces many challenges, including erosion, pollution, trash, runoff, invasive species, noise, and poaching; and

WHEREAS, nearly half of Dyke Marsh's original 650 acres of wetland was destroyed by commercial dredging, which fundamentally undermined the delicate wetland ecology; the U.S. Geological Survey confirmed that the marsh could be completely destroyed by 2035, and the U.S. National Park Service is preparing a restoration plan with initial proposed action to begin in 2017; and

WHEREAS, the Friends of Dyke Marsh is a conservation advocacy organization incorporated in 1976 to preserve and restore this valuable wetland ecosystem; the organization supports full restoration of the marsh, advocates for restoration plans and funding, sponsors scientific studies, hosts trash cleanups and invasive plant control activities, encourages environmental stewardship, helps educate young people and the public, and conducts biological surveys; and

WHEREAS, the national park system includes natural treasures; recreational resources; scenic seashores; and historical monuments, grounds, and structures; the national park system attracted more than 300 million visitors in 2015, contributing to a \$646 billion outdoor recreation industry in the United States; and

WHEREAS, the U.S. National Park Service is celebrating its 100th anniversary in 2016, providing a historic opportunity to encourage a renewed commitment to America's national parks and to protect and restore Dyke Marsh; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Friends of Dyke Marsh on the occasion of its 40th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Friends of Dyke Marsh as an expression of the General Assembly's admiration for the organization's decades of stewardship of Dyke Marsh, a valuable natural resource in the Commonwealth.

SENATE JOINT RESOLUTION NO. 191

Commending Rising Hope United Methodist Mission Church.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Rising Hope United Methodist Mission Church, an innovative church that provides spiritual leadership and generous support to less fortunate individuals and families in Alexandria, celebrates 20 years of service to the community in 2015; and

WHEREAS, Rising Hope Church was established by the Reverend Keary Kincannon to serve as a source of hope and empowerment for less fortunate members of the community; the church held its first official service in the community room of Pinewood South Condos in October 1995; and

WHEREAS, beginning with 11 charter members, the congregation of Rising Hope Church has grown significantly over the years; with an average of 150 congregants each week, the church welcomes people from all walks of life, and nearly two thirds of members have been or are currently homeless; and

WHEREAS, Rising Hope Church provides assistance to more than 8,000 people annually through outreach, counseling, and recovery programs; the church is a founding partner of Virginians Organized for Interfaith Community Engagement, a nonpartisan coalition of faith communities that advocates for social justice in Northern Virginia; and

WHEREAS, Rising Hope Church supported efforts to update kitchen regulations, allowing churches to feed those in need, and feeds approximately 1,000 families through its food pantry each year; the church provides a clothing closet, hypothermia shelter in the winter, and emergency jobs, housing, and medical assistance; and

WHEREAS, in 2007, Keary Kincannon received the Society of John Wesley Award from Wesley Theological Seminary for his work with the church; Rising Hope Church also received the 2012 Peace and Justice Award from the Methodist Federation for Social Action, and the church has been highlighted in national media outlets for its good work; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Rising Hope United Methodist Mission Church on the occasion of its 20th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Keary Kincannon, pastor of Rising Hope United Methodist Mission Church, as an expression of the General Assembly's admiration for the church's service to and support for vulnerable members of the Alexandria community.

SENATE JOINT RESOLUTION NO. 192

Commending Swans Creek Elementary School.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Swans Creek Elementary School, a public school in Prince William County, has promoted academic excellence, a positive and safe school climate, and supportive relationships among its students, staff, and the community for 15 years; and

WHEREAS, established in 2001, Swans Creek Elementary School serves almost 800 students in preschool through fifth grade; the school's more than 80 faculty and staff members are dedicated to providing a high-quality educational experience; and

WHEREAS, Swans Creek Elementary School has earned eight Prince William School of Excellence awards, a Governor's Award for Academic Excellence demonstrating advanced proficiency across the curriculum, and a Virginia Board of Education Excellence Award; and

WHEREAS, Swans Creek Elementary School seeks excellence through the Baldrige in Education continuous improvement processes, including goal setting, charting and self-monitoring of student progress, and an emphasis on quality indicators for students; and

WHEREAS, engaging families of students has been a longstanding priority, and Swans Creek Elementary School and its Parent-Teacher Association offer family nights, curriculum workshops, opportunities to volunteer, English language acquisition and Parent as Educational Partner classes, a community 5K Fun Run, and support for St. Jude's Children's Hospital and the American Cancer Society's Relay for Life; and

WHEREAS, Swans Creek Elementary School uses the Positive Behavior Intervention Support and Responsive Classroom model, a nationally recognized approach to foster a strong sense of community and create a safe environment in which students learn and grow, and sets high expectations for teacher and student behavior; and

WHEREAS, technology at Swans Creek Elementary School is used to support critical thinking and is integrated with the curriculum through a variety of instructional strategies and a coaching model using devices such as SMART Boards, mobile labs, and iPads; and

WHEREAS, Swans Creek Elementary School supports its teachers through job-embedded professional development, with an emphasis on balanced literacy, best practices for English language learners, incorporating technology within the classroom, and cultural competence; and

WHEREAS, Swans Creek Elementary School offers numerous student leadership and extracurricular opportunities, including art, news team, Game 24 Math, safety patrols, robotics, school ambassadors, strings, chorus, and after-school enrichment; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Swans Creek Elementary School on the occasion of its 15th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Swans Creek Elementary School as an expression of the General Assembly's admiration for the school's contributions to the community and dedication to giving students a strong foundation for lifelong learning.

SENATE JOINT RESOLUTION NO. 193

Celebrating the life of Alpha Black Via Averill.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Alpha Black Via Averill, a respected entrepreneur and a beloved member of the Alleghany County community, died on February 15, 2016, at the age of 109; and

WHEREAS, a lifelong resident of the Low Moor area of Alleghany County, Alpha "Granny" Averill was born in 1907 and was a witness to major events of the twentieth century, including the release of the first automobile, the Great Flood of 1913, the Great Depression, and both World Wars; and

WHEREAS, for more than 50 years, Granny Averill was the proprietor of Granny Averill's Company Store and Restaurant, a quaint country store offering delicious homemade food that served as a reminder of simpler times for many local residents and visitors; and

WHEREAS, Granny Averill was well-known in the Low Moor area for her kindness and zest for life; she served the community in numerous ways, including as one of the original donors to the local YMCA; and

WHEREAS, a woman of deep and abiding faith, Granny Averill enjoyed fellowship and worship as a devout member of Low Moor Presbyterian Church, where she played the organ and the piano for more than 60 years; and

WHEREAS, predeceased by her husband, William, and one son, Billy, Granny Averill will be fondly remembered and greatly missed by her sons, Gene and Wayne, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Alpha Black Via Averill, a small business owner and a beloved member of the Low Moor community in Alleghany County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Alpha Black Via Averill as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 194

Celebrating the life of A. Raymon Thacker.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, A. Raymon Thacker, former mayor of Scottsville who left an enduring legacy, a successful businessman, a local historian, and a devoted husband and father, died on February 21, 2016, at the age of 106; and

WHEREAS, Raymon Thacker, who was born in Stuarts Draft in 1909, moved to Scottsville when he was two years old; he graduated from the Gupton-Jones College of Mortuary Science in 1929 and also studied in Richmond; and

WHEREAS, throughout his life, Raymon Thacker was involved in many businesses and civic activities; he and his brother owned a funeral home, and he worked at a local auto company, helped found an ambulance service and fire department, and was a charter member of the local Lions Club; and

WHEREAS, Raymon Thacker first became involved in local government in 1941 when he was elected to the Scottsville Town Council; he served for a short period and re-entered politics in 1963 when he was again elected to the town council, becoming mayor in 1966 and serving with distinction for 30 years; and

WHEREAS, many accomplishments occurred during Raymon Thacker's tenure as mayor of Scottsville including the construction of a new bridge across the James River that connects Scottsville to Buckingham County; and

WHEREAS, after Scottsville suffered catastrophic flooding from storms associated with Hurricanes Camille and Agnes in 1969 and 1972, Raymon Thacker secured approval and funding for a dam and levee to protect the historic town that is perched on the banks of the James River, and the A. Raymon Thacker Levee was dedicated in 1989; and

WHEREAS, Raymon Thacker oversaw the annexation of land that expanded the size of the town from 105 acres to a locality of 1,000 acres; the resulting increase in tax income has helped maintain the levee and pay for improvements in Scottsville; and

WHEREAS, respected as a fount of history and lore about Scottsville, Raymon Thacker was especially proud of helping to establish the Scottsville Museum; in addition, a park was built while he was mayor, and a bicycle route opened in 1976 that commemorated the bicentennial of the United States of America; and

WHEREAS, when Raymon Thacker retired as mayor of Scottsville in 1996, he was the longest-serving mayor in the Commonwealth; he was known for his courtly presence, keen political skills, and far-sighted decisions that helped to save the historic town that was his home for 104 years; and

WHEREAS, Raymon Thacker, who was predeceased by his first wife, Emma Lou, and son, Arthur Raymon, Jr., will be greatly missed and fondly remembered by Arbutus, his wife of 54 years; children Matthew, Virginia, and Cary, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of A. Raymon Thacker of Scottsville, who was a highly esteemed mayor for 30 years and led the town during a period of great change and progress; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of A. Raymon Thacker as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 195*Commending Bath County.*

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Bath County, a historic county nestled in the Shenandoah Valley, celebrates its 225th anniversary in 2016; and
 WHEREAS, named for the English resort town of Bath, Bath County was created on December 14, 1790, from parts of the Counties of Augusta, Botetourt, and Greenbrier; and

WHEREAS, the first Bath County court was held on May 10, 1791, at the home of Margaret Lewis in what is now Warm Springs, the county seat; and

WHEREAS, historically, Bath County has been home to ministers, generals, professional athletes, and artists, as well as respected leaders in the local community; and

WHEREAS, nearly 90 percent of Bath County is forestland, more than half of which is protected as part of a state park or natural area, affording residents and visitors alike countless opportunities for outdoor recreation such as camping, hiking, hunting, and fishing; and

WHEREAS, Bath County is known for its natural mineral springs, which have given rise to luxurious resorts in Warm Springs, Hot Springs, Healing Springs, Bath Alum Springs, and Millboro Springs and attracted visitors from throughout the Commonwealth, the United States, and the world; and

WHEREAS, Bath County is home to the Omni Homestead Resort, a luxury resort and National Historic Landmark that has delighted countless guests, including 22 United States Presidents, over its 250-year history; and

WHEREAS, Bath County will commemorate its 225th anniversary with special events and celebrations throughout 2016; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Bath County on the occasion of its 225th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Bath County as an expression of the General Assembly's admiration for the county's rich history and unique contributions to the Commonwealth.

SENATE JOINT RESOLUTION NO. 196*Celebrating the life of Officer Ashley Marie Guindon.*

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Officer Ashley Marie Guindon, a law-enforcement officer in Prince William County who was driven by her duty to protect and serve the community, died in the line of duty on February 27, 2016; and

WHEREAS, a native of Springfield, Massachusetts, Officer Guindon grew up in Merrimack, New Hampshire; she served her country as a member of the United States Marine Corps Forces Reserve, where she trained as a radio operator and earned many accolades for her service; and

WHEREAS, Officer Guindon earned a bachelor's degree from Embry-Riddle Aeronautical University in 2010 and attended the Joint Mortuary Affairs Center at Fort Lee; she relocated to the Commonwealth while pursuing graduate studies in forensics and interned with the Prince William County Police Department in 2011; and

WHEREAS, Officer Guindon graduated from the Prince William County Criminal Justice Academy with Session 36 in 2015; she earned the respect of her peers for her intelligence, compassion, and dedication to duty; and

WHEREAS, Officer Guindon made the ultimate sacrifice on February 27, 2016, while on her first shift with the Prince William County Police Department, having been officially sworn in as a member of the department the previous evening; and

WHEREAS, Officer Guindon will be fondly remembered and greatly missed by numerous family members and friends and her fellow public safety officers in Prince William County and throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Officer Ashley Marie Guindon, a devoted law-enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Officer Ashley Marie Guindon as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 197*Commending Anne Andrews.*

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, in 2016, Anne Andrews retired from the South County Task Force, a group of community leaders that addresses important issues in the Mount Vernon and Lee Districts of Fairfax County, after 40 years of dedicated service; and

WHEREAS, a native of New York, Anne Andrews relocated to Mount Vernon in 1960 after working for the Civil Service Commission in Washington, D.C.; she quickly became involved in the community, joining the League of Women Voters of the Fairfax Area; and

WHEREAS, the South County Task Force traces its roots to 1975, when Anne Andrews was asked to form a community advisory group to enhance and coordinate services between the government and charitable, faith-based communities for those in poverty in the Route 1 Corridor, including services relating to affordable housing, homelessness, substance abuse, mental health, and hunger; and

WHEREAS, the initial group founded by Anne Andrews thrived and formed a subcommittee on housing, which eventually became one of the Route 1 Corridor's most vibrant charities, New Hope Housing; and

WHEREAS, Anne Andrews was instrumental in the founding of the Community Healthcare Network of Fairfax County, which manages numerous health clinics for lower income residents of Fairfax County and minimizes the need for services at area emergency rooms; and

WHEREAS, the Route 1 Task Force ultimately expanded its mission and was renamed the South County Task Force; and

WHEREAS, for 40 years, Anne Andrews convened the bimonthly meetings of the South County Task Force, which has provided citizens, businesses, and service organizations with opportunities to discuss important local issues and to coordinate with Fairfax County government agencies to strengthen the community; and

WHEREAS, the South County Task Force has facilitated cooperation on addressing homelessness, affordable housing, substance abuse, domestic violence, mental health, hunger, and poverty in the area; with Anne Andrews' leadership and assistance, the task force restored a county nutritional program and helped consolidate county services in the South County Center; and

WHEREAS, Anne Andrews, as a past chair and member of the Southeast Health Planning Task Force, was instrumental in preventing the closure and relocation of INOVA Mount Vernon Hospital from its location on Parkers Lane; and

WHEREAS, in recognition of her exceptional contributions to the community, Anne Andrews was named a Lady Fairfax for the Mount Vernon District in 1990 and honored as the Fairfax County Citizen of the Year in 2009; and

WHEREAS, in February 2016, Anne Andrews retired as the convener of the South County Task Force after 40 years of dedicated service; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Anne Andrews on the occasion of her retirement from the South County Task Force; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Anne Andrews as an expression of the General Assembly's admiration for her legacy of devoted service to the residents of Fairfax County.

SENATE JOINT RESOLUTION NO. 198

Commending Myron D. Rummel.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, after more than 22 years of dedicated service to the residents of the Shenandoah Valley including his time as the head of one of the largest electric power cooperatives in the United States, Myron D. Rummel, president and chief executive officer of the Shenandoah Valley Electric Cooperative, retires on August 31, 2016; and

WHEREAS, Myron D. Rummel began his career with the Shenandoah Valley Electric Cooperative as an engineer and rose through the ranks to become president and chief executive officer in 2005; at the time, the cooperative served customers in parts of the Counties of Augusta, Rockbridge, Rockingham, and Shenandoah in Virginia and Hardy County, West Virginia; and

WHEREAS, under Myron D. Rummel's able leadership, the Shenandoah Valley Electric Cooperative expanded service to additional areas of Shenandoah County; the Counties of Clarke, Frederick, Page, and Warren; and the entire City of Winchester in Virginia; and

WHEREAS, the acquisition of new territory was one of the most significant milestones in the history of the Shenandoah Valley Electric Cooperative; the acquisition helped to delay planned price increases for existing customers and provided the cooperative's exceptional system reliability to new customers; and

WHEREAS, the acquisition more than doubled Shenandoah Valley Electric Cooperative's customer base, creating many more jobs in the region; Myron D. Rummel worked diligently to ensure the transition was handled smoothly for both customers and employees; and

WHEREAS, Myron D. Rummel helped the Shenandoah Valley Electric Cooperative adapt to changes in technology, such as automated meters, which have allowed for remote reading and provided consumers with valuable data to manage electricity usage and reduce their bills; and

WHEREAS, after his well-earned retirement, Myron D. Rummel plans to spend more time with his wife, Jackie, and their children and grandchildren; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Myron D. Rummel on the occasion of his retirement as president and chief executive officer of the Shenandoah Valley Electric Cooperative; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Myron D. Rummel as an expression of the General Assembly's admiration for his contributions to the residents of the Shenandoah Valley and best wishes for a happy retirement.

SENATE JOINT RESOLUTION NO. 199

Celebrating the life of Crystal Sheree Hamilton.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Crystal Sheree Hamilton, a beloved member of the Prince William County community who devoted her life to the service of others, died on February 27, 2016; and

WHEREAS, a native of Charleston, South Carolina, Crystal Hamilton graduated from Hanahan High School in South Carolina and studied at Cape Fear Community College in North Carolina; and

WHEREAS, Crystal Hamilton worked as a clerk at a Comfort Inn and Suites hotel for three years, then answered her calling to support and inspire others as a recovery care coordinator for the United States Marine Corps Wounded Warrior Regiment; and

WHEREAS, as a recovery care coordinator, Crystal Hamilton arranged for healthcare visits and travel for convalescent veterans; she worked at the Quantico and Bethesda offices and touched the lives of countless Marines as they recovered from injuries and worked to return to duty or to reintegrate into civilian life; and

WHEREAS, Crystal Hamilton never met a stranger and was a devoted friend to many people; her passion for service was evident to everyone who knew her; and

WHEREAS, Crystal Hamilton will be fondly remembered and greatly missed by her mother, Cherry; sister, Wendy; beloved son, Tyriq; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Crystal Sheree Hamilton; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Crystal Sheree Hamilton as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 200

Commending William A. Patton.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, William A. Patton, an outstanding community leader and volunteer, has made many valued contributions to Petersburg throughout his career and, in retirement, has maintained his commitment to his city and its unique history; and

WHEREAS, William Patton was reared in the Appalachian Mountains of North Carolina and began his career as a federal bank examiner; he and his wife, Virginia, settled in Petersburg in 1956, and he continued in the banking industry, eventually retiring as chairman of the board and chief executive officer of Virginia First Savings Bank; and

WHEREAS, an active volunteer and leader in the community, William Patton has belonged to many civic and community organizations and has made numerous contributions to the betterment of Petersburg; he was president of the Petersburg Chamber of Commerce and the Petersburg Industrial Authority; and

WHEREAS, as president and chair of the local YMCA, he spearheaded a capital campaign to construct a new facility, and in honor of his many contributions, the William A. Patton Fitness Center addition was named for him; and

WHEREAS, William Patton was the first chair of Citizens for Progress, a biracial association that promoted community service for all residents of the Petersburg area, and served in leadership positions in other community organizations; and

WHEREAS, historic preservation has been a key focus of William Patton's civic work; before he retired, he helped to rehabilitate row houses on two streets in Petersburg, and more recently he has initiated other historic preservation projects; and

WHEREAS, William Patton restored Southside Station in Petersburg and reopened it as a market; his restoration of historic buildings on Bollingbrook Street led to more privately funded renovation efforts in the city; and

WHEREAS, other community improvement projects that William Patton supported include the preservation of the Peter Jones Trading Station site, the improvements to the Washington Street entrance to the City of Petersburg, and the repair of a historic building that suffered tornado damage in 1993; and

WHEREAS, William Patton founded and was president of the Petersburg Foundation, and he was involved in the acquisition of land and subsequent establishment of a nature park along the Appomattox River, which was named Patton Park in his honor; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend William A. Patton for his many contributions to Petersburg in the last 60 years; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to William A. Patton as an expression of the General Assembly's respect and admiration for his dedication to the betterment of Petersburg.

SENATE JOINT RESOLUTION NO. 201

Commending Holly Lynne McKinley Schmidt.

Agreed to by the Senate, March 7, 2016

Agreed to by the House of Delegates, March 8, 2016

WHEREAS, Holly Lynne McKinley Schmidt of Herndon, was honored by the National Society Daughters of the American Revolution as the 2015 national Outstanding Junior Member for her exemplary service to the organization; and

WHEREAS, Holly Lynne Schmidt is a 15-year member of the National Society Daughters of the American Revolution (DAR) and belongs to the Thomas Nelson Chapter; she has served with distinction in leadership positions at the chapter, state, and national levels, and currently is the chapter's regent; and

WHEREAS, members of the DAR are descendants of the men and women who aided in the fight for American independence; the organization enthusiastically supports patriotic, historic, and educational efforts across the country; and

WHEREAS, in addition to her work with the Thomas Nelson Chapter of the DAR, Holly Lynne Schmidt has been very involved with the state DAR and has served as delegate, page, club president, vice chair, and chair; and

WHEREAS, Holly Lynne Schmidt has been a leader with the DAR's national organization, serving as vice chair and cochair of pages; she is a longtime leader with the Children of the American Revolution and currently is its senior state president for Virginia; and

WHEREAS, in her professional life, Holly Lynne Schmidt is a lead technologist for Booz Allen Hamilton, a management and technology consulting firm, and is extensively involved in the community; she belongs to several professional organizations, volunteers with the Girl Scouts of America, and worships at Andrew Chapel United Methodist Church; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Holly Lynne McKinley Schmidt of Herndon for being named the 2015 national Outstanding Junior Member of the National Society Daughters of the American Revolution; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Holly Lynne McKinley Schmidt as an expression of the General Assembly's congratulations and admiration for her dedication to the National Society Daughters of the American Revolution and for her outstanding achievement.

SENATE JOINT RESOLUTION NO. 202

Commending the Virginia State University men's basketball team.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Virginia State University men's basketball team won the Central Intercollegiate Athletic Association Tournament Championship in 2016, securing the team's first conference championship title in more than 25 years; and

WHEREAS, after finishing the regular season with a 20–5 overall record and a 14–2 conference record, the Virginia State University Trojans defeated the two-time defending champion Livingstone College Blue Bears by a score of 89–79 to claim the Central Intercollegiate Athletic Association (CIAA) Tournament Championship title; and

WHEREAS, Kevin Williams was named Most Valuable Player of the CIAA Tournament and was named to the CIAA All-Tournament team, along with fellow Virginia State University Trojans Elijah Moore and Javon Moore; and

WHEREAS, leading the Virginia State University Trojans to their third consecutive winning season, Head Coach Lonnie Blow, Jr., earned his 100th career win and was named as the 2016 CIAA Coach of the Year; and

WHEREAS, the victory is a testament to the hard work and dedication of all of the student-athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the entire Virginia State University community; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia State University men's basketball team on winning the Central Intercollegiate Athletic Association Tournament Championship in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Lonnie Blow, Jr., head coach of the Virginia State University men's basketball team, as an expression of the General Assembly's admiration for the team's exceptional achievement.

SENATE JOINT RESOLUTION NO. 203

Celebrating the life of Jerald Teresa Hickman-Joyner.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Jerald Teresa Hickman-Joyner, a retired administrator for the Newport News Redevelopment & Housing Authority who was a leader in her community, a woman of great faith, and a devoted wife and mother, died on February 21, 2016; and

WHEREAS, Jerald "Jerri" Hickman-Joyner was born in Brooklyn, New York, and was reared in Amityville, New York; she graduated from Andrew Jackson High School, where she played basketball and was a member of the majorette team; and

WHEREAS, Jerri Hickman-Joyner attended Pace University and the School of Mortgage Banking at Northwestern University; she was certified as an economic development finance professional by the National Development Council; and

WHEREAS, early in her career, Jerri Hickman-Joyner worked in the banking industry in New York; she relocated to Hampton in 1979 and became the commercial loan program manager for the Newport News Redevelopment & Housing Authority (NNRHA), playing a key role in the city's efforts to provide affordable housing; and

WHEREAS, the Tidewater Peninsula was Jerri Hickman-Joyner's home for the rest of her life; she contributed her talents to many organizations, including serving as president of the Hampton Roads Conference of Minority Public Administrators and the Newport News Neighborhood Federal Credit Union, and she was a member of the American Society of Public Administrators; and

WHEREAS, a strong advocate for home ownership and community improvement, Jerri Hickman-Joyner volunteered her time as president of Peninsula Habitat for Humanity and served on the boards of Girls Inc. of the Greater Peninsula, the YWCA of South Hampton Roads, and the Boys and Girls Club of the Virginia Peninsula Greater Hampton Roads Unit; and

WHEREAS, Jerri Hickman-Joyner retired from the NNRHA in 2011 after 31 years of service as a commercial loan officer; she and her husband opened Pembroke Autobody Shop and in their spare time they enjoyed fishing, riding in their convertible, and taking cruises; and

WHEREAS, a woman of great faith, Jerri Hickman-Joyner worshipped at Providence Baptist Church and later joined Sixth Mount Zion Baptist Temple; throughout her life, she was known for her work in the community and willingness to lend a hand; and

WHEREAS, Jerri Hickman-Joyner will be greatly missed and fondly remembered by her husband, Melvin; children, Jasmine and Ashley, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Jerald Teresa Hickman-Joyner, an administrator for the Newport News Redevelopment & Housing Authority, whose work benefited many families in Newport News, and a community volunteer, a woman of great faith, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jerald Teresa Hickman-Joyner as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 204

Commending Edythe Frankel Kelleher.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Edythe Frankel Kelleher, who has admirably and tirelessly served as a member of the Vienna Town Council for 14 years, will step down on June 30, 2016; and

WHEREAS, a Vienna homeowner since 1994 and desiring to serve her community, Edythe Kelleher has contributed her time and talents to many community and civic groups, both locally and at the state level; and

WHEREAS, Edythe Kelleher was elected to the Vienna Town Council in 2002 and is its longest-serving member; she has focused on controlling the town's tax rates and has initiated many conservation, environmental, and public safety measures; and

WHEREAS, Edythe Kelleher founded the Vienna Green Expo, a showcase for saving money and energy; the Friends of Vienna Town Green, which raises money to fund a popular summer concert series, and she initiated Vienna's Community Garden, an education and sustainability project; and

WHEREAS, Edythe Kelleher supported increased enforcement of erosion and sedimentation controls at construction projects in the town, and she supported new sidewalks, traffic calming measures, and community policing initiatives; and

WHEREAS, earlier in her career, Edythe Kelleher was chair of the Hunter Mill Land Use Advisory Committee, president of the South Vienna Association, and participated in a capital campaign for the Vienna Volunteer Fire Department; and

WHEREAS, Edythe Kelleher was president of parent-teacher associations at two local schools and currently is a member of the Halloween Parade Committee, the Vienna Tysons Regional Chamber of Commerce, the Vienna Host Lions Club, and the auxiliary of American Legion Post 180; and

WHEREAS, at the state level, Edythe Kelleher has contributed her time and talents as an executive board member of the Virginia Municipal League, serving as chair of the Finance Committee and vice chair of the Legislative Committee; and

WHEREAS, Edythe Kelleher is currently executive director of the Southeast Fairfax Development Corporation; she earned a bachelor's degree from Johns Hopkins University and a master's degree from The George Washington University, and she is a graduate of the Sorensen Institute for Political Leadership at the University of Virginia; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Edythe Frankel Kelleher for her many years of outstanding service as a member of the Vienna Town Council; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Edythe Frankel Kelleher as an expression of the General Assembly's respect and admiration for her dedicated work on behalf of the people of Vienna and the Commonwealth.

SENATE JOINT RESOLUTION NO. 205

Commending Inova Mount Vernon Hospital.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Inova Mount Vernon Hospital in Alexandria has provided a vast array of health care services to the citizens of Northern Virginia for 40 years through its acute care and emergency department services, as well as orthopedic and rehabilitation services; and

WHEREAS, Inova Mount Vernon Hospital opened its doors on October 26, 1976, as a 235-bed acute care hospital; and

WHEREAS, in 2015, Inova Mount Vernon Hospital was ranked the sixth Best Hospital in the Washington, D.C., metropolitan area by *U.S. News & World Report*; and

WHEREAS, since 1986, the Commission on the Accreditation of Rehabilitation Facilities has bestowed full three-year accreditations upon Inova Rehabilitation Center for both its inpatient and outpatient rehabilitation programs; and

WHEREAS, Inova Mount Vernon Hospital houses a state-of-the-art rehabilitation center, including "Easy Street," a city street replica offering simulations of real-life settings to help patients recovering from strokes and brain and spinal cord injuries develop skills to regain self-sufficiency; and

WHEREAS, each year, Inova Mount Vernon Hospital treats nearly 1,000 people in Northern Virginia through their inpatient rehabilitation program and more than 700 people in outpatient rehabilitation; and

WHEREAS, Inova Mount Vernon Hospital has been designated as a Primary Stroke Center by The Joint Commission, the national accrediting organization for hospitals; The Joint Commission's Gold Seal of Approval recognizes facilities that make exceptional efforts to meet the unique needs of stroke patients and foster better outcomes for stroke care; and

WHEREAS, *U.S. News & World Report* has rated Inova Mount Vernon "high performing" in knee replacement in the U.S. News Common Care ratings; these ratings evaluate more than 4,500 hospitals nationwide on common inpatient procedures and conditions, with only approximately 10 percent of the hospitals earning the "high performing" rating; and

WHEREAS, Inova Joint Replacement Center has earned a Gold Seal of Approval for outstanding care in joint replacement procedures from The Joint Commission; Inova Mount Vernon Hospital is one of only six programs in Virginia to receive this distinction; and

WHEREAS, Inova Mount Vernon Hospital is home to the Dorothea R. Fisher Wound Healing Center, the first specialized resource for wound healing in the Washington, D.C., metropolitan area; and

WHEREAS, Inova Mount Vernon Hospital operates the Hyperbaric Oxygen Therapy program, the only program in Northern Virginia accredited by the Undersea and Hyperbaric Medical Society and one of just 600 in the United States to carry this quality accreditation; and

WHEREAS, Inova Mount Vernon Hospital provides a wide range of surgical, medical, and critical care services including cardiac rehabilitation, behavioral health, oncology, emergency medicine, breast health, and dialysis care; and

WHEREAS, Inova Mount Vernon Hospital is currently a 237-bed hospital with a staff of approximately 1,015 people, with 532 affiliated physicians who treated patients in 11,117 inpatient admissions, 2,826 inpatient surgeries, 1,443 outpatient surgeries, and 42,437 emergency department visits during 2015; and

WHEREAS, Inova Mount Vernon Hospital is dedicated to serving the community by providing high-quality, patient-centered care; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Inova Mount Vernon Hospital for 40 years of outstanding contributions to the health and well-being of the citizens of the Commonwealth; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Inova Mount Vernon Hospital as an expression of the General Assembly's admiration for its dedication in establishing and maintaining a high standard for health care in Virginia.

SENATE JOINT RESOLUTION NO. 206

Commending Mount Zion Baptist Church.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, for 150 years, Mount Zion Baptist Church in Farnham has served the Richmond County community by providing opportunities for joyful worship in the Baptist tradition as well as providing spiritual leadership and ministry; and

WHEREAS, Mount Zion Baptist Church traces its deepest roots to Farnham Baptist Church, which was founded in 1776; during the Civil War, the African American members of Farnham Baptist Church grew in faith and number, and several black deacons were appointed to better serve the congregation; and

WHEREAS, in 1866, after the African American members of the congregation petitioned to form their own faith community in the area, Mount Zion Baptist Church was formed with assistance from the pastor of Farnham Baptist Church, who prepared a covenant and articles of faith; and

WHEREAS, to accommodate its growing membership, Mount Zion Baptist Church erected a new church building in 1869, while under the able leadership of the Reverend Peter Blackwell; and

WHEREAS, in its early years, Mount Zion Baptist Church was rented out to local residents for use as a public school building; and

WHEREAS, Mount Zion Baptist Church works to strengthen the community through ministry programs and generous outreach and educates local youth with regular Sunday School classes; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Mount Zion Baptist Church on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mount Zion Baptist Church, as an expression of the General Assembly's admiration for the church's long legacy of service to the Richmond County community.

SENATE JOINT RESOLUTION NO. 207

Celebrating the life of Charles Edward Camper.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Charles Edward Camper of Fairfax, owner of Camper's Trophies and Awards, a proud veteran of the United States military, an active volunteer and community leader, and a devoted husband and father, died on February 22, 2016; and

WHEREAS, Charles "Eddie" Camper served his country as a member of the United States Marine Corps and later worked as a construction superintendent; after suffering a life-threatening work-related injury, he and his son opened Camper's Trophies and Awards in 1968; and

WHEREAS, the trophy business started small, but with persistence, hard work, and a belief in giving back to the community, Eddie Camper guided Camper's Trophies and Awards as it grew and prospered; in 2015, it was honored as Small Business of the Year by the City of Fairfax; and

WHEREAS, Eddie Camper's good works in Fairfax are legendary; he focused on treating everyone fairly and giving back to the community; he made the city a better place through his involvement and contributions to numerous civic organizations, including the Veterans of Foreign Wars, an area senior center, and the Fairfax Little League, where he was a longtime coach and role model; and

WHEREAS, in addition to his volunteer work in Fairfax, Eddie Camper was very involved in the Urbanna community, where he had a second home; regardless of where he was, Eddie Camper always willingly lent a hand; and

WHEREAS, Eddie Camper, who was predeceased by one son, Charles Edward Camper II, will be greatly missed and fondly remembered by Mary, his wife of 57 years; children, Mark and Cheryl, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Charles Edward Camper of Fairfax, an outstanding role model, small business person, and tireless volunteer, who contributed to the betterment of his community in many ways; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Charles Edward Camper as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 208

Commending the Virginia Urological Society.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, for 28 years, the Virginia Urological Society has promoted the highest standards of urological clinical care through education and research and informed patients through its established public awareness campaigns; and

WHEREAS, thousands of Virginians are affected by bladder diseases and conditions, including urinary incontinence, overactive bladder, underactive bladder, interstitial cystitis, nocturia, urinary tract infections, bladder cancer, urotrauma, and neurogenic bladder; and

WHEREAS, the Virginia Urological Society works tirelessly to treat patients throughout the Commonwealth who suffer from these bladder diseases and conditions; bladder diseases and conditions result in costs estimated at over \$70 billion annually in the United States; and

WHEREAS, bladder diseases and conditions have a significant impact on health and quality of life, contributing to depression, social isolation, falls, loss of self-esteem, hospitalizations, nursing home admissions, and even death; and

WHEREAS, bladder problems are highly stigmatized, and open dialogue generated by awareness and education can reduce the stigma and empower providers and patients to have much-needed conversations about bladder health; and

WHEREAS, the need for increased medical and behavioral research to understand better and maintain bladder health and treat bladder diseases is critical, yet poorly recognized; and

WHEREAS, bladder diseases and conditions are common in military veterans; one in three young women veterans report overactive bladder, stress urinary incontinence, or other painful bladder symptoms; and

WHEREAS, more than three-quarters of veterans with spinal cord injuries suffer from neurogenic bladder, and bladder cancer is the fourth most commonly diagnosed cancer among Veterans Health Administration patients; and

WHEREAS, more than one in 10 military service members injured in Afghanistan and Iraq have urotrauma injuries (damage to the urinary tract or reproductive organs), and while urotrauma may not be as visible as amputations or as widely discussed as post-traumatic stress disorder, it is no less physically and psychologically debilitating; and

WHEREAS, the Virginia Urological Society is celebrating its 28th anniversary as the leading voice on bladder health in the Commonwealth and is working to educate and treat patients and collaborate with other providers to emphasize the importance of early identification and the availability of treatment options; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend the Virginia Urological Society on the occasion of its 28th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia Urological Society as an expression of the General Assembly's admiration for the organization's work for the last 28 years to help raise awareness and educate patients throughout the Commonwealth on the importance of bladder health.

SENATE JOINT RESOLUTION NO. 209

Celebrating the life of the Honorable Thomas Jack Bondurant, Sr.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, the Honorable Thomas Jack Bondurant, Sr., a respected attorney who served the Lebanon community for many years and a retired judge of the 27th and 29th Judicial Districts of Virginia, died on February 20, 2016; and

WHEREAS, a native of Damascus, Jack Bondurant grew up in Elk Garden and learned the value of hard work and responsibility at a young age while working on the Stuart Land and Cattle Company Farm; and

WHEREAS, Jack Bondurant graduated from Lebanon High School and attended Emory & Henry College, before joining many of the other young men of his generation in service to the nation during World War II; he earned several awards and decorations for his valorous military service, including the Bronze Star Medal and the Purple Heart; and

WHEREAS, after the war, Jack Bondurant finished his undergraduate degree at Emory & Henry College and earned a law degree from the University of Richmond under the GI Bill; and

WHEREAS, Jack Bondurant returned to Lebanon, where he opened a solo legal practice, then started a general practice firm with two other attorneys, offering nearly every legal service the members of the rural community might need; and

WHEREAS, appointed as a judge of the 27th and 29th Judicial Districts of Virginia, Jack Bondurant presided over the General District Courts in the Counties of Bland, Giles, and Russell with great fairness and wisdom for many years; and

WHEREAS, after his well-earned retirement as a judge, Jack Bondurant lived near family members in Salem and Atlanta, Georgia; he and his wife Peggy traveled to all 50 states, every province and territory in Canada, and countries throughout Central and South America, Europe, and North Africa; and

WHEREAS, a man of great integrity, Jack Bondurant served the community and the Commonwealth with the utmost professionalism and dedication; and

WHEREAS, Jack Bondurant will be fondly remembered and greatly missed by his beloved wife, Peggy; children, Betsy and Thomas, Jr., and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of the Honorable Thomas Jack Bondurant, Sr., a respected attorney and former judge of the 27th and 29th Judicial Districts of Virginia; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable Thomas Jack Bondurant, Sr., as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 210

Commending Senior Chief Special Warfare Operator Edward Byers.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Senior Chief Special Warfare Operator Edward Byers, a member of the elite United States Navy SEALs, became the third member of the United States Navy since the Vietnam War to receive the Medal of Honor for his heroic actions during a rescue operation in Afghanistan; and

WHEREAS, a native of Toledo, Ohio, Senior Chief Byers joined the United States Navy in 1998 and completed Basic Underwater Demolition/SEAL training in 2002; he has deployed overseas eight times, including seven tours in combat; and

WHEREAS, in December 2012, Senior Chief Byers participated in a night raid to rescue Dr. Dilip Joseph, an American doctor who had been abducted by the Taliban; Senior Chief Byers and the rescue team traversed mountainous terrain for four hours to reach the doctor's location, a small, one-room building in the remote Laghman Province of Afghanistan; and

WHEREAS, Senior Chief Byers was the second team member into the building and, upon hearing a man speaking in English, located and selflessly shielded the hostage from the ensuing firefight; he identified an enemy combatant nearby and pinned him to the wall with one hand while still covering the hostage; and

WHEREAS, with the hostage secure, Senior Chief Byers, who is trained as a paramedic, helped provide medical assistance to a fellow SEAL who was fatally wounded during the operation; and

WHEREAS, Senior Chief Byers was presented with the Medal of Honor, the nation's highest award, at a special ceremony in Washington, D.C., on February 29, 2016; he had previously earned five Bronze Star Medals and two Purple Hearts and is the 11th living service member to receive the Medal of Honor for action in Afghanistan; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Senior Chief Special Warfare Operator Edward Byers on receiving the Medal of Honor for his valorous actions in service to the nation; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Senior Chief Special Warfare Operator Edward Byers as an expression of the General Assembly's admiration for his exceptional service and sacrifices in defense of the Commonwealth and the United States.

SENATE JOINT RESOLUTION NO. 211

Celebrating the life of David George Helmer.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, David George Helmer of Roanoke, a retired executive for Norfolk Southern Railway, a proud veteran of the United States military, a railroad enthusiast, and an outstanding supporter of organizations in the Roanoke Valley, died on February 21, 2015; and

WHEREAS, David Helmer was born in Watonga, Oklahoma, and graduated from Oklahoma State University; he attended executive development programs at Pennsylvania State University and Harvard University; and

WHEREAS, as a second lieutenant in the United States Army, David Helmer was assigned to the Army Transportation Command in Vietnam and operated truck convoys from 1965 to 1966; he served in the military until 1980, retiring with the rank of major, and was active in the Military Officers Association of America; and

WHEREAS, David Helmer was a longtime employee of Norfolk Southern Railway and was director of costs at the time of his retirement in 2000; he was a passionate rail fan, happily traversing great distances to track live steam engines through the countryside, and he traveled every mile of Amtrak's rail routes; and

WHEREAS, many organizations and civic groups benefited from David Helmer's philanthropy and leadership, including the O. Winston Link Museum, the History Museum of Western Virginia, the Roanoke Valley Central Railway, the Kiwanis Club of Roanoke, North Cross School, and his alma mater, Oklahoma State University, of which he was an ardent supporter and benefactor and provided multiple scholarships; and

WHEREAS, David Helmer, who was known for his determination, dedication, and drive, will be greatly missed and fondly remembered by his wife, Grace; his children, Delta and Chris, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of David George Helmer of Roanoke, a retired executive for Norfolk Southern Railway, a proud veteran of the United States Army, an admired community supporter who generously gave of his time and talents, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of David George Helmer as an expression of the General Assembly's respect for his memory.

SENATE JOINT RESOLUTION NO. 212

Celebrating the life of Frances Vaughan Garland.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Frances Vaughan Garland of Roanoke, who was active in many political organizations, helped to elevate the role of women in politics, and was a community volunteer and leader, a woman of faith, and a devoted wife and mother, died on January 12, 2016; and

WHEREAS, Frances Garland was born in Nottoway County and attended Pan American Business School in Richmond where she met her husband who lived in the same boarding house; the couple moved to Roanoke after they married; and

WHEREAS, when her husband decided to run for Roanoke City Council, Frances Garland embarked on what would become a lifetime of service as a member and leader of political organizations; and

WHEREAS, Frances Garland twice served as president of the Roanoke Republican Women's Club and in 1972 became president of the Virginia Federation of Republican Women; she was a member of the board of the National Federation of Republican Women; and

WHEREAS, Frances Garland's superb organizational skills and professionalism helped pave the way for more women to assume active roles in the political process in the Commonwealth; she held many leadership positions in the state Republican Party, including serving as a member of the State Central Committee and a Presidential Elector in the 1992 presidential election; and

WHEREAS, additionally, Frances Garland received a gubernatorial appointment to the Virginia Commission on the Status of Women, on which she served for eight years; and

WHEREAS, giving back to the community was important to Frances Garland; she belonged to many civic organizations, including the PTA, the Roanoke Women's Club, and the Wesleyan Service Guild; in addition, she taught Sunday School and was honored as Roanoke's Heart Mother in 1966 and as Mother of the Year for Community Affairs in 1974; and

WHEREAS, Frances Garland, who enjoyed gardening, maintaining a beautiful home, sewing, and bridge will be greatly missed and fondly remembered by Bob, her husband of 72 years; her children, Robert, Rebecca, Anita, and Teresa, and their families; and many other family members and friends; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Frances Vaughan Garland of Roanoke, an active member of many political organizations in the Commonwealth, an outstanding community volunteer, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Frances Vaughan Garland as an expression of the General Assembly's respect for her memory.

SENATE JOINT RESOLUTION NO. 213

Commending Carl Lum.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Carl Lum strengthened the Williamsburg community and enhanced entertainment and leisure opportunities for both residents and visitors as park president of Busch Gardens Williamsburg and Water Country USA; and

WHEREAS, previously serving as vice president of finance at Busch Gardens Tampa Bay, Carl Lum joined Busch Gardens Williamsburg and Water Country USA as park president in 2010; under his leadership, both parks enjoyed record performance and significant growth; and

WHEREAS, Carl Lum oversaw major developments at Busch Gardens Williamsburg and Water Country USA, including the opening of the Mach Tower, Verbolten, London Rocks, Tempesto, Vanish Point, and Colossal Curl attractions; he expanded popular seasonal events, such as Christmas Town and Howl-O-Scream, and introduced the Food and Wine Festival and Bier Fest; and

WHEREAS, thanks in part to Carl Lum's leadership and vision, Busch Gardens Williamsburg has been voted the World's Most Beautiful Amusement Park for 25 consecutive years by the members of the National Amusement Park Historical Association; and

WHEREAS, admired for his open-door management style, Carl Lum cultivated mutual respect among team members at all levels and relished the opportunity to converse with guests and gain honest feedback on the parks; and

WHEREAS, Carl Lum was an active leader throughout the Williamsburg area, serving as chair of the Greater Williamsburg Chamber and Tourism Alliance and the Williamsburg Area Destination Marketing Committee, among other organizations, and successfully helped to promote Christmas in Williamsburg; and

WHEREAS, in recognition of his outstanding leadership of Busch Gardens Williamsburg and Water Country USA, Carl Lum was named park president of SeaWorld and Aquatica in San Antonio, Texas, in 2016; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Carl Lum for his service to the Williamsburg community as park president of Busch Gardens Williamsburg and Water Country USA; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Carl Lum as an expression of the General Assembly's admiration for his contributions to the residents of and visitors to the Williamsburg area.

SENATE JOINT RESOLUTION NO. 214

Commending Robert A. Stalzer.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Robert A. Stalzer, a leader in the use of public-private partnerships to implement planning decisions and build facilities and communities, has been named to the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in urban planning; and

WHEREAS, Robert Stalzer was recognized by the American Institute of Certified Planners (AICP) in the category of professional practice; being honored as a member of the AICP's College of Fellows is the profession's highest honor; and

WHEREAS, AICP Fellows have shown excellence in professional practice, teaching and mentoring, research, public and community service, and leadership; they have made positive and lasting contributions to the planning profession, which works to create communities that offer better choices for where and how people live; and

WHEREAS, Robert Stalzer has extensive experience in helping organizations to come together to make positive decisions for communities; he played a key role in the planning and establishment of the 100-acre West Ox Complex in Fairfax County, a \$250 million communications, emergency management, and transportation operations facility jointly owned and operated by Fairfax County and the Commonwealth of Virginia; and

WHEREAS, Robert Stalzer initiated and led the drafting of the 2015 *Strategic Plan to Facilitate the Economic Success of Fairfax County*, which included more comprehensive strategies than are traditionally incorporated in economic development initiatives; it was the first plan of its kind adopted by the Fairfax County Board of Supervisors; and

WHEREAS, additionally, Robert Stalzer is a leader in creating tools that help communities make positive planning decisions regarding issues such as capital improvements and the establishment of new facilities, including parks and recreation areas; and

WHEREAS, Robert Stalzer, who earned a bachelor's degree from Clark University and master's degrees from the University of Oklahoma and Syracuse University, has influenced government officials from across the Commonwealth as a teacher of planning and public administration at Virginia Polytechnic Institute and State University and George Mason University; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby commend Robert A. Stalzer for being named a member of the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in urban planning; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Robert A. Stalzer as an expression of the General Assembly's admiration and congratulations for his leadership and exemplary accomplishments that have helped define the places where Virginians live and work.

SENATE JOINT RESOLUTION NO. 215

Celebrating the life of Tiffany May Joslyn.

Agreed to by the Senate, March 10, 2016

Agreed to by the House of Delegates, March 10, 2016

WHEREAS, Tiffany May Joslyn and her brother, Derrick Thomas Joslyn, died unexpectedly and tragically on March 5, 2016; and

WHEREAS, Tiffany Joslyn was a passionate and caring person who loved animals, and she served as past president of the Virginia Partisans Gay and Lesbian Democratic Club and PAC that led the way in Virginia by endorsing pro-equality Democrats in elections; she helped transition it to the LGBT Democratic Caucus as it is now known; and

WHEREAS, Tiffany Joslyn was a vice president and past president of the Arlington Gay and Lesbian Alliance, the oldest continuously operating LGBT organization in the Commonwealth of Virginia, as well as a member of the Arlington County Human Rights Commission; and

WHEREAS, Tiffany Joslyn played a very active role in the Arlington Young Democrats, including serving as chair of its LGBT Caucus, and the Arlington County Democratic Committee, and in 2010 she managed Sally Baird's successful school board campaign; and

WHEREAS, Tiffany Joslyn graduated from Clark University in 2004, earning her bachelor of arts degree in government with a concentration on law, ethics and public policy; and

WHEREAS, Tiffany Joslyn graduated from the George Washington University Law School in 2007 and studied at the Oxford International Human Rights Law Program; and

WHEREAS, Tiffany Joslyn clerked for the Honorable John Fisher of the District of Columbia Court of Appeals in addition to working with other respected organizations and firms, such as the Equal Employment Opportunity Commission, the Appellate Division of the United States Attorney's Office, and Spriggs and Hollingsworth; and

WHEREAS, Tiffany Joslyn furthered her civic knowledge by participating in the Sorensen Institute for Political Leadership in 2011; and

WHEREAS, Tiffany Joslyn served as counsel for white collar crime policy at the National Association of Criminal Defense Lawyers for six years; and

WHEREAS, Tiffany Joslyn worked as a deputy chief counsel for the House Judiciary Crime Subcommittee in the United States House of Representatives, a position she began in 2015 and considered her dream job; and

WHEREAS, Tiffany Joslyn was just 33 years old and her brother, Derrick, was only 28 years old when their lives were prematurely taken; and

WHEREAS, Tiffany Joslyn will be fondly remembered and greatly missed by numerous family members and friends throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the General Assembly hereby note with great sadness the loss of Tiffany May Joslyn, a beloved Arlingtonian, and her brother, Derrick Thomas Joslyn; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Tiffany May Joslyn and Derrick Thomas Joslyn as an expression of the General Assembly's respect for their memory.

SENATE RESOLUTION NO. 1

Commending Poole's Funeral Home.

Agreed to by the Senate, January 14, 2016

WHEREAS, Poole's Funeral Home in Poolesville has provided compassionate, dignified, and devoted service to the residents of Surry County for 125 years, making it the oldest business in continuous operation in Surry County; and

WHEREAS, Poole's Funeral Home was founded in 1890 by Merritt Bains Poole; located on old Route 10, the funeral home primarily served the African American community in the area; and

WHEREAS, in its early days, Poole's Funeral Home transported coffins in a horse-drawn cart; in 1893, the funeral home upgraded to a horse-drawn hearse, which is still in the Poole family's possession and is used for special events; and

WHEREAS, in the 1920s, Poole's Funeral Home moved to a two-story building at the corner of Moonlight Road; Merritt Poole's children, Artis and Olandis, inherited ownership of the business in 1949; and

WHEREAS, Artis Poole and Olandis Poole, along with his son Earnest, sought new ways to better serve the Surry County community and began using the funeral home's hearse as an ambulance for local residents in need, often free of charge; and

WHEREAS, in 1968, Poole's Funeral Home relocated to a more accessible, single-story ranch house with a 75-person chapel; Joan Ellen Williams Hardy, Artis Poole's daughter, led the business from 1970 to 1995, when her own daughter, Sabrina Hardy-Newby, took over; and

WHEREAS, in 2015, Poole's Funeral Home remains one of the most respected funeral homes in the region; Earnest Poole still serves as gravedigger, and under Sabrina Hardy-Newby's leadership the funeral home began offering notary services and preneed programs; and

WHEREAS, the Surry County African American Heritage Society hosted a banquet at the Surry County Community Center on August 23, 2015, to celebrate Poole's Funeral Home's contributions to the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Poole's Funeral Home, a valued family-operated business in Surry County, hereby be commended on the occasion of its 125th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sabrina Hardy-Newby, manager and director of Poole's Funeral Home, as an expression of the Senate of Virginia's admiration for Poole's Funeral Home's dedicated service to the residents of Surry County.

SENATE RESOLUTION NO. 2

Commending Emmaus Baptist Church.

Agreed to by the Senate, January 21, 2016

WHEREAS, for 150 years, Emmaus Baptist Church in Goochland County has provided spiritual leadership, opportunities for joyful worship, and generous community outreach; and

WHEREAS, Emmaus Baptist Church traces its roots to 1865, when members of the community organized prayer services in the area; the congregation later built and expanded a small cabin for services; and

WHEREAS, Emmaus Baptist Church moved to its present location in the late 1880s; with help and generous donations from members of the community, the church was able to grow and thrive in the early 1900s; and

WHEREAS, in the first half of the twentieth century, Emmaus Baptist Church expanded its ministries and community outreach programs to better serve the congregation and other local residents; and

WHEREAS, in 1953, Emmaus Baptist Church completed plans to construct a new, modern sanctuary, which was dedicated in 1959; the church continued to grow over the next two decades, adding education rooms and a fellowship hall as well as new ministries and worship services; and

WHEREAS, as one of the oldest historically black churches in Goochland County, Emmaus Baptist Church has hosted countless weddings, funerals, appreciation services, and baptisms in its 150-year history; and

WHEREAS, Emmaus Baptist Church has inspired numerous individuals to take up the calling of religious service; many former members of the congregation have gone on to share the goodwill and fellowship of their home church as pastors throughout the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That Emmaus Baptist Church hereby be commended for its many contributions to the residents of Goochland County on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Emmaus Baptist Church as an expression of the Senate of Virginia's admiration for the church's long tradition of service to the community.

SENATE RESOLUTION NO. 3

Celebrating the life of Robbin Thompson.

Agreed to by the Senate, January 21, 2016

WHEREAS, Robbin Thompson, an acclaimed singer-songwriter with a passionate following in the Southeastern United States and the coauthor of the official popular state song of the Commonwealth, "Sweet Virginia Breeze," died on October 10, 2015; and

WHEREAS, born Robert Wickens Thompson II, Robbin Thompson was a native of Boston and grew up in Melbourne, Florida; he attended Virginia Commonwealth University, where he formed the band Mercy Flight and played with Bruce Springsteen in the band Steel Mill; and

WHEREAS, in 1976, Robbin Thompson released his self-titled debut album, which showcased his vocal talents and passionate songwriting and included several tracks that would become longtime fan favorites; and

WHEREAS, Robbin Thompson wrote "Sweet Virginia Breeze" with Steve Bassett and debuted the song at a concert at Virginia Commonwealth University, then formed a new band and recorded his most successful album, *Two B's Please* in 1980; and

WHEREAS, *Two B's Please* included a new version of "Sweet Virginia Breeze," as well as other hits, including "Candy Apple Red" and "Brite Eyes"; the album sold more than 200,000 units and spent nine weeks on the Billboard and Cash Box music charts; and

WHEREAS, throughout his long, fulfilling career, Robbin Thompson recorded several solo albums, toured the United States, Europe, and Southeast Asia, wrote songs for movie soundtracks, and shared the stage with other music icons, such as Bob Dylan, Bruce Hornsby, Bonnie Raitt, and Crosby, Stills, and Nash; and

WHEREAS, Robbin Thompson often wrote songs about life on the Chesapeake Bay, and his success inspired generations of Virginia artists; he had served as the co-owner and vice president of In Your Ear Music and Video Production in Richmond since 1990; and

WHEREAS, Robbin Thompson was honored in June 2014 by Richmond CenterStage with the Renaissance Award, and he received further acclaim on March 26, 2015, when "Sweet Virginia Breeze" became the official popular state song; and

WHEREAS, a loving father and grandfather, Robbin Thompson will be fondly remembered and greatly missed by his wife of 41 years, Vicki; daughters, Rikki and Wrenn, and their families; his mother, Maybird; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Robbin Thompson, an accomplished singer-songwriter who contributed to the cultural landscape of the Commonwealth and the United States; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Robbin Thompson as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 4

2016 Operating Resolution.

Agreed to by the Senate, January 13, 2016

RESOLVED by the Senate of Virginia, That the Comptroller is directed to issue his warrants on the Treasurer, payable from the contingent fund of the Senate to accomplish the work of the Senate of Virginia as reported by the Clerk of the Senate to the Senate Rules Committee during the 2016 Session. Necessary payments to cover salaries of temporary employees and the Pages, per diem for legislative assistants who establish a temporary residence, per diem for Pages and certain employees designated by the Clerk and reported to the Chair of the Senate Rules Committee, as well as other contingent and incidental expenses, will be certified by the Clerk of the Senate or her designee. Per diem for orientation will be paid as approved by the Clerk.

SENATE RESOLUTION NO. 5

Commending Rachel Price.

Agreed to by the Senate, January 14, 2016

WHEREAS, Rachel Price, an outstanding educator who inspires and motivates students to achieve greatness and who works to enhance the field of education, was named Cumberland County Public Schools Teacher of the Year in June 2015; and

WHEREAS, a 16-year veteran of Cumberland County Schools, Rachel Price teaches fourth-grade science class at Cumberland County Elementary School; her students routinely set high standards in all areas of achievement; and

WHEREAS, known for her innovative teaching methods, Rachel Price utilizes technology and other techniques to ensure that students develop practical, modern learning skills; and

WHEREAS, Rachel Price is admired for her positive leadership style both in and out of the classroom; she displays a willingness to assist her fellow teachers and is an active volunteer in the community and her church; and

WHEREAS, previously named the Cumberland County Elementary School Teacher of the Year twice, Rachel Price represented Cumberland County in the regional Teacher of the Year competition; now, therefore, be it

RESOLVED by the Senate of Virginia, That Rachel Price hereby be commended on being named Cumberland County Public Schools Teacher of the Year in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Rachel Price as an expression of the Senate of Virginia's admiration for her dedication to her students and service to Cumberland County.

SENATE RESOLUTION NO. 6

Commending Laurie Corker.

Agreed to by the Senate, January 14, 2016

WHEREAS, Laurie Corker, an outstanding educator who strives to make a difference in the lives of her students and who works to enhance the field of education, was named Louisa County Public Schools Teacher of the Year in May 2015; and

WHEREAS, having worked for Louisa County Public Schools for 24 years, Laurie Corker began her career at Jouett Elementary School and has worked for nine years at Thomas Jefferson Elementary School, where she currently teaches fifth-grade mathematics; and

WHEREAS, Laurie Corker cultivated a passion for education while studying mathematics at Grove City College and made it her mission to help students better understand difficult subjects; and

WHEREAS, Laurie Corker shows unparalleled dedication to her students, ensuring that they build a strong foundation for lifelong learning, not only by retaining mathematical formulas but also by understanding how such concepts were developed and why they work; and

WHEREAS, Laurie Corker is admired for her ability to engage students and make learning fun; she is a respected leader both in and out of the classroom and is an active volunteer in the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Laurie Corker hereby be commended on being named Louisa County Public Schools Teacher of the Year in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Laurie Corker as an expression of the Senate of Virginia's admiration for her dedication to her students and for her service to Louisa County.

SENATE RESOLUTION NO. 7

Commending Kira Roberts.

Agreed to by the Senate, January 14, 2016

WHEREAS, Kira Roberts, an outstanding educator and mentor who builds connections with her students on a personal level and who works to enhance the field of education, was named Lynchburg City Public Schools Teacher of the Year in May 2015; and

WHEREAS, a seven-year veteran of Lynchburg City Public Schools, Kira Roberts teaches fifth-grade students at Robert S. Payne Elementary School, where she has worked for three years; she is a firm believer in how a good education can help her students strengthen the community one day; and

WHEREAS, Kira Roberts strives to listen to and understand each student's perspective and acts as a positive mentor and leader in and out of the classroom; she initiated the FACE team to help teachers and administrators engage and interact with the parents and families of their students; and

WHEREAS, in 2015, Kira Roberts received grants focusing on the Daily 5 Reading Program, the Exercise Ball Seating program, and the Mobile Math Manipulatives program to improve home math skills; she continues to research innovative teaching methods; and

WHEREAS, respected by her peers for her wealth of institutional knowledge, Kira Roberts serves as the facilitator of best practices throughout the school system, allowing teachers to share methods and techniques; now, therefore, be it

RESOLVED by the Senate of Virginia, That Kira Roberts hereby be commended on being named Lynchburg City Public Schools Teacher of the Year in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kira Roberts as an expression of the Senate of Virginia's admiration for her dedication to her students and for her service to the City of Lynchburg.

SENATE RESOLUTION NO. 8

Commending Virginia Staton.

Agreed to by the Senate, January 14, 2016

WHEREAS, Virginia Staton, an outstanding educator who works to ensure that students are fully engaged in the learning process and who works to enhance the field of education, was named Fluvanna County Public Schools Teacher of the Year in May 2015; and

WHEREAS, backed by 23 years of teaching experience, Virginia Staton serves as chair of the Social Studies Department and teaches sixth-grade language arts at Fluvanna County Middle School; and

WHEREAS, Virginia Staton serves as a member of the Gifted and Talented Advisory Committee and works directly with students as a case manager, ensuring that her charges are sufficiently challenged by the curriculum; and

WHEREAS, a leader in and out of the classroom, Virginia Staton is a staff representative for the local parent-teacher organization and strives to build meaningful relationships among teachers and administrators and the community; and

WHEREAS, respected by her students and peers alike for her positive attitude, insightful wisdom, and innovative problem-solving skills, Virginia Staton is an invaluable member of both the school system and the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Virginia Staton hereby be commended on being named Fluvanna County Public Schools Teacher of the Year in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Virginia Staton as an expression of the Senate of Virginia's admiration for her dedication to her students and for her service to Fluvanna County.

SENATE RESOLUTION NO. 9

Commending Metropolitan Baptist Church.

Agreed to by the Senate, January 14, 2016

WHEREAS, in 2015, Metropolitan Baptist Church celebrated 100 years of providing spiritual leadership, opportunities for joyful worship and fellowship, and generous outreach to the Petersburg community; and

WHEREAS, founded in 1915 by members of First Baptist Church, Metropolitan Baptist Church originally met on Harrison Street in the Old Bush Building; and

WHEREAS, Metropolitan Baptist Church relocated several times throughout the years, settling at its current location on Halifax Street in 1977; and

WHEREAS, to serve better the growing congregation and expanding ministries, including a daycare program, Metropolitan Baptist Church completed work on its current building in 2010; and

WHEREAS, Metropolitan Baptist Church has benefited from the wise and able leadership of seven pastors—Eli Tarte, J.L. Keiser, David A. Goodwyn, Bruce E. Mitchell, Leofric W. Thomas, Sr., William M. Bland, Jr., and Lamont A. Hobbs; now, therefore, be it

RESOLVED by the Senate of Virginia, That Metropolitan Baptist Church hereby be commended on the occasion of its 100th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Lamont A. Hobbs, pastor of Metropolitan Baptist Church, as an expression of the Senate of Virginia's admiration for its contributions to the Petersburg community.

SENATE RESOLUTION NO. 10

Commending 31st Street Baptist Church.

Agreed to by the Senate, January 14, 2016

WHEREAS, 31st Street Baptist Church in Richmond celebrated 100 years in 2015 as a place of worship where faith is formed and nurtured, social justice and racial equality are in the forefront, and caring for those in need is a core value; and

WHEREAS, the origins of 31st Street Baptist Church arose from the work of a national religious organization which believed that uniting and strengthening churches would help thwart discrimination; Fountain Baptist Church in Richmond was established in 1899 during this movement; and

WHEREAS, some members of Fountain Baptist Church left in 1912 due to internal differences; that group held worship services nearby, and after Fountain Baptist Church went into foreclosure, four members of the breakaway group signed a mortgage for the building on March 20, 1915, which is celebrated as the founding date of 31st Street Baptist Church; and

WHEREAS, Deacon William H. Hewlett and his wife are considered the mother and father of 31st Street Baptist Church, as they mortgaged their home to raise funds to purchase the building; their images were etched into a window of the original house of worship; and

WHEREAS, the Reverend Robert C. Williams became the first pastor of 31st Street Baptist Church and served until 1917; during the church's early years it began to emerge as a leading voice in the Church Hill community; and

WHEREAS, throughout the twentieth century, additions and renovations were made to 31st Street Baptist Church, and church ministries and organizations were expanded, especially under the leadership of the Reverend Isaiah Henry Hines, who was pastor for 35 years; and

WHEREAS, in 1966, a fire at 31st Street Baptist Church destroyed the building, but the faith and determination of its members remained strong throughout the rebuilding process; worshippers met at a nearby school until the church reopened in 1969; and

WHEREAS, the people of 31st Street Baptist Church have been blessed with a series of strong and forward-looking leaders, including the Reverend Dr. Darrel Rollins, who led the church as it embarked on its largest expansion and established more than 50 ministries, including a program to assist senior citizens, a clothes closet, and a nutrition center; and

WHEREAS, the motto of 31st Street Baptist Church, "Combining Relevance with Reverence," was adopted when the Reverend Rollins was pastor; he served from 1982 until 2007 and was a well-respected academician, activist, preacher, and mentor; and

WHEREAS, the Reverend Dr. Morris G. Henderson, who succeeded the Reverend Rollins, leads the church as it enters its second century; he focuses on "Promoting Education, Arts, Culture, and the Environment" or P.E.A.C.E., which was added to the church's motto; and

WHEREAS, 31st Street Baptist Church has thrived as a place of worship and praise and has grown and changed with the times, humbly and gratefully serving the people of Church Hill and Richmond—"Cultivating P.E.A.C.E. by Combining Relevance with Reverence"; now, therefore, be it

RESOLVED by the Senate of Virginia, That 31st Street Baptist Church hereby be commended on the occasion of its 100th anniversary of providing joyous worship, community leadership, and unflinching help to those in need; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. Morris G. Henderson, senior pastor of 31st Street Baptist Church, as an expression of the Senate of Virginia's respect and admiration for its many good works and uplifting ministry to the people of Richmond and the Commonwealth.

SENATE RESOLUTION NO. 11

Commending Wes Farkas.

Agreed to by the Senate, January 14, 2016

WHEREAS, Wes Farkas, an outstanding educator and coach and a respected innovator in physical fitness education, was named Goochland County Public Schools Teacher of the Year in May 2015; and

WHEREAS, Wes Farkas cultivated his passion for education while volunteering as a tutor and coach at The College of William and Mary; he has served the community as a teacher for 15 years and currently works at Goochland High School; and

WHEREAS, to prepare his students for success in higher education, careers, and responsible citizenship, Wes Farkas strives to impart the values of teamwork, focus, and self-respect and leads by example in and out of the classroom; and

WHEREAS, in addition to serving as head coach of the varsity baseball team and the Ultimate Frisbee Club, Wes Farkas created the Adventure Games program to facilitate physical activity and student development; and

WHEREAS, Wes Farkas, who is a leader in Goochland Young Life, is an invaluable member of both the school system and the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Wes Farkas hereby be commended on being named Goochland County Public Schools Teacher of the Year in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Wes Farkas as an expression of the Senate of Virginia's admiration for his dedication to his students and for his service to Goochland County.

SENATE RESOLUTION NO. 12

Commending Edward McCann, Jr.

Agreed to by the Senate, January 14, 2016

WHEREAS, Edward McCann, Jr., an outstanding educator and a respected leader in agricultural education, who works to provide unique learning opportunities for his students, was named Appomattox County Public Schools Teacher of the Year in May 2015; and

WHEREAS, with seven years of experience in Appomattox County Public Schools, Edward "Ed" McCann currently serves as an instructor in small animal care, veterinary medicine, agricultural production technology, agricultural production management, agricultural power systems, advanced agricultural mechanics, and foundations of agriculture; and

WHEREAS, Ed McCann manages a 25-acre land lab, where students learn how to raise and show livestock and poultry; as a member of the Central Virginia Livestock Show Board, FFA State Advisory Council, and Appomattox County Public Schools Technical Education Advisory Committee, he is well positioned to provide his students with real-world insights and opportunities; and

WHEREAS, under Ed McCann's leadership, the Agriculture Department at Appomattox County High School has earned numerous awards and accolades from local, state, and national organizations; also, he has received the Virginia Association of Agricultural Educators Teacher of Teachers award; and

WHEREAS, Edward McCann, Jr., was named regional Teacher of the Year and represented Appomattox County Public Schools and all of Region 8 in the Virginia Teacher of the Year competition in October 2015; now, therefore, be it

RESOLVED by the Senate of Virginia, That Edward McCann, Jr., hereby be commended on being named Appomattox County Public Schools Teacher of the Year in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Edward McCann, Jr., as an expression of the Senate of Virginia's admiration for his dedication to his students and for his service to Appomattox County.

SENATE RESOLUTION NO. 13

Commending the Appomattox High School football team.

Agreed to by the Senate, January 21, 2016

WHEREAS, the Appomattox High School football team capped off an undefeated season by winning the 2015 Virginia High School League Group 2A state championship, the first state football title in school history; and

WHEREAS, the Appomattox High School Raiders, who faced a talented team from Clarke County High School, defeated the Eagles 42-6 in the title game which was held on December 12, 2015, at Salem Stadium; and

WHEREAS, championship excitement was in the air early in the morning of the big game; as the Appomattox High School team boarded the bus and began the drive to Salem, fans and well-wishers stood in parking lots and along the highway enthusiastically cheering the team to victory; and

WHEREAS, the Appomattox Raiders held the lead throughout the game; the team was strong and fast; during the entire season the squad had come together as a talented, disciplined unit, and the team's unity and strength were evident; and

WHEREAS, the theme that the Appomattox High School football team adopted for the 2015 season was "Power of One"; Doug Smith, head coach of the Raiders, praised the players' total team effort and cited the group's goal to become better each day; and

WHEREAS, the Appomattox High School football team amassed a 15-0 record for the 2015 season; the group was strong on offense, defense, and special teams; no opponent scored more than 21 points against the Raiders the entire season; and

WHEREAS, the Appomattox High School Raiders knew that the entire community was behind them, and they appreciated the strong support shown by their families, friends, neighbors, classmates, and the faculty and staff; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Appomattox High School football team hereby be commended for winning the 2015 Virginia High School League Group 2A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Doug Smith, head coach of the Appomattox High School football team, as an expression of the Senate of Virginia's congratulations and admiration for its outstanding accomplishment and championship season.

SENATE RESOLUTION NO. 14

Commending the 2016 inductees into the Virginia Sports Hall of Fame.

Agreed to by the Senate, January 14, 2016

WHEREAS, in 1996, the Virginia Sports Hall of Fame was designated the official Sports Hall of Fame of the Commonwealth; and

WHEREAS, the Virginia Sports Hall of Fame and Museum, located in Portsmouth, has honored many of Virginia's exceptional athletes, coaches, and media personalities since its inception; and

WHEREAS, dedicated to honoring, educating, and entertaining its visitors, the Virginia Sports Hall of Fame and Museum inducts individuals who achieve greatness in their field and serves as a nonprofit educational resources center for math, science, health, and character development; and

WHEREAS, the Virginia Sports Hall of Fame is honored to present the Class of 2016 inductees as follows:

The Class of 2016

Charlie Stukes

Charlie Stukes of Chesapeake was a star athlete at Crestwood High School, playing football, basketball, and baseball, and he was a two-sport athlete at the University of Maryland Eastern Shore. He was drafted into the NFL by the Baltimore Colts in 1967 and earned a reputation as a ball hawk, recording eight interceptions in 1971, seven interceptions in 1974, and 32 total interceptions in his career. Charlie Stukes helped the Baltimore Colts win Super Bowl V in 1971, the first Super Bowl after the merger between the NFL and the American Football League.

Marianne Stanley

Marianne Stanley played basketball on the history-making 1972–1974 Immaculata College teams that were inducted into the Naismith Memorial Basketball Hall of Fame in 2004. She went on to coach the Old Dominion University women's basketball team for 10 years; finishing with a record of 268–59, she helped the Monarchs earn national recognition as three-time Association for Intercollegiate Athletics for Women tournament champions. Marianne Stanley also coached teams at the University of Pennsylvania, the University of Southern California, Stanford University, and the University of California, as well as in the Women's National Basketball Association. She was inducted into the Women's Basketball Hall of Fame in 2002.

Dave Rosenfield

Dave Rosenfield was a champion for professional baseball in Norfolk and served as general manager of the Tidewater and Norfolk Tides for nearly 50 years. Under his leadership, the Tides claimed five International League titles. He earned four International League Executive of the Year awards and was inducted into the International League Hall of Fame with the class of 2008. In recognition of his exceptional contributions to professional baseball in the region, he was named King of Baseball by Minor League Baseball in 2004.

Robert Ukrop

Robert Ukrop, a native of Richmond, helped bring Davidson College into the national spotlight with his skill as a soccer player, leading the team to the NCAA Final Four in 1992, when he was named as a first-team All-American and Intercollegiate Soccer Association of America Player of the Year. He began a 12-year career in professional soccer with the Richmond Kickers, with whom he won the 1995 US Open Cup and was named championship MVP, and played with several teams around the country, including the New England Revolution in Major League Soccer. He retired with the Kickers, holding club records for career goals, career assists, career points, and matches.

Rich Murray

Rich Murray graduated from Washington and Lee University in 1971 and began a distinguished 40-year career in sports journalism. He served as public information director at James Madison University and sports information director at the University of Virginia. A founding member of the Virginia Sports Information Directors Association (VASID), Rich Murray was the organization's inaugural president, and in 2007, the VASID named its Excellence in Sports Journalism Scholarship in his honor.

James Farrior

A native of Ettrick, James Farrior was a Parade High School All-America selection at Matoaca High School, before joining the University of Virginia football team. As a linebacker for the Cavaliers, he recorded 381 tackles to rank third on the school's all-time tackles list. James Farrior was selected by the New York Jets with the eighth overall pick in the 1997

National Football League (NFL) Draft and played with the Jets for five seasons before joining the Pittsburgh Steelers as a free agent in 2001. Over the course of his 15-year career in the NFL, he was a two-time Pro Bowl selection and a first-team all-pro selection, and he earned two Super Bowl rings with the Steelers.

Charles Oakley

As a member of the Virginia Union University basketball team, Charles Oakley was named the 1985 National Collegiate Athletics Association (NCAA) Division II Player of the Year, averaging 24.3 points and 17.3 rebounds. He was drafted ninth overall in the 1985 National Basketball Association (NBA) Draft by the Cleveland Cavaliers and went on to play for the Chicago Bulls, New York Knicks, Toronto Raptors, Washington Wizards, and Houston Rockets. Charles Oakley placed in the NBA's top 10 list for rebounds per game five times between 1987 and 1994, and he finished his career with 12,417 points, 12,205 rebounds, and 3,217 assists; now, therefore, be it

RESOLVED by the Senate of Virginia, That Charlie Stukes, Marianne Stanley, Dave Rosenfield, Robert Ukrop, Rich Murray, James Farnior, and Charles Oakley hereby be commended as the 2016 inductees into the Virginia Sports Hall of Fame; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Virginia Sports Hall of Fame and its 2016 inductees as an expression of the Senate of Virginia's congratulations and admiration for the inductees' many contributions to the world of sports.

SENATE RESOLUTION NO. 16

Celebrating the life of Jesse Clingenpeel.

Agreed to by the Senate, January 14, 2016

WHEREAS, Jesse Clingenpeel of Roanoke, a member of the Roanoke Fire-EMS Department, a proud veteran of the United States military, a man of faith, and a devoted husband and friend, died on November 5, 2015; and

WHEREAS, Jesse Clingenpeel, who had dreamed of serving his country since he was a young boy, enlisted in the United States Army when he was 17; he was stationed in Afghanistan when in 2009 he was gravely injured; and

WHEREAS, the recipient of the Purple Heart, Jesse Clingenpeel left active military service because of his combat injuries; after recovering from his wounds, he sought new opportunities to serve the community and joined the Roanoke Fire-EMS Department in 2013; and

WHEREAS, as part of his work for the City of Roanoke as a first responder, Jesse Clingenpeel started attending emergency medical technician classes and was planning to be a paramedic, thus continuing his life's goal to protect and serve; and

WHEREAS, Jesse Clingenpeel was a man of deep faith and a friend to all who knew him; he is remembered for his ability to light up a room with his presence and his friendly demeanor with all people; and

WHEREAS, Jesse Clingenpeel was a devoted husband who will be greatly missed and fondly remembered by his wife, Amber, whom he married in 2013; his parents; and many other family members, friends, and fellow first responders; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jesse Clingenpeel of Roanoke, a proud veteran who served the community as a member of the Roanoke Fire-EMS Department, a man of great faith, and a devoted husband and friend; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jesse Clingenpeel as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 18

Commending the Reverend Anthony Curtis Paige.

Agreed to by the Senate, February 4, 2016

WHEREAS, for 25 years, the Reverend Anthony Curtis Paige has served and strengthened the Lambert's Point community in Norfolk as pastor of First Baptist Church Lambert's Point; and

WHEREAS, Anthony Paige graduated from Stillman College and Virginia Union University School of Theology; he joined First Baptist Church Lambert's Point in 1991 and immediately expanded the church's ministries and created new opportunities for outreach; and

WHEREAS, known for his thought-provoking sermons and spiritual wisdom, Anthony Paige has helped the First Baptist Church Lambert's Point congregation grow together in faith and fellowship; also, he served as longtime secretary of the Virginia State Baptist Convention; and

WHEREAS, under Anthony Paige's leadership, First Baptist Church Lambert's Point completed construction on a worship, education, and mission center to serve better the congregation and other local residents; and

WHEREAS, Anthony Paige is an active leader outside of the church; he supported the establishment of the Village Pointe senior apartment project and served on the Virginia Board of Corrections, the Old Dominion University Board of Visitors, and the Norfolk City Planning Commission, where he worked to preserve the Lambert's Point neighborhood; and

WHEREAS, Anthony Paige has inspired others to answer the call to ministry, and he has ordained and licensed 12 ministers, six of whom went on to earn Master of Divinity degrees; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Anthony Curtis Paige hereby be commended for his service to the community on the occasion of his 25th anniversary as pastor of First Baptist Church Lambert's Point; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Anthony Curtis Paige as an expression of the Senate of Virginia's admiration for his spiritual leadership and devotion to the residents of Lambert's Point.

SENATE RESOLUTION NO. 20

Commending E. I. du Pont de Nemours and Company.

Agreed to by the Senate, January 21, 2016

WHEREAS, in 2015, E. I. du Pont de Nemours and Company, a global science company in Chesterfield County, celebrated the 50th anniversary of Kevlar, one of its flagship products, which has been used in a number of safety and lifesaving applications around the world; and

WHEREAS, E. I. du Pont de Nemours and Company (DuPont) has been an integral part of the Chesterfield County community for more than 80 years; the Spruance Plant is DuPont's largest manufacturing site, both in terms of jobs and capital investment; and

WHEREAS, Kevlar—a lightweight, high-strength, flame-resistant fiber—was invented by DuPont scientist Stephanie Kwolek, a pioneer for women in science, in 1965; Kevlar has found uses in a wide variety of commercial products, from surfboards and tires to communications satellites and other innovative applications; and

WHEREAS, one of the best-known applications for Kevlar has been armor and protective gear, making DuPont a leader in safety products; Kevlar products have saved the lives of thousands of industrial workers, law-enforcement officers, first responders, and members of the military and prevented injuries to thousands of others; and

WHEREAS, DuPont recently invested an additional \$50 million to expand development and production of Kevlar products at the Spruance Plant; new applications of Kevlar continue to evolve, with companies now offering high-performance athletic apparel made from the material; and

WHEREAS, DuPont has supported local programs, such as Rebuilding Together Richmond and science and technology programs for local youths; DuPont employees are encouraged to engage with the community through charitable and civic organizations and activities; and

WHEREAS, DuPont commemorated the 50th anniversary of the invention of Kevlar with a special celebration at the Spruance Plant and by launching the Dare Bigger campaign, which encourages individuals to submit stories about how Kevlar helped their business or changed their lives; now, therefore, be it

RESOLVED by the Senate of Virginia, That E. I. du Pont de Nemours and Company hereby be commended on the occasion of the 50th anniversary of the invention of Kevlar; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to E. I. du Pont de Nemours and Company as an expression of the Senate of Virginia's admiration for the company's contributions to science and the importance of Kevlar in a variety of industries and fields.

SENATE RESOLUTION NO. 22

Establishing the Rules of the Senate.

Agreed to by the Senate, January 13, 2016

RESOLVED by the Senate of Virginia, That the following are adopted as the Rules of the Senate to supersede all previous Rules of the Senate:

RULES OF THE SENATE

I.

Presiding Officer.

1. The presiding officer of the Senate shall be the Lieutenant Governor of the Commonwealth as the President of the Senate in accordance with Article V, Section 14, of the Constitution.

2 (a). There shall be elected by the Senate, on the first day of the session following the election of the Senate, a President pro tempore who shall serve for a term coincident with the member's current term of office and be a senior member in the Senate.

2 (b). In the event of the absence, disability or vacancy in the office of the Lieutenant Governor, the President pro tempore shall carry out the duties of the Lieutenant Governor as presiding officer. ~~Further, the President pro tempore shall be the Chair of the Commission on Interstate Cooperation of the Senate.~~

2 (c). The President pro tempore shall have the right to name in open session, or if he is absent, in writing, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond an adjournment of a daily session, except by unanimous consent of those present.

2 (d). In the event of a vacancy in the office of the Lieutenant Governor, or whenever the powers and duties of the Governor shall devolve upon the Lieutenant Governor, the President pro tempore shall have the right to name, in writing, a Senator to perform the duties of the presiding officer during his absence; and the Senator so named shall have the right to name, in open session, or in writing, if he is absent, a Senator to perform the duties of the presiding officer, but such substitution shall not extend beyond adjournment of a daily session, except by unanimous consent of those present.

3. The presiding officer, after taking the Chair pursuant to these Rules, and a quorum being present, shall cause the Journal of the preceding day to be read. The reading of the Journal may be waived by a majority of those Senators present and voting. The reading of the Journal may be waived at a reconvened session of a special session by at least two members present and voting, only if there is no business to consider in accordance to Article IV, Section 6 of the Constitution of Virginia. Any errors in the entries shall be corrected, and the Journal being found correct, shall be signed by the presiding officer for that day and the Clerk of the Senate. The Journals, when so signed, shall be the official records of the proceedings of the Senate.

4. If any question is put upon a bill or resolution, the presiding officer shall state the same without argument.

II.

Membership, Attendance, and Adjournment.

5. A member of the Senate shall be a Senator elected to represent one of the 40 senatorial districts. A majority of Senators shall constitute a quorum to do business; two may adjourn, and nine may order a call of the Senate, send for absentees, and make any order for their censure or discharge. However, not less than 16 may meet by proclamation of the Governor under the provisions of Article IV, Section 8 of the Constitution. At a special session or a reconvened session of a special session when there is no business to consider in accordance with Article IV, Section 6 of the Constitution of Virginia, two members may convene the Senate, dispense with the reading of the Journal, recess or adjourn the Senate.

6. No Senator shall absent himself from the service of the Senate without leave.

III.

The Pages.

7. The Senate shall elect ~~11~~ 20 Pages ~~representing each of the Congressional districts in accordance with an appointment process approved by the Clerk, in consultation with the Chair of the Committee on Rules, that includes geographical diversity and ensures that each Senator has an appointment for one long (60 days) session and one short (46 days) session during a term.~~ ~~and five~~ Six Pages shall be appointed by the following: one by the Lieutenant Governor; one by the President pro tempore; one by the chair of the caucus of the majority party; one by the majority leader; *one by the chair of the caucus of the minority party*; and one by the minority leader. *The Clerk may also appoint such number of additional Pages as may be required.* The Pages shall be no less than 13 and no more than 14 years of age at the time of election or appointment, shall be residents of the Commonwealth of Virginia, and shall be elected or appointed for a term of one year. No Page shall be eligible for reelection. Any such Page so elected or appointed may be suspended or dismissed for cause by the Clerk of the Senate.

IV.

The Clerk of the Senate.

8 (a). A Clerk of the Senate shall be elected by the Senate for a term of four years and shall thereafter continue in office until another is chosen. The oath of office shall be administered to the Clerk of the Senate by any person qualified by law to administer oaths. If a vacancy in the office of Clerk of the Senate occurs when the General Assembly is not in session, a successor shall be elected by the Committee on Rules to serve until the first day of the next session, at a meeting to be called by the Chair, or in his absence or inability to act, the next senior member of such Committee able and willing to do so. At least five days notice by certified mail of the time, place and purpose of the meeting shall be given all members of the Committee, and, at such meeting, the person receiving the votes of a majority of the members present and voting shall be elected to fill the vacancy.

8 (b). The Clerk of the Senate shall be the custodian of the public seal and design of armorial bearings of the Senate.

8 (c). The Clerk of the Senate shall be the custodian of all records and papers of the Senate and the Clerk shall not suffer any such records or papers to be taken from the Clerk's desk or out of the Clerk's custody by any person except the Chair or the clerk of a Committee, or any Senator on taking receipts for same. Amendments agreed to by the Senate shall be handled only by the Clerk of the Senate, or staff members designated by the Clerk.

8 (d). It shall be the duty of the Clerk of the Senate to refer all bills and resolutions to the appropriate standing Committee or the Committee on Rules as provided in these Rules. If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing committee or the Committee on Rules, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

8 (e). The Clerk of the Senate shall prepare a list of the Senators in order of seniority. Seniority shall be based upon longest continuous service in the Senate. However, if a Senator has previous interrupted service in the Senate, then the

beginning date of such previous Senate service shall qualify the Senator for seniority before those Senators elected at the same time not having previous service in the Senate, and if a Senator has previous service in the House of Delegates then seniority shall be based upon longest continuous service in the House of Delegates and shall qualify the Senator to seniority before those Senators elected to the Senate at the same time not having previous service in the House of Delegates. Senators elected at the same time without previous service in the Senate or House of Delegates shall have their seniority determined by a public drawing of lots, conducted by the Clerk of the Senate, to which all Senators involved shall be invited to attend. After the name of each Senator there shall be indicated the name of the political party under which the Senator was elected or abbreviation of the same; e.g., "Rep." or "Dem." If a Senator was not elected as a nominee of a political party, then such Senator shall be listed as an Independent, or "Ind."; however, if any Senator is elected at a special or general election and such Senator has, prior to such election, declared himself in writing a member of a political party during and prior to such election and the political party of his choice did not hold a convention or call a primary election for such election, such Senator shall be listed as a member of the party of which he declared himself a member.

8 (f). The Clerk of the Senate, after the election of Senators, shall assign chamber desks to the individual Senators with the Senators elected as members of the majority party in the Senate in the chamber area beginning at the south side of the chamber until all such desks have been assigned, and then the Senators elected as members of the minority party in the Senate, and then any Senator not elected as a member of the two major political parties. The Clerk of the Senate shall also assign office space in such buildings as may be made available for the use of the Senate. Whenever feasible, the Clerk of the Senate shall give due consideration in assigning chamber desks and office space to the seniority and request of a Senator. However, the chamber desk or office space of a Senator having immediate prior service in the Senate shall not be reassigned unless he shall so request the Clerk of the Senate.

Should any Senator, however, during his term of office, cease to be a member of the political party of which he was a member at the time of his election either by self-declaration or through other conduct as confirmed by a two-thirds majority of the members elected to the Senate, or if a special election results in a change of political party membership, the Clerk of the Senate, upon such change in political party membership, is authorized to reassign chamber desks and office space accordingly.

8 (g). The area of the General Assembly Building assigned to the members of the Senate, their legislative support staff, the staff of the Senate, the facilities and space for those charged with the maintenance, repair, and security of such building, and such space designated for the news media shall not be utilized or occupied as office space by any other person or persons, except by vote of the Committee on Rules.

8 (h). During the sessions, the Clerk shall provide office supplies for official use by the Senators.

9. The Journal of the Senate shall be daily drawn up by the Clerk of the Senate, and shall be read the succeeding day, unless the reading thereof is waived as provided in these Rules; it shall be printed under the supervision of the Clerk of the Senate and delivered to the Senators without delay.

10 (a). The Clerk of the Senate shall appoint a chief deputy clerk and such staff as necessary to perform the work of the Senate. The Clerk may also appoint such number of ~~messengers~~ *additional Pages* as may be required. The Clerk of the Senate shall also appoint such committee clerks as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules and the Chairs of the several Committees. The Clerk of the Senate shall also appoint such additional committee staff as may be necessary after consultation with, and the approval of, the Chair of the Committee on Rules. All committee clerks so appointed shall remain in the Capitol or other legislative facilities during the daily sessions of the Senate, and committee clerks shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation by the Clerk of the Senate and with the approval of the Chair of each such Committee. Additional committee staff shall be assigned for duties with various standing Committees by the Clerk of the Senate, after consultation with, and the approval of, the Chair on the Committee on Rules and the Chair of the respective Committee. Each clerk shall perform any other duties that the Clerk of the Senate shall require, when not employed by their respective standing Committees. Clerks may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. Additional committee staff may be removed by the Clerk of the Senate, after consultation with, and the approval of, the Chair of the Committee on Rules. The Clerk of the Senate shall have supervision over all employees of the Senate. ~~During sessions, the Clerk shall provide office supplies for official use by the Senators.~~

10 (b). The Clerk of the Senate shall be the clerk to the Committee on Rules.

11 (a). Before reading each bill or resolution by title, the Clerk of the Senate shall announce, either by individual bill or resolution or en bloc, whether it is the first, second, or third time of such reading.

11 (b). The Clerk of the Senate shall keep at the Clerk's desk, during the sittings of the Senate, a calendar which shows the business of the Senate. The Clerk shall ~~have printed and placed on the desk of~~ *make available to* each member, before the assembling of the Senate each day, a calendar of pending bills and resolutions. The Clerk shall prepare a list of all bills and resolutions offered on the preceding day, with the names of the patrons, titles of the bills or resolutions, and the Committees to which the same have been referred under these Rules.

12. It shall be the duty of the Clerk of the Senate, without special order therefor, to communicate to the House of Delegates any action of the Senate upon business coming from the House of Delegates, or upon matters requiring the concurrence of that body, but no such communication shall be made in relation to any action of the Senate while it remains open for consideration.

13. The Clerk of the Senate shall, at the beginning of the term after the election of Senators, have printed ~~and bound with~~ the *Senate* manual and rules, ~~etc.~~, the Constitution of Virginia, and the Constitution of the United States for the use of the Senators. ~~Supplements to said manual shall be issued as circumstances may require.~~

14 (a). Whenever the Clerk of the Senate is absent, the chief deputy clerk appointed pursuant to law and these Rules shall exercise the powers and perform the duties conferred and imposed upon the Clerk of the Senate by law and these Rules, by and with the consent of the Committee on Rules.

14 (b). In the discharge of all the duties assigned to the Clerk, and such other duties as the Clerk may from time to time undertake, the Clerk shall be subject to the direction of the Committee on Rules.

V.

Sergeant-at-Arms and Doorkeepers.

15. A Sergeant-at-Arms shall be elected by the Senate, and shall continue in office at the pleasure of the Committee on Rules for a term not exceeding four years. Except as otherwise provided by these Rules, his duties shall be prescribed by the Committee on Rules.

16. Except by order of the Senate, no Senator shall be taken into custody by the Sergeant-at-Arms on any grounds other than to quell a breach of the peace until the matter is examined by the Committee on Privileges and Elections and reported to the Senate.

17 (a). The Doorkeepers shall be constantly at their post during the daily sessions of the Senate and shall permit no one to enter freely or remain upon the floor of the Senate during the daily session, except the President of the Senate; members of the General Assembly; *and* officers and employees of the Clerk of the Senate and the Clerk of the House of Delegates; ~~and, representatives of the news media in such numbers as may be seated in accommodations provided for them at the press tables. The Committee on Rules shall consider and determine all matters concerning the news media in the Senate Chamber.~~

17 (b). Members of a Senator's family and such persons whom a Senator may invite shall be entitled to seats in a reserved section of the gallery. Representatives of the news media ~~who cannot be accommodated with seats at press tables on the floor~~ may also be entitled to seats in a reserved section of the gallery.

17 (c). Fifteen minutes prior to the convening of every daily session, the Sergeant-at-Arms shall clear the floor of the Senate of all persons other than those who are authorized to be there during each session and shall not permit unauthorized persons upon the floor of the Senate for five minutes following the conclusion of every daily session.

17 (d). Interviews are not allowed in the Senate Chamber during the daily session or during the recesses during the daily session. Interviews in the Senate Chamber shall end 15 minutes prior to the scheduled start of the daily session and shall not commence until five minutes after the adjournment of the daily session.

17 (e). Whenever any person requests an interview with a Senator or the Clerk of the Senate, a Doorkeeper shall send the request by a Page.

17 (f). A Doorkeeper shall direct all persons not entitled to entry on the floor of the Senate, as set out above, to the gallery of the Senate.

VI.

Standing Committees.

18. At the commencement of each session after the election of Senators, a nominations report shall be submitted by the majority caucus to elect members to the standing Committees and the Committee on Rules for terms coincident with their terms of office in such numbers as hereinafter set forth. Such members shall be elected by a majority vote of those present and voting. ~~The President of the Senate shall be empowered to break a tie vote, where there is an equal division among the Senators, on matters pertaining to committee assignments and other matters relating to the organization of the Senate.~~

18 (a). A Committee on Agriculture, Conservation and Natural Resources, 15 Senators, to consider matters concerning agriculture; air and water pollution and solid waste disposal; conservation of land and water resources; crustaceans and bivalves; all matters of environment, forest, fresh and salt water fishing, game, mining, parks and recreation, and petroleum products.

18 (b). A Committee on Commerce and Labor, 15 Senators, to consider all matters concerning banking; commerce; commercial law; corporations; economic development; industry; insurance; labor; manufacturing; partnerships; public utilities, except matters relating to transportation; tourism; workmen's compensation and unemployment matters.

18 (c). A Committee for Courts of Justice, 15 Senators, to consider matters relating to the Courts of the Commonwealth and the Justices and Judges thereof, including the nominations of such Justices and Judges where provided by the Constitution and statutes of Virginia; and all matters concerning the criminal laws of the Commonwealth; together with all matters concerning contracts, domestic relations, eminent domain, fiduciaries, firearms, garnishments, homestead and all other exemptions, immigration (with the exception of matters relating to the powers of the Governor or education), magistrates, mechanics' and other liens, notaries public and out-of-state commissioners, property and conveyances (except landlord and tenant and condominium matters), wills and decedents' estates.

It shall report to the Senate the names of such persons as it shall find qualified for election as a Justice or Judge of the Commonwealth. Senators, all or part of whose Senate Districts are within the Circuit or District for which a Judge is to be elected, shall nominate a qualified person for such election by affirmation of a majority of such Senators on a form provided by the Clerk of the Senate. If such Senators are unable to agree on a nominee, a Senator shall only nominate a person deemed qualified by the Committee for Courts of Justice for any judicial position.

Whenever a vacancy in the office of a justice of the Supreme Court or judge of the Court of Appeals is announced, the Chair of the Committee for Courts of Justice shall establish a date certain by which any Senator may forward the name of any potential nominee for such office to the Chair.

18 (d). A Committee on Education and Health, 15 Senators, to consider matters concerning education; human reproduction; life support; persons under disability; public buildings; public health; mental health; mental retardation and health professions.

18 (e). A Committee on Finance, 15 Senators, to consider matters concerning auditing; bills and resolutions for appropriations; the budget of the Commonwealth; claims; general and special revenues of the Commonwealth; all taxation and all matters concerning the expenditure of funds of the Commonwealth.

18 (f). A Committee on General Laws and Technology, 15 Senators, to consider matters concerning affirmation and bonds; the boundaries, jurisdiction and emblems of the Commonwealth; cemeteries; condominiums; consumer affairs; fire protection; gaming and wagering; housing; inter- or intra-government information technology applications and uses other than those proposed or used to support the operations of the General Assembly or the Senate; land offices; landlord and tenant; libraries; military and war emergency; nuisances; oaths; professions and occupations (except the health and legal professions); religious and charitable matters; state governmental reorganization; veterans' affairs; warehouses; and matters not specifically referable to other Committees, including, but not limited to, matters relating to technology, engineering, or electronic research, development, policy, standards, measurements, or definitions, or the scientific, technical, or technological requirements thereof, except for those affecting the operations of the General Assembly or the Senate.

18 (g). A Committee on Local Government, ~~45~~ 13 Senators, to consider matters of local government in the counties, cities, towns, regions or districts, planning boards and commissions and authorities, except matters relating to the compensation of elected officeholders, where funds of the Commonwealth are involved.

18 (h). A Committee on Privileges and Elections, ~~45~~ 13 Senators, to consider matters concerning voting; apportionment; conflict of interests, except those concerning members of the judiciary or solely the legal profession, provided that any such matter, after being reported by the Committee, shall be rereferred by the Committee to the Committee for Courts of Justice for consideration of the matters relating only to members of the judiciary or solely to the legal profession; constitutional amendments; elections; elected officeholders; reprimand, censure, or expulsion of a Senator; and nominations and appointments to any office or position in the Commonwealth (except Justices and Judges of the Commonwealth). It shall consider all grievances and propositions, federal relations and interstate matters. It shall examine the oath taken by each Senator and the certificate of election furnished by the proper office and report thereon to the Senate. It shall review and report as may be required in cases involving financial disclosure statements and shall recommend disciplinary action by majority vote where appropriate. It shall report in all cases involving contested elections the principles and reasons upon which their resolves are founded. It shall determine and report on all matters referred to it by the Senate Ethics Advisory Panel as set forth in the statutes.

Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

18 (i). A Committee on Rehabilitation and Social Services, 15 Senators, to consider matters concerning alcoholic beverages; correctional and penal institutions; morals; social services and welfare; and substance abuse.

18 (j). A Committee on Transportation, ~~45~~ 13 Senators, to consider matters concerning airports; airspaces; airways; the laws concerning motor vehicles relating to rules of the road or traffic regulations; heliports; highways; port facilities; public roads and streets; transportation safety; public waterways; railways; seaports; transportation companies or corporations; and transportation public utilities. Any matter relating to rules of the road or traffic regulations which include a change in a penalty shall be rereferred by the Committee to the Committee for Courts of Justice.

VII.

Committee on Rules.

19 (a). A Committee on Rules, which shall be in addition to the foregoing standing Committees, consisting of the standing Committee Chairs; the President pro tempore, if the person is not a Chair; the Majority Leader, if the person is not a Chair; the Minority Leader; and other Senators to comprise not more than ~~47~~ 15. The Chair of the Committee on Rules shall not be Chair of any standing Committee. *The Chair of the Committee on Rules shall be the Chair of the Commission on Interstate Cooperation of the Senate.* The Committee shall consider all resolutions amending or altering the Rules of the Senate; all joint rules with the House of Delegates; all bills and resolutions creating study committees or commissions; and all other resolutions (except those of a purely procedural nature, those concerning nominations and appointments to any

office or position in the Commonwealth including the nominations of Justices and Judges, and those concerning constitutional amendments). The Committee may report such bills or resolutions with the recommendation that they be passed, or that they be rereferred to another Committee. In considering a bill or resolution, the Committee is empowered to sit while the Senate is in session. There shall be a subcommittee of the Committee, consisting of the Chair and members appointed by the Chair to equal the number of House members appointed to the subcommittee, which shall exercise on behalf of the Committee such powers as are delegated to the Committee when acting jointly with the Committee on Rules of the House of Delegates or a subcommittee thereof.

19 (b). If there is any objection as to the referral by the Clerk of the Senate of any bill or resolution to any standing Committee or any matter relating to the Office of the Clerk, the Committee on Rules shall hear the same, resolve the issue and report to the Senate.

19 (c). The Chair of the Committee on Rules, in consultation with the Clerk, shall consider and determine all matters concerning the news media in the Senate Chamber; all policies concerning travel expenses and reimbursements; all matters concerning joint assemblies with the House of Delegates and such persons, not members of the Senate, who are to be permitted to address the Senate; and all matters concerning the utilization of the facilities available to the Senate and its membership. The Chair, in consultation with the Clerk, shall prescribe the duties not otherwise prescribed for the Clerk, Sergeant-at-Arms, and Doorkeepers. The Chair, in consultation with the Clerk, shall approve the appointment, removal, and assignment for duties of the additional committee staff authorized in Rule 10 (a).

19 (d). The Committee on Rules shall from time to time prescribe such requirements as will expedite the flow of the work of the Senate, all such requirements being subject to the approval of the Senate.

19 (e). The Chair of the Committee on Rules shall appoint a subcommittee to review the financial disclosure statements filed annually by members or candidates and shall determine whether each statement is correct and complete as filed or requires correction, augmentation, or revision by the member or candidate involved, who shall be directed in writing to make the changes required within such time as shall be set by the Committee.

Additional review shall be made of any financial disclosure statement by the Committee on Rules upon a request in writing by 20 percent of the membership of the Senate on the basis of newly discovered evidence. This review shall be made promptly, the adequacy of filing determined, and notice of the determination of the Committee sent in writing to the member involved. If a financial disclosure statement is found to need correction, augmentation, or revision, the member or candidate involved shall be directed in writing to make the changes required within such time as shall be set by the Committee. Failure to make the correction shall result in the matter being referred to the Committee on Privileges and Elections for disciplinary action pursuant to Rules 18 (h) and 53 (b).

19 (f). There shall be a Subcommittee on Standards of Conduct of the Committee on Rules, consisting of three members, one of whom shall be a member of the minority party, appointed by the Chair. The Subcommittee shall consider any request by a Senator for an advisory opinion as to whether the facts in a particular case would constitute a violation of the Rules of the Senate or any statute enacted relative to conflicts of interests, and may consider any other matters assigned to it by the Committee on Rules. Any Senator requesting such an advisory opinion shall submit the request in writing, addressed to the Chair of the Committee on Rules, and shall set forth specifically the facts relative to the opinion sought. The Subcommittee shall convene as soon as practicable, granting the Senator requesting the opinion the right to appear and, upon the conclusion of its deliberations, the Subcommittee shall submit its written opinion to the full Committee on Rules. The Committee on Rules shall consider the written opinion submitted by the Subcommittee and, if accepted, the same shall constitute an advisory opinion for the conduct of the members of the Senate on the issues set forth. The Clerk of the Senate shall maintain a record of such advisory opinions, which shall be available to any member of the Senate.

19 (g). Any Senator who wishes to present a person to the Senate shall first seek the approval of the Chair of the Committee on Rules. The Senator shall submit a written request to the Chair of the Committee and a copy of the request to the Clerk of the Senate, *at least* 48 hours prior to the time of the presentation. The Chair shall determine the merit of the presentation and notify the Senator of the decision. The submission of the written request and the approval of the Chair shall not be required to present members of the Virginia Congressional Delegation and former members of the Virginia Senate. The Chair, in consultation with the Clerk, shall approve the dates for the presentations. During the regular session, presentations shall not be made on Fridays, crossover, or any day involving action on the appropriation act.

19 (h). The Committee on Rules shall make all Senate appointments to study committees and commissions in the number authorized for the Senate, whether the authority is limited to Senate members or other persons. It shall appoint members of the Senate to such other committees as may be required to serve as joint committees with the House of Delegates under its Rules, and shall appoint members of the Senate to serve as Senate members on any Committee or Commission required by statute. Senate membership on ~~all~~ *half of the* joint subcommittees and commissions *created each session* with the House of Delegates shall be of equal membership. If no member of a standing Committee of the Senate specified in a study resolution is able to serve, the Committee on Rules may appoint a member of the Senate at large to the study notwithstanding the provisions of the enabling resolution.

VIII.

Composition and Procedures of Committees.

20 (a). The total membership of all Committees and the membership of each standing Committee shall be composed of members of the two major political parties in the Commonwealth and ~~as nearly as practicable with equal consideration shall be given to the geographic balance in the membership of resident Senators from the several congressional districts of the~~

~~Commonwealth as the same exist on the date of election of the Senate of each standing Committee.~~ Senators shall serve terms on such Committees coincident with their current terms of office. No member shall be removed from a Committee, except by a majority vote of the members present and voting or by forfeiture under these rules or upon submission of the member's resignation from the Committee.

The standing Committees may also include any Senator not elected as a member of the two major political parties. All members of the Senate shall be elected to the standing Committees, where practicable. When the Committees are elected, the Senator first named shall be the Chair, except that in the case of ~~the Committee for Courts of Justice and the Committee on Finance,~~ the first two Senators *of the majority party* named to ~~these Committees~~ *the Committee* shall be Co-Chairs. All references in these Rules to the Chair of a standing Committee shall be interpreted to include and apply to the Co-Chairs. A Senator shall serve as Chair of only one of the standing Committees. Next shall be listed the members, listed by seniority and by the date elected to the Committee. At the first meeting of the Committee, the Chair may appoint and announce a vice chair.

Should any Senator, during his term of office, cease to be a member of the political party of which he was a member at the time of his election either by self-declaration or through other conduct as confirmed by a two-thirds majority of the members elected to the Senate, he shall be deemed, thereby, to have forfeited all Committee memberships to which he may have been elected.

20 (b). Any vacancy in Committee membership during the four-year term of the Committee members shall be filled in the manner in which Committee members are elected in the first instance.

20 (c). The standing Committees shall meet at such time and place as shall be designated by the Committee on Rules, after consultation with the respective Committee Chair, and the fixed time and place of Committee meetings shall be published. All committees shall be governed by the Rules of the Senate.

20 (d). All Committee meetings shall be held in public. All votes on bills shall be recorded.

However, executive sessions may be held pursuant to applicable provisions of law upon a recorded vote. Except as provided herein, a recorded vote of members upon each measure shall be taken and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. A recorded vote shall not be necessary to report a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted upon it, and he shall withdraw, or invoke this Rule not to be counted, prior to the taking of any vote upon it, by stating the same before the Committee, and the fact shall be recorded by the Committee Clerk and reported along with the votes of the Committee members on the bill or resolution. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs may be taken in Committee voting as provided in Rule 36.

20 (e). The majority of any Committee shall constitute a quorum. Any Senator attending and recorded as present at a Committee meeting who must depart prior to the rising of the Committee, may designate, in writing on committee proxy forms, one member of the Committee to vote his proxy for the duration of his absence, but for no longer than the meeting of the Committee at which the proxy is given *and only for the duration during which the Senator leaving the proxy is within the confines of Capitol Square*. Proxies are not transferable. The Chair shall be informed in open session of the proxy authority prior to the departure of the Senator so leaving.

20 (f). Any bill or resolution introduced in an even-numbered year, and not reported to the Senate by a Committee may, upon the majority vote of the elected membership of the Committee to which it has been referred, be continued on the agenda of the Committee for hearings and Committee action during the interim between sessions or for future action by the Committee during the following odd-numbered year regular sessions. A bill or resolution may be continued only one year from an even-numbered year session and not otherwise. The Committee shall report, prior to the adjournment sine die of the Senate, such bills or resolutions as shall be continued and the Clerk of the Senate shall enter upon the Journal the fact that such bill or resolution has been continued.

20 (g). The Senate, upon consideration of any bill or resolution on the Calendar, may recommit, in accordance with these Rules, the bill or resolution to the Committee reporting the same, and direct the Committee to continue the bill or resolution until the following odd-numbered year regular session, and hold such hearings or render such further consideration of the bill or resolution as the Committee may deem proper.

20 (h). The Chair of the Committee, or the majority of the elected membership of a Committee, may call meetings of the Committee during the interim between sessions to study, call hearings, and consider any bill or resolution continued for further action at the odd-numbered year session, or to consider such other matters as may be germane to the duties of the Committee.

20 (i). The provisions of this Rule relating to legislative continuity between sessions shall be subject to the provisions of Article IV, Section 7 of the Constitution of Virginia.

20 (j). Each Committee shall have a clerk appointed by the Clerk of the Senate, after consultation with the Chair of the Committee on Rules and the Chair of the respective Committee. The Clerk of the Senate shall be the clerk to the Committee on Rules.

20 (k). The Chair of any Committee may appoint subcommittees to consider a particular bill or resolution or to consider matters relative to a portion of the work of the Committee. Such subcommittees shall not take final votes and shall only make recommendations to the Committee. The Chair of the full Committee shall be an ex officio member of all

subcommittees and entitled to vote, but shall not be counted as a member for purposes of a quorum. All subcommittees shall be governed by the Rules of the Senate.

20 (l). Any Committee of the Senate may, at its discretion, confer with any Committee of the House of Delegates having under consideration the same subject and arrange joint meetings, hearings or studies, as the Committees deem appropriate.

20 (m). A Committee, after considering a bill or resolution referred to it may:

A. Rerefer the same to another Committee, in the same form received, to consider applicable portions of such bill or resolution as are germane to another Committee under the Rules, or may

B. Report it to the Senate

(i) without amendment,

(ii) with recommendation that a Committee amendment(s) be adopted, or

(iii) with recommendation that it be rereferred to another Committee (either with or without amendment), in which latter event the Clerk of the Senate shall so rerefer unless the Senate shall otherwise direct.

A recorded vote of members shall be taken upon any motion listed in A and B above and the name and number of those voting for, against or abstaining reported with the bill or resolution and ordered printed on the Calendar. The report recorded by the Committee Clerk shall be the recorded vote on the motion and cannot be changed unless the vote is reconsidered and voted upon again. A recorded vote shall not be necessary to report or rerefer a resolution, if that resolution does not have a specific vote requirement pursuant to these Rules.

20 (n). Any bill, except the budget bill sent down by the Governor, whose principal objective is taxation or which establishes a special fund or any type of nonreverting fund, whether or not such bill may also require an appropriation, tax, special or general revenue, shall first be referred to the Standing Committee which has jurisdiction of the subject matter of the bill as defined in rules 18 (a) through 18 (j) of the Rules of the Senate. If said bill is reported by the Committee of original jurisdiction then said bill shall be rereferred by the Committee to the Finance Committee.

20 (o). A Committee may refer the subject matter of a bill or resolution to any agency, board, commission, council, or other governmental or nongovernmental entity for comment, but the bill or resolution shall remain with the Committee. The Chair of the Committee shall direct the Clerk of the Senate to prepare the appropriate letter and the action of the Committee shall be made available to the public.

20 (p). Committees of the Senate are authorized to seek and obtain, in the period of time between sessions of the General Assembly, the services of citizens of the Commonwealth whose function will be to participate with such Committees or Subcommittees thereof in reviewing legislation or in performing any referred study or study initiated by the Committee or its Chair.

Persons appointed to serve shall receive reimbursement for their actual and reasonable expenses incurred in the performance of services for the Committees. For such other expenses as may be occasioned by the conduct of any Committee study, payments shall have approval in advance by the Chair of the Committee on Rules in consultation with the Clerk and shall be made from the general appropriation to the Senate.

20 (q). Persons who are asked by a Committee Chair to appear before a Committee or subcommittee or study to offer expert testimony may receive reimbursement for their actual and reasonable expenses if approved in advance by the Chair of the Committee on Rules, in consultation with the Clerk.

IX.

Order of Business.

21. At the appointed hour, the presiding officer of the Senate shall take the chair and call the Senate to order, and the order of business thereafter shall be as follows:

(a) A period of devotions.

(b) A roll call of members present.

(c) The reading of the Journal.

(d) A period to be called the "morning hour," for the following purposes:

i. to dispose of communications from the House of Delegates, the Executive, and the Judiciary.

ii. to recognize and welcome visitors to the Senate.

iii. to receive resolutions and bills, but such resolutions and bills may be received at the Clerk's desk at any time after the "morning hour," with leave of the Senate.

(e) Consideration of unfinished business. (Unfinished business is legislation before the Senate as a result of or pending action by the House of Delegates.)

(f) Consideration of the Calendar of the Senate for that day, for which purpose the Calendar shall be called by the Clerk of the Senate.

(g) Upon completion of the Calendar and then Senators expressing Point(s) of Personal Privilege and such other business as may come before the Senate, a recess or adjournment shall then be taken.

22. To expedite the business of the Senate, it may order the convening of a "special morning session," at which session no vote shall be taken or other business transacted except the introduction of bills and resolutions. Upon the completion thereof, such session shall recess to such time as the Senate may have theretofore ordered. Such "special morning session" shall be convened by the presiding officer or President pro tempore unless otherwise designated. The "special morning session" shall be considered adjourned upon the convening of the daily session.

23 (a). Notwithstanding Rule 21 and Rule 22, any subject may, by a recorded vote of a majority of the members present and voting, be made a special and continuing order, to commence at a time to be fixed by the Senate, and when the time so fixed for its consideration arises, the presiding officer shall lay it before the Senate.

23 (b). When two or more special and continuing orders have been made for the same time, they shall have precedence according to the order in which they were severally assigned, and that order shall only be changed by majority of those present and voting. All motions to change such order shall be decided without debate.

24. When a bill or resolution of the House of Delegates is passed or rejected by the Senate, the fact of the passage or rejection, with the bill or resolution, shall be communicated to the House of Delegates.

25 (a). All bills, resolutions or other business originating in the Senate and all bills, resolutions or other business sent from the House of Delegates shall be dispatched in the order in which they are introduced or received, unless the Senate shall otherwise direct.

25 (b). Bills or resolutions of either house shall be divided on the Calendar between the designation "Uncontested Calendar" and "Regular Calendar," and be considered in such order. When such a division is made for bills or resolutions, the Uncontested Calendar shall not include any bills or resolutions (i) which receive a dissenting vote or abstention in Committee, or (ii) to which objection is made by any Senator on first reading. Any bills or resolutions shall be removed from the Uncontested Calendar at any time at the request of any Senator. Resolutions which do not have a specific vote requirement pursuant to these Rules shall not be placed on the Uncontested Calendar but may be divided separately.

25 (c). It shall be the duty of the Clerk to see that the printing and engrossing, when ordered, shall be done in such time that the bills and resolutions may be acted upon according to their priorities upon the Calendar. If, however, any bill or resolution is not ready when it is reached upon the Calendar, it shall be passed by, and be allowed to retain its place upon the Calendar.

25 (d). When the Calendar has been called through, it may be called again in order to dispose of any business that may be ready, and if there is none, the business of the "morning hour" shall be resumed and disposed of; but the business of the "morning hour" shall in no case be allowed to interfere with that of the Calendar without the unanimous consent of the members present.

26 (a). No law shall be enacted except by bill. Every bill, upon its introduction, shall be referred to the appropriate Committee. No bill shall become a law until the procedures required by Article IV, Section 11 of the Constitution of Virginia have been observed.

26 (b). No bill expressly amending any existing law shall be offered by any member unless or until the original and all copies thereof have been prepared so as to indicate deletions and additions. Each bill or resolution shall be signed by at least one Senator or by the Clerk of the Senate upon authorization of a member who has become incapacitated or who is unavailable to sign the legislation. Upon the approval of the Committee on Rules, electronic filing of bills and resolutions *and electronic patronage* may be permitted. Any bill or resolution offered for introduction in the Senate may show two or more Senators as chief patrons and as "House Patrons" the signatures of members of the House of Delegates. The title of any bill having any provisions pertaining to taxation or revenues shall so indicate. The form for deletions and additions shall be to set forth the material deleted with lines through such material, e.g., ~~deleted material or words~~, and to underscore the words added, before they are received in the Senate. However, the stricken material and underscoring and italics in the printed bill, enrolled bills, and printed Acts shall not be considered evidence of all amendments to any bill or existing statute, but merely as an aid for quick reference to amended portions. Nothing herein contained shall be construed as requiring the use of stricken material or underscoring when new words are substituted for existing words where the new words or the omission of words does not change the sense or meaning of the act.

26 (c). The title of a bill or resolution and all amendments offered thereto shall be entered upon the Journal, except the amendments in the nature of a substitute shall be printed separately, and only the titles thereof entered upon the Journal.

26 (d). Any Senate bill or resolution which has been amended during the legislative process by the Senate shall be engrossed and reproduced by the Clerk of the Senate, as soon as practicable, in sufficient numbers for the members of the Senate and House of Delegates.

26 (e). The designation of "Senate Bill" or "Senate Resolution" or "Senate Joint Resolution" shall not be changed nor amended after a bill or resolution is introduced in the Senate. Nor shall the designation of "House Bill" or "House Joint Resolution" be changed or amended after the bill or resolution is received by the Senate.

26 (f). Any member of the Senate or House of Delegates ~~who requests may request~~ in writing to the Clerk ~~that he be to be~~ added as a co-patron ~~of to~~ any *Senate* bill or *joint* resolution, provided that the first vote on the passage of the bill or agreement to the *joint* resolution has not occurred, or, if the bill or *joint* resolution is not reported from Committee, then prior to the last action on such legislation. ~~A Senator may also request in writing to the Clerk to be added to a Senate resolution within the same timeframe. A co-patron added pursuant to this Rule shall be listed in the Journal as a co-patron of such bill, joint resolution, or resolution, and shall be so listed on such bill, joint resolution, or resolution at its next printing, if any.~~

Any member of the Senate or House of Delegates may also request in writing to the Clerk ~~that his name to be~~ removed as a co-patron of any bill or *joint* resolution ~~provided that the first vote on the passage of the bill or agreement to the resolution has not occurred, or, if the bill or resolution is not reported from Committee, then prior to the last action on such legislation, and thereafter his name prior to the deadline set by the General Assembly. A Senator may also request in writing to the Clerk to be removed from a Senate resolution provided that the first vote on the passage of the resolution has not occurred,~~

or, if the resolution is not reported from Committee, then prior to the last action on such resolution. A co-patron removed pursuant to this Rule shall thereafter not be listed in the Journal as a co-patron of such bill, joint resolution, or resolution, nor shall his the co-patron's name be listed on such bill, joint resolution, or resolution at its next printing, if any. This Rule shall not apply to the addition or removal of co-patrons to commending and memorial joint resolutions and resolutions.

26 (g). Any memorial or commending resolutions shall conform to the form and procedure set forth by the Clerk of the Senate and shall not be referred to the Committee on Rules, but shall be placed upon the Calendar on the next Thursday of the session and shall be considered for approval on said day; however, any one member may object to such consideration and the same shall be continued to the next Thursday session or any member may move that the same be referred to the Committee on Rules. Any member of the Senate or House of Delegates may request in writing to the Clerk to be added or removed as a co-patron to a Senate commending or memorial joint resolution until one hour after the adjournment of the House of Delegates on the day of the joint resolution's final agreement. A Senator may also request in writing to the Clerk to be added or removed as a co-patron to a Senate commending and memorial resolution until one hour after the adjournment of the Senate on the day of the resolution's final agreement. A co-patron added pursuant to this Rule shall be listed in the Journal as a co-patron of such joint resolution or resolution and so listed on the joint resolution or resolution at its next printing, if any. A co-patron removed pursuant to this Rule shall thereafter not be listed in the Journal as a co-patron of such joint resolution or resolution, nor shall the co-patron's name be listed on such joint resolution or resolution at its next printing, if any.

No Senator may introduce more than a combined total of ten commending and memorial resolutions each session, except for the Chair of the Committee on Rules when introducing such resolutions according to custom or protocol.

27. Bills or resolutions originating in the House of Delegates and communicated to the Senate shall be read by title the first time when received and referred to the appropriate Committee unless otherwise directed by the Senate.

28 (a). No bill or resolution reported from a Committee of the Senate shall be recommitted or amended until it has been twice read by title, nor shall any Senate bill or resolution be amended after its third reading, except by the unanimous consent of the Senate. House bills or resolutions may be recommitted or amended at any time before their final passage, but a bill or resolution which has been recommitted to a Committee, when reported by Committee, shall be restored on the Calendar to the status it had before it was recommitted.

28 (b). In the case of a House bill or resolution, engrossment shall only apply to such amendments as may have been made in the Senate.

29. Whenever a Senate bill or resolution is reported to the Senate with one or more House amendments, copies of all such amendments shall be furnished to each Senator. The same shall apply to amendments proposed by a Senate Committee or by a Senator, unless otherwise ordered by the Senate.

30. Every question shall be put in the affirmative and the presiding officer shall declare whether the yeas or the nays have it, which declaration shall stand as the judgment of the Senate. The yeas and nays on any question shall, at the desire of one-fifth of those present, be entered on the Journal. On the final vote of any bill, and on the vote in any election or impeachment conducted in the General Assembly or on the expulsion of a Senator, the name of each Senator voting, and how he voted shall be recorded in the Journal. After the roll has been taken, and before the vote is announced by the presiding officer, any Senator shall have the right to correct any mistake committed in enrolling his name and the presiding officer shall order the vote to be stricken.

31. Any Senator may call for a division of the question, which shall be divided if it comprehends propositions so distinct in substance that, one being taken away, a substantive proposition shall remain for the decision of the Senate.

32. Upon the determination of a question, any Senator may enter his protest upon the Journal, with the consent of one-third of the Senators present; and on the question "Shall the protest be entered on the Journal?", no privileged motion as set out in Rule 47 (a) or Rule 47 (b) shall be in order except to adjourn.

33. Whenever the Senate proceeds to consider any nominations or appointments after the same have been reported by the appropriate Committee, which are subject to the choice or ratification of the Senate, and when it is so ordered by the Senate pursuant to Chapter 37 of Title 2.2 of the Code of Virginia, the same shall be considered in executive session.

X.

The Pending and Previous Question.

34. Upon a motion for the pending question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the pending question. All incidental questions of order arising after a motion for the pending question is made, and pending such motion, shall be decided, whether on appeal or otherwise, without debate.

35. Upon a motion for the previous question, agreed to by a majority of the Senators present, as indicated by a recorded vote, and there being no other motions afforded priority by these Rules, the presiding officer shall immediately put the question, first upon the amendments in the order prescribed in the Rules, and then upon the main question. If the previous question be not ordered, debate may continue as if the motion had not been made.

XI.

Taking the Vote.

36. Every Senator present in the Chamber, when any question is put or vote taken, shall vote or be counted as voting on one side or the other, except in the case of pairs, as hereinafter provided, or in the case of judicial elections. A Senator who has a personal interest in the transaction, as defined in § 30-101 of the Code of Virginia, shall neither vote nor be counted

upon it, and he shall withdraw, or invoke this rule not to be counted, prior to the division and the fact shall be recorded on the voting machine. If a Senator invokes this rule, the Senator shall not participate, directly or indirectly, in the matter wherein the rule is invoked. Pairs upon any question pending may be made and entered upon the Journal, and in such cases shall be announced immediately upon completion of the roll call, and before the announcement of its result. Pairs may be general or special. General pairs shall extend to and include all motions, amendments, or other proceedings in aid of or against the question pending, and which is the subject of the pairs. Special pairs shall depend in their scope upon the agreement between the Senators making the same, but in absence of a specific agreement, the presumption shall be conclusive that the pairs are general. The Senator announcing a pair shall be counted as present for the purposes of establishing a quorum. Pairs may be taken in Committee votes under this rule herein set forth.

37. The voting machine may be used for the call of the roll, for recording abstentions under Rule 36, or for the affirmative and the negative of the question.

38 (a). No Senator shall be allowed to vote or submit a vote statement unless he is in attendance at the daily session at the time the Senate is being divided, or before a determination of the question upon a call of the roll, and is physically present in the Chamber, or one of its anterooms. A Senator may submit a vote statement if he was not recorded as voting or if his recorded vote does not reflect his intention. The statement shall be limited to the fact that his vote was not recorded or that his vote did not reflect his intention and must be submitted to the Clerk of the Senate by the adjournment of the daily session.

38 (b). In cases where the presiding officer is also a member of the Senate at the time a recorded vote is being taken, the presiding officer shall request another Senator to cast his vote for him or shall cast his vote from the Chair.

XII.

Committees of Conference.

39 (a). The Senate members of any committee of conference with the House of Delegates shall be designated by the Chair of the Committee to which the bill or resolution in conference was first referred by the Clerk of the Senate. If a Senate bill or resolution is in conference, the chief patron(s) of the same shall be a conferee and, where feasible, members of a Committee to which the bill or resolution was referred or rereferred shall comprise the conferees.

Any conference report must be agreed to by the majority of the members of each house on the conference committee before it may be filed with the Senate. If the report of the first named conference is rejected by the Senate or the conferees cannot agree, the Chair shall designate the same or new conferees in the event a second conference is formed.

Conferees shall not insert in their report matters not committed to them by either house, nor shall they strike from the bill or resolution in conference matters agreed to by both houses.

39 (b). When a committee of conference is meeting it shall inform the Clerk of the place of meeting; and, when a vote be put, the presiding officer shall, before calling the vote, inform the Senate conferees of the pending vote and grant them a reasonable opportunity to return to the Chamber to vote.

XIII.

Debate.

40 (a). While the presiding officer is reporting or putting any question, or the Clerk of the Senate is reporting a bill or resolution or calling the roll, or a Senator is addressing the Chair, strict order shall be observed. No Senator or other person shall give audible expression to his or her approval or disapproval of any proceeding before the Senate. The use of props is prohibited on the floor of the Senate.

40 (b). The use of audible electronic devices used for transmitting and receiving communications is prohibited in Senate committee rooms and the Senate Chamber. The use of cellular telephones is prohibited in Senate committee rooms and the Senate Chamber. Violations of this rule shall be punishable as prescribed by the Committee on Rules.

41. If words are spoken in debate that give offense, exception thereto shall be taken the same day, and be stated in writing; and in such case, if the words are decided by the presiding officer, or by the Senate, upon an appeal, to be offensive, and they are not explained or retracted by the Senator who uttered them, he shall be subject to such action as the Senate may deem necessary.

42. When any member is about to speak in debate or deliver any matter to the Senate, he shall rise from his seat, and without advancing, with due respect, address "Mr. President," confining himself strictly to the point in debate, and avoiding all disrespectful language.

43. No member shall speak more than twice upon the same subject without leave of the Senate, nor more than once, until every member choosing to speak has spoken.

44. No question shall be debated until it has been stated by the presiding officer, and the mover shall have the right to explain his views in preference to any Senator.

45. During any debate any Senator, though he has spoken to the matter, may rise and speak to the orders of the Senate if they are transgressed, in case the presiding officer does not so rise and speak, but if the presiding officer stands up at any time, he is first to be heard, and while he is standing Senators shall keep their seats.

46. No Senator shall be allowed to be interrupted while speaking, except on points of order, to correct erroneous statements, or for a Senator to answer any questions that may be stated by the Senator speaking.

47 (a). The following motions shall not be debated or spoken to except as hereinafter provided:

(i) A motion to adjourn.

(ii) A motion calling for a vote on the pending question.

- (iii) A motion calling for a vote on the previous question.
- (iv) A motion to suspend the Rules.
- (v) A motion to close debate.
- (vi) A motion to limit debate.
- (vii) A motion to extend the limit of debate.
- (viii) A motion to reconsider matters not debatable.
- (ix) A motion to change, in case of two or more special and continuing orders.

47 (b). Upon the following motions, the mover shall be allowed five minutes to speak to his motion, to state the reasons therefor, and one member opposed to the motion shall be allowed a like time to speak to the motion, to state his objections:

- (i) A motion for a special and continuing order.
- (ii) A motion to appeal a ruling of the Chair.

47 (c). When a question not debatable is before the Senate, all incidental questions arising after it is stated shall be decided and settled without debate, whether on appeal or otherwise. This same Rule shall apply to all incidental questions arising after the presiding officer has put any question to the Senate.

47 (d). A motion to strike out, being lost, shall preclude neither amendment nor a motion to insert, nor a motion to strike out and insert.

47 (e). When a question is pending, no motion shall be received but to adjourn, to pass by for the day, for the pending question, for the previous question, or to amend; which several motions shall have precedence in the order in which they are herein set out.

47 (f). Except as otherwise provided herein, the provisions of Rule 47 (e), a primary motion may be substituted once.

XIV.

Reconsideration.

48 (a). A question arising on a Senate Bill, Senate Resolution or Senate Joint Resolution being once determined must stand as the judgment of the Senate, and cannot during the course of that session of the General Assembly be drawn again into debate, unless a motion to reconsider a question which has been decided has been made by a Senator voting with the prevailing side on the same day on which the vote was taken.

However, if such action has not been communicated to the House, a motion to reconsider may be made within the next two days of actual session of the Senate thereafter.

Unless unanimous consent of the members of the Senate present and voting on a motion for a second or subsequent reconsideration be granted, no measure being once determined may be reconsidered more than once by the Senate during that session of the General Assembly.

When any question is decided in the negative simply for the want of a majority of the whole Senate, any Senator who was absent from the city of Richmond or detained from his seat by sickness at the time of the vote sought to be reconsidered may move its reconsideration.

A Senator desiring such reconsideration shall confer with the Chair of the Committee on Rules, or in his absence the next listed available member of the Committee on Rules, who shall consult with the chief spokesman for and against the measure, if there is any, and thereafter such Chair or next listed member may direct the Clerk to defer or expedite the transmittal of the action of the Senate on the measure to the House of Delegates to permit the making of such motion for reconsideration; however, in no event shall such deferral of transmittal hereunder be for more than one legislative day.

This rule shall not preclude consideration of any House Bill, House Joint Resolution, or House amendment to a Senate Bill or a Senate Joint Resolution, regardless of whether such House measure involves a question already determined.

48 (b). If the Committee has possession of a bill or resolution, a motion to reconsider in Committee may be made no later than the next Committee meeting.

However, a motion to reconsider at a second or subsequent meeting may be made with unanimous consent if the Committee has possession of the bill or resolution.

XV.

Suspension of Rules.

49. Any rule of the Senate may only, except where otherwise provided by the Constitution of Virginia, be amended by a vote of two-thirds of the Senators present and voting. These Rules may be suspended by a vote of two-thirds of the Senators present and voting. If the Senate is meeting due to a state emergency or enemy attack pursuant to Article IV, Section 8 of the Constitution, then the Rules of the Senate may be suspended by a vote of two-thirds of the quorum.

XVI.

Appeals.

50. If the presiding officer rules on any matter under these Rules by his own act, or upon request of any Senator, and if any Senator objects to the ruling of the presiding officer, then an appeal to the Senate shall lie. The appeal shall be stated as a motion to sustain the ruling of the Chair. To overrule the ruling of the Chair shall require a majority of those present and voting. A ruling of the Chair shall not be overruled on appeal by a tie vote.

XVII.

Committee of the Whole.

51. The Senate may go into the Committee of the Whole only upon the affirmative vote of a majority of the members present and voting. When the Senate shall resolve itself into the Committee of the Whole, the President shall leave the Chair

and the President pro tempore shall preside in the Committee. If the President pro tempore is absent from the Senate, then the Senate shall elect a chair to preside therein.

The Committee of the Whole shall consider and report on such subjects as may be committed to it by the Senate. The Rules of the Senate shall be observed in the Committee of the Whole, so far as they are applicable. The proceedings in the Committee of the Whole shall not be recorded on the Journal of the Senate, except so far as reported to the Senate by the Chair of the Committee.

XVIII.

Campaign Advocacy Contribution Limitations.

52. During any regular, special, or reconvened session of the General Assembly, no member of the Senate shall use his name or title or authorize another person to use the Senator's name or title, orally or in writing, to solicit monetary contributions if any part of the contributions would be used to pay for an advocacy campaign conducted through mass mailings, e-mails, telephone calls or other communication media to influence the outcome of legislative action by the General Assembly. This rule shall not apply during any recess of a special session. Nothing in this rule shall prohibit a Senator from using his name or title or authorizing another person to use the Senator's name or title in the letterhead or roster listing the membership of an organization.

XIX.

Senate Ethics and Senate Ethics Advisory Panel.

53 (a). The Senate Ethics Advisory Panel shall be composed of five members: three of whom shall be former members of the Senate; and two of whom shall be citizens of the Commonwealth who have not previously held such office. No member shall engage in activities requiring him to register as a lobbyist under § 2.2-422 of the Code of Virginia during his tenure on the Panel. The members shall be nominated by the Committee on ~~Privileges and Elections~~ Rules of the Senate and confirmed by the Senate. Nominations shall be made so as to assure bipartisan representation on the Panel.

53 (b). Whenever the Clerk receives a report of the Senate Ethics Advisory Panel or a resolution seeking the reprimand, censure, or expulsion of a Senator, the report shall be referred forthwith to the Committee on Privileges and Elections. The Committee shall consider the matter, conduct such hearings as it shall deem necessary, and, in all cases report its determination of the matter, together with its recommendations and reasons for its resolves, to the Senate. If the Committee deems disciplinary action warranted, it shall report a resolution offered by a member of the Committee to express such action. Any such resolution reported by the Committee shall be a privileged matter. The Senate as a whole shall then consider the resolution, and, by recorded vote, either defeat the resolution or take one or more of the following actions: (i) reprimand the Senator with a majority vote of the Senators present and voting; (ii) censure the Senator and place the Senator last in seniority with a majority vote of the elected membership of the Senate; (iii) expel the Senator with a two-thirds vote of the elected membership of the Senate; or (iv) refer the matter to the Attorney General for appropriate action with a majority vote of the Senators present and voting, in the event the Senate finds a knowing violation of § 30-108 or subsection C of § 30-110 of the Code of Virginia.

XX.

Court of Impeachment.

54. When, pursuant to the Constitution, the Senate sits as a Court for the trial of impeachments, the Rules covering the same shall be as the Rules of Procedure and Practice in the United States Senate when sitting on Impeachment Trials.

XXI.

Votes Required.

55. The votes required shall be as set forth in the Appendix to these Rules.

XXII.

Construction of Rules.

56. The Rules of the Senate shall be adopted at the commencement of the first regular session of the General Assembly after the election of the Senate, and shall be in force for the succeeding four years unless amended or suspended as provided by these Rules. In the construction of the Rules, reference shall be had to the following sources in the following order:

- (a) Jefferson's Manual of Parliamentary Practice.
- (b) Mason's Manual of Legislative Procedure.
- (c) Standing Rules for Conducting Business in the Senate of the United States.

APPENDIX VOTES REQUIRED PURSUANT TO CONSTITUTION OR RULES OF THE SENATE

- | | |
|--|--|
| <i>(1) Adjournment</i> | |
| <i>(a) Daily Session</i> | <i>-- at least 2 Senators (Rule 5)</i> |
| <i>(b) Certain Special Session</i> | <i>-- at least 2 Senators (Rule 5)</i> |
| <i>(c) Certain Reconvened
Session of a
Special Session</i> | <i>-- at least 2 Senators (Rule 5)</i> |

- (2) Amend Senate bill or resolution after third reading -- unanimous consent (Rule 28(a))
- (13) Appeals from ruling of chair to overrule chair -- a majority of the members present and voting, not less than.....11 (Rule 50)
- (24) Bills:
- (a) Ordinary bills -- a majority of the members voting, not less than.....16 (Const. Art. IV, Sec. 11) (Same for House amendment or Conference report)
- (b) Appropriation, Claim or Demand -- a majority of the members elected, not less than.....21 (Const. Art. IV, Sec. 11) (Same for House amendment or Conference report)
- Charge, New Office, Tax
- (c)(1) Bonds, general obligation -- a majority of the members elected, not less than.....21 (Const. Art. X, Sec. 9(b))
- (2) Bonds, revenue -- 2/3 of the members elected, not less than.....27 (Const. Art. X, Sec. 9(c))
- (d) Charter or "Special Act" for county, city, town or regional government -- 2/3 of the members elected, not less than.....27 (Const. Art. VII, Sec. 1) (Same for House amendment or Conference report)
- (e) Printing or Reading dispensed -- 4/5 of the members voting, not less than.....17 (Const. Art. IV, Sec. 11)
- (f) Creating new office -- a majority of the members elected, not less than.....21 (Const. Art. IV, Sec. 11)
- (5) Call of the Senate to send for absentee(s) -- at least 9 Senators (Rule 5)
- (36) Censure of a Senator -- a majority of the members elected, not less than.....21 (Rule 18(h) and Rule 53(b))
- (47) Committee of the Whole, to go into -- a majority of the members present and voting, not less than.....11 (Rule 51)
- (8) Confirmation of Virginia Conflict of Interest Ethics Advisory Council and Senate Ethics Panel Appointments -- a majority vote of (i) the the members present of the majority party and (ii) the members present of the minority party

(59) Constitution, amending	
(a) Virginia Constitution	-- a majority of the members
Bills or Resolutions	elected,
proposing to amend	not less than.....21
	(Const. Art. XII, Sec. 1)
(b) Amendment to Bill or	-- a majority of the members
Resolution proposing to	elected,
amend Virginia Constitution	not less than.....21
	(Const. Art. XII, Sec. 1)
(c) Virginia Constitutional	-- 2/3 of the members elected,
Convention, calling of	not less than.....27
	(Const. Art. XII, Sec. 2)
(d) United States Constitution,	-- a majority of the members
Resolutions proposing to	present and voting,
ratify and amend	not less than.....11
(e) United States Constitution,	-- a majority of the members
Resolutions proposing	present and voting,
calling of a convention	not less than.....11
to amend	
(610) Discharging Committee	-- a majority of the members
	voting,
	not less than 2/5 of the
	members elected.....16
	Const. Art. IV, Sec. 11)
(711) Division of question	-- 1 Senator.....1
required	(Rule 31)
(12) <i>Election of "Interim"</i>	-- <i>a majority of Committee</i>
<i>Clerk</i>	<i>members present and voting</i>
	<i>at least 5 Senators</i>
(813) Emergency Clause	-- 4/5 of the members voting,
	not less than.....17
	(Const. Art. IV, Sec. 13)
(914) Expulsion of a Senator	-- 2/3 of the members elected,
	not less than.....27
	(Const. Art. IV, Sec. 7;
	Sec. 10; Rule 18(h) and
	Rule 53(b))
(1015) Extended Session 30 days	-- 2/3 of the members elected,
	not less than.....27
	(Const. Art. IV, Sec. 6)
(1116) Governor, disability of	-- 3/4 of the members elected,
	not less than.....30
	(Const. Art. V, Sec. 16)
(1217) Governor's recommendation	-- a majority of the members
for amending bill	present. In case of refusal,
	bill again sent to Governor
	(Const. Art. V, Sec. 6)
(1318) Impeachment	-- 2/3 of the members present,
	not less than.....14
	(Const. Art. IV, Sec. 17;
	Sec. 10)

- (19) *Interruption of the Calendar* -- unanimous consent of members present
(Rule 25(d))
- (~~14~~20) *Journal, reading waived*
(a) All sessions except reconvened special sessions with no business -- a majority of the members voting not less than.....11
(Rule 3)
- (b) Reconvened special sessions with no business -- 2 Senators.....2
(Rules 3 and 5)
- (21) *President pro tempore's substitute to continue to preside over the Senate* -- unanimous consent of members present
(Rule 2(c))
- (~~15~~22) *Protest entered upon Journal* -- 1/3 of the members present, not less than.....7
(Rule 32)
- (23) *Quorum*
(a) *Emergency* -- at least 16 Senators
(Const. Art. IV, Sec. 8)
- (b) *Daily Session* -- a majority of members elected, not less than.....21
(Const. Art. IV, Sec. 8; Rule 5)
- (c) *Reconvened Session* -- a majority of members elected, not less than.....21
- (d) *Certain Special Session* -- at least 2 Senators (Rule 5)
- (e) *Certain Reconvened Session of a Special Session* -- at least 2 Senators (Rule 5)
- (f) *Committee* -- at least 8 Senators
(Rule 20(e))
- (~~16~~24) *Reading or printing of a Bill dispensed* -- 4/5 of the members voting, not less than.....17
(Const. Art. IV, Sec. 11)
- (~~17~~25) *Recorded vote, yeas and nays*
(a) *Floor* -- 1/5 of the members present
(Const. Art. IV, Sec. 10 and Rule 30)
- (b) *Committee* -- 1/5 of the Committee members present
- (~~18~~26) *Referring certain violations of Conflict of Interest Act to Attorney General* -- a majority of the members voting, not less than.....11
(Rule 18(h) and Rule 53(b))
- (~~19~~27) *Reprimand of a Senator* -- a majority of the members present and voting, not less than.....11
(Rule 18(h) and Rule 53(b))

- (2028) Resolutions other than those proposing a Constitutional amendment -- a majority of the members voting, not less than.....16
- (2129) Suspending or amending Rules
- (a) Regular quorum -- 2/3 of the members present and voting, not less than.....14 (Rule 49)
- (b) Lesser quorum pursuant to Art. IV, Sec. 8 of the Constitution -- 2/3 of the quorum, not less than.....11 (Rule 49)
- (2230) (a) Special and Continuing Order -- a majority of the members present and voting, not less than.....11 (Rule 23(a))
- (b) Changing Special and Continuing Order -- a majority of the members present and voting, not less than.....11 (Rule 23(b))
- (2331) Supreme Court, Increase size of -- 3/5 of the members elected, voting at 2 consecutive regular sessions, not less than.....24 (Const. Art. VI, Sec. 2)
- (2432) Veto, to override -- 2/3 of the members present, not less than a majority of the members elected..21 (Const. Art. V, Sec. 6)
- (2533) Votes on elections, impeachments or expulsions of a Senator -- names to be recorded in Journal (Const. Art. IV, Sec. 10) (also see Secs. 7 & 17)
- (2634) Vote to remove Senator from a Committee -- a majority of the members present and voting, not less than.....11 (Rule 20(a))
- (2735) Vote to elect Senator(s) to Committee -- a majority of members present and voting, not less than.....11 (Rule 18)
- ~~(28) Interruption of the Calendar -- unanimous consent of members present (Rule 25(d))~~
- ~~(29) Amend Senate bill or resolution after third reading -- unanimous consent (Rule 28(a))~~
- (3036) Reconsideration
- (a) Floor (Second and subsequent Reconsideration) -- unanimous consent of members present (Rule 48(a))

- (b) Committee -- unanimous consent of the committee if later than the next meeting (Rule 48(b))
- (31) ~~President pro tempore's substitute to continue to preside over the Senate~~ -- unanimous consent of members present (Rule 2(c))
- (32) Call of the Senate to send for absentee(s) -- at least 9 Senators (Rule 5)
- (33) Adjournment
- (a) Daily Session -- at least 2 Senators (Rule 5)
- (b) Certain Special Session -- at least 2 Senators (Rule 5)
- (c) Certain Reconvened Session of a Special Session -- at least 2 Senators (Rule 5)
- (34) Quorum
- (a) Emergency -- at least 16 Senators (Const. Art. IV, Sec. 8)
- (b) Daily Session -- a majority of members elected, not less than.....21 (Const. Art. IV, Sec. 8; Rule 5)
- (c) Reconvened Session -- a majority of members elected, not less than.....21
- (d) Certain Special Session -- at least 2 Senators (Rule 5)
- (e) Certain Reconvened Session of a Special Session -- at least 2 Senators (Rule 5)
- (f) Committee -- at least 8 Senators (Rule 20(e))
- (35) Election of "Interim" Clerk -- a majority of Committee members present and voting at least 5 Senators
- (36) Confirmation of Virginia Conflict of Interest and Ethics Advisory Council Appointments -- a majority vote of (i) the members present of the majority party and (ii) the members present of the minority party

SENATE RESOLUTION NO. 23

Commending Colley Avenue in Norfolk.

Agreed to by the Senate, January 21, 2016

WHEREAS, Colley Avenue in Norfolk was honored with the 2015 People's Choice selection as one of the Great Places in America by the nonprofit American Planning Association; and

WHEREAS, the American Planning Association sponsors the annual Great Places program, which recognizes streets, neighborhoods, and public spaces that add value to communities and foster economic growth and employment; and

WHEREAS, Colley Avenue runs through Norfolk's historic Ghent neighborhood; the 18-block thoroughfare forms the spine of the busy and popular area and features a mix of stately houses, apartments, townhouses, restaurants, businesses, and institutions; and

WHEREAS, with wide sidewalks and a variety of architectural styles, Colley Avenue is a favorite destination for residents of the area; pedestrians, shoppers, and those who live and work nearby all contribute to the urban vibe that surrounds the bustling street; and

WHEREAS, people come to Colley Avenue to sample its many restaurants, see a movie at the landmark NARO Expanded Cinema, and be entertained by sidewalk buskers; visitors greatly appreciate the street's sense of community; and

WHEREAS, the American Planning Association's annual Great Places in America program selects locations such as Colley Avenue that have a true sense of place, cultural and historical interest, community involvement, and a vision for the future; and

WHEREAS, the American Planning Association asked the public to nominate favorite places anywhere in the nation; suggestions were collected via social media outlets, and of the five finalists, Colley Avenue was the clear winner in the People's Choice category; and

WHEREAS, as a port city that dates from the Commonwealth's Colonial days, Norfolk is proud of its rich history, close ties to the military, and ready access to rivers, the Chesapeake Bay, and the Atlantic Ocean; signature streets like Colley Avenue attract people of all ages; now, therefore, be it

RESOLVED by the Senate of Virginia, That Colley Avenue in Norfolk hereby be commended for being named the People's Choice winner as one of the Great Places in America in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Paul D. Fraim, mayor of Norfolk, as an expression of the Senate of Virginia's congratulations for Colley Avenue's selection as one of the 2015 Great Places in America.

SENATE RESOLUTION NO. 25

Nominating a person to be elected to the Court of Appeals of Virginia.

Agreed to by the Senate, January 21, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Robert J. Humphreys, of Virginia Beach, as a judge of the Court of Appeals for a term of eight years commencing April 16, 2016.

SENATE RESOLUTION NO. 26

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, January 21, 2016

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable Marjorie T. Arrington, of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable John W. Brown, of Chesapeake, as a judge of the First Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable A. Bonwill Shockley, of Virginia Beach, as a judge of the Second Judicial Circuit for a term of eight years commencing March 16, 2016.

The Honorable Leslie M. Osborn, of Lunenburg, as a judge of the Tenth Judicial Circuit for a term of eight years commencing April 1, 2016.

The Honorable Gary A. Hicks, of Henrico, as a judge of the Fourteenth Judicial Circuit for a term of eight years commencing February 1, 2016.

The Honorable Joseph J. Ellis, of Spotsylvania, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable J. Overton Harris, of Hanover, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable Daniel R. Bouton, of Greene, as a judge of the Sixteenth Judicial Circuit for a term of eight years commencing April 1, 2016.

The Honorable Nolan B. Dawkins, of Alexandria, as a judge of the Eighteenth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable Robert J. Smith, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing February 1, 2016.

The Honorable Bruce D. White, of Fairfax, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing January 16, 2016.

The Honorable Burke F. McCahill, of Loudoun, as a judge of the Twentieth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable John T. Cook, of Lynchburg, as a judge of the Twenty-fourth Judicial Circuit for a term of eight years commencing June 1, 2016.

The Honorable Victor V. Ludwig, of Staunton, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable Dennis L. Hupp, of Shenandoah, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing August 1, 2016.

The Honorable Thomas J. Wilson, IV, of Rockingham, as a judge of the Twenty-sixth Judicial Circuit for a term of eight years commencing May 1, 2016.

The Honorable Robert M. D. Turk, of Radford, as a judge of the Twenty-seventh Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable Patrick R. Johnson, of Buchanan, as a judge of the Twenty-ninth Judicial Circuit for a term of eight years commencing May 1, 2016.

SENATE RESOLUTION NO. 27

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, January 21, 2016

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

The Honorable Teresa N. Hammons, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing April 1, 2016.

The Honorable Gene A. Woolard, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing June 1, 2016.

The Honorable Douglas B. Ottinger, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing February 1, 2016.

The Honorable Morton V. Whitlow, of Portsmouth, as a judge of the Third Judicial District for a term of six years commencing February 1, 2016.

The Honorable Charles H. Warren, of Mecklenburg, as a judge of the Tenth Judicial District for a term of six years commencing April 16, 2016.

The Honorable J. William Watson, Jr., of Halifax, as a judge of the Tenth Judicial District for a term of six years commencing February 1, 2016.

The Honorable D. Eugene Cheek, Sr., of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing July 1, 2016.

The Honorable Becky Jo Moore, of Alexandria, as a judge of the Eighteenth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Mitchell I. Mutnick, of Fairfax, as a judge of the Nineteenth Judicial District for a term of six years commencing May 1, 2016.

The Honorable Gordon F. Saunders, of Lexington, as a judge of the Twenty-fifth Judicial District for a term of six years commencing July 1, 2016.

The Honorable Randal J. Duncan, of Radford, as a judge of the Twenty-seventh Judicial District for a term of six years commencing May 1, 2016.

SENATE RESOLUTION NO. 28

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, January 21, 2016

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

The Honorable Deborah V. Bryan, of Virginia Beach, as a judge of the Second Judicial District for a term of six years commencing May 1, 2016.

The Honorable Joseph P. Massey, of Norfolk, as a judge of the Fourth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Ronald E. Bensten, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing February 1, 2016.

The Honorable George C. Fairbanks, IV, of Williamsburg, as a judge of the Ninth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Marvin H. Dunkum, Jr., of Buckingham, as a judge of the Tenth Judicial District for a term of six years commencing April 1, 2016.

The Honorable D. Gregory Carr, of Chesterfield, as a judge of the Twelfth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Stuart L. Williams, Jr., of Henrico, as a judge of the Fourteenth Judicial District for a term of six years commencing May 1, 2016.

The Honorable George D. Varoutsos, of Arlington, as a judge of the Seventeenth Judicial District for a term of six years commencing March 16, 2016.

The Honorable Dale M. Wiley, of Danville, as a judge of the Twenty-second Judicial District for a term of six years commencing July 1, 2016.

The Honorable R. Louis Harrison, Jr., of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing February 1, 2016.

The Honorable Elizabeth Kellas Burton, of Winchester, as a judge of the Twenty-sixth Judicial District for a term of six years commencing May 1, 2016.

The Honorable D. Scott Bailey, of Manassas, as a judge of the Thirty-first Judicial District for a term of six years commencing February 1, 2016.

SENATE RESOLUTION NO. 29

Nominating a person to be elected as a member of the State Corporation Commission.

Agreed to by the Senate, January 21, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected as a member of the State Corporation Commission as follows:

The Honorable Mark C. Christie, of Hanover County, as a member of the State Corporation Commission for a term of six years commencing February 1, 2016.

SENATE RESOLUTION NO. 30

Nominating a person to be elected as a member of the Virginia Workers' Compensation Commission.

Agreed to by the Senate, January 21, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected as a member of the Virginia Workers' Compensation Commission as follows:

The Honorable Robert Ferrell Newman, of Henrico County, as a member of the Virginia Workers' Compensation Commission for a term of six years commencing February 1, 2016.

SENATE RESOLUTION NO. 31

Commending the James River Association.

Agreed to by the Senate, January 28, 2016

WHEREAS, the James River is Virginia's largest river, flowing for 340 miles from the Allegheny Mountains to the Chesapeake Bay, and is Virginia's largest tributary of the Chesapeake Bay; and

WHEREAS, the James River watershed, which is home to more than one-third of Virginia's citizens, covers 25 percent of the Commonwealth and 15 percent of the Chesapeake Bay watershed; and

WHEREAS, the James River is rich in natural and historic resources, including the site of the nation's founding at Jamestown and Virginia's modern capital in Richmond; and

WHEREAS, the James River watershed provides extensive economic, environmental, and recreational benefits; and

WHEREAS, the James River Association is a nonprofit citizens' organization dedicated to the conservation and the responsible stewardship of the natural and historic resources of the James River watershed; and

WHEREAS, the James River Association has been working to protect and enhance the James River's resources since 1976 and celebrates its 40th anniversary in 2016; and

WHEREAS, the James River Association is committed to educating all people on the importance of the James River and the resources that it provides through an annual expedition down the entire river, a yearlong leadership academy for high school students in the watershed, and an ecology center that hosts hundreds of people each year; and

WHEREAS, the James River Association sponsors a "Riverkeeper" program that helps maintain the beauty of the James River and protect its wildlife; and

WHEREAS, the James River Association encourages and coordinates watershed restoration projects to remove invasive species, rebuild riparian buffers, and protect the James River in many other ways; and

WHEREAS, the James River Association advocates for the James River through the publication of the *State of the James* report, which for almost 40 years has assessed the changes in the natural resources of the James River watershed; now, therefore, be it

RESOLVED by the Senate of Virginia, That the James River Association hereby be commended on the occasion of its 40th anniversary and for educating countless people of all ages; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the James River Association as an expression of the Senate of Virginia's admiration for its diligent advocacy on behalf of one of Virginia's most precious natural resources.

SENATE RESOLUTION NO. 32

Celebrating the life of the Honorable N. Wescott Jacob.

Agreed to by the Senate, January 28, 2016

WHEREAS, the Honorable N. Wescott Jacob, a respected judge of the Second Judicial Circuit of Virginia and an active member of the Eastern Shore community, died on April 13, 2015; and

WHEREAS, a native of Onley, Wescott Jacob graduated from Onancock High School, attended Woodberry Forest School, and earned a bachelor's degree from the University of Virginia; and

WHEREAS, desirous to be of service to his country, Wescott Jacob joined many of the other young men of his generation as a member of the United States Navy during World War II; he was deployed to the Pacific theater and rose to the rank of lieutenant (junior grade); and

WHEREAS, after his honorable military service, Wescott Jacob earned a law degree from the University of Virginia and served the community through private practice in Onley and Onancock for many years; and

WHEREAS, in 1969, Wescott Jacob followed in his grandfather's footsteps when he was appointed as a circuit court judge of the Second Judicial Circuit of Virginia; he presided with great fairness and wisdom over courts in Accomack and Northampton Counties; and

WHEREAS, an avid golfer and boater, Wescott Jacob named his boat *The 19th Hole* and was instrumental in the design of the golf course at Eastern Shore Yacht and Country Club, where he was a founding member; he and his wife also enjoyed gardening and specialized in roses; and

WHEREAS, Wescott Jacob served the community as a member of the local Lions Club, and he enjoyed fellowship and worship at Naomi Makemie Presbyterian Church, where he was an elder and treasurer; and

WHEREAS, a man of great integrity, Wescott Jacob served the Commonwealth with professionalism, dedication, and distinction; and

WHEREAS, Wescott Jacob will be fondly remembered and greatly missed by his wife of 63 years, Kate; children, John and Marion, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Honorable N. Wescott Jacob, a circuit court judge in Accomack and Northampton Counties and a respected resident of the Eastern Shore; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Honorable N. Wescott Jacob as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 33

Commending Canon Virginia, Inc.

Agreed to by the Senate, January 28, 2016

WHEREAS, in 2015, Canon Virginia, Inc., celebrated 30 years of being an outstanding corporate citizen, respected for its dynamic, forward-looking, and world-class manufacturing and service operations in the City of Newport News and Gloucester County; and

WHEREAS, Canon Virginia was incorporated in 1985 and is a subsidiary of Canon Inc., a multi-national corporation headquartered in Japan that is a world leader in copying machines and other imaging and industrial equipment; and

WHEREAS, in 1986, Canon Virginia broke ground for a plain paper copier manufacturing facility in Newport News; today, the firm has expanded into other related fields and operates two facilities in Hampton Roads, totaling more than 1.9 million square feet of space; and

WHEREAS, Canon Virginia continually strives to remain globally competitive, operating under the corporate philosophy of "living and working together for the common good"; it has a state-of-the-art cartridge recycling facility in Gloucester, and the Newport News plant is a hub of innovation and high-tech manufacturing; and

WHEREAS, more than 1,800 people work for Canon Virginia in Newport News and at Canon Environmental Technologies Inc., in Gloucester; in the past three decades, the company has spent more than \$900 million in capital investment in the Commonwealth; and

WHEREAS, Canon Virginia's business operations include more than manufacturing; it has served as the North American and South American center for Canon Inc.'s manufacturing, engineering, recycling, and technical support operations; and

WHEREAS, in recognizing the crucial need for skilled workers at its facilities, Canon Virginia helped create the Canon Leadership Scholars program at Christopher Newport University; each year since 2008, the company has provided \$5,000 scholarships to 25 students; and

WHEREAS, additionally, Canon Virginia has been a major supporter of the Boys & Girls Clubs of the Virginia Peninsula, the Virginia Peninsula Foodbank, and local community colleges; the company entered a partnership with Dominion Virginia Power to install 2,000 solar panels; and

WHEREAS, Canon Virginia's presence has resulted in untold employment opportunities and economic growth in the Commonwealth, especially for the trucking industry and ports; many ancillary businesses have emerged to support the company's work; now, therefore, be it

RESOLVED by the Senate of Virginia, That Canon Virginia, Inc., hereby be commended on the occasion of its 30th anniversary of being one of the Commonwealth's premier manufacturing and service businesses; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Toru Nishizawa, president and chief executive officer of Canon Virginia, Inc., as an expression of the Senate of Virginia's respect and admiration for the company's many contributions and commitment to excellence.

SENATE RESOLUTION NO. 34

Celebrating the life of Ann L. Dearsley-Vernon.

Agreed to by the Senate, January 28, 2016

WHEREAS, Ann L. Dearsley-Vernon of Norfolk, an artist and educator who was an important participant in the Greensboro sit-in in North Carolina during the Civil Rights movement, died on December 13, 2015; and

WHEREAS, in 1960, while a graduate student at the Woman's College at the University of North Carolina, Ann Dearsley-Vernon and two friends gave up their seats at the Woolworth lunch counter in Greensboro to several African American students who were not being served, helping initiate the Greensboro sit-in; and

WHEREAS, the students, who became known as the Greensboro Four, would go on to win a crucial victory in the struggle for Civil Rights when Woolworth stores desegregated lunch counters after public outcry over the incident; Ann Dearsley-Vernon remained committed to social justice throughout her life and went on to support several organizations dedicated to diversity; and

WHEREAS, Ann Dearsley-Vernon relocated to Norfolk in 1973 and became the first education director of the Chrysler Museum of Art, where she worked for nearly 30 years; she was a fixture in Norfolk Public Schools and strove to support and motivate aspiring artists; and

WHEREAS, in 2011, Ann Dearsley-Vernon volunteered for a clinical trial of a left ventricular assist device at Sentara Heart Hospital; the device connects the heart to an external power source and is often used for patients awaiting a heart transplant; and

WHEREAS, Ann Dearsley-Vernon participated in a destination therapy trial and lived with the left ventricular assist device for the rest of her life; she inspired doctors, fellow patients, and the community by completing a series of paintings on her experience, two of which hang at Sentara Heart Hospital, called *My Mechanical Heart*; and

WHEREAS, Ann Dearsley-Vernon will be fondly remembered and greatly missed by her daughters, Dearsley, Cory, Betony, and Joett, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Ann L. Dearsley-Vernon, an educator and a supporter of the fine arts, who championed social justice throughout her life; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Ann L. Dearsley-Vernon as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 35

Celebrating the life of John Duffy.

Agreed to by the Senate, February 4, 2016

WHEREAS, John Duffy of Norfolk, an esteemed and award-winning composer whose life and work reflected his advocacy for social change, a strong supporter of the Virginia Arts Festival, and veteran of the United States military, died on December 22, 2015; and

WHEREAS, John Duffy was born in New York, and was the ninth of 14 children; he was educated in parochial schools, taught himself to play the piano, and sang in school choirs; and

WHEREAS, during World War II, John Duffy served his country as a member of the United States Navy; his experiences in combat had a profound influence on his life, and after the war, he became a pacifist and devoted his life to music; and

WHEREAS, in his lifetime, John Duffy wrote more than 300 compositions and won two Emmy awards; he composed for symphony orchestras, operas, theater, television, and film, and many of his works reflected his social concerns; and

WHEREAS, John Duffy founded Meet the Composer, now known as New Music USA, to support the work of American composers; he was an effective advocate for higher wages for composers; and

WHEREAS, after living in New York for many years, John Duffy retired and moved to Hampton Roads; while living in the Commonwealth, he composed two works to celebrate the centennial of Newport News Shipbuilding, "Pride of Virginia" and "Fanfare for Shipbuilders"; and

WHEREAS, the Virginia Arts Festival's John Duffy Composers Institute was created by the composer to encourage and train young composers; he was a strong supporter of the annual spring arts festival held throughout Hampton Roads; and

WHEREAS, John Duffy will be greatly missed and fondly remembered by his children, Maura and Mark, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John Duffy of Norfolk, a distinguished and award-winning composer, founder of a composers' institute at the Virginia Arts Festival, and veteran of the United States military who was a strong advocate for social change; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Duffy as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 36

Commending the University of Virginia baseball team.

Agreed to by the Senate, February 4, 2016

WHEREAS, the University of Virginia baseball team achieved the program's first national title, winning the National Collegiate Athletic Association College World Series in June 2015; and

WHEREAS, defeating the reigning champions, the Vanderbilt University Commodores, by a score of 4–2, the University of Virginia Cavaliers finished the season with a 44–24 record and made history as only the third number 3 or number 4 seed to win the championship; and

WHEREAS, the Vanderbilt University Commodores struck early, taking a 2–0 lead in the first inning, but the University of Virginia Cavaliers rallied to tie the game with a two-run home run by Pavin Smith, his first postseason home run and the first given up by the Commodores in the tournament; and

WHEREAS, the University of Virginia Cavaliers took the lead in the top of the fourth inning and scored again in the seventh inning, with runs by Adam Haseley off of singles by Pavin Smith and Kenny Towns; and

WHEREAS, starting pitcher Brandon Waddell made his 53rd career start to set a school record and his fifth College World Series start to tie for fifth all time in championship series starting appearances; and

WHEREAS, with 13 scoreless innings, three wins, and a save, relief pitcher Josh Sborz was named most outstanding player of the tournament and selected for the All-College World Series Team, along with Ernie Clement, Daniel Pinero, Kenny Towns, and Brandon Waddell; and

WHEREAS, under the able leadership of Brian O'Connor, who was named National Coach of the Year by *Baseball America*, the University of Virginia Cavaliers worked through injuries and adversity to claim the national title, focusing on good pitching and defense; and

WHEREAS, the victory is a testament to the skill and hard work of the athletes, the guidance of the coaches and staff, and the passionate support of the entire University of Virginia Wahoo community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the University of Virginia baseball team hereby be commended on winning the 2015 National Collegiate Athletic Association College World Series; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Brian O'Connor, head coach of the University of Virginia baseball team, as an expression of the Senate of Virginia's admiration for the team's accomplishments.

SENATE RESOLUTION NO. 37

Commending the City of Newport News.

Agreed to by the Senate, February 4, 2016

WHEREAS, Newport News Park was dedicated on May 28, 1966, after the City of Newport News set aside thousands of acres of city-owned land in the watershed area of Newport News and York County for public recreation and enjoyment; and

WHEREAS, during the dedication ceremony, United States Senator A. Willis Robertson predicted that "in the course of time, this park will become one of the most attractive, as well as one of the most useful in the state"; and

WHEREAS, Newport News Parks, Recreation & Tourism was originally established to save open spaces, preserve historic sites, provide facilities for children and adults to play and relax, and designate areas where wildlife could continue to thrive; and

WHEREAS, Newport News Park receives more than two million visits annually and, at over 7,700 acres, holds the distinction of being one of the largest municipal parks in the entire country; it is a valuable asset not only to the City of Newport News and the Virginia Peninsula but also to the entire Commonwealth; and

WHEREAS, Newport News Park is rich with recreational opportunities and offers more than 30 miles of hiking, biking, and equestrian trails; two freshwater, fishable lakes; a modern campground; picnic areas and playgrounds; two 18-hole golf courses and a disc golf course; a nature and history Discovery Center; facilities for bicycle, boat, canoe, and paddleboat rentals; an arboretum with an authentic Japanese teahouse; a model aircraft flying field; an outdoor performing arts center; an archery range; and a visitor information center; and

WHEREAS, Newport News Park is home to a full schedule of special events, including the annual Fall Festival of Folklore, Children's Festival of Friends, and the Commonwealth's first drive through holiday light display—the Celebration in Lights; these regional traditions account for more than 200,000 annual visitors to the Newport News area; and

WHEREAS, Newport News Park comprises a diverse ecosystem of forests, meadows, wetlands, and lakes; combined with the park's recreational opportunities, the natural beauty and tranquility serve to enhance the quality of life for residents of and visitors to the Virginia Peninsula; and

WHEREAS, Newport News Park is home to a wide variety of indigenous plants and animals, including more than 106 species of wildflowers, 284 species of birds, 25 species of amphibians, 103 species of trees and shrubs, 35 species of reptiles, 16 species of ferns, 17 species of freshwater game fish, and 31 species of mammals, along with a wealth of invertebrates, grasses, aquatic plants, and other plant and animal species; and

WHEREAS, Newport News Park preserves a number of historical features, including a National Register of Historic Places site that is situated on the hallowed grounds of the Union Army's only assault on Major General John B. Magruder's Warwick River lines; the park provides visitors with outstanding views of the strategic locations vital to the legacy of the Civil War in their untouched natural states; and

WHEREAS, the creation and operation of Newport News Park promotes regional travel and tourism in partnership with its gateway communities, providing jobs and contributing to the economic vitality of the region; and

WHEREAS, Newport News Park is deserving of the recognition and continued support of citizens throughout the Commonwealth to preserve its ecological and cultural integrity, maintain its recreational viability, and protect its scenic views for generations to come; and

WHEREAS, to commemorate the 50th anniversary of Newport News Park, the City of Newport News has planned special programs and stewardship activities throughout 2016 to enable residents to reconnect with and enjoy this outstanding public asset; and

WHEREAS, Senator Robertson's prediction that Newport News Park would become one of the most attractive and useful parks in the Commonwealth has been and continues to be fully realized; now, therefore, be it

RESOLVED by the Senate of Virginia, That the City of Newport News hereby be commended on the occasion of the 50th anniversary of the opening of Newport News Park; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare copies of this resolution for presentation to the Mayor and City Council of Newport News as an expression of the Senate of Virginia's respect and appreciation for the city's 50 years of stewardship in protecting and managing this outstanding public treasure.

SENATE RESOLUTION NO. 38

Commending Monitor Masonic Lodge No. 197.

Agreed to by the Senate, February 11, 2016

WHEREAS, on December 13, 1865, Most Worshipful Edward H. Lane, Grand Master of Masons in the Commonwealth, presented Monitor Masonic Lodge No. 197 with its inaugural charter to be formed under the Grand Lodge of Virginia, Ancient Free and Accepted Masons; and

WHEREAS, Monitor Lodge No. 197 was originally chartered in May 1863 as Monitor Lodge No. 113 by the Grand Lodge of Maryland, Ancient Free and Accepted Masons, by request of freemasons serving in the United States Navy at Fortress Monroe during the Civil War; and

WHEREAS, on January 2, 1866, a healing ceremony took place above the stables of Fortress Monroe, officially establishing Monitor Lodge No. 197 under the Grand Lodge of Virginia; and

WHEREAS, on January 2, 1866, Monitor Lodge No. 197's first Worshipful Master was J. G. Fulton, its first Senior Warden was R. H. Baughton, and its first Junior Warden was James Curry; and

WHEREAS, Monitor Lodge No. 197 is named in honor of the USS *Monitor*, which participated in a heroic battle with the CSS *Virginia* (originally the USS *Merrimack*) on March 9, 1862 (the first sea battle between iron ships), and tragically sank on December 31, 1862, in a gale off Cape Hatteras, North Carolina; and

WHEREAS, Harrison Phoebus, the founder and namesake for the Phoebus township now within Hampton, was raised to Master Mason in Monitor Lodge No. 197 on January 13, 1871; and

WHEREAS, Monitor Lodge No. 197 has participated in the laying of numerous cornerstones for historical statues, churches, government buildings, and Masonic lodges, including participation at the Yorktown Victory Monument ceremony in October 1881 with United States President Chester A. Arthur, which marked 100 years after the surrender of General Cornwallis to Brother General George Washington, a Mason; and

WHEREAS, Monitor Lodge No. 197 met at St. Tammany Lodge No. 5 in 1894 when the horse stables at Fortress Monroe were torn down; Monitor Lodge No. 197 built and relocated to its new hall, at 212 E. Mellen Street, in Phoebus on October 20, 1894; and

WHEREAS, Monitor Lodge No. 197 continues to be the home and sponsoring body of Hampton Assembly No. 2, International Order of the Rainbow for Girls, a Masonic youth organization for girls teaching leadership, service, and public service skills since 1974; and

WHEREAS, December 13, 2015, was the 150th anniversary of the chartering of Monitor Lodge No. 197 under the Grand Lodge of Virginia, Ancient Free and Accepted Masons; at the time of the ceremony, the Worshipful Master was Joseph Daniel Grist, the Senior Warden was Fred Defrees Yagerhofer Miller, the Junior Warden was Hunter Wesley Routten, the Secretary was Michael Noel Spencer, and the Treasurer was Ryland Vincent Mundie; and

WHEREAS, the members of Monitor Lodge No. 197 continue to provide enlightenment to good men, making them better, by expressing a belief in God, religious tolerance, freedom, and equality; continue to teach temperance, fortitude, prudence, and justice; and continue to promote charity not just to members of their Fraternity and their families but to all mankind; and

WHEREAS, the members of Monitor Lodge No. 197 look forward to another 150 years of service to the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Monitor Masonic Lodge No. 197 hereby be commended on the occasion of its 150th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Monitor Masonic Lodge No. 197 as an expression of the Senate of Virginia's congratulations and respect for its 150 years of fraternal, charitable, and philanthropic activities.

SENATE RESOLUTION NO. 39

Celebrating the life of C. Robert Heath.

Agreed to by the Senate, February 11, 2016

WHEREAS, C. Robert Heath, a proud veteran, respected businessman and dedicated public servant in the City of Harrisonburg, who worked to strengthen and enhance the community, died on December 2, 2015; and

WHEREAS, Robert "Bob" Heath grew up in the Singers Glen area of Harrisonburg and graduated from Harrisonburg High School; he served his country honorably as a member of the United States Air Force during the Korean War; and

WHEREAS, over the course of his four-year enlistment in the military, Bob Heath rose to the rank of staff sergeant, witnessed atomic weapons testing in the Nevada desert, and worked on a top-secret project involving the F-100 jet prototype; and

WHEREAS, Bob Heath began his professional career at S. B. Hoover and Co., before joining the Rockingham Group, which he helped grow into a large, state-wide corporation offering multiple types of insurance; he retired as chief executive officer and member of the board of Rockingham Group after more than 35 years of service; and

WHEREAS, highly respected in the insurance field, Bob Heath was a board member of the National Association of Mutual Insurance Companies for 16 years and earned the organization's Service Award and Merit Award; in addition, he offered his expertise to the Virginia Association of Mutual Insurance Companies as president and executive secretary; and

WHEREAS, Bob Heath carried on a proud family legacy of public service as a former mayor and city council member in Harrisonburg; he oversaw the creation of the first Harrisonburg Comprehensive Plan, which established guidelines for 20 years of responsible growth and development in the city; and

WHEREAS, Bob Heath volunteered his time and wise leadership as president of the Massanutten Property Owners Association and director of the Rotary Club of Harrisonburg; and

WHEREAS, a man who lived his faith through his actions, Bob Heath enjoyed fellowship and worship with the community as a member of Otterbein United Methodist Church, where he taught Sunday School and was a trustee and chair of the administrative board; and

WHEREAS, Bob Heath will be fondly remembered and greatly missed by his wife, Norma; children, Holly and Hank, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of C. Robert Heath, a veteran, public servant, and pillar of the Harrisonburg community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of C. Robert Heath as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 40

Celebrating the life of Allen Ray Ritchie.

Agreed to by the Senate, February 11, 2016

WHEREAS, Allen Ray Ritchie of Harrisonburg, a well-respected and accomplished executive with the Shenandoah Valley Electric Cooperative, who was involved in community and sports organizations and a person of faith, died on August 15, 2015; and

WHEREAS, Allen Ritchie, a native of the Shenandoah Valley, graduated from Broadway High School in 1967 and attended Virginia Polytechnic Institute and State University, where he earned a bachelor's degree in 1972; and

WHEREAS, while he was a college student, Allen Ritchie began working at the Shenandoah Valley Electric Cooperative (SVEC) in a student cooperative program and was hired full time by the electric utility in March 1972, three months before he graduated; and

WHEREAS, Allen Ritchie was promoted to manager of administrative services at SVEC in 1983, and he became vice president of finance and administration in 1996; in that capacity, he was responsible for the utility's financial projections and loan procurement, and he was in charge of rate cases as well as billing and collections; and

WHEREAS, Allen Ritchie spent his entire career at SVEC, and throughout his working life, he strove to do what was in the best interests of the cooperative's member-owners; he conducted business with fairness and integrity and set high expectations for himself and for his coworkers; and

WHEREAS, in addition to his position as vice president, Allen Ritchie served as assistant secretary-treasurer of the board of directors of the SVEC and was a member of regional committees studying electric deregulation and its effect on electric cooperatives; and

WHEREAS, Allen Ritchie willingly shared his expertise in electricity rate design as a member of a three-state regional electric cooperative association accounting group, and he played a major role in SVEC's acquisition of additional service territory in the Commonwealth in 2010; and

WHEREAS, Allen Ritchie's dedication to the electric utility and his breadth of knowledge, especially regarding financial and regulatory issues, were valued by his coworkers and by colleagues at many other electric cooperatives; and

WHEREAS, because of his many years of experience and vast knowledge of the work of rural electric cooperatives, Allen Ritchie's advice and counsel was sought by people from throughout the industry; he was treasurer of the national Rural Electric Management Development Council; and

WHEREAS, Allen Ritchie received a management certificate from the National Rural Electric Association, and in 2001, he was honored as the Executive of the Year by the Harrisonburg Chapter of International Association of Administrative Professionals; and

WHEREAS, Allen Ritchie was a member of Mountain Grove Church of the Brethren, and had belonged to the Dayton Ruritan Club and the Benevolent and Protective Order of Elks; he coached the Bridgewater Braves baseball team for a decade, taking the team to the state tournament for three years in a row, and he coached Midget League football; and

WHEREAS, Allen Ritchie will be greatly missed and fondly remembered by his mother, Hope; daughter, Angela; granddaughter, Grace; and many other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Allen Ray Ritchie of Harrisonburg, the highly esteemed vice president of finance and administration for the Shenandoah Valley Electric Cooperative, who made many contributions to his profession and his community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Allen Ray Ritchie as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 41

Commending the Heaven Bound Mass Choir.

Agreed to by the Senate, February 11, 2016

WHEREAS, in 2016, the Heaven Bound Mass Choir celebrates its 35th anniversary of providing uplifting musical performances of praise and thanksgiving in churches and concert venues in the Commonwealth and the mid-Atlantic region; and

WHEREAS, the Heaven Bound Mass Choir was formed in March 1981 by the late Franklin L. Terrell; singers from eight churches in Caroline County and the surrounding area were the founding members of the vocal ensemble; and

WHEREAS, in its early years, the Heaven Bound Mass Choir consisted of 88 joyful voices; members rehearsed regularly and performed in local houses of worship, lifting their voices in praise and thanksgiving; and

WHEREAS, the songs and music of the Heaven Bound Mass Choir became well-known in the community and the group's concerts drew appreciative and enthusiastic audiences; as its reputation spread, the choir was asked to perform at venues far from where their first performances were held; and

WHEREAS, over the years, audiences around the Commonwealth and in Maryland, the District of Columbia, Pennsylvania, Ohio, and New York have enjoyed and shared in the beautiful and holy music performed by the Heaven Bound Mass Choir; and

WHEREAS, the Heaven Bound Mass Choir performed in New York as part of the award-winning play, *Mama, I Want to Sing*, a musical based on the life and times of African American singer Doris Troy; and

WHEREAS, the Heaven Bound Mass Choir has sponsored scholarships and awards and has held outreach programs that benefit people, churches, and other organizations in the community; the group often donates the proceeds from their performances back to the church hosting the concert; and

WHEREAS, for more than three decades, the Heaven Bound Mass Choir has offered songs of holiness, thanksgiving, and praise and its music has provided sustenance and comfort to an appreciative and ever-growing audience in the Commonwealth and beyond; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Heaven Bound Mass Choir hereby be commended on the occasion of its 35th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the director of the Heaven Bound Mass Choir as an expression of the Senate of Virginia's congratulations and admiration for its many talents and for providing joyous song and music to the people of the Commonwealth.

SENATE RESOLUTION NO. 42

Nominating a person to be elected as a justice of the Supreme Court of Virginia.

Agreed to by the Senate, March 8, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected as a justice of the Supreme Court of Virginia as follows:

The Honorable Rossie D. Alston, Jr., of Manassas, as a justice of the Supreme Court of Virginia for a term of twelve years commencing March 3, 2016.

SENATE RESOLUTION NO. 44

Commending Johnye Bennett.

Agreed to by the Senate, February 11, 2016

WHEREAS, Johnye Bennett, Deputy Clerk – Support Services of the Senate of Virginia Clerk's Office, retired on July 1, 2015, after 32 years of exceptional service to the people of the Commonwealth and the Senate of Virginia; and

WHEREAS, Johnye Bennett started her career in public service with the Richmond General District Court as the clerk and accountant for Judges Turlington, Robertson, Stout, and Wimbish; and

WHEREAS, after seven years working in the judicial system, Johnye Bennett joined the staff of the Senate Clerk's Office, serving as secretary to Senators Edward Holland and Madison Marye during the 1990 Regular Session; and

WHEREAS, following the session, Johnye Bennett was asked to stay on as the Senate's Purchasing/Fiscal Technician, and with her accounting acumen she quickly ascended the ranks to become the Senate's Purchasing Officer in 1995; and

WHEREAS, Johnye Bennett became an increasingly valuable asset to the Senate as she expanded her expertise of procurement law, attaining her certification as a Virginia Contracting Officer and becoming a member of the Virginia Association of Governmental Purchasing; and

WHEREAS, actively engaged in professional development and mentorship, Johnye Bennett was a member of the American Society of Legislative Clerks and Secretaries and served as Chair of the Membership and Communication Committee and as Co-Chair of the Technology Committee; and

WHEREAS, Johnye Bennett's professional excellence and personal attention to detail were reflected in every project she undertook, including the most challenging of her career, coordinating with the Clerk of the Senate the many jobs, activities, and events surrounding the historic renovation of the Virginia State Capitol from 2004 to 2007; and

WHEREAS, recognized early for her management potential, Johnye Bennett accepted the opportunity to attend the Commonwealth Management Institute and was promoted to a team leadership position in 2006; following her outstanding work with the Capitol renovation, she was named Assistant Clerk in 2009 and earned her current title of Deputy Clerk – Support Services in 2011; and

WHEREAS, with her outgoing personality and can-do attitude, Johnye Bennett has been a model team leader to the members of Support Services, who have learned by her example that nothing is impossible with a little imagination and a lot of determination; and

WHEREAS, Johnye Bennett plans to keep equally busy in her retirement; she has set her sights on traveling the globe, attending art classes, and spending more quality time with family and friends; and

WHEREAS, Johnye Bennett has represented the Senate with honor and distinction and has gained the admiration and respect of state leaders, contractors, and colleagues in each of the three branches of government; now, therefore, be it

RESOLVED by the Senate of Virginia, That Johnye Bennett hereby be commended for her outstanding service to the Commonwealth and her commitment to the preservation of the Virginia State Capitol as a treasured historic landmark; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Johnye Bennett, former Deputy Clerk – Support Services, as an expression of the Senate of Virginia's appreciation for her dedication, admiration for her sense of style, and best wishes for a happy and long retirement.

SENATE RESOLUTION NO. 45

Commending the Greater Manassas Baseball League 8U all-star softball team.

Agreed to by the Senate, February 18, 2016

WHEREAS, the Greater Manassas Baseball League 8U all-star softball team, a group of determined young athletes hailing from the Manassas area, won the Babe Ruth League World Series championship in August 2015; and

WHEREAS, after winning the state title and placing second in regionals, the members of the Greater Manassas Baseball League 8U all-star softball team advanced to the national tournament, where they went undefeated and bested the team from Fern Creek, Kentucky, by a score of 6–2 in the championship final; and

WHEREAS, Allyson Logan put the Greater Manassas Baseball League 8U all-star softball team on the board first with an RBI single in the second inning; the team added four more runs in the fourth inning and relied on strong defense to close out the game and claim the national title; and

WHEREAS, Kayli Lamboy went three for three at the plate in the championship final, recording a triple in the second inning, a double in the third inning, and a single in the sixth inning, earning the Batting Champion award; and

WHEREAS, the victory is a testament to the skill and hard work of each of the athletes, the leadership and guidance of the coaches and staff, and the enthusiastic support of the Manassas community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Greater Manassas Baseball League 8U all-star softball team hereby be commended on winning the 2015 Babe Ruth League World Series championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Charlie Joo, head coach of the Greater Manassas Baseball League 8U all-star softball team, as an expression of the Senate of Virginia's admiration for the team's achievements and best wishes for the future.

SENATE RESOLUTION NO. 46

Commending the Prince William County Bar Association, Inc.

Agreed to by the Senate, February 18, 2016

WHEREAS, the Prince William County Bar Association, Inc., celebrates 75 years of upholding the practice of law, promoting professionalism among its members, and providing charitable outreach efforts and an array of legally related activities to the community; and

WHEREAS, when it was formed on July 25, 1941, the Prince William County Bar Association's total membership of seven included every attorney in the county; today, mirroring Prince William County's tremendous population growth, the organization has more than 450 members; and

WHEREAS, the mission of the Prince William County Bar Association is to maintain the honor and dignity of the practice of law, promote the administration of justice, encourage professionalism and collegiality among its members, and contribute to the quality of life in the community; and

WHEREAS, the Prince William County Bar Association is dedicated to improving access to justice by providing numerous pro bono and low cost legal services to low income and underserved residents of Prince William County and the Cities of Manassas and Manassas Park, including alternative dispute resolution, wills for veterans and first responders, and assistance with victims of domestic violence; and

WHEREAS, the Prince William County Bar Association has a long history of service to the citizens of Prince William County and the Cities of Manassas and Manassas Park by virtue of its work with elementary, middle, and high school students and with at-risk youth, senior citizens, and the homeless; and

WHEREAS, the Prince William County Bar Association advances professionalism and collegiality within the membership by providing forums for communication, education, mentoring, business development, and networking; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Prince William County Bar Association, Inc., hereby be commended on the occasion of its 75th anniversary for its efforts to promote the highest caliber of legal standards among its members and for the charitable outreach and legally related services it provides; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jeanice B. Wiethop, president of the Prince William County Bar Association, Inc., as an expression of the Senate of Virginia's congratulations and admiration for its many years of service to the legal community and the people of Prince William County.

SENATE RESOLUTION NO. 47

Commending Arthur P. Bushnell.

Agreed to by the Senate, February 18, 2016

WHEREAS, Arthur P. Bushnell, the longest-serving school board member of Manassas City Public Schools, was nominated as a Virginia School Boards Association Regional School Board Member of the Year in 2015; and

WHEREAS, each year, the Virginia School Boards Association recognizes outstanding school board members who have contributed to student achievement and promoted lifelong learning; the Manassas City School Board voted to nominate Arthur Bushnell for the 2015 award; and

WHEREAS, Arthur Bushnell was appointed to the Manassas City School Board in 1990, reappointed in 1993, and elected for five subsequent terms; serving as vice chair or chair for a decade, he earned the respect of his peers and the public for his commitment to board accountability and high student achievement; and

WHEREAS, under Arthur Bushnell's leadership, Manassas City Public Schools implemented full-day kindergarten, constructed Mayfield Intermediate School, renovated three existing schools, began work on Baldwin Elementary School, and opened baseball and softball fields at Osbourn High School; and

WHEREAS, Arthur Bushnell fostered a professional approach to budgeting at Manassas City Public Schools, supported arts and music programs in the school division, and helped establish the Governor's School at Innovation Park, where he is a joint board member; and

WHEREAS, Arthur Bushnell personally researched and advocated for the Footsteps2Brilliance program, an interactive mobile literacy program that has benefited countless students in Manassas City Public Schools and is the foundation for a blended pre-kindergarten program for all local students; now, therefore, be it

RESOLVED by the Senate of Virginia, That Arthur P. Bushnell hereby be commended on his nomination as a 2015 Virginia School Boards Association Regional School Board Member of the Year; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Arthur P. Bushnell as an expression of the Senate of Virginia's admiration for his tireless service to the youth of the Manassas community and many contributions to the field of education.

SENATE RESOLUTION NO. 48

Commending the Westmoreland County Sheriff's Office.

Agreed to by the Senate, February 18, 2016

WHEREAS, the Westmoreland County Sheriff's Office earned accolades in 2013, 2014, and 2015 at state and international levels for its traffic safety initiatives as part of the Chiefs Challenge; and

WHEREAS, in the annual Chiefs Challenge, the International Association of Chiefs of Police and the Virginia Association of Chiefs of Police rank law-enforcement agencies based on their efforts to increase highway safety in three categories; and

WHEREAS, for three years, the Westmoreland County Sheriff's Office has ranked highly in all three categories, demonstrating dedication to educating the public, increasing enforcement, and recognizing individual officers for their efforts; and

WHEREAS, C. O. Balderson, the sheriff of Westmoreland County, has worked to ensure that the Westmoreland County Sheriff's Office clearly educates the public on occupant protection and the dangers of speed and driving under the influence and properly enforces all applicable laws; and

WHEREAS, in 2013, the Westmoreland County Sheriff's Office earned the Rookie of the Year Award and placed second overall in the Virginia Association of Chiefs of Police Chiefs Challenge, and it placed second in the International Association of Chiefs of Police Chiefs Challenge; and

WHEREAS, in 2014, the Westmoreland County Sheriff's Office earned the Impaired Driving Awareness Award and placed second overall in the Virginia Association of Chiefs of Police Chiefs Challenge, and it placed first in the International Association of Chiefs of Police Chiefs Challenge; and

WHEREAS, in 2015, the Westmoreland County Sheriff's Office placed second in the Virginia Association of Chiefs of Police Chiefs Challenge, and it placed third in the International Association of Chiefs of Police Chiefs Challenge; and

WHEREAS, through its participation in the Chiefs Challenge and exemplary performance related to traffic safety issues, the Westmoreland County Sheriff's Office has helped make the Commonwealth's highways safer and reduced traffic-related injuries and fatalities; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Westmoreland County Sheriff's Office hereby be commended on receiving multiple state and international awards for its traffic safety initiatives; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Sheriff C. O. Balderson as an expression of the Senate of Virginia's admiration for the achievements of the Westmoreland County Sheriff's Office in service to the community and the Commonwealth.

SENATE RESOLUTION NO. 49

Commending the Lake Braddock Secondary School coed cross country team.

Agreed to by the Senate, February 18, 2016

WHEREAS, the Lake Braddock Secondary School coed cross country team claimed two state titles in 2015, winning the Virginia High School League Group 6A boys' and girls' state championships; and

WHEREAS, the Lake Braddock Secondary School Bruins won the Virginia High School League (VHSL) Group 6A girls' cross country state championship, claiming their second girls' state title in four years; and

WHEREAS, Kate Murphy won the individual state title with a time of 18:20; Sarah Daniels finished in 10th place, Emily Schiesel finished in 11th place, Sonya Butseva finished in 14th place, and Samantha Schwers finished in 16th place; and

WHEREAS, the Lake Braddock Secondary School Bruins won the Virginia High School League (VHSL) Group 6A boys' cross country state championship, claiming their second consecutive boys' state title; and

WHEREAS, Colin Schaefer led the boys' team, finishing in fourth place with a time of 16:02; Conor Lyons finished in eighth place, Spencer Jolley finished in 11th place, Cavanaugh McGaw finished in 14th place, and Evan Chase finished in 22nd place; and

WHEREAS, the successful season is a testament to the skills and perseverance of the student-athletes, the leadership and guidance of the coaches and staff, and the energetic support of the entire Lake Braddock Secondary School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Lake Braddock Secondary School coed cross country team hereby be commended on winning two Virginia High School League Group 6A state titles in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Lake Braddock Secondary School coed cross country team as an expression of the Senate of Virginia's admiration for the program's accomplishments and best wishes for the future.

SENATE RESOLUTION NO. 50

Commending the Robinson Secondary School girls' lacrosse team.

Agreed to by the Senate, February 18, 2016

WHEREAS, the Robinson Secondary School girls' lacrosse team of Fairfax County won the Virginia High School League Group 6A state championship in June 2015; and

WHEREAS, the Robinson Secondary School Rams defeated the Oakton High School Cougars 16–12 to finish the season with a 21–1 record and secure the program's first state title since 2003; and

WHEREAS, leading 9–3 at halftime, the Robinson Secondary School Rams weathered a determined effort by the Cougars, who cut the deficit down to one point; the Rams responded to the challenge, scoring four of the last five points in the game; and

WHEREAS, Izzy Obregon led the team with four goals, Katie Checkosky added three goals and five assists, and Elli Kluegel and Mackenzie Schuler both had three goals; and

WHEREAS, the victory is a testament to the skill and hard work of all of the student-athletes, the able leadership of the coaches and staff, and the enthusiastic support of the entire Robinson Secondary School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Robinson Secondary School girls' lacrosse team hereby be commended on winning the 2015 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Liz Case, head coach of the Robinson Secondary School girls' lacrosse team, as an expression of the Senate of Virginia's admiration for the team's achievements.

SENATE RESOLUTION NO. 51

Commending the Westfield High School football team.

Agreed to by the Senate, February 25, 2016

WHEREAS, the Westfield High School football team capped off an impressive season by winning the 2015 Virginia High School League Group 6A state championship; and

WHEREAS, the Westfield High School Bulldogs from Fairfax County defeated a talented team from Oscar Smith High School 49–42 in the triple-overtime game played on December 12, 2015, at Scott Stadium in Charlottesville; and

WHEREAS, the team from Chantilly had a strong start, leading 14–0 early on; their opponents then tied the game, but the Westfield Bulldogs scored another touchdown just before halftime to take a 21–14 lead; and

WHEREAS, the game was up for grabs during the second half as both teams mounted strong offensive and defensive efforts, and by the end of regulation time the game was tied; it took three overtime periods and a thrilling goal-line defensive effort by Westfield High School to decide the state champion; and

WHEREAS, the Westfield High School football team—holding the lead in the third overtime—stayed calm, determined, and focused as its defense successfully held off a fourth-and-goal play from the Oscar Smith Tigers on the two-yard line; and

WHEREAS, under the direction of Kyle Simmons, head coach of the Westfield High School football team, and his dedicated staff, the players honed their talents and skills throughout a season that was full of challenges; and

WHEREAS, the Westfield High School Bulldogs, who now have three state football trophies, were greatly supported by their families, friends, and the entire school community as they aimed for another state title; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Westfield High School football team hereby be commended for winning the 2015 Virginia High School League Group 6A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Kyle Simmons, head coach of the Westfield High School football team, as an expression of the Senate of Virginia's congratulations and admiration for the team's outstanding accomplishments and winning season.

SENATE RESOLUTION NO. 52

Commending West Springfield High School.

Agreed to by the Senate, February 18, 2016

WHEREAS, for 50 years, West Springfield High School in Fairfax County has provided local youth with an outstanding educational experience and helped prepare them for higher education, careers, and responsible citizenship; and

WHEREAS, established in 1966 with S. John Davis as its first principal, West Springfield High School now serves more than 2,200 students in grades nine through 12; and

WHEREAS, West Springfield High School offers a wide variety of extracurricular activities and athletics programs, and the West Springfield Spartans have claimed 29 state championships in multiple sports; and

WHEREAS, many former West Springfield Spartans have achieved success as professional athletes, including Jeremy Kapinos, James Dexter, Kara Lawson, Ryan Speier, Joe Saunders, Brian Carroll, and Jeff Carroll; and

WHEREAS, West Springfield High School offers students the opportunity to participate in acclaimed dance, theatre, and music programs; the West Springfield Dance Team holds six consecutive titles in the National Dance Alliance national championship; and

WHEREAS, West Springfield High School alumni have gone on to become respected leaders in their fields, including astronaut Patrick Forrester, actress Becky Ann Baker, and writer Edmund Brown; and

WHEREAS, each member of the faculty, administration, and staff at West Springfield High School contributes to motivating, inspiring, and educating the future leaders of Northern Virginia and the Commonwealth; now, therefore, be it

RESOLVED by the Senate of Virginia, That West Springfield High School hereby be commended for its service to Fairfax County on the occasion of its 50th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Michael Mukai, principal of West Springfield High School, as an expression of the Senate of Virginia's admiration for the school's legacy of service to the young men and women of the Fairfax community.

SENATE RESOLUTION NO. 53

Celebrating the life of Elizabeth Hill Brauer.

Agreed to by the Senate, February 25, 2016

WHEREAS, Elizabeth Hill Brauer of Hampton, a generous supporter and promoter of the city and many of its civic institutions and organizations, an active community volunteer, a woman of great faith, and a devoted wife and mother, died on February 5, 2016; and

WHEREAS, Elizabeth "Skeeter" Brauer was born in Richmond and attended Collegiate School for Girls; she met her husband, Harrol, a student at the University of Richmond, while on a weekend trip to Deltaville; and

WHEREAS, after she was married, Skeeter Brauer lived in Hampton where she raised a family and took an active part in community endeavors; throughout their lives, she and her husband were enthusiastic promoters of many educational, cultural, and religious organizations in the Hampton area; and

WHEREAS, Skeeter Brauer and her husband were ardent supporters of Christopher Newport University in Newport News, and the Brauer Room in Christopher Newport Hall is named in their honor; the elegant meeting space honors their many contributions to the university; and

WHEREAS, in 1984, Skeeter Brauer and her husband were named cochairs of the 375th Anniversary of Hampton celebration and traveled to England to extend a personal invitation to the Archbishop of Canterbury to visit the city; and

WHEREAS, the City of Hampton honored Skeeter Brauer and her husband in 1986 with Distinguished Citizen Medallions for their countless contributions to the betterment of the city and service to the community; and

WHEREAS, many institutions benefited from Skeeter Brauer's dedication and service, including Hampton University, which presented her and her husband with the university's Art of Presidential Service Award; NASA Langley Research Center gave the Brauers framed articles that had flown on the space shuttle for their outstanding work on behalf of the space agency; and

WHEREAS, additionally, Skeeter Brauer worked on behalf of troubled youth; she helped to found the Less Secure Detention Home in Hampton and was a lifetime member of the National Parent Teacher Association; and

WHEREAS, Skeeter Brauer was interested in the preservation of Hampton's rich heritage and was a founder of the Hampton Beautification Committee; her hobbies included collecting antique dolls and Victorian-era greeting cards; and

WHEREAS, a woman of great faith, Skeeter Brauer enjoyed fellowship and worship at St. John's Episcopal Church in Hampton, the oldest continuous Anglican parish in the nation, and she was the author of a history of the 400-year-old church; and

WHEREAS, Skeeter Brauer, who was predeceased by her husband, Harrol, Jr., will be greatly missed and fondly remembered by her sons, Harrol III, William, and Gregory, and their families; and many family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Elizabeth Hill Brauer, a prominent ambassador and supporter of Hampton, an outstanding community volunteer, and a devoted wife and mother; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Elizabeth Hill Brauer as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 54

Celebrating the life of Lieutenant Colonel Arthur Korff, USAF, Ret.

Agreed to by the Senate, February 25, 2016

WHEREAS, Lieutenant Colonel Arthur Korff, USAF, Ret., of Newport News, who worked for an international labor organization and was a valued member of many community organizations, a man of great faith, and a devoted husband and father, died on February 3, 2016; and

WHEREAS, Arthur Korff proudly served in the United States Air Force for many years; he learned to fly B-24 bombers during World War II and was a career military officer; he was stationed at the Pentagon at the time of his retirement and had risen to the rank of lieutenant colonel; and

WHEREAS, after retiring from the Air Force, Arthur Korff then embarked on a second career as a senior representative for the International Brotherhood of Electrical Workers; he moved to Newport News in 1992; and

WHEREAS, many organizations benefited from Arthur Korff's interest and involvement; he was a docent at the Mariners' Museum and Park for eight years, and was a valued member of the Scottish Society of Tidewater Virginia, Saint Andrew's Society of Williamsburg, Olympia Lodge (New York), Warwick Lodge No. 336, AF&AM, and Newport News Scottish Rite; and

WHEREAS, Arthur Korff made many friends as retiree activities director at Langley Air Force Base; he cofounded the Newport News Police Pipes and Drums band, taught beginning bagpipers, and led several tours to Scotland; and

WHEREAS, a man of deep faith, Arthur Korff enjoyed fellowship and worship at St. Andrew's Episcopal Church in Newport News, where he served as an usher; and

WHEREAS, Arthur Korff will be greatly missed and fondly remembered by his wife, Anne; his children, foster children, and grandchildren; and many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Lieutenant Colonel Arthur Korff, USAF, Ret., of Newport News, a proud veteran of the United States Air Force who made a career of serving his country, a former employee of the International Brotherhood of Electrical Workers, an active volunteer in his community, a man of great faith, and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Lieutenant Colonel Arthur Korff, USAF, Ret., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 55

Commending the Lewis B. Puller, Jr. Veterans Benefits Clinic.

Agreed to by the Senate, February 25, 2016

WHEREAS, the Lewis B. Puller, Jr. Veterans Benefits Clinic, consisting of William & Mary law students supervised by experienced veterans law attorneys, provides invaluable assistance to veterans pursuing disability compensation benefits for their service-connected disabilities; and

WHEREAS, in 2008, the Lewis B. Puller, Jr. Veterans Benefits Clinic (Puller Clinic) became the first law school clinic in the nation to combine legal and psychological methods to provide holistic services to veterans; and

WHEREAS, the Puller Clinic partners with the Center for Psychological Services and Development at Virginia Commonwealth University and the Center for Psychological Services at George Mason University to address psychological traumas with a multi-disciplinary approach; and

WHEREAS, the Puller Clinic and its volunteer attorneys were presented with the Lewis F. Powell Jr. Pro Bono Award in 2013 by the Special Committee on Access to Legal Services of the Virginia State Bar, recognizing the "foresight and professionalism in helping to provide legal services to veterans with service connected disabilities [and] their role in training and supervising law students"; and

WHEREAS, in 2013, the Puller Clinic became the first law school clinic in the nation to be invited to join the Department of Veterans Affairs Fully Developed Claims Community of Practice; and

WHEREAS, in 2015, the Puller Clinic, in partnership with Starbucks' Armed Forces Network, founded "Military Mondays," whereby law students and professors provide veterans and their families with an opportunity to meet at Starbucks and receive free advice and counsel; and

WHEREAS, "Military Mondays" received the 2016 Brown Select award by the American Bar Association's Standing Committee on the Provision of Legal Services for its innovation and replication; and

WHEREAS, the Puller Clinic held the first National Conference on Law Clinics Serving Veterans to bring people from all across the country together to discuss the legal needs of veterans and to encourage replication of the Puller Clinic model; and

WHEREAS, the Puller Clinic is making a difference in the lives of hundreds of veterans annually, while training tomorrow's attorneys to be skilled and ethical practitioners who are passionate about helping veterans obtain the benefits they are owed from a grateful nation; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Lewis B. Puller, Jr. Veterans Benefits Clinic hereby be commended for its years of service to the Commonwealth's men and women in uniform; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Patricia E. Roberts, director of the Lewis B. Puller, Jr. Veterans Benefits Clinic, as an expression of the Senate of Virginia's admiration for the clinic's outstanding service to the veterans who have sacrificed so much in defense of the Commonwealth and the nation.

SENATE RESOLUTION NO. 56

Celebrating the life of Senior Trooper Michael P. Dooley.

Agreed to by the Senate, March 3, 2016

WHEREAS, Senior Trooper Michael P. Dooley, who served and protected the residents of Chesapeake for more than a decade as a member of the Virginia State Police, died on October 21, 2015; and

WHEREAS, Senior Trooper Dooley joined the Virginia State Police on April 10, 2002, as a member of the 103rd Basic Session; upon graduation, he began his career with the Area 32 Office in the Chesapeake Division; and

WHEREAS, in 2006, Senior Trooper Dooley transferred to the Sex Offender Investigative Unit (SOIU) in the Criminal Justice Information Services Division; and

WHEREAS, during his tenure on the SOIU, Senior Trooper Dooley received several extraordinary commendations for his dedication, work ethic, and expert management of one of the largest caseloads in Region 3; and

WHEREAS, Senior Trooper Dooley was recognized for his tireless efforts and commitment to train new SOIU compliance officers in his area; and

WHEREAS, Senior Trooper Dooley was a respected and valued member of the Virginia State Police for 13 years; and

WHEREAS, Senior Trooper Dooley's devotion to his profession was exemplified by his performance of duties during Hurricane Sandy in 2012, when he was assigned to the Island of Chincoteague, where conditions had deteriorated and were extremely hazardous due to lack of power, downed trees, and flooding; and

WHEREAS, a native of Millington, Tennessee, Senior Trooper Dooley was a graduate of Princess Anne High School in Virginia Beach and attended Tidewater Community College and Old Dominion University; and

WHEREAS, Senior Trooper Dooley was an immediate past president of the Police Association of Virginia and had raised to the degree of master mason in Great Bridge Masonic Lodge No. 257; and

WHEREAS, Senior Trooper Dooley will be fondly remembered and greatly missed by his wife, children, stepchildren, grandchildren, siblings, and numerous other family members, friends, and fellow law-enforcement officers; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Senior Trooper Michael P. Dooley, a distinguished law-enforcement officer in Chesapeake; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Senior Trooper Michael P. Dooley as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 57

Commending James D. Campbell.

Agreed to by the Senate, March 3, 2016

WHEREAS, James D. Campbell, who has served with great distinction as executive director of the Virginia Association of Counties since 1990 and has led the organization as it became a leading advocate for the 95 counties in the Commonwealth, will retire on June 30, 2016; and

WHEREAS, when James "Jim" Campbell was named executive director of the Virginia Association of Counties (VACo) in 1990, one of his chief goals was to increase the visibility of the association; he excelled in developing VACo's prominent role in legislative and municipal affairs; and

WHEREAS, Jim Campbell, who has been executive director of VACo for 25 years, supervised the association's implementation of key financial, educational, and membership programs that have benefited county governments throughout the Commonwealth; and

WHEREAS, Jim Campbell is the longest-serving executive director in VACo's 81-year history; he has inspired many local government officials and has been a tireless leader, protector, and promoter of county interests; and

WHEREAS, under Jim Campbell's leadership, VACo has helped to guide legislation regarding taxation, finance issues, and important policy matters affecting counties in the Commonwealth; he successfully urged counties to work together for their mutual benefit, and today, every county in the Commonwealth is a member of VACo; and

WHEREAS, in addition to positioning VACo as an effective representative for local governments, Jim Campbell developed innovative initiatives that help counties save money on risk management and insurance and earn higher rates of return on investments earmarked for employee benefits and reserve funds; and

WHEREAS, one of Jim Campbell's major achievements was overseeing the establishment of a permanent headquarters for VACo; the association purchased and renovated an historic building on East Main Street in Richmond; and

WHEREAS, Jim Campbell and the members of VACo wanted to preserve the building's historical significance and make it an environmentally friendly structure; when the VACo headquarters opened in 2009, it was awarded a gold Leadership in Energy & Environmental Design certification for its energy conservation measures and "green" design; and

WHEREAS, Jim Campbell, known for his positive management style and sense of humor, is a strong supporter of VACo employees' professional growth and innovation; he is admired as a mentor and for showing respect to all with whom he worked; now, therefore, be it

RESOLVED by the Senate of Virginia, That James D. Campbell, executive director of the Virginia Association of Counties, hereby be commended for his inspiring leadership and many accomplishments on the occasion of his retirement in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to James D. Campbell as an expression of the Senate of Virginia's respect and admiration for his dedicated work and tireless efforts on behalf of the 95 counties in the Commonwealth and best wishes in retirement.

SENATE RESOLUTION NO. 58

Commending the National Education Association Read Across America program.

Agreed to by the Senate, March 3, 2016

WHEREAS, for 19 years, the National Education Association Read Across America program has helped to make the United States a nation of readers by inspiring and supporting youth throughout the country; and

WHEREAS, the members of the National Education Association and the Virginia Education Association are committed to promoting reading as a catalyst for students' future academic achievement, for success in careers, and for the ability to engage with communities throughout the world; and

WHEREAS, the National Education Association offers resources to help schools and organizations plan Read Across America programs and events, and the association will host a six-city reading tour; and

WHEREAS, as part of the National Education Association Read Across America program, the organization commemorated the 112th birthday of Dr. Seuss through National Read Across America Day on March 2, 2016; the annual event promotes adult involvement in reading education and is supported by the Virginia Education Association as well as other associations nationwide; and

WHEREAS, an essential element of the Read Across America program is to ensure that all children have a safe place to read and learn with a caring adult on National Read Across America Day; now, therefore, be it

RESOLVED by the Senate of Virginia, That the National Education Association Read Across America program hereby be commended for its efforts to motivate children and teens to read; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the National Education Association as an expression of the Senate of Virginia's admiration for the organization's work to make children and teens in the Commonwealth and the United States the best readers in the world.

SENATE RESOLUTION NO. 59

Commending the Reverend Leonard Spady, Jr.

Agreed to by the Senate, March 3, 2016

WHEREAS, the Reverend Leonard Spady, Jr., has served the voters of Northampton County for 25 years with enthusiasm and distinction as a member of the Northampton County Electoral Board; and

WHEREAS, as a member of the Northampton County Electoral Board, Leonard Spady has helped to ensure that elections were run with fairness, accuracy, and integrity; and

WHEREAS, during Leonard Spady's tenure, he has helped to execute six presidential elections, six gubernatorial elections and scores of federal, state, and local elections; and

WHEREAS, Leonard Spady is an eighth-generation native of Northampton County whose family lineage in the area dates back to 1753; and

WHEREAS, Leonard Spady is a beloved and influential member of the Eastern Shore community, serving as pastor of St. John's Baptist Church for 25 years, as a public school teacher in Northampton and Accomack Counties, and as an employee of Delmarva Power and Light; and

WHEREAS, Leonard Spady attended Northampton County Public Schools and graduated from Norfolk State University; and

WHEREAS, Leonard Spady and his wife, Carrie Elizabeth, raised four beloved children—Felicia, Jaclyn, Leonard, and Sandra—about whom he always speaks with pride; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Leonard Spady, Jr., hereby be commended for his dedicated service as a member of the Northampton County Electoral Board; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Leonard Spady, Jr., as an expression of the Senate of Virginia's admiration for his contributions to the Eastern Shore community.

SENATE RESOLUTION NO. 60

Commending Maryann Horch.

Agreed to by the Senate, March 3, 2016

WHEREAS, Maryann Horch, Senior Systems Analyst of the Senate of Virginia Clerk's Office, serves as the Associate Vice-President of the American Society of Legislative Clerks and Secretaries for 2015–2016; and

WHEREAS, founded in 1943, the American Society of Legislative Clerks and Secretaries (ASLCS) has strived to improve legislative administration and to establish better communication among clerks, secretaries, and their staffs throughout the United States and its territories; and

WHEREAS, today, ASLCS is one of the most active professional sections of the National Conferences of State Legislatures (NCSL); the society vigorously engages its members to share their expertise and learn from each other at educational meetings and seminars and in scholarly publications; and

WHEREAS, Maryann Horch's professional journey with the society began when she was accepted as a participant in the Associate Exchange Program and traveled to Colorado to observe first-hand the operations of the legislature; and

WHEREAS, prior to her election as Associate Vice-President of ASLCS, Maryann Horch held several leadership positions on the society's standing committees, including Co-Chair of the Professional Journal Committee in 2007–2009, Vice-Chair and Chair of the Technology Committee in 2009–2010 and 2010–2011, respectively, Vice-Chair of the Program Development Committee in 2011–2012, and Vice-Chair of the Legislative Administrator in 2012–2013; and

WHEREAS, highly regarded among her peers for her creativeness, diligence, and enthusiasm, Maryann Horch was elected as an associate member of the Executive Committee in 2014 and has worked industriously to enhance the skills, knowledge, and effectiveness of her colleagues across the country; and

WHEREAS, Maryann Horch's numerous contributions to ASLCS and NCSL are a testament to her dedication and commitment to the advancement of professional education and the promotion of collegiality among the staff of the offices of the clerks and secretaries; now, therefore, be it

RESOLVED by the Senate of Virginia, That Maryann Horch hereby be commended and congratulated on her election as Associate Vice-President of the American Society of Legislative Clerks and Secretaries; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Maryann Horch as an expression of the Senate of Virginia's appreciation for her dedication, diligence, and strong sense of service to the Senate and the Commonwealth.

SENATE RESOLUTION NO. 61

Celebrating the life of Jay Cochran, Jr.

Agreed to by the Senate, March 3, 2016

WHEREAS, Jay Cochran, Jr., a long-serving law-enforcement professional and former executive director of the Virginia Association of Chiefs of Police and the Virginia Police Chiefs Foundation, passed away on February 4, 2016, in Ashburn; and

WHEREAS, Jay Cochran was born in Gary, Indiana, on October 15, 1927; he graduated from Michigan State University in May 1951 with a degree in mechanical engineering and received an appointment to the Federal Bureau of Investigation (FBI) in March 1952; he was initially assigned to the Tulsa, Oklahoma, office before transferring to New York City; and

WHEREAS, Jay Cochran spent 10 years in the FBI laboratory in Washington, D.C., where he worked on several cases with historical significance; he opted for administrative advancement and transferred to El Paso, Texas, as assistant special agent in charge; to Houston, Texas, as assistant special agent in charge and inspector; to Savannah, Georgia, as the special agent in charge; and then back to Washington, D.C., as assistant director of the FBI, all over the span of 27 years; and

WHEREAS, three days after his retirement from the FBI in 1979, Jay Cochran was appointed director of the Virginia State Police's newly formed Bureau of Criminal Investigation, where he worked for six years; and

WHEREAS, Jay Cochran was then appointed commissioner of the Pennsylvania State Police from 1985 to 1987, and in June of 1988, he was appointed to the Virginia Board of Alcoholic Beverage Control as its chair; and

WHEREAS, Jay Cochran joined the Society of Former Special Agents of the FBI in 1979 and served on the board of trustees for the society from 2003 to 2004; he was a past chair of the Richmond chapter, which was officially renamed the Jay Cochran, Jr. – Richmond Chapter on February 19, 2014, the first time any chapter had ever been renamed for a living person; and

WHEREAS, Jay Cochran continued his service to the law-enforcement profession, serving as executive director of the Virginia Association of Chiefs of Police and chief executive officer of the Virginia Police Chiefs Foundation until 1996, then serving as the first executive director of the Virginia Public Safety Foundation, where he was the catalyst in creating and codifying the Commonwealth Medal of Valor Award; and

WHEREAS, Jay Cochran will be fondly remembered and greatly missed by his wife of 67 years, Betty Amon Cochran; one brother, John Cochran; two daughters, Christie Lee Lowe and Claudia Ann Revella; two sons, Randall Linn Cochran and Jay Cochran III; and six grandchildren, Casandra Revella, Francesca Revella, Lindsey Cochran, Kyle Cochran, Grace Cochran, and Virginia Cochran, and their families; numerous other family members and friends; and his law-enforcement family; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Jay Cochran, Jr., a law-enforcement leader and public servant of tremendous stature; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Jay Cochran, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 62

Commending George Hirschmann.

Agreed to by the Senate, March 10, 2016

WHEREAS, George Hirschmann, who has admirably served viewers of WHSV-TV3 in Harrisonburg for 16 years as a longtime meteorologist, retired on March 2, 2016, bringing to a close a career in which he was a familiar and trusted presence in thousands of households in the Shenandoah Valley; and

WHEREAS, George Hirschmann was born in Harrisburg, Pennsylvania, and earned a bachelor's degree from LaSalle University; he then served as a lieutenant in the United States Navy for several years; and

WHEREAS, meteorology was George Hirschmann's second career after leaving the military; he first made a living as a comedian and actor for 30 years, performing stand-up comedy in venues across the United States and working with some of the country's most famous entertainers; and

WHEREAS, in addition to sharing the stage with stars such as Jay Leno, David Letterman, and Robin Williams, George Hirschmann acted in television shows and commercials; he had speaking roles in *Married With Children*, *Step by Step*, and *Coach*, and portrayed the Orkin Man in commercials; and

WHEREAS, in the late 1990s, George Hirschmann returned to school to study broadcast meteorology, enrolling in an online course at Mississippi State University, and in 2000, he joined the staff of WHSV-TV3; and

WHEREAS, George Hirschmann acknowledges that he was a bit nervous on his first day of work at the Harrisonburg station, but he soon became a trusted professional and is well-known throughout the Harrisonburg area; and

WHEREAS, as a beloved local celebrity, George Hirschmann has been master of ceremonies at innumerable events, judged competitions, and is a sought-after speaker at schools, churches, and community groups; and

WHEREAS, in retirement, George Hirschmann plans to remain in Harrisonburg, play golf, and perform comedy, and he is considering becoming involved in local government; now, therefore, be it

RESOLVED by the Senate of Virginia, That George Hirschmann, meteorologist for WHSV-TV3 in Harrisonburg, hereby be commended on the occasion of his retirement on March 2, 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George Hirschmann as an expression of the Senate of Virginia's congratulations and admiration for his service to the people of Harrisonburg and the Shenandoah Valley as a trusted weather forecaster, and best wishes in retirement.

SENATE RESOLUTION NO. 63

Celebrating the life of John Joseph Digges.

Agreed to by the Senate, March 10, 2016

WHEREAS, John Joseph Digges, a business owner, farmer, and active volunteer in Bohannon, died on July 14, 2015; and WHEREAS, a native of Baltimore, John Digges earned a bachelor's degree from Loyola University Maryland and served his country honorably as a member of the United States Coast Guard; and

WHEREAS, John Digges enjoyed a long and fulfilling career in the construction industry, serving as owner, president, and chief executive officer of Bush Construction Company; he was an active partner in Plantation Group and several other organizations that developed thousands of housing units; and

WHEREAS, John Digges was an accomplished world traveler and a passionate outdoorsman, who shared his love of hunting and fishing with friends and family; he spent much of his time on his beloved Edgewater Farm; and

WHEREAS, a man who lived his faith through his actions, John Digges was a devout Catholic and enjoyed fellowship and worship with several congregations throughout his life; he cherished opportunities to support churches and communities through volunteer efforts; and

WHEREAS, a devoted family man, John Digges was predeceased by his first wife, Mary; he will be fondly remembered and greatly missed by his wife, Linda; children, Mary, Nuncia, Sarah, Margaret, Anne, Virginia, Ralph, James, Anna, and Mark, and their families; and numerous other family members, friends, and colleagues; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of John Joseph Digges, an entrepreneur, farmer, volunteer, and admired member of the Bohannon community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of John Joseph Digges as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 64

Confirming nominations by the Senate Committee on Rules.

Agreed to by the Senate, March 8, 2016

RESOLVED by the Senate of Virginia, That the Senate confirm the following nominations made by the Senate Committee on Rules to the Senate Ethics Advisory Panel pursuant to § 30-112 of the Code of Virginia:

Daniel J. Palazzolo, 6705 Lakewood Drive, **Richmond**, Virginia 23229, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

The Honorable Jackson E. Reasor, Jr., 1516 Cedarbluff Drive, **Henrico**, Virginia 23239, for a term of four years beginning July 1, 2016, and ending June 30, 2020, to succeed himself.

SENATE RESOLUTION NO. 65

Nominating a person to be elected as a justice of the Supreme Court of Virginia.

Agreed to by the Senate, March 2, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected as a justice of the Supreme Court of Virginia as follows:

The Honorable Jane M. Roush, of Fairfax, as a justice of the Supreme Court of Virginia for a term of twelve years commencing March 1, 2016.

SENATE RESOLUTION NO. 66

Commending the Virginia College Fund.

Agreed to by the Senate, March 10, 2016

WHEREAS, for 50 years, the Virginia College Fund, a consortium of four private liberal arts colleges and universities, has helped make independent higher education more affordable for students in the Commonwealth; and

WHEREAS, established in 1965 by Averett University, Bluefield College, Eastern Mennonite University, and Ferrum College, the Virginia College Fund was designed to raise money for scholarships and funding to help students attend independent colleges and universities; and

WHEREAS, the Virginia College Fund has raised more than \$21,000,000 in its 50-year history, all of which has gone toward student support and general college aid; and

WHEREAS, the Virginia College Fund has helped countless young men and women attend college, including first-generation college students, minority students, and students from underserved communities; and

WHEREAS, the members of the Virginia College Fund make significant contributions to the Commonwealth, and students from all of the Commonwealth's private colleges and universities have gone on to become leaders in their career fields and communities; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Virginia College Fund hereby be commended on the occasion of its 50th anniversary in 2015; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Virginia College Fund as an expression of the General Assembly's admiration for the consortium's commitment to helping Virginia students achieve their dreams.

SENATE RESOLUTION NO. 67

Commending Melissa S. Peacor.

Agreed to by the Senate, March 10, 2016

WHEREAS, in 2016, Melissa S. Peacor retires as county executive for Prince William County after 30 years of dedicated service to the community; and

WHEREAS, Melissa Peacor began her career with Prince William County in 1985 in the Planning Office; over the years, she served as the county's first strategic planning coordinator, budget director, assistant county executive, and deputy county executive; and

WHEREAS, after a national search, Melissa Peacor was appointed by the Prince William County Board of Supervisors as county executive in 2010; she has been a staunch advocate for efficient local government and has earned recognition from the Government Finance Officers Association for her budgeting initiatives; and

WHEREAS, under Melissa Peacor's leadership, Prince William County earned a AAA bond rating from all three major credit rating agencies for the first time in its history; she oversaw responsible growth that helped to strengthen and enhance the future of Prince William County; and

WHEREAS, Melissa Peacor increased transparency in local government and encouraged citizen input and participation, initiating the county's first citizen-based strategic planning process and an annual citizen survey; and

WHEREAS, earning the respect of both peers and employees, Melissa Peacor built and sustained a positive workplace culture in Prince William County government, with 91 percent of county employees reporting high levels of workplace satisfaction during her tenure; and

WHEREAS, Melissa Peacor strove to inspire a new generation of local government professionals by increasing diversity in county offices and actively encouraging citizens to take part in local government; now, therefore, be it

RESOLVED by the Senate of Virginia, That Melissa S. Peacor hereby be commended on the occasion of her retirement as county executive of Prince William County; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Melissa S. Peacor as an expression of the Senate of Virginia's admiration for her exemplary service to the residents of Prince William County.

SENATE RESOLUTION NO. 68

Commending George M. Homewood III.

Agreed to by the Senate, March 10, 2016

WHEREAS, George M. Homewood III, director of planning and community development for the City of Norfolk, has been named to the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in urban planning; and

WHEREAS, George Homewood was recognized by the American Institute of Certified Planners (AICP) in the category of community service and leadership; being honored as a member of the AICP's College of Fellows is the profession's highest honor; and

WHEREAS, AICP Fellows have shown excellence in professional practice, teaching and mentoring, research, public and community service, and leadership; they have made positive and long-lasting contributions to the planning profession, which works to create communities that offer better choices for where and how people live; and

WHEREAS, George Homewood has extensive experience in urban, suburban, and rural planning in the Commonwealth; he has served as director of community development for New Kent County, chief planner for York County, and assistant planner for James City County; and

WHEREAS, additionally, George Homewood has been a coauthor of many award-winning planning documents, including comprehensive plans in York County, New Kent County, and the City of Norfolk; subdivision ordinances in York County and New Kent County; and a York County zoning ordinance; and

WHEREAS, as an active member of the American Planning Association (APA), George Homewood has served as president of the Virginia chapter and vice president for policy and legislation, and he served on the chapter's Legislative Policy Committee; and

WHEREAS, George Homewood is a coauthor of the APA's Hazard Mitigation Policy Guide, which was adopted in 2014, and the Freight Policy Guide, which is scheduled to be adopted in 2016; he is a member of the APA's Emerging Issues Task Force and is a certified floodplain administrator; and

WHEREAS, George Homewood, who attended The College of William and Mary, Christopher Newport College, now known as Christopher Newport University, and George Washington University, volunteers with the Boy Scouts of America and USA Swimming and serves on the swimming and diving rules committees of a national and state high school athletic association; now, therefore, be it

RESOLVED by the Senate of Virginia, That George M. Homewood III, director of planning and community development for the City of Norfolk, hereby be commended for being named a member of the College of Fellows of the American Institute of Certified Planners for his outstanding achievements in urban planning; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to George M. Homewood III as an expression of the Senate of Virginia's admiration and congratulations for his leadership and exemplary accomplishments that have helped define the places where Virginians live and work.

SENATE RESOLUTION NO. 69

Celebrating the life of Colonel Fred V. Cherry, Sr., USAF, Ret.

Agreed to by the Senate, March 10, 2016

WHEREAS, Colonel Fred V. Cherry, Sr., USAF, Ret., of Silver Spring, Maryland, a patriotic veteran who endured seven years of captivity as a prisoner of war in North Vietnam, died on February 16, 2016; and

WHEREAS, a native of Suffolk, Fred Cherry learned the value of hard work and responsibility at a young age as the child of farmers; he graduated from Virginia Union University in 1951; and

WHEREAS, desirous to be of service to his country, Fred Cherry joined the United States Air Force and flew more than 100 combat missions during the Korean War and the Vietnam War; and

WHEREAS, on October 22, 1965, Fred Cherry was shot down over North Vietnam; he sustained severe injuries during ejection and was captured immediately upon landing; he was held in captivity for 2,671 days, including 702 days in solitary confinement, and courageously endured torture and harsh reprisals by enemy forces; and

WHEREAS, during his captivity, the North Vietnamese paired Fred Cherry with Porter Halyburton, a white southerner, in hopes of creating and exploiting racial tensions between the men as a propaganda victory; the two men instead supported and inspired each other, building the foundation for a lifelong friendship; and

WHEREAS, Fred Cherry was released on February 12, 1973, and was in the first group of prisoners of war to return to the United States; he earned the Air Force Cross for his personal fortitude and persistence in the face of extreme mistreatment; and

WHEREAS, after attending the National War College and the Defense Intelligence School in Washington, D.C., Fred Cherry retired from the United States Air Force in 1981 as a joint staff officer assigned to the Defense Intelligence Agency; and

WHEREAS, Fred Cherry was featured in a public television documentary about prisoners of war in Vietnam, and he and Porter Halyburton gave talks about their experiences at military institutions and colleges; they were the subject of the book, *Two Souls Indivisible: The Friendship That Saved Two POWs in Vietnam*; and

WHEREAS, Fred Cherry will be fondly remembered and greatly missed by his longtime partner, Debra; his children, Frederick, Donald, Fred, Deborah, and Cynthia, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Colonel Fred V. Cherry, Sr., USAF, Ret., a distinguished veteran of the Korean and Vietnam Wars; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Colonel Fred V. Cherry, Sr., USAF, Ret., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 70

Celebrating the life of the Reverend Henry Blunt.

Agreed to by the Senate, March 10, 2016

WHEREAS, the Reverend Henry Blunt, a respected spiritual leader who made many contributions to the Franklin community, died on February 23, 2016; and

WHEREAS, Henry Blunt, who was affectionately known to family and friends as "Shumi," was a native of Pointe Coupee Parish, Louisiana; he attended McKinley Senior High School in Baton Rouge, Louisiana, and honorably served his country as a member of the United States Navy for 23 years; and

WHEREAS, Henry Blunt earned a bachelor's degree from Southern University, a master's degree from Virginia Union University School of Theology, and an honorary doctorate from the Virginia Seminary; he was ordained to preach by Shiloh Missionary Baptist Church in Baton Rouge; and

WHEREAS, Henry Blunt served as pastor of three churches in Virginia—Pleasant Plain Baptist Church in Drewryville, Jerusalem Baptist Church in Sparta, and First Baptist Church in Franklin—and served as an interim pastor of Cypress Baptist Church in Surry and Rising Star Baptist Church in Smithfield; and

WHEREAS, Henry Blunt was active in the Baptist General Convention of Virginia and the National Baptist Convention; and

WHEREAS, working to strengthen and enhance the community as a member of boards and organizations at the local, state, and national levels, Henry Blunt served the people of Franklin as vice mayor, as a member of the Franklin City School Board, and as an adjunct instructor for Paul D. Camp Community College; and

WHEREAS, Henry Blunt will be fondly remembered and greatly missed by his devoted wife, Clarissa; children, Steven and Sonya, and their families; and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of the Reverend Henry Blunt, a pastor and community leader in Franklin; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of the Reverend Henry Blunt as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 71

Commending Mechanicsville American Legion Post 175.

Agreed to by the Senate, March 10, 2016

WHEREAS, Mechanicsville American Legion Post 175 has worked to support and honor local veterans and has provided generous outreach and service to the Mechanicsville community for 70 years; and

WHEREAS, the American Legion was chartered by the United States Congress in 1919 as a patriotic, mutual help and community service organization for veterans; the legion is organized into state-level departments, regional districts, and local posts; and

WHEREAS, in April 1946, 16 Mechanicsville veterans organized themselves into Mechanicsville American Legion Post 175; and

WHEREAS, Mechanicsville American Legion Post 175 has grown to include more than 300 members, all of whom are active duty military service members or honorably discharged veterans; and

WHEREAS, Mechanicsville American Legion Post 175 supports veterans affairs, facilitates rehabilitation of veterans, promotes patriotism and national security, and empowers local young people to become leaders in the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Mechanicsville American Legion Post 175 hereby be commended on the occasion of its 70th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mechanicsville American Legion Post 175 as an expression of the Senate of Virginia's admiration for the post's service to the Mechanicsville community and veterans throughout the Commonwealth and the United States.

SENATE RESOLUTION NO. 72

Commending Terry Howard.

Agreed to by the Senate, March 10, 2016

WHEREAS, Terry Howard, who served admirably the residents of Chincoteague with great distinction for 32 years as a member of the Chincoteague Town Council and was respected by many people for his experience and expertise, retired in 2014; and

WHEREAS, Terry Howard's work for local government began in the 1970s, when he was asked to serve on the Chincoteague Planning Commission; he was a member of the commission for six years before being elected to the Town Council in 1982; and

WHEREAS, throughout his 32-year tenure as a member of the Chincoteague Town Council, Terry Howard always strove to do what was in the best interests of the Eastern Shore town and its residents, and he listened carefully to the issues that were presented to the council; and

WHEREAS, fellow members of the Chincoteague Town Council and residents of the town admired Terry Howard's thoughtful attention to all the matters that came before the town's elected leaders, and he was well-regarded for his pragmatism, dedication, and sincerity; and

WHEREAS, Terry Howard, who is a native of Chincoteague, worked on the water for a number of years and was a painter before he entered public service; he is a gardener who willingly shares his produce with neighbors and enjoys a reputation for growing some of the best tomatoes in the area; and

WHEREAS, shortly before he retired, Terry Howard attended a reception in his honor at which many local leaders and citizens paid tribute to his distinguished service, and at his last meeting as a member of the Chincoteague Town Council, he advised the council members to be forthright and do what is best for the community they all treasure; now, therefore, be it

RESOLVED by the Senate of Virginia, That Terry Howard hereby be commended for 32 years of admirable service as a member of the Chincoteague Town Council; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Terry Howard as an expression of the Senate of Virginia's respect and admiration for his leadership and dedication to the people of Chincoteague.

SENATE RESOLUTION NO. 73

Commending Jack Tarr.

Agreed to by the Senate, March 10, 2016

WHEREAS, Jack Tarr, who has served admirably and tirelessly as mayor of Chincoteague for 17 years, providing sound advice and leadership to the people of the historic town on the Eastern Shore, will retire on June 30, 2016; and

WHEREAS, as mayor, Jack Tarr presides over the Chincoteague Town Council; he has been a member of the Town Council for a total of 22 years and has never missed a meeting; and

WHEREAS, Jack Tarr's tenure as mayor has been marked by many accomplishments, including major improvements to downtown Chincoteague and a new comprehensive conservation plan for the Chincoteague National Wildlife Refuge; and

WHEREAS, Jack Tarr has overseen improvements to the harbor in Chincoteague, and a growth in tourism; beach lovers, fishing and hunting enthusiasts, families, and those touring NASA's Wallops Visitors Center all spend time in the Chincoteague area, which has been a popular holiday destination for decades; and

WHEREAS, Jack Tarr has worked closely with the United States Fish and Wildlife Service and other agencies to address issues relating to the barrier islands of the Eastern Shore, including nearby Assateague Island; he has been involved closely with efforts to ensure that Chincoteague is protected from the full force of storms and associated beach erosion; and

WHEREAS, during Jack Tarr's tenure as mayor, the town of Chincoteague requested that the United States Army Corps of Engineers study the southern end of Assateague Island and the feasibility of widening the inlet; additionally, a new general management plan for Assateague Island National Seashore is under review; and

WHEREAS, the strong support of his family during his two decades of public service has enabled Jack Tarr to spend countless hours working on behalf of the people of Chincoteague; in retirement, he looks forward to spending more time with his wife, children, and grandchildren and plans to remain involved in community and town affairs; now, therefore, be it

RESOLVED by the Senate of Virginia, That Jack Tarr hereby be commended for his dedicated work and inspiring leadership during his 17 years as mayor of Chincoteague; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Jack Tarr as an expression of the Senate of Virginia's respect and admiration for his many years of service to the people of Chincoteague and the Commonwealth.

SENATE RESOLUTION NO. 74

Nominating a person to be elected as a justice of the Supreme Court of Virginia.

Agreed to by the Senate, March 10, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected as a justice of the Supreme Court of Virginia as follows:

The Honorable Stephen R. McCullough, of Spotsylvania, as a justice of the Supreme Court of Virginia for a term of twelve years commencing March 3, 2016.

SENATE RESOLUTION NO. 75

Nominating a person to be elected to the Court of Appeals of Virginia.

Agreed to by the Senate, March 11, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the Court of Appeals of Virginia as follows:

The Honorable Mary Bennett Malveaux, of Henrico, as a judge of the Court of Appeals of Virginia for a term of eight years commencing April 16, 2016.

SENATE RESOLUTION NO. 76

Commending the Salem High School football team.

Agreed to by the Senate, March 10, 2016

WHEREAS, the Salem High School football team claimed its first state title in 10 years, winning the Virginia High School League Group 4A state championship in December 2015, after an undefeated season; and

WHEREAS, in a rematch of the 2014 state championship, the Salem High School Spartans defeated the reigning champion Lake Taylor High School Titans by a score of 17–14 to finish the season with a perfect 14–0 record; and

WHEREAS, the Salem High School Spartans took an early 14–0 lead in the championship and held the Lake Taylor High School Titans' impressive offense to only 14 points; the Spartans kicked the game-winning field goal on their first drive of double overtime; and

WHEREAS, the victory marked the seventh state title for the Salem High School football program and the third championship win in 12 seasons for Head Coach Stephen Magenbauer; the Spartans dedicated the season to the memory of Adam Ward, a former Salem High School football player who died in August 2015; and

WHEREAS, Stephen Magenbauer was named the Virginia High School League Group 4A Coach of the Year, and six Salem High School Spartans were selected for the all-state first team, including offensive lineman Braxton Wall, running back Donte Clayborne, wide receiver Viante Tucker, defensive end Shaquille Howell, linebacker Riley Fox, and defensive back Daniel Ponton; and

WHEREAS, the successful season is a testament to the hard work and determination of the student-athletes, the able leadership of the coaches and staff, and the enthusiastic support of the entire Salem High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Salem High School football team hereby be commended on winning the 2015 Virginia High School League Group 4A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Stephen Magenbauer, head coach of the Salem High School football team, as an expression of the Senate of Virginia's admiration for the team's achievements.

SENATE RESOLUTION NO. 77

Commending Walter S. Crockett.

Agreed to by the Senate, March 10, 2016

WHEREAS, Walter S. Crockett, a dedicated public servant, retired as treasurer of Wythe County on December 31, 2015; and

WHEREAS, Walter "Sam" Crockett was elected to the position of treasurer of Wythe County in November 1987 and began his duties as treasurer on January 1, 1988; and

WHEREAS, Sam Crockett's dedication, devotion, and love for the citizens of Wythe County has allowed him to serve as treasurer for 28 years; and

WHEREAS, Sam Crockett and his family have a long history of public service in Wythe County, and he honored his family and the county with his commitment to providing professional and distinguished service to the citizens of Wythe County; and

WHEREAS, Sam Crockett exemplified his love and service to the citizens of Wythe County by serving in the military and federal and local governments for more than 45 years; and

WHEREAS, Sam Crockett returned to Wythe County and strove to improve the collection of taxes and monies owed Wythe County as prescribed by law; and

WHEREAS, Sam Crockett's knowledge and leadership helped Wythe County to obtain contracts for banking services that have provided favorable savings rates for Wythe County's funds, which allow the county to maintain low tax rates; and

WHEREAS, Sam Crockett and his loyal staff continually improved and modernized the Treasurer's Office through new technology, including the ability to receive payments by credit card at no additional costs to the citizens; and

WHEREAS, through extensive training and policy development, Sam Crockett became certified as Wythe County's first Master Governmental Treasurer; now, therefore, be it

RESOLVED by the Senate of Virginia, That Walter S. Crockett, a devoted public servant, hereby be commended on the occasion of his retirement as treasurer of Wythe County after 28 years of public service; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Walter S. Crockett as an expression of the Senate of Virginia's respect and admiration for his many years of service dedicated to the people of Wythe County.

SENATE RESOLUTION NO. 78

Commending Alpha Kappa Alpha Sorority, Inc., Iota Omega Chapter.

Agreed to by the Senate, March 10, 2016

WHEREAS, Alpha Kappa Alpha Sorority, Inc., Iota Omega Chapter in Norfolk has provided opportunities for leadership and generous outreach to the Hampton Roads community for 94 years; and

WHEREAS, Alpha Kappa Alpha Sorority was founded in 1908 and is the oldest Greek organization for African American women in the United States; and

WHEREAS, established as the Iota Omega Tidewater Chapter in 1922, the Iota Omega Chapter is the ninth oldest Alpha Kappa Alpha chapter in the country and originally served the Cities of Norfolk, Newport News, and Portsmouth; and

WHEREAS, after Newport News and Portsmouth received their own chapters in the 1930s, the Iota Omega Chapter focused on supporting the Norfolk community by initiating teen forums, family roundtables, and scholarship fundraisers; and

WHEREAS, during the Civil Rights movement, the Iota Omega Chapter supported the Norfolk 17 and taught classes and offered financial support and counseling to African American families during massive resistance; and

WHEREAS, the Iota Omega Chapter plans health seminars, helps adults with enrollment in continuing education classes, holds voter registration drives, and advocates for rights restoration for nonviolent offenders; and

WHEREAS, members of the Iota Omega Chapter are active members of many local civic and service organizations and serve as trusted mentors and leaders throughout the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Alpha Kappa Alpha Sorority, Inc., Iota Omega Chapter hereby be commended on its 94-year legacy of service to the Norfolk community; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Alpha Kappa Alpha Sorority, Inc., Iota Omega Chapter as an expression of the Senate of Virginia's admiration for the chapter's contributions to the residents of Norfolk and the Commonwealth.

SENATE RESOLUTION NO. 80

Commending the Reverend Dr. Charles A. Summers.

Agreed to by the Senate, March 10, 2016

WHEREAS, the Reverend Dr. Charles A. Summers, who has served faithfully as pastor and head of staff of First Presbyterian Church in Richmond for 15 years and guided his congregation to embrace a deeper commitment to help the needy at home and abroad, retired on February 21, 2016; and

WHEREAS, the Reverend Summers is highly respected as a preacher and teacher; in his ministry at First Presbyterian Church, he emphasized biblical teachings and the message that, above all, Christians must love and care for one another; and

WHEREAS, that message of love and service was put into action by the Reverend Summers and the First Presbyterian Church congregation; members endeavored to help the homeless, brighten children's lives, and bring hope to the hopeless; and

WHEREAS, locally, the Reverend Summers and the members of First Presbyterian Church actively supported Boaz & Ruth, Inc., a nonprofit community revitalization and employment training organization, Richmonders Involved to Strengthen Our Community, and George Mason Elementary School; and

WHEREAS, under the Reverend Summers' guidance, First Presbyterian Church's international mission work included building clean water systems in Nicaragua and Haiti; and

WHEREAS, in his life and ministry, the Reverend Summers has been a role model to many people for his tireless efforts on behalf of those in need; he has been a mentor, counselor, and friend, offering compassion, consolation, and hope to those in great distress; and

WHEREAS, the Reverend Summers first moved to Richmond when he was 15 years old and attended John Marshall High School, which had recently been integrated; his experiences there helped to shape his life, convincing him to focus on social justice; and

WHEREAS, the Reverend Summers graduated from Davidson College, and later in his career was its chaplain—fondly known to students as Charlie Chaplain; he served churches in Washington, D.C., and Charlotte, North Carolina; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Reverend Dr. Charles A. Summers, who was an esteemed and admired pastor and head of staff at First Presbyterian Church in Richmond for 15 years, hereby be commended on the occasion of his retirement; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Reverend Dr. Charles A. Summers as an expression of the Senate of Virginia's respect and admiration for his ministry and exemplary service and his work for social justice for all people.

SENATE RESOLUTION NO. 81

Nominating persons to be elected to circuit court judgeships.

Agreed to by the Senate, March 9, 2016

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective circuit court judgeships as follows:

The Honorable S. Anderson Nelson, of Mecklenburg, as a judge of the Tenth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable R. Michael McKenney, of Northumberland, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable Ricardo Rigual, of Fredericksburg, as a judge of the Fifteenth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable Thomas P. Mann, of Fairfax County, as a judge of the Nineteenth Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable J. Christopher Clemens, of Salem, as a judge of the Twenty-third Judicial Circuit for a term of eight years commencing July 1, 2016.

The Honorable Anita D. Filson, of Rockbridge, as a judge of the Twenty-fifth Judicial Circuit for a term of eight years commencing July 1, 2016.

SENATE RESOLUTION NO. 82

Nominating persons to be elected to general district court judgeships.

Agreed to by the Senate, March 9, 2016

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective general district court judgeships as follows:

David B. Caddell, Jr., of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2016.

John S. Martin, of Lancaster, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2016.

Richard T. McGrath, of Hanover, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2016.

Claiborne H. Stokes, Jr., of Goochland, as a judge of the Sixteenth Judicial District for a term of six years commencing July 1, 2016.

Michael H. Cantrell, of Fairfax County, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2016.

Marcus Brinks, of Patrick, as a judge of the Twenty-first Judicial District for a term of six years commencing July 1, 2016.

Thomas W. Roe, Jr., of Roanoke, as a judge of the Twenty-third Judicial District for a term of six years commencing July 1, 2016.

Randy C. Krantz, of Bedford, as a judge of the Twenty-fourth Judicial District for a term of six years commencing July 1, 2016.

Petula C. Metzler, of Prince William, as a judge of the Thirty-first Judicial District for a term of six years commencing July 1, 2016.

SENATE RESOLUTION NO. 83

Nominating persons to be elected to juvenile and domestic relations district court judgeships.

Agreed to by the Senate, March 9, 2016

RESOLVED by the Senate, That the following persons are hereby nominated to be elected to the respective juvenile and domestic relations district court judgeships as follows:

James E. Wiser, of Suffolk, as a judge of the Fifth Judicial District for a term of six years commencing July 1, 2016.

Nora J. Miller, of Mecklenburg, as a judge of the Tenth Judicial District for a term of six years commencing July 1, 2016.

Mary E. Langer, of Richmond, as a judge of the Thirteenth Judicial District for a term of six years commencing August 1, 2016.

William L. Lewis, of Tappahannock, as a judge of the Fifteenth Judicial District for a term of six years commencing July 1, 2016.

Todd G. Petit, of Arlington, as a judge of the Nineteenth Judicial District for a term of six years commencing July 1, 2016.

Correy R. Smith, of Augusta, as a judge of the Twenty-fifth Judicial District for a term of six years commencing July 1, 2016.

Laura Faye Robinson, of Dickenson, as a judge of the Twenty-ninth Judicial District for a term of six years commencing July 1, 2016.

SENATE RESOLUTION NO. 84

Nominating a person to be elected a member of the Judicial Inquiry and Review Commission.

Agreed to by the Senate, March 9, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected a member of the Judicial Inquiry and Review Commission as follows:

James E. Plowman, of Loudoun, as a member of the Judicial Inquiry and Review Commission for a term of four years commencing July 1, 2016.

SENATE RESOLUTION NO. 85

Commending the Woman's Club of Norfolk.

Agreed to by the Senate, March 10, 2016

WHEREAS, the Woman's Club of Norfolk, an admired civic and charitable organization that has made many positive contributions to the community, celebrates its 100th anniversary in 2016; and

WHEREAS, the Woman's Club of Norfolk was founded in 1916 by a group of active and community-minded women who enjoyed working with friends; 16 women attended the inaugural meeting, which was held at the home of Mrs. Dovey Collins; and

WHEREAS, members of the Woman's Club of Norfolk included housewives, social workers, teachers, mothers, grandmothers, and college professors, all of whom appreciated the opportunity to gather for fellowship and social activities; and

WHEREAS, by 1930, membership in the Woman's Club of Norfolk had increased from 16 to 25 people; the club began to address the social needs of disadvantaged groups in the community and the political, educational, and civic needs of the black population in the Norfolk area and across the country; and

WHEREAS, the Woman's Club of Norfolk has supported many worthwhile civic and charitable endeavors, including the establishment of the Eastern Virginia Medical School, Blyden Branch Library, and the William A. Hunton YMCA, which is the oldest YMCA in the nation; and

WHEREAS, other organizations that have benefited from the work of the Woman's Club of Norfolk are Norfolk State University, the United Negro College Fund, Inc., the Urban League of Hampton Roads, Inc., and Jacox Junior High School, which is now Jacox Elementary School; and

WHEREAS, today, the Woman's Club of Norfolk has 30 members who gather monthly to support current civic needs; throughout its storied history, the club has provided a forum where women could join together in a social setting to help less fortunate members of society and to support the black community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Woman's Club of Norfolk hereby be commended on the occasion of its 100th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Mercedes Coveney, president of the Woman's Club of Norfolk, as an expression of the Senate of Virginia's respect and admiration for the club's many years of service to disadvantaged people and to the black community in Norfolk and across the nation.

SENATE RESOLUTION NO. 86

Commending Smith Mountain Lake.

Agreed to by the Senate, March 11, 2016

WHEREAS, for 50 years, Smith Mountain Lake, nestled in the foothills of the Blue Ridge Mountains, has been a place of respite and relaxation for thousands of sportsmen, water enthusiasts, and nature lovers; and

WHEREAS, Smith Mountain Lake was formed when Appalachian Power, which is a unit of American Electric Power, embarked on a massive hydroelectric power project to dam the Roanoke River; construction began in 1960, and the lake was officially completed in 1966; and

WHEREAS, Smith Mountain Lake, which is southeast of the City of Roanoke and southwest of the City of Lynchburg, has more than 580 miles of shoreline; it teems with wildlife and is a well-known fishing destination; and

WHEREAS, over the years, Smith Mountain Lake, which is the largest inland water recreation area wholly in the Commonwealth, became a popular vacation destination; houses, condominiums, and holiday homes were built by people who were drawn to the spectacular woodland beauty that surrounds the lake; and

WHEREAS, with campgrounds, marinas, golf courses, shops, restaurants, and a variety of lodging options, Smith Mountain Lake has become a premier destination, and today, more than 12,000 people call Smith Mountain Lake home; and

WHEREAS, the population of Smith Mountain Lake increases by another 50,000 people during the summer; vacationers appreciate the serenity and outstanding vistas that surround them, and they frequently take advantage of the many programs and activities that are held around the lake; and

WHEREAS, to celebrate the 50th anniversary of the creation of Smith Mountain Lake, a multitude of events and programs are planned for 2016, including a triathlon, a birthday party, fishing tournaments, regattas, races, festivals, and tours; now, therefore, be it

RESOLVED by the Senate of Virginia, That Smith Mountain Lake hereby be commended on the occasion of its 50th anniversary in 2016; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to Vicki Gardner, executive director of the Smith Mountain Lake Regional Chamber of Commerce, as an expression of the Senate of Virginia's admiration and appreciation for the organization's work to ensure that Smith Mountain Lake remains an outstanding destination for all Virginians.

SENATE RESOLUTION NO. 87

Commemorating the 235th anniversary of the defense of Richmond in 1781.

Agreed to by the Senate, March 11, 2016

WHEREAS, 235 years ago, in January 1781, the traitor Benedict Arnold, on his first command for the British Army after his defection from the Continental Army under the command of George Washington, invaded Virginia with a force of 1,600 men; and

WHEREAS, that invasion force made its way through the undefended capital city of Richmond, compelling the evacuation of Governor Thomas Jefferson and other leaders of the Commonwealth and the withdrawal of important stores and materiel; and

WHEREAS, the entire city and its outskirts required a defense, and there were only 200 Virginia militiamen under the command of Colonel John Nicholas to defend the capital; and

WHEREAS, these 200 brave Virginians, outnumbered eight to one, lacked anything near the artillery, land and river transportation, supplies, and materiel of the invading enemy; and

WHEREAS, despite a sparse population from which to draw men, impassable waterways, and other obstacles to a proper defense, these brave Virginians defended their capital city, engaging Benedict Arnold's picket on January 4, 1781, on the outskirts of Richmond, in what is now the western edge of the historic Fan District; and

WHEREAS, in prelude to the ultimate Revolutionary War victory at Yorktown 10 months later, Colonel John Nicholas and the Richmond militiamen used unconventional tactics and, accounts say, "Repulsed Arnold's attack" and had it "driven in" before Arnold's ultimate brief occupation and burning of Richmond; and

WHEREAS, in defense of their homes and to secure the liberties of American independence, Colonel John Nicholas and the Virginians under his command made a significant contribution to the founding of an independent Commonwealth of Virginia and United States of America, free of British rule; now, therefore, be it

RESOLVED by the Senate of Virginia, That the 235th anniversary of the defense of Richmond in 1781 hereby be commemorated; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation as an expression of the Senate of Virginia's appreciation for the historical significance of this Revolutionary War battle in the City of Richmond.

SENATE RESOLUTION NO. 88

Commending the Sleepy Hollow Citizens' Association.

Agreed to by the Senate, March 11, 2016

WHEREAS, the residents of the Sleepy Hollow community of Fairfax County established the Sleepy Hollow Citizens' Association in 1941; and

WHEREAS, over the past 75 years the Sleepy Hollow Citizens' Association has represented, protected, and served the residents of the community, located at the eastern edge of Fairfax County near Falls Church and Arlington; and

WHEREAS, during the early years of the Sleepy Hollow Citizens' Association, World War II was on residents' minds, and the association was concerned with supporting the war effort through civil defense and victory gardens; and

WHEREAS, by the early 1950s, the Sleepy Hollow Citizens' Association had taken the lead in the development of a neighborhood swimming pool and recreation center, and such annual traditions as the fall cleanup and Christmas decoration contest were already well-established; and

WHEREAS, in the 1960s, the Sleepy Hollow Citizens' Association spearheaded the successful efforts to prevent annexation of the neighborhood by the City of Falls Church and to defeat several rezoning plans; and

WHEREAS, through the years, various committees of the Sleepy Hollow Citizens' Association have grappled with such issues as public school boundaries, public water and sewage systems, street lighting, zoning, area revitalization, and public safety; and

WHEREAS, the Sleepy Hollow community, a warm and friendly neighborhood only 20 minutes from the White House, has established a year-round series of events that encourage residents to take part in community life; and

WHEREAS, the Sleepy Hollow Citizens' Association sponsors neighborhood picnics, the Halloween parade, the Easter Egg Hunt, the Taste of the Hollow, and other such events to bring the neighborhood together and to preserve the unique spirit of the Sleepy Hollow community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Sleepy Hollow Citizens' Association hereby be commended on the occasion of its 75th anniversary; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Sleepy Hollow Citizens' Association as an expression of the Senate of Virginia's congratulations and admiration for the group's contributions to the Fairfax County community.

SENATE RESOLUTION NO. 89

Commending the Honorable Teena D. Grodner.

Agreed to by the Senate, March 11, 2016

WHEREAS, the Honorable Teena D. Grodner, a presiding judge and former chief judge of the Fairfax County Juvenile and Domestic Relations District Court, retires on March 15, 2016; and

WHEREAS, beginning in 1979, Teena Grodner practiced family law in the Commonwealth, earning accolades for her expertise and leadership; she served as a commissioner in chancery for the Alexandria Circuit Court and the Fairfax County Circuit Court, as well as a motions conciliator and neutral case evaluator for the Fairfax County Circuit Court; and

WHEREAS, Teena Grodner was appointed as a judge of the Fairfax County Juvenile and Domestic Relations District Court of the 19th Judicial District of Virginia on April 16, 1998; she presided with great fairness and wisdom for nearly 18 years, including two years as chief judge from 2006 to 2008; and

WHEREAS, during her time on the bench, Teena Grodner took a special interest in the youth of the community and worked with Fairfax County agencies to develop drug and alcohol education programs for teens, to create a Victims Services Office, and to establish an award-winning creative writing program for local young people; and

WHEREAS, a respected leader in the judicial field, Teena Grodner serves as president of the Virginia Association of Women Judges, Virginia Council of Juvenile and Domestic Relations District Court Judges, and George Mason American Inn of Court; she is a member of the Judicial Conference of Virginia for District Courts, the Virginia Women Attorneys Association, and the National Council of Juvenile and Family Court Judges; and

WHEREAS, a woman of great integrity, Teena Grodner has served the community and the Commonwealth with the utmost professionalism and dedication; after her well-earned retirement, she plans to seek new opportunities to serve the community and to spend more time with her husband, Stephen, and their children, Rachel and Aaron; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Honorable Teena D. Grodner hereby be commended on the occasion of her retirement as a judge of the Fairfax County Juvenile and Domestic Relations District Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Teena D. Grodner as an expression of the Senate of Virginia's admiration for her service to Fairfax County and the Commonwealth.

SENATE RESOLUTION NO. 90

Commending the Honorable Thomas E. Gallahue.

Agreed to by the Senate, March 11, 2016

WHEREAS, the Honorable Thomas E. Gallahue retires as a presiding judge of the Fairfax County General District Court on March 15, 2016; and

WHEREAS, a native of Fairfax County, Thomas Gallahue earned a bachelor's degree from The Johns Hopkins University and a law degree from Catholic University; he was admitted to the bar in the Commonwealth, in Maryland, and in Washington, D.C.; and

WHEREAS, Thomas Gallahue served as an assistant attorney for the Commonwealth for Fairfax County before opening a general practice firm focusing on criminal and traffic defense, where he was well-served by his encyclopedic knowledge of the roads of Fairfax County; he served as a principal of two law firms between 1988 and 1998; and

WHEREAS, on April 1, 1998, Thomas Gallahue was appointed as a judge of the Fairfax County General District Court of the 19th Judicial District of Virginia, where he presided with great fairness, independence, wisdom, compassion, and empathy for nearly 18 years; and

WHEREAS, Thomas Gallahue chaired the Fairfax Bar Association's General District Court Committee for two years and offered his leadership and expertise to several other committees, receiving the association's 1993–1994 President's Award; and

WHEREAS, Thomas Gallahue has previously served as a commissioner on the Fairfax County Human Rights Commission; as a board member of Opportunities, Alternatives, and Resources of Fairfax, Inc.; and as the Mount Vernon District representative to the Fairfax Juvenile and Domestic Relations District Court Citizens Advisory Council; and

WHEREAS, Thomas Gallahue is an avid cyclist and has participated in numerous charitable bicycle rides; and

WHEREAS, a man of great integrity, Thomas Gallahue served Fairfax County and the Commonwealth with the utmost professionalism and dedication; after his well-earned retirement, he plans to seek new opportunities to serve the community and to spend more time with his wife, Sandra, and their daughter; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Honorable Thomas E. Gallahue hereby be commended on the occasion of his retirement as a judge of the Fairfax County General District Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Thomas E. Gallahue as an expression of the Senate of Virginia's admiration for his service to Fairfax County and the Commonwealth.

SENATE RESOLUTION NO. 91

Commending the Honorable Ian M. O'Flaherty.

Agreed to by the Senate, March 11, 2016

WHEREAS, the Honorable Ian M. O'Flaherty retires as a presiding judge of the Fairfax County General District Court on March 15, 2016; and

WHEREAS, Ian O'Flaherty holds a bachelor's degree from The College of William and Mary and a law degree from the University of Virginia; he began his legal career in private practice, representing clients on civil, criminal, and traffic matters; and

WHEREAS, Ian O'Flaherty worked in the Fairfax County Office of the Commonwealth's Attorney before he was appointed in 1990 as a judge of the Fairfax County General District Court of the 19th Judicial District of Virginia, where he presided with great fairness and wisdom for more than 25 years; and

WHEREAS, Ian O'Flaherty serves the community in many other capacities, including as a member of the Fairfax Bar Association's General District Court Committee, and he presents free education sessions to attorneys and members of the public; and

WHEREAS, Ian O'Flaherty supports the youth of the community as a judicial liaison for the Court Tours Program for students and as an active participant in mock trials at various schools; and

WHEREAS, an everyday man, Ian O'Flaherty was frequently seen directing traffic and answering questions at the courthouse entrance, shoveling snow from the courthouse sidewalks, raking leaves, and volunteering his time to community litter cleanups; and

WHEREAS, Ian O'Flaherty was known as an independent thinker who presided over the court with great humility, devotion to the rule of law, and fairness to all parties who appeared before him; and

WHEREAS, a man of great integrity, Ian O'Flaherty served the residents of Fairfax County and the Commonwealth with the utmost professionalism and dedication; after his well-earned retirement, he plans to seek new opportunities to serve the community; now, therefore, be it

RESOLVED by the Senate of Virginia, That Ian M. O'Flaherty hereby be commended on the occasion of his retirement as a judge of the Fairfax County General District Court; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Honorable Ian M. O'Flaherty as an expression of the Senate of Virginia's admiration for his service to Fairfax County and the Commonwealth.

SENATE RESOLUTION NO. 92

Celebrating the life of Walter Willson Craigie, Jr.

Agreed to by the Senate, March 11, 2016

WHEREAS, Walter Willson Craigie, Jr., of Richmond, former State Treasurer and Secretary of Finance for the Commonwealth of Virginia, who was a leader in the investment banking and securities industries, a proud veteran of the United States military, and an outstanding community leader, a philanthropist, and a devoted husband and father, died on March 3, 2016; and

WHEREAS, Walter Craigie graduated from Woodberry Forest School and earned a bachelor's degree from Princeton University; after serving the nation as a member of the United States Marine Corps during the Korean conflict, he returned to school and earned a master's degree from Harvard University; and

WHEREAS, a respected businessman who was trusted for his insight and acumen, Walter Craigie worked for the municipal investment firm of F. W. Craigie & Company; and

WHEREAS, Walter Craigie served the people of Virginia as State Treasurer and was Secretary of Finance for the Commonwealth, responsible for all financial transactions of the state; he provided advice and counsel for the prudent investment of state funds and efficient management of financing needs; and

WHEREAS, Walter Craigie's guidance was sought by top state officials for many years; he served for more than 40 years as an advisor on state government finances and budgets under 10 governors; he was a member of the Virginia Debt Capacity Advisory Committee and the board of the Washington Airports Task Force; and

WHEREAS, after leaving public service, Walter Craigie worked for Wheat First Securities and later for Morgan Keegan & Company; he was a generous community supporter and benefactor to many organizations, including Woodberry Forest School, Randolph-Macon College, St. John's Church Foundation, MCV Foundation, and the Montpelier Foundation; and

WHEREAS, Walter Craigie will be greatly missed and fondly remembered by Berenice "Beese" Craigie, his wife of nearly 59 years; his children, Anne and Frances, and their families; and many other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Walter Willson Craigie, Jr., of Richmond, an esteemed Virginian who admirably served the Commonwealth as State Treasurer and Secretary of Finance and who was an outstanding community leader and benefactor and a devoted husband and father; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Walter Willson Craigie, Jr., as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 93

Celebrating the life of Patricia Keys Fick.

Agreed to by the Senate, March 11, 2016

WHEREAS, Patricia Keys Fick of Topping, a respected member of the community and a beloved wife, mother, grandmother, and great-grandmother, died on March 7, 2016; and

WHEREAS, a native of Triangle, Patricia "Pat" Fick graduated from Occoquan High School and attended American University; and

WHEREAS, Pat Fick worked at the Navy Dispensary in Quantico, then focused on raising her family; and

WHEREAS, as a founding member of the Dumfries-Triangle Rescue Squad Auxiliary, Pat Fick supported the area's first responders as they worked to safeguard community members; and

WHEREAS, Pat Fick enjoyed fellowship and worship with the community as an active member of The Church of St. Martin in Triangle; and

WHEREAS, predeceased by her husband, Jack, Pat Fick will be fondly remembered and greatly missed by her children, John, Nancy, and Mac, and their families and numerous other family members and friends; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Patricia Keys Fick; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Patricia Keys Fick as an expression of the Senate of Virginia's respect for her memory.

SENATE RESOLUTION NO. 94

Commending the Princess Anne High School girls' basketball team.

Agreed to by the Senate, March 11, 2016

WHEREAS, the Princess Anne High School girls' basketball team claimed their third consecutive state title, winning the Virginia High School League Group 5A state championship on March 9, 2016; and

WHEREAS, making their 10th state final appearance, the Princess Anne High School Cavaliers set a state record by securing their seventh overall state win; and

WHEREAS, the Princess Anne High School Cavaliers defeated the team from Highland Springs High School by a score of 73–50 to finish the season with a 29–2 record; and

WHEREAS, senior Gadiva Hubbard led the game with 29 points, followed by sophomore Xaria Wiggins with 17 points, and the Princess Anne High School Cavaliers' defense forced 22 turnovers; and

WHEREAS, the record-setting season is a testament to the skill and hard work of all of the student-athletes, the leadership of the coaches and staff, and the energetic support of the entire Princess Anne High School community; now, therefore, be it

RESOLVED by the Senate of Virginia, That the Princess Anne High School girls' basketball team hereby be commended on winning the Virginia High School League Group 5A state championship; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the Princess Anne High School girls' basketball team as an expression of the Senate of Virginia's admiration for the team's achievements and best wishes for the future.

SENATE RESOLUTION NO. 95

Celebrating the life of Police Chief George T. Owens.

Agreed to by the Senate, March 11, 2016

WHEREAS, Police Chief George T. Owens, a retired law-enforcement officer who served as the founding police chief of the Prince William County Police Department beginning in July of 1970, died on March 11, 2016; and

WHEREAS, a native of Saranac Lake, New York, Chief Owens was born on August 7, 1930; he served his country in the United States Army from 1950 to 1953, stationed at Vint Hill Farms Army Station in Virginia, where he achieved the rank of corporal; and

WHEREAS, Chief Owens joined the Virginia State Police in June of 1953, where he achieved the rank of sergeant; and

WHEREAS, Chief Owens was selected as founding chief of the Prince William County Police Department in 1970, which began with 40 officers, two commanders, eight dispatchers, and two secretaries and over the years grew substantially to 268 officers, 74 civilian staff members, 95 crossing guards, and 22 animal control employees at the time of his retirement in 1988; and

WHEREAS, under Chief Owens' leadership, the Prince William County Police Department became the 55th fully accredited law-enforcement agency in the nation and the 11th in Virginia and received the Governor's Community Crime Prevention award; and

WHEREAS, Chief Owens graduated from the FBI National Academy; and

WHEREAS, the Prince William County Public Safety Communications Center was dedicated in honor of Chief Owens in 1988; and

WHEREAS, a man of great faith, Chief Owens served as a deacon at Dale City Baptist Church; and

WHEREAS, Chief Owens will be fondly remembered and greatly missed by his wife of 60 years, Viola, one daughter, three sons, and eight grandchildren; now, therefore, be it

RESOLVED, That the Senate of Virginia hereby note with great sadness the loss of Police Chief George T. Owens, a devoted law-enforcement officer; and, be it

RESOLVED FURTHER, That the Clerk of the Senate prepare a copy of this resolution for presentation to the family of Police Chief George T. Owens as an expression of the Senate of Virginia's respect for his memory.

SENATE RESOLUTION NO. 96

Nominating a person to be elected to a general district court judgeship.

Agreed to by the Senate, March 11, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the general district court judgeship as follows:

Matthew W. Hoffman, of Newport News, as a judge of the Seventh Judicial District for a term of six years commencing July 1, 2016.

SENATE RESOLUTION NO. 97

Nominating a person to be elected to a juvenile and domestic relations district court judgeship.

Agreed to by the Senate, March 11, 2016

RESOLVED by the Senate, That the following person is hereby nominated to be elected to the juvenile and domestic relations district court judgeship as follows:

Robin L. Robb, of Arlington, as a judge of the Seventeenth Judicial District for a term of six years commencing July 1, 2016.

SUMMARY OF 2016 REGULAR SESSION LEGISLATION

TOTAL INTRODUCED LEGISLATION	3286
House Bills	1391
Senate Bills	781
House Joint Resolutions	537
Senate Joint Resolutions	215
House Resolutions	265
Senate Resolutions	97
TOTAL LEGISLATION PASSED AND/OR AGREED TO	1803
House Bills	517
Senate Bills	294
House Joint Resolutions	470
Senate Joint Resolutions	172
House Resolutions	260
Senate Resolutions	90
TOTAL BILLS ENACTED INTO LAW	776
House Bills	490
Senate Bills	286
House Joint Resolutions	2
Senate Joint Resolutions	2
TOTAL CHAPTERS	780
BILLS VETOED BY GOVERNOR	35
House Bills	27
Senate Bills	8

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
4	12	24	172	230	386	311	79 E	177	436	502	903
10	195	332	176	231	388	312	80 E	177	437	178	305
14	310	572	177	586	1060	313	81	177	438	126	237
15	483	838	181	117	231	314	144	260	440	127	238
16	556	1010	182	51	102	315	41	86	441	189	325
19	611	1231	183	313	576	317	123	235	442	237	397
20	165	296	184	118	232	319	82	178	444	248	403
22	50	102	185	315	577	321	32	74	446	281	473
23	34	76	186	69	156	322	42	86	448	377	665
24	311	572	189	185	313	323	21	49	450	503	906
25	687	1373	190	224	376	324	277	460	451	650	1315
29	732	1505	196	521	920	325	479	833	453	147	270
30	780	2037	197	407	710	326	616	1235	454	707	1402
31	4 E	15	198	416	721	327	124	236	456	16	29
36	737	1797	200	119	232	328	56	107	462	39	83
41	601	1220	202	73	165	329	198	339	467	669	1342
44	358	649	205	15	27	330	83	180	470	395	698
46	652	1317	206	727	1490	332	672	1345	472	168	298
47	738	1800	208	120	232	335	278	460	475	148	270
51	196	333	209	588	1063	337	84	182	476	678	1366
52	739	1801	210	331	601	339	662	1335	477	366	657
58	1 E	1	213	702	1393	340	319	582	485	742	1805
63	487	845	220	729	1494	342	405	709	487	466	811
64	612	1231	221	74	166	343	85	183	496	173	301
65	312	573	222	75	168	353	145	266	497	179	307
66	326	597	226	20	47	355	199	340	498	86	185
80	35	79	227	553	994	357	146	266	499	467	811
87	570	1039	230	186	314	364	474	828	501	369	660
88	13	24	231	187	315	367	584	1058	504	87	187
90	740	1804	232	243	400	369	443	775	507	128	238
95	342	621	233	417	721	373	670	1342	510	233	390
97	741	1805	234	382	668	374	125	236	514	169	298
98	706	1401	238	531	935	378	279 E	461	515	149	270
104	218	360	239	76	175	381	522	921	519	468	812
105	14	27	240	689	1377	384	367	657	521	469	813
106	314	577	241	516	916	386	582	1056	523	684	1371
111	327	599	245	188	325	387	200	340	524	390	684
114	166	297	248	408	712	388	590	1211	525	592	1214
115	167	297	252	77	176	393	552	990	526	610	1230
116	177	305	256	602 E	1221	398	484	842	527	88	187
117	115	231	261	389	682	402	2 E	6	528	221	362
118	498	886	262	121	233	404	559	1013	529	36	79
123	328	600	263	232	390	405	33	75	534	291	515
124	329	600	267	122	235	407	699	1390	535	564	1023
125	330	601	268	383	669	409	280	469	536	574	1041
127	539	970	279	651	1317	412	451	785	537	244	401
136	378	666	283	276	458	415	219	361	541	234	392
137	116	231	287	507	909	417	368	657	543	599	1218
138	247	403	293	406	710	420	636	1297	557	70	160
147	197	335	301	333	604	421	485	843	558	444	778
148	663	1338	304	55 E	105	428	220	362	559	23	54
168	700	1392	307	558	1011	434	561	1020	562	324	586
170	229	385	310	78	176	435	22	53	564	89	187

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

HOUSE			HOUSE			HOUSE			HOUSE		
HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page	HB	Chapter	Page
566	90	188	700	722	1453	846	777	2017	1056	102	199
567	334	604	703	457	796	851	508	910	1058	306	567
572	282	473	706	26	56	854	419	724	1059	398	703
574	91	190	707	527	928	858	749	1819	1060	476	830
578	362	653	711	595	1216	859	709	1404	1062	152	273
579	92	191	715	715	1419	865	17	30	1063	730 E	1499
580	93	191	719	129	240	869	428	738	1064	296	520
581	409	713	727	225	376	870	286	479	1066	43	87
582	445	778	728	370	661	872	343	625	1068	723	1454
583	94	194	730	708	1403	874	396	700	1069	753	1834
584	376	665	731	130	240	875	576	1048	1077	103	201
586	222	373	734	171	300	879	710	1406	1087	585	1059
588	455	792	735	744	1809	883	613	1232	1093	391	684
590	433	759	738	99	197	884	661	1330	1094	565	1024
596	37	79	740	27	57	886	696	1385	1101	424	733
600	631	1274	741	436	761	894	648 E	1313	1102	560	1016
605	718	1444	742	426	735	895	750	1822	1103	639	1300
608	201	341	746	323	585	896	454	787	1105	394	698
610	583	1057	747	427	737	903	440	770	1108	754	1851
611	283	476	748	437	766	905	448	782	1110	569	1036
613	425	734	749	438	767	907	294	518	1111	603	1221
616	688	1374	750	439	769	910	460	800	1114	514	914
624	180	308	752	745	1815	912	655	1323	1115	540	971
628	335	614	755	28	61	918	287	480	1117	239	398
629	95	195	756	361	650	919	415	719	1122	345	633
637	190	327	760	547	979	920	580	1053	1126	235	393
641	181	309	771	203	342	924	549	981	1127	566	1029
642	238	397	775	703	1394	930	295	519	1128	240	399
643	634	1295	778	293	518	938	429	743	1135	465	808
644	359	649	782	452	786	939	701	1393	1142	486	844
645	446	780	784	337	615	940	397	700	1145	18	31
646	686	1372	786	681	1369	942	647	1312	1146	458	797
647	412	716	789	356	646	945	364	656	1147	365	656
648	96	195	791	284	476	951	344	628	1149	617	1237
649	363	654	802	100	197	954	151	272	1150	593	1214
652	97	196	807	150	271	955	288	480	1152	340	620
653	743	1806	810	697	1385	961	523	924	1160	698	1389
654	24	54	813	371	661	968	360	650	1163	47	96
657	98	196	814	746	1816	991	101	198	1166	604	1223
659	434	760	815	747	1817	1011	338	617	1170	38	82
665	683	1369	816	40	84	1012	532	936	1175	341	620
667	456	795	817	620	1244	1013	554	995	1182	462	801
668	615	1233	818	748	1818	1015	481	834	1189	705	1401
669	202	341	820	475	828	1016	550	983	1190	430	748
671	182	310	821	292	516	1017	751	1829	1191	392	694
674	25	55	823	680	1368	1020	529	934	1194	52	103
675	567	1032	825	418	722	1026	29	63	1203	393	695
676	355	645	829	447	781	1030	752	1832	1207	627	1271
681	668	1341	831	472	824	1032	131	242	1209	384	672
682	435	761	832	453	786	1044	410	714	1211	172	300
684	471	816	834	779	2027	1051	339	619	1213	726	1489
691	336	615	842	649	1313	1052	614	1233	1214	413	716
699	170	299	844	285	476	1053	517	917	1220	3 E	7

Note: E signifies emergency status

HOUSE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

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HB	Chapter	Page	HB	Chapter	Page		
1223	399	704	1343	775	2004		
1224	755	1853	1344	759	1899		
1226	420	725	1345	677	1355		
1227	260	422	1348	515	916		
1228	756 E	1853	1350	132	242		
1229	431	750	1359	609	1229		
1230	441	772	1362	773	1931		
1231	757	1856	1376	530	934		
1232	432	750	1377	646	1310		
1237	605	1225	1383	711	1415		
1238	400	704	1386	45	94		
1245	667	1341	1387	401	706		
1250	758	1857	1391	48	96		
1253	385 E	674	HJR	Chapter	Page		
1255	725 E	1472	2	733	1795		
1257	241	399	123	734	1795		
1259	504	907					
1260	555	1009					
1261	261	425					
1263	519	918					
1264	505	907					
1266	30	72					
1267	31	73					
1269	379	667					
1273	685	1371					
1275	204	344					
1276	380	667					
1277	581	1056					
1279	524	925					
1281	421	727					
1287	381	667					
1288	525	925					
1289	596	1217					
1290	245	401					
1291	461	801					
1292	499	889					
1294	262	426					
1299	297	539					
1300	414	717					
1303	473	828					
1305	346	634					
1310	242	400					
1311	372	662					
1312	606	1227					
1318	546	978					
1319	236	397					
1321	513	913					
1322	205	344					
1329	373	663					
1330	618	1238					
1331	660	1329					
1334	422	730					
1341	321	583					

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE			SENATE			SENATE		
SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page	SB	Chapter	Page
1	5	19	190	464	803	314	137	250	425	573	1041
7	509	910	192	71 E	161	315	489	854	427	387	678
9	679	1368	193	183	310	316	490	855	434	537	969
25	206	346	198	209	348	323	638	1299	437	212	354
27	643	1307	201	104	206	325	227	378	438	597	1217
37	59	109	204	619	1241	328	109	224	443	653	1319
38	298	539	205	210	351	329	724 E	1456	444	303	548
43	402	707	206	478	832	336	720	1445	445	657	1324
46	299	541	207	694	1383	337	690	1378	446	506	909
49	49	99	209	193	331	338	572	1041	448	138	251
51	263	426	210	250	404	339	545	977	449	778	2019
57	728	1493	211	155	278	342	449	783	451	160 E	286
58	300	541	212	105	207	344	10	22	452	691	1379
61	731 E	1502	225	106	208	346	110	224	453	161	286
64	712	1415	229	289	507	348	320	582	454	626	1267
70	352	643	230	676	1354	349	63	111	455	111	224
71	477	831	233	107	208	350	211	353	457	664	1339
78	153	276	237	719	1444	351	72	165	459	776	2015
79	207	346	240	760	1905	352	675	1353	460	633	1293
83	571	1040	241	270	451	354	253	409	463	495	875
85	191	328	245	645	1310	356	11	23	464	500	891
87	264	430	246	761	1905	358	542	971	465	139	252
89	403	708	248	251	408	360	594	1216	466	404	708
90	353	644	249	223	375	361	317	578	467	442	773
91	133	245	250	57	108	362	228	384	468	587	1062
99	347	638	252	6	20	363	575	1048	476	608	1227
103	154	277	253	666	1340	364	512	912	478	713	1418
107	134	246	264	308	569	366	349	639	479	257	414
109	265	431	265	108	216	367	64	112	480	112	225
115	348	639	266	176	304	368	386	674	491	568	1034
117	607	1227	268	563	1022	369	763	1907	493	544	974
120	637	1298	277	374	664	372	305	559	494	716	1421
122	246 E	402	278	632	1290	374	501	896	502	53	104
124	208	347	280	156	281	375	764	1908	513	113	230
125	510	910	281	157	281	377	459	797	515	765	1913
126	659	1328	282	762	1906	381	491	855	517	682	1369
127	266	431	283	136	249	382	492	857	527	213	356
128	267	437	284	7	20	388	591	1212	529	65	113
133	557	1010	285	621	1264	389	254	410	536	141	253
136	192	329	286	302	547	392	482	838	538	58	108
137	463	802	287	309	570	395	255	410	542	528	931
150	174	302	288	665	1339	399	494	873	544	589	1208
152	62	110	291	332	602	407	721	1452	545	19 E	46
154	536	967	292	8	21	408	350	642	549	322	584
160	316	578	293	622	1265	413	375	664	551	450	783
162	307	568	294	628	1271	414	159	282	553	600	1220
163	249	404	296	551	987	415	543	972	555	488	848
169	175	303	299	226	377	416	674	1351	556	480	833
170	268	438	305	252	408	417	704	1397	557	54	105
176	135	246	307	9	21	418	629	1273	562	271	451
179	520	919	308	511	911	420	630	1274	563	673	1348
181	269	440	309	158	282	423	423	731	564	272	451
182	301	546	313	658	1325	424	256	410	566	357	647

Note: E signifies emergency status

SENATE BILLS APPROVED SHOWING CHAPTERS AND PAGE NUMBERS

SENATE			SENATE				
SB	Chapter	Page	SB	Chapter	Page		
567	693	1380	712	497	885		
569	140	252	715	44	94		
573	642	1306	719	533	939		
574	766	1913	727	184	311		
576	470	814	728	624	1266		
578	671	1343	731	769	1919		
579	644	1308	732	598	1218		
580	304	549	734	770	1925		
582	695	1384	736	217	360		
589	767	1915	743	518	917		
590	548	981	745	259	421		
592	496	883	746	625	1267		
595	411	715	748	771	1928		
597	635	1296	750	641	1303		
598	66	113	758	656	1323		
600	194	331	765	538	969		
607	526	927	769	164	293		
608	214	357	774	114	231		
610	46	95	776	388	681		
611	772	1930	780	640	1302		
615	215	357	781	579	1052		
621	273	453	SJR	Chapter	Page		
625	714	1418	70	735	1796		
631	290 E	508	127	736	1796		
634	216	359					
640	274	456					
642	258	421					
643	67	114					
645	717 E	1441					
646	318	578					
651	60	109					
652	351	642					
653	162	291					
658	142	256					
664	493	872					
665	692	1379					
666	143	259					
670	325	597					
673	68	115					
674	163	292					
679	578	1052					
680	623	1266					
687	562	1021					
688	275	457					
690	768	1918					
691	61	109					
692	774	1968					
695	654	1321					
701	577	1050					
704	541	971					
707	354	645					
709	534	940					
710	535	948					

Note: E signifies emergency status

BILLS VETOED BY THE GOVERNOR

(Communications from the Governor, relating to the bills that were vetoed, may be found in the Journals of the House of Delegates and the Senate for the 2016 Regular Session.)

The following vetoed bills were returned unsigned by Governor Terence R. McAuliffe:

HOUSE BILLS

- HB 2 Clean Power Plan; Department of Environmental Quality to receive approval from General Assembly for a state implementation plan to regulate carbon dioxide emissions from existing power plants, etc.
Chief Patron: O'Quinn
- HB 8 Virginia Virtual School; Board established as a policy agency in the executive branch of government, members shall be appointed by August 1, 2017, report, appointment of nonlegislative citizen members of Board.
Chief Patron: Bell, Richard P.
- HB 9 Voter registration; required information on application form, applicant must provide his first and last name, etc., denial of application. Chief Patron: Cole
- HB 18 Franchisees; status thereof and its employees as employees of the franchisor. Chief Patron: Head
- HB 70 Warrants; no magistrate may issue an arrest warrant against law-enforcement officers without prior authorization by attorney for the Commonwealth or law-enforcement agency. Chief Patron: Miller
- HB 131 Students who receive home instruction; participation in interscholastic programs. Chief Patron: Bell, Robert B.
- HB 143 Alcoholic beverage control; increases from 101 to 151 the proof of neutral grain spirits or alcohol sold at government stores. Chief Patron: Knight
- HB 145 Virginia Public Procurement Act; public works contracts, prevailing wage provisions. Chief Patron: Webert
- HB 254 House of Delegates districts; changes district assignments of certain census blocks between Districts 28 and 88 in the City of Fredericksburg. Chief Patron: Cole
- HB 259 Standards of Learning; Board of Education prohibited from replacing with Common Core State Standards without the prior statutory approval of the General Assembly. Chief Patron: LaRock
- HB 264 Local government; prohibiting certain practices that would require contractors to provide certain compensation or benefits. Chief Patron: Davis
- HB 298 Coal tax; limits aggregate amount of credits that may be allocated or claimed for coal employment and production incentive tax credit, tax years before January 1, 2022. Chief Patron: Kilgore
- HB 382 Firearms; prevents any agency other than Department of Corrections, Department of Juvenile Justice, higher educational institution, or Virginia Port Authority from adopting regulations preventing an employee from storing in his car at workplace, etc. Chief Patron: Fowler
- HB 389 Virginia Parental Choice Education Savings Accounts; established, report, effective clause.
Chief Patron: LaRock
- HB 481 Incarcerated persons, certain; compliance with lawful detainer order received from U.S. Immigration and Customs Enforcement, alien shall be held in custody in accordance with federal or state law.
Chief Patron: Marshall, R.G.

- HB 516 Education, Board of; Board shall establish a policy to require each public elementary or secondary school to provide as an alternative to materials that include sexually explicit content, as defined by the Board, nonexplicit instructional material, etc. Chief Patron: Landes
- HB 518 School boards, local; Board shall select 12 schools identified for comprehensive support, etc., and require such schools to provide all students with option to transfer to another public school in school division, report. Chief Patron: LeMunyon
- HB 560 Brandishing a firearm; intent to induce fear, etc., penalty. Chief Patron: Lingamfelter
- HB 577 Interpleader; funds held in escrow, certain funds shall be treated as abandoned intangible personal property. Chief Patron: Robinson
- HB 587 Memorials and monuments; protection of all memorials, etc., regardless of when erected. Chief Patron: Poindexter
- HB 685 Direct primary care agreements; Commonwealth's insurance laws do not apply, reimbursement for services rendered outside of agreement, etc., third party billing in an agreement. Chief Patron: Landes
- HB 766 Concealed handguns; carrying with a valid protective order. Chief Patron: Gilbert
- HB 1090 Health, Department of; restrictions on expenditure of funds related to abortions and family planning services. Chief Patron: Cline
- HB 1096 Firearms; regulation by state entities prohibited. Chief Patron: Webert
- HB 1188 Senate districts; changes assignments of two census precincts in Louisa County. Chief Patron: Farrell
- HB 1234 School security officers; authorized to carry firearm in performance of his duties, if he is a retired law-enforcement officer who annually participates in training and testing, etc. Chief Patron: Lingamfelter
- HB 1371 Local government; prohibition on certain mandates upon employers. Chief Patron: Miller

SENATE BILLS

- SB 21 Clean Power Plan; Department of Environmental Quality to receive approval from General Assembly for a state implementation plan to regulate carbon dioxide emissions from existing power plants, etc. Chief Patron: Chafin
- SB 41 Religious freedom; marriage solemnization, participation, and beliefs. Chief Patron: Carrico
- SB 44 Coal tax; limits aggregate amount of credits that may be allocated or claimed for coal employment and production incentive tax credit, tax years before January 1, 2022. Chief Patron: Carrico
- SB 270 Incarcerated persons, certain; compliance with any detainer received from U.S. Immigration and Customs Enforcement, alien shall be held in custody in accordance with federal or state law. Chief Patron: Garrett
- SB 543 Inverse condemnation proceeding; reimbursement of owner's costs, judgment proceedings filed prior to July 1, 2016. Chief Patron: Obenshain
- SB 612 Students who receive home instruction; participation in interscholastic programs. Chief Patron: Garrett
- SB 626 Concealed handguns; carrying with a valid protective order. Chief Patron: Vogel
- SB 767 Form of ballot; party identification of candidates. Chief Patron: Suetterlein

**THE SENATE
2016 REGULAR SESSION**

District Number	Name	County and/or City Represented
5	Alexander, Kenneth C. (D)	Cities of Chesapeake (part) and Norfolk (part)
39	Barker, George L. (D)	Counties of Fairfax (part) and Prince William (part); City of Alexandria (part)
13	Black, Richard H. (R)	Counties of Loudoun (part) and Prince William (part)
40	Carrico, Charles W., Sr. (R)	Counties of Grayson, Lee, Scott, Smyth (part), Washington, Wise (part), and Wythe (part); City of Bristol
38	Chafin, A. Benton, Jr. (R)	Counties of Bland, Buchanan, Dickenson, Montgomery (part), Pulaski, Russell, Smyth (part), Tazewell, and Wise (part); Cities of Norton and Radford
11	Chase, Amanda F. (R)	Counties of Amelia and Chesterfield (part); City of Colonial Heights
14	Cosgrove, John A., Jr. (R)	Counties of Isle of Wight (part) and Southampton (part); Cities of Chesapeake (part), Franklin (part), Portsmouth (part), Suffolk (part), and Virginia Beach (part)
16	Dance, Rosalyn R. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell, Petersburg, and Richmond (part)
25	Deeds, R. Creigh (D)	Counties of Albemarle (part), Alleghany, Bath, Highland, Nelson, and Rockbridge; Cities of Buena Vista, Charlottesville, Covington, and Lexington
8	DeSteph, William R., Jr. (R)	City of Virginia Beach (part)
12	Dunnavant, Siobhan S. (R)	Counties of Hanover (part) and Henrico (part)
30	Ebbin, Adam P. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
21	Edwards, John S. (D)	Counties of Giles, Montgomery (part), and Roanoke (part); City of Roanoke
31	Favola, Barbara A. (D)	Counties of Arlington (part), Fairfax (part), and Loudoun (part)
22	Garrett, Thomas A., Jr. (R)	Counties of Amherst, Appomattox, Buckingham, Cumberland, Fluvanna, Goochland, Louisa (part), and Prince Edward; City of Lynchburg (part)
24	Hanger, Emmett W., Jr. (R)	Counties of Augusta, Culpeper (part), Greene, Madison, and Rockingham (part); Cities of Staunton and Waynesboro
32	Howell, Janet D. (D)	Counties of Arlington (part) and Fairfax (part)
6	Lewis, Lynwood W., Jr. (D)	Counties of Accomack, Mathews, and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
2	Locke, Mamie E. (D)	County of York (part); Cities of Hampton (part), Newport News (part), and Portsmouth (part)

**THE SENATE
2016 REGULAR SESSION**

District Number	Name	County and/or City Represented
18	Lucas, L. Louise (D)	Counties of Brunswick (part), Greenville, Isle of Wight (part), Southampton (part), Surry (part), and Sussex; Cities of Chesapeake (part), Emporia, Franklin (part), Portsmouth (part), and Suffolk (part)
37	Marsden, David W. (D)	County of Fairfax (part)
4	McDougle, Ryan T. (R)	Counties of Caroline, Essex, Hanover (part), King George (part), Lancaster, Middlesex, Northumberland, Richmond, Spotsylvania (part), and Westmoreland (part)
9	McEachin, A. Donald (D)	Counties of Charles City, Hanover (part), and Henrico (part); City of Richmond (part)
29	McPike, Jeremy S. (D)	County of Prince William (part); Cities of Manassas and Manassas Park
1	Miller, John C. (D)*	Counties of James City (part) and York (part); Cities of Hampton (part), Newport News (part), Suffolk (part), and Williamsburg
23	Newman, Stephen D. (R)	Counties of Bedford (part), Botetourt, Campbell (part), Craig, and Roanoke (part); City of Lynchburg (part)
3	Norment, Thomas K., Jr. (R)	Counties of Gloucester, Isle of Wight (part), James City (part), King and Queen, King William, New Kent, Surry (part), and York (part); Cities of Hampton (part), Poquoson, and Suffolk (part)
26	Obenshain, Mark D. (R)	Counties of Page, Rappahannock, Rockingham (part), Shenandoah, and Warren; City of Harrisonburg
34	Petersen, J. Chapman (D)	County of Fairfax (part); City of Fairfax
17	Reeves, Bryce E. (R)	Counties of Albemarle (part), Culpeper (part), Louisa (part), Orange, and Spotsylvania (part); City of Fredericksburg
15	Ruff, Frank M., Jr. (R)	Counties of Brunswick (part), Campbell (part), Charlotte, Dinwiddie (part), Halifax (part), Lunenburg, Mecklenburg, Nottoway, Pittsylvania (part), and Prince George (part); City of Danville (part)
35	Saslaw, Richard L. (D)	County of Fairfax (part); Cities of Alexandria (part) and Falls Church
20	Stanley, William M., Jr. (R)	Counties of Carroll (part), Franklin (part), Halifax (part), Henry, Patrick, and Pittsylvania (part); Cities of Danville (part), Galax, and Martinsville
28	Stuart, Richard H. (R)	Counties of King George (part), Prince William (part), Spotsylvania (part), Stafford (part), and Westmoreland (part)
10	Sturtevant, Glen H., Jr. (R)	Counties of Chesterfield (part) and Powhatan; City of Richmond (part)

THE SENATE
2016 REGULAR SESSION

District Number	Name	County and/or City Represented
19	Suetterlein, David R. (R)	Counties of Bedford (part), Carroll (part), Floyd, Franklin (part), Montgomery (part), Roanoke (part), and Wythe (part); City of Salem
36	Surovell, Scott A. (D)	Counties of Fairfax (part), Prince William (part), and Stafford (part)
27	Vogel, Jill Holtzman (R)	Counties of Clarke, Culpeper (part), Fauquier, Frederick, Loudoun (part), and Stafford (part); City of Winchester
7	Wagner, Frank W. (R)	Cities of Norfolk (part) and Virginia Beach (part)
33	Wexton, Jennifer T. (D)	Counties of Fairfax (part) and Loudoun (part)

*Died April 4, 2016

**THE HOUSE OF DELEGATES
2016 REGULAR SESSION**

District Number	Name	County and/or City Represented
16	Adams, Leslie R. (R)	Counties of Henry (part) and Pittsylvania (part); City of Martinsville
63	Aird, Lashreese D. (D)	Counties of Chesterfield (part), Dinwiddie (part), and Prince George (part); Cities of Hopewell (part) and Petersburg
42	Albo, David B. (R)	County of Fairfax (part)
51	Anderson, Richard L. (R)	County of Prince William (part)
19	Austin, Terry L. (R)	Counties of Alleghany, Bedford (part), and Botetourt (part); City of Covington
74	Bagby, Lamont (D)	Counties of Charles City and Henrico (part); City of Richmond (part)
87	Bell, John J. (D)	Counties of Loudoun (part) and Prince William (part)
20	Bell, Richard P. (R)	Counties of Augusta (part), Highland, and Nelson (part); Cities of Staunton and Waynesboro
58	Bell, Robert B. (R)	Counties of Albemarle (part), Fluvanna (part), Greene, and Rockingham (part)
100	Bloxom, Robert S., Jr. (R)	Counties of Accomack and Northampton; Cities of Norfolk (part) and Virginia Beach (part)
86	Boysko, Jennifer B. (D)	Counties of Fairfax (part) and Loudoun (part)
37	Bulova, David L. (D)	County of Fairfax (part); City of Fairfax
22	Byron, Kathy J. (R)	Counties of Bedford (part), Campbell (part), and Franklin (part); City of Lynchburg (part)
6	Campbell, Jeffrey L. (R)	Counties of Carroll, Smyth (part), and Wythe
69	Carr, Betsy B. (D)	County of Chesterfield (part); City of Richmond (part)
24	Cline, Benjamin L. (R)	Counties of Amherst (part), Augusta (part), Bath, and Rockbridge; Cities of Buena Vista and Lexington
88	Cole, Mark L. (R)	Counties of Fauquier (part), Spotsylvania (part), and Stafford (part); City of Fredericksburg (part)
29	Collins, Christopher E. (R)	Counties of Frederick (part) and Warren (part); City of Winchester
66	Cox, M. Kirkland (R)	County of Chesterfield (part); City of Colonial Heights
84	Davis, Glenn R., Jr. (R)	City of Virginia Beach (part)
2	Dudenhefer, L. Mark (R)	Counties of Prince William (part) and Stafford (part)
60	Edmunds, James E., II (R)	Counties of Campbell (part), Charlotte, Halifax, and Prince Edward

**THE HOUSE OF DELEGATES
2016 REGULAR SESSION**

District Number	Name	County and/or City Represented
59	Fariss, C. Matthew (R)	Counties of Albemarle (part), Appomattox, Buckingham, Campbell (part), and Nelson (part)
56	Farrell, Peter F. (R)	Counties of Goochland (part), Henrico (part), Louisa, and Spotsylvania (part)
41	Filler-Corn, Eileen (D)	County of Fairfax (part)
55	Fowler, Hyland F., Jr. (R)	Counties of Caroline (part), Hanover (part), and Spotsylvania (part)
30	Freitas, Nicholas J. (R)	Counties of Culpeper (part), Madison, and Orange
23	Garrett, T. Scott (R)	Counties of Amherst (part) and Bedford (part); City of Lynchburg (part)
15	Gilbert, C. Todd (R)	Counties of Page, Rockingham (part), Shenandoah, and Warren (part)
32	Greason, Thomas A. (R)	County of Loudoun (part)
8	Habeeb, Gregory D. (R)	Counties of Craig, Montgomery (part), and Roanoke (part); City of Salem
17	Head, Christopher T. (R)	Counties of Botetourt (part) and Roanoke (part); City of Roanoke (part)
91	Helsel, Gordon C., Jr. (R)	County of York (part); Cities of Hampton (part) and Poquoson
79	Heretick, Stephen E. (D)	Cities of Norfolk (part) and Portsmouth (part)
46	Herring, Charniele L. (D)	City of Alexandria (part)
89	Hester, Daun Sessoms (D)	City of Norfolk (part)
98	Hodges, M. Keith (R)	Counties of Essex, Gloucester, King and Queen, King William (part), Mathews, and Middlesex
47	Hope, Patrick A. (D)	County of Arlington (part)
28	Howell, William J. (R)	County of Stafford (part); City of Fredericksburg (part)
40	Hugo, Timothy D. (R)	Counties of Fairfax (part) and Prince William (part)
62	Ingram, Riley E. (R)	Counties of Chesterfield (part), Henrico (part), and Prince George (part); City of Hopewell (part)
80	James, Matthew (D)	Cities of Chesapeake (part), Norfolk (part), Portsmouth (part), and Suffolk (part)
76	Jones, S. Chris (R)	Cities of Chesapeake (part) and Suffolk (part)
35	Keam, Mark L. (D)	County of Fairfax (part)
1	Kilgore, Terry G. (R)	Counties of Lee, Scott, and Wise (part); City of Norton
81	Knight, Barry D. (R)	Cities of Chesapeake (part) and Virginia Beach (part)

**THE HOUSE OF DELEGATES
2016 REGULAR SESSION**

District Number	Name	County and/or City Represented
38	Kory, Kaye (D)	County of Fairfax (part)
44	Krizek, Paul E. (D)	County of Fairfax (part)
25	Landes, R. Steven (R)	Counties of Albemarle (part), Augusta (part), and Rockingham (part)
33	LaRock, David A. (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
78	Leftwich, James A., Jr. (R)	City of Chesapeake (part)
67	LeMunyon, James M. (R)	Counties of Fairfax (part) and Loudoun (part)
45	Levine, Mark H. (D)	Counties of Arlington (part) and Fairfax (part); City of Alexandria (part)
90	Lindsey, Joseph C. (D)	Cities of Norfolk (part) and Virginia Beach (part)
31	Lingamfelter, L. Scott (R)	Counties of Fauquier (part) and Prince William (part)
49	Lopez, Alfonso H. (D)	Counties of Arlington (part) and Fairfax (part)
68	Loupassi, G. M. (R)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
14	Marshall, Daniel W., III (R)	Counties of Henry (part) and Pittsylvania (part); City of Danville
13	Marshall, Robert G. (R)	County of Prince William (part); City of Manassas Park
93	Mason, T. Montgomery (D)	Counties of James City (part) and York (part); Cities of Newport News (part) and Williamsburg
72	Massie, James P., III (R)	County of Henrico (part)
71	McClellan, Jennifer L. (D)	County of Henrico (part); City of Richmond (part)
70	McQuinn, Delores L. (D)	Counties of Chesterfield (part) and Henrico (part); City of Richmond (part)
50	Miller, Jackson H. (R)	County of Prince William (part); City of Manassas
10	Minchew, J. Randall (R)	Counties of Clarke (part), Frederick (part), and Loudoun (part)
82	Miyares, Jason S. (R)	City of Virginia Beach (part)
3	Morefield, James W. (R)	Counties of Bland, Buchanan, Russell (part), and Tazewell
64	Morris, Richard L. (R)	Counties of Isle of Wight (part), Prince George (part), Southampton (part), Surry (part), and Sussex (part); Cities of Franklin (part) and Suffolk (part)
34	Murphy, Kathleen J. (D)	Counties of Fairfax (part) and Loudoun (part)
73	O'Bannon, John M., III (R)	County of Henrico (part)

**THE HOUSE OF DELEGATES
2016 REGULAR SESSION**

District Number	Name	County and/or City Represented
5	O'Quinn, Israel D. (R)	Counties of Grayson, Smyth (part), and Washington (part); Cities of Bristol and Galax
54	Orrock, Robert D., Sr. (R)	Counties of Caroline (part) and Spotsylvania (part)
97	Peace, Christopher K. (R)	Counties of Hanover (part), King William (part), and New Kent
4	Pillion, Todd E. (R)	Counties of Dickenson, Russell (part), Washington (part), and Wise (part)
36	Plum, Kenneth R. (D)	County of Fairfax (part)
96	Pogge, Brenda L. (R)	Counties of James City (part) and York (part)
9	Poindexter, Charles D. (R)	Counties of Franklin (part), Henry (part), and Patrick
95	Price, Marcia S. (D)	Cities of Hampton (part) and Newport News (part)
99	Ransone, Margaret B. (R)	Counties of Caroline (part), King George, Lancaster, Northumberland, Richmond, and Westmoreland
11	Rasoul, Sam (D)	City of Roanoke (part)
27	Robinson, Roxann L. (R)	County of Chesterfield (part)
7	Rush, L. Nick (R)	Counties of Floyd, Montgomery (part), and Pulaski (part)
43	Sickles, Mark D. (D)	County of Fairfax (part)
53	Simon, Marcus B. (D)	County of Fairfax (part); City of Falls Church
77	Spruill, Lionell, Sr. (D)	Cities of Chesapeake (part) and Suffolk (part)
83	Stolle, Christopher P. (R)	Cities of Norfolk (part) and Virginia Beach (part)
48	Sullivan, Richard C., Jr. (D)	Counties of Arlington (part) and Fairfax (part)
85	Taylor, Scott W. (R)	City of Virginia Beach (part)
52	Torian, Luke E. (D)	County of Prince William (part)
57	Toscano, David J. (D)	County of Albemarle (part); City of Charlottesville
75	Tyler, Roslyn C. (D)	Counties of Brunswick, Dinwiddie (part), Greensville, Isle of Wight (part), Lunenburg (part), Southampton (part), Surry (part), and Sussex (part); Cities of Emporia and Franklin (part)
21	Villanueva, Ronald A. (R)	Cities of Chesapeake (part) and Virginia Beach (part)
92	Ward, Jeion A. (D)	City of Hampton (part)
65	Ware, R. Lee, Jr. (R)	Counties of Chesterfield (part), Fluvanna (part), Goochland (part), and Powhatan
39	Watts, Vivian E. (D)	County of Fairfax (part)

**THE HOUSE OF DELEGATES
2016 REGULAR SESSION**

District Number	Name	County and/or City Represented
18	Webert, Michael J. (R)	Counties of Culpeper (part), Fauquier (part), Rappahannock, and Warren (part)
26	Wilt, Tony O. (R)	County of Rockingham (part); City of Harrisonburg
61	Wright, Thomas C., Jr. (R)	Counties of Amelia, Cumberland, Lunenburg (part), Mecklenburg, and Nottoway
94	Yancey, David E. (R)	City of Newport News (part)
12	Yost, Joseph R. (R)	Counties of Giles, Montgomery (part), and Pulaski (part); City of Radford

**SENATORS AND DELEGATES BY COUNTIES
2016 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Accomack	Lynwood W. Lewis, Jr. (D)	Robert S. Bloxom, Jr. (R)
Albemarle.....	R. Creigh Deeds (D)..... Bryce E. Reeves (R)	Robert B. Bell (R) C. Matthew Fariss (R) R. Steven Landes (R) David J. Toscano (D)
Alleghany.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Amelia.....	Amanda F. Chase (R)	Thomas C. Wright, Jr. (R)
Amherst.....	Thomas A. Garrett, Jr. (R).....	Benjamin L. Cline (R) T. Scott Garrett (R)
Appomattox.....	Thomas A. Garrett, Jr. (R).....	C. Matthew Fariss (R)
Arlington	Adam P. Ebbin (D)..... Barbara A. Favola (D) Janet D. Howell (D)	Patrick A. Hope (D) Mark H. Levine (D) Alfonso H. Lopez (D) Richard C. Sullivan, Jr. (D)
Augusta	Emmett W. Hanger, Jr. (R).....	Richard P. Bell (R) Benjamin L. Cline (R) R. Steven Landes (R)
Bath	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Bedford	Stephen D. Newman (R)..... David R. Suetterlein (R)	Terry L. Austin (R) Kathy J. Byron (R) T. Scott Garrett (R)
Bland	A. Benton Chafin, Jr. (R)	James W. Morefield (R)
Botetourt	Stephen D. Newman (R).....	Terry L. Austin (R) Christopher T. Head (R)
Brunswick.....	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Buchanan.....	Frank M. Ruff, Jr. (R)	
Buckingham.....	A. Benton Chafin, Jr. (R)	James W. Morefield (R)
Campbell.....	Thomas A. Garrett, Jr. (R)..... Stephen D. Newman (R)..... Frank M. Ruff, Jr. (R)	C. Matthew Fariss (R) Kathy J. Byron (R) James E. Edmunds, II (R) C. Matthew Fariss (R)
Caroline.....	Ryan T. McDougale (R).....	Hyland F. Fowler, Jr. (R) Robert D. Orrock, Sr. (R) Margaret B. Ransone (R)
Carroll	William M. Stanley, Jr. (R)	Jeffrey L. Campbell (R)
Charles City	David R. Suetterlein (R)	
Charlotte.....	A. Donald McEachin (D).....	Lamont Bagby (D)
Chesterfield.....	Frank M. Ruff, Jr. (R)..... Amanda F. Chase (R)..... Rosalyn R. Dance (D) Glen H. Sturtevant, Jr. (R)	James E. Edmunds, II (R) Lashrecse D. Aird (D) Betsy B. Carr (D) M. Kirkland Cox (R) Riley E. Ingram (R) G. M. Loupassi (R) Delores L. McQuinn (D) Roxann L. Robinson (R) R. Lee Ware, Jr. (R)
Clarke.....	Jill Holtzman Vogel (R)	David A. LaRock (R) J. Randall Minchew (R)
Craig	Stephen D. Newman (R)	Gregory D. Habeeb (R)
Culpeper.....	Emmett W. Hanger, Jr. (R)..... Bryce E. Reeves (R) Jill Holtzman Vogel (R)	Nicholas J. Freitas (R) Michael J. Webert (R)
Cumberland.....	Thomas A. Garrett, Jr. (R).....	Thomas C. Wright, Jr. (R)
Dickenson	A. Benton Chafin, Jr. (R)	Todd E. Pillion (R)

**SENATORS AND DELEGATES BY COUNTIES
2016 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Dinwiddie.....	Rosalyn R. Dance (D)	Lashreese D. Aird (D)
	Frank M. Ruff, Jr. (R)	Roslyn C. Tyler (D)
Essex	Ryan T. McDougale (R).....	M. Keith Hodges (R)
Fairfax	George L. Barker (D)	David B. Albo (R)
	Adam P. Ebbin (D)	Jennifer B. Boysko (D)
	Barbara A. Favola (D)	David L. Bulova (D)
	Janet D. Howell (D)	Eileen Filler-Corn (D)
	David W. Marsden (D)	Timothy D. Hugo (R)
	J. Chapman Petersen (D)	Mark L. Keam (D)
	Richard L. Saslaw (D)	Kaye Kory (D)
	Scott A. Surovell (D)	Paul E. Krizek (D)
	Jennifer T. Wexton (D)	James M. LeMunyon (R)
		Mark H. Levine (D)
		Alfonso H. Lopez (D)
		Kathleen J. Murphy (D)
		Kenneth R. Plum (D)
		Mark D. Sickles (D)
		Marcus B. Simon (D)
		Richard C. Sullivan, Jr. (D)
		Vivian E. Watts (D)
Fauquier	Jill Holtzman Vogel (R).....	Mark L. Cole (R)
		L. Scott Lingamfelter (R)
		Michael J. Webert (R)
Floyd	David R. Suetterlein (R).....	L. Nick Rush (R)
Fluvanna.....	Thomas A. Garrett, Jr. (R).....	Robert B. Bell (R)
		R. Lee Ware, Jr. (R)
Franklin	William M. Stanley, Jr. (R).....	Kathy J. Byron (R)
	David R. Suetterlein (R)	Charles D. Poindexter (R)
Frederick	Jill Holtzman Vogel (R).....	Christopher E. Collins (R)
		David A. LaRock (R)
		J. Randall Minchew (R)
Giles	John S. Edwards (D)	Joseph R. Yost (R)
Gloucester	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
Goochland	Thomas A. Garrett, Jr. (R).....	Peter F. Farrell (R)
		R. Lee Ware, Jr. (R)
Grayson	Charles W. Carrico, Sr. (R).....	Israel D. O'Quinn (R)
Greene	Emmett W. Hanger, Jr. (R)	Robert B. Bell (R)
Greensville	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Halifax.....	Frank M. Ruff, Jr. (R).....	James E. Edmunds, II (R)
	William M. Stanley, Jr. (R)	
Hanover.....	Siobhan S. Dunnavant (R).....	Hyland F. Fowler, Jr. (R)
	Ryan T. McDougale (R)	Christopher K. Peace (R)
	A. Donald McEachin (D)	
Henrico.....	Siobhan S. Dunnavant (R).....	Lamont Bagby (D)
	A. Donald McEachin (D)	Peter F. Farrell (R)
		Riley E. Ingram (R)
		G. M. Loupassi (R)
		James P. Massie, III (R)
		Jennifer L. McClellan (D)
		Delores L. McQuinn (D)
		John M. O'Bannon, III (R)
Henry.....	William M. Stanley, Jr. (R).....	Leslie R. Adams (R)
		Daniel W. Marshall, III (R)
		Charles D. Poindexter (R)
Highland.....	R. Creigh Deeds (D).....	Richard P. Bell (R)

**SENATORS AND DELEGATES BY COUNTIES
2016 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Isle of Wight.....	John A. Cosgrove, Jr. (R)..... L. Louise Lucas (D) Thomas K. Norment, Jr. (R)	Richard L. Morris (R) Roslyn C. Tyler (D)
James City.....	John C. Miller (D)*..... Thomas K. Norment, Jr. (R)	T. Montgomery Mason (D) Brenda L. Pogge (R)
King and Queen	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R)
King George.....	Ryan T. McDougle (R)..... Richard H. Stuart (R)	Margaret B. Ransone (R)
King William.....	Thomas K. Norment, Jr. (R).....	M. Keith Hodges (R) Christopher K. Peace (R)
Lancaster.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Lee.....	Charles W. Carrico, Sr. (R)	Terry G. Kilgore (R)
Loudoun.....	Richard H. Black (R)..... Barbara A. Favola (D) Jill Holtzman Vogel (R) Jennifer T. Wexton (D)	John J. Bell (D) Jennifer B. Boysko (D) Thomas A. Greason (R) David A. LaRock (R) James M. LeMunyon (R) J. Randall Minchew (R) Kathleen J. Murphy (D)
Louisa.....	Bryce E. Reeves (R)..... Thomas A. Garrett, Jr. (R)	Peter F. Farrell (R)
Lunenburg.....	Frank M. Ruff, Jr. (R).....	Roslyn C. Tyler (D) Thomas C. Wright, Jr. (R)
Madison.....	Emmett W. Hanger, Jr. (R).....	Nicholas J. Freitas (R)
Mathews.....	Lynwood W. Lewis, Jr. (D).....	M. Keith Hodges (R)
Mecklenburg.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Middlesex.....	Ryan T. McDougle (R).....	M. Keith Hodges (R)
Montgomery.....	John S. Edwards (D)..... A. Benton Chafin, Jr. (R) David R. Suetterlein (R)	Gregory D. Habeeb (R) L. Nick Rush (R) Joseph R. Yost (R)
Nelson.....	R. Creigh Deeds (D).....	Richard P. Bell (R) C. Matthew Fariss (R)
New Kent.....	Thomas K. Norment, Jr. (R).....	Christopher K. Peace (R)
Northampton.....	Lynwood W. Lewis, Jr. (D).....	Robert S. Bloxom, Jr. (R)
Northumberland.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Nottoway.....	Frank M. Ruff, Jr. (R).....	Thomas C. Wright, Jr. (R)
Orange.....	Bryce E. Reeves (R).....	Nicholas J. Freitas (R)
Page.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Patrick.....	William M. Stanley, Jr. (R).....	Charles D. Poindexter (R)
Pittsylvania.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Leslie R. Adams (R) Daniel W. Marshall, III (R)
Powhatan.....	Glen H. Sturtevant, Jr. (R).....	R. Lee Ware, Jr. (R)
Prince Edward.....	Thomas A. Garrett, Jr. (R).....	James E. Edmunds, II (R)
Prince George.....	Rosalyn R. Dance (D)..... Frank M. Ruff, Jr. (R)	Lashrecse D. Aird (D) Riley E. Ingram (R) Richard L. Morris (R)
Prince William.....	George L. Barker (D)..... Richard H. Black (R) Jeremy S. McPike (D) Richard H. Stuart (R) Scott A. Surovell (D)	Richard L. Anderson (R) John J. Bell (D) L. Mark Dudenhefer (R) Timothy D. Hugo (R) L. Scott Lingamfelter (R) Robert G. Marshall (R) Jackson H. Miller (R) Luke E. Torian (D)

**SENATORS AND DELEGATES BY COUNTIES
2016 REGULAR SESSION**

COUNTIES	SENATORS	DELEGATES
Pulaski.....	A. Benton Chafin, Jr. (R)	L. Nick Rush (R) Joseph R. Yost (R)
Rappahannock.....	Mark D. Obenshain (R).....	Michael J. Webert (R)
Richmond.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
Roanoke	John S. Edwards (D)	Gregory D. Habeeb (R)
	Stephen D. Newman (R)	Christopher T. Head (R)
	David R. Suetterlein (R)	
Rockbridge.....	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Rockingham	Emmett W. Hanger, Jr. (R)	Robert B. Bell (R)
	Mark D. Obenshain (R)	C. Todd Gilbert (R)
		R. Steven Landes (R)
		Tony O. Wilt (R)
Russell.....	A. Benton Chafin, Jr. (R)	James W. Morefield (R)
		Todd E. Pillion (R)
Scott	Charles W. Carrico, Sr. (R).....	Terry G. Kilgore (R)
Shenandoah.....	Mark D. Obenshain (R).....	C. Todd Gilbert (R)
Smyth	Charles W. Carrico, Sr. (R).....	Jeffrey L. Campbell (R)
	A. Benton Chafin, Jr. (R)	Israel D. O'Quinn (R)
Southampton	John A. Cosgrove, Jr. (R)	Richard L. Morris (R)
	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Spotsylvania.....	Ryan T. McDougle (R).....	Mark L. Cole (R)
	Bryce E. Reeves (R)	Peter F. Farrell (R)
	Richard H. Stuart (R)	Hyland F. Fowler, Jr. (R)
		Robert D. Orrock, Sr. (R)
Stafford.....	Richard H. Stuart (R)	Mark L. Cole (R)
	Scott A. Surovell (D)	L. Mark Dudenhefer (R)
	Jill Holtzman Vogel (R)	William J. Howell (R)
Surry.....	L. Louise Lucas (D)	Richard L. Morris (R)
	Thomas K. Norment, Jr. (R)	Roslyn C. Tyler (D)
Sussex.....	L. Louise Lucas (D)	Richard L. Morris (R)
		Roslyn C. Tyler (D)
Tazewell	A. Benton Chafin, Jr. (R)	James W. Morefield (R)
Warren.....	Mark D. Obenshain (R).....	Christopher E. Collins (R)
		C. Todd Gilbert (R)
		Michael J. Webert (R)
Washington.....	Charles W. Carrico, Sr. (R).....	Todd E. Pillion (R)
		Israel D. O'Quinn (R)
Westmoreland.....	Ryan T. McDougle (R).....	Margaret B. Ransone (R)
	Richard H. Stuart (R)	
Wise.....	Charles W. Carrico, Sr. (R).....	Terry G. Kilgore (R)
	A. Benton Chafin, Jr. (R)	Todd E. Pillion (R)
Wythe	Charles W. Carrico, Sr. (R).....	Jeffrey L. Campbell (R)
	David R. Suetterlein (R)	
York.....	Mamie E. Locke (D)	Gordon C. Helsel, Jr. (R)
	John C. Miller (D)*	T. Montgomery Mason (D)
	Thomas K. Norment, Jr. (R)	Brenda L. Pogge (R)

*Died April 4, 2016

**SENATORS AND DELEGATES BY CITIES
2016 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Alexandria.....	George L. Barker (D) Adam P. Ebbin (D) Richard L. Saslaw (D)	Charniele L. Herring (D) Mark H. Levine (D)
Bristol.....	Charles W. Carrico, Sr. (R)	Israel D. O'Quinn (R)
Buena Vista	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Charlottesville	R. Creigh Deeds (D).....	David J. Toscano (D)
Chesapeake	Kenneth C. Alexander (D) John A. Cosgrove, Jr. (R) L. Louise Lucas (D)	Matthew James (D) S. Chris Jones (R) Barry D. Knight (R) James A. Leftwich, Jr. (R) Lionell Spruill, Sr. (D) Ronald A. Villanueva (R)
Colonial Heights	Amanda F. Chase (R)	M. Kirkland Cox (R)
Covington.....	R. Creigh Deeds (D).....	Terry L. Austin (R)
Danville.....	Frank M. Ruff, Jr. (R)..... William M. Stanley, Jr. (R)	Daniel W. Marshall, III (R)
Emporia.....	L. Louise Lucas (D)	Roslyn C. Tyler (D)
Fairfax	J. Chapman Petersen (D).....	David L. Bulova (D)
Falls Church.....	Richard L. Saslaw (D).....	Marcus D. Simon (D)
Franklin	John A. Cosgrove, Jr. (R) L. Louise Lucas (D)	Richard L. Morris (R) Roslyn C. Tyler (D)
Fredericksburg	Bryce E. Reeves (R).....	Mark L. Cole (R) William J. Howell (R)
Galax	William M. Stanley, Jr. (R)	Israel D. O'Quinn (R)
Hampton.....	Mamie E. Locke (D) John C. Miller (D)* Thomas K. Norment, Jr. (R)	Gordon C. Helsel, Jr. (R) Marcia S. Price (D) Jeion A. Ward (D)
Harrisonburg	Mark D. Obenshain (R).....	Tony O. Wilt (R)
Hopewell	Rosalyn R. Dance (D)	Lashrecse D. Aird (D) Riley E. Ingram (R)
Lexington	R. Creigh Deeds (D).....	Benjamin L. Cline (R)
Lynchburg	Thomas A. Garrett, Jr. (R)..... Stephen D. Newman (R)	Kathy J. Byron (R) T. Scott Garrett (R)
Manassas	Jeremy S. McPike (D).....	Jackson H. Miller (R)
Manassas Park.....	Jeremy S. McPike (D).....	Robert G. Marshall (R)
Martinsville.....	William M. Stanley, Jr. (R)	Leslie R. Adams (R)
Newport News	Mamie E. Locke (D) John C. Miller (D)*	T. Montgomery Mason (D) Marcia S. Price (D) David E. Yancey (R)
Norfolk.....	Kenneth C. Alexander (D) Lynwood W. Lewis, Jr. (D) Frank W. Wagner (R)	Robert S. Bloxom, Jr. (R) Stephen E. Heretick (D) Daun Sessoms Hester (D) Matthew James (D) Joseph C. Lindsey (D) Christopher P. Stolle (R)
Norton	A. Benton Chafin, Jr. (R)	Terry G. Kilgore (R)
Petersburg.....	Rosalyn R. Dance (D)	Lashrecse D. Aird (D)
Poquoson.....	Thomas K. Norment, Jr. (R).....	Gordon C. Helsel, Jr. (R)
Portsmouth	John A. Cosgrove, Jr. (R) Mamie E. Locke (D) L. Louise Lucas (D)	Stephen E. Heretick (D) Matthew James (D)
Radford	A. Benton Chafin, Jr. (R)	Joseph R. Yost (R)

**SENATORS AND DELEGATES BY CITIES
2016 REGULAR SESSION**

CITIES	SENATORS	DELEGATES
Richmond.....	Rosalyn R. Dance (D) A. Donald McEachin (D) Glen H. Sturtevant, Jr. (R)	Lamont Bagby (D) Betsy B. Carr (D) G. M. Loupassi (R) Jennifer L. McClellan (D) Delores L. McQuinn (D)
Roanoke	John S. Edwards (D)	Christopher T. Head (R) Sam Rasoul (D)
Salem.....	David R. Suetterlein (R).....	Gregory D. Habeeb (R)
Staunton	Emmett W. Hanger, Jr. (R)	Richard P. Bell (R)
Suffolk.....	John A. Cosgrove, Jr. (R) L. Louise Lucas (D) John C. Miller (D)* Thomas K. Norment, Jr. (R)	Matthew James (D) S. Chris Jones (R) Richard L. Morris (R) Lionell Spruill, Sr. (D)
Virginia Beach.....	John A. Cosgrove, Jr. (R) William R. DeSteph (R) Lynwood W. Lewis, Jr. (D) Frank W. Wagner (R)	Robert S. Bloxom, Jr. (R) Glenn R. Davis, Jr. (R) Barry D. Knight (R) Joseph C. Lindsey (D) Jason S. Miyares (R) Christopher P. Stolle (R) Scott W. Taylor (R) Ronald A. Villanueva (R)
Waynesboro.....	Emmett W. Hanger, Jr. (R)	Richard P. Bell (R)
Williamsburg.....	John C. Miller (D)*	T. Montgomery Mason (D)
Winchester.....	Jill Holtzman Vogel (R).....	Christopher E. Collins (R)

*Died April 4, 2016

COUNTIES AND CITIES--LAND AREA AND POPULATION

United States Census of 2010 (December 21, 2010)

COUNTIES	Land Area in Square Miles	Population	COUNTIES	Land Area in Square Miles	Population
Accomack	449	33,164	Pittsylvania	969	63,506
Albemarle	721	98,970	Powhatan	260	28,046
Alleghany	445	16,250	Prince Edward	350	23,368
Amelia	355	12,690	Prince George	265	35,725
Amherst	474	32,353	Prince William	336	402,002
Appomattox	334	14,973	Pulaski	320	34,872
Arlington	26	207,627	Rappahannock	266	7,371
Augusta	967	73,750	Richmond	191	9,254
Bath	529	4,731	Roanoke	251	92,376
Bedford	753	68,676	Rockbridge	598	22,307
Bland	358	6,824	Rockingham	849	76,314
Botetourt	541	33,148	Russell	474	28,897
Brunswick	566	17,434	Scott	536	23,177
Buchanan	503	24,098	Shenandoah	509	41,993
Buckingham	580	17,146	Smyth	451	32,208
Campbell	504	54,842	Southampton	599	18,570
Caroline	528	28,545	Spotsylvania	401	122,397
Carroll	475	30,042	Stafford	269	128,961
Charles City	183	7,256	Surry	279	7,058
Charlotte	475	12,586	Sussex	490	12,087
Chesterfield	423	316,236	Tazewell	519	45,078
Clarke	176	14,034	Warren	213	37,575
Craig	330	5,190	Washington	561	54,876
Culpeper	379	46,689	Westmoreland	229	17,454
Cumberland	297	10,052	Wise	403	41,452
Dickenson	331	15,903	Wythe	462	29,235
Dinwiddie	504	28,001	York	105	65,464
Essex	257	11,151			
Fairfax	391	1,081,726	CITIES		
Fauquier	647	65,203	Alexandria	15	139,966
Floyd	380	15,279	Bedford*	7	6,222
Fluvanna	286	25,691	Bristol	13	17,835
Franklin	690	56,159	Buena Vista	7	6,650
Frederick	414	78,305	Charlottesville	10	43,475
Giles	356	17,286	Chesapeake	341	222,209
Gloucester	218	36,858	Colonial Heights	8	17,411
Goochland	282	21,717	Covington	5	5,161
Grayson	442	15,533	Danville	43	43,055
Greene	156	18,403	Emporia	7	5,927
Greensville	295	12,243	Fairfax	6	22,565
Halifax	818	36,241	Falls Church	2	12,332
Hanover	469	99,863	Franklin	8	8,582
Henrico	234	306,935	Fredericksburg	10	24,281
Henry	382	54,151	Galax	8	7,042
Highland	415	2,321	Hampton	51	137,436
Isle of Wight	316	35,270	Harrisonburg	17	48,914
James City	142	67,009	Hopewell	10	22,591
King and Queen	315	6,945	Lexington	2	7,042
King George	180	23,584	Lynchburg	49	75,568
King William	274	15,935	Manassas	10	37,821
Lancaster	133	11,391	Manassas Park	3	14,273
Lee	436	25,587	Martinsville	11	13,821
Loudoun	516	312,311	Newport News	69	180,719
Louisa	496	33,153	Norfolk	54	242,803
Lunenburg	432	12,914	Norton	7	3,958
Madison	321	13,308	Petersburg	23	32,420
Mathews	86	8,978	Poquoson	15	12,150
Mecklenburg	625	32,727	Portsmouth	34	95,535
Middlesex	130	10,959	Radford	10	16,408
Montgomery	387	94,392	Richmond	60	204,214
Nelson	471	15,020	Roanoke	43	97,032
New Kent	210	18,429	Salem	14	24,802
Northampton	212	12,389	Staunton	20	23,746
Northumberland	191	12,330	Suffolk	400	84,585
Nottoway	314	15,853	Virginia Beach	249	437,994
Orange	341	33,481	Waynesboro	15	21,006
Page	311	24,042	Williamsburg	9	14,068
Patrick	483	18,490	Winchester	9	26,203

Population of Virginia, 2010 Census, 8,001,024.

*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

COUNTIES AND CITIES--RANKED BY POPULATION

United States Census of 2010 (December 21, 2010)

<u>Population</u>	<u>County</u>	<u>Population</u>	<u>County</u>	<u>Population</u>	<u>County</u>
2,321	Highland	17,286	Giles	36,241	Halifax
4,731	Bath	17,434	Brunswick	36,858	Gloucester
5,190	Craig	17,454	Westmoreland	37,575	Warren
6,824	Bland	18,403	Greene	41,452	Wise
6,945	King and Queen	18,429	New Kent	41,993	Shenandoah
7,058	Surry	18,490	Patrick	45,078	Tazewell
7,256	Charles City	18,570	Southampton	46,689	Culpeper
7,373	Rappahannock	21,717	Goochland	54,151	Henry
8,978	Mathews	22,307	Rockbridge	54,842	Campbell
9,254	Richmond	23,177	Scott	54,876	Washington
10,052	Cumberland	23,368	Prince Edward	56,159	Franklin
10,959	Middlesex	23,584	King George	63,506	Pittsylvania
11,151	Essex	24,042	Page	65,203	Fauquier
11,391	Lancaster	24,098	Buchanan	65,464	York
12,087	Sussex	25,587	Lee	67,009	James City
12,243	Greensville	25,691	Fluvanna	68,676	Bedford
12,330	Northumberland	28,001	Dinwiddie	73,750	Augusta
12,389	Northampton	28,046	Powhatan	76,314	Rockingham
12,586	Charlotte	28,545	Caroline	78,305	Frederick
12,690	Amelia	28,897	Russell	92,376	Roanoke
12,914	Lunenburg	29,235	Wythe	94,392	Montgomery
13,308	Madison	30,042	Carroll	98,970	Albemarle
14,034	Clarke	32,208	Smyth	99,863	Hanover
14,973	Appomattox	32,353	Amherst	122,397	Spotsylvania
15,020	Nelson	32,727	Mecklenburg	128,961	Stafford
15,279	Floyd	33,148	Botetourt	207,627	Arlington
15,533	Grayson	33,153	Louisa	306,935	Henrico
15,853	Nottoway	33,164	Accomack	312,311	Loudoun
15,903	Dickenson	33,481	Orange	316,236	Chesterfield
15,935	King William	34,872	Pulaski	402,002	Prince William
16,250	Alleghany	35,270	Isle of Wight	1,081,726	Fairfax
17,146	Buckingham	35,725	Prince George		
<u>Population</u>	<u>Cities</u>	<u>Population</u>	<u>Cities</u>	<u>Population</u>	<u>Cities</u>
3,958	Norton	16,408	Radford	43,475	Charlottesville
5,927	Emporia	17,411	Colonial Heights	48,914	Harrisonburg
5,961	Covington	17,835	Bristol	75,568	Lynchburg
6,222	Bedford*	21,006	Waynesboro	84,585	Suffolk
6,650	Buena Vista	22,565	Fairfax	95,535	Portsmouth
7,042	Galax	22,591	Hopewell	97,032	Roanoke
7,042	Lexington	23,746	Staunton	137,436	Hampton
8,582	Franklin	24,286	Fredericksburg	139,966	Alexandria
12,150	Poquoson	24,802	Salem	180,719	Newport News
12,332	Falls Church	26,203	Winchester	204,214	Richmond
13,821	Martinsville	32,420	Petersburg	222,209	Chesapeake
14,068	Williamsburg	37,821	Manassas	242,803	Norfolk
14,273	Manassas Park	43,055	Danville	437,994	Virginia Beach

*The City of Bedford became part of the Town of Bedford pursuant to Chapters 565 and 628 of the 2013 Acts of Assembly.

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Conflicts of Interests Acts, State and Local Government and General Assembly; annual filing of required disclosures, report of gifts by certain officers and employees of state government beginning on January 1 through adjournment sine die of regular session of General Assembly, right to grant extension for filing disclosure from.

Patron—Gilbert	HB	1362	773	1931
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Emergency medical services providers; Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services across state lines, report. (Patron—Orrock)

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Financial exploitation of adults; Commissioner of Department for Aging and Rehabilitative Services, et al., to review founded cases, report. (Patron—Peace)

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General Services, Department of; Department shall make available a dashboard of purchase order reports from the Commonwealth's statewide electronic procurement system known as eVA. (Patron—Dunnivant)

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General Services, Department of; Department shall post reports from Commonwealth's statewide electronic procurement system, known as eVA, on Department's website. (Patron—Kory)

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General Services, Department of; last handler in control of an animal especially trained for police work allowed to purchase the animal for price of \$1, etc.

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Patron—Carrico	SB	38	298	539

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Health insurance plan; Department of Human Resource Management to consider all participants in local option plan. (Patron—Chafin)

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Health records; Secretary of Health and Human Resources shall work with stakeholders to increase sharing of electronic records, report. (Patron—Orrock)

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Higher educational institutions and other educational and cultural institutions; revising and recodifying laws. (Patron—LeMunyon)

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Authority tax; use of revenues for the repair or enhancement of existing water or sewer systems and lines.

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Military medical personnel; Department of Veterans Services, et al., shall establish a pilot program in which personnel may practice and perform certain delegated acts that constitute practice of medicine, definition of military medical personnel includes United States Army, United States Air Force, United States Navy, and United States Coast Guard.

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Motor Vehicles, Department of; DMV to enter into contracts with contractors of state or federal agencies to conduct customer service transactions. (Patron—Bagby)

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Port Opportunity Fund; funds appropriated for grants, bequests, and other funds received shall be paid into state treasury and credited to Fund, exception, Secretary of Transportation shall provide recommendations regarding modifications to or elimination of such funds, etc. (Patron—Alexander)

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Research and development in the Commonwealth; Virginia Research Investment Fund and Committee, created and established, membership, report, investment of assets. (Patron—Jones)

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School efficiency reviews; scope and costs, eliminates 25 percent match required of local school divisions that request a review from the Department of Planning and Budget.

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School Readiness Committee; Secretary of Education, et al., shall establish, increases membership. (Patron—Greason)

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Sexual assault response teams; participants in annual meeting, Virginia Freedom of Information Act exclusion for records, findings of team may be disclosed or published in statistical or other aggregated form that does not disclose identity of individual. (Patron—Massie)

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ANIMALS AND ANIMAL SHELTERS			
Furs or furbearer products; Board of Game and Inland Fisheries to adopt regulations allowing possession, manufacture, or sale of other parts. (Patron—Reeves)	SB	152	62 110
Private animal shelters; Board of Agriculture and Consumer Services shall adopt regulations that determine whether a shelter meets purpose of finding permanent adoptive homes for animals. (Patron—Orrock)	HB	340	319 582
ANNEXATION			
Annexation; extends current moratorium on city annexations and county immunity actions to July 1, 2024.			
Patron—Wilt	HB	945	364 656
Patron—Hanger	SB	309	158 282
APPEALS, COURT OF			
Judge; nomination for election to Court of Appeals.			
Patron—Loupassi	HR	80	2890
Patron—Obenshain	SR	25	3130
Judge; nomination for election to Court of Appeals, term commencing April 16, 2016. (Patron—Loupassi)	HR	263	2982
Judge; nomination for election to Court of Appeals, term commencing March 3, 2016. (Patron—McDougale)	SR	75	3154
Judges; election in Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Workers' Compensation Commission. (Patron—Loupassi)	HJR	178	2653
Judges; election in Court of Appeals, general district court, and juvenile and domestic relations district court. (Patron—Loupassi)	HJR	537	2844
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Governor; confirming appointments.			
Patron—Vogel	SJR	90	3015
Patron—Vogel	SJR	91	3020
Patron—Vogel	SJR	92	3034
Patron—Vogel	SJR	136	3057
Patron—Vogel	SJR	157	3071
Patron—Vogel	SJR	158	3072
Patron—Vogel	SJR	182	3085
Senate Committee on Rules; confirming appointments. (Patron—McDougale)	SJR	188	3089

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Speaker of the House of Delegates ; confirming appointments to certain boards and councils. (Patron—Cole)	HJR	163	2645
Virginia Conflict of Interest and Ethics Advisory Council ; confirming appointments by Speaker of the House of Delegates. (Patron—Howell)	HJR	372	2758
Virginia Criminal Sentencing Commission ; confirming appointment of Chairman by Chief Justice of Supreme Court of Virginia. (Patron—Albo)	HJR	64	2610
APPOMATTOX HIGH SCHOOL			
Appomattox High School football team ; commending.			
Patron—Fariss	HJR	193	2662
Patron—Garrett	SR	13	3109
APPROPRIATIONS			
Budget bill ; appropriations for 2014-2016 biennium. Amending Chapter 665, 2015 Acts. (Patron—Jones)	HB	29	732 1505
Budget bill ; appropriations for 2017-2018. (Patron—Jones)	HB	30	780 2037
Relief ; DesRoches, Paul R., II. (Patron—LeMunyon)	HB	1376	530 934
Relief ; McAlister, Michael Kenneth. (Patron—Sullivan)	HB	700	722 1453
Relief ; Scott, Robert. (Patron—McQuinn)	HB	256	602 1221
ARBITRATION			
General district court ; establishes concurrent jurisdiction with circuit courts to submit matters to arbitration, any party that disagrees with an order granting an application to compel arbitration may appeal to the circuit court. (Patron—Leftwich)	HB	641	181 309
ARCHER FAMILY			
Archer family ; commending. (Patron—Habeeb)	HR	40	2862
ARCHITECTS			
Virginia Public Procurement Act ; architectural and engineering services, process for competitive negotiation.			
Patron—Albo	HB	578	362 653
Patron—Ruff	SB	169	175 303
Virginia Public Procurement Act ; term contracts for architectural and engineering services, limitations. (Patron—Minchew)	HB	907	294 518
ARLINGTON COUNTY			
Transient occupancy tax ; Arlington County may impose an additional tax, sunset provision.			
Patron—Hope	HB	1147	365 656
Patron—Howell	SB	160	316 578
ARLINGTON COUNTY CIVIC FEDERATION			
Arlington County Civic Federation ; commemorating its 100th anniversary. (Patron—Ebbin)	SJR	186	3088
ARLINGTON THRIVE			
Arlington Thrive ; commemorating its 40th anniversary. (Patron—Lopez)	HJR	274	2705
ARMED FORCES			
Active duty health care providers at public or private health care facilities ; provision of health care services in accordance with duties. (Patron—Stolle)	HB	221	74 166
Armed Forces of the United States or Virginia National Guard, former members of ; provisional teaching licenses. (Patron—Yancey)	HB	261	389 682
Comprehensive community colleges, certain ; each of seven colleges with highest number of enrolled students who are veterans shall employ at least one full-time veterans advisor and shall establish a veterans resource center on campus. (Patron—Taylor)	HB	450	503 906
Firearms ; identification requirement, Virginia residents allowed to purchase by presenting only one photo-identification form issued by a governmental agency of the Commonwealth, a member of armed forces may also establish his residency with purchaser's Leave and Earnings Statement. (Patron—Webert)	HB	206	727 1490
Firearms ; possession by persons adjudicated delinquent as a juvenile, completed service in armed forces no less than two years, military service exception, individual has received honorable discharge. (Patron—Adams)	HB	784	337 615

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Homeless veterans; Secretary of Veterans and Defense Affairs to coordinate with federal, state, local, and private partners to assist veterans in obtaining a state-issued identification card, etc. (Patron—Lingamfelter)	HB	240	689	1377
License plates, special; issuance to immediate family members of a member of Armed Forces of the United States who died on or after March 29, 1973, while serving on active duty or while assigned to a Reserve or a National Guard unit in a drill status. (Patron—Cole)	HB	98	706	1401
Military medical personnel; Department of Veterans Services, et al., shall establish a pilot program in which personnel may practice and perform certain delegated acts that constitute practice of medicine, definition of military medical personnel includes United States Army, United States Air Force, United States Navy, and United States Coast Guard. Patron—Stolle	HB	825	418	722
Patron—Barker	SB	437	212	354
Military status or decorations; false representation with intent to obtain any services, penalty. (Patron—Collins)	HB	1319	236	397
Professional and occupational licenses; temporary licenses for spouses of military service members. (Patron—Yancey)	HB	405	33	75
Purple Heart State; designating as the Commonwealth of Virginia. (Patron—Norment)	SJR	101		3041
Real property tax; exemption for disabled veterans and spouse of a service member killed in action includes manufactured homes, if land on which single family home, manufactured home, etc., or other type of dwelling is located is not owned by surviving spouse, then land is not exempt. Patron—Yost	HB	1203	393	695
Patron—Chafin	SB	366	349	639
Real property tax; exemption on residence of surviving spouse of military service member, clarifies "killed in action." Patron—Knight	HB	127	539	970
Patron—Cosgrove	SB	99	347	638
Real property tax; exemptions for veterans with service-connected disability and surviving spouses of military members killed in action include to house or cover motor vehicles or household goods and personal effects. (Patron—Helsel)	HB	421	485	843
Retail Sales and Use Tax and local license tax; exemption for certain nonprofit veterans organizations, exemption shall not apply to certain tangible personal property purchases. (Patron—Lingamfelter)	HB	63	487	845
Servicemembers Civil Relief Act; appointed counsel may issue a subpoena duces tecum for all discoverable electronic and print files, etc., however, counsel for plaintiff may provide a list of attorneys familiar with provisions of the Act upon request of court. (Patron—Reeves)	SB	27	643	1307
State agencies; utilization of service disabled veteran businesses as component of any small business enhancement measure. (Patron—McPike)	SB	517	682	1369
Veterans care center projects; Virginia Public Building Authority authorized to issue bonds to construct centers in Northern Virginia and Hampton Roads. (Patron—Cox) .	HB	477	366	657
Veterans Services Foundation; membership, ensuring balanced representation among officer and enlisted ranks of armed services. (Patron—Freitas)	HB	1341	321	583
Virginia Defense Force and Virginia National Guard; state active duty and training duty are subject to military discipline. (Patron—Pillion)	HB	1051	339	619
Virginia National Guard; possession of a concealed handgun by a member at certain facilities, member's commanding officer may prohibit member from possessing if officer determines that possession would interfere with conduct of training or possession may result in mission impairment, or member is unfit to carry a handgun. (Patron—Taylor)	HB	90	740	1804
Virginia National Guard; Virginia residents who are members of the National Guard of another state, leave of absence from nongovernmental employment, reemployment rights, employment nondiscrimination rights. (Patron—Lingamfelter)	HB	111	327	599
Virginia National Guard and Virginia Defense Force; clarifies pay calculation for those on state active duty. (Patron—Anderson)	HB	1175	341	620
Virginia National Guard Morale, Welfare, and Recreation Program and Fund; established. (Patron—Lewis)	SB	293	622	1265

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ARMED FORCES - Continued			
Virginia War Memorial ; names and homes of record designation for Virginians "Killed in Action" shall be placed on Memorial within one year of date of confirmed death. (Patron—Miller)	SB	337	690 1378
ARMSTRONG, JANE			
Armstrong, Jane ; commending. (Patron—Cline)	HJR	530	2840
ARREST			
Magistrates ; if no arrest warrant is issued in response to a written complaint, complaint shall be returned to complainant. (Patron—Fariss)	HB	1275	204 344
ARRINGTON, L. D.			
Arrington, L. D. ; commending. (Patron—Poindexter)	HJR	59	2608
ARTIS, ANTHONY WILLIE			
Artis, Anthony Willie ; commending. (Patron—Tyler)	HJR	175	2650
ARTS AND HUMANITIES			
Alcoholic beverage control ; an annual mixed beverage performing arts facility license created for facility located in City of Norfolk or City of Richmond, monthly gross receipts from sale of food cooked, etc., on premises and nonalcoholic beverages served on premises that meet or exceed monthly minimum established by Board regulations for mixed beverage restaurants. Patron—Albo	HB	226	20 47
Patron—Reeves	SB	154	536 967
Alcoholic beverage control ; annual mixed beverage performing arts facility license for facility located in City of Waynesboro. (Patron—Bell, Richard P.)	HB	755	28 61
ASBESTOS			
Asbestos ; Department of Professional and Occupational Regulation to provide certain notices in English and Spanish related to handling. (Patron—Ebbin)	SB	305	252 408
ASSAULT AND BATTERY			
Assault ; person charged with simple assault where victim was a family or household member of the person. (Patron—McClellan)	HB	485	742 1805
Assault and battery ; employees of Department of Corrections designated to conduct internal investigations added to definition of law-enforcement officer for purposes of crimes. (Patron—Adams)	HB	1226	420 725
Assault and battery ; persons charged with first offense against family or household member, penalty. (Patron—Cline)	HB	1334	422 730
Protective orders ; any person who commits an assault and battery upon party resulting in bodily injury to party or stalks any party protected by protective order is guilty of a Class 6 felony. (Patron—Bell, Robert B.)	HB	610	583 1057
ASSESSMENTS			
Appeal of local tax assessments ; prior to receipt of confidential information, certain persons shall be required to sign an acknowledgment of court order, etc. Patron—Minchew	HB	910	460 800
Patron—Cosgrove	SB	597	635 1296
Real property tax assessment ; changes date to May 15 that counties, cities, and towns are required to fix tax rate. Patron—Fowler	HB	148	663 1338
Patron—McDougle	SB	445	657 1324
ASSISTED LIVING FACILITIES			
Assisted living facilities ; no facility shall be required to provide or allow hospice care, if such hospice care restrictions are included in a disclosure statement that is signed by resident. (Patron—Hanger)	SB	732	598 1218
Auxiliary grants ; regulations adopted by Commissioner of Department for Aging and Rehabilitative Services for adult foster care homes and licensed assisted living facilities. (Patron—Helsel)	HB	420	636 1297
ATLEE HIGH SCHOOL			
Atlee High School archery team ; commending. (Patron—Fowler)	HJR	357	2750
Atlee High School girls' indoor track and field team ; commending. (Patron—Fowler)	HJR	354	2748
Atlee High School girls' outdoor track and field team ; commending. (Patron—Fowler)	HJR	356	2749

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Atlee High School softball team; commending. (Patron–Fowler)	HJR	355	2749
ATTORNEY GENERAL			
Middle Peninsula Chesapeake Bay Public Access Authority Act; power to request and accept legal advice and assistance from the Office of the Attorney General. (Patron–Hodges)	HB	470	395 698
AUDITOR OF PUBLIC ACCOUNTS			
Auditor of Public Accounts; Auditor to incorporate in Commonwealth Data Point graphs, charts, etc., including display of available line item expenditures. (Patron–Freitas)	HB	760	547 979
AUGUSTA HEALTH			
Augusta Health; commending. (Patron–Landes)	HJR	121	2629
AUTHORITIES			
BVU Authority; alters Board powers and duties, change in membership, broadband, conflict of interest policy, repeals certain provision concerning cable television services by certain localities. Patron–Pillion	HB	1255	725 1472
Patron–Carrico	SB	329	724 1456
Capital projects; Virginia Public Building and Virginia College Building Authorities authorized to issue revenue bonds to fund and to appropriate proceeds of such bonds, report. Patron–Jones	HB	1344	759 1899
Patron–Hanger	SB	731	769 1919
Local gas road improvement and Virginia Coalfield Economic Development Authority tax; use of revenues for the repair or enhancement of existing water or sewer systems and lines. Patron–Morefield	HB	1152	340 620
Patron–Chafin	SB	182	301 546
Middle Peninsula Chesapeake Bay Public Access Authority Act; power to request and accept legal advice and assistance from the Office of the Attorney General. (Patron–Hodges)	HB	470	395 698
Northern Virginia Transportation Authority; decision-making procedure to create or improve a transportation facility, certain information concerning projects to be publicly available at least 15 days prior to any decision. (Patron–LeMunyon)	HB	727	225 376
Northern Virginia Transportation Authority; once population estimates for July 1 of fifth year after census are made available then population shall be adjusted. Patron–Bulova	HB	190	224 376
Patron–Barker	SB	413	375 664
Richmond Metropolitan Transportation Authority; powers. (Patron–Loupassi)	HB	1237	605 1225
Small Business Investment Grant Fund; changes administration of Fund to Virginia Small Business Financing Authority. (Patron–Lucas)	SB	179	520 919
Small, Women-owned, and Minority-owned Business Loan Fund; moneys collected are to be paid directly to Virginia Small Business Financing Authority. (Patron–James)	HB	1263	519 918
State and local transportation planning; results of Department of Transportation reviews of proposed amendments for issues related to homeland security be provided concurrently to submitting locality and Northern Virginia Transportation Authority. (Patron–LeMunyon)	HB	728	370 661
Veterans care center projects; Virginia Public Building Authority authorized to issue bonds to construct centers in Northern Virginia and Hampton Roads. (Patron–Cox)	HB	477	366 657
Virginia College Building Authority; financing projects, participating institutions. Patron–Massie	HB	1012	532 936
Patron–Petersen	SB	313	658 1325
Virginia Economic Development Partnership; Authority may encourage import of products and services from international markets to the Commonwealth. (Patron–Yancey)	HB	185	315 577
Virginia Economic Development Partnership Authority; Joint Legislative Audit and Review Commission to review Authority, report. (Patron–Byron)	HJR	7	2583
Virginia Economic Development Partnership Authority; powers, employment of attorneys. (Patron–Knight)	HB	321	32 74

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Virginia Shoreline Resiliency Fund ; established, annual audit of Virginia Resources Authority. (Patron—Lewis)	SB	282	762	1906
Washington Metropolitan Area Transit Authority ; compensation of members of Northern Virginia Transportation Commission appointed to board of directors of Authority. (Patron—LeMunyon)	HB	731	130	240

AVERILL, ALPHA BLACK VIA

Averill, Alpha Black Via ; recording sorrow upon death. (Patron—Deeds)	SJR	193		3091
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AVIATION

Aircraft ; no locality may regulate the use of privately owned, unmanned aircraft system within its boundaries, sunset provision. (Patron—Kilgore)	HB	412	451	785
Commonwealth Space Flight Fund ; extends transfer of funds from Transportation Trust Fund through fiscal year 2023-2024. Patron—Bloxom	HB	1122	345	633
Patron—Carrico	SB	46	299	541

Commonwealth's aerospace industry ; Joint Commission on Technology and Science to study aspects of industry. Patron—Yancey	HJR	97		2620
Patron—Newman	SJR	97		3038

Feral hogs ; employees of Department of Game and Inland Fisheries and federal agencies may hunt or kill hogs in False Cape State Park and Back Bay National Wildlife Refuge from aircraft with permission of landowner, exception. (Patron—Knight)	HB	137	116	231
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AYRES, MORGAN ANTHONY

Ayres, Morgan Anthony ; recording sorrow upon death. (Patron—Hope)	HJR	334		2738
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BAER, ABRAM

Baer, Abram ; commending. (Patron—Webert)	HR	102		2900
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BAIL AND RECOGNIZANCE

Bail appeal ; when district court grants bail over presumption against bail, court shall stay execution of order, expedited hearing before circuit court. (Patron—McEachin)	SB	285	621	1264
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BALLOTS AND BALLOTING

Ballots ; order of names of candidates for school boards, in event two or more candidates file simultaneously, order of filing shall be determined by lot by electoral board. (Patron—Surovell)	SB	664	493	872
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BARNES, BROOKS MILES

Barnes, Brooks Miles ; commending. (Patron—Bloxom)	HR	192		2948
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BATES, LEHMAN D., II

Bates, Lehman D., II ; commending. (Patron—Toscano)	HR	86		2893
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BATES, WILLIAM

Bates, William ; commending. (Patron—Boysko)	HJR	395		2769
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BATH COUNTY

Bath County ; commemorating its 225th anniversary. (Patron—Deeds)	SJR	195		3093
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BAYLANDS FEDERAL CREDIT UNION

Baylands Federal Credit Union ; commemorating its 70th anniversary. (Patron—Hodges)	HJR	308		2724
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BAYLOR, LEON WEBSTER, SR.

Baylor, Leon Webster, Sr. ; commending. (Patron—Ransone)	HJR	166		2646
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BEACHES

Beach restoration ; Virginia Marine Resources Commission shall develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly owned beach damaged by sand erosion. Patron—Bloxom	HB	327	124	236
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BEAMER, FRANK

Beamer, Frank ; commending. (Patron—Edwards)	SJR	99		3040
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BEAMER, FRANK M.

Beamer, Frank M. ; commending. (Patron—Yost)	HJR	75		2613
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Bechtel Corporation ; commending. (Patron—Plum)	HJR	278	2708
BEDFORD, CITY OF			
Bedford, former City of ; removes references to former City in certain sections of Code.			
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Patron—Suetterlein	SB	769	164 293
BEDFORD COUNTY			
Transient occupancy tax ; Bedford County permitted to impose an additional tax at a rate not to exceed two percent. (Patron—Austin)	HB	1194	52 103
BEER			
Alcoholic beverage control ; ABC Board may grant wine and beer licenses to persons operating a concert and dinner-theater venue on certain properties. (Patron—Deeds)	SB	695	654 1321
Alcoholic beverage control ; corkage fee for beer and cider. (Patron—Yancey)	HB	706	26 56
Alcoholic beverage control ; farm wineries and limited brewery licenses, "land zoned agricultural" does not include land zoned "residential conservation," any farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure, etc. (Patron—Hugo)	HB	879	710 1406
Retail Sales and Use Tax ; exemption for beer-making equipment and materials. (Patron—Landes)	HB	859	709 1404
BEHAVIORAL HEALTH AND DEVELOPMENTAL SERVICES			
Auxiliary grants ; supportive housing providers, Commissioner for Aging and Rehabilitative Services shall develop guidance documents and provide notice to public for opportunity to comment and participate in developing. (Patron—Peace)	HB	675	567 1032
Barrier crimes ; adds conviction or a finding that a person is not guilty by reason of insanity of any offense that results in offender's requirement to register with Sex Offender and Crimes Against Minors Registry. (Patron—Mason)	HB	920	580 1053
Behavioral Health and Developmental Services, Commissioner of ; duties and powers, report on operation of Virginia's publicly funded behavioral health and developmental services system, eliminates report on state plan for substance abuse services. (Patron—Aird)	HB	646	686 1372
Commonwealth Mental Health First Aid Program ; established. (Patron—Lingamfelter)	HB	197	407 710
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Criminal defendants ; qualifications for forensic evaluators who conduct evaluations for insanity or competence, evaluators to send redacted copies of their report to Commissioner of Behavioral Health and Developmental Services for purpose of peer review to establish and maintain list of approved evaluators. (Patron—Yost)	HB	582	445 778
Discharge from involuntary admission ; advance directive. (Patron—Bell, Robert B.)	HB	616	688 1374
Higher educational institutions ; student mental health policies.			
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Opiate addiction treatment ; conditions for initial licensure of certain providers, use of opioid replacements approved by the U.S. Food and Drug Administration. (Patron—Wexton)	SB	556	480 833
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rural areas and areas identified as medically underserved, in the case of psychiatric services provided to individuals, requirement for an appropriate examination may be satisfied through use of telemedicine. (Patron—Stanley)

SB 369 763 1907

Temporary detention; notice of recommendation, notification to person's family member or personal representative, communication with magistrate, individual shall remain in custody of law enforcement or a designee of law enforcement.

Patron—Bell, Robert B. HB 1110 569 1036
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BELFIELD, GEORGE G., JR.

Belfield, George G., Jr.; commending. (Patron—Hodges) HR 191 2947

BELOVED YOGA

Beloved Yoga; commending. (Patron—Howell) SJR 150 3067

BENNETT, JOHNYE

Bennett, Johnye; commending. (Patron—McDougle) SR 44 3139

BERGE, PAUL F.

Berge, Paul F.; commending. (Patron—Bloxom) HJR 517 2834

BERMUDA HUNDRED UNITED METHODIST CHURCH

Bermuda Hundred United Methodist Church; commemorating its 60th anniversary. (Patron—Ingram) HJR 512 2831

BERND, DAVID L.

Bernd, David L.; commending. (Patron—Jones) HJR 140 2634

BETHEL BAPTIST CHURCH

Bethel Baptist Church; commemorating its 175th anniversary.
Patron—Pogge HJR 156 2641
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BEVILLE MIDDLE SCHOOL

Beville Middle School; commemorating its 25th anniversary. (Patron—McPike) SJR 179 3084

BEY, MAURICE TAYLOR

Bey, Maurice Taylor; recording sorrow upon death. (Patron—Norment) SJR 189 3089

BICYCLES

Commuter parking; lot signage in Planning District 8 shall clearly indicate that before 10 a.m. Monday through Friday except holidays parking is only for commuters using mass transit or who are car pool or bicycle riders. (Patron—LeMunyon) HB 730 708 1403

BIEHL, BRUCE

Biehl, Bruce; commending. (Patron—Knight) HJR 292 2715

BILL, JAMES A.

Bill, James A.; recording sorrow upon death. (Patron—Mason) HR 151 2927

BIRDSONG, GEORGE Y.

Birdsong, George Y.; commending. (Patron—Jones) HJR 141 2635

BIRTH AND DEATH RECORDS

Vital records; amending death certificates, change and correction of demographic information by affidavit or court order. (Patron—Alexander) SB 592 496 883

BLACKMAN, CRAIG

Blackman, Craig; commending. (Patron—Leftwich) HR 38 2861

BLIND PERSONS

Blind and Vision Impaired, Department for the; Department of General Services shall conduct procurement process for certain contracts authorized by Department. (Patron—Knight) HB 1289 596 1217

BLOOD CANCER AWARENESS MONTH

Blood Cancer Awareness Month; designating as September 2016, and each succeeding year thereafter. (Patron—Black) SJR 48 3000

BLOW, LONNIE, JR.

Blow, Lonnie, Jr.; commending. (Patron—Hester) HR 228 2965

BLUEMONT CONCERT SERIES

Bluemont Concert Series; commemorating its 40th anniversary. (Patron—Webert) HJR 400 2771

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Blunt, Kenneth Earl ; recording sorrow upon death. (Patron—Krizek)	HJR	204	2669
BOATS AND BOATING			
Boats or other watercraft ; excess width permits for transporting vehicles.			
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BOGLEY, HILLEARY			
Bogley, Hilleary ; commending. (Patron—Webert)	HR	57	2870
BOND, HORACE JULIAN			
Bond, Horace Julian ; recording sorrow upon death. (Patron—Toscano)	HJR	423	2785
BOND ISSUES			
Capital projects ; Virginia Public Building and Virginia College Building Authorities authorized to issue revenue bonds to fund and to appropriate proceeds of such bonds, report.			
Patron—Jones	HB	1344	759 1899
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Commonwealth of Virginia Institutions of Higher Education Bond Act of 2016 ; created, adds an additional capital project for a higher educational institution.			
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Patron—Hanger	SB	61	731 1502
Veterans care center projects ; Virginia Public Building Authority authorized to issue bonds to construct centers in Northern Virginia and Hampton Roads. (Patron—Cox) .			
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BONDURANT, THOMAS JACK, SR.			
Bondurant, Thomas Jack, Sr. ; recording sorrow upon death. (Patron—Chafin)	SJR	209	3100
BONETA, MARTHA			
Boneta, Martha ; commending. (Patron—Freitas)	HJR	213	2673
BOOTH, WILLIAM DOUGLAS			
Booth, William Douglas ; recording sorrow upon death. (Patron—Locke)	SJR	21	2990
BOTETOURT COUNTY			
Transient occupancy tax ; permits Botetourt County to impose an additional tax at a rate not to exceed two percent, revenues shall be designated and expended solely for advertising Roanoke metropolitan area as an overnight tourist destination. (Patron—Austin)			
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BOULDEN, TERENCE JEROME			
Boulden, Terence Jerome ; recording sorrow upon death. (Patron—Miller)	HR	47	2866
BOUNDARIES, JURISDICTION, AND EMBLEMS OF THE COMMONWEALTH			
Eastern Garter Snake ; established as official snake (Northern Cardinal as state bird and American Dogwood as state tree) of the Commonwealth. (Patron—Pogge)			
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Nelsonite ; designating as state rock (Northern Cardinal as state bird and American Dogwood as state tree). (Patron—Deeds)			
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Damascus, Town of; amending charter, shifts the town's municipal elections from May to November. (Patron—O'Quinn)	HB	649	363 654
Damascus, Town of; amending charter, shifts the town's municipal elections from May to November, enactment clause. (Patron—Carrico)	SB	122	246 402
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Tazewell, Town of; amending charter, interim appointment and special election to fill vacancies in the office of mayor or town council, etc.

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Chase, Robert O.; commending. (Patron—Albo) HJR 312 2726

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Cherry, Fred V., Sr.; recording sorrow upon death.

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Cherrystone Campgrounds tornado; commending first responders. (Patron—Lewis) SJR 54 3002

CHESAPEAKE BAY

Middle Peninsula Chesapeake Bay Public Access Authority Act; power to request and accept legal advice and assistance from the Office of the Attorney General. (Patron—Hodges)

HB	470	395	698
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Virginia Erosion and Stormwater Management Act; consolidation of programs, MS4 permit issued by State Water Control Board, opt-out for certain localities, locality serving as a VESMP authority, penalties, repeals certain provisions of State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act.

Patron—Wilt	HB	1250	758	1857
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CHESAPEAKE BAY AWARENESS WEEK

Chesapeake Bay Awareness Week; designating as second week in June 2016, and each succeeding year thereafter. (Patron—Lingamfelter) HJR 31 2594

CHESTERTON, GILBERT KEITH

Chesterton, Gilbert Keith; commemorating his life and legacy. (Patron—Ware) HR 3 2845

CHILD ABUSE OR NEGLECT

Court-appointed counsel for parents or guardians; in cases of alleged child abuse or neglect, etc., counsel to be selected from list of attorneys who are qualified to serve as guardians ad litem, if no attorney who is on the list is available or appropriate considering circumstances of parent or case, a judge may appoint an attorney.

Patron—Peace	HB	671	182	310
Patron—Stanley	SB	7	509	910

CHILD CARE

Child day programs; Department of Social Services to study programs exempt from licensure, consider matters as may be necessary regarding health and safety requirements for licensed child day centers, etc. (Patron—Hanger)

SJR	63		3007
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CHILD CUSTODY

Uniform Child Custody Jurisdiction and Enforcement Act; exclusive, continuing jurisdiction. (Patron—Campbell)

HB	497	179	307
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CHILDREN

Child day programs; exemptions from licensure, instructional programs offered by public schools that serve preschool-age children, etc. (Patron—Wagner)

SB	467	442	773
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Child welfare; imposes certain mandates related to protection and encouragement of children. (Patron—Bell, Richard P.)

HB	600	631	1274
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Child welfare agency; willful act or willful omission includes operating without a license, abuse and neglect of child, penalty. (Patron—Hester)

HB	1189	705	1401
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Children’s Services, State Executive Council for; state and local advisory team, adds to membership. (Patron—Bell, Richard P.)

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Hearsay exceptions; admissibility of statements by children in certain cases, notification in writing of statement to opposing party.

Patron—Albo	HB	227	553	994
Patron—McDougle	SB	358	542	971

Immunizations; physician assistants, nurse practitioners, licensed practical nurses, and pharmacists may administer to children and provide certificates. (Patron—Orrock) . .

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Bail appeal; when district court grants bail over presumption against bail, court shall stay execution of order, expedited hearing before circuit court. (Patron—McEachin) .	SB	285	621	1264
Circuit court clerks; clerk shall maintain a disaster plan for recovery of any land record that is maintained electronically. (Patron—Garrett)	SB	87	264	430
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Campbell, James D.; commending. Patron—O'Bannon	HJR	339	2741
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Camper, Kadyn; commending. (Patron—Rush)	HJR	300	2720
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Cave Spring High School girls' tennis team; commending. (Patron—Habeeb)	HR	25	2855
Central High School; commending. (Patron—Gilbert)	HJR	384	2764
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Chesterton, Gilbert Keith; commemorating his life and legacy. (Patron—Ware)	HR	3	2845
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Clopton, Jacob; commending. (Patron—Webert)	HR	52	2868
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Moore, Robert G., III; commending. (Patron—Head)	HR	132	2916
Moran, Mary Ann; commending. (Patron—Sullivan)	HJR	54	2607
Mosso, John; commending. (Patron—Boysko)	HJR	416	2779
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O'Flaherty, Ian M.; commending. (Patron—Surovell)	SR 91		3160
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Asbestos, Lead, and Home Inspectors, Virginia Board for; licensing of home inspectors, Board shall promulgate regulations to implement provisions. Patron—Miller	HB 741	436	761
Patron—Stanley	SB 453	161	286

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Auctioneers Board; requirement for continuing education, exception for any auctioneer licensed by Board for 25 years or more and who is 70 years of age or older. (Patron—O'Quinn)	HB	1259	504	907
Beach restoration; Virginia Marine Resources Commission shall develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly owned beach damaged by sand erosion. Patron—Bloxom	HB	327	124	236
Patron—Lewis	SB	307	9	21
Career and technical education; Board of Education shall provide issuance of three-year licenses to qualified individuals to teach high school courses, report. Patron—Byron	HB	279	651	1317
Patron—Ruff	SB	573	642	1306
Century forest program; State Forester shall establish and administer a program to honor certain families, eligibility. (Patron—Ruff)	SB	252	6	20
Clinical nurse specialists; Board of Nursing may register an applicant if such applicant is an advance practice registered nurse and has completed a program within a regionally accredited college or university, etc. (Patron—Pogge)	HB	330	83	180
Commonwealth Transportation Board; Board shall hold at least one meeting in highway construction district for transportation project valued in excess of \$25 million. (Patron—Marshall, R.G.)	HB	384	367	657
Commonwealth Transportation Board; value of statewide prioritization factors. (Patron—LeMunyon)	HB	719	129	240
Commonwealth's aerospace industry; Joint Commission on Technology and Science to study aspects of industry. Patron—Yancey	HJR	97		2620
Patron—Newman	SJR	97		3038
Court-Appointed Special Advocate (CASA) Program, Advisory Committee to; membership shall include one judge of juvenile and domestic relations district court or circuit court. (Patron—Peace)	HB	669	202	341
Crab pots; Virginia Marine Resources Commission shall not issue to any licensee a recreational gear license that exceeds the following limitations: up to 10 crab pots with turtle excluder devices, \$36, etc. (Patron—Lewis)	SB	283	136	249
Criminal Justice Services, Department of; Department shall design and approve issuance of photo-identification cards to private security services registrants, effective date. Patron—Fowler	HB	147	197	335
Patron—Ebbin	SB	424	256	410
Criminal Justice Services, Department of; training standards and model policies for law-enforcement personnel, powers and duties. (Patron—Miller)	HB	1126	235	393
E-911 Services Board; renamed 9-1-1 Services Board, powers and duties. (Patron—Lingamfelter)	HB	756	361	650
Early childhood development programs; Joint Legislative Audit and Review Commission to study specific programs, prenatal to age five, Commission shall have access to individual-level records of all programs. (Patron—Norment)	SJR	88		3014
Economic Opportunity for Virginians in Aspiring and Diverse Communities, Commission on; established, change in membership, report. (Patron—Miyares)	HB	451	650	1315
Education, Board of; annual report includes reporting requirements of local school divisions. (Patron—LeMunyon)	HB	521	469	813
Electrical transmission line siting; State Corporation Commission to hold hearing when requested by locality. Patron—Minchew	HB	283	276	458
Patron—Favola	SB	136	192	329
Employee Retirement Security and Pension Reform, Commission on; established, increases membership, report, sunset provision. (Patron—Howell)	HB	665	683	1369
Firefighter or emergency medical services; personnel interrogation, observer must be an active or retired member. (Patron—Hugo)	HB	854	419	724
Forensic Science Board; membership includes Director of Virginia Division of Consolidated Laboratory Services or his designee. (Patron—Boysko)	HB	355	199	340

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Furs or furbearer products; Board of Game and Inland Fisheries to adopt regulations allowing possession, manufacture, or sale of other parts. (Patron—Reeves)	SB	152	62	110
General Assembly; Joint Legislative Audit and Review Commission shall review fiscal impact statements for executive orders when requested by chairman of any committee of Senate or House of Delegates. (Patron—Dunnivant)	SB	680	623	1266
Hampton Roads Transportation Accountability Commission; distribution of moneys to Hampton Roads Transportation Fund shall be used for administrative and operating expenses, etc. (Patron—Villanueva)	HB	1111	603	1221
Hampton Roads Transportation Fund; distribution of moneys to Hampton Roads Transportation Accountability Commission, no member shall be personally liable for loss of investments. (Patron—Wagner)	SB	476	608	1227
Health insurance; Health Insurance Reform Commission to continue its study of mandating coverage for abuse deterrent formulations for opioid medications. (Patron—Byron)	HJR	45		2603
Health Insurance Reform Commission; assessments of legislation, clarifies definition of applicable agency. (Patron—Byron)	HB	87	570	1039
Heroin possession; Virginia Criminal Sentencing Commission shall evaluate judge-sentencing and jury-sentencing patterns and practices and recommend adjustments in sentencing guidelines. (Patron—Bell, Robert B.)	HB	1059	398	703
High school graduation; graduation requirements, Board of Education shall develop and implement a Profile of a Virginia Graduate that identifies knowledge and skills that students should attain, etc., Board of Education shall widely solicit and accept public comments relating to the implementation of establishing graduation requirements, report. (Patron—Greason)	HB	895	750	1822
High school graduation; graduation requirements, Board of Education shall develop and implement a Profile of a Virginia Graduate that identifies knowledge and skills that students should attain, etc., report. (Patron—Miller)	SB	336	720	1445
Higher educational institutions or State Board for Community Colleges; no member of board of visitors who fails to attend educational programs during his first four-year term is eligible for reappointment to such board. (Patron—Landes)	HB	1303	473	828
Historic properties without homeowner associations; Virginia Housing Commission to study mandatory disclosure of relevant information by sellers. (Patron—Locke)	SJR	80		3012
Home service contract providers; State Corporation Commission authorized to deny an initial license application based on its review of the financial statements, etc., filing of audited financial statements with Commission. (Patron—Kilgore)	HB	304	55	105
Hunter education courses; Board of Game and Inland Fisheries may adopt regulations that provide incentives for completing safety course. (Patron—Lingamfelter)	HB	317	123	235
Intergovernmental Cooperation, Virginia Commission on; Commission on Interstate Cooperation of Senate includes Chair of Committee on Rules of Senate. (Patron—McDougle)	SB	600	194	331
Line of Duty Act; revises Act by codifying revisions, benefits for certain public employees disabled in line of duty and their families, etc., secrecy of tax information, penalties. (Patron—Jones)	HB	1345	677	1355
Menhaden; increases total allowable landings, repeals sunset provision that would have removed Virginia Marine Resources Commission's authority to establish annual harvest cap for purse seine fishery. (Patron—Stuart)	SB	529	65	113
Mortgage loan originators; State Corporation Commission authorized to issue an inactive mortgage loan originator license to an individual who has satisfied all requirements for licensure. (Patron—Marshall, D.W.)	HB	125	330	601
Nonresident medical equipment suppliers; registration with Board of Pharmacy. (Patron—Hodges)	HB	527	88	187
Northern Virginia Transportation Commission; increases number of nonlegislative citizen members who represent Loudoun County. Patron—Minchew	HB	181	117	231
Patron—Wexton	SB	277	374	664
Nurse practitioners; licensed as certified nurse midwives, practicing without a patient care team or practice agreement, practice agreement shall be maintained by practitioner and provided to Boards upon request, repeals pilot program authorizing such practice. (Patron—Carrico)	SB	463	495	875

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Nursing facilities; State Board of Health shall promulgate regulations, by July 1, 2017, for audio-visual recording of residents, report, repeals requirement of voluntary electronic monitoring in rooms of residents. Repealing Chapters 674 and 682, 2013 Acts. (Patron—Cosgrove)	SB	553	600 1220
Officers of election; required training every two years, State Board of Elections shall provide standardized training materials and shall also offer on Department of Elections website a training course for officers of election, officer of election shall receive such training or complete online course, before first election in which he will be serving as an officer of election, additional training shall be conducted or instruction given. Patron—Sickles	HB	1030	752 1832
Patron—McEachin	SB	574	766 1913
Overtime compensation; broadens definition of fire protection employees. (Patron—Lucas)	SB	704	541 971
People with Disabilities, Virginia Board for; powers and duties, annual report, once every four years, Board shall make available to public all service areas it intends to review, etc. (Patron—Pogge)	HB	415	219 361
Private animal shelters; Board of Agriculture and Consumer Services shall adopt regulations that determine whether a shelter meets purpose of finding permanent adoptive homes for animals. (Patron—Orrock)	HB	340	319 582
Private police departments; successors in interest of an entity. (Patron—Garrett)	HB	1330	618 1238
Private security services providers and personnel; licensure, waiver of prohibition for conviction of certain crimes, any grant or denial of such waiver shall be made in writing within 30 days of receipt of request. (Patron—Villanueva)	HB	434	561 1020
Professions and occupations; regulation, petitions, review by Board, report. (Patron—Yancey)	HB	499	467 811
Public employees; Commissioner of Labor and Industry or Safety and Health Codes Board to adopt regulations for enforcing occupational and health program. (Patron—Dance)	SB	607	526 927
Public Guardian and Conservator Advisory Board; established, removes representative from Virginia Guardianship Association, report, repeals existing provisions relating to Advisory Board from Title 2.2. (Patron—Peace)	HB	816	40 84
Real Estate Board; duties of real estate licensees, Board may grant exemptions or waive or reduce number of continuing education hours, residential real estate transactions. (Patron—Miller)	HB	567	334 604
School resource officers; those employed pursuant to School Resource Officer Grants Program, conditions of employment. (Patron—McClellan)	HB	487	466 811
Sex Offender and Crimes Against Minors Registry Act; aggravated malicious wounding, receiving money from earnings of a prostitute, offenses committed on or after July 1, 2016, penalty. (Patron—Albo)	HB	177	586 1060
Sex Offender and Crimes Against Minors Registry Act; public dissemination by means of Internet. (Patron—Bell, Robert B.)	HB	628	335 614
Sex offenders; common interest community may request and receive from State Police notice of registration or reregistration of offenders. (Patron—Villanueva)	HB	1101	424 733
Standards of Learning; Board of Education shall prescribe alternative means for children with disabilities who meet certain criteria to demonstrate achievement. (Patron—Greason)	HB	381	522 921
Standards of Learning assessments; Board of Education shall not include in its calculation of passage rate any student whose parent has decided to not have his child take such assessment, exception. (Patron—Miller)	SB	427	387 678
Standards of Learning Innovation Committee; change in membership, Board of Education shall review recommendation of Committee, etc. (Patron—Greason)	HB	894	648 1313
Standards of Learning Innovation Committee; Committee shall review standardized testing in public high schools in the Commonwealth and make recommendations to Board of Education and General Assembly, report. (Patron—LeMunyon)	HB	525	592 1214
Transit Capital Project Revenue Advisory Board; established, prioritization process, report, sunset provision. (Patron—Peace)	HB	1359	609 1229
Trauma-informed sexual assault investigation; Department and Board of Criminal Justice Services, et al., to develop multidisciplinary curricula. (Patron—Filler-Corn) .	HB	1102	560 1016

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Veterinarians; exemption from licensure, Board of Veterinary Medicine to establish requirements for licensure of persons engaged in practice of veterinary medicine. (Patron—Rush)	HB	1058	306	567
Virginia Collaborative Economic Development Act; established, Virginia Collaborative Economic Development Performance Grant Fund created, Fund to be administered by Virginia Growth and Opportunity Board, etc., sunset provision. Patron—Hugo	HB	846	777	2017
Patron—Ruff	SB	459	776	2015
Virginia Criminal Sentencing Commission; confirming appointment of Chairman by Chief Justice of Supreme Court of Virginia. (Patron—Albo)	HJR	64		2610
Virginia Criminal Sentencing Commission; recidivism rate for certain released federal prisoners, report. (Patron—Bell, Robert B.)	HB	1105	394	698
Virginia Economic Development Partnership Authority; Joint Legislative Audit and Review Commission to review Authority, report. (Patron—Byron)	HJR	7		2583
Virginia Erosion and Stormwater Management Act; consolidation of programs, MS4 permit issued by State Water Control Board, opt-out for certain localities, locality serving as a VESMP authority, penalties, repeals certain provisions of State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act. Patron—Wilt	HB	1250	758	1857
Patron—Hanger	SB	673	68	115
Virginia Growth and Opportunity Board and Fund; established, total membership of 24, formation of regional councils, report, annual audit, no funds shall be awarded by the Board as grants to qualifying regions based on each region's share of population, etc. Patron—Cox	HB	834	779	2027
Patron—Norment	SB	449	778	2019
Virginia Marine Resources Commission; Commission shall monitor any effort by U.S. Department of Interior to expand federal jurisdiction in waters adjoining Assateague Island National Seashore. (Patron—Lewis)	SB	643	67	114
Washington Metropolitan Area Transit Authority; compensation of members of Northern Virginia Transportation Commission appointed to board of directors of Authority. (Patron—LeMunyon)	HB	731	130	240
Water and sewer utilities; companies subject to rules of State Corporation Commission regarding meetings and communications, notification of intent to seek rate change. Patron—Bell, Robert B.	HB	611	283	476
Patron—Garrett	SB	85	191	328
Wildlife; authorizes Board of Game and Inland Fisheries to adopt regulations that allow a licensed hunter or trapper to manufacture and sell products, use of turkey feathers or toes for making tools, etc. (Patron—Lingamfelter)	HB	262	121	233

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Virginia Indian advisory board; Secretary of the Commonwealth may establish, membership shall include members of Virginia recognized tribes, terms of ex officio and nonlegislative citizen members. (Patron—Peace)	HB	814	746	1816
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COMMONWEALTH'S ATTORNEYS

Minors; certain education records as evidence, notification of document to attorney for the Commonwealth. (Patron—Albo)	HB	1213	726	1489
Vacancies in constitutional offices; petition to circuit court to request no special elections, highest ranking deputy officer or full-time assistant attorney for the Commonwealth, who is qualified to vote for and hold that office, shall be vested with powers and shall perform all duties of office. Patron—Landes	HB	832	453	786
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COMMUNITY COLLEGES

Commercial driver's licenses; comprehensive community colleges that are certified as third party testers, issuance of certificates to students who are enrolled in a commercial driver training course. (Patron—Wilt)	HB	938	429	743
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Comprehensive community colleges, certain; each of seven colleges with highest number of enrolled students who are veterans shall employ at least one full-time veterans advisor and shall establish a veterans resource center on campus. (Patron—Taylor)	HB	450	503	906
Higher educational institutions or State Board for Community Colleges; no member of board of visitors who fails to attend educational programs during his first four-year term is eligible for reappointment to such board. (Patron—Landes)	HB	1303	473	828
Virginia Community College System; Joint Legislative Audit and Review Commission to review. (Patron—Jones)	HJR	157		2642
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Community Residences, Inc.; commemorating its 40th anniversary. (Patron—Favola)	SJR	172		3080
COMMUTERS				
Commuter parking; lot signage in Planning District 8 shall clearly indicate that before 10 a.m. Monday through Friday except holidays parking is only for commuters using mass transit or who are car pool or bicycle riders. (Patron—LeMunyon)	HB	730	708	1403
COMPACTS				
Forest fire protection compacts; codification, repeals an obsolete section that originally provided for appointment of members to a compact advisory committee that no longer exists. (Patron—Habeeb)	HB	1127	566	1029
Nurse Licensure Compact; current Compact replaced with a revised version. (Patron—Dance)	SB	265	108	216
Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; created, provisions of this act shall expire on July 1, 2021. Patron—Stolle	HB	222	75	168
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Washington Metropolitan Area Transit Authority Compact of 1966; changes membership. (Patron—Ebbin)	SB	710	535	948
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Companion animals; civil immunity for any property damage, etc., by law-enforcement officer, firefighter, emergency medical services personnel, or animal control officer who in good faith forcibly enters a motor vehicle to remove unattended animal. (Patron—Alexander)	SB	9	679	1368
COMPUTER SERVICES AND USES				
Absentee ballots; electronic transmission by general registrars, email address or fax number of office of registrar published on Department of Elections website, State Board of Elections may prescribe by regulation format used to transmit ballots to voters. Patron—Murphy	HB	456	16	29
Patron—Favola	SB	137	463	802
Boxing and wrestling events; provisions for sanctioning organizations required for approval by Director of Department of Professional and Occupational Regulation, etc. (Patron—Miller)	HB	1228	756	1853
Chief judge of general district court and clerk of appellate court; transmission of case papers, acceptability of electronic case papers, private technology systems, approval of method by Executive Secretary of the Supreme Court. (Patron—Kilgore)	HB	64	612	1231
Electric utilities; State Corporation Commission shall post on its website names, etc., and available hyperlinks of suppliers of electric energy licensed to sell retail electric energy. Patron—Loupassi	HB	444	248	403
Patron—Wagner	SB	745	259	421
Electronic communication service or remote computing service records; upon issuance of any subpoena, search warrant, or order for disclosure, written certification by attorney that victim is under age 18 and notification or disclosure of order, etc., will endanger life or safety of individual, court may order not to disclose for period of 90 days. (Patron—Albo)	HB	326	616	1235

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Electronic communications; disclosure, verification and admissibility of contents. (Patron—Mason)	HB	924	549 981
General Services, Department of; Department shall make available a dashboard of purchase order reports from the Commonwealth's statewide electronic procurement system known as eVA. (Patron—Dunnivant)	SB	679	578 1052
General Services, Department of; Department shall post reports from Commonwealth's statewide electronic procurement system, known as eVA, on Department's website. (Patron—Kory)	HB	534	291 515
Governmental agencies; contracting for items from another governmental agency, including those found on commercial activities list, shall place orders on Department of General Services' central electronic procurement system. (Patron—LeMunyon) . .	HB	823	680 1368
Health records; Secretary of Health and Human Resources shall work with stakeholders to increase sharing of electronic records, report. (Patron—Orrock)	HB	312	80 177
Insurance policies; electronic delivery of information to policyholder, etc., repeals sunset provision concerning notification of insurer of change in electronic address. (Patron—Byron)	HB	820	475 828
Insurance policy; electronic delivery of information, repeals sunset provision. Repealing second enactment of Chapter 257, 2013 Acts. (Patron—Hugo)	HB	851	508 910
Limited liability companies; members provided access as an electronic record on a network or system. (Patron—Mason)	HB	918	287 480
Local tax officials; electronic dissemination of tax bills and tax documents on locality's or official's website. (Patron—Petersen)	SB	690	768 1918
Motorcycles; Superintendent of State Police shall establish guidelines to allow for submission and approval of auxiliary lights, procedure shall be published on Department's website. (Patron—Wilt)	HB	939	701 1393
Nursing facilities; State Board of Health shall promulgate regulations, by July 1, 2017, for audio-visual recording of residents, report, repeals requirement of voluntary electronic monitoring in rooms of residents. Repealing Chapters 674 and 682, 2013 Acts. (Patron—Cosgrove)	SB	553	600 1220
Officers of election; required training every two years, State Board of Elections shall provide standardized training materials and shall also offer on Department of Elections website a training course for officers of election, officer of election shall receive such training or complete online course, before first election in which he will be serving as an officer of election, additional training shall be conducted or instruction given. Patron—Sickles	HB	1030	752 1832
Patron—McEachin	SB	574	766 1913
Prescription Monitoring Program; requirements of prescribers of opioids, authority to access database, sunset provision, report. Patron—Herring	HB	293	406 710
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Public elementary and secondary schools and local school divisions; information and forms, Department of Education shall study transition to electronic submission of all information, etc. (Patron—Lingamfelter)	HB	196	521 920
Real-time location data; an investigative or law-enforcement officer may obtain from electronic communication service, if believes an emergency exists. (Patron—Hugo) .	HB	875	576 1048
Retail Sales and Use Tax; extends sunset date to June 30, 2035, for certain data centers, repeals June 30, 2020, sunset date. Repealing third enactment of Chapters 613 and 655, 2012 Acts. Patron—Hugo	HB	872	343 625
Patron—Ruff	SB	64	712 1415
Sex Offender and Crimes Against Minors Registry Act; public dissemination by means of Internet. (Patron—Bell, Robert B.)	HB	628	335 614
Social Services, Department of; electronic notices. (Patron—Sickles)	HB	1026	29 63
Standards of Learning; curriculum shall include computer science and computational thinking, including computer coding. (Patron—Greason)	HB	831	472 824
Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities, any county or city, and town with a population of more than 250, shall post a link on homepage of their websites. (Patron—LeMunyon)	HB	818	748 1818

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Zebra mussels; Director of Department of Game and Inland Fisheries shall establish a program of education in methods of preventing certain mussels or other nonindigenous aquatic nuisance species from infesting Virginia waters, posting of program on Department's website. (Patron—Kory)	HB 1115	540	971
CONCEALED WEAPONS			
Concealed handgun permits; exemption includes any judge or justice of the Commonwealth, wherever he may travel in the Commonwealth. Patron—Miller	HB 332	672	1345
Patron—Newman	SB 544	589	1208
Concealed handgun permits; recognition of out-of-state permits, Superintendent of State Police shall enter into agreements for reciprocal recognition of permits or licenses with certain states. Patron—Webert	HB 1163	47	96
Patron—Reeves	SB 610	46	95
Concealed weapons; adds any employee with internal investigations authority designated by Department of Corrections (retired from Department of Corrections) to list of individuals who may carry. (Patron—Lucas)	SB 198	209	348
Concealed weapons; exemption for certain retired officers from prohibition to carry. (Patron—Hugo)	HB 1281	421	727
Law-enforcement officers, retired; authority to carry concealed handguns, effective date. (Patron—Carrico)	SB 479	257	414
Virginia National Guard; possession of a concealed handgun by a member at certain facilities, member's commanding officer may prohibit member from possessing if officer determines that possession would interfere with conduct of training or possession may result in mission impairment, or member is unfit to carry a handgun. (Patron—Taylor)	HB 90	740	1804
CONCORD BAPTIST CHURCH			
Concord Baptist Church; commemorating its 175th anniversary. (Patron—Fowler) ..	HJR 500		2824
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Virginia Property Owners' Association Act; condemnation of common area, common area that is affected shall be valued on basis of common area's highest and best use, no common area shall be reassessed for property tax purposes due to this passage. (Patron—Petersen)	SB 237	719	1444
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Condominium and Property Owners' Association Acts; rental of units and lots, no unit owners' association has the authority to evict a tenant of any unit owner or require any unit owner to execute a power of attorney authorizing eviction, disclosure packets. (Patron—Peace)	HB 684	471	816
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Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district. Patron—Lingamfelter	HB 238	531	935
Patron—Lewis	SB 652	351	642
Conflicts of Interests Acts, State and Local Government and General Assembly; annual filing of required disclosures, report of gifts by certain officers and employees of state government beginning on January 1 through adjournment sine die of regular session of General Assembly, right to grant extension for filing disclosure from. Patron—Gilbert	HB 1362	773	1931
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CONSERVATION			
Confederate gravesites; disbursement of funds for maintenance of 197 gravesites in Cedar Hill Cemetery in Suffolk. (Patron—Jones)	HB 1066	43	87
Conservation police officers; certain officers of Department of Game and Inland Fisheries shall be considered a retired law-enforcement officer. (Patron—Orrock) ...	HB 315	41	86

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Erosion and sediment control; time limits on applicability of approved design criteria provisions of Virginia Stormwater Management Program (VSMP) Regulations, in which case the flow rate capacity and velocity requirements shall apply. (Patron—DeSteph)	SB	598	66	113
Forest fire protection compacts; codification, repeals an obsolete section that originally provided for appointment of members to a compact advisory committee that no longer exists. (Patron—Habeeb)	HB	1127	566	1029
Historic properties without homeowner associations; Virginia Housing Commission to study mandatory disclosure of relevant information by sellers. (Patron—Locke)	SJR	80		3012
Land Bank Entities Act; established, localities authorized to establish a land bank entity to assist in addressing certain properties, preservation or rehabilitation of historic properties within historic areas. Patron—Marshall, D.W.	HB	268	383	669
Patron—Barker	SB	414	159	282
Local stormwater utility; waiver of charges where stormwater retained on site, locality may establish a public-private partnership program, etc. (Patron—Wagner)	SB	468	587	1062
State parks; Department of Conservation and Recreation to develop a plan that establishes a fee structure for rental of campsites and cabins. (Patron—Marshall, D.W.)	HB	200	119	232
Timber cutting; unlawful removal, determination of damages. Patron—Habeeb	HB	1290	245	401
Patron—Petersen	SB	687	562	1021
Tree conservation; ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with one single-family home that notify the public of infill lot grading plan, locality may not require applicant to be responsible for posting. Patron—Sullivan	HB	647	412	716
Patron—Favola	SB	361	317	578
Virginia Erosion and Stormwater Management Act; consolidation of programs, MS4 permit issued by State Water Control Board, opt-out for certain localities, locality serving as a VESMP authority, penalties, repeals certain provisions of State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act. Patron—Wilt	HB	1250	758	1857
Patron—Hanger	SB	673	68	115
Virginia Shoreline Resiliency Fund; established, annual audit of Virginia Resources Authority. (Patron—Lewis)	SB	282	762	1906
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Conservator of the peace, special; application for appointment by locality, written assessment from chief law-enforcement officer stating need for appointment. (Patron—Lingamfelter)	HB	198	416	721
Conservators of the peace, special; required criminal history record information check, person to report to Department of Criminal Justice Services, if he becomes ineligible for registration or appointment. (Patron—DeSteph)	SB	296	551	987
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Constitutional amendment; real property tax exemptions for spouses of certain emergency services providers (submitting to qualified voters). Adding Section 6-B in Article X. (Patron—Hugo)	HB	865	17	30
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Patron—Obenshain	SB	446	506	909

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Constitutional amendment; right to work (submitting to qualified voters) (in conformity with provisions of Section I of Article XII). Adding Section 11-A in Article I. (Patron—Obenshain) SJR 127 736 1796

CONSUMER PROTECTION

Agritourism; the words "WARNING" or "ATTENTION" in notice posted on signs at locations and included in contracts with professionals. (Patron—Knight) HB 114 166 297

Sexual assault response teams; participants in annual meeting, Virginia Freedom of Information Act exclusion for records, findings of team may be disclosed or published in statistical or other aggregated form that does not disclose identity of individual. (Patron—Massie) HB 1016 550 983

Virginia Consumer Protection Act; failure to make required statement. (Patron—Surovell) SB 388 591 1212

Virginia Freedom of Information Act; closed meeting not authorized for discussion of compensation matters for local governing bodies and elected school boards that affect the membership. (Patron—Surovell) SB 493 544 974

Virginia Freedom of Information Act; definition of "information," record exclusions, rule of redaction, no weight accorded to public body's determination. Patron—LeMunyon HB 817 620 1244
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Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities, any county or city, and town with a population of more than 250, shall post a link on homepage of their websites. (Patron—LeMunyon) HB 818 748 1818

Virginia Freedom of Information Act; exclusions for school personnel licensure applications. (Patron—Norment) SB 564 272 451

Virginia Freedom of Information Act; exempt records concerning critical infrastructure information. (Patron—McPike) SB 645 717 1441

Virginia Freedom of Information Act; noncriminal incidents and reports, mandatory disclosure of certain records. (Patron—Fowler) HB 1318 546 978

Virginia Freedom of Information Act; public access to noncriminal records. (Patron—McDougle) SB 727 184 311

Virginia Freedom of Information Act; public access to resumes and other information related to gubernatorial appointees, applies to persons appointed by Governor on or after July 1, 2016. (Patron—Taylor) HB 220 729 1494

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Auctioneers Board; requirement for continuing education, exception for any auctioneer licensed by Board for 25 years or more and who is 70 years of age or older. (Patron—O'Quinn) HB 1259 504 907

Health regulatory boards; continuing education for individuals who provide health care services, without compensation, to low-income individuals. (Patron—Rasoul) HB 319 82 178

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Optometrists; increases number of hours of continuing education requirements. (Patron—Robinson) HB 564 89 187

Prescribers of covered substances; authorizes Director of Department of Health Professions to disclose information to Board of Medicine for purpose of requiring relevant continuing education, sunset provision. (Patron—Stolle) HB 829 447 781

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Income tax, state and corporate ; for taxable years beginning on or after January 1, 2016, but before January 1, 2022, allowable tax credit for food crop donations to a nonprofit food bank, Department of Taxation may issue up to \$250,000 in tax credits.			
Patron—Cline	HB	1093	391 684
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Land Bank Entities Act ; established, localities authorized to establish a land bank entity to assist in addressing certain properties, preservation or rehabilitation of historic properties within historic areas.			
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Limited liability companies ; authorizes company to designate an officer as its registered agent. (Patron—Petersen)	SB	688	275 457
Limited liability companies ; members provided access as an electronic record on a network or system. (Patron—Mason)	HB	918	287 480
Limited liability companies ; restructures Virginia Limited Liability Company Act to locate into a new article all existing provisions related to formation of a company by entity conversion, repeals certain provisions concerning conversions involving corporations and liability companies. (Patron—Keam)	HB	955	288 480
Nonstock corporations ; action without board of directors meeting, notice of corporate action to directors. (Patron—Sullivan)	HB	234	382 668
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Service of process, substituted ; served on registered agent of a corporation, if registered address of corporation is a single-family residential dwelling. (Patron—Petersen)	SB	241	270 451
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CORRECTIONS, BOARD OF OR DEPARTMENT OF

Concealed weapons; adds any employee with internal investigations authority designated by Department of Corrections (retired from Department of Corrections) to list of individuals who may carry. (Patron—Lucas)

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Execution; Director of Department of Corrections may make and enter into contracts with a pharmacy or outsourcing facility for compounding of drugs necessary to carry out an execution by lethal injection, confidentiality of pharmacy or outsourcing facility. (Patron—Miller)

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Parole; Department of Corrections to offer prisoners transition assistance prior to parole or release. (Patron—Stanley)

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Service handguns; adds employees of Department of Corrections with internal investigations authority to list of law-enforcement officers who may purchase. (Patron—Edwards)

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COSTS, FEES, SALARIES, AND ALLOWANCES

House of Delegates; salaries, contingent and incidental expenses. (Patron—Jones)

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COTE, MADONNA GRIFFIN

Cote, Madonna Griffin; recording sorrow upon death. (Patron—Dudenhefer)

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COUNTIES, CITIES, AND TOWNS

Aircraft; no locality may regulate the use of privately owned, unmanned aircraft system within its boundaries, sunset provision. (Patron—Kilgore)

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Annexation; extends current moratorium on city annexations and county immunity actions to July 1, 2024.

Patron—Wilt	HB	945	364	656
Patron—Hanger	SB	309	158	282

Bedford, former City of; removes references to former City in certain sections of Code.

Patron—Austin	HB	65	312	573
Patron—Suetterlein	SB	769	164	293

Black vultures; Commissioner may enter into agreements with local and state agencies, or other persons for control of vultures and other wildlife that pose danger to agricultural animals, etc. (Patron—Carrico)

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Bomb threats; reimbursement of expenses incurred in emergency response. (Patron—Stuart)

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Boundary agreement between Loudoun County and any town within Loudoun County; attachment of GIS map to petitions. (Patron—Wexton)

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BVU Authority; alters Board powers and duties, change in membership, broadband, conflict of interest policy, repeals certain provision concerning cable television services by certain localities.

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Clerk of circuit court; local fees and fines paid directly to local government. (Patron—Minchew)

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Conditional zoning; provisions applicable to certain rezoning proffers, definitions, applications for rezoning filed prior to July 1, 2016. (Patron—Obenshain)

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Confederate gravesites; disbursement of funds for maintenance of 197 gravesites in Cedar Hill Cemetery in Suffolk. (Patron—Jones)

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Conflict of Interests Act, State and Local Government; advisory opinions for local officers or employees. (Patron—DeSteph)

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Patron—Norment	SB	692	774	1968
Conservator of the peace, special; application for appointment by locality, written assessment from chief law-enforcement officer stating need for appointment. (Patron—Lingamfelter)	HB	198	416	721
Coyotes; county or city ordinances, permits hunting with a rifle caliber larger than .22 rimfire. (Patron—McDougle)	SB	367	64	112
Criminal Justice Services, Department of; training standards and model policies for law-enforcement personnel, powers and duties. (Patron—Miller)	HB	1126	235	393
Declaration of local emergency; increases from 14 days to 45 days' time in which a local governing body shall call a special session. (Patron—Hodges)	HB	1260	555	1009
Deer; any city or town may, by ordinance, prohibit feeding deer within its jurisdiction, penalty. (Patron—Yost)	HB	584	376	665
Delinquent sewer charges; lien on property, delinquent charges. (Patron—Obenshain)	SB	542	528	931
Driving in flooded areas; localities may by ordinance prohibit, exception, locality shall provide adequate notice including signs that, at a minimum, warn operators of motor vehicles and watercraft of prohibition and penalties. (Patron—Locke)	SB	163	249	404
Duck blinds; damaged stationary blinds in City of Virginia Beach, notification to Department of Game and Inland Fisheries, penalty. (Patron—Knight)	HB	136	378	666
Economic Development Infrastructure Act of 2016; voluntary program authorizing public utilities to acquire utility right-of-way for qualified economic development sites, natural gas utility's recovery of costs incurred in implementing Economic Development Program, etc., effective clause. (Patron—Wagner)	SB	748	771	1928
Electoral boards, local; minutes of meetings that are required to be recorded shall be posted on website, when such means are available, no later than one week prior to following meeting of board. (Patron—Marsden)	SB	89	403	708
Electrical transmission line siting; State Corporation Commission to hold hearing when requested by locality.				
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Patron—Favola	SB	136	192	329
Fire or rescue volunteers; cost of participation in mental health treatment and counseling programs for a member of a volunteer fire or rescue company may be funded by a locality.				
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Land Bank Entities Act; established, localities authorized to establish a land bank entity to assist in addressing certain properties, preservation or rehabilitation of historic properties within historic areas.				
Patron—Marshall, D.W.	HB	268	383	669
Patron—Barker	SB	414	159	282
Landscape cover materials; ordinance adopted by City of Harrisonburg shall not include in any local fire prevention regulations requirement that property owner install or use specific materials. (Patron—Obenshain)	SB	736	217	360
Limited Residential Lodging Act; established, authorized local ordinances, registration of hosting platform, etc. (Patron—Vogel)	SB	416	674	1351
Line of Duty Act; revises Act by codifying revisions, benefits for certain public employees disabled in line of duty and their families, etc., secrecy of tax information, penalties. (Patron—Jones)	HB	1345	677	1355

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Living shorelines; tax exemption from local property taxes. (Patron—Hodges)	HB	526	610	1230
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Local permitting or licensure; requiring consent of homeowners' association prohibited.				
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Local stormwater utility; waiver of charges where stormwater retained on site, locality may establish a public-private partnership program, etc. (Patron—Wagner) . .	SB	468	587	1062
Local tax officials; electronic dissemination of tax bills and tax documents on locality's or official's website. (Patron—Petersen)	SB	690	768	1918
Mathews County; appointment of members to economic development authority. (Patron—Hodges)	HB	1300	414	717
Middle Peninsula Chesapeake Bay Public Access Authority Act; power to request and accept legal advice and assistance from the Office of the Attorney General. (Patron—Hodges)	HB	470	395	698
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Nonconforming uses; if use does not conform to zoning prescribed for district in which use is situated, locality shall permit holder of business license to apply for a rezoning, etc., permit. (Patron—Davis)	HB	367	584	1058
Norfolk, City of; repeals obsolete provisions for appointment of members to school board. (Patron—Hester)	HB	1253	385	674
Onsite sewage systems; conventional and alternative discharging systems, civil penalties, no criminal action shall proceed if violation has been abated or remedied through civil enforcement. (Patron—Wexton)	SB	407	721	1452
Prisoner's spouse or children; support payments by county or city. (Patron—Hope) . .	HB	428	220	362
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Real property tax assessment; changes date to May 15 that counties, cities, and towns are required to fix tax rate.				
Patron—Fowler	HB	148	663	1338
Patron—McDougle	SB	445	657	1324
Recordation tax; no tax shall be imposed if grantor is a locality at a judicial sale of tax-delinquent property, exemption for any deed of trust that secures a loan made by a locality to a certain borrower. (Patron—Pogge)	HB	339	662	1335
Rental inspection programs; locality authorized to exempt a residential rental unit otherwise subject to an ordinance. (Patron—Massie)	HB	1011	338	617
Sexual assault response teams; participants in annual meeting, Virginia Freedom of Information Act exclusion for records, findings of team may be disclosed or published in statistical or other aggregated form that does not disclose identity of individual. (Patron—Massie)	HB	1016	550	983
Sheriffs; standard vehicle markings.				
Patron—Aird	HB	1182	462	801
Patron—Dance	SB	266	176	304
State and local transportation planning; results of Department of Transportation reviews of proposed amendments for issues related to homeland security be provided concurrently to submitting locality and Northern Virginia Transportation Authority. (Patron—LeMunyon)	HB	728	370	661
Telecommunications towers; proposed tower or facility shall be deemed to be substantially in accord with comprehensive plan and commission approval shall not be required if located in certain zoning district. (Patron—Habeeb)	HB	883	613	1232
Tort claim; notice of claim against the Commonwealth, transportation district, or locality, statute of limitations. (Patron—Stanley)	SB	611	772	1930
Towing fees; localities in Northern Virginia shall establish by ordinance. (Patron—Hugo)	HB	1060	476	830

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Patron—Howell	SB	160	316	578
Transient occupancy tax; Bedford County permitted to impose an additional tax at a rate not to exceed two percent. (Patron—Austin)	HB	1194	52	103
Transient occupancy tax; permits Botetourt County to impose an additional tax at a rate not to exceed two percent, revenues shall be designated and expended solely for advertising Roanoke metropolitan area as an overnight tourist destination. (Patron—Austin)	HB	328	56	107
Tree conservation; ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with one single-family home that notify the public of infill lot grading plan, locality may not require applicant to be responsible for posting.				
Patron—Sullivan	HB	647	412	716
Patron—Favola	SB	361	317	578
Trooper Nathan-Michael W. Smith Memorial Bridge; designating as the Route 301 bridge in Prince George County at Exit 45 over Interstate 95.				
Patron—Aird	HB	184	118	232
Patron—Dance	SB	107	134	246
Urban county executive form of government; amends the form of government applicable to Fairfax County by providing that division of police may include an animal protection police officer, officer shall have all of the powers vested in law-enforcement officers. (Patron—Albo)	HB	118	498	886
Vacancies in constitutional offices; petition to circuit court to request no special elections, highest ranking deputy officer or full-time assistant attorney for the Commonwealth, who is qualified to vote for and hold that office, shall be vested with powers and shall perform all duties of office.				
Patron—Landes	HB	832	453	786
Patron—Hanger	SB	308	511	911
Vehicle registration; locality may impose a penalty upon resident owner annually for as long as motor vehicle remains unregistered. (Patron—Sickles)	HB	1032	131	242
Virginia Freedom of Information Act; closed meeting not authorized for discussion of compensation matters for local governing bodies and elected school boards that affect the membership. (Patron—Surovell)	SB	493	544	974
Virginia Freedom of Information Act; designation of officer, posting of rights and responsibilities, any county or city, and town with a population of more than 250, shall post a link on homepage of their websites. (Patron—LeMunyon)	HB	818	748	1818
Virginia Freedom of Information Act; exempt records concerning critical infrastructure information. (Patron—McPike)	SB	645	717	1441
Virginia Residential Property Disclosure Act; required disclosures, zoning and permitted uses of adjacent parcels. (Patron—Bell, John J.)	HB	746	323	585
Water and sewer service; canceling service for nonpayment of charges, notification to owner, lessee, or tenant of delinquency, 60-day period which locality or person providing service may shut off, at least 10 business days prior to ceasing services, locality or person shall provide owner, etc., with written notice of cessation. (Patron—Mason)	HB	919	415	719
COURT-APPOINTED SPECIAL ADVOCATE (CASA) PROGRAMS				
Court-Appointed Special Advocate (CASA) Program, Advisory Committee to; membership shall include one judge of juvenile and domestic relations district court or circuit court. (Patron—Peace)	HB	669	202	341
COURTS NOT OF RECORD				
Bail appeal; when district court grants bail over presumption against bail, court shall stay execution of order, expedited hearing before circuit court. (Patron—McEachin) .	SB	285	621	1264
Bedford, former City of; removes references to former City in certain sections of Code.				
Patron—Austin	HB	65	312	573
Patron—Suetterlein	SB	769	164	293

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Chief judge of general district court and clerk of appellate court; transmission of case papers, acceptability of electronic case papers, private technology systems, approval of method by Executive Secretary of the Supreme Court. (Patron—Kilgore)	HB	64	612	1231
Child welfare; imposes certain mandates related to protection and encouragement of children. (Patron—Bell, Richard P.)	HB	600	631	1274
Civil judgment procedure; damages, exclusion of witnesses in civil cases. (Patron—Loupassi)	HB	446	281	473
Clerk of circuit court; local fees and fines paid directly to local government. (Patron—Minchew)	HB	537	244	401
Court-Appointed Special Advocate (CASA) Program, Advisory Committee to; membership shall include one judge of juvenile and domestic relations district court or circuit court. (Patron—Peace)	HB	669	202	341
Court-appointed counsel for parents or guardians; in cases of alleged child abuse or neglect, etc., counsel to be selected from list of attorneys who are qualified to serve as guardians ad litem, if no attorney who is on the list is available or appropriate considering circumstances of parent or case, a judge may appoint an attorney.				
Patron—Peace	HB	671	182	310
Patron—Stanley	SB	7	509	910
Dogs chasing livestock; district court may order dog to be transferred to another owner and permanently fitted with an identifying microchip registered to that owner, confined indoors or in a secure structure, etc. (Patron—Collins)	HB	1231	757	1856
Family abuse protective orders; extension of orders. (Patron—Bell, Robert B.)	HB	1056	102	199
General district court; establishes concurrent jurisdiction with circuit courts to submit matters to arbitration, any party that disagrees with an order granting an application to compel arbitration may appeal to the circuit court. (Patron—Leftwich)	HB	641	181	309
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Judges; election in Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Workers' Compensation Commission. (Patron—Loupassi)	HJR	178		2653
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Patron—Loupassi	HR	222		2962
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Patron—Obenshain	SR	83		3157
Judicial Retirement System; mandatory judicial retirement, repeals provisions that apply to judges of circuit court, general district court, etc., who are elected or appointed commencing on or after July 1, 2015, effective date. (Patron—Knight)	HB	1245	667	1341
Juvenile court; retained jurisdiction, procedures in case of adults, penalties. (Patron—Stanley)	SB	454	626	1267
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Patron—Vogel	SB	415	543	972
Minors; certain education records as evidence, notification of document to attorney for the Commonwealth. (Patron—Albo)	HB	1213	726	1489
Protective order; violation of order, possession of a firearm or other deadly weapon, penalty, may result in a net increase in periods of imprisonment or commitment.				
Patron—Gilbert	HB	1087	585	1059
Patron—Favola	SB	323	638	1299
Protective orders; any person who commits an assault and battery upon party resulting in bodily injury to party or stalks any party protected by protective order is guilty of a Class 6 felony. (Patron—Bell, Robert B.)	HB	610	583	1057
Protective orders; definition of "physical presence," authorization of emergency orders. (Patron—Campbell)	HB	588	455	792
Protective orders in cases of family abuse; tenant access of dwelling unit following entry of certain court orders. (Patron—Watts)	HB	711	595	1216
Social Services, Department of; unauthorized practice of law. (Patron—Vogel)	SB	417	704	1397
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Patron—Barker	SB	567	693	1380

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Bail appeal; when district court grants bail over presumption against bail, court shall stay execution of order, expedited hearing before circuit court. (Patron—McEachin) .	SB	285	621	1264
Bedford, former City of; removes references to former City in certain sections of Code.				
Patron—Austin	HB	65	312	573
Patron—Suetterlein	SB	769	164	293
Circuit court clerks; clerk shall maintain a disaster plan for recovery of any land record that is maintained electronically. (Patron—Garrett)	SB	87	264	430
Circuit courts; Judicial Council may determine when courts shall be open for business, Council shall not set hours of operation of circuit court clerk's office.				
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Patron—Obenshain	SB	590	548	981
Court-Appointed Special Advocate (CASA) Program, Advisory Committee to; membership shall include one judge of juvenile and domestic relations district court or circuit court. (Patron—Peace)	HB	669	202	341
Court records; retention of files on crimes that are considered violent felonies and acts of violence. (Patron—Bell, Robert B.)	HB	624	180	308
Exhumations and notice of investigation; clerk of circuit court to send to next of kin, exception. (Patron—Adams)	HB	789	356	646
General district court; establishes concurrent jurisdiction with circuit courts to submit matters to arbitration, any party that disagrees with an order granting an application to compel arbitration may appeal to the circuit court. (Patron—Leftwich)	HB	641	181	309
Judge; nomination for election to Court of Appeals.				
Patron—Loupassi	HR	80		2890
Patron—Obenshain	SR	25		3130
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Judges; election in Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Workers' Compensation Commission. (Patron–Loupassi) HJR 178 2653

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Judges; nominations for election to circuit court.

Patron–Loupassi HR 81 2890

Patron–Loupassi HR 221 2962

Patron–Obenshain SR 26 3130

Patron–Obenshain SR 81 3156

Judicial Retirement System; mandatory judicial retirement, repeals provisions that apply to judges of circuit court, general district court, etc., who are elected or appointed commencing on or after July 1, 2015, effective date. (Patron–Knight) . . . HB 1245 667 1341

Pendente lite support award; award or order made by court shall be paid from post-separation income of obligor unless court orders otherwise. (Patron–Wexton) . SB 70 352 643

Trusts; a circuit court may create and establish upon petition of an interested party. (Patron–Minchew) HB 230 186 314

Vacancies in constitutional offices; petition to circuit court to request no special elections, highest ranking deputy officer or full-time assistant attorney for the Commonwealth, who is qualified to vote for and hold that office, shall be vested with powers and shall perform all duties of office.

Patron–Landes HB 832 453 786

Patron–Hanger SB 308 511 911

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Cozart, James Edward; recording sorrow upon death. (Patron–Pillion) HR 256 2979

CRABS

Crab pots; Virginia Marine Resources Commission shall not issue to any licensee a recreational gear license that exceeds the following limitations: up to 10 crab pots with turtle excluder devices, \$36, etc. (Patron–Lewis) SB 283 136 249

CRAIGIE, WALTER WILLSON, JR.

Craigie, Walter Willson, Jr.; recording sorrow upon death.

Patron–Peace HR 220 2961

Patron–Sturtevant SR 92 3161

CREDIT CARDS, CREDIT SERVICES, AND CREDIT UNIONS

Credit unions; voluntary merger, merger application.

Patron–Habeeb HB 874 396 700

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CREEKMORE, FREDERICK HILLARY, SR.

Creekmore, Frederick Hillary, Sr.; recording sorrow upon death. (Patron–Leftwich) HJR 391 2766

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Crews, Margaret Edwina Clay; recording sorrow upon death. (Patron–McClellan) . . HJR 455 2802

CRIMES AND OFFENSES GENERALLY

Animal disease; criminal and civil penalties for violations of controlling disease, reorganizes penalty provisions. (Patron–Chafin) SB 268 563 1022

Assault; person charged with simple assault where victim was a family or household member of the person. (Patron–McClellan) HB 485 742 1805

Assault and battery; employees of Department of Corrections designated to conduct internal investigations added to definition of law-enforcement officer for purposes of crimes. (Patron–Adams) HB 1226 420 725

Assault and battery; persons charged with first offense against family or household member, penalty. (Patron–Cline) HB 1334 422 730

Assault weapon; transfer of firearm, proof of citizenship. (Patron–Lingamfelter) . . . HB 810 697 1385

Barrier crimes; adds conviction or a finding that a person is not guilty by reason of insanity of any offense that results in offender's requirement to register with Sex Offender and Crimes Against Minors Registry. (Patron–Mason) HB 920 580 1053

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Concealed handgun permits; exemption includes any judge or justice of the Commonwealth, wherever he may travel in the Commonwealth.
 Patron–Miller HB 332 672 1345
 Patron–Newman SB 544 589 1208

Concealed handgun permits; recognition of out-of-state permits, Superintendent of State Police shall enter into agreements for reciprocal recognition of permits or licenses with certain states.
 Patron–Webert HB 1163 47 96
 Patron–Reeves SB 610 46 95

Concealed weapons; adds any employee with internal investigations authority designated by Department of Corrections (retired from Department of Corrections) to list of individuals who may carry. (Patron–Lucas) SB 198 209 348

Controlled paraphernalia; unlawful to possess or distribute, exceptions, penalty. (Patron–Albo) HB 170 229 385

Court records; retention of files on crimes that are considered violent felonies and acts of violence. (Patron–Bell, Robert B.) HB 624 180 308

Firearms; identification requirement, Virginia residents allowed to purchase by presenting only one photo-identification form issued by a governmental agency of the Commonwealth, a member of armed forces may also establish his residency with purchaser's Leave and Earnings Statement. (Patron–Webert) HB 206 727 1490

Firearms; possession by persons adjudicated delinquent as a juvenile, completed service in armed forces no less than two years, military service exception, individual has received honorable discharge. (Patron–Adams) HB 784 337 615

Firefighting equipment or emergency medical services vehicle; person who tampers with, destroys, etc., or otherwise interferes with operation of any equipment or apparatus is guilty of a Class 1 misdemeanor. (Patron–Habeeb) HB 25 687 1373

Fraud and Abuse Whistle Blower Protection Act; applicability to local governmental entities. (Patron–LeMunyon) HB 821 292 516

Fraud and Abuse Whistle Blower Protection Act; changes basis on which whistle blowers covered by the state grievance procedure may file a claim for reward. (Patron–McQuinn) HB 778 293 518

Habitual offenders; evaluation of person be conducted by Virginia Alcohol Safety Action Program (VASAP) and recommendations be submitted to court, court shall give such weight as the court deems appropriate. (Patron–Albo) HB 172 230 386

Higher educational institutions; memorandum of understanding with local law-enforcement agency to address prevention of and response to criminal sexual assault. (Patron–Massie) HB 1015 481 834

Higher educational institutions, nonprofit private; memoranda of understanding with law-enforcement agency, sexual assaults. (Patron–Massie) HB 1321 513 913

Law-enforcement officers, retired; authority to carry concealed handguns, effective date. (Patron–Carrico) SB 479 257 414

License plates, special and personalized; no plates shall be issued or renewed for any owner or co-owner of vehicle who is registered pursuant to Sex Offender and Crimes Against Minors Registry Act if numbers or letters could be interpreted, etc., to be a reference to children.
 Patron–Greason HB 1190 430 748
 Patron–Black SB 666 143 259

Military status or decorations; false representation with intent to obtain any services, penalty. (Patron–Collins) HB 1319 236 397

Officer-involved shootings; Department of State Police shall include in annual Crime in Virginia report. (Patron–Herring) HB 301 333 604

Physical evidence; procedure for collection, storage, and analysis of recovery kits from victims of sexual assault offenses.
 Patron–Bell, Robert B. HB 1160 698 1389
 Patron–Black SB 291 332 602

Protective order; violation of order, possession of a firearm or other deadly weapon, penalty, may result in a net increase in periods of imprisonment or commitment.
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 Patron–Favola SB 323 638 1299

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Protective orders; any person who commits an assault and battery upon party resulting in bodily injury to party or stalks any party protected by protective order is guilty of a Class 6 felony. (Patron—Bell, Robert B.) HB 610 583 1057

Protective orders; unlawful for any person who is subject to a permanent order for family abuse, including any extension of such order, to knowingly possess any firearm while order is in effect, penalty.
Patron—Murphy HB 1391 48 96
Patron—Howell SB 49 49 99

Punitive damages; injury by intoxicated drivers, admission of evidence. (Patron—McDougle) SB 728 624 1266

Punitive damages; persons injured by intoxicated drivers. (Patron—Stanley) SB 125 510 910

Sex Offender and Crimes Against Minors Registry Act; aggravated malicious wounding, receiving money from earnings of a prostitute, offenses committed on or after July 1, 2016, penalty. (Patron—Albo) HB 177 586 1060

Sex Offender and Crimes Against Minors Registry Act; public dissemination by means of Internet. (Patron—Bell, Robert B.) HB 628 335 614

Sex offenders; common interest community may request and receive from State Police notice of registration or reregistration of offenders. (Patron—Villanueva) HB 1101 424 733

Sexual assault response teams; participants in annual meeting, Virginia Freedom of Information Act exclusion for records, findings of team may be disclosed or published in statistical or other aggregated form that does not disclose identity of individual. (Patron—Massie) HB 1016 550 983

Sexual crimes against minors; extends statute of limitations.
Patron—Herring HB 510 233 390
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Spousal support factors; circumstances and factors that contributed to dissolution, specifically including any ground for divorce. (Patron—Peace) HB 668 615 1233

Stalking; if person contacts or follows person after being given actual notice not to contact or follow, actions shall be prima facie evidence, penalty. (Patron—Reeves) SB 339 545 977

Stalking; if person contacts or follows person after being given actual notice not to contact or follow, etc., penalty. (Patron—Bell, Robert B.) HB 752 745 1815

Stalking; person convicted of second offense occurring within five years of a prior conviction of such an offense or for a substantially similar offense under law of any other jurisdiction is guilty of a Class 6 felony. (Patron—Albo) HB 886 696 1385

Trafficking in persons; civil action. (Patron—Leftwich) HB 681 668 1341

Trafficking in persons; civil cause of action, recovery of compensatory damages, punitive damages, etc. (Patron—Edwards) SB 133 557 1010

Trespass by hunters; punishes as Class 3 misdemeanor intentional release of hunting dogs on lands of another to hunt without consent of landowner. (Patron—Fariss) HB 1329 373 663

Voter registration; information required on voter registration application, adjudication of incapacity or felony conviction. (Patron—Ebbin) SB 420 630 1274

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Child welfare agencies; background checks for volunteers and employees, employment of certain persons prohibited. (Patron—Wexton) SB 278 632 1290

Conservators of the peace, special; required criminal history record information check, person to report to Department of Criminal Justice Services, if he becomes ineligible for registration or appointment. (Patron—DeSteph) SB 296 551 987

Private school employees, certain; requirement of background checks, if employment denied, information appearing on his record in registry, shall be provided to applicant. (Patron—Greason) HB 896 454 787

Sponsored residential and shared living services; background checks for providers. (Patron—Hope) HB 536 574 1041

CRIMINAL JUSTICE SERVICES

Conservators of the peace, special; required criminal history record information check, person to report to Department of Criminal Justice Services, if he becomes ineligible for registration or appointment. (Patron—DeSteph) SB 296 551 987

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Criminal Justice Services, Department of; training standards and model policies for law-enforcement personnel, powers and duties. (Patron—Miller)

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Trauma-informed sexual assault investigation; Department and Board of Criminal Justice Services, et al., to develop multidisciplinary curricula. (Patron—Filler-Corn) .

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Assault; person charged with simple assault where victim was a family or household member of the person. (Patron—McClellan)

HB 485 742 1805

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Asset forfeiture; prohibits a law-enforcement agency from requesting, etc., or otherwise inducing a person to waive his interest in or rights to property until an information is filed, report.

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Patron—Howell SB 423 423 731

Bail appeal; when district court grants bail over presumption against bail, court shall stay execution of order, expedited hearing before circuit court. (Patron—McEachin) .

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Civil judgment procedure; damages, exclusion of witnesses in civil cases. (Patron—Loupassi)

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Conservator of the peace, special; application for appointment by locality, written assessment from chief law-enforcement officer stating need for appointment. (Patron—Lingamfelter)

HB 198 416 721

Conservators of the peace, special; required criminal history record information check, person to report to Department of Criminal Justice Services, if he becomes ineligible for registration or appointment. (Patron—DeSteph)

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Court-appointed attorneys; increases fee paid for providing representation in commitment proceedings in a criminal case. (Patron—Loupassi)

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Criminal defendants; orders for mental health evaluation or treatment, duties of clerk of court.

Patron—Leftwich HB 645 446 780
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Criminal defendants; qualifications for forensic evaluators who conduct evaluations for insanity or competence, evaluators to send redacted copies of their report to Commissioner of Behavioral Health and Developmental Services for purpose of peer review to establish and maintain list of approved evaluators. (Patron—Yost)

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Criminal Justice Services, Department of; Department shall design and approve issuance of photo-identification cards to private security services registrants, effective date.

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Criminal Justice Services, Department of; training standards and model policies for law-enforcement personnel, powers and duties. (Patron—Miller)

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Defendants; revocation or suspension of probation, restitution. (Patron—Bell, Robert B.)

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Electronic communications; disclosure, verification and admissibility of contents. (Patron—Mason)

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 Patron—Watts HB 543 599 1218
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 Patron—Bell, Robert B. HB 1160 698 1389
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Police and court records; if court enters an order of expungement, clerk of court shall refund to petitioner such costs paid. (Patron—Spruill) HB 1149 617 1237

Protective order; violation of order, possession of a firearm or other deadly weapon, penalty, may result in a net increase in periods of imprisonment or commitment.
 Patron—Gilbert HB 1087 585 1059
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Protective orders; any person who commits an assault and battery upon party resulting in bodily injury to party or stalks any party protected by protective order is guilty of a Class 6 felony. (Patron—Bell, Robert B.) HB 610 583 1057

Protective orders; definition of "physical presence," authorization of emergency orders. (Patron—Campbell) HB 588 455 792

Protective orders; unlawful for any person who is subject to a permanent order for family abuse, including any extension of such order, to knowingly possess any firearm while order is in effect, penalty.
 Patron—Murphy HB 1391 48 96
 Patron—Howell SB 49 49 99

Protective orders in cases of family abuse; tenant access of dwelling unit following entry of certain court orders. (Patron—Watts) HB 711 595 1216

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 Patron—Leftwich HB 1310 242 400
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Servicemembers Civil Relief Act; appointed counsel may issue a subpoena duces tecum for all discoverable electronic and print files, etc., however, counsel for plaintiff may provide a list of attorneys familiar with provisions of the Act upon request of court. (Patron—Reeves) SB 27 643 1307

Sexual crimes against minors; extends statute of limitations.
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Sponsored residential and shared living services; background checks for providers. (Patron—Hope) HB 536 574 1041

Stalking; if person contacts or follows person after being given actual notice not to contact or follow, actions shall be prima facie evidence, penalty. (Patron—Reeves) . . SB 339 545 977

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Green, Roger; recording sorrow upon death. (Patron—Cox)	HJR	47	2604
Greenup, H. William; recording sorrow upon death. (Patron—Cole)	HJR	180	2654
Gronka, Dennis M.; recording sorrow upon death. (Patron—Wagner)	SJR	74	3010
Guindon, Ashley Marie; recording sorrow upon death.			
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Hargrave, James E.; recording sorrow upon death. (Patron—Ware)	HJR 170	2648
Harrell, Robert Wesley, Jr.; recording sorrow upon death. (Patron—Jones)	HJR 328	2735
Harvey, Ruth Ann; recording sorrow upon death. (Patron—Krizek)	HJR 225	2679
Hay, William Pierce, Jr.; recording sorrow upon death. (Patron—Edmunds)	HJR 441	2795
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Jones, Edith R.; recording sorrow upon death. (Patron—Cline)	HJR 148	2639
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Recordation tax ; no tax shall be imposed if grantor is a locality at a judicial sale of tax-delinquent property, exemption for any deed of trust that secures a loan made by a locality to a certain borrower. (Patron—Pogge)	HB	339	662 1335
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Deep Run High School ; commending. (Patron—Dunnivant)	SJR	124	3051
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Deer ; any city or town may, by ordinance, prohibit feeding deer within its jurisdiction, penalty. (Patron—Yost)	HB	584	376 665
Slingshot ; hunting of wild birds and wild animals, except deer, etc., unless shooting is expressly prohibited. (Patron—Fariss)	HB	1142	486 844
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DiJulio, Joseph Anthony ; recording sorrow upon death. (Patron—DeSteph)	SJR	52	3000
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DISTRICT COURTS

Bail appeal; when district court grants bail over presumption against bail, court shall stay execution of order, expedited hearing before circuit court. (Patron–McEachin) . SB 285 621 1264

Chief judge of general district court and clerk of appellate court; transmission of case papers, acceptability of electronic case papers, private technology systems, approval of method by Executive Secretary of the Supreme Court. (Patron–Kilgore) HB 64 612 1231

Dogs chasing livestock; district court may order dog to be transferred to another owner and permanently fitted with an identifying microchip registered to that owner, confined indoors or in a secure structure, etc. (Patron–Collins) HB 1231 757 1856

General district court; establishes concurrent jurisdiction with circuit courts to submit matters to arbitration, any party that disagrees with an order granting an application to compel arbitration may appeal to the circuit court. (Patron–Leftwich) HB 641 181 309

Judge; nomination for election to general district court. (Patron–Obenshain) SR 96 3162

Judges; election in circuit court, general district court, juvenile and domestic relations district court, and a member of the Judicial Inquiry and Review Commission. (Patron–Loupassi) HJR 536 2843

Judges; election in Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Workers' Compensation Commission. (Patron–Loupassi) HJR 178 2653

Judges; election in Court of Appeals, general district court, and juvenile and domestic relations district court. (Patron–Loupassi) HJR 537 2844

Judges; increases number in juvenile and domestic relations district court and general district court in the 19th and 25th Judicial Districts, effective clause. (Patron–Howell) SB 57 728 1493

Judges; nominations for election to general district court.
 Patron–Loupassi HR 82 2891
 Patron–Loupassi HR 222 2962
 Patron–Obenshain SR 27 3131
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Judicial Retirement System; mandatory judicial retirement, repeals provisions that apply to judges of circuit court, general district court, etc., who are elected or appointed commencing on or after July 1, 2015, effective date. (Patron–Knight) . . . HB 1245 667 1341

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Divorce; either party may submit depositions or affidavits in a proceeding. (Patron–Leftwich) HB 642 238 397

Divorce; entry of decrees, maintenance and support of spouses. (Patron–Wexton) . . . SB 71 477 831

Recordation tax; exemption of certain deeds of partition and deeds transferring property pursuant to a divorce decree, repeals provision referring to tax on recordation of any deed of partition, deed transferring property, etc. (Patron–Simon) HB 596 37 79

Spousal support factors; circumstances and factors that contributed to dissolution, specifically including any ground for divorce. (Patron–Peace) HB 668 615 1233

DODSON, VIRGINIA MARIE

Dodson, Virginia Marie; recording sorrow upon death. (Patron–Webert) HR 79 2890

DOGS AND DOG LAWS

Anatomical gifts; Department of Health to convene a work group to establish policies and procedures for making gifts for purpose of search and rescue dog training, report. (Patron–Knight) HB 202 73 165

Dogs and cats, licensing; Virginia Department of Health to study Virginia's procedures. (Patron–Orrock) HJR 160 2643

Dogs chasing livestock; district court may order dog to be transferred to another owner and permanently fitted with an identifying microchip registered to that owner, confined indoors or in a secure structure, etc. (Patron–Collins) HB 1231 757 1856

Rights of persons with disabilities in public places and places of public accommodation; fraudulent representation of a service dog or hearing dog, penalty. (Patron–Reeves) SB 363 575 1048

Trespass by hunters; punishes as Class 3 misdemeanor intentional release of hunting dogs on lands of another to hunt without consent of landowner. (Patron–Fariss) . . . HB 1329 373 663

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Divorce; entry of decrees, maintenance and support of spouses. (Patron—Wexton)	SB	71	477 831
Equitable distribution; transfer of separate property. (Patron—Bulova)	HB	404	559 1013
Family abuse protective orders; extension of orders. (Patron—Bell, Robert B.)	HB	1056	102 199
Family violence fatality review teams; definition of fatal family violence incident. (Patron—Howell)	SB	162	307 568
Legal age for marriage; written findings necessary to order that minor is emancipated based on intent to marry, etc., repeals when consent required, etc., registration of foreign emancipation. Patron—McClellan	HB	703	457 796
Patron—Vogel	SB	415	543 972
Mediation; fee paid to mediators appointed in custody, child or spousal support, or visitation cases. (Patron—Habeeb)	HB	287	507 909
Ministers or other persons authorized to celebrate rites of matrimony; no oath required, nor shall such person be considered an officer of the Commonwealth by virtue of such authorization. (Patron—Head)	HB	19	611 1231
Pendente lite support award; award or order made by court shall be paid from post-separation income of obligor unless court orders otherwise. (Patron—Wexton) . .	SB	70	352 643
Prisoner's spouse or children; support payments by county or city. (Patron—Hope) . .	HB	428	220 362
Protective orders in cases of family abuse; tenant access of dwelling unit following entry of certain court orders. (Patron—Watts)	HB	711	595 1216
Recordation tax; exemption of certain deeds of partition and deeds transferring property pursuant to a divorce decree, repeals provision referring to tax on recordation of any deed of partition, deed transferring property, etc. (Patron—Simon)	HB	596	37 79
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Spousal support factors; circumstances and factors that contributed to dissolution, specifically including any ground for divorce. (Patron—Peace)	HB	668	615 1233
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Dooley, Michael P.; recording sorrow upon death. (Patron—Cosgrove)	SR	56	3145
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Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district. Patron—Lingamfelter	HB	238	531 935
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Erosion and sediment control; time limits on applicability of approved design criteria provisions of Virginia Stormwater Management Program (VSMP) Regulations, in which case the flow rate capacity and velocity requirements shall apply. (Patron—DeSteph)	SB	598	66 113
Virginia Erosion and Stormwater Management Act; consolidation of programs, MS4 permit issued by State Water Control Board, opt-out for certain localities, locality serving as a VESMP authority, penalties, repeals certain provisions of State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act. Patron—Wilt	HB	1250	758 1857
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Draper, Kenneth; commending. (Patron—Adams) HJR 107 2623

DRINKING WATER AND WASTEWATER PROFESSIONALS APPRECIATION DAY

Drinking Water and Wastewater Professionals Appreciation Day; designating as June 30, 2016, and each succeeding year thereafter. (Patron—Anderson) HJR 88 2618

DRIVER EDUCATION PROGRAM

Commercial driver's licenses; comprehensive community colleges that are certified as third party testers, issuance of certificates to students who are enrolled in a commercial driver training course. (Patron—Wilt) HB 938 429 743

Driver education; certification of online courses, reports and records of licensed computer-based driver education providers. (Patron—Greason) HB 748 437 766

Learner's permit or provisional driver's license holder; completion of driver education program, passenger limits, prohibits use of cell phone except in a driver emergency, no citation for violation shall be issued unless officer has cause to stop or arrest. (Patron—Cosgrove) SB 555 488 848

DRIVERS' LICENSES

Commercial driver's licenses; comprehensive community colleges that are certified as third party testers, issuance of certificates to students who are enrolled in a commercial driver training course. (Patron—Wilt) HB 938 429 743

Driver's license; joint subcommittee to study use of license suspension as a collection method for unpaid court fines and costs. (Patron—Loupassi) HJR 69 2611

Learner's permit or provisional driver's license holder; completion of driver education program, passenger limits, prohibits use of cell phone except in a driver emergency, no citation for violation shall be issued unless officer has cause to stop or arrest. (Patron—Cosgrove) SB 555 488 848

Organ donation; notation shall remain on individual's license until he revokes his consent to make an anatomical gift.
Patron—O'Bannon HB 653 743 1806
Patron—Howell SB 176 135 246

DRUG ABUSE

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E-MAIL

Absentee ballots; electronic transmission by general registrars, email address or fax number of office of registrar published on Department of Elections website, State Board of Elections may prescribe by regulation format used to transmit ballots to voters. Patron—Murphy	HB	456	16	29
Patron—Favola	SB	137	463	802

EMANUEL, ELISE L.

Emanuel, Elise L.; commending. (Patron—Mason)	HR	170		2936
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EMERGENCY LEGISLATION

Automobile, commercial liability, and homeowners insurance policies; restores the ability of insurers, when sending certain types of notices, to use mailing methods. Patron—Miller	HB	31	4	15
Patron—Stuart	SB	192	71	161

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EMERGENCY LEGISLATION - Continued

Boxing and wrestling events; provisions for sanctioning organizations required for approval by Director of Department of Professional and Occupational Regulation, etc. (Patron—Miller)	HB	1228	756	1853
BVU Authority; alters Board powers and duties, change in membership, broadband, conflict of interest policy, repeals certain provision concerning cable television services by certain localities. Patron—Pillion	HB	1255	725	1472
Patron—Carrico	SB	329	724	1456
Commonwealth of Virginia Institutions of Higher Education Bond Act of 2016; created, adds an additional capital project for a higher educational institution. Patron—Jones	HB	1063	730	1499
Patron—Hanger	SB	61	731	1502
Commonwealth's taxation system; advances conformity with the Internal Revenue Code. Patron—Ware	HB	402	2	6
Patron—Hanger	SB	545	19	46
Conflicts of Interests Acts, State and Local Government and General Assembly; annual filing of required disclosures, report of gifts by certain officers and employees of state government beginning on January 1 through adjournment sine die of regular session of General Assembly, right to grant extension for filing disclosure from. Patron—Gilbert	HB	1362	773	1931
Patron—Norment	SB	692	774	1968
Damascus, Town of; amending charter, shifts the town's municipal elections from May to November, enactment clause. (Patron—Carrico)	SB	122	246	402
Dayton, Town of; amending charter, removes an outdated reference to a council composed of seven members. (Patron—Obenshain)	SB	451	160	286
Electric utility; recover of cost of purchasing certain solar energy facilities. (Patron—Yancey)	HB	1220	3	7
Emergency medical services providers; Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services across state lines, report. (Patron—Orrock)	HB	311	79	177
Health benefit plans; deletes certain provisions in definition of large and small employers. (Patron—Byron)	HB	58	1	1
Health benefit plans; sale, renewal, or offer of plans, special exception. (Patron—Norment)	SB	562	271	451
Health records; Secretary of Health and Human Resources shall work with stakeholders to increase sharing of electronic records, report. (Patron—Orrock)	HB	312	80	177
Home service contract providers; State Corporation Commission authorized to deny an initial license application based on its review of the financial statements, etc., filing of audited financial statements with Commission. (Patron—Kilgore)	HB	304	55	105
Norfolk, City of; repeals obsolete provisions for appointment of members to school board. (Patron—Hester)	HB	1253	385	674
Relief; Scott, Robert. (Patron—McQuinn)	HB	256	602	1221
Standards of Learning Innovation Committee; change in membership, Board of Education shall review recommendation of Committee, etc. (Patron—Greason)	HB	894	648	1313
Virginia Freedom of Information Act; exempt records concerning critical infrastructure information. (Patron—McPike)	SB	645	717	1441
Workers' compensation; fee schedules for medical and legal services, selection of regulatory advisory panel, existing peer review provisions repealed. Patron—Farrell	HB	378	279	461
Patron—Wagner	SB	631	290	508

EMERGENCY SERVICES AND VEHICLES

Bomb threats; reimbursement of expenses incurred in emergency response. (Patron—Stuart)	SB	527	213	356
Companion animals; civil immunity for any property damage, etc., by law-enforcement officer, firefighter, emergency medical services personnel, or animal control officer who in good faith forcibly enters a motor vehicle to remove unattended animal. (Patron—Alexander)	SB	9	679	1368

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EMERGENCY SERVICES AND VEHICLES - Continued

Constitutional amendment; property tax exemption for spouses of certain emergency services providers (second reference), Chapter 718, 2015 Acts (first reference). Adding Section 6-B in Article X. (Patron—Hugo) HJR 123 734 1795

Constitutional amendment; real property tax exemptions for spouses of certain emergency services providers (submitting to qualified voters). Adding Section 6-B in Article X. (Patron—Hugo) HB 865 17 30

Emergency medical services agencies; registration of vehicles owned or used by agencies, fees charged for registration.

Patron—Yancey HB 374 125 236

Patron—Marsden SB 91 133 245

Emergency medical services providers; Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services across state lines, report. (Patron—Orrock) HB 311 79 177

Fire or rescue volunteers; cost of participation in mental health treatment and counseling programs for a member of a volunteer fire or rescue company may be funded by a locality.

Patron—Minchew HB 233 417 721

Patron—Wexton SB 79 207 346

Firefighter or emergency medical services; personnel interrogation, observer must be an active or retired member. (Patron—Hugo) HB 854 419 724

Firefighting equipment or emergency medical services vehicle; person who tampers with, destroys, etc., or otherwise interferes with operation of any equipment or apparatus is guilty of a Class 1 misdemeanor. (Patron—Habeeb) HB 25 687 1373

Recognition of Emergency Medical Services Personnel Licensure Interstate Compact; created, provisions of this act shall expire on July 1, 2021.

Patron—Stolle HB 222 75 168

Patron—Reeves SB 233 107 208

EMINENT DOMAIN

Eminent domain; reimbursement of costs, costs of proceeding in trial court that are fixed by statute shall be taxed against condemnor, etc. (Patron—Obenshain) SB 478 713 1418

Eminent domain proceedings; commissioners to be summoned at least 30 days prior to service. (Patron—Petersen) SB 109 265 431

Virginia Property Owners' Association Act; condemnation of common area, common area that is affected shall be valued on basis of common area's highest and best use, no common area shall be reassessed for property tax purposes due to this passage. (Patron—Petersen) SB 237 719 1444

EMMAUS BAPTIST CHURCH

Emmaus Baptist Church; commemorating its 150th anniversary. (Patron—Garrett) . . SR 2 3105

EMPORIA ROTARY CLUB

Emporia Rotary Club; commemorating its 70th anniversary. (Patron—Tyler) HR 105 2902

EMSWILER, JO ELLEN

Emswiler, Jo Ellen; recording sorrow upon death. (Patron—Wilt) HJR 429 2788

ENERGY CONSERVATION AND RESOURCES

Mines, Minerals and Energy, Department of, Division of Energy; duty of serving as state certifying authority for solar energy projects and for production of coal, oil, and gas. (Patron—Wagner) SB 743 518 917

ENGINEERS, PROFESSIONAL

Virginia Public Procurement Act; architectural and engineering services, process for competitive negotiation.

Patron—Albo HB 578 362 653

Patron—Ruff SB 169 175 303

Virginia Public Procurement Act; term contracts for architectural and engineering services, limitations. (Patron—Minchew) HB 907 294 518

ENRIGHT, LAURIE

Enright, Laurie; commending. (Patron—Webert) HJR 19 2589

EPPELSON, EDWARD E.

Epperson, Edward E.; recording sorrow upon death. (Patron—Wright) HR 6 2847

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ERDT, RICHARD S.

Erdt, Richard S.; recording sorrow upon death. (Patron—Jones) HJR 376 2760

EROSION AND SEDIMENT CONTROL

Erosion and sediment control; time limits on applicability of approved design criteria provisions of Virginia Stormwater Management Program (VSMP) Regulations, in which case the flow rate capacity and velocity requirements shall apply. (Patron—DeSteph) SB 598 66 113

Virginia Erosion and Stormwater Management Act; consolidation of programs, MS4 permit issued by State Water Control Board, opt-out for certain localities, locality serving as a VESMP authority, penalties, repeals certain provisions of State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act.

Patron—Wilt HB 1250 758 1857

Patron—Hanger SB 673 68 115

ERVIN, A. LEE

Ervin, A. Lee; commending. (Patron—Landes) HJR 290 2714

ESGUERRA, MARY

Esguerra, Mary; recording sorrow upon death. (Patron—DeSteph) SJR 76 3011

ESTATES

Augmented estate; elective share of surviving spouse, marital property portion.

Patron—Leftwich HB 231 187 315

Patron—Chafin SB 181 269 440

ESTES, C. EDWIN

Estes, C. Edwin; recording sorrow upon death. (Patron—Massie) HR 110 2904

EUBANK, FAYE

Eubank, Faye; commending. (Patron—Austin) HR 74 2887

EVERYBODY CODE NOW!

Everybody Code Now!; commending. (Patron—Bell, John J.) HJR 528 2839

EVIDENCE

Criminal Injury Compensation Fund; filing of claims, consideration of expenses and loss of earnings that claimant accrued after date of newly discovered evidence as stipulated in written notification by attorney for the Commonwealth. (Patron—Peace) HB 667 456 795

Minors; certain education records as evidence, notification of document to attorney for the Commonwealth. (Patron—Albo) HB 1213 726 1489

Minors; if parent or guardian refuses to consent to physical evidence recovery kit examination, minor may consent. (Patron—Black) SB 248 251 408

Multi-jurisdiction grand juries; access to record of testimony and evidence. (Patron—Cline) HB 1294 262 426

Physical evidence; procedure for collection, storage, and analysis of recovery kits from victims of sexual assault offenses.

Patron—Bell, Robert B. HB 1160 698 1389

Patron—Black SB 291 332 602

Punitive damages; injury by intoxicated drivers, admission of evidence. (Patron—McDougle) SB 728 624 1266

Stalking; if person contacts or follows person after being given actual notice not to contact or follow, actions shall be prima facie evidence, penalty. (Patron—Reeves) SB 339 545 977

EXCISE TAX

Peanuts; extends sunset provision to July 1, 2021, for excise tax on all grown and sold in Virginia.

Patron—Ingram HB 20 165 296

Patron—Lucas SB 1 5 19

EXLINE, JOSEPH D.

Exline, Joseph D.; recording sorrow upon death. (Patron—Fowler) HJR 257 2696

FAIRFAX, CITY OF, INDEPENDENCE DAY PARADE

Fairfax, City of, Independence Day Parade; commemorating its 50th anniversary. (Patron—Bulova) HR 219 2961

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FAIRFAX COUNTY			
Urban county executive form of government; amends the form of government applicable to Fairfax County by providing that division of police may include an animal protection police officer, officer shall have all of the powers vested in law-enforcement officers. (Patron—Albo)	HB 118	498	886
FAITH BAPTIST CHURCH			
Faith Baptist Church; commemorating its 50th anniversary. (Patron—Ingram)	HJR 348		2745
FALKLAND FARMS			
Falkland Farms; commending. (Patron—Edmunds)	HJR 420		2783
FALLETTA, JOANN			
Falletta, JoAnn; commending. (Patron—Knight)	HJR 285		2711
FALLS CHURCH NEWS-PRESS			
Falls Church News-Press; commemorating its 25th anniversary. (Patron—Simon) . . .	HJR 343		2743
FAMILY LIFE EDUCATION			
High school family life education curriculum; programs on prevention of dating violence, domestic abuse, etc. (Patron—Filler-Corn)	HB 659	434	760
FARKAS, WES			
Farkas, Wes; commending. (Patron—Garrett)	SR 11		3108
FARMER, DOUG AND ANN			
Farmer, Doug and Ann; commending. (Patron—Freitas)	HR 46		2865
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Farmville, Town of; commending. (Patron—Edmunds)	HJR 479		2814
FARMWELL STATION MIDDLE SCHOOL			
Farmwell Station Middle School Family and Consumer Sciences students; commending. (Patron—Greason)	HR 140		2920
FAUCETTE, TIFFANY			
Faucette, Tiffany; commending. (Patron—Greason)	HR 153		2928
FAUQUIER HIGH SCHOOL			
Fauquier High School academic team; commending. (Patron—Webert)	HR 251		2976
FELONS AND FELONIES			
Court records; retention of files on crimes that are considered violent felonies and acts of violence. (Patron—Bell, Robert B.)	HB 624	180	308
Protective orders; any person who commits an assault and battery upon party resulting in bodily injury to party or stalks any party protected by protective order is guilty of a Class 6 felony. (Patron—Bell, Robert B.)	HB 610	583	1057
Stalking; person convicted of second offense occurring within five years of a prior conviction of such an offense or for a substantially similar offense under law of any other jurisdiction is guilty of a Class 6 felony. (Patron—Albo)	HB 886	696	1385
Voter registration; information required on voter registration application, adjudication of incapacity or felony conviction. (Patron—Ebbin)	SB 420	630	1274
FERNANDEZ, CRISELDA DELA CRUZ			
Fernandez, Criselda dela Cruz; recording sorrow upon death. (Patron—Villanueva) .	HR 259		2980
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Fick, Patricia Keys; recording sorrow upon death. (Patron—Stuart)	SR 93		3161
FIFE, FRANCIS HARRISON			
Fife, Francis Harrison; recording sorrow upon death. (Patron—Toscano)	HJR 374		2758
FINANCIAL INSTITUTIONS AND SERVICES			
Credit unions; voluntary merger, merger application.			
Patron—Habeeb	HB 874	396	700
Patron—Stanley	SB 582	695	1384
Financial institutions; updates references to Federal Reserve Board and its regulations. (Patron—Chafin)	SB 374	501	896
Mortgage lenders and mortgage brokers; licenses, reports. (Patron—Marshall, D.W.)	HB 124	329	600
Mortgage lenders and mortgage brokers, licensed; posting license. (Patron—Davis)	HB 968	360	650

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Mortgage loan originators; State Corporation Commission authorized to issue an inactive mortgage loan originator license to an individual who has satisfied all requirements for licensure. (Patron—Marshall, D.W.)	HB	125	330	601
Real estate loans; disclosure of terms of mortgage application. (Patron—Marshall, D.W.)	HB	123	328	600

FIRE PROTECTION

Firefighting equipment or emergency medical services vehicle; person who tampers with, destroys, etc., or otherwise interferes with operation of any equipment or apparatus is guilty of a Class 1 misdemeanor. (Patron—Habeeb)	HB	25	687	1373
Landscape cover materials; ordinance adopted by City of Harrisonburg shall not include in any local fire prevention regulations requirement that property owner install or use specific materials. (Patron—Obenshain)	SB	736	217	360
Overtime compensation; broadens definition of fire protection employees. (Patron—Lucas)	SB	704	541	971

FIREARMS

Assault weapon; transfer of firearm, proof of citizenship. (Patron—Lingamfelter)	HB	810	697	1385
Coyotes; county or city ordinances, permits hunting with a rifle caliber larger than .22 rimfire. (Patron—McDougle)	SB	367	64	112
Firearms; confiscation, reporting, and return by law enforcement. (Patron—Reeves) . .	SB	608	214	357
Firearms; identification requirement, Virginia residents allowed to purchase by presenting only one photo-identification form issued by a governmental agency of the Commonwealth, a member of armed forces may also establish his residency with purchaser's Leave and Earnings Statement. (Patron—Webert)	HB	206	727	1490
Firearms; possession by persons adjudicated delinquent as a juvenile, completed service in armed forces no less than two years, military service exception, individual has received honorable discharge. (Patron—Adams)	HB	784	337	615
Firearms shows; voluntary background checks by Department of State Police, approval of provisions from U.S. Department of Justice for Department of State Police to implement policies and procedures, penalties. Patron—Lingamfelter	HB	1386	45	94
Patron—Edwards	SB	715	44	94
Protective order; violation of order, possession of a firearm or other deadly weapon, penalty, may result in a net increase in periods of imprisonment or commitment. Patron—Gilbert	HB	1087	585	1059
Patron—Favola	SB	323	638	1299
Protective orders; unlawful for any person who is subject to a permanent order for family abuse, including any extension of such order, to knowingly possess any firearm while order is in effect, penalty. Patron—Murphy	HB	1391	48	96
Patron—Howell	SB	49	49	99

FIREFIGHTERS AND FIRE MARSHALS

Companion animals; civil immunity for any property damage, etc., by law-enforcement officer, firefighter, emergency medical services personnel, or animal control officer who in good faith forcibly enters a motor vehicle to remove unattended animal. (Patron—Alexander)	SB	9	679	1368
Fire or rescue volunteers; cost of participation in mental health treatment and counseling programs for a member of a volunteer fire or rescue company may be funded by a locality. Patron—Minchew	HB	233	417	721
Patron—Wexton	SB	79	207	346
Firefighter or emergency medical services; personnel interrogation, observer must be an active or retired member. (Patron—Hugo)	HB	854	419	724

FIRST BAPTIST CHURCH OF COOLWELL

First Baptist Church of Coolwell; commending. (Patron—Cline)	HR	237		2969
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FIRST COLONIAL HIGH SCHOOL

First Colonial High School; commemorating its 50th anniversary. (Patron—Miyares) .	HJR	422		2784
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FIRST PRESBYTERIAN CHURCH

First Presbyterian Church; commemorating its 100th anniversary. (Patron—Ingram) .	HJR	350		2746
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First United Methodist Church; commemorating its 100th anniversary. (Patron—Ingram)	HJR	349		2746
FISHER, ROBERT				
Fisher, Robert; commending. (Patron—Miller)	HJR	98		2621
FISHERIES AND HABITAT OF TIDAL WATERS				
Beach restoration; Virginia Marine Resources Commission shall develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly owned beach damaged by sand erosion.				
Patron—Bloxom	HB	327	124	236
Patron—Lewis	SB	307	9	21
Crab pots; Virginia Marine Resources Commission shall not issue to any licensee a recreational gear license that exceeds the following limitations: up to 10 crab pots with turtle excluder devices, \$36, etc. (Patron—Lewis)				
	SB	283	136	249
Living shorelines; tax exemption from local property taxes. (Patron—Hodges)				
	HB	526	610	1230
Menhaden; increases total allowable landings, repeals sunset provision that would have removed Virginia Marine Resources Commission's authority to establish annual harvest cap for purse seine fishery. (Patron—Stuart)				
	SB	529	65	113
Oysters; limits exemption for taking up to one bushel for personal use. (Patron—Lewis)				
	SB	284	7	20
Virginia Marine Resources Commission; Commission shall monitor any effort by U.S. Department of Interior to expand federal jurisdiction in waters adjoining Assateague Island National Seashore. (Patron—Lewis)				
	SB	643	67	114
FISHING LAWS AND LICENSES				
Free fishing days; removes prohibition against fishing without a license in waters stocked with trout by Department of Game and Inland Fisheries. (Patron—Deeds)				
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FLAGS AND SEALS				
United States of America and the Commonwealth of Virginia; purchase of flags by public bodies, flag materials to be produced, etc., in United States, if available.				
Patron—Edmunds	HB	1299	297	539
Patron—McEachin	SB	229	289	507
FLINT, MIKEY				
Flint, Mikey; commending. (Patron—Habeeb)	HR	48		2866
FLOODS AND FLOOD CONTROL				
Recurrent flooding; Joint Subcommittee to Formulate Recommendations for Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding, study continued as Joint Subcommittee on Coastal Flooding.				
Patron—Stolle	HJR	84		2615
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Recurrent Flooding Resiliency, Commonwealth Center for; designating Center jointly at Old Dominion University, Virginia Institute of Marine Science, and The College of William and Mary. (Patron—Stolle)				
	HB	903	440	770
Virginia Shoreline Resiliency Fund; established, annual audit of Virginia Resources Authority. (Patron—Lewis)				
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FLORY SMALL BUSINESS CENTER, INC.				
Flory Small Business Center, Inc.; commemorating its 25th anniversary. (Patron—Anderson)				
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FOREIGN GOVERNMENTS AND COUNTRIES				
Anti-Israel Boycott, Divestment, and Sanctions (BDS); expresses sense of General Assembly in condemning movement and its activities in Virginia. (Patron—Miyares)				
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FORENSIC SCIENCE				
Forensic Science Board; membership includes Director of Virginia Division of Consolidated Laboratory Services or his designee. (Patron—Boysko)				
	HB	355	199	340
FORESTS AND FORESTRY				
Century forest program; State Forester shall establish and administer a program to honor certain families, eligibility. (Patron—Ruff)				
	SB	252	6	20
Forest fire protection compacts; codification, repeals an obsolete section that originally provided for appointment of members to a compact advisory committee that no longer exists. (Patron—Habeeb)				
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FOSTER CARE			
Kinship foster care ; waiver of foster home approval standards. (Patron—Peace)	HB	674	25 55
FOSTER, HELEN MONTAGUE			
Foster, Helen Montague ; commending. (Patron—Carr)	HJR	535	2843
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Fowler, Clyde Bernard ; commending. (Patron—Lingamfelter)	HJR	32	2595
FOX, WESLEY L.			
Fox, Wesley L. ; commending. (Patron—Edwards)	SJR	116	3048
FRAIM, PAUL D.			
Fraim, Paul D. ; commending. (Patron—Lewis)	SJR	130	3054
FRANCHISE TAX AND FRANCHISES			
Bank franchise tax ; sets a cap of \$18 million on total annual tax liability per taxpayer, after two years at \$20 million, maximum amount shall increase by three percent annually.			
Patron—Ware	HB	1224	755 1853
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FRANK, MATHEW DANIEL			
Frank, Mathew Daniel ; recording sorrow upon death. (Patron—Peace)	HJR	417	2780
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Frank, Tyler Michael ; recording sorrow upon death. (Patron—Peace)	HJR	418	2781
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Frankenstein, Edward ; commending. (Patron—Morris)	HR	11	2849
FRAUD			
Fraud and Abuse Whistle Blower Protection Act ; applicability to local governmental entities. (Patron—LeMunyon)			
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Fraud and Abuse Whistle Blower Protection Act ; changes basis on which whistle blowers covered by the state grievance procedure may file a claim for reward. (Patron—McQuinn)			
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FRAY, JOHN T.			
Fray, John T. ; commending. (Patron—Hanger)	SJR	67	3009
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Fray, Joseph J. ; commending. (Patron—Hanger)	SJR	66	3008
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Frazier, William T. ; commending. (Patron—Bell, Richard P.)	HJR	434	2791
FREDERICK COUNTY			
Transient occupancy tax ; authorizes Frederick County to impose an additional tax. (Patron—Minchew)			
	HB	182	51 102
FREEDOM HIGH SCHOOL			
Freedom High School ; commending. (Patron—Bell, John J.)	HJR	398	2771
FREEDOM OF INFORMATION			
Sexual assault response teams ; participants in annual meeting, Virginia Freedom of Information Act exclusion for records, findings of team may be disclosed or published in statistical or other aggregated form that does not disclose identity of individual. (Patron—Massie)			
	HB	1016	550 983
Virginia Freedom of Information Act ; closed meeting not authorized for discussion of compensation matters for local governing bodies and elected school boards that affect the membership. (Patron—Surovell)			
	SB	493	544 974
Virginia Freedom of Information Act ; definition of "information," record exclusions, rule of redaction, no weight accorded to public body's determination.			
Patron—LeMunyon	HB	817	620 1244
Patron—Surovell	SB	494	716 1421
Virginia Freedom of Information Act ; designation of officer, posting of rights and responsibilities, any county or city, and town with a population of more than 250, shall post a link on homepage of their websites. (Patron—LeMunyon)			
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Virginia Freedom of Information Act; exclusions for school personnel licensure applications. (Patron—Norment) SB 564 272 451

Virginia Freedom of Information Act; exempt records concerning critical infrastructure information. (Patron—McPike) SB 645 717 1441

Virginia Freedom of Information Act; noncriminal incidents and reports, mandatory disclosure of certain records. (Patron—Fowler) HB 1318 546 978

Virginia Freedom of Information Act; public access to noncriminal records. (Patron—McDougle) SB 727 184 311

Virginia Freedom of Information Act; public access to resumes and other information related to gubernatorial appointees, applies to persons appointed by Governor on or after July 1, 2016. (Patron—Taylor) HB 220 729 1494

FRIEL, ELEANOR JANE

Friel, Eleanor Jane; recording sorrow upon death. (Patron—Hester) HR 97 2898

FRIENDS OF DYKE MARSH

Friends of Dyke Marsh; commemorating its 40th anniversary. (Patron—Surovell) SJR 190 3090

FRIENDS OF FALLS CHURCH HOMELESS SHELTER

Friends of Falls Church Homeless Shelter; commending. (Patron—Simon) HJR 33 2595

GALAX HIGH SCHOOL

Galax High School football team; commending. (Patron—O'Quinn) HJR 235 2684

GALLAHUE, THOMAS E.

Gallahue, Thomas E.; commending. (Patron—Surovell) SR 90 3160

GAMBLING, LOTTERIES, ETC.

Virginia Lottery; prohibits ticket courier services in the Commonwealth, clarifies definition of "ticket courier service." (Patron—Rush) HB 1291 461 801

GAME, INLAND FISHERIES, AND BOATING

Boats or other watercraft; excess width permits for transporting vehicles.

Patron—Knight HB 117 115 231

Patron—DeSteph SB 719 533 939

Conservation police officers; certain officers of Department of Game and Inland Fisheries shall be considered a retired law-enforcement officer. (Patron—Orrock) HB 315 41 86

Coyotes; county or city ordinances, permits hunting with a rifle caliber larger than .22 rimfire. (Patron—McDougle) SB 367 64 112

Deer; any city or town may, by ordinance, prohibit feeding deer within its jurisdiction, penalty. (Patron—Yost) HB 584 376 665

Driving in flooded areas; localities may by ordinance prohibit, exception, locality shall provide adequate notice including signs that, at a minimum, warn operators of motor vehicles and watercraft of prohibition and penalties. (Patron—Locke) SB 163 249 404

Duck blinds; damaged stationary blinds in City of Virginia Beach, notification to Department of Game and Inland Fisheries, penalty. (Patron—Knight) HB 136 378 666

Feral hogs; employees of Department of Game and Inland Fisheries and federal agencies may hunt or kill hogs in False Cape State Park and Back Bay National Wildlife Refuge from aircraft with permission of landowner, exception. (Patron—Knight) HB 137 116 231

Free fishing days; removes prohibition against fishing without a license in waters stocked with trout by Department of Game and Inland Fisheries. (Patron—Deeds) SB 349 63 111

Furs or furbearer products; Board of Game and Inland Fisheries to adopt regulations allowing possession, manufacture, or sale of other parts. (Patron—Reeves) SB 152 62 110

Hunter education courses; Board of Game and Inland Fisheries may adopt regulations that provide incentives for completing safety course. (Patron—Lingamfelter) HB 317 123 235

Reformulated gasoline (RFG) program; Department of Environmental Quality to seek an exemption from federal program for sale by qualifying marina of conventional, ethanol-free gasoline. (Patron—DeSteph) SB 557 54 105

Slingshot; hunting of wild birds and wild animals, except deer, etc., unless shooting is expressly prohibited. (Patron—Fariss) HB 1142 486 844

Snakes; Department of Game and Inland Fisheries may authorize use of snake exclusion devices by public utilities at their facilities. (Patron—Edmunds) HB 1311 372 662

Sunday hunting; exempts any person who hunts rail (Rallidae) or other wetland birds. (Patron—Lewis) SB 344 10 22

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Zebra mussels ; Director of Department of Game and Inland Fisheries shall establish a program of education in methods of preventing certain mussels or other nonindigenous aquatic nuisance species from infesting Virginia waters, posting of program on Department's website. (Patron—Kory)	HB	1115	540 971
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Retail Sales and Use Tax ; exemption for materials and equipment used to drill natural gas and oil, extends sunset provision to July 1, 2022. (Patron—Norment)	SB	563	673 1348
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Economic Opportunity for Virginians in Aspiring and Diverse Communities, Commission on ; established, change in membership, report. (Patron—Miyares)	HB	451	650 1315
Employee Retirement Security and Pension Reform, Commission on ; established, increases membership, report, sunset provision. (Patron—Howell)	HB	665	683 1369
General Assembly ; establishing a prefiling schedule for 2017 Regular Session. (Patron—Cox)	HJR	38	2600
General Assembly ; establishing a schedule for the conduct of business for 2016 Regular Session. (Patron—Cox)	HJR	37	2597
General Assembly ; Joint Legislative Audit and Review Commission shall review fiscal impact statements for executive orders when requested by chairman of any committee of Senate or House of Delegates. (Patron—Dunnivant)	SB	680	623 1266
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HIGH SCHOOLS

Government courses at public high schools; local school board to implement a program of instruction in high school Virginia and U.S. Government course on all information and concepts contained in civics portion of the U.S. Naturalization Test. (Patron—Bell, Richard P.) HB 36 737 1797

High school family life education curriculum; programs on prevention of dating violence, domestic abuse, etc. (Patron—Filler-Corn) HB 659 434 760

High school graduation; graduation requirements, Board of Education shall develop and implement a Profile of a Virginia Graduate that identifies knowledge and skills that students should attain, etc., Board of Education shall widely solicit and accept public comments relating to the implementation of establishing graduation requirements, report. (Patron—Greason) HB 895 750 1822

High school graduation; graduation requirements, Board of Education shall develop and implement a Profile of a Virginia Graduate that identifies knowledge and skills that students should attain, etc., report. (Patron—Miller) SB 336 720 1445

Standards of Learning Innovation Committee; Committee shall review standardized testing in public high schools in the Commonwealth and make recommendations to Board of Education and General Assembly, report. (Patron—LeMunyon) HB 525 592 1214

HIGH STREET BAPTIST CHURCH

High Street Baptist Church; commemorating its 150th anniversary. (Patron—Marshall, D.W.) HR 88 2894

HIGHER EDUCATION

Commonwealth of Virginia Institutions of Higher Education Bond Act of 2016; created, adds an additional capital project for a higher educational institution.
Patron—Jones HB 1063 730 1499
Patron—Hanger SB 61 731 1502

Higher educational institutions; alternative tuition or fee structures to students, requirement of students, report. (Patron—Rush) HB 961 523 924

Higher educational institutions; boards of visitors of state-supported institutions shall adopt policies that are supportive of intellectual property rights of matriculated students. (Patron—Herring) HB 1230 441 772

Higher educational institutions; corrects incorrect Code references relating to management agreements entered into by public institutions. (Patron—Jones) HB 1062 152 273

Higher educational institutions; definition, disclosure of student's username or password for student's personal social media accounts. (Patron—Barker) SB 438 597 1217

Higher educational institutions; institutional six-year plan, efforts to stimulate economic development, report. (Patron—Landes) HB 515 149 270

Higher educational institutions; memorandum of understanding with local law-enforcement agency to address prevention of and response to criminal sexual assault. (Patron—Massie) HB 1015 481 834

Higher educational institutions; mutual aid agreements and memoranda of understanding shall specify procedure for sharing information. (Patron—Favola) SB 83 571 1040

Higher educational institutions; State Council of Higher Education for Virginia shall develop guidelines for study abroad programs. (Patron—Alexander) SB 338 572 1041

Higher educational institutions; student mental health policies.
Patron—LeMunyon HB 523 684 1371
Patron—Edwards SB 425 573 1041

Higher educational institutions, nonprofit private; memoranda of understanding with law-enforcement agency, sexual assaults. (Patron—Massie) HB 1321 513 913

Higher educational institutions or State Board for Community Colleges; no member of board of visitors who fails to attend educational programs during his first four-year term is eligible for reappointment to such board. (Patron—Landes) HB 1303 473 828

HIGHLAND SPRINGS HIGH SCHOOL

Highland Springs High School football team; commending.
Patron—Bagby HJR 80 2614
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HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS

Commonwealth Space Flight Fund; extends transfer of funds from Transportation Trust Fund through fiscal year 2023-2024.

Patron—Bloxom	HB	1122	345	633
Patron—Carrico	SB	46	299	541

Commonwealth Transportation Board; Board shall hold at least one meeting in highway construction district for transportation project valued in excess of \$25 million. (Patron—Marshall, R.G.)

HB	384	367	657
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Commonwealth Transportation Board; value of statewide prioritization factors. (Patron—LeMunyon)

HB	719	129	240
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Hampton Roads Transportation Accountability Commission; distribution of moneys to Hampton Roads Transportation Fund shall be used for administrative and operating expenses, etc. (Patron—Villanueva)

HB	1111	603	1221
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Hampton Roads Transportation Fund; distribution of moneys to Hampton Roads Transportation Accountability Commission, no member shall be personally liable for loss of investments. (Patron—Wagner)

SB	476	608	1227
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Highways, Commissioner of; annual report shall be available on Department's website. (Patron—Keam)

HB	1383	711	1415
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Highways, Commissioner of; powers, procuring equipment and labor to ensure emergency removal of snow and ice. (Patron—Suetterlein)

SB	765	538	969
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Interstate 66; prohibits HOV-2 lanes from being converted to HOV-3 lanes or a more restrictive designation, effective date, sunset provision. (Patron—Bulova)

HB	407	699	1390
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Interstate 66; requirements that Department of Transportation must satisfy prior to change in HOV-2 designation. (Patron—LeMunyon)

HB	715	715	1419
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Interstate 95 corridor in George Washington Regional Commission region; Department of Transportation and Fredericksburg Area Metropolitan Planning Organization shall conduct a joint evaluation of traffic congestion occurring in Stafford and Spotsylvania Counties and an evaluation of alternative solutions to such traffic congestion, which may include but not be limited to extending HOT lanes south, report. (Patron—Cole)

HB	97	741	1805
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Mobile food vending; allows units in commuter lots in Planning District 8, unit shall not be deemed to be parking while it is vending pursuant to permit issued. (Patron—McPike)

SB	515	765	1913
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Northern Virginia Transportation Authority; decision-making procedure to create or improve a transportation facility, certain information concerning projects to be publicly available at least 15 days prior to any decision. (Patron—LeMunyon)

HB	727	225	376
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Northern Virginia Transportation Authority; once population estimates for July 1 of fifth year after census are made available then population shall be adjusted.

Patron—Bulova	HB	190	224	376
Patron—Barker	SB	413	375	664

Northern Virginia Transportation Commission; increases number of nonlegislative citizen members who represent Loudoun County.

Patron—Minchew	HB	181	117	231
Patron—Wexton	SB	277	374	664

Request for Proposal; design-build transportation projects, submission and consideration of alternative technical concepts.

Patron—Villanueva	HB	501	369	660
Patron—Carrico	SB	465	139	252

Richmond Metropolitan Transportation Authority; powers. (Patron—Loupassi)

HB	1237	605	1225
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Thomas Jefferson Scenic Byway Loop; designating portions of Virginia Route 72, Virginia Route 619, and U.S. Route 58 Alternate in Counties of Scott and Wise and City of Norton as Virginia byway. (Patron—Kilgore)

HB	41	601	1220
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Tolls; toll collection procedures, fees, and penalties, notice of nonpayment, reciprocity agreements, repeals mailing of invoice for unpaid toll. (Patron—Jones)

HB	1069	753	1834
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Transit Capital Project Revenue Advisory Board; established, prioritization process, report, sunset provision. (Patron—Peace)

HB	1359	609	1229
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Transportation, Department of; right to permit broadband service provider to install broadband conduit on public highways. (Patron—Minchew)

HB	912	655	1323
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HIGHWAYS AND OTHER SURFACE TRANSPORTATION SYSTEMS - Continued

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Patron—Dance	SB	107	134	246
Washington Metropolitan Area Transit Authority ; compensation of members of Northern Virginia Transportation Commission appointed to board of directors of Authority. (Patron—LeMunyon)	HB	731	130	240
Washington Metropolitan Area Transit Authority Compact of 1966 ; changes membership. (Patron—Ebbin)	SB	710	535	948
HILL, IRVINE BYRD				
Hill, Irvine Byrd ; recording sorrow upon death. (Patron—Stolle)	HR	76		2888
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Hiller, Jack Lewis ; recording sorrow upon death. (Patron—Bulova)	HJR	338		2740
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Historic properties without homeowner associations ; Virginia Housing Commission to study mandatory disclosure of relevant information by sellers. (Patron—Locke)	SJR	80		3012
Land Bank Entities Act ; established, localities authorized to establish a land bank entity to assist in addressing certain properties, preservation or rehabilitation of historic properties within historic areas.				
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Patron—Barker	SB	414	159	282
HISTORIC LEXINGTON FOUNDATION				
Historic Lexington Foundation ; commemorating its 50th anniversary. (Patron—Deeds)	SJR	185		3087
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Hogan, Frankie ; commending. (Patron—Cline)	HJR	529		2840
HOLCOMB, COLETHIA R.				
Holcomb, Colethia R. ; recording sorrow upon death. (Patron—Locke)	SJR	22		2990
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Holcomb, Ricky ; commending. (Patron—Stanley)	SJR	13		2985
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Holiday Lake 4-H Educational Center, Inc. ; commemorating its 75th anniversary. (Patron—Fariss)	HJR	272		2704
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Patron—Miller	SJR	35		2995
Blood Cancer Awareness Month ; designating as September 2016, and each succeeding year thereafter. (Patron—Black)	SJR	48		3000
Chagas Disease Awareness Day ; designating as April 14, 2016, and each succeeding year thereafter. (Patron—Lopez)	HJR	197		2664
Chesapeake Bay Awareness Week ; designating as second week in June 2016, and each succeeding year thereafter. (Patron—Lingamfelter)	HJR	31		2594
Drinking Water and Wastewater Professionals Appreciation Day ; designating as June 30, 2016, and each succeeding year thereafter. (Patron—Anderson)	HJR	88		2618

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International Assistance Dog Week ; designating as first full week in August 2016, and each succeeding year thereafter. (Patron—Reeves)	SJR 27		2992
Lymphoma Awareness Day ; designating as September 15, 2016, and each succeeding year thereafter. (Patron—Black)	SJR 49		3000
Metastatic Breast Cancer Awareness Month ; designating as November 2016, and each succeeding year thereafter. (Patron—McQuinn)	HJR 245		2689
Omphalocele Awareness Day ; designating as January 31, 2016, and each succeeding year thereafter. (Patron—Pillion)	HJR 206		2669
Post-Traumatic Stress Injury Awareness Day ; designating as June 27, 2016, and in each succeeding year thereafter. (Patron—Dudenhefer)	HJR 425		2786
Public Transportation Safety Day ; designating as April 29, 2016, and each succeeding year thereafter. (Patron—Alexander)	SJR 129		3053
Purple Heart Day ; designating as August 7, 2016, and each succeeding year thereafter. (Patron—Norment)	SJR 102		3041
Virginia Barbecue Season ; designating as May through October 2016, and each succeeding year thereafter. (Patron—Howell)	HJR 169		2648
Virginia Constitution Day ; designating as June 29, 2016, and each succeeding year thereafter. (Patron—Ruff)	SJR 61		3005
Wear Red Day ; designating as first Friday in February 2017, and each succeeding year thereafter. (Patron—Vogel)	SJR 62		3006
Year of Shakespeare ; designating as 2016. (Patron—Filler-Corn)	HJR 336		2739
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Holland, Alphonzo LaSalle, Sr. ; recording sorrow upon death.			
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Holton, Bob F. ; commending. (Patron—Landes)	HJR 291		2715
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Home instruction or religious exemption ; information disclosure by division superintendent or local school board with written consent of a student's parent. (Patron—Black)	SB 780	640	1302
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Automobile, commercial liability, and homeowners insurance policies ; restores the ability of insurers, when sending certain types of notices, to use mailing methods.			
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Honaker High School academic team ; commending. (Patron—Pillion)	HR 216		2960
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Patron—Aird	HB 183	313	576
Patron—Dance	SB 103	154	277
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Patron—Ingram	HJR 186		2658
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HORCH, MARYANN			
Horch, Maryann ; commending. (Patron—McDougle)	SR 60		3147
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HOSPICES			
Assisted living facilities; no facility shall be required to provide or allow hospice care, if such hospice care restrictions are included in a disclosure statement that is signed by resident. (Patron—Hanger)	SB	732	598 1218
HOSPITALS AND HOSPITALIZATION			
Hospitals; advance disclosure of charge for elective procedure, test, or service. (Patron—Yancey)	HB	905	448 782
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Restaurants; annual inspections. (Patron—Robinson)	HB	1277	581 1056
HOUFF TRANSFER, INC.			
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Condominium and Property Owners' Association Acts; rental of units and lots, no unit owners' association has the authority to evict a tenant of any unit owner or require any unit owner to execute a power of attorney authorizing eviction, disclosure packets. (Patron—Peace)	HB	684	471 816
Historic properties without homeowner associations; Virginia Housing Commission to study mandatory disclosure of relevant information by sellers. (Patron—Locke)	SJR	80	3012
Housing; removal of obsolete provisions, correction of citation. (Patron—LeMunyon)	HB	210	331 601
Real property tax; exemption for disabled veterans and spouse of a service member killed in action includes manufactured homes, if land on which single family home, manufactured home, etc., or other type of dwelling is located is not owned by surviving spouse, then land is not exempt.			
Patron—Yost	HB	1203	393 695
Patron—Chafin	SB	366	349 639
Rental inspection programs; locality authorized to exempt a residential rental unit otherwise subject to an ordinance. (Patron—Massie)	HB	1011	338 617
HOWARD, TERRY			
Howard, Terry; commending.			
Patron—Bloxom	HR	182	2942
Patron—Lewis	SR	72	3152
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Huddleston, Allen; recording sorrow upon death. (Patron—Austin)	HJR	490	2819
HUMAN TRAFFICKING			
Trafficking in persons; civil action. (Patron—Leftwich)	HB	681	668 1341
Trafficking in persons; civil cause of action, recovery of compensatory damages, punitive damages, etc. (Patron—Edwards)	SB	133	557 1010
HUNT, ROBERT P.			
Hunt, Robert P.; recording sorrow upon death. (Patron—Mason)	HR	169	2935
HUNTER, DREW			
Hunter, Drew; commending. (Patron—LaRock)	HJR	389	2766
HUNTING LAWS AND PERMITS			
Coyotes; county or city ordinances, permits hunting with a rifle caliber larger than .22 rimfire. (Patron—McDougle)	SB	367	64 112
Slingshot; hunting of wild birds and wild animals, except deer, etc., unless shooting is expressly prohibited. (Patron—Fariss)	HB	1142	486 844
Sunday hunting; exempts any person who hunts rail (Rallidae) or other wetland birds. (Patron—Lewis)	SB	344	10 22
Trespass by hunters; punishes as Class 3 misdemeanor intentional release of hunting dogs on lands of another to hunt without consent of landowner. (Patron—Fariss)	HB	1329	373 663
HURLEY, RICHARD V.			
Hurley, Richard V.; commending. (Patron—Howell)	HJR	188	2659
IMMUNIZATIONS			
Immunizations; physician assistants, nurse practitioners, licensed practical nurses, and pharmacists may administer to children and provide certificates. (Patron—Orrock)	HB	313	81 177

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INCOME TAX

Income tax, corporate; addback for Captive Real Estate Investment Trust (REIT) dividends. (Patron—Ware) HB 95 342 621

Income tax, state; sunset provision for tax credit for contributions to political candidates.
 Patron—Farrell HB 22 50 102
 Patron—Petersen SB 115 348 639

Income tax, state; withholding taxes, penalties.
 Patron—Bloxom HB 1331 660 1329
 Patron—Alexander SB 230 676 1354

Income tax, state and corporate; for taxable years beginning on or after January 1, 2016, but before January 1, 2022, allowable tax credit for food crop donations to a nonprofit food bank, Department of Taxation may issue up to \$250,000 in tax credits.
 Patron—Cline HB 1093 391 684
 Patron—Deeds SB 580 304 549

INDIAN TRIBES

Virginia Indian advisory board; Secretary of the Commonwealth may establish, membership shall include members of Virginia recognized tribes, terms of ex officio and nonlegislative citizen members. (Patron—Peace) HB 814 746 1816

INDIGENOUS PEOPLES DAY

Indigenous Peoples Day; designating as fourth Wednesday in November 2016, and in each succeeding year thereafter. (Patron—Krizek) HJR 347 2745

INFORMATION MANAGEMENT AND TECHNOLOGY

Virginia Public Procurement Act; procurement of information technology goods and services, contractor liability.
 Patron—Davis HB 930 295 519
 Patron—Reeves SB 150 174 302

INFRASTRUCTURE

Economic Development Infrastructure Act of 2016; voluntary program authorizing public utilities to acquire utility right-of-way for qualified economic development sites, natural gas utility's recovery of costs incurred in implementing Economic Development Program, etc., effective clause. (Patron—Wagner) SB 748 771 1928

Virginia Freedom of Information Act; exempt records concerning critical infrastructure information. (Patron—McPike) SB 645 717 1441

INGRAM, MAGGIE LEE DIXON

Ingram, Maggie Lee Dixon; recording sorrow upon death. (Patron—Carr) HJR 260 2698

INMATES

Involuntary psychiatric treatment of an inmate; petition shall be filed by the sheriff or other person in charge of local correctional facility.
 Patron—Watts HB 543 599 1218
 Patron—Barker SB 566 357 647

Retail Sales and Use Tax; exemption for certain items sold by a sheriff at a correctional facility to inmates and sales of prepared foods. (Patron—Knight) HB 1191 392 694

INOVA MOUNT VERNON HOSPITAL

Inova Mount Vernon Hospital; commemorating its 40th anniversary.
 Patron—Krizek HJR 495 2822
 Patron—Surovell SJR 205 3098

INSANITY

Barrier crimes; adds conviction or a finding that a person is not guilty by reason of insanity of any offense that results in offender's requirement to register with Sex Offender and Crimes Against Minors Registry. (Patron—Mason) HB 920 580 1053

INSPECTIONS, MOTOR VEHICLE

Motor vehicle safety inspection; exempts vehicles that are parked on a highway and have been submitted for inspection to an official inspection station. (Patron—LeMunyon) HB 213 702 1393

Motor vehicle safety inspection; requirement for purchaser of a trailer, etc., from an auto auction. (Patron—Villanueva) HB 507 128 238

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INSURANCE

Annuity contracts and life insurance policies; exemption from certain creditors' claims. (Patron—Stanley)	SB	640	274	456
Automobile clubs; clarifies definition, repeals provisions relating to licensure and operations, requirements are deleted regarding authority of insurance agents to negotiate certain contracts. (Patron—Alexander)	SB	210	250	404
Automobile, commercial liability, and homeowners insurance policies; restores the ability of insurers, when sending certain types of notices, to use mailing methods.				
Patron—Miller	HB	31	4	15
Patron—Stuart	SB	192	71	161
Health benefit plans; deletes certain provisions in definition of large and small employers. (Patron—Byron)	HB	58	1	1
Health benefit plans; sale, renewal, or offer of plans, special exception. (Patron—Norment)	SB	562	271	451
Health insurance; Health Insurance Reform Commission to continue its study of mandating coverage for abuse deterrent formulations for opioid medications. (Patron—Byron)	HJR	45		2603
Health insurance; payment for services by dentists and oral surgeons. (Patron—Ware)	HB	16	556	1010
Health insurance plan; Department of Human Resource Management to consider all participants in local option plan. (Patron—Chafin)	SB	364	512	912
Health Insurance Reform Commission; assessments of legislation, clarifies definition of applicable agency. (Patron—Byron)	HB	87	570	1039
Home service contract providers; State Corporation Commission authorized to deny an initial license application based on its review of the financial statements, etc., filing of audited financial statements with Commission. (Patron—Kilgore)	HB	304	55	105
Insurance agencies; designated licensed producers, producers not required to be an employee, officer, or director of vendor or lessor. (Patron—Ware)	HB	393	552	990
Insurance agents; continuing education program changes. (Patron—Miller)	HB	844	285	476
Insurance companies; clarifies and updates provisions regarding notices to applicants and policyholders. (Patron—Byron)	HB	307	558	1011
Insurance policies; electronic delivery of information to policyholder, etc., repeals sunset provision concerning notification of insurer of change in electronic address. (Patron—Byron)	HB	820	475	828
Insurance policy; electronic delivery of information, repeals sunset provision. Repealing second enactment of Chapter 257, 2013 Acts. (Patron—Hugo)	HB	851	508	910
Insurance rates; authority of an insurer to limit decreases if insurer is also limiting any rate increase, effective date. (Patron—Kilgore)	HB	324	277	460
Medical malpractice actions; extends limitations period for personal injury actions. (Patron—Habeeb)	HB	637	190	327
Real estate settlement agents; adds to provisions relating to agents, "closing disclosure," definition. (Patron—Stuart)	SB	204	619	1241
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Unfair claim settlement practices; appraisal of automobile repair costs, supplemental repair estimates after repair work has been initiated.				
Patron—Hugo	HB	870	286	479
Patron—Stuart	SB	193	183	310

INTERNATIONAL ASSISTANCE DOG WEEK

International Assistance Dog Week; designating as first full week in August 2016, and each succeeding year thereafter. (Patron—Reeves)	SJR	27		2992
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INTERNET

Sex Offender and Crimes Against Minors Registry Act; public dissemination by means of Internet. (Patron—Bell, Robert B.)	HB	628	335	614
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INTERSTATE ROUTE 66

Interstate 66; requirements that Department of Transportation must satisfy prior to change in HOV-2 designation. (Patron—LeMunyon)	HB	715	715	1419
Interstate 66; prohibits HOV-2 lanes from being converted to HOV-3 lanes or a more restrictive designation, effective date, sunset provision. (Patron—Bulova)	HB	407	699	1390

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INTERSTATE ROUTE 66 - Continued

Trooper Harry Lee Henderson Memorial Bridge; designating as Interstate 66 bridge in Warren County over Route 624. (Patron—Obenshain) SB 448 138 251

INTERSTATE ROUTE 95

Interstate 95 corridor in George Washington Regional Commission region; Department of Transportation and Fredericksburg Area Metropolitan Planning Organization shall conduct a joint evaluation of traffic congestion occurring in Stafford and Spotsylvania Counties and an evaluation of alternative solutions to such traffic congestion, which may include but not be limited to extending HOT lanes south, report. (Patron—Cole) HB 97 741 1805

Trooper Nathan-Michael W. Smith Memorial Bridge; designating as the Route 301 bridge in Prince George County at Exit 45 over Interstate 95.
Patron—Aird HB 184 118 232
Patron—Dance SB 107 134 246

IPSON, EDNA B.

Ipson, Edna B.; recording sorrow upon death. (Patron—Massie) HR 118 2909

IRVINE, MICHAEL S.

Irvine, Michael S.; commending. (Patron—Cline) HJR 143 2636

ISLE OF WIGHT ACADEMY

Isle of Wight Academy football team; commending. (Patron—Morris) HR 29 2857

JACKSON, CLYDE F.

Jackson, Clyde F.; recording sorrow upon death. (Patron—Miller) HJR 114 2626

JACOB, N. WESCOTT

Jacob, N. Wescott; recording sorrow upon death. (Patron—Lewis) SR 32 3133

JACOBS, JULIAN B.

Jacobs, Julian B.; commending. (Patron—Wagner) SJR 5 2983

JAMES, ALLIX BLEDSOE

James, Allix Bledsoe; recording sorrow upon death.
Patron—McClellan HJR 258 2697
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JAMES RIVER ASSOCIATION

James River Association; commemorating its 40th anniversary.
Patron—Massie HJR 241 2687
Patron—Dunnavant SR 31 3132

JETT, CHARLES E.

Jett, Charles E.; commending.
Patron—Howell HJR 187 2659
Patron—Stuart SJR 117 3049

JOHN MARSHALL SOIL AND WATER CONSERVATION DISTRICT

John Marshall Soil and Water Conservation District; commemorating its 50th anniversary. (Patron—Webert) HJR 436 2792

JOHNSON, GERALDINE R.

Johnson, Geraldine R.; recording sorrow upon death. (Patron—McClellan) HJR 464 2807

JOHNSON, JOSEPH RODNEY

Johnson, Joseph Rodney; recording sorrow upon death. (Patron—Howell) HJR 190 2660

JOHNSON, KATHERINE G.

Johnson, Katherine G.; commending. (Patron—Price) HJR 162 2644

JOHNSON, ROSA ILEANA

Johnson, Rosa Ileana; recording sorrow upon death. (Patron—Locke) SJR 65 3008

JOHNSTON, HAROLD LLOYD, SR.

Johnston, Harold Lloyd, Sr.; recording sorrow upon death. (Patron—Habeeb) HR 139 2920

JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (JLARC)

Biosolids and industrial residuals in Virginia; Joint Legislative Audit and Review Commission to study. (Patron—Landes) HJR 120 2627

Early childhood development programs; Joint Legislative Audit and Review Commission to study specific programs, prenatal to age five, Commission shall have access to individual-level records of all programs. (Patron—Norment) SJR 88 3014

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JOINT LEGISLATIVE AUDIT AND REVIEW COMMISSION (JLARC) - Continued

General Assembly; Joint Legislative Audit and Review Commission shall review fiscal impact statements for executive orders when requested by chairman of any committee of Senate or House of Delegates. (Patron—Dunnivant)	SB	680	623	1266
Virginia Community College System; Joint Legislative Audit and Review Commission to review. (Patron—Jones)	HJR	157		2642
Virginia Economic Development Partnership Authority; Joint Legislative Audit and Review Commission to review Authority, report. (Patron—Byron)	HJR	7		2583
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Jones, Edith R.; recording sorrow upon death. (Patron—Cline)	HJR	148		2639
JONES, HOWARD WILBUR, JR.				
Jones, Howard Wilbur, Jr.; recording sorrow upon death. (Patron—Stolle)	HR	77		2889
JONES, THOMAS				
Jones, Thomas; commending. (Patron—Edmunds)	HJR	419		2783
JOSLYN, TIFFANY MAY				
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Dogs chasing livestock; district court may order dog to be transferred to another owner and permanently fitted with an identifying microchip registered to that owner, confined indoors or in a secure structure, etc. (Patron–Collins) HB 1231 757 1856

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Clerk of circuit court; local fees and fines paid directly to local government. (Patron–Minchew) HB 537 244 401

Conflict of Interests Act, State and Local Government; advisory opinions for local officers or employees. (Patron–DeSteph) SB 288 665 1339

Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district.
Patron–Lingamfelter HB 238 531 935
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Conflicts of Interests Acts, State and Local Government and General Assembly; annual filing of required disclosures, report of gifts by certain officers and employees of state government beginning on January 1 through adjournment sine die of regular session of General Assembly, right to grant extension for filing disclosure from.
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Longo, Timothy John, Sr.; commending. (Patron–Toscano) HJR 439 2794

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Boundary agreement between Loudoun County and any town within Loudoun County; attachment of GIS map to petitions. (Patron–Wexton) SB 78 153 276

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Loudoun County Public Schools; commending. (Patron—Greason) HR 123 2911

Loudoun County Public Schools Student Records Department; commending.
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Loudoun Valley High School boys' cross country team; commending.
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Lowe, Dan Rudolph; recording sorrow upon death. (Patron—Stolle) HJR 111 2624

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Lyons, Dan; commending. (Patron—Cline) HJR 144 2636

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Madison, Lettie Coleman; recording sorrow upon death. (Patron—McClellan) HJR 461 2805

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shall be returned to complainant. (Patron—Fariss) HB 1275 204 344

Temporary detention; notice of recommendation, notification to person's family
member or personal representative, communication with magistrate, individual shall
remain in custody of law enforcement or a designee of law enforcement.

Patron—Bell, Robert B. HB 1110 569 1036

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Magna Vista High School football team; commending. (Patron—Marshall, D.W.) . . . HJR 405 2774

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Maitland, Alice Carol; commending. (Patron—Tyler) HR 125 2912

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Malone, Moses; recording sorrow upon death.

Patron—Aird HR 32 2859

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Mamalis, Chris; commending. (Patron—Sickles) HJR 322 2732

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Real property tax; exemption for disabled veterans and spouse of a service member
killed in action includes manufactured homes, if land on which single family home,
manufactured home, etc., or other type of dwelling is located is not owned by
surviving spouse, then land is not exempt.

Patron—Yost HB 1203 393 695

Patron—Chafin SB 366 349 639

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Ministers or other persons authorized to celebrate rites of matrimony; no oath required, nor shall such person be considered an officer of the Commonwealth by virtue of such authorization. (Patron—Head) HB 19 611 1231

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Legal age for marriage; written findings necessary to order that minor is emancipated based on intent to marry, etc., repeals when consent required, etc., registration of foreign emancipation.

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License plates, special and personalized; no plates shall be issued or renewed for any owner or co-owner of vehicle who is registered pursuant to Sex Offender and Crimes Against Minors Registry Act if numbers or letters could be interpreted, etc., to be a reference to children.

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Firefighting equipment or emergency medical services vehicle; person who tampers with, destroys, etc., or otherwise interferes with operation of any equipment or apparatus is guilty of a Class 1 misdemeanor. (Patron—Habeeb)

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Trespass by hunters; punishes as Class 3 misdemeanor intentional release of hunting dogs on lands of another to hunt without consent of landowner. (Patron—Fariss)

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SB	126	659	1328
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Alcoholic beverage control; an annual mixed beverage performing arts facility license created for facility located in City of Norfolk or City of Richmond, monthly gross receipts from sale of food cooked, etc., on premises and nonalcoholic beverages served on premises that meet or exceed monthly minimum established by Board regulations for mixed beverage restaurants.

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Alcoholic beverage control; annual mixed beverage performing arts facility license for facility located in City of Waynesboro. (Patron—Bell, Richard P.)

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Smoking in motor vehicles; presence of minor under age eight, civil penalty, no citation shall be issued unless officer has cause to stop or arrest driver of motor vehicle. (Patron–Pillion)	HB	1348	515 916
Social Services, Department of; electronic notices. (Patron–Sickles)	HB	1026	29 63

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MOTOR VEHICLES - Continued			
Tolls ; toll collection procedures, fees, and penalties, notice of nonpayment, reciprocity agreements, repeals mailing of invoice for unpaid toll. (Patron—Jones)	HB 1069	753	1834
Towing fees ; localities in Northern Virginia shall establish by ordinance. (Patron—Hugo)	HB 1060	476	830
Unfair claim settlement practices ; appraisal of automobile repair costs, supplemental repair estimates after repair work has been initiated.			
Patron—Hugo	HB 870	286	479
Patron—Stuart	SB 193	183	310
Uninsured motor vehicle fee payment plan ; DMV may establish. (Patron—Habeeb) .	HB 388	590	1211
Vehicle registration ; locality may impose a penalty upon resident owner annually for as long as motor vehicle remains unregistered. (Patron—Sickles)	HB 1032	131	242
MOTORCYCLES			
Motorcycle rider safety training courses ; clarification of definition. (Patron—Robinson)	HB 1276	380	667
Motorcycles ; increases from four to five the maximum number of lights allowed and used for general illumination ahead of the vehicle.			
Patron—Cole	HB 10	195	332
Patron—Reeves	SB 25	206	346
Motorcycles ; Superintendent of State Police shall establish guidelines to allow for submission and approval of auxiliary lights, procedure shall be published on Department's website. (Patron—Wilt)	HB 939	701	1393
MOULY, BARBARA MASSIE			
Mouly, Barbara Massie ; commending. (Patron—Landes)	HJR 305		2723
MOUNT ZION BAPTIST CHURCH			
Mount Zion Baptist Church ; commemorating its 150th anniversary.			
Patron—Ransone	HJR 309		2725
Patron—McDougle	SJR 206		3099
MUDRA ARTS CENTER			
Mudra Arts Center ; commending. (Patron—Bell, John J.)	HJR 521		2836
MUÑOZ, ANTHONY J.			
Muñoz, Anthony J. ; commending. (Patron—Edmunds)	HR 179		2941
NANSEMOND RIVER HIGH SCHOOL			
Nansemond River High School girls' indoor track team ; commending. (Patron—Jones)	HJR 200		2666
Nansemond River High School wrestling team ; commending. (Patron—Jones)	HJR 373		2758
NANSEMOND-SUFFOLK ACADEMY			
Nansemond-Suffolk Academy ; commemorating its 50th anniversary. (Patron—Jones)	HJR 199		2665
Nansemond-Suffolk Academy football team ; commending.			
Patron—Jones	HJR 142		2635
Patron—Morris	HR 28		2857
NARCOTICS AND DRUGS			
Asbestos, Lead, and Home Inspectors, Board for ; licensure of remediation or site work related to former methamphetamine property. (Patron—Minchew)	HB 707	527	928
Behavioral Health and Developmental Services, Commissioner of ; duties and powers, report on operation of Virginia's publicly funded behavioral health and developmental services system, eliminates report on state plan for substance abuse services. (Patron—Aird)	HB 646	686	1372
Cannabidiol oil and THC-A oil ; permitting of pharmaceutical processors to manufacture, treatment or alleviation of symptoms of minor's or incapacitated adult's intractable epilepsy. (Patron—Marsden)	SB 701	577	1050
Controlled paraphernalia ; unlawful to possess or distribute, exceptions, penalty. (Patron—Albo)	HB 170	229	385
Drug Control Act ; adds certain chemical substances to Schedule I.			
Patron—Garrett	HB 1077	103	201
Patron—Obenshain	SB 480	112	225
Drugs ; administration by certain school employees. (Patron—Orrock)	HB 314	144	260
Execution ; Director of Department of Corrections may make and enter into contracts with a pharmacy or outsourcing facility for compounding of drugs necessary to carry			

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NARCOTICS AND DRUGS - Continued					
out an execution by lethal injection, confidentiality of pharmacy or outsourcing facility. (Patron—Miller)	HB	815	747	1817	
Health insurance; Health Insurance Reform Commission to continue its study of mandating coverage for abuse deterrent formulations for opioid medications. (Patron—Byron)	HJR	45		2603	
Heroin possession; Virginia Criminal Sentencing Commission shall evaluate judge-sentencing and jury-sentencing patterns and practices and recommend adjustments in sentencing guidelines. (Patron—Bell, Robert B.)	HB	1059	398	703	
Opiate addiction treatment; conditions for initial licensure of certain providers, use of opioid replacements approved by the U.S. Food and Drug Administration. (Patron—Wexton)	SB	556	480	833	
Prescribers of covered substances; authorizes Director of Department of Health Professions to disclose information to Board of Medicine for purpose of requiring relevant continuing education, sunset provision. (Patron—Stolle)	HB	829	447	781	
Prescription drugs; manufacture and distribution in the Commonwealth. (Patron—Hodges)	HB	528	221	362	
Prescription drugs; pharmacies may participate in voluntary drug disposal programs in accordance with state and federal law. (Patron—Hodges)	HB	629	95	195	
Prescription Monitoring Program; advisory committee shall provide guidance to Director of Department of Health Professions regarding information disclosed, disclosure of certain information about a specific recipient. Patron—Landes	HB	1044	410	714	
Patron—Hanger	SB	491	568	1034	
Prescription Monitoring Program; indicators of misuse, disclosure of information to Enforcement Division of Department of Health Professions. (Patron—O'Bannon) . . .	HB	657	98	196	
Prescription Monitoring Program; reports by dispensers shall be made within 24 hours or dispenser's next business day. (Patron—Wexton)	SB	287	309	570	
Prescription Monitoring Program; requirements of prescribers of opioids, authority to access database, sunset provision, report. Patron—Herring	HB	293	406	710	
Patron—Dunnavant	SB	513	113	230	
Schedule IV drugs; adds eluxadoline to list. (Patron—Pillion)	HB	1292	499	889	
TPA-certified optometrists; prescription of certain Schedule II controlled substances, analgesics included on Schedule II controlled substances. (Patron—Hodges)	HB	498	86	185	
NASA'S WALLOPS FLIGHT FACILITY					
NASA's Wallops Flight Facility; commemorating its 70th anniversary. (Patron—Lewis)	SJR	53		3001	
NATIONAL EDUCATION ASSOCIATION READ ACROSS AMERICA PROGRAM					
National Education Association Read Across America program; commending. Patron—Mason	HR	173		2938	
Patron—Miller	SR	58		3146	
NATIONAL HISTORIC PRESERVATION ACT					
National Historic Preservation Act; commemorating 50th anniversary of the passage of the Act. (Patron—Lopez)	HJR	132		2633	
NATIONAL SOCIETY DAUGHTERS OF THE AMERICAN REVOLUTION, COMMONWEALTH CHAPTER					
National Society Daughters of the American Revolution, Commonwealth Chapter; commemorating its 125th anniversary. (Patron—Fowler)	HJR	284		2711	
NATURAL GAS					
Retail Sales and Use Tax; exemption for materials and equipment used to drill natural gas and oil, extends sunset provision to July 1, 2022. (Patron—Norment)	SB	563	673	1348	
NEECE, WILLIAM ROGER MUTT					
Neece, William Roger Mutt; recording sorrow upon death. (Patron—Pillion)	HR	245		2973	
NEVILLE, CAMDEN A.					
Neville, Camden A.; commending. (Patron—Pogge)	HJR	286		2712	
NEW DELIVERANCE EVANGELISTIC CHURCH					
New Deliverance Evangelistic Church; commemorating its 20th anniversary. (Patron—Carr)	HJR	342		2742	

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NEW KENT HIGH SCHOOL			
New Kent High School golf team ; commending. (Patron—Peace)	HR	62	2882
NEWPORT NEWS, CITY OF			
Advanced Shipbuilding Production Facility Grant Program ; established, definition of "foundry," memorandum of understanding shall require that total amount of grants received shall not exceed 25 percent of total cost of improvements needed, Fund created. (Patron—Jones)	HB	1068	723 1454
Newport News, City of ; commemorating its 50th anniversary of the opening of Newport News Park. (Patron—Miller)	SR	37	3135
NEWPORT NEWS DEPARTMENT OF PARKS, RECREATION AND TOURISM			
Newport News Department of Parks, Recreation and Tourism ; commemorating its 75th anniversary. (Patron—Price)	HR	211	2957
NEWPORT NEWS ROTARY CLUB			
Newport News Rotary Club ; commemorating its 100th anniversary. (Patron—Yancey)	HR	186	2945
NEWPORT NEWS SHIPBUILDING			
Newport News Shipbuilding ; commemorating its 130th anniversary. (Patron—Yancey)	HJR	220	2676
NEWTON, SAMUEL EARL			
Newton, Samuel Earl ; recording sorrow upon death. (Patron—Deeds)	SJR	165	3075
NGUYEN, CLAIRE			
Nguyen, Claire ; commending. (Patron—Greason)	HR	199	2951
NICHOLAS, FREDDIE W., SR.			
Nicholas, Freddie W., Sr. ; recording sorrow upon death. (Patron—Dance)	SJR	140	3061
NONPROFIT ORGANIZATIONS			
Fuels tax ; refunds of taxes for fuels used in highway vehicles to certain nonprofit entities organized with a principal purpose of providing hunger relief services or food to the needy, if such vehicle is used solely for purpose of services. (Patron—Farrell)	HB	23	34 76
Land Bank Entities Act ; established, localities authorized to establish a land bank entity to assist in addressing certain properties, preservation or rehabilitation of historic properties within historic areas. Patron—Marshall, D.W.	HB	268	383 669
Patron—Barker	SB	414	159 282
Retail Sales and Use Tax and local license tax ; exemption for certain nonprofit veterans organizations, exemption shall not apply to certain tangible personal property purchases. (Patron—Lingamfelter)	HB	63	487 845
NORFOLK & WESTERN RAILWAY CLASS J 611			
Norfolk & Western Railway Class J 611 ; designating as the official steam locomotive of Virginia. (Patron—Head)	HJR	181	2655
NORFOLK, CITY OF			
Alcoholic beverage control ; an annual mixed beverage performing arts facility license created for facility located in City of Norfolk or City of Richmond, monthly gross receipts from sale of food cooked, etc., on premises and nonalcoholic beverages served on premises that meet or exceed monthly minimum established by Board regulations for mixed beverage restaurants. Patron—Albo	HB	226	20 47
Patron—Reeves	SB	154	536 967
Norfolk, City of ; repeals obsolete provisions for appointment of members to school board. (Patron—Hester)	HB	1253	385 674
NORTH SPRINGFIELD CIVIC ASSOCIATION			
North Springfield Civic Association ; commemorating its 60th anniversary. (Patron—Watts)	HJR	318	2729
NORTHERN VIRGINIA			
Commuter parking ; lot signage in Planning District 8 shall clearly indicate that before 10 a.m. Monday through Friday except holidays parking is only for commuters using mass transit or who are car pool or bicycle riders. (Patron—LeMunyon)	HB	730	708 1403
Interstate 66 ; requirements that Department of Transportation must satisfy prior to change in HOV-2 designation. (Patron—LeMunyon)	HB	715	715 1419

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NORTHERN VIRGINIA - Continued

Mobile food vending; allows units in commuter lots in Planning District 8, unit shall not be deemed to be parking while it is vending pursuant to permit issued. (Patron—McPike)	SB	515	765	1913
Northern Virginia Transportation Authority; decision-making procedure to create or improve a transportation facility, certain information concerning projects to be publicly available at least 15 days prior to any decision. (Patron—LeMunyon)	HB	727	225	376
Northern Virginia Transportation Authority; once population estimates for July 1 of fifth year after census are made available then population shall be adjusted.				
Patron—Bulova	HB	190	224	376
Patron—Barker	SB	413	375	664
Northern Virginia Transportation Commission; increases number of nonlegislative citizen members who represent Loudoun County.				
Patron—Minchew	HB	181	117	231
Patron—Wexton	SB	277	374	664
State and local transportation planning; results of Department of Transportation reviews of proposed amendments for issues related to homeland security be provided concurrently to submitting locality and Northern Virginia Transportation Authority. (Patron—LeMunyon)	HB	728	370	661
Towing fees; localities in Northern Virginia shall establish by ordinance. (Patron—Hugo)	HB	1060	476	830
Veterans care center projects; Virginia Public Building Authority authorized to issue bonds to construct centers in Northern Virginia and Hampton Roads. (Patron—Cox)	HB	477	366	657
Washington Metropolitan Area Transit Authority; compensation of members of Northern Virginia Transportation Commission appointed to board of directors of Authority. (Patron—LeMunyon)	HB	731	130	240
NORTHERN VIRGINIA ELECTRIC COOPERATIVE				
Northern Virginia Electric Cooperative; commending. (Patron—Anderson)	HR	253		2977
NORTON, CITY OF				
Thomas Jefferson Scenic Byway Loop; designating portions of Virginia Route 72, Virginia Route 619, and U.S. Route 58 Alternate in Counties of Scott and Wise and City of Norton as Virginia byway. (Patron—Kilgore)	HB	41	601	1220
NOTARIES AND OUT-OF-STATE COMMISSIONERS				
Satisfactory evidence of identity; United States Passport Book and United States Passport Card are acceptable forms of identification of an individual for notarization. (Patron—Bulova)	HB	189	185	313
NURSES				
Clinical nurse specialists; Board of Nursing may register an applicant if such applicant is an advance practice registered nurse and has completed a program within a regionally accredited college or university, etc. (Patron—Pogge)	HB	330	83	180
Immunizations; physician assistants, nurse practitioners, licensed practical nurses, and pharmacists may administer to children and provide certificates. (Patron—Orrock)	HB	313	81	177
Nurse aide; renewal of certification. (Patron—Garrett)	HB	504	87	187
Nurse aide education programs; requires observational and reporting techniques to be included in curriculum.				
Patron—Minchew	HB	386	582	1056
Patron—Favola	SB	328	109	224
Nurse Licensure Compact; current Compact replaced with a revised version. (Patron—Dance)	SB	265	108	216
Nurse practitioners; in the event a patient care team physician has his license suspended or revoked, etc., practitioner may continue to treat patients without a physician for an initial period not to exceed 60 days.				
Patron—Robinson	HB	581	409	713
Patron—Dance	SB	264	308	569
Nurse practitioners; licensed as certified nurse midwives, practicing without a patient care team or practice agreement, practice agreement shall be maintained by practitioner and provided to Boards upon request, repeals pilot program authorizing such practice. (Patron—Carrico)	SB	463	495	875
Nurses; adds definitions of certified nurse midwife, certified registered nurse anesthetist, and advanced practice registered nurse. (Patron—Robinson)	HB	580	93	191

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NURSING HOMES

- Nursing facilities;** State Board of Health shall promulgate regulations, by July 1, 2017, for audio-visual recording of residents, report, repeals requirement of voluntary electronic monitoring in rooms of residents. Repealing Chapters 674 and 682, 2013 Acts. (Patron—Cosgrove) SB 553 600 1220
- Nursing homes;** reimbursement of unexpended patient funds within 30 days of written request. (Patron—Pogge) HB 343 85 183

OAKTON HIGH SCHOOL

- Oakton High School girls' basketball team;** commending. (Patron—Keam) HR 231 2966

OATHS, AFFIRMATIONS, AND BONDS

- Divorce;** either party may submit depositions or affidavits in a proceeding. (Patron—Leftwich) HB 642 238 397
- Vital records;** amending death certificates, change and correction of demographic information by affidavit or court order. (Patron—Alexander) SB 592 496 883

O'CONNOR, BRIAN

- O'Connor, Brian;** commending. (Patron—Deeds) SJR 137 3060

O'FLAHERTY, IAN M.

- O'Flaherty, Ian M.;** commending. (Patron—Surovell) SR 91 3160

OLD DOMINION UNIVERSITY

- Recurrent Flooding Resiliency, Commonwealth Center for;** designating Center jointly at Old Dominion University, Virginia Institute of Marine Science, and The College of William and Mary. (Patron—Stolle) HB 903 440 770

OLD STONE CHURCH FOUNDATION AND ITS UNITED METHODIST CHURCH AFFILIATES

- Old Stone Church Foundation and its United Methodist Church Affiliates;** commemorating the 250th anniversary of their first land acquisition. (Patron—Minchew) HJR 510 2830

OMPHALOCELE AWARENESS DAY

- Omphalocele Awareness Day;** designating as January 31, 2016, and each succeeding year thereafter. (Patron—Pillion) HJR 206 2669

100WOMENSTRONG

- 100WomenStrong;** commending. (Patron—Murphy) HJR 368 2755

OPTICIANS AND OPTOMETRISTS

- Optometrists;** increases number of hours of continuing education requirements. (Patron—Robinson) HB 564 89 187
- Optometry;** repeals certain provision for license to practice, issuance without examination. (Patron—Robinson) HB 579 92 191
- TPA-certified optometrists;** prescription of certain Schedule II controlled substances, analgesics included on Schedule II controlled substances. (Patron—Hodges) HB 498 86 185

ORANGE COUNTY HIGH SCHOOL

- Orange County High School robotics team;** commending. (Patron—Freitas) HJR 243 2688

ORAVEC, SAM

- Oravec, Sam;** commending. (Patron—Webert) HR 104 2901

ORDINANCES

- Coyotes;** county or city ordinances, permits hunting with a rifle caliber larger than .22 rimfire. (Patron—McDougle) SB 367 64 112
- Deer;** any city or town may, by ordinance, prohibit feeding deer within its jurisdiction, penalty. (Patron—Yost) HB 584 376 665
- Driving in flooded areas;** localities may by ordinance prohibit, exception, locality shall provide adequate notice including signs that, at a minimum, warn operators of motor vehicles and watercraft of prohibition and penalties. (Patron—Locke) SB 163 249 404
- Landscape cover materials;** ordinance adopted by City of Harrisonburg shall not include in any local fire prevention regulations requirement that property owner install or use specific materials. (Patron—Obenshain) SB 736 217 360
- Limited Residential Lodging Act;** established, authorized local ordinances, registration of hosting platform, etc. (Patron—Vogel) SB 416 674 1351

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ORDINANCES - Continued

Nonconforming uses; if use does not conform to zoning prescribed for district in which use is situated, locality shall permit holder of business license to apply for a rezoning, etc., permit. (Patron—Davis)	HB	367	584	1058
Rental inspection programs; locality authorized to exempt a residential rental unit otherwise subject to an ordinance. (Patron—Massie)	HB	1011	338	617
Towing fees; localities in Northern Virginia shall establish by ordinance. (Patron—Hugo)	HB	1060	476	830
Tree conservation; ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with one single-family home that notify the public of infill lot grading plan, locality may not require applicant to be responsible for posting. Patron—Sullivan	HB	647	412	716
Patron—Favola	SB	361	317	578
ORGAN DONOR PROGRAMS				
Organ donation; notation shall remain on individual's license until he revokes his consent to make an anatomical gift. Patron—O'Bannon	HB	653	743	1806
Patron—Howell	SB	176	135	246
OSBORN, LAUREN				
Osborn, Lauren; commending. (Patron—Helsel)	HR	114		2907
OSBORNE, BENJAMIN THOMAS				
Osborne, Benjamin Thomas; recording sorrow upon death. (Patron—O'Quinn)	HJR	219		2676
OSHER LIFELONG LEARNING INSTITUTE				
Osher Lifelong Learning Institute at George Mason University; commemorating its 25th anniversary. (Patron—Plum)	HJR	224		2679
OWENS, GEORGE T.				
Owens, George T.; recording sorrow upon death. (Patron—McPike)	SR	95		3162
OWENS, JAMES DOUGLAS				
Owens, James Douglas; recording sorrow upon death. (Patron—Campbell)	HJR	492		2820
OYSTERS AND OYSTER PLANTING GROUNDS				
Oysters; limits exemption for taking up to one bushel for personal use. (Patron—Lewis)	SB	284	7	20
PAGE COUNTY HIGH SCHOOL				
Page County High School softball team; commending. (Patron—Obenshain)	SJR	142		3062
PAIGE, ANTHONY CURTIS				
Paige, Anthony Curtis; commending. (Patron—Lewis)	SR	18		3111
PAPE, HOWARD ARTHUR				
Pape, Howard Arthur; recording sorrow upon death. (Patron—Toscano)	HJR	520		2836
PAPPAS, MARISA				
Pappas, Marisa; commending. (Patron—Webert)	HR	20		2853
PARKER, ALISON BAILEY				
Parker, Alison Bailey; recording sorrow upon death. (Patron—Head)	HJR	39		2601
PARKER, RICHARD				
Parker, Richard; commending. (Patron—Simon)	HJR	508		2829
PARKER, ROGER, JR.				
Parker, Roger, Jr.; recording sorrow upon death. (Patron—Price)	HJR	129		2632
PARKING AREAS AND REGULATIONS				
Commuter parking; lot signage in Planning District 8 shall clearly indicate that before 10 a.m. Monday through Friday except holidays parking is only for commuters using mass transit or who are car pool or bicycle riders. (Patron—LeMunyon)	HB	730	708	1403
PAROLE AND PROBATION				
Parole; Department of Corrections to offer prisoners transition assistance prior to parole or release. (Patron—Stanley)	SB	124	208	347
PARR, REX				
Parr, Rex; commending. (Patron—Anderson)	HJR	402		2772
PARSONS, FRANK A.				
Parsons, Frank A.; recording sorrow upon death. (Patron—Cline)	HJR	314		2727

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PARTNERSHIPS

- Research and development expenses tax credit;** eliminates reporting requirement for Virginia Economic Development Partnership, Tax Commissioner to report annually on revenue collections by tax source. (Patron—Poindexter) HB 590 433 759
- Virginia Economic Development Partnership;** Authority may encourage import of products and services from international markets to the Commonwealth. (Patron—Yancey) HB 185 315 577

PATRICK HENRY COLLEGE

- Patrick Henry College moot court team;** commending. (Patron—LaRock) HJR 386 2764

PATRICK HENRY ELEMENTARY SCHOOL

- Patrick Henry Elementary School;** commending. (Patron—Lopez) HJR 371 2757

PATTON, WILLIAM A.

- Patton, William A.;** commending. (Patron—Dance) SJR 200 3095

PAXTON, JOSEPH S.

- Paxton, Joseph S.;** commending. (Patron—Wilt) HJR 426 2786

PAYNE, BRENDA

- Payne, Brenda;** commending. (Patron—Webert) HR 56 2870

PAYNE, EDDIE

- Payne, Eddie;** commending. (Patron—Webert) HR 55 2869

PAYNE, MARY AYLETT CREATH

- Payne, Mary Aylett Creath;** recording sorrow upon death. (Patron—Peace) HR 205 2954

PEACOR, MELISSA S.

- Peacor, Melissa S.;** commending.
 - Patron—Anderson HJR 320 2730
 - Patron—Barker SR 67 3150

PEANUTS

- Peanuts;** extends sunset provision to July 1, 2021, for excise tax on all grown and sold in Virginia.
 - Patron—Ingram HB 20 165 296
 - Patron—Lucas SB 1 5 19

PEDIGO, VAUDENE ROSE FABLE

- Pedigo, Vaudene Rose Fable;** recording sorrow upon death. (Patron—Pogge) HJR 153 2640

PENSIONS, BENEFITS, AND RETIREMENT

- Employee Retirement Security and Pension Reform, Commission on;** established, increases membership, report, sunset provision. (Patron—Howell) HB 665 683 1369
- Judicial Retirement System;** mandatory judicial retirement, repeals provisions that apply to judges of circuit court, general district court, etc., who are elected or appointed commencing on or after July 1, 2015, effective date. (Patron—Knight) HB 1245 667 1341
- Virginia Retirement System;** technical corrections to programs.
 - Patron—Ingram HB 409 280 469
 - Patron—Howell SB 51 263 426

PERDUE, ALEXANDER

- Perdue, Alexander;** commending. (Patron—Habeeb) HR 157 2929

PERKINS, CHRIS

- Perkins, Chris;** commending. (Patron—Rasoul) HJR 451 2800

PERSONAL PROPERTY AND PERSONAL PROPERTY TAX

- Personal property tax;** if an item of tangible personal property falls within multiple classifications for local taxation, the rate of taxation shall be the lowest rate assigned to such classifications. (Patron—Ware) HB 15 483 838
- Real or personal property, etc.;** effective date of property tax exemption for certified property. (Patron—Byron) HB 80 35 79
- Retail Sales and Use Tax and local license tax;** exemption for certain nonprofit veterans organizations, exemption shall not apply to certain tangible personal property purchases. (Patron—Lingamfelter) HB 63 487 845
- Sales and use, real, and personal property taxes;** exemptions for solar and wind energy equipment, facilities, and devices, projects equaling 20 megawatts or less, etc. (Patron—Miller) HB 1305 346 634

PERSONS WITH DISABILITIES

Auxiliary grants; regulations adopted by Commissioner of Department for Aging and Rehabilitative Services for adult foster care homes and licensed assisted living facilities. (Patron—Helsel)	HB	420	636	1297
Auxiliary grants; supportive housing providers, Commissioner for Aging and Rehabilitative Services shall develop guidance documents and provide notice to public for opportunity to comment and participate in developing. (Patron—Peace) ..	HB	675	567	1032
Blind and Vision Impaired, Department for the; Department of General Services shall conduct procurement process for certain contracts authorized by Department. (Patron—Knight)	HB	1289	596	1217
Federal Rehabilitation Act and Older Americans Act; amends certain language in Code of Virginia to conform to Acts, repeals certain provisions providing on-the-job training for persons with disabilities, etc. (Patron—Yost)	HB	740	27	57
Guardianship; communication between incapacitated person and others. Patron—Pogge	HB	342	405	709
Patron—Wagner	SB	466	404	708
People with Disabilities, Virginia Board for; powers and duties, annual report, once every four years, Board shall make available to public all service areas it intends to review, etc. (Patron—Pogge)	HB	415	219	361
Public Guardian and Conservator Advisory Board; established, removes representative from Virginia Guardianship Association, report, repeals existing provisions relating to Advisory Board from Title 2.2. (Patron—Peace)	HB	816	40	84
Rights of persons with disabilities in public places and places of public accommodation; fraudulent representation of a service dog or hearing dog, penalty. (Patron—Reeves)	SB	363	575	1048
Standards of Learning; Board of Education shall prescribe alternative means for children with disabilities who meet certain criteria to demonstrate achievement. (Patron—Greason)	HB	381	522	921
PESTS AND PESTICIDES				
Pesticide Control Act; clarifies process to assess penalty for violation. (Patron—Deeds)	SB	348	320	582
PETERS, WENDELL G.				
Peters, Wendell G.; commending. (Patron—Rush)	HJR	196		2664
PETTIT, DEBORAH D.				
Pettit, Deborah D.; commending. (Patron—Farrell)	HJR	208		2670
PHARMACIES				
Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture, treatment or alleviation of symptoms of minor's or incapacitated adult's intractable epilepsy. (Patron—Marsden)	SB	701	577	1050
Execution; Director of Department of Corrections may make and enter into contracts with a pharmacy or outsourcing facility for compounding of drugs necessary to carry out an execution by lethal injection, confidentiality of pharmacy or outsourcing facility. (Patron—Miller)	HB	815	747	1817
Nonresident medical equipment suppliers; registration with Board of Pharmacy. (Patron—Hodges)	HB	527	88	187
Prescription drugs; pharmacies may participate in voluntary drug disposal programs in accordance with state and federal law. (Patron—Hodges)	HB	629	95	195
PHARMACISTS				
Immunizations; physician assistants, nurse practitioners, licensed practical nurses, and pharmacists may administer to children and provide certificates. (Patron—Orrock) ..	HB	313	81	177
PHILIPS, CHARLES ROBINSON				
Philips, Charles Robinson; commending. (Patron—McClellan)	HJR	486		2817
PHYSICIANS AND SURGEONS				
Nurse practitioners; in the event a patient care team physician has his license suspended or revoked, etc., practitioner may continue to treat patients without a physician for an initial period not to exceed 60 days. Patron—Robinson	HB	581	409	713
Patron—Dance	SB	264	308	569

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PHYSICIANS AND SURGEONS - Continued

Physician assistants; unlawful use of title, services shall be reviewed in accordance with practice agreement and policies and procedures of health care institution. (Patron—Cosgrove)	SB	551	450	783
Physicians; clarifies rules prohibiting division of fees among those licensed to practice medicine or osteopathy in the Commonwealth.				
Patron—O'Bannon	HB	239	76	175
Patron—Dunnivant	SB	201	104	206

PIKE, G. WAYNE

Pike, G. Wayne; commending. (Patron—Morefield)	HR	171		2936
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PILGRIM BAPTIST CHURCH

Pilgrim Baptist Church; commemorating its 100th anniversary. (Patron—Rasoul) . . .	HJR	13		2586
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PITT, WILLIAM L., JR.

Pitt, William L., Jr.; recording sorrow upon death. (Patron—Knight)	HR	33		2859
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PLANNING AND BUDGET

School efficiency reviews; scope and costs, eliminates 25 percent match required of local school divisions that request a review from the Department of Planning and Budget.				
Patron—Orrock	HB	557	70	160
Patron—Locke	SB	502	53	104

POFF, GEANINA

Poff, Geanina; commending. (Patron—Rasoul)	HJR	310		2725
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POLICE

Animal control officers; officers hired on or after July 1, 2017, to complete basic animal control course within one year from date of hire or within two years if officer is attending a law-enforcement academy.				
Patron—Leftwich	HB	1211	172	300
Patron—Cosgrove	SB	651	60	109
Assault and battery; employees of Department of Corrections designated to conduct internal investigations added to definition of law-enforcement officer for purposes of crimes. (Patron—Adams)	HB	1226	420	725
Asset forfeiture; prohibits a law-enforcement agency from requesting, etc., or otherwise inducing a person to waive his interest in or rights to property until an information is filed, report.				
Patron—Gilbert	HB	771	203	342
Patron—Howell	SB	423	423	731
Companion animals; civil immunity for any property damage, etc., by law-enforcement officer, firefighter, emergency medical services personnel, or animal control officer who in good faith forcibly enters a motor vehicle to remove unattended animal. (Patron—Alexander)	SB	9	679	1368
Conservation police officers; certain officers of Department of Game and Inland Fisheries shall be considered a retired law-enforcement officer. (Patron—Orrock) . . .	HB	315	41	86
Conservator of the peace, special; application for appointment by locality, written assessment from chief law-enforcement officer stating need for appointment. (Patron—Lingamfelter)	HB	198	416	721
Constitutional amendment; real property tax exemptions for spouses of certain emergency services providers (submitting to qualified voters). Adding Section 6-B in Article X. (Patron—Hugo)	HB	865	17	30
Criminal Justice Services, Department of; training standards and model policies for law-enforcement personnel, powers and duties. (Patron—Miller)	HB	1126	235	393
Financial exploitation of adults; local department of social services or adult protective services hotline shall refer the matter and all documentation to local law-enforcement agency.				
Patron—Minchew	HB	248	408	712
Patron—Black	SB	249	223	375
Firearms; confiscation, reporting, and return by law enforcement. (Patron—Reeves) . .	SB	608	214	357

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POLICE - Continued

General Services, Department of; last handler in control of an animal especially trained for police work allowed to purchase the animal for price of \$1, etc.
 Patron—Morefield HB 1238 400 704
 Patron—Carrico SB 38 298 539

Higher educational institutions; memorandum of understanding with local law-enforcement agency to address prevention of and response to criminal sexual assault. (Patron—Massie) HB 1015 481 834

Higher educational institutions; mutual aid agreements and memoranda of understanding shall specify procedure for sharing information. (Patron—Favola) . . . SB 83 571 1040

Higher educational institutions, nonprofit private; memoranda of understanding with law-enforcement agency, sexual assaults. (Patron—Massie) HB 1321 513 913

Juveniles; disclosure of law-enforcement records. (Patron—Watts) HB 541 234 392

Law-enforcement officers, retired; authority to carry concealed handguns, effective date. (Patron—Carrico) SB 479 257 414

Learner's permit or provisional driver's license holder; completion of driver education program, passenger limits, prohibits use of cell phone except in a driver emergency, no citation for violation shall be issued unless officer has cause to stop or arrest. (Patron—Cosgrove) SB 555 488 848

Private police departments; successors in interest of an entity. (Patron—Garrett) HB 1330 618 1238

Real-time location data; an investigative or law-enforcement officer may obtain from electronic communication service, if believes an emergency exists. (Patron—Hugo) . HB 875 576 1048

Sheriffs; standard vehicle markings.
 Patron—Aird HB 1182 462 801
 Patron—Dance SB 266 176 304

Smoking in motor vehicles; presence of minor under age eight, civil penalty, no citation shall be issued unless officer has cause to stop or arrest driver of motor vehicle. (Patron—Pillion) HB 1348 515 916

Trauma-informed sexual assault investigation; Department and Board of Criminal Justice Services, et al., to develop multidisciplinary curricula. (Patron—Filler-Corn) . HB 1102 560 1016

Urban county executive form of government; amends the form of government applicable to Fairfax County by providing that division of police may include an animal protection police officer, officer shall have all of the powers vested in law-enforcement officers. (Patron—Albo) HB 118 498 886

POLICE, STATE

Concealed handgun permits; recognition of out-of-state permits, Superintendent of State Police shall enter into agreements for reciprocal recognition of permits or licenses with certain states.
 Patron—Webert HB 1163 47 96
 Patron—Reeves SB 610 46 95

Firearms; confiscation, reporting, and return by law enforcement. (Patron—Reeves) . . SB 608 214 357

Firearms shows; voluntary background checks by Department of State Police, approval of provisions from U.S. Department of Justice for Department of State Police to implement policies and procedures, penalties.
 Patron—Lingamfelter HB 1386 45 94
 Patron—Edwards SB 715 44 94

Motorcycles; Superintendent of State Police shall establish guidelines to allow for submission and approval of auxiliary lights, procedure shall be published on Department's website. (Patron—Wilt) HB 939 701 1393

Officer-involved shootings; Department of State Police shall include in annual Crime in Virginia report. (Patron—Herring) HB 301 333 604

Sex offenders; common interest community may request and receive from State Police notice of registration or reregistration of offenders. (Patron—Villanueva) HB 1101 424 733

POLITICAL CONTRIBUTIONS

Income tax, state; sunset provision for tax credit for contributions to political candidates.
 Patron—Farrell HB 22 50 102
 Patron—Petersen SB 115 348 639

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POLLING PLACES			
Polling place; officer of election shall ask voter for his full name and current residence address, voter may give such information orally or in writing. (Patron—Watts)	HB 1223	399	704
POLYNESIAN VOYAGING SOCIETY			
Polynesian Voyaging Society; commending. (Patron—Edmunds)	HJR 369		2756
POOLE'S FUNERAL HOME			
Poole's Funeral Home; commemorating its 125th anniversary.			
Patron—Morris	HR 12		2850
Patron—Lucas	SR 1		3104
POPE, CHARLES LARRY			
Pope, Charles Larry; commending. (Patron—Morris)	HR 89		2894
POQUOSON FIRE AND RESCUE DEPARTMENT			
Poquoson Fire and Rescue Department; commemorating its 75th anniversary. (Patron—Helsel)	HJR 231		2682
PORTER, MEMORY			
Porter, Memory; commending. (Patron—Peace)	HR 207		2955
POST-TRAUMATIC STRESS INJURY AWARENESS DAY			
Post-Traumatic Stress Injury Awareness Day; designating as June 27, 2016, and in each succeeding year thereafter. (Patron—Dudenhefer)	HJR 425		2786
PREDDY FUNERAL HOME			
Preddy Funeral Home; commemorating its 100th anniversary. (Patron—Freitas)	HJR 503		2826
PRESCRIPTION MEDICINES			
Prescription drugs; manufacture and distribution in the Commonwealth. (Patron—Hodges)	HB 528	221	362
Prescription drugs; pharmacies may participate in voluntary drug disposal programs in accordance with state and federal law. (Patron—Hodges)	HB 629	95	195
Prescription Monitoring Program; advisory committee shall provide guidance to Director of Department of Health Professions regarding information disclosed, disclosure of certain information about a specific recipient.			
Patron—Landes	HB 1044	410	714
Patron—Hanger	SB 491	568	1034
Prescription Monitoring Program; indicators of misuse, disclosure of information to Enforcement Division of Department of Health Professions. (Patron—O'Bannon)	HB 657	98	196
Prescription Monitoring Program; reports by dispensers shall be made within 24 hours or dispenser's next business day. (Patron—Wexton)	SB 287	309	570
Prescription Monitoring Program; requirements of prescribers of opioids, authority to access database, sunset provision, report.			
Patron—Herring	HB 293	406	710
Patron—Dunnivant	SB 513	113	230
PRICE, JOSEPH R.			
Price, Joseph R.; commending. (Patron—Minchew)	HJR 275		2706
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Price, Rachel; commending. (Patron—Garrett)	SR 5		3106
PRIMARY AND SECONDARY SCHOOLS			
Public elementary and secondary education; joint committee of House Committee on Education and Senate Committee on Education and Health to study future of education in the Commonwealth. (Patron—Landes)	HJR 112		2624
Public elementary and secondary education; joint committee of Senate Committee on Education and Health and House Committee on Education to study future of education in the Commonwealth. (Patron—Deeds)	SJR 85		3013
Public elementary and secondary schools and local school divisions; information and forms, Department of Education shall study transition to electronic submission of all information, etc. (Patron—Lingamfelter)	HB 196	521	920

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PRINCE GEORGE COUNTY

Trooper Nathan-Michael W. Smith Memorial Bridge; designating as the Route 301 bridge in Prince George County at Exit 45 over Interstate 95.

Patron—Aird	HB	184	118	232
Patron—Dance	SB	107	134	246

PRINCE WILLIAM COUNTY BAR ASSOCIATION, INC.

Prince William County Bar Association, Inc.; commemorating its 75th anniversary.

Patron—Miller	HR	64		2883
Patron—McPike	SR	46		3140

PRINCE WILLIAM COUNTY DEPARTMENT OF FIRE AND RESCUE

Prince William County Department of Fire and Rescue; commemorating its 50th anniversary.

Patron—Anderson	HJR	319		2729
Patron—Surovell	SJR	167		3076

PRINCESS ANNE HIGH SCHOOL

Princess Anne High School girls' basketball team; commending. (Patron—Wagner)

SR	94			3162
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PRISONERS

Correctional facilities, local; authority of sheriff or administrator in charge of facility to transport prisoner inside the Commonwealth, person authorized to transport prisoner to another state and retain authority as allowed. (Patron—DeSteph)

SB	781	579	1052	
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Parole; Department of Corrections to offer prisoners transition assistance prior to parole or release. (Patron—Stanley)

SB	124	208	347	
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Prisoners; treatment to those unable to give consent for medical or mental health treatment. (Patron—Deeds)

SB	350	211	353	
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Prisoner's spouse or children; support payments by county or city. (Patron—Hope)

HB	428	220	362	
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Virginia Criminal Sentencing Commission; recidivism rate for certain released federal prisoners, report. (Patron—Bell, Robert B.)

HB	1105	394	698	
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PRISONS AND OTHER METHODS OF CORRECTION

Assault and battery; employees of Department of Corrections designated to conduct internal investigations added to definition of law-enforcement officer for purposes of crimes. (Patron—Adams)

HB	1226	420	725	
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Concealed weapons; adds any employee with internal investigations authority designated by Department of Corrections (retired from Department of Corrections) to list of individuals who may carry. (Patron—Lucas)

SB	198	209	348	
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Correctional facilities, local; authority of sheriff or administrator in charge of facility to transport prisoner inside the Commonwealth, person authorized to transport prisoner to another state and retain authority as allowed. (Patron—DeSteph)

SB	781	579	1052	
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Correctional officers; survey upon resignation, termination, or employment transition. (Patron—Rush)

HB	1322	205	344	
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Execution; Director of Department of Corrections may make and enter into contracts with a pharmacy or outsourcing facility for compounding of drugs necessary to carry out an execution by lethal injection, confidentiality of pharmacy or outsourcing facility. (Patron—Miller)

HB	815	747	1817	
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Involuntary psychiatric treatment of an inmate; petition shall be filed by the sheriff or other person in charge of local correctional facility.

Patron—Watts	HB	543	599	1218
Patron—Barker	SB	566	357	647

Parole; Department of Corrections to offer prisoners transition assistance prior to parole or release. (Patron—Stanley)

SB	124	208	347	
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Prisoners; treatment to those unable to give consent for medical or mental health treatment. (Patron—Deeds)

SB	350	211	353	
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Prisoner's spouse or children; support payments by county or city. (Patron—Hope)

HB	428	220	362	
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Retail Sales and Use Tax; exemption for certain items sold by a sheriff at a correctional facility to inmates and sales of prepared foods. (Patron—Knight)

HB	1191	392	694	
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Service handguns; adds employees of Department of Corrections with internal investigations authority to list of law-enforcement officers who may purchase. (Patron—Edwards)

SB	205	210	351	
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PRISONS AND OTHER METHODS OF CORRECTION - Continued

Virginia Criminal Sentencing Commission; recidivism rate for certain released federal prisoners, report. (Patron—Bell, Robert B.) HB 1105 394 698

PRIVATE DETECTIVES AND PRIVATE SECURITY

Criminal Justice Services, Department of; Department shall design and approve issuance of photo-identification cards to private security services registrants, effective date.
Patron—Fowler HB 147 197 335
Patron—Ebbin SB 424 256 410

Private security services providers and personnel; licensure, waiver of prohibition for conviction of certain crimes, any grant or denial of such waiver shall be made in writing within 30 days of receipt of request. (Patron—Villanueva) HB 434 561 1020

PROFESSIONAL AND OCCUPATIONAL REGULATION

Asbestos; Department of Professional and Occupational Regulation to provide certain notices in English and Spanish related to handling. (Patron—Ebbin) SB 305 252 408

Boxing and wrestling events; provisions for sanctioning organizations required for approval by Director of Department of Professional and Occupational Regulation, etc. (Patron—Miller) HB 1228 756 1853

Professional and occupational licenses; temporary licenses for spouses of military service members. (Patron—Yancey) HB 405 33 75

PROFESSIONS AND OCCUPATIONS

Active duty health care providers at public or private health care facilities; provision of health care services in accordance with duties. (Patron—Stolle) HB 221 74 166

Asbestos; Department of Professional and Occupational Regulation to provide certain notices in English and Spanish related to handling. (Patron—Ebbin) SB 305 252 408

Asbestos, Lead, and Home Inspectors, Board for; licensure of remediation or site work related to former methamphetamine property. (Patron—Minchew) HB 707 527 928

Asbestos, Lead, and Home Inspectors, Virginia Board for; licensing of home inspectors, Board shall promulgate regulations to implement provisions.
Patron—Miller HB 741 436 761
Patron—Stanley SB 453 161 286

Assistant speech-language pathologists; duties, report. (Patron—Kory) HB 252 77 176

Auctioneers Board; requirement for continuing education, exception for any auctioneer licensed by Board for 25 years or more and who is 70 years of age or older. (Patron—O'Quinn) HB 1259 504 907

Boxing and wrestling events; provisions for sanctioning organizations required for approval by Director of Department of Professional and Occupational Regulation, etc. (Patron—Miller) HB 1228 756 1853

Cannabidiol oil and THC-A oil; permitting of pharmaceutical processors to manufacture, treatment or alleviation of symptoms of minor's or incapacitated adult's intractable epilepsy. (Patron—Marsden) SB 701 577 1050

Clinical nurse specialists; Board of Nursing may register an applicant if such applicant is an advance practice registered nurse and has completed a program within a regionally accredited college or university, etc. (Patron—Pogge) HB 330 83 180

Companion animals; civil immunity for any property damage, etc., by law-enforcement officer, firefighter, emergency medical services personnel, or animal control officer who in good faith forcibly enters a motor vehicle to remove unattended animal. (Patron—Alexander) SB 9 679 1368

Controlled paraphernalia; unlawful to possess or distribute, exceptions, penalty. (Patron—Albo) HB 170 229 385

Court-appointed attorneys; increases fee paid for providing representation in commitment proceedings in a criminal case. (Patron—Loupassi) HB 364 474 828

Criminal Justice Services, Department of; Department shall design and approve issuance of photo-identification cards to private security services registrants, effective date.
Patron—Fowler HB 147 197 335
Patron—Ebbin SB 424 256 410

Dental hygienists; practicing under remote supervision. (Patron—McDougle) SB 712 497 885

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PROFESSIONS AND OCCUPATIONS - Continued

Dietitians and nutritionists; clarifies the situations under which they may practice. (Patron—Robinson)	HB	574	91	190
Drug Control Act; adds certain chemical substances to Schedule I.				
Patron—Garrett	HB	1077	103	201
Patron—Obenshain	SB	480	112	225
Drugs; administration by certain school employees. (Patron—Orrock)	HB	314	144	260
Fire or rescue volunteers; cost of participation in mental health treatment and counseling programs for a member of a volunteer fire or rescue company may be funded by a locality.				
Patron—Minchew	HB	233	417	721
Patron—Wexton	SB	79	207	346
Firearms shows; voluntary background checks by Department of State Police, approval of provisions from U.S. Department of Justice for Department of State Police to implement policies and procedures, penalties.				
Patron—Lingamfelter	HB	1386	45	94
Patron—Edwards	SB	715	44	94
Firefighter or emergency medical services; personnel interrogation, observer must be an active or retired member. (Patron—Hugo)	HB	854	419	724
Health insurance; payment for services by dentists and oral surgeons. (Patron—Ware)	HB	16	556	1010
Health regulatory boards; confidentiality of certain information obtained by boards in disciplinary proceedings against practitioner. (Patron—Yost)	HB	586	222	373
Health regulatory boards; continuing education for individuals who provide health care services, without compensation, to low-income individuals. (Patron—Rasoul) . .	HB	319	82	178
Health regulatory boards; membership and terms. (Patron—Dunnavant)	SB	212	105	207
Immunizations; physician assistants, nurse practitioners, licensed practical nurses, and pharmacists may administer to children and provide certificates. (Patron—Orrock) . .	HB	313	81	177
Massage therapists; licensure, any person holding a certificate to practice therapy prior to January 1, 2017, shall be deemed to be licensed thereafter. (Patron—Robinson)	HB	562	324	586
Military medical personnel; Department of Veterans Services, et al., shall establish a pilot program in which personnel may practice and perform certain delegated acts that constitute practice of medicine, definition of military medical personnel includes United States Army, United States Air Force, United States Navy, and United States Coast Guard.				
Patron—Stolle	HB	825	418	722
Patron—Barker	SB	437	212	354
Ministers or other persons authorized to celebrate rites of matrimony; no oath required, nor shall such person be considered an officer of the Commonwealth by virtue of such authorization. (Patron—Head)	HB	19	611	1231
Minors; if parent or guardian refuses to consent to physical evidence recovery kit examination, minor may consent. (Patron—Black)	SB	248	251	408
Mobile dental clinics; exemption from registration requirements, clinics operated by federally qualified health centers, free health clinics, clinics that provide services via mobile model to individuals who are not ambulatory, etc. (Patron—Orrock)	HB	310	78	176
Neurological death; updates terminology related to declarations of death. (Patron—O'Bannon)	HB	652	97	196
Nonresident medical equipment suppliers; registration with Board of Pharmacy. (Patron—Hodges)	HB	527	88	187
Nurse aide; renewal of certification. (Patron—Garrett)	HB	504	87	187
Nurse aide education programs; requires observational and reporting techniques to be included in curriculum.				
Patron—Minchew	HB	386	582	1056
Patron—Favola	SB	328	109	224
Nurse Licensure Compact; current Compact replaced with a revised version. (Patron—Dance)	SB	265	108	216

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PROFESSIONS AND OCCUPATIONS - Continued

Nurse practitioners; in the event a patient care team physician has his license suspended or revoked, etc., practitioner may continue to treat patients without a physician for an initial period not to exceed 60 days.

Patron—Robinson	HB	581	409	713
Patron—Dance	SB	264	308	569

Nurse practitioners; licensed as certified nurse midwives, practicing without a patient care team or practice agreement, practice agreement shall be maintained by practitioner and provided to Boards upon request, repeals pilot program authorizing such practice. (Patron—Carrico)

SB	463	495	875
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Nurses; adds definitions of certified nurse midwife, certified registered nurse anesthetist, and advanced practice registered nurse. (Patron—Robinson)

HB	580	93	191
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Optometrists; increases number of hours of continuing education requirements. (Patron—Robinson)

HB	564	89	187
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Optometry; repeals certain provision for license to practice, issuance without examination. (Patron—Robinson)

HB	579	92	191
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Physician assistants; unlawful use of title, services shall be reviewed in accordance with practice agreement and policies and procedures of health care institution. (Patron—Cosgrove)

SB	551	450	783
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Physicians; clarifies rules prohibiting division of fees among those licensed to practice medicine or osteopathy in the Commonwealth.

Patron—O'Bannon	HB	239	76	175
Patron—Dunnavant	SB	201	104	206

Practitioners of healing arts; temporary authorization to practice. (Patron—Dunnavant)

SB	399	494	873
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Prescribers of covered substances; authorizes Director of Department of Health Professions to disclose information to Board of Medicine for purpose of requiring relevant continuing education, sunset provision. (Patron—Stolle)

HB	829	447	781
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Prescription drugs; manufacture and distribution in the Commonwealth. (Patron—Hodges)

HB	528	221	362
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Prescription drugs; pharmacies may participate in voluntary drug disposal programs in accordance with state and federal law. (Patron—Hodges)

HB	629	95	195
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Prescription Monitoring Program; advisory committee shall provide guidance to Director of Department of Health Professions regarding information disclosed, disclosure of certain information about a specific recipient.

Patron—Landes	HB	1044	410	714
Patron—Hanger	SB	491	568	1034

Prescription Monitoring Program; indicators of misuse, disclosure of information to Enforcement Division of Department of Health Professions. (Patron—O'Bannon)

HB	657	98	196
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Prescription Monitoring Program; reports by dispensers shall be made within 24 hours or dispenser's next business day. (Patron—Wexton)

SB	287	309	570
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Prescription Monitoring Program; requirements of prescribers of opioids, authority to access database, sunset provision, report.

Patron—Herring	HB	293	406	710
Patron—Dunnavant	SB	513	113	230

Private security services providers and personnel; licensure, waiver of prohibition for conviction of certain crimes, any grant or denial of such waiver shall be made in writing within 30 days of receipt of request. (Patron—Villanueva)

HB	434	561	1020
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Professional and occupational licenses; temporary licenses for spouses of military service members. (Patron—Yancey)

HB	405	33	75
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Professions and occupations; regulation, petitions, review by Board, report. (Patron—Yancey)

HB	499	467	811
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Real Estate Board; duties of real estate licensees, Board may grant exemptions or waive or reduce number of continuing education hours, residential real estate transactions. (Patron—Miller)

HB	567	334	604
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Registered surgical technologists and surgical assistants; extends registration deadline. (Patron—Garrett)

HB	738	99	197
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Schedule IV drugs; adds eluxadoline to list. (Patron—Pillion)

HB	1292	499	889
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Social Services, Department of; unauthorized practice of law. (Patron—Vogel)

SB	417	704	1397
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PROFESSIONS AND OCCUPATIONS - Continued

TPA-certified optometrists; prescription of certain Schedule II controlled substances, analgesics included on Schedule II controlled substances. (Patron—Hodges)	HB	498	86	185
Veterinarians; eliminates exception to licensure requirements for those licensed in other states who are called to attend a case in the Commonwealth, repeals provisions allowing Board to issue temporary licenses to certain applicants, etc. (Patron—Orrock)	HB	325	479	833
Veterinarians; exemption from licensure, Board of Veterinary Medicine to establish requirements for licensure of persons engaged in practice of veterinary medicine. (Patron—Rush)	HB	1058	306	567
Veterinary technicians; supervision, reporting of animal cruelty. (Patron—James) . . .	HB	802	100	197
Virginia Public Procurement Act; architectural and engineering services, process for competitive negotiation. Patron—Albo	HB	578	362	653
Patron—Ruff	SB	169	175	303
Virginia Public Procurement Act; term contracts for architectural and engineering services, limitations. (Patron—Minchew)	HB	907	294	518
PROFFITT, CARL DOUGLAS, JR.				
Proffitt, Carl Douglas, Jr.; recording sorrow upon death. (Patron—Deeds)	SJR	128		3053
PROFFITT, VERA PAIGE				
Proffitt, Vera Paige; recording sorrow upon death. (Patron—O'Quinn)	HJR	483		2816
PROPERTY AND CONVEYANCES				
Condominium and Property Owners' Association Acts; rental of units and lots, no unit owners' association has the authority to evict a tenant of any unit owner or require any unit owner to execute a power of attorney authorizing eviction, disclosure packets. (Patron—Peace)	HB	684	471	816
Feral hogs; employees of Department of Game and Inland Fisheries and federal agencies may hunt or kill hogs in False Cape State Park and Back Bay National Wildlife Refuge from aircraft with permission of landowner, exception. (Patron—Knight)	HB	137	116	231
Landlord and tenant law; court may order terminating rental agreement upon request of tenant or ordering premises surrendered to landlord if landlord prevails on a request for possession pursuant to an unlawful detainer properly filed with the court. Patron—Collins	HB	1209	384	672
Patron—Vogel	SB	377	459	797
Landlord and tenant law and Virginia Residential Landlord and Tenant Act; responsibility of landlord to pay certain costs, etc. (Patron—Miller)	HB	735	744	1809
Limited Residential Lodging Act; established, authorized local ordinances, registration of hosting platform, etc. (Patron—Vogel)	SB	416	674	1351
Protective orders in cases of family abuse; tenant access of dwelling unit following entry of certain court orders. (Patron—Watts)	HB	711	595	1216
Real estate settlement agents; adds to provisions relating to agents, "closing disclosure," definition. (Patron—Stuart)	SB	204	619	1241
Recordation tax; no tax shall be imposed if grantor is a locality at a judicial sale of tax-delinquent property, exemption for any deed of trust that secures a loan made by a locality to a certain borrower. (Patron—Pogge)	HB	339	662	1335
Rental inspection programs; locality authorized to exempt a residential rental unit otherwise subject to an ordinance. (Patron—Massie)	HB	1011	338	617
Timber cutting; unlawful removal, determination of damages. Patron—Habeeb	HB	1290	245	401
Patron—Petersen	SB	687	562	1021
Unclaimed property; payment of property of deceased owner, State Treasurer shall develop and make available a plain English explanation of person's right to make a claim, etc., State Treasurer shall also post document on its website. Patron—Greason	HB	1020	529	934
Patron—Vogel	SB	408	350	642
Virginia Property Owners' Association Act; condemnation of common area, common area that is affected shall be valued on basis of common area's highest and best use, no common area shall be reassessed for property tax purposes due to this passage. (Patron—Petersen)	SB	237	719	1444

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PROPERTY AND CONVEYANCES - Continued

Virginia Residential Property Disclosure Act; representations related to covenants and restrictions affecting property, report. (Patron—Robinson) HB 1264 505 907

Virginia Residential Property Disclosure Act; required disclosures, zoning and permitted uses of adjacent parcels. (Patron—Bell, John J.) HB 746 323 585

PROPERTY, GROUNDS, AND BUILDINGS, STATE-OWNED

State parks; Department of Conservation and Recreation to develop a plan that establishes a fee structure for rental of campsites and cabins. (Patron—Marshall, D.W.) HB 200 119 232

PROPERTY OWNERS

Condominium and Property Owners' Association Acts; rental of units and lots, no unit owners' association has the authority to evict a tenant of any unit owner or require any unit owner to execute a power of attorney authorizing eviction, disclosure packets. (Patron—Peace) HB 684 471 816

Limited Residential Lodging Act; established, authorized local ordinances, registration of hosting platform, etc. (Patron—Vogel) SB 416 674 1351

Virginia Property Owners' Association Act; condemnation of common area, common area that is affected shall be valued on basis of common area's highest and best use, no common area shall be reassessed for property tax purposes due to this passage. (Patron—Petersen) SB 237 719 1444

PROSTITUTION

Trafficking in persons; civil action. (Patron—Leftwich) HB 681 668 1341

Trafficking in persons; civil cause of action, recovery of compensatory damages, punitive damages, etc. (Patron—Edwards) SB 133 557 1010

PROTECTIVE ORDERS

Family abuse protective orders; extension of orders. (Patron—Bell, Robert B.) HB 1056 102 199

Protective order; violation of order, possession of a firearm or other deadly weapon, penalty, may result in a net increase in periods of imprisonment or commitment.

Patron—Gilbert HB 1087 585 1059

Patron—Favola SB 323 638 1299

Protective orders; any person who commits an assault and battery upon party resulting in bodily injury to party or stalks any party protected by protective order is guilty of a Class 6 felony. (Patron—Bell, Robert B.) HB 610 583 1057

Protective orders; definition of "physical presence," authorization of emergency orders. (Patron—Campbell) HB 588 455 792

Protective orders; unlawful for any person who is subject to a permanent order for family abuse, including any extension of such order, to knowingly possess any firearm while order is in effect, penalty.

Patron—Murphy HB 1391 48 96

Patron—Howell SB 49 49 99

Protective orders in cases of family abuse; tenant access of dwelling unit following entry of certain court orders. (Patron—Watts) HB 711 595 1216

PUBLIC BUILDINGS, FACILITIES, AND PROPERTY

Capital projects; Virginia Public Building and Virginia College Building Authorities authorized to issue revenue bonds to fund and to appropriate proceeds of such bonds, report.

Patron—Jones HB 1344 759 1899

Patron—Hanger SB 731 769 1919

Manufacturing companies; limited standing to seek injunctive relief against company solely on basis of claimant's use of public park, etc. (Patron—Head) HB 467 669 1342

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Public employees; Commissioner of Labor and Industry or Safety and Health Codes Board to adopt regulations for enforcing occupational and health program. (Patron—Dance) SB 607 526 927

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Child day programs; exemptions from licensure, instructional programs offered by public schools that serve preschool-age children, etc. (Patron—Wagner) SB 467 442 773

Government courses at public high schools; local school board to implement a program of instruction in high school Virginia and U.S. Government course on all

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information and concepts contained in civics portion of the U.S. Naturalization Test. (Patron—Bell, Richard P.)	HB	36	737	1797
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Public schools; fire drills and lock-down drills required at least twice a week during first 20 school days of each school session, etc. (Patron—Anderson)	HB	1279	524	925
Public schools; physical activity requirement for students in grades kindergarten through five consists of at least 20 minutes per day or an average of 100 minutes per week during regular school year, etc. Patron—Loupassi	HB	357	146	266
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Public schools; residency of children in kinship care. (Patron—Barker)	SB	776	388	681
Public schools; standards for accreditation, corrective action plan. (Patron—McDougle)	SB	368	386	674
School boards; local boards shall provide reasonable and appropriate access to school property to youth-oriented, community organizations. (Patron—Wilt)	HB	942	647	1312
Standards of Learning Innovation Committee; Committee shall review standardized testing in public high schools in the Commonwealth and make recommendations to Board of Education and General Assembly, report. (Patron—LeMunyon)	HB	525	592	1214

PUBLIC SERVICE COMPANIES

Economic Development Infrastructure Act of 2016; voluntary program authorizing public utilities to acquire utility right-of-way for qualified economic development sites, natural gas utility's recovery of costs incurred in implementing Economic Development Program, etc., effective clause. (Patron—Wagner)	SB	748	771	1928
Electric utilities; State Corporation Commission shall post on its website names, etc., and available hyperlinks of suppliers of electric energy licensed to sell retail electric energy. Patron—Loupassi	HB	444	248	403
Patron—Wagner	SB	745	259	421
Electric utility; recover of cost of purchasing certain solar energy facilities. (Patron—Yancey)	HB	1220	3	7
Electrical transmission line siting; State Corporation Commission to hold hearing when requested by locality. Patron—Minchew	HB	283	276	458
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Eminent domain; reimbursement of costs, costs of proceeding in trial court that are fixed by statute shall be taxed against condemnor, etc. (Patron—Obenshain)	SB	478	713	1418
Investor-owned electric utilities; State Corporation Commission shall evaluate establishment of uniform protocols for energy efficiency programs, formula to calculate levelized cost of saved energy, etc., report. Patron—Kilgore	HB	1053	517	917
Patron—Alexander	SB	395	255	410
Learner's permit or provisional driver's license holder; completion of driver education program, passenger limits, prohibits use of cell phone except in a driver emergency, no citation for violation shall be issued unless officer has cause to stop or arrest. (Patron—Cosgrove)	SB	555	488	848
Research and development expenses; modifies the existing tax credit and creates a similar tax credit for certain Virginia businesses, research conducted in the Commonwealth on human cells or tissue, etc. Patron—Hugo	HB	884	661	1330
Patron—McDougle	SB	58	300	541
Snakes; Department of Game and Inland Fisheries may authorize use of snake exclusion devices by public utilities at their facilities. (Patron—Edmunds)	HB	1311	372	662
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Patron—Bell, Robert B.	HB	611	283	476
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Public Transportation Safety Day; designating as April 29, 2016, and each succeeding year thereafter. (Patron—Alexander)

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PUBLIC UTILITY COMPANIES

Snakes; Department of Game and Inland Fisheries may authorize use of snake exclusion devices by public utilities at their facilities. (Patron—Edmunds)

HB	1311	372		662
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PURPLE HEART DAY

Purple Heart Day; designating as August 7, 2016, and each succeeding year thereafter. (Patron—Norment)

SJR	102			3041
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PURPLE HEART STATE

Purple Heart State; designating as the Commonwealth of Virginia. (Patron—Norment)

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QUE AND CRUZ FESTIVAL

Que and Cruz Festival; commending. (Patron—Reeves)

SJR	25			2991
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QUEEN ANNE'S MINUTEMEN MARCH

Queen Anne's Minutemen march; commemorating its 240th anniversary. (Patron—Bloxom)

HR	155			2929
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RABIL, FRED

Rabil, Fred; recording sorrow upon death. (Patron—Morris)

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RADCLIFFE, DAMON S.

Radcliffe, Damon S.; commending. (Patron—Pogge)

HJR	154			2640
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RADLEY, KAREN CORREIA

Radley, Karen Correia; recording sorrow upon death.

Patron—Howell	HJR	226		2680
Patron—Reeves	SJR	43		2998

RAILROADS

Excursion trains; removes requirement that a passenger train be operated primarily in Buchanan, Campbell, or Washington Counties in order to be certified. (Patron—Head)

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Norfolk & Western Railway Class J 611; designating as the official steam locomotive of Virginia. (Patron—Head)

HJR	181			2655
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Port-related tax credits; extends sunset provision of international trade facility, barge and rail usage, and Virginia port volume to January 1, 2022. (Patron—Yancey)

HB	186	69		156
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Rail and Public Transportation, Department of; acquisition of real estate and rights-of-way for construction, etc., of railway lines or rail or public transportation facilities or retention of rail corridors for public purposes. (Patron—Krizek)

HB	613	425		734
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RAMEY, PATRICIA LEE

Ramey, Patricia Lee; commending. (Patron—Webert)

HR	27			2856
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RAMSEY, LLOYD B.

Ramsey, Lloyd B.; recording sorrow upon death. (Patron—Head)

HR	193			2948
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RANDOLPH COLLEGE

Randolph College; commemorating its 125th anniversary. (Patron—Garrett)

HJR	360			2751
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RAPPAHANNOCK COUNTY HIGH SCHOOL

Rappahannock County High School wrestling team; commending. (Patron—Webert)

HR	252			2977
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RAPPAHANNOCK HIGH SCHOOL

Rappahannock High School girls' doubles tennis team; commending. (Patron—McDougle)

SJR	77			3011
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RASIN, ALICIA C.

Rasin, Alicia C.; recording sorrow upon death. (Patron—McClellan)

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RAWLEY, ALBERT K., JR.

Rawley, Albert K., Jr.; commending. (Patron—Marshall, D.W.)

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Constitutional amendment; real property tax exemptions for spouses of certain emergency services providers (submitting to qualified voters). Adding Section 6-B in Article X. (Patron—Hugo)	HB	865	17	30
Land Bank Entities Act; established, localities authorized to establish a land bank entity to assist in addressing certain properties, preservation or rehabilitation of historic properties within historic areas.				
Patron—Marshall, D.W.	HB	268	383	669
Patron—Barker	SB	414	159	282
Real Estate Board; duties of real estate licensees, Board may grant exemptions or waive or reduce number of continuing education hours, residential real estate transactions. (Patron—Miller)	HB	567	334	604
Real estate loans; disclosure of terms of mortgage application. (Patron—Marshall, D.W.)	HB	123	328	600
Real or personal property, etc.; effective date of property tax exemption for certified property. (Patron—Byron)	HB	80	35	79
Real property; judgment creditor may record an instrument, upon payment of fees for recordation of each instrument, releasing lien of any judgment, etc. (Patron—Surovell)	SB	392	482	838
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Patron—Yost	HB	1203	393	695
Patron—Chafin	SB	366	349	639
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Patron—Knight	HB	127	539	970
Patron—Cosgrove	SB	99	347	638
Real property tax; exemptions for veterans with service-connected disability and surviving spouses of military members killed in action include to house or cover motor vehicles or household goods and personal effects. (Patron—Helsel)	HB	421	485	843
Real property tax assessment; changes date to May 15 that counties, cities, and towns are required to fix tax rate.				
Patron—Fowler	HB	148	663	1338
Patron—McDougle	SB	445	657	1324
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- Stalking**; person convicted of second offense occurring within five years of a prior conviction of such an offense or for a substantially similar offense under law of any other jurisdiction is guilty of a Class 6 felony. (Patron—Albo) HB 886 696 1385

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- Standards of Learning**; recovery credit to students who retake and pass assessments in English reading or mathematics, including any student who retakes an assessment on an expedited basis. (Patron—Austin) HB 436 502 903
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Patron—Newman	SJR	97		3038
Commonwealth's Development Opportunity Fund; political contributions, report. (Patron—Norment)	SB	750	641	1303
Conflicts of Interests Acts, State and Local Government and General Assembly; annual filing of required disclosures, report of gifts by certain officers and employees of state government beginning on January 1 through adjournment sine die of regular session of General Assembly, right to grant extension for filing disclosure from.				
Patron—Gilbert	HB	1362	773	1931
Patron—Norment	SB	692	774	1968
Dogs and cats, licensing; Virginia Department of Health to study Virginia's procedures. (Patron—Orrock)	HJR	160		2643
Driver's license; joint subcommittee to study use of license suspension as a collection method for unpaid court fines and costs. (Patron—Loupassi)	HJR	69		2611
Early childhood development programs; Joint Legislative Audit and Review Commission to study specific programs, prenatal to age five, Commission shall have access to individual-level records of all programs. (Patron—Norment)	SJR	88		3014
Economic Opportunity for Virginians in Aspiring and Diverse Communities, Commission on; established, change in membership, report. (Patron—Miyares) . . .	HB	451	650	1315
Education, Board of; annual report includes reporting requirements of local school divisions. (Patron—LeMunyon)	HB	521	469	813
Emergency medical services providers; Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services across state lines, report. (Patron—Orrock)	HB	311	79	177
Employee Retirement Security and Pension Reform, Commission on; established, increases membership, report, sunset provision. (Patron—Howell)	HB	665	683	1369
Financial exploitation of adults; Commissioner of Department for Aging and Rehabilitative Services, et al., to review founded cases, report. (Patron—Peace) . . .	HB	676	355	645
Health insurance; Health Insurance Reform Commission to continue its study of mandating coverage for abuse deterrent formulations for opioid medications. (Patron—Byron)	HJR	45		2603
Health records; Secretary of Health and Human Resources shall work with stakeholders to increase sharing of electronic records, report. (Patron—Orrock) . . .	HB	312	80	177
High school graduation; graduation requirements, Board of Education shall develop and implement a Profile of a Virginia Graduate that identifies knowledge and skills that students should attain, etc., Board of Education shall widely solicit and accept public comments relating to the implementation of establishing graduation requirements, report. (Patron—Greason)	HB	895	750	1822
High school graduation; graduation requirements, Board of Education shall develop and implement a Profile of a Virginia Graduate that identifies knowledge and skills that students should attain, etc., report. (Patron—Miller)	SB	336	720	1445
Higher educational institutions; alternative tuition or fee structures to students, requirement of students, report. (Patron—Rush)	HB	961	523	924
Higher educational institutions; institutional six-year plan, efforts to stimulate economic development, report. (Patron—Landes)	HB	515	149	270
Highways, Commissioner of; annual report shall be available on Department's website. (Patron—Keam)	HB	1383	711	1415
Historic properties without homeowner associations; Virginia Housing Commission to study mandatory disclosure of relevant information by sellers. (Patron—Locke) ..	SJR	80		3012
Impaired waters clean-up plan; progress report, annual submission. (Patron—Lingamfelter)	HB	440	127	238
Interstate 95 corridor in George Washington Regional Commission region; Department of Transportation and Fredericksburg Area Metropolitan Planning Organization shall conduct a joint evaluation of traffic congestion occurring in Stafford and Spotsylvania Counties and an evaluation of alternative solutions to such traffic congestion, which may include but not be limited to extending HOT lanes south, report. (Patron—Cole)	HB	97	741	1805

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Investor-owned electric utilities; State Corporation Commission shall evaluate establishment of uniform protocols for energy efficiency programs, formula to calculate leveled cost of saved energy, etc., report.				
Patron—Kilgore	HB	1053	517	917
Patron—Alexander	SB	395	255	410
Limited Residential Lodging Act; established, authorized local ordinances, registration of hosting platform, etc. (Patron—Vogel)	SB	416	674	1351
Mixed-Delivery Preschool Fund and Grant Program; established, report, sunset provision. (Patron—Greason)	HB	47	738	1800
New Economy Workforce Credential Grant Fund and Program; established, certain institutions authorized to offer noncredit workforce training programs, report.				
Patron—Byron	HB	66	326	597
Patron—Ruff	SB	576	470	814
Onsite sewage systems and private wells; State Health Commissioner shall develop a plan for orderly reduction and elimination of evaluation and design services by Department of Health, report. (Patron—Orrock)	HB	558	444	778
People with Disabilities, Virginia Board for; powers and duties, annual report, once every four years, Board shall make available to public all service areas it intends to review, etc. (Patron—Pogge)	HB	415	219	361
Port Opportunity Fund; funds appropriated for grants, bequests, and other funds received shall be paid into state treasury and credited to Fund, exception, Secretary of Transportation shall provide recommendations regarding modifications to or elimination of such funds, etc. (Patron—Alexander)	SB	625	714	1418
Prescription Monitoring Program; requirements of prescribers of opioids, authority to access database, sunset provision, report.				
Patron—Herring	HB	293	406	710
Patron—Dunnivant	SB	513	113	230
Professions and occupations; regulation, petitions, review by Board, report. (Patron—Yancey)	HB	499	467	811
Public elementary and secondary education; joint committee of House Committee on Education and Senate Committee on Education and Health to study future of education in the Commonwealth. (Patron—Landes)	HJR	112		2624
Public elementary and secondary education; joint committee of Senate Committee on Education and Health and House Committee on Education to study future of education in the Commonwealth. (Patron—Deeds)	SJR	85		3013
Public elementary and secondary schools and local school divisions; information and forms, Department of Education shall study transition to electronic submission of all information, etc. (Patron—Lingamfelter)	HB	196	521	920
Public Guardian and Conservator Advisory Board; established, removes representative from Virginia Guardianship Association, report, repeals existing provisions relating to Advisory Board from Title 2.2. (Patron—Peace)	HB	816	40	84
Recurrent flooding; Joint Subcommittee to Formulate Recommendations for Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding, study continued as Joint Subcommittee on Coastal Flooding.				
Patron—Stolle	HJR	84		2615
Patron—Locke	SJR	58		3004
Research and development expenses tax credit; eliminates reporting requirement for Virginia Economic Development Partnership, Tax Commissioner to report annually on revenue collections by tax source. (Patron—Poindexter)	HB	590	433	759
Research and development in the Commonwealth; Virginia Research Investment Fund and Committee, created and established, membership, report, investment of assets. (Patron—Jones)	HB	1343	775	2004
School Readiness Committee; Secretary of Education, et al., shall establish, increases membership. (Patron—Greason)	HB	46	652	1317
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Patron—Lindsey	HB	387	200	340
Patron—McPike	SB	634	216	359
Standards of Learning Innovation Committee; change in membership, Board of Education shall review recommendation of Committee, etc. (Patron—Greason)	HB	894	648	1313

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Standards of Learning Innovation Committee; Committee shall review standardized testing in public high schools in the Commonwealth and make recommendations to Board of Education and General Assembly, report. (Patron—LeMunyon)	HB	525	592	1214
State parks; Department of Conservation and Recreation to develop a plan that establishes a fee structure for rental of campsites and cabins. (Patron—Marshall, D.W.)	HB	200	119	232
Telehealth pilot program; Center for Telehealth of University of Virginia, et al., shall establish a program to expand access to and improve quality of health care services in rural areas and areas identified as medically underserved, in the case of psychiatric services provided to individuals, requirement for an appropriate examination may be satisfied through use of telemedicine. (Patron—Stanley)	SB	369	763	1907
Transit Capital Project Revenue Advisory Board; established, prioritization process, report, sunset provision. (Patron—Peace)	HB	1359	609	1229
Virginia Community College System; Joint Legislative Audit and Review Commission to review. (Patron—Jones)	HJR	157		2642
Virginia Criminal Sentencing Commission; recidivism rate for certain released federal prisoners, report. (Patron—Bell, Robert B.)	HB	1105	394	698
Virginia Economic Development Partnership Authority; Joint Legislative Audit and Review Commission to review Authority, report. (Patron—Byron)	HJR	7		2583
Virginia Erosion and Stormwater Management Act; consolidation of programs, MS4 permit issued by State Water Control Board, opt-out for certain localities, locality serving as a VESMP authority, penalties, repeals certain provisions of State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act. Patron—Wilt	HB	1250	758	1857
Patron—Hanger	SB	673	68	115
Virginia Growth and Opportunity Board and Fund; established, total membership of 24, formation of regional councils, report, annual audit, no funds shall be awarded by the Board as grants to qualifying regions based on each region's share of population, etc. Patron—Cox	HB	834	779	2027
Patron—Norment	SB	449	778	2019
Virginia International Trade Corporation; established, exemption from taxation, report. (Patron—Landes)	HB	858	749	1819
Virginia Pollinator Protection Strategy; Department of Agriculture and Consumer Services shall develop and maintain, report. (Patron—Deeds)	SB	356	11	23
Virginia Residential Property Disclosure Act; representations related to covenants and restrictions affecting property, report. (Patron—Robinson)	HB	1264	505	907
SUBPOENAS				
Electronic communication service or remote computing service records; upon issuance of any subpoena, search warrant, or order for disclosure, written certification by attorney that victim is under age 18 and notification or disclosure of order, etc., will endanger life or safety of individual, court may order not to disclose for period of 90 days. (Patron—Albo)	HB	326	616	1235
Servicemembers Civil Relief Act; appointed counsel may issue a subpoena duces tecum for all discoverable electronic and print files, etc., however, counsel for plaintiff may provide a list of attorneys familiar with provisions of the Act upon request of court. (Patron—Reeves)	SB	27	643	1307
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Confederate gravesites; disbursement of funds for maintenance of 197 gravesites in Cedar Hill Cemetery in Suffolk. (Patron—Jones)	HB	1066	43	87
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Sully Historic Site; commemorating its 40th anniversary. (Patron—Boysko)	HR	215		2959
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Passing stopped school buses; rebutting presumption, mailing of summons, proceedings for contempt or arrest of person for failure to appear.

Patron—LaRock	HB	168	700	1392
Patron—Carrico	SB	120	637	1298

Service of process; summons for failure to appear on a mailed summons may be served by any person authorized to serve.

Patron—Leftwich	HB	1310	242	400
Patron—Chafin	SB	707	354	645

SUPREME COURT OF VIRGINIA

Chief judge of general district court and clerk of appellate court; transmission of case papers, acceptability of electronic case papers, private technology systems, approval of method by Executive Secretary of the Supreme Court. (Patron—Kilgore)

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Judge; election in Supreme Court of Virginia, term commencing February 13, 2016. (Patron—Loupassi)

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Judge; election in Supreme Court of Virginia, term commencing March 3, 2016. (Patron—Loupassi)

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Judge; nomination for election to Supreme Court of Virginia, term commencing March 1, 2016.

Patron—Loupassi	HR	188	2946
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Patron—Loupassi	HR	213	2958
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Virginia Criminal Sentencing Commission; confirming appointment of Chairman by Chief Justice of Supreme Court of Virginia. (Patron—Albo)

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Swans Creek Elementary School; commemorating its 15th anniversary. (Patron—Surovell)	SJR	192	3091
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Swanson, Gregory Hayes; commemorating his life and legacy. (Patron—McClellan) .	HJR	489	2819
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Talton-Harris, Alfreda; commending. (Patron—Morris)	HJR	480	2815
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Tarr, Jack; commending.			
Patron—Bloxom	HR	181	2942
Patron—Lewis	SR	73	3153

TAXATION

Appeal of local tax assessments; prior to receipt of confidential information, certain persons shall be required to sign an acknowledgment of court order, etc.

Patron—Minchew	HB	910	460	800
Patron—Cosgrove	SB	597	635	1296

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Bank franchise tax; sets a cap of \$18 million on total annual tax liability per taxpayer, after two years at \$20 million, maximum amount shall increase by three percent annually.				
Patron—Ware	HB	1224	755	1853
Patron—McDougle	SB	670	325	597
Commonwealth's taxation system; advances conformity with the Internal Revenue Code.				
Patron—Ware	HB	402	2	6
Patron—Hanger	SB	545	19	46
Concealed weapons; exemption for certain retired officers from prohibition to carry. (Patron—Hugo)	HB	1281	421	727
Constitutional amendment; property tax exemption for spouses of certain emergency services providers (second reference), Chapter 718, 2015 Acts (first reference). Adding Section 6-B in Article X. (Patron—Hugo)	HJR	123	734	1795
Constitutional amendment; real property tax exemptions for spouses of certain emergency services providers (submitting to qualified voters). Adding Section 6-B in Article X. (Patron—Hugo)	HB	865	17	30
Education improvement scholarships; tax credit, reporting and other requirements.				
Patron—Massie	HB	1017	751	1829
Patron—Obenshain	SB	589	767	1915
Family and Children's Trust Fund; exempt from taxation.				
Patron—Peace	HB	1207	627	1271
Patron—Dance	SB	346	110	224
Fuels tax; refunds of taxes for fuels used in highway vehicles to certain nonprofit entities organized with a principal purpose of providing hunger relief services or food to the needy, if such vehicle is used solely for purpose of services. (Patron—Farrell) .	HB	23	34	76
Income tax, corporate; addback for Captive Real Estate Investment Trust (REIT) dividends. (Patron—Ware)	HB	95	342	621
Income tax, state; sunset provision for tax credit for contributions to political candidates.				
Patron—Farrell	HB	22	50	102
Patron—Petersen	SB	115	348	639
Income tax, state; withholding taxes, penalties.				
Patron—Bloxom	HB	1331	660	1329
Patron—Alexander	SB	230	676	1354
Income tax, state and corporate; for taxable years beginning on or after January 1, 2016, but before January 1, 2022, allowable tax credit for food crop donations to a nonprofit food bank, Department of Taxation may issue up to \$250,000 in tax credits.				
Patron—Cline	HB	1093	391	684
Patron—Deeds	SB	580	304	549
Land Bank Entities Act; established, localities authorized to establish a land bank entity to assist in addressing certain properties, preservation or rehabilitation of historic properties within historic areas.				
Patron—Marshall, D.W.	HB	268	383	669
Patron—Barker	SB	414	159	282
Living shorelines; tax exemption from local property taxes. (Patron—Hodges)	HB	526	610	1230
Local gas road improvement and Virginia Coalfield Economic Development Authority tax; use of revenues for the repair or enhancement of existing water or sewer systems and lines.				
Patron—Morefield	HB	1152	340	620
Patron—Chafin	SB	182	301	546
Local tax officials; electronic dissemination of tax bills and tax documents on locality's or official's website. (Patron—Petersen)	SB	690	768	1918
Neighborhood Assistance Program; eligibility for tax credits. (Patron—Toscano) . . .	HB	742	426	735
Peanuts; extends sunset provision to July 1, 2021, for excise tax on all grown and sold in Virginia.				
Patron—Ingram	HB	20	165	296
Patron—Lucas	SB	1	5	19

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Personal property tax; if an item of tangible personal property falls within multiple classifications for local taxation, the rate of taxation shall be the lowest rate assigned to such classifications. (Patron—Ware)	HB	15	483	838
Port-related tax credits; extends sunset provision of international trade facility, barge and rail usage, and Virginia port volume to January 1, 2022. (Patron—Yancey)	HB	186	69	156
Real or personal property, etc.; effective date of property tax exemption for certified property. (Patron—Byron)	HB	80	35	79
Real property tax; changes maximum number of members of board of equalization. (Patron—Fowler)	HB	1170	38	82
Real property tax; exemption for disabled veterans and spouse of a service member killed in action includes manufactured homes, if land on which single family home, manufactured home, etc., or other type of dwelling is located is not owned by surviving spouse, then land is not exempt. Patron—Yost	HB	1203	393	695
Patron—Chafin	SB	366	349	639
Real property tax; exemption on residence of surviving spouse of military service member, clarifies "killed in action." Patron—Knight	HB	127	539	970
Patron—Cosgrove	SB	99	347	638
Real property tax; exemptions for veterans with service-connected disability and surviving spouses of military members killed in action include to house or cover motor vehicles or household goods and personal effects. (Patron—Helsel)	HB	421	485	843
Real property tax assessment; changes date to May 15 that counties, cities, and towns are required to fix tax rate. Patron—Fowler	HB	148	663	1338
Patron—McDougle	SB	445	657	1324
Recordation tax; exemption of certain deeds of partition and deeds transferring property pursuant to a divorce decree, repeals provision referring to tax on recordation of any deed of partition, deed transferring property, etc. (Patron—Simon)	HB	596	37	79
Recordation tax; no tax shall be imposed if grantor is a locality at a judicial sale of tax-delinquent property, exemption for any deed of trust that secures a loan made by a locality to a certain borrower. (Patron—Pogge)	HB	339	662	1335
Research and development expenses; modifies the existing tax credit and creates a similar tax credit for certain Virginia businesses, research conducted in the Commonwealth on human cells or tissue, etc. Patron—Hugo	HB	884	661	1330
Patron—McDougle	SB	58	300	541
Research and development expenses tax credit; eliminates reporting requirement for Virginia Economic Development Partnership, Tax Commissioner to report annually on revenue collections by tax source. (Patron—Poindexter)	HB	590	433	759
Retail Sales and Use Tax; exemption for beer-making equipment and materials. (Patron—Landes)	HB	859	709	1404
Retail Sales and Use Tax; exemption for certain items sold by a sheriff at a correctional facility to inmates and sales of prepared foods. (Patron—Knight)	HB	1191	392	694
Retail Sales and Use Tax; exemption for materials and equipment used to drill natural gas and oil, extends sunset provision to July 1, 2022. (Patron—Norment)	SB	563	673	1348
Retail Sales and Use Tax; extends sunset date to June 30, 2035, for certain data centers, repeals June 30, 2020, sunset date. Repealing third enactment of Chapters 613 and 655, 2012 Acts. Patron—Hugo	HB	872	343	625
Patron—Ruff	SB	64	712	1415
Retail Sales and Use Tax and local license tax; exemption for certain nonprofit veterans organizations, exemption shall not apply to certain tangible personal property purchases. (Patron—Lingamfelter)	HB	63	487	845
Sales and use, real, and personal property taxes; exemptions for solar and wind energy equipment, facilities, and devices, projects equaling 20 megawatts or less, etc. (Patron—Miller)	HB	1305	346	634
Sales and use tax; prohibits any taxpayer failing to give a dealer at the time of purchase an exemption certificate from receiving interest on a refund claim, Department of				

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Taxation may promulgate guidelines and update as deemed necessary by Tax Commissioner.				
Patron—Sullivan	HB	398	484	842
Patron—Hanger	SB	444	303	548
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Taxation, Department of; disclosure of certain tax information, Department to maintain list of licensed cigarette stamping agents.				
Patron—Keam	HB	951	344	628
Patron—Howell	SB	325	227	378
Tax-related statutes; repeals obsolete statutes. (Patron—McDougle)	SB	372	305	559
Transient occupancy tax; Arlington County may impose an additional tax, sunset provision.				
Patron—Hope	HB	1147	365	656
Patron—Howell	SB	160	316	578
Transient occupancy tax; authorizes Frederick County to impose an additional tax. (Patron—Minchew)	HB	182	51	102
Transient occupancy tax; Bedford County permitted to impose an additional tax at a rate not to exceed two percent. (Patron—Austin)	HB	1194	52	103
Transient occupancy tax; permits Botetourt County to impose an additional tax at a rate not to exceed two percent, revenues shall be designated and expended solely for advertising Roanoke metropolitan area as an overnight tourist destination. (Patron—Austin)	HB	328	56	107
Virginia Lottery; prohibits ticket courier services in the Commonwealth, clarifies definition of "ticket courier service." (Patron—Rush)	HB	1291	461	801
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Tazewell, Town of; amending charter, interim appointment and special election to fill vacancies in the office of mayor or town council, etc.				
Patron—Morefield	HB	1214	413	716
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Tazewell, Town of; commemorating its 150th anniversary.				
Patron—Morefield	HR	96		2898
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Teacher performance and quality; confidentiality of certain data. (Patron—LeMunyon)	HB	524	390	684
Teachers; preparation and licensure, every person shall complete awareness training provided by Department of Education, programs offered to convey information on identification of dyslexia and other learning disabilities. (Patron—Cline)	HB	842	649	1313
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Virginia Tort Claims Act; if claim is against the Commonwealth and the agency alleged to be liable is the Department of Transportation, then notice of such claim shall be filed with Commissioner of Highways, delivery of notice of claim. (Patron—Edwards)	SB	240	760 1905
TOURISTS AND TOURIST INDUSTRY			
Alcoholic beverage control; ABC Board allowed to buy and sell products licensed by Virginia Tourism Corporation that are within international trademark classes. (Patron—Knight)	HB	323	21 49
Transient occupancy tax; permits Botetourt County to impose an additional tax at a rate not to exceed two percent, revenues shall be designated and expended solely for advertising Roanoke metropolitan area as an overnight tourist destination. (Patron—Austin)	HB	328	56 107
TOWING SERVICES AND TOW TRUCKS			
Towing fees; localities in Northern Virginia shall establish by ordinance. (Patron—Hugo)	HB	1060	476 830
TRADE AND COMMERCE			
Advanced Shipbuilding Production Facility Grant Program; established, definition of "foundry," memorandum of understanding shall require that total amount of grants received shall not exceed 25 percent of total cost of improvements needed, Fund created. (Patron—Jones)	HB	1068	723 1454
Alcoholic beverage control; ABC Board allowed to buy and sell products licensed by Virginia Tourism Corporation that are within international trademark classes. (Patron—Knight)	HB	323	21 49
Fantasy Contests Act; created, registration required, conditions of registration, public inspection of information filed with Department, etc., civil penalty. Patron—Miller	HB	775	703 1394
Patron—McDougle	SB	646	318 578
Manufacturing companies; limited standing to seek injunctive relief against company solely on basis of claimant's use of public park, etc. (Patron—Head)	HB	467	669 1342
Research and development expenses; modifies the existing tax credit and creates a similar tax credit for certain Virginia businesses, research conducted in the Commonwealth on human cells or tissue, etc. Patron—Hugo	HB	884	661 1330
Patron—McDougle	SB	58	300 541
Service handguns; adds employees of Department of Corrections with internal investigations authority to list of law-enforcement officers who may purchase. (Patron—Edwards)	SB	205	210 351
Small Business and Supplier Diversity, Department of; certification of employment services organizations, public procurement. (Patron—Hope)	HB	1288	525 925
Small Business Investment Grant Fund; changes administration of Fund to Virginia Small Business Financing Authority. (Patron—Lucas)	SB	179	520 919
Small, Women-owned, and Minority-owned Business Loan Fund; moneys collected are to be paid directly to Virginia Small Business Financing Authority. (Patron—James)	HB	1263	519 918
State agencies; utilization of service disabled veteran businesses as component of any small business enhancement measure. (Patron—McPike)	SB	517	682 1369
Structured Settlement Protection Act; amends Act to provide that structured settlement obligor and annuity issuer may rely on a court order approving a transfer of structured settlement payment rights, court may refer matter to a commissioner of accounts, etc. (Patron—Stanley)	SB	621	273 453
Structured Settlement Protection Act; amends Act to provide that structured settlement obligor and annuity issuer may rely on a court order approving a transfer of structured settlement payment rights, information to be included on transferee's application. (Patron—Kilgore)	HB	52	739 1801
Transient occupancy tax; permits Botetourt County to impose an additional tax at a rate not to exceed two percent, revenues shall be designated and expended solely for			

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TRADE AND COMMERCE - Continued

advertising Roanoke metropolitan area as an overnight tourist destination. (Patron—Austin) HB 328 56 107

Virginia Consumer Protection Act; failure to make required statement. (Patron—Surovell) SB 388 591 1212

Virginia Economic Development Partnership; Authority may encourage import of products and services from international markets to the Commonwealth. (Patron—Yancey) HB 185 315 577

Virginia International Trade Corporation; established, exemption from taxation, report. (Patron—Landes) HB 858 749 1819

Virginia Public Procurement Act; awards as a result of authorized enhancement or remedial measures, businesses certified by Department of Small Business and Supplier Diversity, requirements. (Patron—Adams) HB 786 681 1369

Weapons other than handguns; officers of certain agencies allowed to purchase at a fair market price and with approval of agency head.
Patron—Miller HB 51 196 333
Patron—Chase SB 615 215 357

TRAINUM, RONALD

Trainum, Ronald; commending. (Patron—Pogge) HJR 449 2799

TRANSIENT TAX

Transient occupancy tax; Arlington County may impose an additional tax, sunset provision.
Patron—Hope HB 1147 365 656
Patron—Howell SB 160 316 578

Transient occupancy tax; authorizes Frederick County to impose an additional tax. (Patron—Minchew) HB 182 51 102

Transient occupancy tax; Bedford County permitted to impose an additional tax at a rate not to exceed two percent. (Patron—Austin) HB 1194 52 103

Transient occupancy tax; permits Botetourt County to impose an additional tax at a rate not to exceed two percent, revenues shall be designated and expended solely for advertising Roanoke metropolitan area as an overnight tourist destination. (Patron—Austin) HB 328 56 107

TRANSIT SYSTEMS

Transit Capital Project Revenue Advisory Board; established, prioritization process, report, sunset provision. (Patron—Peace) HB 1359 609 1229

Washington Metropolitan Area Transit Authority; compensation of members of Northern Virginia Transportation Commission appointed to board of directors of Authority. (Patron—LeMunyon) HB 731 130 240

TRANSPORTATION

Commonwealth Space Flight Fund; extends transfer of funds from Transportation Trust Fund through fiscal year 2023-2024.
Patron—Bloxom HB 1122 345 633
Patron—Carrico SB 46 299 541

Commonwealth Transportation Board; Board shall hold at least one meeting in highway construction district for transportation project valued in excess of \$25 million. (Patron—Marshall, R.G.) HB 384 367 657

Commonwealth Transportation Board; value of statewide prioritization factors. (Patron—LeMunyon) HB 719 129 240

Commuter parking; lot signage in Planning District 8 shall clearly indicate that before 10 a.m. Monday through Friday except holidays parking is only for commuters using mass transit or who are car pool or bicycle riders. (Patron—LeMunyon) HB 730 708 1403

Hampton Roads Transportation Accountability Commission; distribution of moneys to Hampton Roads Transportation Fund shall be used for administrative and operating expenses, etc. (Patron—Villanueva) HB 1111 603 1221

Hampton Roads Transportation Fund; distribution of moneys to Hampton Roads Transportation Accountability Commission, no member shall be personally liable for loss of investments. (Patron—Wagner) SB 476 608 1227

Interstate 66; requirements that Department of Transportation must satisfy prior to change in HOV-2 designation. (Patron—LeMunyon) HB 715 715 1419

TRANSPORTATION - Continued

Interstate 95 corridor in George Washington Regional Commission region; Department of Transportation and Fredericksburg Area Metropolitan Planning Organization shall conduct a joint evaluation of traffic congestion occurring in Stafford and Spotsylvania Counties and an evaluation of alternative solutions to such traffic congestion, which may include but not be limited to extending HOT lanes south, report. (Patron—Cole)	HB	97	741	1805
Northern Virginia Transportation Authority; decision-making procedure to create or improve a transportation facility, certain information concerning projects to be publicly available at least 15 days prior to any decision. (Patron—LeMunyon)	HB	727	225	376
Northern Virginia Transportation Authority; once population estimates for July 1 of fifth year after census are made available then population shall be adjusted.				
Patron—Bulova	HB	190	224	376
Patron—Barker	SB	413	375	664
Northern Virginia Transportation Commission; increases number of nonlegislative citizen members who represent Loudoun County.				
Patron—Minchew	HB	181	117	231
Patron—Wexton	SB	277	374	664
Rail and Public Transportation, Department of; acquisition of real estate and rights-of-way for construction, etc., of railway lines or rail or public transportation facilities or retention of rail corridors for public purposes. (Patron—Krizek)	HB	613	425	734
Request for Proposal; design-build transportation projects, submission and consideration of alternative technical concepts.				
Patron—Villanueva	HB	501	369	660
Patron—Carrico	SB	465	139	252
Richmond Metropolitan Transportation Authority; powers. (Patron—Loupassi) . . .	HB	1237	605	1225
State and local transportation planning; results of Department of Transportation reviews of proposed amendments for issues related to homeland security be provided concurrently to submitting locality and Northern Virginia Transportation Authority. (Patron—LeMunyon)	HB	728	370	661
Tort claim; notice of claim against the Commonwealth, transportation district, or locality, statute of limitations. (Patron—Stanley)	SB	611	772	1930
Transit Capital Project Revenue Advisory Board; established, prioritization process, report, sunset provision. (Patron—Peace)	HB	1359	609	1229
Transportation, Department of; right to permit broadband service provider to install broadband conduit on public highways. (Patron—Minchew)	HB	912	655	1323
Virginia Tort Claims Act; if claim is against the Commonwealth and the agency alleged to be liable is the Department of Transportation, then notice of such claim shall be filed with Commissioner of Highways, delivery of notice of claim. (Patron—Edwards)	SB	240	760	1905
Washington Metropolitan Area Transit Authority; compensation of members of Northern Virginia Transportation Commission appointed to board of directors of Authority. (Patron—LeMunyon)	HB	731	130	240

TRANSPORTATION, SECRETARY OF

Port Opportunity Fund; funds appropriated for grants, bequests, and other funds received shall be paid into state treasury and credited to Fund, exception, Secretary of Transportation shall provide recommendations regarding modifications to or elimination of such funds, etc. (Patron—Alexander)	SB	625	714	1418
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TREASURY, TREASURY BOARD, AND TREASURER, STATE

Treasury Board; changes required number of meetings.				
Patron—Carr	HB	529	36	79
Patron—Deeds	SB	351	72	165
Unclaimed property; payment of property of deceased owner, State Treasurer shall develop and make available a plain English explanation of person's right to make a claim, etc., State Treasurer shall also post document on its website.				
Patron—Greason	HB	1020	529	934
Patron—Vogel	SB	408	350	642

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TREES

Timber cutting; unlawful removal, determination of damages.

Patron—Habeeb	HB	1290	245	401
Patron—Petersen	SB	687	562	1021

Tree conservation; ordinance may allow a locality to post signs on private property that is proposed to be redeveloped with one single-family home that notify the public of infill lot grading plan, locality may not require applicant to be responsible for posting.

Patron—Sullivan	HB	647	412	716
Patron—Favola	SB	361	317	578

TRESPASS

Trespass by hunters; punishes as Class 3 misdemeanor intentional release of hunting dogs on lands of another to hunt without consent of landowner. (Patron—Fariss)

HB	1329	373	663
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TROOPER HARRY LEE HENDERSON MEMORIAL BRIDGE

Trooper Harry Lee Henderson Memorial Bridge; designating as Interstate 66 bridge in Warren County over Route 624. (Patron—Obenshain)

SB	448	138	251
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TROOPER NATHAN-MICHAEL W. SMITH MEMORIAL BRIDGE

Trooper Nathan-Michael W. Smith Memorial Bridge; designating as the Route 301 bridge in Prince George County at Exit 45 over Interstate 95.

Patron—Aird	HB	184	118	232
Patron—Dance	SB	107	134	246

TRUCKS AND TRUCKING

Pickup or panel truck and trucks; amends definitions. (Patron—Ruff)

SB	375	764	1908
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Service facilities; manufacturer of engines for certain trucks to own a facility. (Patron—Greason)

HB	747	427	737
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TRUSTS

Trusts; a circuit court may create and establish upon petition of an interested party. (Patron—Minchew)

HB	230	186	314
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TUCK, KEN

Tuck, Ken; commending. (Patron—Edwards)

SJR	14		2985
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TUCK, MICHAEL DEAN

Tuck, Michael Dean; recording sorrow upon death. (Patron—Edmunds)

HJR	329		2736
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TUITION

Higher educational institutions; alternative tuition or fee structures to students, requirement of students, report. (Patron—Rush)

HB	961	523	924
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TURKEYS

Wildlife; authorizes Board of Game and Inland Fisheries to adopt regulations that allow a licensed hunter or trapper to manufacture and sell products, use of turkey feathers or toes for making tools, etc. (Patron—Lingamfelter)

HB	262	121	233
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TURNER ASHBY HIGH SCHOOL

Turner Ashby High School girls' basketball team; commending. (Patron—Landes)

HJR	122		2629
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TURNER, RICHARD WARREN

Turner, Richard Warren; recording sorrow upon death. (Patron—Massie)

HR	108		2904
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TUSKEGEE AIRMEN MOTORCYCLE CLUB OF RICHMOND

Tuskegee Airmen Motorcycle Club of Richmond; commending. (Patron—Carr)

HJR	341		2742
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2015 WORLD POLICE AND FIRE GAMES

2015 World Police and Fire Games; commending. (Patron—Filler-Corn)

HJR	413		2778
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TYREE-WELLS, PEGGY ANN

Tyree-Wells, Peggy Ann; recording sorrow upon death. (Patron—McPike)

SJR	160		3073
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UMSTATTD, KRISTEN C.

Umstattd, Kristen C.; commending. (Patron—Wexton)

SJR	146		3065
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UNCLAIMED PROPERTY

Unclaimed property; payment of property of deceased owner, State Treasurer shall develop and make available a plain English explanation of person's right to make a claim, etc., State Treasurer shall also post document on its website.

Patron—Greason	HB	1020	529	934
Patron—Vogel	SB	408	350	642

UNCODIFIED LEGISLATION

Anatomical gifts; Department of Health to convene a work group to establish policies and procedures for making gifts for purpose of search and rescue dog training, report. (Patron—Knight)	HB	202	73	165
Asbestos; Department of Professional and Occupational Regulation to provide certain notices in English and Spanish related to handling. (Patron—Ebbin)	SB	305	252	408
Budget bill; appropriations for 2014-2016 biennium. Amending Chapter 665, 2015 Acts. (Patron—Jones)	HB	29	732	1505
Budget bill; appropriations for 2017-2018. (Patron—Jones)	HB	30	780	2037
Capital projects; Virginia Public Building and Virginia College Building Authorities authorized to issue revenue bonds to fund and to appropriate proceeds of such bonds, report. Patron—Jones	HB	1344	759	1899
Patron—Hanger	SB	731	769	1919
Commonwealth of Virginia Institutions of Higher Education Bond Act of 2016; created, adds an additional capital project for a higher educational institution. Patron—Jones	HB	1063	730	1499
Patron—Hanger	SB	61	731	1502
Conservation police officers; certain officers of Department of Game and Inland Fisheries shall be considered a retired law-enforcement officer. (Patron—Orrock) . . .	HB	315	41	86
Emergency medical services providers; Secretary of Health and Human Resources to undertake efforts to establish collaborative agreements with other states to allow emergency medical services across state lines, report. (Patron—Orrock)	HB	311	79	177
Feral hogs; employees of Department of Game and Inland Fisheries and federal agencies may hunt or kill hogs in False Cape State Park and Back Bay National Wildlife Refuge from aircraft with permission of landowner, exception. (Patron—Knight)	HB	137	116	231
Financial exploitation of adults; Commissioner of Department for Aging and Rehabilitative Services, et al., to review founded cases, report. (Patron—Peace) . . .	HB	676	355	645
General Services, Department of; Department shall make available a dashboard of purchase order reports from the Commonwealth's statewide electronic procurement system known as eVA. (Patron—Dunnivant)	SB	679	578	1052
Health records; Secretary of Health and Human Resources shall work with stakeholders to increase sharing of electronic records, report. (Patron—Orrock) . . .	HB	312	80	177
Heroin possession; Virginia Criminal Sentencing Commission shall evaluate judge-sentencing and jury-sentencing patterns and practices and recommend adjustments in sentencing guidelines. (Patron—Bell, Robert B.)	HB	1059	398	703
Insurance policy; electronic delivery of information, repeals sunset provision. Repealing second enactment of Chapter 257, 2013 Acts. (Patron—Hugo)	HB	851	508	910
Interstate 95 corridor in George Washington Regional Commission region; Department of Transportation and Fredericksburg Area Metropolitan Planning Organization shall conduct a joint evaluation of traffic congestion occurring in Stafford and Spotsylvania Counties and an evaluation of alternative solutions to such traffic congestion, which may include but not be limited to extending HOT lanes south, report. (Patron—Cole)	HB	97	741	1805
Investor-owned electric utilities; State Corporation Commission shall evaluate establishment of uniform protocols for energy efficiency programs, formula to calculate levelized cost of saved energy, etc., report. Patron—Kilgore	HB	1053	517	917
Patron—Alexander	SB	395	255	410
Landscape cover materials; ordinance adopted by City of Harrisonburg shall not include in any local fire prevention regulations requirement that property owner install or use specific materials. (Patron—Obenshain)	SB	736	217	360
License plates, special; issuance for supporters of safety of runners bearing legend MEG'S MILES. (Patron—Peace)	HB	1312	606	1227
License plates, special; issuance to immediate family members of a member of Armed Forces of the United States who died on or after March 29, 1973, while serving on active duty or while assigned to a Reserve or a National Guard unit in a drill status. (Patron—Cole)	HB	98	706	1401

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UNCODIFIED LEGISLATION - Continued

License plates, special; PROTECT POLLINATORS changes from nonrevenue sharing to revenue sharing, expiration of license plates. Amending Chapter 690, 2014 Acts. (Patron–Barker)	SB	434	537	969
Medical Assistance Services, Department of; issuance of a Request for Proposal for statewide nonemergency medical transportation services, in order to enter new contract by July 1, 2017. (Patron–Dunnivant)	SB	774	114	231
Motorcycles; Superintendent of State Police shall establish guidelines to allow for submission and approval of auxiliary lights, procedure shall be published on Department's website. (Patron–Wilt)	HB	939	701	1393
Nursing facilities; State Board of Health shall promulgate regulations, by July 1, 2017, for audio-visual recording of residents, report, repeals requirement of voluntary electronic monitoring in rooms of residents. Repealing Chapters 674 and 682, 2013 Acts. (Patron–Cosgrove)	SB	553	600	1220
Onsite sewage systems and private wells; State Health Commissioner shall develop a plan for orderly reduction and elimination of evaluation and design services by Department of Health, report. (Patron–Orrock)	HB	558	444	778
Private animal shelters; Board of Agriculture and Consumer Services shall adopt regulations that determine whether a shelter meets purpose of finding permanent adoptive homes for animals. (Patron–Orrock)	HB	340	319	582
Recurrent Flooding Resiliency, Commonwealth Center for; designating Center jointly at Old Dominion University, Virginia Institute of Marine Science, and The College of William and Mary. (Patron–Stolle)	HB	903	440	770
Reformulated gasoline (RFG) program; Department of Environmental Quality to seek an exemption from federal program for sale by qualifying marina of conventional, ethanol-free gasoline. (Patron–DeSteph)	SB	557	54	105
School boards; local boards shall provide reasonable and appropriate access to school property to youth-oriented, community organizations. (Patron–Wilt)	HB	942	647	1312
Standards of Learning Innovation Committee; Committee shall review standardized testing in public high schools in the Commonwealth and make recommendations to Board of Education and General Assembly, report. (Patron–LeMunyon)	HB	525	592	1214
State agencies; utilization of service disabled veteran businesses as component of any small business enhancement measure. (Patron–McPike)	SB	517	682	1369
State parks; Department of Conservation and Recreation to develop a plan that establishes a fee structure for rental of campsites and cabins. (Patron–Marshall, D.W.)	HB	200	119	232
Students; Board of Education shall consider assessments aligned to Standards of Learning for students who are English language learners. Patron–Lingamfelter	HB	241	516	916
Patron–Surovell	SB	538	58	108
Students who have been treated for pediatric cancer; Department of Education to review certain federal regulations and suggest revisions to guidance documents relating to return to learn protocol. (Patron–Filler-Corn)	HB	475	148	270
Telehealth pilot program; Center for Telehealth of University of Virginia, et al., shall establish a program to expand access to and improve quality of health care services in rural areas and areas identified as medically underserved, in the case of psychiatric services provided to individuals, requirement for an appropriate examination may be satisfied through use of telemedicine. (Patron–Stanley)	SB	369	763	1907
Veterans care center projects; Virginia Public Building Authority authorized to issue bonds to construct centers in Northern Virginia and Hampton Roads. (Patron–Cox)	HB	477	366	657
Virginia Beach arena; extends an existing contingent sunset provision. Amending Chapters 738 and 742, 2014 Acts. Patron–Knight	HB	138	247	403
Patron–DeSteph	SB	642	258	421
Virginia Criminal Sentencing Commission; recidivism rate for certain released federal prisoners, report. (Patron–Bell, Robert B.)	HB	1105	394	698
Virginia Marine Resources Commission; Commission shall monitor any effort by U.S. Department of Interior to expand federal jurisdiction in waters adjoining Assateague Island National Seashore. (Patron–Lewis)	SB	643	67	114

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UNITARIAN UNIVERSALIST CHURCH OF ROANOKE			
Unitarian Universalist Church of Roanoke ; commemorating its 60th anniversary. (Patron—Rasoul)	HJR	353	2748
UNITED STATES COLORED TROOPS DESCENDANTS			
United States Colored Troops Descendants ; commending. (Patron—Hester)	HR	95	2897
UNIVERSITY OF VIRGINIA			
Telehealth pilot program ; Center for Telehealth of University of Virginia, et al., shall establish a program to expand access to and improve quality of health care services in rural areas and areas identified as medically underserved, in the case of psychiatric services provided to individuals, requirement for an appropriate examination may be satisfied through use of telemedicine. (Patron—Stanley)	SB	369	763 1907
University of Virginia athletics program ; commending. (Patron—Toscano)	HJR	519	2835
University of Virginia baseball team ; commending. (Patron—Deeds)	SR	36	3135
UTILITY SERVICES			
Electric utility ; recover of cost of purchasing certain solar energy facilities. (Patron—Yancey)	HB	1220	3 7
Investor-owned electric utilities ; State Corporation Commission shall evaluate establishment of uniform protocols for energy efficiency programs, formula to calculate levelized cost of saved energy, etc., report. Patron—Kilgore	HB	1053	517 917
Patron—Alexander	SB	395	255 410
VANARSDALL, ERNEST B., SR.			
Vanarsdall, Ernest B., Sr. ; recording sorrow upon death. (Patron—O'Bannon)	HJR	23	2591
VANDERHYDE DAIRY, INC.			
Vanderhyde Dairy, Inc. ; commending. (Patron—Adams)	HR	210	2956
VAUGHAN, JAMES C.			
Vaughan, James C. ; commending. (Patron—Tyler)	HR	124	2912
VETERANS AND VETERANS ADMINISTRATION			
Comprehensive community colleges, certain ; each of seven colleges with highest number of enrolled students who are veterans shall employ at least one full-time veterans advisor and shall establish a veterans resource center on campus. (Patron—Taylor)	HB	450	503 906
Homeless veterans ; Secretary of Veterans and Defense Affairs to coordinate with federal, state, local, and private partners to assist veterans in obtaining a state-issued identification card, etc. (Patron—Lingamfelter)	HB	240	689 1377
Military medical personnel ; Department of Veterans Services, et al., shall establish a pilot program in which personnel may practice and perform certain delegated acts that constitute practice of medicine, definition of military medical personnel includes United States Army, United States Air Force, United States Navy, and United States Coast Guard. Patron—Stolle	HB	825	418 722
Patron—Barker	SB	437	212 354
Real property tax ; exemption for disabled veterans and spouse of a service member killed in action includes manufactured homes, if land on which single family home, manufactured home, etc., or other type of dwelling is located is not owned by surviving spouse, then land is not exempt. Patron—Yost	HB	1203	393 695
Patron—Chafin	SB	366	349 639
Real property tax ; exemptions for veterans with service-connected disability and surviving spouses of military members killed in action include to house or cover motor vehicles or household goods and personal effects. (Patron—Helsel)	HB	421	485 843
Retail Sales and Use Tax and local license tax ; exemption for certain nonprofit veterans organizations, exemption shall not apply to certain tangible personal property purchases. (Patron—Lingamfelter)	HB	63	487 845
State agencies ; utilization of service disabled veteran businesses as component of any small business enhancement measure. (Patron—McPike)	SB	517	682 1369
Veterans care center projects ; Virginia Public Building Authority authorized to issue bonds to construct centers in Northern Virginia and Hampton Roads. (Patron—Cox)	HB	477	366 657

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VETERANS AND VETERANS ADMINISTRATION - Continued

Veterans Services Foundation; membership, ensuring balanced representation among officer and enlisted ranks of armed services. (Patron—Freitas) HB 1341 321 583

VETERINARIANS

Veterinarians; eliminates exception to licensure requirements for those licensed in other states who are called to attend a case in the Commonwealth, repeals provisions allowing Board to issue temporary licenses to certain applicants, etc. (Patron—Orrock) HB 325 479 833

Veterinarians; exemption from licensure, Board of Veterinary Medicine to establish requirements for licensure of persons engaged in practice of veterinary medicine. (Patron—Rush) HB 1058 306 567

Veterinary technicians; supervision, reporting of animal cruelty. (Patron—James) HB 802 100 197

VIA, G. E., III

Via, G. E., III; commending. (Patron—Fowler) HJR 254 2695

VICK, LUTHER B., JR.

Vick, Luther B., Jr.; recording sorrow upon death. (Patron—Morris) HR 13 2850

VICTIMS OF CRIME

Assault; person charged with simple assault where victim was a family or household member of the person. (Patron—McClellan) HB 485 742 1805

Victims of certain crimes; confidentiality of information, a person may be a victim of domestic violence, etc., regardless of whether any person has been charged with or convicted of any offense.

Patron—Yancey HB 373 670 1342

Patron—DeSteph SB 253 666 1340

VICTORIA FIRE AND RESCUE COMPANY

Victoria Fire and Rescue Company; commemorating its 75th anniversary. (Patron—Wright) HR 99 2899

VIENNA JAMMERS

Vienna Jammers; commending. (Patron—Keam) HR 233 2967

VIOLAND-SANCHEZ, EMMA

Violand-Sanchez, Emma; commending. (Patron—Lopez) HJR 493 2821

VIRGINIA ARTS FESTIVAL

Virginia Arts Festival; commemorating its 20th anniversary. (Patron—Villanueva) HR 185 2944

VIRGINIA BARBECUE SEASON

Virginia Barbecue Season; designating as May through October 2016, and each succeeding year thereafter. (Patron—Howell) HJR 169 2648

VIRGINIA BEACH, CITY OF

Duck blinds; damaged stationary blinds in City of Virginia Beach, notification to Department of Game and Inland Fisheries, penalty. (Patron—Knight) HB 136 378 666

Virginia Beach arena; extends an existing contingent sunset provision. Amending Chapters 738 and 742, 2014 Acts.

Patron—Knight HB 138 247 403

Patron—DeSteph SB 642 258 421

VIRGINIA BREAST CANCER FOUNDATION

Virginia Breast Cancer Foundation; commemorating its 25th anniversary. (Patron—Peace) HJR 201 2667

VIRGINIA CENTER FOR INCLUSIVE COMMUNITIES

Virginia Center for Inclusive Communities; commemorating its 80th anniversary. (Patron—Yancey) HR 111 2905

VIRGINIA COALITION FOR OPEN GOVERNMENT

Virginia Coalition for Open Government; commemorating its 20th anniversary. (Patron—LeMunyon) HJR 91 2619

VIRGINIA COLLEGE FUND

Virginia College Fund; commemorating its 50th anniversary. (Patron—Stanley) SR 66 3149

VIRGINIA COMMUNITY COLLEGE SYSTEM

Virginia Community College System; commemorating its 50th anniversary. (Patron—Landes) HJR 515 2833

VIRGINIA CONSTITUTION DAY

Virginia Constitution Day; designating as June 29, 2016, and each succeeding year thereafter. (Patron—Ruff) SJR 61 3005

VIRGINIA DAUGHTERS OF THE AMERICAN REVOLUTION BOTETOURT CHAPTER

Virginia Daughters of the American Revolution Botetourt Chapter; commemorating its 50th anniversary. (Patron—Austin) HR 203 2953

VIRGINIA DEFENSE FORCE

Virginia Defense Force; clarifies definition of training duty. (Patron—Pillion) HB 1052 614 1233

Virginia Defense Force and Virginia National Guard; state active duty and training duty are subject to military discipline. (Patron—Pillion) HB 1051 339 619

Virginia National Guard and Virginia Defense Force; clarifies pay calculation for those on state active duty. (Patron—Anderson) HB 1175 341 620

VIRGINIA ENGINE COMPANY NO. 9

Virginia Engine Company No. 9; commending. (Patron—McClellan) HR 241 2972

VIRGINIA 4-H

Virginia 4-H; commending. (Patron—Obenshain) SJR 155 3070

VIRGINIA HOME FOR BOYS AND GIRLS

Virginia Home for Boys and Girls; commemorating its 170th anniversary. (Patron—Massie) HJR 273 2705

VIRGINIA HOUSE OF DELEGATES

General Assembly; Joint Legislative Audit and Review Commission shall review fiscal impact statements for executive orders when requested by chairman of any committee of Senate or House of Delegates. (Patron—Dunnivant) SB 680 623 1266

House of Delegates; establishes Rules for 2016-2017 Sessions of the General Assembly. (Patron—Cox) HR 60 2871

House of Delegates; salaries, contingent and incidental expenses. (Patron—Jones) HR 71 2886

Keeper of the Rolls; authority to correct errors in legislation. (Patron—Cox) HB 245 188 325

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Public elementary and secondary education; joint committee of Senate Committee on Education and Health and House Committee on Education to study future of education in the Commonwealth. (Patron—Deeds) SJR 85 3013

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Virginia Defense Force and Virginia National Guard; state active duty and training duty are subject to military discipline. (Patron—Pillion) HB 1051 339 619

Virginia National Guard; commending. (Patron—Reeves) SJR 44 2998

Virginia National Guard; possession of a concealed handgun by a member at certain facilities, member's commanding officer may prohibit member from possessing if officer determines that possession would interfere with conduct of training or possession may result in mission impairment, or member is unfit to carry a handgun. (Patron—Taylor) HB 90 740 1804

Virginia National Guard; Virginia residents who are members of the National Guard of another state, leave of absence from nongovernmental employment, reemployment rights, employment nondiscrimination rights. (Patron—Lingamfelter) HB 111 327 599

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Virginia Residential Property Disclosure Act ; representations related to covenants and restrictions affecting property, report. (Patron—Robinson)	HB 1264	505	907
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Magistrates; if no arrest warrant is issued in response to a written complaint, complaint shall be returned to complainant. (Patron—Fariss) HB 1275 204 344

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Trooper Harry Lee Henderson Memorial Bridge; designating as Interstate 66 bridge in Warren County over Route 624. (Patron—Obenshain) SB 448 138 251

WARREN, GEORGIA MASSENGILL

Warren, Georgia Massengill; recording sorrow upon death. (Patron—O'Quinn) HR 239 2970

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Excursion trains; removes requirement that a passenger train be operated primarily in Buchanan, Campbell, or Washington Counties in order to be certified. (Patron—Head) HB 1229 431 750

WASHINGTON, D.C. METROPOLITAN AREA

Washington Metropolitan Area Transit Authority; compensation of members of Northern Virginia Transportation Commission appointed to board of directors of Authority. (Patron—LeMunyon) HB 731 130 240

Washington Metropolitan Area Transit Authority Compact of 1966; changes membership. (Patron—Ebbin) SB 710 535 948

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Washington Redskins; commending.
Patron—Miller HJR 306 2723
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Nutrient offset credits; new and expanding wastewater discharge facilities to acquire through implementation of best management practices on lands owned, etc., allocations subject to modification by Board.
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Biosolids and industrial residuals in Virginia; Joint Legislative Audit and Review Commission to study. (Patron—Landes) HJR 120 2627

Delinquent sewer charges; lien on property, delinquent charges. (Patron—Obenshain) SB 542 528 931

Local gas road improvement and Virginia Coalfield Economic Development Authority tax; use of revenues for the repair or enhancement of existing water or sewer systems and lines.

Patron—Morefield HB 1152 340 620
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Onsite sewage systems; conventional and alternative discharging systems, civil penalties, no criminal action shall proceed if violation has been abated or remedied through civil enforcement. (Patron—Wexton) SB 407 721 1452

Onsite sewage systems and private wells; State Health Commissioner shall develop a plan for orderly reduction and elimination of evaluation and design services by Department of Health, report. (Patron—Orrock) HB 558 444 778

Sewage system or nonconforming system; State Health Commissioner shall develop an application and procedure for processing requests. (Patron—Knight) HB 648 96 195

Water and sewer service; canceling service for nonpayment of charges, notification to owner, lessee, or tenant of delinquency, 60-day period which locality or person providing service may shut off, at least 10 business days prior to ceasing services, locality or person shall provide owner, etc., with written notice of cessation. (Patron—Mason) HB 919 415 719

Water and sewer utilities; companies subject to rules of State Corporation Commission regarding meetings and communications, notification of intent to seek rate change.

Patron—Bell, Robert B. HB 611 283 476
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Conflict of Interests Act, State and Local Government; prohibited contracts, exceptions for certain contracts entered into by an officer or employee of a soil and water conservation district.

Patron—Lingamfelter	HB	238	531	935
Patron—Lewis	SB	652	351	642

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Boats or other watercraft; excess width permits for transporting vehicles.

Patron—Knight	HB	117	115	231
Patron—DeSteph	SB	719	533	939

Driving in flooded areas; localities may by ordinance prohibit, exception, locality shall provide adequate notice including signs that, at a minimum, warn operators of motor vehicles and watercraft of prohibition and penalties. (Patron—Locke)

SB	163	249	404
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WATERS OF THE STATE, PORTS, AND HARBORS

Advanced Shipbuilding Production Facility Grant Program; established, definition of "foundry," memorandum of understanding shall require that total amount of grants received shall not exceed 25 percent of total cost of improvements needed, Fund created. (Patron—Jones)

HB	1068	723	1454
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Beach restoration; Virginia Marine Resources Commission shall develop an expedited process for issuing a permit for emergency sand restoration activities on a publicly owned beach damaged by sand erosion.

Patron—Bloxom	HB	327	124	236
Patron—Lewis	SB	307	9	21

Erosion and sediment control; time limits on applicability of approved design criteria provisions of Virginia Stormwater Management Program (VSMP) Regulations, in which case the flow rate capacity and velocity requirements shall apply. (Patron—DeSteph)

SB	598	66	113
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Impaired waters clean-up plan; progress report, annual submission. (Patron—Lingamfelter)

HB	440	127	238
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Nutrient credit certification; regulations shall establish a timeline for consideration of certification applications for land conversion projects, etc. (Patron—Hanger)

SB	443	653	1319
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Nutrient offset credits; new and expanding wastewater discharge facilities to acquire through implementation of best management practices on lands owned, etc., allocations subject to modification by Board.

Patron—Cox	HB	448	377	665
Patron—Dance	SB	314	137	250

Offshore waters and submerged lands; Commonwealth jurisdiction of three geographical miles. (Patron—Knight)

HB	813	371	661
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Port Opportunity Fund; funds appropriated for grants, bequests, and other funds received shall be paid into state treasury and credited to Fund, exception, Secretary of Transportation shall provide recommendations regarding modifications to or elimination of such funds, etc. (Patron—Alexander)

SB	625	714	1418
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Port-related tax credits; extends sunset provision of international trade facility, barge and rail usage, and Virginia port volume to January 1, 2022. (Patron—Yancey)

HB	186	69	156
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Sediment reduction credits; use by regulated Municipal Separate Storm Sewer Systems (MS4) permittees.

Patron—Bulova	HB	438	126	237
Patron—Hanger	SB	292	8	21

Virginia Erosion and Stormwater Management Act; consolidation of programs, MS4 permit issued by State Water Control Board, opt-out for certain localities, locality serving as a VESMP authority, penalties, repeals certain provisions of State Water Control Law, Erosion and Sediment Control Law, and Chesapeake Bay Preservation Act.

Patron—Wilt	HB	1250	758	1857
Patron—Hanger	SB	673	68	115

Virginia Marine Resources Commission; Commission shall monitor any effort by U.S. Department of Interior to expand federal jurisdiction in waters adjoining Assateague Island National Seashore. (Patron—Lewis)

SB	643	67	114
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Zebra mussels; Director of Department of Game and Inland Fisheries shall establish a program of education in methods of preventing certain mussels or other nonindigenous aquatic nuisance species from infesting Virginia waters, posting of program on Department's website. (Patron—Kory) HB 1115 540 971

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Watkins, John C.; commending. (Patron—Ware) HR 183 2943

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WAUGH, DON AND MARCELLINE

Waugh, Don and Marcelline; commending. (Patron—Reeves) SJR 45 2999

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Alcoholic beverage control; annual mixed beverage performing arts facility license for facility located in City of Waynesboro. (Patron—Bell, Richard P.) HB 755 28 61

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Waynesboro Kiwanis Club; commemorating its 90th anniversary. (Patron—Bell, Richard P.) HJR 407 2775

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Waynesboro Public Library; commemorating its 100th anniversary. (Patron—Bell, Richard P.) HJR 34 2596

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Assault weapon; transfer of firearm, proof of citizenship. (Patron—Lingamfelter) HB 810 697 1385

Concealed handgun permits; exemption includes any judge or justice of the Commonwealth, wherever he may travel in the Commonwealth.
Patron—Miller HB 332 672 1345
Patron—Newman SB 544 589 1208

Concealed handgun permits; recognition of out-of-state permits, Superintendent of State Police shall enter into agreements for reciprocal recognition of permits or licenses with certain states.
Patron—Webert HB 1163 47 96
Patron—Reeves SB 610 46 95

Concealed weapons; adds any employee with internal investigations authority designated by Department of Corrections (retired from Department of Corrections) to list of individuals who may carry. (Patron—Lucas) SB 198 209 348

Concealed weapons; exemption for certain retired officers from prohibition to carry. (Patron—Hugo) HB 1281 421 727

Coyotes; county or city ordinances, permits hunting with a rifle caliber larger than .22 rimfire. (Patron—McDougle) SB 367 64 112

Firearms; confiscation, reporting, and return by law enforcement. (Patron—Reeves) SB 608 214 357

Firearms; identification requirement, Virginia residents allowed to purchase by presenting only one photo-identification form issued by a governmental agency of the Commonwealth, a member of armed forces may also establish his residency with purchaser's Leave and Earnings Statement. (Patron—Webert) HB 206 727 1490

Firearms; possession by persons adjudicated delinquent as a juvenile, completed service in armed forces no less than two years, military service exception, individual has received honorable discharge. (Patron—Adams) HB 784 337 615

Firearms shows; voluntary background checks by Department of State Police, approval of provisions from U.S. Department of Justice for Department of State Police to implement policies and procedures, penalties.
Patron—Lingamfelter HB 1386 45 94
Patron—Edwards SB 715 44 94

Law-enforcement officers, retired; authority to carry concealed handguns, effective date. (Patron—Carrico) SB 479 257 414

Protective order; violation of order, possession of a firearm or other deadly weapon, penalty, may result in a net increase in periods of imprisonment or commitment.
Patron—Gilbert HB 1087 585 1059
Patron—Favola SB 323 638 1299

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Protective orders; unlawful for any person who is subject to a permanent order for family abuse, including any extension of such order, to knowingly possess any firearm while order is in effect, penalty.

Patron—Murphy	HB 1391	48	96
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Service handguns; adds employees of Department of Corrections with internal investigations authority to list of law-enforcement officers who may purchase. (Patron—Edwards)

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Virginia National Guard; possession of a concealed handgun by a member at certain facilities, member's commanding officer may prohibit member from possessing if officer determines that possession would interfere with conduct of training or possession may result in mission impairment, or member is unfit to carry a handgun. (Patron—Taylor)

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Weapons other than handguns; officers of certain agencies allowed to purchase at a fair market price and with approval of agency head.

Patron—Miller	HB 51	196	333
Patron—Chase	SB 615	215	357

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Wear Red Day; designating as first Friday in February 2017, and each succeeding year thereafter. (Patron—Vogel)

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WEATHER

Highways, Commissioner of; powers, procuring equipment and labor to ensure emergency removal of snow and ice. (Patron—Suetterlein)

SB 765	538	969
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Recurrent flooding; Joint Subcommittee to Formulate Recommendations for Development of a Comprehensive and Coordinated Planning Effort to Address Recurrent Flooding, study continued as Joint Subcommittee on Coastal Flooding.

Patron—Stolle	HJR 84	2615
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Recurrent Flooding Resiliency, Commonwealth Center for; designating Center jointly at Old Dominion University, Virginia Institute of Marine Science, and The College of William and Mary. (Patron—Stolle)

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Virginia Shoreline Resiliency Fund; established, annual audit of Virginia Resources Authority. (Patron—Lewis)

SB 282	762	1906
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WELFARE (SOCIAL SERVICES)

Adult day care centers; exempt from licensure, Programs of All-Inclusive Care for the Elderly programs. (Patron—Stolle)

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Assisted living facilities; no facility shall be required to provide or allow hospice care, if such hospice care restrictions are included in a disclosure statement that is signed by resident. (Patron—Hanger)

SB 732	598	1218
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Auxiliary grants; regulations adopted by Commissioner of Department for Aging and Rehabilitative Services for adult foster care homes and licensed assisted living facilities. (Patron—Helsel)

HB 420	636	1297
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Barrier crimes; adds conviction or a finding that a person is not guilty by reason of insanity of any offense that results in offender's requirement to register with Sex Offender and Crimes Against Minors Registry. (Patron—Mason)

HB 920	580	1053
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Child day programs; Department of Social Services to study programs exempt from licensure, consider matters as may be necessary regarding health and safety requirements for licensed child day centers, etc. (Patron—Hanger)

SJR 63	3007
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Child day programs; exemptions from licensure, instructional programs offered by public schools that serve preschool-age children, etc. (Patron—Wagner)

SB 467	442	773
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Child welfare; imposes certain mandates related to protection and encouragement of children. (Patron—Bell, Richard P.)

HB 600	631	1274
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Child welfare agencies; background checks for volunteers and employees, employment of certain persons prohibited. (Patron—Wexton)

SB 278	632	1290
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Child welfare agency; willful act or willful omission includes operating without a license, abuse and neglect of child, penalty. (Patron—Hester)

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Court-appointed counsel for parents or guardians; in cases of alleged child abuse or neglect, etc., counsel to be selected from list of attorneys who are qualified to serve

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as guardians ad litem, if no attorney who is on the list is available or appropriate considering circumstances of parent or case, a judge may appoint an attorney.

Patron—Peace HB 671 182 310
Patron—Stanley SB 7 509 910

Family and Children's Trust Fund; exempt from taxation.

Patron—Peace HB 1207 627 1271
Patron—Dance SB 346 110 224

Financial exploitation of adults; local department of social services or adult protective services hotline shall refer the matter and all documentation to local law-enforcement agency.

Patron—Minchew HB 248 408 712
Patron—Black SB 249 223 375

Financial institutions; updates references to Federal Reserve Board and its regulations. (Patron—Chafin)

SB 374 501 896

Kinship foster care; waiver of foster home approval standards. (Patron—Peace)

HB 674 25 55

Neighborhood Assistance Program; eligibility for tax credits. (Patron—Toscano)

HB 742 426 735

Private school employees, certain; requirement of background checks, if employment denied, information appearing on his record in registry, shall be provided to applicant. (Patron—Greason)

HB 896 454 787

Social Services, Department of; electronic notices. (Patron—Sickles)

HB 1026 29 63

Social Services, Department of; eliminates obsolete reporting requirements. (Patron—Orrock)

HB 559 23 54

Social Services, Department of; providing access to Department of Medical Assistance Services and certain other entities to public assistance information. (Patron—Dunnivant)

SB 455 111 224

Social Services, Department of; unauthorized practice of law. (Patron—Vogel)

SB 417 704 1397

Social services, local board of; repeals authority of board to proceed against persons liable for support. (Patron—Helsel)

HB 782 452 786

Victims of certain crimes; confidentiality of information, a person may be a victim of domestic violence, etc., regardless of whether any person has been charged with or convicted of any offense.

Patron—Yancey HB 373 670 1342
Patron—DeSteph SB 253 666 1340

Virginia Initiative for Employment Not Welfare (VIEW); apprenticeship program developed by local department with requirements established by Department of Social Services. (Patron—Lopez)

HB 991 101 198

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Onsite sewage systems and private wells; State Health Commissioner shall develop a plan for orderly reduction and elimination of evaluation and design services by Department of Health, report. (Patron—Orrock)

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West, Angela; commending. (Patron—Spruill) HJR 218 2676

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West Potomac High School boys' basketball team; commending. (Patron—Krzek) HJR 494 2821

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West Springfield High School; commemorating its 50th anniversary.

Patron—Filler-Corn HJR 448 2798
Patron—Marsden SR 52 3143

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Westbrook, John Samuel, Jr.; recording sorrow upon death. (Patron—McClellan) HJR 463 2807

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Westfield High School football team; commending.

Patron—Hugo HJR 125 2630
Patron—LeMunyon HJR 256 2696
Patron—Marsden SR 51 3142

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Westmoreland County Sheriff's Office; commending. (Patron—McDougle) SR 48 3141

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Slingshot; hunting of wild birds and wild animals, except deer, etc., unless shooting is expressly prohibited. (Patron—Fariss)	HB	1142	486 844
Wildlife; authorizes Board of Game and Inland Fisheries to adopt regulations that allow a licensed hunter or trapper to manufacture and sell products, use of turkey feathers or toes for making tools, etc. (Patron—Lingamfelter)	HB	262	121 233
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WILLOUGHBY, CAROL			
Willoughby, Carol; recording sorrow upon death. (Patron—Rasoul)	HJR	216	2674
WILLS, TRUSTS, AND FIDUCIARIES			
Augmented estate; elective share of surviving spouse, marital property portion.			
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Patron—Chafin	SB	181	269 440

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Guardianship; communication between incapacitated person and others.			
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Patron–Wagner	SB	466	404 708
Guardianship appointments, modifications, and terminations; notice sent to Department of Medical Assistance Services. (Patron–Habeeb)			
	HB	1266	30 72
Guardianship or conservatorship; where petition is brought, court may enter an order appointing parent or guardian of respondent, or other person if there is no living parent or guardian, as guardian or conservator prior to respondent's 18th birthday. (Patron–Habeeb)			
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Trusts; a circuit court may create and establish upon petition of an interested party. (Patron–Minchew)			
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WILSON, DORIS VALERIE			
Wilson, Doris Valerie; commending. (Patron–Simon)	HJR	507	2829
WINE			
Alcoholic beverage control; ABC Board may grant wine and beer licenses to persons operating a concert and dinner-theater venue on certain properties. (Patron–Deeds) .			
	SB	695	654 1321
Alcoholic beverage control; distribution of liter tax on cider produced by farm wineries, manufacture and sale of cider.			
Patron–Garrett	HB	654	24 54
Patron–Ruff	SB	569	140 252
Alcoholic beverage control; farm wineries and limited brewery licenses, "land zoned agricultural" does not include land zoned "residential conservation," any farm winery or limited brewery located on land zoned residential conservation prior to July 1, 2016, may construct a new building or structure, etc. (Patron–Hugo)			
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Alcoholic beverage control; farm winery licensees may trade fruits or agricultural products grown or produced on such farms with other farm winery licensees, clarifies definition of "agricultural products." (Patron–Black)			
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WINGFIELD, CARLTON LEE			
Wingfield, Carlton Lee; recording sorrow upon death. (Patron–Cline)	HJR	147	2638
WISE COUNTY			
Thomas Jefferson Scenic Byway Loop; designating portions of Virginia Route 72, Virginia Route 619, and U.S. Route 58 Alternate in Counties of Scott and Wise and City of Norton as Virginia byway. (Patron–Kilgore)			
	HB	41	601 1220
WISNIEWSKI, JOSEPH BERNARD, JR.			
Wisniewski, Joseph Bernard, Jr.; recording sorrow upon death. (Patron–Saslaw) ...	SJR	55	3002
WIYGUL AUTOMOTIVE CLINIC			
Wiygul Automotive Clinic; commending. (Patron–Plum)	HJR	279	2708
WOLF TRAP NATIONAL PARK FOR THE PERFORMING ARTS			
Wolf Trap National Park for the Performing Arts; commemorating its 50th anniversary. (Patron–Murphy)	HJR	364	2753
WOMAN'S CLUB OF NORFOLK			
Woman's Club of Norfolk; commemorating its 100th anniversary. (Patron–Locke) ..	SR	85	3157
WOMAN'S CLUB OF SMITHFIELD			
Woman's Club of Smithfield; commemorating its 90th anniversary. (Patron–Morris)	HR	22	2854
WOMEN			
Small, Women-owned, and Minority-owned Business Loan Fund; moneys collected are to be paid directly to Virginia Small Business Financing Authority. (Patron–James)			
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WOMEN'S CENTER			
Women's Center; commemorating its 30th anniversary. (Patron–Keam)	HR	234	2968
WOOD, KEENA SCHULER			
Wood, Keena Schuler; commending. (Patron–Garrett)	HJR	182	2656
WOODY, ALLEN OAT, III			
Woody, Allen Oat, III; recording sorrow upon death. (Patron–Head)	HR	1	2844

WORKERS' COMPENSATION

Judges; election in Court of Appeals, circuit court, general district court, juvenile and domestic relations district court, member of State Corporation Commission, and member of Workers' Compensation Commission. (Patron—Loupassi)	HJR	178		2653
Virginia Workers' Compensation Commission; nomination for election of member. Patron—Kilgore	HR	85		2892
Patron—Wagner	SR	30		3132
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Patron—Wagner	SB	631	290	508
Workers' compensation; injuries or deaths presumed to be in course of employment. (Patron—Habeeb)	HB	44	358	649

WORKFORCE

New Economy Workforce Credential Grant Fund and Program; established, certain institutions authorized to offer noncredit workforce training programs, report. Patron—Byron	HB	66	326	597
Patron—Ruff	SB	576	470	814

WORRELL, EVERETT, JR.

Worrell, Everett, Jr.; recording sorrow upon death. (Patron—Morris)	HR	16		2852
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WORSHAM, LANDON R.

Worsham, Landon R.; commending. (Patron—Adams)	HR	235		2968
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WORSHAM, MILDRED JANE

Worsham, Mildred Jane; commending. (Patron—Adams)	HR	236		2969
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WRAY, DESMOND C., JR.

Wray, Desmond C., Jr.; recording sorrow upon death. (Patron—Bell, Richard P.)	HJR	497		2823
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WRIGHT, SELDON

Wright, Seldon; commending. (Patron—Leftwich)	HR	37		2861
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WRIGHT, WAYNE A.

Wright, Wayne A.; commending. (Patron—Reeves)	SJR	28		2993
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YEAR OF SHAKESPEARE

Year of Shakespeare; designating as 2016. (Patron—Filler-Corn)	HJR	336		2739
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YORK, SCOTT K.

York, Scott K.; commending. (Patron—Wexton)	SJR	145		3064
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YORKTOWN HIGH SCHOOL

Yorktown High School gymnastics team; commending. (Patron—Sullivan)	HJR	433		2791
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YOUNG, ANTHONY

Young, Anthony; recording sorrow upon death. (Patron—Kory)	HJR	57		2607
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YOUNG, LEONIDAS B., II

Young, Leonidas B., II; recording sorrow upon death. (Patron—Bagby)	HJR	246		2690
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ZEHMER, JOHN G., JR.

Zehmer, John G., Jr.; recording sorrow upon death. (Patron—Peace)	HR	144		2922
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ZEMAN, SHANNON

Zeman, Shannon; commending. (Patron—Rush)	HJR	299		2719
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ZIEGLER, MICHAEL THOMAS

Ziegler, Michael Thomas; recording sorrow upon death. (Patron—Hugo)	HJR	307		2724
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ZITT, JANET J.

Zitt, Janet J.; commending. (Patron—Davis)	HJR	502		2826
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ZONING

Conditional zoning; provisions applicable to certain rezoning proffers, definitions, applications for rezoning filed prior to July 1, 2016. (Patron—Obenshain)	SB	549	322	584
Nonconforming uses; if use does not conform to zoning prescribed for district in which use is situated, locality shall permit holder of business license to apply for a rezoning, etc., permit. (Patron—Davis)	HB	367	584	1058
Virginia Residential Property Disclosure Act; required disclosures, zoning and permitted uses of adjacent parcels. (Patron—Bell, John J.)	HB	746	323	585